CLERK
SUPREME COURT OF VIRGINIA
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JUL 13 1978
RICHMOND, VIRGINIA

IN THE

Supreme Court of Virginia

AT RICHMOND

RECORD NO. 771902

JOHN WESLEY ROZIER
Appellant

v.

COMMONWEALTH OF VIRGINIA
Appellee

JOINT APPENDIX

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VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND, DIVISION I

July 5, 1977
(Date)

City of Richmond, to-wit:

The GRAND JURY charges that:

On or about April 14, 1977, in the City of Richmond, John Wesley Rozier did feloniously and unlawfully have in his possession or have under his control a certain drug, to-wit, preludin, a controlled drug, with intent to distribute,

against the peace and dignity of the Commonwealth of Virginia.

Va. Code § 18.2-248

G. C. Robinson, PC	✓	✓	✓			
J. J. Cox, PC	✓	✓	✓			
James L. Sherron, PC	✓	✓	✓			
Thomas H. Casey		✓	✓			
M.C. Clevert PC		✓	✓			
Christopher Tabb PC		✓	✓			
		8-19	9-22			

JUL 5 1977

INDICTMENT FOUND

Witnesses sworn and sent by the court to the Grand Jury to give evidence.

Clerk

1 VIRGINIA:

2 IN THE CIRCUIT COURT OF THE CITY OF RICHMOND,

3 DIVISION ONE

4

5 COMMONWEALTH OF VIRGINIA

6

7 v.

8

9 JOHN WESLEY ROZIER

10

11

12

13 Transcript of the evidence and other incidents

14 of the above when heard on September 22, 1977,

15 before the Honorable James M. Lumpkin, Judge.

16

17

18

19

20 APPEARANCES:

21 Robert J. Rice, Esq.,
Attorney for the Commonwealth

22

R. Wayne Dawson, Esq.,
23 Attorney for the Defendant

24

1 Q All right, and your last seven
2 years have been in the Narcotics Division of the Vice Squad?
3 A Yes, sir.
4 Q Were you working on the night of
5 the 14th?
6 A Yes, sir, on April the 14th, 1977,
7 I was working.
8 Q All right, approximately -- between
9 the hours of ten and eleven o'clock that night, exactly where
10 were you?
11 A I was in the office, 501 North
12 Ninth Street, and approximately 10:45 I received a telephone
13 call from a reliable informant that has given --
14 MR. DAWSON: Objection --
15 MR. RICE: All right.
16 MR. DAWSON: I'm going to object
17 to the hearsay.
18 THE COURT: All right, sustained.
19 MR. RICE: I'll withdraw the
20 question.
21 Q Detective Cox, you did receive a
22 phone call at approximately 10:45, is that correct?
23 A Yes, sir.
24 Q All right, as a result of receiving

1 approximately 11:00 p.m.

2 Q All right, what did you do when

3 you arrived there?

4 A I arrived on the parking lot as

5 I've stated, Detective Robinson was driving, Detective Sergeant

6 Sherron was on the right-hand side, I was on the right-hand

7 side in the rear of the vehicle.

8 We located the vehicle, pulled

9 approximately thirty yards away from it, parked at a position

10 where we could watch the vehicle.

11 Q All right, while you were working

12 in the Vice Squad and Narcotics Division, do you normally

13 wear a police uniform or did you wear a police uniform that

14 night?

15 A No, sir, I don't even have a police

16 uniform.

17 Q All right, what about Detective

18 Sherron and Detective Robinson?

19 A No, sir.

20 Q All dressed in plain clothes?

21 A Plain clothes.

22 Q All right, when you initially

23 arrived, did you see anybody in the parking lot?

24 A No, sir.

1 Q Okay, what did they do when they
2 arrived at the vehicle?
3 A When they arrived at the vehicle,
4 Mr. Roxier went to the automobile, he looked as if he put the
5 key into the door, unlocked the door, opened the door.
6 As his back -- he slid into it with his feet
7 still out, he leaned over into the seat and then he sit back
8 up and he leaned back again, and then when he got out of the
9 automobile, with his right hand, he met the right hand of one
10 of the other black males with him.
11 Q All right, let me stop you there
12 for just one second, you say the right hands met, can you stand
13 up and describe and let the ladies and gentlemenof the jury
14 see exactly what type of action you are talking about?
15 A Well, the hands folded like this
16 (indicating)
17 Q Was it slapping type motion?
18 A No, sir, it was not the slapping
19 type motion.
20 Q Was it a handshake?
21 A No, it was a fist type drop.
22 Q Mr. Rozier's hand would be cupped,
23 in other words or --
24 A Yes, sir.

