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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JONATHAN ART LINCOLN,

APPELLANT.

APPELLATE CASE NO. 2021-000863

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JULY 22-23, 2021,.....	1
JURY SELECTION.....	14
OPENING STATEMENT BY MR. WEEKS.....	31
OPENING STATEMENT BY MS. HAYES.....	39
TESTIMONY	
BRANDON KNIGHT	40
FRANCES PALMER	64
COLT WOODY.....	81
AGNIESZKA FERRELL	87
AMBER COLLINS	99
BRANDON KNIGHT	116
STATE RESTS	117
MOTION FOR DIRECTED VERDICT.....	117
COURT’S RULING	119
TESTIMONY	
JONATHAN LINCOLN.....	127
DEFENSE RESTS	160
RENEWED MOTION FOR DIRECTED VERDICT	160
COURT’S RULING	162
CLOSING ARGUMENT BY MS. HAMMACK.....	169
CLOSING ARGUMENT BY MS. HAYES.....	194

REPLY ARGUMENT BY MS. HAMMACK.....201

CHARGE ON THE LAW203

VERDICT220

SENTENCING228

INDICTMENTS231

SENTENCE SHEETS237

CERTIFICATE OF COUNSEL243

THE FOLLOWING DOCUMENTS ARE ON FILE WITH THIS COURT:

**STATE’S EXHIBIT NO. 1 (KNIGHT DASH CAM VIDEO) AND STATE’S EXHIBIT
NO. 12 (PALMER DASH CAM VIDEO)**

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APPELLATE CASE NO. 2021-000863

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Jonathan A. Lincoln, #285492, at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 2nd day of March, 2022.

s/ Lara M. Caudy _____

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ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA)	
)	COURT OF GENERAL SESSIONS
COUNTY OF AIKEN	)	2020-GS-02-02096
	)	2020-GS-02-02097
	)	2020-GS-02-02098
	)	2020-GS-02-02099
	)	2020-GS-02-02100
)	
THE STATE,)	
)	
PLAINTIFF,)	
)	
vs.	)	TRANSCRIPT OF RECORD
)	
JONATHAN A. LINCOLN,)	
)	
DEFENDANT.)	
_____)	

July 22-23, 2021
Aiken, South Carolina

B E F O R E:

THE HONORABLE JOCELYN J. NEWMAN, JUDGE.

A P P E A R A N C E S:

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Proceedings Recorded by DCRP
Transcribed by Penny M. Johnson

I N D E X

(PW) - Denotes Plaintiff's Witness
(DW) - Denotes Defense Witness

	<u>Page No.</u>
Jury Selection.....	14
Opening Remarks by the Court.....	24
Opening Statement by the State.....	31
Opening Statement by the Defense.....	39
<u>(PW) BRANDON KNIGHT:</u>	
Direct Examination by Mr. Weeks.....	40
Cross-Examination by Ms. Hayes.....	61
Redirect Examination by Mr. Weeks.....	62
<u>(PW) ASHLEY PALMER:</u>	
Direct Examination by Ms. Hammack.....	64
Cross-Examination by Ms. Hayes.....	79
<u>(PW) COLT WOODY:</u>	
Direct Examination by Mr. Weeks.....	81
Cross-Examination by Ms. Hayes.....	85
<u>(PW) AGNIESZKA FERRELL:</u>	
Direct Examination by Ms. Hammack.....	87
Cross-Examination by Ms. Hayes.....	98
<u>(PW) AMBER COLLINS:</u>	
Direct Examination by Ms. Hammack.....	99
<u>(PW) BRANDON KNIGHT:</u>	
Direct Examination by Mr. Weeks.....	116
<u>(DW) JONATHAN LINCOLN:</u>	
Direct Examination by Ms. Hayes.....	127
Cross-Examination by Mr. Weeks.....	144
Closing Argument by the State.....	169
Closing Argument by the Defense.....	194
Further Closing Argument by the State.....	201
Charge on the Law by the Court.....	203
Verdict.....	220
Sentence of the Court.....	228

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
	(Plaintiff's Exhibits)		
1	Dash Cam (Knight)		47
2	Route of pursuit		48
3	Disk		48
4	Alcohol Bottle		54
5	Scales		54
6	Baggies		54
7	Pill Bottle		55
8	Pill Bottle		55
9	Bags		55
10	Photograph of Shotgun		53
11	Registration		56
12	Dash Cam (Palmer)		77
13	Body Cam (Ferrell)		94
14	Cocaine (.96 grams)		113
15	Cocaine (.60 grams)		113
16	Methamphetamine (47 grams)		111
17	Methamphetamine (1.53 grams)		112
18	Heroin (1.49 grams)		114

All Exhibits were retained by the Clerk of Court for Aiken County.

P R O C E E D I N G S

(WHEREUPON, jury venire panel was sworn.)

1
2
3 THE COURT: Good morning, ladies and gentlemen. I'm
4 sorry to keep you waiting. You are here today for jury
5 selection in the trial of a criminal case. I know I asked
6 you a number of questions on Monday, but I'm going to ask
7 you some different questions today that are more specific to
8 your fitness to serve as jurors for the trial of this
9 particular case. We are beginning the State of South
10 Carolina vs. Jonathan Art Lincoln, indictment
11 2020-GS-02-02096, 97, 98, 99 and 100.

12 So you've been placed under oath. I'm going to ask you
13 a number of questions. We'll do just like we did on Monday,
14 that is if you need to respond to any of the questions, I'm
15 going to ask you to stand and give me your name and juror
16 number.

17 This is a criminal case in which the Defendant is
18 charged with five crimes. The crimes of trafficking
19 methamphetamine, failure to stop for blue lights and sirens,
20 possession with intent to distribute heroin, possession with
21 intent to distribute cocaine and resisting arrest, all of
22 which allegedly occurred on February 26th, 2020, here in
23 Aiken County. And as I've told you, the person accused of
24 those crimes is Jonathan Art Lincoln.

25 My first question is, does any member of the jury panel

1 know anything about this case or think that you know
2 anything about this case? Think that you've heard about it,
3 witnessed it, or have any information whatsoever? If so,
4 please stand.

5 (There was no response.)

6 THE COURT: All right. The person accused of those
7 crimes is Mr. Jonathan Art Lincoln.

8 Mr. Lincoln, would you please stand and face the jury
9 panel.

10 (Defendant stood.)

11 THE COURT: Is there any member of the jury panel
12 related by blood, connected by marriage or have any close
13 personal relationship with Jonathan Art Lincoln? Do you
14 think that you know him at all? If so, please stand.

15 (No response.)

16 THE COURT: Thank you. You may have a seat.

17 (Defendant is seated.)

18 THE COURT: Mr. Lincoln is represented in this case by
19 two attorneys from the Public Defender's Office, Ms. Suzanne
20 Hayes -- and I'm drawing a blank.

21 MR. THOMPSON: Mr. Barry Thompson.

22 THE COURT: Barry Thompson. I'm sorry, I do know his
23 name. It just wouldn't come to me.

24 Is any member of the jury panel related by blood,
25 connected by marriage or have any close personal

1 relationship with Mr. Thompson or Ms. Hayes? Are you
2 currently represented by them or have you been represented
3 by either of them in the past? Do you think that you know
4 them at all? Or do you have any relationship whatsoever
5 with the Aiken County or the Second Circuit Public
6 Defender's Office? If so, please stand.

7 (No response.)

8 THE COURT: This matter is being prosecuted by the
9 Aiken County Solicitor's Office. Ms. Ashley Hammack and --
10 Is Mr. Weeks involved in this?

11 MS. HAMMACK: He is, Your Honor.

12 MR. WEEKS: Yes, Your Honor.

13 THE COURT: Mr. Bill Weeks, who the elected solicitor.
14 Any member of the jury panel related by blood,
15 connected by marriage or have any close personal
16 relationship with Ms. Hammack or Mr. Weeks? Do you think
17 that you know them at all? Or do you have any relationship
18 whatsoever with the Second Circuit Solicitor's Office? That
19 covers prosecution for Aiken, Bamberg and Barnwell Counties.
20 If so, please stand.

21 (Jurors stood.)

22 THE COURT: All right. Let's start over here. Your
23 name and juror number?

24 POTENTIAL JUROR: Juror No. 81.

25 THE COURT: Yes, sir, who do you know?

1 POTENTIAL JUROR: Mr. Weeks is a friend of mine. We
2 don't socialize on a regular basis, but he's a friend.

3 THE COURT: Okay. So when you say you don't socialize,
4 what kind of friendship is it and how often do you have
5 contact?

6 POTENTIAL JUROR: I run into Bill probably once every
7 three or four months or so.

8 THE COURT: Okay. So, like, you run into him out in
9 the world and you chat for a while?

10 POTENTIAL JUROR: That's right.

11 THE COURT: Okay. But you don't maintain contact in
12 between those encounters, do you?

13 POTENTIAL JUROR: No.

14 THE COURT: Based on the relationship you have with Mr.
15 Weeks, would that affect your ability to give both the State
16 and the Defendant a fair and impartial trial in this case?

17 POTENTIAL JUROR: No.

18 THE COURT: Thank you. You may have a seat.
19 Your name and juror number?

20 POTENTIAL JUROR: Number 29, Billy Campo.

21 THE COURT: Yes, sir.

22 POTENTIAL JUROR: I know Mr. Weeks. We're friends. We
23 don't socialize that much, but we have in the past.

24 THE COURT: Okay. How long ago?

25 POTENTIAL JUROR: I can't recall. We see each other in

1 passing.

2 THE COURT: Okay. Has it been several months or a year
3 or more than a year?

4 POTENTIAL JUROR: Probably about a year.

5 THE COURT: Okay. Would your relationship with Mr.
6 Weeks affect your ability to give both the State and the
7 Defendant a fair and impartial trial in this case?

8 POTENTIAL JUROR: No.

9 THE COURT: Thank you. You may have a seat.

10 MR. THOMPSON: Mr. Norwood Bodie is very helpful and a
11 wonderful investigator. I would move for the Court to
12 inquire about Mr. Bodie.

13 THE COURT: Mr. Bodie, would you stand and face the
14 jury panel?

15 (Mr. Bodie stood.)

16 THE COURT: Mr. Bodie works for the Second Circuit
17 Solicitor's Office as well.

18 Any member of the jury panel related by blood,
19 connected by marriage or have any close personal
20 relationship with Mr. Bodie? If so, please stand.

21 (Jurors stood.)

22 THE COURT: And that's Juror No. 29; is that correct?

23 POTENTIAL JUROR: Yes.

24 THE COURT: Tell me about your relationship with Mr.
25 Bodie.

1 POTENTIAL JUROR: We used to work together. We're
2 friends on social media and we talk occasionally.

3 THE COURT: Would that relationship affect your ability
4 to give both the State and the Defendant a fair and
5 impartial trial in this case?

6 POTENTIAL JUROR: No, ma'am.

7 THE COURT: Thank you. You may have a seat.

8 There are several potential witnesses who may testify
9 in this case, and the question is the same as to each of
10 them. And that's whether you're related by blood, connected
11 by marriage or have any relationship with them.

12 Those potential witnesses are Brandon Knight of the
13 Aiken County Sheriff's Office, who is standing before you;
14 Clarke Palmer, Aiken County Sheriff's Office; Deputy Czekaj,
15 Aiken County Sheriff's Office; Joseph Driscoll, Beaufort
16 County Sheriff's Office; Amber Collins, Aiken County
17 Sheriff's Office; and Colt Woody.

18 Does any member of the jury panel know any of those
19 witnesses at all? If so, please stand.

20 (No response.)

21 THE COURT: Is any member of the jury panel a
22 contributor toward -- do you contribute to any law
23 enforcement organization or victim's rights organization,
24 such as the State Trooper's Association or some other law
25 enforcement friendly organization or State Victim's Rights

1 Association, Sister Care, any kind of organization like
2 that? If so, please stand.

3 (Juror stood.)

4 THE COURT: Name and juror number, ma'am?

5 POTENTIAL JUROR: 162, Jennifer Salmon, National
6 Correctional Police Officers Foundation.

7 THE COURT: Do you have any active membership role in
8 that organization?

9 POTENTIAL JUROR: No, ma'am.

10 THE COURT: Would that affect your ability to give both
11 the State and the Defendant a fair and impartial trial in
12 this case?

13 POTENTIAL JUROR: No, ma'am.

14 THE COURT: Thank you. You may have a seat.
15 And Juror No. 81?

16 POTENTIAL JUROR: Yes, ma'am.

17 THE COURT: Okay. Tell me about it.

18 POTENTIAL JUROR: Through our business, we contribute
19 to probably half a dozen sheriff and police organizations.

20 THE COURT: Okay. And you said through your business.
21 Do you personally make contributions? Or is it a small
22 business?

23 POTENTIAL JUROR: It's a small business, two partners,
24 I'm one of the partners.

25 THE COURT: Okay. Would the fact that you make those

1 contributions affect your ability to give both the State and
2 the Defendant a fair and impartial trial in this case?

3 POTENTIAL JUROR: No.

4 THE COURT: Thank you. You may have a seat.

5 Was any member of the jury panel a member of the Grand
6 Jury which returned the indictments in this case? If so,
7 please stand.

8 (No response.)

9 THE COURT: Has any member of the jury panel already
10 formed an opinion about this case or the charges in this
11 case? If so, please stand.

12 (No response.)

13 THE COURT: Does any member of the jury panel know of
14 any reason whatsoever why they should not serve as a juror
15 for the trial of this case? Is there any reason why you
16 cannot give both the State and the Defendant a fair and
17 impartial trial in this case? If so, please stand.

18 (No response.)

19 THE COURT: Has any member of the jury panel been
20 accused of or been a victim of any crime? If so, please
21 stand. You or any member of your immediate family? If so,
22 please stand.

23 (No response.)

24 THE COURT: Has any member of the jury panel read
25 anything about this case in the newspaper or seen anything

1 on TV or social media, heard anything at all about this
2 case? If so, please stand.

3 (No response.)

4 THE COURT: Has any member of the jury panel discussed
5 this case with anyone, been approached by anyone about this
6 case? If so, please stand.

7 (No response.)

8 THE COURT: Is any member of the jury panel or any of
9 your close friends or immediate family involved in law
10 enforcement? That is the State Law Enforcement Division,
11 SLED, employed at the Solicitor's Office, the Attorney
12 General's Office, any federal law enforcement agency, state,
13 county or city law enforcement agency. If so, please stand.

14 (Jurors stood.)

15 THE COURT: Yes, ma'am, your juror number again?

16 POTENTIAL JUROR: 162, Jennifer Salmon.

17 THE COURT: Yes, ma'am.

18 POTENTIAL JUROR: My husband is a federal correctional
19 officer.

20 THE COURT: Okay. Would that affect your ability to
21 give both the State and Defendant a fair and impartial trial
22 in this case?

23 POTENTIAL JUROR: No.

24 THE COURT: Thank you. You may have a seat.

25 Yes, ma'am, your name and juror number?

1 POTENTIAL JUROR: Juror No. 41, Ta'Nauziah Corley. I
2 have an uncle that's a sheriff and works at the jail.

3 THE COURT: Where is your uncle a sheriff?

4 POTENTIAL JUROR: Aiken County.

5 THE COURT: Would that affect your ability to -- what's
6 your uncle's name?

7 POTENTIAL JUROR: Milton Brown.

8 THE COURT: Would that affect your ability to give both
9 the State and the Defendant a fair and impartial trial in
10 this case?

11 POTENTIAL JUROR: No, ma'am.

12 THE COURT: Thank you. You may have a seat.

13 In the white shirt, your name and juror number?

14 POTENTIAL JUROR: 43, Thea Court, and my brother-in-law
15 is a police officer with the City of North Augusta.

16 THE COURT: Would that affect your ability to give both
17 the State and the Defendant a fair and impartial trial in
18 this case?

19 POTENTIAL JUROR: No, ma'am.

20 THE COURT: Thank you. You may have a seat.

21 Your name and juror number, please?

22 POTENTIAL JUROR: Valerie Sumner, 176. My son is a
23 South Carolina DNR Wildlife officer.

24 THE COURT: Would that affect your ability to give both
25 the State and the Defendant a fair and impartial trial in

1 this case?

2 POTENTIAL JUROR: No.

3 THE COURT: Thank you. You may have a seat.

4 Any additional voir dire from the State?

5 MS. HAMMACK: No, Your Honor.

6 THE COURT: From the Defense?

7 MS. HAYES: None from the Defense, Your Honor.

8 THE COURT: All right, folks. If y'all will sit tight
9 for just a moment, we are going to place your names in
10 random order and select the jury for the trial of this case.

11 (Pause.)

12 THE COURT: Juror No. 81, yes, sir?

13 POTENTIAL JUROR: Can I talk to you privately for just
14 a second?

15 THE COURT: Certainly, come around here.

16 (Bench conference with Juror No. 81 and attorneys.)

17 THE COURT: Let's pull 81 out of the selection.

18 (Pause.)

19 THE COURT: Let's select the jury.

20 JURY SELECTION

21 THE CLERK: As I call your name, please come forward,
22 stand about midway between me and the rail and face the
23 clock.

24 Juror No. 171, Trenton R. Smith.

25 (Juror No. 171 came forward.)

1 THE CLERK: What says the State?

2 MS. HAMMACK: Please present Mr. Smith.

3 THE CLERK: What says the Defense?

4 MS. HAYES: Please seat Mr. Smith.

5 THE CLERK: If you would take this piece of paper and
6 hold onto it.

7 Juror No. 161, Tracie M. Sadler.

8 (Juror No. 161 came forward.)

9 THE CLERK: What says the State?

10 MS. HAMMACK: Please present Ms. Sadler.

11 THE CLERK: What says the Defense?

12 MS. HAYES: Please seat Ms. Sadler.

13 THE CLERK: Please take the sheet of paper from the
14 clerk.

15 Juror No. 49, Jayla M. Deberry.

16 (Juror No. 49 came forward.)

17 THE CLERK: What says the State?

18 MS. HAMMACK: Please excuse Ms. Deberry from this case.

19 THE CLERK: Please return to your seat.

20 Juror No. 2, Tina M. Allison.

21 (Juror No. 2 came forward.)

22 THE CLERK: What says the State?

23 MS. HAMMACK: Please present Ms. Allison.

24 THE CLERK: What says the Defense?

25 MS. HAYES: Please excuse Ms. Allison.

1 THE CLERK: Please return to your seat.

2 Juror No. 177, Edythe S. Thompkins.

3 (Juror No. 177 came forward.)

4 THE CLERK: What says the State?

5 MS. HAMMACK: Please present Ms. Thompkins.

6 THE CLERK: What says the Defense?

7 THE CLERK: Please take the sheet.

8 Juror No. 181, Cagney L. Truitt.

9 (Juror No. 181 came forward.)

10 THE CLERK: What says the State?

11 MS. HAMMACK: Please present Ms. Truitt.

12 THE CLERK: What says the Defense?

13 MS. HAYES: Please excuse Ms. Truitt.

14 THE CLERK: Please return to your seat.

15 Juror No. 151, Shanice A. Revell.

16 (Juror No. 151 came forward.)

17 THE CLERK: What says the State?

18 MS. HAMMACK: Please present Ms. Revell.

19 THE CLERK: What says the Defense?

20 MS. HAYES: Please seat Ms. Revell.

21 THE CLERK: Please take the sheet.

22 Juror No. 190, Jarrett D. Walker.

23 (Juror No. 190 came forward.)

24 THE CLERK: What says the State?

25 MS. HAMMACK: Please present Mr. Walker.

1 THE CLERK: What says the Defense?

2 MS. HAYES: Please seat Mr. Walker.

3 THE CLERK: Please take the sheet.

4 Juror No. 74, Christopher P. Hamilton.

5 (Juror No. 74 came forward.)

6 THE CLERK: What says the State?

7 MS. HAMMACK: Please present Mr. Hamilton.

8 THE CLERK: What says the Defense?

9 MS. HAYES: Please seat Mr. Hamilton.

10 THE CLERK: Please take the sheet from the clerk.

11 Juror No. 43, Thea K. Court.

12 (Juror No. 43 came forward.)

13 THE CLERK: What says the State?

14 MS. HAMMACK: Please present Ms. Court.

15 THE CLERK: What says the Defense?

16 MS. HAYES: Please excuse Ms. Court.

17 THE CLERK: Please return to your seat.

18 I have the State has used one challenge, the Defense
19 three; is that correct?

20 MR. THOMPSON: That's correct.

21 MS. HAMMACK: Yes.

22 THE CLERK: Juror No. 192, Helen D. Ware.

23 (Juror No. 192 came forward.)

24 THE CLERK: What says the State?

25 MS. HAMMACK: Please present Ms. Ware.

1 THE CLERK: What says the Defense?

2 MS. HAYES: Please seat Ms. Ware.

3 THE CLERK: Please take the sheet from the clerk.

4 Juror No. 41, Ta'Nauziah R. Corley.

5 (Juror No. 41 came forward.)

6 THE CLERK: What says the State?

7 MS. HAMMACK: Please present Ms. Corley.

8 THE CLERK: What says the Defense?

9 MS. HAYES: Please excuse Ms. Corley.

10 THE CLERK: Please return to your seat.

11 Juror No. 188, Keiautta T. Wade.

12 (Juror No. 188 came forward.)

13 THE CLERK: What says the State?

14 MS. HAMMACK: Please present Ms. Wade.

15 THE CLERK: What says the Defense?

16 MS. HAYES: Please seat Ms. Wade.

17 THE CLERK: Please take the sheet from the clerk.

18 Juror No. 40, Marsha R. Corbitt.

19 (Juror No. 40 came forward.)

20 THE CLERK: What says the State?

21 MS. HAMMACK: Please present Ms. Corbitt.

22 THE CLERK: What says the Defense?

23 MS. HAYES: Please seat Ms. Corbitt.

24 THE CLERK: Take the sheet from the clerk.

25 Juror No. 102, Shelishea T. Littlejohn.

1 (Juror No. 102 came forward.)

2 THE CLERK: What says the State?

3 MS. HAMMACK: Please excuse Ms. Littlejohn from this
4 case.

5 THE CLERK: Please return to your seat.

6 Juror No. 178, Nicholas G. Thompson.

7 (Juror No. 178 came forward.)

8 THE CLERK: What says the State?

9 MS. HAMMACK: Please present Mr. Thompson.

10 THE CLERK: What says the Defense?

11 MS. HAYES: Please seat Mr. Thompson.

12 THE CLERK: Please take the sheet from the clerk.

13 Juror No. 47, Ali Curry.

14 (Juror No. 40 came forward.)

15 THE CLERK: What says the State?

16 MS. HAMMACK: Please present Ms. Curry.

17 THE CLERK: What says the Defense?

18 MS. HAYES: Please seat Ms. Curry.

19 THE CLERK: Please take the sheet from the clerk.

20 Juror No. 159, Melinda R. Rowan.

21 (Juror No. 159 came forward.)

22 THE CLERK: What says the State?

23 MS. HAMMACK: Please excuse Ms. Rowan-Cooper from this
24 case.

25 THE CLERK: Please return to your seat.

1 Juror No. 165, Frances L. Scott.

2 (Juror No. 165 came forward.)

3 THE CLERK: What says the State?

4 MS. HAMMACK: Please present Ms. Scott.

5 THE CLERK: What says the Defense?

6 MS. HAYES: Please seat Ms. Scott.

7 THE CLERK: Please take the sheet from the clerk.

8 I have that as 12 jurors, Your Honor.

9 THE COURT: Yes, sir. Let's just do one alternate.

10 THE CLERK: One alternate. Strikes are?

11 THE COURT: One and two.

12 THE CLERK: One and two.

13 Juror No. 21, Richard A. Bryant.

14 (Juror No. 21 came forward.)

15 THE CLERK: What says the State?

16 MS. HAMMACK: Please present Mr. Bryant.

17 THE CLERK: What says the Defense?

18 MS. HAYES: Please excuse Mr. Bryant.

19 THE CLERK: Please return to your seat.

20 Juror No. 162, Jennifer Salmon.

21 (Juror No. 162 came forward.)

22 THE CLERK: What says the State?

23 MS. HAMMACK: Please present Ms. Salmon.

24 THE CLERK: What says the Defense?

25 MS. HAYES: Please excuse Ms. Salmon.

1 THE CLERK: Please return to your seat.

2 Juror No. 17, John R. Brooks.

3 (Juror No. 17 came forward.)

4 THE CLERK: What says the State?

5 MS. HAMMACK: Please present Mr. Brooks.

6 THE CLERK: What says the Defense?

7 MS. HAYES: Please seat Mr. Brooks.

8 THE CLERK: Please take a sheet from the clerk.

9 THE COURT: All right. So certain ones of you have
10 that sheet of paper, those are the jurors for the trial of
11 this case.

12 If you do not have one of those sheets of paper, your
13 jury service this week is complete and you are free to go.
14 Have a good week.

15 (WHEREUPON, the remaining jury panel is excused.)

16 THE COURT: If you have a white sheet of paper, don't
17 leave.

18 All right. I neglected to ask, but I'll do so for
19 purposes of the record. Were there any objections to jury
20 selection from the State?

21 MS. HAMMACK: No, Your Honor.

22 THE COURT: From the Defense?

23 MS. HAYES: No, Your Honor.

24 THE COURT: Good. That's a relief. I let everyone go.

25 All right. Folks, who were selected for service on

1 this case, we've got some things to handle before we can
2 actually get started. I know it is very early, but I am
3 going to let you go for lunch.

4 Now, when you leave the courtroom, you will want to
5 follow the bailiffs to your jury room. They will show you
6 where you need to be so that you'll know where to report
7 back to when you come back from lunch. And we'll start the
8 trial of this case after lunch.

9 While you are gone for lunch, do not discuss the case
10 amongst yourselves. Do not discuss the case with anyone
11 else. Do not do any research about the case, about the
12 parties involved, the attorneys, the court staff or anyone
13 else. Everything that you learn about the case must come
14 from within this courtroom.

15 Do not talk to anyone who is involved in the case.
16 That includes the attorneys, that includes the Defendant,
17 that includes any potential witnesses. So if you see any
18 police officers walking around, don't want to talk to them
19 either. Just sort of look straight ahead, keep your head
20 down. They know they're not supposed to talk to you, so
21 they shouldn't be striking up a conversation with you. It
22 will be easy. You won't have to talk to anyone.

23 So when you leave here, you're going to go to the jury
24 room. I'm going to ask you to be back from lunch at one
25 o'clock. We will start the trial at that time. So follow

1 the bailiff out this back door here to your jury room. Be
2 back there at one o'clock. Thank you.

3 (WHEREUPON, the jury is excused for lunch at 11:03
4 a.m.)

5 THE COURT: All right, folks, we're going to start this
6 trial at one o'clock, so folks involved in the trial --

7 Yes.

8 MS. HAYES: Your Honor, the Defense would just ask that
9 Lincoln is on bond and he remain on bond.

10 THE COURT: He can remain on bond over the lunch hour.
11 The jury hasn't been sworn, we haven't technically started
12 yet, so bond continues.

13 So trial folks, be back at one o'clock ready to start.

14 In the interim, we're going to do a guilty plea. So
15 court staff, just hang tight until that plea is done and
16 then we'll take a lunch break. But the trial will start at
17 one o'clock.

18 (WHEREUPON, a lunch recess was taken.)

19 THE COURT: Is the State ready to proceed with trial?

20 MR. WEEKS: The State's ready, Your Honor.

21 THE COURT: Defense ready?

22 MS. HAYES: The Defense is, Your Honor. The Defense
23 would like the Court to know that we have filed a Rule 6
24 objection and we'll be making that Motion at the appropriate
25 time.

1 THE COURT: Okay. Any matters we need to handle
2 pretrial?

3 MR. WEEKS: Nothing from the State.

4 THE COURT: From the Defense?

5 MS. HAYES: None from the Defense.

6 THE COURT: All right. Let's bring in the jury.

7 (WHEREUPON, the jury enters the courtroom at 1:04 p.m.)

8 THE COURT: Good afternoon, folks. We are now ready to
9 begin the trial of the State of South Carolina vs. Jonathan
10 Art Lincoln, the Defendant. I am going to give you some
11 preliminary remarks, but before I do that, I'm going to have
12 the clerk of court place you under oath one more time.

13 THE CLERK: Please stand and raise your right hand.

14 (WHEREUPON, the jury was sworn.)

15 OPENING REMARKS BY THE COURT

16 THE COURT: Folks, before we begin this trial, I want
17 to tell you that this trial will probably be different from
18 what you might expect. Many people do not have the chance
19 to attend actual court sessions as you are doing now. And
20 they think from watching television or movies or reading
21 books that trials are always full of intense action, high
22 drama and riveting circumstances.

23 While all these things may be true at times, this trial
24 is not for entertainment. It is a fundamental part of our
25 democracy and effort to make sure that justice is done

1 between the parties before the Court. Making sure that
2 justice is done is often slow, deliberate and repetitive,
3 the opposite of what you may have seen on television or
4 movies or read in books.

5 This courtroom is a place of honor dedicated to the
6 protection and preservation of citizens rights through what
7 many have called the greatest justice system ever created.
8 The attorneys appearing before you are advocates for the
9 parties they represent, but, first and foremost, they are
10 officers of the court sworn to uphold the integrity and
11 fairness of our judicial system and to help you in
12 understanding the evidence. You should expect them to be
13 professional, competent and ethical in the representation of
14 their client's interest. Remember that you have just taken
15 an oath to try this case and reach a fair and just verdict,
16 and you are also expected to be professional, reasonable and
17 ethical.

18 Thank you for accepting the important responsibility of
19 jury service and for your contribution today to our justice
20 system.

21 What I will now say is intended to serve as
22 introduction to the trial of this case. These remarks are
23 not a charge on the law in this case. I will instruct you
24 on the law applicable to this case at the end of the trial
25 before you retire to consider your verdict. This is merely

1 an explanation of the procedure that we'll follow in the
2 trial so that you may better understand what will be
3 happening.

4 You may not take notes during the trial of this case.
5 It's a short case. It's not an overly complicated case. So
6 I don't want you to be distracted by note taking or what
7 ends up being doodling sometimes.

8 In this case, the Defendant is charged in several
9 indictments filed in this court with the crimes of
10 trafficking in methamphetamine, failure to stop his motor
11 vehicle when signaled by law enforcement, possession with
12 intent to distribute heroin, resisting arrest and possession
13 with intent to distribute cocaine. I'll explain the
14 elements of those crimes to you later.

15 The indictments are simply the charges by which the
16 case is brought into court. They are not in any sense
17 evidence of the allegations they contain. The Defendant has
18 pled not guilty to each of these indictments. The State,
19 therefore, has the burden of proving each of the elements of
20 each of the indictments to you beyond a reasonable doubt.
21 It will be your duty, ladies and gentlemen, to determine
22 whether the State has met that burden.

23 Your purpose as jurors is to find and determine facts.
24 You are the sole judges of the facts. If at any time, I
25 make any comment regarding the facts, you must disregard it.

1 You are to determine the facts from the testimony you hear
2 and the other evidence introduced in court. It is up to you
3 to determine the inferences which you feel may properly be
4 drawn from the evidence. It is especially important that
5 you perform your duty of determining the facts diligently
6 and conscientiously because ordinarily there is no way to
7 correct an erroneous determination of the facts by a jury.

8 On the other hand and with equal emphasis, the same law
9 that makes you the judges of the facts makes me the judge of
10 the law. The law as given by the Court is the only law you
11 may consider. You must accept it and follow it even though
12 you may disagree with it. I cannot tell you what the facts
13 are and you cannot disagree with me about what the law is or
14 what the law should be. Your job is to take the law as I
15 give it to you and apply it to the facts as you find them
16 from the testimony of the witnesses and any other evidence
17 that is introduced. After doing that, you will render your
18 verdict under the solemn oath that you just took as jurors.

19 Until I advise you to begin your deliberations, you
20 must not discuss the case with anyone, including your fellow
21 jurors, friends, family members and anyone involved in the
22 case. This includes discussions face-to-face and those by
23 telephone, e-mail, texts, blogs or any other method of
24 communication.

25 You may not use a computer, cell phone or other

1 electronic device with communication capabilities at any
2 time while in the courtroom or during deliberations. Now,
3 of course, during breaks or meals or overnight, you may use
4 those devices; however, you may not at any time use those
5 devices to get or send information about the case. This
6 includes information about a party, a witness, an attorney
7 or a court officer, news reports about a case, research on
8 any topics raised, any topics you think would be helpful in
9 deciding the case or any testimony presented by any witness.

10 During the trial, do not read, listen to or watch any
11 news reports about this case. This includes anything that
12 may be in the newspapers or on the internet, radio or
13 television. You must not consider anything that you may
14 have read or heard about the case outside the courtroom,
15 whether before or during the trial.

16 After the case is submitted to you, you must discuss it
17 only in the jury room with your fellow jurors. The
18 attorneys and parties in this case have been advised that
19 they are not to talk to you at all. So if you see someone
20 involved in the case and they don't even say hello to you,
21 they are not being unfriendly, they're simply following my
22 instructions.

