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May 20 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington
Court of General Sessions
Walton J. McLeod, IV, Circuit Court Judge

APPELLATE CASE NO. 2021-000788

THE STATE,

RESPONDENT,

V.

Jerome Smith,

APPELLANT.

RECORD ON APPEAL – Volume II

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STATE OF SOUTH CAROLINA

County of: Lexington

**100 Riverbend Drive Apt H25
West Columbia, SC 2169**

SEARCH WARRANT

Date: 10/23/2019

Officer: S/A Jamie Shaw

① 11:11

South Carolina Law Enforcement Division
4400 Broad River Road
Columbia, SC 29210

STATE OF SOUTH CAROLINA }
COUNTY OF LEXINGTON

AFFIDAVIT

Personally appeared before me, one S/A Jamie Shaw, who, being duly sworn, say that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

SEE ATTACHMENT "B" OF AFFIDAVIT

**DESCRIPTION OF PREMISES (PERSON, PLACE, OR THING)
TO BE SEARCHED**

SEE ATTACHMENT "A" OF AFFIDAVIT

**REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES**

SEE ATTACHED AFFIDAVIT

Sworn to and Subscribed before me

This 23 day of oct, 2019 19 }

Signature of Judge 


Affiant

Address - 4400 Broad River Rd.

Columbia, SC 29210

Phone - 803-960-8440

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON



SEARCH WARRANT

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF Lexington County, SC.

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

**DESCRIPTION OF PREMISES (PERSON, PLACE, OR THING)
TO BE SEARCHED**


SEE ATTACHMENT "A" OF AFFIDAVIT

DESCRIPTION OF PROPERTY

SEE ATTACHED "B" OF AFFIDAVIT

This Search warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to:



Within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

 _____, S.C.

 _____, 20  _____
Signature of Judge _____ (L.S.)

State of South Carolina)
)
)
County of Lexington)

AFFIDAVIT

In support of the attached Application for Search Warrant, Affiant, being duly sworn, deposes and says:

I, Jamie Shaw, am a Special Agent for the South Carolina Law Enforcement Division (SLED), Columbia, South Carolina Narcotics unit for four years. During this period of the affiant's law enforcement career in the investigation of crimes relating to the illegal sale and distribution of controlled substances, this affiant has been involved, assisted, and been present while subjects have been interviewed who have intimately and directly been involved in the storage, sale, trafficking in and/or distribution of controlled substances. Through these conversations/interviews I was present for, and through discussions and informal training with SLED Agents who have years of experience investigating drug trafficking organizations, your affiant has become familiar with the method in which drug distribution networks are established and maintained and has also learned techniques in which drug distributors store, sale, or otherwise distribute their illegal substances. This affiant has received formal training regarding narcotics enforcement and investigations. Additionally, this affiant has received instruction by experienced law enforcement officers regarding the value of documentary evidence as it relates to narcotics investigations.

Based off my training and participation in narcotic investigations, to include information conveyed to me by law enforcement officers who have multiple years of experience investigating drug trafficking organizations, I am aware that:

- a. Drug traffickers often hold assets in nominee names to conceal any connection between any such asset and themselves, attempting in this way to avoid detection of their illegal activities by law enforcement agencies.
- b. Although their assets are held in nominee names, drug distributors use and enjoy them, exercising ultimate dominion and control over such assets.
- c. Drug distributors must maintain a ready access to large amounts of cash in order to maintain and finance their on-going drug business.
- d. Because drug distributing is often a continuing activity which sometimes spans many years, because the distributor's inventory of controlled substances fluctuates depending on availability and demand, and because drug distributors commonly front drugs, or provide them on consignment, or trade items of value (i.e. stolen goods) to their customers, the distributors often maintain books, receipts, notes, ledgers or some other type of record reflecting such transactions. Drug distributors often keep their records in some secure, yet readily accessible place, where they can be used and maintained, such as in homes, offices, places of business, automobiles, safes, or safe deposit boxes. These items can also be stored, processed, and retrieved from electronic devices including but not limited to computers, word processors, palm pilots, PDA's, and cell phones. Drug distributors often keep these records of their illegal activities beyond the time

during which controlled substances are actually in their possession so that they can maintain contact with their criminal associates for future drug transactions for which they might be owed or owe inventory or money.

- e. Drug distributors commonly hide controlled substances, drug proceeds, and records of their drug transactions in secure locations, such as those mentioned in paragraph (d) above, as well as in offices or places of business, garages, or storage buildings. Similarly, the distributors have ready access to these items, and attempt to conceal them from law enforcement agencies.
- f. Drug distributors conceal currency, financial instruments, documents relating to financial transactions, precious metals, jewelry, other items of value, and proceeds of drug transactions, all of which constitutes evidence of drug trafficking activities. Additionally, such items constitute evidence of transactions establishing the generation, transfer, concealment, and expenditure of large sums of money made from trafficking in and/or distributing controlled substances. Like the items mentioned in paragraph (d) above, distributors maintain these in secure, yet convenient locations, such as their homes, offices, and places of business, garages, storage buildings, automobiles, and safe deposit boxes.
- g. Drug distributors commonly maintain addresses or telephone numbers in books or papers, which reflect names, addresses, and telephone, beeper, or pager numbers for their drug distributing and customer associates. These items are sometimes in code.

