

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM SPARTANBURG COUNTY
General Sessions Court
The Honorable J. Derham Cole

JUL 25 2022
SC Court of Appeals

Appellant Case No 2021-000692
Lower Case Nos. 2019GS4202503, 2019GS4202504

The State, Respondent,

vs.

Robert Tyrell Gentry Appellant.

RECORD ON APPEAL
VOLUME I

DAVID A. SPENCER
S.C. Attorney General Office
P.O. Box 11549
Columbia, SC 29211
S.C. BAR No. 68571
(803)734-3727
dspencer@scag.gov

Attorney for Respondent

C. RAUCH WISE
Attorney at Law
305 Main Street
Greenwood, SC 29646
S.C. BAR No. 6188
(864) 229-5010
rauchwise@gmail.com

Attorney for Appellant

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State’s Exhibit 25 (video of statement given by Tremaine Johnson)
..... Motion to Transfer from Spartanburg County Clerk Office to SC Court of Appeals

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COURT OF GENERAL SESSIONS

3
4 The State,)
5 -vs-) TRANSCRIPT OF RECORD
6 Robert Tyrell Gentry and) 2019-GS-42-02503;02504
7 Tremaine Pierre Johnson,) 2019-GS-42-02045
8 Defendants.) June 14 - 17, 2021
9) Spartanburg, South Carolina
10

11 B E F O R E :
12 HONORABLE J. DERHAM COLE, JUDGE; and a jury
13
14

15 A P P E A R A N C E S :
16 BARRY JOE BARNETTE, ESQUIRE
17 JENNIFER ELIZABETH WELLS, ESQUIRE
Attorneys for the State
18 ANDREW J. JOHNSTON, ESQUIRE
19 Attorney for Defendant Gentry
20 N. DOUGLAS BRANNON, ESQUIRE
Attorney for Defendant Johnson
21
22

23 Linda D. Moffitt
24 Circuit Court Reporter
25

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1 morning.

2 Before you leave if you're not certain where the
3 courthouse is and you aren't certain where you are to park
4 or where you're to go -- and most of you likely won't
5 know -- not all -- so be sure you speak with the bailiffs
6 before you leave, and they will provide you with that
7 information as to where you park, where you report and how
8 you go to the room that you'll be occupying during the
9 course of the trial. So be sure you get that information
10 before you leave.

11 Okay. Have a good afternoon, and I'll see you at 9:30
12 in the morning at the Spartanburg County Courthouse.

13 We'll be in recess until 3:00 o'clock at the
14 Spartanburg County Courthouse.

15 (Whereupon, a recess was taken.)

16 (The following takes place at the Spartanburg County
17 Courthouse.)

18 (State's Exhibits Nos. 1 through 57 marked for
19 Identification by counsel. State's Exhibit 24 also marked
20 Court's Exhibit No. 1; State's Exhibit No. 25 also marked
21 Court's Exhibit No. 2; State's Exhibit No. 28 also marked
22 Court's Exhibit No. 3; State's Exhibit No. 29 also marked
23 Court's Exhibit No. 4.)

24 THE COURT: All right. Each defendant with counsel
25 are present and the state's present.

1 Any motions we need to address pretrial?

2 MR. BARNETTE: Your Honor, just a couple of things
3 from the state.

4 Your Honor, Court's Exhibits 5 and 6, they're
5 stipulations that the party has agreed to. They have been
6 sign by both defendants by their attorneys, as well as by
7 me and Ms. wells in this case. And we'd like to enter them
8 in at this point as stipulated as fact.

9 THE COURT: Why are they court's exhibits?

10 MR. BARNETTE: We did that just to mark them for the
11 record, Your Honor.

12 THE COURT: Are they going to be introduced?

13 MR. BARNETTE: Yes, sir. They are.

14 THE COURT: Then why aren't they state's exhibits?

15 MR. BARNETTE: We can switch them to state's exhibits
16 if you want to, Your Honor. It'd be state's exhibits --

17 THE COURT: Well, are they ever going to be state's
18 exhibits?

19 MR. BARNETTE: Yes, sir. We can make them state's
20 exhibits. That'll be fine with us. We do have other
21 copies. I do have other signed copies. I can switch them
22 to the state's exhibits. I think it will be 58 and 59.

23 THE COURT: Well, I mean, I'm not understanding why
24 it's a court's -- ordinarily court's exhibits don't go to a
25 jury.

1 MR. BARNETTE: Yes, sir. I've marked them both ways.
2 Judge, if you want court's -- the state's fine.

3 THE COURT: If it's a court's exhibit it won't be
4 going to the jury.

5 MR. BARNETTE: Yes, sir. I'll make these 58 and 59, I
6 believe is what they are.

7 (Stipulation No. 1 marked State's Exhibit No. 58;
8 stipulation No. 2 marked State's Exhibit No. 59.)

9 THE COURT: All right. What's first?

10 MR. BARNETTE: Your Honor, State's Exhibits 58 and 59,
11 we'd like to enter those in, into evidence, at this point
12 as part of the stipulations, Your Honor, stipulation of
13 fact.

14 THE COURT: All right. Tell me what the stipulation
15 is.

16 MR. BARNETTE: Stipulation 1, Your Honor, the parties
17 hereby stipulate to the following as fact: That Taylor
18 Bounknight while working at Spartanburg Regional Medical
19 Center received two sealed tubes of blood from Dr. Wren
20 that was taken from the body of Brechue Ferrari Wiles and
21 placed into the Spartanburg Regional Medical Center Morgue
22 where Investigator Rick McCraw of the Spartanburg County
23 Coroner's Office took custody of the tubes. All parties
24 agree that a valid chain of custody was maintained on those
25 two items by Taylor Boundknight, Your Honor."

1 And that's stipulation 1, which is marked as State's
2 Exhibit 58.

3 THE COURT: Is that agreed to, Mr. Brannon?

4 MR. BRANNON: Without objection.

5 THE COURT: Mr. Johnston.

6 MR. JOHNSTON: Without objection, Your Honor.

7 I have explained the significance and affect of a
8 stipulation to my client, and particularly this one, and he
9 has agreed to it.

10 THE COURT: All right. Mr. Barnette.

11 MR. BARNETTE: Your Honor, the next one will be
12 State's Exhibit 59 that we move into evidence at this time,
13 Your Honor. It's Stipulation 2, Your Honor.

14 It states as the following: "The parties hereby
15 stipulate to the following as fact; that Jasmine Ruiz-Yi
16 while working at the state law enforcement division did
17 serology on the sexual assault evidence collection kit from
18 the body of Brechue Wiles. Her report on the serology
19 analysis dated August 30th of 2018 is attached as
20 Exhibit 1, involved SLED Item No. 12, the sexual assault
21 evidence collection kit from Bree Wiles. Also, involving
22 the items in the kit, 12.1 vaginal swabs and hair, 12.11
23 vaginal swabs, examination for component semen, P-30 and
24 sperm, Your Honor, were negative with no semen identified.
25 12.1.12, hair, 12.1.3, hair, item forwarded to the D.N.A.

1 section, 12.2, oral swabs, examination for component semen
2 were negative with no semen identified, 12.3 rectal swabs,
3 examination for component semen were negative with no semen
4 identified. The fingernail scrapings listed as SLED
5 Exhibit 12.4, 12.41 hand -- left-hand fingernail scrapings,
6 item forwarded to the D.N.A. section, 12.4.2 right-hand
7 fingernail scrapings of hair, 12.4.2.1 right hand,
8 fingernail scrapings, item forwarded to the D.N.A. section,
9 12.4.2.2 no hair suitable for T.R. -- S.T.R., P.C.R. D.N.A.
10 analysis, Item 12.5 pubic hair combings, 12.51 hair, item
11 forwarded to D.N.A. section, 12.5.2 hair item forwarded to
12 D.N.A. section, 12.6, victim buccal swabs, items forwarded
13 to D.N.A. section."

14 Your Honor, they have been signed by all parties, Your
15 Honor, in this case.

16 It also states the reports represent the actions that
17 she did on these items listed above and are evidence in
18 this case. All parties in this case stipulate and agree to
19 the information in this stipulation, as well as the SLED
20 report attached as Item Exhibit No. 1. All parties agree
21 that a valid chain of custody was maintained on these items
22 by Jasmine Ruiz-Yi," Your Honor.

23 And, Your Honor, we'd like to move this into evidence,
24 both 58 and 59 into evidence, Your Honor.

25 THE COURT: With regard to 59, is that agreed to, Mr.

1 Brannon?

2 MR. BRANNON: It is without objection.

3 THE COURT: Is that agreed to, Mr. Johnston?

4 MR. JOHNSTON: Yes, sir, Your Honor. Again, I've
5 explained the significance and affect of the stipulation,
6 and he agrees to it and I agree to it.

7 THE COURT: All right. Each of those are admitted.

8 MR. BARNETTE: Thank you, Your Honor.

9 May I approach and hand these to the clerk?

10 Your Honor, we also made a motion -- and I think we
11 talked about it in chambers -- I think I already know the
12 answer to this, but just to put on the record. We were
13 given notice of an alibi defense several months ago by Mr.
14 Brannon in this case for Mr. Johnson.

15 I understood in our pretrial conferences and
16 everything there's not going to be an alibi defense
17 submitted in this case. I just want to make sure that's
18 clear for the record.

19 MR. BRANNON: That is an accurate statement, Your
20 Honor.

21 THE COURT: All right.

22 MR. BARNETTE: Your Honor, the next thing we would
23 argue is third-party guilt, giving that to both parties in
24 this case.

25 I don't know of any third-party guilt at this time. I

1 just want to make sure the motion is clear on the record
2 and what the defense's stance is for third-party guilt.

3 THE COURT: Mr. Brannon.

4 MR. BRANNON: Your Honor, I'm fully aware of case law
5 and the statutory law regarding third-party guilt.
6 However, there are at least four witnesses on the state's
7 witness list that have given statements, and in those
8 statements they have blatantly stated or inferred that
9 Ms. Wiles, who was pregnant at the time of her death, was
10 unsure of the father of the child. And these witnesses
11 said in their statements that there was at least two
12 potential fathers for this unborn child.

13 I don't believe that my questioning those witnesses,
14 if they are called to testify regarding potential other
15 fathers of the child, as long as it's in their statement, I
16 don't believe that that affects the third-party-guilt
17 ruling or the motion that's being made in the state -- by
18 the state.

19 If the -- I can't -- I don't have their witness list
20 in front of me, Your Honor, but I reviewed all of the
21 statements, and I know that some of them in there, either
22 written and/or video-taped statements, made reference to
23 potential other fathers.

24 I am asking the Court for the leniency to go down that
25 road, that line of questioning.

1 Your Honor, thank you.

2 Derrick William Jones of Simpsonville, South Carolina,
3 in his statement says that there are -- and I'm certain
4 that she's in the courtroom and I'm sorry for any -- any
5 feelings but -- but Fontae Wiles has said, has indicated,
6 that.

7 Your Honor, Michael -- not that one. Jeremy Wiles
8 says something similar in his statement, Your Honor, and I
9 believe -- I can't say her first name but middle name
10 Patrice Goodwin said, infers, the same.

11 So, Your Honor, I'm just asking for the authority to
12 follow that in a statement.

13 THE COURT: Well, I mean, obviously, I don't know
14 anything about this case, and so I don't know whether that
15 information is relevant or not. But even if it's relevant,
16 if it's merely based on some witness' thought or
17 speculation as to a fact that clearly is not sufficient to
18 be admitted into evidence, but I don't know what the theory
19 is, so.

20 MR. BRANNON: Well, Your Honor, it's -- based on the
21 statements that I have watched and/or read, those
22 allegations, those statements by those potential witnesses,
23 are made based on the victim's own statements to that
24 particular witness -- those witnesses.

25 I mean, one of the witnesses talks about his cousin

1 plays on a semi-pro football team with the other alleged
2 father, said I can't tell you his name but I know that they
3 play on the football team together.

4 I mean, so, and -- and he goes further and says on the
5 night of May the 9th the victim called me and -- and, I
6 mean, he's very detailed about what she has told him. I'd
7 need to be able to go down that road.

8 THE COURT: well, if it's relevant and there's some
9 exception to the rules that would ordinarily prohibit that,
10 then perhaps it comes in. But, as I say, I don't know what
11 -- I don't know what the case is about. I just know what
12 the charges are. I don't know what the state's theory is
13 and I don't know what the defense's theory is. So, anyway,
14 I understand what your argument is today.

15 Mr. Barnette, do you want to respond to it?

16 MR. BARNETTE: Yes, sir.

17 At this point I know you don't know the facts of the
18 case and you don't know the evidence that's going to be
19 presented, but I would feel like, obviously, first, it'd
20 have to be relevant.

21 we know who the father of the baby was. We had it
22 retested and gave that to both Mr. Brannon and
23 Mr. Johnston. It was Mr. Johnson, is the father of the
24 baby. So to me it's very clear from that standpoint.

25 what other things they'd bring in would be hearsay.

1 If we call the witnesses and potentially, you know, the
2 witness has to be called to start with, then what, you
3 know, they were told, it may be hearsay in this situation.
4 And if it's not hearsay, then it'd be highly prejudicial
5 unless it's proved to be relevant to this case.

6 THE COURT: I agree. It's got to be relevant.

7 MR. BARNETTE: I think he would have to produce that
8 evidence, you know. Any part of third-party guilt, we
9 would ask to be shown in a pretrial motion, and that's the
10 reason why we haven't filed that motion.

11 THE COURT: Well, I don't think you ought to make
12 anything clear for me, but are you saying that if someone
13 who we know is not the father was speculated to be the
14 father that that person must be the one that committed the
15 murder? Is that -- is that what I'm understanding?

16 MR. BRANNON: That's not it, Your Honor.

17 THE COURT: Okay. Well, what is the relevance of it?

18 MR. BRANNON: Your Honor, I would rather renew this
19 motion if and when it comes up.

20 THE COURT: All right. Well, let's do this. We'll do
21 this.

22 If -- if -- if you believe that that information that
23 you just shared with me is relevant on any point, before it
24 is addressed before the jury we'll have to take that up
25 outside of their presence.

1 MR. BRANNON: That way I can -- I can proffer that
2 question, Your Honor, because, as Mr. Barnette just said,
3 if they don't put that witness on the witness stand it
4 doesn't come up. But if that person takes the witness
5 stand I'm going to have to pursue that avenue as far as the
6 statement goes, and I will let the Court know that before I
7 ask that question.

8 THE COURT: All right. That'll be fine.

9 All right. What else?

10 MR. JOHNSTON: Your Honor, we do not intend to offer
11 any third-party-guilt evidence. In the event something
12 were to occur during the course of the trial that is
13 unanticipated, we will take that up with the Court outside
14 the presence of the jury.

15 THE COURT: That's a good plan.

16 MR. BARNETTE: Just one other matter, Your Honor, and
17 Mr. Brannon -- basically, it goes to him. He has an
18 expert. He has told you who that expert is and everything.
19 I just wanted to inquire and make sure he hasn't done any
20 reports or anything he'll be using in his testimony.

21 MR. BRANNON: There are no reports, Your Honor. For
22 the record, my witness has reviewed their reports.

23 THE COURT: But has conducted no other tests --

24 MR. BRANNON: That's correct, yes, yes.

25 THE COURT: -- or examinations on his own.

1 MR. BRANNON: That's correct, Your Honor.

2 THE COURT: All right.

3 MR. BARNETTE: That'd be all the matters of the state
4 at this time, Your Honor.

5 THE COURT: All right. What about Defendant Johnson?

6 MR. BRANNON: Your Honor, I would ask that the state
7 conduct a Jackson vs. Denno hearing in regard to my
8 client's video-taped statement, Your Honor.

9 THE COURT: All right. You contest voluntariness of
10 it?

11 MR. BRANNON: Your Honor, at this point I do. I'm
12 protecting the record, Your Honor.

13 THE COURT: All right. Mr. Barnette.

14 MR. BARNETTE: May it please the Court, Your Honor.

15 I'd like to call Investigator Taylor to the stand,
16 please.

17 THE COURT: As we begin let me ask.

18 You can come on up.

19 How many statements does the state contend that
20 Mr. Johnson made?

21 MR. BARNETTE: Your Honor, Mr. Johnson actually made
22 three statements. They're at different times. We're going
23 to introduce the first statement.

24 THE COURT: Only the first statement?

25 MR. BARNETTE: Yes, sir. At this point. Yes, sir.

1 THE COURT: And that's the statement that you contend
2 was made on what date and what time?

3 MR. BARNETTE: It was made May 11th, Your Honor, of
4 2018, and it was made, it looks like, approximately
5 2:00 p.m. that day.

6 THE COURT: All right.

7 MR. BRANNON: For clarification, you gave me a copy of
8 this, of the statement that you intend to introduce, on
9 Friday, is that correct?

10 MR. BARNETTE: Yes, sir. Wait a minute. I did, yes,
11 sir.

12 MR. BRANNON: Okay. But I had had the full statement
13 previously, correct?

14 MR. BARNETTE: Yes, sir.

15 Your Honor, there -- there is a lot more -- I mean,
16 there was a long statement with this. Different things was
17 discussed and things like that. We've had it cut it down
18 to the medium pages of it, and that's what I turned over to
19 Mr. Brannon, as well as Mr. Johnston.

20 MR. BRANNON: And I did review that, what was given to
21 me over the weekend. I have reviewed that.

22 THE COURT: All right. So this is a statement which
23 is alleged to have been made by Mr. Johnson to who?

24 MR. BARNETTE: It was made to Investigator Taylor and
25 Investigator Nelson, Your Honor.

Chris Taylor (In-camera)
Direct examination by Mr. Barnette

1 THE COURT: Okay. On May 11th?

2 MR. BARNETTE: Let me make sure I got the time right,
3 Your Honor, because I actually read off Gentry's statement.
4 Your Honor, they actually started at 1:05 on May 11th --
5 May 11th, Your Honor, at 1:05 p.m., is when that started.

6 THE COURT: All right. So the only statement the
7 state intends to offer is a statement made by Mr. Johnson
8 to Mr. Taylor and Mr. Nelson on May the 11th at 1:05 --
9 beginning at 1:05 p.m.

10 MR. BARNETTE: Yes, sir.

11 THE COURT: But there are two other statements that
12 the state does not intend to offer evidence of.

13 MR. BARNETTE: Not at this point, Your Honor. They'd
14 be freely and voluntarily offered too, but, like I said,
15 we're not going to offer them at this point, just the first
16 statement.

17 THE COURT: All right.

18 MR. BRANNON: well, your Honor, if at some point in
19 the future they intend to try and introduce the other
20 statements, would I be entitled to a second or third
21 Jackson vs. Denno?

22 THE COURT: You would -- you would.

23 MR. BRANNON: Okay.

24 MR. BARNETTE: We agree to that, Your Honor. We'd let
25 him, as well as the Court, know before we did something

Chris Taylor (In-camera)
Direct examination by Mr. Barnette

1 like that, Your Honor.

2 THE COURT: Okay.

3 CHRIS TAYLOR, having been
4 first duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. BARNETTE

6 Q If you would, sir, please state your full name for the
7 record.

8 A Chris Taylor.

9 Q And where do you work at, sir?

10 A The City of Spartanburg Police Department.

11 Q And what's your position there sir?

12 A I'm an investigator.

13 Q And how long have you been there, sir?

14 A In excess of 25 years.

15 Q Back on May 11th of 2018 -- we're just going to talk
16 about the statement. I know you did a lot of other stuff
17 in the investigation. Did you meet with Tyrell Johnson or
18 Tremaine Johnson concerning this statement on May 11th of
19 2018?

20 A I did.

21 Q And who was with you when you met with him?

22 A Myself and Investigator Nelson, along with his mother.

23 Q Okay. And did he come down to the station to meet
24 y'all?

25 A He did.

Chris Taylor (In-camera)
Direct examination by Mr. Barnette

1 Q And did he freely and voluntarily do that?

2 A Yes, sir.

3 Q And did y'all Mirandize him when he got into the
4 interview room?

5 A Yes. We did.

6 Q Let me show you what's been marked right now as
7 Court's Exhibit No. 1. It's also State's Exhibit 24. Is
8 that the original waiver that y'all did with Mr. Johnson?

9 A It is.

10 Q And did you and Investigator Nelson go through those,
11 his rights, with him?

12 A Yes, sir.

13 Q And was that also videotaped at the time?

14 A It was.

15 Q Let me show you what's been marked State's Exhibit 29
16 and Court's Exhibit 4. Wait a minute. That's the wrong
17 one. Let me show you what's been marked State's
18 Exhibit 25, Court's Exhibit No. 2. Is that copy a fair --
19 I know you've seen this video. Is that correct, sir?

20 A Yes, sir.

21 Q Is that a fair represent of what happened that day?

22 A Yes, sir.

23 Q And I know this isn't the whole interview, but this is
24 a portion of that interview, is that right?

25 A Yes, sir.

Chris Taylor (In-camera)
Direct examination by Mr. Barnette

1 Q And during that time was Miranda given and it would be
2 on the video showing that Miranda was given to Mr. Johnson?

3 A Yes. It will.

4 Q And --

5 MR. BARNETTE: Your Honor, I'm not going to have him
6 read through the whole form. It's part of the record and I
7 think the Court can read that from there if there's no
8 objection from the defense.

9 THE COURT: Okay.

10 Q During that interview was he ever promised anything?

11 A No, sir.

12 Q Was he ever threatened in any way?

13 A No, sir.

14 Q Did he ever ask for an attorney during that time?

15 A He did not.

16 Q Did he understand his rights completely?

17 A Yes. He did.

18 Q During the time -- was he free to go at any time?

19 A He was.

20 Q And later on was he free to go?

21 A Yes, sir.

22 Q And during that time, I believe, y'all got his cell
23 phone and he gave you consent to get the cell phone and
24 everything.

25 A Yes, sir.

Chris Taylor (In-camera)
Cross-examination by Mr. Brannon

1 Q And did you return the cell phone back to him?

2 A Yes. I did.

3 Q So, obviously, you had in questioning him and
4 everything, the statement that he gave will be shown on
5 this video, is that right?

6 A Yes, sir.

7 Q At any time did he -- did y'all threaten him in any
8 way or say anything, make him give a statement?

9 A No, sir.

10 Q Did he freely and voluntarily talk to you?

11 A Yes, sir.

12 MR. BARNETTE: One moment, Your Honor, please.

13 (Pause.)

14 Q And during this time did he have access to food and
15 drink at the time?

16 A Yes, sir.

17 Q And, as a matter of fact, was his mom outside?

18 A Yes. She was.

19 Q And later on did she actually come in the interview
20 room?

21 A She did.

22 Q And, like I said, he left, and he wasn't actually
23 arrested until several months later.

24 A Correct. Yes, sir.

25 Q So okay. Please answer any questions Mr. Brannon or

Chris Taylor (In-camera)
Cross-examination by Mr. Brannon

1 Mr. Johnston has for you.

2 CROSS-EXAMINATION

3 BY MR. BRANNON

4 Q Investigator, did you have on your side arm?

5 A I'm not even sure.

6 Q Do you think Nelson had on his side arm?

7 A Not even sure.

8 Q well, do you typically carry it when you're working?

9 A We do. Sometime we leave it in the office; sometime
10 we have it on us.

11 Q All right. Do you recall making -- during this
12 interview did you ask if you or somebody from the city
13 could go and search my client's home or his mother's home?

14 A No, sir, not to my knowledge. I don't remember that.

15 Q well, there was a search done in their house, wasn't
16 there?

17 A That's after we recovered a search warrant. We did
18 receive a search warrant later.

19 Q Okay. Do you recall saying let us come into the house
20 and it'll either set you free or --

21 A No, sir.

22 Q -- that'll be the end of it? You don't remember that?

23 A No, sir.

24 Q Okay. All right. Did you read the rights being
25 waived to my client, or did you ask him to read the

Louis Nelson (In-camera)
Direct examination by Mr. Barnette

1 document?

2 A That was Investigator Nelson did that.

3 Q Okay. Were you there when it was done?

4 A Yes, sir.

5 Q Okay. So did Nelson read it or did Tremaine read it?

6 A I don't think Investigator Nelson would have read to
7 him.

8 Q Okay. All right. Soon as Mr. Barnette got up he
9 asked you did you interview Tyrell Johnson. Did you hear
10 that?

11 A He said Tyrell, and then he changed to Tremaine
12 Johnson.

13 Q I understand that. Have you ever known of my client
14 to be called Tyrell by anybody else?

15 A No, sir.

16 Q Thank you.

17 MR. BRANNON: Nothing further.

18 MR. JOHNSTON: No questions, sir.

19 THE COURT: Step down.

20 MR. BARNETTE: Thank you, Your Honor. I'd like to
21 call Investigator Nelson to the stand.

22 LOUIS NELSON, having been
23 first duly sworn, testified as follows:

24 DIRECT EXAMINATION BY MR. BARNETTE

25 Q If you would, sir, state your full name for the

Louis Nelson (In-camera)
Direct examination by Mr. Barnette

1 record.

2 A Louis Nelson.

3 Q Where do you work at, sir?

4 A Spartanburg Police Department.

5 Q And what's your position there, sir?

6 A An investigator.

7 Q And how long have you been there, sir?

8 A Since 2007.

9 Q Okay.

10 A So about 13 years.

11 Q Back on May 11th of 2018 did you meet with the
12 defendant, Mr. Johnson?

13 A Mr. Johnson. Yes. I did.

14 Q And who was with you when you met with him?

15 A Investigator Taylor.

16 Q And did you go through -- when he got there did he
17 freely and voluntarily come there?

18 A He did.

19 Q And did you go through the rights with him?

20 A Yes. I did.

21 Q And was this the form that you used, which is marked
22 as Court's Exhibit 1, which is State's Exhibit 24? Was
23 that the form that y'all used?

24 A It is.

25 Q Okay. And did you read those rights to him?

Louis Nelson (In-camera)
Direct examination by Mr. Barnette

1 A Yes. I did.

2 Q And did he check along with or did he initial as he
3 went -- you went through the rights with him?

4 A He initialed after I read each right. I checked off
5 each right as I went down and made sure that he understood
6 it.

7 Q Okay. And then he also initialed at that point.

8 A And he initialed them afterwards.

9 Q Did he sign after that?

10 A He did.

11 Q And did you witness it or was it Investigator -- did
12 you witness that he was given his rights?

13 A I witnessed that he was given his rights.

14 Q Yes, sir. And later on did he do a waiver of his
15 rights?

16 A He did.

17 Q And did y'all tell him what this matter was about?

18 A Yes. we did.

19 Q Okay. And what was this matter about?

20 A It was about the death -- we were conducting an
21 investigation into the death of Brechue wiles.

22 Q And did he sign that he wanted to waive his rights?

23 A He did.

24 Q And did you witness that?

25 A Yes, sir. I did.

Louis Nelson (In-camera)
Direct examination by Mr. Barnette

1 Q And during that time was he promised anything?

2 A He was not.

3 Q Was he threatened in any way?

4 A No, sir.

5 Q Did he ever ask for an attorney?

6 A No, sir.

7 Q During that time was he free to go?

8 A He was.

9 Q And did he leave after the interview was done?

10 A After we completed it, yes, yes, sir, he did.

11 Q After everything.

12 And showing you what's been marked as Court's Exhibit
13 2 and State's Exhibit 25. Is that a copy or a fair
14 recitation of the interview that y'all did of Mr. Johnson?

15 A It is.

16 Q And that's not the complete interview. Obviously,
17 there's more than that, but that's a part of that
18 interview, is that right?

19 A Yes, sir.

20 MR. BARNETTE: Your Honor, I would move these two
21 items -- Court's Exhibit 2 and State's Exhibit 25 for the
22 trial, and this is Court's Exhibit 1 and State's
23 Exhibit 24 -- into evidence for purposes of this hearing.

24 THE COURT: All right.

25 (Written waiver of Tremaine Johnson marked Suppression

Louis Nelson (In-camera)
Direct examination by Mr. Barnette

1 State's Exhibit No. 24 and Suppression Court's Exhibit No.
2 1; video of statement given by Tremaine Johnson marked
3 Suppression State's Exhibit No. 25 and Suppression Court's
4 Exhibit No. 2.)

5 Q Okay. As a matter of fact, he was -- he left after
6 that and was not arrested for several months after that, is
7 that right?

8 A That's correct.

9 Q Just to change the subject a little bit just to cover
10 the record on this, did you later -- y'all -- Investigator
11 Taylor also interview Robert Gentry, the other defendant in
12 this case?

13 A Yes, sir. We did.

14 Q And was that on May 18th -- no. Excuse me. May
15 21st of 2018?

16 A Yes, sir. That's correct.

17 Q Let me show you. Was this his rights that was given
18 to him, Court's Exhibit 3?

19 A Yes, sir.

20 Q And it's also marked as State's Exhibit 28 just for
21 I.D. purposes at this time.

22 And then was there also an interview done with him
23 that was videotaped?

24 A Yes, sir. It was.

25 Q And showing you State's Exhibit 29 just for I.D.

Louis Nelson (In-camera)
Direct examination by Mr. Barnette

1 purposes at this time, and Court's Exhibit No. 4. Is that
2 a fair representation of the interview that you did with
3 him on that day?

4 A Yes, sir.

5 Q And did he understand all of his rights on that?

6 A He indicated to me that he did.

7 Q And you went through the whole form with him just like
8 you did with Mr. Johnson.

9 A Yes, sir. I did.

10 Q Did he initial all of the rights after you read them
11 to him?

12 A Yes, sir.

13 Q And you checked each one as you read it?

14 A Yes, sir.

15 Q And was that also witnessed by Chris -- did you
16 enter -- witness that rights being given to him?

17 A Yes.

18 Q And they were given to him by Chris Taylor?

19 A Yes.

20 Q And did you also indicate that he wanted to waive his
21 rights to talk to you?

22 A He did.

23 Q And during that time, was he free to go at any time?

24 A Yes, sir. He was.

25 Q And did he leave after the interview?

Louis Nelson (In-camera)
Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q And he wasn't arrested for several months later --

3 A That's correct.

4 Q -- in this case.

5 MR. BARNETTE: Your Honor, I'm going to enter this
6 just for purposes of this hearing. Like I said before, we
7 talked to you in pretrial conferences. There's a Brewton
8 issue potentially with Mr. Johnson's statement coming --
9 not Mr. Johnson -- Mr. Gentry's statement coming in.

10 At this time we're not intending to introduce it. I
11 just want to make sure it's part of the record for the
12 appellate courts down the road if needed from that
13 standpoint.

14 MR. JOHNSTON: May it please the Court.

15 Your Honor, as to Mr. Gentry's statement or statements
16 that the solicitor just referenced, we have been informed
17 that the state is not going to offer any statements by
18 Mr. Gentry into evidence during its case in chief unless
19 something should happen, in which case they have agreed to
20 give me notice. And if they were to do that at that time I
21 would be asking for a full blown Jackson vs. Denno hearing.

22 So at this point I don't plan on asking him any
23 questions just because they've told me they're not planning
24 on introducing it before the jury. But I do not wish to
25 waive my rights.

1 THE COURT: Okay.

2 MR. BRANNON: Your Honor, again, I have been assured,
3 along with Mr. Johnston, that the state does not intend to
4 introduce Mr. Gentry's statements.

5 Based on that assurance, Your Honor, I am not making a
6 motion to sever these two defendants and try these people
7 separately. However, if at some point they intend to
8 introduce Mr. Gentry's statement, I mean, I'm basing no
9 motion to sever on the assurance that those statements
10 aren't coming in.

11 So, I mean, I guess if we're third day into the trial
12 and they decide they're going to introduce it, it's too
13 late at that point for a motion of sever. So do I need to
14 make that motion now?

15 THE COURT: I'll leave that up to you.

16 MR. BRANNON: Well, I mean, I have an assurance that
17 they're not going to introduce the statements, but yet here
18 we are making them a court record.

19 MR. BARNETTE: Not in the case in chief, Your Honor.
20 Like I said, I don't know what's going to develop
21 later on. We don't intend to introduce them at this point,
22 but I don't know what may happen down the road. So that's
23 the reason I wanted to go ahead and put that on the record
24 just to make sure we're covered.

25 MR. BRANNON: Well, I don't know any more now than I

Louis Nelson (In-camera)
Direct examination by Mr. Barnette

1 knew before I started talking.

2 I mean, if -- if because of the severity of the
3 Brewton, potential Brewton, issues, Your Honor, if they try
4 to introduce those, I have to move to sever these
5 defendants.

6 MR. BARNETTE: And, Your Honor, we don't intend unless
7 the door's opened or something happens during the trial.
8 But I just want to make sure it's on the record. We'll go
9 ahead and do the Jackson vs. Denno so we can cover that.
10 That's the reason why.

11 THE COURT: Well, we haven't done because Mr. Johnston
12 says he's not questioning it now because you told him you
13 don't intend to introduce it. So he's not wasting any
14 time.

15 MR. BARNETTE: Yes, sir.

16 THE COURT: So the point is if you are going to
17 introduce them, he wants a hearing.

18 MR. BARNETTE: Yes, sir.

19 THE COURT: So if there's a chance you are,
20 Mr. Johnston wants a hearing too.

21 MR. BARNETTE: No question. At this point I'm not
22 intending, but I want to make sure it's perfectly clear
23 that statements lived -- I mean, obviously, the issue is in
24 this case Mr. Gentry allegedly has provided the gun to
25 Mr. Johnson in this case. He made statements concerning

Louis Nelson (In-camera)
Cross-examination by Mr. Brannon

1 Mr. Johnson. If Mr. Johnson don't testify, then,
2 obviously, that statement can't come in because of Brewton,
3 but you can't sanitize it from that standpoint.

4 I don't know what they're going to do. I don't know
5 who's going to testify on their side, so that's the reason
6 I just wanted to cover this for the record.

7 It may be just moot, but at least we have it on the
8 record to cover that this statement is out there. There's
9 no question that we are not going to use it at this point.

10 We don't intend -- you know, I don't think -- I don't
11 know if either one is going to testify or not. I don't
12 know that. But, obviously, if they testify they may open
13 up that door, open, at that time. It depends on what they
14 testify to.

15 Right now Brewton prohibits us from introducing that
16 statement at trial. That's the reason I marked it just for
17 I.D. purposes at this time.

18 MR. BRANNON: And I'm reserving the right to make a
19 motion to sever. That's it.

20 THE COURT: Okay. Reserve it.

21 Anything else from this witness?

22 MR. BARNETTE: Your Honor, I've asked all the
23 questions I'm going to ask. I didn't know if they had
24 anything they wanted to ask.

25 MR. BRANNON: I'm sorry.

1 CROSS-EXAMINATION

2 BY MR. BRANNON

3 Q So you were asked did my client come voluntarily. How
4 did he get there?

5 A He rode. He rode in the vehicle with us.

6 Q With you.

7 A Yes, sir.

8 Q Okay. When you -- so he voluntarily rode in a police
9 car? I mean, did you give him an invitation or what?

10 A His mother -- his mother was following us --

11 Q Okay.

12 A -- from his residence.

13 Q So how do you voluntarily get somebody from their
14 house into a police car?

15 A I just asked him, Mr. Brannon.

16 Q Okay. Did you have your side arm on?

17 A Yes, sir. I'm sure I did.

18 Q Okay. Did you read him his rights at his house or did
19 you wait until you got to the police station?

20 A It was a police station at city hall.

21 Q Okay. Was he in the front seat or the back seat?

22 A I believe he was in the front seat.

23 Q Okay. All right. Have you ever heard that young man
24 there with the checked shirt on sitting to the left of
25 Mr. Johnston, have you ever heard him called anything other

1 than Tremaine?

2 A No, sir.

3 Q Never Tyrell.

4 A All I know is Tremaine Johnson.

5 Q Okay. Never, never Travis, right?

6 A No, sir.

7 Q Never Traveris, right?

8 A No, sir.

9 Q Okay. Thank you.

10 MR. BRANNON: Nothing further.

11 MR. BARNETTE: Your Honor, just one question in
12 followup.

13 REDIRECT EXAMINATION

14 BY MR. BARNETTE

15 Q He's been called other names like Trey, Trey-G, other
16 names that came up through the investigation.

17 A There were -- there were other names that did come up
18 from some of the people that we spoke with.

19 Q Right. And other names that he was called by.

20 A Yes. I think Trey-B, Trey-Bay, yes, sir.

21 Q And other names possibly from there. From what you
22 gathered through your investigation there was different
23 names for him.

24 A Yes, sir.

25 Q Thank you.

1 MR. BRANNON: No questions.

2 THE COURT: You may step down.

3 MR. BARNETTE: Your Honor, that'd be the state's
4 showing on Mr. Johnson's case from the Jackson vs. Denno,
5 Your Honor, from that standpoint. And we'd ask to admit
6 those at the proper time once the foundation is laid in the
7 trial.

8 MR. BRANNON: Your Honor, I have nothing further.

9 THE COURT: Does Mr. Johnson wish to testify?

10 MR. BRANNON: He does not, Your Honor.

11 THE COURT: Mr. Johnson, you understand you've got a
12 right to testify during this hearing if you want to.

13 The issue I've got to decide is whether or not the
14 statement that they claim was made by you was freely and
15 voluntarily made. If it wasn't, then the jury doesn't get
16 the statement. And you might have something to share on
17 that point, but it's up to you as to whether or not you
18 want to testify about the making of the statement.

19 DEFENDANT JOHNSON: I wish not to.

20 THE COURT: Okay. You've talked to Mr. Brannon about
21 it.

22 DEFENDANT JOHNSON: Yes, yes, Your Honor.

23 THE COURT: And you told him you understand you have a
24 right to testify and you don't wish to?

25 DEFENDANT JOHNSON: Yes, sir, Your Honor. I

1 understand.

2 THE COURT: Okay. All right. Anything else?

3 MR. BRANNON: No, Your Honor.

4 THE COURT: All right. Well, there's no evidence in
5 the record that would tend to even establish that the
6 statement was anything but freely and voluntarily made by
7 the defendant at the request and upon the questioning of
8 the two investigators.

9 So based upon that fact it would appear, and I find,
10 that the statement made by Mr. Johnson on May the 11th of
11 2018 beginning at 1:05 p.m. was freely and voluntarily
12 made. Nothing was promised him; no reward was promised
13 him; no threats were made against him. He never requested
14 counsel, and they didn't deprive -- deprive him of any food
15 or drink. And he apparently was free to go and, in fact,
16 did leave and was not arrested until months later.

17 So it appears all of the evidence would tend to
18 support the fact that the statement was freely and
19 voluntarily made by the defendant, and therefore it's
20 admissible if it's otherwise relevant.

21 All right. What's next?

22 MR. BARNETTE: We may want to talk in chambers for a
23 second, Your Honor, concerning the third-party-guilt
24 motion.

25 THE COURT: Okay. All right. We'll take -- are we

1 coming back?

2 MR. BARNETTE: I don't think so, Your Honor -- I don't
3 know -- unless defense counsel has something additional.

4 MR. JOHNSTON: The Defendant Gentry doesn't have
5 anything additional to present.

6 MR. BRANNON: Neither does Mr. Johnson.

7 THE COURT: All right. Court is recess until 9:30 in
8 morning, but I'll talk with counsel in chambers.

9 END OF PROCEEDINGS JUNE 14, 2021

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1 (Proceedings June 15, 2021)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: All right. The record shall reflect that
5 during an overnight recess Juror No. 32 was informed by his
6 spouse that there was going to be an issue regarding
7 childcare of a 2-year-old because she works third shift and
8 is unable to care for that child in the morning, during the
9 morning hours. Those are the hours that the juror
10 ordinarily would take care of the child.

11 And the juror apparently did not know yesterday at the
12 time that he was selected that that was going to be an
13 issue as far as his spouse's ability to look after the
14 child, as I say, because she works the third shift and,
15 according to him, has a 14-hour work day.

16 I informed counsel of that fact, and I also had the
17 consent of counsel to talk to the juror in chambers to
18 gather that information that I've just related, and I have
19 shared that information with counsel. And I am told that
20 counsel is in agreement for Juror 32 to be removed and for
21 Juror 35 to -- who is the first alternate juror -- Juror 35
22 to take his place and become the twelfth juror.

23 Did I state everything correctly, solicitor?

24 MR. BARNETTE: You did, Your Honor.

25 THE COURT: Mr. Brannon.

1 MR. BRANNON: From Mr. Johnson's perspective, you did,
2 Your Honor.

3 THE COURT: Mr. Johnston.

4 MR. JOHNSTON: You did, and we do so consent.

5 THE COURT: All right. Thank you.

6 All right. So Mr. -- Juror No. 32 will be excused
7 based upon childcare issues and Juror 35 will be
8 substituted.

9 All right. Are we ready for the jury now?

10 MR. BARNETTE: The state's ready, Your Honor.

11 MR. BRANNON: Yes, Your Honor.

12 MR. JOHNSTON: Yes, sir.

13 THE COURT: Okay. Bring them in and ask Juror 170,
14 Ms. Vaughn, to take the foreperson's seat.

15 MR. BRANNON: Your Honor, forgive me. What number did
16 you say?

17 THE COURT: 170, Ms. Vaughn.

18 (The following takes place in the presence of the
19 jury.)

20 THE COURT: Good morning, ladies and gentlemen.

21 We are ready to begin with the trial of the case for
22 which each of you have been selected.

23 And as you are aware, one of your fellow jurors has
24 had an issue that has arisen that was unforeseen and that
25 is going to prevent him from being able to continue to

1 serve as a juror, and that means that Mr. Click will now be
2 substituted and become the twelfth juror in the case.

3 Ms. Vaughn, I'm going to ask you to serve as the
4 foreperson of this jury, and as the foreperson you're going
5 to have three specific duties that none of the other jurors
6 will have.

7 First of all, you'll be asked to serve as the
8 spokesperson for the jury, and that just means that if
9 something occurs during the trial of the case that needs to
10 be brought to my attention -- you or one of your fellow
11 jurors has some difficulty or problem or question -- you're
12 going to be the person to let me know of that fact.

13 If you're in the courtroom, you can do that directly.
14 If you're outside of the courtroom, you'll do that through
15 the bailiff.

16 Secondly, you'll be called upon to preside over jury
17 deliberations when the time comes for those deliberations.
18 That of course will not be until the end of the trial after
19 all of the evidence has been received and I have instructed
20 you on the law that's applicable in these cases. But when
21 the time does come for jury deliberations you're going to
22 be tasked with the responsibility of presiding over that
23 process simply to ensure that those deliberations are
24 carried out in some orderly fashion.

25 And, thirdly, you'll be asked to actually write the

1 verdicts or the decisions of the jury, and you'll do that
2 on verdict forms that I'll provide you at the trial's
3 conclusion on which you will indicate the jury's unanimous
4 decision as to each of the separate indictments.

5 Now, the foreperson has those specific duties that
6 I've just indicated, but that does not mean that she is any
7 more important than any of you other jurors who have been
8 selected in the case, and that's because the decision of a
9 jury is the unanimous consensus opinion of all 12 jurors,
10 and so all of you and each of you will have an equal say
11 and an equal vote in what the ultimate decisions will be in
12 this case.

13 Someone simply has to be delegated those
14 responsibilities that I have just indicated, and I have
15 delegated those to the foreperson in putting her in that
16 position. But all of you jurors are equally important so
17 far as the ultimate decisions in this case are concerned,
18 because, as I've stated, the verdicts must be unanimous.
19 All of you must be in agreement.

20 Now, Mr. Loftis, you've been selected as an alternate
21 juror, and, as you are aware this morning now, the purpose
22 of an alternate is to take the place of one of the original
23 12 if during the trial one of these 12 cannot continue to
24 serve. And so if that were to occur, then you would take
25 that person's place. You'd become the twelfth. If it

1 doesn't occur when the time comes for deliberations your
2 service ends. But it is important that you pay just as
3 careful attention as we ask of all of the jurors in the
4 case because it does occur from time to time for one reason
5 or another one of these 12 may be called away. In that
6 event you become the twelfth.

7 So we do appreciate your participation as an alternate
8 juror, just as we appreciate the participation of each of
9 you jurors who have been selected for the purpose of
10 deciding the verdicts in these particular cases.

11 You may swear the panel.

12 (Whereupon, the jury was duly sworn.)

13 THE COURT: Ladies and gentlemen, as you know, you
14 have been selected to decide the verdicts in the case,
15 cases, of the State vs. Robert Tyrell Gentry and Tremaine
16 Pierre Johnson.

17 These cases are separate cases. They're being tried
18 together because the allegations are related. But so far
19 as your decisions and your consideration of the evidence
20 and the law, the cases are separate, and you'll consider
21 each separate defendant and each separate indictment based
22 upon the evidence that's presented as it relates to that
23 particular defendant and that particular charge. And
24 you'll consider those separately and you'll decide separate
25 verdicts with regard to each of the defendants and each of

1 those separate indictments.

2 As you have previously been made aware, the
3 indictments allege, one alleges, that Tremaine Pierre
4 Johnson committed the crime of murder, the state alleging
5 that on or about May the 11th of 2018 Mr. Johnson did
6 willfully and with malice aforethought kill one Brechue
7 Ferrarri wiles by shooting her and that she died as a
8 proximate result of that gunshot wound.

9 As to that charge Mr. Johnson has entered a plea of
10 not guilty.

11 The remaining two indictments are against Robert
12 Tyrell Gentry. One indictment charges Robert Tyrell Gentry
13 with the crime of accessory before the fact to the crime of
14 murder, the state alleging that on or about May the 9th of
15 2018 Mr. Gentry did aid, abet, counsel, hire or otherwise
16 procure the commission of a felony, that felony being
17 murder by the principal felon, that felon being Tremaine
18 Pierre Johnson, by conspiring with Mr. Johnson knowing that
19 Mr. Johnson intended to commit a crime, in this case that
20 crime being murder.

21 And the remaining indictment charges Mr. Gentry with
22 the crime of accessory after the fact to the commission of
23 a felony, and that alleges, that indictment alleges, that
24 Mr. Gentry did on or about May the 10th of 2018 render
25 assistance to a felon knowing that that felon had committed

1 the crime of murder, that felon being Tremaine Johnson, and
2 that Mr. Gentry committed those acts with the intent of
3 assisting Mr. Johnson in avoiding the consequences of the
4 crime he has committed.

5 As to each of those indictments Mr. Gentry has entered
6 a plea of not guilty. As I told you, I think, the
7 indictments are not evidence in the case. They don't prove
8 anything. They don't establish anything.

9 The indictments are the means by which any person is
10 accused of a crime where the crime is in the jurisdiction
11 of this court. The indictments serve to put that person on
12 notice as to what the state claims they have done by way of
13 the commission of a criminal offense so that they can
14 respond to the allegations should they wish to.

15 The defendants have entered pleas of not guilty to
16 each of the charges. Those pleas of not guilty have placed
17 upon the state the burden of proving the allegations that
18 they have made by way of each of these indictments, the
19 burden of proving each of the essential elements of the
20 crimes that they have alleged against each of these
21 defendants; and therefore the burden is upon the state to
22 establish a defendant's guilt to the satisfaction of you 12
23 jurors beyond a reasonable doubt before any verdict of
24 guilty could be returned as to either defendant and as to
25 any of the charges made against either of those defendants.

1 Any person who is accused of a crime, and it does not
2 matter how serious the offense might be for which that
3 person stands charged, every person and any person accused
4 of a crime is always presumed to be innocent of that
5 charge.

6 That presumption of innocence remains with every
7 defendant, as it does with each of these defendants, from
8 the time that they are placed under arrest and throughout
9 the course of the criminal process and even throughout the
10 course of the actual trial in the case.

11 That presumption of innocence is with each of these
12 defendants, and it will be with each of these defendants
13 even as you go back into your jury room to begin with your
14 deliberations at this trial's conclusion.

15 That presumption of innocence will be with each of
16 these defendants in that jury room, and it'll be with them
17 forever unless you 12 jurors determine that they are no
18 longer entitled to that presumption of innocence.

19 In other words, after you have considered all of the
20 evidence in the case, and from that evidence you have been
21 able to determine the material facts as they relate to the
22 allegations made by way of each of these indictments, and
23 after deciding those facts you apply the law that I will
24 have provided you as it relates to each of the charges
25 contained in each of these indictments, if you determine

1 that a defendant's guilt as to a particular charge has been
2 proven beyond a reasonable doubt, then that defendant would
3 no longer be entitled to that presumption of innocence.
4 But it is only if, unless and until you are satisfied of a
5 defendant's guilt as to a particular charge beyond a
6 reasonable doubt that the presumption of innocence would no
7 longer be applicable.

8 Now, the way the trial will proceed is that in a
9 moment the lawyers are going to address you in what are
10 referred to as opening statements.

11 There are two occasions in the trial of a case where
12 lawyers are permitted to address the jury, and that is at
13 the beginning of the trial before any evidence has been
14 introduced, then again at the conclusion of the trial after
15 all of the evidence has been received.

16 But please keep in mind, as I've just indicated, the
17 lawyers' statements are not evidence. The evidence upon
18 which you will base your decision comes in between the
19 opening and the closing statements of the lawyers, and
20 therefore you should not consider what the lawyers tell you
21 in either of those statements as being any evidence upon
22 which you will base your decision, and that's because the
23 lawyers don't know anything about this case of their own
24 personal knowledge or perception like witnesses will be
25 testifying to when they take the witness stand to provide

1 you with information.

2 The lawyers aren't going to take the witness stand.
3 They're not going to be placed under oath and they're not
4 going to be subjected to direct and cross-examination like
5 each witness will be that comes into court to provide you
6 with information. And so what they tell you is not to be
7 construed by you as any evidence upon which you will base
8 your decision. But you should listen to what the lawyers
9 have to say because those statements do serve a purpose.

10 The opening statements will serve to provide you with
11 a basic understanding as to what this case is about from
12 both the perspective of the state and each of these
13 defendants so that you'll have some context in which to
14 place the evidence that we will be receiving shortly
15 thereafter.

16 The closing statements provide the lawyers with an
17 opportunity to discuss with you the evidence that you have
18 seen and heard through the course of the trial, and through
19 that discussion each will be trying to persuade you or to
20 convince you that that evidence does or does not support a
21 particular decision. And it's in between those statements
22 that we actually receive the evidence upon which you will
23 base your decision.

24 As you have been instructed, the state has the burden
25 of proof. The state has brought the charge against a

1 defendant. Therefore the state has the burden of
2 establishing that charge against that defendant beyond a
3 reasonable doubt. And so the state will go forward first
4 in its presentation of evidence.

5 Once the state has concluded in that presentation each
6 defendant will be allowed an opportunity to testify or to
7 call additional witnesses or to introduce additional
8 evidence, but please understand that a person who is
9 accused of a crime is never under any obligation to testify
10 or call a witness or introduce evidence, because a person
11 charged with a crime has no burden of proof.

12 While the state does have the burden of proving a
13 defendant guilty beyond a reasonable doubt, there is no
14 corresponding duty upon any defendant to prove that they
15 are not guilty or to prove that they are innocent because
16 in some cases that might not be possible. However, every
17 person accused of a crime when they go to trial has the
18 opportunity to testify, to call additional witnesses or to
19 introduce other evidence.

20 After all of the evidence has been received and you
21 hear the final summations of the lawyers, I will then
22 instruct you fully on the law as it relates to the criminal
23 law generally and as it relates to these specific crimes
24 particularly, and after that you'll be asked to go back
25 into your jury room, and through the exercise of good

1 judgment and common sense conscientiously applied to the
2 testimony and evidence received during the trial, you're
3 going to be called upon to decide the facts as they relate
4 to the material allegations contained in the indictments.

5 Upon deciding the facts of the matter you'll apply the
6 law as it relates to that particular charge, and you will
7 determine whether or not a defendant has been proven guilty
8 of a particular charge beyond a reasonable doubt. And if
9 he has, then the verdict would be guilty as to that
10 defendant and as to that charge. And if he has not, then
11 your verdict would be not guilty as to that particular
12 defendant and that particular charge.

13 So all that we're going to ask for you to do is to pay
14 careful attention throughout the course of the trial. Give
15 every witness the same degree of attention while they
16 testify, and that's because in deciding the facts you're
17 going to be called upon to determine the credibility and
18 the believability of each witness that has testified during
19 the trial. And there may be conflicts in testimony, and a
20 conflict in testimony has to be resolved by you in order to
21 reach a decision.

22 well, if there is a conflict you're the one that
23 decides the facts, and therefore you decide the credibility
24 of that witness. And so because you are the judges of the
25 facts you may believe everything that a witness testified

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1 to; you may choose to believe none of it. You may believe
2 some portion of a witness' testimony and reject some other
3 portion of that same witness' testimony.

4 In a given case you can believe one witness as opposed
5 to several, or several as opposed to one. But whatever
6 your good judgment and common sense tells you is the most
7 believable and credible testimony and evidence is that
8 which you should accept, and you should reject any
9 testimony or other evidence that you find not to credible
10 or believable.

11 But in order to be in a proper position to fairly
12 evaluate a witness' testimony you've got to listen to them
13 and watch them as they testify so that you'll be in a
14 proper position when you do go back to begin deliberations
15 to be able to fairly evaluate each witness' testimony in
16 light of not just that witness' own testimony but in light
17 of all of the testimony and all of the evidence received
18 during the course of the trial.

19 And of course it's important that you keep an open
20 mind throughout the course of the trial, and that just
21 means that you are not to begin making up your minds or
22 formulating your opinions as to what you think the ultimate
23 decisions in this case ought to be until all of the
24 evidence has been received, until I have instructed you on
25 the law that's applicable in these cases and until you've

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1 been asked to go back and to begin with your deliberations.
2 That is the process that has been designed over the last
3 240 some odd years to ensure that you can arrive at a fair
4 and impartial decision in the case.

5 So I do want to thank you in advance for your
6 participation, as well for your careful attention. I would
7 ask that you please give the lawyers your attention now as
8 they give you their opening statements.

9 Ms. Wells.

10 MS. WELLS: Thank you, Your Honor. May it please the
11 Court.

12 Around the first of May of 2018 Brechue wiles found
13 out that she was pregnant. By the 3rd of May she knew that
14 she was about four weeks and -- excuse me -- a month and
15 four weeks, about five weeks along. And by the 10th she
16 was dead.

17 The father of Brechue -- her family called her Bree --
18 the father of her child was Tremaine Johnson. When
19 Tremaine found out that Bree was pregnant he started doing
20 internet searches on his phone. He searched for abortion.
21 He searched for abortion clinic. He searched for poison.
22 He searched for how to kill a baby in your stomach.

23 But Bree was excited. She shared pictures of her
24 belly with her family. She talked to her family about
25 whether or not she was having a boy, and she texted

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1 Tremaine about things that her family had purchased for her
2 from Babies R Us. But those conversations ended on May the
3 9th when she left her aunt's house to go and meet up with
4 someone and she never came home.

5 She stopped responding to her mother's texts and
6 calls. She didn't return to her apartment out at Campus
7 Edge near U.S.C. Upstate.

8 And by May 11th her mother was at the front desk of
9 the Spartanburg County Sheriff's Office making a missing
10 person's report. What her mother didn't know was that at
11 the same time she was doing that there was a gentleman who
12 was taking a walk in the early morning hours of May
13 11th through Duncan Park who discovered Brechue's body
14 floating in the lake. She'd been shot in the head.

15 Mr. Johnson came in and spoke with investigators from
16 the Spartanburg Police Department because Duncan Park, as
17 y'all know, is in the City of Spartanburg. He came in and
18 spoke with them.

19 He said he hadn't talk to Bree since June -- excuse
20 me -- since Tuesday, May the 8th. He said he didn't talk
21 to her on the 9th. He said he didn't go anywhere on May
22 9th. He had stayed at home. He was trying to save money.

23 And he gave investigators permission to go through his
24 phone, and they did, and they found those messages I talked
25 to you about. They also found that he had had

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1 conversations with Robert Gentry that May the 9th early in
2 the morning trying to get up with him.

3 And, in fact, the phone records show that Mr. Gentry
4 and Mr. Johnson met up around 8:30 on May the -- May the
5 9th at Mr. Gentry's house over on Hydrick Street here in
6 the City of Spartanburg.

7 The phone records will also show that these -- that
8 Mr. Johnson's phone was found in the vicinity of Duncan
9 Park during the 9:00 o'clock, 10:00 o'clock hour of that
10 night, that he did leave the house that day, and that he
11 did have conversations with Brechue wiles on that day.

12 They will -- so what I'm seeing, the messages between
13 Mr. Johnson and Mr. Gentry on that phone, investigators
14 also had an opportunity to get Mr. Gentry's permission to
15 search his vehicle.

16 when they did that they found a box of Tu1Ammo,
17 T-U-L-A-M-M-O -- Tu1Ammo 40 caliber. They went back to Mr.
18 Gentry's house and with his permission searched and found
19 a box that at one time contained a Smith & Wesson 40
20 caliber pistol.

21 And what the evidence you're going to hear, is that's
22 the ammunition and that's the Smith & Wesson, one of the
23 Smith & Wesson, weapons that could have fired that
24 ammunition that killed Brechue wiles, because that
25 ammunition was recovered from the scene and could only have

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1 come from the Smith & Wesson 40 caliber.

2 Ladies and gentlemen, that is why you are here today.
3 As the Court has said, and I know we were introduced
4 yesterday, my name is Jennifer Wells. And sitting with me
5 at counsel table is solicitor Barry Barnette. Solicitor
6 Barnette is the elected solicitor for the Seventh Judicial
7 Circuit. It's Cherokee and Spartanburg counties. And I'm
8 one of the lawyers who works for him in that office.

9 It is our job to bring forth all of the relevant
10 evidence to you in this case for your consideration, and
11 you're going to take that evidence and the law as Judge
12 Cole gives it to you and you're going to go back in that
13 jury room when this case is over and you're going to make a
14 decision about what happened on May the 9th of 2018.

15 Now, what is some of that evidence going to be? Well,
16 that evidence is going to come to you from this witness
17 stand, and folks are going to get up and they're going to
18 put their hand on the Bible and they're going to wear to
19 tell you the truth about what they know about this case.

20 Some of that evidence may be -- some of those
21 witnesses may provide evidence that will be admitted into
22 the record and that y'all will be able to take back with
23 you as you deliberate. And some of the evidence may come
24 to you just through testimony and some of it may come to
25 you through stipulations or agreements between the parties

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1 about what some of the evidence in this case may be.

2 Now, who is going to testify? You're going to hear
3 from some of Bree's family. You're going to hear some of
4 what they know about this case.

5 You're also going to hear from investigators with the
6 City of Spartanburg, investigators who did some interviews,
7 investigators who did some analysis of telephones. You're
8 going to hear from them, and they're going to tell you what
9 they discovered in the course of their investigation.

10 You will also hear from an F.B.I. agent who will talk
11 to you about the analysis he did of some of the cell phones
12 in this case.

13 And you'll hear from the forensic pathologist, the
14 doctor who did the autopsy. And those are some of the
15 witnesses. You'll hear from other folks as well.

16 And once all of that evidence is complete the judge
17 will charge you on the law, and you'll go back to the jury
18 room and the door will close and this case will be yours.