23 It is important that you keep an open mind and not
24 decide any issue in the case until all the evidence has been
25 presented, the parties have made their closing arguments and

1 I have instructed you on the law in this case. It is your
2 solemn responsibility to determine the guilt or innocence of
3 the Defendant and your verdict must be based solely on the
4 evidence as it is presented to you in this trial and on the
5 law as I instruct you during and at the close of the trial.

6 Now, in just a moment, the Solicitor will make what is
7 called an opening statement in which the Solicitor will
8 explain to you what the issues are in this case or, at
9 least, what the Solicitor thinks the issues are in this
10 case. The attorney for the Defendant may also make an
11 opening statement, although they're not required to do so.

12 What the attorneys tell you during their opening
13 statement is not evidence in this case. It is only their
14 contention as to what the issues are. The evidence in this
15 case will be presented to you by the testimony of sworn
16 witnesses from the witness stand and by exhibits that may be
17 introduced into evidence.

18 Now, from time to time during the trial, you may hear
19 one of the lawyers say something like Your Honor, I believe
20 we have a question of law or a matter of law or, Your Honor,
21 may we approach the bench. Or sometimes, I, myself, might
22 find it necessary to excuse you from the courtroom for a
23 short while so I can discuss a matter of law with the
24 attorneys.

25 The reason for this is because you are the judges of

1 the facts and sometimes when I am making a ruling in
2 connection with whether a particular law applies or does not
3 apply, I might have to make some comment as to the facts in
4 connection with that ruling. I'm not supposed to tell you
5 what I think the facts are, so I will dismiss you from the
6 courtroom for a short while while those discussions take
7 place so I will not influence you and you will not be
8 affected in any way by anything that I might say or do in
9 connection with the facts.

10 In determining what the facts are in this case, you
11 must decide whether or not the testimony of the witnesses is
12 believable. It will be my responsibility to rule as a
13 matter of law as to whether certain testimony is admissible
14 or not, but when the testimony is admitted, whether you
15 believe it is solely for you to determine.

16 In deciding whether to believe a witness, you have the
17 right to consider the interest of any witness, the bias of
18 any witness, the prejudice of any witness, the opportunity
19 for the witness to have seen the matters and things about
20 which the witness may testify and the way the witness acts
21 on the witness stand. You have a right to consider anything
22 that is in the record that will help you evaluate the
23 testimony of the witnesses.

24 That means that it is your duty to pay close attention
25 to the witnesses, to observe them, to listen to the

1 witnesses and to pay close attention to the attorneys and to
2 the Court. Do not let your thoughts wander, but give strict
3 attention to the testimony in this case so that at the end
4 of all of the testimony, after the arguments of counsel and
5 the charge on the law by the Court, you will then be in a
6 position to determine what the facts are and to apply the
7 law to those facts and thus render a true and just verdict.

8 It will be the added duty of the Foreperson to preside
9 in the jury room and be the jury spokesperson here in court,
10 but we will discuss that later in further detail.

11 Now, before we begin, in order to preserve everyone's
12 rights, I will give the attorneys an opportunity to object
13 to anything I have just said to you.

14 Any objection from the State?

15 MR. WEEKS: No, ma'am.

16 THE COURT: From the Defense?

17 MS. HAYES: No, Your Honor.

18 THE COURT: We will now begin the trial of the case.
19 I'll call on the Solicitor and ask you to give your full
20 attention for opening statements.

21 MR. WEEKS: Thank you, Your Honor.

22 OPENING STATEMENT BY THE STATE

23 MR. WEEKS: Ladies and gentlemen, the case before you
24 today and the case that you will listen to evidence from
25 today involves a traffic chase. It involves an individual

1 running for what I would suggest to you is an extremely long
2 period of time in an automobile at high speeds to avoid
3 stopping for the police, blue lights and sirens.

4 Our law in this state, in this country is based on some
5 simply premises, one of which is if you have a driver's
6 license and you're on a public highway that when a police
7 attempts to stop you by the means of blue lights and sirens,
8 it's your duty to pull over in a safe location and see what
9 they want. That's your duty. That's the law in this state
10 that's imposed upon you when you get a driver's license. Or
11 whether you get a driver's license, it's still that same
12 law.

13 We are a society of law. If I could just do what I
14 wanted to all the time, I'd do things different sometimes.
15 Some laws I may agree with, some laws I might not, but it's
16 not my job to do anything that disagrees or disrespects the
17 laws of this state and of this country.

18 The Defendant is charged with five indictments in this
19 case. The five indictments stem from his actions in the
20 early morning hours of February 26th going into February the
21 27th of 2020.

22 Officer Knight, who's a ten-year veteran with the
23 sheriff's department here in Aiken, was stationary on
24 interstate I-20 in Aiken County. He sees a vehicle pass by
25 that the windows are so tinted he can't see anything in the

1 vehicle, so he starts out after the vehicle. And when he
2 does, at some point, the vehicle decides he's not going to
3 stop. He exits off the interstate at Highway 29 -- Exit 29,
4 what we call Wire Road. If you're familiar with I-20,
5 there's 19, there's US 1 and then there's Wire Road in Aiken
6 County.

7 Well, he exits off of that and he does not stop and he
8 does not pay any attention to the blue lights and sirens.
9 Deputy Knight is on the radio calling for assistance. He
10 gets assistance from Deputy Palmer with Aiken County
11 Sheriff's Department. He gets Highway Patrol involved in
12 it. And the whole purpose of all of that is to bring this
13 vehicle to a stop. You need to stop and see what the police
14 officer wants.

15 Well, the person driving that vehicle or the persons in
16 that vehicle, the officer didn't really know at that point,
17 he gets close enough, calls dispatch, runs the license
18 through and gets the registration and license information
19 for the tag on this vehicle. As we all know, that might not
20 necessarily be definitively, but he doesn't know at that
21 point because the person won't stop.

22 So one of the indictments that you will be deliberating
23 on is the charge of failure to stop for a blue light and
24 sirens. It's pretty simple. We'll have the officer's
25 testimony. You're going to have video, several locations

1 and it's going to be that he failed to stop for a blue light
2 and sirens.

3 The next indictment you're going to have to consider is
4 whether or not when the police approached him ultimately the
5 next morning, did he resist arrest. You're going to hear
6 many police officers testify about how he resisted arrest.
7 If I was standing here talking to the Judge with my hands in
8 my pocket like I'm talking to y'all, probably the first
9 thing she's going to do is want me to take my hands out of
10 my pocket. And there's a reason for that and I think you
11 all can understand that.

12 But you're going to hear testimony from somebody who
13 wasn't involved in any of the events of that night. He just
14 happened to be in his house on Anderson Road in Aiken
15 County, getting ready to go to work. He's a farmer, a hard
16 worker. He flips on the light and this man at this table
17 over here is sitting on his back porch steps. It's still
18 dark. I mean, he's going to work early. He's a farmer.
19 He's just sitting there. So he backs up, gets his shotgun
20 and calls the police, calls 911.

21 Well, you'll hear testimony that the police had been
22 looking for this man most of the night prior. So they
23 responded to the 911 call and the location pretty quickly.
24 And when they get there, they have discussions with the
25 Defendant telling him get your hands out of your shirt, get

1 your hands out of your shirt. He doesn't do it. They
2 ultimately wrestle him on the property of the homeowner for
3 several minutes until they're able to get him handcuffed.
4 They tase him, what they call blast a shot. The purpose of
5 doing that isn't to make him pass out, it's to get him to
6 obey the command.

7 This homeowner didn't have a thing to do with anything.
8 It was in the early morning hours he had heard the police
9 going up and down this road, but he finally went to bed.
10 His wife was worried, he was worried. Obviously, there was
11 a lot of activity.

12 I grew up in the country. There are dirt roads. There
13 probably are more dirt roads than there are paved roads
14 around where this particular witness lives. It's before you
15 get to New Holland. I don't know if any of you know where
16 New Holland is, but it's out a ways. It's on the northeast
17 side of Aiken, out toward Wagener. Ultimately, the police
18 arrest the man sitting at Defense table.

19 Prior to arresting him, they spent the night wandering
20 through the woods looking for him, taking the tracking dogs
21 through the woods looking for him. They had already
22 searched the car he was driving, which was registered to
23 him. It had mail in it addressed to him. It had an address
24 that wasn't anywhere in the vicinity of where he decides to
25 stop the car and run. He had prescription bottles with his

1 name on them in the car. He had a shotgun in the car. Had
2 his shoes in the car. Assume it was the shoes he was
3 wearing because when he was arrested the following morning,
4 he wasn't wearing shoes. They've got plenty of evidence
5 that this Defendant was driving the car.

6 The person that was driving the car bails out in the
7 back of a field. Looks like everybody was getting stuck in
8 that field, except for the Defendant. The police car pulled
9 right through that field, but it was a wet, plowed corn
10 field off of New Holland Road going to New Holland. Colt
11 Woody lives half a mile as the crow flies through the woods
12 and fields.

13 The police officers from Aiken County and Highway
14 Patrol, the dogs came and everybody was trying to locate the
15 person that jumped and ran from the vehicle. Registration
16 says it was Jonathan Lincoln. Pill bottles in there say it
17 was Jonathan Lincoln. And that's who they were looking for.
18 And guess who they find on the back porch of Colt Woody's
19 house on Anderson Road with no shoes on, disheveled and just
20 sitting under the carport?

21 You're going to hear all this testimony. I'm
22 previewing this testimony that I don't like to do because it
23 kind of takes away, you know, like watching movie trailers.
24 You know, you've got the best scene in the whole darn movie
25 and you've see it before you ever get to the theater. Well,

1 that's the situation here. These officers were doing their
2 job.

3 And, ultimately, on the morning of February 27th after
4 an all-night pursuit of him, they arrest him. You'll hear
5 from Mr. Woody. He'll get up here and testify about what he
6 observed and when he called 911 and later when the police
7 come out and find Mr. Lincoln. All that goes into the
8 failure to stop and resisting arrest.

9 What they did find in the car was trafficking weight of
10 drugs, three different varieties of drugs, cocaine, heroin
11 and methamphetamine. All in one bookbag and all on the
12 passenger seat of his automobile. And then there were
13 prescription bottles that had his name on it. The amount of
14 drugs is what guides our laws, some of our laws regarding
15 drugs.

16 You know, I do this for a living and I have a hard time
17 sometimes remembering all the intricacies of what our
18 statutes say. We all know that heroin is an extremely
19 dangerous drug. You're going to hear from the analyst from
20 the sheriff's department talk about the drugs that were
21 turned into her. There were 28 grams of methamphetamine.
22 She's going to testify as to how much drugs were turned into
23 her. If you have over a certain amount of heroin, that's
24 classified as possession with intent to distribute heroin.
25 The testimony is going to be he had about ten times more of

1 heroin. He had drug paraphernalia, plastic bags, scales.

2 Sometimes this stuff is kind of like TV. You see stuff
3 on TV that you see in this courtroom. I mentioned the
4 methamphetamine, I mentioned the heroin. He had cocaine.
5 The amount of cocaine that would cause our statutory
6 inferences to -- inferences can be allowed.

7 And he had all that in his car. Nobody else did they
8 see bail out of the car. It was all in close access to him
9 in his car. This is after failure to stop, after he pulled
10 off the road into the back of a field. I don't even know
11 exactly how far it was from where Mr. Lincoln laid his head
12 at night. The address on everything is on the other side --
13 the Jackson side of Aiken, out there going out Pine Log
14 Road, not on the New Holland side. And that's where he
15 bailed in the field and ran through the woods and ended up
16 on Mr. Woody's porch.

17 So what the State will be doing now after the Defense
18 opens, if they choose to open, is putting up our witnesses.
19 It's kind of tedious at times, but y'all bear with us. And
20 at the end of the trial, Ms. Hammack or myself one will come
21 back before you and have another chance to say why the
22 evidence we've presented proves Mr. Lincoln guilty beyond a
23 reasonable doubt of all the charges he's charged. I thank
24 you very much for your attention throughout this trial.

25 THE COURT: Ms. Hayes.

1 MS. HAYES: May it please the Court?

2 OPENING STATEMENT BY THE DEFENSE

3 MS. HAYES: Good afternoon, ladies and gentlemen. Mr.
4 Lincoln is here because he is being accused of a crime. As
5 U.S. citizens, we all know about the Constitution. And our
6 rights in that Constitution is you are innocent until proven
7 guilty. Mr. Lincoln is guilty until he is proven guilty by
8 the State. Really, the State is on trial because the State
9 is the one that has the burden of proof to prove to you
10 beyond a reasonable doubt that Mr. Lincoln committed the
11 crimes that he is accused of.

12 So what I want you to do this afternoon is I want you
13 to keep an open mind. I want you to listen to all the
14 witnesses that will come up and testify. And I want you to
15 be the finders of facts and make sure that the State has
16 done every single thing that they have to do to prove to you
17 beyond a reasonable doubt that Mr. Lincoln is guilty of the
18 crimes that he's accused of.

19 If you find that the State has not met their burden,
20 they have to prove -- it's their job. It's not the
21 Defense's job to prove that he's innocent. He doesn't have
22 to testify. We don't have to put up anything. They're the
23 ones that have to prove to you. And I want you to hold them
24 accountable and make sure that they have done their job.

25 At the end of this, I'm going to come back and talk to

1 you again, but I want you to keep an open mind, listen to
2 everybody and make sure that they have done everything that
3 they're supposed to do, that they have done their job.

4 At the end of this, I'm looking forward to coming back
5 and talking to you, but I think at the end of the day,
6 you'll find out that Mr. Lincoln is not guilty.

7 THE COURT: The State can call their first witness.

8 MR. WEEKS: Thank you, Your Honor. The State would
9 call Sergeant Brandon Knight.

10 THE CLERK: Come up here, please, sir. Place your left
11 hand on the Bible and raise your right hand.

12 BRANDON KNIGHT, after being duly
13 sworn, testified as follows:

14 THE CLERK: Have a seat in the witness chair. State
15 your full name when you're seated.

16 THE WITNESS: Sergeant Brandon Jay Knight, Aiken County
17 Sheriff's Office.

18 DIRECT EXAMINATION

19 BY MR. WEEKS:

20 Q Sergeant, what do you do for Sheriff Michael Hunt?

21 A Special operations division. We do criminal
22 enforcement and warrant services.

23 Q This courtroom has flipped on its head since I last
24 tried a case in it. So I'm going to ask you to pull that
25 little fluffy mic, I think, close to you so that this jury

1 out here can hear you. I know you've got all the belts on
2 and all of that, but kind of raise your voice a little bit
3 because I'm having a little bit of trouble hearing you.

4 A Okay. I'm on special operations with Aiken County
5 Sheriff's Office. We do criminal enforcement and warrant
6 services for the county.

7 Q And is I-20, a section of I-20 in Aiken County?

8 A I-20 that we work is in Aiken County.

9 Q A portion of it is?

10 A Yes.

11 Q How long have you been working for Mike?

12 A I've been with the sheriff's office for ten years.

13 Q And before that, were you in law enforcement?

14 A Five years, I was in corrections with South Carolina
15 before coming to the sheriff's office.

16 Q Have you been through any particular type of training
17 as a deputy for the sheriff?

18 A Yes. I've been through countless number of classes for
19 interdiction.

20 Q What's interdiction?

21 A Interdiction is -- we are looking -- we're stopping
22 vehicles looking for drugs, money that has to do with drugs,
23 also, looking for criminals on the roadways.

24 Q And February 26th of 2020, were you working for the
25 Sheriff then?

1 A I was.

2 Q Were you on duty?

3 A I was.

4 Q And where were you stationed or what were you doing on
5 the night of February 26th into the early morning hours --

6 A I was stationed at I-20 eastbound at the 25-mile
7 marker.

8 Q And eastbound would be headed toward Columbia?

9 A Yes, sir.

10 Q Did you observe anything that night that leads us here?

11 A Yes, sir. I observed a white Dodge Durango with very
12 dark tinted windows cross my view, so dark that I couldn't
13 see a silhouette of anybody in the vehicle.

14 Q And were you perpendicular to the --

15 A I was sitting facing perpendicular to the roadway.

16 Q Okay. Did that strike you as odd?

17 A It does.

18 Q Are windows supposed to have a certain visibility
19 requirement?

20 A In South Carolina, the window tint is 27 percent as
21 legal. Anything under that is illegal.

22 Q So when this vehicle passed you, your headlights were
23 on?

24 A My headlights were on. The headlights would not even
25 shine through the windows it was so dark.

1 Q And that aroused your curiosity. What did you do then?

2 A I then pulled out behind the vehicle. The vehicle
3 switched lanes from the fast lane, the number one, to the
4 number two lane without signaling and, also, reduced speed
5 drastically.

6 Q What was your next step?

7 A The next step was I ran the tag and I initiated my blue
8 lights to perform a traffic stop on a vehicle.

9 Q Could you tell how many people were in the vehicle?

10 A I could not.

11 Q All right. You initiated your blue lights and siren?

12 A First, I initiated blue lights. I observed the vehicle
13 wasn't stopping. I turned on my sirens and the vehicle
14 continued to travel without stopping.

15 Q Did it ever exit the interstate?

16 A The vehicle exited the Wire Road exit off the
17 interstate and continued to go towards Aiken.

18 Q And that would be at Exit 29?

19 A Exit 29.

20 Q Any indication by the driver that vehicle was even
21 going to stop?

22 A The driver gave no indication that it was going to
23 stop.

24 Q And what did you do then?

25 A At that point, I advised our dispatch that the vehicle

1 wasn't stopping. I also advised the Highway Patrol, which
2 was sitting right there at 29 and, also, Sergeant Palmer,
3 advised them that --

4 Q Sergeant Palmer is with your --

5 A Yes.

6 Q And what did they do as a result of your advising them?

7 A Highway Patrol took over the pursuit. Highway Patrol
8 then pulled off. I got back behind the vehicle, continued
9 the pursuit. Sergeant Palmer is PIT certified and has a PIT
10 bumper on his vehicle. I called him to get in front of me
11 --

12 Q Slow down and say that again.

13 A Sergeant Palmer is PIT certified. I called him to take
14 the lead of the pursuit.

15 Q And what kind of specialized vehicle does he have?

16 A He has a Dodge Charger with a PIT bumper on the front.

17 Q PIT, P-I-T?

18 A P-I-T.

19 Q And the purpose of that is to bump the car and make
20 them stop?

21 A That's right.

22 Q Can you kind of describe for me where y'all went?

23 A Yes. From I-20, we went down Wire Road. We went --
24 turned left onto New Bridge --

25 Q Before you turned left onto New Bridge, did you pass

1 the detention center?

2 A We did.

3 Q Did you pass any other houses and locations?

4 A We passed Beaver Dam Road. We passed several
5 neighborhoods going down Wire Road. We passed the detention
6 center.

7 Q Beaver Dam Road intersects with Wire Road?

8 A With Wire Road.

9 Q Bunch of houses there, isn't it?

10 A Yes.

11 Q Okay. So you make a left onto New Bridge Road?

12 A That's correct.

13 Q That's where there in front of one of those elementary
14 schools?

15 A It's a little school, daycare right there on the
16 corner.

17 Q Took a left there, you're still following him?

18 A Still behind him.

19 Q You still got any idea how many people are in the car
20 or what's going on?

21 A Still don't know how many people is in the car or who's
22 even driving the car at this point.

23 Q Okay. So what do you do there? Where does the car go
24 then?

25 A The car continues up New Bridge Road, all the way up to

1 New Holland Road.

2 Q Is that going back north again?

3 A It's going back north towards Wagener.

4 Q What's it do when it gets to New Holland Road?

5 A When it gets to New Holland Road, the vehicle turns
6 left on New Holland Road going towards Highway 39 towards
7 Wagener.

8 Q All right. What did y'all do then?

9 A We continued to pursue the vehicle. The vehicle went
10 off into a field near Highway 39.

11 Q All this time that you're following this vehicle, did
12 y'all communicate -- you and the other officers are
13 communicating on the radio?

14 A We were communicating back and forth.

15 Q For most of it, did you have an in-car video that you
16 looked at?

17 A Yes.

18 Q And State's Exhibit No. 1, can you identify what this
19 is?

20 A This is my dash cam video from my patrol vehicle.

21 Q Okay. And have you watched it with us?

22 A I have.

23 Q Is it a true and accurate copy?

24 A It is.

25 Q The video we watched was two or three hours long. Is

1 this a more chopped-down version?

2 A That's the actual video.

3 Q I know, but did we cut it off at some point?

4 A Yes.

5 MR. WEEKS: I move to introduce this, State's Exhibit
6 No. 1. We've provided the Defense with a copy.

7 MS. HAYES: No objection, Your Honor.

8 THE COURT: State's 1 is admitted without objection.

9 (WHEREUPON, State's Exhibit No. 1 admitted into
10 evidence.)

11 BY MR. WEEKS:

12 Q Officer Knight, after you took a left on New Holland
13 and you pulled off into a field at some point, is that what
14 you said?

15 A That's correct.

16 Q What happened to your vehicle?

17 A My vehicle got stuck in a plowed cornfield.

18 Q And did some other officers' vehicles get stuck?

19 A Yes, there was more vehicles that got stuck.

20 Q And where in the cornfield did the Defendant go?

21 A The Defendant went --

22 Q Or the person you were chasing?

23 A The Defendant went down the middle of the cornfield and
24 went straight to the back, back to the right corner. I went
25 down just a little bit, got stuck on the far left going into

1 the field.

2 Q Did you see what happened to the driver of the vehicle?

3 A From what I seen where I got stuck at was running
4 towards the vehicle, the driver door was open to the
5 vehicle. No other doors were open.

6 Q And nobody else was in the vehicle when you got to it?

7 A No one else was in the vehicle.

8 Q Sergeant Knight, I'm going to hand you what's marked
9 State's Exhibit No. 3 and ask you if you can identify the
10 scene depicted in that photograph?

11 A That is the route that we took during the vehicle
12 pursuit.

13 Q The red lines indicate?

14 A The red lines from I-20 show the vehicle and where we
15 went.

16 Q Did you look at this also on the disk?

17 A That's correct.

18 Q And is this a true and accurate depiction of this?

19 A It is.

20 MR. WEEKS: Your Honor, we move to introduce State's
21 No. 2 and State's No. 3.

22 MS. HAYES: No objection, Your Honor.

23 THE COURT: State's 2 and 3 are admitted without
24 objection.

25 (WHEREUPON, State's Exhibit Nos. 2 and 3 admitted into

1 evidence.)

2 BY MR. WEEKS:

3 Q Officer Knight, I hate the jury setup because I've got
4 my back to them and I'm pretty sure they can't see through
5 me. I've got to figure out where I can stand so they can
6 see.

7 Officer Knight, was it -- what time was it when you
8 started your pursuit? Do you know approximately?

9 A Not off the top of my head. It was before midnight,
10 between 10:00 and 12:00.

11 Q Okay. It was before midnight. Was it on February 26?

12 A It was.

13 Q And when you ended in the cornfield, did you ever
14 pursue in your vehicle any more after that?

15 A No, sir.

16 Q What did y'all do?

17 A We ran to the vehicle, cleared the vehicle. As we were
18 clearing the vehicle, we observed that the vehicle was so
19 full of stuff in the rear and back passenger seat and the
20 front passenger seat that there could be no other person in
21 the car.

22 At that point, we observed shoes on the ground. Looked
23 like footprints going to the wood line that was not shoes.
24 We called the Aiken County tracking team to come to the
25 scene.

1 Q And what does the Aiken County tracking team do?

2 A They got bloodhounds which go off last scent.

3 Q And did they bring one out?

4 A They did.

5 Q Did they locate anybody?

6 A Did not.

7 Q While you were pursuing the car, can you give me an
8 idea of the speeds that y'all reached?

9 A We reached speeds of upwards towards 90 miles an hour
10 and as slow as 55 miles an hour.

11 Q What was the weather like that day?

12 A The weather was slightly rainy.

13 Q Were the conditions, were the lighting conditions such
14 that a normal person, a reasonable person could have seen
15 your blue lights and siren, heard your siren?

16 A They could have heard the sirens. With the rain, they
17 possibly could have seen the lights, definitely.

18 Q With the rain what?

19 A With the rain, you could still see the lights.

20 Q And, at least, one officer trying to pull up beside
21 him?

22 A That's correct. Sergeant Palmer attempted to do a PIT
23 maneuver at one point. Due to the vehicle driving in both
24 lanes, he was unable to do so under safe conditions.

25 Q Well, New Holland Road, how would you describe it as

1 far as --

2 A It is a dark, long, windy road.

3 Q And PIT maneuvers are performed where?

4 A PIT maneuvers are performed on the roadway, but
5 preferably on a straight path.

6 Q Okay. We'll let Sergeant Palmer talk about that. Now,
7 I know that I've asked you before when we were preparing
8 this case, but how long was this chase?

9 A The chase was approximately 30, 35 miles.

10 Q And you were within sight of him the whole time?

11 A Within sight the whole time.

12 Q Can you describe what you found in the vehicle and what
13 you took possession of from the vehicle?

14 A Yes. In the back passenger area of the vehicle, there
15 was a black shotgun with a pistol grip. In the front
16 passenger seat in a bag was the narcotics, drugs that were
17 located. Also, the registration in the glove box. There
18 was mail coming back to the Defendant in the front of the
19 vehicle and the rear of the vehicle along with prescription
20 bottles with his name on them.

21 Q Did you take possession of those?

22 A I did.

23 Q As you took possession of them, what did you do with
24 them?

25 A Logged them into evidence, put them in our evidence

1 locker at the Aiken County Sheriff's Office.

2 Q And how about the drugs?

3 A Completed a drug BEST kit and turned it into our drug
4 lab at the sheriff's office.

5 Q And you say turned it in, what did you do to it?

6 A Put it in an envelope, put it in a secure locker and
7 the drug evidence custodian took possession of it to do the
8 testing.

9 Q Did you have any other dealings with the containers
10 after you put them in the box at the Aiken County Sheriff's
11 Department?

12 A Once I put it in the drug evidence box, I had no more
13 dealings with it.

14 Q You mentioned you found a shotgun in the back?

15 A Yeah, the rear of the vehicle.

16 Q Describe this Durango for me.

17 A White Durango, you've got the rear hatch, the back and
18 two driver seats.

19 Q And I'll show you what's marked as State's Exhibit No.
20 2 and ask you if you can identify what that is -- No. 10,
21 I'm sorry?

22 A That's the shotgun that was in the vehicle.

23 Q Did you receive that shotgun?

24 A I did.

25 Q And turned it into the evidence lock?

1 A Turned it into evidence.

2 MR. WEEKS: Your Honor, move to introduce State's No.
3 10. It's a photograph of the shotgun.

4 MS. HAYES: No objection.

5 THE COURT: State's 10 is admitted without objection.

6 (WHEREUPON, State's Exhibit No. 10 admitted into
7 evidence.)

8 BY MR. WEEKS:

9 Q Officer Knight, other than the drugs and the shotgun,
10 what else did you find in the back?

11 A We found letters with his address on it from the mail.
12 We had an alcohol bottle from the front passenger area,
13 scales, baggies --

14 Q What do you mean scales?

15 A Scales to weigh the weight of narcotics.

16 Q I'll ask you to look at what's marked as State's Nos.
17 4, 5 and 6, and ask you if you can identify those items?

18 A Yes. These are the scales that were secured and placed
19 into evidence that were located in the front passenger seat
20 of the vehicle with the narcotics.

21 MR. WEEKS: I move to admit State's Exhibit Nos. 4, 5
22 and 6.

23 THE COURT: Any objection?

24 MS. HAYES: No objection.

25 THE COURT: State's 4, 5 and 6 are admitted without

1 objection.

2 (WHEREUPON, State's Exhibit Nos. 4, 5 and 6 admitted
3 into evidence.)

4 BY MR. WEEKS:

5 Q Deputy Knight, I hand you what's marked State's 7 and 8
6 and ask you if you can identify those, yes or no?

7 A Yes, I can.

8 Q And what are they?

9 A These are the pill bottles that were located in that
10 bag, also, that has the Defendant's name on them.

11 Q These pill bottles, 7 and 8, have the Defendant's name?

12 A This one -- these right here has Jonathan Lincoln's
13 name on it here and Mr. Lincoln's name on it here.

14 Q So his name is on both bottles?

15 A Yes.

16 Q Did you find any other items of concern?

17 A Yeah, these bags were --

18 Q I hand you what's marked as State's No. 9.

19 A These bags, little ziplock bags, little blue bags were
20 also found in the vehicle along with the narcotics. The
21 bags that are used to put narcotics in for sale.

22 Q These are little tee-tiny ziplock bags?

23 A Yeah, usually used for meth, heroin and cocaine.

24 Q Officer Knight, what other kind of alleged drug-related
25 stuff did you find in the bag5?

1 A There was a torch lighter. There was glass meth pipes,
2 glass pipes used for smoking meth.

3 Q And the ziplock bags kind of remind me of the three
4 bears. You've got your little tiny ziplock bags --

5 A That's correct.

6 Q -- and you've got bigger ziplock bags?

7 A Have bigger bags.

8 Q Did you find some of those, too?

9 A Those were in the vehicle, also.

10 Q Did you find anything dealing with -- possibly dealing
11 with marijuana?

12 A Yes.

13 Q And what was that?

14 A It was marijuana paraphernalia in the vehicle.

15 Q Paraphernalia?

16 A Paraphernalia.

17 MR. WEEKS: Move to introduce State's Nos. 8, 9 and 7,
18 Your Honor.

19 MS. HAYES: No objection, Your Honor.

20 THE COURT: State's 7, 8 and 9 are admitted without
21 objection.

22 (WHEREUPON, State's Exhibit Nos. 7, 8 and 9 admitted
23 into evidence.)

24 BY MR. WEEKS:

25 Q Officer Knight, you said at some point during your

1 testimony, you got dispatch to run the tag?

2 A That's correct.

3 Q Do you routinely get stuff from the Department of
4 Corrections -- or the Department of Motor Vehicles that can
5 show us what information you get?

6 A Yes, sir.

7 Q And did you receive something, ultimately, State's
8 Exhibit No. 11, and can you identify that?

9 A Yes. This is the South Carolina Department of Motor
10 Vehicle registration for that vehicle and the plate I ran,
11 which comes back to a Jonathan Lincoln.

12 Q Okay.

13 MR. WEEKS: Your Honor, the State would move to
14 introduce State's No. 11.

15 THE COURT: Any objection?

16 MS. HAYES: No objection.

17 THE COURT: State's 11 is admitted without objection.

18 (WHEREUPON, State's Exhibit No. 11 admitted into
19 evidence.)

20 BY MR. WEEKS:

21 Q Officer Knight, in reference to State's No. 3, blue
22 line goes up -- and this is a smaller version of it. We're
23 fixing to publish a tape if Your Honor allows it. The car
24 pulled to the back of a field, would that be --

25 A That's correct.

1 Q And in front of the car, what was it?

2 A Wood line.

3 Q All right. After you got up to the car, did you
4 personally know the officers who foot tracked the Defendant
5 or tried to locate the Defendant or whoever it was at that
6 point?

7 A No, we note the area. We didn't go to the driver's
8 door where the driver bailed from running through the woods.
9 That way the tracks would be fresh for the dogs.

10 Q But the dogs didn't ultimately catch anybody?

11 A At the end of it, no.

12 Q But aside from the dogs, did you and other officers go
13 to houses and locations?

14 A Once the dogs got through the woods, we had officers
15 roaming the area. Myself, Sergeant Palmer and Blackwater
16 were there. We also went through the woods looking.

17 Q Physically walking through the woods?

18 A Physically walking through the woods.

19 Q Did y'all ever check the house at ■ Anderson Road?

20 A We stopped just shy of that address. We seen the
21 streetlight down the road that shines near that house. At
22 that point, we didn't go no further. We turned around and
23 went back to our vehicles.

24 Q Because you would have been waking up people, wouldn't
25 you?

1 A Yes.

2 Q But y'all did do that, didn't you?

3 A Eventually, we did, yes, all night.

4 MR. WEEKS: Your Honor, the State would ask permission
5 to publish to the jury State's Exhibit No. 1.

6 THE COURT: Any objection?

7 MS. HAYES: No, Your Honor.

8 THE COURT: Go ahead.

9 (WHEREUPON, State's Exhibit No. 1 published to the
10 jury.)

11 BY MR. WEEKS:

12 Q Officer Knight, the dog barking at the end of that
13 video clip was your dog, wasn't it?

14 A It was my dog, yes, sir.

15 Q Your's is a --

16 A Narcotic canine.

17 Q -- narcotic certified dog, but that wasn't a
18 bloodhound, was it?

19 A That wasn't a bloodhound, no.

20 Q And the officer that ran across at the tail end of that
21 was you running up to the car in question?

22 A That's right.

23 Q Were you stuck at that point?

24 A I was stuck.

25 Q Now, you said earlier that you were the one that

1 collected the drugs that were found in the car?