- h. Drug distributors frequently have photos of themselves, their associates, their property and controlled substances, which are usually maintained in their homes. Such photographs constitute evidence of their drug distributing activities, establishing their connections with items of property with each other, and with drugs.
- i. Drug traffickers/distributors involved in importation or transportation of controlled substances from source cities generally possess documentation, such as telephone records, correspondence, shipyard receipts, wire transfers, airline ticket receipts, and the like, which pertain to the acquisition, transportation, shipment, or receipt of, or payment for, controlled substances, and which evidences the trafficked participation in the illegal drug scheme.
- j. Drug distributors often maintain some record of the movement of money, whether it is accomplished by wire or inter-bank transfer or by a person acting as a courier. Such records, even though they may be in code, are evidence of the trafficker's illegal activities.
- k. Drug distributors often use false or fictitious names or corporations or other business entities to launder their drug proceeds and to send shipments of cash or controlled substances through the mail or other delivery services. Distributors or their agents sometimes utilize banks, both domestic and abroad, though proceeds from their illegal activities are laundered. Funds are frequently transferred between banks and various accounts to conceal their sources and origins. It is also common to obtain bearer or other negotiable instruments through foreign

banks to avoid the necessity of filing currency transaction reports, in this manner concealing the fact of the transaction and the true ownership of the funds. Documents or records of any kind reflecting any connection with any such entity or transaction constitute evidence of the trafficker's participation in the illegal scheme.

1. Drug distributors frequently utilize a continuing pattern of activities to launder and conceal drug-generated proceeds and assets, which lasts over a period of years. Drug distributors use these patterns or schemes to create the appearance of legitimate income so that they can eventually convert the proceeds or assets to themselves or to a nominee under their control. In this way, the distributors can enjoy and use their properties while attempting to conceal their illegal activities, which generated the proceeds or assets.
- m. Courts have recognized that unexplained wealth is probative evidence of crimes motivated by greed, which includes trafficking in controlled substances and illegal schemes to conceal their illegal activities schemes to conceal drug-generated proceeds.
- n. Drug distributors who deal in illegal controlled substances often use mobile phones, computers, and other electronic devices to maintain contact with and receive messages from their customers and suppliers and to further distribution activity.
- o. Drug distributors often possess, receive, and/or trade stolen goods for controlled substances.

On August 19, 2017, Agents from the South Carolina Law Enforcement Division (SLED) conducted a controlled purchase of heroin from Jerome SMITH. SLED Agents utilized a SLED Confidential Informant, who knew SMITH to distribute heroin. The SLED CI was provided with audio and video recording equipment and state documented state funds. The SLED CI was searched before and after the controlled purchase. The SLED CI met SMITH at 1810 Allen Benedict Court. SMITH and the SLED CI walked to his apartment, which at the time was listed as SMITH'S DMV address showing he resides at 1810 Allen Benedict Court Apt. T5. SMITH sold the SLED CI heroin, which he retrieved from the bedroom area of his apartment. The CI walked back and met with SLED Agents. The heroin was sealed in a SLED Best Kit and submitted to the SLED laboratory. The heroin purchased from SMITH did yield a positive result for heroin and had a net weight of 0.97 grams of heroin.

On August 25, 2017, SMITH sold heroin to a documented SLED CI. The SLED CI was search before and after the controlled purchase. The affiant was performing electronic surveillance during the transaction. The transaction was captured on audio and visual recording devices. SMITH sold heroin to the SLED CI in a vehicle registered to him at his then residence of 1810 Allen Benedict Court Apt. T5. The heroin was sealed in to a SLED Best Kit and submitted to the SLED Laboratory. The heroin purchased from SMITH did yield a positive result for heroin and had a net weight of 3.01 grams

Within the past 72 hours, law enforcement observed SMITH aka "Chrome" walk from apartment building H which is located on the right hand side of the apartment complex. Apartment building H contains two apartments, H25 and a second apartment. Special Agent (S/A) Jamie Shaw with the South Carolina Law Enforcement Division (SLED) knew SMITH to reside at apartment H25 because SMITH's driver's license listed that address as his residence. SMITH also has seven vehicles registered to his name at 100 Riverbend Drive Apt H25, West Columbia, SC 29169. S/A Shaw had two arrest warrants for distribution of heroin from SMITH. S/A Shaw observed SMITH walk from the building that contains apartment H25 to a white 2013 Honda Odyssey bearing South Carolina Vehicle Tag RLL230, which is one of the vehicles registered to SMITH at his residence. SMITH started the vehicle and exited the parking lot. Surveillance was maintained by S/A Shaw and S/A Zachary Perry of SLED. SMITH drove straight with no stops in between to the Walmart Supercenter, located at 2401 Augusta Road, West Columbia, SC 29169. SMITH stayed in the driver seat of his vehicle for approximately 20 minutes. A white male, later identified as Roland CARVER, walked to the front passenger compartment of the vehicle and entered the vehicle. SMITH drove himself and CARVER from the "Home and Garden" side of the Walmart to the front door of the "Pharmacy" side of the Walmart Supercenter. CARVER exited the front passenger seat of the white Honda Odyssey and walked into the Walmart Supercenter. S/A Perry and S/A Kyle Fowler with SLED walked into the business and followed CARVER to the male restroom area of the business. S/A Fowler placed CARVER in investigative detention in the restroom. S/A Fowler and S/A Perry walked CARVER