1 Q What about the other gentleman?
2 A The other gentleman met with his
3 hand, at which time after their hands met, he turned and went
4 to the pool hall.
5 Q Did you see him actually go into
6 the pool hall?
7 A Yes, sir, I did.
8 Q All right, how did he get to the
9 pool hall, did hewalk, did he run, drive?
10 A He walked, at which time we had
11 got to -- we had moved from our position on the automobile.
12 Detective Robinson drove around,
13 he came back and stopped right behind Mr. Rozier's car, a
14 short distance from him, at which time Detective Sergeant
15 Sherron got out and spoke to the defendant, Rozier, and I was
16 behind him.
17 At this time the other black male
18 was walking towards the pool hall, he walked hastily and --
19 until he got nearer to the pool hall and then he went into
20 it very quickly.
21 Q All right, exactly what point in
22 this transaction did you and and the other two detectives start
23 your motion toward the car?
24 A When he reached in and came back

1 up --

2 Q Are you talking about Mr. Rozier?

3 A Yes, sir, Rozier -- and was getting

4 out of the car, that's when we started moving from our location.

5 Q Can you state whether or not Mr.

6 Rozier made any motion prior to -- you say he went as if to

7 unlock the door, did he make any motion prior to that?

8 A The best I recall, it looked like

9 he took something from his pocket and went to the automobile.

10 Q Do you recall which pocket?

11 A His right.

12 Q All right, when you arrived up to

13 the car, where was Mr. Rozier?

14 A Mr. Rozier was off to the right

15 of the back of the automobile, and when we got out of the

16 automobile, Sergeant Sherron approached him, at which time he

17 took a set of keys and threw them to the other black male that

18 was at the back of the automobile, at which time he missed

19 the keys and the keys slid up under the automobile.

20 Q All right, at that time had you

21 identified yourself as a police officer?

22 A Yes, sir.

23 Q Now, approximately how far was

24 the -- the one black male had gone into the poolroom, is that

1 correct?

2 A He went to the pool room as the

3 defendant was throwing the keys.

4 Q All right, and the other black

5 male was still standing there, is that right?

6 A Yes, sir.

7 Q All right, approximately how far

8 was he from Mr. Rozier when the keys were thrown?

9 A Maybe ten feet, it could be a

10 little farther.

11 Q Did the -- do you know who the

12 other black male was that -- you said was still at the scene

13 at that time?

14 A At the time I did not, at the time

15 when we arrived I did not know who the other male was.

16 Q Do you know who he is now?

17 A Yes.

18 Q Who is he?

19 A A gentleman by the name of Winston,

20 Q He --

21 A he was also arrested and gave us

22 a false name and later on I found out his true name to be

23 Winston.

24 Q All right, did Mr. Winston make

1 any attempt to catch the keys that were thrown in his direction?
2 A It was a sorta --as best I recall,
3 sort of a swipe as they came by but they slid by him, and went
4 up under the car.
5 Q Well, could you describe the toss
6 a little more specifically, was it a lofty toss, or was it --
7 MR. DAWSON: Judge, I don't think
8 he should lead the witness, he just asked him
9 to describe --
10 THE COURT: All right, could he
11 describe --
12 A It was just a -- like I would be
13 pitching the keys to someone, just pitched them
14 Q All right?
15 A and he missed them.
16 Q All right, what did you do at the
17 point when the keys were thrown?
18 A Well, after leaving Mr. Rozier and
19 coming back to the automobile, Detective Sergeant brought him
20 -- Sherron brought him right along with us, Detective Robinson
21 obtained the keys off of the parking lot and gave them to me
22 and --
23 Q Where were the keys specifically?
24 A Up under the trunk, he had to bend

1 over and get down to get them,

2 Q All right?

3 A at which time he gave me the keys,

4 I walked over to the automobile and unlocked the automobile.

5 We had advised the defendant that

6 we had information that he had drugs in the automobile.

7 MR. DAWSON: Judge, I object to

8 the hearsay.

9 MR. RICE: I don't believe it's

10 hearsay, Detective Robinson said -- what he

11 told the defendant.