2 A That's correct.

3 Q And you put them in -- what you call this?

4 A BEST kit.

5 Q A BEST kit?

6 A Yes, sir.

7 Q And then it's sealed?

8 A Sealed.

9 Q And then the analyst does their thing and reseals it?

10 A Then reseals it, yes.

11 Q I'm handing you what's marked State's ID for purposes
12 of this moment in time. Is that what you turned in?

13 A It is, this is what I turned in.

14 Q And you put your initials on it and that's what lets
15 you know that?

16 A I did, that's correct.

17 Q Did you tamper or alter these drugs?

18 A I did not.

19 Q Or do anything to them other than collect them?

20 A I collected them and put them in the bag for evidence.

21 Q And those drugs are the ones you put in the drug
22 lockbox?

23 A That's correct.

24 Q And you don't have any further access to it after you
25 put it in there?

1 A I do not.

2 Q When you saw the Defendant's driver's information, what
3 address came back?

4 A [REDACTED].

5 Q [REDACTED]?

6 A Yes, in Aiken.

7 Q Do you know where that's at?

8 A It is on this side of Aiken.

9 Q This side being the south side of Aiken?

10 A South side, yes.

11 Q Off of Pine Log Road on the south side?

12 A That's correct.

13 Q Nowhere near this incident location?

14 A Yes, nowhere near.

15 MR. WEEKS: Answer any questions the Defense has.

16 THE COURT: Let's take a short break prior to
17 cross-examination.

18 I'll send you, ladies and gentlemen, to your jury room.
19 Don't discuss the case amongst yourselves or with anyone
20 else. We'll bring you back shortly.

21 Everyone else remain seated in the courtroom.

22 (WHEREUPON, the jury exits the courtroom at 2:19 p.m.)

23 THE COURT: For the folks remaining in the gallery, I
24 want to make it clear that this is a court of law. This is
25 a jury trial. It is not a football game. It's not a movie.

1 It's not a sport. To the extent that you are permitted to
2 be in here because it is a public place, you must remain
3 quiet. It is not your responsibility to comment on or
4 evaluate the evidence in this case or make determinations of
5 what happened or what did not happen. That is solely for
6 the jury to determine.

7 So when you are sitting talking to each other -- you
8 shouldn't be talking at all, but to the extent that you need
9 to say something to one another, you must whisper to one
10 another. You are sitting within inches of the jurors and I
11 could hear your comments up here about you didn't see him in
12 the video, I didn't see him in there, did you? So,
13 certainly, the jury could hear you because I could hear you.
14 If you are unable to control yourself, unable to remain
15 quiet, then I'll have to put you out of the courtroom and/or
16 hold you in contempt of court, which means going to jail.

17 Let's take a 15-minute break.

18 (Short recess.)

19 THE COURT: Let's bring the jury, please.

20 (Jury enters the courtroom at 2:46 p.m.)

21 THE COURT: Folks, we still have Sergeant Knight on the
22 stand. He's still under oath.

23 Ms. Hayes, cross-examination.

24 MS. HAYES: Thank you, Your Honor.

25 CROSS-EXAMINATION

1 BY MS. HAYES:

2 Q Good afternoon, Sergeant Knight.

3 A Good afternoon.

4 Q How are you doing today?

5 A Doing good.

6 Q On February 26th, the night of this incident, you
7 didn't actually see Mr. Lincoln driving the car, did you?

8 A No.

9 Q And Mr. Lincoln wasn't present at the scene when you
10 searched his car; isn't that correct?

11 A Correct.

12 Q And the cocaine, meth and the heroin that you found and
13 seized out of the car was found in the passenger seat,
14 correct?

15 A That's correct.

16 Q It wasn't packed with all the other belongings in the
17 car?

18 A That's correct, it was in the passenger seat in the
19 back.

20 MS. HAYES: No further questions. Thank you.

21 THE COURT: Anything further from this witness?

22 REDIRECT EXAMINATION

23 BY MR. WEEKS:

24 Q One thing to clear up, when your car got stuck, did you
25 see the car in the back of the field?

1 A I could see the car in the back of the field.

2 Q You were looking at the passenger side?

3 A I was looking at the rear passenger side of the
4 vehicle.

5 Q Did you see anybody get out of that side?

6 A No, no one got out of the passenger side of the
7 vehicle.

8 Q And the car itself had the driver's side door open when
9 y'all approached?

10 A That's correct.

11 MR. WEEKS: Nothing further, Your Honor.

12 THE COURT: Anything further from this witness?

13 MS. HAYES: No, Your Honor.

14 THE COURT: Thank you. You may step down.

15 Call your next witness.

16 MS. HAMMACK: Thank you, Your Honor. The State calls
17 Sergeant Palmer.

18 THE CLERK: Place your left hand on the Bible and raise
19 your right hand.

20 FRANCES CLARKE PALMER, after being
21 duly sworn, testified as follows:

22 THE CLERK: Have a seat in the witness box. Please
23 state your full name, spelling your last name.

24 THE WITNESS: Sergeant Frances Clarke Palmer, it's
25 P-A-L-M-E-R, with the Aiken County Sheriff's Office.

DIRECT EXAMINATION

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BY MS. HAMMACK:

Q Good afternoon, Sergeant Palmer.

A Good afternoon.

Q Can you tell the jury, what do you do for a living at the sheriff's office?

A I'm a sergeant over community policing and special operations divisions. Along with that, I also assist Sergeant Knight in criminal interdiction and warrants as well.

Q So as an example, what do you do on any given day at work?

A Depends day-to-day, sometimes I'm doing community policing, sometimes I'm on the interstate assisting in interdiction.

Q So as a general rule, even though your day-to-day work varies, are you typically sitting behind a desk or are you out on the road in Aiken?

A Out on the road.

Q And how long have you been working for the sheriff's office?

A Five years.

Q Were you working on the night of February 26th, 2020?

A Yes, ma'am.

Q And what were you doing that night?

1 A I was on the interstate with Sergeant Knight. I don't
2 remember where I was originally. I think I had just
3 completed a stop when I heard Sergeant Knight call out his
4 traffic stop and that his vehicle was not stopping for him.

5 Q And when you say Sergeant Knight called out his traffic
6 stop and the vehicle wasn't stopping, is that the case we're
7 here on today?

8 A Yes, ma'am.

9 Q Now, when he called that out, did you go to assist him?

10 A Yes, ma'am.

11 Q And where did you go in order to assist Sergeant
12 Knight?

13 A I was on the interstate as well. I exited at the 29.
14 I was shortly behind him and then I, ultimately, took over
15 the pursuit near Wire and New Bridge Road.

16 Q And so when you say Exit 29, is that the Wire Road
17 exit?

18 A Yes, ma'am.

19 Q Is that closer to Columbia from the US 1 exit?

20 A Yes, ma'am.

21 Q And when you get off on Wire Road from I-20, which
22 direction did you go?

23 A Go right back towards Aiken.

24 Q And as Wire Road is traveling back towards Aiken, does
25 it kind of follow under I-20 for a while before curving

1 south towards downtown?

2 A Yes, ma'am.

3 Q So when you were traveling on Wire Road, at what point
4 did you get behind Sergeant Knight?

5 A I think it was shortly after the interstate, I was
6 pretty close to him. I think I was behind him somewhere
7 around Frontage Road, at that point, I caught up to him.

8 Q So right by the interstate?

9 A Yes, ma'am.

10 Q Do you remember about what time of day this was?

11 A I know it was pretty late in the evening. It was dark
12 out. It was around -- before -- sometime before midnight,
13 10:00 to 12:00.

14 Q And this part of I-20 and Wire Road, is this in Aiken
15 County?

16 A Yes, ma'am.

17 Q And the whole time that you were assisting on this
18 attempted traffic stop, did that entire thing take place in
19 Aiken County?

20 A Yes, ma'am.

21 Q So when you were on Wire Road, just past Frontage Road,
22 how fast were you going, do you remember?

23 A At that time, I believe I was going around 90 to catch
24 up to him.

25 Q What's the speed limit on the road there?

1 A That section, I believe, is around 45.

2 Q Is there any part of Wire Road where the speed limit is
3 90?

4 A No, ma'am.

5 Q So as you're traveling, do you catch up with Sergeant
6 Knight and the vehicle he's trying to stop?

7 A Yes, ma'am.

8 Q And after doing this, what description or knowledge do
9 you have of the vehicle that y'all were trying to stop?

10 A At that time, he had put out it was a white Durango.

11 Q And you mentioned that you, ultimately, passed Sergeant
12 Knight to take over the pursuit. Why was that?

13 A Sergeant Knight called me up -- I am what we call PIT
14 certified, P-I-T certified. It's a two-day course. It's
15 Pursuit Intervention Technique. It's designed to -- the
16 front of my car pushes the rear of the subject vehicle into
17 a controlled spin, ending most pursuits.

18 Q And you've gone through that training?

19 A Yes, ma'am.

20 Q Do you have any kind of special equipment or special
21 vehicle that allows you to do that?

22 A Yes, ma'am. I have a 2018 Dodge Charger with a full
23 wrap-around bumper on the front end. It goes from the front
24 of the left wheel all the way around to the front of the
25 right wheel. We call it a PIT bumper.

1 Q And at what point did you pass Sergeant Knight to take
2 charge of that pursuit?

3 A I believe it was right around the area of the Aiken
4 County Detention Center.

5 Q And that's still on Wire Road?

6 A Yes, ma'am.

7 Q So if you're traveling on Wire Road and you pass the
8 Aiken County Detention Center, what's coming up in front of
9 you?

10 A Coming up, we have May Royal. There's -- right there
11 on the right is May Royal once you pass the detention
12 center. Then you have -- there's a church on the right.
13 And then we, ultimately, took a left on New Bridge Road.
14 There's also a lighted church right there at the corner of
15 New Bridge and Wire.

16 Q May Royal is where the Aiken County Animal Shelter is?

17 A Yes, ma'am, that's there as well.

18 Q And when you talk about New Bridge, is there an
19 elementary school across the street from there?

20 A I believe it's some sort of school, yes, ma'am.

21 Q When y'all got to New Bridge, what happened?

22 A Take a left on New Bridge and, at that point, I'm
23 primary in the pursuit. The Dodge Durango, I'm directly
24 behind it. And then we continue down New Bridge towards New
25 Holland.

1 Q Sergeant Palmer, this is kind of a silly question, but
2 why did you turn onto New Bridge?

3 A Because the Durango did.

4 Q Okay. So you're still following the Durango?

5 A Correct.

6 Q Do you have your lights and sirens on?

7 A Yes, ma'am.

8 Q Is the Durango responding in any way to your lights and
9 sirens?

10 A As far as stopping, no, ma'am. During the pursuit, he
11 was swerving all over the road. He was also speeding up and
12 slowing down, which gave me some kind of indication he knew
13 I was there.

14 Also, further down, I think it was when we turned onto
15 New Holland -- we eventually go down New Bridge, dead end at
16 New Holland, take a left onto New Holland Road where I did
17 attempt to get up next to the vehicle. And he did respond
18 by pulling into the opposite lane of travel to block me
19 getting up next to him to initiate the PIT maneuver.

20 Q I want to go step-by-step through all of these roads
21 that you're talking about, but I want to go back to Wire
22 Road for a minute. What kind of road is Wire Road?

23 A It's a two-lane road.

24 Q And in addition to the detention center and some
25 churches and the animal shelter and a school, what kind of

1 buildings or structures are on the side of Wire Road?

2 A There's a community on the left side, it's a horse
3 community, several houses there. There's also mixed houses
4 on the left and right depending on what area of Wire Road
5 you're on.

6 Q So houses where people live?

7 A Yes, ma'am.

8 Q You said y'all turned onto New Bridge, had y'all not --
9 had the Durango not turned onto New Bridge, where would you
10 ultimately -- what road would you ultimately have run into?

11 A Ultimately, come into the bypass in Aiken.

12 Q Okay. And if you keep going across the bypass, you get
13 to the police department?

14 A Yes, ma'am. You actually would pass two at that point.
15 You would pass Aiken Public Safety is now there on the right
16 once you come up to Beaufort Street and then the Aiken
17 County Sheriff's Office is a little bit further down on the
18 right as well.

19 Q But y'all didn't make it to the police department or
20 the sheriff's office or downtown or any of that?

21 A No, ma'am.

22 Q So when the Durango turned onto New Bridge, you
23 continued on New Bridge, any signs of stopping or responding
24 to your lights and sirens on New Bridge?

25 A No, ma'am.

1 Q About what speed were y'all traveling on on New Bridge?

2 A On New Bridge, I believe we started about 60, 70 miles
3 an hour. Like I said, he was speeding up, slowing down the
4 entire time. We average around 60, 70, 80 miles an hour.

5 Q Is there any point on New Bridge Road where the speed
6 limit is 60, 70, 80 miles an hour?

7 A No, ma'am.

8 Q Do you know what the speed limit is on New Bridge?

9 A It starts out at 35. I believe it goes up to 45. I'm
10 not sure if it goes up any higher.

11 Q And are there houses where people live on New Bridge
12 Road?

13 A Yes, ma'am, especially that first part. There's houses
14 all the way down New Bridge, but the first part once you
15 turn off of Wire is fairly populated with houses.

16 Q And at the time that y'all were pursuing this vehicle,
17 were there ever incidents where you had oncoming traffic?

18 A A couple times, yes, ma'am.

19 Q And New Bridge, what kind of road is that?

20 A It's also a two-lane road.

21 Q You said that in addition to the vehicle speeding up
22 and slowing down that it was going in the middle of the
23 road. Was it straddling that center line between two lanes?

24 A Yes, ma'am.

25 Q And what did that do for you as far as your ability to

1 perform your PIT technique?

2 A Pretty much knocks out the ability. I do need -- to
3 safely maneuver the PIT maneuver, I need a lane that I can
4 travel in next to the subject vehicle.

5 Q So as this vehicle is straddling that center line on a
6 two-lane road and you need another lane to pull into, did
7 you, ultimately, make a decision about whether or not to
8 perform that PIT technique?

9 A Yes, ma'am. Ultimately, I did decide not to perform
10 the PIT technique in this pursuit.

11 Q And when you decided not to perform that PIT technique,
12 was that for your safety and the other people's safety?

13 A Yes, ma'am. For the safety of everybody involved, we
14 look at -- like Sergeant Knight testified to, we look for as
15 straight path as possible. PIT maneuver can be performed in
16 curves, but it's more likely to cause vehicle, what we call
17 -- I'm trying to think of the word, the vehicle not to
18 perform like we want to during the spin.

19 Q Now, New Bridge Road, is it a relatively straight road?

20 A No, ma'am, it's fairly curvy.

21 Q And as y'all were traveling on New Bridge Road, did the
22 Durango ever stop on New Bridge Road?

23 A No, ma'am.

24 Q What happened when the vehicle reached the end of New
25 Bridge Road?

1 A It took a left onto New Holland Road.

2 Q Did you continue behind the vehicle on New Holland
3 Road?

4 A Yes, ma'am.

5 Q When it took a left on New Holland Road, where does
6 that take you to, ultimately?

7 A Ultimately, goes out to Highway 39, which goes between
8 Monetta and Wagener.

9 Q So you started out on the interstate, came all the way
10 down almost to the bypass to downtown Aiken and now we're
11 going back east towards Monetta, Wagener and all that?

12 A Yes, ma'am.

13 Q As you're traveling on New Holland Road -- what kind of
14 road is New Holland?

15 A It's another two-lane road. The speed limit is 45 to
16 55 miles an hour, fairly curvy with a couple of straight
17 shots, but they're not very long.

18 Q Do you recall what speed y'all traveled at on New
19 Holland?

20 A New Holland, I believe we got up to 90 at some points.
21 Again, around 70, 80, 90 is average speed of travel.

22 Q And the whole time this is going on, Sergeant Palmer,
23 did you keep your lights and sirens on this whole time?

24 A Yes, ma'am.

25 Q And did the Durango stay within your sight during the

1 whole time this was going on?

2 A Yes, ma'am.

3 Q And it's continuously traveling down the road, no stops
4 or anything like that?

5 A That's correct.

6 Q Ultimately, as y'all were traveling down New Holland,
7 did the Durango ever leave the road?

8 A Yes, ma'am. He, ultimately, pulled off into what was a
9 plowed field at the time. Knowing the limits of my vehicle,
10 I stayed on the road and paralleled the subject vehicle for
11 a good bit. When he got to the back of the field, from my
12 angle, it looked like he was possibly turning around to go
13 back in the direction we had come because we do see a lot of
14 that in pursuits. And by the time I turned around, I
15 realized that he had actually kind of halfway turned around
16 and then stopped. And that was the end of it.

17 Q What did you do you when you realized the Durango had
18 stopped in the field?

19 A I got out of my vehicle. I pulled off the road and got
20 out and ran out to the Durango.

21 Q What did you see when you got out to the Durango?

22 A When I got out to the Durango, the only door that was
23 open was the driver door and no one else was in the vehicle.

24 Q Did you stay there on scene?

25 A Once the vehicle was cleared, Sergeant Knight and

1 Sergeant Blackwater stayed with the vehicle. I backed out
2 from the location. While waiting on the bloodhound tracking
3 team, I started setting up what we call the parameter to box
4 the subject in.

5 Q When you say parameter, can you explain to the jury
6 what y'all are trying to do with the parameter?

7 A So the parameter, what we try to do is, basically, form
8 a large circle around where the subject could run preventing
9 him from escaping out of that area and, therefore, allowing
10 the dog team to work their magic when they can and follow
11 that scene until they find them. Because, hopefully, while
12 having that parameter set up, he sees that he can't get out
13 of it, so he beds down or something of the sort.

14 Q After you set up that parameter, did you do anything
15 else to assist at that point?

16 A Eventually, the -- I think it was a little while later,
17 the dog team did respond out. After their track was
18 unsuccessful, myself, Sergeant Knight and Sergeant
19 Blackwater responded to the next road down off of Anderson
20 Road, which if you go out the back of the field, on the
21 other side of the wood line from the field is a dirt road
22 that a couple of people live on. We walked that entire road
23 and cleared all of the buildings on that road.

24 Q Sergeant Palmer, when you initiated your blue lights
25 and sirens, do you have a video camera in your car that

1 comes on?

2 A Yes, ma'am.

3 Q And what does that video camera -- what view does it
4 have and what does it record?

5 A It's from the front passenger area of my dash.

6 Q Does it show inside the vehicle or does it show the
7 road?

8 A It shows the road.

9 Q And did you have your video on that night?

10 A Yes, ma'am.

11 Q Sergeant Palmer, I'm showing you what has been
12 premarked as State's Exhibit 12. Will you take a look at
13 that and see if you recognize it?

14 A Yes, ma'am. It appears to be my dash camera footage.

15 Q And have you seen your dash camera footage from that
16 night?

17 A Yes, ma'am.

18 Q Is this a true and accurate copy of that dash camera
19 footage from this particular traffic stop?

20 A Yes, ma'am.

21 MS. HAMMACK: Your Honor, at this time, we'd move
22 State's Exhibit 12 into evidence.

23 THE COURT: Any objection?

24 MS. HAYES: Objection, Your Honor. This is cumulative
25 evidence. This is the same as what we saw.

1 MS. HAMMACK: Your Honor, he's testified that Sergeant
2 Knight began pursuit. He caught up to him and then
3 surpassed Sergeant Knight and got directly behind the
4 vehicle. He's got a different view and shows different
5 footage from what Sergeant Knight's footage shows.

6 THE COURT: State's 12 is admitted over the Defendant's
7 objection.

8 (WHEREUPON, State's Exhibit No. 12 admitted into
9 evidence.)

10 MS. HAMMACK: Your Honor, at this time, we would move
11 to publish State's 12.

12 THE COURT: Yes, ma'am.

13 (WHEREUPON, State's Exhibit No. 12 published for the
14 jury.)

15 BY MS. HAMMACK:

16 Q Sergeant Palmer, at the end of that video, you stated
17 he's either bush bonded or stuck. He's bush bonded, I see
18 the door open. What does bush bonded mean?

19 A It's police lingo for he ran from the car.

20 Q Okay. So by the time you got up to the car, was
21 anybody in the car?

22 A No, ma'am.

23 Q And when you say the door is open, which door are you
24 talking about?

25 A The driver door.

1 Q And Sergeant Palmer, the whole time that you pursued
2 this Durango, about how far was that pursuit?

3 A I believe it was around 30 miles.

4 Q Thirty miles from where you started on I-20, got off on
5 Wire Road, came all the way almost to downtown, turned onto
6 New Bridge and then back up New Holland going back towards
7 Wagener?

8 A Yes, ma'am.

9 Q Sergeant Palmer, where that vehicle pulled into the
10 field, what's past that field?

11 A Wood line -- or are you talking about down the road?

12 Q No, wood line.

13 A Okay.

14 Q Is that what you saw at the back of that field where
15 the car was?

16 A Yes, ma'am.

17 Q And when you went up there, which way was the car
18 facing? Was it facing back towards the road where your car
19 was or was it facing the woods?

20 A So if this was the road here, the car was kind of at an
21 angle like this where the passenger side and the rear were
22 towards the road.

23 Q And you mentioned going and walking a dirt road. Are
24 you familiar with Anderson Road?

25 A Yes, ma'am.

1 Q Where is Anderson Road in relationship to where that
2 field was?

3 A That would be the -- so if he would have continued down
4 the road instead of going into the field, it would have been
5 the next road on the right, I believe.

6 Q So the next road on the right off of New Holland is
7 Anderson Road?

8 A Yes, ma'am.

9 Q And in that video, you -- well, excuse me, not the
10 video, sitting up here today, you mentioned you knew your
11 vehicle and you didn't pull into the field. What condition
12 was that field in that night?

13 A Everything was pretty wet. Around that time, there was
14 a lot of rain. I don't know if you saw in the video, there
15 were several spots on the road that were still washing with
16 water. So the field was pretty saturated.

17 MS. HAMMACK: Sergeant Palmer, I don't have any more
18 questions for you. Please answer any questions the Defense
19 may have.

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Cross-examination.

22 CROSS-EXAMINATION

23 BY MS. HAYES:

24 Q Good afternoon, Sergeant Palmer. How are you?

25 A Good afternoon.

1 Q On your pursuit on February 26th, you didn't see Mr.
2 Lincoln driving the car, did you?

3 A No, ma'am, I didn't see who was driving the vehicle.

4 Q Were you present when the car was searched?

5 A No, ma'am, I had backed out from the location.

6 MS. HAYES: I have no further questions of this
7 witness.

8 THE COURT: Anything further, Ms. Hammack?

9 MS. HAMMACK: No, Your Honor.

10 THE COURT: Thank you. You may step down.

11 Call your next witness.

12 MS. HAMMACK: Your Honor, before we do, may I ask if
13 either Sergeant Knight or Sergeant Palmer wish that they may
14 be excused?

15 THE COURT: Any objections to them being excused from
16 the Defense?

17 MS. HAYES: No, Judge.

18 THE COURT: All right. You're both free to go. Thank
19 you.

20 MS. HAMMACK: Your Honor, the State's next witness is
21 Colt Woody. And I believe Mr. Weeks went to go get him.

22 THE COURT: Okay.

23 Mr. Woody, come forward.

24 THE CLERK: Place your left hand on the Bible and raise
25 your right hand.

1 COLT WOODY, after being duly sworn,
2 testified as follows:

3 THE CLERK: Have a seat in the witness box. Please
4 state your full name, spelling your last.

5 THE WITNESS: My name is Colt Woody.

6 DIRECT EXAMINATION

7 BY MR. WEEKS:

8 Q Colt, where do you live?

9 A ■ Anderson Road, Wagener.

10 Q What do you do for a living?

11 A I'm a corn and peanut farmer.

12 Q How long you been doing that?

13 A My whole life, 35, 40 years.

14 Q In February, specifically, February the 27th of 2020,
15 were you living on Anderson Road?

16 A I was, yes, sir.

17 Q Same location?

18 A Yes, sir.

19 Q Who lives there with you?

20 A My wife, Shannon.

21 Q I'm going to call your attention to the nighttime or
22 the early morning of February the 27th of that year. Were
23 you home?

24 A I was, yes, sir.

25 Q Did you notice anything going on in your area?

1 A Well, when I went to bed, there was nothing going on,
2 but then starting about 9:30, ten o'clock, then I heard
3 sirens going up and down Anderson Road. I didn't know what
4 was going on, so my wife messaged our next door neighbor
5 about a quarter of a mile down the road from us --

6 Q You can't say what anybody else said, but did you have
7 a commotion in your area?

8 A We did.

9 Q And if you came out your driveway and took a right,
10 you'd be on Anderson Road; is that correct?

11 A That's correct.

12 Q And does it intersect with New Holland?

13 A It does.

14 Q How far?

15 A Three-quarters of a mile, roughly, six-tenths of a
16 mile.

17 Q If you walk straight out your driveway and across those
18 fields in front of your house, how far would New Holland
19 Road be in your estimation?

20 A Just right in front, about the same.

21 Q And on that -- during the nighttime of February 27th,
22 that early morning, what did you do after you heard the
23 sirens?

24 A Well, I went and turned the carport lights on. My
25 pickup is parked under there, so I just turned the lights on

1 for safety and went back to bed. I guess it was probably,
2 roughly, early morning, the sirens finally quit and we went
3 to sleep until the next morning.

4 Q And what did you do the next morning? What was your
5 routine?

6 A I get up somewhere between 5:00 and 5:30, walk through
7 the house and turn the lights on walking through the house.
8 Of course, the carport lights were still on. I've got a
9 door there at the carport with glass in it, so I just --
10 after turning the lights on through the house, walked up to
11 that door to look towards the barn, just looking out. And
12 as I walked up to the door, I saw a man sitting on my back
13 porch steps.

14 Q Can you describe him?

15 A He had -- I think he had a light jacket on, no shoes,
16 socks. His back was towards me.

17 Q Did he ever move, ever say anything?

18 A No.

19 Q Did you ever say anything to him?

20 A Did not.

21 Q What did you do at that point?

22 A I backed up about as fast as I could because I was so
23 startled. I ran to the bedroom, got the shotgun, called 911
24 and waited for the police.

25 Q Did you ever confront him?

- 1 A Did not.
- 2 Q Did he ever leave?
- 3 A Did not.
- 4 Q Did he ever say anything?
- 5 A No.
- 6 Q The porch lights or the carport lights were on?
- 7 A Absolutely, yeah, bright.
- 8 Q Bright?
- 9 A Bright lights.
- 10 Q And your truck was parked up under there?
- 11 A That's right.
- 12 Q What all do you keep in your truck?
- 13 A All kinds of tools, air compressor, four wheeler.
- 14 Q You called the police. Did they respond?
- 15 A They did.
- 16 Q When they got there, was he still sitting on the porch?
- 17 A He was.
- 18 Q Hadn't moved at all?
- 19 A Hadn't moved at all.
- 20 Q Did the county officers arrive in some short order?
- 21 A It took 15 to 20 minutes.
- 22 Q And what happened then?
- 23 A They confronted him and he didn't want to do what they
24 wanted.
- 25 Q What did they have to do? What did you see them do?

1 A They wrestled him down to the ground. I mean, he
2 wouldn't subdue and put his hands behind his back, so they
3 wrestled around there, nearly plumb up under my pickup.

4 Q Did they punch him or do anything to him?

5 A No. I didn't see any punching, no, sir.

6 Q Did he say anything that you could hear during that?

7 A Not that I'm aware of.

8 Q And what were they telling him to do?

9 A Put your hands behind your back.

10 Q And what happened to him? Could you see?

11 A They finally -- they finally got his hands behind his
12 back and got him handcuffed and picked him up and took him
13 over to the car.

14 Q Your house there is in Aiken County?

15 A Yes, sir, it is.

16 MR. WEEKS: Thank you. Answer any questions the
17 Defense has for you, Colt.

18 THE COURT: Cross-examination.

19 CROSS-EXAMINATION

20 BY MS. HAYES:

21 Q Good afternoon, Mr. Woody.

22 A Yes, ma'am, good afternoon.

23 Q The person that was on your back porch, did he try to
24 rob you?

25 A Did not, no.

1 Q He didn't try to come into your house, did he?

2 A No, ma'am.

3 Q He wasn't trying to hide from you?

4 A He didn't know I was there.

5 Q He was just sitting there?

6 A He was just sitting there with his back towards the
7 door, towards the house.

8 MS. HAYES: I don't have any further questions. Thank
9 you.

10 THE COURT: Anything further from this witness?

11 MR. WEEKS: No further questions.

12 THE COURT: Okay. Mr. Woody, you may step down.

13 Any objection to Mr. Woody being excused?

14 MS. HAYES: No objection.

15 THE COURT: All right. You're free to go, sir.

16 THE WITNESS: Thank you.

17 THE COURT: Thank you.

18 Call your next witness.

19 MS. HAMMACK: The State calls Deputy -- formerly Deputy
20 Czekaj, now, Deputy Ferrell.

21 THE CLERK: Place your left hand on the Bible and raise
22 your right.

23 AGNIESZKA FERRELL, after being duly
24 sworn, testified as follows:

25 THE CLERK: Have a seat in the witness box. State your

1 full name as soon as you're seated.

2 THE WITNESS: My full name is Agnieszka Ferrell.

3 DIRECT EXAMINATION

4 BY MS. HAMMACK:

5 Q And Deputy Ferrell, just for our court reporter, will
6 you spell your last name?

7 A It's F-E-R-R-E-L-L.

8 Q Thank you. Deputy Ferrell, will you tell the jury what
9 you do for a living?

10 A Yes, ma'am. I'm a sworn deputy for Aiken County
11 Sheriff's Office.

12 Q And how long have you been doing that?

13 A Six and a half years, two years in the detention
14 center.

15 Q And what do you do as a general rule on a daily basis?

16 A Patrolling.

17 Q All right. So patrolling, what does that mean? Are
18 you sitting at a desk waiting on your phone to ring or where
19 are you at on a daily basis?

20 A Well, just driving around town making sure that
21 everything is like it's supposed to be, doing a lot of
22 patrol checks.

23 Q Do you have a particular area of the county that you're
24 assigned to?

25 A Yes, ma'am, I'm usually around Monetta, Monetta area,

1 which is Highway 39, between Monetta all the way to New
2 Holland Road.

3 Q And were you working for the sheriff's office on
4 February 27th, 2020?

5 A Yes, ma'am.

6 Q What shift were you on that day?

7 A Morning shift.

8 Q And on morning shift, what does that mean as far as
9 what time you're getting to work?

10 A Well, usually, it's 6:00 a.m. to 6:00 p.m., but a lot
11 of deputies, including myself, we sign in around 5:15, 5:20.

12 Q Did you sign in around 5:15, 5:20 that morning?

13 A Yes, ma'am.

14 Q How quickly did you get a call that morning?

15 A Well, right after we signed in, I went to get gas from
16 our fuel point, which is located on May Royal, and within 20
17 minutes, I got the call for a suspicious person.

18 Q And what road is May Royal off of?

19 A Wire Road. It's between Wire Road and Columbia
20 Highway, North.

21 Q May Royal, where y'all's gas station is, is that right
22 there by the animal shelter?

23 A Yes, ma'am.

24 Q And when you were getting gas and you got a call for a
25 suspicious person, where did that call send you to?

1 A It send me to New Holland -- it was Anderson Road off
2 of New Holland Road.

3 Q And did you have any idea of what you were looking for
4 when you got there?

5 A Suspicious person, which was described as
6 African-American male, that's all.

7 Q Were you sent to a particular address on Anderson Road?

8 A Yes, ma'am, it was [REDACTED] Anderson Road.

9 Q And is that here in your jurisdiction in Aiken County?

10 A It is actually -- it is in the jurisdiction of Aiken
11 County, yes, ma'am.

12 Q Do you remember what the weather was like that morning?

13 A It was cold and kind of drizzling.

14 Q And when you got out at [REDACTED] Anderson Road, what's
15 actually at Anderson Road?

16 A I'm sorry, I didn't hear the question.

17 Q What's actually at [REDACTED] Anderson Road?

18 A Oh, yes, ma'am. It's a residence and quite big farm --

19 Q And -- oh, I'm sorry, I don't want to interrupt you.

20 A It's farmland and a big residence.

21 Q And when you got to [REDACTED] Anderson Road, where did you
22 stop your vehicle?

23 A It was on the side of the residence, I believe it was
24 left side. The vehicle was facing the carport, which is
25 open carport attached to the residence.

1 Q And when you got there, did you approach the house or
2 the carport?

3 A Yes, ma'am. Immediately, upon my arrival, I could
4 observe the person that matched the description of the
5 suspicious person sitting on the steps at the carport.

6 Q And when you saw the person matching the description of
7 the suspicious person sitting on the steps of the carport,
8 what was that person doing?

9 A He was -- the person was pretty much sitting. He had
10 his hands tucked inside of the shirt and he was hiding his
11 face inside of the shirt as well. It appeared like he's
12 cold.

