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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ON WRIT OF CERTIORARI TO GREENVILLE COUNTY
Court of Common Pleas
Honorable J. Derham Cole, Circuit Court Judge
Honorable Brian M. Gibbons, Post-Conviction Relief Judge

Appellate Case No. 2023-001191

JAMES MICHAEL JOHNSON, ... RESPONDENT,

v.

STATE OF SOUTH CAROLINA, ... PETITIONER.

APPENDIX
VOLUME 1 OF 3

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FORM 5

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	
	)	
JOHNSON, JAMES MICHAEL (00340206) Full name and prison number (if any) of Applicant.	)	**2017-CP-23-** 07692
	)	
v.	)	**APPLICATION FOR**
	)	
State of South Carolina	)	**POST-CONVICTION RELIEF**
	)	

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Perry Correctional Institution
2. Name and location of Court which imposed sentence Greenville General Sessions
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
   (a) 2014A23302201 & 02201(A) Murder 30 years
   (b) 2014GS2302203 & 02203(A) Weapons during violent crime 5 years
   (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
   (a) 071615 30 years incarceration
   (b) 071615 5 years incarceration

Revised 3/2003

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty _____

(b) after a plea of not guilty X

(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. South Carolina Court of Appeals

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. Dismissal

ii. _____

iii. _____

(c) the date of each such result:

i. 022317

ii. _____

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. N/A

ii. _____

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) _____

(b) _____

(c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) Ineffective assistance of Trial Counsel

(b) Failure of the State to comply with Rule 5, Brady, and other requirements of discovery and the production of information by the prosecution.

(c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) Failure to properly prepare and investigate the case. (Including the failure to investigate and obtain evidence, surveillance video, cell phone records, cell phone video recordings, etc., that would establish a defense in the case. Failure to obtain transcripts from court proceedings wherein potential witnesses had given previous testimony. Failure to follow instructions or requests of the applicant. Failure to properly present an adequate defense based on the facts and circumstances of the case. Failure to properly conduct discovery in the case. Failure to properly subpoena and call witnesses and present evidence in the case. Failure to raise proper objections during the trial to present and preserve evidentiary issues. Making improper stipulations or giving consent on issues during the trial which were adverse to the defense of the case. Failure to move for appropriate suppression hearings and properly object to the testimony of witnesses and evidence in a timely manner. Failure to properly and effectively cross-examine the State's witnesses. Failure to raise and properly argue and preserve record and issues for appeal. Failure to make a proffer of evidence when warranted by the circumstances of the case and properly present and preserve issues for appeal. Failure to make and preserve the record in cases of conferences at the bench and in chambers. Failing to call co-defendant as a witness where the co-defendant had in his guilty plea indicated that the Applicant was not involved in the crime or otherwise provide favorable testimony. Failure of counsel to communicate all plea offers to the Applicant and to adequately discuss same. Failure to properly discuss the case and advise the Applicant on the applicable law and procedure and facts known or believed to exist. (Including the failure to meet with the applicant adequately and the failure to, in a timely manner, fully review and discuss the discovery material, evidence, law, and procedure so that the applicant would fully understand the charges, consequences and choices, including plea options). Failure to fully and timely explain the advantages of a guilty plea and the plea offers.

(b) Failure of the State to produce discoverable material that would have aided in the defense of the case.

(c) _____

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? No

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No

(d) any other petitions, motions or applications in this or any other Court? No

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. _____

ii. _____

iii. _____

iv. _____

(b) the name and location of the Court in which each was filed:

i. _____

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

(b) the proceedings in which each ground was raised:

i. _____

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) PCR is the appropriate remedy for the grounds alleged herein.

(b) _____

(c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? Yes

(b) your trial, if any? Yes

(c) your sentencing? Yes

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? Yes

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Zach Ellis,111 E. North Street, Greenville, SC 29601

ii. J. Falkner Wilkes, 114 Whitsett Street, Greenville, SC 29601

iii. _____

(b) the proceedings at which each such attorney represented you:

i. Trial

ii. Appeal, and Post Conviction Relief

iii. _____

19. State clearly the relief you seek in filing this application:

Reversal and new trial.

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)
)
County of Greenville)

VERIFICATION

I, James Johnson, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

SWORN to and subscribed before me this 16 day of November, 2017.

Tamara Conwell (L.S.)
Notary Public

My Commission Expires: My Commission Expires September 25, 2023

Revised 3/2003

APPLICATION TO PROCEED WITHOUT PAYMENT OF COSTS AND AFFIDAVIT IN SUPPORT THEREOF

I, James Johnson, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

(1) I am the applicant in this action and I believe I am entitled to redress.

(2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Applicant

SWORN or affirmed to and subscribed before me this 16 day of November, 2017.

Tamara Conwell
Notary Public

My Commission Expires: My Commission Expires September 25, 2023

RECEIVED
NOV 16 2017
P.C.I. MAILROOM

Revised 3/2003

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	)	IN THE COURT OF COMMON PLEAS FOR THE THIRTEENTH JUDICIAL CIRCUIT
James Michael Johnson, 340206 Applicant, v. State of South Carolina, Respondent.	)	2017-CP-23-7692 **RETURN**

Respondent, making its Return to the Application for Post-Conviction Relief ("PCR") filed on December 4, 2017, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Greenville County Clerk of Court. In March of 2014, the Greenville County Grand Jury indicted Applicant for two counts of murder and possession of a weapon during the commission of a violent crime (2014-GS-23-2201) and (2014-GS-23-2203). Zachery D. Ellis, Esquire, represented Applicant. Lucas Merchant, Esquire and Katrina Salisbury, Esquire, prosecuted the case. On July 13, 2015, Applicant proceeded to trial before the Honorable Derham Cole and a jury. The jury found Applicant guilty of both counts of murder and both counts of possession of a weapon during the commission of a violent crime. Judge Cole sentenced Applicant to thirty years imprisonment for each count of murder and five years imprisonment for each count of possession of a weapon during the commission of a violent crime.

Applicant filed a timely notice of appeal. J. Falkner Wilkes, Esquire, filed a motion to

stay Applicant's appeal on December 9, 2016. The South Carolina Court of ordered Applicant's appeal to be held in abeyance on January 5, 2017. On February 6, 2017, Applicant requested the Court to dismiss his appeal. The South Carolina Court of Appeals dismissed Applicant's appeal per his request by order filed February 23, 2017. The remittitur was returned to the circuit court on March 13, 2017.

Attached to this Return are the records of the Greenville County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, the trial transcript, and the Applicant's appellate records. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
    a. Failure to properly prepare and investigate the case, (Including the failure to investigate and obtain evidence, surveillance video, cell phone records, cell phone video recordings, etc.. that would establish a defense in the case.
    b. Failure to obtain transcripts from court proceedings wherein potential witnesses had given previous testimony.
    c. Failure to follow instructions or requests of the applicant.
    d. Failure to properly present an adequate defense based on the facts and circumstances of the case.
    e. Failure to properly conduct discovery in the case.
    f. Failure to properly subpoena and call witnesses and present evidence in the case.
    g. Failure to raise proper objections during the trial to present and preserve evidentiary issues. Making improper stipulations or giving consent on issues during the trial which were adverse to the defense of the case.
    h. Failure to move for appropriate suppression hearings and properly object to the testimony of witnesses and evidence in a timely manner.
    i. Failure to properly and effectively cross-examine the State's witnesses.
    j. Failure to raise and properly argue and preserve record and issues for appeal.
    k. Failure to make a proffer of evidence when warranted by the circumstances of the case and properly present and preserve issues for appeal.
    l. Failure to make and preserve the record in cases of conferences at the bench and in chambers.

m. Failing to call co-defendant as a witness where the co-defendant had in his guilty plea indicated that the Applicant was not involved in the crime or otherwise provide favorable testimony.
n. Failure of counsel to communicate all plea offers to the Applicant and to adequately discuss same.
o. Failure to properly discuss the case and advise the Applicant on the applicable law and procedure and facts known or believed to exist. (Including the failure to meet with the applicant adequately and the failure to. in a timely manner, fully review and discuss the discovery material, evidence, law, and procedure so that the applicant would fully understand the charges, consequences and choices, including plea options).
p. Failure to fully and timely explain the advantages of a guilty plea and the plea offers.

2. Failure of the State to comply with Rule 5, Brady, and other requirements of discovery and the production of information by the prosecution
   a. Failure of the State to produce discoverable material that would have aided in the defense of the case.

III.

Respondent submits Applicant's allegation of ineffective assistance of counsel is without merit. In a post-conviction relief action, the applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process" that the proceeding "cannot be relied upon as having produced a just result." Id. (citing Strickland v. Washington, 466 U.S. 668, 686 (1984)).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S.at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The court strongly presumes counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. (citing Strickland,

466 U.S. at 690). The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.

Respondent submits Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). Because Applicant could have raised this issue on appeal, the failure to do so has waived this allegation as grounds for relief. Regardless, it is Applicant's burden to prove actual prosecutorial misconduct. Alabama v. Smith, 490 U.S. 794, 109 S. Ct. 2201 (1989).

Throughout his claims, Applicant alleges *Brady*[1] and Rule 5, SCRCP, violations. Brady requires the State to disclose evidence in its possession favorable to the accused and material to guilt or punishment. Clark v. State, 315 S.C.385, 388, 434 S.E.2d 266, 268 (1993). A Brady

1 *Brady v. Maryland*, 373 U.S. 83 (1963).

claim is based upon the requirement of due process. Such a claim is complete if the accused can demonstrate (1) the evidence was favorable to the accused, (2) it was in the possession of or known to the prosecution, (3) it was suppressed by the prosecution, and (4) it was material to guilt or punishment. Gibson v. State, 334 S.C. 515, 524, 514 S.E.2d 320, 324 (1999). Impeachment or exculpatory evidence is material only if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different. Clark, 315 S.C. at 388, 434 S.E.2d at 268 (citing U.S. v. Bagley, 473 U.S. 667 (1985)).

The requirements of Rule 5, as opposed to the constitutional dictates of Brady, are judicially created discovery mechanisms for use in criminal proceedings. State v. Gulledge, 326 S.C. 220, 487 S.E.2d 590 (1997). Rule 5(a)(1)(C) requires:

> Upon request of the defendant the prosecution shall permit the defendant to inspect and copy books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the prosecution, and which are material to the preparation of his defense or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the defendant.

Id. The definition of "material" for purposes of Rule 5 is the same as the definition used in the Brady context. See Fradella v. Town of Mount Pleasant, 325 S.C. 469, 482 S.E.2d 53 (Ct. App. 1997) (per curiam). In order for Applicant to prevail on a Rule 5 claim, he must show not only an actual violation, but also that he suffered prejudice as a result. State v. Wilkins, 310 S.C. 81, 425 S.E.2d 68 (Ct. App. 1992); State v. Trotter, 322 S.C. 537, 473 S.E.2d 452 (1996).

Respondent submits this ground for relief is without merit. However, the allegations concerning Brady and Rule 5 violations probably raise questions of fact that are not conclusively refuted by the record. Respondent requests an evidentiary hearing on this ground for relief. *See* Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V.

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRCP. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCP. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCP.

VI.

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this Return is hereby denied.

VIII.

WHEREFORE, having made its Return, Respondent requests an evidentiary hearing be held on any claims so requiring one.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

DESHAWN H. MITCHELL
Assistant Attorney General

By: _____
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

May 9, 2018

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	
	)	
	)	2017-CP-23-7692
	)	
JAMES MICHAEL JOHNSON, 340206	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
	)	

1. I am an employee of the Respondent in the above-captioned action.

2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.

3. I have this day served a copy of the **Return** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

J. Falkner Wilkes, Esquire
114 Whitsett Street
Greenville SC 29601

DATED this 9th day of May, 2018.

Judy A. C. Carey, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	2017-CP-23-7692
COUNTY OF GREENVILLE	)	
	)	
	)	
	)	
	)	
	)	
JAMES M. JOHNSON,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
STATE OF SOUTH CAROLINA,	)	
DEFENDANT.	)	
_____	)	

June 6, 2019
Greenville, South Carolina

B E F O R E:

THE HONORABLE BRIAN M. GIBBONS, JUDGE

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

TAYLOR Z. SMITH, ESQ.
Attorney for the Plaintiff

ROBERT C. CHILDS, III, ESQ.
J. FALKNER WILKES, ESQ.
Attorney for the Defendant

CHERYL A. SMITH
Circuit Court Reporter

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EXHIBITS

NO	DESCRIPTION	ID	EVD

There were no exhibits introduced.

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 10:02 a.m.)

THE COURT: All right. Mr. AG, if you'll introduce the case.

MR. SMITH: Yes, Your Honor. This is the case of James M. Johnson vs. The State, Case Number 2017-CP-23-7692.

Mr. Johnson is presently incarcerated with SCDC pursuant to orders of commitment from the Greenville County clerk of court. In March of 2014, he was indicted for two counts of murder and possession of a weapon during the commission of a violent crime. In July of 2015, he proceeded to trial before Judge Cole and a jury. He was found guilty on both counts of murder and possession of a weapon during the commission of a violent crime. He was sentenced to 30 years for each count of murder and five for possession of a weapon during the commission of a violent crime.

Your Honor, in this PCR case, Mr. Johnson has filed a motion for discovery, and I will turn it over to his attorney to explain what the good cause is that's required by the PCR statute.

THE COURT: All right. Thank you.

Mr. Childs.

MR. CHILDS: Your Honor, I have a proposed order for you ---

THE COURT: All right.

MR. CHILDS: --- just to look over while I talk. And we made some modification to it. I think the Attorney General's Office is okay with that modification, which if you're okay with the order, I'd have you initial that on that page.

This is a murder case that was supported by essentially the statements of codefendant Scott Lowe, who pled guilty to voluntary manslaughter and testified against Mr. Johnson. Essentially, the case rested on Mr. Lowe's testimony. There's an allegation about telephone records that either supported or denied the location of Mr. Johnson at the time of the murder.

There's also a person who confessed to the murder who was not charged, and there's a person that pled guilty. There was allegedly three people involved: Mr. Lowe, Mr. Granados and our client. And Mr. Granados pled guilty and alleged -- allegedly said that my client had nothing to do with the murder. He was not called as a witness. Mr. Granados is incarcerated with the Department of Corrections, and we think that his testimony would have been critical at the trial of the case. The defendant wasn't called as a witness in the trial of the case.

Also, there's an issue with a fellow known as Mike Hart, who is in Ohio, who would have provided an alibi for the applicant in this case.

There's a cash box that was taken and placed in police custody that has fingerprints of other people other than my client, and we're looking to subpoena some of the law enforcement records about that. As I indicated, there are three law enforcement files related to this case. Actually, four. There's Mr. Granados, Mr. Lowe, Mr. Johnson and the person that confessed that was not charged with the offense.

So we've asked for some pretty exceptional discovery in this case as you see by the proposed order, but we've tried to limit it. I understand what the Attorney General's Office is dealing with, but this is a very close case at trial. We think that we have very exceptional circumstances because of the codefendant's plea. We need to take his deposition and find out what he's going to say. I think he's going to resist that, but we -- that's certainly very critical to us.

So there's a number of issues there that we need to address through discovery. We think, basically, that the limited discovery we've provided is suitable, and the AG's office doesn't have an objection to it.

THE COURT: Okay. Mr. Smith?

MR. SMITH: Your Honor, the State is satisfied that that constitutes good cause. And he's correct. We've looked over this proposed order and agree on it with the caveat that we made one minor change.

MR. CHILDS: Right. I want to make sure the depositions can only be used in accordance with the Rules of Civil Procedure, but I think everything else is good.

THE COURT: All right. Well, based upon the presentation to the Court, I do find that Mr. Johnson is entitled to an order of reasonable discovery. Having looked over the proposed order, I find that this discovery order is reasonable. I'll therefore sign it and make it the order of the Court.

MR. CHILDS: Thank you, Your Honor.

THE COURT: All right. Thank you. That clears this hearing.

(WHEREUPON, proceedings concluded at 10:07 a.m.)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Greenville County, South Carolina, on the 6th day of June, 2019.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

July 11, 2019

Cheryl A. Smith

Cheryl A. Smith, CVR-M
Court Reporter

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	
	)	C. A. No.: 2017-CP-23-07692
James Michael Johnson,	)	
Applicant,	)	**ORDER**
	)	
v.	)	
	)	
State of South Carolina,	)	
Defendant.	)	

FILED-CLERK OF COURT
2019 JUN 18 AM 9:43

This matter came before me for hearing on June 6, 2019. Based upon the pleadings, evidence and arguments of counsel IT IS ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. The Applicant shall be entitled to reasonable discovery pursuant to Rule 26 et. seq. of the South Carolina Rules of Civil Procedure as follows:
    a. There shall be no interrogatories, no formal requests for production of documents and things (Other than what is normally produced by the State) and no requests to admit.
    b. The parties may engage in any other discovery as agreed upon and either party may seek further relief as circumstances require.
    c. The Applicant may by subpoena, command the production of evidence or command the inspection of evidence in possession of persons not a party to this proceeding in advance of any hearing in this case, provided that the State is copied with the subpoena when issued and with all evidence received pursuant to said subpoena.
    d. The Applicant may command the appearance of any record custodians at trial as may be necessary to prove the authenticity of such records or the Applicant may

be permitted to submit an affidavit of the records custodian authenticating such records at trial.

e. The Applicant will have a reasonable right to take depositions of witnesses that may otherwise be unavailable for trial pursuant to Rule 32(a)(3) provided as follows:

   i. The depositions are coordinated with the Attorney General's Office.

   ii. The Attorney General's Office may attend such deposition by telephone or other electronic means.

   iii. The Attorney General may opt to not attend the deposition provided they are copied with the transcript of the testimony.

   iv. The number, location and length of depositions are limited to less than three (3) with no more than two (2) out of the state depositions. The court may issue such orders as may be necessary under the Uniform Interstate Depositions and Discovery Act.

   v. The depositions may be admissible at the trial of this case as provided for in the South Carolina Rules of Civil Procedure.

   vi. Either party can pursue the personal attendance of any witness whose deposition has been taken.

   vii. The Attorney General can object at any time which will stay the discovery until the objection is heard by the court.

2. This matter is continued for a period of 6 months pending discovery.

3. The Applicant may request, and the Court shall issue an order for the transportation of any inmate with relevant testimony that may be incarcerated in the South Carolina Department of Corrections or any County or City Jail to the trial of this case.

IT IS SO ORDERED!

The Honorable Brian M. Gibbons

Greenville, South Carolina
Date: 6/6/19

Copy mailed to
Attorney General and Childs Law Firm
on 6 / 18 / 2019.

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE

JAMES JOHNSON,	)	
	)	
APPLICANT,	)	2017-CP-23-07692
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
RESPONDENT.	)	
_____	)	

JANUARY 31 - FEBRUARY 2, 2023
GREENVILLE, SOUTH CAROLINA

B E F O R E:

THE HONORABLE G. D. MORGAN, JR.

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

ATTORNEYS FOR APPLICANT:

J. FALKNER WILKES, ESQ.
ROBERT C. CHILDS, III, ESQ.

ATTORNEY FOR RESPONDENT:

TAYLOR Z. SMITH
ASSISTANT ATTORNEY GENERAL

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

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Tuesday, January 31, 2023:

(Whereupon court convened at 11:22 am)

THE COURT: All right. Is everybody ready to proceed? We're here on the matter of James Johnson, case number 2017-CP-23-07692. All right. Is the Applicant ready to proceed?

MR. WILKES: We are, Your Honor.

THE COURT: All right. Is the State ready to proceed?

MR. SMITH: Yes, Your Honor.

THE COURT: All right. I'll call on the State just to call the case. And then I'll turn it over to the Applicant.

MR. SMITH: Your Honor, this is the matter of James Michael Johnson versus State. The case number is 2017-CP-23-7692.

In March of 2014 Mr. Johnson was indicted for two counts of murder and possession of a weapon during the commission of a violent crime. In July of 2015 went to trial before a jury with Judge Derham Cole presiding. He was found guilty of both counts of murder and both counts of possession of a weapon. He was sentenced to 30 years imprisonment for each count of murder and five for each conviction for possession of a weapon.

He did file an appeal, but the court dismissed his appeal at his request, I think, essentially withdrew it. And he has since filed this application. I've discussed the case with his lawyers. They provided me with a more definite statement

and some other information by email through the last week or so. And the State's ready to proceed, Your Honor.

I would just ask before we begin that we make sure we put on the record everything we're going over today that will be addressed and to ask -- and I have not discussed this with Mr. Wilkes yet, but I would ask that witnesses be sequestered that intend to be alibi witnesses.

THE COURT: All right. Mr. Wilkes.

MR. WILKES: Thank you, Your Honor. As a housekeeping matter, I believe we have the capacity to project onto a screen. Is the Court able to do that? Can we do that?

THE COURT: Yeah.

MR. WILKES: I think that'd be helpful just to visually see some of the things as we go through it.

THE COURT: Yeah. It portrays on all the TV screens.

MR. WILKES: Okay. Technology is beyond me.

THE COURT: Yeah, just tell -- when you're ready to do that, just let us know, and we'll start the process from up here.

MR. WILKES: Very good. All right. Your Honor, we're ready to start. And we'll call Investigator Perry right off the bat.

THE COURT: Let me ask you on the State's motion for the sequestration of the witnesses, what's your response to that?

MR. WILKES: Oh, absolutely other than whatever the rule

is on experts. We have an expert -- but, yes, I don't see any problem with that.

THE COURT: Well, let me ask you, Mr. Smith or -- and Mr. Wilkes. You including the lawyers that were involved in the case? My -- I'm hesitant to exclude the lawyers who represented the defendant in the case because their conduct is being questioned. And I don't think it's fair to have them excluded if they're not allowed to be present to hear the testimony or the accusations or allegations against them. It's not like they're fact witnesses, this is a regular trial, when you've got fact witnesses and you don't want fact witnesses to know what other fact witnesses are saying. To me, I think a lawyer who, in a PCR, a lawyer, who is being challenged on his or her defense of the case, would be entitled to sit in and listen to what testimony is provided against them.

MR. WILKES: I would -- I have had cases where I was compelled to believe that the attorney would be best to be sequestered, but this is not one of them. There's a rare instance where I would ask that all witnesses be sequestered, but this is not one of them.

MR. SMITH: I'll say this, too, Your Honor. It's my understanding on second thought that only alibi witnesses will be Mr. Johnson's parents. With that being the case, I'll withdraw the motion.

MR. WILKES: I mean, I'm just saying, it doesn't matter. I just don't ---

THE COURT: Well, we'll just -- he's going to withdraw the motion, so there won't be any sequestration.

MR. SMITH: Thank you, Your Honor.

THE COURT: Unless there's any -- Mr. Wilkes, you have a position one way or the other?

MR. WILKES: I do not, Your Honor.

THE COURT: Okay.

MR. WILKES: I really don't.

THE COURT: All right. Mr. Wilkes, I'll let you proceed.

MR. WILKES: Thank you, Your Honor. We'll call Investigator Jim Perry.

MADAM CLERK: Mr. Perry, please place your left hand on the Bible and raise your right hand.

James Perry, being duly sworn testified as follows;

MADAM CLERK: Please state your full name for the record.

MR. PERRY: James Phillip Perry.

MADAM CLERK: Thank you. You may be seated.

THE COURT: All right.

MR. WILKES: Your Honor, I am essentially -- well, I'm deaf on one side and very hard of hearing. And I'm probably also going to have to go over some records with Mr. Perry. Do you mind if I stand up closer to ---

THE COURT: No, I don't mind. And, also, to both of you, neither one of you have to -- or any of you have to ask me permission to approach the witness. I'll allow that.

MR. WILKES: Thank you.

THE COURT: You don't need to do that. So anytime you want to approach, you just approach.

MR. PERRY: He's deaf in one ear and I'm deaf in two, so ...

Direct Examination by Mr. Wilkes:

Q. Mr. Perry, where do you work?

A. I work at the Greenville County Sheriff's Office.

Q. And how long have you worked there?

A. I've been in law enforcement for 41 years this year.

Q. And what is your claim to fame in law enforcement? What is it that you do a lot of?

A. I -- in 2003 I started the Internet Crimes Division of the sheriff's office. I'm a member of the Attorney General's ICAC, which is Internet Crimes Against Children Task Force. And I do computer, cell phone forensics. And that's the ---

Q. And you're the go-to guy for cell phone dumps in Greenville County?

A. They do come to me.

Q. And did you -- and a cell phone dump -- explain what a cell phone dump is.

A. Actually, it's not necessarily a dump, it's an imaging.

We use CellBrite, which is pretty much the standard across the country by law enforcement, military for forensics on cell phones.

So you do an image of what CellBrite can get off of a cell phone. And then you load it into a program at which time it brings it up. And then you can go through and analyze the data that you've been able to ---

Q. And what type of data might be collected in a CellBrite analysis?

A. 2011 as compared to today is hugely different of what we can get. Obviously, today we can get location services. We can get your heart rate. If you've got an Apple watch and an Apple phone, we can get your heart rate during the commission of a crime. We can track steps.

We can get text messages, cell phone calls, location services, all of that we can get off phones now. 2011, not so much because we didn't have smart phones either. Phones we're referring to today are flip phones. It was a limited amount of data that we could get off those back then.

Q. Would you be able to get the record of calls and texts and related information?

A. It's -- each individual phone depending on CellBrite as to what information you can get. I can take three different phones that are different manufacturers and model numbers and get three different reports. It'll never be the same for

different phones. So as far as phone logs, calls, contacts, and stuff like that, most of the time you're going to get that.

Q. Would you get text messages and text ---

A. Um-hum (affirmative).

Q. --- logs?

A. Text logs.

Q. Okay. And in this particular case did you do an analysis on any cell phones?

A. I did do some cell phones.

Q. Okay. And did you make disks from those analyses containing the information from the cell phones?

A. I did.

Q. And we have looked at these disks outside to compare them with your disk that you have with evidence stickers on.

A. Correct.

Q. Are you comfortable that these are the same ---

A. They are.

Q. --- information -- okay.

A. They're copies of them.

Q. And these would be provided to the defense in the normal course of a criminal case through discovery?

A. Correct.

Q. Okay. And that would be the purpose that these were produced?

A. Correct.
Q. Okay. And these -- if you'll look at these. These are the two disks that you used in recording information from cell phones in this case?
A. That is correct.
Q. And did you generate some reports that are contained on those disks?
A. I did.
Q. All right. And we've, before trial, looked at these printouts. Well, I'm going to get so far away, I might not make it back.
(Whereupon Plaintiff's exhibit number 1 was marked for identification)
Q. Let me show you -- let me show you what's marked Plaintiff's exhibit 1 for identification. Can you tell me what that is?
A. This is a printout of the cover-sheet and partial content of the report I generated.
Q. Okay. And that would contain -- well, start, if you will, by telling me -- that's your report? I highlighted it, right?
A. Correct.
Q. Okay. And can you tell me the phone number that would have been used associated with that telephone according to the phone itself?

A. It would be 864-361-8714.
Q. Okay. And if you'll flip over a little bit. This entry indicates timeline. What is the timeline?
A. The timeline is just one of the tabs you can go to when you're doing the analysis. Or when you generate the report, it puts in chronological order what's going on with the phone.
Q. Okay.
A. So you can have a phone call, next you can have a text message, something else happen and it just breaks it down according to date and time.
Q. Okay. And if I flip over the page there is a highlighted item 21. Can you tell me what the time of that call would be?
A. It's ---
Q. Or a text? Whatever it is.
A. Right. It's an outgoing call. It was April 3rd, 2011 at 8:22 am.
Q. Okay. And when you pulled the information off of the cell phone, that doesn't necessarily tell you who that cell phone belongs to, does it? Or would that be gathered through other evidence as where it was collected or ...
A. A phone may have a name assigned to it, but it could be -- I could put your name in my phone ---
Q. Right.
A. --- when I do an iPhone. So you'd have to get that from the carrier as to who the owner of that phone is.

(Whereupon Plaintiff's exhibit number 2 was marked for identification)

Q. I'm going to show you what's been marked as Plaintiff's exhibit number 2 for identification. Can you tell me if you might know what that is? What it appears to be?

A. It's a supplemental report.

Q. And is that the type of report that would be given to the defense attorney through the discovery process?

A. It would.

Q. And can you tell me the name of the subject of that report? I tried to highlight it so ---

A. Yeah. Christopher Paul Porcoro or ---

Q. The deceased in this case, actually. Will you tell me the phone number indicated on the report associated with Mr. Porcoro?

A. 864-361-8714.

Q. And is that the same number for the report?

A. As the one I just read?

Q. Yes, sir. Not the -- I'm sorry. That is associated with the telephone?

MR. CHILDS: Your Honor, I can present that.

A. Yes, that's the same phone number.

Q. So it would appear from the police report, discovery material, that your report on that telephone had made that call that you identified belonged to Mr. Porcoro, who is the

victim in this case? According to the ---

A. According ---

Q. --- police report?

A. According to the police report, assuming he put the correct number down, ---

Q. Right.

A. --- yes.

(Whereupon Plaintiff's exhibit numbers 3 and 4 were marked for identification)

Q. All right. And the excerpt that is in Plaintiff's exhibit 1, the entirety of the records can be located on this disk?

A. The entirety ---

Q. One of those disks?

A. Right.

Q. Okay. Did you also do an analysis and a collection of information on the cell phone belonging to Mr. Nicholas Manuel Granados?

A. I did.

Q. And we looked at this earlier. Do you ...

(Whereupon Plaintiff's exhibit numbers 5 and 6 were marked for identification)

Q. Showing you what's marked as Plaintiff's exhibit 5 and Plaintiff's exhibit 6. Are these both records of calls, texts and other information from the cell phone of Mr. Nicholas

Manuel Granados?
A. Yes. I can't say it's a complete list of what was on the phone, but it is a list of items off of the phone.
Q. Is Plaintiff's exhibit 6 and exhibit 5 essentially the same information, just different format? In other words, ---
A. One's called a HTML and the other one a PDF.
Q. But they're both accurate as far as having the information ---
A. Correct.
Q. --- contained on the disk?
A. They should be identical.
Q. Can you tell me the date and time of the entry that's highlighted?
A. It's Sunday, April 3rd, 2011, 9:37 am, text message.
Q. Can you tell me the top -- let's see. I'm sorry. The top entry, can you tell me the time and date of that?
A. The top one is Sunday, April 3rd, 2011 at 9:39 am.
Q. Was that an incoming text or an outgoing text?
A. I can't tell from this looking at it because I don't have the -- I need the thing up here telling, you know, each column has identifier ---
Q. From and to? Do we need to pull that up to be able to do that so that we can identify for sure which is which?
A. Yeah, because I'm not sure which column is send and which one's received.

Q. Hold on one second.

MR. WILKES: Can I have just a second, Judge?

THE COURT: Yeah.

(Pause)

Q. Can you use that visually to correlate to the printouts?

A. Which exhibit is that?

Q. You can work off of either one you like, if they're the same information. So if you want to use ---

A. It's this one here because that's the same ---

Q. Okay. Same format?

A. Is the highlighted one this one?

Q. Keep going. Yes. Okay. So the highlighted ones -- can you tell me the times -- date and times of the highlighted texts and whether they are incoming or outgoing?

A. Okay. This one here, it would be from Nick to Jason.

THE COURT: All right. When you say this one here, if you would, for the record, what time are you talking about?

A. This is the April 3rd, 2011 at 9:37 and 50 seconds text message.

Q. So that was originating from Nick's phone?

A. Nick's phone to Jason.

Q. Okay. And what is the next entry?

A. The next highlighted one is April 3rd, 2011, 10:17 and 20 seconds from Nick to Tiffany.

Q. Okay. And are there any -- so anything in between those

that you see that are originated from Nick's phone?
A. No.
Q. Okay. Very good. And what exhibit was that?
A. This is 6.
Q. Plaintiff's exhibit 6. Can you tell me the phone number that would be associated with that telephone?
(Pause)
Q. I know -- I know there's two phone numbers listed.
A. Right.
Q. One says CDMA and one says MDN or ---
A. The MDN one is the most likely number for that phone.
Q. Okay.
A. Which is 864-542-6842.
Q. And the other number, is that a possibility that the phone could send a message or call from that phone?
A. Well, it could be a SIM card switch or ---
Q. Okay.
A. --- something along that line.
Q. Okay.
A. Changed phone numbers.
Q. Okay. Very good. And -- but you pulled that phone and you made that report and identified it as Nicholas Manuel Granados? So you're confident from the chain of custody that that's where that came from?
A. Oh, absolutely. Yes.

Q. Very good.
A. Yes, sir.
Q. Very good. Now if ---
A. Okay.
Q. Yes.
A. I was looking at this other report. And it's the same -- unfortunately back on 2011 there was information -- isn't pulled that would have identified it, but this is definitely the phone I did.
(Whereupon Plaintiff's exhibit number 7 was marked for identification)
Q. Very good. Now contacts are also stored in the phone, and consequently you pulled those down as well?
A. Correct.
Q. And your larger report would show contacts?
A. It would.
Q. Is this what your contact list from the reports look like?
A. That's correct.
Q. Okay. And if we look at page -- or number 64. And we had looked at this outside, and you explained it to me, but can you explain -- that would be a contact in the phone, in Mr. Granados -- Nick's phone, right?
A. Correct.
Q. It's got a phone number, which presumably would be to

somebody, right?
A. Correct.
Q. And Solo Crib is what?
A. That's how the owner of that phone or whoever entered that phone number in labeled it.
Q. Okay. But that's definitely a number that's been stored in the memory of ---
A. Correct.
Q. --- Nick Granados' phone? Okay. And if you'll scroll down a little further to 89. And the same with 89, a phone number has been stored, and the letter D presumably would be what?
A. Again, it's how the person who entered that phone number labeled it.
Q. Okay. And just showing you what's Plaintiff's exhibit 7, which is simply a paper printout of those two that you just looked at?
A. That is correct.
Q. Okay. Very good.

MR. WILKES: If I could have just one second, Your Honor?

THE COURT: Yeah.

MR. WILKES: Thank you.

(Pause)

Q. If you'll look on the screen also -- I thought that I'd asked you about this, but I may not have. On Plaintiff's

exhibit number 1, if you'll look at item 21 and tell me what that entry says.

A. That's the call that we talked about on 4/3/2011 at 8:22.

Q. And the number that's identified there is what?

A. That's the number who he's calling.

Q. Okay.

A. In his contact list he has them listed as Cody.

Q. Okay. And so the 864-293-9867 is the number the phone recorded?

A. Correct.

Q. And then Cody is the name of the contact that he gave it?

A. Correct.

Q. Okay. Very good.

MR. WILKES: At this time we would move into evidence exhibits 1 through Plaintiff's last, which I think is 7?

MADAM COURT REPORTER: 7.

MR. WILKES: 1 through 7.

THE COURT: All right. Any objection from the State?

MR. SMITH: May I look at them, Your Honor?

MR. WILKES: Absolutely.

(Pause)

MR. SMITH: No objection.

THE COURT: All right. Exhibits 1 and 2 and then 5 and 6, what was 3 and 4 and 7?

MR. WILKES: 7, Your Honor, is just an excerpt of the

contact list from the cell phone of Manuel -- Nicholas Manuel Granados.

THE COURT: Okay. And then 3 and 4 were what?

MR. WILKES: 3 and 4 are the actual DVDs of all the information.

THE COURT: Okay.

MR. WILKES: And ---

THE COURT: All right.

MR. WILKES: I just -- we've used exhibits with excerpts just to make it more convenient to find the record.

THE COURT: All right. Exhibits 1 through 7 are admitted into evidence without objection. That's Plaintiff/Applicant's exhibits 1 through 7 admitted into evidence without objection.

(Whereupon Plaintiff's exhibit numbers 1 - 7 were admitted into evidence)

MR. WILKES: Thank you, Your Honor. No further questions of Mr. Perry.

THE COURT: All right. Cross.

Cross-examination by Mr. Smith:

Q. Investigator Perry, when you do a phone extraction do you always get all of the data that are on a phone?

A. No, you don't.

Q. Okay. Under what circumstances would there be data on a phone or data on a phone that you don't get?

A. There's no real set standard for what you can and can't

get off particular phones. Like I'd said earlier, that each phone because of security protocol they had set up in it can prevent you from getting deep down type of deleted stuff. Like if it gets a contact list, it's going to get the whole contact list. It's not going to, you know, not get some of that. If it gets texts, it's going to get all the texts, not a partial.

So when we do a phone dump, we may not get location services, but we're going to -- we're not going to get a partial dump of it. We'll get whatever the phone actually has on it.

Q. Okay. Is it possible that there are messages that could be deleted ahead of time that you don't get when you perform an extraction? Or does it pick up deleted messages, too?

A. Normally it's not going to get deleted. It does in some cases, especially back then if you did a physical extraction. But normally it will put on the report if it's deleted. It'll tell you that it was deleted, text message -- if it can get it.

More times than not, it's not going to get it. And it may get one or two off of a phone where there's 20 that have been deleted. So there's no guarantee that if you do get deleted you're going to get all the deleted ones anyway.

Q. Okay. If you were to perform the extraction again today do you believe you would get identical results or might you

get more data today than you did then?
A. Oh, definitely you'd probably get more data today.
Q. Why is that?
A. Because of all the updates through CellBrite that have happened. Actually in this case in 2011 several of the phones we couldn't get extractions off. They weren't listed as phones that were available to be downloaded by CellBrite. Fast-forward 2014, three of the phones we were now able to get into because of the updates and CellBrite and their ability to get past security on phones.
Q. Can you tell who actually sent or received these messages or are you just going by what phone center received them?
A. No. All I can tell you is it was sent from that phone. I can't tell you who sent it.
Q. Okay. During the course of your career how many phone extractions have you performed?
A. I'm sorry?
Q. During the course of your career how many phone extractions have you performed?
A. Over 3,000.
Q. Okay. How many times have you been qualified as an expert?
A. Several times.

MR. SMITH: No more questions. Thank you.

THE COURT: All right. Any redirect?

MR. WILKES: None, Your Honor.

THE COURT: All right. You may step down. Thank you, sir. All right. Next witness.

MR. WILKES: We'll call Ben Levitan, Your Honor.

MADAM CLERK: Mr. Levitan, please step over to the witness booth and place your left hand on the Bible and raise your right hand.

Ben Levitan, being duly sworn testified as follows;

MADAM CLERK: Thank you. And please state your full name for the record.

MR. LEVITAN: My name is Ben Levitan, L-e-v like Victor, i-t-a-n.

Direct Examination by Mr. Wilkes:

Q. Mr. Levitan, what do you do for a living?

A. I've spent 30 years in the design and development of the worldwide cell phone network, what you guys know as 3G, 4G, 5G. I'm part of a group of engineers that have done that. I've worked for Verizon, Sprint, Nextel, Alcatel and GTE. Now I'm an independent consultant rather than working for a company.

Q. How long have you been doing independent consulting?

A. Twelve years, I guess. That's pretty good.

(Plaintiff's exhibit number 8 was marked for identification)

Q. I'm going to show you what's Plaintiff's exhibit 8. Can you tell me what that is?

A. It's my resume. It shows the cell phone systems -- the expertise I have in cell phone systems. Yeah, it's my current resume.

Q. Tell me a little bit about that.

A. Okay. So I'm an electrical engineer. And that's a really big field. But I've focused my entire life on wireless and more specifically since about '86, '86 or '88 I've focused strictly on design and development of the cell phone network.

Just a quick background how the cell phone systems work. You can imagine if you went into like Verizon, bought yourself a new iPhone, walked out and figured out I can only talk to other Verizon people, you'd be pretty unhappy. So what the cell phone companies around the world do is we sit together and we together design the network so it's identical across the world.

So that means you can get on a plane here in Greensville [sic], land in Tokyo and your phone's going to work perfectly well, you're going to get billed for it, you're going to have all your features, you're going to get all your calls. So the fact is that if we all design the cell phone network identically, then it's compatible worldwide. Wouldn't it be nice if people who make chargers would get together one day?

But -- so I've been part of that process -- I've

represented the United States since the worldwide system. This is an issue under the united nations. So I was a U.S. representative to the U.N. to fight for the designs that U.S. wants.

Simple things like, you know, well, I mean, it's kind of complex connections with simple things like around the world the letters were not on the keypads consistently, and that caused problems. Those are what type of things we argued with.

Like I said, since we're standard, no matter what you guys hear on commercials, every telephone network is identical. There's not one better than the other. But that said, ---

Q. So through the course of your ---

A. Well, just quick, why I'm unique in this is for an engineer to get accolades, you'd have to come up with something that's not standard. So I hold 27 patents in cell phone technology. Stuff that no other company -- these are all owned by Sprint now.

Q. Okay. So tell me as far as data interpretation on records and determining the location of calls, texts made, where a cell phone is used from, tell me a little bit about how you come to understand that.

A. So essentially engineers are obsessive about measuring things. So every time you make a call, every time you receive

a call, use data, we keep a technical record. It'll have the date, time of call, duration of the call, how much data you use.

One of the critical things on there is the cell towers that you used while on that call, all right? So the fact is when you guys use your phone you always connect to the closest cell tower.

And so by getting these records and looking at them, for every call, text or data use you have, I can tell your general vicinity. I cannot pinpoint it. A cell tower is just simply a radio station that goes out about four miles in every direction.

Q. Well, let me ask you this. Okay. So in understanding that, what in your background gives you the expertise to both understand and interpret that data?

A. It's part of the things we invented. Every time we invent a new feature, the first thing our boss wants to know is how are you going to bill for it? So part of the process of designing, say picture phone, we design a picture phone so it's compatible around the world. Anyone can send pictures to anyone. We have to develop a way to bill for that.

So we sit down towards the end of this process and design a standardized format bill that would -- like for a picture phone it would say call it from this number to this number. The size of the photo is this big. It was delivered, yes.

And when the picture was sent, the user was closest to this specific cell tower.

For, you know, for example, closest -- use the cell tower that was close to the courthouse. And so I can't pinpoint them as being in room -- courtroom 6, but I can say he was in this general facility.

So every feature, every function that we -- has an associated, what we call, call detail record. And that's what you can use -- this is used strictly for billing. It's highly accurate because it runs the financial operation of the cell phone industry.

Q. Before I get the horse behind the cart, how do you -- what is your experience in understanding that? How do you come to understand that? I see your CV. Have you testified before in court as an expert in cell phone technology? Have you?

A. Yes, sir.

Q. Okay. And is a list of your litigation experience both for and against one side or the other listed at the back of your CV?

A. Yes, sir, it is.

Q. Can you flip to that and tell me approximately how many times have you been qualified as an expert in cell phone technology?

A. Well, this -- I'm required, I guess, by law to keep a

record of the last four years. The last four years I've testified 50 times. In every one of these cases in one way or the other I was asked to interpret cell phone records to determine location, movement and activity of a person based on these technical records.

Q. Very good.

MR. WILKES: Your Honor, we would offer Mr. Levitan as an expert in cell phone technology including the ability to interpretate or to interpret location data.

THE COURT: All right. Cell phone technology including what?

MR. WILKES: The interpretation of data relating to location of the cell phone use.

THE COURT: All right. Any objection from the State?

MR. SMITH: I'd like to voir dire, please, Your Honor.

THE COURT: Yeah, you may.

Voir Dire by Mr. Smith:

Q. Okay. Mr. Levitan, I'm looking here at your CV. And I'm looking at your past work experience. Can you tell me at these different positions you've held what you did there that related specifically to identifying cell phone location and movement based off the phone records? Because, correct me if I'm wrong, but cell phone technology is a very broad category, right?

A. It's -- exactly, yeah. So my experience is that -- like

I said, for every activity you do on your phone, we keep a record at the time -- exactly at the time that the event happens. It's saved, stored securely. And then it's used primarily for billing -- one hundred percent for billing. However, it's found its way into courts, unfortunately, and you guys have found your way to me.

But, yes, so my experience is every time I've invented a new feature -- and I don't want to say -- we as a group invent a new feature -- like we just came out with 5G.

Q. Who is -- who is we? I'm sorry ---

A. The entire cell phone industry.

Q. Okay.

A. There's an open -- I know it drives lawyers crazy, but every competitor in the world in the cell phone business sits together and we sit and agree on how to design the cell phone. When I worked for Verizon, when I worked for Sprint, my job was to kind of steer the designs towards what was more favorable to Verizon or Sprint. We have preferred engineering techniques that we want to push, the Japanese, I preferred.

And we kind of -- again, a picture phone's a good example because we were all playing with this. There was eight different designs for picture phones. And then at one meeting someone comes in and says, hey, you know, this picture phone thing seems to be really popular. We ought to standardize it.

So, of course, I stand up, I'm working for Sprint, and I

say, yeah, you guys use our design. Everything's fine. You guys all change. Obviously, that doesn't happen. So we come to compromises. We decide on a basic design. Of course, I fight for the ones that we already have.

So it's a process that takes 18 months per feature. When that's done, along the way people have tested it in the market, and then we create that call detail record in order to be able to bill for it.

So for every one of these companies I've done exactly the same thing. I've been active in the development of 3G through basically 6G.

Q. Okay. So although you've been active in the development of the networks, what specifically about those positions related to identifying movement of phones?

A. That's more -- a more basic issue that I think if we get to my tutorial I can explain that.

Q. Well, we've got to ---

A. Okay. No problem ---

Q. --- figure this out first.

A. Okay.

Q. Because, I mean, ---

A. That's what this ---

Q. With all due respect, you're identifying yourself with the phone industry.

A. Yes.

Q. And I understand you may have experience in the phone industry, but I'm asking what about your experience -- your professional experience has been involved in identifying movement using cell phone records?

A. All right. I think we'll go into this a little bit later, but let me explain. It's the basic function of the basic design of the cell phone network. It's a series of cell towers that cover one and only one area.

Right now if you're sitting in the -- here in the -- probably couldn't do that -- using your cell phone and you talk for a half an hour, and I look -- I later went and looked at your phone records, five, six, seven years later, what I would see is you'd made a phone call for 30 minutes to a specific number and that you were connected to a cell tower near the courthouse.

Let's say instead of that at the end of the day you get in your car, you drive home. What I'm going to see when you drive home, you're going to go through a series of cell towers -- you're going to go through multiple cell towers.

You're going to get in your car, you're going to start driving, you're going to leave the coverage here of the cell tower that's here at the courthouse. Then you're going to be handed off into the next coverage area and the next coverage area, so on and so forth until you get home.

So if I look at your records five years from now I'm

going to see that you started a 30 minute call, you started while you were near the courthouse, and you finished it while you were near home. And along the way you went through four other cell tower areas. Those are all listed in the call detail.

Or if it's a one, I can tell you your location at the start of the call was here. Your location at the end was in the vicinity of home. And I can tell the route that you went based on the cell towers you went through. Okay.

So if there's one cell tower, it says that you did not leave that area. If there's more than one cell tower, it's absolute certain -- scientific certainty that you were moving.

Q. Okay. So that's -- that's the theory of it. What I'm asking you is -- or the workings of it. What I'm asking you is what makes you qualified today to explain to us that you know from experience or training some other area of expertise that you know how to track phone movement using phone records?

A. I'm sorry, sir, it's not a theory. I'm telling you how the cell phone system operates.

Q. Okay. Now what makes you qualified today to tell us that you can take phone records and see how it moves? What in your background makes you qualified to do that?

A. Because we as a group sat down and said, okay, this was very important in the 90s ---

Q. Well, hold on. I'm not asking about a group. I'm asking

about you.

A. No, me ---

Q. We don't have a group ---

A. I don't want to take the credit for everything. I'm part of a big team, an industry team. What I'm trying to tell you is back in the old days, 1990, ---

Q. Okay.

A. --- there was roaming. When you left one area and went into another area there was a charge associated with it. So we had -- so this was a very big issue in the industry.

You go from Greenville, say, to Florida, you're going to pass through Georgia. The cell towers in Georgia, they're going to be expected -- they expect to be paid for their service while you're traveling down 95. Florida's going to expect to be paid for their service. How do you do that? Well, we can identify -- we have to make a list of every area you were in, not only -- it's not so relevant now. Every area you were in, how do we solve this -- engineers solve problems.

The problem is how are we going to split the billing when someone goes from South Carolina to Florida? How do we switch the billing? They're going through three different phone companies. Well, each cell tower is owned by a specific company. When you cross into that coverage area, that person gets a revenue share. So we had to invent a way to do the

billing.

The way we invented it is, all right, every time you hit a cell tower, we must memorialize it. You guys like that word. We must memorialize it in the record. So that's how -- I was part of that process, how do we fix this problem?

It used to be whoever started the call, you know, BellSouth in Greenville, you'd start a call -- you'd drive to California and you'd talk for six hours, they got the entire revenue. It was unfair to everybody else. So we sat down and said, all right, how do we fix this?

Well, every tower's owned by a different company. Just keep track. So that's how we do that revenue share. And, like I said, today with nationwide networks, that's not so relevant, but I was involved in -- that's why I'm an expert in being able to tell you that.

Q. What was your part in it?

A. Sit in a big room with a bunch of nerds for eight hours going how do we fix this?

Q. Okay.

A. Was I the one who said that?

Q. Are there any professional organizations that you can have membership in dealing with cell phone location data?

A. I think you're missing -- the point is -- the cell phone data is a small part of the entire thing. It's like, you know, going to dinner and getting a receipt. The receipt has

to reflect what you ate, but it's not the entire dinner. It's just a small part of your dining process, I guess. So call detail records are what we invented -- we invent to memorialize the activity you did on your phone in order for us to bill you and also pay other cell phone companies.

Q. Okay.

A. Maybe a bad question or maybe a bad answer. I don't know which.

Q. So just for clarification, what you're saying is not just that the industry invented this way to track this in the form of a phone record, but that you were part of that process?

A. That's fair. Yes, sir.

Q. Okay. And was your part of that process technical?

A. Yes.

Q. Okay. In what way?

A. Only technical. Only technical.

Q. What did you do as part of that process?

A. Well, we, you know, we each bring in -- a boring life for 30 years, but we sit at home trying to decide what's the best solution -- not only what's the best solution, what'll give my company an advantage?

And we draw -- we write up what we call contributions. We all bring our contributions into the next meeting, the topic of how do we track the movement if someone comes up? We talk. One person is an editor. We make agreements. It takes

about 18 months. After 18 months we publish that standard. So you'd say, oh, 3G's coming out. Back then it was 3G. So we publish it. So it's a collaborative thing.

You know, I can't, you know, some of the things like when I developed a patent, I'd say, hey, these guys haven't thought of this, and I do that on my own and bring it to our company lawyers. And I say, hey, look, nobody's thought of this in the industry.

Like, for example, one patent was -- we invented 911 for cell phones in '94. There was no way to call 911. In fact, that's a big part of my location experience. In '94 we were ordered by the government to develop a way to locate people when they call 911 from a cell phone. It was impossible back then. And so we came up with a design.

And in this case I was the loser. I had -- my cell phone customers for GT were mostly rural, like Texas rural, you know, and the customers. And the design required that you had multiple cell towers very closely to the -- which was not possible. So I came up with a method to be able to find your location when you called 911 in a rural area.

And that was one of my first patents. As a result of that I -- so that one would be totally mine. And the one that covered everybody, the standardized one, was a team effort.

Q. Okay. So let me turn now towards putting that into practice. If you were to perform your analysis on some phone

records, could another similarly qualified person in the field do the same thing and say you were correct or incorrect? Is it a verifiable process?

A. A hundred percent. I mean, you give that to any engineer, any cell phone engineer in the world, there's only one -- this is black and white. You know, this is billing. Otherwise, we'd be fighting over billing issues nonstop. Yeah, no, that's a hundred percent.

It's just other engineers don't like lawyers and ---

Q. So is there ---

A. --- where you find so few of us.

Q. So is there sort of a body of knowledge that if you had access to that body of knowledge and understood it, you could use that to verify whether someone else's were correct or incorrect?

A. Like I said, we publish standards. So if you go to ---

Q. Okay.

A. --- 22 standard -- no, standard 33 240 and that describes how a call detail record is assembled. Remember, 'cause computers are reading these records, how it's assembled, what elements are mandatory within that. One of the things that's mandatory is a list of cell towers used, certain time stamps and certain formats.

But that -- you go to that book freely off the internet, download it, the idea is you could download these instructions

and build your own cell phone network, build your own cell phone, build your own cell tower or build your own billing system if you wanted to 'cause it's all standardized.

Q. Okay. Would you agree with me that cell phone technology is a much wider category than cell phone location technology?

A. Than cell phone location?

Q. Cell phone location data, reading ---

A. It's just one of the features 'cause ---

Q. One of the features. Okay.

A. --- it was 350 new features in 3G.

Q. Okay.

A. And location was only one of them.

Q. Okay.

A. Yeah.

Q. All right. Is it your understanding today that your testimony will be about using phone records to track the location or movement of a phone?

A. Among other things, yes, sir.

Q. Okay. And what are the other things?

A. Hum?

Q. What are the other things?

A. You know, in order for you guys as a group to understand the evidence in this case, I got to -- I got to spend ten minutes showing you how cell phone networks work, then I'm going to show you what type of evidence is -- what kind of

records are produced, then how to take those records and use them as evidence.

Q. Okay. So it's the background for us to understand what your ---

A. Exactly.

Q. --- testimony will be? Okay. All right. Thank you.

MR. SMITH: No objection.

THE COURT: No objection. All right. I find the witness is qualified as an expert due to his education, his work experience and his professional experience in the area of cell phone technology to include the interpretation of data relating to location of the cell phone used. All right. Mr. Wilkes.

MR. SMITH: Your Honor, may I raise one point about that?

THE COURT: All right.

MR. SMITH: I'm not sure about that and I just want to ask because looking at Mr. Levitan's resume, I'm not sure that he actually has any formal degrees or has earned those. So maybe I could ask him about that as to ---

THE COURT: I'll allow you to ask him ---

MR. SMITH: --- based on the education.

THE COURT: All right.

Voir Dire by Mr. Smith Continued:

Q. Mr. Levitan, have you completed any degrees?

A. No, sir. I went -- I went pro in my third year just like

LeBron James.

Q. Okay.

A. Seriously, no. The demand for engineers even today is incredible. Tell your kids. I got recruited in my third year and took a job. And, of course, they promised, don't worry, you can finish your education while here. Never happens. So, no.

Q. Okay. And so you've learned the trade through practice ---

A. No, sir. No, no. I got my education in science and technology in the mathematics of electrical engineering in college. And then in the industry I was asked to, quite simply, use your training -- your training and education in electrical engineer to design, say, a sign.

So I know, you know, I learned in college how antennas work, I learned how electricity worked, I learned how communication works. Take those skills and invent a cell phone for us, just like a chef gets his training on how to slice and dice onions and techniques and then he's asked, hey, can you build -- can you make us something with chicken? Yeah. You're not specifically trained on how to cook a chicken.

You're specifically trained as an engineer in mathematics and science that you could apply. Engineering is -- the terms for it they use is applied science. So you learn science and

then in the industry you're working to apply science. So in Canada in engineering -- like it's called an applied scientist.

Q. Okay. So your expertise is not based on completing a degree? You're saying you have the necessary understanding through college, education, even though it wasn't completed, and through other work outside of ---

A. You basically -- I became part of the industry.

Q. Okay.

THE COURT: My ruling stands, based on his education, his skill, his professional and work experience -- education was included as part of that. So my ruling stands, he's qualified as an expert.

A. Thank you, sir.

MR. SMITH: Thank you.

MR. WILKES: Your Honor, at this time we'd offer Plaintiff's exhibit 8, Mr. Levitan's CV, and his record of testifying as an expert in cases.

THE COURT: All right. Any objection from the State?

MR. SMITH: No objection.

THE COURT: All right. Exhibit number 8, Applicant/Plaintiff's exhibit number 8 is admitted into evidence without objection.

(Whereupon Plaintiff's exhibit number 8 was admitted into evidence)

MR. WILKES: Thank you, Your Honor.

Direct Examination by Mr. Wilkes Continued:

Q. Mr. Levitan, have you had an occasion to look at some records in this case?

A. Yes, sir, I did.

(Whereupon Plaintiff's exhibit numbers 9 and 10 were marked for identification)

Q. Did you request a subpoena for records in this case for phone number 864-283-4400? Did you request us to produce a subpoena for those records?

A. Yes, sir.

Q. And as a result did you obtain and examine AT&T cell phone records associated with that phone number?

A. Yes, sir, I did.

Q. I'll show you Plaintiff's exhibit number 9 for identification. Does that look like the subpoena drafted and the resulting AT&T records?

A. Yes. It's obviously ---

Q. An excerpt ---

A. --- more than ---

Q. An excerpt ---

A. Excerpt. There's 3,000 pages ---

Q. Right.

A. These are the raw call detail records ---

Q. Okay.

A. --- that I requested.
Q. All right. And I will show you Plaintiff's exhibit number 10 for identification, which if you'll flip back through the legal papers to the back. Are those AT&T records?
A. Yes, sir, they are.
Q. For the same phone number?
A. Yes, sir, they are.
Q. And is there a red number on the bottom right of that page?
A. Yeah. It's Bates 000645.
Q. Okay. Now do those -- do those appear to be an excerpt from AT&T records for the same number as the other exhibit?
A. Yes, sir, they are.
Q. And you have reviewed all of those records in both formats, correct?
A. Yes, sir, I have.
Q. And are they -- do they contain the same information, just different formatting?
A. It's -- the first subpoena only produced about a month of records. The second subpoena ---
Q. Just look at those two exhibits.
A. Sorry.
Q. The data the same on both?
A. Yeah, the data is identical.
Q. Okay. And they're just formatted differently? GMT

versus regular tower or whatever, right?

A. Yeah, exactly. And as well ---

Q. Okay.

A. --- all the records we got in the first subpoena were included in the second subpoena.

Q. Okay.

A. And they're identical. I checked.

Q. Okay. So tell me a little bit about -- I'm probably going to invoke your slide show, I guess. But tell me a little bit about how the cell phone towers actually work as far as how do we know where a cell phone is located when it's used?

A. I think you invoked my ---

Q. I did. If you'll explain -- when I ask you how you know where that cell phone was when it made those highlighted transmissions of some sort or receptions -- and let me ask you this. Does a cell phone -- even in 2011, a cell phone recorded its location and sent it to somewhere, the carrier, I guess, ---

A. Sort of. Yes, sir.

Q. But it -- but it does that when it sends a text or makes a call, right?

A. As soon as you start using a phone service, you send a text, ---

Q. Uh-huh (affirmative).

A. --- you place a call, you pick up a call, as soon as that happens we open a little text file, create a record, when you hang up, that record is sent back to the billing system, it's stored there.

Q. And location data goes with it?

A. Location data goes with it.

Q. You said also when a call is received. So does it send location data when it receives a call or text even if you don't answer the phone?

A. Yes, sir.

Q. Okay.

A. Even if you hit send and it fails.

Q. Okay. Very good.

A. And, remember, there's always two records. If one person calls the other, each side is going to create a record.

Q. Okay. So explain to me -- when I ask you the location that's highlighted for those texts or calls, explain how you know where the location is.

A. Okay. That might take ---

Q. Because you're going to give me an answer, but I want to know how do you know -- explain how it works that you can tell me where that location is.

A. Okay. Do you want me ---

Q. Yes.

A. Okay. Could we go to the next slide? All right. So

we've already talked about -- to tell you how cell phone systems work. We're going to talk about these records, what's kept. And I'll tell you how to interpret those records. Okay.

So this is the basics. All right. Let's go to the next slide. You guys all know how radio -- you know how radio works, right? Some guy talks into a microphone, his voice gets routed at, what, to a broadcast tower. It's blasted all over Greenville. And if you have your AM/FM radio tuned to like in this case 100.5, you hear a guy talking. You hear him talking. All right.

Let's look at cell phones. Let's go to the next one. Cell phones -- engineers are essentially lazy. And our bosses are cheap. So when we invent something, we try to adopt technology that already exists.

So from day one we -- the exact same technology used for AM radio is used for cell phones. What happens? You -- a friend calls you, what happens? Their voice gets routed out to a radio -- a radio broadcast tower. We call it a cell tower. Their voice goes up, up that tower, it's blast out and you've got an AM radio in your hand that rings. You answer it, you can hear your friend talking to you. Technology is identical. So you guys understand that.

I mean, if you understand AM radio -- early 2G phones were actually on the AM band. So if you went to the radio

stations you could listen in on people's calls. Okay. So the technology is identical. So if you understand AM/FM radio you're going to understand cell phones. Okay.

Here's the difference. WSSL here in Greenville, when someone talks into that microphone on 100.5 it broadcasts 30 miles in every direction, all right? And you've experienced this, right? You're driving out of Greenville, all of a sudden you're about 30 miles out, it starts to get fuzzy and you lose the station. Okay.

Cell towers are radio stations, too, but they only go out about two miles. All right. So you're listening -- you're talking to your friend and you're driving. You drive about two miles, technically you're going to lose -- you lose the call. You would lose the call. The technology's identical.

And the reason it's only two -- okay. So two miles is where some technical -- we're sitting here in the courthouse, all right? You can't use your phones, but when you're out of the room, if you're using your phones, we connect up to the closest cell tower.

The closest cell tower is at One Insignia Plaza out here about 900 feet away from us. So if I get our phone records for any of us, we're all going to show that we were connected to that cell tower. You see the red dot is where the courthouse is. The blue dot is where the cell tower is. The cell tower only goes out two miles. So that's -- that's a

fact.

Number two, you always connect to the closest cell tower. You'll see why in a minute. So if -- so if I know what cell tower you're connected to, it's undisputed, your general location. I cannot pinpoint you. So this one goes out two miles in every direction.

You guys remember pie square from high school? You said you'd never use it. Two times two is four. Four times pie is 12. This cell tower at Insignia Place covers a 12 square mile area, all right?

I can't -- no expert in the world can pinpoint you within -- from cell phone records. Okay. But after we've hung up our call I can tell you you're somewhere in that area except in this courtroom 'cause you can't use a phone. But the cell phone company keeps the record.

And go back one second. Okay. So this -- your connection to the cell tower, how we know your location. And this is how we're going to show you where Mr. Johnson was throughout the day. Okay.

Next slide. Okay. So, of course, I said you drive out of the two miles, you lose your call. Of course, what we do is we lay out cell towers, these circles, side by side, top to bottom like this. It's like a honeycomb pattern, which is why people think it's a cellular phone. So as you leave the coverage of one, you know this, you hand off to the next.

When you drive through that one, you hand off to the next one.

And you've had this experience, right? You're driving in the car, talking to your friend and, Bob, you're getting fuzzy, I'm losing you. Oh, there you are. I don't know what happened there, felt like I was losing you. That's because you got to the edge of one radio tower. The cell phone company didn't realize it quick enough, but then handed you off to the next. Supposedly you could drive across the country and never drop a call. Okay.

So back to the -- your question, sir. If you are stationary, making your call, I can say scientifically you are within the coverage area of that cell tower somewhere. And you are more likely not stationary.

If you are driving, you leave the coverage of one cell tower, hand off to the next. It's scientifically with certainty, that means your phone moved from one area to the next. There's no dispute about that. That's how it works.

If you go through ten cell towers and you go north and then west, I can detect that by just mapping the cell towers. That's scientific. It's certain. When you're in one cell tower -- you hear rumors, wow, the cell tower's busy, you connect to the next one. Not possible. A cell tower only covers one area. Okay.

Let's go to the next. Okay. And this is how they're laid out basically across the country. So see there, right in

the middle there is the Insignia tower. So whatever direction you go you're going to get to the edge of it, you're going to lose it, you're going to be handed off to the next. Okay. There's 686 cell towers here. Okay.

Let's talk about what records we keep and how we're going to use these as evidence. Okay. Next. Okay. And we just talked about your phone connects to the closest cell tower. Part of the magic of the cell phone business, there's like 698 cell towers in Greenville.

If a call comes in for you, where does the phone company send it? Part of the magic is every time you move into a cell tower, the cell phone company keeps a record of that. So right now the cell phone companies know you're connected to the Insignia tower. So anyone who wants to call you, the cell phone company is going to route you to this cell tower and no other. All right.

So they keep -- go back one second 'cause this is important. Okay. So -- oh, okay. So if you make a call, we're going to keep a -- or data session, we'll keep the record and it'll show Insignia tower.

Okay, next. Okay. This is what a call detail record shows. Here's a record from Mr. Johnson's phone. This is -- this is on April 3rd at 3:54 am. All right. Mr. Johnson at 3:54 am gets a call from number 864-567-5619. This record shows that he answered the call. The only way we're allowed

to bill you is if you answer the call. So you can see this call went for one minute and 41 seconds.

And at the time he was closest to the cell tower at 519 Old Howell Road in Greenville. Okay. He did not leave that area 'cause we are showing only one cell tower. Okay. So this call detail record says April 3rd he was on the phone for a minute and 39 seconds. He was closest to the cell tower on Old Howell Road. He was using voice. That's -- right there would determine the location, his movement, there was none, and his activity. He was on a voice call.

Okay, next. Now what if he was driving? So we've done this three times. You drive out of the coverage of one on the way home, you go through the coverage of the next, you go through the coverage of the third.

Let's see what the call detail record -- now here's Mr. Johnson again. He's getting a call, I'm certain, while he was driving, which is not good. So at 6:58, this is again on -- this is on April 3rd at 6:58 at night. He gets a phone call from 864-539-1425.

Now when he accepted that call his phone was closest to the cell tower at 6 Saddle Bow Ct. in Taylors. All right. And he was west, south west of that tower. Okay. He -- he was on this call for two minutes and 18 seconds.

He drove out of the coverage of that cell tower. And what happened, he was handed off to the cell tower at 3

Pinnacle Drive in Taylors, South Carolina. And he was east, south east of that tower.

So in this one minute and 18 seconds he drove approximately two miles, went through two cell towers. I can say with scientific certainty that he moved from one coverage area to another and more than likely was driving.

Q. Okay.

A. All right, next. All right. So you guys are experts in cell phones. Cell towers are just regular broadcast stations. It's like your AM/FM radio. Your cell phone is just an AM/FM radio. In fact, if you could tune to it, you could listen in on people's calls.

Cell phone companies, at the second you start a call, or accept a call, or start using data, create a record. They collect up all the data about that record. They close the record. Then they send it off to the billing center.

I worked for the largest billing center in the world. All we would do is process call detail records back when there was roaming. These are highly -- these are highly reliable records 'cause they're for billing. We don't get into -- we don't get into billing disputes 'cause these records are considered financial records. They're very accurate. Okay.

So this data, aside from billing you, is what we're going to use as evidence to determine location, movement and activity. Okay. So let's look at this case. I was asked

where was Mr. Johnson on April 3rd between four am and 11 am? Okay.

Let's go to the next slide. Okay. Basic premise we have to understand because the question is was -- Mr. Johnson's claiming he was at home. The State is claiming he was at the scene of the crime. All right. Let's look at the two relevant locations.

Here's the scene of the crime. Okay. If you're at the scene of the crime and you're using your cell phone, you're going to hook up to the closest cell tower. That cell tower is at 3 Pinnacle Drive in Taylors, South Carolina, okay? This cell tower has an area of about 3.1 square miles, all right? Calculate it.

I cannot -- even if someone was in this coverage area, I cannot put them at the scene of the crime. I can't exclude them from the scene of the crime. All I can say is, yes, they were in this area. This area also covers the scene of the crime. There's the crime scene. Right there is the red dot. You can see there's plenty of other areas.

And just back one second. Engineers talk too much. This area is the same as 1500 NFL football fields. All right? So just 'cause you're hooked up to a certain cell tower, I cannot say you were at the scene of the crime. And no one -- no expert can sit up here and tell you that, all right, 'cause that's not what it's intended -- okay. Go ahead.

Now, that's the crime scene. Next slide is -- this is Mr. Johnson's home or where he said he was. Okay. He said he was at 18 Gladesworth Drive in Greenville, all right? If you're using a phone from his house, the closest cell tower is at 550 Old Howell Road. And you're going to be north of that tower. Okay.

Again, this is the same size as 1500 football fields. I cannot -- I cannot sit here and testify that, yes, Mr. Johnson was at home. I can say he was in this area. His phone records are consistent with him in this area.

When he's in this area, go to the next slide, please, he's completely excluded from being at the scene of the crime, all right? So these phone records are going to show when Mr. Johnson was near his house, when he was near the crime scene, when he was in any other area besides these two.

And if he has no cell data, we can't make an opinion, okay? These records are only kept when you make a call, receive a call, send or receive texts or use data. Okay.

So this is a basic premise. If we show Mr. Johnson to be connected to this Pinnacle Drive cell tower, I'm going to say he was -- he was in the vicinity of the crime. I can't tell you he was there. If we show him to be -- at any time we show him to be connected to the Old Howell Road, I'm going to say he's excluded from being at home and he's in the vicinity, again, of his home.

All right. Next. All right. So let's look ---

Q. Let me ask you a quick question right here.

A. Yes. Go back just one.

Q. If he is showing up being in the Howell -- you said the circle where his home is, ---

A. Yes.

Q. --- then he's in that circle, if that's what the records say?

A. Undisputed.

Q. At whatever time?

A. Yeah, undisputed.

Q. And he would not be able to be at the crime scene, which, I think, is the red dot, ---

A. Yes, sir.

Q. --- make a call and have it show up as the Howell Road ---

A. Absolutely ---

Q. --- cell tower?

A. --- impossible.

Q. Okay.

A. Howell only covers this area. Pinnacle only covers that area, period.

Q. So you can't say exactly where he might be in the circle, but you would know that he would not be in the other circle, is that right?

A. Yeah. And if you're in the middle between the two, you're not bouncing back and forth. That was a problem we fixed -- so, yeah, you stay in the -- even if he was driving north, got to the edge of that cell tower that's in that overlap area, he would not switch over cell towers until he actually crossed fully into the next cell tower.

Q. Okay.

A. It's just the way it works.

Q. Got you.

A. Okay. Next slide. So my analysis, Mr. Johnson was never in the vicinity of the crime scene, the Pinnacle cell tower area, from four am to 11 am. He was only in the vicinity of the Old Howell cell tower.

And I can tell you, looking back at the records, he was in that area from April 2nd at 7:01 pm and he did not leave that area until April 3rd at 6:29. That entire period, all this activity, and this guy's obsessive with his phone, all his activity occurred in the Old Howell cell tower.

It doesn't mean he was at home all the time. He went out to the grocery store, out to bars, anywhere within that circle, he could have been driving around all day and never been home, but he was never out of that circle.

Q. Let me ask you this. If he made a call today from his house, it would show up there, and he didn't make another call, didn't receive a single text, didn't receive a single

phone call, he could leave for a week, go to Michigan, come back, make a call a week later and it would look like he was at home and we wouldn't know where he was between those calls.

A. We don't know unless you have some activity.

Q. Okay. So talk to me ---

A. And that includes someone calling you and you're not answering.

Q. Okay. Then identify for me first the highlighted times that you have on your report.

A. Okay. As you can see, this is an analysis that goes from -- this is just a page that -- I did the entire five months or so. But this is -- this sheet itself is from 5:30 am through 9:33. I highlighted the time around 9:30 'cause it's my understanding that's when the murder occurred.

As you can see, 5:36, 5:37, 5:38, 5:56, 5:58, 6:05, 8:52, 9:03, 9:14, 9:33, all indicate he's at home or he's in the coverage area of his home. Never leaving.

