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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 2 OF 3

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ATTORNEYS FOR PETITIONER

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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
18544	04/02/11	14:21:29	32665140	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18545	04/02/11	15:29:20	32665141	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18546	04/02/11	15:43:28	32665142	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18547	04/02/11	15:51:31	32665143	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18548	04/02/11	16:23:43	32665144	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18549	04/02/11	17:06:31	32665145	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18550	04/02/11	17:33:13	32665146	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18551	04/02/11	18:02:43	32665147	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18552	04/02/11	18:24:21	32665148	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18553	04/02/11	18:26:23	32665148	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18554	04/02/11	19:00:09	32665149	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18555	04/02/11	19:54:56	19312168476	18642834400			SMSO			
18556	04/02/11	19:54:59	19312168476	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18557	04/02/11	19:55:32	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18558	04/02/11	19:56:30	18642834400	19312168476	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]

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3239135
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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
18559	04/02/11	19:56:34	18642834400	19312168476			SMST			
18560	04/02/11	19:56:44	32665150	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18561	04/02/11	19:57:53	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18562	04/02/11	19:58:38	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18563	04/02/11	19:58:50	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18564	04/02/11	19:59:06	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18565	04/02/11	19:59:06	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18566	04/02/11	19:59:10		18642834400		310410377453983	SMST			
18567	04/02/11	19:59:29	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18568	04/02/11	19:59:42	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18569	04/02/11	20:00:29	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]
18570	04/02/11	20:01:10	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18571	04/02/11	20:02:43	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18572	04/02/11	20:03:20	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18573	04/02/11	20:03:49	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[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
18574	04/02/11	20:04:02	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18575	04/02/11	20:04:30	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18576	04/02/11	20:04:37	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18577	04/02/11	20:04:50	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18578	04/02/11	20:14:32	18642834400	19312168476	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18579	04/02/11	20:14:34	18642834400	19312168476			SMST			
18580	04/02/11	20:19:41	19312168476	18642834400			SMSO			
18581	04/02/11	20:19:44	19312168476	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18582	04/02/11	20:20:13	18642834400	19312168476	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18583	04/02/11	20:20:15	18642834400	19312168476			SMST			
18584	04/02/11	20:43:35	32665151	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18585	04/02/11	20:43:49	18642834400	32665151	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18586	04/02/11	20:51:04	18642834400	18644837574	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18587	04/02/11	20:52:03	18644837574	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18588	04/02/11	20:52:12	18642834400	18644837574	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]

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Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18589	04/02/11	20:53:50	18644837574	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18590	04/02/11	20:54:13	18642834400	18644837574	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18591	04/02/11	21:03:16	32665152	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18592	04/02/11	21:08:51	32665153	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18593	04/02/11	21:12:07	32665154	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18594	04/02/11	21:17:23	19312168476	18642834400			SMSO			
18595	04/02/11	21:17:50		18642834400		310410377453983	SMST			
18596	04/02/11	21:19:16		18642834400		310410377453983	SMST			
18597	04/02/11	21:20:39		18642834400		310410377453983	SMST			
18598	04/02/11	21:22:03		18642834400		310410377453983	SMST			
18599	04/02/11	21:24:01	19312168476	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18600	04/02/11	21:28:39	18642834400	18644837574	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18601	04/02/11	21:31:31	18644837574	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18602	04/02/11	21:32:13	18642834400	18644837574	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18603	04/02/11	21:33:16	18644837574	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18604	04/02/11	21:33:29	18642834400	18644837574	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-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
18605	04/02/11	21:34:00	18642834400	18644837574	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18606	04/02/11	21:54:22	18642834400	18644837574	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18607	04/02/11	22:15:44	32665155	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18608	04/02/11	22:20:41	32665156	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18609	04/02/11	22:24:43	18642834400	18649073630			SMSO	Image		
18610	04/02/11	22:24:43	18642834400	18649073630			SMST	Image		
18611	04/02/11	22:26:36	32665157	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18612	04/02/11	22:28:00	32665158	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18613	04/02/11	22:35:17	18642834400	18644837574	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18614	04/02/11	22:35:53	18644837574	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18615	04/02/11	22:36:20	18642834400	18644837574	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18616	04/02/11	22:38:08	18644837574	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18617	04/02/11	22:40:18	18644837574	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18618	04/02/11	22:40:29	18642834400	18644837574	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18619	04/02/11	22:48:09	18642834400	18644837574	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841569:3515006:-82.2885:34.89749:240:88.0]

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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
18620	04/02/11	22:48:55	18644837574	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841569:3515006:-82.2885:34.89749:240:88.0]
18621	04/02/11	22:49:07	18642834400	18644837574	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841569:3515006:-82.2885:34.89749:240:88.0]
18622	04/02/11	22:51:35	32665159	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841569:3515006:-82.2885:34.89749:240:88.0]
18623	04/02/11	22:52:46	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841569:3515006:-82.2885:34.89749:240:88.0]
18624	04/02/11	22:53:26	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841569:3515006:-82.2885:34.89749:240:88.0]
18625	04/02/11	22:53:53	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841569:3515006:-82.2885:34.89749:240:88.0]
18626	04/02/11	22:54:10	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841569:3515006:-82.2885:34.89749:240:88.0]
18627	04/02/11	22:54:45	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841569:3515006:-82.2885:34.89749:240:88.0]
18628	04/02/11	22:55:17	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841569:3515006:-82.2885:34.89749:240:88.0]
18629	04/02/11	22:56:00	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841569:3515006:-82.2885:34.89749:240:88.0]
18630	04/02/11	22:56:15	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841569:3515006:-82.2885:34.89749:240:88.0]
18631	04/02/11	22:56:28	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841569:3515006:-82.2885:34.89749:240:88.0]
18632	04/02/11	22:56:40	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841569:3515006:-82.2885:34.89749:240:88.0]
18633	04/02/11	22:56:53	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841569:3515006:-82.2885:34.89749:240:88.0]

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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
18634	04/02/11	22:58:04	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841569:3515006:-82.2885:34.89749:240:88.0]
18635	04/02/11	22:58:33	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841569:3515006:-82.2885:34.89749:240:88.0]
18636	04/02/11	22:59:34	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841818:3515007:-82.32394:34.89803:120:88.0]
18637	04/02/11	23:01:27	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18638	04/02/11	23:02:50	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841819:3515007:-82.32394:34.89803:240:88.0]
18639	04/02/11	23:03:03	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841819:3515007:-82.32394:34.89803:240:88.0]
18640	04/02/11	23:04:24	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18641	04/02/11	23:04:43	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18642	04/02/11	23:14:00	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18643	04/02/11	23:14:14	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18644	04/02/11	23:14:37	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18645	04/02/11	23:15:07	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18646	04/02/11	23:15:18	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18647	04/02/11	23:16:23	18643466150	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-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
1864 8	04/02/11	23:16:47	18642834400	18643466150	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
1864 9	04/02/11	23:17:18	18643466150	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
1865 0	04/02/11	23:17:45	18642834400	18643466150	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
1865 1	04/02/11	23:18:13	18643466150	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
1865 2	04/02/11	23:22:05	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
1865 3	04/02/11	23:23:49	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
1865 4	04/02/11	23:24:07	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
1865 5	04/02/11	23:24:35	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
1865 6	04/02/11	23:25:16	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
1865 7	04/02/11	23:26:10	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
1865 8	04/02/11	23:26:31	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
1865 9	04/02/11	23:27:25	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
1866 0	04/03/11	00:17:04	18642834400	18643637143	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
1866 1	04/03/11	00:29:47	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: 12:35:27
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18662	04/03/11	00:30:17	18642834400	18643618714	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18663	04/03/11	00:30:50	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18664	04/03/11	00:30:59	18643618714	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18665	04/03/11	00:31:12	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18666	04/03/11	00:31:27	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18667	04/03/11	00:32:02	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18668	04/03/11	00:32:19	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18669	04/03/11	00:32:33	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18670	04/03/11	00:33:02	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18671	04/03/11	00:41:42	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18672	04/03/11	01:05:22	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18673	04/03/11	01:09:40	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18674	04/03/11	01:09:49	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18675	04/03/11	01:10:16	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: 12:35:27
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18676	04/03/11	01:12:20	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18677	04/03/11	01:12:43	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18678	04/03/11	01:12:47	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18679	04/03/11	01:13:18	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18680	04/03/11	01:14:05	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18681	04/03/11	01:14:31	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18682	04/03/11	01:14:49	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18683	04/03/11	01:15:23	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18684	04/03/11	01:15:33	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18685	04/03/11	01:16:39	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18686	04/03/11	01:19:35	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840125:3515000:-82.33067:34.87336:120:88.0]
18687	04/03/11	01:19:59	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18688	04/03/11	01:20:55	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18689	04/03/11	01:21:00	32665160	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]

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3239135
06/22/2021

MOBILITY
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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
18690	04/03/11	01:22:24	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18691	04/03/11	01:22:54	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18692	04/03/11	01:23:03	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18693	04/03/11	01:23:35	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18694	04/03/11	01:23:56	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18695	04/03/11	01:24:08	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18696	04/03/11	01:24:51	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18697	04/03/11	01:25:44	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18698	04/03/11	01:26:09	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18699	04/03/11	01:26:36	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18700	04/03/11	01:26:51	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18701	04/03/11	01:27:00	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18702	04/03/11	01:28:05	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18703	04/03/11	01:28:20	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]

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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
18704	04/03/11	01:29:21	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18705	04/03/11	01:29:40	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18706	04/03/11	01:30:19	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18707	04/03/11	01:30:42	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18708	04/03/11	01:31:56	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18709	04/03/11	01:32:26	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18710	04/03/11	01:33:03	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18711	04/03/11	01:34:02	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18712	04/03/11	01:35:09	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18713	04/03/11	01:35:57	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18714	04/03/11	01:36:19	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18715	04/03/11	01:39:08	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18716	04/03/11	01:40:08	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18717	04/03/11	01:41:12	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]

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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
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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
18718	04/03/11	01:41:26	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18719	04/03/11	01:42:52	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18720	04/03/11	01:44:13	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18721	04/03/11	01:45:57	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18722	04/03/11	01:46:04	32665161	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18723	04/03/11	01:46:31	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18724	04/03/11	01:48:32	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18725	04/03/11	01:48:50	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18726	04/03/11	01:49:44	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18727	04/03/11	01:50:14	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18728	04/03/11	01:50:41	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18729	04/03/11	01:51:30	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18730	04/03/11	01:55:51	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18731	04/03/11	01:56:05	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]

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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
18732	04/03/11	01:56:40	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18733	04/03/11	01:56:56	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18734	04/03/11	01:57:17	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18735	04/03/11	01:57:32	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18736	04/03/11	01:57:53	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18737	04/03/11	01:57:53	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18738	04/03/11	01:57:56		18642834400		310410377453983	SMST			
18739	04/03/11	01:58:33	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18740	04/03/11	02:01:39	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18741	04/03/11	02:01:56	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18742	04/03/11	02:02:49	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18743	04/03/11	02:03:25	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18744	04/03/11	02:04:40	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18745	04/03/11	02:05:01	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18746	04/03/11	02:05:39	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]

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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
18747	04/03/11	02:07:07	32665162	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18748	04/03/11	02:15:51	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18749	04/03/11	02:16:05	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18750	04/03/11	02:17:10	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18751	04/03/11	02:17:22	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18752	04/03/11	02:17:51	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18753	04/03/11	02:48:30	32665163	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18754	04/03/11	04:20:06	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18755	04/03/11	06:02:27	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18756	04/03/11	06:03:41	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18757	04/03/11	06:04:33	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18758	04/03/11	06:05:43	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18759	04/03/11	06:06:55	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18760	04/03/11	06:08:22	18642834400	18647871077	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
18761	04/03/11	06:09:24	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18762	04/03/11	06:09:47	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18763	04/03/11	06:10:23	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18764	04/03/11	06:10:45	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18765	04/03/11	06:11:38	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18766	04/03/11	06:11:58	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18767	04/03/11	06:12:28	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18768	04/03/11	06:12:40	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18769	04/03/11	06:13:47	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18770	04/03/11	06:17:23	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18771	04/03/11	06:17:51	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18772	04/03/11	06:20:24	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18773	04/03/11	06:22:39	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18774	04/03/11	06:22:59	18642834400	18647871077	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
18775	04/03/11	06:24:10	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18776	04/03/11	06:24:25	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18777	04/03/11	06:25:19	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18778	04/03/11	06:26:07	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18779	04/03/11	06:27:37	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18780	04/03/11	06:28:19	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18781	04/03/11	06:30:07	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18782	04/03/11	06:30:44	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18783	04/03/11	06:32:09	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18784	04/03/11	06:32:39	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18785	04/03/11	06:34:35	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18786	04/03/11	06:35:13	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18787	04/03/11	06:35:52	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18788	04/03/11	06:36:07	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[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
18789	04/03/11	06:36:19	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18790	04/03/11	06:37:27	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18791	04/03/11	06:38:58	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18792	04/03/11	06:40:15	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18793	04/03/11	06:41:14	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18794	04/03/11	06:41:46	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18795	04/03/11	06:42:09	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18796	04/03/11	06:42:55	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18797	04/03/11	06:44:26	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18798	04/03/11	06:44:30	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18799	04/03/11	06:50:25	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18800	04/03/11	06:50:33	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18801	04/03/11	06:51:18	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18802	04/03/11	06:53:40	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]

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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: 12:35:27
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18803	04/03/11	06:56:01	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18804	04/03/11	06:59:09	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18805	04/03/11	06:59:39	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18806	04/03/11	07:00:17	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18807	04/03/11	07:00:41	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18808	04/03/11	07:07:13	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18809	04/03/11	07:07:40	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18810	04/03/11	07:08:55	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18811	04/03/11	07:09:14	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18812	04/03/11	07:09:26	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18813	04/03/11	07:09:41	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18814	04/03/11	07:09:50	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18815	04/03/11	07:10:07	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18816	04/03/11	07:16:21	18642834400	18645675619	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: 12:35:27
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18817	04/03/11	07:16:25	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18818	04/03/11	07:17:12	18645675619	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18819	04/03/11	07:18:07	18642834400	18645675619	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18820	04/03/11	07:27:11	18645675619	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18821	04/03/11	07:28:10	18642834400	18645675619	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18822	04/03/11	07:28:47	18645675619	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18823	04/03/11	07:29:12	18642834400	18645675619	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18824	04/03/11	07:29:21	18642834400	18645675619	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18825	04/03/11	07:31:10	18645675619	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18826	04/03/11	07:31:24	18642834400	18645675619	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18827	04/03/11	07:32:31	18645675619	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18828	04/03/11	07:32:46	18642834400	18645675619	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18829	04/03/11	07:33:45	18645675619	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18830	04/03/11	07:34:55	18642834400	18643547747			SMSO	Image		
18831	04/03/11	07:34:55	18642834400	18643547747			SMST	Image		

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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
18832	04/03/11	07:34:55	18642834400	18643803283			SMSO	Image		
18833	04/03/11	07:34:55	18642834400	18643803283			SMST	Image		
18834	04/03/11	07:34:55	18642834400	18644514062			SMSO	Image		
18835	04/03/11	07:34:55	18642834400	18644514062			SMST	Image		
18836	04/03/11	07:34:55	18642834400	18645469130			SMSO	Image		
18837	04/03/11	07:34:55	18642834400	18645469130			SMST	Image		
18838	04/03/11	07:34:55	18642834400	18645517741			SMSO	Image		
18839	04/03/11	07:34:55	18642834400	18645517741			SMST	Image		
18840	04/03/11	07:34:55	18642834400	18645675619			SMSO	Image		
18841	04/03/11	07:34:55	18642834400	18645675619			SMST	Image		
18842	04/03/11	07:34:55	18642834400	18647049126			SMSO	Image		
18843	04/03/11	07:34:55	18642834400	18647049126			SMST	Image		
18844	04/03/11	07:34:55	18642834400	18647352551			SMSO	Image		
18845	04/03/11	07:34:55	18642834400	18647352551			SMSO	Image		
18846	04/03/11	07:34:55	18642834400	18647355178			SMSO	Image		
18847	04/03/11	07:34:55	18642834400	18647355178			SMST	Image		
18848	04/03/11	07:34:55	18642834400	18649016041			SMSO	Image		
18849	04/03/11	07:34:55	18642834400	18649016041			SMST	Image		
18850	04/03/11	07:35:24	18642834400	18645675619	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18851	04/03/11	07:36:01	18645675619	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]

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3239135
06/22/2021

MOBILITY
(with cell location)

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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
18852	04/03/11	07:36:22	18642834400	18645675619	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18853	04/03/11	07:37:34	18645675619	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18854	04/03/11	07:38:03	18642834400	18645675619	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18855	04/03/11	07:42:22	18647355178	18642834400			SMSO			
18856	04/03/11	07:42:24	18647355178	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18857	04/03/11	07:43:11	18642834400	18647355178	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18858	04/03/11	07:43:12	18642834400	18647355178			SMST			
18859	04/03/11	07:43:33	18647355178	18642834400			SMSO			
18860	04/03/11	07:43:35	18647355178	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18861	04/03/11	07:43:52	18642834400	18647355178	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18862	04/03/11	07:44:05	18642834400	18647355178			SMST			
18863	04/03/11	07:44:27	18647355178	18642834400			SMSO			
18864	04/03/11	07:44:29	18647355178	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18865	04/03/11	07:45:16	18642834400	18647355178	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18866	04/03/11	07:45:16	18642834400	18647355178			SMST			
18867	04/03/11	07:46:59	18647355178	18642834400			SMSO			

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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
18868	04/03/11	07:47:00	18647355178	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18869	04/03/11	07:47:12	18642834400	18647355178	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18870	04/03/11	07:47:13	18642834400	18647355178			SMST			
18871	04/03/11	08:25:16	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18872	04/03/11	08:25:25	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18873	04/03/11	08:25:51	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18874	04/03/11	08:26:12	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18875	04/03/11	08:26:29	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18876	04/03/11	08:27:00	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18877	04/03/11	08:27:26	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18878	04/03/11	08:27:52	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18879	04/03/11	08:27:58	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18880	04/03/11	08:28:22	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18881	04/03/11	08:28:59	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18882	04/03/11	08:29:18	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]

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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
18883	04/03/11	08:30:12	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18884	04/03/11	08:31:58	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18885	04/03/11	08:32:27	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18886	04/03/11	08:33:03	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18887	04/03/11	08:33:52	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18888	04/03/11	08:34:51	64790	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18889	04/03/11	08:35:11	64790	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18890	04/03/11	08:35:21	64790	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18891	04/03/11	08:36:15	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18892	04/03/11	08:48:52	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18893	04/03/11	08:49:13	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18894	04/03/11	08:51:55	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18895	04/03/11	09:07:38	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18896	04/03/11	09:09:13	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]

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3239135
06/22/2021

MOBILITY
(with cell location)

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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
18897	04/03/11	09:11:07	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18898	04/03/11	09:12:06	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18899	04/03/11	09:12:43	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18900	04/03/11	09:14:38	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18901	04/03/11	09:15:00	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18902	04/03/11	09:21:41	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18903	04/03/11	09:22:02	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18904	04/03/11	09:22:34	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18905	04/03/11	09:22:47	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18906	04/03/11	09:23:12	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18907	04/03/11	09:23:31	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18908	04/03/11	09:24:09	18645517741	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18909	04/03/11	09:24:32	18642834400	18645517741	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18910	04/03/11	09:26:48	18645517741	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: 12:35:32
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	04/03/11	12:52:21	18647049126	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18919	04/03/11	13:03:16	78676	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18920	04/03/11	13:14:32	78676	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18921	04/03/11	13:33:23	32665164	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18922	04/03/11	13:56:42	32665165	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18923	04/03/11	14:07:58	32665166	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18924	04/03/11	14:46:35	32665167	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]

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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
18925	04/03/11	15:18:21	32665168	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18926	04/03/11	15:19:00	32665169	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18927	04/03/11	15:20:16	32665170	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18928	04/03/11	16:22:27	78676	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18929	04/03/11	17:06:11	32665171	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18930	04/03/11	17:06:37	32665172	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18931	04/03/11	17:47:08	32665173	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18932	04/03/11	18:22:34	18642834400	32665168	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18933	04/03/11	18:22:38	32665168	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18934	04/03/11	18:26:54	32665174	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18935	04/03/11	18:33:09	18642834400	18643618714	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18936	04/03/11	18:45:37	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18937	04/03/11	18:46:39	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18938	04/03/11	18:46:51	18642834400	18647871077	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
18939	04/03/11	18:47:09	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18940	04/03/11	18:47:59	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18941	04/03/11	18:48:34	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18942	04/03/11	18:48:54	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18943	04/03/11	18:49:05	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18944	04/03/11	18:49:13	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18945	04/03/11	18:49:52	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18946	04/03/11	18:51:10	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18947	04/03/11	18:51:24	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18948	04/03/11	18:51:28	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18949	04/03/11	18:53:13	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18950	04/03/11	18:53:26	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18951	04/03/11	18:53:45	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18952	04/03/11	18:53:57	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[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
18953	04/03/11	18:54:10	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
18954	04/03/11	18:54:21	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18955	04/03/11	18:54:30	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18956	04/03/11	18:54:40	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18957	04/03/11	18:54:55	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18958	04/03/11	18:55:07	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18959	04/03/11	19:10:03	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18960	04/03/11	19:12:03	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18961	04/03/11	20:32:11	32665175	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18962	04/03/11	20:34:49	32665176	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18963	04/03/11	20:34:56	32665177	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18964	04/03/11	20:57:43	32665178	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18965	04/03/11	20:58:57	32665179	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18966	04/03/11	21:02:57	32665180	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[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
18967	04/03/11	21:08:48	18642834400	18644195727	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18968	04/03/11	21:08:48	32665181	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18969	04/03/11	21:08:52		18642834400		310410377453983	SMST			
18970	04/03/11	21:09:18	18644195727	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18971	04/03/11	21:09:35	18642834400	32665181	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18972	04/03/11	21:10:09	18642834400	18644195727	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18973	04/03/11	21:10:45	18644195727	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18974	04/03/11	21:17:33	32665182	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18975	04/03/11	21:25:26	32665183	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18976	04/03/11	21:44:47	32665184	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18977	04/03/11	21:47:39	18642834400	18644195727	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18978	04/03/11	21:47:50	18642834400	18644195727	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18979	04/03/11	21:48:23	18644195727	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18980	04/03/11	22:08:29	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18981	04/03/11	22:09:36	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[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: 12:35:32
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18982	04/03/11	22:10:02	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18983	04/03/11	22:10:32	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18984	04/03/11	22:11:29	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18985	04/03/11	22:11:41	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18986	04/03/11	22:12:17	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18987	04/03/11	22:12:47	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18988	04/03/11	22:13:45	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18989	04/03/11	22:17:19	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18990	04/03/11	22:17:49	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18991	04/03/11	22:18:30	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18992	04/03/11	22:18:35	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18993	04/03/11	22:18:51	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18994	04/03/11	22:19:03	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18995	04/03/11	22:19:31	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]

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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
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Run Date: 06/22/2021
Run Time: 12:35:39
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
18996	04/03/11	22:20:04	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
18997	04/03/11	22:20:53	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
18998	04/03/11	22:21:17	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
18999	04/03/11	22:21:51	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
19000	04/03/11	22:22:31	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
19001	04/03/11	22:23:15	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
19002	04/03/11	22:23:52	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
19003	04/03/11	22:26:33	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
19004	04/03/11	22:27:12	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
19005	04/03/11	22:28:53	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840124:3515000:-82.33067:34.87336:0:88.0]
19006	04/03/11	22:29:11	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
19007	04/03/11	22:29:39	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
19008	04/03/11	22:33:00	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841569:3515006:-82.2885:34.89749:240:88.0]
19009	04/03/11	22:33:21	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841569:3515006:-82.2885:34.89749:240:88.0]

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Run Date: 06/22/2021
Run Time: 12:35:39
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
19010	04/03/11	22:33:51	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899842754:3515010:-82.31678:34.87017:60:88.0]
19011	04/03/11	22:36:45	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841818:3515007:-82.32394:34.89803:120:88.0]
19012	04/03/11	22:37:06	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841818:3515007:-82.32394:34.89803:120:88.0]
19013	04/03/11	22:38:46	18642834400	18646081786	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841818:3515007:-82.32394:34.89803:120:88.0]
19014	04/03/11	22:43:57	32665185	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]
19015	04/03/11	22:47:02	32665186	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19016	04/03/11	22:53:49	18646081786	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]
19017	04/03/11	22:54:10	18642834400	18646081786	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19018	04/03/11	23:00:13	32665187	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]
19019	04/03/11	23:27:46	32665188	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19020	04/03/11	23:58:26	32665189	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]
19021	04/04/11	00:05:19	32665190	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19022	04/04/11	00:11:33	32665100	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]
19023	04/04/11	00:12:04	18643466150	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]

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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: 12:35:40
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
19024	04/04/11	00:12:16	18642834400	18643466150	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841844:3515007:-82.27945:34.86163:0:88.0]
19025	04/04/11	00:12:55	18643466150	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]
19026	04/04/11	00:17:02	32665101	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]
19027	04/04/11	00:38:17	32665102	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19028	04/04/11	00:46:39	32665103	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]
19029	04/04/11	01:06:37	32665104	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]
19030	04/04/11	01:07:32	18646081786	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]
19031	04/04/11	01:09:57	18642834400	18646081786	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841844:3515007:-82.27945:34.86163:0:88.0]
19032	04/04/11	01:13:44	18642834400	18646081786	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841844:3515007:-82.27945:34.86163:0:88.0]
19033	04/04/11	01:14:40	18646081786	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19034	04/04/11	01:20:59	32665105	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]
19035	04/04/11	01:21:30	18643466150	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]
19036	04/04/11	01:21:44	18642834400	18643466150	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841844:3515007:-82.27945:34.86163:0:88.0]
19037	04/04/11	01:26:09	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]

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Run Date: 06/22/2021
Run Time: 12:35:40
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
19038	04/04/11	01:27:25	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841844:3515007:-82.27945:34.86163:0:88.0]
19039	04/04/11	01:27:59	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]
19040	04/04/11	01:28:57	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19041	04/04/11	01:30:08	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19042	04/04/11	01:30:22	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19043	04/04/11	01:30:55	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19044	04/04/11	01:31:21	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19045	04/04/11	01:32:05	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19046	04/04/11	01:32:35	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19047	04/04/11	01:33:10	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19048	04/04/11	01:34:12	32665106	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19049	04/04/11	01:34:23	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841844:3515007:-82.27945:34.86163:0:88.0]
19050	04/04/11	01:34:37	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]
19051	04/04/11	01:55:39	18643466150	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841844:3515007:-82.27945:34.86163:0:88.0]

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Run Date: 06/22/2021
Run Time: 12:35:40
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
19052	04/04/11	01:59:05	18642834400	18643466150	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19053	04/04/11	02:00:04	18643466150	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19054	04/04/11	02:00:28	18642834400	18643466150	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19055	04/04/11	02:01:12	18643466150	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19056	04/04/11	02:08:19	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19057	04/04/11	02:08:54	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19058	04/04/11	02:09:15	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19059	04/04/11	02:10:15	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19060	04/04/11	02:11:12	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19061	04/04/11	02:12:39	18643466150	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19062	04/04/11	02:12:45	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19063	04/04/11	02:14:18	18642834400	18643466150	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19064	04/04/11	02:15:16	18643466150	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19065	04/04/11	02:15:35	18642834400	18643466150	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]

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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: 12:35:40
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
19066	04/04/11	02:15:41	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19067	04/04/11	02:16:11	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19068	04/04/11	02:16:27	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19069	04/04/11	02:17:18	32665108	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19070	04/04/11	02:17:21	32665107	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19071	04/04/11	02:18:04	32665109	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19072	04/04/11	02:19:19	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19073	04/04/11	02:19:35	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19074	04/04/11	02:19:48	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19075	04/04/11	02:20:09	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19076	04/04/11	02:20:34	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19077	04/04/11	02:21:28	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19078	04/04/11	02:21:54	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19079	04/04/11	02:23:03	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]

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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: 12:35:40
SMS Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
19080	04/04/11	02:23:03	32665110	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19081	04/04/11	02:23:23	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19082	04/04/11	02:23:37	18642834400	32665110	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899841847:3515007:-82.27945:34.86163:0:88.0]
19083	04/04/11	02:41:06	32665166	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899841847:3515007:-82.27945:34.86163:0:88.0]
19084	04/04/11	02:51:09	32665111	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
19085	04/04/11	02:52:32	32665112	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
19086	04/04/11	02:56:55	32665113	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
19087	04/04/11	02:57:16	32665114	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
19088	04/04/11	03:05:18	18642834400	32665	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
19089	04/04/11	03:13:19	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840124:3515000:-82.33067:34.87336:0:88.0]
19090	04/04/11	03:14:08	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
19091	04/04/11	03:15:11	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]
19092	04/04/11	03:16:03	18647871077	18642834400	0121410033403504 PANTECH P7040	310410377453983	SMST			[899840127:3515000:-82.33067:34.87336:0:88.0]
19093	04/04/11	03:16:09	18642834400	18647871077	0121410033403504 PANTECH P7040	310410377453983	SMSO			[899840127:3515000:-82.33067:34.87336:0:88.0]

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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: 12:34:00
Data Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	ET	Bytes Up	Bytes Dn	Apn	IMEI	IMSI	Cell Location
813	04/01/11	20:43:42	18642834400	10:40	0	0	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840036:3515000:-82.32803:34.84981:240:88.0:]
814	04/01/11	22:19:40	18642834400	60:00	3129	67863	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840128:3515000:-82.33067:34.87336:120:88.0:]
815	04/01/11	23:19:40	18642834400	59:35	24433	94630	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840128:3515000:-82.33067:34.87336:120:88.0:]
816	04/02/11	00:23:14	18642834400	28:30	30198	371829	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840128:3515000:-82.33067:34.87336:120:88.0:]
817	04/02/11	01:51:41	18642834400	7:53	11779	36872	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840124:3515000:-82.33067:34.87336:0:88.0:]
818	04/02/11	02:02:37	18642834400	2:06	12804	47169	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
819	04/02/11	02:34:22	18642834400	5:11	31298	87940	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840124:3515000:-82.33067:34.87336:0:88.0:]
820	04/02/11	02:44:30	18642834400	2:13	15216	58755	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840128:3515000:-82.33067:34.87336:120:88.0:]
821	04/02/11	02:50:02	18642834400	6:37	47902	151914	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840128:3515000:-82.33067:34.87336:120:88.0:]
822	04/02/11	04:20:05	18642834400	22:24	81490	798565	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
823	04/02/11	04:42:29	18642834400	0:08	0	0	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[801140122:3129453:-82.33067:34.87336:-1:88.0:]
824	04/02/11	04:42:37	18642834400	42:50	36248	594915	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
825	04/02/11	05:55:14	18642834400	13:58	48436	259227	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840124:3515000:-82.33067:34.87336:0:88.0:]
826	04/02/11	06:11:29	18642834400	8:13	6802	74040	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]

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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: 12:34:00
Data Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	ET	Bytes Up	Bytes Dn	Apn	IMEI	IMSI	Cell Location
827	04/02/11	06:19:48	18642834400	0:21	3606	2333	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
828	04/02/11	06:59:10	18642834400	5:10	42320	155437	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
829	04/02/11	07:23:34	18642834400	0:12	2768	56916	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
830	04/02/11	07:52:05	18642834400	0:55	9693	31673	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
831	04/02/11	07:53:11	18642834400	0:52	808	732	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
832	04/02/11	18:32:53	18642834400	3:25	9254	104464	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
833	04/02/11	18:36:46	18642834400	5:36	46999	153131	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
834	04/02/11	19:42:21	18642834400	0:06	789	828	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
835	04/02/11	19:42:36	18642834400	3:45	659	824	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
836	04/02/11	20:00:14	18642834400	4:46	7613	152172	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
837	04/02/11	22:24:37	18642834400	0:08	18055	992	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
838	04/03/11	00:58:12	18642834400	5:19	2809	58576	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840124:3515000:-82.33067:34.87336:0:88.0:]
839	04/03/11	01:25:34	18642834400	2:14	23729	124751	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
840	04/03/11	04:25:52	18642834400	1:04	13098	64581	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[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: 12:34:00
Data Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	ET	Bytes Up	Bytes Dn	Apn	IMEI	IMSI	Cell Location
841	04/03/11	04:26:59	18642834400	0:10	1966	7138	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[801140121:3129453:-82.33067:34.87336:-1:88.0:]
842	04/03/11	04:27:10	18642834400	3:01	34335	104696	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
843	04/03/11	06:00:24	18642834400	5:14	2929	61298	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
844	04/03/11	07:24:42	18642834400	20:45	42262	322566	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
845	04/03/11	07:47:21	18642834400	5:44	13563	283361	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
846	04/03/11	08:25:43	18642834400	9:36	48482	298711	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
847	04/03/11	08:35:31	18642834400	0:33	6295	32032	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
848	04/03/11	08:36:25	18642834400	3:14	26598	101935	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
849	04/03/11	08:49:24	18642834400	2:17	254784	164380	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
850	04/03/11	09:36:11	18642834400	1:46	4469	18954	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
851	04/03/11	09:38:07	18642834400	0:27	2809	6620	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
852	04/03/11	09:38:41	18642834400	7:54	12502	55824	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
853	04/03/11	09:56:53	18642834400	1:42	6222	22716	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
854	04/03/11	09:58:51	18642834400	3:05	18450	338555	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]

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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: 12:34:00
Data Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	ET	Bytes Up	Bytes Dn	Apn	IMEI	IMSI	Cell Location
855	04/03/11	10:05:08	18642834400	1:36	9841	10504	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840124:3515000:-82.33067:34.87336:0:88.0:]
856	04/03/11	20:59:22	18642834400	4:26	12573	97531	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
857	04/03/11	23:16:00	18642834400	5:12	2969	61511	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899841847:3515007:-82.27945:34.86163:0:88.0:]
858	04/03/11	23:21:19	18642834400	12:32	28148	214980	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899841847:3515007:-82.27945:34.86163:0:88.0:]
859	04/04/11	00:07:39	18642834400	1:15	583	477	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899841844:3515007:-82.27945:34.86163:0:88.0:]
860	04/04/11	00:31:05	18642834400	0:57	2810	2116	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899841847:3515007:-82.27945:34.86163:0:88.0:]
861	04/04/11	00:32:12	18642834400	3:51	9828	165080	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899841847:3515007:-82.27945:34.86163:0:88.0:]
862	04/04/11	00:36:10	18642834400	1:08	11458	72032	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899841847:3515007:-82.27945:34.86163:0:88.0:]
863	04/04/11	00:41:07	18642834400	6:12	25291	122835	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899841844:3515007:-82.27945:34.86163:0:88.0:]
864	04/04/11	00:47:52	18642834400	0:34	1117	984	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899841844:3515007:-82.27945:34.86163:0:88.0:]
865	04/04/11	01:03:58	18642834400	0:37	5280	2803	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899841844:3515007:-82.27945:34.86163:0:88.0:]
866	04/04/11	01:44:58	18642834400	1:42	17590	72568	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899841844:3515007:-82.27945:34.86163:0:88.0:]
867	04/04/11	01:49:01	18642834400	6:16	63043	306503	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899841844:3515007:-82.27945:34.86163:0:88.0:]
868	04/04/11	02:04:05	18642834400	4:06	16617	81953	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899841847:3515007:-82.27945:34.86163:0:88.0:]

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AT&T Proprietary
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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: 12:34:00
Data Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	ET	Bytes Up	Bytes Dn	Apn	IMEI	IMSI	Cell Location
869	04/04/11	02:08:19	18642834400	31:44	4376	68134	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899841847:3515007:-82.27945:34.86163:0:88.0:]
870	04/04/11	02:41:33	18642834400	0:38	3188	42622	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899841847:3515007:-82.27945:34.86163:0:88.0:]
871	04/04/11	02:46:36	18642834400	60:00	15132	200111	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899842757:3515010:-82.31678:34.87017:60:88.0:]
872	04/04/11	03:46:36	18642834400	13:56	18730	262150	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899842757:3515010:-82.31678:34.87017:60:88.0:]
873	04/04/11	04:01:14	18642834400	7:06	14841	158278	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
874	04/04/11	04:39:57	18642834400	60:00	2729	54156	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
875	04/04/11	05:39:57	18642834400	25:57	90819	575109	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
876	04/04/11	06:05:55	18642834400	0:54	7323	98956	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[801140121:3129453:-82.33067:34.87336:-1:88.0:]
877	04/04/11	06:06:50	18642834400	3:58	13574	283824	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
878	04/04/11	06:11:03	18642834400	2:31	10506	23489	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
879	04/04/11	06:13:41	18642834400	45:27	184879	2677576	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
880	04/04/11	07:07:56	18642834400	5:34	83848	2378484	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840124:3515000:-82.33067:34.87336:0:88.0:]
881	04/04/11	07:40:11	18642834400	24:47	143338	3371240	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840124:3515000:-82.33067:34.87336:0:88.0:]
882	04/04/11	08:08:15	18642834400	0:21	69317	2390	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]

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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: 12:34:00
Data Usage For: (864)283-4400

Item	Conn. Date	Conn. Time (UTC)	Originating Number	ET	Bytes Up	Bytes Dn	Apn	IMEI	IMSI	Cell Location
883	04/04/11	08:16:20	18642834400	0:19	44456	17307	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
884	04/04/11	08:16:51	18642834400	0:10	715	282	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
885	04/04/11	08:17:22	18642834400	60:00	460695	1450872	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
886	04/04/11	09:17:22	18642834400	29:23	82487	1502330	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
887	04/04/11	09:47:04	18642834400	1:13	11933	127846	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
888	04/04/11	09:48:23	18642834400	0:03	760	1104	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
889	04/04/11	09:48:34	18642834400	0:16	4120	56094	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
890	04/04/11	09:48:55	18642834400	0:04	760	1104	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
891	04/04/11	09:49:07	18642834400	0:38	7471	69621	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
892	04/04/11	09:49:51	18642834400	0:02	766	1104	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
893	04/04/11	09:53:07	18642834400	60:00	51863	617618	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
894	04/04/11	10:53:07	18642834400	60:00	0	0	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
895	04/04/11	11:53:07	18642834400	36:00	0	0	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899840127:3515000:-82.33067:34.87336:0:88.0:]
896	04/04/11	12:29:12	18642834400	60:00	0	0	wap.cingular	0121410033403504 PANTECH P7040	310410377453983	[899842549:3515009:-82.33801:34.81118:240:88.0:]

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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: 12:33:36
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
9309	04/02/11	21:27:16	0:00	0:45	18643294405	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[INIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:45]
9310	04/02/11	21:27:16	0:08	0:45	18643294405	18642834400			ST	[]	
9311	04/02/11	21:35:26	0:05	2:12	18645931426	18642834400			SO	[]	
9312	04/02/11	21:35:26	0:08	2:12	18645931426	18642834400			ST	[]	
9313	04/02/11	21:35:26	0:08	2:12	18645931426	18642834400			MO	[NIOR]	
9314	04/02/11	21:35:27	0:02	2:12	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:134]
9315	04/02/11	21:46:35	0:06	1:06	18645931426	18642834400			SO	[]	
9316	04/02/11	21:46:35	0:09	1:05	18645931426	18642834400			ST	[]	
9317	04/02/11	21:46:35	0:09	1:06	18645931426	18642834400			MO	[NIOR]	
9318	04/02/11	21:46:36	0:03	1:06	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:69]
9319	04/02/11	21:47:53	0:04	0:27	18644837574	18642834400			SO	[]	
9320	04/02/11	21:47:54	0:01	0:27	18644837574	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:28]
9321	04/02/11	21:47:54	0:08	0:27	18644837574	18642834400			ST	[]	
9322	04/02/11	22:41:10	0:05	0:35	18645931426	18642834400			SO	[]	
9323	04/02/11	22:41:10	0:08	0:35	18645931426	18642834400			MO	[NIOR]	
9324	04/02/11	22:41:11	0:02	0:36	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:38]
9325	04/02/11	22:41:11	0:09	0:35	18645931426	18642834400			ST	[]	
9326	04/02/11	22:58:51	0:10	2:12	18645931426	18642834400			SO	[]	
9327	04/02/11	22:58:51	0:12	2:12	18645931426	18642834400			ST	[]	
9328	04/02/11	22:58:51	0:12	2:12	18645931426	18642834400			MO	[NIOR]	
9329	04/02/11	22:58:52	0:06	2:12	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899841569:3515006:-82.2885:34.89749:240:88.0:32, 899841818:3515007:-82.32394:34.89803:120:88.0:106]
9330	04/02/11	23:09:48	0:05	2:46	18645931426	18642834400			SO	[]	
9331	04/02/11	23:09:49	0:09	2:45	18645931426	18642834400			ST	[]	
9332	04/02/11	23:09:49	0:09	2:46	18645931426	18642834400			MO	[NIOR]	
9333	04/02/11	23:09:50	0:02	2:46	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:168]

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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
9334	04/02/11	23:37:57	0:07	1:16	18642686504	18642834400			SO	[]	
9335	04/02/11	23:37:58	0:11	1:15	18642686504	18642834400			ST	[]	
9336	04/02/11	23:37:58	0:04	1:16	18642686504	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:80]
9337	04/02/11	23:43:13	0:08	0:34	18642834400	18642686504	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840124:3515000:-82.33067:34.87336:0:88.0:43]
9338	04/02/11	23:59:08	0:21	0:11	18642834400	18642686504	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:31]
9339	04/03/11	00:16:21	0:20	0:00	18642834400	18642686504	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840124:3515000:-82.33067:34.87336:0:88.0:20]
9340	04/03/11	00:40:07	0:12	0:33	18642834400	18643637143	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:44]
9341	04/03/11	00:46:42	0:07	2:42	18642834400	18645931426			MT	[NIOP]	
9342	04/03/11	00:46:44	0:11	2:42	18642834400	18645931426	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840124:3515000:-82.33067:34.87336:0:88.0:130, 899840127:3515000:-82.33067:34.87336:0:88.0:42]
9343	04/03/11	00:51:47	0:14	2:31	18642834400	18647352551			MT	[NIOP]	
9344	04/03/11	00:51:47	0:18	2:31	18642834400	18647352551	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:169]
9345	04/03/11	01:37:08	0:32	0:04	18642834400	18642016964	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840124:3515000:-82.33067:34.87336:0:88.0:35]
9346	04/03/11	03:10:52	0:42	0:00	19723721105	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:42]
9347	04/03/11	03:11:33	0:00	0:00	19723721105	18642834400			ST	[]	
9348	04/03/11	03:11:33	0:46	0:00	19723721105	18642834400			SO	[]	
9349	04/03/11	03:17:12	0:09	0:49	18642686504	18642834400			SO	[]	
9350	04/03/11	03:17:13	0:13	0:48	18642686504	18642834400			ST	[]	
9351	04/03/11	03:17:13	0:06	0:49	18642686504	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:55]
9352	04/03/11	07:54:02	0:05	1:39	18645675619	18642834400			SO	[]	
9353	04/03/11	07:54:02	0:08	1:38	18645675619	18642834400			ST	[]	

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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: 12:33:36
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	14:45:41	0:28	0:00	18645931426	18642834400			MO	[NIOR]	
9356	04/03/11	14:45:48	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	14:46:09	0:00	0:00	18645931426	18642834400			ST	[]	
9358	04/03/11	14:46:09	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]

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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
9374	04/03/11	19:00:48	0:25	0:05	18642834400	18643618714	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:30]
9375	04/03/11	19:01:17	0:00	0:00	18642834400	18642525490			MT	[CBIUK]	
9376	04/03/11	19:01:17	0:03	0:00	18642834400	18642525490	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:3]
9377	04/03/11	19:01:26	0:22	0:00	18642834400	18642349654	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:22]
9378	04/03/11	19:11:04	0:07	0:11	18645931426	18642834400			SO	[]	
9379	04/03/11	19:11:04	0:09	0:11	18645931426	18642834400			MO	[NIOR]	
9380	04/03/11	19:11:05	0:10	0:11	18645931426	18642834400			ST	[]	
9381	04/03/11	19:11:05	0:03	0:11	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:14]
9382	04/03/11	19:51:37	0:10	8:52	18642686504	18642834400			SO	[]	
9383	04/03/11	19:51:38	0:15	8:52	18642686504	18642834400			ST	[]	
9384	04/03/11	19:51:38	0:07	8:53	18642686504	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:539]
9385	04/03/11	20:02:57	0:02	0:03	18642834400	18643618714	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:5]
9386	04/03/11	20:03:06	0:03	0:03	18642834400	18643618714	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:6]
9387	04/03/11	20:22:31	0:06	0:00	18645931426	18642834400			MO	[NIOR]	
9388	04/03/11	20:22:32	0:05	2:40	18642834400	18642686504	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:165]
9389	04/03/11	20:22:34	0:00	0:00	18645931426	18642834400			SO	[]	
9390	04/03/11	20:22:34	0:03	0:00	18645931426	18642834400			ST	[]	
9391	04/03/11	20:22:35	0:00	0:00	18645931426	18642834400		310410377453983	MT	[]	
9392	04/03/11	20:38:39	0:18	5:55	18642686504	18642834400			SO	[]	
9393	04/03/11	20:38:39	0:21	5:55	18642686504	18642834400			ST	[]	
9394	04/03/11	20:38:40	0:14	5:55	18642686504	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:369]
9395	04/03/11	20:50:06	0:09	7:08	18642686504	18642834400			SO	[]	
9396	04/03/11	20:50:07	0:13	7:08	18642686504	18642834400			ST	[]	

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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
9397	04/03/11	20:50:07	0:06	7:08	18642686504	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:61, 899840127:3515000:-82.33067:34.87336:0:88.0:373]
9398	04/03/11	21:16:48	0:45	0:00	18648716357	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:45]
9399	04/03/11	21:17:34	0:00	0:00	18648716357	18642834400			ST	[]	
9400	04/03/11	21:17:34	0:50	0:00	18648716357	18642834400			SO	[]	
9401	04/03/11	21:27:24	0:32	0:00	18643820514	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:32]
9402	04/03/11	21:27:55	0:00	0:00	18643820514	18642834400			ST	[]	
9403	04/03/11	21:27:55	0:36	0:00	18643820514	18642834400			SO	[]	
9404	04/03/11	21:28:10	0:44	0:00	18643820514	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:44]
9405	04/03/11	21:28:52	0:00	0:00	18643820514	18642834400			ST	[]	
9406	04/03/11	21:28:52	0:46	0:00	18643820514	18642834400			SO	[]	
9407	04/03/11	21:30:54	0:45	0:00	18645539421	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:45]
9408	04/03/11	21:31:40	0:00	0:00	18645539421	18642834400			ST	[]	
9409	04/03/11	21:31:40	0:51	0:00	18645539421	18642834400			SO	[]	
9410	04/03/11	21:39:49	0:26	0:00	18645539421	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:26]
9411	04/03/11	21:40:13	0:00	0:00	18645539421	18642834400			ST	[]	
9412	04/03/11	21:40:13	0:29	0:00	18645539421	18642834400			SO	[]	
9413	04/03/11	21:56:27	0:17	1:28	18645539421	18642834400			SO	[]	
9414	04/03/11	21:56:28	0:14	1:28	18645539421	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:102]
9415	04/03/11	21:56:28	0:21	1:27	18645539421	18642834400			ST	[]	
9416	04/03/11	22:00:06	0:10	0:18	18645931426	18642834400			SO	[]	
9417	04/03/11	22:00:06	0:12	0:18	18645931426	18642834400			MO	[NIOR]	
9418	04/03/11	22:00:07	0:13	0:17	18645931426	18642834400			ST	[]	
9419	04/03/11	22:00:07	0:06	0:18	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:24]

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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
9420	04/03/11	22:02:00	0:15	0:47	18642834400	18645539421	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:62]
9421	04/03/11	22:03:14	0:10	1:11	18645931426	18642834400			MO	[NIOR]	
9422	04/03/11	22:03:14	0:08	1:11	18645931426	18642834400			SO	[]	
9423	04/03/11	22:03:15	0:11	1:10	18645931426	18642834400			ST	[]	
9424	04/03/11	22:03:15	0:05	1:11	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:76]
9425	04/03/11	22:05:07	0:12	0:19	18642834400	18645539421	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:31]
9426	04/03/11	22:09:07	0:00	5:58	18642834400	18643547747			MT	[NIOP:CMW]	
9427	04/03/11	22:09:07	0:10	5:58	18642834400	18643547747	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:367]
9428	04/03/11	22:22:21	0:16	0:13	18645931426	18642834400			SO	[]	
9429	04/03/11	22:22:21	0:18	0:12	18645931426	18642834400			ST	[]	
9430	04/03/11	22:22:21	0:18	0:13	18645931426	18642834400			MO	[NIOR]	
9431	04/03/11	22:22:22	0:13	0:13	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:25]
9432	04/03/11	22:27:41	0:10	0:12	18645539421	18642834400			ST	[]	
9433	04/03/11	22:27:41	0:08	0:13	18645539421	18642834400			SO	[]	
9434	04/03/11	22:27:42	0:04	0:13	18645539421	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:16]
9435	04/03/11	22:29:31	0:06	0:08	18645931426	18642834400			SO	[]	
9436	04/03/11	22:29:31	0:09	0:07	18645931426	18642834400			ST	[]	
9437	04/03/11	22:29:31	0:09	0:08	18645931426	18642834400			MO	[NIOR]	
9438	04/03/11	22:29:32	0:02	0:08	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:10]
9439	04/03/11	22:38:29	0:23	0:03	18642834400	18646081786	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899841569:3515006:-82.2885:34.89749:240:88.0:1, 899841818:3515007:-82.32394:34.89803:120:88.0:25]
9440	04/03/11	22:44:28	0:03	0:00	18642834400	18642349654	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899841847:3515007:-82.27945:34.86163:0:88.0:3]

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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	BT	Originating Number	Terminating Number	IMEI	IMSI	CT	Feature	Cell Location
9441	04/03/11	22:44:34	0:01	0:00	18642834400	18642349654	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899841847:3515007:-82.27945:34.86163:0:88.0:1]
9442	04/03/11	22:50:50	0:21	1:55	18643466150	18642834400			SO	[]	
9443	04/03/11	22:50:50	0:24	1:55	18643466150	18642834400			ST	[]	
9444	04/03/11	22:50:51	0:17	1:55	18643466150	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899841844:3515007:-82.27945:34.86163:0:88.0:132]
9445	04/03/11	22:54:45	0:19	1:18	18642834400	18646081786	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899841847:3515007:-82.27945:34.86163:0:88.0:97]
9446	04/03/11	23:05:37	0:11	0:54	18645931426	18642834400			ST	[]	
9447	04/03/11	23:05:37	0:11	0:54	18645931426	18642834400			MO	[NIOR]	
9448	04/03/11	23:05:37	0:08	0:54	18645931426	18642834400			SO	[]	
9449	04/03/11	23:05:38	0:04	0:54	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899841844:3515007:-82.27945:34.86163:0:88.0:58]
9450	04/03/11	23:29:05	0:07	4:41	18642010689	18642834400			SO	[]	
9451	04/03/11	23:29:06	0:11	4:41	18642010689	18642834400			ST	[]	
9452	04/03/11	23:29:07	0:04	4:41	18642010689	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899841847:3515007:-82.27945:34.86163:0:88.0:285]
9453	04/03/11	23:37:14	0:11	2:14	18642010689	18642834400			ST	[]	
9454	04/03/11	23:37:14	0:08	2:14	18642010689	18642834400			SO	[]	
9455	04/03/11	23:37:15	0:04	2:14	18642010689	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899841847:3515007:-82.27945:34.86163:0:88.0:138]
9456	04/03/11	23:44:33	0:18	0:00	18643466150	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899841847:3515007:-82.27945:34.86163:0:88.0:18]
9457	04/03/11	23:44:49	0:00	0:00	18643466150	18642834400			ST	[]	
9458	04/03/11	23:44:49	0:21	0:00	18643466150	18642834400			SO	[]	
9459	04/03/11	23:45:54	0:06	4:07	18643466150	18642834400			SO	[]	
9460	04/03/11	23:45:55	0:10	4:06	18643466150	18642834400			ST	[]	
9461	04/03/11	23:45:55	0:02	4:07	18643466150	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899841847:3515007:-82.27945:34.86163:0:88.0:249]
9462	04/04/11	01:04:16	0:10	5:17	18643637143	18642834400			ST	[]	
9463	04/04/11	01:04:16	0:06	5:17	18643637143	18642834400			SO	[]	

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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: 12:33:37
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
9464	04/04/11	01:04:17	0:04	5:17	18643637143	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899841844:3515007:-82.27945:34.86163:0:88.0:320]
9465	04/04/11	01:55:58	0:25	2:41	18642834400	18644146165	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899841844:3515007:-82.27945:34.86163:0:88.0:186]
9466	04/04/11	02:16:06	0:07	2:22	18643466150	18642834400			SO	[]	
9467	04/04/11	02:16:06	0:09	2:22	18643466150	18642834400			ST	[]	
9468	04/04/11	02:16:07	0:03	2:22	18643466150	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899841847:3515007:-82.27945:34.86163:0:88.0:145]
9469	04/04/11	02:40:48	0:06	4:52	18645675619	18642834400			SO	[]	
9470	04/04/11	02:40:48	0:08	4:52	18645675619	18642834400			ST	[]	
9471	04/04/11	02:40:49	0:03	4:53	18645675619	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899841847:3515007:-82.27945:34.86163:0:88.0:174, 899842757:3515010:-82.31678:34.87017:60:88.0:121]
9472	04/04/11	03:07:31	0:05	0:29	18645931426	18642834400			SO	[]	
9473	04/04/11	03:07:32	0:08	0:29	18645931426	18642834400			ST	[]	
9474	04/04/11	03:07:32	0:08	0:29	18645931426	18642834400			MO	[NIOR]	
9475	04/04/11	03:07:33	0:02	0:29	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:31]
9476	04/04/11	03:21:19	0:10	0:14	18642834400	18645931426			MT	[NIOP]	
9477	04/04/11	03:21:20	0:13	0:14	18642834400	18645931426	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:27]
9478	04/04/11	03:23:14	0:06	0:52	18645539421	18642834400			SO	[]	
9479	04/04/11	03:23:15	0:10	0:51	18645539421	18642834400			ST	[]	
9480	04/04/11	03:23:15	0:02	0:52	18645539421	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:54]
9481	04/04/11	03:39:20	0:11	3:46	18642686504	18642834400			SO	[]	
9482	04/04/11	03:39:20	0:14	3:45	18642686504	18642834400			ST	[]	
9483	04/04/11	03:39:21	0:08	3:46	18642686504	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:234]
9484	04/04/11	04:11:32	0:11	1:18	18642834400	18645931426			MT	[NIOP]	
9485	04/04/11	04:11:33	0:14	1:18	18642834400	18645931426	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:92]

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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: 12:33:43
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
9486	04/04/11	04:13:52	0:12	0:52	18645931426	18642834400			SO	[]	
9487	04/04/11	04:13:52	0:14	0:52	18645931426	18642834400			ST	[]	
9488	04/04/11	04:13:52	0:14	0:52	18645931426	18642834400			MO	[NIOR]	
9489	04/04/11	04:13:53	0:08	0:53	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:60]
9490	04/04/11	04:16:43	0:14	1:29	18642834400	18645931426			MT	[NIOP]	
9491	04/04/11	04:16:44	0:17	1:29	18642834400	18645931426	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:105]
9492	04/04/11	04:32:08	0:34	0:02	18642834400	18643637143	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:36]
9493	04/04/11	05:06:18	0:00	0:00	18643637143	18642834400			ST	[]	
9494	04/04/11	07:45:31	0:04	0:36	18645931426	18642834400			SO	[]	
9495	04/04/11	07:45:31	0:07	0:36	18645931426	18642834400			MO	[NIOR]	
9496	04/04/11	07:45:32	0:02	0:36	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:38]
9497	04/04/11	07:45:32	0:08	0:35	18645931426	18642834400			ST	[]	
9498	04/04/11	08:42:59	0:04	0:01	18642834400	18006010454	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840124:3515000:-82.33067:34.87336:0:88.0:4]
9499	04/04/11	08:43:16	0:03	0:27	18642834400	18006010454	0121410033403504 PANTECH P7040	310410377453983	MO	[NIOR]	[899840124:3515000:-82.33067:34.87336:0:88.0:30]
9500	04/04/11	10:24:31	0:16	0:37	18645539421	18642834400			SO	[]	
9501	04/04/11	10:24:32	0:21	0:37	18645539421	18642834400			ST	[]	
9502	04/04/11	10:24:33	0:13	0:37	18645539421	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:49]
9503	04/04/11	10:28:38	0:04	0:09	18645539421	18642834400			SO	[]	
9504	04/04/11	10:28:39	0:08	0:08	18645539421	18642834400			ST	[]	
9505	04/04/11	10:28:40	0:01	0:09	18645539421	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:10]
9506	04/04/11	10:52:37	0:40	0:00	18645931426	18642834400			MO	[NIOR]	
9507	04/04/11	10:52:45	0:34	0:00	18645931426	18642834400	0121410033403504 PANTECH P7040	310410377453983	MT	[NIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:34]
9508	04/04/11	10:53:17	0:00	0:00	18645931426	18642834400			ST	[]	

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[redacted]



SOUTH CAROLINA

Information and Intelligence Center

Cellular Analysis
Received 01/19/2023

Anthony J. Gentile
Senior Special Agent
South Carolina Law Enforcement Division
Columbia, SC

1. Background

The South Carolina Law Enforcement Division (SLED) Information and Intelligence Center (SCIIC) was requested by Assistant Deputy Attorney General Taylor Smith of the South Carolina Attorney Generals Office to analyze cell phone records for (864) 283-4400 ("target cell phone"). The target cell phone is believed to be associated with a Homicide Investigation that occurred on or about April 03, 2011.