19 What I would urge you to do -- and I think you'll hear
20 this probably from everybody who gets up and talks to you
21 today -- is don't check your common sense when that door
22 closes. Your common sense has guides -- guides you every
23 single day of your life. You make important, important
24 decisions based on that common sense. And I would urge you
25 don't check that at the door. Use that common sense that

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1 you've gotten from your experience and your work life and
2 your personal life to analyze and assess the evidence
3 that's presented to you.

4 And we'd ask -- and -- and when you do what we would
5 submit to you is that at the end of this case I will tell
6 you we are going to come back before you and ask you to
7 find Mr. Johnston -- Johnson guilty of murder and
8 Mr. Gentry guilty of accessory before and after the fact to
9 that murder. And I submit to you at the end of the case
10 you will do that. Thank you.

11 THE COURT: Mr. Brannon.

12 MR. BRANNON: May it please the Court.

13 Ladies and gentlemen of the jury, first of all, good
14 morning. Sorry you had to wait for a while before we got
15 started.

16 My name is Doug Brannon. I'm a local attorney here in
17 Spartanburg, and today and during this trial I have the
18 privilege to represent Mr. Tremaine Johnson. Tremaine sits
19 here in this courtroom today an innocent man. As the judge
20 said, he is presumed innocent.

21 The state has the burden to prove beyond a reasonable
22 doubt that my client is guilty of a crime. At the end of
23 this trial the judge has told you he's going to tell you
24 what the law in this state is regarding the crimes charged,
25 but he's going to tell you other laws as well.

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1 A reasonable doubt is one of those laws. He's going
2 to define it for you, but I'm going to tell you that a
3 reasonable doubt -- I believe the judge will quote this --
4 but the reasonable doubt is the kind of doubt that would
5 make a reasonable person hesitate to act.

6 I can tell you that there are 13 people sitting in
7 this box and you're there because you are reasonable
8 people. That reasonable doubt is that that would make each
9 one of you or individually hesitate to act.

10 Now, I'm -- I'm 60 years old, and I have learned to
11 think over those 60 years in pictures. I know some people
12 think in numbers, some people think other ways. I think in
13 pictures. And a reasonable doubt in a picture to me is
14 whenever you take a shower, whether it be in the morning or
15 the evening, when you get out of the shower and the
16 bathroom is all steamed up and the mirror, you can't see in
17 the mirror any more, well, that -- that haze, that steam on
18 your mirror, that's reasonable doubt.

19 And what this table, what these two lawyers, have to
20 do through their witnesses is take a towel or a paper towel
21 and wipe all of the steam off of that mirror because if
22 there's steam left on the mirror that's reasonable doubt.

23 Now, Ms. Wells did a really good job of telling you
24 who was going to testify, and she talked about witness --
25 evidence -- excuse me. Some of the evidence is going to be

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1 words coming from witnesses that are sworn in, but the
2 other type of evidence that is going to come in are
3 documents, pictures, physical properties. You're going to
4 see them. You're going to be able to touch them. And once
5 they're an exhibit and introduced into evidence, you will
6 be able to take them with you back into the jury room.

7 But there's a kind of evidence that she didn't talk
8 about, and that's evidence that you're not going to see,
9 that you're not going to get, that you're not going to be
10 able to touch.

11 I want to point you to a couple of very specific
12 points that Ms. Wells made in her opening statement. She
13 said that on the evening of May the 9th that Brechue left
14 to go meet with someone. That's the key word -- someone.

15 She also told you that my client was the father of her
16 unborn child. I want to make it real clear that we didn't
17 know who that father was until March of this year. D.N.A.
18 evidence hadn't progressed to the point that they could
19 determine paternity until March of 2021. So I'm going to
20 tell you that in May of 2018 nobody knew who the father of
21 that child was.

22 Ladies and gentlemen, please pay very close attention
23 to the words that are spoken from this witness stand, very
24 close attention to the documents that are produced. I want
25 you to pay -- pay especially specific attention to words

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1 that are stated and then those words that are backed up by
2 photographs and other documentary evidence and those words
3 that are spoken but can't be backed up by those documentary
4 or physical evidences.

5 Again, I'm -- I thank you for your time and attention.
6 I thank you for paying very close attention to the
7 evidence.

8 As the solicitor said, this is a matter of your common
9 sense. You are reasonable people. Listen closely, apply
10 your common sense, and I believe fully that at the end of
11 this trial that Mr. Johnson will walk out an innocent man.
12 Thank you very much.

13 MR. JOHNSTON: May it please the Court.

14 THE COURT: Mr. Johnston.

15 MR. JOHNSTON: Ladies and gentlemen of the jury, my
16 name is Andy Johnston, and I have the honor and pleasure of
17 representing Mr. Robert Tyrell Gentry.

18 As the Court told you in its opening remarks, these
19 are, obviously, two different men, and they come into this
20 court charged with different crimes.

21 In fact, my client, Tyrell, is charged with two
22 crimes. They are being tried together because some of the
23 facts, it is alleged by the state, are related. So
24 therefore the economy of our judicial system works towards
25 trying both of these cases together. So here we are. But

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1 I will ask you throughout this process to keep the
2 distinctions between evidence against one defendant versus
3 evidence against the other defendant.

4 Tyrell is charged with being an accessory before --
5 before the fact to a felony. The felony in question is the
6 murder of the unfortunate young woman about whom the
7 solicitor told you in her opening remarks.

8 But in order to prove that Tyrell is guilty of an
9 accessory before the fact the state must prove beyond any
10 reasonable doubt, in essence, that Tyrell knowingly helped
11 or persuaded or procured the murder of the unfortunate
12 young woman by Mr. Johnson.

13 Ladies and gentlemen, there will be no such evidence
14 in this case.

15 The state will also try its hand at proving that
16 Tyrell is guilty of accessory after the fact to this same
17 felony, this same murder.

18 In order to establish that the state will have to
19 prove, one, that the young woman was murdered by
20 Mr. Johnson. They'll have to prove that Tyrell knew that
21 that had happened and, number three, that Tyrell did
22 something to harbor or assist Mr. Johnson in avoiding the
23 consequences of his actions or detection of his actions.

24 The judge in this case, I believe, will talk to you
25 about two kinds of evidence. Those are direct and

Louis Dischler
Direct examination by Mr. Barnette

1 circumstantial evidence.

2 Direct evidence is something which is seen by a
3 witness and reported from the witness stand that is a
4 definite fact.

5 Circumstantial evidence is a -- an amalgamation of
6 facts together which may prove a point. Both types of
7 evidence are, in fact, valid and should be considered by
8 you in this case.

9 But before you can find Tyrell guilty based on
10 circumstantial evidence the circumstances must together be
11 consistent and they must conclusively point to the state's
12 theory of guilt of either accessory before, after or both.

13 Likewise, with the accessory after the fact there will
14 be no evidence in this case that Tyrell knew that
15 Mr. Johnson had committed a murder, that he helped him try
16 to avoid the consequences or that he somehow aided or
17 harbored him. There will be no such evidence in this case.

18 There will be evidence in these cases -- in this case
19 that these men talked. They're friends. There will be
20 evidence in this case that they met one another.

21 There will not be any evidence that during these talks
22 or during these meetings that Tyrell did anything to either
23 help Mr. Johnson commit the murder he is alleged to have
24 committed or that he helped to cover up the murder that
25 Mr. Johnson is alleged to have committed.

Louis Dischler
Direct examination by Mr. Barnette

1 Therefore at the conclusion of this trial we believe
2 there will be but two verdicts which will be appropriate in
3 Tyrell's case. On accessory before the fact, not guilty;
4 on accessory after the fact, not guilty. Thank you.

5 THE COURT: Mr. Barnette.

6 MR. BARNETTE: May it please the Court, Your Honor.

7 I'd like to call Mr. Dischler to the, stand please.

8 LOUIS DISCHLER, having been
9 first duly sworn, testified as follows:

10 DIRECT EXAMINATION BY MR. BARNETTE

11 Q Mr. Dischler, if you will, give us your full name for
12 the record, please.

13 A Louis Dischler.

14 Q And can you talk loud enough so they can hear you over
15 here?

16 A Sure.

17 Q Where do you live at, sir?

18 A I live at 252 West Park Drive.

19 Q And is that near Duncan Park?

20 A That is in Duncan Park.

21 Q Yes, sir.

22 And back on May 11th of 2018, did you take a walk
23 early that morning?

24 A Yes. I -- I did, yes. I walked. In 2018 I walked
25 every day virtually except the day before.

Louis Dischler
Direct examination by Mr. Barnette

1 Q Okay. Because that was your daily routine, to go
2 walking.

3 A Right.

4 Q That morning during your walk, if you would, tell the
5 what happened.

6 A Well, I live at the very end of Duncan Park Lake, and
7 there is a dam at that point right across the street.
8 There's also a -- a picnic table right there, and there are
9 two trails that lead from it. One goes -- one is asphalt,
10 goes into the woods. The other one is unimproved and goes
11 along the lake.

12 And I took that lower trail, and first thing I noticed
13 was that the lake had been stirred up by the rain the day
14 before and was sort of yellowish. And about 400 feet down
15 along the lake I came across a shoe in the trail, which
16 struck me as being a child's shoe and not a shoe you'd wear
17 on a trail. It was a street shoe. It looked new, and I
18 was surprised to see it there.

19 And as I went around a bush I saw a second shoe, the
20 mate to the first one. When I looked to the right I was
21 shocked to see what I took to be a child in the water with
22 her feet -- she was entirely off shore with feet very near
23 the shore and her head out towards the lake. She was
24 almost -- almost in the water but not quite. Her face was
25 under water slightly turned to the right, and a whole body

Louis Dischler
Cross-examination by Mr. Brannon

1 had a slightly yellowish cast, which I assumed was sediment
2 falling out. So I assumed she had been there for a while.

3 I could see no apparent injuries, and I quickly turned
4 around, headed back home, because I didn't have a cell
5 phone, intending to call 9-1-1. But then I saw a gentleman
6 coming the other way on the asphalt trail, which was very
7 near the trail I was on.

8 I called out to him and asked him if he had a cell
9 phone because I'd found a body and needed to call it in.
10 And he was a bit reluctant to do that without seeing the
11 body, so I showed it to him. He called it in.

12 And then we went back to the picnic table and sat
13 there. A couple of minutes later a first officer showed
14 up. I took him down there and showed him the body, and he
15 asked me if we'd touched anything, which we had not. And
16 then he asked me to go back to the picnic table and wait,
17 which I did.

18 And after a few more minutes more officers showed up.
19 They -- we -- they took our statements, and then I went
20 home.

21 Q So, of course, this is in Spartanburg County and the
22 City of Spartanburg where this -- where you found the body.

23 A Exactly.

24 Q And you felt like that it looked like a child, she was
25 small in stature?

Joann Frances Littlejohn
Direct examination by Mr. Barnette

1 A well, I made that assumption from seeing the shoe, and
2 then when I saw her she was at a slight angle. So, I mean,
3 quite an angle. So she looked like a child. I was just
4 assume -- made that same assumption.

5 Q Yes, sir.

6 MR. BARNETTE: One moment, please.

7 (Pause.)

8 Q Let me make sure, Mr. Dischler, and I think you
9 mentioned this before. It had rained the day before, is
10 that correct?

11 A Yes.

12 Q If you would, please answer any questions the defense
13 may have for you, sir.

14 MR. BRANNON: May it please the Court.

15 CROSS-EXAMINATION

16 BY MR. BRANNON

17 Q Mr. Dischler, how far do you live from where you found
18 the body?

19 A Well, it was across the street to the picnic table and
20 it was about 400 feet down to the body.

21 Q Okay. But, again, I'm asking how far do you live from
22 that spot.

23 A Well, maybe 500 or 600 feet.

24 Q Five or six hundred feet? Is that your --

25 A Yeah.

Joann Frances Littlejohn
Direct examination by Mr. Barnette

- 1 Q Thank you.
- 2 MR. BRANNON: Nothing further.
- 3 MR. JOHNSTON: No questions, sir.
- 4 THE COURT: Thank you. You may step down.
- 5 MR. BARNETTE: Your Honor, we'd ask for this witness
6 to be excused.
- 7 THE COURT: He may be.
- 8 MR. BRANNON: No objection.
- 9 MR. JOHNSTON: No objection.
- 10 (Whereupon, the witness was excused.)
- 11 MR. BARNETTE: Your Honor, the state would like to
12 call Ms. Littlejohn to the stand.
- 13 JOANN FRANCES LITTLEJOHN,
14 having been first duly sworn, testified as follows:
15 DIRECT EXAMINATION BY MR. BARNETTE
- 16 Q Ms. Littlejohn, you can remove your mask so the jury
17 can hear you.
- 18 (Whereupon, the witness complied.)
- 19 Q Thank you.
- 20 If you would, ma'am, make sure you speak out well
21 enough so the lady in the back can hear you.
- 22 Could you give me your full name, please?
- 23 A Joann Frances Littlejohn.
- 24 Q Ms. Littlejohn, back on May of 2018, where did you
25 live at, ma'am?

Joann Frances Littlejohn
Direct examination by Mr. Barnette

- 1 A I lived on 1631 Fernwood-Glendale Road, Apartment 1-A,
2 Spartanburg.
- 3 Q And where did you work at back then, ma'am?
- 4 A I worked at Summit Hills Nursing Center.
- 5 Q And what did you do there, ma'am?
- 6 A I was a nurse.
- 7 Q Who lived with you at your address at that time?
- 8 A Fontae wiles.
- 9 Q Okay. And what relationship is she to you?
- 10 A She's my niece.
- 11 Q Okay. And where did she work at the time?
- 12 A She worked at Summit Hills also.
- 13 Q And where did she work at?
- 14 A She worked in housekeeping.
- 15 Q And who was her daughter?
- 16 A Her daughter was Brechue Ferrarri wiles.
- 17 Q And is she commonly known as Bree?
- 18 A We call her Bree.
- 19 Q Is she small? Was she small in stature?
- 20 A She was probably, oh, soaking wet, maybe 80 to
21 90 pounds.
- 22 Q And back -- let me take you back to May 9th of 2018.
23 That day where did Bree and her mother go -- Ms. Wiles?
- 24 A They went shopping at Stein Mart.
- 25 Q And where was you at the time when they were shopping

Joann Frances Littlejohn
Direct examination by Mr. Barnette

1 that evening?

2 A It was at -- it was Wednesday night, and I was at
3 prayer service at church and I got out at 8:00 o'clock and
4 they -- when I got out I got a call that they were at the
5 home, that she could not get in the apartment at the time.
6 And I told them to wait for me, I'll be there.

7 Q And did you meet them in front of your house?

8 A I did. They -- when I pulled up in the car I looked,
9 and I seen Bree sitting on top of her car, and she was
10 talking. Her hand was flaring out. She looked real
11 anxious. And then I got outta the car and I said, "Bree,
12 get off the phone and come on, come in the house."

13 Q And where was her mother at?

14 THE COURT: Excuse me just a minute.

15 Ms. Littlejohn, let me ask you to turn a little bit
16 and use that microphone for me.

17 THE WITNESS: This one here?

18 THE COURT: Yes, ma'am.

19 THE WITNESS: Okay.

20 Q And where was her mother at -- Ms. Wiles?

21 A Her mother was in the car. She got outta the car
22 after Bree got outta the car.

23 Q And whose car were they in?

24 A They were in Bree's car.

25 Q And after y'all came inside the house, what did you

1 do, ma'am?

2 A When I got in the house Bree wanted to -- me to see an
3 outfit because it was my 60th birthday and we were having a
4 party for me for my sixtieth -- dinner party. And she
5 wanted to make sure that her mom looked good for the party,
6 so she wanted to show me the outfit. So I saw the outfit,
7 and she wanted to make sure I approved of it. I looked at
8 the outfit and I said it's fine.

9 And then she was telling me she was hungry and that
10 she loves chicken quesadillas. So I told her I would make
11 her some chicken quesadillas. And at that point I went to
12 the kitchen and she went upstairs to talk to her mom.

13 Q And while you was downstairs in your kitchen fixing
14 the meal -- you said this was her favorite meal. What?
15 Did you hear anything or what happened after that?

16 A Well, when they were upstairs I heard that -- you
17 know, they were talking real loud. They were -- sounded
18 like something was going on. I was, like, what is going
19 on.

20 So before I could go upstairs Bree had already come
21 downstairs, and she was going. She was leaving. And I
22 said, "Bree, where are you going?" And I said, "I'm making
23 you chicken quesadillas," you know, because she just kept
24 saying, "I'm craving these chicken quesadillas. I want
25 your chicken quesadillas."

Joann Frances Littlejohn
Direct examination by Mr. Barnette

1 So I decided, okay, where are you going? If you want
2 the food, where you going? And so she said, "I'm going to
3 meet someone." And I said, well -- "well, who? where --
4 where would you go this time of night," because, you know,
5 I said, "who would want you to go out this time of night?"
6 I mean, they couldn't be any good. This is quite late for
7 a young lady to go out this time of night.

8 And I kept trying to convince her not to leave and/but
9 she's like I'm going to be back and I'll be right back. I
10 said no, come on let's go in the morning when it's light,
11 you know, because it's just too dark for you to go out
12 right now. And so, you know, I tried to convince back but
13 wasn't good at convincing her to stay so she -- she left.

14 Q what -- which car did she leave in?

15 A She -- it was a burgundy car, a reddish-burgundy-wine
16 car.

17 Q was it her car?

18 A It was her car.

19 Q Ma'am, let me show you what's been marked as State's
20 Exhibit No. 50. Is that the car that she owned?

21 A That's her car.

22 Q Okay.

23 MR. BARNETTE: Your Honor, I'd like to move State's
24 Exhibit 50 into evidence at this time.

25 MR. BRANNON: No objection, Your Honor.

Joann Frances Littlejohn
Direct examination by Mr. Barnette

1 MR. JOHNSTON: No objection, Your Honor.

2 THE COURT: It's admitted.

3 (Photograph marked State's Exhibit No. 50.)

4 MR. BARNETTE: May I publish it to the jury, Your
5 Honor?

6 THE COURT: You may.

7 (Pause.)

8 Q Ms. Littlejohn, after she left, after Bree left, what
9 did you do, ma'am?

10 A I -- I went upstairs after Bree left and I asked her
11 mother what was going on, and she told me, idea what was
12 going on.

13 So I immediately went back down the stairs to try to
14 catch Bree. So I ran out the door, and as I went out the
15 door the car -- I saw the car going between the two
16 apartments because I was facing this way and the parking
17 lot is on this side. And her car -- seen it going between
18 the buildings, and I said, ah, I missed her.

19 So I ran back in and -- and told her mother -- went up
20 the steps and said please call her. You know, I just had a
21 bad feeling about it. I said get on the phone and call
22 her.

23 Q And did she try to call her?

24 A She did.

25 Q Was she able to get her the first time?

Joann Frances Littlejohn
Direct examination by Mr. Barnette

1 A She got her, but I didn't hear the first conversation
2 that they had.

3 Q Okay. Did she call back again a second time?

4 A She did, and I heard that call. She had her on
5 speaker phone.

6 Q Okay. And what did -- what did you say concerning
7 that call to her mom about it?

8 A I just was, like, you need to tell her to come home,
9 and she was telling Bree. And I -- Bree was saying, "I'm
10 coming, mom. I'm coming."

11 And then I heard a voice in the background that said,
12 "Come on. We gotta go. Come on, Bree. We gotta go. Hang
13 up the phone." And so at that point I went to my room.

14 Q After that did -- did her mom try to call her again?

15 A She tried texting her and calling her.

16 Q Did she ever get ahold of her?

17 A She didn't.

18 Q Did -- the next morning did y'all go to work?

19 A We did. I decided we'll go to work and we'll -- Bree
20 always called her mama around noon or got -- excuse me,
21 y'all -- and got, you know, get lunch for her or/and so I
22 said wait until noon, we don't do anything yet, I'll be at
23 my nurses station, come down at noon if you didn't hear
24 from Bree. If you didn't hear from Bree by then we'll go
25 to the police or we'll go looking for her.

Joann Frances Littlejohn
Direct examination by Mr. Barnette

1 So at that point she went to her station to work, and
2 then she came back to me at 12:00 o'clock and told me Bree
3 hadn't called yet. And this was not normal.

4 Q And this was on Thursday, the next day, on May 10th.

5 A Yes.

6 Q Okay. Now, you worked -- what -- what hours did you
7 work back then?

8 A I worked 12-hour shifts. Nurses -- we usually work
9 12-hour shifts from 7:00 a. to 7:00 p.

10 Q And Ms. Wiles worked -- and Ms. Wiles is your niece,
11 is that right?

12 A She is my niece. Bree was my great-niece. And excuse
13 me.

14 And so she -- when she told me she couldn't get her, I
15 said -- she said -- I said, "Here's my keys and my car
16 you" -- and she said she was going to go check Bree's
17 apartment to see if Bree was at the apartment or if she saw
18 her car. And so she would come back and pick me up. And
19 that's what she did.

20 Q So and she didn't find Bree.

21 A She didn't.

22 Q Later that day did y'all's family or somebody in your
23 family post something on facebook about her being missing
24 at that time?

25 A They did, but I didn't look at it. I don't know what

1 it was.

2 Q Later on the next day what did y'all do, on May 11th?

3 A The next day we decided to go to the police station,
4 put in a missing person's report.

5 So she had to take her other daughter that she takes
6 care of to school, and I told her I would meet her at the
7 police station.

8 Q Is that the sheriff's department we're talking about?

9 A Yes.

10 Q Did she go ahead and go to the sheriff's department
11 before you got there?

12 A She did.

13 Q Did you arrive there after her?

14 A I did. I came in after her. And when I came in they
15 had already took her upstairs for questioning, and so I had
16 to wait a few minutes.

17 And then when they found I was there, they said we
18 need you to come up for support. And so I went upstairs.
19 And I was going up the stairs. I just, you know, didn't
20 feel right. So the police was taking me upstairs.

21 And I think it was a F.B.I. agent or somebody. She
22 was saying -- she noticed me shaking and nervous and I was
23 kinda getting upset. She said, "You all right, you got any
24 health issues?" And I said, "No. I'm having anxiety right
25 now because I know what you getting ready to tell me and

Fontae Wiles
Direct examination by Mr. Barnette

1 it's not good." And she says, "well, the police don't
2 always tell you anything bad. Sometimes we have good
3 things to say." And I said, "well, this is not one of
4 those times."

5 And so I asked her to give me a minute, give me a
6 glass of water. So she went and got some water. I took a
7 swallow of water.

8 We went to walk down the hall to where Fontae was with
9 the other officers and they were -- I guess because of my
10 anxiety and taking too long, they already started telling
11 her what they had found, discovered, that that was Brechue.

12 And I just heard a scream that was just -- just
13 wrenching. And I ran in and I just grabbed Fontae and I
14 just hugged her and I -- I just -- I mean, wasn't nothing
15 you could do but just to hug her and just support her.

16 Q And y'all knew that Bree had been pregnant.

17 A Yes.

18 Q And how excited was she for that baby?

19 A Oh, she was real excited. She was real -- we were
20 excited. That was Fontae's -- would have been Fontae's
21 first grandchild.

22 MR. BARNETTE: One moment, Your Honor, please.

23 (Pause.)

24 Q Going back to when you heard the phone call when
25 Fontae had put it on speaker phone and you could hear Bree,

Fontae Wiles
Direct examination by Mr. Barnette

1 the voices you heard in the background, was it a male or a
2 female voice?

3 A It was a male voice.

4 Q Please answer any questions that the defense may have
5 for you. Thank you.

6 MR. BRANNON: No questions, Your Honor.

7 MR. JOHNSTON: No questions, Your Honor.

8 THE COURT: You may step down.

9 MR. BARNETTE: Your Honor, I would ask this witness be
10 excused.

11 THE COURT: She may be.

12 MR. BRANNON: No objection.

13 MR. JOHNSTON: No objection.

14 (Whereupon, the witness was excused.)

15 MR. BARNETTE: Your Honor, the state would call
16 Ms. Wiles to the stand.

17 FONTAE WILES, having been
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. BARNETTE

20 Q Ms. Wiles, I know this is going to be hard. I'm going
21 to have to ask you to talk as loud as you can so these
22 folks can hear you back here. Okay?

23 A Uh-huh.

24 Q Could you give me your full name, please?

25 A Fontae A. Wiles.

Fontae Wiles
Direct examination by Mr. Barnette

1 Q Thank you.

2 Ms. Wiles, was Bree your daughter?

3 A Yes.

4 Q And you don't have to grab ahold of it. You can just
5 take your time and talk to the jury, okay, from that
6 standpoint.

7 Back on May of 2018, where was you living at that
8 time, ma'am?

9 A 1631 Fernwood-Glendale Road apartment.

10 Q And where -- and who was you living with, ma'am?

11 A My aunt, Joann Littlejohn.

12 Q That is the lady that just testified, is that right?

13 A Yes.

14 Q And where did you work at, ma'am?

15 A I worked at Summit Hill Nursing Retirement Center.

16 Q And what did you do there, ma'am?

17 A Housekeeping.

18 Q Did you know Bree was pregnant?

19 A Yes.

20 Q How excited was she?

21 A She was excited, fully excited.

22 Q How excited was y'all's family?

23 A Very excited.

24 Q Going back to May 9th of 2018, that Wednesday, did
25 y'all go shopping that day?

Fontae Wiles
Direct examination by Mr. Barnette

1 A Yes.

2 Q And where did y'all go shopping at, ma'am?

3 A Stein Mart.

4 Q Is that in Hillcrest?

5 A Yeah. That's Hillcrest.

6 Q On the east side of town?

7 A Yes.

8 Q And why did y'all go shopping at Stein Mart?

9 A We went shopping for my aunt's sixtieth anniversary --
10 sixtieth birthday party.

11 Q And did Bree go with you to help pick out a dress?

12 A Yes.

13 Q As y'all was shopping and when y'all finished up did
14 y'all call, or where did y'all go after that?

15 A When we got through we went to my aunt's apartment.

16 Q And who was driving?

17 A Brechue.

18 Q And was she driving her car?

19 A Yes.

20 Q When you arrived at that house there was your aunt
21 home yet from church?

22 A No.

23 Q So did y'all -- did y'all call her and wait on her?

24 A We waited on her.

25 Q And where did Bree sit at or where did she wait at?

Fontae Wiles
Direct examination by Mr. Barnette

- 1 A Top of the car.
- 2 Q And where did you wait at?
- 3 A I was inside the car in the passenger side.
- 4 Q Passenger side. What happened once your aunt got
5 there? Was it late in the evening or dark at that time?
- 6 A Yeah. It was dark.
- 7 Q When your aunt got there, what happened then?
- 8 A When my aunt got there she got outta the car and she
9 asked her who she was talking to, and she said a person.
10 And then we proceeded to go inside the apartment.
- 11 Q When y'all went in the apartment, what did your aunt
12 go to do?
- 13 A She went to go cook.
- 14 Q What was she going to cook?
- 15 A Those quesadillas.
- 16 Q Was it Bree's favorite?
- 17 A Yeah.
- 18 Q And where did you and Bree go?
- 19 A Upstairs.
- 20 Q And did Bree get a phone call?
- 21 A Yeah.
- 22 Q Was it unusual or what was -- what was different about
23 that call? Did she recognize the number or anything?
- 24 A No. She didn't.
- 25 Q Okay. But did she answer it?

Fontae Wiles
Direct examination by Mr. Barnette

- 1 A Yes.
- 2 Q And when she answered it, what was her reaction?
- 3 A She was upset but she answered the telephone. She
4 answered the phone, and he was telling her to meet by
5 the -- by the park, by the water.
- 6 Q And after -- after that phone call did -- did she get
7 another phone call?
- 8 A Yeah.
- 9 Q And was it the same person?
- 10 A Yeah.
- 11 Q And where did -- she decide to do after that second
12 phone call?
- 13 A Leave to go meet at the park by the water.
- 14 Q what did you tell her?
- 15 A I told her I don't think she should be going that time
16 of night, that she needs to stay, but she proceeded to go.
- 17 Q Did your aunt hear y'all?
- 18 A She was downstairs. I assume she did, yes.
- 19 Q Had y'all -- was y'all basically -- was you trying to
20 tell her not to go?
- 21 A I was trying to tell her not to go.
- 22 Q And did your aunt try to talk her out of going?
- 23 A Yes.
- 24 Q But did she go anyway?
- 25 A Yes.

Fontae wiles
Direct examination by Mr. Barnette

- 1 Q After she left did your aunt come upstairs?
- 2 A Yeah.
- 3 Q And what -- what did your aunt say to you?
- 4 A She's -- she was asking me what -- what was going on,
5 and I told her that she got a phone call and that she
6 proceeded to leave to go meet that person by the -- by the
7 water, by the park by the water.
- 8 Q Was this a male person she was talking to?
- 9 A Yeah, it was a male person.
- 10 Q Did -- did you try to call her?
- 11 A Yeah.
- 12 Q The first time did you actually get her, the first
13 time?
- 14 A No.
- 15 Q The second time did you actually talk to her?
- 16 A Yes.
- 17 Q And what did you tell her?
- 18 A I told her that she needed to come home, and she said,
19 "I'm coming, mama. I'm coming."
- 20 Q Did you hear a male voice in the background?
- 21 A Yes.
- 22 Q Was that the last time you talked to your daughter?
- 23 A Yes.
- 24 Q When she hung up did you try to call her again?
- 25 A Yes.

Fontae Wiles
Direct examination by Mr. Barnette

1 Q Did you try to text her?

2 A Yes.

3 Q Did she ever answer you?

4 A No.

5 Q The next morning when y'all got up for work -- is
6 there a time that Bree would always call or talk to you?

7 A 12:00 noon.

8 Q That was like clockwork every day?

9 A Uh-uh.

10 Q Did you -- did you receive that phone call the next
11 day?

12 A No.

13 Q And that's Thursday, May 10th?

14 A Yeah, that's Thursday.

15 Q When you didn't get that call, what did you do?

16 A I went to my aunt's station and I -- I told her that I
17 did not receive the phone call from Brechue. And so she
18 told me to just wait and go back to my area and proceed
19 after that.

20 Q What time did you get off work that day?

21 A 4:30.

22 Q And what did you do after you got off work?

23 A When I got off of work I went to her Campus Edge
24 Apartments.

25 Q Was she there?

Fontae wiles
Direct examination by Mr. Barnette

1 A No.

2 Q was her car there?

3 A No.

4 Q I'll show you State's Exhibit 50. I know the jury's
5 already seen this, and it's been entered into evidence. Is
6 that her car, ma'am?

7 A Yes.

8 Q After that, later that evening, did you keep looking
9 for her, trying to find her?

10 A Yes.

11 Q where did you go that evening or later that night?

12 A I went to the parents' house.

13 Q whose parents' house?

14 A Tremaine's parents' house.

15 Q And why did you go there?

16 A I went there to look for my daughter, Brechue wiles.

17 Q So you went to Mr. Johnson's parents' house.

18 A Uh-huh.

19 Q And who went with you to the house?

20 A I drove my aunt's car. My -- my youngest girl was in
21 the back of the car, and I had my friend with me -- Tramika
22 Miller.

23 Q And when you got to the house, what happened?

24 A We rung the doorbell.

25 Q Okay. You gotta talk louder so they can hear you.

Fontae Wiles
Direct examination by Mr. Barnette

1 A I rung the doorbell.

2 Q when you rang the doorbell, what happened then?

3 A And I asked -- asked her have she seen my daughter and
4 she --

5 Q And you asked -- asked who that question?

6 A Ms. Johnson.

7 Q Okay. And when you asked her that question, what was
8 her reaction?

9 A She said she haven't seen her, she don't know.

10 Q Had not seen your daughter?

11 A Uh-uh.

12 Q Did you ask to talk to her son?

13 A Yes.

14 Q was he there?

15 A No.

16 Q Did Ms. Johnson try to call her son?

17 A Yes. She called.

18 Q And could you hear the conversation? Could you hear
19 him? was he -- between him and her. They were not on a
20 speaker phone at that time.

21 A They weren't on a speaker phone.

22 Q what was her reaction as she was talking to him?

23 A Her eyes got big.

24 Q Did you ask her if you could talk to her son again?

25 A Yes.

Fontae Wiles
Direct examination by Mr. Barnette

- 1 Q And what happened then?
- 2 A She put him on the speaker phone and I talked to him
3 and asked have he seen Brechue, and he said that he had not
4 seen her, the last time that he seen her was Tuesday. And
5 I told him, no, you didn't, you seen her Wednesday, and I
6 told him that -- after he stuttered, I told him that I was
7 going to go to the sheriff's office.
- 8 Q So he said the last time he saw her was that Tuesday.
- 9 A Uh-huh. He said the last time he seen her was
10 Tuesday.
- 11 Q On May the 8th.
- 12 A Yeah, May 8th.
- 13 Q And he denied seeing her on that night.
- 14 A Uh-huh, yes.
- 15 Q Didn't say he had saw her or had any contact with her
16 on that night.
- 17 A He didn't say anything.
- 18 Q After that what did you do, ma'am?
- 19 A After I got off the phone with him, I left.
- 20 Q The next morning -- had y'all's family did a facebook
21 letting everybody know, asking for missing persons, because
22 y'all consider this --
- 23 A Yes. Her sister did.
- 24 Q So the next day on May 11th, which is that Friday, did
25 y'all go to the sheriff's department?

Fontae Wiles
Direct examination by Mr. Barnette

1 A Yes.

2 Q And at the sheriff's department did you talk -- was
3 you talking and telling her about Bree and everything?

4 A Yes. I did.

5 Q During that time -- and your aunt wasn't with you at
6 the time.

7 A No. She wasn't.

8 Q Did -- did you receive some information about Bree at
9 the sheriff's department?

10 A Yes.

11 Q who told you about Bree?

12 A The coroner and the short lady, the advocate,
13 Ms. Marlon -- Marilyn. I am not -- I don't know her name.
14 I forgot her name.

15 Q I know --

16 A Ms. Marlon -- Ms. Marilyn.

17 Q And what did they tell you?

18 A They told me that she was deceased.

19 Q what was your -- what's your feelings about that?

20 A I was upset, screaming, crying, very angry.

21 Q Let me show you a couple of things here, ma'am.

22 A Uh-huh.

23 Q Let me show you State's Exhibits 40 and 41. Are those
24 her shoes?

25 A Yeah, that's her shoes.

Fontae wiles
Direct examination by Mr. Barnette

1 Q And are those -- I guess one's left and one's right.
2 Are those her shoes, ma'am?

3 A Yes.

4 MR. BARNETTE: Your Honor, I'd like to enter State's
5 Exhibits 41 and 40 into evidence at this time.

6 MR. BRANNON: No objection.

7 MR. JOHNSTON: No objection, sir.

8 THE COURT: They're admitted.

9 (Photograph marked State's Exhibit No. 40; photograph
10 marked State's Exhibit No. 41.)

11 MR. BARNETTE: May I publish these to the jury, Your
12 Honor?

13 THE COURT: You may.

14 (Pause.)

15 Q Let me show you State's Exhibit 43. And that's inside
16 of Bree's car. Is that her purse?

17 A Yes, that's her purse.

18 Q And can you -- the color, like, I guess a turquoise
19 color?

20 A Yes, turquoise.

21 MR. BARNETTE: Your Honor, I'd like to enter State's
22 Exhibit 43 into evidence.

23 MR. BRANNON: No objection.

24 MR. JOHNSTON: No objection, sir.

25 THE COURT: It's admitted.

Fontae Wiles
Direct examination by Mr. Barnette

1 (Photograph marked State's Exhibit No. 53.)

2 MR. BARNETTE: May I publish it to the jury, Your
3 Honor?

4 THE COURT: You may.

5 MR. BARNETTE: One moment, Your Honor, please.

6 (Pause.)

7 MR. BARNETTE: Your Honor, just for correction, I'd
8 said, I think, State's Exhibit 43. It's actually State's
9 Exhibit 53, Your Honor.

10 MR. BRANNON: Still no objection, Your Honor.

11 THE COURT: Okay.

12 MR. JOHNSTON: Likewise.

13 MR. BARNETTE: I've already published it to the jury,
14 Your Honor.

15 Q Ms. Wiles, thank you for answering all of my
16 questions. I know that's been very hard for you. Please
17 answer any questions the defense may have for you, ma'am.

18 THE COURT: Are you leaving 43 in?

19 MR. BARNETTE: No. Well, I can --

20 THE COURT: You just mis -- you just misstated the
21 number? You never --

22 MR. BARNETTE: Yes, sir. I just stated the number.
23 It's 53, Your Honor. Ms. Wells corrected me on that. I
24 want to make sure it's correct. Thank you, Your Honor.

25 MR. BRANNON: One second, Your Honor.

Doug Harwell
Direct examination by Ms. Wells

1 (Pause.)

2 MR. BRANNON: No questions, Your Honor.

3 MR. JOHNSTON: No questions, Your Honor.

4 THE COURT: All right. Thank you, ma'am. You may
5 step down.

6 THE WITNESS: Thank you.

7 THE COURT: We'll take a short break before we go
8 further.

9 I'll ask the jury to please go to your jury room.
10 Please understand you can't discuss the case until
11 deliberations take place. So any time we break -- now,
12 lunch, overnight -- don't talk about the case with anybody
13 whatsoever.

14 Please retire to your jury room. We'll bring you back
15 after that short break.

16 (The following takes place outside the presence of the
17 jury.)

18 THE COURT: We'll be at ease 15 minutes.

19 (Whereupon, a recess was taken.)

20 THE COURT: All right. Are we ready for the jury?

21 MS. WELLS: The state is ready, Your Honor.

22 MR. BRANNON: Yes, sir.

23 THE COURT: Bring them in.

24 (The following takes place in the presence of the
25 jury.)

Doug Harwell
Direct examination by Ms. Wells

1 THE COURT: All right. The jury is present.

2 MS. WELLS: Thank you, Your Honor.

3 The state's next witness is Lieutenant Doug Harwell.

4 DOUG HARWELL, having been
5 first duly sworn, testified as follows:

6 DIRECT EXAMINATION BY MS. WELLS

7 Q Lieutenant Harwell, where are you employed?

8 A The Spartanburg Police Department.

9 Q And how long have you been employed there?

10 A Almost 32 years.

11 Q And I want to -- over the course of those 32 years
12 what kind of roles have you held with the Spartanburg P.D.?

13 A I was a [sic] uniform officer. I worked for the
14 housing complex team. I worked street-level narcotics. I
15 was promoted to sergeant as a shift supervisor. I went to
16 narcotics, vice, organized crime as a sergeant and was
17 promoted to lieutenant. And I currently -- I was
18 lieutenant in criminal investigations for five years. I'm
19 currently assigned to the chief's office as a court liaison
20 between the magistrate and solicitor's office.

21 Q And directing your attention back to May of 2018, I
22 believe you said you were the lieutenant over
23 investigations. Was that during that timeframe that you
24 were the lieutenant over investigations?

25 A Yes.

Doug Harwell
Direct examination by Ms. Wells

1 Q And, specifically, directing you to May the 11th of
2 2018, did you receive information about a call for the
3 recovery of a body at the lake at Duncan Park?

4 A I did.

5 Q And can you tell the members of the jury how that call
6 came to you?

7 A Yes. I was on my way to work and the shift lieutenant
8 called me and told me they had received information that
9 there was a body that was in Duncan Park. So I went
10 directly to Duncan Park, met the uniform officers that was
11 there and did observe a body lying in the Duncan Park lake.

12 Q After you made that observation, what did you do next?

13 A The next step was to notify our command staff. I
14 notified our criminal investigation team to come out, our
15 forensics team to come out.

16 Q Did you have your medical van unit respond to the
17 scene as well?

18 A I'm sorry?

19 Q The medical command unit.

20 A Yes.

21 Q The fancy name for y'all's R.v. that you call it,
22 stage outside?

23 A Yes. We had that respond as well.

24 Q All right. And then once you have your folks on scene
25 do you make -- in conjunction with the other members of

Doug Harwell
Direct examination by Ms. Wells

1 your command team, what did you have investigators and your
2 uniform officers do?

3 A We do a -- we isolate the crime scene. In this case
4 we put officers on the roadway to keep people from coming
5 close to it, on the paths to keep people from coming close
6 to it.

7 We have some officers that go door to door, canvass,
8 to find witnesses, anybody that may have any information.

9 Q And did you make some decisions about some assistance
10 you might need from other agencies in this case?

11 A Yes.

12 Q And what decisions were those?

13 A The city does not have a dive team, so we had to
14 contact the sheriff's office to -- to have a dive team come
15 out to recover the body. We didn't have a canine available
16 that morning, so we contacted the sheriff's office to help
17 us with a canine track.

18 Q And you said you already had your forensics or your
19 C.I.D. unit responding to the scene.

20 A Yes.

21 Q What does that unit -- that unit, that forensics unit,
22 does what?

23 A It photographs and recovers evidence.

24 Q And during the course of your investigation was a
25 vehicle that y'all believed might be related to the

Doug Harwell
Direct examination by Ms. wells

1 investigation located?

2 A It was.

3 Q And where was that vehicle located?

4 A That vehicle was parked in the packing lot near the
5 tennis courts and restroom at Duncan Park.

6 MS. WELLS: May I approach, Your Honor?

7 THE COURT: Yes, ma'am.

8 Q Lieutenant Harwell, I'm going to show you what's been
9 admitted into evidence as State's Exhibit 50 and ask if you
10 recognize that.

11 A Yes.

12 Q And what is State's Exhibit 50?

13 A That is the burgundy vehicle that was parked between
14 the -- the tennis courts and the -- the restroom.

15 Q And was there something significant or, you know,
16 seemingly significant -- when I say that -- unusual about
17 this vehicle?

18 A Yes. When we run the tag number on the vehicle it
19 come back to Ms. Wiles.

20 Q Okay. So you had this vehicle come back to Ms. Wiles.
21 Based on that information what steps, if any, did you take
22 next in your investigation?

23 A Well, we had learned that the -- Ms. Wiles' mother was
24 at the sheriff's office filing a missing person report.
25 And once we run the tag number on the vehicle and

Doug Harwell
Direct examination by Ms. Wells

1 determined that the vehicle actually belonged to Ms. Wiles,
2 that's when we made the decision to have the county canine
3 come to the scene and do a track for us.

4 Q All right. And the county canine unit did come out
5 and perform that track, correct?

6 A Yes.

7 Q All right. And based on the information that you had
8 that Brechue's mother, Brechue Wile's mother, Fontae Wiles,
9 was at the sheriff's office did you send anyone -- how did
10 you make a -- at what point do y'all make the decision to
11 send someone to the sheriff's office to talk to Fontae
12 Wiles?

13 A As soon as we learned that she was there filing a
14 missing person report we sent our victims advocate and one
15 of the officers.

16 Q And is that -- is that Ms. Marla -- Marla Drummond?

17 A Yeah, Ms. Marla -- Ms. Drummond. She's -- she's
18 retired since.

19 Q And at some point did y'all make the decision to bring
20 in a second dive team?

21 A Yes.

22 Q And why did you bring in a second dive team? You've
23 already called in the sheriff's office dive team. Why do
24 you need a second dive team?

25 A We called the sheriff's office to come and assist with

William Joseph Tillinghast
Direct examination by Mr. Barnette

1 recovering the body out of the water. We needed a dive
2 team to come in and search the water, and the department of
3 natural resources provided that service to us.

4 Q Okay. And they came in a little bit later in June of
5 2018?

6 A Yes.

7 Q All right.

8 MS. WELLS: May I have a moment, please, Your Honor?

9 THE COURT: Yes.

10 (Pause.)

11 MS. WELLS: Your Honor, I have no further questions
12 for Lieutenant Harwell. Lieutenant, please answer any
13 questions Mr. Brannon or Mr. Johnston has.

14 MR. BRANNON: No questions, Your Honor.

15 MR. JOHNSTON: No questions of the lieutenant.

16 THE COURT: Step down.

17 MS. WELLS: Your Honor, may he be excused, please?

18 MR. BRANNON: No objection.

19 MR. JOHNSTON: No objection.

20 (Whereupon, the witness was excused.)

21 MR. BARNETTE: May it please the Court, Your Honor.

22 The state would call Deputy Tillinghast to the stand,
23 please.

24

25

William Joseph Tillinghast
Direct examination by Mr. Barnette

1 WILLIAM JOSEPH TILLINGHAST,
2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. BARNETTE

4 Q If you would, sir, please state your full name for the
5 record.

6 A William Joseph Tillinghast.

7 Q Where do you work at, sir?

8 A I work for the Spartanburg County Sheriff's Office.

9 Q What's your position with them, sir?

10 A I'm a master deputy that is full-time assigned to the
11 canine unit.

12 Q And how long have you been at the sheriff's
13 department, sir?

14 A About 13 and a half years.

15 Q And how long have you been with the canine unit, sir?

16 A Going on six.

17 Q And what kind of training have you -- well, with the
18 canine unit, what's the name of your dog?

19 A My dog's name is General.

20 Q And how long have you and General been together?

21 A I got General when he was four months old. He's part
22 of the SLED tracking program, and he was bred here in
23 Columbia at SLED.

24 Q And what kind of training have you received concerning
25 this?

William Joseph Tillinghast
Direct examination by Mr. Barnette

1 A We do all of our training with the hounds. They're a
2 sole-purpose dog. They just track. We do all the training
3 in-house.

4 I have had the opportunity to go to York County to one
5 of their nationally recognized bloodhound seminars twice.
6 It's a week of tracking for only single-purpose tracking
7 dogs.

8 Q What kind of training do you do in-house on a weekly
9 basis?

10 A In-house we train six hours every Wednesday. We're
11 mandated by our hourly training per NAPWDA, which is who
12 our -- it's who holds our certification. That's the North
13 American Police Working Dog Association. Every dog that we
14 have is certified through them.

15 Q And how many tracks have you done?

16 A I track at least once a week every training day. Most
17 training days I try to get two tracks in depending on the
18 weather, the exhaustion of the dogs. So I track anywhere
19 from 50 to a hundred tracks a year just in training.

20 MR. BARNETTE: Your Honor, we move him as an expert in
21 canine tracking at this time.

22 MR. BRANNON: No objection.

23 MR. JOHNSTON: We believe he can offer his opinion,
24 Your Honor.

25 THE COURT: He is so qualified.

1 MR. BARNETTE: Yes, sir.

2 Q Did you receive a call on May 11th of 2018 from the
3 city, sir?

4 A Yes, sir, I did. My supervisor actually relayed. He
5 received the call and relayed it to me that I was being
6 requested.

7 Q And where did you go based off that request?

8 A Based off that request I went to Duncan Park, which is
9 in the city limits of Spartanburg. So I'm not super
10 familiar with the roadways and everything.

11 They directed me to go in and drive to about the
12 second parking lot that I came to after the baseball
13 fields. So that was roughly just past the tennis courts.
14 I started seeing some Spartanburg city police cars, and
15 that's where I was met.

16 Q And did you go to a car there in that parking lot?

17 A Yes, sir, I did.

18 Q And let me show you State's Exhibit 50 that's been
19 entered into evidence. Was that the car you saw, sir?

20 A Yes, sir. It is.

21 Q Once you got there, if you would, tell the jury what
22 happened.

23 A So when I got there -- part of the process that I use
24 in locating someone that greatly helps me is finding what
25 we call a sin scent article, which is an item that would

William Joseph Tillinghast
Direct examination by Mr. Barnette

1 smell like whoever they're looking for and no other person.

2 I was told that I was assisting in locating a
3 missing-person case. They believed the person had walked
4 way from the vehicle. Other than with it being a
5 multiagency incident at that point, I didn't have very much
6 details about it. With that knowledge, the car was open.
7 They directed me to the car and said that is their victim
8 or the missing person's car.

9 I removed the floor mat, and there was a bedroom
10 slipper or two bedroom slippers in the driver's-side
11 floorboard on top of the mat.

12 I removed both of those, placed them on the ground by
13 the driver's-side door, and I was going to use those as the
14 scent article for the dog, because the odor falls down to
15 the lowest point in the car. So those would be the most
16 saturated items that I could find to help the dog locate
17 the odor.

18 Q After you did that, what happened, sir?

19 A After I did that my lieutenant went with me because we
20 always use a second set of eyes.

21 I got General from the car. We deploy all of our dogs
22 on a 30-foot tracking leash attached to a harness. It's
23 very routine. It makes it easier for the dog to go through
24 his progression. Understand that he's doing his task which
25 he believes to be fun.

William Joseph Tillinghast
Direct examination by Mr. Barnette

1 I -- I got him from the vehicle, from my vehicle, took
2 him over there. I hooked my 30-foot leash onto his
3 tracking harness and presented that floor mat and those
4 shoes to him.

5 He checked the shoes; he checked the floor mat. And
6 at one point he even checked the driver's-side seat because
7 the door was still open.

8 His search command is very simple. That is find.
9 He's all -- he's English. He's not an imported dog like
10 some of our multipurpose dogs.

11 After he got all of the scent articles he seemed to
12 examine them well. I gave him a search command.

13 There's a small embankment at the base of the parking
14 lot. The car was facing down towards the embankment, and
15 it would make sense for somebody to walk that direction
16 instead of walking away towards the rear end of the car.

17 what we see typically is a car is facing the direction
18 that most of our missing people go from. So that was my
19 first point, to try to allow the dog to find the odor.

20 So I took him from there, took him down the hill. He
21 immediately started showing a behavior change as if he was
22 tracking. His behavior change is very easy to read. His
23 nose goes low to the ground. He sort of squats down.

24 He's not a big dog. He's about 65 pounds.

25 He pulls into his harness. His harness puts all the

William Joseph Tillinghast
Direct examination by Mr. Barnette

1 pressure on his chest, and usually, as ironically enough,
2 his tail goes straight. It's a very easy behavior for me
3 to recognize. I've had the dog for a long time.

4 He began tracking down the hill. There is a split in
5 the trails at that point. I know there was at least two.
6 There may have been more. I wasn't looking at the other
7 trails because he was very clearly tracking to the trail on
8 the far right.

9 We tracked down the trail, went into the trailhead on
10 the far right and at one point came across a Spartanburg
11 City Police Officer that I actually knew. It was Officer
12 Ronnie Horne. And the dog bypassed him while he was
13 tracking and never even looked up at him. That is a very
14 good indication that the dog was still on task. And he
15 continued to track.

16 He tracked down the trail, started the trail turn and
17 started paralleling the water. I could see the water
18 through the vegetation.

19 When the trail turned he started paying attention to
20 something there in the trail. After we looked at it for a
21 second when he kept continuing to sort of dig around it, it
22 appeared to be a set of keys.

23 I got him back on task and he tracked beyond the keys,
24 instantly found a flat-top shoe. It looked like a sandal,
25 a very small sandal. He stopped at the sandal.

Willis Bowers
Direct examination by Ms. Wells

1 Just beyond that I could see another city police
2 officer standing. It appeared they had a very tight
3 perimeter around an area.

4 As I was looking at the city police officer the dog
5 turned to the left, which we were about five yards off
6 the -- off the water. When he turned to the left, at that
7 point my boss even indicated. He said, "There she is."
8 And we -- we -- at that point we could see the victim in
9 the water.

10 Q So she tracked a straight track and didn't veer off
11 that track and stayed on it.

12 A Yes, sir. He tracked a straight track and didn't veer
13 off the track and bypassed the city officer while he was
14 doing it.

15 Q And went and rolled off -- basically found the keys,
16 the car keys.

17 A Yes, sir.

18 Q And then found her shoe.

19 A Uh-huh.

20 Q And then found -- then went straight to her.

21 A Yes, sir. And each one of those items would be
22 another scent article, as we would like to call it. So for
23 him it -- it encourages that he's doing the right thing.

24 Q So he didn't veer off the trail in any way.

25 A No, sir.

Willis Bowers
Direct examination by Ms. Wells

1 Q Went straight to -- straight to where she was.

2 A Yes, sir. He did.

3 MR. BARNETTE: One moment, Your Honor, please.

4 (Pause.)

5 Q Please answer any questions the defense may have for
6 you, sir.

7 MR. BRANNON: No questions, Your Honor.

8 MR. JOHNSTON: None for the deputy, Your Honor.

9 THE COURT: You may step down.

10 MR. BARNETTE: We'd ask for the witness to be excused,
11 Your Honor.

12 MR. BRANNON: No objection.

13 MR. JOHNSTON: No objection.

14 THE COURT: He may be.

15 (Whereupon, the witness was excused.)

16 MS. WELLS: May it please the Court, Your Honor:

17 State's next witness is Lance Corporal Willis Bowers.

18 WILLIS BOWERS, having been
19 first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MS. WELLS

21 Q Lance Corporal Bowers, can you just come a little
22 closer to that microphone? That way we can hear you.

23 A Okay.

24 Q Corporal Bowers, where are you employed?

25 A I work for the South Carolina Department of Natural

Willis Bowers
Direct examination by Ms. Wells

1 Resources.

2 Q And how long have you been employed there?

3 A I've been employed for 14 years.

4 Q And what's your current assignment? S.C.D.N.R. is
5 what y'all are commonly -- or D.N.R. is what you're
6 commonly referred to as?

7 A Most people know us as game wardens.

8 Q Green wardens.

9 A Yes, ma'am.

10 Q So you're currently -- what's your current assignment?

11 A Currently I work for the investigations division. I'm
12 a supervisor on the -- our dive team -- dive team which
13 specializes in recoveries.

14 Q I'm going to direct your attention back to May, late
15 May or early June, of 2018. Were you serving in some
16 capacity on the dive team at that time?

17 A Yes, ma'am. I've been working as a recovery diver for
18 the past six years. Back in 2018 I was a team leader for
19 the dive team, yes, ma'am.

20 Q And in that timeframe did you receive a call from your
21 supervisor or someone with Spartanburg Police Department
22 about diving a particular area here in Spartanburg County?

23 A Yes, ma'am. My current -- well, my supervisor at the
24 time, who was Rhett Bickley, asked me to make contact with
25 Lieutenant Hillers who worked for the Spartanburg Police

Willis Bowers
Direct examination by Ms. Wells

1 Department. We were going to assist with the recovery of
2 evidence.

3 Q And when you spoke with Investigator Hillers did y'all
4 set a time for you to come to Spartanburg to do a dive?

5 A Yes. It was June the 8th of 2018. We -- we responded
6 to the scene at 10:00 o'clock in the morning, and I believe
7 we concluded around 3:00 p.m. in the evening.

8 Q And you said y'all are a recovery dive team. Can you
9 explain to the members of the jury what means?

10 A Yes, ma'am. So we are law enforcement divers and we
11 specialize in recoveries. That would include bodies,
12 evidence, vehicles, vessels, airplane. Basically, anything
13 in the water that needs to be recovered for law enforcement
14 purposes, we get involved in.

15 Q And the victim in this case had already been
16 previously recovered from the Spartanburg County Dive Team.
17 What were y'all being asked to look for with your dive?

18 A So we were asked to -- any items that were found in
19 the water, to bring them up to figure out if they were
20 relevant to the case. You know, kind of, specifically, we
21 were looking -- it might have been keys, cell phones,
22 knives, you know, weapons, ammunition, anything, you know,
23 wallets.

24 We didn't know what kind of evidence was in the water,
25 so we were going to bring up anything that we thought may

Willis Bowers
Direct examination by Ms. Wells

1 be relevant and -- and give it to the police department.

2 Q Okay. And can you tell the jury how y'all set up to
3 do this dive? How do you conduct these recovery dives?

4 A So every case is a little different where -- you know,
5 depending on what we're searching for. In this particular
6 case we were looking for smaller items which requires a
7 very detailed search. You know, we've got to cover the --
8 a hundred percent of the area and make sure we don't miss
9 anything. So we set up a grid search pattern.

10 Basically, we -- I believe in this case we set up a
11 hundred-foot line, and it'll have two anchors on the end,
12 and the diver will go down. And as we're going down under
13 the water we're sweeping our hand through the debris.
14 Anything we feel, we'll bring it up.

15 So once you make it to the end of the line you'll move
16 the line over one arm's length, and you continue back. So
17 you're -- you're walking the line out in a step-like
18 fashion, you know, as you're covering the area. And you're
19 actually sweeping the area probably twice as you're going
20 back and forth looking for these items. That way we get a
21 hundred percent of it.

22 Some other items, we use a metal detector. As the
23 divers were on the line I was also scanning the banks with
24 a metal detector. The water, you know, basically up to my
25 waist length, because the shallow waters, you can't really

Willis Bowers
Direct examination by Ms. Wells

1 dive in. So we'll cover those areas with metal detectors.
2 But a grid search pattern, like I said, using the line as a
3 metal detectors, is what we use for the smaller items when
4 we want to get really nitpicky with an area.

5 Q Okay. And in this case did you recover anything from
6 your grid search?

7 A So we had two different search areas. The primary
8 search area was where the body was located. Only trash was
9 found in that area.

10 A second area that we searched was around a spillway
11 where a cell phone was located, but I don't believe it was
12 relevant to the case.

13 Q No evidentiary value with that item.

14 A No, ma'am.

15 Q And about how long did it take y'all to conduct this
16 search?

17 A We spent five hours searching these areas and we
18 had -- let's see. There was five officers on the scene
19 including myself.

20 MS. WELLS: May I have a moment, please, Your Honor?

21 (Pause.)

22 Q I have no further questions. Please answer any
23 questions the defense may have.

24 A Okay.

25 MR. BRANNON: No questions, Your Honor.

Shane Michael Cloran
Direct examination by Mr. Barnette

1 MR. JOHNSTON: No questions, Your Honor.

2 MS. WELLS: Your Honor, may he be excused?

3 THE COURT: He may be.

4 MS. WELLS: Thank you, Your Honor.

5 THE WITNESS: Thank you, sir.

6 (Whereupon, the witness was excused.)

7 MR. BARNETTE: Your Honor, our next witness might be a
8 little bit lengthy. I just wanted to let the Court know
9 before lunch.

10 All right. Well, we'll break for lunch and come back
11 after it.

12 Ladies and gentlemen, we're going to recess for lunch.

13 I'll ask you to report back to the jury room at
14 2:00 o'clock this afternoon.

15 Keep in mind you still can't talk about the case,
16 can't be exposed to any media coverage or do any research
17 or investigation.

18 Have a good lunch. Report to your jury room at
19 2:00 o'clock -- 2:00 o'clock this afternoon.

20 (The following takes place outside the presence of the
21 jury.)

22 THE COURT: Court is in recess until 2:00 o'clock.

23 (Whereupon, a recess was taken.)

24 THE COURT: Are we ready for the jury?

25 MR. BARNETTE: The state's ready, Your Honor.

Shane Michael Cloran
Direct examination by Mr. Barnette

1 MR. BRANNON: Yes, Your Honor.

2 MR. JOHNSTON: Yes, sir, Your Honor.

3 THE COURT: Bring them in.

4 (The following takes place in the presence of the
5 jury.)