Q. Now let me ask you this. Rather than saying he's in the coverage area of his home, which he was, ---

A. Yes.

Q. --- but that also excludes him from being within the coverage area where the murder scene was?

A. And every other area in Greenville, yes.

Q. Everywhere ---

A. Every other area ---

Q. So it's exclusive?
A. He's excluded. He could not -- none of these activities could occurred while ---
Q. Okay. And so tell me again from when to when was he constantly showing up within his home tower's range.
A. Looking from -- April 2nd, the day prior to the murder, at 7:01 pm he's shown going through -- he's shown before that going a series of other cell towers, not including the Pinnacle Road, and then at 7:01 he is in the coverage area of the Old Howell Road cell tower. So that's when he entered that.
Q. And when was the next time that he was seen outside of that?
A. Next time he was seen outside of that was on April 3rd after the murder at 6:29 pm.
Q. Okay. And how much activity was there during that time?
A. This guy's obsessive. I've never seen more text messages in my life. He was on four voice calls, 54 text message exchanges and ten data sessions.
Q. So it was running pretty consistent, constant on those, ---
A. Yeah.
Q. --- texting and calling?
A. Yeah. Let's go back -- if we could go back two slides, if you don't mind. Okay. Right there. This is my exhibit --

this is the exhibit I produced ---

Q. Um-hum (affirmative).

A. 'Cause it's nice -- in fact, I even do this for myself. It's nice and clean and understandable. You can see -- you can see the start time, stop time, the activity and the cell tower you were connected to by street address.

Let's go to the next slide. We can go to the next one. Okay. This is the original records I took it from, all right? These are pretty cryptic, you know, but engineers, this is what we like. This is very cryptic.

The same three records are highlighted here. So you can check on me if you want. The first column -- the second column is the time, the date and the time. The third column is the originate -- who made the call, or who started the data session, or who sent the text.

The next column is who received the call or who received the text. The next three things are just technical garbage. And then the far right, you see this column? It's called cell location. It's not the location of the cell phone itself.

Q. All right.

A. It's the location of the cell tower. If you look at those three that are highlighted, it's pretty cryptic. But what you guys might recognize in there, it says minus 82 plus 34. That's a GPS coordinate, all right.

Q. All right.

A. Again, a little cryptic to look at. And then at the far end you see a zero on each of these. Okay. So one physical structure cell tower projects out three cell areas. It just saves us money. Instead of billing three cell towers, we bill one and project out the three areas.

So at the far right it says zero. He was connected to the north side. Zero is north. The north side of this cell tower. So I could say he was connected to the Old Howell cell tower and that he was on the south side area that was north of it. Okay. But this -- obviously, my exhibit's a lot easier to read ---

Q. All of this sounds complicated, but in layman's terms can you say that -- as an expert in layman's terms, can you translate that to say that that's consistent with where his home is?

A. Yes.

Q. Okay.

A. This is cryptic, but that's why I made the -- my exhibits exactly ---

Q. One second.

A. Yes, sir.

THE COURT: Why don't we stop right now for lunch.

MR. WILKES: Perfect.

THE COURT: And let's resume -- it's five after one now. Let's resume back at 2:15, okay? And let's -- you're on the

stand here, so no communications with anyone other -- you can talk about anything you want to ---

A. I understand. Thank you, sir.

THE COURT: All right. So we'll be in recess til 2:15.

A. 2:15?

THE COURT: 2:15.

A. Thank you, sir.

(Whereupon court was in recess at 1:04 pm)

(Whereupon court reconvened at 2:18 pm)

THE COURT: All right. Ready to proceed?

MR. WILKES: We are, Your Honor.

THE COURT: All right.

Direct Examination by Mr. Wilkes Continued:

Q. All right. Mr. Levitan, you had highlighted some times on the AT&T record that's on the screen. Those are the records for Mr. Johnson, the Applicant's cell phone.

A. Correct.

Q. Can you tell me again, looking -- well, if I go to the top of that page, that's the date of the murder, ---

A. Correct.

Q. --- and the top one -- it starts at 09:27:22. And this is UTC time, correct?

A. Correct. Everything in the phone business is kept in Greenwich Mean Time.

Q. Okay. And so can you translate the highlighted ones for

me into human-being-time, please?

A. Okay. So -- making me do math on the fly. So ---

Q. Well, let me -- let me just ask it ---

A. Nah, I can do it.

Q. --- this way. I'll do better.

A. I can do it.

Q. Let me -- let me give you back Plaintiff's exhibit 9 for ID and Plaintiff's exhibit 10 for ID.

A. Okay.

Q. You had identified the records at the end of that packet on both of them?

A. Yes, sir.

Q. And they're old and the new, just in different format, same data?

A. Correct, sir.

Q. And is one of those, I believe, Plaintiff's exhibit 10, is that in like real-people-time? Our time? What we would know as local time?

A. Local time, sir. Yes.

Q. Okay. And what you have up there is from the new packet, which is now reported in some kind of ---

A. UTC. So these are the raw records when you subpoena them from AT&T or any cell phone company. This is what you would get.

Q. Okay.

A. And they're always, you know, they're always kept in UTC time just ---

Q. Okay.

A. They call a meeting, you can't say 8:00 Texas time, Greenville time, nobody knows what that is.

Q. All right. So if you will look back on Plaintiff's 10 in front of you. And at the end of that can you tell me, in what we consider local time, the times of those highlighted calls?

A. This one says 8:52, 9:03, 9:24. This -- like a fax, 9:33, 9:50 ---

Q. So 9:33 and 9:50 what?

A. These are local times.

Q. Right.

A. So Eastern Daylight Time that time of year.

Q. Okay. So that represents the 18:92 that we're looking at at the bottom of the yellow, which is 13:33?

A. Yes, sir.

Q. Translates into what time again in local time? Eastern Daylight or whatever you call it?

A. I got these -- 9:03, 9:14 and 9:33.

Q. Okay. And then the next one is what? 9:56?

A. Yes, it would be, sir.

Q. Okay. So those are the times that Mr. Johnson's phone on the day of the murder is being located in his local tower?

A. Yes, sir.

Q. And excluded from the tower at the murder scene?
A. Yes, sir.
Q. Okay. Very good.
MR. WILKES: Your Honor, we would move Plaintiff's exhibit 9 and 10 for ID into evidence.
THE COURT: All right. Any objection from the State? Any objection to exhibits 9 and 10?
MR. SMITH: No objection.
THE COURT: All right. Exhibits 9 and 10 or Applicant's 9 and 10 are admitted into evidence without objection.
(Whereupon Plaintiff's exhibit numbers 9 and 10 were admitted into evidence)
MR. WILKES: If I may have just one second, Your Honor?
THE COURT: Yeah.
MR. WILKES: Thank you.
(Pause)
Q. All right. Now I'd asked you before how you were able to determine the location of those calls, and I cut you off in the middle of your response. So if you would continue with that.
A. Want to go back one slide, if you would, please. Again, on the far right side it says cell location. And it's cryptic, but in there you guys recognize negative 82.3 and 34.87. Those are GPS location. Okay. So this activity -- each of these activities, and you can see they're all the

same.

Q. Um-hum (affirmative).

A. They were all connected to a cell tower at this GPS location.

Now if you'd go back one slide, please. Okay. And blow that up. So all I've done here is take that GPS and put it into a lat/long as well. I figured out the lat/long for the scene of the crime. And I figured out the lat/long for Mr. Johnson's home.

And so all that put together is how I mapped these GPS locations and determined that if you were using a cell phone at Mr. Johnson's house, you would be on this Old Howell tower. And if you were using your phone anywhere in the vicinity of the crime scene, it would be the Pearce (ph.) tower.

Q. Now did that -- have I cut you off or is that a full explanation how we know that that location is accurate?

A. Pretty much, yeah. You take the location -- you find the location, you look for the closest cell tower, and if the coverage area covers that, then, yes, that's how you find the location.

Q. Very good. If you will do me a favor and look at page 24.

A. I'm sorry, I didn't get the question.

Q. Will you turn to the conclusion page and tell me what your conclusion is?

A. Okay. So when we look at the totality of all the records, Mr. Johson is only shown in the vicinity of the Old Howell cell tower from April 2nd, Saturday, April 2nd at 7:01 pm. He arrives into that cell tower area. He doesn't leave until Sunday, April 3rd at 6:29. And that's when we see him using multiple cell towers driving away.

Second -- and part of being an expert you have to have sufficient records to work with, sufficient data. Mr. Johnson is crazy. These records show that he -- in this period he sent and received 25,958 text messages. So there's sufficient data that he used his phone enough that the gaps in usage are not substantial in any manner.

So number three, I again repeat how highly reliable these records are. So there's no doubt that these are made in the normal course of business. And he is shown in the coverage of the Old Howell Road cell tower in Greenville. This covers about five square miles an area, however, it's consistent -- I can't pinpoint him, but it's consistent with his claim that he was at his home during that time. Okay.

And then the cell tower at 3 Pinnacle Drive, which covers about five square miles, and it includes the crime scene, Mr. Johnson's phone is never seen in that area from April 2nd to the night of April 3rd.

And so the final conclusions, there is no evidence from the cell phone records that Mr. Johnson was at or even near

the scene of the crime on early morning Sunday, April 3rd. And, again, the cell phone evidence clearly is consistent with his claim that he was at home that night and early morning.

Q. Very good. Is that a paper copy of what you've just testified to from using the PowerPoint?

A. It is, sir.

MR. WILKES: Your Honor, we would move to mark and introduce this as next Plaintiff's exhibit.

(Whereupon Plaintiff's exhibit number 11 was marked for identification)

THE COURT: What number is that, Susan? 11?

MADAM COURT REPORTER: 11.

THE COURT: All right. Was there any objection to exhibit number 11, Mr. Smith?

MR. SMITH: No, Your Honor. Although, I do have some questions. There are some slides in this that haven't been discussed, and I'm not sure of the significance of those based on what has been presented.

THE COURT: Mr. Wilkes?

MR. WILKES: If I could have just a second. I'm not sure which ones ...

(Pause)

MR. WILKES: If I may, Your Honor, I'll ask him about a few more things and ---

THE COURT: Okay.

Direct Examination by Mr. Wilkes Continued:

Q. Will you continue on into the backup documentation that you had and just explain what the backup documentation was or underlying documentation?

A. The first backup is -- smart lawyers would say those are your exhibits, aren't they, Mr. Levitan? I show this as the original records and just say, you know, these are cryptic. But what I do, my exhibits, you know, per expert law must fairly represent the underlying data. This is the underlying data. And it must not embellish. My exhibit does no embellishment.

Finally, if anyone wants to cross-check my exhibit against the original records, the first line -- the first column is item number -- I maintain that item number in my exhibit. So if you want to check record for record, you can do that.

Q. Okay.

A. So that's the only purpose of that. Okay.

This is always necessary on cross -- smart lawyers ask questions like, well, if one tower's busy, don't you jump to the next? And this explains a couple of oddities about cell phone network.

For example, the lower right you see -- people don't understand in -- three cell towers can have the same address. The upper right is what you would expect for three cell

towers. The lower right shows something clever that somebody came up with to save us money 'cause towers cost a half million apiece. This cuts the number of towers we need by two-thirds. So these are -- I always like to have these in my back pocket for a tutorial.

These are the -- then I -- there's three sets of records. There's the first set from AT&T, the second set from AT&T and my exhibit just showing for this time period. This is -- this is from the original. Then you can go to the next page. This is from the AT&T records, first set of AT&T. So the first one was the local time. The second one is directly from AT&T's source.

Go to the next page. Okay. These records are identical to the two you've seen previously, but it came from the 3,000 page document I worked off of, which was just a four and a half month period.

And I think the next record is just my exhibit. Or that might be a ---

Q. That's it.

MR. WILKES: Your Honor, we'd move ---

A. That's it, yeah. I knew people might be questioning the difference between these three, so I wanted to have them there just in case.

THE COURT: All right. Any objection?

MR. SMITH: Still 27, Your Honor. I suspect I might not

have an objection to it. I just -- I don't know that it was fleshed out what this is and what this represents. Mr. Levitan talked about two photos, but there's five on here. I just don't -- I don't want something in evidence that's not -- there's no explanation ---

MR. WILKES: I understand.

Direct Examination by Mr. Wilkes Continued:

Q. Can you expound on each one of those ---

A. Okay. People, yourself, you may get up and start asking me questions. It often happens. Typically everybody thinks of a cell tower as the first one, the one on the left, a radio tower that goes out about two miles in every direction.

And then the second one, go to the second one, this is how two cell towers are located. This is a standard worldwide configuration of how to lay out cell towers, just barely covering -- and that middle area is called a hand-off area.

What attorneys often ask me at this point is, well, if I'm in the tower on the left and that tower's busy or it's broken, don't I just connect to the next tower? To save you the time of asking that question, you can see each cell -- that would not at all be possible. 'Cause if you're in the coverage of one cell tower, you have no contact -- you're not in the coverage of any other tower. So that is not true.

Same as -- then the third one -- go down to the lower left. There you go. So if you can imagine, this is how

towers are laid out across the entire country. And this is called seven cell pattern. It's mathematically the best way to fully cover, you know, a country or city with the minimum number of cell towers, mathematically proven. And it's too complicated in math, but it's better than squares or anything else.

So in the upper right I just -- this is -- people say, Mr. Levitan, you said this was at, you know, Old Howell Road, and it was north, well, but how could it be north? How could a cell tower project out that way? So the bottom one is pretty much our standard money saving configuration.

To get a cell tower you have to have land, you have to deal with lawyers and get permission for the property. We don't like to -- so this cuts the -- this cuts the expenses by two-thirds. So that just tutorial might have saved you a couple of questions on cross here.

MR. SMITH: No objection.

THE COURT: All right. Plaintiff/Applicant exhibit number 11 is admitted into evidence without objection.

(Whereupon Plaintiff's exhibit number 11 was admitted into evidence)

MR. WILKES: If I could have just a second, Your Honor?

THE COURT: Yeah.

(Pause)

MR. WILKES: No further questions. Thank you.

THE COURT: All right. Cross-examination.

MR. SMITH: No questions. Thank you.

THE COURT: All right. You may step down, sir.

A. Thank you, Your Honor.

THE COURT: All right. Next witness.

MR. CHILDS: Paul Silvaggio.

MADAM CLERK: Mr. Silvaggio, thank you. Please place your left hand on the Bible and raise your right hand.

Paul Silvaggio, being duly sworn testified as follows;

MADAM CLERK: Thank you. You may be seated. And please state your full name for the record.

MR. SILVAGGIO: Paul Andrew Silvaggio, S-i-l-v-a-g-g-i-o.

Direct Examination by Mr. Childs:

Q. Mr. Silvaggio, how are you employed?

A. I'm a licensed private investigator. I own Silvaggio Investigations in South Carolina.

Q. All right. And are you a licensed private investigator through the State of South Carolina?

A. Yes, I am.

Q. And how long you been doing that?

A. Going on 13 years. Prior to that, I retired from the Greenville Sheriff's Office as a homicide supervisor.

Q. All right. And how long are you -- were you with the sheriff's office, Greenville County Sheriff's Office?

A. Twenty-seven years.
Q. All right. You retired from that and you went out on your own in private investigations?
A. Yes, sir.
Q. All right. Did my law firm retain you to drive some times and distances of travel relative to this particular case?
A. Yes, sir.
Q. And could you tell the Judge about what you did?
A. I took -- the material that I used was a transcript, ---
Q. Right.
A. --- a trial transcript from Scott Lowe, ---
Q. Right.
A. --- who was a co-defendant in the case. I took the initial incident report of the Greenville Sheriff's Office noting that the date of the incident, ---
Q. Right.
A. --- of the homicide. And with those I then received addresses from you. One specifically being the Plaintiff in this PCR, his residential address at that particular time of the homicide.
Q. And what was that address?
A. That address was 18 Gladesworth Drive, Greenville, South Carolina 29615 in Greenville County.
Q. All right. And then what else did you do?

A. I then traveled from -- I went to the location, identified the date, that being a Sunday. So I eliminated weekday travel, eliminated travel on Saturdays and narrowed my travels to that particular, on a Sunday, i.e., there's a school to the left of the homicide crime scene.

Q. All right.

A. And so I knew the school was closed. And I also went two other times during the week just to make sure that my times, distances were on point.

Q. Okay.

A. And when I say on point that -- they were accurate the first time, but there's always a variation in traffic.

Q. Right.

A. And with the speed limit, right there it's 30 miles an hour. It flanks to 35 on each East North Street, but then it banks back around to 30 miles an hour. So I stayed at 30 miles an hour through my travels from Mr. Johnson's residence to the homicide scene, which is 2004 East Lee Road in Taylors, South Carolina in Greenville County.

Q. And how far was that distance of travel?

A. That distance was six minutes and 39 seconds and an exact three miles.

Q. Okay. Now did that travel estimate involve you walking from 18 Gladesworth Drive, getting in your car or did you start in your car?

A. I actually started in my car. I utilized a stopwatch and utilized mapping that I have on my phone.
Q. Okay.
A. And went to -- I did the longest direction of travel and I did the shortest direction of travel. And then I did the medium direction of travel so that I could get reasonable times for the benefits of both sides.
Q. All right. And so you took the shortest direction of travel which time?
A. I took the shortest. And the medium distance of travel is the three miles. That's the medium.
Q. All right. And then -- now when you got to 204 [sic] East Lee Road in Taylors, I'm sure you've looked at the transcript and saw that they allegedly parked near that location prior to the murder. Do you recall that?
A. That's correct.
Q. And it was the location on Walker Springs Road is my recollection?
A. That is correct.
Q. And so you didn't count for that? You didn't drive to Walker Springs Road, get out of your car and walk around and up East Lee Road to go to 204 -- 2004 East Lee Road?
A. Okay. If I may explain?
Q. Yeah.
A. I never walked.

Q. Right.
A. I drove all these distances.
Q. Right.
A. Walker Springs Road is -- if you have your back to the homicide scene, standing in front of duplex A is where all the reports indicate this happened at.
Q. Right.
A. With your back to the crime scene, Walker Springs Road is directly in front of you and slightly to the left. It's literally within a rock's throw of the front door of A.
Q. Right.
A. So I began on Walker Springs Road. I stopped at the stop sign there, set my timing, and then traveled back. And that's how I established the distance and the timing.
Q. All right. And then from 2004 East Lee Road did you go to 651 Strange Road?
A. I did.
Q. And why did you go there?
A. I went to 651 Strange Road because one of the co-defendants in the case alleged that, in records that I had received, alleged that after they left the double homicide scene, ---
Q. Right.
A. --- they drove to Strange Road where they let out a co-defendant by the name of Nick, I believe.

Q. Right.
A. I think his name is Manuel Nicholas ---
Q. Let the record reflect that was probably Granados.
A. Granados, exactly.
Q. All right.
A. They let him out in the trailer park and then went to Mr. Johnson's house.
Q. Allegedly went back to ---
A. Allegedly did.
Q. And so what was the distance there from 204 [sic] East Lee and what's the time for that over to Strange Road?
A. So from 2004 East Lee Road to 651 Strange Road was one minute and 14 seconds. And that was point seven (.7) miles.
Q. Okay. And then -- and they're showing up on the screen there a Google Map that may help you a little bit to see the travel that Google Map shows for those locations. Do you recognize that?
A. I do.
Q. All right. And so then you -- then you went from 651 Strange Road back to 18 Gladesworth Drive, is that correct?
A. Yes, that is correct.
Q. And how -- and did you measure that time and distance?
A. I did. I reset all my timing. And that was six minutes and 57 seconds. And that was three point one (3.1) miles.
Q. Okay. And so you came up with a total of how many miles?

A. Total of miles was six -- total miles was six point eight (6.8) miles.
Q. Right. From Strange Road?
A. That's including Strange Road. If I take the -- if I take the 18 Gladesworth, ---
Q. Right.
A. --- travel to 2004 East Lee from there to Strange Road, which is right around the corner, actually, ---
Q. Right.
A. --- to -- back to 18 Gladesworth Drive, that's the timing.
Q. All right. So -- and I'm not good at math either. Apparently we're both struggling with seconds. But it looks to me like six minutes and 39 seconds and one minute and 14 seconds and six minutes and 56 seconds is a total of about, I guess, 14 minutes, give or take?
A. Um-hum (affirmative). Yes, sir.
Q. All right. And Google had it up as 17 minutes?
A. Okay.
Q. And now your travel to 651 Strange Road, you didn't get out and unload a car there. And you didn't wait a minute for somebody to get out of your car there, right? You just measured directly from there back to Gladesworth?
A. That's correct, maintaining the speed limit. And, if I may say, in my investigation ---

Q. Right.
A. --- company as I measure distances and work the configurations in the field, and prior when I was in homicide and coming through on that, my previous law enforcement career, Google Maps is a nice means and something that I use all the time, MapQuest when I go from point A to point B. And I always use it because I get lost going around the corner. So I use it. But the times vary.
Q. Right.
A. It really depends on several factors. One factor is is when you enter an address to go to at 3:00 in the afternoon, your time to get there is going to be different than if you put in that address at five in the morning, eight in the morning, seven in the morning.
Q. Right. Sunday morning.
A. Sunday morning, it's going to be different.
Q. Right. All right. Hang on just a minute. I think that's all I have.
(Pause)
Q. Oh, one thing. So your time-frames also did not involve basically at 204 [sic] East Lee Road getting out of your vehicle, walking to the location at 204 [sic] East Lee Road, force an entry into the residence there, shooting two people with a gun, moving furniture around, setting two people on fire and setting something on the stove that looks like a

bottle?

A. No, it did not, sir.

Q. All right. That's all I have. Please answer any questions that the attorney general has for you.

THE COURT: All right. Cross.

Cross-examination by Mr. Smith:

Q. Mr. Silvaggio, if you had gone over the speed limit, the total trip time might have been shorter, right?

A. Yes, sir, I'd agree with that.

Q. Okay. You're also not sure today if the traffic controlled devices like stop signs, street lights, maybe even speed limit zones are the same on the day that you tested this as it would have been back in 2011, right?

A. No, they're the same.

Q. Okay. Did you drive it that night in 2011?

A. I didn't drive it in 2011, but as I mentioned, I've been in Greenville and retired from the Greenville Sheriff's Office with 27 years of service. So I worked in homicide in various -- hundreds to thousands of deaths. I've traveled all over this County many, many times.

Q. Okay.

A. It's a residential area, respectfully. And the speed limits in those areas don't peak over 35 miles an hour.

Q. Okay.

A. As far as the traffic control devices, they are the same

only because I -- that particular area had schools, churches, major intersections, if you will, ---

Q. Okay.

A. --- and so the facilitating of traffic control is the same as it was even when I was -- just before I retired. It hadn't changed.

Q. Okay. And those devices only work insofar as someone obeys them at any given time, right?

A. I'm sorry, sir?

Q. Those devices only control someone's rate of speed if they obey them, right? For example, if the speed limit's posted and I go faster, travel time would vary, right?

A. Yes, sir.

Q. Okay. Thank you.

THE COURT: All right. Any redirect?

MR. CHILDS: No, sir, Your Honor.

THE COURT: All right. You may step down. Thank you.

A. Thank you, Your Honor.

MR. CHILDS: Can this witness be excused? And I forgot to ask about excusing Mr. Levitan.

THE COURT: Any objection, Mr. Smith?

MR. SMITH: No objection.

THE COURT: All right. You are excused.

A. Thank you, Your Honor.

THE COURT: All right. Next witness.

MR. CHILDS: We'll hold off on Mr. Levitan, excusing him, so we can discuss with him at the break.

THE COURT: All right.

MR. CHILDS: My next witness is Patricia Fuller.

MADAM CLERK: Ms. Fuller, can you place your left hand on the Bible and raise your right hand.

Patricia Fuller, being duly sworn testified as follows;

MADAM CLERK: Thank you. You may be seated. Please state your full name for the record.

MS. FULLER: Patricia W. Fuller.

MADAM CLERK: Thank you.

Direct Examination by Mr. Childs:

Q. Ms. Fuller, we often ask this question too frequently of women and not men as well, but how old are you?

A. Seventy-seven.

Q. All right. Now is the complainant in this case, Mr. Johnson, is he your son?

A. Yes.

Q. All right. And where did you reside at back in 2011?

A. At 18 Gladesworth Drive.

Q. And I say it better if I say Gladesworth and not Gladsworth?

A. Yes.

Q. All right.

A. And that's Greenville, 29615.

Q. All right. And tell me a little -- tell the Judge a little bit about your background. And speak up for him, too, okay?

A. Well, for 30 years I was a benefit consultant for insurance and ---

THE COURT: For who?

A. Well, I worked for the U.S. Postal Service, for the APW Union ---

Q. You want some water?

A. Yeah. And just various hospitals and different manufacturing companies through the benefits of the employees. And then I had an accident and retired out.

Q. How old were you when you had an accident and retired out?

A. It was in 2016.

Q. Okay. And you're how old now?

A. Seventy-seven.

Q. All right. So you worked up until then. Now you used to work for Bob Leach or somebody ---

A. Yeah. We were in insurance together.

Q. All right. And how long were you in insurance with Mr. Leach?

A. About 15 years.

Q. All right. And was that also in benefits consulting or

insurance in general?
A. Yes. We did open enrollments for hospitals and manufacturing companies.
Q. All right. And were you married in 2011?
A. Yes.
Q. And who were you married to?
A. Donald Johnson.
Q. And is that Mr. Donald Johnson sitting up there with the crutches?
A. Yes.
Q. And how did y'all happen to both be in kind of -- you're not walking well today?
A. Well, I had an accident. And then he had another accident. So it's crazy now, neither one of us can walk well.
Q. And you and Mr. Johnson divorced?
A. Yes.
Q. And do you know when that was?
A. About 2012 or '13.
Q. Okay. And so y'all were still married in 2011?
A. Yes.
Q. And you and Mr. Donald Johnson and your son -- where was your son living in 2011?
A. With us.
Q. Okay. When you say us, who do you say?
A. I'm sorry?

Q. When you say us, what do you mean?
A. His father and I.
Q. All right. And you lived at 18 Gladesworth?
A. Right.
Q. And could you describe the community that you lived in?
A. Well, it was -- describing what?
Q. Well, what's it like? I mean, is it a residential area ---
A. Yes.
Q. What kind of house did you live in?
A. It was a brick house.
Q. All right. And how many bedrooms and things like that?
A. Four, three baths.
Q. Okay. And how long had you lived there?
A. About four years.
Q. Okay. And where did your son -- I guess you call him JJ?
A. Um-hum (affirmative).
Q. Where did he live in the house?
A. Well, there was a apartment underneath the house in the basement that had a living room, bedroom and bath, but no kitchen.
Q. Okay.
A. And it was just, you know, in the same house.
Q. All right. And is there a driveway up to the house?
A. Yes.

Q. And is it -- could people drive up to your house and you not know it?
A. Yes.
Q. Is -- are the entrances to your, I guess, to the basement apartment, is there one entrance from the house down there?
A. There are the steps going from upstairs, from the main living room.
Q. All right. And could you tell me what -- was your son, JJ, in school in April of 2011? Or ---
A. Yeah, ---
Q. --- what was going on?
A. --- he was preparing to go to start Virginia College the next week.
Q. Okay. And do you remember the morning of April 3rd of 2011?
A. Yes.
Q. How do you remember that?
A. Because I was watching the news and I saw what had happened.
Q. When you say that, explain to the Judge what you saw on the news.
A. They were talking about the fire on Lee Road and that somebody had been murdered.
Q. All right. And do you know what -- about what time that was on the news?

A. It was around 11:30 or 12.
Q. Okay. And did you speak with your son because of what was on the news?
A. Yes.
Q. Was your son at home ---
A. Yes.
Q. --- when you saw this on the news?
A. Yes.
Q. Did you find out that a young lady had died at 2004 East Lee Road?
A. Yes.
Q. And did you find out who that was?
A. Yes.
Q. Who was that?
A. Amber.
Q. You know her last name?
A. Daniels.
Q. Had you met Amber Daniels before?
A. Yes.
Q. How did you know her?
A. Well, in my son's childhood, they were very good friends.
Q. And when you say your son's childhood, ---
A. They were like young, you know, like ten, 12.
Q. Okay. And did they date at some point?
A. Off and on.

Q. Okay. And so did you still see her occasionally in 2011?
A. Yes. She would come over on occasions.
Q. All right. And did -- when your son came to you on the morning of April the 3rd of 2011 could you describe to the Court how he -- if he knew about Amber's death and how he was reacting, how he was behaving?
A. Well, he came upstairs and -- I'm sorry -- and he said he heard ...
Q. That's okay. That's all right. Now had you seen your son earlier that day?
A. Yes.
Q. When did you see him earlier that day?
A. I went downstairs to go to the laundry room, which I had to go through his room. He was on the sofa asleep.
Q. And where was that sofa located?
A. In the living room part.
Q. All right. And about what time was it that you went through the living room part?
A. About -- between about six and 6:30.
Q. Okay. And did you see him again after that?
A. Yes.
Q. And did you -- how often did you see him after 6:30?
A. Oh, I went back down to put the clothes in the dryer. It was about seven.
Q. Okay. And to your knowledge did you ever see him leave

the house?
A. No.
Q. Do you know who was also there at the house between, say, six and 11?
A. There was a girl that he was dating at the time.
Q. Okay. And what was her name? Do you remember?
A. Jordan Gary.
Q. All right. And so she was there. Did JJ have a car of his own at that point?
A. No.
Q. And so how was he supposed to get around when he needed to go somewhere?
A. I took him.
Q. Okay. Did you take him anywhere the morning of April 3rd, 2011?
A. I didn't take him anywhere.
Q. All right. Did you know the location of the 2004 East Lee Road?
A. Yes.
Q. How do you know that location?
A. Because it was on the news.
Q. Okay. And do you drive by there -- did you back then drive by that location occasionally?
A. Yes.
Q. Do you know how far it is to you from your house?

A. With traffic, it depends on when you go, maybe ten, 15 minutes.
Q. All right. And, obviously, it could be shorter than that if traffic is good like a Sunday morning?
A. Right.
Q. Did your son stay home up until that evening of Sunday, April 3rd, 2011?
A. Yes. Some of his girlfriends -- they weren't girlfriends, but friend-girls ---
Q. Friend-girls?
A. --- had come by.
Q. Female friends, how's that?
A. It could go either way. They came over and visited. And they were there and just, I guess, you call -- what they call hanging out.
Q. Now were you familiar with an individual named Scott Corey Lowe?
A. Oh, yes.
Q. And you say that like that's not a good name.
A. It's not a good name.
Q. Why is that?
A. Because he threatened to kill me and Amber.
Q. And when was that?
A. That was about a week before all this happened. He came -- he wanted to see her. And he came over, and I refused.

And she said she didn't want to see him because he was going to kill her.

MR. SMITH: Objection. Hearsay.

THE COURT: Sustained.

A. She was saying that to me.

Q. All right. And so you can't testify about what somebody else says who's not in court today. But -- so the week before this incident you had basically told him not to come around your house?

A. I had, absolutely.

Q. All right. And did your son -- did you say that in the presence of your son?

A. No. He was downstairs and I was upstairs.

Q. All right. And so he was persona non grata at your house?

A. Right.

Q. And so normally would you know if your son had visitors to his basement apartment?

A. Yes, because he would keep the stereo on the whole time blasting. And then when he wasn't there he would turn it off.

Q. All right. And so that's how you figured your older teenage son wasn't at home?

A. (Affirmative nod).

Q. Now did you -- did your son continue to be mournful and sorrowful that Amber had died, and as you indicated he was

very upset that she had died?
A. Yes, for a long time.
Q. Okay.
A. And he went to the funeral. And that was bad and hard for him.
Q. All right. And did you go with him or did he just go ---
A. No.
Q. Okay. Did you know anything about the police investigating him or anything like that?
A. No.
Q. All right. And was it -- how long was it before you became aware that your son was a suspect in the murder?
A. I think it was about two years.
Q. Two years later?
A. Two or three years, yes.
Q. Okay. And then your son was arrested for, I think, obstruction of justice, initially?
A. (Affirmative nod).
Q. And then eventually charged with the murder case, is that correct?
A. Yes.
Q. And did you help him retain Zach Ellis to represent him?
A. Yes.
Q. And did you meet with Mr. Ellis and discuss your son's case with him?

A. Yes.
Q. And did you tell Mr. Ellis what you told us here today in the courtroom about -- the whereabouts of your son on April 3rd of 2011?
A. Yes.
Q. All right. And did you attend the court proceedings relative to your son's case?
A. Yes.
Q. And did you -- were you there when Nick -- when Nick Granados pled guilty?
A. Yes.
Q. All right. Were you present in the courtroom for that?
A. Yes.
Q. Anything in peculiar happen when that plea was done?
A. Yes. He said -- he turned around and pointed to my son and Mr. Ellis and said, this boy had nothing to do with this, he wasn't there.

MR. SMITH: Objection to hearsay.

MR. CHILDS: Well, here's the problem with that. Your Honor, that was made during a plea. And we've got no transcript of that plea. For whatever reason the court did not transcribe that plea. And so that's the only evidence we have of what statements were made by Mr. Granados at the plea. Mr. Granados is not willing to testify in this proceeding.

THE COURT: Mr. Smith.

MR. SMITH: Yes, Your Honor. If Mr. Childs is offering hearsay under unavailability exception, it's my understanding that Mr. Granados would have to be here and would have to refuse to honor Your Honor's order for him to testify.

THE COURT: Yeah, Mr. Childs, I think it is hearsay unless you've got an exception around it. I mean, that's hearsay. I think you're trying to prove the truth of the matter.

MR. CHILDS: Yes, sir. I get you on that. It's the only method I have available to produce that. I certainly could have produced Mr. Granados up here, but you never know what those fellows might say.

Direct Examination by Mr. Childs Continued:

Q. But let me ask you this.

THE COURT: I'll sustain the objection.

MR. CHILDS: All right.

MR. SMITH: Thank you.

Q. Was Mr. Ellis in the courtroom when things were said by Mr. Granados?

A. Yes. He was sitting with my son.

Q. All right. And did you -- you sat through the trial?

A. Every day.

Q. All right. And were you prepared to testify as an alibi witness?

A. Yes.

Q. When were you prepared to do that? I mean, when did Mr. Ellis prepare you to do that?
A. He just told me that he would -- he would -- it was a few days before court time.
Q. Okay. And so what happened with your testimony? Did you testify?
A. He never called me to testify.
Q. All right. Did Mr. Ellis call Mr. Granados as a witness at the trial?
A. No.
Q. Did your son testify at the trial?
A. No.
Q. Had you discussed or were you aware of any discussions that were made with your son about testifying or not?
A. I'm sorry, could you repeat ---
Q. Did you talk to Mr. Ellis about whether or not your son was going to testify?
A. Yes. Because I asked him afterwards why didn't you let him testify? And he said he didn't think it was a good idea.
Q. Okay. Did your son have a real bad criminal record or something?
A. No.
Q. All right. So your son -- do you remember -- let me see how I can ask this better. Your son was convicted by the jury at trial?

A. Yes.
Q. And did you or your husband testify as alibi witnesses for him?
A. No.
Q. Do you know if your son's cell phone records were introduced into evidence?
A. No, they weren't.
Q. And your son filed an appeal. And you retained counsel, who is Mr. Wilkes, I believe, to appeal your son's conviction?
A. Yes.
Q. Let me just check real quick. I think that's all the questions I have. Just a minute.
(Pause)
Q. Please answer any questions the attorney general might have for you.
THE COURT: All right. Cross-examination.
MR. SMITH: Your Honor, may I have just one moment?
THE COURT: Sure.
(Pause)
MR. SMITH: No questions. Thank you.
THE COURT: All right. Ma'am, you may step down. Thank you.
A. Thank you. Can I carry this water with me?
THE COURT: Yes, ma'am. All right. Next witness.
MR. CHILDS: Donald Johnson.

MADAM CLERK: Mr. Johnson, can you please place your left hand on the Bible? I'll give you a minute to -- and raise your right hand.

Donald Johnson, Jr., being duly sworn testified as follows;

MADAM CLERK: State your full name for the record.

MR. JOHNSON: Donald Francis Johnson, Jr.

MADAM CLERK: Thank you. You may be seated. Take your time.

MR. JOHNSON: I don't have a choice.

Direct Examination by Mr. Childs:

Q. Mr. Johnson, you stated your full name for the record?
A. It's Donald Francis Johnson, Jr.
Q. All right. How old are you, Donald?
A. Seventy-two.
Q. All right. And where are you from now?
A. Atlanta, Georgia.
Q. All right. And you were previously married to Patricia Fuller?
A. Yes.
Q. And how long were y'all married? Do you remember?
A. Yeah, 20 years.
Q. Twenty years?
A. Yes.
Q. And lived at 18 Gladesworth Drive?

A. The last residence, yes.
Q. All right. And that's the last residence y'all had together?
A. Correct.
Q. And is JJ your only son by this marriage?
A. Yes.
Q. All right. You have a child by another marriage?
A. No.
Q. All right. So this is your only son, is that correct?
A. Yes.
Q. Okay. And so you were residing at 18 Gladesworth on April 3rd, 2011?
A. Yes.
Q. All right. And do you remember the morning of April 3rd, 2011?
A. Yes.
Q. What do you remember about it?
A. Well, I remember that the night before we had music blaring all night. And Patricia had to keep going down to have JJ, we call him JJ, to turn it down. And she had planned that morning to take him out to Office Depot or whatever to get merchandise for school.
Q. Right.
A. And she was going to go out. We only had one car at the time. And I had a tennis appointment later on in the morning

---

Q. Right.

A. --- around 11:00. And we were going to swap out and do it. She went down a couple of times and couldn't wake him up. He was sound asleep on the couch.

Q. Right.

A. And I finally went down. It was about 9:30, quarter to ten, and he was on the couch. And I went out to the tennis club.

Q. All right. So how do you remember that he was on the couch at 9:30, quarter to ten?

A. How do I remember?

Q. Yes.

A. Well, the scheduled match, so to speak, was scheduled for 11:00.

Q. Okay.

A. So it takes about 20 minutes to get to the club. So ---

Q. And you've got to get dressed up and ---

A. Right. Right.

Q. Okay. So that's why you remember that your son was in your home around 9:30 til 9:45?

A. Yes.

Q. All right. And he was sleeping when you saw him?

A. Yes.

Q. And was he -- he was sleeping on the couch as described

by your wife?

A. Yes.

Q. All right. Anything unusual about that? I mean, it's a Sunday morning.

A. No. A typical Sunday morning for us ---

Q. Right.

A. --- until, obviously, Patricia saw the news ---

Q. Right.

A. --- and called me from the club.

Q. All right. And so you -- how old was JJ back in 2013 -- 2011?

A. He was born in '89. Do the math. I'm sorry.

Q. I'm not so good at it myself.

A. I don't -- well, '89 ---

Q. He was about 21, wasn't he?

A. Whatever that ends up to. I'm sorry. I'm having a senior moment.

Q. Well, you're entitled to that. So you'd gone to the club and you got a call or you got information from your wife ---

A. Yeah.

Q. --- that somebody had died over on East Lee Road?

A. Yes. She told me ---

Q. And who was that?

A. She told me it was Amber.

Q. Okay.

A. And that's the only person that I knew ---
Q. Right.
A. --- that was -- she mentioned somebody else that I didn't know. So ---
Q. How did you know Amber?
A. She had come over to the house a number of times.
Q. Okay.
A. And they had a friendly relationship for a few years. And then they dated on and off. And Patricia liked her a lot. And she used to come over a little bit.
Q. All right. Did Mr. Scott Corey Lowe come over to your house much?
A. Only if I didn't catch him.
Q. What do you mean by that?
A. He was outlawed by me, but he had -- he would sneak into the area at certain times.
Q. Okay. And so you were basically on the look-out for him?
A. Yes. I was, yes.
Q. And did you see him the evening of April the 10th or April 2nd or April ---
A. No. I hadn't seen him in a week or so, couple of weeks.
Q. All right. And so after you found out about the death of Amber Daniel what did you do?
A. I came home and tried to console my son and Patricia.
Q. Could you describe how your son was when you came home?

A. Extremely upset. He had some female friends visiting, making him feel better, talking, walking him through the whole thing, discussing when the last time that they were all together, you know, commiserating.

Q. All right.

A. He was very upset.

Q. And at that point he was still at the house?

A. Yes.

Q. All right. Did you know that your son became a suspect or a possible suspect in the murder of Amber Daniel and Chris Porcoro?

A. Not for quite a while. It was a long time. We know that it was probably -- I also moved out about that time, too. So it was kind of ---

Q. Right.

A. --- conflicting. I wasn't a hundred percent into the whole situation. But it was probably like a year or so minimum that they originally charged him with obstruction of justice because he wouldn't cooperate ---

Q. Right.

A. --- with the police investigation. But we had no idea that he was under suspicion for those murders.

Q. Okay. And were you involved in any kind of retention of Zach Ellis to represent your son?

A. I spoke with -- I came up from Atlanta a couple of times

and spoke with Mr. Ellis.

Q. All right. And did you relay to Mr. Ellis your recollection of the morning of April the 3rd of ---

A. Yes, basically I gave a deposition. And we talked about what I could contribute as a potential witness in the case.

Q. Right.

A. And I felt that we were going to participate as a witness.

Q. Right.

A. I was shocked at trial when we didn't get called.

Q. And did your son actually testify at the trial?

A. No.

Q. And do you recall if your son's cell phone records came up at the trial?

A. No, they did not.

MR. CHILDS: I think that's all I have, but hang on just a minute, Your Honor.

(Pause)

MR. CHILDS: All right. Please answer any questions that Mr. Taylor [sic] may have.

THE COURT: All right. Cross-examination.

MR. SMITH: No questions. Thank you.

THE COURT: All right. Thank you, Mr. Johnson.

A. Thank you.

MR. CHILDS: Your Honor, we may need a little break to

talk with our client about whether or not he wants to testify now ---

THE COURT: All right.

MR. CHILDS: --- in this court case. And then that'll be our last witness if that's it.

And we're waiting on -- Mr. Ellis is coming tomorrow, I believe. And we basically want to not rest our case, but actually question him -- we don't want to be in a position of giving up other issues that we want to raise with Mr. Ellis. And so basically -- I think we've also agreed to keep the record open for a witness for her deposition.

MR. SMITH: Well, ---

MR. CHILDS: Was that ---

MR. SMITH: --- we had discussed leaving the record open so we could call her as a witness at a later date.

MR. CHILDS: Right.

MR. SMITH: But she's here.

MR. CHILDS: Oh.

MR. SMITH: I think her trial issue resolved, so I may call her tomorrow and that -- we won't have to do that.

MR. CHILDS: Okay. Good.

THE COURT: All right. So as far as today, where do we stand? So if he testifies and that's it, that's y'all's case?

MR. CHILDS: Yes, sir.

THE COURT: You rest then?

MR. CHILDS: Yes, sir.

THE COURT: Okay.

MR. CHILDS: Well, we'd normally call Mr. Ellis, but he's not here today. And that's fine. We could question him tomorrow.

THE COURT: All right. And then so we've got Mr. Ellis, Ms. Owens and ...

MR. SMITH: I have -- so Mr. Ellis, Ms. Owens, Mr. Marchant and the SLED agent, who will testify about phone location.

THE COURT: Okay.

MR. SMITH: Four -- four witnesses for tomorrow.

THE COURT: All right. So what about the rest of today? Any witnesses for the rest of today?

MR. SMITH: I don't have any today. It was my understanding that their case would take the whole day. So I didn't have any more coming today. And I think there was some scheduling conflicts anyway. So ...

THE COURT: All right. I just want to make sure we will be through either tomorrow or Thursday. I mean, is there any ---

MR. CHILDS: I want to be done tomorrow, early.

MR. WILKES: Tomorrow unless he ---

THE COURT: All right. And I ask that because it was scheduled for three days. And I just want to make sure -- but

it sounds like, I mean, we've gone through it pretty good here today. And if you've got four -- potentially four witnesses tomorrow, we should be able to finish tomorrow.

MR. WILKES: Definitely.

MR. CHILDS: I think so.

MR. WILKES: Is Zach even -- call Zach ---

MR. SMITH: If you want to call him, that's -- I'm not prepared to question him today.

MR. WILKES: Oh, okay.

MR. SMITH: But, I mean, if ---

THE COURT: If y'all -- if you wanted to call him in direct and then go to cross tomorrow, I'll leave that up to y'all.

MR. SMITH: Okay.

THE COURT: I just want to make sure that we're finished by Thursday. But ---

MR. WILKES: I think we'll be finished -- it looks like we're going to finish tomorrow, and probably early. So I think we're good there.

MR. SMITH: I think we'll be finished tomorrow.

THE COURT: Okay.

MR. SMITH: But certainly by three or whatever on Thursday.

THE COURT: Okay. All right. So what I'm hearing then, we're done for today, and we'll start back tomorrow?

MR. CHILDS: I think that's a good plan.

THE COURT: Okay.

MR. WILKES: Thank you, Judge.

THE COURT: Now do y'all want to talk to ---

MR. CHILDS: Yes, sir.

THE COURT: --- Mr. Ellis?

MR. CHILDS: We do.

THE COURT: I mean, Mr. Johnson?

(Whereupon the attorneys were speaking to the officer)

THE COURT: All right. So he's not going to -- so Mr. Johnson, if he decides -- he's not going to testify today, is that what I'm hearing?

MR. WILKES: He could if -- shouldn't waste the time ---

THE COURT: Well, Mr. Smith, would you be ready to cross him? I'm not -- if you're not prepared, I'm okay with that. I'm not going to make a lawyer cross somebody if they're not ready to do it.

MR. WILKES: I think he was expecting to do him today.

MR. SMITH: Well, I'd prefer to wait, but, I mean, it's their case if that's what they want to do today, that's fine with me.

THE COURT: Well, how about if we put him up on direct and then start cross in the morning?

MR. SMITH: Sounds fine with me.

THE COURT: Would that work?

MR. CHILDS: That works fine with us. We ---

THE COURT: Y'all talk to him, and I'll just step off the bench. Y'all let me know when you're ready.

(Whereupon court was in recess at 3:21 pm)

(Whereupon court reconvened at 3:34 pm)

THE COURT: All right. Have you inquired about whether Mr. Johnson's going to testify, Mr. Childs?

MR. CHILDS: He is going to testify, Your Honor.

THE COURT: He is? Okay. And I did -- first of all, Mr. Johnson, I did like at the beginning of this thing -- now, obviously, we have already started this hearing, but you can certainly withdraw your PCR at any time.

And you do realize that if I do find that you are entitled to relief here today that it starts back over in essence and you potentially face another trial, and you could get sentenced to more. Do you understand that?

MR. JOHNSON: Yes, sir.

THE COURT: All right. And, again, we've already started, but you can certainly withdraw it at any time. Knowing that, you want to continue on?

MR. JOHNSON: Yes, sir.

THE COURT: Okay.

MR. JOHNSON: I completely understand the circumstances.

THE COURT: All right.

MADAM CLERK: Mr. Johnson, please place your left hand on

the Bible and raise your right hand.

James Johnson, being duly sworn testified as follows;

MADAM CLERK: Thank you. You may be seated. Please state your full name for the record.

MR. JOHNSON: My name is James Michael Johnson.

THE COURT: All right.

Direct Examination by Mr. Childs:

Q. Mr. Johnson, could you tell the Court how old you are?

A. I'm 33 years old.

Q. All right. And how old were you in April of 2011?

A. If I'm correct, 21 to 22. Around that area.

Q. All right. And where were you living in April of 2011?

A. 18 Gladesworth Drive.

Q. All right. Is that with your parents?

A. Yes, sir.

Q. And how long have you ---

THE COURT: If you could, ---

Q. --- been living there ---

THE COURT: --- scoot up to the mike so the court reporter can hear you.

A. All right. Sorry.

Q. How long had you been living there, 18 Gladesworth?

A. I'd say about four to five years.

Q. Okay. And what were you -- were you working at that time

in April of 2011?
A. I don't think at that time I was working. I was preparing -- I was going -- I was already going to school at that time.
Q. Okay. And your mother said something about she was getting you ready to get stuff for school.
A. Yes, sir.
Q. Do you recall that?
A. I had -- yes, sir.
Q. All right. And so can you describe the basement or the area that you were living in in your parents' home?
A. Yes, sir. In the neighborhood when you pulled up to the house and you would pull into the driveway, which was on the left side of the house, it was two stories, and you'd go around -- on the side of it was a garage and a door. And that is where my downstairs -- that was where ---
Q. All right. And did your downstairs open up into the upstairs also?
A. Yes, sir.
Q. And so your parents could come down anytime they wanted to?
A. Yes, sir.
Q. And did they?
A. Yes.
Q. All right. And do you know Corey Scott Lowe?

A. Yes, sir.
Q. How do you know him?
A. We had went to high school together.
Q. Okay. And did you know Amber Daniel?
A. Yes, sir.
Q. And how did you know her?
A. We had been -- we'd met on Facebook when we were a couple of years younger. And we had started dating.
Q. All right. And on April the 3rd of 2011 were y'all still dating?
A. No, sir.
Q. Do you know if she had been dating Corey Scott Lowe at the time?
A. There was ---
Q. Or Scott Corey Lowe? I'm sorry.
A. Something was going on.
Q. Okay. Did you have any concerns about her dating Mr. Lowe?
A. Yes, sir.
Q. All right. And were you angry at her, upset with her?
A. No, sir.
Q. Was Mr. Lowe allowed to come to your house, your residence?
A. No, sir. He was not supposed to, not at all.
Q. And your father and mother testified that he was persona

non grata at your house. Did he -- had he come over the week before?

A. If my memory serves me correct, he would come from time to time. It was kind of dabbled at the time period, back and forth.

Q. All right. Did you like him being -- coming to your house?

A. No, sir, 'cause it was always -- always an issue.

Q. All right. And so did you conspire with Corey Scott -- Scott Corey Lowe to murder Chris Porcoro or Amber Daniel?

A. No, sir. I'm not capable of such a thing.

Q. All right. And did you see Corey -- Scott Corey Lowe on the morning of April the 11th of 2011? Did you see him at any time that morning?

A. I don't think so. Not the morning. It was ---

Q. All right.

A. --- way, way later on.

Q. And later into the afternoon?

A. If it wasn't the afternoon, it was the next day.

Q. All right. And tell the Judge how you found out about what happened to Amber?

A. If my memory serves me correctly, I was on the couch, and I had Jordan Gary, the girl that I had been recently -- just started -- we had just started talking again. And she went to her grandma's and texted me and woke me up or was calling me

and woke me up. And that's how I originally first found out.
Q. Found out what?
A. That there was something that happened at Christopher Porcoro's duplex ---
Q. All right. And how did that affect you?
A. I panicked. And I think I remember -- I was a little worried. I wanted to figure out what was going on.
Q. Okay. And did you find out what was going on later?
A. Yes, sir.
Q. And how did that affect you?
A. I didn't -- I had a real hard time at first.
Q. All right. Did you go to her funeral?
A. Yes, sir.
Q. All right. When did you first discover that you were under the police's radar, so to speak?
A. They had -- they had spoke with me. I had corroborated with them -- gave -- told them, you know, gave them my statement that I had nothing to do with it. And they had released me as a suspect and said that I was fine. And then I think ---
Q. And did you talk to them about your cell phone records? It looks like they got your cell phone records early on.
A. I was not aware that they had the cell phone records until I was incarcerated at the Greenville County Detention Center.

Q. Okay. And so you didn't know that they were trying to get your cell phone records early on?
A. No, sir.
Q. All right. Did you have any concerns about your cell phone records, though?
A. No, because they -- the investigators never asked me. I was never -- what is it, a search warrant, to turn over my cell phone? I was never asked -- I gave -- I think I gave them -- told them that if they wanted -- I gave it up freely.
Q. All right. And then how long was it until something else happened about who killed Amber? Was somebody else arrested for it later?
A. Yeah. Scott Lowe and a man -- I know at that time, you know, word travels down the grapevine. So everything that was being said to the investigators was from the grapevine. It was not direct knowledge. So if ---
Q. Do you recall how long it was before Nick Granados got arrested for his involvement in the murders?
A. I don't remember, sir.
Q. All right. And do you recall when you got arrested for obstruction of justice initially?
A. I think that was -- I think 2013.
Q. Okay. And then do you recall when you got charged with murder?
A. I had a indictment served on the same day that -- I know

that I got charged with murder the same day that Scott took -- had went to court and took a plea or signed a plea.

Q. All right. And did Scott testify at your trial?

A. Yes, sir.

Q. And did anybody else -- did Mr. Granados testify?

A. I was -- I don't think he testified, but he came -- he came and he said ---

Q. Now I'm not asking about his guilty plea. We've kind of already addressed that with your parents. So that's hearsay. But did Mr. Granados testify in your trial against you?

A. No.

Q. Is the only person that connected you with this crime, was that person Scott Corey Lowe?

A. Yes, sir.

Q. And did he tell the truth about that?

A. No, sir.

Q. Now -- and there was no forensics connecting you with the crime?

A. No, sir.

Q. And did you realize that your cell phone records showed that you were on your cell phone at 9:33 that morning?

A. Yes, sir.

Q. And then, I think, 9:57 that -- later that morning?

A. Yes, sir.

Q. And are you aware that the time of death for Porcoro --

whatever the record accurately reflects, but -- and that's all in the transcript, that was about 10:00?

A. I don't -- I don't think I really knew details like the time ---

Q. Right.

A. --- or anything. I was never really told -- a lot of information was withheld from me until after I'd already been convicted.

Q. Right. But were you aware that your cell phone records indicated you were actually using your cell phone at 9:56:42 on April 3rd?

A. Was I aware that was in my cell phone?

Q. Yes.

A. I am now.

Q. All right. And that you used it previous to that at 9:33:23 ---

A. Yes, sir.

Q. --- on April 3rd? And if the murder happened at 10:00 and you had last used your cell phone at 9:56 it'd be kind of hard to jump in your car, go over to East Lee Road, do a murder, throw furniture on people, set people on fire, I think there was also a candle used, melted wax and things like that, is there any way you could have possibly pulled that off?

A. I can't be in two places at once.

Q. And you recall the testimony of Scott Lowe at trial was

that he, and Mr. Granados and you left the scene and went to Mr. Granados' trailer over there off Strange Road? Do you remember that?

A. I remember that being said, but according to phone records, that's incorrect.

Q. Right. You couldn't -- you're saying you couldn't have gone over there?

A. Right.

Q. Okay. And are you a pretty prodigious, obsessive texter?

A. I mean, I don't -- I guess it depends on what we would consider obsessive. But it's a lot -- I would say, yeah, I would stay on it most of the time. I was pretty much glued to it ---

Q. All right.

A. --- talking to somebody.

Q. Now when you were arrested for the murder charge, for the indictment for murder, did you remain incarcerated until your trial?

A. I'm sorry?

Q. Did you stay in jail until your trial?

A. Yes.

Q. And do you remember when Mr. Ellis was retained to represent you?

A. I think he was retained -- my memory -- I'm not really sure, but I think I was already being detained when I hired

him or charged me with the indictments and were investigating me because they were being pretty crucial about that.

Q. All right. And did you talk to Mr. Ellis about your case?

A. I was indirectly told what was going on between or what basically was going on with -- I was only given two pieces of documents, which was a statement from Georgia Gary [sic] and Georgia Bowers. And those are the only two statements -- those two statements is the only information that I have from my attorney.

Q. Let me redirect that question to you. You had -- you on occasion talked to Mr. Ellis, didn't you?

A. Yes.

Q. And how many occasions was that that you recall?

A. I think there was two visits before the trial. Maybe three -- no, I think it was two. One was with the investigators. Then there was two more visits at the Greenville County Detention Center.

Q. All right. And when you say with the investigators, what do you mean by that? The police?

A. Yes.

Q. All right. And so you and Mr. Ellis met with the police and talked to them?

A. Right.

Q. And what did y'all tell the investigators at that time?

A. Well, I kept telling them I was at the house, I couldn't -- I wasn't there. But, you know, they're there, you know, this hearsay thing that everybody -- there was a lot of hearsay going on between a lot of people throwing names into it. And because, you know, I had been seen around certain people, my name was thrown into it.

Q. Are you talking about during the trial where numerous witnesses testified that two names constantly came up, Scott Lowe and JJ?

A. Yes.

Q. And that was -- I believe that was a investigating officer who testified that your name and Scott Lowe's name kept coming up?

A. And I found out later that I don't think that too many people actually were saying that. I think that was just the investigator saying that in order to get information.

Q. And, in fact, you don't know ---

MR. SMITH: Objection. Speculation. Lack of personal knowledge.

THE COURT: Sustained.

Q. And you met initially with Investigator Bailey?

A. Yes, sir.

Q. All right. And then I think Investigator Brown later?

A. I'm not -- I don't know by name, but I know that I was with -- one was an investigator, then the next was the cold

case.
Q. Right. Whoever that was?
A. Right.
Q. All right. But the first guy was Mr. -- Investigator Bailey, is that what you remember?
A. Yes, sir.
Q. All right. And did you talk to your lawyer about, you know, why these people are getting to testify, that what they're hearing is JJ was involved in this? Do you understand what I'm asking you?
A. Not exactly.
Q. Did you think that was wrong or improper that witnesses could testify that they heard you were involved in this?
A. Yeah.
Q. Did you talk to your lawyer about that?
A. My lawyer kind of dished out the same information, people keep bringing your name up, this guy, Scott, is telling on you, he's saying that you were there. And, you know, that's really all, I mean, there was a lot being said at the time that I may not remember correctly. It's been ten years.

Especially three years after the murder happened when I was being questioned. There's a lot of discrepancies, too, that I may not remember 'cause -- and the only thing that I really kept telling them is that I was not there, I was at home. And they arrested me for obstruction of justice saying

that my alibi or statement was a lie.
Q. All right. And who was that that arrested you for that? What officer was that? Was it ---
A. I ---
Q. --- Brian Bailey?
A. --- think that was Bailey.
Q. All right. And did you know Officer Bailey from before?
A. Like prior to the ---
Q. Prior to April -- prior to April 3rd, 2011?
A. No, sir.
Q. Do you know if Scott Lowe knew Mr. Bailey?
A. No, I wouldn't know that. I know that he's had other charges and that he was -- had some troubles with -- and that he was being investigated or he'd been in trouble for other things at the time.
Q. Okay. And, Mr. Lowe, he got a 20 year sentence?
A. Yes, sir.
Q. And prior to trial what kind of discussions had you had with Mr. Ellis about what the strategy was and how your case was going to be defended?
A. Really it was just plain out told to me, look, everything -- they don't have any evidence on you. This guy's saying this. I advise you just not to say anything. Sit through the whole trial. We don't want to introduce anything. We don't want to say anything. We're going to let them -- and so --

and just told you. And then -- but some of the information I found out at a later time, I probably would have -- would have went against his decisions.

Q. So did you testify at your actual trial?

A. No, sir.

Q. All right. And do you know -- did you discuss that with your lawyer?

A. About testifying?

Q. Yes, sir.

A. Yes.

Q. And did you make that decision? Or did you make that decision with your lawyer? Or how was that decision arrived at?

A. I wanted to testify, but I was told that if I did it would -- there's no evidence and he just wants to just not do anything and told that they -- and let them prove the case.

Q. All right. And so -- and your lawyer got last argument, is that right?

A. Yes.

Q. Did you discuss that with him? What was the reason for that strategy, not putting you up, not calling your parents as witnesses? Did you know he was not going to call your parents as witnesses?

A. I did not. And I even asked him numerous times to put Manuel Granados on the stand.

Q. And he didn't call Manuel Granados as a witness?
A. No, sir.
Q. Didn't call either of your parents as a witness?
A. (Negative nod).
Q. Didn't call you as a witness?
A. No, sir.
Q. Do you remember testimony in your trial about the officers not only testified about your name kept coming up at trial -- during the investigation, but that they -- they had no other evidence to consider, basically there was no fingerprints, there was no DNA, there was no nothing else?
A. That's what I was told.
Q. I mean, did you hear that during your trial? I mean, the transcript will reflect it, but I'm just asking you did you hear them say there was no relevant fingerprints in this case?
A. Yes.
Q. And do you think that's true?
A. I know that is not true as of now. I knew that they did find fingerprints related to somebody that actually was there that night.
Q. The fingerprints of Ryan Waye on the candlestick?
A. Yes.
Q. And did your lawyer object to them saying there was no fingerprint evidence of any ---
A. No.

MR. SMITH: Objection. Your Honor, lack of personal knowledge and something outside the record about other fingerprints.

THE COURT: I'll sustain it on the fingerprints, but I think he asked something else. I'll let you -- I'll sustain it on the fingerprints.

Q. Well, you did review all the evidence that was produced by the State, right?

A. Did I ---

Q. I mean, you got a record -- you brought a bunch of folders here and we've got your attorney's file and everything else, right?

A. That's when I found out a lot of information.

Q. Okay.

A. Some of the information, no, I did not -- I did not know about the text messages from Nick. I had no idea that we actually had the black and white text messages from Manuel Granados' cell phone and Chris Porcoro's cell phone. I was not aware that there were text messages that could have been shown and the conversations that they had with other people that accumulated into different directions or what they did.

Q. Right. And so since that time you've had the opportunity to see your cell phone records that were not introduced at trial?

A. Yes, sir.

Q. Now, admittedly, your cell phone records -- there's a gap here of I'd say 23 minutes between the 9:33 call and the -- or text and the 9:56 call or text. Maybe that's 23 minutes. Is there any way you could have done all the things that those fellows did in 23 minutes? Traveling from Gladesworth to East Lee, going into the residence, commit the murders, going by Granados' house and then back to your house in 23 minutes?
A. I mean, I wouldn't think so. I would think that would be nearly impossible to be able to do all those things in that amount of time. I mean, because -- I don't know, from what I've seen on TV, you know, when people do something and they wind up in a situation where they, you know, there's -- there's, you know, that takes time to do stuff like that.
Q. Do you recall testimony at your trial that the officer looked at the phone records and there was nothing of value there?
A. Yes. The investigator was put up on the stand. And I think another one was, too. They said there was no useful or value information that came from any phone record or from my phone records and that they did not find any DNA or any -- the only DNA that they found came back to the victims. These comments were made in the courtroom that they did not have things -- that they didn't.
Q. That they -- that they did have?
A. Or vice versa, yeah.

Q. And did your attorney object to those ---
A. No.
Q. --- comments?
A. No, sir.
Q. Do you recall testimony that basically Lowe and -- Scott Lowe and Mr. Porcoro were both involved in drugs and that you had introduced Lowe to Porcoro?
A. I mean, those details -- I don't really remember, ---
Q. All right.
A. --- but, I mean, we were ---
Q. Do you think it would be proper to talk about your involvement in drugs in a murder trial?
A. Do I think it would be proper?
Q. Improper?
A. As me -- as me being -- that's my character?
Q. Yeah, without you testifying?
A. Yeah, I don't think that would be right.
Q. Do you remember Eric Graham?
A. Yes, I know -- I know the name.
Q. You remember his testimony?
A. No, I don't. But I know that he was arrested for -- I'm just going to say, no, I don't at this moment.
Q. All right. And the other evidence or testimony against you was some inmate from the Greenville Detention Center, is that right?

A. Yes.
Q. And what about that?
A. Do we have a copy of the playing cards with the picture on it?
Q. Well, they're in evidence at the actual trial. But he testified basically that you confessed to him, right?
A. He didn't even say that. He just says that we were playing cards and that the pictures came up. And he said that's -- that's mine. That's all he said. He didn't say that I said that I did it or -- he just said that he said that that's mine.
Q. And did you do that? Is that what you said? Did you talk to that fellow at all in the detention center?
A. Yeah, we were playing cards. I told him that this is what I'm in here for, which was a mistake. I didn't know that people did things like that, that that's not 'cause, you know, I'm not -- I may have dealt with some things I shouldn't have being young, but I didn't really deal with those type of people for real.
Q. All right. Did you have any involvement whatsoever in the planning and murder of Chris Porcoro and Amber Daniel?
A. No, sir.
Q. Did you ever leave your house the morning of April 3rd, 2011?
A. No, sir.

Q. Did you tell your attorney about your cell records, that they would -- you felt would help you?

A. Yeah. I'm not really sure about the details that were mentioned back and forth. I was aware that, I mean, I know -- I know I wasn't there, so I would have pressed the issue regardless of the phone records because I didn't have anything to do with it.

But as far as what I said or didn't say, I remember vaguely that I -- I remember the phone records were brought up. There were phone records for me. I didn't know that there were phone records from other people. And that's all I really remember.

Q. All right.

MR. CHILDS: Just one minute, Your Honor.

(Pause)

Q. Now this is really your last chance to challenge your conviction based upon ineffective assistance of counsel. So we've raised a good number of issues here. And I want to make sure I've got everything covered for you because, you know, you don't get two shots at this apple. So is there anything else you would like to tell the Court about -- relative to your conviction in this case?

A. I think there's a lot -- can you hand me my green folder over there? And, forgive me, Your Honor, but I'm going off what I've been learning. I'm teaching myself the way the law

works. So if I say something that's incorrect, I apologize.

Q. Well, we all want -- the Judge decides the law. And we want to -- what I want to ask you, is there anything else about how Mr. Ellis defended you or handled your case that you have concerns about that you want to mention to Judge Morgan here today?

(Pause)

A. I'm sorry.

Q. That's all right.

A. The defense -- I guess -- I guess you technically went over the evidence, the -- what I call phantom evidence, and the improper comments to the jury, which left me not standing a chance to fight for my life and being innocently convicted for something and have no idea what -- what I'm sitting in the courtroom for and not really understanding the circumstances even though I signed -- I did initial and I did sign that I understood. I wasn't really aware of what was really going on.

But I know that a lot of the things that the investigator said in the courtroom or some of the things were not true, which would cause the jury to already believe something or that I had information or knew something that I did not know, which left me not standing a chance to even -- even if I did stand up for myself, it left me no chance.

Q. Are you talking about the comments that all ---

A. Yes.
Q. --- JJ's name kept coming up as the ---
A. Yeah, ---
Q. You and Mr. Lowe were involved in this? That's the names that kept coming up throughout the investigator's ---
A. Yes. The fingerprints, the records. And then not -- not doing his research on details of the crime. Especially the guy that was in the county with me that said that -- he said when we were playing cards -- that man is in there for lying and giving false information to a police officer, breach of trust, impersonating, pawn shops and all kinds of stuff. And my lawyer didn't object to any of those types of things.
Q. All right. So what you're saying is that your lawyer didn't impeach the witnesses with their prior convictions?
A. Right.
Q. All right.
A. And then when they did put this guy on the stand, the Scott Lowe that said I was there, the things that he said and the comments that he made about what I did were inconsistent with the phone records and with the evidence. And nothing was objected to. Nothing was said. It was just allowed to keep going on and on. And I was -- and they -- I don't feel -- I don't think that I had a fair chance whatsoever.
Q. All right. Anything else? I know -- listen, you've had -- you've had a lot of years to think about this PCR, and we

all understand that. And so -- but we want to make sure that we've covered it. And we think we have, but I'm just asking you anything else? And we'll talk to Mr. Ellis tomorrow. We'll raise some issues with him.

A. I mean, all I know is the phone, that's really what I -- all I -- all I really can say right now is that that's what I see is the phone records is the only proof I have. I show -- that I wasn't there. I showed that.

Q. All right.

A. I got the records.

Q. All right.

A. And you've got the man that's the inside man. You got these text messages. You can read what's going on. You can read the whole conversation. I don't even know these people. I don't know if that matters or not.

But all these people that -- in that morning, seven, eight, nine, 10:00, all these people that Nick's texting that's going through these text messages, you don't even see my name. You don't even hear -- you don't see any of these phone numbers -- if you cross-reference them, you will not find one of these people, except for Scott, in my phone records.

Q. Right.

A. There's no conversation between me or nobody else. I mean, I know Chris -- Chris because he'd given me a guitar for

my birthday. That's -- because we had met. But that's -- we didn't even hang out like that.

Q. All right.

A. So that's really -- that's really the main thing because if you cross-examine these phone records and you read these text messages, you can clearly see what's going on. And you've got a guy showing -- showing up. And they've got his fingerprint. That's -- it's just horrible.

I feel like, you know, I went to college. I'm aware of the U.S. Constitution and the Bill of Rights. And I don't know if it's a -- if there's different perspectives on how to view things, or at least in my life, I feel like all my rights were violated.

Q. Right. All right. Anything else?

A. No, sir.

Q. All right. Please answer any questions the assistant attorney general has for you.

A. Yes, sir.

THE COURT: Mr. Smith, I think we -- you wanted to wait until tomorrow?

MR. SMITH: That's right.

THE COURT: All right. We'll be in recess then until tomorrow. Now, Mr. Johnson, you are staying here. I've signed an order that you are staying in the detention center here. So -- but you are still on the stand. So you can't

have any discussions with your lawyers about your testimony because you're still on the stand. You understand?

A. Yes, sir.

THE COURT: Okay. You may step down.

MR. CHILDS: Thank you, Your Honor.

THE COURT: All right. We'll start back tomorrow morning at 9:30. Anything before we adjourn for the day?

MR. CHILDS: No, sir.

THE COURT: Anything?

MR. SMITH: No, Your Honor.

MR. WILKES: No, sir.

THE COURT: All right. We'll see y'all then at 9:30 in the morning.

(Whereupon court was in recess at 4:11 pm)

Wednesday, February 1, 2023:

(Whereupon court reconvened at 9:49 am)

THE COURT: All right. Everybody ready to proceed? All right. Anything from the State before we get started? Anything from the Applicant?

MR. CHILDS: We were doing a little housekeeping earlier, Your Honor, and we were informed by the State that their phone expert's not available til tomorrow. He's sick today. And I've got a hearing at 9:30 in the morning, although, I could cancel it, but it's really kind of a urgent family court matter. But if we could take a break from 9:30 til about

10:15, I should be back over here from that by 10:15 tomorrow. And so that was my concern about that.

MR. SMITH: Yes, Your Honor. I found out this morning. I talked to him on the phone at about 5:30. He said he'd been up sick all night. He offered to send someone else today in his place, but that doesn't do me any good if he's that person who performed the analysis.

THE COURT: Right.

MR. SMITH: So I told him that I would discuss with Your Honor about having him come in the morning, if he's better, or having someone else redo the analysis and sending him. If not -- and my understanding from him as to one of those two things would be done.

THE COURT: Okay. And, I mean, that's probably the last witness, isn't it?

MR. SMITH: It would be for us.

THE COURT: I mean, I don't think we've got, I mean, ---

MR. CHILDS: I don't think -- we could call Levitan back, possibly, if there's some difference there if we need a little more about that. We could weigh that decision, but we'll have to wait and see what he -- they say.

THE COURT: All right. Well, I think that's going to be all right because we don't have -- this is the last hearing -- because we're scheduled, obviously, three days. And I've got something I have to do Friday. So I think that's fine.

MR. CHILDS: Well, Your Honor, I think even if we call Levitan after him, that would be the very last witness. And so that wouldn't carry us over into Friday in any respect.

MR. SMITH: Well, let me add one caveat to that. So within the last five minutes I'm working on getting a potential witness for tomorrow, too, maybe today or tomorrow, but that would be a records custodian. And that's five minutes of testimony. So that ---

THE COURT: Is that something y'all maybe can stipulate, a records custodian?

MR. SMITH: Possibly.

THE COURT: All right. Why don't y'all talk about that later. I mean, records custodian ---

MR. SMITH: I don't think that would really affect the schedule. And I think the expert, hour to hour and a half at most. So I think that's ---

THE COURT: Okay. All right. We ready to proceed with cross with Mr. Johnson?