13 Q So when you first walked up, could you see his face or
14 his hands?

15 A No, ma'am.

16 Q Could you see what he was wearing?

17 A Yes, ma'am, he was wearing jeans with, I think he had
18 like a big hole on his knees and dark-colored long-sleeved
19 shirt, no shoes.

20 Q What kind of -- well, let me ask you this, what
21 condition was he in? Did he have anything on him?

22 A Well, he was covered in -- I don't know how to say it,
23 but snot. He had his face and his shirt was covered in
24 snot.

25 Q Was there anything on his clothes?

1 A There was a lot of dirt and grass and a lot of dirt.

2 Q Was he wet?

3 A Well, when we actually come to the point of handcuffing
4 the subject, yes, he was cold. His clothes were wet.

5 Q His clothes were wet?

6 A Yes, ma'am.

7 Q Now, when you first got there and you saw him and you
8 can't see his face and you can't see his hands, what did you
9 do?

10 A Well, I asked him first if he's okay. I just wanted to
11 make sure that he doesn't need any help. And the second
12 thing is, pretty much for our safety, we ask the subjects to
13 show us their hands.

14 Q And you say that's for your safety. Is that to make
15 sure that they don't have anything that could hurt
16 themselves or you or the homeowner?

17 A That's correct, yes, ma'am.

18 Q And when you asked him to show you his hands, did he?

19 A No, ma'am. He had his hands tucked in and he just wave
20 his fingers around his face through the shirt. That's how
21 he showed us his hands.

22 Q And after you asked him to show you his hands and he
23 didn't, what did you do next?

24 A There was another deputy, Deputy Driscoll, he gave him
25 several orders and then later, like, within minutes, he did

1 not comply. So we, actually, had to force him to the ground
2 and get control of his arms, which were still tucked in.

3 When he fell to the ground after we put a lot of force
4 on him, he was laying on his stomach and his arms were under
5 his stomach. He was very hard to actually get control of
6 his arms.

7 Q So he was not complying with what Deputy Driscoll was
8 telling him to do?

9 A No, ma'am, he was not complying. And like I said, we
10 had a very hard time to actually get ahold of his arms.

11 Q And were you trying to get ahold of his arms, again,
12 for his safety and your safety and everyone's safety?

13 A Yes, ma'am. And the safety of the homeowner as well.

14 Q Is it your understanding -- well, tell me -- I'll get
15 back to that in just a minute. The whole time that this was
16 going on, I see you've got a black box on your uniform, what
17 is that?

18 A My --

19 Q What are you wearing right now?

20 A Oh, yes, ma'am. It's my body-worn camera.

21 Q And were you wearing your body-worn camera the day this
22 happened?

23 A Yes, ma'am, I was.

24 Q And did it record what happened?

25 A Yes, ma'am, it recorded the entire incident, but I

1 believe there was no sound.

2 Q Have you had a chance to review that camera footage to
3 ensure it's from that day?

4 A Yes, ma'am.

5 MR. THOMPSON: Your Honor, may we approach?

6 THE COURT: Yes.

7 (WHEREUPON, a bench conference was held.)

8 THE COURT: All right, ladies and gentlemen of the
9 jury, do y'all need a break? Raise your hand if you need a
10 little bit of a break, a cup of coffee, coke, something like
11 that? I know people get a little sleepy after lunchtime and
12 I don't want anybody to doze off, lose focus.

13 Do you want to stand and stretch? Do you want to go
14 back to your jury room? Raise your hand if you need a break
15 at this time.

16 (No hands raised.)

17 THE COURT: All right. Let's continue on with your
18 examination.

19 MS. HAMMACK: Thank you, Your Honor.

20 BY MS. HAMMACK:

21 Q Deputy Ferrell, I'm showing you what's been premarked
22 as State's Exhibit 13. Is that your body-worn camera
23 footage from this morning?

24 A Yes, ma'am.

25 Q And is it a true and accurate copy of what happened

1 that morning?

2 A Yes, ma'am.

3 MS. HAMMACK: Your Honor, at this time, we would move
4 State's Exhibit No. 13 into evidence.

5 THE COURT: Any objection?

6 MR. THOMPSON: No objection.

7 THE COURT: State's 13 is admitted without objection.

8 (WHEREUPON, State's Exhibit No. 13 admitted into
9 evidence.)

10 MS. HAMMACK: And, Your Honor, we'd like to publish it
11 at this time.

12 THE COURT: Yes, ma'am.

13 (WHEREUPON, State's Exhibit No. 13 published for the
14 jury.)

15 BY MS. HAMMACK:

16 Q Deputy Ferrell, when you got the call to respond to a
17 suspicious person, the person you found in the carport at
18 ■ Anderson Road, was that person supposed to be there?

19 A No, ma'am.

20 Q And after that person refused to follow your's and
21 Deputy Driscoll's commands, were y'all trying to arrest him?

22 A We tried to just detain him for our safety and for the
23 safety of the homeowner to find out what's going on pretty
24 much at this time. And he did not want to show us his arms,
25 his hands.

1 Q And did you, ultimately, attempt to arrest him for
2 disorderly conduct?

3 A No, ma'am, he was placed under arrest right after we
4 handcuffed him. It was not our intention at first.

5 Q Okay. Now, when we watched your video, at one point,
6 you had a black object in your hand. What was that?

7 A It was my taser.

8 Q Did you have to use your taser?

9 A Yes, ma'am, I had to use my taser to activate dry stun
10 on the subject to comply with our orders.

11 Q And when you say activate dry stun, that sounds like
12 something off of Power Rangers. What does that mean?

13 A It just gives an electric shock. It doesn't
14 incapacitate a person, it just gives electric shock to the
15 body.

16 Q And do you use that on somebody that's not following
17 your commands or is fighting?

18 A Yes, ma'am.

19 Q And when you activated that dry stun, did it,
20 ultimately, affect the person?

21 A Yes, ma'am. We were able to get ahold of one of the
22 subject's arms. And then I think within a minute, or less
23 than a minute, I had to activate a dry stun again to get in
24 compliance with his other arm.

25 Q Is that because he was still fighting y'all?

1 A Yes, ma'am.

2 Q How many deputies did y'all have out there?

3 A At the time, there was just myself and Deputy Driscoll.
4 Another two deputies showed up, Deputy Deas and Deputy
5 Givens.

6 Q And after y'all finally got him handcuffed, did you
7 attempt to get him in the patrol car to take him on in?

8 A Yes, ma'am. Those three deputies, they escorted the
9 subject to my patrol vehicle. And he was still not
10 complying with putting his feet inside of the vehicle.

11 Q So after he's in handcuffs and he's arrested and y'all
12 are trying to take him, he's still not doing what you're
13 asking him to do?

14 A Yes, ma'am.

15 Q How many deputies did it take to get him in the patrol
16 car?

17 A Three.

18 Q While we were watching your video, there were several
19 things that were handed to you that came off of his person.
20 It looks like a wallet and some cards. Did you have a
21 chance to examine those?

22 A Yes, ma'am, briefly. The first thing that was handed
23 to me was a wallet. I was just trying to find out who is
24 the subject because he was not telling us his name. And the
25 first ID that was located in the wallet, it didn't match the

1 description of the subject. The picture was different from
2 the subject. And then Deputy Deas handed me another ID,
3 which was the subject's ID.

4 Q So the second ID was the subject's ID. Were you able
5 to confirm it by matching the picture with him?

6 A Yes, ma'am.

7 Q And what was the name on that ID?

8 A Lincoln, Jonathan.

9 Q And when you say Lincoln, Jonathan, you're reading that
10 last name first, then first name?

11 A Yes, ma'am, last name is first, Lincoln, then Jonathan.

12 Q Were you able to identify the person you arrested that
13 day?

14 A Yes, ma'am.

15 Q And was that Jonathan Lincoln?

16 A Yes, ma'am.

17 Q And the person you arrested that day and charged with
18 resisting arrest, do you see him here in the courtroom
19 today?

20 A Yes, ma'am.

21 Q Can you identify him by telling us where he's at in the
22 courtroom and what he's wearing?

23 A He's at the table on the right side wearing, I believe,
24 gray long shirt.

25 MS. HAMMACK: Your Honor, let the record reflect that

1 the witness has identified the Defendant.

2 THE COURT: Yes, ma'am.

3 MS. HAMMACK: Deputy Ferrell, I don't have any further
4 questions for you. Please answer any questions the Defense
5 might have for you.

6 THE WITNESS: Thank you.

7 THE COURT: Cross-examination.

8 CROSS-EXAMINATION

9 BY MS. HAYES:

10 Q Good afternoon, Deputy Ferrell.

11 A Good afternoon, ma'am.

12 Q When you approached the man sitting on the porch, he
13 wasn't under arrest at that point, was he?

14 A No, ma'am, he wasn't.

15 Q He wasn't under arrest at the time he was on the
16 ground, was he?

17 A No, ma'am, he wasn't.

18 Q Your testimony was once he was placed in handcuffs, he
19 was under arrest?

20 A Yes, ma'am, he's under arrest for disorderly conduct.

21 Q And you testified that he wasn't under arrest for
22 disorderly conduct?

23 A No, ma'am, he was not under arrest when we tried to --
24 at first, we tried to detain the subject. And after the
25 fight and everything, we actually applied the handcuffs and

1 we informed that he's under arrest.

2 Q So was he charged with disorderly conduct?

3 A Yes, ma'am.

4 MS. HAYES: No further questions.

5 THE COURT: Anything further from this witness?

6 MS. HAMMACK: No, Your Honor.

7 THE COURT: Thank you. You may step down.

8 THE WITNESS: Thank you.

9 THE COURT: Any objection to Deputy Ferrell being
10 excused?

11 MS. HAYES: No objection.

12 THE COURT: You're free to go. Thank you.

13 THE WITNESS: Thank you.

14 THE COURT: Call your next witness.

15 MS. HAMMACK: Your Honor, the State calls Amber
16 Collins.

17 THE CLERK: Place your left hand on the Bible and raise
18 your right.

19 AMBER COLLINS, after being duly
20 sworn, testified as follows:

21 THE CLERK: Have a seat in the witness chair and state
22 your full name.

23 THE WITNESS: Amber Way Collins.

24 DIRECT EXAMINATION

25 BY MS. HAMMACK:

1 Q Good afternoon. I don't know whether to call you
2 Officer or Ms. How do you want me to address you?

3 A Amber's fine, whatever you like.

4 Q Thank you. Amber, what do you do for a living?

5 A I'm the forensic drug chemist for Aiken County
6 Sheriff's Office.

7 Q And as a forensic drug chemist, what does that mean
8 that you do?

9 A I analyze all of the thought-to-be controlled
10 substances that are collected throughout the county.

11 Q And Amber, there's a microphone in front of you with a
12 cover on it. I just want to make sure that the back of the
13 jury can hear you.

14 A Okay.

15 Q Did you have to go for any particular education or
16 training in order to become a forensic drug chemist?

17 A I have a Bachelor's Degree in chemistry and I was
18 trained by the South Carolina Law Enforcement Division, or
19 SLED.

20 Q And after you conducted that training -- was that class
21 training and practical, hands-on training?

22 A Yes, ma'am, it was both.

23 Q And once you completed that training and began testing
24 controlled substances collected by law enforcement here in
25 Aiken County, do you have to do any ongoing training or

1 education to stay up to date with science and information?

2 A When able, I attend conferences, but every Friday, I
3 meet with three other chemists within the state and we go
4 over each other's case work.

5 Q And, Amber, this might be an unfair question, but do
6 you know about how many times you've tested a substance here
7 in Aiken County?

8 A Over 10,000.

9 Q How many years have you been doing it?

10 A Fifteen.

11 Q And, Amber, have you ever testified in court before?

12 A Yes, ma'am.

13 Q About how many times?

14 A Seventeen.

15 Q Have you ever been qualified as an expert before?

16 A Yes, ma'am.

17 Q About how many times have you been qualified as an
18 expert?

19 A Seventeen.

20 Q And when you've been qualified as an expert, have you
21 come to testify about how you identify and analyze
22 controlled substances?

23 A Yes, ma'am.

24 MS. HAMMACK: Your Honor, at this time, we would offer
25 Ms. Collins as an expert in drug identification and

1 analysis.

2 THE COURT: Any voir dire?

3 MR. THOMPSON: No objection.

4 THE COURT: All right, ladies and gentlemen, normally,
5 a witness must testify as to their personal observations,
6 what they saw, smelled, touched, taste and heard, et cetera
7 and, generally, do not give opinion testimony. However,
8 when someone is qualified by virtue of their training,
9 knowledge and experience in some particular field, they are
10 permitted to give you opinion testimony within the area of
11 their expertise and the reason for their opinions.

12 Ms. Collins is qualified as an expert in the area of
13 drug identification and analysis. You do not have to accept
14 her opinions as the gospel, so to speak. Just like any
15 other witness, you give her testimony the weight and
16 credibility you think it deserves.

17 Ms. Hammack.

18 MS. HAMMACK: Thank you, Your Honor.

19 BY MS. HAMMACK:

20 Q Amber, did you have an opportunity to test any
21 substances related to this case?

22 A Yes, ma'am.

23 Q When you test any substance submitted to you, where do
24 you get those items from?

25 A There's a locker, it's like an old US dropbox postal

1 locker outside that's locked and I have the key. There's a
2 camera on it. I retrieve the items from there.

3 Q So when any deputy for the sheriff's office collects a
4 substance that they believe to be drugs, is that what
5 they're supposed to do is put it in that locker?

6 A They're supposed to fill out a BEST evidence kit and
7 put it in the envelope and drop it in the locker.

8 Q And that envelope, is it sealed so nobody else can open
9 it?

10 A Yes, ma'am, it's a tamper-evident pouch, so that if
11 there was any form of tampering, you would be able to see
12 it.

13 Q And, specifically, you would be able to see it?

14 A Correct.

15 Q And when an officer puts drugs into this drug locker,
16 can that officer then access that drug locker and get those
17 drugs back for any reason?

18 A No, ma'am.

19 Q Who can access that drug locker?

20 A You said can?

21 Q Who can?

22 A Me, myself.

23 Q So you have the only key to that drug locker?

24 A Yes, ma'am.

25 Q And it's under surveillance by a camera?

1 A Yes, ma'am.

2 Q Do you personally go collect drugs out of that locker
3 to test or do you make someone else go get them?

4 A No, ma'am, I do it.

5 Q So did you go get the drugs out of the drug locker in
6 this case?

7 A Yes, ma'am.

8 Q And when you got those drugs, were they in a BEST
9 evidence kit?

10 A Yes, ma'am.

11 Q And was that BEST evidence kit sealed?

12 A Yes, ma'am.

13 Q And, Amber, when you look at a BEST evidence kit, if
14 there was any indication that it had been opened or changed
15 or altered or tampered with, would you test those drugs?

16 A Absolutely not.

17 Q Amber, I'm going to hand you what's at this point only
18 been marked for identification. Will you take a look at
19 this and see if you recognize it?

20 A Yes, ma'am.

21 Q And how do you recognize it?

22 A It's one of our Aiken County Sheriff's Office BEST kits
23 and my initials are maintained here and where I sealed it.

24 Q So when you seal a BEST kit, is that after you examine
25 what's inside of it?

- 1 A Yes, ma'am.
- 2 Q And you initial over where you've sealed it?
- 3 A Yes, ma'am.
- 4 Q If somebody were to then go back after you and open
5 that, would it disrupt your initials?
- 6 A Yes, ma'am.
- 7 Q So you could look at that and see if it's been opened?
- 8 A Correct. It has not.
- 9 Q And when you look at that, can you see who submitted
10 that to the drug locker for your examination?
- 11 A Officer Knight.
- 12 Q And that BEST kit, does it say when that was submitted?
- 13 A The date it was sealed was 2/27/2020.
- 14 Q And, again, if there was anything wrong with that,
15 would you test it?
- 16 A No, ma'am.
- 17 Q Amber, I'm going to ask you to do something that, as
18 you've testified, nobody else has done yet. I'm going to
19 ask you to open that BEST kit.
- 20 A Okay.
- 21 Q Scissors okay?
- 22 A Yes, that's fine. This is a first for me. Okay.
- 23 Q Amber, inside of that BEST kit, is there just a single
24 substance?
- 25 A No, ma'am.

1 Q So there are multiple substances inside that BEST kit?

2 A Yes, ma'am.

3 Q When you test an item that's been submitted to you, if
4 you have several substances submitted to you, do you test
5 them separately?

6 A Yes, ma'am.

7 Q And when you test substances, what are you trying to
8 determine?

9 A If there's a controlled substance present.

10 Q And when you say a controlled substance, what does that
11 mean?

12 A Anything like methamphetamine, heroin, cocaine, crack,
13 anything along those lines, pills, prescriptions, little bit
14 of everything.

15 Q And did you test the multiple substances in this case?

16 A Yes, ma'am.

17 Q And when you test them, if -- well, whether you can
18 come to a conclusion or not, do you produce a report about
19 what you've done and what you found?

20 A Yes, ma'am.

21 Q And in that report, do you separate the different items
22 in your conclusion based on the different items?

23 A Yes, ma'am.

24 Q Amber, in this case, did you test each of those items
25 in your hand?

1 A Yes, ma'am.

2 Q And in each of those items, were you able to form a
3 conclusion based on a reasonable degree of scientific
4 certainty as to the identification of those items?

5 A Yes, ma'am.

6 Q Do you have your report with you?

7 A I do.

8 Q Specifically, I want to start with items numbers one
9 and two --

10 THE COURT: Yes, sir.

11 MR. THOMPSON: Your Honor, at this moment, I have a
12 matter that needs to be taken up outside the presence of the
13 jury.

14 THE COURT: Okay.

15 Ladies and gentlemen of the jury, please return to your
16 jury room. Don't discuss the case amongst yourselves.
17 We'll bring you back out shortly.

18 (WHEREUPON, the jury exits the courtroom at 4:10 p.m.)

19 THE COURT: Yes, sir.

20 MR. THOMPSON: Your Honor, I, of course, cannot predict
21 the future and do not know how to read minds, but I would
22 object to this report being entered into evidence insomuch
23 as the report, Your Honor, has one, two, three, four, five,
24 six, seven, eight, nine, ten, eleven, it has 12 different
25 items on it, some of which are prescription medication for

1 Mr. Lincoln that was found in Mr. Lincoln's car that's not
2 illegal for him to have because he has a prescription for
3 it.

4 I would just ask that it be -- I think it would be
5 difficult to enter the report into evidence and for the jury
6 to see a report that's got all kinds of redactions on it.
7 It's going to make it look bad and it's probably more
8 prejudicial than it is probative.

9 We have absolutely no objection if she's going to talk
10 about how hey, this is cocaine, this is heroin, this is
11 methamphetamine that I tested and was found in this BEST
12 kit. But the report itself I think is misleading in that it
13 contains information about things that are not illegal for
14 Mr. Lincoln to have.

15 THE COURT: Correct, but given the fact that there has
16 been testimony about prescription drugs and those
17 prescription bottles with his name entered into evidence,
18 does this simply not complete the picture? I mean, how is
19 it prejudicial?

20 MR. THOMPSON: Your Honor, I would also say,
21 apparently, there are some other things that he's not
22 charged with at this time that are on the report. And
23 that's my only argument, that it's misleading in terms of
24 whether he's guilty or innocent of the charges before us
25 today.

1 But, again, we don't have any objection at all to Ms.
2 Collins testifying about the fact that there is drugs that
3 were in the indictments and the weights of those drugs. I
4 don't have an objection to it.

5 THE COURT: Understood. We're also talking about a
6 report I've never seen.

7 I don't know what you're going to say, Ms. Hammack.

8 MS. HAMMACK: I may can save us some time, Your Honor.
9 I don't intend on entering the report into evidence. And,
10 specifically, the reason I'm asking Ms. Collins item-by-item
11 is because there are other items, such as fentanyl,
12 prescription drugs and marijuana. And because we are not
13 prosecuting him today for those substances, I was not going
14 to ask her about those or enter those.

15 MR. THOMPSON: And with that in mind, I would withdraw
16 my objection.

17 MS. HAMMACK: And that's why I'm having her open it so
18 we just enter the drugs for which we're prosecuting him
19 today.

20 THE COURT: Understood. Sounds like we've worked it
21 out.

22 THE WITNESS: Can I ask a question?

23 THE COURT: Sure.

24 THE WITNESS: Am I going to be pulling anything out of
25 here?

1 MS. HAMMACK: No.

2 THE WITNESS: Okay. Because there's fentanyl and other
3 stuff, I'd prefer gloves and a mask.

4 MS. HAMMACK: I'm not going to ask you to open the
5 bags, but the separate, like, meth -- okay.

6 THE COURT: Let's take five minutes or so.

7 (WHEREUPON, a short recess was taken.)

8 THE COURT: Bring the jury in.

9 (WHEREUPON, the jury enters the courtroom at 4:25 p.m.)

10 THE COURT: Ms. Hammack, you may continue with your
11 examination.

12 MS. HAMMACK: Thank you, Your Honor.

13 BY MS. HAMMACK:

14 Q Amber, I want to bring your attention to items one and
15 two from your report.

16 A Okay.

17 Q What were the items you tested in items one and two?

18 A Item one was three plastic corner bags containing
19 crystal-like substance. Item two was two plastic bags
20 containing crystal-like substance.

21 Q And did you test both of those items?

22 A Yes, ma'am.

23 Q And were you able to come to a conclusion as to what
24 those items were to a reasonable degree of scientific
25 certainty?

1 A Yes, ma'am.

2 Q What were those items?

3 A They were both found to be methamphetamine.

4 Q And what was the total weight of the methamphetamine in
5 those five bags?

6 A You making me do math. Around 49 grams.

7 Q Item one was how many grams?

8 A 1.53 grams.

9 Q And item two was how many grams?

10 A 47.57 grams.

11 Q And, Amber, are those items before you now?

12 A Yes, ma'am. Would you like me to pull them out?

13 Q I would love you to pull them out.

14 A (Witness complied.) This one is item two --

15 Q Give me just a second.

16 A Item two and item one.

17 Q So item two you've stated was 47 grams approximately of
18 methamphetamine?

19 A Yes, ma'am.

20 MS. HAMMACK: I am marking now as State's Exhibit 16
21 and entering that into evidence.

22 THE COURT: Any objection?

23 MR. THOMPSON: Without objection.

24 THE COURT: State's 16 is admitted without objection.

25 (WHEREUPON, State's Exhibit No. 16 admitted into

1 evidence.)

2 BY MS. HAMMACK:

3 Q And, Amber, you stated item one, you concluded, was
4 1.53 grams of methamphetamine?

5 A Yes, ma'am.

6 MS. HAMMACK: I am marking that as State's Exhibit 17
7 and at this time, we would move State's Exhibit 17 into
8 evidence, Your Honor.

9 THE COURT: Any objection?

10 MR. THOMPSON: Without objection.

11 THE COURT: State's 17 is admitted without objection.

12 (WHEREUPON, State's Exhibit No. 17 admitted into
13 evidence.)

14 BY MS. HAMMACK:

15 Q Amber, I'd like to refer you to items three and four
16 that you tested?

17 A Yes, ma'am.

18 Q What were the items that you tested in items three and
19 four?

20 A Item three was a plastic bag containing powdered
21 substance, four was a plastic bag containing powdered
22 substance.

23 Q And were you able to form a conclusion as to the
24 identity of those substances to a reasonable degree of
25 scientific certainty?

1 A Yes, ma'am, both were found to be cocaine.

2 Q And what was the weight of cocaine on item three?

3 A Point 96 grams.

4 Q And what was the weight of cocaine on item four?

5 A Point 60 grams.

6 Q And can you pull those items for me?

7 A Yes, ma'am. This one is number three.

8 Q And item three that you testified as point 96 grams of
9 cocaine I am marking as State's Exhibit 14.

10 MS. HAMMACK: At this time, Your Honor, we would move
11 State's 14 into evidence.

12 THE COURT: Any objection?

13 MR. THOMPSON: Without objection.

14 THE COURT: State's 14 admitted without objection.

15 (WHEREUPON, State's Exhibit No. 14 admitted into
16 evidence.)

17 THE WITNESS: This is number four.

18 BY MS. HAMMACK:

19 Q Amber, item four that you identified as 0.60 grams of
20 cocaine, I am marking as State's Exhibit 15.

21 MS. HAMMACK: At this time, we would move State's 15
22 into evidence, Your Honor.

23 MR. THOMPSON: Without objection.

24 THE COURT: State's 15 is admitted without objection.

25 (WHEREUPON, State's Exhibit No. 15 admitted into

1 evidence.)

2 BY MS. HAMMACK:

3 Q Amber, I'd like to bring your attention to item number
4 five that you tested in this case. What was the item you
5 tested that was labeled item five?

6 A Plastic corner bag containing rock-like substance.

7 Q And did you test that item?

8 A Yes, ma'am.

9 Q And were you able to come to a conclusion as to the
10 substance you tested to a reasonable degree of scientific
11 certainty?

12 A Yes, ma'am. Heroin was found.

13 Q And was there a weight on that heroin?

14 A Yes, ma'am, 1.49 grams.

15 Q Can you pull the 1.49 grams of heroin that you tested?

16 A Yes, ma'am. Number five.

17 MS. HAMMACK: At this time, I am marking that heroin as
18 State's Exhibit 18.

19 And Your Honor, we would move State's 18 into evidence.

20 MR. THOMPSON: Without objection.

21 THE COURT: State's 18 is admitted without objection.

22 (WHEREUPON, State's Exhibit No. 18 admitted into
23 evidence.)

24 BY MS. HAMMACK:

25 Q Amber, when you test these substances, you are looking

1 to identify what they are and also the weight or how much
2 they are. All of these items that you have testified to,
3 you have testified to their weight in grams?

4 A Yes, ma'am.

5 Q Is there another unit of measurement for heroin?

6 A Yes, ma'am.

7 Q Is that grains?

8 A Grains, yes, ma'am.

9 Q And I know you already said something about me making
10 you do math --

11 A I already got it written down.

12 Q Do you know how many grains of heroin are in the 1.49
13 grams of heroin that you identified in this case?

14 A Yes, ma'am.

15 Q How many grains of heroin is that?

16 A 22.99 grains.

17 MS. HAMMACK: Amber, I don't have any further questions
18 for you. Please answer any questions the Defense may have.

19 THE WITNESS: Yes, ma'am.

20 THE COURT: Cross-examination.

21 MR. THOMPSON: No questions, Your Honor.

22 THE COURT: All right. Thank you. You may step down.

23 THE WITNESS: Thank you, Judge.

24 MR. WEEKS: One very short recall witness to ask a
25 question.

1 THE COURT: Okay.

2 MR. THOMPSON: Without objection.

3 MR. WEEKS: Your Honor, the State would recall Officer
4 Knight.

5 THE COURT: All right. Officer Knight is still under
6 oath. You may proceed.

7 MR. WEEKS: Thank you.

8 DIRECT EXAMINATION

9 BY MR. WEEKS:

10 Q Officer Knight, at some point past the morning hours of
11 February the 27th, 2020, did you obtain warrants for the
12 arrest of Jonathan?

13 A I did. I completed warrant applications and had it
14 turned into bond court.

15 Q Okay. So, specifically, the warrant for --

16 A The warrant for failure to stop --

17 Q -- trafficking in methamphetamine?

18 A Trafficking in methamphetamine, PWID heroin, PWID
19 cocaine, failure to stop.

20 Q Thank you. And those warrants were, ultimately, served
21 on him and that's what brings us here today?

22 A Yes.

23 MR. WEEKS: Thank you.

24 THE COURT: Anything from this witness?

25 MS. HAYES: No --

1 BY MR. WEEKS:

2 Q What does PWID mean?

3 A Possession with intent to distribute.

4 THE COURT: Now, any cross-examination of this witness?

5 MR. THOMPSON: No questions.

6 THE COURT: Okay. Thank you. You can step down again.

7 Call your next witness.

8 MR. WEEKS: The State rest.

9 THE COURT: Okay.

10 Ladies and gentlemen of the jury, the State has now
11 rested its case. You've heard all the testimony you're
12 going to hear from the State. All that remains is the --
13 the next step would be any defense witnesses, if they're
14 going to happen. They may not, they don't have to. But it
15 is already a little after 4:30, so we're going to call it
16 quits for the day and send you home.

17 Do not discuss the case amongst yourselves or with
18 anyone else. Do not do any research about the case. Go
19 home and be back in your jury room at 9:30 tomorrow morning
20 and we'll finish the case then. Thank you.

21 (WHEREUPON, the jury exits the courtroom and is excused
22 for the day at 4:36 p.m.)

23 THE COURT: Any motions?

24 MR. THOMPSON: Your Honor, two. First of all, we would
25 make a general motion for a directed verdict in that in a

1 review of the evidence in the light most favorable to the
2 State that they have failed to prove the indictments against
3 Mr. Lincoln.

4 THE COURT: That is denied.

5 MR. THOMPSON: Secondly, we would move specifically on
6 the charge of resisting arrest. We would argue that the
7 video is not terribly helpful and that the officer testified
8 that he is not under arrest or they're not seeking to put
9 him under arrest until after they get him into handcuffs.
10 He may be resisting detainment earlier than that, but he's
11 not resisting arrest. He is not charged with resisting
12 detainment, he is charged with resisting arrest.

13 When they come upon Mr. Lincoln, at that point in time,
14 they do not know who -- the unrelated car chase, drug case
15 may or may not be related to Mr. Lincoln. At that point in
16 time, these events are separate. They're isolated. They're
17 just going for a suspicious person who's on this gentleman
18 farmer's carport.

19 When they come up to him, he's cold. He's kind of
20 sitting there and he doesn't want to cooperate with them,
21 but he's not under arrest. I believe the officer even
22 testified that half of what they're doing is kind of a well
23 check to see how he's doing.

24 We would argue that there's a failure to prove that
25 he's resisting arrest and, therefore, directed verdict ought

1 to issue for the Defendant on that charge.

2 THE COURT: Let me hear from the State.

3 MR. WEEKS: I would concede that the officer, when she
4 was first describing it said that he was not under arrest,
5 but she, based on their question, communicated he was being
6 arrested for disorderly conduct. And when she got him out
7 to the patrol car, he was, once again, disorderly and it
8 took three of them to get him into the patrol car. That's
9 after he was arrested. And she did charge him, according to
10 her, with disorderly conduct.

11 That's the State's response to that. I believe that
12 passes the test of in the light most favorable to the State.

13 THE COURT: I think it does, too. That bit about him
14 resisting efforts to get into the police car and it was on
15 cross-examination that she clarified the disorderly conduct.

16 So your motion for directed verdict on that issue is
17 respectfully denied.

18 MR. THOMPSON: Thank you, Your Honor.

19 THE COURT: All right. Does the Defense have a case?
20 Are you going to put up witnesses? Do you want me to advise
21 your client of his right to testify?

22 MS. HAYES: Yes, Your Honor.

23 THE COURT: Mr. Lincoln, you can stand where you are.

24 THE CLERK: Stand up. Raise your right hand.

25 JONATHAN LINCOLN, after being duly

1 sworn, testified as follows:

2 THE CLERK: He's sworn, Your Honor.

3 THE COURT: All right. You can stay standing, please.

4 Mr. Lincoln, at this time, I'm going to explain to you
5 certain of your rights. If you do not understand anything I
6 say, please let me know. If you want me to explain anything
7 in more detail, please let me know.

8 Do you understand?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Right now, we have reached the stage in the
11 trial where you may present your defense. You have the
12 right to claim the protections given to you by the Fifth
13 Amendment to the Constitution of the United States. This
14 amendment states in part that no person shall be compelled
15 in any criminal case to be a witness against himself. This
16 means that you cannot be required to testify in this case.
17 You have the right to testify on your own behalf; however,
18 no one can make you testify. This is a personal right and
19 no one can waive this right except you.

20 If you decide to testify, you will be subject to the
21 same rules that govern other witnesses and you may be
22 examined and cross-examined on any relevant issue in this
23 case.

24 In addition, if you have any convictions involving
25 dishonesty or false statement or for crimes punishable by

1 more than one year and this Court determines that the
2 probative value of admitting that evidence substantially
3 outweighs its prejudicial effect to you, the Solicitor will
4 be able to introduce your record to attack your credibility.

5 If you decide to testify, this decision on your part
6 must be freely, voluntarily and intelligently made with
7 knowledge of the protections given to you by the Fifth
8 Amendment and the consequences of your decision to testify.

9 If you decide not to testify, I will instruct the
10 jurors that they cannot give the fact that you did not
11 testify any consideration whatsoever and that there is to be
12 absolutely no prejudice to you because you did not testify.
13 It is left entirely up to you whether or not you testify.
14 You may talk with your attorney, your family and friends or
15 anyone else, but the final decision will be left entirely up
16 to you.

