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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County

Honorable George M. McFaddin, Circuit Court Judge

THE STATE,

RESPONDENT

V.

RICKY L. SINGER,

APPELLANT

APPELLATE CASE NO. 2023-000820

RECORD ON APPEAL

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1 State of South Carolina) **TRANSCRIPT OF RECORD**
 2 COUNTY OF SUMTER) CASE NO. : 2020-GS-43-00878

3 -----

4 May 8 & 9, 2023

5 **BEFORE:** The Honorable, George M. McFaddin

6 -----

7 State of South Carolina,

8 vs.

9 Ricky Leroy Singer, Jr.

10 Defendant.

11 -----

12 **APPEARANCES:**

13 For the State:

14 Assistant Attorney General, Stephen Ryan

15 Assistant Attorney General, Bethany Miles

16 For the Defendant, Michael D. Routzong

17 Assistant Public Defender

18

19 Julie A. Kevish
 20 Official Court Reporter

21

22

23

24

25

1 THE COURT: I'm going to ask some questions here, and
2 this is where you learn that none of this is like television or
3 the movies where things work smoothly and there are no
4 glitches, no hesitation, no problems, and no redundancy, there
5 is redundancy in the real court and it's going to happen in a
6 few minutes because I've got three sets of questions to ask
7 you, some are the same on each page, some are not, so bear with
8 me if I ask the same thing twice, and I will ask these good
9 lawyers to correct me or to tell me if something has already
10 been asked.

11 THE COURT: Would one of you gentlemen, or lady, tell
12 the potential jurors what this case is and somewhat of an
13 abbreviated version of the charges.

14 MR. RYAN: May it please the Court?

15 THE COURT: Yes, sir.

16 MR. RYAN: Good afternoon, Your Honor. Steven Ryan
17 from the Attorney General's office. I'm here with Bethany
18 Miles, also from the Attorney General's office. This is State
19 versus Ricky Leroy Singer, Jr. He has been indicted in a
20 Sumter County Grand Jury on charges of sexual exploitation of a
21 minor in the second degree and sexual exploitation of a minor
22 in the third degree, indictments 2020-GS-43-0878 through 0884.
23 This is going to be a case where we are going to prosecute what
24 is commonly known as a child pornography case. We will have
25 evidence involving how the internet was monitored, how this

Voir Dire

1 case came about, and the evidence that was found once search
2 warrants were presented at the address here in Sumter County.

3 THE COURT: Mr. Routzong, do you wish to add anything
4 to that?

5 MR. ROUTZONG: No, sir.

6 (VOIR DIRE)

7 THE COURT: I will start with my little set of
8 questions first. We're about to begin the trial of the case of
9 State of South Carolina versus Ricky Leroy Singer, Jr. Before
10 we select a jury several questions must be asked, as I told you
11 I would. If a question applies to you, I'll ask you to please
12 stand up, and because the lights blind me I can't always see
13 who is standing up, so therefore I will ask and I do ask the
14 bailiff or the Clerk of Court to tell me if someone needs to be
15 addressed.

16 Is any member of this jury panel today related by
17 blood or marriage to Ricky Leroy Singer, Jr.? Please stand.
18 Does any member of the panel here today have a close personal
19 or social relationship with Ricky Leroy Singer, Jr., please
20 stand? The following are lists of possible witnesses in this
21 case. I will read the names in just a minute. If any of the
22 panel is related by blood or marriage to any of the people I
23 name or list or you have a close personal or social
24 relationship with any of these people, please stand up, and for
25 the State, that would be Kevin Atkins, South Carolina Attorney

1 THE COURT: For further instructions, right, sir?

2 MR. FINNEY: Yes, sir.

3 THE COURT: To those of you not selected, you may
4 leave now. Thank you. To those of you who remain, I have some
5 legal matters for these lawyers to address, and ladies and
6 gentlemen, did we say 9:30 in the morning for them to return;
7 Is that right?

8 THE DEPUTY: Yes, sir.

9 THE COURT: I'll ask that you be back in your jury
10 room at 9:30 in the morning. These gentlemen here will show
11 you where to go in the morning. In the meantime, you are not
12 to discuss this case among yourselves, any other persons, do
13 any research, just simply stay away from this case in any way,
14 shape or form until told to do so. You will hear that a lot
15 during this matter. Anything else, gentlemen and lady, before
16 I release the jury?

17 MR. ROUTZONG: No, Your Honor.

18 MR. RYAN: No, Your Honor.

19 THE COURT: Thank you all very much for your
20 patience.

21

22 (jury exited the courtroom.)

23 THE COURT: Do you all want to meet back at 2:45 or
24 3:00; you make the call?

25 MR. ROUTZONG: 3:00, Your Honor?

Motions

1 THE COURT: 3:00 is fine, see you then. Thank you.

2 MR. ROUTZONG: For the record, do you want to ask us
3 if there was anything wrong with the way the jury was picked,
4 Your Honor?

5 THE COURT: I don't mind being corrected or amended
6 in any way, whatsoever, the question being asked by Mr.
7 Routzong, I will echo it, do you all have any exceptions to
8 anything that has happened thus far?

9 MR. RYAN: No, Your Honor.

10 THE COURT: Mr. Routzong?

11 MR. ROUTZONG: No, Your Honor.

12 THE COURT: Thank you very much.

13 (Recess taken.)

14 THE COURT: Who's first?

15 (Motions)

16 MR. RYAN: Your Honor, at this point I'm going to
17 pass up the first motion from the state, it is a motion in
18 limine regard rule 404(b). We're going to presenting some
19 search terms, other keywords, items associated with child
20 pornography that were located on the device that he is not
21 charged with, however, it is going to be a part of our case
22 that we need to show that this wasn't an accident or mistake,
23 as well as common plan. Actually, I have a written motion, I
24 just need to sign it and pass a copy over to defense now. May
25 I approach, Your Honor?

1 THE COURT: Yes, sir.

2 MR. RYAN: Your Honor, those are the reasonable
3 indictments for this matter that I did not pass up earlier,
4 sir.

5 THE COURT: Alright, sir, I'll hear you.

6 MR. RYAN: At this time we make a motion that the
7 state be allowed to present evidence of both not just the files
8 of child pornography that are subject to these indictments, but
9 additional files that were located on the computer during the
10 forensic examination. This is going to be including but not
11 limited to user account information, keywords, artifacts,
12 search engine searches, torrent data and references of child
13 pornography dealing with multiple file sharing programs that
14 were located during the forensic examination. Your Honor, this
15 is going to be part of our res gestae to show a complete
16 process that child pornography distribution via peer-to-peer
17 file sharing is. Your Honor, each file is its own charge, but
18 it's an ongoing activity that begins before law enforcement
19 getting involved during the downloads that Mr. Atkins did and
20 continued up until the day of the search warrant. So much of
21 our case is going to be able -- the burden is on the state to
22 show that he knowingly and intentionally did so, so to show
23 that there were search terms of other files that the titles of
24 child pornography or titles associated with child pornography
25 were played. It is going to be necessary to show that this is

1 not a mistake, that it was an intentional act, and is part of
2 an ongoing common scheme to solicit, possess and then
3 distribute peer-to-peer file sharing files of child
4 pornography, Your Honor.

5 THE COURT: Mr. Routzong?

6 MR. ROUTZONG: As to search terms, Your Honor, I'd
7 ask the Court to suppress any evidence to search terms. I have
8 repeatedly asked the state to provide me any search terms that
9 they asked for, and I even have the e-mail from the Attorney
10 General's Office. Mr. David Collier was representing the
11 Attorney General at that time and he told me there were no
12 search terms. Your Honor, I haven't been provided with any
13 search terms in the discovery, and that would be material to
14 the preparation of my defense. I don't think the state can
15 show me that they provided me any search terms, and I can
16 certainly show an e-mail from the state where I was told there
17 were no search terms.

18 THE COURT: Well, what do we have here, sir?

19 MR. RYAN: Your Honor, discovery in these matters are
20 always going to be so difficult because the files often times
21 are the contraband. I can't send files or packages of cocaine
22 to defense counsel, however, everything that has ever been
23 provided or has been made available to Mr. Routzong, they have
24 hired Mr. Al Johnson to come to the Attorney General's Office
25 to have the opportunity to inspect all of the computer reports,

1 and he did, in fact, do so, and I had an opportunity to review
2 it and advise Mr. Routzong according. Everything has been made
3 available and the state has met its burden.

4 THE COURT: Mr. Routzong, what about your expert on
5 that? Did you see him?

6 MR. ROUTZONG: This is just in reference to the
7 search terms, Your Honor. If they tell me there aren't any,
8 there aren't any, and they're coming into Court now and trying
9 to say that there are, and just because they say it was
10 provided to me in discovery, show us where it was provided. I
11 can show an e-mail from Mr. Collier who was, as I said, who was
12 representing the Attorney General's Office at the time saying
13 that there were no search terms.

14 THE COURT: So where are we, folks? If one says
15 there are no search terms, how do you bring that up today? I'm
16 just asking.

17 MR. RYAN: Well, I think maybe we're arguing over
18 terminology. I think one of the items that was in the reports
19 that has been provided, and Mr. Collier hasn't been with the
20 office since 2020. There's been quite a bit of additional
21 discovery that's gone out since that time, including Mr.
22 Routzong coming to my office, sat down and going through the
23 forensics ourselves. The phrase that I think may be listed
24 somewhere is "keyword search terms" or "key word search terms."
25 So I think we're dealing with an issue of just semantics here.

1 Mr. Routzong has come to my office and we've looked at the
2 files together. They had their own private investigator that's
3 came to the office and looked at everything, in addition to
4 everything that has since been sent out.

5 THE COURT: Mr. Routzong? He says you and your
6 expert has seen these things, whatever you want to call it,
7 whatever language you use.

8 MR. ROUTZONG: Just from the record, Your Honor, Mr.
9 Collier sent me this on February 14, 2019, and I write to him:
10 Can you send me the list of search terms you allege Singer
11 used? Did he make any statements? Did he admit to downloading
12 files using Crosswire, et cetera? I recall your investigator
13 mentioned they found search terms that are known to be
14 associated with solicitation charges. Thank you. And then Mr.
15 Collier writes back: We didn't find search terms, sometimes we
16 do, sometimes we don't, it depends on how well they cover their
17 tracks. What we did find was that a very specific type of
18 child pornography and only that type of child pornography was
19 downloaded to one device and then those files and only those
20 files were moved to another device, and I need to make a copy
21 of that to make it an exhibit for the Court, Your Honor, and I
22 will do that. Here's thing, Judge, and I think Mr. Ryan will
23 agree, I even asked him this question when I visited him in the
24 office, he may not recall, he said I will get back to you later
25 on that, and these things are complicated, Mr. Ryan has a lot

1 of cases, and I would not be surprised if he didn't remember
2 right off the top of his head what the search terms were. The
3 point is, Judge, I don't think they provided it in the
4 discovery. When they say they do, it's quite a bit of
5 discovery. I'm operating off of what the Attorney General's
6 Office told me almost four years ago, actually it is four years
7 ago, and I think that's material to my defense, and if I asked
8 those questions then they should turn it over to me, and if
9 they don't then it's a violation of Rule five, Your Honor.

10 THE COURT: One more time for the AG's office? What
11 do you think?

12 MR. RYAN: Mr. Routzong and I were in his office and
13 we looked at everything to his satisfaction and he had as much
14 time available as possible. This involves terabytes of
15 information so it's never possible to get everything, but he
16 had the benefit of having consulted a private expert for his
17 own edification, and again, we sat and looked at the images,
18 reviewed other files, and it was made available and shared with
19 him in my office.

20 MR. ROUTZONG: I don't mean to pop off again, Judge,
21 but it seems like the state is saying something almost
22 smoke-like in this wispieness. They keep saying that, well,
23 everything was turned over, they are alleging something was
24 turned over. I think if they want to introduce search terms,
25 Your Honor, then maybe the thing to do would be ask them what

1 search terms they want to introduce and where was it located in
2 the discovery. Maybe that's the way to attack the problem.

3 THE COURT: Can that be done?

4 MR. RYAN: Your Honor, I'm trying to pull up the
5 forensic report at this time right now to try to address some
6 of these issues so we don't have to talk about such an
7 ambiguous manner, but --

8 MS. MILES: And Your Honor, just for
9 sub-verification, I believe there may be some confusion as to
10 whose search terms they are. I believe Mr. Ryan is referencing
11 the search terms that the forensic investigator put in to see
12 how many files with that name, like PTHC or some of that would
13 be been in the files. They are not the defendant, himself
14 search terms, and so I believe defense counsel may be
15 referencing search terms that the defendant would have put in,
16 while I believe, Mr. Ryan, correct me if I'm wrong, is
17 referencing our forensic reports, and the keyword searches in
18 there are keyword searches that would have been put in by our
19 forensic examiner. What that does is it looks up commonly used
20 child pornography terms and how many files that the defendant
21 would have had available in his computer of those terms, so the
22 state is not putting that into allege this is what the
23 defendant searched for, more than, this is the totality the
24 child pornography he had including search terms related to X, Y
25 and Z. So I think that may be the difference in what -- I

1 think they are saying different things, is what I think some of
2 that, and when he references that that would have been
3 available, it would have been if something different than what
4 the defense -- it would be keyword searches used by the
5 forensic examiner and not search terms used by the defendant,
6 and what he's referencing was the forensic examination report
7 which a redacted version would have been provided to the
8 defense, but an entire version of that would have been
9 available to Mr. Johnson to come and check out.

10 THE COURT: Back to you, Mr. Routzong, what do you
11 think?

12 MR. ROUTZONG: Well, if I'm mistaken, I guess I'm not
13 quite sure what she said. This is a little bit above my head
14 in many ways, but the thing Mr. Ryan said to the Court, Your
15 Honor, was that this is evidence of knowing, so knowing, in
16 terms of search terms, if you are plugging in search terms,
17 let's say you want something like preteen lolita (ph), I think
18 is a well known search term, or at is a search term, well, that
19 would show you're knowingly looking for something, and they are
20 free to talk about how their investigator worked their case, I
21 can attack it as I will, I think they are free to do that as
22 long as they are not saying he searched it, and my
23 understanding of what the state was trying to say is they have
24 search terms that he used, and I don't think those should be
25 admitted at this point. They are material to the defense and I

1 haven't received anything on that.

2 MS. MILES: Yes, sir, and we're not arguing, like, he
3 typed in like PTHC to look, we're not arguing that we are
4 showing intent by that. We're showing like an absence of
5 mistake in the fact that say there were 7,000 images that
6 included that in his title, so the state is not alleging, nor
7 were we arguing that he typed in that to look the child
8 pornography more than the forensic examination showed that this
9 many existed in the report.

10 THE COURT: Alright. It's a written motion. Quite
11 candidly, I'll tell you, I'll have to look at it and read into
12 it. Any other motions?

13 MR. ROUTZONG: Well, there is the other part of their
14 motion, Your Honor, and that's the issue of whether or not the
15 Court should allow, and I believe there's 650 images and up to
16 50 videos that are alleged, minus the seven files that they
17 were, they are actually charging him with, and Your Honor, this
18 is out of State v Simmons, I think, and that is 430 SC (1), and
19 I thought I printed it out. You know, Your Honor, I normally
20 print my cases out and I must have missed it, I don't have it
21 printed out, and certainly I'd like to give the state time to
22 look at it, but it's very brief and I think it's to the point.
23 In State v Simmons, the Trial Court was faced with the problem
24 of whether to admit, I think it was eight videos, and I'll just
25 quote from Simmons, Your Honor. It says: Defense counsel

1 contended the state was attempting to introduce improper
2 character evidence by admitting evidence of uncharged acts,
3 especially since it would shift the jury's focus away from the
4 conduct actually charged. The Trial Court agreed with Simmons
5 and excluded any discussion pertaining to the videos recovered
6 from the external hard drive. So Simmons is really about
7 whether or not the defense opened to door to allowing that
8 evidence in, but it's pretty clear from this little slice, Your
9 Honor, there is a real concern about shifting focus away from
10 what he's actually charged with as opposed to any other alleged
11 files they could find. Now, 404(b), Your Honor, I could get my
12 rule book out, quite frankly, Your Honor, I think the case law,
13 or rather the rule, could be very sympathetic to the State's
14 point of view, and of course this arises out of Lyle, in those
15 cases, or at least those thoughts, and the Rule says, Your
16 Honor, 404(b) Lyle: Other crimes, wrongs or acts, evidence of
17 other crimes, wrongs or acts is not admissible to prove the
18 character of a person in order to show action in conformity
19 therewith. It may, however, be admissible to show motive,
20 identity, the existence of a common scheme or plan, the absence
21 of mistake or accident or intent, that latter portion, Your
22 Honor, probably is very favorable to the state's position in
23 this case since there is a question of whether it's knowing or
24 not. On the other hand, Your Honor, I don't think I can argue
25 that it's not relevant, so really, it comes down to a 403

1 argument, it is the fact that the state would be able to
2 introduce tons of alleged videos, is that unfairly prejudicial
3 to the defense, although, it is relevant. Your Honor, that's
4 the tough sell for me to make to the Court, I think, but I do
5 make it because, clearly, the Court in Simmons felt that it was
6 unfairly prejudicial, the Trial Court, and I don't think -- I
7 think that is a -- that is a Supreme Court case, and the
8 Supreme Court did not make any comments about whether or not
9 they agreed that it was prejudicial or not. They certainly
10 agreed that the defense didn't open the door to it so they
11 wanted it called by the argument that it's unfairly
12 prejudicial, and I think that's, probably, Your Honor, in
13 fairness to the state and to the defense, that's probably where
14 you have to kind of look to see what your ruling is going to
15 be.

16 THE COURT: Yes, sir. State?

17 MR. RYAN: And Your Honor, I think we're starting to
18 get into the State's next motion about the admittance of files
19 of child pornography. We're not looking to introduce any
20 actual images of child pornography and publish to them to the
21 jury that he's not been charged with. We do want the
22 opportunity to reference the 650 image files and the 50 video
23 files that forensic examiners did locate. They were all
24 located on the user name associated with the defendant as
25 opposed to any other user names that were on the computer, and

1 this goes to show that it is both relevant and furthering
2 showing that there was intent without being overly prejudicial.
3 The state is constricting its own self and not over producing
4 this material, but we want to be able to reference other files
5 or artifacts of files that were showing an ongoing activity
6 that this computer was being used for. As far as what we do
7 intend to publish to the jury, actual files of child
8 pornography, we're only going to show the images that were part
9 of the indictment and where some of them are longer, some of
10 them are video files, the state intends to deactivate the audio
11 on the video, as well as show only 15-second clips of that,
12 some of which are quite more extensive. So to mitigate any --
13 child pornography will always be prejudicial, there's no way
14 for the state to minimize that, but we are censoring ourselves
15 and limiting it drastically in scope.

16 MS. MILES: And Your Honor, just briefly, I think
17 that is one of the things that Simmons talked about, was I
18 think the publishing of like a larger amount of those, and I
19 believe there were two different devices in Simmons where they
20 trying to admit evidence under 404(b) to a device that they
21 were not using to charge the person. I believe there was an
22 external hard drive as well as a desktop and the charged items
23 were on one, and the other items they were using on 404(b) were
24 on another, and so I believe those are some differences that we
25 have in these two cases.

1 THE COURT: Anything else on that, Mr. Routzong?

2 MR. ROUTZONG: Your Honor, I don't think you can take
3 it for granted that these files are child pornography before
4 you make a ruling. It seems to me there requires testimony
5 from whoever examined them and how they determined it was child
6 pornography. We're talking about a very busy office that has
7 650 files, and thousands more than that, plus alleged 50
8 videos. How did they determine that these were child
9 pornography?

10 MS. MILES: And, Your Honor, our forensic examiner,
11 we can call him in camera to do a hearing on that, if that's
12 necessary for the Court.

13 THE COURT: Okay. Do it now?

14 MS. MILES: Sure.

15 MR. RYAN: The State calls Investigator David Grubbs.

16 **DAVID GRUBBS WAS DULY SWORN AT THIS TIME AND**
17 **TESTIFIED AS FOLLOWS:**

18 THE DEPUTY: State your name for the record and spell
19 your last name, please.

20 THE WITNESS: I'm Investigator David Grubbs,
21 G-r-u-b-b-s.

22 **EXAMINATION**

23 BY MR. RYAN:

24 Q. Investigator Grubbs, can you state your current
25 employer, please?

1 A. Yes. I work for the South Carolina Attorney General's
2 Office.

3 Q. What is your current position with the Attorney
4 General's Office?

5 A. I'm the Chief Forensic Investigator with the Internet
6 Crimes Against Children's Taskforce.

7 Q. What is your general law enforcement training and
8 education?

9 A. I have a Bachelor's Degree in Criminal Justice from the
10 North Georgia College State University. I've been in law
11 enforcement in the service of South Carolina since 2008. I did
12 one year as a detention deputy with the Aiken County Sheriff's
13 Office before I went to uniform road patrol. In 2013, I went
14 to SLED's Computer Crime Unit, which I was a special agent with
15 until 2016 where I then took my position at the Attorney
16 General's Office as a Special Investigator.

17 Q. Let me touch on this a little bit. What type of
18 specialized training in the field of computer forensics have
19 you received?

20 A. If I may refer to my notes?

21 Q. Certainly.

22 A. So I am a Magnet Certified Forensic Examiner. I'm a
23 Cellebrite certified operator, I'm a Cellebrite certified
24 physical analyst, I'm a certified black light examiner, I'm a
25 forensic explorer certified examiner, Grify (ph) analyze DI

1 training program I've been through, Ditego (ph) Digital
2 Forensic Examiner Certification in the area of Magnet
3 Forensics, which they make the program, Axiom, which is one of
4 our primary tools. I have gone through AX 301, which is Axiom
5 gray key (ph) advanced IOS examinations, AX 302, which is Axiom
6 advanced IOS examinations, AX 300, Magnet Axiom Advanced Mobile
7 Forensics, AX 200, which is basic computer forensic
8 examinations, AX 250 which is Axiom advanced computer forensics
9 through the United States Secret Service Cyber Fraud Taskforce,
10 the National Computer Forensic Institute, I've been to basic
11 network investigations, Macintosh forensic investigations,
12 Digital Investigations Supervisors Course. I received a 2020
13 and 2021 Software Forensic Examiner award with the U.S. Secret
14 Service. I've been to the National White Collar Crimes Center
15 and classes concerning basic data recovery and acquisition,
16 intermediate data recovery and acquisition, basic cell phone
17 investigations, cell phone interrogation, advanced wireless
18 network investigations, GPS interrogation, Windows artifacts,
19 social media artifacts, identifying and seizing electronic
20 evidence, encryption, legal concerns for digital evidence
21 responders, I've been to the SANS Institute regarding advanced
22 network forensic and analysis, advanced digital forensic and
23 incident response, hacker tools, techniques, exploits and
24 incident handling through Texas A&M Engineering. I have had
25 courses in information security, I've been to Access Data's

1 boot camp, Access Data's Macintosh Forensics and case computer
2 forensics from the Bureau of Justice, I've been to malware as a
3 source, and pretty much every year since 2016 that it's been
4 available, COVID notwithstanding, of course, I've had the
5 National ICAC Conference Training, National Law Enforcement
6 Training on child exploitation in Atlanta.

7 Q. Thank you. How many devices have you forensically
8 examined?

9 A. Thousands.

10 Q. Were you involved in the sexual exploitation of a minor
11 investigation involving Ricky Singer, Jr.?

12 A. Yes.

13 Q. How did you become involved in this investigation?

14 A. I was assigned to do the digital forensics on the items
15 that were seized.

16 Q. And what was the first step you took when examining the
17 items?

18 A. Typically what we'll do is we'll do a preview of an
19 item, so we want to make sure that we hook everything up to a
20 write blocker when applicable. Sometimes that's not always
21 available as an option, but we will take a hard drive or
22 whatever we're trying to do or examine the data on, we'll hook
23 it up to a write blocker so that we do not make any changes to
24 that media. We'll then do a forensic preview with some
25 software, it varies on examiner to examiner what they use, to

1 see if we find that that item of evidence is pertinent to the
2 investigation. If it is we then image or clone the device and
3 we then work off of that image when we're doing our
4 examination.

5 Q. And is that what you did in this case?

6 A. Yes.

7 Q. Do you have your copy of your forensic report for this
8 case with you?

9 A. I do not in front of me, no, sir.

10 MR. RYAN: May I approach the witness, Your Honor?

11 THE COURT: Yes, sir.

12 Q. Do you recall what tools you used?

13 A. Yes. My primary tool for this would be Axiom.

14 Q. Okay. Now, Mr. Grubbs, I have copies of some of your
15 forensic reports that have drop down menus, as well as
16 examples. At any point answering these questions would be
17 better if you had this in front of you, please let me know and
18 we will work something out as opposed to just your printed out
19 report.

20 A. Yes, sir.

21 Q. Did you look at files of child pornography on the
22 computer that you examined?

23 A. Yes.

24 Q. Do you recall how many?

25 A. I believe 650 photos and 50 videos.

1 Q. Did you locate any user names or users on the computer?

2 A. Yes.

3 Q. Jumping back to those 650 images and 50 videos, how did
4 you determine that they were files of child pornography or
5 sexual exploitative material?

6 A. Well, there's a couple ways that we do that. We view
7 all of them individually. We also categorize child -- or each
8 file and video using a software called Grify (ph) in most of
9 our cases. Grify (ph), it's kind of like a big hash database,
10 so it keeps to fingerprint or DNA, if you would, of individual
11 files where it can automatically flag known child pornography
12 for us that we've seen before or tagged before, but also those
13 aren't 100 percent accurate. Sometimes other people that have
14 different views on hashes can categorize something that I
15 wouldn't necessarily agree with, so on these I individually go
16 through and would categorize them myself. If there's any
17 doubt, I don't categorize them as child pornography.

18 Q. Do you put eyes on these files yourself?

19 A. That's correct, sir.

20 Q. So the determination is two-fold, and don't let me put
21 words in your mouth, but the determination is both comparing
22 hash values or algorithms, known files of child porn, as well
23 as you viewing them?

24 A. Yes.

25 Q. Thank you. One moment. Do you recall off the top of

1 your head if there were files of, or indication that there was
2 peer-to-peer software on this device?

3 A. Yes, there was.

4 Q. Do recall that there's any indication that this device
5 was being utilized by the name Ricky Singer?

6 A. Yes, sir. That was associated with the primary account.

7 Q. Can you tell me a little bit about what keyword searches
8 are.

9 A. So keyword searches is a term that we use, I think we
10 had some confusion in the court earlier. The keyword searches
11 are my searches, so that is a list of kind of child pornography
12 phrases that I'm putting in to pretty much every investigation
13 that I run. Now, the list will vary depending on a cyber tip,
14 or something like that, but there is kind of like a blank slate
15 of about a dozen that I put in for most. If there is a
16 specific file name or things like that, I can also put it,
17 sometimes I'll put in IP addresses or things like that to grab,
18 it's not a concrete list but there are core phrases or
19 terminology that I use in every keyword search for cases.

20 Q. Do you recall any key words that you did use?

21 A. Sure. So I'll use ones, LS models is one, PTHC, ray
22 gold, where the "A" in ray is an at symbol, preteen, jail bait,
23 pito, lolita, things like that.

24 Q. So when you say, key words, those are just, again, I
25 don't want to put words in your mouth, but those are tools that

2 A. Yes. It helps narrow the focus. There's millions of
3 artifacts across the computer system, and when I put these in,
4 it can kind of give me to low hanging fruit, so to speak, as to
5 things involved with the activity that we're investigating.

6 Q. And you're not saying that those are the phrases or the
7 items that someone typed into this computer?

8 A. Correct.

9 MR. RYAN: Your Honor, at this time I don't have any
10 further questions for Mr Grubbs.

11 THE COURT: Mr. Routzong?

12 EXAMINATION

13 BY MR. ROUTZONG:

14 Q. Good afternoon, sir.

15 A. Good afternoon, sir.

16 Q. Just to make sure the Court and everybody heard you
17 correctly, you put eyes on each file, 650 and then 50 videos,
18 you saw all of those?

19 A. Yes, sir. I put eyes on for every case, I have to look
20 at everything.

21 MR. ROUTZONG: Your Honor, I'm going to ask some
22 questions that may be a little bit, I think it will save us
23 time in the end, if that's okay, beyond this immediate topic.

24 Q. If you don't mind, sir --

25 A. No, sir.

1 **(Defendant's Exhibits Nos. 1 & 2 were marked for**
2 **identification.)**

3 Q. -- I've just got a few questions. One thing I wanted to
4 know, I wanted to hand you up, hand to you, with the Court's
5 permission, what's been marked as Defendant's Number 1 and
6 Number 2. It's simply the search warrant and the return. Do
7 you recognize that?

8 A. Yes, sir.

9 Q. You were the one that tested this, this computer; is
10 that correct?

11 A. Yes, sir.

12 Q. And what day did you test it on?

13 A. Originally, it looks like, from my return, September 1,
14 2020.

15 Q. When was the search warrant issued?

16 A. So this search warrant is December 10, 2018.

17 Q. And that's from Richland County?

18 A. I believe so, sir.

19 Q. And the return went to the Richland County Court?

20 A. Yes, sir. I can't recognize what judge signature.

21 Q. I couldn't either, I couldn't even begin to tell you.
22 Is that about almost two years?

23 A. Yes, sir, it does.

24 Q. Okay. Let me ask you, these are technical questions and
25 I may have to have your help. I broke my glasses and I don't

1 have my bifocals so I might have to keep taking them on and off
2 to see things.

3 A. No problem, sir.

4 Q. It says -- was BitTorrent installed on Mr. Singer's
5 computer?

6 A. I believe I found BitTorrent artifacts, yes, sir.

7 Q. What user were those found under?

8 A. Without consulting my report, I don't know, sir. There
9 was four main accounts. The primary account that I focused on
10 was, I believe, big bad 00, which was tied to Ricky Singer.

11 Q. Now, this is something I'm going to probably need your
12 help with: Most recently used application on Mr. Singer's
13 computer. What is most recently used referred to?

14 A. So most recently we're talking about artifacts that the
15 computer has logged that you've interacted with. So sometimes
16 people click the start icon at the bottom of their screen, it
17 will pop up and it will show documents that you've been working
18 on at work that you can access recently, or that you can access
19 quickly. It's kind of trying to create a shortcut for the
20 user. It says, you know, we see you've interacted with these
21 recently, so here they are for quicker access.

22 Q. I see. Thank you. That was a very informative answer.

23 A. Yes, sir.

24 Q. This is a real kind of important question. Do you
25 remember finding baby J, the file name, baby J on that computer

1 anywhere?