MR. SMITH: Well, Your Honor, after considering his testimony today and reviewing my files, I've decided I have no questions for him.

THE COURT: Okay. All right.

MR. SMITH: And so my first witness would be Mr. Zach Ellis. Well, if they're resting.

THE COURT: All right. Any -- yeah. Is the Applicant

resting?

MR. CHILDS: We'll let them -- we're going to -- we were going to ask Ellis questions in our case in chief, but since they're going to call him anyway, I'll let them call. But we don't want to rest our case and possibly leave out an element at this stage. I just want to reserve resting our case until Ellis has testified. If they want to do direct, that's fine. Do you get what I'm saying?

THE COURT: Well, I'll leave that up to you. That's your case. So I'll leave that up to you whether you want to call him or not.

MR. SMITH: I could just cross him in your case.

MR. CHILDS: I would go ahead and call him in our case, but ---

THE COURT: All right.

MR. CHILDS: Mr. Ellis.

THE COURT: All right. Mr. Ellis, if you would come on up and be sworn.

MR. ELLIS: Yes, sir.

MADAM CLERK: Mr. Ellis, you got your hands full there. Place your left hand on the Bible and raise your right hand.

Zachary Ellis, being duly sworn testified as follows;

MADAM CLERK: Please state your full name for the record.

MR. ELLIS: Zachary David Ellis.

MADAM CLERK: Thank you very much. You may be seated.

Direct Examination by Mr. Childs:

Q. All right. Mr. Ellis, did you represent James Michael Johnson in a trial in July of 2015?

A. Yes, sir.

Q. And do you recall approximately when you were obtained to represent him?

A. I believe it was the mid to late summer or maybe early fall of 2014, something like that.

Q. Okay. And do you recall if he was in jail or out of jail during the time that you represented him?

A. In jail.

Q. Okay. And during that time did you visit with him at the detention center?

A. Yes, sir.

Q. And did you also meet with his mother and father?

A. Yes, sir.

Q. Did his mother and father discuss with you their possible testimony in the case?

A. I believe so.

Q. And do you recall what they discussed with you?

A. I believe that they said they were -- one or both of them was at home on the night of the incident. JJ had been there, that he'd -- remember they had people over, I believe, that at some point they obviously went to sleep at some point that

night.

Q. Right.

A. But that they -- they knew that when they went to sleep, at least, that he was there.

Q. All right. And are you familiar with the time-frames associated with the death of Chris Porcoro and Amber Daniel?

A. Fairly familiar. It's been seven and a half years since the trial, so ---

Q. Right.

A. --- I'm trying my best.

Q. I got you on that. Well, let me -- I'm going to show you what I'd like to mark as Plaintiff's exhibit number 12?

MADAM COURT REPORTER: Yes.

(Whereupon Plaintiff's exhibit number 12 was marked for identification)

Q. And see if you -- I know -- see if you can identify that. I know that's a hard question, but that's -- appears to be the Greenville County Coroner's Office report.

A. It does.

Q. Now do you feel comfortable in saying that that document was one that we obtained from your files?

A. I believe so.

Q. All right.

MR. CHILDS: I'd like to move that into evidence, Your Honor.

THE COURT: All right. Any objection from the State?

MR. CHILDS: That's the Greenville County Coroner's report.

(Pause)

MR. CHILDS: Is that fine?

MR. SMITH: Yeah. No objection.

THE COURT: All right. Plaintiff/Applicant's exhibit number 12 is admitted into evidence without objection.

(Whereupon Plaintiff's exhibit number 12 was admitted into evidence)

Q. All right. And now that is the Amber Christine Daniel coroner's office report?

A. Correct.

Q. And does that report have a time and date of death down in the event portion of the document?

A. It says date and time of death, April 3rd, 2011, 10:00 Eastern Standard Time.

Q. Okay. And is that your understanding of the approximate date and time of death that was being alleged by the prosecution in this case?

A. The date, yes. The time, I don't recall what the prosecution ---

Q. Okay.

A. --- alleged there.

(Whereupon Plaintiff's exhibit number 13 was marked for

identification)

Q. All right. Let me show you Plaintiff's exhibit number 13 and see if you can identify that.

A. Appears to be the Greenville County Coroner's Office report for Chris Porcoro.

Q. All right. And does that document also give the approximate same date and time of death?

A. It does.

Q. Okay.

MR. SMITH: May I see that one, too?

MR. CHILDS: Yes.

(Pause)

MR. SMITH: Your Honor, I actually do have an objection to this one. And I would revise my statement to say I have an objection to the other one, too.

THE COURT: What's the basis?

MR. SMITH: On the basis of hearsay. Because they're offering it to prove that the time of deaths was this particular time. And it's not clear to me upon what basis the coroner would have made that decision.

MR. CHILDS: Right. And it's not -- that's not the purpose of our presenting this to Mr. Ellis, it's to establish his knowledge of an approximate time for the date and death from the documents that he received from prosecution so that he knows basically about when this supposed to have occurred.

THE COURT: All right. I think the argument that it's not being offered for the truth of the matter asserted, it's offered considering -- and I hear, Mr. Childs, it's being offered, what Mr. Ellis had in his file and what he did as a result of that?

MR. CHILDS: Correct, Your Honor.

MR. SMITH: And on that basis I'll withdraw the objection ---

THE COURT: All right.

MR. SMITH: --- with that being the case.

MR. CHILDS: The estimate on the actual -- and I'm not trying to say it happened at ten -- I don't think it happened at ten. I'd like to move that into evidence.

THE COURT: All right. Exhibit number 13 is admitted into evidence without objection.

(Whereupon Plaintiff's exhibit number 13 was admitted into evidence)

(Whereupon Plaintiff's exhibit number 14 was marked for identification)

Direct Examination by Mr. Childs Continued:

Q. Let me show you what I've marked as exhibit number 14 and see if you can identify that.

A. Appears to be a Greenville EMS event report from -- it was generated April of 2011, but it is about a call received April 3rd, 2011 at 10:34 and 36 seconds.

Q. All right. And does that appear to be a record that you had maintained in your criminal defense file that you received from the prosecution at some point?
A. I believe so.
Q. What does that little red stamp on the bottom right indicate to you?
A. Pages 517 and 518?
Q. Right. Is that a Bates stamp from documents you might have received from discovery?
A. I would think so.
Q. Okay. Does that document reflect -- you know what an EMS run report is, right?
A. I do.
Q. And does that document reflect when the call's received and when the EMS went en route to the location?
A. Yes. It says the call's received April 3rd, 2011 at 10:34 hours and 36 seconds. And -- what was the other thing you wanted me to ...
Q. I think when they arrived.
A. Arrived at 10:38 and 52 seconds.
Q. Okay. All right. And are those the time-frames that you were aware of when you initially commenced your representation of the -- of Mr. Johnson? That it was an incident that happened in the morning on April the 3rd, 2011?
A. It happened in the morning, yes.

Q. All right.

MR. CHILDS: Did I move that into evidence?

MADAM COURT REPORTER: No.

THE COURT: No.

MR. CHILDS: I'd like to move that into evidence.

THE COURT: Any objection?

MR. SMITH: Same as before, Your Honor, as long as it's not being offered to prove ...

THE COURT: All right. Mr. Childs, is that correct?

MR. CHILDS: That's correct.

THE COURT: All right.

MR. SMITH: No objection.

THE COURT: All right. Exhibit number 14 is admitted into evidence without objection.

(Whereupon Plaintiff's exhibit number 14 was admitted into evidence)

Q. All right. And did you talk to Mr. Johnson about his whereabouts that morning when you commenced your representation of him?

A. Yes, I believe so.

Q. And did he indicate to you that he was at home that morning, wasn't anywhere near 2004 East Lee Road?

A. Yes.

Q. And so both his parents indicated that to you and Mr. Johnson indicated that to you?

A. Yes.
Q. Okay. And did that stay solid throughout your representation?
A. Well, I believe Mr. Johnson at one point was telling me that Jordan Gary would vouch for where he was as well.
Q. Right.
A. Possibly Georgia Bowers. But Jordan, I believe he said she should vouch for him.
Q. Right.
A. Then his parents, they told me that they thought he was at the house, I believe.
Q. Okay. So that stayed the same throughout to the conclusion of your trial?
A. Best as I can recall.
Q. Okay. All right. And so -- and then you commenced discovery in this case?
A. Yes.
Q. And did you get lots of documents in discovery?
A. Yes.
Q. All right. Did you get phone records in discovery?
A. Yes.
Q. All right. And I think you provided phone records to us when we requested a copy of your file as well?
A. I believe so.
Q. Let me show you Plaintiff's exhibit number 5, which is

the phone examination report, properties of a Manuel Nicholas Granados. Do you recognize that?

A. At this point I can't recall this, but it fairly may have come from my file. But, obviously, you know, it's been seven and a half years since we tried this case.

Q. Right. Mr. Perry testified yesterday that that's part of his records, would that also be something that you would have hopefully been provided by the prosecution? I'm sure you were.

A. I would think so.

Q. All right. Who is Nicholas Granados?

A. He was a co-defendant.

Q. All right. And you received those phone records of Mr. Granados at some point, you think?

A. Yes.

Q. Isn't that correct?

A. I would think so.

Q. And did those phone records indicate a time in which Mr. Granados was using his cell phone on April the 3rd of 2011?

A. There were several times listed for usage on April the 3rd of 2011.

Q. All right. And did those usages indicate a break in usage from the phone records? Well, let me retract that. Let me ask you a different question. Let me show you Plaintiff's exhibit number 6 and see if you can look at that, see if

that's a different document from Mr. Perry.
A. This seems to be similar, but it's certainly thinner.
Q. Right. And does it have text messages in it from -- by Mr. Granados, as far as you can tell from the exhibit?
A. It appears to.
Q. And let me see that document real quick. And let me direct your attention to April 3rd, 2011, 9:37:50 pm. Would you look at that?
A. PM or ---
Q. AM. I'm sorry.
A. Okay.
Q. And do you see a break in those text messages after 9:37?
A. Not very much of one.
Q. What's the next entry?
A. April the 3rd at 9:39:59.
Q. All right. Is that a -- is that a text message he received?
A. I'm not clear which order the names are listed, but possibly.
Q. All right. And what's the next one, then?
A. 10:16:31.
Q. All right. And is that a message that he sent?
A. If the order of the names listed -- the 9:39 text message is the first name is the one -- the person who sent the message, then, no, at 10:16 whoever received the message.

Q. Okay. Let me look at that. I might be able to help you with that a little bit. So it appears to show that at 9:37 Nick, Mr. Granados, sent a text message to Jason that said, yeah, for a second I told them, long thing, right?

A. Um-hum (affirmative).

Q. And then the next one is a text from Jason to Nick, and a text from Tiffany to Nick. One says true and the other says bae. And then at 10:17, doesn't that appear to be one from -- a text message from Nick to Tiffany? Yes. What you doing?

A. If the names are listed in that order, then, yes.

Q. Okay. Now do you remember reviewing a document similar to that during the course of your preparations for this trial?

A. I don't recall.

Q. Okay. Would that document not indicate to you a time-frame when Mr. Granados was otherwise occupied doing something else?

A. Possibly. It also -- could have just been taking a shower.

Q. Right. Well, we know that the murder happened -- he pled guilty to the murder, right?

A. Correct. He did.

Q. And that he was texting somebody at 9:37. So he probably wasn't committing a murder at 9:37, right?

A. Probably not.

Q. And then we know also that he -- the next text he sends

is at 10:17. And I'll let the record speak for itself about how frequently this man texted, but there's a lot of them there, but there's a pretty long break there from 9:37 to 10:17?

A. About 30 minutes.

Q. For this individual anyway.

A. Thirty minute break approximately.

Q. All right. Does that indicate to you about when Mr. Granados was engaged in the murder, so to speak?

A. You know, I don't know. Possibly.

Q. All right. Again, we know EMS was responding -- by 10:17 they'd already responded to a call at the location, right?

A. (Affirmative nod).

Q. And do you recall that striking to you anything else about that record during your investigation in preparation for trial?

A. I don't recall.

Q. Okay. You don't recall if that caused you to be concerned or see that it's a indication of when the actual crime occurred between those time-frames?

A. I don't remember.

Q. All right. Did you also receive the cell phone records of your client?

A. Yes.

Q. All right. And I'm going to show you page, I believe, 23

of Mr. Levitan's report. This is Plaintiff's exhibit number 6. And what he testified to yesterday is Mr. Johnson's cell phone records. And could you look at that and see if that looks like some of the information you reviewed in preparing for the trial?

A. Very possibly, yes.

Q. All right. And I'll note for you on that record that it's Uniform -- UTC Time. It's not local time, which is confusing, but the testimony yesterday was 13:33 and 23 seconds is 9:33?

A. Okay.

Q. And 13:56:42 is 9:56 and 42 seconds.

A. Okay.

Q. All right. And does that indicate to you -- would you think that information would be useful for your jury in your trial to know that your client was at least actively texting or doing something else during that time-frame?

A. Possibly.

Q. All right. Did you look into the cell phone locations -- if you look over to the right a little bit. There's numbers over there that tell you basically longitude and latitude. Did you look at that information to see what cell phone tower that was?

A. We did try to do that.

Q. Okay. And what did you find out?

A. I can't recall exactly offhand. I recall we were trying to see if we could make use of it in some way.
Q. Right.
A. But I don't recall exactly what we found out offhand at this point.
Q. Did you retain an expert to look at it? Or when you say we, who is ---
A. My staff and I.
Q. Okay. All right. Now Mr. Levitan in his report says that connects to a cell phone tower on Howell Road that's not in the area of the crime scene. Do you think that would be significant for you?
A. Possibly.
Q. Okay. Do you recall if you presented any testimony or evidence about the location -- the cell phone location of your client during the time-frames in question?
A. We did not.
Q. Okay. Why not?
A. Essentially we could not nail down the information with enough certainty to feel like we could do that. And the State was not trying to use the evidence as a way of showing where the phone was or was not. They were using it basically to show the communication between James and Scott Lowe.
Q. Right.
A. And we were -- we did not feel confident enough that we

had -- were able to nail down a location.

Q. Right. All right. And so you didn't feel comfortable enough to say that that -- those calls were outside the area of the crime scene?

A. Correct.

Q. Now are you aware that the crime scene basically was a certain amount of distance from Mr. Johnson's home?

A. Yes.

Q. All right. Did -- I'm going to show you a transcript of the proceedings in this case. I'm going to show you day two. I'm going to give you a line and a page number. And we're going to try to show that on the screen. This is going to be page 73.

A. I think I've found it.

Q. And that's going to be line 15 through 23.

MR. CHILDS: And I know you've got a transcript, Your Honor. If you need another copy you want to read from the bench, that's fine.

THE COURT: Yeah, I'm reading up here.

MR. CHILDS: All right.

Q. And in the beginning of the trial you made a motion to object to statements involving gang activity in this case. And could you tell the Judge why you did that?

A. There were multiple statements, I believe, by -- that one or more of the individuals were part of Folk Nation Gang. And

I felt that that would be impermissible and would color the jury's view of Mr. Johnson.

Q. Right. Did the -- and here the State says the State does not intend to introduce any evidence of gang activity until the point it appears relevant or an issue as well.

A. That's what it says.

Q. And do you recall that the State nevertheless did bring out some information about gang activity or a certain group in Greenville County?

A. I don't recall.

Q. All right. We'll get to that. I want to direct your attention to page 86.

A. Okay.

Q. It'll be line, I guess, 14 through 16. And this is the State's opening statement in their case, if that helps you a bit.

A. Okay.

Q. And in that Mr. Marchant says basically that Nick Granados was the inside man who had been over at Nick Porcoro's [sic] house for days leading up to the murder. Now Nick Granados did not testify at the trial, is that correct?

A. Correct.

Q. And Mr. Granados pled guilty before the trial of your client, is that correct?

A. It is.

Q. Do you recall what Mr. Granados said when he pled guilty?
A. Not exactly offhand.
Q. Okay. Did Mr. Johnson ask you on a number of occasions to try to get him to testify?
A. He did.
Q. And did you make that effort to get him to testify?
A. I did.
Q. And what effort was that?
A. Nick Granados was represented by Chris Scalzo and Stuart Sarratt. We had all been preparing the case, not together, but had been consulting with each other in the preparations of our cases thinking that the State -- we knew the State was going to do them both together if they could. We were going to object to that.
Q. Okay.
A. Once Mr. Granados chose to plead guilty basically the morning of, I believe, at the start of the trial, at that point that was a surprise. If I recall, sentencing was withheld. There was thought that he was going to testify for the State, I believe.

Spoke to Chris Scalzo in particular several times from that point on and throughout the rest of the trial to see if Mr. Granados would testify at all or testify for us to help Mr. Johnson. The answer every time was unequivocally, no, he would not. I believe prior to the last day of trial, at least

halfway through the trial, I would say I asked Mr. Scalzo if I could speak to Mr. Granados and talk to him about whether he would testify for Mr. Johnson, and he said that was fine.

I met with Mr. Granados either at the jail or the holding cell downstairs. I ---

Q. Probably not ---

A. --- don't recall which.

Q. --- going to be able to testify about what he told you.

A. Sorry?

Q. You're probably not going to be able to testify about what he told you. That's hearsay. But did Mr. Granados agree to testify?

A. He did not.

Q. Okay. Did you ever subpoena him or bring him in front of the judge and ask him to answer your questions about this incident because he'd already pled guilty?

A. I did not. He had, at this point, changed his statements and his motto he was going to say multiple times in a very short amount of time. The State had sentencing -- had been withheld. So they were still going to sentence him. And it was clear to me based on everything I'd been told from his lawyer and also that he had told me that he was not going to assist Mr. Johnson.

Q. Right. Because he was in jeopardy? His sentencing was withheld?

A. That could be the reason. He told me other things as well about why he was not going to do that.
Q. All right. And -- so let's go to page 87 of the transcript.
A. And I will say I relayed that every time I learned from Mr. Scalzo or from Mr. Granados, I relayed that to my client ---
Q. Okay.
A. --- immediately after.
Q. Line 21 through 24. So this is, again, I believe Mr. Marchant's opening statement to the jury. And it says, now, Nick has already pled guilty to voluntary manslaughter, a lesser offense than murder. He has already pled and accepted responsibility of being involved in this case. Did you have an objection to that statement by the prosecutor?
A. No, I did not, apparently.
Q. Did Mr. Granados accept -- did he just simply plead guilty to murder, I mean, to voluntary?
A. He pled guilty to voluntary, yeah. I'm ---
Q. Right.
A. --- not sure what you're asking me.
Q. I mean, did he -- it says he accepted responsibility in being involved in this case.
A. Pled guilty to voluntary manslaughter in relation to the case, if that's what you're asking.

Q. Is that what you interpreted that to be?
A. Yes.
Q. Okay. All right. Page 88, line 6 through 10. And there Mr. Marchant says, the defendant has pled not guilty and is not taking responsibility at this point in time. And it is his right. And today is his day in court. Do you find that comment objectionable by the prosecution that your client is not taking responsibility at this point?
A. I do think that that was probably overstep on the prosecutor's part to use that phrase.
Q. Right. Kind of impedes his right to a jury trial to say he hasn't accepted responsibility?
A. He certainly has the right to defend himself and has no burden of proof or taking responsibility ---
Q. Right.
A. --- using that term, that's correct.
Q. So did -- do you remember that comment in opening statements and your decision-making process about not objecting to that opening comment?
A. I do not at this point, no.
Q. Okay. Going into this trial, correct me if I'm wrong, it felt like a very difficult case for the State to prove, right?
A. Well, no -- yes and no. I recall telling my client on many occasions that this case to me was at best a toss-up for us and that he seriously needed to consider a plea offer ---

Q. Right.
A. --- because particularly if Scott Lowe were to testify that he -- that Mr. Johnson was involved, then this could go very badly for Mr. Johnson.
Q. Well, they couldn't prosecute him without Scott Lowe, right?
A. Essentially.
Q. Yeah. And Scott Lowe showed up at the last minute -- well, Scott Lowe pled guilty right before his trial?
A. Correct.
Q. And had your client -- in the transcript you'll see some discussions about y'all getting ready for Scott Lowe's trial. Were they trying to get Mr. Johnson to testify against Scott Lowe?
A. They did want him to, yes.
Q. All right. And was he willing to do that?
A. Yes, as I recall.
Q. All right. But then Mr. Lowe pled guilty and then your client got charged with murder?
A. Yes.
Q. All right. Let's go to 91, lines 15 through 21. I believe this is still the opening statements by Mr. Marchant. Is that your recollection?
A. It appears like it could be.
Q. All right. And it says, Scott begins to talk to us as

well. They're going to hear an individual by the name of Eric Graham. Eric -- Mr. Graham was interviewed by Investigator Brown early on. And Investigator Brown -- investigation -- Mr. Graham confessed to the crime. He says I'm the one that did it. Investigator Brown was not comfortable with that admission at that point in time, so the investigation continued.

Did that -- that statement there carries over to page 92, line 1 -- basically the whole page, but the first paragraph, line 1 through 7. Mr. Lowe is scheduled to trial -- was scheduled for trial in early 2013 prior to Mr. Lowe going to trial. And his lawyers came to us and they want to talk.

Mr. Lowe gives us all the information that was missing and that he implicates Mr. Johnson as the other person involved. Mr. Johnson was charged, and we're here today for his trial. Basically this is still on Mr. Marchant's opening statement, is that right?

A. It appears to be.

Q. And does this indicate or are you aware of the fact that Mr. Marchant and Ms. Salisbury interviewed Mr. Lowe on a number of occasions?

A. Yes.

Q. How many occasions? Do you remember?

A. I believe at least two.

Q. And at least on the first occasion, basically, he lied to

them somewhat?
A. Yes.
Q. And then on the second occasion he told them a little different story than the first occasion?
A. Right.
Q. All right. In your mind did that make the prosecutors both witnesses in this case?
A. No.
Q. Okay. Would they not be witnesses to prior inconsistent statements by Mr. Lowe?
A. If you're asking did they hear prior inconsistent statements from him, then, yes, they did hear them. And I suppose you could ---
Q. Was there any concern or analysis by you about that situation as far as disqualifying the prosecutors because they were possibly witnesses to Mr. Lowe's earlier statements?
A. It did not.
Q. Okay. All right. The next part of 92 is going to be the mid-paragraph, 8 through 12, which basically is still Mr. Marchant's opening statement. And you think some of this is objectionable, that he's basically going on about what his witnesses will testify about?
A. I believe in my view it was going back to Mr. Graham's statement as well was that -- this to me indicated or could indicate to a jury very easily that they didn't know who they

were looking for. They didn't have good proof on anybody, ---
Q. Right.
A. --- and that their investigation was not very good, especially the fact that they had charged Eric Graham and then ultimately they dismissed that charge. And a lot of this -- a lot of these statements sort of showed that they didn't really -- just because they had heard something or because they were pursuing something didn't necessarily mean anything.
Q. Do you think that the prosecutor in his opening statement had indicated to the jury that he believed what Scott Lowe told him on that second occasion that they talked about?
A. That's what he's basically saying at least at one point on one of the statements.
Q. Okay. Is that proper? For the prosecution to say I believe him?
A. I suppose not.
MR. SMITH: Objection, Your Honor. Mischaracterization of the record.
MR. CHILDS: Yeah, he doesn't say I believe ---
THE COURT: Refer to the record on that. I want to -- I'm unclear on that, too.
MR. CHILDS: Yeah. He doesn't say I believe him, but we'll -- we'll get to those points.
THE COURT: Objection sustained.
MR. CHILDS: All right.

Direct Examination by Mr. Childs Continued:

Q. But here he says you will hear from both investigators that their attention was and was always focused on Scott and JJ. That's not correct, is it?

A. No.

Q. In fact, later on we'll see, and we'll talk about and I'll ask you questions about that, but they -- the officers testified without your objection to hearsay statements that JJ's name kept coming up during their investigation, right?

A. I believe so. I'm not certain, but I believe so.

Q. And we'll get to that. You also -- on line 18 through 25 Mr. Marchant talked about in this case law enforcement did everything it could, fingerprinted everybody, swabbed everything and none of that information came back with anything.

A. Correct.

Q. And that's not true, is it?

A. There were fingerprints from the two decedents as well as a fingerprint from Ryan Waye, I believe it was.

Q. On a candle?

A. On a candle.

Q. And do you remember that the victims in this case had candle wax on their bodies?

A. I don't recall that, but I know there was oil on their bodies, possibly candle wax, I suppose. The oil, I recall,

but I don't recall candle wax.

Q. All right. So that wasn't a correct statement there, right?

A. No.

Q. All right. But you didn't object to that?

A. No.

Q. And then the next page is, I believe, page 93 up at the top, still opening statements of Mr. Marchant, who's talking about how the environment may have affected the fingerprints or DNA. Basically it says the environment of the situation has to be ripe for that to occur.

So the forensic evidence as it relates to the crime is the .38 caliber. There was nothing of significance that points law enforcement in one direction. The fingerprints or DNA that we're going to be able to bring to you that says Mr. Jonnson's fingerprint comes out. And was there any testimony that the environment of the apartment prevented fingerprints from being taken?

A. I believe there was testimony that the fire and also the action of the fire fighters in extinguishing the fire did affect the scene.

Q. Who testified to that?

A. I don't recall offhand.

Q. Was it -- was it the investigating officer?

A. I don't know.

Q. All right. Wouldn't that be something more appropriate for a fingerprint expert to testify about?
A. Possibly.
Q. Do you recall if a fingerprint expert testified in this trial?
A. I don't believe so.
Q. The next paragraph goes on about correct and proper for one to leave a fingerprint just because someone touches it doesn't mean someone else doesn't come behind and touches it as well. Again, explaining away the absence of fingerprint evidence in this case?
A. I'm sorry?
Q. That's trying to explain away the absence of fingerprint evidence?
A. It appears he's going in that direction, yes.
Q. Let me direct you to page 94 and paragraph -- line 9 through 17. Part of that is because we wanted to complete the circle of information and hold everybody accountable for what they did. Part of it was a decision on my part as far as negotiation and tactics and how it evolved in this case. Is that the prosecutor injecting his personality into this case?
A. You're asking me if the prosecutor's personality was ---
Q. Yeah.
A. --- entered in here? I'm not exactly sure what that -- what you're getting at.

Q. Part of the situation on my part as far as negotiation tactics, of how to evolve in this case and how to complete a -- and final resolution for Mike and Holly Daniels, who lost their sister and his daughter as well as the entire Porcoro family, who lost their brother and son. So what Mr. Marchant's saying to the jury on opening statements is basically I made these decisions about how to handle this, right?

A. That is what he said.

Q. All right. And no objections from you about that?

A. Apparently not.

Q. Okay. And so I want to direct your attention to page 105 of the transcript. And I'm going to tell you that that's the first witness, I believe, which I think is Mr. Bors from the Taylors Fire Department. You remember that testimony?

A. Not offhand, no.

Q. All right. If you look at page 105, lines 9 through 14. Apparently Mr. Bors was saying that we did, however, find a device in the oven that we believed was placed there to go off as an explosion. Once the fire took place, I believe he also found an opening in the back bedroom or back bathroom. I'm not a hundred percent sure. And to the attic area, and we believe that to be out of place. Do you remember that testimony?

A. I don't, but ...

Q. Did you object to that?
A. I did not.
Q. Would that be some type of expert testimony when someone says that we believe was -- device was placed there to go off as an explosion?
A. I'm not certain.
Q. Did they qualify him as an expert?
A. Not that I recall.
Q. All right. Page 106, line 19 through 24. I believe this continues to be Mr. Bors. Indicated that they had to pick up a coffee table and move it out of the way in front of the victims, it was in front of a couch. Do you remember that -- the scenario of the crime scene?
A. You're asking do I recall the basic -- the way the crime scene was laid out?
Q. Well, he's testifying he had to move a couch -- a coffee table.
A. Correct. That's what he says.
Q. And you remember the crime scene had furniture or blankets and things over the victims and there was a coffee table in the way and things like that?
A. Yes.
Q. And so in your opinion -- not your opinion, but that indicates that whoever committed this murder had to do some things that took some time to do at the location, is that

correct?
A. Are you talking ---
Q. They set fire -- the testimony was they set fire to the location, they poured tiki oil around. Of course, there was the wax on the victims' bodies. And there was blankets thrown over one of the victims. It took a little more time than like five minutes, isn't that your understanding of what the testimony was?
A. Probably.
Q. All right. Next page, line 6 through 8.
MR. SMITH: Motion to strike the last question. It calls for speculation.
THE COURT: Overruled.
Q. Again, this is Mr. Bors' testimony that the victim was wrapped up in something and there was a computer screen on her face, and she was completely hidden. Is that what you recall from the testimony?
A. That's what it says.
Q. All right. And then lower there on the same page, 12 through 14. Again, the discussion about the thinking there maybe was a bomb in the residence. That was never the case, was it, as far as you remember? There wasn't a bomb in there?
A. I don't know what they put in there. But there was something that Scott Lowe had talked about, if I recall, that they had put an object in -- something to try to create a fire

---

Q. Right.

A. --- of some sort to destroy the residence or destroy the evidence or what have you.

Q. Right. But you didn't object to the -- like the fireman testifying that, you know, maybe there was a bomb in the oven?

A. I did not.

Q. All right.

MR. SMITH: What's that page number?

MR. CHILDS: Page number 107.

MR. SMITH: Thank you.

Q. And let me take you to 117. I think that'd be line 12 through 23. And this is Sergeant May with the sheriff's office, who apparently was called in to check and see if there was a meth lab there. Do you remember that testimony?

A. Not with any specificity, really.

Q. All right. And line 19 through 22, it said basically -- the question was based on your experience as a narcotic investigator were you in a position to determine whether there was any particular chemical explosion that happened in that house? And he says, there was not. Do you think that he should have been further qualified as an expert before he could say that?

A. There wasn't -- if I recall correctly, there was not an explosion at the house.

Q. Right. So your position would be really not objectionable because it wasn't -- there was no explosion in the house?
A. Yes.
Q. All right. So that wasn't a harmful comment by the investigator even though he probably wasn't qualified to render an opinion?
A. I suppose.
Q. All right. And let me go to 120 in the record. And I think that's a continuation of Mr. May. Line 16 through 20. Basically they asked a question if what you saw in the house and your experience dealing with the manufacture of methamphetamine, determined these were related to a meth laboratory? And he said, they're not related to a meth lab. And you didn't object to that?
A. No.
Q. And is that for the same reason, that you didn't think that hurt your case?
A. Correct.
Q. In fact, as far as I can recall, Scott Lowe was the one that was the meth lab guy, is that correct?
A. Yes. He said he learned how to cook it ---
Q. So he'd been out of jail just a few days before this murder as far as you can recall? For manufacturing meth?
A. I don't recall how many days he'd been out.

Q. Okay. And then on page 122. It'd be line 3 through 9. Again, more testimony about whether or not there was a manufacturing of meth occurred in that duplex, is that correct? And no objection by you about his testimony there?
A. It does appear that the officer answered there was nothing to indicate the manufacturing of meth occurred in the duplex. And I did not object.
Q. All right. Next witness that testified in your trial was going to be Antonio Bailey. Do you remember Mr. Bailey was the lead investigator in the case to begin with?
A. Yes.
Q. And basically after the case went cold and he turned it over to, I think, Investigator Brown?
A. Correct.
Q. And so Mr. Bailey testified about a number of things. And one of those at page 135, line 3 through 5, that the question posed to him was with respect to bodily fluid. Do you suspect that bodily fluid -- what that bodily fluid was? And he said, it came from our victim. Was there any evidence of any sampling of the bodily fluid on the scene to determine that?
A. I don't recall. Both victims were shot multiple times. And one or both of them had been beaten as well. So I think there was blood on the floor, but I don't know that they sampled it.

Q. Was Officer Bailey qualified to testify about the origin of bodily fluids?
A. He was not qualified as a DNA expert or something of that nature if that's what you mean.
Q. All right. And you didn't object to that?
A. No.
Q. Next page, 136. This is a continuation of Investigator Bailey, line 19 through 25. Basically the question was what is the significance of tiki oil bottles, which I assume you're referring to in State's exhibit number 44? And those are, I believe, tiki oil -- photographs of tiki oil bottles. Do you recall that?
A. I recall tiki oil, the bottles ---
Q. And then Mr. Bailey testified the tiki oil bottle was significant in my opinion because when the fire department got there and after being told initially that they thought it was a meth lab, I called one of the experts and the meth labs verified it was not a meth lab. Again, normally that would be objectionable as hearsay, would it not? That he called one of the experts who told him it was not a meth lab?
A. You said did the State call the expert?
Q. No, no. He testified -- Investigator Bailey testified, I called one of the experts in the meth lab to verify it was not a meth lab. Wouldn't that be hearsay?
A. I suppose ---

Q. That's what somebody else told him, right?
A. Correct.
Q. And there was no objection to that?
A. No.
Q. And then the fire department informed me that the fire itself potentially set -- and I'm thinking the oil was used -- that's the next page. And so, again, that's him testifying about what somebody else told him?
A. Yes.
Q. Page 137, line 12 through 18. And I think this is important. So let's talk about this a bit. So we've already talked about the Ryan Waye fingerprint on the candle. And this is Investigator Bailey still testifying.

And they're asking him, and following instruction at your direction were these prints analyzed and did they provide any evidenditiary value to you in the course of the investigation? And the answer was, they were analyzed and of no evidentiary value. Did you think Officer Bailey was competent to testify about the analysis and result of the analysis of fingerprints from the crime scene?
A. I think as far as the investigator describing his investigation, he can certainly do that.
Q. He can testify about what the crime scene people told him?
A. Well, that part would arguably be hearsay, but the

fingerprints they found, again, were the two decedents and then one fingerprint of Ryan Waye on the candle holder, I believe ---

Q. Right.

A. --- it was, which was brought up again later in the case as a reason for the jury to not believe the story that was presented by the State.

Q. Right.

A. But I'm not sure what you're asking me at this point. I'm sorry.

Q. I think I forgot what I asked you, too. But isn't that basically him testifying about what the forensics guys told him?

A. Well, not necessarily. He could just be saying he believed there was no evidentiary value, which was his belief.

Q. He says they were analyzed and of no evidentiary value.

A. Correct.

Q. You think he's competent to say that?

A. I don't know.

Q. All right. And it says also did they produce any potential leads for you to follow up on? And that was a no. So you didn't object, first of all, about the hearsay testimony. I think it might be hearsay. The Judge will make that decision.

But about his conclusion about the fingerprints analysis

and that he said it didn't produce any potential leads for you to follow up on? And the answer was no. Did you ever follow up with Investigator Bailey and ask him about the Ryan Waye fingerprints?

A. I don't recall.

Q. Okay. Matter of fact, on page 138, that testimony goes even further. And starting at the top, and practically the whole page, and it says did you also have forensics analyze Mr. Vehicle [sic] -- Mr. Porcoro's vehicle? And he says, I did. Was there anything of value that came out of that? He said, fingerprints. Produce any value? No. Those prints belonged to our victim.

And, again, the only way he knows that is the forensics expert that did the examination told him this or a report told him this. It's still hearsay, isn't it?

A. It is, but I think that's the point, there did not seem to be -- my view, anything that was harming my client's case based on the analysis of Mr. Porcoro having -- his own fingerprints in his own vehicle.

Q. Right. And then they go through the entire did forensics collect DNA swabs? They did. In fact, did you ask DNA to take the monitor and analyze it? And the answer is, we took -- it goes on about, you know, did the DNA lab give you anything of evidentiary value to point you in any direction? No, sir. All of that's Officer Bailey testifying about what

he was told by a report or by a forensic expert, isn't it?
A. It is. And, again, similarly, no evidence -- and this -- I came back to later in the case as well and what I presented to the jury, no evidence -- no forensic evidence whatsoever to tie James Johnson to that scene.
Q. Right. And page 139 also Officer Bailey then gets asked questions about -- line 5 through 12 he basically testifies about why they didn't get fingerprints out of the house. Would that be more appropriate by the forensic expert that actually did the testing?
A. Probably so, yes. Again, part of our defense was that there was nothing that could -- there was no physical evidence of any kind that tied James Johnson to the crime.
Q. But wouldn't a better tactic be that the police didn't investigate this case fully and that they were, you know, they were just basically reaching conclusions on their own? And wouldn't it be better to have the forensic experts there you could ask questions of and possibly find out, you know, the extent of their involvement and the extent of their decisions?
A. I don't know. We didn't win the case. So possibly.
Q. Right. Put the case to the burden -- make the State produce their experts who told this officer that they were of no forensic value. Wouldn't that be something that you should consider in any trial?
A. I suppose so.

Q. All right. And couldn't you have done that if you had said, I object? All that's hearsay. Bring the experts in and let's hear their testimony?

A. Yes.

Q. And the reason you didn't do that was because you felt like the evidence was not unfavorable to your client?

A. Basically.

Q. Except they'd already -- he'd already said -- Officer Bailey had already said that there were no fingerprints of any relevant value. And if you called the fingerprint expert that did the Ryan Waye analysis you could have refuted that, couldn't you?

A. Well, again, that was still the point that was made later in the case by me.

Q. All right. But the reason you didn't also call the expert to find the Ryan Waye fingerprint is because you didn't -- your interest was preserving your ability to make the last closing argument in this case?

A. No. That -- so that was something we discussed as being a potential advantage. But I always tell clients that, you know, I've won cases where I've argued first and where I've argued last. And that's not a reason I'm going to call or not call anybody.

Q. Okay. But eventually you didn't present any evidence and you got the last argument?

A. Yes.
Q. Now page 140, line 1 through 14. Again, I think they're trying to say they did a thorough investigation. Did that person provide you with any information about the suspects, could be, or see anything of particular value to lead your investigation one way or another? And the answer was, no, sir. She only told me that she lived next door to the victim for about two or three years. And she had a bad ear, and she slept on her good ear. That's a clear objectionable hearsay statement, isn't it?
A. I guess that could be hearsay, yes.
Q. That is hearsay, isn't it?
A. (No response).
Q. And we'll defer to the Judge on that.
And she further told the officer -- testified to the jury that it got to the point that she would take down license tags and descriptions of vehicles, but in terms of what actually happened that morning, she was asleep and somebody got her out of the house. And have you ever interviewed that lady?
A. I don't think so.
Q. Do you know what her testimony would have been?
A. I believe she -- or I recall I think she gave a statement around the time of the incident and it was similar to that. But if you're asking me if I'd spoke to her and knew exactly what she was going to say, no.

Q. And so she also -- they also, I think, retrieved her notes or logs of comings and goings out there at 204 [sic] East Lee Road, right?
A. I don't recall.
Q. Okay. It says here that she was keeping track of all those. Do you remember there was a lady in the case that was keeping track of comings and goings out of Porcoro's house?
A. At this point, I can't recall.
Q. All right. And then the next question was did anybody around the block provide you with any information of what they seen or heard as to Mr. Porcoro's residence? And the answer was no, sir. That would be hearsay as well, right?
A. I don't know that it would be. He didn't give the statement from anyone else. He just said no one gave him any information.
Q. And page 141, line 12 through 25. So it says here, the question is of the individuals that you got phone records, did you review those records? He said, I did. He says was there anything of value you were able to get from those records? And his answer was no, sir.

Did you develop any person or persons of interest? I did. How and who were they? Me, myself and another investigator would interview probably two dozen individuals. None would give actually firsthand knowledge, but there were just two names that constantly came up, Scott Lowe and JJ.

Now the first part is if those phone records showed the whereabouts of your client at 10:00 am on April the 3rd of 2011, they would be relevant, wouldn't they?

A. Yes, but I did not know that they necessarily showed that.

Q. And so how did you not know that they showed that?

A. Again, as I mentioned, we did look at the cell phone records. We did not feel confident that we would be able to show a ---

Q. A location?

A. A location.

Q. Have you ever tried a case involving cell phone locations?

A. At that point, no.

Q. Okay. Have you tried one now?

A. It's come up -- it's in more -- it was not a major issue that hinged -- it hinged on, I would say, but it came up more recently, I suppose, yes.

Q. Okay. So you were not aware of how you would try to locate the cell tower for Mr. Johnson's phone and determine if that was in the area of the crime scene?

A. I would say I probably have a better understanding now than I did seven and a half years ago.

Q. Well, if a particular cell phone record would show your client to be somewhere other than the crime scene at a

particular time on the morning of the murder, that would be really important, wouldn't it?

A. It could be.

Q. I mean, the mere fact that the cell phone records don't show him near the scene helps the case?

A. That would help the case. Again, I did not know that we could prove that.

Q. Okay. And do you know now that you can prove that?

A. I know you're telling me that we can prove that.

Q. No, I mean, now as just general knowledge as far as ---

A. Do I know it's possible to use cell phone towers?

Q. Yeah.

A. I'm aware that this can be helpful, yes.

Q. All right. Now -- and so that -- they said that those records had no value. And did you agree with that at the time?

A. Our -- my thought was that they could not use the records either to show that he was there ---

Q. But ---

A. My concern was that he -- the records did show that he had had -- he'd had numerous communications with Scott Lowe surrounding the incident.

Q. Right.

A. My hope was that we could minimize any use of the cell phone records with any importance the jury would attach to the

cell phone records to not expose, you know, James anymore than necessary to, you know, show them that he was in cahoots with Scott Lowe.

Q. Right. But if you'd known that those records showed he was not in the area of the crime scene, you would have used them?

A. Again, I didn't think that we could show that.

Q. Right. But the question is if you'd known that you could show that, you would have used it?

A. If I'd known for a fact we could have done that, then I suppose I would have, yes.

Q. All right. The last statement on that particular page is the statement by the officer that I'll point out to you that keeps coming up in this trial is that two names that constantly came up, Scott Lowe and JJ. Will you agree that's improper for the officer to testify about two names keep coming up, and it's your client and Scott Lowe, right?

A. Well, ---

Q. I mean, that's hearsay. He's heard it from somebody else, possibly. And you can't cross-examine that?

A. Right.

Q. And you didn't object to it?

A. It appears not.

Q. All right. Next page is 142, line 5 through 13. This was another question that came right after that with Officer

Bailey. He asked to come to the office to speak with me concerning investigation. He provided me -- he provided a statement indicating he had been home with his mother and girlfriend. And that's his explanation for not knowing anything about the murders, just what he heard. That was your client going down to talk to the police about this incident, is that correct?

A. I believe so.

Q. And then did you get Mr. Lowe's phone records? And it says, I did. And it said, did your -- did that advance your investigation at any time? And the answer was, no, sir. And, again, that's -- the officer testified about what the records showed.

A. Or his opinion of ---

Q. Of what the records showed, right?

A. If he could use them in some way.

Q. Right. And there was no objection on your part for that?

A. There was not.

Q. All right. And page 140, it's going to be, I think, the top of -- the bottom of 143, line 22. Line 22 starting at the bottom. And this is still Officer Bailey, I believe. And, yes, it is. When you work a death investigation, you get a feel for working through a case and getting leads, and proving or disproving someone's alibi, whether you can get a witness you can either prove or disprove.

And then next page. Again, at the top to line 3. This particular case, these two names kept coming up. And I could never get enough evidence to disprove or eliminate them as well. Isn't that objectionable?

A. Arguably so.

Q. Again, this officer is trying to say a whole bunch of people told him that your client was involved in this?

A. It appears so.

Q. And you're not objecting to it?

A. I did not.

Q. All right. We're going to go to page -- day three. You have the day three?

A. I do not.

Q. All right. I'll direct your attention to page, I think, line 7 through 12. And this is the forensic pathologist, I believe, Dr. Fulcher.

A. Okay.

Q. And you remember that he testified and he was asked questions about Mr. Porcoro having intoxicants in his system. And he said he did. And do you recall what those intoxicants were and can you quantify those for the jury? And -- now, isn't the Pathologist Fulcher basically testifying about what a toxicology report said to him?

A. Appears so.

Q. He wouldn't have personal knowledge of the actual

intoxicants in Mr. Porcoro's system, would he?
A. It seems as far as -- the analysis, it seems he did not.
Q. All right. And you go down to line 19 through 25. And he goes in extensively about finding amphetamine, methamphetamine, all that stuff there. And you didn't object to any of that?
A. I did not.
Q. And I understand it's kind of helpful that, you know, Mr. Porcoro had a lot of intoxicants in his system to some degree, but at least you understand that the examiner, the doctor that examined the victim is probably not competent to testify about what was contained within the blood of the victim?
A. Based on the fact that he sent the specimens to the laboratory, ---
Q. Right.
A. I mean, yes, he did not do the analysis.
Q. And do you recall also Dr. Fulcher's testimony about the injuries to the victims in this case?
A. Vaguely, yes.
Q. I won't go through that. I'm not sure who's in the courtroom on this. But they were mostly to the back -- Mr. Porcoro's injuries were to his back, I believe, the back side of his body?
A. I don't recall that.
Q. All right.

A. Could be.
Q. And we'll let the record show that. And the same thing for -- but Ms. Daniel, her injuries were to the front, as I recall. Do you recall that?
A. I recall she was shot multiple times, more than Mr. Porcoro was. I don't recall exactly entry -- the direction of entry of the bullets.
Q. Right. And she was shot in the face?
A. Yes.
Q. And now your understanding was that Scott Lowe was her boyfriend at some point?
A. Yes.
Q. And that she had -- she had started living over at Mr. Porcoro's home at some point?
A. Correct.
Q. And did Scott Lowe -- do you remember that Scott Lowe testified that he thought Mr. Porcoro was going for a gun when he came in the residence?
A. I believe he did.
Q. And do you think that was consistent with the medical examination of the victims? And we'll let the records speak for themselves ---
A. No, I don't recall that right now.
Q. All right.
MR. SMITH: Objection. Calls for ---

MR. CHILDS: I'll withdraw the question.

THE COURT: All right. The question's withdrawn.

Q. All right. Page 50. Now this is the Officer Endaya from the Buncombe County Sheriff's Office, who arrested Mr. Granados, is that -- do you recall that he was arrested in Buncombe County?

A. Yes.

Q. All right. And on page 50 at line 11 she was asked or he was asked, did you subsequently have a conversation with him? And I think that refers to Manuel Nicholas Granados. And her answer was yes.

As soon as he came back he said there's nothing going on here. These neighbors are just trying to cause trouble. And it goes on through that whole section where she's asking him questions, and he's giving answers to her. Isn't that hearsay?

A. I suppose so. Again, this also does not implicate James Johnson.

Q. Right. But it's kind of allowing the prosecution to get into evidence things that Mr. Granados said that they wouldn't be able to do without him testifying?

A. I suppose that's correct.

Q. Let me go on to page 60.

A. 60?

Q. Yes, sir. It's long. The whole page, actually, is

pretty much relevant to the officer from Buncombe County. So line 1 through 25.

So she testified that he was firing a gun ultimately -- the question was was he firing -- did you ultimately determine whether he was firing the weapons? And she says or he says yes, in that bedroom. As soon as you entered the residence, it was a small bedroom. And it goes on and talks about that. And basically that information is gathered from talking to the neighbor. And would that be objectionable hearsay as well?

A. Again, I don't recall this very well. I can't tell from this necessarily if it was gathered from the neighbor versus gathered some other way. I don't -- I don't know.

Q. All right. Let me go to page 64, which is, I believe, your cross-examination where you talk about, I think, Granados ran from them, right?

A. I don't recall.

Q. All right. I want to go to page 73. Now this is the beginning of Scott Lowe's testimony. Do you remember that? Do you -- sorry.

A. You're asking me do I remember Scott Lowe testifying?

Q. Yeah.

A. Yes.

Q. All right. And this is his testimony at page 73, line 9 through 17. And so Mr. Lowe right off the bat says at line 17, 'cause we got caught smoking -- doing meth and stuff

together. And that's your client he's referring to. And so Scott Lowe is saying that your client was doing meth with him. Did you object to that?

A. No.

Q. Do you find that objectionable?

A. I suppose I could have objected to it ---

Q. Do what?

A. I suppose I could have -- could have objected to it.

Q. Certainly not relevant, is it?

A. To the murder, no.

Q. And certainly attacks your -- improperly impeaches your client's character, doesn't it?

A. I suppose so.

Q. Let me go to page 86, line 1, which is still Scott Lowe's testimony going down through line 8. It says, did you ever conduct any drugs or drugs for guns transaction with Chris Porcoro? And Mr. Lowe says, yes, I sold him a few of my guns and I bought one or two from him.

And the question was, what about JJ? Have you ever had any guns? And he said yes, sir. And question, transactions with him? Well, not with him directly, but with people he knew. Is that improper impeachment of your client's character?

A. I don't know.

Q. Did you object to that?

A. I did not.
Q. Let's go to page 93 with Scott Lowe's testimony, line 20 through 25. Actually, line 18 is the start of it. How is it that you're comfortable enough that JJ's got everything under control? And the answer is, I mean, I've known JJ for a while.
Question, and this is from the prosecutor, he's your boy? Answer, yeah. Question, and y'all was running hard? And the answer, we done stuff together previously. Is that improper character impeachment of your client?
A. Yes, probably so.
Q. And you didn't object to that?
A. No.
Q. Now page 116. I believe this is still Scott Lowe. This is your cross-examination. And I think you're asking questions about, you know, basically his plea reduction, is that correct?
A. Appears so.
Q. All right. And you said, question, close to 30, do you agree that you were originally charged with two counts of murder in this case and got it reduced to manslaughter? And his answer is yes, sir. Is that all he got out of the plea deal?
A. No. But that question goes down to, but then you also got a recommendation from the State of 20 years?

Q. Right. That's not all, though, was it?
A. I don't recall at this point.
Q. He got concurrent time from the 20 years, right? Two counts of voluntary manslaughter, concurrent, 20?
A. I think so.
Q. He also had two charges of possession of a weapon during the commission of a violent crime?
A. Correct.
Q. And those were run concurrent, five year sentences each? Concurrent with his 20, is that correct?
A. Yes.
Q. And did you know that he was on probation at the time for manufacturing methamphetamines?
A. I don't recall at this point.
Q. Would you be surprised if he was still on probation for manufacturing methamphetamines?
A. No.
Q. And that that charge was -- that ---

MR. SMITH: Objection. Refers to matters not in evidence. We don't know about Mr. Lowe's record at the time. That hasn't been established.

THE COURT: I'll overrule. He asked him if he knew. And he responded he didn't.

Q. Did you know that a ---
A. I think the point I was making at the time was he got a

-- and I said this, he got a very good deal from the prosecutors in exchange for his testimony.

Q. Right. I mean, it's better than just you got a recommendation for 20 years. It's got -- you got two life mandatory murders reduced. And you also got several other charges taken care of at the same time and all ran concurrent, right?

A. Correct. And the argument I made throughout the case up to the end was that the State bought his testimony, that they got what they paid for.

Q. Right.

A. Got what they were after.

Q. And he was on probation -- I'm just looking at the record. I can show that to you. You're probably familiar with it.

(Whereupon Plaintiff's exhibit number 15 was marked for identification)

(Pause)

THE COURT: Why don't we -- this is probably a good time. Why don't we just take our morning break here while y'all discuss those documents. We'll be in recess -- Mr. Childs, I'm not holding you to time, but just trying to get an idea ---

MR. CHILDS: Yeah, it's a good time for a break.

THE COURT: Okay.

(Whereupon court was in recess at 11:22 am)

(Whereupon court reconvened at 11:40 am)

THE COURT: All right, Mr. Childs.

MR. CHILDS: Thank you, Your Honor. I'd like to move in Plaintiff's exhibit number 16. 15, I'm sorry.

Direct Examination by Mr. Childs Continued:

Q. And so let me show you Plaintiff's exhibit number 15 to see if you can recognize that. You probably don't recognize it individually, but can you tell us what that is?

A. You're correct, I don't -- individually don't recognize it, but I believe it is the -- appears to be the non-true billed indictment possibly for Scott Corey Lowe for manufacturing methamphetamine.

Q. Okay. And are you used to looking at those documents?

A. Yes.

Q. Can you see on those documents that Mr. Lowe's probation was terminated when he pled guilty to the murder charges?

THE COURT: All right. Any objection to exhibit number 15, Mr. Smith?

MR. SMITH: That's just a general sessions record?

MR. CHILDS: Right.

MR. SMITH: Okay. No objection.

THE COURT: All right. Exhibit number 15's admitted into evidence without objection.

(Whereupon Plaintiff's exhibit number 15 was admitted

into evidence)
Q. And so does that show that his probation was terminated when he pled guilty to the murders?
A. It does appear to show that.
Q. All right. Now in addition to that you asked him about the reduction in his charge for murders. You talked about the -- so from murder to voluntary manslaughter, recommendation of 20 years. Also as far as the -- now we've seen the -- also part of that -- what happened to him is he got his probation terminated.
A. (Affirmative nod).
Q. And those public records, those records you could have checked on Mr. Lowe yourself, is that correct?
A. Yes.
Q. And then you would have been aware that Mr. Lowe's probation was terminated at the same time?
A. Yes.
Q. And in addition to that did he also have an armed robbery charge that was dismissed?
A. I believe so.
Q. And is that potential penalty up to 25 years and a mandatory of seven years?
A. I think it's up to 30 years, I believe.
Q. Thirty years, mandatory seven? I could be wrong.
A. Ten, I think.

Q. All right. And you didn't mention that in your questions to Mr. Lowe at trial?
A. I'm finding the page again. I don't recall exactly, but I don't know that I did. My point I was making to him and continued to make throughout the trial was he got a very good deal, which he candidly admitted that he did ---
Q. Right.
A. --- and that basically in my view his testimony was bought and paid for.
Q. All right. Did you know that Mr. Lowe had been arrested by Officer -- Investigator Bailey just a -- April -- on May the 6th of 2011 for burglary in the first degree?
A. I don't recall at this time.
Q. A.L. Bailey was the chief investigator in the murder case, was he not?
A. I believe so.
Q. And did you not check public records on Scott Corey Lowe's arrest for burglary in the first degree?
A. I don't recall.

MR. CHILDS: We'll mark this.

(Whereupon Plaintiff's exhibit number 16 was marked for identification)

MR. CHILDS: I'd like to move into evidence Plaintiff's exhibit number 16, which is warrant number 1433352.

MR. SMITH: No objection.

MR. CHILDS: All right.

THE COURT: All right. Exhibit number 16 is admitted into evidence without objection.

(Whereupon Plaintiff's exhibit number 16 was admitted into evidence)

Q. So were you aware that Mr. Lowe had been arrested some 11 days after the murders for burglary in the first degree?

A. I don't recall offhand.

Q. All right. Would that be something significant for your consideration at the trial?

A. Possibly. I don't know.

Q. I think even more significant is the fact that the chief investigator in this case, Mr. Bailey, Investigator Bailey, A.L. Bailey with the sheriff's office is the one that arrested him on May the 6th of 2011. Would that be very significant to you?

A. I don't know. Possibly.

Q. That would mean that Mr. Lowe had interacted with Investigator Bailey just like within a month following the murders?

A. Well, possibly in some way, shape, or form, but just not necessarily true not knowing all the details of that case.

Q. Okay.

MR. CHILDS: Let me mark this.

(Whereupon Plaintiff's exhibit number 17 was marked for

identification)

Q. I'd like to show you Plaintiff's exhibit 17. Does that appear also to be Mr. Lowe's arrest for assault and battery, third degree?

A. It does appear to be.

Q. All right. So what is your process for impeaching a witness at trial on his criminal convictions or his criminal history?

A. So if he has criminal convictions that are applicable, then, obviously, we can bring those up. There are certain rules, obviously, that govern what can and cannot be brought up ---

Q. Right.

A. --- in court.

Q. But, I mean, one process would be getting a copy of their arrest warrant and their indictments for those offenses, would it not?

A. It could be.

Q. And you can't recall whether or not you knew that Mr. Lowe was arrested soon after the murders for another offense? You can't remember that?

A. I believe -- I am aware that he was arrested for something not long after that. But if you're asking whether I recall specifically from seven and a half to eight years ago, no, I don't ---

Q. Right.
A. --- remember.
Q. That's a fair answer.
MR. CHILDS: I'd like to move that exhibit in, which is 17.
THE COURT: All right. Any objection?
MR. SMITH: No objection.
THE COURT: All right. Exhibit number 17 is admitted into evidence without objection.
(Whereupon Plaintiff's exhibit number 17 was admitted into evidence)
Q. I want to direct your attention to page 123.
A. This is of day three?
Q. Of day three. And I think this is a continuation of your cross on Scott Lowe. It went on for a good while.
A. Yes, sir.
Q. And you impeached him, actually, on his different prior inconsistent statements to the police as well, didn't you?
A. I believe so.
Q. And I'm one page forward too far. Let's say page 122, line 24. And you asked Mr. Lowe around that time had Nick been arrested. And you meant Nick Granados?
A. Yes, I believe so.
Q. And Mr. Lowe said he was arrested prior to me, if I'm not mistaken. And then -- and your next question was, he had

given statements to law enforcement. And I wanted to ask you why you asked whether or not Mr. -- why Nick had given statements to law enforcement?

A. I don't recall at this time.

Q. Okay. Your next question might explain it, though. And you said -- he said yes, sir. And you said, about you? And the answer was yes, sir. Did Nick Granados, to your recollection, give any statements implicating JJ?

A. I don't think he did.

Q. And would that be a good opportunity to ask him that, to say, you know, Nick Granados gave a statement implicating you, but not JJ?

A. I guess it could have been.

Q. All right. Page 125. And this is a continuation, line 13 through 21, about your cross-examination on his plea deal with the prosecution. And, again, I just concentrated on the murder charge, which you, I suppose, you felt like was the most important aspect of that cross?

A. Correct. I mean, the murder case was the primary charge. It was the -- it was the charge that was most serious, carried the most time.

Q. Right.

A. We were -- the State's primary aim seemed, and in our case as well, was about a murder charge. I think that was the focus.

Q. Let me direct you to 129, page 129, line 11 through 18. And so you were asking -- Mr. Lowe was answering your questions about what happened when y'all -- when they were going to the East Lee Road crime scene. And basically your first question up there at line 8 is did you wait outside before you went in to do the robbery? And he said no.

And your question, got there, jumped out of the car and went right in? His answer was, we looked at it for a minute outside in the vehicle. And then, question, we came back and got in the car, drove to Nick's, drove around some more. This mystery person you don't know? And he said uh-huh.

A. Um-hum (affirmative).

Q. And just for the record, the mystery person you're talking about, did a good job on cross-examining on that, was this fellow that Scott Lowe said was driving the car and nobody knew, right?

A. Right.

Q. And would it have been helpful at that time for you to understand that your client had used his telephone at 9:33 and used it again at 9:57?

A. Possibly.

Q. You were aware, right, these cell phone records that you got on your client had, you know, GPS, longitude and latitude locations on it, right?

A. I think so.

Q. And you were aware that those -- that that's been readily available for, what, as far as I can remember? And that you could check that to see where a person is located within a cell phone tower area to determine if they're in that area or out of that area?

A. To a certain degree. My understanding is lots of other factors also play into that, but sort of, yes.

Q. Right.

A. But, you know, I'm not a cell phone tower expert either, so ...

Q. Right. And so -- but you didn't get a cell phone tower expert?

A. We did not.

Q. You just kind of gave up on the cell phone record issue?

A. Again, we were primarily concerned with whether it showed collusion, or corroboration, communication, et cetera between Mr. Johnson and Mr. Lowe. And that was -- it also did not appear to be an ability to get a cell phone expert at that time.

Q. All right. In 2015?

A. Well, in terms of how -- how to locate one, at least, that would -- essentially there were other factors. There's no ability to afford one given the parameters I had for the case.

Q. All right.

A. My primary thought was the State was using the cell phone records to show that the two of them were communicating. We wished to minimize that or mitigate that to keep that as non-hurtful as possible to Mr. Johnson.

Q. Right. What about Mr. Porcoro's phone records? Didn't they reflect that Mr. Porcoro stopped texting for a certain period of time around the time of the murder?

A. I don't recall offhand.

Q. All right. Did you look at Mr. Porcoro's records?

A. I would -- I would imagine I did. I don't recall at this time.

Q. All right. And do you know that there were no text messages or phone calls between Mr. Porcoro and your client?

A. I don't recall at this time.

MR. SMITH: Objection, Your Honor. I don't think that's in evidence.

THE COURT: Mr. Childs.

MR. CHILDS: I think it is.

(Pause)

MR. CHILDS: I'll have to check that, Your Honor.

THE COURT: All right. For now objection sustained.

Q. Let me direct your attention to page 176, line 18 through 24. And you recrossed -- you got to recross Mr. Lowe, did you not?

A. Yes.

Q. And you asked Mr. Lowe, do you recall during your interview with Solicitor Marchant, Investigator Bailey in March of last year where investigator made a number of comments to you throughout the interview, right? The answer was yes. Letting you know that, yeah, you were on the right track. No, you're not.

And so you at that time knew that Solicitor Marchant had interviewed Mr. Lowe at least back in March of last -- the year before that? You know that Mr. Marchant had interviewed Mr. Lowe?

A. Yes.

Q. All right. You played several videos for the jury as far as Mr. Lowe's statements to the police that were videotaped. And they were somewhat redacted. Do you recall that?

A. I recall there were videos. I recall we had some redactions, but, no.

Q. Okay. All right. I'm going to direct you now to page 199 and ask you some questions about line 4 through 15. I'll show them to you.

A. Which lines again?

Q. Four through 17.

A. Okay.

Q. That's where they introduced, actually through Mr. Daniel, introduced his own cell -- his own telephone records and they were introduced into evidence?

A. Okay.
Q. Do you recall that?
A. Yes.
Q. And that's the only cell records that were introduced at trial was Mr. Daniel's cell records?
A. I believe so.
Q. And Mr. Daniel was the victim's father?
A. Yes.
Q. And that was intended to show that Mr. Johnson had called him that afternoon, is that correct?
A. I think so.
Q. And you had no objection to the introduction of those records?
A. Ultimately, yes. Correct.
Q. No objection. Any objection? No, sir. And so you thought that was competent for Mr. Daniel to introduce his telephone records or you wanted them in?
A. I'm sorry?
Q. Or you wanted them in?
A. Well, again, I didn't -- the use that they were -- as you can see, there was a bench conference there. And given the use that the State was trying to make of them and so forth, it did not appear to be damaging to Mr. Johnson.
Q. All right. Well, you thought Mr. Johnson was competent to introduce the records of this telephone company?

A. Are you asking do I think that ---
Q. Mr. Daniel ---
A. --- the owner of the account was competent to do that?
Q. Yeah.
A. No. Obviously, a record keeper would be needed to do that. That was part of also what was discussed at the bench conference.
Q. All right. So I'm going to direct your attention to page -- day four. And let's direct your attention to page 6 -- no, sorry. Page 7, line 25 through page 8. And I believe, again, this is Investigator Brown now with the sheriff's office. And he was the second investigator in the case, is that correct?
A. Yes.
Q. And so Mr. Marchant asked about -- he said, without telling us what she said, did that point your investigation in a direction at that point in time? And he said, it did. And he asked her -- him, where were you headed? And his answer was, I was headed toward two individuals. Those two individuals were who? And the answer was, James Johnson, the defendant, and Scott Lowe. So, again, that's objectionable hearsay, is it not?
A. I believe that it was. There was no relaying of what anyone told him or ---
Q. Well, there's an implication of what they told him, what the implication is, that your client committed the murder

along with Scott Lowe.
A. I think it's saying -- my reading of it was Investigator Brown was saying that he was investigating them.
Q. They're talking about removing Ms. Ann Berry from the jail. Let's go back to page 7. And that's up at line 16. And basically, what was the nature of your interaction you had with Ms. Berry? I was advised through her attorney that she had -- may have information on this case. He pulled her from the detention center to speak with her. She was removed from our jail, from the detention center and she was interviewed.
And then he -- the next page, gets asked the question of at that point in your investigation and direction at that point in time? And he said it did. And he said, where were you headed? I was headed toward two individuals. I mean, what else could you assume by that comment than to say Ms. Berry was telling him that your client and Mr. Lowe did the murders?
A. You know, I don't -- I don't know if that'd be hearsay or not, given the way it was phrased and the information that was elicited.
Q. Okay. At page 11, again, Officer Brown, and line 15 through 19. Basically the same kind of thing. It was learned from one of the potential suspects that one of the potential suspects was observed possibly throwing something into this pond. Who was that? Scott Lowe. And isn't that hearsay

based upon what the officer was heard -- heard from someone else tell him?

A. Again, giving the phrasing of it, what was elicited, I'm not sure the condition to which, you know, Mr. Johnson was not implicated and the guns that were ultimately located did not match anything from the scene.

Q. All right. Let's go to page 9.

A. I don't think I have page 9. Oh, it's -- I'm sorry, I do have it.

Q. Line 12 through 21. Again, this is Officer Brown. He's talking to Eric Graham now. Did Mr. Graham give you details of the crime? He did. Did you make a charge at that time? No, I didn't. Why not? Because on his happenings of the way he said that it occurred, in my experience, it just didn't match up. His story was totally false. He had originally said he had direct knowledge and proved different. Doesn't that call -- isn't that speculation?

A. Based on what he did relate to the police, my -- if my memory serves versus what the physical evidence that was actually found at the scene, that's not an incorrect statement.

Q. All right. And page 10, line 5 through 9. And, again, Officer Brown, as a result of speaking with Mr. Clark, what did you do? What did you do? I gained some information from Mr. Clark that a possible weapon or weapons can be in a

particular pond on Wade Hampton Boulevard in Taylors. That's hearsay, isn't it?

A. Again, as I was saying a moment ago, the weapons that were found had no relation to the crime.

Q. Right. Page 14. And this is the interview with Nick. And this is asking Officer Brown about it. And it's question, line 6, Nick tell you anything in the interview that advances the investigation? The answer is yes. Doesn't that imply that Nick told him that JJ was involved?

A. No.

Q. Okay. Because Nick didn't tell the police that JJ was involved, did he?

A. Correct.

Q. And he goes on to say, don't tell us what he said, but tell us what you -- based off of that what Nick tells you. And he says, I arrested Scott Lowe. And the question was did you arrest anyone else at that time? No. Were you looking for anyone else at that time? The answer was yes. How many other people? And the answer was one. Wasn't that objectionable? He's still trying to tell the jury that a whole bunch of people are telling him that Mr. Johnson did -- did this murder and they're not testifying at the trial?

A. I don't necessarily agree with that. He was saying what he was -- when he was investigating what his thought process was.

Q. So, I mean, he's already said that there were only two suspects, Scott Lowe and JJ in his mind, right?
A. I believe there's one statement we went through earlier where he mentioned that.
Q. Yeah. And so now he's getting to say, well, you know, I was looking for one other person. And that's basically his opinion as to what the evidence shows him when he says I'm looking for one other person or I'm -- or JJ's the name that keeps coming up? That's basically the officer's speculation about basically what the jury would decide, isn't it?
A. Again, he keeps giving his opinion.
Q. And do you think he can give his opinion about the ultimate guilt or innocence of a defendant?
A. He's, again, talking about, you know, where his investigation's leading him, but I don't think he's saying anything on guilt or innocence.
Q. Isn't it prejudicial for people to testify that the investigation is leaning to your client?
A. I suppose so.
Q. All right. Next page, page 15, line 1 through 17. And you already testified about the pretrial conference you had about Folk Nation or whatever that was. And this is still Officer Bailey.
If you go back to page 14, line 24. And he says, I knew I was looking for a third person in between the first

interview with Graham. I learned that some of the interview -- individuals involved in this incident were affiliated with a certain group in Greenville. I felt the need to interview Mr. Graham.

And that went on and said where did the interview take place? He was housed at the department of corrections. And then they asked for a physical description of him, which included a lot of tattoos. And then they were asked to describe to the jury those tattoos. And then you objected.

A. Right.

Q. And you objected why?

A. I thought it was possibly going down the path toward -- I believe -- again, I'm just trying to recall this, but I think it appeared they could be trying to go down the path toward some kind of a ---

Q. Trying to say your client was a member of a gang, ---

A. Right.

Q. --- right? But the next thing was that after you objected and the next page on page 12 ---

A. I think page 16 is the next page. I think they're out of order.

Q. I believe it is 16. And this is Officer Bailey, continued to be asked questions about his investigation. And now he's talking about interviewing Mr. Graham. Line 6 through line 25. And basically talking about the different

statements that Mr. Graham gave and that there were still some discrepancies.

And then finally in the end at the last he says, this time he told me Ms. Daniel was affiliated with a certain group in Greenville and had a -- and had -- and a hit had been handed down on her. He knew that Scott Lowe was close to Ms. Daniel. So he appointed Scott Lowe to carry out the hit. He was there to observe. And so there's the gang activity that you objected to, isn't it?

A. They never said anything about Folk Nation or a gang in any of that colloquy, so ...

Q. Well, aside from hearsay, I mean, this is testifying about what Mr. Graham told the officer, right?

A. Yes.

Q. And then he says, you know, I think they're involved in some kind of group and that he was there for a hit or something. And that wasn't true at all, was it? Mr. Graham had his charges dropped, weren't they?

A. Correct. Pretty much everything Mr. Graham said was false.

Q. Right. Well, this connected your client with a possible gang in Greenville County, didn't it?

A. Not necessarily.

Q. No? And you didn't object?

A. No.

Q. And let's go down to page 17, line 13, which is an answer to a question above that. It says the jury knows -- is already told that those charges were dismissed. When were those charges dismissed against Mr. Graham? And he says, well, they were disproved pretty much. There were still discrepancies in his description of what took place. He gained representation. He was evaluated. That was just the basics. He didn't appear to be truthful. Well, I disproved it. And so, again, isn't that the officer just reaching a conclusion about what he thought the investigation showed?

A. As I was mentioning a moment ago, the evidence that was found on the scene compared with the statements Mr. Graham gave, if I recall, were inconsistent. And if I recall, I think I also was aware that Mr. Graham had a habit that had been proven at that point of lying on multiple crimes, not just this one, and had mental problems.

Q. Okay.

A. Also, I thought that -- also helped to refute anything Mr. Graham had to say about much of anything.

(Pause)

MR. CHILDS: Let me check my notes real quick just for a few minutes.

THE COURT: All right.

(Pause)

(Whereupon Plaintiff's exhibit number 18 was marked for

identification)

Q. Let me show you Plaintiff's exhibit number 18 and see if you can recognize that.

A. Yes.

Q. All right. What is that?

A. It's a forensic latent print analysis report generated by the Greenville County Sheriff's Office. And it is the report showing that one of the -- a print found on a glass jar and a candle at the scene was the print of Ryan Waye.

Q. All right. And so did you receive that in discovery?

A. I did.

MR. CHILDS: I'd like to move that into evidence, Your Honor.

THE COURT: All right. Any objection?

MR. SMITH: Your Honor, as long as it's not being offered for the truth of the matter asserted.

MR. CHILDS: It's not.

MR. SMITH: Then I have no objection.

THE COURT: All right. Then exhibit number 18 is admitted into evidence ---

MR. CHILDS: All right.

THE COURT: --- subject to the State's objection, but I'm overruling it.

MR. CHILDS: All right.

(Whereupon Plaintiff's exhibit number 18 was admitted

into evidence)

Q. And, again, your understanding of the evidence at the trial or the evidence concerning Mr. Porcoro and Mr. Daniel [sic] was that they had a degree of candle wax on their bodies?

A. Again, as I said earlier, I don't recall it at this time. I know you've mentioned that.

(Whereupon Plaintiff's exhibit number 19 was marked for identification)

Q. Let me show you this. See if you can identify this.

A. Appears to be one of the supplemental reports from the sheriff's office.

Q. All right. And did you receive that in your discovery?

A. I believe so.

Q. All right.

MR. CHILDS: I'd like to move that in.