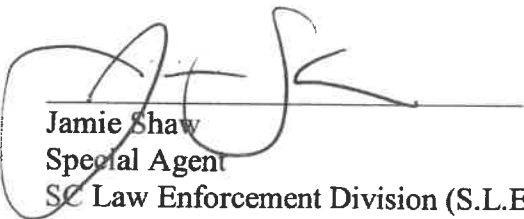
outside to S/A Fowler's state issued vehicle. S/A Fowler informed CARVER he was going to do a pat down for weapons and asked CARVER if he had anything that would poke him. CARVER admitted to having a needle in his pockets and heroin in his hoodie pocket. CARVER was placed in S/A Fowler's vehicle. S/A Shaw read CARVER his Miranda rights from a SLED pocket card. CARVER stated he understood his rights. CARVER stated he had purchased the heroin from SMITH, who CARVER knew as "Mr C", inside the white Honda van in the Walmart parking lot. CARVER stated he had purchased heroin from "Mr C" "hundreds of time over the past three years, either a gram or a half gram of heroin each time".

In the Walmart parking lot, S/A S. Lewis Stoertz activated the blue lights of his state issued Tahoe behind the white Honda van. SMITH came to a stop in the back section of the Walmart parking lot. S/A Stoertz confirmed that the driver was Jerome SMITH and asked SMITH to step out of the vehicle. S/A Shaw asked SMITH what his name was and he stated "Jerome SMITH". S/A Shaw informed SMITH he had two warrants for his arrest for distribution of heroin. SMITH was handcuffed behind his back by S/A Shaw. S/A Stoertz read SMITH his Miranda Rights from a SLED pocket card.

SMITH was transported to the SLED Annex, located at 1731 Bush River Road, Columbia in Lexington County. SMITH stated his apartment was a three bedroom apartment where he resided with his wife. SMITH stated the apartment was located

on the first floor of the apartment building. Apartment H 25 is located on the ground floor of building H.

Based on the above information, facts, and circumstances, your affiant believes that there is probable cause to believe that the residence has in the past and is currently involved in distribution of crack cocaine. It is believed that these items enumerated in this affidavit and in "Attachment B" will be found at this residence further described in "Attachment A" in Lexington County. These are some of the items necessary as evidence to further this investigation.



Jamie Shaw
Special Agent
SC Law Enforcement Division (S.L.E.D.)

Sworn to and Subscribed Before me this

23 day of oct, 2019.



JUDGE'S SIGNATURE

11:11

ATTACHMENT "B"

DESCRIPTION OF PROPERTY SOUGHT

1. Crack Cocaine and/or any other illegal controlled substance and related paraphernalia.
2. Paraphernalia for packaging, weighing, and distributing of controlled substances, including, but not limited to scales, cooking material, cutting agents, materials for storage, and baggies.
3. Books, records, receipts, notes, ledgers, and other papers relating to the use, transportation, distribution, order, or purchase of controlled substances.
4. Papers, tickets, notes, schedules, receipts, and other items relating to domestic and foreign travel.
5. Address and /or telephone books and any papers or instruments reflecting names, addresses, and/or telephone numbers of co-conspirators, sources of supply, customers, or financial instruments.
6. Books, records, receipts, and bank statements, motor vehicle titles, bills of sale, invoices, money drafts, letters of credits, money order/cashier's check receipts, passbooks, bank checks, safe deposit box keys, and other items evidencing the obtaining, secreting, transfer, and/or concealing of assets including, but not limited to, real estate and motor vehicles; and the obtaining, secreting, transfer, concealment, and/or expenditure of money.

7. United States currency, precious metals, jewelry, and financial instruments including, but not limited to, stocks and bonds.
8. Photographs, including still photographs, negatives, videotapes, films, or undeveloped film that reveals co-conspirators, assets, and/or controlled substances.
9. Indicia of occupancy, residency, and/or ownership of real estate, including, but not limited to utility and telephone bills, titles, correspondence, property tax statements, canceled envelopes, and keys.
10. Surveillance equipment including cameras, monitors, scanners, two-way radios, and taping equipment.
11. Any communication equipment including cell phones, mobile phones, pagers, answering machines, and the retrieval of all numeric and/or voice messages from the memory of such equipment.
12. Any and all information and/or data stored in the form of magnetic or electronic coding on computer media or on media capable of being read by a computer or with the aid of computer related equipment. This media includes floppy diskettes, fixed hard drives, removable hard disk cartridges, tapes, laser disks, video cassettes, and other media which are capable of storing magnetic coding.
13. Any and all electronic devices which are capable of analyzing, creating, displaying, converting, or transmitting electronic or magnetic computer impulses or data. These devices include computers, computer components, computer

peripherals, word processor equipment, modems, monitors, printer, plotters, encryption circuit boards, optical scanners, external hard drives, and other computer related electronic devices.