2. Methodology

An analysis was performed on the call detail records obtained for the target cell phone. The call detail records documented the interaction of the network to and from the target cell phone. In addition, the records documented the cell tower and cell sector ("cell site") which served the cell phone during this activity. Used in conjunction, the call detail records and a list of cell site locations illustrate an approximate location of the target cell phone when they initiated contact with the network.

2.1 Cell Site Locations

Cell sites in existence during the time of the incident were input into mapping software using latitude/longitude coordinates of the cell sites provided by the service provider(s). The cell sites associated with the target cell phone(s), were located utilizing the mapping software and the plotted cell site data.

3. Conclusions

A historical cell site analysis was performed on the call detail records for the target cell phone. The methods detailed in Sections 2 and 2.1 were used to produce the attached historical cell site analysis maps.

Sample of Three Sector Tower

Sample network of Three Sector Towers

Target # 864-283-4400

Service Provider: AT&T

Time Frame Analyzed:

April 03, 2011

Incident Location **2004 East Lee Road, Taylors SC**

Residence **18 Gladesworth Drive, Greenville SC**

Analysis

- Call Detail Records provided by AT&T Inc.

AT&T

Call Detail Report Explanation Form

Column/Field Name	Description
Item	**Row Number**
Conn.Date	Connection Date. The date of the call.
Conn.Time(UTC)	**Connection Time. The time the call was connected. Time is in UTC. Times is expressed in military time as HH:MM:SS.**
Conn Date Time	Connection date and time- Date and Time the call was connected. Displayed as one column on the Landline Call Detail Records.
SeizureTime	**The time it takes to connect the call measured from the moment the caller presses "Send" to when the call is connected.**
ET (Elapsed Time)	Duration of the transaction. Duration is in MM:SS
Originating Number	**The phone number the call/text originated from. For data records, this does not necessarily mean the number originated the data transaction. The network constantly communicates with internet enabled devices and the data records do not indicate if a customer initiated a data transaction.**
Terminating Number	The number the transaction terminated to.
DIALED (D)	**The number that the originating party dialed.** **Appears in subsequent line of the same row in the Originating Number column.** ***(Note: only appears if the Terminating number differs from the Dialed number)*** **A = *, B = #**
FORWARDED (F)	The number the terminated number forwarded the call to. Appears in subsequent line of the same row in the Originating Number column.
TRANSLATED (T)	**Indicates if a number was translated to a different number. For example, if the number called is 911, then that gets translated to a ten-digit number for routing to a 911 dispatch center. The (T) indicates the number the translation was from, not the number translated to.**
ORIGINAL ORIGINATING (OO)	Denotes the number that originated the call before call forwarding was invoked. Appears in subsequent line of the same row in the Originating Number column.
-1	**Represents no record found or available.**

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Call Detail Report Explanation Form

IMEI International Mobile Equipment Identifier	**A 15-digit number that uniquely identifies an individual wireless device** **Only the IMEI of the number requested is displayed.**
IMSI International Mobile Subscriber Identity	The IMSI is a globally-unique code number that identifies a GSM subscriber to the network. The IMSI is linked to your account information with the carrier. The IMSI resides in the SIM card which can be moved from one GSM phone to another. Only the IMSI of the number requested in the legal demand is displayed.
CT (Call Type)	**Denotes if the leg of a call is an originating leg or terminating leg.** **Mobile Originating (MO)** **Mobile Terminating (MT)** Service Originating (SO) Service Terminating (ST) **A leg of a call represents each time the call is processed through a network switch. Calls may go through several switches in AT&Ts network in order to reach the intended party.** **A service record is generated when the network generates a leg of a call to reach a service on the network. For example, a leg connecting to the voicemail platform denotes a service invoked on the network and may show up as a service record.**
Feature	This column represents the type of call that occurred as recorded by our network and used for purposes of processing a call on AT&Ts network. These are not necessarily indicative of features on a customer's account or the types of services subscribed too.
Make	**The Make of the handset used in the transaction.**
Model	The Model of the handset used in the transaction.
Cell Location	**Identifiers:** **3G Network cell Site= LAC/CID** **4G Network Cell Site=ECGI** **Examples:** 3G Network Cell Site. [27077/11621:-80.05629:26.74779:350:90.0] **LAC/CID LONG:LAT Sector:Beamwidth**

AT&T

Call Detail Report Explanation Form

4G Network Cell Site {133151247:520122: -96.912452:33.013937:358:-1.0

ECGI:ENB-ID LONG:LAT Sector:Beamwidth

Definitions:

LAC-Location Area Code. This number identifies the specific region a cell tower is located in. The number is used internally in AT&T and for network purposes.

CID-Cell Identity. This number identifies the location of the tower within a specified region.
The number is used internally in AT&T and for network purposes.

ECGI-Enhanced cell global identity. A nine digit number that indicates the location of a cell tower when 4G technology is being used. The number is used internally in AT&T and for network purposes.

ENB-ID- Evolved Node B (eNodeB) Hardware connected to the AT&T mobility network that communicates directly with a mobile device. This number is used internally to AT&T to identify a specific antenna on a tower when 4G technology is used.

Longitude - A geographic coordinate that specifies an East-West Position of a point on the earth's surface. The Latitude represented is of the cell tower.

Latitude - A geographic coordinate that specifies a North-South Position of a point on the earth's surface. The Longitude represented is of the cell tower.

Sector-A number out of 360 degrees that indicates the side of the cell site antenna used in processing the call.

Beamwidth-A number out of the 360 degrees that specifies the angle of coverage of the RF signal coming from a particular cell site sector.

AT&T

Call Detail Report Explanation Form

Feature Acronym	Feature Definition
'ADD'	Unstructured Supplementary Service Data
'CBI'	Barring of All Incoming Calls
'CBIOP'	Incoming Operator Determined Barring
'CBIP'	Barring of All Incoming Calls Roaming Outside Public Land Mobile Network
'CBIUK'	Barring of Incoming Calls
'CBO'	Barring of All Outgoing Calls
'CBOI'	Barring of All Outgoing Intl Calls
'CBOIP'	Barring of All Outgoing Intl Calls Except to Public Land Mobile Network
'CBOOP'	Outgoing Operator Determined Barring
'CBOUK'	Barring of Outgoing Calls
'CBUK'	All Barring
'CFB'	Call Forwarding Subscriber Busy
'CFC'	Call Forwarding All Conditional
'CFNA'	Call Forwarding No Reply
'CFNR'	Call Forwarding Not Reachable
'CFO'	Call Forwarding in Gateway (Unknown)
'CFU'	Call Forwarding Unconditional
'CFUK'	All Forwarding
'CGC'	Advice of Charge Charging
'CGI'	Advice of Charge Information
'CIAC'	Account Code Service
'CICUG'	Closed user Groups Service
'CIPCI'	Proprietary Customer Information
'CMH'	Call Hold

AT&T

Call Detail Report Explanation Form

'CMPRL'	**Proprietary Release Link Trunk Service**
'CMPVM'	Proprietary Voice Mail Call Dropback
'CMR'	**Call Re-origination**
'CMRC'	Call Re-Origination By Cause
'CMW'	**Call Waiting**
'ECT'	Explicit Call Transfer
'GREM'	**Enhanced Multi**
'INIOR'	Invoke Calling Number Identity Restriction
'MPS'	**Multiparty Services**
'NIND'	Proprietary Calling Name Delivery
'NIOP'	**Calling Number Identity Presentation**
'NIOR'	Calling Number Identity Restriction
'NITP'	**Connected Line Identity Presentation**
'NITR'	Connected Line Identity Restriction
'NSDA'	**Directory Assistance Service Call**
'OACR'	Anonymous Call Rejection
'OEXT'	**Extension Service**
'OMCT'	Malicious Call Trace
'OMSC'	**MSC**
'OOR'	Optimal Routing (of Late Call Forwarding)
'SUBCMH' Call hold	**Call hold, invoke, invoked by Subscriber**
V2G	Volte to 3G. It indicates the call was handed off from one Volte (a VOIP call) to the 3G network (circuit switched call)
VM	**Voicemail involved in transaction**
VCORR	4G Cell site was correlated with additional database
FCID	**"Flexible Caller ID" This indicates a secondary device, such as a watch or tablet, originated the call. The number indicated as the Original Originating (OO) is the native number belonging to the secondary device that originated the call.**

AT&T

Call Detail Report Explanation Form

Feature Acronym	Feature Definition
'Wi-Fi'	**This denotes when a Call/SMS was carried over Wi-Fi. No cell sites or any type of location information is available on these transactions because AT&T does not store this information.**

AT&T Mobility SMS Descriptions

Column Name	Description
Originating Number	**Number that originated the SMS**
Terminating Number	Number that received the SMS
Description	**If known, describes the direction of the SMS SMSO (SMS originating) SMST (SMS terminating)**

AT&T Mobility SMS-Email Descriptions

Column Name	Description
Email	**Email address associated**
Email Status	SEND/RCVD
Description	**MO (Mobile originating) MT (Mobile terminating) AO (Application originating) AT (Application terminating)**

AT&T

Call Detail Report Explanation Form

Column Name	Description
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.
Originating Number	**For data records, the Originating Number does not necessarily mean the number originated the data transaction. The network constantly communicates with internet enabled devices and the data records do not indicate if a customer initiated a data transaction.**

AT&T Wi-Fi Data Descriptions

his report signifies data transactions where the customer is connected to Wi-Fi using AT&T VPN service.

Column Name	Description
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.
Originating Number	**For data records, the Originating Number does not necessarily mean the number originated the data transaction. The network constantly communicates with internet enabled devices and the data records do not indicate if a customer initiated a data transaction.**

AT&T

Call Detail Report Explanation Form

Column Name	Description
Sec. Orig	**Secondary Originating Number. A secondary number associated with the call transaction. This number can either be a wireline or mobility number. As an example, if it is a non-mobility number, this could be a number that sits behind a customer's internal phone network such as a PBX. There are other numerous situations when secondary originating numbers are part of a call transaction.**
CIC	Carrier Identification Code. The number in this column translates to identifying the interexchange carrier of the call. A public listing of CIC codes can be found at the following url: http://www.nanpa.com/reports/reports_cic.html
Call Code	**Represents the type of call that was processed on the wireline network.**
Orig. Acc.	Originating Access ID. When a call is received from another carrier and traverses AT&Ts VoIP network. This number translates to what carrier sent AT&T the call.

AT&T

Call Detail Report Explanation Form

Column Name	Description
Orig Country	The country the call originated from based on the NPA-NXX of the party that placed the call.
Dial Country	The country of the number dialed based on the NPA-NXX of the dialed number.
In Country	Inbound Country. The country AT&T terminated the call to. This does not necessarily mean the called party is in the listed country. This represents the country that AT&T directed the call to in order to properly route the call to its final destination. Other carriers may pick up the call after the call has left the AT&T network.
Out Country	Outbound Country. The country AT&T routed the call from. This does not necessarily mean the call originated from the listed country. This represents the country AT&Ts network was used in to properly route the call to its final destination.
Ans Ind	Indicates if the call was answered.
From CPN	From Calling Party Number. Indicates if the call originated from the Originating Number.

AT&T Common Scenarios

Scenarios	Description
Zero Duration Calls	Voice usage reports showing all calls with zero durations in the Elapsed Time "ET" column indicate calls that were not connected. Numbers such as this are commonly used for routing purposes.

Call Detail Records

Target # 864-283-4400

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: 12:33:36
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	012141003340350 4 PANTECH P7040	310410377453983	MT	[MIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:100]
9355	04/03/11	14:45:41	0:28	0:00	18645931426	18642834400			MO	[MIOR]	
9356	04/03/11	14:45:48	0:23	0:00	18645931426	18642834400	012141003340350 4 PANTECH P7040	310410377453983	MT	[MIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:23]
9357	04/03/11	14:46:09	0:00	0:00	18645931426	18642834400			ST	[]	
9358	04/03/11	14:46:09	0:26	0:00	18645931426	18642834400			SO	[]	
9359	04/03/11	16:32:23	0:33	0:00	18642025205	18642834400	012141003340350 4 PANTECH P7040	310410377453983	MT	[MIOP]	[899840124:3515000:-82.33067:34.87336:0:88.0:33]
9360	04/03/11	16:32:56	0:00	0:00	18642025205	18642834400			ST	[]	
9361	04/03/11	16:32:56	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	012141003340350 4 PANTECH P7040	310410377453983	MT	[MIOP]	[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	012141003340350 4 PANTECH P7040	310410377453983	MO	[MIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:0]
9366	04/03/11	18:24:21	0:27	0:08	18642834400	18642686504	012141003340350 4 PANTECH P7040	310410377453983	MO	[MIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:34]
9367	04/03/11	18:25:03	0:26	0:03	18642834400	18643618714	012141003340350 4 PANTECH P7040	310410377453983	MO	[MIOR]	[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	[MIOR]	
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	012141003340350 4 PANTECH P7040	310410377453983	MT	[MIOP]	[899840127:3515000:-82.33067:34.87336:0:88.0:23]
9372	04/03/11	18:30:23	0:24	0:02	18642834400	18643618714	012141003340350 4 PANTECH P7040	310410377453983	MO	[MIOR]	[899840127:3515000:-82.33067:34.87336:0:88.0:26]
9373	04/03/11	18:37:47	0:25	1:38	18642834400	18642939467	012141003340350 4 PANTECH P7040	310410377453983	MO	[MIOR]	[899840124:3515000:-82.33067:34.87336:0:88.0:133]

AT&T Proprietary

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Call Detail Records

Target # 864-283-4400

3239135
06/22/2021

MOBILITY
(with cell location)

AT&T

AT&T has queried for records from 01/03/2011 12:00:00am to 06/03/2011 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
RMS Usage For: (864)283-4400

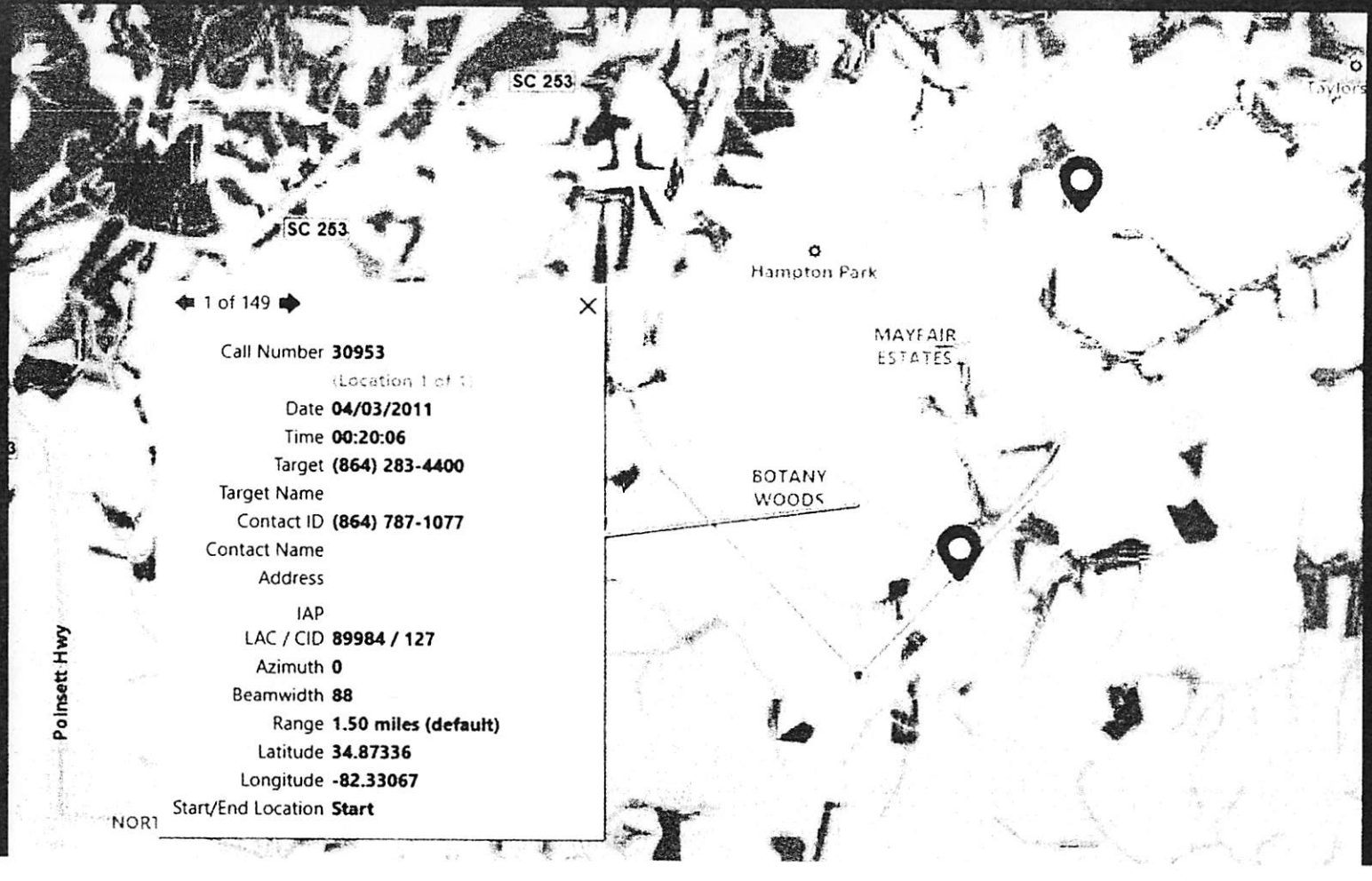
Item	Conn. Date	Conn. Time (UTC)	Originating Number	Terminating Number	IMEI	IMSI	Desc	MMS Type	Feature	Cell Location
1891	04/03/11	06:27:22	18642834400	18645517741	012341003340350 4 PANTECH P7040	310410377453983	SMSO			[893843124:35150301:-82.33067:34.87336:0:88.0]
1891	04/03/11	06:29:55	18645517741	18642834400	012341003340350 4 PANTECH P7040	310410377453983	SMST			[893843124:35150301:-82.33067:34.87336:0:88.0]
1891	04/03/11	08:30:42	18642834400	18645517741	012341003340350 4 PANTECH P7040	310410377453983	SMSO			[893843127:35150301:-82.33067:34.87336:0:88.0]
1891	04/03/11	08:31:17	18645517741	18642834400	012341003340350 4 PANTECH P7040	310410377453983	SMST			[893843124:35150301:-82.33067:34.87336:0:88.0]
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1891	04/03/11	13:53:21	18647049126	18642834400	012341003340350 4 PANTECH P7040	310410377453983	SMST			[893843127:35150301:-82.33067:34.87336:0:88.0]
1891	04/03/11	13:33:16	78676	18642834400	012341003340350 4 PANTECH P7040	310410377453983	SMST			[893843127:35150301:-82.33067:34.87336:0:88.0]
1892	04/03/11	13:14:32	78676	18642834400	012341003340350 4 PANTECH P7040	310410377453983	SMST			[893843127:35150301:-82.33067:34.87336:0:88.0]
1892	04/03/11	13:33:23	32665164	18642834400	012341003340350 4 PANTECH P7040	310410377453983	SMST			[893843124:35150301:-82.33067:34.87336:0:88.0]
1892	04/03/11	13:56:42	32665165	18642834400	012341003340350 4 PANTECH P7040	310410377453983	SMST			[893843127:35150301:-82.33067:34.87336:0:88.0]
1892	04/03/11	14:37:58	32665166	18642834400	012341003340350 4 PANTECH P7040	310410377453983	SMST			[893843127:35150301:-82.33067:34.87336:0:88.0]
1892	04/03/11	14:46:35	32665167	18642834400	012341003340350 4 PANTECH P7040	310410377453983	SMST			[893843124:35150301:-82.33067:34.87336:0:88.0]

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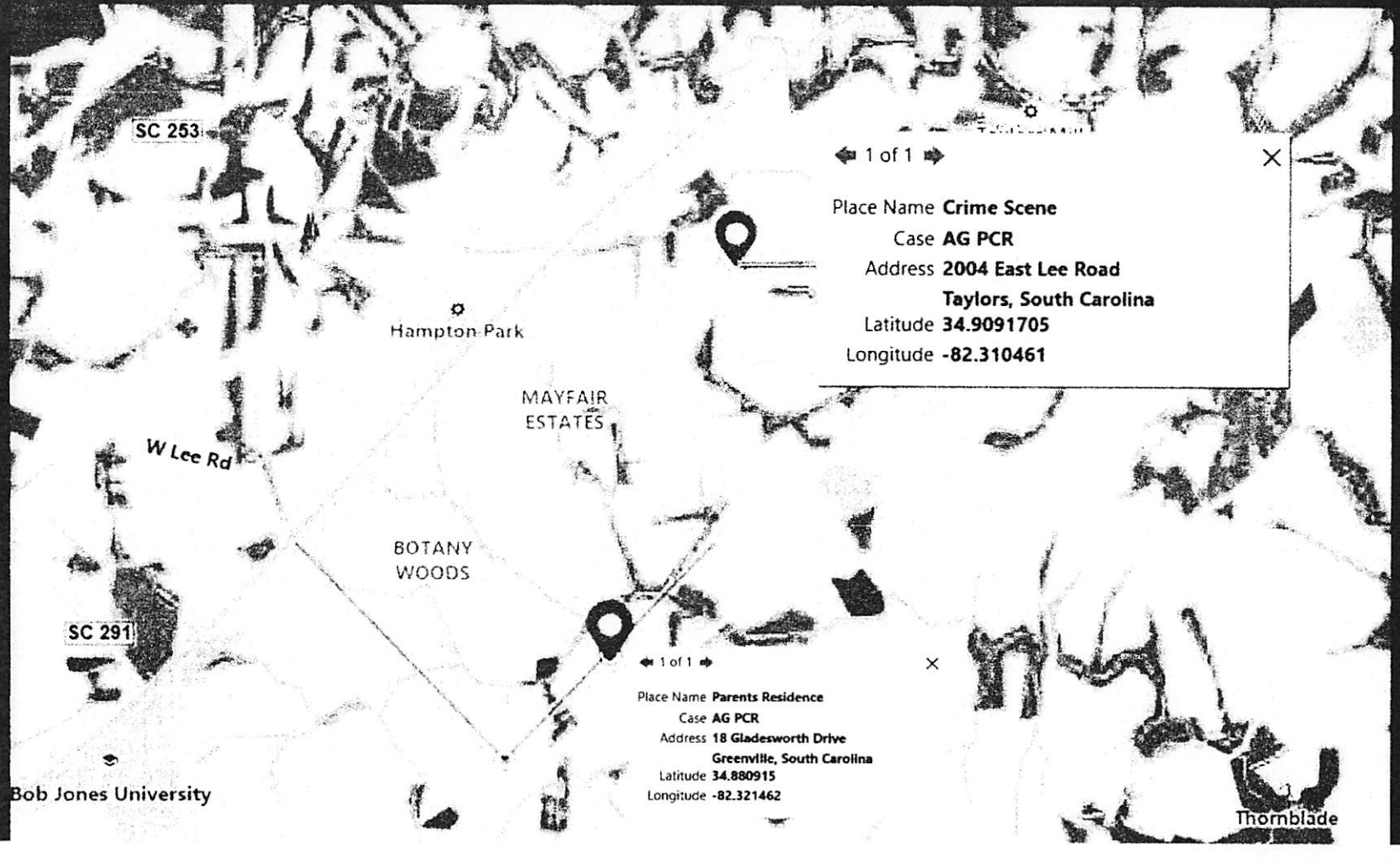
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TATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	)	IN THE COURT OF COMMON PLEAS FOR THE THIRTEENTH JUDICIAL CIRCUIT
James Michael Johnson, #340206, Applicant, v. State of South Carolina, Respondent.	)	Case No. 2017-CP-23-7692 **RESPONDENT'S POST-HEARING BRIEF** ENTERED COMPUTER

The parties appeared before the Court at the Greenville County Courthouse on January 31, 2023, through February 2, 2023, for an evidentiary hearing on James Michael Johnson's ("Applicant") application for post-conviction relief, which was filed through counsel on December 4, 2017. At the evidentiary hearing, J. Falkner Wilkes, Esquire, and Robert Clyde Childs, III, Esquire, represented Applicant, and the undersigned represent the State ("Respondent"). At the conclusion of the hearing, the Court took the matter under advisement and granted the parties' joint request that they be allowed to submit post-hearing briefs in lieu of closing argument. The transcript from the hearing before this Court is attached to this brief and is incorporated herein as Exhibit A. Respondent submits that the Court should deny the application with prejudice and would show as follows.[1]

[1] The undersigned's arguments in this post-hearing memorandum are responsive to Applicant's arguments made in his post-hearing memorandum, which is dated April 21, 2023. To the extent that Applicant presented additional arguments at the evidentiary hearing or elicited testimony from witnesses in apparent attempts to make or support other claims or arguments, the undersigned urges this Court to consider those other claims or arguments abandoned and waived because they are not put forth in Applicant's post-hearing memorandum; notwithstanding that abandonment, the undersigned submits that any other claims or arguments made at the hearing were meritless.

I. Applicant's claim that trial counsel was constitutionally ineffective for failing to present evidence in support of the defense of alibi.

Applicant contends that there is an abundance of evidence establishing that the victims were murdered between 9:37 and 10:00 a.m. The undersigned has reviewed the transcript from trial, the transcript from the evidentiary hearing before this Court, and the exhibits admitted into evidence at the evidentiary hearing but cannot find a record identifiable as "Greenville County 911/EMS records" indicating that such a call was received at 10:13 a.m. Applicant does not identify in his memorandum the relevant exhibit number or transcript page number supporting this assertion. Investigator Perry, Applicant's witness testified that he could not say whether Applicant's exhibits five and six were exhaustive lists of everything that had been on the phone of Manuel Granados, one of Applicant's co-defendants. The coroner's reports for both victims, which were admitted into evidence as Applicant's exhibits twelve and thirteen, gave an *estimated* time of death for both victims as 10:00 a.m.[2] The reports indicate that victims' bodies had not yet been autopsied. Applicant has hardly provided an "abundance" of evidence establishing the time of death.

Applicant further contends that Zachary David Ellis ("trial counsel"), his criminal defense lawyer, should have used other evidence to support Applicant's defense of alibi. Applicant argues that this alibi evidence consists of: Applicant's own phone records, which Applicant alleges prove that he was not at the crime scene at the time of the murders; a private investigator's testimony about the length of time that it would have taken for Applicant and his co-defendants to drive the

[2] Applicant limited the purpose of his exhibits twelve and thirteen when offering them into evidence before this Court such that they should not be used to prove the victims' actual time of death.

route after the murders that a co-defendant testified that they took; and the testimony of Applicant's parents, who testified that they each saw him at their home on the morning of the murders. Regardless of the quality of Applicant's evidence regarding the time of death, this Court should find that Applicant has failed to prove that trial counsel was constitutionally ineffective for not putting up the aforementioned evidence in support of an alibi defense.

This Court should analyze Applicant's claims by reviewing them according to the two-pronged test articulated in *Strickland v. Washington*, 466 U.S. 668 (1984). In evaluating allegations of ineffective assistance of counsel, the post-conviction relief court applies the two-pronged test outlined in *Strickland*. First, the applicant must prove that the performance of his lawyer was deficient. *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989) (quoting *Strickland*). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). Second, the deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for [the lawyer's] unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625.

First, Applicant has failed to meet his burden regarding the phone records. Trial counsel testified that he reviewed Applicant's cell records to see if he could mitigate any argument from the prosecution that Applicant had lied to law enforcement officers when he had claimed to have not had contact with one of his co-defendants and to see if the records could help establish Applicant's location. He testified that he and his employees tried to use Applicant's phone records to establish Applicant's location but could not remember what he discovered, but he did not consult with an expert about the matter. He concluded that he could not use Applicant's phone records to

establish Applicant's location because he did not think that he was able to determine the location with enough confidence to present it in court. It was his understanding that phones did not necessarily connect to the tower closest to them. Trial counsel testified that Applicant and Applicant's parents gave him conflicting information about Applicant's location at the time of the murders, and that Applicant had given a different statement to law enforcement officers. Additionally, trial counsel wanted to minimize the parties' reliance upon Applicant's phone records because they could have shown that Applicant was communicating with one of his co-defendants. Under those circumstances, it was reasonable for trial counsel not to pursue using phone records to try to pinpoint the location of Applicant's phone at the time of the murders; to do so was to risk uncovering additional evidence supporting Applicant's culpability in the crimes and to risk undermining Applicant's defense further.[3] Thus, Applicant has failed to prove that trial counsel's performance was deficient.

Applicant has failed to prove that there is a reasonable probability that, even if trial counsel should have consulted with an expert and presented the phone evidence through an expert's testimony, such actions would have resulted in a different verdict. Ben Levitan testified before this Court as Applicant's expert in cell phone technology. Mr. Levitan examined Applicant's cell phone records and concluded that during a wide period on the morning of murders, Applicant's cell phone was connecting to the cell tower closest to his home at 18 Gladesworth Drive and not to a tower that was closer to the crime scene. Mr. Levitan testified that he could not use the phone

[3] Trial counsel argued in closing at trial that the prosecution's failure to use Applicant's phone records to prove his location at the time of the crimes created a reasonable doubt because Applicant used his phone heavily. Trial Tran. 112-13.

records to pinpoint the location of Applicant's phone within the service area of the tower closer to Applicant's home, but that he could conclude that, while the phone was connecting to that tower, Applicant's phone was not located in the service area of the tower closer to the crime scene.

Mr. Levitan's testimony did not support an alibi defense for Applicant, though. Senior Special Agent Anthony Gentile of the South Carolina Law Enforcement Division ("SLED") was qualified as an expert in cell record analysis and interpretation and cell site location analysis. He testified that experts in those fields, and even agents of the Federal Bureau of Investigation ("FBI") and AT&T, which was Applicant's cell phone provider at the time of the murders, regard only voice and text message records reliable for the purpose of determining the location of a device when that device connects to a cell tower; data usage records, on the other hand, are not reliable for that purpose. Agent Gentile agreed with Mr. Levitan that, during all the phone transactions noted on Applicant's phone records during the time period in question, Applicant's phone connected to the cell tower closest to his home on Gladesworth Drive and not to the tower closest to the crime scene. Agent Gentile testified that phones do not always connect to the tower nearest to them because phones connect to the tower that provides the strongest signal. Agent Gentile also testified that Applicant's phone records indicated that all text message and voice usage on Applicant's phone between 5:37 a.m. and 2:19 p.m. on the day of the murders constituted only incoming text messages and unanswered phone calls. Even if the phone's data usage is considered, that time window narrows only to 6:05 a.m. to 2:19 p.m. Ultimately, both Agent Gentile and Mr. Levitan agreed that Applicant's cell phone could have been in an unoccupied home—even Applicant's home on Gladesworth Drive—during this time period due to the incoming or unanswered nature of the particular phone records.

In summary, Applicant's phone records do not prove that any person was actively operating the phone during the relevant time frame. The South Carolina Supreme Court has stated that:

> The literal significance of the word "alibi" is "elsewhere"; as used in criminal law, it indicates that line of proof by which an accused undertakes to show that because he was not at the scene of the time at the time of its commission, having been at another place at the time, he could not have committed the crime. In order words, by an alibi the accused attempts to prove that he was at a place so distant that his participation in the crime was impossible. To be successful, his alibi must cover the entire time when his presence was required for accomplishment of the crime. To establish an alibi, the accused must show that he was at another specified place at the time the crime was committed, thus making it impossible for him to have been at the scene of the crime. It is not enough for the accused to say that he was not at the scene and must therefore have been elsewhere. The latter statement does not constitute an alibi. And since an alibi derives its potency as a defense from the fact that it involves the physical impossibility of the accused's guilt, a purported alibi which leaves it possible for the accused to be the guilty person is no alibi at all.

State v. Baker, 411 S.C. 583, 591, 769 S.E.2d 860, 864-65 (2015) (quoting *State v. Robbins*, 275 S.C. 373, 271 S.E.2d 319 (1980)). The phone records do not prove that it was physically impossible for Applicant to have committed the crimes; they are not alibi evidence, then, and Applicant has failed to prove the second prong of *Strickland.*

Second, Applicant has failed to meet his burden regarding Mr. Silvaggio's testimony. Mr. Silvaggio provided an estimate of the time that it would have taken the Applicant and his co-defendants to make the post-shooting getaway drive as testified to at trial; however, Mr. Silvaggio's time frame still fit comfortably within the time frame provided by the evidence at trial and the aforementioned gap in Applicant's phone records, and did not take into account the possibility that Applicant and his co-defendants could have been speeding beyond the posted speed limit during the drive in question. Mr. Silvaggio's testimony did not make it any less possible or likely that Applicant and his co-defendants committed the crimes and, as such, trial counsel was

not deficient in not eliciting similar testimony from a witness at the time of trial. Mr. Silvaggio's testimony was not such that there is a reasonable likelihood that the outcome of trial had it been given at trial.

Third, Applicant has failed to meet his burden regarding his parents' testimony. Trial counsel testified that Applicant and Applicant's parents gave him conflicting information about Applicant's location at the time of the murders, and that Applicant had given a different statement to law enforcement officers during the course of their investigation. He testified that Applicant had claimed that Jordan Gary and Georgia Bowers would be alibi witnesses for him, but that they did not support his explanation of his whereabouts at the time of the murders. He testified that Applicant had given more than one contradictory location for himself during the time of the murders and that he did not feel that any of the versions of Applicant's story had been credible enough to present at trial. He testified that Applicant's mother did not give him information that could place Applicant at their home during the time of the murders. He did not remember getting any information from Applicant's father that he thought would have supported an alibi defense. He testified that he told Applicant that he would not call the parents as alibi witnesses because they could not provide a real alibi or else provided contradictory information. Regardless, he testified that Applicant had the ability to enter and exit his personal living quarters in the home independently of his parents' living quarters. Trial counsel did not perform deficiently by not questioning Applicant's parents at trial because they and Applicant had given him conflicting information such that trial counsel could not trust what they would say, and because the parents had not given him anything helpful anyway. Applicant has not proven that there is a reasonable probability that the outcome of trial would have been different even if his parents had testified

because the prosecution introduced other evidence that Applicant had misled officers about his communications with one of his co-defendants and had falsely tried to secure an alibi from Gary.

II. Applicant's claim that trial counsel was constitutionally ineffective for not presenting exculpatory evidence proving the identity of the perpetrator.

Applicant argues that trial counsel should have objected when the prosecution said the following in its opening statement:

> In this case, law enforcement did everything they could. Forensics came out and fingerprinted items that were of interest. They swabbed items for potential DNA and none of that information comes back with anything. Just because someone came in and out of that house, doesn't mean that they left a fingerprint or that they left DNA. And just because someone admits to being in that house over an extended period of time doesn't mean that they leave DNA or a fingerprint.

Trial Tran. 92-93. Applicant takes issue with the prosecutor's eliciting testimony that officers found no evidentiary value in the prints collected from the crime scene and that the prints collected did not produce any leads for the investigating officers. Applicant argues that the prejudice to Applicant was compounded when the prosecutor said in closing argument that the fingerprint had been found on an ashtray at the crime scene, when in fact the print was found on a candle jar.

A forensic investigator lifted two fingerprints from a glass candle jar found sitting on an end table at the crime scene; those prints were identified as those of Ryan Waye[4] according to Applicant's exhibit eighteen. Other exhibits described that the victims' bodies appeared to have candle wax on them in certain places. Contrary to Applicant's assertions, this is not proof that Waye was in the home at the time of the murders and used the candle in question to try to set the victims' bodies ablaze. Every sentence of the above-quoted opening argument from the solicitor

[4] This person's last name is spelled "Wade" in the trial transcript.

is wholly defensible as proper for opening argument. Applicant has failed to prove that a fingerprint found at the scene had any relation to the crimes, which is fatal to his claim the prosecution committed misconduct. Trial counsel elicited testimony about the print at trial and highlighted the fact that officers did not find any forensic evidence linking Applicant to the crime scene. Trial counsel testified that he considered arguing at trial that Waye was the real killer instead of Applicant and affirmed that he knew officers had ruled out Waye as a suspect during their investigation because he had an alibi. Trial counsel also thought that the prosecution's reference to the jar as an ashtray could have been an accident and that he did not have any concerns about the characterization at the time of trial. Under the circumstances, it was reasonable for trial counsel not to object to the prosecution's opening statement, to the officer's testimony about the lack of value that the forensic evidence provided to the investigation, and to the prosecution's reference to a candle jar as an ashtray.

Applicant has failed to establish that there is a reasonable likelihood that the outcome of trial would have been different even if trial counsel had objected to the prosecution's opening statement and "ashtray" reference and to the officer's testimony about the lack of forensic evidence of value. Trial counsel elicited evidence that Waye's prints were found at the crime scene and that Applicant's were not. Although Waye had died by the time of Applicant's trial, the prosecution was prepared to provide evidence of Waye's alibi through testimony from Laura Hart, if Applicant's defense was to point the finger at Waye. One of Applicant's co-defendants admitted to killing the two victims and testified about Applicant's participation in the crimes, and Applicant lied to officers about his communications with that co-defendant and tried to falsify an alibi for the time of the murders. One of Applicant's co-defendants, the one who testified against him at

trial, testified that he initially told investigating officers that he heard that Waye had been involved in the murders because he wanted to redirect the officers' attention from himself and said that he did not get along with Waye. Trial Tran. 84. Under those circumstances, the objections would almost certainly have had no effect.

III. Applicant's claim that trial counsel was constitutionally ineffective for not objecting to improper comments in the prosecution's opening statement.

Applicant argues that trial counsel should have objected in reliance upon *Doyle v. Ohio*, 426 U.S. 610 (1976), when the prosecution said in its opening statement that Applicant's two co-defendants had accepted responsibility by pleading guilty while Applicant had not accepted responsibility. Applicant's reliance upon *Doyle* is misplaced, though, because Applicant did give at least one statement to officers after he was given warnings pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1966), and because the comment would have been one made upon Applicant's decision to plead not guilty rather than his decision not to testify at trial.

Trial counsel was not constitutionally ineffective because Applicant has failed to prove that he suffered any prejudice from the comment. There was ample evidence before the jury about the fact that Applicant's two co-defendants had pleaded guilty; one of those two co-defendants was the prosecution's most important witness. The trial court instructed the jury that it could not hold Applicant's decision to exercise his constitutional rights against him, and it was obvious to the jury that Applicant decided to exercise his right to a trial based simply on the fact that there was a trial at all. Trial counsel argued that the testifying co-defendant was motivated to testify falsely against Applicant because he wanted the benefit of a plea bargain with the prosecution. The

prosecution's single comment did not cause Applicant to suffer prejudice and this Court should find that trial counsel was not constitutionally ineffective for not objecting to it.

IV. Applicant's claim that trial counsel was constitutionally ineffective for not using an available evidence to impeach the testifying co-defendant.

Applicant argues that trial counsel did not use all available evidence to impeach the credibility of Scott Lowe, who testified against Applicant at trial, admitted to being the one who killed the victims, and placed Applicant at the crime scene. The prosecution elicited testimony from Lowe at the outset of his testimony about his prior conviction for manufacturing methamphetamine. Applicant's exhibit fifteen consists of some court records for that conviction. One page of that exhibit shows that Lowe's sentence for manufacturing methamphetamine, which was a probation term, was ended after he was sentenced to imprisonment for the crimes also at issue in Applicant's trial; the records indicate that the probation was ended because Lowe would not be able to comply with the terms of his probation while serving twenty years in prison, so this was of no impeachment value whatsoever. The prosecution testified that the other exhibits for Lowe that Applicant has identified were criminal charges that were resolved by a different prosecutor before Lowe was charged for the victims' deaths. The prosecution elicited testimony from Lowe that he had engaged in drug sales and purchases, had manufactured drugs, and did drugs himself. The prosecution elicited testimony from Lowe that he killed both victims. During cross-examination, trial counsel elicited an affirmation from Lowe that he had a previous conviction and that he had been "driving around with a mobile meth lab" in his car. Trial counsel elicited testimony from Lowe that he cares more for animals than people.

Applicant has failed to prove that trial counsel's performance was deficient with respect to his impeachment of Lowe. Of the exhibits that Applicant has put before this Court, only one represents an impeachable offense and trial counsel did impeach Lowe with this conviction at trial. Of the remaining exhibits, they lack impeachment value for various reasons. Additionally, trial counsel could not have impeached Lowe by introducing evidence of previous arrests. Even if those additional things had been introduced at trial, they would not have changed the outcome of trial because they are lesser indictments against Lowe's character than the things put in evidence at trial through his own testimony.

V. Conclusion

WHEREFORE, having responded to Applicant's claims, Respondent requests that the Court deny the application and dismiss it with prejudice.

Respectfully submitted,

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Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

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April 26, 2023

Exhibit A

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	
	)	**2017-CP-23-7692**
	)	
James M. Johnson, #340206	)	
	)	
Applicant,	)	
	)	
vs	)	CERTIFICATE OF SERVICE BY MAIL
	)	
State of South Carolina,	)	
	)	
Respondent,	)	
	)	

'23 MAY 1 PM 3:26
Paul Wickensimer CDC GVL SC

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 Respondent's Post-Hearing Brief in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

J. Falkner Wilkes, Esquire
248 Deerwood Park Drive
Oakland, MS 38948

Robert C. Childs, III, Esquire
Childs Law Firm
PO Box 1519
Travelers Rest, SC 29690

DATED this the 26th day of April, 2023.

William Corbett, Jr.
Legal Assistant For Respondent

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	)	IN THE COURT OF COMMON PLEAS THIRTEENTH JUDICIAL CIRCUIT
James Johnson, Applicant,	)	2017-CP-23-07692
v.	)	Applicant's Post-Trial Memorandum
State of South Carolina, Respondent.	)	

A criminal defendant is guaranteed the right to effective assistance of counsel under the Sixth Amendment to the United States Constitution. U.S. Const. amend. VI; *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). "Where allegations of ineffective assistance of counsel are made, the question becomes, 'whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result.' " [397 S.C. 43] *Butler*, 286 S.C. at 442, 334 S.E.2d at 814 (quoting *Strickland*, 466 U.S. at 686, 104 S.Ct. 2052). As such, courts evaluate allegations of ineffective assistance of counsel using a two-pronged test. *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (citing *Strickland*, 466 U.S. at 668, 104 S.Ct. 2052). First, the applicant must demonstrate counsel's representation was deficient, which is measured by an objective standard of reasonableness. *Strickland*, 466 U.S. at 687–88, 104 S.Ct. 2052. "Under this prong, '[t]he proper measure of attorney performance remains simply reasonableness under prevailing professional norms.' " *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 688, 104 S.Ct. 2052). Second, the applicant must demonstrate he was prejudiced by counsel's performance in such a manner that, but for counsel's error, there is a reasonable probability the result of the proceedings would have been different. *Strickland*, 466 U.S. at 694, 104 S.Ct. 2052. "A

reasonable probability is a probability sufficient to undermine confidence in the outcome." Id.

1. APPLICANT'S COUNSEL WAS INEFFECTIVE FOR FAILING TO TAKE REASONABLE STEPS TO UNDERSTAND AND EVALUATE EXCULPATORY EVIDENCE CONTAINED IN CELLULAR PHONE RECORDS.

Criminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case. Edwards v. State, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011).

Prior to the Applicant's trial defense counsel was provided with pre-trial discovery material. (PCR pg. 24, 273-278; P-Ex. 5, 6, 7, 9, 10). Discovery material included the cell phone records for James Johnson (Applicant), Manuel Nicholas Granados (the inside man), Christopher Porcoro (victim), Coroner's reports, 911/EMS reports. Greenville County 911/EMS records showing a fire call to the murder scene was received at 10:13 am. The record from Applicant's trial shows that Manuel Nicholas Granados (Nick) was the perpetrator's inside man at the victim's house waiting for the victim's to go to sleep so he could let Scott Lowe in the house so Lowe could steal the victim's drugs and money. (Trial pg. 145). Cell phone records show that last call was made from victim Christopher Porcoro's phone at 8:22 a.m. that morning. Granados' cell phone records show a sudden gap between 9:37 to 10:17 a.m. in Granados' otherwise constant cell phone usage. (PCR pg. 18-19; P-Ex. 5, 6). The coroner's reports which showed the time of death for both victims as 10:00 a.m. (PCR pg. 120; 142-143; P-Ex. 12, 13, 14). There was an abundance of evidence known to defense counsel prior to trial that established the time of the

murders between 9:37 and 10:00 a.m. Applicant's cell phone records show Applicant's phone was sending and receiving texts throughout the day of the murders including texts at 8:52, 9:03, 9:14, 9:33, 9:56, 10:07, and 10:46 a.m. (PCR pg. 150; P-Ex. 9, 10, 11). Location data from the cell phone records show that all of those text messages were sent or received through the cell tower servicing the Applicant's home. (PCR pg. 66-67; P-Ex. 9; 10). Despite its exculpatory value none of this was shown to the jury.

Former Greenville County Deputy and licensed private investigator Paul Silvaggio testified at the PCR hearing on behalf of the Applicant that the round trip drive between the Appellant's house and the murder scene, on the route testified to by co-defendant Scott Lowe at Applicant's trial, was approximately 14 minutes. (PCR pg. 82). Evidence from the Applicant's trial also shows that after the murders there was an attempt to set the house on fire and stage the murder scene to look like meth lab explosion, all of which would have necessarily added a significant amount of time that the perpetrators would have had to remain at the murder scene. (PCR pg. 170; Trial Pg. 103).

At the PCR Ben Levitan was qualified as an expert in cell phone technology including interpretation of data location information from cellular records. (PCR pg. 43). Levitan explained the basic operation of cell phones and how cell phones accessed cellular service through a network of towers. (PCR pg. 34-36). Levitan explained how and why cell phones always connect to their service providers' nearest tower and that service areas for towers are mutually exclusive. (PCR pg. 30, 36, 54). The murder scene and the Applicant's home are in different cell tower coverage areas and that service for those areas are mutually exclusive. (PCR pg. 30, 36, 54). Identifying 25,958 text messages Levitan testified that the Applicant was an obsessive cell

phone user.(PCR pg. 62; 69-71). Records for the day of the murders were consistent with Applicant's overall obsessive phone usage showing a high volume of calls and texts. This included a series of calls or texts made or received within just minutes of the murders. (P-Ex. 9, 10). All of these calls and texts, including those within just a few minutes of the murder connected through the tower servicing the Applicant's home. (PCR pg. 66-67; P-Ex. 9; 10). The records show that on the day of the murders the Applicant's cell phone never once connected to the tower servicing the scene of the murders. (PCR pg. 67-68; P-Ex. 9, 10). Because the tower service areas are mutually exclusive Levitan concluded and opined that there was no evidence from cell phone records that the Applicant was at or even near the scene of the murders when the murders occurred, or at anytime on the day of the murders (PCR pg. 71; P-Ex. 11). Levitan's testimony was based on the same records that were provided to defense counsel through pre-trial discovery.

Trial counsel also failed to file and serve a notice of alibi in the case. (PCR pg. 278). Applicant's mother Patricia Fuller and his father Donald Johnson both testified that the Applicant was home on the morning of the murders. Fuller testified that she had to go through the Applicant's room at 6:30 and again at 7:00 to get to the laundry room that morning and that when she did the Applicant was asleep on the couch. (PCR pg. 92). She never saw the Applicant leave the house that day. (PCR pg. 92-93). Applicant's trial counsel was aware of what Fuller's testimony would have been and although she was present at the trial he did not call her as a witness. (PCR pg. 96-97). Johnson testified that he went through the Applicant's room between 9:30 to 9:45 that morning and that the Applicant was still asleep on the couch. (PCR pg. 103). Trial counsel was aware of what Johnson's testimony would be and although Johnson was present at trial he was not called as a witness. (PCR pg. 106-107). Johnson testified that he "shocked"

when he was not called as a witness. (PCR pg. 107, l. 10). Trial counsel testified that he had met with Applicant's parents and was aware of what their testimony would be. (PCR pg. 141). Trial counsel had discovery material showing that the time of death for both victims was approximately 10:00 a.m. (PCR pg. 142-144; P-Ex. 12, 13, 14).

Applicant's trial counsel testified that he had the cell phone records showing text messages to and from Applicant's phone, including texts at 9:37 and 9:39 and 10:16 on the morning of the murders. (PCR pg. 150). Counsel also had the coroner's report and other discovery material that showed the time of deaths to be approximately 10:00 a.m. (PCR pg. 143, P-Ex. 12; 13). Records provided to trial counsel through discovery showed the Applicant's phone was not at or near the murder scene when those texts were sent or received or at any time during the day of the murders. (PCR pg. 149-150, P-Ex. 1 thru 10). Counsel also had phone records of Nick Granados, who pled guilty for his role as the inside man at the murder scene who let Scott Lowe in the victim's house by leaving a door unlocked). (PCR pg. 151-152). Those records showed a stream of calls and texts by Granados from victim's house up to 9:37 that morning. (PCR pg. 151-152, P-Ex. 1). Granados suddenly stopped sending texts and did not resume making calls or sending texts until 10:17. (PCR pg. 151-152, P-Ex. 1). This left a conspicuous forty minute gap in an otherwise constant stream of texts. (PCR pg. 151-152, P-Ex 1). Counsel admitted that Granados' phone records tended to establish the time of the murders, especially when combined with records from EMS showing when the received and responded to a fire call at the murder scene. (PCR pg. 152, P-Ex. 14).

Applicant's trial counsel testified that he had the Applicant's phone records when preparing for trial. (PCR pg. 152-153). Although he had never tried a case involving cell phone

location data he was aware that the phone records contained location data. (PCR pg. 154, 182, 203). Counsel testified that he and his staff looked at the phone records for location data but didn't understand how to interpret the information to use it at trial. (PCR pg. 154). Despite knowing that the phone records contained location data counsel failed to obtain an expert to assist in the interpretation of the phone record data that he had or otherwise to educate himself so that he could make an informed decision as to the value of the location data to the Applicant's case. (PCR pg. 154). At the PCR hearing counsel admitted that location data could "possibly" have been significant to the defense of the case. (PCR pg. 154). Counsel's failure to obtain an expert and use the cell phone information that had been provided through discovery was compounded by the testimony of the investigating officer who testified that all the cell phone data had been analyzed and that it did not contain anything of value. (PCR pg. 181; Trial pg. 141). Although counsel testified that he was trying to minimize or mitigate the cell phone evidence as it might be "hurtful" to the Applicant, he never undertook to educate himself sufficiently to understand the cell phone location data that he knew he been provided in the discovery material. He was therefore unaware of its exculpatory value, and as a result, could not possibly have made an informed decision as to its potential use. (PCR pg. 204). Counsel's failure to conduct an independent investigation of the facts and circumstances of the case constitutes a failure to provide reasonably effective assistance under prevailing professional norms. Applicant is therefore entitled to relief.

2. APPLICANT'S COUNSEL WAS INEFFECTIVE FOR FAILING TO PRESENT EXCULPATORY EVIDENCE PROVING THE IDENTITY OF PERPETRATOR.

In the prosecution's opening statements the solicitor told the jury that law enforcement

had done everything it could, fingerprinted everybody, swabbed everything and none of that information came back with anything. (PCR pg. 165-167; Trial Pg. 92-93). During the Applicant's trial the lead investigator testified that forensics had processed the murder scene for fingerprints and found nothing of value. (Trial Pg. 137). Discovery material provided to defense counsel showed that prints belonging to Ryan Waye had been taken from a candle holder at the murder scene and that the victims appeared to have had wax dripped on them (presumably from an attempt to set their bodies on fire during or immediately after the murders). (PCR pg. 165-166, 176, 215, 274-277; P-Ex. 19, 20, 21). Discovery material also revealed that Waye's contact information was stored in Granados' cell phone. (PCR pg. 276-277; P-Ex. 20, 21). Although the fact that Waye's fingerprint at the scene was mentioned at Applicant's trial, trial counsel failed to show to the jury that the fingerprint was found on a candle jar that appears to have been used by the perpetrators in an attempt to burn the victim's bodies or set the house on fire. (Trial Pg. 30). The prejudice of the prior misrepresentation of facts was compounded during closing arguments when the solicitor misstated the facts claiming Waye's fingerprint had been found on an ashtray. (PCR pg. 93). Despite having facts to the contrary in discovery material defense counsel not only failed to object to the solicitor's misstatement of critical facts but more importantly failed to show that Waye's fingerprint was found on a candle that appears to have been used in the murders or that Waye's phone number was stored in Granados' phone. Given that co-defendant Scott Lowe's early statements to the police identified Waye and not the Applicant as being the third man in the murders, evidence that Waye's fingerprint was found on a candle jar used in the murder would clearly have exculpatory value. Counsel's failure to conduct an independent investigation of the facts and circumstances of the case and present exculpatory evidence to the jury constitutes a

failure to provide reasonably effective assistance under prevailing professional norms. Applicant is therefore entitled to relief.

3. TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO PROSECUTOR'S IMPROPER AND PREJUDICIAL OPENING STATEMENTS.

Applicant's trial counsel was ineffective in failing to object to the solicitor's statements the jury which in effect constituted a comment on Applicant's right to remain silent. In opening statements the Solicitor told the jury that Nick Granados had pled guilty and accepted responsibility of being involved in the case but that Applicant "has pled not guilty is not taking responsibility at this point in time". (PCR pg. 159; Trial Pg. 87-88). Applicant did not testify at trial. (Trial Pg. 85). At the PCR hearing trial counsel agreed that this was objectionable but could not articulate any basis for his failure to object. (PCR pg. 160). Contrary to the Applicant's right to a jury trial and his Fifth Amendment right to remain silent the Solicitor's statements implied a duty on the Applicant to "take responsibility" and enter a guilty plea as had his co-defendant Granados. The State may not comment on a defendant's exercise of a constitutional right. *Edmond v. State*, 341 S.C. 340, 534 S.E.2d 682 (2000). Here the solicitor's comments were an indirect comment on the defendant's constitutional right to remain silent and therefore improper. See *Doyle v. Ohio*, 426 U.S. 610, 96 S.Ct. 2240, 49 L.Ed.2d 91 (1976) (an accused has the right to remain silent and the exercise of that right cannot be used against him). Although a single reference, evidence of guilt was not overwhelming and therefore, the solicitor's comments in the Applicant's case can not be considered harmless. See *McFadden v. State*, 539 S.E.2d 391, 342 S.C. 637 (S.C. 2000). The Applicant is therefore entitled to relief.

4. TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO USE ALL AVAILABLE MATTERS TO IMPEACH STATE'S KEY WITNESS.

The prosecution's key witness Scott Lowe, who admitted his participation in the murders, testified that Applicant was present and a participant in the crimes. The State's case rested almost entirely on the testimony of Lowe. At the time of trial Lowe had numerous convictions, pending charges, and a plea deal with the State in exchange for his testimony, all of which presented motivation for Lowe to find a way to ingratiate himself to the State. While counsel attempted to impeach Lowe with his guilty pleas relating to the same murders, his attempt was ineffective by failing to use all of the impeachment matter available. (PCR pg. 192-199; Trial Pg. 115-116; P-Ex. 15; 16; 17). Because Lowe was the only witness to implicate Applicant in the murders counsel's failure to fully impeach Lowe was prejudicial to the Applicant's defense. Lowe had numerous convictions, pending charges and a plea deal with a termination of probation that were not utilized by trial counsel in impeachment. (PCR pg. 192-200, 259-263; P-Ex. 15; 16; 17.) Where witness credibility was a major factor the inability of a defendant to cross-examination and impeach key witness with a prior conviction was found to warrant a new trial. *State v. Harrison*, 298 S.C. 333, 380 S.E.2d 818 (S.C. 1989). Here, given that the State's case rested on the testimony of Scott Lowe, counsel's failures caused similar prejudice. As a result, the Applicant is entitled to relief.

CONCLUSION

Based on the foregoing the Applicant is entitled to have his convictions reversed and be granted a new trial.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

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Counsel for Applicant

April 21, 2023.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	C. A. No.: 2017-CP-23-07692
James Michael Johnson, #340206	)	
	)	
Applicant	)	
	)	
v.	)	**ORDER GRANTING POST CONVICTION RELIEF**
	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

'23 JUN 27 PM4:52
Paul Wickensimer COC GVL SC

The parties appeared before the Court at the Greenville County Courthouse on January 31, 2023, through February 2, 2023, for an evidentiary hearing on James Michael Johnson's ("Applicant") application for post-conviction relief, which was filed through counsel on December 4, 2017. At the evidentiary hearing, J. Falkner Wilkes, Esquire, and Robert Clyde Childs, III, Esquire, represented Applicant, and Taylor Zane Smith, Esq. represented the State ("Respondent"). At the conclusion of the hearing, the Court took the matter under advisement and granted the parties' joint request that they be allowed to submit post-hearing briefs in lieu of closing argument. After receiving the post-hearing briefs and having considered all of the evidence, testimony and matters of record the Court makes the following findings of fact and conclusions of law.

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 two counts 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 at trial. Lucas Merchant, Esquire and Katrina Salisbury, Esquire, prosecuted the case. On July 13, 2015, Applicant proceeded to trial before the Honorable J. Derham Cole and a jury. The Applicant was found 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.

Applicant timely filed an Application for Post Conviction Relief which was entered on December 4, 2017. The Respondent filed its Return on May 18, 2018. A hearing was held beginning on January 31, 2023. Appearing on behalf of the Applicant were J. Falkner Wilkes and Robert C. Childs, III both of Greenville. The Respondent was represented by Taylor Zane Smith of the Office of the Attorney General. After the hearing the matter was taken under advisement to allow the Court to receive post-trial briefs. Having considered the issues raised, and based on the testimony, evidence and all matters of record the Court makes the following findings of fact and conclusions of law:

In his application for post-conviction relief, Applicant alleged that he is being held in

custody unlawfully for the following reasons:

I. 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.
c. 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.
1. 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.
1. 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.

After the hearing the parties submitted post-trial memorandum on the allegations on which the Court was being asked to rule upon. Those allegations were as follows:

1. Applicant's counsel was ineffective for failing to take reasonable steps to understand and evaluate exculpatory evidence contained in cellular phone records.

2. Applicant's counsel was ineffective for failing to present exculpatory evidence proving the identity of perpetrator.

3. Trial counsel was ineffective for failing to object to prosecutor's improper and prejudicial opening statements.

4. Trial counsel was ineffective for failing to use all available matters to impeach state's key witness.

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, 56! 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, 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.

A criminal defendant is guaranteed the right to effective assistance of counsel under the Sixth Amendment to the United States Constitution. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). "Where allegations of ineffective assistance of counsel are made, the question becomes, 'whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result.' " [397 S.C. 43] Butler, 286 S.C. at 442, 334 S.E.2d at 814 (*quoting* Strickland, 466 U.S. at 686, 104 S.Ct. 2052). As such, courts evaluate allegations of ineffective assistance of counsel using a two-pronged test. Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (*citing* Strickland, 466 U.S. at 668, 104 S.Ct. 2052). First, the applicant must demonstrate counsel's representation was deficient, which is measured by an objective standard of reasonableness. Strickland, 466 U.S. at 687–88, 104 S.Ct. 2052. "Under this prong, '[t]he proper measure of attorney performance remains simply reasonableness under prevailing professional norms.' " Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (*quoting* Strickland, 466 U.S. at 688, 104 S.Ct. 2052). Second, the applicant must demonstrate he was prejudiced by counsel's performance in such a manner that, but for counsel's error, there is a reasonable probability the result of the proceedings would have been different. Strickland, 466 U.S. at 694, 104 S.Ct. 2052. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Id.*

I. Applicant's claim that trial counsel was constitutionally ineffective for failing to

present evidence in support of the defense of alibi.

Applicant alleged counsel failed to take reasonable steps to understand, evaluate, and present exculpatory evidence contained in cellular phone records. The Court agrees. Criminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case. Edwards v. State, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011). Prior to the Applicant's trial, defense counsel was provided with pre-trial discovery material. Discovery material included the cell phone records for James Johnson (Applicant), Manuel Nicholas Granados (the inside man), Christopher Porcoro (victim), Coroner's reports, 911/EMS reports. Greenville County 911/EMS records showing a fire call to the murder scene was received at 10:13 am. The record from Applicant's trial shows that Manuel Nicholas Granados (Nick) was the 'inside man' at the victim's house waiting for the victim's to go to sleep so he could let Scott Lowe in the house so Lowe could steal the victim's drugs and money. Cell phone records show that last call was made from victim Christopher Porcoro's phone at 8:22 a.m. that morning. Granados' cell phone records show a sudden gap between 9:37 to 10:17 a.m. in Granados' otherwise constant cell phone usage. The coroner's reports which showed the time of death for both victims as 10:00 a.m. There was evidence known to defense counsel prior to trial that established the time of the murders between 9:37 and 10:00 a.m. Applicant's cell phone records show Applicant's phone was sending and receiving texts throughout the day of the murders including texts at 8:52, 9:03, 9:14, 9:33, 9:56, 10:07, and 10:46 a.m. Location data from the cell phone records show that all of those text messages were sent or received through the cell tower servicing the Applicant's home. Despite its potential exculpatory value, none of this was shown to the jury.

Former Greenville County Homicide Investigator and licensed private investigator Paul Silvaggio testified at the PCR hearing on behalf of the Applicant that the round trip drive between the Appellant's house and the murder scene, on the route testified to by co-defendant Scott Lowe at Applicant's trial, was approximately 14 minutes. Evidence from the Applicant's trial also shows that after the murders there was an attempt to set the house on fire and stage the murder scene to look like a meth lab explosion, all of which would have necessarily added a significant amount of time that the perpetrators would have had to remain at the murder scene.

At the PCR hearing, Ben Levitan was qualified as an expert in cell phone technology, including interpretation of data location information from cellular records. Levitan explained the basic operation of cell phones and how cell phones accessed cellular service through a network of towers. Levitan explained how and why cell phones always connect to their service providers' nearest tower and that service areas for towers are mutually exclusive. The murder scene and the Applicant's home are in different cell tower coverage areas and that service for those areas are mutually exclusive. Identifying 25,958 text messages, Levitan testified that the Applicant was an obsessive cell phone user. Records for the day of the murders were consistent with Applicant's overall obsessive phone usage showing a high volume of calls and texts. This included a series of calls or texts made or received within just minutes of the murders. All of these calls and texts, including those within just a few minutes of the murder connected through the tower servicing the Applicant's home. The records show that on the day of the murders the Applicant's cell phone never once connected to the tower servicing the scene of the murders. Because the tower service areas are mutually exclusive, Levitan concluded and opined that there was no evidence from cell phone records that the Applicant was at or even near the scene of the murders when the murders

occurred, or at anytime on the day of the murders. Levitan's testimony was based on the same records that were provided to defense counsel through pre-trial discovery.

At trial the chief police investigator testified that the phone records provided nothing of value. (Tr. Day 2, p.141,l.9-17).

At the hearing Applicant's mother Patricia Fuller and his father Donald Johnson both testified that the Applicant was home on the morning of the murders. Fuller testified that to get to the laundry room she had to go through the Applicant's room at 6:30 and again at 7:00 a.m. on the morning of the murders. When she did the Applicant was asleep on the couch. Fuller never saw the Applicant leave the house that day. Applicant's trial counsel was aware of what Fuller's testimony would have been, and although she was present at the trial, he did not call her as a witness. Appellant's father, Don Johnson testified that between 9:30 and 9:45 that morning he also went through the Applicant's room and that the Applicant was still asleep on the couch. Trial counsel was aware of what Johnson's testimony would be and although Johnson was present at trial he was not called as a witness. Trial counsel had ample discovery showing that the murders occurred at approximately 10:00 a.m. Johnson testified that he was "shocked" when he was not called as a witness. Despite knowing what the testimony of Fuller and Johnson may be, Counsel failed to file or serve notice of alibi.

Applicant's trial counsel testified that he had the cell phone records showing text messages to and from Applicant's phone, including texts at 9:37 and 9:39 and 10:16 on the morning of the murders. Counsel also had the coroner's report and other discovery material that showed the time of deaths to be approximately 10:00 a.m. Records provided to trial counsel through discovery showed the Applicant's phone was not at or near the murder scene when those texts were sent or

received or at any time during the day of the murders. Counsel also had phone records of Nick Granados, who pled guilty for his role as the inside man at the murder scene who let Scott Lowe in the victim's house by leaving a door unlocked. Those records showed a stream of calls and texts by Granados from victim's house up to 9:37 that morning. Granados suddenly stopped sending texts and did not resume making calls or sending texts until 10:17. This left a conspicuous forty minute gap in an otherwise constant stream of texts. Counsel admitted that Granados' phone records tended to establish the time of the murders, especially when combined with records from EMS showing when they received and responded to a fire call at the murder scene.

Applicant's trial counsel testified that he had the Applicant's phone records when preparing for trial. Although he had never tried a case involving cell phone location data, he was aware that the phone records contained location data. Counsel testified that he and his staff looked at the phone records for location data but didn't understand how to interpret the information to use it at trial. Despite knowing that the phone records contained location data, counsel failed to obtain an expert to assist in the interpretation of the phone record data that he had or otherwise to educate himself so that he could make an informed decision as to the value of the location data to the Applicant's case. At the PCR hearing counsel admitted that location data could "possibly" have been significant to the defense of the case. Counsel's failure to obtain an expert and use the cell phone information that had been provided through discovery was compounded by the testimony of the investigating officer who testified that all the cell phone data had been analyzed and that it did not contain anything of value. Although counsel testified that he was trying to minimize or mitigate the cell phone evidence as it might be "hurtful" to the Applicant, he was never able to set a complete understanding of the cell phone location data that he knew was contained in the cell

phone records provided in the discovery material. He was therefore unaware of its exculpatory value, and as a result, could not arguably have made an informed decision as to its potential use. Counsel's failure to conduct an independent investigation of the facts and circumstances of the case constitutes a failure to provide reasonably effective assistance under prevailing professional norms. I find that counsel's failure prejudiced Applicant's defense in the case. Both prongs of Strickland having been met. The Applicant is entitled to relief on this issue.

2. Applicant's counsel was ineffective for failing to present exculpatory evidence proving the identity of perpetrator.

Applicant argues that trial counsel should have objected when the prosecution said the following in its opening statement:

> In this case, law enforcement did everything they could. Forensics came out and fingerprinted items that were of interest. They swabbed items for potential DNA and none of that information comes back with anything. Just because someone came in and out of that house, doesn't mean that they left a fingerprint or that they left DNA. And just because someone admits to being in that house over an extended period of time doesn't mean that they leave DNA or a fingerprint.

Applicant takes issue with the prosecutor's eliciting testimony that officers found no evidentiary value in the prints collected from the crime scene and that the prints collected did not produce any leads for the investigating officers. Applicant argues that the prejudice to Applicant was compounded when the prosecutor said in closing argument that the fingerprint had been found on an ashtray at the crime scene, when in fact the print was found on a candle jar.

A forensic investigator lifted two fingerprints from a glass candle jar found sitting on an end table at the crime scene; those prints were identified as those of Ryan Waye according to Applicant's exhibit eighteen. Other exhibits described that the victims' bodies appeared to have

candle wax on them in certain places. Contrary to Applicant's assertions, this is not proof that Waye was in the home at the time of the murders and used the candle in question to try to set the victims' bodies ablaze. Every sentence of the above-quoted opening argument from the solicitor is wholly defensible as proper for opening argument. Applicant has failed to prove that a fingerprint found at the scene had any relation to the crimes, which is fatal to his claim the prosecution committed misconduct. Trial counsel elicited testimony about the print at trial and highlighted the fact that officers did not find any forensic evidence linking Applicant to the crime scene. Trial counsel testified that he considered arguing at trial that Waye was the real killer instead of Applicant and affirmed that he knew officers had ruled out Waye as a suspect during their investigation because he had an alibi. Trial counsel also thought that the prosecution's reference to the jar as an ashtray could have been an accident and that he did not have any concerns about the characterization at the time of trial. Under the circumstances, it was reasonable for trial counsel not to object to the prosecution's opening statement, to the officer's testimony about the lack of value that the forensic evidence provided to the investigation, and to the prosecution's reference to a candle jar as an ashtray.

Applicant has failed to establish that there is a reasonable likelihood that the outcome of trial would have been different even if trial counsel had objected to the prosecution's opening statement and "ashtray" reference and to the officer's testimony about the lack of forensic evidence of value. Trial counsel elicited evidence that Waye's prints were found at the crime scene and that Applicant's were not. Although Waye had died by the time of Applicant's trial, the prosecution was prepared to provide evidence of Waye's alibi through testimony from Laura Hart, if Applicant's defense was to point the finger at Waye. One of Applicant's co-defendants admitted

to killing the two victims and testified about Applicant's participation in the crimes, and Applicant lied to officers about his communications with that co-defendant and tried to falsify an alibi for the time of the murders. One of Applicant's co-defendants, the one who testified against him at trial, testified that he initially told investigating officers that he heard that Waye had been involved in the murders because he wanted to redirect the officers' attention from himself and said that he did not get along with Waye. Trial Tran. 84. Under those circumstances, the objections would almost certainly have had no effect.

3. Applicant's claim that trial counsel was constitutionally ineffective for not objecting to improper comments in the prosecution's opening statement.

Applicant argues that trial counsel should have objected in reliance upon Doyle v. Ohio, 426 U.S. 610 (1976), when the prosecution said in its opening statement that Applicant's two co-defendants had accepted responsibility by pleading guilty while Applicant had not accepted responsibility. Applicant's reliance upon Doyle is misplaced, though, because Applicant did give at least one statement to officers after he was given warnings pursuant to Miranda v. Arizona, 384 U.S. 436 (1966), and because the comment would have been one made upon Applicant's decision to plead not guilty rather than his decision not to testify at trial. Trial counsel was not constitutionally ineffective because Applicant has failed to prove that he suffered any prejudice from the comment. There was ample evidence before the jury about the fact that Applicant's two co-defendants had pleaded guilty; one of those two co-defendants was the prosecution's most important witness. The trial court instructed the jury that it could not hold Applicant's decision to exercise his constitutional rights against him, and it was obvious to the jury that Applicant decided to exercise his right to a trial based simply on the fact that there was a trial at all. Trial counsel

argued that the testifying co-defendant was motivated to testify falsely against Applicant because he wanted the benefit of a plea bargain with the prosecution. The prosecution's single comment did not cause Applicant to suffer prejudice, and this Court finds that trial counsel was not constitutionally ineffective for not objecting to it.

4. Applicant's claim that trial counsel was constitutionally ineffective for not using available evidence to impeach the testifying co-defendant.

Applicant argues that trial counsel did not use all available evidence to impeach the credibility of Scott Lowe, who testified against Applicant at trial and admitted to being the one who killed the victims and placed Applicant at the crime scene. The prosecution elicited testimony from Lowe at the outset of his testimony about his prior conviction for manufacturing methamphetamine. Applicant's Exhibit 15 consists of some court records for that conviction. One page of that exhibit shows that Lowe's sentence for manufacturing methamphetamine, which was a probation term, was ended after he was sentenced to imprisonment for the crimes also at issue in Applicant's trial; the records indicate that the probation was ended because Lowe would not be able to comply with the terms of his probation while serving twenty years in prison, so this was of no impeachment value whatsoever. The prosecution testified that the other exhibits for Lowe that Applicant has identified were criminal charges that were resolved by a different prosecutor before Lowe was charged for the victims' deaths. The prosecution elicited testimony from Lowe that he had engaged in drug sales and purchases, had manufactured drugs, and did drugs himself. The prosecution elicited testimony from Lowe that he killed both victims. During cross-examination, trial counsel elicited an affirmation from Lowe that he had a previous conviction and that he had been "driving around with a mobile meth lab" in his car. Trial counsel

elicited testimony from Lowe that he cares more for animals than people.

Applicant has failed to prove that trial counsel's performance was deficient with respect to his impeachment of Lowe. Of the exhibits that Applicant has put before this Court, only one represents an impeachable offense and trial counsel did impeach Lowe with this conviction at trial. Of the remaining exhibits, they lack impeachment value for various reasons. Additionally, trial counsel could not have impeached Lowe by introducing evidence of previous arrests. Even if those additional things had been introduced at trial, they would not have changed the outcome of trial because they are lesser indictments against Lowe's character than the things put in evidence at trial through his own testimony.

WHEREFORE, BASED ON THE FOREGOING the Court grants the Applicant's request for relief based on Issue 1 above and denies relief on Issues 2 through 4. The Applicant's conviction is hereby reversed, and a new trial granted.

IT IS SO ORDERED.

G. D. Morgan, Jr., Circuit Judge

This 27th day of June, 2023,

Greenville, South Carolina.

Copy mailed to
Attorney Brown and Wilke
on 6 / 28 / 2023

STATE OF SOUTH CAROLINA	COURT OF GENERAL SESSIONS
	2014-GS-23-2203
State of South Carolina	TRANSCRIPT RECORD
vs	
James Michael Johnson	

July 13, 2015 Day - 1
Greenville, South Carolina

BEFORE: The Honorable Derham Cole, Judge

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

Lucas Marchant, Esquire
Katrina Salisbury, Esquire
Assistant Solicitor

Zach Ellis, Esquire
Attorney for the Defendant

Caroline Hiskell
Thirteenth Circuit Court Reporter

I N D E X

(No witnesses were called.)

(All Exhibits were marked prior to the start of the trial.)

P R O C E E D I N G S

THE COURT: Good afternoon, ladies and gentlemen of the jury panel. My name is Derham Cole, I'm a resident circuit judge in Spartanburg assigned this week to preside over general sessions court and as you know that's the criminal side of court.

The first case this afternoon that we have that's going to require some of your participation is the case of the State versus James Michael Johnson and Mr. Johnson has been accused by way of these indictments. Indictments are simply charging papers. They're like arrest warrants.

Any case that comes to circuit court for disposition has to be brought by way of an indictment. And the indictments in this case charge James Michael Johnson with the crimes of murder and with possession of a firearm during the commission of a violent crime.

There are two separate indictments. There are four separate charges. He's charged with having committed the crime of murder on April 3rd of 2011. He is alleged to have unlawfully an with malice aforethought kill one Amber Daniel and Christopher Picaro by shooting him and her and that each died as approximate result of those gunshot wounds.

He's also charged with possession of a

firearm during the commission of a violent crime that violent crime alleged to be murder.

As to all of those charges and the allegations contained in each of those indictments, the defendant, Mr. Johnson has entered a plea of not guilty.

A plea of not guilty places upon the State the burden of proving the allegations that they have made by way of these indictments. The burden of proving each of the essential elements of these crimes that are alleged against the defendant and therefore, the burden is upon the State to establish his guilt to the satisfaction of 12 jurors beyond a reasonable doubt before any verdict of guilty can be returned.

Therefore, we will be selecting 14 of you to participation in the trial of the case, 12 primary jurors and 2 alternate jurors. The alternate jurors serve in the event one of the primary 12 can not continue to serve for some reason.

The juries function is to listen to evidence, the decide facts, apply the law and arrive at a fair, just, and impartial decision whatever that decision may be.

Now, before we can begin with jury selection, I've got some folks that I need to introduce to you. I also have some other questions that I'll be asking you.

The purpose of these introductions and the purpose of these questions will be to find out if there any reason why any one of you jurors should not be selected to participate in the trial of this particular case.

So as these questions are asked should you need to respond, I'll simply ask that you please stand and I'll address those matters with you individually.

When these folks are introduced, and these are people involved in the trial of the case, the lawyers, potential witnesses and the like, when they are introduced, if you know them or you have any connection with them by blood or marriage relations or you work with them, you go to school with them, you attend church with them, you know them socially or you've met them somewhere or you know some members of their respective families, if you have any connection whatsoever with anybody who is introduced to you, we need you to stand so we can determine what that connection is and find out whether or not it would affect your judgment in the case.

First of all, as I told you, the defendant, that is the person who is accused of having committed these criminal offenses is James Michael Johnson. Mr. Johnson if you'll please stand and face the jury panel so they may see who you are. This is defendant James Michael Johnson.

Thank you be seated.

Sitting with Mr. Johnson at the defense table is Zach Ellis. He's Mr Johnson's lawyer. He'll be assisting him during the trial of the case.

The person who I have read from the indictment who are alleged to be the victim of this event are Amber Daniel and Christopher Pecora. If you happen to know or did know either of them or you know some member of their respective families, I would ask you to please stand so we can determine that connection.

Presenting the case on behalf the State is Lucas Merchant and Katrina Salisbury. The are each assistant circuit solicitors for the Thirteenth Judicial Circuit.

There are a number of potential witnesses that could be called the entire list. The fact that I recite a lengthy list does not mean that every witness will be called to testify. It does mean that they are potential witnesses all depending on how the case develops but I have to recite the potential witnesses because it might be a particular witness is called and I need to find out if you have any connection whatsoever with any of these witnesses or their respective families.

These witnesses include -- the first 13, I'll just stop at the first 13. For your information, the

first 13 are all employed by the Greenville County Sheriff's Department. So if you know somebody that has that same name but they don't work for the Sheriff's Department, that's not the same person.

However, if a name does come up and you know somebody by that name that you're not sure it's the same person on this list, please stand and I'll have that identification so we are certain that you know a potential witness to be called during the trial.

The first 13 including Antonio Bailey, Chris Hammet, Chris Miller, Ricky Motes, Wayne Campbell, Mike Fortner, Charlie Brown, Bob Alexander, Tim Martin, Jason Castle, Jim Perry, Charles Gonzales and Mat May. Those are all employed with the Sheriff's Department, so if you think you know any of them please stand.

Okay. Your name and number, please, ma'am.

JUROR NO. 214: I'm Sally Sexton, No. 214.

THE COURT: Who is it that you know?

JUROR NO. 214: I know a couple of those guys. My husband works for the Greenville Sheriff's Department.

THE COURT: Okay. And the fact that you may know some of these and the fact that your husband works for the Greenville County Sheriff Department, would that, in any way, interfer with your ability to be fair and

impartial in this case if you were selected to serve as a juror?

JUROR NO. 214: I don't think so even though I don't know if I have some opinions being with my husband for 10 years.

THE COURT: Well, we all can understand that, but do you think that would affect your ability to render a fair and impartial decision? In other words, if you went home and rendered a decision that your husband right not agree with?

JUROR NO. 214: No, sir.

THE COURT: So you believe you could stick to your opinion and not allow it to affect -- state your opinion and make that decision without being influence by any outside consideration?

JUROR NO. 214: Yes, sir.

THE COURT: Yes, sir.

JUROR 40: Mike Buckley, No. 40, I had a ride along with Mike Fortner.

THE COURT: And you have ridden in the vehicle with Mike Fortner I presume for educational reasons.

JUROR NO. 40: Yes, sir.

THE COURT: Would that in any way affect your judgment in this case.

JUROR NO. 40: No, sir.
THE COURT: Yes, sir.
JUROR NO. 2: William Aiken. I may have made a mistake. I do know Lucas Marchant but only socially.
THE COURT: Okay, and you know Mr. Marchant socially.
JUROR NO. 2: Yes.
THE COURT: And would that have any bearing on your decision?
JUROR NO. 2: No, sir.
THE COURT: Yes, ma'am.
JUROR NO. I believe my supervisor's brother is Jason Castle.
THE COURT: And your supervisor's brother works for the Sheriff's Department? I called Jason Castle who works for the Greenville County Sheriff's Office.
JUROR NO. 230: Yes, sir. I believe I work for his brother.
THE COURT: Would that in any way impair your ability to be fair and impartial in this case?
JUROR NO. 230: No Sir.
THE COURT: And your name and number, please.
JUROR NO. 230: *** Juror 230.
THE COURT: Let me add to this if you know anybody in the 13th Judicial Circuit Solicitor's Office,

aside from those here in the courtroom, if you know them, I would ask that you please stand.

I got Juror No. 2 standing again.

JUROR NO. 2: *** is my son's godmother.

THE COURT: Would that affect your judgment in any way. 320

JUROR NO. 2: I don't think so.

THE COURT: Thank you.

Yes, ma'am.

JUROR NO. 7: Janice David, No. 7 Brittany Kelly who works for the Solicitor's Office. She went to school with my son.

THE COURT: Would that affect your judgment?

JUROR NO. 7: No, I don't think so.

THE COURT: Okay. The following names I'm going to recite, they work for the Greenville County Department of Public Safety. I assume that's the City of Greenville.

MR. MARCHANT: Your Honor, the composition her is county, city and then all the forensic people are actually employed by the Greenville Department of Public Safety.

THE COURT: What about GCDPS, is that city?

MR. MARCHANT: That's a separate entity but it's forensics department.

THE COURT: Okay. I got it. These are employed by the Greenville County Department of Public Safety and those include, James Armstrong, Donna Shaw, Doug Smith, Chris Gary, John Derby, Brian Browning, John Vandermostin and Kara Bennick.

Anyone have a connection with any of those?

(No response.)

I also have James Fulcher. Is that a medical doctor?

MR. MARCHANT: He is a forensic pathologist.

THE COURT: Does anybody know Dr. Fulcher?

The following five potential witnesses are employed by the Taylor's Fire Department, Jacob Bors, Craig Howell, Andrew Buckhow, Ricky Burgeous, and Jeff Hahanna.

JUROR NO. 7: I know Jeff Hahanna.

THE COURT: How do you know Jeff Hahanna?

JUROR NO. 7: He's worked for the fire department for a long time. My husband is a state trooper and we used to go there for Christmas parties.

THE COURT: And you're juror No. 7.

JUROR NO. 7: Yes.

THE COURT: Would it affect your judgment in any way?

JUROR NO. 7: No.

THE COURT: Thank you. Yes, sir.

JUROR NO. : I know Jeff Hahanna also.

THE COURT: How do you know him?

JUROR NO. : We've been friends since we were kids.

THE COURT: Would it affect your judgment?

JUROR NO : No, sir.

THE COURT: Thank you. The next group of people I'm calling may be family members or may be just lay witnesses. I don't have any employment connections so they're not law enforcement officers. I'm going to recite a list of those. They are not in the courtroom, but if you think you know someone, just stand and I'll try to identify the person for you.

Dana Bar, Joe Elrod, Tyler Clark, David Correl, Loretta Coward, Timothy Coward, Sherri Dyer, Tamella Dyer, April Dyer, Jordan Gary, Georgia Viars, Timothy Frasier, Brad Steele, Leonard Picaro, Jason Vindelli, Timothy Hall, Jennifer Sandez, Michael Hart, Amanda Picaro, Teresa Kennon, Laura Hart, Anne Palmer, Savannah Davenport, Cory Neff, Herman Stockman, Holly Daniels, Mike Daniels, Jeff Smith.

You are Juror 230.

JUROR NO. 230: Yes, sir.

THE COURT: Who is it that you know in that

group?

JUROR NO. 230: Laura Hart.

THE COURT: How do you know her?

JUROR NO. 230: I think I went to school with her.

THE COURT: What school?

JUROR NO. 230: Bob Jones University.

THE COURT: Can y'all identify Laura Hart for me? Is she outside?

MR. MARCHANT: She's outside.

THE COURT: How is she connected with the case?

MR. MARCHANT: She's a lay witness and I seriously doubt that it's the same Laura Hart?

THE COURT: How do you know?

MR. MARCHANT: I don't know for sure, but based off the circumstances involved, I don't believe Ms. Hart would have gone to Bob Jones, but that's just speculation.

THE COURT: Of course it is, so let's don't speculate.

MR. MARCHANT: Yes, sir.

THE COURT: Do you have a residence or an address or anything?

Juror 230, assuming you went to school with

her and if this was the same person, would that in any way impair your ability to be fair and impartial in the case?

JUROR NO. 230: No, sir.

THE COURT: Would it affect your judgment in any way?

JUROR NO. 230: No, sir.

THE COURT: Yes, ma'am.

JUROR NO. 70: Patrice Culbertson, I believe I went to school with Sherri Dyer.

THE COURT: Your name and number.

JUROR NO. 70: Patrice Culbertson

THE COURT: You believe you went to school with Sherri Dyer?

JUROR NO. 70: Yes, sir.

THE COURT: What school was it?

JUROR NO. 70: Greer High.

THE COURT: Was she white or black or hispanic or what? You don't know?

JUROR NO. 70: Mixed I think.

THE COURT: What about Sherri Dyer, Mr. Solicitor?

MR. MARCHANT: That sounds like the person that she is referring to.

THE COURT: Okay, let's assume for the purposes of the question that it is the same person.

Would that have any bearing upon your decision?

JUROR NO. 70: No, I haven't seen her since high school. I just remember that name.

THE COURT: Would it affect your judgment in any way?

JUROR NO. 70: No.

THE COURT: Thank you.

The following six potential witnesses are employed by the Buncomb County Sheriff's Department in North Carolina: Jeff Eaton, Allen Endaya, Darrel Maxwell, Samuel Sayos and Kevin Hunter. Anyone know any of those?

(No response.)

I have five remaining lay witnesses: Billy Joe Durham, Scott Lowe, Manual Ranayos, Patrica Fuller and Don Johnson. If you know any of those, please stand.

(No response.)

Any other potential witnesses to be called by the State?

MR. MARCHANT: No, sir.

THE COURT: By the defense?

MR. ELLIS: Nothing from the defense.

THE COURT: Has any member of the jury panel or your immediate family -- anytime I ask you about an immediate family member, let me define that as a parent, spouse, child or sibling -- have you or any members of

your immediate family ever involved in a case that involved the 13th Judicial Circuit Solicitor's Office? In other words, were you or any member of your immediate family was ever a victim and came down here and the Solicitor's Office prosecuted the case or you and some member of accused of having done something and the Solicitor's Office prosecuted the case? Have you ever been called as a witness to testify in a criminal case either by the Solicitor's Office or some defense lawyer that was trying a case by the Solicitor's Office.

Have you ever been involved in any case down here in the general sessions court, if so, please stand?

JUROR NO. 214: My husband has been called many many times. I'm not sure if that counts.

THE COURT: Of course, it would. Your number is what?

JUROR NO. 214: 214.

THE COURT: Would it affect your judgement in any way?

JUROR NO. 214: No, sir.

THE COURT: Juror 154, Bridgitte Brisatti.

JUROR NO. 154: Juror 154, Bridge Brisatti. My sister is a lawyer and I know she comes to Greenville sometimes to try cases.

THE COURT: Would that have any bearing on

your decision in this case?

JUROR NO. 154: No, sir.

THE COURT: Yes, ma'am.

JUROR NO. 236: Catherine Barns, 236. (Inaudible) was a victim in a case.

THE COURT: Would that have any bearing on your decision?

JUROR NO. 236: No, sir.

THE COURT: Juror No. 7.

JUROR NO. 7: My husband is a retired state trooper and I do have a son that's a Greenville County Sheriff also.

THE COURT: Would either of those connections have any bearing on your decision?

JUROR NO. 7: No, sir.

THE COURT: Yes, sir.

JUROR NO 99: My father was an attorney but he passed away last year.

THE COURT: Your name and number.

JUROR NO. 99: David Freeman, No. 99.

THE COURT: Would that have any bearing on your decision?

JUROR NO. 99: No, sir.

JUROR NO. 31: Juror No. 31, my son has been to court here in Greenville.

THE COURT: Would that affect your decision in this case?

JUROR NO. 31: No.

THE COURT: Thank you, be seated.

During the course of this trial there may be some testimony from some witness who is testifying about somebody involved in the case been involved in drugs, using, purchasing, selling or whatever. Does any member of the jury panel have such an opinion about the use or misuse or abuse of drugs that would cloud your judgement and would cause you to be unable to be fair and impartial in this case just because of the mention of the prevelance of drugs that may come up in the course of the trial?

Do you have any such opinion for or against it that may affect your judgement in the case that we're trying here today? If so, please stand.

Does any member of the jury panel ever been employed as a law enforcement officer or relate to anybody that's ever been employed as a law enforcement officer?

You have been or member of your immediate family has been. If so, please stand?

Alright, 214.

JUROR NO. 233: My sister is a retired detective?

THE COURT: From Greenville County or out of

state?

JUROR NO. 233: Out of state.

THE COURT: Would that have any bearing on your decision?

JUROR NO. 233: No, sir.

JUROR NO. 49: About 10 years ago I used to work at the jail, Sheriff's Office.

THE COURT: Would that have any bearing on your decision?

JUROR NO 49: No, sir.

THE COURT: Is any member of the jury panel a member of or do you contribute time or money to any type of organization tha some might characterize or classify as law enforcement support or victim's advocate type groups, and those include MAD, SAD, CAVE, Rape Crisis, Safe Homes, Faternal Order of Police, Neighborhood Watch, any type of organization similar to those or like those where you belong to them or you contribute time or money to them. Please stand.

Juror 233.

JUROR NO. 233: Law Center.

THE COURT: Yes, ma'am.

JUROR NO. 263: I use to volunteer for Safe Harbor.

THE COURT: Thank you be seated.

JUROR 214: Police Benevolence.

JUROR 16: Elizabeth Burns, No. 16, Julie Valentine Center.

THE COURT: Thank you, you can be seated. Juror 7. Anybody else.

Now, this is a case and I'm not from Greenville but I'm close by but this is a case that might have had some type of media exposure, I don't know, could have been something on television, radio or newspaper about the case. I'm not sure whether it was or not, but it involved as I told you the victims being alleged being Amber Daniels, Chris Picaro and this defendant is Mr. James Michael Johnson and the location was [redacted] Road which is off of Wade Hampton Blvd. It happened back in 2011.

Does anybody think you might have seen or read anything about the case from any person or any other source, television, radio or tv. It could have been when it occurred or this morning, but if you think you heard about the case from that source or any other source, I'll ask that you please stand so we can address that issue.

JUROR NO 154: Bridget Masotti, News 4, online.

THE COURT: How recent was that?

JUROR NO 154: Last night.

THE COURT: Would that have any impact on your decision?

JUROR NO. 154: No, sir.

THE COURT: Could you put that aside and not let it cloud your judgement in the case?

Thank you, you can be seated. Sometimes when you read these things, half the times the facts in those newspapers or tv is not correct. I need to know if you've been exposed to that information and it is important as to whether you put it aside based on what you see or hear in the courtroom.

JUROR NO. 236: I saw it on tv this morning.

THE COURT: Do you remember what you saw or heard? Yes or no?

JUROR NO. 236: No.

THE COURT: Anything that would affect your judgement and put it aside and not allow it to influence your decision?

JUROR NO. 236: No.

JUROR NO. 150: I saw it on the news this morning.

THE COURT: Was that television or radio??

JUROR NO. 150: Radio.

THE COURT: Is that the only source you had?

JUROR NO. 150: I remember an article I read

about it before.

THE COURT: Do you have a specific recollection what you seen or read?

JUROR NO. 150: I do remember.

THE COURT: Would it cause you to unfair about the case if you were selected as a juror?

JUROR NO. 150: No, Your Honor.

JUROR NO. 65: I saw it on tv this morning and I vague I think I saw it in the newspaper and tv.

THE COURT: Would that affect your judgement and put it aside and not allow it to influence your decision, based your decision on what you hear in the courtroom?

JUROR NO. 65: Thank you be seated.

Alright, I told you a little bit about what the case is about. That's about as much as I know quite frankly. I've also introduced to you the people involved in the trial of the case and told you who the alleged victims are, the defendant, the witnesses and the lawyers. Is there anything about the case itself or anything surrounding it that would impair any jurors ability to be fair and impartial if called upon to serve as a juror in the case. I would ask you to please stand.

Juror No. 40, do you think you have a reason why you could not be fair, just yes or no.

JUROR NO. 40: Yes.

THE COURT: You do?

JUROR NO. 40: Yes.

THE COURT: We'll excuse Juror No. 40 from service in the case. Anybody else?

Any other questions by the State or the defendant?

MR. MARCHANT: No, Your Honor.

MR. ELLIS: No, Your Honor.

THE COURT: The way the jury is selected is your names are drawn out of a computer randomly. You'll be called one at a time, you'll come forward to this podium turn and face your fellow jurors. Each side has an opportunity to have you excused from the case or to have you seated for service in the case. If either asked that you be excused, you can go back and have a seat. If both agree to have you seated for service in the case, you'll be having a seat in that jury box to my left and you're right. Please come forward as you name is called.

THE CLERK: Juror No. 168, Gary Ogada.

What says the State?

MR. MARCHANT: Please present the juror.

THE CLERK: What says the defendant?

MR. ELLIS: Please excuse this juror.

THE CLERK: Please be seated.

Juror No. 125, Lanie Jones.
What says the State?
MR. MARCHANT: Please present the juror.
THE CLERK: What says the defendant?
MR. ELLIS: Please seat the juror.
THE CLERK: Please be seated in the jury box.
Juror No. 104, Courtney Camielle Gardner.
What says the State?
MR. MARCHANT: Please present the juror.
THE CLERK: What says the defendant?
MR. ELLIS: Please seat this juror.
THE CLERK: Please be seated in the jury box.
Juror No. 230 Donna Tillman.
What says the State?
MR. MARCHANT: Please present the juror?
THE CLERK: What says the defendant?
MR. ELLIS: Please excuse this juror.
Juror No. 227, Claud Thomas.
What says the State?
MR. MARCHANT: Please excuse the juror.
THE CLERK: Juror No. 165, Joseph Nietopski.
What says the State?
MR. MARCHANT: Please seat this juror.
What says the defense?
MR. ELLIS: Please swear the juror.

THE CLERK: Please be seated in the jury box. No. 99, David Freeman. What says the State?

MR. MARCHANT: Present the juror.

THE CLERK: What says the defendant?

MR. ELLIS: Please seat this juror.

THE CLERK: Juror No. 83, Dorothy Emery. What says the State?

MR. MARCHANT: Present the juror.

MR. ELLIS: Please excuse this juror.

THE CLERK: Juror No. 94, Julie Forrest.

MR. MARCHANT: Please present this juror.

MR. ELLIS: Please excuse this juror.

THE CLERK: Juror No. 39, Jeffrey Bryan.

MR. MARCHANT: Please present this juror.

MR. ELLIS: Please excuse this juror.

THE CLERK: Juror No. 31 Halbert Brockman. What says the State?

MR. MARCHANT: Please excuse the juror from the trial of this case.

THE CLERK: Juror No. 195, Karen Reeves.

MR. MARCHANT: Please present this juror.

THE CLERK: What says the defendant?

MR. ELLIS: Please swear this witness.

THE CLERK: Please have a seat in the jury box.

Juror No. 154, Bridget Massotti.

What says the State?

MR. MARCHANT: Please present the juror.

MR. ELLIS: Please excuse the juror.

(Juror No. 70, Patrice Culbertson, Juror No. 29, Lacy Bridgers, Juror No. 128, Justin Keith, Juror No. 217, Joyce Charping, Juror No. 251, Donald Woodward, Juror No. 255 Mason Garett, Juror No. 40, Mark Buckley, were selected to serve on the jury panel.)

Ladies and gentlemen, it's getting almost stopping time so we're not going to begin the trial tonight, we'll do that in the morning. I've got some other matters I need to address. Some relate to this case and some don't relate to this case at all but I've got to take care of those. I'm going to ask you to report to your jury room at 10:30 in the morning. At that time we should be in the position to begin with the trial of the case.

During the overnight recess, you heard me asking those questions, it's important. Your obligation as a juror in this case is to render a fair and impartial decision based upon the evidence presented during the trial and the law that's applicable that I'll provide you at the trial's conclusion. You can't allow any outside cosdieratin to influence your judgement. Even though thne

case hasn't actually started and you haven't heard any testimony or seen any evidence you still are not permitted to talk about the case wwith any person whatsoever. When the ase is over you can talk about it all you want to but until that time comes, you're not permitted to talk about it whatso ever with any person that includes your fellow jurors.

Also, as you've heard there's been something in the news about the case. You're never permitted to allow that to influence your decision and therefore you're not permitted to look at anything on television about the case. You're not permitted to listen to anything that comes over the radio about the case, you're not permitted to read anything that might appear in the newspaper or some other source.

You also can not conduct any research or do your own investigation into any issue. You can't conduct internet research the case. You can't look up articles about the case should there be some. You just can not be exposed to any information about this case from any source whatsoever.

You will base your decision on what you hear during the trial and the law applicable during the trial.

Thank you again for your participation and have a good evening.

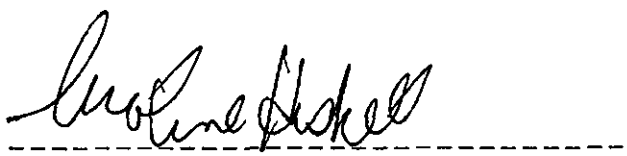
(Jury excused for the evening.)

The court is recessed until 9:30 in the morning.)

---END OF TRANSCRIPT DAY---

I, the undersigned Caroline Hiskell, Official Court Reporter for the Thirteenth Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in Court of General Sessioons, Greenville County, this 13th day of May, 2015.

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



Caroline Hiskell

STATE OF SOUTH CAROLINA	COURT OF GENERAL SESSIONS 2014-GS-23-2203
State of South Carolina vs James Michael Johnson	TRANSCRIPT RECORD

July 14, 2015 Day - 2
Greenville, South Carolina

BEFORE: The Honorable Derham Cole, Judge

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

Lucas Marchant, Esquire
Katrina Salisbury, Esquire
Assistant Solicitor

Zach Ellis, Esquire
Attorney for the Defendant

Caroline Hiskell
Thirteenth Circuit Court Reporter

I N D E X

JACKSON V. DENNO HEARING:

Investigator Antonio Bailey
Investigator Charles Brown
Investigator Mike Fortner

WITNESSES:
Jacob Fors
Matt May
Antonio Bailey

EXHIBITS

IDENTIFICATION	
1 through 45	Photographs
46	Waiver
47	Waiver
48	Statement
49	Statement
50	Statement
51	Statement
52	Statement
53	Consent
54	Waiver
55	Statement

(All Exhibits were marked prior to the start of the trial.)

P R O C E E D I N G S

THE BAILIFF: All rise, the Honorable Judge Durham Cole presiding.

THE COURT: Thank you. Be seated.

MR. MERCHANT: Good morning, Your Honor.

THE COURT: Good morning. What's first up?

MR. MERCHANT: If it please the Court, I just have one matter that the State failed to bring to the Court's attention before we started yesterday. On Indictment 2014-GS-23-2203, the defendant is charged with murder as well as possession of a weapon during the commission of a crime.

The possession of the weapon's charge was directly presented. I've looked through my notes and files and discussed this with Mr. Ellis. We both were of the belief that he was arraigned at the last bond hearing which would have been in December of 2014, however, I can not find any bond that was set on that charge, so I am not 100 percent certain that that occurred. It got past me yesterday morning when everything was unfolding. So he needs to be arraigned on that charge. The defense is aware of the charge. I don't believe he has any objection to the status and posture of where we are at the moment. It's a formality of arraignment.

THE COURT: Mr. Ellis, does your client wish

to waive arraignment?

MR. ELLIS: One second, Your Honor, he's asking me a question.

Your Honor, I agree with Mr. Marchant. I believe my client was arraigned months ago. I recall that as well. My client is not sure if he's been arraigned. He'd like to go ahead and have it formally done.

THE COURT: Your are James Michael Johnson?

DEFENDANT JOHNSON: Yes, sir.

THE COURT: Mr. Johnson, I have before indictment 2014-GS-23-2203, it charges you with crimes of murder and possession of a firearm during the commission of a violent crime. Am I to understand that Count 2 is the only charge that is directly indicted?

MR. MARCHANT: The indictment charges you with a firearm in the commission of a violent crime. The State alleges that you did here in Greenville County on or about April 3, 2011 possess or visibly display a handgun during the commission or attempted commission of a violent crime that crime being murder as in County 1 of the indictment.

Now, if you convicted or found guilty of possession of a firearm during the commission of a violent crime, you could receive a sentence of up to five years in jail, do you understand the charge?

DEFENDANT JOHNSON: Yes, sir.

THE COURT: It's the same as the other indictment. It's just accompanying the separate murder charge, do you understand?

DEFENDANT JOHNSON: Yes, sir.

THE COURT: And do you wish to enter a plea of not guilty to it?

DEFENDANT JOHNSON: Yes, sir.

THE COURT: Okay. Mr Johnson, you can have a seat.

MR. ELLIS: Your Honor, Mr. Marchant and I were discussing yesterday that there may have been an issue with the jury qualification of the entire panel downstairs with Judge Pyle. I understand we had a discussion in the courtroom about the records of various defendants and we may have covered everything and there may not be anything on our panel who should have been disqualified on prior record, just for the record of this case, Judge, at this point forward, my client was objecting to the jury panel and that was in correct.

THE COURT: Well, is there any juror serving on this case that has a crime conviction or any conviction that carries more than one year?

MR. MARCHANT: Not that I'm aware of, Your Honor. I believe we rehashed this yesterday. I'm not

aware of any juror that's seated has any conviction period that we're aware of.

THE COURT: Okay. Do you have the criminal histories of each of the jurors that are seated in this case?

MR. MARCHANT: Yes, Your Honor.

THE COURT: How about pulling those for me.

MR. MAR CHART: Yes, Your Honor. My investigator is going back to the office to retrieve that notebook.

THE COURT: That's fine. I don't need that right now, I just want to have it.

What's the first matter to address?

MR. MARCHANT: We have several Jackson v. Denno Hearings, Your Honor.

THE COURT: Alright, let's begin.

MR. MARCHANT: At this time, the State would call Antonio Bailey.

Your Honor, just so I'm clear, the defendant is objecting to the first two statements that he gave law enforcement which were in the State's position, voluntary. He was not under arrest and he was at the Law Enforcement Center as a potential witness or someone with information at that time. There was a statement given to Investigator Bailey on April 4, 2011 as well as April 5 that the State

would contend were voluntary and not in police custody or subject to interrogation and a Denno Hearing is not necessarily on those two.

THE COURT: I don't have the slightest idea because I haven't heard any testimony, so I guess that's what has to be established.

MR. MARCHANT: Yes, sir. I'm asking if there is an objection to all of the statements or ---

THE COURT: Are you asking me or are you asking him?

MR. MARCHANT: I'm asking Mr. Ellis if he is objecting to all ---

THE COURT: Well, I assume y'all have already had that conversation, haven't you?

MR. ELLIS: Your Honor, it's our understanding that the State is planning to use all of my client's statements no matter what time they were given against him so we would object.

THE COURT: So you're requesting a determination of voluntariness?

MR. ELLIS: Yes, sir.

THE COURT: Okay.

THE CLERK: Please place your left hand on the Bible and raise your right.

ANTONIO BAILEY, having been duly sworn,

testified as follows:

Please be seated and state your name for the record.

THE WITNESS: Antonio Bailey.

BY MR. MARCHANT:

Q Investigator Bailey, where are you employed?

A With Greenville County Sheriff's Office.

Q And what's your capacity with the Sheriff's Office?

A Homicide Investigator.

Q Was that capacity the same today as it was back in 2011?

A Yes, sir.

Q And are you the lead investigator in this case?

A I am.

Q Did you have the opportunity to respond to the scene at [redacted] Road on April 3rd of 2011?

A Yes, sir.

Q As part of your responsibilities are you tasks with interviewing people both witnesses, suspects, defendants in a case?

A Yes, sir.

Q And in this particular case, do you have the opportunity to speak with a James Michael Johnson on April 4, 2011?

A Yes, sir.

Q On that first opportunity to speak with him, were did you speak with him?

A At the Law Enforcement Center.

Q And would you describe in the Law Enforcement Center you met with Mr. Johnson?

A On the second floor in the interview room, that's the ID office.

Q And would you describe the condition, physical layout, how big the room, is?

A The room is a quarter size of this courtroom. It has a table and two chairs.

Q On April 4, 2011, was Mr. Johnson under arrest?

A No, sir.

Q And how is it that Mr. Johnson made his way to the Law Enforcement Center to speak with you?

A I believe his mother brought him.

Q Did you interview his mother?

A No, sir.

Q Did Mr. Johnson voluntarily come to the Law Enforcement Center or did you make any threats or promises to have him come to the Law Enforcement Center?

A No, sir, he voluntarily came.

Q And how is it that you arrange with him for him to show up and speak with you?

A A phone call.

Q And he agreed to meet with you following the phone call?

A Yes, sir.

Q I'm showing you what's been marked as State's No. 46. Can you please take a look and see if you recognize that?

A Yes, sir, it's an acknowledgement form used by the Sheriff's Office.

Q What's the purpose of an advisement form?

A To let the person know their rights.

Q Was Mr. Johnson under arrest at this time?

A No, sir.

Q If he had walked into your office and told you I don't feel like discussing this matter with you, what would you have done?

A He would have been free to leave.

Q At any point in time throughout the course of this particular interview, did he acknowledge that he did not wish to speak about that?

A No, sir.

Q Referring to State's 46, how is it that you go about explaining a person's rights and assuring that they understand what they're rights are?a.

A Basically one of the first things I do is ask a

person for some basic information such as their name, address, phone number, birth date, social security number, how far they went in school and whether or not they can read or write. After that they're of course some advisement. Prior to advisement, I indicate that, "I'm going to read these advisement to you and if you understand each of these advisements, what I you to do is place your initials in front of that advisement. That's just to acknowledge understood what was read to you."

At that point I go through all of the advisement asking the question do you understand what was read to you. When I reach that waiver portion of the Miranda form, he's asked to read it aloud, which he did.

There is a word in that paragraph which is coercion. I asked Mr. Johnson if he understood the word coercion and explained it to him. At acknowledgement that the word coercion was explained to him, I asked him to circle it and place his initials under it. At that point, he signed the form. I witnessed it along with another investigator who witnessed that form.

Q Throughout the course of his process, did he appear to you to have any trouble understanding what his rights were and what his options were at that time?

A None what so ever.

Q With respect to that word coercion, why do you

have the individual circle that word and why do you take some time to explain that in greater detail?

A Because it's an unusual word and I basically want to make sure that they understand that they are not being forced in any way to speak with us.

Q After that explanation, did he appear to have any problems comprehending the definition or the word coercion?

A No, sir.

Q Following that did he sign this waiver form and agree to speak with you?

A He did.

Q And did a conversation engage with him about where he had been or what he had been doing that day?

A Yes, sir.

Q And did you take that down in written statement form?

A I did not take that down in written statement form because he had indicated that he didn't have time to give a written statement because he had a job interview.

Q Did you document what he had told you that day in a report?

A Yes, I did.

Q Without getting into all of the specifics, generally what did he tell you about during that

interview?

A He basically indicated that Amber was his girlfriend, that he had dropped Amber off at Chris's house, I believe, the week prior; that he somewhat felt responsible because he was the person who dropped her off; that Chris was a drug dealer and that was pretty much the gist of it.

Q What was he demeanor and emotions throughout the course of the interview?

A Sometimes it was a matter-of-fact and it fluctuated from that to not necessarily being happy about it, but it just fluctuated.

Q Throughout the course of this interview on April 4, 2011, did you ever threaten him that he had to speak with you or continue to speak with you throughout the course of this interview?

A No, sir.

Q Did you ever make him any promises about what you would do for him if he spoke with you?

A None what so ever.

Q At any point in time during the interview did he request to have a lawyer?

A No, sir.

Q Did he request to leave?

A No.

Q Did he request to use the bathroom and you denied him of that right?

A No, sir.

Q Or a cup of water and deny him of that right?

A No, sir.

Q And how were you dressed that day?

A My normal attire, shirt and tie, gun and badge, pretty much dressed the way I am with the exception of the suit coat.

Q We're going to move from April 4th to April 5th. Did you ask him to return to following day to give a written statement?

A I did.

Q What's the purpose throughout the course of an investigation of getting a written statement?

A It's to get someone's account of a particular incident.

Q Do you always get a written statement from a person?

A Yes, sir.

Q Looking at State's Exhibit No. 47, I'm going to ask you if you recall that?