THE COURT: All right. Any objection?

MR. SMITH: No objection.

THE COURT: All right. Exhibit number 19 is admitted into evidence without objection.

(Whereupon Plaintiff's exhibit number 19 was admitted into evidence)

Q. All right. So am I correct that the prosecution on closing arguments had indicated that Ryan Waye's fingerprint was found on an ashtray?

A. I don't recall.
Q. Okay. But that wouldn't be correct if that was said, would it? Is that correct?
A. It would not be correct if it was said.
Q. All right. So Mr. Johnson did not testify at trial?
A. That's correct.
Q. And did you discuss that with Mr. Johnson?
A. Yes.
Q. And what did you discuss with him?
A. I can't recall all the specifics. We discussed his right to testify or not testify and how the judge would instruct the jury if he chose not to, the risk of testifying, of course, covering the statements he'd previously given to law enforcement had gone as well as the pretrial motion, Jackson v. Denno hearing.
Q. All right. Were there a lot of concerns about him being impeached with a prior record at all?
A. I believe so.
Q. All right. There was something out there for when he was younger?
A. I think so, yes.
Q. And did he ask about would his testimony help the case or hurt the case? Did he ask you about that?
A. I don't recall. He may have.
Q. Okay. And your opinion was?

A. My opinion was that it would not prove helpful based primarily on what I thought might happen on cross-examination.
Q. All right. And so you were worried about his responses on cross-examination?
A. Among other things, yes.
Q. All right. So at that time he'd been in jail for how long?
A. About a year and a half, I think.
Q. Okay. Now did you -- we also talked about his mother and his father, who apparently have stellar records and are fine people, who said they would testify that, you know, he was at home with them the morning of the murder. And so you didn't call them as witnesses. Could you tell us why?
A. If I recall -- I can't remember all the exact details. I did speak to his parents, both of them numerous times.

MR. SMITH: Objection, Your Honor. I believe that's a mischaracterization of the truth of the records of Mr. Johnson's parents.

THE COURT: What's your objection to his question? The question was asked what -- have you talked to the parents.

MR. SMITH: The question was that they have stellar records. There's no evidence in that they have stellar records.

MR. CHILDS: I can rephrase that. I can ---

THE COURT: Just rephrase it.

Direct Examination by Mr. Childs Continued:

Q. To your knowledge did they have any criminal record at all, either one of them?
A. Not that I can recall at this time.
Q. So that wasn't a consideration in whether or not they testified as an alibi witness?
A. I don't recall at this time.
Q. All right. And so what was the consideration?
A. Again, I can't remember all the specifics, given the lapse of time. I believe that there was -- in speaking to both of his parents on numerous occasions and also, of course, to my client as well, if I recall correctly there was concern that the times when the murder could have occurred that they were not able to positively place him where he would not have been at the murder scene.
Q. Right. Well, a concern that they couldn't say exactly at 10:00 where he was?
A. Whatever time ---
Q. Right. But sure enough if he had a cell phone that showed where he was, that would have helped a lot, wouldn't it?
A. Maybe.
Q. Maybe?
A. (No response).
Q. At the time of the murder, if he was somewhere else,

according to the cell phone, wouldn't that be almost a slam dunk for you?

A. My son loses his cell phone all the time. Just because his cell phone is somewhere doesn't mean that he is.

Q. That's a good point. But he can't use the cell phone when he loses it.

A. Correct.

Q. He can only receive calls, he can't send any, right?

A. Right.

Q. And so the function is whether or not you send calls and also receive calls. But, you know, where you're at when you send them is more important, I guess, than receiving them because you couldn't have lost your phone if you're sending stuff, right?

A. Right.

Q. And that would have been very helpful if you could have established that?

A. I would think so.

Q. And I'm just trying to figure this out. Is it you didn't really know how to do that, or you couldn't find an expert to do that or what's the explanation for that?

A. Essentially, again, we spent some time trying to analyze it to see if we could make use of it in some way. We could not figure out a way to do so in a way to give us confidence we could establish anything with it.

Q. Why?
A. Based on our -- the amount of knowledge we did have about the cell phone records, my staff and I at the time ---
Q. Right.
A. --- versus what we thought we could prove.
Q. But I mean you could subpoena the -- you know this. I mean, you've subpoenaed cell phone records all the time. And they -- and if you ask them, they'll send you a location of all our cell towers when you subpoena them, right?
A. Yes. My understanding of the way the cell phone tower works is it just -- it doesn't necessarily mean that the phone being close to a tower physically is actually the tower it's pinging off of.
Q. Right.
A. So you just know where the towers are and also where the phone seems to be located physically nearby that only has maybe limited utility at best.
Q. You can't -- you can't exclude -- you can't say where in the cell tower they were, just whether or not they're in that area, right?
A. Basically.
Q. But you can basically say they're not in another area when a cell tower covers another area and they're not in that area?
A. Again, going down exactly how close you can dial that in,

no pun intended, I don't know, I mean, certainly if you see a cell tower in Greenville County, I can be pretty assured it's not in Washington State. But ---

Q. Right.

A. --- yeah, I'm not sure how to answer that any -- any differently at this point.

Q. But you've known that cell tower locations have been readily available for years?

A. Yes.

Q. All right. And then all you need to know from then is, you know, what the radius of the cell towers are, how far they broadcast or ---

A. Well, I think direction matters, but there is other factors is my understanding.

Q. North, south, whatever?

A. The cell towers don't necessarily cover a circular range. It's ---

Q. Right.

A. --- pointed in a certain direction and only covers a certain area.

Q. Right. And did you know at the time the cell records can show if someone traveled by the fact that they were picked up in one cell and they were picked up at another cell and you could follow someone's travel with cell phone towers?

A. You possibly could do that.

Q. All right. Hang on just a minute.

(Pause)

Q. I thank you for your time. If you could answer the assistant attorney general's questions, I'd appreciate it.

THE COURT: All right. Cross.

Cross-examination by Mr. Smith:

Q. Mr. Ellis, could you tell me when you were admitted to practice law in South Carolina?

A. That would have been, I believe, the fall of 2003.

Q. Okay. And what's the summary of your legal experience?

A. I was a judicial law clerk for one year for the Honorable Derham Cole. I then was a assistant solicitor in Anderson County for approximately half a year.

Q. Okay.

A. Then also a solicitor in Spartanburg County for, I think, in the neighborhood of eight or more years.

Q. Okay.

A. And then I've been in private practice at this point for a little over ten years.

Q. Okay. Can you tell me just a general outline of the facts of the case as you remember them?

A. Basically there was a murder at a house where Chris Porcoro was a drug dealer. Amber Daniel was with him at the time. She was probably there because of the drugs instead of with him.

She had previously dated Scott Lowe and there was some implication that she'd previously dated James Johnson. The two of them were murdered in Chris' home. They'd both been shot multiple times. One or more of them had been beaten. And there was a fire set at the scene.

The case basically went cold for some time after the initial investigation. I couldn't determine the information. Some of the timeline, it's hard to recall exactly at this point, but somewhere in there Eric Graham confessed to being involved in the murder that was later disproven. It basically was shown that he had psychological problems causing him to confess to multiple crimes he didn't commit in various times and locations.

Ultimately Scott Lowe was investigated and charged. He was going to go to trial. And James Johnson was being looked at as a possible witness to assist the prosecution. I believe he gave statements to the prosecution. Basically they had indicated they had interest in using him in that trial when they decided to charge him with obstruction of justice.

I can't recall exactly when Nick Granados got charged in relation to Scott Lowe. The two of them got charged. And then later after Scott Lowe pled guilty and gave statements to the prosecution, James Johnson was then charged as well.

Q. Okay. And so Scott Lowe, Mr. Granados and Mr. Johnson were the co-defendants?

A. Yes.
Q. Okay. How did you get involved in this case?
A. I had previously represented Mr. Johnson. And once the police began asking him questions, they may, you know, need him as a witness or possibly when -- if they charged him with obstruction, I don't recall which, but he had contacted me somewhere in that range. I don't recall exactly where we were in that process when he retained me.
Q. Okay. And so what did you do to investigate the case, prepare it in anticipation of a trial?
A. I met with my client multiple times, met with his parents several times, also, of course, reviewed the evidence. We took evidence to Mr. Johnson, we had many, many meetings at the jail, usually over an hour each, some of them was much longer, took evidence with me to show him to review, discussed all that, tried to explore possible alibis.

I believe that he thought that Jordan Gary could be an alibi witness for him. Ms. Gary ultimately had given a statement along with Georgia Bowers, who was her friend, did not seem to help him in the way of an alibi. Also, Jordan Gary ultimately testified for the State at trial.

We went to the scene. Did look through cell phone records, tried to see if we could make use of those. Things of that nature.
Q. Okay. Did you review the discovery with Mr. Johnson?

A. Yes.
Q. On how many occasions did you do that?
A. Multiple. I don't recall exactly how many, but several.
Q. You think you reviewed all of it with him?
A. I think so.
Q. Okay. Did you answer his questions about it?
A. Yes.
Q. Okay. And had he seen it all by the time of trial?
A. To my knowledge.
Q. Okay. When you talked to Mr. Johnson about what happened on the morning of April 3rd, 2011 what did he tell you about where he had been?
A. I believe he said he'd been with Jordan Gary, maybe others, and had been at his parents or mother's house. I can't recall if they shared the home at that point right then or not. But, anyway, he'd been at the house where his mother was, at least.
Q. Okay. And so that was -- his alibi was that he was at his home, his parents' home the whole time?
A. I believe so.
Q. Okay. Did you have knowledge of contradictory statements he'd given in the past about his location that morning?
A. His various statements he gave at various points throughout the investigation were contradictory in many ways.
Q. Tell me -- tell me what those were.

A. I can't recall to be honest with you. I just ---
Q. Okay. Do you recall him saying that he had been with Jordan Gary at her home?
A. I believe he did say that.
Q. Okay. Was there more than one contradictory location or was it ---
A. I believe so. I can't recall what they all were.
Q. Okay. On what basis did you determine that -- was there any of those that you found credible enough that you felt you could present them at trial?
A. No.
Q. Okay. So let's talk about Mr. Johnson's parents. Did he tell you that they could be alibi witnesses for him?
A. He may have. I think he did.
Q. All right. How many times did you meet with his parents?
A. With his mother more, I believe, than his father. Talked at least to his mother on the phone many times as well, if I recall. I don't recall the exact number of times I met with them. Several, ---
Q. Okay.
A. --- I think.
Q. And that would be Patricia Fuller and Donald Johnson?
A. That's right.
Q. Okay. Did Mr. Johnson's mother provide information to you that you believe supported an alibi defense?

A. My recollection is that she did not give me information that I thought was either -- which was helpful enough where I could place him anywhere enough to use as an alibi.
Q. Okay. What do you remember her telling you?
A. I think just that he was at the -- she thought he was at the house, that he'd been in his area of the house and that, you know, she obviously wasn't down there with him all the time or much. And she couldn't definitely place him, you know, she didn't -- did not have eyes on him or what have you around the time this could have occurred.
Q. Okay. So I'll -- I'm going to come back to her. But you mentioned his area of the house. Describe your understanding of the living arrangements there at that home.
A. My understanding is -- I don't know if the house is split level or what, but there was a lower level, a finished basement or an apartment or what have you, and that's where James lived in the house, that's his room or area, and that his mother or parents primarily lived above that in a different level of the house. And there was a door that provided independent access to James' area of the house without necessarily having to go through the entire house.
Q. Okay. Exterior exit in and out from his living quarters?
A. Yes.
Q. Okay. And isn't it true that Jordan Gary testified to that at trial?

A. I believe so.
Q. Okay. So what she told you was that she thought he was at the house that day?
A. You're speaking of his mother?
Q. Right.
A. Yes.
Q. Okay. Did she tell you that she had seen Mr. Johnson asleep on the downstairs sofa at six to 6:30 am?
A. I don't recall at this time. Possibly.
Q. Okay. Did she tell you that she saw him again at seven am?
A. Again, I don't recall at this time.
Q. Do you recall her saying that she never saw him leave the house?
A. I'm not sure.
Q. Okay. Your understanding of what she said was sort of inconclusive about whether he'd been there the whole time ---
A. Yes.
Q. --- during the time range of the murders?
A. Correct.
Q. Okay. So let me ask you about Mr. Johnson, your client's father. What did he tell you about his son's whereabouts that morning, if anything?
A. I don't -- I don't recall at this time.
Q. Okay. Do you remember getting anything from him that you

believed supported an alibi defense?
A. No.
Q. Okay. Did he tell you that Ms. Fuller had seen your client on the downstairs couch between 9:30 and 9:45 am?
A. I don't recall that.
Q. Okay. Did he come to your office and speak with you at length on one particular instance?
A. I believe so.
Q. Okay. Was it such that you would characterize that as like taking his deposition?
A. No.
Q. Okay. Did your client tell you that he wanted you to call his parents as witnesses at trial?
A. I know we discussed it. But I explained to him that I didn't -- it seemed that they either had information that did not provide a real alibi defense for him basically or it's somehow contradictory. We did talk about it more than once, ---
Q. Okay.
A. --- and ultimately decided against it.
Q. Okay. Was he expressing that he wanted them to testify or was he asking for your opinion?
A. I think he was asking if I thought it would be helpful.
Q. Okay. So tell me the reason that you decided that you couldn't move forward with an alibi defense.

A. Well, ultimately the people he'd originally talked about being an alibi were not alibis. Jordan and Georgia were not helpful in that regard. Again, Jordan ultimately testified for the State on the level that she did. And no one else could conclusively say where he was at the time the murders likely took place. And so they would not have been an alibi.
Q. Did he tell you that Jordan Gary and Georgia Bowers would be alibis for him?
A. I believe he did.
Q. Okay. What about Ms. Bowers? Was it your understanding that she would be willing to corroborate his statement on that?
A. I recall Jordan being mentioned much more. Maybe Georgia -- I can't recall if Georgia was or not as definitively. But Jordan was definitely mentioned as someone he thought would help him to show that he was not there or could not have been there. That ultimately proved to be incorrect.
Q. Okay. You can't remember about Georgia?
A. I don't recall if he was as adamant that Georgia could help him or not. I know Jordan, he pretty much thought could help him. But ultimately Jordan and Georgia had both given statements to the police that they were both with -- if I recall correctly, both with JJ earlier in the day that the murders would have happened, but that they both left and went back to, I think, Jordan's mother's residence likely hours

before the murders occurred, went to sleep there. They did not hear again from JJ until like 11:30 or 12 or something of that nature when he called them after the murders had already occurred.

MR. SMITH: One moment, please.

(Pause)

Q. Would you have presented an alibi defense if you felt that it was supported?

A. Yes.

Q. Okay. Did you discuss with Mr. Johnson whether or not he would testify at trial?

A. Yes.

Q. Okay. Why -- and I think you testified earlier that you felt he would not present as a good witness?

A. Correct.

Q. Explain that again for me, please.

A. By the time I'd reached the point in the trial where he could have testified, he'd already given multiple statements to the police and had changed his story repeatedly in various manners particularly when confronted by questioning from either from -- from law enforcement, basically, and had not maintained a consistent story really in much regard at all. Before he was ultimately charged with murder, I believe he ended up getting -- or maybe directly had been charged, gave five or six different versions of what had happened just in a

two hour period.
Q. Okay.
A. We got to trial. And we're speaking with him regularly throughout the time leading up to the trial. I'd formulated my own opinion about how he might present on the stand, and did not think it would likely be favorable.
We did do a pretrial motion on a Jackson v. Denno hearing. And at that time it seemed to be the answers he gave, the way he testified was, again, inconsistent, did not -- was easily changed or modified, et cetera, and that that -- that would likely happen again on the stand especially under cross-examination if he chose to testify. So we talked extensively about his right to testify and how that would -- could go, his right not to testify as well and how the judge would instruct the jury if he chose that route.
We talked, I believe, a lot about whether he should testify or not. He was aware it was his decision. He was aware my advice was that it was probably not a good idea.
Q. Okay. And so that's the problems with his testimony. Going back to his parents really quickly, I believe you testified a moment ago on direct that you were not aware of any criminal history from his parents?
A. I don't recall any.
Q. Okay. Is it also true you're not sure if they -- you're not sure if they had convictions one way or the other, is that

right?
A. At this time, I don't remember, today, sitting here.
Q. Okay. Can you tell me -- the obstruction of justice charge, what was the basis for that against Mr. Johnson?
A. I believe it was that the State felt that he had knowledge about what Scott Lowe had done and was intentionally trying to confuse them or change his story to hide what had happened.
Q. Okay. Were you at the guilty plea hearing for Mr. Granados?
A. Yes.
Q. Okay. Do you recall a -- one of Mr. Johnson's former cellmates testifying at trial that Mr. Johnson had told him that he had lined up a girl to be a false alibi witness for him, but that she got scared and chickened out?
A. I think so.
Q. Okay. Do you remember -- do you remember some of Mr. Johnson's statements to police were recorded?
A. Yes.
Q. Okay. And did you review those and discuss them with Mr. Johnson?
A. Yes.
Q. Okay. Do you recall him telling police during that interview that -- or do you recall receiving information in discovery that he told officers that he and Scott Lowe were

pretty -- pretty much best friends?
A. I don't recall exactly ---
Q. Or ---
A. --- where I learned that. I believe I -- I had seen that in discovery, yes.
Q. Okay. Or you at least had knowledge of it from trial?
A. Yes.
Q. Okay. So you decided not to call Nick Granados as a witness. Why did you decide not to call him as a witness?
A. Nick Granados had -- was going to go to trial with JJ. And his lawyers and I had talked about trying to sever the cases, but in any event ---
Q. Why would you try to sever?
A. The concern was that it seemed Nick Granados had some additional information or additional evidence against him rather than it did seem to implicate him in ways that JJ was not.
Q. Okay.
A. And I did not want the two of them to be tried together sitting on basically the same table, jury looking at both of them and thinking, well, Nick has done this, therefore, JJ probably did, too.
Q. Okay.
A. Ultimately, Mr. Granados pled guilty right before the trial began. Sentencing was withheld. And at that point it

seemed that he was going to testify for the State. Again, I spoke to his attorneys, and typically Mr. Scalzo, several times throughout the trial as the trial went forward just to try to see if we could get Mr. Granados to help Mr. Johnson. And he refused, I would say, at least three or four different times to his lawyer.

Ultimately, I asked his lawyer if I could go speak to Mr. Granados. He said that would be fine. I did. Mr. Granados made it very clear he had no intention of testifying, he was not going to help Mr. Johnson. I asked him if he would think about it overnight. He said he would. Going into the last day, the next day I got in touch with his attorney, Mr. Scalzo, and was informed again that he would not be willing to testify.

Q. So what was your reason for not calling him as a witness anyway?

A. He had in a very short amount of time given -- presented a very different possible narrative. He had been a defendant who was willing to go to trial with Mr. Johnson, then to someone who pled guilty and appeared to be going to testify for the State a short time later. Then he appeared to not want to testify about anything for various reasons.

And so basically I had no idea what he would say. But with the State having -- with sentencing having been withheld and that still looming for Mr. Granados, not only did I have

no idea what he would say, but it seemed likely that whatever he would say would be in his self-interest and not necessarily in the interest of -- or against the State's interest because then they would just ask for him to be -- I would imagine they would ask for him to be given the maximum penalty.

And so it seemed to me he was likely not going to help Mr. Johnson. And the best I -- I could not know or trust what he might say. And that was concerning to put someone on the stand in that position.

Q. Okay. So I want to ask you about some of the exhibits that have been admitted. You testified about some of them on direct, but ...

A. I have several here, too.

Q. Okay. Well, maybe I should go ahead and get those ---

A. Sure.

Q. --- if that's okay. Okay. This little stack.

A. Yeah, everything he was -- I was looking at.

Q. Okay.

(Pause)

MR. CHILDS: Your Honor, could we take a quick bathroom break for the Applicant?

THE COURT: It's about one now. Why don't we go ahead -- because you're still in cross. And you've still got some -- little bit left?

MR. SMITH: Right.

THE COURT: All right. Why don't we just go ahead and break for lunch now since there's some more cross to go. So let's break until 2:15. We'll be back and we'll resume with cross.

(Whereupon court was in recess at 12:55 pm)

(Whereupon court reconvened at 2:18 pm)

THE COURT: Thank you. Please be seated. All right. Mr. Smith.

Cross-examination by Mr. Smith Continued:

Q. Okay. Mr. Ellis, I'm going to ask you about some of the exhibits that have been admitted. You've been asked about some phone records for Mr. Granados. Isn't it true that you, looking at the extraction report that's been entered as Plaintiff's 1, you don't know who was holding the phone when certain text messages were sent, right?

A. Correct.

Q. And you don't know who was holding the phone when phone calls were sent?

A. Correct.

Q. Or made?

A. Correct.

Q. Okay. And you also ---

MR. CHILDS: What exhibit was that?

MR. SMITH: 1.

MR. CHILDS: Okay.

Q. And you also don't know if text messages presented in extraction report was sent from the phone or received by the phone actually reflected reality? In other words, you could text something that's not true?

A. True.

Q. Okay. I'm looking now at Plaintiff's exhibit 7. Did Mr. Johnson ever bring anything to your attention about someone known as Solo Crib?

A. Not that I recall.

Q. Okay. And so discussing the matter of Mr. Johnson's phone records, you talked about reviewing them. Tell me how you reviewed them and what you were looking for.

A. Well, we were -- we knew the State wanted to try to show communication between Mr. Johnson and Mr. Lowe, because if I'm not mistaken, I believe Mr. Johnson at one point in one of his statements said that he and Mr. Lowe had not had contact in sometime. And they, of course, wanted to try to use that to show that was false. We wanted to try to see if we could mitigate that in any way possible.

And then we also were trying to figure out if there was a way we could use the phone to help us with location. We were trying to use information from the records to see if we could pinpoint maybe what tower may have been near or anything like that.

But -- and, again, even from what I've learned, you know,

at that time and going forward was even -- the tower it was actually physically closest to may not be the tower it was pinging off of. Depending on the direction of the tower, things of that nature. So I'm not an expert on cell phone records, but that's my understanding.

Q. Okay. I want to ask you a question about Plaintiff's exhibit 11. I'm looking at slide 9 on that. Do you agree with me that there are circles on that map?

A. There are many circles on the map.

Q. Okay. Don't they appear to overlap in that image?

A. Yes.

Q. Okay. And I'm looking at slide 10. Would you agree with me that there are circles around the antennas shown in that image?

A. Yes.

Q. Don't they appear to overlap?

A. They do appear to overlap.

Q. Okay. The same thing on slide 11, the same exhibit?

A. Yes.

Q. Circles are overlapping?

A. There are several circles. And they do appear to overlap.

Q. Okay. And, again, that's not a technical arguation, that's just looking at the diagram, right?

A. Correct. Yes.

Q. Okay. Same thing on slide 20 of exhibit 11?
A. There appear to be two circles. And they appear to overlap.
Q. Okay. I'm going to hand you Plaintiff's exhibit 12. And if you'll look about halfway down in the right column at the date and time of death entry. Do you agree with me that the time of that there has the abbreviation for estimated after it?
A. It appears to, yes.
Q. Okay. And you're not sure from looking at this upon what basis that determination would have been made, is that right?
A. No, I'm not sure.
Q. Okay. And then looking at the second page of that same exhibit, would you agree with me that the second paragraph details that a call was made at a certain time from a passerby?
A. Yes.
Q. Okay. Does -- do you have any knowledge upon what basis this information was put in this report?
A. No, I do not have direct knowledge.
Q. Okay. And then looking at Plaintiff's exhibit 13 that's also a coroner's report, same questions about the first page, and then the second page you're not sure upon what basis these conclusions were drawn?
A. Correct. It appears to be an estimated time and date of

death. I cannot speak to how those conclusions were drawn. And then also there is a time on the second page listed for the phone call, but, again, I can't -- I don't have direct knowledge as to how that information was gathered.

Q. Okay. And then looking at Plaintiff's exhibit 14, would you look a few boxes down where you have a note about the nature of the call. What does it say about the nature of the call?

A. I'm sorry, where am I looking? At the bottom box?

Q. Right here.

A. Okay. It says EMS assists fire department.

Q. Okay. And then in the box right under that what does it say about the caller?

A. M02 or MO2 via radio.

Q. Okay.

A. There's an address that may be 1 Walker Springs Road -- Lee Road or East Lee Road. I'm sorry.

Q. Okay. And the call taker is?

A. J. Thomas.

Q. Okay. And the console information indicates it's something to do with EMS?

A. EMS may stand for dispatch. Two says EMS/DISPO2.

Q. Okay. So do you draw a reasonable conclusion from that that the caller was -- somebody called in by radio?

A. Very possibly.

Q. Okay. The people that -- is that usually what people do when they're first responders, that sort of thing, they have radios?

A. Yes.

Q. Okay. And you don't know who that person was or what their role was in this?

A. No.

Q. Just from looking at this, right?

A. Correct.

Q. Okay. Can you tell me -- what was the date of Mr. Johnson's trial? Do you remember?

A. July 11th or 12th, I think, until July 15th, something like that, of 2015. No, July -- I think July 13th through July 16th of 2015.

Q. Okay. And I'm referring now to Plaintiff's exhibit 17. And looking at the third page of that is the sentencing sheet for drugs. Will you confirm that that's correct?

A. Yes. That's the sentencing sheet for drugs, indictment 2011-8347.

Q. What's the sentencing date at the bottom?

A. December 15 of 2011.

Q. So preceded trial by a good bit of time, right?

A. Yes, by almost four years, three and a half years, I guess.

Q. Okay. I'm showing you the next page of that, which looks

like a probation order, is that right?
A. Yes.
Q. What's the date given down at the bottom?
A. March 5th of 2014.
Q. Okay. And then looking at the final page would you agree with me that's an affidavit attached to that exhibit?
A. Yes.
Q. Okay. And the reason given down at the bottom is that because he has a 20 year sentence, he can't comply with probation anymore, is that right?
A. Yes. Correct.
Q. Okay. At least one of the reasons given?
A. Right.
Q. Okay. I'm referring to Plaintiff's exhibit 17. This is an arrest warrant for Mr. Lowe, right?
A. Yes.
Q. Okay. Can you tell me the incident date this referenced in the description of the offense?
A. April ---
Q. Alleged offense?
A. April 14th, 2011.
Q. Okay. And then if you'll look on the next page of that. I'm sorry, one more. What's the reason given on the dismissal sheet?
A. Lack of cooperation from victim.

Q. Okay. So that's the reason given, at least on the record, right?
A. Yes.
Q. Okay. Thank you. Okay. I'm showing you Plaintiff's exhibit 19. Would you agree with me that at least on its face this appears to be a report with some narrative on there from the forensic pathologist?
A. You're saying it's a narrative from the forensic pathologist or is it just about being a forensic pathologist ---
Q. Either.
A. Yes.
Q. Okay. Discussing something to do with the autopsy and ---
A. Yes.
Q. Okay. Do you see the reference to potential candle wax on his leg?
A. Yes.
Q. Okay. Would that surprise you if in a home burglary or scuffle-type situation that you could have things knocked over, spilled on people?
A. No.
Q. Is that something abnormal?
A. No, I would not think so, typically, as a violent encounter as this was.

Q. Okay. Thank you. Is that the kind of thing that -- kind of issue you would see much benefit in pushing at trial that someone killed in a violent encounter in a home invasion would have candle wax on a leg?

A. No, not typically. I believe I made mention in my closing that the only other person whose fingerprints were found onscene outside of the decedents were -- was Ryan Waye's. And it was -- so that was -- I think that was the point I was trying to make ---

Q. Okay.

A. --- at the trial.

Q. Okay. And, again, your client's information to you, all versions of it, were that he was not there?

A. Yes.

Q. Okay. So it wouldn't particularly matter how violent the actual home invaders and murderers were, right?

A. Right.

Q. For the offense? Okay. I'll show you Plaintiff's exhibit 18 referring to latent lifts. This gave you some idea that there may have been a fingerprint lifted from a candle jar?

A. Right.

Q. And if you remember you were asked on direct about the solicitor referring to it in closing as an ashtray?

A. (Affirmative nod).

Q. Is there any significance to calling something that's a candle jar an ashtray?
A. I would not think so.
Q. Okay. So that seemed like the kind of thing you could accidentally refer to an object by the wrong name?
A. Possibly.
Q. Okay. I, you know, I think you said you didn't object to it. Is that the thing you -- do you remember thinking that that was a concern about the integrity of the case referring to a candle jar as an ashtray?
A. No.
Q. Okay. All right. Thank you. You were asked about some references when you were questioned on direct to phrases used at trial when describing Eric Graham such as member of a group, or he had tattoos. And I think the questions were about could that be references to gang activity? Do you remember those questions?
A. Yes.
Q. Okay. But you didn't represent Eric Graham, right?
A. No.
Q. Okay. And isn't it true that the State's presentation about Eric Graham at trial was that he was sort of a crazy person who lied?
A. Yes.
Q. Okay. Did it really matter to you if there were

potential implications that could be drawn about Eric Graham from descriptions of him?

A. No.

Q. Okay. And they weren't trying to prove that your client was connected to Eric Graham, right?

A. No. I think the main person they said may have any connection to Eric Graham could have been Scott Lowe.

Q. Okay. And you didn't represent Scott Lowe either, right?

A. No.

Q. Okay. Now you were asked several questions, too, on direct about not objecting to hearsay. So let me ask you this question. Have you ever argued at trial that the law enforcement officers did a sloppy investigation?

A. Yes.

Q. Would you agree with me that that's a pretty common tactic for a defense?

A. Yes.

Q. Okay. As a matter of fact, weren't you asked questions on direct today about why you didn't do more to argue that law enforcement did a sloppy or an inadequate investigation?

A. Yes.

Q. Okay. With that being the case, wouldn't you agree with me it's also common for the State in criminal trials to ---

MR. WILKES: Objection. Leading.

MR. SMITH: I'm on cross, Your Honor.

THE COURT: He's on cross. Please stand up when you object. When you stand up ---

MR. WILKES: I'm so sorry. I forgot it was both our witnesses.

THE COURT: Overruled.

Cross-examination by Mr. Smith Continued:

Q. Wouldn't you agree with me that it's also common in criminal trials for the State in its presentation of the case to explain how the investigation was conducted so as to head off arguments that the police had done a bad investigation?

A. Yes.

Q. Have you experienced that same thing in criminal trials?

A. Yes.

Q. Okay. Now I guess this question's about hearsay. Let me ask you specifically because you were asked about a lot of them in detail on direct. I'm just kind of asking you generally. Did you feel that you needed to object to hearsay things about evidentiary matters that didn't implicate your client?

A. No.

Q. Okay. Why is that?

A. They did not implicate my client.

Q. Okay. All right. You were also asked on direct about whether you thought that the fact that the solicitors may have interviewed Eric Graham was a basis for moving to disqualify

them. I don't remember the answer, but I'm sorry, can I ask you that -- to repeat whatever you said to that.

A. I'm sorry. Rephrase the question.

Q. I'm sorry. You were asked on direct, I believe, if you thought that the fact that the solicitors may have interviewed Eric Graham was a reason that you should have moved to disqualify for them -- disqualify them from prosecuting your client. Can you tell me what you said to that? I don't remember.

A. I believe I thought it was a reason to disqualify them, but I don't -- I don't think it necessarily was.

Q. Okay.

A. Sorry I don't recall exactly what I said earlier.

Q. Okay. Is it pretty common for lawyers to interview potential witnesses before trials?

A. Yes.

Q. Okay. Is it common for solicitors to interview potential informants, co-defendants, witnesses leading up to a trial?

A. Pretty common.

Q. Okay. As a matter of fact, do you normally interview witnesses before a trial?

A. Yes.

Q. Okay. Did you consider arguing the defense that Ryan Waye was the real killer?

A. I think I considered it. It was, you know, one of

several things to consider.
Q. Okay. Were you aware of any -- were you aware of the fact that he had been ruled out during the course of the law enforcement investigation on the basis of having an alibi?
A. Yes. He and Jacob Taylor had a woman -- her name was Laura -- Lewan. I forget her last name. But I believe she said they -- they had both been with her, that even they had been over at Chris Porcoro's house earlier in the day and then that I think she had picked them up, maybe, and they both stayed with her that night.
Q. Okay. Do you know if she was on the solicitor's witness list?
A. I don't recall.
Q. Okay. Let me ask you a question about the issue of the gas container in the oven. Do you think -- did you think that one needed to be an expert to know that putting a container of gas in an oven could be a safety hazard?
A. No.
Q. Could cause a fire?
A. No. I think that's probably pretty common knowledge.
Q. Okay. Don't you think most people finding a gas cannister in an oven that had been turned on would think it was meant to explode or something like that?
A. Probably.
Q. Okay. You were also asked about a coffee table being

moved around when the first responders arrived at the scene. So tell me -- I don't think you objected to that. Did you see any reason to object to that?

A. No.

Q. Okay. Why not?

A. Just about the statement that the coffee table had been moved by a first responder?

Q. Right.

A. Well, the first responder saying he moved a table I'm not sure is hearsay anyway. But the scene was, you know, a bit of a mess. But first responders were trying to get to the people on the ground, check them for vitals. It's their job. I can't recall, you know, exactly all my thought processes at the trial about that particular issue at this point. But ...

Q. Okay. Do first responders usually have equipment with them?

A. Yes.

Q. Sometimes they do?

A. They often do.

Q. Okay. Would you agree with me that's particularly true when trying to render medical aid or responding to a fire?

A. Yes. Usually the -- especially if they think there's a fire, they're probably coming in there with a good deal of equipment. And they use that probably if they're thinking someone's hurt, or injured, or dying inside, they're probably

going to bring a lot of equipment to address that also.
Q. Okay. And would you agree with me that usually first responders responding to a crime scene or any kind of a scene put medical -- emergency medical attention ahead of scene preservation in the moment?
A. Yes.
Q. Okay. And, again, your client told you he wasn't there, right?
A. Correct.
Q. Okay. So you also had some questions about the meth lab testimony. And I don't think you need to look at it in the transcript, but I'm going to refer you to a specific page. Okay. I'm referring you to page 119. I believe this would be on day two, but I apologize if I'm wrong about that.
A. Okay.
Q. And just to make sure we're on the same page, this is a witness being questioned about what happened at the scene when they responded, right? Is that what you have?
A. Yes.
Q. Okay. So I'm looking down to lines 12 through 21. Will you agree with me that this witness is testifying about concerns about the home being a meth lab because there were items commonly used in meth labs in the oven?
A. Yes.
Q. Okay. And correct me if I'm wrong, but one of the

reasons why the reason was given that the co-defendants targeted this particular home was that they believed the victim was dealing drugs out of the home?

A. Right.

Q. Okay. And I guess the association would be he has money, he sells drugs, right?

A. Yes. And I think there was a statement at some point they chose the weekend because he would have made more money probably then than he would have during the week.

Q. Okay. So with that in mind, is it unusual for there to be references to drugs or drug manufacturing in the home if that's what the contention was and if that's the basis for the co-defendants picking this particular home?

A. No.

Q. Okay. Did you cross-examine Mr. Lowe at trial about his prior statements?

A. I think so, yes.

Q. Okay. What was the purpose of that?

A. Excuse me. I'm sorry?

Q. What was your purpose in doing that?

A. His statements were inconsistent with each other. He had given a statement initially, but he was inconsistent within that statement. And then later he gave another statement that was inconsistent with the first statement. And so basically trying to point out how his story evolved over time,

particularly given the offer that he was receiving from the State.

MR. SMITH: Court's indulgence.

(Pause)

Q. Okay. And would you look at page 114 of the trial transcript? I believe it would be from the last day, page 114.

A. Okay.

Q. Looking at line 17, what's your statement there on 17, 18 and 19? Oh, I'm sorry. 17 through 21, what do you say about Scott Lowe in your closing argument?

A. Ladies and gentlemen, Scott Lowe is a liar. Scott Lowe is a cold blooded killer, period. He only looks out for himself and does not care about anybody else. He is not believable. He is not credible. My client sits there right now an innocent man. He is not guilty.

Q. At the crime scene there were only two victims there who had been injured, right?

A. Yes.

Q. Okay. Do you remember seeing the crime scene photos of the bodies ---

A. Yes.

Q. --- lying on the floor? Okay. Did it appear that they had blood pooling around them?

A. That, I can't recall at this time.

Q. Can't remember? Okay. Why didn't you object whenever law enforcement witnesses would testify about things they've learned during their investigation? For example, when they would say no prints were lifted from that, no prints from that, that sort of thing?

A. One of the arguments that I had in the case was that there was -- there was no evidence to tie Mr. Johnson to this incident in any way outside of only Scott Lowe's statement. There were no fingerprints. There was no DNA. There were no fingernail scrapings. There were no, you know, neighbors -- nothing else could put him at that scene.

And basically our -- my defense in the large part was that he wasn't there and there was no evidence to tie him to it except for Scott Lowe. And the only reason Scott Lowe said that he was there is because it was in Scott Lowe's best interest because he had gotten a deal from the State to where he would have said anything they wanted him to say, essentially.

And so that was the only thing that could tie JJ to it was Scott and his -- in his testimony he was not believable. But there was no forensic evidence or physical evidence of any kind to put Mr. Johnson there in the first place.

Q. Okay. Is that the sort of thing, I mean, what's your reason for not insisting that a print examiner come in and explain that, for example, no prints were taken off of this

object rather than having an officer say no prints were taken off that object?

A. Essentially, either way there were no -- there were no prints from Mr. Johnson on anything. That was the information I wanted to be clear to the jury. And I think that it was clear to them that there were no fingerprints that could tie James Johnson to that scene.

There were no other forensic or physical items of evidence that could tie James Johnson to that scene either. And so every time the State had a witness say there's nothing tying James Johnson to this scene physically in any way, then that in my view did not hurt our defense.

Q. Okay. Did you see any reason in trial to protect what Mr. Porcoro may have had in his body in terms of substances?

A. No. Again, it was a known drug house. He was a known drug dealer. People were coming and going buying drugs. It's reasonable to think they were doing drugs in the home as well. Tends to be how that works.

The cause of death was, you know, seemed to be he was shot, I believe, three times. So the fact there were drugs in his system seemed somewhat immaterial, though it did possibly go to support probably what was said about he would have been kind of a little out of it when -- or they said thought he might be out of it when they arrived.

Q. Okay. Did you think you needed to object and have the

forensic person who tested his blood be there to say there were no substances in his blood rather than having the pathologist say that?

A. No.

Q. Okay. Did you think that mattered to your client's defense one way or the other?

A. No.

Q. Okay. You were asked on direct about whether it was improper for the State to elicit testimony from Mr. Lowe about entering into gun transactions. Correct me if I'm wrong, but he said that when asked that he did not sell drugs to Mr. -- I mean, guns to Mr. Johnson, right?

A. Correct. He did not say he sold guns to Mr. Johnson.

Q. Okay. What do you think it means when someone uses the phrase people run together and that sort of thing?

A. People hang out, they're friends. That could mean lots of things, but people use it in that way many times.

Q. Okay. Do you agree with me that the State was trying to prove that Mr. Johnson had a friendship with Mr. Lowe?

A. That's how I took it, yeah.

Q. Okay. And what was your observation from your personal view of Mr. Johnson's phone records about how frequently he contacted Mr. Lowe?

A. He, if I'm not mistaken, I think that they -- the two of them talked something like 16 times in a 24 hour or so period

surrounding the murder, if I'm not mistaken.
Q. Okay.
A. So I'd say it's pretty frequent.
Q. Okay. What was your understanding of the plea deal -- the plea agreement the State had with Mr. Lowe?
A. That they would allow him to plead guilty to, I believe, two counts of involuntary manslaughter with a recommendation of 20 years, concurrent. Essentially resolve all other issues, all other charges he had and faced. And that was in exchange for his testimony in trying to -- in naming Mr. Johnson primarily.
Q. Okay.
A. And I suppose against Mr. Granados as well had he gone to trial.
Q. Okay. So you knew the terms -- all the terms in the plea agreement before trial, right?
A. Yes.
Q. Okay. And I'd asked you earlier about the specific sentencing sheets and that dismissal that we reviewed, right?
A. Yes.
Q. Okay. You were also asked why didn't you impeach Mr. Lowe at trial with his arrest records. Do you think you can impeach witnesses under Rule 609 with arrest records?
A. Just simple arrests?
Q. Right.

A. No.
Q. Okay. And I believe that was the question asked. So ...
(Pause)
MR. SMITH: One moment, please.
(Pause)
MR. SMITH: Thank you. No more questions.
THE COURT: All right. Any redirect?
MR. CHILDS: Yes, sir.

Redirect Examination by Mr. Childs:

Q. Mr. Ellis, you were asked questions about the arrest of Scott Lowe. And, presumably, that's about the burglary, first, and assault and battery, third degree, arrest that we've talked about. You could have used those arrests, however, to show a greater degree of a relationship between Investigator Bailey and Scott Lowe, that they interacted at least a -- just a month after the murders he took a criminal charge on Mr. Lowe and arrested him for that charge. And so there was a greater relationship to show there than what they testified to at trial, isn't that correct?
A. The simple fact that Investigator Bailey had signed an arrest warrant doesn't mean he actually personally interacted with Scott Lowe.
Q. Right. But you don't get to find out about that unless you ask about it, isn't that true?
A. I suppose that is true.

Q. All right. And ---
A. But I also know it's true that many times investigators may have a warrant signed and send a patrol officer to go make an arrest.
Q. Right. Right. And so you don't know of that degree, but you know that there was enough relationship there that you could probably ask some questions about it, right?
A. I suppose.
Q. All right. Now you were asked questions about Mr. Lowe's conviction for manufacturing meth. And you could have impeached Mr. Lowe with that conviction, right? That's a -- that's a felony that happened within the last ten years prior to the trial that carries more than one year imprisonment, right? The manufacturing marijuana?
A. You mean meth?
Q. I mean meth, yes. I'm so sorry.
A. Yes, ---
Q. Thank you.
A. --- it is. And, of course, he had already testified as well he was an admitted drug user and ---
Q. Right.
A. --- coke or I think -- and everything else. So that was already out there.
Q. But you could -- you could have impeached him with it. You could have said isn't it true that you were convicted of

manufacturing methamphetamines in 2011, whenever it was?
A. Yes, I could have asked him.
Q. And you didn't do that?
A. I don't recall.
Q. And you could have also impeached him on his armed robbery charges that were dismissed by the prosecution at the same time that Mr. Lowe pled guilty?
A. I suppose so.
Q. Okay. Now isn't it true also that Mr. Lowe actually had no cell phone of his own at the time of this incident?
A. I believe that's correct.
Q. It was like his mother had a cell phone?
A. That's what I -- yeah, I think so.
Q. And I think the testimony in the record was that Mr. Lowe only used the cell phone of Mr. Johnson to communicate around the time of the incident. Is that your recollection?
A. I think so.
Q. All right.
A. I'm not certain.
Q. Okay. So I think the record's clear that there wasn't a contact between Mr. Lowe and Mr. Johnson at least anytime that morning of the murder by phone?
A. If I -- I can't recall for sure, but I know there were -- like I said earlier, I think -- I want to say 16 communications of some sort between -- to a phone that seemed

to be tied to Scott Lowe and Mr. Johnson.
Q. Over what time period?
A. I believe one to two days.
Q. All right. But do you remember Mr. Lowe's testimony is that he did not have a cell phone that particular night?
A. I don't recall that for certain. I believe he may have said that.
Q. All right. You were asked questions about whether or not you -- your decision to not challenge the toxicology results. Isn't it true that every little bit of information you could establish in front of this jury that may have been different than what Scott Lowe said would help your client?
A. Perhaps. It's hard to know.
Q. And also by letting in the toxicology results on Mr. Porcoro -- I think -- I'm not sure if Ms. Daniel -- they did the same thing. I think so -- they ---
A. I think they did.
Q. --- had some toxicology on her. Your client, Mr. Johnson, had dated Ms. Daniel?
A. Right.
Q. And had visited, I think the testimony was, a couple of days before the murder, had visited Mr. Porcoro a couple of days before the murder?
A. I believe so.
Q. And so by allowing those toxicology tests in, doesn't

that kind of smear your client a bit, making it look like he's hanging around with drug dealers and drug addicts?

A. Not necessarily.

Q. And so your reason for not challenging that scientific evidence is what?

A. Again, if he was not present at the scene, which is what his defense was, he was never there, never took part in it, ---

Q. Right.

A. --- then ultimately the toxicology results of the victims are fairly irrelevant to James Johnson.

Q. But as far as like the officers are concerned, by not challenging their testimony that was basically forensically based, the fingerprints, the DNA and that stuff, basically you let them be like a super expert in front of the jury, didn't you?

A. I don't know about that.

Q. Okay.

A. I don't think they were -- they were referred to in any kind of manner in that ---

Q. Well, I mean, ---

A. --- in any way.

Q. --- aside from them saying that, you know, there was no relevant phone information, you know, there was no relevant forensic information, they also got to testify that there were

only two people associated with this case that they were investigating. That was your client and Mr. Lowe. And that your client's name kept coming up over and over again. And not one peep of objection from you.

A. Is that a question or ---

Q. Yeah, it's not -- it's a question. Was there an objection from you for that?

A. I think we've covered that already.

Q. The answer's no?

A. I believe we've covered that already.

Q. Well, what's your recollection of your answer?

A. The answer I think was no.

Q. Sorry?

A. I believe my answer was no.

Q. All right. Now you've testified about the inconsistent statements of Mr. Johnson concerning your decision of whether or not to call him as a witness.

A. It wasn't my decision to call Mr. Johnson as a witness. It was his decision.

Q. I wasn't trying to trick you into that. But that was an element that you considered in your discussions with Mr. Johnson?

A. Correct.

Q. But the fact is, Mr. Johnson's inconsistent statements were already in evidence, weren't they?

A. Yes.
Q. The State had trotted all those out with great fanfare during the course of that trial?
A. Yes.
Q. So that's not the reason that you didn't have Mr. Johnson testify. That couldn't be the reason.
A. It was one of the reasons. They would have rehashed all of that all over again ad nauseam with him in front of the jury.
Q. All right. I've heard it often said that a jury always wants to hear from the defendant. Is that a valid concern that you had during the course of this trial?
A. Every case -- every criminal case I take very seriously and give very serious consideration to whether the defendant should testify. I've regularly told defendants juries often like to hear people testify.

On the other hand, that doesn't make it in their best interest to testify. You have to weigh the number of factors as to -- in determining whether that's a good idea or not and what my advice would be about that.
Q. You were asked questions about the alibi witnesses of Mr. Johnson and Ms. Fuller. What's wrong with a partial alibi?
A. If they can't place -- they don't -- if they can't place him in a place to prevent him being present for a number of hours surrounding when the incident allegedly occurred, ---

Q. Right.
A. --- then -- and we're not talking about he went to Charleston to do it, it's -- there is some distance between the two homes, but it's not that far, and that's not really much for an alibi.
Q. Well, I mean, it's not often that jurors get to hear from a defendant's parents.
A. I disagree with that.
Q. They get to hear from defendant's parents a lot?
A. Fairly regularly.
Q. But his parents would have testified that every time they saw him during the early morning hours of the day in question he was there?
A. Yes.
Q. And so there was no harm in calling them as witnesses to prove that, was there?
A. These were discussions I had with Mr. Johnson and I believe with his parents on some level as well during the course of the trial. And the decision was made not to do that.

MR. SMITH: Objection also to the characterization of the parents' testimonies. I don't believe they said they saw him every hour of the day.

THE COURT: I'll sustain.

Q. In the various hours during the day ---

A. Would they have seen him at the various points? Right.

THE COURT: Well, I don't think it was -- I don't think the testimony was various hours, it was just various points. And it was certainly a little bit in the morning when she went down there. But it was only like maybe on two times around 6:30 ---

MR. CHILDS: Right.

THE COURT: --- or seven.

Q. But that does put him at the house basically with his parents while these people are cooking up a robbery and a murder and not somewhere else, doesn't it?

A. Yes, as Jordan Gary's testimony that she was with him at his house as well, which was in the record.

Q. And Mr. Johnson has always maintained that he was at home when this happened?

A. Yes.

Q. Never told you, oh, well, maybe -- none of that ever ---

A. Well, I can't recall -- again, his statements changed several times. The main thing that I recall is that he was at -- he was at his house.

Q. Right.

MR. CHILDS: Just one moment, Your Honor.

THE COURT: Um-hum (affirmative).

(Pause)

MR. CHILDS: That's all I have.

THE COURT: All right. Any recross?

MR. SMITH: Just a few questions, Your Honor.

Recross-examination by Mr. Smith:

Q. Could you turn to page 69 of the transcript. I believe ---

A. Which day?

Q. I believe it would be day three. It's where Scott Lowe takes the stand.

A. Okay.

Q. Okay. And you agree this was -- Mr. Marchant, the solicitor, just put him on the stand, right?

A. It appears so.

Q. Okay. And if you'll look down to lines 20 through 22. What is he asking?

A. Mr. Marchant says, okay, let's talk about your other conviction that you had of manufacturing of methamphetamine. Did you plead guilty to that offense as well December 15th of 2011? Scott Lowe answers yes, sir.

Q. Okay. So that information was in front of the jury, right?

A. Yes.

Q. Okay. And as you testified earlier, Mr. Johnson gave inconsistent alibis, right?

A. Yes.

Q. Okay.

MR. SMITH: No more questions. Thank you.

THE COURT: All right. Anything else, Mr. Childs?

MR. CHILDS: No, sir.

THE COURT: All right. You are excused. Thank you.

A. Thank you, Judge.

THE COURT: All right. Next witness.

MR. CHILDS: I think the Applicants rest now.

THE COURT: All right. Applicant rests. All right.

MR. SMITH: I'd call Mr. Lucas Marchant.

Lucas Marchant, being duly sworn testified as follows;

MADAM CLERK: Thank you. Please state your full name for the record.

MR. MARCHANT: Lucas Craig Marchant.

Direct Examination by Mr. Smith:

Q. I know it's in the transcript, but just for the purpose of the record today will you tell me what your involvement was in the criminal case?

A. I was one of the two prosecutors that was assigned to this incident.

Q. Okay. Did you have the case from the beginning?

A. Yes.

Q. Okay. Do you remember the terms of the plea deal with Scott Lowe?

A. Not fully. But I recall we offered and he pled to

voluntary manslaughter. And then he was sentenced, I believe, following the trial and given a 20 year active sentence.

Q. Okay. Whatever the terms were you made sure -- did you tell Mr. Ellis about it?

A. Whatever negotiations I would have had with either co-defendant in this case or in any case, I would have communicated with any other co-defendants' counsels. So my recollection that Mr. Ellis and I had conversations about what Mr. Lowe was pleading guilty to.

Q. Okay. Did you prosecute Mr. Lowe on any of the criminal cases that preceded the robbery and murders?

A. I do not believe so. I think that was assigned to another prosecutor in the office and that those cases were resolved before Mr. Lowe was charged in this incident.

Q. Okay. Did you have, I apologize if I get the name wrong, I think it's Laura Hart on your witness list for trial?

A. Yes.

Q. Okay. What was your reason for listing her as a witness?

A. My recollection is that at the time of trial she was one of only three witnesses that were still alive that had given information to law enforcement concerning the whereabouts of an individual by the name of Ryan Waye and Jacob Taylor. And my recollection is that the three of them were interviewed by law enforcement at some juncture and essentially said we were all together. I don't remember the exact statements. But

unfortunately at the time of trial both Mr. Waye and Mr. Taylor were deceased to my recollection.

Q. Okay. Were you present at the guilty plea hearing for Mr. Granados?

A. Yes.

Q. Okay. How about for Scott Lowe?

A. Yes.

Q. What was your understanding about the law enforcement officers' focus on Mr. Johnson?

MR. CHILDS: Objection to hearsay.

THE COURT: Sustained.

MR. SMITH: Well, may I speak to that, Your Honor?

THE COURT: Yeah.

MR. SMITH: I'm not asking him to say what they said. I'm asking him if it was his understanding that they focused on Mr. Johnson.

THE COURT: How else would he know that but for somebody telling him that?

MR. SMITH: Well, I mean, the reason I'm asking is there's an allegation that he made that statement at trial that it was false. And so, I mean, the importance of asking this question is ---

THE COURT: You can ask him -- there's a way to ask him to get the right answer, but it's not by what he learned from law enforcement.

Q. Did law enforcement focus on Mr. Johnson?

MR. CHILDS: Objection to hearsay.

THE COURT: Sustained.

MR. SMITH: Okay.

Q. Do you remember the discussion at a bench conference at trial following a law enforcement officer's references to Eric Graham as having been in a group and having tattoos?

A. I do not.

Q. Okay.

MR. SMITH: No more questions. Thank you.

THE COURT: All right. Cross.

(Whereupon Plaintiff's exhibit number 20 was marked for identification)

Cross-examination by Mr. Wilkes:

Q. All right. I'd like to -- did you provide all of the police reports and information that you had to the defense in discovery materials?

A. I believe I did.

Q. And can you take a look at Plaintiff's exhibit 20 and see if -- there's a Bates stamp on the bottom right hand corner. Does that help you identify that as being discovery material you produced to the defense?

A. It doesn't. I don't remember or recall that we Bate stamped discovery responses. We may have, but I don't -- I don't recall that being a practice.

Q. Okay.
A. We would typically have a cover letter that listed the items enclosed therein by item.
Q. If you'll look at those, can you tell me if that looks like discovery that you would have provided?
A. Yes, sir. These appear to be part of that case.
Q. And some of those are just excerpts, but all of that appears to be discovery or things that should have been provided in discovery?
A. Yes. I would have think -- I would think that everything that's listed here would have been provided. Yes, sir.
Q. Okay. Very good. And those items all pertain to Ryan Waye?
A. Well, the first page, Bate stamp 461 of Plaintiff's 20 is a waiver of rights for Mr. Waye.
Q. Correct.
A. Bates stamp, looks to be 145, appears to be Wayne Campbell's report, page 1 of 4 that ---
Q. And what is highlighted on that?
A. It appears that Investigator Campbell attended the autopsy of Christopher Porcoro as well as Amber Daniel. And that's in reference to 145.
Q. Correct. And does it indicate on there that there was wax found on the bodies? Second page.
A. The report from Investigator Campbell, which lists page 3

of 4, references some oily aerius (ph.) -- and this is in reference to the house in a glass jar containing a candle. I don't see anything on what's marked page 147 about any ---

Q. Does it indicate on the bottom of that page -- tell me what the next page is.

A. Page 267 references a forensics report from, it looks like, Officer Smith.

Q. And is there a highlighted portion?

A. Yes, sir. What appears to be identified as DES-12B is a yellow classy junior t-shirt, size M. And then I guess by way of whether identification or explanation the RO, which refers to responding officer, noted there was an unknown melted item on the front of victim number two's shirt. Dr. Fulcher, who was the pathologist, stated it appeared to be melted wax.

Q. Will you turn to the next page, please. Tell me what that is.

A. Two -- page 273 is a forensic latent print report where -- looks like Christopher Gary with the forensics unit compared a latent lift. I'm not sure who took the latent lift, but in this report it's identified as latent lift number one from a small pink colored candle with glass jar, used, sitting on end table in west corner of the living room identified as being made by the left palm of the following individual. That individual appears to be a match to Amber Christine Daniel.

Q. And the next page, please.
A. 276, page 276 on the Bates stamp is another forensic report performed by Officer Derby, D-e-r-b-y. And the highlighted portion down at the bottom of the page indicates suspected melted candle wax was observed on Porcoro's legs, living room floor, couch and near Daniel's head on the carpet.

(Whereupon Plaintiff's exhibit number 21 was marked for identification)

Q. I'll show you what's marked as Plaintiff's exhibit 21 for identification. Can you identify that?
A. Yes. Plaintiff's 21, which is Bates stamp page 274, is a forensic latent print analysis report. And I don't know who took the fingerprint sample, but in any event, it was given to the forensic division.

And a Christopher Gary performed an examination that would show that there was a lift recovered from a small pink colored candle with glass jar, used, sitting on the end table in the west corner of the living room and prints, looks like two prints off of that jar were lifted, the right index finger and a right middle finger were made by an individual by the name of Ryan Ogburn, O-g-b-u-r-n, Waye, W-a-y-e.
Q. Thank you. If you'll look at Plaintiff's exhibit for identification 20 on the first page, I believe it is, tell me again what that is.
A. The first page, which is Bate stamped 461, is a

notification and waiver of rights form for an individual by the name of Ryan Waye.

Q. And is there a telephone number listed for Ryan Waye?

A. There is.

Q. What would that number be?

A. It appears there are two numbers, 201 6697, the second number of 292 0219.

Q. Thank you.

MR. WILKES: If I could have just a second, Your Honor.

THE COURT: Um-hum (affirmative).

Q. I did not ask you this question. Plaintiff's exhibit number 21 for identification, is that a document that you would have provided the defense with in discovery?

A. Yes.

Q. Thank you.

MR. WILKES: We'd move -- we'd move Plaintiff's 20 and 21 into evidence.

THE COURT: All right. Any objection from the State?

MR. SMITH: No objection.

THE COURT: All right. Exhibits 20 and 21 are admitted into evidence without objection.

(Whereupon Plaintiff's exhibit numbers 20 and 21 were admitted into evidence)

Q. At any time -- how long was this case pending before it went to trial, roughly?

A. Two years.
Q. At any time during that two years were you served with a notice of alibi by the defense?
A. I don't recall. I don't recall a formal notice being served on us. Certainly discussions, but ...
Q. Very good.

MR. WILKES: Nothing further.

THE COURT: All right. Anything else, Mr. Smith?

MR. SMITH: Yes, Your Honor.

Redirect Examination by Mr. Smith:

Q. Mr. Marchant, what do you know about the relationship between Mr. Waye and Mr. Lowe?
A. Well, if my memory is ---

MR. WILKES: Your Honor, I'm going to object. I don't think that's proper, wherever we are, redirect. I think we're coming up with ---

MR. SMITH: There were a bunch of questions about Mr. Waye ---

THE COURT: Yeah, you did ask some questions in recross of Mr. Waye.

MR. WILKES: I'm sorry, I may have misheard the question. Sorry, Your Honor. I just misheard that.

THE COURT: That's all right.

Q. Did they get along?

MR. CHILDS: Objection.

THE COURT: All right. Remember, we're not -- only -- Mr. Wilkes, you objected under Mr. Child's witness and now you're objecting under his. Now just one of you ---

MR. WILKES: Sorry, Your Honor. No objection to that.

THE COURT: All right. No objection. All right, Mr. Smith.

A. I don't recall the status of their relationship. I do recall that Mr. Waye, and Mr. Lowe and Mr. Porcoro had some affiliation with each other. But as far as who was friends with who, or dealt with the other, I don't recall specifics.

Q. Okay. All right.

MR. SMITH: No more questions. Thank you.

THE COURT: All right. Anything else?

MR. WILKES: No, sir.

THE COURT: All right. Mr. Marchant, you may step down.

A. Thank you, Your Honor.

THE COURT: All right. Next witness.

(Whereupon the Court was speaking to the court reporter)

THE COURT: All right. Let's just take our short afternoon recess here, bathroom break. And then we'll start right back up.

MR. CHILDS: Thank you.

(Whereupon court was in recess at 3:37 pm)

(Whereupon court reconvened at 3:50 pm)

THE COURT: Please be seated. All right. Next witness.

MR. SMITH: Your Honor, just on the break I sent Mr. Ellis out. It's my understanding he could come back if necessary, but he wanted to go. I didn't think that would be a problem.

MR. CHILDS: I've got no objection to him being excused.

MR. SMITH: Okay.

THE COURT: All right.

MR. SMITH: So after the break and considering the case, that's all I have for today. The only person that I still have to put up is the expert on the phone issue. The person that I've been dealing with at SLED is still sick. So it's -- I think someone else is coming in his place. I don't know who that's going to be yet.

THE COURT: Okay.

MR. SMITH: So I'll find out sometime between now and then. And it sounds like Mr. Childs has a court appearance in the morning. And would it be okay if we start at 10:30? That way we could ---

THE COURT: All right. You've got something at 9:30?

MR. CHILDS: 9:30.

THE COURT: Yeah, I'll accommodate you on that.

MR. CHILDS: I can make it by 10:30 for sure.

THE COURT: Okay.

MR. CHILDS: And we need the -- we need the CV on their expert. And if there's a report generated, we need to see

that before he testifies.

MR. SMITH: Whenever I get it, I'll forward it.

THE COURT: All right. And your expert is a phone expert?

MR. SMITH: That's right.

THE COURT: Okay.

MR. WILKES: At this point we'd like to refer to him as the alleged expert.

MR. SMITH: So ---

THE COURT: All right. So basically two -- two witnesses, whoever takes the sick person's place and then a phone expert.

MR. SMITH: That's ---

THE COURT: The same guy? Oh, okay. Or same person.

MR. SMITH: That's it. That'll be it for me. And then I'll rest. And then I don't know if they'll have rebuttal, but that'll be it for me. I would imagine he'd probably testify about an hour.

THE COURT: Okay. All right. I will, of course, excuse you for your hearing, Mr. Childs.

MR. CHILDS: Thank you.

THE COURT: And then we'll get back here then at 10:30 or as soon as you can get back. And then we'll wrap it up.

MR. CHILDS: All right. Thank you.

THE COURT: All right. Thank you.

(Whereupon court was in recess at 3:52 pm)

Thursday, February 2nd, 2023:

(Whereupon court reconvened at 11:28 am)

THE COURT: All right. It's 11:30. Where do we stand?

MR. CHILDS: We've got the report, the alleged report at about 11:23.

MR. SMITH: Yes, Your Honor. I'm trying to print. One specific thing with the solicitor's office, I asked them to print, they wouldn't do it. So I had to come down and narrow down the page range. I'm planning to take that back to them now to print again. So I may have four or five pages to print once I get back over there.

MR. CHILDS: And from what we got, we have no idea what his opinion is. All we got was a map, basically.

MR. WILKES: So I can't really cross -- I can't do anything until we've had time to let our expert review it to educate me on how to ---

MR. SMITH: Well, I'll say, Your Honor, I also got their report one hour before we started the hearing on Tuesday, too. So -- I'm not trying to hide the ---

MR. CHILDS: No, I ---

MR. SMITH: --- report from them. Just due to the circumstances, this is the quickest I can get it.

MR. WILKES: We're not complaining about that at all. We understand. We just need time to review it carefully so we

can proceed ---

THE COURT: All right. How much time -- first of all, how long do you think it'll be before they'll get it?

MR. SMITH: I think I can be back over here within 15 minutes.

THE COURT: So they won't let you print something here?

MR. SMITH: Well, what he wanted me to print was a big log. And then they said no. So I think I'm going to end up with a few pages. So ---

MADAM CLERK: You can send it to us. I can print it in there in my office.

MR. SMITH: That would work?

MADAM CLERK: Yeah.

MR. CHILDS: Send it to Lyndall.

MADAM CLERK: Yeah, it's just to lcoker@greenvillecounty.org.

MR. SMITH: Okay. I didn't want -- I didn't want to impose the first time around since it was ---

THE COURT: Well, we've got extenuating circumstances here that we've got to ---

MR. SMITH: Okay.

THE COURT: So just send it up to Lyndall. It's lcoker@greenvillecounty.org, is that right? Yeah.

MR. SMITH: Okay. I'll do that.

THE COURT: All right. So once that's done, then how

long -- how much time will ---

MR. WILKES: Fifteen to 20 minutes. I'm assuming it's not going to be real big, but ---

THE COURT: Okay.

MR. SMITH: And I'll be fair to them, I don't think the report says a lot in it. Most of what he's going to say is going to come out in testimony.

THE COURT: Okay. All right. Well, let's get it going and let's get that done.

MR. SMITH: All right.

THE COURT: All right. We'll be in recess until then.

(Whereupon court was in recess at 11:31 am)

(Whereupon court reconvened at 12:17 pm)

(Whereupon State's exhibit number 1 was marked for identification)

THE COURT: All right. We ready to go?

MR. SMITH: We're ready, Your Honor.

THE COURT: All right. Call your next witness.

MR. SMITH: Yes, Your Honor. The State calls Anthony Gentile to the stand.

MADAM CLERK: Place your left hand on the Bible and raise your right hand.

Anthony Gentile, being duly sworn testified as follows;

MADAM CLERK: State your name, please.

MR. GENTILE: Anthony Joshua Gentile.

MADAM CLERK: Thank you. Please be seated.

Direct Examination by Mr. Smith:

Q. Okay. Mr. Gentile, can you tell me where you work?

A. I'm currently employed with the South Carolina State Law Enforcement Division.

Q. Okay. And what's your unit or division there?

A. I work under the State's Surveillance and Intelligence Unit.

Q. Okay. And what's your -- do you have a particular rank?

A. I'm a senior special agent.

Q. Okay. Can you tell me about your educational background?

A. Yes. So I have a bachelor's degree from the Citadel, a master's degree from South University. And since then in 2015 I was hired by SLED to the SSI Team.

Since then I've been working in cell site analysis, call detail record analysis. I've done over 300 operations to locate suspects mainly in a fugitive apprehension, but this is also done post crime to map locations, and I conduct cell site analysis.

Q. Okay. And I asked you about your educational background. Did you take any technical type classes when you were in college?

A. Yes. I was an engineering student for a portion of time and did take some engineering classes. Also, I had some

computer networking classes. But, ultimately, my degree is in criminal justice.

Q. Okay. So what exactly do you do with SLED? I know that you said you worked in the unit, but how does one go about tracking fugitives like you said?

A. We have a variety of methods that we use. We put them all under the umbrella of electronic surveillance. Those -- those things from different providers are provided to us differently. But we determine based on call detail records where someone is located. That helps us to develop a pattern to see where they may be or where they have been based on where they have been.

Also, some providers provide us with data that we can map in addition to those call detail records that show where they are presently through a GPS location for our Pen Register Track and Trace, which we use on a regular basis, you know, showing where they are and to identify the link and locate those subjects by associates, find addresses where they may be.

We also use social media where we look at IP connection logs and subscriber information determined -- provided from Facebook, Instagram, multiple social media outlets and use those IP connection logs to also state where they were connected to the internet and to identify the location and locate them, ultimately.

Q. Okay. So as part of that work that you do, I think I heard you say you find fugitives using in real-time?

A. (Affirmative nod).

Q. Okay. And do you also do that finding -- using historical maps just to find out where their devices have been?

A. Absolutely. Yeah. We work after a crime has occurred to identify the location of where that subject or that subject's phone was during the time of a crime or during a time window. We do that through cell site analysis also other GPS locations and things that the providers give us.

We map a PenLink, which I've received basic and advanced training, 56 hours of PenLink training, certification. I've been through the FBI's CAST, Cellular Analysis Survey Team, training. I've conducted 80 hours of training from emerging technology systems on RF Theory, Radio Frequency Theory, which describes how radio frequencies move and operate and how that affects what we see from the cell phone's activity on a regular basis.

Q. Okay. I'm going to hand you what's been marked for ID as State's exhibit 1. Will you tell me what that is?

A. That's my CV.

Q. Okay. And does it reflect some of the things you've been discussing here already?

A. Absolutely. And I gave a brief synopsis of my extensive

experience in 2015 on SSI. I've conducted over 300 investigations. I've culminated the apprehension of violent fugitives, also historical cell site location analysis, producing reports of both live and historical data. It touches on my education, my law enforcement experience since 2009 when I became certified.

I'm also in the military simultaneously drilling in the National Guard of South Carolina holding the rank of major and some of my accomplishments there, and on my professional training, as I mentioned, emerging technologies for 80 hours, certified Criminal Justice Academy and PenLink receiving 56 hours of training for basic and advanced ---

Q. Okay. So -- oh, I'm sorry.

A. Along with the cell site intelligence and the call analysis training support.

Q. Okay. So the particulars, what tools do you use when you're tracking fugitives or reviewing cell phone records to find locations?

A. Well, the records provided to us are in various formats, whether it be pdf like AT&T or an Excel document. We use those coupled with what the providers give us as the cell tower list. And we look at the call detail records and then map the location of the towers to see where the person was or is.

Also, we use PenLink. It's a program that will conduct

some reports, some analysis to say these are the towers frequently contacted, these are the areas where the device is usually located at different times of day.

We also use other programs such as Gladiator, Gladiator Forensics makes a program that we use where we have at times uploaded the call detail records into that and, again, tried to determine where the cell phone was located either in real-time or after the fact. But PenLink is the program I used for this and I use often along with manually checking the call detail record and tower locations.

Q. Okay. And you have some records with you. Do you mind if I grab those?

A. Sure.

Q. Okay.

MR. SMITH: And I would like to have these marked as -- for ID as -- collectively as State's exhibit 2.

(Whereupon State's exhibit number 2 was marked for identification)

Q. Okay. I'm handing you what's been marked for ID as State's exhibit 2. Will you tell me what that is?

A. These are call detail records from AT&T where the ---

MR. WILKES: Your Honor, if this is getting into expert testimony, I'd like to voir dire a little bit.

THE COURT: I think he's still laying a foundation for the expert.

MR. WILKES: Is that ---

MR. SMITH: I'm just going to prove that these are records and these are the kinds of records he's been training to review.

THE COURT: Yeah, I think that's probably just foundation.

MR. WILKES: Okay.

MR. SMITH: I'm not going to ask him ---

THE COURT: I'll let you voir dire when he makes that proffer.

MR. WILKES: I wasn't sure if we'd switched over.

Direct Examination by Mr. Smith Continued:

A. These are the call detail records for mobile number 864-283-4400.

Q. Okay. And so at this point I'm not going to ask you any conclusions about these, I'm just discussing what these are. How do you come into possession of these?

A. You send a search warrant to the provider and they -- you tell them the date range that you're looking for. And being a proper search warrant, they send you back the records.

Q. Okay. But these records that I've handed you as State's exhibit 2, how did you come into possession of these?

A. I received them from you, who received them from the defense.

Q. Okay. All right. And it is your understanding that

these are the records at issue in this case?
A. Yes.
Q. Okay. So just discussing generally these records, can you tell me how companies track these records and what exactly these kinds of records would show?
A. Yes.
Q. Generally.
A. Generally, when someone attaches to a tower to be used for service, that generates a log, which is what we see here, a log of transactions that's separated by the transaction type. And that also includes categories, which talk about the phone number, the device, and then the location of the tower, the sector, bandwidth and duration.
Q. Okay. And have you been trained to review records like these?
A. Yes. These are what I come in contact with every time I work a case. We receive the records. And I'm very familiar with call detail records.
Q. Okay. Do you know in your work at SLED how many of records like this you've reviewed since -- reviewed in your career?
A. Over 300.
Q. Okay. And have you been trained on how to review them?
A. Yes.
Q. Okay. What form has that training taken?

A. The Cellular Analysis Survey Team, the CAST Team from the FBI, conducts training on how to read and interpret cell phone records from the different providers. And I've been a part of that training.

Q. Okay. So your training on it, how to read these records has come from the FBI?

A. Yes.

Q. Okay. Any other sources of training on that?

A. The providers also attach a interpretation log or a key with every time they -- every time they send them. So I've reviewed that as well ---

Q. Okay.

A. --- from the provider.

Q. And by provider, you mean companies like AT&T?

A. Correct.

Q. Okay. So when you use records like this in your work at SLED, generally, how do you use these records in your work?

A. So I would load them into a software that would then map the information that is on this -- on the document itself. I would then go back and verify by hand, by looking at the column which shows the location of the tower and all the pertinent information of the sector and so on. Then I verify the program has displayed those correctly.