12 THE COURT: Yes, sir, what he told

13 the defendant, overruled.

14 Q So you did tell the defendant why

15 you were there, is that correct?

16 A Yes, sir.

17 Q All right, what did you do after

18 you told Mr. Rozier why you were there?

19 A I opened the automobile, I got in

20 the front, I opened the glove compartment and looked in the

21 glove compartment and then I looked in the ash tray, at which

22 time I found a Kool cigarette pack that had been folded over

23 at the top, it was down in the ash tray, I pulled it out,

24 opened it up, and looked in it and in this envelope were several

1 pink pills.

2 Q All right, now, was the glove box

3 open or closed?

4 A The glove box was closed.

5 Q What about the ash tray?

6 A It was open.

7 Q Let me ask you if you can identify

8 that item, Detective Cox?

9 A Yes, sir.

10 Q All right, is that the Kool pack

11 that you testified was in the ash tray?

12 A Yes, sir, if you will look in the

13 top of this pack you will find where I wrote 4/14/77, in the

14 top of this pack and -- before it was tore, my initials,

15 Q All right?

16 A J. J. C., it was in the top of

17 this pack along with the date.

18 Q All right, are those the pills --

19 do they appear to be the pills that were in the pack on the

20 night in question?

21 A They appear to be the same ones

22 that I turned over to the State Chemist.

23 Q Would that be Mr. Thomas Casey?

24 A Let me check the lab sheet, yes,

1 Thomas H. Casey.

2 Q Okay, how many pills were in the

3 Kool pack?

4 A Eight.

5 MR. RICE: Your Honor, the Common-

6 wealth would move to introduce the pack with

7 contents as Commonwealth's Exhibit Number 4.

8 MR. DAWSON: No objection, Judge,

9 we agree to stipulate chain of evidence in this

10 case.

11 THE COURT: All right, thank you.

12 Q All right, Detective Cox, at the

13 time you retrieved the crumpled pack and the contents from

14 the glove box, what did you do at that point?

15 A When I took the Kool cigarette

16 pack out, I advised him that -- placed Mr. Rozier under arrest,

17 at which time Detective Robinson advised him of his rights.

18 I took this Kool cigarette pack

19 in my possession and carried it to the Vice Division and I

20 marked it, labeled it, and put it in a drawer where Detective

21 Robinson and I have the keys.

22 When I took it out and carried it

23 to Thomas Casey on the 22nd day of April --

24 MR. DAWSON: Judge, I'm willing

1 to stipulate that he did all of this, I don't
2 know --
3 THE COURT: He's stipulated the
4 chain of evidence.
5 MR. RICE: Your Honor, at this
6 point -- yes, sir, the Commonwealth would offer
7 the stipulation both as to the chain and as to
8 the analysis of the Consolidated Laboratory
9 and the analysis did show that the drug in
10 question was, in fact, Preludin.
11 MR. DAWSON: Yes, sir, Judge, I
12 have agreed to stipulate that.
13 THE COURT: All right, the jury
14 understands both sides are stipulating that it
15 was the same item recovered from the cigarette
16 pack in the car and that the -- is the chemist
17 excused?
18 MR. RICE: Yes, sir, he is.
19 THE COURT: All right, and that the
20 chemist has analyzed it and found it to be
21 Preludin, the drug in question.
22 Q All right, Detective Cox, where was
23 the defendant when you entered the car?
24 A Standing about the right wheel --

1 right rear wheel.

2 Q All right, did you have occasion

3 to assess his demeanor at that time when you entered the car?

4 A Well, he was upset when I entered

5 the automobile, he stated there's nothing in my ride and after

6 that --

7 Q Excuse me, let me stop you right

8 there, what -- are you familiar with the term ride?

9 A Ride is -- ride is a slang word

10 used for automobile.

11 Q All right, and his statement was

12 what now?

13 A There's nothing in my ride now.

14 Q All right, now, after you found

15 the Kool pack with the pills in it, did you have occasion to

16 assess Mr. Rozier -- Mr. Rozier's demeanor at that point?

17 A Mr. Rozier was upset when I found

18 the drugs in his automobile.

19 Q Was he still -- where was he when

20 you found the pills?

21 A He was in the right rear beside

22 the wheel.