2 A. No, sir, I don't believe I did.

3 Q. And was that the file that Investigator Atkins used to
4 allegedly download to his computer?

5 A. I don't see the exact name of the file, but that sounds
6 correct, sir.

7 Q. And it wasn't on Mr. Singer's computer anywhere?

8 A. Correct.

9 Q. Here is another one of these questions I'm going to need
10 your help with: Remote desk top, what does that refer to?

11 A. Remote desktop refers to allowing someone to have access
12 to remote into a computer. So for example, if I have a problem
13 with my computer at work and IT thinks they can fix it from
14 across the street, they'll ask if they can remote into my
15 computer to kind of take control and do the work.

16 Q. So you could be far away or you could be right next to
17 it, it wouldn't matter, I mean, for terms of being remote?

18 A. Correct.

19 Q. It could be somebody in another county, maybe?

20 A. Correct.

21 Q. Was Mr. Singer's computer configured for remote?

22 A. Yes, sir, it was, however, I checked the history of the
23 artifacts that were logged for remote desktop, and it was
24 configured for that, but there were no event ID's of 10 for
25 logging a successful remote-in. So it was interacting with it,

1 there's several things that can make it, I can't pinpoint what
2 was interacting with the remote desktop. It could be that he
3 had it enabling upon start up, it's interacting with his remote
4 desktop, but I did not see any successful log-in's with an
5 event ID of ten of somebody having come in to actually take
6 control of his computer.

7 Q. Okay. You may have to really, and I'm serious, you're
8 going to have to break that down for me a little bit clearer.

9 A. Yes, sir. So the machine assigns an event ID to remote
10 desktop. They can range from variety of things, but a
11 successful remote desktop, I'm communicating with IT's computer
12 over here, it's going to log as ten, and I did not see any of
13 those when I parsed out remote desktop and was looking just at
14 those artifacts, there were like 21, 22 events of that nature,
15 which, again, I can't pinpoint what it was doing, but I can say
16 it wasn't talking to another machine.

17 Q. What was that ten called, what does that mean?

18 A. Successful connection.

19 Q. Okay. So when you say the number ten, you're talking
20 about that's a successful?

21 A. The event ID is number ten, that's what the computer
22 assigns it.

23 Q. I understand. Okay, I see what you're saying. And I
24 guess you're familiar with the report where and how
25 Investigator Atkins said that this file, baby J, or the file

1 that he downloaded was not successfully downloaded in its
2 entirety, it was only a piece of it; is that correct?

3 A. I can't testify yes or no on that, I'm not familiar if
4 it was a complete download or not.

5 MR. ROUTZONG: Your Honor, if I could have just a
6 second? I don't have any other questions, Your Honor.

7 MR. RYAN: Nothing from the State, Your Honor.

8 THE COURT: You can step down, sir.

9 THE WITNESS: Thank you.

10 MR. ROUTZONG: I guess it really does fall back on
11 State v Simmons and 403, Your Honor, from what I can tell. You
12 know, the more of these items that are piled on, I think the
13 more of the danger is the jury makes a decision based on an
14 improper basis, but I can understand, as I said, with all
15 candor to the Court, one of the things they have to show and
16 one of the things that I would be attacking is knowing, but the
17 Court in Simmons clearly found that that was improper and the
18 Supreme Court didn't say a word about that in Simmons, and I'd
19 ask the Court to consider that.

20 THE COURT: Anything from the State?

21 MR. RYAN: Your Honor, that it is going to be our
22 burden to show that it was intentionally. We're not publishing
23 these items, we're showing that their existence, so any
24 prejudicial effect is minimized as much as possible to bring
25 these types of charges, so it is -- the probative value does

1 outweigh any prejudicial effect.

2 THE COURT: Alright. Now, is this a two-prong motion
3 or a single prong, which one is it? Mr. Routzong made a
4 comment to a second part here.

5 MR. ROUTZONG: Well, I think, Your Honor, the State
6 started out with search terms --

7 THE COURT: Yes, sir.

8 MR. ROUTZONG: -- which we have determined it's not
9 the search terms that I was worried about, and then we moved on
10 to the second prong of the State's argument is that they should
11 be allowed to put in all these other pictures and videos, at
12 least referred to the, they don't want to put it in, they want
13 to refer to them, and I'm complaining about that part, Your
14 Honor, and I don't know if the State has any other motions.

15 THE COURT: Do you?

16 MR. RYAN: I think, well, as far as referring to the
17 other files and titles and other artifacts associated with
18 child pornography, we do want to be able and should be able to
19 discuss them to show that this was an ongoing intentional
20 activity or at least let the jury weigh that on whether or not
21 they can make the infer of this was an intentional act.

22 THE COURT: Mr. Routzong?

23 MR. ROUTZONG: Yes, sir?

24 THE COURT: I need to rule. I've often said being a
25 Circuit Court Judge, we rule on the run a lot, you have to, you

1 don't have the luxury of the Court of Appeals or the Supreme
2 Court. Help me to get this out of my mouth correctly. Let's
3 go to number two first. As long as these other files, I'm
4 going to allow them in, what you're talking about, okay? Not
5 the file but the language you all used just now, and you all
6 now better than I do what I'm trying to tell you here.

7 MR. RYAN: Yes, Your Honor.

8 MS. MILES: The existence of the evidence, not the
9 evidence.

10 THE COURT: Mr. Routzong, I will agree you, it's an
11 odd call to make here based on relevance and whether it's
12 prejudicial. Obviously, this is not the first Court to deal
13 with this based on the first case that you talked about, but
14 I'm going to allow it so long as the State stays within their
15 boundaries it said it would stay in in terms of it being overly
16 prejudicial. That's sort of an oxymoron-ish word to use, but
17 that's what I'm using. Now, to go back to the first part here,
18 Mr. Routzong, I'm going to allow them to go forward with this
19 motion they have put forth today. I'm aware of your argument
20 that you didn't know about some of these things or they didn't
21 share it with you, and I don't say that in a critical way of
22 any side here today, and ask you just to review your motion as
23 we go through the trial. Alright, what's next?

24 MR. RYAN: Your Honor, the State is going to make a
25 motion, and hopefully this is what you just addressed, but for

1 the images that are subject to an indictment in a specific
2 charge, we would ask that we do need to publish them, it is a
3 jury question whether or not those files meet the criteria.
4 What the State is going to do, it's going to sensor its shell,
5 at least in terms of the videos that they will be dramatically
6 constrained in length, I'll take the only published to the jury
7 of roughly 15 seconds of the video files. That's balancing the
8 prejudicial versus the probative for 15 seconds, the State
9 believes that the jury can make a determination that, yes, this
10 meets the definition of sexual exploitive material, but we
11 don't need to publish a 30-minute video with audio, we will
12 constrain ourselves in that regard.

13 THE COURT: Mr. Routzong?

14 MR. ROUTZONG: I agree with the State. The only
15 other option that I would have, Your Honor, is to stipulate and
16 ask the Court to not let them show it, and I would stipulate
17 that they are child pornography. I have viewed the files, the
18 State has shared them with me. I don't -- you know, Your
19 Honor, if -- I have not discussed this with the defendant of
20 that possibility. If you could hold on to ruling on that until
21 tomorrow morning and I could discuss that with him, or I could
22 discuss it with him real quick, if you could let me have about
23 five minutes, Your Honor?

24 THE COURT: Yes, sir. And that's on his motion of
25 the shortened versions to be presented to the jury, right?

1 MR. RYAN: Yes, sir.

2 THE COURT: Yes, you can have time.

3 MR. ROUTZONG: Thank you, Your Honor.

4 THE COURT: Let me step out of the room, but one of
5 you all please come get me as soon as he's ready so I don't
6 stay out too long.

7 (Recess taken.)

8 THE COURT: What do you say, Mr. Routzong?

9 MR. ROUTZONG: We are not going to stipulate that
10 these files are child pornography. I do agree with the State,
11 it sounds like they're subject to, further motions for
12 suppression, of course, but it sounds like it balances it
13 pretty well between the prejudice and the unfair prejudice.

14 THE COURT: Alright, sir. So what's next?

15 MR. RYAN: No further motions from the State at this
16 time, Your Honor.

17 THE COURT: Mr. Routzong, anything?

18 MR. ROUTZONG: Yes, sir. We're going to move to
19 suppress the evidence based on the faulty search warrant, Your
20 Honor, and the method, obviously the method based the testimony
21 that will be presented to the State, how the search warrant was
22 obtained, Your Honor, and also based on some of the other
23 testimony we've heard, Judge.

24 THE COURT: Alright.

25 MR. ROUTZONG: Your Honor, I'm going to call

1 Investigator Al Johnson.

2 (ALFRED L. JOHNSON WAS DULY SWORN AT THIS TIME AND
3 TESTIFIED AS FOLLOWS:)

4 THE DEPUTY: State your name for the record and spell
5 your last name, please.

6 THE WITNESS: Alfred L. Johnson, J-o-h-n-s-o-n.

7 VOIR DIRE

8 BY MR. ROUTZONG:

9 Q. Good afternoon, Mr. Johnson, how are you?

10 A. I am fine, and you, sir?

11 Q. So far okay. The day is young. Mr. Johnson, where are
12 you presently employed?

13 A. I'm presently employed with JLA Investigations &
14 Security, LLC, Charleston, South Carolina. I am the CEO and
15 Chief Investigator for that company, which happens to be mine.

16 Q. What is your field of experience? What do you do there?

17 A. Basically, what I do, forensics examinations on digital
18 devices to include cell phones and computers.

19 Q. Can you tell the Court a little about where you've
20 worked in the past and your training and your experience?

21 A. Absolutely. I was educated at South Carolina State
22 University in Orangeburg, SC and Central Michigan University,
23 Mount Pleasant, Michigan. I was commissioned after State into
24 the Army flying attack helicopter gun ships until I decided to
25 go with law enforcement and military intelligence. I was

1 recruited into the FBI. I spent over 20 years with the FBI,
2 total Government service is 33 years. In the FBI I conducted
3 investigations concerning what we call then cyber, cyber
4 investigations. In fact, my work is chronicled in the book
5 entitled Lured to Death. It was the very first murder case
6 that the words "computer forensics" were used. Commonwealth of
7 Pennsylvania versus David L. Copenhefer, this was in 1985. I
8 testified as an expert in that case, and from that point on
9 computer forensics was, I guess, a household word. In fact,
10 the FBI's CART team, Computer Analysis Response Team which I
11 was on was created after that particular case. That work is
12 also listed in a college textbook. It's in my Curriculum
13 Vitae, I don't remember the name of the textbook itself, and
14 I've had several appearances as a result of that particular
15 case. Some of the stuff, I'm going to defer to my C.V. because
16 it is quite lengthy.

17 Q. Yes, sir.

18 A. Just to go down a few things education-wise: Federal
19 Bureau of Investigation Certified and accredited Forensics
20 Examiner of Computer Evidence. I wrote, implemented and taught
21 at that point in time three of the FBI's required courses for
22 new agents and the National Academy, which I trained state and
23 local law enforcement agencies in what is called cyber. During
24 that time frame I mastered a few certifications, I'm not a
25 lover of certifications, but they are necessary: Peer-to-peer

1 digital, in 2009, first of all, Access Data Certified Examiner
2 and in 2011 peer-to-peer investigations, WetStone Company,
3 malicious code discovery, mobile forensics examiner through
4 access data, 2009 and 2012; Cellebrite and UFED physical
5 examiner, 2013; Cellebrite mobile examiner, 2013; Nuix
6 Foundation Examiner, 2014, Magnet Forensics, which includes
7 IEF, that's the Internet Evidence Finder, along with Axiom in
8 2015; continuing education, I try to get 32 hours every two
9 years, it's not a requirement, but it is a standard that I hold
10 myself to. In 2016, Metadata exploitation, Mac forensics,
11 physical acquisition of mobile devices, anti-forensics advanced
12 evidence analysis, smartphone analysis, advanced pass code
13 breaking, and Magnet. In 2015, I'm just going to synopsise
14 most of this: SSD drive, that's Solid State Drives, along with
15 smartphones, E-Discover and vehicle system forensics, and 2014,
16 optimizing Nuix, remote forensics, Solid State Drive, again,
17 and analyzation for malware. In 2013, E-discovery forensics,
18 Android, Windows and Solid State, and I'm going to skip some of
19 this stuff. Awards: South Carolina Association of Private
20 Investigators; Investigator of the Year Award; twenty letters
21 of accommodation and appreciation from the FBI as a supervisory
22 special agent; United State's Attorney General's Certificate of
23 Award and Appreciation, Washington DC; National Defense Army
24 Commendation Medal, Meritorious Service Medal; two particular
25 clusters, Expert Badge; Army Aviation Wings; paratrooper and

1 Army Reserve. The position that I've held with regard to
2 cyber, first of all, the CEO Chief Investigator of my company,
3 JLA Investigations, professional criminalistics and cyber
4 training at Trident Technical College main campus in
5 Charleston, South Carolina. I'm an advisory board member for
6 Keiser University in Fort Myers, Florida in the area of
7 computer and digital evidence forensics, I'm an advisory board
8 member of the Technical Security and Forensics International
9 Conference, we call that Techno, they meet twice a year, one on
10 the East Coast, one on the West Coast, it used to be in Myrtle
11 Beach, but this time around it's going to be in North Carolina.
12 When I retired I became the director of public safety, Homeland
13 Security at South Carolina Research Authority. I am sure that
14 the deputies here in the courtroom have heard of something
15 called SkyX and something called ShotSpotter. My center
16 developed and implemented those particular technologies that
17 are present in South Carolina and other states today.
18 Significant court appearances: I won't go through all of them,
19 but I've been classified as an expert, I stop counting the
20 number of computers and networks that I have evaluated after
21 over 1,000. Specialized skill, I won't mention them because
22 they're not cyber, they're like SWAT team, and that kind of
23 thing. Is there anything else? I defer the rest to my 12,
24 15-page C.V.

25 Q. Thank you, Investigator Johnson. Just to make sure

1 we're clear, how many times have you testified in court in
2 South Carolina?

3 A. In South Carolina? I believe it's been only five in the
4 State of South Carolina, but I've testified in seven other
5 states, one of which was California, I testified with regard to
6 them developing a state-wide policy on cyber crime and that
7 policy was actually enacted and is currently being used in the
8 State of California, but in South Carolina, I believe it's
9 been, I believe it's somewhere between five and seven in South
10 Carolina.

11 MR. ROUTZONG: Your Honor, at this time for purposes
12 of this hearing only, I'd like to ask the Court to qualify
13 Investigator Johnson as an expert in computer forensics.

14 THE COURT: Any Voir Dire from the State?

15 MR. RYAN: No objection.

16 THE COURT: Without objection, so admitted.

17 **DIRECT EXAMINATION**

18 BY MR. ROUTZONG:

19 Q. Investigator Johnson, did you have an opportunity to
20 review and look at the devices that were involved in this case?

21 A. Yes, I did.

22 Q. How many of those items did you analyze?

23 A. I analyzed item one, item number one. There were a
24 total of four items. The other three items to my information
25 that was given to me in belief, there was nothing of

1 evidentiary value found on them so there was no need in
2 analyzing them. I analyzed item number one which was a black
3 laptop computer, the serial number is listed, and there are two
4 photos on it. It was a 1,000 gigabyte, or terabyte hard drive,
5 and it was, according to the document here from the State's
6 Attorney General's Office, it was processed in -- it was
7 imaged, I'm sorry, in In Case and it was processed in Axiom.
8 My processing was also Axiom.

9 Q. I guess we're inevitably going to get into the weeds a
10 little bit so you'll help us understand this, but what is
11 Windows registry, and what is it used for?

12 A. The Windows registry is probably best defined as a large
13 database, and it basically contains all of the information
14 about anything that occurs on that system, for instance, items
15 that are attached to it, the operating system itself and its
16 various changes over time. Directory structures, where things
17 are on the system. If it is anything at all, it is going to be
18 in the Windows registry. It is unique to Microsoft Windows.

19 Q. Was there a registry present on item one?

20 A. Yes. It was present on item one. Your registry will
21 always be found on the system drive, that's the drive that
22 actually starts the system unless someone decides to modify or
23 customize startup remotely somewhere, which was not the case
24 here. This was a standard registry or a standard system drive.

25 Q. Can the Windows registry be edited by the average user?

1 A. Yes. That's a good clarification. The Windows registry
2 can be edited, however, the average user with no systems
3 administrator experience and no experience with registers at
4 all cannot successfully edit a registry and still have it
5 functioning.

6 Q. Would the Windows registry record the plug-in of an
7 external drive?

8 A. Yes, it would.

9 Q. Would the Windows registry list the programs and
10 applications found on the system drive?

11 A. Yes, it would.

12 Q. What exactly does that mean, systems drive?

13 A. Systems drive is a drive that actually boot the system
14 up. It has the operating system on it, and when you turn the
15 computer on, let's say the computer is turned off and you turn
16 it on, when you turn it on it starts what is called a
17 post-process. I won't get into the weeds of that, but it's the
18 process that actually checks the hardware and if the hardware
19 is fine you hear this beep or some other tone, and from that
20 point it passes the boot up process over to the operating
21 system which is software base, the system comes up and now you
22 can do things like Word Perfect or PowerPoint. At that point
23 in time you now have a functional computer that you can do
24 something with.

25 Q. Would the Windows registry contain a list of individuals

1 who have log-in accounts on the system?

2 A. What is called a SAM file, which is a system
3 administrative file, would have that particular list, however,
4 the Windows registry would maintain what that user is doing on
5 the system in a file called NT user dot D-E-T and would
6 maintain whatever goes on by a specific user in that file.
7 Now, the listing of users is better looked at in what is called
8 to SAM file, system administrative file that tells you who has
9 accounts on the system itself. Care must be taken as to how
10 that is interpreted. Just an account, for instance, on this
11 particular system you had the account of Mr. Singer, you had
12 the account of a person named Brenda, you had the account of
13 another person named Santiago. Those are different accounts,
14 different log-ins with different NT user dot DET files. The
15 caution is that, if I know Santiago's log-in credentials, then
16 I can log in as him and nobody would know it was me. If I
17 wanted to log into Mr. Singer's position then I become him
18 because I'm logged in as him. So, basically looking at that
19 file and seeing those accounts does not mean that that was the
20 actual person sitting at the keyboard. It only means that
21 that's the account that was logged into at that period in time.
22 You verify that with the NT user dot DET file and you find out
23 what the person was doing, but, again, it doesn't tell you, Al
24 Johnson, it just tells you this is what was done in the account
25 of Al Johnson.

1 Q. What did you find concerning the configuration of the
2 setup in the system?

3 A. There were a couple of things. When you say the setup
4 of the system, I want to make sure I answer your question
5 correctly. When you say the setup of the system, do you mean
6 how it was configured in and of itself?

7 Q. Yes, sir.

8 A. It was configured pretty much standard, but a critical
9 look at the registry pointed out, or at least indicated some
10 things that were unusual, and what I mean by that is the
11 listing of the files in the registry listed two files that I
12 would have never expected to be on that particular machine, and
13 one was Access Data, which is a forensics company that produces
14 FTK forensics program. The other was Magnet, which is another
15 forensics company, in fact, these are the two leading, along
16 with In Case and others, these are the leading examining
17 forensics programs made, just about every three letter agency
18 uses these programs. My question was, what are those names
19 doing in the registry of Mr. Singer's, you know, computer? You
20 know, he may be a novice and he may like to play with them, but
21 the bottom line is I wouldn't have expected it there. There
22 were also two instances of drives, external drives, being
23 attached to the system after the system was, I guess,
24 confiscated or searched and seized. It's kind of unusual
25 because a write blocker would prevent some of that in standard

1 protocol because you use a write blocker to keep from
2 contaminating the actual evidence itself. In looking at those
3 systems, or I'm sorry, in looking at those indications and
4 artifacts, if that were what I would consider that
5 contamination of a crime scene if it was a crime scene, I can't
6 say what may have been contaminated because that requires a
7 whole deeper dive to find out maybe what, and you may never
8 find out what, but my issues are when I'm looking at something
9 like that, I would not have expected to see forensic software
10 on that machine, I just wouldn't have.

11 Q. In your examination of Mr. Singer's computer did you
12 find the file baby J?

13 A. The file baby J was never in its entirety on that
14 computer. Baby J was attempting to be downloaded from Mr.
15 Singer's computer utilizing a shareware program, not shareware,
16 a sharing program called BitTorrent. BitTorrent, without
17 getting in the weeds, we could, but without getting in the
18 weeds BitTorrent is one of the more popular shareware-type
19 programs. All systems on the BitTorrent network advertise what
20 files they have, whether they be pornographic files or files on
21 engineering, they're advertised. The baby J file has what is
22 called, or is made up of what is called parcels or pieces, zero
23 to 542 pieces makes up the entire file of baby J. Mr. Singer's
24 computer was only advertising five pieces of 542 pieces, which
25 means that it did not have the entire file. I have the

1 BitTorrent logs and the BitTorrent logs will verify, and we can
2 go through each one, but it will verify that baby J was never
3 on that system in its entirety and it was only broadcasting
4 five and it did attempt to write those five to the government's
5 computer. That attempt failed for obvious reasons. I would
6 have expected it to fail primarily because it was trying to
7 write to uninitiated areas of the government's computer, which
8 is nobody's fault. Basically, what that means is the program
9 was running at the same time it was attempting to be cashed in.
10 That particular uninitiated error is considered an error, hard
11 to find, but it is considered an error, and as an error it in
12 and of itself was not able to be written to the receiving
13 computer, or what is called the local computer. The law
14 enforcement computer was a local computer, Mr. Singer's
15 computer was the remote system in and of itself, so I never
16 expected anything to be written there because the government's
17 system was uninitiated, and that's a function of the operating
18 system itself. The fact that there were only five pieces being
19 broadcast by baby J only means that I don't have the rest of
20 it. The Nutela (ph) system is designed to pull data from
21 multiple computers, multiple systems, one file may have, well,
22 in this particular case, 542 pieces, but that 542 pieces is
23 strung out over, let's say the universe, you might have 7, 8,
24 10 or more computers with parts of that. The system is
25 designed for expediency and speed. When a request goes out,

1 there is a broadcast from each of those systems saying, well, I
2 got one through five, I got ten through 11, what have you.
3 Those pieces are drawn in and reassembled when they get to
4 destination. Well, you say, so now we've got five systems
5 guilty of whatever we're going to call it, well, what has
6 occurred is there has been developed front ends that actually
7 force the Nutela system (ph), force it to only send from one
8 computer. Well, that works sometimes and it doesn't work other
9 times. Some of the -- the times that it will almost never work
10 is if you have firewalls, firewalls on each side. The system
11 will not work with the firewalls, but there is a process called
12 push processing. With push processing the system invokes, yet,
13 a third machine, so in actuality, in actuality, it is
14 considered a single source download, but it has help to have
15 that happen. The logs that I have, if we went through them,
16 and I have highlighted areas, shows that push processing was
17 not invoked at that point in time and that a single source
18 download probably would not be successful, and this is why we
19 don't have a single source download, nor do you have the baby J
20 file, and that is evident because the baby J file does not
21 exist in its entirety on Mr. Singer's system, and only five
22 pieces, those probably were the five pieces that were seen as
23 it streamed in, but at the same time that streaming in, running
24 the program while it's trying to cash shut it down. Now you
25 don't have anything anywhere because the cashes were flushed,

1 there's nothing left in the caches, so baby J in and of itself,
2 an attempt was made, but it was not successful.

3 Q. And from your investigation and what you've read, the
4 basis of the search warrant was that the state claimed that
5 through a single source download they downloaded pieces of baby
6 J; is that correct?

7 A. Well, it is true that they downloaded pieces of baby J.
8 They downloaded five pieces of baby J, we verified that with
9 the hash value utilizing the information -- the torrent
10 information file in and of itself. Those five pieces are
11 authentic, they were downloaded, but in the download itself,
12 the only reason why it's only five is because the Singer
13 computer only had five, it had no more to give, in fact, the
14 log specifically states that, that there are no more, there are
15 no more, it only had five and it had transferred, and this is
16 where the language barrier comes in. To the average layperson
17 looking at a computer or working with a computer, when it says,
18 download is complete, you figure the entire thing is
19 downloaded, that is not what it means. Basically, what the
20 system is saying is that the five files that we downloaded are
21 complete, not all of baby J. In fact, it will say, I think,
22 about two or three lines down that baby J was not sent as a
23 complete file.

24 Q. When you say that it was not a successful single source
25 download, does that mean it could have come from another

1 computer?

2 A. Well, here unlies the rug, I can't say that it came from
3 another computer, the only thing that I can say is that -- and
4 the download didn't fail, the system did what it was supposed
5 to do. It was advertising five pieces, the system downloaded
6 five pieces, but because of the uninitiated issue and along
7 with another that I forgot to mention, choking, it's called a
8 choke and an unchoke, it didn't unchoke, it choked up after it
9 downloaded the five pieces, so you've got several things going
10 on here with the network, so the network is the issue. Whether
11 or not baby J was sitting there or not really doesn't matter.
12 Obviously, it couldn't have been there in its entirety if the
13 system says there's only five pieces there, that's it, that's
14 all it was, five pieces, five pieces of 542, if my memory
15 serves me correctly, so those other 500-some odd pieces were
16 still sitting out somewhere on the network, and the single
17 source part of it appears not to have worked and there was no
18 push process because if single source, if single source had
19 worked it would mean that the Singer computer would have needed
20 all of the pieces, all 542 pieces, it didn't have it.

21 Q. Well, if single source didn't work, and as an expert on
22 computer forensics you can't say it didn't come from another
23 computer?

24 A. I can't say that it didn't come from another computer,
25 but what would happen is the system would default back to the

1 way it was designed. It would go out looking for those other
2 pieces on other systems. Now, I can't say that that happened
3 because I don't have a log showing that. I can only say that
4 it's designed to pull in data from multiple systems. The front
5 end defeats that and allows only single source download,
6 however, when you have other issues, like in this particular
7 case you may not have a download at all, obviously you
8 didn't have a download here, but you may not have had a
9 download even if it switched back to default. I don't know
10 that because it didn't occur, I can't talk about what didn't
11 occur.

12 Q. Without it being a single source download, and you have
13 law enforcement as well as computer forensic background, that
14 doesn't amount to an event that rises to the level of probable
15 cause, does it?

16 A. Could you ask that question again, please?

17 Q. Well, I'll withdraw the question. That's okay. Let me
18 see if I can approach it from a different way. If baby J was
19 the probable cause, and that's what is in the State's report,
20 as you've read, and it's not a single source download, how
21 could that amount to probable cause?

22 MR. RYAN: Objection, Your Honor. I am going to
23 object to that question. He's now asking to give a legal
24 ruling. He's been qualified as an expert on computer
25 forensics.

1 THE COURT: Sustained, Mr. Routzong.

2 MR. ROUTZONG: Your Honor, I don't have any other
3 questions.

4 THE COURT: Any Cross from the State, sir?

5 MR. RYAN: Very brief, Your Honor.

6 **CROSS-EXAMINATION**

7 BY MR. RYAN:

8 Q. Good afternoon, Mr. Johnson. Thank you for being here.

9 A. Good afternoon.

10 Q. Sir, you did say that there was a partial download of
11 the baby J video?

12 A. There were three pieces that were downloaded of baby J,
13 yes.

14 Q. Three or five?

15 A. I'm sorry. Thank you. Five pieces, five pieces.

16 Q. Very well. And is the baby J video a known file of
17 child pornography?

18 A. Baby J, probably, if you look for child pornography
19 you're going to find baby J.

20 Q. One moment, sir. Thank you. Just one last thing. Your
21 examination of this device, did you locate files of child
22 pornography on it?

23 A. Yes, I did.

24 Q. Thank you, sir.

25 THE COURT: Mr. Routzong?

1 MR. ROUTZONG: I don't have any other questions, Your
2 Honor.

3 THE COURT: You may step down, sir. Thank you. Your
4 motion, Mr. Routzong was to the search warrant; is that right?

5 MR. ROUTZONG: Judge, the basis of the search warrant
6 was Investigator Atkins says he downloaded a portion of a file
7 called baby J. I guess the issue I have, I would like to ask
8 the Court to consider, and you may have to actually look at the
9 portions of the file that's on here, Judge, so you can make a
10 determination when you see the actual video whether or not a
11 reasonable person could tell whether or not that was a child.
12 Certainly, the investigator made that determination, Your
13 Honor. I viewed the file, the State graciously allowed me to
14 see it, and I had questions about whether or not a reasonable
15 person would be able to actually make that determination such
16 that it would amount to probable cause, and I would advise the
17 Court to take a look at that.

18 THE COURT: Sure. And your reply, sir?

19 MR. RYAN: Your Honor, the search warrant for the
20 home was valid. The warrant should be granted when there is a
21 fair probability that evidence of criminal a activity will be
22 located. In this case it doesn't seem to be suited that there
23 was a partial download of child pornography, that was the basis
24 of the search warrant that the IP address led investigators to
25 that home, it was described in detail in the affidavits and in

1 the search warrants, and that upon showing executed search
2 warrant -- well, then additional child pornography was located
3 upon executing the search warrants on the house, but prior to
4 executing the search warrant they had viewed it, Investigator
5 Atkins viewed the file, did the necessary due diligence and
6 found the basis that brought him to the home. The fact that
7 it's a partial download does not undermine the basis of the
8 search warrant.

9 THE COURT: Yes, sir. Mr. Routzong, with great
10 respect, I'll deny your motion. As far as me, the Court
11 viewing this ahead of time, I don't think I should. I think
12 it's a question of fact for a jury, if it gets to that point,
13 sir. What's next?

14 MR. RYAN: The State doesn't have any more motions,
15 Your Honor.

16 THE COURT: Mr. Routzong?

17 MR. ROUTZONG: I think that was all of the motions,
18 Judge.

19 THE COURT: Okay. Alright. Then I will see you all
20 at 09:30. I'll be here much earlier than that, but if you need
21 to see me or talk to me, I'll be here. Thank you for your
22 patience, always.

23 MR. RYAN: Thank you, Your Honor.

24 MS. MILES: Thank you, Judge.

25 MR. ROUTZONG: Thank you, Your Honor.

1 (Concluded for the day at 4:27 p.m. Monday, May 8, 2023)
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1 **(Whereupon proceedings reconvened Tuesday, May 9, 2023)**

2 THE COURT: Good morning. How are you all today?

3 MR. RYAN: I think, however the Court wants to
4 proceed, we would like the defendant, if the State were to
5 prevail to today, to reject the offer that was extended on the
6 record, just protecting integrity should we prevail.