17 Do you understand what I have explained to you?

18 THE DEFENDANT: I do.

19 THE COURT: Do you have any questions about what I have
20 explained to you?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Okay. You can have a seat. Normally, the
23 next question would be will you testify, but since it's late
24 in the day, I'm going to give you overnight to think about
25 it, talk about it. You may change your mind and I don't

1 want to get an answer from you now if you change your mind
2 by morning. So we will get that answer from you in the
3 morning. Okay?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Okay.

6 Are there proposed jury charges from the State or from
7 the Defense?

8 MS. HAMMACK: Your Honor, given the time, if we could
9 kind of chew on that overnight and let you know in the
10 morning.

11 THE COURT: That's fine.

12 So I will see y'all at 9:30 tomorrow morning with the
13 proposed jury charges.

14 Now, Mr. Lincoln is on bond, but the trial has begun.
15 I think Mr. Lincoln has got to go into custody overnight
16 tonight.

17 All right. 9:30 tomorrow.

18 (WHEREUPON, court was adjourned for the day to be
19 reconvened on Friday, July 23, 2021.)

20 FRIDAY, JULY 23, 2021

21 THE COURT: Mr. Lincoln, yesterday, I explained to you
22 your Constitutional rights, your right to testify or your
23 right to choose not to testify. Have you had sufficient
24 time to discuss with your attorneys, family, friends,
25 whoever about whether you should testify in this case?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Do you need any more time to talk to
3 anyone?

4 THE DEFENDANT: No, Your Honor.

5 THE COURT: Do you need me to explain anything to you
6 in further detail?

7 THE DEFENDANT: No, ma'am.

8 THE COURT: Do you wish to testify in this case?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Thank you. You may have a seat.

11 Anything this morning before we bring in the jury?

12 Yes, ma'am?

13 MS. HAMMACK: Just wanted to bring up the Defendant's
14 prior criminal history that could be used as impeachment
15 should he testify. I believe the only things that would
16 qualify -- he's got some crimes of dishonesty that are older
17 than ten years old, but, specifically, within the ten-year
18 window, he's got a giving false information from August of
19 2011 and then he's got two convictions for possession with
20 intent to distribute marijuana from December of 2011.

21 THE COURT: And the State seeks to introduce all three
22 of those convictions?

23 MS. HAMMACK: I think all three are proper under the
24 law. I think given the charges in this case, it may be more
25 appropriate to refer to the marijuana convictions simply as

1 felony convictions or convictions for a crime carrying over
2 a year in the last ten years as opposed to actually naming
3 the offense.

4 THE COURT: Okay. What says the Defense?

5 MS. HAYES: Your Honor, the Defense would argue that
6 the drug convictions are more prejudicial than probative.
7 In regards to not really just dishonesty crimes, it shows
8 that he's had those convictions and makes the jury more
9 susceptible.

10 MS. HAMMACK: Your Honor, that's specifically why the
11 State is offering not to mention the drug convictions, to
12 minimize that prejudicial value.

13 THE COURT: Right, but then I don't know what they're
14 probative of when you just refer to two felony convictions.

15 MS. HAMMACK: Because the Rules of Evidence allow that
16 prior convictions for a crime carrying more than a year can
17 be used for impeachment.

18 THE COURT: If the Court determines that the probative
19 value of admitting the evidence outweighs the prejudicial
20 effect.

21 MS. HAMMACK: Absolutely, Your Honor. His credibility
22 is just as important to the jury as any other witness that
23 testifies and that goes to his credibility as a witness.

24 THE COURT: Let me hear from the Defense about
25 referring to them as felony convictions.

1 MS. HAYES: Your Honor, just referring to them as
2 felony convictions is more like character evidence and
3 that's what the jury is going to consider it as, which is
4 not allowed.

5 THE COURT: I tend to agree with the Defense because it
6 does not directly comment on the credibility of the witness.
7 If they were, in fact, crimes of dishonesty or false
8 statement, certainly, that connects credibility, but just to
9 say he's a criminal, you know, he has two felony
10 convictions, I think would be improper character evidence in
11 this situation. So I will not allow the two drug
12 convictions from December of 2011 to be mentioned.

13 What's the Defense's position on the false information?

14 MS. HAYES: I don't think that one should be mentioned
15 either.

16 THE COURT: I agree. So the State can't, of course,
17 mention that, question the witness about that.

18 Anything else before we bring in the jury?

19 MS. HAMMACK: Nothing from the State, Your Honor.

20 THE COURT: From the Defense?

21 MS. HAYES: Your Honor, the Defense at this time does
22 have a Defense request to charge. I believe I gave that to
23 your clerk. There is a court case that I need to attach to
24 that.

25 THE COURT: If you will pass that up and we will -- I

1 suppose we can go ahead and discuss that now.

2 Let me hear from the State on the Defense request to
3 charge right to resist unlawful arrest.

4 MS. HAMMACK: We don't have an objection.

5 THE COURT: Easy enough.

6 And my clerk tells me, Ms. Hammack, you mentioned
7 something about direct and circumstantial evidence. I
8 wasn't clear about what you meant.

9 MS. HAMMACK: Your Honor, I think this is probably a
10 case that would warrant the change defining both direct and
11 circumstantial evidence, but we would defer to Your Honor's
12 charge on that.

13 THE COURT: Okay.

14 MS. HAMMACK: That was all.

15 THE COURT: Okay. Good enough. We'll circle back with
16 the charge after the Defense rest.

17 Bring the jury in, please.

18 (WHEREUPON, the jury enters the courtroom at 10:02
19 a.m.)

20 THE BAILIFF: The jury is present, Your Honor.

21 THE COURT: Thank you, ma'am.

22 Good morning, folks. As you heard yesterday afternoon
23 before you left for the day, the State rested its case,
24 which means that you've heard all the evidence that you're
25 going to hear from the State. It's now time for the Defense

1 to present its case. I'd ask that you give the Defense your
2 full attention.

3 Defense may call your first witness.

4 MS. HAYES: Your Honor, at this time, the Defense calls
5 Jonathan Lincoln to the stand.

6 THE COURT: Mr. Lincoln, come around and be sworn.

7 THE CLERK: Place your left hand on the Bible and raise
8 your right.

9 JONATHAN LINCOLN, after being duly
10 sworn, testified as follows:

11 THE CLERK: Have a seat in the witness box and state
12 your full name.

13 THE COURT: Make sure you pull that microphone in front
14 of you.

15 DIRECT EXAMINATION

16 BY MS. HAYES:

17 Q Good morning, Mr. Lincoln.

18 A Good morning.

19 Q How are you today?

20 A I'm fine.

21 Q I'm going to need for you to speak up so the jury can
22 hear you. They need to hear what you're saying, so speak up
23 because you are a little soft-spoken. Okay?

24 A Yes, ma'am.

25 Q Do you remember the night of February 26th?

1 A I do.

2 Q Of 2020. Can you tell me what you were doing that
3 night?

4 A I was preparing myself to move.

5 Q You were in the process of moving. So what was going
6 on?

7 A Earlier in the day, I had packed all my belongings. I
8 had went to my storage unit and put away the things that I
9 was not going to take to the new residence with me. Just
10 prior to the incident in question, I went to the Burger King
11 on Columbia Highway, which is also known as No. 1. I went
12 to the Burger King there, ordered a meal. I sat in the
13 parking lot and ate the meal.

14 I then went to the Dollar General that is right across
15 the street. I went in and bought some Murphy's Oil
16 treatment stuff because I was getting ready to get on -- you
17 know, make a trip, so I was doing like a pre-trip inspection
18 of my vehicle, checking all the lights, tag, lights, things
19 of that nature.

20 I don't know how far you want me to go. I can tell you
21 everything that happened that night.

22 Q Where did you go -- let's go farther. Where did you go
23 after you left the Dollar General?

24 A After leaving the Dollar General, I went further up
25 Columbia Highway, also, known as No. 1, under the interstate

1 to a road called Piper Road or either Piper Street. It's
2 one of those two, but it's Piper.

3 Q What were you going there for?

4 A I was going to talk to my nephew, Adonis, to see if he
5 would like to ride with me to the new place that I was
6 moving to.

7 Q Did you go to his house?

8 A Yes, ma'am.

9 Q And tell me what happened next.

10 A When I pulled into the yard, it's a relatively dark
11 yard. There's a primary house on the property that sits at
12 the front, then that same person owns a trailer that sits
13 behind his residence. And it's separated by a very small
14 fence.

15 I pulled into the driveway as instructed by my nephew's
16 mother, which is not my sister, but which is my brother's --

17 Q You can just call her your nephew's mom.

18 A Yeah, nephew's mom. I don't like to use the term
19 baby's mama. It sounds a little --

20 Q You can use nephew's mom?

21 A It's my nephew's mom, but we are close because my
22 nephew is like 25 years old, so he's not a young guy.

23 So I pulled into the yard. I have to relieve myself --
24 and it's also an understanding --

25 Q Hold on. What do you mean? You had to do what?

1 A Relieve my -- use the bathroom.

2 Q Okay.

3 A So it's an understanding between me and my nephew and
4 his mother, like, I don't come knocking on her door at ten
5 o'clock at night. So, mainly, what I do when I go to see
6 Adonis because he doesn't really keep a cell phone -- and
7 that's weird and I know it, but he doesn't keep a cell phone
8 regularly.

9 So I pull into the yard and I leave my lights on and I
10 turn my music -- I mean, I keep my music just enough where
11 if they're in the house, he can hear it. He'll know it's me
12 and he'll come outside if he's not already sitting outside
13 because he sits outside a lot.

14 Continue?

15 Q So you get out?

16 A Yes, ma'am.

17 Q Tell me what happens then.

18 A I get out of my truck. I take about, I guess, six or
19 seven steps to where this gentleman is at with the brown
20 coat, tan coat, that's about how far I am from my vehicle.
21 I have my tablet in my hand because I'm playing my music off
22 of my tablet and I can also control the volume to my radio
23 from my tablet in case someone comes out and is like hey,
24 turn the music down, you know.

25 So I'm using the restroom right here and kind of

1 looking at my tablet like this right here. So I'm looking
2 back this way in the same direction that my truck is
3 pointing, but I'm not really looking at my truck. I'm
4 looking more at the woods behind the house, behind the
5 trailer.

6 While I'm using the restroom, I notice that the lights
7 on the trees are moving. So it kind of -- you know, if you
8 see lights moving, you know a car's moving, so I'm thinking
9 either a car's pulling in or my truck's pulling out. So I
10 turn around and look and my truck's pulling out of the yard.

11 Now, at this time, I don't know for sure what is going
12 on. I know now today. And at that time, I had a --

13 Q You said you turned around and your truck was leaving?

14 A Yes, ma'am, it was backing out of the driveway.

15 Q At that moment, what did you think?

16 A At that moment, I immediately thought that my nephew
17 was in my truck. I immediately knew it and thought it.

18 Q You thought your nephew was taking your truck?

19 A Yeah. Not in a criminal way, not like stealing my
20 truck, but I caught you slipping, you know, one of those
21 type of playful things.

22 Q A joke?

23 A Yeah.

24 Q The truck is now leaving this driveway. What are you
25 doing?

1 A I'm walking toward the truck trying to tell him like
2 hey, stop playing, man, stop playing, basically, like that.
3 But he can't hear me or anything, so I'm kind of like body
4 language, more or less, like, man, come on, man, stop
5 playing, I got stuff to do. And he backed out -- I don't
6 even know if he was looking at me at this point because I
7 can't see inside the truck.

8 Q And your belief at that time is you think it was your
9 nephew, but you don't know?

10 A I have no idea.

11 Q But that's what you thought at the time?

12 A Yes.

13 Q So the truck does stop. So after that, what happens?

14 A Well, at that point, I walk to the trailer where he
15 lives. I tap on the door kind of lightly and I go around to
16 his window and I tap a little harder on his bedroom window.
17 Like I say, I don't want to wake his mom or disrupt his mom
18 because she can be a little snippy.

19 So I give it -- I don't want to quote exact times, but
20 I give it about maybe 10, maybe 15 minutes for him to pull
21 back up.

22 Q Did anybody answer the door of the trailer?

23 A No, ma'am.

24 Q So no one responded to your knocks. All right. And
25 after you waited 15 minutes, did the truck come back?

1 A No, ma'am, it did not.

2 Q So then what did you do?

3 A At that time, I kind of gave the house a once-over, a
4 look to see, you know, if anybody was in there because now,
5 I'm not so worried about waking his mom up because now, I'm
6 a little mad. So I'm like well, you know, you shouldn't
7 have been playing.

8 So I go back to the house and look it over. I don't
9 hear anybody in there. I don't see any signs of life or
10 movement in there. So at this point, I'm really mad because
11 now, nobody is there to even help me and I'm out here way
12 out.

13 So I begin to walk. I get on Piper Road. Piper Road,
14 if you make a left onto it going the same way that I came,
15 you go right back to No. 1.

16 Q And how far down Piper Lane would you estimate that
17 your nephew lives?

18 A In miles or time?

19 Q Well, how long did it take you to walk from your
20 nephew's house to No. 1?

21 A I would say probably in between 20 to 30 minutes to
22 walk from there to there.

23 Q So you're walking, what do you do next? Tell us what
24 happened next.

25 A Well, the entire time that I'm walking, I'm searching

1 for anybody's residence that has, like, an open WiFi signal.
2 Because I have a function on my phone, I don't know if
3 anybody's familiar with it -- well, you can track your
4 device using Google Track My Device is what it's called.

5 Q You said a function, would you call it an app?

6 A App, yes, I'm sorry, app.

7 Q So you have an app on your phone. Tell us what it
8 does.

9 A Google Track My Device, it allows you to put devices
10 onto like, I guess, your list of devices that are accepted.
11 You can use this app to track your device almost anywhere.
12 I've used it prior to track a device to the train station in
13 Columbus, so I know it works pinpoint almost, the satellite
14 accuracy.

15 Q But at this time, you don't have WiFi so your tablet is
16 not working?

17 A My tablet's not working.

18 Q Okay. So what do you do next? You're walking, what
19 happens next?

20 A Well, I continue walking until I get to No. 1. I make
21 a right walking on No. 1. From Piper Road to the interstate
22 is probably a four-or-five-minute walk. You can definitely
23 see the interstate from right there.

24 So it's like go under the interstate and the first
25 business that you approach will be McDonald's on your right

1 and Waffle House on your left. And there's a hotel --
2 Waffle House right here, there's a hotel right here and then
3 there's Shaw Industry right there, and it's another hotel
4 right there and a gas station right there. Gas station
5 would have been closed. McDonald's, I believe, was closed,
6 also.

7 So I walked over to the Waffle House because, you know,
8 there's always people at the Waffle House. But at this
9 time, there was like maybe one customer in the Waffle House.
10 He didn't really look like he wanted to be bothered. I
11 didn't really bother him. I didn't feel like I was in a
12 state of panic at this point. I'm mad, but not panicking.

13 So I see the hotel. I attempt to get close to the
14 hotel, but I don't have a room there and I don't want to be
15 trespassing, so I try to stay as far away from the hotel
16 while still being able to catch their WiFi signal. So I'm
17 standing kind of at Shaw and that hotel's property. And I'm
18 standing out kind of close to the road.

19 Tell me when I should stop or just continue.

20 Q And were you able to get WiFi from the hotel?

21 A No, I was not.

22 Q So then what happened?

23 A A vehicle pulls up -- a vehicle pulls up. I can
24 remember the vehicle being white. There was one occupant in
25 the vehicle, it was a white female. She rendered me aid. I

1 cannot speak to why or what made her --

2 Q So when you say she rendered you aid, what did she do?

3 A She stopped to see how she could help me. And I told
4 her well, the first thing you can do to help me is to allow
5 me to use your WiFi. Because I was trying to give her a way
6 to help me without actually having to even touch me or me
7 get near her because I was trying to make -- because this
8 might be my only help, so I'm trying not to scare her off.
9 I know sometimes, you know, people can come off somewhat
10 threatening, so I'm trying to be like if you can just give
11 me a WiFi signal, I can handle everything from there.

12 So she was like fine. She cut on her WiFi hotspot.
13 She pings her signal. I log into her signal. My tablet's
14 up and working. I jump onto my Google Track My Phone and
15 immediately once I answer the appropriate questions, I
16 immediately know where my phone is at. And my phone is in
17 my truck, so now I know where my truck is at.

18 Q So you pinged your phone. I have a question I'm sure
19 everybody wants to know. When you got to the Waffle House,
20 why didn't you call the police when you got to the Waffle
21 House and you tell them that someone took your truck?

22 A I understand that this may not be proper protocol, but
23 I did not want to call the police on my nephew. I mean, he
24 just had lost his brother. He going through some things.
25 He had just lost his job. And for me to compound all of

1 that by calling the police on him.

2 Q So you think it's your nephew who's got your truck?

3 A Excuse me?

4 Q You think it's your nephew who's got your truck?

5 A At this time, I don't know. I do know today that it
6 was.

7 Q So after you ping your phone, what do you do then?

8 A I inform the young lady of the information I just found
9 out. I told her, you know, I found my truck, I found my
10 phone, would you please be so nice as to take me to it. And
11 she obliged me and said come on, yeah, it's no problem. I
12 got in the vehicle with her and I'm sitting there tracking
13 my phone to this point.

14 Q Where did she take you?

15 A She took me, ultimately, to the intersection of Shaws
16 Fork and New Holland Road.

17 Q Is that where your phone was pinging, in that area?

18 A Well, when I told her where, I only told her New
19 Holland Road. So when she seen New Holland, she assumed
20 that her deed was done. And I was like, well, it's a little
21 bit more on down the road here. And she's looking down the
22 road like that road is extremely dark. I don't know you
23 like that. She was, more or less, like well, you know, I
24 got to go.

25 So I'm like -- I'm extremely happy to get this far, so

1 I'm like yes, thank you. If I can ever find you in the
2 future, I will definitely look out for you. You know, at
3 this time, I think I'm fixing to get my truck back.

4 Q Okay. So she lets you out at Shaws Fork and New
5 Holland Road. At that point, what do you do?

6 A I book it. I start on foot walking down New Holland
7 Road. I, in fact, see officers. I see cars. I see police
8 cars, none with their lights on. And they should have, in
9 fact, seen me walking down New Holland Road.

10 Q So tell me -- once you're in that area, what all are
11 you doing? Where are you going? What are you doing?

12 A If you're familiar with that area, it's very wild. I
13 mean, like animals and stuff like that right there and it's
14 extremely dark. So I'm walking, I'm scared. I get chased
15 by animals a few times because people out there, they don't
16 tie their dogs on. You know, their property is so big, they
17 don't have reason to tie their dogs on. So when their dogs
18 come running at you -- and they not really used to seeing
19 people walk down the road because it's not a place where
20 people really walk.

21 So I'm scared, I'm running, jumping up in trees,
22 jumping on picnic tables to get away from animals, stuff
23 like that right there. And this was a really, really long
24 walk. I had no idea that road was that long. And I walked
25 all the way until I got to where -- I think it's important

1 to say that when I got out of the car, I ceased to have
2 internet. So wherever my -- whatever my tablet was showing
3 me at the time I lost my internet, that's what it was still
4 showing. So it's still showing that my vehicle and my phone
5 are there, but this information is old. It's like --

6 Q To where it pinged last?

7 A Yeah, that's where it pinged last.

8 Q So, ultimately, you're out in this area. What are you
9 doing out there?

10 A I'm looking -- trying to get to the spot where my phone
11 last pinged from, so I'm walking. On my way, these things
12 are taking place, you know, I got chased by two sets of
13 dogs. Sometime I might have just been jumping from stuff
14 that was imagined, noises and stuff, but I did get chased by
15 dogs twice on my way to the car.

16 Q So you're searching for -- you're out there. When did
17 -- I guess, tell us what happened. You got chased by the
18 dogs. What happened after that?

19 A It's really uneventful, just walking and trying to --
20 and like I say, only things that I remember or that are
21 pertinent, I guess, to this situation is that I was walking
22 and I seen the officers. I seen some of the cars.

23 It took me a while to get to the location. I don't
24 have any way of knowing how long it took me to get there. I
25 just know it was extremely long. I was extremely tired.

1 But what Officer Czekaj said about me having snot on my -- I
2 mean, all that is very true.

3 Q Well, let's fast forward to that morning when you were
4 -- how did you come to be on Mr. Woody's porch?

5 A When I got to the place where it said my truck was at,
6 when I got to the point where it said my phone and my truck
7 was at, I looked and it's a big swamp of darkness. It's
8 nothing. Now, at this point, I'm deflated. I done walked
9 all the way down here.

10 And I didn't really realize -- at the time, I wasn't
11 really thinking that this information is old as the last
12 time I had internet access. I wasn't really thinking about
13 that. I'm thinking it's still pinging, it's still pinging,
14 it's still pinging, you know, so it's still there. When I
15 get there, I don't see anything. I'm totally deflated. I
16 mean, I have no way of getting home. No way of calling
17 anybody. I'm out here in -- I mean, it's very rural out
18 there.

19 So I go to the first house that looks, I guess, like
20 they won't shoot me if I walk on their property. I kind of
21 try to use a little bit of common sense. I do see a work
22 truck under the patio. I see a work truck, so I know that
23 somebody is about to -- I feel that somebody is about to go
24 to work.

25 So I try to be as unthreatening as possible, which is

1 why I was -- I was cold, that's why I was balled up. It was
2 very cold out there. And I was trying to keep my face warm,
3 so I had my face covered up as much as I could, you know,
4 and I'm breathing inside my shirt to keep my face warm and
5 my ears warm.

6 And like I said, I just tried to be as -- I know when
7 you see a guy sitting on your back steps, you might just
8 come out shooting. So I'm like I wanted to look as
9 unthreatening as possible and, hopefully, he'll either do
10 one of two things: He'll come out and help me or he'll call
11 the police.

12 Q So you're sitting on the porch, the police show up.
13 Tell me what happened then.

14 A Contrary to what they might say or believe, I was very
15 happy to see the police. I was very happy to see the
16 police. At this time, I don't even know my truck is stolen.
17 All I know is that the police are here and they won't leave
18 me here. They'll take me somewhere.

19 So when they get there, I was -- you know, I was in a
20 state of kind of like just waking up. You know, I'm a
21 little grouchy, grumpy and a little stiff. I'm 38 years
22 old, so I'm not no spring chicken. I'd been through a lot
23 that night. My joints and stuff are a little stiff.

24 I don't know if you want me to get into the interaction
25 with the police or what. I don't know when to stop.

1 Q Well, Deputy Ferrell testified that when she got there,
2 you didn't have any shoes on. Why didn't you have any shoes
3 on?

4 A Because I left -- first of all, I never had on shoes.
5 I never had on shoes. That's a very big important thing
6 that I think should be brought to the attention of everyone
7 in the courtroom. They were not shoes. They were slippers,
8 bedroom slippers, the Dollar General kind that you buy for
9 three dollars. I was getting ready to take a trip. When I
10 was at Dollar General, that's when I put slippers on because
11 I had no intention of getting back out of the truck, really.
12 So I had on slippers.

13 When I stepped out of my vehicle to use the restroom in
14 my nephew's yard, it was raining. It was raining that day.
15 There's high grass out there. And just to be honest with
16 you, I would never wear my bedroom shoes on the outside,
17 like, ground. I wouldn't do it if it wasn't wet. It's just
18 like one of my things.

19 So I hopped out the truck in my socks. Just took six
20 steps over to about where the gentleman is and used the
21 restroom. I mean, if I sound a little country for that, I'm
22 sorry, but I don't mind getting out the truck with my socks
23 on. I would rather do that than get out with my bedroom
24 shoes on.

25 Q The police testified that when they searched the

1 vehicle that they said is your's, there was some illegal
2 drugs in there. When you had your truck, was there any
3 illegal drugs in that truck?

4 A Illegal?

5 Q Illegal, yes.

6 A No, ma'am.

7 Q That you're not supposed to have?

8 A No, ma'am.

9 Q And all your belongings were in the car because you
10 were moving?

11 A Yes.

12 Q All right. One more question, couple more, when the
13 police approached you on Mr. Woody's porch, there was -- we
14 really don't know what the conversation was, but you didn't
15 cooperate with the police. Why did you kind of fight with
16 them a little bit?

17 A I was a bit agitated because I was being treated like a
18 criminal when, at best, I was a victim. I was not -- I
19 thought they were here to help me and they immediately start
20 to accuse me of things. Even if they would have asked me
21 some things, that would have been, you know, a little more
22 becoming, but they immediately started to accuse me of
23 something. And at this time, I have no idea that my truck
24 has even been involved in anything other than my nephew
25 taking it.

1 Q So the police never questioned you about anything?

2 A I've had zero questions from Aiken County Sheriff's
3 Department even to this day. They did zero investigation,
4 zero.

5 Q So they never talked to you?

6 A Never, ever. They didn't even ask me my name.

7 MS. HAYES: Mr. Lincoln, at this time, I don't have
8 anymore questions for you. Please answer any questions the
9 State may have.

10 THE WITNESS: Yes, ma'am.

11 THE COURT: Cross-examination.

12 MR. WEEKS: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. WEEKS:

15 Q Well, your name is what?

16 A Jonathan Art Neal Lincoln.

17 Q And it is on your ID that was in your wallet that they
18 took off of you that night, correct?

19 A Yes, sir.

20 Q And this happened February the 26th of 2020?

21 A What happened?

22 Q This event where they arrested you. February 27th,
23 actually, when they arrested you?

24 A Yes, sir.

25 Q And your nephew is still alive?

- 1 A Yes, sir, he is.
- 2 Q Is his mama still alive?
- 3 A Yes, sir, she is.
- 4 Q They still live in the same place?
- 5 A No, sir.
- 6 Q They moved, too?
- 7 A Well, her house burnt down.
- 8 Q Okay. You still don't want to say that it was your
9 nephew that took your truck?
- 10 A I think I already said it is, sir.
- 11 Q Yeah, well, you didn't give us his name. Has he got a
12 name?
- 13 A Yes, sir, Adonis Baker.
- 14 Q Adonis?
- 15 A Adonis Lincoln Baker.
- 16 Q Adonis Lincoln Baker. And his mother's name?
- 17 A Chevron Baker, mother of Kalia Baker.
- 18 Q Okay. And are they here today?
- 19 A No, sir.
- 20 Q Now, the police recovered your car, correct?
- 21 A Yes, sir.
- 22 Q In fact, you went and picked it up or you got somebody
23 to go pick it up from the tow yard, didn't you?
- 24 A Yes, sir.
- 25 Q Okay. And that car was registered to you?

1 A Yes, sir.

2 Q It was a Durango, light-colored Durango?

3 A Yes, sir.

4 Q Four-door?

5 A Yes, sir.

6 Q And you said you can't see in the windows, so it was
7 heavily tinted?

8 A It was. I didn't say that. Officer -- Sergeant Knight
9 said that.

10 Q Well, you just said on the stand, you can't see in the
11 window. You didn't see who was backing out of the driveway
12 in your car?

13 A Yeah, I couldn't see. No, sir, I couldn't.

14 Q And that's because it's very tinted, isn't it?

15 A I guess, but it was also nighttime, too.

16 Q And the address you were moving from was [REDACTED]

17 [REDACTED]?

18 A Yes, sir.

19 Q And that's on the south side of Aiken?

20 A No, sir.

21 Q Where is it at?

22 A That location which you're speaking of is off of Pine
23 Log Road. I live off of Whiskey Road on [REDACTED] that
24 is a dead end.

25 Q Okay.

1 A Yes, sir.

2 Q And that's on the south side of Aiken, isn't it?

3 A It's not -- well, I guess. It's in between New
4 Ellenton and Aiken. I mean, I don't know what they consider
5 that.

6 Q When you pulled up in your nephew's driveway that
7 night, you had your prescription drugs with you?

8 A I had the majority of my belongings with me because I
9 was moving.

10 Q Well, your prescription drugs are your belongings,
11 right?

12 A Yes, sir.

13 Q And these marked State's No. 8 and State's No. 7 are
14 your's; is that correct?

15 A I would like to see them first.

16 Q That's why I'm handing them to you.

17 A Okay. These are definitely my pill bottles.

18 Q And were they in your truck that night that your nephew
19 supposedly stole?

20 A Yes, sir, I assume they were.

21 Q You say you assume they were?

22 A I mean, I'm trusting the word of the officer who said
23 that he retrieved them out of my truck. I had a lot of
24 stuff in there. But I'm going off the fact that the officer
25 said he took my truck, so, yes, sir.

1 Q Where do you think he would have gotten your
2 prescription pill bottles if it wasn't out of your truck?

3 A Probably out of my truck. I don't remember putting
4 them there is what I'm saying.

5 Q How about these scales for measuring drugs, were they
6 in your truck, too?

7 A I assume they were.

8 Q Well, did you put them there?

9 A It's a possibility that I did.

10 Q Possibility? How about all the baggies? Were you
11 collecting baggies for making your lunch? Were they in your
12 truck?

13 A Yes, sir. If the officer said they were in my truck, I
14 do not disagree with him.

15 Q Okay. Is it your shotgun that was in your truck?

16 A Was that my shotgun in the truck?

17 Q Was it?

18 A It was.

19 Q And I assume when you were preparing to testify and
20 going over with your lawyers, you looked at the shoes that
21 they had or the slippers that they had in evidence?

22 A (Witness shakes head.)

23 Q Your lawyers never showed you that?

24 A Huh-uh, I brought that to their attention.

25 Q You thought what?

1 A I brought that to their attention.

2 Q You brought it to their attention that your shoes
3 should have been -- or your slippers should have been in the
4 truck?

5 A I brought it to my lawyers' attention that prosecution
6 referred to these slippers as shoes, which was a little more
7 hard to understand why they were not on my feet than would
8 be slippers.

9 Q Okay.

10 A Slippers are --

11 Q So you're kind of adjusting your story to whatever the
12 State had?

13 A No, the facts showed that they were slippers. I just
14 wanted the jury to understand that I did not have on whole
15 shoes and was not wearing whole shoes. I took off slippers,
16 which is much more common to take off. And as evidenced by
17 your officers that that's what was actually on the ground
18 and in the truck were slippers and not shoes.

19 Q So you bought the slippers at Dollar General, as I
20 understand it?

21 A Or Wal-Mart, one of the two.

22 Q Well, did you put them on in Dollar General?

23 A I said I put them on while I was at Dollar General.

24 Q Okay. So I'm assuming you would have took off some
25 shoes to put these slippers on and those shoes should have

1 been in the truck. But, clearly, your testimony is you had
2 on sock feet the entire night?

3 A That's not my testimony. My testimony is that I had my
4 slippers on while driving. When I got out at that one point
5 to use the restroom, I slid off my slippers because I did
6 not want to step into the cold, wet grass with those inside
7 shoes on. I used the restroom -- I had no intention of
8 staying unshoed all night.

9 Q But you did, according to your testimony?

10 A Yes, sir.

11 Q After that point?

12 A Yes, sir.

13 Q So you got out in the cold, wet grass in your sock
14 feet?

15 A Yes, sir, I did.

16 Q Trooper said they found a couple phones in your car.
17 Were they your phones?

18 A I would assume so.

19 Q You've had two years to look through all the evidence,
20 Mr. Lincoln. They weren't your phones?

21 A I was incarcerated for an entire year with no bond. So
22 I've had roughly six months to go through stuff that has
23 been went through by other people who retrieved my truck.

24 Q Okay. Were your phones left in your car when you got
25 out to take a piss and look at your tablet at the same time?

1 A Yes, sir.

2 Q Okay. So those are the phones that you were tracking
3 with your tablet?

4 A Yes, sir. I was only tracking one phone, though.

5 Q Only tracking one phone. And, of course, you're out
6 all night long tracking from Shaws Fork and New Holland
7 Road. That's where it pinged?

8 A No, it pinged to wherever it was, which I now know to
9 be Anderson Road --

10 Q I'm sorry --

11 A Or it really didn't ping to Anderson Road, it pinged to
12 the field where the truck was at, but that showed up on the
13 GPS as, basically, nowhere. So I have to reference it to
14 the next closest road or point or something to get you to
15 understand where it was at. Because the truck was in a
16 field and that's where it was pinging from, a field.

17 Q Didn't you say under direct examination that when you
18 first pinged your phone, it was at Shaws Fork and New
19 Holland Road?

20 A I think the record will reflect that I did not say
21 that. I said that is where she dropped me off at, was at
22 Shaws Fork and New Holland Road. I said that my phone
23 pinged from New Holland Road. New Holland Road is a very
24 long road. Where she dropped me off was the intersection of
25 Shaws Fork and New Holland. I knew when I got out the car

1 that my phone was not there, but further down the road on
2 New Holland.

3 Q I thought you said you looked around and there wasn't
4 anything close?

5 A That's after I'd walked from Shaws Fork to the point
6 where it said my car was at.

7 Q And how far was that?

8 A By way of the crow, I have no idea, sir. I mean, it's
9 nighttime, it's dark. I have no kilometer, I don't know. I
10 can estimate for you, though.