14. Any and all firearms to include but not limited to rifles, shotguns, handguns, ammunition for said firearms.



Signature of Affiant **Dates** 10/23/19



Signature of Judge **Date** 10-23-19

ATTACHMENT "A"

DESCRIPTION OF PREMISES

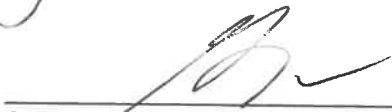
From South Carolina Interstate I-26 Eastbound take exit 110 and head towards West Columbia. Turn slight left onto Sunset Boulevard/US-378. In approximately 3 miles, turn left onto N Lucas Street. Travel approximately 0.25 miles, take a right in to Saluda Trail. In approximately 200 yards turn left on to 100 Riverbend Drive. In 50 yards, take your first right and follow the street around the curve. Apartment H25 is located on the left hand side on the bottom of the second building, which is marked "H26 – H25". The apartment is marked with a "S" and is located directly under the upstairs walkway for apartment.

See "ATTACHMENT C" for photo of residence.

The search is to include the residence and all persons, vehicles, and outbuildings at said residence.



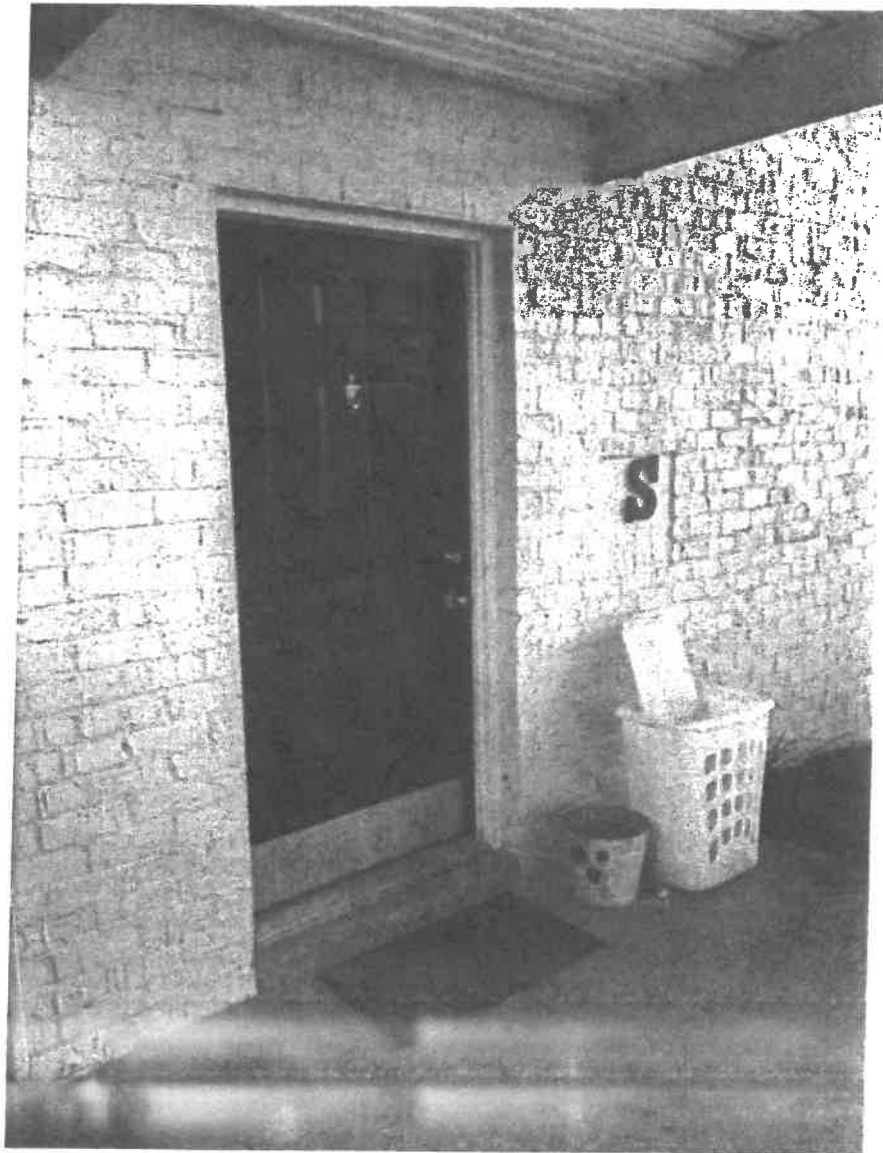
Signature of Affiant **Date** 10/23/19

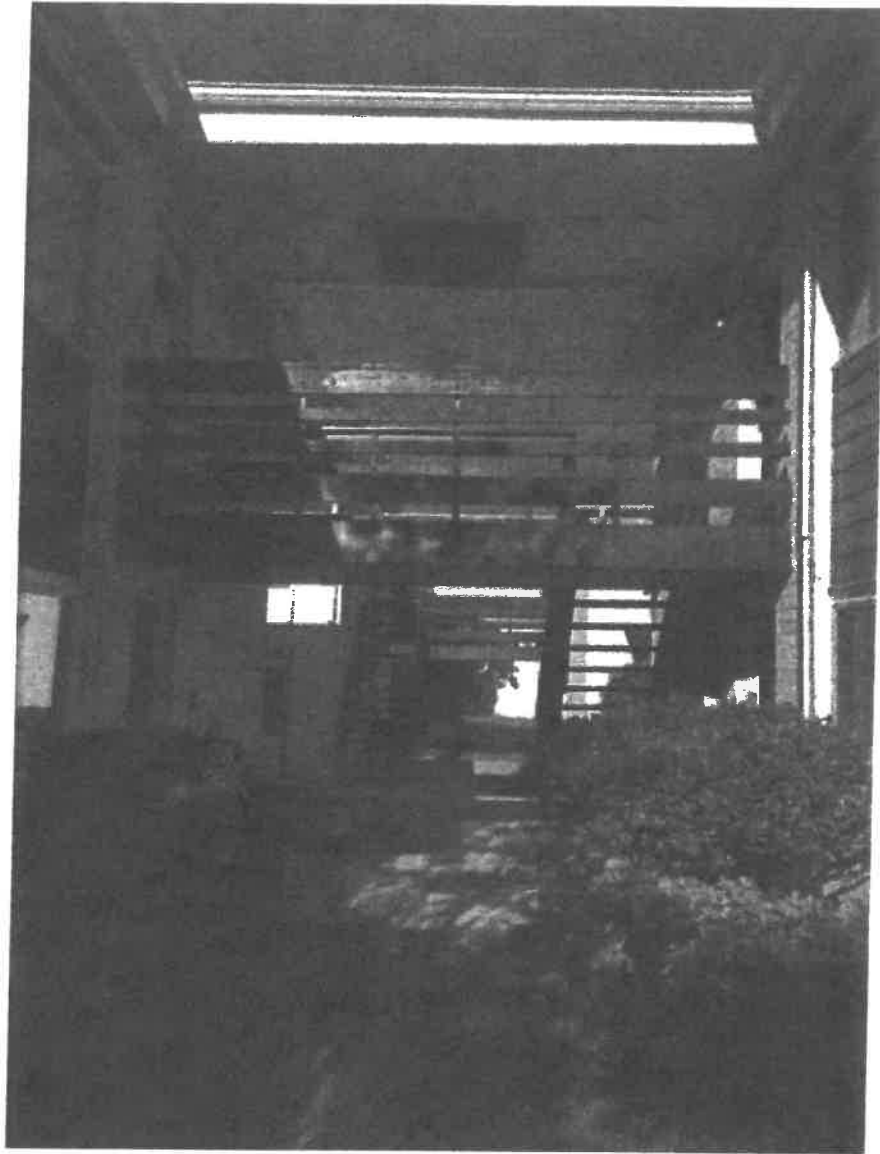


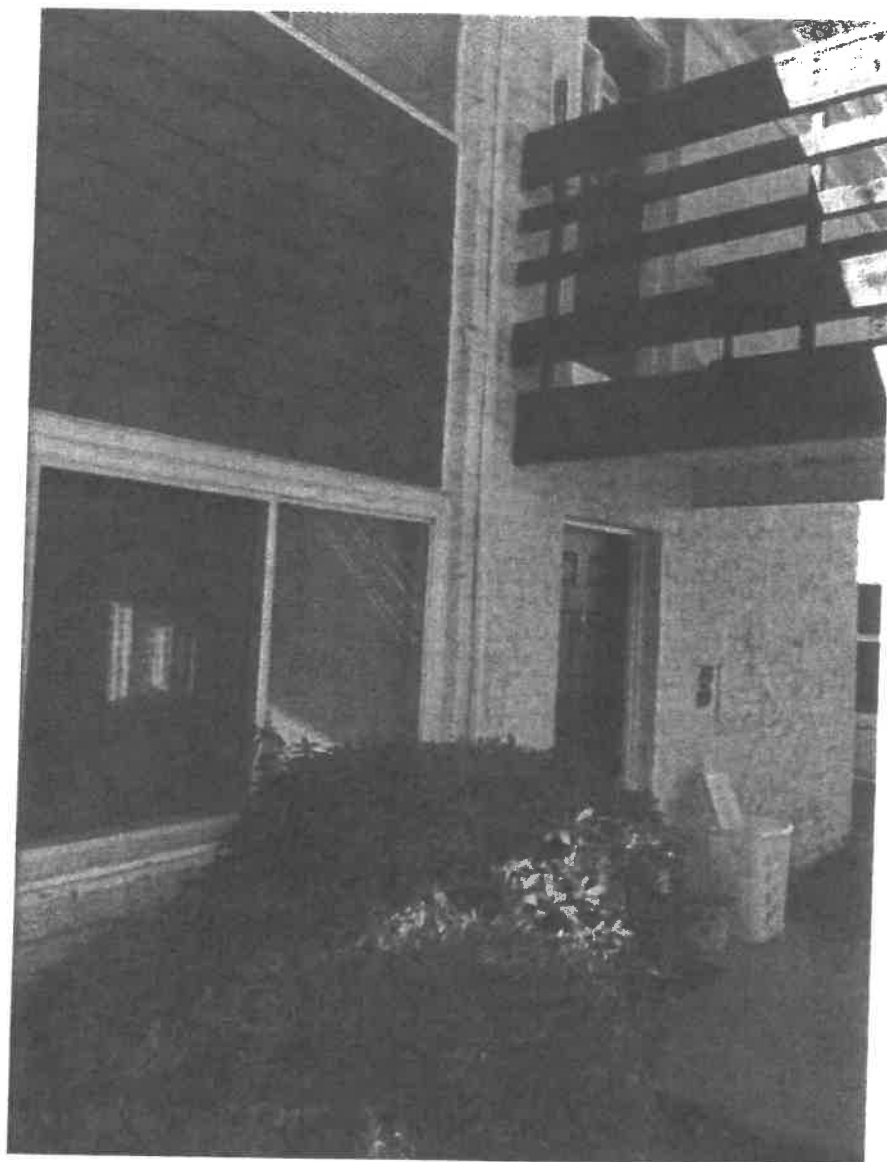
Signature of Judge **Date** 10-23-19

ATTACHMENT "C"

PHOTOS OF RESIDENCE







ARREST WARRANT

2019A4010500251

STATE OF SOUTH CAROLINA

Richland / Dutch Fork Magistrate

THE STATE against

Jerome Smith

Address: 100 Riverbend Dr Apt H25 West Columbia, SC 29169-7492