7 THE COURT: Mr. Routzong?

8 MR. ROUTZONG: I don't know what to say, Your Honor.
9 I mean, if they want it on the record, there's not really
10 anything I can say to argue against that.

11 THE COURT: Mr. Singer, would you stand up, please,
12 sir?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: I don't know what was offered to you, I
15 don't need to know, but I'm going to ask you on the record, do
16 you hereby reject that plea offer?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And you know we will proceed to trial
19 now?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Anything else from the State?

22 MR. RYAN: Nothing further from the State, Your
23 Honor. Thank you, sir.

24 THE COURT: Bring in the jury.

25 THE DEPUTY: Yes, Your Honor.

1 (Jury entered the courtroom at this time.)

2 THE COURT: Thank you all for being on time today.

3 THE DEPUTY: They're all seated, Your Honor.

4 THE COURT: A few comments to make before we move
5 into this trial, Ms. Petty, where are you? Ms. Petty,
6 henceforth, you will be the Foreperson of this jury, ma'am.

7 During this trial, the length of it, which I cannot
8 predict, If any of you at any time need to take a break, you
9 simply need to raise your hand and we'll take a break, you
10 don't need to give a reason. Additionally, we will take breaks
11 from time to time, generally an hour, hour and a half, it
12 depends on where we are in certain testimony. I don't like to
13 break testimony up too much, but sometimes we have to. It is
14 my goal and my pledge to you that you will not be here past
15 5:00 on any day. Now, there's exceptions to that, and that is
16 when you begin your deliberations. If you choose to stay after
17 5:00 and deliberate the case, that's your choice. Now, when I
18 say 5:00, I'm not talking precisely 5:00. If a witness is on
19 the stand and got maybe 10 minutes left, we'll stay another 10
20 minutes, but we're not working the night shift here. Lunch,
21 generally an hour, hour and a half, it all depends on where we
22 fall, don't know about that yet, and can you think of anything
23 else? Tomorrow is a State holiday, so none of us will be here
24 tomorrow. Ladies and gentlemen, anything further before I
25 speak to them?

Jury Sworn

1 MR. RYAN: No, Your Honor.

2 MR. ROUTZONG: Nothing, Your Honor.

3 THE COURT: Will you swear them please?

4 (Jury sworn.)

5 THE DEPUTY: Jury has been sworn, Your Honor.

6 THE COURT: What I will now say to you jurors is
7 meant to serve as an introduction to the trial of this case.
8 My remarks are not a charge on the law in this case. I will
9 instruct you on the law at the end of the trial before you
10 retire to decide the case. Before the trial begins I want to
11 explain the procedure that we will follow so that, perhaps, you
12 can better understand what we are doing and why things are
13 happening. Every one of you has been selected as fair and
14 impartial jurors whose purpose is to find and determine the
15 facts. You are the sole judge of the facts, if at any time I
16 make any comment regarding the facts you must disregard what I
17 say. You are to determine the facts from the testimony you
18 hear and any other evidence that is presented. You should not
19 be influenced by any opinions or statements you may have heard
20 outside the courtroom. It is especially important that you
21 perform your duty of determining the facts diligently and
22 conscientiously, because ordinarily there is no way to correct
23 an erroneous determination of the facts by a jury. When you
24 comply with your oath to impartially determine the facts of this
25 case, you will have fulfilled your duty as jurors and no one

1 would have the right to criticize your verdict. On the other
2 hand, the law that makes you the judges of the facts makes me
3 the judge of the law. The law as given by the Court is the
4 only law you may consider, you must accept it and follow it,
5 even though you may disagree with it. I can't tell you what
6 the facts are and you cannot disagree with the Court about what
7 the law is or should be. Your job is to take the law as I give
8 it to you and apply it to the facts as you find them from the
9 testimony of the witnesses and any other evidence that is
10 presented. After doing that you will render your verdict a
11 true and just verdict under the solemn oath that you just took
12 as jurors. Until I advise you to begin your deliberations you
13 must not discuss this case with anyone, including your fellow
14 jurors, friends, family members and anyone involved in the
15 case. This includes discussions, face to face, and those by
16 telephone, email, text, blogs, or any other method of
17 communication. You may not use a computer, cell phone, or any
18 other electronic device with communication capabilities at any
19 time while in the courtroom or during your deliberations. You
20 may not at any time use those devices to get or send
21 information about the case. This includes information about a
22 party, a witness, an attorney or a court officer, news accounts
23 about the case, research on any topics raised, or any topics
24 you think would be helpful in deciding the case or any
25 testimony presented by a witness. During the trial do not

1 listen, read or watch any news reports, if any, about this
2 case. This includes anything that may be in the newspapers or
3 on the internet, radio or television, you must not consider
4 anything you may have read or heard about this case outside the
5 courtroom whether before or during the trial. After the case
6 is submitted to you, you must discuss it only in the jury room
7 with your fellow jurors. The attorneys and their parties have
8 been advised and know that they are not to talk to you at any
9 time during this trial. It is important that you keep an open
10 mind and not decide any issue in this case until all of the
11 evidence has been presented, the parties have made their
12 closing arguments and the Court has instructed you on the law
13 in this case. In a few moments the attorneys for the State and
14 the defendant will make what are called opening statements.
15 What they explain to you will be the issues in the case, or at
16 least what they contend the issues are in this case. What they
17 tell you in opening statements is not evidence in this case, it
18 is only their contention as to what the issues are. The
19 evidence in this case will be presented to you by the testimony
20 of sworn witnesses from the witness stand and by exhibits that
21 may be introduced into evidence. From time to time during this
22 trial I may remove you from the courtroom so that I can discuss
23 legal matters with the attorneys. That is to keep your job and
24 mine separate and apart. In determining the facts of this case
25 you must decide whether or not the testimony of their witnesses

1 is believable. It will be my responsibility to rule as a
2 matter of law as to whether certain testimony is admissible at
3 all or not, but once the testimony is admitted whether or not
4 you believe it is solely for you to determine. In deciding
5 whether to believe a witness you have the right to consider
6 whether the witness has an interest in the result of the trial,
7 whether the witness is prejudice toward either the State or the
8 defendant, the opportunity for the witness to have seen the
9 matters and things about which the witness may testify and the
10 way the witness acts on the witness stand. You have a right to
11 consider anything that is in the record that would help you
12 evaluate the testimony of their witnesses. That means that it
13 is your duty to pay close attention to these witnesses, to
14 observe them, to listen to their witnesses and to pay close
15 attention to the attorneys and to the Court. Don't let your
16 minds wander, but pay attention to the testimony so that at the
17 end of the trial you will be able to determine what the true
18 facts are, to apply the law to those facts, and render a true
19 and just verdict. Gentlemen, lady, any exceptions to that
20 preliminary charge?

21 MR. RYAN: No, Your Honor.

22 MR. ROUTZONG: Nothing from the defense, Your Honor.

23 THE COURT: Thank you all. Alright, proceed, sir, or
24 ma'am.

25 MR. RYAN: May it please the Court?

Opening Statements-Mr. Ryan

1 **(Mr. Ryan presented an opening statement on behalf of**
2 **the State at this time.)**

3 MR. RYAN: Counsel, jury, good morning.

4 THE JURY: Good morning.

5 MR. RYAN: I spoke to you briefly yesterday, just
6 talked very shortly about what this case is about, but I'd like
7 to take this time to expand on that. This case is about
8 children, children that have themselves subjected to a form of
9 sexual exploitation. They're engaged in sexual activity or
10 posed in a sexually explicit manner and then that activity was
11 recorded either by photographs or by video. This case isn't
12 about the people who made the video, this isn't about the
13 people who put their hands on these children, this case is
14 about an individual that sought out this material, possessed
15 this material, and made this material available for others.
16 Each time this material is viewed, each time it's distributed,
17 that child is re-victimized. In 2017 investigators located a
18 person that was making child pornography available on the
19 internet. South Carolina Attorney General's Office
20 Investigator Kevin Atkins located an individual using what's
21 called file-to-file sharing software. I'm not going to be able
22 to tell you how many people were able to receive these files of
23 child pornography from the defendant, but what I can tell you
24 and what Investigator Atkins will explain is that was able to
25 receive a file of child pornography and he was able to identify

1 the defendant as the suspect. Now, after Investigator Atkins
2 viewed the material, he found that the source was an address
3 here in Sumter County, and as is the normal procedure in these
4 types of cases this matter was referred to the Sumter County
5 Sheriff's Department. On October 5, 2017 Sheriff's Deputies
6 executed a Search Warrant at ■ Burkett, here in here the
7 Sumter County, that was the defendant's residence. That's
8 where the defendant lived with his sister and her two young
9 children. Investigators went to the home looking for
10 electronic devices, located a computer, upon examining it,
11 located additional files of child pornography. At that point
12 investigators made the decision to arrest the defendant and
13 charge him, that's what we're here for. You're also going to
14 hear how that computer was forensically examined, the
15 additional files of child pornography were located, and why the
16 Defendant, Ricky Singer was identified as the person
17 responsible for those files.

18 The Defendant has been charged with sexual
19 exploitation of a minor in the second degree and sexual
20 exploitation of a minor in the third degree. You're going to
21 hear testimony from multiple investigators, and unfortunately,
22 you're going to view some of this material, there's no getting
23 around that, because part of what you're going to be asked to
24 determine is does this meet the statute's definition for sexual
25 exploited material, or child pornography, probably as it's more

Opening Statements-Mr. Routzong

1 commonly known. You're going to hear a lot of very technical
2 data about computers, the internet, and there will be very
3 intelligent people to explain everything as best they can, but
4 what Ricky Singer did is going to be very simple. My name is
5 Steven Ryan, this is Bethany Miles from the Attorney General's
6 Office, and what I'm going to ask you to do is just remain an
7 open mind to everything you're hearing and after the conclusion
8 of all of the evidence and all the testimony presented I'm
9 going to ask you to render the one verdict that the evidence
10 supports, that Ricky Singer is guilty of these charges. Thank
11 you all very much.

12 THE COURT: Mr. Routzong?

13 MR. ROUTZONG: Thank you, Your Honor.

14 **(Mr. Routzong presented an opening statement on**
15 **behalf of the Defendant at this time.)**

16 MR. ROUTZONG: Ms. Miles, Your Honor --

17 THE COURT: Yes, sir.

18 MR. ROUTZONG: -- good morning everyone. My name is
19 Michael Routzong, and I represent Mr. Singer. You know, in
20 each opening statement I hear by the State there's always
21 something to kind of grab ahold of, and I will get to that in
22 just a minute. You know, yesterday when we had the entire jury
23 venire here, they call it "jury venire," I guess it's a fancy
24 word for the big jury pool, there were people that came up,
25 thank God, and told His Honor, I just can't be unbiased in this

1 case, the thought of child pornography is so appalling that I
2 just can't get past it, I can't think about that, and they were
3 excused, thank God. But what you guys have all said that you
4 could do is listen to it, and watch it, and then make a fair
5 decision on what the State's evidence is, because the burden is
6 on them. Now, I just want to say a couple of things about what
7 you got to do. You know, I thought about this not too long ago
8 in another trial that I recently had, and it's so true. You
9 know, when we see children, what's our, what's the normal
10 instinct when you see a small child? They're so cute, even
11 puppies, I don't care what kind of creature it is, they're so
12 cute when they're tiny and you just want to pick them up and
13 hold them and love on them, they're just darling, but for you
14 to sit in these chairs, you have to set that aside, and you
15 have to look coldly at the evidence. You have to look
16 objectively at the evidence. You're going to see children,
17 photos and videos of children, I don't think there will be any
18 photos, but there will be videos of children that do not have
19 their clothes on, and you have to get past all of that and
20 coldly and objectively consider the State's case, because,
21 ladies and gentlemen, it's not Mr. Ricky Singer on trial here,
22 what's on trial here is the State's case. Now, they are
23 inviting you, in a very subtle way, when they talk about the
24 fact that there was children and they are being re-victimized,
25 they are inviting you not to look at their case objectively and

1 coldly unbiased, but you have to, you have to examine what they
2 say, they have to burden, I don't have to say anything, Mr.
3 Singer doesn't have to to say anything, we don't have to ask
4 questions, they have the burden, and they have to show that he
5 knowingly did this.

6 If you find at the end of this case, no matter what
7 kind of videos you're shown today, if you find in the end
8 there's a real possibility that he didn't know, you have to
9 find him not guilty, and it's as simple as that, because right
10 now he has a presumption of innocence that carries with him all
11 the way until you the time you finish deliberations and you
12 make a decision, that presumption is there, and I will end my
13 remarks right here by saying, thank you very much for being
14 able to look past, like some folks couldn't, and be able to
15 objectively look at this, because that's what you have to do.
16 Thank you so much.

17 THE COURT: State?

18 MR. RYAN: The State calls Investigator Kevin Atkins.

19 **(KEVIN ATKINS WAS DULY SWORN AT THIS TIME AND**
20 **TESTIFIED AS FOLLOWS:)**

21 THE DEPUTY: State your name for the record and spell
22 your last name, please.

23 THE WITNESS: Kevin Atkins, A-t-k-i-n-s.

24

25

1

VOIR DIRE

2 BY MR. RYAN:

3 Q. Good morning, sir, thank you for being here.

4 A. Good morning.

5 Q. Where are you currently employed?

6 A. The South Carolina Attorney General's Office. I'm in
7 the Internet Crimes Against Children section.

8 Q. Does that have a title?

9 A. My title?

10 Q. Yes, sir.

11 A. I'm the Chief Criminal Investigator, and I'm also served
12 as the South Carolina Internet Crimes Against Children
13 Commander, which is just fancy talk as I oversee our Task
14 Force, which is made up of around 126 local, state and federal
15 partners.

16 Q. In addition to that, what are some of your duties?

17 A. We investigate cyber tips from the National Center For
18 Missing Exploited Children, we do proactive undercover
19 investigations involving chatting, or as you may have seen on
20 TV, To Catch a Predator series, where we pretend to be minors,
21 and also have the emphasis on peer-to-peer file sharing
22 investigations.23 Q. How long have you been with the Attorney General's
24 Office?

25 A. Since around October of 2014.

1 Q. Can you please describe your general law enforcement
2 training and education?

3 A. I'm born and raised in South Carolina in Barnwell
4 County, I don't know if any of you all know where that is. I
5 graduated Blackville-Hilda High School in 1995. I went to USC
6 Aiken, got an Associate's Degree in Criminal Justice in 1997,
7 transferred to Columbia and got a Bachelor's Degree in Criminal
8 Justice and graduated in 1999 and then immediately went to work
9 for the Newberry Police Department. After about a year I
10 re-enrolled at Carolina, while working I got my Master's Degree
11 in Criminal Justice from USC. In 2003 I left the police
12 department and I went to work for the Lexington County
13 Sheriff's Office. Most of my time there was spent as an
14 investigator in the property crimes section in the south region
15 which would encompass Gaston, Pelion, Swansea area. In 2006 I
16 was fortunate to be asked to come back to the Newberry Police
17 Department and take over their investigative division. In
18 2009, I went to the FBI National Academy and graduated in the
19 236th session from Quantico, Virginia and then came to the
20 Attorney General's Office in 2014 and in June of 2019 I was
21 appointed to be the Commander of the South Carolina (CAC)
22 Taskforce. During my almost 24 year as law enforcement I've
23 taken about everything that they offer at the academy, but for
24 ICAC purposes focus on cyber tips, and really peer-to-peer, I
25 have licenses in all the peer-to-peer investigative programs

1 like BitTorrent, Emule (ph), Nutela (ph), Sheraza CPS (ph),
2 Gigatribe (ph), Aries (ph), I'm sure I'm maybe forgetting one
3 or two. That's been kind of my focus when I was brought on to
4 the AG's Office in 2014, it was to focus on file sharing
5 investigations, and I've continued to do that to this day,
6 multiple interview interrogation-type classes, just mainly
7 focused on investigative things, leadership, executive
8 management, those type of classes, that's just to name a few.

9 Q. Thank you so much. If you can, and you might have
10 already covered this, but can you expand on some of the file
11 sharing, peer-to-peer training, and background you have?

12 A. Yes. Starting in 2014, I got my first license, that was
13 in Aries (ph), and then Aries (ph); BitTorrent, Emule (ph);
14 Freenet (ph), Gigatribe (ph), and there's another one we do
15 called, it's on Sheraza (ph) or CPS Bridacop (ph), I had that
16 license and I'm running most of those programs to this day,
17 except maybe Aries (ph) and Gigatribe (ph), kind of dead
18 networks, but I'm still actively doing file sharing
19 investigations until this day, even with my other
20 responsibilities.

21 Q. Did you conduct a peer-to-peer investigation in 2017?

22 A. I did.

23 Q. What type of investigation?

24 A. It's on the BitTorrent network.

25 Q. What is BitTorrent?

1 A. BitTorrent is just of one of many file sharing programs
2 that are available that allow you to share files. I won't ask
3 anybody to raise their hand if you ever used something like
4 Limewire or something to download music illegally, that would
5 be a version of the file sharing program. You make files
6 available for share on the network, and it's just kind of a
7 common, like an online community being available to share and
8 trade files.

9 Q. How would someone access a file sharing network?

10 A. Just go online and pick one out and download it to your
11 computer or your mobile device.

12 Q. Could anyone do it?

13 A. Anybody.

14 Q. To the best of your ability, how does BitTorrent work?

15 A. You need to kind of have an idea -- well, one, you need
16 to download the program, so that's the first affirmative step
17 you would take to pick out a BitTorrent client that you wanted
18 to utilize on your Android device or desktop laptop computer.
19 You get would go out and search for files, you would get what's
20 called a torrent, I like to describe -- a torrent is a folder,
21 so you've got your folder, it could have one file or it could
22 have, I think there's one that has 55-thousand files in the
23 torrent. You would pick out a file and you would go and
24 download the file onto your device, and you could view it,
25 delete it, play it, save it, do whatever you want to do with it

1 and move that file somewhere else, that's your file to have at
2 that point.

3 MR. ROUTZONG: Your Honor, can we approach for a
4 second?

5 THE COURT: Yes, sir.

6 **(Off the record discussion was held at the bench by**
7 **Court and counsel.)**

8 THE COURT: Mr. Ryan?

9 MR. RYAN: Yes, Your Honor. Your Honor, we just
10 heard from Mr. Atkins, 24 years of law enforcement experience,
11 as well as specific and advanced training in peer-to-peer
12 undercover investigations. At this time I'd like him qualified
13 as an expert.

14 THE COURT: Mr. Routzong, any Voir Dire, sir?

15 MR. ROUTZONG: None from the defense, Your Honor.

16 THE COURT: Based on his experience and education,
17 and his testimony today, I will allow and find that he's
18 qualified as an expert in --

19 MR. RYAN: Online undercover investigations involving
20 peer-to-peer software.

21 THE COURT: Thank you. There you go. Thank you,
22 sir.

23 MR. RYAN: Thank you, Your Honor.

24

25

1

DIRECT EXAMINATION

2 BY MR. RYAN:

3 Q. Do you use software programs to conduct these
4 investigations?

5 A. I do.

6 Q. How does this software work?

7 A. The investigative programs I use are slightly different
8 than what you would use as a consumer. As a consumer,
9 BitTorrent is designed for efficiency. It is designed to speed
10 up the process. If you want to download whatever movie's in
11 the theater right now, say Ironman, you want to download
12 Ironman, it's designed to go out and get pieces of that file
13 from multiple users across that BitTorrent network, so it
14 speeds up the process. You're downloading maybe a two-hour
15 movie, I don't know how long it would take, but pretty fast.
16 My program for law enforcement wouldn't work that way because I
17 wouldn't know what pieces I got from different users around the
18 globe, and so our program is designed to be single source
19 download, which means my computer connects to someone else's
20 computer, and that connectivity is where I get my file from.

21 Q. Thank you. When you're doing these investigations how
22 do you identify a file worth investigating or of interest?

23 A. So info hashes or torrent hashes or for BitTorrent it
24 would be torrent hashes, those are files that have been
25 predetermined by investigators to contain child pornography or

1 child sexual abuse material, whichever term you prefer to use,
2 and then our investigative program looks for people who have
3 made those files available on that network for share. So
4 essentially, they've advertised that file and broadcast it to
5 the world, then my device recognizes that file, and says, yep,
6 that's been predetermined to potentially be a violation of the
7 law, we establish a connection, if that connection goes through
8 --

9 MR. ROUTZONG: Your Honor, I have an objection at
10 this point. It's probably a matter of law.

11 THE COURT: I will ask the jury to please return to
12 the jury room. Do not discuss this case among yourselves or
13 with any other persons, and do not deliberate. Thank you.

14 (Jury exited the courtroom.)

15 THE COURT: Yes, sir?

16 MR. ROUTZONG: The problem with that testimony, Your
17 Honor, is a couple of things. One, I have to say is hearsay.
18 What he's doing is referring to something that's known by
19 someone, I don't know who, that this is child pornography,
20 that's number one, and the other thing is whoever those people
21 are that know this are not here for me to confront under the
22 sixth amendment and the similar provision under the South
23 Carolina Constitution. Your Honor, I don't think they should
24 be allowed to refer to what other people know or some other
25 entity knows without some kind of a hearsay exception, or

1 without those people being here so I can confront them, Your
2 Honor.

3 THE COURT: Mr. Ryan?

4 MR. RYAN: He's not being used to prove that these
5 hashes -- it's not being used to prove the matters here, Your
6 Honor. He was asked what a hash value is and how this program
7 works. He's not testifying that any of these files necessarily
8 are child pornography, the question was how does he identify a
9 file of interest. That's how he starts his investigation.

10 MR. ROUTZONG: Well, we're in a child pornography
11 case, Your Honor, what else would it mean, this file of
12 interest? If they can't present a non-hearsay way of being
13 able to communicate this to the jury or they don't bring these
14 people who know this or who have alleged this or adjudicated
15 this under the sixth amendment, and I think Article one,
16 Section 10 of our Constitution, how is that not a confrontation
17 issue, Your Honor?

18 THE COURT: Any further reply, Mr. Ryan?

19 MR. RYAN: He's still just explaining how he conducts
20 his investigation and what he did to further it and when we get
21 to the file that the defendant is charged with he will have his
22 firsthand information.

23 THE COURT: Okay. Mr. Routzong, I will respectfully
24 overrule that. I do agree that where in the how he does these
25 things or what he does and not, necessarily, what the defendant

1 has himself done. Anything else?

2 MR. ROUTZONG: Nothing from defense, Your Honor.

3 THE COURT: They may want a few more minutes.

4 Whenever they're ready, bring them in, sir.

5 THE DEPUTY: Yes, sir.

6 MR. ROUTZONG: Your Honor, do you want me to put on
7 the record real quick about our sidebar before the jury comes
8 in?

9 THE COURT: Yes, sir.

10 MR. ROUTZONG: We came up to the sidebar, Your Honor.
11 I pointed out that the State had not qualified Investigator
12 Atkins as an expert, and you asked the State to qualify him as
13 an expert, and I did not have any Voir Dire questions.

14 THE COURT: Okay.

15 MR. RYAN: Nothing to add, Your Honor.

16 THE COURT: Alright. Thank you. Do you all have any
17 jury charges specific to the crimes here?

18 MR. RYAN: Yes, Your Honor, we do have some jury
19 charges for the second degree at least.

20 THE COURT: Mr. Routzong, do you got anything yet?

21 MR. ROUTZONG: I think I will sometime tomorrow, Your
22 Honor. There are some issues I see with the statute, perhaps,
23 that I'm going to try to address the jury charges.

24 THE COURT: Again, we won't be here tomorrow, though.

25 MR. ROUTZONG: I will be, Your Honor, so I will

1 certainly have them in your email as quickly as I can tomorrow.

2 THE COURT: And I may be around, too, I just won't be
3 in here, none of us will be. If you do find something, just
4 put it in the box up front for me.

5 MR. ROUTZONG: I'll try to get it done tonight, Your
6 Honor.

7 THE COURT: That's fine. Gentlemen, while we're
8 waiting, I don't really look at either one until I've got both
9 sets in front of me.

10 (Jury entered the courtroom at this time.)

11 THE DEPUTY: The jury is all seated, Your Honor.

12 THE COURT: Proceed, sir.

13 MR. RYAN: Thank you, Your Honor.

14 **DIRECT EXAMINATION (continued)**

15 BY MR. RYAN:

16 Q. Investigator Atkins, when you've identified a file of
17 interest, does a person have to be at their computer to make it
18 available for you?

19 A. No, they do not.

20 Q. Can only investigators like you download the files that
21 are shared on the peer-to-peer software?

22 A. Once they've advertised it and made it available,
23 anybody on that protocol with BitTorrent or Aries can access
24 that file and download it.

25 Q. When you do recover a file during your investigations do

1 you view the file yourself?

2 A. I do. I view it and listen to it.

3 Q. Why?

4 A. I need to see if it's in violation of South Carolina
5 statute.

6 Q. When you download, and is that the correct word, the
7 download filings?

8 A. Yes, sir.

9 Q. Do you ever get a partial download?

10 A. Yes, sir.

11 Q. Is that common?

12 A. Yes, sir.

13 Q. What does that mean to be a partial download?

14 A. A user could have only part of a file. It can be based
15 off the internet connectivity, how long that person's online,
16 how long I'm online, the quality of their internet, are they on
17 a mobile device or are they switching back and forth from the
18 assailer to the home Wi-Fi, maybe as they enter the door of
19 their house, there's numerous reasons, and also because I'm
20 doing a single source download. So if I'm, let's say, trying
21 to download the 10-minute video, I'm doing that through single
22 source, which means I'm only connected to that person, so
23 depending on the quality of their internet and my internet and
24 how long they're online, I timeout, I believe I have mine set
25 for about 24 hours and after about 24 hours if we haven't

1 downloaded the whole file my system will cut off and then try
2 something else.

3 Q. If you do a download and it's a partial download, are
4 you still able to view the file?

5 A. Sometimes, yes, sir.

6 Q. Once you downloaded a file of interest and you continue
7 the investigation, what do you do to identify the source?

8 A. My program will record the IP address of the user on the
9 other end of this transaction, and I take that IP address and
10 kind of reverse engineer it back to who that subscriber, who
11 was maintaining that IP address.

12 Q. What is an IP address?

13 A. It's kind of just your, the easiest way to say it, it's
14 like your street address on the internet.

15 Q. Can there be more than one location for an IP address?

16 A. No.

17 Q. Who assigns an IP address?

18 A. So you have blocks of IP addresses that assigned to,
19 like, a particular provider, such as Charter, Time Warner,
20 Comcast, Farmers Telephone, they have a block of IP addresses
21 out and then they lease those IP addresses out to their
22 consumers.

23 Q. So the people who provide it to the consumers, is that,
24 and I think you maybe said this, but would that be like an
25 internet service provider?

1 A. Yes. Actually, Farmers Telephone around here,
2 Charter/Time Warner.

3 Q. Thank you. When you're trying to find that out, is that
4 something that the public can access, the source of an IP
5 address?

6 A. To see who the internet service provider is?

7 Q. Correct, thank you.

8 A. Yes, yes.

9 Q. Once you determine who the internet service provider is,
10 what do you do next?

11 A. We send a court order or a search warrant, depending on
12 what the circumstance is, to that internet service provider and
13 ask them for subscriber information for that IP address for the
14 dates and times of the investigation.

15 Q. Subscriber information, what type of information is
16 going to be included?

17 A. It depends on the service provider, but generally I'm
18 going to get a name on the account, a billing address, a
19 service address, maybe an e-mail address the user has given the
20 service provider as a means to contact them, maybe a telephone
21 number, maybe a Mac address for the router they've been
22 provided by an internet service provider and maybe the account
23 number, different companies provide different data.

24 Q. Thank you. Were you involved in a BitTorrent file
25 sharing investigation in July of 2017?

1 A. Yes, sir, I was.

2 Q. Did you find any users sharing child pornography?

3 A. I did.

4 MR. RYAN: Permission to approach, Your Honor?

5 THE COURT: Yes, sir.

6 (State's Exhibit No. 1 was marked for
7 identification.)

8 Q. I'm showing you what's been premarked as State's Exhibit
9 1, can you take a look at that?

10 A. Yes, sir.

11 Q. Do you recognize that?

12 A. I do.

13 Q. What is it?

14 A. It is the BitTorrent investigative folders associated
15 with this investigation.

16 MR. ROUTZONG: Your Honor, could I see that before he
17 hands it up?

18 THE COURT: Yes, sir.

19 Q. And what does this USB drive contain?

20 A. So when I make a download of a file it generates
21 different folders, different data associated with it, and this
22 USB drive contains the information for this BitTorrent
23 investigation.

24 Q. And does this contain accurate representations of the
25 reports of the files that your investigation software generated

1 on July of 2017?

2 A. Yes, it does.

3 MR. RYAN: Your Honor, the State would like to offer
4 State's Exhibit 1 into evidence.

5 THE COURT: Mr. Routzong?

6 MR. ROUTZONG: Without objection, Your Honor.

7 THE COURT: Without. Thank you.

8 **(State's Exhibit No. 1 was admitted into evidence.)**

9 MR. RYAN: Permission to publish to the jury?

10 THE COURT: Yes, sir.

11 MR. ROUTZONG: Provided the prior objections, Your
12 Honor, I should say, with objection, I'd like to take that back
13 and say with objection based on my prior objection.

14 THE COURT: Subject to your prior objection, yes,
15 sir.

16 MR. RYAN: Beg the Court's indulgence, this will be a
17 moment.

18 THE COURT: Yes, sir.

19 (video playing)

20 BY MR. RYAN:

21 Q. Investigator Atkins, what did you prefer more, USC-Aiken
22 or Main Campus?

23 A. Main Campus, a little easier than USC-Aiken and smaller
24 classes.

25 Q. Great stuff.

1 A. Tighter eyeballs on you.

2 Q. Mr. Atkins, I appreciate your patience so much,
3 Inteleudes (ph) has some pretty impressive technology, but I'll
4 scroll a bit through the transponder and charted everything out
5 a few months ago, or something to that effect. Would you join
6 me over here?

7 A. Sure.

8 Q. Now, I looked them with part of the report that was
9 generated in 2017 and we're going to do our best to show it and
10 explain it, but I'm looking at the summary text document. Can
11 you explain to me, generally, what this document is?

12 A. There's several different text documents that come as
13 part of a download, one is the detailed, that text file which
14 is much longer than this, this is the summary, which is kind of
15 a condensed version, so it shows the date and time that the
16 connectivity started as part of this transaction. You can see
17 where it's using the date and time here, July 24, 2017, and it
18 tells you what investigator software I'm running, which is the
19 Torrential Downpour (ph), there's two versions of investigative
20 software for BitTorrent, another one is called in Receptor
21 (ph), which doesn't apply to this investigation, but just
22 letting you know, and then what version I'm running because I
23 have to update them as the developers update their programs,
24 but that tells you when this started, July 24, 2017 at 1517.