11 Q Well, to get to where they found you on Mr. Woody's
12 porch, how did you get there?

13 A I walked.

14 Q You walked? So you walked down New Holland Road toward
15 New Holland -- you know where New Holland is?

16 A New Holland is also a place?

17 Q Town.

18 A Oh, it's a town. So I didn't know that. I thought it
19 was just a road, but if that's the case, then, yeah.

20 Q Somehow five or six o'clock in the morning, you found
21 yourself in Mr. Woody's carport?

22 A Yes, sir.

23 Q So you would have had to walk down New Holland Road for
24 a long way, get attacked by wild dogs and wild animals --

25 A I didn't get attacked. I got chased, though.

1 Q Every police officer that was in this pursuit would
2 have driven past you if you were on New Holland Road. And
3 you didn't try to wave them down? You didn't do anything?

4 A They traveling pretty fast, so by the time you realize
5 that it's a police officer, they zoom past you. And it's
6 been my experience that officers don't really help you when
7 you in distress on the side of the road. I've been on the
8 side of the road several times and police will pass me by.
9 I will flag them down and they will say I can't put anybody
10 in my car.

11 Q And how many officers do you think passed you that
12 night while you were walking?

13 A How many do I remember passing me? I remember police
14 passing me, at least, three times.

15 Q All right.

16 A But I'm not walking, like, next to the road. I'm kind
17 of off of the road somewhat, too. I'm not walking right
18 next to people that's doing 70, 80 miles per hour on a
19 two-lane road.

20 Q Would you agree that your mail was in the glove box of
21 your Durango with your address on it, some mail?

22 A I would agree that my mail was in the truck.

23 Q Okay.

24 A I don't want to be too specific.

25 Q So these officers aren't lying about that?

1 A No.

2 Q Now, the carport that they pull up on you, obviously,
3 not a residence that you have permission to be in. How long
4 did you sit there before the police arrived?

5 A It seemed like a minute. I dozed in and out of
6 consciousness. I was --

7 Q You dozed sitting there on those brick steps?

8 A Yes, sir.

9 Q And, of course, you saw the truck out there and that's
10 what led you to go to that carport. You didn't knock on the
11 door?

12 A I did.

13 Q You knocked on the door of Mr. Woody's house?

14 A Yeah -- excuse me, yes, sir.

15 Q Okay.

16 A I might have even rung the doorbell. I was really
17 trying to get his attention. I was not there to do
18 anything, any harm or anything to anybody.

19 Q And you're wet, you're soaking wet?

20 A Yes. I mean, not soaking, but, yeah. It's cold, so it
21 feels -- I feel pretty wet. The bottom of my pants were,
22 like, really wet. And those holes, those jeans are designed
23 like that. Maybe they was stretched a little bit more, but
24 they originally were bought with holes and patches in them.

25 Q And no question, when they were wrestling with you, at

1 some point, they got the handcuffs on you; is that right?

2 A Yes, sir.

3 Q And even when you walked to the car, they escorted you
4 to the car that they took you to the jail in, you still
5 resisted, didn't you? Kicking your feet out?

6 A No.

7 Q In fact, you told them to tase you again, didn't you?

8 A It's possible I could have said that. I mean, at this
9 time, I've been pretty much beaten up by the police. I'm
10 pretty sure that y'all seen that. I was attacked by the
11 police, beaten up. Their cams were -- their body cams were
12 intentionally turned away from that so that you wouldn't see
13 it.

14 They're telling me to put my arms behind my back. When
15 Deputy Czekaj admitted on the stand that my arms were up
16 under my stomach with my entire weight on my arms, but
17 you're telling me to put my arm behind my back. How is that
18 even possible if you have your knee in my back putting your
19 weight, plus my weight on top of my hands saying give me
20 your arm, give me your hand.

21 And I'm saying if these videos would actually have the
22 audio that they actually had before, I guess, somebody took
23 it out, you can hear me saying, I'm not resisting. I'm not
24 resisting. How can I give you my arm if it's up under my
25 body.

1 Q All right.

2 A It's all on the audio.

3 Q When they first came up to you and you're sitting there
4 all huddled in your shirt, they asked you to show your
5 hands. And you did this little thing there across the top
6 of the shirt?

7 A Yeah. Sir, if you'll allow me to explain that. What
8 happened was, when he asked me to show him my hands, I stuck
9 my hand through the neck of my shirt. What I was doing was
10 attempting to pull my arm back in and stick it through the
11 arm of my shirt and that's when he grabbed me. If you watch
12 the video very closely, that's what I did. I said -- and
13 then I was like hold on, and he started to grab me and throw
14 me on the ground. I was complying. I never ever did not
15 comply with the police officer. I had no reason not to.

16 Q All you had to do was stand up, but you didn't do that?

17 A He didn't tell me to stand up. If I would have stood
18 up, he might would have hit me.

19 Q And there's no question you continued to resist, even
20 when you got to the car?

21 A Even though it's not illegal to resist an unlawful
22 arrest, I did not resist. Even though I could have, I did
23 not.

24 Q You didn't resist?

25 A By law, I could have, but I did not. I'm sorry, I did

1 not. I wanted them to help me.

2 Q And from Shaws Fork to where you ended up on Anderson
3 Road, there weren't any houses that belonged to all these
4 wild dogs that you could have walked up to and asked for
5 assistance?

6 A At this point, I feel like I had been assisted enough.
7 I had already found where I believed my vehicle to be. I'm
8 on the way to it. I know none of these people. I think
9 that I can only risk being shot or worse by walking up to
10 these people's house this time of night.

11 Now, if I can show this person, hey, look, I pinged my
12 car to your yard and that's why I'm in your yard, that would
13 be different. But to walk up to somebody's house at this
14 time in the morning in this part of the county is very
15 dangerous for a black man, I'm sorry.

16 Q When you were at Waffle House, whatever the motel is
17 there, Hardee's, Burger King, Bojangles, all those places up
18 and down the road, Dollar General, you didn't try to call
19 the police to tell them that somebody stole your car?

20 A As I stated, I had no intention of calling the police
21 on my nephew.

22 Q But you didn't know it was your nephew?

23 A I did not know it, but I had a very good feeling that
24 it was and it turned out to be him. So my hunch was right.
25 And I'm actually -- well, in light of this, I'm not going to

1 say I'm glad I didn't call the police. I'm not going to say
2 that.

3 Q In light of what?

4 A In light of all this, what I've suffered for not
5 calling the police on my nephew. But it would take
6 something like this right here to make me change my mind
7 about calling the police on my nephew when he's just trying
8 to play a prank on me.

9 Q On New Holland Road?

10 A What about New Holland?

11 Q He's trying to play a prank on you by driving your car
12 to New Holland Road?

13 A Oh, I think that was -- I think that point has been
14 left out. There was probably no time between the taking of
15 my car and the pursuit by the police for me to call the
16 police.

17 After reading the motion of discovery, he was blue
18 lighted on I-20, right? So from Piper Lane to the point
19 where he was blue lighted on I-20 by car is roughly two to
20 three minutes. He went off Piper Lane, jumped right on the
21 highway, was immediately blue lighted by Mr. Knight and the
22 chase ensued from this point. I know this now from reading
23 the testimony of the officers and stuff.

24 Q But your testimony is that a whole group of police
25 officers passed you when you were walking on New Holland

1 Road in your sock feet?

2 A A whole group would mean that they would have been
3 riding together, right? So no, they passed me at different
4 times. Not a whole group of police cars, no, sir.

5 Q One after another?

6 A One, then maybe three or four minutes later, another
7 one and ten minutes later, another one. I mean, I was
8 walking on the road for a long time, so I can't -- but I
9 know for a fact that I didn't see more than two of them
10 riding together at a time, so I wouldn't call it a group.

11 Q And you don't dispute that you're the same Jonathan
12 Lincoln who was convicted in 2011 for giving false
13 information to the police?

14 A That was me, sir.

15 Q That was you?

16 A I do not dispute that.

17 I don't lie, Your Honor, when -- I mean, when I'm
18 guilty, I say I'm guilty. When I'm not guilty, I will come
19 this far with it. I'm sorry, I just -- I think that justice
20 should serve everybody. It's served against me in the past.
21 I feel like and hope today that it serves me in the
22 positive.

23 MR. WEEKS: No further questions, Your Honor.

24 THE COURT: Any redirect, Ms. Hayes?

25 MS. HAYES: No, Your Honor.

1 THE COURT: Thank you, sir. You may step down.

2 Call your next witness.

3 MS. HAYES: Your Honor, at this time, the Defense rest.

4 THE COURT: All right. Ladies and gentlemen, the
5 Defense has now rested its case. There's some matters of
6 law I need to discuss with the attorneys outside of your
7 presence. Please return to the jury room. Don't discuss
8 the case amongst yourselves. I'll bring you back shortly.

9 (WHEREUPON, the jury exits the courtroom at 10:52 a.m.)

10 THE COURT: Any motions?

11 MR. THOMPSON: Your Honor, at this time, the Defense
12 would specifically renew the motion for directed verdict on
13 the resisting arrest charge.

14 The argument of the State is somewhat circular. If you
15 ask okay, well, how did he resist arrest? He resisted
16 arrest by failing to get into the police car and not
17 cooperate when he was being told to get in the police car.
18 What was he under arrest for at that point in time? And the
19 answer is he's under arrest for disorderly conduct. What
20 was the disorderly conduct? And the answer is the
21 disorderly conduct was his failure to cooperate with the
22 police officers when they wanted to detain him.

23 Actually, the law for disorderly conduct under section
24 16-17-530, the only way you can get arrested for disorderly
25 conduct is either being grossly intoxicated in public, which

1 there's no allegation he was grossly intoxicated;
2 discharging a gun or pistol or fireman, there's no
3 allegations he was discharging a firearm; using obscene,
4 profane language, there's no allegations he was using
5 profane language.

6 The only other ground for arresting him for disorderly
7 conduct is conducting himself in a disorderly and boisterous
8 manner. The only conduct that was disorder and boisterous
9 is his alleged refusal to cooperate with them when they want
10 to detain him, which is a circular argument. We're going to
11 arrest you for not wanting to be arrested.

12 There is no such law as resisting detainment. That's
13 not a thing. Normally, when you resist detainment, there's
14 other issues and factors and they end up arresting you
15 because they have probable cause to arrest you for other
16 things. But there's no such thing as resisting detainment.
17 What he's doing is resisting detainment. The police
18 characterize his resisting of being detained as disorderly
19 conduct and, therefore, they get to arrest him for
20 disorderly conduct, which, Your Honor, I submit is a
21 circular argument that should not be allowed. And at this
22 point in time, we would move for directed verdict on the
23 resisting arrest charge.

24 I do have one other motion, but I'll sit down on this
25 one.

1 THE COURT: I'll hear from the State.

2 MR. WEEKS: Your Honor, we made the argument at the
3 close of the State's case, viewing it in the light most
4 favorable to the moving party as always that the officer
5 testified that when they got out to the car, he continued to
6 resist his arrest for disorderly conduct.

7 Now, I understand his argument that he was not being
8 disorderly. I beg to differ based on the facts and the
9 testimony of the officer that he was resisting their arrest.

10 MR. THOMPSON: And, Your Honor, my argument is not
11 based on any kind of disagreement about the facts. I would
12 move, though, that as a matter of law that he's not -- the
13 actions that he -- everything alleged is true. The actions
14 that he does as a matter of law are not disorderly conduct
15 and, therefore, he can't be arrested for resisting arrest
16 because he's being arrested for something that's not a
17 crime.

18 THE COURT: Right, if the only disorderly conduct -- if
19 the only conduct he was disorderly was the effort to resist
20 being detained, that is not disorderly conduct, therefore,
21 no lawful arrest. So at the police car, he can't be
22 resisting arrest because no lawful arrest has been made.

23 MR. THOMPSON: Yes. That is our argument, yes, ma'am.

24 THE COURT: And I agree with you. Motion granted.

25 MR. THOMPSON: Additionally, at this time, we would

1 make a general motion for directed verdict based under Rule
2 19.

3 THE COURT: That is respectfully denied.

4 MR. THOMPSON: Thank you, Your Honor.

5 THE COURT: Okay. Now, let's discuss jury
6 instructions.

7 MR. THOMPSON: Your Honor, frankly, I think the
8 proposed jury instruction, since Your Honor has ruled on
9 directed verdict is -- frankly, I believe that is not
10 necessary.

11 THE COURT: Absolutely.

12 So presumption of innocence, reasonable doubt, direct
13 and circumstantial evidence, credibility of witnesses,
14 expert witnesses, identification of the Defendant as the
15 person who committed the crimes charged.

16 Any objection to that?

17 MR. WEEKS: I'm not sure what your's says.

18 THE COURT: I've modified it and it's relatively short,
19 so I'll read it. An issue in this case is the
20 identification of the Defendant as the person who committed
21 the crimes charged. The State has the burden of proving
22 identity beyond a reasonable doubt. You must be satisfied
23 beyond a reasonable doubt of the accuracy of the
24 identification of the Defendant before you may convict the
25 Defendant.

1 Once again, I instruct you the burden of proof is on
2 the State of every element of the crime charged and this
3 succinctly includes the burden of proving beyond a
4 reasonable doubt the identity of the Defendant as the person
5 who committed the crime. If after examining the testimony,
6 you have a reasonable doubt as to the accuracy of the
7 identification, you must find the Defendant not guilty.

8 That may could use some work.

9 MR. WEEKS: It's a little long.

10 THE COURT: It's a little repetitive. I've been
11 working on it while listening to testimony.

12 MR. WEEKS: Also, your charge on reasonable doubt, do
13 you charge also firmly convinced?

14 THE COURT: Yes.

15 MR. WEEKS: I know I interrupted you when you got to
16 the ID. So you were going down the list of your charges.

17 THE COURT: Then criminal intent, followed by prior
18 record of the Defendant, which may only be considered in
19 determining whether the Defendant's testimony is believable
20 and for no other purpose.

21 Then I get into elements of the crimes, possession with
22 intent to distribute, which I combined since there were two
23 charges of PWID. That is charged with possession with
24 intent to distribute cocaine and possession with intent to
25 distribute heroin, the elements of those, the inference,

1 weights. I have our possession of ten or more grains or --
2 I'm sorry, or 0.65 grams of cocaine.

3 MR. WEEKS: I believe it's a gram, Your Honor.

4 THE COURT: Is it? 10 grains or one gram?

5 MR. WEEKS: No, I think it's a gram.

6 THE COURT: So it's not a grain. I'm sorry, yes.

7 MR. WEEKS: On cocaine, I think it's still a gram.

8 THE COURT: I think you are correct. Possession of one
9 or more grams of cocaine. And then heroin, I may have old
10 information, two or more grains?

11 MR. WEEKS: Yes, ma'am.

12 THE COURT: Or 0.13 grams I think is the calculation of
13 heroin. And then I have trafficking --

14 MR. WEEKS: 28 to 99 -- to 100.

15 THE COURT: 28 to 100. Okay. And that's it?

16 MR. WEEKS: More than 10 grains -- more than 28 grams,
17 I'm sorry, for that trafficking statute.

18 THE COURT: Right, 10 to 28. But it's more than --

19 MR. WEEKS: 28 to 100.

20 THE COURT: That's right. I don't know why I said that
21 because I'm looking at the 28 to 100. So right, more than
22 28 grams.

23 Yes.

24 MR. THOMPSON: Your Honor, I agree with the Solicitor
25 on that and I don't want to weigh into the math on this. I

1 do have one completely separate item just for the expedient
2 progress of the trial. I'm fairly certain that Mr. Weeks is
3 not planning on mentioning this in close, but we would
4 object to any argument in close of where are the nephew or
5 the aunt or whoever as burden shifting. It would probably
6 end up in a mistrial. I'm certain they're probably not
7 going to do that. I just wanted to kind of bring that to
8 the Court's attention.

9 THE COURT: Mr. Weeks?

10 MR. WEEKS: I'm not going to be doing close, but he
11 testified as to, basically -- I don't know what you would
12 call it, an alibi or somebody else did it kind of defense.
13 I think it's proper, we should be able to talk about where
14 his auntie --

15 THE COURT: I think it's clearly burden shifting.

16 MR. WEEKS: He shifted it. He opened the door.

17 THE COURT: To fingering his nephew, but, I mean, if it
18 were an armed robbery, you know, generally, the defense is
19 not that no robbery occurred, it's that it wasn't me,
20 generally. Maybe they don't have the name of the person who
21 they know did it, but no, I think it's not proper.

22 All right. Anything else before we close this one out?

23 MR. WEEKS: I don't know there's anything particular
24 about the failure to stop charge.

25 THE COURT: I completely forgot, that's what happened.

1 No, I will charge that of course. Yeah, there's nothing
2 special about it.

3 MR. WEEKS: Thank you, Your Honor.

4 THE COURT: Thank you for mentioning it.

5 All right, we're going to take --

6 Yes, ma'am.

7 MS. HAMMACK: I'm going to let you talk first.

8 THE COURT: No, go ahead. We're about to break, go
9 ahead.

10 MS. HAMMACK: I was just going to ask because the State
11 does plan on using some of the demonstrative evidence for
12 closing if we could have a few minutes.

13 THE COURT: Yeah, we'll take about 20 minutes.

14 (WHEREUPON, a short recess was taken.)

15 THE COURT: State ready?

16 MS. HAMMACK: We are, Your Honor.

17 THE COURT: Defense?

18 Oh, sorry.

19 MS. HAMMACK: I just wanted to make sure we're all on
20 the same page under State V. Beattie since the Defense did
21 introduce evidence in this case, the State is reserving
22 right to rebut following Defense closing.

23 MS. HAYES: We have no objection, Your Honor.

24 THE COURT: Wonderful.

25 All right. Let's bring the jury in.

1 Let me just quickly put on the record. I did provide
2 both sides copies of the jury instructions.

3 Any objection from the State?

4 MS. HAMMACK: No, Your Honor. But I do have one other
5 thing I just thought about.

6 THE COURT: Okay.

7 Let's pause on the jury. Can you close the door?

8 MS. HAMMACK: Sorry.

9 THE COURT: Was there any objection from the Defense?

10 MS. HAYES: No, Your Honor.

11 MS. HAMMACK: I don't think we've ever selected a
12 Foreperson.

13 THE COURT: We didn't, and I'm going to. I mean, I
14 haven't yet, but while y'all were talking, I picked it out.

15 MS. HAMMACK: Perfect. I just thought about it.

16 THE COURT: Thank you.

17 Bring in the jury.

18 (WHEREUPON, the jury enters the courtroom at 11:54
19 a.m.)

20 THE COURT: Welcome back, folks. It's getting on to
21 lunchtime, but we have ordered lunch for you. It will be
22 here shortly.

23 In the meantime, all that remains for this trial is the
24 closing arguments of the attorneys and my charge to you on
25 the law that applies to this case. You will then retire to

1 deliberate until you reach a verdict.

2 So I know there was a question about cell phones.
3 Unless there is an urgent matter, I have not intended to
4 allow you access to your cell phones. Typically, I would
5 over lunchtime, but because we've ordered lunch in and I
6 think the lunch will be here by the time we get done in the
7 courtroom, what I would like is for you to eat lunch and
8 deliberate. So, of course, you cannot have your cell phones
9 during deliberations. I wasn't going to make a separation
10 there.

11 If there is an urgent matter, a childcare matter or
12 something along those lines and you absolutely need to have
13 your cell phone, if you would raise your hand at this time.

14 (No hands raised.)

15 THE COURT: Perfect.

16 So in that case, I'm going to ask you to give the
17 attorneys your undivided attention for their closing
18 arguments.

19 Yes, ma'am.

20 MS. HAMMACK: Thank you, Your Honor.

21 CLOSING ARGUMENT BY THE STATE

22 MS. HAMMACK: It's been a long week, y'all. Friday is
23 here. I thank y'all for staying here. We have to be here
24 anyway, but I know it's been a long week and I appreciate
25 your patience. This is my chance I get to talk to y'all

1 about what has occurred this week and then you will get a
2 chance to make a decision on your own.

3 Over the course of this trial, yesterday and today, the
4 facts have gotten a little bit easier for you because
5 there's not a whole lot that anybody disagrees about. In
6 fact, most of what happened the night of February 26th going
7 into the morning of February 27th, 2020, is undisputed.

8 So let's talk first about things we can all agree on so
9 then we can focus on just the little decisions that you have
10 to make. There is no question and you don't have to debate
11 whether on the evening of February 26th, 2020, that officers
12 with the Aiken County Sheriff's Office attempted to perform
13 a traffic stop on a white Dodge Durango traveling on I-20.
14 Nobody is saying that didn't happen.

15 We know that that night, Sergeant Knight started a
16 traffic stop on I-20 when a Durango drove by him with the
17 windows so tinted that his lights wouldn't go through that
18 tint and he couldn't even see the silhouette of somebody
19 driving that vehicle. He told you what the legal tint law
20 is here in South Carolina.

21 We know that Sergeant Knight pulled out behind that
22 Durango, put on his blue lights. And when the Durango
23 didn't stop, he put on his sirens. Y'all watched more
24 videos than y'all probably wanted to watch of lights and
25 sirens and taillights in the dark for 20 minutes of video,

1 at least.

2 We know from those videos and from the testimony that
3 that traffic stop went from mile marker 25, here we have US
4 1, which is Exit 22, going towards Columbia. The very next
5 exit is the Wire Road exit, Exhibit 29. We know that the
6 Durango turned off of the highway and started coming down
7 Wire Road, all the way back to town, past the jail, past the
8 animal shelter, right there at the elementary school almost
9 back to the bypass where it turned left on New Bridge Road.

10 We know from the video that Sergeant Knight was behind
11 that Dodge Durango with lights and sirens. We know that
12 Highway Patrol was behind that Dodge Durango. We actually
13 see on those videos when the officers passed Highway Patrol
14 to take charge of the pursuit. We know Sergeant Palmer was
15 behind that vehicle with lights and sirens. Y'all had to
16 watch his video, too.

17 As the video is going, you hear the officers talking to
18 dispatch and you heard them testify 80 miles an hour, 90
19 miles an hour, 85 miles an hour, 70 miles an hour going back
20 away from town on New Bridge Road, passing neighborhoods,
21 mailboxes. I couldn't count how many mailboxes we passed
22 watching this video. To where it dead-ended on New Holland
23 Road, still lights and sirens, still the vehicle was not
24 stopping, going twice the speed limit on these roads. The
25 vehicle turned away from town back north onto New Holland,

1 all the way to a field off of New Holland Road.

2 Sergeant Knight and Sergeant Palmer both testified that
3 this car chase was almost 31 miles. We went all the from
4 the highway back to town and back all the way out to where
5 this vehicle stopped. And it didn't stop, it didn't stop on
6 the side of the road. This vehicle pulled into a field.
7 Law enforcement was behind it. Half of them got stuck. And
8 then the driver of that vehicle did what law enforcement
9 called bush bond. He took off and ran. That is not in
10 question. Nobody is saying that didn't happen.

11 Now, when we go to the next picture, the other thing
12 that we know is that that vehicle was left in this field.
13 The driver's door was open. No other doors were open.
14 Officers stated that the vehicle stayed in their sight the
15 entire time they were pursuing it. And they stated when
16 that vehicle stopped in the field, nobody got out of the
17 passenger side, nobody got out of the back. The only door
18 that was open was that driver's door. And there was so much
19 stuff in that Durango, nobody else could have fit in it.

20 We know that law enforcement searched up and down the
21 road, searched these fields, got the tracking dogs out
22 there. They searched half the night looking for the person
23 that ran from this car, that ran from police.

24 And what we also know that's undisputed, that nobody is
25 arguing about, just a few hours later, at ■ Anderson Road,

1 right here, just on the other side of the woods from that
2 car was the Defendant, Jonathan Lincoln.

3 What else do we know that's not in argument, that
4 nobody is disputing, that you can accept as fact? We know
5 that that white Dodge Durango that was running from the
6 police at speeds up to 90 miles an hour past people's houses
7 for 31 miles, we know that that Dodge Durango is his. The
8 DMV said it was. He said it was. The tag is registered to
9 him. The vehicle is registered to him.

10 We also know as fact that his mail was in that car with
11 his name and address. His prescription bottles, he looked
12 at them, said yep, these are definitely mine. Jonathan
13 Lincoln, [REDACTED], were in that Durango. His phone
14 was in that Durango. Those were his tinted windows. His
15 slippers. Law enforcement said they found a shoe that
16 somebody had come out of when they ran out of that car. He
17 said, yeah, I was wearing slippers. His shotgun was in the
18 back of that Durango. His baggies. You can't really put a
19 sandwich in this, they're little baggies, found in his car.

20 And, importantly, in that bag in the front passenger
21 seat, is scales. He answered Solicitor Weeks on
22 cross-examination, Yeah, it's possible I left my scales in
23 my truck. These don't measure out hamburger meat or
24 chicken.

25 What's also undisputed that you can take as fact is

1 that the Defendant was found just on the other side of the
2 woods from his car the night that his car ran from the
3 police, it was raining. You saw it on video. He said it
4 was raining. And we know as fact that he was wet and he was
5 dirty. And he didn't have any shoes on.

6 And the last thing that we know, that we don't have to
7 question, that everyone in here agrees on is that in the
8 Defendant's own car off of New Holland, the same time he's
9 found off of New Holland, there's a bag and in that bag is
10 full of drugs. 1.56 grams of powder cocaine, 22.99 grains
11 of heroin and 49.1 grams of methamphetamine.

12 Members of the jury, that makes your job a lot easier.
13 You won't have to argue about that stuff. All of that we
14 know is true. So the only question before you guys is was
15 the Defendant driving his own car when he ran from the
16 police? Was the Defendant, the owner, in possession of
17 these drugs in his car that night? So we've narrowed this
18 down for one question for you.

19 Now, let's talk about what we know about who could have
20 been the driver of that car and who could have had
21 possession of those drugs. I don't want to spend a whole
22 bunch of time talking about it, but I do think it's
23 interesting what the Defendant told you.

24 The Defendant wants you to believe all that stuff is
25 true about the drugs in the car and all that, but I wasn't

1 driving my car because my nephew took it on a joy ride
2 across the county. And everything in that car was mine,
3 except for the illegal stuff. All the other stuff is okay,
4 yeah, I'll claim that, but I'm not going to claim that
5 because it's against the law.

6 The Defendant wanted you to believe that the reason he
7 didn't have any shoes on is not because he ran out of his
8 slippers running from the police and that's why there's one
9 laying right by the car when the police stopped, that's not
10 why his slipper is right there. His slipper is there
11 because he got out to go pee in the grass and he took his
12 slippers off because they're inside shoes and he didn't want
13 to get them wet. He said it was high grass and it was
14 raining and he had socks on.

15 So he's okay with getting his socks wet and dirty and
16 then put those wet and dirty socks back in his indoor shoes.
17 That's okay, but he doesn't want to get his shoes wet. He's
18 got his other shoes that he took off to put those slippers
19 on. But he's not going to put those shoes on to step out
20 away from his car to go to the bathroom outside. He's going
21 to get out in the rain in his sock feet. That's what he
22 wants you to believe. That's the silliest thing I've ever
23 heard.

24 He wants you to believe that his nephew took his truck
25 just for fun, just a joke and didn't bring it back. And his

1 phone is in the car. So he's got to figure out where his
2 truck is and he's got to find his phone, so he's going to
3 get some WiFi to track his phone. So he walks from Piper
4 Lane back under the I to where -- there's all kind of
5 businesses. We've got gas stations, we've got a McDonald's,
6 we've got a Bojangles across the street, there's a hotel.
7 There's all these places -- the Waffle House. There's all
8 these places to stop.

9 So he goes to these places and he doesn't call the
10 police because he doesn't want to get his nephew in trouble.
11 Why didn't he just call his own phone? Hey, nephew, this
12 isn't funny anymore. Just call me and come back and get me.
13 Walk to a landline, you don't need WiFi to use a landline,
14 just call him. The hotel, why couldn't he just walk in the
15 hotel and pick up the phone and say hey, nephew, bring my
16 truck back? This isn't cool. But he doesn't do that. He
17 goes and gets just close enough to hook up to WiFi until a
18 good samaritan arrives. He doesn't know this woman from
19 Adam's house cat, but she's willing to stop and let him use
20 her WiFi. Not her phone.

21 Again, even if he doesn't want to call the police, he
22 could have called his own phone that his nephew has. He
23 could have called his nephew's mom. He could have called a
24 friend. He could have called anybody for a ride, but he
25 says no, no, I just want to use your WiFi, that's all.

1 But, also, as long as I'm not being too big of a
2 burden, can you drive me to New Holland from US 1? I don't
3 know you from Adam's house cat and it's dark and raining,
4 but rather than just letting me make a phone call, why don't
5 you drive me across the county to the country? And he found
6 the world's best good samaritan in Aiken County to drive a
7 stranger in the dark to New Holland?

8 The Defendant wants you to believe that when he was out
9 -- she dropped him off at Shaws Fork and New Holland, still
10 a long way from where he ended up. He wants you to believe
11 that he saw all these police cars going up and down the
12 road. And he said, quote, sitting in that chair, he said to
13 you, They should have seen me.

14 The police have chased somebody for 31 miles in the
15 Defendant's car. They have a tracking dog. They are
16 walking in the rain on foot and driving up and down the road
17 looking for the person that ran from the police. You think
18 they wouldn't have stopped if they saw him? They should
19 have seen me. And even though the police are looking for
20 somebody, they don't stop when there's somebody on the side
21 of the road.

22 The Defendant said he hoped the homeowner would help or
23 call the police when he got to the house. He said he
24 knocked on the door, rang the doorbell. And y'all got to
25 hear from Colt Woody that lived at that house. He said I

1 was in bed and I heard the sirens. I woke up and I turned
2 the lights on for safety. My wife called the neighbor. We
3 made sure we were all locked up and we went back to bed.
4 But he's not going to hear a knocking on the door or a
5 ringing of the doorbell? Colt Woody don't know anybody
6 involved in this case. He doesn't have any reason to come
7 in here and lie to you. If his doorbell had been rung or
8 somebody knocked on his door, he would have told you. But
9 that's not what happened.

10 So the Defendant talked all about using his tablet to
11 turn on his music and control his music. And that's what he
12 was using to try to locate his phone. Well, y'all saw the
13 video when law enforcement found him at Anderson Road, where
14 was his tablet? If he was walking all over creation pinging
15 his phone, where was his tablet?

16 You see, there's a lot of problems with the Defendant's
17 story about why it wasn't him driving that car and why these
18 weren't his drugs. So let's talk about some of the things
19 that we know that tells us that it was the Defendant driving
20 that car running from the police and that he was running
21 from the police because he knew exactly what was in his car.

22 We've already said it's undisputed, it's his car. His
23 stuff is in the car. The prescription bottles with his name
24 on them are in the car. The paperwork in the glovebox is
25 his. Those shoes found by the car -- and Sergeant Knight

1 says there's footprints to the wood line that aren't shoe
2 prints. They're footprints.

3 It's amazing the story he had to come up with to
4 explain why he was so close to his car on the opposite side
5 of the county from where he lives, somewhere he's got no
6 reason to be from just before midnight to six o'clock in the
7 morning from February 26th to February 27th, 2020. He told
8 you he lives between Aiken and New Ellenton. And yet, both
9 his car and him are off of New Holland Road, but it's not
10 because he rode in that car to get there.

11 The Defendant was the only person in that car. Only
12 one person could have been in that car. Only one person ran
13 out of that car and from the police. They said the Durango
14 was in sight at all times and no one got out of the
15 passenger. That only on the driver's side where the shoes
16 were did somebody get out.

17 As a result of this incident, the Defendant was charged
18 with failing to stop for a blue light and sirens and was
19 charged with drugs in his car. And after I talk and the
20 Defense talks, the Judge is going to explain to you what the
21 law is for these crimes, and the law that you have to follow
22 and apply. But I want to give you a little bit of a heads
23 up about what you're going to hear.

24 The crime of failing to stop for a blue light and
25 sirens is kind of just what it sounds like. When law

1 enforcement attempts a traffic stop and they let you know by
2 turning on their blue lights and by turning on those sirens,
3 the law says you have to stop in a reasonable amount time in
4 a reasonable place. You don't have to immediately hit the
5 brakes and cut the car off right then, but you've got to
6 pull over and you've got to stop. That's the signal for
7 stopping. And it's got to be where a reasonable person
8 could see those blue lights and to hear those sirens.

9 This was not a car chase where a car drives by and the
10 police are on a side street and they pop their lights and,
11 you know, they have a split second to maybe see them or not.
12 This is 31 miles. This is the car speeding up, slowing
13 down, turning onto different roads, driving in the middle of
14 the road. When the police car attempts to get closer, he
15 pulled into the middle of a two-lane road and straddled that
16 center line.

17 The actions of the vehicle and the actions of the
18 driver shows he knew the police were behind him. They were
19 behind him for 20 minutes. They took turns. This is not a
20 mistake. This is someone who was running from the police.
21 That's failure to stop for a blue light and sirens.