6 THE COURT: Good afternoon.

7 We will continue with the state's presentation of
8 evidence.

9 MR. BARNETTE: May it please the Court, Your Honor.

10 THE COURT: Yes, sir.

11 MR. BARNETTE: I'd like to call Investigator Cloran to
12 the stand.

13 SHANE MICHAEL CLORAN, having
14 been first duly sworn, testified as follows:

15 DIRECT EXAMINATION BY MR. BARNETTE

16 Q If you would, sir, please give us your full name.

17 A Shane Michael Cloran.

18 Q And back on May of 2018, where did you work at, sir?

19 A I worked for Spartanburg Police Department.

20 Q And what was your position there, sir?

21 A I was a forensics investigator.

22 Q And how long was you with the department at that time?

23 A About six and a half years. At that time about four
24 and a half.

25 Q And you worked crime scenes, is that right, sir?

Shane Michael Cloran
Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q Going back to May 11th of 2018, was you contacted
3 about a crime scene in Duncan Park?

4 A Yes, sir.

5 Q If you would, tell the jury what -- how you got that
6 call and what you did once you got it.

7 A I was contacted by supervisors, and they informed me
8 that there was an unidentified female floating in Duncan
9 Park Lake. And they asked me to respond to Duncan Park
10 Lake to meet with them and other investigators to go over
11 things before we went our separate directions to canvass
12 the area, follow leads that would come in and before I
13 began to process the scene.

14 Q And did you process the scene, sir?

15 A Yes, sir. First I began with a vehicle that was found
16 in the parking area.

17 Q Let me show you these pictures. I think a couple of
18 these have already been entered into evidence at this
19 point.

20 Let me show you what's been marked as -- I think
21 State's Exhibit 50 has already been entered into evidence.
22 State's Exhibit 51, State's Exhibit 52, State's Exhibit 53.

23 A Yes, sir.

24 Q Do those pictures fairly represent what you saw that
25 day?

Shane Michael Cloran
Direct examination by Mr. Barnette

1 A Yes, sir.

2 MR. BARNETTE: Your Honor, I'd like to enter -- I
3 think 50 is in evidence. I'd like to enter the other
4 exhibits into evidence at this time.

5 MR. BRANNON: What are the numbers?

6 MR. BARNETTE: 51, 52 and 53.

7 MR. BRANNON: No objection.

8 THE COURT: Fifty-three is already in.

9 MR. BARNETTE: Okay.

10 THE COURT: 51 and 52 are admitted.

11 (Photograph marked State's Exhibit No. 51; photograph
12 marked State's Exhibit No. 52.)

13 Q Let me show you State's Exhibit 49. Is that another
14 picture of the car and does that fairly represent?

15 A Yes, sir. That's the driver's side of the vehicle.

16 MR. BARNETTE: Your Honor, I'd like to enter State's
17 Exhibit 49 into evidence at this time.

18 MR. BRANNON: No objection.

19 MR. JOHNSTON: No objection.

20 THE COURT: Admitted.

21 (Photograph marked State's Exhibit No. 49.)

22 MR. BARNETTE: May I publish it to the jury, Your
23 Honor?

24 THE COURT: You may.

25 Q I am going to put these on the T.V. screen so the jury

Shane Michael Cloran
Direct examination by Mr. Barnette

1 can see. We've got two T.V. screens in front of him and to
2 the side.

3 This is the car that was found in the parking lot?

4 A Yes, sir.

5 Q And did you process this car, sir?

6 A I processed it at a later date. That day I
7 photographed the exterior and the interior.

8 Q That was State's Exhibit 49.

9 This is State's Exhibit 50. Is that another picture
10 you took of the car from a different angle?

11 A Yes, sir.

12 Q State's Exhibit 51. Is that the back of the car, sir?

13 A Yes, sir. It's a zoomed-in photo showing the Pontiac
14 emblem missing.

15 Q You said the emblem was missing on the back of it, is
16 that right, sir?

17 A Yes, sir.

18 Q And showing you State's Exhibit 52 that's been entered
19 into evidence. What's the -- what's this a picture of,
20 sir?

21 A That is a photograph of the interior once the vehicle
22 was unlocked.

23 Q Okay. Down here in the corner in the floorboard, are
24 those like slippers or shoes that was in this, that was
25 found in the car?

Shane Michael Cloran
Direct examination by Mr. Barnette

1 A Yes, sir. They appeared to be house shoes.

2 Q And were they used later by the canine unit?

3 A Yes, sir.

4 Q Let me show you State's Exhibit 53. What's that a
5 picture of, sir?

6 A From the passenger side, also showing a purse in the
7 floorboard.

8 Q And I believe that her mother identified that was her
9 purse.

10 A Yes, sir.

11 Q That was Bree's purse, is that right?

12 A Yes, sir.

13 Q After you photographed the car and everything, what
14 happened after that, sir?

15 A The canine tracking team started to go down the trail,
16 and I watched as far as I could. As they took a right onto
17 the trail I could not see any farther because of the trees,
18 and I waited for them to come back. And then myself and
19 other investigators stayed off of the trail walking along
20 the grass and went down, all the way down, to the right.
21 The trail splits in different directions, but we continued
22 to the right. And then we located the female victim laying
23 in the water.

24 Q At that time, what did you do after that, sir?

25 A We established the crime scene and began taking more

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1 photographs of the area.

2 I then began locating items of evidentiary value to
3 make sure nothing was damaged or destroyed.

4 Once everything was determined what was going to be
5 evidence and what wasn't, I put flags in the ground so
6 everyone knew to watch out for those items and the MAIT
7 team could plot those points.

8 Q Let me do this, sir. Let me show you State's
9 Exhibit 7. Is that a diagram you just developed for this
10 case, sir?

11 A Yes, sir.

12 Q And it's not to scale or anything, just shows the
13 surrounding where the items were found.

14 A Yes, sir.

15 Q Or where items approximately was found.

16 Let me show you State's Exhibits 36, 37, 38, 39, 40 --
17 which I believe is in evidence at this time -- 41 -- I
18 believe it is in evidence at this time -- 42, 43, 44, 45,
19 46, 47 and 48.

20 If you would, look at those pictures, sir, and tell me
21 if those fairly represent what you saw that day or that
22 morning on May 11th.

23 (Pause.)

24 A Yes, sir.

25 MR. BARNETTE: Your Honor, I'd like to move these into

Shane Michael Cloran
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1 evidence at this time.

2 THE COURT: Give me the numbers again.

3 MR. BARNETTE: Your Honor, it's 36 through, I think,
4 48.

5 MR. BRANNON: Defendant Johnson has no objection.

6 MR. JOHNSTON: Defendant Gentry has no objection.

7 (Photographs marked State's Exhibits Nos. 36 through 39
8 and 42 through 48. State's Exhibits Nos. 40 and 41
9 perviously introduced.)

10 MR. BARNETTE: Your Honor, I'd like to publish these
11 to the jury at this time.

12 THE COURT: They're admitted. You may.

13 MR. BARNETTE: Thank you, Your Honor.

14 Your Honor, No. 7 I'm just going to just use for
15 basically demonstrating what the crime scene looked like at
16 that time unless they don't have an objection to State's
17 Exhibit 7. It's not to scale.

18 MR. JOHNSTON: Your Honor, since it's not to scale we
19 have no objection to it being used for demonstrative
20 purposes but not in evidence.

21 MR. BRANNON: Same position, Your Honor.

22 THE COURT: Okay.

23 MR. BARNETTE: It just shows -- use it to show the
24 jury.

25 Q Let me show you what's been marked as State's

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1 Exhibit 36, sir. If you would, just please tell the jury
2 what we're looking at at this point.

3 A This is where the trail splits and it bears to the
4 right, and then there's a bench on the right side of the
5 trail, and then of course the water to the left. And as
6 you continue on to the right you begin to get closer to
7 where the victim was.

8 Q Let me show you State's Exhibit 37.

9 A This is approximately where the crime scene was
10 established. In this photo you can see one of the victim's
11 shoes.

12 Q Is that what we're looking at right here, sir?

13 A Yes, sir.

14 Just to the left of that you can see what appeared to
15 be blood. Closer to the water a set of keys was found, and
16 then just off the water approximately 3 to 5 feet the
17 victim was found. And to the right there was another shoe,
18 and a shell casing was also located.

19 Q And I've got other pictures to show that, but is the
20 shoe approximately over here, the other shoe we're talking
21 about?

22 A Yes, sir.

23 Q And is the shell casings over beyond that? On this
24 side the shell casing was found?

25 A Yes, sir.

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Direct examination by Mr. Barnette

1 Q And the keys were found over in this area, is that
2 right, sir?

3 A Yes, sir. And then to the left of that photograph a
4 fired projectile would have been found.

5 Q And the blood was found in this area as well there?

6 A Just to the left of this shoe in that area, yes, sir.

7 Q Let me show you what's been marked as State's
8 Exhibit 7 just for -- I mean, it's not by scale or
9 anything. This is showing approximately where they're
10 located at in relationship, is that correct, sir?

11 A Yes, sir.

12 Q And this is the shell casing we're talking about?

13 A Yes, sir.

14 Q The left shoe?

15 A Yes, sir.

16 Q The right shoe?

17 A Yes, sir.

18 Q A blood that was found?

19 A What appeared to be blood, yes, sir.

20 Q Keys?

21 A Yes, sir.

22 Q And there was a projectile found here.

23 A Yes, sir.

24 Q And the blood is approximately over in this area right
25 off the shore.

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Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q Showing you State's Exhibit 38. Is this a
3 continuation of the picture we saw? This is a part of the
4 shoe that we saw the edge of in one of the pictures
5 earlier?

6 A Yes, sir.

7 Q And the shell casing, is it approximately in this area
8 right here?

9 A Yes, sir.

10 Q Get closer.

11 A I believe. It's hard to --

12 Q If you want to come back to me, sir, you can. Showing
13 the diagram.

14 (Whereupon, the witness left the stand.)

15 A It's hard to see from over there. There's the shell
16 casing.

17 Q Yes, sir.

18 A And then the shoe print's here.

19 THE COURT: The court reporter can't hear the
20 testimony.

21 Q You've got to talk up where she can hear you.

22 A Okay. I'm sorry. The victim's shoe was here and it
23 appears the shell casing is right here.

24 THE COURT: The court reporter can't hear.

25 Don't y'all have an extra picture that he can have on

Shane Michael Cloran
Direct examination by Mr. Barnette

1 the witness stand?

2 THE WITNESS: I'll speak up from the stand, Your
3 Honor.

4 THE COURT: Okay. Good.

5 MR. BARNETTE: And, Your Honor, I was just having him
6 show the jury where the items were on that picture.

7 THE COURT: Well, I know, but it still has to be taken
8 down. And if he had a picture, then he would be able to
9 locate it on his -- on his own photograph while you showed
10 it to the jury.

11 MR. BARNETTE: Yes, sir.

12 (Whereupon, the witness returned to the stand.)

13 Q Let me show you State's Exhibit 39. Is this a closeup
14 picture of the shell casing that was found, sir?

15 A Yes, sir.

16 Q Okay. And this is the shell casing we're talking
17 about?

18 A Yes, sir.

19 Q And did you collect that shell casing, sir?

20 A Yes, sir.

21 Q Let me let you look at State's Exhibit No. 5, sir. If
22 you would, take a look at that. Was that the item that you
23 collected?

24 A Yes, sir.

25 Q Can you open up and make sure that's the item that --

Shane Michael Cloran
Direct examination by Mr. Barnette

1 the shell casing that was in that picture?

2 A Yes, sir.

3 MR. BARNETTE: Your Honor, I'd like to enter this as
4 State's Exhibit No. 5 at this time.

5 MR. BRANNON: No objection from the Johnson defense.

6 MR. JOHNSTON: Your Honor, I'd like to just take a
7 look at it, please.

8 (Pause.)

9 MR. JOHNSTON: No objection, Your Honor.

10 THE COURT: Admitted.

11 (Recovered spent .40 shell casing marked State's
12 Exhibit No. 5.)

13 MR. BARNETTE: Your Honor, may I publish it to the
14 jury?

15 THE COURT: You may.

16 Q Obviously, this was sent to the state law enforcement,
17 is that right, for examination?

18 A Yes, sir.

19 Q What kind of shell casing is it?

20 A It's a TulAmmo 40 caliber.

21 Q Okay. And that's TulAmmo, is that right, 40 caliber
22 shell casing?

23 A Yes, sir.

24 Q Let me show you State's Exhibit No. 40. I think it's
25 already been entered into evidence. Is this the shoe that

Shane Michael Cloran
Direct examination by Mr. Barnette

1 you found there at the scene, sir?

2 A Yes, sir.

3 Q And did you collect that shoe?

4 A Yes, sir.

5 Q State's Exhibit 41. Is this the other shoe that you
6 found at the scene?

7 A Yes, sir.

8 Q And did you collect that item also, sir?

9 A Yes, sir.

10 Q I'll let you look at State's Exhibits 10 and 11. If
11 you would, see if those are the two items that you
12 collected from the crime scene, sir.

13 (Pause.)

14 A Yes, sir. They are.

15 MR. BARNETTE: Your Honor, I'd like to enter State's
16 Exhibits 10 and 11 into evidence at this time.

17 MR. BRANNON: No objection, Your Honor.

18 MR. JOHNSTON: I'd like to take a look, Your Honor.

19 (Pause.)

20 MR. JOHNSTON: No objection.

21 THE COURT: They're admitted.

22 (Right brown suede shoe marked State's Exhibit No. 10;
23 left brown suede shoe marked State's Exhibit No. 11.)

24 MR. BARNETTE: Your Honor, may I publish these to the
25 jury?

Shane Michael Cloran
Direct examination by Mr. Barnette

1 THE COURT: You may.

2 Q Was these the shoes you collected, sir?

3 A Yes, sir.

4 Q Okay. State's Exhibit 42, sir. What is this a
5 picture of, sir?

6 A That is the set of keys that was located.

7 Q Was that a picture before you took a closeup of them,
8 sir?

9 A Yes, sir. I believe I did take a closeup.

10 Q Let me show you State's Exhibit 43. Is this a closeup
11 of that picture, sir?

12 A Yes, sir.

13 Q Let me show you what's been marked as State's
14 Exhibit 4.1. If you would, take a look and see are those
15 the keys you collected, sir.

16 A Yes, sir.

17 MR. BARNETTE: Your Honor, I'd like to move State's
18 Exhibit 4.1 into evidence at this time.

19 MR. BRANNON: No objection, Your Honor.

20 MR. JOHNSTON: No objection, Your Honor.

21 THE COURT: They're admitted.

22 (Keys marked State's Exhibit No. 4.1.)

23 MR. BARNETTE: Permission to publish them to the jury,
24 Your Honor.

25 THE COURT: You may.

Shane Michael Cloran
Direct examination by Mr. Barnette

1 Q And then these are the actual keys that you took in
2 the photograph that you collected?

3 A Yes, sir.

4 Q Did you check to see if these fit to her car in the
5 parking lot?

6 A They were the ones that I used to unlock the vehicle
7 to process it at a later date.

8 Q So these is her car keys, the victim in this case.

9 A Yes, sir.

10 Q Let me show you State's Exhibit 50 -- State's Exhibit
11 44. What is this a picture of, sir?

12 A That is a photograph showing items marked with the
13 flags to be plotted along with cast impressions.

14 Q Let me show you State's Exhibit 45. What is this a
15 picture of, sir?

16 A That is what appears to be blood that was later
17 swabbed.

18 Q And you swabbed the blood area, as well as the shell
19 casing and keys, is that right, sir?

20 A Yes, sir.

21 Q Let me show you State's Exhibit 46. What is that a
22 picture of, sir?

23 A The projectile that was recovered.

24 Q And was it approximately here, sir?

25 A To the -- there's a glare.

Shane Michael Cloran
Direct examination by Mr. Barnette

1 Q The glare is not -- okay.

2 A Yes. It was -- it was in that area near the root.

3 Q Okay. Let me show you State's Exhibit 47. Did you
4 take a closeup picture of that bullet?

5 A Yes, sir.

6 Q And is that a picture of the bullet?

7 A Yes, sir.

8 Q And where was it located at?

9 A It was approximately 10 feet away from the spot that
10 appeared to be blood.

11 Q Going back to State's Exhibit 7. The projectile was
12 beyond the blood, back up towards the trail where the car
13 was, is that right?

14 A Yes, sir.

15 Q Did you collect that projectile, sir, or bullet?

16 A Yes, sir.

17 Q Can you take a look at State's Exhibit No. 6?

18 A Yes, sir.

19 MR. BARNETTE: Your Honor, I'd like to enter State's
20 Exhibit No. 6 into evidence at this time.

21 MR. BRANNON: Your Honor, Defendant Johnson has no
22 objection.

23 MR. JOHNSTON: Gentry likewise. No objection.

24 THE COURT: It's admitted.

25 (Recovered .40 spent shell casing marked State's

Shane Michael Cloran
Direct examination by Mr. Barnette

1 Exhibit No. 6.)

2 MR. BARNETTE: Permission to publish it to the jury,
3 Your Honor.

4 THE COURT: You may.

5 Q And this is also sent to state law enforcement for
6 testing also, right, SLED?

7 A Yes, sir.

8 Q And what kind of bullet was this, sir?

9 A After the testing was completed it was discovered it
10 was 40 caliber.

11 Q Consistent with what the shell casing was that was
12 found.

13 A Yes, sir.

14 Q Now, you took swabs of those items we talked about, is
15 that right?

16 A Yes, sir.

17 Q Let me show you State's Exhibits 2, 3 and 4. Are
18 those items that you swabbed, sir?

19 A Yes, sir.

20 Q Okay. Let me just read in the record here.

21 State's Exhibit 2 was a shell casing swab that you
22 did?

23 A Yes, sir.

24 Q State's Exhibit 3 was a swab concerning the blood?

25 A Yes, sir.

Shane Michael Cloran
Direct examination by Mr. Barnette

1 Q That's the blood spot. And then State's Exhibit 2 was
2 the shell casing, is that right?

3 A Yes, sir.

4 MR. BARNETTE: Your Honor, I'd like to enter these
5 into evidence at this time.

6 MR. BRANNON: No objection from Johnson.

7 MR. JOHNSTON: No objection from Gentry.

8 THE COURT: They're admitted.

9 (Swabs marked State's Exhibits Nos. 2, 3 and 4.)

10 Q And these were sent to SLED for testing also, is that
11 right?

12 A Yes, sir.

13 Q After you collected the evidence and took the pictures
14 and everything, what did you do then, sir?

15 A The -- the dive team for Spartanburg County had
16 already been on the scene on standby. I had them wait
17 while evidence was being collected.

18 while that process was going on they were determining
19 the best way to get the victim out of the water.

20 Once they had done that, once I had finished
21 collecting evidence, an area -- they cleared an area about
22 20 yards down the bank and said that would be the best area
23 for them to recover her.

24 And after everything was collected the flags were left
25 in the ground for the Spartanburg MAIT team to take

Shane Michael Cloran
Direct examination by Mr. Barnette

1 measurements, the evidence recovered and secured, the dive
2 team went into the water and placed a net bag around the
3 victim so no other items would be lost if there was any
4 evidence around her.

5 They put her inside the bag, pulled her down the bank
6 and then removed her from the water.

7 Q Did you later attend, go, to her autopsy?

8 A After photographing and then securing the evidence in
9 my evidence room, I later attended the autopsy, yes, sir.

10 Q Before y'all went over did y'all look at the body to
11 see if there was any tattoos on her body?

12 A Yes. We did that on scene. Once we received
13 information from the family members, you know, through
14 investigators that she had a tattoo of a rose on or near
15 her shoulder and birds on the inside of her arm, and I
16 looked and there, in fact, was a rose and birds on the arm
17 of the victim. And at that time it was determined that the
18 woman from the water was Ms. Brechue Wiles.

19 Q And did y'all notify the sheriff's -- or the city
20 notify the sheriff's department?

21 A Yes, sir.

22 Q And of course the car that was parked, that was her
23 car.

24 A Yes, sir.

25 Q At the autopsy -- who performed the autopsy, sir?

Shane Michael Cloran
Direct examination by Mr. Barnette

1 A Dr. Wren.

2 Q Was you present when they took a blood sample from
3 her?

4 A Yes, sir.

5 Q Let me show you what's been marked as State's Exhibit
6 No. 8. Is that a picture of the blood sample that was
7 taken from her?

8 A Yes, sir.

9 MR. BARNETTE: Your Honor, I'd like to move the
10 picture. I know we don't want the tube with biological
11 matters or anything. We move this as part showing the
12 evidence that the blood was taken and it can stand in for
13 blood, Your Honor.

14 MR. BRANNON: No objection.

15 MR. JOHNSTON: No objection.

16 THE COURT: It's admitted.

17 (Photograph marked State's Exhibit No. 8.)

18 Q Also, sir, during the autopsy was it found that Bree
19 was pregnant?

20 A Yes, sir.

21 Q And did Dr. Wren collect the fetus?

22 A Yes, sir.

23 Q And was that placed into evidence?

24 A Yes, sir.

25 Q Let me show you what's been marked as State's Exhibit

Shane Michael Cloran
Direct examination by Mr. Barnette

1 No. 9. We don't have the actual fetus, but is that part of
2 the evidence where the fetus was placed into?

3 A Yes, sir.

4 Dr. Wren collected it, and then the coroner's
5 office -- talking to the pathologist -- Dr. Wren -- I'm not
6 sure how they do their collection, but they collected it
7 and placed it into their evidence.

8 Q But you was present when he collected that evidence.

9 A Yes, sir.

10 MR. BARNETTE: Your Honor, I'd like to move State's
11 Exhibit No. 9 into evidence at this time.

12 MR. BRANNON: No objection.

13 MR. JOHNSTON: No objection, sir.

14 THE COURT: Admitted.

15 (Photograph marked State's Exhibit No. 9.)

16 MR. BARNETTE: May I publish these to the jury, Your
17 Honor?

18 THE COURT: You may.

19 Q Is that the tube of blood that was -- a picture of the
20 tube of blood that was taken from Bree Lyles?

21 A Yes, sir.

22 Q And State's Exhibit No. 9. Was this the evidence that
23 was collected from her as the fetus?

24 A It's the -- the notes from it, yes, sir.

25 Q And that was collected by Dr. Wren in your presence.

Shane Michael Cloran
Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q And Dr. Wren -- he determined the cause of death, is
3 that right?

4 A Yes, sir.

5 Q Was it a gunshot?

6 A Yes, sir.

7 Q I'll let him testify about that.

8 And later on was there a D.N.A. sample collected from
9 Mr. Johnson in this case?

10 A Yes, sir.

11 Q Let me show you what's been marked as State's Exhibit
12 No. 1.

13 A It's a buccal swab. It says from Investigator Taylor.

14 Q And it was likened to Mr. Johnson, is that right, sir?

15 A Do you mind if I open it?

16 Q Please do.

17 (Pause.)

18 A This is collected by Investigator Taylor and from
19 Tremaine Johnson.

20 Q Was that placed into evidence and sent to SLED, sir?

21 A Yes, sir.

22 MR. BARNETTE: Your Honor, I'd like to move this into
23 evidence at this time.

24 MR. BRANNON: No objection, Your Honor.

25 MR. JOHNSTON: No objection, Your Honor.

Shane Michael Cloran
Direct examination by Mr. Barnette

1 THE COURT: It's admitted.

2 (Buccal swab marked State's Exhibit No. 1.)

3 MR. BARNETTE: May I publish it to the jury, Your
4 Honor?

5 THE COURT: You may.

6 Q So we're talking about a buccal swab. This buccal
7 swab, was it collected from the cheeks for D.N.A. testing?

8 A Yes, sir. The cheeks and around the gums.

9 Q And that's where the buccal swab is -- that's the name
10 for it?

11 A Yeah.

12 Q So this was collected from Mr. Johnson and it was sent
13 to SLED for D.N.A. testing.

14 A Yes, sir.

15 Q Let me show you State's Exhibit 54. After the autopsy
16 and everything you processed Bree's car --

17 A Yes, sir.

18 Q -- that was found at Duncan Park. Did you also
19 process another car?

20 A Yes, sir.

21 Q And let me show you State's Exhibit 54. Was that the
22 car that you processed?

23 A Yes, sir.

24 Q And whose car was that?

25 A The suspect's, I believe, Mr. Johnson.

Shane Michael Cloran
Direct examination by Mr. Barnette

1 MR. BARNETTE: Your Honor, I'd like to enter this into
2 evidence at this time.

3 MR. BRANNON: No objection.

4 MR. JOHNSTON: No objection.

5 THE COURT: It's admitted.

6 (Photograph marked State's Exhibit No. 54.)

7 Q Showing you State's Exhibit 54. Was this actually his
8 mother's car or whose car -- the car that he drives?

9 A That's the car I was informed he drives.

10 Q And, obviously, you processed it. Was anything of
11 evidentiary value gained from that car?

12 A No, sir.

13 Q And this crime scene was in the County of Spartanburg
14 and the City of Spartanburg, is that right?

15 A Yes, sir.

16 MR. BARNETTE: One moment, Your Honor, please.

17 (Pause.)

18 Q Let me show you State's Exhibits 55 and 56.

19 Fifty-five -- is that just another picture of the car that
20 you processed earlier that we were talking about in State's
21 Exhibit 54?

22 A Yes, sir.

23 Q Does that fairly represent the way it looks?

24 A Yes, sir.

25 Q And then State's Exhibit 56. Was this a crime scene

Shane Michael Cloran
Direct examination by Mr. Barnette

1 sketch done by the sheriff's department dive team?

2 A Yes, sir.

3 Q And does it just have measurements on there?

4 A Yes, sir.

5 MR. BARNETTE: Your Honor, I'd like to enter these two
6 into evidence, or enter 55 into evidence. I guess 56 is
7 used for just showing the jury.

8 MR. BRANNON: No objection.

9 MR. JOHNSTON: No objection as to 55.

10 (Photograph marked State's Exhibit No. 55.)

11 MR. BARNETTE: Your Honor, permission to publish to
12 the jury.

13 THE COURT: You may.

14 Q State's Exhibit 55. Is that just a picture of the
15 back of the car that we saw earlier?

16 A Yes, sir.

17 Q And State's Exhibit 56 for I.D. purposes. Is this a
18 diagram just showing approximately where the body was and
19 the measurements of the parking lot?

20 A Yes, sir.

21 Q And showing approximately where it was from her car.

22 A Yes, sir.

23 Q And so this was her body approximately, and her car
24 was up here in the parking lot here.

25 A Yes.

Shane Michael Cloran
Cross-examination by Mr. Brannon

1 Q And it just shows, I guess, the paved paths, the paths
2 that we've heard about earlier and then the dirt path along
3 the shoreline of the lake.

4 A Yes, sir.

5 Q Just one more item I forgot to ask you about, sir, I
6 just want to check on.

7 Let me show you State's Exhibit No. 12. You were
8 present at the autopsy.

9 A Yes, sir.

10 Q Was there a rape kit that was collected at the same
11 time?

12 A Yes, sir.

13 Q Let me show you State's Exhibit No. 12. Does that
14 appear to be the kit that was collected? I know there was
15 several items that's collected during that time.

16 A Yes, sir.

17 Q And was you present for the whole time when Dr. Wren
18 collected that?

19 A Yes, sir.

20 MR. BARNETTE: Your Honor, I'd like to enter State's
21 Exhibit 12 into evidence at this time.

22 MR. BRANNON: No objection.

23 MR. JOHNSTON: No objection, sir.

24 THE COURT: Admitted.

25 (Sexual assault evidence collection kit marked State's

Shane Michael Cloran
Cross-examination by Mr. Brannon

1 Exhibit No. 12.)

2 MR. BARNETTE: Your Honor, I'm not going publish it at
3 this time. We'll publish it through another witness.

4 Q Thank you, sir. Please answer any questions Mr.
5 Brannon or Mr. Johnston has for you.

6 A Yes, sir.

7 Q Thank you.

8 MR. BRANNON: May it please the Court.

9 CROSS-EXAMINATION

10 BY MR. BRANNON

11 Q Investigator, where do you work now?

12 A I'm retired.

13 Q Retired?

14 A Yes, sir.

15 Q You look amazing.

16 A Thank you.

17 Q So when you process a vehicle -- the state's
18 introduced five or six pictures from Ms. Wile's car.

19 A Yes, sir.

20 Q How many pictures did you take?

21 A I'm not sure. It depends on the case.

22 Q Let me help you.

23 MR. BARNETTE: Your Honor, I'm going to object. If he
24 wants me to enter them all, I'll enter them all in.

25 THE COURT: Well, this is cross-examination.

1 MR. BARNETTE: Okay. I understand.

2 Q You understand that when you take pictures and you
3 present them to the state they have to produce them to me
4 in the discovery process.

5 A Yes, sir.

6 Q That's the pictures you took of her car.

7 A Uh-huh.

8 Q About 150 pictures of one car, right?

9 A Well, some of them are from the scene as well.

10 Q I got you. But these are all photos of the car --
11 that stack of pictures -- right?

12 A Yes, sir.

13 MR. BARNETTE: Your Honor, as I said, no objection if
14 he wants to enter them in. We can enter them all in.

15 THE COURT: Well, if he does, he'll offer them.

16 MR. BARNETTE: Okay.

17 Q You took about half as many pictures of the car that
18 you were told Tremaine drove too, but you took that many
19 pictures, right?

20 A Uh-huh.

21 Q Okay. When you -- when you are processing a crime
22 scene or when you are looking for evidence, I believe --
23 what did you use -- items of evidentiary value. You take a
24 picture of everything, don't you?

25 A It depends on the case.

Inderjit Kaur
Direct examination by Ms. Wells

1 Q Well, in this case you took a picture of everything,
2 didn't you?

3 A Again, it depends on the circumstances.

4 Q Okay. Well, when you took a picture of that blood,
5 you didn't know whose blood it was, right?

6 A Correct.

7 Q But you took a picture of it, right?

8 A Correct.

9 Q In fact, you didn't even know if it was blood. You
10 said it looked like blood, right?

11 A It appeared to be blood.

12 Q Okay. All right. So you take lots of pictures when
13 you're processing the scene, isn't that correct?

14 A Yes, sir.

15 Q And when you come to something that you believe has
16 evidentiary value, you take a picture of it, don't you?

17 A Yes, sir.

18 Q Okay. I'm changing the subject completely.

19 when you send something, when you take a swab from a
20 piece of evidence and you send it to SLED, what are you
21 looking for?

22 A It all depends on what the swab comes from.

23 Q Okay. What might you be looking for when you swab a
24 shell casing?

25 A D.N.A.

Inderjit Kaur
Direct examination by Ms. Wells

1 Q D.N.A.: Okay. Thank you.

2 MR. BRANNON: Nothing further.

3 MR. JOHNSTON: No questions, sir.

4 THE COURT: You may step down.

5 MR. BARNETTE: We'd ask for the witness to be excused,

6 Your Honor.

7 MR. BRANNON: No objection.

8 MR. JOHNSTON: No objection.

9 THE COURT: He will.

10 (Whereupon, the witness was excused.)

11 MS. WELLS: May it please the Court, Your Honor.

12 The state's next witness is Investigator Inderjit

13 Kaur.

14 MR. BRANNON: May we approach, Your Honor?

15 THE COURT: Okay.

16 (Bench conference held off the record in the presence

17 of the jury but out of the hearing of the jury.)

18 INDERJIT KAUR, having been

19 first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MS. WELLS

21 Q Investigator Kaur, where are you employed?

22 A At the City of Spartanburg Police Department.

23 Q And how long have you been employed there?

24 A A little over six years.

25 Q And what's your current assignment with the City of

Inderjit Kaur
Direct examination by Ms. Wells

1 spartanburg?

2 A I do cell phone extractions.

3 Q Okay. When you say you do cell phone extractions, are
4 you assigned to a particular division at the City of
5 spartanburg?

6 A C.I.D.

7 Q C.I.D. And that means? What does C.I.D. mean?

8 A Criminal investigative division.

9 Q All right. And so your -- were in the same section as
10 Investigator Cloran who just testified before he retired?
11 Were y'all in the same?

12 A At that time I was upstairs in C.I.D., and then I was
13 moved to forensics.

14 Q Okay. So depending on what time at the City of
15 spartanburg, sometimes you're -- sometimes you have fallen
16 under the criminal investigative division where, say,
17 Investigator Taylor or Officer Investigator Nelson would
18 be.

19 A Yes, ma'am.

20 Q And sometimes your job position fell under forensics,
21 is that right?

22 A Correct, yes, ma'am.

23 Q Okay. And you say that part of your duties are doing
24 cell phone extractions. When you say a cell phone
25 extraction, can you tell the members of the jury what that

1 means?

2 A So, basically, I take the phone that I get and hook it
3 up to a forensic device, and then I follow the steps that
4 the device tells me to do. And it actually extracts the
5 data from the phone and I can view it on a P.C. to generate
6 a report where all of us can see it.

7 THE COURT: Will you get closer to that microphone?

8 THE WITNESS: Yes, sir. Is this better?

9 THE COURT: I hope so.

10 Q And I want to direct your attention back to May of
11 2018. Were you working in that role as a -- someone in
12 either C.I.D. or forensics who conducted cell phone
13 extractions?

14 A Yes, ma'am. I was.

15 Q And at that time, as you previously testified,
16 forensics was actually -- or your position was actually
17 located in C.I.D. at that point.

18 A Yes, ma'am.

19 Q When we say that we're actually referring to the
20 physical location upstairs --

21 A Yes, ma'am.

22 Q -- in the police department, is that right?

23 A Yes, ma'am.

24 Q I want to direct your attention specifically to May
25 the 21st of 2018. At that time on that date did you have

Inderjit Kaur
Direct examination by Ms. Wells

1 reason to come into contact with Investigator Chris Taylor
2 about a cell phone that it relates to this investigation?

3 A Yes, ma'am.

4 Q Can you tell the members of the jury how that
5 happened?

6 A So one of the phones that were brought to me -- is it
7 okay if I review my notes?

8 Q Would it help refresh your recollection?

9 A Yes. Please.

10 Q Then yes.

11 A The first phone that I did was a consent to search for
12 Mr. Robert Gentry's iPhone 7.

13 Q Okay. And when you say a consent to search, what does
14 that mean?

15 A It's just a document that the owner of the device
16 signs and writes down that he gives me the permission to
17 look at his phone.

18 Q Okay.

19 A And dumps the data.

20 Q And you had an opportunity to review that consent to
21 search before you conducted the extraction of the cell
22 phone?

23 A Yes, ma'am.

24 Q And is that a premade form that the City of
25 Spartanburg uses?

Inderjit Kaur
Direct examination by Ms. Wells

1 A Yes, ma'am. It's something that we generically have
2 made, and then we hand it out to each owner before they
3 give us the consent.

4 Q All right. And do you take the time before
5 you conduct a cell phone extraction? Do you commonly refer
6 to those as cell phone dumps? Is that a phrase that y'all
7 would use?

8 A I -- I interchange between extraction and dump, yes,
9 ma'am.

10 Q Okay. So commonly prior to performing a cell phone
11 extraction if it's appropriate do you review the consent?

12 A Yes, ma'am.

13 Q And in this case did the consent to search seem to be
14 in order to you?

15 A Yes. It was.

16 Q All right. And Investigator Taylor was asking you to
17 conduct a cell phone extraction of this particular phone?

18 A Yes, ma'am.

19 Q All right. And you touched a little bit on what that
20 extraction means. Can you tell the members of the jury
21 when you said you use a forensic device to do that, can you
22 explain that to the members of the jury?

23 A So this forensic device we've been using or the city
24 has been using -- Cellebrite -- it's a company that mainly
25 does cell phone extractions. And, again, it's just a small

Inderjit Kaur
Direct examination by Ms. Wells

1 little box. It does all the major work. And then
2 Cellebrite also gives us the software once the device has
3 done its job. Then the software goes and reads that data
4 and puts it into a reader format where we, you and I, can
5 actually easily view it.

6 Q And so the goal here is to obtain all of the data from
7 a cell phone and then secure it in another eligible form,
8 is that correct?

9 A Yes, ma'am.

10 Q And can you walk through the process that you take
11 with -- with each one of these phones for the members of
12 the jury?

13 A Once I verified that I've got a consent or a search
14 warrant, I will hook it up to the machine, wait until I've
15 followed all of the -- the prompts that it's given to me.
16 And once the machine tells me it's done doing the -- the
17 actual extraction, then I have to take the raw data, put it
18 into the P.C., which is our computer that I use, and use
19 the other software that Cellebrite provides and then read
20 that data.

21 The only thing I would add to it is my name letting
22 the reporter or whoever the reader is know I was the one
23 who physically did the extraction, and the case number so
24 it doesn't get lost between all of the other phones I do,
25 what case is related to it. And everything else as far as

Inderjit Kaur
Direct examination by Ms. Wells

1 the date and time and anything else that's underneath the
2 summary report when you look at it, it's all generated by
3 the Cellebrite machine from what is read from that phone.

4 Q And so once you completed all of those steps, you have
5 the data pulled onto a hard drive, onto a C.D.? Where does
6 that data -- where does the data exist?

7 A One I keep on my actual P.C., my hard drive. The --
8 another copy that I'll burn and actually physically take it
9 to our evidence room and put it there. And then sometimes
10 if the investigator needs it immediately I'll make another
11 copy for them so they can view it as well.

12 Q But you keep a copy in evidence.

13 A Yes, ma'am.

14 Q And you keep it. You personally keep a copy.

15 A Yes, because I don't want anything happening to that
16 C.D., because you know how C.D.s are. They'll -- they'll
17 break or corrupt. So you always want another.

18 Q So you keep a backup.

19 A Yes, ma'am.

20 Q And once you obtain the data from the phone can it be
21 manipulated by anyone else?

22 A No, ma'am.

23 Q You could not go in and change any of the phone data.

24 A No, ma'am.

25 Q I could not go in and change any of the phone data.

Inderjit Kaur
Direct examination by Ms. Wells

1 A No, ma'am.

2 Q Could Cellebrite go in and change the phone data?

3 A No, ma'am.

4 Q And at that point, that's when the report of the data
5 is -- Cellebrite -- the Cellebrite software creates that
6 report.

7 A Yes, ma'am.

8 Q And it can't be changed, added or deleted, is that
9 correct?

10 A Yes, ma'am.

11 Q I'm going to show you what's been marked for
12 identification purposes as State's Exhibit 14. I'm going
13 to ask you. I'm taking it outta the box just because these
14 can be -- as the court reporter and I discussed, these can
15 be --

16 A Damaged.

17 Q -- damaged.

18 A Yes, ma'am.

19 Q I'm going to ask you. Take a look at State's
20 Exhibit 14 and tell me if you recognize it.

21 A I do. Yes.

22 Q And what do you recognize State's Exhibit 14 to be?

23 A This is the report for Mr. Robert Gentry's phone.

24 Q And how are you able to recognize it?

25 A Because I put it there and I put the label and my --

1 my signature.

2 Q So you -- you had an opportunity to review this before
3 trial.

4 A Yes, ma'am.

5 Q And is this a fair and accurate -- this is a -- this
6 is the report that was generated from the Cellebrite?

7 A Yes, ma'am.

8 Q From this phone extraction that you conducted back in
9 May of 2018, is that correct?

10 A Yes, ma'am.

11 MS. WELLS: And, Your Honor, he would offer State's
12 Exhibit 14 at this time.

13 MR. BRANNON: Defendant Johnson has no objection.

14 MR. JOHNSTON: Just like to look at it.

15 MS. WELLS: Oh, yes, sir. I'm sorry.

16 (Pause.)

17 MR. JOHNSTON: No objection.

18 THE COURT: It's admitted.

19 MS. WELLS: Thank you, Your Honor.

20 (Download of Robert Gentry's cell phone marked State's
21 Exhibit No. 14.)

22 MS. WELLS: I'm going to ask for permission to publish
23 at the appropriate time.

24 THE COURT: You may.

25 MS. WELLS: Thank you.

Inderjit Kaur
Direct examination by Ms. Wells

1 Q Now, Investigator Kaur, I want to direct your
2 attention then to September 5th of 2018. Were you all
3 provided another cell phone related to this investigation?

4 A Yes, ma'am.

5 Q And the -- what was the request for you at that time?

6 A That one was actually a search warrant for an L.G.
7 phone.

8 Q And did you use the same process with that L.G. phone?
9 You said the previous phone was an iPhone, is that correct?

10 A Yes, ma'am.

11 Q Does it change how you do your job if it's an L.G. as
12 opposed to an iPhone?

13 A No, ma'am.

14 Q And so did you conduct the same process with this
15 phone that you did with the iPhone 7?

16 A Yes, ma'am.

17 MS. WELLS: May I approach the witness?

18 Q I'm going to show you what's been marked for
19 identification purposes as State's Exhibit 16 and ask if
20 you recognize that.

21 A I do, ma'am.

22 Q And what is State's Exhibit 16?

23 A This is the report for the L.G.'s phone.

24 Q Okay. And for this L.G. phone, how were you able to
25 recognize it?

Inderjit Kaur
Direct examination by Ms. Wells

1 A I'm the one who put it on here, as well as the -- the
2 tag and my signature on there.

3 Q Okay. So you had an opportunity to review this before
4 trial.

5 A I did, yes, ma'am.

6 Q And this is a fair and accurate -- this -- this is the
7 report that was created for this particular phone, is that
8 right?

9 A Yes, ma'am. That is correct.

10 Q All right. And you initialed and dated.

11 A I did, yes, ma'am.

12 Q You reviewed the data off the phone.

13 A Yes, ma'am.

14 MS. WELLS: Your Honor, we'd offer State's Exhibit 16
15 at this time.

16 MR. BRANNON: Johnson has no objection.

17 MR. JOHNSTON: Gentry has no objection.

18 THE COURT: It's admitted.

19 (Download of Daniel Hines' cell phone marked State's
20 Exhibit No. 16.)

21 MS. WELLS: Thank you, Your Honor. We'd ask for
22 permission to approach -- to publish at the appropriate
23 time.

24 THE COURT: You may.

25 Q And, Investigator Kaur, who did that phone belong to?

Inderjit Kaur
Direct examination by Ms. Wells

1 A That one is Daniel Hines.

2 Q Okay. Now, do you search these reports for
3 information?

4 A Only when I'm asked to.

5 Q Okay. Were you asked to do that in either one of
6 these cases?

7 A No, ma'am.

8 Q So it's merely your job in both of these particular
9 cases where you were asked to capture the phone content and
10 then you place that content into a secure document for
11 investigators to use in their -- to further their
12 investigation.

13 A Yes, ma'am.

14 Q Is that fair to say?

15 A That is correct.

16 Q And once you're done capturing the data in both of
17 these instances, what did you do with the phone? You keep
18 them?

19 A No, ma'am.

20 Q What do you do with them?

21 A The first one, the consent one, I gave it back to the
22 investigator. The search warrant, I put it back into
23 evidence.

24 MS. WELLS: May I have a moment, please, Your Honor?

25 (Pause.)

A.J. Smith
Direct examination by Ms. Wells

1 MS. WELLS: Your Honor, I have no further questions
2 for Investigator Kaur at this time.

3 MR. BRANNON: No questions, Your Honor.

4 MR. JOHNSTON: No questions for the lady.

5 THE COURT: You may step down.

6 MS. WELLS: Your Honor, may she be excused?

7 MR. BRANNON: No objection.

8 MR. JOHNSTON: No objection.

9 (Whereupon, the witness was excused.)

10 MS. WELLS: Your Honor, may we approach?

11 THE COURT: Yes, ma'am.

12 (Bench conference held off the record in the presence
13 of the jury but out of the hearing of the jury.)

14 THE COURT: We're going to take a short break.

15 I'll ask the jury to please go to your jury room.

16 Don't talk about the case. I'll bring you back shortly.

17 (The following takes place outside the presence of the
18 jury.)

19 THE COURT: We'll be at ease for 15 minutes.

20 (Whereupon, a recess was taken.)

21 THE COURT: Are you ready for the jury?

22 MS. WELLS: Yes, Your Honor. The state is ready.

23 MR. BRANNON: Yes, sir, Your Honor.

24 MR. JOHNSTON: Yes, sir.

25 THE COURT: Bring them in.

A.J. Smith
Direct examination by Ms. Wells

1 (The following takes place in the presence of the
2 jury.)

3 THE COURT: All right. Jury is present.

4 MS. WELLS: Thank you, Your Honor. May it please the
5 Court.

6 Your Honor, the state's next witness is Investigator
7 A.J. Smith.

8 A.J. SMITH, having been first
9 duly sworn, testified as follows:

10 DIRECT EXAMINATION BY MS. WELLS

11 Q Good afternoon, Investigator Smith.

12 A Good afternoon.

13 Q Can you sit a little bit closer to the microphone so
14 the court reporter can capture?

15 A Can you hear me now?

16 Q I think that's a little bit better. Thank you.

17 Investigator Smith, where are -- where are you
18 currently employed?

19 A With the City of Spartanburg.

20 Q All right. And how long have you been with the City
21 of Spartanburg Police Department?

22 A Twelve years this past February.

23 Q And I want to direct your attention back to 2018.
24 What was your role back in 2018?

25 A I was a narcotics investigator, as well as the backup

A.J. Smith
Direct examination by Ms. Wells

1 person for our cell phone machine.

2 Q Okay. So you had an opportunity to hear Investigator
3 Kaur testify just prior to you, is that correct?

4 A I was --

5 Q Were you in here for her testimony?

6 A I was not in here for her testimony.

7 Q All right. But part of your role was backing her up
8 to conduct Cellebrite searches to collect evidence from the
9 cell phones during the course of investigations?

10 A Yes, ma'am.

11 Q All right. And I'm going to direct your attention,
12 specifically, to May 11th of 2018. On that date were you
13 provided with a consent to search form for an iPhone
14 belonging to Tremaine Johnson?

15 A Yes, ma'am.

16 Q And what -- who provided you with that form?

17 A It was one of the investigators that were currently
18 interviewing him.

19 Q All right. And did you have an -- why did they
20 provide you with that form? What did they want you to do?

21 A They asked for a cell phone extraction of this phone.

22 Q All right. And did they provide you with a phone to
23 conduct that search on?

24 A Yes, ma'am.

25 Q And what was that phone?

A.J. Smith
Direct examination by Ms. wells

1 A I believe it was an iPhone.

2 Q Would it refresh your recollection if you had your
3 notes?

4 A I've got them here.

5 Q You've got them there. If it refreshes your
6 recollection, you may refer to your notes. And those notes
7 were taken contemporaneously with -- in 2018 with what you
8 were doing, is that correct?

9 A Yes, ma'am.

10 Q All right. Did that help refresh your recollection?

11 A I don't have the model written down.

12 Q Was it -- was it an iPhone?

13 A It was an iPhone.

14 Q And did you have an opportunity to review the signed
15 consent to search and did you find it to be in order?

16 A Yes, ma'am.

17 Q And did you conduct the Cellebrite search or the -- of
18 that -- of that iPhone that belonged to Mr. Johnson?

19 A I did a quick search of it after extraction.

20 Q So you conducted the extraction first?

21 A Yes, ma'am.

22 Q All right. And you used the Cellebrite device to
23 conduct that extraction?

24 A Yes, ma'am.

25 Q All right. I'm going to show you.

A.J. Smith
Direct examination by Ms. Wells

1 MS. WELLS: May I approach, Your Honor?

2 THE COURT: Yes, ma'am.

3 MS. WELLS: Thank you.

4 Q I'm going to show you what's been marked as State's
5 Exhibit 13 for identification purposes and ask if you
6 recognize that.

7 A Yes, ma'am.

8 Q And is that the cell phone dump you conducted of
9 Mr. Johnson's telephone?

10 A Yes, ma'am.

11 Q How were you able to identify it?

12 A It has my signature on it.

13 Q All right. And you had an opportunity to review this
14 prior to court?

15 A Yes, ma'am.

16 Q And this is -- this is the cell phone extraction that
17 you performed on his phone.

18 A Yes.

19 Q All right.

20 MS. WELLS: Your Honor, we'd offer State's Exhibit 13
21 at this time.

22 MR. BRANNON: No objection from Defendant Johnson.

23 MR. JOHNSTON: No objection.

24 THE COURT: It's admitted.

25 (Download of Tremaine Johnson's cell phone marked

A.J. Smith
Direct examination by Ms. Wells

1 State's Exhibit No. 13.)

2 MS. WELLS: Thank you, Your Honor. We'd ask for
3 permission to publish at the appropriate time.

4 THE COURT: You may.

5 MS. WELLS: Thank you.

6 Q And you said you did a quick search. Was that done at
7 the investigator's request?

8 A Yes, ma'am.

9 Q And you did a -- and you reported back to
10 investigators anything significant you found on that phone,
11 is that right?

12 A Yes, ma'am.

13 Q Do you recall what they asked you to look for?

14 A They're asking for any information in reference to the
15 victim and Mr. Johnson having any relation, if there was
16 any communication between the two.

17 THE COURT: Please use the microphone.

18 THE WITNESS: I'm sorry.

19 Q Can you repeat that?

20 A I apologize.

21 They asked for any connection between the victim and
22 Mr. Johnson, as well as if there was any communication
23 between the two.

24 Q All right. And were you able to determine if there
25 was communication between the parties?

A.J. Smith
Direct examination by Ms. Wells

1 A Yes, ma'am.

2 Q All right. And what did you do after you conducted
3 the Cellebrite extraction and did that quick search for
4 investigators?

5 A We let them know that there was -- what was found on
6 the phone and underneath the chat section in reference to a
7 conversation between Ms. Wiles and Mr. Johnson.

8 Q Okay. And then did you provide the phone back to
9 investigators to give back to Mr. Johnson?

10 A Yes, ma'am.

11 Q All right. And on that same date were you provided a
12 cell phone analysis conducted by Brandon Letterman of the
13 Spartanburg County Sheriff's Office for the telephone
14 belonging to the victim's mother, Fontae Wiles?

15 A Yes, ma'am.

16 Q And did you pull the analysis and generate a report in
17 that for that telephone?

18 A I did.

19 MS. WELLS: May I approach, Your Honor?

20 THE COURT: Yes.

21 MS. WELLS: Thank you.

22 Q I'm showing you what's been marked for identification
23 purposes as Government's Exhibit 15. Do you recognize
24 that?

25 A I do.

A.J. Smith
Direct examination by Ms. Wells

1 Q And you had an opportunity to review that prior to
2 your testimony here today?

3 A Yes, ma'am.

4 Q And this is the Cellebrite extraction conducted for
5 Ms. Wiles' phone, is that correct?

6 A Yes, ma'am.

7 Q And is that -- that's fair and accurate of how that
8 Cellebrite extraction was done and the report conducted by
9 you?

10 A Yes, ma'am.

11 MS. WELLS: Your Honor, we'd offer State's Exhibit 15
12 at this time.

13 MR. BRANNON: No objection from Mr. Johnson.

14 MR. JOHNSTON: No objection, Your Honor.

15 THE COURT: It's admitted.

16 (Download of Fontae Wiles' cell phone marked State's
17 Exhibit No. 15.)

18 MS. WELLS: Your Honor, ask for permission to publish
19 at the appropriate time.

20 THE COURT: You may.

21 Q Then I want to direct your attention then to May
22 14th of 2018. On May 14th did you obtain search warrants
23 for call detail records from T-Mobile for Tremaine Johnson
24 and Brechue Wiles' telephones?

25 A I did.

A.J. Smith
Direct examination by Ms. Wells

1 Q What are call detail records?

2 A Call detail records are records that your telephone
3 company keeps on each phone. It provides things such as
4 your phone's location from different towers on different
5 days. Some have text messages for up to three days, five
6 days, depending on the company. There's also phone logs.

7 Q But it provides information --

8 A It provides information on your cell phone.

9 Q -- on your cell phone, is that correct?

10 A Yes, ma'am.

11 Q And you obtained those search warrants on the 14th,
12 and they both had T-Mobile phones.

13 A They both had T-Mobile phones.

14 Q Now, also on May 14th were you provided a phone
15 belonging to Jeremy Wiles to conduct a Cellebrite analysis
16 on?

17 A Yes. I was.

18 Q And that Mr. Wiles is the cousin of Brechue Wiles.
19 Was that your understanding?

20 A That was my understanding.

21 Q Okay. And did you conduct that analysis and return
22 the phone to Mr. Wiles that day?

23 A Yes, ma'am.

24 Q And that's the same Cellebrite analysis. Were you
25 using the Cellebrite device?

A.J. Smith
Direct examination by Ms. Wells

1 A Yes, ma'am.

2 Q Attaching the phone, conducting the cell phone
3 extraction or the cell phone dump, is that correct?

4 A Yes, ma'am.

5 Q All right. I'm going to show you what's been marked
6 for identification purposes as State's Exhibit 20 and ask
7 if you can identify that.

8 A Yes, ma'am.

9 Q Okay. And what's State's Exhibit 20?

10 A That's the cell phone extraction for Mr. Wiles.

11 Q Okay. That was an iPhone 6, is that correct?

12 A That's correct.

13 Q And how were you able to identify it?

14 A My initials are on it and the date is on it.

15 Q All right. And this is the cell phone extraction you
16 conducted for him, is that correct?

17 A Yes, ma'am.

18 MS. WELLS: Your Honor, we'd offer State's Exhibit 20
19 at this time.

20 MR. BRANNON: No objection from Mr. Johnson.

21 MR. JOHNSTON: No objection.

22 THE COURT: It's admitted.

23 MS. WELLS: Thank you.

24 (Download of Jeremy Wiles' cell phone marked State's
25 Exhibit No. 20.)

A.J. Smith
Direct examination by Ms. Wells

1 MS. WELLS: Thank you. We ask for permission to
2 publish at the appropriate time.

3 Q And then directing your attention to May 17th of 2018,
4 did you receive -- did you request that call detail record
5 or C.D.R. information to be expedited?

6 A Yes, ma'am.

7 Q And you received it back on May the 17th?

8 A I did.

9 Q For both phones, Mr. Johnson and Ms. Brechue Wiles'
10 phones.

11 A Yes, ma'am.

12 Q All right. What did you do with that information?

13 A I turned that information over to, at the time,
14 Sergeant Reece.

15 Q Okay. And that information comes to you in a
16 particular way, is that correct?

17 A I received it via email at which time I transferred
18 the original documents on to a disc so that they could be
19 placed in evidence.

20 Q And does that information come with a certificate of
21 authenticity?

22 A Yes, ma'am.

23 Q And does -- and you -- when you receive those records
24 they are in a particular order, correct? There's
25 identifying information and then directions and then the

A.J. Smith
Direct examination by Ms. Wells

1 actual call detail records, is that right?

2 A That is correct.

3 Q And did you find the records for both Mr. Johnson and
4 Ms. Wile's phone to have the certificate of authenticity?

5 A Yes, ma'am.

6 Q And were they both -- you've received other C.D.R --
7 other call detail records for other investigations, is that
8 correct?

9 A That's correct.

10 Q You're familiar with how they should appear, is that
11 correct?

12 A Yes, ma'am.

13 Q And did the C.D.R. or call detail records appear to be
14 in order to you?

15 A Yes, ma'am.

16 Q And the certificate from T-Mobile guaranteed their
17 authenticity as business records, is that correct?

18 A That is correct.

19 Q All right. I'm going to show you what's been marked
20 for identification purposes as State's Exhibits 17 and 19
21 and have you take a look at those and see if you can
22 identify them.

23 A Yes, ma'am.

24 Q Okay. What's State's Exhibit 17?

25 A That would be Tremaine Johnson's C.D.R.s.

A.J. Smith
Cross-examination by Mr. Brannon

1 Q Okay. And how are you able to -- how are you able to
2 identify them?

3 A My initials are on them.

4 Q All right. And this is the call detail records. Did
5 you receive them from T-Mobile back in May of 2018?

6 A Yes, ma'am.

7 Q All right. And then looking at State's Exhibit 19,
8 what is State's Exhibit 19?

9 A That is the call detail records for Brechue wiles.

10 Q All right. And, again, how were you able to identify
11 that?

12 A My initials are on the disk.

13 Q Okay. And you've had an opportunity to review both
14 State's 17 and 19 prior to court today.

15 A Yes, ma'am.

16 Q And 19 is also the actual call detail records as you
17 received them from T-Mobile back in May of 2018, correct?

18 A Yes, ma'am.

19 MS. WELLS: Your Honor, I'd offer State's Exhibits 17
20 and 19 at this time.

21 MR. BRANNON: No objection.

22 MR. JOHNSTON: No objection.

23 THE COURT: They're admitted.

24 (Cell detail records on Tremaine Johnson's phone marked
25 State's Exhibit No. 17; cell detail records on Fontae wiles

A.J. Smith
Cross-examination by Mr. Brannon

1 marked State's Exhibit No. 19.)

2 MS. WELLS: Thank you, Your Honor. We'd ask for
3 permission to publish at the appropriate time.

4 THE COURT: You may.

5 MS. WELLS: May I have a moment please, Your Honor?

6 THE COURT: Yes, ma'am.

7 (Pause.)

8 MS. WELLS: Your Honor, I have no further questions
9 from Investigator Smith at this time.

10 MR. BRANNON: May it please the Court.

11 THE COURT: Yes.

12 CROSS-EXAMINATION

13 BY MR. BRANNON

14 Q Investigator Smith, what does a consent to search
15 mean?

16 A A consent to search is a form that we have at the
17 police department. It allows you to give voluntary consent
18 as to whether or not we can search an item. In this case a
19 cell phone.

20 Q And Mr. Johnson gave you consent to search his cell
21 phone, isn't that correct?

22 A That is correct.

23 Q And then sometime later you signed an affidavit to get
24 a search warrant for his C.D.R. from the cell phone
25 company, is that correct?

William Reece
Direct examination by Ms. wells

1 A That is correct.

2 Q To get a search warrant, you have to give an
3 affidavit, don't you?

4 A Yes, sir.

5 Q Would you look at that document and tell me if that is
6 the affidavit that you signed to obtain Mr. Johnson's cell
7 phone records?

8 A Yes, sir.

9 Q I've underlined a single line in your affidavit.

10 A Uh-huh.

11 Q Would you just read that line?

12 A "And showing plans to meet the night of May 19 -- 9th,
13 2018."

14 Q Read that again, please.

15 A I apologize. "And showing plans to meet on the night
16 of May 9th, 2018."

17 Q Are you alleging in this affidavit that there was --

18 MS. WELLS: Objection, Your Honor. This isn't -- may
19 we approach?

20 (Bench conference held off the record in the presence
21 of the jury but out of the hearing of the jury.)

22 MR. BRANNON: May I approach? May I move on?

23 THE COURT: Sure, yes. Please do.

24 Q You got -- you use an affidavit to get cell phone
25 records, is that correct?

William Reece
Direct examination by Ms. Wells

1 A Yes, sir.

2 Q Thank you.

3 MR. BRANNON: Nothing further.

4 MR. JOHNSTON: I have no questions for the
5 investigator.

6 THE COURT: You may step down.

7 MS. WELLS: Your Honor, may Investigator Smith be
8 excused?

9 THE COURT: She may be.

10 MS. WELLS: Thank you.

11 MR. BRANNON: No objection.

12 MR. JOHNSTON: No objection.

13 (Whereupon, the witness was excused.)