25 Q. I'm going to highlight this top line. Can you tell me a

1 little bit about it?

2 A. Again, it's telling you that version of the Torrential
3 Downpour, is what we call our version of the investigative
4 software, again, the other one is Receptor (ph).

5 Q. And what is Torrential Downpour (ph)?

6 A. Torrential Downpour is like we discussed earlier, it's
7 allowing me to make that single source download versus a
8 multi-source download where you as a consumer would, or -- all
9 you care about is the efficiency of the program as a user, so
10 you don't care where you get your pieces from. For me it
11 matters because I want to know that I got a piece from her that
12 didn't have contraband on it, and a piece from him that did, so
13 to eliminate that problem we do the single source where I'm
14 only talking to one other device.

15 Q. Can you tell me about what information included on line
16 two?

17 A. This is telling us that a download thread has been
18 started, so this is where we start the communication with the
19 user who my software has seen advertising a file that could be
20 of interest to somebody doing these type of investigations.

21 Q. I'm going to refer you to the information contained in
22 line four. Can you read that line and tell me what it is?

23 A. It's 174 dot 107 dot 233 dot 52, and that is the IP
24 address for the person I'm trying to communicate with.

25 Q. I'm going to refer you to line five, please, and you

1 don't need to read it out loud unless you need to, but what is
2 this?

3 A. That's the torrent info hash, like we talked about
4 earlier, files have their own hash values, but in the
5 BitTorrent world, we're looking for torrents that have
6 individual files in it, so like I described to you all earlier,
7 that torrent's like a folder, it can have one piece of paper in
8 it or 50,000 pieces of paper in it, and instead of paper I'm
9 looking for files, that can be pictures or videos.

10 Q. Can you tell the information in line 5 now. It's saying
11 torrent finds one file, so this particular torrent only has one
12 file, and I don't know if that's a picture or video at that
13 point in the investigation. Thank you so much. Stay with us,
14 sir.

15 A. Yes.

16 Q. I'm going to open up a sub-folder they will download --

17 A. Yes.

18 Q. -- and there is a MPG filed labeled baby J dash RCA3 dot
19 MPG, and then take one moment, I'm disconnecting the audio.
20 I'm going to go ahead and face the computer back to the jury
21 and I'm going to play roughly ten seconds of that video.
22 Defense can you see it?

23 (video playing)

24 Q. Was the video file I just played one of the files that
25 was shared with you from the IP 174 dot 107 233 dot 52?

1 A. It is the file, yes, sir.

2 Q. Alright. Thank you. You can take a seat again.

3 Alright, Investigator Atkins, after you viewed the file and
4 downloaded it, did you determine the source of this file?

5 A. I did.

6 Q. Were you able to determine what the internet service
7 provider was?

8 A. Yeah, Time Warner, at that time they were merging with
9 Charter, I don't think they called themselves Spectrum yet, so
10 the Time Warner.

11 Q. Did you request the subscriber information from Time
12 Time Warner?

13 A. I did.

14 Q. Did they provide it?

15 A. They did.

16 MR. RYAN: Permission to approach, Your Honor?

17 THE COURT: Yes, sir.

18 **(State's Exhibit No. 2 was marked for**
19 **identification.)**

20 Q. I'm showing you what's been pre-marked as State's
21 Exhibit 2. Can you take a look at it, please? Do you
22 recognize these papers?

23 THE COURT: Can I take a look at it? Thank you, sir.

24 A. I do.

25 Q. What are they?

1 A. This is what we call compliance or the subscriber
2 records that Charter sends back to us. Again, I say, Charter,
3 Time Warner/Charter was combining companies at that time, but
4 Charter responded back to my court order and gave me subscriber
5 records.

6 Q. And does this contain an accurate representation of the
7 business records provided by Charter?

8 A. It appears to, yes, sir.

9 MR. RYAN: Your Honor, the State would like to offer
10 this as State's Exhibit 2 for admission into evidence.

11 THE COURT: Mr. Routzong?

12 MR. ROUTZONG: No objection, Your Honor.

13 THE COURT: Without.

14 MR. RYAN: Permission to publish to the jury.

15 THE COURT: Yes, sir.

16 **(State's Exhibit No. 2 was admitted into evidence.)**

17 Q. Investigator Atkins, do you have the form that says
18 "subscriber record" at the top left?

19 A. I'm looking at it, yes, sir.

20 Q. Alright. Thank you. At the top line, it says: Target
21 details. Can you read the information on that top line?

22 A. Yeah. There are target details that shows the IP
23 address we talked about earlier, which was 174 dot 107 dot 233
24 dot 52, and then lists the date of July 24, 2017, that's got
25 the time and the Eastern standard time of 3:17 p.m.

1 Q. And was that the IP address that you identified during
2 the peer-to-peer investigation?

3 A. It is.

4 Q. Can you please read the information provided under
5 subscriber name info?

6 A. It says: Ricky Singer.

7 Q. Line three, please?

8 A. It's got: Subscriber address. It says: [REDACTED] Burkett
9 Drive, Sumter, South Carolina, 29150.

10 Q. Is that address in Sumter County?

11 A. It is, yes, sir.

12 Q. Can you read "user name or features," please?

13 A. It's got, under "user name or features," it's got an
14 e-mail address and its got: Big bad JR at TWC dot com.

15 Q. After you got this, what was the next step of your
16 investigation?

17 A. I tried to find records that kind of validate the name
18 associated with that address, like, driver's license, property
19 tax records. I usually reach out to the fusion center which is
20 run by SLED to get, usually, a clear report or TLO data,
21 anything just trying to corroborate or associate that person
22 with that address.

23 Q. Okay. Did you check the DMV records in this case?

24 A. I did.

25 Q. What were the results?

1 A. I believe it showed that a Mr. Ricky Singer, Jr. resided
2 at that address.

3 MR. RYAN: One moment, Your Honor.

4 THE COURT: Yes, sir.

5 MR. RYAN: Thank you, Your Honor. Nothing further
6 from the witness.

7 THE COURT: Mr. Routzong?

8 MR. ROUTZONG: Thank you, Your Honor.

9 **CROSS-EXAMINATION**

10 BY MR. ROUTZONG:

11 Q. Good morning, sir, how are you?

12 A. I'm well, sir, hope you are.

13 Q. So far. I just got a couple questions and maybe a
14 correction or clarification, maybe.

15 A. Yes, sir.

16 Q. I heard you say that when you're connected, that when
17 your computer is connected to other computers, or it's, I guess
18 it's in some way communicating with other computers, you said,
19 and this is kind of a quote: They are online. But you're not
20 talking about a person, necessarily, you're talking about a
21 device, a computer; is that correct?

22 A. At that point, because the user does not have to be
23 physically seated at that computer, they could even keep their
24 on and leave it running, so we'll say a user.

25 Q. It's a device?

1 A. A device.

2 Q. And also, you're sure that the name of the peer-to-peer
3 program is BitTorrent; is that correct?

4 A. That's the overall version for that particular program,
5 but you can download different versions of BitTorrent, U
6 Torrent (ph), Lit torrent (ph), there's different versions.

7 MR. ROUTZONG: I don't have any other questions, Your
8 Honor.

9 THE COURT: Mr. Ryan, any Redirect?

10 MR. RYAN: No, Your Honor. Thank you, sir.

11 THE COURT: You may step down, sir. Thank you.

12 THE WITNESS: Thank you, sir.

13 MR. RYAN: The State calls Investigator Samantha
14 Sherod.

15 (SAMANTHA SHEROD WAS DULY SWORN AT THIS TIME AND
16 TESTIFIED AS FOLLOWS:)

17 THE DEPUTY: Please state your name and spell your
18 last name for the Court.

19 THE WITNESS: Samantha Sherod, last name spelled
20 S-h-e-r-o-d.

21 **DIRECT EXAMINATION**

22 BY MR. RYAN:

23 Q. Good morning.

24 A. Good morning.

25 Q. Were you ever employed in law enforcement in South

1 Carolina?

2 A. Yes.

3 Q. Where?

4 A. I was employed at the South Carolina Department of
5 Probation and Parole from about 2011 to 2014, and then I went
6 over to Sumter County Sheriff's office.

7 Q. At the Sumter County Sheriff's Office what were your
8 duties?

9 A. I was an investigator, narcotics, and part time on the
10 ICAC Taskforce.

11 Q. As part of the ICAC Task Force did you ever receive any
12 specialized training as part of being on the Task Force?

13 A. Yes. I did investigations, techniques, training in Utah
14 for a week, and also the National Training in Atlanta.

15 Q. Were you involved in the peer-to-peer child pornography
16 case in summer and fall of 2017?

17 A. Yes.

18 Q. Is this the investigation of Ricky Singer?

19 A. Yes.

20 Q. How did you become involved in this investigation?

21 A. I received the referral from Investigator Atkins that
22 there was someone in Sumter County downloading child
23 pornography.

24 Q. What did you do when you received the referral?

25 A. I went through the file that he usually sent to me, all

1 the paperwork, as far as, like, the address, driver's license,
2 info, also, he usually sends me the file that contains the
3 child pornography, so I have to view it myself to determine,
4 like, this is child pornography, and everything that he had
5 done so far in the investigation, in, like, an affidavit.

6 Q. And upon viewing everything, what was the next step?

7 A. After that, I viewed the child pornography to determine
8 it's child pornography, then I usually drive past the address
9 that is given, I check the Wi-Fi, make sure that it is a secure
10 Wi-Fi, not an open Wi-Fi that anybody can access in the
11 neighborhood. I drove through there, I sat near the house,
12 pulled up the Wi-Fi, I saw that it was secure, then I go to the
13 magistrate office and I read his affidavit to the judge and
14 explain to the judge what's going on, and the magistrate judge
15 gives me a search warrant for the house.

16 Q. Okay. And the address, was that in Sumter County?

17 A. Yes, it was.

18 Q. Did you execute a search warrant on this address?

19 A. I did.

20 Q. To best of your recollection, can you describe what you
21 did and what you observed during the search of the residence?

22 A. When we first arrived to the residence, I recall, it was
23 in the morning, like 8:00, there was no one there, me and my
24 coworkers sat on the house and watched until somebody arrived.
25 When a car pulled up we went to the residence, and I believe

1 her name was Brenda, she was there and we read the search
2 warrant to her and let her know why we were there. She let us
3 in the house and I asked her did she have someone living there
4 by the name of Ricky Singer, and she said, yes, that's my
5 brother, and then I told her --

6 MR. ROUTZONG: Objection, Your Honor, that's a
7 hearsay response.

8 THE COURT: I'm sorry, I was reading something here.
9 What was the question?

10 MR. ROUTZONG: She's saying what Brenda Quiroz said,
11 Your Honor.

12 THE COURT: Sustained.

13 Q. So when we executed the search warrant Brenda Quiroz was
14 present?

15 A. Yes, she was.

16 Q. At any point did Mr. Singer arrive on scene?

17 A. Yes.

18 Q. Do you see Mr. Singer here today?

19 A. Yes.

20 Q. Can you point him out?

21 A. Over there (indicating.)

22 MR. RYAN: Just let the record reflect it's the
23 defendant in the white shirt at the defense table.

24 THE COURT: Yes, sir.

25 MR. RYAN: Thank you.

1 BY MR. RYAN:

2 Q. Did you ever have a reason to determine that Ricky
3 Singer resided at this address?

4 A. Yes. When we went into the house and we executed the
5 search warrant, it was -- we went to all of the bedrooms, like
6 we usually do, checking for electronics, and it was a bedroom
7 to the left with men's clothing and a computer inside, and we
8 went in there and the computer was locked, and we asked Ms.
9 Brenda for, if, you know, what's the password to Mr. Singer's
10 profile, and she gave us the password, and then we did a
11 preliminary review of the computer.

12 Q. Did you find files of child pornography during the
13 review?

14 A. Yes, I did.

15 MR. RYAN: One moment, Your Honor.

16 THE COURT: Yes, sir.

17 MR. RYAN: This is number three. Permission to
18 approach, Your Honor?

19 THE COURT: Yes, sir.

20 **(State's Exhibit No. 3 was marked for**
21 **identification.)**

22 MR. RYAN: I'm going to show you what's been
23 pre-marked as State's Exhibit 3. Can you take a moment to look
24 at everything, or look at what I just handed you?

25 THE WITNESS: Yes.

1 Q. Do you recognize that USB drive?

2 A. I do.

3 Q. What does it contain?

4 A. Search warrant photos.

5 Q. Are those photos accurate representations of what the
6 defendant's home looked like on the date of the search warrant?

7 A. Yes, they were.

8 MR. RYAN: Your Honor, the State would like to offer
9 State's Exhibit 3 for admission into evidence.

10 THE COURT: Mr. Routzong?

11 MR. ROUTZONG: No objection, Your Honor.

12 THE COURT: Without. Thank you.

13 MR. RYAN: Permission to publish to the jury?

14 THE COURT: Yes, sir.

15 **(State's Exhibit No. 3 was admitted into evidence.)**

16 MR. RYAN: Investigator Sherod, will you join me over
17 on this side? Thank you for your patience.

18 BY MR. RYAN:

19 Q. Do you recognize these photos?

20 A. I do.

21 Q. Is this how the defendant's house appeared during the
22 search warrant?

23 A. Yes.

24 Q. I'm going to refer you to file 7104. What is this an
25 image of?

1 A. That's the defendant's bedroom.

2 Q. And how did you determine that?

3 A. Brenda Singer, his sister was there, and she said that's
4 his bedroom, and there were men's clothing in the bedroom.

5 Q. Thank you. I'm going to show you image 7107. Do you
6 recognize this?

7 A. Yeah. That's the computer that we examined.

8 Q. Okay, is the one that you examined, is that the one that
9 had the child pornography?

10 A. Yeah, in the defendant's bedroom with the child
11 pornography.

12 Q. Okay. This is image 7154. Can you tell me what you're
13 showing me, or what this image shows, excuse me?

14 A. The defendant's driver's license that we got when he
15 arrived at the residence.

16 Q. Are you able to read the address?

17 A. It says: ■ Burkett Drive, Sumter, South Carolina.

18 Q. Thank you. Image 7045, what are we looking at?

19 A. That is a piece of mail we took a picture of in the
20 residence to prove that the defendant resided at that
21 residence. He had a piece of mail from Spectrum with his name
22 on it.

23 Q. Is that the ■ Burkett address?

24 A. Yes, it is.

25 Q. Thank you, and I apologize if you already said this, but

1 was that in Sumter County?

2 A. Yes, in Sumter County.

3 Q. Thank you so much. You can have a seat, please.

4 MR. RYAN: One moment, Your Honor, please.

5 BY MR. RYAN:

6 Q. Investigator Sherod, did you seize that computer?

7 A. Yes, I did.

8 Q. And specifically the one that had the child pornography
9 on it?

10 A. Yes.

11 Q. For what purpose?

12 A. For a forensic interview.

13 Q. Where was it forensically examined?

14 A. In Columbia, South Carolina.

15 Q. And by what agency?

16 A. The South Carolina Attorney General's Office.

17 Q. Thank you so much. Thank you for being here today.

18 A. No problem.

19 THE COURT: Mr. Routzong?

20 MR. ROUTZONG: No questions, Your Honor.

21 THE COURT: You may step down, ma'am. Thank you.

22 THE WITNESS: You're welcome.

23 MR. RYAN: The State calls Investigator David Grubbs.

24 **DAVID GRUBBS WAS DULY SWORN AT THIS TIME AND**

25 **TESTIFIED AS FOLLOWS:**

1 THE DEPUTY: State your name for the record and spell
2 it, please.

3 THE WITNESS: David Grubbs, G-R-U-B-B-S.

4 MR. ROUTZONG: May we approach approach real quick,
5 Your Honor?

6 THE COURT: Yes, sir.

7 THE COURT: Ladies and gentlemen of the jury, let us
8 take a break, approximately 15 to 20 minutes, do not discuss
9 this case and do not begin any deliberations. Thank you so
10 much for your patience.

11 (Recess taken.)

12 (Jury exited the courtroom.)

13 THE COURT: Mr. Grubbs?

14 THE WITNESS: Yes, sir?

15 THE COURT: I know you've done this before, but you
16 know you cannot talk to anyone while you're on this break, sir.

17 THE WITNESS: Absolutely, sir, I just plan on using
18 the restroom, if that's alright.

19 THE COURT: I just wanted to put it on the record, I
20 know you you know that.

21 THE WITNESS: Yes, sir.

22 (Recess taken.)

23 (Jury entered the courtroom.)

24 THE DEPUTY: Jurors are seated.

25 THE COURT: Proceed, Mr. Ryan.

1 MR. RYAN: Thank you, Your Honor. Mr. Grubbs is
2 still sworn in.

3 VOIR DIRE

4 BY MR. RYAN:

5 Q. Good morning, Mr. Grubbs.

6 A. Good morning.

7 Q. Investigator Grubbs, excuse me. Where are you currently
8 employed?

9 A. I'm employed with the South Carolina Attorney General's
10 Office.

11 Q. What is your title and current duties?

12 A. I'm the Chief Forensic Investigator for the Internet
13 Crimes Against Children Task Force, so I supervise a team of
14 five that conduct forensic investigations on electronic
15 evidence for affiliates throughout the state, as well as our
16 own internal investigations.

17 Q. In computer forensics?

18 A. Yes, sir.

19 Q. Can you try and boil that down to a small definition?

20 A. Sure. So in a nutshell what computer forensics is is
21 the practice of extracting data from electronic devices without
22 altering anything that's on them, we do our best, sometimes
23 it's not the case and you have to go in and little things
24 change, but it's usually nothing serious, but the best practice
25 is to preserve the evidence as it originally is so we can

1 analyze it for our investigations.

2 Q. Can you please describe your general law enforcement
3 training and education?

4 A. Sure. I have a Bachelor's Degree in Criminal Justice
5 from the North Georgia College and State University. I've been
6 in law enforcement in South Carolina since 2008 where I started
7 with the Aiken County Sheriff's Office. I was a detention
8 deputy for a year before I moved to uniformed road patrol. In
9 2013 I left the Aiken County Sheriff's Office and I got hired
10 on to SLED in their computer crime unit, I was with them until
11 2016 doing computer forensics, before I started with Attorney
12 General's Office.

13 Q. And when you say, SLED, what is that?

14 A. The State Law Enforcement Division.

15 Q. How long have you been with ICAC Taskforce?

16 A. The ICAC Task Force, going on 10 years now.

17 Q. And in terms of computer forensics, what specialized
18 training have you had?

19 A. If I could refer to my notes?

20 Q. Certainly.

21 A. So with regards to computer forensic training, I'm a
22 Magnet Certified Forensic Examiner, I'm a Cellebrite Certified
23 Physical Analyst, I'm a certified Black Light Examiner, I'm
24 certified in forensic explorer, Grify (ph) analyze DI Training
25 Program Certification, Ditego (ph) Digital Forensic Examiner

1 Certification, in Magnet Forensics, which we use a program of
2 theirs called Axion, I've had specific training in their AX
3 301, Axion and gray key (ph) advanced IOS examinations, 302
4 advanced IOS examinations, AX 300, which is Axion advanced
5 mobile forensics, AX 200 which is basic computer forensics
6 examinations, AX 250 which is advanced computer forensics,
7 we're part of the United States Secret Service National Cyber
8 Fraud Task Force and they can nominate individuals to send to
9 their National Computer Forensic Institute where I've had basic
10 network investigations, Macintosh training, forensics, digital
11 investigation supervisor course, I received awards in 2020 and
12 2021 from the United States Secret Service for top forensic
13 examiner ranking 12th and 8th in the nation, respectively those
14 years, I've been through training with the National White
15 Collar Crime Center through the NW3C regarding basic data
16 recovery and acquisition, intermediate data recovery and
17 acquisition, cell phone investigation, cell phone
18 interrogation, advanced wireless network investigations, GPS
19 interrogation, Windows artifact investigation, social media
20 investigation, identifying and seizing electronic evidence,
21 encryption, legal concerns for digital evidence responders,
22 I've also been to the SANS Computer Forensic Institute where
23 I've had training in Advanced Network Forensics and Analysis,
24 Advanced Digital Forensics, and incident response, hacker
25 tools, techniques, exploits and instant handling, with the

1 Texas A & M Engineering Extension Service, I've had Information
2 Security Investigations, and I've also had Access Data
3 Bootcamp, Access Data Macintosh Forensics, In Case (ph)
4 computer forensics, malware investigations, and then I've had
5 national training on child exploitation at the National
6 Conference in Atlanta, essentially, since 2016, they didn't
7 have it for COVID for two years, but every year, now
8 withstanding.

9 Q. Very well. Generally, or to the best of your ability,
10 how many forensic device investigations have you conducted?

11 A. Thousands.

12 Q. Very well. Have you ever been qualified as an expert in
13 computer forensics in South Carolina?

14 A. Yes. I was qualified as an expert in digital forensics
15 in the Alex Murdaugh trial.

16 MR. RYAN: Your Honor, at this time I'd move that
17 Investigator Grubbs be qualified as an expert in computer
18 forensics.

19 THE COURT: Mr. Routzong?

20 MR. ROUTZONG: Without objection, Your Honor.

21 THE COURT: Without. Thank you, sir. So admitted.

22 MR. RYAN: Thank you, Your Honor.

23

24

25

1 DIRECT EXAMINATION

2 BY MR. RYAN:

3 Q. Investigator Grubbs, were you involved in a sexual
4 exploitation of a minor investigation involving Ricky Singer,
5 Jr?

6 A. Yes, sir.

7 Q. How did you become involved with this investigation?

8 A. My supervisor at the time assigned me to do the
9 forensics for that case.

10 Q. Do you recall the serial number for that computer?

11 A. I do, if you'll allow me to check my notes briefly?

12 Q. Yes, sir, please.

13 A. The serial number was 495291-C7BEBY.

14 Q. When you're examining a computer, what are some of the
15 first steps you take?

16 A. So as I kind of mentioned before, the first thing we
17 want to do is try to write block the device, so what a write
18 blocker does is a physical little box that I plug the hard
19 drive from her computer into and then I plug that box into my
20 computer, and it keeps my computer from altering anything on
21 that device. This case is a little different because there
22 were two hard drives inside the computer, one that I was able
23 to remove and one that was attached to the motherboard that I
24 was not, so in that case and from the tools and things that we
25 had at the time, in order to to clone or image that drive I had

1 to insert a USB into the laptop which is going to change a
2 little thing there, the computer is going the log that I
3 inserted that in there to clone that second hard drive.

4 Q. You said there are two drives, one of them you could use
5 a write blocker, then one that couldn't, so the one that
6 couldn't, would those forensic tools being connected, would
7 that somehow create some sort of -- would you be able to tell,
8 or someone else be able to tell that that happened?

9 A. Your average user would not, but when you do forensics
10 there's something -- the computer keeps a huge track of
11 everything you're doing going on in the background, and most
12 people don't realize, and there's areas -- it's almost like a
13 giant database in the computer called the registry. When I
14 plug that drive into the computer the registry is going to log
15 that it's there and if I launched any programs, which I did,
16 it's going interact and show that those were launched.

17 Q. Very well. And did you examine the drives for this
18 computer?

19 A. Yes, sir.

20 MR. RYAN: Permission to approach, Your Honor?

21 THE COURT: Yes, sir.

22 **(State's Exhibit No. 4 was marked for identification.)**

23 Q. I'm showing you what's been pre-marked for the purposes
24 of identification as State's Exhibit 4, if you'd take a second
25 and take a look at this.

1 A. Yes, sir.

2 Q. Do you recognize this?

3 A. Yes, sir. It's a USB drive containing my forensic
4 reports.

5 Q. Okay. Is this an accurate representation of your
6 findings?

7 A. It is.

8 MR. RYAN: Your Honor, the State would like to offer
9 this as State's Exhibit 4.

10 THE COURT: Mr. Routzong?

11 MR. ROUTZONG: I'm going to have to object to that,
12 Your Honor, because, really, he's up there testifying to what
13 his reports say, it doesn't need to go into evidence. His
14 reports are not really admissible in that sense. His testimony
15 is admissible, but the actual reports under the rule, I think
16 it's, I want to say 808(b), or something like that, the actual
17 reports don't go in, his testimony is what is important, Your
18 Honor.

19 MR. RYAN: I'd like to flush that out a little bit
20 more, and I think I'd address that.

21 THE COURT: Yes, sir. Proceed.

22 BY MR. RYAN:

23 Q. Alright. First, are there any images of child
24 pornography that you located on that device, as well?

25 A. Yes, sir.

1 Q. These reports, is this something that's generated by the
2 tools you use?

3 A. I use the tools to generate them. It's not I click a
4 button and the tool spits out a report, I individually go in
5 and conduct an investigation and create a report.

6 Q. And then this is the results of those tools?

7 A. Yes, sir.

8 MR. RYAN: Again, at this time I'd renew that it be
9 admitted into evidence.

10 THE COURT: Overruled, Mr. Routzong. Proceed.

11 MR. RYAN: Permission to publish to the jury?

12 THE COURT: Yes, sir.

13 MR. RYAN: Beg the Court's indulgence.

14 **(State's Exhibit No. 4 was admitted into evidence.)**

15 BY MR. RYAN:

16 Q. I'm going to plug the USB drive in and project some of
17 the images onto the screen. Investigator Grubbs, will you join
18 me on this side?

19 A. Yes, sir.

20 Q. I'm going to open up the file labeled 9978. What is
21 this?

22 A. That's a photograph of the laptop.

23 Q. Is this the one you did the examination on?

24 A. Yes, sir.

25 Q. File 9979?

1 A. Yes, sir. That's the photograph of the back of the
2 laptop with the cover removed. You can see the one hard drive
3 that I was able to remove and write block here, I'm unable to
4 see the other one because it's down underneath attached to the
5 motherboard.

6 Q. File 9980?

7 A. Yes, sir. That is the hard drive that I was able to
8 remove and write block.

9 Q. Okay. Did you look at any files of child pornography
10 during this investigation?

11 A. Yes, sir.

12 Q. Do you recall what report, what tool you used to examine
13 this device?

14 A. The primary tool that we use is called Axiom.

15 Q. And to the best of your abilities for someone like me to
16 understand, what's Axiom?

17 A. So Axiom has a really good ability to go in to kind of
18 and parse things that we ask for it to do, so we can pick out a
19 lot of computer artifacts that most people can't see. Like I
20 said, the computer is doing a lot of things in the background,
21 and I'm able to go in and put in keyword searches that are
22 common with child pornography, and Axiom can go in and search
23 all of those millions of files in the background and find ones
24 that match those keyword terms for me.

25 Q. Thank you. Alright. Now, I'm going to open a file

1 labeled 16 dot J peg, and I'm going to publish this to the
2 jury. What is this an image of?

3 A. This is an image of child pornography that I located on
4 the device.

5 Q. Can you describe how many people are there, what body
6 parts are exposed?

7 A. Sure. It would appear to be three female minors with
8 their breasts exposed in the state of sexually explicit nudity.
9 The title LS magazine at the top, LS models or LS magazine is a
10 very commonly used term in child pornography, so that would be
11 LS model, I believe, one of the keywords that I would put in
12 for the index search.

13 Q. And is this one of the files that you located on this
14 device?

15 A. Yes, sir.

16 Q. And could this file have been accessed by any user of
17 the computer?

18 A. It could.

19 MR. ROUTZONG: Can we approach, Your Honor?

20 THE COURT: Yes, sir.

21 (Off the record discussion was held at the bench by
22 Court and counsel.)

23 THE COURT: Proceed, sir.

24 MR. RYAN: Thank you, Your Honor.

25

1 BY MR. RYAN:

2 Q. I am going to open a file labeled LSM dash 016 dash 063
3 dot J peg. I'm going to redirect the screen to the jury again.
4 What are we looking at, sir?

5 A. Yes. This one has a title LS island and appears to be a
6 minor female with her vaginal area and breasts exposed in the
7 state of sexually explicit nudity.

8 Q. And for all of these images that we're going to go
9 through, if we go through others, they were all found on this
10 computer?

11 A. Correct.

12 Q. And this is something that a normal operator like me, or
13 well, it doesn't take a special software, let me ask you that?

14 A. To access them?

15 Q. Correct.

16 A. No, sir, it does not.

17 Q. Thank you.

18 MR. RYAN: Beg the Court's indulgence. This is going
19 to be one of the video files that will take a few moments to
20 just -- what I'm going to do is only play approximately 15
21 seconds of the file, and the sound is disabled, if it has
22 audio.

23 THE COURT: Yes, sir.

24 BY MR. RYAN:

25 Q. I'm going to play a file labeled LS video dreams LSD

1 dash 01 dash 02 dot ABI. The sound on this computer is
2 disabled. I am playing minute 16, 20 seconds to minute 16, 35
3 seconds. Alright. I'm going to open up another video file
4 titled LSM 09 dash 02, dash 02. I didn't ask you, that video
5 that we just watched, was that found on this computer?

6 A. Yes, sir.

7 Q. Alright. I'm playing a new video, LSM 09 dash 02 dash
8 02 dot AVI. The sound is disconnected. I'm going to play the
9 first 15 seconds of this, redirecting the screen to the jury.

10 (video playing)

11 Q. This is going to be the last one, file labeled LSM dash
12 13 dash 09, full mummy edit dot AVI. The sound is disabled. I
13 am playing minute seven and 20 seconds to minute seven and 35
14 seconds. Sound is disabled. I'm going to redirect the screen
15 now to the jury. Investigator Grubbs, during your examination
16 were these the only file of child sexual abuse material that
17 you found?

18 A. No, sir.

19 Q. How many, roughly?

20 A. Around 650 images and 50 videos.

21 MR. ROUTZONG: Objection, Your Honor, based on my
22 prior objection.

23 THE COURT: Okay. Noted.

24 Q. How many?

25 A. 650 pictures, 50 videos.

1 Q. Thank you. I'm going to open a folder labeled: Axiom
2 1B, the report that was generated, and republish the screen to
3 the jury. What is this?

4 A. So this is one of my Axiom reports for 1B, which is one
5 of the hard drives that was inside the laptop.

6 Q. In addition to any of the actual files of child
7 pornography did you find anything that would indicate that this
8 computer was used for child pornography?

9 A. Yes.

10 Q. And what do you mean by that?

11 A. So there is numerous artifacts, user accounts, things
12 like that, that we can tie in during the course of our
13 investigation to associate a user account with interaction with
14 child pornography.

15 MR. RYAN: One moment.

16 Q. I'm going to click on a folder labeled "Outlook
17 e-mails." What is this?

18 A. Yes, sir. These are e-mails that I bookmarked
19 associated with recipient's big bad RJR at yahoo dot com, as
20 well as one titled "Ricky."