Q. Okay.

A. The program automatically sifts through the records. And

I verify that it doesn't include anything that isn't reliable for generating a location.

Q. Okay. And those are all steps you've been trained to do -- to use?

A. Yes.

Q. Okay. Who trained you to do those?

A. The FBI.

Q. Okay. That was part of the training you mentioned ---

A. Part of the ---

Q. --- earlier?

A. --- training.

Q. Okay. And you mentioned some software programs you used. Who makes those programs?

A. PenLink is one program we use mostly, which I used for this case. And I have 56 hours of training in that.

Q. Okay. Is it your understanding that that's a program commonly used in interpreting location data from phone records?

A. Yes.

Q. Okay. The type of work on that you do, is that something that if people have a similar skill set, they can check behind you to see if you've done it correctly?

A. Yes.

Q. Okay. So it's a technical thing that could be reproduced or not?

A. Yes.
Q. Okay. You mentioned that you had reviewed records, I think you said, over 300 times?
A. Yes.
Q. Okay. How many of those 300 times have you used records to try to determine the location of a device, past or present?
A. Every time.
Q. Okay. Has your work been used successfully to capture fugitives?
A. Absolutely.
Q. Okay. And you testified about going through some emerging technology support training. What was included in that training?
A. That training talks about Radio Frequency Theory, again, the theory of how the radio frequencies travel to contact the cell phone, which helps us to get a full picture of what we're seeing in the records, why some data or some transactions are more reliable than others and how atmospheric conditions can affect coverage of towers and cell phone service.
Q. Okay. And what would have been included in the Advanced Equipment Training referenced on your CV?
A. The Advanced Equipment Training is some of the programs that we use, some of the different devices that we use to locate subjects.
Q. Okay. Is there anything else about your training or your

experience that you believe's qualified you to review records like we have in State's exhibit 2 to determine the location of a device in a given period of time?

A. Nothing that hasn't been mentioned.

Q. Okay. Have you ever testified as an expert before?

A. I have not.

Q. Okay. So this is your first time, but you have testified at trial before?

A. I have.

Q. Okay. The training that you've discussed today and the techniques you've discussed, are those commonly used in this field to determine the location of the devices using phone records regardless of whether that person works for a law enforcement agency or in some other capacity?

A. Yes.

Q. Okay. Is it something that's generally considered a field of expertise that's recognized?

A. Yes.

Q. Okay.

MR. SMITH: One moment, Your Honor.

(Pause)

MR. SMITH: Your Honor, at this time I would offer Agent Gentile as an expert in cell record analysis and interpretation and cell site location analysis under Rule 702.

THE COURT: All right. Any voir dire from the Applicant?

MR. WILKES: Yes, Your Honor.

THE COURT: All right.

Voir Dire by Mr. Wilkes:

Q. Would you repeat what that area of expertise is?

A. Cell site analysis, call detail record analysis.

Q. And what does cell site analysis mean?

A. Analysis of the cell sites. So what the call detail records show, the analysis of how the tower is reflected on the report and how the cell phone attaches to that tower.

Q. Okay. And you do that by using a PenLink program? Is that what ...

A. No. That's a tool that I use to help display the data.

Q. Okay.

A. I do that manually through looking at the location of the tower and the proximity to the device, the device proximity to it.

Q. How do you determine the device proximity to a tower from the records?

A. Why I know the sector that it is?

Q. Uh-huh (affirmative).

A. Location? And then I know it's in that area of the sector.

Q. And that gives you the distance to the tower?

A. No, not the distance to the tower, but to the general area of the device within that sector.

Q. Okay. Within the coverage of the tower itself?
A. Yes, sir.
Q. Okay. Can you point to, on the records that you have in front of you, could you tell me how you determine that sector?
A. Yes. At the end of the column that says cell location, ---
Q. Um-hum (affirmative).
A. --- there is a sector there indicated by the first set of digits before the -- in the column. So you have the third set from the right, ---
Q. Um-hum (affirmative).
A. --- that's the sector.
Q. And ---
A. That's the -- as in the sector.
Q. Right. So that'd be three? A, B, and C, right?
A. Um-hum (affirmative).
Q. Okay.
A. Well, I don't know which one you're looking at.
Q. Okay. And in this case you said you used PenLink to report this data?
A. I used PenLink to display the data on that map that I created that report with.
Q. And when did you create the report?
A. Yesterday.
Q. What was the date yesterday?

A. The 1st of February, 2023.
Q. Okay. And would your report that you're going to testify to say January 19th of '23?
A. That was when it was received.
Q. What was received?
A. The data.
Q. Okay.
A. The records.
Q. And that's what you were working off of yesterday?
A. Yes, sir.
Q. And you did -- okay. And you said that you've got -- you have 56 hours training in the PenLink, which is the normal and the advanced training?
A. Yes, sir, basic and advanced.
Q. Okay. And 80 hours in RF Theory?
A. Yes, sir.
Q. Okay. And that is roughly four weeks of training in -- in this?
A. Formal training, those are my hours, yes, sir.
Q. Okay. How long have you been working with the PenLink program?
A. Since 2015.
Q. Okay. Very good.

MR. WILKES: No further questions. Thank you.

THE COURT: All right. Any objection to his

qualification as an expert?

MR. WILKES: None, Your Honor.

THE COURT: All right. I find the defendant is qualified, I mean, the witness is qualified as an expert in the field of cell record analysis and interpretation of cell site location analysis. All right, Mr. Smith.

Direct Examination by Mr. Smith Continued:

Q. Okay. Mr. Gentile, can you tell me, these records that I've handed up to you as State's exhibit 2, can you tell me how one would -- can you tell me what information is included on those?

A. Yes. So this -- this piece is a pdf that includes both -- all three of call, SMS via text message and data transactions that occurred through the time -- the time period as listed at the top of the pdf query of records for January 3rd, 2011 from 12 am to May 3rd, 2011 at 11:59 pm.

Q. Okay. And the specific things you're looking at, why do they start at, the date in the left column, why does it say April 2nd, 2011?

A. The time window that I was given to map was from midnight on the 3rd of April, 2011 to noon on April 3rd, 2011.

Q. Okay. So you did receive more records -- did you receive more records ---

A. Yes. I received the entire pdf packet.

Q. Okay. And how did you determine how to narrow it down to

this specific date?
A. I disregarded the dates before the time period in question for this event.
Q. Okay. And so looking at these records would you agree with me that the exhibit is separated into three separate stacks of paper that are stapled together?
A. That's correct.
Q. Okay. So I'm looking at one stack that is numbered at the bottom as page 12 13. Do you see that one?
A. Yes.
Q. Okay. So going across from left to right on this page, what do the different columns indicate?
A. Okay. There's an item number listing which keeps track of the transaction lines, the connection date being the date, the connection time being the time in UTC, which we know to be four hours ahead of Eastern Standard Time on that date.

The originating number would be who started the transaction. The terminating number being who ended or what number ended it. The IMEI, that is a number that is specific to the device. The MZ, specific to the SIM card service. The description of the type of transaction and the cell location.

The cell location is identifying information on the front, which has the LAC, the local area code, or the CID -- and the CID, the cellular ID, which helps us to determine which market that we're looking for when we look at the

records.

Once we know the records location, so that would be like a zip code of an area. Then we use that to then find -- plug in the tower, to verify the tower location and the longitude is listed first before the latitude of the location of the tower. Then the sector is located there, colon, the beamwidth, which is the width of the coverage area, and then the duration of the time.

Q. Okay. So was this -- this type of record, is this common for you to get from AT&T ---

A. Yes.

Q. --- when you're conducting your analysis?

A. Yes.

Q. Okay. Do all phone providers collect this same information?

A. They do.

Q. Okay. Is there any company that collects more or less information than another?

A. They're presented in different ways, but they all present call detail records.

Q. Okay. So we've already covered some of this this week, so I'm not necessarily going to cover it all. But -- so let's say I had a cell phone and I made a phone call to someone. It would generate one of these, which you've referred to as a transaction ---

A. Correct.
Q. --- entry? Okay. And so the connection date would be the date on which the call was made?
A. Correct.
Q. Okay. And the connection time presented in UTC format would be the time that the call was made?
A. Yes.
Q. Okay. And that's what time the call connected to the tower?
A. Correct.
Q. Okay. And the originating number, what would that be?
A. It would be the number that started the transaction.
Q. Okay.
A. So the ---
Q. The dialing number?
A. It could be the -- it would be the source of ---
Q. Okay.
A. --- of the transaction. So it may not be a phone number. It may be a number from a -- an entity such as a vendor sending you a message. It may not have a full cell phone number. It may be a five or six digit number, but it is whatever number started the transaction.
Q. So that's information that can be used to identify a device?
A. It can, yes.

Q. Okay. All right. And the terminating number, is that the same thing?

A. Terminating number is the called party or the different portions of this being text message, the one receiving, it's the end of the transaction, the other end of the line. Initiated first by the originating number and then terminating with the terminating number.

Q. And then over in the far right hand column, the cell location column, what is the cell?

A. The cell location -- so it's, like I said, two numbers that determine the market and then the location. Like the region and the zip code, for instance.

Q. Okay.

A. It is -- they're identifying numbers that let us know what portion of the United States we're looking for to find that cell tower.

Q. Okay. This kind of record, is this generally considered reliable in your field?

A. Yes.

Q. Okay. And then I'm looking at another collection in there that's been stapled together, number 417 at the bottom. Do you see that one?

A. I do.

Q. Okay. What's the difference between this collection of papers and the one we just discussed?

A. There aren't many differences in them. They cover the same things. Again, the originating number and the terminating number.

One -- one major difference since this is a voice, these are voice records, they have a column that says seizure time and then ET, elapse time. Seizure time being the amount of time that it takes from when one side presses send for the phone call until a point that it is pressed to receive. So that is the time that it's ringing. The elapsed time is the amount of time that the entire call takes.

Q. Okay. And then looking at the third collection, which is numbered page 59 at the bottom, what's the difference between this series of pages?

A. So this is data usage. The main difference is it has a bytes up/bytes down where they're uploading or downloading data. And then it has location information.

However, this report is not regarded as accurate for determining location information. AT&T, the provider themself, state that they do not testify to the accuracy of location information based on data usage.

Also, the CAST Team of the FBI have given us training. And they state that they do not testify to the accuracy of location information generated from data transactions.

Q. Okay. So that's guidance that you're aware of from AT&T and the FBI?

A. Correct.
Q. Okay. So this third collection here of data transactions, it's -- if you were performing your own analysis of location information using -- and mapping using this type of record, would you use this -- these data records?
A. I would not.
Q. Okay. Is it your understanding of people in your field, is this something they generally would use?
A. No.
Q. Okay.
A. They would not use it. And our programs such as PenLink automatically disregard the location information based on a data transaction.
Q. Okay. Is that something that's accepted in your whole field or is it sort of a debated issue?
A. The entire field does not testify to location from data transactions.
Q. Okay. And what's the reason that this is not a reliable way to pinpoint location?
A. When a device attaches to a tower for data transaction, it doesn't always reflect every tower used during that data transaction. And that transaction can last for a very substantial amount of time because the application could be being run in the background while doing something else.
So, therefore, there's no hand-over, there's no

terminating tower location. There was only one tower, and then that tower remains. Also, it's not always the -- it's not -- we disregard that -- those location -- that location information from the transactions.

Q. Okay. So that specific type of data, would that be -- could that be something that was generated if someone was using an app to access the internet ---

A. Yes.

Q. --- from a phone? Okay. Could that sort of exchange be generated even if a -- even if a user wasn't actively doing something on the phone?

A. Yes.

Q. Okay. What would be that situation?

A. An application could be running in the background, for instance, Facebook or social media. And that person could have minimized the application, however, not close the application fully.

And, therefore, if they're receiving messages or notifications, that data can continue to be shown as a transaction, however, they're not actively doing anything with the device. It could be stationary, unattended and the data would still show uplink or download, bytes up or bytes down.

Q. Okay.

MR. SMITH: And, Your Honor, I'm going to offer the State's exhibit 1 for admission. That's the CV.

THE COURT: All right. Any objection to that?

MR. WILKES: No, Your Honor.

THE COURT: CV? All right. State's exhibit number 1 is admitted into evidence without objection.

(Whereupon State's exhibit number 1 was admitted into evidence)

MR. SMITH: And the same thing with exhibit 2, the phone records.

THE COURT: All right. Any objection?

MR. WILKES: None, Your Honor.

THE COURT: All right. State's exhibit number 2 is admitted into evidence without objection.

(Whereupon State's exhibit number 2 was admitted into evidence)

MR. SMITH: Okay.

Direct Examination by Mr. Smith Continued:

Q. Agent Gentile, tell me -- tell me again how you would use these records that we've discussed to create a map showing where a device was located at the time that some of these exchanges were made.

A. Okay. I would go into the PenLink software and I would upload the records in complete as in totality as they are, not removing anything from it. At which time I would indicate the date range in which I was searching to map.

And then I would click to create map. And it would

create a map of the activity. It would generate a location without data, just on text message and voice it would create a map which I then would cut and paste into a PowerPoint presentation after I've manually verified there are no anomalies or mistakes in the program's illustration of the records.

Q. How do you manually verify that?

A. I would look at the records parallel to what I'm seeing on the map that was generated, and I would make sure that, for instance, in this case there was only one latitude and longitude that showed up for every call.

If I saw another tower that had another latitude and longitude, I would know that that was incorrect based on what I see in the records. When I did that this time, there were no incorrectly mapped towers or locations.

Q. Okay. And we'll go through your results in a minute. So I'd like to ask you, too, about how the towers work and how phones connect to the towers. So what is -- what is the range that any given cell site has? How far away could I be from a tower and still connect to it?

A. There are many factors that determine which cell phone tower you are attached to for a transaction. It is not possible to make a general statement as to the distance that a tower will cover without doing extensive research and testing on that tower.

Some of those things that can affect that are geographic coverage, whether that tower is on an elevated location or down in a hole, which is a depressed area. Some of those are even environmental factors. A low ceiling can affect the amount that a tower can transmit. A low ceiling of cloud coverage. Any kind of adverse weather conditions can also affect coverage. But you cannot say generally that there's any distance that you can reference and cover for every tower. Each tower is different.

Also, what would change is you're not always attached to the closest tower. There are factors such as the amount of users on a tower at a time that a -- your phone would try to attach to a close tower with a large number of users on it and would decide to take a tower further away, which may have a worse coverage signal but has less users on it. That way you can complete the transaction more reliably than one that has more users on it depending on what you were trying to accomplish.

Q. Okay. The coverage area of a cell tower that you just testified about, is that something that's common links in your field, but those can vary depending on circumstances?

A. Yes.

Q. Okay. Does the field agree that a phone does not always attach to the nearest tower?

A. Yes.

Q. Okay. Do the coverage areas of cell towers overlap any or are they mutually exclusive?

A. Yes. Cell towers usually do overlap in their coverage. And that allows for a smooth transition from tower to tower if you're moving. It also increases coverage. For instance, when you see the graphic that a lot of the providers, Verizon, T-Mobile put online that shows the United States of America, they're proud of the amount of coverage that their towers cover, which has to have an overlap in order to maintain a seamless coverage.

Q. What would happen to a phone call if you were moving from one location to another, from one cell site coverage area to another and the areas did not overlap?

A. You'd be handed off from one tower to the next.

Q. If they -- if they didn't overlap?

A. If they didn't overlap, then you'd see -- if you were on the phone during a time, there'd be a hand-off. If not, then you'd see a totally different tower be contacted for transaction.

Q. What does hand-off mean?

A. Hand-off is if you are handed off -- one tower had your phone and providing service and then you'd move into coverage area better for the other tower. It would -- the one tower would release while the other would pick up. And then they would have you connected to it for the duration of that call.

Q. Okay.
A. I'll also say that you cannot determine the coverage of a tower based on the map.
Q. What about based on these records in State's exhibit 2?
A. You can -- let's see. You can tell that the phone was on the tower because it says the latitude and longitude and the identifying information, but you can't tell whether that tower -- how far that tower could reach or how much coverage that tower would have. That's, again, something that would have to be considered done through a drive test where you actually drive a device through the tower coverage area. And it would tell you whether it's attached to that tower or another tower and then the other factors involved.
Q. Okay. So I'd like to discuss with you about the records in this case. The analysis that you've discussed about understanding what a record said, did you do that with respect to State's exhibit 2?
A. Yes.
Q. Okay. And did you perform mapping and location analysis based off of those records?
A. Yes.
Q. Okay. And when you did that did you use the same procedure that you've discussed already?
A. Yes.
Q. Okay. Has anyone else reviewed that work?

A. Yes. My work was peer reviewed by my lieutenant, Lieutenant Chris Johnson.

Q. Okay. And I have what you've given to us today, ---

MR. SMITH: I'm going to have this marked as State's exhibit 3 for ID.

(Whereupon State's exhibit number 3 was marked for identification)

Q. And I've just handed you State's exhibit 3. Would you tell me what this is?

A. This is a cellular analysis that I completed and a report that I generated.

Q. Okay. And is that also what we have displayed on the screen?

A. Yes.

Q. Okay. So I'm looking on here. You discussed the target phone is 864-283-4400. Where did you get that number from?

A. I received that number from you and in the records.

Q. Okay. And you have on here in your slide two addresses mentioned, 2004 East Lee Road and 18 Gladesworth Drive. What -- where did you get those two addresses from?

A. I received those addresses from you, one being the incident location, 2004 East Lee Road in Taylors, South Carolina, and one being a residence that the subject was residing in at the time.

Q. Okay.

A. 18 Gladesworth Drive, Greenville.
Q. Okay. And if you look at the end of your presentation here at the map, and if you'll make sure we're looking at the right one on the overhead.
A. You're going to go all the way to the next to the last slide. Yes.
Q. This is the right one?
A. Yes.
Q. Okay. Can you explain to me what's going on and what's being presented in this map?
A. So here is where the program PenLink has illustrated the -- all the calls and text messages during the period of midnight to 12 noon on 4/3/2011 as indicated what tower was used during that time or any towers used during that time in which it produced this map which shows one tower only being contacted during those times for that device with reliable location information being voice and texts.

It shows the target number. It shows the LAC and CID, which are those identifying features. And then it has the latitude/longitude of that tower. The top printed in yellow is again furthermore identifying the tower.

On the records for 4G transaction you see the eCGI, which is the enhanced cell global indicator or identity and the eNBID, the eNodeB ID, which is again another way of indicating the LAC and CID for a 4G transaction. The two red indicators

on the map are the addresses mapped. And the next slide, it has those identified.

Q. Okay. Out of all the phone and text exchanges that happened during that time-frame you've mentioned, did they ever attach to more than one tower?

A. No.

Q. Okay. Which tower did they connect to?

A. The one pictured there with the latitude and longitude in the last -- the last slide.

Q. Okay. So that purple point, is that the tower?

A. The purple circle, yes, is the tower location.

Q. Okay. And the two red dots, what are those?

A. Those are locations that I mapped. The one closest to the tower is the residence. The one further away is the incident location.

Q. Okay. Can you tell from these records if all of the exchanges that connected during that time-frame to that tower, does that mean that that was the closest tower to that device during that time-frame?

A. Not necessarily that it was the closest tower, but it was the tower that provided the best strength for the transactions.

Q. Okay. Is it possible that during that time-frame that there was another tower closer, but that it connected to this particular tower you have pinpointed anyway?

A. It's possible.
Q. Okay. You just don't know?
A. Don't know.
Q. Okay. Can you tell me -- turning to the specifics of the record, I'd like to look at the text message exchanges in State's exhibit 2 first. And I'd like to ask you some questions specific to these records. And before I start asking you questions, how do you go about converting the UTC Time to a time that's understandable?
A. UTC is four hours ahead of us, Eastern Standard Time. You check the date and you make sure that we're Eastern Standard Time and you know that UTC is, therefore, four hours ahead of Eastern Standard Time. So as I look at these records, you would have to subtract four hours from the connection time listed to put it into Eastern Standard Time.
Q. Okay. So as we're going down, if I ask you a question about a specific entry on this record, would you be able to give an answer in Eastern Standard Time?
A. Yes.
Q. Okay. When we start at -- can you tell me by looking at this if there's an exchange listed for 5:37 am?
A. Yes. Item number 1891, number 7, you see the connection date of 4/3/11. And the connection time was 09:37 and 4 seconds, which I know to be 5:37 Eastern Standard Time.
Q. Was that an incoming or outgoing text message?

A. That was an outgoing.
Q. Okay. And how can you tell that from this?
A. The originating number is the number of our target ---
Q. Okay.
A. --- with the subject number.
Q. Okay. So let's pinpoint that one at 5:37 am. Okay. The next text message exchange listed on the log, at what time was that?
A. That one just below it is at 8:52 listed on the report as 12:52 UTC.
Q. Was that an incoming or outgoing text message?
A. That was incoming.
THE COURT: Mr. Smith, is there a way your assistant can maybe enlarge it a little bit? I think there's a way to do it. Is there a way to enlarge it on the screen a little bit? I know Mr. Childs was doing that yesterday. Is there a way to do that? If not, don't worry about it.
(Pause)
THE COURT: That's good there.
MR. SMITH: Okay.
Q. So that's a good point for letting me ask you a question. Based on these records, can you tell if a text message that was received on this was ever opened or read?
A. No.
Q. Okay. All right. So what's next after the 8:52 incoming

text message?
A. You have an incoming text message at 9:03.
Q. Okay. And then what's next?
A. Another incoming at 9:14.
Q. Okay.
A. Incoming at 9:33.
Q. Okay.
A. And an incoming at 9:56.
Q. Okay.
A. Incoming at 10:07.
Q. Okay.
A. Incoming at 10:46.
Q. Okay. So let's stop there. So that's a series of incoming text messages from 5:37 am until 10:46 am, right?
A. Yes, the 5:37 is outgoing. And then after that everything is incoming only.
Q. Okay. And so you can't tell or draw any conclusions about whether these incoming text messages were ever read?
A. Correct.
Q. Okay. All right. The fact that it's on here, does that mean -- what is the significance of these text messages being listed on the call records?
A. I created a location transaction, so used the cell service in order to be received or send. And so, therefore, it shows a location of the tower that was used to complete the

transaction.
Q. Okay. Does someone have to be near or holding a phone for it to receive an incoming text message?
A. No, they do not.
Q. Okay. Can you tell during that time period if the phone was on or off at the specific times pinpointed in that text message record?
A. No.
Q. Okay. Does the phone have to be on to receive one of these?
A. No.
Q. Okay. How about for the outgoing text message, does that indicate that the phone was on at that time?
A. Yes.
Q. Okay. So in the period after 5:37 am all the way up to and including 10:46 am you don't know based on these text message records if anyone was using this phone?
A. Based on these text message records, no.
Q. If they were operating?
A. No.
Q. Okay. Can you tell if that person -- can you tell if anybody was in the same room as this phone?
A. No.
Q. Okay. And so I'd like to then look at the call records in State's exhibit 2. And I'm going to start you at about

3:54 am. Okay. So beginning at 3:54 am, do you see that one?
A. I do.
Q. Is that an incoming or outgoing call?
A. That's an incoming call.
Q. Okay. Can you tell if that call was answered on the phone?
A. It appears it was.
Q. Okay. And why do you say that?
A. The seizure time is two seconds, which means that whenever the originating number placed the call, it took two seconds before the phone was -- accepted the call. And then the duration was the elapsed time of one thirty-nine (139).
Q. Was that one minute and thirty-nine seconds (1:39)?
A. Yes.
Q. Okay. But we can't tell from the record who answered the call?
A. No.
Q. Okay. And what's the next call listed on this record after that, that one at 3:54 am?
A. On the records it's 14:45, so 10:45.
Q. Was that an incoming or outgoing call?
A. That was incoming.
Q. Can you tell if it was answered?
A. It was not answered. The elapsed time was zero.
Q. Okay. And, again, what's the elapsed time mean?

A. The elapsed time is the amount of time that the phone was connected on the call.
Q. Okay.
A. Seizure time is 28 seconds. That just means that it rang for 28 seconds with no answer from the device ---
Q. Okay.
A. --- because of the zero elapsed time.
Q. All right. And then what's next on the call -- what's the next call for which we have the exchange information?
A. 10:46. Again zero and zero, 26 seconds of seizure time, zero seconds of elapsed time.
Q. Was that an incoming call or outgoing?
A. It was incoming.
Q. Okay. So can you tell if it was answered?
A. It was not.
Q. Okay. And what's next?
A. You have 12:32 pm. And that was an incoming call. And that was not answered.
Q. Okay. And going back real quickly to the 10:45, 10:46, I believe you told me earlier that there was one in there you thought was doubled. Can you tell me what that ---
A. Well, the time is listed on here as 14:45:41 and 1:28 seconds. And then also it's 14:45:48, which is 7 seconds later, and that's 23 seconds. So likely it's the same call. There was no -- no location information generated as you see

in the call, it says cell location for the first one. The second one there is cell location listed.

Q. Okay. And the one at 12:32 -- oh, I'm sorry. You said next was 12:32 pm?

A. 12:32, yes.

Q. Was that incoming or outgoing?

A. That was incoming.

Q. Can you tell if it was answered?

A. It was not. There is zero elapsed time.

Q. All right. And what's next after that?

A. There is a call at 2:19 pm. And that was an incoming call. And there was elapsed time of 2 minutes and 32 seconds, which would indicate that it was answered.

Q. Okay. And, again, you don't know who answered that?

A. No.

Q. Okay. So looking back at that, there was a incoming call that was answered at 3:54 am, right?

A. Yes.

Q. Okay. And after that there's a series of incoming calls that were not answered?

A. Correct.

Q. Okay. And possibly even one for which there's no location data?

A. Yes.

Q. But even that was an incoming call that ---

A. Yes.
Q. Okay. So after 3:54 am the first call that is answered on the phone is one at 2:19 pm?
A. Correct.
Q. And during that time there are no outgoing calls?
A. Correct.
Q. Okay. And you testified earlier about the fact that you don't even map data exchanges, right?
A. Correct.
Q. Okay. And remind me again the reason for that.
A. It's unreliable based on what the provider's testimony is and the FBI.
Q. Okay. So let's say we looked at the data exchanges anyway in State's exhibit 2. So regardless of mapping, if I asked you questions about the times given on the records for data exchanges and when that attached to a tower, could you tell me that?
A. Yes.
Q. Okay. So let's look at -- do you see one for 6:05 am?
A. I do.
Q. Okay.
A. Page 62 of the records.
Q. Okay.
A. Connection time says 10:05 UTC. It has a target number as the originating number, which it's all going to say because

they're the only number listed on the data. Elapsed time and bytes up/bytes down along with the cell location, which is the same, same tower area.

Q. Okay. And what's the next data exchange noted on that record?

A. 20:59 UTC in the records. So that would be 4:59. Yes, 4:59.

Q. PM?

A. PM.

Q. Okay.

A. And that is elapsed time of 4:26 and same location.

Q. Okay. So there were no data exchanges from this device listed on this record between 6:05 am and 4:59 pm?

A. No, no data transactions during that time.

Q. Okay. So there's one thing on here that looks to me like a gap. And I'd like to ask you if you agree about that. Between, let's say, 5:37 am on text, this is an outgoing text message, and 8:52 am, which is an incoming text message, is that right?

A. Yes.

Q. Okay. And you agree that was when you testified earlier was a text message that -- well, it was incoming. Okay. What could explain the inactivity in the text, call and data records for that approximately two hour and 15 minute time window?

A. There's a variety of things that could have been the cause. The device could be powered off during the time that there is no -- there are no transactions for voice, text and data. The device could be without signal. The device could have no activity at all because there's no user to manipulate the device to create the activity.
Q. Okay. Do you -- can you tell from the records if one of those situations may have been the case here?
A. I can tell that one of the situations did occur, yes.
Q. You just don't know what?
A. We don't know what exactly.
Q. Okay. But, regardless, there was no attachment to a tower such that would generate location information during that time window?
A. Yes. During the time window using from 6:05, the last data, to 8:52, being the first text message.
Q. Which was an incoming text message?
A. Yes.
Q. Okay. And would you agree with me that during the calls and texts listed even after the 8:52 incoming text message that there are gaps in the different exchanges?
A. Yes.
Q. Okay.
A. You can see that by looking at the connection time across all three types and seeing when the last one was to the next

one, that creates a gap in there in the activity.
Q. Okay. So can I ask you about some specific math between different ---
A. Sure.
Q. Okay. If we look at the one between -- the incoming text message at 9:14 am and the incoming text message between 9:33 am, ---
A. Are you looking in UTC time or Eastern?
Q. Well, I'm doing it in my head in Eastern Standard, but if we're just comparing the difference in minutes, would it matter?
A. No.
Q. Okay. Can you tell me approximately how many minutes would be between 9:14 and 9:33?
A. Eighteen minutes.
Q. Okay. And would you agree there's about -- at the 9:33 incoming text message that there's about 23 minutes of time between the 9:33 incoming message and the 9:56 incoming message?
A. Yes.
Q. Okay. And the 10:07 incoming message and the 10:46 incoming message, is that about 39 minutes?
A. Yes.
Q. Okay. So there -- I guess let me wrap it up by asking you conclusions. Based off of these records can it be said

based on your skill, experience, education, training that you can say who was using this phone during these time periods?

A. You cannot say who was using the device during ---

Q. Okay.

A. --- these time periods.

Q. Okay. During these time windows we've discussed, can you say conclusively that this device was nearest to the tower closest to the home address at Gladesworth?

A. I would say that based on the tower and the conditions at that time that that phone was connected to that tower ---

Q. Okay.

A. --- during the duration of all these transactions ---

Q. Okay.

A. --- during the time examined.

Q. Okay. And during these gaps in between these exchanges can you say from these records exactly where this phone was located during those time periods?

A. During the gaps, I cannot.

Q. Okay. And so using what you believe is the more reliable method of only relying on text and call records that no conclusions can be drawn about the location of this phone between 5:37 am and 8:52 am?

A. Correct.

Q. Okay. And even if you use the data records, which you've said you believe and people in your field believe is

unreliable for location purposes, but even if we use that, no conclusion can be drawn from these records about the location of the device between 6:05 am and 8:52 am?

A. Correct.

Q. Okay. Is it possible that on these points of, let's say, between this 5:37 am and this -- okay. So I'm going to look at -- there was a text message sent at 5:37 am and a phone call answered at 2:19 pm. Is it possible that during that time window this phone was located in an empty house?

A. Yes.

Q. Despite the fact that it received calls and text messages?

A. Yes. A phone will receive, unattended, without a user manipulating the device.

Q. Okay. Just one moment, please.

(Pause)

Q. Okay. And just to make sure that it's clear, using text and call you can draw no conclusions about whether anyone was using this phone between 5:37 am and 2:19 pm?

A. I cannot draw any conclusions as to whether they were using it, but the fact that it's all incoming does suggest that there were no transactions initiated by the device.

Q. Okay. So it could have been on?

A. (Affirmative nod).

Q. It could have been located at this address on Gladesworth

Drive?
A. Yes.
Q. Okay. And you don't -- you don't even know that, right, based on this -- these records, right?
A. Right.
Q. You don't -- other than it was at that address?
A. Correct.
Q. Okay. And even if you used the data, you still can't, in your opinion, use these records to say that this phone was in active use between 6:05 am and 2:19 pm?
A. I would not use the data to determine where the phone was.
Q. Okay. So I'll rephrase that.
A. Okay.
Q. Even if we're looking at just the records saying were there data exchanges, there were no data exchanges between 6:05 am and 4:59 pm?
A. Correct.
Q. Okay. Thank you.

MR. SMITH: No more questions.

(Whereupon a bench conference was held off the record with court staff)

THE COURT: All right. Before cross what we're going to do, we're going to take a 30 minute lunch break. And then we will resume back at 2:00 and we'll start cross.

MR. WILKES: Thank you.

THE COURT: All right.

(Whereupon court was in recess at 1:28 pm)

(Whereupon court reconvened at 2:01 pm)

THE COURT: All right. Before we start cross-examination I want to remind everybody in the audience, spectator section back there that there is to be no hand gestures, no facial expression, no reactions to any kind of testimony from the witness stand. If it happens, I'm going to remove you from the courtroom. So I don't want to have -- I don't want to have that happen again. We've got a little activity that's been going on back there, not too flagrant, but in response to this witness' testimony. So I don't want to see any -- any response at all.

MR. WILKES: Yes, sir.

THE COURT: All right. Cross.

MR. SMITH: Your Honor, I forgot to do this. I wanted to move to admit the slide show.

THE COURT: All right. Any objection?

MR. WILKES: No, Your Honor.

THE COURT: All right. What exhibit number? Is that 3?

MR. SMITH: That's 3.

THE COURT: All right. Exhibit number 3 is admitted into evidence without objection.

(Whereupon State's exhibit number 3 was admitted into

evidence)

THE COURT: All right. Yes, sir.

Cross-examination by Mr. Wilkes:

Q. You had indicated in your testimony that data transmission, data was unreliable? Is that ---

A. Yes, sir.

Q. Okay.

A. General location information.

Q. Okay. And when you say data, are you talking about data transmission as in the cell phone's usage of internet?

A. I'm talking about the -- any transaction that would use cellular data. And that would be indicated on the CDR.

Q. Okay. Such as a cell phone call?

A. No.

Q. Such as a text message?

A. They're separated on the CDR by voice, SMS and data.

Q. Okay.

A. So anything in the section of data is disregarded for mapping purposes.

Q. Okay. And you're not aware of any data being used for location in this case?

A. No.

Q. Okay. Okay. So your term of data isn't -- because we've used the term cell phone data throughout this case. And when we say that that cell phone data does something or not, that's

not the same data when you say data's unreliable?
A. Yes, sir. I'll clarify.
Q. Okay.
A. Data as in what's on the cell phone call detail records is a separate category indicated ---
Q. Okay.
A. --- on the CDR.
Q. Okay. And none of that has been used or highlighted or pointed out in this case as far as you know?
A. For location information, no.
Q. Okay. Good.
A. Not in my -- not in my map that I created.
Q. Okay. I just wanted to make sure we had our usage right. Now you had said that you can't tell the distance -- as a general rule, I guess, you can't tell the coverage area of the cell phone tower?
A. Correct.
Q. Okay. And you're familiar with why we call it cell phone, right? The cells and how they were developed for coverage?
A. Yes. And let me just clarify. My statement was you cannot -- you cannot determine from the report or from the map how far coverage area extends for a cell phone tower.
Q. Okay. Very good. So you would agree with me that -- you're familiar with the population density theory of

developing the cell network? In other words, more cells where there's more population?

A. I agree with you that would be a purpose for determining cell phone towers.

Q. Okay. Have you any experience or training in how that population density calculation is made?

A. No.

Q. Okay. But you probably know that in Montana a cell phone tower would be much larger coverage-wise than it would be, say, in Greenville or New York City?

A. I don't know about Montana, but I would agree that that is likely.

Q. Okay. And that there's probably a formula by which that has been calculated?

A. There's got to be something.

Q. Okay. And am I -- are we in agreement that the calls and texts that we've identified, highlighted, that you've probably reviewed, did all come from the tower closest to the Gladesworth residence?

A. Yes. The proximity of the address at Gladesworth to the tower was closer than any other tower in the area.

Q. Okay. Very good.

MR. WILKES: No further questions.

THE COURT: All right. Any redirect?

MR. SMITH: Just a few, Your Honor.

Redirect Examination by Mr. Smith:

Q. Okay. I'm showing you Plaintiff's exhibit 11, slide 22. Can you take a look at that a second for me?

A. Okay.

Q. And will you agree with me that the entries here are a mixture of text, call and data entries?

A. That's correct.

Q. Okay. And they are reflected that way, are they not? For example, the one at -- listed as occurring at, I think that says 6:05 am. It is described as a data entry.

A. Yes. So it appears this was created using a different software than I normally use or -- or not the original CDR, but at 6:05 it does indicate on this report, that says data.

Q. Okay. And by way of contrast, the entry under that at, I think, at 9:03 am, I'm sorry, I'm reading it upside down, indicates that it's a text entry?

A. That's what it says, yes.

Q. Okay. And the way that this is described as a data entry, the one there, does that correspond to what we've been referring to as data exchanges that are shown in State's exhibit 2?

A. The 6:05 data entry does match what's in the CDR as a data entry, yes.

Q. Okay. And how about the rest on there following that, if there are any, that are referred to as data entries? Or

before?

A. Okay. Before we have a 5:58 am. Yes, that is located in the records.

Q. Okay. So this is an example of one of the data exchanges that you've described as unreliable?

A. Yes.

Q. Okay. And it is presented in this slide 22?

A. Yes.

Q. Okay. And so these -- any of these entries on slide 22 that are described as data, are those ones that you did not take into consideration when mapping location?

A. Yes. If it matches with the CDR, as it appears it does, I would not use that in location information and did not for this report.

Q. Okay. So you weren't here when Mr. Ben Levitan testified earlier this week, were you?

A. I was not.

Q. Okay. So if someone testified in this courtroom about location data using those entries described on slide 22 as data, you would agree that that person used location data that you found unreliable?

A. Yes.

Q. And that's not just you, the field interprets that as unreliable?

A. Yes, the FBI, which instructed us in my unit, and AT&T,

the provider that provides these records ---

Q. Okay.

A. --- testifies to that as well.

Q. Okay. But, regardless, the last such data entry listed on this chart is noted as having taken place at 6:05 am?

A. That's correct.

Q. Okay. Just one moment, please.

(Pause)

Q. Okay.

MR. SMITH: No more questions. Thank you.

THE COURT: All right. Anything else?

MR. WILKES: Just one, Your Honor.

Recross-examination by Mr. Wilkes:

Q. When I asked the question -- did I use the term highlighted when I asked you about data entries?

A. I don't believe so.

Q. Okay.

A. I'm not sure. I can't recall if you said highlighted.

Q. Okay. So those data entries -- there's data entries throughout the 2,000 pages mixed in, correct?

A. They are separated in category that says data. The CDR in the top left indicates whether it's SMS usage, voice usage or data usage. Those transactions that they were talking about just now were under the data usage section of the spreadsheet, which is in the exhibit.

Q. Okay. And you said that the data that you would take out of the reliability factor there would be -- the latest one was what time?
A. I would take ---
Q. Five something?
A. I would take all of it out.
Q. No, I'm just saying on the report you just looked at, ---
A. Um-hum (affirmative).
Q. --- you were criticizing the report, what ---
A. 6:05 ---
Q. Okay.
A. --- was one that was indicated on that report. And it was a data transaction. I would disregard that one.
Q. Do you have it in front of you?
A. I do not.
Q. Okay.
A. I believe it's right there.
(Pause)
Q. I'm going to show you Plaintiff's exhibit 9. Does that look to be the same data -- the same information on that as to what you were looking at?
A. No.
Q. Okay. Why not?
A. This is SMS usage.
Q. All right.

A. It is not data usage. This exhibit here is an excerpt from the report.
Q. Okay.
A. And it shows only data usage, ---
Q. Okay.
A. --- which is a section of the report.
Q. Okay. So exhibit 9 that I showed you has highlighted ---
A. Yes.
Q. --- entries? Okay. That's what I thought we were talking about, but we weren't.
A. Right.
Q. On that exhibit 9 there are highlighted entries from earlier in the trial, which you didn't get to hear, but are any of those highlighted entries data, internet data?
A. No. These are text messages, incoming text messages.
Q. Okay. Very good.

MR. WILKES: No further questions.

THE COURT: All right. Anything else, Mr. Smith?

Further Redirect Examination by Mr. Smith:

Q. Do you still have exhibit 11 in front of you?
A. I don't.
Q. Okay. Looking at slide 11, ---

MR. CHILDS: Is that exhibit 11?

MR. SMITH: Exhibit 11. I apologize, slide 22.

Q. Do you see the entries at the bottom noted in yellow?

A. Yes.
Q. Okay. Based on your analysis of the call records in State's exhibit 2, were those received calls or texts? Or sent calls and texts from the number at issue?
A. These were received starting with -- I see here at 9:03, received. Terminating number is the target number. 9:14, terminating number is the target number, received. 9:33, terminating number is the target number, received.
Q. Okay.

MR. SMITH: No more questions.

THE COURT: Anything else, Mr. Wilkes?

MR. WILKES: No, sir. No, Your Honor.

THE COURT: All right. Thank you, Agent Gentile. You may step down.

MR. SMITH: And I'm going to collect the exhibits.

(Pause)

THE COURT: All right. Next witness.

MR. SMITH: The State rests.

THE COURT: All right. Anything from the Applicant?

MR. WILKES: Your Honor, we'd call Mr. Levitan, briefly.

THE COURT: All right. Mr. Levitan. You've already been sworn, so you are still under oath.

MR. LEVITAN: Yes, sir. I understand, Your Honor.

THE COURT: Mr. Childs, is there an issue with ---

MR. CHILDS: I don't know. I've got an output. And when

I try to present it, it's not coming up on the screen.

(Pause)

Direct Examination by Mr. Wilkes:

Q. Mr. Levitan, am I correct in that population density makes a difference on the design of the cell network in any given location?

A. Yes, sir, it is.

Q. And if I were to say that the range that a cell phone tower is set to operate under would be different in Montana versus Greenville?

A. Hundred percent, sir. Yes, sir.

Q. Can you tell me what the cell tower radius is set to for Greenville?

A. For Greenville, in this specific area, about a mile in radius, two miles across.

Q. Okay. And the purpose of that is to prevent over-coverage into other cells, I take it?

A. I'm sorry. Could you ask the question ---

Q. Is setting it for a certain amount intentional? Are certain distances intentional? And why is that?

A. Well, it's absolutely intentional. So let's take a round number. A cell tower can handle a hundred people using the phone at the same time.

Q. All right.

A. All right? So in Greenville the population density is

about 2400 people per square mile. So the game we have to play or the way we design how wide that cell phone network is to be is we draw a circle and we say between five and 6:00 at night it's our opinion that there will not be more than a thousand people using the cell phone system.

So -- and you've had -- and things change, of course. Properties grow, areas grow. And you've got some experiences, especially between five and 6:00 at night. You're at home or you're where you always are, you never have problems making calls. All of a sudden you get that message, sorry, all circuits are busy. What that means is there's no more capacity.

You know on that FM/AM radio there's about a hundred stations or so. That means there's only a hundred businesses that can have a radio station in Greenville. And with cell phones you'll only have about a thousand radio stations available.

So once those thousand are assigned to people, temporarily to use for the cell phone system, then there's no more available. So when you try to make a call, the network goes -- I've got no radio assigned to you, so all circuits are busy.

Now so take -- take this example and go to Montana. Okay. So if you draw a circle two miles wide in Montana, you get eight people and four sheep. Well, actually there's more

sheep in Montana than people. You get -- you get four people in that -- what a waste of all -- you know, these cell towers are a half a million dollars apiece to build. And they cost you thirty thousand dollars ($30,000.00) a year in electricity. You want to put up as few as possible and make these circles as big as possible to save you money.

So in Montana you look at two miles, you go, well, that's a waste of money. So go out to four miles. Okay. Now I've got 80, a hundred people. Go out to five miles. Okay. So there's a limit.

So say in Montana you go out to about five miles. Now you've got about a thousand people in that area, and you've only had to put up one cell tower. You cannot go much further.

A cell phone is very, very weak. There's two reasons. Cell towers -- cell phones are very, very weak. The closer you are -- the biggest problem in the cell phone industry is the battery of your phone. We as engineers are trained, do everything you can to preserve the battery on the phone.

So if you're close to -- when you guys -- like here, we're very close to a cell tower. The power on your phone goes way down and your battery lasts three or four days. If you're out five miles, the cell tower -- your phone has to crank up its transmit power so high that your battery would only last about an hour or two. So this is all the math we

have to do in design.

And so in Montana, yes, you're going to go larger. In Time Square, which is the opposite, you can get a thousand people a block. So those cell towers in Time Square probably don't go out more than a hundred feet in every direction. And, you know, so now in Montana you've got one cell tower. In Greenville, you have five or six cell towers to cover the same size area. In Manhattan, you're going to have 15 cell towers to cover the same ---

Q. Let me ask you this. With that design is it intended that one cell tower be designed to pick up the coverage of another tower's area?

A. No. It's completely against the principle of cell phone technology.

Q. So ---

A. Yeah, each tower covers only one area.

Q. Okay. And except for that small overlap?

A. The purpose of that is hand-off.

Q. Okay. Very good. In your report you included internet data transmission, which has been said to be unreliable. Without getting into debate on the reliability of it, does any of the data come into our analysis on what is highlighted on the relevant times to our case?

A. The data showed -- the data is a hundred percent reliable. This is like your -- this is like your Visa bill.

Every line on this is something that is customer initiated. That's the rules or we get sued. The data shows that this phone never left the old Howell cell tower area in a day and a half. And it's a hundred percent reliable.

Q. But still, we haven't relied on that in our critical analysis, have we?

A. Not necessary.

Q. Okay. So the times that we had highlighted, there's no data in there?

A. Those are the -- that's the relevant period of time, yes, sir.

Q. Okay. All right. So regardless of whether we debate the location accuracy of internet data, we did not include that in our critical analysis?

A. These are financial records. They're ---

Q. I'm just asking did we include it ---

A. We didn't need it. Yes, sir.

Q. Okay. Very good. No further questions.

THE COURT: All right. Cross.

MR. SMITH: Yes.

Cross-examination by Mr. Smith:

Q. Mr. Levitan, those three entries that are highlighted, they're all received text messages, right?

A. Yes, sir, they are. And the phone is absolutely, one hundred percent on.

Q. Okay. So you don't know if anyone was holding it when those messages were received, right?
A. I'm sorry?
Q. You don't know if someone was holding that phone when those messages were received?
A. No, I don't, but I know the phone was on and active. You've had this when you get off an airplane, you haven't got, you know, you have no cell phone service for your three hour flight, you get off the plane, what happens? Boom, a thousand text messages come in. That's what we would see if the phone was off ---
Q. That ---
A. All right.
Q. So that phone could have been in an empty house during those three times plotted, right?
A. No, it had to be in the area of this one cell tower. There's no chance ---
Q. It could have been in an empty house in that area, right?
A. Yes, sir, it could have been.
Q. Okay. Thank you.
THE COURT: All right. Anything else, Mr. Wilkes? Any re-redirect?
MR. WILKES: Oh, I'm sorry. No, Your Honor.
THE COURT: All right. You may step down. Thank you, sir.

A. Thank you, Your Honor.

THE COURT: All right. Anything else from the Applicant?

MR. CHILDS: No, sir, Your Honor.

THE COURT: All right. If y'all want the opportunity, I'll let you, if you want to summarize. If not, I'll leave that up to y'all.

MR. CHILDS: Can we do a memo, maybe? I know you've got time to, you know, got to read through a lot of stuff. And we could do a memo that would be sufficient. With an argument here -- wouldn't take up court time. And, you know, I think we could whip one out in five to ten days and just supplement the record ---

MR. WILKES: And the reason for that is it would take a while to recap all of the details in there because a lot of them are from records. And it'd be a lot easier to actually identify them for you.

THE COURT: All right. Mr. Smith.

MR. SMITH: I agree with that, Your Honor. Due to the fact that we've gone on for basically a week, a lot has been covered. I would actually rather us file those briefs, too.

And I have one request with that, too. It's my intention to order a copy of the transcript first. If necessary, I could do that on an expedited basis. So ---

THE COURT: Yeah, because normally when you order those transcripts, it takes a pretty good while, doesn't it?

MR. SMITH: I think it can take a couple of weeks.

(Whereupon the Court was speaking with the court reporter)

MR. SMITH: I think due to the fact there were so many issues raised and specific references to this and that point in the transcript, and I think not all of those were reflected in the filings in this case. I think it could be helpful even for both sides to have -- to have that. That's my preference.

MR. WILKES: And we agree with that because of the detailed nature of our evidence that that would probably be suitable for both sides.

THE COURT: All right.

(Whereupon the Court was speaking with the court reporter)

THE COURT: All right. Here's what we're going to do on the transcript. We will not make it expedited. We'll just do it on the regular time. But it may be several weeks, may be four weeks, it may be a little bit longer.

And so that -- at least that will give y'all some time even though it won't be exactly -- you won't have the transcript to know exactly what to put in your memos, at least you can start working on it. Y'all know this case. Y'all know this case very well.

Look, I've been here almost a week with it and I've got a good grasp of it, too. So if I had to sit and write a

memorandum right now myself, and I don't know it like y'all do, I could probably crank out a draft.

So Susan's backed up a little bit, and I'm going to not put any pressure on her. So I'm going to make this just a regular time for the transcript, which should give y'all plenty of time to, you know, at least kind of get a draft. And then when you get the transcript, then y'all can tighten it up and add more detail and all.

So since y'all do want to prepare a memorandum or a brief, then that's what we'll do. And I'll allow you both to do that, but we're just going to do it on a regular time. And when Susan can get to it, then we'll get to it.

MR. WILKES: Thank you, Judge.

MR. CHILDS: And then just a certain period of time after we get it, then we should get our briefs to you? You're saying that should be pretty quick?

THE COURT: Yeah, don't wait until you get the transcript to -- this matter came before the Court on such and such a date. Let's go ahead, because, like I say, I mean, y'all know it a hell of a lot better than I do, and I could at least kind of crank out a memorandum on what your issues are just listening to you this week. And y'all know it a lot better than I do.

So by the time you get the transcript, hopefully you will have done a draft and all you've got to do is just add to it.

And what do you need? What, ten days after you get the transcript? Would that work?

MR. WILKES: That's plenty.

MR. CHILDS: Yes.

THE COURT: Okay. And if for some reason it doesn't and you're running up a deadline, I know how practicing law is, so you just let me know, and I'll give you some extra time, okay?

MR. WILKES: Thank you, Judge.

MR. SMITH: May we have 30 seconds at the bench?

THE COURT: Yeah.

(Whereupon a bench conference was held off the record)

(Whereupon the bench conference was ended)

THE COURT: All right. We are done. We're adjourned for the day.

(Hearing Ended at 2:37 pm)

(End of Requested Transcript of Record)

Certificate of Reporter

I, The undersigned, Susan W. Hudgins, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Greenville County, South Carolina, on the 31st day of January - 2nd day of February 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

March 23, 2023

s/Susan W. Hudgins

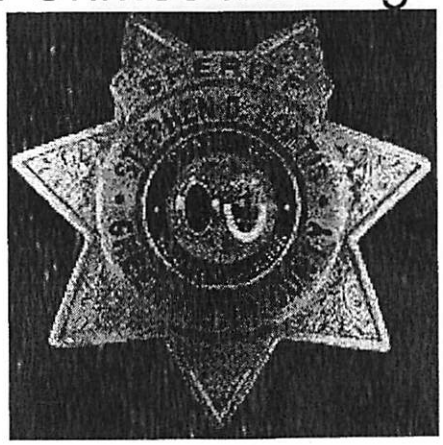
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Circuit Court Reporter



Extraction Report
Cellebrite UFED Reports

Greenville County Sheriff's Office
Computer Crimes Investigations Unit





Summary

Connection Type	Cable No. 100
Extraction start date/time	3/1/2014 4:25:16 PM
Extraction end date/time	3/1/2014 4:32:54 PM
Extraction Type	Logical
Report type	Phone
Selected Manufacturer	LG CDMA
Selected Device Name	VN-250 Cosmos
Unit Identifier	5906792
Unit Version	Software: 2.2.5.4 UFED, Full Image: , Tiny Image:
UFED Physical Analyzer version	3.9.2.4
Case number	11-045733.item.JD5_Report.Logical
Case name	Daniels & Porcoro
Evidence number	JD5
Examiner name	Inv. Jim Perry
Department	Greenville County Sheriff's Office
Location	301 University Ridge Suite 5200 Greenville SC 29601
Case Investigator	Inv. Antonio Bailey
Item Number	JD5
Notes	Homicide.....Blood Stained Cell Phone.....Logical Extraction to Get Contacts and Call Logs

Device Information

#	Name	Value	Del?
1	CDMA MIN	8643618714	
2	Detected manufacturer	LG Electronics Inc.	
3	Detected model (GMM)	VN250 138	
4	MEID	268435459315618845 (HEX: A0000021EE531D)	
5	MSISDN	8643618714	
6	MSISDN Type	MDN	
7	Phone date/time	3/1/2014 4:26:04 PM	
8	Phone revision	S/W VER: VN250V04	
9	User code	8714	

Plugins

#	Name	Author	Version
1	**UFED Logical Report Reader** Reads the report generated by the UFED	Cellebrite	2.0
2	**Physical Analyzer Report Reader** Reads report generated by the Physical Analyzer	Cellebrite	2.0
3	**Analytics** Generates the Analytics section information	Cellebrite	2.0
4	**ContactsCrossReference** Cross references the phone numbers in a device's contacts with the numbers in SMS messages and Calls. Will fill in the Name field of calls and SMS if there's a match.	Cellebrite	2.0
5	**DataFilesHandler** Tags data files according to extensions and file signatures	Cellebrite	2.0

Contents

Type	Included in report	Total
Call Log	270	270
• Incoming	90	90
• Missed	90	90
• Outgoing	90	90
Contacts	197	197
• Phone	197	197
Timeline	353	353
Activity Analytics	260	260
Analytics Phones	197	197

190	Tweeker	Entries (1) Domain / Category: Mobile / Value: 8645469130 / Del?	
191	Tweeker jr	Entries (1) Domain / Category: Mobile / Value: 8642028712 / Del?	
192	W nikki	Entries (1) Domain / Category: Mobile / Value: 8645677687 / Del?	
193	W Nikki	Entries (1) Domain / Category: Mobile / Value: 8645677687 / Del?	
194	Wheels	Entries (1) Domain / Category: Mobile / Value: 8643850924 / Del?	
195	Will	Entries (1) Domain / Category: Mobile / Value: 8646070323 / Del?	
196	Zack	Entries (1) Domain / Category: Mobile / Value: 8648049486 / Del?	
197	Zack	Entries (1) Domain / Category: Mobile / Value: 8646780137 / Del?	

Timeline (353)

#	Type	Timestamp	Party	Description	Del?
1	MMS Messages	5/4/2011 11:38:53 AM		This is a mobile joint. Keep this shit going till the whole world gets high. And whether u smoke or not...PLEASE dont fuck up the rotation. . PUFF PUFF PASS	
2	MMS Messages	5/4/2011 11:38:29 AM		This is a mobile joint. Keep this shit going till the whole world gets high. And whether u smoke or not...PLEASE dont fuck up the rotation. . PUFF PUFF PASS	
3	MMS Messages	5/4/2011 11:38:05 AM		This is a mobile joint. Keep this shit going till the whole world gets high. And whether u smoke or not...PLEASE dont fuck up the rotation. . PUFF PUFF PASS	
4	Call Log	4/3/2011 11:57:13 AM	To: 8642753285		
5	Call Log	4/3/2011 11:55:55 AM	From: 8642753285		
6	Call Log	4/3/2011 11:46:18 AM	To: 8643463173 Diane		
7	SMS Messages	4/3/2011 11:42:30 AM	From: 8645469402 Ryan Garratt	What up.	
8	Call Log	4/3/2011 11:28:23 AM	To: 8644195035 Brent		
9	Call Log	4/3/2011 11:17:32 AM	From: 8642707832 B Rizzle		
10	Call Log	4/3/2011 11:10:43 AM	To: 8642707832 B Rizzle		
11	Call Log	4/3/2011 11:05:41 AM	To: 8645515076 Leonard		
12	Call Log	4/3/2011 10:53:54 AM	To: 8644497910 Rick		
13	Call Log	4/3/2011 10:53:09 AM	To: 8645515076 Leonard		
14	Call Log	4/3/2011 10:36:19 AM	To: 8643506577 Patty		
15	SMS Messages	4/3/2011 10:34:14 AM	From: 8642630330 Jay	What up?	
16	Call Log	4/3/2011 10:25:39 AM	To: 8642684882		
17	Call Log	4/3/2011 10:24:18 AM	To: 8642684882		

18	SMS Messages	4/3/2011 10:13:40 AM	From: 8644497910 Rick	Rick called he would like his phone back i am at work	
19	Call Log	4/3/2011 10:12:05 AM	To: 8644497910 Rick		
20	SMS Messages	4/3/2011 9:11:17 AM	From: 8643251151 Bunz	Yo u up yet nigga	
21	Call Log	4/3/2011 8:22:57 AM	To: 8642939867 Cody		
22	SMS Messages	4/3/2011 5:57:14 AM	From: 8642436794 Amy	I just woke up i knocked out early last night	
23	Call Log	4/3/2011 5:35:26 AM	To: 8642630330 Jay		
24	SMS Messages	4/3/2011 5:00:14 AM	From: 8649821937 My heart	U stil up *it is what is*	
25	Call Log	4/3/2011 4:36:23 AM	To: 8649060845 Timmy yo		
26	Call Log	4/3/2011 3:47:34 AM	To: 3		
27	SMS Messages	4/3/2011 3:08:17 AM	From: 8645469402 Ryan Garratt	Na. the boy that I was with got arrested	
28	SMS Messages	4/3/2011 3:07:21 AM	To: 8645469402 Ryan Garratt	No u get ride here	
29	SMS Messages	4/3/2011 3:06:09 AM	From: 8645469402 Ryan Garratt	U got addy yet.	
30	SMS Messages	4/3/2011 2:29:48 AM	From: 8645469402 Ryan Garratt	U want 2 cum get me and katy.	
31	SMS Messages	4/3/2011 1:56:28 AM	To: 8645469402 Ryan Garratt	Whatup	
32	SMS Messages	4/3/2011 1:56:05 AM	From: 8645469402 Ryan Garratt	What up	
33	Call Log	4/3/2011 1:43:17 AM	From: 8642003831		
34	SMS Messages	4/3/2011 1:34:49 AM	To: 8642436794 Amy	Hey u awake i knockd out after 4days sorry	
35	SMS Messages	4/3/2011 1:10:54 AM	To: 8645469402 Ryan Garratt	Yea	
36	SMS Messages	4/3/2011 12:53:53 AM	From: 8645469402 Ryan Garratt	I left my comp charger there. wil u put it up	
37	Call Log	4/3/2011 12:51:17 AM	From: 8649068694		
38	Call Log	4/3/2011 12:45:49 AM	To: 8644497910 Rick		
39	Call Log	4/3/2011 12:26:49 AM	From: 8644193379 Brad		
40	SMS Messages	4/3/2011 12:25:48 AM	From: 8644497910 Rick	RE:[Do u know a shane hector Yes 4got sorry and timmy said that i t	
41	SMS Messages	4/3/2011 12:21:22 AM	From: 8644497910 Rick	U go 2 bed	
42	Call Log	4/3/2011 12:20:38 AM	To: 8644497910 Rick		
43	Call Log	4/3/2011 12:00:31 AM	To: 8644193379 Brad		
44	SMS Messages	4/2/2011 11:47:35 PM	From: 8644193379 Brad	Can i come by and pick that tree up	
45	Call Log	4/2/2011 11:37:43 PM	From: 8642525124		
46	SMS Messages	4/2/2011 11:21:28 PM	From: 8644497910 Rick	RE:[I will xplain when u get here Yes 4got sorry and timmy said that i to	
47	SMS Messages	4/2/2011 11:05:02 PM	From: 8642548150 Roxy Dude	U got beans	
48	Call Log	4/2/2011 11:04:41 PM	From: 8645469402 Ryan Garratt		
49	SMS Messages	4/2/2011 11:02:50 PM	To: 8644497910 Rick	Yes 4got sorry and timmy said that i told u sumthing	
50	SMS Messages	4/2/2011 11:00:39 PM	From: 8644497910 Rick	U and amber coming back cereal and sugar 4 the record i didnt tell tim u said anything	
51	Call Log	4/2/2011 10:48:19 PM	To: 8644497910 Rick		
52	Call Log	4/2/2011 10:43:10 PM	From: 8645469402 Ryan Garratt		
53	Call Log	4/2/2011 10:32:16 PM	From: 8643078186		
54	Call Log	4/2/2011 10:21:55 PM	From: 8646070323 Will		
55	SMS Messages	4/2/2011 10:20:43 PM	To: 8643508577 Patty	Yea	
56	Call Log	4/2/2011 10:05:43 PM	From: 8642449721		
57	Call Log	4/2/2011 9:25:22 PM	From: 8646082820 Cody R.mate		
58	Call Log	4/2/2011 9:19:45 PM	From: 8646070323 Will		
59	Call Log	4/2/2011 9:16:09 PM	To: 8643251151 Bunz		
60	Call Log	4/2/2011 9:14:59 PM	From: 8649821937 My heart		
61	Call Log	4/2/2011 9:14:34 PM	From: 8643251151 Bunz		
62	Call Log	4/2/2011 8:58:14 PM	From: 8645469402 Ryan Garratt		
63	Call Log	4/2/2011 8:57:04 PM	From: 8645469402 Ryan Garratt		

PLAINTIFF'S EXHIBIT EV 2 1/31/23 SH

Agency I.D. SC0230000 EC5 05/16/2011 14:26:19

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Case Number 11000045733

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property

Incident Type S417 - Death Investigation

☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additonal Recovered Property

Patrol District 02 Page 1 of 49 Pages

I. D. OVERFLOW

☐ Complainant ☒ Victim # 1 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, first, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
Porcoro, Christopher Paul		N	J	W	M	30	

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
	Taylors	SC	29687	02	(864)361-8714	(864)361-8714

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☒ Victim No. 1 Visible Injury ☒ Yes ☐ No — Explain: Gunshot to the back of the h

Complaint of any Non-Visible Injuries ☐ Yes ☒ No

Victim Using Alcohol ☐ Yes ☐ No ☒ Unk — Drugs ☐ No ☐ Yes Type:

Two-Man Veh ☐ One Man Veh ☐ ALONE ☐ — Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk — Using Drugs ☐ No ☐ Yes Type:

☐ Arrested on Current Offense ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location | Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

Porcoro Christopher Paul:Victim 1
SSN:
DL STATE/NUMBER: SC/

Daniel, Amber Christine:Victim 2
ADDRESS: Greer SC 29690 CJ12 (Greer City), ETHNICITY: N, RESIDENT: S, RACE: W, SEX: F, AGE: 18, DOB: 2, SSN:
DL STATE/NUMBER: SC/
Mobile: , Primary: , Business: (864)608-1786 VISIBLE INJURY: No, Injury Description: Gunshot to the face, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown

Narrative:
Case Assigned/Responded to the Scene: Investigator A.L. Bailey, Sgt Stepp & Deputy Manley

Incident Location: Road
Taylors, SC 29687

Incident Date & Time: (Sunday) April 3, 2011 @ 1030hrs.

Victim #1(Porcoro) Clothing: Short-Sleeve plaid short, red short pants with multi-color briefs and white socks.

Victim #1 Position:Supine on the floor,victim's left leg was fully extended, his right leg was slightly bent at the knee, both of his arms were bent at the elbows and hands bent at the wrist.

Injury: Multiple gunshot wounds to the back of the head.