23 Q He was still at the right rear?

24 A Yes.

1 Q Now, you say he, who are you refer-
2 ring to?
3 A Mr. Rozier unlocked the automobile
4 with the keys and sat in it with his feet hanging out of the
5 automobile, and then he leaned over into the vehicle in this
6 manner for only maybe a second or two seconds and then he sit
7 back up and --
8 Q Now, he would be leaning towards
9 the steering wheel?
10 A Yes, sir.
11 Q All right?
12 A And a few seconds passed and he
13 leaded back over the automobile again and then he sit back up
14 and stood out, at which time he -- his hand made contact with
15 Benny Wright's hand --
16 Q All right, let me stop you right
17 here for a second, would you stand up and show us exactly what
18 type of hand contact that you're referring to?
19 A It was -- his hand went out and
20 Benny Wright's hand met his, it was not a handshake, at which
21 time Mr. Wright turned around and walked away from --
22 Q Let me -- a slapping motion?
23 A No, sir, it was not.
24 Q All right, was Mr. Rozier's hand

1 open or was it cupped?

2 MR. DAWSON: He's leading the

3 witness, Judge.

4 THE COURT: Yes, sir.

5 Q All right, would you --

6 MR. RICE: Let me rephrase my

7 question.

8 Q Would you describe the condition

9 of Mr. Rozier's hand?

10 A His hand went toward him, it was

11 not extended all the way, and his hand met with Mr. Wright's

12 hand and then it dropped down and it was down to his side,

13 the actual position I couldn't tell you.

14 Q Mr. Wright's hand, can you describe

15 its physical condition or --

16 A He cupped his hand and turned

17 around and walked away from Mr. Rozier at the time.

18 Q All right, did you see where Mr.

19 Wright went?

20 A Yes, sir, I did.

21 Q Where did he go?

22 A He went in the pool room at 519

23 North Second Street.

24 Q All right, can you describe the

1 manner in which Mr. Wright left the vicinity?

2 A As the -- when the contact was

3 made between Mr. Rozier and Mr. Wright, I proceeded from my

4 position, made the turn and came around the parking lot, went

5 down to the vehicle and pulled to the right front of Mr. Rozier

6 as he was walking from the vehicle.

7 Mr. Wright had gone into Second

8 Street at that time and was hurriedly walking toward the pool

9 room.

10 We exited the automobile -- my

11 automobile, at which time Sergeant Sherron made the statement

12 to Mr. Rozier, police officer, at which time Mr. Rozier was

13 in the motion of throwing some keys back toward the direction

14 of the automobile. The keys hit the ground and went up under-

15 neath the automobile. Mr. Winston was to the left of the

16 location where the keys hit if you were facing the automobile.

17 Q Approximately how far was Mr.

18 Winston from where the keys finally landed?

19 A Approximately four feet.

20 Q Four feet?

21 A Yes, sir, the keys went up under-

22 neath the automobile parked there.

23 Q All right, you say you left your

24 position at the time of the hand contact, is that correct?

1 That wasn't me.

2 I asked him:

3 Why did you tell me that you knew

4 an individual who had fourteen "Bams" and got charged with only

5 possession?

6 Because I had heard this is a real

7 good friend of mine and associate.

8 Why did you make the relationship?

9 I saw Detective Cox count seven

10 or eight pills, being the "Bam" man, don't you think I should

11 have had more than eight pills but like you say, it don't take

12 but two to bust a man, does it, so you got me good.

13 The pills taken from the glove

14 compartment is a matter of common sense?

15 It wasn't in my glove compartment,

16 it was in a place that stays open all the time but wasn't this

17 time.

18 Do you use Preludin?

19 I'm an athlete, I don't do nothing

20 to hurt this body.

21 Have you ever used Preludin?

22 No, sir, I don't even know what it

23 is for, what is it for?

24 I asked him:

1 How long have you been up on
2 Second Street?
3 Let me see, about fifteen minutes
4 when you came.
5 I asked him:
6 How much money do you have on you,
7 at which time he pulled a stack of money out of his left
8 pocket and proceeded to count it by throwing it down on the
9 floor.
10 He had four twenty's six ten's,
11 two five's and ten one's in his left pocket.
12 Then he took a roll of money from
13 his right pocket and proceeded to count it in the same manner
14 throwing it down on the floor, he had one one hundred, two
15 fifty's, seventeen twenty's, sixteen ten's, totaling eight
16 hundred and sixty dollars.
17 I asked him where did this money
18 come from, I shoot crap, he signed the statement at twenty
19 minutes after twelve on the 15th of April, 1977, it was wit-
20 nessed by Sergeant Sherron and it also bears my autograph.
21 Q All right?
22 MR. RICE: At this point the Com-
23 monwealth would move to introduce the statement
24 as Commonwealth's Exhibit Number 6, I believe.