21 Q. Can you go to line one on this?

22 A. Yes, sir.

23 Q. Can you tell me the information that's included in there
24 and if you found any of it relevant to your investigation?

25 A. Yes, sir. So we have a sender at eHarmony partner to

1 the recipient big bad RJR at yahoo dot com with the subject of:
2 Find your love matches for free on eHarmony.

3 Q. And you can scroll over one, as we go through this. And
4 what user was this located on?

5 A. So if you scroll all the way over to the source, let me
6 move it a little farther, the source here is where it's getting
7 the information from in the computer, so it's saying it's
8 getting from the user's folder, and the user account is big BA
9 underscore 000, and it's under "documents Outlook," is where it
10 had it for that yahoo address that I mentioned.

11 Q. Can you tell me a little bit about what you found in
12 line two?

13 A. So it's another sender e-mail. This one's from USAA.
14 It's again to: Big bad RJR at yahoo dot com, and if you scroll
15 back over the source it's going to have the same user, big BA
16 underscore 000 location.

17 Q. And was this for a USAA account?

18 A. Yes, sir.

19 Q. Do you recall whose account? And when I say, "account,"
20 I mean, the USA, not necessarily a user computer account on
21 this device.

22 A. Just that it was associated with the big bad RJR at
23 yahoo email.

24 Q. Very well. Did you find any indication that peer-to
25 peer software was used on this device?

1 A. Yes, sir.

2 Q. I'm going to click on what's labeled Crosswire. Can you
3 tell me what this is?

4 A. So these are keyword searches that I found within
5 peer-to-peer software relating to torrents that were either
6 being actively searched for or downloaded. If you look over
7 here you can see BitTorrent, Utorrent (ph) is what this is
8 being created by on the file system.

9 Q. Can you point out line 33? Can you tell me about that?

10 A. Sure. The torrent name in file 33 is uncensored PTHC,
11 which stands for preteen hardcore in the child pornography
12 trading ring, 12 YO stands for 12 years old, model by LS models
13 new.

14 Q. Can you tell me what you found in line 38?

15 A. Thirty-eight says: LS magazine, LS model, full video
16 money edit dash video dash download dash links.

17 Q. Go ahead and click on torrent file fragments. Can you
18 tell me what you found on line 11.

19 A. Yes, sir. It says, nude --

20 Q. Well, let me interrupt here. I'm sorry, I jumped the
21 gun. What are torrent file fragments?

22 A. So torrent file fragments are what investigator Atkins
23 was kind of explaining before. A torrent itself is not the
24 file, it's more of a folder containing information about the
25 file that you're looking for on these peer-to-peer trading

1 sites.

2 Q. Can you tell me about line 11?

3 A. Sure. So it's titled, new 2008 9YO, it stands for nine
4 years old, pre-teen, gay, boy child first private sex PTHC,
5 which stands for preteen hardcore, pito kitty cum dot rar (ph).

6 Q. Is there anything else on that line that you found
7 relevant, and what dates? Well, specifically, did you find any
8 dates associated with that?

9 A. Yes, sir, so the created date and time is marked here
10 which is March 12, 2015 at 11:51 p.m.. If you look under the
11 source for these as well, they're all underneath the user big
12 bad underscore 000.

13 Q. Tell me about line 36, please.

14 A. Uncensored PTHC, again, preteen hardcore, 12 YO for 12
15 years old, model by LS models new. It has a created date of
16 March 12, 2015, and I believe it's resided under the same user
17 account. Yes, user big BA underscore 000.

18 Q. Tell me about line 46, please.

19 A. Line 46 is boys dot pics dot selection 2,600 dot nude
20 dot fuck suck gape preteen dot PTHC dot cum boy dot pics
21 selection.

22 Q. Any dates associated with that?

23 A. That one's also March 12, 2015 for a creation date.

24 Q. I'm going to click under operating system, a folder
25 labeled, LNK files. First, what is this?

1 A. So LNK is referring to a link file. What a link file
2 is, your computer when you access files and folders frequently,
3 it creates a shortcut so it doesn't have to think as hard to
4 find it, that's a link file.

5 Q. Tell me a little bit about line one, please.

6 A. Sure. Line one has a whole bunch of terminology that I
7 use in my keyword searches, so pretty much all of these: Hussy
8 fan PTHC, ray gold, baby shedid (ph) 109 pedophilia 13 YR,
9 which is 13 years old, dash the hussy fan PTHC ray gold
10 pedophilia are all ones that I put in my list of about a dozen
11 keyword search hits.

12 Q. I'm going to click on Internet Explorer ten dash 11
13 daily. Can you tell me a little bit about, what's this folder
14 I just opened?

15 A. Sure. So Internet Explorer is an internet browser, it's
16 the default one that kind of comes with every Windows machine.
17 It tracks what websites you're going to, what you frequently
18 visit, what you bookmark, all that stuff, so this, or these,
19 excuse me, are tags that I bookmarked related to the user big
20 BA underscore 000 regarding internet history of interest.

21 Q. Tell me about line nine. Who was the user for -- well,
22 tell me about line nine.

23 A. Sure. So line nine is actually a file interaction that
24 was tracked. I tell that by here, it's going to the E drive
25 and it's titled: Child models two little amber dot com slash

1 little amber PTHC child super model bikini sexy as hell child
2 porn lolita loli little green -- little girl teen -- preteen
3 under age pito cheeka lolita loli little preteen underscore 03
4 dot JPG.

5 Q. I'm convinced that those are relevant terms. What does
6 this mean happened on this computer with that file?

7 A. So it's showing at an access time of June 15, 2017 at
8 139:54 and it's looking for the path for this title that I just
9 read, which is a dot JPG, which is a picture file.

10 Q. Tell me about line 12, please.

11 A. So line 12 is the same thing. It's a file interaction
12 with the E drive of the machine, which is titled LSM vid slash
13 parentheses PTHC parentheses eleven YO cap goddess frontal anal
14 sex, and in another parentheses: Child teen -- or child kids
15 preteen 2012 lolita, end parentheses, dot AVI. So it's the
16 same kind of interaction, but an AVI file is a video file, not
17 a picture file.

18 Q. What was the user?

19 A. Big BA underscore 000.

20 Q. Any dates on that?

21 A. Yes. That looks like it's December 9, 2016 at 23:59,
22 which is 11:59 p.m.

23 Q. Let me take half a second to redirect the screen. Okay.
24 I closed that report and I opened up a folder labeled, 1B,
25 Axiom, and I'm opening up that report. Is this still the same

1 computer?

2 A. It is the same computer.

3 Q. Alright. I'm going to redirect the screen back to the
4 jury. I'm going to click on "user accounts." Did you take a
5 look at the user accounts?

6 A. Yes, sir.

7 Q. Alright. Investigator Grubbs, this is where you leave
8 me in the dust. Did you find anything that you thought was
9 relevant to your investigation?

10 A. Yes, sir. If I might readjust this briefly. So there
11 were four primary accounts on the machine. As default, when
12 you by a new computer with Windows, it's going to have a couple
13 of accounts that its made itself. One is an administrator
14 account and one's a guest account, so those are on there by
15 default already. I did find several user created accounts that
16 are unique to the machine, one is titled Santiago, one is big
17 BA underscore 000, which has a full name associated to it of
18 Ricky Singer, and there is one more titled: Brenda.

19 Q. Could you tell which one of these users was using the --
20 was there one user profile that was more -- that was using
21 child pornography as opposed to the others?

22 A. So I only found child pornography artifacts under the
23 big BA underscore 000 user account.

24 Q. And did you associate that account with anyone?

25 A. It has a name associated with it of Ricky Singer.

1 Q. And was that also some of the e-mails that we looked at
2 earlier?

3 A. Correct.

4 MR. RYAN: You can take a seat. I might be able to
5 get you out of here in just one moment. One moment, Your
6 Honor. Nothing further at this time, Your Honor.

7 THE COURT: Mr. Routzong?

8 **CROSS-EXAMINATION**

9 BY MR. ROUTZONG:

10 Q. Almost good afternoon, sir. How are you?

11 A. Yes, sir, I'm well. Yourself?

12 Q. I'm okay so far. I wanted to kind of correct or clear
13 up something, clarify something, but first of all, I wanted to
14 ask you was BitTorrent stored on that computer?

15 A. Yes, sir.

16 Q. Was Mr. Singer's computer, let me see if I can grasp the
17 right word here, configured for remote desktop?

18 A. Yes, sir.

19 Q. Now, the thing I wanted to clarify, I think you
20 inadvertently used the word search term, and it sounded like
21 what you were saying was you found evidence that he searched,
22 like you found his search terms. What you were referring to
23 were the search terms that you used to look into the file; is
24 that correct?

25 A. That is correct.

1 (Defense Exhibit's Nos. 1 & 2 were marked for
2 **identification.**)

3 Q. I know you've seen what's been previously marked for
4 identification purposes as Defense Number 1 and Number 2. I'll
5 hand those to you.

6 A. Yes, sir.

7 Q. When was that search warrant issued?

8 A. So this search warrant was issued December 10, 2018.

9 Q. Okay. When you receive a search warrant, by statute
10 it's supposed to be executed and the return made within 10
11 days; is that correct?

12 A. Yes. Executed due to the length and the amount of data
13 that we go through in a forensic examination which can
14 sometimes can be thousands of gigabytes, which is called a
15 terabyte, for example, we had 100-terabyte case come by our
16 office, so it takes longer than 10 days to go through data once
17 we're approaching terabytes, but executed, yes, sir, within the
18 10 days.

19 Q. Yes, sir. And what does a return mean?

20 A. The return shows kind of what we searched and what we
21 found, and we're taking it back to the judge to say, you know,
22 our search warrant is over, here's the results.

23 Q. And that return is supposed to be given back to the
24 Court within 10 days; is that correct?

25 A. When we finish the execution of the search warrant, yes,

1 sir, like I said, that can take, in digital forensics it can
2 take longer than 10 days.

3 Q. What's the date on the return where it's actually
4 returned back to the Court?

5 A. Yes, sir. This isn't the actual return for this
6 warrant. It has the case number for this warrant on it, but
7 the South Carolina Attorney General suspect is not correct. I
8 believe this return, we have the accurate return, is a miskey
9 on my part where I forgot to change out a case number and it
10 got scanned in.

11 Q. That return is associated with that warrant, right?

12 A. This is not the return for this warrant that I got
13 signed. It has the case number on it, but it is not the return
14 that I originally did for this warrant when I executed it.

15 Q. When was the return given back to the Court?

16 A. The return for this one, I believe, I might be off by a
17 day or two, is January 10, 2019, so roughly a month later.

18 MR. ROUTZONG: Give me just a second.

19 THE WITNESS: Yes, sir.

20 MR. ROUTZONG: No other questions, Your Honor.

21 THE COURT: Any Redirect, sir?

22 MR. RYAN: Brief Redirect, Your Honor. Approach,
23 Your Honor?

24 THE COURT: Yes, sir.

25 **REDIRECT EXAMINATION**

Inv. David Grubbs-Redirect by Mr. Ryan

1 BY MR. RYAN:

2 Q. Investigator Grubbs, I'm going to hand you a piece of
3 paper. Will you take a second to take a look at it?

4 A. Yes, sir.

5 Q. What did I just hand you?

6 A. That is the actual return for my warrant.

7 Q. What was the date on it?

8 A. The date of execution was December 10, 2018. The date
9 of the return, I was off by a day, is January 11, 2019.

10 Q. Is it an accurate representation of the search warrant
11 return for the computer examination in this case?

12 A. Yes, sir. It has the correct case number, the correct
13 suspect name, and as I stated before, it has the 654 photos and
14 50 videos, to be exact, of what I found.

15 MR. RYAN: Your Honor, at this time I'd ask that this
16 return be entered into evidence.

17 THE COURT: Mr. Routzong?

18 MR. ROUTZONG: Without objection, Your Honor.

19 THE COURT: Without. Thank you.

20 **(State's Exhibit No. 5 was marked for identification**
21 **and admitted into evidence.)**

22 BY MR. RYAN:

23 Q. Mr. Routzong asked you about a remote access.

24 A. Yes, sir.

25 Q. Can you tell me, what is that?

1 A. Sure. So remote desktop is referring to allowing
2 another user to have remote access to your computer. So think
3 about it in a business world, if my computer is acting up at
4 work and I call IT and they say, hey, I'm going to fix it but
5 I'm going to fix it from my office over here, we're going to
6 remote into your computer and take control, and we're going to
7 fix the problem, that's what remote desktop is referring to.

8 Q. And when you used your forensic tools on this computer,
9 did that create this type of event?

10 A. No.

11 Q. Were there any remote accessed points?

12 A. So because it was configured for remote access, there
13 are interactions that I found on the machine with Windows, but
14 that doesn't mean that every time it's interacting with remote
15 access that somebody else is remoting-in to the computer and
16 taking over. It's just in the background interacting because
17 it's enabled. There is an event ID that created by remote
18 desktop with a number that is specific to when another user is
19 actually taking control, that number is 10. This one, there's
20 a whole bunch of them that mean various different things.
21 These were primarily 20 and 21 that were logged when I checked.

22 Q. Twenty and 21?

23 A. The event ID's, sir.

24 Q. And you're leaving me behind, but what does that mean?

25 A. So I don't have a specific knowledge of each event that

1 remote access -- or remote desktop, excuse me, logs, so I can't
2 state specifically what 20 and 21 were, but I do know that 10
3 is, you are now locked in with another remote user and they
4 have control of your machine, and I did not find any user event
5 ID's of 10.

6 Q. Thank you so much.

7 A. Yes, sir.

8 MR. RYAN: Nothing further.

9 THE COURT: Mr. Routzong?

10 **RECROSS-EXAMINATION**

11 BY MR. ROUTZONG:

12 Q. I guess the outburst to that coin is, when you say you
13 don't know that somebody else used it, in other words,
14 remotely, you don't know that they didn't?

15 A. No. I can say that it did not have a successful remote
16 desktop connection in the logs that I obtained.

17 MR. ROUTZONG: Thank you, sir.

18 THE WITNESS: Yes, sir.

19 MR. RYAN: I have nothing further for this witness,
20 Your Honor.

21 THE COURT: You may step down, sir.

22 THE WITNESS: Thank you, sir.

23 THE COURT: Thank you so much. May I please talk to
24 the lawyers?

25 (Off the record discussion was held at the bench

1 between Court and counsel at this time.)

2 MR. RYAN: The State will call Ms. Brenda Quiroz. .

3 (BRENDA QUIROZ WAS DULY SWORN AT THIS TIME AND

4 TESTIFIED AS FOLLOWS:)

5 THE DEPUTY: State your name for the record and spell
6 your last name, please.

7 THE WITNESS: Brenda Quiroz, Q-U-I-R-O-Z.

8 DIRECT EXAMINATION

9 BY MR. RYAN:

10 Q. Good afternoon, Ms. Quiroz. Thank you for being here,
11 and I apologize for mispronouncing your name. How do you know
12 Mr. Ricky Singer?

13 A. He's my brother.

14 Q. Do you see him here today?

15 A. Yes, sir.

16 Q. Where is he sitting?

17 A. In the defendant's seat.

18 Q. Thank you so much. Were you and Mr. Singer living
19 together at a house in the summer of 2017?

20 A. Yes.

21 Q. Alright. Is that house in Sumter County?

22 A. Yes.

23 Q. Were you present during the search warrant at that house
24 on October 5th?

25 A. Yes.

1 Q. And I apologize for such an awkward question, but I got
2 to do it. Have you ever searched for child pornography?

3 A. No.

4 Q. Have you ever used BitTorrent file sharing software?

5 A. No.

6 Q. Thank you so much.

7 MR. RYAN: Nothing further at this time.

8 THE COURT: Mr. Routzong?

9 MR. ROUTZONG: No questions, Your Honor.

10 THE COURT: You may step down, ma'am. Thank you.

11 Now I'll ask you to come up.

12 (Off the record discussion was held at the bench by
13 Court and counsel.)

14 THE COURT: To the members of the jury, your patience
15 continues to be appreciated by all of us. We are at one of
16 those points now where logistics comes into play, and while
17 this trial is not over, we are recessing now, and I will need
18 you to please come back and be in your jury room not later than
19 10:00 on Thursday morning. Now, in the meantime some legal
20 matters need to be addressed, but there's no need for you to
21 sit in the jury room while we do this, so I will see you at
22 10:00 on Thursday morning. Tomorrow is a holiday so we won't
23 be here. Now, one more time, and not the last time, do not
24 discuss this case among yourselves, do not begin any
25 deliberations, do not discuss it with anybody for any reason,

1 whosoever, by any means whatsoever, I appreciate your patience
2 and we will see you at 10:00 Thursday morning. Thank you.

3 (Jury exited the courtroom)

4 (Court adjourned until Thursday, May 11, 2023 at
5 10:00 a.m.)

6 THE COURT: Anything else?

7 MR. RYAN: No, Your Honor.

8 MR. ROUTZONG: No, Your Honor.

9 THE COURT: If you need me call me. I'll be here.
10 Thank you all so much.

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1 CERTIFICATE

2 STATE OF SOUTH CAROLINA

3 COUNTY OF SUMTER

4 I, Julie A. Kevish, Official Court Reporter for the
5 State of South Carolina, do hereby certify that the foregoing
6 is a true, accurate and complete Transcript of Record of the
7 proceedings had and evidence introduced in the Court of General
8 Sessions for Horry County, South Carolina, on the 9th day of
9 May, 2023.

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

12 May 9, 2023

13

14



15

JULIE A. KEVISH
OFFICIAL COURT REPORTER

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STATE OF SOUTH CAROLINA	) COURT OF GENERAL SESSIONS
COUNTY OF SUMTER	) 2020-GS-43-00878
	) 2020-GS-43-00879
	) 2020-GS-43-00880
	) 2020-GS-43-00881
	) 2020-GS-43-00883
	) 2020-GS-43-00884
State of South Carolina	)
vs.	) TRANSCRIPT OF RECORD
Ricky Leroy Singer, Jr.	)
	) Sumter, South Carolina
DEFENDANT	) May 11, 2023

B E F O R E:

THE HONORABLE GEORGE M. MCFADDIN, JR.

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

STEPHEN RYAN, ASSISTANT ATTORNEY GENERAL
Attorney for the State

MICHAEL D. ROUTZONG, ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

KESHIA REED
Official Court Reporter

1 THE COURT: Will you bring them in.

2 (WHEREUPON, the jury came in.)

3 THE COURT: Mr. Ryan.

4 MR. RYAN: At this time, we have no further
5 witnesses and the State rests.

6 THE COURT: All right, sir. Members of the
7 jury, you been here an hour at least. Well, maybe 30
8 minutes. I had been here with the lawyers since 9:30
9 dealing with legal matters in this case. Remember, the
10 part I told you we have to stay separate sometimes. Well,
11 we have some more of those to do. And before I go
12 further, let me just remind you and I think made this
13 comment earlier none of this is like television or the
14 movies. It's real time. It's minute by minute. Just
15 remember when you watch a television show that last an
16 hour, it's only about 42 minutes of actual film time. And
17 they finish it in that 42 minutes. I still have legal
18 matters to deal with. You're going to get a much longer
19 break for lunch so that we can be locked and loaded when
20 you come back. And I'll ask you to be back at one
21 o'clock.

22 Now, you say McFadden why didn't you tell us
23 that earlier yesterday. I didn't know it yesterday. I
24 didn't know it until a few minutes ago where we stood
25 because it's not like television. So I beg of you to

1 continue to be patient with me and with us. I'll see you
2 at one o'clock. Now, the question was asked yesterday by
3 the foreperson what are her duties. Her duties are to
4 make sure -- it should be easy because you're good people
5 not to discuss this case with any other persons among
6 yourselves and do not begin any deliberations. I will see
7 you at 1:30. I'm sorry one o'clock, one o'clock, 1300
8 hours. And thank you again for your patience please.

9 (WHEREUPON, the jury was excused for a lunch
10 break.)

11 THE COURT: And, Mr. Routzong.

12 MR. ROUTZONG: Please the Court, your Honor.

13 THE COURT: Yes, sir.

14 MR. ROUTZONG: Rising to ask the Court to
15 consider a directed verdict motion, your Honor. We've
16 discussed a lot of this, I think, what I'm going to talk
17 about in chambers, but I need to put it on the record. So
18 your Honor in viewing the evidence in the like most
19 favorable to the State, the State has failed to provide
20 sufficient proof from which a reasonable jury could
21 conclude that Mr. Singer knowingly distributed or exchange
22 pictures or videos of a minor engaged in a sexual act in
23 violation of section 16-15-405, your Honor.

24 The trial court -- and this is quoting, I think,
25 from State vs. Land that the trial court should grant a

1 directed verdict when the evidence merely raises that they
2 should not direct a -- or grant a directed verdict when
3 the evidence merely raises a suspicion that the accused is
4 guilty. So let's go back to the evidence that you heard,
5 your Honor. In State vs. Land, and that's I believe made
6 copies of that somewhere here. The cite is 419 SC 191.
7 Basically, the defense in Land your Honor made the same
8 directed verdict motion I just made. And in State v.
9 Land, the Court pointed out a couple things that were
10 necessary to convict Mr. Land and in this case Mr. Singer
11 of violating the second degree statute.

12 The Court in land said that land admitted to
13 intentionally receiving the prohibited images including
14 the three downloaded by Agent McKeller. McKeller
15 testified that Land was familiar with file sharing. Those
16 are the two things, Judge, that are lacking in this case.
17 There has been no evidence that he knowingly distributed
18 and that's the gravamen your Honor, that we argued that
19 the State and I back in chambers about this, that's the
20 gravamen. Really their case is did he knowingly
21 distributed to Investigator Atkins.

22 So let's talk about the file your Honor. There
23 was five pieces of a file that's over 500 pieces big,
24 that's less than one percent of a file. You have heard no
25 testimony that Mr. Singer even could have known that file

1 was on his computer. Certainly, the State with their
2 sophisticated equipment downloaded it and could play it
3 where is the evidence, your Honor, that elicited by the
4 State that he could have done that, sets that he would
5 know that file was even on there to distribute it. And,
6 Judge, like Land the State has to show that he knows how
7 file sharing works and that his computer would be used or
8 could be used to download a file to somebody else.

9 Judge, if I do search on Google, I don't think
10 that because of that -- whatever I download on Google that
11 my computer if I leave it on is going to kick it off to
12 somebody else. He has to know -- he would have to know
13 how file sharing works. Clearly, you've had testimony
14 that the investigators know how it works. There's no
15 statement by him and no evidence that he knows how it
16 works, that's why it fails your Honor. The fact he may
17 not have even known that file was on there. It's less
18 than one percent. Probably -- at least there's no
19 evidence that he would have even viewed it. And there's
20 no evidence that he knows how file sharing works and that
21 because of that he left his computer on to share with it
22 somebody else. And that's a necessary feature under State
23 vs. Land, that's how the man was convicted.

24 As to the others your Honor, viewing the
25 evidence in the like most favorable to the State, the

1 question becomes has the State provided any evidence that
2 he knew that these allege pornography files were on his
3 computer. The evidence that you heard, Judge, was that
4 someone using this account that's allegedly associated
5 with Mr. Singer when the evidence by the way was that
6 there was at least one other person. And if there's one
7 other person that knows the credentials, it's impossible
8 to say how many other people knows the credentials.

9 You also heard that his computer was set up for
10 remote desk top, which essentially means somebody in
11 Tajikistan could -- if they know his credentials and are
12 able to connect to his computer could download files on
13 his computer. And the other thing, Judge, I would argue
14 that unless they show that he knowingly distributed the
15 portion in the statute that says receive is not
16 applicable. It is only applicable or I think the Court
17 may also consider some of those other -- I have to get my
18 statute out here. I think it was received and duplicate
19 was the two words that we were kind of stuck on in the
20 back.

21 Judge, under 16-15-410, it has a section. I
22 think it's part D where it says that law enforcement
23 agencies and the State can possess child pornography. And
24 that's under the possession statute your Honor. Now, the
25 question I have why isn't that under section 405 as well.

1 Well, clearly, your Honor, section 405 only applies to
2 people who either create child pornography or actually
3 distribute child pornography. If the Court were to
4 consider in this directed verdict motion that he
5 duplicated it or received it, then I think that's a
6 misreading of the law. Clearly, section one and section
7 two referred to two very specific things. And section one
8 refers to somebody who's creating child pornography.

9 Section two refers to people who are or
10 disseminating or distributing child pornography and a
11 person receives a copy in order to distribute. And since
12 you haven't had any evidence of that your Honor, I would
13 ask the Court to direct a verdict in favor of the
14 defendant on the indictment referring to criminal sexual
15 I'm sorry -- criminal solicitation of a minor in the
16 second degree. And your Honor as the remaining
17 indictments, I'd ask the Court to consider whether the
18 evidence has actually been elicited by the State to prove
19 that Mr. Singer was knowingly in possession of child
20 pornography at all. Thank you, your Honor.

21 THE COURT: Mr. Ryan, number two of the
22 indictment second degree what's your position on that one?

23 MR. RYAN: Your Honor, in reference to that
24 indictment, we ask that it be put to the jury. Your
25 Honor, Mr. Routzong is referencing State vs. Land and that

1 case involved appear to be a file sharing where the
2 question was intent. And the take away from Land is that
3 -- in State v. Land that intent is something that can be
4 inferred by the jury based on the facts that are
5 presented. In that case, Mr. Routzong's position is that
6 without a confession, we can't go forward. The State
7 respectfully disagrees. Evidence was put forward explain
8 that on Mr. Singer's computer appear to be file sharing
9 software was found. We saw numerous testimony that appear
10 to be file sharing was used, ask and explain how file
11 sharing works and that the person's ability to share a
12 file is based on leaving it in the shared folder. And
13 that the whole purpose of peer to peer file sharing
14 software is to exchange files, which is what the second
15 degree is design to address. With that evidence, the only
16 issue is not weight of the evidence, but it's existence.
17 We have presented enough evidence for that to go to the
18 jury, so in reference to the second degree, we would ask
19 that question for that indictment be presented to the
20 jury.

21 THE COURT: And as to his comments about the
22 other charges?

23 MR. RYAN: For the third degree in reference to
24 the indictment ending in 0882, please grant defense's
25 motion. I couldn't get the video to play your Honor. The

1 State didn't present enough evidence for that one. In
2 reference to all the other third degrees we presented or
3 reason I said in reference to the second degree as well as
4 all the other evidence presented and shown -- presented to
5 the jury, there is enough for them to weigh the evidence
6 that this was something that was possessed and it was not
7 only done so and it would be properly presented to the
8 the jury.

9 THE COURT: Okay. All right. As to the 882,
10 the State agrees that we should grant a directed verdict
11 on that and I do. As to the balance of the third degree
12 charges, I respectfully deny the motion, Mr. Routzong.
13 Now, as to number -- second degree charge, after much
14 pondering and much thought and much discussion, I am going
15 to leave those, Mr. Routzong, and respectfully deny your
16 motion on those finding there is at least enough evidence
17 for it to go to the jury. So gentlemen, lady, I want you
18 to look at these verdict forms. Is there anything before
19 moving on to this?

20 MR. RYAN: None from the State, your Honor.

21 THE COURT: Would you all look at these verdict
22 forms and see if they're acceptable?

23 MR. ROUTZONG: I'm hard of hearing. I couldn't
24 understand what you ruled. I couldn't hear.

25 THE COURT: You not going to like it. I ruled

1 with the State on your motion as to number 882, that was
2 directed verdict out. I denied your motion on the other
3 two sections second degree and third degree balance, okay.
4 Now, would you all look at these.

5 MR. ROUTZONG: Could I ask you -- and I'm not
6 trying to irritate you.

7 THE COURT: Oh, you're not.

8 MR. ROUTZONG: But maybe to clarify your ruling
9 on the second degree.

10 THE COURT: Essentially to make it very simple
11 for my mentality is that I find that there's enough
12 evidence there for it to go to the jury even considering
13 your position but in the like most favorable to the State.

14 MR. ROUTZONG: That he distributed or that he
15 received.

16 THE COURT: Well, both received and distributed,
17 okay.

18 MR. ROUTZONG: Were you able to get that on the
19 record.

20 COURT REPORTER: Yes.

21 MR. ROUTZONG: Thank you.

22 THE COURT: We're down to one o'clock.

23 MS. MILES: Okay. And then we'll rest and
24 essentially, I guess, you'll rest. And then we'll do
25 closings.

1 THE COURT: Any more about what order you want
2 to do that in traditional or non-traditional?

3 MS. MILES: Whatever works.

4 THE COURT: I'll see you at one o'clock.

5 (WHEREUPON, a lunch break was taken.)

6 THE COURT: All right, we're all gathered here
7 today, I would think that the first thing we need to do,
8 Mr. Routzong, address your client testifying or not
9 testifying, would you agree?

10 MR. ROUTZONG: Yes, sir.

11 THE COURT: Mr. Singer, please stand up for me
12 please.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Mr. Singer, you are represented by a
15 very good attorney. He's tried lots of cases. As you
16 well know, you have the right to testify in this trial or
17 not to testify. If you don't testify, I've already shared
18 with the lawyers and your lawyer an instruction to the
19 jury that they're not to hold that against you in any way
20 whatsoever. However, you do have the right to testify and
21 you may do so. What do you wish to do, sir?

22 THE DEFENDANT: I don't plan to testify, sir.

23 THE COURT: Okay. Is that a decision you have
24 to come to after careful consideration and conversations
25 with your lawyer?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Is anybody forcing you not to
3 testify?

4 THE DEFENDANT: No, sir.

5 THE COURT: All right. And that's what you wish
6 to do, sir?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Routzong, can you think of
9 anything else I need to ask him, sir?

10 MR. ROUTZONG: No, your Honor.

11 THE COURT: All right. You may be seated,
12 Mr. Singer.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Mr. Routzong, the jury instruction
15 matter you want to put that on the record, sir?

16 MR. ROUTZONG: I can, your Honor. Over the
17 lunch break after we had already discussed -- after we'd
18 already discussed the jury instructions, I wrote an e-mail
19 and copied Mr. Ryan about an addition to our discussions.
20 And in my e-mail your Honor, I wrote good morning. It is
21 my understanding that the Court intends to use language
22 involving words duplicate and receives. I would like to
23 ask the Court to consider a jury instruction such as
24 duplicates or receives for the purpose of distributing a
25 file containing child pornography. I am sending this so

1 that two words can be written. And I wrote this to your
2 Honor's law clerk. And the judge can have it ready after
3 arguments on the record. And then, Judge, I think
4 Mr. Ryan wrote you and copied me that he respectfully
5 objects, that is not the language of the statute. If that
6 is what the legislature intended, it could have easily
7 been included. Your Honor, far be it for me to criticize
8 our legislature and their ability to write statutes, I
9 will not go there. But your Honor I think if you take the
10 statutes in their totality, there's only one way this can
11 be read.