Sex: M Race: B Height: 5 / Weight: 250

DL State: SC DL #: Agency ORI #: SCLED0000

Prosecuting Agency: State Law Enforcement Division

Prosecuting Officer: Jamie N Shaw - S00569

Offense: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 1st offense

Offense Code: 0183

Code/Ordinance Sec: 44-53-0370(b)(1)

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

Signature of Judge

Date: 10-16-19

RETURN

A copy of this arrest warrant was delivered to defendant Jerome Smith on October 23, 2019

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions 1701 Main Street P O Box 192 Columbia, SC 29202

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

Richland / Dutch Fork Magistrate

AFFIDAVIT

ORIGINAL

Form Approved S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Jamie N Shaw

being duly sworn deposes and says that defendant Jerome Smith

did within this county and state on or about 8/19/2017

State of South Carolina (or ordinance of) County/ Municipality of Richland / Dutch Fork Magistrate violate the criminal laws in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 1st offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On August 19, 2017, at approximately 4:29 p.m., one Jerome SMITH, did unlawfully distribute a quantity of heroin, a controlled substance that was less than 4 grams. This violation taking place at 1810 Allen Benedict Court, Columbia, SC. This being in violation of Section 44-53-370, South Carolina Code of Laws, 1976, as amended. Affiant knows this to be true because Jerome SMITH sold heroin to a documented SLED CI. The SLED CI was searched before and after the controlled purchase. The affiant was performing electronic surveillance during the transaction. The transaction was captured on audio and visual recording devices. 1 heroin was sealed in to a SLED Best Kit and submitted to the SLED Laboratory. The heroin purchased from SMITH did yield a positive result for heroin and had a net weight of 0.97 grams.

Signature of Affiant

STATE OF SOUTH CAROLINA

Richland / Dutch Fork Magistrate

Affiant's Address P. O. Box 21398

Columbia, SC 29221-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY: It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/19/2017

defendant Jerome Smith

did violate the criminal laws of the State of South Carolina (or ordinance of) County/ Municipality of Richland / Dutch Fork Magistrate

DESCRIPTION OF OFFENSE: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me on 10/16/2019

Signature of Issuing Judge

Michael David Scott

Judge Code: 7397

Judge's Address Dutch Fork District

Columbia, SC 29210-

Judge's Telephone (803)576-2540

Issuing Court: Magistrate

Municipal

Circuit

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

WARRANT AFFIDAVIT

DEFENDANT: NAME: Jerome Smith
DOB: 07/15/1963 RACE: BLACK SEX: MALE SSN:
HEIGHT: 5'07 WEIGHT: 250 HAIR: BLK EYES: BRO DL: [REDACTED]
ADDRESS: 100 Riverbend Drive, Apt H25, West Columbia, SC 29169