14 MS. WELLS: Your Honor, may it please the Court.

15 The state's next witness is Investigator William
16 Reece.

17 WILLIAM REECE, having been
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MS. WELLS

20 Q Good afternoon.

21 A Afternoon.

22 Q Investigator Reece, where are you employed?

23 A Spartanburg Police Department.

24 Q And how long have you been there?

25 A It's over 25 years now.

William Reece
Direct examination by Ms. Wells

1 Q And you've been there so long that you're actually --
2 you were actually retired as of two weeks ago, is that
3 correct?

4 A Correct.

5 Q All right. Congratulations.

6 Can you tell the members of the jury what your various
7 roles at the Spartanburg Police Department have been?

8 A Supervisor over narcotics division, canine officer,
9 criminal investigator, criminal investigation division,
10 also analysis for our cell phone analysis and cell phone
11 tower analysis.

12 Q All right. I want to direct your attention back to
13 May 11th of 2018. What role did you perform at the City of
14 Spartanburg during that timeframe?

15 A I was a supervisor in the criminal investigation
16 division and I was assisting Investigator Taylor and Nelson
17 with this investigation of a homicide.

18 Q All right. So on May 11th you became involved in the
19 investigation of murder -- investigation into the murder of
20 Brechue Wiles?

21 A Yes.

22 Q And as a course -- in the course of carrying out what
23 you were doing in the -- as it related to that
24 investigation did you have an opportunity to reveal -- to
25 review the call detail records of Tremaine Johnson?

William Reece
Direct examination by Ms. Wells

1 A I did.

2 Q And can you explain to the jury what call detail
3 records are?

4 A Call detail records are basically all -- any call that
5 you make, it goes through a tower to your cell phone
6 company. Your call detail records are just the records
7 that your cell phone company keeps for any calls or data or
8 text. Anything that goes through a cell tower, your cell
9 phone company keeps it.

10 Q Okay. And in this case which was the -- what was the
11 cellular telephone company?

12 A It was T-Mobile.

13 Q And these records were, as expected, in the usual
14 order and manner that you were used to receiving them?

15 A They are.

16 Q When you reviewed these call detail records was there
17 anything in particular you were looking for?

18 A Communications between Ms. Wiles and Tremaine Johnson,
19 any communication around those particular times, or any
20 other individuals.

21 Q And you had information that at some point in the late
22 evening hours of May 9th that Ms. Wiles had stopped
23 responding to her mother's calls and texts, is that
24 correct?

25 A Correct.

William Reece
Direct examination by Ms. Wells

1 Q Was that kinda -- was that the kind of your point in
2 time where you looked on either side of that, or can you
3 tell the jury how you made the decision where to look in
4 the beginning stages?

5 A You talking about when they lost contact with her cell
6 phone or --

7 Q Yes.

8 A Pretty much we're looking at calls that she was
9 getting or even text messages that she was getting from
10 anyone around that particular time of the event.

11 We could actually see when her phone stopped receiving
12 any information. She was no longer getting a signal from
13 any tower and no information was going through to her
14 phone.

15 Q All right. And did you look at May the 9th of 2018
16 around 9:11 a.m.? Was there a phone call that captured
17 your attention?

18 A Let me pull my notes up here.

19 Q Would -- if it would help refresh your recollection,
20 please do.

21 A Yes. What was the time again?

22 Q 9:11 a.m.

23 A Yes. That would have been a phone call from Tremaine
24 Johnson to Robert Gentry.

25 Q And how do you -- what was the phone number that was

William Reece
Direct examination by Ms. Wells

1 utilized?

2 A Tremaine Johnson's phone number. Let me pull it up
3 here. I'm sorry. This fine print is killing me on this
4 page.

5 Q I have extra readers if you need them.

6 A I may need them.

7 MS. WELLS: May I approach the witness, Your Honor?

8 A Sure.

9 (Pause.)

10 A Mr. Tremaine Johnson's number was a (678)677-2005 and
11 Mr. Gentry's number is (864)279-7530.

12 Q And said that that phone call was May the 9th of 2018,
13 at 9:11.

14 A Yes.

15 Q And you were able --

16 MR. JOHNSTON: Excuse me. Is that 9:11 a.m. or p.m?

17 Q Was it 9:00 a.m.?

18 A It's a.m. -- it's a.m.

19 Q And were you able to determine who (864)279-7530 --
20 you said that was Mr. Gentry's phone. How were you able to
21 determine that?

22 A By looking at the actual phone extraction, looking at
23 the names that was listed within Tremaine Johnson's -- his
24 phone log.

25 Q All right. And did you request Mr. Gentry's call

William Reece
Direct examination by Ms. wells

1 detail records?

2 A I did.

3 Q All right. And you received those back, is that
4 correct?

5 A Yes.

6 Q I'm going to show you what's been marked as State's
7 Exhibits 18 for Identification purposes only. Are you able
8 to recognize that?

9 A I am.

10 Q And what is call -- what is State's 18?

11 A It's the call detail records for Mr. Robert Gentry.

12 Q And you had an opportunity prior to court to review
13 those?

14 A Yes.

15 Q And those were the actual call detail records for Mr.
16 Gentry.

17 A They are.

18 Q Same -- same order that you received them back in
19 2018?

20 A Correct.

21 MS. WELLS: Your Honor, we'd offer State's Exhibit 18
22 at this time.

23 MR. BRANNON: Johnson has no objection.

24 MR. JOHNSTON: No objection.

25 THE COURT: It's admitted.

William Reece
Direct examination by Ms. Wells

1 MS. WELLS: Thank you, Your Honor.

2 (Call detail records on Robert Gentry's phone marked
3 State's Exhibit No. 18.)

4 MS. WELLS: We'd ask for permission to publish at the
5 appropriate time.

6 THE COURT: Yes.

7 Q And Mr. Johnson's telephone. Was that the only
8 contact that those two phones had on that day?

9 A Well, there are messages on those phones.

10 Q All right. So let me back up and let's talk about
11 kind of an overview. Well, let me actually -- let's move
12 on to a couple of other things you did in this
13 investigation, and we'll come back to the telephone portion
14 of it.

15 On May 18th of 2018 did Mr. Gentry allow you to search
16 his vehicle and his home at 286 Hydric Street here in the
17 City of Spartanburg?

18 A He did.

19 Q Do you see Mr. Gentry here in the courtroom today?

20 A I do.

21 Q Can you identify him for the members of the jury?

22 A Mr. Gentry is sitting to the far right.

23 Q He has his mask off right now.

24 A Just taking his mask off, yes.

25 Q All right.

William Reece
Direct examination by Ms. Wells

1 MS. WELLS: Your Honor, I'd ask the record reflect
2 he's identified Robert Gentry, Mr. Johnston's client.

3 THE COURT: It shall.

4 MS. WELLS: Thank you.

5 Q And I wanted to direct your attention specifically.
6 Let's start with the search of the vehicle.

7 Did you locate items that were relevant to your
8 investigation into the murder of Brechue wiles in
9 Mr. Gentry's vehicle?

10 A We did.

11 Q And was one of those items a box of ammunition?

12 A It was.

13 Q All right. And where did you locate that?

14 A The ammunition was on the passenger-side floorboard of
15 the vehicle.

16 Q And do you recall what type of ammunition it was?

17 A I do. I listed it in my notes. It's -- let's see. I
18 recovered a partial box of 40 caliber Tu1Ammo ammunition
19 and a 40 caliber -- I'm sorry. That was the type of
20 ammunition we recovered, was the Tu1Ammo.

21 Q And did you also recover another relevant item in the
22 glove box of Mr. Gentry's vehicle?

23 A Yes, with a partial box of -- I'm sorry -- 40 caliber,
24 also a 40 caliber pistol magazine. This was in the glove
25 box in Mr. Gentry's vehicle.

William Reece
Direct examination by Ms. Wells

1 MS. WELLS: May I approach, Your Honor?

2 THE COURT: Yes, ma'am.

3 Q Investigator Reece, I'm going to show you what's been
4 marked for identification purposes as Government's Exhibits
5 32 and 33 and ask if you recognize those. You're welcome
6 to open them if you need to.

7 A I do. I recognize the brand on them, the signatures.

8 Q You recognize them.

9 Okay. I'm going to show you first Government's
10 Exhibit 32, and you said it was a partial. What is
11 Government's 32? I was going to ask you that.

12 A Yes. That's the partial box of TulAmmo that was
13 recovered.

14 Q And this, you said, was on the passenger side of the
15 vehicle, is that correct?

16 A Let me check my notes quick. That may have actually
17 been in the glove box with the 40 caliber Smith & Wesson
18 handgun. Yes. That was in the glove box, and there was
19 another box of ammunition that was an empty box that was in
20 the vehicle.

21 Q Okay. All right. And the box is apart. Is that how
22 you found it or was it taken apart subsequent to its --

23 A It was taken apart.

24 Q -- collection.

25 A Right.

William Reece
Direct examination by Ms. Wells

1 Q All right. Outside of that, is that a fair and
2 accurate representation of the item that you recovered?
3 This is the item. It's not a fair and accurate
4 representation.

5 A No. That's the item.

6 Q Is this the item you recovered?

7 A Yes.

8 Q Is that correct?

9 A It is.

10 MS. WELLS: Your Honor, we'd Government's --
11 State's 32 at this time.

12 MR. BRANNON: No objection from Johnson.

13 MR. JOHNSTON: No objection from Gentry.

14 THE COURT: It's admitted.

15 MS. WELLS: Thank you, Your Honor.

16 (TulAmmo box of 40 caliber marked State's Exhibit No.
17 32.)

18 MS. WELLS: Your Honor, may I publish to the jury?

19 THE COURT: You may.

20 MS. WELLS: Thank you.

21 Q Investigator Reece, now, State's Exhibit 34. You said
22 you were able to recognize that. What is State's -- I
23 mean, excuse me -- 33. What is State's 33?

24 A It's a 40 caliber Smith & Wesson ammo clip.

25 Q And you said that was located in the glove box?

William Reece
Direct examination by Ms. Wells

1 A Yes.

2 Q All right. And that is the actual clip that you or
3 magazine that you recovered from the vehicle, is that
4 correct?

5 A Correct.

6 Q Same condition as when you originally --

7 A Correct.

8 Q -- got it back in May of 2018.

9 MS. WELLS: Your Honor, we'd offer State's 33.

10 MR. BRANNON: No objection from Johnson.

11 MR. JOHNSTON: No objection.

12 MS. WELLS: Thank you, Mr. Johnston.

13 THE COURT: It's admitted.

14 (Chrome Smith & Wesson .40 clip marked State's Exhibit
15 No. 33.)

16 MS. WELLS: Your Honor, permission to publish at the
17 appropriate time.

18 THE COURT: You may.

19 MS. WELLS: Thank you.

20 Q Now, Investigator Reece, subsequent, just subsequent,
21 to the search of Mr. Gentry's vehicle you also went to his
22 residence, as we stated, at 286 Hydric Street here in the
23 City of Spartanburg and were allowed permission to search
24 in his bedroom, is that correct?

25 A Correct.

William Reece
Direct examination by Ms. Wells

1 Q And were you looking for a particular item?

2 A We were looking for a 40 caliber Smith & Wesson.

3 Q And did you -- what -- what in that search did you
4 locate, if anything?

5 A We actually found a 40 caliber Smith & Wesson box.
6 when you purchase it, it comes in a box. So we found that
7 particular box that would have the serial number and
8 caliber on it.

9 Q All right. Where did you locate that item?

10 A It was under Mr. Gentry's bed.

11 MS. WELLS: May I approach?

12 Q I'm showing you what's been marked for identification
13 purposes as State's Exhibit 31. I'm going to ask you to
14 take a look at that and if you recognize it, and I'm
15 removing that item from the box that's marked evidence from
16 the City of Spartanburg.

17 A Yes.

18 Q And what is State's Exhibit -- okay. What is State's
19 Exhibit 31?

20 A It's the box that I recovered from under Mr. Gentry's
21 bed.

22 Q It was under Mr. Gentry's bed?

23 A Yes.

24 Q Same condition as when you recovered it back in May of
25 2018?

William Reece
Direct examination by Ms. wells

1 A Correct.

2 Q All right.

3 MS. WELLS: Your Honor, we'd offer State's 31 at this
4 time.

5 MR. BRANNON: Johnson has no objection.

6 MR. JOHNSTON: No objection.

7 THE COURT: It's admitted.

8 MS. WELLS: Thank you, Your Honor.

9 (Smith & Wesson gun box for 40 caliber marked State's
10 Exhibit No. 31.)

11 Q Investigator Reece, what kind -- this was for a Smith
12 & Wesson 40 caliber. What kind? Can you tell from this
13 box?

14 A I mean, it has the number SD40VE, which would actually
15 be the make and model of the Smith & Wesson 40 caliber.

16 Q Okay. So that would be the make and model.

17 A Correct.

18 Q Understanding Smith & Wesson makes more than one 40
19 caliber handgun, is that correct? Is that your
20 understanding?

21 A Yes.

22 Q All right.

23 MS. WELLS: Your Honor, may I publish this to the
24 members of the jury?

25 THE COURT: You may.

William Reece
Direct examination by Ms. Wells

1 Q And Mr. Gentry told you that this box belonged to his
2 Smith & Wesson 40 caliber handgun?

3 A Yes.

4 Q State's Exhibit 31. What did you do with these items?

5 A They were taken back to the police department and
6 placed in evidence.

7 MS. WELLS: Beg the Court's indulgence.

8 (Pause.)

9 MS. WELLS: Thank you, Your Honor.

10 Q And did Mr. Gentry also on that May 21st of 2018 give
11 you consent to search his cell phone?

12 A He did.

13 Q And he gave that to you and Investigator Taylor, is
14 that correct? Showing you -- I'm showing you what's been
15 marked for identification purposes as State's Exhibit 30.

16 A Myself and Investigator Nelson.

17 Q Nelson. Okay.

18 A Yes.

19 Q All right. And this is the Spartanburg -- City of
20 Spartanburg. This is your standard consent to search form.

21 A Correct.

22 Q Is that correct?

23 A Correct.

24 Q You use it for other items other than cell phones, but
25 in this case it was for a cell phone.

William Reece
Direct examination by Ms. Wells

1 A Correct.

2 Q What type of cell phone was it?

3 A It was an iPhone 7 Plus.

4 Q And he put his phone number, that (864)279-7530 --

5 A Correct.

6 Q -- on here and signed at the bottom, is that correct?

7 A Correct.

8 Q All right. And this is the consent to search that
9 y'all used on that particular date?

10 A Yes.

11 Q May 21st of 2018, is that correct?

12 A Correct.

13 MS. WELLS: Your Honor, we'd offer State's Exhibit 30
14 at this time.

15 MR. BRANNON: No objection.

16 MR. JOHNSTON: No objection.

17 THE COURT: It's admitted.

18 (Consent to search form marked State's Exhibit No. 30.)

19 Q And that search was conducted by Investigator Kaur at
20 the police department utilizing Cellebrite technology, is
21 that correct?

22 A Correct.

23 Q And did you also make requests to a federal agency in
24 this case?

25 A I did.

William Reece
Direct examination by Ms. Wells

1 Q And who did you make that request to?

2 A Clay Simmonds with the F.B.I.

3 Q And Special Agent Simmonds. What is his role with the
4 F.B.I.?

5 A He -- he's an analyst for their cell phone, cell tower
6 data analysis.

7 Q Okay. And you made that request to him in and
8 around -- in May of 2018, sometime later?

9 A I did, yes.

10 Q And what did you -- what were you asking Special Agent
11 Simmonds to do?

12 A Basically, to look at the cell interactions between
13 the different cell phones, also look at the cell phone
14 towers and the communication.

15 Q And what were you hoping that this would show?

16 A The location data from where the device was -- the
17 cell phone.

18 Q And did you also -- you said that part of your role as
19 an investigator was to conduct analysis of cell phones as
20 well, is that right?

21 A Correct.

22 Q And did you do that in this case?

23 A I did.

24 Q You utilized the call detail records that you had from
25 Mr. Gentry's phone, Mr. Johnson's phone and Ms. Brechue

William Reece
Direct examination by Ms. Wells

1 wiles' phone, is that correct?

2 A Correct.

3 Q You also utilized the Cellebrite information that was
4 received via the machine through those analyses that
5 were -- the reports that were generated by Investigator
6 Smith, Investigator Kaur as to Ms. Wiles and Mr. Gentry and
7 Mr. Johnson, is that right?

8 A Correct.

9 Q As well as Ms. Wiles' mother, Fontae Wiles.

10 A Correct.

11 Q As well as Ms. Wiles' cousin, Jeremy Wiles.

12 A Correct.

13 Q Were there any other phones that you used?

14 A I believe that covers it, the phones.

15 Q And where did you start with this analysis? Can you
16 tell the members of the jury how -- how you made the
17 determination of where to begin? That seems like a lot of
18 information to sift through.

19 A It's a lot of information on a cell phone. Obviously,
20 our cell phones capture our whole daily lives. Now it's a
21 minicomputer.

22 Basically, looking at the cell phone analysis and the
23 cell phones from this particular case, I started whenever I
24 could find any type of communication between Brechue Wiles
25 and Tremaine Johnson.

William Reece
Direct examination by Ms. Wells

1 Q And what -- and where did you go from there?

2 A After finding the communications I started looking at
3 the event, the time of -- we're looking at on our homicide,
4 anyone who actually they had talked to around that
5 particular time, any calls that would have come in, any
6 messages that went out and, basically, made a timeline to
7 the folks we would need to run down and talk to and
8 assisting in the investigation.

9 Q And utilizing all of that information that's been
10 previously admitted into evidence here today did you create
11 a document of that combined digital data to assist you in
12 your investigation and also to assist the jury and the
13 Court at trial?

14 A I did. Did timeline then.

15 Q I'm going to show you what's been marked for
16 identification purposes as State's Exhibit 21 and State's
17 Exhibit 22. If you could, take a look at those and tell me
18 if you recognize them.

19 A I do.

20 Q Okay.

21 A Yes.

22 Q What's State's 21?

23 A It's going to be the C.D. of basically exactly this.

24 Q So one?

25 A Which is the timeline event that I put together for

William Reece
Direct examination by Ms. Wells

1 court purposes.

2 Q Okay. So State's 21 is the digital C.D. version of
3 State's 22, is that right?

4 A Correct.

5 Q And you've had a chance to review those. Those are
6 the actual documents that you prepared?

7 A Yes.

8 MS. WELLS: Your Honor, we'd offer State's 21 and
9 State's 22 at this time.

10 MR. BRANNON: No objection from Mr. Johnson.

11 MR. JOHNSTON: No objection.

12 THE COURT: They're admitted.

13 (Disc with chart of phone calls, texts and internet
14 searches marked State's Exhibit No. 21; chart of phone
15 calls, texts and internet searches marked State's Exhibit
16 No. 22.)

17 MS. WELLS: Your Honor, I'd ask for permission to
18 publish.

19 THE COURT: You may.

20 MS. WELLS: Thank you, Your Honor.

21 And I'd ask if it assists Investigator Reece to leave
22 the stand and that he either be able to come to me or to
23 the screen in front of the jury to assist -- I don't know
24 that it will be necessary, but in the event it is I'd ask
25 for permission for him to do that.

William Reece
Direct examination by Ms. Wells

1 THE COURT: That's fine as long as he speaks loudly.

2 MS. WELLS: I will make sure he speaks loudly enough,
3 Your Honor.

4 (Pause.)

5 Q So Investigator Reece, you said you started with this,
6 and I'm going to -- we're going to start by using the paper
7 version. If we need to switch to the digital version, we
8 will.

9 You said you started around the time that you were
10 able to determine the relationship between Mr. Johnson and
11 Brechue began, is that correct?

12 A Correct.

13 Q And what date did you utilize?

14 A It was going to be in the beginning of April.

15 Q I'm showing you page one of State's Exhibit 22, and
16 I'm going to put it up on the screen, and we may need --
17 definitely going to have to zoom in on this.

18 And that first timestamp is what?

19 A April 5th.

20 Q April 5th?

21 A Of 2018.

22 Q All right. And let's just look at that first line and
23 let's -- I said that -- let's take a moment to orient the
24 members of the jury to the document they're looking at.
25 You have a lot of experience and you've looked at it a lot,

William Reece
Direct examination by Ms. Wells

1 but it's a lot of information. So what are we -- what are
2 these -- what are the columns we're talking about here?

3 A Basically, if you -- if you start to your far left
4 you'll see the names of the individual and the phone number
5 beside it of who it belongs to.

6 The -- the color code basically with Mr. Tremaine
7 Johnson is kind of a peach color and a green for Ms. Wiles.

8 MS. WELLS: Your Honor, may we move the screen closer?
9 Thank you.

10 (Pause.)

11 MS. WELLS: Is that suitable for the jury to continue
12 to see?

13 Q All right. Okay. So going back talking about row
14 one, you said that this is color coded.

15 A Correct.

16 Q Okay. And what's the significance of the color as to
17 Mr. Johnson?

18 A It's the peach color, which is Mr. Johnson's, also his
19 name and phone number and any messaging pertaining to him.
20 And Ms. Brechue Wiles is going to be green with her phone
21 number and -- and in-going or out-coming messages that
22 pertain to her.

23 Q Okay. And as you testified previously, Mr. Johnson's
24 number is that (678)677-2005?

25 A Correct.

William Reece
Direct examination by Ms. Wells

1 Q And what is Ms. Wiles' telephone number?

2 A Plan to put it back up there. I can't see it here.

3 Q Thanks.

4 A Her number is the (864)754-5302.

5 THE COURT: Be careful with the microphone. You're
6 rubbing up against the microphone.

7 THE WITNESS: Yes, sir. It's this one, I guess.
8 Scoot it back.

9 Q Okay. And so you started in this timeframe and this
10 is what -- well, you said that this was on what date?

11 A It's going to be on April the 5th.

12 Q Of 2018?

13 A Correct.

14 Q All right. And this is where the cell phone
15 information that you had this relationship begins. The
16 genesis of their communications with each other, is that
17 correct?

18 A Correct.

19 Q All right. And so what are the other columns that
20 we've got going across?

21 A Basically, when you're looking at a cell phone
22 extraction it picks up any internet searches you do. It's
23 going to pick up whether you use Google or you use your
24 explorer or your actual cell provider internet search, all
25 of your i-messages, any -- if you do a video call, it's

William Reece
Direct examination by Ms. Wells

1 going to show your video calls.

2 It's also going to show voice calls. It'll show
3 whether the message went through or not. It's going to
4 show the time that the message was sent or the phone call
5 was made. And it also will show whether you attempted to
6 delete that information and also show on your cell phone
7 extraction.

8 Q And the ability or the deleting or the attempted
9 deleting information, does that come from the call detail
10 records or does that come from the Cellebrite extraction?

11 A That comes from your -- your device, your cell phone
12 device, the extraction from Cellebrite.

13 Q All right. So, as you testified previously, this
14 communication begins on about April 5th of 2018, is that
15 correct?

16 A Correct.

17 Q And as you went through the information in the phones,
18 comparing that information to information from the
19 investigation, was there a point -- was there a particular
20 text message that initially -- that knowing that Ms. Wiles
21 had -- was, one, pregnant and, two, deceased, that caught
22 your attention or either that -- either a message or a
23 search?

24 A Right. Well, there -- there were several messages.
25 Let's just find the date where she was talking about being

William Reece
Direct examination by Ms. Wells

1 pregnant.

2 Q I'm going to direct your attention to May the 1st of
3 2018. Is there a message from Ms. Wiles to Mr. -- is there
4 a message from Ms. Wiles to Mr. Johnson at about 5:11 a.m.
5 on that date?

6 A I'm sorry. Are you going to put it put there?

7 Q I will.

8 A I can't see this document I'm looking at.

9 Q So I -- I thought you were looking along with your
10 copy.

11 A I'm trying.

12 Q Mr. Brannon take his glasses back?

13 A He did -- he did.

14 MR. BRANNON: Do you need them back?

15 Q I have an extra set.

16 A I may have to take those from you.

17 (Pause.)

18 A Which messages are we looking at again?

19 Q I'm directing your attention to May 1st of 2018 at
20 5:11 a.m. looking at page nine of your report.

21 A Yes.

22 Q All right. And what is the message on that -- at that
23 particular time on that particular date?

24 A The message was from Brechue Wiles to Tremaine
25 Johnson. Says, "I calculated my period."

William Reece
Direct examination by Ms. Wells

1 Q And then -- and then what? What is -- were there any
2 other messages significant in the relation to that message
3 in that timeframe?

4 A Well, there was a return, but it's like a couple of
5 emojis on -- at 5:15 a.m., 5/1/18, from Mr. Johnson to
6 Ms. Wiles.

7 Q And that would be a large i-emoji --

8 A Correct, right.

9 Q -- with the hand-over-the-face emoji. Is that a fair
10 representation of what those emojis are?

11 A It is.

12 Q All right. And then Ms. Wiles responds at five -- in
13 that same minute at 5:15 a.m. And what does she say?

14 A This is from Ms. Wiles to Tremaine. Says, "I haven't
15 come on period for a whole month." And right after that
16 she says, "And I know I've been thinking too hard."

17 Q And she says, "I know I'm thinking hard too."

18 A Uh-huh.

19 Q And then Mr. Johnson responds at 5:19, is that
20 correct?

21 A Correct. With, "So," and a question mark.

22 Q And at 5:19 does Ms. Wiles respond?

23 A She responds at 5:20, says, "So I guess I'll wait
24 until Thursday and I'll take one."

25 Q And does Mr. Johnson respond to that message?

William Reece
Direct examination by Ms. Wells

1 A Yes. He said, "You really can tomorrow."

2 Q And then did they have a video chat?

3 A Yes. It was a face time.

4 Q Face time. Is that later in the day though, is that
5 correct?

6 A Correct.

7 Q And then directing your attention to approximately
8 10:18 --

9 A Yes. That's going to be a --

10 Q -- on that same day. Is there another text exchange
11 between Ms. Wiles and Mr. Johnson?

12 A That's going to be a message from Brechue to
13 Mr. Johnson. It's, "Hey. I don't like how you've been
14 acting towards me. I didn't do anything wrong, and I just
15 feel since you treat me like a random bitch I don't feel a
16 need for us to talk any more."

17 Q And was there a followup text message to that in the
18 next minute?

19 A There was. Basically, he, "How? How am I been
20 treating you?" And that's going to be from Tremaine
21 Johnson to Ms. Wiles with a question mark.

22 Q Back you up one message.

23 Was she actually sent a second? Did she double text
24 him?

25 A No. It's another message. I'm sorry. It's --

William Reece
Direct examination by Ms. Wells

- 1 Q So she sent him another message, correct?
- 2 A She did. Back to back pretty much.
- 3 Q Okay. The proverbial double text, is that right?
- 4 A Yeah.
- 5 Q Okay. And what did she say?
- 6 A Again, from Ms. Wiles to Mr. Johnson. Says, "You
7 probably don't care, but I actually care about you, but I'm
8 not about to sit here and be disrespected or ignored
9 because we both made a decision."
- 10 Q And did Mr. Johnson reply to that message?
- 11 A He did.
- 12 Q What time?
- 13 A 10:29.
- 14 Q And what was his response?
- 15 A "How am I treating you as such," with a question mark.
- 16 Q All right. And did Ms. Wiles respond to that?
- 17 A She did at 10:44 p.m. Ms. Wiles to Mr. Johnson.
18 Says, "By your actions. Your actions are making me feel
19 unwanted and uncared for."
- 20 Q And did Mr. Johnson have a response?
- 21 A He did at 11:06 p.m. Mr. Johnson to Wiles. It's,
22 "S.M.H.", which is, "How am I treating you like a random
23 B?"
- 24 Q All right. And did Ms. Wiles respond to that message?
- 25 A She did at 11:45 Ms. Wiles to Mr. Johnson said,

William Reece
Direct examination by Ms. Wells

1 "You're a good talker with no game. You only -- you only
2 make time for who you want and I'm definitely not that
3 person. I understand we both busy and everything, but I'm
4 not going to sit here and let you ignore me like that."

5 Q And there's a text actually the next day at 2:12 a.m.
6 from Mr. Johnson to Ms. Wiles, is that correct?

7 A Correct.

8 Q And what is that text?

9 A The text is, "I'll talk to you today when I get my
10 stuff."

11 Q All right. And then staying on May 2nd. Well, are
12 there messages back and forth between the parties on the --
13 in the early morning hours of May 2nd?

14 A Yes.

15 Q All right. Can you tell what those messages are, or
16 were there other types of contact as well?

17 A The messages started early morning at 2:12 a.m., which
18 is the one I just read.

19 The next message is at 5:58 a.m., and that was her
20 responding, "Yeah. Okay."

21 Q To Mr. -- to Mr. Johnson.

22 A To Mr. Johnson.

23 Q And he responds back?

24 A He did at 6:31 a.m. He responds, "W.Y.D this
25 morning."

William Reece
Direct examination by Ms. Wells

1 Q And are there phone calls between the parties?

2 A Yes.

3 Q At what time?

4 A At 7:16 a.m. and again at 8:37 a.m.

5 Q And then after the 8:37 a.m. phone call at
6 approximately 12:36 a.m. does Mr. Johnson conduct an
7 internet search?

8 A He does.

9 Q And what does he search for?

10 A It's an internet search. Abortion clinic.

11 Q And he did that via Google?

12 A Yes.

13 Q Now, Investigator Reece, I want to go back through
14 some of these messages that we -- that you just testified
15 about. There's a column -- let me pull this down a little
16 bit -- to the far right of State's Exhibit 22 and there's
17 indications where it says yes. Do you see that?

18 A I do.

19 Q What is the yes? What does that indicate?

20 A Any yes in that particular column would be, yes,
21 deleted from the device.

22 Q Okay. And when you say the device, you mean?

23 A From the cell phone.

24 Q All right. Underneath that search for abortion clinic
25 on here, do they have further contact on May 2nd?

William Reece
Direct examination by Ms. Wells

1 A Yes.

2 Q And can you walk them through -- through what that
3 contact is?

4 A After the abortion clinic internet search there's a
5 phone call from Brechue to Tremaine Johnson at 3:06 p.m.
6 And there's a message that comes in at 9:45 p.m. from
7 Mr. Johnson to Ms. Wiles. It's W.Y.A.

8 Q Okay. And she responds?

9 A She responds O.M.W. to the -- to the house. Then she
10 responds again, 9:46. "Where you at," with a question
11 mark.

12 Q Does she send him another text?

13 A She does. Says, "Yeah," at 9:47 p.m.

14 Q Does Mr. Johnson respond at 9:48?

15 A He does with, "You by yourself."

16 Q Okay. And then there's a break in time, and then is
17 there a message from Mr. Wiles to Mr. Johnson at 10:56?

18 A At 10:56 she sent a message. "What if your ma aborted
19 you," with a question mark.

20 Q And then did Mr. Johnson reply in the next minute at
21 10:57?

22 A He did. "I -- I just wouldn't. I just wouldn't have
23 been here."

24 Q And did Ms. Wiles respond to that message at
25 11:00 p.m.?

William Reece
Direct examination by Ms. Wells

1 A She did with, "Uh. S.M.H.," with a couple of emojis.
2 There's no talking to you.

3 Q And then at 11:02 does Mr. Johnson conduct an internet
4 search?

5 A He did.

6 Q And what is it?

7 A The internet search is the -- is the poison -- "Is the
8 poisonous in a granddaddy long leg?"

9 Q All right. And then is there a message then at
10 11:06 from Mr. Johnson to Ms. Wiles?

11 A Yes.

12 Q And what is that?

13 A It's -- he said, "That's the truth, and, no, it's you.
14 S.M.H."

15 Q Okay. And then are there a series of internet
16 searches conducted through Google?

17 A Yes.

18 Q Can you walk the jury through those?

19 A These are Mr. Johnson's searches through Google.

20 5:06 a.m., 5/3, 5:06 a.m. It's "what can you -- what
21 can you take to get rid of a baby in your stomach?"

22 At 5:09, looks like Mifeprex or Mifeprexon. Again,
23 Mifeprex pill. Mifeprex pill for sale on eBay. Another
24 Mifeprex, Mifepristone. Another Mifepristone. Then
25 Empathetic or Empathatic. Infatuated and fluctuate.

William Reece
Direct examination by Ms. Wells

1 Q And the word searches come later, is that correct, at
2 6:30-ish?

3 A Correct.

4 Q All right. Did you know what Mifeprex was?

5 A I did not, no.

6 Q Do you know as you sit here today?

7 A I know it's an abortion pill.

8 Q I'm sorry?

9 A An abortion pill from my research.

10 Q And then later that morning of May the 3rd of 2018
11 does Ms. Wiles call Mr. Johnson?

12 A Yes. There was an attempt to call.

13 Q An attempt to call. Does not go through, correct?

14 A Correct.

15 Q Okay. And does she then follow up a couple of hours
16 later at 11:43 a.m. with a text message?

17 A She does.

18 Q All right. And what does that message say?

19 A It says, quote, "Just to give you info. I am a month
20 and a week. The baby's due date is on or before or after
21 Jan 5th. Just felt like you need to know even if you don't
22 care right now. Have a blessed day."

23 Q And then directing your attention to -- well, this
24 will be page ten of State's 22. Are there a series of
25 Google searches later that day about poison?

William Reece
Direct examination by Ms. Wells

- 1 A Yes.
- 2 Q And who conducts those Google searches?
- 3 A This is Mr. Johnson conducting a search on his device.
- 4 Q Okay. And what are those? What time are those
- 5 searches conducted?
- 6 A 8:54 p.m. "Poison." Again, 8:54 p.m. "Types of
- 7 poison." 8:59, "Poison ivy." 9:00 p.m. "Poison that can
- 8 kill you for sale."
- 9 Q And then there's contact, well, attempted contact,
- 10 between the parties, is that correct?
- 11 A Correct.
- 12 Q And that would be at 9:39.
- 13 A Yes.
- 14 Q All right. And that's Mr. Johnson to Ms. Wiles?
- 15 A Mr. Johnson and Ms. Wiles with an i-message with just
- 16 a question mark.
- 17 Q Okay. And does she respond?
- 18 A She did at 9:53 at W.Y.D. with a question mark.
- 19 Q And do you know based on your training and experience
- 20 what W.Y.D. means?
- 21 A What you doing.
- 22 Q Okay. And does Mr. -- does Ms. Wiles actually send a
- 23 second text?
- 24 A She does at 9:58 p.m. It says, "I actually want us to
- 25 be able to sit down and talk about ways we can cope."

William Reece
Direct examination by Ms. Wells

- 1 Q And does Mr. Johnson send a text back at 10:12?
- 2 A He does.
- 3 Q What does that say?
- 4 A "I just want y'all face to face and be honest and be
5 heard and felt."
- 6 Q Okay. And then he sends another one at 10:13?
- 7 A Yeah, correcting one of the words with talk.
- 8 Q Okay. And does she respond at 10:13 as well?
- 9 A She does. Says, "We can -- we can be face to face and
10 talk. That's fine."
- 11 Q And?
- 12 A And she also responds at 10:14, "I'm down."
- 13 Q Okay. She sends a second text at 10:14.
- 14 A Yes. Says, "No arguing, just genuine, honest
15 talking."
- 16 Q And she and Mr. Johnson -- you're familiar with the
17 i-message application on iPhones?
- 18 A Right.
- 19 Q You can -- you can give a thumb's up or thump's down,
20 is that correct?
- 21 A Correct.
- 22 Q And he indicated that he put a heart or love stat, is
23 that correct?
- 24 A Correct.
- 25 Q All right. And did she respond? That was 10:16. At

William Reece
Direct examination by Ms. Wells

1 10:19 she responds?

2 A Yeah. "Not tomorrow though. I -- it'll have to be
3 Saturday."

4 Q All right. And then I'm going to direct your
5 attention -- sorry -- to -- and then there's actually not a
6 lot of contact between them the next day, is that fair?

7 A Yes.

8 Q All right. And then it looks like they do have
9 contact on May the -- I don't know that it's actual
10 contact. That on May the 5th, there is.

11 A Correct.

12 Q All right. We're still on page ten. That's State's
13 Exhibit 22. Does she send Mr. Johnson -- she being Brechue
14 wiles. Does she him an i-message?

15 A Which day are we talking?

16 Q I'm sorry. May 5th now.

17 A Okay.

18 Q At nine -- at 8:19 a.m.

19 A Yes.

20 Q Okay. And what is that message?

21 A Says, "what my mom bought for the baby."

22 Q And does she send a second message?

23 A Yes.

24 Q What is that?

25 A "A diaper disposal pail."

William Reece
Direct examination by Ms. Wells

- 1 Q And that was at 8:20 a.m.
- 2 A Correct.
- 3 Q Correct? And Mr. Johnson responds at 11:27 a.m.
- 4 A Correct. Says, "Hi. Okay. She ready."
- 5 Q And a response to -- from Ms. Wiles at 11:44?
- 6 A "It's -- it's right. L.O.L. She excited. We going
7 to Baby R Us today."
- 8 Q Okay. And then they have some conversation about
9 work, is that correct?
- 10 A Correct.
- 11 Q Directing your attention then to May the 6th at
12 1:10 p.m. Does Ms. Wiles send Mr. Johnson an i-message?
- 13 A She does.
- 14 Q Okay. And what does it say?
- 15 A Says, "So there's this thing that I can do. It's
16 called early D.N.A. and I would have to pay \$400 to \$800.
17 The only thing, it's a chance of a miscarriage. But if I
18 wait until I'm like five months, I think I should be good."
- 19 Q All right. And then there's a series of messages
20 between Ms. -- between Fontae Wiles and Brechue, is that
21 correct?
- 22 A Correct.
- 23 Q On May 7th?
- 24 A Yes.
- 25 Q At 2:24 there's a message about little pudge or -- and

William Reece
Direct examination by Ms. Wells

1 then at 4:07 a little pudge, is that right?

2 A Correct.

3 Q Are there photos associated with that that don't pull
4 through on this report?

5 A There is.

6 Q And what are those photos of?

7 A She sent a photo of her stomach.

8 Q Directing you then to May 8th. This will be Tuesday
9 of May 8th of 2018. Directing you specifically to, let's
10 say, 7:41 p.m. Do the parties again have communication
11 again?

12 A Yes.

13 Q All right. And can you kinda talk about the nature of
14 that communication?

15 A Let me back up here. It's on the p.m. side?

16 Q Sorry?

17 A At 7:54 there's a phone call from Ms. Wiles to
18 Mr. Johnson. It's attempted and it didn't appear that it
19 went through.

20 Again, at 7:54 Ms. Wiles sent a message. Says, "I'm
21 on my way home."

22 We're just looking at the messages only on here.

23 Q Okay.

24 A Okay.

25 Q And then Mr. Johnson responds at 9:09?

William Reece
Direct examination by Ms. Wells

1 A Correct. 9:09, he responds, "I'm home."

2 Q Okay.

3 A Ms. Wiles responds at 9:09, "Do you want me to come
4 there?" Ms. Wiles responds at 9:19 p.m. "Yes or -- yes,
5 no," and two question marks.

6 Mr. Johnson responds, 9:22, "Yeah."

7 9:30, a response from Ms. Wiles. "It's okay. I will
8 O.M.W. an hour 30."

9 Q Okay.

10 A Which --

11 Q And based on your training and experience, what is
12 O.M.W.?

13 A On my way.

14 Q All right. And then at 9:30.

15 A At 9:37. It's going to be Mr. Johnson responding.
16 "Coming from where?"

17 Ms. Wiles responds, 9:39. "I'm helping my mom with
18 something." Ms. Wiles sends another message at 10:27.

19 "I'm ten minutes away." And then she sends another message
20 at 10:31. "I'm outside."

21 And then it's preceded by several phone calls from
22 Ms. Wiles to Mr. Johnson.

23 Q And then does Ms. Wiles have a conversation with her
24 cousin Jeremy at 10:46 p.m.?

25 A Correct.

William Reece
Direct examination by Ms. Wells

- 1 Q And what does she say?
- 2 A Ms. Wiles says to Jeremy, "I was scared to see her."
- 3 Q And does Jeremy respond at 10:49 p.m.?
- 4 A Correct. Says, "I know. But you can do it. She's a
5 Christian mother."
- 6 Q And then at 10:59 is there a message from Ms. Wiles to
7 Mr. Johnson?
- 8 A Correct. It's --
- 9 Q What is that message? You can read it verbatim.
- 10 A Says, "You know what. Fuck you." The exclamation.
11 Says, "I should have told you to your face. I'm not going
12 to disrespect your mom like that. I don't need you in my
13 child's life. Let me tell you one thing now. You --
14 I'll -- don't try to come back," explanation mark. "You
15 said what you said, and there's."
- 16 Q And then does that -- it looks like -- well, anyway
17 does she send a second text message to him at 11:00 p.m.?
- 18 A Correct.
- 19 Q And what does that message say?
- 20 A That message. It's Mr. Johnson. "Nothing else I can
21 forgive you for. Good bye. You're blocked."
- 22 Q And can you tell from your analysis whether or not she
23 actually blocked Mr. Johnson's call?
- 24 A I can.
- 25 Q And did she do what she said there? Did she block

William Reece
Direct examination by Ms. Wells

1 him?

2 A She did.

3 Q And then does Mr. Johnson -- can you tell from your
4 analysis if Mr. Johnson reads that text message that night?

5 A He didn't read that message that night. He read it
6 the next morning.

7 Q And does he respond after reading the message?

8 A He does.

9 Q Okay. We can skip the first word of his response.

10 A Pretty much says, "shut up. Ain't nobody outta the
11 child's life. I didn't have nothing else to say." And the
12 message wasn't read.

13 Q And that was at 7:28 a.m.

14 A Correct.

15 Q On Wednesday, May the 9th.

16 A From Mr. Johnson to Ms. Wiles.

17 Q And then at 8:17 a.m. is there a facebook message, or
18 message, from Mr. Johnson to another individual?

19 A There is.

20 Q And who is that?

21 A That individual would be Mr. Robert Gentry.

22 Q Okay. And he's known -- it says in the column his --
23 you talk about being color coded. Is he the light blue?

24 A He is.

25 Q And that says, "Tyrell Gentry -- Telrell Gentry."

William Reece
Direct examination by Ms. Wells

- 1 A It's the facebook messenger name.
- 2 Q So these were their facebook names?
- 3 A Correct.
- 4 Q So Mr. Johnson would be Trey G --
- 5 A Yes.
- 6 Q -- on facebook. And Mr. Gentry would be Tyrell --
- 7 Telrell Gentry, is that correct?
- 8 A Correct.
- 9 Q Okay. And that message, that facebook message -- this
- 10 comes through the cell phone extractions conducted by
- 11 investigators Ash [sic] Smith and Indiget [sic] Kaur,
- 12 correct?
- 13 A Correct.
- 14 Q All right. And Mr. Johnson's reaching out to Mr.
- 15 Gentry.
- 16 A Correct.
- 17 Q And is this the first time you've seen them
- 18 communicate on these phones during the course of your
- 19 analysis?
- 20 A It is.
- 21 Q And Mr. Johnson says what?
- 22 A "Yeo."
- 23 Q And Mr. Gentry responds?
- 24 A "What's good?"
- 25 Q And that's at 8:24 a.m.

William Reece
Direct examination by Ms. wells

- 1 A Right.
- 2 Q And then Mr. Gentry responds again?
- 3 A He says, "At work. I'll call you in about ten
4 minutes. Call you in ten. Dingank."
- 5 Q All right. And Dingank. Do you know what that means?
- 6 A Ten minutes and then gangster or gang.
- 7 Q Okay. And then directing your attention to 9:11 a.m.
8 at -- is there a phone call between Mr. Gentry and
9 Mr. Johnson?
- 10 A There is. It's for a minute 25.
- 11 Q At 9:11, what, one minute and 25? And is that call
12 deleted from one or the other of their phones?
- 13 A It is.
- 14 Q Can you tell whose phone it was deleted from?
- 15 A Mr. Gentry's phone.
- 16 Q Reading from page 11 of State's 22. I'm going to move
17 to page 13 of State's 22. I'll get this on up here. This
18 is still at May the 9th of 2018. Directing you to
19 7:24 p.m. And there's a message from one of Bree's aunts,
20 is that right?
- 21 A It is.
- 22 Q And what's this message?
- 23 A It's, "I.D.K. I don't know. I have to see. And that
24 belly's growing. Laws or lawd with a couple of emojis.
25 It's -- it's still so weird."

William Reece
Direct examination by Ms. Wells

1 Q And then there's again a series of photos that are
2 sent from 7:28 to 7:30, is that right?

3 A Correct.

4 Q And those are, again, photos of Ms. Wiles' stomach.

5 A Yes.

6 Q Okay. And directing you then to 7:30. What does her
7 aunt reply?

8 A "You better start looking at boy clothes. You have --
9 you're not having a girl. L.O.L."

10 Q And does Ms. Wiles reply to that?

11 A She applied L.O.L. I was looking at boy stuff and you
12 don't know pooch. Only the Lord."

13 Q Okay. And then Ms. Wiles, again, sends another
14 message at 7:31.

15 A Right. Says, "And in two months I'll find out my
16 gender."

17 Q And then her aunt responds at 7:32.

18 A "It's Aunt Kim," with a question mark. "And I bet
19 you're excited."

20 Q And then 7:34. Ms. Wiles responds.

21 A "No. I Aunt Joan. I am," with an explanation.
22 "Already feel my stomach stretching. It's amazing."

23 Q And then that was at -- that message between Brechue
24 and her aunt was at 7:34. At the bottom of this there's a
25 message between Mr. -- there's a phone call or message --

William Reece
Direct examination by Ms. Wells

1 excuse me -- between Mr. Gentry and Mr. Johnson, is that
2 right?

3 A Correct.

4 Q And what does that message say?

5 A "I'm in the city."

6 Q And was that message deleted?

7 A Yes.

8 Q By whom?

9 A Going to be deleted by Mr. Gentry.

10 Q Okay. He deleted that message off of his phone.

11 A Correct.

12 Q Okay. And then the next message between Bree and her
13 aunt at the top of page 14 of State's Exhibit 22. That was
14 between Bree and her aunt, is that correct?

15 A Correct. The aunt's response was, "Uh, have you
16 talked to Trey," with a question mark.

17 Q And that was at 7:55 p.m.

18 A Correct.

19 Q And then Mr. Gentry and Mr. Johnson around the same
20 time period at 8:08 p.m. are also messaging, is that right?

21 A Correct.

22 Q Mr. Gentry sends a message to Mr. Johnson saying what
23 at 8:08?

24 A "Just H.M.U.," which is hit me up, "when you done.
25 I'm playing with my little girl."

William Reece
Direct examination by Ms. Wells

1 Q And did Mr. Gentry have a baby at that time?

2 A He did.

3 Q And is Mr. -- is there a video call between those, and
4 was that deleted, that message? Was that deleted?

5 A That message was deleted by Robert Gentry.

6 Q And then there's a video message between Mr. Johnson
7 and Mr. Gentry, is that right, or attempted message?

8 A It was attempted.

9 Q Okay. And that was at 8:24?

10 A Correct.

11 Q And then go back to facebook messenger at 8:36, is
12 that right?

13 A Right.

14 Q And that, again, would be Mr. Johnson and Mr. Gentry
15 and what is -- that's from Mr. Johnson to Mr. Gentry saying
16 what?

17 A "Need to holler at you. Where you at?"

18 Q And then Mr. Johnson makes a couple of phone calls
19 here. At 8:43 he makes a phone call. And who is that that
20 he makes a phone call to?

21 A He makes a phone call to Daniel Hines.

22 Q And he makes another one to him at 9:02?

23 A Correct.

24 Q And then at 9:07 who receives a phone call from Mr. --
25 who receives a phone call from Mr. Hines?

William Reece
Direct examination by Ms. Wells

1 A At 9:07 a phone call was made from Mr. Hines' number
2 to Brechue Wiles.

3 Q Okay. And that call connected?

4 A It did for six minutes and 58 seconds.

5 Q And then on May 9th of 2018 at 9:31:03 does Ms. Wiles
6 call Mr. Johnson's phone?

7 A She does.

8 Q And does that call connect?

9 A It does for a minute and 35.

10 Q So after she receives the phone call from Mr. Hines
11 she unlocks Mr. Johnson and makes a call to him, is that
12 correct?

13 A Correct.

14 Q Directing your attention then to 9:49. Is there a
15 call that is made from Bree's mom to Bree's phone?

16 A Yes.

17 Q Does that connect?

18 A It appears to for 12 seconds.

19 Q And then at 9:59 on May 9th of 2018 does her mother
20 make another call to Bree's phone?

21 A She does, and that one connected for a minute and 21
22 seconds.

23 Q Directing your attention to the next message. This is
24 from Mr. Johnson to Mr. Gentry, is that correct?

25 A It is.

William Reece
Direct examination by Ms. Wells

- 1 Q And that's at 10:17 p.m.
- 2 A Yes.
- 3 Q And what does that message say?
- 4 A "what you doing?"
- 5 Q Does Mr. Gentry respond?
- 6 A He does. It's --
- 7 Q what does he say?
- 8 A "None. I'm in the vil. what's up?"
- 9 Q All right. And does he, Mr. Gentry, delete that
10 message?
- 11 A Yes.
- 12 Q Then we have a series of messages from Ms. Wiles,
13 Fontae Wiles, to her daughter's phone, is that correct?
- 14 A Correct.
- 15 Q And those are on 5/9, 11:23.
- 16 A Correct.
- 17 Q 11:24.
- 18 A She -- she's trying to do a voice call. She's trying
19 to call.
- 20 Q Okay. So she's trying to make -- those are two
21 voice -- attempted voice calls. Do those go through?
- 22 A They do not.
- 23 Q And then there is at 11:24 while Ms. Wiles is trying
24 to find her daughter, trying to get up with her on the
25 phone, does Mr. Johnson call Mr. Gentry?

William Reece
Direct examination by Ms. Wells

- 1 A Yes.
- 2 Q And that is also at 11:24. Does that call connect?
- 3 A It does not.
- 4 Q May 9th of 2018, 11:25. Is there a text message to
5 Bree from Fontae Wiles, or an i-message, I should say?
- 6 A There's a message from Bree's mom, Fontae, to Bree.
7 "Call me. I'm going to sleep."
- 8 Q And then does she make another series of calls?
- 9 A Yes.
- 10 Q She being Fontae Wiles.
- 11 A She does.
- 12 Q And those -- what time are those calls?
- 13 A 11:25:16, like, 11:25 and 48 seconds. 11:27:15 and
14 11:27:48.
- 15 Q Okay. And then do any of those calls connect?
- 16 A They do not.
- 17 Q 11:28. Does she send an i-message?
- 18 A She does. Says, "Call me, please."
- 19 Q And then still 11:45 p.m. that same night Mr. Johnson
20 trying to get up with Mr. Gentry sends -- it's a voice
21 call, correct?
- 22 A Correct.
- 23 Q Does that connect?
- 24 A It does not.
- 25 Q Now, there is one in orange here. It's over on

William Reece
Direct examination by Ms. Wells

1 another screen. I apologize. What is the call in orange?

2 A The call in orange was a -- a Ms. Sidney Dean. She
3 had called Mr. Tremaine Johnson at 11:48:23.

4 Q And did that call connect?

5 A It did, and they spoke for ten minutes.

6 Q Now, moving into May 10th. This is the early morning
7 hours of May 10th. Are there a series of text messages
8 from Brechue's mom, Fontae, to Brew -- to Bree?

9 A Bree's mom is attempting still to contact Bree with,
10 "2:13 a.m. Answer your phone." At 6:05 a.m., "Tell me why
11 you're not answering the phone." 6:43, "Urgent. Answer
12 your phone. It makes me nervous when you don't come spend
13 the right -- spend the night."

14 Q And then do Mr. Johnson and Mr. Gentry begin their
15 correspondence in those early morning hours as well?

16 A They do.

17 Q All right. Directing your attention to 7:17 a.m.
18 Mr. Gentry reaches out to Mr. Johnson.

19 A He says, "All right. I'm up. About to head to work."

20 Q That's an i-message. Did Mr. Gentry delete that
21 i-message?

22 A Yes.

23 Q And then does Mr. Gentry begin to do a series of
24 searches?

25 A He does.

William Reece
Direct examination by Ms. Wells

1 Q And that started at 10:36 a.m. And that's -- this is
2 not a Google search. This is a Safari search, is that
3 correct?

4 A Correct.

5 Q Okay. And what are the searches that he -- he
6 conducts two searches in the same moment. What are those?

7 A "It's cheaper than dirt." Google search. And the
8 other one's, "Cheap guns. Bulk ammo. Guns, parts and
9 accessories. Cheaper than dirt. Cheaper than dirt."
10 That's another Safari search.

11 Q Okay. Are you familiar with what cheaper than dirt
12 is?

13 A It's just a site to purchase weapons.

14 Q Okay. And then we have another message here at
15 10:41 a.m. from Bree -- Fontae Wiles to Brechue Wiles.

16 A She's attempting again to message Brechue. It says,
17 "Will you answer your phone? Is everything all right?"

18 Q And then at 10:44 a.m. does Mr. Johnson reach out to
19 Mr. Gentry?

20 A He does.

21 Q And what's the question? Does he have a question?

22 A "Where are you -- at work? Or where you work at?"

23 That's what he asked, yeah.

24 Q And that was 10:44 a.m.

25 A Correct.

- 1 Q And Mr. Gentry responds?
- 2 A "A.F.L. in Duncan. What's up?"
- 3 Q And that was what time?
- 4 A At 10:52.
- 5 Q And does Mr. Gentry delete that message?
- 6 A Yes.
- 7 Q And then does Mr. Johnson do a Google search?
- 8 A He does.
- 9 Q And what does he search for?
- 10 A "A.F.L. in Duncan."
- 11 Q And was at what time?
- 12 A That was at 11:00 a.m.
- 13 Q And then 11:16 does Mr. Johnson send Mr. Gentry an
- 14 i-message?
- 15 A Yes. Says, "Nothing. Had something to ask you. I
- 16 was gonna pull up on if you could step out for a second."
- 17 Q And then Mr. Gentry conducts an internet search, and
- 18 then he at 11:30 reaches back out to Mr. Gentry via
- 19 i-message?
- 20 A Yes.
- 21 Q And what does he say?
- 22 A Okay. "Shit. What's up?"
- 23 Q All right. And did Mr. Gentry delete that message?
- 24 A Yes.
- 25 Q And then at 11:31 does he send Mr. Gentry another

William Reece
Direct examination by Ms. Wells

1 i-message?

2 A Does. Says, "I'm on break."

3 Q And does Mr. Gentry delete that message?

4 A Yes.

5 Q And then does Mr. Johnson attempt to call Mr. Gentry
6 at 11:45 a.m.?

7 A Yes.

8 Q Does that call connect?

9 A It did for 16 seconds.

10 Q And did Mr. Johnson delete that phone call?

11 A He did.

12 Q At 11:59 a.m. does Ms. Wiles, Fontae Wiles, reach out
13 to Bree again?

14 A She did. "What's going on? Answer your phone."

15 Q And then at 12:41, beginning at 12:41, Mr. Gentry
16 proceeds to conduct a series of searches, is that correct,
17 using Safari application on his iPhone?

18 A Yes.

19 Q And can you walk out for the jury what those searches
20 were?

21 A First search is, "Sell items cheaper than dirt." Next
22 search: "Handguns for sale. Pistols, revolvers, 9mms,
23 cheaper than dirt, cheaper than dirt. Diamond back a.m.
24 Semi auto pistol, 9mm, barrel, 15-round Ameriglo, night
25 site, stainless steel, slide, Palmer frame, flat dark earth

William Reece
Direct examination by Ms. Wells

1 finish with the serial number."

2 Looks like, "Handguns for sale. Pistols, revolvers,
3 9mms. Cheaper than dirt. Manufacturers of handguns.
4 Cheaper than dirt. S & W, Smith and weapon -- Smith &
5 wesson handguns. Cheaper than dirt. Again, Smith & Wesson
6 handgun. Cheaper than dirt. Manufactures of handguns.
7 Cheaper than dirt. Glock handguns. Cheaper than dirt.
8 Glock 22 Generation 4, semi auto, 40 Smith & Wesson with a
9 4.4 inch barrel. Cheaper than dirt." Again, another
10 cheaper than dirt.

11 "Promag Smith & Wesson SD 40 magazine, 40 Smith &
12 Wesson, 25 rounds steel, blued with a model number, serial
13 number. Glock 22, Generation 40, semi auto 40, Smith &
14 Wesson." Again, with the same 40.4-inch barrel. "Cheaper
15 than dirt."

16 Q Okay. I'm going to move to page 15 of State's 22.
17 And this search, these searches, continue, is that correct?

18 A Correct.

19 Q Looking at 12:47 p.m.

20 A Again, with 12:47 p.m., "cheaper than dirt, cheaper
21 than dirt, Glock 22, Generation 4, Smith & Wesson 22-round
22 Palamer, black, cheaper than dirt, again, with a cheaper
23 than dirt. My pistol was stolen."

24 Google search. "2:18 p.m., only 11 states require gun
25 owners to report stolen weapons to police." Again, "Only

William Reece
Direct examination by Ms. Wells

1 11 states require gun owners to report to the police. My
2 pistol was stolen. 2:19 p.m."

3 Q Okay. And then at 5/10 on the same day, 2:56, does
4 Mr. Johnson send a message to Mr. Gentry?

5 A He does.

6 Q What does it say?

7 A "Do it today, Fam," with an exclamation. "Happened
8 two days ago."

9 Q And then at 3:03 p.m. on May 10th, which would be
10 Thursday, does Fontae Wiles send a message to Tremaine
11 Johnson?

12 A Yes.

13 Q What does it say?

14 A It says, "Hey. This is Brechue's mom. Have you seen
15 Brechue?"

16 Q And then is there an i-message between Mr. Gentry and
17 Mr. Johnson at 3:04?

18 A Yes. He's responding to the message. Says, "Iat."
19 And that was at 3:04 p.m.

20 Q And that's in response to the do-it-today-Fam-
21 happened-two-days-ago test?

22 A Yes.

23 Q And then does Mr. Gentry shortly thereafter at 3:15
24 p.m. -- let me back up to 3:04. Does Mr. Gentry delete
25 that message?

William Reece
Direct examination by Ms. Wells

- 1 A Yes.
- 2 Q And then at 3:05 -- 3:15 p.m. does Mr. Gentry do
3 another search?
- 4 A He does. "Report firearm. Theft or loss. Alcohol,
5 tobacco, firearms and explosives."
- 6 Q And then does Bree's mom, Fontae Wiles, send a message
7 to Bree at 3:49 p.m.?
- 8 A She does. Says, "Are you at the baby-daddy's house?
9 Give me a call. I'm coming to your house. Then I'm
10 looking for him."
- 11 Q And then does Mr. Johnson actually text Ms. Wiles
12 that -- does Mr. Johnson respond to these messages from
13 Fontae Wiles?
- 14 A He -- he does. He sends a message at 4:43 p.m. Says
15 "Hey. How are you doing? No. I haven't. Not since in a
16 couple of days ago."
- 17 And next message from Tremaine to Brechue's mom, "Is
18 everything okay," with a question mark.
- 19 Q Okay. And then at 5:06 does he conduct an internet
20 search?
- 21 A He does. "Is it -- is it legal for someone to record
22 your phone conversations?"
- 23 Q Does he delete that search?
- 24 A It's a Google search, and, yes, delete.
- 25 Q And does he do a search at 5:08 p.m.?