12 In 405 section one, clearly that refers to
13 people who create child pornography. It says records,
14 photographs, films, develops, duplicates or produces or
15 creates. It uses the word creates digital, electronic
16 filing material that contains a visual representation so
17 on and so forth. In part two of 16-15-405, it clearly
18 refers to people who distribute that material. It says
19 distribute, transports, exhibits, receives, sells,
20 purchases, exchanges or solicits. The Court has agreed to
21 take out most of that language. I think your Honor is
22 going to charge receives and ---

23 THE COURT: I had left in distributes, exhibits,
24 receives or exchanges or solicits. I had removed
25 transports, sells and purchases.

1 MR. ROUTZONG: And your Honor that part about
2 receiving is the rub. You know, if the jury
3 misunderstands that, Judge, they're going to convict him
4 of something they might ordinarily not have convicted him
5 for, that's not what the legislature intended. Possessing
6 your Honor as I've already put on the record, it implies
7 receiving it. If you created it, you would come under
8 section 405(a)(1). If you simply possess it which implies
9 you received it, then you would simply be under 410. It
10 is a true difference, your Honor, because as I pointed out
11 in 410, it gives the law enforcement folks the ability to
12 possess it legally, but notice the absence of that
13 language in 405. The reason there's absence of that
14 language is it's never going to be permissible for the
15 State to create child pornography or distribute child
16 pornography, that's why that language isn't necessary your
17 Honor. That's clearly your Honor what this statute refers
18 to. And if you put receives in there, then clearly if
19 they find that he received a file over the internet which
20 is basically the same actions they're alleging that he did
21 on 16-15-410 is that receive child pornography on the
22 internet, then they could convict him because he received
23 it and convicting him of something that's arguably a worse
24 charge on a basis that amounts to actions that would be
25 encompass by 4010 your Honor.

1 It's clear is that language refers to creators
2 and people who receive it with the purpose of distributing
3 it. And there's no evidence of that here. You are
4 required, Judge, I have a case I think it's Atkins. I
5 want to go into that, but your Honor's required to charge
6 an accurate version of the law. And also you're to
7 contemplate according to our courts your Honor the
8 evidence that's been presented and that was the basis of
9 my motion your Honor.

10 THE COURT: Yes, sir. Mr. Ryan.

11 MR. RYAN: Thank you, your Honor. Good
12 afternoon, sir. The State respectfully objects to
13 Mr. Routzong's motion to amend the language in the charges
14 for reasons that were addressed, that what he's proposing
15 isn't in the statute anywhere. What he would be doing
16 would be creating an additional element to the offense for
17 second degree, that isn't there. And under his same logic
18 if every second degree should really be a third degree,
19 then every third degree if receiving counts could be a
20 second degree. Mr. Routzong is already successful in
21 calling the verbiage that was going to be presented to the
22 jury earlier. The current proposed charging documents
23 that the Court has presented us are proper. We ask that
24 his motion be denied.

25 MR. ROUTZONG: Your Honor, if I can one real

1 quick. I don't mean...

2 THE COURT: No, no, go ahead.

3 MR. ROUTZONG: He just made the case right there
4 his statement. They could be reversed, that's the point.
5 It's clearly the legislature intended something different
6 or wouldn't have the second degree. The possession and
7 the distribution would all be in line. It would just
8 thrown it all together. The idea that the legislature
9 didn't intend it because their argument is, well, they
10 could have put it the way I put it. Why I'm arguing your
11 Honor that's exactly what they did. I'm arguing that's
12 what it means. Because if just receiving it is enough,
13 then everybody who receives and doesn't distribute it is
14 also guilty of second degree. You can't read it any other
15 way. It has to be receiving it for some purpose, that
16 would be the distinction between the two statutes.

17 THE COURT: Mr. Routzong, I'm going to stand by
18 my prior ruling and deny your request at this time. I
19 fall back on that ancient rule that I've read many times.
20 That the legislature is to presume to have meant what it
21 said and said what it meant. And if we have to come here
22 and parse words to try to determine what the legislature
23 meant, then I'm afraid that I am venturing into amending
24 statutes and I shouldn't be doing that. So with all
25 respect to you, Mr. Routzong, I deny that request.

1 MR. ROUTZONG: Thank you, your Honor.

2 THE COURT: Anybody -- anything else you all?

3 MR. RYAN: Nothing from the State, sir.

4 THE COURT: Okay, if you bring them in please.

5 (WHEREUPON, the jury came into open court.)

6 THE COURT: Members of the jury, your patience
7 continues to impress me and all others and is most
8 admiral. We have been working on legal matters nothing
9 else. Mr. Routzong.

10 MR. ROUTZONG: Your Honor, I think it's the
11 State's ---

12 MR. RYAN: Your Honor, I think the last we did
13 was the State resting.

14 THE COURT: Okay.

15 MR. ROUTZONG: Oh, I'm sorry your Honor. The
16 defense rests your Honor excuse me.

17 THE COURT: That's okay. We're fine. All is
18 well. All right. Mr. Ryan.

19 MR. RYAN: Thank you, your Honor. Ladies and
20 gentlemen of the jury, once again thank you for being
21 here. Earlier this week, I explained why you were here
22 and what we were going to present. I'll be brief. You
23 already heard from our witnesses. In the beginning, I
24 asked to keep an open mind and listen to any of the
25 evidence that was presented to you. This week our

1 witnesses have laid out a chain of facts to show that the
2 Defendant Ricky Singer, Jr. is guilty of the crime that
3 he's been charged with. You heard Investigator Atkins
4 who explain what peer file software sharing is, what
5 bittorrent is, how it works, how you make a file
6 shareable, how he identified the user of this software
7 that was exchanging or distributing child pornography, how
8 the internet service provider came back and said the IP
9 address is in Mr. Ricky Singer Jr.'s name. His address is
10 in Sumter County.

11 You heard from Investigator Sherrod who got a
12 search warrant to go to his house determine who was
13 responsible for this material. She examined the computer
14 that was found his bedroom, found additional files of
15 child pornography. At that time made the decision to
16 arrest him.

17 You heard from the State's expert Investigator
18 Grubbs how he examine the computers found approximately
19 700 additional files of child pornography. He explain to
20 you that peer to peer filing software was located on that
21 computer. He explain to you that peer to peer file
22 sharing software was being used on that computer. He
23 explain why that user account was associated with Ricky
24 Singer's e-mail accounts, his USSA account and other
25 personal accounts.

1 At this point ladies and gentlemen, I'm
2 confident that there's enough evidence for you to be
3 firmly convinced that the defendant is guilty of the
4 charges that are being put to you. When you go back into
5 the jury room, I'm going to ask you to give us one
6 sentence, a one decision that the facts support that
7 Mr. Singer is guilty of these charges. Thank you so much
8 again for your time and patience.

9 THE COURT: Mr. Routzong.

10 MR. ROUTZONG: Good afternoon everybody. Thank
11 you so much for your patience. Some it can be helped and
12 some of it can't, but we do appreciate you being here. I
13 want to remind you of what I said in my opening argument,
14 that really what's on trial here is the State's case not
15 Mr. Singer. And I want to draw your attention to Mr. Ryan
16 just said. He said Investigator Atkins they know how file
17 sharing programs work. Not one word about how they know
18 that he knows.

19 I'm the defense attorney and it's my habit and
20 my -- I'm a creature of habit and my nature, I guess.
21 Since, the State's case is trial, I'm going to be their
22 defense attorney and I'm going to help them out with their
23 case. I have list of witnesses that I'm going to call and
24 please pay attention to what they say is important.
25 First, witness I'm going to call is -- that witness who

1 can say he knew those files were on that computer would
2 you come forward please. Is there a witness for the State
3 who can say that he knew how file sharing, peer to peer
4 systems work please come forward. I like to focus you
5 before I go on and call the rest of my witnesses. I want
6 to focus you on the charge that's the second degree.

7 The judge is going to charge you the law. And
8 Mr. Ryan may get up and have some remarks about the law.
9 But certainly the law is what the judge gives it to you
10 and what he says to you, that's the law. That's what you
11 have to consider. In that statute and what they are
12 alleging is that he knowingly distributed a file called
13 Baby J to Investigator Atkins. Let's talk about Baby J
14 from the evidence that's been presented. You were told
15 that Baby J was five pieces of data or a file out of over
16 500 pieces, that's less than one percent of a file. Has
17 the State proven that he could have looked at one percent
18 of a file and known what it was on there and known that it
19 was being distributed. Have they proven that than he knew
20 how file sharing systems work. You haven't heard it in
21 the evidence. I called the witnesses and there's nobody
22 came forward. That could tell us that he knew and how
23 they know that he knew. Ladies and gentlemen, if you
24 can't -- that's the gravamen, that's the essence of this
25 charge. It's not what's on the computer. It's whether he

1 knew about it and whether he knew it was being
2 distributed. You haven't heard any witnesses to that
3 effect.

4 My next witness for the State I would like call
5 to the witnesses who can come up and testify that they
6 searched his computer and found the search terms that he
7 used for any of this. Now, we have to be careful here.
8 And I think it was inadvertent, I really do with all
9 seriousness, but Mr. Ryan was standing here at the big TV
10 screen and Investigator Grubbs was standing beside him.
11 And Investigator Grubbs said he use the word search terms
12 when they were talking about e-mail attachments and the
13 internet Explorer. And then he changed to I think it was
14 key search words. And if you'll recall I asked him to
15 clarify that because they're not alleging they know any
16 search terms that he used. If he don't know what search
17 terms that he used, you're only dealing with the search
18 terms that they use to look and see what files are on
19 there. That's something they should have presented to
20 you, but they can't present it too because they don't have
21 a witness that can tell you what those search terms are,
22 that's important in the sense of both of these charges
23 second degree and third because it requires that they
24 prove that he knew about it. They presented no witnesses
25 to that extent.

1 If I were defending the State, I would call
2 forth a witness that could tell us how he moved the files
3 around from one device to the other or within the device.
4 It's important that we think about this for just a second.
5 You all -- most people now -- I'm old. I admit it. I
6 have to use a computer here at work and I like to use
7 YouTube to watch dogs and cat videos. I take up an
8 inordinate amount of time doing that, that's about the
9 extent of how I know it works, but I do know this and I
10 think is common knowledge. If you search on YouTube, it
11 tells you if you search for puppy dogs and cats, it gives
12 you a list of stuff puppy dogs and cats. You have not
13 heard one word about that from them, that he did that,
14 that he chose any of this. Where was that at. If I could
15 call a witness to defend the State's case and to prove
16 that he chose or move stuff around, their case would be
17 better and might be doing my job.

18 These are the things you have to contemplate,
19 ladies and gentlemen. It's so easy and I'll remind you
20 what we talked about the other day. And I said thank God
21 there were people who came up there and said, oh, my
22 goodness I just can't look and think about any of this
23 kind of stuff. Those aren't the people that need to be on
24 this jury. People that need to be on this jury are people
25 that can coldly look -- you saw some pictures yesterday or

1 the day before yesterday rather. They weren't easy to
2 look at. I know that. They know that. They have to do
3 what they have to do. And you had to do what you had to
4 do. You have to lay aside that, that's evidence of an
5 allegation of child pornography clearly. But when you're
6 thinking about this, you can't think about what the State
7 kind of invited you to do in their opening arguments and
8 that's punish somebody because these victims are being
9 re-victimize every time it was shown. That's not why
10 we're here, that's not what you're here for. You're not
11 here to give punishment or anything not rewarding friends
12 or punishing enemies. You're just simply here to say have
13 they proven their case, put their case on trial.

14 You heard testimony and I'd like to call the
15 witness. Now, if they would come forward and tell us if
16 it's not in dispute, that it was connected remotely. In
17 other words, I think the testimony is you could connect to
18 his computer from anywhere in the world. Where is the
19 witness that said that did not happen. That somebody did
20 not remotely connect to this computer. You haven't heard
21 from that witness because they don't have that witness. I
22 call that witness, that witness is not here and they're
23 never going to be here. These are all the bits and pieces
24 of all the things that you heard, but it really is much
25 simpler than that. You know, this is really highly

1 technical stuff that you -- the testimony, but it's really
2 not that hard. Did he know about it. Did he distribute
3 it. Have they proven that. If they haven't, you have to
4 find him not guilty.

5 What if they had charged Brenda. Brenda had
6 had his credentials. I think they called it a technical
7 term. She was able to tell Investigator Sherrod, hey,
8 here is the computer. What if they had charged her.
9 Could you find her guilty. If you couldn't find her
10 guilty, you can't find him guilty. They're in the same
11 position just one of them happen to be charged.

12 Last witness I like to call is the witness that
13 the State can present and tell you why a person should be
14 found guilty of these crimes for being the owner of the
15 computer, maybe not even the owner of the computer. How
16 about the person who has log in on the computer, where was
17 that witness at. Ladies and gentlemen, if you can't
18 find -- you can't find somebody guilty just because
19 they're on the computer. They haven't proven that he
20 knew. They haven't in the sense of having knowledge that
21 he possessed child pornography. They have not proven that
22 he knew that it was going to be distributed. Heck, you
23 can't even -- they can't even tell you he could play the
24 Baby J, that's the second degree charge less than one
25 percent. They can't tell you that. If they can't tell

1 you that, he's not guilty of it because they haven't
2 proven it. I'm going to shut up now. And I know I've
3 spoken long enough. And I appreciate you listening to me.
4 We appreciate your service. Thank you very much.

5 THE COURT: Members of the jury, I'm going to
6 now read to you the law that applies. We call it the jury
7 charge. I have to read it word for word. It was and it
8 is my responsibility to preside over the trial of this
9 case and rule on the admissibility of the evidence. You
10 are to consider only the evidence before you. If any
11 testimony were offered or ordered stricken from the
12 record, you must disregard that testimony. You are to
13 consider only the testimony presented from the witnesses,
14 exhibits made apart of the record and any stipulations of
15 counsel. It's my duty to give you the law applicable to
16 this case. I am the sole judge of the law in this case.
17 And it is your duty as jurors to accept and apply the law
18 as I've state it to you. If you already have any idea as
19 to what the law is or ought to be and it does not agree
20 with what I now tell you the law is, you must abandon your
21 idea because you are sworn to accept the law and apply it
22 exactly as I give it to you.

23 In every case tried before a jury, the jury
24 becomes the sole and exclusive judge of the facts. A
25 trial judge cannot state, comment on or make any

1 statements about the facts in a case. You are to infer
2 from what I have said during the trial in ruling upon the
3 admissibility of evidence or otherwise or anything that I
4 say now, that I have any opinion about the facts in this
5 case. The law does not allow me to have an opinion about
6 the facts in this case. This is a matter solely for your
7 deliberation, you, the jury. It is your duty to determine
8 the effect, value, weight and truth of the evidence
9 presented.

10 You have heard all of the testimony and evidence
11 in this case. The indictment charges the defendant with
12 several offenses. I remind you that the fact that the
13 defendant was arrested, charged and indicted in this case
14 is not evidence in this case and cannot be considered by
15 you as evidence of guilt in this case. Nor does it create
16 any presumption or inference of guilt. The documents are
17 simply the formal written instruments which contains the
18 charges made against the defendant. It is the formal
19 document by which this case has been brought to this case
20 to court.

21 I instruct you and emphasize the fact that the
22 defendant did not testify is not factor to be considered
23 by you in any way in your deliberations. And in your
24 consideration on the question of the guilt or innocence of
25 the defendant, it must not be considered by you in any

1 manner whatsoever. A defendant has the constitutional
2 right to remain silent and the assertion of that right
3 must not be considered by you in your deliberations. I
4 repeat under your oath you are to draw no conclusion
5 whatsoever from the fact that the defendant did not
6 testify. The fact that this defendant did not testify
7 should not even be discussed in the jury room. The burden
8 of proof is on the State. The defendant is not required
9 to prove his innocence. The burden of proof remains on
10 the State to prove guilt beyond a reasonable doubt. The
11 defendant has pled not guilty to the charges the
12 indictments. And that plea puts the burden on the State
13 to prove the defendant guilty.

14 A person charged with committing a criminal
15 offense in South Carolina is never required to prove
16 themselves innocent. It is an important rule of the law
17 that the defendant in a criminal trial no matter the
18 seriousness of the charges may be will always be presumed
19 to be innocent of the crime for which the indictment was
20 issued unless guilt has been proven by evidence satisfying
21 you of that guilt beyond a reasonable doubt. This
22 presumption of innocence does not end when you begin your
23 deliberations, but continues throughout the trial until
24 you reach a verdict of guilt based on evidence satisfying
25 you of that guilt beyond a reasonable doubt.

1 The presumption of innocence like a robe of
2 righteousness placed about the shoulders of the defendant
3 which means -- which remains with the defendant until it
4 has been stripped from the defendant by evidence
5 satisfying you of the defendant's guilt beyond a
6 reasonable doubt. The presumption of innocence is not a
7 mere legal theory. It is not just a legal phrase. It is
8 a substantial right to which every defendant is entitled
9 unless you, the jury, are satisfied from the evidence of
10 the defendant's guilt beyond a reasonable doubt.

11 The State has the burden of proving the
12 defendant guilty beyond a reasonable doubt. Some of you
13 may have served as jurors in civil cases where you were
14 told that it is only necessary to prove that a fact is
15 more likely true than not true such as by the greater
16 weight or preponderance of the evidence. In criminal
17 cases, the State's proof must be more powerful than that.
18 It must be beyond a reasonable doubt. Proof beyond a
19 reasonable doubt is proof that leaves you firmly convinced
20 of the defendant's guilt.

21 There are very few things in this world that we
22 know with absolute certainty. And in criminal cases, the
23 law does not require proof that overcomes every possible
24 doubt. If based on your consideration of the evidence you
25 are firmly convinced that the defendant is guilty of the

1 crime charge, you must find the defendant guilty. If on
2 the other hand you think there is a real possibility that
3 the defendant is not guilty, you must give the defendant
4 the benefit of the doubt and find him not guilty.

5 You must determine the credibility of witnesses
6 who have testified. Credibility simply means
7 believability. It becomes your duty as jurors to analyze
8 and to evaluate the evidence and determine which evidence
9 convinces you of its truth. In determining the
10 believability of witnesses who have testified, you may
11 believe one witness over several witnesses or several
12 witnesses over one witness. You may believe a part of the
13 testimony of a witness and reject the remaining part of
14 the testimony of that same witness. You may believe the
15 testimony of a witness in its entirety or reject the
16 testimony of a witness in its entirety. You may consider
17 whether any witness has exhibited to you any interest,
18 bias, prejudice or other motive in this case. You may
19 also consider the appearance and demeanor and manner of
20 the witness while on the witness stand.

21 There are two types of evidence which are
22 generally presented during a trial direct evidence and
23 circumstantial evidence. Direct evidence is the testimony
24 of a person who claims to have actual knowledge of a fact
25 such as an eyewitness. Circumstantial evidence is proof

1 of a chain of facts and circumstances indicating the
2 existence of a fact. The law makes absolutely no
3 distinction between the weight or value to be given to
4 either direct or circumstantial evidence. Nor is a
5 greater degree of certainty required of circumstantial
6 evidence than of direct evidence. You should weigh all of
7 the evidence in a case. After weighing all the evidence
8 if you are not convinced of the guilt of the defendant
9 beyond a reasonable doubt, you must find the defendant not
10 guilty.

11 The rules of evidence ordinary do not permit
12 witnesses to testify to opinions or conclusions. An
13 exception to this rule exist for witnesses we call expert
14 witnesses. A witness who by education and experience has
15 become an expert in some art, science, profession or
16 calling may state an opinion as to relevant and material
17 matter in which the witness claims to be an expert and may
18 also state the reasons for the opinion.

19 You should consider any expert opinion received
20 as evidence in this case. And like any other evidence
21 give it the weight you think it deserves. If you decide
22 that the opinion of an expert witness is not based on
23 sufficient education and experience or if you conclude
24 that the reasons given in support of the opinion are not
25 sound or that the opinion is outweighed by other evidence,

1 you may disregard the opinion entirely. An expert
2 witnesses opinion or testimony is to be given no greater
3 weight than that of other witnesses simply because the
4 witness is an expert. Further, you are not required to
5 accept an expert's opinion even though it is not
6 contradicted.

7 The charges in this case allege several offenses
8 against the defendant sexual exploitation of a minor
9 second degree, sexual exploitation of a minor third
10 degree, sexual exploitation of a minor third degree,
11 sexual exploitation of minor third degree, sexual
12 exploitation of a minor third degree and sexual
13 exploitation of a minor third degree. The indictments
14 charge separate and distinct offenses. You must decide
15 each charge separately on the evidence and the law
16 applicable to it uninfluenced by your decision as to any
17 other charge. You will be asked to write a separate
18 verdict of guilty or not guilty for each charge.

19 Under section 16-15-405 an individual commits
20 the offense of second degree sexual exploitation of a
21 minor if knowing the character or content of the material
22 he duplicates or creates digital electronic file material
23 that contains a visual representation of a minor engaged
24 in sexual activity or appearing in the state of sexually
25 explicit nudity when the original person would infer the

1 purpose is sexual stimulation or distributes, exhibits,
2 receives, exchanges or solicits material that contains a
3 visual representation of a minor engaged in sexual
4 activity or appearing in a state sexually explicit nudity
5 when a reasonable person infer the purpose is sexual
6 stimulation. In a prosecution pursuant to this section,
7 the trier of fact may infer that a participate in sexual
8 activity or a state of sexually explicit nudity depicted
9 in material as a minor throughout it's title test visual
10 representation or otherwise is a minor.

11 The defendant is charge with third degree sexual
12 exploitations of a minor. The State must prove beyond a
13 reasonable doubt that the defendant knowing the character
14 or content of the material he possessed material that
15 contains a visual representation in the state of --
16 sexually explicit nudity when a reasonable person would
17 infer the purpose is sexual stimulation.

18 Minor means an individual who is less than 18
19 years old. The trier of fact may infer that a participate
20 in a sexual -- in a sexually state of sexually explicit
21 nudity depicted in material through it's visual
22 representation is a minor. Material means pictures, video
23 recording, but not material consisting of written words.
24 Sexual explicit nudity means the showing of uncovered or
25 less than opaquely covered human genitals pubic area or

1 buttocks or the nipple or any portion areola of the human
2 female breast.

3 There are two possible verdicts which you may
4 find in this case for each indictment. There is no
5 significance whatsoever in the order in which I state on
6 the verdict form these possible verdicts. It simply means
7 that one must be stated first. Your verdict must be a
8 unanimous verdict. When the jury reaches a verdict, I ask
9 that the foreperson write the verdict on the back of the
10 indictment or the verdicts and sign the name as
11 foreperson, knock on the jury room door and inform the
12 bailiff of your verdict. On the verdict form, each charge
13 is listed individually. For example, as to a certain
14 charge and certain degree, under indictment such and such
15 guilty or not guilty for each charge. Anything from the
16 State any exceptions we need to discuss?

17 MR. RYAN: No, your Honor.

18 THE COURT: Mr. Routzong.

19 MR. ROUTZONG: Can we approach, your Honor?

20 THE COURT: Yes, sir.

21 (WHEREUPON, a bench conference was held in the
22 presence of the jury, but out of the hearing of the
23 jury.)

24 THE COURT: Members of the jury, these lawyers
25 have brought to my attention that I need to amend the

1 charge only slightly and I will do so. As to the second
2 as to sexual exploitation second degree, I read to you
3 earlier this any prosecution pursuant to this section the
4 trier of fact may infer that a participant in sexual
5 activity or a state of sexual explicit nudity depicted in
6 material as a minor through it's title text, visual
7 representation or otherwise is a minor. I am deleting a
8 section of that and read it to you as follows, in a
9 prosecution pursuant to this section, the trier of fact
10 may infer that a participant in sexual activity or a state
11 of sexually explicit nudity through its title text visual
12 representation or otherwise is a minor. Sufficient,
13 ladies and gentlemen?

14 MR. ROUTZONG: Thank you, your Honor.

15 MR. RYAN: Yes, sir.

16 THE COURT: All right. All right. I'll ask the
17 bailiff to take the jury to the jury room please. Do not
18 begin any deliberations until given the okay to do so
19 through this court.

20 (WHEREUPON, the jury retire to the jury room.)

21 THE COURT: Sir, would you bring the alternates
22 in please.

23 MR. ROUTZONG: Really quickly, your Honor, I
24 didn't make a contemporaneous objection, but I think I
25 preserved the record, but I do want to object to the jury

1 instruction on the second degree.

2 THE COURT: Yes, sir.

3 MR. ROUTZONG: But I didn't make it
4 contemporaneous, but we spoken about it all day long
5 practically, so I think I preserved it.

6 THE COURT: I think you have and you got it
7 right. She's got it.

8 MR. ROUTZONG: Thank you, your Honor.

9 THE COURT: Yes, sir. Now, do we have all the
10 exhibits that we need is everything ready to go to them?

11 MS. MILES: Yes, sir, really I think -- I mean,
12 the way we always treated is if they need to see something
13 that was evidence, we'll bring them back in so we don't
14 send it back.

15 THE COURT: I don't recall any paper.

16 MS. MILES: There really wouldn't be any ability
17 to send it back anyway, but, yeah, we just usually have
18 them come in.

19 MR. RYAN: Other than the internet provider's
20 subscriber information, but everything else is on a thumb
21 drive that we would bring them back in.

22 THE COURT: You agree, Mr. Routzong?

23 MR. ROUTZONG: Yes, sir.

24 THE COURT: Okay.

25 (WHEREUPON, the two alternates entered the

1 courtroom.)

2 THE COURT: Okay. You all come on up. It's
3 nothing bad at all. You all are the alternates. We have
4 now reached the end of the trial part of this case. And
5 as much as I would like for you all to stay and you
6 certainly can stay now as members of the gallery, your
7 services are no longer needed because it's going to the
8 jury in just a minute. So I've enjoyed at least knowing
9 you were with us and appreciate your service. And I think
10 this satisfies your responsibility for the next three
11 years being jurors any way. There you go. You good luck
12 to the both of you. Thank you for your patience.

13 (WHEREUPON, the alternates were excused.)

14 THE COURT: All right, sir, if you'll give them
15 the jury form -- a verdict form and tell them to begin
16 their deliberations.

17 (WHEREUPON, the jury began deliberations at 2:08
18 p.m.)

19 THE COURT: All right, gentlemen, lady, we have
20 questions from the jury. You all may certainly step up
21 here and look at these. I'll read them into the record.
22 Number one, any proof of opening the first I'm sorry --
23 any proof of opening the files question mark. Any files
24 moved question mark. Number three actually was there a
25 specific short cut made to saved files. And lastly can we

1 view the search terms from USB two.

2 MR. ROUTZONG: I don't think you can answer the
3 first three.

4 MS. MILES: I don't think we can.

5 THE COURT: What I wrote down here was you are
6 to consider only the evidence presented.

7 MR. ROUTZONG: What do they mean by ---

8 MS. MILES: Yeah, I'm not sure.

9 THE COURT: I don't know. I'll leave that up to
10 you experts. What they talking about a thumb drive?

11 MS. MILES: Oh, maybe it was the second flash
12 drive you put in.

13 MR. RYAN: The second one is Sherrod's. It's
14 the search warrant photos.

15 MS. MILES: I guess, they mean the key word
16 searches from Dave's report not whatever Kevin put in.

17 MR. ROUTZONG: You might have to have
18 clarification on exactly what they're looking for.

19 THE COURT: Would you bring the forelady in
20 please, sir.

21 (WHEREUPON, the forelady came into the
22 courtroom.)

23 THE COURT: Hey, ma'am, come on in. You all
24 come on back on up here. Ma'am, we on the record now so,
25 I have reviewed and we have reviewed the first two or

1 three questions. One of them any proof of opening the
2 files or any files moved and number three was there a
3 specific short cut made of save files. My answer to that
4 to you to the jury is you are to consider only the
5 evidence that has been presented.

6 FORELADY: All right.

7 THE COURT: Now, we need clarification a little
8 bit here. Can we view the search terms from USB two? We
9 think you might mean -- help us out with that?

10 FORELADY: The gentleman typed in the search
11 items to find the different things on the computer.

12 THE COURT: Would that have been Mr. Grubbs?

13 MS. MILES: The forensic examiner?

14 FORELADY: Yes.

15 MS. MILES: Okay, so the forensic examiner's
16 report.

17 THE COURT: Okay, can we do that?

18 MS. MILES: We can pull it up.

19 THE COURT: Okay.

20 MR. ROUTZONG: There is a problem -- that's in
21 evidence so that's not a problem. They're allowed to look
22 at it. I don't like the fact that it's being denominated
23 as a search term. It's actually their search terms key
24 search terms.

25 THE COURT: Do you need to see the video as I

1 call it that Mr. Grubbs put up? Is that the one you're
2 talking about?

3 FORELADY: Not the videos or pictures.

4 THE COURT: Wasn't that the last fellow with the
5 beard?

6 MR. RYAN: Yes, that's what he played and showed
7 the items that was located on the computer. If it's the
8 key word ---

9 FORELADY: I think it's the one with the e-mail
10 on it and the torrent.

11 MS. MILES: The USB with the forensic report as
12 what I believe she's referencing.

13 THE COURT: Okay. All right. So you all want
14 to see that.

15 MS. MILES: They want to see the forensic
16 report.

17 FORELADY: Yes, sir.

18 THE COURT: Well, I guess, we have to set up in
19 here, right?

20 MS. MILES: Yes.

21 MR. RYAN: We can do that.

22 THE COURT: And, of course, you know, I wouldn't
23 be in here and they wouldn't be in here, correct,
24 gentlemen, is how we do that?

25 MR. RYAN: If we're just pulling out the key

1 words -- the key word searches, that's something that we
2 can set up here. And then they would have to manipulate
3 it. It be a static display.

4 MS. MILES: Normally, what we've had is the jury
5 would come in and examine whatever they needed to, but
6 don't discuss it in front of us. Then they would leave
7 and go.

8 MR. ROUTZONG: We can set up the television and
9 they can come in and view what's in evidence.

10 MS. MILES: But usually we'll stay, but they
11 just don't talk about it.

12 THE COURT: Okay, all right.

13 FORELADY: So if it's something else one or two
14 of us would like to view on that information, are we able
15 to vocally say well can you go to?

16 THE COURT: I would rather you write it down in
17 question form to make a record with the Court and then
18 submit, ma'am?