Weapon: Handgun

Victim #2(Daniels) Clothing:Yellow short-sleeve blouse, long multi-color pajamas pants covered with a blue blanket from her waist to her feet

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

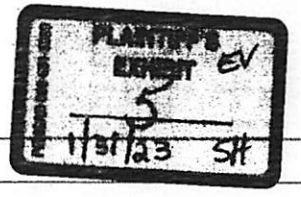
ADMIN

Subject Identified	Subject Located				
☐ Yes ☒ No	☐ Yes ☒ No	☒ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☐ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over	

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
BAILEY, ANTONIO (scanned by)	05/13/2011	612 / 00015	SGT. TIM JONES	05/13/2011	604 / 00187
CHRIS HAMMETT (PB)	05/13/2011	613 / 00449	Follow Up Investigation ☒ Yes ☐ No (Bailey)		/ 00000

5-19-11



Phone Examination Report Properties

Selected Manufacturer:	Samsung CDMA
Selected Model:	SCH-U750 Alias 2
Detected Manufacturer:	SAMSUNG ELECTRONICS CO., LTD.
Detected Model (GMM):	SCH-U750/215
Revision:	Q6085BSDACAZ335048K 1 [May 29 2008 22:00:00]
MEID:	268435458313503522 (HEX: A0000017CE0C22)
CDMA MIN:	8645427249
MDN:	8645426842
User Code:	1919
Extraction start date/time:	04/03/11 17:51:01
Extraction end date/time:	04/03/11 18:39:55
Phone Date/Time:	04/03/11 21:45:08 (GMT)
Connection Type:	USB Cable
UFED Version:	Software: 1.1.7.0 UFED , Full Image: 1.0.2.4 , Tiny Image: 1.0.2.1
UFED S/N:	5569342
Examiner's name:	Inv. Jim Perry
Case/file number:	01-11-045733
Department:	Greenville County Sheriff's Office
Notes:	Inv. Chris Hammett

Phone Examination Report Index

Cell Phone Log - Manual Nicholas Granados

Saturday	04/02/11	8:27:28 PM	Text	Nick	Mom		Wht u doin ?
Saturday	04/02/11	8:30:14 PM	Text	Nick	Mom		Wht u doin ?
Saturday	04/02/11	8:32:58 PM	Text	Mom	Nick		Chilln
Saturday	04/02/11	8:33:16 PM	Text	Nick	Mom		R u goin bac out?
Saturday	04/02/11	8:37:19 PM	Text	Mom	Nick		No why need a ride
Saturday	04/02/11	8:37:52 PM	Text	Nick	Mom		Not right now..
Saturday	04/02/11	8:40:11 PM	Text	Mom	Nick		K
Sunday	04/03/11	4:39:11 AM	Text	Timmy	Nick		Yo have u talked to homeboy
Sunday	04/03/11	7:45:09 AM	Text	Nick	Timmy		Wuz up
Sunday	04/03/11	7:58:04 AM	Text	Nick	Jason		Man this girl trippin she thinkin people in tha car and shit..she got me trippin..and she want quic talkin..damn u should have stayed so i can have
Sunday	04/03/11	7:59:13 AM	Text	Jason	Nick		lol i'm gonna try and get some sleep.
Sunday	04/03/11	8:02:31 AM	Text	Nick	Jason		And then come bac because im leavein somtime..i cant deal with her she got me geekin hard..because someone might wanna be here because u seen how
Sunday	04/03/11	8:05:57 AM	Text	Jason	Nick		my fault on showing my ass dawg. but thats my
Sunday	04/03/11	8:08:31 AM	Text	Jason	Nick		she dont know when to stop talking.. lol thats a good principle to live by
Sunday	04/03/11	8:12:13 AM	Text	Nick	Jason		Man thts tha only reason i havent left..but no bullshit she is thinkin people r in tha car and she keep sayin people pullin up and shit..im leavein soon she is makein my heart beat too fast..man idk wht is wrong with her..she fuccin my mine up.
Sunday	04/03/11	8:13:44 AM	Text	Nick	Jason		I just dont wanna leave until this nigga wakes up..she is doin way too much right now and want
Sunday	04/03/11	8:21:17 AM	Text	Nick	Jason		She on tha phone with someone..she said she leavein because chris almost fliped out on her...and she still talkin chris goin to end up flipin on her and i cant stop his crazy ass.
Sunday	04/03/11	8:23:12 AM	Text	Timmy	Nick		Me,u and ashvile

Sunday	04/03/11	8:24:33 AM	Text	Nick	Timmy		Man all kinds of shit been happen...
Sunday	04/03/11	8:28:02 AM	Text	Nick	Timmy		I couldnt talk she is right here..man i will have to tell u when its just me and u..
Sunday	04/03/11	8:30:44 AM	Text	Nick	Timmy		This girl is really crazy..im sure u will hear about it..but im just tryin to watch over chris a lil..i be damn if anyone acts dumb..and its just me and her up and she want quic talkin..man jason and chris bro came and it wuz just all a big mess..i will tell u when this crazy ass girl is away from me..
Sunday	04/03/11	8:32:16 AM	Text	Nick	Timmy		I will be leavein sometime maybe soon because i cant deal with her..she has not stop talkin idk wht tha hell this girl on lol.
Sunday	04/03/11	8:34:02 AM	Text	Timmy	Nick		Got u my nig, u talking about leonard what the fuck happened
Sunday	04/03/11	8:35:39 AM	Text	Nick	Timmy		She calmin down a lil now chris alomst fliped on tht girl..its a long story i will have to tell u later..but dont bring tht shit up around her..
Sunday	04/03/11	8:39:58 AM	Text	Nick	Timmy		And this nigga gone lol anit no gettin his ass up.
Sunday	04/03/11	8:41:32 AM	Text	Timmy	Nick		C if u had went with me u wouldnt be there
Sunday	04/03/11	8:44:47 AM	Text	Timmy	Nick		R u jacking off the dog to feed the cat
Sunday	04/03/11	8:45:03 AM	Text	Nick	Timmy		Well true but i kinda do need to be here...somebody does..someone wuz sentin in tha drive way at like 5 in tha mornin and when they saw jason comein bac they driped out..this girl out of it she wanted know wht to do with some people..but every thing seems straight now...but hopey chris will be up soon.
Sunday	04/03/11	8:45:41 AM	Text	Nick	Timmy		Wht?.u talkin like this girl now lol let me gett wht yall smokein lol.
Sunday	04/03/11	8:48:17 AM	Text	Timmy	Nick		Nah i gots to be greedy wit that shit lol
Sunday	04/03/11	8:51:11 AM	Text	Nick	Timmy		Man fucc tht lol...r u comein through any time soon ?..if not im about to go to tha crib.
Sunday	04/03/11	8:56:33 AM	Text	Jason	Nick		chris up?
Sunday	04/03/11	8:59:23 AM	Text	Timmy	Nick		Man give me 20 min and i wil come get u

Sunday	04/03/11	9:00:55 AM	Text	Nick	Jason		Na and she playin sleep or some shit..she wuz on tha phone with someone and she asked me for cody number but i didnt gave it to her..and she got his phone doin some shit with it idk..but she actin like she asleep so idk im goin to wait a min and then drip...she so out of it she dont have any since to take anything
Sunday	04/03/11	9:02:06 AM	Text	Jason	Nick		true
Sunday	04/03/11	9:02:35 AM	Text	Nick	Timmy		My mom can come get me now but im askin if u wuz comein over here to chill and if not then im goin home and sleepin..i just dont wanna talk to her lol
Sunday	04/03/11	9:04:24 AM	Text	Timmy	Nick		Hell nah i was gonna bring u here and hang
Sunday	04/03/11	9:04:32 AM	Text	Nick	Jason		But i didnt see her take any thing..but she wuz doin to much.. But idk every thing looks straight...she anit
Sunday	04/03/11	9:05:00 AM	Text	Jason	Nick		True
Sunday	04/03/11	9:07:10 AM	Text	Nick	Timmy		To late now nigga im tried and shit now..how u goin to wait until 9 in tha mornin to chill lol..niggas befor bitches lol na im just playin..but we can still chill today..i just need a lil sleep or i will feel like shit..
Sunday	04/03/11	9:11:57 AM	Text	Nick	Jason		Im goin to try and wake this nigga up befor i leave...and i will tell him to call u..
Sunday	04/03/11	9:12:57 AM	Text	Nick	Timmy		Dont say shit to chris yet until he wakes up becaue he dont know shit yet lol he wuz pasted out tha whole time she wuz trippin..
Sunday	04/03/11	9:15:15 AM	Text	Timmy	Nick		Tru
Sunday	04/03/11	9:17:02 AM	Text	Nick	Mom		U up ?
Sunday	04/03/11	9:29:04 AM	Text	Jason	Nick		True do that.
Sunday	04/03/11	9:29:45 AM	Text	Jason	Nick		i appreciat it
Sunday	04/03/11	9:31:24 AM	Text	Nick	Jason		Yea thats like fam...and plus his too good of a person to be dealin with this bullshit..
Sunday	04/03/11	9:34:16 AM	Text	Jason	Nick		He wont get up?
Sunday	04/03/11	9:37:50 AM	Text	Nick	Jason		Yea for a sec i told him i wuz dripin and to make sure he calls me or u when he wakes up..he said ok and smoked and cig prom bac asleep..she woke up and said some shit. idk im tried as fucc and about to lay it

Sunday	04/03/11	9:39:59 AM	Text	Jason	Nick		true
Sunday	04/03/11	10:16:31 AM	Text	Tiffany	Nick		Bae?
Sunday	04/03/11	10:17:20 AM	Text	Nick	Tiffany		Yes wht u doin ?
Sunday	04/03/11	10:23:46 AM	Text	Tiffany	Nick		Just woke up. What you doin?
Sunday	04/03/11	10:24:34 AM	Text	Nick	Tiffany		Just wake up too bae..i missed u last night
Sunday	04/03/11	10:32:59 AM	Text	Tiffany	Nick		Didn't seem like it. You went tha fuck off on me
Sunday	04/03/11	10:42:51 AM	Text	Nick	Tiffany		Sorry bae.
Sunday	04/03/11	10:53:59 AM	Text	Tiffany	Nick		See... don't apologize bae just stop doin it
Sunday	04/03/11	10:58:14 AM	Text	Nick	Tiffany		Ok what u doin
Sunday	04/03/11	11:06:32 AM	Text	Tiffany	Nick		Watchin a movie,eatin breakfast
Sunday	04/03/11	11:06:59 AM	Text	Nick	Tiffany		Lol can u make me some?
Sunday	04/03/11	11:12:35 AM	Text	Tiffany	Nick		wbu
Sunday	04/03/11	11:14:37 AM	Text	Nick	Tiffany		Chillin..bored..
Sunday	04/03/11	11:15:44 AM	Text	Tiffany	Nick		What you do last night
Sunday	04/03/11	11:16:39 AM	Text	Nick	Tiffany		Chilled.and Wuz thinkin about u
Sunday	04/03/11	11:31:00 AM	Call	Jason	Nick	Missed	
Sunday	04/03/11	11:32:00 AM	Call	Leonard	Nick	Missed	
Sunday	04/03/11	11:36:00 AM	Call	Timmy	Nick	Missed	
Sunday	04/03/11	11:37:00 AM	Call	Timmy	Nick	********	
Sunday	04/03/11	11:37:44 AM	Text	Tiffany	Nick		look Idc how fucked up You qet around me. Just don't be on pills when I'm with you
Sunday	04/03/11	11:38:00 AM	Call	Nick	Jason	********	
Sunday	04/03/11	11:40:26 AM	Text	Nick	Tiffany		Ok be
Sunday	04/03/11	11:41:48 AM	Text	Tiffany	Nick		Thanks cause my fam been thru alotta shit with pills
Sunday	04/03/11	11:43:39 AM	Text	Nick	Tiffany		Ok bae..u comein to see me today
Sunday	04/03/11	11:44:29 AM	Text	Tiffany	Nick		Yeah. Im hoppin in tha shower real quick bae
Sunday	04/03/11	11:44:51 AM	Text	Nick	Tiffany		Ok
Sunday	04/03/11	11:45:00 AM	Call	Nick	Timmy	********	
Sunday	04/03/11	11:50:54 AM	Text	Mom	Nick		Or do u want to go to s and s
Sunday	04/03/11	11:52:12 AM	Text	Nick	Mom		It dont matter
Sunday	04/03/11	11:53:58 AM	Text	Tiffany	Nick		wait, What day did I say I started This week?
Sunday	04/03/11	11:54:51 AM	Text	Nick	Tiffany		Started wht?
Sunday	04/03/11	11:55:45 AM	Text	Tiffany	Nick		Period
Sunday	04/03/11	11:56:13 AM	Text	Nick	Tiffany		Idk bae tell me..i want belive wht just happen
Sunday	04/03/11	11:58:25 AM	Text	Nick	Tiffany		Idk bae tell me..u want belive wht just happen
Sunday	04/03/11	12:03:00 PM	Call	Timmy	Nick	********	
Sunday	04/03/11	12:15:00 PM	Call	Nick	Jason	********	
Sunday	04/03/11	12:15:28 PM	Text	Tiffany	Nick		Idk bae what day was tha 31st ? And What
Sunday	04/03/11	12:24:44 PM	Text	Nick	Tiffany		Chris house blow up i cant fuccin belive it..wtf is

Sunday	04/03/11	12:25:32 PM	Text	Tiffany	Nick		Wtf?! Was he inside?
Sunday	04/03/11	12:25:50 PM	Text	Nick	Tiffany		Yes this shit is fucced up.
Sunday	04/03/11	12:27:25 PM	Text	Tiffany	Nick		:(how you find out?
Sunday	04/03/11	12:28:00 PM	Call	Cody	Nick	Missed	
Sunday	04/03/11	12:30:00 PM	Call	Nick	Cody	********	
Sunday	04/03/11	12:31:00 PM	Call	Cody	Nick	********	
Sunday	04/03/11	12:43:00 PM	Call	Nick	Mom	********	
Sunday	04/03/11	12:47:00 PM	Call	Cody	Nick	Missed	
Sunday	04/03/11	12:48:00 PM	Call	Nick	Cody	********	
Sunday	04/03/11	12:50:00 PM	Call	Nick	Mom	********	
Sunday	04/03/11	12:53:00 PM	Call	Timmy	Nick	********	
Sunday	04/03/11	12:53:00 PM	Call	Nick	Timmy	********	
Sunday	04/03/11	12:56:11 PM	Text	Tiffany	Nick		?
Sunday	04/03/11	1:13:00 PM	Call	Jonathan	Nick	Missed	
Sunday	04/03/11	1:40:38 PM	Text	Tiffany	Nick		I love you too nick
Sunday	04/03/11	1:57:06 PM	Text	Tiffany	Nick		BAE!
Sunday	04/03/11	1:59:21 PM	Text	Nick	Tiffany		Im at tha police staion talkin to themm..i wil call u when i leave.
Sunday	04/03/11	2:30:00 PM	Call	Mom	Nick	N/A	
Sunday	04/03/11	2:30:00 PM	Call	Nick	Mom	********	
Sunday	04/03/11	2:35:00 PM	Call	8284073937	Nick	Missed	
Sunday	04/03/11	3:02:00 PM	Call	Mom	Nick	********	
Sunday	04/03/11	3:10:00 PM	Call	April	Nick	Missed	
Sunday	04/03/11	3:10:00 PM	Call	Mom	Nick	********	
Sunday	04/03/11	3:53:00 PM	Call	Ryan G	Nick	Missed	

SMS - Text Messages

#	Number	Name	Date & Time	Status	Folder	Storage	Type	Text
1	8282157238	N/A	04/03/11 00:00:49 (GMT)	Sent	Outbox	Phone	Outgoing	Nonthing chillin.
2	8282157238	N/A	04/03/11 04:49:28 (GMT)	Read	Inbox	Phone	Incoming	Nick.
3	8645511712	* Tiffany	04/03/11 16:15:28 (GMT)	Read	Inbox	Phone	Incoming	Idk bae what day was tha 31st ? And What happened?
4	8642630330	* Jason	04/03/11 12:08:31 (GMT)	Read	Inbox	Phone	Incoming	she dont know when to stop talking.. lol thats a good principle to live by
5	8642630330	* Jason	04/03/11 12:13:44 (GMT)	Sent	Outbox	Phone	Outgoing	I just dont wanna leave until this nigga wakes up..she is doin way too much right now and want calm down..
6	8282157238	N/A	04/03/11 03:30:02 (GMT)	Read	Inbox	Phone	Incoming	Whatever fuck it
7	8282157238	N/A	04/03/11 02:37:49 (GMT)	Sent	Outbox	Phone	Outgoing	Na u tryin to play me.
8	8642630330	* Jason	04/03/11 13:31:24 (GMT)	Sent	Outbox	Phone	Outgoing	Yea thats like fam...and plus his too good of a person to be dealin with this bullshit..
9	8645511712	* Tiffany	04/03/11 15:06:59 (GMT)	Sent	Outbox	Phone	Outgoing	Lol can u make me some?
10	8643956990	N/A	04/02/11 18:08:27 (GMT)	Read	Inbox	Phone	Incoming	Shit ill walk up there 4 u $"anjail"$
11	8282157238	N/A	04/03/11 00:11:33 (GMT)	Read	Inbox	Phone	Incoming	When are you coming up here
12	8282157238	N/A	04/03/11 01:30:49 (GMT)	Read	Inbox	Phone	Incoming	I just dont see why we baxt have a future together i love you so much and i know you love me and we have a beautiful son together
13	8642630330	* Jason	04/03/11 12:56:33 (GMT)	Read	Inbox	Phone	Incoming	chris up?
14	8649821937	N/A	04/03/11 12:32:16 (GMT)	Sent	Outbox	Phone	Outgoing	I will be leavein sometime maybe soon because i cant deal with her..she has not

								stop talkin idk wht tha hell this girl on lol.
15	8282157238	N/A	04/02/11 17:12:59 (GMT)	Read	Inbox	Phone	Incoming	Hey baby
16	8645511712	* Tiffany	04/03/11 15:14:37 (GMT)	Sent	Outbox	Phone	Outgoing	Chillin..bored..
17	8645511712	* Tiffany	04/02/11 19:25:56 (GMT)	Read	Inbox	Phone	Incoming	Family. We have to qo see my qrandparents toniqht. They're REALLY sick):
18	8649013571	* Jonathan	04/02/11 18:11:21 (GMT)	Read	Inbox	Phone	Incoming	(Re:)Yea
19	8645511712	* Tiffany	04/02/11 18:32:21 (GMT)	Read	Inbox	Phone	Incoming	Sorry babe I had to qet a shower
20	8282157238	N/A	04/03/11 01:32:01 (GMT)	Read	Inbox	Phone	Incoming	Do you feel like somethings in the way of us
21	8649013571	* Jonathan	04/02/11 18:05:23 (GMT)	Read	Inbox	Phone	Incoming	(Re:)He was flippin out that day
22	8649821937	N/A	04/02/11 19:51:27 (GMT)	Sent	Outbox	Phone	Outgoing	Yea riggit
23	8645176024	* Mom Cell	04/03/11 00:37:19 (GMT)	Read	Inbox	Phone	Incoming	No why need a ride
24	8649821937	N/A	04/03/11 12:41:32 (GMT)	Read	Inbox	Phone	Incoming	C if u had went with me u wouldnt be there *it is what is*
25	8649013571	* Jonathan	04/02/11 18:02:23 (GMT)	Read	Inbox	Phone	Incoming	(Re:)You and chris good
26	8643956990	N/A	04/02/11 18:17:42 (GMT)	Sent	Outbox	Phone	Outgoing	Bet
27	8282157238	N/A	04/03/11 00:00:00 (GMT)	Sent	Outbox	Phone	Outgoing	Yea.
28	8282157238	N/A	04/03/11 00:11:49 (GMT)	Sent	Outbox	Phone	Outgoing	Idk..
29	8282157238	N/A	04/02/11 07:07:22 (GMT)	Read	Inbox	Phone	Incoming	Well why havent you texted me all day
30	8642630330	* Jason	04/03/11 13:29:04 (GMT)	Read	Inbox	Phone	Incoming	True do that.
31	8282157238	N/A	04/02/11 20:31:03 (GMT)	Read	Inbox	Phone	Incoming	Hey has the dss woman called you yet?
32	8645511712	* Tiffany	04/03/11 15:12:35 (GMT)	Read	Inbox	Phone	Incoming	wbu
33	8282157238	N/A	04/02/11 20:31:29 (GMT)	Sent	Outbox	Phone	Outgoing	Idk
34	8645511712	* Tiffany	04/02/11 20:04:41 (GMT)	Sent	Outbox	Phone	Outgoing	We need some time apart anyways..i all was gotta work around your time im tried of tht shit..
35	8645511712	* Tiffany	04/03/11 15:55:45 (GMT)	Read	Inbox	Phone	Incoming	Period
36	8282157238	N/A	04/02/11 20:02:12 (GMT)	Read	Inbox	Phone	Incoming	I love you

37	8282157238	N/A	04/03/11 00:10:05 (GMT)	Read	Inbox	Phone	Incoming	Oh. I love you :)
38	8643956990	N/A	04/02/11 18:05:33 (GMT)	Read	Inbox	Phone	Incoming	Shit u gotta cig? $"anjail"$
39	8643956990	N/A	04/02/11 18:28:28 (GMT)	Sent	Outbox	Phone	Outgoing	Shit we almost there
40	8645511712	* Tiffany	04/02/11 20:09:59 (GMT)	Sent	Outbox	Phone	Outgoing	Ok whtever...im done talkin about this bye.
41	8645511712	* Tiffany	04/02/11 19:56:16 (GMT)	Sent	Outbox	Phone	Outgoing	No text bac ?..bet
42	8282157238	N/A	04/02/11 20:30:27 (GMT)	Read	Inbox	Phone	Incoming	I really messed up
43	8643956990	N/A	04/02/11 18:25:16 (GMT)	Read	Inbox	Phone	Incoming	Shit idk to chill $"anjail"$
44	8645176024	* Mom Cell	04/03/11 00:37:52 (GMT)	Sent	Outbox	Phone	Outgoing	Not right now..
45	8282157238	N/A	03/15/11 06:24:39 (GMT)	Read	Inbox	Phone	Incoming	ht of the use to be. i love you today tomorrow and always
46	8645511712	* Tiffany	04/02/11 19:17:04 (GMT)	Read	Inbox	Phone	Incoming	:) just took my sister home. Wyd bae?
47	8645511712	* Tiffany	04/02/11 19:57:51 (GMT)	Read	Inbox	Phone	Incoming	What you want me to say? You said you're qoin to chill and you prolly qettin fucked up and you knoe I don't like that
48	8645176024	* Mom Cell	04/03/11 00:32:58 (GMT)	Read	Inbox	Phone	Incoming	Chilln
49	8649821937	N/A	04/03/11 13:15:15 (GMT)	Read	Inbox	Phone	Incoming	Tru *it is what is*
50	8645176024	* Mom Cell	04/02/11 18:07:43 (GMT)	Sent	Outbox	Phone	Outgoing	Wht time u get off
51	8645511712	* Tiffany	04/03/11 17:59:21 (GMT)	Sent	Outbox	Phone	Outgoing	Im at tha police staion talkin to themm..i wil call u when i leave.
52	8282157238	N/A	04/02/11 07:03:27 (GMT)	Read	Inbox	Phone	Incoming	Wat are you doing?
53	8642630330	* Jason	04/03/11 11:59:13 (GMT)	Read	Inbox	Phone	Incoming	lol i'm gonna try and get some sleep.
54	8282157238	N/A	04/02/11 18:02:55 (GMT)	Read	Inbox	Phone	Incoming	Becaue i love you.
55	8649821937	N/A	04/03/11 12:45:41 (GMT)	Sent	Outbox	Phone	Outgoing	Wht?.u talkin like this girl now lol let me gett wht yall smokein lol.
56	8645176024	* Mom Cell	04/03/11 13:17:02 (GMT)	Sent	Outbox	Phone	Outgoing	U up ?
57	8643956990	N/A	04/02/11 18:29:16 (GMT)	Read	Inbox	Phone	Incoming	Lol damn $"anjail"$
58	8643956990	N/A	04/02/11 18:19:48 (GMT)	Read	Inbox	Phone	Incoming	Aighh u want me to come up there now? $"anjail"$

59	8645511712	* Tiffany	04/03/11 16:24:44 (GMT)	Sent	Outbox	Phone	Outgoing	Chris house blow up i cant fuccin belive it..wtf is happen.
60	8282157238	N/A	04/03/11 02:55:03 (GMT)	Read	Inbox	Phone	Incoming	Wat are you talking about forreal
61	8282157238	N/A	04/03/11 04:35:03 (GMT)	Read	Inbox	Phone	Incoming	Im coming to stay wit yo
62	8282157238	N/A	04/03/11 20:14:24 (GMT)	Read	Inbox	Phone	Incoming	Wat are you doin
63	8649821937	N/A	04/03/11 12:39:58 (GMT)	Sent	Outbox	Phone	Outgoing	And this nigga gone lol anit no gettin his ass up.
64	8282157238	N/A	04/03/11 00:43:13 (GMT)	Sent	Outbox	Phone	Outgoing	Wht?
65	8645511712	* Tiffany	04/02/11 18:56:19 (GMT)	Read	Inbox	Phone	Incoming	I'm qlad I qot to spend last night with you bae
66	8645511712	* Tiffany	04/02/11 20:10:34 (GMT)	Read	Inbox	Phone	Incoming	:/
67	8642630330	* Jason	04/03/11 13:39:59 (GMT)	Read	Inbox	Phone	Incoming	true
68	8645511712	* Tiffany	04/02/11 20:04:20 (GMT)	Read	Inbox	Phone	Incoming	:(
69	8282157238	N/A	04/03/11 01:27:24 (GMT)	Read	Inbox	Phone	Incoming	Im just crazy over you.
70	8282157238	N/A	04/03/11 00:24:00 (GMT)	Read	Inbox	Phone	Incoming	Do you want to be wit me
71	8649013571	* Jonathan	04/02/11 18:12:07 (GMT)	Read	Inbox	Phone	Incoming	(Re:)Hell yea
72	8645511712	* Tiffany	04/02/11 19:23:49 (GMT)	Read	Inbox	Phone	Incoming	I would have to be home by 730
73	8282157238	N/A	04/03/11 01:34:04 (GMT)	Read	Inbox	Phone	Incoming	Well i want to come down there wit you
74	8645511712	* Tiffany	04/02/11 18:55:23 (GMT)	Read	Inbox	Phone	Incoming	Don't be mad
75	8649013571	* Jonathan	04/02/11 18:06:49 (GMT)	Sent	Outbox	Phone	Outgoing	Yea i know.
76	8282162897	N/A	04/02/11 19:23:21 (GMT)	Sent	Outbox	Phone	Outgoing	Wht?
77	8645176024	* Mom Cell	04/03/11 15:50:54 (GMT)	Read	Inbox	Phone	Incoming	Or do u want to go to s and s
78	8649821937	N/A	04/03/11 08:39:11 (GMT)	Read	Inbox	Phone	Incoming	Yo have u talked to homeboy *I <3 my sunshine*
79	8645511712	* Tiffany	04/03/11 14:53:59 (GMT)	Read	Inbox	Phone	Incoming	See... don't apoloqize bae just stop doin it
80	8645511712	* Tiffany	04/02/11 19:09:34 (GMT)	Sent	Outbox	Phone	Outgoing	Yea it really wuz..wht u doin?
81	8649013571	* Jonathan	04/02/11 08:11:53 (GMT)	Read	Inbox	Phone	Incoming	Just got my phone back
82	8282157238	N/A	04/03/11 03:05:53 (GMT)	Read	Inbox	Phone	Incoming	No i dont tell me

83	8649821937	N/A	04/03/11 12:48:17 (GMT)	Read	Inbox	Phone	Incoming	Nah i gots to be greedy wit that shit lol *it is what is*
84	8649821937	N/A	04/03/11 13:04:24 (GMT)	Read	Inbox	Phone	Incoming	Hell nah i was gonna bring u here and hang *it is what is*
85	8643956990	N/A	04/02/11 18:17:30 (GMT)	Read	Inbox	Phone	Incoming	O aighh lemme kno. $"anjail"$
86	8282157238	N/A	04/03/11 00:12:32 (GMT)	Sent	Outbox	Phone	Outgoing	No.
87	8649013571	* Jonathan	04/02/11 18:11:37 (GMT)	Sent	Outbox	Phone	Outgoing	They havent said shit.
88	8645511712	* Tiffany	04/03/11 15:58:25 (GMT)	Sent	Outbox	Phone	Outgoing	Idk bae tell me..u want belive wht just happen
89	8282157238	N/A	04/03/11 00:12:19 (GMT)	Read	Inbox	Phone	Incoming	Now!
90	8282157238	N/A	04/03/11 08:00:12 (GMT)	Read	Inbox	Phone	Incoming	Believe it or not i love you
91	8282157238	N/A	03/15/11 06:24:36 (GMT)	Read	Inbox	Phone	Incoming	w much we have changed and all the bad times we have had but i know i feel it things could change in a blink of an eye wit hard work and the simple thoug
92	8282157238	N/A	04/03/11 18:41:54 (GMT)	Read	Inbox	Phone	Incoming	He loves the mirror just like you
93	8282157238	N/A	03/15/11 06:24:27 (GMT)	Read	Inbox	Phone	Incoming	i think about you when im all alone when things get ruff when i feel like letting go and when i feel like i cant breath because my chest is caving in. ju
94	8645511712	* Tiffany	04/03/11 16:25:32 (GMT)	Read	Inbox	Phone	Incoming	Wtf?! Was he inside?
95	8282157238	N/A	04/02/11 07:02:31 (GMT)	Read	Inbox	Phone	Incoming	I have to do it when the baby sleeps nick
96	8282162897	N/A	04/02/11 19:37:07 (GMT)	Read	Inbox	Phone	Incoming	Maegan colby cuz you seen me last at court house crazy
97	8645511712	* Tiffany	04/03/11 14:16:31 (GMT)	Read	Inbox	Phone	Incoming	Bae?

98	8649821937	N/A	04/03/11 12:34:02 (GMT)	Read	Inbox	Phone	Incoming	Got u my nig, u talking about leonard what the fuck happened *it is what is*
99	8645511712	* Tiffany	04/02/11 19:33:27 (GMT)	Sent	Outbox	Phone	Outgoing	Na its ok go get it..im goin to chill any ways so its straight..
100	8282157238	N/A	04/02/11 06:57:33 (GMT)	Read	Inbox	Phone	Incoming	Hey
101	8645511712	* Tiffany	04/03/11 15:54:51 (GMT)	Sent	Outbox	Phone	Outgoing	Started wht?
102	8643956990	N/A	04/02/11 18:11:12 (GMT)	Read	Inbox	Phone	Incoming	To da store fa some cigs $"anjail"$
103	8649013571	* Jonathan	04/02/11 08:09:30 (GMT)	Read	Inbox	Phone	Incoming	Hey man you good
104	8649821937	N/A	04/02/11 19:48:41 (GMT)	Sent	Outbox	Phone	Outgoing	Damn foreal..wht she trippin?
105	8282157238	N/A	04/03/11 03:18:30 (GMT)	Read	Inbox	Phone	Incoming	Nick tell me what your talkin about
106	8282157238	N/A	04/03/11 01:19:41 (GMT)	Sent	Outbox	Phone	Outgoing	Thats how i feel but u dont show it.
107	8645511712	* Tiffany	04/03/11 14:58:14 (GMT)	Sent	Outbox	Phone	Outgoing	Ok what u doin
108	8645511712	* Tiffany	04/03/11 14:42:51 (GMT)	Sent	Outbox	Phone	Outgoing	Sorry bae.
109	8645511712	* Tiffany	04/03/11 15:44:29 (GMT)	Read	Inbox	Phone	Incoming	Yeah. Im hoppin in tha shower real quick bae
110	8643618714	* Chris 2	04/02/11 21:22:45 (GMT)	Read	Inbox	Phone	Incoming	Im home
111	8649821937	N/A	04/02/11 19:46:45 (GMT)	Read	Inbox	Phone	Incoming	Someone snitched on me and told tatum about me and ashville talking *I <3 my sunshine*
112	8645511712	* Tiffany	04/03/11 15:16:39 (GMT)	Sent	Outbox	Phone	Outgoing	Chilled.and Wuz thinkin about u
113	8649821937	N/A	04/03/11 11:45:09 (GMT)	Sent	Outbox	Phone	Outgoing	Wuz up
114	8642630330	* Jason	04/03/11 12:05:57 (GMT)	Read	Inbox	Phone	Incoming	my fault on showing my ass dawg. but thats my friend.
115	8645511712	* Tiffany	04/03/11 15:44:51 (GMT)	Sent	Outbox	Phone	Outgoing	Ok
116	8645511712	* Tiffany	04/03/11 15:06:32 (GMT)	Read	Inbox	Phone	Incoming	Watchin a movie,eatin breakfast

117	8649821937	N/A	04/03/11 13:12:57 (GMT)	Sent	Outbox	Phone	Outgoing	Dont say shit to chris yet until he wakes up becaue he dont know shit yet lol he wuz pasted out tha whole time she wuz trippin..
118	8645511712	* Tiffany	04/02/11 19:03:19 (GMT)	Read	Inbox	Phone	Incoming	I'm not bae, I'm just sayin it was nice spendin tha night with you.
119	8282157238	N/A	04/03/11 00:40:59 (GMT)	Read	Inbox	Phone	Incoming	Answer this forreal do you think we are right for each othe
120	8643956990	N/A	04/02/11 18:09:57 (GMT)	Sent	Outbox	Phone	Outgoing	Walk where?
121	8282157238	N/A	04/03/11 01:14:26 (GMT)	Read	Inbox	Phone	Incoming	Like i couldnt picture being with anyone else in this world no one could understand or touch me like you i just dont want but you
122	8649821937	N/A	04/03/11 12:35:39 (GMT)	Sent	Outbox	Phone	Outgoing	She calmin down a lil now chris alomst fliped on tht girl..its a long story i will have to tell u later..but dont bring tht shit up around her..
123	8645511712	* Tiffany	04/03/11 14:24:34 (GMT)	Sent	Outbox	Phone	Outgoing	Just wake up too bae..i missed u last night
124	8282157238	N/A	04/02/11 19:56:09 (GMT)	Read	Inbox	Phone	Incoming	Are you awake now?
125	8282162897	N/A	04/02/11 19:21:50 (GMT)	Read	Inbox	Phone	Incoming	Its meg new number
126	8282157238	N/A	04/03/11 17:40:38 (GMT)	Read	Inbox	Phone	Incoming	I love you too nick
127	8645511712	* Tiffany	04/02/11 18:55:41 (GMT)	Sent	Outbox	Phone	Outgoing	Im not.
128	8282157238	N/A	04/03/11 03:08:32 (GMT)	Read	Inbox	Phone	Incoming	Tell me
129	8645511712	* Tiffany	04/03/11 16:25:50 (GMT)	Sent	Outbox	Phone	Outgoing	Yes this shit is fucced up.
130	8649821937	N/A	04/03/11 12:23:12 (GMT)	Read	Inbox	Phone	Incoming	Me,u and ashvile *it is what is*
131	8282157238	N/A	04/02/11 20:58:26 (GMT)	Read	Inbox	Phone	Incoming	Do ou regret me?
132	8282157238	N/A	04/03/11 00:43:02 (GMT)	Read	Inbox	Phone	Incoming	A
133	8643618714	* Chris 2	04/02/11 20:38:40 (GMT)	Sent	Outbox	Phone	Outgoing	Wuz up

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134	8649821937	N/A	04/03/11 13:02:35 (GMT)	Sent	Outbox	Phone	Outgoing	My mom can come get me now but im askin if u wuz comein over here to chill and if not then im goin home and sleepin..i just dont wanna talk to her lol
135	8645511712	* Tiffany	04/02/11 18:57:32 (GMT)	Sent	Outbox	Phone	Outgoing	Y u sayin like it anit never goin to happen again?
136	8649821937	N/A	04/02/11 19:51:07 (GMT)	Read	Inbox	Phone	Incoming	Nah my nig, she cool wit it! *I <3 my sunshine*
137	8282157238	N/A	04/02/11 07:17:27 (GMT)	Read	Inbox	Phone	Incoming	Baby
138	8649013571	* Jonathan	04/02/11 18:10:56 (GMT)	Read	Inbox	Phone	Incoming	(Re:)The mexican next to your house
139	8645511712	* Tiffany	04/02/11 19:22:02 (GMT)	Sent	Outbox	Phone	Outgoing	Goin to get budda..u wanna come over for a lil while?
140	8642630330	* Jason	04/03/11 13:34:16 (GMT)	Read	Inbox	Phone	Incoming	He wont get up?
141	8643956990	N/A	04/02/11 18:14:47 (GMT)	Read	Inbox	Phone	Incoming	Dam lol when is dat? $"anjail"$
142	8282157238	N/A	04/02/11 07:00:59 (GMT)	Read	Inbox	Phone	Incoming	I just got out the shower sorry baby
143	8282157238	N/A	04/03/11 00:41:19 (GMT)	Sent	Outbox	Phone	Outgoing	Yes and no...
144	8282157238	N/A	04/03/11 00:15:49 (GMT)	Read	Inbox	Phone	Incoming	Well soon please
145	8645511712	* Tiffany	04/03/11 15:43:39 (GMT)	Sent	Outbox	Phone	Outgoing	Ok bae..u comein to see me today
146	8649821937	N/A	04/03/11 12:44:47 (GMT)	Read	Inbox	Phone	Incoming	R u jacking off the dog to feed the cat *it is what is*
147	8645176024	* Mom Cell	04/03/11 00:30:14 (GMT)	Sent	Outbox	Phone	Outgoing	Wht u doin ?
148	8645511712	* Tiffany	04/03/11 14:32:59 (GMT)	Read	Inbox	Phone	Incoming	Didn't seem like it. You went tha fuck off on me AGAIN
149	8649821937	N/A	04/03/11 12:59:23 (GMT)	Read	Inbox	Phone	Incoming	Man give me 20 min and i wil come get u *it is what is*
150	8282157238	N/A	04/02/11 18:03:51 (GMT)	Read	Inbox	Phone	Incoming	Why do you not text me back?
151	8643956990	N/A	04/02/11 18:07:17 (GMT)	Sent	Outbox	Phone	Outgoing	Hell na i wish

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152	8282157238	N/A	04/03/11 01:31:10 (GMT)	Sent	Outbox	Phone	Outgoing	I know
153	8287135680	N/A	04/03/11 02:08:06 (GMT)	Read	Inbox	Phone	Incoming	Nicc im so serious picc up tha phooooooone pllllllssss
154	8645176024	* Mom Cell	04/03/11 15:52:12 (GMT)	Sent	Outbox	Phone	Outgoing	It dont matter
155	8643956990	N/A	04/02/11 18:24:35 (GMT)	Sent	Outbox	Phone	Outgoing	For what?
156	8643956990	N/A	04/02/11 18:02:18 (GMT)	Read	Inbox	Phone	Incoming	You up? $"anjail"$
157	8282157238	N/A	04/03/11 01:32:24 (GMT)	Sent	Outbox	Phone	Outgoing	Yes u up there
158	8645511712	* Tiffany	04/02/11 20:01:36 (GMT)	Sent	Outbox	Phone	Outgoing	I dont gave a fuc..i dont like u talkin to niggas and u do it..so fuc it.
159	8282157238	N/A	04/03/11 02:38:56 (GMT)	Sent	Outbox	Phone	Outgoing	U funny know how.
160	8642630330	* Jason	04/03/11 13:11:57 (GMT)	Sent	Outbox	Phone	Outgoing	Im goin to try and wake this nigga up befor i leave...and i will tell him to call u..
161	8282157238	N/A	04/03/11 00:41:50 (GMT)	Read	Inbox	Phone	Incoming	Why no?
162	8645511712	* Tiffany	04/02/11 19:31:04 (GMT)	Read	Inbox	Phone	Incoming	Yeah I'm sure, I was suppose to qet it before qoin to see them. But I wanna see you toniqht
163	8282157238	N/A	04/02/11 18:06:08 (GMT)	Sent	Outbox	Phone	Outgoing	Damn wtf..i wuz asleep im tried of u been dumb..text someone else..bye
164	8645511712	* Tiffany	04/03/11 15:56:13 (GMT)	Sent	Outbox	Phone	Outgoing	Idk bae tell me..i want belive wht just happen
165	8643618714	* Chris 2	04/02/11 21:18:14 (GMT)	Sent	Outbox	Phone	Outgoing	U home im about to come by
166	8645511712	* Tiffany	04/03/11 15:37:44 (GMT)	Read	Inbox	Phone	Incoming	look Idc how fucked up You qet around me. Just don't be on pills when I'm with you
167	8645511712	* Tiffany	04/03/11 17:57:06 (GMT)	Read	Inbox	Phone	Incoming	BAE!
168	8645511712	* Tiffany	04/02/11 18:19:27 (GMT)	Sent	Outbox	Phone	Outgoing	And i fuccin hate how u dont text me bac or u take all day to text me bac..it makes me think u doin some dumb shit and i dont

								like it..
169	8643956990	N/A	04/02/11 18:12:51 (GMT)	Sent	Outbox	Phone	Outgoing	My mom is bringin me some when she getts off work..
170	8282162897	N/A	04/02/11 19:43:21 (GMT)	Sent	Outbox	Phone	Outgoing	Yea i knw now..ok i got u.
171	8282157238	N/A	04/03/11 03:53:09 (GMT)	Read	Inbox	Phone	Incoming	Why are you acting lik this
172	8643956990	N/A	04/02/11 18:27:24 (GMT)	Read	Inbox	Phone	Incoming	Shit aight at least u eatin nigga got dat str8 empty refrigerter lol $"anjail"$
173	8282157238	N/A	04/03/11 00:50:07 (GMT)	Read	Inbox	Phone	Incoming	I love you so much tho idk
174	8642630330	* Jason	04/03/11 13:29:45 (GMT)	Read	Inbox	Phone	Incoming	i appreciat it
175	8645176024	* Mom Cell	04/03/11 00:33:16 (GMT)	Sent	Outbox	Phone	Outgoing	R u goin bac out?
176	8643956990	N/A	04/02/11 18:20:15 (GMT)	Sent	Outbox	Phone	Outgoing	Come up where ?
177	8649821937	N/A	04/03/11 12:51:11 (GMT)	Sent	Outbox	Phone	Outgoing	Man fucc tht lol...r u comein through any time soon ?..if not im about to go to tha crib.
178	8282157238	N/A	04/03/11 04:33:51 (GMT)	Read	Inbox	Phone	Incoming	Just talk to me
179	8282157238	N/A	04/03/11 03:05:07 (GMT)	Read	Inbox	Phone	Incoming	Tell me how
180	8643956990	N/A	04/02/11 18:18:06 (GMT)	Read	Inbox	Phone	Incoming	N wat u doin today?? $"anjail"$
181	8282157238	N/A	04/02/11 19:56:33 (GMT)	Sent	Outbox	Phone	Outgoing	Nope bye
182	8282157238	N/A	04/03/11 04:21:03 (GMT)	Read	Inbox	Phone	Incoming	Nick wtf im tryin to give you my heart
183	8282157238	N/A	04/02/11 21:02:22 (GMT)	Read	Inbox	Phone	Incoming	Do you regret me
184	8645511712	* Tiffany	04/03/11 16:27:25 (GMT)	Read	Inbox	Phone	Incoming	:(how you find out?
185	8282157238	N/A	04/03/11 03:05:25 (GMT)	Sent	Outbox	Phone	Outgoing	U know
186	8645511712	* Tiffany	04/02/11 19:29:34 (GMT)	Sent	Outbox	Phone	Outgoing	Yea u sure its not u goin to get tht tat but its whtever...hit me up when u get bac from seein them..
187	8282157238	N/A	04/03/11 03:16:43 (GMT)	Read	Inbox	Phone	Incoming	Nicholas.
188	8645511712	* Tiffany	04/03/11 14:23:46 (GMT)	Read	Inbox	Phone	Incoming	Just woke up. What you doin?
189	8282157238	N/A	04/03/11 01:22:17 (GMT)	Read	Inbox	Phone	Incoming	I know i feel like i lost how to love you right.

190	8643956990	N/A	04/02/11 18:16:19 (GMT)	Sent	Outbox	Phone	Outgoing	I just text her and asked wht time..
191	8645511712	* Tiffany	04/03/11 15:53:58 (GMT)	Read	Inbox	Phone	Incoming	wait, What day did I say I started This week?
192	8649013571	* Jonathan	04/02/11 18:08:17 (GMT)	Read	Inbox	Phone	Incoming	(Re:)So did you get away with it
193	8645511712	* Tiffany	04/03/11 16:56:11 (GMT)	Read	Inbox	Phone	Incoming	?
194	8645511712	* Tiffany	04/02/11 18:54:51 (GMT)	Sent	Outbox	Phone	Outgoing	Yea
195	8282157238	N/A	04/03/11 03:32:51 (GMT)	Read	Inbox	Phone	Incoming	Nick i want to be wit you so please tell me wat your talking about
196	8649013571	* Jonathan	04/02/11 18:10:45 (GMT)	Sent	Outbox	Phone	Outgoing	Did u get away with it?
197	8645511712	* Tiffany	04/03/11 14:17:20 (GMT)	Sent	Outbox	Phone	Outgoing	Yes wht u doin ?
198	8282157238	N/A	03/15/11 06:24:32 (GMT)	Read	Inbox	Phone	Incoming	st to remember your smile your laugh and kisses brings a smile to my face and some how just some how i know there is a chance out there. i think about ho
199	8282157238	N/A	04/03/11 00:44:03 (GMT)	Read	Inbox	Phone	Incoming	I feel that way too.
200	8645511712	* Tiffany	04/03/11 15:41:48 (GMT)	Read	Inbox	Phone	Incoming	Thanks cause my fam been thru alotta shit with pills
201	8645511712	* Tiffany	04/02/11 18:02:13 (GMT)	Read	Inbox	Phone	Incoming	Sorry if that scared you last niqht, Idk what the hell happened. I just remember bein dizzy and passin out
202	8282157238	N/A	04/03/11 00:10:21 (GMT)	Sent	Outbox	Phone	Outgoing	Yea i bet..i love u
203	8642630330	* Jason	04/03/11 13:05:00 (GMT)	Read	Inbox	Phone	Incoming	True
204	8282157238	N/A	04/03/11 00:42:21 (GMT)	Sent	Outbox	Phone	Outgoing	Because just sometimes i feel tht way.
205	8287135680	N/A	04/03/11 02:04:21 (GMT)	Read	Inbox	Phone	Incoming	Your a piece of shit yu need to picc up tha phone its important even if yur busy
206	8282157238	N/A	04/03/11 02:37:17 (GMT)	Read	Inbox	Phone	Incoming	I want you
207	8645511712	* Tiffany	04/02/11 18:54:44 (GMT)	Unsent	Outbox	Phone	Outgoing	We.

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208	8282157238	N/A	04/03/11 02:47:16 (GMT)	Read	Inbox	Phone	Incoming	How?
209	8645511712	* Tiffany	04/02/11 20:06:18 (GMT)	Read	Inbox	Phone	Incoming	Wtf how do you always have to work around your time? I always Come when you ask me. I waited an hour for you to qet back yesterday.
210	8649821937	N/A	04/03/11 12:28:02 (GMT)	Sent	Outbox	Phone	Outgoing	I couldnt talk she is right here..man i will have to tell u when its just me and u..
211	8282157238	N/A	04/03/11 21:40:25 (GMT)	Read	Inbox	Phone	Incoming	Nick
212	8642630330	* Jason	04/03/11 13:04:32 (GMT)	Sent	Outbox	Phone	Outgoing	But i didnt see her take any thing..but she wuz doin to much.. But idk every thing looks straight...she anit dumb
213	8645511712	* Tiffany	04/02/11 20:06:28 (GMT)	Read	Inbox	Phone	Incoming	*my time
214	8282162897	N/A	04/02/11 19:24:13 (GMT)	Sent	Outbox	Phone	Outgoing	Who is this?
215	8649821937	N/A	04/03/11 12:24:33 (GMT)	Sent	Outbox	Phone	Outgoing	Man all kinds of shit been happen...
216	8645511712	* Tiffany	04/03/11 15:40:26 (GMT)	Sent	Outbox	Phone	Outgoing	Ok be
217	8645511712	* Tiffany	04/02/11 13:26:41 (GMT)	Read	Inbox	Phone	Incoming	Babyyy
218	8642630330	* Jason	04/03/11 13:02:06 (GMT)	Read	Inbox	Phone	Incoming	true
219	8645511712	* Tiffany	04/02/11 18:32:41 (GMT)	Read	Inbox	Phone	Incoming	But I didn't feel bad I was just dizzy and I didn't think it was that serious
220	8645176024	* Mom Cell	04/03/11 00:27:28 (GMT)	Sent	Outbox	Phone	Outgoing	Wht u doin ?
221	8649013571	* Jonathan	04/02/11 18:09:28 (GMT)	Sent	Outbox	Phone	Outgoing	With wht?
222	8643956990	N/A	04/02/11 16:49:21 (GMT)	Read	Inbox	Phone	Incoming	Wats good nigga $"anjail"$
223	8287135680	N/A	04/03/11 02:26:34 (GMT)	Read	Inbox	Phone	Incoming	Okay wtf picc up yur phone
224	8643956990	N/A	04/02/11 18:26:06 (GMT)	Sent	Outbox	Phone	Outgoing	Oh let me eat and then i will text u and u can com then
225	8645511712	* Tiffany	04/02/11 19:24:36 (GMT)	Sent	Outbox	Phone	Outgoing	Y ?
226	8643618714	* Chris 2	04/02/11 21:22:56 (GMT)	Sent	Outbox	Phone	Outgoing	Bet on tha way

227	8643618714	* Chris 2	04/02/11 20:27:21 (GMT)	Sent	Outbox	Phone	Outgoing	Wuz up
228	8643956990	N/A	04/02/11 18:23:59 (GMT)	Read	Inbox	Phone	Incoming	To ya crib $"anjail"$
229	8645511712	* Tiffany	04/03/11 15:15:44 (GMT)	Read	Inbox	Phone	Incoming	What you do last night
230	8282157238	N/A	04/02/11 23:59:51 (GMT)	Read	Inbox	Phone	Incoming	Hey.
231	8645176024	* Mom Cell	04/03/11 00:40:44 (GMT)	Read	Inbox	Phone	Incoming	K
232	8282157238	N/A	03/15/11 05:12:41 (GMT)	Read	Inbox	Phone	Incoming	Aw i know he misses wu too when we first came up here he would look at me like i hurt him or something i think it was because he knew we moved away from you
233	8642630330	* Jason	04/03/11 11:58:04 (GMT)	Sent	Outbox	Phone	Outgoing	Man this girl trippin she thinkin people in tha car and shit..she got me trippin..and she want quic talkin..damn u should have stayed so i can have someone to talk to..
234	8642630330	* Jason	04/03/11 12:02:31 (GMT)	Sent	Outbox	Phone	Outgoing	And then come bac because im leavein somtime..i cant deal with her she got me geekin hard..because someone might wanna be here because u seen how she wuz actin..
235	8642630330	* Jason	04/03/11 12:12:13 (GMT)	Sent	Outbox	Phone	Outgoing	Man thts tha only reason i havent left..but no bullshit she is thinkin people r in tha car and she keep sayin people pullin up and shit..im leavein soon she is makein my heart beat too fast..man idk wht is wrong with her..she fuccin my mine up.

236	8642630330	* Jason	04/03/11 12:21:17 (GMT)	Sent	Outbox	Phone	Outgoing	She on tha phone with someone..she said she leavein because chris almost fliped out on her...and she still talkin chris goin to end up flipin on her and i cant stop his crazy ass.
237	8649821937	N/A	04/03/11 12:30:44 (GMT)	Sent	Outbox	Phone	Outgoing	This girl is really crazy..im sure u will hear about it..but im just tryin to watch over chris a lil..i be damn if anyone acts dumb..and its just me and her up and she want quic talkin..man jason and chris bro came and it wuz just all a big mess..i will tell u when this crazy ass girl is away from me..
238	8649821937	N/A	04/03/11 12:45:03 (GMT)	Sent	Outbox	Phone	Outgoing	Well true but i kinda do need to be here...somebody does..someone wuz sentin in tha drive way at like 5 in tha mornin and when they saw jason comein bac they driped out..this girl out of it she wanted know wht to do with some people..but every thing seems straight now...but hopey chris will be up soon.
239	8642630330	* Jason	04/03/11 13:00:55 (GMT)	Sent	Outbox	Phone	Outgoing	Na and she playin sleep or some shit..she wuz on tha phone with someone and she asked me for cody number but i didnt gave it to her..and she got his phone doin some shit with

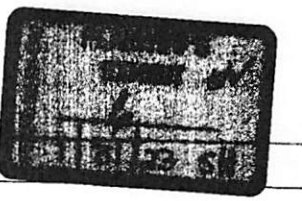
400

								it idk..but she actin like she asleep so idk im goin to wait a min and then drip...she so out of it she dont have any since to take anything..
240	8649821937	N/A	04/03/11 13:07:10 (GMT)	Sent	Outbox	Phone	Outgoing	To late now nigga im tried and shit now..how u goin to wait until 9 in tha mornin to chill lol..niggas befor bitches lol na im just playin..but we can still chill today..i just need a lil sleep or i will feel like shit..
241	8642630330	* Jason	04/03/11 13:37:50 (GMT)	Sent	Outbox	Phone	Outgoing	Yea for a sec i told him i wuz dripin and to make sure he calls me or u when he wakes up..he said ok and smoked and cig prom bac asleep..she woke up and said some shit. idk im tried as fucc and about to lay it down...

* Phonebook name lookup used to retrieve names

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Phone Examination Report Properties



Selected Manufacturer:	Samsung CDMA
Selected Model:	SCH-U750 Alias 2
Detected Manufacturer:	SAMSUNG ELECTRONICS CO., LTD.
Detected Model (GMM):	SCH-U750/215
Revision:	Q6085BSDACAZ335048K 1 [May 29 2008 22:00:00]
MEID:	268435458313503522 (HEX: A0000017CE0C22)
CDMA MIN:	8645427249
MDN:	8645426842
User Code:	1919
Extraction start date/time:	04/03/11 17:51:01
Extraction end date/time:	04/03/11 18:39:55
Phone Date/Time:	04/03/11 21:45:08 (GMT)
Connection Type:	USB Cable
UFED Version:	Software: 1.1.7.0 UFED , Full Image: 1.0.2.4 , Tiny Image: 1.0.2.1
UFED S/N:	5569342
Examiner's name:	Inv. Jim Perry
Case/file number:	01-11-045733
Department:	Greenville County Sheriff's Office
Notes:	Inv. Chris Hammett

Phone Examination Report Index

Contacts	Selected
SMS - Text Messages	Selected
Calendar/Notes/Tasks	Not Supported
Call Logs	Selected
Images	Selected
Ringtones	Not Selected
Audio	Not Selected
Video	Selected

Cell Phone Log - Manual Nicholas Granados

Saturday	04/02/11	8:27:28 PM	Text	Nick	Mom		Wht u doin ?
Saturday	04/02/11	8:30:14 PM	Text	Nick	Mom		Wht u doin ?
Saturday	04/02/11	8:32:58 PM	Text	Mom	Nick		Chilln
Saturday	04/02/11	8:33:16 PM	Text	Nick	Mom		R u goin bac out?
Saturday	04/02/11	8:37:19 PM	Text	Mom	Nick		No why need a ride
Saturday	04/02/11	8:37:52 PM	Text	Nick	Mom		Not right now..
Saturday	04/02/11	8:40:11 PM	Text	Mom	Nick		K
Sunday	04/03/11	4:39:11 AM	Text	Timmy	Nick		Yo have u talked to homeboy
Sunday	04/03/11	7:45:09 AM	Text	Nick	Timmy		Wuz up
Sunday	04/03/11	7:58:04 AM	Text	Nick	Jason		Man this girl trippin she thinkin people in tha car and shit..she got me trippin..and she want quic talkin..damn u should have stayed so i can have
Sunday	04/03/11	7:59:13 AM	Text	Jason	Nick		lol i'm gonna try and get some sleep.
Sunday	04/03/11	8:02:31 AM	Text	Nick	Jason		And then come bac because im leavein somtime..i cant deal with her she got me geekin hard..because someone might wanna be here because u seen how
Sunday	04/03/11	8:05:57 AM	Text	Jason	Nick		my fault on showing my ass dawg. but thats my
Sunday	04/03/11	8:08:31 AM	Text	Jason	Nick		she dont know when to stop talking.. lol thats a good principle to live by
Sunday	04/03/11	8:12:13 AM	Text	Nick	Jason		Man thts tha only reason i havent left..but no bullshit she is thinkin people r in tha car and she keep sayin people pullin up and shit..im leavein soon she is makein my heart beat too fast..man idk wht is wrong with her..she fuccin my mine up.
Sunday	04/03/11	8:13:44 AM	Text	Nick	Jason		I just dont wanna leave until this nigga wakes up..she is doin way too much right now and want calm down..

Sunday	04/03/11	8:21:17 AM	Text	Nick	Jason		She on tha phone with someone..she said she leavein because chris almost fliped out on her...and she still talkin chris goin to end up flipin on her and i cant stop his crazy ass.
Sunday	04/03/11	8:23:12 AM	Text	Timmy	Nick		Me,u and ashvile
Sunday	04/03/11	8:24:33 AM	Text	Nick	Timmy		Man all kinds of shit been happen...
Sunday	04/03/11	8:28:02 AM	Text	Nick	Timmy		I couldnt talk she is right here..man i will have to tell u when its just me and u..
Sunday	04/03/11	8:30:44 AM	Text	Nick	Timmy		This girl is really crazy..im sure u will hear about it..but im just tryin to watch over chris a lil..i be damn if anyone acts dumb..and its just me and her up and she want quic talkin..man jason and chris bro came and it wuz just all a big mess..i will tell u when this crazy ass girl is away from me..
Sunday	04/03/11	8:32:16 AM	Text	Nick	Timmy		I will be leavein sometime maybe soon because i cant deal with her..she has not stop talkin idk wht tha hell this girl on lol.
Sunday	04/03/11	8:34:02 AM	Text	Timmy	Nick		Got u my nig, u talking about leonard what the fuck happened
Sunday	04/03/11	8:35:39 AM	Text	Nick	Timmy		She calmin down a lil now chris alomst fliped on tht girl..its a long story i will have to tell u later..but dont bring tht shit up around her..
Sunday	04/03/11	8:39:58 AM	Text	Nick	Timmy		And this nigga gone lol anit no gettin his ass up.
Sunday	04/03/11	8:41:32 AM	Text	Timmy	Nick		C if u had went with me u wouldnt be there
Sunday	04/03/11	8:44:47 AM	Text	Timmy	Nick		R u jacking off the dog to feed the cat
Sunday	04/03/11	8:45:03 AM	Text	Nick	Timmy		Well true but i kinda do need to be here...somebody does..someone wuz sentin in tha drive way at like 5 in tha mornin and when they saw jason comein bac they driped out..this girl out of it she wanted know wht to do with some people..but every thing seems straight now...but hopey chris will be up soon.

Sunday	04/03/11	8:45:41 AM	Text	Nick	Timmy		Wht?.u talkin like this girl now lol let me gett wht yall smokein lol.
Sunday	04/03/11	8:48:17 AM	Text	Timmy	Nick		Nah i gots to be greedy wit that shit lol
Sunday	04/03/11	8:51:11 AM	Text	Nick	Timmy		Man fucc tht lol...r u comein through any time soon ?..if not im about to go to tha crib.
Sunday	04/03/11	8:56:33 AM	Text	Jason	Nick		chris up?
Sunday	04/03/11	8:59:23 AM	Text	Timmy	Nick		Man give me 20 min and i wil come get u
Sunday	04/03/11	9:00:55 AM	Text	Nick	Jason		Na and she playin sleep or some shit..she wuz on tha phone with someone and she asked me for cody number but i didnt gave it to her..and she got his phone doin some shit with it idk..but she actin like she asleep so idk im goin to wait a min and then drip...she so out of it she dont have any since to take anything..
Sunday	04/03/11	9:02:06 AM	Text	Jason	Nick		true
Sunday	04/03/11	9:02:35 AM	Text	Nick	Timmy		My mom can come get me now but im askin if u wuz comein over here to chill and if not then im goin home and sleepin..i just dont wanna talk to her lol
Sunday	04/03/11	9:04:24 AM	Text	Timmy	Nick		Hell nah i was gonna bring u here and hang
Sunday	04/03/11	9:04:32 AM	Text	Nick	Jason		But i didnt see her take any thing..but she wuz doin to much.. But idk every thing looks straight...she anit dumb
Sunday	04/03/11	9:05:00 AM	Text	Jason	Nick		True
Sunday	04/03/11	9:07:10 AM	Text	Nick	Timmy		To late now nigga im tried and shit now..how u goin to wait until 9 in tha mornin to chill lol..niggas befor bitches lol na im just playin..but we can still chill today..i just need a lil sleep or i will feel like shit..
Sunday	04/03/11	9:11:57 AM	Text	Nick	Jason		Im goin to try and wake this nigga up befor i leave...and i will tell him to call u..

Sunday	04/03/11	9:12:57 AM	Text	Nick	Timmy		Dont say shit to chris yet until he wakes up becaue he dont know shit yet lol he wuz pasted out tha whole time she wuz trippin..
Sunday	04/03/11	9:15:15 AM	Text	Timmy	Nick		Tru
Sunday	04/03/11	9:17:02 AM	Text	Nick	Mom		U up ?
Sunday	04/03/11	9:29:04 AM	Text	Jason	Nick		True do that.
Sunday	04/03/11	9:29:45 AM	Text	Jason	Nick		i appreciat it
Sunday	04/03/11	9:31:24 AM	Text	Nick	Jason		Yea thats like fam...and plus his too good of a person to be dealin with this bullshit..
Sunday	04/03/11	9:34:16 AM	Text	Jason	Nick		He wont get up?
Sunday	04/03/11	9:37:50 AM	Text	Nick	Jason		Yea for a sec i told him i wuz dripin and to make sure he calls me or u when he wakes up..he said ok and smoked and cig prom bac asleep..she woke up and said some shit. idk im tried as fucc and about to lay it down...
Sunday	04/03/11	9:39:59 AM	Text	Jason	Nick		true
Sunday	04/03/11	10:16:31 AM	Text	Tiffany	Nick		Bae?
Sunday	04/03/11	10:17:20 AM	Text	Nick	Tiffany		Yes wht u doin ?
Sunday	04/03/11	10:23:46 AM	Text	Tiffany	Nick		Just woke up. What you doin?
Sunday	04/03/11	10:24:34 AM	Text	Nick	Tiffany		Just wake up too bae..i missed u last night
Sunday	04/03/11	10:32:59 AM	Text	Tiffany	Nick		Didn't seem like it. You went tha fuck off on me AGAIN
Sunday	04/03/11	10:42:51 AM	Text	Nick	Tiffany		Sorry bae.
Sunday	04/03/11	10:53:59 AM	Text	Tiffany	Nick		See... don't apoloqize bae just stop doin it
Sunday	04/03/11	10:58:14 AM	Text	Nick	Tiffany		Ok what u doin
Sunday	04/03/11	11:06:32 AM	Text	Tiffany	Nick		Watchin a movie,eatin breakfast
Sunday	04/03/11	11:06:59 AM	Text	Nick	Tiffany		Lol can u make me some?
Sunday	04/03/11	11:12:35 AM	Text	Tiffany	Nick		wbu
Sunday	04/03/11	11:14:37 AM	Text	Nick	Tiffany		Chillin..bored..
Sunday	04/03/11	11:15:44 AM	Text	Tiffany	Nick		What you do last night
Sunday	04/03/11	11:16:39 AM	Text	Nick	Tiffany		Chilled.and Wuz thinkin about u
Sunday	04/03/11	11:31:00 AM	Call	Jason	Nick	Missed	
Sunday	04/03/11	11:32:00 AM	Call	Leonard	Nick	Missed	
Sunday	04/03/11	11:36:00 AM	Call	Timmy	Nick	Missed	
Sunday	04/03/11	11:37:00 AM	Call	Timmy	Nick	*******	

Sunday	04/03/11	11:37:44 AM	Text	Tiffany	Nick		look Idc how fucked up You qet around me. Just don't be on pills when I'm with you
Sunday	04/03/11	11:38:00 AM	Call	Nick	Jason	********	
Sunday	04/03/11	11:40:26 AM	Text	Nick	Tiffany		Ok be
Sunday	04/03/11	11:41:48 AM	Text	Tiffany	Nick		Thanks cause my fam been thru alotta shit with pills
Sunday	04/03/11	11:43:39 AM	Text	Nick	Tiffany		Ok bae..u comein to see me today
Sunday	04/03/11	11:44:29 AM	Text	Tiffany	Nick		Yeah. Im hoppin in tha shower real quick bae
Sunday	04/03/11	11:44:51 AM	Text	Nick	Tiffany		Ok
Sunday	04/03/11	11:45:00 AM	Call	Nick	Timmy	********	
Sunday	04/03/11	11:50:54 AM	Text	Mom	Nick		Or do u want to go to s and s
Sunday	04/03/11	11:52:12 AM	Text	Nick	Mom		It dont matter
Sunday	04/03/11	11:53:58 AM	Text	Tiffany	Nick		wait, What day did I say I started This week?
Sunday	04/03/11	11:54:51 AM	Text	Nick	Tiffany		Started wht?
Sunday	04/03/11	11:55:45 AM	Text	Tiffany	Nick		Period
Sunday	04/03/11	11:56:13 AM	Text	Nick	Tiffany		Idk bae tell me..i want belive wht just happen
Sunday	04/03/11	11:58:25 AM	Text	Nick	Tiffany		Idk bae tell me..u want belive wht just happen
Sunday	04/03/11	12:03:00 PM	Call	Timmy	Nick	********	
Sunday	04/03/11	12:15:00 PM	Call	Nick	Jason	********	
Sunday	04/03/11	12:15:28 PM	Text	Tiffany	Nick		Idk bae what day was tha 31st ? And What happened?
Sunday	04/03/11	12:24:44 PM	Text	Nick	Tiffany		Chris house blow up i cant fuccin belive it..wtf is happen.
Sunday	04/03/11	12:25:32 PM	Text	Tiffany	Nick		Wtf?! Was he inside?
Sunday	04/03/11	12:25:50 PM	Text	Nick	Tiffany		Yes this shit is fucced up.
Sunday	04/03/11	12:27:25 PM	Text	Tiffany	Nick		:(how you find out?
Sunday	04/03/11	12:28:00 PM	Call	Cody	Nick	Missed	
Sunday	04/03/11	12:30:00 PM	Call	Nick	Cody	********	
Sunday	04/03/11	12:31:00 PM	Call	Cody	Nick	********	
Sunday	04/03/11	12:43:00 PM	Call	Nick	Mom	********	
Sunday	04/03/11	12:47:00 PM	Call	Cody	Nick	Missed	
Sunday	04/03/11	12:48:00 PM	Call	Nick	Cody	********	
Sunday	04/03/11	12:50:00 PM	Call	Nick	Mom	********	
Sunday	04/03/11	12:53:00 PM	Call	Timmy	Nick	********	
Sunday	04/03/11	12:53:00 PM	Call	Nick	Timmy	********	
Sunday	04/03/11	12:56:11 PM	Text	Tiffany	Nick		?
Sunday	04/03/11	1:13:00 PM	Call	Jonathan	Nick	Missed	
Sunday	04/03/11	1:40:38 PM	Text	Tiffany	Nick		I love you too nick

Sunday	04/03/11	1:57:06 PM	Text	Tiffany	Nick		BAE!
Sunday	04/03/11	1:59:21 PM	Text	Nick	Tiffany		Im at tha police staion talkin to themm..i wil call u when i leave.
Sunday	04/03/11	2:30:00 PM	Call	Mom	Nick	N/A	
Sunday	04/03/11	2:30:00 PM	Call	Nick	Mom	********	
Sunday	04/03/11	2:35:00 PM	Call	8284073937	Nick	Missed	
Sunday	04/03/11	3:02:00 PM	Call	Mom	Nick	********	
Sunday	04/03/11	3:10:00 PM	Call	April	Nick	Missed	
Sunday	04/03/11	3:10:00 PM	Call	Mom	Nick	********	
Sunday	04/03/11	3:53:00 PM	Call	Ryan G	Nick	Missed	



#63

Nick Smith (Memory: Phone)

Mobile: 8287028282

#64

Solo Crib (Memory: Phone)

Mobile: 8286697520

#65

Davie (Memory: Phone)

Mobile: 8287483056

#66

Jeremy (Memory: Phone)

Mobile: 8287758884

#67

De De (Memory: Phone)

Mobile: 8282466101

#68

Stoney Cell Tim (Memory: Phone)

Mobile: 8283012390

#69

Mogle (Memory: Phone)

Mobile: *678287074660

#70

Tatoo (Memory: Phone)

#86

Pops (Memory: Phone)

Mobile: 8643297203

#87

Mcdonalds (Memory: Phone)

Mobile: 8648792612

#88

Tj (Memory: Phone)

Mobile: 8644989635

#89

D (Memory: Phone)

Mobile: 8282302199

#90

House Cleanin (Memory: Phone)

Mobile: 8647874348

#91

Markeisha (Memory: Phone)

Mobile: 8286695325

#92

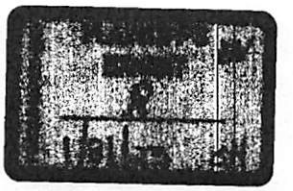
Kb (Memory: Phone)

Mobile: 8643633812

#93

Hailey (Memory: Phone)

Mobile: 8287076866



BEN LEVITAN

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www.linkedin.com/in/benlevitan | www.benlevitan.com

SUMMARY OF EXPERTISE

Mobile Systems	27 patents and four trade secrets; cellular, wireless, 3G, 4G, LTE, BPL, satellite and traditional telephony, wireless, cellular, and 3G mobile phone systems, GPS, 911, TCPA, and CALEA standards and protocols, SS7, telephony systems, standards and protocol broadband, Internet and WiFi, data, billing systems (CDR), and standards development.
System Protocol Types	Current, new, and developing wireless standards for 3GPP, 3GPP2, LTE, ANSI-41, GSM, ITU-T, OMA, UMTS, BPL, and third, fourth, and fifth generation protocols.
Standards & Protocols	SS7, telephony systems, broadband, Internet, WiFi, data, billing systems (CDR) and standards development, cellular search and rescue, call detail records and analysis, qualified in federal and state courts as cellphone expert.
Standards & Systems	Active in US and international development of ANSI-41, GSM, 802.x, ITU-T (CCITT), ISDN, SS7, PTT, PoC, inter-standard roaming, FCC and US development of systems and standards for government mandates, orders with special expertise in CALEA, E-911, LBS, WPS, 3GPP, 3GPP2 and TCPA, roaming, authentication, standards and billing systems, CIBER and TAP/TAP2.
Project Management	GSM to CDMA gateway, 911 service bureau, LNP service bureau, and other wireless third-party offerings to wireless carriers, GSM billing systems, cell broadcast project, CALEA.
Business Development	Subject matter expert (SME) in mobile and wireless systems to Sprint, Nextel, Verizon, and Alcatel providing industry trends, roadmaps, and market intelligence reporting to C-level and business development.
Extensive Government Regulatory & Technical Support	FCC filings and meetings before commissioner (Wiley, Rien & Fielding) regarding SS7 tariffs, CALEA (wiretap), Wireless Priority Services (WPS), Local Number Portability (LNP), and other government mandates. Committees: 3GPP, 3GPP2, TIA TR-45, TR-46, PTSC (TISI), T1 committees since 1984, ITU-T (previously CCITT) AMTA (SMR) UTC, SHS, and CALEA summits, FBI, U.S. State Department SG-B & SG-D, GSM, GGRF, ARINC, RTCA, and various joint experts committees.
UN Activity	Member of the U.S. delegation to the United Nations' Committee on Telecommunications (ITU-T) for 12 years.
Committees	3GPP, 3GPP2, TIA TR-45, TR-46, PTSC (T1S1)., T1 Committees since 1984, ITU-T (previously CCITT) AMTA (SMR) UTC, CTIA committees. CALEA LAES, SHS and CALEA Summits, GSM, GGRF, ARINC, RTCA, State Department SG-B & SG-D, and various Joint Experts meetings.
Extensive Litigation Support	Civil, Criminal and Patent Infringement matters. Expert Witness engaged in expert testimony re: Wiretap (CALEA), Location-based Evidence, IPR (issues of validity, timely disclosure, non-infringement, ITC TCPA matters), 911 Wrongful Deaths, Texting While Driving matters, Spoofing, Billing Disputes and other Federal civil and criminal matters involving telephone evidence, GPS, and other digital evidence. Qualified as an expert in Federal and State Courts. Extensive Daubert support v. FBI CAST. Rule 26 Litigation List available upon request.

KEY ACCOMPLISHMENTS

- Key Designer of the US Wiretap System (CALEA)
- Key Participant in the design and development of US Wireless 911 system.
- Expert in first technical challenge to wiretap evidence (USA v. Reed)
- Nextel Top Innovator Award, one of two company-wide awards out of 19,000 employees.
- Selected by peers to represent 3GPP2 core network as speaker at International CDMA Summit.

Patents

- Patent Award (renewed 2018): Network-Based Systems and Methods to block texting while driving.
- 32 patent applications (27 independent).
- 4 trade secrets developed and help by Sprint.
- 12 patents published.
- 8 patent applications currently on public review.

National & Local Media Appearances

- Appear regularly on CNN / HLN and major media outlets as cell phone expert.
- Consulted with writers of scripted A&E crime drama.
- Frequent Guest on TV Shows as "Telecommunications Expert" on matters of Cellular Evidence, including: Oxygen specials, Nancy Grace (8 years), Shepard Smith, Keith Olbermann, and various local network stories.
- Frequent guest on multiple Radio Shows, and often quoted in printed material regarding cellular phone evidence.

Publications

- Authored, "GPS Systems" published by Althos Publishing.
- Selected by McGraw-Hill to write book on GSM.
- Selected by Althos Publishing to author book on technical and market aspects of BPL.

EXPERIENCE

BEN LEVITAN, LLC, Raleigh, NC 2006-Present

Telecommunications Consultant on Cellular Network, Wireless & Broadband Telephony, and GPS

- Telecommunications consulting, authoring of technical books and for various news and scripted TV shows.
- Expert Witness in IPR matters related to 3GPP standards vs. plaintiff's intellectual property.
- Expert in IPR matters as invalidity and non-infringement roles.
- System Design Developer for government mobile tracking system.
- Designer and Business Developer of network-based texting while driving feature (NNID.org).
- Expert in numerous criminal matters related to wiretap (CALEA), StingRay technology, and cell tower simulators.
- Expert in numerous civil matters regarding state citizenship, theft of trade secrets, and personal injury.
- Expert in numerous matters as 911 systems and methods, providing system failure analysis.

SPRINT (previously NEXTEL COMMUNICATIONS), Reston, VA 2003-2005

Senior Manager, Global Technology Standards (Nextel's Technology & Strategy Group)

- Served as company's sole representative to 3GPP2 standards development committee with focus on Core Network Standards, and on all CALEA standards matters.

Accomplishments:

- Received Nextel's Top Innovator Award for 27 patent submissions, including areas of 911, Wiretap, Rural Cellular, and Calling-Party Pays.
- Developed four technical improvements in Nextel network, which company maintains as trade secrets.
- Selected by standards peers to represent 3GPP2 Core Network as Speaker at International CDMA Summit.
- Negotiated restructure of wiretap (CALEA) standards in CDMA to support company goals.
- Led team of carriers to challenge technical change that would impact company's LNP launch.

SPRINT ACCOMPLISHMENTS (continued)

- Selected to perform technical evaluation of pre-launch i840, Nextel's first picture phone; and market and technical evaluation of its Flarion OFDM WiMax test vs. others.
- Provided competitive intelligence to C-levels and served on strategy team for first competitive PTT launch.

VERIZON COMMUNICATIONS, INC. (previously BellAtlantic and GTE), Tampa, FL 1998-2003

Manager, Standards & Technology, Reporting to Director of Engineering

- Served as primary Technical Consultant regarding wireless standards to all departments.
- Provided technical consulting for system design of new products, including LNP, Churn Management, 911 Service Bureau, and Authentication Service Bureau.
- Lent expertise to new business proposals, development, RFPs, white papers, and user guides.
- Delivered training and technical presentations to management, development, sales, and user groups.
- Provided key technical support to developers, sales and customers on all technical issues.
- Managed representation of TSI at GSM, CDMA, and TDMA standards forums.
- Spoke regularly at industry conferences.

Accomplishments:

- Initiated, launched, or provided substantial technical expertise for products for Wireless Number Portability, e.g.: SOA/ICC and IS-41 NPREQ), CALEA, UIM, 911 Phase I & Phase II, Location Services, Inter-standard Roaming (GSM <> IS-41), SMS Interoperability IS-41 Revision C, D, and E, and UIM and R-UIM development.
- Negotiated reduced requirements for CALEA with FBI CIS.
- Created training classes for customers, developers, and management on above; and trained the trainers and developed courseware for new products.
- Developed concept proposal for new opportunities in Asia, U.S., and South America
- Consulted frequently with product and launch teams for new / developing requirements.
- Developed the industry's largest and most complete online technical standards library.
- Represented GTE, Verizon, or TSI Telecommunication Services at:
  - TR45.2 (IS-41 Rev. C through E) voting member
  - GSM Global Roaming Forum (GGRF) network
  - 3PP2 (3rd Generation Partnership Program) voting member TSG-N (Now TSG-X)
  - T1P1 – Wireless and PCS Standards voting member

ALCATEL, Raleigh, NC 1995-1998

Senior System Engineer reporting to Director of Engineering

- Oversaw new feature development for the GMH2000 core switch, TDMA, and CDMA switch; and project management, system engineering, testing and commercial turn-on and standards compliance, and representation for ANSI-41 standards.

Accomplishments:

- Developed Authentication, Voice Privacy and Signaling Message Encryption, WPS (early form), SMS, CLIP, CLIR, CALEA, and others.
- Managed inter-vendor testing and resolution of customer issues.

ADDITIONAL EXPERIENCE

AERONAUTICAL RADIO, INC., Annapolis, MD

Principal Engineer, Reporting to Director of Engineering

- Role included representing U.S. airline industry at ITU, FCC, ANSI, and U.S. State Department Study Groups on technical telecom issues.
- Initiated projects on Aircraft Passenger Communications (air phone), airport networks, and entertainment interfaces.
- Completed projects including developing standards for Universal Personal Telecommunications, Personal Communications, Services, Mobile / Aeronautical Mobile Satellite Services and International/Domestic "800" Service and "888" expansion.

AERONAUTICAL RADIO (continued)

- Provided technical support on FCC issues with legal team, such as 800 number portability, including delivering presentations to the commissioners.
- Served on technical team established by U.S. Congress (RTCA) that determined the effect of cellular telephones and other passenger devices on-board commercial aircraft.

COMSAT, INC., Washington, DC
Digital Engineer, Reporting to VP of Engineering

- Role included designing, developing, and negotiating ITU (CCITT) and ANSI telecommunication standards for Signaling System #7 (SS7), ISDN, Mobile, and IMT 2000 (formerly FPLMTS).
- Served as project manager for Satellite Packet Switching/ISDN Test with budget and schedule responsibility.
- Negotiated ISDN standards to support operation over satellite.

HUGHES AIRCRAFT COMPANY, Los Angeles, CA
Technical Staff Member (CLEARANCE - SECRET), Reporting to Manager of Engineering

- Role included project design, integration, installation and test of Satellite Ground Station Subsystems.
- Delivered projects successfully, including INTELSAT and AUSSAT Stations.
- Served as System Test Engineer for NASA Galileo/Jupiter Probe, proposals, and technical customer training.