A It's an advisement form of the Miranda rights.

Q Is this the same form that we just went over in State's 46?

A It is.

Q Did you conduct that statement of rights with Mr. Johnson in the same manner which you previously testified to?

A I did.

Q How is it that Mr. Johnson got to the Law Enforcement Center that day?

A I believe some investigators may have gone by his house and picked him up.

Q Do you know why he was picked up that day as opposed to being brought in by his family member?

A He didn't have a ride.

Q He got down to the Law Enforcement Center and were you speaking with him in the same room with which you spoke with him the day before?

A Yes.

Q Did you have any concerns about his knowledge or understanding of his rights on April 5, 2011?

A No, sir.

Q Did you threaten him in any way?

A No, sir.

Q Did you promise him anything?

A No, sir.

Q Did you deprive him of a bathroom break or water?

A No, sir.

Q Did you have any concerns at that point in time in April 5th, that he had any reservations bout speaking with you?

A No, sir.

Q Or he did not understand his rights at that time?

A No, sir.

Q If he had decided if he was going to get up and walk out of that interview room, what could you have done?

A Nothing.

Q Subsequently did you take a written statement from him on April 5, 2011?

A I did.

Q I'm going to show you what's been marked as State's Exhibit Nos. 48 and 49 and ask you to take a look at those.

A It's a typed statement that I took back on the 5th from Mr. Johnson.

Q And there's some marks all over that paper, can you explain how it is that you take a written statement from someone and why there are marks, indicators, throughout the course of that statement?

A It's typed as it's being told to us word for word. The initials that you're referring to, they are after the completion of the statement. He's asked to proofread his statement. Example, the date was April 5th,

he was asked if that was correct and put his initials behind that date. He is asked to go ahead and read -- he's provided the statement and he's asked to read over it and to initial at the end of the paragraph and initial at the end of the paragraph for which he did.

In this particular statement, he was asked several different questions and again he was asked to verify his answers by placing his initials at the end of each answer, which he did.

Q Did you have any reservations throughout the course of this with his initially this statement or any other thing that he had done that he did not understand what he was doing and he was doing it voluntarily and freely?

A No reservation at all.

Q And you witnessed his signature on both State's 48 and 49?

A I did.

Q Following the statement, did you give him a copy of it?

A I did.

Q Is that typical procedures for someone who gives a statement?

A Yes, sir.

Q Was it reported in any other form, audio or

video?

A No, sir.

Q Investigator Bailey, that's all the questions I have for you at this point in time. Please answer any questions Mr. Ellis may have with respect to State's Exhibit 46, 47, 48 and 49.

CROSS-EXAMINATION

BY MR. ELLIS:

Q Good morning, Investigator Bailey.

A Good morning.

Q Is it not true that on April 4 and 5th both these interviews did take place as the solicitor mentioned at the Law Enforcement Center?

A That's correct.

Q So it wasn't some neutral area where law enforcement was not readily present?

A It was at the Law Enforcement Center, yes, sir.

Q And I think you described the room at CID, and that's the investigation department, correct?

A That's correct.

Q And the room being one quarter the size of this courtroom, correct?

A The interview room, yes, sir.

Q In that room you said there was only one table and two chairs?

A Yes, sir.

Q In that much of a room, is there must space in there or is it crowded in there?

A Again, I don't know the exact measurements, I'm just giving an approximately.

Q I understand not the square footage, but do you really thing looking around this room one table and two chairs and two to three people, do you have that much space for those people?

A If you're not asking direct measurements, again, I think I indicated it's about the quarter size of this room.

Q Okay. You think that's adequate for one table and two chairs?

A Yes, sir.

Q Another officer was also present with you during the interview on August 4th, correct?

A Investigator Hammond may have been in that room.

Q In fact, there were two officers in the room with my client?

A I only recall Investigator Hammond being in that room.

Q Well, you were there too, correct?

A Yes.

Q So that includes you, right?

A Yes.

Q You said you arranged that meeting with a phone call and that his mother brought him, correct?

A That's correct.

Q Did you tell him he could leave, I know you indicated to the solicitor that you did, but did you tell my client he was free to leave at any time?

A I did.

Q Why is that not in your report from that date?

A I don't believe I put it in the report but I told him that he could leave and he didn't have to actually speak to us. Wait a second, I want to stand corrected, I believe that is in my report.

MR. ELLIS: May I approach the witness, Judge.

THE COURT: Yes.

BY MR. ELLIS:

Q Judge, if you would review your report from that interview and I believe that should summarize your report on that interview date.

A It's in the report on the following day, it's not in this particular report, no, sir.

Q So for April 5 it's in the report but for April 4th it is not.

A Correct.

Q And you write reports so you can remember these things when they come up four years later, right?
A That's correct.
Q So in this report it does not say that you told him he was free to leave?
A Not in that report, no, sir.
Q Your testimony today is you're certain that you told him that?
A I'm certain I told him that. If I didn't tell him on the 4th, I'm certain I told him on the 5th when I took the written statement from him.
Q The 4th was the first contact and there was a statement that was given then.
A That was a verbal statement, that's correct.
Q You're certain of that?
A On the 4th?
Q Yes.
A Yes, sir.
Q You said a moment again that my client's mood in the interview room was he was not happy about it; is that right?
A I think I said he fluctuated.
Q You did, but you also said he was not happy about it, correct?
A I may have, I'm not sure.

Q In other words, he may have felt he didn't want to be there and he didn't want to talk?

A I don't believe I understand your question, sir.

Q A minute ago you testified that my client was not happy about it. In other words, you don't think that was an indication that he did not want to there or if he did not wish to speak to you?

A I don't know if he wasn't happy because of a the fact that he had a friend who had just been murdered.

Q You specified before that.his mood in there was matter-of-factly and wasn't happy about it but he wasn't told that he could leave?

A My impression of that was that he had just had a friend that had been murdered. That's the impression I got.

Q On April 5th, that statement was also given at the Law Enforcement Center, correct?

A That's correct.

Q On that one, you stated that you went through his waiver of rights again, State's Exhibit 47 for identification.

A Yes, sir.

Q The solicitor made a point that on April 4th you took pains to describe the word coercion to him, correct?

A That's correct.

Q That was not on the first day when you did not take a written statement?
A Yes, sir.
Q However, on April 5th, you did not circle coercion or make a big deal about that word.
A Okay.
Q Do you follow that?
A No, sir. Can I see the statement?
Q Yes, sir.
A No, it's not circled or initialed.
Q So on April 5th, the day he was going to give his actual written statement, you didn't find it necessary to discuss coercion with him and what that meant?
A It could very well have been an oversight on my part but evidently I didn't because it's not circled or initialed.
Q You need this any further?
A No, sir.
Q There's another important change from April 4th to April 5th, April 4th is the mother brought him to the interview; is that correct?
A That's correct.
Q April 5th, that is not the case; is that correct?
A That's correct.
Q I believe when the solicitor asked you, you said

the police brought him because he did not have a ride; is that correct?

A That's correct.

Q Do you recall in your report from April 5th, your summary, it wasn't exactly that he didn't call you and say, I don't have a ride, come get me, that's not what he did, is it?

A No, sir.

Q Officers were sent to his residence to pick him up?

A Because he told us that he would be there to give a written statement.

Q You didn't try to call him or wait for him to see if he got there late, you sent officers to his residents?

A I believe I did, yes, sir.

Q How many officers did you send?

A Two.

Q Two officers, I assume they were wearing gun and badges, correct?

A The pretty much the way I am without the jacket.

Q Two officers in that attire and arrive at my client's house without warning, would that be fair to say?

A That would be fair.

Q And you told my client that he did not show up for an interview and they were taking them to the Law

Enforcement Center?

A I don't know exactly what he was told at the house.

Q But in any event, he did not call and say, hey, guys, I know you have patrol cars and I could really use a ride. That didn't happen did it?

A No, sir.

Q But two officers with guns and badges did go to his house and take him from his house to the Law Enforcement Center?

A They gave him a ride to the LEC, yes, sir.

Q On that day you didn't think there was any need to discuss coercion?

A It's not sir, it's not initialed, no, sir.

Q On neither day was he advised of his Miranda rights, was he?

A I'm sorry?

Q I'm sorry, strike that.

MR. ELLIS: I have nothing further at this time, sir.

THE COURT: Anything further?

MR. MERCHANT: Nothing further with regards to the statements and this witness, Your Honor. There are two other investigators that took additional statements, but nothing else of this witness, sir.

THE COURT: You can step down.

MR. MERCHANT: The State would call Investigator Charlie Brown.

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

CHARLES BROWN, having been duly sworn, testified as follows:

Thank you. Please be seated and state your name.

THE WITNESS: Charlie Brown.

DIRECT EXAMINATION

BY MR. MARCHANT:

Q Investigator, please state your capacity with the Sheriff's Office?

A Cold case investigator.

Q And how does that differ from Investigator Bailey?

A We take charge of the cases after they are handed down to us pretty much.

Q Do you get to choose what cases you want to work on?

A We do.

Q When you start working on a case, are you working on any other cases at that same juncture or just that one individual case?

A We have the luxury of that one particular case, yes.

Q Do you recall generally when you got involved in this particular case?

A Yes.

Q When was that?

A 2012.

Q And while making your way through this case and make charges on individuals, did you find it necessary to speak with the defendant, James Johnson?

A I do.

Q Do you recall the date on February 27th speaking with him at the Law Enforcement Center?

A I do.

Q On February 27, 2013, why was it necessary to speak with him?

A I was going through the statements in the case and I felt it necessary to re interview him based on his statement that he gave prior in 2011.

Q And did you, in fact, done that prior with several other witnesses at that juncture?

A I did.

Q Was there a warrant for Mr. Johnson's arrest at that time?

A No.

Q Do you recall how you made contact with Mr. Johnson?
A I found his address, went to that address, knocked on the door. His mother came to the door and I asked for him. At which time, he came to the door.
Q Did he accompany you to the Law Enforcement Center?
A He did.
Q How were you dressed on that afternoon?
A Business casual, no suit, no tie, just business casual, a badge and a gun.
Q Golf shirt, polo shirt or something of that nature?
A That is correct.
Q When you showed up at his mother's house, how long was the conversation between you and is mother before he came to the door?
A It was brief, not even a minute, I'm sure.
Q What about the amount of time between you and Mr Johnson?
A Maybe two or three minutes.
Q Was there any other officers with you at that time?
A Yes. Investigator Alexander.
Q I'm sure he was dressed the same as you were at

that time?
A Same.
Q Gun, badge, casual attire?
A Yes.
Q Were you in a marked patrol car?
A We were no, unmarked.
Q The car that you were driving then, does it have a cage in the back?
A It does not.
Q What sort of vehicle was that?
A It's a Ford Crown Vic blue in color.
Q So if someone were in that vehicle and they wanted to get out of it, could they open it or would the doors be locked?
A Sure, they can open it.
Q So if Mr. Johnson agreed to come with you to the Law Enforcement Center.
A He did.
Q Again, was he under arrest?
A He was not.
Q Did you have any arrest warrants for him at that time?
A I did not.
Q When you back to the Law Enforcement Center, where did you begin to speak with him?

A We arrived at the Law Enforcement Center, I interviewed him the Greenville City Police Department's interview room.

Q Why did you make a distinction about the Greenville City Police Department since this is a Sheriff Office's case?

A It was one available to us and it was equipped with video equipment.

Q And as we're talking about it, did you, in fact, record the interview on the 27th of February 2013?

A I did.

(Video marked as State's Exhibit No. 57 for identification.)

BY MR. MARCHANT:

Q Since we're here, is this a recording of that interview?

A Yes, sir.

Q And have you reviewed it for its accuracy?

A Yes, I have.

Q Describe for the Court to composition of that room. How big is it, desks, chairs?

A It has one table, one round table. It varies on the chairs, maybe two or three at the most. 8 by 8 probably with nine foot, eight foot ceilings similar to this one.

Q Before you started this interview, did you advise the defendant of his rights?
A I did not.
Q Why is that?
A I immediately advised him he was there of his own free will. He said, correct. I told him that he was not under arrest, he was not charged anything and that he could get up and walk away at any time.
Q Did you make any promises or threats outside of what was recorded on this video on the way to the Law Enforcement Center?
A I did not.
Q Did you take him back home?
A I did.
Q Did you make any threats or promises on the way home?
A I did not.
Q So he's not under arrest at this juncture?
A That's correct.
Q He's free to leave?
A Correct.
Q You're in a room which has recorded the entire conversation?
A Correct.
Q There's nothing that occurred where the video is

cut out or missing portion of this particular video that we're talking about?

A No.

Q So did you engage conversation with him that lasted approximately an hour?

A I did.

Q Did you at any point in time deny him the ability to use the restroom or deny him water?

A I did not.

Q Did he ever ask to leave or take me home?

A He did not.

Q Or I don't want to talk with you anymore?

A He did not.

Q While we could play the video, what did he tell you that was different than what he told Investigator Bailey back on April 4, 2011?

A His first statements to me he was not truthful in his original statement that he gave Investigator in 2011. He said it was truthful up to a certain point.

Q And what were the points in your opinion, the significant points that he indicated he was not truthful about?

A He made statements to the fact that he was closer to Scott Lowe then what he appeared to be closer to Scott Lowe during that time. He made additions that he had been

in the presence of Scott Lowe when he conducted drug transactions such as guns for drugs, drugs for guns, that sort of thing.

Q Did he indicate any admissions or confessions that Mr. Lowe made to him?

A He did. He advised me that he had no contact with Scott Lowe approximately four to five days after the homicides and when he with him after that amount of time, he said that Scott Lowe told him that -- made a statement to him you know I did it, right, and told him about burning some clothes and disposing of some items in a lake.

Q Did you inquire with Mr. Johnson his relationship with Amber Daniels?

A He told me that he began dating Amber or at some point just prior leading up to the murders that she began living with him and he started dating her.

Q Did he talk with you about his affiliation with Mr. Lowe in a social or friend manner? How is it that he described this association with Scott?

A He said they were pretty much best friends, good friends.

(Photograph marked as State's No. 58 for identification.)

BY MR. MARCHANT:

Q I'm going to show you what's been marked as State's 58, do you recognize that?

A I do.

Q And did you show that picture to Mr. Johnson?

A I did.

Q Did he identify the people in that picture to include himself as well as Scott?

A He did.

Q What did Mr. Johnson tell you about his contact with Scott following this incident as far as calling him on the telephone?

A I presented Mr. Johnson a copy of some phone record obtained early in the investigation and there were several calls on there the day of and several days after the homicide and those phone calls were to Ms. Karen Lowe or from Ms. Karen Lowe who is Scott Lowe's mother. His explanation was that he and Ms. Lowe was very close and he was calling to check on Scott.

Q Do you recall approximately how many phone calls there were?

A Approximately 8 or 9, may be 10, several.

Q Within the first 24 hours?

A Yes, sir.

Q At any time during this discussion with yourself and Investigator Alexander, did he ever ask for a lawyer?

A No, he did not.
Q Did he ever ask to leave?
A No, he did not.
Q Did he ever tell you he didn't want to speak with you any more?
A He did not.
Q He is not under arrest?
A He is not.
Q And you had no arrest warrant for him on any charge at all?
A I did not.
Q Did you ever have any concerns that Mr. Johnson did not understand what was going on or that his statement was not voluntary to you at that time?
A I did not.
Q Please answer any questions Mr. Ellis may have.
A Yes, sir.

CROSS-EXAMINATION

BY MR. ELLIS:

Q Good morning, Investigator Brown.
A Good morning.
Q February 27, 2013, that's the date that you conducted the interview with my client, is that right?
A Correct.
Q And I believe your testimony was you and another

officer, Investigator Alexander, went to my client's home; is that correct? He did not contact you and say I've got more information to give?

A He did not.

Q He didn't say I don't have a ride, can you come pick me up?

A He did not.

Q So two officers show up at his house wearing badges and gun and said, we'd like to talk with you, would you come with us?

A That's correct.

Q After that, you took him down to the LEC, correct?

A Again, I asked him to come with us and he agreed, but yes, correct.

Q He was placed into an interview room?

A Yes, we all entered together.

Q I think you stated that was approximately 8 by 8 give or take?

A Yes, sir.

Q As a point of reference, would that be a fairly accurate sizing of the county interview room where Mr. Bailey referred to?

A I'm not sure which one he was in.

Q Or some county investigative room or interview

rooms about that size?

A No, sir, they're different.

Q I believe you stated and agree you did not give him his rights?

A I did not.

Q He was not advised that he had a right to remain silent or have a right to an attorney.

A That's correct.

Q You just began questioning him at that point?

A Before that I over emphasized that he was free to go and he was there under his own free will, he agreed, he could get up and walk away at any time and that was pretty much over emphasized to him, yes.

Q Again, he was not told he could remain silent or stop talking once he started or that he had a right to an attorney, correct?

A Correct.

Q You mentioned earlier you said that you thought that you felt like my client had given a significant change and that he had not indicated that he was really had any contact or involvement with Scott and now he indicated that he was close to him when he spoke to you; is that right?

A He did not say -- he didn't express any dislike. I mean they were pretty close.

Q You don't recall -- since you were the lead investigator by this point, I'm assuming you had reviewed prior statements that had been taken and that's why you were going back and re interviewing people, correct?

A Correct.

Q Are you familiar with the written statement that Investigator Bailey took on April 5, 2011?

A I have reviewed it, correct.

Q You did incident, in fact, that Scott had been in and out and he taken him for and I thought that was an answer he had given Investigator Bailey?

A Correct.

Q And, in fact, he did not indicate he was not close to Scott that you had indicated earlier?

A I do not recall, no.

Q You don't recall?

A He's holding his head down a little bit and I can't understand what you're saying.

THE COURT: Speak up a little bit.

BY MR. ELLIS:

Q You don't recall saying earlier when the solicitor was questioning you that he did not indicate before that he was particularly close to Scott or had any contact with Scott?

A From the original statement?

Q Yes.
A No. I didn't see any change.
Q My client also mentioned to you, did he not, during the interview that you had they are not close and had not been for some time and they had a falling out; is that right?
A They said they had a dispute, yes.
Q In related to the phone calls that you mentioned, those were not just calls from my client, they were back and forth?
A They were back and forth.
Q It was Scott's mother, not Scott?
A It was listed under Karen Lowe.
Q The phone belonged to Ms. Lowe and not to Scott himself, right?
A I'm not sure on that right off the bat.
Q So he was picked up by two officers at his home with guns and badges, taken to the Law Enforcement Center and not given his Miranda and asked to give a statement?
A Right. He was asked to come and he agreed.
Q Thank you.

MR. MARCHANT: Nothing further from this witness.

THE COURT: You may step down.

MR. MARCHANT: The State would call

Investigator Mike Fortner.

(Waiver of rights marked as State's Exhibit No. 56 for identification.)

(DVD marked as State's Exhibit No. 58 for identification.)

THE CLERK: Could you place your left hand on the Bible and raise your right hand.

MICHAEL FORTNER, having been duly sworn, testified as follows:

Please state your name for the record.

THE WITNESS: Michael Fortner.

DIRECT EXAMINATION

BY MR. MARCHANT:

Q Good morning, Investigator Fortner. Where are you employed?

A At the Greenville County Sheriff's Office.

Q In what capacity?

A Current a homicide investigator.

Q Back on February 5, 2014, were you in that same capacity?

A I was, yes, sir.

Q Did you work on this case that initially broke?

A No, I did not. I wasn't even in homicide at that time.

Q So on February 5, 2014, your duties are

essentially the same as Investigator Bailey's were?

A Yes, sir.

Q And did you have the opportunity on February 5, 2014 to interview the defendant in this case, James Michael Johnson?

A I did, yes, sir.

Q I'm going to show you what's marked as State's 56 and 59 and ask you if you recognize those?

A I do. One is the waiver of rights that we use at the Sheriff's Office to read somebody their rights or question them about a potential crime they might be involved in. The other one is DVD of the interview I did with Mr. Johnson.

Q Since we mentioned the video earlier, did you meet with Mr. Johnson in the same interview room that Investigator Brown described?

A Yes, sir.

Q So the di mentions and all are the same as what he referenced earlier?

A Yes, sir.

Q But at this point in time on February 5, 2014 is the defendant James Johnson charged with a crime and is in custody?

A He is under arrest at that time, yes, sir.

Q Did you, in fact, go over with State's 56 with

him?

A Yes, sir.

Q What is State's 56 and how and why did you go over that form with the defendant?

A It's the waiver of rights form that we use at the Sheriff's Office. The reason why I went over the waiver of rights with him because he was, in fact, under arrest at that time for a charge. The way I start off is I get basic information, name, date of birth, address, phone number, education level, that type of stuff at the top.

Then I start off by reading the rights. Each one of them is listed individually on the form and I asked Mr. Johnson to place his initials out to the left of each line to indicate that I did in fact read it to him and he did understand it.

Once I read each one of these lines to him and has initialed each one of them, I then ask him to read a line to me out loud so I know that he can read, and at the end of that line I actually have him write his name out so I know that that, in fact, is a line that he read out loud to me.

At that time I will then read the waiver of rights portion to him, read it out loud myself and I like Investigator Bailey, I explained to him the word coercion and I have him place his initials next to that word

coercion to indicate that I did, in fact, read it to him and then I ask him if he's willing to speak with me without an attorney being present, to sign the form, print down below and then I sign the form as a witness.

Q So following all those procedures, did he have any reservations that he did not understand what was going on at the time?

A No, sir, as a matter of fact, while I was reading his rights to him he even points out to me that he is familiar with them because he had had them read to him before and also from school.

Q And at this point in time is the defendant handcuffed?

A He is, yes, sir.

Q Is he free to leave?

A No, he is not.

Q So if he tells you he does not choose or wish to speak with you, what are you going to do?

A He would be walked over to the detention center for the charge for which he was under arrest at the time.

Q At any point in time throughout the course of this interview on February 5, 2014, did he indicate to you or Investigator Campbell who was present as well that he did not wish to speak with you?

A He did not.

Q At any point in time in the interview did he say I don't want to speak with you any longer?

A No, sir.

Q At any point in time during the interview did he tell you he wanted the services of a lawyer?

A No, sir.

Q So do you have any question in your mind on February 5, 2014 that Mr. Johnson was fully aware of his rights, understood them, and chose to give them up and speak with you?

A Yes, sir.

Q And that interview is recorded on State's 59 which is roughly an hour and a half?

A No, it's about three hours long.

Q Any point in time during the three hours, did you deny him the ability to use the restroom?

A No, sir. As a matter of fact, before we even start I offer him that opportunity which he said he did not need to. He indicate that he wanted a glass of water so I went and got him a glass of water and then probably an hour and 15 minutes or so roughly along into the interview we actually take about a 25 minute break so we can go outside and he can smoke a cigarette which he wanted to do and use the restroom and then he is returned back to the interview room.

Q While you're taking his break or he is using the restroom, did he indicate he didn't want to speak with you any longer or wanted the services of a lawyer?

A No, sir, he did not.

Q And again throughout the entire procedure again February 5th he's handcuffed?

A Yes, sir.

Q Not free to leave?

A He's handcuffed with a waist cuff. He's not handcuffed behind his back, but he is handcuffed with a waist cuff up front.

Q Without reviewing the entire video here, he significant points that he spoke to you about, does he indicate what his relationship with Mr. Lowe was at that time?

A That they were friends and they knew each other.

Q Does he indicate what Mr. Lowe's relationship was with an individual named Cody?

A I can't recall.

Q What about another person named Ryan?

A I don't recall Ryan either.

Q What was his mood or demeanor during the course of the interview?

A He's up and down. At some points he's real calm talking to me and at other times he gets kind of agitated,

raises his voice a little bit, kind of up and down back and forth sort of thing.

Q Did you engage him in discussion about his statement that he had given Investigator Bailey specifically the whereabouts of him during the early morning hours of this incident?

A Yes, sir.

Q And what is his response to that?

A That he is at home with a couple of girlfriends of his that he knows.

Q In fact, at some point in the interview was he confronted with a statement from an individual by the name of Jordan Gary?

A Yes, sir, I believe he is.

Q What is his response to what her statement indicated?

A That it was wrong, incorrect.

Q You dressed the way you are dressed today?

A Outside of the coat, yes, sir.

Q Did you have a gun on your hip inside the interview room?

A I did, yes, sir.

Q I don't have any further questions. Please answer any questions Mr. Ellis may have.

CROSS-EXAMINATION

BY MR. ELLIS:

Q Good morning, Investigator Fortner. On the date you interviewed my client on February 5, 2014, at that point in time he was already under arrest; is that correct?

A He was, yes, sir.

Q Not for murder, though?

A Not for murder.

Q At that point he was only under arrest for obstruction.

A Correct.

Q Now, he's under arrest and you already testified as well that he was handcuffed with his hands secured at his waist area.

A Yes, sir.

Q He was no free to leave?

A Yes, sir.

Q He was at the Law Enforcement Center?

A Yes, sir.

Q And there were two officers in the room, primarily you and Investigator Campbell?

A Yes, sir. It started off with me. At the time of the waiver of rights portion, it was just myself, and then Investigator Campbell came in sometime after that.

Q Solicitor Salisbury came as well at some point;

is that correct?

A She did, yes, sir.

Q So all along, he was questioned by several people during this three hour interview.

A Myself, Investigator Campbell, and at one point Katrina Salisbury came in, yes, sir.

Q It's a fairly small room at the Law Enforcement Center roughly as Investigator Brown said approximately 8 by 8 or so?

A Yes, sir.

Q One table, two or three chairs, two officers and at one point a solicitor?

A Correct.

Q And while this interview was going on you were wearing badges at that time?

A Yes, sir.

Q Do you recall very challenging statements that were made by you or Investigative Campbell during the interview?

A I'm sorry, what was that?

Q Do you recall several attacking statements, threatening statements that you and or Investigator Campbell made to my client during the course of the interview?

A Attacking statements?

Q Yes, sir. In other words, do you recall either you or Officer Campbell saying that he's lying and that is defense won't hold up and things like that?

A Yes, sir.

Q Do you recall that he was basically threatened with a murder charge?

A Being threatened with a murder charge?

Q Yes, that he was going to be investigated for murder, was that not part of the discussion?

A Oh, sure, absolutely, yes, sir.

Q He's not there for a murder charge, as far as you know, correct? He's there for an obstruction but he's being talked to about being charged with murder?

A He's being interviewed about the murder case, yes, sir.

Q There were several references made to tell him he had to talk now or he needed to talk now because if he did not basically what did he think would happen to him once Scott turned around on him and gave statements; is that right?

A Yes, sir.

Q There were also several other statements made by Investigator Campbell along the lines of I bet you were just sitting around reminiscing after the fact the incident thinking about look at those people's faces as

they were about the die, did you hear Investigator Campbell say something like that?

A Yes, sir.

Q Also, asked him several times how did it feel to pull the trigger and watch somebody die?

A I believe something along those lines, yes, sir.

Q There was an attempt to press the issue and get him to come forward and give statements at that point?

A Sure, yes, sir.

MR. ELLIS: Nothing further at this time, Your Honor.

MR. MARCHANT: Nothing further.

THE COURT: You may step down.

Mr. Ellis, any testimony regarding the statements you'd like to present?

MR. ELLIS: The Court's indulgence, Your Honor.

Just for the purposes of this pretrial my client would like to take the stand.

Strike what I said a moment ago, we don't have anything as far as testimony.

THE COURT: Mr. Johnson, you don't wish to give any testimony at this hearing on the voluntariness of the statements that you have alleged to have made?

DEFENDANT JOHNSON: No, sir.

THE COURT: And you've had plenty of time to discuss that with Mr. Ellis?

MR. ELLIS: He's ready to answer your question.

THE COURT: Mr. Johnson, do you want to provide any testimony or not?

DEFENDANT JOHNSON: Yes, sir.

THE COURT: You do?

DEFENDANT JOHNSON: Yes, sir.

THE COURT: Alright, come on around.

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

JAMES MICHAEL JOHNSON, having been duly sworn testified as follows:

Thank you. Please be seated and state your name for the record.

THE WITNESS: My name is James Johnson.

DIRECT EXAMINATION

BY MR. ELLIS:

Q Mr. Johnson, you're the defendant in this case; is that right?

A Yes, sir.

Q And you've been in the courtroom and heard the testimony from the various officers who gave testimony about their encounters with you and the interviews that

you've provided throughout the course of their investigation, correct?

A Correct.

Q During any of those interviews, did you feel particularly threatened, coerced, forced?

A Yes.

Q When was that?

A I know there were two interviews and one of them I was being told that if I didn't say something Scott is going to roll on me and I'm going to be arrested for murder and I'm being hammered with all of this stuff and I'm kind of hesitated. I think at the time I was under arrest and I wasn't really sure what was going on and I was trying to go home. And, you know, I think a lot of his stuff I don't think it was correct.

Q Is that the one on February 4, 2014 that Investigator Fortner just testified to a moment ago?

A Yes.

Q What in particular made you feel you being threatened or hammered as you said?

A They were saying a lot of crucial things to me about me being the shooter or about Scott and he's going to tell on me or something or he's going to roll on me or something or do something and I really felt unease. I didn't want to be there, I wanted to leave. I don't think

it was fair they were saying the things they were saying.

Q They were basically indicating to you that if you did not cooperate that Scott Lowe would and you would go down for it?

A Yes, and at that point I was under the impression that if I didn't do anything they were going to charge me with murder either way.

Q At that point you were not under arrest for murder; is that right?

A Right.

Q That happened several weeks later?

A Right.

Q During the course of the interview February 5, 2014, did you again try to tell them the information you previously provided and supplement as you go?

A As best as I could given the time period.

Q What do you recall their reaction being that you were trying to do that?

A That I was just lying and I was trying to cover something up. I wasn't. I was doing the best I could to try and cooperate and I don't think I was in the right state of mind at the time even.

Q Why do you say that?

A Because of everything that was going on at the time.

Q What in particular about the officer's manner made you feel pressured or put you in a spot where you did not feel comfortable?

A I believe they were very aggressive about eliciting information from me and telling me that Scott's going to roll on me and I need to say something. I think at one point in time, you know, they said if they could cooperate with them or something that they'd drop the charges and I'd be able to go home.

Q How did it make you feel when the investigators asked you questions about the victim's dying faces and questions like that?

A I was kind of stunned. I didn't understand why they would ask me something like that.

Q Did it upset you?

A Yes.

Q And how about questions along the line that they asked about pulling the trigger and watching someone die? Did that make you feel particularly pressured, or forced?

A Yes.

Q Anything else in particular you could think of where you felt they were trying to coerce you into saying something?

A Just the whole atmosphere in general just felt that way.

MR. ELLIS: Nothing further at this time, Judge.

CROSS-EXAMINATION

BY MR. MARCHANT:

Q I'm going to show you what's marked as State's 56. This is the waiver of rights form that Investigator Fortner went over with you prior to the start of your interview. Starting with the first line right here, could you read what that says and tell me whose initials are next to that.

A It says, "Before we ask you any questions, you must understand your rights," and those are my initials.

Q What does the next line read and whose initials are next to that?

A "You have the right to remain silent," and those are my initials next to that.

Q The third line.

A "You have a right to talk to a lawyer for advise before we ask you any questions and have a lawyer present during questioning," and that's my name.

Q Fourth line.

A "If you have no money to pay for a lawyer, the court wild appoint you one and represent you without cost if you wish."

Q Are your initials next to that?

A Yes, sir.

Q And the next line.

A "If you decide to answer any questions without a lawyer present, you will still have the right stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer." Those are my initials.

Q And you would agree with me that Investigator went over every one of those rights prior to engaging in any discussions with you?

A Yes, I do.

Q And you initialed every single one of those rights, correct?

A Yes, I did.

Q In fact, you told him at that time that you had been through the 11th grade, you had gotten your GED, correct?

A Correct.

Q That you, in fact, had some additional schooling at Greenville Tech as well as Virginia Tech or in some auto technician field?

A Yes.

Q That you were not only familiar with this waiver of rights form from having previously seen one that you, in fact, had seen it in some course work you had; is that

correct? Did you study some field that this form had been used in before? Did you have any class work with that?

A No.

Q But you had seen this form before specifically as it relates to this investigation?

A In this investigation in anything else I have not seen the form.

Q And after they went over all those rights with you, you read the waiver of portion rights below that where Mr. Fortner went over the word coercion with which you initialed correct?

A Correct.

Q And then this is your signature down here on this bottom line.

A Right.

Q At point in time you told Investigator Fortner you were uncomfortable about speaking about the matter in which you there to talk about?

A I'm not sure.

Q Investigator Fortner just testified.

A Yes.

Q Once he finished this statement with you which is State's 56, you told him you didn't want to speak with him.

A That's what's on the record, then, yes.

Q No, sir, I'm asking you questions. He went over this form with you?
A Yes.
Q This is your signature all over this thing.
A Yes.
Q Yes or no, you told Investigator Fortner you did not want to talk with him?
A At think at one point when I finally ended it.
Q But at the beginning at the interview you agree that you would talk to IF?
A Yes.
Q And you told him that you were okay with speaking with him without a lawyer present?
A Right.
Q And you never asked him for a lawyer throughout the entire time you were speaking with him?
A Right.
Q In fact, you heard he let you go outside to take a break and you smoked a cigarette?
A Right.
Q You used the bathroom, correct?
A Right.
Q And he gave you water when you asked, correct?
A Correct.
Q Now, this is not the first time that you've been

interviewed by law enforcement?
A Correct.
Q And it's not even the first time that you've been interviewed by law enforcement with respect to this case?
A Correct.
Q Going back towards April 4, 2011 which is almost three years prior you talked with Investigator Bailey in his office when your mother brought you down there, right?
A Yes.
Q And he went over this same form with you, correct?
A Yes.
Q And you initialed and you signed and you dated all the things on this form from April 2011, correct?
A Correct.
Q Investigator Bailey went over that form with you again on April 5, 2011.
A Correct.
Q And those are you initials and you signature on States 46 and 47.
A Correct.
Q And then you in fact gave a statement to Investigator Bailey on April 5th when you were not under arrest and your initials are all over the form on just about every line as well as just the end of the statement?

A Correct.

Q And it, in fact, acknowledges that I have read the statement that this is true and correct as I recall it?

A Yes.

Q You also spoke with Investigator Brown and he did not go over waiver of rights form with you but he told you you're here under your own free will, you can get up and leave whenever you want to, correct?

A I don't really remember what he said to me at that point in time. It's been a really long time. I'm sorry.

Q Now, you've had other dealings with law enforcement in the past, correct?

A Yes.

Q You got other things in your history where you have talked with law enforcement?

A Not in investigations.

Q So you've never sat down with law enforcement in any othe investigation?

A No.

Q But you have been through the legal process before?

A As in?

Q As in your prior history?

A As?
Q You've been up here to court before?
A Yes, I have.
Q You've been in a courtroom similar to this?
A Yes.
Q And you understand the proceedings that were being held at that time as it related to those other charges like you had?
A But it was nothing like these kinds of proceedings.
Q The only thing that I'm interested in because the only thing that I'm hearing on February 5, 2014 as it relates to State's 56 you have agreed with me that Investigator Fortner let you use the bathroom, correct?
A Correct. I don't know if I used a bathroom.
Q Let you smoke a cigarette?
A Yes.
Q Gave you water?
A Yes.
Q You told him at the beginning of the interview that you would speak with him?
A Correct.
Q And that's your signature down here.
A Correct.
Q They didn't put a gun to your head to make you

tell him anything that you told him?

A Well, I signed the waiver form and then after the investigation part the questions started asking and the things that were being said to me were very uncalled for and uncomfortable and I wasn't sure how to handle the situation because I had never been through it before.

Q That's not exactly true. You had been through it on two other occasions with Investigator Bailey and on other occasion with Investigator Brown as far as the interview goes and you'd read your rights on those other occasions?

A Those were obscene things being said to me.

Q You're talking about interview tactics. Investigator Bailey has his approach, Investigator Brown has his approach and Investigator Fortner has his approach so please tell the Court at what point in time you told Investigator Fortner you did not want to speak with him any longer?

A I'm sure towards the end of it when I left, I think, and I did.

Q And he stopped the interview?

A Correct.

Q Tell the Court at what point in time you requested the lawyer?

A I'm not sure, but at one point in time I did

request a lawyer. I'm having trouble because its' been so long in time. I'm trying to go over detail and it would be wrong to answer if I do.

Q So it's your position that you requested a lawyer on February 5, 2014 and those investigators continued to question you?

A I'm not sure.

Q Either you requested a lawyer or you didn't?

A I requested a lawyer at one point in time but I'm not sure the exact details.

MR. MARCHANT: I don't have any further questions, Your Honor.

MR. ELLIS: Briefly, Judge.

REDIRECT EXAMINATION

BY MR. ELLIS:

Q You mentioned earlier you never been through a formal investigative process before; is that right?

A Correct.

Q In other dealings with law enforcement, they had not taken you to an interview room then?

A No.

Q You had not been treated in the way you were being treated throughout this process?

A No.

Q Was that confusing?

A Yes.

Q Was it scary or somehow it made you feel confused or sort of out of sorts about things, I guess?

A Yes.

Q Do you recall on April 5th whether the investigator discussed the meaning of coercion and whether he asked you if he felt coerced or not to be there when you spoke with Investigator Bailey the second time and you gave him a written statement?

A Yes.

Q Do you recall if he had talked about coercion very much or did he not go over that?

A I think he mentioned it before the questioning started.

Q On April 4th he made a point of saying earlier when he was here, April 4th he made a point of going through coercion. Do you recall if he had done that on April 5th or not?

A Yes.

Q But not in the same way. He didn't circle or word or anything like that, did he?

A I'm not sure if he did that.

Q On April 5, 2011, February 27, 2013, on both those occasions you came to the Law Enforcement Center to be interviewed after officers came to your home and took

you from there; is that right?

A Right.

Q How did that make you feel?

A I would have avoided it but I just cooperated to the best of my abilities.

Q Did you feel that you had to go with him?

A Kind of.

Q Kind of?

A Yes, it was a murder investigation and I'm pretty much felt like, you know, I had to do it and if I didn't I figured they'd be trying to come after me and I didn't do it.

Q Is that because the way they came and picked you up or caused that?

A Yes.

Q Of course, the interviews took place at the Law Enforcement Center or not at a restaurant or anything like that, they were at the police station, right?

A Yes.

Q That had an impact on how you viewed things? Did you feel particular coerced or threatened by that in any way?

A Not at that point in time. I never really felt threatened or coerced or anything like that until February 2014 during those last few -- the ones that were really --

they weren't like the interviews before. They weren't like, you know, yes or no questions. I know that I was warned of my rights, but at the same time I wasn't prepared for what they put on me.

Q Thank you.

THE COURT: Anything else?

MR. MARCHANT: Nothing else, Your Honor.

THE COURT: You can step down.

Anything else on behalf of the defense?

MR. ELLIS: No further testimony.

THE COURT: Any statements you wish to make?

MR. ELLIS: Judge, we again, we ask that those statements be inadmissible at this time. We feel as far as the 2014 statement, my client did feel threatened, coerced, harassed, under a great deal of pressure. He did not feel that he was giving the statement voluntarily according to him. Going through the other statements as well he was picked up by law enforcement at his house, taken to the law enforcement center, placed in a room with multiple officers and at one point the solicitor as well.

By their very nature that is coercion and threatening to a person is not familiar with the process and not given his Miranda rights on every occasion and then again, especially the February 5 statement my client has always stated that he felt he was forced to sign

statements at that time.

Based on that, Your Honor, we would ask that those statements be suppressed.

MR. MARCHANT: Yes, Your Honor. If I'm hearing things right I believe there's a concession that he was not under arrest for the first three interviews. In fact, Miranda is not required, however, Investigator Bailey did advise him of his rights on both of those interviews as well as Investigator Brown who told him he was free to leave.

I think its of little significance who or how he got to the Law Enforcement Center. You've heard the testimony from those officers as it relates to the April 4, 5 and then the 27th of February of 2013, there's no real argument here to be made as to whether or not there's any voluntariness of those statements. He signed his name on all the places.

The investigators had gone over the rights in various places.

He's indicated he's got a GED education and had some trade school experience.

Then we move to the interview with Investigator Fortner. Investigator Fortner went over all of his rights in great detail. It appears to me he's just not happy with the interview technique or style of

Investigator Fortner but he acknowledge the word coercion. He never made any affirmative statement to Investigator Fortner that he didn't understand what was going on, that he didn't want to there, that he didn't want to answer any other questions, that they denied any of his rights of using the bathroom. They let him smoke a cigarette.

He indicates to the Court that at some point in time he wanted a lawyer and the questioning continued to proceed. I've watched the interview more than once, if he did that and I do not believe that we did, we missed it. If we missed it, we need to know where in that interview that occurred because, of course, anything following that is in question.

That interview is three hours long. I don't know the Court wants to proceed on that particular matter. I don't believe that it occurred. Investigator Fortner also indicated that he did not ask for representation. I don't know if Mr. Johnson is just confused about the timing on what he said. If Miranda was necessary, it was conducted and it was applied and law enforcement has done nothing to coerce, threaten the defendant on any of these statements that he has made and they all should be admissible to prosection to be used at the trial.

THE COURT: Mr. Ellis, you have reviewed the video of each of the interviews that were made regarding

your client's interrogation or questioning?

MR. ELLIS: Yes, sir.

THE COURT: Is there any place in any of those videos where Mr. Johnson has requested to have a lawyer retained or appointed?

MR. ELLIS: Your Honor, I have to state that if he did so, I do not have it in my notes.

THE COURT: It's my understanding that both the State and defense has reviewed the videos. Has Mr. Johnson reviewed the videos with you, Mr. Ellis?

MR. ELLIS: He has not. He's been incarcerated. He has not reviewed the videos, no, sir.

THE COURT: But you tell me you have looked at the entirety of those videos?

MR. ELLIS: That's correct, Judge.

THE COURT: And the State has told me they have reviewed the entirety of those videos and neither of you indicate and I'm satisfied that you'd keenly aware of the fact if the defendant were to say, I'd like to have a lawyer and both of you are telling me there is no place in the video showing or indicating that he requested a lawyer?

MR. ELLIS: I believe that's correct, Judge.

THE COURT: Well, based upon the totality of the circumstances surrounding the giving of those

statements by the defendant to law enforcement, I find the State has established by the greater weight and preponderance of the evidence that these statements were freely and voluntarily made.

With regard to the first two statements one being on April 4th and one being on April 5th, those given to Investigator Bailey, I found in those instances the defendant was not in custody and he would not have reasonably believed that he was in custody and not free to leave and terminate the interview.

I also find that those statements provided to Investigator Bailey were freely and voluntarily made by the defendant. He was not promised, coerced or threatened in any fashion. Also, he was in fact advised twice on the 4th and the 5th of 2011 of his Miranda warning. It appears that he did, in fact, understand those and proceeded to discuss the matter is Investigator Bailey not withstanding the fact that he understood what those facts were.

While those rights were not necessary because he was not in custody, even if he were in custody the rights were provided and he chose to waive those rights and participate in the interview.

The third statement appears to February 27, 2013, that was an interview conducted by Charles Brown.

It appears from the statement provided that that particular interview the defendant again was not in custody. No reasonable person in the defendant's position would have believed him to be in custody or believed that he could not have terminated that interview of his own free of will and accord, Miranda rights were not necessary and they were not provided, but no reasonable person would have believed that he was not free to leave under the circumstances established by the evidence in the case to that February 2013 interview.

The statement was one given on February 5, 2014, at that time it's clear and everybody agrees that the defendant was in custody. He was under arrest while it was not for murder it was for obstruction of justice, but he was advised of his rights and he was informed that the interview that was taking place and the questioning did involve any knowledge that he may have of the murders which are the subject of this particular trial we are participating in now, it appears that he was not promised anything, he was not denied anything, he was not threatened by anybody, he was not coerced in any way.

He was advised of his rights and he appears to have understood them and it appears he waived his rights, so I find that that statement was also freely and voluntarily made.

Therefore, the statements are admissible should the State wish to have them introduced of their purpose as they were freely and voluntarily made.

Anything else before we bring the jury back?

MR. ELLIS: There are two additional matters we mentioned in sidebar or in chambers yesterday perhaps, I would object to the State entering the video of my client as a whole. In particular the February 5, 2014 interview is full of issues that would need to be redacted if it is entered and that would break the video up substantially.

There are multiple mentioning of my client's history and involvement with law enforcement and being on parole. Besides that, there are numerous conclusions drawn by officers that wouldn't be admissible. There are several statements where, of course, officers are allowed to mislead and say what they need to during an interrogation and that's fine but there are something they say in an attempt to elicit information that should not be heard by a jury. I'm not sure if a jury would be in a position to be sophisticate enough to understand that.

I do understand that my client's statements are admissible per the hearing that we just had and I understand the State is entitled to use his statements against him. I discussed it with Mr. Marchant and I

believe the easiest way for them to do it is to put forth the evidence regarding my client's statements but not enter the video itself.

I would object to entry of any video or audio from any encounters with law enforcement, but especially the interview on February 5th. I believe there are multiple problems and issues that the jury should not be privy to.

MR. MARCHANT: If it please to Court, Your Honor, to make it easy, the State does not intend to introduce that video unless there's a specific relevant portion of that that becomes an issue or dispute between witnesses or the defendant should take the stand. But the February 5, interview we do not intend to introduce that.

MR. ELLIS: Judge, the other matter I have is I would object to any introduction of any statements involving gang activity in accordance with the discovery provided by the State. It is not relevant in this particular case and it has no involvement in any way.

The State does not plan to introduce that anyway and I won't belabor the point but I would object to any reference to any gangs.

MR. MARCHANT: Your Honor, the State does not intend to introduce any evidence of gang activity until the point it becomes relevant or an issue as well.

THE COURT: Okay.

MR. ELLIS: I would also ask the Court to sequester the witnesses during the course of the trial.

MR. MARCHANT: The State would respectfully request what's the basis of the sequestration and the necessity of it.

MR. ELLIS: We have an investigation spanning a four year time period and multiple people gave multiple statements that changed from time to time. It's not confined to just one or two people, it's across the board. There is just a potential bolstering effect that may occur if we're all sitting here listening to each other testify. Given what's on the line here, I think it's imperative that the witnesses recall from their own memory and not someone else's.

THE COURT: Any statements provided by lay witnesses have been reduced to writing at some point whether it be one or more statements?

MR. MARCHANT: Several, Your Honor.

MR. ELLIS: Not all of them, Judge.

THE COURT: What lay witness the State intends to call has not provided a written statement with regards to facts related to this case?

MR. MARCHANT: The on that comes to mind off the top of my head is Mr. Johnson's cell mate, Billy Joe

Durham, I believe.

THE COURT: Where is he located now?

MR. MARCHANT: I believe he's out in the hallway. I can't at this point in time tell you he's the only one ---

THE COURT: Alright, any lay witnesses that has not provided a written statement that has been shared with the defense shall be sequestered. Others may not be.

MR. ELLIS: Thank you, Judge.

THE COURT: Let's take 10 minutes. I need to see the lawyers in chambers.

(Whereupon, there was a short recess.)

Okay. It appears that everyone is present. As you know one juror has been excused and we have two alternates. Is there any objection to taking the first alternate chosen or would you prefer to shuffle and draw one?

MR. MARCHANT: No objection from the State, Your Honor.

MR. ELLIS: No objection from the defense.

THE COURT: To take the first one drawn?

MR. ELLIS: Yes, Your Honor.

THE COURT: Bring the jury in please and ask Mr. Woodward to take the foreperson's seat and Mr. Andrews will be the 12th juror and Mr. Creiger will remain as the

alternate.

MR. MARCHANT: Your Honor, just for our organizational witness purposes, do you have any idea of how long we're going to work until we break for lunch?

THE COURT: Until 1:00.

(Jury enters the courtroom.)

Good morning, ladies and gentlemen. Thank you for your patience and understanding. You'll have to accept my representation that the delay was necessary, but we are ready to now begin with the trial of the case for which each of you have been selected. Mr. Woodward, I'm going to ask you to serve as the foreperson on this jury.

As the foreperson, you're going to have three specific duties that the other jurors won't have. First of all, you will serve as the spokes person for the jury and that means if something arises that needs to be brought to my attention, you or one of the fellow jurors has some difficulty or problem or question, you'll be the person who will let me know that fact. You'll either do it through the bailiff or directly to me if you're here in the courtroom.

Secondly, you'll be called upon to preside over jury deliberations when the time comes for those deliberations. That, of course, won't be until the end of the trial after all of the evidence has been received and

I have instructed you on the law that's applicable in the case. But when the time does come for jury deliberations, you are called upon to preside over that process in the jury room simply to assure that those deliberations are carried out in some orderly fashion.

And thirdly, you will actually write the verdict or the decision of the jury. You'll do that on verdict forms that I'll provide you at the conclusion for which you will indicate the jury's unanimous decision as to a particular charge.

The foreperson has those specific duties that I've just indicated. That does not, however, mean that he is anymore important than any of you other jurors and that's because the decision of a jury is the unanimous consensus opinion of all 12 jurors and so all of you are going to have an equal say and an equal vote of what the ultimate decisions in this case will be. Someone simply has to be delegated those responsibilities and I have just indicate that I have delegated those to Mr. Woodward and I have appointed him the foreperson. But all of you jurors are equal importance as far as the ultimate decisions are concerned because as I've stated the verdicts have to be unanimous. All 12 of you must be in agreement.

Now, as y'all are aware one of your fellow jurors has been excused and therefore, Mr. Andrews you are

the first alternate chosen in the case and therefore you are now the 12th juror. You are no longer an alternate. You are the 12th juror in the case.

Mr. Creiger, you are the alternate and you'll serve in the event one of these other 12 can not continue to serve for some reason. So it is important that you pay just as careful attention as we ask of all the jurors in the case because it does occur time to time for one reason or another one of these 12 may be call away and then you become aware. So we appreciate your participation as an alternate juror just as we appreciate the participation of each of you jurors who have been selecting for the purpose of deciding the verdict in this particular case.

You may swear the panel.

THE CLERK: Please stand and raise your right hand. The correct response to the oath is I will.

You shall well and truly try the case 2014-GS-23-02201 and 02203, the State versus James Michael Johnson indicted for murder and the possession of a weapon during the commission of a violent crime and a true verdict rendered according to the law and the evidence so help you God.

THE JURY: (Collectively) I will.

THE COURT: Alright, ladies and gentlemen, as you know you have been selected to decide the verdict in

the case of the State versus James Michael Johnson. As you also know, Mr. Johnson has been charged in two separate indictments with four separate and distinct criminal offenses. Each of the indictments alleges two criminal offenses. Each indicate alleges the crime of murder and the possession of the firearm during the commission of a violent crime.

One indictment alleges that Mr. Johnson did here in the Greenville County on or about the third day of April 2011 unlawfully and with malice aforethought kill one Christopher Picaro by means of shooting with a handgun and that he died as a proximate result of that gunshot wound. He's also charge in count 2 of that indictment that he did possess or visible display a handgun during the commission or attempted commission of a violent crime, that violent crime being the crime of murder as alleged in count 1 of that indictment.

The second indictment alleges similar facts. It also alleges murder and possession of a firearm during the commission of a violent crime. The difference in the two is there's a separate victim and that victim in the second indictment is Amber Daniels.

Let's take the phone.

If anybody has a phone in the courtroom, hand it to the bailiff now. You're not allowed.

Now, as to all of the charges which have been alleged against the defendant, he has entered a plea of not guilty. A plea of not guilty places upon the State the burden of proving the allegations that they have set forth in each of these indictments. The burden of proving each of the essential elements of the crimes alleged against the defendant, and therefore, the burden is upon the State to establish the defendant's guilt to the satisfaction of your 12 jurors beyond a reasonable doubt before any verdict of guilty could be returned as to any of the separate charges.

Every person who is accused of a crime is always presumed innocent of that charge. That presumption of innocence remains with any defendant as it does with this defendant from the time that he is placed under arrest and throughout the course of the criminal process and even throughout the course of the actual trial in the case.

That presumption of innocence will be with Mr. Johnson even if you go back at this trial's conclusion to begin deliberation of the case. That presumption of innocence will be with him in that jury room and it will be with him forever unless you 12 jurors determine that he is no longer entitled to that presumption of innocence.

In other words, after you've carefully

considered all the evidence in the case and from that evidence you determine the facts as they relate to these particular allegations and after deciding those facts you apply the law that I would have provided. If you 12 jurors unanimously determine his guilt as to a particular charge that has been proven beyond a reasonable doubt, then he would no longer be entitled to that presumption of innocence.

But it is only if, unless, and until you are satisfied of his guilt beyond a reasonable doubt that the presumption of innocence would no longer be applicable.

Now, the way the trial will proceed that in a moment the lawyers are going to address you in what we call opening statements. There are two occasions in a trial of a case where the lawyers are permitted to address a jury and that is a the beginning of the trial before any evidence has been introduced and then at the conclusion of the trial after all of the evidence has been received.

Keep in mind the evidence comes in during the trial of the case between the opening and closing statements given by the lawyers, therefore, what the lawyers tell you in their statements is not to be construed as evidence in the case and that's because the lawyers aren't providing you evidence. They don't know anything about this case from their own personal knowledge

or perception witnesses will be testifying to.

The lawyers aren't going to take the witness stand, they're not going to be testifying under oath and they're not going to be subjected to direct and cross-examination like every witness will be.

So what the lawyers tell you in their statements is not to be considered by you as any evidence, but you should listen to what they have to say because these statements do serve a purpose. The opening statements will serve to provide you with a basic understanding of what this case is about for both perspective of the State as well as the defense so you have some context in which to place the evidence that you will be receiving shortly thereafter.

The closing statements in the end as I stated will come after all of the evidence has been received. While those statements are not evidence it does afford the lawyers an opportunity to discuss with you the evidence that you have seen and heard during the course of the trial and each will have an opportunity to try to persuade you and convince you that the evidence does or does not support a particular decision, and it's in between those opening and closing statements that received the evidence in the case.

The State will go forward first in the

presentation of evidence and that's because the State has the burden of proof and they have to establish the defendant's guilt to your satisfaction beyond a reasonable doubt and therefore they have to present evidence. They will go forward first in that presentation.

Once they have concluded, the defense has the same opportunity to testify or present evidence or call witnesses, but please understand that a defendant in a criminal trial is never under any obligation to testify or to call witness or to produce any evidence. The burden is never upon a defendant or person accused of a crime to prove that they are not guilty or to prove that they are innocent because in some cases, that might not be possible. The burden is always upon the State to prove the defendant's guilty because they made the charge. They have the burden of proof.

In a criminal trial a defendant may not testify, call a witness or produce any evidence, and if that's the case you can't heard that against a defendant. You can't consider it any way in your deliberations whether his guilt has been proven beyond a reasonable doubt, but ever defendant is provided an opportunity to present evidence in the event that he or she wishes to do so.

So after the evidence has been received and

you hear the final summations of the lawyer, I'm hear to instruct you fully on the law applicable in the case. I'll instruct you fully on the law as it relates to the criminal law generally and as it relates to these particular crimes specifically. You'll then be asked to go back into your jury room and begin with your deliberations and through that process, you simply going to call upon through the exercise of good judgement and common sense and applicable apply it to the testimony and evidence in the case, to determine the facts, apply the law and arrive at a fair and just decision whatever that decision ay be.