Personally appeared before me the affiant, Special Agent (S/A) Jamie Shaw, whom being duly sworn and says that defendant: Jerome Smith did within this County and State on August 19, 2017, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE: Distribution of Heroin, 1st (CDR CODE 0183)
CODE SECTION: 44-53-370(b)(1)

PROBABLE CAUSE:

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On August 19, 2017, at approximately 4:29 PM, one Jerome SMITH, did unlawfully distribute a quantity of heroin, a controlled substance that was less than 4 grams. This violation taking place at 1810 Allen Benedict Court, Columbia, SC. This being in violation of Section 44-53-370, South Carolina Code of Laws, 1976, as amended. Affiant knows this to be true because Jerome SMITH sold heroin to a documented SLED CI. The SLED CI was search before and after the controlled purchase. The affiant was performing electronic surveillance during the transaction. The transaction was captured on audio and visual recording devices. The heroin was sealed in to a SLED Best Kit and submitted to the SLED Laboratory. The heroin purchased from SMITH did yield a positive result for heroin and had a net weight of 0.97 grams.


SLED CASE NUMBER: 78-17-0184

Sworn to and Subscribed before me)

16th day of October, 2019)



Affiant



Signature of Judge
Code 7397)

) Agency: South Carolina Law Enforcement
Division
) Address: 4400 Broad River Road, Columbia, SC
29210
) Phone: 803-960-8440

ARREST WARRANT

2019A4010500252

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland / Dutch Fork Magistrate

THE STATE

against

Jerome Smith

Address: 100 Riverbend Dr Apt H25 West Columbia, SC 29169-7492

Sex: M Race: B Height: 5 7 Weight: 250 DL State: SC DL #: DOB: Agency ORI #: SCLED0000

Prosecuting Agency: State Law Enforcement Division Prosecuting Officer: Jamie N Shaw - S00569

Offense: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 1st offense

Offense Code: 0183 Code/Ordinance Sec: 44-53-0370(b)(1)

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

Signature of Judge (L.S.)

Date: 10-16-19

RETURN

A copy of this arrest warrant was delivered to defendant Jerome Smith on October 23, 2019

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO: Dutch Fork Magistrate 1019 Beatty Road Columbia, SC 29210

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland / Dutch Fork Magistrate

Personally appeared before me the affiant Jamie N Shaw being duly sworn deposes and says that defendant Jerome Smith did within this county and state on or about 8/25/2017 State of South Carolina (or ordinance of County/ Municipality of Richland / Dutch Fork Magistrate in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 1st offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On August 25, 2017, at approximately 2:35 p.m., one Jerome SMITH, did unlawfully distribute a quantity of heroin, a controlled substance that was less than 4 grams. This violation taking place at 1810 Allen Benedict Court, Columbia, SC. This being in violation of Section 44-53-370, South Carolina Code of Laws, 1976, as amended. Affiant knows this to be true because Jerome SMITH sold heroin to a documented SLED CI. The SLED CI was search before and after the controlled purchase. The affiant was performing electronic surveillance during the transaction. The transaction was captured on audio and visual recording devices. The heroin was sealed in to a SLED Best Kit and submitted to the SLED Laboratory. The heroin purchased from SMITH did yield a positive result for heroin and had a net weight of 3.01 grams.

Signature of Affiant

STATE OF SOUTH CAROLINA County/ Municipality of

Richland / Dutch Fork Magistrate

Affiant's Address P. O. Box 21398 Columbia, SC 29221- Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe the

on or about 8/25/2017 defendant Jerome Smith

did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Richland / Dutch Fork Magistrate as set forth below:

DESCRIPTION OF OFFENSE: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me

on 10/15/2019

Signature of Issuing Judge (L.S.)

Michael David Scott Judge Code: 7397

Judge's Address Dutch Fork District Columbia, SC 29210-

Judge's Telephone (803)576-2540

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

WARRANT AFFIDAVIT

DEFENDANT: NAME: Jerome Smith
DOB: 07/15/1963 RACE: BLACK SEX: MALE SSN:
HEIGHT: 5'07 WEIGHT: 250 HAIR: BLK EYES: BRO DL: [REDACTED]
ADDRESS: 100 Riverbend Drive, Apt H25, West Columbia, SC 29169

Personally appeared before me the affiant, Special Agent (S/A) Jamie Shaw, whom being duly sworn and says that defendant: Jerome Smith did within this County and State on August 25, 2017, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE: Distribution of Heroin, 1st (CDR CODE 0183)
CODE SECTION: 44-53-370(b)(1)

PROBABLE CAUSE:

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

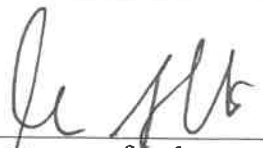
On August 25, 2017, at approximately 2:35 PM, one Jerome SMITH, did unlawfully distribute a quantity of heroin, a controlled substance that was less than 4 grams. This violation taking place at 1810 Allen Benedict Court, Columbia, SC. This being in violation of Section 44-53-370, South Carolina Code of Laws, 1976, as amended. Affiant knows this to be true because Jerome SMITH sold heroin to a documented SLED CI. The SLED CI was search before and after the controlled purchase. The affiant was performing electronic surveillance during the transaction. The transaction was captured on audio and visual recording devices. The heroin was sealed in to a SLED Best Kit and submitted to the SLED Laboratory. The heroin purchased from SMITH did yield a positive result for heroin and had a net weight of 3.01 grams.