William Reece
Direct examination by Ms. Wells

- 1 A Yes. "Can someone access my phone conversations?" A
2 Google search with a delete.
- 3 Q And does he do a search 5:21 p.m.?
- 4 A He does. "Man found in lake." That was at 5:21 p.m.
- 5 Q And that's on May 10th.
- 6 A Correct.
- 7 Q That's a Thursday.
- 8 A Correct.
- 9 Q All right. And then is there on 5/10 at 7:49 p.m.,
10 are there -- and did he delete that search -- I'm sorry --
11 the man found in lake?
- 12 A He did.
- 13 Q All right. And then on -- still on May 10th, 2018,
14 7:49, does Mr. Gentry reach out to Mr. Johnson?
- 15 A He does. He says, "Bet we going to talk later long as
16 you straight."
- 17 Q And does Mr. Gentry delete that message?
- 18 A He does.
- 19 Q And does Mr. Johnson respond at 7:50 p.m.?
- 20 A "Work tomorrow," with a question mark to Mr. Gentry.
- 21 Q And Mr. Gentry responds at 7:56?
- 22 A Just till 12:00.
- 23 Q And does Mr. Gentry delete that message?
- 24 A Yes.
- 25 Q And does Mr. Johnson respond at 7:59?

William Reece
Direct examination by Ms. Wells

- 1 A Says, "We'll get up."
2 Q And did Mr. Gentry respond at 8:03?
3 A He said, "Bet."
4 Q And does Mr. Gentry delete that message?
5 A Yes.
6 Q And then at 12:39 a.m. on May 11th does Mr. Johnson
7 send a text to Brechue wiles?
8 A He does.
9 Q And what does it say?
10 A "Hey. Are you okay," with a question mark. "Where
11 you at?"
12 Q Does Ms. wiles respond?
13 A No.
14 Q And then there's -- is there a short phone call on
15 5/11 at 12:39 p.m., the same time that -- in the same
16 minute that he called -- that he texted Brechue who does he
17 call?
18 A Robert Gentry.
19 Q And did they talk?
20 A For a minute, 26 seconds, yes.
21 Q And does Mr. Gentry send a message to Mr. Johnson?
22 Looks like a blank. What is that?
23 A It's like it was intent.
24 Q Okay. And does Mr. Gentry delete that message?
25 A Yes.

William Reece
Direct examination by Ms. Wells

1 Q And does Mr. Johnson call Mr. Gentry back?

2 A He does.

3 Q At 1:17 p.m.

4 A Yes.

5 Q And does that message -- do they -- is there a
6 conversation or does that phone call connect?

7 A It does connect 18 seconds.

8 Q Okay. And then does Mr. Gentry conduct a series of
9 internet searches?

10 A He does.

11 Q And let's walk through it. It looks like there's a
12 series of searches for goupstate.com between 7:51 and 7:52.
13 One, two, three, four. Nine of those.

14 A Yes.

15 Q And then there's another one for goupstate.com, news,
16 at 7:52.

17 A Yes.

18 BY THE COURT REPORTER: I cannot hear what she is
19 saying.

20 MS. WELLS: I'm sorry.

21 THE COURT REPORTER: You're going to have to come this
22 way and speak louder.

23 MS. WELLS: Okay.

24 THE COURT: There's a microphone at the end of that
25 rail.

William Reece
Direct examination by Ms. Wells

1 THE COURT REPORTER: I don't think it works.

2 MS. WELLS: If the microphone works, it's just then I
3 can't see the exhibit. So I'll talk louder.

4 Q So there's a series of goupstate searches between 7:51
5 and 7:52, is that correct?

6 A Correct.

7 Q And then at 7:52 there's a search for something in
8 particular on goupstate, is that right?

9 A Correct.

10 Q What is goupstate.com?

11 A It's -- it's our local news.

12 Q Okay. And what is the 7:52?

13 A It's photos of death investigation in Duncan Park.
14 Goupstate, Spartanburg, South Carolina.

15 Q Okay. And then at 7:53, and then it looks like
16 there's another series of searches into obituaries on
17 goupstate.com, is that correct?

18 A Correct.

19 Q Okay. And that's between 7:53 and 7:54 p.m. on May
20 the 11th?

21 A Correct.

22 Q And then there's, again, a search at 9:20, two
23 searches at 9:20.

24 A Correct.

25 Q And one of those is for that death investigation at

William Reece
Direct examination by Ms. Wells

1 Duncan Park.

2 A Right.

3 Q And then the same search at 9:22.

4 A Yes.

5 Q And then at 9:22 there's another search.

6 A It's, "woman's body found along bank in lake, Duncan
7 Park, Friday morning." It's a Google Safari search.

8 Q And then there's a search for W.O.R.D., again, at
9 9:22.

10 A "woman's body found in Duncan Park Lake."

11 Q Finally, directing your attention to page 16 of
12 State's Exhibit 22, a series of other searches. Okay.

13 Again, 5/12/18 at 9:51 a.m., the same search for the
14 woman's body found at Duncan Park Lake, is that correct?

15 A Yes.

16 Q And then at 9:51 a.m. another search. "woman's body
17 found at Duncan Park Lake," correct?

18 A Yes.

19 Q And then in the 10:00 o'clock hour, 10:06, the
20 goupstate search. woman -- updated. "woman's body found
21 at Duncan Park Lake was pregnant," correct?

22 A Correct.

23 Q And then a second search in that same text. Says,
24 "Researchers are all in," 10:06.

25 A Correct.

William Reece
Direct examination by Ms. Wells

1 Q "Located body found in Duncan Park Lake was pregnant
2 woman," correct?

3 A Correct.

4 Q And then there's some conversation on 5/17 between
5 Mr. Johnson and Mr. Gentry.

6 A Yes.

7 Q And could you walk those out?

8 A The message starts at 5/17 at 5:07 p.m. It's going to
9 be from Mr. Johnson to Mr. Gentry. Says, "Yoe." The
10 response from Mr. Gentry is, "what's good, Fam?" Says,
11 "You good," with a question mark.

12 Mr. Gentry, "Yeah, bro. I am at devil crib cooling
13 outside." Says, "Already you is we going to link this
14 Saturday. You off, right," the question mark.

15 Mr. Gentry responds, "No. I work, Fam. I'm off today
16 though."

17 Mr. Johnson's response, "Work will shift. We'll get
18 up."

19 And then Mr. Gentry, "All right. Bet it up."

20 MS. WELLS: One moment please, Your Honor.

21 (Pause.)

22 Q And those messages were on 5/17. Is that your
23 recollection?

24 A Correct.

25 Q And then on 5/18 you met with Mr. Gentry. That's when

William Reece
Direct examination by Ms. Wells

1 he allowed the search of his vehicle and home?

2 A Correct.

3 MS. WELLS: One moment please, Your Honor.

4 (Pause.)

5 MS. WELLS: Your Honor, I don't have any further
6 questions for Investigator Reece at this time.

7 THE COURT: All right. Let me see y'all just a
8 minute, please.

9 (Bench conference held off the record in the presence
10 of the jury but out of the hearing of the jury.)

11 THE COURT: Mr. Reece, let me ask you to step down,
12 please. Step down.

13 We're going to recess for the afternoon. We'll begin
14 with the cross-examination in the morning beginning at
15 9:30. You're excused for tonight.

16 Do not discuss the case; do not conduct any research;
17 do not do any investigation; do not allow yourselves to be
18 exposed to any type of media coverage.

19 Have a good evening. Please report to your jury room
20 at 9:30 in the morning -- at 9:30 in the morning.

21 (The following takes place outside the presence of the
22 jury.)

23 THE COURT: Okay. Mr. Reece, you can't discuss your
24 testimony during the overnight recess.

25 Court is in recess until 9:30 in the morning.

William Reece
Cross-examination by Mr. Brannon

1 Let me see y'all before you go.

2 END OF PROCEEDINGS JUNE 15, 2021

3 (Proceedings June 16, 2021)

4 (The following takes place outside the presence of the
5 jury.)

6 THE COURT: Good morning.

7 Are there any matters to address before the jury is
8 brought in?

9 MR. BARNETTE: None from the state, Your Honor.

10 MR. BRANNON: None from Johnson, Your Honor.

11 MR. JOHNSTON: None from Gentry.

12 THE COURT: All right. Bring them in.

13 (The following takes place in the presence of the
14 jury.)

15 THE COURT: Good morning, ladies and gentlemen.

16 As you know, when we recessed yesterday Investigator
17 William Reece was on the witness stand. He had completed
18 his direct examination. So we'll continue with the
19 cross-examination by defense counsel this morning.

20 Mr. Reece, if you will, come back around, please, sir.
21 Of course you've already been placed under oath, and so you
22 remain under oath for the purpose of these questions.

23 (Pause.)

24 THE COURT: Do we have something we should have
25 addressed before the jury was brought in?

William Reece
Cross-examination by Mr. Brannon

1 MR. BRANNON: Your Honor, I apologize. I'm asking
2 them to review a potential exhibit. I'm sorry.

3 THE COURT: We've had plenty of time this morning to
4 do that.

5 (Pause.)

6 MR. BRANNON: I'm sorry, Your Honor. I'm prepared to
7 go forward.

8 THE COURT: All right. Mr. Brannon.

9 CROSS-EXAMINATION

10 BY MR. BRANNON

11 Q Investigator, as part of your cell-phone-records
12 detail that you went through yesterday, you used some
13 C.D.R. codes and some C.D.R. information from my client,
14 Mr. Johnson, is that correct?

15 A Correct.

16 Q Would you look at this document? I will tell you that
17 these are -- these are the documents that were received
18 based on a search warrant by Officer Smith who testified
19 before you.

20 A Okay.

21 Q All I'm asking is are those the records that you
22 looked at.

23 A Yes, sir. These are -- these are the C.D.R. records,
24 yes, sir.

25 Q Thank you.

William Reece
Cross-examination by Mr. Brannon

1 MR. BRANNON: Your Honor, I would move to admit these
2 as Defendant Johnson 1.

3 MS. WELLS: No objection, Your Honor.

4 MR. JOHNSTON: No objection.

5 THE COURT: They're admitted.

6 (Interpreting call detail records marked Defendant
7 Johnson's Exhibit No. 1.)

8 Q All right. Investigator, I see that you have what has
9 been introduced as State's No. 22 in your hand. I saw that
10 as I approached.

11 A Yes, sir.

12 Q Can you turn to page 11?

13 A Yes, sir.

14 Q Are you there?

15 A Yes, sir.

16 Q Sir, if you would, look at about midway down the page.
17 It's at 10:27 p.m. on May the 8th of 2018.

18 Brechue texted to my client, "I'm ten minutes away."
19 Do you see that?

20 A Yes, sir.

21 Q She actually does that two times, correct?

22 A Well, the actual next message, sir, is a -- it's a
23 message board. It's another person added into that
24 message.

25 Q Well, I've got, "ten minutes away, ten minutes away."

William Reece
Cross-examination by Mr. Brannon

1 A Correct.

2 Q And then I see, "I'm outside, I'm outside," correct?

3 A Correct.

4 Q And then there's a series of three phone calls that
5 were sent to my client, is that correct?

6 A Correct.

7 Q And none of those were answered, is that correct?

8 A That's correct.

9 Q That would indicate that she's at his house, correct?

10 A Yes.

11 Q Okay. And then you read the other, the text that
12 she -- that Bree sent to my client later that evening at
13 10:59. At the end of each of those texts she says, "You're
14 blocked," correct?

15 A Correct.

16 Q And you testified yesterday that she did, in fact,
17 block him, is that correct?

18 A Well, she wasn't getting any more messages from him,
19 sir.

20 Q Okay. And would that, based on your expertise and
21 experience, lead you to believe that she said she blocked
22 him and that she, in fact, did block him?

23 A Yes.

24 Q Thank you.

25 All right. Now, you testified yesterday that you went

William Reece
Cross-examination by Mr. Brannon

1 to and searched Mr. Gentry's home and that you also
2 searched his automobile, is that correct?

3 A Yes, sir.

4 Q Are these the photographs that were taken of your
5 search of Mr. Gentry's home?

6 (Pause.)

7 A Do you have the -- which day are you speaking of, sir?
8 Because there was another search warrant later on at
9 Mr. Gentry's home, and that's this search warrant.

10 Q Okay.

11 A When I went that wasn't at that particular search
12 warrant.

13 Q So I have pictures of Mr. Gentry's home, and you're
14 telling me that you were actually there twice?

15 A That's a different time, yes, sir.

16 Q Okay. Well, were these pictures taken the first time
17 or the second time? And I understand it's different times.

18 A Correct.

19 Q But I want to know which one is which.

20 A It would have been the second time.

21 Q Okay. Did you take pictures that day?

22 A Did I? No, sir. I didn't take the photos. No, sir.

23 Q Did anybody while you were searching his house the
24 second time take pictures?

25 A Those are the ones in your hand, sir.

William Reece
Cross-examination by Mr. Johnston

1 Q Okay. So were you there the other time that the house
2 was searched?

3 A Yes, sir. I was there.

4 Q Were there pictures taken that time?

5 A I think we're confused on the times. The photos in
6 your hand are the second time the house was searched.

7 Q Okay. Well, I'm asking you were there pictures taken
8 on the first trip.

9 A No, sir.

10 Q Okay. When did you search his car?

11 A That was at the police department.

12 Q Okay. So you're -- at some point Mr. Gentry's house
13 is searched, and you even took a picture of his bathroom or
14 somebody took a picture of his bathroom, correct?

15 A That would have been the second search warrant, yes,
16 sir.

17 Q Okay. Yesterday you testified that while you were
18 searching his car you found a box of 40 cal. Tu1Ammo
19 ammunition, correct?

20 A Yes, sir.

21 Q In fact, it's been introduced into evidence, correct?

22 A Yes, sir.

23 Q Where's the picture of that in his car? In reference
24 to the search of his car, where is the picture?

25 A There was no pictures in the city hall parking lot

William Reece
Cross-examination by Mr. Johnston

1 where we went out, sir. That's a different search warrant.

2 Q I understand that.

3 A Yes, sir.

4 Q But you took a picture of the man's bathroom. Was
5 there anything of evidentiary value in his bathroom?

6 A I didn't take any photos, sir.

7 Q Law enforcement did though, correct?

8 A Someone did, yes, sir.

9 Q Okay. All right. Are you felling me that there
10 wasn't a camera at city hall when you searched his car?

11 A I'm not aware of one on that side of the parking lot.
12 There may be, sir.

13 Q Well, now, wait a minute. Obviously, they have mobile
14 cameras at the city police department, correct? Because
15 they took pictures of his house. Are you telling me that
16 you found a piece of evidence like a box of bullets and you
17 didn't take a picture or nobody took a picture because
18 there wasn't a camera?

19 A No, sir.

20 MR. BRANNON: Nothing further.

21 CROSS-EXAMINATION

22 BY MR. JOHNSTON

23 Q Your title would be -- I know you're retired but --

24 A I'm an investigator with the city.

25 Q Investigator.

William Reece
Cross-examination by Mr. Johnston

1 A Yes, sir.

2 Q Investigator Reece, there is nothing in the texts or
3 facebook messages between Gentry and Johnson about Bree, is
4 that correct, sir?

5 A Yes, sir.

6 Q Nothing, no word, no even reference to the girl or
7 anything like that.

8 A No, sir, not in the messages.

9 Q Between them.

10 A No, sir.

11 Q There is nothing in the texts or facebook messages
12 between Gentry and Johnson about Johnson being upset or
13 disturbed, angry about an unwanted pregnancy on the part of
14 Ms. Wiles.

15 A No, sir.

16 Q Never at any time.

17 A No, sir.

18 Q There is nothing in the texts or facebook messages
19 between Gentry and Johnson about Johnson wanting to kill or
20 harm anyone, isn't that correct?

21 A Correct.

22 Q The stuff about abortions and abortion medication and
23 poison are not texts between Johnson and Gentry. They are,
24 in fact, internet searches which you allege to be by
25 Johnson.

William Reece
Cross-examination by Mr. Johnston

1 A Correct, yes, sir.

2 Q Now, those internet searches would, of course, be on
3 whose phone?

4 A Mr. Johnson's phone.

5 Q And unless Mr. Gentry had access to Mr. Johnson's
6 phone or he was told about it, there's no evidence that
7 Johnson -- that Gentry ever knew that Gentry -- or that
8 Gentry ever knew that Johnson was researching things about
9 abortions, abortion medications or about poison or anything
10 of that nature.

11 A Yes, sir. It's not on his device. No, sir.

12 Q sir?

13 A It's not on his phone, no, sir.

14 Q Now, there is nothing in the texts or facebook
15 messages between Gentry and Johnson about a gun or firearm
16 of any kind.

17 A No, sir.

18 Q There are not any texts or facebook messages between
19 Gentry and Johnson even using slang word, slang words for
20 gun. I believe they call it straps or pieces. I don't
21 know all of the -- all of the words that people might use
22 when they're trying to refer to a firearm but they don't
23 actually want to say it. There's nothing like that in the
24 texts between the two.

25 A Correct.

William Reece
Cross-examination by Mr. Johnston

- 1 Q There's nothing about Johnson wanting to get a gun.
2 A No, sir.
3 Q Nothing about Johnson wanting to get a gun from
4 Gentry.
5 A Correct.
6 Q Nothing about can I borrow a gun.
7 A Correct.
8 Q Nothing about Johnson asking Gentry whether he had a
9 gun.
10 A Right.
11 Q Nothing about Johnson asking Gentry whether or not it
12 would be available to Johnson.
13 A Correct.
14 Q There's also nothing in the texts or facebook messages
15 between Gentry and Johnson about the return of a gun --
16 A Correct.
17 Q -- after it having been borrowed, for lack of a better
18 word, correct, sir?
19 A Correct.
20 Q There is nothing in the texts about destroying or
21 getting rid of a gun or firearm, either Johnson asking
22 Gentry, or Gentry asking Johnson, or one of the two of them
23 confirming that one or the other would do it.
24 A Correct.
25 Q You have heard of people borrowing guns before,

William Reece
Cross-examination by Mr. Johnston

1 haven't you?

2 A Yes, sir.

3 Q It is not an uncommon occurrence, correct?

4 A Correct.

5 Q People like to try out a gun, see if perhaps they'd
6 like to purchase that particular gun. Yes? That happens?

7 A It happens, sure.

8 Q People like to borrow a gun to see if they would like
9 to purchase one similar to that weapon, correct?

10 A I'm sure it happens, yes, sir.

11 Q It happens. It would not surprise you.

12 A No.

13 Q Showing you what has been marked as State's Exhibit
14 No. 31. That's a box.

15 A Yes, sir.

16 Q And inside the box is all of the stuff you would
17 expect to get when you buy a gun brand new, correct?

18 A Yes, sir.

19 Q Like the safety and instruction manual, the little
20 card that you can send it in to establish your warranty and
21 the gun lock with its two keys in this case unopened.

22 The gun box says, and the associative material with it
23 state, that it's a -- well, what was in the box was a Smith
24 & Wesson Aztec 9 VE or an SD 40 VE pistol, correct?

25 A Yes, sir.

William Reece
Cross-examination by Mr. Johnston

1 Q You did not find a Smith & Wesson Aztec 9 VE or SD 40
2 VE pistol.

3 A Correct.

4 Q You did find the box that one came in. Do you know
5 when this was purchased?

6 A I do not, sir. I don't have that record with me.

7 Q Do you know if there is a record of that?

8 A I think there is.

9 Q Okay.

10 A I can't testify to it, sir. I don't know a hundred
11 percent. Yeah.

12 Q That's perfectly fine.

13 Showing you now the contents of what has been marked
14 as State's Exhibit No. 32. This is a box of, you said,
15 Tu1Ammo.

16 A Tu1Ammo.

17 Q Tu1Ammo.

18 A Yeah.

19 Q This is a box of Tu1Ammo 40 caliber Smith & Wesson 180
20 grained full metal jacket steel case noncorrosive Boxer
21 primed 50 cartridges, correct?

22 A That's what the box says, sir. Yeah. That's correct.

23 Q All right. Now, presumably this white plastic thing
24 when they bought it was inside the box.

25 A Usually, yes, sir.

William Reece
Cross-examination by Mr. Johnston

1 Q Okay. And I bet if we counted these empty holes
2 there'd be 50.

3 A Yes, sir.

4 Q what we have though filled is two, four, six, eight
5 nine. There are nine unfired rounds that are in the
6 plastic container in -- which would have been inside the
7 Tu1Ammo box.

8 THE COURT: Is that a question?

9 A Is that a question? I'm sorry.

10 Q Yes.

11 A I mean, that's what's left in the box, yes, sir.

12 Q All right. So you cannot account for the rest of the
13 rounds.

14 A No, sir.

15 Q Have no knowledge about them.

16 A No, sir.

17 Q Now, you did find another clip, and it looked to me to
18 be an original Smith & Wesson clip for that gun, not an
19 after-market gun.

20 A I'm not sure if it's original, sir, but there was
21 another clip.

22 Q All right. Were there any rounds in it?

23 A No, sir.

24 Q It was empty. Pick up State's Exhibit No. -- whatever
25 this one is you have in your hand. What number is that,

William Reece
Cross-examination by Mr. Johnston

1 please, sir?

2 A I think it's 42.

3 Q Okay. State's Exhibit 22, the summary of the phone
4 calls.

5 Tell me the first date of a phone call between Johnson
6 and Gentry.

7 A Is that a message via phone call or a phone call --

8 Q Yeah. I'll take either one. The first communication
9 other than a facebook message.

10 A The facebook message is the first communication.

11 Q Okay. Well, the next S.M.S. text or phone call after
12 that.

13 A The phone call is on the 9th, 5/9/2018, at 9:11 a.m.
14 in the morning.

15 Q And from whom to whom?

16 A That's from Mr. Gentry to Mr. Johnson.

17 Q All right. Did you testify whether or not that call
18 was deleted?

19 A Yes, sir. I did.

20 Q What did you say?

21 A It's marked as deleted within our Cellebrite.

22 Q Okay. So Cellebrite says it was deleted.

23 A Yes, sir.

24 Q When was it deleted?

25 A I do not have the date for the deletion, sir.

William Reece
Cross-examination by Mr. Johnston

1 Q You cannot tell us neither the date nor the time that
2 the deletion occurred.

3 A No, sir. Only that it's been deleted.

4 Q It is possible, or can you exclude the possibility
5 that Mr. Gentry deleted that call immediately after?

6 A I wouldn't know, sir, exactly when it was deleted.

7 Q So you cannot exclude that possibility.

8 A No.

9 Q Were all other communications other than -- I'm
10 talking about facebook messages -- all other S.M.S. texts
11 and phone calls deleted by Gentry?

12 A The facebook messenger wouldn't show deleted. Phone
13 calls would. But the question was are all of them deleted
14 or --

15 Q Yes. That was my question.

16 A I don't think all of them have been deleted, no, sir.

17 Q Okay. Can you take a moment and confirm that for me
18 if you would be so kind?

19 (Pause.)

20 THE COURT: Mr. Johnston, you're blocking the jurors.

21 MR. JOHNSTON: I apologize, sir.

22 A I'm looking at the facebook messenger, sir, and it's
23 not showing deleted.

24 Q Right.

25 A Correct. And that's also on the device. If he'd

William Reece
Cross-examination by Mr. Johnston

1 deleted it, it would have been deleted there.

2 Q All right. So the facebook messenger messages were
3 not deleted.

4 A Correct.

5 Q Okay. So I'm asking you now about all of the other
6 texts and phone calls between the two that would have
7 showed up on Gentry's phone. And you tell me if they were
8 all deleted or not.

9 A I'm showing there's a phone call that wasn't deleted.

10 Q All right. When was that?

11 A Let's see. That was on 5/11.

12 Q What time, sir?

13 A At 12:39.

14 Q Johnson to Gentry or Gentry to Johnson and was it --

15 A That's actually Johnson to Gentry. Johnson didn't
16 delete that call.

17 So let me go back, sir, to just his. We're looking
18 at --

19 Q Only the ones that Gentry would have had the ability
20 to delete are the ones I'm asking you about.

21 A It appears other than the facebook message, yes, sir,
22 he deleted those.

23 Q That they were all deleted.

24 A Yes, sir.

25 Q But you don't know when?

William Reece
Cross-examination by Mr. Johnston

1 A No, sir.

2 Q All right. Now, do you know Mr. Gentry's habits as
3 far as whether or not he -- as to what texts he deletes,
4 what phone calls he deletes? Do you know his habits?

5 A No, sir. I don't know his habits.

6 Q Is it fair to say that different people may have
7 different habits as to what messages to delete and when?

8 A Yes, sir.

9 Q You probably delete some messages from your phone,
10 don't you?

11 A Probably not, sir. I'm a whirl about deleting
12 anything on my phone. That's why it's full now.

13 Q And they do get full if you don't delete them, don't
14 they?

15 A They do.

16 Q Making it harder to find things that you're looking
17 for, correct?

18 A Correct.

19 Q And of course some people might be careful to keep
20 messages that have something they may wish to refer to
21 later like, for example, someone sends you a phone number.
22 So you keep that number in your texts. You don't delete
23 it.

24 A It happens, yes, sir.

25 Q It happens, doesn't it?

William Reece
Cross-examination by Mr. Johnston

1 A Correct.

2 Q Some people may when their spouse sends them a grocery
3 list, they go to the store, they get what's on the list.
4 wouldn't surprise you if they deleted it after that.

5 A No, sir.

6 Q There's nothing secret or nefarious about getting rid
7 of a grocery list, is there?

8 A No, sir.

9 Q Now, you an iPhone man or an Android man?

10 A iPhone.

11 Q iPhone.

12 A Yeah.

13 Q Do you know how it says recent calls, it has a list,
14 it has a button you can push to see who your recent calls
15 are?

16 A Yes, sir.

17 Q And it -- you can hit with one button and say delete
18 all, can't you?

19 A When I say I'm an iPhone man, don't mean I know all of
20 the ins and outs.

21 Q I wasn't asking you for any.

22 A I don't know if it deletes all or not, sir.

23 Q Okay. Well.

24 A Yeah.

25 Q If I told you that, if I represent that to you, would

William Reece
Cross-examination by Mr. Johnston

1 you disagree that by hitting one button you can delete all
2 of the recent calls?

3 A I wouldn't think you would lie to me. Sure.

4 Q Okay. All right. Thank you.

5 Now, you don't know if when Gentry deleted a single
6 call from Johnson that he was, in fact, deleting all his
7 recent calls. That's not inconceivable, is it?

8 A Well, sir, it's not all calls.

9 Q I'm speaking only of calls right now.

10 A Right, yeah. I wouldn't know.

11 Q You don't know.

12 A I wouldn't know if he deleted them all at one time or
13 not, no, sir.

14 Q Okay. You can't eliminate the possibility that that's
15 what happened though, can you?

16 A No, sir.

17 Q Guns are available, unfortunately, from illegal
18 sources, aren't they?

19 A Yes, sir.

20 Q You could buy a -- not necessarily illegal sources.
21 Just nonbusiness sources, correct?

22 A Correct.

23 Q If I admired a particular firearm that you had and I
24 wanted to buy it from you, I give you the cash, you give me
25 the gun, legal transaction, correct?

William Reece
Cross-examination by Mr. Johnston

- 1 A Correct.
- 2 Q No paperwork --
- 3 A Correct.
- 4 Q -- at all. And if we don't know each other there's no
5 record of me ever buying it from you, is there?
- 6 A Correct. There's not.
- 7 Q And you can even buy guns from people who stole them,
8 right?
- 9 A Correct, yes, sir.
- 10 Q Get them cheap that way. And that's very different
11 from a gun that's purchased at a federally -- federally
12 firearms licensed establishment such as Academy Sports, am
13 I correct?
- 14 A Correct.
- 15 Q If I go in to purchase a gun from Academy Sports or
16 some other sporting goods store, I've got to show them
17 identification, right?
- 18 A Correct?
- 19 Q I have to fill out paperwork.
- 20 A Correct.
- 21 Q Have to list my name and my background information?
- 22 A Yes, sir.
- 23 Q Correct?
- 24 A Correct.
- 25 Q And they have to run my background to make sure that

William Reece
Cross-examination by Mr. Johnston

1 it's legal for me to purchase a handgun, correct?

2 A Yes, sir.

3 Q And at the end of the process I've got a record that I
4 bought that gun there on that day.

5 A Correct.

6 Q And anybody that buys a gun that way from Academy
7 Sports or other federally licensed firearms dealer is going
8 to know that if the gun I used -- if the gun that I
9 purchased with all of that paperwork in my name is used in
10 a crime and then discovered by the police that it can be
11 very easily traced back to me.

12 A That's a pretty broad statement, sir. I wouldn't
13 agree with that statement.

14 Q All right. Well, let me give you a scenario.

15 when I buy the gun they put the serial number of the
16 gun on the paperwork, right?

17 A Yes, sir.

18 Q And that's sent off to Washington or somewhere where
19 it's in a computer, right?

20 A Correct.

21 Q So if this gun -- let's say one, two, three, four --
22 registered to me is found in a liquor store, four dead
23 people, and that gun with serial No. 1234 lying there,
24 y'all are going to get that gun and you're going to take
25 that serial number and you're going to see who bought the

William Reece
Cross-examination by Mr. Johnston

1 gun.

2 A Correct.

3 Q Now, it could have transferred any number of times in
4 between, but you're going to start with whoever bought the
5 gun.

6 A Correct.

7 Q And you'll be able to know from where it was bought
8 and when it was bought.

9 A Correct.

10 Q Knowing that, it would be rather foolish to loan a gun
11 to someone to commit a crime with, wouldn't it?

12 A It would be.

13 MR. JOHNSTON: I'd like to have this marked for
14 identification at this time, Your Honor. I have shown it
15 to opposing counsel.

16 (Robert Gentry's phone log marked Defendant Gentry's
17 Exhibit No. 1 for Identification.)

18 Q Showing you now what has been marked as Defendant
19 Gentry's Exhibit No. 1 for Identification only. I
20 represent to you that this is a document that I received in
21 discovery from the solicitor's office. And it has a title
22 page on it. Can you tell me the title page?

23 A It's, "Please note that the entire phone log --"

24 Q No. well, just tell me the title of it before we get
25 to that.

William Reece
Cross-examination by Mr. Johnston

1 A Oh, it's Robert Gentry's phone log.

2 Q Robert Gentry's phone log.

3 A Correct.

4 Q Where did -- what is the source of that information?

5 A The source of the information is going to be call
6 detail records from the company. From what I can tell,
7 it's going to be from T-Mobile.

8 Q Okay. So, basically, that's his whole phone record
9 for the period.

10 A That's -- yes, sir. That's the records from T-Mobile,
11 yes, sir.

12 Q For Gentry.

13 A Correct.

14 Q All right. Now, please read the note.

15 A It's, "Please note the entire --"

16 THE COURT: Excuse me just a minute. That's not in
17 evidence.

18 MS. WELLS: Yeah.

19 MR. JOHNSTON: I'm sorry, Your Honor.

20 At this time we would offer it into evidence.

21 THE COURT: Okay.

22 MS. WELLS: I've reviewed it. Without objection.

23 MR. BRANNON: No objection, Your Honor.

24 THE COURT: It's admitted.

25 (Robert Gentry's phone log marked Defendant Gentry's

William Reece
Cross-examination by Mr. Johnston

1 Exhibit No. 1.)

2 Q Showing you now what has been marked as Defendant
3 Gentry's Exhibit No. 1. Please read the note.

4 A It's, "Please note the entire phone log is 1,239
5 pages, only initial pages, and pages with the phone
6 number (678)677-2005 are included due to number of pages."

7 Q All right. So let me -- go ahead and look at it if
8 you want.

9 A No, sir. Go ahead.

10 Q Okay. So in the summary that you created -- and you
11 were the author of this summary, am I correct?

12 A Yes, sir, the summary, yes, sir.

13 Q All right. Not all of Robert Gentry's phone records
14 are in the summary.

15 A This -- this is a celebrite extraction summary.

16 Q Okay.

17 A Correct.

18 Q So not all of the Robert Gentry phone log material was
19 incorporated into this.

20 A Correct.

21 Q Because y'all were not necessarily interested in other
22 phone calls that he may have made --

23 A Correct.

24 Q -- during the period.

25 A Correct.

William Reece
Cross-examination by Mr. Johnston

1 Q You only chose or Cellebrite only chose by
2 programming -- I don't know how it was done -- but you only
3 chose the ones -- the calls, the Facebook messages and the
4 texts -- that were associated with Mr. Johnson's number,
5 correct?

6 A I wouldn't say it was completely just associated with
7 his number, but, yes, sir, that's what was included in
8 here, yes, sir.

9 Q For the most part.

10 A Correct.

11 Q There's probably a lot of other phone calls and texts
12 in the -- in Robert Gentry's phone log, aren't there?

13 A Yes, sir.

14 Q In fact, the entire phone log was, as you said, 1,239
15 pages.

16 A Yes, sir.

17 Q Correct?

18 A That's what the paper read, yes, sir.

19 Q And you can't tell me of the hundreds, thousands -- I
20 don't know -- at least hundreds of phone calls that would
21 have been in the 1,239-page phone log how many were
22 deleted, can you?

23 A Not in this summary, no, sir.

24 Q I'd like to do some comparison between the phone log
25 and Defendant Gentry's No. 1 and the summary. Will you

William Reece
Cross-examination by Mr. Johnston

1 help me with that?

2 A I probably can.

3 Q All right. First one on the T-Mobile phone log -- see
4 if you locate a call from Johnson to Gentry at 5:16 p.m.,
5 17 seconds, no answer. So if you can locate that.

6 A which one am I looking for, sir?

7 Q I apologize. On 5/11/18, call from Johnson to Gentry,
8 5:16 p.m., 17 seconds in duration, no answer.

9 A what was the time, again, five what, 5:16?

10 Q Yes, sir.

11 A Yes, sir. I'm looking at it.

12 Q All right. So on the phone log there's a call from
13 Johnson to Gentry, 5:16 p.m., 17 seconds, no answer.

14 Now, go to your summary, please, and locate that call
15 for me. Take your time.

16 (Pause.)

17 A No, sir. It's not showing on this -- this summary.

18 Q I'm sorry. I didn't hear you.

19 A It's not showing on this summary.

20 Q It's not on the summary?

21 A No, sir.

22 Q So the phone call that's on the original C.D.R. from
23 T-Mobile is not on your summary.

24 A Correct.

25 Q Okay. Now, let's look at this. Look at -- go to the

William Reece
Cross-examination by Mr. Johnston

1 C.D.R., the T-Mobile phone log.

2 A Which one are we looking at?

3 Q Just go to the T-Mobile phone log. Then I will tell
4 you what to look for.

5 A Go ahead.

6 Q Whenever you're ready, sir.

7 5/10/18. You remember what I asked you for, right?

8 A 5/10 is what I'm looking for, sir.

9 Q Yeah. 5/10 at 3:45 p.m.

10 MR. BARNETTE: What time, again?

11 MR. JOHNSTON: 5/10, 3:45 p.m., 16 seconds in
12 duration, no answer.

13 A I'm at 5/10.

14 Q Yeah. First I'm asking you to locate that on the
15 T-Mobile log.

16 A Correct. And the time again?

17 Q 3:45 p.m.

18 A Yes, sir.

19 Q Now, take your corresponding summary, please, and
20 locate that call, 5/10/18, Johnson to Gentry, 3:45, 16
21 seconds, no answer.

22 A Correct. It's -- it's not on the -- this summary,
23 sir. This is a Cellebrite summary, not a C.D.R. summary.

24 Q Yes, sir. I understand it.

25 A Right.

William Reece
Cross-examination by Mr. Johnston

1 Q But what's on the C.D.R. summary, that call is not on
2 the Cellebrite summary, is it, sir?

3 A It won't always show on the Cellebrite summary.

4 Q I didn't ask you that.

5 A Yes, sir.

6 Q Now, 5/10/18, 3:43 p.m., call from Johnson to Gentry,
7 91 seconds in duration, answer.

8 A What was your time again, sir?

9 Q 5/10/18.

10 A Uh-huh.

11 Q 3:43 p.m.

12 A Gotcha.

13 Q Johnson to Gentry.

14 A Correct.

15 Q You found it on the C.D.R. record.

16 A Correct.

17 Q Now, find it for me on the Cellebrite record.

18 A No, sir. It's not going to be on this -- this record.

19 Q That 91-second phone call from Johnson to Gentry,
20 5/10/18, 3:40 p.m. -- 3:43 p.m. that's on the C.D.R. record
21 does not appear on the Cellebrite.

22 A Correct. They're not combined.

23 Q Now, look on your T-Mobile phone log for 5/9/18. And
24 I'm looking for when you're ready -- I'm not going to rush
25 you. I know these numbers run together.

William Reece
Cross-examination by Mr. Johnston

1 A Go ahead, sir.

2 Q 5/9/18, call from Gentry to Johnson, 1:11 p.m., 84
3 seconds in duration. Answered. Let me know when you've
4 located that.

5 A Yes, sir. I have go ahead, sir.

6 Q All right. Now, find that 5/9/18, 1:11 call of
7 84-second duration. Find that for me on the Cellebrite
8 summary.

9 (Pause.)

10 A What was the time on it again, sir? It was the
11 91-second, 3:53. I gotcha.

12 Q It's 1:11 p.m.

13 A Gotcha.

14 Q Gentry to Johnson, 5/9/18, 84 seconds. Answered.

15 A Right. It's not on the Cellebrite records at all.

16 Q So that's at least three calls that are on the
17 T-Mobile phone log between these two men's phones --

18 A Correct.

19 Q -- that didn't make it to the Cellebrite analysis,
20 correct?

21 A Right. They wasn't combined. Yes, sir.

22 Q Now, I want to ask you about some of the things on the
23 Cellebrite. Please look at your Cellebrite when you're
24 ready. Again, I don't want to rush you.

25 A Give me the page.

William Reece
Redirect examination by Ms. Wells

1 Q The date --

2 A Okay.

3 Q -- is 5/9/18, 9:11 a.m. Again, I'm looking for
4 5/9/18, Gentry to Johnson, 9:11, one minute, 25 seconds in
5 duration.

6 A Looking for my page.

7 Q Yes, sir. Take your time. I cannot read those
8 numbers they are so small.

9 (Pause.)

10 A It's going to be my page 14, which I'm looking for.
11 It may have got stuck in the back. All right, sir. 5/9.
12 Good.

13 Q 5/9/18, Gentry to Johnson, 9:11, one minute 25-second
14 in duration. Answered.

15 A Correct.

16 Q Now, I would like you to find that call for me on the
17 Gentry's C.D.R.

18 MS. WELLS: Your Honor, I'm going to object at this
19 point because this has been covered by Mr. Johnston. He
20 may not realize he's covered it, but it's -- previously --
21 this is asked and answered.

22 MR. BARNETTE: If we can approach the bench and
23 explain why, Your Honor.

24 THE COURT: Okay.

25 (Bench conference held off the record in the presence

William Reece
Redirect examination by Ms. wells

1 of the jury but out of the hearing of the jury.)

2 MR. JOHNSTON: Your Honor, I'm going to withdraw that
3 question.

4 Q And, Investigator Reece, please answer any questions
5 that others may have.

6 MS. WELLS: Thank you, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. WELLS

9 Q Investigator Reece, are you familiar the term U.T.C.?

10 A Yes.

11 Q And what does U.T.C. mean?

12 A It's the coordinated time. I can actually give you
13 the papers sent to this.

14 THE COURT: Please be sure you speak up and use the
15 microphone if you can.

16 THE WITNESS: Yes, sir.

17 A I can tell you when I put these glasses back on.

18 (Pause.)

19 A It's coordinated universal time.

20 Q Okay. And when you receive call detail records or
21 C.D.R.s they are in U.T.C., is that correct?

22 A Correct.

23 Q Universally, they are in U.T.C., correct?

24 A Correct.

25 Q And U.T.C. has it, and when you get those records they

William Reece
Redirect examination by Ms. Wells

1 actually have to be converted into whatever time zone your
2 actual phones that you're analyzing are working in.

3 A Correct.

4 Q Right. And so when you are reviewing a Cellebrite
5 extraction those are in --

6 MR. JOHNSTON: Your Honor, I'm going to object to
7 leading.

8 THE COURT: All right. Don't lead him.

9 Q Are cell phone extractions in real time?

10 A No. U.T.C., and we convert those through the
11 Cellebrite into the real time.

12 Q Okay. So in the Cellebrite analysis that you have,
13 those are in real time.

14 A Correct.

15 Q Eastern Standard Time.

16 A Correct.

17 Q And as you testified previously, the call detail
18 records stay in U.T.C.

19 A Correct.

20 Q All right. I want to direct your attention to the
21 phone call that seems to be of interest here. Although
22 there were a few, I believe the analysis will be the same.

23 Let's look at that phone call, that 5/9 call, and then
24 if you look at the Cellebrite report, it's at 9:11 a.m. on
25 5/9/2018.

William Reece
Redirect examination by Ms. Wells

- 1 A Correct.
- 2 Q Okay. And on the Cellebrite, that is at 9:11?
- 3 A Right.
- 4 Q Right. And the U.T.C. time on that would be 1:11.
- 5 A Correct.
- 6 Q And that would be for a minute. And looking at
7 State's Exhibit 22, which I know that you're referring to
8 from the stand, that would be one minute and 25 seconds, so
9 approximately a -- one minute -- one minute and 25 seconds,
10 which is approximately 84?
- 11 A Correct.
- 12 Q So the call that Mr. Johnston asked you about on
13 the call detail -- on the call detail report, being at 1:11
14 for 84 seconds is, in fact, this same call.
- 15 A Correct.
- 16 Q All right. And is that the same for each of the calls
17 that Mr. Johnston asked you about?
- 18 A Correct.
- 19 Q They're each four hours apart, which was the U.T.C. in
20 this case.
- 21 A Correct.
- 22 Q All right. So all of these calls are actually in your
23 Cellebrite report. I mean, in your -- in your combined
24 analysis?
- 25 A Correct.

William Reece
Redirect examination by Ms. Wells

1 Q All right. So they're all on there. These are all
2 calls that you utilized when you did your investigation and
3 analysis in this case, correct?

4 A Correct.

5 Q All right.

6 MS. WELLS: Beg the Court's indulgence.

7 (Pause.)

8 Q Investigator Reece, how long have you been in law
9 enforcement? Just remind me.

10 A Over 25 years.

11 Q Okay. And you've been involved in murder
12 investigations prior to this one, as you say?

13 A Yes. Correct.

14 Q And in the course of those you've seen some folks do,
15 fair to say, foolish things as it relates to evidence in
16 prior murder cases?

17 A Yes.

18 Q All right. And in this case was the gun ever located,
19 this Smith & Wesson?

20 A No. It was not.

21 (Pause.)

22 MS. WELLS: Your Honor, may I approach the court
23 reporter?

24 (State's Exhibit No. 35 changed to different exhibit.)

25 MR. JOHNSTON: No objection.

William Reece
Redirect examination by Ms. Wells

1 MR. BRANNON: No objection, Your Honor.

2 MS. WELLS: Well, let me do my part first.

3 Q Investigator Reece, I'm showing you what's marked for
4 identification purposes as State's Exhibit 35. If you
5 could, take a look at that and tell me if you recognize it.

6 A Yes, sir.

7 Q And what is that? Generally speaking, what is that?

8 A It's basically a check trace made on the Smith &
9 Wesson that was purchased.

10 Q Okay. And who conducts the trace on behalf of -- when
11 you request a trace on a firearm, what are you asking? Who
12 are you asking it from? Let's ask that question first.

13 A From A.T.F.

14 Q From the bureau of alcohol, tobacco and firearms?

15 A Right.

16 Q All right. And in this particular case who -- you're
17 asking it for the Smith & Wesson gun box that was recovered
18 from Mr. Gentry's house?

19 A Correct.

20 Q All right. And is this how a trace generally looks to
21 you?

22 A It does.

23 Q All right.

24 MS. WELLS: Your Honor, we'd offer State's Exhibit 35
25 at this time.

William Reece
Recross-examination by Mr. Johnston

1 MR. BRANNON: Without objection from Johnson.

2 MR. JOHNSTON: No objection from Gentry.

3 THE COURT: It's admitted.

4 MS. WELLS: Thank you, Your Honor.

5 (Firearms trace marked State's Exhibit No. 35.)

6 MS. WELLS: Permission to publish the information from
7 the trace.

8 THE COURT: You may.

9 MS. WELLS: Thank you.

10 Q Y'all made this request to an A.T.F. agent in
11 Greenville by the name of Heather Cox McClain, is that
12 correct?

13 A Correct.

14 Q And the gun box that was recovered from Mr. Gentry's
15 residence, who made the purchase of that gun?

16 A Mr. Gentry.

17 Q Mr. Gentry did. Okay.

18 A Right.

19 MS. WELLS: May I have a moment please, Your Honor?

20 THE COURT: Yes, ma'am.

21 (Pause.)

22 MS. WELLS: Your Honor, I don't have any further
23 questions for Investigator Reece.

24 THE COURT: All right. You may step down.

25 MR. JOHNSTON: Your Honor, I'm sorry. I wanted to ask

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 him a question.

2 THE COURT: Okay.

3 MR. JOHNSTON: I'm sorry.

4 THE COURT: I thought we'd already had your
5 examination. Something she brought out?

6 MR. JOHNSTON: Yes, sir, something she brought out.

7 THE COURT: Okay. New?

8 MR. JOHNSTON: Yes, sir, it would be new.

9 RE-CROSS-EXAMINATION

10 BY MR. JOHNSTON

11 Q When did he buy it? When did Mr. Gentry buy the gun?

12 A Looks like 3/20/2017, purchase date on this document,
13 yes, sir.

14 Q 3/20/2017, correct?

15 A Correct.

16 MR. JOHNSTON: I have no other questions, Your Honor.

17 THE COURT: Anything else?

18 MS. WELLS: Not from the state.

19 THE COURT: All right. Step down.

20 MS. WELLS: Your Honor, may Investigator Reece be
21 excused?

22 MR. BRANNON: No objection.

23 MR. JOHNSTON: No objection, sir.

24 THE COURT: He may be.

25 (Whereupon, the witness was excused.)

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 MS. WELLS: May it please the Court, Your Honor.

2 THE COURT: Yes, ma'am.

3 MS. WELLS: Your Honor the, state's next witness is
4 Special Agent Clay Simmonds.

5 R.C. CLAY SIMMONDS, having
6 been first duly sworn, testified as follows:

7 DIRECT EXAMINATION BY MS. WELLS

8 Q Special Agent Simmonds, where are you employed?

9 A I'm a supervisory special agent with the F.B.I. in
10 Charleston, South Carolina.

11 Q And how long have you been with the F.B.I.? Federal
12 bureau of investigations, right?

13 A Yes, ma'am. A little over 19 years.

14 Q And you said you're a supervisory special agent. What
15 are your current duties with the F.B.I.?

16 A So my current duties, I am the regional supervisor for
17 a group of agents who specialize in analyzing historical
18 cell phone records.

19 Basically, what they do is they get cell phone records
20 from the cell phone providers -- T-Mobile, AT&T, Verizon --
21 and then we visually display where phones were generally
22 located at particular moments in time that the cell phones
23 interacted with the network.

24 That group of individuals -- it's called the cellular
25 analysis survey team -- where we have the acronym of

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 CAST -- and I'm the regional supervisor for the south
2 region of the CAST team.

3 Q Can you talk a little bit about your educational
4 background for the jury?

5 A Yes, ma'am. I double majored at the College of
6 Charleston in business and accounting. I -- afterwards I
7 became a police officer at the Charleston Police Department
8 where I worked two years on patrol.

9 I then spent three years on a F.B.I. Violent Crime
10 Task Force where I investigated federal crimes that were
11 there in the City of Charleston and the surrounding areas.

12 I left the police department in 2000 to go to graduate
13 school at Clemson. I stayed there for about a year. 9-11
14 took place. The F.B.I. started hiring. I was hired by the
15 F.B.I. in 2002. I went to Quantico for 16 weeks.

16 I was first assigned out to Oklahoma City division. I
17 spent ten years in Oklahoma City.

18 I was then transferred and promoted to supervisor
19 where I worked for the assistant director of the criminal
20 program of the F.B.I. for about a year. Then CAST was
21 created as an official unit within the F.B.I., and I became
22 one of the first supervisors of the CAST unit at F.B.I.
23 headquarters.

24 I then stepped down in 2014 to take a transfer back
25 home to Charleston, and I worked violent crime criminal

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 cases for five years, and then the opportunity came for me
2 to become a supervisor again with CAST, and I took that
3 opportunity a couple of years ago.

4 Q So in the course of that have you -- can you talk
5 about the type of training, specifically the CAST special
6 agents have to go through to be able to do the types of
7 analysis that y'all conduct?

8 A Yes, ma'am.

9 So additionally we try and select agents that have
10 experience in working criminal matters. So you want to
11 have a few years on it.

12 But initially our -- our beginning training is,
13 basically, a basic cell phone class, what are cell phone
14 records, how are they useful, how can we use them to locate
15 individuals, place phones generally in a general location
16 at the time of crimes or incidents that are important to an
17 investigator or to us as investigators.

18 Basically, the class is, hey, these are cell phone
19 records, hey, these are tower lists. We marry these up
20 together to visually display what the records are telling
21 us. Displays the date, times, things of that nature.

22 After that class we go on to what we call an advanced
23 cell phone analysis course or what we call project
24 pinpoint. Basically, that's records that might have some
25 sort of anomaly in it like we -- y'all heard earlier about

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 U.T.C. Some records are provided in U.T.C. time and not a
2 local time, so we give them records of that. We'd have to
3 convert the time, so we're, you know, comparing the times
4 for the area that you're -- you're in.

5 We sit up there and give the students scenarios. We
6 give them records, and we tell them to map it out, and then
7 we grade them and tell them how well they did.

8 After the advance course we start going into our --
9 our courses of practical problems where we put you in,
10 like, a command scene scenario for three or four days, and
11 we give you different scenarios like, hey, there's a
12 kidnapped child, hey, there's a violent offender, hey, a
13 police officer got shot. And we give you different records
14 for each one of those scenarios and we ask to you say, hey,
15 tell us what phones were in the area at the time of the
16 crime so we can develop leads and investigate that aspect
17 of it.

18 Again, we grade each person at the end of it. And if
19 we think you did well enough, you move on to the next
20 phase.

21 We also attend a class in Florida for our cell site
22 simulators. So, basically, that's a -- a truck or vehicle
23 that's equipped with equipment to interact with a phone so
24 if we need to really pinpoint and locate somebody in real
25 time live, then we can have that truck pulled out and make

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 the phone think it's talking to a cell tower instead of the
2 actual cell tower so we can hone in on where we need to go
3 arrest or find someone.

4 We then start going into our certification program
5 once you successfully complete those stages of training.

6 So our certifications are two 2-weeks scenarios that
7 we have.

8 Our first two weeks is that we sit up there and we
9 have a professor from Florida Institute of Technology that
10 comes in and tells us about radio frequency.

11 Cell phones interact with the cell towers through
12 radio frequency, and they tell us how radio frequency
13 works, why it's important to the cell phone, through the
14 cell phone and the cell phone network, why towers are kinda
15 set up the way that they are and why it's important for the
16 phones to be able to see the towers, and the towers to be
17 able to see the phones so that communication can take
18 place.

19 The second week of that training is then we bring in
20 all of the service providers. So representatives from
21 AT&T, Verizon, T-Mobile. Used to be Sprint, but T-Mobile
22 and Sprint merged together. And even U.S. Cellular.

23 We bring representatives from their law enforcement
24 personnel, people that we send legal process to. And then
25 the engineers for that -- those different cell phone

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 providers and come in and say, hey, what data is available
2 to us, how do we go about getting that data, how -- how
3 could it be utilized, how is your network set up, why are
4 towers spaced the way they're spaced, why in higher
5 populated areas are your towers closer together and more
6 rural areas they're further apart, things of that nature.
7 So the engineers explain their idea of the setup of that.

8 At the end of that particular training we go on kinda
9 like a field trip where we go out and we look at a cell
10 phone tower. We talk to the personnel that maintain those
11 cell phone towers, why they're -- why they work, what
12 happens if something goes wrong with it, how quickly they
13 respond to it.

14 And then we go to the switch, basically the brains of
15 when your phone says, hey, I want to use this tower here,
16 how it all gets routed to the switch and how we can all
17 communicate back and forth to each other. We see how that
18 takes place and talk to the personnel that are working it
19 inside that switch.

20 After that phase is completed we do our next 2-week
21 assignment where we go in there and we talk about being
22 expert witnesses, because we usually come in and we testify
23 as expert witnesses. We go through that training of what
24 expert witnesses can and cannot do, what they can and
25 cannot say.

1 And then we also give the students for the second
2 two -- second week of the second phase of our
3 certification, we give them a practical problem or an
4 exercise to go and do where they have to analyze phone
5 records. They have to visually display that on a map.
6 They have to make that presentation to a moot court where
7 we fly in attorneys from all over the country to play
8 prosecutors, defense attorneys and judges. And we just
9 kind of let them go and have them present it and then get
10 cross-examined on that.

11 At that point in time if you successfully complete it
12 based on the instructors that are there, then you become a
13 CAST certified agent by the F.B.I.

14 Q And you completed that training.

15 A Yes, ma'am.

16 Q And, in fact, you also with -- you are an instructor
17 for some of that training or you coordinate some of that
18 training?

19 A Yes, ma'am. So my initial duties when I started CAST
20 at the F.B.I. headquarters, I was the training coordinator.
21 I participated in each one of the trainings that took
22 place.

23 I -- as I left headquarters and back out into the
24 field and analyzing cell phone records I continued training
25 at the basic advance, and then our field training exercise

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 phases of teaching.

2 Q And you've been qualified as an expert previously.

3 A Yes, ma'am.

4 Q In both state and federal court?

5 A Yes, ma'am.

6 Q Approximately how many times?

7 A Over a dozen, probably just a dozen just in Charleston
8 County, but I've been qualified in Charleston County, Aiken
9 County, Marion County, Horry County, the Northern District
10 of Florida Federal Court, Washington, D.C. in superior
11 court there. I've testified about cell phone records in
12 the Eastern District of Tennessee, and then in state court
13 in Duval County, Florida.

14 MS. WELLS: Your Honor, at this time we would offer
15 Special Agent Simmonds, Supervisory Special Agent Simmonds,
16 as an expert in cellular data analysis and cell tower
17 analysis.

18 MR. BRANNON: No objection from Defendant Johnson.

19 MR. JOHNSTON: We believe he's qualified to offer his
20 opinion.

21 THE COURT: All right. He is so qualified.

22 MS. WELLS: Thank you, Your Honor.

23 Q Special Agent Simmonds, I want to direct your
24 attention back to May of 2018. You were working out of the
25 Charleston office at that time?

R.C. Clay Simmonds
Direct examination by Ms. wells

1 A Yes, ma'am.

2 Q And did you receive a message from Investigator
3 William Reece with the City of Spartanburg concerning an
4 investigation he was working on?

5 A Yes, ma'am. He sent me an email asking for me to take
6 a look at some cell phone records that he had from T-Mobile
7 in relation to a murder that had taken place.

8 Q Okay. And did he, in fact, send those records to you?

9 A Excuse me?

10 Q Did he -- did he send you those records?

11 A Yes, ma'am.

12 Q Okay. And can you tell the members of the jury what
13 your -- what you did with those records initially?

14 A Sure.

15 After receiving the records and getting initial
16 information about the time of the crime, where the crime
17 took place, any relevant addresses that would be pertinent
18 to the analysis, I then loaded the records into a mapping
19 software to basically kinda give me an idea visually where
20 the phones were taken. And I put them on a map and created
21 some maps for Investigator Reece to review to see if it
22 assisted in his investigation and emailed them back to him.

23 Q Okay. And in anticipation of trial today did you
24 prepare a -- what's called a CAST -- excuse me -- F.B.I.
25 cellular analysis survey team report?

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 A Yes, ma'am.

2 Q And that is based off the information Investigator
3 Reece provided to you back in May of 2018?

4 A Yes, ma'am.

5 MS. WELLS: May I approach, Your Honor?

6 THE COURT: Yes, ma'am.

7 MS. WELLS: Thank you.

8 Q Special Agent Simmonds, I'm going to show you what's
9 been marked for identification purposes as State's
10 Exhibit 23 and 23.1 and ask if you can take a look at those
11 and tell me if you recognize them.

12 A Yes, ma'am. It's the report I created for cellular
13 telephone numbers (864)754-5302, (864)279-7530 and
14 (678)677-2005.

15 Q All right. And State's Exhibit 23 is a disc with
16 that -- with basically 23.1 on it, is that correct?

17 A Yes, ma'am.

18 Q All right. And this is in the same condition that you
19 offered -- that you sent it our office and to Investigator
20 Reece, is that correct?

21 A That is correct.

22 MS. WELLS: Your Honor, we'd offer State's 23 and 23.1
23 at this time.

24 MR. BRANNON: Without objection.

25 MR. JOHNSTON: No objection from Gentry.

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 THE COURT: Admitted.

2 MS. WELLS: Thank you, Your Honor.

3 (Cell tower power point marked State's Exhibit No. 23;
4 paper copy of State's Exhibit No. 23 marked State's Exhibit
5 No. 23.1.)

6 MS. WELLS: Your Honor, ask for permission to publish.

7 THE COURT: You may.

8 Q All right. I'm going to give you 23.1. I think I'm
9 going to need to use 23.

10 MS. WELLS: Your Honor, beg the Court's indulgence.

11 (Pause.)

12 MS. WELLS: Your Honor, with the Court's permission
13 we're going to move this television in front of the clerk's
14 area closer to the jury.

15 (Pause.)

16 Q All right. Special Agent Simmonds, we're looking at
17 what is the entry page with the phone numbers that you just
18 referenced, is that correct?

19 A Yes, ma'am.

20 Q All right. Can you talk to us about historic cell
21 phone analysis?

22 A So, basically, cell phone providers are required by
23 law to maintain certain information that can be useful in
24 law enforcement investigations.

25 So through legal process we are able to obtain that

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 information and then, basically, visually display that
2 information onto a map to kinda give you a general idea
3 where phones are at any particular moment in time that they
4 interacted with the network.

5 So, basically, we have to get the call detail records
6 from that service provider along with a tower list and
7 kinda marry those things up together to visually display
8 where these phones generally were at the time that they
9 interacted with it.

10 So this page here just explains what numbers I had
11 available to me, the date and time or the timeframe that
12 was needed for analysis, and then how we went about doing
13 it and that the results would be displayed on the following
14 pages.

15 Q What is sector orientation? This says sector
16 orientation, example. Can you explain what that means?

17 A Yes, ma'am. So most towers here, especially in South
18 Carolina, are divided up into three sectors. You have
19 Sector 1, Sector 2, Sector 3. Sometimes engineers call
20 them alpha, bravo -- alpha, beta, gamma for whatever
21 reason.

22 So they're divided up one, two and three. And with
23 that each sector covers about 120 degrees. So the tower
24 covers all 360 degrees of the circle. And they're divided
25 up into three sectors, and each sector is approximately 120

1 degrees.

2 with that in the tower list the companies tell us the
3 azimuth of it or the strength of where that site is being
4 reflected off of. And they give it to us in degrees. And
5 so we take that degree marking and kinda think of it like a
6 clock with 12:00 o'clock being zero, 1:00 o'clock being 30
7 degrees, 2:00 o'clock, 60 degrees and so forth and so on.

8 And if they tell us that the azimuth for that
9 particular sector is oriented at 60 degrees we go -- we
10 draw our sector out that way and then go 60 degrees to the
11 left of that, 60 degrees to the right of it to come up with
12 our 120-degree pie wedge to cover the 360 degrees on that
13 particular tower for each particular sector.

14 So each sector will have a different degree range for
15 that, and that's how we know which side of the tower the
16 phone used when it communicated with the tower.

17 Q Okay. And this is a cell site demonstration. Can you
18 explain that to the jury?

19 A Yes, ma'am. So cell -- cell site radio frequency is
20 not a perfect pie wedge. It is not always 120 degrees.
21 Sometimes it's a little bit smaller; sometimes a little bit
22 bigger that way. But our -- for our mapping purposes for
23 this, they're always drawn at 120 degrees perfect little
24 pie wedge. Radio frequency is not that way. And so we
25 draw it that way to cover the 120 degrees for all three

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Direct examination by Ms. Wells

1 sides of it. And the little --

2 THE COURT: Excuse me. Please be mindful of the
3 microphone. You're bumping into it and distorting the
4 sound.

5 A And the shaded region of the sector just shows you the
6 area that the energy is coming off, that radio frequency
7 energy is coming off of. It does not mean that the phone
8 is in that shaded region. It could be anywhere between the
9 two arms of that sector being displayed.

10 Q So let's talk about the area of interest that you had
11 provided to you in this case. Can you tell the members of
12 the jury what that was and how you kinda got started on
13 your analysis here?

14 A Sure. So the detectives provided me with the relevant
15 locations, the crime scene, where a vehicle was recovered
16 and a body was found, which are the two red flags.

17 Underneath that they provided latitude and longitude
18 of those two pieces of evidence. They also provided me the
19 home address or the last known address for the victim,
20 which is at 100 Pinegate Drive in Spartanburg.

21 They provided me the address for a Robert Gentry at
22 286 Hydrick Street in Spartanburg, and it's displayed in
23 the orange tag with the R.G. on there.

24 And then they provided me an address of 5220 Pogue
25 Street in Spartanburg. And that would be for the Johnson

1 residence.

2 So I took those addresses and had them displayed on
3 the map and used the legend on the right to explain where
4 those locations are.

5 Q All right. So when you would talk about historical
6 cell phone analysis, can you talk about specifically what
7 that means? There -- I think folks have different ideas of
8 how we utilize telephone information to track or identify
9 where individuals are. Can you just kinda explain that
10 just a little bit to the jury?

11 A Sure. So, again, cell phones communicate through --
12 to the towers through radio frequency. And what ends up
13 happening is when a phone call wants to be placed or you
14 receive a phone call, you press a little green button or
15 you answer ever how you answer it on your phone.

16 The phone sends a signal to the tower, and that sector
17 says, hey, I want to use resources on this. And when the
18 tower grants that information, that's when the sector gets
19 populated.

20 We use the initial start time of -- that the phone
21 connected to the tower because a phone chose that tower as
22 the clearest, strongest signal that took place.

23 So cell phones as they sit there and they're idle,
24 they sit up there and they're constantly scanning their
25 environment to see which towers provide their clearest,

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1 strongest signal. And as you move around those towers may
2 jump around, which one provides the clearest, strongest
3 signal. And when you hit the button to answer that call or
4 text or whatever it is that you plan on doing, that's when
5 the records get populated from your service providers.

6 So the networks themselves -- the towers are kinda set
7 up generally kinda like a sprinkler system. You have one
8 tower that may be on the west side -- east side, west
9 side -- and the other one's on the opposite side, east or
10 west side. And they shoot back across each other. And
11 there's a little bit of overlap between it.

12 So when you're traveling from cell tower to cell tower
13 you don't drop a call because cell companies have realized
14 that makes you mad, you get aggravated with it and you want
15 to find somebody with a better -- better service. And they
16 don't want to do that because they don't want to lose
17 customers because they're a for-profit business and they
18 want to continue having you pay your bill every single
19 month.

20 And so it's kinda like a sprinkler. You sit up there
21 and you have that overlap into your yard so you don't have
22 a piece of dead grass in there. And cell networks don't
23 want to have dead spots where you drop phone calls.

24 So phones are utilized that -- utilize radio frequency
25 to talk to the towers, and the towers are set up to overlap

1 each other, you know, from there.

2 Q You go on. I didn't mean to interrupt you.

3 A No. I'm done. And so -- and so when we sit up there
4 and ask for the call detail records through legal process,
5 which is now a search warrant, the phone companies keep the
6 information of what tower and sector was used at that
7 particular time and the phone initial -- initiated contact
8 with it.

9 So this is all historical. It does not give us any
10 specific locations, doesn't give us latitude and longitude
11 of the phone at that particular moment in time.

12 It is not -- we're not doing it live. We're all doing
13 it information that's in the past. So not every
14 communication that comes through call detail records will
15 have cell tower information.

16 Some companies sit up there and have it just for voice
17 calls. Some of it has for voice and text messages. Some
18 of them will give us data sessions that take place, but not
19 every company does that.

20 Q What about T-Mobile? At the time do you know what
21 existed what about -- what was their policy?

22 A So T-Mobile -- for this one, these are only voice
23 calls, only voice communications that took place over their
24 network. They did not provide any tower information on
25 text messages.

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 Q All right. So looking at State's Exhibit -- I'm
2 looking at State's Exhibit 23. I know you've got State's
3 Exhibit 23.1 in your hand, and the jury's looking at it on
4 screens. This, which is page five, is the beginning of
5 your analysis, correct?

6 A Yes, ma'am. So this is the analysis on telephone
7 numbers (864)754-5302; (678)677-2005; and (864)2 --

8 THE COURT: Excuse me just a minute.
9 We're got a court reporter here.

10 THE WITNESS: I'm sorry.

11 THE COURT: She's taking everything down, and she
12 can't write as fast as you can talk, so you're going to
13 have to slow that down a little bit. It might help the
14 jury too.

15 A And so this is --

16 THE COURT: Don't turn your back to the court
17 reporter.

18 A So this is for telephone numbers (864)754-5302;
19 (678)677-2005; and (864)279-7530 for the time period of May
20 9th from 2:29 a.m. till 11:30 a.m.

21 Q And you chose May 9th with -- in consultation with
22 Investigator Reece about the time of the -- the date that
23 Brechue wiles went missing?

24 A Yes, ma'am. That's -- I base my timeframe on what
25 information was provided by the investigators.

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 Q Okay. So let's talk -- let's start with
2 (864)754-530 -- 5302. Can you tell us where that -- whose
3 phone is that and what -- where was it during this time
4 period?

5 A This is Ms. Wiles' phone. I utilized T-Mobile tower
6 61301, Sector 3, which appears to be a tower that'd provide
7 service to her residence from 2:29 in the morning to
8 11:12 a.m.

9 Q Okay. And then looking at (678)677-2005, I believe
10 that's Mr. Johnson's phone.

11 A That's my understanding yes, ma'am.

12 Q All right. And where -- can you tell us where
13 Mr. Johnson's phone was during this same time period on May
14 the 9th, 2018?

15 A It was using a tower six -- sorry. I have to break
16 down and get out reading glasses. It was using Tower
17 62868, Sector 2, from 2:39 in the morning till 11:12 a.m.

18 Q And what about (864)279-7530, Mr. Gentry's phone?

19 A It was utilizing Tower 62878, Sector 3, at between
20 8:20 a.m. and 10:18 a.m.

21 Q Okay. Where is that tower located?

22 A Off to the west of Tyger River Park near Reidville,
23 just kind of northwest of Reidville.

24 Q All right. And going back to Mr. Johnson's phone,
25 that phone was off of this particular tower you testified

1 about. And could we talk about the location of that tower
2 in relation to his residence?

3 A And that tower is the tower that appears to be
4 providing service to the residence.

5 Q I want to ask you looking at the calls on that, in
6 this particular timeframe on slide 5 of your report between
7 Mr. Johnson and Mr. Gentry, it appears there is a call
8 between those parties at 9:11 a.m.

9 A Yes. They -- they both have calls at -- one's at 9:11
10 and 19 seconds. One's at 9:11 and 20 seconds.

11 Q And those are phone calls to each other?

12 A Appears to be to each other. I'd need the records to
13 verify it, but from my recollection that's what it was.

14 Q Okay. And at that time Mr. Johnson's phone is at Mr.
15 Johnson's residence and Mr. Gentry's phone is at this
16 location near Reidville. They're not together.

17 A That's correct. I mean, those are the most likely
18 place where Mr. Johnson's phone would be, would be at the
19 residence since it's providing a towered sector that would
20 give service to his residence.

21 Q Looking now at page six of state's Exhibit 23.

22 Can you -- this is your analysis between the hours of
23 11:30 a.m. and 4:29 p.m. Can you talk to the members of
24 the jury about what you see from the phones here?

25 A Sure. Mr. Gentry's phone appears to remain at Tower

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 62878, Sector 3, from 11:46 a.m. till 4:13 p.m., while
2 Ms. Wiles' phone is at -- at her residence or appears to be
3 at the residence or the towered sector that provides
4 service to her residence at from 12:42 p.m. till about
5 1:32 p.m. And then the phone begins to move around the
6 Spartanburg area utilizing towers just to the east and kind
7 of southeast of the last tower she used for her residence.

8 Q Okay. And you note that there's no activity for the
9 (678)677-2005 phone during that time?

10 A Yes, ma'am. And if I recall correctly, there's
11 several hours within the phone records that there's nothing
12 coming or going in the records.

13 Q When you say nothing coming or going, you mean from
14 that -- from Mr. Johnson's phone number?

15 A Correct. Like, there's not even activity showing that
16 calls were missed or somebody was trying to text him. It's
17 like the phone was cut off.

18 Q Looking now at page seven of State's Exhibit 23. This
19 is analysis between the hours of 4:30 p.m. to 8:29 p.m.
20 Can you tell the members of the jury what we're looking at
21 here?

22 A Sure. So it appears that Mr. Gentry's phone continues
23 to remain on Tower 62878, Sector 3, from 5:44 to 6:52 and
24 then begins to travel north and then east towards
25 Spartanburg utilizing a tower at 7:18 p.m., 62659, Sector

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 2, and then eventually ending up on Tower 62887, Sector 2,
2 by 8:10 p.m. And then Ms. Wile's phone is kind of using a
3 tower, 62876, Sector 3, which is just west of the
4 Spartanburg airport and eventually travels up north off of
5 Highway 29 utilizing Tower 61302, Sector 1, at 7:08 p.m.

6 Q Okay. Let's go back and talk about Mr. Gentry's phone
7 for just a second.

8 I'm pointing on State's 23, page seven. I know I'm
9 going to be missing the last two jurors here. I'm pointing
10 to the bottom left-hand corner. Is that -- that's where
11 Mr. Gentry's phone has been basically on the first two
12 pages that you have spoken of, is that correct?

13 A Yes, ma'am.

14 Q And then you said sometime after 6:52 that phone
15 begins to move and that -- is that the directional arrow --
16 arrows in blue that you have indicated on page 7 of this
17 exhibit?

18 A Yes, ma'am. That's the dotted arrows as the
19 direction -- direction of the -- halaphone had to move to
20 reach those towers.

21 Q All right. And then Ms. Wile's phone, as you've
22 indicated on there -- Mr. Gentry's phone is in blue;
23 Ms. Wiles' phone is in green, correct?

24 A Yes, ma'am.

25 Q All right. And she's moving around, out and about,

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 moving around the city, fair to say?

2 A Yeah. A couple of hours of phone records that we
3 have, she used two different towers.

4 Q All right. And during the same timeframe, what about
5 Mr. Johnson's phone?

6 A So Mr. Johnson's phone at 8:24 and three seconds
7 utilized the same tower as Mr. Gentry, 622887, Sector 2,
8 which is kinda the red and blue overlap that would be --
9 appears to be providing service to Mr. Gentry's residence.

10 Q And that -- I'm -- I think you just said what I was
11 going to ask you.

12 This is the tower that you plotted as being the one
13 that provided the access to his residence when you started
14 your analysis, is that correct?

15 A Yeah. It's -- it's a tower -- tower and sector that
16 provides service to that residence.

17 Q And they're both on there at the same time or in the
18 same timeframe, is that correct?

19 A Correct. At 8:24 and three seconds both of them
20 are -- are using that same tower and sector. And if I
21 recall correctly from reviewing the call detail records,
22 they are communicating with each other.

23 Q Now I'm looking at your historical cell phone
24 analysis, State's 23, page eight. This is the timeframe
25 between 8:30 p.m. and 9:59 p.m. Can you tell the jury what

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 they're looking at here?

2 A Yes, ma'am. So beginning around 9:07 p.m., Ms. Wiles'
3 telephone uses Tower 58964, several different sectors on
4 that tower from 9:07 to 9:23 p.m.

5 It then moves to the east using Tower 62872 at
6 9:31 p.m. and then goes south, kinda east, utilizing Tower
7 61320, Sector 3, at 9:42 to 9:59 p.m.

8 And then for Mr. Johnson's phone, 2005, it starts off
9 at 8:43 utilizing the same tower and-but a different sector
10 that Ms. Wiles used at 8:43, so it's using the sector that
11 kinda points to the northeast.

12 It then moves down to Tower 62868 at 9:02 p.m. using a
13 different sector than what it previously used when it was
14 at the residence or what is believed to be at the residence
15 and then eventually moved back east at 9:31 p.m. utilizing
16 Tower 62875, Sector 3.

17 Q And where is Mr. Gentry's?

18 A And Mr. Gentry's phone is using a Tower 61302, Sector
19 1, at 8:51 p.m., which is kind of near I-26 and U.S. 29 or,
20 more specifically, 295 and U.S. 29.

21 Q What are we looking at on page nine of State's 23?

22 A So this is Mr. Gentry's phone from 10:00 p.m. to
23 1:30 a.m. There were two transactions that took place
24 during that timeframe utilizing Tower 154795, Sector 2.
25 The times were 11:24 p.m. and 11:45 p.m. And it's using a

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 tower near Roper Mountain Road and Feaster Road, would be
2 probably the two closest intersecting streets.

3 Q Okay. And that is actually in Greenville County,
4 right?

5 A That is correct.

6 Q All right. And let's look at -- so Mr. Gentry stays
7 in Greenville County basically.

8 A But at 11:24 to 11:25 we know the phone utilized a
9 tower and sector in Greenville county.

10 Q All right. So then looking at page ten of your
11 report, this is just Mr. Johnson's phone and Brechue wiles'
12 phone, correct?

13 A That's correct.

14 Q Okay. Let's talk about what we're looking at here.

15 A So at 10:18 p.m., Mr. Johnson's phone is utilizing
16 Tower 61320, Sector 3, at 10:16 p.m.

17 Q And which tower is Ms. wiles utilizing?

18 A She -- she's utilizing -- her phone is utilizing the
19 exact same one at 11:23, 11:25 and 11:27 p.m.

20 Q And that is the tower that services the Duncan Park
21 area of Spartanburg, is that correct?

22 A Yes, ma'am. That's the closest tower. And, again,
23 cell phones utilize towers with the clearest, strongest
24 signal, which is usually the closest one, but it's not
25 always the case. In this case this appears to be the

R.C. Clay Simmonds
Direct examination by Ms. Wells

1 closest tower that provides service to that, to the crime
2 scene.

3 Q All right. So you said that Mr. Johnson's phone
4 utilizes this tower 61320 at 10:18 p.m.

5 A Yes, ma'am.

6 Q And is that the end of the utilization of that tower?

7 A Well, then the phone moves at 11:24 p.m. to Tower
8 62603, Sector 1, which is kinda off of South Church Street.

9 It returns back to Tower 61320 but this time using
10 Sector 2, which is the 180-degree kinda 6:00 o'clock
11 downward position.

12 At 11:45 p.m. the phone eventually travels further
13 south to Tower 62875, Sector 3, at 11:48 p.m. and then
14 eventually goes back west to Tower 62868, Sector 2, at
15 1:04 a.m., which appears to be the tower and sector that
16 would provide service to the residence.

17 Q Okay. Let's talk -- let's go back to Ms. Wiles'
18 phone.

19 You said that there was -- there were phone calls to
20 her phone -- or I don't know. You may not know. But there
21 was -- there are calls to her phone at 11:23, 11:25 and
22 11:27, all off the 61320, which is the -- the tower that
23 services the Duncan Park area?

24 A Yes, ma'am. So the sector that she used is the green
25 undertone underneath, and that is in the direction to the

R.C. Clay Simmonds
Cross-examination by Mr. Brannon

1 crime scene.

2 If I recall correctly from looking at the call detail
3 records, all three of those phone calls ended up going to
4 voice mail.

5 Q And that was the timeframe you were asked to examine,
6 is that correct?

7 A Yes, ma'am.

8 Q Ms. Wiles' phone never leaves that cell phone tower in
9 your analysis once -- once it gets there, it never leaves.

10 A Yeah. And also if I recall correctly, 11:27, because
11 I went out to 1:30 a.m. 11:27 is the last activity where
12 there's any cell site data for her phone.

13 MS. WELLS: May I have a moment, please, Your Honor?

14 (Pause.)

15 MS. WELLS: Your Honor, I don't have any further
16 questions for Special Agent Simmonds at this time.

17 THE COURT: All right. We'll take a break before
18 we go forward with the cross-examination.

19 I'll ask the witness to step down. Don't discuss your
20 testimony during the break.

21 THE WITNESS: Yes, sir.

22 THE COURT: I'll ask the jury to please go to your
23 jury room, but do not discuss the case. I'll bring you
24 back shortly.

25 (The following takes place outside the presence of the

R.C. Clay Simmonds
Cross-examination by Mr. Brannon

1 jury.)

2 THE COURT: We'll be at ease for 15 minutes.

3 MR. BRANNON: Thank you, Your Honor.

4 (Whereupon, a recess was taken.)

5 THE COURT: All right. We ready for the jury?

6 MR. BRANNON: Yes, Your Honor.

7 MR. JOHNSTON: The defense is ready.

8 THE COURT: Bring them in.

9 (The following takes place in the presence of the
10 jury.)

11 THE COURT: Come back around, please, sir.

12 We will continue with the examination of the witness
13 by defense counsel.

14 MR. BRANNON: May it please the Court.

15 THE COURT: Mr. Brannon.

16 CROSS-EXAMINATION

17 BY MR. BRANNON

18 Q Special Agent Simmonds, first of all, thank you for
19 being here today. I want you to know up front you're a lot
20 smarter than I am, more highly trained than I, so I'm going
21 to ask you baby questions.

22 Okay. I believe you said that the purpose of your
23 investigation, particularly with what -- not particularly,
24 but in -- in cell phone investigation is to determine the
25 general location of any cell phone, is that correct?

Chris Taylor
Direct examination by Mr. Barnette

1 A That's correct.

2 Q And then I believe later you used the phrase, "where
3 these phones generally were at a given time," is that
4 correct?

5 A That's correct.

6 Q All right. Now, I appreciate your -- your explanation
7 of the pie. So you've got sectors that are 120 degrees.
8 Three of those would form a full circle, correct?

9 A Yes, sir.

10 Q Sir, what is the -- generally, what is the diameter of
11 that 360 degrees?

12 A Every -- everyone's going to be a little bit --
13 everything's going to be a little bit different because the
14 more towers that you have the less distance of one
15 particular tower.

16 So if you have competing towers close together that
17 diameter's going to shrink. If they're further apart,
18 it'll be a little bit bigger. So it's -- I'm not able to
19 tell.

20 Q Okay. So you can't. You can't tell in this case.

21 A I wouldn't be able to tell in any case.

22 Q Okay. And -- and you also said that the information
23 that you are provided from the cell phone companies does
24 not give you latitude and longitude, correct?

25 A Not for the phone device. It gives us latitude and

Chris Taylor
Direct examination by Mr. Barnette

1 longitude for the location of the towers, but the only
2 thing that it gives us for any location reference --
3 regard -- referencing the phone is the tower and sector it
4 utilized.

5 Q Right. So, in other words, this isn't G.P.S.

6 A No, sir.

7 Q It's just a general area.

8 A It's the tower and sector that the phone utilized when
9 the call took place.

10 Q Thank you.

11 MR. BRANNON: Nothing further.

12 MR. JOHNSTON: I have no questions for the gentleman.

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

14 MS. WELLS: Your Honor, may the agent be excused?

15 THE COURT: He may be.

16 MR. BRANNON: No objection, Your Honor.

17 MR. JOHNSTON: No objection.

18 (Whereupon, the witness was excused.)

19 MR. BARNETTE: The state would like to call
20 Investigator Chris Taylor to the stand, Your Honor.

21 CHRIS TAYLOR, having been
22 first duly sworn, testified as follows:

23 DIRECT EXAMINATION BY MR. BARNETTE

24 Q If you would, sir, please give your name for the
25 record.

Chris Taylor
Direct examination by Mr. Barnette

- 1 A Chris Taylor.
- 2 Q And where do you work at, sir?
- 3 A Spartanburg Police Department.
- 4 Q And what is your position there, sir?
- 5 A Investigator.
- 6 Q And how long have you been there, sir?
- 7 A Over 25 years.
- 8 Q Going back to May 11th of 2018, was you working that
9 day, sir?
- 10 A Yes, sir.
- 11 Q And was you with Investigator Nelson also?
- 12 A I was.
- 13 Q Did y'all get a call about a body in Duncan Lake?
- 14 A Yes, sir.
- 15 Q And when you got that call, what did you do, sir?
- 16 A We responded to the location and met with the other
17 investigators, as well as patrol.
- 18 Q And when you arrived there, what did you see or what
19 did you find?
- 20 A Well, the first thing we saw when we arrived was --
21 was a Pontiac that belonged to the victim. And we was
22 directed to the location of the deceased's body in the
23 lake.
- 24 Q So you noticed the car was there. And did that wind
25 up being her car -- the victim?

Chris Taylor
Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q And was the victim identified?

3 A Yes. She was.

4 Q And who was it?

5 A It was Brechue Wiles.

6 Q Did y'all start investigating? Obviously, when you
7 arrived there -- tell us where you went after that.

8 A We first met together and decided what we was going to
9 do as far as -- with the investigation as far as canvassing
10 the neighborhood.

11 We got a canine unit from the county because we didn't
12 have one available that day. The canine unit from the
13 sheriff's office came and they tracked the vehicle, from
14 the vehicle to the decedent's body.

15 We also had to get the dive team from the sheriff's
16 office to recover the deceased's body.

17 Q And was the sheriff's -- I guess Bree's mother was at
18 the sheriff's department. Did y'all notify the sheriff's
19 department once you got the tattoos and information like
20 that?

21 A Yes. We did.

22 Q After that once you was at the crime scene and was
23 working that, what steps did you do next?

24 A We tried to find out who was the person that last seen
25 her. Talked to the mother and the aunt and found out who

Chris Taylor
Direct examination by Mr. Barnette

1 she was in relationship with or talking to and went from
2 there as far as trying to locate.

3 Q And who was that individual, sir?

4 A We found it was Tremaine Johnson.

5 Q Okay. And based off that information did you try to
6 locate Mr. Johnson?

7 A Yes. We did.

8 Q And could you tell the jury what you did to try to
9 locate him?

10 A I knowed Ms. -- Tremaine Johnson's mother. So I tried
11 to contact her through a -- a job. She worked at a funeral
12 home. I contacted the person that owned the funeral home
13 and they gave me a phone number. I called her and she
14 wound up calling me back, and I told her I needed to see
15 her son.

16 Q And did she get her son?

17 A Yes, she did.

18 Q And did he meet with y'all?

19 A Yes, he did.

20 Q where did y'all first meet him at?

21 A We first met him at his address at 5220 Pogue Street.

22 Q And from there did y'all -- did he come to the police
23 station with y'all?

24 A Yes, he did. He rode in the vehicle with me and
25 Investigator Nelson.

Chris Taylor
Direct examination by Mr. Barnette

1 Q Did he voluntarily do that?

2 A Yes.

3 Q And did y'all just ask him to come?

4 A We just asked him to come.

5 Q And did you just ask him some questions, probably
6 wanted to ask him some questions?

7 A That's all. We just wanted to get a background of
8 when the last time he saw her.

9 Q That interview, was it recorded when y'all got him to
10 the police station?

11 A Yes. We record most interviews on the L3 system.

12 Q And during that time -- let me show you what's been
13 marked as State's Exhibit 24.

14 was he given his rights and explained those to him by
15 Investigator Nelson?

16 A Yes. He was.

17 Q And was you present when that happened?

18 A I was.

19 Q And is this the form that that was done on?

20 A Yes, sir.

21 MR. BARNETTE: Your Honor, at this time I'd like to
22 introduce State's Exhibit 24.

23 MR. BRANNON: No objection.

24 MR. JOHNSTON: No objection.

25 THE COURT: It's admitted.

Chris Taylor
Direct examination by Mr. Barnette

1 (Written waiver of Tremaine Johnson marked State's
2 Exhibit No. 24.)

3 MR. BARNETTE: Can I publish it at this time, Your
4 Honor?

5 THE COURT: You may.

6 Q Going through this form, at that time did y'all get
7 the information from Mr. Johnson?

8 A Yes, sir.

9 Q And was that his address that he was living at the
10 time?

11 A Yes, sir.

12 Q And was this his telephone number?

13 A Yes, sir.

14 Q And during that time he was given his rights. Was
15 those read to him by Investigator Nelson?

16 A They were.

17 Q And all of these rights, "Number one, you have the
18 right to remain silent; two, anything you say can and will
19 be used against you in a court of law; three, you have the
20 right to talk to a lawyer and have a lawyer present with
21 you while you're being questioned; four, if you cannot
22 afford to hire an attorney one will be appointed without
23 any cost to represent you before questioning begins; and,
24 five, you have the right to stop answering questions at any
25 time."

Chris Taylor
Direct examination by Mr. Barnette

1 Those were checked by Investigator Nelson as he read
2 them to him?

3 A Yes, sir.

4 Q And was these initialed by Mr. Johnson?

5 A They were.

6 Q And Investigator Nelson signed that he gave his rights
7 to him?

8 A Yes, sir.

9 Q And did Mr. Johnson sign the form after being given
10 those rights that he understood them?

11 A Yes, sir.

12 Q And that was also witnessed by Investigator Nelson.

13 A Yes, sir.

14 Q And you also witnessed there too. You were also
15 present.

16 A I did.

17 Q And then there was a waiver of rights given, is that
18 right?

19 A Yes, sir.

20 Q And y'all told him that y'all come up to talk about
21 the death of Bree, Brechue wiles, in this case at Duncan
22 Park.

23 A Yes, sir.

24 Q And he understood and he wanted to waive his rights
25 and fully talk to y'all about -- in this case, is that

Chris Taylor
Direct examination by Mr. Barnette

1 right, sir?

2 A Yes, sir.

3 Q And that was also witnessed by Investigator Nelson, as
4 well as yourself.

5 A Yes, sir.

6 Q And then at the bottom there it shows when the
7 interview began, was completed and that it was freely and
8 voluntarily given without threat or promise or leniency or
9 reward, is that correct?

10 A Yes, sir.

11 Q And that was also signed again by Mr. Johnson?

12 A Yes, sir.

13 Q And you witnessed it that time, is that right, sir?

14 A Yes, sir. I did.

15 Q Investigator Nelson was present for that also.

16 A Yes. He was.

17 Q And State's Exhibit 25. You reviewed this. This is
18 the interview involving Mr. Johnson, is that right? Let me
19 let you look at it, sir.

20 A Yes, sir.

21 Q Okay. And he also gave consent to search his phone,
22 is that right?

23 A Yes, sir.

24 Q Is that State's Exhibit No. 26?

25 A It is.

Chris Taylor
Direct examination by Mr. Barnette

1 Q Okay. And that was done afterwards.

2 A It was.

3 Q And then -- then he also gave consent to search for
4 D.N.A., buccal swab, is that right, sir?

5 A Yes, sir.

6 Q And that was done afterwards after the interview, is
7 that right?

8 A It was also.

9 Q Okay.

10 MR. BARNETTE: Your Honor, I'd like to enter State's
11 Exhibits 25, 26 and 27 into evidence, sir.

12 MR. BRANNON: No objection.

13 MR. JOHNSTON: No objection, sir.

14 THE COURT: They're admitted.

15 (Video of statement given by Tremaine Johnson marked
16 State's Exhibit No. 25; consent to search form marked
17 State's Exhibit No. 26; consent to search form marked
18 State's Exhibit No. 27.)

19 MR. BARNETTE: Your Honor, permission to publish the
20 State's Exhibits 25, 26 and 27 to the jury.

21 THE COURT: Yes, sir.

22 MR. BARNETTE: Your Honor, I'm going to publish
23 State's Exhibit 25 first with the Court's permission.

24 (Whereupon, State's Exhibit No. 25 was played for the
25 jury.)

Chris Taylor
Direct examination by Mr. Barnette

1 Q Okay. I was going back and repeat from there.

2 During -- and of course you got his cell phone, and
3 the cell phone was dumped, is that right?

4 A Yes, sir.

5 Q And did you -- and, obviously, we know that witness
6 has testified about this. Obviously, the cell dump showed
7 differently than where he was on one of his phones.

8 A Yes, sir.

9 Q And if I understood right, his testimony was on
10 Tuesday night is the last time he saw her.

11 A That's correct.

12 Q That night at 10:30-11:00, in that range.

13 A Yes, sir.

14 Q He's saying no interaction with her whatsoever on
15 Wednesday.

16 A That's right.

17 Q And, obviously, the phone was dumped. The cell
18 information was given to the F.B.I. It showed, obviously,
19 that he was at all kinds of different locations on May 9th.

20 A Yes, sir.

21 Q And one of those locations was Duncan Park.

22 A That's correct.

23 Q And the other location was, I guess, Hydrick Street
24 where Mr. Gentry lived.

25 A Yes, sir.

Chris Taylor
Cross-examination by Mr. Brannon

1 Q And did you also -- through y'all's investigation did
2 you find out that he was also at Mr. Gentry's house?

3 A Yes, sir.

4 Q And did you also find out that through the
5 investigation and everything -- I guess later -- Dr. Wren
6 will testify later -- that the baby, the fetus, was
7 actually -- he was the father of the baby --

8 A Yes, sir.

9 Q -- in this case? And, obviously, you let him go that
10 day. You didn't arrest him that day, did you?

11 A No, sir.

12 Q Because y'all didn't have all that information at that
13 time.

14 A No, sir. We did not.

15 Q All right. And, obviously, you didn't even know the
16 information about Mr. Gentry at that time.

17 A No, sir. We didn't.

18 Q And the cell phone information led to that --

19 A Yes, sir.

20 Q -- in this case.

21 Do you see the gentleman that y'all interviewed that
22 day on May 11th, that Friday?

23 A Yes, sir.

24 Q Can you identify him for the Court?

25 A He's sitting to the right of his attorney. He's

Chris Taylor
Cross-examination by Mr. Brannon

1 between both attorneys over there.

2 Q And is he the gentleman that is wearing his mask?

3 A Has braids in his hair.

4 Q Flowered shirt and everything?

5 A Yes.

6 MR. BARNETTE: Your Honor, I'd like the record to
7 reflect that he's identified Mr. Johnson in this case.

8 THE COURT: It shall.

9 MR. BARNETTE: One moment, Your Honor, please.

10 (Pause.)

11 Q If you would, please, answer any questions the defense
12 may have for you, sir.

13 A Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. BRANNON

16 Q Investigator Taylor, one of the very first things that
17 you testified to was after you got the notification of her
18 body found at the lake that you went to the site, correct?

19 A Yes, sir.

20 Q And you determined the parameters of your
21 investigation. Those are my words, but that's basically
22 what you said, correct?

23 A Yes, sir.

24 Q You said something about canvassing the neighborhood
25 looking for witnesses, right?

Sidney Dean
Direct examination by Ms. wells

1 A Yes, sir.

2 Q What did you find?

3 A No witnessed it because it was at night.

4 Q I'm sorry?

5 A Nobody. The doors we knocked on, most of them wasn't
6 at home. But then the ones we did get at home, he said
7 that he was -- he worked the third shift, he didn't hear
8 know anything, so.

9 Q Didn't hear anything.

10 A Right.

11 Q Okay. All right.

12 THE COURT: You might want to pull that microphone
13 towards you.

14 Q Did you ever find a gun?

15 A No, sir.

16 Q And you said that -- nothing further. Thank you.

17 MR. JOHNSTON: No questions for the gentleman.

18 THE COURT: All right. You may step down.

19 We'll recess for lunch. We'll resume at 2:15 this
20 afternoon.

21 Keep in mind no discussion, no research no
22 investigation, no media coverage.

23 Have a good lunch. I'll see you at 2:15 this
24 afternoon.

25 Everybody stay here until the jury is gone.

Sidney Dean
Direct examination by Ms. Wells

1 (The following takes place outside the presence of the
2 jury.)

3 THE COURT: Court is in recess until 2:15.

4 (Whereupon, a recess was taken.)

5 THE COURT: Any matters to address before the jury
6 comes in?

7 MR. BARNETTE: None from the state, Your Honor.

8 MR. BRANNON: No, Your Honor.

9 MR. JOHNSTON: No, sir.

10 THE COURT: All right. Bring them in.

11 (The following takes place in the presence of the
12 jury.)

13 THE COURT: Good afternoon.

14 We will continue with the state's presentation.

15 MS. WELLS: Thank you, Your Honor. May it please the
16 Court.

17 The state's next witness is Sidney Dean.

18 SIDNEY DEAN, having been first
19 duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MS. WELLS

21 Q Ms. Dean, the lady who is sitting to your right is
22 taking a recording of everything we say in this courtroom,
23 so I'm going to ask you to remove your mask. And then
24 there's a microphone, or there are actually two microphones
25 right in front of you. Just make sure -- that happens to

Sidney Dean
Direct examination by Ms. Wells

1 me when I'm working here. I'm over here.

2 A Sorry.

3 Q And scoot close to the microphone and make sure you
4 speak up so that she can take down and that the last two
5 jurors in the end of the box can hear what you're saying.
6 Okay?

7 A Okay.

8 Q Okay. I can tell you right now I'm already going to
9 need you to speak up.

10 A Okay. Better?

11 Q All right. That's fine.

12 Ms. Dean, can you tell me, where are you employed?

13 A I am a nanny in Columbia, South Carolina.

14 Q Okay. And you recently graduated from the University
15 of South Carolina?

16 A Yes.

17 Q Okay. I'm going to ask you. Do you know an
18 individual by the name of Tremaine Johnson?

19 A Yes.

20 Q And how do you know Tremaine Johnson?

21 A We're friends or were friends.

22 Q All right. And how did you -- do you see Mr. Johnson
23 in the courtroom here today?

24 A Yes.

25 Q Okay. Can you identify him for the members of the

Sidney Dean
Direct examination by Ms. Wells

1 jury? Okay? Can you --

2 A White shirt, pink, with designers with green pants on.

3 MS. WELLS: So, Your Honor, I'd ask the record reflect
4 that she's identified the defendant in the pink shirt with
5 the green pants.

6 THE COURT: Okay.

7 MS. WELLS: Thank you, Your Honor.

8 Q And did you know him by a nickname when you first met
9 him?

10 A Yes.

11 Q And what was that?

12 A Trey G.

13 Q And where did y'all meet?

14 A On twitter.

15 Q Okay. And how does one meet someone on twitter?

16 A Guess you just get to see, like, who you can follow.
17 You just randomly follow them. I think it's just kind of
18 like that.

19 Q Okay. And at some point did -- outside of following
20 each other did y'all develop some sort of a personal
21 relationship?

22 A Yes. We were talking.

23 Q Okay.

24 A Talking stage.

25 Q Okay. And in that talking stage did y'all exchange

Sidney Dean
Direct examination by Ms. Wells

1 telephone numbers?

2 A Yes.

3 Q All right. And is your phone number -- what is your
4 phone number?

5 A (864)353-3730.

6 Q And that -- did you -- and when did you meet Mr.
7 Johnson? Do you remember?

8 A I don't remember.

9 Q Was it prior to May of 2018?

10 A Yes.

11 Q Okay. And was that the (864)353-3730, was that your
12 number back in May of 2018?

13 A Yes, ma'am.

14 Q All right. Now, when you say that y'all were talking,
15 did y'all spend time together?

16 A Yes.

17 Q All right. And where did you do that?

18 A Sometimes we would go to Dave and Buster's, the mall,
19 Frankie's Fun Park locations.

20 Q And where you living at that time?

21 A In Belton, South Carolina.

22 Q So in Anderson County?

23 A Yes.

24 Q And do you know where Mr. Johnson was living at that
25 time?

Sidney Dean
Direct examination by Ms. Wells

1 A Spartanburg.

2 Q Okay. I want to direct your attention specifically
3 back to May 9th of 2018. Did you -- do you recall speaking
4 to the defendant, Mr. Johnson, on that date?

5 A Yes.

6 Q And do you recall about what time you spoke to him?

7 A The record said 11:48 p.m.

8 Q When you say the record, you mean your own phone
9 records.

10 A Yes.

11 Q Okay. And did you call him?

12 A Yes.

13 Q And why did you call him that night?

14 A To check on him to see how everything was going.

15 Q All right. And were you able to get in touch with
16 him?

17 A Yes.

18 Q And do you recall about how long that conversation
19 was?

20 A It was a short conversation.

21 Q Can you describe his demeanor or how he was acting
22 during that conversation?

23 A He just seemed like he was off. He didn't really want
24 to talk to me.

25 Q And was that -- is that, based on your reaction here

Caprice Alo
Direct examination by Ms. Wells

1 today, was that somewhat unusual?

2 A Yes.

3 Q And do you know where he was physically located when
4 y'all spoke?

5 A I could hear that he was in a car.

6 Q All right. Do you know? Did he tell you where he was
7 coming from or going to?

8 A No.

9 Q And after y'all hung up that night, probably around
10 midnight it sounds like, on May the 9th of 2018, did you
11 have -- did you speak to him again?

12 A No.

13 Q Did investigators come to your parents' house in
14 Belton and talk to you?

15 A Yes, ma'am.

16 Q All right.

17 MS. WELLS: May I have a moment, please, Your Honor?

18 (Pause.)

19 MS. WELLS: Your Honor, I don't have any further
20 questions for Ms. Dean, Your Honor.

21 Q Ms. Dean, one of the defense attorneys may have
22 questions for you if you'll just answer their questions.

23 MR. BRANNON: No questions, Your Honor.

24 MR. JOHNSTON: No questions for the lady.

25 THE COURT: You may step down.

Caprice Alo
Direct examination by Ms. Wells

1 MS. WELLS: Your Honor, may Ms. Dean be excused?

2 THE COURT: She may be.

3 MS. WELLS: Thank you very much.

4 (Whereupon, the witness was excused.)

5 MS. WELLS: May it please the Court, Your Honor.

6 The state's next witness is Caprice Alo, A-L-O.

7 CAPRICE ALO, having been first
8 duly sworn, testified as follows:

9 DIRECT EXAMINATION BY MS. WELLS

10 Q Ms. Alo, the lady to your right is taking down a
11 recording of everything we're saying in here today.

12 A Okay.

13 Q So you can take your mask off, and just make sure that
14 you speak up loud enough that she can hear and also the
15 last two jurors that are over here next to me can hear you.
16 okay?

17 A Okay.

18 Q And there is a microphone right in front of you. If
19 you want to use that, that's helpful. Okay?

20 A All right.

21 Q All right. I can -- I already need you to speak up a
22 little bit more.

23 A Can you hear me now?

24 Q Okay. The court reporter's satisfied and I'm
25 satisfied. Thank you.

Caprice Alo
Direct examination by Ms. wells

1 A You're welcome.

2 Q Ms. Alo, where are you employed?

3 A TD Bank.

4 Q TD Bank. And how long have you been employed there?

5 A About two years.

6 Q All right. And you are in a relationship with Robert
7 Tyrell Gentry, is that correct?

8 A He's my ex.

9 Q He's your ex. He's the father of your child?

10 A Yeah.

11 Q Y'all have a daughter together.

12 A We do.

13 Q How old is she?

14 A She's four.

15 Q Four. Okay. And I want -- and were y'all in a
16 relationship together back in May of 2018?

17 A No.

18 Q You were not? But you were -- were you staying with
19 him on -- at his place on Hydrick Street?

20 A I was staying with his mom, yeah.

21 Q Staying with his mom.

22 A Uh-huh.

23 Q All right. And directing your attention back to that
24 day -- okay. I want first -- do you see Mr. Gentry in the
25 courtroom here today?

Caprice Alo
Direct examination by Ms. Wells

1 A I do.

2 Q Okay. Can you identify him for the members of the
3 jury?

4 A Yeah. He's the one in the blue.

5 Q He's wearing the blue shirt. And just took his mask
6 off?

7 A He did.

8 Q Okay.

9 MS. WELLS: Your Honor, I'd ask the record reflect
10 that she's identified Mr. Gentry.

11 THE COURT: It will.

12 MS. WELLS: Thank you very much, Your Honor.

13 Q Back, directing your attention back, to May of 2018,
14 you said that y'all were not together at that point.

15 A Yes.

16 Q But that you were staying at his mom's house on
17 Hydrick Street, right?

18 A That's correct.

19 Q Okay. Specifically, let's talk about May the 9th of
20 2018.

21 A Okay.

22 Q Were you at the house on Hydrick Street that evening?

23 A Yeah.

24 Q And were you -- was Mr. Gentry there?

25 A Yes.

Caprice Alo
Direct examination by Ms. Wells

- 1 Q And you were there with your child?
- 2 A Yes. We had a barbecue.
- 3 Q You had a barbecue.
- 4 A Uh-huh.
- 5 Q Okay. And at some point during that evening did
- 6 Mr. Johnson come by?
- 7 A He did.
- 8 Q All right. And do you recognize him? You recognized
- 9 Mr. Johnson when he came past?
- 10 A Yes.
- 11 Q And had you seen him previously?
- 12 A No, well.
- 13 Q When was the last time you had seen him prior to May
- 14 the 9th?
- 15 A At the gender reveal party. I had a gender reveal.
- 16 Q For your daughter?
- 17 A Yeah.
- 18 Q So it would have been sometime several years prior or
- 19 would it just be --
- 20 A Yeah, about four years, yeah.
- 21 Q And do you see Mr. Johnson here in the courtroom
- 22 today?
- 23 A I do.
- 24 Q Okay. Can you identify him for the jury?
- 25 A He's the one with the red on, the red --

Caprice Alo
Direct examination by Ms. Wells

1 Q I'm sorry. Can you speak just a little louder?

2 A He's the one with the red polo on.

3 Q Okay. So kinda the red floral?

4 A That's correct.

5 Q Okay.

6 MS. WELLS: Your Honor, I'd ask the record reflect
7 she's identified Mr. Johnson.

8 THE COURT: Okay.

9 MS. WELLS: Thank you very much.

10 Q And you said Mr. Johnson came by. Do you remember
11 about what time?

12 A Like maybe 4:00 or 5:00 o'clock.

13 Q So was it -- was it dark?

14 A No.

15 Q Was it starting to get dark?

16 A Yeah.

17 Q Okay. So around evening at some point, is that fair?

18 A Yeah, that's fair.

19 Q And did you speak to Mr. Johnson?

20 A No.

21 Q Did Mr. Gentry speak to Mr. Johnson?

22 A Yeah.

23 Q And where did they speak?

24 A In -- on the road.

25 Q Along the road?

Caprice Alo
Cross-examination by Mr. Brannon
Cross-examination by Mr. Johnston

1 A Uh-huh.

2 Q Okay. And do you recall what Mr. Johnson was driving
3 that evening?

4 A A white car.

5 Q A white car. And did Mr. Gentry go out and get in
6 that vehicle with him?

7 A Not that I know of.

8 Q Okay. But he went out and met him at the vehicle.

9 A That's correct.

10 Q Were you able to hear any of their conversation?

11 A No, ma'am.

12 Q Were you able to observe anything between the two of
13 them?

14 A No.

15 Q And do you know Brechue wiles?

16 A I don't.

17 Q You've never seen her before?

18 A Never.

19 Q Okay.

20 MS. WELLS: May I have a moment please, Your Honor?

21 (Pause.)

22 Q Do you recall, Ms. Alo, how long Mr. Johnson was at
23 the house on Hydric Street?

24 A Well, less than five minutes.

25 Q Less than five minutes. All right.

Anthony Pope
Direct examination by Ms. Wells

1 MS. WELLS: Your Honor, I have no further questions of
2 Ms. Alo.

3 MR. BRANNON: May it please the Court.

4 CROSS-EXAMINATION

5 BY MR. BRANNON

6 Q Ms. Alo, why would you have invited Mr. Johnson to
7 your gender reveal party?

8 A Just because they were all friends.

9 Q You invited him because Mr. Gentry and Mr. Johnson are
10 friends, is that correct?

11 A That's correct.

12 Q Thank you.

13 MR. BRANNON: Nothing further.

14 CROSS-EXAMINATION

15 BY MR. JOHNSTON

16 Q Ms. Alo, back during the time period that we're
17 talking about Mr. Gentry had another place that he lived,
18 is that correct?

19 A That's correct.

20 Q And his mother stayed on Hydrick Street.

21 A That's correct.

22 Q And he would stay with her from time to time.

23 A That's correct.

24 Q But he had another residence. And where was that?

25 A In Duncan.

Anthony Pope
Direct examination by Ms. Wells

1 Q In Duncan. Do you know where he spent most of his
2 time, had most of his possessions during this period?

3 A No.

4 Q Okay. But he did have a residence in Duncan.

5 A That's correct.

6 Q Please answer any other questions.

7 MS. WELLS: Your Honor, those are all the questions I
8 would have of this witness.

9 THE COURT: Okay. You can step down.

10 MS. WELLS: Your Honor, may Ms. Alo be released so she
11 can go back to work?

12 THE COURT: Yes, ma'am.

13 MR. BRANNON: No objection.

14 MR. JOHNSTON: No objection.

15 MS. WELLS: Thank you very much.

16 (Whereupon, the witness was excused.)

17 MS. WELLS: Your Honor, the state's next witness would
18 be Anthony Pope. Mr. Pope should be right outside.

19 ANTHONY POPE, having been
20 first duly sworn, testified as follows:

21 DIRECT EXAMINATION BY MS. WELLS

22 Q Mr. Pope, we're taking down a record of everything
23 that's being said here today. The lady to your right is
24 doing that.

25 So you can take off your mask to testify if you're

Anthony Pope
Direct examination by Ms. Wells

1 comfortable doing that. Just make sure that you speak up
2 so that I can hear you all the way over here and that the
3 court reporter can hear you sitting next to you. Okay?

4 A Okay.

5 Q Okay. That microphone in front of you works if you
6 want to scoot just a little bit closer.

7 All right. Mr. Pope, where are you employed?

8 A Academy Sports.

9 Q And what is your position at Academy Sports?

10 A Assistant manager, and more specifically a manager of
11 hardlines.

12 Q Okay. And how long have you been employed there?

13 A The Spartanburg location since September but with the
14 company for over five years.

15 Q All right. And in the course of carrying out your
16 duties as an assistant manager are you familiar with the
17 federal requirements, via the bureau of alcohol, tobacco
18 and firearms, to maintain records of firearm transactions
19 that are made in the Academy stores?

20 A Yes, ma'am.

21 Q And is it part of your job to make -- to ensure that
22 those records are properly kept and maintained?

23 A Yes, ma'am.

24 Q All right. And you are required by A.T.F. regulation
25 to maintain what's called a firearms transaction record in

Anthony Pope
Direct examination by Ms. Wells

1 your regular course of business, is that correct?

2 A Yes, ma'am.

3 Q And how long does A.T.F. require you keep those
4 firearm transaction records?

5 A Twenty years.

6 Q All right. In preparation for trial in this case did
7 Academy Sports receive a subpoena for an appearance from
8 someone from the Academy store here in Spartanburg in
9 relation to a particular firearm transaction report?

10 A Yes, ma'am.

11 Q And did you have an opportunity to review that report
12 prior to coming to court today?

13 A Yes, ma'am.

14 MS. WELLS: Your Honor, may I approach?

15 Q Mr. Pope, I'm going to show you what's been marked for
16 identification purposes as State's Exhibit 34. If you
17 will, take a look at that for me and see if that's a copy
18 of the document. You can't bring us the original because
19 A.T.F. requires you to keep it, correct?

20 A Yes.

21 Q So y'all provided us a copy of the document in
22 question. Will you take a look and just make sure that's
23 the document that you've had an opportunity to review prior
24 to court today?

25 (Pause.)

Anthony Pope
Cross-examination by Mr. Brannon

1 Q Is it?

2 A Yes, ma'am.

3 Q And is it in the same or similar fashion of how it's
4 maintained at the Academy Sports store here in Spartanburg?

5 A Yes, ma'am.

6 Q Okay.

7 MS. WELLS: Your Honor, I'd offer State's Exhibit 34
8 as a business record maintained in the regular course of
9 business of Academy Sports here in Spartanburg County.

10 MR. BRANNON: No objection from Johnson.

11 MR. JOHNSTON: I'd like to see it, Your Honor.

12 MS. WELLS: Certainly, Mr. Johnston. I'm sorry.

13 (Pause.)

14 MR. JOHNSTON: No objection, sir.

15 THE COURT: It's admitted.

16 (Firearms transaction record marked State's Exhibit No.
17 34.)

18 MS. WELLS: Your Honor, may I publish it to the jury?

19 THE COURT: You may.

20 MS. WELLS: Thank you.

21 Q Mr. Pope, just briefly. This is a firearm transaction
22 report. Who made the purchase of the firearm on this
23 particular date?

24 A Robert Gentry.

25 Q Okay. And what was the address that he used as his

Anthony Pope
Cross-examination by Mr. Brannon

1 home address?

2 A 286 Hydric Street.

3 Q And that was here in Spartanburg?

4 A Yes, ma'am.

5 Q Okay. And then they have to answer a series of
6 questions, is that correct, about their ability to purchase
7 a firearm, is that right?

8 A Yes, ma'am.

9 Q Okay. And then looking at page three of the firearm
10 transaction report, what firearm was purchased by
11 Mr. Gentry on that date?

12 A That was a Smith & Wesson SD40 VE, 40 caliber.

13 Q All right.

14 MS. WELLS: Your Honor, may I have a moment?

15 (Pause.)

16 Q Mr. Pope, those are all the questions I have for you.
17 Please answer any questions the defense may have.

18 CROSS-EXAMINATION

19 BY MR. BRANNON

20 Q Mr. Pope, are you also familiar with the sale of
21 ammunition at your store?

22 A Yes, sir.

23 Q Do you sell an ammunition manufactured by a Russian
24 company called Tu1Ammo?

25 A Yes, sir.

Anthony Pope
Cross-examination by Mr. Johnston

1 Q If I'm saying that wrong, I apologize. But do you
2 recognize what I'm saying?

3 A Yes, sir.

4 Q Okay. Now, ammunition generally right now is kind of
5 hard to get, right?

6 A Yes, sir.

7 Q Back in 2018 it was much easier, much more accessible,
8 is that correct?

9 A Yes, sir.

10 Q Could pretty much anybody walk in and buy a box of
11 Tu1Ammo at your store?

12 A Anybody of legal age, yes.

13 Q Thank you. Thank you for the legal age, right. And
14 that same ammo could have been bought at a wal-Mart store,
15 correct?

16 A I suppose so, yes, sir.

17 Q And any other sporting good store that sold firearms
18 and ammunition, isn't that correct?

19 A Yes, sir.

20 Q There's nothing special about it, is there?

21 A No, sir.

22 Q Thank you.

23 MR. BRANNON: Nothing further.

24 MR. JOHNSTON: Please mark this for identification.

25 (Form marked Defendant Gentry's Exhibit No. 2 for

1 Identification.)

2 CROSS-EXAMINATION

3 BY MR. JOHNSTON

4 Q Sir, showing you what has been marked for
5 identification as Defendant's Exhibit No. 2. And I
6 represent to you that this was received by me in the
7 discovery process.

8 Does that appear to be a document generated by your
9 business?

10 A Not at store level. This is not a format that I'm
11 familiar with.

12 Q All right. You've never seen it?

13 A Could have been -- could have been from corporate
14 compliance, but this is not a format that I'm familiar with
15 printing out at the store.

16 Q All right. Well, does it bear the same date as the
17 other document that you looked at?

18 MS. WELLS: Your Honor, I'm going to object. He said
19 he doesn't recognize it. I mean, if Mr. Johnston wants to
20 try to elicit it, but he said he didn't recognize it.

21 THE COURT: well, he can't identify it, and it's not
22 in evidence, so why are you gathering information from it?

23 MR. JOHNSTON: I'll withdraw the question, Your Honor.

24 THE COURT: Okay. Do you want to take the paper back?

25 MR. JOHNSTON: Yes, sir.

1 (D-G-2 returned to Mr. Johnston.)

2 MR. JOHNSTON: Your Honor, I'd like to have this one
3 marked for identification.

4 THE COURT: That's a different one?

5 MR. JOHNSTON: Sir? Yes, sir. It's a different
6 document.

7 (Transaction display marked Defendant Gentry's Exhibit
8 No. 3 for Identification.)

9 Q Showing you now what has been marked for
10 identification as Defendant's Exhibit No. 3. Do you
11 recognize that document?

12 (Pause.)

13 A Yes, sir. That is consistent with the format of a
14 receipt. It appears to be a corporate generated reprint.

15 Q A corporate generated reprint of a receipt dated what
16 day?

17 A March 20th of 2017.

18 MR. JOHNSTON: We offer that into evidence, Your
19 Honor.

20 MS. WELLS: Without objection.

21 MR. BRANNON: No objection.

22 THE COURT: It's admitted.

23 (Transaction display marked Defendant Gentry's Exhibit
24 No. 3.)

25 Q what was the purchase? what were the purchases?

Devin Chase Teague
Direct examination by Mr. Barnette

1 A Based off of what I can tell it has a serial number,
2 which is typical with a firearm transaction sale. I see
3 skew number, but I do not see a product description.

4 Q All right. So you can't tell me from that.
5 what was the price?

6 A \$299.99 pretax.

7 Q And was there any other item -- were there any other
8 items purchased?

9 A Not in this transaction, no.

10 Q All right.

11 MR. JOHNSTON: No other questions, Your Honor.

12 MS. WELLS: I have no redirect, Your Honor.

13 THE COURT: You may step down.

14 MS. WELLS: Your Honor, may Mr. Pope be excused?

15 THE COURT: He may be.

16 MR. BRANNON: No objection, Your Honor.

17 (Whereupon, the witness was excused.)

18 MR. BARNETTE: Your Honor, I'd like to call Mr. Teague
19 to the stand.

20 DEVIN CHASE TEAGUE, having
21 been first duly sworn, testified as follows:

22 DIRECT EXAMINATION BY MR. BARNETTE

23 Q Mr. Teague, if you would, state your full name for the
24 record, please.

25 A Devin Chase Teague.

Devin Chase Teague
Direct examination by Mr. Barnette

- 1 Q I'm going to have to ask you to talk a little bit
2 louder so they can hear you on the back row. Okay.
- 3 A Devin Chase Teague.
- 4 Q Thank you, sir. I appreciate you do doing that.
5 Mr. Teague, where do you live at, sir?
- 6 A I live in Princeton. Well, it's a Honea Path address.
- 7 Q Honea Path here in South Carolina?
- 8 A Yes, sir.
- 9 Q Is that Anderson County?
- 10 A That's Laurens County.
- 11 Q Laurens County.
- 12 A Yes, sir.
- 13 Q That's Honea Path, Laurens County.
- 14 A Yeah.
- 15 Q Some areas of the state.
16 Back -- where do you work at right now, sir?
- 17 A A.F.L.
- 18 Q And back in May of 2018 did you work there?
- 19 A Yes, sir.
- 20 Q Did you know Mr. Gentry in this case -- Robert Gentry?
- 21 A Yes, sir.
- 22 Q And how do you know Mr. Gentry?
- 23 A We worked together.
- 24 Q Okay. And y'all worked at A.F.T. or at A.T.F.?
- 25 A A.F.L.

Devin Chase Teague
Direct examination by Mr. Barnette

1 Q A.F.L.

2 A Yes, ma'am -- yes, sir.

3 Q Sure. And as you was working with him back on May the
4 10th of 2018, did he have a discussion with you?

5 A Yes, sir.

6 Q And what did he discuss with you?

7 A How to go about reporting a gun stolen.

8 Q So he asked you that. That was on May 10th of 2018.

9 A Yes, sir. On or about, somewheres in there.

10 Q What did you say to him?

11 A It's pretty cut and dry, you call or go down to the
12 office and tell them the serial number.

13 Q Did he tell you anything else or say anything else
14 about that?

15 A No, sir, not really. Said okay. You know, it's just
16 basic, nothing really exciting about the conversation.
17 That was just pretty much it.

18 Q And that's just all he asked you, and you gave him the
19 answer, to call the sheriff's department, the police.

20 A Yes.

21 Q Thank you, sir. If you would, please answer any
22 questions Mr. Brannon or Mr. Johnston may have for you.

23 MR. BRANNON: No questions, Your Honor.

24 MR. JOHNSTON: No questions for the gentleman.

25 THE COURT: You may step down.

Devin Chase Teague
Direct examination by Mr. Barnette

1 MR. BARNETTE: We'd ask for this witness to be
2 excused, Your Honor.

3 MR. JOHNSTON: No objection.

4 THE COURT: He may be.

5 (Whereupon, the witness was excused.)

6 MR. BARNETTE: Your Honor, I'd like to call Michele
7 Eichenmiller to the stand, please.

8 MICHELE EICHENMILLER, Having
9 been first duly sworn, testified as follows:

10 DIRECT EXAMINATION BY MR. BARNETTE

11 Q If you would, ma'am, please, give your full name for
12 the record.

13 A Michele Eichenmiller.

14 Q And where do you work at, ma'am?

15 A I work for the South Carolina Law Enforcement
16 Division. It's commonly known as SLED. I work in the
17 forensic lab in the firearms department.