Now, it is important that you pay careful attention through the course of the trial. There will be a number of witnesses who are called to testify. Sometimes when testify their testimony might be in conflict and if that conflict relates to some material fact that needs to be determined by the jury before you an reach a decision, you are the persons who are charged with the obligation, responsibility for deciding the facts, and therefore you necessarily are the judges of the credibility and the believability of each witness that testifies during the course of the trial.

You will decide what weight, value and effect to give any particular witness's testimony or even

portions to that testimony, but it is important in order for you to be in a proper position to be able to fairly and to accurately evaluate a witnesses credibility to pay attention as they all testify so that when you go back and begin your deliberations you'll be able to evaluate each witnesses testimony in light of not just that witnesses testimony but in light of all of the testimony and all of the evidence received during the course of the trial. And it's important, also, that keep an open mind through the course of the trial.

You are not to begin making up your minds or opinions as to what you think the ultimate decisions in the case ought to be until all of the evidence has been received, instructed on the law, and been asked to begin with your deliberations in the case. That is the process that has been designed over 200 years to ensure you can arrive at a fair and just decision in the case.

I do want to thank you in advance for your fair and just participation and as well as your attention. I would ask you to give the lawyers your attention now as they give you their opening statements.

Mr. Marchant.

MR. MARCHANT: If it please the Court. Mr. Ellis. It's supposed to be the perfect crime. You'll hear from Scott Lowe and potentially Nick Granados. James

Michael Johnson, JJ, you'll hear those names a lot. Like I said it was supposed to be the perfect crime.

Scott and JJ were going to go over to the victim's house, Chris Picaro. He was passed out or asleep.

THE COURT: Excuse me, Mr. Marchant, I hate to interrupt you but the court reporter is saying she's having some difficult hearing you. I don't know if I control that microphone or not otherwise you're going to have to speak up louder.

MR. MARCHANT: I'll be happy to, Your Honor.

It was supposed to be the perfect crime. Scott Lowe and James Johnson were going to go over to the victim, Chris Picaro's house and rob him of drugs and money. Nick Granados was the inside man who had been over at Chris Picaro's house for days leading up to the murder. He was going to make sure that Chris was passed out or sleep and that he knew where the money and the drugs were. Scott and JJ were going to come in, steal the money from Chris and leave. Nick was going to pretend as though he had been a victim as well. Nick was going to play a role.

Nobody anticipated or actually thought was going to happen, was that Chris was going to be awake. And you'll hear from Scott Lowe on the witness stand that when he came through the front door he was armed with a

.38 caliber weapon. As soon as he came through the front door he saw Chris was awake. He did not expect him to be awake and he shot and he killed Chris Picaro.

In addition, Amber Daniels was at Chris's house as well. She was awake, a struggle ensued. Mr. Lowe shot and killed Amber Daniels. Following that, they attempted to change the perfect crime of robbery where they were supposed to be asleep and the victims were never going to know that a robbery occurred, to now we've got to cover up the crime.

It still is the perfect crime, go in, shoot the victims, you burn the house down, no witnesses, right? Following the murder Scott gives the murder weapon to Nick. Nick leaves Greenville, South Carolina, travels to Buncombe County, North Carolina and is caught with those guns 19 days later.

You'll hear from forensic firearms expert James Armstrong that that gun, the .38 that Nick is caught with in North Carolina is the gun that killed Amber Daniels and Chris Picaro.

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.

Scott has already pled to voluntary

manslaughter. He has accepted responsibility in this case. Scott has received a sentence of 20 years. Scott is the killer. There is no doubt about it, there is no question. Scott is going to cooperate with the State and testify against JJ.

You're going to have a lot of attention when the Judge gives you the law and my co-counsel closes at the end of this case. 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, but the fact that Scott Lowe and Nick have pled to something lesser should not influence your decision. You are to take the facts as they are given to you from the State, from the witness stand and apply that to the law that His Honor will give you at the end of the case, and you will be able to square up those facts and make a just verdict of guilty against Mr. Johnson for the charge of murder.

Because we have a rule of law in South Carolina called accomplice liability. You may have heard of it before referred to as the hand of one is the hand of all. If someone is involved in the planning and preparation of a crime, they are just as guilty for any logical natural and foreseeable consequence that could occur throughout the course of that crime.

For example, two guys get together and decide

to rob a bank. One guy is the driver and there's no question about that. You can see the driver pull up, wait in the car and his co-defendant gets out of the passenger seat, goes in, robs the bank and comes back out. The person driving is responsible for the robbery of that bank. He knew what was going on, he drove him to the scene and he drove him away from the scene. It makes no difference under the law that the driver did not exit the vehicle.

Following those principles, the driver would just as responsible if the co-defendant gets out of the car, goes into the bank and things go sideways and a murder or killing occurs in the bank. The driver knows, the co-defendant is armed with a gun. A logical, natural and foreseeable consequence is that somebody inside that bank could die. It matters not that the driver never gets out of the car.

The hand of one is the hand of all. It matters not who killed Amber Daniels and Chris Picaro. Everyone involved in that event is equally responsible. Now, the information that you're going to receive over the next day, day and a half, and there were a lot of people named on the witness list, rest assured they are not all going to be called, but the information you're going to see is essentially this:

April 3, 2011, Chris Picaro and Amber Daniels are at [redacted] Road. That is Chris Picaro's home. He had lived there for some period of time. Chris Picaro dealt in illegal narcotics. He was a drug dealer there's going to be no question or dispute about that. Lots of people came and went from Chris Picaro's house. There was a lot of traffic.

Hence, there were a lot of people to interview which you'll hear from Investigator Bailey as well as Investigator Brown about all the people they talked to. The focus of the investigation was centered around Scott and JJ. Investigator Bailey was assigned this case as far as the homicide unit from the Sheriff's Office in April of 11. He worked the case for roughly eight to nine months. Evidence came and it was tested, it came back. All of the leads and that point in time around December of 2011 had been exhausted.

At that point in time Investigator Bailey did not have the ability or opportunity to continue investigating this particular case any longer. More homicides had occurred in Greenville County, more missing persons, more armed robberies. He had to move on to investigate other matters.

What the Sheriff's Office does is they assigned those cases that have gone cold to a particular

unit in the office to which they call the cold case unit. Investigator Brown picked the case up around the beginning of January, read the file, went over everybody's statement, everyone's interview and he started through the process again going and talking to everyone involved in the case.

What he will tell you is when he got to Nick, he interviewed him again, and as a result of that interview, he the next day drove to Buncombe County to get guns that Nick was arrested with. Those guns come back to Greenville County, they're tested and they are, in fact, the murder weapon. Nick is subsequently interviewed, gives up some additional information. Scott Lowe is charged.

Scott begins to talk with us as well. They are also going to hear an individual by the name of Eric Graham. Mr. Graham was interviewed by Investigator Brown early on and Investigator Brown investigation. Mr. Graham confessed to the crime. He says I am the one that did it. Investigator Brown was not comfortable with that admission at that point in time so the investigation continued.

Follow up on Eric Graham's story left Investigator Brown in the position that he charged Eric Graham. Subsequent investigation reviewed that Eric Graham was not involved in this case.

Mr. Lowe is scheduled for a trial in early '13. Prior to Mr. Lowe going to trial, he and his lawyers come to us and they want to talk. Mr. Lowe gives us all of the information that was missing. In that he implicates Mr. Johnson as the other person involved. Mr. Johnson was charged and we are here today for his trial.

That is essentially how the investigation unfolded. You will hear that they talked to 5, 10, 15, 20 people of interest because their names were mentioned. You will hear from both of the investigators that their attention was and was always focused on Scott and JJ.

You will also hear how cases evolved and what evidence investigators look for. I'm certain that all of you have watched tv and watched CSI or some other show and there's some hair fiber they find in a carpet and that points to the person being the killer.

In this case, law enforcement did everything they could. Forensics came out and fingerprinted items that were of interest. They swabbed items for potential DNA and none of that information comes back with anything. Just because someone came in and out of that house, doesn't mean that they left a fingerprint or that they left DNA. And just because someone admits to being in that house over an extended period of time doesn't mean

that they leave DNA or a fingerprint.

The environment in a situation has to be right for that to occur. So the forensic evidence as it relates to this crime is the .38 caliber. There was nothing of significance that points law enforcement in one direction with fingerprints or DNA that we're going to be able to bring to you that says this is Mr. Johnson's fingerprint that comes out of that house or here's Scott's, Nicks and here's their DNA. It doesn't exist in this case.

As I've explained the circumstances have to be correct and proper for one to leave a fingerprint and just because someone touches something doesn't mean somebody else doesn't come behind them and touch it as well. The most significant part of why there is nothing else is because the fire department had to come in and put the fire out and the place was burned in a significant portion from the inside. The roof did not catch, but you'll see photographs and you'll see how badly burned things are and you'll see that there was water put out to distinguish the fire.

So what this case rests on which a lot of the cases rests on especially in homicide, these things are generally solved from the inside out. What does that mean? That means somebody that was present at the crime

tells somebody, whether or not they are law enforcement or friends of theirs, tells them what their roll was in the case and it gets to law enforcement, it's investigated further, charges are made and then we find ourselves here.

We're not here trying to pull one over on you about this guy is the murder or he's more responsible than any of the others. The charge in this case as it was Scott committed this murder but pled to a lesser degree of murder. 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 negotiations and tactics of how to evolve in this case and how to complete and final resolution for Mike and Holly Daniels who has lost their sister and his daughter as well as the entire Picaro family who has lost a brother and a son.

I want you to keep the principle in your head throughout this trial, the hand of one is the hand of all. Scott Lowe is guilty of murder. He deserves more time than he got. I don't like him. You don't have to like him but he's got a story to tell. You need to listen to his story and review all the evidence and I'm confident that once Ms. Salisbury gets up here and closes this case, that you are going to convinced that this man over here is

involved in this case, and he is involved to the extent that he is guilty of murder and the only verdict that you can return is a verdict of guilty and that's what we're asking you to do.

THE COURT: Mr. Ellis.

MR. ELLIS: Ladies and gentlemen, you're going to hear throughout the course of this case that the prosecutor and I disagree on a great many things. One thing we do agree on is that my client doesn't not take the responsibility for the crime in this case. He is entitled to his day in court and he has a right to have the State present its evidence, its witnesses to you as the tryer of fact. The Court system we have in our country you, citizens of Greenville County get to decide the case and judge the fate of another citizen, James Johnson, my client, also known as JJ and you'll hear that a lot.

He is entitled as the Judge already told you to an presumption of innocence. He walked into this courtroom today presumed to be innocent of this crime. He will walk in an out of this courtroom all times presumed to be innocent unless and until you decide that he is not entitled to that presumption any longer.

You can only decide that if all of you agree at the weight and the strength of the evidence and the

testimony presented by the prosecution is so strong that you are left without any reasonable doubt that he is in fact guilty. Unless you decide that, he's innocent.

Now, the prosecution talked a great deal a moment ago about what they're going to show you in regards to this case. Mr. Marchant told you you're going to hear from a lot of witnesses and I'm sure that's true. He told you he's going to be able to evaluate lots of different things. Lot's of different people were interviewed, the case went cold and then it was brought back again. Forensics were examined in various respects but they are not going to present any forensics to you to show you my client did anything wrong in relation to this murder.

The crime you're going to hear about is a terrible crime. I'm not going to sit here and act like it's not. It's a horrible thing. You're going to have to sit and listen and review several pieces of evidence and review testimony and it will probably be upsetting at times, and it's a terrible thing. However, that does not make my client guilty of the crime. The fact that a terrible crime has been committed and they say he did it, does not mean he's guilty.

They have to prove to you beyond a reasonable doubt that each and every one of you that he is guilty in order for him to be found guilty. The burden of proof

rests on the State as the Judge told you. He will explain this again at the close of the case, but at no time does my client have to prove anything. They have to prove that he is guilty before he is.

You're going to hear a lot about Scott Lowe. You're going to hear a lot about Nick Granados and several people who were involved in this entire matter. This investigation dragged on for years. Lots of people were spoken to. You're going to hear Scott Lowe, Nick Granados and probably a few other people over and over and over again.

As the solicitor already told you that the couldn't even charge my client until they focused on Scott Lowe. They had to talk to him first and that shows a little bit about you how important is what has to say is, and as the judge has already told you, you are the tryer of fact, the judges of fact and you are going to be the ones to assess credibility; credibility of witnesses, credibility of testimony and credibility of evidence. You will decide what you believe.

Just because someone sits on that stand and takes an oath I think we all mean and we'd like that to be true the things that they say and what they tell the police to be true when they testify under oath, but we live in the real world and that's always the case,

unfortunately.

You the jury get to evaluate what is, in fact, true in this case. If you don't think that the evidence that they present of my client's alleged guilt is strong than he is to be found not guilty.

In the constitution of the United States like the Judge told you has been around for a number of years, 239 years, I believe at this point. It's not a perfect system, but it's the best that we've come up with so far. It rests on you. You're here because you have life experience. You understand what seems credible or real, what doesn't seem credible or real.

I'm just going to ask that y'all be very close attention of all you're going to see and hear and be presented with throughout the length of this case.

The fact that Scott Lowe and Nick Granados may have committed this crime and confessed and said they did it and you might see them later on does not mean that my client did it. It means those two guys did it. Lots of people as the prosecutor already told you had access to Chris Picaro's house. They knew what he was doing. They knew he was a drug dealer. They knew what was going on in there and you're going to hear from a lot of those people that ran in and out of that house.

The fact that my client knew any of these

people, spoke with them and even hung out with them does not make him guilty. He can not be guilty based on a gut feeling or just the investigators thought from day one that they didn't like him and that maybe he did it. He is only guilty if all of you unanimously find him guilty beyond a reasonable doubt. The strength of their evidence presenting the facts and not gut feelings and not because we don't like him. This is an emotional terrible thing. If the facts, the evidence that they give you is not strong enough to convince you beyond a reasonable doubt that he is guilty, then he is not guilty and that's what you're here to do today, for the rest of the week as long as this trial goes on.

I appreciate you being here and my client appreciates you being here today. He has waited for his day in court. He appreciates you being here to listen and I appreciate as well. I just ask you to evaluate everything with an open mind and I ask you to look at it in an objective way as you would any other piece of evidence brought to you in a business setting or any other setting that you deal with in the course of your life.

Ask yourself if the evidence presented is true and implicates my client or not and at the end of the day when this whole trial is over, you're going to agree my client JJ, James Johnson is not guilty of these crimes.

Thank you.

THE COURT: Ms. Salisbury.

MS. SALISBURY: Your Honor, the State calls Jacob Bors. Mr. Bors, if you would come up to the stand to be sworn.

THE CLERK: Please place your left hand on the Bible and raise your right hand.

JACOB BORS, having been duly sworn, testified as follows:

Thank you. Please state your name for the record.

THE WITNESS: Jacob Bors.

DIRECT EXAMINATION

BY MS. SALISBURY:

Q Mr. Bors, I'm going to stand way back here so that I can be sure that I can hear you and the jury can as well. Mr. Bors, can you tell the jury where do you work?

A I work at Taylors Fire Department.

Q And how long have you been with Taylors Fire Department?

A A little over eight years.

Q What are your responsibilities there?

A Right now my responsibilities a fire engineer. I work as a fireman and I also rotate into a driver's position and a lieutenant and a sergeant's position as

need be.

Q Were you working in that same capacity in April of 2011?

A No, I was simply a fireman.

Q What were your general responsibilities if the Taylors Fire Department were to call for assistance?

A It all depends. We respond to so many different kinds of assistance, medical calls, fires, rescues, car wrecks.

Q Let's narrow it down to a specific fire response. If your department is asked to respond to a fire, what were your general responsibilities in handling that call?

A Well, generally I would have to communicate with my officer and we would have a game plan for there, but our response protocols differ from engine to engine depending on where it is in the district.

Q About how many people would respond, you and your fellow fire fighters, how many people would go to a particular scene?

A We have three engine and each engine has three personnel, a driver, an officer and a fireman, so that's 9. We have a battalion chief, that would have been 10, and then we have a rescue platform company and that varies between one and three and any additional would be our assistant chief, fire marshals, chief chief, just

depending on the time and how the call got toned out; if it's a possible fire or if it's a confirmed fire.

Q Do you remember responding to a call for assistance back in April of 2011?

A I do.

Q Do you remember responding to a residence on [redacted] Road?

A I do.

Q Can you tell me, first, what time of day?

A Early in the morning, I would say before 10:00. I believe everybody was at our main headquarters station which is stationed in the center of our district. I think we had a meeting that morning and we ended up responding and we got there and I remember seeing that a duplex type of residency.

Q Was it immediately apparent to you that an active fire was underway, was actively consuming the residence?

A To me, immediately, no, because I had sat on the driver's side of the door and we pulled up on the passenger's side and with all my equipment and having to duck and look through the windows -- I like to look at the structure to know if we do have smoke showing or we do have fire protruding through the windows or something just to kind of know we got something going on, but I didn't see that because I had all the gear. It just wasn't a

good set up for me pulling in.

Q When you approached the residence what did you do next?

A Well, I believe the lieutenant on my truck, I believe he had confirmed that there was some of smoke coming and he advised me to pull the line before I go around to the truck so I went ahead and pulled a line which is our fire hose. It's a pre-connect inch and three quarter two hundred feet and we have two of them and I pulled one of them and I ended up stretching it out into the yard and draining the line of access air and I believe we went in at that point.

Q Okay. Where did you go in?

A We went into the right hand side of the duplex. If you have two residences, we went to the right hand side looking at it from the street into the front door.

Q Do you remember if that front door was locked?

A I would have seen if it was locked because I remember pulling the line and Lt. Howell asked for a sledge hammer and he got a sledge hammer and I remember a familiar sound of a sledge hammer busting a deadbolt lock. And as I turned around the door was open, so I would assume that he had busted the door open with the sledge hammer.

Q What happened once you got the door opened, what

did you do?

A The first thing we did was I believe Lt. Howell we have a TICK, it's a thermal imaging camera and it's a hand held device that let's us see varying temperatures so we could see body temperatures and fire temperatures. It helps us find extensions in walls and it also helps us with body recoveries and victim rescues. It can show us the outline of a body.

I believe he scanned the room first and said good and I ran in first and noticed that the fire was kind of in the kitchen area and we went straight towards the fire.

Q This may be an over simplification, but do you remember whether you saw active flames or smoke?

A They were active flames but it wasn't anything major. It was I think we ended up flowing 30 or 20 gallons of water to put it out at the time.

Q Do you know how long it took you to finally and comfortably extinguish that fire?

A From what point?

Q From the time you attempted to extinguish it with water?

A Probably we took 30 seconds. We just quick opened the nosel and just put the fire out and we continued to spray water in the fire origins in case it

had succeeded into the wood that was on fire.

Q You mentioned that based on what you recall the fire seems to be isolated to the kitchen, were there indications that the rest of the residents was affected by the fire?

A What do you mean?

Q Did you notice any burning or charring or smoke or anything else throughout the residence?a?

A At that time, no. We did, however, find a device in the oven that we believe was placed there to go off as an explosion once the fire took place. I believe we also found an opening in the back bedroom or back bathroom -- I'm not 100 percent sure -- into the attic area and we believe that to be out of place. And the reason that hall was put there was to pull the fire through the remainder of the house.

Q Now, once you and your lieutenant had extinguished the fire and you felt confident that that situation was under control, what happened next?

A We were standing in the kitchen because that's where the fire was more on the utility closet where the washer and dryer was which was in the kitchen. So we were in the kitchen and we decided to get some of this smoke out here because it wasn't that much, maybe we can just do i with the door open. So we went to open the door and

another unit said they were going to come around to the back and place a fan and come in and assist us with what we needed, and I went to open the door and it had a thumb lock.

I couldn't get the thumb lock. I could see visually. There was no impairment of vision through the smoke but I couldn't get the thumb lock because of my gloves so I took my gloves off, unlocked the door and opened it. That way we didn't -- one our life saving initiatives is property conservation, so why bust another door when we don't have to.

Q And what happened after you got those doors opened and got that process under way?

A We decided that we'd go down the hallway to search and I believe we went to the first bedroom and kind of did a quick little search and came back out. I believe at this point Lt. Howell had found the first victim sitting on he couch. And so our first thought was we have a body rescue is what we have. We proceeded to go to the victim and I remember picking up the coffee table and moving it out of the way because it was in front of the couch just to give us more room and throwing it kind of off to the side and the victim was in a blanket or something.

So we decided that we were going to lift

them. Lt. Howell was going to have his upper body and I was going to have his legs and we take him outside and see what we could do if we needed to do CPR and whatnot. And while we were doing that I noticed that my foot was not on the ground and I looked down and I found the second patient and she too was wrapped up and a computer screen or something on her face and she was completely hidden had I not stepped on her.

I told Lt. Howell, hey, I got another victim here and at that point we both determined that something was not right, that it appeared that both victims had been deceased so rescue was no longer needed at that point. I believe at this point the other crews had found what was in the oven and thought maybe this was a bomb. So we decided in the best interest that this was some sort of crime and we left the structure and went and told our battalion chief who was in command and steps were taken from there.

Q Stepping back a little bit to when you and your lieutenant initially encountered the two victims, you mentioned that the first victim was sitting on the couch. Is that how you remember it?

A Yeah. If you're looking at a three cushion couch he would have been on the left and it was kind of looking like he was laying on the armrest and leaning back is how

we found him.

Q Aside from determining that the victims were deceased, did either you or your lt move either of the victims?

A I believe we went to move the male patient and we may have had our hands on him but we didn't move him from the couch or place him on the couch.

Q Aside from your recollection of moving the coffee table out of the way to give you room to assess the situation, did you move any other items inside the residents?

A Besides the coffee table, a door and I think we moved the opening to the washer and dryer just to kind of get back in there but we didn't take anything from one room and put it in another outside of what we had to do as far as searching a bed, opening a closet door and stuff like that.

Q I'd like you to take a look at a few pictures. These have been marked at State's Exhibits 3 through 18 and if you'll just take a look at those.

A Can I ask what I'm looking for?

Q Generally speaking, what do those pictures depict?

A The first picture is ---

Q Instead of going through them one by one, what do

those pictures depict as a group?

A The call that we just talked about with the two victims.

Q Are those photographs of the residence that you responded to on [redacted] Road?

A These look accurate, yes.

Q Based on your recollection of the scene that day, are those accurate depictions of the home that day?

A Yes, ma'am. They look like after we got in there.

MS. SALISBURY: Your Honor, at this time I'd move to offer State's Exhibits 3 through 18 into evidence.

MR. ELLIS: No objection.

THE COURT: They're admitted.

(Photographs marked as State's Exhibit Nos. 3 through 18 for identification was admitted into evidence.)

BY MS. SALISBURY:

Q After you completed your participation in extinguishing the fire and notifying law enforcement that there was a crime scene for which they needed to respond, did you have any further involvement in the investigation of the case or the review collection of evidence from the scene that day?

A We had to give interviews and written statements. I want to say Greenville County Sheriff's Department,

three people came, and we went in and put the victims on the stretcher and moved them out since we were already on the scene. There's no reason to have anyone else's potential DNA in there or whatever.

Q Aside from speaking to law enforcement about what you did and what you say that day and of course helping process that particular component of the scene, did you do anything else as a part of this investigation?

A Nothing comes to mind.

Q Thank you, sir. If you may answer any questions Mr. Ellis may have for you.

CROSS-EXAMINATION

BY MR. ELLIS:

Q You said you began your career as a fire fighter about eight years ago, is that right?

A Yes.

Q Now, you've done some other things in the department as well.

A Right.

Q At the time of this incident you were still a fireman or a fire fighter.

A Right.

Q You were one of the first two people inside of the house?

A Yes.

Q A moment ago you testified that the call about the fire came in before 10:00. Are you sure that's accurate or not?

A It came in in the morning. I'm not 100 percent sure. It was four years ago but I remember it being somewhere earlier in the morning.

Q I understand. Could it may have been later than that?

A It could have been. I'd have to look at the time sheets but I would say it was before or around 10:00.

Q When you arrived, you said, at least from your vantage point on the truck the fire was not immediately apparent to you at that point when you pulled up; is that right?

A No,

Q It wasn't a large fire at that point is that fair to say?

A Yes.

Q You mentioned there were a few things that the fire department did that altered the scene somewhat, correct?

A Yes.

Q Obviously you had to gain entry to the home and you said Lt. Howell had to use a sledge hammer to force entry to the door, correct?

A Correct.

Q That caused some damage to the framing and so forth also?

A It does. You're talking about a 10-pound hammer going into a wood door. Something is going to budge.

Q Some debris or wooden pieces et cetera can fly around the room?

A The frame could be cracked.

Q Now, you said that when you first entered there, what room is that when you go into the front door?

A The technical term I would consider a living room with a tv and a couch that type of area.

Q When you entered there, the fire was really in that room; is that correct?

A It wasn't but it was. It was kind of like at the end of the kitchen in the living area and it had come on the wall. It was an open area into the kitchen so the origin wasn't in the room but it was working it's way into that room.

Q When you say it was working its way into the room, it really wasn't into the room yet?

A No.

Q The couch and the things in the living room, they're not on fire, right?

A None of that was on fire, no.

Q So as far as where the fire actually is that's pretty much the point when you guys get there?

A Yes.

Q You stated when you entered that and of course saw the fire so you used some water from the hose to put it out, correct?

A Yes.

Q About 20 or 30 gallons to put it out, correct?

A About 20 or 30 to put it out. It wasn't much.

Q For those of us that may not be familiar with the amount of water for putting out a fire, is 20 gallons a lot of water?

A No. It probably could have been put out with maybe two extinguishers.

Q You mentioned that the first victim you came to, this is the male victim, correct?

A I believe so, yes.

Q You believe he may have been sitting on the couch on the armrest in some way, correct?

A I believe that's how we found him or he may have been -- yeah, I believe that's how we found them.

Q Now, once you found there was probably more to it than just a fire problem there may have been something else to it, you backed out at that time, right?

A Right.

Q There was some other additional that the fire department provided, correct, did they provide some sheets that the put over the victims at some point?

A I believe those sheets were provided by EMS and put on by me and Lt. Howell, I believe.

Q That's what I meant.

MR. ELLIS: I don't have any further at this time.

MR. SALISBURY: The State has no further questions, Your Honor.

THE COURT: You may step down. We're going to break for lunch. I'll ask the jurors to go back to your jury room to be excused for lunch. I would ask that you be back in your jury room at 2:30. Please keep in mind my instructions about the case, no discussions, no independent research or investigation, no exposure to any type of media coverage of the case. As far as your notes, if you just put your name on them and leave with the bailiff and you can pick them up right after lunch.

(Jury exits the courtroom.)

(Whereupon, there was a lunch break.)

THE BAILIFF: All rise, court is now in session.

THE COURT: Thank you. Be seated.

Is anything we need to address before the

jury is brought in.

MR. MARCHANT: Yes, Your Honor, my office went back and looked at each juror individual and none seated have any convictions that would disqualify them from service.

THE COURT: You got those histories here?

MR. MARCHANT: Yes, Your Honor.

THE COURT: I want those to be made part of the record.

MR. MARCHANT: Yes, sir. I just want to be clear, when they name of an individual for whatever it's worth, if it doesn't return a result ---

THE COURT: It shows no history. That's what I want.

Bring the jury in, please.

Whose the next witness going to be?

MS. SALISBURY: Sergeant Mat May with the Sheriff's Office.

(Jury re-enters the courtroom.)

THE COURT: Good afternoon, ladies and gentlemen, we are going to continue with the State's presentation of evidence.

MS. SALISBURY: The State calls Matt May. Please come up to be sworn.

THE CLERK: Would you raise your right hand

and place your left hand on the Bible.

MATTHEW TODD MAY, having been duly sworn, testified as follows:

Thank you. Please state your name for the record.

THE WITNESS: Matthew Todd May.

DIRECT EXAMINATION

BY MS. SALISBURY:

Q Sgt. May, where do you work?

A Greenville County Sheriff's Office.

Q How long have you been with the Sheriff's Office?

A Fifteen years.

Q Currently what's your capacity with the Sheriff's Office?

A I am supervisor of unit patrol.

Q Generally speaker what are your responsibilities in that particular capacity?

A Make sure all the deputies that are assigned to me are taking their area responsibilities, signing off, making sure they are updated with all legal updates, law changes, make sure they are operating under general orders rules and regulation, state and federal law.

Q Were you working in that capacity of April of 2011?

A No, ma'am, I wasn't.

Q What was your assignment then?

A At the time I was an investigator within the narcotics unit.

Q And in that capacity did you become involved in the investigation that's the subject of this trial?

A Yes, ma'am.

Q Would you describe for the jury how you became involved?

A On that date it was actually my day off. I was not on call. We rotate calls. Another investigator was on call and he had been contacted by one of the investigators on scene in reference to a possible meth lab either causing a fire or was located inside the house of a fire. During that time there was an uptake of those kind of incidents. Then an investigator who was meth lab certified as a technician to certified dismantle operating lines, so I was asked to go through just to either confirm or deny that there was a meth lab on scene.

Q 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?

A There was not.

Q Now, generally speaking outside of your capacity as a narcotics investigator, what is uniformed patrol, the

uniformed deputies, the marked patrol cars, what are their responsibilities on arriving on scene like this?

A If you call 911 that those are the guys that you see in uniform. They are the ones that answer the regular calls for service. In general they start with the preliminary investigation in a case like this. So when the fire department calls for the Sheriff's Office with what they found, it's going to be uniform parol who will be the first guys on scene. They will make determinations of the disparity of it, if it is something that we handle or we call an investigator who specializes in that area. In a case like this obviously homicide would be called.

Q So what did he scene looked like when you arrived?

A The traditional scene for something of this nature of this magnitude, supervisor on the scene, large areas taped off for crime scene investigation. It's always better to go bigger than smaller because if you take off a small area and then something's found outside of it, it could be contaminated at that point so you tape off an area as big as you can. So when I got there, it was quarantined off a fairly large area.

Q Were there still several uniformed deputies on scene?

A Yes, ma'am.

Q Were there investigators on scene at that point?
A Yes, ma'am.
Q Was Taylors Fire Department still on the scene?
A Yes, ma'am.
Q And was EMS there?
A Yes, ma'am.
Q Now, specifically, when you arrived do you remember about what time?
A After lunch.
Q Do you remember what you did when you first got on scene?
A I spoke to Investigator Bailey. He told me that the fire department was concerned about something that was located in the oven which involved a small propane, Coleman, can that you use for the portable outdoor cans for grills. Those are commonly used in the manufacturing of methamphetamine, and they were in the oven. I told Investigator Bailey I'd check it out so I went back to my truck and put on my protective equipment which consists of an air purifier, a sprayer and a gas mask and then I entered the duplex.
Q I'm going to show you State's Exhibit 15. Do you recognize what's depicted in that photograph?
A Yes, ma'am.
MS. SALISBURY: With the Court's permission,

I'd like to publish for the jury.

THE COURT: You may.

BY MS. SALISBURY:

Q Now, sir, I'm not sure if you can see very well from where you're seated, but as best you can would you describe for the jury what's depicted in the photograph?

A That's the oven that was obviously in the kitchen that was on the backside of the house to the rear of the house. On the left side of that oven is that burned up Coleman propane tank and then some kind of aerosol can, I believe it was spray paint. I can't remember what the other item is.

Q Did you examine these items that were inside the oven?

A Yes, ma'am, but I didn't move them.

Q But based on what you saw in the house and your experience dealing with the manufacture of methamphetamine, did you determine that these were related to a meth laboratory?

A They are not related to a meth lab.

Q I'd also like to show you State's Exhibit 19. Do you recognize what's that depicted in that particular item?

A The layout of the duplex.

Q Based on your participation in the investigation

and your interaction with the residents that day, is State's 18 an accurate depiction of the general layout of this residents?

A Yes, ma'am.

MS. SALISBURY: I'd like to offer this as State's 19.

MR. ELLIS: No objection.

(Photograph marked as State's Exhibit No. 19 for identification was admitted into evidence.)

BY MS. SALISBURY:

Q Now, Sergeant if you could, describe for the jury as best you can recall what you did in relation to entering the house and where certain things were located?

A The kitchen is on the back right corner of the residence. I entered into the kitchen Coleman's cannister was kind of staring right at you and it was open. A lot of smoke and fire damage was pretty much contained in that kitchen area and I could see where the fire department pulls out the walls checking for secondary fire.

I then proceeding to the kitchen after looking in the oven. I walked in the living room and saw two deceased individuals covered with blankets on he living room floor. I then proceeded down the hallway and checked the back bedroom, the child's playroom and the bathroom where the fire department mentioned some type of

ventilation that was triggered into starting the fire from the meth lab.

Q Again, based on your review of the scene and walking the scene yourself and all the material that was inside, were you able to determine this was not related to a meth lab?

A Absolutely. There was no sign or anything that indicated that the manufacturing of meth occurred in that duplex.

Q Is this residents on [redacted] Road is that inside Greenville County?

A It is.

Q Now beyond your participation on the scene that day, did you do anything else to assist in the investigation of the case?

A No, ma'am.

Q Please answer any questions Mr. Ellis may have for you.

CROSS-EXAMINATION

BY MR. ELLIS:

Q Are you certain that it's not a meth lab that you found on the scene, correct?

A Correct.

Q I know you mentioned a moment ago that a Coleman can or cooking apparatus may often be used in a meth lab.

What else do you expect to find other than that?

A You would normally find some significant chemical burns where a lot of melting things, less burning more melting things like plastic. Specifically like with the spray can, you would find punch holes in the can. They don't use spray paint, they use ether.

Q You didn't find things like that, did you?

A No.

Q You said like plastic, what kind of plastic are you talking about?

A It could be like two liter coke bottles or something like that and rubber or plastic tubing.

Q You were a narcotics investigator at the time in 2011?

A Correct.

Q And that's how you gained knowledge about meth labs and how you investigate them, right?

A Yes.

Q Were you familiar with house on [redacted] Road?

A No, I wasn't.

Q You were aware of the drug activity that had been going on there?

A No, sir.

Q As far as the items that you found in the oven, you mentioned a couple things in there, you have no way of

knowing who put those things in there?

A No, sir.

Q There's no evidence recovered from those items that might have suggested who might have done it?

A That wasn't my job description.

Q You mentioned a moment ago that the smoke and fire damage was essentially in the kitchen area, correct?

A Yes, sir.

Q And the victims were in the front room which is living room area, correct?

A Yes, sir.

Q Thank you.

MS. SALISBURY: No additional questions, Your Honor.

THE COURT: You may step down.

MS. SALISBURY: I ask that this witness be relieved.

THE COURT: He may.

MR. MARCHANT: The State calls Investigator Bailey.

THE CLERK: Investigator Bailey, could you place your left hand on the Bible and raise your right hand.

ANTONIO BAILEY, having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. MARCHANT:

Q Investigator Bailey, where are you employed?

A Greenville County Sheriff's Office.

Q And how long have you been with the Sheriff's Office?

A Twenty-seven years.

Q Throughout those 27 years, briefly you describe the experiences that you've had?

A I basically start off in uniform patrol division, went to uniform patrol, worked in property crimes, sex crimes, armed robbery and currently homicide.

Q Back in April of 2011, what was your role at the Sheriff's Office?

A Homicide investigation.

Q How long in totality have you been a homicide investigator?

A Approximately 17 years.

Q April 3, 2011, were you called to the scene of this incident?

A Yes.

Q Why were you called to the scene that day?

A I was on call for that unit. The Sheriff's Office we have a six man homicide unit. In that unit we have a one week call rotation and that particular week it

was my call week.

Q You were not on call ---

A No, sir, I was on call.

Q Do you recall what time you were asked to respond o the scene that day?

A Memory serves me correctly it was around 9:30, 10:00 that morning.

Q I'm going to show you what's marked as State's 1 and 2?

A I do.

MR. MARCHANT: I'd like to submit State's 1 and 2.

MR. ELLIS: No objection.

BY MR. MARCHANT:

Q If you would just step down briefly for me and tell the jury what we're talking about? Where is the location [redacted] Road?

A It's right there.

Q What does it eventually with intersect with?

A It intersects with Walker Springs, Wood Circle which is right here.

Q Where would Wade Hampton Blvd be in reference to where [redacted] Road is?

A The easiest way to get to Wade Hampton is cut down Walker Springs to Anders Road to Wade Hampton.

Q I'm going to show you what's been marked as State's 1, which of these locations is [redacted] Road?

A Right here.

Q If you would have a seat. Remind me what time do you believe you arrived roughly at [redacted] Road?

A I believe 9:30, 10:30 or something along those lines but it was before noon.

Q Do you go to the Law Enforcement Center or do you do anything before responding to a scene like this?

A No, sir.

Q Why not?

A Well, a lot of times I receive my calls from the supervisor that's on the scene. What they basically do, they would call out for an investigator, they're going to give us a little synopsis as to why we're needed at the scene. Based on that synopsis I will determine how much help I would need. This particular morning when they called, he indicated to me that he was on the scene of a house fire, that there were two victims in the house, however, they were deceased and it seems as if there was foul play involved. And there was something about the fire department suspected that there was a meth lab being involved.

Based on that information I contacted one of our armed robbery investigator and asked that they obtain

a search warrant for that home. After I made that call to my back up which would be the armed robbery investigator, I proceed to [redacted] Road.d.

Q Whose the armed robbery investigator?

A That particular it was Anthony Manly.

Q You spoke briefly of the homicide unit, did you call any other officers that day from the unit to come up and investigate?

A I called several.

Q What was the purpose of that?

A Well, when we respond to a scene a lot of times we would have witnesses that need to be interviewed, however, a person that's on call is what's called the lead investigator. The lead investigator is normally who is going to be the person who heads up the investigation. He's going to be the person who actually processes the scene. He's going to stay on the scene and if you could think the lead being the quarterback in the football to say, he's going to direct personnel where he needs them to go.

Again, in this particular incident we had witnesses that needed to be talked to so a lot of those investigators were asked to go to the LEC, which is the LEC.

Q If circumstances exist, do y'all prefer to

interview people at the Law Enforcement Center or on scene?

A At the Law Enforcement Center.

Q Why is that?

A An incident like this you can only imagined it happened in a subdivision so you had neighbors, you had onlookers. The interview could be better controlled, if you will, without the outside distraction.

Q Did you ask other investigators to take people that you believe to have information back to the Law Enforcement Center and take a statement from them?

A I asked the supervisor were on the scene, once they were identified, the witnesses, I asked if he could have uniformed patrol guys give witnesses a ride down to the LEC to meet with the investigators that were already there.

Q Can you estimate how many folks that were talked to that day?

A That particular day?

Q Yes, sir.

A I would say six roughly. I never left the scene, I was just sending people down and it could be six or seven individuals.

Q How long were you on scene that day?

A I would venture to say probably until 3:00 or

4:00 that afternoon.

Q Following your duties at the scene, did you return to the Law Enforcement Center?

A I did.

Q Did you speak with anybody at the Law Enforcement Center that afternoon?

A I spoke with the investigators who were asked t meet with the witnesses, yes.

Q Let's talk about the scene that day and your duties and responsibilities. Did you enter the house that day?

A I did.

Q I'm going to show you what's been marked at State's Exhibit 38, 27, 45, 44, 36, 34, 32, 31, 30, 29, 27, 26, 22, and 41 and see if you recognize those.

A I do.

Q Do they fairly and accurately depict the inside of the residence as you found them that day?

A Yes.

MR. MARCHANT: The State would move Exhibits 1 and 2 into evidence. As well as 38, 37, 45,44,36,34,32,31,30,29,27,26,22 and 41 into evidence.

MR. ELLIS: No objection.

(Photographs marked as State's Exhibit Nos. 1,2, 22, 26, 27, 29, 30, 31, 32, 34, 36, 37, 38, 41, 44,

45 for identification and admitted into evidence).

MR. MARCHANT: Permission to publish them to the jury, Your Honor.

THE COURT: You may.

BY MR. MARCHANT:

Q Investigator Perry, I'm going to show you what's in evidence already as State's No. 5. Can you describe to the jury what's depicted in this exhibit?

A The one door with the lock on it, that's the front door and when you open that door that's the living room which we're looking at, [redacted] Road.

Q I'm going to show you what's been marked as State's 8.

A That's the inside of [redacted] Road, the living room.

Q State's 10.

A That's the kitchen with the refrigerator.

Q State's 11?

A That's the living room.

Q State's 12.

A That's the kitchen.

Q State's 13.

A That's another picture of the kitchen.

Q 14.

A Picture of the kitchen and stove.

Q 16.
A That's the hot water heater door.
Q State's 26?
A This is the last bedroom believed to be the child's bedroom on the backside of the residence.
Q State's 37.
A That's backside of the duplex [redacted] Road.
Q State's 38?
A It's the backyard.
Q State's 36.
A It's the living room.
Q 41.
A I believe that's the bedroom.
Q 22.
A That's the bedroom located on the front side of the house.
Q State's 32, what do we see here especially in the bottom left corner?
A That's the sofa the bottom left corner.
Q State's 34.
A Sofa and all the cushions, of course, you see the two white sheets where the two victims are.
Q Which victim is in between the screen here in between the couch?
A The male victim, Mr. Picaro.

Q State's 27, what is in the bottom right corner?
A That a monitor.
Q 29.
A That's the cushion, that's the sofa cushion nearest to the male hand.
Q This is a zoomed in version of 29, which is State's 30?
A Projectile found.
Q As it relates to State's 27, this would be State's 45.
A That's the floor and again the computer monitor on the right and cushion.
Q Lastly State's 44.
A Top left is a picture of the female victim covered with a blue blanket.
Q I'd ask you to step down and take a look at State's 62 and ask you if you recognize that. Let me get you some gloves. Is that what's shown in State's 45 here?
A Yes.
Q And State's 62 was that collected as part of this investigation?
A It was.
Q And where has it been housed up until this point in time?
A At the Law Enforcement Center at the property and

evidence section.

Q Explain to the jury what the property and evidence section is at the Law Enforcement Center?

A It is a part in the basement of the LEC and all of evidence in any case is stored. It's a secured facility and that's where all of our evidence is stored.

Q All the evidence in this case?

A All the evidence in any criminal case.

Q City Police Department as well?a.

A Yes.

Q And that monitor has been in that location until you brought in here today?

A Yes.

MR. MARCHANT: We move State's 62 into evidence.

MR. ELLIS: No objection.

(Monitor marked as State's 62 for identification and admitted into evidence.)

BY MR. MARCHANT:

Q Investigator Bailey where did you that in the residence that morning?

A On top of a cushion that was on top of the female victim's head.

Q Have you noticed any liquid or bodily fluids on the monitor?

A Bodily fluids were pretty much all over that living room. Yes.

Q With respect to that bodily fluid did you suspect what that bodily fluid was?

A Came from our victim.

Q Did you have forensics analyze this monitor for DNA?

A I did.

Q We've seen all of the pictures of the inside of the residence, what are you looking for inside the residence to direct your investigation?

A Anything that can be used or construed as evidence. In this particular incident where I have two victims that has some serious trauma to their upper body and their hands, I'm looking for a handgun, ammunition, photographs, blood swabs that can be used for DNA, any item can be used in this particular case as a weapon.

I'm pretty much am directing forensics to collect anything that could be used and I point to them what needs to be done.

Q Explain to the jury what the difference between your role as an homicide investigator and forensic's role?

A Forensic's role in any of our investigations is basically to preserve and collect evidence. I oversee everything they do. The computer monitor, I would not

collect that I would direct forensics to take that monitor because I feel it had been used as a weapon.

I would go through the scene and look for certain items that I want collected and forensics would collect those items which would be placed into property and evidence.

Q Was this the only item?

A No.

Q How many items, dozens?

A Dozens.

Q And are there any other items that you were aware of that could have produced evidence at the scene that day?

A Yes, sir.

Q Specifically as it relates to the accelerate that may or may not have been used to set the fire?

A There's an TiKi oil bottle that was located in the living room near the male victim.

Q What significance is the TiKi oil bottles which I assume you're referring to in State's 44?

A 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 experts in meth labs to verify it was not a meth lab. The fire department informed me that the fire

itself was intentionally set and I'm thinking the oil was used.

Q What were your observations with respect to any fluids that were in the living room?

A There was what appeared to be oil poured over some of the victims and of course the bottle itself was left on the floor by the male victim.

Q Forensics and their ability to fingerprint items, did you ask them to fingerprint a large number of items as it relates to this case?

A Yes, sir.

Q And following instruction at your direction, were those prints analyzed and did they provide any evidentiary value to you in the course of this investigation?

A They were analyzed and of no evidentiary value.

Q Did they produce any potential leads for you to follow up on?

A No.

Q Did you find the defendant's fingerprint in the house?

A No.

Q Scott Lowe's?

A No, sir.

Q Nick Granados?

A No.

Q Did you also have forensics analyze Mr. Picaro's vehicle?
A I did.
Q Was there anything of value that came out of that?
A Fingerprints.
Q Produced any value?
A No, those prints belonged to our victim.
Q The prints out of the car coming back to the victim?
A Yes.
Q Did you ask forensics to collect DNA swabs off of things like the computer monitor and other items in the house?
A I did.
Q In fact did you ask the DNA lab to take the monitor and analyze it?
A No, sir, we took swabs from the monitor and they submitted those items for testing.
Q Did the DNA lab give you anything of any evidentiary value to point you in any direction?
A No, sir.
Q Did the DNA lab return any result that was matched to anyone other than Amber Daniel and Chris Picaro?

A No, sir.
Q Are these things that you do at every homicide investigation?
A Yes, sir.
Q Is it unusual to you that in this circumstances it's presumed that a lot of people coming in and out of this house there's no matches?
A Not really in that when I walked in the house I noticed that again the walls were darkened with soot and smoke. The floor was saturated with water. So with the fire and water it could removed any prints and just washed it away. No, it would not be surprising.
Q Did you speak with neighbors to the residence?
A An elderly lady who lived next door.
Q Let's talk about the duplex real quick. So did you identify -- can you see. On State's 1 was Mr. Picaro's apartment on the right or the left of this duplex?
A Me looking at it it's going to be on the right.
Q Was someone inside the duplex unit b.
A That's the side closest to me.
Q Was anyone living in there?
A There was.
Q You spoke with them?
A Yes, I did.

Q Did that person provide you with any information about who their suspects could be or seeing anything of particular value to lead your investigation one way or another?

A No, sir, she only told me is she lived next door to the victim for about two or three years and she had a bad ear and that she slept on her good ear. She said there was a lot of traffic. It got to the point 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.

Q Did anybody around the block provide you with any information of what they seen or heard as to Mr. Picaro's residence?

A No, sir.

Q Even up to this time about what went on this morning?

A No, sir.

Q Was there any surveillance equipment in the house?

A I did.

Q Did you ask investigators to take a closer look and see whether it was recording anything?

A There were two cordless cameras and one was in the back room and one was in the living room. When I came

in I saw the cameras and I didn't know whether they were actually recording. I asked one of our technician guys and asked him if there was any footage that could be gathered from those cameras. Investigator Perry later arrived on the scene and he checked and the cameras were not recording.

Q You had nothing to review?

A No, sir.

Q An investigation like this, do you attempt to get phone records?

A I do and in this case I did.

Q Of the various individuals that you got phone records, did you review those records?

A I did.

Q Was there anything of value you were able to get from those records?

A No, sir.

Q Did you develop any person or persons of interest?

A I did.

Q How and who were they?

A Me myself and another investigator would interview probably two dozen individuals. None would give actually first hand knowledge but there were just two names that constantly came up, Scott Lowe and JJ. Those

were the two names that were given consistently throughout the investigation.

Q What did you do to investigate and let's start with Scott to be able to include him or exclude him?

A He was asked to come down to the office and speak with me concerning an investigation. 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.

Q Did you get Mr. Lowe's phone records?

A I did.

Q Did that advance your investigation at that time?

A No, sir.

Q Are you able to tell the jury how long you worked on this case and what prevented you from dedicating 100 of your time to it?

A Again, like I said, probably worked about six or seven months. We are a six person homicide unit but we investigate all unintended deaths, not only homicides. When we go on call we are on call from Monday to Monday. Anything that comes in, if it's any type of death investigation, violent crime it's assigned to that on call person. On call you could go out five and six times and each time that becomes a case and we investigate ever unintended. Sometimes you initially get there and after

you start looking into it further, it turns out to be a suicide.

Other times you're looking into it when you work through it, this is not a homicide, it's a drug overdose. Rarely are you working at any given moment. You're just working several cases.

Q The time you worked this case on April 3rd and the point in time Investigator Brown picked it up, did you quick working on it all together?

A No, sir, I had other tests that I was waiting for, results, mainly DNA test results and waiting for phone records to come back. We sent off requests to various phone companies but there is no time set for them to come back to us, so in turn we are basically waiting for those records and test results.

Q So if information came up during this period of time, did you follow up on it?

A We did.

Q When your and Investigator Brown quit, for lack of better words, working on this case it is then assigned to the cold case unit?

A 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 somebody's alibi. Whether you can get witness you can either prove or disprove. In

this particular case, those two names kept coming up and I could never get enough evidence to disprove or eliminate them as well.

So with that said I made a decision to my supervisor that it be handed to someone who could devote pretty much all of their time to it because there was still work that needed to be done on it, however, it needed -- instead of my case load, it needed someone who had the opportunity to work it full time. That's pretty much all they had to do.

Q When you entered the house, were you able to view any visual wounds and if so, in your training, could you determine what the cause of those wounds were?

A Initially when I enter the house I entered with the corner and the technician. When we all go in together we make what is called a cursory search or preliminary search or walk through. We go inside and we basically take a view and look around and we back out, forensics go in and they would start taking pictures measurements.

This particular day and this instance as you walk through the front door and immediately to your right there's a sofa. The sofa had some blood stain cushions on it and there were white sheet. When I remove the sheet, it was a female I later learned to be Amber, I saw the computer monitor on top of a pillow and the pillow on top

of her head.

She was beaten black and blue, bleeding out of her mouth and nose, severe trauma to the facial area. She had some bruising to her hands, a lot of blood. I could tell that we had a gun involve but I could not tell how many times she was shot.

Q How is it that you could tell in your training that it was a gun instead of a knife or a baseball bat or other weapon?

A The bruising on the injury itself. If it's a nice used you normally have a slashing type motion. Any time you have a gunshot you have gun splatter. High velocity or low velocity, if I'm shoot from here to the jury pool, that's low but here to that monitor that's high.

Q Were you present when Scott Lowe gave a statement?

A I was.

Q Up until that point in time did you have any other active presence in the investigation?

A None other than an occasional update from Investigator Brown but that's it.

Q Thank you.

THE COURT: Ladies and gentlemen, we're going to take a short break. Don't talk about the case, I'll

bring you back shortly.

(Jury exits the courtroom.)

CROSS-EXAMINATION

BY MR. ELLIS:

Q You say the call came in around 10:30?

A Yes.

Q And you stayed roughly all day working on the scene?

A Yes, sir.

Q There was no child in the house or child had been there when anything happened?

A That's correct.

Q You also spent some time talking about the results of the fire and the fire that was in the kitchen, no charge of arson has been brought, correct?

A No, sir.

Q There is also no evidence to indicate who may have set the fire?

A That's correct.

Q You agree that the living room and the front room that's a fairly small room?

A Yes, sir.

Q No bigger than this area here?

A Roughly.

Q So the area from the couch to the door is fairly

small?

A Yes.

Q You mentioned the computer monitor and that was found in the vicinity of Amber Daniel's head, is that right?

A That's correct.

Q On a pillow of some sort.

A Yes.

Q Is there a theory as to what that monitor was doing there?

A Don't have a theory.

Q There was some type of bodily fluid on the monitor and if I recall correct could not be traced back to this particular instance to anyone with any definition; is that right?

A That is correct.

Q Had the monitor also analyzed for fingerprints, latent prints?

A Yes.

Q Was fingerprint powder found on the monitor?

A I'm not sure. Nothing of evidentiary value was taken off of that monitor.

Q In other words there was no DNA that came off of the monitor that can be identified belonging to anybody.

A That's correct.

Q No fingerprints taken off the monitor either?
A That's correct.
Q You testified you found some oil cans at the scene and they didn't have any evidentiary value also?
A That's correct.
Q It was testified that the fire was pretty much in the kitchen and forensic evidence came from the living room, was it fair to say the fire and water didn't have that much effect on the evidence?
A No, sir, that's not correct?
Q Fire and and water in the kitchen how are you saying that?
A There was water and soot on the walls which not only soot, there it was a clock in that particular room that we're referring to where the victims were found and that clock basically started to melt and the clock stopped at 10:30.
Q The victims were located some distance from the wall, correct?
A Yes.
Q After several months of investigation, the investigation had pretty run cold; is that correct?
A Yes, sir.
Q And then you passed it on?
A To the cold case investigator, yes, sir.

MR. ELLIS: Thank you.

MR. MARCHANT: Nothing further.

THE COURT: We're going to take a short break, please don't discuss the case.

(Brief break.)

Okay, bring the jury in.

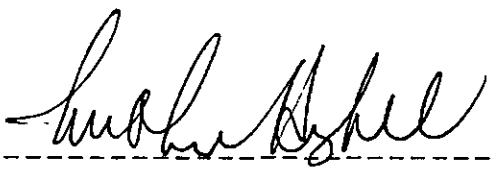
(Jury enters the court room.)

Alright, ladies and gentlemen, we are going to adjourn for the evening. Please do not discuss the case or view any media coverage, television, radio or social media. Thank you.

--END OF TRANSCRIPT DAY---

I, the undersigned Caroline Hiskell, Official Court Reporter for the Thirteenth Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in Court of General Sessioons, Greenville County, this 14th day of May, 2015.

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



Caroline Hiskell

STATE OF SOUTH CAROLINA	COURT OF GENERAL SESSIONS 2014-GS-23-2203
State of South Carolina vs James Michael Johnson	TRANSCRIPT RECORD

July 13, 2015 Day - 3
Greenville, South Carolina

BEFORE: The Honorable Derham Cole, Judge

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

Lucas Marchant, Esquire
Katrina Salisbury, Esquire
Assistant Solicitor

Zach Ellis, Esquire
Attorney for the Defendant

Caroline Hiskell
Thirteenth Circuit Court Reporter

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DEFENSE EXHIBITS

(No exhibits offered.)

COURT EXHIBITS

(No exhibits offered.)

P R O C E E D I N G S

THE COURT: Thank you. Be seated.

(WHEREUPON, the jury enters the courtroom.)

THE COURT: Good morning, Ladies and Gentlemen. As you know, when we recessed yesterday, the State was in the midst of their presentation of evidence, so we'll continue with that presentation this morning.

Mr. Marchant?

MR. MARCHANT: Please the Court. The State calls Dr. James Fulcher.

THE CLERK: Please place your left hand on the Bible.

JAMES FULCHER

having first been duly sworn, testifies as follows:

THE CLERK: Please be seated and state your name for the record.

THE WITNESS: Dr. James William Fulcher.

DIRECT EXAMINATION

BY MR. MARCHANT:

Q Good morning, Dr. Fulcher. Where are you employed?

A I'm a forensic pathologist at Pathology Associates of Greenville, South Carolina.

Q What is a pathologist? What do they do?

A I'm a physician, just like a pediatrician or internist or a surgeon. I went to med school and did

speciality training to enable me to do forensic pathology, which is the examination of bodies, which are, uh, -- obviously in this case, homicides. I also do suicides, accidents, overdoses, various things.