22 Now, the Defendant is also charged with three different
23 drug crimes. He's charged with possession with intent to
24 distribute cocaine and possession with intent to distribute
25 heroin. We'll talk about the methamphetamine in a minute.

1 In South Carolina, there's kind of three levels with drug
2 cases. There's possessing drugs, there's possession with
3 intent to distribute and there's trafficking.

4 Possession with intent to distribute is, essentially,
5 what it sounds like. You don't have these drugs just for
6 you. They're for someone else. They're for multiple
7 people. And several different things that you get to
8 consider in determining whether someone has drugs with the
9 intent of distributing them.

10 One of those things in South Carolina is called an
11 inference weight. The Judge is going to talk to you about
12 that. But there comes a point where when you have so much
13 of a certain drug, the law says that's more than most people
14 would have just for themselves. Like, just the amount
15 itself, you're sharing that with someone. And so the
16 inference weight in South Carolina for cocaine is one gram.
17 And what that means is when someone has more than one gram
18 of cocaine, you can infer based on the weight that they were
19 going to sell it.

20 With heroin, same situation. There's an inference
21 weight and it's two grains. So if someone has more -- not
22 grams, grains. Because, of course, we had to complicate
23 things and use two different measurements. But for heroin,
24 it's two grains. And if someone has more than two grains of
25 heroin, you can assume that they had it with the intent to

1 sell it, not just to use it themselves.

2 In this case, members of the jury, the amount of
3 cocaine in that man's car was 1.56 grams. So about 150
4 percent of what that inference weight is. Now, for the
5 heroin, it was 22.99 grains of heroin in the Defendant's
6 car. The inference weight is two grains. He had ten times
7 the possession amount of heroin. Not just a little bit
8 more, but ten times the weight where it says that's a
9 distribution.

10 And then for the methamphetamine. The Defendant is
11 charged with trafficking methamphetamine. I told you
12 there's three different levels. There's possession, there's
13 possession with intent to distribute and then there's
14 trafficking. And trafficking is not what a lot of people
15 probably picture. We're not talking about some crazy Walter
16 White, Breaking Bad, making stuff in your kitchen and, you
17 know, having a distribution center and selling it.

18 Trafficking in South Carolina, much like possession
19 with intent to distribute is based on weight. So just
20 possessing enough of a drug makes you guilty of trafficking.
21 You don't have to be caught giving it to a dealer who is
22 then going to deal it to somebody else. Again, the law says
23 when you've got that much, that's not just enough for you to
24 be selling, that's trafficking.

25 In South Carolina, what you're going to hear is that

1 the Defendant is charged with trafficking 28 to 100 grams of
2 methamphetamine. But the inference weight is ten grams.
3 Once somebody has ten grams or more of methamphetamine, you
4 can infer, you can assume that that's for trafficking.
5 There was 49.1 grams of methamphetamine in the Defendant's
6 passenger seat of his Durango. That's five times the
7 inference weight for trafficking.

8 When I think about trafficking versus what we call
9 PWID, possession with intent to distribute, or possession, I
10 have to think about food. And I know it's the perfect time
11 to think about food. I think about food all the time. It's
12 my favorite thing. But when you're talking about somebody
13 with possession weight drugs, that's like going to the
14 grocery store and buying dinner for yourself. You're not
15 sharing it. You're going to eat it.

16 Possession with intent to distribute is like going to
17 Sam's or Costco. You're not going to buy one pound of
18 chicken or a single steak or a single baked potato for you
19 to eat at Sam's or Costco. You're going to be buying the
20 ten-pound bag of potatoes or you're going to be buying the
21 whole beef loin or you're going to be buying a whole chicken
22 cut up because you're going to be feeding other people.
23 You're feeding a family if you go into Sam's or Costco.
24 That's like possession with intent to distribute.

25 And in trafficking, it's like Costco or U.S. Foods.

1 They've got that 18-wheeler coming. They're the ones that
2 supply the grocery stores. They supply the Costco and the
3 Sam's. They have so much more food that it's not just to
4 sell to straight people, it's to give to the people that
5 sell to the people. In the same way, the weight of drugs in
6 South Carolina distinguishes possession, possession with
7 intent to distribute and trafficking.

8 And that's what we have in this case. The weight of
9 these drugs for the cocaine is 150 percent more than the
10 inference weight. The heroin is ten times the possession
11 weight. And the methamphetamine is five times the
12 possession of intent to distribute weight. It's five times
13 into that trafficking weight.

14 But when you're thinking about possession with intent
15 to distribute or trafficking, you don't have to just
16 consider weight. You can consider how the drugs were
17 packaged and you can consider what else was with them.

18 In this case, these drugs were found in a bookbag in
19 the Defendant's car in the passenger seat. But that bookbag
20 didn't just have drugs in it. That bookbag had these scales
21 that are commonly used to weigh drugs, to weigh drugs, to
22 measure out how much you're going to sell. You don't want
23 to give somebody too much and get short-changed. That's not
24 good business. Because someone that's distributing drugs
25 makes sure that they measure it out exactly so they can

1 maximize their money. It's like somebody selling food or
2 selling any other item.

3 And the other thing that was in that bag with those
4 scales with these drugs is -- I think Solicitor Weeks held
5 it up during the trial, was a bunch of Ziploc sandwich bags.
6 But more importantly, were these. You're not going to put a
7 serving size of any food in these. But what you are going
8 to do after you measure out your cocaine or your heroin or
9 your methamphetamine that's in your stock, in your
10 inventory, you're going to measure it out on that scale and
11 you're going to put it in this little bitty bag to sell to
12 people.

13 And so all of those things go into your determination
14 that these aren't drugs just to hold onto or to use by
15 yourself. These are drugs for distribution. And the
16 methamphetamine so much that it's drugs for trafficking.

17 When you came here on Monday and then on Wednesday and
18 then on Thursday and now today, you had to go through the
19 metal detectors. You had to take your belt off, your watch.
20 I don't know if they make you take your shoes off, I can't
21 remember. It's been a while. But anything that could set
22 off that metal detector, you had to take off. If you have
23 any pocketknives or scissors in your purse, you've got to
24 leave those in your car. But what you don't have to leave
25 is your common sense and your life experiences. You don't

1 have to look at this stuff in a bubble. You get to use what
2 you know about life and your common sense to determine what
3 makes sense and what doesn't, what's reasonable and what's
4 not.

5 The State's burden is to prove guilt beyond a
6 reasonable doubt. And that's exactly what it sounds like,
7 what's reasonable and what doesn't make any sense at all.
8 The Defendant wants you to believe that somebody else just
9 happened to take his car across town to New Holland,
10 somebody else ran from the police in his car and then jumped
11 out of his car and fled. Which is funny, I guess his cousin
12 walked all the way back to Piper Lane on foot and didn't get
13 caught. Because if his cousin drove his car and ran from
14 the police and jumped out, then he's on foot, too. That's a
15 really long walk, a lot longer than what the Defendant said
16 he did.

17 But the Defendant wants you to believe that somebody
18 else took his car, bailed out of it, left his shoes there
19 with all his stuff in the car, but just happened to leave
20 boo-coos, hundreds and hundreds of dollars worth of drugs in
21 that car and just abandoned them.

22 And he wants you to believe that he's walking around in
23 his sock feet so he don't get his shoes wet and he just
24 happens to find a stranger to drive him into the country.
25 And he just happens to stop at this house right near where

1 his car was abandoned. And all of this is circumstance.
2 Everything else in the car is his, but not this. These
3 scales are his that he left in his truck, that were found in
4 the same bag as his drugs. So the scales are his, but the
5 drugs aren't?

6 The Defendant doesn't want you to believe that he was
7 in his car, driving that night, running from the police
8 because he didn't want to get caught with these illegal
9 drugs.

10 MR. THOMPSON: Your Honor, we have an objection and a
11 matter of law that needs to be taken up outside the presence
12 of the jury.

13 THE COURT: Ladies and gentlemen, please return to your
14 jury room. Don't discuss the case amongst yourselves. I'll
15 bring you out shortly.

16 (WHEREUPON, the jury exits the courtroom at 12:34 p.m.)

17 THE COURT: Yes, sir.

18 MR. THOMPSON: I apologize. I hesitate to interrupt
19 anyone's closing argument. While there is absolutely
20 testimony in this case that Mr. Lincoln was presented with
21 the scales and was told -- and was asked if the scales were
22 his and I believe he said yes, he tells me that his scales
23 were packed in the back of the truck. I don't believe that
24 there was any testimony in this trial that the scales that
25 are in this -- that are in evidence in this case were

1 actually found on the passenger seat of this car.

2 I would argue it's a critical piece of evidence in this
3 case -- I would agree with the State that it's a critical
4 piece of evidence in this case if the scales that he claims
5 are actually right there with the drugs, that would be a --
6 that would be very damning testimony, but I don't believe
7 that that testimony was -- was in the evidence and testimony
8 of this case. I don't believe any of the officers actually
9 said that. If that's true, I believe that the State would
10 be arguing facts that are not in evidence and we would move
11 for a mistrial in this case.

12 THE COURT: Yes, ma'am.

13 MS. HAMMACK: Your Honor, it's my recollection that
14 when Sergeant Knight was testifying about where he found the
15 various items in the vehicle, he stated that there was mail
16 in the glovebox and that there was a bag in the passenger
17 seat that contained both the scales and the drugs. I think
18 he said the prescription bottles were in the glovebox. But
19 my recollection was that he stated the scales were in the
20 bag with the drugs with the baggies.

21 Your Honor knows your jury charges and you know that
22 you will tell the jury that our arguments are not evidence
23 and they must rely on their own recollection of the
24 testimony.

25 The Defendant did not testify as to the location of his

1 scales, but he did admit that they were his. Mr. Weeks
2 asked him a two-part question. A, are these your scales;
3 and B, were they in your truck? He said, Yes, they are my
4 scales and it's possible they could have been in my truck.

5 But my recollection of the testimony is that Sergeant
6 Knight said specifically that those scales and the baggies
7 were found in the bookbag in the passenger seat with the
8 drugs. But I think Your Honor's instruction will cure any
9 -- you know, obviously, they can argue otherwise, but Your
10 Honor's instructions to the jury will be that the jury has
11 to rely on their own recollection of the testimony.

12 THE COURT: Yes, sir.

13 MR. THOMPSON: And, Your Honor, I would just ask that
14 we -- this would be an easy thing to resolve if the court
15 reporter can look back at the testimony.

16 But I would argue that unless the officer testified
17 that the scales were found on the passenger seat with the
18 drugs -- because the argument was that they were actually in
19 a bag with the drugs. Unless there's testimony to that
20 effect, then the argument that the scales were physically
21 right there with the drugs, I would tell you that as a
22 juror, I don't know that I would be able to overcome
23 anything like that. I don't think there's any jury
24 instruction to fix that. And I would ask for a mistrial.

25 But, again, I hesitate to interrupt people during their

1 closing arguments, but I would ask that the court reporter
2 actually look back into the record of this case and be able
3 to tell us whether or not the officer actually testified
4 that these scales were on the seat with the drugs.

5 MS. HAMMACK: And, Your Honor, I think we're both
6 entitled to argument to tell the jury what we believe has
7 been presented, but I think we are starting to invade the
8 jury's job of making the determination of fact in this case
9 by telling them what they should or should not accept as
10 fact. It's their job to determine the credibility of the
11 witnesses and to rely on what they've heard. And I think by
12 going into that, we are crossing the line into the jury's
13 job. I think Mr. Thompson is certainly entitled to argument
14 and I think Your Honor will charge the jury appropriately.
15 But I think this is going too far.

16 MR. THOMPSON: Your Honor, we're -- essentially, what
17 we're doing is we're kind of heading off at the pass the
18 question that the jury would have to ask when they are in
19 the jury room. They will have to send us out the question
20 of did the officer say this. We'll be stuck playing the
21 testimony for them in the courtroom after the trial of the
22 case. I would just like to ask that we go ahead and just
23 address this issue at this point in time.

24 THE COURT: Let's go off the record briefly.

25 (WHEREUPON, a short recess was taken.)

1 THE COURT: Bring the jury in, please.

2 (WHEREUPON, the jury enters the courtroom at 1:06 p.m.)

3 THE COURT: All right.

4 Ms. Hammack, you may continue.

5 MS. HAMMACK: Thank you, Your Honor.

6 Y'all have listened to me talk a long time. I know
7 y'all are tired and I'm not going to keep you a whole lot
8 longer. There's just two more things I want to cover real
9 fast and then I promise I'm going to sit down.

10 I talked to you about what's not a question. And
11 what's not a question is that there was a failure to stop
12 for a blue light in the Defendant's car and there were drugs
13 in the Defendant's car. And they are possession with intent
14 distribute weight and possession with intent to distribute
15 accessories, trafficking weight and trafficking accessories.

16 One thing the Judge is going to tell you about these
17 drugs is about what possession is. It's not necessarily --
18 you don't have to register your drugs and make sure you've
19 got a little card that says they're yours. It's just do you
20 have them or not. And there's two types of possession.
21 There's actual possession and constructive possession.

22 Actual possession is me walking around with my coffee
23 cup in my hand. I've physically got ahold of it. Now, I
24 drink more coffee than I should and sometimes I get a little
25 crazy. But Monday morning when I sat here and listened to

1 all y'all talk about where you're from and what you do for a
2 living and what your spouses do, I had my coffee cup. It
3 used to say Dunkin' Donuts, but now it's just plain white
4 because I use it everyday. When I was up here on Thursday
5 and we were picking this jury, I had my coffee cup here on
6 the table. And this morning before we started, I had my
7 coffee cup because I needed it.

8 Now, when I'm over here talking to you guys, I don't
9 have my coffee cup in my hand, but that doesn't mean it's
10 not mine anymore. Constructive possession means if
11 something of yours is in an area that you own or control, if
12 something is in your house, if something is your car, you're
13 in constructive possession of it even it's not physically in
14 your hand. I'm still in possession of my cup even though
15 I've walked away from it for a minute.

16 The things in my house, my TV, my books, I'm in
17 constructive possession of those because I have control over
18 my house, who can get in and who can't. Those are my
19 things, they're not somebody else's.

20 So when the Judge talks to you about possession, just
21 because these drugs weren't in somebody's hands, they
22 weren't in the Defendant's hands doesn't mean he wasn't in
23 possession of them. The fact that it's in his car with his
24 stuff that he just ran out of means he is in possession of
25 these drugs.

1 So, members of the jury, as you go back and you think
2 about what's reasonable in this case and is there a reason
3 to doubt what you've heard from the State, you get to think
4 about what makes sense and what doesn't. It's not
5 reasonable to think that there was another sock-footed,
6 soaking wet, dirty person running from the Defendant's car
7 in New Holland where the Defendant just happened to be
8 because a good samaritan carried him across town when he
9 could have used everybody's phone to get out of this
10 situation. But that instead of making all those phone
11 calls, he rides with a stranger to the country to run around
12 in his sock feet looking for his car and his phone.

13 What's reasonable is that the Defendant, Jonathan
14 Lincoln, was driving his car with illegal drugs in it when
15 the police got behind him and tried to stop him, and he ran.
16 And he ran for 30 miles and he dumped his car in a field and
17 he ran on foot in sock feet up out of his shoes that he left
18 on the floor. And he ran until he found a carport to hide
19 in just on the other side of the woods and he got caught
20 where they found him.

21 If you wake up in the morning and the weather channel
22 says it's going to rain and you get an alert on your phone
23 as you're walking into work and it says rain is going to
24 start in 15 minutes and other people behind you walk into
25 the office and they've got umbrellas that are wet and

1 they've got on rain boots and rain jackets that are dripping
2 water and you go out later and the ground is wet and there's
3 water on your windshield, even if you sat in that office the
4 whole time and you didn't see that rain coming down with
5 your eyes, you know it rained. You didn't have to see with
6 your own eyes Jonathan Lincoln running from his own car,
7 leaving his own drugs because your common sense and this
8 evidence tells you exactly what happened. Find him guilty.

9 THE COURT: Ms. Hayes. Mr. Thompson.

10 MS. HAYES: Thank you.

11 CLOSING ARGUMENT BY THE DEFENSE

12 MS. HAYES: Thank you, ladies and gentlemen of the
13 jury, for sitting here and listening and as I asked you to
14 earlier when I came to talk to you yesterday to keep an open
15 mind. You've listened to everything. And as I told you
16 before, it is not the Defendant's burden to prove his
17 innocence, it's the State's job to prove to you that Mr.
18 Lincoln is guilty of these crimes.

19 I want to go through with what we all have. We had
20 Sergeant Knight and Sergeant Palmer on the stand yesterday.
21 And both of them testified they never saw Mr. Lincoln
22 driving the car. Mr. Lincoln wasn't present at the scene
23 when they were searching his car. So nobody saw -- they
24 realistically don't even know the gender of who was driving
25 the car, the color of the person. There's no description

1 because nobody sees who was driving the car.

2 They testified that there was tons of stuff in the car,
3 belongings, the car was packed. Illegal drugs were found on
4 the passenger side on top of it. Not packed in with
5 belongings. Mr. Lincoln testified he was moving. He put
6 all the stuff in his car that he was taking with him.
7 That's why the car was packed with all the stuff in there.
8 But the drugs were found on top.

9 The State found pill bottles in his glove box with his
10 name on it. Is that so unusual that you find his belongings
11 in the car? It's his car. He's not denying that. My pill
12 bottles have my name on them. Same for everybody else,
13 they're your pills, they have your name on them. They're in
14 your car. That doesn't make him a bad person because he's
15 got a prescription that he's got in his car.

16 He had a gun in the back of the car. That's not
17 illegal. But the State made a point of making sure you knew
18 that there was a gun in the backseat of the car. Does that
19 make him a bad person? Does that make him guilty of this
20 crime because there's a gun in the backseat? No. It's
21 legal to have that.

22 Mr. Lincoln did not have to get up on the stand to tell
23 you about what happened, but he did get up on the stand to
24 tell you. You heard all of the witnesses, except there is a
25 missing witness in this case. And I'm going to tell you who

1 that is, it's the dog.

2 They didn't call anybody from the bloodhound team to
3 come in and talk to you about the tracking and how that
4 works. Most of the time, the bloodhound tracking team is
5 successful. Unless somebody picked the person up in a car.
6 But Mr. Lincoln testified he was in the area. He was in the
7 area. Why didn't the dogs find him? You heard testimony
8 from the whole team that they were there for a long time and
9 the dogs didn't track him. Is it maybe because the dog
10 wasn't tracking his scent? He wasn't the one that ran out
11 of the car?

12 He didn't testify he wasn't in the area. He was in the
13 area, he testified to that. He testified that he was
14 sitting on Mr. Woody's porch because he was tired from
15 walking all night. It was cold. He was kind of fed up, he
16 can't find his car.

17 And what did he do when the police showed up? Did he
18 run? He didn't run, but allegedly the night before he was
19 on a 31-mile chase from the police. Why wouldn't he run as
20 soon as he saw the cops coming up to him on the porch if he
21 was this bad person that was running from the cops? He
22 would have. He would have ran, but he sat there.

23 And what did the police do? We don't really know what
24 was said because miraculously, there is no audio on that
25 video. They want to say that they said are you okay. You

1 know, you couldn't hear what they said. Is there a reason
2 why there was no sound? We don't know.

3 But you saw them take him straight to the ground and
4 arrest him without really talking to him. They didn't ask
5 him -- you know, they didn't interview him. They never took
6 him back to the police department and sat him down and say,
7 hey, can you tell us what happened last night? Let's
8 investigate this. Is Mr. Lincoln the guy they were looking
9 for or is he a victim of the crime of someone stealing his
10 car. They didn't do that.

11 And that's why I asked you at the beginning, make sure
12 you put the State on trial, not Mr. Lincoln. Because the
13 State has the job to prove to you beyond a reasonable doubt
14 that he's guilty.

15 So why didn't they take him back and question him? It
16 would have been easy. They had him in handcuffs. They had
17 him in custody. They could have went back, gave him his
18 rights and questioned him. At that point, he could have
19 said, I don't want to talk to you. He could have answered
20 the questions. They didn't. They just, that's it. We got
21 our guy. We know what happened because he was in the area.

22 You know, the dogs didn't find him. There weren't just
23 one or two officers that were on the scene that you heard
24 from. They testified there was tons of police in the area.
25 Why didn't they find him? He was in the area. He's telling

1 you he was in the area. Yeah, he doesn't have shoes on, but
2 the officers testified that they found shoes, not slippers.
3 My slippers don't look like shoes. I don't know what these
4 slippers or shoes look like because the State never showed
5 them to you, so we're not really sure what they found, what
6 kind of shoes they were. Were they Nike tennis shoes? What
7 were they? We don't know, they only said shoes.

8 The Defendant said he doesn't want to get his slippers
9 wet. Well, you can understand that. You heard testimony
10 from the officers it was wet and rainy and muddy. All his
11 belongings are in the car. He could have taken those wet
12 socks off when he got back in the car and slipped on his
13 slippers.

14 And I don't know if y'all think that's weird, someone
15 driving around in slippers, but if you do, I'm weird because
16 there's times in the mornings when I take the kids to school
17 that I'm just going to take them to school and come back
18 home and get ready for work and I wear my slippers. They do
19 have a rubber bottom on them so if I did have to get out, it
20 would be okay. But I wear them. I'm in the car driving
21 around and it's uncomfortable with shoes. And my slippers
22 are comfortable. And he was telling you he was going on a
23 trip, too.

24 Now, let's talk about what the State did show you.
25 They showed you a video -- two videos of the same thing in

1 regards to a car chase. Y'all saw it. We watched it. We
2 watched two videos pretty much of the same thing. We never
3 saw Mr. Lincoln in that video. All we saw was a car running
4 from the police. There's no denying that. We all saw two
5 videos of the same thing.

6 Yeah, there was a chase. The problem is we don't know
7 who was driving that car. The State makes their
8 assumptions, but that doesn't mean this jury has to agree.
9 They'll probably get up here after me and rebut what I said,
10 but just because they say it over and over again doesn't
11 make it true.

12 So what I want y'all to focus on is not what was the
13 State has shown, but what don't they have. They don't
14 technically have anything other than Mr. Lincoln was on
15 scene later on. He went looking for his car. That's why he
16 was in the area. He didn't have to get on the stand and
17 tell you anything. That's not his burden. The State has to
18 prove to you that he's guilty.

19 Now, the pill bottles that were in the car were his. I
20 think the officers found them inside the glove box. He's
21 admitted to it. All his stuff is in there.

22 In regards to the scales, the officer testified from my
23 recollection that they were in the passenger seat in the
24 area with the narcotics. That doesn't mean they were in the
25 bag. He said passenger area. It could be anywhere in the

1 front seat. We don't know because he wasn't specific. We
2 don't know exactly where that stuff was. We're not sure
3 specifically because the officer didn't testify to that.

4 This was not a thorough case. They put it together
5 because they found him in the area with no investigation. I
6 want a thorough investigation in order to prove someone
7 guilty beyond a reasonable doubt. That is what they should
8 do. In this case, they didn't. They just kind of it's his
9 car, he was in the area, oh, must be guilty. Instead of
10 let's talk to him and see what happened, maybe he has a
11 reasonable story, maybe he doesn't, but they didn't even
12 check. They just yep, yep, yep, that's it. We know that's
13 not how it works. You know, they should have questioned Mr.
14 Lincoln.

15 I want y'all to think about that and put the State on
16 trial and say did the State do enough to make me believe a
17 hundred percent that he's guilty. If you believe that maybe
18 his story he told you was true, then you have to find him
19 not guilty. That is reasonable doubt. And that's what I'm
20 going to ask y'all to do, just consider that he's telling
21 y'all the truth. He didn't have to get on the stand and
22 tell you anything, but he wanted y'all to know what was
23 going on that night.

24 And I think after you go back and consider all of it
25 and think about it, you're going to come back and say, you

1 know, you're right. The State didn't do a thorough job and
2 you didn't convince me beyond a reasonable doubt. And
3 you're going to tell me he's not guilty. Thank you so much
4 for your time.

5 THE COURT: Yes, ma'am.

6 MS. HAMMACK: Thank you, Your Honor.

7 CLOSING ARGUMENT BY THE STATE

8 MS. HAMMACK: The police didn't see the Defendant in
9 that car because the windows were tinted. They didn't see
10 anything in that car. The Defendant wasn't in his car when
11 they searched it because he ran. He ran because he didn't
12 want to get caught with what was in his car.

13 Ms. Hayes says that the State wants to talk about
14 prescriptions and guns and that all of these things are
15 legal, and Ms. Hayes is right, they are. But the reason the
16 State talked about them and the reason they're important is
17 because they're all his. Everything in that car was his.

18 These scales that he said were his were, quote, with
19 the narcotics. You can listen to it. Everything in that
20 car was his except for the stuff he don't want to admit,
21 which is all those drugs.

22 Ms. Hayes said well, they were sitting right on top,
23 somebody put them there. Yeah, when I go to the grocery
24 store, I put my eggs on top so they don't break because
25 they're fragile. You're going to put your drugs on top of

1 stuff so they don't get smushed. That's money is what that.
2 You are going to put them on top, that's exactly where
3 you're going to put them.

4 Ms. Hayes says well, what did the Defendant do when the
5 police pulled up? Yeah, let's talk about what he did. He
6 said when he went to that house he was hoping the homeowner
7 would help or call the police. He said, quote -- and I'm
8 going to make sure I get this right, I was very happy to see
9 the police. Yeah, he looked happy alright.

10 Ms. Hayes said that our Aiken County Sheriff officers
11 who have worked there for over a decade didn't do anything.
12 They just found him in the area, so let's arrest him. They
13 weren't walking around on foot in the cold and rain for
14 hours through the night in a wet field, up and down the road
15 looking for the person that ran from them. That doesn't
16 count for much, to be walking for hours looking for somebody
17 that's run from them at 90 miles an hour past neighborhoods
18 where people live, past schools and churches, somebody
19 that's been a danger for 30 miles and these officers looked
20 for hours.

21 Ms. Hayes said well, they didn't interview the
22 Defendant and they should have talked to him, maybe he has a
23 story. But another thing that maybe he had was the Fifth
24 Amendment right to remain silent. And if I got up here and
25 said well, he should have talked to the police, I'd be in

1 trouble. Because he has a right under the Constitution not
2 to talk to the police, but the Defense wants to know why
3 they didn't go and interrogate him and question him.

4 Members of the jury, the last thing the Defendant said
5 to you when he testified -- let me find it so I can quote it
6 correctly because I wrote it down. He said, Justice should
7 serve everybody. And he's right. For every single person
8 that lived on Wire Road, lived on New Bridge Road, that
9 lived on New Holland Road, for the cars that were driving,
10 oncoming traffic, when a vehicle is in the middle of a
11 two-lane road straddling a center line at 90 miles an hour
12 on a dark, curvy road, for the people asleep in their beds
13 at night who hear lights and sirens going down the road who
14 have to turn on their lights and lock their doors for
15 safety, justice should serve everybody.

16 You don't have to abandon your reason and your common
17 sense. Everything in that car, the car registration itself
18 and the person that they found opposite side of the county
19 where he's supposed to be just passed that car without his
20 shoes that he left beside the car. It was not his nephew,
21 it was the Defendant. He's guilty.

22 CHARGE ON THE LAW

23 THE COURT: All right, folks, it's now time for me to
24 charge you on the law that applies to this case. I remind
25 you that during this trial, you and I have certain duties to

1 perform. As the trial judge, it is my responsibility to
2 preside over the trial of this case. I also have the duty
3 to rule on the admissibility of the evidence offered during
4 this trial.

5 You are to consider only the evidence before you. If
6 there is any testimony ordered stricken from the record
7 during this trial, you must disregard that testimony. You
8 are to consider only the testimony which has been presented
9 from this witness stand, any exhibits which have been made a
10 part of the record in this case and any stipulations of the
11 parties.

12 I have the additional duty to charge you on the law
13 applicable to this case. It is your duty as jurors to
14 accept and apply the law as I now state it to you. If you
15 think you have any idea as to what the law is or what the
16 law ought to be and it does not agree with what I tell you
17 the law is, you must forget that idea because you are sworn
18 to accept the law and apply the law exactly as I state it to
19 you.

20 In every case tried in this court before a jury, the
21 jury becomes the sole and exclusive judge of the facts. A
22 trial judge cannot comment on or make any statement about
23 the facts in a case. Since you are the sole judges of the
24 facts, do not think by anything that I have said during the
25 trial that I have any opinion about the facts in this case.

1 The law does not allow me to have an opinion about the
2 facts.

3 The indictments charge the Defendant with possession
4 with intent to distribute cocaine, possession with intent to
5 distribute heroin, failure to stop a motor vehicle when
6 signaled by a law enforcement vehicle, and trafficking in
7 methamphetamine.

8 I remind you that the fact the Defendant was arrested,
9 charged and indicted in this case is not evidence in this
10 case and cannot be considered by you as evidence of guilt in
11 this case nor does it create any presumption or inference of
12 guilt. The documents are simply the formal written
13 instruments which contain the charges made against the
14 Defendant. They are the formal documents by which this case
15 was brought into this court.

16 The Defendant has pled not guilty to each of these
17 indictments and that plea puts the burden on the State to
18 prove the Defendant guilty. A person charged with
19 committing a criminal offense in South Carolina is never
20 required to prove himself innocent.

21 I charge you that it is an important rule of law that a
22 defendant in a criminal trial, no matter what the
23 seriousness of the charge may be will always be presumed to
24 be innocent of the crimes for which the indictments were
25 issued unless guilt has been proven by evidence satisfying

1 you of that guilt beyond a reasonable doubt.

2 This presumption of innocence does not end when you
3 begin your deliberations, but it accompanies the Defendant
4 throughout the trial until you reach a verdict of guilt
5 based on evidence satisfying you of that guilt beyond a
6 reasonable doubt.

7 The presumption of innocence is like a robe of
8 righteousness placed about the shoulders of the Defendant
9 which remains with the Defendant until it has been stripped
10 from him by evidence satisfying you of the Defendant's guilt
11 beyond a reasonable doubt.

12 The presumption of innocence is not a mere legal
13 theory. It is not just a legal phrase. It is a substantial
14 right to which every Defendant is entitled unless you, the
15 jury, are satisfied from the evidence of the Defendant's
16 guilt beyond a reasonable doubt.

17 What is a reasonable doubt in the law? A reasonable
18 doubt is the kind of doubt that would cause a reasonable
19 person to hesitate to act. The State has the burden of
20 proving the Defendant guilty of each of the charges against
21 him beyond a reasonable doubt.

22 Some of you may have served as jurors in civil cases
23 where you were told that it is only necessary to prove that
24 a fact is more likely true than not true, such as by the
25 greater weight or preponderance of the evidence. In

1 criminal cases, the State's proof must be more powerful than
2 that. It must be beyond a reasonable doubt.

3 Proof beyond a reasonable doubt is proof that leaves
4 you firmly convinced of the Defendant's guilt. There are
5 very few things in this world that we know with absolute
6 certainty and in criminal cases, the law does not require
7 proof that overcomes every possible doubt.

8 If, based on your consideration of the evidence, you
9 are firmly convinced that the Defendant is guilty of the
10 crimes charged, you must find the Defendant guilty. If, on
11 the other hand, you think there is a real possibility that
12 the Defendant is not guilty, you must give the Defendant the
13 benefit of the doubt and find him not guilty.

14 There are two types of evidence which are generally
15 presented during a trial: Direct evidence and
16 circumstantial evidence.

17 Direct evidence is the testimony of a person who claims
18 to have actual knowledge of a fact, such as an eyewitness.
19 It is evidence which immediately establishes the main fact
20 to be proven.

21 Circumstantial evidence is proof of a chain of facts
22 and circumstances indicating the existence of a fact. It is
23 evidence which immediately establishes collateral facts from
24 which the main fact may be inferred. Circumstantial
25 evidence is based on inference and not on personal knowledge

1 or observation.

2 The law makes absolutely no distinction between the
3 weight or value to be given to either direct or
4 circumstantial evidence nor is a greater degree of certainty
5 required of circumstantial evidence than of direct evidence.
6 You should weigh all of the evidence in the case. After
7 weighing all of the evidence, if you are not convinced of
8 the guilt of the Defendant beyond a reasonable doubt, you
9 must find the Defendant not guilty.

10 Necessarily, you must determine the credibility of
11 witnesses who have testified in this case. Credibility
12 simply means believability. It becomes your duty as jurors
13 to analyze and to evaluate the evidence and determine which
14 evidence convinces you of its truth.

15 In determining the believability of witnesses who have
16 testified in this case, you may believe one witness over
17 several witnesses or several witnesses over one witness.
18 You may believe a part of the testimony of a witness and
19 reject the remaining part of the testimony of that same
20 witness. You may believe the testimony of a witness in its
21 entirety or reject the testimony of a witness in its
22 entirety. You may consider whether any witness has
23 exhibited to you any interest, bias, prejudice or other
24 motive in this case. You may also consider the appearance
25 and manner of a witness while on the witness stand.