18 Q And what's your position there, ma'am?

19 A I'm a forensic firearms examiner.

20 Q And how long have you been at SLED, ma'am?

21 A Fifteen years.

22 Q And if you would, give the jury a little bit about
23 your training and what you go through to become a firearms
24 examiner.

25 A I have a bachelor's degree in biology and a master of

1 forensic science.

2 In order to be a firearms examiner though you -- once
3 you're hired somewhere, you go through the course of study
4 internally. So it's like an apprenticeship program.
5 There's no college you can go to.

6 I studied underneath examiners that were at SLED. I
7 learned how they do the job. I did a lot of studying and
8 practical exercises on my own. The course of study is
9 typically three to four years. At the end of that time
10 period I took a comprehensive final. They deemed me
11 competent to do casework on my own.

12 Q And how many firearms, ballistics, of course bullets
13 and everything else, have you examined in your career?

14 A Hundreds, if not thousands.

15 Q And how many times have you been qualified in state or
16 federal court?

17 A Approximately a hundred.

18 Q Okay.

19 MR. BARNETTE: Your Honor, I would move her as an
20 expert at this time in firearms examination, Your Honor,
21 and ballistics.

22 MR. BRANNON: Without objection from Mr. Johnson.

23 MR. JOHNSTON: We believe she's qualified to offer an
24 opinion.

25 THE COURT: She is so qualified.

Devin Chase Teague
Direct examination by Mr. Barnette

1 Q Thank you, ma'am.

2 Did you receive two items or did you examine
3 information or items involved in this case, ma'am?

4 A Yes.

5 Q And did you generate a report?

6 A I did.

7 Q Let me show you what's been marked as State's Exhibit
8 57. Take a look at that.

9 A This is a copy of the report I generated in this case.

10 Q Thank you, ma'am.

11 MR. BARNETTE: Your Honor, I'd like to enter State's
12 Exhibit 57 into evidence at this time.

13 MR. BRANNON: No objection from Johnson.

14 MR. JOHNSTON: No objection.

15 THE COURT: Admitted.

16 (SLED report marked State's Exhibit No. 57.)

17 MR. BARNETTE: Thank you, Your Honor. May I publish
18 it to the jury?

19 THE COURT: You may.

20 MR. BARNETTE: Thank you.

21 Q In this case, ma'am, you were submitted information
22 concerning State's Exhibits 5 and 6, is that correct,
23 ma'am?

24 A Yes.

25 Q Let me show those to you. They've already been marked

1 and put into evidence at this time. Take a look at those
2 items, ma'am.

3 A Whenever I receive evidence in a case I will write on
4 it with my item number, initials and the case number. Item
5 6 is a bullet that I examined in this case; and Item 5 was
6 submitted to SLED for entry into the IBIS database.

7 Q And you examined the information on both of those,
8 right, and the item itself?

9 A Yes.

10 Q In this case can you tell the jury -- let's start with
11 Item No. 5, if you would. What was entered into IBIS in
12 that case? What is that item, ma'am?

13 A Item 5 is a fired 40 S & W caliber cartridge case with
14 a Tu1Ammo head stamp. It was entered into IBIS, and it's
15 number for IBIS is one.

16 Q And you've listed that as Item 5 in your report, is
17 that right?

18 A Yes.

19 Q Can I see Item 5 from you, ma'am?

20 MR. BARNETTE: Your Honor, showing State's Exhibit 5,
21 along with State's Exhibit 57, to the jury at this point.

22 THE COURT: Did you say Item 5? That's not an
23 exhibit, is it?

24 MR. BARNETTE: Yes, sir.

25 THE COURT: What's the exhibit number?

Devin Chase Teague
Direct examination by Mr. Barnette

1 MR. BARNETTE: State's Exhibit 5.

2 THE COURT: It is five too?

3 MR. BARNETTE: Yes, sir, shell casing. I'm showing
4 them 57 also, the reports underneath that.

5 THE COURT: I understand. I just thought you were
6 referring to Item 5 on her report. But it's also
7 Exhibit 5.

8 MR. BARNETTE: Yes, sir.

9 Q And on this does it show what kind of ammo it is,
10 ma'am?

11 A It is. It's stamped on there Tu1Ammo at the top, and
12 then the caliber is underneath.

13 Q So that was State's Exhibit No. 5. That was the item
14 that was submitted for IBIS examination.

15 A Correct.

16 Q And what is IBIS? Can you tell the jury what?

17 A IBIS is Integrated Ballistics Identification System.
18 It's part of the NIBIN network, which is a network run by
19 the A.T.F. sort of like the fingerprint database. You can
20 put cartridge cases into it. It will correlate. In our
21 area it correlates with North Carolina and Georgia to see
22 if any evidence or firearms were used in other cases in
23 those agencies. And it runs -- we put the cartridge cases
24 in. We get answers by the end of the day. If not, the
25 next day.

Devin Chase Teague
Direct examination by Mr. Barnette

1 Q Let me show you. I know you have not seen this yet,
2 but I want to show this to you. I know this was not
3 submitted to SLED.

4 Your Honor, let me let you look at State's Exhibit 32.
5 I'm looking at the bullets that's in that exhibit. What
6 kind of ammunition is that, ma'am?

7 A The box is marked TuAmmo, and it's 40 S & W caliber.

8 Q Yes, ma'am.

9 A And the evidence or the ammunition in this case
10 carrier is head stamped TuAmmo as well, 40 S & W caliber.

11 Q Thank you.

12 MR. BARNETTE: Your Honor, I'd like to publish this to
13 the jury. It's already entered into evidence.

14 THE COURT: You may.

15 MR. BARNETTE: Showing and publishing State's
16 Exhibit 32, or part of it, to the jury.

17 Q Is that ammo consistent with ammo that was found at
18 the scene, State's Exhibit 5?

19 A Yes.

20 Q Ma'am, when a bullet is shot, when the shell casing
21 after the bullet is shot, is ejected, do they get hot when
22 fired?

23 A Typically, yes, they do.

24 Q And are they hot to even pick up? I know you,
25 obviously, shoot this type of ammo. Trying to pick it up,

1 would it be hot to pick up at that point?

2 A Yes.

3 Q If you could, let's go to State's Exhibit No. 6. I
4 believe you have that up there with you. If you would,
5 examine it. If you would, tell the jury what that is.

6 A This is a .40 S & W or ten millimeter auto caliber
7 bullet. The diameter of both of those calibers is the
8 same. So with just a bullet, I can't tell which caliber it
9 is.

10 Q Okay. Did you do an examination on that bullet,
11 ma'am?

12 A I did. In the absence of a firearm or any other
13 evidence, if I just have a bullet, I'll examine it for its
14 general rifling characteristics, which are the class
15 characteristics that are on it.

16 So in this case the diameter, which is .400, which
17 makes it 40 caliber, the number of lands and grooves, which
18 is picked by the manufacturer of firearms, in this case
19 it's five. The direction of twist, which in this case is
20 right -- it could be right or left -- and then the spacing
21 of those lands and grooves, how wide they are.

22 Q And which gun shoots that kind of groove on the
23 bullet?

24 A When we don't have a firearm we can put those
25 dimensions into a database with general rifling

1 characteristics and it will tell us what kind -- what
2 manufacturers make firearms with those specifications.

3 Q Is there only one gunmaker that makes those
4 characteristics at this time?

5 A Currently in the database the only manufacturer is
6 Smith & Wesson.

7 Q And that bullet was fired by a Smith & Wesson, wasn't
8 it --

9 A Yes.

10 Q -- in this case? Could it have been fired by a
11 Hi-Point?

12 A Not with our current knowledge.

13 Q Could it have been fired by a Beretta?

14 A No.

15 Q Could it have been fired -- what kind other weapons
16 are there -- Winchester? Any other -- any other gun other
17 than Smith & Wesson it could have been fired by?

18 A With -- with our available knowledge that we have,
19 Smith & Wesson is the only manufacturer that makes firearms
20 with barrels with those specifications.

21 Q Let me show you what's been entered in as State's
22 Exhibit -- State's Exhibit 31, ma'am. I know this wasn't
23 submitted to you for examination either, but what kind of
24 weapon was in that box or at one time?

25 A It's a Smith & Wesson pistol box.

Devin Chase Teague
Direct examination by Mr. Barnette

1 Q And is it -- is this a bullet that could have been
2 fired by a weapon such as that?

3 A According to the outside of the box, the pistol was a
4 40 caliber in there.

5 Q So that weapon could have fired this bullet.

6 A Yes.

7 Q And, now, if it was a Beretta, Winchester, Glock,
8 anything like that, it couldn't have fired that bullet --

9 A Correct.

10 Q -- at this time.

11 And the other thing too if I can get State's Exhibit 6
12 from you.

13 MR. BARNETTE: Your Honor, I'm showing State's
14 Exhibits 5 and 6 together.

15 Q I'm going to let you open this with a pair of scissors
16 since it's sealed.

17 (Pause.)

18 Q Thank you for doing that.

19 A You're welcome.

20 Q And this bullet is Item 6 you found, is that right?

21 A Correct.

22 Q The compound or the composition of the bullet, can you
23 tell the jury a little bit about it?

24 A Typically, we see bullets with copper jackets. A
25 couple of manufacturers make bullets with different metals

Devin Chase Teague
Direct examination by Mr. Barnette

1 in them. This is a zinc. It's also bi-metal which makes
2 it magnetic, jacket on this bullet.

3 Q And is it consistent -- showing you State's Exhibit
4 No. 5 -- used by that type ammo -- Tu1Ammo?

5 A I have seen on Tu1Ammo with those bullets loaded in
6 their cases.

7 Q So it's consistent with -- State's Exhibit 5 and
8 State's Exhibit 6 are consistent with each other.

9 A Yes.

10 Q So following through everything -- oh, there's one
11 other item I want to show you.

12 Let me show you what's been entered into evidence as
13 State's Exhibit 33. That was not submitted to y'all. But,
14 if you would, examine it real quickly if you will.

15 (Pause.)

16 A This is a Smith & Wesson brand. It has the markings
17 on the floorplate. In 40 s & w caliber it's also marked as
18 D.N. .40 on the follower. It's a magazine that would be
19 used in a 40 caliber Smith & Wesson pistol.

20 Q Could it have been used with State's Exhibit 31?

21 A Yes.

22 Q So it could have been used with that weapon.

23 A Correct.

24 Q Could this ammunition that we just showed the jury be
25 used in this weapon?

Devin Chase Teague
Cross-examination by Mr. Brannon
Cross-examination by Mr. Johnston

1 A Yes.

2 MR. BARNETTE: And, Your Honor, I'd like to publish
3 State's Exhibit 33 for the jury at this time.

4 Q And this is a clip, is that correct --

5 A Yes.

6 Q -- I just showed you, which is State's Exhibit 33?
7 And on the -- I'll see if I can get this to show up.

8 (Pause.)

9 Q If you would, step down for a second, ma'am.

10 (Whereupon, the witness left the stand.)

11 Q I'll show up there. Can you show them where the
12 marking is?

13 A Uh-huh. So it's marked right here.

14 Q Can you get close enough? I don't know if the people
15 in the back can see it.

16 A Here, here.

17 Q Go slow so they can see it.

18 MR. BARNETTE: Sir, can you see it?

19 Q Thank you.

20 In your expert opinion, all of these items go together
21 and fire this bullet that was found at the crime scene.

22 A Yes.

23 Q Like I said, if it was a Glock, if it was a Hi-Point,
24 any --

25 MR. JOHNSTON: That's been asked and answered, Your

Devin Chase Teague
Redirect examination by Mr. Barnette

1 Honor.

2 THE COURT: Is that an observation or an objection?

3 MR. JOHNSTON: Objection, sir.

4 THE COURT: Sustained.

5 Q What's the only weapon that could have fired this?

6 A From the searching the database, the Smith & Wesson is
7 the only manufacturer.

8 Q And all of those items are consistent with that.

9 A Correct.

10 Q If you would, please answer any questions the defense
11 has for you.

12 CROSS-EXAMINATION

13 BY MR. BRANNON

14 Q Ma'am, based on your expertise, approximately how many
15 Smith & Wesson 40 caliber pistols are in the possession of
16 Americans today?

17 A Probably thousands, if not hundreds of thousands.

18 Q Okay. How many in South Carolina?

19 A Still probably thousands.

20 Q Thank you.

21 MR. BRANNON: Nothing further.

22 CROSS-EXAMINATION

23 BY MR. JOHNSTON

24 Q The clip. I'm showing you what has been marked as
25 State's Exhibit No. 33. That's a clip, isn't it?

Devin Chase Teague
Redirect examination by Mr. Barnette

1 A It's a magazine.

2 Q A magazine. Commonly referred to as a clip.

3 A Right.

4 Q Okay. Now, when a person buys a gun sometimes you get
5 more than one magazine with it when you buy it, don't you?

6 A Yes.

7 Q You can also purchase additional factory magazines
8 from other locations.

9 A Correct.

10 Q You also can purchase an after-market magazine,
11 correct?

12 A Correct.

13 Q So this is not the only magazine which could have been
14 utilized to fire the gun that once inhabited this box.

15 A Correct.

16 MR. JOHNSTON: No other questions, sir.

17 MR. BARNETTE: Your Honor, just one on followup real
18 quick.

19 REDIRECT EXAMINATION

20 BY MR. BARNETTE

21 Q You was talking about the magazine. Is that what the
22 bullet goes into the gun with?

23 A Yes. You load the cartridges. The cartilages will
24 have the bullet with them when you load them in here, and
25 then you put it in the firearm. And then as you fire the

Donna Money
Direct examination by Mr. Barnette

1 magazine gets emptied.

2 Q Okay. And how does the gun -- once the gun is fired,
3 how does it get rid of the bullet?

4 A A semiautomatic pistol, which is what we would use
5 with this magazine, once it's fired the cartridge case is
6 ejected out the side and the bullet goes out the barrel.

7 Q Which way is it usually ejected out?

8 A That depends on the firearm.

9 Q Okay. But it's ejected to the right or to the side
10 usually?

11 A To the right or to the left, out the top.

12 Q Okay. Thank you, ma'am. Please answer any questions
13 they have.

14 MR. BRANNON: Nothing further.

15 MR. JOHNSTON: Nothing else, Your Honor.

16 THE COURT: You may step down.

17 MR. BARNETTE: We'd ask for this witness to be
18 excused, Your Honor.

19 THE COURT: She may be.

20 (Whereupon, the witness was excused.)

21 MR. BARNETTE: Your Honor, I would like to call
22 Ms. Money to the stand, please.

23

24

25

Donna Money
Direct examination by Mr. Barnette

1 DONNA MONEY, having been first
2 duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. BARNETTE

4 Q Please state your name for the record.

5 A Donna Money.

6 Q Just talk a little bit louder. I know sometimes it's
7 hard. Make sure they can hear you.

8 A Donna Money.

9 Q Okay. And where do you work at, ma'am?

10 A I am currently employed at the South Carolina Law
11 Enforcement Division Forensic Services Laboratory.

12 Q And what's your position there, ma'am?

13 A I am a forensic D.N.A. analyst in the D.N.A. casework
14 department.

15 Q And how long have you been there, ma'am?

16 A Nine years.

17 Q If you would, tell the jury a little bit about your
18 educational background and training, please.

19 A I have a bachelor's degree in forensic science from
20 the Pennsylvania State University.

21 Q And have you received training at SLED concerning
22 D.N.A. and so forth?

23 A Yes.

24 Q Could you tell the jury about that, please?

25 A Upon starting my employment at SLED I underwent a

Donna Money
Direct examination by Mr. Barnette

1 year-and-a-half long training program under a court
2 qualified D.N.A. analyst within the department.

3 This training program included, but was not limited
4 to, training samples and practice samples, mock courts,
5 oral exams, written exams, report writing exams. Before I
6 could be officially signed off I underwent a competency
7 exam.

8 When I was signed off for case work I was then entered
9 into a proficiency schedule, which is required by the
10 F.B.I. I participate in two proficiencies a year, and I am
11 also required to have a minimum of eight hours of training
12 each year per the F.B.I.

13 Q And did you go through all of that training?

14 A Yes.

15 Q And how many cases have you examined in your career?

16 A Over 1,500.

17 Q And how many times have you been qualified in state
18 court and/or federal court as a D.N.A. examiner?

19 A Thirty-seven.

20 MR. BARNETTE: Your Honor, I'd move her at this time
21 as an expert in D.N.A. analysis.

22 MR. BRANNON: Without objection from Mr. Johnson.

23 MR. JOHNSTON: We believe she's qualified to offer an
24 opinion.

25 THE COURT: She is qualified.

Donna Money
Direct examination by Mr. Barnette

1 Q In this case -- and I know there's a stipulation in
2 here. I may read that stipulation through to you here in a
3 minute, ma'am, because let me show you stipulation No. 2.
4 Did you receive in this case -- let me let you look at
5 these exhibits first.

6 (Pause.)

7 Q Have you examined these items before, ma'am?

8 A Yes.

9 Q And let me show you what's been marked as State's
10 Exhibits 8, 9 and 59 in this case. Let me just let you
11 look at those real quickly.

12 (Pause.)

13 Q Are you familiar with those items or the items that
14 were in those items?

15 A I am familiar with State's Exhibit 59 in this report
16 and I'm familiar with State's Exhibit 8 based on the
17 photograph. And State's Exhibit 9, the information
18 provided correlates with an item I received in this case.

19 Q If you would, let's go through State's Exhibit No. 1
20 in this case. I believe it's a SLED -- SLED No. 1. Is
21 that the buccal swab from the -- a defendant in this
22 case -- Tremaine Johnson?

23 A Yes.

24 Q And did you receive that and did an analysis on that,
25 ma'am?

Donna Money
Direct examination by Mr. Barnette

1 A Yes.

2 Q State's Exhibit No. 8. And I know it's just a
3 representation of it. But did you receive a D.N.A. sample
4 from the victim in this case, Brechue wiles or Bree
5 wiles --

6 A Yes.

7 Q -- in this case? Did you also receive swabs that as
8 provided to you from the Spartanburg Police Department,
9 which is items two, three and four?

10 A Yes.

11 Q And No. 2. Was that from the shell casing?

12 A Yes.

13 Q No. 3. Was that from a spot of blood at the crime
14 scene?

15 A Yes.

16 Q State's Exhibit No. 4. Was that a swab off some car
17 keys that was found at the crime scene?

18 A It was a swab from keys, yes.

19 Q State's Exhibit 12 in this case. If you would,
20 examine that if you would. If you need to open it, we can
21 let you open that also.

22 (Pause.)

23 Q Was that the rape kit, collection kit, that was done
24 in this case?

25 A Yes. This was the C.S.C. kit submitted from the

Donna Money
Direct examination by Mr. Barnette

1 victim in this case.

2 Q That's from Bree Wiles, is that right?

3 A Yes.

4 Q And in that case did you examine that also?

5 A Yes.

6 Q And was that also examined? I believe that's going to
7 be the stipulation I'm going to let you read here shortly.

8 who was the serologist that actually looked at it first?

9 A Jasmine Ruiz-Yi.

10 Q And Ms. Yi actually looked at it and she processed
11 some of the items and sent some of the items for you to
12 process or to finish up the testing, is that right?

13 A Yes. She would have been the first individual to
14 inventory and screen any items that were collected and
15 contained in the C.S.C. kit.

16 Q And State's Exhibit No. 9. I know it's a
17 representation of that. State's Exhibit 9. Was that the
18 fetus or the item the fetus was submitted in too for
19 testing by SLED?

20 A Yes. Item 9 was a fetus.

21 Q Going back. Did you develop a D.N.A. profile from the
22 defendant, Mr. Johnson, in this case, as well as the
23 victim, Ms. Wiles, in this case?

24 A Yes.

25 Q And once you developed that D.N.A. profile from their

Donna Money
Direct examination by Mr. Barnette

1 samples did you test it against the items, other items,
2 that you received in this case?

3 A Yes. The profiles developed from these known
4 standards were compared to any D.N.A. profiles developed
5 from the evidence.

6 Q Could you tell the jury how you develop D.N.A.
7 profiles from samples?

8 A D.N.A. is a chemical found throughout the human body.
9 You have half of it from your biological mother and half of
10 it from your biological father. It is essentially a
11 chemical imprint for an individual.

12 when items of evidence or known standards are
13 submitted to SLED they will undergo what is referred to as
14 D.N.A. analysis. And it is a 4-step process in order to
15 generate a D.N.A. profile.

16 The first step is you extract the D.N.A. from whatever
17 cells may be present on the item submitted. It could be a
18 swab. It could be a cutting from a piece of clothing.

19 From there it is determined how much D.N.A. is
20 present. After that if any D.N.A. is present, copies of it
21 are made in order to have more to work with.

22 And the final step is the D.N.A. will be separated
23 based on size, and that information gets translated into
24 what is known as a D.N.A. profile.

25 Q I'll start with Item No. 9.

Donna Money
Direct examination by Mr. Barnette

1 Did you do an examination on that using those two
2 samples, using the two profiles that you developed from Mr.
3 Johnson and Ms. Wiles?

4 A A D.N.A. profile was developed from the fetus, and
5 then the D.N.A. profile is developed from the two
6 individuals that had known standards submitted, were
7 compared.

8 Q What did your analysis produce or what did you find
9 out?

10 A May I refer to my report?

11 Q Yes, ma'am.

12 A The D.N.A. profile developed from the fetus removed
13 from Brechue Wiles was a mixture of two individuals.
14 D.N.A. from Brechue Wiles is assumed in this mixture.

15 The D.N.A. profile developed from contributor two is
16 consistent with being a biological offspring of Brechue
17 Wiles and Tremaine Johnson.

18 It is approximately 55,000 times more likely to see
19 these genetic results if Tremaine Johnson is the true
20 biological father than if a random man is the father.
21 Given the genetic evidence greater than 99.99 percent of
22 randomly tested men, would be excluded as the biological
23 father.

24 Q So it showed Mr. Johnson was the father of the baby.

25 A The biological father, yes.

Donna Money
Direct examination by Mr. Barnette

1 Q Okay. Going to Item No. 4, if you would, ma'am, or
2 State's Exhibit No. 4. I think it's Item 4 from your SLED
3 report. Can you tell the jury about that analysis that you
4 did?

5 A Item 4 were swabs from keys found about 3 feet from
6 Brechue wiles. These samples were analyzed and a partial
7 D.N.A. profile was developed.

8 Q And what did you find, ma'am?

9 A When compared to the standards submitted in this case
10 this partial profile matched the D.N.A. profile of Brechue
11 wiles.

12 Q And Item 3. I believe that's the blood that was found
13 at the scene. Can you tell the jury about that?

14 A Yes. Item 3 was swabs from ground near body about 6
15 feet from Brechue wiles. The D.N.A. profile was developed
16 from this item.

17 Q So that matched her also.

18 A Yes. It matched the D.N.A. profile of Brechue wiles.

19 Q Item 2, the swab from the shell casing in this case.
20 Was you able to develop a D.N.A. profile from that?

21 A No S.T.R.D.N.A. profile was developed.

22 Q And why was that? Have you got any idea why that
23 wasn't and the reasons that could be that no D.N.A. on the
24 shelling casing?

25 A D.N.A. is not always guaranteed on objects. There's

Donna Money
Direct examination by Mr. Barnette

1 something called touch D.N.A., which is if I handle an item
2 skin cells from my fingers may come off and stay on that
3 item. But in that instance you're dealing with much fewer
4 cells than if you're dealing with a blood sample.

5 D.N.A. is also sensitive to environmental conditions.
6 If there's extreme heat or extreme cold, if there are
7 chemicals mixed on the sample and if the item is left
8 outside for a long time, just as time goes on D.N.A. can
9 degrade.

10 Q Can heat from a fired bullet -- D.N.A. on the bullet
11 from the shell casing?

12 A Yes. If there's extreme heat, then if D.N.A. is
13 present on an item it may degrade.

14 Q From this. And also on the rape kit, if you would,
15 read the stipulation that we have in this record.

16 MR. BARNETTE: And, Your Honor, I'm going to ask her
17 to read State's Exhibit 59 in this case where all of the
18 parties agreed to, Your Honor.

19 THE COURT: All right.

20 Q If you would.

21 A Would you like for me just to go item by item?

22 Q You can. Or if you want to, you can read the -- if
23 you would, go ahead and just read the stipulation first.

24 A Okay.

25 Q And then you can go from item to item. I know you did

Donna Money
Direct examination by Mr. Barnette

1 some analysis on those other items.

2 A "The parties hereby stipulate to the following as
3 fact: That Jasmine Ruiz-Yi while working at the state law
4 enforcement division -- SLED -- did the serology on the
5 sexual assault evidence collection kit from the body of
6 Brechue Wiles. Her report on serology analysis dated
7 August 30th of 2018 is attached as Exhibit 1 involving SLED
8 Item No. 12. The sexual assault evidence collection kit
9 from Brechue Wiles also involving the items in the kit.
10 12.1, vaginal swabs and hair; 12.1.1, vaginal swabs.
11 Examination for component of semen P-30 and spermatozoa
12 were negative with no semen identified. 12.1.2, hair;
13 12.1.3, hair item forwarded to D.N.A. section; 12.2, oral
14 swabs, examination for component of semen, P-30 spermatozoa
15 were negative with no semen identified; 12.3, rectal swabs,
16 examination for component of semen P-30 and spermatozoa
17 were negative with no semen identified. The fingernail
18 scrappings listed as SLED's Exhibit 12.4, 12.4.1, left-hand
19 fingernail scrappings item forwarded to D.N.A. section.
20 12.4.2, right hand, fingernail scrappings and hair;
21 12.4.2.1, right hand fingernail scrappings item forward to
22 D.N.A. section; 12.4.2.2, no hair suitable for
23 S.T.R.P.C.R.D.N.A. analysis; Item 12.5, pubic hair
24 combings; 12.5.1, hair, item forward to D.N.A. section;
25 12.5.2, hair, item forward to D.N.A. section; and 12.6,

1 victim buccal swabs, item forwarded to D.N.A. section."

2 MR. BARNETTE: Your Honor, I'd like to publish this to
3 the jury at this time.

4 THE COURT: You may.

5 MR. BARNETTE: And this will be State's Exhibit 59.

6 Q And the reason I'm putting that up, ma'am, was there
7 any evidence that was found of any semen in this case?

8 A Per the results from the serology analysis, no semen
9 was identified.

10 Q Okay. Now, you did some D.N.A. testing on some of
11 these items, is that right, ma'am?

12 A Yes.

13 Q Let me go through this real quickly with you from that
14 standpoint. What was the items that you tested that was
15 forwarded to you?

16 A When the case was resubmitted to SLED for analysis I
17 went ahead and tested items 12.1.1, which were the vaginal
18 swabs; 12.1.2, 12.1.3, 12.2, 12.3, 12.4.1, 12.4.2.1, 12.5.1
19 and 12.5.2.

20 Q Okay. And what was the results of your findings from
21 those items you examined?

22 A For Items 12.1.1, the vaginal swabs; 12.1.3, the hair
23 from the vaginal swabs; 12.2, the oral swabs; 12.3, the
24 rectal swabs; 12.5.1, hair from the pubic hair combings;
25 and 12.5.2, the hair from the pubic combings -- those

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Cross-examination by Mr. Brannon

1 D.N.A. profiles -- the D.N.A. profile developed from these
2 items was attributable to Brechue Wiles.

3 12.1.2, the other hair from the vaginal swabs, no
4 D.N.A. profile was developed; 12.4.1, the left-hand
5 fingernail scrappings from Brechue Wiles, the partial
6 D.N.A. profile developed was insufficient for
7 interpretation; and 12.4.2.1, the right-hand fingernail
8 scrappings from Brechue Wiles, no S.T.R.D.N.A. profile was
9 developed.

10 Q So you did examine these items. There was no evidence
11 of semen in these cases.

12 A There was no indication of any foreign D.N.A. on these
13 items.

14 Q So any D.N.A. that you did find was attributed to
15 Ms. Wiles, the victim in this case.

16 A Yes.

17 Q So no other D.N.A. in the rape kit.

18 A There was no indication of any foreign D.N.A.

19 MR. BARNETTE: One moment, Your Honor, please.

20 (Pause.)

21 Q If you would, ma'am, please, answer any questions they
22 may have for you.

23 MR. BRANNON: May it please the Court.
24
25

1 CROSS-EXAMINATION

2 BY MR. BRANNON

3 Q Agent, there were actually two attempts to determine
4 paternity on this, on this unborn child, isn't that
5 correct?

6 A Yes.

7 Q The first one was inconclusive, correct?

8 A The first time around, because it was a mixture, our
9 interpretations on line at the time did not allow for any
10 comparison.

11 Q Right. And I want to go into it, not into the testing
12 you did but the type of testing. D.N.A. analysis
13 progresses daily, weekly or monthly. I mean, it's
14 always -- you're always improving your ability to run these
15 tests, is that correct?

16 A Yes. The methods we use do evolve.

17 Q Okay. And would it be fair to say that your ability
18 to determine the paternity of this unborn child developed
19 from point of her death until sometime in 2021 when you
20 could actually determine the paternity of this child? Is
21 that correct?

22 A The analysis of the sample was conducted back in 2018.
23 In 2021 it was just a reevaluation of the profile. No
24 additional laboratory analysis was performed on the item.

25 Q Well, I understand that, but the true fact is we

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1 didn't know until this year who the father of the child
2 was, is that correct?

3 A That's correct.

4 Q Thank you.

5 MR. BRANNON: Nothing further.

6 MR. JOHNSTON: No questions for the lady.

7 MR. BARNETTE: We'd ask for the witness to be excused,
8 Your Honor.

9 THE COURT: You may step down. You may also be
10 excused.

11 (Whereupon, the witness was excused.)

12 MR. BARNETTE: May we approach for a second, Your
13 Honor?

14 THE COURT: Yes.

15 (Bench conference held off the record in the presence
16 of the jury but out of the hearing of the jury.)

17 THE COURT: We're going to take a short break.

18 I'll ask the jury to please go to your jury room.

19 Don't talk about the case. I'll bring you back shortly.

20 (The following takes place outside the presence of the
21 jury.)

22 MR. BARNETTE: Can we step out with the family, Your
23 Honor, for a second? We want to make sure they know what's
24 coming.

25 THE COURT: Oh, sure.

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1 We'll take 15 minutes.

2 Let me ask y'all to get the exhibits gathered up and
3 put them back on the table.

4 (Whereupon, a recess was taken.)

5 THE COURT: All right. Are we ready for the jury?

6 MS. WELLS: The state's ready, Your Honor.

7 MR. BRANNON: Yes, Your Honor.

8 MR. JOHNSTON: Yes, sir.

9 THE COURT: Bring them in.

10 (The following takes place in the presence of the
11 jury.)

12 THE COURT: The jury is present.

13 You may proceed.

14 MS. WELLS: Thank you, Your Honor. May it please the
15 Court.

16 Your Honor, the state will call Dr. David Wren to the
17 stand, please.

18 DR. JOHN DAVID WREN, having
19 been first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MS. WELLS

21 Q Good afternoon, Dr. Wren.

22 A Good afternoon.

23 Q Dr. Wren, can you tell the members of the jury where
24 you are employed?

25 A I'm employed by Carolinas Pathology Group, which is a

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1 Large group of pathologists that have hospital assignments
2 in North and South Carolina, but I work for them who has
3 a -- who have a contract with Spartanburg Medical Center, I
4 mean, Spartanburg Regional Hospital System, all of the
5 hospitals in and around this area.

6 Q And what -- you said you work for the pathology group.
7 So are you a forensic pathologist?

8 A I have been qualified as a forensic pathologist for
9 years.

10 Q Okay. Can you tell the members of the jury a little
11 bit about your background and education?

12 A I have a B.S., a master's and a Ph.D. degree from
13 Clemson University. I have an M.D. degree from the Medical
14 University of South Carolina.

15 while I was in residency at the -- in pathology at the
16 Medical University of South Carolina in Charleston I served
17 as the assistant medical examiner for Charleston County
18 from July of 1980 until January, the end of January, of
19 1982 investigating cases, any type of death in the county
20 and in the -- in the County of Charleston.

21 And one weekend a month during approximately the same
22 time I acted as the forensic pathologist with backup from
23 our board certified pathologist in case I needed them doing
24 hospital, I mean, coroners' cases from all over the state
25 at that time that were sent to the Medical University,

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1 which in my case varied from about four a weekend, and
2 sometimes 12 at that time.

3 So I qualified for my boards in forensic pathology by
4 the time I graduated -- I mean, by the time I finished my
5 residency. But I came to work in Spartanburg, and I took
6 my anatomic boards in 1984 and my clinical boards in 1987.
7 I passed both on the first attempt. And I've done
8 coroners' cases in Spartanburg since October of 1982 until
9 May of 19 -- I mean, 2019 when I stopped doing them for the
10 coroner.

11 Q And during the course of your career -- I mean, I need
12 to know if it's possible to say how many autopsies you
13 conducted.

14 A Approximately 7,000.

15 Q And you have already testified that you've been
16 qualified previously as an expert in forensic pathology in
17 the state courts. Have you been qualified to --

18 A In approximately half the counties in this state I've
19 testified as an expert in forensic pathology.

20 MS. WELLS: Your Honor, at this time I'd offer
21 Dr. David Wren as an expert in forensic pathology.

22 MR. BRANNON: Without hesitation, he is qualified,
23 Your Honor.

24 MR. JOHNSTON: Your Honor, we believe he is so
25 qualified to offer his opinion.

1 THE COURT: He is so qualified.

2 MS. WELLS: Thank you, Your Honor.

3 Q Dr. Wren, I want to direct your attention back to May
4 of 2018. On May 11th of 2018 were you asked to perform an
5 autopsy on the body of the victim in this case, Brechue
6 Ferrarri wiles?

7 A Yes. I was asked to do an autopsy. I began that
8 autopsy in the Spartanburg Medical Center Autopsy Room at
9 4:00 p.m. on May the 11th. Usually -- I imagine it took
10 three to four hours. I did not record the time I finished
11 on May the 11th. I started at 4:00 p.m. on that day.

12 Q And what information had been provided to you prior to
13 the beginning of your autopsy that was relevant to how you
14 conducted the autopsy that day?

15 A I usually get a brief history. It is subject to
16 change, but it's just to remind me what, when I look back
17 at the case in case I'm asked about it, I'll -- it'll help
18 me remember a little bit about it.

19 At the beginning in this case Mr. Clevenger, the
20 coroner, notified me that there was -- they thought it was
21 a 23-year-old black female by the name of Brechue Ferrarri
22 wiles and she was found by a passerby at the edge of Duncan
23 Lake along a walking trail with her -- which was her car.
24 The person -- suspected person's car in the parking lot
25 there near the walking trail.

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1 Q So it was her car that was in that parking lot, is
2 that correct?

3 A Yes.

4 Q And can you tell the jury how you -- how the autopsy
5 works? How did you start in this case?

6 A A forensic autopsy is -- it actually starts with --
7 supposedly, we are supposed to get the body as it's found
8 with nothing done to it so that we can examine it for any
9 trace evidence that we might find.

10 So in this case I described the clothing first. And
11 she was clothed in a black short-sleeved t-shirt and a pair
12 of black tight pants and a pair of gray panties with blue
13 Calvin Klein waistband.

14 The clothing was wet, but I didn't see any significant
15 defects or anything that would be of use in indicating why
16 she might have died on the clothing itself or anything that
17 was -- could be construed as evidence with it.

18 Then we remove the clothing. And in this case we do
19 an external exam, top to bottom, front to back, and
20 describe what we find.

21 If we see any evidence on the body or any telltale
22 features we describe those. And then in some cases if
23 it -- if it -- for instance, if it happened to be a sexual
24 assault case we'll examine clothing, as well as body, to
25 see if there are any -- any evidence of spermatozoa or

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1 sperm or semen with the body with a wood's lamp. In this
2 case I didn't because she'd been in the water for a good
3 while and had animal activity on the body.

4 Q And you said that you conducted an external
5 examination. Can you tell the members of the jury about
6 that external examination and what you found, if anything?

7 A Yeah. She was thin. I couldn't tell exactly how old
8 she was because some of her facial features had been
9 destroyed by animal activity, but she appeared to be young.
10 she was 65 inches in length and weighed 95 pounds as
11 we were looking at her.

12 She had extensive animal activity along the -- the
13 right face extending from the nose to the angle of the jaw
14 and from the upper forehead to the chin, which exposed
15 bones and much of the teeth on that side.

16 She had no rigor mortis or livor mortis that I could
17 identify, which would indicate how long a person might have
18 been dead. But those things -- rigor mortis disappears
19 after about 48 hours and livor mortis, once it's fixed,
20 it's there forever.

21 So if you found a person that had livor mortis
22 anteriorly and they were found supine instead of face down,
23 then you would know that person had been moved, which might
24 be of some help sometime.

25 Q But you were unable to make any of those

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1 determinations in this case?

2 A I couldn't find that. I didn't see any. She had no
3 rigor mortis, meaning that she'd been dead longer than 48
4 hours of course. And she didn't have any livor mortis that
5 I could see.

6 There were two lacerations along her left cheek which
7 were two and four centimeters long. A laceration is
8 different from an incised wound. An incised wound is like
9 a cut made with a sharp object, like you would have cut
10 your hand with a knife, whereas a laceration is irregular
11 and jagged and can be from falling against something or
12 being hit by something.

13 I didn't attribute that to premortem injury because I
14 didn't see any evidence of hemorrhage around it or any
15 other indications that it occurred prior to her death. And
16 I thought it might have been when she was put in the lake.

17 I couldn't palpate any skull trauma, but there was
18 what I thought was a probable gunshot wound pending further
19 investigation into the mid right medial forehead -- mid
20 right medial forehead. And it was just above the eye
21 socket. It measured .465 by .310 inches, about a half inch
22 by a little over a third of an inch in overall dimensions.
23 And it was irregular with bone exposed around that area
24 from the animal activity, which, by the way, they usually
25 go for places that have been injured or that's blood around

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1 that area in case they were feeding on that area.

2 Her right orbit was -- her right eye was completely
3 absent, secondary to those changes. And I didn't see any
4 hemorrhages of the conjunctiva of either eye or of the
5 other eye.

6 She had a small fractured area of the maxilla, which
7 is the cheekbone, inferior to the medial portion of the
8 orbit.

9 The majority of her mouth mucosal was absent from
10 degenerative changes, but I didn't see any evidence of
11 injuries there indicating she might have been hit in the
12 face.

13 She didn't have any acute injuries to the chest and
14 abdomen.

15 I didn't see any vaginal injuries.

16 The back didn't have any evidence of injuries.

17 And the upper extremities. I checked for her
18 fingernails. She had false nails on that had glitter on
19 them, and there was no splintering of the nails. Now,
20 splintering of the nails means if you were scratching
21 somebody or hitting it against something or somebody took a
22 swipe at you with a knife or something and broke your
23 fingernail, that's called splintering. I didn't see any,
24 indicating that she wasn't probably involved in any type of
25 altercation with her assailant.

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1 She did have some tattoos that we photographed. I
2 don't usually describe the tattoos unless there's something
3 real distinct about them. It's better to take a photograph
4 and let people see because sometimes we misinterpret
5 exactly what we've seen and have to think about it a while.

6 She didn't have any injuries to her lower extremities,
7 although she did have sloughage of the skin from
8 decomposition, early decomposition. That's what I found
9 externally.

10 Q And once you're complete, once you've completed that
11 external examination, then you move your focus to the
12 interior of the body, is that correct?

13 A That's correct.

14 Q And can you tell the jury what you did next?

15 A I opened the body with a Y-shaped incision that
16 extends from the shoulders to the -- to the bottom of the
17 breastplate and then down to the pubic symphysis, which is
18 the bone in front of the genitalia and didn't see any
19 injuries to the -- didn't see any injuries to the soft
20 tissues under that, because sometimes, particularly in
21 darker-skinned individuals, you can be fooled by the fact
22 that you don't see anything.

23 In fact, I did an autopsy a few -- a little while ago
24 where I didn't see anything on this. He was a
25 medium-colored-skinned, probably a Mideastern descent. And

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1 I was just taking the brain out.

2 And when I opened -- when I reflected the skull, the
3 skull cap, the scalp, I could see an injury. And when I
4 went back and looked on the -- on the forehead I could see
5 where the -- where the injury occurred, but it was like he
6 had gotten a contusion or a bruise there and it was
7 resolving -- I could tell that too -- when -- when he died.

8 I didn't see any rib or sternal fractures, but I
9 didn't see any injuries of course to the soft tissues where
10 we reflect the skin and the adipose tissue. If a person
11 has any adipose tissue they can have a lot or very little
12 at all. She didn't have very much because she was real
13 thin.

14 You can -- you can see hemorrhage in the adipose
15 tissue and even in the muscle underneath. So that's the
16 way a forensic autopsy is supposed to be performed.

17 And hospital autopsies, we just reflect the -- all of
18 the thing back to the chest plate and take the chest plate
19 off. We take the -- we took the chest plate off.

20 She had some decomposition fluid in her right pleural
21 cavities, which is a hundred cc's. That's about three
22 ounces. Not very much. And 30 cc's, which is about an
23 ounce on the left. And it has a particular color that you
24 can tell it's probably decomposition, which she did have.

25 And her lungs were pretty well aerated, meaning that

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1 she probably died real quickly without heart failure or
2 anything of that nature. They did have some fluid in the
3 bronchial tree as I got into that, but that was because she
4 was submerged for some time in the -- in the water of the
5 lake.

6 She had about 15 cc's of just serous fluid, which is
7 clear fluid, around the heart, which is not unusual. You
8 don't have any problems with it until it gets to be 60 or
9 so cc's in amount. In that case it would constrict the
10 heart. But some people have a little bit. Everybody has a
11 little bit. Some people have a little bit more than
12 others.

13 Oftentimes, it's an indication of some chronic
14 inflammation in the serosa around the heart. And in that
15 case you'll see inflammatory cells when you take a section
16 of the heart. But the fluid is there to actually let the
17 heart move back and forth within the pericardial sac, which
18 is a tense almost -- it's almost like scar tissue.

19 It doesn't expand very easily. So it's encasing
20 around the heart and it is there for some protection. And
21 you do have that fluid because if you didn't have the fluid
22 when the doctor listened to your heartbeat he'll hear it
23 rubbing against the -- the heart as it expands and moves in
24 the -- in the sac it'll rub against the -- the lining of
25 the pericardial sac and he can hear that.

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1 She didn't have any internal injuries that I could see
2 including the peritoneal cavity.

3 And that's basically what I saw, although I thought
4 her -- I have a note here in case anybody wanted to read
5 it. I noted that her serosa, her uterus use a little bit
6 congested, which is not unusual. When a person dies and
7 they're slightly enlarged, depending on the -- the history
8 of a person. It could have been a little bit enlarged,
9 without knowing anything about her.

10 Q And you recovered a fetus during the course of your
11 autopsy, is that correct?

12 A I recovered what I thought might be an implantation
13 site of a fetus. It was so small it was hard to tell.

14 I examined the internal lining of the uterus, and
15 pathologists are trained to -- to do that. Particularly,
16 forensic pathologists.

17 And I took samples of that, and I actually took some
18 of it and put it in for microscopic exam to see if I was
19 close to it, and I took the rest of it, which I thought was
20 the actual implantation site, and I put it in what's called
21 RPMI medium which is a preservative that uses, in case
22 genetics is done, or if -- if genetics needs to be done, I
23 did that and kept it in a refrigerator in case the law
24 enforcement wanted to -- to examine it.

25 And I gave it eventually -- I noted -- I think it was

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1 after I got the little piece of tissue that I'd looked. I
2 gave that to Amy Bolic, Spartanburg County Coroner's
3 Office, with the chain of command -- evidence signed. And
4 we did do a sexual assault kit, and I gave that to Officer
5 Shane Cloran of Spartanburg City Police Department.

6 Q And you didn't --

7 A That's not unusual. It's usually routine in case a
8 female is found with any suspicious circumstances. We are
9 asked to do a sexual assault kit.

10 Q And you -- so you made those observations about the
11 uterus, about the implantation site. You conducted a
12 sexual assault exam postmortem. And then you also did a
13 reflection -- did you -- once you -- there were nothing
14 else remarkable about the internal organ -- organ exam?

15 A Essentially, it was a normal person of her age. The
16 heart wasn't enlarged. Everything was normally formed.
17 She did have some cysts in her -- her ovaries, but that's
18 not unusual too. It's a routine finding, although
19 everybody doesn't have them, but some people do.

20 Q And then did you move on to conduct an examination of
21 the central nervous system and reflect the scalp?

22 A Yes. I might add when I do the internal exam I take
23 all of the organs, including the thyroid, the heart,
24 respiratory system, gastrointestinal system, the liver with
25 the gallbladder that's there, pancreas, spleen, adrenal

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1 glands, genitourinary system, lymphoid system and bone
2 marrow.

3 I then -- some people start with the central nervous
4 system, but I end with it -- just preference.

5 And I reflected the scalp. The way we do that is we
6 make an incision where it can't be seen across the top of
7 the head from just behind the ear to the other side. We
8 reflect part of it forward and part of it back, see what we
9 see in the subepithelial tissue.

10 She had hemorrhage on the right side -- moderate -- in
11 the right scalp extending from the gunshot wound above the
12 right eye all the way to the one in the back. And there
13 was a fracture line along the right cranium from the impact
14 of the gunshot back part of the way, but it did not
15 communicate with the one in the back.

16 And there was no epidural hemorrhage. When I took the
17 skull cap off -- the lining of the brain is lined by
18 several layers of tissue.

19 The closest to the brain is called the leptomeninges,
20 which is two parts of almost translucent -- well, it is
21 translucent. It's almost transparent, and in some cases it
22 is transparent, thin tissue that overlies the brain. And
23 then the dura, which is more tense and thicker sort of
24 protects the brain. And in between -- and the dura is
25 sometimes attached to the inner surface of the calvarium

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1 and it envelops the inside of the cranial vault.

2 When -- when you get an injury it fractures the
3 calvarium. You can get epidural hemorrhage. An epidural
4 hemorrhage means above the dura and not below the dura
5 adjacent to the brain.

6 When that happens that is arterial blood and it
7 doesn't clot off very easily. So if you get epidural
8 hemorrhage it's immediately life threatening. However, in
9 her case I did not see any epidural hemorrhage, but she did
10 have subdural hemorrhage which can be done just from -- if
11 you fell and had some momentum to your head and hit your
12 head against a rock or against a flat surface, then you
13 could bleed from little veins in there, which is like
14 cutting your arm unless you cut an artery there, and it
15 bleeds slowly and could clot off.

16 And when it -- if it clots off months later one can
17 get another injury, minor injury, and it can start bleeding
18 again. Those are not -- they can be life threatening but
19 they're not immediately life threatening like a fracture of
20 the skull.

21 Although she had a fracture of the skull, she didn't
22 have epidural hemorrhage. It didn't go across an artery in
23 the path where it went. But she did have subdural from
24 the -- from the path of a bullet going through her brain.
25 And she had subarachnoid. When I talked about the

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1 leptomeninges, they're also called the arachnoid membranes.
2 And that means there's hemorrhage between that little
3 lining and the actual surface of the brain. She had some
4 of that too, but that's not unusual with any kind of
5 trauma.

6 Q And you said that --

7 A And then --

8 Q -- that's subarachnoid --

9 A Then I found a gunshot wound through her -- through
10 her right side of her brain. And she had a lot of hair and
11 she had a weave in her hair. So it was very difficult to
12 get to it, but I found a bullet hole in the back of her
13 skull on the right side, also indicating -- and we x-rayed
14 her head. Did not see any bullet fragments or bullets. If
15 we'd found a bullet I would, of course, find it. And
16 bullet fragments if it starts breaking up, then you can
17 sometimes see the path of the bullet. It goes through the
18 brain. I didn't see any of that either.

19 So this, the bullet that went through there, went
20 straight through her head and did not leave any trace of
21 metal residues, although you can find in some cases if a
22 wound to the head -- if somebody's shot actually anywhere
23 if -- gunshots are graded as contact, meaning it's through
24 the barrel of a weapon. It's pushed up against the skin or
25 the -- what -- of the surface that it goes in. And can be

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1 tight contact, meaning it's pushed in with some force. Or
2 it can be loose contact, meaning it's got a little bit of
3 play in between there.

4 Then if you don't see any evidence of anything
5 happening it's called long range or distant gunshot wound,
6 and then somewhere between contact and when it becomes long
7 range when you don't see any evidence of the powder or
8 burning powder or soot that's coming out of the barrel of
9 the weapon -- if you don't see anything on the -- on the
10 surfaces that it might have come in contact with as it came
11 out of the barrel; then it's called intermediate range.

12 And usually in handguns, depending on the caliber of
13 the handgun, one can -- they can go anywhere from less than
14 an inch, which would make it very close range but not
15 contact, all the way to when you don't see any evidence.
16 That would be the -- that would be the range of the
17 intermediates. And it goes to up like 12 inches depending
18 on the type of weapon that's used.

19 You have to have the weapon. When I would describe
20 there was soot there, meaning as soot came out of the
21 barrel it would actually start depositing if it hit
22 something, depending on the color of the clothing it went
23 through or the color of the skin, you might not see it.

24 The burning powder will tattoo the skin and make
25 little scars in it. And if I describe that and take

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1 photographs of it and you found a suspect weapon with the
2 same type caliber, SLED can actually reproduce shots coming
3 outta that barrel. And they fire it against a white
4 surface and they measure how far this spreads. And you can
5 get an indication of how far it was. But I didn't see any,
6 but that didn't mean there weren't any there, because her
7 hair was dark.

8 So I cleaned around the wound, which I thought was the
9 entrance, which was in the back of the head, and I thought
10 it was.

11 I took some tissue around that and I put it under the
12 mic -- I had it processed, put it under the microscope and
13 I thought what I saw was -- I found what I thought was
14 powder residues indicating she was probably shot in the
15 back of the head. That along with the other physical
16 features of the entrance and exit wounds led me to that
17 conclusion.

18 But, specifically, if you fire a weapon against a
19 surface and it's bone or anything, if it's distant and not
20 contact, then the bullet bores a hole in it and you leave a
21 pretty round hole, but it doesn't have to be exactly round
22 if it's going at an angle. But, nevertheless, it is round
23 and has pretty close, pretty distinct edges.

24 As it comes out of that surface it bevels out. So
25 what it does is it bores in and pushes out, and it breaks

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1 the -- the bone out further and that -- if it's -- if it's
2 done that in the skull, we call it inward beveling. And if
3 it's coming out of the skull we call it outward beveling,
4 because if a bullet had gone through soft tissues and just
5 started outta the skull when it went -- when it hit the
6 internal lining of the skull it would make the hole, and
7 then when it pushed out the other side it would bevel -- it
8 would break it -- break out. So we call that outward
9 beveling.

10 And as I looked at these I thought it was inwardly
11 beveled from the back and outward beveled from the front.
12 And it so happens that bullets often start tumbling. If
13 they hit anything and start into issue, softer tissues,
14 they'll tumble and make bigger holes than they do going in.

15 So that's what I found.

16 Q You observed the inward beveling, as you just stated,
17 from the back and outward beveling from the front. And
18 that indicates that she was shot in the back.

19 A Yes.

20 Q Is that right?

21 A I think so.

22 Q And you also said that you were able to determine that
23 there were some soot present that leads you to an opinion
24 about the closeness of range of the gunshot in this case.

25 A I think it was close range. I don't think it was

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1 contact, because if it'd been contact -- particularly if it
2 -- tight contact means you pushed it up against there.

3 When the bullet goes in it makes a hole. But what
4 happens is the gases coming outta the barrel don't have
5 anywhere to go and expand, so they blow back against the
6 side of the -- the skin around it and they split the skin
7 into -- it looks like a -- a star shape. And I didn't --
8 the hole in the back was pretty nice and smooth, although
9 it was not exactly circular. But of course she'd been
10 dead, so, a good while, at least 48 hours, I would think.

11 Q And did you -- was there an angle to the direction
12 between --

13 A I thought --

14 Q -- the entrance wound in the back and the exit wound
15 in the front?

16 A Yes. I thought the bullet went slightly upward from
17 where it went in. And I do have the distances from the top
18 of the head. I thought I did. Sometimes I put those down
19 in a diagram. Sometimes I don't. I don't have one there.

20 But by taking a probe and probing from the back to
21 where it came out, I thought it went slightly up. If you
22 were standing with her head straight, it would have gone in
23 and came out a little bit higher than it went in on her
24 body. And it was going almost sagittally, meaning that --
25 sagittal plane is the planes that go through the body

1 perpendicular to the -- the way a person is standing.

2 You can have mid sagittal or any sagittal offset from
3 the middle. And I called it sagittally, almost sagittally.
4 It was almost straight through and back to front.

5 And I didn't find any bullet or bullet fragments, and
6 x-rays showed no evidence of lead particles. And the
7 defect in the back was relatively round. It measured 41
8 one-hundredths by 48 one-hundredths in the dimensions that
9 I measured.

10 And, like I said, I sampled the tissue surrounding it
11 to see if any powder or soot particles were there, and I
12 thought what -- I found some, although being in the water
13 and maybe scraping against the bottom, she could have had
14 little sand particles there too that might have been, but I
15 thought they were powder residue in the tissues from the
16 occiput area.

17 Q And what was your opinion about the cause of death in
18 this case?

19 A I called the cause of death as a result of a gunshot
20 wound to the occiput of the head, meaning the back of the
21 head.

22 Now, it simplifies the cause of death. Causes of
23 death are open to interpretation in a lot of areas, but the
24 manner of death is what the legal authorities want to know.

25 And there are five manners of death. One is natural;

Dr. John David Wren
Direct examination by Ms. Wells

1 one is suicide; one is accidental; one is homicide, meaning
2 that it was another person was involved. It doesn't mean
3 murder, of course. And then there's undetermined if one
4 can't tell.

5 We have very few that we don't have an opinion as to
6 the cause of death but the more decomposed they are and
7 more skeletonized they are, sometimes we just can't tell.
8 There's no information there. You're just looking at a
9 skeleton sometimes.

10 Q But in this case what didn't -- let me go back and
11 cover one thing.

12 You said you conducted a postmortem sexual assault
13 exam. Was there any indication of a sexual assault in this
14 case.

15 A Not that I saw, no.

16 Q And what were your final autopsy diagnoses?

17 A I list those, everything I see.

18 Number one was single fatal, probably contact, medium
19 to large caliber through and through gunshot wound to the
20 head. Entrance within occiput and exit in the right
21 forehead.

22 Subdural. I explained that. And subarachnoid
23 hemorrhage resulting from gunshot wound. Maceration and
24 hemorrhage along the gunshot wound track. Fracture of the
25 calvarium secondary to gunshot wound with accompanying

1 scalp hemorrhage. That was number one.

2 And then number two was bilateral fluid accumulation
3 within the pleural cavities. I gave you the amounts.
4 Acute passive congestion with acute pulmonary edema of the
5 lungs bilaterally, which was minor. But it,
6 nevertheless -- there was some agonal findings there.

7 And, number three, possibly implant site of pregnancy
8 in the uterus. See gross autopsy protocol and final
9 summary.

10 And then, four, blood toxicology and other results
11 associated with investigation pending, because I signed
12 this out because it was pretty straightforward as to why
13 she died, but other things were going to require time, and
14 I try to get them out as soon as I can.

15 Q All right.

16 MS. WELLS: May I have a moment, please, Your Honor?

17 (Pause.)

18 MS. WELLS: Your Honor, those are all the questions I
19 have for Dr. Wren.

20 Q Dr. Wren, please answer any questions the defense may
21 have for you.

22 MR. BRANNON: I have absolutely no questions.

23 MR. JOHNSTON: No questions for the doctor.

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

25 MS. WELLS: Your Honor, may Dr. Wren be excused?

1 THE COURT: He may be.

2 MS. WELLS: Thank you.

3 (Whereupon, the witness was excused.)

4 MR. BARNETTE: Your Honor, may we have a minute to
5 check with the court reporter?

6 (Pause.)

7 MR. BARNETTE: Your Honor, we don't have any more
8 witnesses at this time. The state would rest.

9 THE COURT: Okay. Ladies and gentlemen, that is all
10 of the testimony or evidence to be offered by the state, at
11 least in their case in chief, and I've got some legal
12 matters to address and it's a convenient time for us to
13 recess for the afternoon as far as you are concerned.

14 So you will be excused now for the balance of today.
15 You'll be asked to report to your jury room at 9:30 in the
16 morning.

17 Again, no discussions with anybody in any fashion, no
18 research, investigation or exposure to media.

19 Have a good evening. Please report to your jury room
20 at 9:30 in the morning.

21 (The following takes place outside the presence of the
22 jury.)

23 THE COURT: Any matters to address before we recess?

24 MR. BARNETTE: None from the state at this time, Your
25 Honor.

1 MR. BRANNON: Your Honor, might we address motions and
2 whether my client will testify tomorrow? Can we do that in
3 the morning, Your Honor?

4 THE COURT: Well, if we need to, but I'll talk to them
5 first today about the right to testify and not.

6 Do you have other witnesses that you plan on calling?

7 MR. BRANNON: I do not, Your Honor.

8 THE COURT: Okay. Let me ask you to move that screen,
9 please.

10 (Pause.)

11 THE COURT: All right. Mr. Johnson and Mr. Gentry,
12 the state has concluded in their presentation of evidence,
13 and so in the morning will come the time that each of you
14 have the same opportunity to testify or to call a witness
15 or to introduce other evidence in the case if you want to.

16 So I've got some questions to ask of each of you. I'm
17 going to ask them at the same time because they apply to
18 both of you, but your answers might be different. So don't
19 rely upon what one person says as the answer that you're to
20 give to me to the question that I ask, because, as I say,
21 you might have a different view of things and so -- or a
22 different understanding of things. And so you need to let
23 me know of that fact.

24 When I ask a question I'll ask Mr. Johnson to respond
25 to it first, and then Mr. Gentry.

1 Do each of you understand, and have your lawyers
2 explained to you, that you have the right to remain silent,
3 which means nobody can make you testify during the trial of
4 this case? No one can require that you take the witness
5 stand and testify; nobody can require that you make a
6 statement or answer any questions that relate to the
7 charges against you.

8 So do each of you understand that you have an absolute
9 right to remain silent and to not take the witness stand
10 and testify during this trial?

11 DEFENDANT JOHNSON: Yes, sir, Your Honor. I
12 understand.

13 DEFENDANT GENTRY: Yes, sir. I know.

14 THE COURT: Do you each also understand that you have
15 a corresponding right to testify if you want to? And if
16 you make the decision to testify, when you take the witness
17 stand you'll have to answer all of the questions that are
18 asked of you by your lawyers, as well as by the prosecutor,
19 to the extent that those questions are relevant. But
20 you'll have to answer those questions even if the responses
21 to those questions might tend to prove you guilty of a
22 crime that the state claims you have committed.

23 So do you each understand also that you may testify if
24 wish to? But if you do you have to answer all of the
25 questions that are relevant to the case.