Q What sort of additional training following med school do you have that qualifies you to be a pathologist?

A I went to medical school at the Medical College of Virginia. I then did my residency there as well in anatomic and clinical pathology. I then did a one-year fellowship after that at the Chief Medical Examiner's Office in Richmond, Virginia. And this is my first job after training. I been in Greenville County six years, almost exactly now six years.

Q During those six years here in Greenville County, have you had the occasion to testify in court before?

A Yes, sir.

Q Approximately how many times?

A Approximately 15.

Q And how many of those occurred in this courthouse?

A Uh, probably about 10.

Q And during those times, have you been qualified as an expert in forensic pathology?

A Every time.

MR. MARCHANT: Move to have Dr. Fulcher qualified as an expert in forensic pathology.

MR. ELLIS: No objection.

THE COURT: He is so qualified.

BY MR. MARCHANT:

Q Dr. Fulcher, if you would, before we get into the details of the two victims in this case, please explain to the jury what your duties are as they exist with relationship to law enforcement.

A Sure. I'm the appointed Deputy Medical Examiner of this county. So my professional title is a forensic pathologist. That comes with the training and the school. But my appointed title with the county is as a medical examiner. So it's my obligation to do autopsies on people that the coroner sees fit. So the coroner or his deputy coroners go and do scene investigation. If they feel like a body needs autopsied, it comes to me.

Q While you can't, uh, tell us why the coroner brings you particular cases, do you examine victims that are not as a result of homicide?

A Absolutely. We do car accidents. We do overdoses. We do stabbings. Just about any way that someone can die, we usually see them.

Q And roughly how many of those would you say you have performed since you been here in Greenville County?

A Approximately 1,500.

Q Let's move to the male victim in this case, Mr.

Christopher Paul Porcoro.

A Yes, sir.

Q What date and time did you examine Mr. Porcoro?

A From this point on, I will refer to my notes. I had the opportunity to examine Mr. Porcoro the 4th of April in 2011 at approximately 8:30 a.m.

Q If you would, walk the jury through your procedures that you performed on Mr. Porcoro. We'll get to the findings in just a moment. But what is -- explain to them how do you go about examining a body for autopsy.

A So the body will come to us in a body bag. We open the body bag and take external photographs of the body as it's received and remove all the clothing and take both distant and close up shots of all the wounds. In a case like this, where there are bullet wounds and multiple bullet wounds, we'll take individual photos of each wound detailing what those wounds look like.

At that point in time, I will actually start eviscerating the body. Evisceration of a human body is a removal of all the internal organs, that includes the brain, heart, lungs, liver, kidneys, spleen, pancreas. All those organs are removed and examined, both with the naked eye, but also under a microscope. And I detail what organs are wounded and what wound paths killed the person, which wound paths didn't kill the person, what bullet goes with which

entry hole and various things like that.

Q What's the purpose of removing all the organs in a case like this?

A It is my obligation to make absolutely sure with medical certainty that this person died from these wounds and didn't die of something else.

Q Well, did you find outside of your ultimate cause of death, did you find that the victim, Mr. Porcoro had any intoxicants in his system?

A He did.

Q And do you recall what those intoxicants were and can you quantify those for the jury?

A I can. I do not do this analysis myself. I take the specimens and send them to a reference laboratory in Walnut Groove, Pennsylvania called NMS, National Medical Services. They are kind of the gold standard forensic lab for states that don't operate their own lab. We do have one, but SLED takes a lot longer.

They found amphetamine, methamphetamine, a synthetic marijuana product and a small amount of carbon monoxide. I ran the carbon monoxide in particular because, at this time, I was told these people were found in a house fire. I wanted to make sure the fire did not kill them. It did not. The level was only 6.7. Fatal carboxyhemoglobin levels start in the 30 to 40 range. So I would not be

bothered by that.

Mr. Porcoro had a significant amount of methamphetamine, 660 was the number that's in grams per milliliter. The actual units aren't important. But suffice it to say, if you look at NMS's report, at a concentration of that, very violent and irrational behavior is supported in people between 200 and 600. So a significant amount of methamphetamine. Then amphetamine at 89 is likely in this case to metabolite methamphetamine. So this is a significant amount of methamphetamine. That's all we found.

Q How is it that you are able to eliminate that is the cause of death?

A Because this concentration of methamphetamine in, uh, presumably someone who is a seasoned user of the drug, while it would be an intoxicant would not necessarily be fatal. Additionally, there are significant wounds that I found at autopsy that would have trumped any sort of drug overdose.

Q Let's talk about what you refer to as Wound Number 1 with respect to Mr. Porcoro.

A Very good. The jury should note that when I number these wounds, chronology is unknown. I just number them for my convenience. I can not tell you and would never tell you that one wound came before the other. They are just a bullet hole. I can't tell you which one came first, second or

third. So with that, Wound Number 1 enters behind the right posterior ear. It wounds a significant amount of brain, several lobes of the brain. I recovered that bullet underlying the skin of the forehead. So it comes in behind the ear and goes right under the skin on the forehead. In the process of moving through those areas, it significantly wounds the brain.

Q Would that -- or is that shot the cause of death?

A Uh, yes. It very well could have killed this person. There are other wounds that could have killed this person as well, but Number 1 is definitely fatal.

Q Well, let's talk about Number 2.

A Okay. Number 2 enters posterior head and almost where the spinal column comes into the head right at the back of the head. I'm pointing to the area for the jury's sake. That one comes through the base also doing significant and fatal, severely fatal wounding to the brain. That projectile comes to rest inside the skull on the right side of the brain. Both wounds in this case are generally directed from the back to the front of the head. So shot, more or less, to the back of the head.

Q Are you able to determine which one of the two is the fatal blow?

A I am not. Both could have been fatal and I can not tell you which one.

Q So if there was only one of the injuries, just say Shot Number 1, that could or would have been a fatal blow?

A It most definitely would have been fatal.

Q And if 1 did not exist, but 2 exists, as you describe to the jury --

A That would have been fatal as well, absolutely.

Q Did you find any other significant injury to the male victim, Mr. Porcoro?

A Yes, sir. I did. He, additionally, has a third wound. Once again, numbered for my convenience. I don't know the order. It's a shot shell wound to the anterior cheek. This is a very fine shot. It goes into the cheek. Just does some flesh wounding really in the jaw. There's a small exit on one side.

In his case, let me see what I recovered. I'm referring to my notes. I do find a cardboard disk embedded in the wound. If you think about a shotgun shell, in this case, a shot shell for small pistol -- I know it is a small pistol because of the diameter of the shot shell. It's about .22 of an inch, so it likely came from a .22. There is a piece of cardboard between the metal and the gunpowder. This is that actual piece of cardboard that went into the person.

I also recovered a small amount of shot from him too. Very minute shot. This is all consistent with .22. It's commonly called rat shot. It's a very small projectile used

for killing small animals. Not fatal in this case.

Q What does the cardboard piece found in the victim tell you about the distance?

A This was a fairly close wound. Generally speaking, we do not get the wadding going into the actual wound if it was a distant shot. In this case, the spread, there is no significant amount of soot on this actual wound unlike in the second victim, but there is wadding. So likely with a .22. An exact distance, I can't give you. But I would say this was within a foot or so. Very close.

Q Are you able to provide a distance on Shot Number 1?

A In that case, there is -- I do describe it as an intermediate wound. And that -- what that means, and I'll describe this for the jury, is that there stippling. So when you fire a modern gun cartridge with nitrocellulose gunpowder, it's like taking sand, flour and a rock in your hand. The rock's the bullet. The sand is soot. I'm sorry. The sand is stipple; and the flour is the soot.

So when you throw it, all that stuff, the gunpowder comes out the end of the barrel. It's not just the bullet. So the gunpowder comes out. Parts of that are in big fragments and parts are in little fragments. The soot that I described is the little fragment. On a .22 like this, it only goes a few inches. The stipple or the unburnt gunpowder

is a lot larger. So it goes several inches, like almost a foot.

So in this case, I know that we were further than where it's just the soot, but not past where you get those larger fragments. So this wound, generally speaking, would be approximately four to six inches away max a foot.

Q What about with respect to Shot Number 2 as you had documented in your report?

A Using our flour, sand and rock analysis in this case, the person -- the target that's so far away that only the bullet, the rock gets there. The other stuff's fallen off. It gets slowed down by the wind resistance, so -- or air resistance in that case. So in this case, it's a distant wound, meaning, it is greater than with a .22, a foot, but it is -- I can't tell you the actual distance outside of that. Once the bullet leaves that cloud of debris, I can't tell if it's one foot, two foot or 500 feet. It's a hole in a bottle.

Q I'm going to show you what's been marked as State's Number 60 and ask if you recognize that exhibit?

A I do. These are projectiles recovered from the body.

Q With respect to State's Number 60 and what you recovered from Mr. Porcoro, what is it that you do with this item and why is it that you do that?

A Uh, these are projectiles, the actual bullets recovered from the body. Part of my job is recover the projectiles so that they could potentially be matched to a firearm. When you fire a weapon, lands and grooves on a rifle barrel imprint a pattern on the jacket of that projectile. A firearms examiner, not me, someone else, can look at those basically under a microscope and match the microscopic pattern of abrasions on the bullet surface to the pattern of abrasions on the barrel internal surface and match them.

Q So you don't know what sort of weapon fired these projectiles?

A I do not. No. I would say -- generally, when I get a weapon, I usually say medium caliber, large caliber. I believe, in this case, I said medium caliber. Which, for me, is usually 38-ish. Something like a .38 generally. I would call a .45 large caliber, .22, small caliber.

Q How, uh, -- how old was Mr. Porcoro?

A At the time of autopsy, he was 30.

Q After you analyzed the body and received all the results from the lab, were you able to determine with a degree of scientific certainty the cause of death, as well as the manner of death?

A Yes, in this case, given the significant wounding to the brain and actually two distinct wounds that were both

fatal and would have been near instantaneously fatal, the cause of death in this case is gunshot wounds to the head, both of them, Numbers 1 and 2. Number 3 is not fatal. And it's a homicide.

Q Did you identify any other injury to Mr. Porcoro other than the three gunshot wounds?

A I will refer to my notes again. No significant other injuries, no. None noted on my body diagram either.

Q All right. Let's move to Ms. Daniel.

A Yes.

Q The procedure that you did with Mr. Porcoro, did you conduct that same procedure with Ms. Daniel?

A I did, yes, sir.

Q Okay. And starting with Ms. Daniel, how old was she at the time of death?

A At the time of death, she was 18.

Q And if you would, walk us through starting with the evidence of injury that you found outside of any gunshot wounds.

A Ah, outside of gunshot wounds, very good. She has blunt trauma in multiple places, particularly at the head near the right ear is a lacerated wound. When I say a laceration, it is a blunt injury. So it's not like a knife hits you but something hard and heavy like a baseball bat or a pipe or a big TV or a cinder block or something like that.

So don't think a stab wound in size. This is a blunt object hitting you.

It's behind the right ear and actually fractures the skull. I have a very dramatic picture of the skull actually caved in at that site behind her right ear. That was one.

Q Could -- and in your analysis, could that wound have been the cause of death?

A Uh, yes. It is possible. It did cause significant injuries to the underlying brain.

Q What other trauma did you note to the head outside of that particular wound as you just described?

A There are extensive wounds, multiple lacerations, which again are from something hard hitting you. Not sharp, but hard hitting you. And it tears the skin. There's one to the right brow, both medial and lateral. There's one to the midline brow. There's an abrasion, which is a scrape on the forehead and a pretty significant contusion of the elbow. Those injuries that I just described are surface injuries. They affect skin and soft tissue underline. They do not fracture bone. The only blunt trauma that fractures bone is the depressed skull fracture behind that ear.

Q So with respect to those injuries that you're referring to, could they have caused Ms. Daniel's death?

A Those injuries, no.

Q Let's start with -- how many gunshot wounds did you find with Ms. Daniel?

A Ms. Daniel actually has seven gunshot wounds on her body.

Q Let's start with Number 1. Is that in any order of significance as to which injury was caused in any particular order?

A It is not. I do not know the chronology of these wounds, so they are numbered simply for my convenience. She has a wound to the left shoulder, the left back both lateral to the side and the upper left back. She has a wound to the head, which enters on the jaw on the left side of the jaw. She has a wound under her nose, which is a close range wound. And she has a shot shell wound, that same rat shot wound we talked about on, uh, the male victim. She has that to her face and also one to her left arm.

Q If you would, start with Wound Number 1 and describe for the jury just as you did with Mr. Porcoro, the entry and exit, if there was an exit, and with respect to Wound Number 1, whether or not that could have been the fatal wound.

A Okay. Wound Number 1, left arm. Uh, it projects through skin and subcutaneous tissue and basically goes out the bicep. So it comes in the upper arm and goes out. It goes back to front with the arm in this position.

(Demonstrating.)

Right through here. No vital structures injured in that wound, only muscle and meat and soft tissue. So not necessarily fatal. There would have been some significant bleeding, but not fatal in the terms of a gunshot wound to the head. You eventually could have died from bleeding, but it would have taken you some time.

Number 2, left lateral back, kind of at the shoulder area. It perforates through the muscles of the body and actually exits kind of, uh, let's see, near the nipples. So it's actually a flesh wound too. So Number 1 and Number 2 are from back to front, just flesh wounds.

Q Let me stop you right there, Dr. Fulcher.

A Yes.

Q With respect to Wound Number 1, did you recover a projectile?

A No projectile is recovered from Wound Number 1 and Wound Number 2, no projectiles are recovered. I apologize. I forgot that part. Wound Number 3, left upper back. Some more upper shoulder. It, uh, -- this one goes through kind of the web of the neck damaging multiple vessels, the subclavian artery and vein, large vessels that feed your arm blood. Those are destroyed in this wound path. This wound would have caused significant and fatal bleeding. This is a large vessel. She would have required medical attention right away

to fix these injuries. It exits the body and then reenters. So it comes out of the neck or out of the shoulder and then reenters the neck. At that point, I do find the projectile inside her neck essentially. The direction of wound in this case is also from the back to the front.

Number 4 enters in the left jaw. Once again, goes upwards, uh, basically maxillary face sinuses. So it passes anterior and beneath the brain. So it affects your nasal sinuses, but it does not actually enter the cranial vault. So that wound is also likely not fatal, but significant blood. And I do recover a projectile actually inside of her nasal sinuses. Like, if you get a sinus infection, that's where the bullet was sitting.

Gunshot Wound Number 5, this one -- those others were distant range wounds. This one was actually close range. And if you look at this one, it was right under the nose almost directly on midline right under the nose. It actually is recovered. It's direction is from front to back. I recovered it also from the sinuses. So it does not penetrate into the brain as well.

Gunshot Wound Number 6 is a shot shell wound. It's on the right cheek. There's lots of pellet injuries. I do recover, uh, shot shell and cardboard wadding from her nasal sinuses. This is not a vital wound at all. This is not -- it's significant, but certainly not fatal. The direction

wounding in this case is from left to right.

And number 7 is another wound, shot shell wound, which is on the bicep. And it basically, uh, it really just get the bicep, some of the cheek. We have some lacerations associated with it. There's a small amount of lacerated wound nearby, which I likely think is the plastic shot cup. Uh, these rat shot wounds, I know it is a rat shot because of the size of the cardboard wadding. They are either crimped on the end of the projectile or they have a little blue plastic cap. The blue plastic cap is particular make, which I've used myself, called CCI. They -- generally, that plastic cap can penetrate or scratch the body. It comes off pretty fast when you fire the weapon obviously. So I expect that laceration is from part of the projectile not shot. That wounding is not -- the wound direction upward, generally speaking, but it also is not fatal.

So of all the gunshot wounds we have on her interestingly, only the one that gets those great vessels under the neck, uh, and shoulder, which is number 3, which is a distant wound goes in from the left back, gets the vital vessels right under your clavicle, your collarbone, right in there. It comes into the neck. That's the fatal wound. Everything else on her, uh, as far as gunshot wounds was not, was not -- just really a flesh wound. Not fatal.

Q Did you find any evidence of injury that was

significant to you on any other parts of the body, the chest, the legs?

A We have a contusion of the right posterior elbow, and that is about it. So pretty much everything is centered on the head. Uh, there are -- and the arm, of course, where she got shot too. No other significant injuries except on the head and, of course, that large depressed skull fracture we talked about earlier, which is not a gunshot wound.

Q Did you conduct an intoxicant analysis on her as well?

A Yes, sir. I did.

Q And what was the result of that?

A The results of that analysis, once again sent to the same laboratory was, uh, methamphetamine present at 190. So she is at approximately one-third the concentration of the male victim. Once again though, that's enough to produce some irrational behavior. Amphetamine, which is likely in this case a metabolite. The methamphetamine. There's the presence of the active ingredient in marijuana, THC and its metabolite, carboxy-THC. Those concentrations are actually fairly minimal. She also has some antidepressants which are present. And her carboxyhemoglobin level, that carbon monoxide level on her is only four percent.

I should note that on both of these victims, I was told by the coroner they were known to smoke recreationally.

Smokers generally have low levels of carbon monoxide. So just someone that's a cigarette smoker walking around on the street can have a carbon monoxide level of three to four. That's not a problem. That does not mean they died in the fire.

Q I'm showing you what's been marked as State's 61 and ask that you recognize this.

A Yes, these are the projectiles that I recovered from the female victim that is marked Number 2 in this case.

Q After conducting your full analysis on the female victim, Ms. Daniel, did you come to a conclusion about the cause and manner of death?

A I did. Let me refer to my notes to get the exact wording. Gunshot wounds to the torso and head. Uh, contributing factor, the blunt force trauma to the head. I think that probably helped kill her. It was a significant injury. And of course, the manner of death in this case as well is a homicide.

Q Thank you, Dr. Fulcher. Please answer any questions Mr. Ellis may have.

CROSS-EXAMINATION

BY MR. ELLIS:

Q Good morning, Doctor.

A Hello.

Q Both of these victims, you already testified, both

were -- obviously, they had been using some drugs around the time of death; is that accurate?

A Yes, sir.

Q And methamphetamine being the primary drug?

A Yes, sir.

Q In both cases, when you testified that they had ingested enough of that drug and other substances as well, that would have affected their behavior, may have made them irrational or violent?

A Very much so.

Q There was some testimony earlier in the trial -- I don't think you were privy to it -- that people who were present around the victims before their death, just a few hours before their death, noted that the male victim, Christopher Porcoro, was basically passed out, unable to be woken up?

A Uh-huh.

Q Does that match up with the level of methamphetamine and the symptoms you described?

A Sometimes it does. If you take enough meth -- keep in mind this is only a snapshot of this concentration, so it could have -- it likely has metabolized as they are dying. I didn't do the autopsy right away. It was the next day. It's likely that level is extremely high, which could actually, in this case, cause someone to become unresponsive. So it is

possible, yes. It's not unreasonable.

The other thing, of course, is he's a seasoned user as well. I was told that. I don't know that. I can't prove that. But I tell people oftentimes if you think about alcohol, you know there are people that are legally drunk to operate a motor vehicle; and .08 is our law. But we know there are people that at significantly higher levels that drink a lot can operate quite finely or quite well. They can walk around, get around fine. So 660 in him, it's hard to interpret exactly how that would have affected him.

Q Okay. So it's possible that he may have been coming down. It could be that it just affected him differently because he's used a lot and other factors as well; is that right?

A Correct. Absolutely, sir.

Q Okay. But in both cases, the substances found in the body, whether they be drugs, carbon monoxide, et cetera, none of that would have been fatal to them; is that right?

A No, sir.

Q Now, speaking about Mr. Porcoro, first of all ---

A Yes.

Q You identified him as Victim Number 1 in your analysis.

A Yes, sir.

Q In looking at him, there was one wound that definitely was not fatal, that would be the rat shot wound you described as Wound Number 3.

A Yes, sir. That's correct.

Q Again, you stated that that was a shot. That was basically a small -- like a shot gun shot, but it's a very small shot -- small caliber pistol, correct?

A Yes, sir.

Q Near his jaw. You said you found some cardboard disk in his cheek; is that right?

A Yes, sir.

Q And I think you also noted that, or indicated it might have been a close range shot?

A In him -- let me refer to my notes. With her, it was. With him, the third shot has the cardboard disk. But it does not have the stippling of the soot, so it was not close range, but it was a foot or so. It was even beyond intermediate because we did not have stipple. So we could have had several inches, three up to probably a foot.

Q So close range would be a few inches away. Intermediate might be a foot to two feet.

A Something like that. And it depends on the weapon. For a detailed analysis of exactly what these ranges mean, you would need to take that weapon and fire against the white background and measure the spread and the distance as

you go out from the muzzle.

Q All right. Number 1 and Number 2, in your opinion, either could have been fatal?

A Yes, sir. These both severely traumatized the brain.

Q In case of all three of these wounds of Mr. Porcoro, is there any way for you to know the order of the shots, which one came first and which one came last?

A Absolutely not.

Q Is there any way for you to know who fired the shots?

A Absolutely not.

Q Is there any way for you to know where the people, whether they be the victims or the shooters, would be located in the room?

A I answer that with a caveat. No, I can tell you where the bullet comes through on the body. But I could never say where that person's head is turned in the room. I can't do that. The only thing I can do is tell you direction through the body only. The answer is no.

Q I believe you stated that one of the wounds on Mr. Porcoro, closer range between Number 1 and Number 2, let me clarify.

A Right.

Q One of those two was shot at a closer distance

than the other; is that right?

A Yes. Wound Number 1 behind the right posterior was intermediate, meaning, I still had that stippling around the wound, that hot stuff coming out of the barrel. That was within several inches to a foot, whereas Wound Number 2 is distant, meaning, it's over a foot or so.

Q All right. So basically Wound Number 2 -- we're just calling it from the order that you took them out -- that one was the one that shot him basically the back of the head near the spinal column, right about here?

A Yes, absolutely.

Q And that one would have been from farther away?

A Yes.

Q The one that got in near the ear on the right side, correct, that would have been much closer?

A Yes.

Q So the gunman obviously, at some point, just got closer to him to shoot him here?

A Yes, that's correct.

Q So in truth, with Mr. Porcoro, he had one shot in the back of the head from some distance and then two other shots are at least fairly close. One behind the ear and one basically --

A That is correct. Yes, sir.

Q Wound Number 1 and Wound Number 2, you stated were

both caused more of an intermediate, medium caliber shot?

A I recovered the projectiles from both of those. They definitely did not come from the same weapon that fired the cardboard disk in Wound Number 3.

Q Wound Number 3 is definitely a different weapon than Wound Number 1 and Number 2?

A Correct.

Q Wound Number 1 and Number 2, you said, could have been along the line of a .38 thereabouts?

A Yes, sir.

Q You also stated you do recover the bullets as part of your analysis and projectiles. That is then used to hopefully help identify the gun, correct?

A Yes, sir.

Q And that's not a process you have any part of?

A No, I package the projectiles up; and forensics, who is present at the autopsy, takes them away from me. So I very transiently have them, take them, look at them, take a photograph and give them to forensics.

Q And that's the end of your dealings with them?

A I don't touch them after that except when I see them here.

Q Right. Now, Ms. Daniel, she had several shots, correct?

A Yes, sir. Seven.

Q And again, some of these are from various distances and also from various types of shot?

A That's correct, sir.

Q Approximately how many -- well, not approximately. How many shots exactly were shot from more of the medium caliber shot, the .38 shot?

A Numbers 1, 2, 3, 4 and 5 were all from the medium caliber, likely .38 type weapon, and numbers 6 and 7 were from shot shell. So two from a shot shell, five from the .38, if it is a .38.

Q And again, in this particular instance, as well as with Mr. Porcoro, you can't state what order the shots came in and you can't state where the person was located or what they were doing when they got shot. You just know where the bullets from the projectiles entered and basically where they went?

A That is right. The same rules apply with her as with him.

Q At one point, you also mentioned some blunt trauma that occurred to her or her body?

A Yes, sir.

Q There were several of those wounds that were basically superficial in nature, correct?

A That's correct, sir.

Q You described some lacerations from something

around the brow line, a scrape to the forehead or bruise on the elbow, that kind of thing.

A That's correct.

Q But none of those would have been very significant or fatal?

A No.

Q There was also -- you stated some blunt trauma around the right ear; is that right?

A That's correct, sir.

Q You stated that would be caused by something hard hitting her?

A Yes. There's a laceration at that ear and then also that depressed skull fracture. So it would have been significantly harder than the other injuries to the head because it actually fractured bone.

Q Again, it would have to be something pretty hard, correct?

A Yes.

Q But no way to know what that thing was?

A There's no way to tell.

Q Could it be from something like a gun being used as a weapon to strike someone with?

A Absolutely.

Q Or several times being struck with a gun?

A It could be, absolutely.

Q There was some discoloration, kind of like raccoon eyes?

A Yeah.

Q Around the victim's face.

A Right.

Q Did you kind of -- I take it you know what I'm talking about, correct?

A I do.

Q If you would, describe that a little bit rather than me doing it.

A Sure. So she had some hemorrhage around her eyes. The cause of that hemorrhage in this case is likely -- unlikely in this case to be blunt trauma to the face or the eyes. More likely, it would be blood seeping in. Remember, she had those wounds to her sinuses, all those bullets passed through her sinuses. Those holes can communicate with the area around your eye and make blood come up from the back. That's most likely what those raccoon eyes are from.

Q So she had some discoloration or some dark areas around her eyes or sinuses and that kind of thing, that's not likely from someone punching her or hitting her or something in the eye or the cheek area?

A These discolorations were fairly uniform and through the entire area. Generally, when we find a punch injury, we would have certain areas that are darker or

lighter than others. This was -- and very dramatic too. It was pretty impressive with bullets going through your sinuses, you would expect to have a lot of blood behind your eyes.

Q So she had seven shots that struck her. One was fatal. The others, most likely, would not have been, unless she, I guess, been abandoned for a long period of time.

A Exactly.

Q Is that correct?

A That's correct, sir.

Q You said that she was shot once in the left shoulder area, the arm, kind of, from the side?

A That's correct.

Q And that bullet ultimately exited out back to front through her arm through her bicep?

A Yes.

Q And you did not recover that from her body, correct?

A I did not, no, sir.

Q That one was a distant shot?

A Yes, sir.

Q When you say distant shot, again, if you could -- we talked about close range, intermediate and distant. If you could, sort of describe what that would be.

A Sure. In this case, given we're talking about a

.38, close range would be within an inch or so. I expect to see soot there. Intermediate would be probably a couple of inches up to a foot max; and distant is a foot on. So there's three ranges for every weapon. And those ranges apply to all shots fired with a .38. For the .22, without seeing the weapon, I can't be absolutely sure.

But generally speaking, the smaller caliber, you can scale those numbers back a little bit. So close range of that might be an inch, inch and a half, you know. Maybe two, certainly not three. The stipple might go eight inches instead of a foot. The powder doesn't go as far because there's less powerful round. That's generally those ranges. Once again, if those ranges became really, really important to be exact about, a firearms examiner would be able to say more definitive responses.

Q Okay. Uh, the second shot was also a distant shot. Shot Number 2 struck her in the left, like you said, back kind of on the side near her shoulder?

A Yes.

Q That was also a distant shot with a .38 caliber or thereabouts?

A Yes, sir.

Q I believe that one also exited her body here and that basically, I think, you described as a flesh wound?

A It never actually enters the chest cavity. It just

goes through soft tissue.

Q And neither of those would have been fatal?

A No, sir.

Q Shot Number 4, that would have been the shot again with the .38 or so caliber shot around the left jaw area?

A Yes, sir.

Q Also a distant shot, correct?

A Yes, sir.

Q And that was the one or one of the ones, I should say that was basically kind of near her sinuses?

A Correct, yes, sir.

Q Did not strike her brain, would not had been fatal?

A Correct.

Q Uh, again, that means basically she would have been shot a foot or a little more?

A Yeah.

Q No way to tell though?

A No way to tell.

Q That bullet was recovered, correct?

A Yes, sir. Recovered from the sinuses.

Q The Shot Number 3 was the shot you said would have been the one that would have killed her?

A Yes, sir.

Q And that was one, I believe you stated went

through her upper back and came out the front sort of through her shoulder and struck her in the neck?

A Correct.

Q And ultimately severed arteries and veins in that area, correct?

A Yes, sir.

Q That was also a distant shot?

A Yes, sir.

Q And that one would have caused a lot of bleeding, I believe you said. And you recovered that bullet as well?

A Yes, sir.

Q And so those first four shots were all taken from some distance, a foot or better?

A Yes.

Q And those were all with a .38 or so caliber?

A Yes.

Q There's one other shot fired by the .38 as well, correct?

A Yes.

Q And that one was not from a distance. That was close range?

A Yes, sir.

Q So again, about how close would that gun had been?

A Number 5, let me refer to my notes. It's close. Let me refer to the actual -- it's got about an inch and a

half by an inch and a half. So about that big, more or less, area of soot. That would have been within a few inches, for sure, with the .38. That was the one that was directly under the nose.

Q So basically, someone had to walk right up to her?

A Had to hold the gun directly under her nose.

Q And fire the gun from just a few inches away?

A Yes.

Q Also not probably a fatal shot that you said?

A Yeah. Shockingly only went into the sinuses. Did not -- missed the brain.

Q Again, all those shots that we just talked about so far in relation to her, would all be the medium caliber, .38 kind of shot?

A That is correct.

Q The other two shots were the rat shot from a small caliber weapon?

A Yes, sir.

Q You stated that neither was fatal, correct?

A Correct.

Q And that, I believe, one struck her in the right cheek area. The other struck her in sort of the left side arm and a little bit to the face or cheek?

A Yes. Kind of spread up the body, but all superficial.

Q Okay. Were either of those very close or are they distant or was it hard to tell?

A 7 was distant. 6, where I recovered the wadding, did, in fact -- was close in range. Let me refer to my notes again. There is soot present in this wound. It's only an inch spread of soot in this case. So this case, it would be very reasonable to say that the muzzle of that weapon was within an inch or so as it was fired with a .22 or small caliber.

Q Is it reasonable to at least hypothesize that with regard to the medium caliber shot, a .38 or so, that four shots were taken from some distance away, including the fatal shot. Is that right?

A That's correct, sir.

Q And then the last shot, the shooter had to walk basically right up to her and shoot her?

A Yes, correct.

Q With regard to the rat shot, the smaller caliber, again, one shot would have taken -- taken from some distance, I should say. And then would have had to walk up to her to shoot her the second time?

A That's correct.

Q And then backtrack very briefly to Mr. Porcoro, the first victim in your analysis -- I don't recall. Did you give an opinion as to whether the rat shot was taken from a

distance or close range from Mr. Porcoro?

A Let me refer to my notes again. That's the one where we don't have soot and stippling, but we do have the cardboard disk. So I would surmise that we are over that or at or near that footmark where the disk still gets embedded in, but the rest of that debris coming out of the barrel has fallen off. So kind of an intermediate type wound.

Q Intermediate range?

A Yes. That would be a reasonable assumption.

Q Okay. Mr. Porcoro, with the .38 or so caliber, the medium range caliber, one would have been taken from at least some distance and the other would again have been pretty close?

A Yes. Intermediate, within a foot or so.

Q So in both cases, the person firing the medium range shot would have shot each victim from some distance and then walked closer to them and shot them from close range?

A That's correct.

Q In the case of Mr. Porcoro, the person shooting the smaller caliber shot, the rat shot, may have shot from at least some distance away, maybe not very far?

A Yes, not right up on her, correct.

Q Again, with regard to Ms. Daniel and the smaller caliber shot, one shot would have been from some distance

basically back to front as well pretty much on her left side?

A I believe that is correct. Let me refer to my notes. Uh, distant, distant, left, yeah. You could say that generally, yes.

Q Okay. And the close range shot from the medium caliber .38 style shot, that would have been right in her face right in front of her?

A Yes.

Q Very close range?

A Yes.

Q And also with the rat shot, the small caliber shot that got her basically again in the face, cheek area, that would have been pretty close range?

A Yes.

Q Thank you very much.

A Thank you, sir.

REDIRECT EXAMINATION

BY MR. MARCHANT:

Q Dr. Fulcher, Mr. Ellis asked you if the injury could have come from the butt of a gun with respect to Ms. Daniel's head.

A Yes.

Q Could it also have come from this computer monitor?

A Yes, in fact, there is a pattern wound. It's not subtle, but there is a wound where it's squared off, meaning that it's two lacerations that intersect at more or less a right angle. You can imagine something like that certainly has plenty of right angles to cause those injuries. Of course, if you take the muzzle of a weapon or -- not the butt of the weapon, the handle, if you will, of a pistol, sometimes they are rounded. But sometimes, they're square too. Either one. But that certainly could have caused that injury absolutely.

Q There's been a lot of discussion about number of shots, order of shots. I just want to be very clear. Are you able to tell this jury what shot came when with respect to Mr. Daniel?

A Absolutely not.

Q Excuse me, Mr. Porcoro.

A Yes, no way.

Q Or Ms. Daniel?

A Correct.

Q Now, I don't want to talk about the rat shot at all.

A Okay.

Q How many total injuries did Mr. Porcoro have that you found that are in relation to a projectile?

A Two.

Q Two. And did you recover two projectiles from Mr. Porcoro?

A Yes.

Q And what was your definition or explanation of the type of caliber that was used on Mr. Porcoro?

A I described it as medium caliber, fully jacketed, minimally deformed. That is on Gunshot Wound Number 1. Gunshot Wound Number 2, I describe it as more deformed, medium caliber, fully jacketed. Medium caliber meaning, once again, something around a .38, not a .22, not a .45.

Q And your description of an injury that would be consistent with a .22 is small, medium or large?

A Small.

Q Your definition of what a .45 would cause --

A Would be large.

Q Now, Ms. Daniel, I don't want to talk about the rat shot.

A Yes.

Q How many injuries did you locate on Ms. Daniel?

A Five.

Q The size and type of projectiles that you recovered were what?

A Gunshot Wounds Number 1 and 2, I recovered projectiles number --

Q Let's talk about 1 and 2 real quick.

A Okay.

Q What was your opinion as to the size of caliber that would have caused injury number 1 and 2?

A Injury number 1 and 2, I did not recover a projectile. Generally speaking in that case, with this type of wound, it is -- given the degree of soft tissue wound, it is more consistent with a .38, but I suppose it would be possible for numbers 1 and 2 to be caused by a .22. However, that .22 would have had to have been loaded with a solid core lead projectile, not rat shot.

Q Injury 1 and 2 were not recovered?

A Correct.

Q And you were unable to determine what caliber or what size caused those injuries?

A That is correct.

Q Let's talk about 3, 4 and 5.

A Okay. 3, I do recover. It is, in fact, the medium caliber. So I can be very definitive and say it was caused not by the .22. 4, I recovered the projectile. It also was caused by a medium caliber. And then 5 is recovered as well, also recovered a medium caliber. 6 and 7, of course, we're not talking about because they were shot shell wounds. 3, 4 and 5 are definitely the intermediate caliber projectiles.

Q With respect to Ms. Daniel, there were five injuries that came from a projectile?

A Correct.
Q With respect to Mr. Porcoro, there are two?
A Correct.
Q For a total of seven?
A Correct.
Q Thank you. I have no further questions.

RECROSS EXAMINATION

BY MR. ELLIS:

Q With regard to the blunt force trauma of Ms. Daniel, the Solicitor asked about a computer monitor or something along those lines could be something that would have caused that; is that right?
A Yes, sir.
Q That was possible?
A Yes, possible.
Q It would also be true that lots of things are right angle or other kinds of angles of any kind could have caused that kind of injury?
A Absolutely.
Q And again, is it possible that using a gun as a striking weapon could have done that?
A Yes.
Q The butt of a gun often has angles on it, does it not?
A Yeah, absolutely.

Q So that could have done it as well?
A Absolutely.
Q Is there any way for you to tell exactly what was used to cause that trauma?
A I can only say what is possible.
Q Is it fair to say that after suffering -- I want to leave the rat shot out for a second. Wounds 1 through 4, Ms. Daniel received the first four shots of her body from the more medium caliber weapon. Do you agree all four of those shots came from a more medium caliber weapon?
A Uh, --
Q Or is it difficult to say on some?
A For 3 and 4, I certainly can say they are from a medium caliber weapon. As the Solicitor pointed out, numbers 1 and 2, the wounds, given the size of the hole in the size is if I had to guess, I would say they are more likely to be medium caliber weapon. However, I can not definitively say they were from the medium caliber weapon, so I spoke incorrectly earlier. Numbers 1 and 2, they are likely from a medium caliber weapon, but I can not absolutely assure you of that. Technically, when you shoot a projectile through the human skin, you can't look at the hole and say yes, that's absolutely this size because the hole in the skin is that side. The human skin stretches a fair bit. So it's very difficult to match a hole in the skin and say this is the

next weapon. I would be surprised if a .22 would create this much damage.

Q But you are still having to guess?

A Yes, unfortunately.

Q So even with all the work you did in this case, it's possible that five shots, six shots, seven shots were fired from a medium kind of weapon and there's not a way for you to really tell?

A No, sir. That's correct.

Q Is it reasonable to think that the first four shots -- I'm not sure they are the first four. Again, we don't know the chronology. Let me back up. Shots 1, 2, 3 and 4 that were recovered from Ms. Daniel, two bullets were not recovered and two others that were including the one that went through her back and shoulder and into her neck that might have incapacitated her at that point?

A Sure. It's always hard to surmise incapacitation, but that's a reasonable statement, yes.

Q Again, those shots were more from a distance, correct, or some distance?

A Yeah. Some distance.

Q Whereas the shot that was described, Shot Number 5, that was by her face, by her nose was very close up.

A Very close.

Q Thank you.

MR. MARCHANT: Nothing further, Your Honor. We ask that the witness be excused.

THE COURT: You may step down. Any objection to him being excused?

MR. ELLIS: No, sir.

THE COURT: You may also be excused. Thank you. All right. We'll take a short break. I'll ask the jury please go to your jury room. Don't discuss the case. I'll bring you back after that break.

(WHEREUPON, the jury exits the courtroom.)

(WHEREUPON, a short recess is taken.)

(WHEREUPON, the jury enters the courtroom.)

THE COURT: The jury is present. You may continue.

MR. MARCHANT: Please the Court. The State calls Allen Endaya.

ALLEN ENDAYA

having first been duly sworn, testifies as follows:

THE CLERK: Please be seated and state your name for the record.

THE WITNESS: My name is Sergeant Allen Endaya.

DIRECT EXAMINATION

BY MR. MARCHANT:

Q Sergeant Endaya, where are you employed?

A With the Buncombe County Sheriff's Department in

North Carolina.

Q And what is your capacity with the Sheriff's Office there?

A Currently, I'm on patrol. I supervise approximately 14 people.

Q How long have you been employed with Buncombe County?

A I've been with Buncombe County since 2004 to present.

Q Did you have prior law enforcement experience?

A Yes, 1991, I was with Buncombe County as a detention officer. In '92, I went to Asheville Police Department to 2000.

Q What did you do between 2000 and 2004?

A 2000 to 2004, I had the opportunity to become a part-time -- I was a part-time supervisor and health and safety specialist in Human Resources. Then I was a full-time supervisor there.

Q Back in April of 2011, what was your position with the Buncombe County Sheriff's Office.

A I was patrolling south and east Buncombe. We covered the calls. And we responded to various calls there.

Q Okay. Well, let's go to the date of April 22nd of 2011, were you working that day?

A Yes, sir.

Q And did you respond to a shots fired call?

A Yes, sir. We responded to a shots fired call at, I believe, [redacted] Avenue. The reporter stated that his neighbor at [redacted] was inside shooting a handgun.

Q And did you respond to 111?

A Yes, I fell -- we came in from 40. I fell behind Deputy Sam Sales. We approached the residence from a corner. We approached from Asheville Road. We parked to the right corner of the residence. We approached the residence from the right side.

Q What became immediately apparent when you pulled up to the residence?

A There were holes on the side of the residence right above this wood pile.

Q Were you able to determine at that point in time whether those -- what those holes came from?

A Yes. I actually approached the right side of the residence and looked over there and looked behind the woodpile and saw some holes. It appeared to be bullet holes.

Q Were you able to determine at that time whether or not they were from the outside in or the inside out?

A Not at that time.

Q Did you subsequently approach the occupants of that house and speak with them?

A Yes, as Sammy took cover, I knocked on the door.

Two white females answered the door, I believe a Chelsea and a Courtney.

Q Were they cooperative with you?

A No, not at all. They said -- one of them said, no, nothing's going on in here; I'm actually here visiting my friends and their baby. I said there's been a discharge of a firearm. They said no, there's no discharge at all here. And at that time, a male came from the back side of the residence and was later identified as, I believe, Mr. Granados, Manuel Nicolas Granados.

Q Did you subsequently have some conversation with him?

A Yes, as soon as he came out from the back, he said there's nothing going here. These neighbors are just trying to cause trouble.

Q Did you engage him in conversation about whether or not a firearm had been discharged inside of that residence?

A Yes, I asked him again about it. And he said no. I said, uh, I inquired about the weapons. And he said no, there's nothing going on here. There's no firearm.

Q At that point in time, did y'all enter the residence?

A Well, I told him that he was, uh, he was, uh, lying to me because I saw the holes on the side of the wall.

I said -- at that time, I said I have to check, since you are not being forthright and you are lying to me about even a weapon in here. And before that, he said -- I asked him who is -- you know, what they were doing. And they said they were visiting. And whose residence it was. It was actually his grandmother's.

I asked about if his grandmother was there. No, she wasn't. And I said, well, I'm going to have to go in there. There's no adult in here. I'm going to have to go in there to make sure nobody's injured, nobody's been shot because I knew he was lying to me whether there was a firearm involved or not.

Q Did you find any -- anybody inside with any injury?

A I immediately went into the right where he came from. I looked in the bedroom and the closet to see if there's any -- anywhere where a body could be or any person could be. I saw the holes on the right front bedroom on the wall. I went to the next bedroom. There were two babies in there. I believe they -- from my memory, they were in their car seats. Then I walked back out and we checked the kitchen. There was nobody else.

Q Did anybody have any injury at that point in time or really throughout the course of this investigation that day?

A No.

Q At that point in time, had you located any weapons?

A No, I did not.

Q Did Nick's grandmother eventually show back up at the house?

A No, I asked him -- I told him, I said there's a gun here. You're lying to me. Where is the weapon?. He said, no, there has no been any shooting. That's when I escorted him outside to show him the holes to the residence.

Q Okay. And at some point in time, were you able to get the grandmother there?

A Uh, yes. After a little bit.

Q About the time that she pulled up, what happened?

A Well, as we were waiting for the grandmother, he finally said that the grandmother was on her way and was on Tunnel Road. And I knew that was about maybe 10 minutes away. So we waited. When I saw a vehicle come, I approached the vehicle. Two white females were there -- were, uh, in the vehicle. I said are you, uh, Ms. Shepherd? She said yes. I said I'm investigating shots being fired from the residence. And as I was explaining everything, I saw a startled look on her face. So I turned around and as soon as I turned around, I saw Mr. Granados running out the front door with Deputy Maxwell and Sales right behind him.

Q I'm going to skip ahead a little bit. Did you subsequently catch Nick?

A Yes.

Q Okay. And how far away would you estimate he was from the residence?

A Approximately a half an hour. They were going through some woods and going over some fences. It took me a while to actually, uh, be part of the chase.

Q At some point in time, did the grandmother give you consent to search the residence?

A Yes. As soon as the suspect fled, I got in my vehicle, but then I remembered that there were guns involved and we still hadn't found them so -- and the two females were there. So I went inside and asked the grandmother to search the residence. She said sure, I don't want any weapons in this house. So I went into that right bedroom where the holes were located, looked under the bed. There was a bag with a .22 in it.

Q Okay. I'm going to show you what's been marked as State's Number 67 and ask if you recognize State's 67.

A Yes.

Q And how it is that you are able to identify State's 67?

A That's the weapon.

Q Okay. So on State's 67, you located this weapon in

the bedroom?

A Yes.

Q And then this envelope that we have, what is the significance of this envelope as it relates to Buncombe County Sheriff's Office?

A When we get evidence for court, we, uh, place it in an envelope and we write all the information on it. Then we take all the sections that could be peeled off. And then we write initials over that to show that has been taped.

Q And are your initials in the places that you put them?

A Yes.

Q And when this piece of evidence is put into the Property and Evidence section at the Sheriff's Office, how does that procedure work in Buncombe County as far as securing evidence to insure that it remains intact after you put it into P&E?

A Basically, it stays in that envelope until it goes to court.

Q Okay.

A What happens is we fill it out on a computer. We do our paperwork, then we secure it in an envelope. Then we tape it up, put our initials on it. Then we put it in this locker and we put a lock on it. The property person takes it in and it goes into property the next day.

Q So unless it goes to court, it remains in the evidence locker?

A Yes.

Q I'm going to show you State's 66 and ask if you recognize that.

A Yes, that's the other handgun I retrieved.

Q And the procedure that you just spoke of with the bag and everything is the same on this item as you referred to on the first gun?

A Yes, sir.

Q Okay. And just tell me where you located this gun in the residence, just physically in the house, where did you find it?

A That was underneath the mattress. I believe it was in a tin box.

Q Did you also locate some ammunition in the house?

A Yes.

Q And --

A Ammunitions for a .38 and a .22.

Q If you would, we've heard some testimony about ammunition. If you would, talk about what sort of ammunition can be fired from a .38 and what type of ammunition can be fired a .22. And before you get that far, tell the jury what sort of training and experience you have in firearms.

A Well, firearms -- before, uh, I was an officer, I

was in the Marine Corp and I was a sniper for approximately two years. I was in Desert Storm. After that, uh, APD. I was on the Tach Team for actually six years. We dealt with firearms, nine millimeters, .45s. At the time, we were actually carrying .45s. When I went to Buncombe, I became a firearms instructor. I've been a firearms instructor for about six years.

Q So with respect to the ammunition that you found in this case, tell the jury what sort of ammunition you found.

A Found a .38. I have to look at my notes, actually the property sheet. Also, there was some .22 and there was some rat shot in there, CCI, I believe.

Q Okay. Explain to the jury what rat shot is and what you mean by CCI.

A CCI, that's the brand of the, uh, ammo. Rat shot, it makes a bigger spread. So in all actuality, it's supposed to kill rats at a distance. That's why they call it rat shot. It spreads out like a small shotgun.

Q And what color was that rat shot that you found?

A It's blue, if I remember right from the property sheet.

Q So you found ammunition for a .38 caliber?

A Yes, sir.

Q Did you find other ammunition that could have been

fired from that .38 caliber?

A Yes, there was various. There's Winchester plus the ammunition and Remington, the .38 gold --

Q Are you saying that you only found .38 projectiles that were unspent or was there, what you are referring to as rat shot that could have been fired out of this .38?

A I was actually -- I found ammunition, CCI .22 silver and blue found underneath the mattress. They were intact. They could have been shot from the 20 -- they could have been shot from the .22 but they had not be spent.

Q Could they had been fired from the .38?

A The .22?

Q Yes.

A No.

Q Why not?

A Because that's a different caliber. It wouldn't even fit in there. It would just fall right through the chamber.

Q With respect to this ammunition that we are referring to as a whole, what happened to that ammunition?

A After a certain time, they just destroyed. Just like the weapons would have been destroyed after a certain time.

Q Well, would you have destroyed or asked Property and Evidence to destroy if the case was still pending in

Buncombe County?

A No.

Q Would it -- is it fair to say that not until the disposition of your charges that you levied that day, the evidence would have been destroyed?

A Yes.

Q So at the time that the Sheriff's Office contacted, the Greenville County Sheriff's Office contacted your office, had the ammunition already been destroyed?

A From my understanding, yes.

Q Are you aware of whether or not there was a destruction order with respect to the two guns we spoke of?

A Yes, there was.

Q Okay. What charges did you eventually swear out that day on Mr. Granados?

A Well, I swore out the, uh, Possession of a Firearm by a Minor, altering the serial number to a firearm, and drug paraphernalia actually too.

Q Just a point of clarification with you, Sergeant. On State's 66, did you also locate the holster with the gun?

A Yes.

Q Thank you. Please answer any questions Mr. Ellis may have.

CROSS-EXAMINATION

BY MR. ELLIS:

Q Sergeant, when you arrived at the residence in Buncombe County where you found Mr. Granados and the firearms, you stated there were two other people in the house, correct?

A Yes, Chelsea and Courtney.

Q They were two females?

A Yes.

Q Two other people arrived on the scene after you been there for a little while; is that also right?

A Yes, I believe Deputy Maxwell and Holdeman.

Q Okay. And how about some civilians? Any other civilians arrive on the scene or take part in any -- the grandmother, for instance?

A No, the grandmother just arrived on the scene.

Q Right. Okay. So my client was not on the scene?

A No.

Q Never arrived on scene?

A No.

Q Okay. And you were looking -- you were conducting your investigation in the home, it appeared to you, obviously, that Mr. Granados had been firing a weapon, correct?

A Yes.

Q That would be, of course, the basis for your charges?

A Yes.
Q Uh, was he firing -- did you ultimately determine whether he was firing the weapons?
A Yes, in that bedroom as soon as you enter the residence on the right. It was a small residence.
Q So it was inside the grandmother's residence, his own grandmother's residence?
A Yes.
Q Shooting the weapons?
A Yes.
Q And the bullets were trailing outbound, I guess?
A Yes.
Q And what was in the direction of travel of the bullets?
A It was going out towards, uh, Asheville Road. Actually after looking behind the woodpile, it hit the woodpile three times.
Q Were the -- I believe you stated earlier a neighbor was the one who called and said that shots were being fired and that was the basis for your response, correct?
A Yes.
Q Was the neighbor's house, or any other neighbors' houses, in that general direction?
A Well, it came in as a call for -- it hit his

woodpile, which was next to the propane tank. That's what angered him. So it might -- I guess the residence was at that angle where it got struck.

Q You also stated that when you entered the residence again to that point to search for the guns, at that point, you didn't know how many guns you had. You were looking for a gun anyway, right?

A No, I was looking for anybody injured or anybody else with a weapon. He had initially said, no, there's nothing going on. There's no firing or no shooting. Obviously, he's lying or there's evidence that he was. I wanted to make sure there's nothing else going on.

Q Right. I'm sorry. I jumped ahead.

A Okay.

Q You're looking for victims first, potential victims and then conducted the investigation from there, correct?

A Yes, after I got permission from the grandmother.

Q Okay. While you were searching for possible victims or other people in the house, did you find other people in the home beyond the two girls who greeted you at the door?

A No, just the two babies and that's it.

Q There were two babies in the house?

A Yes.

Q I believe you stated they were in the next room over from where the shooting appeared to have occurred?
A Yes.
Q And they were in baby seats, car seats?
A Yes.
Q Any idea approximately of the age of these children?
A They appeared to be infants, maybe 10 months. 8 or 10 months.
Q Okay.
A From my memory.
Q All right. And so the grandmother, at some point, arrived.
A Uh-huh.
Q You spoke with her.
A Yes.
Q While you were doing that, Mr. Granados, Nick, then fled the scene?
A Yes, that's -- he got charged with RDO and Assault of a Government Officer. He was talking to them and pointed out the door. This is what Sammy Sales said. He said he pointed out to him, he said that's my grandma; can I talk to her. And as soon as Sammy turned around, he pushed him to the side and ran out that door. I kind of got irate because why was he running out the door.

Q Sure. Just because in South Carolina, we may have a different term for the charge you just referenced. I'm sure the jury doesn't know the acronym either. What is RDO?

A Resist, Delay and Obstruct. I'm sorry.

Q So while you were talking to the grandmother then, is it correct that Mr. Granados, Nick, was still inside the residence?

A Yes.

Q Near -- I guess near the doorway apparently?

A Yes.

Q And your other officer, Sammy Sales, I believe?

A Sammy Sales and Darrell Maxwell were inside the residence watching the suspect.

Q Okay. So two officers were there basically -- he's not in custody, but they are kind of watching him?

A Uh-huh.

Q Okay. At that point, Mr. Granados distracts the officers and then actually shoves one and begins to run?

A Uh-huh.

Q This, of course, sparked a chase, correct?

A Yes.

Q Did I understand you correctly to say that the chase lasted about 30 minutes give or take?

A I don't know the exact time, but it was about a half hour -- I mean a half mile. Because as soon as he

started running, I got in my vehicle, put it in drive and I remembered about the weapons. So I put it back -- went back, parked and I told the grandmother, I said, there's weapons. I don't know if he's got them. Could it be in this house? Let me search that room. She said yes, please. I don't want any weapons in here.

I went to that room. I found the .22 underneath the bed, and I kept looking around. I could hear them still chasing him. I actually went to the two females and said this is not the gun that shot through that wall. He'd better not got that gun, somehow got to it while we are all here sitting. They looked surprised.

After that, I asked the grandmother don't let anybody in there. I got in my vehicle. I said where would I -- then I heard something about a railroad. So I triangulated the area. As soon as I got in my vehicle, I got off the bridge. As soon as I got down towards the railroad tracks, he was there -- he was running. And I got behind him. I started chasing. I started talking. I said you must be tired. Then he finally gave up. I handcuffed him. I asked him -- I told him. I said I found the other gun, where's the other. He wouldn't talk to me. I told him I understand.

So we went back to the residence in the vehicle. I had Sammy and Maxwell watch him. And then I went back into the residence and searched the -- I asked the grandmother

again and searched the residence in that same bedroom. At this time, I did a thorough search. I went through the closet. Then that's where I found the handgun under the mattress.

Q So ultimately, two guns were located, a .22 and a .38?

A Yes.

Q All right. And you believe that the .38 was the one that he was firing that day inside the house?

A Yes.

Q Okay. Let me just clarify then from a chronology standpoint.

A Uh-huh.

Q You respond to a shots fired call?

A Uh-huh.

Q From a neighbor?

A Yes.

Q You arrive. You locate the two girls and Nick Granados inside the grandmother's house. No adults were present. They don't live there. You go inside. Between the initial search and also the secondary search after the grandmother gave you permission to do those searches ---

A Uh-huh.

Q --- locate these two guns?

A Uh-huh.

Q It appears that he was firing at least one of the guns out of the bedroom wall inside his grandmother's house toward a neighbor's house and tank, propane tank?

A I don't think he -- he was actually -- cause I went the next day to talk to the grandmother. He actually was shooting -- she told me that he was shooting at a dart board. One time she was picking up -- she was picking up -- it's in the narrative somewhere. She was picking up in that room and saw this pillow and it was all -- saw the pillow or the dart board and it was all messed up and saw a hole behind the wall. So I'm not saying he was shooting at anything particular at that time. But obviously, at one time, he was shooting towards a dart board.

Q And of course, the other side of that wall, the dart board or whatever he was shooting, there was a --

A A woodpile.

Q A woodpile and I believe you said a tank, correct?

A Uh, no, the neighbors. We were talking about the tank. The tank, I believe, from the pictures were on the far right of their tank.

Q Again, there were two children you basically described as infants?

A Yes.

Q Just on the other side of the other wall?

A In the other room, yes.

Q So pretty much right there too. I mean, obviously, that wall separates them, but they are pretty much right there.

A Yes, different direction of where the shooting was at.