TEACHING EXPERIENCE

- Teach CLE credit classes to attorneys on technical training regarding cellular telephone as evidence in civil and criminal matters.
- Developed and presented "The Basics of Cellular Telephone Systems for Attorneys."
- Technical training on cellular telephones for the Association of Federal Defense Attorneys via web conference.
- Courseware development for new wireless products and "train the trainers" to present the material
- Technical trainer on telephony, and project management for engineers for several seminar companies.
- Developed and presented webinars on technical issues related to 3rd Generation, WiFi, Use of Cellular Evidence for Investigations, 911 Systems, and The Basics of Cellular Telephones.

EDUCATION

DEVRY UNIVERSITY
Completing coursework towards BS in Technical Management.

UNIVERSITY OF CONNECTICUT
Completed extensive coursework towards a BSEE in Electrical Engineering.

CONTINUING EDUCATION & CERTIFICATIONS

- Training in technology, business skills, management, and project planning.
- Trained in Coverdale Methods for project management at Nextel.
- Edward Deming Total Quality Management (TQM) training.
- Earned National Emergency Number Association (NENA) 911 Certification, 2018

ADDITIONAL SKILLS

- Fluent in French (Native), with basic Japanese
- Multiple programming languages and scripting skills
- Significant hands-on troubleshooting and testing experience
- National Speakers Association Outstanding Member

HOBBIES & INTERESTS

- Private Pilot, Land and Sea
- Certified Scuba Diver
- "Elite Expert" by IMS
- UPI Award for Photography
- Certified Lifesaver / Red Cross

COMMUNITY INVOLVEMENT

- Pro Bono support to the Ohio Innocence Project
- North Carolina Search & Rescue Management and Scuba Teams.
- Selected as Docent for Smithsonian National Air & Space Museum.
- North Carolina Museum of Science Docent for Dead Sea Scrolls.

Litigation History For Ben Levitan (50)

Printed Wed, Jun 5, 2019

- Four year list. Cases under protective order have been excluded

Case	Case Number	Deposition	Testified
State of Florida v. Rossaine Baker 17th Judicial Circuit Court, Broward County, Florida	09-020305-CF10B 2015	☒	☒
USA v. James Terry Henrikson US District Eastern District Of Washington	2:14-CR-0124-SMJ-1 2015	☐	☒
Surety Computer Systems LLC v. TEOCO Corp. Circuit Court, Fairfax County Virginia	Civil Action 2015-00356 2015	☒	☐
State of Florida v. Leartis McNeal Brevard County Circuit Court, Florida	05-2011-CF-019026-AXXX-XX 2015	☒	☒
Florida v. Bobby Mellad 17th Judicial Circuit Court	CASE NO: 09-16048-CF10A 2015	☐	☒
Barnes v. Massachusetts Workers Comp Department of Industrial Accidents (DIA)	Board No. 35121-12 2016	☒	☒
Bonnie G. Clark vs. Swift Transportation Co. of AZ et al. 4th Judicial Circuit, Duval County Florida	Case 16-2015-CA-001058 2016	☒	☐
Ohio v. Eric Hendon Court of Common Pleas of Summit County, Ohio	Case No. 2014 01 0120 A 2016	☒	☒
MTPCS, LLC v. Nokia Solutions and Network USA Arbitration	Civil Action No. 01-15-0003-5349 2016	☒	☐
JN vs. Sacramento et al U.S. District Court for the Central District of California	CV-14-02428-DDP 2016	☒	☐
Jordan et al v. Taylor and Hart Transportation, Inc. Duval County Circuit Court, Jacksonville Florida	Case No. 16-2010-CA-008710-MA 2016	☒	☐
Ohio v. Harvey Jones Montgomery County, Ohio	2013-CR-294 2016	☐	☒
Calderon v. PSI Frac Logistics District Court Of Bexar County, Texas	Cause No. 2014-CI-06250 2016	☒	☒
State of South Carolina v. Patrick McCall Greenville County Circuit Court	Case No. 2-10-32606 2016	☐	☒
USA v. James Thorpe United States District Court for the Eastern District of North Carolina	Case No. 5:16-CR-74-ID 2016	☐	☒
Maldonado v. Clark et al Circuit Court of the Fifth Judicial Circuit in and for Marion County Florida	Case No. 2013-1308 CA 2017	☒	☒
Salazar, et al. v. PNP Petroleum, LP, et al. District Court in and for Bexar County Texas	Cause No. 2014-CI-12065 2017	☒	☐
Mary Ramirez vs. Striker Oilfield District Court in and for Bexar County Texas	14-06-29613-MCVAJA 2017	☒	☐
Medical Board v. Hasan, MD West Virginia Board of Medicine	Complaint No. 14-89-S 2017	☐	☒
Florida vs. Quinton Redell Sylvestre 15th Judicial Circuit in and for Palm Beach County Florida	2013CF003226BMB 2017	☐	☒
Rayburn Conway v. Alhambra Community Fire Protection District Madison County Circuit Court	Case No. 12-L-1894 2017	☒	☐
Perez Davis v. Bunzl Distribution & David Ibarra The District Court, 79th Judicial District, Jim Wells County Texas	Cause No. 15-06-54708-CV 2017	☒	☐
Jenny Hennes v. JC Fodale 45th District Court in Bexar County Texas	Cause No. 2015-CI-12710 2017	☒	☒
Anita Busch v. Anthony Pellicano et al. Superior Court of California, County of Los Angeles	BC 316 318 2017	☒	☐

Litigation History For Ben Levitan (50)

Printed Wed, Jun 5, 2019

- Four year list. Cases under protective order have been excluded

Case	Case Number	Deposition	Testified
Roy House III vs. Westfield Insurance Co. et al. 4th Judicial District, Duval County Forida	Civil Action No.:16-2014-CA-008012 2017	☒	☐
Adolfo Guerrero v. Tejas Lease Service, et al. District Court in and for Bexar County Texas	Cause No. 15-10-55266-CV 2018	☒	☐
Javier Elias v. C&D Production Specialist et al. 79th Judicial District Court of Jim Wells County, TX,	Cause No. 2016CCV-61450-1 2018	☒	☐
Donad Eversole v. Juan Rivera & Jessica Melendez 4th Judicial Circuit, Duval County Florida	2016-CA-4160 2018	☒	☐
USA v. Russell Davis Northern District of OH, Cleveland	1:16CR00260 2018	☐	☒
New York v. Ni Qinghua New York Supreme Court	04734/2016 2018	☐	☒
Maria Longoria v. Pape-Dawson Consulting Engineers 79th Judicial District, Jim Wells County, Texas	Cause No. 17-06-57306-CV 2018	☒	☐
Ira Reeves et al. v. Kinder Morgan Energy Partners, L.P.,et al. 135th Judicial District Court, Victoria County Texas	Cause No. 17-07-81312-B 2018	☒	☐
Estate of Dara Goodson v. Boone Distributors, Inc. & Bateny Avril Circuit Court of the Eighth Judicial District, Union County,Florida	Case No. 63-2017-CA-0037 2018	☒	☐
Estate of Pierce v. Dolese Bros. Co. District Court of Oklahoma City, State of Oklahoma	No. CJ-2017-3108 2018	☒	☐
Noe Elizondo v. American Eagle Logistics, et al. District Court, 122nd Judicial District, Galveston County, Texas	Cause No. 17-CV-0947 2018	☒	☐
Rachel Balderas vs. Roberts and A&B Deliveries et al. 438th Judicial District Court, Bexar County Texas	2017 CI 01305 2018	☒	☐
John Quemada vs. Cordoba Corp. Los Angeles California Superior Court	BC621735 2018	☒	☐
Aretha Taylor v. Ewing Irrigation 146th Judicial District Court, Bell County, Texas	286-805-B 2018	☒	☐
State of Florida v. Melvin Clark Seventeenth Judicial Circuit Court, Broward County Florida	Case No. 14008631CF10A 2018	☒	☒
John Moya v. Triad Isotopes, Inc. County Court at Law No.2, Neuces County, Texas	Cause No 2015-CCV-62047-2 2018	☒	☐
SC v Michael Colucci Court of General Sessions	2016-GS-08-02603 2018	☐	☒
Daniel Munoz v. G&P Trucking and Randy Lynn Freeman US District Court, Southern District of Texas, Laredo Division	Civil Action No. 5:16-CV-00263 2018	☒	☐
Jenny Grapentine v. Closner Equipment Co. Inc., et al. Neuces County Texas Court of Law No. 1	Cause No. 2017CCV-61859-1 2019	☒	☐
Carrillo v Shifflett, New Bern Transport Corp., and PepsiCo U.S. District Court of New Mexico	1:18-CV-00663-KBM-LF 2019	☒	☐
Paiz v Straight Line 229th Judicial District Court, Duval County, Texas	DC-17-133 2019	☒	☐
State v. Eric Hicks Avery County North Carolina, Superior Court	12-CRS-050584 2019	☐	☒
State of GA v Ashton King Superior Court for Bulloch County, Statesboro Georgia	17-Su-CR-32-B 2019	☐	☒
Perez v MTZ 293rd Judicial District Court, Dimmit County Texas	17-08-13242-DCV 2019	☒	☐

Litigation History For Ben Levitan (50)

Printed Wed, Jun 5, 2019

- Four year list. Cases under protective order have been excluded

Case	Case Number	Deposition	Testified
Byron Nezat v. Total Lawn and Sprinkler, Inc	2017CI12089	☒	☐
57th Judicial District Court of Bexar County Texas	2019		
Beverly Murray v. The Great Taste of Texas, Inc. et al.	2018CI01392	☒	☐
407th Judicial District Court of Bexar County Texas	2019		

at&t

AT&T MATTER # 912559.001

AT&T Global Legal Demand Center

11760 US HIGHWAY 1, SUITE 300
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared Daniel Reller who being duly sworn, deposes and says:

My name is Daniel Reller I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Compliance Security Analyst and serve as the Custodian of Records for AT&T. I have been employed by AT&T since 05/10/1999. Attached to this Affidavit are copies of AT&T subscriber and call detail records for:

Number: (864) 283-4400

The attached copies of billing records were originally provided without certification by an analyst at the AT&T GLDC. The records have been purged and are unable to be created in the same format as originally provided. Robert Childs III faxed them to the Global Legal Demand Center on 01/24/2023. The attached copies of usage and subscriber records appear to be in the same format as records that were maintained and produced by AT&T. These documents are in the same format and contain call data consistent with AT&T records and do not appear to have been modified or altered in any way. I routinely rely on these types of documents in the course of my duties as Custodian of Records and Compliance Security Analyst for AT&T.

Based on the regular practices of AT&T in 2011, the records were:

a. Made at or near the time of each act, event, condition, opinion, or diagnosis set forth in the records.
b. Made by or from information transmitted by AT&T systems.
c. Would have been kept in the course of regularly conducted business activity.

It was the regular practice of the business activity to make these records.

Date: 01/26/2023 Signature: Daniel Reller

The foregoing affidavit was sworn to and subscribed before me by Daniel Reller who is personally known to me.

Notary Public, State of Florida

Brian Faulkner

Printed Name

Serial Number (if any)

National Court Order Compliance

BRIAN FAULKNER
Notary Public - State of Florida
Commission # HH 057283
My Comm. Expires Oct 26, 2024
Bonded through National Notary Assn.

MOBILITY
(with cell location)

AT&T has queried for records from 01/03/2011 12:00:00am to 05/03/2011 11:59:59pm
AT&T has queried for records using Eastern Time Zone. AT&T's records are stored and provided in UTC.

Run Date: 06/22/2021
Run Time: 12:35:32
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18911	04/03/11	09:27:22	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18912	04/03/11	09:29:55	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18913	04/03/11	09:30:42	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18914	04/03/11	09:31:17	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18915	04/03/11	09:34:37	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18916	04/03/11	09:36:51	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18917	04/03/11	09:37:04	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18918	[redacted]		18647049126	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18919	[redacted]		78676	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18920	[redacted]		78676	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18921	[redacted]		32665164	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18922	[redacted]		32665165	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18923	[redacted]		32665166	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18924	[redacted]		32665167	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]

AT&T Proprietary

The information contained here is for use by authorized persons only and is not for general distribution.

MOBILITY
(with cell location)

AT&T has queried for records from 01/03/2011 12:00:00am to 05/03/2011 11:59:59pm
AT&T has queried for records using Eastern Time Zone. AT&T's records are stored and provided in UTC.

Run Date: 06/22/2021
Run Time: 12:33:36
Voice Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Seizure Time	ET	Originating Number	Terminating Number	IMEI	IMSI	CT	Feature	Cell Location
9354	04/03/11	07:54:03	0:02	1:39	18645675619	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:100]
9355	04/03/11	[redacted]	0:28	0:00	18645931426	18642834400			MO	[NIOR]	
9356	04/03/11	[redacted]	0:23	0:00	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:23]
9357	04/03/11	[redacted]	0:00	0:00	18645931426	18642834400			ST	[]	
9358	04/03/11	[redacted]	0:26	0:00	18645931426	18642834400			SO	[]	
9359	04/03/11	16:32:23	0:33	0:00	18642025205	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:33]
9360	04/03/11	16:32:54	0:00	0:00	18642025205	18642834400			ST	[]	
9361	04/03/11	16:32:54	0:36	0:00	18642025205	18642834400			SO	[]	
9362	04/03/11	18:19:24	0:31	2:32	18647871077	18642834400			SO	[]	
9363	04/03/11	18:19:25	0:28	2:32	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:100, 899840127:3515000:-82.33067:34.87336:0:88.0:80]
9364	04/03/11	18:19:25	0:40	2:32	18647871077	18642834400			ST	[]	
9365	04/03/11	18:23:32	0:08	0:00	18642834400	18643295761	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:8]
9366	04/03/11	18:24:21	0:27	0:08	18642834400	18642686504	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:34]
9367	04/03/11	18:25:03	0:26	0:03	18642834400	18643618714	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:30]
9368	04/03/11	18:28:03	0:13	0:14	18645931426	18642834400			SO	[]	
9369	04/03/11	18:28:03	0:15	0:14	18645931426	18642834400			MO	[NIOR]	
9370	04/03/11	18:28:04	0:17	0:13	18645931426	18642834400			ST	[]	
9371	04/03/11	18:28:05	0:10	0:14	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:23]
9372	04/03/11	18:30:23	0:24	0:02	18642834400	18643618714	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:26]
9373	04/03/11	18:37:47	0:25	1:38	18642834400	18642939867	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840124:3515000:-82.33067:34.87336:0:88.0:123]

421

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE) ORDER FOR PRODUCTION OF RECORDS
)
)
CASE# 2011-045733)



TO: AT&T
Attn:LJH File code # 912559
Fax: (888)-938-4715

16 JAN 2011 12 27

The attached affidavit of INVESTIGATOR JOHNNY M. BROWN of the Greenville County Sheriff's Office demonstrates probable cause to believe that the records sought are necessary and relevant to an ongoing criminal investigation and copies of said records should be immediately compiled and released to the Greenville County Sheriff's Office.

THEREFORE YOU ARE ORDERED to immediately, laying all other business aside, compile and release to INVESTIGATOR JOHNNY M. BROWN, of the Greenville County Sheriff's Office copies of any and all documents in your custody and/or control relating to

This affiant is assisting Greenville County Sheriff's Office Homicide Investigator's on a double murder / arson that occurred on 4/3/11 around 10 am. Affiant is following exigent order obtained on 4/3/11, with this court order, which allowed affiant to get subscriber information, incoming and outgoing calls logs, cell location of incoming calls, and text message content from date range April 3rd to April 4th, 2010.

Affiant is requesting At&t wireless to expand initial order, including all the above requested information, from date range of March 27th to April 4th, 2010, for ongoing investigation for the cell phone number (864-283-4400).

Thank you for all your assistance.

IT IS SO ORDERED!

Magistrate Judge
Greenville County

Dated: 4/5/11
Greenville, South Carolina

111-045733

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE) AFFIDAVIT
)
)
CASE# 2011-045733)

Personally appeared before me, Dep. J.M. Brown 544 *562 of the Greenville County Sheriff's Office, who first being duly sworn, states the following as true:

I am employed by the Greenville County Sheriff's Office as Fugitive Investigator
The Greenville County Sheriff's Office is currently conducting an investigation into a double homicide / arson that occurred at 2004 A Edwards Road, Taylors, SC 29687.

which occurred in Greenville County on or about 4/3/11 ,2001.
My investigation reveals
Affiant was informed by the homicide investigator that phone calls were made to the victim's phone (864-361-4714) from AT&T wireless cell phone number (864-281-4400) after the victim was deceased. Due to victim's phone being stolen and being used by suspect, and other victim's in danger along with family members, and due to the suspect having a possible connection to the family, a exigent order is requested.

In order to conduct a fair and complete investigation of the above incident it is necessary for me to obtain copies of the following records:
Subscriber information, incoming and outgoing call logs, cell location of incoming calls, and text message content from date range April 3rd to April 4th, 2011.

Affiant is requesting AT&T wireless to expand initial order, including all the above requested information, from date range of March 27th, 2010 0800 am to April 4th, 2010 0000 (midnight).

My investigation reveals further that AT&T Wireless is the Custodian of said records and will not release copies of them without an Order of this Court.

FURTHER AFFIANT SAYETH NOT.

Dated: 4/5/2011
Greenville, South Carolina

J M Brown 544

Sworn to and subscribed before me
this 5th day of April 2011

Bruce Evens
Notary Public for South Carolina

My Commission Expires: April 16, 2017

111-045733

16 JAN 2011 12 27

912559.001
04/15/2011

SUBSCRIBER INFORMATION

534018245720 C/T

Financially Liable Party

Name: DONALD JOHNSON
Credit Address: 24168 PO BOX, GREENVILLE, SC 29616

Customer Since: 09/25/2004
Photo ID Type: Photo ID State:
Photo ID Number:
DOB: SSN:

Contact Name:
Contact Home Phone: (864) 244-6044 Contact Work Phone: (864) 322-0830
Contact Home Email: DJOHNSON41@charter.NET Contact Work Email:

16 JUN 2011 12 27

Billing Party

Account Number: 534018245720
Name: DONALD JOHNSON
Billing Address: 24168 PO BOX, GREENVILLE, SC 29616

Account Status: Active Billing Cycle: 27

User Information

MSISDN: (864) 283-4400 IMSI: 310410388520338
MSISDN Active: 01/18/2006 - Current IMEI/ESN: 012141003340351/

Name: DONALD JOHNSON
User Address: , GREENVILLE, SC 29615

Service Start Date: 01/18/2006 Dealer Info: WI06 WI06
Payment Type: Postpaid
Contact Name:
Contact Home Phone: Contact Work Phone:
Contact Home Email: djohnson41@charter.net Contact Work Email:

Status Change History

Status Change Reason: Status Change Date:

111-045733

DBG

AT&T PROPRIETARY
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TSC

111_045733

at&t

Please refer to the legend below that explains the columns and the information displayed on the attached report.

LEGEND FOR AT&T MOBILITY RECORDS LABELED "DATA SOURCE: SCAMP"

The attached file is being sent in a text file format to provide you with the ability to download into your data analysis system.

Once downloaded into an EXCEL format, header information will appear at the top displaying the AT&T 6-digit file number, creation date, the AT&T database source, date the report was run, and the account number of the target.

You may receive up to 3 separate reports for usage: Voice, Data and SMS. This is indicated at the beginning of each report. The fields you will find on usage reports are as follows:

VOICE:
Conn. Date and Conn. Time: The date and time the call was actually connected.
Seizure Time: The number of minutes and seconds it took from the time the 'Send' button was pressed to the time the call was connected to the network.
Originating Number: If target number appears in this field, the call is an outgoing call and the called number is in the Terminating Number field.
Terminating Number: If target number appears in this field, the call is an incoming call and the caller's number is in the Originating Number field. In rare instances, you may see all "" in this column. This is an indication that an invalid number was entered.
Elapsed Time: Number of minutes and seconds of the call between the connection time and the end of the call, also known as call duration. Does not include seizure time.
Number Dialed: This column represents the number that was actually dialed by the calling party or the voicemail access number if the call was forwarded to voicemail.
IMEI: International Mobile Equipment Identification number.
IMSI: International Mobile Subscriber Identity number.
Description: This field uses 2 key characters that describe the parties involved and a short description suffix key word that describes what is known about how the call was handled. Outbound calls will always be described as "DIR". "M" indicates the presence of an AT&T Mobility number. "m" indicates the presence of another wireless carrier's number. The number "2" will always be shown in the middle of the two characters and is used in lieu of "to". For example, M2O means AT&T Mobile "to" a Non-Mobile Phone Number. This report will not show routing by the receiving side of an outbound call. The tables below describe the potential values.

16 JAN 2011 12 27

Key Character Definitions

Field	Description
M	AT&T Mobile Phone (based on billing validation)
m	Other Carrier Mobile Phone (based on billing validation)
O	Non-Mobile Phone Number

Calls will have 4 potential "suffix" descriptions.

Description Suffix Definitions

Field Suffix	Description
DIR	Outbound calls will display DIR except for voicemail checks directly from the handset (VMC). Inbound calls will display DIR if no forwarding took place. Either the phone was answered or rang and was not answered.
VMC	Call was from handset to check Voicemail box.
VMB	Call was routed to VoiceMail number.
FWD	Call was forwarded to another number.
	Forwarding action could not be determined.

A call described as "m2M_DIR" would be interpreted as a call from another carrier's mobile phone to an AT&T mobile phone that was not forwarded. For example, the call was not routed to voicemail. A call described as "O2M_FWD" would be a call from a non-mobile phone number to an AT&T mobile number that was forwarded to the number listed in the Terminating Number field.
Cell Location: Column only displays if location information was requested. The first two numbers indicate the beginning and ending LAC/CID information followed by the longitude/latitude and the azimuth (center point of the sector) of all cell sites that serviced the call. If the target was traveling, you may see more than one cell site in this field which will indicates hand offs while the call is in progress.

DATA USAGE:
The Data report displays many of the same columns as on the other reports, but also includes:
Bytes Up: The number of bytes sent from mobile station to the network.
Bytes Dn: The number of bytes from the network to the mobile station.
Access Pt: Displays the network interface access point.
Cell Location: Column only displays if location information was requested. Same information is displayed as noted above.

16 JUN 2011 12 28

SMS USAGE:

Originating Number: If target number appears in this field, the SMS is outgoing and the receiving number is in the Terminating Number fiel
Terminating Number: If target number appears in this field, the SMS is incoming and the receiving number is in the Originating Number fiel
Description: This field describes the direction of the message and a short description that describes what is known about the type of message. Outbound calls will always be described as "OUT" with no suffix description, and inbound messages will provide a description whe it is known.

Key Prefix Definitions

Field	Description
IN	Inbound Message
OUT	Outbound Message

Description Suffix Definitions
(These are ALL SYSTEM GENERATED MESSAGES)

Field Suffix	Description
VMN	VoiceMail message is waiting notification
VMP	VoiceMail box has been accessed notification.
VMA	Indicates either a voice mail notification or accessed notification.
AGM	General notification message from AT&T (time to add credit etc.).
ACB	Account Balance check response.
ACM	Account minutes available check response.
ACD	Account data used check response.

A message described as "IN_VMP" would be interpreted as an inbound system message to the phone notifying the user that the voicemail bo has been checked. A message labeled as "IN_ACB" means the user requested an "Account Balance Check" and the reply was received by the phone.

Cell Location: The first two numbers indicate the beginning and ending LAC/CID information followed by the longitude/latitude and the azimuth (center point of the sector) of all cell sites that serviced the call. If the target was traveling, you may see more than one cell site in th field.

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04/15/2011
SCAMP

MOBILITY USAGE (with cell location)

111_045733

Run Date: 04/15/2011
Run Time: 10:30:19
SMS Usage For: (866)283-4400
Account Number: 836018245720

Item	Conn. Date	Conn. Time	Originating Number	Terminating Number	IMEI	IMSI	Description	Cell Location
1665	04/03/11	05:24A	18642834400	18645517741	**********	310410377453983	OUT	[08998/40124:-82.33067:34.87336:0]
1666	04/03/11	05:26A	18645517741	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]
1667	04/03/11	05:27A	18642834400	18645517741	**********	310410377453983	OUT	[08998/40124:-82.33067:34.87336:0]
1668	04/03/11	05:29A	18645517741	18642834400	**********	310410377453983	IN	[08998/40124:-82.33067:34.87336:0]
1669	04/03/11	05:30A	18642834400	18645517741	**********	310410377453983	OUT	[08998/40127:-82.33067:34.87336:0]
1670	04/03/11	05:31A	18645517741	18642834400	**********	310410377453983	IN	[08998/40124:-82.33067:34.87336:0]
1671	04/03/11	05:34A	18642834400	18645517741	**********	310410377453983	OUT	[08998/40124:-82.33067:34.87336:0]
1672	04/03/11	05:36A	18645517741	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]
1673	04/03/11	05:37A	18642834400	18645517741	**********	310410377453983	OUT	[08998/40127:-82.33067:34.87336:0]
1674	04/03/11	[redacted]	[redacted]	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]
1675	04/03/11	[redacted]	[redacted]	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]
1676	04/03/11	[redacted]	[redacted]	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]
1677	04/03/11	[redacted]	[redacted]	18642834400	**********	310410377453983	IN	[08998/40124:-82.33067:34.87336:0]
1678	04/03/11	[redacted]	[redacted]	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]
1679	04/03/11	[redacted]	[redacted]	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]
1680	04/03/11	[redacted]	[redacted]	18642834400	**********	310410377453983	IN	[08998/40124:-82.33067:34.87336:0]
1681	04/03/11	11:18A	32665168	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]
1682	04/03/11	11:19A	32665169	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]
1683	04/03/11	11:20A	32665170	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]
1684	04/03/11	12:22P	78676	18642834400	**********	310410377453983	IN	[08998/40124:-82.33067:34.87336:0]
1685	04/03/11	01:06P	32665171	18642834400	**********	310410377453983	IN	[08998/40124:-82.33067:34.87336:0]
1686	04/03/11	01:06P	32665172	18642834400	**********	310410377453983	IN	[08998/40124:-82.33067:34.87336:0]
1687	04/03/11	01:47P	32665173	18642834400	**********	310410377453983	IN	[08998/40124:-82.33067:34.87336:0]
1688	04/03/11	02:22P	18642834400	32665168	**********	310410377453983	OUT	[08998/40127:-82.33067:34.87336:0]
1689	04/03/11	02:22P	32665168	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]
1690	04/03/11	02:26P	32665174	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]
1691	04/03/11	02:33P	18642834400	18643618714	**********	310410377453983	OUT	[08998/40127:-82.33067:34.87336:0]
1692	04/03/11	02:45P	18642834400	18647871077	**********	310410377453983	OUT	[08998/40124:-82.33067:34.87336:0]
1693	04/03/11	02:46P	18647871077	18642834400	**********	310410377453983	IN	[08998/40124:-82.33067:34.87336:0]
1694	04/03/11	02:46P	18642834400	18647871077	**********	310410377453983	OUT	[08998/40127:-82.33067:34.87336:0]
1695	04/03/11	02:47P	18647871077	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]
1696	04/03/11	02:47P	18642834400	18647871077	**********	310410377453983	OUT	[08998/40127:-82.33067:34.87336:0]
1697	04/03/11	02:48P	18647871077	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]
1698	04/03/11	02:48P	18642834400	18647871077	**********	310410377453983	OUT	[08998/40127:-82.33067:34.87336:0]
1699	04/03/11	02:49P	18642834400	18647871077	**********	310410377453983	OUT	[08998/40127:-82.33067:34.87336:0]
1700	04/03/11	02:49P	18642834400	18647871077	**********	310410377453983	OUT	[08998/40127:-82.33067:34.87336:0]
1701	04/03/11	02:49P	18647871077	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]
1702	04/03/11	02:51P	18647871077	18642834400	**********	310410377453983	IN	[08998/40127:-82.33067:34.87336:0]

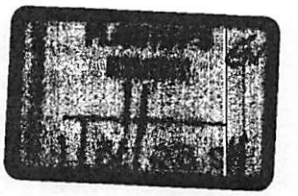
AT&T Proprietary

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16 JAN 2011 12 26



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TELECOMMUNICATIONS EXPERT



Review of the Cell Phone Evidence

in the matter of:

James Johnson v. State of South Carolina

Case No. 2017-CP-23-07692



Opinion of Ben Levitan
Wireless, Cellular Telephony Expert
(919) 420-0924
benlev@aol.com | www.BenLevitan.com

January 31, 2023

Cell Phones & It's Use As Evidence in this Case

A quick tutorial will explain:

- How Cell Phones Work
- What Records the Cell Phone Companies Keep
- How to Interpret those Records



From there you will be able to understand the evidence in this case

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Basics of Cell Phones

Purpose: To Understand the Technology

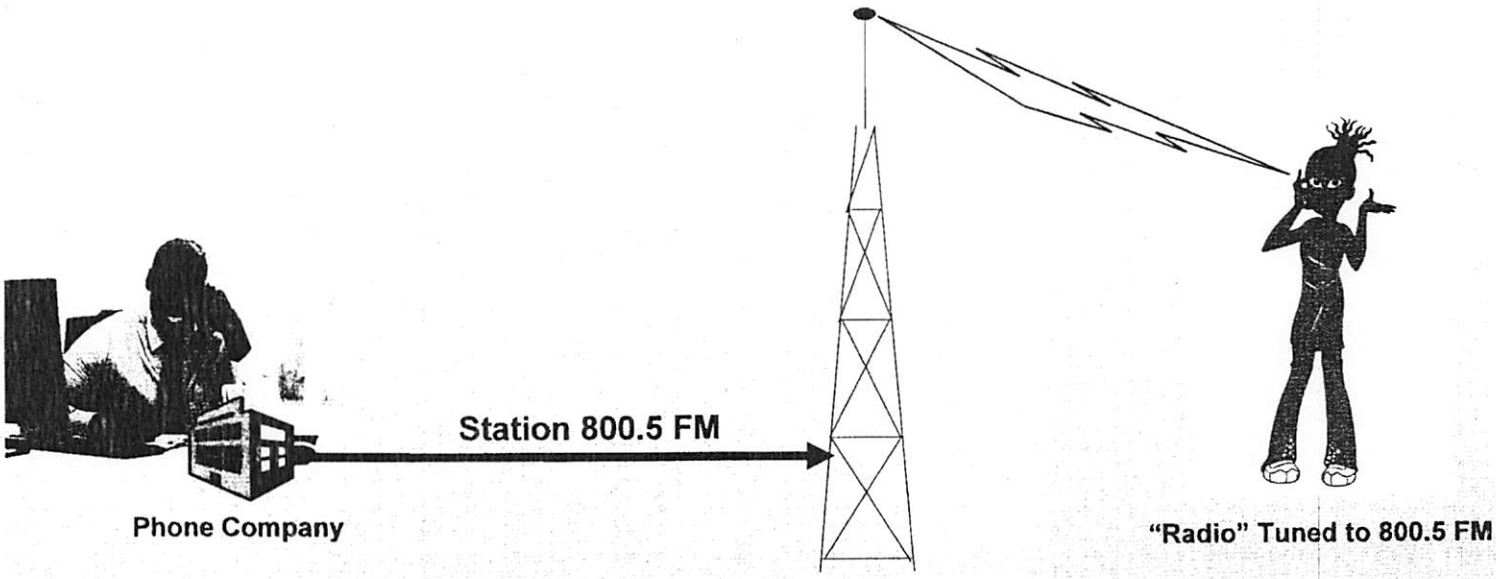
Ben Levitan, Telephony Expert – www.BenLevitan.com

Cell Phone is Radio Technology

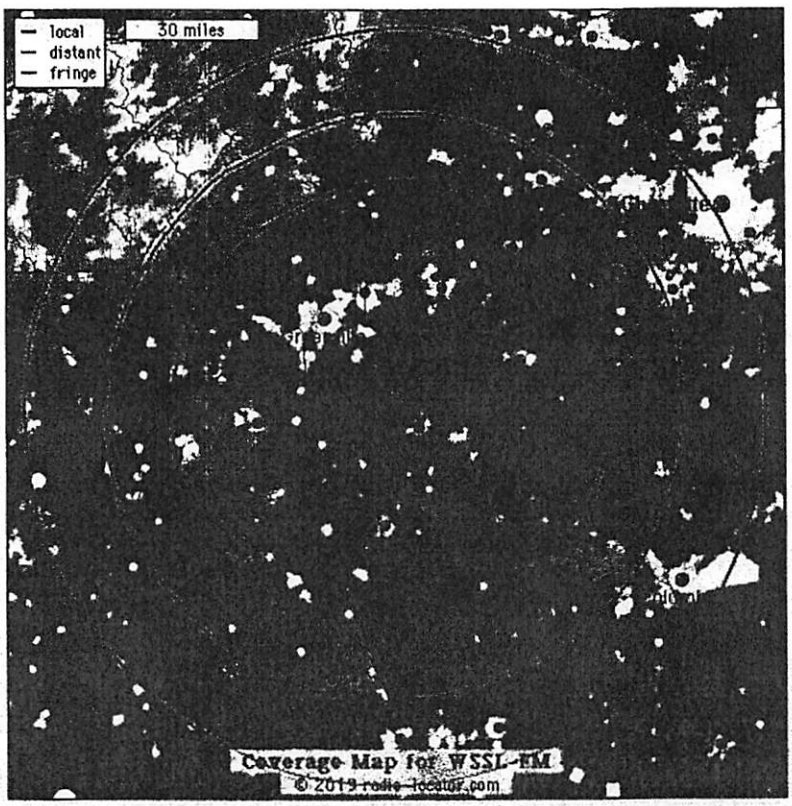
You already know how this works

Cell Phone is Radio Technology

You already know how this works

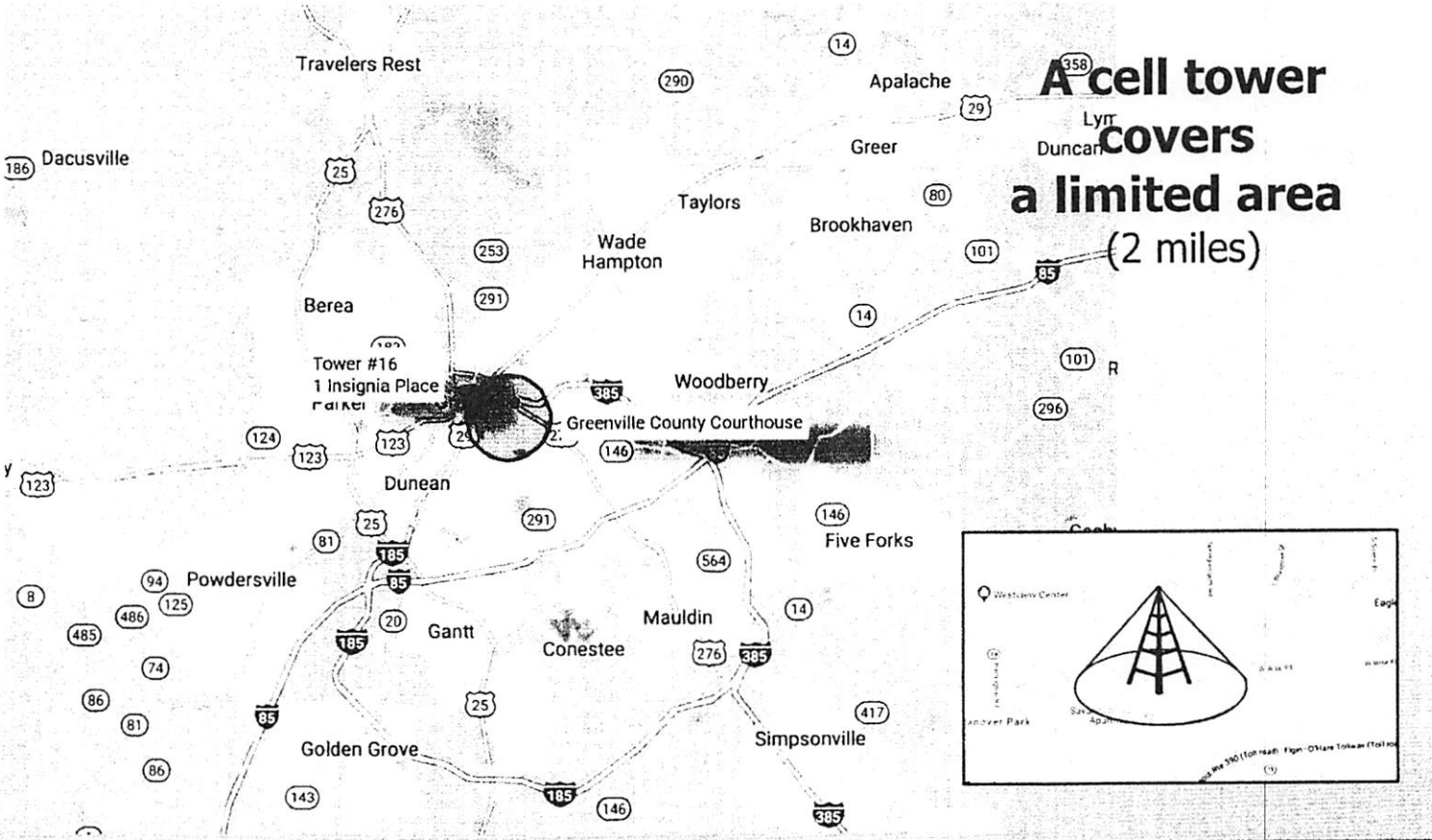


Radio Broadcast Is Limited

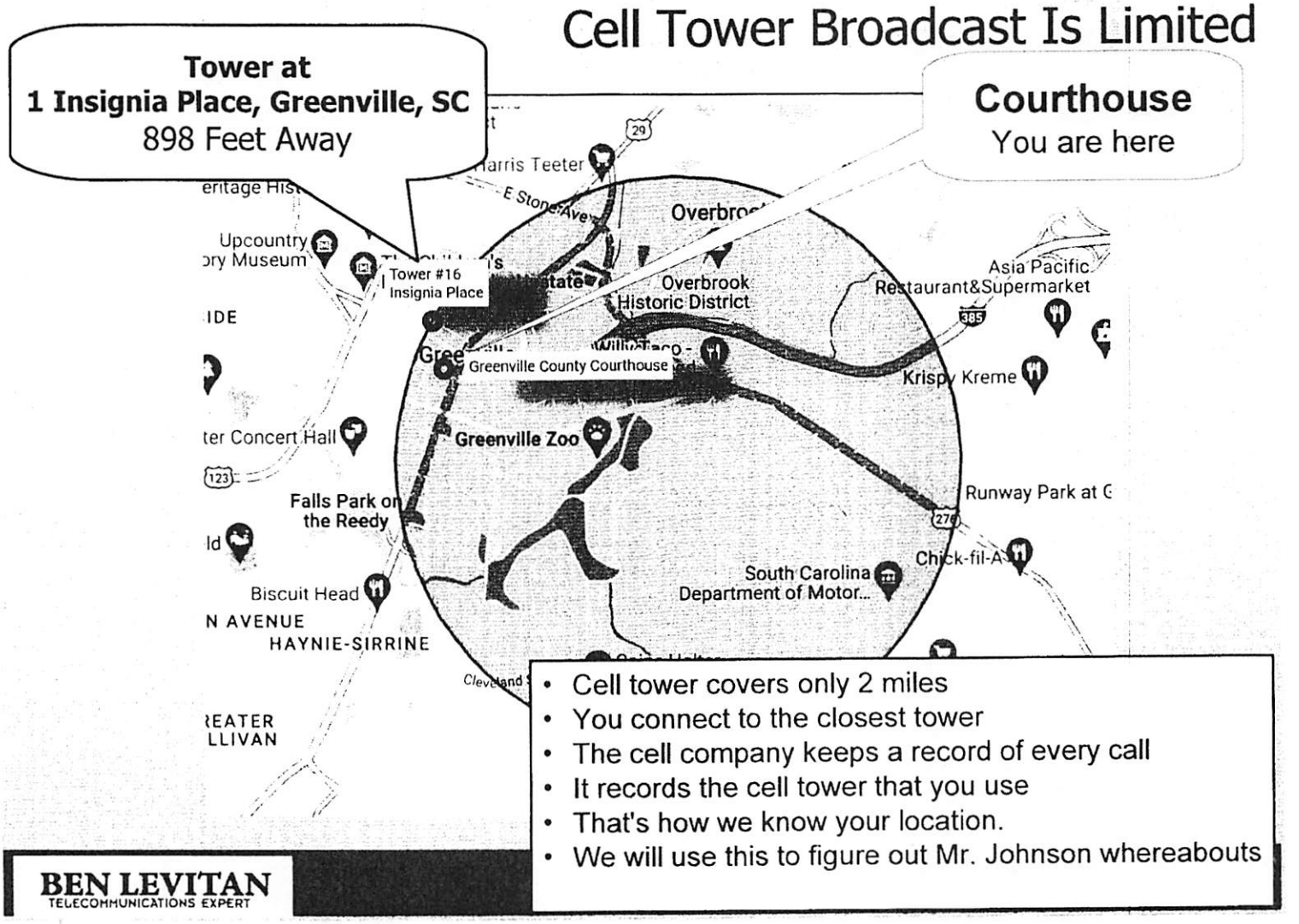


A radio station covers a limited area
(30 miles for WSSL)

Radio Broadcast Is Limited



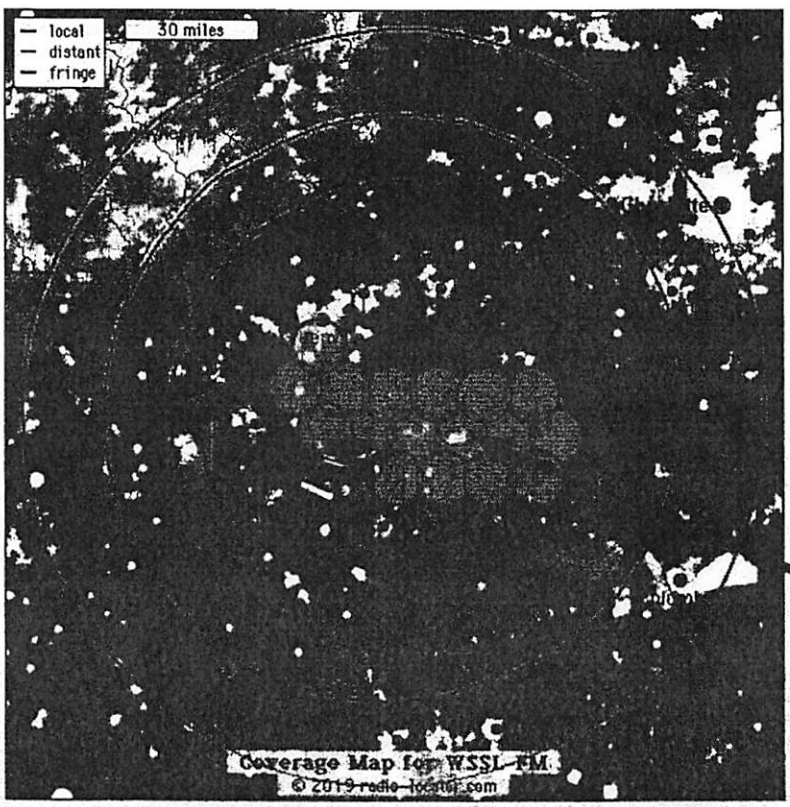
Cell Tower Broadcast Is Limited



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Cell Tower Broadcast Is Limited

So you need lots of them to cover a city

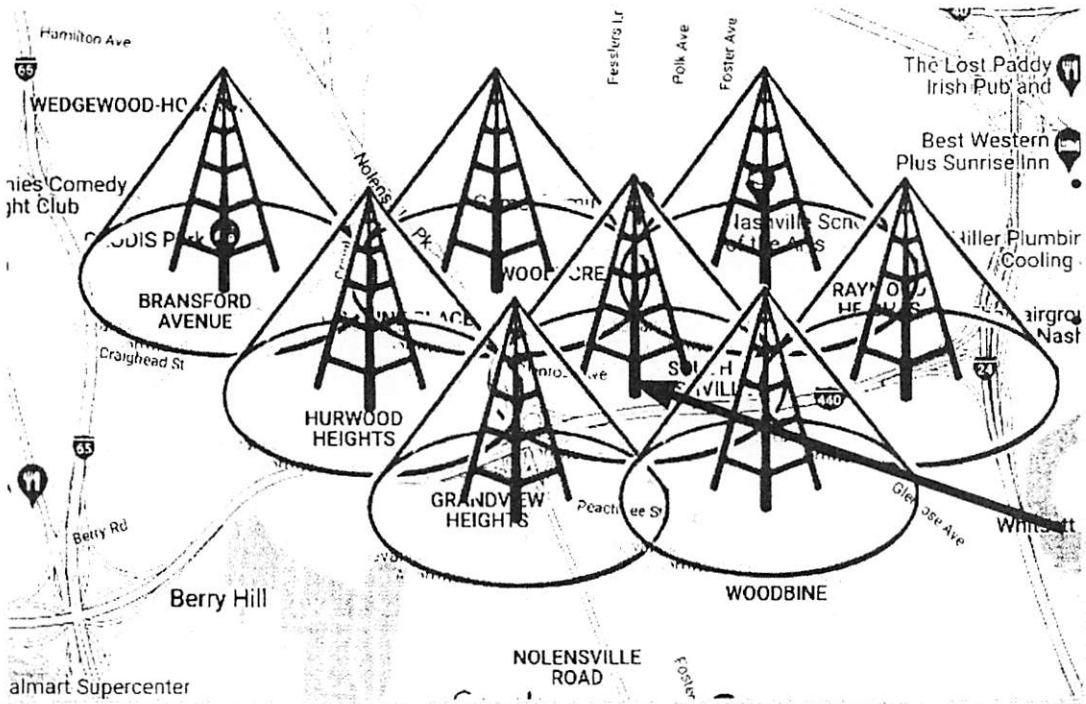


- When you leave and head home, you'll quickly drive out of the coverage area, so you are "handed off" to the next tower which slightly overlaps this.
- Cell Company Keeps track of all the cell towers you use during this call.
- That's how we can says you are driving while on this call or data session.

Insignia Place Tower
Greenville, SC
1 of
696 Towers in Greenville

Cell Tower Broadcast Is Limited

So you need lots of them to cover a city



- This pattern is the same across the country and around the world
- Towers Edge to covering the country.

You can drive across the city and never lose your call.

Insignia Tower
Greenville, SC

696 Towers in Greenville

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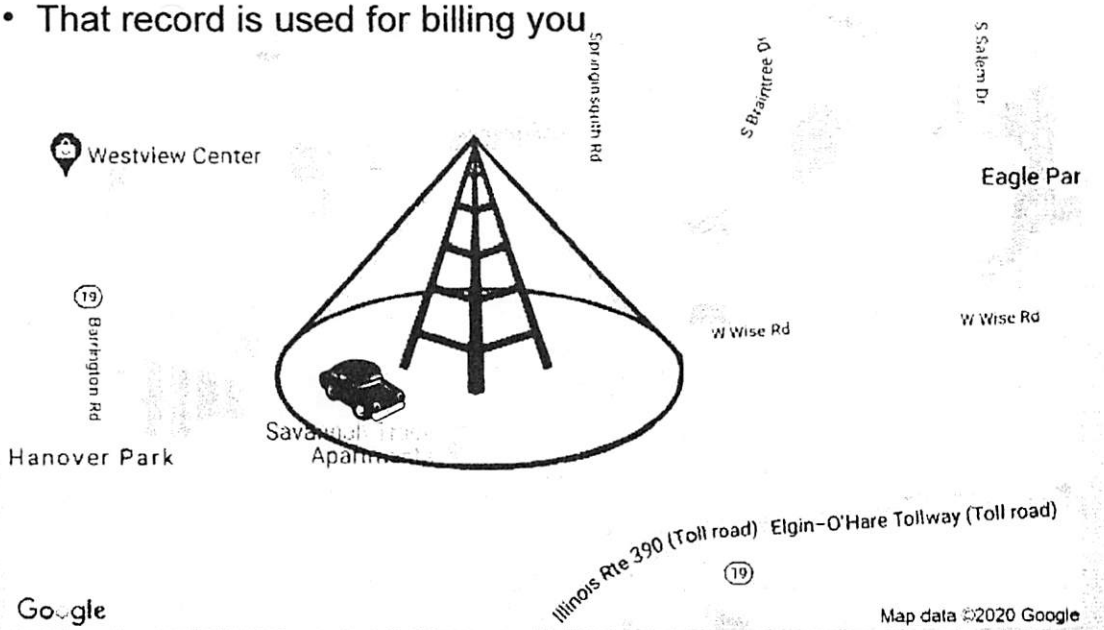
The Records Kept

What does the phone company keep
&
How to use it as evidence.

Ben Levitan, Telephony Expert – www.BenLevitan.com

What does the Cell Phone Company Know?

- Your phone always connects to the closest cell tower
- The phone company keeps track of which tower you are connected to
- When you get a call they send it there
- When you are done with a call or data session the record is saved
- That record is used for billing you



What does the Cell Phone Record Look Like?

- Here's what information the cell company keeps on each of your activities

Local Time	Activity	From #	To #	Duration	Location During Call ✓ Click on Address for Map Coverage Area
03:54:03 AM to 03:55:44 AM EDT (9354)	Talk Talk Time 1:39	(864) 567-5619	(864) 283-4400 James Johnson	1 mins, 41 secs Towers - 1	519 Old Howell Rd, Greenville, SC (N)

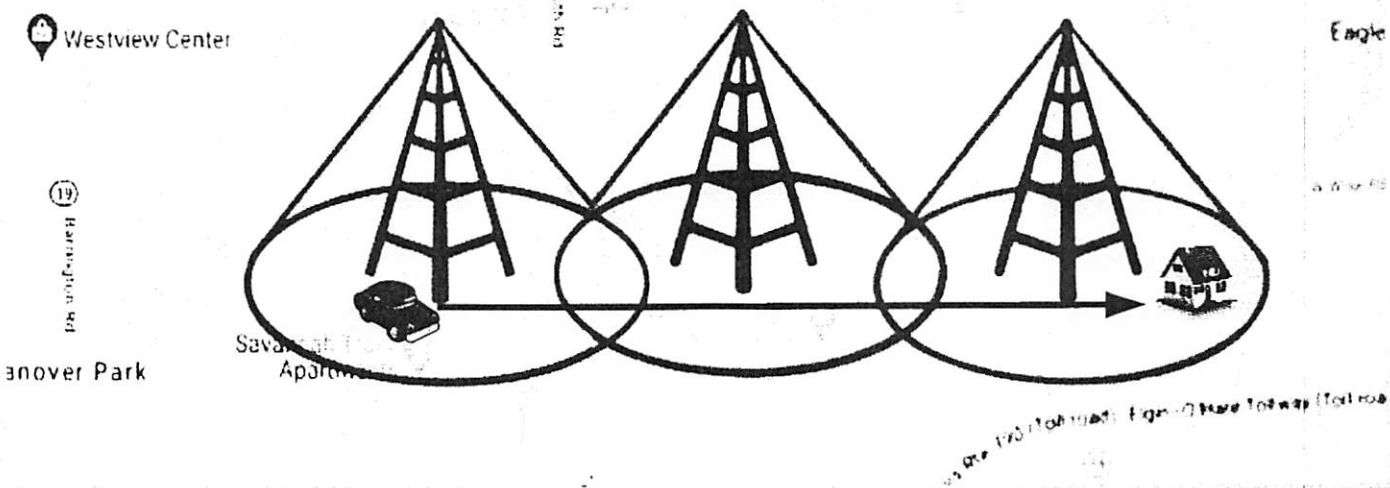
This shows:

- On April 3, 2011 at 3:54 AM, Mr. Johnson gets a call from (864) 567-5619
- He answers the call and they talk for 1 minute and 39 seconds
- At the time, he was closest to the tower at 519 Old Howell Road, in Greenville.
- The cell company keeps this record in order to bill him for "Voice" Use
- We can use this to determine his activity and location



What if Mr. Johnson was driving and using his phone?

- As you get to the edge of a radio broadcast you lose the station
- As you leave the coverage of one cell tower you lose your call
- But the phone company "hands you off" to the next tower
- The phone company keeps a record that lists all the towers you used.



What would this type of Cell Phone Record Look Like

And how this helps with the details

- Here's a record from April 3, 2011

Local Time	Activity	From	To	Duration	Cell Towers Used (Start/End)
06:58:52 PM to 07:01:10 PM EDT (9329)	Talk Talk Time 2:12	(864) 593-1426	(864) 283-4400 James Johnson	2 mins, 18 secs Towers - 2	6 Saddle Bow Ct, Taylors, SC (WSW) 3 Pinnacle Dr, Taylors, SC (ESE) 2 miles Tower #8 to #5

This shows, Mr. Johnson getting a phone call while he was driving.

- At 6:58 PM EDT, Mr. Johnson get a phone call from the number (864) 539-1425.
- He answers and they talk for 2 minutes and 12 seconds.
- When Mr. Johnson answered this call, he was closest to a cell tower located at 6 Saddle Bow Court
- When Mr. Johnson hung up the call he was connected to a cell tower at 3 Pinnacle Drive

This means that when he got the call he was under the coverage of the Saddle Bow Court cell tower, but he left that area was handed off to the cell tower on Pinnacle Drive so his call would continue. That cell tower is 2 miles away from the first tower. This says scientifically, that he was moving / driving while on this phone call.

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TELECOMMUNICATIONS EXPERT



Lessons Learned

1. Cell Towers are just radio broad cast towers

2. Cell Phones are just little AM/FM radios

3. Cell phone companies keep records of all your voice calls, text messages and data use for billing.

4. That record includes a list of the cell towers that you used during each call, text or data application use.

4. These records are highly reliable (because it's for billing)

5. This data can be used to determine the location, movement and activity of a phone (and by inference, the owner.)

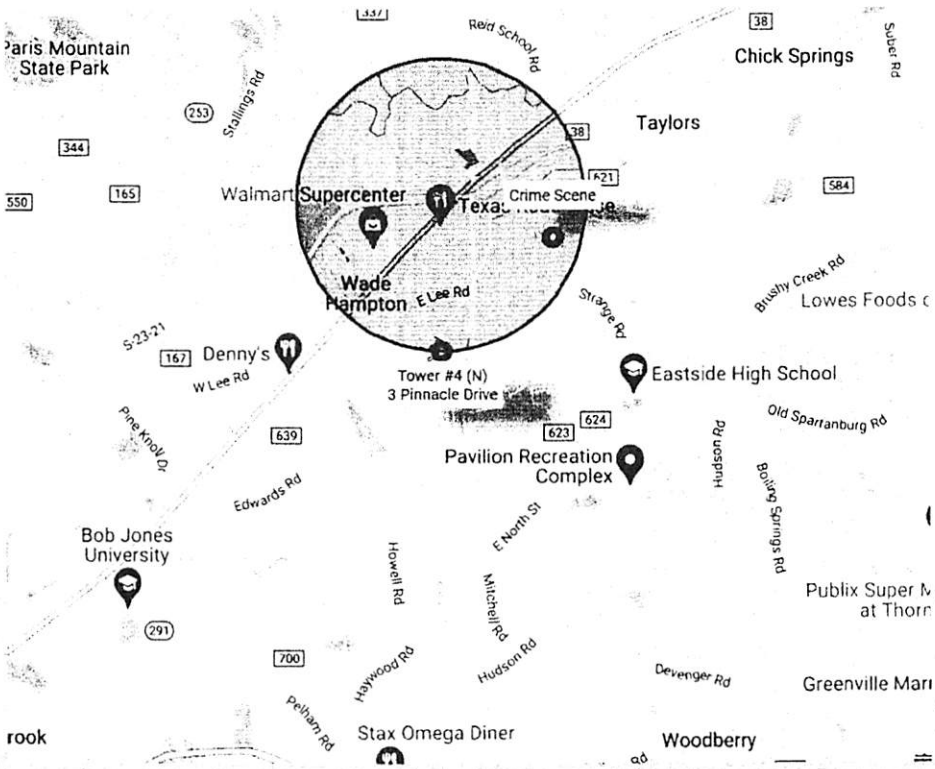
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Review of the Evidence in this Case

What does the cell phone evidence tell us about Mr. Johnson's location, movement and activity on April 3, 2011 between 4:00 AM and 11:00 AM?

Relevant Location #1 - The Crime Scene



The crime scene is at
2004 East Lee Road, Taylors, SC 29687

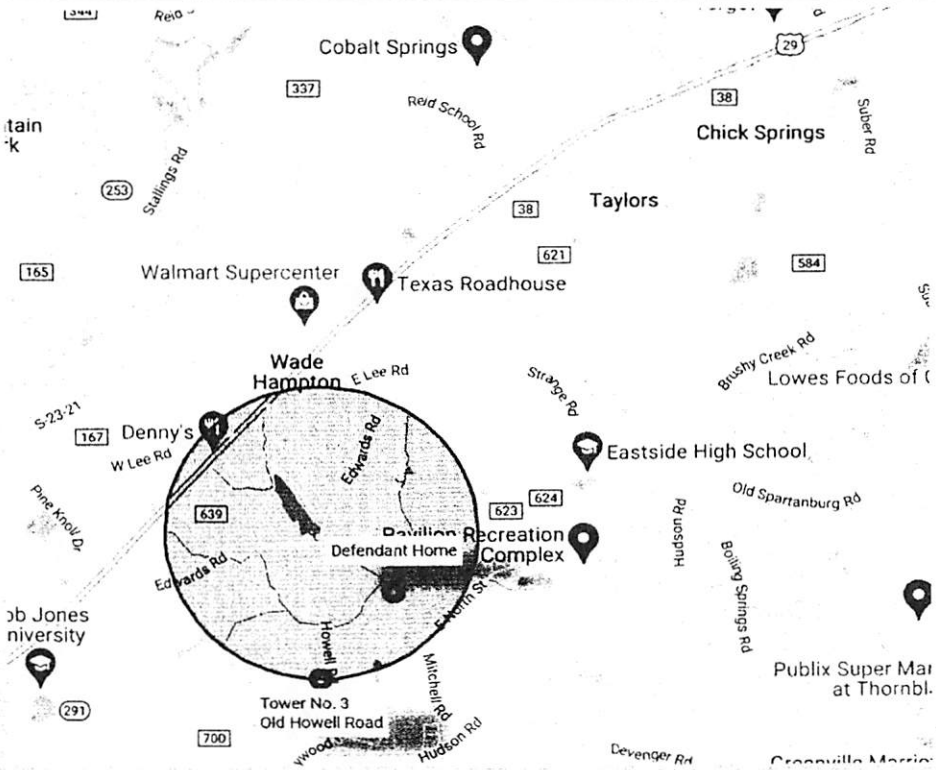
If you were at the crime scene and using your phone, cell phone records would show you connected to the cell tower at:

3 Pinnacle Drive, in Taylor, SC

This cell tower covers an area of approximately 3.1 square miles (or an area equal to 1,503 NFL football fields.

Scientifically, it cannot be said that phone attached to this cell tower was at the crime scene but it does not exclude the phone from the area of the crime scene

Relevant Location #2 – Mr. Johnson's Home



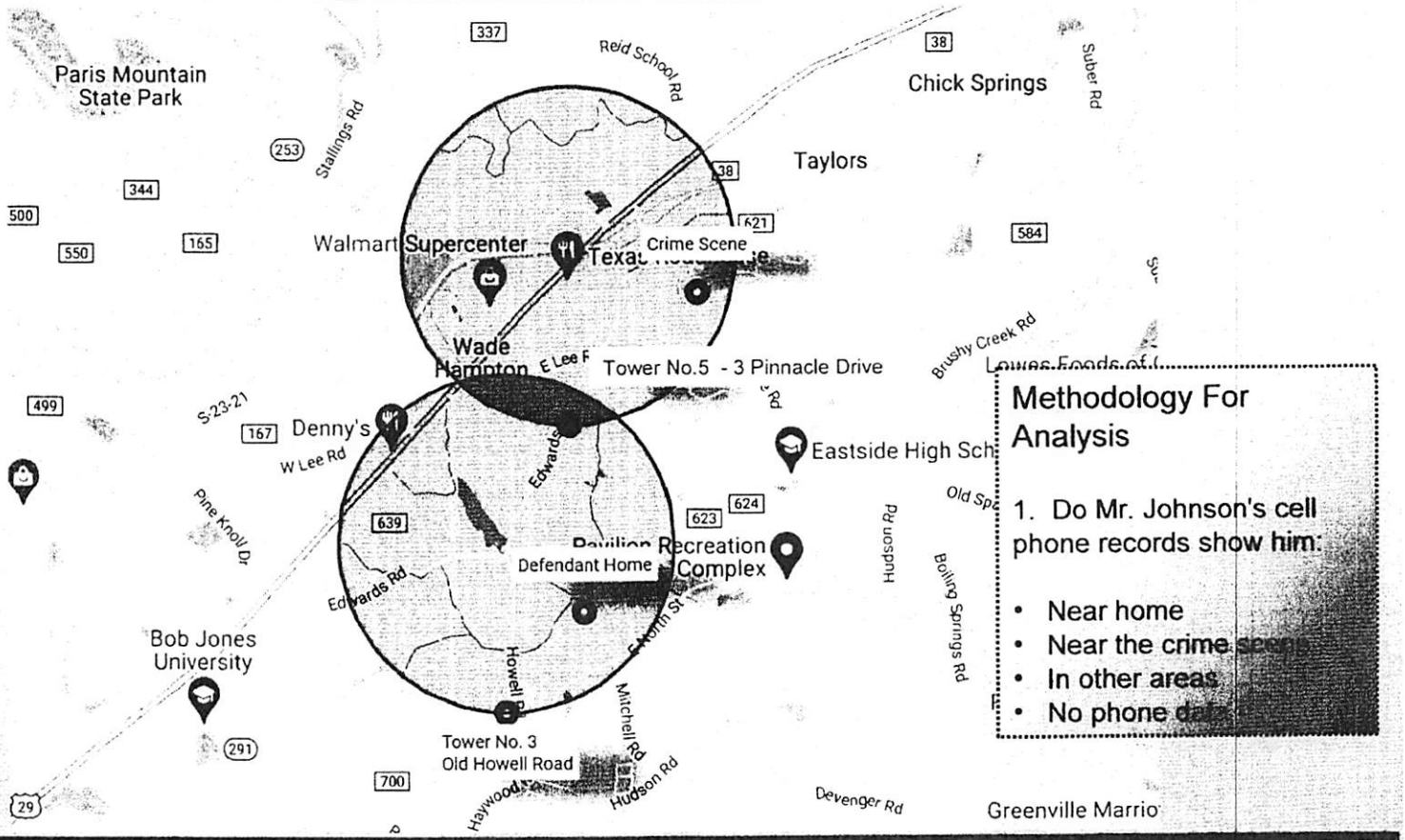
Mr. Johnson claimed he was home on the day of the murder

18 Gladesworth Drive, Greenville, SC 29615-42311

If Mr. Johnson was at home and using his cell phone, his phone records would show that he was connected to the cell tower at:

550 Old Howell Rd,
Greenville, SC 29615-41965

Cell Tower Serving the Crime Scene & Home Mapped



Methodology For Analysis

1. Do Mr. Johnson's cell phone records show him:

- Near home
- Near the crime scene
- In other areas
- No phone data

Analysis -Johnson was <u>not</u> in the Vicinity of the Crime Scene 4:00 AM – 11:00 AM

His phone is never shown connected to the Pinnacle Drive Tower

- Mr. Johnson is shown only in the vicinity of his home from Saturday, April 2, 2011 at 7:01 PM, through Sunday, April 3, 2011 at 6:29 PM
- Between 4:00 AM and11:00 AM, Mr. Johnson was active on 4 phone calls, he exchanged 54 text messages and used 10 data application, with only small time gaps between activities..

Johnson's Phone (4 AM - 11 AM) (864) 283-4400
68 Records
April 3, 2011 to April 3, 2011 (1 Day)

Voice.....4
Text.....54
Data.....10

| Main Menu | Print | at&t

Time	Activity	From	To	Duration	Location During Call (Start)	Near
Sunday, April 3, 2011						
4:00 AM (28 events) 24 Text					Sunday, April 3, 2011	
4:25:16 AM	Text (Receive) 10 KB Sent		Towers - 1		550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	
4:25:25 AM	Text (Sent) 10 KB Sent		Towers - 1		550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	
4:25:43 AM	Data 298.7 KB Received 10 KB Sent		Towers - 1	9 mins, 36 secs	550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	
4:25:51 AM	Text (Receive) 10 KB Sent		Towers - 1		550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	
4:26:12 AM	Text (Sent) 10 KB Sent		Towers - 1		550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	
4:26:29 AM	Text (Sent) 10 KB Sent		Towers - 1		550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	
4:27 AM	Text (Receive) 10 KB Sent		Towers - 1		550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	
4:27:26 AM	Text (Sent) 10 KB Sent		Towers - 1		550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	
4:27:52 AM	Text (Sent) 10 KB Sent		Towers - 1		550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	
4:27:58 AM	Text (Receive) 10 KB Sent		Towers - 1		550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	

Ben Levitan | 919-420-0824 — Privileged and Confidential Material - Johnson v. SC — Page 1 of 6

Analysis -At the approximate time of the Murder Johnson is Home Texting

And using a data application

Phone & Location Report (864) 283-4400 (cont. - Sunday, April 3, 2011)

Time	Activity	From	To	Duration	Location During Call (Start/End)	Phone Near
5:36:11 AM to 5:37:57 AM (850)	Data 19 KB Received 10 KB Sent			1 min, 46 secs Towers - 1	550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	8
5:36:51 AM to 5:36:51 AM (19016)	Text (Receive) 10 KB Sent			Towers - 1	550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	8
5:37:04 AM to 5:37:04 AM (19017)	Text (Sent) 10 KB Sent			Towers - 1	550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	8
5:38:07 AM to 5:38:34 AM (851)	Data 6.6 KB Received 10 KB Sent			0 mins, 27 secs Towers - 1	550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	8
5:38:41 AM to 5:48:35 AM (852)	Data 55.8 KB Received 10 KB Sent			7 mins, 54 secs Towers - 1	550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	8
5:56:53 AM to 5:58:35 AM (853)	Data 22.7 KB Received 10 KB Sent			1 min, 42 secs Towers - 1	550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	8
5:58:51 AM to 6:01:56 AM (854)	Data 338.6 KB Received 10 KB Sent			3 mins, 5 secs Towers - 1	550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	8
6:00 AM (1 events)					Sunday, April 3, 2011	
6:05:08 AM to 6:06:44 AM (855)	Data 10.5 KB Received 10 KB Sent			1 min, 36 secs Towers - 1	550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	8
8:00 AM (1 events) 1 Text					Sunday, April 3, 2011	
8:52:21 AM to 8:52:21 AM (19018)	Text (Receive) 10 KB Sent			Towers - 1	550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	8
9:00 AM (4 events) 4 Text					Sunday, April 3, 2011	
9:03:16 AM to 9:03:16 AM (18919)	Text (Receive) 10 KB Sent			Towers - 1	550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	8
9:14:32 AM to 9:14:32 AM (18920)	Text (Receive) 10 KB Sent			Towers - 1	550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	8
9:33:23 AM to 9:33:23 AM (18821)	Text (Receive) 10 KB Sent			Towers - 1	550 Old Howell Rd, Greenville, SC 550 Old Howell Rd, Greenville, SC	8

Analysis -At the approximate time of the Murder Johnson is Home Texting

Original AT&T Source Records

3239135
06/22/2021

MOBILITY
(with cell location)

AT&T has queried for records from 01/03/2011 12:00:00am to 05/03/2011 11:59:59pm
AT&T has queried for records using Eastern Time Zone. AT&T's records are stored and provided in UTC.

Run Date: 06/22/2021
Run Time: 12:35:32
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
1891 1	04/03/11	09:27:22	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
1891 2	04/03/11	09:29:55	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
1891 3	04/03/11	09:30:42	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
1891 4	04/03/11	09:31:17	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
1891 5	04/03/11	09:34:37	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
1891 6	04/03/11	09:36:51	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
1891 7	04/03/11	09:37:04	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
1891 8	04/03/11	12:52:21	18647049126	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
1891 9	04/03/11	13:03:16	78676	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
1892 0	04/03/11	13:14:32	78676	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
1892 1	04/03/11	13:33:23	32665164	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
1892 2	04/03/11	13:56:42	32665165	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
1892 3	04/03/11	14:07:58	32665166	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
1892 4	04/03/11	14:46:35	32665167	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]

Conclusion

Mr. Johnson's phone is never in the vicinity of the crime scene on the morning of the murder

- Mr. Johnson is shown only in the vicinity of his home from Saturday, April 2, 2011 at 7:01 PM, through Sunday, April 3, 2011 at 6:29 PM
- Mr. Johnson is an obsessive "texter", exchanging more than 25,958 text messages between January 3, 2011 and May 5, 2011. He exchanged 102 in the period of 4 AM to 9:30 AM the day of the murder.
- This amount of activity provides sufficient data for an expert in cell phone records to provide opinions
- Cell phone records are highly reliable, and are kept in the normal course of business
- Mr. Johnson, is shown in the coverage of the a cell tower at 519 Old Howell Rd in Greenville, SC. This cell tower covers a 5 square mile area that includes his alibi location.
- A cell tower at 3 Pinnacle Drive, Taylors, SC provides cell phone coverage for an area of approximately 5 square miles that include the scene of the crime.
- ***The cell phone evidence in this matter, does not provide evidence that Mr. Johnson was at or near the scene of the crime in the early morning of the murder on Sunday, April 3, 2011.***
- ***The cell phone evidence is consistent with Mr. Johnson's claim that he was home on the night/early morning of the murder.***

AT&T RECORDS: 39,584
VOICE: 12,199 **DATA:** 1,427 **SMS:** 25,958

BEN LEVITAN
TELECOMMUNICATIONS EXPERT



Back up slides / figures

3239135
06/22/2021

MOBILITY
(with cell location)

AT&T has queried for records from 01/03/2011 12:00:00am to 05/03/2011 11:59:59pm
AT&T has queried for records using Eastern Time Zone. AT&T's records are stored and provided in UTC.