19 FORELADY: Okay.

20 THE COURT: So as far as this one, ma'am, this
21 USB, we can bring them all in. I don't want to stay in
22 here. You all can stay in here no questions, no comments.
23 And you all don't make any questions or comments until you
24 all go back in your room, is that right?

25 MS. MILES: We'll essentially pull out the

1 forensic report and they come and do whatever they need to
2 with the forensic report and then they go out.

3 FORELADY: So we'll be able to manipulate the
4 information to view it to go through it or?

5 MS. MILES: It's in evidence. I think they can
6 look through it as they normally would look through the
7 evidence.

8 THE COURT: Operate the machinery and so forth?

9 MS. MILES: It would only pull up the forensic
10 report itself. And so they would be able to go through
11 the forensic report since its all in evidence.

12 THE COURT: Do you mean like you all choosing
13 what you want to watch and so forth?

14 FORELADY: Uh-huh.

15 MR. ROUTZONG: They can tell -- it displays like
16 any computer display and they can have one of the attorney
17 generals move it up and down.

18 THE COURT: Okay.

19 MR. ROUTZONG: I don't think we can -- we can't
20 give them access to the computer. I don't know what else
21 is on there.

22 MS. MILES: Right, yeah, open the other files,
23 but that wouldn't -- that should only be the forensic
24 report. I think we made it that to where it's only the
25 things we put into evidence.

1 MR. ROUTZONG: They can certainly -- one of them
2 can certainly move it up and down.

3 THE COURT: Do you all got that set up and then
4 bring them back in?

5 MR. RYAN: I like to get it set up first ---

6 MS. MILES: Yeah, and make sure ---

7 MR. RYAN: Thank you so much, your Honor.

8 THE COURT: Court's exhibit please.

9 (WHEREUPON, Court's Exhibit No. 1 was marked for
10 the record.)

11 (WHEREUPON, jury forelady returned to the jury
12 room.)

13 THE COURT: Are we ready?

14 MR. RYAN: We are ready.

15 (WHEREUPON, the jury entered the courtroom at
16 2:55 pm.)

17 THE COURT: Well, let's first allow the jury to
18 view the video or whatever it is folks. Whatever you all
19 want to call it I'm not sure. There'll be no discussions
20 in here, no questions, nothing asked. The lawyers are not
21 going to ask any questions. And I'm not going to say a
22 word either. Then you can return to your jury room to
23 further deliberate.

24 MR. ROUTZONG: Can we approach, your Honor?

25 THE COURT: Yes, sir.

1 (WHEREUPON, a bench conference was held in the
2 presence of the jury, but out of the hearing of the
3 jury.)

4 THE COURT: Members of the jury, I'm going to
5 ask the attorney general attorney to please operate that
6 device please.

7 MR. RYAN: And if they have a request, can they
8 make them and I just carry them out?

9 THE COURT: As long as it's only about the
10 operation of that machine.

11 MR. RYAN: Certainly.

12 THE COURT: I understand, just so we all know.

13 MR. RYAN: So if somebody wanted me to click on
14 something or scroll up, they would have to say it. And
15 then I would have to carry it out?

16 THE COURT: Yes, sir.

17 (WHEREUPON, the jury is viewing evidence.)

18 MR. ROUTZONG: We don't have any objection your
19 Honor if they want to come closer.

20 THE COURT: That's fine. That's okay.

21 (WHEREUPON, the jury is viewing the evidence.)

22 MR. ROUTZONG: Your Honor, if we could approach
23 again?

24 THE COURT: Yes, sir.

25

1 (WHEREUPON, a bench conference was held in the
2 presence of the jury, but out of the hearing of the
3 jury.)

4 THE COURT: Members of the jury, let me ask you
5 again please don't make any discussions or comments while
6 you're doing this because you are the jury and we are not.
7 So please don't say anything or ask any questions. You
8 can deliberate when you get back in your jury room please.

9 MR. RYAN: If there's anyone who needs me to
10 move anything on here, that's still open first come first
11 serve.

12 (WHEREUPON, the jury is viewing the evidence.)

13 MR. RYAN: And they still don't have to strain
14 their eyes. If they need to come up and take a look, they
15 certainly can stand up, correct, your Honor?

16 THE COURT: Yes, sir, you can.

17 (WHEREUPON, the jury is viewing the evidence.)

18 MR. ROUTZONG: Your Honor, you may want to
19 inquire if they want to see anything else. They appear to
20 be satisfied.

21 THE COURT: Madam forelady anything else, ma'am?

22 FORELADY: No, not at this time, sir.

23 THE COURT: All right, let me speak to the
24 lawyers out in the hallway here about this other question.

25 (WHEREUPON, court at ease.)

1 THE COURT: Madam forelady, I have conferred
2 with the lawyers about the next question that has been
3 given to me from you on behalf of the jury. And that
4 question is -- two questions actually what are the
5 differences in the charges, what are the charges. I
6 assume, ma'am, you all are asking me to address the second
7 degree and the third degree charges, is that right?

8 FORELADY: And the differences between the
9 different ---

10 THE COURT: I can read them to you again, but I
11 can't tell you the differences.

12 FORELADY: Okay.

13 THE COURT: That's what I'm allowed to do all
14 right. I'll do that. An individual -- this is second
15 degree sexual exploitation of a minor. An individual
16 commits the offense of second degree sexual exploitation
17 of a minor if knowing the character or content of the
18 material. He duplicates or creates digital electronic
19 file material that contains a visual representation of a
20 minor engaged in sexual activity or appearing in a state
21 of sexually explicit nudity when a reasonable person would
22 infer the purpose is sexual stimulation or distributes,
23 exhibits, receives, exchanges or solicits material that
24 contains a visual representation of a minor engaged in
25 sexual activity or appearing in a state of sexually

1 explicit nudity when a reasonable person would infer the
2 purpose of sexual stimulation. Any prosecution pursuant
3 to this section, the trier of fact may infer that a
4 participant in sexual activity or a state sexually
5 explicit nudity through its title, text, visual
6 representation or otherwise is a minor.

7 Sexual exploitation of a minor third degree, the
8 defendant is charged with third degree sexual exploitation
9 of a minor. The State must prove beyond a reasonable
10 doubt that the defendant knowing the character or content
11 of the material. He possess material that contains a
12 visual representation in a state of sexually explicit
13 nudity when a reasonable person would infer the purpose is
14 sexual stimulation. Minor means an individual who is less
15 than 18 years of age. The trier of fact may infer that a
16 participate in a sex state or sexual explicit nudity
17 depicted in material through its visual representation is
18 a minor. Material means pictures, video recordings, but
19 not material consisting entirely of written words.

20 Sexually explicit nudity means the showing of uncovered or
21 less than opaquely covered human genitals pubic area or
22 buttocks or the nipple or any portion of the areola of the
23 human female breast. That is the two statutes, ma'am.

24 You all may return to your jury room and presume
25 deliberations please.

1 (WHEREUPON, the jury retired to the jury room at
2 3:09 pm.)

3 THE COURT: Thank you all for your help.

4 (WHEREUPON, court is at ease while the jury
5 continues deliberating.)

6 THE COURT: Bring the jury in, sir.

7 (WHEREUPON, the jury entered the courtroom at
8 3:19 p.m. with a verdict.)

9 THE COURT: Madam foreperson, has your jury
10 reached a verdict or verdicts?

11 FORELADY: Yes, sir.

12 THE COURT: Ma'am, would you please hand it to
13 the bailiff? In the matter of The State of South Carolina
14 vs. Ricky Leroy Singer, Jr. regarding indictments
15 2020-GS-878, 879, 880, 881, 883, and 884, as to sexual
16 exploitation of a minor in the second degree under
17 indictment 2020-878 the verdict is guilty. As to sexual
18 exploitation of a minor in the third degree under
19 indictment 2020-879, the verdict is guilty. As to sexual
20 exploitation of a minor in the third degree indictment
21 number 2020-880, the verdict is guilty. As to sexual
22 exploitation of a minor in the third degree, indictment
23 number 2020-881, the verdict is guilty. As to sexual
24 exploitation of a minor in the third degree under
25 indictment 2020-88, the third is guilty. As to sexual

1 exploitation of a minor in the third degree under
2 2020-884, the verdict is guilty. Sign by the forelady
3 foreperson Latrice Petty.

4 Madam forelady, is this your jury's verdict,
5 ma'am?

6 FORELADY: Yes, sir.

7 THE COURT: Was it an unanimous verdict?

8 FORELADY: Yes, sir.

9 THE COURT: Mr. Routzong, do you wish to poll
10 the jury?

11 MR. ROUTZONG: Yes, your Honor.

12 THE COURT: All right, sir.

13 THE BAILIFF: Ladies and gentlemen of the jury,
14 I would like just a yes or no answer. Juror number 99
15 Tyra Mccoy. Is this your verdict and still your verdict?

16 JUROR: Yes, sir.

17 THE BAILIFF: Juror number 170 Dasia Washington.
18 Is this your verdict and still your verdict?

19 JUROR: Yes, sir.

20 THE BAILIFF: Juror number 30 Jameson F. Bucci.
21 Is this your verdict and still your verdict?

22 JUROR: Yes, sir.

23 THE CLERK: Juror number 126 Latrice Petty. Is
24 this your verdict and still your verdict?

25 JUROR: Yes, sir.

1 THE COURT: Juror number 151 Deloris Singleton.

2 Is this still your verdict and still your verdict?

3 JUROR: Yes, sir.

4 THE BAILIFF: Juror number 60 Antoine Gerald.

5 Is this your verdict and still your verdict?

6 JUROR: Yes, sir.

7 THE BAILIFF: Juror number 146 Bethany Shockey.

8 Is still your verdict and still your verdict?

9 JUROR: Yes, sir.

10 THE BAILIFF: Juror number 142 Latarsha Rogers.

11 Is still your verdict and still your verdict?

12 JUROR: Yes, sir, it is.

13 THE BAILIFF: Juror number 11 Bobby D. Barbee.

14 Is this your verdict and still your verdict?

15 JUROR: Yes, sir.

16 THE BAILIFF: Juror number 149 Timothy Simonds.

17 Is this your verdict and still your verdict?

18 JUROR: Yes, sir.

19 THE BAILIFF: Juror number 86 Serita Joyner. Is

20 this your verdict and still your verdict?

21 JUROR: Yes, sir.

22 THE BAILIFF: Juror number 27 Melody Brown. Is

23 still your verdict and still your verdict?

24 JUROR: Yes, sir.

25 THE BAILIFF: Your Honor, jurors have been

1 polled.

2 THE COURT: Anything else, Mr. Routzong?

3 MR. ROUTZONG: No, your Honor.

4 THE COURT: All right, Mr. Ryan.

5 MR. RYAN: No, your Honor.

6 THE COURT: All right. If you would remove the
7 jurors from the jury room please.

8 (WHEREUPON, the jurors were excused to the jury
9 room and dismissed from the jury room.)

10 THE COURT: All right. Do you all need a few
11 minutes?

12 MR. RYAN: I have to go get the sentencing
13 sheets. Aside from that, we're ready to proceed now.

14 THE COURT: Okay, all right. Mr. Routzong, you
15 want to wait until he comes back I can do whatever you
16 want to do.

17 MR. ROUTZONG: Yes, sir, that will be fine.

18 MR. RYAN: Take just a moment.

19 THE COURT: Take your time, sir.

20 (WHEREUPON, court at ease.)

21 THE COURT: Gentlemen, as I understand it, the
22 range on second is two to ten, is that right?

23 MR. RYAN: That is correct your Honor two year
24 mandatory minimum. It can't be suspended or served as
25 home detention. It's got to be an active sentence.

1 THE COURT: Okay. And then third zero to ten,
2 right?

3 MR. RYAN: Zero to ten, your Honor.

4 MR. ROUTZONG: A couple house keeping things
5 your Honor.

6 THE COURT: Yes, sir.

7 MR. ROUTZONG: The defense at this time ask the
8 Court to consider a new trial. We do not believe any
9 reasonable jury could have concluded that Mr. Singer was
10 guilty of -- I think it was second degree of this charge
11 or the third degree, your Honor.

12 THE COURT: Mr. Ryan, you want to be heard?

13 MR. RYAN: Respectfully objects to that because
14 reason not to accept this jury's verdict, and, of course,
15 ask that the defense motion be denied.

16 THE COURT: Okay.

17 MR. ROUTZONG: I can't recall your Honor. I
18 know we -- it seems like I've argued so many -- it kind of
19 got mixed together, but I don't think I asked the Court to
20 direct a verdict in the defendant's favor at the
21 conclusion of my case. But I didn't put any -- so there
22 wasn't anything different from the previous motion, so I
23 didn't make it at that time.

24 THE COURT: And not to be churlish, but I would
25 have denied it any way if you had. As for the current

1 motion, I will respectfully deny that. The jury was out
2 for a total amount of time of almost an hour and a half,
3 several questions about the charges and so forth and
4 reviewed one of the exhibits. So I will respectfully deny
5 that, Mr. Routzong.

6 MR. RYAN: Your Honor, give permission to come
7 to the podium with his client.

8 THE COURT: Sure.

9 MR. RYAN: Stand up please.

10 THE COURT: Mr. Routzong.

11 MR. ROUTZONG: Please the Court your Honor.
12 Your Honor, Mr. Singer is a resident of South Carolina
13 now. I believe he was born in New York, the State of New
14 York. At some point in time your Honor he enlisted in the
15 United States Marine Corp. He served as an infantry one
16 for about four years I believe, your Honor. He has 1,258
17 days on this charge your Honor. As your Honor knows, that
18 would be in excess of the minimum time.

19 Your Honor, I don't know if you actually had a
20 chance to view the evidence, the actual pictures that were
21 involved in this case, but I've had a lot of conversations
22 with the attorney general Mr. Ryan or Assistant Attorney
23 General Mr. Ryan. And also his predecessor Mr. Collier.

24 Your Honor, in the realm of child pornography,
25 the things that they have to look at in the attorney

1 general's office would turn my hair white, whiter than it
2 is at least. Our attorney general is dealing with things
3 that are absolutely horrifying to think about such as
4 murder of children in these movies, the rape of children
5 so on and so forth, really unimaginable things your Honor.

6 So our legislature, your Honor, has said even if
7 someone is guilty of the -- possessing horrifying things
8 that person should not get any longer than ten years.
9 Your Honor, I would submit for the Court's consideration
10 that we're way on the other opposite end of that your
11 Honor. This was explicit nudity. I think it's fair to
12 say that the evidence that was presented to the jury was
13 people that probably were not 11 years old, and maybe
14 somewhere between seven to 11 years old, that's just my
15 opinion, but they were probably hadn't reached puberty
16 yet.

17 Your Honor they were being raped. They were not
18 being assaulted. And I think that should go into your
19 consideration your Honor when you are making your decision
20 about what he should be sentenced to. This does carry a
21 minimum of two years. He's already done that time your
22 Honor. So if we think about what is just here your Honor
23 and I know that's most foremost in your thoughts. Well,
24 as I repeated in court many times there, the philosophers
25 have told us definitions of justice. One of them is to

1 give every man his due. One of them is to discriminate or
2 know the difference between good and evil, right and
3 wrong. And the other your Honor is to treat equal things
4 equally. The thing he was convicted of today your Honor
5 is not equal to the things that I been told the
6 Solicitor's office deals with. And our legislature says
7 well, you know, a person should get up to ten years for
8 that.

9 What he was guilty of these photographs and
10 pictures your Honor I'm not trying to minimize it in the
11 sense of saying it's not wrong, I'm just trying to
12 minimize it in the sense of the gravity or the horror of
13 it. Certainly, your Honor I think justice would required
14 him to be at the lower end of this spectrum. Your Honor,
15 I'm going to ask the Court to consider in light of a
16 couple things Mr. Singer's military service to our
17 country. And the fact that at least has been arrested
18 he's been in no trouble. He hasn't had any trouble your
19 Honor I think in 18 years since 2005 I what to say
20 something like that. He had a charge up in New York. And
21 I would ask the Court to consider a probationary sentence
22 your Honor on all the charges.

23 THE COURT: Is he married?

24 MR. ROUTZONG: He is not your Honor. He lives
25 with the young lady who testified the other day Brenda

1 Kurose your Honor.

2 THE COURT: Does he work?

3 MR. ROUTZONG: He does work your Honor. Well,
4 he had been working at Papa Jones. He had to take this
5 week off and that may -- he may have to do some
6 rearranging were the Court to consider allowing him to go
7 on probation.

8 THE COURT: Anything else?

9 MR. ROUTZONG: No, your Honor.

10 THE COURT: All right. Mr. Ryan, anything from
11 the State.

12 MR. RYAN: Yes, Your Honor. Your Honor, at this
13 time Mr. Singer's been found guilty of not just possessing
14 child pornography, but proliferation and making it further
15 available out into the world. These charges all carry up
16 to ten years. At this point there's no reason to give
17 anything other than the ten-year sentence for all counts.
18 Your Honor I offered what makes this type of crime
19 different than what the Court deals with upon a regular
20 basis because this is not a symptom of poverty, substance
21 abuse or mental illness, but this is just a willful
22 decision that an individual makes to seek this material
23 out, possess it and by using computer peer to peer filing
24 software re-victimize the victims just. Because the
25 content that we publish to the jury isn't the most

1 nefarious deep end of the spectrum, doesn't necessarily
2 translate some sort of accommodation or mitigation from
3 Mr. Singer.

4 And we also offer that the second degree that
5 make it available in the distribution we believe that the
6 legislature was trying to prevent with that second degree
7 is the exacerbating factor, so that the ten years of the
8 second degree should run consecutive to the ten years to
9 the third degree charges your Honor. And he's -- and for
10 the second degree he's not eligible for a probationary
11 sentence. Whatever the Court choses to give he is going
12 to be obligated by statute of a two-year-sentence. Now,
13 he's going in with -- we're not disputing the amount of
14 credit that Mr. Routzong has put forward. So the
15 department of corrections might calculate depending on
16 what the Court rules that he's already served it, but he's
17 just not eligible for probation or sentence. So, again,
18 the recommendation from the State is that it's ten years
19 on all counts and that the second degree is to run
20 consecutive to the third degree for a total sentence of 20
21 years your Honor.

22 THE COURT: All right.

23 MR. ROUTZONG: May I speak, your Honor, just
24 briefly?

25 THE COURT: Yes, sir.

1 MR. ROUTZONG: I really couldn't disagree with
2 Mr. Ryan more than I am right now I don't think. Of
3 course, I had as your Honor knows I have certain issues
4 with the second degree statute, and the way it was
5 presented to the jury without certain qualification, but
6 it is what it is you've made your ruling. But to actually
7 tell the Court that somebody should get 20 years for
8 something that the legislature has said even the worse
9 people -- and Mr. Ryan himself acknowledge that there --
10 things a lot worse than this that they have to deal with
11 unfortunately and your Honor knows as well.

12 To say that that person should get consecutive
13 time, it is just appalling to me your Honor, that's not
14 just. What would be just is to consider what we actually
15 have here. This man has virtually been in no trouble in
16 his life and he served his country. I can't use any other
17 words accept appalling. It's not just I know that much I
18 would argue. I would ask the Court to consider your
19 Honor. The statute says it can't be suspended, so that
20 means he has to do the time that he's already done. So at
21 that point you are able obviously since it's not in
22 dispute that he's done 3.4 years I think it is already.
23 You obviously could give him a probationary sentence your
24 Honor. And I think based on the nature of what happened
25 here, based on the service to his country and based on his

1 record or lack of record, that would be the just thing to
2 do your Honor.

3 THE COURT: Anything else, Mr. Ryan?

4 MR. RYAN: Your Honor, I just make the Court
5 aware of being referenced he's not in trouble for some
6 years. He does have a 2006 conviction for out of the
7 State of New York for an act in manner injury of child
8 less than 17 your Honor. So we already do have a criminal
9 conviction that does involve a juvenile. Your Honor I'm
10 not familiar with this New York charge. However, he does
11 have a criminal history I do think is relevant given the
12 nature of these charges.

13 THE COURT: Okay.

14 MR. ROUTZONG: Your Honor, I like to enlighten
15 the State and the Court to what that is.

16 THE COURT: Yes, sir.

17 MR. ROUTZONG: It's a charge that class A
18 misdemeanor in New York and a person cannot get more than
19 one year for. I would say your Honor it's somewhere
20 between unlawful conduct and cruelty to children maybe
21 somewhere 30 days up to ten years. This is certainly this
22 one-year class A misdemeanor, and it happened many many
23 years ago your Honor. And your Honor has noted received
24 the incident report. Your Honor has not heard what the
25 nature of that charge is. It sounds bad, but what we know

1 for sure according to the State of New York's website is
2 it's a class A misdemeanor and a person can get no longer
3 than one year. I think Mr. Singer told me he was required
4 to pay a fine. I think that should tell you a little bit
5 about the gravity of that charge.

6 THE COURT: Yes, sir. All right. Give me a few
7 minutes let me think about this. I'll be back.

8 MR. ROUTZONG: Thank you your Honor.

9 THE COURT: Yes, sir.

10 (WHEREUPON, a break was taken.)

11 THE COURT: I have considered the sentencing on
12 these charges. It is always and should be the request of
13 the State or the prosecution to ask for the maximum. I
14 think you should. Conversely, it's always and should be
15 the duty of a defending attorney to ask for the lowest
16 possible sentence. I don't believe in a trial tax. Trial
17 tax being somebody request a trial and they found guilty
18 you give them the max. It's not how it should work. But
19 there been times like last week in Georgetown on a guilty
20 plea I sentenced man to life in prison far above a regular
21 guilty plea.

22 The sentences here on each charge and these are
23 concurrent all of them six years credit for time served,
24 straight six years credit for time serve no probation.
25 You both have convincing arguments. Clearly, the State

1 wants to put a stop to this kind of conduct, but to
2 sentence him to ten years on each and then a much more
3 horrendous case can only get ten years is a little bit odd
4 to me not by what you all have done, but by the statute
5 itself. Let me rely upon James 1:19 and stop talking.
6 Those are my sentences. I will sign the sentencing sheets
7 in just a few minutes and get them to you. Do you have
8 them?

9 MR. RYAN: Yes, sir.

10 THE COURT: As far as the lawyers in this trial,
11 you all did well. You all did well. And the verdict or
12 my sentences should not be seen as a reflection of
13 criticism or praise for either side.

14 Mr. Routzong, I don't know what else you could
15 have done. I don't know what else the State could have
16 done. One good thing about this trial though is you're
17 both civil with each other both sides. It's hard enough
18 when it's like that. It's impossible when the lawyers are
19 fighting each other. 1258 days time served, right?

20 MR. ROUTZONG: 1,258 days, your Honor.

21 THE COURT: Yes, sir. The hardest thing that I
22 find to do wearing a robe. And I learned this in '98 when
23 I left the practice to become a magistrate is to deny
24 lawyers what they asked for and tell them no especially
25 when both sides have worked hard to present his or her

1 case. The second hardest thing is sentencing. Don't ever
2 take any delight in sentencing anybody. Let me go back to
3 James 1:19 and just stop right there. Thank you all very
4 much.

5 MR. ROUTZONG: Thank you, your Honor.

6 MR. RYAN: Thank you, your Honor.

7 THE COURT: Mr. Singer, I wish you the best,
8 sir.

9 MS. MILES: Thank you, your Honor.

10 (WHEREUPON, Court's Exhibit No. 2 was marked for
11 the record.)

12 END OF REQUESTED TRANSCRIPT

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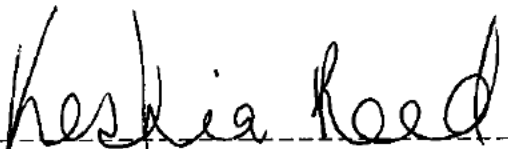
25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

I, Keshia Reed, Court Reporter in and for the State of South Carolina At Large, do hereby certify that the above-entitled cause was heard as hereinafter set out; that I was authorized to and did transcribe the said proceedings; and that the foregoing and annexed paged, numbered 1 through 64, inclusive, constitute a true and accurate transcription of my stenographic report of the said cause taken during the said hearing. In the Court of General Sessions for Sumter County, South Carolina, on the 11th day of May, 2023.

I do further certify that I am neither of kin, counsel nor interest to any party hereto. In witness whereof, I have hereunto affixed my signature this 4th day of November 2023.


Keshia Reed, Court Reporter

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness

C.C.C. PLS. AND G.S.

DOCKET NO. 2020-GS-43-6878

The State of South Carolina

County of Sumter

COURT OF GENERAL SESSIONS

October 2020 TERM

THE STATE

vs.

RICKY LEROY SINGER, JR.
D.O.B. 12/22/1982

Indictment for

SEXUAL EXPLOITATION OF A MINOR,
SECOND DEGREE

SC Code: 16-15-405(A)
CDR Code: 0380

WITNESSES

S. Bonner - Sumter County Sheriff's Office

ARREST WARRANT NUMBER

2017A4310100902

ACTION OF GRAND JURY

TRUE BILL

Eric Hutchinson

Foreperson of Grand Jury

Date:

10-29-20

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF SUMTER)

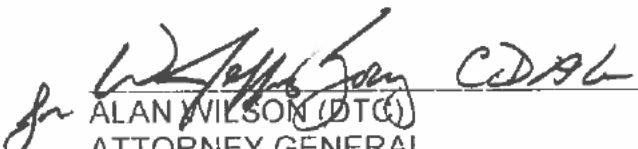
SEXUAL EXPLOITATION OF A MINOR,
SECOND DEGREE

At a Court of General Sessions, convened on October 29, 2020, the
Grand Jurors of Sumter County present upon their oath:

That, Ricky Leroy Singer, Jr., on or before July 24, 2017, did wilfully and knowingly commit the crime of Sexual Exploitation of a Minor, Second degree, in Sumter County. To wit: Ricky Leroy Singer, Jr., did knowingly distribute, transport, exhibit, receive, sell, purchase, exchange, and/or solicit material in the file titled "Babyj - rca3.mpg" that contains a visual representation of a minor engaged in sexual activity or depicted in a state of sexually explicit nudity as defined by Section 16-15-375(5) of the South Carolina Code of Laws. This incident occurred within the County of Sumter, State of South Carolina, and is in direct violation of Section 16-15-405(A) of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

OFFICE OF THE ATTORNEY GENERAL

for  CDAB
ALAN WILSON (DTC)
ATTORNEY GENERAL

ARREST WARRANT

2017A4310100902

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

THE STATE

against

17135571

Ricky Leroy Singer, Jr

Address: Burkett Dr

Sumter, SC 29150-5559

Phone:

Sex: MRace: WHeight: 5Weight: 210SSN: [REDACTED]DL State: SCDL #: [REDACTED]DOB: [REDACTED]Agency ORI #: SC0430000Issuing Agency: Sumter County SheriffProsecuting Officer: Samantha N Sherod - S00103

Offense: Sex / Sexual exploitation of a minor, Second degree

Offense Code: 0380Code/Ordinance Sec: 16-15-0405(A)This warrant is **CERTIFIED FOR SERVICE** in the☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

10/5/17 Ricky Leroy Singer Jr.

Signature of Constable/Law Enforcement Officer

Signature of Issuing Judge

Signature of Issuing Judge

Signature of Issuing Judge

RETURN WARRANT TO:

General Sessions

215 N. Harvin St.

Sumter, SC 29150

November 3, 2017

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Personally appeared before me the affiant

Samantha N Sherod

being duly sworn deposes and says that defendant

Ricky Leroy Singer, Jr

did within this county and state on or about

7/24/2017

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Sumter

in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Sexual exploitation of a minor, Second degree

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

That on July 24, 2017 on Burkett Dr, in the County of Sumter the defendant did commit the crime of Sex / Sexual exploitation of a minor, Second degree 16-15-405 distributing, transporting, exhibiting, receiving, selling, purchasing, exchanging, or soliciting materials that contain a visual representation of minors engaged in sexual activity or depicted in state of sexual explicit nudity. The defendant did so by making such files available for download on the BitTorrent software. This investigation was conducted by S/A Kevin Atkins of the South Carolina Attorney General's Office, in conjunction with Inv. S Sherod, Sumter County Sheriff's Office. This investigation was conducted as part of a South Carolina Internet Crimes Against Children (ICAC) Task Force operation.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Affiant's Address

P.O. Box 430

Sumter, SC 29150-

Affiant's Telephone (803)436-2000

ARREST WARRANT

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

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

on or about 7/24/2017

defendant

Ricky Leroy Singer, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of

Sumter

) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Sexual exploitation of a minor, Second degree

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

Sworn to and subscribed before me

on 10/5/2017

(L.S.)

Judge's Address

190 E. Canal Street

Sumter, SC 29151-1428

Judge's Telephone (803)436-2280

Signature of Issuing Judge

Bryan Keith Griffin

Judge Code: 5043

Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SUMTER

STATE

VS.

INDICTMENT/CASE#: 2020-GS-48-0878

RICKY LEROY SINGER, JR.

AW#:

2017A43 10100902

AKA:

Date of Offense:

JULY 24, 2017

Race:

2

Sex:

M

Age:

40

DOB:

1982

SS#:

Address:

BURKETT DR

City, State, Zip:

SUMTER, SC 29150

DL#:

SID#

S.C. Code §:

16-15-405(A)

CDR Code #:

0380

SENTENCE SHEET

*CDL Yes ☐ No ☒ CMV Yes ☐ No ☒ Hazmat Yes ☐ No ☒In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: SEXUAL EXPLOITATION OF A MINOR 2nd degree

In violation of § 16-15-405(A) of the S.C. Code of Laws, bearing CDR Code # 0380

☒ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Assistant Attorney General SC Bar # 101351 Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 0 days/months/years Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for ___

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: other convictions this date
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
 1258 days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. RICKY LEROY SINGER, JR.INDICTMENT/CASE#: 2020 -GS-43 - 0878**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

	\$	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____		
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ <u>3.75</u>

- ☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 128.75
 Clerk of Court/Deputy Clerk: James C. Campbell
 Court Reporter: Julie Korish
Keshia Reed

Presiding Judge: _____

Judge Code: 2759Sentence Date: 5/11/26

DOCKET NO. 2020-GS-43- 0879

The State of South Carolina

County of Sumter

COURT OF GENERAL SESSIONS

October 2020 TERM

THE STATE

vs.