Q The ammunition -- Solicitor already asked you about this. The ammunition that you recovered at that time was also kept in the evidence room or storage locker, ---

A Yes, sir.

Q Until Mr. Granado's case with Buncombe County were disposed of, correct?

A Yes, sir.

Q And that time, the ammunition was destroyed?

A Yes, sir.

Q So there was no ammunition that you located that day to be provided for this case?

A No, not this case. It's already been destroyed.

Q Once again, at no point during this entire sequence of events, which I would imagine from what you stated probably lasted at least a couple of hours; is that fair to say?

A It took a while, yes, to go through the, uh, process of trying to locate these guns.

Q At no point during that entire process did you ever see my client, James Johnson?

A No.

Q At no point was he ever -- did he ever show up or come around?

A No.

Q At no point was he ever calling or texting in or trying to communicate with anybody there?

A No.

Q At any point, was he mentioned by anybody?

A No, sir.

Q Did you even know who he was until you were told that this case existed?

A Yes. I did not know who he was until we were contacted by Greenville.

Q Thank you very much.

MR. MARCHANT: Nothing further, Your Honor. We ask that he be excused and relieved of his subpoena.

THE COURT: You may step down. You may also be excused.

MR. MARCHANT: Please the Court?

THE COURT: Yes, sir.

MR. MARCHANT: The State calls Scott Lowe.

THE CLERK: Please place your left hand on the Bible and raise your right hand.

SCOTT LOWE

having first been duly sworn, testifies as follows:

THE CLERK: Please be seated and state your name for the record.

THE WITNESS: Scott Lowe.

DIRECT EXAMINATION

BY MR. MARCHANT:

Q Mr. Lowe, I see that you are dressed in a red detention outfit. Where are you currently being housed?

A Greenville County Detention Center.

Q That's for the purpose of this trial, right?

A Yes, sir.

Q Scoot up to the microphone and speak up so everybody can hear you. Where are you being housed as part of your SCDC sentence?

A McCormick Correctional Institution.

Q And what sentence did you receive in this case?

A 20 years.

Q Do you recall pleading guilty before the court back on March the 5th of 2014?

A Yes, sir.

Q Okay. Let's talk about your other conviction that you have of Manufacturing Methamphetamine. Did you plead guilty to that offense as well in December 15th of 2011?

A Yes, sir.

Q And what was your sentence on that charge?

A Probation.

Q Did that methamphetamine conviction, did that incident occur before or after the incident that we are here about today?

A Before.

Q And approximately how soon before this incident?

A A couple of weeks.

Q How old are you, Mr. Lowe?

A 26.

Q You have any children?

A Yes, sir.

Q How many?

A Two.

Q How old are they?

A Going on six and going on two.

Q Back in 2011 prior to your arrest for the manufacturing charge, where were you living?

A With my mother.

Q And what is your mother's address?

A [redacted] Street.

Q And where does your father live?

A In Taylors, Greer.

Q What's the address of his house?

A [redacted] Drive.

Q At some point in time, were you living at your father's residence?

A Yes, sir.

Q At the time the murders occurred, were you living with your mother or your father?

A Mother.

Q Were you previously living with your father at the [redacted] Drive address?

A Yes, sir.

Q Can you give the jury an approximate distance of how far Chris Porcoro's residence was from your mother's house?

A A couple of miles, I guess.

Q What about your father's house?

A One or two miles.

Q Everything is in the Taylors area?

A Yes, sir.

Q Let's talk about Amber Daniel. Do you know her?

A Yes, sir.

Q And how is it that you know her back in 2010, 2011?

A I met her through James Johnson.

Q When you say James Johnson, who are you referring to?

A The defendant.

Q Could you please identify for the court what the person you are referring to, James Johnson, is where?

A Right there.
Q And what is he wearing?
A A red button up shirt with a tie.
Q And what did you call James Johnson?
A J.J.
Q He have any other nicknames?
A Not that I'm aware of.
Q When did you first meet J.J.?
A When I was going to Eastside High School.
Q And when did you attend Eastside High School?
A A long time ago.
Q Ninth grade, tenth grade?
A Ninth grade, tenth grade.
Q And you are how old now?
A 26.
Q You were 14, 15 years old when you first met him?
A Give or take.
Q And what was your relationship with him?
A Friends.
Q Did you spend every day with him, one day a week with him, once a month?
A Every now and then.
Q This was in 2010 or 2011?
A 2010. 2011, maybe once a week.
Q Were you aware of where he lived?

A Yes, sir.
Q Do you know that address?
A No.
Q Do you know the street?
A I'm not sure of the street name, but I could take you to it.
Q Could you generally describe the physical layout of the house or apartment where he was living?
A He lived in the house. You pulled up to the driveway. Then you go around. J.J. lived downstairs in his own little house.
Q Who did he live with?
A His mother and father.
Q His mother and father care for you?
A His mom, not really.
Q Why not?
A Cause we got caught doing meth and stuff together.
Q The description that you've given, you said he lived downstairs. Is there a door that leads into the downstairs from the exterior of the house?
A Yes, sir.
Q So did you enter the house -- did you enter the downstairs through the first level or only the second level?
A Both levels.
Q So if you were over at his house and wanted to

come and go, would you have to have -- would you necessarily have to have contact with anybody that was upstairs?

A No, sir.

Q Did you have a key to that door?

A No, sir.

Q Back at this time when you met him, were you working anywhere?

A When I first met him or throughout the time?

Q When you first met him, were you working anywhere?

A I can't recall. Probably not. Not in high school.

Q How is it that you are getting money to do the things that you are doing with him?

A I can't recall.

Q At one time, did you start working?

A Yes, sir.

Q And where was that?

A A different number of jobs.

Q Generally in what industry?

A Food.

Q Back in late 2010, did you become aware or make contact with a person by the name of Chris Porcoro?

A Yes, sir.

Q And how is it that you got introduced to him?

A Through J.J.

Q And what was the nature of your dealings with Mr.

Porcoro?

A Drugs.

Q Let's go into some detail about what sort of drugs you are referring to. Were you buying drugs from him or were you selling him drugs?

A A little of both.

Q What generally are you selling him?

A Meth.

Q What generally is he selling you?

A Pot and pills.

Q Have you ever known him to manufacture meth?

A No, sir.

Q What about yourself? Did you know how to cook it?

A Yes, sir.

Q Who taught you how to cook meth?

A A guy named Elrod.

Q Do you know Mr. Elrod's first name?

A (Indiscernible.)

Q Did, at some point in time, did Mr. Elrod live with you?

A Yes, sir.

Q And was that before or after the murders took place?

A Before.

Q Where did you meet Mr. Elrod?

A When I was living in Simpsonville working as a manager of Hardee's.

Q And did he live with you or did you live with him for some period of time?

A He lived with me.

Q At any point did Amber ever live with you?

A A couple of days here and there.

Q How long would you say your relationship with her lasted from start to finish?

A A few weeks.

Q Did she ever have a relationship with J.J.?

A Yes, sir.

Q What did -- if you recall, when did that relationship begin?

A I can't remember. The first time I met her at J.J.'s house, they were dating. It was a year or two prior to the murders.

Q How is it that he is dating her, but you end up dating her at a later point in time?

A At that point, I was with my son's mother.

Q Who is that?

A Tara Rice.

Q How did you end up hooking up with Amber?

A After I stopped with my first baby's mama, she hit me up on Facebook, I believe.

Q And --
A We just started seeing each other, I guess.
Q Okay. And what did y'all do when y'all were together?
A Drugs.
Q Primarily what sort of drugs?
A Meth. Pills.
Q Anything you could get your hands on?
A Pretty much.
Q Both of you?
A Yes, sir.
Q Now, you are seeing Amber, who J.J. used to date. Are you and J.J. still friends at this time?
A Yes, sir.
Q How often are you spending time with J.J.?
A Probably once a week or so. I'm not sure.
Q Let's talk about your methamphetamine manufacturing charge that occurred about a month prior to this homicide, what happened on the meth case?
A What do you mean? The end result?
Q Well, no. What happened? How did you get arrested on the meth case?
A I think I left Amber and J.J.'s and went to go cook and someone had told on me.
Q And who stopped you or how did you get caught for

manufacturing?

A Mauldin Police had pulled me over and found the mobile meth lab.

Q Okay. And what car were you driving?

A My jeep.

Q And did you have any other personal items in the jeep?

A Cell phone, watch, clothes, fishing rods and stuff like that.

Q And was that stuff seized by Laurens Police Department?

A Yes, sir. They took everything from the jeep and everything on the interior of it too.

Q Have you ever gotten any of that back?

A No, sir.

Q And that was in early March 2011; is that right?

A Yes, sir.

Q And that case was pending when you committed the murder in this incident, right?

A Yes, sir.

Q That was April the 3rd, 2011?

A Yes, sir.

Q How in between early March and the time of this murder, how are you getting around? Your car has been taken. Your phone has been seized. How are you getting to and from

wherever it is that you need to go?

A Getting rides and walking.

Q Did you get another phone?

A I used my mother's phone when I was at her house.

Q Do you recall what your mother's phone number was at that time?

A 553-9421.

Q Does she still have that same number today?

A Yes, sir.

Q Did she allow you to use her phone outside of the home?

A Not that I can recall.

Q So she wouldn't ever let you take her phone with you if you were going somewhere?

A She might, but not normally.

Q Did you have other phones during that time?

A I used J.J.'s phone when I was at his house.

Q Well, if you left your house and went to J.J.'s, did you ever have another phone? Did you buy another phone or have a throwaway phone?

A No, sir.

Q After the meth, manufacturing meth arrest, were you employed anywhere?

A No, sir.

Q How is it that you were making money during that

month?

A I wasn't.

Q Prior to that month?

A Selling meth.

Q So once you get out of custody on the meth charge, did you come up with some idea or plan for you to make money with Chris Porcoro?

A Me and Chris had discussed him backing me up to cook and stuff.

Q Okay. Explain to the jury what you mean backing you up.

A Financing me. Paying for me to get the ingredients of stuff.

Q And how do you return money or --

A Return money or drugs to him.

Q You were going to give him the drugs?

A Yes, sir.

Q Was he going to sell them?

A Use them or sell them or whatever. I was going to keep a part of it for myself and pay him what I owed him.

Q So y'all had some sort of proposed financial agreement?

A Yes, sir.

Q For him to back you and you to manufacture?

A Yes, sir.

Q Did that ever occur?
A No, sir.
Q Why not?
A After a week or so, he said I was hot cause I just got arrested.
Q So you never actually engaged in that proposed arrangement?
A No, sir.
Q How did that make you feel?
A Whatever. There's other ways of making money too.
Q Well, did you engage in other ways of making money at that time?
A No, sir.
Q You didn't have anybody else backing you to manufacture meth?
A No, sir.
Q Your other co-defendant in this case, Mr. Granados that goes by Nick, when did you first meet him?
A When I was selling meth.
Q And what sort of relationship did you have with him?
A He would buy the meth from me and I'd -- and getting boxes so I could cook it.
Q When you say boxes, tell this jury what you mean by boxes?

A Boxes of Sudafed.
Q Why is Sudafed necessary in the manufacturing methamphetamine process?
A Because it's one of the main ingredients.
Q Why don't you just go get the Sudafed?
A Cause you can only buy a certain amount of boxes every month.
Q Were you buying the amount of boxes you could buy during that time or were you just having other people do that?
A I was having other people get it.
Q Roughly, how many other people were buying it for you during this period?
A A lot.
Q As many as you could get?
A Yes, sir.
Q How -- this incident occurred April the 3rd of 2011. Going backwards, how long would you say you had known Nick?
A Not long. Maybe a few months, two or three months.
Q And who was it that introduced you to him?
A Chris.
Q Did you meet Nick at Chris' house?
A Yes, sir.
Q The occasions that you had to go to Chris' house,

Nick was generally there?

A Sometimes he was, sometimes he wasn't.

Q The times you went to Chris' house, what's the environment like over there?

A Drug dealers.

Q How many people are coming and going?

A A lot.

Q You know some of them?

A Here and there.

Q You know all of them?

A I knew some of them.

Q Did you sell to some of the people that were coming and going there as well?

A No, sir.

Q You didn't sell any drugs to any of the people that were at Chris' at any other time?

A I mean, I sold to Nick at different points and stuff. I sold to Chris and stuff. But a lot of people, I didn't know.

Q Let's talk about two people in particular. Who is Cody Cordle?

A One of J.J.'s friends.

Q And did you have a good or bad relationship with him?

A Bad. We didn't get along really.

Q Why not?
A He just didn't. He was selling meth. I was selling meth.
Q It was a competition?
A Yes.
Q What about a fellow by the name of Ryan Wade?
A We didn't get along at all.
Q Why not?
A Cause we had some previous encounters that we didn't see eye-to-eye on.
Q I'm going to jump ahead just a little bit. When this investigation was in the beginning stages, you spoke to Investigator Bailey, did you not?
A Yes, sir.
Q And you gave him a statement?
A Yes, sir.
Q And who did you tell Investigator Bailey may have killed Chris and Amber?
A I said I heard it was Ryan Wade and maybe Cody.
Q So why were you telling Investigator Bailey that back in April of 2011 when he interviewed you?
A To draw the suspicion away from me.
Q And let's just be real clear. Did you shoot Amber Daniel?
A Yes, sir.

Q And did you shoot Chris Porcoro?

A Yes, sir.

Q And what did you shoot them with?

A A .38 special.

Q I'm showing you State's 66. Do you recognize that?

A Yes, sir.

Q How is it that you recognize it?

A That little mark right there and the serial number being filed away.

MR. MARCHANT: Move State's 66 into evidence.

MR. SMITHS: No objection.

THE COURT: It's admitted.

(WHEREUPON, State's Exhibit 66 is admitted into the record.)

BY MR. MARCHANT:

Q So this .38 is the gun that you used to shoot and kill Chris and Amber?

A Yes, sir.

Q Did you shoot them with anything else?

A No, sir.

Q Well, if you did it and you've now pled guilty to it, why did you tell Investigator Bailey when he's interviewing you that you didn't?

A Cause I wasn't a suspect at that time. I wasn't going to tell on myself.

Q Did you ever conduct any drugs or drugs for guns transactions with Chris Porcoro?
A Yes. I sold him a few of my guns and I bought one or two from him.
Q What about with, uh, J.J.? You ever have any guns ---
A Yes, sir.
Q --- transactions with him?
A Well, not with him directly, but with people he knew.
Q Let's move ahead to the week before the murder happened. Where were you living?
A My mother's.
Q And how often are you actually staying at your mother's house?
A Whenever I'd fall asleep there.
Q And what are you doing during this period of time?
A Partying, drugs.
Q And who, which female are you running around with a week prior to this happening?
A Two or three.
Q And was one of those Amber?
A Yes, sir.
Q Were one of those Kelly?
A Yes, sir.

Q And who is Kelly?
A She's the mother of my daughter.
Q Let's just get there, okay? How is it that you decided or whoever decided that you were going to go over in Chris' house and rob him?
A Me and J.J. was discussing it. He had been robbed two or three times previous in the last, like, month or two. We just figured it would be an easy way to make money.
Q Well, how do you even know that Chris has money in his house?
A Because he's a drug dealer.
Q Had you seen him with money before?
A On previous visits, yes, sir.
Q Had you seen him with drugs before?
A Yes, sir.
Q Did you know -- did you personally know where he kept his money?
A No, sir.
Q Did you personally know where he kept his drugs?
A No, sir.
Q Had you ever been over to his house when he did not have any drugs?
A No, sir.
Q You say you and J.J. talked about robbing him?
A Yes, sir.

Q Tell the jury when and where that occurred.
A In his house at nighttime while he's partying and talking about getting money.
Q How soon prior to the murder occurring did this take place, the day before, ---
A Weeks before.
Q --- week before, month before? I'm sorry.
A A couple of days.
Q And a couple of days before this happened, was Amber still with you?
A I believe she was with J.J. at that point.
Q And was she at J.J.'s house or was she at her house or where was she?
A I can't remember exactly. She came and went.
Q Well --
A I believe she was at J.J.'s and we took her a couple of day's prior, like a week prior to Christmas.
Q You say "we"; who do you mean when you say we?
A Me and J.J.
Q So did y'all take Amber to Chris'?
A Yes, sir.
Q And drop her off. Was she wanting to go to Chris'?
A We all went over there. J.J. left and I had to leave. And she stayed.
Q Did you ever go back and pick her up?

A No, sir.
Q Were you aware of whether or not J.J. ever went back and picked her up?
A Not to my knowledge.
Q And this was approximately how many days prior to the murder?
A I'm not sure. A couple of days. I think like a week.
Q Did you ever go back in between the time Amber decided to stay and Chris' and the time the murder occurred?
A Like once.
Q Was she there then?
A Yes, sir.
Q Did you try to get her to leave?
A No, sir.
Q Were you with J.J. when you went back and saw her there?
A No, sir.
Q So who else was present when this discussion took place about robbing Chris?
A Nobody. Just me and J.J.
Q And this occurred a few days beforehand?
A Yes, sir.
Q How is it or why is it that y'all decided to go into Chris' house when you went in?

A You mean in the morning?

Q Or what day of week or how did y'all decide when the right time to go in would be?

A We figured it would be the end of the weekend. Fridays and Saturdays is when most drug dealers make their money and during that, like, Sunday morning, they usually lay down and rest and relax, recuperate from the weekend.

Q And at this point in time, do you have any ill will or hostility to Chris?

A No, sir.

Q Did you like him?

A Yeah.

Q Even though that he backed out of your proposed manufacturing deal, you didn't have any hatred to him or anything like that?

A Shit happens.

Q What about Amber?

A No.

Q You are not engaged in such a relationship with her that you're hurt that she left you?

A No, I was hanging out with my, uh, with Kelly, my baby's mama.

Q So this occurred April the 3rd, 2011. Where were you Saturday night?

A At J.J.'s house.

Q And who else was with you at J.J.'s house?
A Me and J.J. and Jordan and Georgia and Kelly and some other girl.
Q Who is Jordan?
A It was who he was dating at the time or seeing or whatever.
Q You, Kelly, who is your youngest child's mother --
-
A Yes, sir.
Q --- Jordan -- who is Georgia?
A One of Jordan and J.J.'s friends.
Q J.J. and --
A Some other girl that I didn't know.
Q So how long did you stay at J.J.'s Saturday night into Sunday morning before you left?
A A couple of hours.
Q You recall whether or not it was before or after midnight?
A I believe it was after midnight we left.
Q You said we left, who is "we"?
A Me and Kelly.
Q Where did you go?
A She had dropped me off at my mama's house and left.
Q This is your mother's house on [redacted] Street

you are referring to?

A Yes, sir.

Q Do you recall what time you got to your mom's?

A Yes, sir.

Q Did you go inside?

A No, sir.

Q Why not?

A I went to the door and acted like I was going in and then went back to J.J.'s.

Q Why?

A Cause we was going to do the robbery.

Q How far is it from your mother's house to J.J.'s house?

A Not far. Walk down the street, cut through the woods and go up two or three streets and J.J.'s house.

Q Roughly how long did it take you to walk on foot?

A Like 30, 45 minutes? I'm not sure.

Q When you got back to J.J.'s house, do you recall what time it was?

A No, sir.

Q Is it still dark outside or is it light?

A It's still dark.

Q Who was at J.J.'s house when you got back there?

A Nobody.

Q Was J.J. there?

A J.J. was.
Q Was any of these other females still there?
A No, sir.
Q What conversation did you and J.J. have at that point in time?
A We was discussing the robbery.
Q Let's talk about the details. Who's going to do what once you get inside the house?
A He had an inside person that was going to make sure everything was good and where he stashed his stuff at.
Q And who was that?
A I didn't know at that point in time.
Q Had you had any conversation with that person?
A No, sir.
Q So you are just trusting that J.J. is going to set this thing up?
A Yes, sir.
Q How is it that you are comfortable enough that J.J.'s got everything under control?
A I mean, I've known J.J. for a while.
Q He's your boy?
A Yeah.
Q And y'all was running hard?
A We'd done stuff together previously.
Q Now, how did you decide that morning, Sunday

morning it was go time?

A We just figured it was about that -- early morning, he should be asleep.

Q Did you have any contact with anybody inside the house? Did you have any contact with anybody inside of Chris' house that morning?

A No, sir.

Q Did you have a phone?

A No, sir.

Q Did y'all talk about what clothing you were going to wear?

A No, sir. Dark clothes.

Q Did you have a hat on, sunglasses?

A Hoodies.

Q When you say hoodie, what do you mean?

A Pullover jacket with a hood on it.

Q Did you have anything covering your --

A Bandanas.

Q Was that just you or how was J.J. dressed?

A He was similar to me.

Q Did you have a gun this time?

A Yes, sir.

Q And what gun and how many did you have?

A I had a .38 and a .380 that I had given to J.J.

Q You gave J.J. the .380?

A Yes, sir.
Q Did he not have a gun at that time?
A Not that I'm -- he might have. I'm not sure.
Q Let's jump ahead real quick. You give J.J. the .380. What eventually happened to that .380?
A I threw it in the pond.
Q What pond?
A Hudson Forest, Hampton Forest Pond.
Q Whose apartment?
A Ther's Apartment.
Q You throw anything else in the pond?
A A different gun, another .22.
Q Where did that come from?
A It was mine.
Q Why throw the .380 in the pond?
A Cause it was tied to the murders.
Q Why throw the other .22 in the pond?
A It was something to do with -- something that had nothing to do that with, something else.
Q Just trying to get rid of evidence?
A Yes, sir.
Q Trying to destroy it?
A Yes, sir.
Q Cover it up? All right. Backing up. You're at J.J.'s house. You've got this .380. You've got this .38,

correct?

A Yes, sir.

Q And you'd given J.J. a .380?

A Yes, sir.

Q How do y'all get to Chris' house that morning?

A J.J. called the driver and they come and get us.

Q What sort of person showed up to pick you up?

A I didn't see him. I just seen the back of his head.

Q You say him, how do you know it's a him?

A Cause I seen -- I highly doubt a girl would have short hair like that.

Q What sort of vehicle would this person come and pick you up in?

A A dark SUV, four-door.

Q Was there anybody else in the car?

A No, sir.

Q Where were you sitting when you got in the vehicle?

A Behind the driver.

Q Where did J.J. sit?

A Front passenger seat.

Q Do you know whether or not the driver had a gun?

A No, sir.

Q Once you left J.J.'s house, did you go anywhere

before getting to Chris'?

A No, sir.

Q I'm showing you what's marked as State's Exhibit number 1. Can you see this? I'll tell you what, why don't you -- can you step down?

A (Steps down from witness stand.)

Q A driver picks you up, you sit behind him and y'all go over to Chris' house?

A Yes, sir.

Q Did you stop anywhere in between J.J.'s and Chris'?

A No, sir.

Q Where did the person stop and let y'all out?

A At a little road. That little road right here facing that way.

Q So he's towards [redacted] Road. This is [redacted]. Is he coming this way or is he going that way?

A That way.

Q Okay. And what was his role at that point in time, the driver? What is he supposed to do?

A Stay there until we get back.

Q Does this person know what's going on?

A I mean, yeah, I'm sure he does. It's a robbery.

Q Do you have any discussion with him in the car leading up to Chris' house about what was getting ready to

happen?

A No, sir.

Q Did J.J.?

A No, sir.

Q Now, I'm showing you -- hang tight. I'm showing you State's Exhibit number 2. [redacted] Road. You just talked about Walker Springs. Once y'all left that road, was the person that was driving still parked there?

A Yes, sir.

Q Did you get back in that vehicle?

A Yes, sir.

Q Who else got in that vehicle after the murder with you?

A Me, J.J. and Nick.

Q And where was J.J. sitting?

A In the front passenger seat.

Q Where was Nick sitting?

A Besides me.

Q What did y'all do with Nick?

A We left and we dropped him off of Strange Road.

Q And do you know where Strange Road is in relation to Chris' house?

A Yes, sir.

Q Okay. Is it identified or can you identify it on this map?

A Right here.
Q Okay. Does this map show where you dropped Nick off?
A No, sir.
Q Where or approximately where down Strange Road did you drop off Nick?
A When you go down Strange, you come to a little stop sign and you go left. You go down. Go around the curb and there's a trailer park right there on the right.
Q Had you been to that trailer park before?
A Once before.
Q Why?
A To see Nick.
Q Why did you go to that trailer park to see Nick?
A To give him drugs.
Q Do you know what time or the morning or remember what time of the morning you and J.J. and this driver got over to Chris' house?
A No, sir.
Q Was the sun up or down?
A It was up.
Q Why not go over to Chris' when it's still dark?
A Cause he'd still be serving people.
Q What did you see when you got to the front of Chris' house that morning?

A Nothing.
Q Did you see his car?
A Yeah, his car was there, but nothing else.
Q Were there any other vehicles in the driveway?
A No, sir.
Q How did y'all know that was time to go in?
A Guess. It was early morning. He should be asleep.
Q What were you going to do if there are 5, 10, 15 people in the house that morning?
A I hadn't thought of it.
Q So you're just kind of winging it?
A Yes, sir.
Q When you got to the front door that morning, who went in first?
A J.J.
Q Was the door open or closed?
A It was open.
Q Okay. When you say open, was the door physically swung open or was it just unlocked?
A It was unlocked.
Q At this point in time, does J.J. still have the .380 that you had given him earlier?
A Yes, sir.
Q What gun do you have?
A .38.

Q Tell the jury what happened soon as you come through the front door.

A J.J. went to the right. I went straight. Nick was at the little kitchen thingy. I had seen Chris reaching for a gun. I shot him and then turned to the right. J.J. was fighting with Amber. He was hitting her. He hit her with the computer monitor and I shot her.

Q He hit her with what?

A Computer monitor. It was on a desk.

Q How many times do you recall shooting Chris?

A Two or three.

Q How many times do you recall shooting Amber?

A Two or -- like two or three.

Q Did you shoot either of them with any gun other than this .38?

A No, sir.

Q Were you armed with any gun other than this .38?

A No, sir.

Q Was it supposed to have happened like that?

A No, sir.

Q And tell me again why did you do what you did.

A Money.

Q But once you got inside the house, why shoot Chris?

A Cause I thought he was reaching for a gun.

Q Amber's much younger than you, right?
A Yes, sir.
Q Several years. Smaller than you. And J.J., you say, is struggling with her?
A Yes, sir.
Q Why shoot her?
A A witness.
Q Where was Nick when y'all entered?
A Between the kitchen and the den or the living room or whatever you call it.
Q So what's the -- when you come through the front door, what's the first room you entered?
A The den.
Q Where is the kitchen in relation to the den?
A It was like a little threshold and the kitchen's right here.
Q Was there anybody else in the house besides Nick, Chris and Amber?
A No, sir.
Q Did you end up getting any drugs or money that day?
A Yes, sir.
Q From who?
A Nick knew where the little box was.
Q What's in this box? Describe what the box looks

like.

A A box, little lock box. Money, about $3000 in cash and some drugs, weed, Ecstasy pills, stuff like that, and some meth.

Q How as the box locked? How does it lock?

A With a key.

Q Combination? Was the key with the box?

A Yes, sir.

Q And who gave you the box?

A Nick.

Q So the money that you are referring to, the drugs that you are referring to were all found in that box?

A Yes, sir.

Q Seeing how you had just shot and killed Chris and Amber, which was not part of the plan, what do you do next?

A We make -- start to make it look like a meth explosion. I tell Nick to, uh, put the little thing in the oven to make it look like a meth explosion. Took some tiki oil to spread around the place.

Q Who found the tiki oil?

A I did. It was on the table.

Q And what did you do with it when you found it?

A Put it -- sprayed it over the body and then gave it to J.J. and told him to finish putting it around.

Q And which person did you pour it on?

A Amber.
Q Was Amber moved once she was shot?
A Yes, sir. We put a blanket over her.
Q Why?
A We didn't want to look at it.
Q Whose idea was it to put the blanket over her?
A J.J.'s.
Q Was Chris ever moved?
A Yes, sir. We pulled him out from in between the sofa and table.
Q Why?
A Put the oil and stuff on him.
Q Did you cover him with a blanket as well?
A No, sir.
Q How long would you say -- let's go back to the Coleman fuel and the oven. Who started the fire?
A I'm not sure. I left at that point.
Q Well, who did you tell to start the fire?
A J.J.
Q Did you tell him how?
A No, I told him -- I mean, a lighter, I guess.
Q Why didn't you start the fire?
A I didn't have no lighter or nothing.
Q Did you ever go into the bedroom?
A No, sir.

Q The children's bedroom?
A No, sir.
Q The bathroom?
A No, sir, not on that visit.
Q How long, in your estimation, did you spend inside the house that morning?
A Five minutes.
Q When you left, what did you leave with?
A The lock box.
Q You took the whole box?
A Yes, sir.
Q You still had the gun with you?
A Yeah, I had my gun in my pocket.
Q Who was the first person to leave the house that morning?
A Me.
Q Where did you go?
A Ran and jumped in the vehicle.
Q Did you leave from the front door or the back door?
A The front.
Q Who else came and got the vehicle with you that morning?
A J.J. and Nick.
Q And where did Nick sit when he got in the vehicle?

A To the right of me.
Q And J.J.?
A In the front.
Q Did y'all divide the money and drugs up?
A Yes, sir.
Q When?
A On the way to Nick's.
Q So in the period of time the three of y'all get back in this car with this driver and drive to Nick's house, you split up everything?
A Couldn't give -- I gave him his take, Nick's.
Q How did you decide whose take was going to be what?
A Just gave it out. Nick got like a couple, two or three eightballs of meth, about $750 and he said he was going to North Carolina, so we had given him the gun or I gave him my gun to get rid of up in North Carolina.
Q Why give him your gun -- when you just got these other guns that are going to be tossed in the lake, why give Nick your gun to go to North Carolina?
A Cause it was a murder weapon. I mean, it would be best to circulate it up where it couldn't be traced back here.
Q Why not get rid of it yourself and throw it in the pond?

A Cause that could be found.

Q What was the discussion about splitting up the money and drugs before y'all went in that day? What discussion did you and J.J. have about I'm going to get half, you're going to get half, whoever the inside man is is going to get --

A We just figured we'd go with me and J.J. would split most of it.

Q And when were you supposed to hook back up with the inside man and give him his cut?

A J.J. was going to.

Q And what was the inside man's role supposed to be?

A To make sure the door was unlocked and know where the lock box and all the money and stuff was to make sure everything was -- you know, come in, grab the stuff and leave.

Q You said to make sure the door was locked?

A No, unlocked.

Q Where did you go after y'all dropped Nick off?

A Back to J.J.'s.

Q And what happened at J.J.'s that morning?

A I got out and went back to my house.

Q Did you ever go back in J.J.'s house before going to your house?

A Not that morning.

Q Did you see who the person is that's driving you around that morning?
A No, sir.
Q You telling this jury that all you know is that he was male?
A Yes, sir.
Q Who lets you in your house that morning?
A My mother.
Q What is the next thing you did, remember doing that Sunday?
A I went to sleep.
Q What happened when you woke up? You remember approximately what time you woke up?
A I don't remember what time. I know it was later on. I had a couple of phone calls saying Amber and Chris had been killed. I was with J.J. later that day. We went to a friend's house.
Q Where did you get up with J.J.?
A J.J.'s house.
Q Do you recall what time? Was the sun still up or was it dark that night?
A The sun was still up.
Q And who was at J.J.'s house when you got back over there on that Sunday?
A Nobody.

Q What did y'all talk about?
A The murder and stuff. He said that he had somebody for his alibi. He said he was going to get his girlfriend to vouch for him.
Q What were you going to tell police if you were questioned?
A I was asleep. That's why I had Kelly drop me off. I was supposedly fucked up.
Q Did you have any contact with J.J. by way of telephone over the next couple of days?
A Yes, sir.
Q And whose phone is it that you're talking to J.J. on?
A My mother's.
Q Is this the same phone that you referred to earlier, same phone number?
A Yes, sir.
Q Did you have your own phone at that time?
A No, sir.
Q Did you go to Amber Daniel's funeral?
A Yes, sir.
Q Why?
A Cause the detective, the black dude, told me it would look better if I did.
Q So you went just because he told you to go?

A Yeah.
Q You had just shot and killed her days prior.
A It wouldn't make me look guilty.
Q Did you go to Chris' funeral?
A No.
Q Why not?
A I ain't know where it was. No one told me I better be at that one.
Q You saying that Investigator Bailey told you what to do and he told you what to say?
A No, sir.
Q Has any law enforcement officer told you what to say here today?
A No, sir.
Q Have I?
A No, sir.
Q What have I asked you to do?
A Tell me to tell the truth.
Q Have I promised you anything for your testimony today?
A No, sir.
Q What sentence have you received?
A 20 years.
Q If you've got nothing to gain for being here today, why tell this jury what you did?

A To clear my conscious.
Q Why tell them that your best friend, your boy, that you said at one point in time was involved in this thing?
A Like I said, to clear my conscience. I want to move forward.
Q Back inside the house before y'all left, were you aware of anyone else shooting Chris or Amber?
A I heard some gunshots, but I didn't know who shot.
Q Did either Nick or J.J. tell you whether or not they shot Chris or Amber?
A I think Nick did tell me. I'm not sure though.
Q No, my question was did Nick tell you he shot Chris or Amber?
A No, sir.
Q Has J.J. told you that?
A No, sir.
Q You don't know who?
A No, sir.
Q But you know some other shots were fired that morning?
A Yes, sir.
Q Did you ever reload that .38?
A No, sir.
Q Tell the jury why you're carrying a .38 --

A Revolver?
Q Why are you carrying a .38 revolver as opposed to an automatic that could hold more bullets?
A (Indiscernible.)
Q Well, what did you do with the shells that were in the revolver?
A Left them.
Q Left them where?
A In the revolver.
Q Where did the revolver go?
A With Nick.
Q Have you seen that revolver in between the time you gave it to Nick and today?
A No, sir.
Q Do you know a person by the name of Billy Joe Durham?
A No, sir.
Q Do you know a person by the name of Eric Graham?
A His name has been mentioned in this case and he was in the cell with me these last two days.
Q But do you know him personally?
A No, sir.
Q Have you ever met him prior to be locked up with him this week?
A No, sir.

Q Now, you were arrested and interviewed by Investigator Brown?
A Yes, sir.
Q And you gave him a version of events that in some ways contradicted what you told Investigator Bailey, right?
A Yes, sir.
Q Is what you told Investigator Bailey the truth? Your very first statement of what you told Investigator Bailey the truth?
A No, sir.
Q Is what you told Investigator Brown the truth?
A Which time?
Q On your arrest.
A No, sir.
Q Following that, before you pled guilty to this offense, did you meet with myself, your lawyer and Investigator Bailey?
A Yes, sir.
Q Did you tell us what happened?
A Yes, sir.
Q Did you tell us everything that happened?
A I mean, to a point.
Q What do you mean to a point?
A I told y'all what y'all asked.
Q Did you tell -- did you initially tell us that you

had killed Chris?

A Yes, sir.

Q Did you initially tell us that you had killed Amber?

A No, sir.

Q Why not?

A Cause I don't like to think about someone who really was in just the wrong place at the wrong time.

Q You'd agree that a number of the things that you have told law enforcement throughout the course of this investigation were lies?

A Yes, sir.

Q Why did you tell those lies?

A Cause I didn't want to go to prison.

Q Please answer any questions Mr. Ellis may have.

CROSS-EXAMINATION

BY MR. ELLIS:

Q Good morning, Scott. Let me ask this part just briefly. Prior to your arriving here the day before you pled guilty in this case, you had already been convicted, correct?

A Yes, sir.

Q You're driving around with a mobile meth lab in your car.

A Yes, sir.

Q You've already pled guilty in this case, as well, to two counts of voluntary manslaughter and two counts of possession of a weapon during the commission of a violent crime, correct?

A Yes, sir.

Q And in that case, you were originally charged with murder; is that right?

A Yes, sir.

Q So that charge for murder got reduced to manslaughter for you?

A Yes, sir.

Q Was there a recommendation from the State as well, as part of that plea for sentencing?

A No, sir. Not that I'm aware of.

Q There's not? You recognize those documents?

A You mean recommendation of my time?

Q Yes.

A Oh, yes, sir.

Q What was that recommendation?

A 20 years for each count and five for each count of the gun.

Q Concurrent sentencing?

A Yes, sir.

Q Meaning they all run together, they don't stack on top of each other?

A Yes, sir.
Q Do you know what the sentencing range is for manslaughter, the possible sentencing range?
A I believe it's 0 to 30.
Q Close to the 30. Do you agree that you were originally charged with two counts of murder in this case but got it reduced to manslaughter?
A Yes, sir.
Q And that manslaughter would carry up to 30 years, but you've got a recommendation from the state of 20.
A Yes, sir.
Q It's a pretty good deal.
A I had a good lawyer.
Q Let's go back and talk about some of your first interviews. You gave several statements to law enforcement over the course of this investigation; is that right?
A Yes, sir.
Q Do you recall giving your first interview on April 7th, 2011?
A I mean, I remember it but I can't recall it word-for-word.
Q You recall meeting with investigators, and this only a few days after the murders, right?
A Yes, sir.
Q These are the murders you took part in, that you

testified today you shot and killed two people?

A Yes, sir.

Q At that point, you remember testifying -- well, not testifying, giving a statement really that you had been at Chris' house about Wednesday or so before the murders, just a few days before the murders, with J.J., Chris and Amber?

A Yes, sir.

Q J.J. left around 9:00. You stay with Amber and Chris for several more hours?

A Uh-huh.

Q Until 2:00 or 3:00 in the morning, right?

A Yes, sir.

Q You left and Amber stayed. You'd been staying there with Amber. J.J. left her, right?

A (Indiscernible.)

Q You stayed with Amber and J.J. left, right?

A Yeah.

Q You left there and you went over to an apartment; is that right?

A Uh-huh.

Q Would those be the apartments near the pond that you talked about throwing guns and things into later?

A Yes, sir.

Q You stayed. When you went to Ther's apartment, you

went there to talk business. Does that sound right?

A No, I can't recall exactly why. I know I got ran off because me and this dude got into it and he was coming back to jump on me.

Q From there, I think you said that around Saturday night or Sunday morning, you hung out with Kelly, the mother of one of your children, right?

A Yes, sir.

Q Went back to your mom's house and went to sleep to about 4:00 or 5:00 in the afternoon on Sunday?

A Yes, sir.

Q Sunday, being the day of the killings?

A Yes, sir.

Q And you told law enforcement you had nothing to do with the deaths?

A Yes, sir.

Q Cody and Ryan probably did it?

A Yes, sir.

Q You agree with all those things?

A Yes, sir.

Q This is just a few days after you killed two people. You said that, all that?

A Yes, sir.

Q You were willing to say whatever it took not to get arrested, weren't you?

A Yes, sir.
Q You lie?
A Yes, sir.
Q You were contacted again and interviewed by law enforcement February 1st, 2010.
A Yes, sir.
Q That was the date you got arrested, wasn't it?
A Yes, sir.
Q On that date, you gave a fairly lengthy statement to law enforcement; is that not correct?
A I spoke with him. I never gave a statement.
Q I'm sorry. You spoke with him for a fairly long time; is that right?
A Yes, sir. They was accusing me of doing it.
Q Which you did?
A I did, but I wasn't going to tell them that.
Q Right. Would you believe me if I told you that during that long discussion with law enforcement and they had arrested you for murder, you denied having anything to do with the murders on 18 different occasions?
A Yes, sir.
Q That sounds about right?
A Yes, sir.
Q Do you recall telling law enforcement in one way, shape or form that you could never hurt of kill anyone, that

you have so much compassion, feeling for people and animals, you couldn't hurt them, you couldn't kill them?

A Yes, sir.

Q You remember saying that a bunch of times?

A Yes, sir.

Q You said something along those lines about 11 different times?

A Yes, sir.

Q Do you recall saying that you don't even know who Nick is?

A Yes, sir.

Q You said that at least a couple of times also; didn't you?

A Yes, sir.

Q Didn't even know him. The reason being you didn't know Nick that day may be because Nick was starting to get in trouble and would tell on you?

A What do you mean?

Q Well, Nick was starting to give statements to law enforcement about what you'd done around that time. Is that why you didn't know him?

A Yes, sir.

Q Today, you said you knew Nick for two or three months before the murders, right?

A (No audible response.)

Q Just speak up. She can't take down a head nod.
A Yes, sir.
Q You remember praying to God during that interview?
A Yes, sir.
Q You were swearing oaths to God on your soul that you had not done this murder, you were not part of this?
A Yes, sir. I can't remember.
Q Sir?
A I can't remember exactly every word that was said. That was a long time ago.
Q I understand you don't remember every word. I agree it was a couple of years ago. But I'm just saying do you remember that you were praying to God for help for these law enforcement officers to see the error of their ways and not charge you with murder. You remember that?
A Yes, sir.
Q Asking God to make sure that they knew you didn't do it.
A Yes, sir.
Q Professing your faith; isn't that right?
A Yes, sir.
Q Knowing the whole time that you killed them?
A Yes, sir.
Q Remember another time swearing your innocence on your mother's life?

A Yes, sir.
Q Is your mother still alive today?
A Yes, sir.
Q That's lucky, I guess, given your lies. You remember telling law enforcement that day Chris and Amber didn't deserve to die?
A Yes, sir.
Q You wanted whoever killed them dead?
A Yes, sir.
Q You're still here.
A Yep.
Q You were willing to say just about anything; aren't you?
A Yes, sir, to a certain degree.
Q You are willing to stake your claims on your mother's life, your soul, your so-called faith. You wished your own death apparently, since you are the murderer. You are willing to say anything; aren't you?
A To keep from going to prison, yeah.
Q Something changed between February 2013 when you gave that statement and March 2014 when you gave another statement to law enforcement; didn't it?
A Yes, sir.
Q Around that time, had Nick been arrested?
A He was arrested prior to me, if I'm not mistaken.

Q He had given statements to law enforcement?
A Yes, sir.
Q About you?
A Yes, sir.
Q Saying you had been the murderer?
A Yes, sir.
Q Had J.J. spoken to law enforcement?
A I guess. I wasn't aware of that.
Q Well, around March of 2014 or so, you were about to go to trial; were you not?
A Yes, sir.
Q I mean, you were actually --
A Three days from it.
Q Three days from it. You just mentioned a minute ago, you have a very good lawyer; don't you?
A Yes, sir.
Q His name is Frank Eppes. He's sitting right over there?
A Yes, sir.
Q You mean to tell me that Mr. Eppes, in representing you, did not let you know the evidence in your case that might be presented against you in your murder trial?
A He didn't want me to know --
Q He didn't want to let you know who was going to

rat you out, who was going to --

A I knew Nick was going to testify. I knew they were going to put J.J. up there for something. I wasn't 100 percent aware of what he was going to say.

Q That's cause J.J. wasn't there, isn't it?

A Huh?

Q You didn't know what J.J. was going to say because he wasn't even there that night with you when these murders happened; isn't that right?

A No, sir.

Q Nick was telling on you and telling everything you knew, at least to a degree?

A I suppose.

Q You didn't know?

A I knew he was telling on me.

Q You know J.J. had already told law enforcement that you had told him you had done it, you confessed to him?

A No, sir.

Q So you're four days from trial and, suddenly, the State contacts you and wants to make an offer in your case, right?

A The State never contacted me.

Q You contacted them?

A I spoke with my lawyer. I told him what happened. He told me I should tell them the truth.

Q Did you tell them the truth that day?
A Part of it.
Q In other words, no, you didn't? Is that right?
A Part of it.
Q There's not really a part of the truth. It's either the truth or it's not the truth.
A That's not necessarily true. You can say some of the truth and not all of the truth.
Q So you gave your version of the truth to law enforcement, to Mr. Marchant, Investigator Bailey three days or so before your trial was supposed to start for murder?
A Yes, sir.
Q You knew that if you did that, you were going to get cut a deal?
A I knew I was going to get 20 years or so.
Q You know what you were looking at for murder?
A What do you mean?
Q What you could go to jail for for murder if you got convicted. You know what it was?
A Life.
Q Life without parole, right?
A Uh-huh.
Q You knew that if you gave your version of the truth to law enforcement, you were just looking at 20 on a reduced charge; isn't that right?

A Not at the time. No deal was discussed until after I told him my part in it.

Q You didn't do it out the goodness of your heart. You talked to law enforcement that day?

A I listened to my lawyer.

Q It's normally a pretty good idea, but you're trying to tell me that you didn't know that you already had a deal was coming forth for you for your so-called cooperation?

A They offered 20 years after I first gotten arrested. I didn't know -- when they came, they tried to take it back from me. They didn't want to give it to me.

Q But they did.

A Yeah.

Q After you gave them what they wanted.

A After I told the truth.

Q After you named the people they wanted you to name. Do you not recall the very opening of that interview that Mr. Marchant laid the ground rules. You don't remember that?

A No, sir.

Q He named two names and the second sentence he said, he said have you got information on Nick and J.J.. He went on from there to say Jim, Bob and other people, but he named two people right there, right at the start. I'm sure

it wasn't his intention necessarily, but let you know who you should talk about; isn't that right?

A No, sir. I was there to tell the truth.

Q You knew other people were arrested in some connection with this crime when you talked; didn't you?

A I knew like two or three people had been arrested.

Q But they were still in the jail at that point?

A Yes, sir.

Q Nick and J.J., right?

A And that other dude that they dismissed the charges.

Q Right. He wasn't arrested anymore. He was done, right?

A Yes, sir.

Q No need to name him. Two other people are looking at charges in some connection with this. That kind of let you know who you need to name, the names they wanted; doesn't it?

A No, sir.

Q No?

A I was there to tell the truth, like my lawyer and everyone else had told me.

Q But you didn't.

A I did.

Q You told your version of the truth, you said.

A I told the truth, but I didn't want to tell them all the truth at this point. I didn't want to admit to killing Amber.

Q No, you didn't. You tried to put pretty much everything off, as much as you could, on everybody else. Anybody else you thought law enforcement wanted; didn't you?

A No.

Q No? There are some things that I just struggled thinking that your truth, that you don't know, for instance, it was your statement that day and your statement, I believe to Investigator Brown some months later, and your testimony today from the stand and your version of today's truth, that you have no idea who drove you to the scene to do this murder and robbery?

A Ask your client. He can tell you.

Q I'm asking you.

A I don't know.

Q So you are telling me you were going to do an armed robbery and whatever came with that and that a person came to pick you up, drive you to the scene, stay there with you, you hope they're going to be there when you come back out, not just get scared and leave you, drive you to Nick's house, drive you back over to J.J.'s, you say, and you have no idea who that person is?

A Nope.

Q You put a lot of trust in somebody you don't know.
A I trusted J.J.
Q How long were you in the car with this mystery driver?
A Long enough to drive there and drive back.
Q A few minutes, at least.
A A few minutes.
Q Did you wait outside before you went in to do the robbery?
A No.
Q Got there, jumped out of the car and went right in.
A We looked at it for a minute outside of the vehicle.
Q Came back, got in the car, drove to Nick's, drove around some more. All with this mystery person, you don't know?
A Uh-huh.
Q You said earlier the only way you even knew this person was a male was because you didn't think a female would have short hair like that.
A Just seen the back of the head.
Q You never seen a female with short hear?
A No, not with a buzz cut like that.
Q All this time, you never once heard the person

speak at all?

A Probably did. I can't recall.

Q You can't recall that now. You couldn't tell if it was a male voice or a female voice?

A I said it was a male.

Q You said it was a male. That doesn't mean anything right now. I want to know if you know who this person is.

A No, if I knew, I'd tell you.

Q So you put your life, your freedom, in an armed robbery in the hands of a driver who didn't even speak to you. You didn't speak to them. You didn't know a thing about him. Is that what you're saying?

A Uh-huh.

Q You want this jury to believe you just trusted a random stranger to still be there after a bunch of gunshots go off in a robbery. You were just hoping they were going to be there and you never knew him?

A At that point in my life, I really didn't give a damn.

Q Is that just at that point in your life or now too?

A No, now I do.

Q Okay. Now you do.

A I was on a lot of drugs back then.

Q What was the type and color of the SUV?

A Dark-colored, four-door.
Q That's all you've got?
A Uh-huh.
Q Robbery took place in the daytime; didn't it?
A Uh-huh.
Q When y'all got out of the vehicle, it was light out, right?
A Uh-huh.
Q When you came back to the vehicle, it was light out, right?
A Uh-huh. I ain't real good with vehicles.
Q I'm sorry?
A I ain't real good with vehicles.
Q You good with colors?
A Yeah.
Q Dark versus light. You don't know what color, black, red, navy, dark gray.
A Black or darker gray or something.
Q Why is that just now being said now?
A Like I said, it was a darker color. I ain't exactly sure. There's different tints to colors.
Q There are different tints to colors, but you understand that you are wearing red right now, right?
A A shade of it.
Q I'm wearing gray, right?

A Uh-huh.

Q You recognize those colors. You can't tell the colors on a vehicle?

A It was darker.

Q That's the best you've got?

A Uh-huh.

THE COURT: Answer yes or no when you respond with a yes or no.

BY MR. ELLIS:

Q I'm going to touch on a few different kind of topics that you've gone through between your confession of sorts and then your statement to Investigator Brown some months later and then today, okay? Is it not true that when you first spoke to law enforcement about this, not when you first spoke, but on March 4th, 2014 when you spoke to law enforcement, that you did not want to admit really, having any leadership in this at all. You didn't say you didn't initially have anything to do with it. You were just kind of along for the ride?

A Yes.

Q What you said?

A Yes, sir.

Q They asked you what happened. You're trying to dodge a trial, hoping you get a deal, get your 20 years. And at that point when the interview starts, you just said to

start off with, J.J. had a way to make some money. He had an inside man at Chris' to help pull a lick, right?

A I guess, I can't recall exactly what I said back then.

Q You can't recall?

A Not exactly.

Q What does pull a lick mean?

A To rob somebody.

Q And did you also tell law enforcement right off the bat that you had someone -- I'm sorry, that J.J. had someone who's going to pick you up from a dark SUV?

A Uh-huh.

Q J.J. had the door unlocked already somehow.

A I didn't say J.J.

Q But he had somebody who was going to do it?

A Uh-huh.

THE COURT: Answer yes or no please.

THE WITNESS: Yes.

BY MR. ELLIS:

Q Did you not tell law enforcement that you had not talked to Nick at all in advance?

A Yes.

Q That's true?

A Yes.

Q Then later in that same interview, a short time

later actually, is it not also true that you admitted you set up the whole thing?

A No.

Q Not true?

A No, sir.

Q Didn't say you set it up?

A No.

Q J.J. got the ride, you said, but you set it up?

A No.

Q Okay.

A We both had been discussing it.

Q Didn't you say, during that interview that J.J. thought it would be best to get rid of the evidence and that's why you poured some oil on the bodies?

A No.

Q So you didn't say that? Did you agree or admit that you were the one that dragged Chris off the couch to set the fire?

A I can't recall. Did I?

Q We have got the video here. We can watch it. Will that help you?

A It might.

Q We might need to cue that up.

THE COURT: Ladies and Gentlemen, we are going to have to make arrangements to be able to view the

video or at least some portions of it. That's going to take a little bit. It is close to lunch time anyway. We are going to break for lunch. We will resume this afternoon at 2:30.

Keep in mind no discussions about the case, no research, no investigations, no exposure to any type of media coverage relating to the trial. Do have a good lunch. Please report to your jury room at 2:30, 2:30 this afternoon. Again, leave your notepads with the bailiff. She will put them in a container and return them to you after lunch.

(WHEREUPON, the jury exits the courtroom.)

THE COURT: Mr. Lowe, you can step down and return to custody. You can't discuss your testimony during the break.

(WHEREUPON, Mr. Lowe is escorted out of the courtroom.)

THE COURT: All right. Y'all be sure to get that fixed so that you can show it beginning at 2:30.

MR. ELLIS: Yes, sir.

THE COURT: Court is in recess until 2:30.

(WHEREUPON, a lunch recess is taken.)

THE COURT: Any matters we need to address before the jury is bought in?

MR. MARCHANT: Not with respect to Mr. Lowe. The Court inquired of our office to get a list of jurors

and their potential histories. Mr. Ellis has reviewed it. The clerk's office has confirmed that the numbers associated with the jurors is correct. None of those jurors have any record.

THE COURT: All right. All right. We ready for the jury?

MR. MARCHANT: We are. Since this is a little different than a statement, I'm not sure how the court wants to proceed about having Mr. Ellis authenticate it, publish it to the jury. He is attempting to refresh Mr. Lowe's memory. But this being a video recorded statement is different than a written statement which we would normally only have Mr. Lowe review and the jury would not see that statement. So, I guess I am inquiring if Mr. Ellis intends to introduce it as an exhibit and publish the relevant portions of that to the jury. Otherwise, I'm not sure how Mr. Lowe is going to have it refresh his memory without the jury seeing it.

THE COURT: All right. This is an interview of Mr. Lowe by who?

MR. ELLIS: By the solicitor and also by Investigator Bailey.

THE COURT: How many questions do you have that you need to ask him about something he said on this

video?

MR. ELLIS: I don't know yet.

THE COURT: All right. Let's go ahead and do it and see. Maybe his memory will be refreshed and we won't need to show it at all.

MR. ELLIS: Yes, sir.

BY MR. ELLIS:

Q Mr. Lowe, you stated earlier that -- I was asking you questions about the topic of who set up the incident, the crime, and ran through a list of times that you stated that J.J., in some way, had set things up, that he had a way to make money with an inside man inside. He had someone pick you up in an SUV. He already had had somebody unlock the door from inside and that J.J. set it up basically, correct?

A Yes.

Q Then, I asked you did you later state that you, in fact, set it up. Do you recall that?

A No.

Q You don't recall that?

A I remember discussing it with J.J. over at his house, but I don't remember saying I ever set it up.

Q Okay. Do you recall telling the investigators that J.J. said it would be best to get rid of the evidence and so you poured oil on the bodies?

A No.

Q You recall telling investigators that you dragged Chris off the couch to make the scene look different and set the fire?

A Yes.

Q You recall saying that you poured the oil on Amber?

A Yes.

Q Stating that you were the ringleader?

A Yes.

Q It was your idea to start the fire?

A Yes.

MR. ELLIS: I have a few different topics. That would probably really conclude that one topic. I have got a couple of more.

THE COURT: Let's go to one or two that he didn't remember, not those he said he didn't say.

MR. ELLIS: Right.

THE COURT: You want to refresh him?

MR. ELLIS: Yes, sir. I will be happy to do that.

BY MR. ELLIS:

Q So Mr. Lowe, you stated that you do not recall stating that you said it up, correct?

A Yes.

Q I'm going to play back for you -- do you recognize the setting I have got here on the screen?

A Yes, sir.

Q Is that you in your orange jumpsuit on that picture?

A Yes, sir.

Q Who else do you see in that screen?

A The prosecutor, black dude, police officer.

Q Investigator Bailey, does that sound right?

A Yeah. I think my lawyer is in the corner there.

Q Right. Do you recall there it says March 4th, 2014 there in the caption? Do you see that on the bottom left?

A Yeah.

Q Does that sound right as far as the interview that they were doing with you and those people where they are around that time talking to you?

A Yes, sir. It sounds right.

Q Okay. This is a recording that the law enforcement did on the interview with you, okay? I'm not going to play the whole thing. I'm going to play -- you heard the part where you discussed where you said you do not recall saying you said it up, all right?