1 Q Well, where were these two street
2 lights located that were to the left of the subject vehicle?
3 A I testified that the light back
4 towards Second Street was approximately sixty feet
5 Q All right?
6 A from the automobile.
7 The one located to the front left
8 of the vehicle was approximately twenty-five to thirty feet,
9 and the one to the left of the vehicle -- maybe a little bit
10 more than the rear was maybe forty feet from it, there was
11 another street light coming in off of Clay Street.
12 Q That would have been behind you?
13 A That's correct, yes, sir.
14 Q Okay, and you were about a hundred
15 and twenty feet from where the car was?
16 A That is correct, yes, sir.
17 Q All right, now, exactly at what
18 point in what you observed did you turn your car on and start
19 to move it?
20 A When hand contact was made between
21 Mr. Wright and Mr. Rozier.
22 Q All right, in actuality, Detective
23 Robinson, you didn't see exactly what they did with their
24 hands other than they came together, isn't that right?

1 A I testified as to what I saw, the
2 hands came together, Mr. Rozier's hand was
3 Q All right?
4 A not extended fully, I couldn't say
5 it was completely clinched and his hand fell down --
6 Q But you couldn't see what they did
7 with their hands or what, you know, other than the two hands
8 came together and touched, isn't that right?
9 A I couldn't see what was in it, no,
10 sir.
11 Q Uh huh, and you couldn't really
12 see whether anything was in their hands, isn't that right?
13 A I stated I could not.
14 Q Okay, now, did you see Mr. Rozier
15 with a key in his hand open the door?
16 A Yes, sir, I did.
17 Q You saw the key?
18 A Yes, sir, I did.
19 Q All right, would Detective Cox
20 been in a better position to see it than you were
21 A I don't know about better, that
22 would
23 Q in the car?
24 A depend on his looking and his

1 would it be usual for someone to have eight tablets of Preludin --
2 MR. DAWSON: Judge, he's leading
3 the witness.
4 THE COURT: Rephrase, Mr. Rice.
5 MR. RICE: All right.
6 Q Detective Clevert, would you tell
7 us the normal number of tablets a Preludin would have on him
8 at any one time for his personal use?
9 A For personal use it would be a
10 rare occasion to see a person with more than one to two tablets
11 on him in his possession at a time.
12 The reason for this, the average
13 person who can afford to buy the narcotic would purchase it
14 for the price of ranging between ten to twenty-five dollars
15 per tablet.
16 Now, the twenty-five dollar amount
17 comes from the figures which have been corroborated with indi-
18 viduals, who in the white neighborhoods and the black neighbor-
19 hoods, as far as the scarcity of the drug.
20 Now, the majority of the particular
21 addicts on the street can only get enough money to get a
22 substantial amount of Preludin at one time to shoot for that
23 particular occasion.
24 Now, this money that is got for the

1 A Well, this is when Ronnie told me
2 say, "Hey, Ro, are we still going to pick up Brenda," and I
3 said, "Yes."
4 Q Now, who had the keys at this point?
5 A Benny give them to me.
6 Q All right, when he brought the car
7 back?
8 A Yes.
9 Q All right, did you and Ronnie then
10 go out to the car?
11 A Yes, we did.
12 Q Did anyone else go with you?
13 A Benny Wright.
14 Q And why did Benny Wright go out to
15 the car?
16 A Because I had some new tapes, to
17 be exact it was the Manhattans and the O'Jay's and I got --
18 Q All right, these were cassette
19 tapes that fit into a --
20 A Yea, cassette tapes
21 Q All right, --
22 A that fit into a tape player, and
23 like I told Benny, I say, "Hey, man," I say, "I got two bad
24 tapes," I say, I got the O'Jay's and the Manhattans new tape,"

1 I say, "let's come on to the ride and check them out," and this
2 is when we walked across the street,
3 Q Uh huh?
4 A and I opened the door and I got in
5 where I went --
6 Q This is the passenger's side?
7 A The passenger's side, that's right.
8 Q What did you do when you opened
9 the door?
10 A Well, when I opened the door I got
11 in, when I got into the car -- like one tape was still in
12 there in the slot, you know, in the tape player, and I bent
13 over to get the tape and brought it back.
14 Q So what did you do then?
15 A It's -- the other new tape was
16 down between -- the arm rests are double, and the new tape was
17 still in the box, you know, the box that you buy it in, the
18 cellophane in it, and I showed him that one and that was all
19 to do.
20 So like when I got out the car, I
21 turned to Benny and I hit him like this (indicating), you know,
22 and that was it.
23 Q All right, where did Benny go from
24 there?