SLED CASE NUMBER: 78-17-0184

Sworn to and Subscribed before me)

16th day of October, 2018)


Affiant


Signature of Judge
code 7387

) Agency: South Carolina Law Enforcement
Division
) Address: 4400 Broad River Road, Columbia, SC
29210
) Phone: 803-960-8440

STATE OF SOUTH CAROLINA)
)
COUNTY OF Lexington)
)
STATE)
)
VS.)
)
Jerome Smith)
)
AKA:)
Race: Black Sex: M Age: 57)
DOB: [REDACTED] SS#: [REDACTED])
Address:)
City, State, Zip:)
DL#* [REDACTED] SID# [REDACTED])

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 32 - 00729

AW#: 20-STR-00021
Date of Offense: 10/23/2019
S.C. Code §: 44-53-0370(e)(3)(b)
CDR Code #: 0287

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Jul 27 2021

SC Court of Appeals

*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 Heroin, morph., etc., 14 g or more, but less than 28 g

In violation of § 44-53-0370(e)(3)(b) of the S.C. Code of Laws, bearing CDR Code # 0287

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:

[Signature] 103157
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 25 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: _____

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.

10 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. Jerome Smith INDICTMENT/CASE#: 2020 - GS - 32 - 00729

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	\$ _____
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ 100 -
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150 -
§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	\$ _____
<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	\$ 275.00

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

Presiding Judge: Walt Just
Judge Code: 2765
Sentence Date: 7-14-2021

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Lexington)
)
 STATE)
)
 VS.)
)
Jerome Smith)
)
 AKA:)
 Race: Black Sex: M Age: 57)
 DOB: [REDACTED] SS#: [REDACTED])
 Address:)
 City, State, Zip:)
 DL#* [REDACTED] SID# [REDACTED])
)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 32 - 00730

AW#: 20-STR-00020
 Date of Offense: 10/23/2019
 S.C. Code §: 44-53-0370(b)(1)
 CDR Code #: 0183

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SC Court of Appeals

*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: PWID Heroin - 1st offense

In violation of § 44-53-0370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0183

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:

[Signature] 103157
 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 10 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: _____

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. 10 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. Jerome Smith INDICTMENT/CASE#: 2020 - GS - 32 - 00730

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	\$ 100 ⁻
§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	\$ 25 ⁻
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150 ⁻
§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	\$ _____
<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	\$ 275

Clerk of Court/Deputy Clerk: Lisa Comer
Court Reporter: L. LeBlanc

Presiding Judge: Wah-JMS
Judge Code: 2765
Sentence Date: 7-14-2021

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Lexington)
)
 STATE)
)
 VS.)
)
Jerome Smith)
)
 AKA:)
 Race: Black Sex: M Age: 57)
 DOB: [REDACTED] SS#: [REDACTED])
 Address:)
 City, State, Zip:)
 DL#* [REDACTED] SID# [REDACTED])
)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 32 - 00731

AW#: 20-STR-00023
 Date of Offense: 10/23/2019
 S.C. Code §: 44-53-0370(b)(1)
 CDR Code #: 0183

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Jul 27 2021

SC Court of Appeals

*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: Distribution of Heroin - 1st offense

In violation of § 44-53-0370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0183

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:

[Signature] 103157
 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 10 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: _____

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. 10 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. Jerome Smith INDICTMENT/CASE#: 2020 - GS - 32 - 00731

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</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	<u>.</u>
§56-5-2995 (DUI Assessment)	\$12	\$	_____
§56-1-286 (DUI Breath Test)	\$25	\$	_____
§14-1-212 (Law Enforce. Funding)	\$25	\$	<u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$	<u>150</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	\$	_____
<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>275</u>

Clerk of Court/Deputy Clerk: Lisa Conner
Court Reporter: S. LaBlanc

Presiding Judge: W. J. M. H.
Judge Code: 2768
Sentence Date: 7-14-2021

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May 20 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington
Court of General Sessions
Walton J. McLeod, IV, Circuit Court Judge

APPELLATE CASE NO. 2021-000788

THE STATE,

RESPONDENT,

V.

Jerome Smith,

APPELLANT.

CERTIFICATE OF COUNSEL

The undersigned counsel certifies that the Record on Appeal contains all material proposed to be included by all parties and not any other material.



Jason T. Yonge (S.C. Bar No. 102869)
Williams, Stitely & Brink, PC
200 E. Main St.
Lexington, SC 29072
(803) 359-9000
jyonge@wsblegal.com

Attorney for Appellant

May 20, 2022