A Uh-huh.

(**WHEREUPON**, a portion of the video is played.)

BY MR. ELLIS:

Q Did you hear it?

A Yes, sir.

Q Do you recall now that you said twice that you had set it up?

A Obviously.

Q Okay. I am trying to find another clip. Give me one second. (Pause.)

Okay. I believe you also stated that you do not recall ever saying -- telling law enforcement that J.J. thought it would be best to get rid of the evidence and y'all poured oil on the bodies. You don't remember that?

A No, sir.

Q Okay.

(WHEREUPON, a portion of the video is played.)

BY MR. ELLIS:

Q Do you recall that statement now?

A Obviously.

Q Okay. You also recall statements made following that reiterated -- trying to avoid finding more things to play. But in a similar vein that you drug Chris off the couch to make the scene look different and set the fire, correct?

A Uh-huh.

Q And you poured the oil on Amber? You recall saying

you poured the oil on Amber?

A The what?

Q Do you recall saying you poured the oil on Amber?

A Yes.

Q Do you recall saying that you were the ringleader?

A Yes.

Q Do you recall saying that you gave your gun to Nick for disposal?

A Yes.

Q The second time, you poured the oil and it was your idea to start the fire?

A Yes.

MR. ELLIS: Judge, on this particular topic, that would be the timestamps I was going to check.

THE COURT: Let's just turn the picture off and just leave it there.

MR. ELLIS: Yes, sir.

THE COURT: You can use it to play if you need to and we can send the jury out.

MR. ELLIS: Yes, sir.

THE COURT: Okay. Bring the jury in place. Mr. Lowe, how about pulling that microphone down a little bit.

(WHEREUPON, the jury enters the courtroom.)

THE COURT: Good afternoon, Ladies and

Gentlemen. We are going to continue with the cross examination of the witness by Mr. Ellis.

Mr. Ellis?

MR. ELLIS: Thank you, Your Honor. Please the court.

BY MR. ELLIS:

Q Mr. Lowe, before we broke for lunch, we were having a discussion about various comments you had made to law enforcement in an interview back around March 4th, 2014. Mr. Marchant, Investigator Bailey and your attorney were present. Do you recall that?

A Yes, sir.

Q We were discussing the various statements you made throughout the interview about who basically was setting things up, who was the ringleader basically. You recall that?

A Yes, sir.

Q All right. We already covered, just to refresh your memory and everyone else's, beginning the interview, you met for the interview in March 2014; is it correct? That you began your interview and your recounting of what happened, your truth that day about stating that J.J. told you he had a way to make some money, that he had an inside man at Chris' and that he was going to have someone pick you guys up in an SUV and that he already had someone inside

that could unlock the door?

A Yes, sir.

Q That's what you first told law enforcement?

A Yes, sir.

Q Correct?

A Yes, sir.

Q As the interview with law enforcement that day progressed, your story changed; didn't it?

A Yes, sir.

Q To the point that after a while, is it not correct, that you admit you set up a robbery?

A Yes, sir.

Q In fact, you said that a couple of times; didn't you?

A Yes, sir.

Q Also, at one point, you said that J.J. had an idea to get rid of the evidence. So, after that, y'all poured oil on the bodies; is that correct?

A Yes, sir.

Q Later in that same interview, you made several other statements that were a little bit different; is that right?

A Yes, sir.

Q Is it true that you also told law enforcement in the interview that you, Scott, dragged Chris off the couch

following the shooting to make the scene look different?

A Yes, sir.

Q Did you also tell law enforcement that you dragged Chris off to put him on the floor so you could help set the fire?

A Yes, sir.

Q Did you also admit to law enforcement that you were the one -- you're the person who poured oil on Amber?

A No, sir.

Q No?

A Yes, sir.

Q Sure.

A I agree.

Q Did you also tell law enforcement at that time again after already telling all the other stories about J.J. being the head man and making the decisions, you then tell law enforcement after some time had elapsed and you were changing your story to these things that no, actually, you admit it you were the ringleader, you were in charge; didn't you?

A Yes, sir.

Q You admitted that you gave your gun to Nick so that he could dispose of it for you?

A Yes, sir.

Q You admitted that you poured the oil and it was

your idea to start the fire; is that not right?

A Yes, sir.

Q Now, you gave another statement in July, July 17th, 2014, just about one year ago today to Investigator Brown. Do you remember that?

A Yes, sir.

Q At that time, do you recall reverting back on your story again a little bit and started to say, well, Nick was the inside man; I don't remember how he got brought in?

A No, sir.

Q Do you recall trying to say that J.J. made the arrangement with Nick at that point?

A Yes, sir.

Q Today, earlier, from the stand, do you recall once again saying J.J. had an inside man. You did not talk to him and set it up?

A Yes, sir.

Q The interview to law enforcement that we were talking about earlier, you said then that you set it up, correct?

A Yes, sir.

Q Your version of the truth today is a little different, today's version; is that not right?

A No, sir. Just that one incident, the beginning of the interview.

Q You just admitted a moment ago that you told law enforcement you were the ringleader, set it up, ran the show.

A I was the ringleader, but J.J. was the one that had the inside man.

Q You said earlier to law enforcement that you set it up. You just admitted that a second ago. You can't have it both ways, sir.

A I did set it up. He was the one that had the inside person.

Q You don't think that's setting it up?

A Partially.

Q Just partially? Okay. Let's change topics. We have covered that one, I think. You already admitted earlier when Solicitor Marchant was questioning you that you really didn't want to have to admit that you really done much of anything to Amber; isn't that right?

A Yes, sir.

Q In fact, you gave a number of different statements trying to avoid any culpability as much as you could when it came to Amber; isn't that right?

A Yes, sir.

Q Going back to the interview on March 4th of last year, Assistant Solicitor Marchant and Investigator Bailey, first -- one of the first statements you made regarding

Amber in the incident was, correct me if I am wrong, I am not going to lie, I tried to block out what happened?

A Yes, sir.

Q Does that sound right? That was a lie though; wasn't it?

A Partially, I did try to block it out.

Q Just partially?

A Uh-huh. You don't try to remember things like that.

Q When you do those things to people, it's easier to blame somebody else. Did you also say that you don't know what happened to Amber; you shot Chris; dropped the gun; walked out?

A Yes, sir.

Q Didn't touch Amber. Don't even know what happened to her, correct?

A Yes, sir.

Q A little bit later, same interview, did you tell law enforcement you were not aware Amber had been there at all until J.J. told you?

A Yes, sir. That was my first statement, I believe to the black dude.

Q In March of last year? Investigator Bailey?

A Yeah.

Q You recall saying later on that you entered the

house, shot Chris. At which point, Amber screamed. You turned and you shot her. You remember that?

A Yes, sir.

Q Do you recall claiming that you never physically hit her?

A Yes, sir.

Q A short time later, you tried to state that J.J. hit her; is that right?

A Yes, sir.

Q Earlier, you didn't know she had been hit, right?

A No, sir. I knew it. I just didn't want to claim it.

Q A little bit more time goes by and then you told law enforcement that you physically hit no one with your hands, right?

A Yes, sir.

Q Just a short time after that, in that same interview, is it not true that you admitted that you hit Amber in the back -- with the back of the gun two or three times?

A Yes, sir. That ain't with my hand either.

Q I'm sorry?

A That ain't with my hand either.

Q Well, we are talking semantics now, aren't we? I mean, you're holding the gun in your hand and you still hit

her with it, right?

A Yeah.

Q I mean, the gun did not fly out of your hand and just decide to start hitting her in the head by itself?

A Huh-uh.

Q So then, I believe your version of the truth evolved into you went in, Amber jumped up and ran at y'all. According to you, J.J. had to deal with her. But then you started hitting her with the gun in the head, correct?

A Yeah. Yes, sir.

Q Then, it changed to you hit her a couple of times with the back of the gun, she dropped down and you shot her one more time. Remember that?

A Yes, sir.

Q The story changed again, same interview, that you go in. Amber jumps up. J.J. starts to argue with her. Then you hit her three or four times, start wrestling with her, she drops and then you shoot her. You remember that?

A No, sir.

Q You don't recall that at all?

A Huh-uh.

Q Are you denying it happened or you just don't remember saying it now?

A I don't remember saying it.

Q Are you denying that you said it or are you just

saying you're not sure?

A I'm saying I don't recall saying it.

Q So you are denying it?

A Yeah.

Q Then from that, later on, any back to July of last year, you were talking to Investigator Brown again in the interview we mentioned earlier, a few moments ago, right? And at that point, is it correct that you told Investigator Brown that you went in and shot Chris; J.J. and Amber fight; you then hit Amber in the head with a pistol a few times; J.J. hits her with a computer monitor; and then you shoot her an unknown number of times?

A Yes. Yes, sir.

Q You recall that?

A Yes, sir.

Q All right. Somewhat similar but slightly different part of all of your stories, do you remember saying, again going back to the interview of March of last year, that right at the beginning of the interview with law enforcement you stated that you went in and you don't recall what caused it, but you shot Chris, put the gun down and left? Dropped the gun and left?

A That was in my very first story in the very beginning.

Q There are a lot of stories. It's hard to keep up

with, isn't it?

A No.

Q And then, a little later in the interview, did you not say after shooting Chris, dropped the gun and walked out and you heard gunshots?

A Yes.

Q Didn't know where any of that come from, couldn't say anything about it? A little bit later, is it not true that you told law enforcement you think Nick shot him?

A Yes, sir.

Q Then you changed your story about Chris a little bit, didn't you? You said I think Chris went to grab something then I shot him.

A And that's always been my story.

Q Well, no. The first part of it was you don't know what caused it, you just shot Chris.

A No, he was always reaching for something.

Q That was at the part that you were just trying to black out and not remember things? You don't remember all of that?

A No.

Q You blacked out then too? So after that, you recall that your story became slightly different. You shot Chris, freaked out, grabbed the money, left and heard some other gunshots?

A No. I don't remember that.

Q You recall Investigator Bailey said you had a selective memory when he interviewed you?

A Probably. Yeah, I think so.

Q What gun did you have?

A 38.

Q 38? Okay. Your story changed again a little bit sort of what you said before. Chris just made a move. Didn't describe what the move was. You shot him once in the head. You remember that?

A No.

Q You remember saying you only shot Chris, you don't know who shot Amber but you know that you did not shoot Amber because if you did shoot her, you would tell?

A No.

Q You recall saying that after you shot Chris, you dropped the gun on the floor and didn't pick it up?

A Yeah.

Q Didn't know what happened to it, right?

A Yeah.

Q A little later on, you kind of got called out by people in the interview, did you not? At that point, you said well, I might have shot Amber, I'm not sure. Does that sound right?

A Yeah.

Q How do you maybe shoot somebody?
A (Indiscernible.)
Q What was that?
A I don't know.
Q You either shoot somebody or you don't, right?
A Uh-huh.
Q You might have shot her, that's what your story was. That was your truth for a minute, right?
A Yes.
Q Then your story evolved into that you shot Amber in the chest, turned and shot her. Don't remember anything about a computer monitor whatsoever, right?
A No.
Q Am I correct?
A Huh?
Q Am I correct?
A No.
Q Selective memory again. All right. Then your story changed again to you arrive, Chris jumps up, reaches for something. So you shoot him. Amber screams. You turn and shoot her too. Then, you hear another gun two or three times. Is that right?
A Yes.
Q And then you said you didn't shoot anybody more than once, right?

A No.
Q Not true?
A No.
Q All right. The next statement, you go in, shoot Chris. Amber screams. You shoot her. You hear the other gun. You don't ever physically hit Amber. Do you remember saying that?
A Yes.
Q Never hit her, right? Did it not become a little bit more action? You go in. Amber jumps up and runs. The fight starts with her, not Chris. You hit her with the gun a couple of times, shoot her once. At which point, Chris then sits up, reaches and then you shoot him?
A No.
Q No?
A No.
Q How about this other version of your truth that day. You go in. Amber jumps up. J.J. argues with her. You hit Amber three or four times. You wrestle with her. She gets shot two or three times. Then Chris wakes up and reaches and you shoot him.
A No.
Q No?
A No.
Q How many times did you shoot Amber?

A Two or three.

Q Here is why I ask that. I've got four comments in a row from you about that. One was that you shot her twice. One, you shot her two or three times. One was you shot her two times in the chest and three times in the head. The other is you shot her twice. Do you have any idea of which one of those might be right from your version of events?

A Two or three. I have always said two or three.

Q Okay. Later on, you did say you shot Amber a few times.

A Two or three. Same thing.

Q Two or three. It's all the sa -- once you're past one, it doesn't really matter, does it? It doesn't make a difference. Is not that important to you?

A A few is two or three.

Q It is. I will give you that. How many times did you shoot Chris?

A Two or three.

Q We agree on one. All right. Now, going back to when you talk to Investigator Brown in July of last year. A few months gone by. Once again, your story changes a little bit, doesn't it? You said you came in, Chris reaches for something and you said you shoot him first. Then Amber fights with J.J. So you hit her with a pistol a few times. J.J. hits her with a computer monitor. You shoot her some

unknown number of times after she fell. Then somebody else shot her too. Does that sound right?

A I always said I shot her two or three.

MR. MARCHANT: Your Honor, I don't have any particular objection to what he is doing. But as it relates to the question that he is asking Mr. Lowe, he is asking him compounding questions and not giving him an opportunity to respond individually to the questions.

THE COURT: All right. Break them up clearly.

MR. ELLIS: Yes, sir.

BY MR. ELLIS:

Q I'll break it down and find out what it is you disagree. We are again talking about the July statement, okay, Investigator Brown. Do you agree that you go when, Chris reaches for something and you shoot him?

A Yes.

Q Do you agree that Amber is fighting with J.J., so you hit her with a pistol a few times?

A Yes.

Q J.J. through the computer monitor?

A Yes.

Q You shoot her an unknown number of times after she fell?

A Two or three times.

Q Okay. So it is not unknown. In fact, you do know it was two or three times?
A Uh-huh.
Q You don't think Investigator Brown might want to know that?
A Probably.
Q Your version of the truth, he didn't need to know it that much, right?
A No.
Q Then somebody else shot Amber too, right?
A Yes.
Q So you agree with most of what you told Investigator Brown sort of, right?
A Yes.
Q Okay. Do you recall telling Investigator Brown two or three days after the incident that you burned your clothes?
A No. Oh, yes. You talking about at which interview?
Q I'm sorry, the July interview.
A Yes. Yes, I did burn my clothes. Yes.
Q Okay. And do you recall at one point telling law enforcement that you through the threw clothes into the lake over at Ther's apartment or near there?
A That was a different time.

Q Different interview, but you recall saying that?
A No, that was when I was doing something with meth. It had nothing to do with that.
Q You readily burn clothes and get rid of them somehow?
A No.
Q Okay. You said you weren't upset with Chris that he wouldn't back you, your enterprise, your entrepreneurial activity?
A Whatever.
Q Whatever? You had no job at the time and no money, correct?
A Uh-huh.
Q Are you agreeing with me or are you saying no, you had no job?
A I had no job.
Q Okay. And so you needed a way to make some kind of money. You wanted to do it this way?
A It was the easiest.
Q Sure. Chris told you he would help you. You get ready to roll and then he backs out on you, right?
A Uh-huh.
Q Not upsetting to you?
A I've got other ways.
Q Like robbing Chris and killing everybody?

A No, no one was ever supposed to die.
Q They did.
A They did.
Q You did it.
A Yeah, with your client.
Q Well, that is one of your versions of the truth too. I believe you stated you never tried to get Amber to leave once she goes over to Chris; isn't that right? Didn't you testify to that earlier today?
A Yes.
Q Going back to some questions we asked earlier somewhat, you agree that you, my client, J.J. and Amber all went over to Chris's house a few days before the murder, right?
A Yes.
Q J.J. left around 9:00, right?
A I'm not sure of the time. It was later that night.
Q Later that night, meaning, before midnight or after midnight?
A Probably before.
Q Earlier, you agree with me that you left around 9:00. Now, you are not so sure?
A I mean, if that's what I said around 9:00, yeah. Like I said, I can't recall random days like that. I just

know it was probably before midnight.

Q Well, anyway, J.J. left, right? And you and Amber were still there with Chris, correct?

A Yeah.

Q Okay. For several hours and then you were getting ready to leave too, right?

A No, I got into it with some of those over there.

Q All right. You were getting ready to leave after that?

A I had to leave because they were coming back to jump on me. I went to my buddy's house.

Q Fair enough. Is it not correct that you asked Amber to go with you?

A I asked. She said no. So I left.

Q I thought you said you didn't try to get her to leave with you.

A I asked her and she stayed. Whatever.

Q In fact, you did try to get her to leave with you because you asked her do you want to come with me?

A I asked if she wanted to come or stay. She said stay.

Q So you thought this whole thing through pretty well. Solicitor asked you some questions about why do it on the day and the time that you did. You had a pretty well thought out answer, I thought, for that. Is it not correct

you stated well, you know, he's a drug dealer running his business. He's been having people come in and out a lot because it's the weekend and he got a lot of money. Now, he's probably tired, probably going to sleep or sleepy. Now would be a good time to hit him, right?

A Yeah.

Q Seem like the kind of thought process of somebody who makes themself meth would go through, like yourself?

A Yeah.

Q You also mentioned you weren't upset with Amber when she didn't leave and you weren't upset when you came back to kill everybody, right?

A No.

Q You dated her, right?

A I was with her for a little bit.

Q You --

A So did J.J.

Q I think your reason that you weren't upset with her was because you were back with Kelly again for that period of time; is that right?

A Yeah.

Q They were dating other girls too, weren't they? J.J. is dating other people and you were dating other people, right?

A Yeah.

Q Your story is that nobody is upset with Amber really, right?

A No one was supposed to die again to begin with. It was a simple robbery.

Q Not that simple, because you ended up killing everybody.

A Obviously.

Q When you got back -- I'm sorry. Let me back up and get some context. In your story before you go to do the robbery, you are at J.J.'s house and you leave with Kelly and then come back on your own, right?

A Uh-huh.

Q When you left with Kelly, there were other people there, correct, other girls?

A Uh-huh.

THE COURT: Yes or no please.

THE WITNESS: Yes.

BY MR. ELLIS:

Q Is it not correct that you stated when you returned to J.J.'s house, no one was there with J.J.?

A Yes.

Q Did you tell anybody, hey, we're going to go do something?

A No.

Q Did you tell anybody were going to go commit a

robbery?

A No.

Q That would be kind of stupid, wouldn't it?

A Yes.

Q Now, you've got all these witnesses that know you're going to go do it, right?

A Yes.

Q You didn't in any way indicate J.J. and I are going to go and do anything, right?

A No.

Q Okay. You came back and you got him and you left, right?

A Yeah, he got the driver.

Q The unknown driver in the car you cannot identify?

A Yes.

Q I believe you testified earlier and was actually consistent with your statement that you don't recall J.J. ever firing a shot?

A Yes.

Q Didn't do it, right?

A From what I can recall.

Q So you're the main shooter, right?

A I shot the .38.

Q Right. You know the .38 shot both people, right?

A Yes.

Q Did Nick have the .22?
A I'm not sure who had the .22.
Q Okay. Did you not state earlier, just in my questioning to you now, that Nick shot Amber?
A No. I said I was never aware of who shot.
Q No, no, no. In the last 23 minutes, you don't recall from that seat right there saying Nick shot Amber? We were all agreeing with that.
A No.
Q You recall ever saying it to law enforcement?
A No.
Q In any event, you agree that you can't say J.J. shot a soul, right?
A Yes. I can only account for my own actions.
Q I'm sorry?
A I can only account for my own actions.
Q You don't seem very able to account for those either. I'll just put it out there. You are in manipulator; aren't you?
A No.
Q You aren't? You wanted the others to be the main actors in this, right?
A Huh?
Q You wanted everyone else to be the main actor or the main player in this whole thing. That's what you told

law enforcement, right?

A In the beginning.

Q You are still trying to do it now. J.J. set this up. J.J. set this up. J.J. did these things.

A All I'm doing is telling the truth.

Q Like your last versions of the truth?

A Like my what?

Q Like your last few versions, several versions of the truth? Just like then?

A Hmm.

Q Not then, you were telling the truth. Now we should believe you, right?

A No.

Q We shouldn't believe you now? I agree.

A You should believe me.

Q You wanted to tell law enforcement I could never kill or hurt anybody, I've got so much compassion for people and animals or something, hoping to throw them off the scent, right?

A No, I do care more for animals than people.

Q I can believe that. Didn't you have a dead dog in your bed for a while though?

A No.

Q Okay. You recall calling Amber's dad?

A I didn't call Amber's dad. J.J. did.

Q Okay. Your statement is you did not call Amber's dad after you killed her?
A No.
Q Of course, you named other people involved too. Cody probably did it, Ryan probably did it. Anybody but Scott, right?
A Yes. That was before I was arrested. You would do the same too.
Q You agree though that J.J. never shot a soul or you can't say he did?
A Yes.
Q Before you came into this courtroom today, did you meet with law enforcement over the past several days?
A I met with the prosecutor once.
Q You did meet with the investigators or anybody either?
A I think with the other investigator.
Q Which one?
A White dude.
Q White dude?
A Yeah, Brown, I think.
Q Brown?
A He is sitting right there.
Q How long did you all talk?
A An hour or two.

Q You were getting yourself ready for today?
A No. Just retelling the story.
Q Do you recall earlier Lucas was asking you -- I'm sorry -- Solicitor Marchant was asking you about why there were no cartridge casings for the bullets at the scene, right? And he asked you why you needed a .38. Do you remember that?
A Yes, sir, the revolver.
Q He hadn't said revolver yet. You cut him on that. Remember that?
A No.
Q I expect you don't. You knew what he wanted you to say though, right?
A No. You can ask anyone who has ever known me, I have always like revolvers.
Q Truth be told, we're here today with you on the stand, this is more of the same for you, isn't it? More manipulation, more cover-up, more lies?
A No.
Q You have got your deal. You have got your reduction in charge. You got your 20 years instead of 30 to life, right?
A Yeah, I got my 20.
Q You want to keep it?
A They can't take it back. What would be the point

of me being up here?

Q Well, are you familiar that a statute exists that if you try to cooperate with the state you can get your sentence further reduced?

A I'm familiar with it, but I haven't been told anything about it.

Q You know it exists. If you help the state out a little bit, they can maybe give you a better deal than they already have. You have heard that somewhere or read that somewhere?

A Yeah, I heard it.

Q Here we are.

A I've got a good deal already.

Q I'm sorry?

A I have already got a pretty good deal myself.

Q You do have a good deal. You really do. Going back to your deal with the law enforcement, you went to Amber's funeral, right?

A Yes.

Q Not Chris'?

A No.

Q You remember why you said you did go to one and not the other?

A Because, uh, that black police told me to. He said he better see me there.

Q So Investigator Bailey told you he better see you at Amber's funeral?

A Uh-huh.

Q He didn't care if you were at Chris' or he didn't mention it anyway. You knew what law enforcement wanted and you did it, right?

A Uh-huh.

THE COURT: Yes or no.

THE WITNESS: Yes.

BY MR. ELLIS:

Q You must have been again trying to manipulate and cover up right from the beginning, right? Lying to law enforcement, yes or no?

A Yes.

Q Lying to God, right?

A No.

Q You didn't pray to God and say you didn't do it?

A After I was arrested, yes.

Q I didn't put a time frame on it. I'm just saying in general, since this started, you have been lying and manipulating, correct?

A Yeah. Lying. Never really manipulating.

Q Praying to God for him to help you get out of this thing that you didn't do, right?

A I prayed.

Q Right. You recall praying in this instance to God so that law enforcement will realize you didn't do these murders in this robbery, right?

A Yes.

Q Okay. You destroyed evidence, right?

A Yes.

Q Threw a gun into a pond.

A That was something totally different. You speaking about the .22 or the .380 that I threw in the park?

Q The .380 that you said you had, that you got from J.J. and you threw in the pond.

A Yeah.

Q Yeah?

A There was no way to trace it back.

Q Yeah. So what are you going to destroy it in the first place?

A Why not?

Q Anything is real easy for you to destroy, I guess, right?

A Uh-huh.

Q Yes or no?

A Yes.

Q You said today from the stand that you shot Amber to eliminate a witness, correct?

A Uh-huh. Yes.

Q You gave Nick your .38 because it would be better if it gets circulated in North Carolina, right?
A Yes.
Q But you still can't tell anybody who was driving the SUV or if it was an SUV, what it looked like, anything like that?
A Ask your client. He can tell you.
Q I'm asking you, sir.
A I can't tell you.
Q Well, you're on the stand right now. There seems to be a lot of things you can't say. How convenient. After you committed these murders, after you had taken these people's lives, for a couple of bucks, a little bit of drugs, you just went to sleep, right?
A Yep.
Q No worries, no problems, no concerns, correct?
A Yep.
Q You said earlier in the day that you are here today because you have got to clear your conscience, get things off of your chest, right?
A Yes.
Q Back then, you weren't worried about a thing?
A I was on a lot of drugs and stuff back then. I am a different person now.
Q So you are saying then you didn't care, now you

care. Now is the time you really care and have compassion and guilt, right?

A Yes.

Q That's what -- you want these people here to believe today?

A If they want to believe it, they can. It doesn't matter to me.

Q They will be in a position to judge whether they believe it or not. At some point you mentioned you didn't really know Nick, right?

A No. I always said I met him through Chris.

Q You told law enforcement you didn't know him, right?

A Yes.

Q I'm just asking because it would have been interesting if you gave him, if you got the box of money from him and you didn't know him, don't you think? He would just give you money if he did all these things with you in the robbery?

A Yes.

Q You directed the action with the fire, correct?

A Yes.

Q You told Nick to set the Coleman gas container in the oven, right?

A Yes.

Q You spread the oil around the bodies?

A Yes.

Q You said you asked J.J. to spread some all around the floor?

A Yes.

Q Why didn't you just do that? You're already standing right there. You've got the bottle.

A I was leaving.

Q That part was too much for you? The fire, you needed to get out there?

A I didn't have a lighter.

MR. ELLIS: Court's indulgence please, Judge. Nothing further.

REDIRECT EXAMINATION

BY MR. MARCHANT:

Q Scott, Mr. Ellis asked you on more than one occasion if some guy made you leave the house or something of that nature, who is this dude you're talking about you about to get into it with?

A Brian Wade.

Q When did that occur?

A A couple of days before the incident, the murders.

Q He also referenced several interviews that you've had with law enforcement throughout the course of this investigation. Specifically, he keeps referring to a time

when you were praying to God. Do you remember that?

A Yes.

Q Tell the jury where you were and why you said those comments.

A I was in the investigation room. I knew they were recording it. I figured it would give me a good reason. You know what I'm saying?

Q I don't know what you are saying. Tell them.

A To make them think I had nothing to do with it.

Q I'm not sure they heard you because I didn't hear you.

A To make them think I had nothing to do with it.

Q Did you also make some comments about whether or not you knew Nick during that same portion?

A Yes, sir.

Q At that time, was there anybody in the interview room with you?

A No, sir.

Q The Saturday before this happened, were you smoking methamphetamine?

A Yes, sir.

Q A little bit, a lot? Can you quantify how much you were doing ---

A A good bit.

Q --- the day before?

A A good bit.
Q Were you doing anything else?
A Weed, drinking.
Q Do you recall when you started doing that on Saturday?
A Probably Friday or Saturday. Probably all weekend.
Q Throughout the course of that time, did you ever go to sleep until after the murder?
A No, sir.
Q When you went into the house, what weapon had you given J.J.?
A 380.
Q Following the murder and after you went home that day, when is the next time you saw J.J.?
A The next day.
Q If this happened in the morning, 9:00 or 9:30 --
A Later that afternoon, that night.
Q So the same day being Sunday? You are not talking about Monday?
A Yes, sir.
Q When did you see J.J. again after y'all split ways?
A After I woke up that same day, later that day.
Q Where did you see him?

A At his house.

Q Mr. Ellis asked you a question about calling Amber's dad. Did you call Amber's dad?

A No.

Q Who did?

A J.J.

Q What phone was used to call Amber's dad?

A His phone.

Q Who's phone?

A J.J.'s phone.

Q Do you recall what J.J.'s phone number was?

A 28 --

Q April 2011.

A 283 number. 283-4400, I think.

Q Thank you. I have no further questions.

RECROSS EXAMINATION

BY MR. ELLIS:

Q Scott, do you recall during your interview with Solicitor Marchant and Investigator Bailey in March of last year where Investigator Bailey made a number of comments to you throughout the interview, right?

A Yes.

Q Letting you know that, yeah, you're on the right track; no, you're not?

MR. MARCHANT: Your Honor, I'm going to object.

It is outside the scope of redirect.

THE COURT: Make sure it is within the scope of redirect.

MR. ELLIS: Yes, sir.

BY MR. ELLIS:

Q You recall one comment you made was give out the truth, it doesn't change?

MR. MARCHANT: Your Honor, I'm going to object again. It is not --

THE COURT: Sustained.

MR. ELLIS: Nothing further.

MR. MARCHANT: Nothing further, Your Honor. We ask that the witness be excused.

THE COURT: All right. You may step down.

MR. MARCHANT: The State calls James Armstrong.

THE CLERK: Please raise your right hand.

JAMES ARMSTRONG

having first been duly sworn, testifies as follows:

THE CLERK: Please be seated and state your name for the record.

THE WITNESS: James William Armstrong.

DIRECT EXAMINATION

BY MR. MARCHANT:

Q Good afternoon, Mr. Armstrong. How are you doing?

A Doing well. How are you?
Q Where are you employed?
A I am employed with the Greenville County Department of Public Safety, forensics division and crime laboratory.
Q That's a whole bunch of words. What does that mean?
A I have a two job -- twofold job. One is as a forensic drug chemist. The other is a forensic gun examiner.
Q What sorts of drugs do y'all test here in the Greenville crime lab?
A Any and all types that actually come across from the street.
Q Marijuana?
A Marijuana, LSD, you name it.
Q You mentioned firearms as well. What exactly is it that you do as far as testing goes?
A I do a comparison of any fire evidence from a crime scene and compare it to a known or unknown firearm at the time and report my findings from that.
Q How long have you been doing that?
A A little over 15 years.
Q Entirely with Greenville County?
A Yes, sir, it has.

Q You ever testified before here in Circuit Court?

A Yes, sir, I have.

Q How many times?

A I testified in federal and state court at least 40 times as an expert in firearm identification.

Q Have you testified in this courthouse and in a courtroom similar to this one?

A Yes, sir.

Q How long have you been doing this with the county?

A Been doing the firearm identification part for 15 years.

Q Have you been qualified as an expert?

A 40 times.

Q 40 times.

MR. MARCHANT: I move to have Mr. Armstrong qualified as an expert in firearms and firearm analysis.

MR. ELLIS: No objection.

THE COURT: He is so qualified.

BY MR. MARCHANT:

Q Were you asked in this case to analyze a couple of different firearms as well as projectiles?

A Yes, sir. I was.

Q I'm going to show you what is marked as State's 60, 61 and 70. I am showing you State's 60. I'm going to

ask you if you recognize that

A Yes, sir, I do.

Q How is it that you recognize it?

A This outer seal back has my date and initials where I sealed it on the inside. My initials and item number also.

Q Was the purpose of sealing that bag?

A To keep all of the evidence together and make sure none of it actually gets out or is tampered with.

Q Has anybody tampered with it since you did your analysis?

A No, sir, they did not.

Q I'm going to ask you the same with State's 61.

A The outermost bag has my initials and the day where I sealed it. There other bag has my initials and a date. There are initials and item number from another bag inside as well.

Q Is it fair to say that after these things are connected, you're the person that opens them up?

A Yes, sir.

Q You are the person that steals them back?

A That's correct.

Q I'm also going to show you State's 70.

A The same thing. The outer has my date and initials where I sealed. The inner envelope also has my

date and initials.

Q The first piece that I would like to discuss is State's Number 60 which Dr. Fulcher has identified as coming from the victim Christopher Porcoro. Can you tell the jury as a whole with respect to this item and the other two items what it is that you do when you are looking at a projectile to determine whether or not it has come from a particular weapon?

A Basically, when I receive the item, I try to identify caliber based on the measurements. Then I count what is known as lands and grooves. There are imperfections in the barrels that are transferred to the projectile when it is fired and can be seen through a microscope. What I do is I actually look at the evidence which is unknown, and then take those and put them on the microscope. And then take a firearm and test fire that firearm and collect the fire bullet specimens and compare them side-by-side under the microscope under magnification to see if those striations or imperfections all match up together.

Q In this particular case with respect to State's 60 and State's 61, when you did your analysis on those two items, did you have a gun to compare it to in the beginning of the investigation?

A No, sir, I did not.

Q What did you do at the request of Investigator

Bailey with those two items?

A With these two items, I compared each item to itself and to the other items. Then make a conclusion of if one gun was fired or multiple guns had been fired and try to generate a report to tell me what type of firearm we may be looking for.

Q Were you able to do that?

A Yes, I was.

Q What was your conclusion without having a gun to compare these two of what type of firearm fired those projectiles?

A Based on the general rifling characteristics which I've had and one of the propounds I use, I will say that these items were fired -- are consistent with firearms being manufactured by FIE, Tarsus, Rossi, Llama, Astra and others.

Q I'm going to ask you to look at State's 70. Did you do that same analysis on that item?

A I did. Hold on. I received State's 70, they actually submitted a firearm to do a comparison with it also compared it to State's 60 and 61.

Q Is the firearm that you were asked to compare it to, what's been put into evidence as State's 66?

A Yes, sir, it is.

Q With respect to the two projectiles in State's Number 60, which is from Chris Porcoro, what were you able

to determine about one and or both of those projectiles being fired from this .38 caliber?

A I was able to determine that the item -- there are two of them. One of them is Item DRF-1. That item was fired from that firearm. DF-2 -- DR-1B has similar insufficient microscopic marks.

Q Why is it that you cannot say that DRF-B, as it is marked, came from that gun?

A Well, the deformation of the projectile is one variable as well as what it deforms as such, it deforms the rifling and not make it a true identification.

Q Are you able to determine whether or not it has characteristics that comes from the .38?

A They are similar with that firearm. I cannot say for certain that it came from that firearm.

Q So you can with one, but not with the other based off of the shape and definition of the projectile?

A That's correct.

MR. MARCHANT: Okay. We move State's 60 into evidence.

MR. ELLIS: No objection.

THE COURT: It's admitted.

(WHEREUPON, State's Exhibit 60 is admitted into the record.)

BY MR. MARCHANT:

Q Let's talk about State's 61, if you will go through the analysis as well.

A 61, they are items DRF-2A, B and C. I was able to determine that 2A and 2B were fired from that firearm. And 2C, very similar but insufficient microscopic marks.

Q Why is it that you're not able to call 2C?

A Once again, the condition of the rifling that was left behind in and the condition of the bullet.

MR. MARCHANT: State's 61 into evidence.

MR. ELLIS: No objection.

THE COURT: It's admitted.

(WHEREUPON, State's Exhibit 61 is admitted into the record.)

BY MR. MARCHANT:

Q Lastly, State's 70.

A This item was item JD-7. This was fired from the item CV-3 revolver.

MR. MARCHANT: State's 70.

MR. ELLIS: No objection.

THE COURT: It's admitted.

(WHEREUPON, State's Exhibit 70 is admitted into the record.)

BY MR. MARCHANT:

Q So we have six projectiles. How many of those six can you say with certainty came from that .38?

A Four.
Q With respect to the other two?
A They were similar, but insufficient.
Q Were you also asked to review State's 67?
A Yes, sir. I was.
Q What is your opinion with State's 67? Is that firearm -- is it in operable condition?
A Yes, sir. It is.
Q Did you prepare -- well, what kind of firearm is that?
A It is a .22. RG Industries model RG-14 revolver, caliber .22.
Q We're talking .22 versus .38 here.
A Correct.
Q Explain to the jury what the difference is between a .22 and a .38.
A A .22 is a different size. It's a lot smaller than a .38 special.
Q Okay. Did you fire a .38 caliber projectile out of that .22?
A Wouldn't be possible.
Q Why?
A Definitely -- probably if you could actually get it in there, and actually could fire it from the barrel, you would have a catastrophic failure.

Q Could you fire .22 caliber out of a .38?

A Not in its current configuration.

Q What is the -- with respect to this gun, what sort of ammunition could be fired from this gun?

A Anything that is a .22 short, .22 long, .22 long rifle ammunition.

Q We have heard some testimony in here about something called rat shot.

A Yes, sir.

Q Are you familiar with rat shot?

A Yes, sir, I am.

Q Can you explain to the jury in your opinion what that is and whether or not it could be fired from a .22 caliber?

A If they do make a .22 caliber rat shot, what it is is basically a cartridge which holds a little small BB. To put it simple, kind of like to make it into a shotgun shell. It holds many projectiles instead of one. When you pull the trigger, the firing pin strikes the primer ignition and multiple pellets go out the barrel.

Q You talk about your analysis of the .38 and you are able to determine what firearm these projectiles that were of sufficient condition you were able to match to the .38. Would you be able to match rat shots to a particular weapon?

A No, sir.

Q Why not?

A There is not enough on the projectile, the shot when it goes down the barrel to pick up any identifying marks.

MR. MARCHANT: At this time, we move State's 67 into evidence.

MR. ELLIS: No objection.

THE COURT: It's admitted.

(WHEREUPON, State's Exhibit 67 is admitted into the record.)

BY MR. MARCHANT:

Q You were also asked by Investigator Brown to review State's 69 and 68. You want some gloves?

A No. (Reviewing.)

Yes, sir.

Q Were you able to determine whether or not State's 69 -- what is State's 69?

A 69 is a .380 semi-auto pistol.

Q Were you able to determine whether or not that was operable when it was bought to you?

A When I received the item, it is much like it is here. I really did not check for an identifying make, model and serial numbers.

Q Explain to the jury, if you will, what the

difference between a .380 and a .38 is.

A A .380, the diameter of a projectile is approximately the same as a .38. However, the overall length and the case itself are completely different. A .38 special has a cartridge case actually has a round that fits into the cylinder to allow it to actually be fired. The .380 is a straight case that has no round. It actually sits inside the chamber in order for it to be fired.

Q So, did you fire a .38 projectile out of a .380 gun?

A A .38 projectile is possible, but a .38 special cartridge cannot be fired, no, sir.

Q Why not?

A The cartridge length are too big to actually fit inside this pistol.

Q What about .22 ammunition?

A No, sir.

Q Why not?

A The only way can be fired is another insert another metal insert in there as far as dimensions.

Q I'm showing you what is marked as State's 68. Do you recognize that?

A Yes, sir. I do.

Q What is State's 68?

A 68 was my item CV-1, Clerke Technicorp model

Clerke First revolver with Serial Number 264126, caliber .22 long rifle.

Q In your analysis, is there any indication that that gun fired any of the projectiles that you were presented with?

A No, sir, it did not fire any of those.

Q The two projectiles that came from Dr. Fulcher, one from the victim Chris Porcoro and one from Amber Daniels, were you unable to make with 100 percent certainty a match to the .38. Could they have come from the .380?

A No, sir.

Q Thank you, Mr. Armstrong. Answer any questions Mr. Ellis may have.

CROSS-EXAMINATION

BY MR. ELLIS:

Q Good afternoon.

A Good afternoon.

Q Mr. Armstrong, law enforcement brings you weapons and brings you evidence and just ask you to check them out, right?

A Yes.

Q Is it correct or fair to say that you don't ever go to crime scenes and process crime scenes?

A Very seldom do I ever go to crime scenes.

Q The issue we have before us today in this case,

did you go to that crime scene?

A No, sir.

Q Basically, law enforcement gathered evidence, brings it to you and asks you to check it out for them?

A That's correct.

Q Okay. You don't really know exactly where these guns were found; is that right?

A No idea.

Q Don't really know how they were used?

A That's correct.

Q Have no idea who or who may not have fire them?

A That's correct.

Q You stated that the .38 was one that was used four of the six projectiles, right?

A Correct.

Q The other two could have been. It's a maybe basically?

A Correct.

Q We have got four that were yes, fired by the .38?

A Yes.

Q Two very well could have been fired by it. It's just not as clear?

A Correct.

Q As far as the .22 goes that you were asked to analyze, there is no way to tell if they fired those rat

shot projectiles are not, correct?

A I've never actually received the rat shot to do an identification on. There is no way I could determine anything.

Q You stated that was the nature of rat shot and how it kind of works, right?

A Correct.

Q Okay. Did I understand you correctly to say that ammunition for a .38, may not work so well with a .380?

A It will not work, a standard cartridge actually purchased from a store cannot fit in a .380 or a .38 special just based off the cartridge length and the projectile and all. Now, if someone was doing a special reload, there is a possibility they may be able to put a projectile of a .38 special in. But it is highly unlikely because the bullet or the projectile itself is actually a long dimension that it would actually fill up the space of the .38 cartridge case.

Q Right. It is not impossible, it is very unlikely as you said?

A Very unlikely, and I doubt it would actually function.

Q The six shots, you were asked to analyze four of the six that came from the .38?

A That's correct.

Q The other two very likely did?

A That's correct.

REDIRECT EXAMINATION

BY MR. MARCHANT:

Q Clarification, Mr. Armstrong, the .380 and the .38, do I understand you to say that the .38 special could not fit in the .380?

A That's correct.

Q Can you explain what the difference in size is between the two of them?

A The .38 special cartridge itself is probably about two and a half to three times longer than the actual cartridge case of a .380.

Q So we're just talking about the cartridge casing not the actual projectile itself?

A I am talking about all inclusive, everything combined together. The cartridge, which is the projectile in the case and all together is about two and a half to three times longer in general than the .380. Then, the projectile of the .38 special is also a lot longer than the projectile of a .380. That dimension is almost the same size as the cartridge case of a .380, of just the .38 special projectile. With that said, there is not enough room really for any powder to go in to actually ignite and transfer the projectile found the barrel.

Q You're talking about length. What about the width

of a .380 versus a .38?

A They are approximately the same.

Q Would you classify a .380 as a smaller caliber, a medium caliber or a large caliber?

A I would classify as a small caliber.

Q What would you classify a .38?

A A small caliber.

Q A .22?

A Small caliber.

Q Thank you. I don't have any further questions.

MR. ELLIS: Just briefly.

RECROSS EXAMINATION

BY MR. ELLIS:

Q And a round for a .38 special you said is two and a half to three times larger?

A Approximately, yes.

Q So it is a good bit larger?

A Yes.

Q It's not that close, right?

A That's correct.

Q Again, with some effort, a lot of things done to make it happen, maybe a .38 special but very unlikely, correct?

A Projectile from the cartridge over .38, not the entire cartridge. The entire .38 special cartridge can

never fit into a .380. If you pull the projectile and are doing a special reload, there is a possibility, but highly unlikely.

Q Highly unlikely?

A Yes.

Q Thank you.

THE COURT: You may step down.

MR. MARCHANT: I asked that the witness be excused?

THE COURT: You may be.

MR. MARCHANT: May we approach briefly for scheduling?

(WHEREUPON, a bench conference is held off the record.)

THE COURT: All right. Ladies and Gentlemen, we're going to take a short break. I ask you to please going to your jury room. Don't talk about the case.

(WHEREUPON, the jury exits the courtroom.)

THE COURT: We will be at ease for 10 minutes.

(WHEREUPON, a recess is taken.)

THE COURT: All right. Bring the jury in please.

(WHEREUPON, the jury enters the courtroom.)

THE COURT: All right.

MS. SALISBURY: May it please the court, Your Honor, the State calls Mr. Mike Daniel. Mr.

Daniel, please come up and be sworn.

THE CLERK: Please place your left hand on the Bible and raise your right.

MIKE DANIEL

having first been duly sworn, testifies as follows:

THE CLERK: Please be seated and state your name for the record.

THE WITNESS: Mike Daniel.

DIRECT EXAMINATION

BY MS. SALISBURY:

Q Mr. Daniel, generally speaking, where do you live?

A In Greer.

Q How long have you lived in Greer?

A Eight years.

Q Do you work here in Greenville?

A I do.

Q Where do you work?

A BMW manufacturing.

Q How long have you been there?

A December 2nd will be 19 years.

Q Do you have any children?

A I do.

Q How many?

A Two.

Q Are you Amber Daniel's father?

A I am.

Q Let's get right back to the action back in April 2011. Do you remember was Amber living with you at the time?

A She was, but she would take off for periods of time.

Q Is her mother in the picture? Would she stay with her mother?

A No.

Q Do you remember around the time of her death whether she was staying at your house in the days before?

A She would come and go. She would come and change clothes and leave.

Q Do you remember the last time you spoke with her?

A Yes, it was, I would say Saturday around 6:00.

Q In the evening?

A Uh-huh.

Q Do you remember how you learned of Amber's death?

A Yes. Sunday around six, in between 6:00 and 7:00. If I looked at the phone records, I could tell you exactly when my phone rang. I don't answer the phone if I don't recognize your number. A text come from the same number and said you need to pick up the phone. This is Scott.

Q Did that number call back again?

A They did and I answered the phone.

Q Did you speak with someone?
A I did.
Q Do you know who that person was?
A They said they were Scott. That's who I assumed it was.
Q Had you ever met Scott before?
A I had seen him.
Q Did you speak with him?
A No.
Q Do you know whether you recognize his voice?
A No. I'm sure I didn't.
Q Had you ever met James Johnson, J.J.?
A I've seen him.
Q Did you ever speak with him on the phone?
A No.
Q Do you know whether you would have recognized his voice on the phone?
A I'm sure I would have.
Q Now, do you remember just offhand the phone number from which you received that text message and from which you received those phone calls on that Sunday evening?
A I do not. But immediately after getting off the phone with him, I think, first, I called Greer Police Department. They told me to call Greenville County. I did. I spoke with whoever was on call, I think, in the homicide

department.

Q Was there anything in particular about the conversation with this person that caused you particular concern?

A Yes. They told me if I had heard from Amber. I said no. They said there had been a fire and that they think that Amber might have been over there because they dropped her off over there.

Q Did you receive any contact from that that person or even that same phone number in the days following?

A I did.

Q Do you remember how many calls?

A It wasn't any calls. It was text messages, I believe, just asking me if I had heard anything.

Q Okay. Now, did you maintain, I guess, the phones for your family?

A I did.

Q How many separate lines did you have?

A Three.

Q Do you remember the phone number associated with the phone number that you used and you received phone calls on?

A Yes, it is still my phone number. The 864-608-1786.

Q Okay. Do you remember providing to law

enforcement a copy of your phone records from the April time period?

A Yes.

Q I'm going to show you State's Exhibit 71 and that you take a look at that. Could you tell the jury whether that is an accurate reflection of the records that you provided to law enforcement to document your phone calls?

A Yes, that's it. They had -- when they sent the phone records, they had to send me like a whole month.

Q Sure. Would you mind looking through the phone records here for us and telling the jury the phone number from which you received the text message and the two phone calls on the evening of April 3rd, 2011?

A Yes, 864-283-4400.

Q All right, sir.

MS. SALISBURY: Your Honor, at this time, I'd offer State's Exhibit 71 into evidence.

MR. ELLIS: Let me see. (Reviewing.)

May we approach, Judge?

(WHEREUPON, a bench conference is held off the record.)

THE COURT: Any objection?

MR. ELLIS: No, sir.

THE COURT: It is admitted.

(WHEREUPON, State's Exhibit 71 is admitted into the record.)

MS. SALISBURY: Thank you, Mr. Daniel. If you would, please answer any questions Mr. Ellis may have.

CROSS-EXAMINATION

BY MR. ELLIS:

Q Good afternoon, Mr. Daniel.

A Hello.

Q I'm sorry for your loss.

A Thank you.

Q You testified a moment ago that Amber would take off for periods of time around the time of this incident, correct?

A Yes.

Q She would come home periodically and change clothes or what have you and leave again?

A Yes.

Q Is it fair to say you're not necessarily sure where she was any given time or who she might've been around or anything like that?

A I have no idea.

Q I believe you testified a moment ago that you believe you had seen James Johnson before. You have seen Scott Lowe before. You may have known them in passing if you saw them. That's about it, right?

A Correct.

Q That would also be true of maybe other people she

was friends with?

A Amber did a pretty good job of keeping her friends away from me.

Q Okay. There may have been a number of friends she had that you might recognize by sight or what have you. There may be some that you didn't know at all, right?

A Correct.

Q You already stated you might be able to recognize the voices of James Johnson, Scott Lowe and probably some of her other friends, correct?

A Correct.

Q Thank you.

MS. SALISBURY: Nothing on redirect, Your Honor.

THE COURT: You may step down.

Ladies and Gentlemen the next witness is going to be rather lengthy. It will include a videotape which is also some length. Rather than keep you up here during the evening, we will recess and begin that in the morning at 9:30.

So keep in mind the instructions already provided no discussions, no research no investigations no exposure to any type of media coverage. Have a good afternoon. Please report to your jury room at 9:30 in the morning. 9:30 in the morning.

(WHEREUPON, the jury exits the courtroom.)

THE COURT: Be sure to take up the pads.

THE BAILIFF: Yes, sir.

THE COURT: The notepads, be sure to take up the pads.

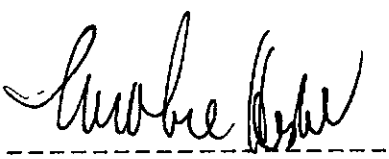
THE BAILIFF: Yes, sir.

THE COURT: All right. Court is in recess until 9:30 in the morning.

(WHEREUPON, the Court recesses for the day.)

I, the undersigned Caroline Hiskell, Official Court Reporter for the Thirteenth Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in Court of General Sessioons, Greenville County, this 15 th day of May, 2015.

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



Caroline Hiskell

STATE OF SOUTH CAROLINA	COURT OF GENERAL SESSIONS 2014-GS-23-2203
State of South Carolina vs James Michael Johnson	TRANSCRIPT RECORD

July 16, 2015 - Day 4
Greenville, South Carolina

BEFORE: The Honorable Derham Cole, Judge

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

Lucas Marchant, Esquire
Katrina Salisbury, Esquire
Assistant Solicitor

Zach Ellis, Esquire
Attorney for the Defendant

Caroline Hiskell
Thirteenth Circuit Court Reporter

I N D E X

WITNESSES	DR	CR	RED
Investigator Brown	5	27	42
Jordan Gary	46	56	
Billy Joe Purham	75	80	

P R O C E E D I N G S

THE COURT: Thank you. Be seated. Any matters to address before the jury is bought in?

MR. MARCHANT: Just for the record, Your Honor, Mr. Ellis and I discussed his client, Mr. Johnson's, interview with Investigator Charlie Brown. We have several portions of the interview that we have agreed not to play for the jury either by turning the volume down and or skipping ahead on the video. I just want to put those times on the record. One minute 30 -- one hour and 34 seconds -- excuse me. At 1:30:34 through 1:34:39 that will not be played; 1:50:52 through 1:51:00, so eight seconds there; and 1:54:32 through 1:58:00, so three and a half minutes; and 2:19:23 through 2:19:40; and then 2:25:19 through 2:36:00. Mr. Ellis and I watched it and agreed that those portions should not be published to the jury.

THE COURT: Okay. Is that going to be redacted before the jury goes back to deliberate because if it is going to be introduced as an exhibit, they will be entitled to have it in the jury room.

MR. MARCHANT: They are -- no Your Honor. I don't have the ability between the time of us agreeing on this to redact it. My proposal to the Court would be if they wanted to watch it, they bring them out and we just

turn that portion back down and skip through whatever it is that they care to hear.

THE COURT: That is just not satisfactory. The jury can't talk about their deliberations in here while we are all watching. That is the purpose of having exhibits sent back to the jury room so they can look at it. So if you can't fix it, that it can't be introduced.

MR. MARCHANT: I will see if somebody in my office can get those times pulled out.

THE COURT: Okay.

MR. MARCHANT: Your Honor, would it be acceptable for the court for us to mute and/or fast-forward through those parts while the jury has it in here and then have us redact those portions out so they can take a copy back with them?

THE COURT: If the defense agrees to it.

MR. ELLIS: Yes, sir. I don't have any objection to muting or fast-forwarding so the jury can hear certain items and then the item can be redacted prior to them taking it back to deliberate.

THE COURT: Okay.

MR. MARCHANT: Thank you, Your Honor.

Thank you, Mr. Ellis.

MR. ELLIS: Yes.

THE COURT: All right. We ready for the jury

now?

MR. MARCHANT: The State is ready, Your Honor.

THE COURT: Bring them in please.

(WHEREUPON, the jury enters the courtroom.)

THE COURT: Good morning, Ladies and Gentlemen. We are going to continue the State's presentation.

Mr. Marchant.

MR. MARCHANT: Please the court. The State calls Investigator Charlie Brown.

CHARLIE BROWN

having first been duly sworn, testifies as follows:

THE CLERK: Please be seated and state your name for the record.

THE WITNESS: Charles Brown.

DIRECT EXAMINATION

BY MR. MARCHANT:

Q Good morning, Investigator Brown. Where are you employed?

A Greenville County Sheriff's Office.

Q How long have you been with the sheriff?

A I been with the sheriff since May 2011.

Q You have law enforcement experience prior to the Sheriff's Office?

A I do.
Q Where was that?
A Greenville Police Department.
Q How long have you been employed with the City Police Department?
A 27 years.
Q How is it that you left the city police and now work for the sheriff?
A I retired from the city police and then took employment with the Sheriff's office.
Q What was your initial employment with the Sheriff's office?
A Investigation in the cold case unit.
Q Is that the current position you hold today?
A It is.
Q I'm sorry. Tell me again. When did you start with the sheriff?
A Mid-2011, August 2011.
Q Well, if you will, just briefly explain to the jury what is the purpose of the cold case unit and how you get assigned cases to conduct?
A These are current active homicide cases that are no longer worked by the current investigations. They are handed out to us to further the investigation.

Q Do you need to decide what you work on or are you assigned a particular case and told to work on the case?

A We are assigned all of them, but we can work on whatever case we wish.

Q How is it that you got attached or associated to this case?

A It was a recent case that had just been assigned. It just came in. So I decided to read that one and studied that one to see what I could do with it.

Q Do you recall when your first contact with someone in the case was?

A The first contact with someone in the case was around May of 2012.

Q Who was that?

A It was a Ms. Ann Berry.

Q What was the nature of the interaction you had with Ms. Berry?

A I was advised through her attorney that she may have information on this case.

Q Did you pull her from the detention center to speak with her?

A She was removed from our jail, from our detention center. She was interviewed, yes.

Q Okay. Without telling us what she said,

did that point your investigation in a direction at that point in time?

A It did.

Q Where were you headed?

A I was headed toward two individuals.

Q Those two individuals were who?

A James Johnson, the defendant, and Scott Lowe.

Q Following Ms. Berry, what is the next move you made in your investigation?

A I continued to read through the statements. After reading through the statements completely from the original witnesses and reading Investigator Bailey's reports, my next interview was around November 2012.

Q And just talking in general, how do you go about deciding what people you're going to talk to in that case file or do you talk to everybody the Investigator Bailey spoke with?

A Being in cold case, I don't have the luxury of going to a crime scene. So the closest I can get is review the witness statements prior to reading the investigator statement.

Q Well, was it your intention to speak with every witness?

A My intention was to speak with every single