1 A Back across the street.
2 Q And what did you do?
3 A Well, I -- we started off walking
4 and that's when Ronnie asked me, say, "Man, it's getting late,
5 what you going to do," you know, about picking up his girl,
6 Q Uh huh?
7 A so I turned around and threw him
8 the keys, I say, "Well, back the ride up then --"
9 Q And what happened when you threw
10 the keys to him?
11 A Well, a young lady called me during
12 the time that I was turning around, and she say could she
13 speak to me a minute, when I turned back around I threw him
14 the keys and I turned back to see what she wanted, when I turned
15 back around, Ronnie was being arrested.
16 Q And that's when -- did you see the
17 police officers then?
18 A Well, by the time I turned around,
19 he -- they was like --
20 Q Which officer came up to you first?
21 A Well, Officer Sherron, the one we
22 call Sarge.
23 Q All right, what happened after the
24 police officers arrived there?

1 A What happened?
2 Q Uh huh?
3 A You mean exactly?
4 Q Tell it in your words
5 A Like they --
6 Q what took place?
7 A like they pulled up beind the car,
8 Q Uh huh?
9 A and they got out, and Officer
10 Sherron walked over to me and say, "Come here a minute, Ro,"
11 like this here, and I walked back with him, this is when they
12 told me about --
13 Q Now, where did you go to when you
14 say you walked back to --
15 A Back towards the rear end of the
16 car,
17 Q All right?
18 A this was when he was telling me
19 about they had got reliable informant.
20 Q Okay, I'm not -- rather than --
21 tell what happened after that?
22 A Well, to tell what happened, they
23 picked up the keys and Detective Cox opened up the door to the
24 car,

1 tapes and I buy tapes, they stay in the car.
2 Q Do you date this lady at this time?
3 A Very much so.
4 Q All right, did you tell the police
5 officers that you gave Mr. Wright a tape or you went to show
6 Mr. Wright a tape?
7 A He didn't ask me nothing about that.
8 Q I didn't ask you if he asked you,
9 I asked you -- you say that you went to the car to show Mr.
10 Benny Wright a tape, is that correct?
11 A Yes, I said that.
12 Q All right, did you tell the police
13 officers that that night?
14 A Yes, I told them that that night.
15 Q You did?
16 A Yes, I did.
17 Q All right, you said that Detective
18 Cox told you that they were there because of reliable informa-
19 tion,
20 A That's right.
21 Q is that right?
22 A Right.
23 Q All right, what did they tell you?
24 A He told me he had received a call

1 from a reliable informant.
2 Q Stating what?
3 MR. DAWSON: Judge, I don't know
4 what the relevancy of this, just the fact that
5 it was told to him is, you know, he's already
6 stated that he --
7 MR. RICE: Your Honor --
8 THE COURT: You brought it up on
9 direct examination, Mr. Dawson.
10 MR. DAWSON: Well, Judge, just
11 simply that he was told that -- to show the
12 reason why they were there.
13 THE COURT: Objection's overruled.
14 Q What did Detective Cox tell you
15 the reliable information was, Mr. Rozier?
16 A That he had received a phone call.
17 Q Stating what?
18 A Stating that "Bam" was being sold
19 from my -- the car.
20 Q Isn't it a fact that what he was
21 told was that there was Bam or Preludin located in the ash
22 tray of the '75 Lincoln?
23 A He didn't tell me that.
24 Q Isn't it a fact that that's exactly

1 where Detective Cox went to when he got in the car, he went
2 straight to the ash tray?
3 A No, he did not.
4 Q Where did he go?
5 A He went to the glove compartment,
6 he moved the arm rest, he went under the seats of the car.
7 Q Mr. Rozier, I thought before, you
8 said when Detective Cox first got in the car, you couldn't see
9 where he went, it wasn't until you turned around and looked in
10 that you later saw him go underneath the seat?
11 A That's right.
12 Q Well, so then you don't know where
13 he went first, do you?
14 A No, I don't know where he went
15 first, no.
16 Q Do you recall Detective Robinson
17 interviewing you in the Vice Squad, in the office down at the
18 Vice Division?
19 A Yes, I do.
20 Q Do you remember the statement --
21 your statement right here that you gave?
22 A I remember the statement.
23 Q All right, that was on the 14th of
24 April, is that correct?