1 DEFENDANT JOHNSON: Yes, sir, Your Honor. I
2 understand.

3 DEFENDANT GENTRY: Yes, Your Honor. I do.

4 THE COURT: Do each of you understand that if you
5 choose not to testify, if you request it, I'll instruct the
6 jury they can't hold that fact against you, they can't
7 consider it, you're not taking the witness stand and
8 testifying in any way against you, nor may they allow it to
9 influence their decision as to whether or not the evidence
10 in the case has established your guilt beyond a reasonable
11 doubt?

12 DEFENDANT JOHNSON: Yes, sir, Your Honor. I
13 understand.

14 DEFENDANT GENTRY: Yes, sir. I do.

15 THE COURT: And have you and your lawyers discussed
16 the advantages and the disadvantages of testifying, as well
17 as not testifying?

18 DEFENDANT JOHNSON: Yes, sir, Your Honor. My attorney
19 Doug Brannon have. I understand.

20 DEFENDANT GENTRY: Yes, sir, Your Honor.

21 THE COURT: And have either of you reached a decision
22 about whether or not you will testify?

23 DEFENDANT JOHNSON: Yes, sir, Your Honor.

24 DEFENDANT GENTRY: Yes, sir.

25 DEFENDANT JOHNSON: I made a decision I will not.

1 THE COURT: Let me talk with Mr. Johnson.

2 sir?

3 DEFENDANT JOHNSON: I said I made a decision I will

4 not, Your Honor.

5 THE COURT: And is that a decision that you've made of

6 your own free will and accord?

7 DEFENDANT JOHNSON: Yes, sir, Your Honor.

8 THE COURT: Has anybody forced you or pressured you

9 into that decision?

10 DEFENDANT JOHNSON: No, sir, Your Honor.

11 THE COURT: Has anyone even suggested that that's the

12 decision that you ought to make?

13 DEFENDANT JOHNSON: No, sir, Your Honor.

14 THE COURT: Did you make that decision on your own?

15 DEFENDANT JOHNSON: Free will, Your Honor.

16 THE COURT: And you're satisfied with that decision?

17 DEFENDANT JOHNSON: Yes, sir, Your Honor.

18 THE COURT: And you've had plenty of time to think

19 about it?

20 DEFENDANT JOHNSON: Yes, sir, Your Honor.

21 THE COURT: All right. I'm going accept that as being

22 your answer now. But in the event you change your mind

23 during the overnight recess, you can change your mind, but

24 you'll have to tell me that you have changed your mind if

25 you do.

1 DEFENDANT JOHNSON: Yes, sir, Your Honor.

2 THE COURT: We'll do that in the morning.

3 All right. Mr. Gentry, what about you? Have you had
4 plenty of time to think about whether or not you want to
5 testify during this trial?

6 DEFENDANT GENTRY: Yes, sir. I have.

7 THE COURT: And you've discussed it with Mr. Johnston?

8 DEFENDANT GENTRY: Yes, sir. I have.

9 THE COURT: And have you made a decision?

10 DEFENDANT GENTRY: Yes, sir. I have.

11 THE COURT: And what is your decision?

12 DEFENDANT GENTRY: I will not, Your Honor.

13 THE COURT: And is that a decision that you made of
14 your own free will and accord?

15 DEFENDANT GENTRY: Yes, sir.

16 THE COURT: Has anybody forced you or pressured you
17 into that decision?

18 DEFENDANT GENTRY: No, sir, Your Honor.

19 THE COURT: Is that a decision that you made after
20 careful reflection?

21 DEFENDANT GENTRY: No, sir.

22 THE COURT: You didn't reflect on it?

23 DEFENDANT GENTRY: Oh, yes, sir, yes, sir.

24 THE COURT: Are you satisfied with it?

25 DEFENDANT GENTRY: Yes, sir. I am.

1 THE COURT: All right. And you understand that I'm
2 going to accept that as being your decision. But since
3 we're recessing for the afternoon, you have a right to
4 change your mind in the morning if you wish to. But I'll
5 have to rely upon you to tell me if you change your mind.
6 Otherwise, I'll assume that both you and Mr. Johnson have
7 decided not to testify.

8 Now, Mr. Johnson and Mr. Gentry, both, do either of
9 you have any other witness that you would like for your
10 lawyer to call to provide more information to this jury?

11 DEFENDANT JOHNSON: No, sir, Your Honor.

12 DEFENDANT GENTRY: No, sir, Your Honor.

13 THE COURT: All right. What about -- we're going to
14 do the motions, but in the meantime did y'all prepare any
15 instruction requests for me?

16 MR. BRANNON: I have not but I will have some in the
17 morning for you, Your Honor.

18 THE COURT: All right.

19 MR. JOHNSTON: Likewise, Your Honor. I don't have any
20 for you now but I will have some matters for you to
21 consider in the morning. And I also need to talk with my
22 client because I believe there's a possibility, maybe a
23 lesser included offense, on the accessory after charge,
24 misprision of a felony.

25 THE COURT: All right. Thank you.

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Y'all may be seated.

Anything else we need to address before we recess?

MR. BARNETTE: Nothing from the state at this time,
Your Honor.

MR. BRANNON: No, Your Honor.

THE COURT: All right. We'll address motions in the
morning, as well as instruction requests.

Court is in recess until 9:30 in the morning.

END OF PROCEEDINGS JUNE 16, 2021

1 (Proceedings June 17, 2021)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Okay. Any matters to address before the
5 jury is brought in to conclude?

6 MR. JOHNSTON: Yes, sir, Your Honor.

7 I would like to make a motion for a directed verdict
8 of not guilty. I don't know -- I'll let Mr. Brannon go
9 first if he wants to, or if he's going to make one. I
10 don't know.

11 MR. BRANNON: Yes, Your Honor.

12 I would move for a directed verdict at this time.
13 Your Honor, I do not believe the state has met its burden
14 of proof regarding the charge of murder, and I would ask
15 the Court to dismiss this action.

16 THE COURT: All right. Mr. Johnston.

17 MR. JOHNSTON: May it please the Court, Your Honor.

18 I would ask the Court to take into account the case of
19 State vs. Rogers, Court of Appeals, 2013, in this line.

20 The case against Mr. Gentry is based almost entirely
21 on circumstantial evidence. That Rogers case says the case
22 should be submitted to the jury only if there is
23 substantial circumstantial evidence which reasonably tends
24 to prove the guilt of the defendant.

25 As to the -- as to the accessory before the fact

1 charge, we would argue that a directed verdict of not
2 guilty should be granted because there is no substantial
3 circumstantial evidence to support that charge.

4 I know the Court must consider the evidence in the
5 light most favorable to the state at this stage. The
6 charge requires proof, however, that the defendant aided,
7 counseled or encouraged the commission of the crime before
8 it happened.

9 Even if you assume that the gun came from Mr. Gentry,
10 even if you assume that this was the gun used to commit the
11 murder, even if you assume that the ammo came from Gentry
12 and that it was likewise used to shoot the victim and you
13 assume that they both had communications, there is still no
14 evidence that Mr. Gentry knew why the gun was being
15 requested if it was, in fact, requested.

16 There is no evidence in the record of any knowledge on
17 Mr. Johnson -- Mr. Gentry's part that Mr. Johnson was
18 contemplating killing anyone.

19 The same analysis goes to the accessory-after-the-fact
20 charge. Proof requires knowledge that the felony has been
21 committed, knowledge that the principal committed the
22 felony, and having that knowledge that the accessory
23 harbored or assisted the principal felon or helped him to
24 escape detention -- detection.

25 There is, likewise, no evidence, substantial

1 circumstantial evidence, in the record of that.

2 The only thing I think the state can point to is a
3 statement attributed to Mr. Johnson which says do it today,
4 Fam -- Fam, happened two days ago.

5 The problem is there no knowledge what it is. Even if
6 you assume it's the homicide, there is no evidence that the
7 gun was ever returned to Gentry and there is no evidence
8 that Gentry ever did anything with it.

9 There is evidence that he contemplated making a stolen
10 police report, but, more importantly, to me the fact is he
11 never made such a report. So I think there are two
12 interpretations.

13 One, Gentry realized that Johnson is not bringing the
14 gun back so he was considering reporting his gun stolen
15 because Johnson wasn't going to bring it back.

16 The other thing is or the other possibility is that
17 Johnson asked him to report it stolen. But the key fact is
18 Gentry never reported the gun stolen.

19 So we would respectfully ask the charge accessory
20 after the fact to murder be -- that the directed verdict of
21 not guilty be granted on that charge as well.

22 THE COURT: Mr. Barnette, address Mr. Brannon's first,
23 and then Mr. Johnston's.

24 MR. BARNETTE: Your Honor, Mr. Johnson -- you've seen
25 the video tape in this case where he gives his statement.

1 We're going to submit that everything he told about May the
2 9th of 2018 was a lie other than him being blocked on the
3 text.

4 If you look through his searches prior to that, the
5 conversations start on April the 30th of 2018 where she
6 notifies and lets him know she's missed her period. He
7 starts looking at ovulation and he starts looking at all of
8 these things.

9 He is talking to her more. He looks at an abortion
10 clinic. He looks at poisons, how to get rid of the baby in
11 a person's stomach, the abortion pill that he looks at.

12 He does all kinds of things, and at the same time
13 she's so excited, you know. She's excited. You can see
14 through those text messages. In this day and time we live
15 through text messaging. That's where our society is now.
16 That's where a lot of the conversations occur, and you can
17 see that throughout that.

18 When you go looking at what the evidence is, Your
19 Honor, when they got his cell phone, which is basically
20 your life story now -- and I know Your Honor knows this --
21 but, obviously, he didn't do anything.

22 If you look at the evidence he said he went to Planet
23 Fitness. There is no evidence he went to Planet Fitness.
24 If you look at his cell phone where it was, he was at home
25 all morning long, and we're going to show that to the jury

1 shortly. But that's part of the evidence we have in this
2 case.

3 He later on goes to Hydrick Street. He's talking to
4 Robert Gentry. And the first time he talks to Robert
5 Gentry, as soon as he's blocked by Bree in this case,
6 within an hour he's contacting Robert Gentry.

7 He has never contacted Robert Gentry, we know, since
8 April the 5th of 2018. There is no messages from him or
9 Robert Gentry between them until within an hour after she
10 blocks him.

11 Then he starts communicating all the time that day
12 going through. Robert Gentry is at work at the time. He's
13 in Duncan. You can tell by the cell tower information.

14 When he gets off of work he goes and lets him know I'm
15 leaving work. He lets him know when he gets home over
16 there.

17 Mr. Gentry drives over there -- not Mr. Gentry.
18 Mr. Johnson drives over to Mr. Gentry's home.

19 We know that for two reasons. One -- or actually
20 three reasons. One, we had the cell tower information.
21 There's a call made at the same time between them --
22 8:24 p.m. At that time they're at the same tower at this
23 situation. And before that we have Ms. Alo, which is
24 ex-girlfriend of Mr. Gentry, saw them together in the
25 front. She says that's the first time I'd seen Johnson

1 since the gender reveal over a year ago. And they have
2 less than a 5-minute conversation.

3 These are two people who are supposedly friends and
4 they meet just out front and have less than a 5-minute
5 conversation. And of course Robert Gentry has got access
6 to a 40 caliber Smith & Wesson he bought. We know that
7 from Academy Sports.

8 Obviously, he had TulAmmo. It was found in his car,
9 had the box that was later found in his house.

10 Mr. Johnson is there, which he's already told the
11 police. He never left that day other than to go to Planet
12 Fitness, which is not even true.

13 Then we see it's in the cell tower information. He
14 heads to another location where he makes a phone call
15 through Daniel Hines' phone. He uses a different number.

16 We know that Bree answers that, that different number.
17 And her mother was with her at the time, and Bree didn't
18 recognize the number but she went ahead and answered it.
19 That wound up being Johnson.

20 Johnson talks her into unblocking the phone. And I'm
21 going to allege he's a very smooth talker, as you can see
22 through the text messages when they were dating or going
23 through the relationship from April 5th and so forth, when
24 you see he's just flat out not telling the truth and he's
25 going through the statement telling the police the story he

1 told.

2 So then he convinced her to come to Duncan Park, and
3 they're both at Duncan Park at the same time. How do we
4 know that? Because of the cell tower information. They
5 are hitting off the same cell towers within the same hour
6 or hour and half from that standpoint.

7 The last time that Bree's mom talks to her is at 9:59.
8 At that time he's in -- he's -- actually at 9:31 he's
9 actually traveling near the Deaf and Blind School heading
10 towards Duncan Park.

11 There, Your Honor, she parks her car. She walks
12 straight down to an area. And you gotta remember her mom
13 said that she was going to meet somebody near the water at
14 the lake from the park.

15 She leaves her car up there. She left her purse in
16 the car. She takes her keys with her. She meets
17 Mr. Johnson there.

18 Apparently, it looks like she's leaving at the time,
19 because if you look at the diagram, the evidence placed in
20 there, she's turning around.

21 And there's no sign of a struggle. She has no marks
22 on her from the struggle. There's no evidence of a sexual
23 assault, no evidence of robbery.

24 But he did not want her to have that baby, because the
25 one thing he did say, he kept saying, I'm staying home to

1 save money. He didn't want her to have that baby. He
2 couldn't talk her out of an abortion. He's going to take
3 matters into his own hands with the gun he got from Mr.
4 Gentry.

5 As she's walking back towards her car she's shot in
6 the back of the head. You heard Dr. Wren say it's close
7 contact. He can't say it's contact but it's close.

8 The bullet comes out of her forehead. It actually
9 lands in the path and the direction she was going. She is
10 shot out of her shoes. She's 95 pounds. Her shoes are
11 left in the pathway. She falls down. There's a blood spot
12 that's her D.N.A. She has her keys, which they used to
13 actually open the door to get the shoes out with the canine
14 unit. The blood is on the keys. That's her blood.

15 A shell casing is behind her shoes. The Tu1Ammo that
16 matches up with Gentry's car that was found there by
17 police.

18 She never knew what hit her. She didn't expect
19 anybody. She was friendly with that person, and the person
20 that she was talking to until he blocked -- I mean, until
21 he told her that he was seeing another woman that,
22 obviously, he wanted her to have an abortion and didn't
23 really want to be part of the baby's life, and she was
24 going to keep him out of it. He was going to lose control
25 of that situation.

1 Then his actions afterwards, immediately after she's
2 dead -- and she's been there for a period of time. She
3 wasn't found until May 11th, that Friday morning.

4 He's contacting Robert Gentry immediately, 11:24 to
5 11:45 p.m. He's immediately reaching out to him. Robert
6 Gentry didn't answer.

7 while he's driving he receives a call from Sidney Dean
8 at 11:48 that night where he says he's at home the whole
9 time. She says he's in a car. She hears him and talks to
10 him for ten minutes. Says he's distant.

11 The next day he gets an email or text from Bree's mom,
12 and she's wondering have you heard from her or whatever.

13 what's the first thing he does? He does internet
14 searches, can they record my phone conversations, can they
15 get access to them, basically. That's what he was doing
16 after he got that phone call from her.

17 He's communicating with Robert Gentry the whole time.
18 And, like I said, they haven't had any contact until May
19 the 9th, that morning, and they have a whole lot of contact
20 through there. I know you've seen the exhibits. I know
21 Ms. wells went through all of those. And then he tells him
22 do it today, Fam, it's been two days ago. He wanted Gentry
23 to report the gun stolen to cover their tracks.

24 The problem he had, and what I submit is a different
25 option than Mr. Johnston does, Mr. Gentry didn't want to

1 report it stolen because he didn't want to tell them a 40
2 caliber gun, a Smith & Wesson, was lost because they were
3 looking for a suspect and he didn't want to cause a red
4 flag with the police saying a gun has been reported that
5 matches that caliber, because he didn't know what was at
6 this crime scene where a shell casing was left, as well as
7 the bullet.

8 Mr. Johnson knew exactly what he was doing. There's
9 plenty of substantial circumstantial evidence here, as well
10 as direct evidence on him, and I'd ask you to deny their
11 motion for a directed verdict on Mr. Johnson.

12 We need to cover Mr. Gentry too since, I mean,
13 probably going to -- and Mr. Gentry, Your Honor, before the
14 fact, he's concerning -- I mean, they are communicating the
15 whole time, and he knows that he's going to give him a gun,
16 is what we're submitting, Your Honor. I think the
17 circumstantial evidence is very substantial to show that.

18 He comes in and picks it up. Why would you wait five
19 minutes?

20 The one thing we bring to these courtrooms are our
21 common sense. If you're going to meet a friend you haven't
22 seen in at least a month, and longer than that, you're
23 going to have more than a 5-minute conversation with them.
24 You're just not going to stay there. You're going to
25 invite them in. You're going to say, hey, let's talk some

1 or do whatever.

2 But, at the same time, if you're going to give
3 somebody a gun, you're sure not going to advertise it.
4 You're going to give to him as quickly as he can and get
5 him out of there.

6 And you can see the phone calls between them, the text
7 messages between them. And, like I said, immediately after
8 the murder occurred there's a call made by Johnson to
9 Gentry. Two of them. In communications, they go on before
10 that.

11 Mr. Johnson also puts on the internet, "Man in lake."
12 That was on May the 10th. Bree was not discovered until
13 May 11th, that morning.

14 Robert Gentry. He goes through and says how to report
15 a gun stolen, all kinds of different things. Especially,
16 he talks -- looks at A.T.F. site immediately after he gets
17 the text from Johnson.

18 That day Mr. Teague that he works with on May 10th, he
19 tells him or asked him how do you report a gun stolen. He
20 said simple, just contact the sheriff's department or the
21 police department.

22 And, like I said, the reason why he didn't do that, he
23 didn't want to get on the radar with that gun because if
24 he'd tell them what model, and there's some evidence which
25 there was evidence at the scene, they could come looking

1 for him.

2 The thing he didn't realize was they was going to get
3 Mr. Johnson's cell phone. And that's what led them to
4 Mr. Gentry.

5 Your Honor, I'd ask deny to deny the motion on both
6 accessory before the fact and after. I think there's ample
7 evidence in this case. There's definitely, you know,
8 substantial circumstantial evidence as the law requires.
9 Thank you, Your Honor.

10 THE COURT: Mr. Brannon, anything else?

11 MR. BRANNON: No, Your Honor.

12 THE COURT: Mr. Johnston.

13 MR. JOHNSTON: No, sir.

14 THE COURT: As you know, in considering a motion for a
15 directed verdict I have to consider the evidence in the
16 light most favorable to the state, and reviewing the
17 evidence that's been presented during the trial of this
18 case I do find that, while their case may be based upon
19 primarily circumstantial evidence, the record does reflect
20 that there is substantial circumstantial evidence tending
21 to establish each of the essential elements of the crimes
22 of murder, accessory before the fact to murder and
23 accessory after the fact to murder; and therefore because
24 that evidence exists the defendant, each of the defendant's
25 motions, should be, and therefore are, denied.

1 Anything further before we bring the jury in?

2 MR. JOHNSTON: Your Honor, I have one matter regarding
3 the charge when you're ready.

4 MR. BRANNON: I'd like to be heard, Your Honor.

5 THE COURT: All right.

6 MR. BRANNON: Your Honor, I'm not asking for a
7 specific charge. Your language is always wonderful.

8 I ask for a charge on reasonable doubt, a charge on
9 presumption of innocence.

10 I would like you to give the charge concerning the
11 defendant's not testifying, my client not testifying. And,
12 Your Honor, I would like a charge on criminal intent.

13 That's -- those are my requests.

14 THE COURT: All right.

15 MR. JOHNSTON: Your Honor, we're requesting the very
16 specific Logan charge, Your Honor, from State vs. Logan on
17 circumstantial evidence.

18 Quoting from the case, quote, "Crimes may be proven by
19 circumstantial evidence. The law makes no distinction
20 between the weight or value to be given to either direct or
21 circumstantial evidence. However, to the extent the state
22 relies on circumstantial evidence all of the circumstances
23 must be consistent with each other and when taken together
24 point conclusively to the guilt of the accused beyond a
25 reasonable doubt. If these circumstances merely portray

1 the defendant's behavior as suspicious the proof has
2 failed."

3 THE COURT: All right. Anything else?

4 MR. BARNETTE: Your Honor, just the question from the
5 state. I've heard your reasonable doubt charge, as well as
6 your Logan charge from there. Will you be telling them
7 about his -- hesitate to act on reasonable doubt, as well
8 as firmly convinced?

9 THE COURT: I will.

10 MR. BARNETTE: That's the one thing we'd ask about.

11 MR. BRANNON: Nothing from Johnson, Your Honor.

12 THE COURT: All right. Y'all just pay attention when
13 the charge is provided, and if you see any deficiencies you
14 let me know when I conclude.

15 All right. Are we ready for the jury now?

16 MR. JOHNSTON: Gentry is ready.

17 MR. BRANNON: Johnson is ready.

18 MR. BARNETTE: State's ready, Your Honor.

19 THE COURT: All right. Bring them in.

20 (The following takes place in the presence of the
21 jury.)

22 THE COURT: Good morning, ladies and gentlemen.

23 As you know, when we recessed yesterday all of the
24 evidence had been received, and therefore what remains to
25 be done are the lawyers' final summations, after which I'll

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1 instruct you on the law that's applicable, and then you'll
2 begin jury deliberations.

3 The way that's accomplished is that the state has the
4 burden of proof, and so they'll go forward first in their
5 final summation.

6 Each defendant's counsel has an opportunity to argue
7 the case before you and respond to the solicitor's
8 argument, and then the solicitor is permitted time for a
9 brief reply after the defense counsel has made their
10 presentation. After that I'll instruct you on the law.
11 Then you'll begin deliberations.

12 So please give the lawyers your attention now as they
13 give you their final summations.

14 As I say, Solicitor Barnette will be going first. And
15 once he's concluded with his presentation if any juror at
16 any time during the course of this last process needs to
17 take a break, you just raise your hand and let me know of
18 that fact, because we can break it up if we need to, but I
19 don't like to break up each argument unless it's absolutely
20 necessary. So, but you'll have an opportunity to take a
21 break if you need to. So you just let me know of that
22 fact.

23 Mr. Barnette.

24 MR. BARNETTE: May we approach the bench for one
25 second, Your Honor?

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1 THE COURT: Yes.

2 (Bench conference held off the record in the presence
3 of the jury but out of the hearing of the jury.)

4 THE COURT: One thing I did neglect to address, which
5 I already knew but you don't know, and I neglected to let
6 you know of that fact.

7 So, as you know, the state has concluded. And as I
8 told you at the outset, the defense may present additional
9 evidence if they wish to.

10 Mr. Brannon, does Defendant Johnson wish to present
11 any additional evidence?

12 MR. BRANNON: Your Honor, on behalf of Mr. Johnson, I
13 rest.

14 THE COURT: All right. Mr. Johnston, does Mr. Gentry
15 wish to present any additional evidence?

16 MR. JOHNSTON: No, sir, Your Honor, and he rests his
17 case.

18 THE COURT: Okay. So that is all of the evidence.
19 And, as I say, now you're going to hear from the lawyers in
20 their final summations, then the legal instruction.

21 Mr. Barnette.

22 MR. BARNETTE: May it please the Court, Your Honor.

23 Madam forelady, ladies and gentlemen of the jury, I
24 want to take you back to May 9th of 2018. I know you've
25 heard about that day. That's a very important day.

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1 Brechue wiles -- Bree -- she had life growing in her.
2 She knew it. She was excited. You've seen the text
3 messages. We're going to go through this again with you.
4 I want to make sure you see every piece of evidence I can
5 show you. Her family was so excited. It was going to be
6 her mother's first grandchild.

7 She was sad to a certain extent because the man that
8 was in her life, the night before he had asked her to come
9 out to his house where he lived with his mother on Pogue
10 Street.

11 She did. She met him at 10:30 that night, the night
12 before, on May the 8th. She didn't get the news she
13 wanted, because you saw her text that she sent. And she
14 blocked Mr. Johnson.

15 That morning Mr. Johnson gets the text. Immediately,
16 within the hour, he's contacting Robert Gentry. And you're
17 going to have the text messages, the phone calls,
18 everything with you.

19 There is no contact between Mr. Johnson and Mr. Gentry
20 until the morning of May 9th, 2018. I'll get back to them.

21 But Bree had went with her mother to Stein Mart on the
22 east side of town, Hillcrest Mall. They were excited.
23 They were going to buy a dress for her mom's sixtieth
24 birthday celebration. Her mom got the dress.

25 They went to go meet her aunt, which is actually the

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1 great-aunt of Bree -- Ms. Littlejohn. Ms. Littlejohn was
2 coming from church. They got there a little bit before she
3 did. You know Bree was sitting on the car when they got
4 there texting. That's the world we live in today -- cell
5 phone. Of course her mom was still in the passenger side
6 of her car.

7 Her aunt says come on in, let's go. Her aunt goes to
8 fix Bree's favorite meal, chicken quesadillas.

9 Bree and her mom goes upstairs, and Bree gets a phone
10 call from an unknown, a number she didn't know. She
11 answers it. It's Mr. Johnson. She had blocked him so he
12 went to make the effort to go and call from another
13 phone -- Daniel Hines' phone. That call lasted about six
14 minutes.

15 He calls her again on his phone after she unblocks
16 him. And you heard Bree's mom testify that she was going
17 to go. She was going to go meet him just like she did the
18 night before. She was going to meet him at the lake near
19 the park.

20 Bree's mom said please don't go, not this time of the
21 night. But she's excited. The man had been in her life
22 for the past four to five weeks. Wanted her to talk to
23 him -- wanted him -- wanted to talk to her. Somebody she
24 made love to and was carrying his child.

25 She goes out the door. The aunt goes out and tries to

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1 stop her because she's -- this time of the night, where are
2 you going? This is like 9:30 at night.

3 Bree gets in the car because she wants to go see him.
4 She gets to the park. We know that by cell phone, our
5 information. We'll go through more of that too.

6 She parks her car in the parking lot. There's tennis
7 courts if you're familiar with Duncan Park. There's the
8 bathrooms. There's a parking lot right there.

9 She gets out of the car, and we know that from the
10 canine unit that had her slippers, follows her all the way
11 down to the edge of the lake. They go down the path and
12 take a right.

13 She trusted him; she loved him. She had no idea what
14 was coming. She goes down there.

15 The last phone call that she got was from her mom.
16 She answered it at 9:59. And her mom said, "Bree, come
17 home." She said, "I'm fine, mom." She hears a male
18 person's voice in the background.

19 We know from the evidence at the crime scene --
20 photos, especially, you know, the diagrams you've seen --
21 Bree had her car keys out.

22 I submit to you she didn't get the news that she was
23 hoping to get from him, because you know from the text
24 messages and everything else he wanted her to get an
25 abortion and she did not want to get an abortion of her

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1 child. She turns around, has the keys in her hand heading
2 back the path to her car.

3 She's shot in the back of the head. There is no signs
4 of struggle. You heard Dr. Wren talk about that. There's
5 nothing wrong with her hands. He talked about how close it
6 was. She weighed 95 pounds. It literally shot her. A 40
7 caliber weapon shot her with that shell going through her
8 brain, that bullet, and knocked her literally out of her
9 shoes.

10 She falls flat on her face. You saw the blood spot.
11 It's her D.N.A. Her keys are there that they use to get in
12 the car later afterwards with her blood on it.

13 The bullet actually goes through her head and lands in
14 the path in the direction she was heading. The shell
15 casing goes behind the shoes where she left them where she
16 was literally shot out of them. All her dreams ended that
17 quick.

18 He takes her body, drags her body, puts it in the
19 water in the dark and leaves her there, her dying, what's
20 inside of her dying.

21 He goes back, and who's the first person he calls?
22 Called twice. Robert Gentry.

23 There's no robbery here, ladies and gentlemen. Her
24 car is -- her purse is in the car. Her keys are with her.

25 There's no assault. There's definitely no sexual

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1 assault. You heard Dr. Wren testify and you heard the
2 D.N.A. people from SLED. There was no evidence of any kind
3 of assault.

4 who's the one person that has motive here? It's
5 Mr. Johnson, the only person that she would show up with,
6 just like the night before she went with him where he asked
7 her to go.

8 what she didn't know about that night is as soon as
9 she blocked him he reached out to Robert Gentry. And, like
10 I said, they had no communication. You'll have this.
11 None.

12 Actually, Mr. Gentry is at work, if you look at the
13 cell phone records, in Duncan. Once he gets off work he
14 goes out and he's communicating with Mr. Johnson.

15 You've got to remember in Mr. Johnson's interview, and
16 we'll talk a little bit about that. He claims he never
17 left the house other than going to Planet Fitness on May
18 9th. And that was asked several times in his interview.
19 Are you crystal clear -- Investigator Nelson asked that
20 question -- that you didn't go anywhere or see her on May
21 the 9th or talk to her May the 9th? He said no.

22 But you can see his cell phone records and towers that
23 he goes and meets Mr. Gentry at his house on Hydric Street,
24 which is right behind the post office here in town.

25 We know that for several reasons. One, they're

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1 texting and calling each other. Two, the cell phone. Both
2 of their cell phones are hitting off the same tower at Mr.
3 Gentry's house on Hydrick Street. And the third thing,
4 Mr. Gentry's X, Ms. Alo, sees him. And she hadn't seen
5 Ms. Johnson in years since her gender reveal.

6 She says he stopped for less than five minutes. She
7 had evidence -- the child outside. I mean, he stops fast
8 enough just to have a quick conversation.

9 And the one thing Mr. Gentry has Mr. Johnson wants is
10 a 40 caliber Smith & Wesson pistol. He also has TuLammo.
11 And you've seen those items.

12 If he's going to give guns to somebody, I sure don't
13 want anybody on the street to see it.

14 I mean that's the one thing you bring with you, ladies
15 and gentlemen, is common sense. Look at this evidence and
16 listen to the evidence.

17 He took the gun and then got Daniel Hines' phone and
18 made a connection with Bree. You can actually see his
19 phone call at 9:31. It was off the cell tower near the
20 Deaf and Blind School, definitely not there at his house.

21 Then he drives to Duncan Park. And her phone and his
22 phone is hitting off the Duncan Park cell tower at the same
23 time. Not the same time but same approximate time. And
24 you have that evidence too.

25 For two days Bree laid in that water. She was until

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1 Mr. Dischler saw her. He saw her shoes and he saw her, and
2 he said I thought it was a child in the water, said she'd
3 been there for a period of time. You could see the yellow
4 around her.

5 City police goes to the scene, of course coordinates
6 it. You'll see in the picture. You'll have that evidence.

7 You heard the testimony from Bree's mother. They had
8 been frantically looking for her. She'd been calling,
9 texting, anything she could to find her daughter.

10 She's at the sheriff's department reporting it as a
11 missing person. And you saw the information she gave the
12 sheriff's department, talked about in the interview.

13 They tell her at the sheriff's department because they
14 match up the tattoos. Immediately they say Tremaine
15 Johnson, we need to talk to him. They get investigators
16 Taylor and Nelson, and gets with him and brings him in the
17 police department. They Mirandize him, go through the
18 interview, basically just talking.

19 But the one thing he's adamant about, the last time I
20 saw Bree was May 8th at night, 10:30 or a little bit later.
21 He is adamant about that point. He is asked about that.

22 The one thing. I used to sit at this table with Trey
23 Gowdy. When Trey was the solicitor I was the deputy
24 solicitor. And the one thing solicitor Gowdy would always
25 say, he said they give me a confession, they give me the

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1 statement where he's told them the truth, he says that's
2 even better. And the reason why is at least they're trying
3 to do a confession, they're trying to tell the story the
4 way they can, but when they something that's totally
5 untrue, they're hiding something big time. I mean, he had
6 it all of the time.

7 I mean, and what's so terrible about this, ladies and
8 gentlemen, you saw his demeanor in that interview. He is
9 lying to them, not telling the truth. We know that because
10 you've seen this evidence.

11 And the other thing, show you how coldblooded this is.
12 He gets a phone call, you remember, from Sidney Dean,
13 another girl he met, and she is from Anderson County, at
14 11:48 on May the 9th.

15 She talked to him, said he was in a car. Of course he
16 tells law enforcement he's at home all the whole time. She
17 said he was distant. But he's talking to somebody else and
18 keeping it together after what he did. That's about as
19 coldblooded as I can imagine, ladies and gentlemen, to
20 leave a lady where he left her in the condition she was in.

21 After the interview they got his cell phone. They
22 dumped it. The one thing they didn't realize, or
23 Mr. Gentry tell them, is what those cell phone contained.

24 They let Mr. Johnson go back home that day because
25 they wanted to be thorough and make sure they did a good

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1 job. And they did.

2 You can see the cell-phone-tower information. You can
3 see the Cellebrite information, which is the phone, the
4 textings, the internet searches, all of that.

5 You can see the witnesses they searched and found.
6 Sidney Dean. Once they got his cell phone they went and
7 talked to her. Ms. Alo. went and talked to her. went and
8 talked to Mr. Teague.

9 Mr. Gentry. We're going to talk more about him too.
10 Like I said, he immediately called, and he gets with him
11 the next morning. Mr. Johnson does. He keeps talking to
12 him, and at the same time Mr. Gentry -- and you'll have
13 this internet searches -- are looking at gun sites, how to
14 buy guns, things like that.

15 Later on that day in the afternoon Johnson sends a
16 text to him and says do it now, Fam, two days ago. What's
17 the first thing he looks at after that text he gets from
18 Mr. Johnson -- what Mr. Gentry does? He looks at the
19 A.T.F., how to report a gun stolen. He has several
20 searches about that.

21 He works with Mr. Teague there in his place of work.
22 And you heard Mr. Teague said on May 10th he asked me how
23 to report a gun stolen. I told him it's simple, you just
24 call law enforcement -- sheriff's department, city,
25 wherever you're at.

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1 There's only one problem with that. Mr. Gentry didn't
2 want to do that because he knew that his gun had been used
3 in this crime. He didn't want to call the sheriff's
4 department or the city police department and say, hey, I
5 got a 40 caliber Smith & Wesson that's been stolen. That
6 would have been an immediate red flag to law enforcement.
7 He didn't want to do it.

8 So instead of reporting it stolen -- and you can see
9 the searches afterwards -- but he does talk to law
10 enforcement because they find out the information from Mr.
11 Johnson's phone.

12 He said, well, I got the gun. So he takes them out to
13 his car. They found the Tu1Ammo but no gun. They did find
14 a clip that matches a 40 caliber Smith & Wesson. So it
15 must be at my house. So he leaves. Lets him go to that
16 house. Still no gun. He said I can't believe where it's
17 at. He had the gun box there, and the gun box was a 40
18 caliber.

19 You'll have this back with you. What's so interesting
20 about this whole case to me, what's the odds of this gun
21 being -- like I said, only Smith & Wessons can be used.
22 Tu1Ammo matching up, because if it's any other type gun, if
23 it's a Bretta, if it's a Glock, if it's a Hi-Point, don't
24 match any of this. It would have been eliminated. That's
25 not the case in this situation.

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1 And you'll have the SLED report with you that tells
2 you that only this kind of weapon could have fired that
3 bullet according to the riflings on the bullet itself.

4 What I'm going to do now, ladies and gentlemen, I want
5 to go through some of the records with you, cover that with
6 you because I want to make sure I get every piece of
7 evidence, because what happened to Bree Wiles is very
8 important. It's important to her family; it's important to
9 her.

10 Let me start with the cell tower information.

11 Do you want to bring that? Would it be easier if I
12 bring this over to see for y'all?

13 I can go to page five first.

14 And, Madam Court Reporter, I'm going to stand right
15 here so you can hear me hopefully.

16 Can you all see that okay? Y'all too?

17 Like I said, you got -- says right here. This is Mr.
18 Johnson's residence right here. That's Pogue Street at
19 that time. This is the location in Duncan where Mr. Gentry
20 works. Up here is where Mr. Gentry was on Hydric Street
21 behind the post office here in town.

22 And you have the several phone numbers in this case.
23 You have Bree's phone number, which is the green one; you
24 have Johnson's phone number, which is the red; and the blue
25 one is Mr. Gentry's phone number.

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1 You can see her phone calls that morning was located
2 right near Campus Edge, up near U.S.C. Upstate where her
3 apartment is.

4 You'll see Mr. Johnson's, and this is May the 9th of
5 2018. All of his calls that morning from 2:39 a.m. until
6 11:12 a.m. is right there at his residence. He claimed he
7 went to Planet Fitness that morning. He didn't.

8 Mr. Gentry is down here. He's at work at that time.
9 And you can see where all of the phone calls were
10 consistent right here.

11 I can go to page six now.

12 And on this Mr. Gentry is still at work where he was
13 originally. Bree has been moving around going different
14 places. We don't see anything for Mr. Johnson at this
15 point.

16 These are all May the 9th times and everything from
17 there.

18 On this here you see Mr. Gentry left work, and he's
19 heading over to his residence here. As you can see, he
20 went up the interstate and he's going to go through there.

21 At the same time Bree is moving some, but the key
22 thing about this is right here. This is Robert Gentry's
23 house where he is with his ex-girlfriend. He makes three
24 phone calls. One of the calls are directly to Mr. Johnson
25 and Mr. Gentry, 8:24 p.m., in this case. And of course Mr.

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1 Gentry's ex-girlfriend verifies that. And, obviously,
2 Mr. Johnson is not at home. He's not even close to being
3 at home. His house is down here.

4 Go to the next one, please.

5 At this time Bree -- you can see it's
6 Fernwood-Glendale Road. She's at her aunt's house right
7 there. You're seeing he's moving. He's moving from near
8 Hydrick Street down here where he meets Daniel Hines.
9 That's where he makes the call, in that general area right
10 there. And he gets in contact with Bree and asked her to
11 come and meet him at the lake at Duncan Park.

12 He comes here, 9:31, the call that he made to tell her
13 where to go. He is down at the Deaf and Blind School
14 headed in the direction of Duncan Park.

15 She is on her way to Duncan Park when she actually
16 gets the phone calls. She had the one call from her mom,
17 runs 12 seconds, did not answer, and the one she answered
18 was 9:59. And you can see this is the one at Duncan Park,
19 because Duncan Park is right there. That's where her
20 vehicle and her body was found.

21 This is Mr. Gentry's at the time. He's actually in
22 Greenville during this time. The two calls when he got
23 from Mr. Johnson, he's actually in Greenville. He never
24 answered. So, but they were calls from Johnson to him.

25 And this is starting May the 9th finishing it out.

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1 You see Bree's number; you see Johnson's number. They're
2 both at Duncan Park. 10:18, his phone, three times that
3 her phone is trying to be contacted by her mom. Her mom is
4 trying to reach her.

5 He calls. Actually, it's this cell right here at
6 Duncan Park so it's probably this cell tower if he was
7 positioned around the lake. He makes that call. Then at
8 11:45 he's hitting off this tower on the other side of
9 Duncan Park. When Sidney Dean calls him he's actually
10 moving down, and that's his call, 11:48, that she called
11 him.

12 The bottom line is he hasn't told the truth about
13 anything that happened that day other than being blocked by
14 her and then responding to her.

15 Later on he does one back home at 1:04 the next day on
16 May 10th.

17 Thank you.

18 I'd like to show you some of the text messages. I'm
19 not going to go through all of them, but I want to
20 highlight some points for you. I know you'll have this
21 back with you.

22 You can go to the bottom of page seven.

23 And can y'all see that okay?

24 At this time she's starting to talk to him about being
25 pregnant or possibly missing her period at this time. On

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1 the internet search he does on April 30th of 2018 at
2 8:45 a.m. This is his search. He's in the, I guess,
3 light-red, pink, whatever you want to call it, and Bree is
4 in, like, the green color in this situation.

5 How often do females have periods? He's looking that
6 up.

7 If you go to the next page, the top.

8 You can see at the top here he's looking at this on
9 April 30th of 2018, 8:55 a.m., he's going, ovulation in
10 that case.

11 If you would, ma'am, please go to No. 9.

12 I'm going to get your attention to it. This is Bree's
13 message to him. "So I calculated my period." You can see
14 his reaction with the emojis.

15 And then on May 1st -- go just a little
16 bit, Ms. Wells, if you would. Starts on May 1st at
17 10:18 p.m. "Hey, I don't like how you been acting towards
18 me. I didn't do anything wrong. And I just feel since you
19 treat me like a random bitch I don't think a need for us to
20 talk any more. You probably don't care, but I actually
21 care about you, but I'm not going to sit here and be
22 disrespected or ignored because we both made a decision."

23 He goes through with her. "I'm not treating you as
24 such. By your actions, your actions made me feel unwanted
25 and uncared for. I'm treating you like a random bitch.

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1 You're a good talker with no game. You only made time, who
2 you want, and I'm definitely not that person. I understand
3 we're both busy and everything, but I'm not going to sit
4 here and let you ignore me like that."

5 Looking down a little bit if you would there.

6 So after he has that discussion with her, May 2nd of
7 2018 at 12:36, he does an internet search looking for an
8 abortion clinic. He's still texting with her here. Then
9 he goes here.

10 Internet search. "what can you take to get rid of a
11 baby in your stomach?"

12 I can't pronounce it. I apologize. Amfrex [sic], and
13 you heard what that is. It's an abortion pill.

14 He looks after her cell. On line, he's doing those
15 searches as he's talking to her.

16 Then if we go to the bottom of it, May 3rd of 2018 at
17 11:43 a.m. "well, just to get with your information, I'm a
18 month and a week. The baby due date is on or before or
19 after January 5th. Just felt like you needed to know even
20 if you don't care right now. Have a blessed day."

21 After she sends that to him -- go to the top of page
22 No. 10, Ms. Wells, if you would.

23 Immediately almost, internet search, May 3rd at 8:54.
24 "Poison. Kinds of poison. Poison ivy, poison that can
25 kill you for sale."

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1 What do you think he's thinking about?

2 Then she reaches out to him. "What you doing?

3 Actually want us to be able to sit down and talk about ways
4 we can cope." They keep talking back and forth.

5 He even likes, and, you know, when you like a text
6 message. "Love. I just wanted to put y'all face to face
7 and be honest and be heard and felt."

8 she tells him though to show how excited -- and this
9 is probably something he doesn't want to hear right now.
10 This is on May 5th. She texts him and says, "What my mama
11 bought for the baby." Like I said, this is her first
12 grandchild. She's excited. The whole family is excited.
13 "Diaper disposal pail."

14 And then right, L.O. She's excited. "We're going to
15 Babies R Us today." And then of course he says, "They're
16 closing down, right," and he goes through these different
17 things there.

18 But then on May 6th of 2018, approximately 1:10 p.m.,
19 he says, "There's this thing that we can do and it's called
20 early D.N.A. I would have to pay \$400 to \$800. The only
21 thing is a chance of miscarriage. But if I wait like I'm
22 five months I think I should be good."

23 She's trying to work on this as you can see.

24 If you go to the bottom of this page you'll have this.
25 She's sending pictures to her mom, and her mom asked her

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1 one time, set the phone at ten seconds and step back and
2 send it to me. A little picture. Like I said, she's
3 excited about it.

4 Next page, please, ma'am.

5 The day before she dies, that night, sends to her May
6 8th of 2018 at 9:09 p.m. "I'm home."

7 Bree says, "Do you want me to come there, yes or no?
8 Yes. I'll be an hour and 30. Coming from where? Tell my
9 mom something." Then she texts him at 10:27 p.m. "I'm ten
10 minutes away."

11 At 10:31 she says she's outside. She's calling there,
12 and then she texts to a friend of hers, "I was scared to
13 see her at 10:46." But I know you can see her. She's a
14 Christian mother.

15 And then 10:59, obviously, meeting didn't go the way
16 she thought it was going to go, and, obviously, it wasn't
17 that long. And you can read it. "You know what? F you.
18 I should have told you to your face, but I'm not going to
19 disrespect your mom like that."

20 This is a lady that respects her parents, other
21 people's parents. "I don't need you in my child's life.
22 Let me tell you one thing now and don't try to come back.
23 You said what you said. You said in there." And then she
24 says, "Nothing else I could forgive you for. Good bye.
25 You're blocked." That was on May 8th of 2018 at 11:00 p.m.

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1 He doesn't open it up until 7:28, or 7:26 a.m.
2 actually. At 7:28 a.m. he sends, you see the word, "Shut
3 up. Ain't nobody outta the child's life. I didn't have
4 nothing to say." She never got that because she blocked
5 him. He said, "You know." She never responds back to him
6 because she blocked him.

7 Who is the very next person he contacts? Robert
8 Gentry. And you'll see he's in a delightful mood. He
9 reaches out by facebook messenger May 9th of 2018 at 8:24.
10 The first time in all these text messages, phone calls,
11 everything that he reached out to Robert Gentry. He starts
12 communicating with him there. "We're good. Call you in
13 about ten minutes." Because he's at work. And he does
14 call him at 9:11, a minute and 25.

15 What was interesting is you'll see this. You're going
16 back up here. This is where I was saying that he opened it
17 at 7:26:04. That's when it was delivered and that's what
18 he sent.

19 And the other thing that came up, and I just want to
20 touch base on this since it was questioned about -- you see
21 C-2 -- C-T-C-4 on that. What was confusing, when
22 Investigator Reece was being questioned about, when we get
23 the call records for, like, T-Mobile or something, like,
24 those records are in universal time, which is U.T.C.
25 They're set in one time, because you've got 24, you know,

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1 time zones throughout the world. So the phone company is
2 set on one time. You've got to convert that to your time
3 system.

4 Ours is four in there. Midwest will be something
5 different; the west coast will be something different.

6 So when you convert it you have to change it. So ours
7 is four off. So that's the reason why he was questioning.
8 The time says 9:11, 1:11. They were four hours off.

9 So what it is when they put it into the system, the
10 computer system, it converts it to the right time for our
11 time zone, which is Eastern Standard Time. So I just
12 wanted to explain that to you real quick so there won't be
13 any kind of confusion about that.

14 But the other thing too is he deletes this message,
15 this phone call. Mr. Gentry does.

16 Go to the next page over. If you go to the next one,
17 go to No. 13 if you would. You can go to the bottom of
18 that.

19 Bree's aunt is contacting Bree. This is May the
20 9th of 2018 at 7:30 p.m. She says, "You better start with
21 them boy clothes. You're not having a girl."

22 Then Bree goes back, "LOL. I was looking at boy
23 stuff. You don't know who, only the Lord. In two months
24 I'll find out my gender." And then it's Bree's aunt, Kim,
25 obviously, it's Aunt Kim. "I bet you're excited."

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1 "I already feel my stomach stretching. It's amazing."
2 She is so excited. She's going to be dead within two
3 or three hours. That's what she doesn't know. It's like I
4 told you earlier.

5 Robert Gentry reaches out to Johnson and tells him,
6 "I'm in the city." 7:37 p.m. on that night.

7 Then if you go to the top one it's Bree's aunt. "Have
8 you talked to Trey?" That's at May 9th at 7:55 p.m. While
9 they're having that discussion Robert Gentry texts
10 Mr. Johnson, and this is at 8:08 p.m. And that was deleted
11 also.

12 "Just here with mine. Been playing with my little
13 girl."

14 Meanwhile, Tremaine Johnson's getting Mr. Hines'
15 phone. He's trying to call him from his phone to Daniel
16 Hines' phone. He uses Daniel Hines' phone to call Bree.
17 That call is at 9:07.

18 Then she unblocks him. That's the second call that
19 was made. That was her number at 9:31 p.m.

20 After she leaves you heard Bree's mom testify she
21 tried to call her twice. First one was at 9:49 and
22 seconds. The second one at 9:59 where she's at Duncan Park
23 on the cell tower information. For a minute and 21 she's
24 trying to convince Bree to come home. Bree says, "Mom, I'm
25 fine." She hears another person in the background.

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1 Tremaine Johnson texts him, texts Robert Gentry, at
2 10:17. "What you doing? Nothing. What's up?" Texts him
3 back.

4 Bree's mom is still trying to call her and can't get
5 ahold of her.

6 Now at 11:24 Tremaine Johnson trying to call Robert
7 Gentry. Of course Gentry's in Greenville. We know Johnson
8 is at Duncan Park through cell phone information. He tries
9 to call him.

10 Bree's mom still keeps trying to call her the whole
11 time.

12 Then at 11:45 p.m. on May the 9th Robert Gentry is
13 being called by Tremaine Johnson again. He doesn't answer,
14 but he's been trying to call him back.

15 Meanwhile, Sidney Dean, which you heard testify, calls
16 May the 9th at 11:48 and she can hear him in that call.
17 Bree's mom, as you can imagine, is trying to contact her
18 still. "Answer your phone. Tell me why you're not
19 answering the phone. It's urgent. Answer your phone. It
20 makes me nervous when you don't -- won't come and spend the
21 night."

22 And Robert Gentry is talking to Johnson again. "All
23 right. I'm about ready to head to work." That's at
24 7:17 a.m. He leaves out.

25 Then he starts looking at gun stuff. Cheaper than

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1 dirt, which is a gun site. Cheap Gun, Tu1Ammo. why would
2 you do that? Y'all bring common sense in the place. He
3 tried to replace the gun that was gone.

4 Bree's mom is still trying.

5 Then Johnson says, "where do you work at," to Gentry.
6 And that's at May 10th of 2018 at 10:45 a.m. Gentry says,
7 "A.F.L. in Duncan. What's up?" Then he responds back, "At
8 A.F.L. Duncan. Nothing. I had something to ask you when I
9 was going to pull up if you could step outside for a
10 second."

11 He drives to Gentry's work to talk to him when he
12 hasn't seen him for at least a month, if not longer. why
13 do you start getting all of this interest? I can tell you
14 why. He got the gun from Gentry and trying to figure out
15 how to handle this.

16 He comes there and Gentry comes there. "I'm on
17 break." Then he calls him, Tremaine does, and, obviously,
18 met there at Duncan. Of course Bree's mom is still
19 looking. And then Gentry keeps looking, engine searches,
20 all of these gun sites. And you'll have all of that.

21 Go to the next page, ma'am. Go down a little bit
22 more. Thank you.

23 He's looking at gun sites, and suddenly on May 10th of
24 2018 at 2:18 p.m., he's still at work. "My pistol was
25 stolen." He starts looking for that. why? I think we all

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1 know why.

2 And you got to remember. He's working with
3 Mr. Teague, and he asked Mr. Teague at his work that day,
4 May 10th, how do you report a gun stolen. You have to talk
5 to someone. Call law enforcement. That's all he was going
6 to do.

7 Then suddenly Tremaine Johnson at 2:56 a.m. says, "Do
8 it today, Fam. Happened two days ago." Bree's mom is
9 still trying to contact and actually reaches out to
10 Johnson. "Hey, this is Bree's mom. Have you seen Bree?"

11 Then Gentry responds back to Johnson, "All right."
12 Responding to that text, "Do it today, Fam. It happened
13 two days ago." IK, which I looked up. It's all right.
14 Like I say, I'm not real versed with it but been checking
15 on that.

16 what's the next thing you do? Report firearms, theft
17 or stolen, Alcohol, Tobacco, Firearms and Explosives,
18 A.T.F. He looks that up, how to do that. And the other
19 thing too, he also deleted that text.

20 Then Bree's mom texts again to say, "Just trying to
21 find, get any information they can."

22 Then Tremaine says, "well, how are you doing? Not
23 since I seen her in a couple of days ago." He sends that
24 to Bree's mom. "How are you doing? No. I haven't seen
25 her in a couple of days ago." He's already formulating the

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1 plan being truthful about everything that happened on May
2 9th. Then he said, "Everything okay."

3 well, what's the first thing you would think you would
4 do in that situation? I don't think I would look is it
5 legal for somebody to record your phone conversation on the
6 internet talking to Mr. Johnson. Can someone access my
7 phone conversations?

8 Then May 10th of 2018 at 5:21 p.m. "Man found in
9 lake." Bree was not found until May 11th of 2018, that
10 morning, by Mr. Dischler.

11 why do you do that? why would you do that after
12 talking to Bree's mom?

13 He deleted all three of those. And you can see he
14 kept other stuff, but he deleted those three searches. And
15 you'll have this information back with you.

16 Again, he's talking back and forth, Tremaine and
17 Gentry. Like I said, they had no contact until the morning
18 of May 9th.

19 Go on up, please.

20 Gentry starts doing a Google search. He does all
21 kinds of searches. He goes through all of those. "Photos,
22 death investigation, Duncan Park." why are you researching
23 that? You've got no interest in this unless you have an
24 interest in it, and he did.

25 You know, he goes looking through the paper, all

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1 through there. He looks at the obituaries in the paper.
2 why? We all know why. He goes all through there. He
3 keeps looking at these photos. "Woman's body found along
4 shore -- bank of lake at Duncan Park Friday morning."
5 Looks that up. Why is he looking this up? We know why.

6 Go to the next page, please.

7 He keeps searching through there. "Woman's body found
8 at Duncan Park." You can see the different searches he
9 did. He doesn't have contact again until the 17th, him and
10 Gentry there. And what's amazing after what they done,
11 just like it never happened.

12 Thank you, ma'am.

13 Showing you State's Exhibits 6 and 32. You'll have
14 this back with you and you can examine it for yourself.
15 This is the actual bullet that was found there that went
16 through Bree's head in the back of her. It was in the
17 back. And you remember the testimony is, has grooves where
18 it had been fired by a Smith & Wesson 40 caliber.

19 You will have the actual shell casing, State's
20 Exhibit 5. You can look at the ammo. I know we showed it
21 to you earlier. You'll have that back with you where you
22 can look and see it.

23 State's Exhibit 32, ammo that was found in
24 Mr. Gentry's car. You'll have it. You can see, match up
25 the shell casing, same type ammo.

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1 You'll have the gun box. You'll be able to see on the
2 bottom or on the side of it. State's Exhibit 31. Make and
3 model, one of the guns that could have -- that shot or did
4 shot that bullet, as well as the ejected casings.

5 You'll have State's Exhibit 33. You'll have the clip,
6 40 Smith & Wesson on the side of it. You'll see the actual
7 model like what she showed you, the SLED agent did earlier.
8 That was found in his car. That would match up to that
9 gun.

10 We know Mr. Gentry bought that gun. You'll have the
11 information from Academy Sports where he bought the weapon
12 and you have the A.T.F. trace. They traced it back to him.
13 No question it was his gun that Johnson wanted. He was
14 afraid to because he was afraid it's lead to him. Like I
15 said, he didn't realize his cell phone was going to be what
16 led them to him.

17 I want to briefly show you State's Exhibit 36. That's
18 the path she walked. We know that because of the canine
19 unit walking down to that area.

20 Show you State's Exhibit 37. That's where she met the
21 man she trusted, the man that she never dreamed in a
22 million years would be capable of what he did. She trusted
23 him just like the night before when she met him at his
24 house, his mom's house.

25 Went down there. As she turned around to leave he

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1 shot her in the back of the head with a 40 caliber weapon
2 that he received from Robert Gentry.

3 Her small body was in the water. The one thing, all
4 of the evidence -- all of the evidence points to one
5 conclusion. These two men worked together. Robert Gentry
6 supplied the weapon to Mr. Johnson to kill Brechue wiles.

7 You can consider all the evidence that we presented
8 here today. It's been presented to you this week. I know
9 y'all've been watching the whole week. That evidence
10 conclusively leads to one conclusion of what happened that
11 night.

12 Judge Cole will give you a reasonable doubt charge.
13 There's two parts to it. Mr. Brannon told you one part.
14 I'm going to tell you the other part.

15 If guilt that leaves you firmly convinced, if you're
16 firmly convinced of the guilt in this case, Judge Cole will
17 say you must find a verdict of guilty.

18 All of this evidence, ladies and gentlemen, look
19 through the text messages, look at the cell tower
20 information, look through all of this. Watch his
21 interview. These two men didn't get on him one bit. They
22 actually let him go, gave him his cell phone back, treated
23 him with respect.

24 The problem was, ladies and gentlemen, he didn't treat
25 Bree wiles with respect. Can you imagine a more worse

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1 enemy to your life than what happened to Bree wiles? She
2 thought she had a prince charming, but she didn't. She had
3 a monster in Tremaine Johnson, a monster that shows no
4 emotion, a monster that shot her in the back of the head,
5 then drug and left her body in the water where she died in
6 the dark, what was inside of her and got with her too that
7 night.

8 Ladies and gentlemen, I'm going to ask you. All of
9 the evidence points to one conclusion. I'm asking you to
10 return guilty verdicts against both defendants on all
11 counts. It's a verdict that speaks the truth, and that's
12 what the truth and evidence leads you to. Remember that as
13 you go back in the jury room.

14 Thank y'all for your time.

15 Thank you, Your Honor.

16 THE COURT: Does any juror need a quick break?

17 Okay. Let me ask the jury to please go to your jury
18 room. Don't talk about the case. We'll bring you back
19 after that break.

20 (The following takes place outside the presence of the
21 jury.)

22 THE COURT: We'll be at ease for ten minutes.

23 (Whereupon, a recess was taken.)

24 THE COURT: Bring the jury in, please.

25 (The following takes place in the presence of the

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1 jury.)

2 THE COURT: All right. The jury is present.

3 Mr. Brannon.

4 MR. BRANNON: May it please the Court.

5 Ladies and gentlemen of the jury, on behalf of Mr.

6 Johnson I want to thank you for your kind attention and

7 your time in this matter.

8 And last night as I began to ponder my closing

9 argument it occurred to me that I think I owe you an

10 apology. There have been times during the trial of this

11 matter that I've been so wrapped up in what I was doing

12 that I think I had my back turned to you, and I apologize

13 to you. I did not mean disrespect by turning my back to

14 you.

15 At the beginning of this trial I told you that the

16 state bears the burden to prove beyond a reasonable doubt

17 that my client is guilty of a crime. Doubt beyond a re --

18 excuse me -- guilt beyond a reasonable doubt, that doubt

19 that would hesitate, that would cause you to hesitate to

20 act.

21 In the trial of this matter the state has called 18

22 witnesses. I'm going -- I'm going to go through each of

23 them kind of quickly, and then I'll come back to a few of

24 them more specifically.

25 First, we saw Mr. Dischler. Nice guy. Lives in

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1 Duncan Park. He had the unfortunate occasion to find
2 Bree's body.

3 But there was one important thing that I think he
4 said, and that was he lives five or six hundred feet from
5 where he found the body, and yet he did not hear a sound.
6 The only evidence he presented was that he's the one who
7 found her body. But that night on May the 9th of 2018 at
8 between 9:00 and 10:00 o'clock he didn't hear a sound. He
9 did not hear a gunshot.

10 Then we heard from Bree's aunt. She was a very nice
11 lady. She's a nurse. She told us a couple of really
12 important things.

13 She told us that Bree got two phone calls -- two phone
14 calls -- and after the second phone call she left. Against
15 her mother's wishes, against her aunt's wishes against
16 their better judgment, she left after the second phone
17 call.

18 Please keep in mind, ladies and gentlemen, that every
19 word matters -- every word matters. Both her mother and
20 the aunt who testified second said that Bree got two phone
21 calls.

22 Then we heard from Fontae. We heard from Bree's mom.
23 What a strong lady she is. I can't imagine the loss of a
24 child.

25 She told you that they got to the aunt's house and