1 The rules of evidence ordinarily do not permit
2 witnesses to testify to opinions or conclusions. An
3 exception to this rule is for witnesses we call expert
4 witnesses. A witness who by education and experience have
5 become expert in some art, science, profession or calling
6 may state an opinion as to relevant and material matter in
7 which the witness claims to be an expert and may also state
8 the reasons for the opinion.

9 You should consider any expert opinion received in
10 evidence in this case and, like any other evidence, give it
11 the weight you think it deserves. If you decide the opinion
12 of an expert witness is not based on sufficient education
13 and experience or if you conclude that the reasons given in
14 support of the opinion are not sound or that the opinion is
15 outweighed by other evidence, you may disregard the opinion
16 entirely.

17 An expert witness's testimony is to be given no greater
18 weight than that of other witnesses simply because the
19 witness is an expert. Further, you are not required to
20 accept an expert's opinion even though it is not
21 contradicted.

22 An issue in this case is the identification of the
23 Defendant as the person who committed the crimes charged.
24 The State has the burden of proving identity beyond a
25 reasonable doubt. You must be satisfied beyond a reasonable

1 doubt that the accuracy of the identification of the
2 Defendant as the person who committed the crime before you
3 may convict the Defendant. If, after examining the
4 testimony, you have a reasonable doubt as to the accuracy of
5 the identification, you must find the Defendant not guilty.

6 In order to establish criminal liability, criminal
7 intent is required. For example, the mental state required
8 to be proven by the State for a particular crime might be
9 purpose, intent, knowledge, recklessness or criminal
10 negligence. Criminal intent must be proven by the State
11 beyond a reasonable doubt. Criminal intent is always a
12 matter that must be determined by the jury from the
13 circumstances surrounding the situation.

14 There is no way to prove intent to a mathematical
15 certainty. There is no way medical science can dissect a
16 person's brain and determine what the person had in mind.
17 So the law says that criminal intent may be inferred from
18 the circumstances shown to have existed. This is how you
19 make a determination of whether or not the element required
20 of intent was present.

21 It is not necessary to establish intent by direct and
22 positive evidence, but intent may be established by
23 inference in the same way as any other fact, by taking into
24 consideration the acts of the parties and all the facts and
25 circumstances of the case. Criminal intent is a mental

1 state, a conscious wrongdoing. It is up to you to determine
2 what the Defendant intended to do based on the circumstances
3 shown to have existed.

4 You have heard evidence that the Defendant was
5 convicted of a crime other than the one for which the
6 Defendant is now on trial. This evidence may be considered
7 by you if you conclude it's true only in deciding whether
8 the Defendant's testimony is believable and for no other
9 purpose. You must not consider the Defendant's prior record
10 as any evidence of the Defendant's guilt of the charges we
11 are trying today.

12 The Defendant is charged with possession with intent to
13 distribute cocaine and possession with intent to distribute
14 heroin. The State must prove beyond a reasonable doubt that
15 the Defendant possessed cocaine with the intent to
16 distribute it and the State must prove beyond a reasonable
17 doubt that the Defendant possessed heroin with the intent to
18 distribute it.

19 In the prosecution of a crime for possession of
20 narcotics, possession may be actual or constructive. Actual
21 possession occurs when the drugs are found to be in the
22 actual physical custody of the person charged with
23 possession; while constructive possession occurs when the
24 person charged with possession has dominion and control over
25 either the drugs or the premises upon which the drugs are

1 found. Therefore, the State must prove beyond a reasonable
2 doubt that the Defendant had both the power and the intent
3 to control the disposition or use of the cocaine and of the
4 heroin.

5 Mere presence at the scene where the drugs were found
6 is not enough to prove possession. The Defendant's
7 knowledge and possession may be inferred when a substance is
8 found on the property under the Defendant's control.
9 However, this inference is simply an evidentiary fact to be
10 taken into consideration by you along with the other
11 evidence in the case and to be given the weight you decide
12 it should have.

13 The State must also prove beyond a reasonable doubt
14 that the Defendant intended to distribute the cocaine and/or
15 the heroin. Distribute means to deliver, other than by
16 administering or dispensing a drug.

17 Intent may be shown by acts and conduct of the
18 Defendant and other circumstances from which you may
19 naturally and reasonably infer intent.

20 In determining whether the Defendant had the intent to
21 distribute cocaine and/or heroin, you may consider the
22 circumstances surrounding the Defendant's alleged
23 possession. You may consider the amount of the substance
24 alleged to have been possessed, the manner in which it was
25 allegedly possessed, the place where it was allegedly

1 possessed and other factors which you consider to be
2 important. You must find that the Defendant did not intend
3 to have the cocaine or the heroin solely for his own use.

4 Possession of one or more grams of cocaine creates an
5 inference that the Defendant possessed the cocaine with the
6 intent to distribute it. Possession of two or more grains
7 or 0.13 grams of heroin creates an inference that the
8 Defendant possessed heroin with intent to distribute it.

9 These inferences do not relieve the State from proving
10 beyond a reasonable doubt that the Defendant had the intent
11 to distribute. They are simply evidentiary facts to be
12 taken into consideration by you along with the other
13 evidence in the case and to be given the weight you decide
14 it should have.

15 The Defendant is also charged with failure to stop a
16 motor vehicle when signaled to do so by law enforcement.
17 Therefore, the State must prove beyond a reasonable doubt
18 that the Defendant was driving a motor vehicle on a road,
19 street or highway of this state. The State must also prove
20 beyond a reasonable doubt that a law enforcement vehicle
21 signaled by means of a siren or flashing light for the
22 Defendant to stop his vehicle. Finally, the State must
23 prove beyond a reasonable doubt that the Defendant failed to
24 stop his vehicle, attempted to increase the speed of the
25 vehicle or in some other manner avoided the pursuing of law

1 enforcement vehicle.

2 Finally, the Defendant is charged with trafficking in
3 methamphetamine. The State must prove beyond a reasonable
4 doubt that the Defendant knowingly sold, manufactured,
5 cultivated, delivered, purchased, brought into this state,
6 provided financial assistance or otherwise aided, abetted,
7 attempted or conspired to sell, manufacture, cultivate,
8 deliver, purchase or bring into this state, was knowingly in
9 actual or constructive possession, knowingly attempted to
10 become in actual or constructive possession of more than 28
11 grams of methamphetamine. I know that was a mouthful.

12 Now, you have been chosen and sworn to give the parties
13 in this case a fair and impartial trial. When you have done
14 so, you will have complied with your oath and no one will
15 have a right to criticize your verdict. You must not be
16 influenced by any opinions or expressions of opinion you may
17 have heard outside of the courtroom, but, rather, should
18 base your verdict solely on the testimony of the sworn
19 witnesses who took the stand, the exhibits received into
20 evidence and the law which I have stated.

21 You should not be swayed by caprice, passion, prejudice
22 or improper sympathy for or against anyone in this case.
23 Remember, you have no friends to reward or enemies to punish
24 and all parties are entitled to a fair and impartial trial.
25 It is your duty as jurors to consult with one another and to

1 deliberate in an effort to reach an agreement. Each of you
2 must decide this case for yourself, but only after impartial
3 consideration of all of the evidence with your fellow
4 jurors.

5 In the course of your deliberations, do not hesitate to
6 reexamine your own views and change your opinion if you
7 become convinced it is erroneous. However, do not surrender
8 your honest conviction as to the weight or effect of the
9 evidence solely because of the opinion of your fellow jurors
10 or for the mere purpose of returning a verdict. As I stated
11 earlier, you are judges, judges of the fact. Your verdict
12 must represent the considerate judgment of each juror. In
13 other words, your verdict must be unanimous.

14 There are two possible verdicts which you may find for
15 each indictment in this case: Guilty or not guilty. There
16 is no significance whatsoever in the order in which I state
17 these possible verdicts, it's simply that one must be stated
18 first.

19 Now, you may have noticed that I have read these
20 instructions and I do so to give you the law as accurately
21 as possible.

22 Juror No. 177, Ms. Thompkins will be the Foreperson of
23 the jury.

24 Raise your hand, Ms. Thompkins.

25 (Juror raised hand.)

1 THE COURT: There we go.

2 All right. Madam Foreperson, it will be your duty to
3 preside over the deliberations of the jury. If during your
4 deliberations you should desire to communicate with the
5 Court, please put your question in writing or your message
6 in writing, signed by you as the Foreperson and the
7 Foreperson only and pass the note to the bailiff, who will
8 bring it to my attention. I will then respond as promptly
9 as possible either in writing or by having you return to the
10 courtroom. I caution you, however, with regard to any
11 message or question that you might send that you should
12 never state or specify your numerical division at the time.

13 You have heard the evidence and you have heard the law.
14 Whatever your verdict, Madam Foreperson, you will indicate
15 it on the back of each of the indictments and sign it and
16 date it on behalf of the jury. There is an indictment for
17 each charge. I've explained the charge. Then if you flip
18 it over, in this bottom left-hand corner, there is a place
19 to write the verdict, guilty or not guilty. You'll sign it
20 and date it as Foreperson of the jury.

21 Now, remember that although the Foreperson is the only
22 juror who writes the verdict, it is not her's alone. The
23 verdict has to be unanimous.

24 Madam Foreperson, you are not permitted to write the
25 verdict until all of you have agreed upon it.

1 Now, I am going to send you back to your jury room.
2 For the last time, I will ask you not to discuss the case,
3 but that is only until you receive the exhibits and the
4 indictments. Once you receive these things, the exhibits
5 and the indictments, that will be your signal to begin your
6 deliberations.

7 Once you begin your deliberations, you will deliberate
8 until you have reached a verdict, at which time, you will
9 knock on the door, advise the bailiff and we'll bring you
10 back into the courtroom to receive your verdict.

11 Your lunch should already be back there. You may have
12 already eaten it. I noticed when we took a break that it
13 had arrived. Feel free to do that whichever way you choose.

14 Just make sure that the jury, Madam Foreperson,
15 deliberates together. So if two people are eating
16 sandwiches and not paying attention, you know, you will all
17 be in the same room, but just make sure that everyone is
18 involved in the deliberations.

19 So please return to your jury room. As I said, when
20 you get the indictments and the evidence, that's your signal
21 to begin deliberations.

22 (WHEREUPON, the jury exits courtroom for deliberations
23 at 1:48 p.m.)

24 THE COURT: Any objections to the jury charge from the
25 State?

1 MS. HAMMACK: No, Your Honor.

2 THE COURT: From the Defense?

3 MS. HAYES: No, Your Honor.

4 THE COURT: All right. Make sure all the evidence is
5 there and give it to the jury.

6 MR. THOMPSON: Is Your Honor going to call the
7 alternate out?

8 THE COURT: Thank you.

9 When you go hand them the evidence, please bring my
10 alternate out.

11 MR. WEEKS: Your Honor, we're going to send the laptop
12 back with the DVD attached to it.

13 THE COURT: Yes.

14 MR. WEEKS: If the bailiff would instruct them if they
15 have any trouble operating it to let us know.

16 THE COURT: Right.

17 (WHEREUPON, the alternate juror enters the courtroom.)

18 THE COURT: All right, Mr. Alternate. Thank you for
19 your service. Thank you for hanging in there with us. You
20 were the alternate juror in case something happened to one
21 of the main 12. Nothing did, they've made it to the finish
22 line so your service is complete. You're not permitted to
23 deliberate on the case, but you're now free to talk to
24 whoever you want to talk to about the case. You can talk to
25 the attorneys, your family, friends, anyone else. It

1 doesn't matter, give your opinion, don't give your opinion.
2 Either way is fine.

3 You should already have a work excuse. Your check is
4 in the mail. You are no longer qualified to serve on a jury
5 in circuit court for this calendar year, the rest of 2021.
6 If you are summoned in 2022 or 2023, then you will have to
7 appear, but you can exercise the exemption. You will tell
8 the Judge that you served on this jury this week and they
9 will let you go.

10 ALTERNATE JUROR: Okay.

11 THE COURT: So I think that's it. Grab your lunch
12 before you leave and have a good weekend.

13 ALTERNATE JUROR: Thank you.

14 THE COURT: Thank you.

15 All right. Folks, we're going to take a break so we
16 can eat something and then I'm happy to do whatever while we
17 wait for the jury.

18 MS. HAMMACK: Thank you, Your Honor.

19 (WHEREUPON, Court was in recess for lunch and awaiting
20 a verdict.)

21 THE COURT: I understand from the bailiff that the jury
22 has reached a verdict.

23 Please bring the jury in.

24 (WHEREUPON, the jury enters the courtroom at 3:05 p.m.)

25 THE COURT: Madam Foreperson, has the jury reached a

1 verdict as to each of the charges?

2 MADAM FOREPERSON: Yes, ma'am, we have.

3 THE COURT: Are those verdicts unanimous?

4 MADAM FOREPERSON: Yes, they are.

5 THE COURT: If you will hand the indictments to the
6 bailiff, please.

7 Madam Clerk, if you would publish the verdicts.

8 VERDICT

9 THE CLERK: Your Honor, we have case number
10 2020-GS-02-02099, the State of South Carolina, The State vs.
11 Jonathan Art Lincoln, indictment for failure to stop a motor
12 vehicle when signaled by a law enforcement vehicle, not
13 guilty. Signed by the Foreperson, Edith Thompkins, dated
14 7/23/2021.

15 Your Honor, we have case number 2020-GS-02-02100, the
16 State of South Carolina, The State vs. Jonathan Art Lincoln,
17 indictment for trafficking in methamphetamine, verdict,
18 guilty. Signed by the Foreperson, Edith Thompkins, dated
19 July 23rd, 2021.

20 THE COURT: Mr. Lincoln. Mr. Lincoln, I need you to be
21 quiet. If you need to sit, have a seat, Mr. Lincoln.

22 Madam Clerk, please continue.

23 THE CLERK: Your Honor, we have case number
24 2020-GS-02-02098, the State of South Carolina, The State vs.
25 Jonathan Art Lincoln, indictment for possession with intent

1 to distribute heroin. The verdict is guilty, signed by the
2 Foreperson, Edith Thompkins, dated July 23rd, 2021.

3 Your Honor, we have case number 2020-GS-02-02097, the
4 State of South Carolina, The State vs. Jonathan Art Lincoln,
5 indictment for possession with intent to distribute cocaine.
6 The verdict is guilty, signed by the Foreperson, Edith
7 Thompkins, dated July 23rd, 2021.

8 Your Honor, we have case number 2020-GS-02-02096, the
9 State of South Carolina, The State vs. Jonathan Art Lincoln,
10 indictment for resisting arrest. The verdict is not guilty,
11 signed by Edith Thompkins, dated July 23rd, 2021.

12 Ladies and gentlemen of the petit jury, if this is your
13 verdict for Jonathan Art Lincoln, please indicate by the
14 raising of your right hand.

15 THE DEFENDANT: Please don't. Please.

16 THE CLERK: Judge, all hands are raised.

17 THE COURT: Okay.

18 Anything further from the jury before they're
19 dismissed, Ms. Hayes?

20 MS. HAYES: Nothing from the Defense, Your Honor.

21 THE COURT: Ladies and gentlemen of the jury, thank you
22 for your service. Clearly, this case was significant to the
23 State, to Mr. Lincoln, to his family and friends. So I
24 thank you for your time, attention, focus and deliberation
25 on this case.

1 On behalf of the citizens of Aiken County and the State
2 of South Carolina and everyone else, we know that jury
3 service is an inconvenience and it is -- you have to make
4 difficult decisions, but I trust that you have done what you
5 think is right. And as I said in my instructions, no one
6 has the right to criticize your verdict. So we appreciate
7 that.

8 Your jury service -- of course, it's Friday, your jury
9 service is complete. We appreciate you hanging in there
10 with us this week. You are now free from jury duty for the
11 rest of 2021. You are no longer qualified to serve on a
12 jury in 2021. If you are summoned in 2022 or 2023, you will
13 have to come and you can exercise an exemption. You will
14 tell that Judge that you served on this jury and they should
15 let you go.

16 You should have work excuses. If not, they will bring
17 them to you in the jury room. I'm going to excuse you to
18 the jury room and ask you to just hang tight for a second.
19 I'm going to come back in and chat with you just for a
20 moment before you leave. But outside of that, you're free
21 to discuss the case with anyone you want to talk to about it
22 at this point and do whatever research you want. Those
23 rules don't apply anymore, not since your verdict has been
24 rendered.

25 So you may go back to your jury room. I will follow in

1 just a moment. Thank you.

2 (WHEREUPON, the jury exits the courtroom at 3:12 p.m.)

3 THE COURT: All right, folks, we're going to take 15 or
4 20 minutes so that y'all can get me sentencing sheets and so
5 that Mr. Lincoln can compose himself. We will proceed with
6 any post-trial motions and sentencing at that time.

7 (WHEREUPON, a short recess was taken.)

8 THE COURT: All right. We're back on the record.

9 First, let me hear does the Defense have any post-trial
10 motions.

11 MS. HAYES: Yes, Your Honor. At this time, the Defense
12 will renew all previous motions and objections and we move
13 for a new trial on the basis that the jury lacked enough
14 evidence to necessarily find the Defendant guilty beyond a
15 reasonable doubt.

16 THE COURT: All right. That is respectfully denied.
17 All my previous rulings remain the same.

18 Is there anything else prior to sentencing?

19 (No response.)

20 THE COURT: I just want to acknowledge that, clearly,
21 there was a small error on behalf of the Court in sending
22 the indictments to the jury room and not pulling out the
23 indictment for resisting arrest. It appears to have been a
24 harmless error anyway as he was acquitted of that charge.
25 But I did want to put that on the record because, clearly,

1 the clerk read a verdict for that charge.

2 MR. THOMPSON: We were thinking the same thing, Your
3 Honor.

4 THE COURT: Yes, exactly. I just wanted to address it.
5 Let me hear from the State as to sentencing.

6 MS. HAMMACK: Your Honor, the only thing the State
7 would add in addition to testimony from the trial would be
8 the Defendant's prior criminal history.

9 He has convictions from 2002 of simple assault and
10 battery, shoplifting, open container. He has convictions
11 from 2004 for failure to stop for a blue light, possession
12 with intent to distribute crack cocaine in proximity to a
13 school, park or playground. Convictions from 2005 for
14 possession of marijuana, grand larceny, two convictions for
15 burglary second degree, possession of a stolen vehicle,
16 breaking and entering into an automobile. And convictions
17 from 2011, two counts of possession with intent to
18 distribute marijuana, giving false information and
19 possession of a controlled substance, second offense.

20 THE COURT: So these convictions for possession with
21 intent to distribute heroin and cocaine, trafficking
22 methamphetamine are third offenses?

23 MS. THOMPSON: That's correct, Your Honor.

24 MS. HAMMACK: Yes, Your Honor.

25 THE COURT: Okay. Let me hear from the Defense.

1 MS. HAYES: Your Honor, Mr. Lincoln is 38 years old.
2 He grew up here in Aiken County. He attended Silver Bluff
3 High School and was a football player. He didn't complete
4 high school, but he did obtain his GED in 2000. And then he
5 tells me he went back for his last year of high school
6 because he liked school. He also attended two years of
7 college with a major of psychology with a basis of consumer
8 behavior.

9 He was a maintenance supervisor for the Marriott and
10 while he was out on bond, he was working for Mex-Chem, which
11 is a chemical for lawn care business.

12 He has a daughter who's a freshman this fall in college
13 and a son who's a senior in high school, he's going to be a
14 senior this year in high school.

15 He is a member of the Canaan Baptist Church and he
16 attends Four Mile Missionary Baptist Church here.

17 He's got two brothers and a sister, lots of nieces and
18 nephews, Your Honor. He would ask that you consider the
19 minimum sentence on these charges.

20 And I believe -- I would hope -- I'm going to do it for
21 him, apologize to the Court in regards to his outburst at
22 the verdict being read because it was quite a significant
23 sentence that he's facing, which is a little bit reasonable
24 on why he's upset. And I don't think he wants to address
25 the Court, Your Honor.

1 MS. HAMMACK: He does have some other pending drug
2 charges, to include another trafficking charge. We have
3 already reached out to discuss resolution of those, but they
4 are still pending at this time.

5 MR. THOMPSON: I don't think you want to address the
6 Court, but if you do, now is the time.

7 THE COURT: Mr. Lincoln, I understand that you're
8 upset. I'm happy to give you a moment, but if you want to
9 tell me anything that may impact the sentence I impose on
10 these charges, now is the time to do that. You can choose
11 not to or you can choose to say something. And if you need
12 a moment before you do, let me know.

13 THE DEFENDANT: I don't know what to say.

14 THE COURT: And the reason I want to give you a minute
15 is because I need to understand what you're saying. I'm not
16 able to understand you while you're crying or with your
17 hands in front of your face.

18 THE DEFENDANT: My kids, man. My kids. For drugs,
19 man. Drugs, you taking me from my kids for drugs? I'm
20 sorry, man. For drugs, man. Oh, my God, man.

21 THE COURT: Well, I know it sounds unfortunate and, you
22 know --

23 THE DEFENDANT: Even if I would have been guilty, look
24 how much time that is for drugs.

25 THE COURT: I know.

1 THE DEFENDANT: That's crazy.

2 THE COURT: It is a lot of time for drugs, but it was a
3 lot of drugs and it's not your first offense, which is why
4 the state law is set up the way it is. The first time, you
5 probably wouldn't do any prison time on the first drug
6 charge. And the second time, you're exposed to more time.
7 But by the time you get to trafficking a third offense, 28
8 to 100 grams, that's when it gets serious.

9 And you're put on notice before you even commit those
10 offenses that if you do, you're facing a lot more time,
11 mandatory minimum, which is why you have to back up and make
12 the decision not to commit those offenses again because it
13 puts you in the position where yes, now, at minimum, you're
14 going to do 25 years. That's the minimum. And that may be
15 a good law, it may be a bad law, I take no position on that
16 as I sit here today, but it is the law.

17 THE DEFENDANT: I ain't even guilty. I didn't do it,
18 Your Honor. I ain't even guilty this time. That's why I'm
19 here. That's why I'm at trial. I ain't never went to trial
20 before. The only reason I'm here is because I wasn't
21 guilty, but y'all failed me again. Taking me from my kids.
22 Taking me from my kids again, man. I don't know what to do,
23 man.

24 THE COURT: Is there anything else you want to say, Mr.
25 Lincoln?

1 Corrections, sir. Good luck to you.

2 MR. THOMPSON: Your Honor, we have calculated the
3 credit for time served and I believe Ms. Hayes will be able
4 to give that to you momentarily.

5 THE COURT: If you will give me a number of days, I'll
6 write it down.

7 MS. HAYES: It looks like he's got 311 days.

8 THE COURT: Okay. Credit for 311 days served.

9 MR. THOMPSON: Thank you, Your Honor.

10 THE COURT: And thank you all for this week. It's been
11 a busy, but enjoyable week if you can enjoy that kind of
12 thing. I know that's weird to say, but I think everyone
13 within this sytem understands what I mean by that. So not a
14 bad week for my first week in Aiken. Thank you all.

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

I, PENNY M. JOHNSON, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

October 5, 2021

Penny M. Johnson
Penny M. Johnson
Official Court Reporter

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	POSSESSION WITH INTENT TO DISTRIBUTE
COUNTY OF AIKEN	)	COCAINE
)	
		§ 44-53-0370(b)(1)

At a Court of General Sessions, convened on December 7, 2020, the Grand Jurors of Aiken County present upon their oath:

That JONATHAN ART LINCOLN did in Aiken County on or about February 26, 2020, knowingly or intentionally possess with intent to distribute a quantity of Cocaine, a controlled substance under provisions §44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such possession not having been authorized by law.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Elizabeth B. Young
 J. STROM THURMOND, SOLICITOR

DOCKET NO. 2020GSO202097

WITNESSES

Aiken County Sheriff

Brandon J Knight II

Law Enforcement Case #: 20-010190

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

DECEMBER TERM 2020

MBM

ARREST WARRANT NUMBER

FILED December 3, 2020

2020A0210200370

Robert H. White
C.C.P. & G.S. PB

THE STATE
vs.

Paige Barnard
Deputy Clerk

JONATHAN ART LINCOLN

ACTION OF GRAND JURY

TRUE Bill

CDR #: 0185

Foreperson of Grand Jury
Date: December 3, 2020

for A. Art

VERDICT

Guilty

Indictment for

POSSESSION WITH INTENT TO
DISTRIBUTE COCAINE

§ 44-53-0370(b)(1)

Foreperson of Petit Jury

Date: 7/23/2021

Geoffrey Long

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	POSSESSION WITH INTENT TO DISTRIBUTE
COUNTY OF AIKEN	)	HEROIN
)	
		§ 44-53-0370(b)(1)

At a Court of General Sessions, convened on December 7, 2020, the Grand Jurors of Aiken County present upon their oath:

That JONATHAN ART LINCOLN did in Aiken County on or about February 26, 2020, knowingly or intentionally possess with intent to distribute a quantity of Heroin, a controlled substance under provisions §44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such possession not having been authorized by law.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Elizabeth B. Young
 J. STROM THURMOND, SOLICITOR

DOCKET NO. 2020GS0202098

The State of South Carolina

County of Aiken

WITNESSES

Aiken County Sheriff

Brandon J Knight II

Law Enforcement Case #: 20-010190

COURT OF GENERAL SESSIONS

DECEMBER TERM 2020

THE STATE
vs.

JONATHAN ART LINCOLN

MBM

ARREST WARRANT NUMBER

FILED December 3, 2020

2020A0210200371

Robert J. White
CCCP & G.S. PB

Paige Barnard
Deputy Clerk

ACTION OF GRAND JURY

True Bill

CDR #: 0185

Indictment for

POSSESSION WITH INTENT TO
DISTRIBUTE HEROIN

§ 44-53-0370(b)(1)

J. STROM THURMOND, SOLICITOR

Foreperson of Grand Jury
Date: December 3, 2020

J. R. A.

VERDICT

Guilty

Foreperson of Petit Jury

Date: 7/23/2021

John L. Lough

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	TRAFFICKING IN METHAMPHETAMINE
COUNTY OF AIKEN)	
	)	§ 44-53-0375(C)(2)(c)

At a Court of General Sessions, convened on December 7, 2020, the Grand Jurors of Aiken County present upon their oath:

That JONATHAN ART LINCOLN did in Aiken County on or about February 26, 2020, knowingly sell, manufacture, cultivate, deliver, purchase or bring into this State, or did provide financial assistance or did otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase or bring into this State, or did knowingly, actually, or constructively possess, or did knowingly attempt to become in actual or constructive possession of more than 28 grams but less than 100 grams of Methamphetamine, a controlled substance under provisions of Section 44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such possession not having been authorized by law.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 J. STROM THURMOND, SOLICITOR

DOCKET NO. 2020GS0202100

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

DECEMBER TERM 2020

THE STATE
vs.

JONATHAN ART LINCOLN

CDR #: 0349

Indictment for

TRAFFICKING IN METHAMPHETAMINE

§ 44-53-0375(C)(2)(c)

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Brandon J Knight II

Law Enforcement Case #: 20-010190

MBM

ARREST WARRANT NUMBER

FILED December 3, 2020

2020A0210200393

Robert A. Brite
CCJ, A.G.S. PB

Paige Barnd
Deputy Clerk

ACTION OF GRAND JURY

TRUE Bill

Foreperson of Grand Jury
Date: December 3, 2020

John H. All

VERDICT

Guilty

Foreperson of Petit Jury

Date: *7/23/2021*

Edythe Shuff

STATE OF SOUTH CAROLINA)
 COUNTY OF Aiken)
 STATE)
 VS.)
Jonathan Art Lincoln)
 AKA:)
 Race: Black Sex: M Age: 38)
 DOB: [REDACTED]-1983 SS#: [REDACTED]-7839)
 Address: [REDACTED])
 City, State, Zip: Aiken, SC 29801)
 DL# [REDACTED] SID# _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 02 - 02097

AW#: 2020A0210200370
 Date of Offense: 2/26/2020
 S.C. Code §: 44-53-0370(b)(1)
 CDR Code #: 0185

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 3rd or sub. offense COCAINE

In violation of § 44-53-0370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0185

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Ashley A. Hammack 80176 [Signature] [Signature]
 Solicitor SC Bar# Defendant Attorney for Defendant SC Bar# 77833

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 30 days/months/years/Time Served Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: 2020GS0262098, 2100 (July 23, 2021)

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.

311 (days/months)

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jonathan Art Lincoln INDICTMENT/CASE#: 2020 - GS - 02 - 02097

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100	\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$ _____
§56-5-2995 (DUI Assessment)		\$12	\$ _____
§56-1-286 (DUI Breath Test)		\$25	\$ _____
§14-1-212 (Law Enforce. Funding)		\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)		\$150	\$ <u>150.00</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$ _____
3% to County (if paid in installments)		TBD	\$ <u>8.25</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$ _____
		TOTAL	\$ <u>283.25</u>

Clerk of Court/Deputy Clerk: *Devenald*
Court Reporter: *DCRP*

Presiding Judge: *Jocelyne Neuman*
Judge Code: 2751
Sentence Date: July 23, 2021

Man 10-30 yrs

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Aiken)
)
 STATE)
 VS.)
)
Jonathan Art Lincoln)
 AKA:)
 Race: Black Sex: M Age: 38)
 DOB: [redacted]-1983 SS#: 2 [redacted] 9-7839)
 Address: [redacted])
 City, State, Zip: Aiken, SC 29801)
 DL#* [redacted] SID# _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 02 - 02098
 AW#: 2020A0210200371
 Date of Offense: 2/26/2020
 S.C. Code §: 44-53-0370(b)(1)
 CDR Code #: 0185

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 3rd or sub. offense Heroin

In violation of § 44-53-0370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0185

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

80176
199386
80176 SC Bar # 199386 Defendant [Signature] Attorney for Defendant 77833 SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 30 days/months/years/Time Served Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: 2020 GS 0202097, 2100 (July 23, 2021)

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.

311 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jonathan Art Lincoln INDICTMENT/CASE#: 2020 - GS - 02 - 02098

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100	\$ <u>100.⁰⁰</u>
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$ _____
§56-5-2995 (DUI Assessment)		\$12	\$ _____
§56-1-286 (DUI Breath Test)		\$25	\$ _____
§14-1-212 (Law Enforce. Funding)		\$25	\$ <u>25.⁰⁰</u>
§14-1-213 (Drug Court Surcharge)		\$150	\$ <u>150.⁰⁰</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$ _____
3% to County (if paid in installments)		TBD	\$ <u>8.25</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$ _____
TOTAL			\$ <u>283.25</u>

Clerk of Court/Deputy Clerk: *Davena*
Court Reporter: *DCRP*

Presiding Judge: *Judith Newman*
Judge Code: 2757
Sentence Date: July 23, 2021

man 25-30yrs

STATE OF SOUTH CAROLINA)
 COUNTY OF Aiken)
 STATE)
 VS.)
Jonathan Art Lincoln)
 AKA:)
 Race: Black Sex: M Age: 38)
 DOB: -1983 SS#: -7839)
 Address:)
 City, State, Zip: Aiken, SC 29801)
 DL#* 0 SID#)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 02 - 02100

AW#: 2020A0210200393
 Date of Offense: 2/26/2020
 S.C. Code §: 44-53-0375(C)(2)(c)
 CDR Code #: 0349

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Drugs / Trafficking in meth. or cocaine base - 28 g or more, but less than 100 g - 3rd or sub. (Fel., 25Y to 30Y)

In violation of § 44-53-0375(C)(2)(c) of the S.C. Code of Laws, bearing CDR Code # 0349

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: 80176
Ashley J. Hammack 400386 [Signature] Suparna Hayes 71833
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 30 days/months/years/Time Served Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$ 50,000; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: 2020GS0202097, 2098 (July 23, 2021)

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. 311 (days/months)

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jonathan Art Lincoln INDICTMENT/CASE#: 2020 - GS - 02 - 02100

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly prmts. of	\$ _____	Beginning	<u>\$ 50,000.⁰⁰</u>
§14-1-206 (Assessments 107.5%)			<u>\$ 53,750.⁰⁰</u>
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		<u>\$ 100.⁰⁰</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$ _____
§56-5-2995 (DUI Assessment)	\$12		\$ _____
§56-1-286 (DUI Breath Test)	\$25		\$ _____
§14-1-212 (Law Enforce. Funding)	\$25		<u>\$ 25.⁰⁰</u>
§14-1-213 (Drug Court Surcharge)	\$150		<u>\$ 150.⁰⁰</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$ _____
3% to County (if paid in installments)	TBD		<u>\$ 3,120.⁷⁵</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500		\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$ _____
	TOTAL		<u>\$ 107,145.75</u>

Clerk of Court/Deputy Clerk: *[Signature]*
Court Reporter: DCRP

Presiding Judge: *Jocelyn Neumann*
Judge Code: 2757
Sentence Date: July 23, 2021

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,

RECEIVED

Mar 02 2022

SC Court of Appeals

s/ Lara M. Caudy

Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 2nd day of March, 2022.