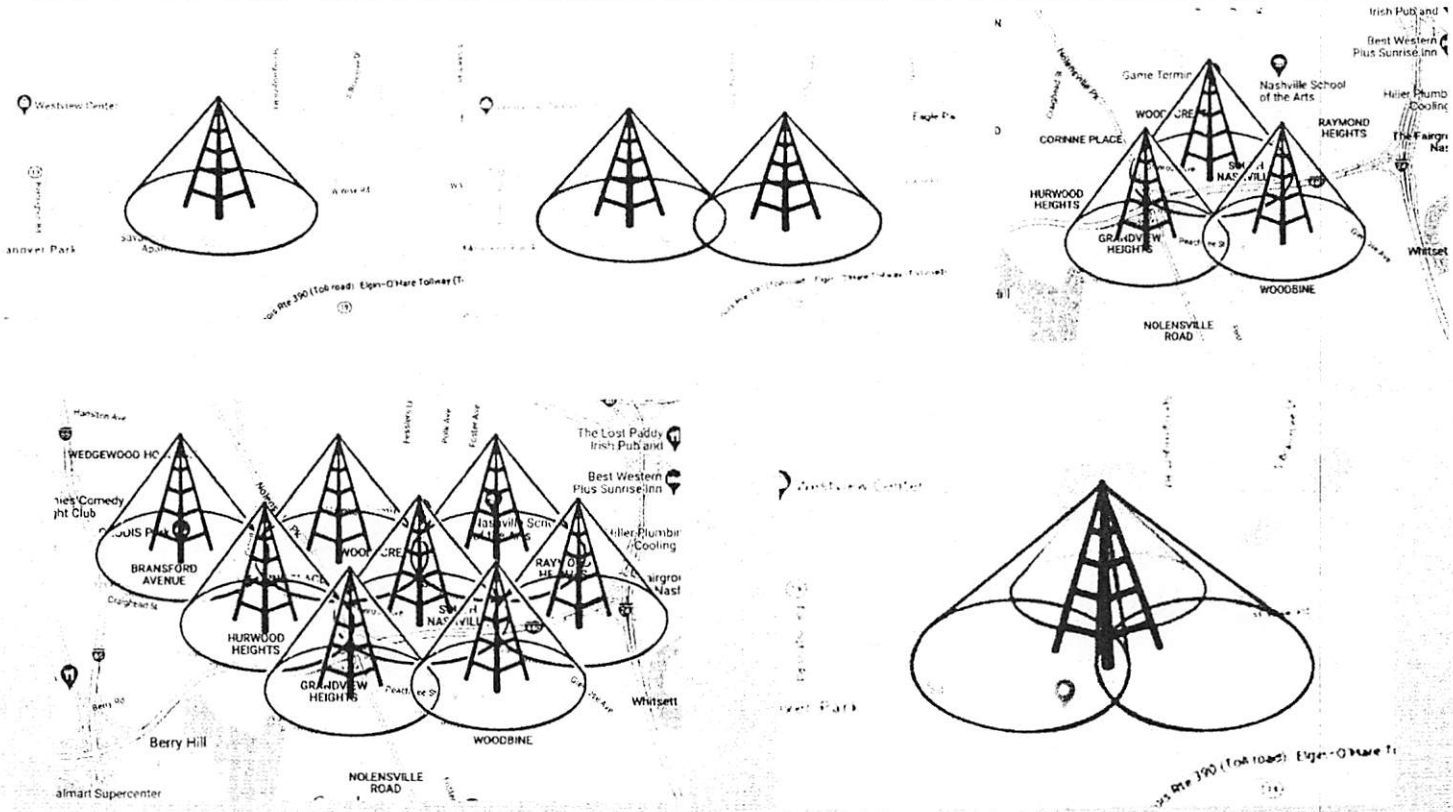
Run Date: 06/22/2021
Run Time: 12:35:27
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
1886 8	04/03/11	07:47:00	18647355178	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
1886 9	04/03/11	07:47:12	18642834400	18647355178	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
1887 0	04/03/11	07:47:13	18642834400	18647355178			SMST			
1887 1	04/03/11	08:25:16	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
1887 2	04/03/11	08:25:25	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
1887 3	04/03/11	08:25:51	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
1887 4	04/03/11	08:26:12	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
1887 5	04/03/11	08:26:29	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
1887 6	04/03/11	08:27:00	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
1887 7	04/03/11	08:27:26	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
1887 8	04/03/11	08:27:52	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
1887 9	04/03/11	08:27:58	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
1888 0	04/03/11	08:28:22	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
1888 1	04/03/11	08:28:59	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
1888 2	04/03/11	08:29:18	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]

AT&T Proprietary

The information contained here is for use by authorized persons only and is not for general distribution.

Standard Cell Tower Configurations



From Original Discovery

Run Date: 04/15/2011
Run Time: 10:30:19
SMS Usage For: (864)283-4400
Account Number: 534018245720

Item	Conn. Date	Conn. Time	Originating Number	Terminating Number	
1665	04/03/11	05:24A	18642834400	18645517741	****
1666	04/03/11	05:26A	18645517741	18642834400	****
1667	04/03/11	05:27A	18642834400	18645517741	****
1668	04/03/11	05:29A	18645517741	18642834400	****
1669	04/03/11	05:30A	18642834400	18645517741	****
1670	04/03/11	05:31A	18645517741	18642834400	****
1671	04/03/11	05:34A	18642834400	18645517741	****
1672	04/03/11	05:36A	18645517741	18642834400	****
1673	04/03/11	05:37A	18642834400	18645517741	****
1674	04/03/11	[redacted]	[redacted]	18642834400	****
1675	04/03/11	[redacted]	[redacted]	18642834400	****
1676	04/03/11	[redacted]	[redacted]	18642834400	****
1677	04/03/11	[redacted]	[redacted]	18642834400	****
1678	04/03/11	[redacted]	[redacted]	18642834400	****
1679	04/03/11	[redacted]	[redacted]	18642834400	****
1680	04/03/11	[redacted]	[redacted]	18642834400	****
1681	04/03/11	11:18A	32665168	18642834400	****

From Original Discovery UTC format

Run Date: 12/18/2019
Run Time: 15:16:01
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	
158	04/03/11	09:27:22	18642834400	18645517741	C
159	04/03/11	09:29:55	18645517741	18642834400	C
160	04/03/11	09:30:42	18642834400	18645517741	C
161	04/03/11	09:31:17	18645517741	18642834400	C
162	04/03/11	09:34:37	18642834400	18645517741	C
163	04/03/11	09:36:51	18645517741	18642834400	C
164	04/03/11	09:37:04	18642834400	18645517741	C
165	04/03/11	12:52:21	18647049126	18642834400	C
166	04/03/11	13:03:16	78676	18642834400	C
167	04/03/11	13:14:32	78676	18642834400	C
168	04/03/11	13:33:23	32665164	18642834400	C

From 3,000 Pages

1892 0	04/03/11	13:14:32	78676	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST	[899840127:3515000:-82.33067:34.87336:0:88.0]
1892 1	04/03/11	13:33:23	32665164	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST	[899840124:3515000:-82.33067:34.87336:0:88.0]
1892 2	04/03/11	13:56:42	32665165	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST	[899840127:3515000:-82.33067:34.87336:0:88.0]
1892 3	04/03/11	14:07:58	32665166	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST	[899840127:3515000:-82.33067:34.87336:0:88.0]
1892 4	04/03/11	14:46:35	32665167	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST	[899840124:3515000:-82.33067:34.87336:0:88.0]

PLAINTIFF'S EXHIBIT 61 2/1/23 SR

1-11-045733

CASE # 11-0668

GREENVILLE COUNTY CORONER'S OFFICE

B. PARKS EVANS, JR., CORONER

DATE	START TIME	FINISH TIME	ARRIVED ON SCENE	DL NUMBER	SS NUMBER
4/3/2011	11:00	18:30	11:20	101670032	248-91-1668

VICTIM

NAME	RACE	SEX	AGE	DATE OF BIRTH	
DANIEL, AMBER CHRISTINE	W	F	18		
ADDRESS	HEIGHT	WEIGHT	HAIR	EYES	ID MARKS
	5' 6"	115	BLN	HAZ	NONE
CITY, STATE, ZIP	HOME PHONE	MARITAL STATUS			
GREER SC 29650		SINGLE			

RELATIVE

NAME	RELATIONSHIP	PHONE
DANIEL, MICHAEL	FATHER	
ADDRESS	CITY, STATE, ZIP	WORK PHONE
	GREER SC 29690	

WITNESSES

NAME	ADDRESS	PHONE NUMBER
PENDING		

EVENT

2004 A EAST LEE ROAD	DUPLEX APARTMENT	LEFT LATERAL RECUMBENT
INCIDENT LOCATION	PREMISE TYPE	BODY LOCATION/POSITION
CLEAR/DRY/WARM 70	COUNTY OF GREENVILLE	
WEATHER TEMPERATURE	JURISDICTION	UNUSUAL ENVIRONMENT
DOS	GUN	PENDING
BODY CONDITION	WEAPON TYPE	MEDICATION PRESENT
04/03/2011 10:00 EST	DOS	04/03/2011 10:00 EST
DATE & TIME OF ACCIDENT	TRAUMA SCORE	DATE & TIME OF DEATH

OVERDOSE	DRUGS	ALCOHOL	SEAT BELTS	PRONOUNCED BY	TIME
P	P	P	N/A	GCEMS CAIN	10:44

CAUSE OF DEATH	MANNER OF DEATH	DESCRIBE INJURY
PENDING	HOMICIDE	PENDING

EXAMINATION

MEDICAL EXAMINER OR DOCTOR TO CERTIFY	HOW IDENTIFICATION WAS MADE
DR. JAMES FULCHER	PENDING

AUTOPSY	B.A.	DRUG SCREEN	BLOOD TYPE	RAPE	HAIR	X-RAY	PRINTS/PHOTOS	HAND SWAB
Y	Y	Y	N	N	N	Y	Y	Y

GCSO ANTONIO BAILEY	DERBY	KENT DILL
INVESTIGATING OFFICER	ID OFFICER/AGENCY	INVESTIGATING CORONER
P&E BY ID	M27 4030088	PENDING
DISPOSITION OF EVIDENCE	MEDIC TRIP NUMBER	MORTUARY
N/A	DR. FULCHER	N
DISPOSITION OF VEHICLE	MEDICAL EXAMINER	ACTIVE WARRANTS

ORGAN PROCUREMENT NOTIFIED YES [ ] NO [X]
1-800-269-9777

BODY BAG USED: YES [X] NO [ ]

16 JAN 2011 12 09

1-11-045733

CASE # 11-0668

VICTIM'S NAME: DANIEL, AMBER CHRISTINE SOCIAL SECURITY NUMBER 248911668

THIS IS THE CASE OF A WHITE FEMALE WHO WAS FOUND DEAD AT THE INCIDENT LOCATION. THIS FEMALE WILL HEREAFTER BE KNOWN AS THE DECEDENT. SHE WAS FOUND ALONG WITH A WHITE MALE WHO IS BELIEVED TO BE CHRISTOPHER PAUL PORCORO.

A PASSERBY NOTICED SMOKE COMING FROM 2004 A EAST LEE ROAD AND CALLED 911 AT 10:33 ON THIS DATE. TAYLORS FIRE DEPARTMENT RESPONDED. THE FIRST CREW GAINED ENTRY BY FORCING OPEN THE FRONT DOOR. THEY REPORTED THAT THE FIRE WAS CONTAINED TO THE KITCHEN AREA. THE FIRE DEPARTMENT UNLOCKED AND OPENED THE BACK DOOR FOR VENTILATION. IT WAS NOTED THAT THE BEDROOM WINDOW ON THE FRONT SIDE OF THE RESIDENCE WAS OPEN WHEN FIREFIGHTERS ARRIVED.

FIREFIGHTERS FOUND THE BODIES OF A MALE AND FEMALE IN THE LIVING ROOM. THE MALE (CHRISTOPHER PAUL PORCORO) WAS SUPINE ON THE FLOOR IN FRONT OF THE COUCH. THE FEMALE DECEDENT WAS FOUND LEFT LATERAL RECUMBENT IN FRONT OF THE RIGHT SIDE OF THE COUCH.

A COMPUTER MONITOR WAS RESTING ON TOP OF THE FEMALE DECEDENT'S HEAD. THE MALE DECEDENT WAS CLOTHED IN STREET CLOTHES. THE FEMALE WAS CLOTHED IN A PAIR OF FLEECE PANTS AND A COTTON SHIRT.

THE DECEDENT SUFFERED ONE OR MORE GUNSHOTS.

FORENSICS OFFICER DERBY DOCUMENTED THE SCENE USING DIGITAL STILL PHOTOGRAPHS AS WELL AS VIDEO. HE ALSO COLLECTED A SCENE DIAGRAM.

THE DECEDENT WAS WRAPPED IN CLEAN WHITE SHEETS AND SHE WAS PLACED IN A BODY BAG. SHE WAS TRANSPORTED FROM THE INCIDENT LOCATION TO THE MORGUE BY BIOCARE. THE BODY BAG SEAL NUMBER WAS 1626572.

AN AUTOPSY WAS ORDERED. THE INVESTIGATION CONTINUES.

THIS IS AN OFFICIAL CORONER'S REPORT. THIS INFORMATION IS A REFLECTION OF RECORDS MAINTAINED BY THIS OFFICE.

16 JUN 2011 12:09

B. Parks Evans, Jr.

B. PARKS EVANS, JR., D-ABMDI, CORONER

Scanned by TSP

1-11-045733

CASE # 11-0667

GREENVILLE COUNTY CORONER'S OFFICE

B. PARKS EVANS, JR., CORONER

4/3/2011	11:00	18:30	11:20	090310175	158-70-2381
DATE	START TIME	FINISH TIME	ARRIVED ON SCENE	DL NUMBER	SS NUMBER

VICTIM

PORCORO, CHRISTOPHER PAUL	W	M	30	
NAME	RACE	SEX	AGE	DATE OF BIRTH

	5' 10"	150	BRO	BRO	TATOOS
ADDRESS	HEIGHT	WEIGHT	HAIR	EYES	ID MARKS

TAYLORS, SC 29687		MARRIED
CITY, STATE, ZIP	HOME PHONE	MARITAL STATUS

RELATIVE

MANDY PORCORO	WIFE	
NAME	RELATIONSHIP	PHONE

	TAYLORS, SC 29687	
ADDRESS	CITY, STATE, ZIP	WORK PHONE

WITNESSES

PATRICIA FIELD		
NAME	ADDRESS	PHONE NUMBER

EVENT

2004 A EAST LEE ROAD	DUPLEX APARTMENT	SUPINE ON LIVING ROOM FLO
INCIDENT LOCATION	PREMISE TYPE	BODY LOCATION/POSITION
CLEAR/DRY/WARM 70	COUNTY OF GREENVILLE	
WEATHER TEMPERATURE	JURISDICTION	UNUSUAL ENVIRONMENT
COOL/SLIGHT RIGOR @ 14:30	GUN	PENDING
BODY CONDITION	WEAPON TYPE	MEDICATION PRESENT
04/03/2011 10:00 EST	DOS	04/03/2001 10:00 EST
DATE & TIME OF ACCIDENT	TRAUMA SCORE	DATE & TIME OF DEATH

P	P	P	N/A	GCEMS	10:45
OVERDOSE	DRUGS	ALCOHOL	SEAT BELTS	PRONOUNCED BY	TIME

PENDING	PENDING AUTOPSY	PENDING
CAUSE OF DEATH	MANNER OF DEATH	DESCRIBE INJURY

EXAMINATION

DR. JAMES FULCHER	PENDING FINGER PRINT
MEDICAL EXAMINER OR DOCTOR TO CERTIFY	HOW IDENTIFICATION WAS MADE

Y	Y	Y	N	N	N	N	Y	N
AUTOPSY	B.A.	DRUG SCREEN	BLOOD TYPE	RAPE	HAIR	X-RAY	PRINTS/PHOTOS	HAND SWAB

GCSO ANTONIO BAILEY	DERBY	KENT DILL
INVESTIGATING OFFICER	ID OFFICER/AGENCY	INVESTIGATING CORONER
	M27 4030088	PENDING
DISPOSITION OF EVIDENCE	MEDIC TRIP NUMBER	MORTUARY
SECURED AT RESIDENCE	DR. FULCHER	N
DISPOSITION OF VEHICLE	MEDICAL EXAMINER	ACTIVE WARRANTS

ORGAN PROCUREMENT NOTIFIED 1-800-269-9777 YES [ ] NO [X]

BODY BAG USED: YES [X] NO [ ]

16 JAN 2011 12 09

1-11-045733

CASE # 11-0667

VICTIM'S NAME: PORCORO, CHRISTOPHER PAUL SOCIAL SECURITY NUMBER 158702381

THIS S THE CASE OF CHRISTOPHER PAUL PORCORO, A 30 YEAR-OLD WHITE MALE WHO REPORTEDLY LIVED AT THE INCIDENT LOCATION WITH HIS WIFE, MANDY PORCORO. MR. PORCORO WILL HEREAFTER BE KNOWN AS THE DECEDENT. THE DECEDENT'S WIFE WAS REPORTEDLY IN REHAB AT CAROLINA BEHAVIORAL CENTER AT THE TIME OF THIS INCIDENT.

A PASSERBY NOTICED SMOKE COMING FROM 2004 A EAST LEE ROAD AND CALLED 911 AT 10:33 ON THIS DATE. TAYLORS FIRE DEPARTMENT RESPONDED. THE FIRST CREW GAINED ENTRY BY FORCING OPEN THE FRONT DOOR. THEY REPORTED THAT THE FIRE WAS CONTAINED TO THE KITCHEN AREA. THE FIRE DEPARTMENT UNLOCKED AND OPENED THE BACK DOOR FOR VENTILATION. IT WAS NOTED THAT THE BEDROOM WINDOW ON THE FRONT SIDE OF THE RESIDENCE WAS OPEN WHEN FIREFIGHTERS ARRIVED. DAMAGE FROM THE FIRE WAS CONTAINED TO THE KITCHEN AREA.

FIREFIGHTER FOUND THE BODIES OF A MALE AND FEMALE IN THE LIVING ROOM. THE MALE (CHRISTOPHER PAUL PORCORO) WAS SUPINE ON THE FLOOR IN FRONT OF THE COUCH. THE FEMALE DECEDENT WAS FOUND LEFT LATERAL RECUMBENT IN FRONT OF THE RIGHT SIDE OF THE COUCH.

A COMPUTER MONITOR WAS RESTING ON TOP OF THE FEMALE DECEDENT□S HEAD. THE MALE DECEDENT WAS CLOTHED IN STREET CLOTHES.

THE DECEDENT SUFFERED ONE OR MORE GUNSHOTS.

FORENSICS OFFICER DERBY DOCUMENTED THE SCENE USING DIGITAL STILL PHOTOGRAPHS AS WELL AS VIDEO. HE ALSO COLLECTED A SCENE DIAGRAM.

THE DECEDENT WAS WRAPPED IN CLEAN WHITE SHEETS AND HE WAS PLACED IN A BODY BAG.

AN AUTOPSY WAS ORDERED. THE INVESTIGATION CONTINUES.

16 JUN 2011 12:09

THIS IS AN OFFICIAL CORONER'S REPORT. THIS INFORMATION IS A REFLECTION OF RECORDS MAINTAINED BY THIS OFFICE.

B. Parks Evans, Jr.

B. PARKS EVANS, JR., D-ABMDI, CORONER

Scanned at TSRH

User: SBERKOWITZ

GREENVILLE EMS

04/12/2011 14:13:19

Event Report

Event ID: **2011-029376** Call Ref #: 11 Date/Time Received: 04/03/2011 10:34:36

Rept #: 11-0403-0054 Call Source : PHONE Prime Unit : M02 BURKETT, RUSSELL

Service Involved: EMS

Location: **2004 E LEE RD** (S) (N)35J

X-ST: *HOLLY KNOLL DR*
WOOD CIR

Jur: TAYL Service: EMS Agency: GEMS

Business: Phone: St/Beat: TS District: RA:

Nature: **EMS ASSIST FIRE DEPARTMENT** Alarm Lvl: 1 Priority: 4 Medical Priority:

Caller: M02 VIA RADIO Alarm: Call Taker: JTHOMAS

Addr: 1 WALKER SPRINGS RD/E LEE RD Phone: Alarm Type: Console: EMS-DISP02

Vehicle: St: Report Only: No Race: Sex: Age:

Geo-Verified Addr: Yes Nature Summary Code: Disposition: RPT Close Comments:

Notes: coronor requested biocare call him at 616-6511 [04/03/11 12:10:31 CCHILDRESS] 12A req EMS to stay [04/03/11 11:39:10 JTHOMAS] x2 [04/03/11 10:44:43 JTHOMAS] UDTS: {M02} CONFIRMED DEATH [04/03/11 10:44:38 JTHOMAS] 2004e lee rd [04/03/11 10:42:06 JTHOMAS] structure fire [04/03/11 10:39:48 JTHOMAS]

Times

		Time From Call Received		
Call Received:	04/03/2011 10:34:36			
Call Routed:	04/03/2011 10:34:54	000:00:18	Unit Reaction: 000:03:58	*(1st Dispatch to 1st Arrive)*
Call Take Finished:	04/03/2011 10:36:38	000:02:02	En-Route: 000:00:03	*(1st Dispatch to 1st En-Route)*
1st Dispatch:	04/03/2011 10:34:54	000:00:18 *(Time Held):*	On-Scene: 016:44:34	*(1st Arrive to Last Clear)*
1st En-Route:	04/03/2011 10:34:57	000:00:21		
1st Arrive:	04/03/2011 10:38:52	000:04:16 *(Reaction Time):*		
Last Clear:	04/04/2011 03:23:26	016:48:50		

Radio Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
M02	9915	D	Dispatched	04/03/2011 10:34:54	Moved: [TS]		JTHOMAS
M02	9915	E	En-Route	04/03/2011 10:34:57			JTHOMAS
M02	9915	A	Arrived	04/03/2011 10:38:52			Unit:M02
M02	9915	CD	{M02} CONFIRMED DEATH	04/03/2011 10:44:38			JTHOMAS
C4	C4	D	Dispatched	04/03/2011 10:56:25	On Evt: [E] at 6032 LOCUST HILL RD		JTHOMAS
C4	C4	E	En-Route	04/03/2011 10:56:31			JTHOMAS
C4	C4	A	Arrived	04/03/2011 11:08:01			JTHOMAS
LT	8080	D	Dispatched	04/03/2011 11:25:56	Out Srv: [MEAL] at W. HAMPTO[illegible]91 AREA		Unit:LT
LT	8080	E	En-Route	04/03/2011 11:25:56	Out Srv: [MEAL] at W. HAMPT[illegible]2 AREA		Unit:LT
LT	8080	A	Arrived	04/03/2011 11:41:26			Unit:LT
LT	8080	C	Cleared	04/03/2011 12:31:46		AST	Unit:LT
				04/03/2011			

COPY

M02	9915	C	Cleared	12:34:38		RPT	JTHOMAS
C4	C4	L	Location Change	04/03/2011 15:45:54	CODE 36		JTHOMAS
C4	C4	C	Cleared	04/04/2011 03:23:26		AST	HBURKETT

Event Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
		TR	Time Received	04/03/2011 10:34:36	By: PHONE		JTHOMAS
		ENT	Entered Street	04/03/2011 10:34:43	1 WALKER SPRINGS RD/E LEE RD		JTHOMAS
		ENT	Entered Nature	04/03/2011 10:34:50	EMS ASSIST FIRE DEPARTMENT		JTHOMAS
		PAGE	Dispatch Page	04/03/2011 10:34:55	Paged M02		PAGESRV
		ENT	Entered CallerNm	04/03/2011 10:35:02	M02 VIA RADIO		JTHOMAS
		RPT	Requested Report#	04/03/2011 10:36:38	GEMS Report #11-0403-0054		JTHOMAS
		FIN	Finished Call Taking	04/03/2011 10:36:38			JTHOMAS
		ENT	Entered Remarks	04/03/2011 10:39:48			JTHOMAS
		ARM	Added Remarks	04/03/2011 10:42:06			JTHOMAS
		ARM	Added Remarks	04/03/2011 10:44:38			JTHOMAS
		ARM	Added Remarks	04/03/2011 10:44:43			JTHOMAS
		CHG	Changed Street	04/03/2011 10:44:53	1 WALKER SPRINGS RD/E LEE RD --> 2004 E LEE RD		JTHOMAS
		RSW	Reset Watchdog Timer	04/03/2011 10:47:13	Units: M02 >>> 333 Min.		JTHOMAS
		PAGE	Dispatch Page	04/03/2011 10:56:28	Paged CORONERGRP		PAGESRV
		RSW	Reset Watchdog Timer	04/03/2011 10:56:35	Units: C4 >>> 999 Min.		JTHOMAS
		RSW	Reset Watchdog Timer	04/03/2011 11:08:06	Units: C4 >>> 999 Min.		JTHOMAS
		RSW	Reset Watchdog Timer	04/03/2011 11:37:55	Units: M02 >>> 999 Min.		JTHOMAS
		ARM	Added Remarks	04/03/2011 11:39:10			JTHOMAS
		RSW	Reset Watchdog Timer	04/03/2011 11:49:52	Units: LT >>> 999 Min.		JTHOMAS
		ARM	Added Remarks	04/03/2011 12:10:31			CCHILDRESS
		RSW	Reset Watchdog Timer	04/03/2011 12:10:38	Units: C4 >>> 999 Min.		JTHOMAS
		RSW	Reset Watchdog Timer	04/03/2011 15:52:04	Units: C4 >>> 999 Min.		JTHOMAS

COPY

WITNESSES

D. Pendergrass

Mauldin Police Department

3/25/2011

ARREST WARRANT NUMBER
K347606

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2011-GS-23- 000347
WLA

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2011

THE STATE

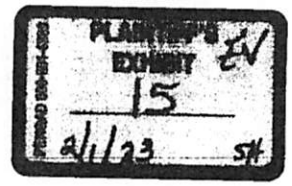
vs.

SCOTT COREY LOWE

Indictment for
3198

MANUFACTURING METHAMPHETAMINE

VIOLATION § 44-53-0375



RECEIVED
NOV 01 2011
Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
COUNTY OF Greenville)
STATE VS.)
Scott Corey Lowe)
AKA:)
Race: WHITE Sex: M Age: 23)
DOB: SS#:)
Address:)
City,State,Zip: Greenville, SC 29615)
DL#: SID#:)
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011-8347
A/W#: K347606
Date of Offense: 3/24/2011
S.C. Code § : 44-53-0375
CDR Code #: 3014

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Drugs / Manufacture, distribution, etc. of methamphetamine or cocaine base, 1st

in violation of § 44-53-0375 of the S.C. Code of Laws, bearing CDR Code # 3014
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. SL (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.
ATTEST:

Adams, Wanda L. | 65750 SC Bar# | Scott Lowe Defendant | Attorney for Defendant | 70074 SC Bar#

WHEREFORE, the Defendant is commited to the ☐ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 5 ~~days/months~~/years or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of CTS days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for 3
~~months~~/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☑ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 140 Days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☒ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms:
☐ Set by SCDPPPS Per Order
Recipient:

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☑
Random Drug/Alcohol testing ☑
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other:
Attend NA

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$
TOTAL		$

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Paul B Wilkinson
Court Reporter: Aldrich
Presiding Judge John W. Kittredge
Judge Code: 2130
Sentence Date: 12-15-2014

SCCA/217 (03/2011)

Probation begins today.

.00 mh 3-5-14

STATE OF SOUTH CAROLINA

County of Greenville

STATE VS.

Scott Corey Lowe

AKA:

Race: W Sex: M

DOB:

SSN:

SID#: 1768410

IN THE COURT OF GENERAL SESSIONS

Indictment Number: 11 -GS- 23 - 00347

Probation C/W#s: 2013-23-14-0019

Name of Original Offense: Manuf Meth

Original A/W#: K347606

Date of Original Offense: 3-24-11

Conviction S.C. Code §: 44-53-0375

Conviction CDR Code #: 31011 14

Original Sentence: 5 yrs prob 140 days bal susp. 3 yrs prob.

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 12/15/11 in the Court of General Sessions of Greenville County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated 3-5-14. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit) 6

Therefore, IT IS ORDERED that:

☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years, the remainder of the original sentence, and/or pay $_____.

☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay $_____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.

☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.

☑ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.

☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).

☑ Financial Obligations: Order satisfies: ☑ Department fees (arrearage) ☐ Fines and other fees (arrearage/balance) ☐ Restitution (and 20%) (arrearage/balance) Civil judgment: ☐ Department fees ☐ Fines and other fees ☐ Restitution (and 20%)

☑ Additional Conditions ordered by the Court:

prob term due to receiving active 20 yr sentence this date no addn monitoring

☐ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.

☐ The defendant has previously served _____ months/years on this sentence.
(split sentence time and/or prior partial revocation time)

☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 5 day of March 2014.

Greenville, SC

Presiding Judge: Edgar Smith Judicial Circuit

#2159

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

Witnessed by

Signed this _____ day of _____, _____, at _____ SC
Day Month Year City

DPPPS Form 9 (Stock) Revision: D Revision Date 09-01-2011 Copy Distributions: White-Clerk of Court; Yellow-SCDC; Pink-Offender File; Gold-Offender

Form 16.2
Form Approved by
SC Attorney General
May 1988

Indictment Number: K347000
11-8347

PROBATION CITATION

No. CC-23-14-8019

SOUTH CAROLINA	COUNTY: GREENVILLE	
V. Scott C. Lowe	SCDC #	SID # 1768410

TO:

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

Place	Room	
	Date and Time	

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged

Defendant violated the conditions of probation and any suspended sentence by commission of a crime contrary to the order of the court in cause number : 6

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

List of Rights:

You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear in your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.

IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

Greenville , South Carolina	Probation and Parole Agent Neil Cathy Agent # 512
Date 3-5-14	

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place	Date and Time 3-5-14
Greenville County Courthouse	Serving Officer's Signature

Sworn to and subscribed before me this 5 day of March 2014

Georgia R. Tripp
Signature of Notary Public

My Commission Expires 08/02/2021

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of Greenville

Personally appeared before me, Neil Collier, who first being duly sworn, deposes and says that Scott C. Lowe did within this County and State on the 5 day of March, 2014, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

Defendant violated the conditions of probation and any suspended sentence by commission of a crime contrary to the order of the court in cause numbers:

11-8347

The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

Based on the information from the Solicitor's office, the defendant violated the South Carolina Criminal Law during the defendant's active probation supervision. The nature of the violation is set forth in Indictment number(s): 13-5227 Lol Mans (0217)
13-5225. Lol Mans. (0217)
Sub plead to above w. rec. 20 yrs on each, cc due to this active sentence, sub will be unable to comply with his prob sentence

Sworn to and subscribed before me this 5 day of March, 2014

Neil Collier
Affiant

Georgia C. Tripp
Signature of Notary Public

My Commission Expires: 08/02/2021

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
MANUFACTURING METHAMPHETAMINE

At a Court of General Sessions, convened on the Grand Jurors of Greenville County present upon their oath:

That SCOTT COREY LOWE did in Greenville County, on or about the 24th day of March 2011, knowingly manufacture methamphetamine or did knowingly provide financial assistance or otherwise attempt, aid, abet or conspire to manufacture methamphetamine or was knowingly in actual or constructive possession of the common ingredient(s) and/or supplies used in the manufacturing of methamphetamine. This is in violation of § 44-53-375 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

SOLICITOR

ARREST WARRANT

5005
5-10-11

I-433352

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Greenville

THE STATE 1-2011-051449

against

Scott Corey Lowe

Address:

Greenville, SC 29615-2369

Phone: SSN:

Sex: M Race: W Height: 5 9 Weight: 175

DL State: SC DL #:

DOB: Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriffs Office

Prosecuting Officer: A L Bailey *15 - 0015

Offense: Burglary / Burglary (After June 20, 1985) - First degree

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of _____. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on 5/6/11

J. M. B. 544 1062

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120

Granett

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

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

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Greenville

Personally appeared before me the affiant A L Bailey *15 who being duly sworn deposes and says that defendant Scott Corey Lowe did within this county and state on or about 04/14/2011 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Greenville) in the following particulars:

DESCRIPTION OF OFFENSE Burglary / Burglary (After June 20, 1985) - First degree

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

The affiant an investigator with the Greenville County Sheriffs Office has a statement which implicates the defendant in the above offense. The defendant did April 14, 2011 and during the nighttime hours unlawfully enter the victim's apartment by breaking into the master bedroom window with the intent to commit a crime therein. The defendant did steal a black Samsung Intensity cell phone valued at $80.00. Said incident did occur at 2207 Wade Hampton Blvd, Apartment# 104-B located within the County of Greenville and filed under GCSO Case#01-2011-051449

Signature of Affiant A L Bailey

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Greenville

Affiant's Address 4 Mcgee Street
Greenville, SC 29601-

Affiant's Telephone (864)467-5384

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 4/14/2011 defendant Scott Corey Lowe did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

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

Sworn to and subscribed before me on 05/05/2011

(L.S.)

Signature of Issuing Judge

Judge Code:

Judge's Address

Judge's Telephone

Issuing Court: [ ] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

470

BAIL set by

Judge ____

on 5-6-11

Type and Amount: None

Name of Surety: ____

PRELIMINARY HEARING held by

Judge ____

on ____

Defendant Attorney: ____

Decision: ____

DISPOSITION before

Judge ____

on ____

by ____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: ____

Sentence: ____

JURORS

WITNESSES

Name: ____
Address: ____
Telephone: ____

Name: ____
Address: ____
Telephone: ____

Name: ____
Address: ____
Telephone: ____

Name: ____
Address: ____
Telephone: ____

Name: ____
Address: ____
Telephone: ____

Name: ____
Address: ____
Telephone: ____

Name: ____
Address: ____
Telephone: ____

Name: ____
Address: ____
Telephone: ____

Name: ____
Address: ____
Telephone: ____

CODEFENDANTS

1433352

RECEIVED
MAY 10 2011
Clerk of Court
Greenville County

GENERAL SESSIONS DOCKET TRACKING SHEET

Name: SCOTT COREY LOWE

Indictment # :

Address:

Warrant/Ticket # I433352

City: Greenville State: SC ZIP :29615

No Warrant:

SS#: 0 Sex: M Race: W

Offense Code: 0079

Date of Birth:

Offense Name: Burglary, First Degree (g

State: SC Driver's License #:

Date of Arrest: May 6, 2011

DATE OF DISPOSITION: 9/30/2011

OCT 03 2011

DISPOSITION:

_____ 1. Guilty Plea

_____ 2. Trial (Guilty)

_____ 3. Trial (Not Guilty)

*__X__ 4. Dism/Nol Pros/Pros Ended

* _____5. Judicial Commitment

_____6. Judicial Dismissal

* _____ 7. Remanded

_____ 8. Dismissed at Prelim

_____ 8. No Bill

* _____ 9. Failure to Appear

* _____ 10. Other

* Explain: Lack of Cooperation from Victim

Judge:

Ct. Reporter:

Defense Attorney: HARBIN, H. CHASE

Solicitor: Wanda L. Adams

Offense Code: 0079

Offense Name: Burglary, First Degree (g

Sentence:

5005
8-5-11

ARREST WARRANT

I-433355

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Greenville

THE STATE 01-2011-051449

against

Scott Corey Lowe

Address:

Greenville, SC 29615-2369

Phone: SSN:

Sex: M Race: W Height: 5 9 Weight: 175

DL State: SC DL #:

DOB: Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriffs Office

Prosecuting Officer: A L Bailey *15 - 0015

Offense: Assault / Assault & Battery 3rd degree

Offense Code: 3414

Code/Ordinance Sec: 16-03-0600(E)(1)

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

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on 5/6/11

J. M. B 544 x862

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Chick Springs Summary Court
2801 Wade Hampton Blvd. Suite 302
Taylors, SC 29687

ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

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

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Greenville)

Personally appeared before me the affiant A L Bailey *15 who being duly sworn deposes and says that defendant Scott Corey Lowe did within this county and state on or about 04/14/2011 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Greenville) in the following particulars:

DESCRIPTION OF OFFENSE Assault / Assault & Battery 3rd degree

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

The affiant an investigator with the Greenville County Sheriffs Office has a written statement which implicated the above defendant in the above offense. The defendant did on April 14, 2011 intentionally commit a battery upon Michael Hart, Aka: Joey Schaffer by hitting him in the face and body with his fist. Said act did occur at 2207 Wade Hampton Blvd. and with the County of Greenville filed under GCSO Case#01-2011-051449

PLAINTIFF'S EXHIBIT GV 17 2/1/23 SH

Signature of Affiant A.L. Bailey

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Greenville)

Affiant's Address 4 Mcgee Street
Greenville, SC 29601-

Affiant's Telephone (864)467-5384

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 4/14/2011 defendant Scott Corey Lowe did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery 3rd degree

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

Sworn to and subscribed before me on 05/05/2011

(L.S.)

Signature of Issuing Judge

C. R. Garrett

Judge Code: 5005

Judge's Address 2801 Wade Hampton Blvd. Suite 302
Taylors, SC 29687-

Judge's Telephone (864)244-2922

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge hg

on 5-6-11

Type and Amount: 7138

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
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Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

CODEFENDANTS

1433355

RECEIVED
AUG 05 2011
Clerk of Court
Greenville County

474

County of Greenville

"...At Your Service" DEPARTMENT OF PUBLIC SAFETY

FORENSIC LATENT PRINT ANALYSIS REPORT

AGENCY: Greenville County Sheriff's Office **CASE NUMBER:** 1-11-045733
AREA: Central

INCIDENT TYPE:	Death Investigation / Latent Print Identification	**INCIDENT LOCATION:**	Taylors, SC
VICTIM:	Porcoro, Christopher	**ADDRESS:**	Same As Above
VICTIM:	Daniel, Amber	**ADDRESS**	Greer, SC
INV. OFFICER	Campbell	**UNIT NUMBER**	610

INCIDENT SUMMARY/ACTION(S) TAKEN: **PAGE** 1 of 1

Forensic Investigator Doug Smith submitted latent prints in reference to this incident. After conducting a latent print examination, the following results were obtained:

Latent Lift # 1 – from small pink colored candle with glass jar, used, sitting on end table in west corner of living room – Is identified as being made by the # 2 (right index) and # 3 (right middle) fingers of the following individual:

Known prints are identified as those of:

WAYE, Ryan Ogburn
W/M DOB
ID Pack # 144-877
SID # SC01047302

Captain Jackie Kellett confirmed the latent print identification. Investigators Antonio Bailey and Wayne Campbell were notified of the findings. Forensic Investigator Doug Smith processed the scene on April 4, 2011. Investigation to continue.

1351 Hours

REPORTING OFFICER	Christopher A. Gary		**STAR #**	8991	**UNIT #**	913	**DATE**	04/05/11
REPORTING OFFICER			**STAR #**		**UNIT #**		**DATE**	
APPROVING SUPERVISOR	Captain J. F. Kellett		**STAR #**	8032	**UNIT #**	910	**DATE**	04/05/11

05-12-11

Agency I.D. SCQ230000 EC5 04/13/2011 11:02:31

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Case Number 11000045733

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property
Incident Type 0116 - Murder
☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property
Patrol District 02 Page 1 of 4 Pages

I. D. OVERFLOW

☐ Complainant ☒ Victim #1 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, First, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
Pocoro, Christopher Paul		N	J	W	M	30	

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
	Taylors	SC	29687	02		

Hair: Eyes: Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical Peculiarities, Etc.:

☒ Victim No. 1 Visible Injury ☒ Yes ☐ No Complaint of any Non-Visible Injuries ☐ Yes ☒ No Victim Using Alcohol ☐ Yes ☐ No ☐ Unk Two-Man Veh ☐ One Man Veh ☐ ALONE ☐
Explain: Drugs ☐ No ☐ Yes Type: Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk ☐ Arrested on Current Offense
Using Drugs ☐ No ☐ Yes Type: ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location | Gang Affiliation: NG - Not Gang Related

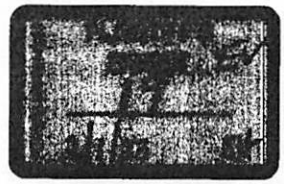
NARRATIVE

Overflow:

Daniel, Amber Christine:Victim 2
ADDRESS: Greer SC 29650, ETHNICITY: N, RESIDENT: J, RACE: W, SEX: F, AGE: 18,
DOB: 2,
VISIBLE INJURY: No, NON-VISIBLE INJURY: No

Narrative:
Autopsy:

On Monday, April 3, 2011, this investigator went to Greenville Memorial Hospital Morgue for the autopsies of Christopher Porcoro and Amber Daniel. Attending the autopsies were the following:



Dr. James Fulcher- Forensic Pathologist
Sharon Knight- Assistant
Heather Allen- Assistant
Karie Cain- (unit C-3// Coroner's Office)
Doug Smith- (unit 920// DPS Crime Scene Division)
Amber Blackwood- Intern from Sheriff's Office

Porcoro's autopsy had already begun upon prior to Blackwood and this investigator's arrival. Porcoro had numerous tattoos which included one on his right wrist of Chris. He had what appeared to be candle wax on his right shin above his ankle. His x-ray indicated that he had two projectiles in his head and several small pellets. On the right side of his face, he had numerous marks from small pellets. He had a gunshot wound to the back of his head and underneath his left jaw under his ear. The two projectiles were recovered and collected by Smith.

Daniel was atop a light blue comforter and was wearing a yellow tee shirt with writing on it, a green shirt underneath the yellow tee shirt, pink fleece pajama bottoms with designs, white ankle socks, off white thong, and dark brown bra. She was wearing jewelry and had a ring on her left hand. Also, Daniel had what appeared to be candle wax on her left hand and around the collar of her shirt. After being undressed, a contusion was observed on her right arm above her elbow. She had two gunshot wounds on her back at her left shoulder blade. On her left arm, she had marks from pellets, as well as, a gunshot wound. On the

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified	Subject Located				
☐ Yes ☒ No	☐ Yes ☒ No	☒ Active ☐ Unfounded	☐ Admin Closed	☐ Arrested Under 18 ☐ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

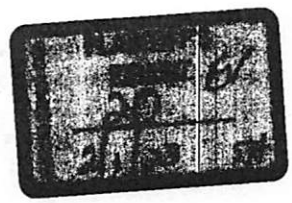
Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
CAMPBELL, WAYNE	04/12/2011	610 / 00732	JONES, SGT. T.	04/13/2011	604 / 00167
Reviewed By: ECO		/	Follow Up Investigation ☒ Yes ☐ No Assigned: BAILEY		/ 00000

4/13/11

RYAN WAYNE
704 STALLINGS ROAD
TAYLORS, SC. 29687
PHONE: 201-6691/292-0219
DOB: 2-14-78
SS# 251-69-0890
GRADUATED HIGH SCHOOL
2 YEARS OF COLLEGE
LAW READ & WRITE

Case Number 1 1 1 0 0 0 0 4 5 7 3 3



YOUR RIGHTS

Sheriffs Office

Greenville, S.C.

Date 4-27-11

Time 12:25 PM.

Before we ask you any questions, you must understand your rights.

RW You have the right to remain silent.

RW **Anything you say can be used against you in court.**

RW **You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.**

RW If you have no money to pay a lawyer's fee, the court will appoint one to represent you without cost if you wish.

RW **If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.**

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion RW of any kind has been used against me.

Signed Ryan Wayne

Witness CZ Barker

Witness A. T. S. #198/#620

Time 12:30 PM

16 MAY 2011 12 07

OF

000461

477

Agency I.D. SC0230000 ECS 04/13/2011 11:02:31

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Case Number 11000045733

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property

Incident Type 0116 - Murder

☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Patrol District 02 Page 1 of 4 Pages

I. D. OVERFLOW

☐ Complainant ☒ Victim #1 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, First, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
Porcoro, Christopher Paul		N	J	W	M	30	

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
	Taylors	SC	29687	02		

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☒ Victim No. 1 Visible Injury ☒ Yes ☐ No Explain:

Complaint of any Non-Visible Injuries ☐ Yes ☒ No

Victim Using Alcohol ☐ Yes ☐ No ☐ Unk Drugs ☐ No ☐ Yes Type:

Two-Man Veh ☐ One Man Veh ☐ ALONE ☐ Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk Using Drugs ☐ No ☐ Yes Type:

☐ Arrested on Current Offense ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type

☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location

Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

Daniel, Amber Christine:Victim 2
ADDRESS: Greer SC 29650, ETHNICITY: N, RESIDENT: J, RACE: W, SEX: F, AGE: 18,
DOB:
VISIBLE INJURY: No, NON-VISIBLE INJURY: NO

Narrative:
Autopsy:

On Monday, April 3, 2011, this investigator went to Greenville Memorial Hospital Morgue for the autopsies of Christopher Porcoro and Amber Daniel. Attending the autopsies were the following:

Dr. James Fulcher- Forensic Pathologist
Sharon Knight- Assistant
Heather Allen- Assistant
Karie Cain- (unit C-3// Coroner's Office)
Doug Smith- (unit 920// DPS Crime Scene Division)
Amber Blackwood- Intern from Sheriff's Office

Porcoro's autopsy had already begun upon prior to Blackwood and this investigator's arrival. Porcoro had numerous tattoos which included one on his right wrist of Chris. He had what appeared to be candle wax on his right shin above his ankle. His x-ray indicated that he had two projectiles in his head and several small pellets. On the right side of his face, he had numerous marks from small pellets. He had a gunshot wound to the back of his head and underneath his left jaw under his ear. The two projectiles were recovered and collected by Smith.

Daniel was atop a light blue comforter and was wearing a yellow tee shirt with writing on it, a green shirt underneath the yellow tee shirt, pink fleece pajama bottoms with designs, white ankle socks, off white thong, and dark brown bra. She was wearing jewelry and had a ring on her left hand. Also, Daniel had what appeared to be candle wax on her left hand and around the collar of her shirt. After being undressed, a contusion was observed on her right arm above her elbow. She had two gunshot wounds on her back at her left shoulder blade. On her left arm, she had marks from pellets, as well as, a gunshot wound. On the

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified	Subject Located				
☐ Yes ☒ No	☐ Yes ☒ No	☒ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☐ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over	

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit/Star#	Approving Officer	Date	Unit/Star#
CAMPBELL, WAYNE	04/12/2011	610 / 00732	JONES, SGT. T.	04/13/2011	604 / 00157
		/	Follow Up Investigation ☒ Yes ☐ No BAILEY		/ 00000

4/13/11

Greenville County Forensic Division
CRIME SCENE INVESTIGATION REPORT

AGENCY: Greenville County Sheriff's Office **CASE NUMBER:** 01-11-045733
AREA: CJ11

INCIDENT TYPE:	Autopsy (Homicide Investigation)	**INCIDENT LOCATION:**	Greenville, SC
VICTIM: 1	Porcoro, Christopher Paul (W/M, DOB 08/07/80)	**ADDRESS:**	Taylors, SC
VICTIM: 2	Daniel, Amber Christine (W/F, DOB 11/14/92)	**ADDRESS:**	Greer, SC
COMPLAINANT:		**ADDRESS**	
INV. OFFICER	Campbell (Investigator) Cain (Deputy Coroner) Dr. Fulcher (Medical Examiner)	**UNIT NUMBER**	610 C-3

INCIDENT SUMMARY/ACTION (S) TAKEN: **PAGE** 3 Of 4

DES-9 Pair of brown paper bags / medical tape (1050 hrs)
-The R/O collected the brown paper bags from the victim's hands.
DES-10 Pair white athletic socks (1055 hrs)
DES-11a Pair white 'Vassarette' panties, size '6' (1058 hrs)
DES-11b Pink fleece camouflage pants, size 'M 8-10' (1058 hrs)
DES-12a Brown 'Vassaette' bra, size '34a' (1100 hrs)
DES-12b Yellow 'Classy Jr.' tee shirt, size 'M' (1100 hrs)

The R/O noted there was an unknown folded item on the front of victim #2's shirt. Dr. Fulcher stated it appeared to be melted wax.

DES-12c Green 'Aeropostale' tank top, size 'XS' (1100 hrs)
DES-13 Blue comforter (1105 hrs)
DES-14 Known pulled head hair (1110 hrs)
DES-15 Known pulled pubic hair (1111 hrs)
DES-16 Nail scrapings left hand (1114 hrs)
-The R/O packaged the wooden cuticle stick along with the trace evidence sample.
DES-17 Nail scrapings right hand (1115 hrs)
-The R/O packaged the wooden cuticle stick along with the trace evidence sample.

Dr. Fulcher removed three metallic projectiles and (1) fragment from the victim and released them to the R/O, via a signed P&E sheet. Dr. Fulcher also removed (5) silver in color metallic fragments from what appeared to be jewelry from the victim.

The R/O took custody of the following items from Dr. Fulcher, via a signed Property and Evidence sheet.

DRF-2 (3) Metallic projectiles (1230 hrs)
DRF-3 (5) Silver in color jewelry fragments (1235 hrs)

No further action taken with victim #2.

No further action taken at the Greenville County Morgue.

REPORTING OFFICER	Smith, DE	**STAR #**	8882	**UNIT #**	920	**DATE**	04/05/11
REPORTING OFFICER		**STAR #**		**UNIT #**		**DATE**	
APPROVING SUPERVISOR	Sgt. R.D. LeRoy	**STAR #**	8965	**UNIT #**	919	**DATE**	4/8/11

County of Greenville

"...At Your Service" DEPARTMENT OF PUBLIC SAFETY

FORENSIC LATENT PRINT ANALYSIS REPORT

AGENCY: Greenville County Sheriff's Office **CASE NUMBER:** 1-11-045733
AREA: Central

INCIDENT TYPE:	Death Investigation / Latent Print Identification	**INCIDENT LOCATION:**	Taylors, SC
VICTIM:	Porcoro, Christopher	**ADDRESS:**	Same As Above
VICTIM:	Daniel, Amber	**ADDRESS**	Greer, SC
INV. OFFICER	Campbell	**UNIT NUMBER**	610

INCIDENT SUMMARY/ACTION(S) TAKEN: **PAGE** 1 of 1

Forensic Investigator Doug Smith submitted latent prints and victim information in reference to this incident. After conducting a latent print examination, the following results were obtained:

Latent Lift # 1 – from small pink colored candle with glass jar, used, sitting on end table in west corner of living room – Is identified as being made by the Left Palm of the following individual:

Known prints are identified as those of:

DANIEL, Amber Christine
W/F DOB
ID Pack # 251-169

VICTIMVICTIM***VICTIM***VICTIM***VICTIM***VICTIM***VICTIM***VICTIM***

Captain Jackie Kellett confirmed the latent print identification. Investigators Antonio Bailey and Wayne Campbell were notified of the findings. Forensic Investigator Doug Smith processed the scene on April 4, 2011. Investigation to continue.

1351 Hours

REPORTING OFFICER	Christopher A. Gary CAG	**STAR #**	8991	**UNIT #**	913	**DATE**	04/05/11
REPORTING OFFICER		**STAR #**		**UNIT #**		**DATE**	
APPROVING SUPERVISOR	Captain J. F. Kellett	**STAR #**	8032	**UNIT #**	910	**DATE**	04/05/11

05-12-11E

Greenville County Forensic Division
CRIME SCENE INVESTIGATION REPORT

AGENCY: Greenville County Sheriff's Office **CASE NUMBER:** 01-11-045733
AREA: 02

INCIDENT TYPE:	Death Investigation / Fire Call	**INCIDENT LOCATION:**	Taylors, SC
VICTIM 1:	Porcoro, Christopher Paul W/M D.O.B.	**ADDRESS:**	Taylors, SC
VICTIM 2:	Daniel, Amber Christine W/F D.O.B.	**ADDRESS**	Greer, SC
INV. OFFICER	Inv. Bailey Dill Cassel	**UNIT NUMBER**	612 C4 D34

INCIDENT SUMMARY/ACTION (S) TAKEN:

On 04/03/2011, this reporting officer, Forensic Officer Gamble (926) & Forensic Office Mize (927) traveled to the above incident location in response to a death investigation. Upon arrival, this reporting officer met with Inv. Bailey, Deputy Coroner Dill, and Deputy Cassel. Cassel advised he arrived on scene in response to a house fire. Cassel advised he was securing the perimeter of the scene while Taylors Fire Department extinguished the fire. Cassel advised fire technicians advised they were able to put out the fire and located two victim's in the living room with severe trauma injuries. Dill advised fire technicians made forced entry thru the front door. While inside, Fire techs moved the living room coffee table and moved a computer monitor that was located resting against the victim's head. Fire technicians located a suspected fuel canister and an aerosol can inside the kitchen stove. The front bedroom window facing Lee Rd was opened and the kitchen ceiling was forced open by the fire department to help with extinguishing the fire.

After a search warrant was obtained, this reporting officer, Inv. Bailey, and Dill made entry. This reporting officer observed the kitchen area with severe fire and smoke damage. A fuel canister, aerosol can, and a fire damaged electronic device were observed inside the kitchen stove. The fire damage was observed to be primarily in the kitchen with the remaining areas of the house to have soot damage. Areas of the kitchen were observed melted and wet from the fire department. The living room was observed in disarray with items on the floor. Both victims were observed covered with a white sheet by fire technicians. Once the sheets were removed this reporting officer observed both victim's on their backs. A dark grey colored computer monitor was observed next to victim #2 (Daniel's) head along with a pillow. The pillow was observed saturated with suspected blood. Daniel was observed with severe trauma to the right side of the head behind the right ear. Trauma was observed to the mouth and right cheek area. A grey powder was also observed to the right cheek. Lacerations were also observed to the forehead. Suspected blood was observed to the mouth, face, forehead, and head. Broken pieces of glass were observed under Daniel's face area on the living room floor. Daniel's was observed wearing a yellow T-shirt with suspected blood and pink pajama style pants with suspected blood. Under the victim's body was a light blue comforter.

Victim# 1, (Porcoro) was observed with suspected blood at the right and left ear and left and right side of the face. Porcoro's left temple area was observed swollen. A large amount of suspected blood was observed to the back of Porcoro's head and to the floor beneath it. Porcoro's head was observed resting upwards against the front side of the living room couch. Porcoro was observed wearing a red striped polo, red athletic shorts and red plaid boxers. Suspected melted candle was was observed on Porcoro's legs, living room floor, couch & near Daniel's head on the carpet.

REPORTING OFFICER	Derby, J	**STAR #**	8948	**UNIT #**	923	**DATE**	04/29/11
REPORTING OFFICER	Mize, R	**STAR #**	9009	**UNIT #**	927	**DATE**	04/29/11
APPROVING SUPERVISOR	Sgt. D.L. Shaw	**STAR #**	8561	**UNIT #**	918	**DATE**	5/10/11

Scanned by SPO

05/26/11E



County of Greenville

"...At Your Service" DEPARTMENT OF PUBLIC SAFETY

FORENSIC LATENT PRINT ANALYSIS REPORT

AGENCY: Greenville County Sheriff's Office **CASE NUMBER:** 1-11-045733
AREA: Central

INCIDENT TYPE:	Death Investigation / Latent Print Identification	**INCIDENT LOCATION:**	Taylors, SC
VICTIM:	Porcoro, Christopher	**ADDRESS:**	Same As Above
VICTIM:	Daniel, Amber	**ADDRESS**	Greer, SC
INV. OFFICER	Campbell	**UNIT NUMBER**	610

INCIDENT SUMMARY/ACTION(S) TAKEN: **PAGE** 1 of 1

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WAYE, Ryan Ogburn
W/M DOE
ID Pack # 144-877
SID # SC01047302

Captain Jackie Kellett confirmed the latent print identification. Investigators Antonio Bailey and Wayne Campbell were notified of the findings. Forensic Investigator Doug Smith processed the scene on April 4, 2011. Investigation to continue.

1351 Hours

REPORTING OFFICER	Christopher A. Gary CAG	**STAR #**	8991	**UNIT #**	913	**DATE**	04/05/11
REPORTING OFFICER		**STAR #**		**UNIT #**		**DATE**	
APPROVING SUPERVISOR	Captain J. F. Kellett	**STAR #**	8032	**UNIT #**	910	**DATE**	04/05/11

05-12-11

ANTHONY J. GENTILE

Senior Special Agent
South Carolina State Law Enforcement Division (SLED)
State Surveillance and Intelligence Unit



I am currently a Senior Special Agent at the South Carolina Law Enforcement Division (SLED) State Surveillance and Intelligence (SSI) Unit specializing in a multitude of electronic surveillance techniques. I have completed over 300 investigations culminating in the apprehension of violent fugitives in the state using historical call detail records analysis, social media activity, and live location analysis using GPS location alerts and live cell site analysis. I have performed historical cell site location analysis and produced reports from this analysis for both local and federal law enforcement agencies on major cases. I also conduct live location analysis using Pen Register Trap and Trace analysis and live GPS location analysis to assist local and federal law enforcement agencies to locate fugitives and missing persons. I have taught several classes to local law enforcement and partnering agencies on interpreting and mapping call detail records for the various cell phone providers. Simultaneously, I serve in the South Carolina Army National Guard where I hold the rank of Major in the position of Battalion Executive Officer in an infantry unit. In this position I am the second in charge of a battalion of 600 infantry soldiers and I manage a staff of eight Captains. I have extensive training in planning operations, conducting instructional classes, recruiting, and leadership.

EDUCATION

MA South University, Public Administration — July 2019
4.0 GPA, In-Person Classes

BA The Citadel, Criminal Justice — May 2008
Minored in Military Science

LAW ENFORCEMENT EXPERIENCE

Senior Special Agent State Surveillance and Intelligence Unit
South Carolina Law Enforcement Division 2015 – Present

- Assist local and federal agencies to identify, link, and locate violent fugitives using historical cellular call detail record analysis, Pen Register Trap and Trace analysis, and social media IP connection logs
- Create cellular activity maps using real-time data from Pen Register Trap and Trace analysis and historical cell site location analysis
- Respond to exigent circumstances to rapidly locate individuals as a matter of life or death

Master Deputy and School Resource Officer
Lexington County Sheriff's Department 2013 – 2015

- Patrol the county for criminal activity and respond to calls for law enforcement services
- Conduct criminal investigations of property crimes and criminal offenses
- Communicate effectively with students, staff, and parents to maintain a safe school environment

Master Police Officer and Field Training Officer
Columbia Police Department 2009 – 2013

- Patrol the city for criminal activity and respond to calls for law enforcement services
- Conduct criminal investigations of property crimes and criminal offenses
- Instruct, train, and mentor new police officers assigned to the City of Columbia Patrol Division

MILITARY EXPERIENCE

Rank: Major, Branch: Infantry, Current Position: Battalion Executive Officer
US Army National Guard 2004 – Present

- US Army Parachutist Badge 2004 – Conduct offensive operations as a paratrooper
- US Army Pathfinder Badge 2012 – Parachute ahead of the unit to secure and set-up the drop zone for paratroopers or landing zone for helicopters
- US Army Air Assault Badge 2018 – Rappel from a helicopter to quickly insert on an objective
- US Army Military Mountaineering Badge 2021 – Conduct offensive operations in a mountain environment
- Master Army Instructor Badge (Approximately 150 Nationwide) 2022 – Certified to conduct instructional classes in the US Army, must complete an additional 200 hours as primary instructor with 10 evaluated lesson blocks, complete a curriculum review with a successful lesson redesign, complete 26 evaluations of other instructors, and receive a recommendation from the US Army Master Instructor Board in Fort Knox
- Served 2 tours in Iraq – 2012 with the SC Army National Guard, 2018 with the Asymmetric Warfare Group

PROFESSIONAL TRAINING

Emerging Technology Support
Mooresville, North Carolina (80 hours)
Wireless Communications Theory
Advanced Equipment Training

SC Criminal Justice Academy
Columbia, SC
Basic Law Enforcement Certification

PenLink
Columbia, South Carolina (56 hours)
PenLink PLX: Basic analysis and live collection training
PenLink PLX: Advanced analysis and live collection training
Cell Site Intelligence
PLX101Call Analysis Training School

239135
J6/22/2021

MOBILITY
(with cell location)

AT&T has queried for records from 01/03/2011 12:00:00am to 05/03/2011 11:59:59pm
AT&T has queried for records using Eastern Time Zone. AT&T's records are stored and provided in UTC.

AT&T

Run Date: 06/22/2021
Run Time: 12:35:25
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18317	04/02/11	00:29:59	32665131	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18318	04/02/11	00:33:32	18642834400	18647355178	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840125:3515000:-82.33067:34.87336:120:88.0]
18319	04/02/11	00:33:34	18642834400	18647355178			SMST			
18320	04/02/11	00:57:11	32665132	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18321	04/02/11	00:57:31	18642834400	32665132	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840125:3515000:-82.33067:34.87336:120:88.0]
18322	04/02/11	00:58:05	32665133	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18323	04/02/11	01:11:14	32665133	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18324	04/02/11	01:17:25	32665116	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18325	04/02/11	01:17:55	32665133	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18326	04/02/11	01:18:24	32665116	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18327	04/02/11	01:20:42	32665116	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18328	04/02/11	01:21:32	32665116	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18329	04/02/11	01:21:45	32665116	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18330	04/02/11	01:24:14	18642834400	32665133	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18331	04/02/11	01:28:51	32665133	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]

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485

MOBILITY
(with cell location)

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Run Date: 06/22/2021
Run Time: 12:35:25
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18332	04/02/11	01:29:59	18642834400	32665133	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18333	04/02/11	01:30:02	32665134	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18334	04/02/11	01:39:50	32665133	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18335	04/02/11	01:40:40	32665135	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18336	04/02/11	01:41:54	32665135	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18337	04/02/11	01:45:00	32665136	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18338	04/02/11	01:46:19	18642834400	32665136	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18339	04/02/11	01:47:32	32665136	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18340	04/02/11	01:48:20	18642834400	32665136	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18341	04/02/11	01:51:12	32665136	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18342	04/02/11	01:54:55	32665136	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18343	04/02/11	01:55:12	18642834400	32665136	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18344	04/02/11	01:55:53	32665136	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18345	04/02/11	01:56:11	18642834400	32665136	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]

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SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18346	04/02/11	01:56:41	18642834400	32665136	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18347	04/02/11	01:57:45	32665136	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18348	04/02/11	01:58:43	18642834400	32665136	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18349	04/02/11	02:00:06	18642834400	32665136	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18350	04/02/11	02:00:39	32665136	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18351	04/02/11	02:01:11	18642834400	32665136	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18352	04/02/11	02:01:38	18642834400	32665136	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18353	04/02/11	02:02:43	32665136	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18354	04/02/11	02:03:07	18642834400	32665136	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18355	04/02/11	02:03:52	18642834400	32665135	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18356	04/02/11	02:05:25	18642834400	32665136	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18357	04/02/11	02:07:48	32665136	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18358	04/02/11	02:08:11	18642834400	32665136	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18359	04/02/11	02:15:11	32665136	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]

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SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18360	04/02/11	02:15:50	18642834400	32665136	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18361	04/02/11	02:17:37	32665137	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18362	04/02/11	02:26:59	32665133	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18363	04/02/11	02:27:05	32665133	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18364	04/02/11	02:27:32	32665138	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18365	04/02/11	02:38:12	32665133	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18366	04/02/11	02:38:35	18642834400	32665133	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840125:3515000:-82.33067:34.87336:120:88.0]
18367	04/02/11	02:39:44	32665133	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18368	04/02/11	02:40:07	18642834400	32665133	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840125:3515000:-82.33067:34.87336:120:88.0]
18369	04/02/11	02:41:57	32665133	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18370	04/02/11	02:42:26	18642834400	32665133	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18371	04/02/11	02:48:47	18642834400	32665	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18372	04/02/11	02:56:56	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18373	04/02/11	02:57:37	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]

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3239135
06/22/2021

MOBILITY
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Run Time: 12:35:25
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18374	04/02/11	03:02:15	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840125:3515000:-82.33067:34.87336:120:88.0]
18375	04/02/11	03:03:09	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840125:3515000:-82.33067:34.87336:120:88.0]
18376	04/02/11	03:03:44	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18377	04/02/11	03:03:56	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18378	04/02/11	03:04:10	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18379	04/02/11	03:05:59	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18380	04/02/11	03:06:02	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18381	04/02/11	03:08:08	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18382	04/02/11	03:09:00	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840125:3515000:-82.33067:34.87336:120:88.0]
18383	04/02/11	03:13:31	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18384	04/02/11	03:13:46	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18385	04/02/11	03:13:55	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18386	04/02/11	03:14:09	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18387	04/02/11	03:18:35	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]

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Run Date: 06/22/2021
Run Time: 12:35:26
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18388	04/02/11	03:19:06	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18389	04/02/11	03:19:16	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18390	04/02/11	03:20:50	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18391	04/02/11	03:24:42	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840125:3515000:-82.33067:34.87336:120:88.0]
18392	04/02/11	03:25:26	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18393	04/02/11	03:25:35	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840125:3515000:-82.33067:34.87336:120:88.0]
18394	04/02/11	03:26:38	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18395	04/02/11	03:26:55	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840125:3515000:-82.33067:34.87336:120:88.0]
18396	04/02/11	03:28:11	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18397	04/02/11	03:28:43	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18398	04/02/11	03:30:33	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840128:3515000:-82.33067:34.87336:120:88.0]
18399	04/02/11	03:30:55	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840128:3515000:-82.33067:34.87336:120:88.0]
18400	04/02/11	03:32:41	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18401	04/02/11	03:33:32	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840125:3515000:-82.33067:34.87336:120:88.0]
18402	04/02/11	05:23:39	19312168476	18642834400			SMSO			

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3239135
06/22/2021

MOBILITY
(with cell location)

AT&T has queried for records from 01/03/2011 12:00:00am to 05/03/2011 11:59:59pm
AT&T has queried for records using Eastern Time Zone. AT&T's records are stored and provided in UTC.

Run Date: 06/22/2021
Run Time: 12:35:26
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18403	04/02/11	05:23:39	19312168476	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18404	04/02/11	05:27:25	18642834400	19312168476	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18405	04/02/11	05:27:28	18642834400	19312168476			SMST			
18406	04/02/11	05:27:45	19312168476	18642834400			SMSO			
18407	04/02/11	05:27:47	19312168476	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18408	04/02/11	06:08:49	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18409	04/02/11	06:08:59	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18410	04/02/11	06:09:24	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18411	04/02/11	06:09:49	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0, 899841818:3515007:-82.32394:34.89803:120:88.0]
18412	04/02/11	06:10:17	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18413	04/02/11	06:10:31	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18414	04/02/11	06:13:23	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18415	04/02/11	06:20:20	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18416	04/02/11	06:20:20	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18417	04/02/11	06:20:24		18642834400		310410377453983	SMST			

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491

MOBILITY
(with cell location)

AT&T has queried for records from 01/03/2011 12:00:00am to 05/03/2011 11:59:59pm
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Run Date: 06/22/2021
Run Time: 12:35:26
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18418	04/02/11	06:21:14	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18419	04/02/11	06:21:43	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18420	04/02/11	06:21:56	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18421	04/02/11	06:23:37	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18422	04/02/11	06:23:48	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18423	04/02/11	06:23:56	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18424	04/02/11	06:25:12	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18425	04/02/11	06:25:28	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18426	04/02/11	06:25:54	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18427	04/02/11	06:26:17	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18428	04/02/11	06:27:13	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18429	04/02/11	06:28:07	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18430	04/02/11	06:30:49	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18431	04/02/11	06:31:20	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]

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MOBILITY
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Run Date: 06/22/2021
Run Time: 12:35:26
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18432	04/02/11	06:31:40	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18433	04/02/11	06:33:47	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18434	04/02/11	06:34:35	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18435	04/02/11	06:35:01	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18436	04/02/11	06:35:36	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18437	04/02/11	06:35:58	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18438	04/02/11	06:36:09	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18439	04/02/11	06:38:34	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18440	04/02/11	06:38:45	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18441	04/02/11	06:39:13	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18442	04/02/11	06:39:33	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18443	04/02/11	06:40:16	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18444	04/02/11	06:40:41	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18445	04/02/11	06:41:08	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]

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MOBILITY
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Run Date: 06/22/2021
Run Time: 12:35:26
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18446	04/02/11	06:41:55	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18447	04/02/11	06:42:28	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18448	04/02/11	06:42:47	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18449	04/02/11	06:43:15	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18450	04/02/11	06:43:44	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18451	04/02/11	06:44:57	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18452	04/02/11	06:45:30	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18453	04/02/11	06:45:48	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18454	04/02/11	06:47:12	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18455	04/02/11	06:47:32	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18456	04/02/11	06:49:09	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18457	04/02/11	06:49:54	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18458	04/02/11	06:53:34	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18459	04/02/11	06:53:38	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]

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MOBILITY
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AT&T has queried for records from 01/03/2011 12:00:00am to 05/03/2011 11:59:59pm
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Run Date: 06/22/2021
Run Time: 12:35:26
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18460	04/02/11	06:55:10	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18461	04/02/11	06:56:12	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18462	04/02/11	06:56:38	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18463	04/02/11	06:58:45	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18464	04/02/11	06:59:11	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18465	04/02/11	07:00:15	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18466	04/02/11	07:00:49	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18467	04/02/11	07:02:12	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18468	04/02/11	07:02:25	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18469	04/02/11	07:05:13	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18470	04/02/11	07:05:16	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18471	04/02/11	07:05:21	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18472	04/02/11	07:05:37	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18473	04/02/11	07:05:50	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]

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Run Date: 06/22/2021
Run Time: 12:35:26
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18474	04/02/11	07:06:13	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18475	04/02/11	07:06:35	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18476	04/02/11	07:07:00	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18477	04/02/11	07:07:18	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18478	04/02/11	07:07:53	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18479	04/02/11	07:09:12	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18480	04/02/11	07:09:56	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18481	04/02/11	07:11:35	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18482	04/02/11	07:12:16	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18483	04/02/11	07:12:48	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18484	04/02/11	07:14:29	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18485	04/02/11	07:15:26	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18486	04/02/11	07:16:19	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18487	04/02/11	07:16:44	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]

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MOBILITY
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AT&T has queried for records from 01/03/2011 12:00:00am to 05/03/2011 11:59:59pm
AT&T has queried for records using Eastern Time Zone. AT&T's records are stored and provided in UTC.

Run Date: 06/22/2021
Run Time: 12:35:26
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18488	04/02/11	07:17:52	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18489	04/02/11	07:18:36	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18490	04/02/11	07:19:02	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18491	04/02/11	07:19:22	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18492	04/02/11	07:21:37	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18493	04/02/11	07:23:21	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18494	04/02/11	07:27:12	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18495	04/02/11	07:27:52	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18496	04/02/11	07:28:15	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18497	04/02/11	07:29:01	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18498	04/02/11	07:29:47	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18499	04/02/11	07:30:19	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18500	04/02/11	07:32:45	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18501	04/02/11	07:34:17	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]

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Run Date: 06/22/2021
Run Time: 12:35:26
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18502	04/02/11	07:34:52	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18503	04/02/11	07:35:42	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18504	04/02/11	07:36:10	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18505	04/02/11	07:39:26	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18506	04/02/11	07:39:44	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18507	04/02/11	07:40:04	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18508	04/02/11	07:40:20	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18509	04/02/11	07:42:04	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18510	04/02/11	07:42:48	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18511	04/02/11	07:45:07	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18512	04/02/11	07:45:41	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18513	04/02/11	07:46:01	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18514	04/02/11	07:46:26	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18515	04/02/11	07:47:11	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]

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Run Time: 12:35:26
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18516	04/02/11	07:48:44	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18517	04/02/11	07:49:22	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18518	04/02/11	07:50:02	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18519	04/02/11	07:51:10	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18520	04/02/11	07:54:05	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18521	04/02/11	07:54:23	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18522	04/02/11	07:55:21	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18523	04/02/11	07:56:11	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18524	04/02/11	07:59:40	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18525	04/02/11	08:27:01	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18526	04/02/11	08:31:25	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18527	04/02/11	13:07:44	78676	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18528	04/02/11	13:28:56	78676	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18529	04/02/11	13:40:37	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]

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Run Time: 12:35:26
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18530	04/02/11	13:40:54	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18531	04/02/11	13:41:34	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18532	04/02/11	13:42:07	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18533	04/02/11	13:42:37	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18534	04/02/11	13:43:01	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18535	04/02/11	13:43:22	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18536	04/02/11	13:43:37	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18537	04/02/11	13:44:55	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18538	04/02/11	13:45:43	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18539	04/02/11	13:46:04	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18540	04/02/11	13:46:25	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18541	04/02/11	13:46:48	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18542	04/02/11	13:46:59	32665139	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18543	04/02/11	13:47:04	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841818:3515007:-82.32394:34.89803:120:88.0]

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