Virginia:

In the Circuit Court of the City of Richmond, Division 1,

THE 22nd DAY OF September 19 77

COMMONWEALTH

vs Indictment for Controlled Drugs F-7846

JOHN WESLEY ROZIER, Dft.

The said defendant this day appeared and was set to the bar in the custody of the Sergeant of this City and was represented by Attorney Wayne Dawson, retained counsel, and the Commonwealth was represented by Robert J. Rice.

And being arraigned the defendant pleaded not guilty to having in his possession or having under his control a certain drug, to-wit: preludin, a controlled drug, with intent to distribute, as charged in the indictment, after consultation with counsel.

And the Sergeant of this City having returned the writ of venire facias heretofore issued by order of this Court, with the names of the persons summoned in pursuance thereof, and of the veniremen so summoned and attending, a panel of twenty qualified jurors, free from exception for the trial of the defendant was made up and completed. And the Attorney for the Commonwealth and the Attorney for the accused having alternately, beginning with the Attorney for the Commonwealth, each stricken the names of four of the said veniremen, the remaining twelve constituted the trial of the accused, to-wit: N. Colemon Byrdon, Virginia E. Johnson, John S. Almond, Hatcher H. Jeter, Aida B. Keller, Ivy P. Isbell, Deborah L. Easter, William W. Manning, William J. Snyder, Jr., Mary L. Redd, Betty Fitzgerald and Margaret M. Thompson, who were sworn

the truth of and upon the premises to speak. And the witnesses having been sworn and the jurors having heard the evidence for the Commonwealth, the said defendant by counsel moved the Court to strike the evidence of the Commonwealth as being insufficient for the finding of a verdict of guilty, which motion the Court denied. And the evidence for the defense having been presented, the defendant renewed his motion to strike the evidence of the Commonwealth, which motion the Court denied. And having heard all of the evidence and arguments of counsel, the jurors retired to their room in the custody of the Sergeant of this City to deliberate upon a verdict in this case. And after some time the jurors returned into Court and presented a verdict in the following words and figures, to-wit:

"We, the jury, find the defendant guilty of possession of preludin with intent to distribute as charged in the indictment and fix his punishment at confinement in the penitentiary for Twenty years and a fine of 5,000 dollars." /s/ N. Colemon Byrdon, Foreman.

And the defendant by counsel moved the Court to set aside the verdict of the jury as being contrary to the law and evidence and grant him a new trial, which motion the Court denied and the defendant noted an exception.

Whereupon it being demanded of the said defendant if anything for himself he had or knew to say why the Court should not now proceed to pronounce judgment against him according to law, and nothing being offered or alleged in delay thereof, it is the judgment of this Court that the said John Wesley Rozier pay and satisfy a fine of $5,000.00 and be confined in the State Penitentiary for a term of twenty years, this being the fine and period by the jurors ascertained. And the defendant moved the Court to suspend a portion of the penitentiary sentence, which motion the Court denied.

And it is ordered that the Sergeant of this City do, when required so to do, deliver the said defendant from the jail of this City to the Warden of the Penitentiary, in said Penitentiary to be confined and

treated in the manner prescribed by law; said term to be credited by the time spent in jail awaiting trial.

And the Court advised the defendant of his appellate rights and an appeal was noted from the judgment of this Court to the Supreme Court of Virginia. And the defendant moved the Court to set appeal bond in this case, and the Court instructed the defendant to file said motion in writing and hearing would be set thereon.

And thereupon the said John Wesley Rozier is remanded to jail.
D-O-B 9/14/46

September 22 1977 Enter: James M. Lumpkin

James M. Lumpkin, Judge

ASSIGNMENT OF ERROR

The trial court erred in requiring, over objection, the defendant to testify to the substance of a statement given by a reliable informant to Detective Cox.