RICKY LEROY SINGER, JR.
D.O.B. 12/22/1982

Indictment for
SEXUAL EXPLOITATION OF A MINOR,
THIRD DEGREE

SC Code: 16-15-410(A)
CDR Code: 0381

WITNESSES

S. Bonner - Sumter Co Sheriff's Office

ARREST WARRANT NUMBER

2017A4310100903

ACTION OF GRAND JURY

TRUEBILL

Eric Hitehian

Foreperson of Grand Jury

Date: 10-29-20

VERDICT

Foreperson of Petit Jury

Date:

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
)
 COUNTY OF SUMTER)

INDICTMENT

SEXUAL EXPLOITATION OF A MINOR,
 THIRD DEGREE

At a Court of General Sessions, convened on October 29, 2020, the
 Grand Jurors of Sumter County present upon their oath:

That Ricky Leroy Singer, Jr., did in Sumter County, on or before October 5, 2017, willfully and knowingly commit the crime of Sexual Exploitation of a Minor, Third Degree. To wit: Ricky Leroy Singer, Jr., while knowing the character or content of the material, did possess on his computer equipment, a file "16.jpg" that contains a visual representation of a minor engaging in sexual activity or depicted in a state of sexually explicit nudity, at his residence located in Sumter County, as defined by South Carolina Code Section 16-15-375(5) and 16-15-375(6), in direct violation of Section 16-15-410(A) of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

OFFICE OF THE ATTORNEY GENERAL

for  CDAL
 ALAN WILSON (DTC)
 ATTORNEY GENERAL

ARREST WARRANT

2017A4310100903

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

17135571

THE STATE

against

Ricky Leroy Singer, Jr

Address: ☒ Burkett Dr

Sumter, SC 29150-5559

Phone: Sex: M Race: W Height: 5 9 Weight: 210

DL State: SC DL #: [REDACTED] SSN: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0430000

P rinting Agency: Sumter County Sheriff

Prosecuting Officer: Samantha N Sherod - S00103

Offense: Sex / Sexual exploitation of a minor, Third degree

Offense Code: 0381

Code/Ordinance Sec: 16-15-0410(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Ricky Leroy Singer Jr
10/5/17[Signature]
Signature of Judge/Law Enforcement Official

RETURN WARRANT TO:

General Sessions

215 N. Harvin St.

Sumter, SC 29150

November 3, 2017

ORIGINAL

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193

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Personally appeared before me the affiant Samantha N Sherod

being duly sworn deposes and says that defendant Ricky Leroy Singer, Jr

did within this county and state on or about 10/ 5/2017

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

in the following particulars: Sumter

DESCRIPTION OF OFFENSE: Sex / Sexual exploitation of a minor, Third degree

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

That on October 05, 2017, at Burkett Dr, in the County of Sumter the defendant did commit the crime of Sex / Sexual exploitation of a minor, Third degree in that he did possess materials that contain a visual representation of minors engaged in sexual activity or depicted in state of sexual explicit nudity. During the execution of valid search warrant on the defendant's computer files were located containing nude minors between ages ten and eleven. This being file one of six. The affiant will attest to the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Affiant's Address

P.O. Box 430

Sumter, SC 29150-

Affiant's Telephone (803)436-2000

ARREST WARRANT

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

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

on or about 10/ 5/2017

defendant

Ricky Leroy Singer, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of

Sumter

) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Sexual exploitation of a minor, Third degree

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

Sworn to and subscribed before me

on 10/ 5/2017

(L.S.)

Judge's Address

190 E. Canal Street

Sumter, SC 29151-1428

Judge's Telephone

(803)436-2280

Issuing Court:

☒ Magistrate☐ Municipal

5043

ORIGINAL

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

ORIGINAL

AFFIDAVIT

RECORDED
2017 OCT -6 AM 11:53
JAMES CAMERON
CLERK OF COURT
SUMTER COUNTY, S.C.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SUMTER

STATE

VS.

INDICTMENT/CASE#: 2020-GS-43-0479

RICKY LEROY SINGER, JR.

AW#:

2017 A 43 10100903

AKA:

Date of Offense:

JULY 24, 2017 ~~SR~~ October

Race:

2

Sex:

M

Age:

40

DOB:

1982

SS#:

Address:

BURKETT DR

City, State, Zip:

SUMTER, SC 29150

DL#*

SID#

S.C. Code §:

16-15-405(A) 4/10 A § 2017

CDR Code #:

0380

SENTENCE SHEET

*CDL Yes ☐ No ☒ CMV Yes ☐ No ☒ Hazmat Yes ☐ No ☒In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: SEXUAL EXPLOITATION OF A MINOR 3rd degree

In violation of § 16-15-405(A) of the S.C. Code of Laws, bearing CDR Code # 0380 SR 0381

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Assistant Attorney General SC Bar # 101351 Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 0 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ____ years

and/or to pay a fine of \$____; provided that upon the service of ____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for ____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: other convictions this date☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. 1258 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. RICKY LEROY SINGER, JR. INDICTMENT/CASE#: 2020 -GS- 43 - 0879**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$	Beginning	\$
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$
§56-5-2995 (DUI Assessment)	\$12		\$
§56-1-286 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150		\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$
§50-21-114 (BUI Breath Test Fee)	\$50		\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$
3% to County (if paid in installments)	TBD		\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500		\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$
TOTAL			\$ 128.75

Clerk of Court/Deputy Clerk:
Court Reporter:James C. Campbell
Julie Kenish
Keshia ReedPresiding Judge:
Judge Code:
Sentence Date:2759
5/11/20

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

DOCKET NO. 2020-GS-43- 0880

The State of South Carolina

County of Sumter

COURT OF GENERAL SESSIONS

October 2020 TERM

THE STATE

vs.

RICKY LEROY SINGER, JR.
D.O.B. 12/22/1982

Indictment for
SEXUAL EXPLOITATION OF A MINOR,
THIRD DEGREE

SC Code: 16-15-410(A)
CDR Code: 0381

WITNESSES

S. Bonner - Sumter Co Sheriff's Office

ARREST WARRANT NUMBER

2017A4310100904

ACTION OF GRAND JURY
TRUE BILL

Foreperson of Grand Jury
Date: Eric Hutchinson 10-29-20

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF SUMTER)

SEXUAL EXPLOITATION OF A MINOR,
THIRD DEGREE

At a Court of General Sessions, convened on October 29, 2020, the
Grand Jurors of Sumter County present upon their oath:

That Ricky Leroy Singer, Jr., did in Sumter County, on or before October 5, 2017, willfully and knowingly commit the crime of Sexual Exploitation of a Minor, Third Degree. To wit: Ricky Leroy Singer, Jr., while knowing the character or content of the material, did possess on his computer equipment, a file "ism-016-063.jpg" that contains a visual representation of a minor engaging in sexual activity or depicted in a state of sexually explicit nudity, at his residence located in Sumter County, as defined by South Carolina Code Section 16-15-375(5) and 16-15-375(6), in direct violation of Section 16-15-410(A) of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

OFFICE OF THE ATTORNEY GENERAL

for Alan Wilson CDAL
ALAN WILSON (DTC)
ATTORNEY GENERAL

ARREST WARRANT

2017A4310100904

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

THE STATE

against

17135571

Ricky Leroy Singer, Jr

Address: Burkett Dr

Sumter, SC 29150-5559

Phone:

Sex: M Race: W Height: 5 9 Weight: 210DL State: SC DL #: 1982DOB: 1982 Agency ORI #: SC0430000Issuing Agency: Sumter County SheriffIssuing Officer: Samantha N Sherod - S00103Offense: Sex / Sexual exploitation of a minor, Third degreeOffense Code: 0381Code/Ordinance Sec: 16-15-0410(A)This warrant is CERTIFIED FOR SERVICE in the☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

Copy of this arrest warrant was delivered to

defendant

on

10/5/2017 Ricky L. Singer Jr.

Signature of Constable/Law Enforcement Officer

10/5/2017 10670

RETURN WARRANT TO:

General Sessions

215 N. Harvin St.

Sumter, SC 29150

November 3, 2017

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Personally appeared before me the affiant

Samantha N Sherod

being duly sworn deposes and says that defendant

Ricky Leroy Singer, Jr

did within this county and state on or about

10/5/2017

State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of

Sumter

in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Sexual exploitation of a minor, Third degree

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

That on October 05, 2017, at Burkett Dr, in the County of Sumter the defendant did commit the crime of Sex / Sexual exploitation of a minor, Third degree in that he did possess materials that contain a visual representation of minors engaged in sexual activity or depicted in state of sexual explicit nudity. During the execution of valid search warrant on the defendant's computer files were located containing nude minors between ages eight and ten. This being file two of six. The affiant will attest to the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Affiant's Address

R.O. Box 430

Sumter, SC 29150-

Affiant's Telephone (803)436-2000

ARREST WARRANT

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

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

on or about 10/5/2017

defendant

Ricky Leroy Singer, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of

Sumter

) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Sexual exploitation of a minor, Third degree

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

Sworn to and subscribed before me

on 10/5/2017

(L.S.)

Signature of Issuing Judge

Bryan Keith Griffin

Judge Code: 5043

Judge's Address

190 E. Canal Street

Sumter, SC 29151-1428

Judge's Telephone

(803)436-2280

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

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ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SUMTER

STATE

VS.

INDICTMENT/CASE#: 2020-GS-43 - 0840

RICKY LEROY SINGER, JR.

A/W#:

Date of Offense:

JULY 24, 2017 ^{October 5:}

S.C. Code §:

16-15-405(A) 410.4

CDR Code #:

0380-0341

SENTENCE SHEET

AKA:

Race:

2

Sex:

M

Age:

40

DOB:

1982

SS#:

Address:

BURKETT DR

City, State, Zip:

SUMTER, SC 29150

DL#*

SID#

*CDL Yes ☐ No ☒ CMV Yes ☐ No ☒ Hazmat Yes ☐ No ☒In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: SEXUAL EXPLOITATION OF A MINOR 3rd degree

In violation of § 16-15-405(A) of the S.C. Code of Laws, bearing CDR Code # 0380 0341

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Assistant Attorney General 101351 SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 10 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ____ years

and/or to pay a fine of \$____; provided that upon the service of ____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for ____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: other convictions this date☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. 1250 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. RICKY LEROY SINGER, JR.INDICTMENT/CASE#: 2020 -GS- 43 - 0840**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)		\$100	\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$
§56-5-2995 (DUI Assessment)		\$12	\$
§56-1-286 (DUI Breath Test)		\$25	\$
§14-1-212 (Law Enforce. Funding)		\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)		\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$
§50-21-114 (BUI Breath Test Fee)		\$50	\$
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$
3% to County (if paid in installments)		TBD	\$ <u>3.75</u>
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$
TOTAL			\$ <u>128.25</u>

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____
James C. Campbell
Julie Kerish
Keshia Reed

Presiding Judge: _____
Judge Code: _____
Sentence Date: 5/11/23

WITNESSES
S. Bonner -- Sumter Co Sheriff's Office

DOCKET NO. 2020-GS-43- 0881

The State of South Carolina

County of Sumter

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A4310100905

Defendant

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

RICKY LEROY SINGER, JR.

D.O.B. 12/22/1982

vs.

THE STATE

Eric Hutchinson

Foreperson of Grand Jury

Date:

10-29-20

VERDICT

Indictment for

**SEXUAL EXPLOITATION OF A MINOR,
THIRD DEGREE**

Foreperson of Petit Jury

Date:

SC Code: 16-15-410(A)

CDR Code: 0381

STATE OF SOUTH CAROLINA)
)
)
 COUNTY OF SUMTER)

INDICTMENT

SEXUAL EXPLOITATION OF A MINOR,
 THIRD DEGREE

At a Court of General Sessions, convened on October 29, 2020, the
 Grand Jurors of Sumter County present upon their oath:

That Ricky Leroy Singer, Jr., did in Sumter County, on or before October 5, 2017,
 willfully and knowingly commit the crime of Sexual Exploitation of a Minor, Third Degree.
 To wit: Ricky Leroy Singer, Jr., while knowing the character or content of the material,
 did possess on his computer equipment, a file "Ls Video Dreams Lsd-01-02 Full
 (Mummy Edit) 19.55.avi" that contains a visual representation of a minor engaging in
 sexual activity or depicted in a state of sexually explicit nudity, at his residence located
 in Sumter County, as defined by South Carolina Code Section 16-15-375(5) and 16-15-
 375(6), in direct violation of Section 16-15-410(A) of the South Carolina Code of Laws
 (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such
 case made and provided.

OFFICE OF THE ATTORNEY GENERAL

for  CD 196
 ALAN WILSON (DTC)
 ATTORNEY GENERAL

ARREST WARRANT

2017A4310100905

STATE OF SOUTH CAROLINA

County/ ☐ Municipality of

Sumter

THE STATE

against

17135571

Ricky Leroy Singer, Jr

Address: ☒ Burkett Dr

Sumter, SC 29150-5559

Phone:

Sex: M Race: W Height: 5 9 Weight: 210

SSN: [REDACTED]

DL State: SC DL #: [REDACTED]

210

DOR: [REDACTED]/1982

Agency ORI #: SC0430000

Filing Agency: Sumter County Sheriff

Prosecuting Officer: Samantha N Sherod - S00103

Offense: Sex / Sexual exploitation of a minor, Third degree

Offense Code: 0381

Code/Ordinance Sec: 16-15-0410(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

10/05/17

Ricky Leroy Singer Jr.

Signature of Constable/Clerk Enforcement Officer

10/05/17

RETURN WARRANT TO:

General Sessions

215 N. Harvin St.

Sumter, SC 29150

November 3, 2017

ORIGINAL

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203

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Personally appeared before me the affiant Samantha N Sherod

being duly sworn deposes and says that defendant Ricky Leroy Singer, Jr

did within this county and state on or about 10/5/2017

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

in the following particulars:

Sumter

DESCRIPTION OF OFFENSE: Sex / Sexual exploitation of a minor, Third degree

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

That on October 05, 2017, at Burkett Dr, in the County of Sumter the defendant did commit the crime of sexual exploitation of a minor, Third degree in that he did possess materials that contain a visual representation of minor engaged in sexual activity or depicted in state of sexual explicit nudity. During the execution of valid search warrant on the defendant's computer files were located containing nude minors between ages ten and eleven. This being file three of six. The defendant will attest to the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Affiant's Address P.O. Box 430

Sumter, SC 29150-

Affiant's Telephone (803) 436-2000

ARREST WARRANT

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

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

on or about 10/5/2017

defendant Ricky Leroy Singer, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of

Sumter

) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Sexual exploitation of a minor, Third degree

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

Sworn to and subscribed before me

on 10/5/2017

(L.S.)

Signature of Issuing Judge

Bryan Keith Griffin

Judge Code: 5043

Judge's Address

190 E. Canal Street

Sumter, SC 29151-1428

Judge's Telephone

(803) 436-2280

Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

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ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

STATE

VS.

RICKY LEROY SINGER, JR.

AKA:

Race: 2 Sex: M Age: 40DOB: 1982 SS#: [REDACTED]Address: BURKETT DRCity, State, Zip: SUMTER, SC 29150SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020-GS-43-09861

AW#:

Date of Offense: JULY 24, 2017 OR October 5, 2017S.C. Code §: 16-15-405(A) 410 (g)CDR Code #: 0380 0361

SENTENCE SHEET

*CDL Yes ☐ No ☒ CMV Yes ☐ No ☒ Hazmat Yes ☐ No ☒In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: SEXUAL EXPLOITATION OF A MINOR 3rd degreeIn violation of § 16-15-405(A) 410 (g) of the S.C. Code of Laws, bearing CDR Code # 0380 0361
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

 101351
 Assistant Attorney General SC Bar # Defendant Attorney for Defendant SC Bar #
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 6 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: other convictions this date☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. RICKY LEROY SINGER, JR. INDICTMENT/CASE#: 2020 -GS- 43 - 0881**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$		
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$
§56-5-2995 (DUI Assessment)	\$12		\$
§56-1-286 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150		\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$
§50-21-114 (BUI Breath Test Fee)	\$50		\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$
3% to County (if paid in installments)	TBD		\$ <u>3.75</u>

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 128.75

 Clerk of Court/Deputy Clerk: James C. Campbell
 Court Reporter: Julie Kerish
Keshia Reed

 Presiding Judge: _____
 Judge Code: 2759
 Sentence Date: 5/11/23

WITNESSES
S. Bonner - Sumter Co Sheriff's Office

DOCKET NO. 2020-GS-43- 0882

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

County of Sumter

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER
2017A4310100906

THE STATE

vs.

ACTION OF GRAND JURY

TRUE BILL

RICKY LEROY SINGER, JR.
D.O.B. 12/22/1982

Defendant

Witness:

C.C.C. PLS. AND G.S.

Eric Hutchinson
Foreperson of Grand Jury
Date: 10-29-20

VERDICT

Indictment for
SEXUAL EXPLOITATION OF A MINOR,
THIRD DEGREE

SC Code: 16-15-410(A)
CDR Code: 0381

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
)
 COUNTY OF SUMTER)

INDICTMENT

SEXUAL EXPLOITATION OF A MINOR,
 THIRD DEGREE

At a Court of General Sessions, convened on October 29, 2020, the
 Grand Jurors of Sumter County present upon their oath:

That Ricky Leroy Singer, Jr., did in Sumter County, on or before October 5, 2017,
 willfully and knowingly commit the crime of Sexual Exploitation of a Minor, Third Degree.
 To wit: Ricky Leroy Singer, Jr., while knowing the character or content of the material,
 did possess on his computer equipment, a file "Lsm09-02-02.avi" that contains a visual
 representation of a minor engaging in sexual activity or depicted in a state of sexually
 explicit nudity, at his residence located in Sumter County, as defined by South Carolina
 Code Section 16-15-375(5) and 16-15-375(6), in direct violation of Section 16-15-410(A)
 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such
 case made and provided.

OFFICE OF THE ATTORNEY GENERAL

for  CDAK
 ALAN WILSON (DTC)
 ATTORNEY GENERAL

ARREST WARRANT

2017A4310100906

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Sumter

Sumter

THE STATE
against
17135571

Ricky Leroy Singer, Jr

Address: Burkett Dr

Sumter, SC 29150-5559

Phone: SSN:

Sex: M Race: W Height: 5 9 Weight: 210

DL State: SC DL #:

DOB: 1982 Agency ORI #: SC0430000

Prosecuting Agency: Sumter County Sheriff

Prosecuting Officer: Samantha N Sherod - S00103

Offense: Sex / Sexual exploitation of a minor, Third degree

Offense Code: 0381Code/Ordinance Sec: 16-15-0410(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Ricky Leroy Singer Jr.

on 10/5/2017

 10/6/17

Signature of Criminal Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
215 N. Harvin St.
Sumter, SC 29150

November 3, 2017

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Personally appeared before me the affiant

being duly sworn deposes and says that defendant Samantha N Sheroddid within this county and state on or about 10/5/2017State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Sexual exploitation of a minor, Third degree

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

That on October 05, 2017, at Burkett Dr, in the County of Sumter the defendant did commit the crime of Sex / Sexual exploitation of a minor, Third degree in that he did possess materials that contain a visual representation of minors engaged in sexual activity or depicted in state of sexual explicit nudity. During the execution of valid search warrant on the defendant's computer files were located containing nude minors between ages nine and eleven. This being file four of six. The affiant will attest to the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Affiant's Address P.O. Box 430Sumter, SC 29150-Affiant's Telephone (803)436-2000

ARREST WARRANT

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

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

on or about 10/5/2017 defendant Ricky Leroy Singer, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Sumter) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Sexual exploitation of a minor, Third degree

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

Sworn to and subscribed before me

on 10/5/2017

(L.S.)

Signature of Issuing Judge

Bryan Keith Griffin

Judge Code: 5043

Judge's Address

190 E. Canal StreetSumter, SC 29151-1428

Judge's Telephone

(803)436-2280

Issuing Court:

☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

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AFFIDAVIT

208

RECORDED
2017 OCT 17 AM 11:53
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

General Sessions Tracking Sheet
Indictment # 0000GS43

209

Name: Singer, Ricky Leroy Jr

AKA:

Addr: [REDACTED] Burkett Dr
Sumter, SC 29150-5559

SSN# [REDACTED]

Sex: M Race: W

DOB: [REDACTED] 1982

DL# SC/ [REDACTED]

Warrant/Ticket #: 2017A4310100906

Date of Arrest: 10/05/2017

Date of Offense: 10/05/2017

Date Rev by Clerk 10/06/2017

Magistrate: Clerk Of Court C P, G S, And Family Court

Counts: Code: 0381/Sex / Sexual exploitation of a
minor, Third degree

Indictment # 0000GS43

20-882

Disposition Information

1. Transmitted to SOL & SCCA:
2. Disp Received by Clerk:
3. Date of Disposition: 5-11-23

- Disposition
1. Guilty plea
 2. Trial -- guilty
 3. Trial -- not guilty
 4. ☒ Dism/Not Pros/Pros Ended
 5. Judicial Commitment
 6. Judicial Dismissal
 7. Remanded
 8. Dismissed at Prelim
 8. No Bill
 9. Failure to Appear
 10. Other

Explain:

Directed Verdict

Explain:

Explain:

Explain:

Explain:

Judge: McFadden

Defense Atty: M. Houtzong

Counts: Code:

Sentence:

Court Reporter: Julie Kerish
Keshia Reed

Solicitor: AAG S. Ryan

DOCKET NO. 2020-GS-43- 0883

WITNESSES

S. Bonner - Sumter Co Sheriff's Office

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

County of Sumter

Defendant

COURT OF GENERAL SESSIONS

October 2020 TERM

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A4310100907

Defendant

THE STATE

Witness:

C.C.C. PLS. AND G.S.

vs.

ACTION OF GRAND JURY

RICKY LEROY SINGER, JR.

D.O.B. 12/22/1982

TRUEBILL

Eric Alatchison

Foreperson of Grand Jury

Date: *10-29-20*

VERDICT

Indictment for

SEXUAL EXPLOITATION OF A MINOR,
THIRD DEGREE

SC Code: 16-15-410(A)

CDR Code: 0381

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
)
 COUNTY OF SUMTER)

INDICTMENT

SEXUAL EXPLOITATION OF A MINOR,
 THIRD DEGREE

At a Court of General Sessions, convened on October 29, 2020, the
 Grand Jurors of Sumter County present upon their oath:

That Ricky Leroy Singer, Jr., did in Sumter County, on or before October 5, 2017,
 willfully and knowingly commit the crime of Sexual Exploitation of a Minor, Third Degree.
 To wit: Ricky Leroy Singer, Jr., while knowing the character or content of the material,
 did possess on his computer equipment, a file "Lsm09-04-02.avi" that contains a visual
 representation of a minor engaging in sexual activity or depicted in a state of sexually
 explicit nudity, at his residence located in Sumter County, as defined by South Carolina
 Code Section 16-15-375(5) and 16-15-375(6), in direct violation of Section 16-15-410(A)
 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such
 case made and provided.

OFFICE OF THE ATTORNEY GENERAL

for  CDAG
 ALAN WILSON (DTC)
 ATTORNEY GENERAL

ARREST WARRANT

2017A4310100907

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

THE STATE 17135571

against

Ricky Leroy Singer, Jr

Address: **Burkett Dr**

Sumter, SC 29150-5559

Phone:

Sex: M Race: W Height: 5 9 Weight: 210

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] 1982 Agency ORI #: SC0430000

Filing Agency: Sumter County Sheriff

Filing Officer: Samantha N Sherod - S00103

Offense: Sex / Sexual exploitation of a minor, Third degree

Offense Code: 0381

Code/Ordinance Sec: 16-15-0410(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

10/05/17

Ricky L. Singer Jr.

Signature of Constable/Law Enforcement Officer

10/05/17

RETURN WARRANT TO:

General Sessions

215 N. Harvin St.

Sumter, SC 29150

November 3, 2017

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Personally appeared before me the affiant

Samantha N Sherod

being duly sworn deposes and says that defendant

Ricky Leroy Singer, Jr

did within this county and state on or about

10/5/2017

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Sumter

in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Sexual exploitation of a minor, Third degree

I further state that there is probable cause to believe that the defendant named above did commit

the crime set forth and that probable cause is based on the following facts:

That on October 05, 2017, at Burkett Dr, in the County of Sumter the defendant did commit the crime of Sex / Sexual

exploitation of a minor, Third degree in that he did possess materials that contain a visual representation of minors engaged in

sexual activity or depicted in state of sexual explicit nudity. During the execution of valid search warrant on the defendant's

computer files were located containing nude minors between ages nine and eleven. This being file five of six. The affiant will attest

to the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Affiant's Address

P.O. Box 430

Sumter, SC 29150-

Affiant's Telephone (803)436-2000

ARREST WARRANT

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

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

on or about 10/5/2017

defendant

Ricky Leroy Singer, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of

Sumter

) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Sexual exploitation of a minor, Third degree

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

Sworn to and subscribed before me

on 10/5/2017

(L.S.)

Signature of Issuing Judge

Bryan Keith Griffin

Judge Code: 5043

Judge's Address

190 E. Canal Street

Sumter, SC 29151-1428

Judge's Telephone (803)436-2280

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

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ORIGINAL

RECORDED
2017 OCT -6 AM 11:53
JAMES C CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SUMTER

STATE

VS.

INDICTMENT/CASE#: 2020-GS-43-0883

RICKY LEROY SINGER, JR.

AW#:

AKA:

Date of Offense:

Race:

2

Sex:

M

Age:

40

DOB:

1982

SS#:

Address:

BURKETT DR

City, State, Zip:

SUMTER, SC 29150

SID#

S.C. Code §:

JULY 24, 2017 52 October 5

CDR Code #:

16-15-405(A) 4/10/18 201

SENTENCE SHEET

*CDL Yes ☐ No ☒ CMV Yes ☐ No ☒ Hazmat Yes ☐ No ☒In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: SEXUAL EXPLOITATION OF A MINOR 3rd degree

In violation of § 16-15-405(A) of the S.C. Code of Laws, bearing CDR Code # 0380-0381

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Assistant Attorney General SC Bar # 101351 Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 6 days/months/years Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for ___

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: other convictions this date☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.

1258 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. RICKY LEROY SINGER, JR.INDICTMENT/CASE#: 2020 -GS- 43 - 0888**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of			
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$
§56-5-2995 (DUI Assessment)	\$12		\$
§56-1-286 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150		\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$
§50-21-114 (BUI Breath Test Fee)	\$50		\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$
3% to County (if paid in installments)	TBD		\$ <u>3.75</u>

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 128.75

 Clerk of Court/Deputy Clerk: James C. Campbell
 Court Reporter: Julie Kenish
Keshia Reed

Presiding Judge: _____

Judge Code: 2789Sentence Date: 5/11/23

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

DOCKET NO. 2020-GS-43- D884

The State of South Carolina

County of Sumter

COURT OF GENERAL SESSIONS

October 2020 TERM

THE STATE

vs.

RICKY LEROY SINGER, JR.
D.O.B. 12/22/1982

Indictment for

SEXUAL EXPLOITATION OF A MINOR,
THIRD DEGREE

SC Code: 16-15-410(A)
CDR Code: 0381

WITNESSES

S. Bonner - Sumter Co Sheriff's Office

ARREST WARRANT NUMBER

2017A4310100908

ACTION OF GRAND JURY

TRUE BILL

Eric A. Anderson

Foreperson of Grand Jury

Date: 10-30-20

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
)
 COUNTY OF SUMTER)

INDICTMENT

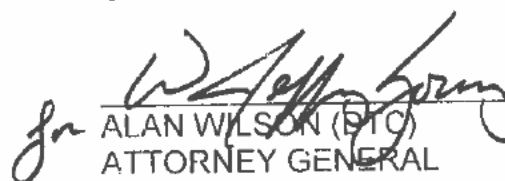
SEXUAL EXPLOITATION OF A MINOR,
 THIRD DEGREE

At a Court of General Sessions, convened on October 29, 2020, the
 Grand Jurors of Sumter County present upon their oath:

That Ricky Leroy Singer, Jr., did in Sumter County, on or before October 5, 2017,
 willfully and knowingly commit the crime of Sexual Exploitation of a Minor, Third Degree.
 To wit: Ricky Leroy Singer, Jr., while knowing the character or content of the material,
 did possess on his computer equipment, a file "Lsm-13-09 Full (Mummy Edit).avi" that
 contains a visual representation of a minor engaging in sexual activity or depicted in a
 state of sexually explicit nudity, at his residence located in Sumter County, as defined
 by South Carolina Code Section 16-15-375(5) and 16-15-375(6), in direct violation of
 Section 16-15-410(A) of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such
 case made and provided.

OFFICE OF THE ATTORNEY GENERAL

for  *CDAB*
 ALAN WILSON (SIC)
 ATTORNEY GENERAL

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SUMTER

STATE

VS.

INDICTMENT/CASE#: 2020-GS-43-0884

RICKY LEROY SINGER, JR.

AW#:

2017A4310100908

AKA:

Date of Offense:

JULY 24, 2017 October 5, 2017

Race:

2

Sex:

M

Age:

40

DOB:

1982

SS#:

[REDACTED]

Address:

BURKETT DR

City, State, Zip:

SUMTER, SC 29150

DL#*

SID#

S.C. Code §:

16-15-405(A) 910(A)

CDR Code #:

9380-0381

SENTENCE SHEET

*CDL Yes ☐ No ☒ CMV Yes ☐ No ☒ Hazmat Yes ☐ No ☒In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: SEXUAL EXPLOITATION OF A MINOR 3rd degreeIn violation of § 16-15-405(A) of the S.C. Code of Laws, bearing CDR Code # 9380-0381
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
 ATTEST:

[Signature] 101351
 Assistant Attorney General SC Bar # Defendant Attorney for Defendant SC Bar #
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 10 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: other convictions this date☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.1258 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. RICKY LEROY SINGER, JR.INDICTMENT/CASE#: 2020 -GS- 43 - 0884**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____ \$ _____

§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ <u>3.75</u>

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 128.75

 Clerk of Court/Deputy Clerk: James C. Campbell
 Court Reporter: Julie Kenish
Keshia Reed

Presiding Judge: _____

Judge Code: 2759Sentence Date: 5/11/23

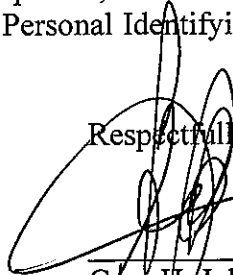
Dec 09 2024

SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Gary H. Johnson
Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 9th day of December, 2024.

RECEIVED

Dec 09 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County

Honorable George M. McFaddin, Circuit Court Judge

THE STATE,

RESPONDENT

V.

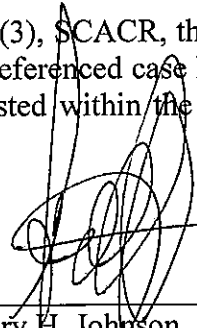
RICKY L. SINGER,

APPELLANT

APPELLATE CASE NO. 2023-000820

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary email address listed within the Attorney Information System (AIS), this 9th day of December, 2024.



Gary H. Johnson
Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT