

**RECEIVED**

**Apr 01 2025**

**SC Court of Appeals**

**STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT**

---

**CERTIORARI-COA  
APPEAL FROM SPARTANBURG COUNTY  
General Sessions Court  
The Honorable J. Derham Cole**

---

**Appellant Case No 2025-000454  
Lower Case Nos. 2019GS4202503, 2019GS4202504**

---

**The State,..... Respondent,  
vs.**

**Robert Tyrell Gentry ..... Petitioner.**

---

**APPENDIX  
VOLUME II**

---

**JOSHUA A. EDWARDS  
S.C. Attorney General Office  
P.O. Box 11549  
Columbia, SC 29211  
S.C. BAR No. 101188  
(803)734-2508  
[jedwards@scag.gov](mailto:jedwards@scag.gov)**

**C. RAUCH WISE  
Attorney at Law  
305 Main Street  
Greenwood, SC 29646  
S.C. Bar No. 6188  
(864) 229-5010  
[Rauchwise@gmail.com](mailto:Rauchwise@gmail.com)**

**Alan McCrory Wilson  
S.C. Attorney General's Office  
PO Box 11549  
Columbia, SC 29211-1549 SC  
Bar No.: 71754  
(803) 734-3596  
[awilson@scag.gov](mailto:awilson@scag.gov)**

**Attorney for Petitioner**

**Melody Jane Brown  
S.C. Attorney General's Office  
PO Box 11549  
Columbia, SC 292111549  
SC Bar No: 14244  
(803) 734-6305  
[mbrown@scag.gov](mailto:mbrown@scag.gov)**

**Barry Joe Barnette  
Seventh Circuit Solicitor's Office  
180 Magnolia St.  
Spartanburg, SC 29306  
SC Bar No. 13039  
(864) 596-2575  
[bbarnette@spartanburgcounty.org](mailto:bbarnette@spartanburgcounty.org)**

**Attorneys for Respondent**

APPENDIX INDEX

Court records

Record on Appeal . . . . . 1  
Final Brief of Appellant . . . . . 558  
Final Brief of Respondent . . . . . 583  
Final Reply Brief of Appellant . . . . . 616

Opinion . . . . . 627

Petition for Rehearing . . . . . 631

Order Denying Petition for Rehearing . . . . . 639

Closing arguments

1 calls and after the second phone call she left. We heard  
2 that from the aunt and we heard that from the mother.

3 I just want to kind of give you these facts. Please  
4 understand that Tuesday, May the 8th, 2018, it's -- May the  
5 8th is Tuesday; May the 9th is Wednesday; May the 10th is  
6 Thursday; and May the 11th is Friday. Those are the  
7 important days -- those are the important days.

8 You know, they, the state, presented the aunt and the  
9 mother. They're very important witnesses. Because of  
10 Bree's death, they're very important witnesses. And each  
11 of them told you she got two phone calls.

12 Then they went into a series of police officers. They  
13 called Doug Harwell, really nice guy, big tall guy. He  
14 told you that he isolated the crime scene, that he called  
15 the first dive team and then he called the dog handler,  
16 then he called the second dive team.

17 Then we met Tillinghast, Officer Tillinghast. He's  
18 the dog guy. Nice guy. Some day I'd like to meet the dog.

19 Then they called Officer Bowers, the D.N.R. guy. He  
20 testified that he searched the lake several days or weeks  
21 after Bree's death but they didn't find anything.

22 Then they called Cloran. I think that's how you say  
23 his name. He's -- they called two of these guys, two of  
24 these officers. They're their forensic evidence  
25 technicians. Cloran was the first one, and he's the one

Closing arguments

1 that took a bunch of pictures. Okay. He took pictures of  
2 everything -- everything. He took pictures -- he took  
3 pictures of the bullet that they found on the scene. He  
4 took pictures of the casing that they found. He took  
5 pictures of everything. Took pictures of the cars.

6 Then they called the little girl. Her name's  
7 Investigator Kaur -- K-A-U-R. She works for the city.  
8 She's of Indian descent. Sat right in this chair, and she  
9 told you that she took the cell phone information from two  
10 phones, off of two phones. Then she used these words. She  
11 was asked these words by one of the solicitors. Can the  
12 Cellebrite information be manipulated? That was the  
13 question that she was asked, and her answer was Cellebrite  
14 information can't be manipulated -- can't be manipulated.

15 Then they called Investigator Smith. She was quick.  
16 She is the one who took the Cellebrite information off of  
17 two other phones. That was basically what she testified  
18 to.

19 Then they put Reece on the witness stand. Reece is  
20 the taller white gentleman. He's the other forensic  
21 evidence tech guy that testified. He took pictures of, for  
22 example, Mr. Gentry's house. But he's also their cell  
23 phone guy. He's the one that created this document right  
24 here that you're going to have with you. That's Reece. He  
25 created this document.

Closing arguments

1           Now, keep in mind. I talked to you about witness  
2 No. 8, Investigator Kaur, who said you cannot manipulate  
3 the Cellebrite information. Then Reece gets on the witness  
4 stand and says, well, we only looked for certain  
5 information. So I think what Kaur meant was we can't  
6 change the words in the text messages. But Reece told you  
7 they can manipulate it by only looking for certain  
8 information. That's what he told you.

9           We'll come back to Reece. He's kind of important.

10          Then they called Simmonds, and Simmonds was  
11 impressive. He's the F.B.I. Smart dude. But he used some  
12 very, very, very specific words. Remember every word means  
13 something. Very specific words.

14          Simmonds told you this. And let me tell you up front.  
15 You heard a lot of testimony today or over this week, and  
16 you can listen to any of it again that you want.

17          So I took really specific notes, but I don't want you  
18 to believe me. I want you to -- if you have a question ask  
19 to hear the testimony again, because here's what Simmonds  
20 told you.

21          In one of his very first opening statements he says we  
22 can put cell phones in a general location -- general  
23 location. It's a quote. I wrote it down. You can hear it  
24 again if you need to.

25          Then he goes on to explain down a little bit further

Closing arguments

1 and says I can tell you where phones were generally at at a  
2 given time. General is not specific. Beyond a reasonable  
3 doubt is specific. It is not general.

4 He told you that the information that he collected  
5 does not give latitude or longitude. It is not G.P.S. I  
6 cannot put a phone in a specific location.

7 But then -- and you heard Mr. Barnette go into this  
8 repeatedly. You saw my client's statement. You saw him  
9 tell that investigator sitting right there that he was  
10 basically at home on the day of May the 9th. He -- that's  
11 what he said.

12 Well, Simmonds, their F.B.I. agent, the smart dude who  
13 sat right here, said there was four or five hours where my  
14 client's phone didn't move. It was -- it was basically off  
15 the system. Their witness told you that. General. Not  
16 specific.

17 Then they called Chris Taylor. Chris is a great guy.  
18 He's sitting over there. I usually call those two good cop  
19 and bad cop. I'm not sure which one is which, but that's  
20 what I call them.

21 They called Chris Taylor, and they called him to get  
22 Tremaine's statement in. That's fine. He's a witness.  
23 He's necessary for that purpose. They called him. They  
24 put him on the witness stand and then they played  
25 Tremaine's statement. You heard his testimony.

Closing arguments

1 But I also asked Chris a question. I said you  
2 canvassed the neighborhood. He said, yeah, I did. They  
3 didn't find a single witness. Nobody heard anything.  
4 Nobody other than Dischler saw anything. Nobody.

5 And then they called Ms. Dean. Pretty girl. She told  
6 you that she called Tremaine at 11:48 p.m. on May the  
7 9th and he seemed off.

8 I'm going to tell you something. If you call me at  
9 11:48 p.m. I'm going to be off.

10 Then they called Ms. Caprice Alo. That's Mr. Gentry's  
11 former girlfriend. It's the mother of his child.

12 Now, she wasn't on the witness stand long. Nice lady.  
13 But remember every word means something. She was  
14 questioned by Ms. Wells. Ms. Wells is a wonderful lawyer.  
15 She said, Ms. wells said, you're in a relationship with  
16 Mr. Gentry. Did you watch her, how she changed her  
17 position and her tone? She said he's my X. Her voice  
18 changed; her body changed. Every word matters.

19 There's another thing that matters. That other thing  
20 that matters is the questions that aren't asked. I bet you  
21 sitting here in this jury box there were questions that you  
22 wished had been asked that weren't, and you probably  
23 wondered why they weren't asked. Do you ever wonder why  
24 they didn't ask Ms. Alo if she saw Gentry hand Johnson a  
25 gun? Because she didn't see it, it didn't happen. She was

Closing arguments

1 firm. He's my X. I'm going to tell you. If I've got an  
2 ax to bear, if I'm pissed at my X, I saw a gun. They  
3 didn't even ask the question because they knew she didn't  
4 see it.

5 Oh, the other thing. Ms. Alo. Why did you invite  
6 Tremaine Johnson to your gender reveal party? well,  
7 because they were friends.

8 Ladies and gentlemen of this jury, I've never told you  
9 that Tremaine Johnson and Mr. Gentry aren't friends.  
10 They've been friends forever. They're good friends.  
11 They're great friends.

12 The state wants you to believe that they become  
13 friends on May the 9th as soon as Tremaine finds out he's  
14 blocked. Again, they can pick and choose what they want.  
15 They only got records back to April the 1st, to April the  
16 4th, I think. Let me be sure. April the 5th. That's when  
17 they started their search. These guys might have been on  
18 the phone for 24 hours the day before that. We don't know  
19 that because they didn't look.

20 Tremaine Johnson and Mr. Gentry are friends. It's  
21 nothing unusual. You think about this. You're charged  
22 with using your common sense. Even Mr. Barnette said use  
23 your common sense.

24 How many of you have a friend that you haven't talked  
25 to in four weeks? Probably every one of us. That doesn't

Closing arguments

1 mean that when you see them the next time that you're going  
2 to spend an hour with them catching up. Maybe you only  
3 need five minutes to catch up. They invited him to their  
4 gender reveal because they're friends.

5 Then they call Mr. Pope. Mr. Pope's the guy that  
6 works at Academy, and he's important for a couple of  
7 reasons to them because they needed to get in the records  
8 of Mr. Gentry buying a gun.

9 But here's the other thing that he's important for.  
10 He told you that this ammunition can be bought at Wal-Mart,  
11 K-Mart, any other business that sells guns and ammo,  
12 including Academy Sports. You can buy it anywhere. That's  
13 what Mr. Pope told you.

14 They called Mr. Teague. Mr. Teague is Mr. Gentry's  
15 friend. I don't know him. Tremaine Johnson doesn't know  
16 him.

17 Then they called Michele. She's their 17th witness.  
18 She's the SLED agent that is their gun expert. I can't say  
19 her last name. She's Michele.

20 She told you, among other things, that there are  
21 thousands of Smith & Wesson 40 caliber pistols in  
22 circulation in South Carolina. That's their expert, their  
23 expert telling you that there are thousands of Smith &  
24 Wesson 40 caliber weapons in circulation in Spartanburg --  
25 in South Carolina, not Spartanburg. South Carolina. She

Closing arguments

1 told you that. She told you. And, again, every word  
2 matters -- every word matters.

3 She told you that State's No. 6, the bullet, is  
4 consistent -- is consistent with the bullets in this one,  
5 and I don't know what number this is. Consistent.

6 I'm going to ask you to think again about questions  
7 not asked. They didn't ask her was No. 6 -- did it come  
8 from this box. They didn't ask her that. You know why  
9 they didn't ask her? Because she can't tell them it did or  
10 didn't. She doesn't know. There's no evidence to suggest  
11 that No. 6 came outta that box. Not one bit of evidence.  
12 They didn't ask her that question.

13 Then they called the D.N.A. expert. Ms. Money is her  
14 name. I want you to be clear about something. Tremaine  
15 Johnson was asked if they could search his cell phone, and  
16 he signed a consent waiver. He didn't fight it. He didn't  
17 make them get a search warrant. He didn't do any of that.  
18 He said here's my phone.

19 He was later asked to give a D.N.A. swab, a buccal  
20 swab, so that they could test his D.N.A. He consented to  
21 that. He did it freely and voluntarily. And then she used  
22 that D.N.A. swab to run tests.

23 Now, I know y'all heard about the D.N.A. Tremaine was  
24 the father of this unborn child. But you also heard that  
25 we didn't know that until March of this year.

Closing arguments

1           The uncontroverted evidence in this matter, in this  
2 case, is that on May the 9th of 2018 she didn't know who  
3 the father of her child was. She didn't know.

4           She also tested that casing. I believe it's No. 6.  
5 No. It's No. 5. Six is the bullet; five is the casing.  
6 There was no D.N.A. evidence on there.

7           But you know what else there wasn't because they  
8 didn't show it? That means they don't got it. There were  
9 no fingerprints on that casing either.

10          Ladies and gentlemen, let's be clear. They checked  
11 for rape; they checked for sex. There was none of that.  
12 This woman was not raped. She did not have sex that day.  
13 They checked for all of that.

14          The D.N.A. was used to prove the paternity, and that's  
15 the only evidence that was derived from all of the D.N.A.  
16 testing in this case. That's it.

17          Then their last witness was Dr. Wren. He's so smart I  
18 can't even ask him a question.

19          So, ladies and gentlemen, I want to take you back just  
20 for a few minutes -- just for a few minutes.

21          You're going to have -- this is my copy, so it's got a  
22 few notes on it and stuff. You're going to -- but you're  
23 going to see the original of the state's exhibit back  
24 there. In fact, theirs is single sided and they gave it to  
25 me double sided. So that's the difference in the two

## Closing arguments

1 documents.

2 But I want you to look. I don't want to get too close  
3 because of this COVID crap, but this -- this category right  
4 here, you looked at it yesterday, and this is where they  
5 show. It says yes in that category, and that shows that a  
6 message or a call was deleted.

7 Okay. I've got my finger on that category, and the  
8 first one that has a deleted message in it, that's Bree.  
9 Okay. You're going to have this back there. I want you to  
10 look at it because Bree deletes as many messages as  
11 Tremaine or Mr. Gentry.

12 Okay. This is my page 14. It starts with a message  
13 from Bree's aunt to her at 7:55 p.m. So this is right  
14 during -- this is the beginning of the imperative and  
15 important time period. Okay. So this is 7:55:28, and down  
16 here that is -- this is a text from Tremaine to Mr. Gentry,  
17 and that's at 10:17 p.m. So, ladies and gentlemen, this  
18 inch and a half area is the pertinent period of time.

19 Now, let's go back to some of the other witnesses.

20 Aunt Littlejohn. Bree got two phone calls. Mama.  
21 Bree got two phone calls.

22 This is their evidence. They created it; they  
23 produced it. In that period of time Bree got one phone  
24 call -- Bree got one phone call.

25 Let's look a little bit further. It's approximately

Closing arguments

1 9:00 o'clock in the evening. Bree's sitting on her car.  
2 She's talking to somebody. She's texting. Not on their  
3 record. They produced it, not me. Not on their record.  
4 She's on the phone, and we know that because her mom  
5 said it and her aunt said it, not because Brannon made it  
6 up but because their witnesses said it. It's not in their  
7 record.

8 Ladies and gentlemen, remember Cellebrite can't be  
9 manipulated. Right. You'll have this back there. Two  
10 phone calls.

11 Now, keep in mind. Really we know that there's at  
12 least three phone calls that need to be in here, because  
13 she's on the phone when aunt pulls in the driveway. After  
14 that she gets two phone calls. Not she made two. She gets  
15 two phone calls, and they ain't here. I want to know who  
16 she's talking to when she's sitting on the front of her  
17 car. I want to know that. Who's she talking to when she's  
18 sitting on the front of her car?

19 Keep in mind her mother did not testify I'm going to  
20 the park to meet Tremaine. I'm going to the park to meet  
21 that person -- that person, not him, that person. And that  
22 phone call isn't here. They created this document, not me.

23 You saw me walk around with pictures the other day.  
24 There's 167 pictures in that stack -- 167 pictures of  
25 Mr. Gentry's house. There's pictures of his toilet. You

Closing arguments

1 know what there isn't a picture of? A box of ammo found in  
2 his car.

3 Ladies and gentlemen, I submit to you that in this  
4 case my client was arrested in February of 2019 and charged  
5 with murder. Bree died in May of 2018.

6 Ladies and gentlemen, this case got attention -- this  
7 case got attention. And you know what attention is? It's  
8 pressure on law enforcement. That's what it is. This case  
9 got attention. They needed to make an arrest. They found  
10 evidence to support a theory but did not find evidence as  
11 to who took her life.

12 You take pictures of a man -- of a man's toilet but  
13 you don't take pictures of the box of bullets that you  
14 think were given to somebody else to kill a woman? I'm  
15 sorry. That's just too big.

16 There's not a single piece of evidence in this case  
17 that would lead you to believe that Mr. Gentry even knew  
18 who Bree was. Not a single piece of evidence that  
19 Mr. Gentry knew that Tremaine had been dating her, that he  
20 knew she was pregnant. Nothing. There's not a text  
21 message that says from Mr. Johnson to Mr. -- to Mr. Gentry,  
22 hey, I need a gun. It's not there.

23 Beyond a reasonable doubt is that doubt that will make  
24 you hesitate to act -- when an F.B.I. agent tells you that  
25 I can tell you generally where a cell phone is but I can't

Closing arguments

1 tell you specifically where it was. When the state fails  
2 to produce a gun. They don't have a gun. They can't tell  
3 you that the bullets in that pack are the same as the  
4 bullet that they found at the crime scene.

5 The best they can do is put generally, is put Tremaine  
6 generally in the area that Bree was in. That's the best  
7 piece of evidence they've got generally -- generally --  
8 generally. Not specifically.

9 Ladies and gentlemen, not only did they not prove  
10 their case. He's not guilty.

11 MR. JOHNSTON: May it please the Court, Your Honor.

12 THE COURT: Mr. Johnston.

13 MR. JOHNSTON: Madam Forelady and ladies and gentlemen  
14 of the jury, many years ago there was a man named Jacob and  
15 he lived in the land that was called Canaan.

16 By the time Jacob was quite old he had 12 sons. The  
17 youngest were Joseph and Benjamin, and they were the old  
18 man's favorites, so much so that the ten older brothers  
19 became quite envious. When the older brothers would  
20 neglect their farm work Joseph would tell his father, and  
21 his father would be angry with the older brothers.  
22 Obviously, this didn't make things better between Joseph  
23 and his brothers.

24 And then on Joseph's 17th birthday Jacob gave him a  
25 magnificent present. It was a coat, and it was a coat

## Closing arguments

1 woven with a beautiful pattern that contained many  
2 different colors. Joseph loved that coat and he wore it  
3 everywhere. But when his older brothers saw that coat it  
4 made them even more jealous, and their resentment against  
5 him became even greater.

6 One day the brothers went to tend the flocks in some  
7 far away pastures. Benjamin was still too young to go out  
8 that far, but Jacob did send Joseph to join the older  
9 brothers.

10 Joseph put on his coat of many colors and went out to  
11 look for his brothers. The brothers spotted him coming  
12 from far off and while he was approaching they made a plot  
13 against him.

14 One of the brothers said let's kill him and throw him  
15 in a pit. We will then tell father that a wild beast ate  
16 him.

17 Reuben who was the oldest decided to save Joseph. He  
18 said, no, no, let's not kill him, he is still our brother,  
19 we'll just drop him in the pit and we'll leave him as food  
20 for the wild beasts and that way we can truthfully tell  
21 father that we didn't kill him but it was the wild beasts  
22 that ate him.

23 So after they threw Joseph in the pit the brothers sat  
24 down to eat, and some merchants from Egypt happened by, and  
25 the brothers decided, well, why not at least make a profit

## Closing arguments

1 off of Joseph. So they decided instead of just leaving him  
2 in the pit that they would sell him into slavery and he  
3 would be carried off to Egypt.

4 well, the others agreed that that was a fine plan, a  
5 twofer, as we might say today, getting rid of Joseph and  
6 making some money.

7 But what were they going to tell Jacob, his father  
8 that loved Joseph? They took that coat of many colors and  
9 there was a goat that they slaughtered, and they covered  
10 that coat of many colors in the goat's blood.

11 And when they took that coat to their father they told  
12 him, here, look, here is the coat of many colors that  
13 belonged to Joseph that he wore everywhere covered in his  
14 blood. Obviously, he's been killed by a wild animal.

15 Their father Jacob wept and tore his hair out with  
16 great sadness, and he said he would never be happy again  
17 because of this news.

18 Of course if you know the book of Joseph, Joseph  
19 didn't remain a slave but would ultimately become the  
20 second most powerful man in Egypt next to Pharaoh. And one  
21 day the family would be confronted with that when they went  
22 to Egypt during a time of famine.

23 This story is of course the story of faith, but it  
24 also has instruction for us in the case of the State vs.  
25 Robert Tyrell Gentry. It's a cautionary tale which

## Closing arguments

1 explains both the usefulness and the dangers of  
2 circumstantial evidence, because that coat of many colors  
3 that Joseph wore everywhere that was covered in blood when  
4 presented to Jacob was all the proof that the old man  
5 needed to believe the tale that Joseph had been eaten by a  
6 wild beast.

7       Even though the brothers' story was not true and even  
8 though Jacob surely must have known the brothers' jealousy,  
9 Jacob was convinced, said you need the coat. Joseph wore  
10 it everywhere. It was covered in blood.

11       It shows the limitations of the use and interpretation  
12 of circumstantial evidence. And that, ladies and  
13 gentlemen, is what the case against Robert Tyrell Gentry is  
14 built upon. It is built upon circumstantial evidence.

15       what happened to Brechue Wiles was a horrible and evil  
16 thing, and whoever it was who killed her should be dealt  
17 with according to law.

18       I'm not here to comment on Mr. Johnson's case or his  
19 innocence or guilt. That is not my role. The cases  
20 however are intertwined, and so there may be things, times  
21 when I say assuming that Mr. Johnson did this or that  
22 Mr. Johnson did that that it has some effect on the  
23 interpretation of the case. But don't let anything I say  
24 allow you to believe that I am asserting that Mr. Johnson  
25 is guilty or innocent because, again, that is not my role.

## Closing arguments

1        We do know from the cell phone analysis that Tyrell  
2 was at his mother's home during most of the night in  
3 question and that he was nowhere near Duncan Park where  
4 this unfortunate lady lost her life and that when he did  
5 move he moved in the opposite direction to the west away  
6 from Duncan Park apparently going to work.

7        So we know that by the state's own evidence Tyrell had  
8 nothing directly to do with Ms. Wiles' death and that he  
9 was not present at the scene when she met her death.

10       Now, they have not charged Tyrell with murder. They  
11 have charged him with two associated type of crimes. One  
12 is accessory before the fact; the other is accessory after  
13 the fact. And each of them have different, as we call in  
14 the law, elements. And the Court will tell you what the  
15 elements of each of those charges are.

16       But one thing I will argue to you is that in order to  
17 establish guilt of one of the charges they have to prove  
18 all of the necessary elements. Even if one element is  
19 missing that means the state's case on that charge has  
20 failed.

21       In simple terms, I'll deal with the accessory before  
22 the fact charge. Boils down to this: They have to prove  
23 beyond any reasonable doubt that before Ms. Wiles was  
24 killed that Tyrell aided, counseled or encouraged whoever  
25 it was that killed her.

## Closing arguments

1           what's their evidence of this? Tyrell and Mr. Johnson  
2 were friends. They talked on the phone. They texted one  
3 another back and forth.

4           Mr. Johnson came by and saw Tyrell at Tyrell's  
5 mother's house. But what's important about that particular  
6 event is what didn't happen.

7           The solicitor makes a great deal out of, oh, it was a  
8 short visit -- it was a short visit. Okay. We don't know  
9 why it was a short visit, but we do know this. The eye  
10 witness who watched the transaction saw no gun. The eye  
11 witness who heard at least part of the conversation between  
12 the two men heard nothing about a gun. She saw no transfer  
13 of an object between the two men.

14           They asked did they get in the car together. The  
15 response was no, they stood in the street. If you were  
16 going to transfer a gun at a particular time and you had  
17 the opportunity to get in the car wouldn't that be the  
18 place to do it?

19           They have an empty box -- they have an empty box. And  
20 that's what their proof about trying to establish that  
21 Tyrell knew that Mr. Johnson was going to commit a crime is  
22 very much like the contents of this box.

23           There's nothing important there. It's just a box  
24 unless they can show beyond a reasonable doubt that even if  
25 Tyrell gave Mr. Johnson the gun, even if they prove that

## Closing arguments

1 without proving that he had knowledge, that Tyrell also had  
2 knowledge that Johnson was going to commit a crime with it,  
3 then it is an innocent transaction -- an innocent  
4 transaction.

5 There are gun lovers amongst us, particularly in the  
6 South. To some people guns are scary things. My wife is  
7 scared to death of a gun, wouldn't touch a gun.

8 Some people are fascinated by them, and they like to  
9 trade guns, they like to sell one another guns, they like  
10 to take guns out and shoot them, and they like to loan and  
11 borrow guns.

12 The most that you can say that has been established  
13 here is that perhaps Johnson got what used to be in this  
14 box and that he may have gotten some ammunition.

15 Hey, I want to borrow your gun, Man. Okay. Got some  
16 bullets with it? Yeah. Give me some bullets. I want to  
17 test it out.

18 There is no evidence that even if Tyrell gave the gun  
19 or loaned the gun or sold the gun to Johnson that he had  
20 any reason at all to suspect that Johnson was going to  
21 commit a crime with it.

22 Look at the texts and facebook messages between Tyrell  
23 and Johnson. There is not a word about the unfortunate  
24 Ms. Wiles. There is not a word about Johnson being angry,  
25 frustrated, disappointed, whatever, that a young woman was

## Closing arguments

1 claiming to be pregnant by him.

2       There is nothing in the texts or facebook messages  
3 between Tyrell and Johnson about Johnson wanting to kill  
4 anyone.

5       Now, the state points to the internet searches that  
6 Johnson was doing -- poison, abortion, whatever. Those  
7 were on Johnson's phone. Those were not accessible to  
8 Gentry. And there's no discussion between the two about  
9 anything like abortion or poison or anything like that.

10       There's nothing in the texts, facebook messages  
11 between Tyrell and Johnson about a gun, about a firearm,  
12 about a strap, whatever else they may call guns on the  
13 street these days.

14       There's nothing on there about may I borrow your gun,  
15 I'd like to see your gun, would you like to sell me your  
16 gun. There's also nothing about Johnson saying I'll bring  
17 the gun back. There's nothing from Tyrell saying, hey,  
18 where is my gun, bring my gun back to me.

19       Now, the analysis for accessory after the fact also is  
20 somewhat similar. Of course the state for that charge has  
21 to prove that Tyrell did something -- did something to help  
22 or assist Mr. Johnson, if he's the one that killed this  
23 young lady. That there has to be proof beyond a reasonable  
24 doubt that he knew the crime had been committed and that he  
25 took some action to help or assist Mr. Johnson not being

Closing arguments

1 arrested or getting away.

2 There is no evidence in this case that Tyrell did  
3 anything to help Johnson get away with the crime if  
4 Johnson, in fact, committed the crime. Nothing.

5 Now, they want to point to internet searches about  
6 should I report a gun stolen, how to report a gun stolen.  
7 He talked about -- he talked to a buddy of his at work, how  
8 do you report a gun stolen, which to me shows how naive  
9 Tyrell is about using guns for crime.

10 And I think that's further substantiate by the  
11 firearms transaction record that they put into evidence  
12 that shows that Tyrell is not a felon or he wouldn't have  
13 been able to buy the gun. It's right there in black and  
14 white, are you a felon. They don't just take his word for  
15 it. They send it off. That's what the Brady bill was  
16 about. They got to wait for enough time to get it checked  
17 out and make sure he's not a felon. So he's not a felon.  
18 He doesn't know what to do.

19 Ultimately, though he did nothing. He never reported  
20 the gun stolen. Perhaps it could be argued that if he had  
21 reported the gun stolen that that would have been an effort  
22 to assist Mr. Johnson in escaping detection, but the simple  
23 fact is he thought about it, he researched it, he talked to  
24 a buddy, but he didn't do anything. He never made such a  
25 report.

## Closing arguments

1           Now, the fact that we know he was thinking about it,  
2 what does that establish? well, it is subject to different  
3 interpretations. One interpretation is Johnson got the  
4 gun, he didn't bring it back, so I want to report it stolen  
5 and try to make him give me my gun back. Another  
6 possibility is that Johnson said I used the gun to do  
7 something bad and I'm not giving it back to you and the  
8 best thing you can do is report it stolen.

9           That brings us to the texts. "Do it today, Fam. It  
10 happened two days ago." we don't know what it was, but if  
11 it was the death of Ms. wiles it could have helped Johnson  
12 if Gentry had reported it stolen in case there was evidence  
13 that would link the gun, the bullet, unless the gun is  
14 found, whatever, that that would insulate Tyrell because  
15 he'd be able to say, uh, I reported it stolen.

16           Johnson or Tyrell responds back in street language.  
17 Iat, which is an acquiescence of some kind. But I submit  
18 to you that that was merely to placate Mr. Johnson, make  
19 Mr. Johnson think that he was going to take that action so  
20 he wouldn't say anything more about it. And apparently  
21 Tyrell thought about it but his conscience wouldn't let him  
22 do it. He didn't do it.

23           Are they going to try to claim that Tyrell got rid of  
24 the gun? First of all, they'd have to prove that he got  
25 the gun back. I submit to you that gun, if the state's

Closing arguments

1 allegations against Mr. Johnson are true, and not saying  
2 they are, but if they are that gun went into the lake  
3 somewhere else. Duncan Park is a big lake. Or some other  
4 body of water.

5 So the fact that if they can prove that Johnson told  
6 Tyrell that he had committed this horrible crime, does that  
7 make Tyrell guilty of accessory after the fact? No. It  
8 does not, because, yes, they have to prove that Tyrell knew  
9 that Johnson had committed the crime, but they would also  
10 have to prove that Tyrell did something to help Johnson  
11 escape detection, and he never did anything.

12 In fact, State's Exhibit No. 30 on 5/21/18, he told  
13 Detective Taylor you can look at my phone, here's my phone,  
14 take my phone, I got nothing to hide. He consented to it.

15 There is no evidence he did anything to help Johnson  
16 after he may have known that Johnson committed a crime or  
17 that crime -- or that a crime was committed.

18 They want to make a big deal about internet searches  
19 that Tyrell did about body in lake or whatever exactly it  
20 was that they say. The worst that that says about Tyrell  
21 is that he may have known or he may have guessed or he may  
22 have heard something that caused him to go onto the  
23 internet and look.

24 But if you ascribe that knowledge to him it does not  
25 make him guilty because just knowing of a crime is not a

## Closing arguments

1 crime. The only way that knowing about a crime becomes a  
2 crime is if knowing that crime and who did it you do  
3 something to help, and he did nothing to help that man  
4 escape justice.

5 This is a difficult task that you have before you  
6 today, ladies and gentlemen, and I do not envy you it.

7 The judge however is going to help you. He's going to  
8 give you instructions. Just like when you buy one of those  
9 put-together pieces of furniture and you take it home and  
10 you -- there's like 5 million parts on the floor and you  
11 think where do I start, how do I figure this out, how do I  
12 put this together, that might be the same way that you  
13 think about how am I going to decide what my verdict or  
14 verdicts are going to be in this case.

15 well, you listen or read the instructions. The judge  
16 is going to have a lot of instructions for you, but the one  
17 that I want to highlight, because it deals directly with  
18 circumstantial evidence, is this. I believe that the judge  
19 is going to tell you this.

20 Crimes may be proven by circumstantial evidence, and  
21 the law makes no distinction between the weight or value to  
22 be given to either direct or circumstantial evidence.  
23 However, to the extent that the state relies on  
24 circumstantial evidence all of the circumstances must be  
25 consistent with each other and when taken together they

Closing arguments

1 must point conclusively -- conclusively to the guilt of the  
2 accused beyond any reasonable doubt.

3 And the last thing to that part of that instruction is  
4 if these circumstances merely portray the defendant's  
5 behavior as suspicious the proof has failed. And if the  
6 state's proof has failed, there can be but one verdict, and  
7 that is a verdict of not guilty.

8 So it doesn't matter if they prove Johnson got the gun  
9 from Tyrell, because they haven't proved that he got it  
10 when Tyrell knew what he was going to do with it if he did  
11 something with it.

12 It doesn't matter whether they've proved that Tyrell  
13 found out about the crime because they can't prove that  
14 Tyrell did anything to help or assist Mr. Johnson in  
15 avoiding detection.

16 This is an attempt to place guilt on Tyrell by the  
17 concept of guilt by association. In this country there is  
18 no guilt by association.

19 Guilt comes from proof beyond a reasonable doubt, and  
20 in this country we don't guess a man into being convicted.  
21 In this country we don't speculate a man into being  
22 convicted. In this country we don't use suspicion as a  
23 guidepost. Maybe evidence creates suspicion. Maybe you're  
24 suspicious of Mr. Gentry's actions, but that's not enough,  
25 because, as the judge will instruct you, suspicion, and

Closing arguments

1 that's all that's there, the state's proof has failed.

2 If Jacob had thought about that when he was looking at  
3 that coat of many colors covered in blood, if he had  
4 thought about the animosity of the other brothers, if he'd  
5 have thought where was the rest of the crime, he might have  
6 gone and searched for Joseph, the one that he loved, but he  
7 took the circumstantial evidence and accepted it, but he  
8 was wrong.

9 Ladies and gentlemen, people have the same fallacies  
10 and faults and low points now as they did in that time.  
11 But the story of Jacob and the law of South Carolina tell  
12 us two things. They tell us that Tyrell Gentry is not  
13 guilty of accessory before the fact and that Tyrell Gentry  
14 is not guilty of accessory after the fact. Thank you.

15 THE COURT: Mr. Barnette.

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

17 Only I want to follow up with you, they keep talking  
18 about the police investigation. Let me show you something  
19 that's amazing and that happened in this case.

20 Mr. Johnston talks about Mr. Gentry, about his consent  
21 to search on May the 18th of 2018.

22 Mr. Johnson was taken in May 11th of 2018. He was  
23 released. What's interesting, there's no phone call.  
24 You'll have these records from two thousand -- I mean,  
25 basically, the 11th through the 17th. They started

Closing arguments

1 communicating with each other.

2       so when Gentry was called in he said, well, hey,  
3 everything's okay because they didn't arrest Mr. Johnson,  
4 so I give my cell phone number to them. It's not a  
5 problem. I deleted all of the texts. They didn't find  
6 anything from him.

7       Look at those dates. You'll have Mr. Johnson's stuff  
8 and Mr. Gentry's stuff.

9       One thing I want to show you. They keep talking about  
10 the generalization of cell phone records. Let me show you  
11 something real quick here if I can. Ms. wells is going to  
12 put it up. No. 14 again here.

13       Ms. wells, do you have the cell phone stuff?

14       Okay. We have Robert Gentry basically at 8:08 sending  
15 a text message to Tremaine Johnson, the little girl.

16       The very next one Tyrell Johnson is making a call to  
17 Robert Gentry. We have that. 8:24. Well, guess what the  
18 cell tower information shows?

19       Go ahead and show that, Ms. wells.

20       Right there at 8:24. And you'll have that phone call  
21 on there on both of their phones.

22       So they keep saying that this is generalized  
23 information, but the problem is, and you'll look back at  
24 this, Mr. Johnson's interview, he says I didn't go anywhere  
25 except Planet Fitness that morning, which we know he's at

## Closing arguments

1 home that morning. There's no cell phone information. He  
2 might have turned his phone off. We don't know what he  
3 did. He might have went and took a nap. I don't know.

4 But we know that he was at Robert Gentry's house at  
5 8:24. And, like I said, we have the cell phone  
6 information, we have the texts and phone calls and we also  
7 have Gentry's exgirlfriend.

8 The one thing I want you to remember though, you  
9 remember the testimony as you see it, not what everybody  
10 else sees. And one thing I allege to you was that she  
11 didn't see anything. Ms. Wells asked Ms. Alo if they saw  
12 anything. And she couldn't. She was playing with her  
13 little girl in the front yard. Can you imagine? I mean,  
14 when you're taking care of a child you're watching that  
15 child, and I guarantee you she was. She wasn't paying  
16 attention to them. She was paying attention to that child  
17 at the time.

18 And the other thing too in that interview, you  
19 remember Mr. Johnson joking with these two officers. But  
20 when they start asking him questions about what Bree  
21 mother -- Bree's mother just told the Spartanburg County  
22 Sheriff's Department in a missing person's report, his  
23 whole demeanor changed. Go watch it. He doesn't answer  
24 their question. He avoids it.

25 And the one thing the judge will tell you, you get to

## Closing arguments

1 weigh the credibility of the witnesses. You can look at  
2 them. And, like he said, the common sense is the greatest  
3 weapon you bring as jurors. And then when they get through  
4 all of that questioning his attitude changes back. So  
5 watch that video if you would and take a look at it from  
6 there.

7 And one thing, I'm not saying that these two men are  
8 friends. I'm sure they are friends from what Mr. Gentry  
9 did for Mr. Johnson. He gave him the weapon.

10 The only comment I was making was that, obviously,  
11 they didn't have any contact for four months, I mean, four  
12 weeks. Excuse me. From April 5th until that time. And  
13 that's shown by the records, Mr. Gentry's X, Ms. Alo. But  
14 she came across very straightforward. I haven't seen him  
15 since the gender reveal party a year ago. But all of a  
16 sudden he's making contact with him.

17 And they keep talking about cell phones, internet  
18 searches. We don't know what they discussed on the phone.  
19 I can't allege that to you. But they're having a lot of  
20 phone contact about something just outta the blue where  
21 they've never talked to each other.

22 Fingerprints. Mr. Brannon brought up. Well, guess  
23 what creates fingerprints? Your skin cells. So if there's  
24 fingerprints on, the skin cells would be on there, and  
25 there would have been D.N.A. on that shell casing.

## Closing arguments

1           And Ms. Money explained that to you, and there's so  
2 many factors, plus the heat of the bullet. Take care of  
3 that. So I think D.N.A. is a whole lot more sophisticated  
4 than fingerprints from that standpoint.

5           Mr. Johnston told you about Jacob. I submit there's a  
6 huge difference between Jacob's story and Bree's story.  
7 Jacob's never killed anybody. Bree was. She was put in  
8 the lake. And you heard what Dr. Wren said about the  
9 animals and what happened to her face.

10           And the other thing, he made a big deal about  
11 Ms. Littlejohn, her aunt, and Bree's mom, seeing her on  
12 there. Just because she's on the phone doesn't mean she's  
13 doing anything on the phone other than looking, watching,  
14 whatever. That's all they talked about.

15           They talk about two phone calls. Actually, one,  
16 Johnson made the phone, day behind, two days behind his  
17 phone to her. Bree actually unblocks him and calls him  
18 back. So there is two phone calls. And you'll have that  
19 evidence back there.

20           One other thing that I'm glad that was brought up was  
21 the Johnson house. Bree's mother couldn't find her. She  
22 went over to her apartment and couldn't find her or her  
23 car.

24           Later that night she went over to the Johnson house,  
25 and you remember the comment she made. She went up and she

## Closing arguments

1 really didn't know. Used several different names. And you  
2 gotta remember she's going up and she's checking and asking  
3 questions.

4 Remember Sidney Dean mentioned that he was known as  
5 Trey G. So he was known by other names other than  
6 Tremaine. So she's asking questions and everything.

7 His mom don't know about it. She said, well, my  
8 daughter is pregnant and he's the father. She said her  
9 eyes got real big and she was talking her son there and put  
10 him on the phone and he said the same story that he told  
11 these two officers. I haven't see her since May the 8th  
12 and haven't had any contact with her since May the 8th at  
13 10:30 or 11:00 o'clock that night.

14 He starts stuttering when she starts confronting him  
15 and said, no, you had contact with my daughter wednesday  
16 night. She knew the truth. A mother knows the truth.

17 And the thing I don't understand, why is Mr. Gentry  
18 doing all of these searches? He knows how to buy a gun.  
19 He could go right back to Academy Sports and buy a gun. He  
20 knows how. We've got -- and you'll have those documents  
21 back there. I don't know what happened to them. I know  
22 they had them there a minute ago.

23 Here. There's the trace form, and then there are  
24 also -- you'll have the application where he bought the  
25 weapon. So why go through all that maze? I submit to you,

Closing arguments

1 like I said, you have the common sense to look at this  
2 evidence and realize what they've done.

3 One thing they keep talking about circumstantial  
4 evidence and reasonable doubt. One second. I just want to  
5 read my notes and make sure.

6 (Pause.)

7 MR. BARNETTE: One thing and I always -- you know,  
8 when people talk about reasonable doubt and circumstantial  
9 evidence, they keep saying you got to prove beyond a  
10 reasonable doubt. That is a burden.

11 But the one thing that you've got to remember when you  
12 look at this evidence, Mr. Brannon said, well, it's like,  
13 you know, you go in and your wife hold you off. No. You  
14 don't.

15 The judge is going to tell you we don't have to prove  
16 it beyond any doubt. We have to prove beyond a reasonable  
17 doubt that leaves you firmly convinced.

18 And the pieces of evidence are going to show you a  
19 puzzle. That puzzle -- you may not have every piece of it,  
20 but if you have enough pieces of it you can see what that  
21 is.

22 Ladies and gentlemen, you have all of the pieces that  
23 you need. All of the evidence conclusively points to one  
24 conclusion that these two men are responsible for the  
25 death of Bree.

## Closing arguments

1           Mr. Johnson obtained the gun from Mr. Gentry and used  
2 it. He was the first person contacted or tried to contact  
3 after that. And friend's house [inaudible]. And, as he  
4 says, general stuff, all they want he wasn't there at his  
5 house.

6           You have enough pieces. You have enough pieces in  
7 this case. If you're asking us to prove this beyond any  
8 doubt, I can't do that. I don't have a video tape of what  
9 happened out at Duncan Park that night.

10           We have a really good idea because you'll have those  
11 pictures back there. And, like I said, she trusted that  
12 person and went, that she met that night. She knew the  
13 person she met that night. Why would you trust anybody to  
14 go out to Duncan Park that night, just like she trusted him  
15 the night before when she went to her mom's house -- his  
16 mom's house.

17           I could stand here and keep talking to you as much as  
18 I can, but I know you're going to look at the evidence and  
19 I know you're going to weigh it. But, like I said, the  
20 evidence is fully there. There is nothing that does not  
21 point to anything other than the guilt of these two men  
22 committed this horrific crime.

23           Like I said before, I am going to ask you for guilty  
24 verdicts against Mr. Johnson for murder and guilty against  
25 Mr. Gentry before the fact because he knew what he was

Jury charge

1 giving that gun to him for to use. And then guilty after  
2 the fact. And, like I said, you have the one comment. Do  
3 it, Fam. It's been two days ago.

4 They knew what was happening and corresponded.  
5 Mr. Johnson even went to Mr. Gentry's work and asked him  
6 why. I think you know the answer to that. Thank you.  
7 Thank you for your time.

8 Your Honor, do you want me to move that back for you?  
9 (Pause.)

10 THE COURT: Before I provide you with the instruction  
11 I'm going to excuse you to go to your jury room, and the  
12 clerk is going to come and take your lunch orders so that  
13 that can be ordered and prepared while I'm doing the  
14 instruction, and hopefully you'll have it when I get  
15 through.

16 So right now go to your jury room. Don't talk about  
17 the case. I'll bring you back shortly after she takes your  
18 order.

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

21 THE COURT: We'll be at ease for a few minutes while  
22 the clerk takes their lunch orders.

23 (Whereupon, a recess was taken.)

24 THE COURT: Bring the jury in, please.

25 (The following takes place in the presence of the

Jury charge

1 jury.)

2 THE COURT: Ladies and gentlemen, you of course have  
3 heard and seen all of the evidence to be presented. You've  
4 also heard the final summations of the lawyers; and I'm now  
5 going to instruct you on the law that's applicable in the  
6 case. And then you'll be asked to go back and to begin  
7 with your deliberations and through that process examine  
8 the evidence, decide the facts as they relate to the  
9 allegations, apply the law and arrive at a fair and  
10 impartial decision based upon that evidence and the law  
11 that's applicable.

12 It is your exclusive prerogative to determine what the  
13 facts are, and you do that through your own common sense  
14 examination and evaluation of the testimony and evidence  
15 that has been received during the course of this trial.

16 And you 12 jurors alone will decide what weight, value  
17 and effect to give any particular witness' testimony or  
18 other evidence in the case. Your sole objective is to  
19 simply render a fair and impartial decision based upon the  
20 testimony and evidence presented during the trial and the  
21 law that's applicable as I will have provided it to you.

22 Now, in this case, as you know, the state through the  
23 prosecutor by way of these indictments has charged two  
24 separate defendants with three separate and distinct  
25 criminal offenses.

Jury charge

1           One indictment charges Tremaine Pierre Johnson with  
2 the crime of murder. The other two indictments charge  
3 Robert Tyrell Gentry with the crime of accessory before the  
4 fact of murder and accessory after the fact to a felony,  
5 that felony being murder.

6           As I've told you, these indictments are not evidence  
7 of anything. The indictments don't prove anything. They  
8 are simply the means by which a person who is accused of a  
9 crime where the jurisdiction lies in this court is brought  
10 to this court. And the indictments serve to put that  
11 person on notice as to what crime the state claims they  
12 have committed so they can understand that before the case  
13 comes to trial.

14           The indictment charging Mr. Johnson with the crime of  
15 murder alleges that on or about May the 11th of 2018 he did  
16 commit the crime of murder in that he did wilfully and with  
17 malice aforethought kill one Brechue Ferrarri wiles by  
18 shooting her and that she died as a proximate result of  
19 that gunshot wound.

20           As you know, as to that charge and those allegations  
21 he has entered a plea of not guilty.

22           The two additional indictments charge Robert Tyrell  
23 Gentry with the crime of accessory before the fact of  
24 murder, and that indictment alleges that Mr. Gentry did on  
25 or about May the 9th of 2018 here in Spartanburg County aid

Jury charge

1 or otherwise assist the commission of a felony, that felony  
2 being murder, by assisting Tremaine Pierre Johnson knowing  
3 that he was intending to commit the crime of murder.

4 The second indictment charges Robert Tyrell Gentry  
5 with the crime of accessory after the fact to murder, the  
6 state alleging by way of this indictment that Mr. Gentry  
7 did on or about May the 10th of 2018 render assistance to  
8 Mr. Johnson knowing that he had committed the crime of  
9 murder and doing so with the intent of assisting  
10 Mr. Johnson in avoiding the consequences of his crime.

11 As I say, as to those allegations and each of those  
12 charges each of the defendants have entered a plea of not  
13 guilty, and that plea of not guilty has placed upon the  
14 state the burden of proving the allegations made by way of  
15 each of those indictments, the burden of proving each of  
16 the essential elements of the crimes that have been alleged  
17 against these two separate defendants; and therefore the  
18 burden is upon the state to establish a defendant's guilt  
19 to the satisfaction of you 12 jurors beyond a reasonable  
20 doubt before a verdict of guilty could be returned as to  
21 either defendant and as to any of the charges.

22 The burden is never upon a person accused of a crime  
23 to prove that they are not guilty or to prove that they are  
24 innocent because in some cases that might not be possible.

25 The burden is always upon the state because they made

Jury charge

1 the accusation and they brought the charge to establish  
2 that person's guilt beyond a reasonable doubt.

3 It is a vital, important and cardinal rule of law that  
4 every defendant in a criminal trial, no matter how serious  
5 the offense might be for which that person stands charged,  
6 that person shall always be presumed innocent of that  
7 charge, and that presumption of innocence remains with any  
8 defendant, as it does with each of these defendants, from  
9 the time that they are placed under arrest and throughout  
10 the course of the criminal process and even throughout the  
11 course of the actual trial in the case.

12 And as I've told you, that presumption of innocence  
13 will be with each of these defendants even as you go back  
14 into your jury room to begin with your deliberations in  
15 this case, and that presumption of innocence will be with  
16 each of them, and it will be with them forever unless you  
17 12 jurors determine that a defendant is no longer entitled  
18 to that presumption of innocence.

19 In other words, after you have carefully considered  
20 all of the testimony and the evidence received during the  
21 course of the trial and you have been able to determine the  
22 material facts as they relate to the allegations against  
23 each defendant and the charges alleged against each  
24 defendant, and after deciding those facts you apply the law  
25 that I will have provided you, if you 12 jurors unanimously

## Jury charge

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

8       As you know, the state has the burden of proving a  
9 defendant's guilt to your satisfaction beyond a reasonable  
10 doubt. This does not mean however that the state must  
11 prove a defendant's guilt beyond all doubt or beyond any  
12 possible doubt, but it does require that the state prove a  
13 defendant's guilt to your satisfaction beyond a reasonable  
14 doubt.

15       The term reasonable doubt should be given its plain  
16 and ordinary meaning. A reasonable doubt is the kind of  
17 doubt that would cause a reasonable person to hesitate to  
18 act upon the information provided.

19       A defendant in a criminal trial is entitled to any  
20 reasonable doubt that arises from the evidence, or lack of  
21 evidence, in a case, and if upon any factual issue  
22 essential to a finding of a verdict of guilty you have a  
23 reasonable doubt as to how that issue should be resolved,  
24 it would be your duty to resolve that reasonable doubt in  
25 favor of the defendant.

## Jury charge

1           Now, while there are various forms of evidence such as  
2 testimony, photographs, videos, documents, charts and other  
3 types of physical exhibits, there are really only two types  
4 of evidence, and either or both of those types of evidence  
5 may be used independently or in combination in order to  
6 prove a disputed fact. But the two types of evidence are  
7 direct evidence and circumstantial evidence.

8           Direct evidence is the testimony of a person who  
9 testifies from actual knowledge of that fact. It is  
10 testimony by a person who has perceived the existence of  
11 some fact by means of his or her senses, and then that  
12 person comes into court and testifies as to what that  
13 witness has previously seen or heard, or felt for that  
14 matter.

15           Direct evidence proves the existence of a fact  
16 directly, and it does not require any deduction or  
17 inference in order to establish that fact.

18           Circumstantial evidence, on the other hand, is the  
19 proof of some other fact or a set of facts which taken  
20 either singly or collectively may prove the existence of a  
21 fact in question as a necessary consequence, that is by a  
22 deduction or through an inference.

23           An inference is simply a deduction of fact that may  
24 logically and reasonably be drawn from the proof of some  
25 other fact or set of facts.

Jury charge

1           It is a fact not proven by the direct testimony of a  
2 witness based upon that person's personal perception, but  
3 it is a conclusion which might reasonably be drawn from the  
4 proof of other facts.

5           In other words, you may infer that a particular event  
6 occurred or that a particular fact exists based upon the  
7 proof of sufficient factual circumstances which would  
8 reasonably warrant your arriving at a particular  
9 conclusion.

10           The commission of a crime and any particular element  
11 necessary to prove that crime may be proven by direct  
12 evidence or by circumstantial evidence or by a combination  
13 of both direct and circumstantial evidence.

14           The law makes no distinction between the weight or  
15 value to be given to direct or circumstantial evidence,  
16 however to the extent that the state relies upon  
17 circumstantial evidence in order to establish the  
18 commission of a crime, all of the circumstances proven must  
19 be consistent with each other and when taken together point  
20 conclusively to the guilt of the accused beyond a  
21 reasonable doubt.

22           If these circumstances merely portray a defendant's  
23 behavior as suspicious the proof is insufficient and it  
24 fails. The burden rests with the state to prove a  
25 defendant guilty beyond a reasonable doubt regardless of

Jury charge

1 whether the state relies upon direct evidence or  
2 circumstantial evidence or some combination of the two  
3 types of evidence.

4 Proof beyond a reasonable doubt is proof that leaves  
5 you firmly convinced of the defendant's guilt. There are  
6 very few things in the world that we know with absolute  
7 certainty, and in criminal cases the law does not require  
8 proof that overcomes every possible doubt.

9 If, based upon your consideration of the evidence and  
10 in the exercise of good judgment and common sense you are  
11 firmly convinced that a defendant is guilty of a crime for  
12 which that defendant stands charged, then you must find the  
13 defendant guilty of that crime.

14 And if, on the other hand, you think there is a real  
15 possibility that the defendant is not guilty of a crime  
16 with which he is charged, then you must give that defendant  
17 the benefit of that doubt and find him not guilty.

18 Now, as I told you, you are the sole judges of the  
19 facts in this case and you are therefore necessarily the  
20 sole judges of the credibility and the believability of  
21 each witness that has testified during the trial.

22 But there are a number of factors which you should  
23 consider in arriving at your assessment as to a witness'  
24 credibility, and I'm going to list those factors for you.

25 You should consider the demeanor of the witness. That

Jury charge

1 is how the witness appeared to you as the witness testified  
2 from that witness stand. Was the witness straightforward  
3 in responding to questions, or was the witness hesitant or  
4 evasive in responding to questions that were posed of that  
5 witness?

6       Simply put, did the witness appear to you to be  
7 telling the truth and to have knowledge of the facts to  
8 which that witness has testified?

9       You should also consider whether or not the testimony  
10 of a witness is consistent, or is it inconsistent, with  
11 that witness' own testimony provided here during the trial,  
12 or is it consistent or inconsistent with other statements  
13 made by that same witness, whether that be in court or  
14 outside of court.

15       You should also consider whether or not the testimony  
16 of a witness is consistent, or is it inconsistent, with  
17 other testimony or other evidence received during the  
18 course of the trial.

19       You should also consider how the witness came to know  
20 the facts to which that witness has testified. In other  
21 words, what was that particular witness' opportunity and  
22 ability to perceive the existence of those facts to which  
23 that witness has testified by having previously used his or  
24 her senses, and then what is the ability of that witness to  
25 be able to come into court and to accurately recollect to

Jury charge

1 you as to what they have previously perceived.

2 You should also consider any bias or prejudice or  
3 interest that you find a witness might have with respect to  
4 a case.

5 In other words, do you find some reason that a  
6 particular witness would come into court and would testify  
7 one way or another to help or hurt one side or the other,  
8 and you may consider any interest that a witness might have  
9 in the outcome of the case if you determine that a witness  
10 does have such an interest and you find that that interest  
11 would bear upon that particular witness' credibility.

12 You should also consider whether or not the testimony  
13 of a witness is strengthened, or is weakened by other  
14 testimony or other evidence received during the course of  
15 the trial.

16 Also, during the course of this trial there have been  
17 at least two witnesses who were qualified as experts in a  
18 particular field.

19 You have to evaluate expert testimony just as you do  
20 any other testimony received during the trial, and if you  
21 find that a person that was qualified as an expert doesn't  
22 possess the requisite qualifications, education, knowledge  
23 or experience or did not properly consider the facts that  
24 relate to this particular matter, then you can reject that  
25 expert's opinion in its entirety, or you may just accept

Jury charge

1 some portion of it and reject some other portion of it just  
2 as you do with any other witness that testifies during the  
3 trial. So you have to evaluate and judge an expert  
4 witness' opinion testimony just as you do any lay witness'  
5 testimony.

6 And because you are the judges of the facts and are  
7 the judges of the credibility of each witness you are  
8 permitted to believe as much or as little of what a witness  
9 has testified to as you deem is appropriate.

10 So, as I've said, you can believe everything that a  
11 witness testified to. You may choose to believe none of  
12 it. You may believe some portion of a witness' testimony  
13 and reject some other portion of that same witness'  
14 testimony.

15 You could believe one as opposed to several, or  
16 several as opposed to one. But whatever your good judgment  
17 and common sense tells you is the most believable and  
18 credible testimony and evidence is the testimony and  
19 evidence that you should accept, and you should reject any  
20 testimony or other evidence that you find not to be  
21 credible or believable.

22 Again, your sole objective is to simply render a fair  
23 and impartial decision based upon the evidence presented  
24 during the trial and the law that's applicable.

25 The same law that provides that you are the judges of

Jury charge

1 the facts, as I've just described it, also provides that I  
2 am the judge of the law. And that simply means that  
3 nobody's going to tell you how to arrive at your  
4 determination of fact in the case.

5 You do that, as I've already stated, through the  
6 exercise of good judgment and common sense conscientiously  
7 applied to the testimony and evidence received during the  
8 trial.

9 You must however under your oath as a juror accept the  
10 law as I provide it to you as being the law that you are to  
11 apply in the case.

12 In other words, you're not to concern yourself with  
13 what you thought the law was before you came to serve as a  
14 juror this week or what you think the law ought to be.

15 You must under your oath as a juror accept the law as  
16 I provide it to you as being the law that you are to apply  
17 in the case. And then you simply take that law and you  
18 apply it to the facts as you 12 jurors have determined  
19 those facts to be based upon your consideration of all of  
20 the evidence in the case.

21 Now, as you know, there are three separate criminal  
22 charges. Those are murder, accessory before the fact of  
23 murder and accessory after the fact of murder.

24 So I'm going to instruct you as to each of those  
25 separate criminal offenses. In the order I'll instruct

Jury charge

1 them, I'll begin with murder, followed by accessory before  
2 the fact, followed by accessory after the fact.

3 Murder is defined in South Carolina Code Section  
4 16-3-10 as the killing of any person with malice  
5 aforethought, either expressed or implied -- murder is the  
6 killing of any person with malice aforethought either  
7 expressed or implied.

8 In order for you to find the defendant guilty of the  
9 crime of murder it would be necessary that the evidence in  
10 this case has established to your satisfaction beyond a  
11 reasonable doubt that the defendant, Tremaine Pierre  
12 Johnson, did commit some act or acts which proximately  
13 caused the death of Brechue Ferrarri wiles and that that  
14 killing was done with malice aforethought.

15 Malice aforethought is an essential element of the  
16 crime of murder. So what is malice aforethought? Well,  
17 malice as an essential element of the crime of murder is a  
18 state of mind connoting an ill will and having the intent  
19 to do harm.

20 Intent refers to the state of a person's mind which  
21 directs his actions towards a specific object or goal, and  
22 intent would include those consequences which represent the  
23 very purpose for which an act is done, as well as those  
24 consequences which are known to be substantially certain to  
25 result, whether actually intended or not.

Jury charge

1 Malice is a technical term importing wickedness and  
2 excluding just cause or legal excuse. It is something  
3 which springs from depravity, from a heart devoid of social  
4 duty and fatally bent on mischief. It is a state of mind  
5 indicating an extreme disregard for or an extreme  
6 indifference to human life.

7 Malice may be likewise defined as a state of mind  
8 which indicates a formed purpose and design to do a  
9 wrongful act under circumstances that exclude any legal  
10 right to do it.

11 The words expressed or implied malice do not mean  
12 different kinds of malice but merely the manner in which  
13 malice may be shown to have existed, that is to say proof  
14 of malice by direct evidence or by circumstantial evidence  
15 from which you might imply or infer the existence of  
16 malice.

17 Malice may be expressed as where there is an expressed  
18 threat to kill or where there is a lying in wait or where  
19 the circumstances show directly that an intent to kill was  
20 entertained by the killer.

21 Malice may be inferred, though no expressed intent to  
22 kill is proven by direct evidence, where the facts and the  
23 circumstances which have been proven by the evidence in the  
24 case satisfy you beyond a reasonable doubt that malice was  
25 present in the mind of the killer at the time any killing

Jury charge

1 took place.

2       And therefore the existence of malice may be inferred  
3 from any acts, declarations and conduct of the killer, as  
4 well as from any other circumstances shown to have existed  
5 at the time of the event from which you might reasonably  
6 infer the existence of malice as often the state of a  
7 person's mind can only be proven by circumstantial  
8 evidence.

9       The state is required to prove malice, just as it must  
10 prove any other essential element of the crime charged, and  
11 it is for you 12 jurors to determine whether or not the  
12 evidence in this case establishes malice beyond a  
13 reasonable doubt.

14       It's also essential that there exist not only malice  
15 but that that malice be aforethought. The law does not  
16 require that malice must exist for any appreciable length  
17 of time before the commission of an act proximately causing  
18 a fatal result. In fact, it may be conceived at the very  
19 moment that the fatal act is committed.

20       It is sufficient in the law so long as the state has  
21 proven beyond a reasonable doubt both the existence of  
22 malice and the commission of an act or acts by the  
23 defendant which proximately caused the fatal result.

24       You must determine whether or not malice aforethought  
25 existed based upon your consideration of all of the

Jury charge

1 evidence introduced during the trial of this case and any  
2 reasonable inferences that might be derived from that  
3 evidence.

4 while the state must prove beyond a reasonable doubt  
5 that a killing occurred and it was accompanied by the  
6 element of malice aforethought in order to establish the  
7 crime of murder, it is not necessary that the state prove  
8 any motive for the killing, even though there may be  
9 evidence of such introduced during the course of the trial.

10 The next charge that I will address is the charge of  
11 accessory before the fact to murder. That's an indictment  
12 and charge made against Robert Tyrell Gentry.

13 Accessory before the fact to the commission of a  
14 felony is one who provides aid or advises or urges another  
15 in the commission of a felony crime.

16 In order for the defendant, Robert Tyrell Gentry, to  
17 be convicted as an accessory before the fact to the  
18 commission of a felony in this case it must be proven that  
19 the defendant aided the principal felon in the commission  
20 of a felony crime. In this particular case that would  
21 require that Robert Tyrell Gentry be proven to have in some  
22 manner provided aid or assistance to Tremaine Pierre  
23 Johnson in his commission of the crime of murder.

24 Secondly, that Robert Tyrell Gentry was not present at  
25 the time and place that a murder of Brechue Ferrarri wiles

Jury charge

1 was committed by Tremaine Pierre Johnson.

2 And, lastly, it would require proof that Tremaine  
3 Pierre Johnson did, in fact, commit the crime of murder in  
4 the killing of Brechue Ferrarri wiles.

5 And the remaining charge is that of accessory after  
6 the fact to a felony. That's also an indictment which has  
7 been brought against Robert Tyrell Gentry. An accessory  
8 after the fact to the commission of a felony is one who  
9 knows that the principal has committed and completed a  
10 felony offense and he assists the principal felon with the  
11 intention of facilitating his escape from arrest,  
12 conviction or punishment for that crime.

13 In order for the defendant to be found guilty as an  
14 accessory after the fact it must be proven that a felony  
15 has been committed by a perpetrator. In this case that  
16 would require proof that Tremaine Pierre Johnson has  
17 committed the crime of murder.

18 Secondly, it must be proven that the defendant had  
19 knowledge that the perpetrator committed that felony. In  
20 this case that would require proof that Robert Tyrell  
21 Gentry had knowledge of Tremaine Pierre Johnson's  
22 commission of the crime of murder of Brechue Ferrarri  
23 wiles.

24 And, thirdly, the defendant must harbor, aid or assist  
25 the perpetrator for the purpose of assisting the

Jury charge

1 perpetrator in escaping detection, arrest, apprehension or  
2 conviction. And in this case that would require proof that  
3 Robert Tyrell Gentry did aid or assist Tremaine Pierre  
4 Johnson in some manner for the purpose of assisting  
5 Tremaine Pierre Johnson in escaping detection, arrest,  
6 apprehension for or conviction of the murder of Brechue  
7 Ferrarri wiles and it be proven that Tremaine Pierre  
8 Johnson did commit the crime of murder.

9       You are further instructed, and I emphasize to you,  
10 that the fact that a defendant does not take the witness  
11 stand and testify during the trial of a criminal case is  
12 not a circumstance that may be considered by the jury in  
13 any way in your deliberations or in your determination as  
14 to whether or not a defendant has been proven guilty beyond  
15 a reasonable doubt, and you are not to permit such a fact  
16 to weigh in the slightest degree against a defendant.

17       As I've stated, the burden is not upon a person  
18 accused of a crime to prove that they are not guilty or to  
19 prove that they are innocent because in some cases that  
20 might not be possible.

21       The burden is always upon the state to establish a  
22 defendant's guilt beyond a reasonable doubt; and therefore  
23 you are not to draw any inference nor reach any conclusion  
24 from the fact that a defendant does not testify during the  
25 trial of a case, nor may that fact even be discussed by you

Jury charge

1 while you are engaged in your deliberations in this case.

2 Now, Madam Forelady and ladies and gentlemen of the  
3 jury, I am not in any way concerned with what your  
4 decisions are, but the decisions of the jury must be  
5 unanimous. All of you must be in agreement before any  
6 verdict may be rendered and returned to the Court.

7 Madam Forelady, as I told you earlier, when you do go  
8 back all of the evidence will be provided you and your  
9 fellow jurors, but you're also going to have the three  
10 indictments.

11 The indictments, as I say, is not evidence, but the  
12 indictments will be there because they will serve as the  
13 verdict forms.

14 On the back of each indictment in the lower left-hand  
15 corner you're going to be able to read the word verdict,  
16 and it's beneath that word that you're going to indicate  
17 whatever the jury's unanimous decision as to that  
18 particular charge.

19 In the case of the State vs. Tremaine Pierre Johnson,  
20 there's one indictment. That indictment alleges him with  
21 the crime of murder.

22 with respect to that charge and that defendant, you  
23 have two potential verdict forms. Those two potential  
24 verdict forms are guilty and not guilty. So whatever that  
25 decision is, if you'll write it in the space provided,

Jury charge

1 you'll also be signing your name as the foreperson. You're  
2 the only juror that needs to sign the verdict form. And  
3 you'll also insert the appropriate date.

4 And of course you have two remaining indictments.  
5 Each of those indictments charge Robert Tyrell Gentry with  
6 accessory before the fact of murder and accessory after the  
7 fact of murder.

8 And, again, you have two potential verdict forms as to  
9 each of those separate indictments. Those potential  
10 verdict forms are guilty and not guilty. So whatever that  
11 decision is as to each of the separate indictments, you  
12 will insert the jury's decision in the space provided, sign  
13 your name as the foreperson and insert the appropriate  
14 date.

15 And as I stated from the outset, you'll be considering  
16 each of the indictments and each of the defendants  
17 separately and will make your determination based upon the  
18 evidence presented as it relates to each of the separate  
19 charges and each of the separate defendants and the law  
20 that's applicable to those separate charges.

21 Now, during deliberations there may come a time where  
22 you have a question about evidence. You may even ask about  
23 the existence of additional evidence that you might have to  
24 assist you in a resolution of the case.

25 Please understand that the trial as far as the

Jury charge

1 evidence is concerned has concluded. So there will be no  
2 more evidence to be introduced or received, and so don't  
3 ask me about evidence that you think might help you but  
4 it's not been introduced during the trial, because even if  
5 it did exist I couldn't provide it to you because that time  
6 for introducing evidence is closed.

7 If you ever have a question about a witness' testimony  
8 and you think that question can be answered by having that  
9 witness' testimony reheard or replayed, we can do that.  
10 You'll have to come back into the courtroom for that  
11 purpose.

12 I do not have transcripts of the witnesses' testimony,  
13 but if you would like to have a particular witness'  
14 testimony reheard, then we can bring you back into the  
15 courtroom to have that testimony replayed in its entirety,  
16 or just some portion of it if that's all the jury requires.

17 If at any time you have a question about the law  
18 that's applicable, I am always permitted to answer those  
19 questions. And so if you need a complete re-instruction, I  
20 could do that. If you simply need some additional  
21 explanation or clarification of some point of law that I  
22 provided, I'll be happy to provide you with that additional  
23 explanation or clarification.

24 Don't know if we have smokers on the jury, but if we  
25 do, you can smoke, but you can't smoke in the courthouse.

Jury charge

1 You have to go outside for that purpose. So if anybody  
2 needs to smoke, let the bailiff know. They'll take that  
3 person outdoors.

4 Understand, however, that deliberations may only be  
5 engaged in when all 12 jurors are present in the jury room  
6 so that all may participate. So if at any time a juror is  
7 absent for some authorized purpose the deliberations must  
8 stop, and they may only resume when all 12 jurors are  
9 present so that all may participate.

10 Madam Forelady, if at any time during the course of  
11 deliberations you have some question or some matter that  
12 you need to address with me, if you'll write it on a piece  
13 of paper, give it to the bailiff, the bailiff will provide  
14 that to me and I'll respond accordingly.

15 After you and your fellow jurors have reached  
16 decisions in the cases and after you have indicated those  
17 decisions on the back of the indictments and you've signed  
18 the verdict form and placed the date on it, knock on the  
19 jury room door and tell the bailiff that you have reached  
20 your decisions, and then we'll bring you back to receive  
21 those decisions.

22 When that time comes, Madam Forelady, you hold on to  
23 the verdict forms. You don't provide those to the bailiff.  
24 You don't tell them what your decision is.

25 You'll bring these verdict forms with you when you

Jury charge

1 come back to the courtroom with your fellow jurors in order  
2 for us to receive your decisions. And at that time I'll  
3 take the verdict forms from you.

4 The bailiff may pick up the evidence, but the verdict  
5 forms will remain in your possession until you return to  
6 the courtroom for us to receive your decisions.

7 I think that covers everything, but if I have left  
8 something out I'm sure one of these lawyers will remind me  
9 of that fact. And should I need to bring you back for any  
10 reason, I will do so. If I do not need to bring you back  
11 for any reason, I'll simply send word by way of the bailiff  
12 that you may begin with your deliberations.

13 In that event the bailiff will bring to the jury room  
14 all of the exhibits which have been introduced during the  
15 trial.

16 And to you, Madam Forelady, the bailiff will also  
17 provide the indictments which will serve as the verdict  
18 forms.

19 There have been introduced one or more discs and with  
20 evidentiary information. And you'll have a computer to  
21 look at those with. If, for some reason, you can't get it  
22 operational, let me know. We'll assist you with that.

23 So right now I'll ask you to please retire to your  
24 jury room, but not begin deliberations until I send you  
25 word to do so.

Verdict

1 Mr. Loftis, you can just stay here with me.

2 (Whereupon, the jury retired to deliberate at  
3 1:25 p.m.)

4 (Whereupon, the alternate juror was excused.)

5 THE COURT: Are there any exceptions taken to the  
6 instruction or requests for additions to the instruction by  
7 the state?

8 MR. BARNETTE: May we approach for a second, Your  
9 Honor?

10 (Bench conference held off the record.)

11 THE COURT: All right. Any exceptions or requests for  
12 additions by Defendant Johnson?

13 MR. BRANNON: None, Your Honor.

14 THE COURT: By defendant Gentry?

15 MR. JOHNSTON: No, Your Honor.

16 THE COURT: Let me ask y'all to verify the exhibits  
17 before they go back, please.

18 (Pause.)

19 THE COURT: All of the exhibits are accounted for?

20 MR. BARNETTE: Yes, Your Honor.

21 MS. WELLS: Yes, Your Honor.

22 MR. BRANNON: Yes, Your Honor.

23 MR. JOHNSTON: Yes, Your Honor.

24 THE COURT: Send them back and tell the jury to begin  
25 deliberations and notify us when they have concluded.

Verdict

1 we'll be at ease while the jury is deliberating.

2 (Whereupon, the exhibits were submitted to the jury at  
3 1:37 p.m.)

4 (Whereupon, a recess was taken.)

5 THE COURT: All right. I'm told the jury has reached  
6 the decision. Are we ready to receive it?

7 MR. BARNETTE: The state is ready, Your Honor.

8 MR. BRANNON: Yes, Your Honor.

9 MR. JOHNSTON: Yes, Your Honor.

10 THE COURT: All right. Bring them in.

11 (Question from the jury marked Court's Exhibit No. 7.)

12 (Whereupon, the jury returned to the courtroom at  
13 4:25 p.m. to report its verdict.)

14 THE COURT: Madam Forelady, have you and your fellow  
15 jurors reached unanimous decisions on each of the separate  
16 indictments?

17 THE FOREPERSON: Yes, sir, Your Honor.

18 THE COURT: Have you reflected those decision on the  
19 indictments as requested?

20 THE FOREPERSON: Yes, Your Honor.

21 THE COURT: Did you sign your name as the foreperson  
22 on each?

23 THE FOREPERSON: Yes, Your Honor.

24 THE COURT: And date it?

25 THE FOREPERSON: Yes, sir.

Verdict

1 THE COURT: If you will, please hand those up by way  
2 of the bailiff.

3 You may publish the verdicts.

4 THE CLERK: In the State of South Carolina, the County  
5 of Spartanburg, Indictment No. 2019-GS-42-2045, in the  
6 Court of General Sessions, the State vs. Tremaine Pierre  
7 Johnson, indicted for murder, the verdict, guilty. Signed  
8 by the foreperson June 17th of 2021.

9 In the State of South Carolina, County of Spartanburg,  
10 in the Court of General Sessions, Indictment  
11 No. 2019-GS-42-2503, the State of South Carolina vs. Robert  
12 Tyrell Gentry, indictment for accessory before the fact --  
13 fact to felony murder, guilty. Signed by the foreperson  
14 June 17th of 2021.

15 In the State of the South Carolina, in the County of  
16 Spartanburg, Indictment No. 2019-GS-42-2504, the State of  
17 South Carolina vs. Robert Tyrell Gentry, accessory after  
18 the fact to a felony, A, B, C or murder, verdict, guilty.  
19 Signed by the foreperson June 20 -- June 17th of 2021.

20 Ladies and gentlemen of the jury, is this your verdict  
21 and still your verdict? If so, please raise your right  
22 hand.

23 (Whereupon, all jurors responded in the affirmative.)

24 THE COURT: Does either defendant wish to have the  
25 jury polled?

Verdict

1 MR. BRANNON: No, Your Honor.

2 MR. JOHNSTON: Defendant Gentry does.

3 THE COURT: All right. Poll the jury please, ma'am.

4 THE CLERK: Ladies and gentlemen of the jury, at this  
5 time I pose a question, my question being is this your  
6 verdict and still your verdict.

7 When your juror number and name is called, please  
8 stand and respond to the question.

9 Juror No. 113, Rachel Norris?

10 THE JUROR: Yes.

11 THE CLERK: Juror No. 67, Mary Hardy.

12 THE JUROR: Yes.

13 THE CLERK: Juror No. 150, Ronald Smith.

14 THE JUROR: Yes.

15 THE CLERK: Juror No. 53, Ortiz Ferreiro.

16 THE JUROR: Yes.

17 THE CLERK: Juror No. 141, Tamara Scott.

18 THE JUROR: Yes.

19 THE CLERK: Juror No. 92, Amber Lockman.

20 THE JUROR: Yes.

21 THE CLERK: Juror No. 170, Nancy Vaughn.

22 THE JUROR: Yes.

23 THE CLERK: Juror No. 26, Andrew Campbell.

24 THE JUROR: Yes.

25 THE CLERK: Juror No. 163, Kaniyah Thacker.

Verdict

1 THE JUROR: Yes.

2 THE CLERK: Juror No. 159, Madeline Stiles.

3 THE JUROR: Yes.

4 THE CLERK: Juror No. 72, Spicy Holbert.

5 THE JUROR: Yes.

6 THE CLERK: Juror No. 35, Austin Click.

7 THE JUROR: Yes.

8 THE CLERK: So say you all.

9 THE COURT: Are there any other matters to be  
10 addressed with the jury present?

11 MR. BARNETTE: None from the state, Your Honor.

12 MR. BRANNON: No, Your Honor.

13 MR. JOHNSTON: No, sir.

14 THE COURT: All right. Thank you, ladies and  
15 gentlemen, for your participation as jurors this week, and  
16 of course obviously for your participation in the trial of  
17 this particular case.

18 You won't need to call back or come back any further  
19 this week, so I do want to sincerely thank you for your  
20 willingness to serve and for your actual service in the  
21 case.

22 You will be receiving a pay voucher for your service.  
23 It will be mailed to you at the address that appears on  
24 your juror summons unless you've given the clerk a  
25 different or more current address.

Sentence

1           So if the address on your summons is not your current  
2 address and you've not provided that to the clerk, be sure  
3 you do that before you leave so that you can receive your  
4 pay voucher.

5           Also, you will receive a statement indicating you had  
6 jury service for an employer should you need one.

7           So thank you again for your participation. You are  
8 excused with our thanks. And if you'll see the bailiff,  
9 they'll check you out. And if you have any questions, let  
10 the bailiff know. And if you need to talk with me, I'll be  
11 happy to talk with you. Okay. Thank you again.

12           (Whereupon, the trial jury was excused.)

13           MR. BARNETTE: Your Honor, can we have a second with  
14 the family, for a second?

15           (Pause.)

16           THE COURT: Let me see y'all before you do that.

17           (Bench conference held off the record.)

18           MR. BARNETTE: Your Honor, can I step out with them  
19 for just a second?

20           THE COURT: Sure. Yes.

21           (Pause.)

22           THE COURT: All right. Any motions or other matters  
23 to address before the imposition of sentence?

24           MR. BRANNON: No, Your Honor.

25           MR. JOHNSTON: No, sir.

Sentence

1 THE COURT: All right. Would y'all like to be heard?

2 MR. BRANNON: I'm sorry?

3 THE COURT: Would you like to be heard?

4 MR. BRANNON: Your Honor, obviously you know Tremaine  
5 Johnson.

6 He's 27 years of age.

7 Your Honor, he was employed at B.M.W. at the time of  
8 his arrest.

9 He's a single young man. He has no children.

10 Your Honor, he has substantial family in the  
11 Spartanburg area. They've been in the courtroom supporting  
12 him throughout this trial.

13 Your Honor, he knows what the potential sentence is in  
14 this matter, and I would ask you to be lenient as you can.  
15 I would ask that you not impose a life sentence. Thank  
16 you, Your Honor.

17 THE COURT: All right. Mr. Johnson, would you like to  
18 say anything?

19 DEFENDANT JOHNSON: No, sir, Your Honor. Kind of  
20 speaks for itself at this point in time.

21 THE COURT REPORTER: I can't hear him.

22 DEFENDANT JOHNSON: I apologize. I said no, sir, Your  
23 Honor. I am kind of just speechless at this point in time.  
24 No, sir.

25 THE COURT: Okay. Thank you.

Sentence

1 Mr. Johnston.

2 MR. JOHNSTON: May it please the Court, Your Honor.

3 Mr. Gentry is 27 years of age likewise.

4 He's been in jail since the 12th of February of 2019.

5 He's also been down to the Department of Corrections during

6 that period of time due to the other case which I'll

7 mention in a moment. And to the best of my knowledge he's

8 had no disciplinary issues either at Spartanburg County or

9 in the Department of Corrections.

10 He had no prior convictions. He has one prior

11 conviction now of the one that came about as part of the

12 investigation in this case but had nothing to do with the

13 death of Ms. Wiles. Your Honor is familiar with that case.

14 That was the dissemination of child pornography case that

15 this court tried. Other than that he doesn't have any kind

16 of record.

17 He does have a high school diploma. He has a 2-year

18 certificate in automotive technology.

19 At the time of his arrest in this case he was working

20 at Champ Sports. He is single. And he does have a

21 4-year-old daughter.

22 We ask for the mercy of the Court.

23 And his mother would like to briefly address you if

24 you would be so kind.

25 THE COURT: Okay.

Sentence

1 MR. JOHNSTON: where would you like her to stand, Your  
2 Honor?

3 THE COURT: Right there in the middle of the aisle  
4 there.

5 ROBERT TYRELL GENTRY'S MOTHER: Your Honor, I stand  
6 before you as the mother of Tyrell Gentry. He's a good  
7 child. He has one child of his own, 4-year-old daughter.  
8 And I pray that you will be lenient on his sentence. Thank  
9 you.

10 THE COURT: All right. Thank you, ma'am.

11 Mr. Gentry, would you like to add anything?

12 DEFENDANT GENTRY: I'd just like to say to the Court  
13 I'm sorry that this happened. That's it.

14 THE COURT: Okay. Thank you.

15 MR. BRANNON: Excuse me one second, Your Honor.

16 (Pause.)

17 MR. BRANNON: Your Honor, forgive me. When I spoke  
18 with the family my client's sister was not in the  
19 courtroom. She would like to address the Court briefly,  
20 Your Honor.

21 THE COURT: All right.

22 SHERMAINE JOHNSON: I'm sorry. Your Honor, I ask you  
23 to please --

24 THE COURT: First of all, tell me what your name is.

25 SHERMAINE JOHNSON: I'm sorry. My name is Shermaine

Sentence

1 Johnson. I am the oldest sister of Tremaine Pierre

2 Johnson.

3 I ask you to please -- I know what was determined by  
4 the jury, and I understand. I'm just asking you if you can  
5 to be merciful on my brother.

6 He -- I'm sorry. We are very close. We have a very  
7 close family. We were brought up in the church, no matter  
8 what the perception is. And I'm sorry. My -- my nerves  
9 are bad. But I would just ask if you could find it in your  
10 heart to -- to not sentence him to life. I know that he --  
11 I know that he will prove to be an outstanding citizen, as  
12 my family is and has been involved in this community.  
13 That's all. Thank you.

14 THE COURT: Okay. Thank you, ma'am.

15 Anything else?

16 Anything further on behalf of the state?

17 MR. BARNETTE: Thank you, Your Honor.

18 I spoke to the family, and, Your Honor, you know the  
19 case. You've seen the trial. You know the facts. They  
20 just ask for justice in this case for Bree.

21 And I don't know if you want any prior record. I know  
22 you know Mr. Gentry's record. Ms. Wells is the one that  
23 actually prosecuted him on that charge.

24 Mr. Johnson does have a record.

25 THE COURT: Yeah. Tell me the previous history.

Sentence

1 MR. BARNETTE: Your Honor, Mr. Johnson was convicted  
2 M.I.P.P., Your Honor, back in 2011. Discharging a firearm.  
3 Your Honor, he got a Y.O.A. sentence not to exceed five  
4 years and two years probation in 2012.

5 MS. WELLS: Your Honor, Mr. Gentry's actual conviction  
6 is from 2020, and that's for sexual exploitation of a minor  
7 third degree.

8 THE COURT: On Indictment 2019-02045, State vs.  
9 Tremaine Pierre Johnson, an indictment for murder, wherein  
10 you have been found guilty by the jury of that offense, the  
11 Sentence of the Court is you, Tremaine Pierre Johnson, be  
12 confined to the South Carolina Department of Corrections  
13 for the period of your natural life.

14 Indictment 2019-02503, State vs. Robert Tyrell Gentry,  
15 an indictment for accessory before the fact to the  
16 commission of the crime of murder, wherein you have been  
17 found guilty by the jury of that offense, the Sentence of  
18 the Court is you, Robert Tyrell Gentry, be confined to the  
19 South Carolina Department of Corrections for a period of 30  
20 years.

21 Indictment 2019-02504, State vs. Robert Tyrell Gentry,  
22 an indictment for accessory after the fact to the crime of  
23 murder, Sentence of the Court is -- wherein, you have been  
24 found guilty by the jury -- the Sentence of the Court is  
25 you be confined to the South Carolina Department of

1 Corrections for a period of 15 years. Credit for any time  
2 you're entitled to.

3 Now, Mr. Johnson and Mr. Gentry, each of you have a  
4 right to appeal the verdicts of the jury and the Sentences  
5 of the Court. You must file any notice of your intention  
6 to appeal those decisions within ten days of today's date.  
7 Your lawyers will provide you legal guidance in that  
8 regard.

9 Any other matters to address?

10 MR. BARNETTE: None from the state, Your Honor.

11 MR. BRANNON: No, Your Honor.

12 MR. JOHNSTON: No, Your Honor. Thank you.

13 END OF REQUESTED TRANSCRIPT OF RECORD  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

WITNESSES

Spartanburg City Police Department

*Sgt. [Signature]*

ARREST WARRANT NUMBER

2019A4210100598

ACTION OF GRAND JURY

Foreperson of Grand Jury  
Date: *MAY 03 2019*

VERDICT

*Guilty*

*Nancy [Signature]*  
Foreperson of Petit Jury  
Date: *6/17/21*

DOCKET NO. *19-GS-42-2503*  
The State of South Carolina  
County of Spartanburg  
*Barry J. Barnette, Solicitor*

COURT OF GENERAL SESSIONS

MAY 06 2019

TERM

THE STATE  
v.

ROBERT TYRELL GENTRY

Indictment for

ACCESSORY BEFORE  
THE FACT TO FELONY- MURDER  
SC Code: 16-1-0040, 0050  
CDR Code: 002  
Class FEL/F

CLERK OF COURT  
SPARTANBURG COUNTY  
2019 MAY -8 PM 3:19

A CERTIFIED COPY  
*Amy W Cox*  
CLERK OF COURT  
SPARTANBURG COUNTY  
BY: *TSC* D.C.  
DATED *6/23/21*



COUNTY OF SPARTANBURG  
 STATE VS.  
Robert Tyrell Gentry  
 AKA: \_\_\_\_\_  
 Race: BLACK Sex: M Age: \_\_\_\_\_  
 DOB: \_\_\_\_\_ SS#: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: Spartanburg, SC 29306-3026  
 DL#: \_\_\_\_\_ SID#: \_\_\_\_\_  
 \*CDL  CMV  Hazmat

INDICTMENT/CASE#: 2019GS4202503  
 A/W#: 2019A4210100598  
 Date of Offense: 5/9/2018  
 S.C. Code § : 16-01-0040; 16-01-0050  
 CDR Code #: 0002

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Accessory / Accessory-before the fact to a Felony, general provision (violent if violent Felony)

in violation of § 16-01-0040; 16-01-0050 of the S.C. Code of Laws, bearing CDR Code # 0002  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC w/minor 1st or Lewd Act)  §17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (defendant's initials)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

TESTES: BARNETTE, BARRY J SCB13039 SC Bar# \_\_\_\_\_ Defendant Johnston, Andrew J. SCB03064 SC Bar# \_\_\_\_\_ Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 30 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years 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.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.  
 Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_ Obtain GED   
 Set by SCDPPPS Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_ May serve W/E beginning \_\_\_\_\_

*Fine:	\$	
§14-1-206 (Assessments 107.5%)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk T. Camp  
 Court Reporter: Linda Moffatt

SCCA/217 (04/2018)

Random Drug/Alcohol testing   
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
 \$ \_\_\_\_\_ paid to Probation Department  
 Other: SPARTANBURG COUNTY  
 BY: [Signature] D.C.  
 DATED: 6/29/24

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge \_\_\_\_\_  
 Judge Code: \_\_\_\_\_  
 Sentence Date: June 17, 2021

ARREST WARRANT  
**2019A4210100598**  
 STATE OF SOUTH CAROLINA  
 County/  Municipality of  
**Spartanburg**

THE STATE **C18090214**  
 against

**Robert Tyrell Gentry**

Address \_\_\_\_\_

Phone: \_\_\_\_\_ SSN: \_\_\_\_\_

Sex **M** Race: **B** Height: **6** Weight: **210**

DL Style: \_\_\_\_\_ DL #: \_\_\_\_\_

DOB: \_\_\_\_\_ SC0420100

Prosecuting Agency: **Spartanburg Police Department**

Prosecuting Officer: **Christopher E Taylor - S00350**

Offense: **Accessory / Accessory before the fact to a Felony, general provision (violent if violent Felony)**

Offense Code: **0002**

Code/Ordinance Sec: **16-01-0040**

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 **Robert Gentry** on **2-12-19**

Signature of Constable/Deputy Enforcement Officer \_\_\_\_\_

RETURN WARRANT TO:  
 General Sessions  
 180 Magnolia Street  
 P O Box 3483  
 Spartanburg, SC 29304

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA  
 County/  Municipality of  
**Spartanburg** )  
**AFFIDAVIT** )  
 APR 21 2019  
 BCCA 118

Personally appeared before me the affiant **Christopher E Taylor** who being duly sworn deposes and says that defendant **Robert Tyrell Gentry** did within this county and state on or about **5/9/2018** violate the criminal laws of the State of South Carolina (or ordinance of  County/  Municipality of **Spartanburg**) in the following particulars:

DESCRIPTION OF OFFENSE: **Accessory / Accessory before the fact to a Felony, general provision (violent if violent Felony)**

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 May 9, 2018, in the city of Spartanburg, one Robert Tyrell Gentry did commit the crime of Accessory before the fact of murder, a felony by providing a weapon that was used in taking the life of victim, Brechue Wiles. Warrant based upon police investigation. CTC

INTERNAL NOIC

Signature of Affiant \_\_\_\_\_

STATE OF SOUTH CAROLINA  
 County/  Municipality of  
**Spartanburg** )  
 Affiant's Address **145 W. Broad Street**  
**Spartanburg, SC 29306**  
 Affiant's Telephone \_\_\_\_\_  
**SPARTANBURG COUNTY**  
 BY: **186** D.C.

A CERTIFIED COPY  
**Amy W. Cox**  
 CLERK OF COURT  
 SPARTANBURG COUNTY

ARREST WARRANT DATED **6/23/19**

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY: If appearing from the above affidavit that there are reasonable grounds to believe that

on or about **5/9/2018** defendant **Robert Tyrell Gentry** did violate the criminal laws of the State of South Carolina (or ordinance of  County/  Municipality of **Spartanburg**) as set forth below:

DESCRIPTION OF OFFENSE: **Accessory / Accessory before the fact to a Felony, general provision (violent if violent Felony)**

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 **2/12/2019** )  
 Signature of Issuing Judge \_\_\_\_\_ (L.S.) )  
**David James Turner**

Judge's Address **Spartanburg County Judicial Center**  
**Spartanburg, SC 29306-2335**  
 Judge's Telephone **(864)596-2564**

Issuing Court:  Magistrate  Municipal

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

WITNESSES

Spartanburg City Police Department

*S. Duff*

ARREST WARRANT NUMBER

2019A4210100599

ACTION OF GRAND JURY

*[Signature]*  
Foreperson of Grand Jury  
Date: *MAY 06 2019*

VERDICT

*Guilty*

*Nancy Vanden*  
Foreperson of Petit Jury  
Date: *6/17/21*

DOCKET NO.

**19-GS-42-2504**

The State of South Carolina

County of Spartanburg

*Barry J. Barnette, Solicitor*

COURT OF GENERAL SESSIONS

MAY 06 2019

**TERM**

THE STATE

v.

ROBERT TYRELL GENTRY

Indictment for

Accessory After the Fact to a Felony A,  
B, C, or Murder

SC Code: 16-01-0055  
CDR Code: 2413  
Class FEL/D

CLERK  
SPARTANBURG COUNTY  
2019 MAY -8 PM 3:19

A CERTIFIED COPY

*Amy W Cox*  
CLERK OF COURT  
SPARTANBURG COUNTY  
BY: *ASC* D.C.  
DATED *6-23-21*

STATE OF SOUTH CAROLINA )  
                                          )  
COUNTY OF SPARTANBURG )

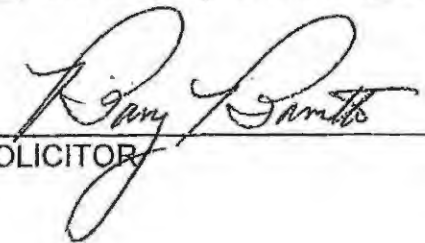
INDICTMENT

At a Court of General Sessions, convened on           MAY 03 2019          , the  
Grand Jurors of Spartanburg County present upon their oath:

**Accessory After the Fact to a Felony A, B, C or Murder**

That the Defendant, Robert Tyrell Gentry, did in the City of Spartanburg located in Spartanburg County on or about May 10, 2018, render assistance to a felon knowing that the felon had committed the felony crime of Murder, with the intent of assisting the felon to avoid the consequence of his crime; in violation of §16-01-0055, *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
SOLICITOR

COUNTY OF SPARTANBURG  
 STATE VS.  
Robert Tyrell Gentry  
 AKA: \_\_\_\_\_  
 Race: BLACK Sex: M Age: \_\_\_\_\_  
 DOB: SS# \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: Spartanburg, SC 29306-3026  
 DL# \_\_\_\_\_ SID#: \_\_\_\_\_

INDICTMENT/CASE#: 2019GS4202504  
 A/W#: 2019A4210100599  
 Date of Offense: 5/10/2018  
 S.C. Code § : 16-01-0055  
 CDR Code #: 2413

**SENTENCE SHEET**

\*CDL  CMV  Hazmat   
 In disposition of the said indictment comes now the Defendant who was  
 TO: Accessory / Accessory after the fact to Felony A, B, C or Murder

CONVICTED OF or  PLEADS

in violation of § 16-01-0055 of the S.C. Code of Laws, bearing CDR Code # 2413  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45  
 w/minor 1st or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (defendant's initials)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

TESTE SCB13039 SCB03064  
BARNETTE, BARRY J SC Bar# Defendant Johnston, Andrew J. SC Bar#  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of 15 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years 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.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic  
 Violence ) to ship, transport, possess, or receive a firearm or ammunition.

**SPECIAL CONDITIONS:**

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

\_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_

Obtain GED   
 Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Set by SCDPPPS \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Recipient: \_\_\_\_\_

Substance Abuse Counseling

\*Fine: \_\_\_\_\_ \$

Random Drug/Alcohol testing

§14-1-206 (Assessments 107.5%) \_\_\_\_\_ \$

Fine may be pd. in equal, consecutive \_\_\_\_\_

§14-1-211(A)(1) (Conv. Surcharge) \$100 \$

pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

§14-1-211(A)(2) (DUI Surcharge) \$100 \$

\$ \_\_\_\_\_ paid to Public Defender Fund

§56-5-2995 (DUI Assessment) \$12 \$

Other: SPARTANBURG COUNTY

§56-1-286 (DUI Breath Test) \$25 \$

BY: SC D.C.

Proviso (Public Def/Probation) \$500 \$

§14-1-212 (Law Enforce. Funding) \$25 \$

§14-1-213 (Drug Court Surcharge) \$150 \$

§50-21-114(BUI Breath Test Fee) \$50 \$

§56-5-2942(I) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$

TOTAL \$ 128.15

DATED 6/23/21

Appointed PD or appointed other counsel,  
 Proviso requires \$500 be paid to Clerk  
 during probation and shall be collected before  
 any other fees.

Clerk of Court/ Deputy Clerk \_\_\_\_\_

Presiding Judge \_\_\_\_\_

Court Reporter: Li Moffitt

Judge Code: \_\_\_\_\_

SCCA/217 (04/2018)

Sentence Date: June 17, 2021

ARREST WARRANT

2019A4210100599

STATE OF SOUTH CAROLINA

County/ Municipality of

Spartanburg

THE STATE against C18050314

Robert Tyrell Gentry

Address: Spartanburg, SC 29306-3026

Phone: SSN: Sex: M Race: B Height: 6 Weight: 210

DL State: DL #: DOB: Agency ORI #: SC0420100

Prosecuting Agency: Spartanburg Police Department

Prosecuting Officer: Christopher E Taylor - S00350

Offense: Accessory / Accessory after the fact to Felony A, B, C or Murder

Offense Code: 2413 Code/Ordinance Sec: 16-01-0055

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 Robert Gentry on 2-12-19

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO: General Sessions 180 Magnolia Street P O Box 3483 Spartanburg, SC 29304

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Spartanburg

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Secretary General Nov. 21, 2003 SCDA 518

Personally appeared before me the affiant Christopher E Taylor who

being duly sworn deposes and says that defendant Robert Tyrell Gentry did within this county and state on or about 5/10/2018 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Spartanburg) in the following particulars:

DESCRIPTION OF OFFENSE: Accessory / Accessory after the fact to Felony A, B, C or Murder

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 May 10, 2018 in the city of Spartanburg, one Robert Tyrell Gentry did render assistance to a felon knowing that the felon had committed the Felony of murder with the intent of assisting the felon to avoid the consequences of his crime. Warrant based upon police investigation. CTC

Signature of Affiant

Signature of Christopher E. Taylor

STATE OF SOUTH CAROLINA

County/ Municipality of

Spartanburg

Affiant's Address 145 W. Broad Street Spartanburg, SC 29306-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/10/2018 defendant Robert Tyrell Gentry did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Spartanburg)

DESCRIPTION OF OFFENSE: Accessory / Accessory after the fact to Felony A, B, C or Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the 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 2/12/2019

(L.S.)

Signature of Issuing Judge David James Turner Judge Code: 5079

Judge's Address Spartanburg County Judicial Center Spartanburg, SC 29306-2335

Judge's Telephone (864)596-2564

Issuing Court: X Magistrate Municipality

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

ORIGINAL

# Spartanburg Police Digital Data C18050314



	From	To	Direction	Subject	Body	Timestamp Time	Timestamp Time	Duration	Size	Deleted	Read Time
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	U make me wanna know more about you	4/5/2018	4/5/18 1:30 PM				
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Wed you can lol We have nothing but time	4/5/2018	4/5/18 1:30 PM				4/5/2018 1:40:45 PM(UTC-4)
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	fr the typo when I'm in I'm in I got you like you got me	4/5/2018	4/5/18 1:42 PM				
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Same here I don't play about what's mine!	4/5/2018	4/5/18 1:49 PM				4/5/2018 2:07:13 PM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Pls I'm ready to settle	4/5/2018	4/5/18 1:50 PM				4/5/2018 2:07:13 PM(UTC-4)
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	Ha... What's one step trait you look for	4/5/2018	4/5/18 2:13 PM				
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Personality and goals	4/5/2018	4/5/18 2:20 PM				4/5/2018 2:47:22 PM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Who?	4/5/2018	4/5/18 2:21 PM				4/5/2018 2:47:22 PM(UTC-4)
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	Goals & communication	4/5/2018	4/5/18 2:50 PM				
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	papo noda	4/5/2018	4/5/18 3:10 PM			Google	
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Yeah definitely communication	4/5/2018	4/5/18 3:49 PM				4/5/2018 4:55:48 PM(UTC-4)
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	practical psychology	4/5/2018	4/5/18 4:23 PM			Google	
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	Was everything good when you went back to work?	4/5/2018	4/5/18 5:01 PM				
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Yeah it was fine	4/5/2018	4/5/18 5:07 PM				4/5/2018 5:09:57 PM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message	I'm just chilling now	4/5/2018	4/5/18 5:07 PM				4/5/2018 5:09:57 PM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message	We not leaving till 6 sunn	4/5/2018	4/5/18 5:07 PM				4/5/2018 5:09:57 PM(UTC-4)
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	I hold you. But true enough what you got planned for the rest of the day	4/5/2018	4/5/18 5:18 PM				
Breche Wiles	+18647645302	+16780772005	Incoming	Message	You lol	4/5/2018	4/5/18 5:19 PM				4/5/2018 7:21:16 PM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message	And nothing much trying to see if I should come on tomorrow	4/5/2018	4/5/18 5:21 PM				4/5/2018 7:21:16 PM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Wyd	4/5/2018	4/5/18 5:15 PM				4/5/2018 7:21:16 PM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message		4/5/2018	4/5/18 7:54 PM	00:10:38	FaceTim	Yes	
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	Liked "You lol"	4/5/2018	4/5/18 8:05 PM				
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	I couldn't hear you what you say	4/5/2018	4/5/18 8:08 PM				
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Can you talk on pippe on line?	4/5/2018	4/5/18 8:08 PM				4/5/2018 8:13:31 PM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Your headphones was going in and out	4/5/2018	4/5/18 8:07 PM				4/5/2018 8:13:31 PM(UTC-4)
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	You but not tonight I gotta get some more headphones they be kipping with cable they work playing music tho	4/5/2018	4/5/18 8:18 PM				
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Oh ok, I know I see what happened to me tho	4/5/2018	4/5/18 8:30 PM				4/5/2018 8:48:30 PM(UTC-4)
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	Smh get you some rest tho	4/5/2018	4/5/18 8:49 PM				
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Oh it was you for our lunch date lol	4/5/2018	4/5/18 8:49 PM				4/5/2018 10:51:51 PM(UTC-4)
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	Oh lol	4/5/2018	4/5/18 11:40 PM				
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	What you want?	4/5/2018	4/5/18 12:23 AM				
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Bacon egg and cheese with a waffle	4/5/2018	4/5/18 12:24 AM				4/5/2018 12:31:15 AM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Biscuit	4/5/2018	4/5/18 12:24 AM				4/5/2018 12:31:15 AM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message	I'm outside	4/5/2018	4/5/18 12:39 AM				4/5/2018 12:42:57 AM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message	I made it home, thank you for the nice late night need	4/5/2018	4/5/18 2:05 AM				4/5/2018 2:13:21 AM(UTC-4)
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	Your eyes tell a lot!	4/5/2018	4/5/18 2:14 AM				
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	But no problems	4/5/2018	4/5/18 2:14 AM				
Breche Wiles	+18647645302	+16780772005	Incoming	Message	How so?	4/5/2018	4/5/18 2:14 AM				4/5/2018 2:16:02 AM(UTC-4)
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	optimistic, ready, pain & a different world	4/5/2018	4/5/18 2:27 AM				
Breche Wiles	+18647645302	+16780772005	Incoming	Message	You on the right track. I been through a lot I just really want someone who will truly love me and understand	4/5/2018	4/5/18 8:23 AM				4/5/2018 3:14:03 PM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message	That's of the be. So I stay away and decided to be by myself until I know someone deserves me	4/5/2018	4/5/18 8:24 AM				4/5/2018 3:14:03 PM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message	I can tell you're shy, you are outgoing but you don't open up a lot. You keep stuff to yourself and not too many people know about you. You're sweet, you want love too, but you also want someone who will understand your dreams and passion and motivate you to be the best!	4/5/2018	4/5/18 8:27 AM				4/5/2018 3:14:03 PM(UTC-4)
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	lma call you back	4/5/2018	4/5/18 2:28 PM				
Breche Wiles	+18647645302	+16780772005	Incoming	Message	DE	4/5/2018	4/5/18 2:33 PM				4/5/2018 4:36:55 PM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message	lma what happened lol call me when you're free	4/5/2018	4/5/18 2:38 PM				4/5/2018 7:35:11 PM(UTC-4)
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	I said I was gonna call you back but wyd	4/5/2018	4/5/18 7:35 PM				
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	You heard Cardi b album?	4/5/2018	4/5/18 8:18 PM				
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Yeah I been listening to it for a few days lol	4/5/2018	4/5/18 8:17 PM				4/5/2018 8:19:55 PM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message	It's	4/5/2018	4/5/18 8:17 PM				4/5/2018 8:19:55 PM(UTC-4)
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	I heard it was I haven't heard it yet gotta listen to it!	4/5/2018	4/5/18 8:20 PM				
Breche Wiles	+18647645302	+16780772005	Incoming	Message	Right now she got Nicki Minaj at the way BEATTI "told who"	4/5/2018	4/5/18 8:27 PM				4/5/2018 8:09:25 PM(UTC-4)
Breche Wiles	+18647645302	+16780772005	Incoming	Message	If you didn't know she trap, now you know I mean her bars are so slick Lol I got meme lines for days	4/5/2018	4/5/18 8:28 PM				4/5/2018 9:06:25 PM(UTC-4)
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	Laughed at "Right now she got Nicki Minaj at the way BEATTI "told who"	4/5/2018	4/5/18 9:08 PM				
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	lma listen to it!	4/5/2018	4/5/18 9:10 PM				
Tremaine Johnson	+16780772005	8647645302	Outgoing	Message	Favorite artist?	4/5/2018	4/5/18 9:10 PM				
Breche Wiles	+18647645302	+16780772005	Incoming	Message	I love R&B so Trey songz, & Weekend, Ella Mai for days but as far as Rap I like Drake, Big Sean, Chazn, Cardi, Remy, NBA etc lol I like em all	4/5/2018	4/5/18 9:12 PM				4/5/2018 9:17:50 PM(UTC-4)





# Spartanburg Police Digital Data C18050314



Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	Loved I made it home *	4/8/2018	4/8/18 7:05 AM	
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	☺ see you soon	4/8/2018	4/8/18 7:08 AM	
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	So far not drinking ill about ok lol	4/8/2018	4/8/18 3:58 PM	4/8/2018 4:54:01 PM(UTC-4)
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	And yes I'll see you soon. How was church?	4/8/2018	4/8/18 3:59 PM	4/8/2018 4:54:01 PM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	When you want a baby? & y	4/8/2018	4/8/18 4:54 PM	
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	Lol	4/8/2018	4/8/18 4:54 PM	
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	That was random question. Unless I really don't want to put a number on it. If it happens then it was meant to be. But I want it to be after marriage	4/8/2018	4/8/18 4:55 PM	4/8/2018 4:55:18 PM(UTC-4)
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	And just cause lol I just feel here with ☺	4/8/2018	4/8/18 4:57 PM	4/8/2018 5:05:06 PM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	Oh I don't want one in and I hear you lol	4/8/2018	4/8/18 5:08 PM	
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	Yeah I feel you. Oh the fun to boss up so my family will be financially happy	4/8/2018	4/8/18 5:12 PM	4/8/2018 5:28:40 PM(UTC-4)
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	My future family that is lol	4/8/2018	4/8/18 5:12 PM	4/8/2018 5:38:40 PM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Internet Search	450 capitol ave sw, atlanta, ga 30312	4/8/2018	4/8/18 5:15 PM	Google
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	You right	4/8/2018	4/8/18 5:39 PM	
Tremaine Johnson	+16786772005	8647545302	Incoming	Internet Search	50 lower albemarle street #22, atlanta, ga 30303	4/8/2018	4/8/18 5:20 PM	Google Yes
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	Did you even sleep?	4/8/2018	4/8/18 6:59 PM	4/8/2018 7:38:54 PM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	Like 4 hours	4/8/2018	4/8/18 6:59 PM	
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	But are u good?	4/8/2018	4/8/18 9:14 PM	4/8/2018 9:21:22 PM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	No	4/8/2018	4/8/18 9:21 PM	
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	Hungry	4/8/2018	4/8/18 9:21 PM	
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	Me too!!! And so how's work	4/8/2018	4/8/18 9:26 PM	4/8/2018 10:15:34 PM(UTC-4)
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	I'm about to eat Chinese	4/8/2018	4/8/18 9:37 PM	4/8/2018 10:15:34 PM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Internet Search	define impress	4/8/2018	4/8/18 9:51 PM	Google
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	It's alright going by quick and you eat Chinese?	4/8/2018	4/8/18 10:16 PM	
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	That's good and yeah I love brown rice and the chicken wog	4/8/2018	4/8/18 10:23 PM	4/8/2018 11:01:14 PM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	It's cats and dogs	4/8/2018	4/8/18 11:21 PM	
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	Ligh	4/8/2018	4/8/18 11:27 PM	4/8/2018 11:52:59 PM(UTC-4)
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	Y everyone says that	4/8/2018	4/8/18 11:38 PM	4/8/2018 11:52:59 PM(UTC-4)
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	I love Japanese though	4/8/2018	4/8/18 11:38 PM	4/8/2018 11:52:59 PM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	Liked "Y everyone says that"	4/8/2018	4/8/18 11:53 PM	
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	Japanese cool	4/8/2018	4/8/18 11:53 PM	
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	I'm not 100% eating healthy either so are you lol	4/8/2018	4/8/18 11:53 PM	
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	Lol what you eat isn't not healthy at all lol	4/8/2018	4/8/18 11:58 PM	4/8/2018 12:01:10 AM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	For the most part I'm good	4/8/2018	4/8/18 12:01 AM	
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	Huh what you talking about lol	4/8/2018	4/8/18 12:02 AM	4/8/2018 12:36:48 AM(UTC-4)
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	Oh lol nevermind same here though lol	4/8/2018	4/8/18 12:06 AM	4/8/2018 12:36:48 AM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	Lol you good?	4/8/2018	4/8/18 12:40 AM	
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	Yeah I'm good	4/8/2018	4/8/18 1:01 AM	4/8/2018 1:18:23 AM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	Watching honey rise up and dance	4/8/2018	4/8/18 1:02 AM	
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	Is it good	4/8/2018	4/8/18 1:18 AM	
Tremaine Johnson	+16786772005	8647545302	Outgoing	Internet Search	waffle house in duncan so	4/8/2018	4/8/18 1:21 AM	Google
Tremaine Johnson	+16786772005	8647545302	Outgoing	Internet Search	champion	4/8/2018	4/8/18 3:48 AM	Google
Tremaine Johnson	+16786772005	8647545302	Outgoing	Internet Search	zuniar	4/8/2018	4/8/18 4:27 AM	Google
Tremaine Johnson	+16786772005	8647545302	Outgoing	Internet Search	lowmy helger	4/8/2018	4/8/18 4:27 AM	Google
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	It was beating awesome	4/8/2018	4/8/18 5:41 AM	4/8/2018 5:45:55 AM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	Just started charging my phone went dead last night	4/8/2018	4/8/18 7:12 AM	
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	It's cool I understand ☺	4/8/2018	4/8/18 7:36 AM	4/8/2018 7:53:20 AM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	☺ do you really?	4/8/2018	4/8/18 7:56 AM	
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	Yeah we can take our time. I know you're 48 minutes lol	4/8/2018	4/8/18 8:12 AM	4/8/2018 12:17:59 PM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	Emphasized "Yeah we can take our time. I know you're 48 minutes lol"	4/8/2018	4/8/18 12:18 PM	
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	How's work	4/8/2018	4/8/18 12:18 PM	
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	It's ok, ready to leave so I can hit the dance studio	4/8/2018	4/8/18 12:28 PM	4/8/2018 1:08:49 PM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	Y'all got something new y'all working on	4/8/2018	4/8/18 1:14 PM	
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	Yeah it's ☺	4/8/2018	4/8/18 1:41 PM	4/8/2018 5:45:32 PM(UTC-4)
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	It's like more today	4/8/2018	4/8/18 1:52 PM	4/8/2018 5:45:32 PM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	Got my footage	4/8/2018	4/8/18 2:25 PM	
Tremaine Johnson	+16786772005	8647545302	Outgoing	Internet Search	One's phone number	4/8/2018	4/8/18 3:37 PM	Google
Brechee Wilcox	+18647545302	+16786772005	Incoming	Message	No not yet still gotta get routine together	4/8/2018	4/8/18 3:46 PM	4/8/2018 5:29:41 PM(UTC-4)
Tremaine Johnson	+16786772005	8647545302	Outgoing	Message	Oh y'all really just started	4/8/2018	4/8/18 3:50 PM	





# Spartanburg Police Digital Data C18050314



Sender	Phone Number	Direction	Message	Date	Time	Source	Response
Brechie Wilco	+18647545302	Incoming	The shape of water.	4/15/2018	4/15/18 8:27 PM		4/15/2018 8:27:47 PM(UTC-4)
Tremaine Johnson	+18786772005	Outgoing	Sound interesting	4/15/2018	4/15/18 5:28 PM		
Brechie Wilco	+18647545302	Incoming	It is what you got planned?	4/15/2018	4/15/18 5:28 PM		4/15/2018 5:55:08 PM(UTC-4)
Tremaine Johnson	+18786772005	Outgoing	what's the word when people throw	4/15/2018	4/15/18 9:20 PM	Google	
Tremaine Johnson	+18786772005	Outgoing	disturbance	4/16/2018	4/16/18 1:07 AM	Google	
Tremaine Johnson	+18786772005	Outgoing	quiescence	4/16/2018	4/16/18 1:10 AM	Google	
Tremaine Johnson	+18786772005	Outgoing	quiescence definition	4/16/2018	4/16/18 1:10 AM	Google	
Tremaine Johnson	+18786772005	Outgoing	pronounce quiescence	4/16/2018	4/16/18 1:10 AM	Google	
Tremaine Johnson	+18786772005	Outgoing	quiescent	4/16/2018	4/16/18 1:27 AM	Google	
Tremaine Johnson	+18786772005	Outgoing	inexplicable	4/16/2018	4/16/18 1:28 AM	Google	
Tremaine Johnson	+18786772005	Outgoing	perplexed	4/16/2018	4/16/18 1:30 AM	Google	
Tremaine Johnson	+18786772005	Outgoing	bewildered	4/16/2018	4/16/18 1:30 AM	Google	
Tremaine Johnson	+18786772005	Outgoing	Just got off my b	4/16/2018	4/16/18 1:53 AM		
Tremaine Johnson	+18786772005	Outgoing	hit block	4/16/2018	4/16/18 12:50 PM	Google	
Tremaine Johnson	+18786772005	Outgoing	eat wax	4/16/2018	4/16/18 7:17 PM	Google	
Tremaine Johnson	+18786772005	Outgoing	wax removal	4/16/2018	4/16/18 7:18 PM	Google	
Brechie Wilco	+18647545302	Incoming	When the last time you got beat. I'm just wondering. Gonna	4/17/2018	4/17/18 4:10 PM		4/17/2018 5:14:10 PM(UTC-4)
Tremaine Johnson	+18786772005	Outgoing	get a check up soon	4/17/2018	4/17/18 5:15 PM		
Brechie Wilco	+18647545302	Incoming	I told you. February & go ahead	4/17/2018	4/17/18 5:18 PM		4/17/2018 5:20:21 PM(UTC-4)
Tremaine Johnson	+18786772005	Outgoing	I forgot. & I am.	4/17/2018	4/17/18 5:20 PM		
Brechie Wilco	+18647545302	Incoming	Why?	4/17/2018	4/17/18 5:31 PM		4/17/2018 8:12:21 PM(UTC-4)
Tremaine Johnson	+18786772005	Outgoing	Just got to work starting	4/17/2018	4/17/18 8:12 PM		
Brechie Wilco	+18647545302	Incoming	You didn't get nothing to eat	4/17/2018	4/17/18 8:30 PM		4/17/2018 8:38:35 PM(UTC-4)
Tremaine Johnson	+18786772005	Outgoing	No time I'm bout to the	4/17/2018	4/17/18 8:38 PM		
Tremaine Johnson	+18786772005	Outgoing	Why?	4/17/2018	4/17/18 8:38 PM		
Brechie Wilco	+18647545302	Incoming	In Galway with my dad side of the family	4/17/2018	4/17/18 8:45 PM		4/17/2018 8:00:34 PM(UTC-4)
Brechie Wilco	+18647545302	Incoming	& ok I remember them days lol	4/17/2018	4/17/18 8:45 PM		4/17/2018 8:00:34 PM(UTC-4)
Tremaine Johnson	+18786772005	Outgoing	What y'all having?	4/17/2018	4/17/18 9:01 PM		
Tremaine Johnson	+18786772005	Outgoing	?	4/17/2018	4/17/18 9:01 PM		
Brechie Wilco	+18647545302	Incoming	Just visiting them. It's been a minute	4/17/2018	4/17/18 9:06 PM		4/17/2018 9:23:38 PM(UTC-4)
Tremaine Johnson	+18786772005	Outgoing	love cozzy like g	4/17/2018	4/17/18 9:47 PM	Google	
Tremaine Johnson	+18786772005	Outgoing	open.spotify.com/album/421ggg3k3pdwba8yowwz7fo=1	4/17/2018	4/17/18 9:47 PM	Google	
Tremaine Johnson	+18786772005	Outgoing	Oh well that's good I know they glad to see you!	4/17/2018	4/17/18 9:48 PM		
Brechie Wilco	+18647545302	Incoming	Yeah lol they have no feelings!	4/17/2018	4/17/18 10:02 PM		4/18/2018 3:32:38 PM(UTC-4)
Brechie Wilco	+18647545302	Incoming	So what you think about Miami?	4/17/2018	4/17/18 10:24 PM		4/18/2018 3:32:38 PM(UTC-4)
Tremaine Johnson	+18786772005	Outgoing	chopsticks	4/18/2018	4/18/18 2:18 PM	Google	
Tremaine Johnson	+18786772005	Outgoing	zuckpit	4/18/2018	4/18/18 2:17 PM	Google	
Tremaine Johnson	+18786772005	Outgoing	Hey my b but nati has posts on this one	4/18/2018	4/18/18 3:33 PM		
Tremaine Johnson	+18786772005	Outgoing	& how is your day going	4/18/2018	4/18/18 3:33 PM		
Tremaine Johnson	+18786772005	Outgoing	write house how me	4/18/2018	4/18/18 3:03 AM	Google	Yes
Brechie Wilco	+18647545302	Incoming	Just got off work	4/18/2018	4/18/18 5:09 AM		4/19/2018 6:17:38 AM(UTC-4)
Brechie Wilco	+18647545302	Incoming	R was lovely	4/18/2018	4/18/18 5:09 AM		4/19/2018 6:17:38 AM(UTC-4)
Brechie Wilco	+18647545302	Incoming	Why?	4/18/2018	4/18/18 6:08 AM		4/19/2018 6:17:38 AM(UTC-4)
Tremaine Johnson	+18786772005	Outgoing	First day? ... & the same about to clock out	4/18/2018	4/18/18 8:18 AM		
Brechie Wilco	+18647545302	Incoming	Yeah, I know you happy. I'm about to fall asleep	4/18/2018	4/18/18 8:18 AM		4/19/2018 6:00:32 AM(UTC-4)
Tremaine Johnson	+18786772005	Outgoing	Ditto safe!	4/18/2018	4/18/18 8:20 AM		
Tremaine Johnson	+18786772005	Outgoing	Oh you made it!	4/19/2018	4/19/18 8:31 AM		
Tremaine Johnson	+18786772005	Outgoing	sternis cargo	4/20/2018	4/20/18 2:16 AM		
Brechie Wilco	+18647545302	Incoming		4/20/2018	4/20/18 3:34 PM	00:19:51	FaceTim Yes
Brechie Wilco	+18647545302	Incoming		4/20/2018	4/20/18 3:52 PM		4/20/2018 4:00:58 PM(UTC-4)
Brechie Wilco	+18647545302	Incoming		4/20/2018	4/20/18 3:52 PM		4/20/2018 4:00:58 PM(UTC-4)
Tremaine Johnson	+18786772005	Outgoing	Love'd an knige	4/20/2018	4/20/18 4:01 PM		
Tremaine Johnson	+18786772005	Outgoing	Do that	4/20/2018	4/20/18 4:01 PM		
Tremaine Johnson	+18786772005	Outgoing		4/20/2018	4/20/18 4:01 PM		
Tremaine Johnson	+18786772005	Outgoing	what do you blend with body fortice isolate protein	4/20/2018	4/20/18 4:12 PM	Google	
Tremaine Johnson	+18786772005	Outgoing	mix with body fortice isolate protein	4/20/2018	4/20/18 4:13 PM	Google	
Tremaine Johnson	+18786772005	Outgoing	canada	4/20/2018	4/20/18 5:14 PM	Google	
Tremaine Johnson	+18786772005	Outgoing	canibal	4/20/2018	4/20/18 5:15 PM	Google	
Tremaine Johnson	+18786772005	Outgoing	Have a good day!	4/20/2018	4/20/18 8:53 PM		

# Spartanburg Police Digital Data C18050314



Name	Phone Number	Direction	Service	Time	Date	Time	Source	Notes
Tremaine Johnson		Internet Search	putting water in your car	4/21/2018	4/21/18 5:37 PM		Google	
Tremaine Johnson		Internet Search	putting water in your car	4/21/2018	4/21/18 5:42 PM		Google	
Tremaine Johnson		Internet Search	how to put water in a 68 pontiac g6	4/21/2018	4/21/18 6:13 PM		Google	
Tremaine Johnson		Internet Search	antifreeze for a 68 pontiac g6	4/21/2018	4/21/18 6:21 PM		Google	
Tremaine Johnson	+10780772005 8647645302	Outgoing Message	Wyd	4/22/2018	4/22/18 12:41 AM			
Breche Wiles	+18647645302 +16786772005	Incoming Message	At work wyd?	4/22/2018	4/22/18 12:41 AM			4/22/2018 12:40:38 AM(UTC-4)
Tremaine Johnson	+16786772005 8647645302	Outgoing Message	How is it going	4/22/2018	4/22/18 12:48 AM			
Breche Wiles	+18647645302 +16786772005	Incoming Message	Going good, quick. How's your evening?	4/22/2018	4/22/18 12:52 AM			4/23/2018 7:18:31 AM(UTC-4)
Tremaine Johnson		Internet Search	unfeomable	4/23/2018	4/23/18 6:51 AM		Google	
Tremaine Johnson		Internet Search	water pump for 2008 pontiac g6	4/23/2018	4/23/18 9:36 AM		Google	
Tremaine Johnson		Internet Search	good year open hours	4/23/2018	4/23/18 9:43 AM		Google	
Tremaine Johnson		Internet Search	cartlando usa	4/23/2018	4/23/18 6:53 PM		Google	Yes
Tremaine Johnson	+10786772005 8647645302	Outgoing Message	Get up!	4/24/2018	4/24/18 11:00 AM			
Tremaine Johnson	+10786772005 8647645302	Outgoing Message	http://icon2.coastdrive.com/video/love-loyalty?vidget=1	4/24/2018	4/24/18 11:05 AM			
Breche Wiles	+18647645302 +16786772005	Incoming Message		4/24/2018	4/24/18 11:57 AM			4/24/2018 12:43:22 PM(UTC-4)
Tremaine Johnson	+10786772005 8647645302	Outgoing Message	Loved an image	4/24/2018	4/24/18 12:43 PM			
Tremaine Johnson	+10786772005 8647645302	Outgoing Message	I	4/24/2018	4/24/18 12:44 PM			
Tremaine Johnson	+10786772005 8647645302	Outgoing Message	Pop etc!	4/24/2018	4/24/18 12:44 PM			
Breche Wiles	+18647645302 +16786772005	Incoming Message	Yeah!!! Lol lol	4/24/2018	4/24/18 4:03 PM			4/24/2018 9:52:52 PM(UTC-4)
Tremaine Johnson	+16786772005 8647645302	Outgoing Message	Lol lol	4/24/2018	4/24/18 6:53 PM			
Tremaine Johnson		Internet Search	hop near me	4/24/2018	4/24/18 11:30 PM		Google	Yes
Tremaine Johnson		Internet Search	denys near me	4/24/2018	4/24/18 11:31 PM		Google	
Tremaine Johnson		Internet Search	how long is the city dubai been around	4/25/2018	4/25/18 9:23 AM		Google	
Tremaine Johnson		Internet Search	is dubai a country	4/25/2018	4/25/18 6:23 AM		Google	
Tremaine Johnson		Internet Search	dz	4/25/2018	4/25/18 3:44 PM		Google	Yes
Tremaine Johnson		Internet Search	hop near me	4/25/2018	4/25/18 6:33 AM		Google	
Tremaine Johnson	+10786772005 8647645302	Outgoing Message	Hey if you aren't already went to sleep don't wait up I just get out the shower get to get try of change this morning	4/26/2018	4/26/18 7:21 AM			
Breche Wiles	+18647645302 +16786772005	Incoming Phone Call		4/27/2018	4/27/18 8:37 AM	00:00:00	Yes	
Tremaine Johnson	+16786772005 8647645302	Outgoing Message	One sec ima call you	4/27/2018	4/27/18 8:01 PM			
Breche Wiles	+18647645302 +16786772005	Incoming Message	Ok	4/27/2018	4/27/18 8:16 PM			4/27/2018 8:58:51 PM(UTC-4)
Tremaine Johnson	+10786772005 8647645302	Outgoing Message	https://www.apple.com/itunes/movies/187493472?i=137493480&w=16	4/27/2018	4/27/18 8:50 PM			
Tremaine Johnson		Internet Search	waffle house near me	4/27/2018	4/27/18 8:53 PM		Google	Yes
Tremaine Johnson	+10786772005 8647645302	Outgoing Message	What you was saying on the phone	4/27/2018	4/27/18 10:38 PM			
Tremaine Johnson	+16786772005 8647645302	Outgoing Message	You off tonight?	4/27/2018	4/27/18 10:39 PM			
Breche Wiles	+18647645302 +16786772005	Incoming Message	Yeah I'm off	4/27/2018	4/27/18 10:39 PM			4/27/2018 10:43:50 PM(UTC-4)
Tremaine Johnson	+10786772005 8647645302	Outgoing Message	Wyd	4/27/2018	4/27/18 10:43 PM			
Breche Wiles	+18647645302 +10786772005	Incoming Message	At the movie	4/27/2018	4/27/18 10:48 PM			4/27/2018 10:48:17 PM(UTC-4)
Tremaine Johnson	+10786772005 8647645302	Outgoing Message	What you watching	4/27/2018	4/27/18 10:48 PM			
Tremaine Johnson		Internet Search	mlb scores yesterday	4/28/2018	4/28/18 1:34 AM		Google	
Breche Wiles	+18647645302 +10786772005	Incoming Message	I want to go see finally west	4/28/2018	4/28/18 2:06 AM			4/28/2018 6:18:24 PM(UTC-4)
Breche Wiles	+18647645302 +16786772005	Incoming Phone Call		4/28/2018	4/28/18 2:08 AM	00:20:08	Yes	
Breche Wiles	+18647645302 +16786772005	Incoming Phone Call		4/28/2018	4/28/18 2:29 PM	00:17:53	Yes	
Tremaine Johnson		Internet Search	ngc theater	4/28/2018	4/28/18 3:12 PM		Google	
Tremaine Johnson		Internet Search	mlb scores	4/28/2018	4/28/18 9:27 PM		Google	
Tremaine Johnson	+10786772005 8647645302	Outgoing Message	Wyd	4/29/2018	4/29/18 10:20 PM			
Breche Wiles	+18647645302 +10786772005	Incoming Message	At work wyd?	4/29/2018	4/29/18 11:01 PM			4/29/2018 11:13:26 PM(UTC-4)
Tremaine Johnson	+10786772005 8647645302	Outgoing Message	About to smoke and you suck	4/29/2018	4/29/18 11:14 PM			
Breche Wiles	+18647645302 +10786772005	Incoming Message	Why I suck? And sounds like	4/29/2018	4/29/18 11:15 PM			4/29/2018 11:16:51 PM(UTC-4)
Tremaine Johnson	+10786772005 8647645302	Outgoing Message	Cause we coulda been kickin it	4/29/2018	4/29/18 11:20 PM			
Breche Wiles	+18647645302 +10786772005	Incoming Message	You told me you had to work and I get off in 2 hours	4/29/2018	4/29/18 11:38 PM			4/29/2018 12:04:43 AM(UTC-4)
Breche Wiles	+18647645302 +10786772005	Incoming Phone Call		4/29/2018	4/29/18 1:17 AM	00:00:00	Yes	
Breche Wiles	+18647645302 +10786772005	Incoming Message	Wyd?	4/29/2018	4/29/18 1:17 AM			4/29/2018 1:45:15 AM(UTC-4)
Tremaine Johnson	+10786772005 8647645302	Outgoing Message	You home?	4/29/2018	4/29/18 1:45 AM			
Breche Wiles	+18647645302 +10786772005	Incoming Message	Yeah I'm home	4/29/2018	4/29/18 1:50 AM			4/29/2018 2:05:26 AM(UTC-4)
Tremaine Johnson	+10786772005 8647645302	Outgoing Message	What's up	4/29/2018	4/29/18 4:48 PM			
Tremaine Johnson	+10786772005 18647645302	Outgoing Phone Call		4/30/2018	4/30/18 9:14 PM	00:08:21	Yes	
Tremaine Johnson		Internet Search	drce	4/30/2018	4/30/18 1:16 AM		Google	
Tremaine Johnson		Internet Search	define drink	4/30/2018	4/30/18 1:17 AM		Google	
Tremaine Johnson		Internet Search	how often do females have periods	4/30/2018	4/30/18 8:54 AM		Google	Yes

# Spartanburg Police Digital Data C18050314



Sender	Receiver	Time	Content	Time	Time	App	
Tremaine Johnson			Internet Search	evolving	4/30/2018	4/30/18 8:55 AM	Google
Tremaine Johnson	+18780772005 8647645302	Outgoing	Message	Emphasized "What's up"	4/30/2018	4/30/18 9:02 AM	
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Nothing up eating	4/30/2018	4/30/18 9:22 AM	4/30/2018 9:23:21 AM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Been up all night	4/30/2018	4/30/18 9:22 AM	4/30/2018 9:23:21 AM(UTC-4)
Tremaine Johnson	+18780772005 8647645302	Outgoing	Message	Talk to me	4/30/2018	4/30/18 9:23 AM	
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	I don't really have time to say, I'm just relaxing and eating my cookies 🍪	4/30/2018	4/30/18 9:25 AM	4/30/2018 9:28:34 AM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	You have something to say?	4/30/2018	4/30/18 9:25 AM	4/30/2018 9:28:34 AM(UTC-4)
Tremaine Johnson	+16780772005 8647645302	Outgoing	Message	So you was just being me you been up all night?	4/30/2018	4/30/18 9:27 AM	
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Yeah I can't sleep 😩	4/30/2018	4/30/18 9:27 AM	4/30/2018 9:28:11 AM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Idly	4/30/2018	4/30/18 9:27 AM	4/30/2018 9:28:11 AM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	I'm not overthinking either	4/30/2018	4/30/18 9:28 AM	
Tremaine Johnson	+16780772005 8647645302	Outgoing	Message	What do you know	4/30/2018	4/30/18 9:28 AM	
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	What you mean?	4/30/2018	4/30/18 9:28 AM	4/30/2018 9:30:03 AM(UTC-4)
Tremaine Johnson	+16780772005 8647645302	Outgoing	Message	Emphasized "fcky"	4/30/2018	4/30/18 9:30 AM	
Tremaine Johnson	+16780772005 8647645302	Outgoing	Message	Just a question I was 🤔	4/30/2018	4/30/18 9:30 AM	
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Well right now I know that I feel alright and cramping here and there but it's not horrible	4/30/2018	4/30/18 9:31 AM	4/30/2018 9:36:57 AM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	When you doing up so early?	4/30/2018	4/30/18 9:33 AM	4/30/2018 9:36:57 AM(UTC-4)
Tremaine Johnson	+16780772005 8647645302	Outgoing	Message	Cleaning my car	4/30/2018	4/30/18 9:40 AM	
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Does it feel pretty good outside?	4/30/2018	4/30/18 9:40 AM	4/30/2018 9:40:43 AM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	I'm wearing your jacket today	4/30/2018	4/30/18 9:40 AM	4/30/2018 9:41:30 AM(UTC-4)
Tremaine Johnson	+16780772005 8647645302	Outgoing	Message	It does and I'm coming to get it today	4/30/2018	4/30/18 9:42 AM	
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	You would say that when I want to wear it. Can you get me some cucumbers and vinegar	4/30/2018	4/30/18 9:43 AM	4/30/2018 9:44:01 AM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	I just need 3 and buy small jar of vinegar	4/30/2018	4/30/18 9:43 AM	4/30/2018 9:44:01 AM(UTC-4)
Tremaine Johnson	+16780772005 8647645302	Outgoing	Message	👌	4/30/2018	4/30/18 9:45 AM	
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Don't look amazed 😊😁😁	4/30/2018	4/30/18 9:45 AM	4/30/2018 9:48:14 AM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Why you make that look? 🤔	4/30/2018	4/30/18 9:48 AM	4/30/2018 9:50:14 AM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	🤔	4/30/2018	4/30/18 9:49 AM	4/30/2018 9:57:49 AM(UTC-4)
Tremaine Johnson	+16780772005 8647645302	Outgoing	Message	You home?	4/30/2018	4/30/18 10:01 AM	
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	No not right now	4/30/2018	4/30/18 10:01 AM	4/30/2018 10:01:48 AM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	I'll be there in stable	4/30/2018	4/30/18 10:01 AM	
Tremaine Johnson	+16780772005 8647645302	Outgoing	Message	Alright	4/30/2018	4/30/18 10:02 AM	
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	My phone is off	4/30/2018	4/30/18 10:04 AM	4/30/2018 10:05:48 AM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	I expect to pay bill	4/30/2018	4/30/18 10:04 AM	4/30/2018 10:05:48 AM(UTC-4)
Tremaine Johnson	+16780772005 8647645302	Outgoing	Message	Smh hit me when you get to the sub	4/30/2018	4/30/18 10:07 AM	
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Liked "Smh hit me when you get to the sub"	4/30/2018	4/30/18 10:08 AM	4/30/2018 11:00:15 AM(UTC-4)
Brechee Wiles	18647645302	Incoming			4/30/2018	4/30/18 10:22 AM	00:00:23 FaceTm Yes
Brechee Wiles	18647645302	Incoming			4/30/2018	4/30/18 10:23 AM	00:00:08 FaceTm Yes
Tremaine Johnson	+16780772005 18647645302	Outgoing	Phone Call		4/30/2018	4/30/18 10:23 AM	00:00:00 Yes
Tremaine Johnson			Internet Search	sordander usa	4/30/2018	4/30/18 12:17 PM	Google
Tremaine Johnson			Internet Search	stomp	4/30/2018	4/30/18 1:00 PM	Google
Tremaine Johnson			Internet Search	stomp	4/30/2018	4/30/18 1:50 PM	Google
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	I made it home. Hay wdy?	4/30/2018	4/30/18 3:41 PM	4/30/2018 3:45:58 PM(UTC-4)
Tremaine Johnson	+16780772005 8647645302	Outgoing	Message	Waiting	4/30/2018	4/30/18 3:47 PM	
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Why you go in so early?	4/30/2018	4/30/18 3:50 PM	4/30/2018 3:57:01 PM(UTC-4)
Tremaine Johnson	+16780772005 8647645302	Outgoing	Message	Just because wanted to get it out the way you off?	4/30/2018	4/30/18 3:57 PM	
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Yeah I'm off.	4/30/2018	4/30/18 3:58 PM	4/30/2018 4:11:51 PM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	And oh I feel you	4/30/2018	4/30/18 3:58 PM	4/30/2018 4:11:51 PM(UTC-4)
Brechee Wiles	18647645302	Incoming			4/30/2018	4/30/18 4:05 PM	00:00:00 FaceTm Yes
Tremaine Johnson	+16780772005 8647645302	Outgoing	Message	Wyd today	4/30/2018	4/30/18 4:12 PM	
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Spending time with my mom we going shopping	4/30/2018	4/30/18 4:43 PM	4/30/2018 4:47:11 PM(UTC-4)
Tremaine Johnson	+16780772005 8647645302	Outgoing	Message	Big money what y'all shopping for	4/30/2018	4/30/18 4:47 PM	
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Clothes	4/30/2018	4/30/18 5:09 PM	4/30/2018 5:17:04 PM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Idk lol my ma is going everywhere	4/30/2018	4/30/18 5:10 PM	4/30/2018 5:17:04 PM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message		4/30/2018	4/30/18 5:38 PM	4/30/2018 5:43:28 PM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message		4/30/2018	4/30/18 5:38 PM	4/30/2018 5:43:28 PM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	I don't like the 2nd pic	4/30/2018	4/30/18 5:38 PM	4/30/2018 5:43:28 PM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Wyd?	4/30/2018	4/30/18 8:31 PM	4/30/2018 11:23:32 PM(UTC-4)
Brechee Wiles	+18647645302 +16780772005	Incoming	Message	Man y'all yo coming to club Saturday I'm trying to be there!	5/1/2018	5/1/18 12:02 AM	5/1/2018 2:04:17 AM(UTC-4)
Tremaine Johnson	+16780772005 8647645302	Outgoing	Message	You should go!	5/1/2018	5/1/18 2:08 AM	

# Spartanburg Police Digital Data C18050314



Phone Number	Direction	Message/Action	Date	Time	Time (UTC-4)	Other Info
Brechee Wiles +18647545302 +16780772005	Incoming	Message I can't don't have nobody to go with me	5/1/2018	5/1/18 3:20 AM	5/1/2018 5:06:43 AM(UTC-4)	
Tremaine Johnson +16780772005 8647645302	Outgoing	Message I know you got somebody	5/1/2018	5/1/18 5:07 AM		
Brechee Wiles +18647545302 +10780772005	Incoming	Message No I don't unfortunately	5/1/2018	5/1/18 5:09 AM	5/1/2018 5:10:37 AM(UTC-4)	
Tremaine Johnson +10780772005 8647645302	Outgoing	Message Oh @ BFD	5/1/2018	5/1/18 5:10 AM		
Brechee Wiles +18647545302 +10780772005	Incoming	Message So I calculated my period	5/1/2018	5/1/18 5:11 AM	5/1/2018 5:13:52 AM(UTC-4)	
Brechee Wiles +18647545302 +10780772005	Incoming	Message	5/1/2018	5/1/18 5:11 AM	5/1/2018 5:13:52 AM(UTC-4)	
Tremaine Johnson +10780772005 8647545302	Outgoing	Message	5/1/2018	5/1/18 5:15 AM		
Brechee Wiles +18647545302 +10780772005	Incoming	Message I haven't came on my period whole month	5/1/2018	5/1/18 5:15 AM	5/1/2018 5:18:14 AM(UTC-4)	
Brechee Wiles +18647545302 +10780772005	Incoming	Message I know I'm thinking hard too	5/1/2018	5/1/18 5:16 AM	5/1/2018 5:18:14 AM(UTC-4)	
Tremaine Johnson +10780772005 8647545302	Outgoing	Message Sooo ?	5/1/2018	5/1/18 5:19 AM		
Brechee Wiles +18647545302 +10780772005	Incoming	Message So I guess I'll wait till Thursday and take 1	5/1/2018	5/1/18 5:20 AM	5/1/2018 5:25:22 AM(UTC-4)	
Tremaine Johnson +10780772005 8647645302	Outgoing	Message You really can't forswear	5/1/2018	5/1/18 5:34 AM		
Brechee Wiles +18647545302	Incoming	Message	5/1/2018	5/1/18 10:33 AM	00:00:35 FaceTim	Yes
Tremaine Johnson +18647645302	Outgoing	Message	5/1/2018	5/1/18 11:42 AM	00:00:00 FaceTim	Yes
Tremaine Johnson +18647645302 +10780772005	Incoming	Message different types of vegetables	5/1/2018	5/1/18 12:12 PM	Google	
Brechee Wiles +18647645302 +10780772005	Incoming	Message So I'm leaving you're taking forever	5/1/2018	5/1/18 12:13 PM		5/1/2018 12:14:36 PM(UTC-4)
Tremaine Johnson +16780772005 8647545302	Outgoing	Message different types of vegans	5/1/2018	5/1/18 12:13 PM	Google	
Tremaine Johnson +16780772005 8647545302	Outgoing	Message I was there knocked on the door and called two times	5/1/2018	5/1/18 12:14 PM		
Tremaine Johnson +16780772005 8647545302	Outgoing	Message vegetaten	5/1/2018	5/1/18 12:34 PM	Google	
Tremaine Johnson +16780772005 8647545302	Outgoing	Message vegans	5/1/2018	5/1/18 12:34 PM	Google	
Brechee Wiles +18647645302	Incoming	Message	5/1/2018	5/1/18 10:18 PM	00:00:00 FaceTim	Yes
Brechee Wiles +18647645302 +10780772005	Incoming	Message Hey, I don't like how you been acting towards me. I didn't do anything wrong, & I just feel since you treat me like a random chick I don't feel a need for us to talk anymore	5/1/2018	5/1/18 10:19 PM		5/1/2018 10:25:34 PM(UTC-4)
Brechee Wiles +18647645302 +10780772005	Incoming	Message You probably don't care but I actually care about you but I'm not about to sit here and be disrespectful or ignored because we both made a decision	5/1/2018	5/1/18 10:19 PM		5/1/2018 10:28:34 PM(UTC-4)
Tremaine Johnson +16780772005 8647645302	Outgoing	Message How I'm treating you as such ?	5/1/2018	5/1/18 10:29 PM		
Brechee Wiles +18647645302 +10780772005	Incoming	Message By your actions. Your actions making me feel unwanted and uncared for	5/1/2018	5/1/18 10:44 PM		5/1/2018 11:01:55 PM(UTC-4)
Tremaine Johnson +10780772005 8647545302	Outgoing	Message Smh how I'm treating you like a random B	5/1/2018	5/1/18 11:00 PM		
Brechee Wiles +18647645302 +10780772005	Incoming	Message You're a good talker with no game. You only waste time for who you want & I'm definitely not that person. I understand you both busy and everything but I'm not gonna sit here and let you ignore me like that	5/1/2018	5/1/18 11:45 PM		5/2/2018 2:09:54 AM(UTC-4)
Tremaine Johnson +10780772005 8647645302	Outgoing	Message I'll talk to you toby when I get my stuff	5/2/2018	5/2/18 2:12 AM		
Brechee Wiles +18647545302 +10780772005	Incoming	Message Yeah ok	5/2/2018	5/2/18 5:58 AM		5/2/2018 6:31:08 AM(UTC-4)
Tremaine Johnson +10780772005 8647645302	Outgoing	Message Wdy this morning ?	5/2/2018	5/2/18 6:31 AM		
Brechee Wiles +18647645302 +10780772005	Incoming	Phone Call	5/2/2018	5/2/18 7:16 AM	00:02:48	Yes
Tremaine Johnson +10780772005 18647545302	Outgoing	Phone Call	5/2/2018	5/2/18 8:37 AM	00:00:45	Yes
Tremaine Johnson +10780772005 8647645302	Incoming	Message abortion clinic	5/2/2018	5/2/18 12:30 PM	Google	
Brechee Wiles +18647645302 +10780772005	Incoming	Phone Call	5/2/2018	5/2/18 3:06 PM	00:00:12	Yes
Tremaine Johnson +10780772005 8647545302	Outgoing	Message Why	5/2/2018	5/2/18 9:45 PM		
Brechee Wiles +18647645302 +10780772005	Incoming	Message Only to the house	5/2/2018	5/2/18 9:45 PM		5/2/2018 9:52:37 PM(UTC-4)
Brechee Wiles +18647645302 +10780772005	Incoming	Message Where you at?	5/2/2018	5/2/18 9:48 PM		
Brechee Wiles +18647645302 +10780772005	Incoming	Message Yeah	5/2/2018	5/2/18 9:47 PM		5/2/2018 9:51:10 PM(UTC-4)
Tremaine Johnson +10780772005 8647645302	Outgoing	Message You by yourself	5/2/2018	5/2/18 9:48 PM		
Brechee Wiles +18647645302 +10780772005	Incoming	Message What if your me aborted you?	5/2/2018	5/2/18 10:00 PM		5/2/2018 10:07:10 PM(UTC-4)
Tremaine Johnson +10780772005 8647545302	Outgoing	Message I just wouldn't have been here	5/2/2018	5/2/18 10:07 PM		
Brechee Wiles +18647645302 +10780772005	Incoming	Message Ugh smh there's no talking to you	5/2/2018	5/2/18 11:00 PM		5/2/2018 11:05:20 PM(UTC-4)
Tremaine Johnson +10780772005 8647645302	Outgoing	Message Is the poisonous in a granddaddy long leg	5/2/2018	5/2/18 11:02 PM	Google	
Tremaine Johnson +10780772005 8647645302	Outgoing	Message That's the truth, & no it's you smh	5/2/2018	5/2/18 11:06 PM		
Tremaine Johnson +10780772005 8647645302	Outgoing	Message what can you take to get rid of a baby in your stomach	5/2/2018	5/2/18 5:06 AM	Google	
Tremaine Johnson +10780772005 8647645302	Outgoing	Message mifepristone	5/2/2018	5/2/18 5:09 AM	Google	
Tremaine Johnson +10780772005 8647645302	Outgoing	Message mifepristone	5/2/2018	5/2/18 5:13 AM	Google	
Tremaine Johnson +10780772005 8647645302	Outgoing	Message mifepristone pill	5/2/2018	5/2/18 5:14 AM	Google	
Tremaine Johnson +10780772005 8647645302	Outgoing	Message mifepristone pill for sale	5/2/2018	5/2/18 5:14 AM	Google	
Tremaine Johnson +10780772005 8647645302	Outgoing	Message okay	5/2/2018	5/2/18 5:14 AM	Google	
Tremaine Johnson +10780772005 8647645302	Outgoing	Message mifepristone (mifepistone)	5/2/2018	5/2/18 5:15 AM	Google	
Tremaine Johnson +10780772005 8647645302	Outgoing	Message mifepristone online	5/2/2018	5/2/18 5:23 AM	Google	
Tremaine Johnson +10780772005 8647645302	Outgoing	Message emphytic	5/2/2018	5/2/18 6:33 AM	Google	
Tremaine Johnson +10780772005 8647645302	Outgoing	Message infatuated	5/2/2018	5/2/18 6:34 AM	Google	
Tremaine Johnson +10780772005 8647645302	Outgoing	Message factuale	5/2/2018	5/2/18 6:35 AM	Google	Yes
Brechee Wiles +18647645302 +10780772005	Incoming	Message	5/2/2018	5/2/18 9:21 AM	00:00:00	Yes
Brechee Wiles +18647645302 +10780772005	Incoming	Message Wait just to give you info I am a month & 1 week. The baby due date is Oct or before or after Jan 6th. Just feel like you needed to know even if you don't care right now. Have a blessed day.	5/2/2018	5/2/18 11:43 AM		5/2/2018 11:47:55 AM(UTC-4)

# Spartanburg Police Digital Data C18050314



Sender	Receiver	Message	Date	Time	Platform	Other
Tremaine Johnson		Internet	5/3/2018	5/3/18 6:54 PM	Google	
Tremaine Johnson		Internet Search	5/3/2018	5/3/18 8:54 PM	Google	
Tremaine Johnson		Internet Search	5/3/2018	5/3/18 8:58 PM	Google	
Tremaine Johnson		Internet Search	5/3/2018	5/3/18 9:00 PM	Google	
Tremaine Johnson	+16786772005 8647545302	Outgoing Message	5/3/2018	5/3/18 9:38 PM		
Tremaine Johnson	+16047545302 +16786772005	Incoming Message	5/3/2018	5/3/18 9:53 PM		
Brechea Wiley	+16047545302 +16786772005	Incoming Message	5/3/2018	5/3/18 9:58 PM		5/3/2018 10:03:28 PM(UTC-4)
Brechea Wiley	+16047545302 +16786772005	Incoming Message	5/3/2018	5/3/18 9:58 PM		5/3/2018 10:03:28 PM(UTC-4)
Tremaine Johnson	+16786772005 8647545302	Outgoing Message	5/3/2018	5/3/18 10:12 PM		
Tremaine Johnson	+16786772005 8647545302	Outgoing Message	5/3/2018	5/3/18 10:13 PM		
Brechea Wiley	+16047545302 +16786772005	Incoming Message	5/3/2018	5/3/18 10:13 PM		5/3/2018 10:14:40 PM(UTC-4)
Brechea Wiley	+16047545302 +16786772005	Incoming Message	5/3/2018	5/3/18 10:14 PM		5/3/2018 10:14:40 PM(UTC-4)
Brechea Wiley	+16047545302 +16786772005	Incoming Message	5/3/2018	5/3/18 10:14 PM		
Brechea Wiley	+16047545302 +16786772005	Incoming Message	5/3/2018	5/3/18 10:16 PM		
Brechea Wiley	+16047545302 +16786772005	Incoming Message	5/3/2018	5/3/18 10:19 PM		5/3/2018 10:21:28 PM(UTC-4)
Tremaine Johnson	+16786772005 8647545302	Outgoing Message	5/3/2018	5/3/18 10:21 PM		
Tremaine Johnson		Internet	5/4/2018	5/4/18 12:43 AM	Google	
Tremaine Johnson		Internet Search	5/4/2018	5/4/18 1:05 PM	Google	
Tremaine Johnson		Internet Search	5/4/2018	5/4/18 1:05 PM	Google	
Tremaine Johnson		Internet Search	5/4/2018	5/4/18 1:08 PM	Google	Yes
Tremaine Johnson		Internet Search	5/4/2018	5/4/18 1:08 PM	Google	
Tremaine Johnson		Internet Search	5/4/2018	5/4/18 1:08 PM	Google	
Tremaine Johnson		Internet Search	5/4/2018	5/4/18 1:08 PM	Google	
Tremaine Johnson		Internet Search	5/4/2018	5/4/18 1:08 PM	Google	
Brechea Wiley	16047545302	Incoming Message	5/4/2018	5/4/18 4:01 PM	00:01:33 FaceTime	Yes
Brechea Wiley	16047545302 +16786772005	Incoming Message	5/5/2018	5/5/18 2:35 AM	00:01:01	Yes
Brechea Wiley	+16047545302 +16786772005	Incoming Message	5/5/2018	5/5/18 8:18 AM		5/5/2018 10:34:10 AM(UTC-4)
Brechea Wiley	+16047545302 +16786772005	Incoming Message	5/5/2018	5/5/18 8:20 AM		5/5/2018 10:34:10 AM(UTC-4)
Tremaine Johnson		Internet Search	5/5/2018	5/5/18 11:08 AM	Google	
Tremaine Johnson		Internet Search	5/5/2018	5/5/18 11:08 AM	Google	
Tremaine Johnson		Internet Search	5/5/2018	5/5/18 11:08 AM	Google	
Tremaine Johnson	+16786772005 8647545302	Outgoing Message	5/5/2018	5/5/18 11:27 AM		
Brechea Wiley	+16047545302 +16786772005	Incoming Message	5/5/2018	5/5/18 11:44 AM		5/5/2018 12:27:47 PM(UTC-4)
Tremaine Johnson	+16786772005 8647545302	Outgoing Message	5/5/2018	5/5/18 12:28 PM		
Brechea Wiley	+16047545302 +16786772005	Incoming Message	5/5/2018	5/5/18 12:32 PM		5/5/2018 12:47:01 PM(UTC-4)
Tremaine Johnson	+16786772005 8647545302	Outgoing Message	5/5/2018	5/5/18 12:47 PM		
Brechea Wiley	+16047545302 +16786772005	Incoming Message	5/5/2018	5/5/18 12:54 PM		5/5/2018 1:06:04 PM(UTC-4)
Tremaine Johnson		Internet Search	5/5/2018	5/5/18 8:28 PM	Google	
Tremaine Johnson		Internet Search	5/5/2018	5/5/18 10:13 AM	Google	
Tremaine Johnson		Internet Search	5/5/2018	5/5/18 10:13 AM	Google	
Brechea Wiley	+16047545302 +16786772005	Incoming Message	5/5/2018	5/5/18 1:10 PM		5/5/2018 1:12:59 PM(UTC-4)
Tremaine Johnson	16047545302 16047545302	Outgoing Message	5/5/2018	5/5/18 7:48 PM	00:00:11	Yes
Tremaine Johnson		Internet Search	5/7/2018	5/7/18 12:18 AM	Google	
Tremaine Johnson		Internet Search	5/7/2018	5/7/18 1:18 AM	Google	
Bra Mory Fontae Wiley	+18644943031 +18644943031 (owner)	Message	5/7/2018	5/7/18 3:27 PM		
Brechea Wiley	+16047545302 +18644943031 (owner)	Message	5/7/2018	5/7/18 2:24 PM		5/7/2018 3:26:10 PM(UTC-4)
Brechea Wiley	+16047545302 +18644943031 (owner)	Message	5/7/2018	5/7/18 2:24 PM		5/7/2018 3:26:10 PM(UTC-4)
Brechea Wiley	+16047545302 +18644943031 (owner)	Message	5/7/2018	5/7/18 2:24 PM		5/7/2018 3:26:10 PM(UTC-4)
Bra Mory Fontae Wiley	+18644943031 +18644943031 (owner)	Message	5/7/2018	5/7/18 3:28 PM		
Brechea Wiley	+16047545302 +18644943031 (owner)	Message	5/7/2018	5/7/18 3:30 PM		5/7/2018 4:00:38 PM(UTC-4)
Bra Mory Fontae Wiley	+16044943031 +18644943031 (owner)	Message	5/7/2018	5/7/18 4:07 PM		



Spartanburg Police Digital Data C18050314



From	To	Message	Date	Time	Time (UTC)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 10:48 AM	5/9/2018 10:47:46 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 10:48 AM	5/9/2018 10:52:39 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 10:49 AM	5/9/2018 10:52:39 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 10:53 AM	5/9/2018 10:53:40 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 10:53 AM	5/9/2018 10:53:40 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 10:54 AM	5/9/2018 10:55:12 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 10:55 AM	5/9/2018 10:55:40 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 10:55 AM	5/9/2018 10:55:40 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 10:57 AM	5/9/2018 10:56:47 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 10:57 AM	5/9/2018 10:56:47 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 10:57 AM	5/9/2018 10:56:47 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 11:00 AM	5/9/2018 11:05:48 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 11:00 AM	5/9/2018 11:05:48 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 11:07 AM	5/9/2018 11:08:16 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 11:08 AM	5/9/2018 11:13:20 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 11:24 AM	5/9/2018 11:36:21 AM(UTC-4)
Brechia Wiles richanel@icloud.com	+18644943031 (owner) +18645296536 Jeremy richanel@icloud.com (owner)	Message	5/9/2018	5/9/18 11:24 AM	5/9/2018 11:36:21 AM(UTC-4)



# Spartanburg Police Digital Data C18050314



Time	From	To	Message	Date	Time	Duration	Other
6:00:19	18042858901	18044043031 (owner)	Message: How you talk to the?	5/8/2018	6:00:19 PM		6:00:19 P: 6:20 PM(UTC-4)
6:00:06	8042787530	10786772005	Message: Jus fomo want to dan im playn with em 8 part	5/8/2018	6:00:06 PM	00:00:06	Yes
6:00:06	8042787530	10786772005	Message: Need to holder of you eye	5/8/2018	6:00:06 PM		
6:42:41	8054164043	8054164043	Message:	5/8/2018	6:42:41 PM	0:01:04	
6:02:35	8054164043	8054164043	Message:	5/8/2018	6:02:35 PM	0:01:33	
6:07:43	8047645302	8047645302	Message:	5/8/2018	6:07:43 PM	0:00:58	
6:31:03	8047645302	8047645302	Message:	5/8/2018	6:31:03 PM	0:01:33	
6:49:25	8047645302	8047645302	Message:	5/8/2018	6:49:25 PM	0:00:12	
6:53:07	8047645302	8047645302	Message:	5/8/2018	6:53:07 PM	0:01:01	
6:58:18	8047645302	8047645302	Message: Wrd	5/8/2018	6:58:18 PM		
6:58:18	8047645302	8047645302	Message: What is the wife name?	5/8/2018	6:58:18 PM		Yes
11:23:41	8047645302	8047645302	Message:	5/8/2018	11:23:41 PM	0:00:00	
11:24:18	8047645302	8047645302	Message:	5/8/2018	11:24:18 PM	0:00:02	
11:24:56	8047645302	8047645302	Message:	5/8/2018	11:24:56 PM	0:00:01	
11:25:26	8047645302	8047645302	Message: call me im going to sleep	5/8/2018	11:25:26 PM		
11:26:18	8047645302	8047645302	Message:	5/8/2018	11:26:18 PM	0:00:00	
11:26:48	8047645302	8047645302	Message:	5/8/2018	11:26:48 PM	0:00:00	
11:27:15	8047645302	8047645302	Message:	5/8/2018	11:27:15 PM	0:00:05	
11:27:48	8047645302	8047645302	Message:	5/8/2018	11:27:48 PM	0:00:05	
11:28:28	8047645302	8047645302	Message: call me please	5/8/2018	11:28:28 PM		
11:46:52	8047645302	8047645302	Message:	5/8/2018	11:46:52 PM	0:00:00	
11:48:25	8047645302	8047645302	Message:	5/8/2018	11:48:25 PM	0:00:00	
5/10/2018 2:13 AM	8047645302	8047645302	Message: Answer your phone	5/10/2018	2:13 AM		
5/10/2018 5:55 AM	8047645302	8047645302	Message: Tell me why you not answering the phone	5/10/2018	5:55 AM		
5/10/2018 5:43 AM	8047645302	8047645302	Message: Urgent answer your phone I make me nervous when you don't come around the night	5/10/2018	5:43 AM		
5/10/2018 7:17 AM	8047645302	8047645302	Message: light in up boat to head to work	5/10/2018	7:17 AM		Yes
5/10/2018 10:36 AM	8047645302	8047645302	Message: cheaper than dirt - Google Search	5/10/2018	10:36 AM		Safari
5/10/2018 10:36 AM	8047645302	8047645302	Message: Cheap Guns, Bulk Ammo, Gun Parts & Accessories - Cheaper Than Dirt - Cheaper Than Dirt	5/10/2018	10:36 AM		Safari
5/10/2018 10:44 AM	8047645302	8047645302	Message: Where you work at	5/10/2018	10:44 AM		
5/10/2018 10:52 AM	8047645302	8047645302	Message: AFL in duncan wasmo	5/10/2018	10:52 AM		Yes
5/10/2018 11:00 AM	8047645302	8047645302	Message: all in duncan	5/10/2018	11:00 AM		Google
5/10/2018 11:18 AM	8047645302	8047645302	Message: Nothing had something to tell you i was gone put up on it you could step out for a sec	5/10/2018	11:18 AM		
5/10/2018 11:27 AM	8047645302	8047645302	Message: @A@R	5/10/2018	11:27 AM		Safari
5/10/2018 11:30 AM	8047645302	8047645302	Message: Oh ok shd wasmo	5/10/2018	11:30 AM		Yes
5/10/2018 11:31 AM	8047645302	8047645302	Message: im on break	5/10/2018	11:31 AM		Yes
5/10/2018 11:45 AM	8047645302	8047645302	Message:	5/10/2018	11:45 AM	00:00:10	Yes
5/10/2018 12:41 PM	8047645302	8047645302	Message: What is going on because your phone	5/10/2018	12:41 PM		
5/10/2018 12:41 PM	8047645302	8047645302	Message: Sale Items - Cheaper Than Dirt	5/10/2018	12:41 PM		Safari
5/10/2018 12:42 PM	8047645302	8047645302	Message: Handguns for Sale: Pistols, Revolvers, S&W - Cheaper Than Dirt - Cheaper Than Dirt	5/10/2018	12:42 PM		Safari
5/10/2018 12:43 PM	8047645302	8047645302	Message: Diamondback AMZ Semi Auto Pistol 9mm Luger 3.6" Barrel 15 Rounds AmeriCo Night Sight Stainless Steel Slide Side Polymer Frame Flat Dark Earth Finish - DRANZ9FDE - 816976016663	5/10/2018	12:43 PM		Safari
5/10/2018 12:43 PM	8047645302	8047645302	Message: Handguns for Sale: Pistols, Revolvers, S&W - Cheaper Than Dirt - Cheaper Than Dirt	5/10/2018	12:43 PM		Safari
5/10/2018 12:43 PM	8047645302	8047645302	Message: Manufacturers of Handguns - Cheaper Than Dirt	5/10/2018	12:43 PM		Safari
5/10/2018 12:43 PM	8047645302	8047645302	Message: S&W Handguns - Cheaper Than Dirt	5/10/2018	12:43 PM		Safari
5/10/2018 12:43 PM	8047645302	8047645302	Message: S&W Handguns - Cheaper Than Dirt	5/10/2018	12:43 PM		Safari
5/10/2018 12:44 PM	8047645302	8047645302	Message: Manufacturers of Handguns - Cheaper Than Dirt	5/10/2018	12:44 PM		Safari
5/10/2018 12:44 PM	8047645302	8047645302	Message: GLOCK Handguns - Cheaper Than Dirt	5/10/2018	12:44 PM		Safari
5/10/2018 12:44 PM	8047645302	8047645302	Message: GLOCK 32 Great Single-Auto Pistol, 40 S&W, 4.48" Barrel - Cheaper Than Dirt	5/10/2018	12:44 PM		Safari
5/10/2018 12:45 PM	8047645302	8047645302	Message: Cheaper Than Dirt	5/10/2018	12:45 PM		Safari
5/10/2018 12:46 PM	8047645302	8047645302	Message: ProMag S&W SD40 Magazine .40 S&W 25 Rounds Steel Based S&W-A17 - 708278012648	5/10/2018	12:46 PM		Safari
5/10/2018 12:46 PM	8047645302	8047645302	Message: GLOCK 22 Great Semi-Auto Pistol, 40 S&W, 4.48" Barrel - Cheaper Than Dirt	5/10/2018	12:46 PM		Safari



# Spartanburg Police Digital Data C18050314



Robert Gentry		Internet Search	Larry Thompson - Google Search	5/12/2018	5/12/18 1:13 AM	Safari
Robert Gentry		Internet Search	The Crazy True Story of the Zanesville Zoo Escape	5/12/2018	5/12/18 1:13 AM	Safari
Robert Gentry		Internet Search	The Crazy True Story of the Zanesville Zoo Escape	5/12/2018	5/12/18 1:13 AM	Safari
Robert Gentry		Internet Search	GoUpstate: Local News, Politics, Entertainment & Sports in Spartanburg, SC	5/12/2018	5/12/18 9:51 AM	Safari
Robert Gentry		Internet Search	Police: Woman's body found at Duncan Park Lake - News - GoUpstate - Spartanburg, SC	5/12/2018	5/12/18 9:51 AM	Safari
Robert Gentry		Internet Search	Police: Woman's body found at Duncan Park Lake	5/12/2018	5/12/18 9:51 AM	Safari
Robert Gentry		Internet Search	Wionnie - Google Search	5/12/2018	5/12/18 9:56 PM	Safari
Robert Gentry		Internet Search	Rapper Lil Lonnie (ally shot in Mississippi	5/12/2018	5/12/18 9:56 PM	Safari
Robert Gentry		Internet Search	Rapper Lil Lonnie (ally shot in Mississippi	5/12/2018	5/12/18 9:56 PM	Safari
Robert Gentry		Internet Search	Wionnie - Google Search	5/12/2018	5/12/18 9:57 PM	Safari
Robert Gentry		Internet Search	Lil Lonnie Shot and Killed in Mississippi - XXL	5/12/2018	5/12/18 9:57 PM	Safari
Robert Gentry		Internet Search	goUpstate - Google Search	5/12/2018	5/12/18 10:06 PM	Safari
Robert Gentry		Internet Search	GoUpstate: Local News, Politics, Entertainment & Sports in Spartanburg, SC	5/12/2018	5/12/18 10:06 PM	Safari
Robert Gentry		Internet Search	Updated: Body found at Duncan Park was pregnant woman - News - GoUpstate - Spartanburg, SC	5/12/2018	5/12/18 10:06 PM	Safari
Robert Gentry		Internet Search	Updated: Body found at Duncan Park was pregnant woman	5/12/2018	5/12/18 10:06 PM	Safari
Tremaine Johnson	+10786772005 8042797530	Message	Yo	5/17/2018	5/17/18 5:07 PM	
Robert Gentry	8842797530 +10786772005	Message	Was good fan	5/17/2018	5/17/18 5:08 PM	
Tremaine Johnson	+10786772005 8042797530	Message	You good ?	5/17/2018	5/17/18 5:18 PM	
Robert Gentry	8042797530 +10786772005	Message	Yes bro, in at dere cab coah outside	5/17/2018	5/17/18 5:18 PM	
Tremaine Johnson	+10786772005 8042797530	Message	Already you is no gone but the Saturday you off right ?	5/17/2018	5/17/18 5:18 PM	
Robert Gentry	8042797530 +10786772005	Message	Now I wnk fan, he off today doe.	5/17/2018	5/17/18 5:18 PM	
Tremaine Johnson	+10786772005 8042797530	Message	Word well shi we'll get up	5/17/2018	5/17/18 5:20 PM	
Robert Gentry		Message	lah! bet it up	5/17/2018	5/17/18 5:32 PM	

## FBI CELLULAR ANALYSIS SURVEY TEAM



### Telephone Number Analyzed:

(864) 754-5302-T-Mobile

(864) 279-7530-T-Mobile

(678) 677-2005-T-Mobile



SSA R. Clayton Simmonds  
Criminal Investigative Division-CAST  
Columbia Division/Charleston RA

Intellectual Property of the FBI Cellular Analysis Survey Team. Reproduction in Whole or In Part is Prohibited

---

## Historical Cell Site Analysis



1

### **1. Background**

The Federal Bureau of Investigation (FBI) Cellular Analysis Survey Team (CAST) was requested to analyze cell phone records for (864) 754-5302, (864) 279-7530, and (678) 677-2005 ("target cell phones"). The target cell phones are believed to be associated with a homicide that took place on May 9-10, 2018.

### **2. Methodology**

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

#### **2.1 Cell Site Locations**

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

### **3. Conclusions**

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

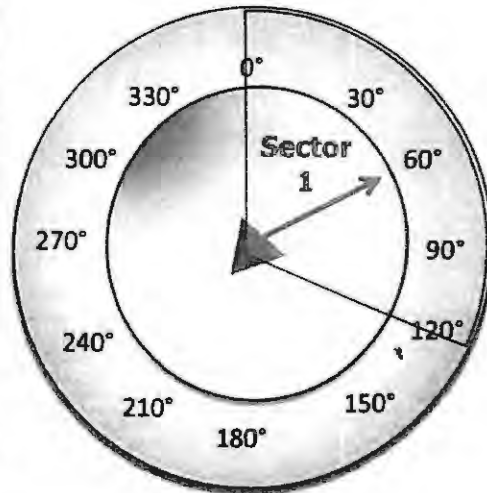
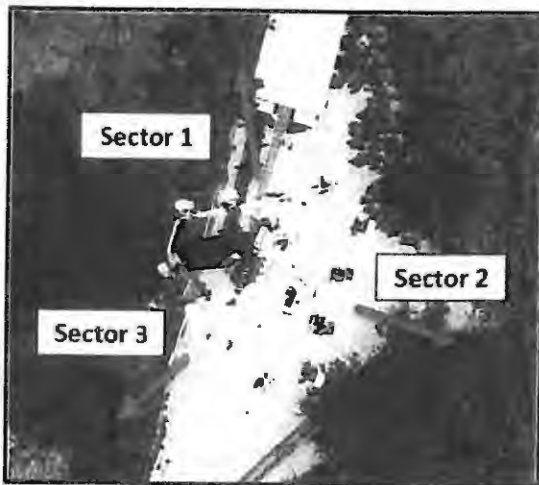
**Intellectual Property of the FBI Cellular Analysis Survey Team. Reproduction in Whole or In Part is Prohibited**

## Historical Cell Site Analysis



2

### Sector Orientation Example



**Each cell phone company provides the specific cell site orientation for each antenna.**

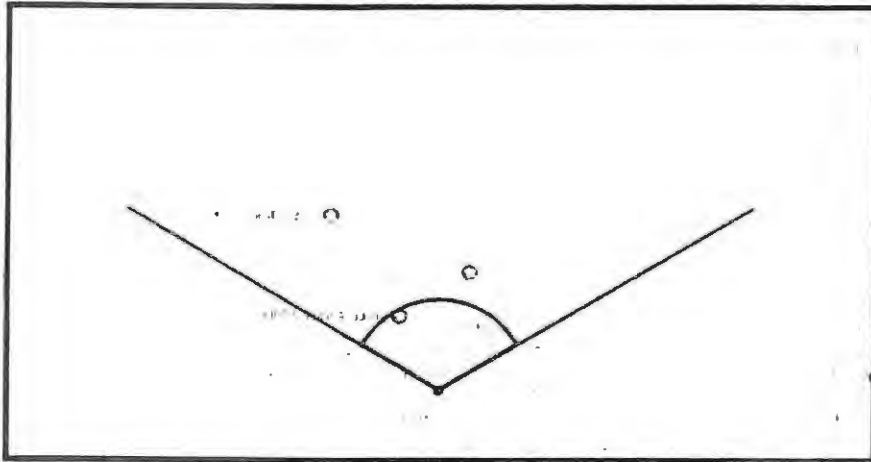
Intellectual Property of the FBI Cellular Analysis Survey Team. Reproduction in Whole or in Part is Prohibited

## Cell Site Illustration



3

Cell Site (tower and sector) usage is illustrated on the following maps using this symbol:



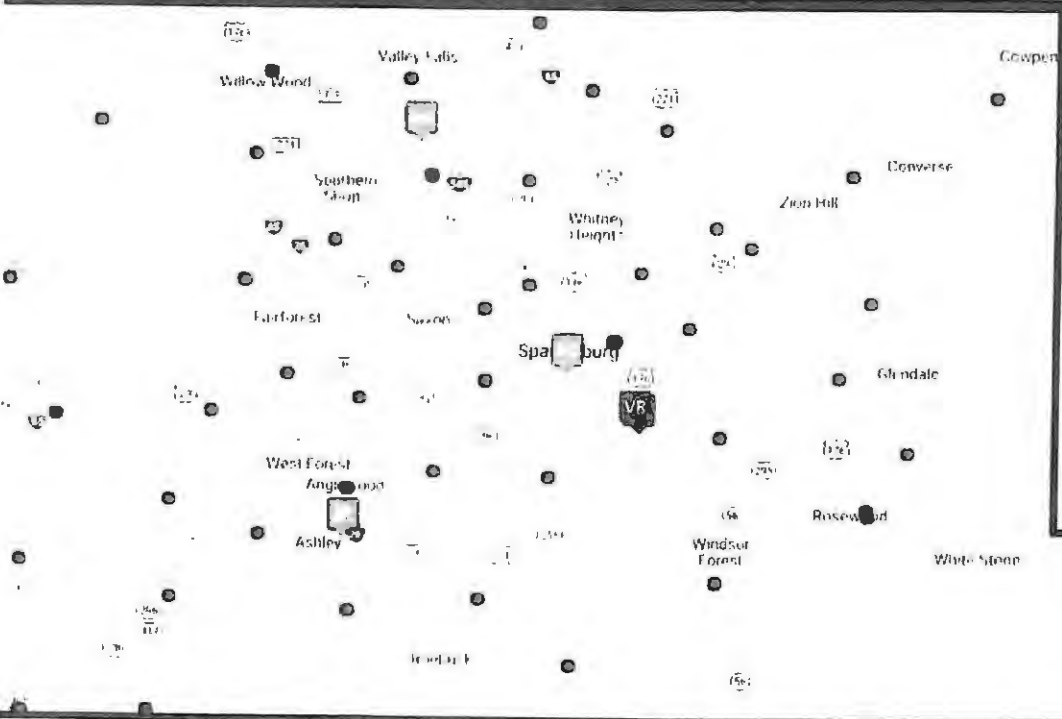
The shaded area inside the sector arms is not illustrative of the actual radio frequency footprint or coverage area of the cell site but rather demonstrate the antenna's direction (orientation). The symbol illustrates which cell site was used during the phone's initial connection to the network and the general area where a cell phone was located to make that connection.

Intellectual Property of the FBI Cellular Analysis Survey Team. Reproduction in Whole or In Part is Prohibited

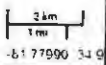
# Area of Interest



4



-  **100 Pinegate Drive  
Spartanburg, SC**
-  **286 Hydrick Street  
Spartanburg, SC**
-  **5220 Pogue Street  
Spartanburg, SC**
-  **Body Recovered  
34.902260, -81.9121286**
-  **Vehicle Recovered  
34.9311584, -81.931502**

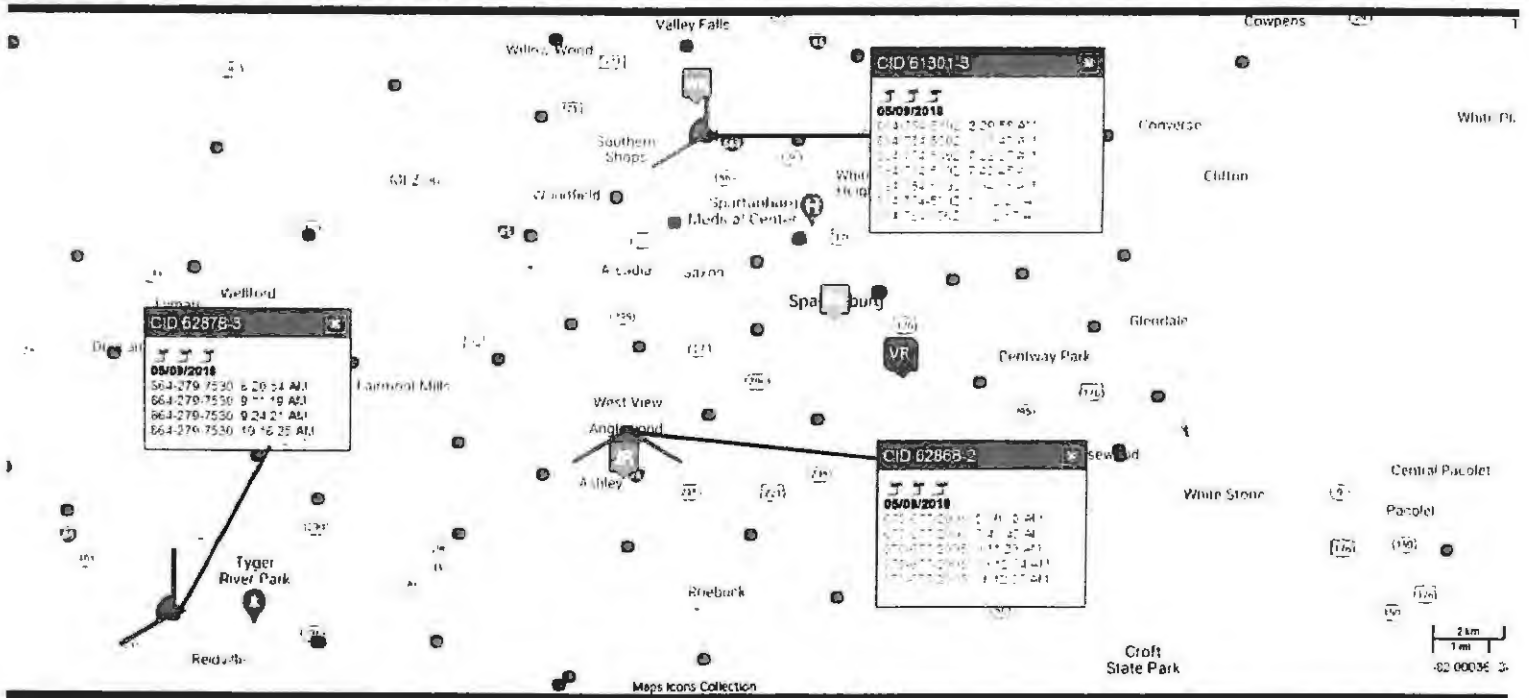


-81.77990 34.9

**Historical Cell Site Analysis**

Cell Site Activations for (864) 754-5302, (678) 677-2005, and (864) 279-7530

Date/time: May 9, 2018, 2:29 am to 11:30 am

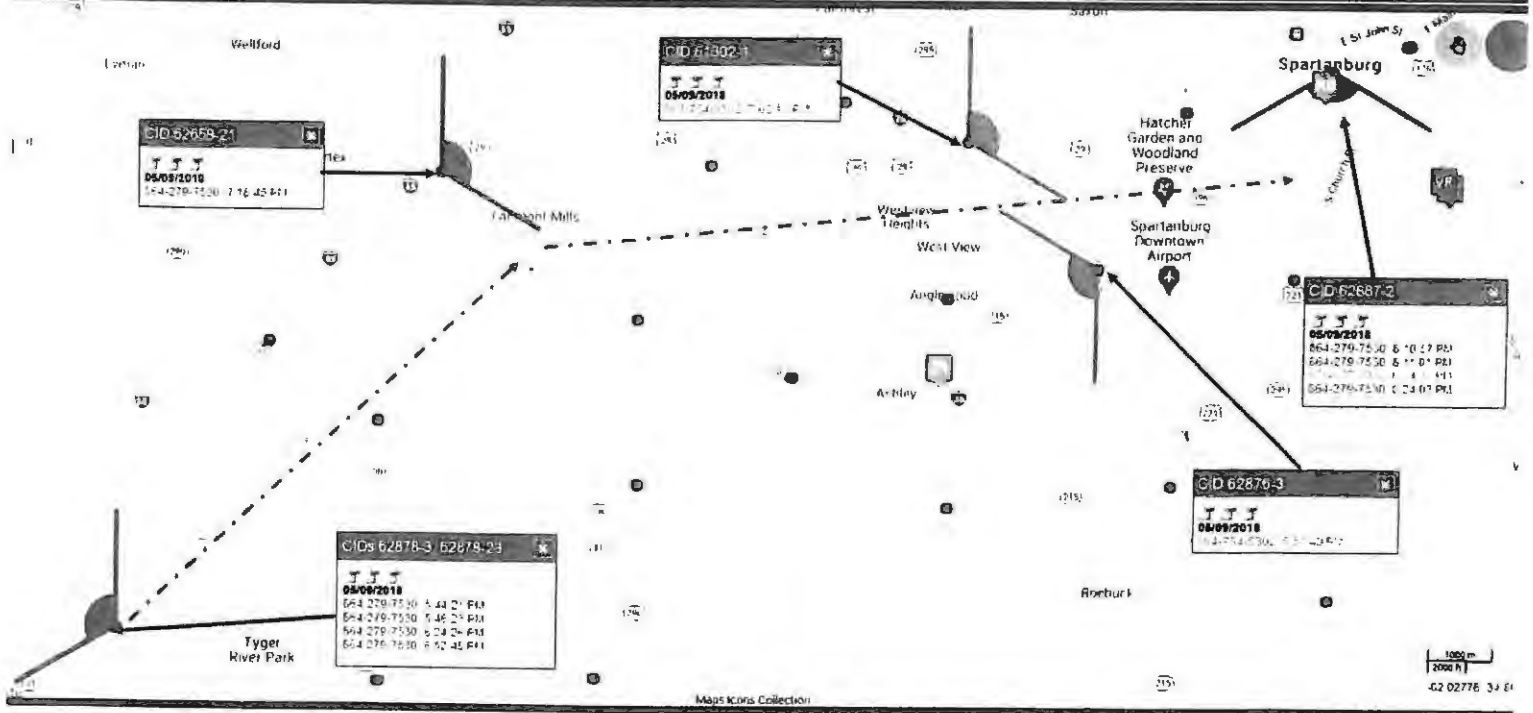




### Historical Cell Site Analysis

Cell Site Activations for (864) 754-5302 (678) 677-2005, and (864) 279-7530

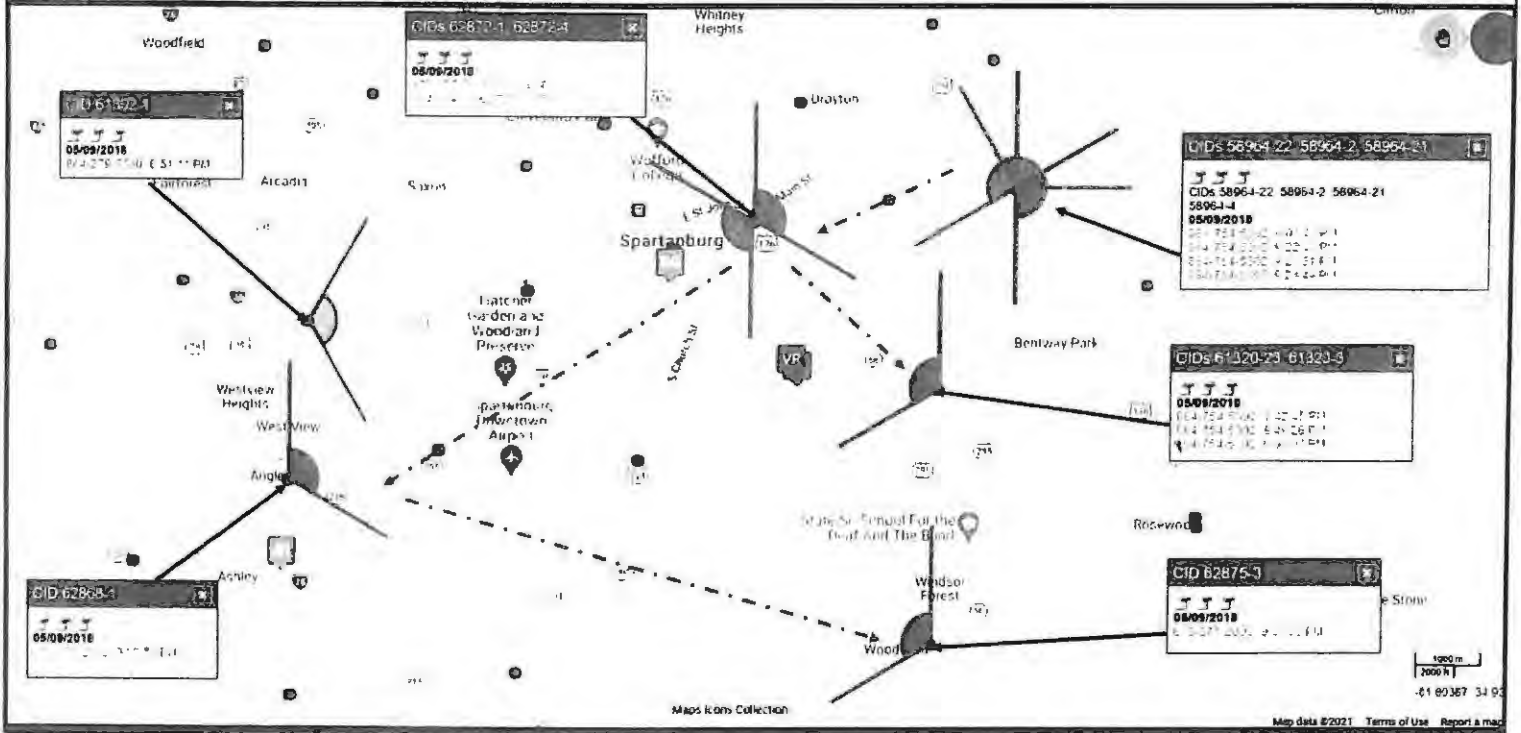
Date/time: May 9, 2018, 4:30 pm to 8:29 pm



### Historical Cell Site Analysis

Cell Site Activations for (864) 754-5302 (678) 677-2005, and (864) 279-7530

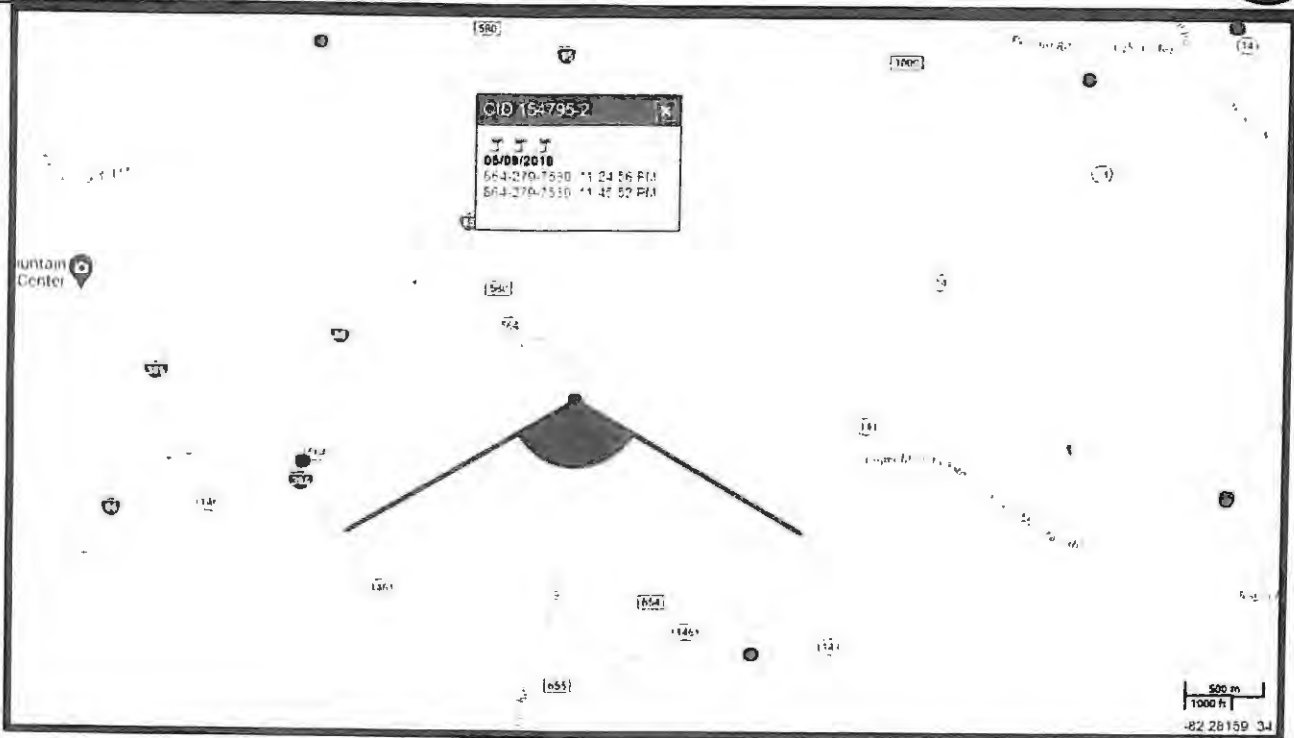
Date/time: May 9, 2018, 8:30 pm to 9:59 pm



**Historical Cell Site Analysis**

Cell Site Activations for (864) 279-7530

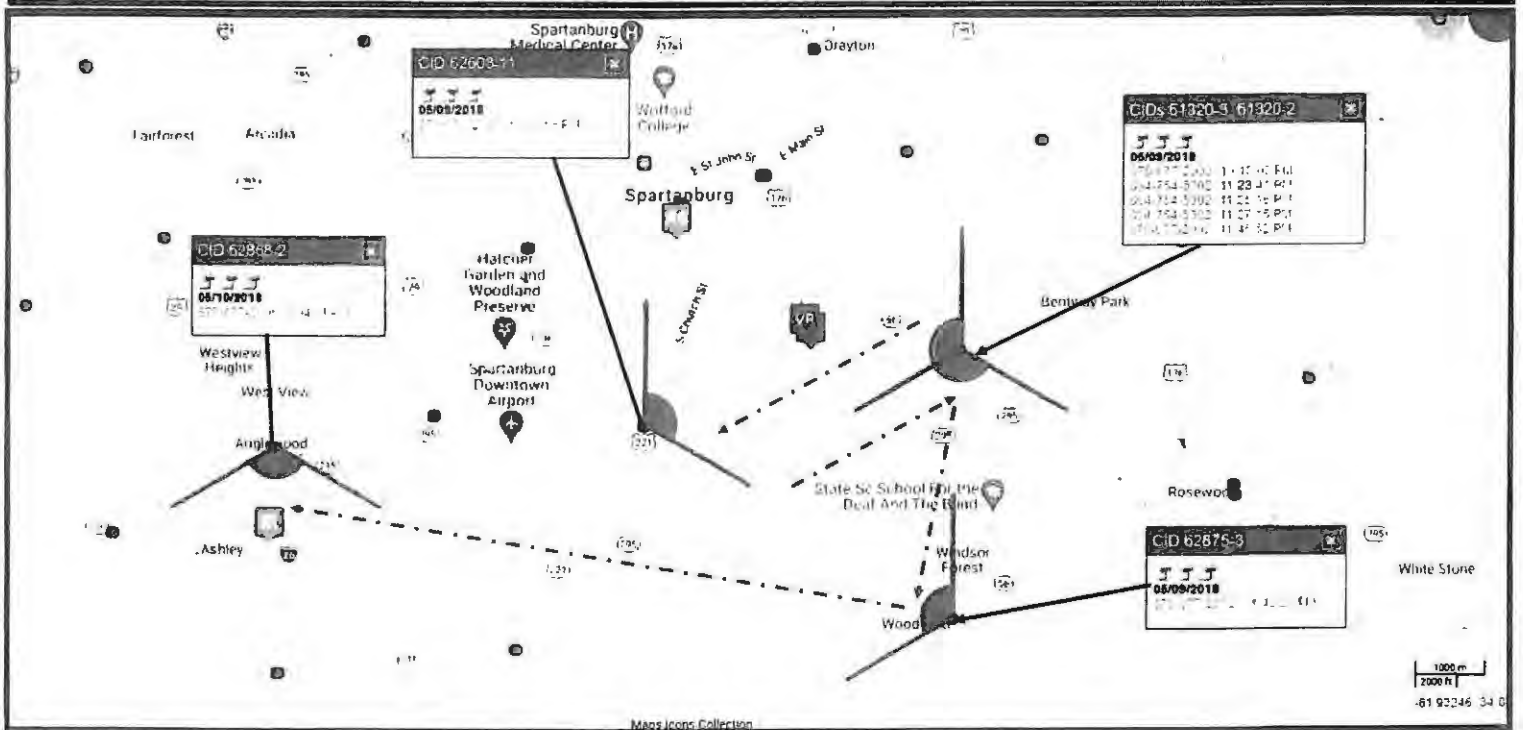
Date/time: May 9, 2018, 10:00 pm to May 10, 2018, 1:30 am



### Historical Cell Site Analysis

Cell Site Activations for (678) 677-2005 and (864) 754-5302

Date/time: May 9, 2018, 10:00 pm to May 10, 2018, 1:30 am





# END REPORT

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

APPEAL FROM SPARTANBURG COUNTY  
Court of General Sessions

JUN 28 2021

The Honorable J. Derham Cole, Circuit Court Judge

SC Court of Appeals

Case Nos. 2019-GS-42-2503-2504

The State,.....Respondent

v.

Robert Tyrell Gentry,.....Appellant

NOTICE OF INTENT TO APPEAL

Robert Tyrell Gentry appeals his conviction and sentence in this case. The sentence was imposed by the Honorable J. Derham Cole. on June 17, 2021. Appellant received notice of the same on that date.



ANDREW J. JOHNSTON  
PO BOX 3252  
SPARTANBURG, SC 29304  
(864) 591-1093  
ATTORNEY FOR APPELLANT

Other Counsel of record:

Barry J. Barnette, Esquire  
Solicitor  
180 Magnolia St.  
Spartanburg, SC 29306

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

Jul 26 2022

SC Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

General Sessions Court  
Honorable J. Derham Cole, Circuit Court Judge

Appellant Case No 2021-000692  
Trial Court Case No. 2019GS4202503, 2019GS4202504

State of South Carolina ..... Respondent,

vs.

Robert T. Gentry ..... Appellant

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

July 19<sup>th</sup>, 2022



C. RAUCH WISE  
Attorney at Law  
305 Main Street  
Greenwood, SC 29646  
(864) 229-5010  
S.C. Bar No. 6188

Attorney for Appellant

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

**RECEIVED**

JUL 25 2022

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

---

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

---

State of South Carolina, ..... Respondent,

vs.

Robert T. Gentry ..... Appellant.

---

**FINAL BRIEF OF APPELLANT**

---

C. RAUCH WISE  
305 Main Street  
Greenwood, SC 29646  
S.C. Bar № 6188  
(864) 229-5010  
[rauchwise@gmail.com](mailto:rauchwise@gmail.com)

Attorney for Appellant

## Index

	<b>Page:</b>
Table of Authorities .....	ii
Statement of Issues Presented .....	1
Statement of the Case .....	2
Procedural History .....	2
Factual History .....	2
Standard of Review .....	3
<b>Argument:</b>	
Question I: Did the trial court err in failing to direct a verdict in favor of Robert Tyrell Gentry on the charge of accessory before the fact to murder when the evidence at trial failed to show any evidence, direct or circumstantial, that would tend to prove that Mr. Gentry knew of Tremaine Pierre Johnson's plan to kill Brechue Wiles and that he willfully aided Mr. Johnson in accomplishing the murder? .....	4
Question II: Did the trial court err in failing to direct a verdict in favor of Robert Tyrell Gentry on the charge of accessory after the fact to murder when the evidence at trial failed to show any evidence, direct or circumstantial, that would tend to prove that Mr. Gentry knew Tremaine Pierre Johnson had killed Brechue Wiles and that he willfully aided Mr. Johnson in covering up the murder? .....	17
Conclusion .....	20

## Table of Authorities

Cases:	Page:
<i>Commonwealth v. Bujanowski</i> , 418 Pa.Super. 163, 613 A.2d 1227 (1992) .....	17
<i>Direct Sales Co. v. United States</i> , 319 U.S. 703 (1943) .....	13
<i>Goldsmith v. Witkowski</i> , 981 F.2d 697 (4th Cir. 1992) .....	16
<i>Hamm v. S.C. Pub. Serv. Comm'n</i> , 309 S.C. 295, 422 S.E.2d 118 (1992) .....	6
<i>In re Crawford</i> , 205 S.C. 72, 30 S.E.2d 841 (1944) .....	4
<i>Jackson v. Virginia</i> , 443 U.S. 307 (1979) .....	6
<i>Morgan v. State</i> , 2009 Ark. 257, 308 S.W.3d 147 (2009) .....	14
<i>People v. Beaudet</i> , 31 A.D.2d 705, 295 N.Y.S.2d 697 (1968), rev'd, on other grounds, 32 N.Y.2d 371, 298 N.E.2d 647 (1973) .....	5
<i>People v. Rodriguez</i> , 63 A.D.2d 919, 406 N.Y.S.2d 63 (1978) .....	9
<i>State v. Arnold</i> , 361 S.C. 386, 605 S.E.2d 529 (2004) .....	9
<i>State v. Ballenger</i> , 322 S.C. 196, 470 S.E.2d 851 (1996) .....	13
<i>State v. Bennett</i> , 415 S.C. 232, 781 S.E.2d 352 (2016) .....	9
<i>State v. Bostick</i> , 392 S.C. 134, 708 S.E.2d 774 (2011) .....	9
<i>State v. Cherry</i> , 348 S.C. 281, 559 S.E.2d 297 (Ct. App. 2001), aff'd but criticized, 361 S.C. 588, 606 S.E.2d 475 (2004) .....	6, 8, 13
<i>State v. Farne</i> , 190 S.C. 75, 1 S.E.2d 912 (1939) .....	4
<i>State v. Gunn</i> , 313 S.C. 124 437 S.E.2d 75 (1993) .....	13
<i>State v. Harris</i> , 895 N.W.2d 592 (Minn. 2017) .....	15
<i>State v. Havird</i> , 88 S.C. 227, 70 S.E. 721 (1911) .....	6
<i>State v. Hernandez</i> , 382 S.C. 620, 677 S.E.2d 603 (2009) .....	9,13

<i>State v. Jackson</i> , 68 S.C. 53, 46 S.E. 538 (1904) . . . . .	7
<i>State v. Larmand</i> , 415 S.C. 23, 780 S.E.2d 892 (2015) . . . . .	9
<i>State v. Nicholson</i> , 221 S.C. 399, 70 S.E.2d 632 (1952) . . . . .	17
<i>State v. Odems</i> , 395 S.C. 582, 720 S.E.2d 48 (2011) . . . . .	13
<i>State v. Pearson</i> , 415 S.C. 463, 783 S.E.2d 802 (2016) . . . . .	9
<i>State v. Schrock</i> , 283 S.C. 129, 322 S.E.2d 450 (1984) . . . . .	12
<i>State v. Simpson</i> , 275 S.C. 426, 272 S.E.2d 431 (1980) . . . . .	6
<i>State v. Smith</i> , 357 S.C. 182, 186, 592 S.E.2d 302, 304 (2004) . . . . .	18
<i>United States v. Rasco</i> , 123 F.3d 222 (5th Cir. 1997) . . . . .	9
<b>Statutes:</b>	
Georgia Code § 24-14-6 . . . . .	14
South Carolina Code § 17-19-30 . . . . .	5
South Carolina Code § 16-1-40 . . . . .	4
<b>Other:</b>	
Charles R. Nesson, <i>Reasonable Doubt and Permissive Inferences: The Value of Complexity</i> , 92 HARVARD L. REV. 1187 (1979) . . . . .	15
Julie Schmidt Chauvin, Comment, " <i>For It Must Seem Their Guilt</i> ": <i>Diluting Reasonable Doubt by Rejecting the Reasonable Hypothesis of Innocence Standard</i> , 53 LOYOLA L. REV. 217 (2007) . . . . .	7, 14

### **Statement of Issues Presented**

Question I: Did the trial court err in failing to direct a verdict in favor of Robert Tyrell Gentry on the charge of accessory before the fact to murder when the evidence at trial failed to show any evidence, direct or circumstantial, that would tend to prove that Mr. Gentry knew of Tremaine Pierre Johnson's plan to kill Brechue Wiles and that he willfully aided Mr. Johnson in accomplishing the murder?

Question II: Did the trial court err in failing to direct a verdict in favor of Robert Tyrell Gentry on the charge of accessory after the fact to murder when the evidence at trial failed to show any evidence, direct or circumstantial, that would tend to prove that Mr. Gentry knew Tremaine Pierre Johnson had killed Brechue Wiles and that he willfully aided Mr. Johnson in covering up the murder?

## Statement of the Case

### *Procedural History*

On February 12, 2019, Robert Tyrell Gentry was arrested on the charges of accessory before the fact to murder and accessory after the fact of murder. The grand jury indicted him on these two charges on May 3, 2019. He and his co-defendant, Tremaine Pierre Johnson, were tried before the Honorable J. Durham Cole and a jury on June 14 - 17, 2021. Mr. Gentry was convicted of both charges. On June 17, 2021 Judge Cole sentenced him to 30 years on the accessory before the fact to murder and 15 years on the accessory after the fact to murder. Both sentences were to run concurrently.

Mr. Gentry filed his Notice of Appeal on June 25, 2021.

### *Factual History*

Tremaine Pierre Johnson was involved in a relationship with Brechue Wiles. As a result, Ms. Wiles became pregnant with his child. The true father of the child was not known until over a year after her death. Rec. on App. at 366, 125 to 367, 13.

On May 9, 2019, Ms. Wiles left the residence of her aunt to meet with a person. She did not disclose to her aunt the person with whom she was meeting. She did not return from this meeting. Rec. on App. at 77, 11 22-23; 80, 11 1-7

On May 11, 2019, an early morning walker noticed a body, later identified as Ms. Wiles, in Duncan Park Lake. Rec. on App. at 73, 14 to 74, 1 11. Also found at the scene were her shoes, keys and automobile. She died of a single gunshot wound to the head. Rec. on App. at 383, 11 9-18.

Mr. Johnson was investigated because he had been involved with Mr. Wiles. He gave

permission for his cell phone to be searched. Rec. on App. at 162, ll 11-15. In the cell phone were numerous messages between Mr. Johnson and Ms. Wiles. In addition, the investigators found messages between Mr. Johnson and Mr. Gentry. Rec. on App. at 524 to 539 (exhibit 22). Based upon these messages and the fact the two people knew each other, the police investigated Mr. Gentry as a suspect. After reviewing the text messages between Mr. Johnson and Mr. Gentry, and examining the searches Mr. Gentry made, Mr. Gentry was arrested on February 12, 2019.

## Standard of Review

As this is a legal question as to the sufficiency of the evidence, the standard of review is *de novo*. “But when such a purported finding is appealed, whether it was grounded upon any competent, substantial evidence is a question of law for decision by the Court, and it will be reversed in the absence of such basis.” *In re Crawford*, 205 S.C. 72, 30 S.E.2d 841, 851 (1944)

## Argument

### Question I

**Did the trial court err in failing to direct a verdict in favor of Robert Tyrell Gentry on the charge of accessory before the fact to murder when the evidence at trial failed to show any evidence, direct or circumstantial would tend to prove that Mr. Gentry knew of Tremaine Pierre Johnson’s plan to kill Brechue Wiles and that he willfully aided Mr. Johnson in accomplishing the murder?**

“There are three elements that must concur in order to justify the conviction of one as an accessory before the fact: (1) That he advised and agreed, or urged the parties or in some way aided them, to commit the offense; (2) That he was not present when the offense was committed; (3) that the principal committed the crime.” *State v. Farne*, 190 S.C. 75, 1 S.E.2d 912, 915–16 (1939). While not specifically stated, the *mens rea* for the crime would be willfully and with malice aforethought.<sup>1</sup> This is correct because this is the *mens rea* for murder in South Carolina.

---

<sup>1</sup> This point is made here because the trial court did not place any *mens rea* in his charge for accessory before the fact to murder. The trial judge simply stated that Mr. Gentry needed “to have in some way provided aid.” Rec. on App. at 496, ll 21 - 23. South Carolina Code § 16-1-40 contains no *mens rea*. The indictment refers to “knowing that Tremaine Pierre Johnson intended to commit a crime.” Rec. on App. 516 to 523 (Indictment) No crime was stated. No objection was taken to this failure to charge a *mens rea*.

“Every indictment for murder shall be deemed and adjudged sufficient and good in law which, in addition to setting forth the time and place, together with a plain statement, divested of all useless phraseology, of the manner in which the death of the deceased was caused, charges that the defendant did feloniously, willfully and of his malice aforethought kill and murder the deceased.” S.C. Code. § 17-19-30. As the accessory before the fact statute does not have a *mens rea*, the *mens rea* is what was applicable at the common law. The New York Court has stated the applicable *mens rea* for the common law crime of accessory before the fact. “Accordingly, to be an accomplice one must have the necessary intent or ‘*mens rea*’ in the same manner as would be required to convict one of being a principal.” *People v. Beaudet*, 31 A.D.2d 705, 706, 295 N.Y.S.2d 697, 700 (1968), rev’d, on other grounds 32 N.Y.2d 371, 298 N.E.2d 647 (1973)

In this totally circumstantial evidence case, the State produced no substantial circumstantial evidence to support either that Mr. Gentry had knowledge Mr. Johnson would commit a crime or he substantially aided Mr. Johnson in committing the crime. The State needs proof of both to sustain the conviction for accessory before the fact.

As this is a pure circumstantial evidence case, there are no credibility issues for the jury to resolve. As a result, this Court is in as good a position to determine if the inferences support the conviction as was the jury.

#### *Defining Substantial Circumstantial Evidence*

The first question to be answered is, exactly what is substantial circumstantial evidence? This question has never been answered by our courts, perhaps because no litigant has ever asked the court to define the term. “A conundrum exists in the criminal case law of South Carolina: the term ‘substantial’- as it relates to the scope of review for directed verdict motions - has never

been defined.” *State v. Cherry*, 348 S.C. 281, 295, 559 S.E.2d 297, 304 (Ct. App. 2001), *aff’d* but criticized, 361 S.C. 588, 606 S.E.2d 475 (2004)(Anderson, concurring in part and dissenting in part)<sup>2</sup>

Mr. Gentry now asks this court to define the term. Some evidence, whether the evidence be circumstantial or direct is not sufficient to convict. A probability that the facts are sufficient to convict is also not sufficient. If the theory of the state is plausible, the facts are not sufficient to convict. This principle was clearly established in *Jackson v. Virginia*, 443 U.S. 307 (1979).<sup>3</sup> In *Jackson*, the Court said, “But it could not seriously be argued that such a ‘modicum’ of evidence could by itself rationally support a conviction beyond a reasonable doubt.” *Id.* at 320. In the early days of reviewing the sufficiency of the evidence to sustain the conviction, the South Carolina Supreme Court said, “This court has no jurisdiction to weigh the sufficiency of testimony in a law case, and can only consider whether the verdict is wholly without evidence. We cannot say there was a total failure of evidence to convict in this case.” *State v. Havird*, 88 S.C. 227, 70 S.E. 721, 721 (1911). When the standard of review was a mere “modicum,” the “no weighing” was in fact required. We have moved beyond that standard.

---

<sup>2</sup> The Courts of our state have defined “substantial” as it relates to a standard of review in appeals from administrative agencies. *See, Hamm v. S.C. Pub. Serv. Comm’n*, 309 S.C. 295, 299, 422 S.E.2d 118, 120 (1992)(“We have defined ‘substantial evidence’ to mean “ ‘such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.’ ... This is something less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence.” (Internal citations omitted). Evidence sufficient to sustain a civil verdict should not be judged by the same sufficiency standard as that to sustain a criminal verdict.

<sup>3</sup> The application of this case to South Carolina was first recognized by Justice Gregory in his dissent in *State v. Simpson*, 275 S.C. 426, 429, 272 S.E.2d 431, 432 (1980).

One writer has suggested that the jury in a criminal case should not weigh evidence, but simply determine if the State has proven the case beyond a reasonable doubt. "In a criminal trial, where the standard for conviction is proof beyond a reasonable doubt, a weighing proposition would be detrimental to the defendant, as it, at best, implies the use of a preponderance of the evidence standard, which the Supreme Court emphatically rejected in *Winship*." Julie Schmidt Chauvin, Comment, "*For It Must Seem Their Guilt*": *Diluting Reasonable Doubt by Rejecting the Reasonable Hypothesis of Innocence Standard*, 53 LOYOLA L. REV. 217, 238 (2007). And if the jury "weighs" the evidence, how does a jury then exclude a reasonable hypothesis of innocence? What "weight" should the jury give to a reasonable hypothesis of innocence? Does a jury say the explanation of innocence is simply not as likely? And if they do, how much less likely is required for an acquittal? These questions simply establish that under a reasonable doubt standard, if a reasonable explanation of innocence exists, then the State has not met its burden of proving the case beyond a reasonable doubt. Jurors should not be required to make a determination that the guilty explanation is highly likely, somewhat likely or probably likely. All these standards should fall short of proof beyond a reasonable doubt if the innocent explanation from the facts is reasonable. As the South Carolina Supreme Court said over 100 years ago, "Where circumstantial evidence is relied on, the absence of reasonable doubt implies impossibility of explaining the evidence on any reasonable hypothesis of innocence. The effect of evidence not being sufficient to exclude every other reasonable hypothesis than guilt is to leave doubt of guilt more or less strong, according to the circumstances of the particular case." *State v. Jackson*, 68 S.C. 53, \_\_\_, 46 S.E. 538, 539 (1904). This standard should be used to define substantial circumstantial evidence and to review the sufficiency of the evidence on

appeal.

Judge Ralph King Anderson, in his concurring and dissenting opinion in *Cherry*, discusses the concept of “weighing” evidence.<sup>4</sup> In that discussion he states, “Proper application of this standard requires a determination of whether the state has presented evidence that reasonably supports every element of a charged crime.” *Cherry*, at 298, 559 S.E.2d at 305 (Anderson, concurring in part and dissenting in part). While this broad statement is an accurate statement, it does not address what the trial judge does when the evidence is virtually undisputed and the evidence is circumstantial. A jury is well equipped to make the determinations of credibility. In the present case, the credibility of the witnesses is not an issue. When an appellate court reviews the evidence, all credibility issues should be resolved in favor of the State. This is the traditional standard of review. And with no credibility issues in the present case, making such a determination as to credibility is easy.

In a circumstantial evidence case, should a trial court send the case to the jury if, after deciding credibility issues in favor of the State, the trial court determines the circumstantial evidence could easily support either a conviction or acquittal? What if the trial court determines that the circumstantial evidence is only slightly in favor of the State on the issue of guilt? If under the traditional standard of review the jury is to determine the value of the evidence, then the jury gets to decide the 50-50 case or the 51-49 case. Under these circumstances, can any court truly say the State has proven the case “beyond a reasonable doubt”? Under these facts, is the circumstantial evidence substantial? “However, if the evidence viewed in the light most

---

<sup>4</sup> *Cherry* is a very unique case. While six of nine judges would have reversed the conviction for one reason or another, the conviction was affirmed due to the lack of consensus as to the basis for the reversal. Regardless, the reading of the various opinions is educational.

favorable to the government supports an equal or nearly equal theory of guilt and of innocence, we must reverse the conviction because a reasonable jury, under these circumstances, necessarily entertains a reasonable doubt.” *United States v. Rasco*, 123 F.3d 222, 228 (5th Cir. 1997). *See, also, People v. Rodriguez*, 63 A.D.2d 919, 920, 406 N.Y.S.2d 63 (1978)(“The evidence in the present case is equally consistent with a conscious objective to cause serious physical injury or with a conscious objective to cause death. Such evidence thus equally consistent with the two intents may not form the basis for a finding against the defendant of the graver intent.”) If the State has not eliminated a reasonable explanation of innocence, as a matter of law, the State has not proven the case beyond a reasonable doubt and the circumstantial evidence is not substantial.

The South Carolina Supreme Court has taken inconsistent positions as to circumstantial evidence cases. *Compare, State v. Bostick*, 392 S.C. 134, 708 S.E.2d 774 (2011); *State v. Arnold*, 361 S.C. 386, 605 S.E.2d 529 (2004) and *State v. Hernandez*, 382 S.C. 620, 677 S.E.2d 603 (2009) with *State v. Larmand*, 415 S.C. 23, 780 S.E.2d 892 (2015), *State v. Bennett*, 415 S.C. 232, 781 S.E.2d 352 (2016) and *State v. Pearson*, 415 S.C. 463, 783 S.E.2d 802 (2016). In *Bennett*, justice Hearn stated:

Therefore, although the jury must consider alternative hypotheses, the court must concern itself solely with the existence or non-existence of evidence from which a jury could reasonably infer guilt. This objective test is founded upon reasonableness. Accordingly, in ruling on a directed verdict motion where the State relies on circumstantial evidence, the court must determine whether the evidence presented is sufficient to allow a reasonable juror to find the defendant guilty beyond a reasonable doubt. *Id.* at 237, 781 S.E.2d at 354

The question not answered in Justice Hearn’s statement is: If a reasonable theory of innocence exists, has the State proven the case beyond a reasonable doubt? If the State has not

eliminated a reasonable hypothesis of innocence, has the State met its burden of proof? Would the language used by Justice Hearn permit a conviction to stand if both inferences are equal?

Properly understood, substantial circumstantial evidence has to mean, at the very least, that the theory for conviction is substantially more likely than the theory for acquittal. Only then should the circumstantial evidence case be submitted to the jury. Under these circumstances, a trial court and an appellate court do, to some extent, "weigh" the evidence. But if the standard of proof of beyond a reasonable doubt is to have any real meaning, then this type of weighing by judges, trial and appellate, must be done. After all, a pure circumstantial evidence case is the only type of case tried in our country where all the witnesses can be truthful, and an innocent person convicted.

#### *Circumstantial Evidence in this Case*

Against these standards the evidence in this case must be viewed. The evidence in this case, when credibility is resolved in favor of the State, shows there is no substantial evidence sufficient to convict. The State must prove each element of the crime beyond a reasonable doubt. So, before Mr. Gentry can be convicted, the State must prove beyond a reasonable doubt Mr. Johnson committed the act of murder.<sup>5</sup> Second, the State must prove Mr. Gentry knew Mr. Johnson was going to commit the murder. Thirdly, the State must prove Mr. Gentry willfully and with malice aforethought aided Mr. Johnson in committing the murder of Ms. Wiles. The State offered no direct evidence that Mr. Gentry knew, or even should have known, that Mr.

---

<sup>5</sup> This sufficiency of evidence to sustain the conviction of Mr. Johnson will be fully addressed in his appeal. As the evidence in Mr. Gentry's case as to the second and third elements is so weak, Mr. Gentry will only discuss the issue of his willfully participating in the planned murder.

Johnson intended to murder his girlfriend. The State did produce evidence that Mr. Gentry and Mr. Johnson met shortly before Ms. Wiles was murdered. The State produced evidence that a few hours before the murder, Mr. Gentry and Mr. Johnson talked. Rec. on App. at 524 to 539 (State's Exhibit 22). Caprice Alo, the former girlfriend of Mr. Gentry, testified that Mr. Johnson came by the house of Mr. Gentry on May 9, 2019. Rec. on App. at 323, l 13 to 325, l 7. This was at about 4 or 5 on the afternoon of the murder. Rec. on App. at 326, l 10 -16. Mr. Gentry did not get in the car with Mr. Johnson. He simply talked to him for a period of less than 5 minutes. Ms. Alo did not see Mr. Gentry give anything to Mr. Johnson. Rec. on App. at 327, ll 5 - 24

The State offered several text messages and telephone calls between Mr. Gentry and Mr. Johnson. Both Mr. Johnson and Mr. Gentry gave permission for their phones to be searched. Rec. on App. at 151, ll 11 - 12; 162, ll 12 - 15. Mr. Gentry also gave permission for his home and automobile to be searched. Rec. on App. at 181, ll 15 - 18.

The text messages between Mr. Gentry and Mr. Johnson do not prove or suggest any knowledge on the part of Mr. Gentry that Mr. Johnson intended to murder Ms. Wiles. William Reece, the investigating officer, testified that no text message or Facebook communication between Mr. Gentry and Mr. Johnson ever mentioned Ms. Wiles or her pregnancy. Rec. on App. at 244, l 2 - 21. No communication between them ever referenced a firearm or returning a firearm. Rec. on App. at 246, ll 294, ll 1 - 24. They only show communications between two people who knew each other. This is not sufficient substantial circumstantial evidence to sustain a conviction. Granted a weapon could have been delivered to Mr. Johnson when the two people met as described by Ms. Alo. Such a conclusion, however, would be mere speculation. It would

be just as speculative to say a weapon was exchanged the previous day or a week before.

The State also produced testimony that Mr. Gentry had on March 20, 2017, purchased a weapon capable of firing a bullet similar to the cartridge found at the scene. Rec. on App. at 273, ll 11 - 14. The gun box was found at Mr. Gentry's residence under his bed, but the gun was not. Rec. on App. at 186, ll 3 - 23. Also, Tularmo 40 caliber ammunition, the same type of the cartridge found at the scene, was found in the glove box of his car. Rec. on App. at 183, ll 14 - 20. The absence of an explanation by Mr. Gentry as to the location of the firearm cannot be considered by the jury or this Court. As the South Carolina Supreme Court said, "Argument of counsel for the State that Schrock has no alibi is without merit. It is not incumbent upon an accused person to prove that he was somewhere else at the time and place of the crime. By bringing the case, the State assumes the burden of proving that the accused was at the scene of the crime when it happened and that he committed the criminal act." *State v. Schrock*, 283 S.C. 129, 133, 322 S.E.2d 450, 452 (1984). By bringing this case, the State assumed the burden of proving Mr. Gentry supplied a weapon to Mr. Johnson with full knowledge that Mr. Johnson intended to murder Ms. Wiles. They failed in that burden.

In the absence of any testimony that something was exchanged when Ms. Alo observed Mr. Gentry and Mr. Johnson meet, a conclusion a gun was exchanged is mere speculation and speculation is not sufficient to convict. And to conclude from the first speculative inference that Mr. Gentry knew, with no proof of the fact, Mr. Johnson intended to murder his girlfriend is to pile an inference upon an inference.

With no testimony that Mr. Johnson ever requested Mr. Gentry to give him a firearm, the mere fact the firearm purchased by Mr. Gentry a year before the shooting is missing is not proof

Mr. Gentry gave a firearm to Mr. Johnson. “The motion [for directed verdict] should be granted where a jury would be speculating as to the accused’s guilt, \* \* \* or where the evidence is sufficient only to raise a strong suspicion of guilt.” *State v. Ballenger*, 322 S.C. 196, 199, 470 S.E.2d 851, 853 (1996)(internal citations omitted). Based upon the absence of a firearm, a jury is not entitled to infer that Mr. Gentry gave the firearm to Mr. Johnson and, again with no proof, infer that Mr. Gentry knew Mr. Johnson was going to murder Ms. Wiles. This is building an inference upon an inference. “[T]o establish the intent, the evidence of knowledge must be clear, not equivocal. This, because charges of conspiracy are not to be made out by piling inference upon inference, thus fashioning what, in that case, was called a dragnet to draw in all substantive crimes.” *Direct Sales Co. v. United States*, 319 U.S. 703, 711, (1943)(internal citations omitted)<sup>6</sup>. A conviction for accessory before the fact to murder also cannot be made by piling an inference upon an inference. *State v. Gunn*, 313 S.C. 124 437 S.E.2d 75 (1993)

After rejecting the exclusion of any other reasonable hypothesis standard of review, the South Carolina Supreme Court has twice reversed convictions using that standard of review on appeal. In *State v. Hernandez*, 382 S.C. 620, 626, 677 S.E.2d 603, 606 (2009), Chief Justice Toal in footnote 2 said, “Although in *State v. Cherry*, 361 S.C. 588, 606 S.E.2d 475 (2004) the Court abandoned this charge and held that it may confuse a jury by leading it to believe that the standard for measuring circumstantial evidence is different from that for measuring direct evidence, it nonetheless illustrates the lack of evidence against Petitioners.” Again, in *State v. Odems*, 395 S.C. 582, 590, 720 S.E.2d 48, 52 (2011) Chief Justice Toal stated:

---

<sup>6</sup> The evidence in this case arose out of drugs sold to a physician in the small community of Calhoun Falls, SC.

The traditional circumstantial evidence definition illustrates the deficiency in the State's evidence against Petitioner. This definition provided that if the State relies on circumstantial evidence to prove its case, the jury may not convict the defendant unless:

Every circumstance relied upon by the State be proven beyond a reasonable doubt; and ... all of the circumstances proven be consistent with each other and taken together, point conclusively to the guilt of the accused to the exclusion of every other reasonable hypothesis.

The logic of such a conclusion is compelling. If another reasonable alternative exists, the State simply has not proven its case beyond a reasonable doubt. The State should be required to negate any other reasonable explanation. As discussed by one author, if the presumption of innocence is properly understood, a juror should be looking for proof of innocence and not proof of guilt. *See, Chauvin*, at 239. (“[F]or it would seem that if a juror is looking to find a defendant guilty, she is not presuming he is innocent.”) Thus, the burden being on the government to exclude any reasonable hypothesis of innocence seems reasonable and logical.

Other Courts have applied a similar standard. The Arkansas court has held, “Substantial evidence is that which is of sufficient force and character that it will, with reasonable certainty, compel a conclusion one way or the other, without resorting to speculation or conjecture.” *Morgan v. State*, 2009 Ark. 257, \_\_\_, 308 S.W.3d 147, 152 (2009). Georgia has enacted such a standard of review by statute. Georgia Code § 24-14-6. The evidence in this case certainly falls short of compelling a conclusion of guilt.

The Minnesota Supreme Court did a lengthy discussion of the proper standard of review in a circumstantial evidence case. The Court adopted a position very similar to the position used by Chief Justice Toal. The Court said, “Having preserved the jury’s credibility findings, the appellate court considers at the next step whether a reasonable inference of guilt can be drawn

from the circumstances proved, viewed as a whole, and whether a reasonable inference inconsistent with guilt can be drawn from the circumstances proved, again viewed as a whole.” *State v. Harris*, 895 N.W.2d 592, 600 (Minn. 2017). Again, here, a reasonable inference inconsistent with guilt can be drawn from the facts. Even assuming Mr. Gentry gave a firearm to Mr. Johnson, nothing in this record remotely establishes he did so with the required *mens rea* or knowledge of Mr. Johnson’s intent.

Suppose the State at a trial proves the following facts and no others. Crack cocaine is found in a bag in a suitcase in the living room belonging to the Defendant and her husband. No other facts are proven. Under these facts, the State has proven that the drugs belong to the Defendant, the drugs belong to the Defendant and her husband or the drugs belong to the husband. Under these facts the jury will have two-third chance of convicting a guilty party if they convict the defendant. Is a two-thirds chance substantial circumstantial evidence to convict? Or should the trial court, or the appellate court on appeal, direct a verdict of not guilty because the State has not eliminated the one-third chance of the Defendant being actually innocent?<sup>7</sup>

Here the State has not proven the innocent explanation that Mr. Gentry did not give any firearm to Mr. Johnson or the innocent explanation that Mr. Gentry did not know of Mr. Johnson’s intent to kill his girlfriend. Before this conviction can be upheld, this Court is required to make the determination that these two reasonable explanations have been eliminated by the proof presented by the State. Only then can this Court truly conclude the circumstantial evidence is in this case is substantial.

---

<sup>7</sup> An interesting discussion about the probability of guilt is contained in Charles R. Nesson, *Reasonable Doubt and Permissive Inferences: The Value of Complexity*, 92 HARVARD L. REV. 1187 (1979)

Just as this Court is bound by the United States Supreme Court decision in *Jackson*, this Court is also bound by the Fourth Circuit Court of Appeals decisions as to the constitutional sufficiency of the evidence. In *Goldsmith v. Witkowski*, 981 F.2d 697 (4th Cir. 1992), the Fourth Circuit reversed a drug conviction that was based upon circumstantial evidence. The defendant was found in the house sitting at a table with illegal drugs being on the table. The testimony established that the apartment did not belong to Mr. Goldsmith. The Fourth Circuit, applying the *Jackson* standard of review, reversed the conviction. The South Carolina Supreme Court, without referring to the substantial circumstantial evidence standard of review, had affirmed the conviction. The Fourth Circuit stated, "Essentially, the government only proved Goldsmith's presence in the apartment and his awareness of the drugs. Under South Carolina law, the mere presence of a person in an area containing drugs, absent evidence of his dominion and control over them, is insufficient to prove his possession of the drugs." *Id.* at 701. After recognizing that the openness of the drugs permitted an inference, Mr. Goldsmith had knowledge of the presence of the drugs, the Court further said, "The state courts in this case, however, did not point to any evidence from which a jury could infer dominion or control. Nor do we find such requisite record evidence of that element of the state offense as would meet the *Jackson* standard." *Id.* The Fourth Circuit, thus, gave credence to the reasonable explanation of innocence that Mr. Goldsmith did not have dominion or control over the drugs that the South Carolina Supreme Court had rejected. To the Fourth Circuit, failure to exclude the innocent explanation of lack of dominion and control was a lack of substantial circumstantial evidence.

The circumstantial evidence charge to the jury and the appellate review should put a heavy burden on the State to prove its case to a very high standard. This is what proof beyond a

reasonable doubt means. When the standard of proof before a jury or the standard of review by an appellate court is lessened, it, of course, makes it much easier for the State to convict the guilty. But, especially in circumstantial evidence cases, it also makes it much easier for the State to convict the innocent. As one court has said, “[P]ermitting the Commonwealth to introduce the out-of-court assertions ... against the defendant ... would make it easier to convict the guilty. Unfortunately, it would also make it easier to convict the innocent.” *Commonwealth v. Bujanowski*, 418 Pa.Super. 163, 172, 613 A.2d 1227, 1232 (1992).

## Question II

**Did the trial court err in failing to direct a verdict in favor of Robert Tyrell Gentry on the charge of accessory after the fact to murder when the evidence at trial failed to show any evidence, direct or circumstantial, which would tend to prove that Mr. Gentry knew Tremaine Pierre Johnson had killed Brechue Wiles and that he willfully aided Mr. Johnson in covering up the murder?**

For a person to be guilty of accessory after the fact, the South Carolina Supreme Court has said three factors must be present.

An accessory after the fact is one who, knowing a felony to have been committed receives, relieves, comforts, or assists the felon. \* \* \*. Three conditions must unite to render one an accessory after the fact: (1) The felony must be complete. (2) The accessory must have knowledge that the principal committed the felony. (3) The accessory must harbor or assist the principal felon.  
*State v. Nicholson*, 221 S.C. 399, 405, 70 S.E.2d 632, 634 (1952)

In addition, the refusal of a person to give information does not make one guilty of accessory after the fact even if the refusal, in some manner, aids in the cover up of the crime.

“Where, however, the speaker reasonably believes that the information concealed could be used

against her in a criminal prosecution as an accessory or principal in the underlying felony, then the privilege bars a misprision prosecution.” *State v. Smith*, 357 S.C. 182, 186, 592 S.E.2d 302, 304(2004). While *Smith* involved a misprision of a felony, the statement also applies to accessory after the fact. Based upon the facts, Mr. Gentry had a reasonable basis for believing if he told of any of his alleged involvement, he could have been prosecuted. This is especially true considering that without giving a statement to the police, he was arrested for accessory before and after the fact to murder.

As to accessory after the fact, neither the indictment nor the charge to the jury contains a *mens rea*. The accessory after the fact indictment and jury charge does contain a requirement that Mr. Gentry has knowledge that a murder by Mr. Johnson had been committed, but contains no *mens rea* as to willfully aiding Mr. Johnson in covering up the murder. As stated in Question I, the *mens rea* for an accessory is the same as the underlying crime. Thus, the *mens rea* for accessory after the fact to murder is willfully.

The principles discussed in Question 1 as to the proper standard of review in circumstantial evidence cases also applies to this question. As with accessory before the fact, the evidence as to accessory after the fact is also circumstantial. The evidence should be viewed by the same standard of review..

The evidence as to accessory after the fact is also devoid of any evidence that Mr. Gentry took any action to harbor or assist Mr. Johnson in concealing the crime. The record contains little, if any, evidence he knew a murder had been committed. The indictment as to accessory after the fact alleges no facts to constitute the crime. Rec. on App. at 520-523 (Indictment for

Accessory after the fact.). In his closing argument, Solicitor Barnette only makes references to the searches found on his phone.<sup>8</sup> He does not explain how these searches made Mr Gentry guilty of accessory after the fact. The facts do not show, and Mr. Barnette did not argue, that any of the searches hindered the investigation or aided Mr. Johnson in any manner.

The main pieces of evidence against Mr. Gentry as to accessory after the fact are internet searches listed in Exhibit 22. These searches are for a gun on a website called "Cheaper Than Dirt." In addition, there are searches about stolen pistols. Assuming these searches prove what the State contends — that Mr. Gentry knew at the time of the search his firearm had been used in a murder, the searches did nothing to cover up the crime or harbor or assist Mr. Johnson. Nothing in the record even suggests the searches were done at the request of Mr. Johnson. If Mr. Gentry had carried through on the searches and actually reported the pistol as being stolen or bought one to replace the one the State believed he gave Mr. Johnson, then perhaps, the State could argue Mr. Gentry might be guilty of accessory after the fact if he had the required intent. Mr. Gentry did not even get rid of the box the gun came in nor the ammunition that was of the same type used in the shooting. He did nothing to aid or assist Mr. Johnson in covering up the crime.<sup>9</sup>

---

<sup>8</sup> In his closing argument, Solicitor Barnette makes references to statements by Mr. Gentry in which Mr. Gentry claimed he knew where the missing pistol is located. Rec. on App. at 424, ll 8 - 18. Officer William Reece, who conducted the search of Mr. Gentry's car and house, never testified as to statements made by Mr. Gentry. At a pre-trial hearing, the State stated they were not going to introduce statements by Mr. Gentry. Rec. on App. at 39, ll 16 - 21; 41, ll 21 - 25; 42, ll 7 - 17.

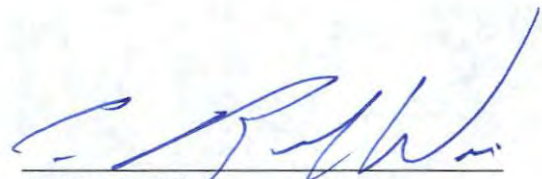
<sup>9</sup> These internet searches at best are some evidence that Mr. Gentry learned of the murder after it occurred. Logic would dictate that if Mr. Gentry knew of the plan to use his weapon in a murder before hand, a plan to dispose of the weapon would have been made before the searches.

The State also showed that after the murder, Mr. Gentry did not produce the firearm he purchased over a year earlier. This fact does not support a claim he was guilty of accessory after the fact to the murder. To conclude from this fact that Mr. Gentry knew a murder had been committed with his weapon is speculation and certainly not substantial circumstantial evidence to sustain a conviction. As noted above, Mr. Gentry was under no obligation to aid the police in their investigation of the murder. As noted in Issue I, the State has the burden of proving Mr. Gentry knew of the crime and covered it up. The State cannot rely upon inaction on the part of Mr. Gentry to prove the crime. He was only under an obligation not to lie to them if they asked him questions. The State has failed in its effort to prove Robert Gentry was guilty of accessory after the fact.

### CONCLUSION

For the foregoing reasons, this Court should reverse the convictions of Robert Gentry for accessory before and after the fact to murder.

July 14, 2022



C. Rauch Wise  
305 Main Street  
Greenwood, SC 29646  
S.C. Bar No 6188  
(864) 229-5010  
[rauchwise@gmail.com](mailto:rauchwise@gmail.com)

Attorney for Robert T. Gentry

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

**RECEIVED**  
JUL 25 2022  
SC Court of Appeals

Appellant Case No 2021-000692

State of South Carolina ..... Respondent,

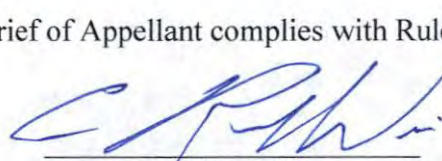
vs.

Robert T. Gentry ..... Appellant.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief of Appellant complies with Rule 211(b), SCACR.

July 19<sup>th</sup>, 2022



C. RAUCH WISE  
Attorney at Law  
305 Main Street  
Greenwood, SC 29646  
SC Bar No. 6188  
(864) 229-5010

Attorney for Appellant

**RECEIVED**

**Aug 09 2022**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Spartanburg County  
Honorable J. Derham Cole, Circuit Court Judge

---

THE STATE OF SOUTH CAROLINA,

Respondent,

vs.

ROBERT TYRELL GENTRY,

Appellant.

Appellate Case No. 2021-000692

---

**FINAL BRIEF OF RESPONDENT**

---

ALAN WILSON  
Attorney General

DAVID SPENCER  
Senior Assistant Attorney General

Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

BARRY J. BARNETTE  
Solicitor, Seventh Judicial Circuit

180 Magnolia Street, Third Floor  
Spartanburg, SC 29306

ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

STATEMENT OF ISSUES ON APPEAL.....1

STATEMENT OF THE CASE.....1

STATEMENT OF THE FACTS .....1

ARGUMENT

    I.    Sufficient evidence of intent and knowledge was presented for the jury to find Appellant guilty of accessory before the fact to murder because Appellant provided his codefendant with a firearm under circumstances manifesting a wanton disregard for life.....14

    II.   Sufficient evidence supports the verdict for accessory after the fact because evidence shows that Appellant assisted in the disposition of the murder weapon, which belonged to Appellant, and Appellant was aware of the murder when he assisted the principal .....23

CONCLUSION.....27

## TABLE OF AUTHORITIES

### Cases:

<u>Holland v. United States</u> , 348 U.S. 121 (1954) .....	15
<u>Jackson v. Virginia</u> , 443 U.S. 307 (1979).....	14, 15, 16
<u>Jones v. United States</u> , 716 A.2d 160 (D.C. Ct. App. 1998) .....	25
<u>Maddox v. Commonwealth</u> , 349 S.W.2d 686 (Ky. Ct. App. 1960) .....	24
<u>People v. Plengsangtip</u> , 148 Cal.App.4th 825 (Cal. Ct. App. 4th District 2007) .....	24
<u>People v. Scott</u> , 170 Cal.App.3d 267 (Cal. Ct. App. 1st Dist. 1985).....	25
<u>People v. Williams</u> , 324 N.W.2d 70 (Mich. Ct. App. 1982) .....	25
<u>State v. Asfoor</u> , 249 N.W.2d 529 (Wis. 1977).....	18, 19
<u>State v. Bennett</u> , 415 S.C. 232, 781 S.E.2d 352 (2016).....	14, 16
<u>State v. Blakely</u> , 402 S.C. 650, 742 S.E.2d 29 (Ct. App. 2013) .....	23
<u>State v. Cherry</u> , 361 S.C. 588, 606 S.E.2d 475 (2004) .....	15
<u>State v. Foster</u> , 522 A.2d 277 (Conn. 1987) .....	19, 20
<u>State v. Hepburn</u> , 406 S.C. 416, 753 S.E.2d 402 (2013) .....	15-16
<u>State v. Legette</u> , 285 S.C. 465, 330 S.E.2d 293 (1985) .....	23
<u>State v. Meggett</u> , 398 S.C. 516, 728 S.E.2d 492 (Ct. App. 2012) .....	21
<u>State v. Mouzon</u> , 231 S.C. 655, 99 S.E.2d 672 (1957).....	20
<u>State v. Nicholson</u> , 221 S.C. 399, 70 S.E.2d 632 (1952).....	23
<u>State v. Pearson</u> , 415 S.C. 463, 783 S.E.2d 802 (2016).....	14, 15, 16
<u>State v. Prince</u> , 316 S.C. 57, 447 S.E.2d 177 (1993) .....	16

<u>State v. Richburg</u> , 250 S.C. 451, 158 S.E.2d 769 (1968) .....	15, 16
<u>State v. Robinson</u> , 310 S.C. 535, 426 S.E.2d 317 (1992).....	14
<u>State v. Smith</u> , 265 S.E.2d 164 (N.C. 1980).....	16
<u>State v. Tuckness</u> , 257 S.C. 295, 185 S.E.2d 607 (1971) .....	21
<u>State v. Walker</u> , 349 S.C. 49, 562 S.E.2d 313 (2002).....	14
<u>State v. Williams</u> , 427 S.C. 246, 830 S.E.2d 904 (2019).....	21
<u>United States v. Elkins</u> , 732 F.2d 1280 (6th Cir. 1984).....	26
<u>United States v. Lepanto</u> , 817 F.2d 1463 (10th Cir. 1987).....	24, 25

## **RESPONDENT'S STATEMENT OF ISSUES ON APPEAL**

### **I.**

Sufficient evidence of intent and knowledge was presented for the jury to find Appellant guilty of accessory before the fact to murder because Appellant provided his codefendant with a firearm under circumstances manifesting a wanton disregard for life.

### **II.**

Sufficient evidence supports the verdict for accessory after the fact because evidence shows that Appellant assisted in the disposition of the murder weapon, which belonged to Appellant, and Appellant was aware of the murder when he assisted the principal.

## **STATEMENT OF THE CASE**

The grand jury indicted Appellant Gentry for accessory before the fact and accessory after the fact to murder. Gentry was tried with his codefendant, Tremaine Pierre Johnson, on June 14-17, 2021, and the jury convicted Gentry as charged. Co-defendant Johnson was found guilty as charged of murder. Judge Cole sentenced Gentry to concurrent terms of thirty years' imprisonment for accessory before the fact and fifteen years' imprisonment for accessory after the fact.

## **STATEMENT OF FACTS**

Codefendant Johnson killed the woman he impregnated, Brechue Ferrarri Wiles (Victim). Victim was excited upon learning she was pregnant on May 1. On the other hand, Johnson was not happy, as indicated by his abortion-related internet searches. Social media and cell phone records tracked Johnson's arguments with Victim, his internet searches for modes of poisoning Victim, and his rendezvous with Victim at the park she would never leave. Gentry's contact with Johnson in the

course of two days and their movements shown in cell tower records provided substantial evidence Gentry provided the murder weapon to Johnson and in turn, assisted Johnson in hiding the murder weapon.

The spent ammunition, TulAmmo, bore rifling marks that are left only from being fired by a Smith & Wesson firearm. Gentry's gun, a 40 caliber Smith & Wesson gun, was never recovered. Gentry and Johnson remained in constant contact from the beginning of the day that was Victim's last and during the next day, when the disposition of Gentry's weapon became paramount to both of them.

Louis Dischler took a morning walk in Duncan Park on May 11, 2018. He saw a shoe on the trail and then its mate. Then he saw the body, face down by the shore of the pond. He started back towards his house, but found a man on the trail who called 911 at his request. R. pp. 72-75.

Joann Littlejohn, Victim's great aunt, testified Victim recently discovered she was pregnant – Victim was excited and so was her mother. R. p. 77; p. 85. Littlejohn testified Victim and Fontae Wiles (Mother) were waiting in front of Littlejohn's house at about 8:00 p.m. on May 9. Victim and Mother wanted to show her an outfit Mother planned to wear for Littlejohn's sixtieth birthday party. Victim, engaged in a loud telephone conversation, sat on the hood of the car when Littlejohn arrived. Victim seemed anxious. She ended the phone call, and subsequently Victim asked Littlejohn to make her chicken quesadillas, a favorite meal. R. p. 175. Downstairs in the kitchen, Littlejohn heard a loud discussion between Mother and Victim, then Victim came downstairs, saying she was leaving to meet someone. Littlejohn did not even finish preparing the quesadillas Victim requested. Littlejohn rhetorically asked where she would go this time of night and added, "This is quite late for

a young lady to go out this time of night.” R. pp. 79-80. Littlejohn ran out in a last attempt to stop Victim, but she drove away. R. p. 81.

Littlejohn testified Victim’s mother called Victim twice, Littlejohn heard the second phone conversation on speaker phone. Mother implored Victim to come home, Victim said I am coming. Littlejohn heard a male voice in the background say, “Come on, we gotta go,” shortly before Victim hung up. R. pp. 81-82. The next day Littlejohn helped Mother try to find Victim. R. pp. 82-84.

Fontae Wiles (Mother), testified after they arrived at the house and went inside, Victim received two phone calls for her to meet the caller at the park by the water. R. pp. 89-91. Specifically, Mother testified as follows:

Q: And where did you and Bree go?

A: Upstairs.

Q: And did Bree get a phone call?

A: Yeah.

Q: Was it unusual or what was – what was different about that call?  
Did she recognize the number or anything?

A: No. She didn’t.

Q: Okay. But did she answer it?

A: Yes.

Q: And when she answered it, what was her reaction?

A: She was upset but she answered the telephone. She answered the phone, and he was telling her to meet . . . by the park, by the water.

Q: [A]fter that phone call did – did she get another phone call?

A: Yeah.

Q: And was it the same person?

A: Yeah.

Q: And where did – she decide to do after that second call?

A: Leave to go meet at the park by the water.

R. p. 89, line 18 – p. 90, line 13. Mother told Victim not to go, but Victim left. After Victim left the house, Mother called Victim twice, and testified that in the second phone call, she heard a male voice in the background. R. pp. 91-92.

The next day, when she did not receive her usual noontime phone call from Victim, Mother's concerns rose further. She looked for Victim after work. Mother went to Johnson's house and spoke to his mother, who called Johnson. His mother's eyes got big as she spoke with her son, Johnson. She put Johnson on speaker phone. When Johnson claimed to have not seen Victim since Tuesday, Mother replied that was not true, Victim saw him Wednesday night. He stuttered in response and Mother told him she was going to the sheriff's office. R. pp. 92-95. Mother was at the police station filing a missing person's report on May 11 when she learned her daughter's body was discovered. R. p. 96. Mother identified Victim's purse that was left in Victim's car. The car was left in the park's parking lot. R. p. 97; p. 103.

Officer William Joseph Tillinghast, the K-9 handler, testified his dog tracked from Victim's vehicle, to a set of car keys, to a shoe, and then within five yards of the body. R. pp. 110-12.

Supervising officers informed Officer Shane Michael Cloran of an unidentified female floating in Duncan Park Lake and he met investigators at the lake. R. p. 120, lines 7-13. Officer

Cloran followed the canine tracking team as it made its way to the deceased. Next, he flagged and photographed items of evidence along the trail, including two shoes, a set of keys, shell casings, and blood located by the shore. R. pp. 126-27. During the autopsy, Victim was determined to be pregnant and her fetus was removed from the body. R. p. 138. A dive team was brought in to search the lake, the divers swept their hands through debris. Metal detectors were employed in the shallow portions of the lake. R. pp. 116-17.

A TulAmmo 40 caliber casing lay near where one of the shoes was found. R. pp. 128-30. Law enforcement later searched Gentry's vehicle and found a box of 40 caliber TulAmmo, another empty box of 40 caliber TulAmmo, and also a 40 caliber pistol magazine in the glove box. R. pp. 182-83. In Gentry's house, law enforcement found a half empty box of the same ammunition and an empty box for a Smith and Wesson hand gun that showed the caliber of the hand gun and its serial number. R. p. 183; p. 186. A custodian from Academy Sports verified Gentry bought a Smith and Wesson 40 caliber pistol on March 20, 2017. R. pp. 332-33; p. 336.

State's Exhibit 21, a summary of cell phone records, text messages, and internet searches collected in the case, shows the progression of the disagreements between Johnson and Victim, until the fatal outcome on the night of May 9, at the park, a mere nine days after Victim determined she was pregnant. It also documents Gentry's coordination with Johnson in the hours before and the day after the murder. The chronology in State's 21 is discussed below:

**May 1: Victim thinks she is pregnant, does not like Johnson's reaction.**

On May 1, at around 5:00 a.m., Victim sent a text to Johnson telling him, "I calculated my period." R. p. 198. This led to a discussion in which Johnson said Victim could take a pregnancy

test the next day. R. pp. 199-200. The disagreement starts brewing when Victim texts at 10:18, “Hey. I don’t like how you’ve been acting towards me. I didn’t do anything wrong, and I just feel since you treat me like a random bitch I don’t feel a need for us to talk anymore.” R. p. 200, lines 12-16. A series of texts between them led to Victim remonstrating, “By your actions. Your actions are making me feel unwanted and uncared for.” R. p. 201, lines 17-19. Another text from Victim informs Johnson, “You’re a good talker with no game. You only make time for who you want and I’m definitely not that person. I understand we both busy and everything, but I’m not going to sit here and let you ignore me like that.” R. p. 202, lines 1-4.

**May 2: Johnson wants Victim to have an abortion, Victim disagrees, Johnson researches the poisonous qualities of a harvestman (an arachnid known as a daddy long-legs).**

It becomes clear Johnson and Victim carried diametrically opposed views of her pregnancy: At 12:36 p.m., Johnson searched “abortion clinic” on his phone, but obviously picking up a prior conversation, at 10:56 p.m. Victim texted, “What if your ma aborted you?” R. p. 203; p. 204, lines 16-19; State’s 21. He responded he just would not be here. She responded, at 11:00 p.m., “S.M.H. [shaking my head], there’s no talking to you.” R. pp. 204-05; State’s 21. At 11:02 p.m. Johnson conducted an internet search: “Is the poisonous in a granddaddy long leg?” R. p. 205, lines 3-14; State’s 21.

**May 3: Johnson researches abortion methods, after Victim tells Johnson the due date for the baby, Johnson researches lethal poison for sale.**

The next morning, May 3, Johnson undertook a new round of internet searches around 5:00 a.m. including: “What can you take to get rid of a baby in your stomach?” R. p. 205, line 20-21. He

searched for Mifeprex, an abortion pill, and examined whether it was for sale on EBay. R. p. 205, line 20 – p. 206, line 7; State’s 21.<sup>1</sup> At 11:43 a.m., Victim texted, “Just to give you info. I am a month and a week. The baby’s due date is on or before or after Jan. 5<sup>th</sup>. Just felt like you need to know even if you don’t care right now. Have a blessed day.” R. p. 206, line 15-22.

Later in the evening, Johnson conducts the following searches: “Poison” “Types of poison.” “Poison Ivy” “Poison that can kill you for sale.” R. p. 207, lines 3-8. Johnson then initiated a text discussion with Victim, who tells Johnson, “I actually want us to be able to sit down and talk about ways we can cope.” R. p. 207, lines 9-25. A further exchange of communication suggests an attempt to reconcile, leading to Victim informing Johnson, “Not tomorrow though. It’ll have to be Saturday.” R. pp. 207-09.

**May 5: Victim is excited about the baby, Johnson plays along.**

The next day sees little contact between them, while May 5 shows a friendly conversation about a diaper disposal pail Victim’s mother bought for her. R. pp. 209-10. Victim sent a picture of her stomach, commenting she had a “little pudge.” R. p. 210, line 25 – p. 211, line 7.

**May 8: Victim anxious about telling Johnson’s mother, but the visit ends with argument between Johnson and Victim, and Victim blocks Johnson’s phone.**

On May 8, Victim and Johnson arrange by text for her to go over to his house. Johnson tells Victim he is helping his mother with something. At 10:31 p.m., Victim advises she is outside. R. pp. 211-12. At 10:46 p.m., Victim carries on a conversation with her cousin, telling her cousin she was scared to see “her.” The cousin responds, “I know. But you can do it. She’s a Christian

---

<sup>1</sup> Johnson was the father of the fetus. R. p. 313; p. 360. Obviously, his actions in the days leading up

mother.” R. p. 212, line 23 – p. 213, line 5. Therefore, from the context, it appears she anticipated Johnson and Victim telling Johnson’s mother the news of the pregnancy.

There is clearly an argument and the line of communication between Johnson and Victim concludes bitterly at 10:59 p.m. with Victim texting Johnson:

You know what. Fuck you! I should have told you to your face. I’m not going to disrespect your mom like that. I don’t need you in my child’s life. Let me tell you one thing now. . . . [D]on’t try to come back! You said what you said, . . . .

R. p. 213, lines 6-21. Victim’s next text told Johnson he was blocked, and she actually blocked his number. R. p. 213, line 16 – p. 214, line 2. Johnson does not respond that night.

**May 9: Johnson finds out Victim blocked Johnson and sends an angry reply, then contacts Gentry for the first time within the hour – Gentry and Johnson repeatedly communicate for the next couple of days. Victim goes to the park, Johnson’s phone uses the same cell tower, Victim never leaves the park.**

Johnson did not read Victim’s last two messages until the next morning, but responded at 7:28 a.m., “Shut up. Ain’t nobody outta the child’s life. I didn’t have nothing else to say.” R. p. 214, lines 3-13. After taking sufficient time to stew, Johnson contacted Gentry by Facebook Messenger at 8:17 a.m. This is the first time starting from April 5 that the records show Gentry and Johnson are in contact, but as will be shown, they repeatedly engaged in contact straddling both the time before and after Victim’s death. Gentry responded with two messages, the second response to Johnson is as follows: “At work. ill [I’ll] call u in bout 10 min den gank.” R. p. 214, line 17 – p. 216, line 4; State’s Exhibit 21 (p. 11) Reece explained “den gank” means gangster or gang. R. p.

---

to Victim’s death indicate he thought he was the father.

216, lines 3-6. They carry on a one minute, twenty-five second conversation at 9:11 a.m. Gentry deleted the call from his phone. R. p. 216, lines 7-15; State's 21 (p. 11).

Caprice Alo, Gentry's ex-girlfriend and mother of his child, lived with Gentry and his mother at the time. Johnson came by their house on May 9 at about four or five p.m. Gentry met Johnson at Johnson's vehicle. Johnson was there for less than five minutes. R. pp. 324-27.

Gentry texts Johnson at 7:37 p.m., "Im in da city." Gentry deletes this text. R. p. 217, line 23 – p. 218, line 11; State's 21, (bottom of p. 13). Gentry sends a message to Johnson at 8:08 p.m., "Just hmu (hit me up) wen u dun<sup>2</sup> im playin wit my lil gurl." R. p. 218, line 19-25; State's 21, (p. 14). Gentry deleted a subsequent video call. R. p. 219, lines 1-10. **Cell phone records establish Gentry's and Johnson's phones were using the same cell tower in the vicinity of Gentry's Hydrick Street address at 8:24 p.m. on May 9 and connecting with each other.** R. p. 296; p.547. At 8:36, Johnson sends a message, "Need to holler at you wya." R. p. 219, lines 14-17; State's 21 (p. 14).

Johnson then calls Daniel Hines, who in turn calls Victim. The call connects for just shy of seven minutes. R. p. 219, line 18 – p. 220, line 4; State's 21 (p. 14). This results in Victim unblocking Johnson and calling him for a minute and a half conversation at 9:31 p.m. R. p. 220, lines 5-13; State's 21 (p. 14). Victim's mother calls her at 9:49 p.m. for twelve seconds, followed by her second call to Victim at 9:59 p.m. lasting a minute and twenty-one seconds. R. p. 220, lines 5-18; State's 21 (p. 14). This is the phone call from Mother begging Victim to come home.

At 10:17 p.m., Johnson texts Gentry, asking what he is doing, and Gentry responds, "None.

---

<sup>2</sup> "wen u dun" connotes Gentry's awareness about Johnson's plans.

I'm in the vil. What's up?" Gentry deletes this message. R. p. 220, line 23 – p. 221, line 11; State's 21 (p. 14). Mother tries to call Victim twice at 11:23 and 11:24 p.m., then texts Victim asking her to call Mother. Mother tries a couple more times and sends an i-message asking her to call. R. pp. 221-22; State's 21 (p. 14). Meanwhile, Johnson tries to call Gentry at 11:45 p.m. R. p. 222; State's 21 (p. 14). At 10:16 p.m. and later at 11:45 p.m., Johnson's phone is utilizing the same cell tower Victim is utilizing at 11:23, 11:25, and 11:27 p.m. R. pp. 297-98; p. 550 (State's Exhibit 23.1 (p. 10)).

Sidney Dean calls Johnson at 11:48 p.m. and they speak for ten minutes. R. p. 223, lines 2-5; State's 21 (p. 14). Dean testified at trial that when she spoke with Johnson, he was in a car and he seemed out of it during the conversation. R. pp. 320-21. The historical cell site analysis records show Johnson moving away from the vicinity of Duncan Park at this time. R. 550 (State's Exhibit 23.1 (p. 10)). Victim's phone never leaves the area. R. p. 300. According to the theory of the State's case, Johnson is leaving Victim behind, her body dumped in the water.

Johnson told police the last time he saw Victim was Tuesday, not Wednesday as the cell tower records suggest. Johnson told law enforcement he was home all day except for a trip to the gym earlier in the day. R. p. 312; State's Exhibit 25 (23:00-24:15).

**May 10: Johnson meets Gentry at work. Gentry researches both selling a gun and reporting a stolen gun. Johnson sends a message for Gentry to "do it today" and say it "happened two days ago."**

The next morning, 7:17 a.m., Gentry sends an i-Message, "All right. I'm up. About to head to work." Gentry deleted the message. R. p. 223, lines 14-22. Then Gentry starts a series of

searches: “It’s cheaper than dirt.” “Cheap guns.” “Bulk ammo.” “Guns, parts and accessories.” and “Cheaper than dirt.” Reese explained “Cheaper than Dirt” is a website for purchasing weapons. Later, mid-morning, Johnson messages Gentry asking where he works. Gentry responds “A.F.L. in Duncan. What’s up?” **Johnson’s response, “Nothing. Had something to ask you. I was gonna pull up on if you could step out for a second.”** Gentry deletes his response, “Shit what’s up.” Meanwhile, Johnson does an internet search for “afl in duncan.” R. pp. 224-25; State’s 21 (pp. 14-15). Gentry also deleted the 11:31 a.m. message telling Johnson he is on break and Johnson deletes the sixteen second phone call from Johnson to Gentry at 11:45 a.m. R. p. 226. **At 12:41, Gentry started another series of firearm related searches, the first search was “Sell items cheaper than dirt.”** Others are related to Smith and Wesson products. Another search is “my pistol was stolen.” R. p. 226, line 21 – p. 227, line 23; State’s 21 (pp. 14-15). Gentry undertook several more searches, including one that indicates only eleven states require gun owners to report stolen weapons to police. R. pp. 227-28; State’s 21 (p. 15).

These last searches were around 2 p.m. At 2:56 p.m., still May 10, Johnson sends this message: **“Do it today, Fam! Happened two days ago.”** The response a few minutes later from Gentry is “Iat.” R. p. 228, lines 3-22; State’s 21 (p. 15). Gentry deletes that message, but a few minutes later he does another search, “Report firearm. Theft or loss. Alcohol, tobacco, firearms and explosives.” R. p. 229, lines 2-5; State’s 21 (p. 15). Devin Teague, Gentry’s coworker at A.F.L., testified on May 10, Gentry asked Teague how to report a gun missing. R. pp. 338-39.

Gentry messages Johnson at 7:49 p.m., “Bet we going to talk later long as you straight.” Johnson responded, asking him if he worked tomorrow. When Gentry advises he only is working

until noon. Johnson responds, “We’ll get up” and Gentry responds “Bet.” Gentry deletes these messages. R. pp. 230-31. Then Johnson sends a text to Victim at around 12:39 a.m. asking if she is okay. Victim does not respond. R. p. 231, lines 6-11. At the same time, he calls and speaks with Gentry for twenty-six seconds. R. p. 231, lines 14-20. They speak again for eighteen seconds at 1:17 a.m.; State’s 21 (p. 15).

**May 11: Gentry searches for stories on Victim’s death at Duncan Park.**

Gentry starts four searches at Goupstate, including photographs of the death investigation at Duncan Park. R. pp. 232-33; State’s 21 (pp. 15-16). At 9:22 p.m., Gentry searches “woman’s body found in Duncan Park Lake.” R. p. 234. Another is “body found in Duncan Park Lake was pregnant woman.” R. p. 235, lines 1-3 State’s 21 (p. 16).

The bullet and casing found at the murder scene were consistent with each other. The bullet was a 40 caliber bullet and the markings on the bullet was consistent with being fired by a Smith and Wesson pistol. Smith and Wesson was the only known manufacturer that would leave those markings on the 40 caliber bullet. R. pp. 343-49. DNA analysis determined Victim’s blood was on the keys found at the park. R. p. 361.

Dr. Wren, the forensic pathologist, performed the autopsy on the Victim and noted Victim was in the water for a while and observed some facial features were destroyed by animal activity which left exposed bone and teeth. R. p. 373. Rigor mortis had not set in so Victim was not dead for longer than 48 hours. Dr. Wren observed two lacerations that were not pre-mortem and suggested they were incurred when the body was put in the lake. R. p. 374. Dr. Wren noted that Victim’s false, glittered nails were not splintered and it did not appear Victim was involved in a struggle with

the shooter. R. p. 375. Because the lungs were well-aerated, Victim probably died quickly. R. pp. 377-78. Dr. Wren testified a gunshot wound through the right side of Victim's brain and possible powder residue was consistent with being shot in the back of the head. The gunshot was close range, but not a contact wound. R. pp. 382-83; pp. 386-87.

## ARGUMENT

### I.

**Sufficient evidence of intent and knowledge was presented for the jury to find Appellant guilty of accessory before the fact to murder because Appellant provided his codefendant with a firearm under circumstances manifesting a wanton disregard for life.**

When considering a motion for directed verdict, the trial court is concerned with the existence of evidence, not its weight. State v. Walker, 349 S.C. 49, 53, 562 S.E.2d 313, 315 (2002). In reviewing the denial of a motion for a directed verdict, the reviewing court must view the evidence in the light most favorable to the State. Id. Ultimately, the question is whether, in view of the evidence in the light most favorable to the State, a rational trier of fact could find all the elements beyond a reasonable doubt. State v. Robinson, 310 S.C. 535, 539, 426 S.E.2d 317, 318 (1992) (finding any rational trier of fact could have found all the elements of the crime beyond a reasonable doubt in affirming the denial of a motion for directed verdict and citing Jackson v. Virginia, 443 U.S. 307 (1979)). The task of the trial court is to simply determine “whether the evidence presented is sufficient to allow a reasonable juror to find the defendant guilty beyond a reasonable doubt.” State v. Bennett, 415 S.C. 232, 781 S.E.2d 352 (2016). The reviewing court should affirm if in viewing the evidence in the light most favorable to the State, “the evidence could induce a reasonable juror to find [the defendant] guilty.” See State v. Pearson, 415 S.C. 463, 474, 783 S.E.2d 802, 808 (2016).

The United States Supreme Court noted the following:

[T]he relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. . . . This familiar standard gives full play to the responsibility

of the trier of fact fairly to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts.

Pearson, 415 S.C. at 471 n.2, 783 S.E.2d at 806 n.2 (quoting Jackson, at 319) (emphasis in the original); see also State v. Richburg, 250 S.C. 451, 459, 158 S.E.2d 769, 772 (1968) (“When the evidence is susceptible of more than one reasonable inference, questions of fact must be submitted to the jury.”).

Gentry posits the case as a circumstantial evidence case and then seeks to differentiate circumstantial evidence from direct evidence. The United States Supreme Court made the following observation concerning circumstantial evidence:

Admittedly, circumstantial evidence may in some cases point to a wholly incorrect result. Yet this is equally true of testimonial evidence. In both instances, a jury is asked to weigh the chances that the evidence correctly points to guilt against the possibility of inaccuracy or ambiguous inference. In both, the jury must use its experience with people and events in weighing the probabilities. If the jury is convinced beyond a reasonable doubt, we can require no more.

Holland v. United States, 348 U.S. 121, 137-38 (1954) *cited with approval in Jackson*, at 317 n.9.

Our Supreme Court articulated the following concerning the standard of review for purely circumstantial evidence cases:

The trial court should grant the directed verdict motion when the evidence merely raises a suspicion that the accused is guilty as suspicion implies a belief or opinion as to the guilt based upon facts or circumstances which do not amount to proof. On the other hand, a trial judge is not required to find that the evidence infers guilt to the exclusion of any other reasonable hypothesis.

State v. Hepburn, 406 S.C. 416, 753 S.E.2d 402, 409 (2013) (quoting State v. Cherry, 361 S.C. 588,

593, 606 S.E.2d 475, 478 (2004) (citations and internal quotations omitted)); see also State v. Richburg, at 459, 158 S.E.2d at 772 (“When the evidence is susceptible of more than one reasonable inference, questions of fact must be submitted to the jury.”).

“This objective test is founded upon reasonableness[;] [a]ccordingly, in ruling on a directed verdict motion [when] the State relies on circumstantial evidence, the court must determine whether the evidence presented is sufficient to allow a reasonable juror to find the defendant guilty beyond a reasonable doubt.” State v. Pearson, 415 S.C. 463, 473, 783 S.E.2d 802, 807 (2016) (quoting State v. Bennett, 415 S.C. 232, 237, 781 S.E.2d 352, 354 (2016)).

Gentry seeks to define “substantial.” North Carolina has defined “substantial evidence” as “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” State v. Smith, 265 S.E.2d 164, 169 (N.C. 1980) which leads back to the pertinent question, as explained in Jackson, that the question in a directed verdict analysis is whether evidence is presented for any rational juror to find the defendant guilty beyond a reasonable doubt. Jackson, at 319.

“A conviction for the crime of accessory before the fact requires proof that the accused (1) either advised and agreed, urged, or in some way aided some other person to commit the offense; (2) was not present when the offense was committed; and (3) that some principal committed the offense.” State v. Prince, 316 S.C. 57, 64, 447 S.E.2d 177, 181 (1993).

Circumstantial evidence establishes Gentry provided the gun and ammunition Johnson used to kill Victim. First, Gentry was found with 40 caliber TulAmmo and Gentry owned a Smith & Wesson weapon evidenced by the empty box found in his home. But his gun was never recovered. Victim was killed by a weapon firing 40 caliber TulAmmo and the markings could only have been

made by a Smith & Wesson. The evidence supports the inference that the day after the murder, Johnson is urging Gentry to report the gun stolen while Gentry seems to be deciding between alternative and incompatible courses of action of either (1) reporting his gun stolen or (2) selling his gun. A rational juror could conclude Gentry provided Johnson the murder weapon.

Gentry also argues that the State presented insufficient proof Gentry had sufficient knowledge of the purpose for which Gentry provided Johnson the weapon. In the present case, communications between Gentry and Johnson neatly straddle before and after the murder as if the murder was the centerpiece of their communication. Within the hour Johnson discovers Victim blocked his phone number – and shuttered him from involvement with her or the baby she carried – Johnson is in contact with Gentry. No prior contact in the cell phone records occurred in the time frame starting from April 5. Yet Victim goes missing and is likely shot by the end of the day. Johnson and Gentry are coordinating with each other throughout the day. They reference the need to talk, seek each other's locations, arrange meetings – but they carefully avoid discussing the substance of their conversation in any texts or messages. Gentry deletes most of his contacts with Johnson. They meet around four or five p.m. Their cell phones show another meeting at Gentry's residence at 8:24. At 9:30 p.m., Johnson manipulates Victim into unblocking his cell phone and Victim met Johnson soon after at Duncan Park. By 11:48, Johnson's phone shows he is moving away from the park, while Victim's phone never leaves the park. In the meantime, Johnson sends an i-Message at 10:24 p.m. to inquire where Gentry is, then Johnson attempts to call Gentry at 11:24 p.m., and once more at 11:45 p.m. in the closing minutes before he leaves the vicinity of where he murdered the Victim.

As demonstrated above, Gentry is integral to Johnson's plans: Johnson's attempts to contact

Gentry from the park when the murder just occurred demonstrates Gentry was more than a passive innocent agent in the murder scheme.

Gentry confirms this the next morning. Despite renewing contact with Johnson just the previous day, Gentry is compelled the next morning to let Johnson know he is going to work. Gentry deletes this seemingly innocuous message. The new found level of interest between the two codefendants is emphasized by the need for Johnson to ask Gentry where he works. Then he needs to meet Gentry at work, but without offering explanation why. They coordinate some more, but Gentry's gun-related searches sandwich the probable meeting time, and right after that meeting Gentry is alternatively deciding whether to sell the gun, as shown by his search for selling a gun on Cheaper than Dirt (which reflects possession) or report it stolen (which is inconsistent with possessing a gun to sell). When Johnson tells him to "Do it today, Fam! Happened two days ago," this is proof for the reasonable juror that Johnson was telling Gentry to report the weapon stolen two days ago – in other words, the day before the murder. The next day, on May 11, Gentry is making multiple searches to monitor news coverage about the discovery of Victim's body in the lake.

Gentry argues the State failed to prove intent, arguing the State is required to prove specific intent. In State v. Asfoor, 249 N.W.2d 529, 536 (Wis. 1977), the defendant argued he could not be convicted of negligent use of a weapon under an aider and abettor theory: "The essence of the . . . argument is that an aider and abettor cannot be guilty unless it is shown that the crime which was committed was the specific crime which the aider or abettor intended be committed." However, Asfoor knew of his codefendant's plans to commit "hostile damage" to the victim and provided the car and use of one of his guns. At the scene, he disarmed one of the two codefendants, but another

codefendant discharged the other weapon. Asfoor argued it was impossible to intend a negligent crime – the Court disagreed, observing Asfoor “consciously agreed to aid his companions when he knew they were planning a crime. He took overt actions to further their conduct. . . . All these intentional acts led to an injury when one of those he aided acted negligently while using a weapon. Asfoor . . . is responsible for the natural consequences of his acts.” *Id.* at 537. The Wisconsin Supreme Court returned to a metaphor from its prior case law, explaining, “Asfoor was not ‘sitting on the bench. He was in the game, playing a position or performing a function as to the commission of the crime.” *Id.* at 536 (internal quotation marks and ellipses omitted).

In the present case, evidence establishes Gentry provided Johnson the murder weapon in a manner of communication intended to avoid the transfer of possession of the weapon from being detected or traced to either of them. These careful, furtive communications in the day leading up to the murder and the immediate day afterwards suggest Gentry was aware he was providing a weapon for violent crime. Semiautomatic handguns like a 40 caliber Smith & Wesson are designed to shoot things and more specifically people. The jury could believe Gentry was aware of the probable use of the weapon for a violent crime.

The Connecticut Supreme Court analyzed its accessory statute and found unlike “attempt or conspiratorial liability, accessorial liability does not require that a defendant act with the conscious objective to cause the result described by a statute.” *State v. Foster*, 522 A.2d 277, 282 (Conn. 1987). In that case, Foster and a companion found and assaulted the victim who they believed raped Foster’s girlfriend. Foster told the victim to stay and gave a knife to his companion and told him to stay with the victim and to not let him escape. His companion stabbed victim when victim charged

him, after Foster departed. Id. at 278-79.

The Court noted its prior decisions discussing the requirement of “dual intent,” explaining those cases dealt with an accessory to a specific intent crime, and therefore, a specific intent to be an accessory was required. Id. at 282-83. The Connecticut Court explained under its case law, the proof of intent for an accessory is dependent on the mental state required for the substantive crime. Therefore, because the substantive offense required proof of recklessness, the prosecution only needed to prove recklessness for Foster’s accessorial liability. Id. at 283.

The Connecticut court explained:

Thus, accessorial liability is predicated upon the actor’s state of mind at the time of his actions, and whether that state of mind is commensurate to the state of mind required for the commission of the offense. If a person, in intentionally aiding another, acts with the mental culpability required for the commission of a crime – be it “intentional” or “criminally negligent” – he is liable for the commission of that crime.

Id. at 283-84.

Murder is a general intent crime, and the level of proof is discussed in State v. Mouzon, 231 S.C. 655, 99 S.E.2d 672 (1957). In that case, Mouzon was driving, while intoxicated, through the Clarendon County village of Alcolu at 70 or 80 m.p.h. in a 35 m.p.h. zone and fatally struck a pedestrian. The Supreme Court upheld the murder verdict, explaining:

We think the evidence was sufficient to sustain a verdict of murder. The conduct of the driver was such as to imperil human life. Although it may be fairly assumed there was no actual intent to kill or injure another, there is evidence of such recklessness and wantonness as to indicate a depravity of mind and disregard of human life, from which a jury could infer malice.

Id. at 662, 99 S.E.2d at 675. The Supreme Court further explained, “Malice does not necessarily

mean an actual intent to take human life. It may be inferential or implied, instead of positive, as when an act which imports danger to another is done so recklessly or wanton as to manifest depravity of mind and disregard of human life.” Id. at 663, 99 S.E.2d at 676; see also State v. Meggett, 398 S.C. 516, 527, 728 S.E.2d 492, 498 (Ct. App. 2012) (“[W]hether a defendant possessed the requisite intent at the time the crime was committed is typically a question for jury determination because, without a statement of intent by the defendant, proof of intent must be determined by inferences from conduct.”); State v. Tuckness, 257 S.C. 295, 299, 185 S.E.2d 607, 608 (1971) (“The intent with which an act is done denotes a state of mind and can be proved only by expressions or conduct considered in the light of the given circumstances. Intent is seldom susceptible to proof by direct evidence and must ordinarily be proven by circumstantial evidence, that is, by facts and circumstances from which intent may be inferred.”).

In the instant case, the furtive conduct by both Gentry and Johnson to arrange the transfer of Gentry’s .40 caliber Smith & Wesson to Johnson, with requisite TulAmmo ammunition, indicates knowledge and a reckless disregard for human life on Gentry’s part because his conduct indicates he understood he was providing the weapon to Johnson for some illicit and dangerous purpose. The Supreme Court recognized in State v. Williams, 427 S.C. 246, 830 S.E.2d 904 (2019) the inherent dangers of firearms when it found Williams was precluded from a self-defense instruction to the jury because he knowingly brought a handgun to a drug deal. The Supreme Court found he brought on the difficulty and therefore a proposed jury instruction for self-defense was not supported by evidence. In reaching the holding, the Supreme Court noted the nexus between drugs and gun violence: “[I]ntentionally bringing a loaded, unlawfully possessed pistol to an illegal drug transaction

is ‘calculated to produce a violent occasion.’” Id. at 251, 830 S.E.2d at 907.

In the instant case, the circumstances of how Gentry provided Johnson his Smith and Wesson weapon and the TulAmmo ammunition represents knowledge and reckless disregard for human life as it created a likelihood of loss of life. Therefore, evidence is sufficient to convict Gentry of accessory before the fact.

II.

**Sufficient evidence supports the verdict for accessory after the fact because evidence shows that Appellant assisted in the disposition of the murder weapon, which belonged to Appellant, and Appellant was aware of the murder when he assisted the principal.**

Gentry argues the trial court erred in declining to grant Gentry's motion for directed verdict for accessory after the fact because there was insufficient evidence he knew Johnson committed a murder and there was insufficient evidence he assisted Johnson after the fact.

To prove a defendant guilty of accessory after the fact, the State must prove the following elements: (1) a completed felony; (2) the accused knew the principal committed the felony; and (3) the accused harbored or assisted the principal felon. State v. Legette, 285 S.C. 465, 466, 330 S.E.2d 293, 294 (1985); State v. Blakely, 402 S.C. 650, 656, 742 S.E.2d 29, 32 (Ct. App. 2013). "The assistance or harboring rendered must be for the purpose of enabling the principal felon to escape detection or arrest." Legette, 285 S.C. at 467, 330 S.E.2d at 294. "An accessory after the fact is one who, knowing a felony to have been committed receives, relieves, comforts, or assists the felon." State v. Nicholson, 221 S.C. 399, 405, 70 S.E.2d 632, 634 (1952) (citation and internal quotation marks omitted). The person must know of the felony and know the person aided is the guilty party, and the accused must intend to shield the person aided from the law. Id.

The Kentucky Court of Appeals observed:

Any assistance whatever given to a felon to hinder his being apprehended, tried, or suffering punishment makes the assistor an accessory. IV Blackstone 37. 'The true test for determining whether one is an accessory after the fact is, to consider whether what he did was done by way of personal help to his principal, with the view of enabling the principal to elude punishment – the kind of help

rendered appearing to be unimportant.’ Bishop’s Criminal Law 365 (§634).

Maddox v. Commonwealth, 349 S.W.2d 686, 689 (Ky. Ct. App. 1960).

The Kentucky Court of Appeals observed, “Certainty of knowledge [a felony has been committed] is not required. It is sufficient that the accused had actual knowledge of facts which would give him good reason to believe the person assisted to be the felon.” Id. at 688-89.

“[I]n determining whether a defendant had the requisite knowledge and intent to commit the crime of accessory, the jury may consider such factors as the defendant’s possible presence at the crime or other means of knowledge of its commission, as well as his companionship and relationship with the principal before and after the offense.” People v. Plengsangtip, 148 Cal.App.4th 825 (Cal. Ct. App. 4th District 2007)) (citation and internal quotation marks omitted). “Defendant’s knowledge of the underlying offense may be proven entirely by circumstantial evidence.” United States v. Lepanto, 817 F.2d 1463, 1467 (10th Cir. 1987).

In the instant case, there is no dispute as to whether there was a completed felony. Victim was shot in the park and found floating in the water on May 11. Johnson’s motive and intent are well documented both in the texts and messages between him and Victim, and his internet searches for modes of poisoning Victim. Evidence established he met with Victim at the park that night where she was shot.

Further, Gentry’s actions indicate he knew Johnson committed the felony. Gentry undertook numerous searches regarding the murder. Further, the internet searches indicate Gentry knew he needed to dispose of the weapon quickly and Johnson’s message seeking for Gentry to report the weapon stolen the day before the murder occurred is further evidence of Gentry’s knowledge. The

jury could infer that Gentry knew of the murder when he assisted Johnson in disposing of the weapon. See People v. Scott, 170 Cal.App.3d 267 (Cal. Ct. App. 1st Dist. 1985) (finding evidence supported Scott as an accessory after the fact to a completed bank robbery where evidence showed she agreed to give a ride to the robber and dropped him off near the bank and waited for his return – she claimed not to know he was going to commit a crime. She drove him away when he returned, and loose cash was found in and around her purse when her car was stopped by police); Jones v. United States, 716 A.2d 160 (D.C. Ct. App. 1998) (noting “[e]ven if joining Rice in his flight would not in itself be enough to render appellant an accessory after the fact, this action could be considered by the jury as further proof bearing upon the nature and purpose of any ambiguous action in the cut.”).

In the instant case, sufficient evidence exists for a reasonable juror to believe Gentry provided assistance or harbored Johnson following the murder. Johnson attempted to contact Gentry no less than three times while he was at the park. Gentry clearly made himself available to Johnson, indicating he was going to work. Rather than communicate content to each other, Johnson makes a special trip to see Gentry at his workplace. Gentry’s first internet search after the meeting was a search for selling a weapon on Cheaper than Dirt. This is evidence Gentry had possession of a weapon and he sought to dispose of the weapon. Alternatively, he considered reporting the weapon stolen, an action he ultimately did not undertake. There is sufficient evidence that Gentry disposed of the weapon or coordinated its disposition with Johnson. People v. Williams, 324 N.W.2d 70 (Mich. Ct. App. 1982) (finding evidence defendant secreted the weapon used by the principal was sufficient evidence to establish guilt as an accessory after the fact). Additionally, Gentry deleted

nearly every contact with Johnson which is an action reasonably calculated to (1) assist Johnson in hiding the transfer of the weapon to Johnson and (2) conceal their communications after the murder. United States v. Lepanto, 817 F.2d 1463, 1468 (10th Cir. 1987) (finding evidence the defendant disposed of a carpet in the dumpster containing evidence of his brother's bomb-making activities and defendant's expressions of a desire to dispose of evidence of bomb-making in the defendant's and his brother's apartment sufficient to support a verdict for accessory after the fact); United States v. Elkins, 732 F.2d 1280, 1286-87 (6th Cir. 1984) (finding "ample evidence" to support girlfriend's conviction for accessory after the fact where she assisted the principal in destroying evidence).

Accordingly, sufficient evidence exists for a rational juror to find Gentry guilty of accessory after the fact to murder and his convictions and sentences should be affirmed.

**CONCLUSION**

For all of the foregoing reasons, the judgment and conviction of the lower court should be affirmed.

Respectfully submitted,

ALAN WILSON  
Attorney General

DAVID SPENCER  
Senior Assistant Attorney General

BARRY J. BARNETTE  
Solicitor, Seventh Judicial Circuit

BY:   
David Spencer

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

August 10, 2022

**RECEIVED**

**Aug 09 2022**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Spartanburg County  
Honorable J. Derham Cole, Circuit Court Judge  
\_\_\_\_\_

THE STATE OF SOUTH CAROLINA,

Respondent,

vs.

ROBERT TYRELL GENTRY,

Appellant.

Appellate Case No. 2021-000692  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATE OF COUNSEL**  
\_\_\_\_\_

The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR, and 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,

ALAN WILSON  
Attorney General

DAVID SPENCER  
Senior Assistant Attorney General

BARRY J. BARNETTE  
Solicitor, Seventh Judicial Circuit

By: \_\_\_\_\_

DAVID SPENCER

Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

August 10, 2022

**RECEIVED**

JUL 25 2022

SC Court of Appeals

**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

---

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

---

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

---

**State of South Carolina, ..... Respondent,  
vs.**

**Robert T. Gentry ..... Appellant.**

---

**FINAL REPLY BRIEF OF APPELLANT**

---

**C. RAUCH WISE  
305 Main Street  
Greenwood, SC 29646  
S.C. Bar № 6188  
(864) 229-5010  
[rauchwise@gmail.com](mailto:rauchwise@gmail.com)**

**Attorney for Robert T. Gentry**

**Index**

Table of Authorities ..... I

Argument:

    Question I: Did the trial court err in failing to direct a verdict in favor of Robert Tyrell Gentry on the charge of accessory before the fact to murder when the evidence at trial failed to show any evidence, direct or circumstantial, that would tend to prove that Mr. Gentry knew of Tremaine Pierre Johnson’s plan to kill Brechue Wiles and that he willfully aided Mr. Johnson in accomplishing the murder? ..... 1

    Question II: Did the trial court err in failing to direct a verdict in favor of Robert Tyrell Gentry on the charge of accessory after the fact to murder when the evidence at trial failed to show any evidence, direct or circumstantial, that would tend to prove that Mr. Gentry knew Tremaine Pierre Johnson had killed Brechue Wiles and that he willfully aided Mr. Johnson in covering up the murder? ..... 5

Conclusion ..... 7

**Table of Authorities**

<b>Cases:</b>	<b>Page:</b>
<i>State v. Arnold</i> , 361 S.C. 386, 605 S.E.2d 529 (2004) .....	1, 2
<i>State v. Hernandez</i> , 382 S.C. 620, 677 S.E.2d 603 (2009) .....	1
<i>State v. Schrock</i> , 283 S.C. 129, 322 S.E.2d 450 (1984) .....	4
<i>White v. State</i> , 851 So. 2d 400 (Miss. Ct. App. 2003) .....	6

## Argument

### Question I

**Did the trial court err in failing to direct a verdict in favor of Robert Tyrell Gentry on the charge of accessory before the fact to murder when the evidence at trial failed to show any evidence, direct or circumstantial, that would tend to prove that Mr. Gentry knew of Tremaine Pierre Johnson's plan to kill Brechue Wiles and that he willfully aided Mr. Johnson in accomplishing the murder?**

If, as the State suggests, all reasonable inferences from the fact are to be decided in favor of the State, then virtually no circumstantial evidence case would ever be reversed. For example, in *State v. Hernandez*, 382 S.C. 620, 624–25, 677 S.E.2d 603, 605 (2009) the court noted these facts, “The undercover agent testified that Petitioners conversed with the driver of the Thunderbird before they caravanned down the rural dirt road. Additionally, the undercover agent testified that in his experience, drug transactions this large are typically handled within an ‘inner circle’ and all of the parties involved are aware of what transpires.” The drugs were in rented tractor trailer from Texas. The rural dirt road was in Trenton, SC. Under these fact, a juror could conclude that Raphael Hernandez, Honorio Guerrero and Alfredo Avila–Arjona, the defendants, knew the truck from Texas contained drugs. The South Carolina Supreme Court said this inference was not enough. In reversing the conviction, the court acknowledged such an inference is possible, but stated, “We find, however, that while these testimonies may support such an inference, this evidence alone does not constitute substantial circumstantial evidence that Petitioners had knowledge.” *Id.* at 625, 677 S.E.2d at 605.

In *State v. Arnold*, 361 S.C. 386, 390, 605 S.E.2d 529, 531 (2004), the South Carolina

Supreme Court, in reversing the conviction, said, "Viewing the evidence most favorably to the State, respondent's fingerprint on the coffee cup lid tab establishes he was in the borrowed BMW on the same day the victim was last seen alive. The fact that the BMW was found abandoned in Tennessee, the same state where respondent was located after his stay in Savannah, raises a suspicion of guilt but is not evidence that respondent killed Dr. Cox." *Id.* Again, the fact that Mr. Arnold could have killed Dr. Cox is a rational inference. Thus, in South Carolina, something more than an inference supporting guilt is required to be substantial circumstantial evidence to sustain a conviction. Unfortunately, the courts have not told the bar how much more. At the very least, the evidence must show facts, not inferences, that make at least make the state's theory from the facts substantially more likely than the defendant's version. No such facts, not inference from facts, but facts, support the conviction in this case.

The State states, as did Mr. Gentry in his opening brief, that one of the elements is the defendant "either advised and agreed, urged, or in some way aided some other person to commit the offense." Br. of Resp. at 15. Not stated, but implied, is the fact the defendant has to know a crime is being committed. The indictment in this case alleged Mr. Gentry knew Mr. Johnson was going to commit a crime. Rec. on App. at 516 (Indictment). The State must prove all three elements before a conviction can be secured.

In its brief, the State has offered virtually no evidence Mr. Gentry knew a murder or any other crime was about to be committed by Mr. Johnson. The State makes several statements in its brief that have no factual basis in the record. The State argues inferences from some facts, but no facts. For example, the State argues, "The evidence supports the inference that the day after the murder Johnson is urging Gentry to report the gun stolen while Gentry seems to be deciding

between alternative and incompatible courses of action of either (1) reporting his gun stolen or (2) selling his gun.” Br. of Resp. at 15-16. Neither of these two facts support an inference of Mr. Johnson being guilty of accessory before the fact. While Mr. Gentry did searches for reporting a gun stolen, nothing in the record suggests he did so at the urging of Mr. Johnson. Nothing in the record suggests Mr. Gentry had the gun after the shooting and nothing suggest he intended to sell it. Both draw inferences from facts. The inferences are speculative at best.

With no facts to support its claim, the State urges upon this court the theory that “[C]ommunications between Gentry and Johnson neatly straddle before and after the murder as if the murder was the centerpiece of their communication.” Br. of Resp. at 16. The officer who examined the phone records testified the phone conversations made no reference to Brechue Wiles, no reference to a female, no reference to Johnson being upset with his girlfriend, no reference to Johnson wanting to kill or harm anyone and no reference to a firearm of any type.. Rec. on App. at 244, 1 2 to 293, 1 25. With no facts to support such an inference, the state now says the conversations support an inference that they were planning a murder. That conclusion is an inference with no basis in fact to back it up. As such, it is mere speculation as to what the parties discussed with no substantial circumstantial evidence to support the conclusion. The State seems to argue that since we do not know what they said, we are entitled to speculate they discussed issues that support its version of the facts. No case law permits this type of inference seeking.

The State further argues that “they carefully avoid discussing the substance of their conversations in any text or messages.” Br. of Resp. at 16. With no proof as to what the substance of the conversations were, the State is not entitled to speculate as to what was said nor

what was avoided being said. Such speculation is not proof. "By bringing the case, the State assumes the burden of proving that the accused was at the scene of the crime when it happened and that he committed the criminal act" *State v. Schrock*, 283 S.C. 129, 133, 322 S.E.2d 450, 452 (1984). In this case the government is required to prove the parties discussed the murder and Mr. Gentry agree and aided in its participation.

The State further claims, "These careful, furtive communications in the day leading up to the murder and the immediate days afterwards suggest Gentry was aware he was providing a weapon for a violent crime." Br. of Resp. at 18. Again, as the State does not know what the conversations said, they elect to call them "furtive" and speculate as to what was said because they have no proof as to what was said. The State then concludes, "The jury could believe Gentry was aware of the probable use of the weapon for a violent crime." Br. of Resp. at 18. A jury is not entitled to base an conviction on absence of what the conversations actually said. This is pure speculation.

Finally the State argues, "In the instant case, the furtive conduct by both Gentry and Johnson to arrange the transfer of Gentry's .40 caliber Smith & Wesson to Johnson, with requisite TulAmmo ammunition, indicates knowledge and a reckless disregard for human life on Gentry's part because his conduct indicates he understood he was providing the weapon to Johnson for some illicit and dangerous purpose." Br. of Resp. At 20. No facts exist to support this conclusion. With no facts to say what Mr. Gentry and Mr. Johnson discussed, the State argues, again, that the lack of any evidence enables them to speculate what was said, done and in the mind of both people based simply on the known fact they talked to each other. Again, this is mere speculation. This speculation is not substantial circumstantial evidence and is not sufficient

to sustain this conviction for accessory before the fact to murder.

## Question II

**Did the trial court err in failing to direct a verdict in favor of Robert Tyrell Gentry on the charge of accessory after the fact to murder when the evidence at trial failed to show any evidence, direct or circumstantial, that would tend to prove that Mr. Gentry knew Tremaine Pierre Johnson had killed Brechue Wiles and that he willfully aided Mr. Johnson in covering up the murder?**

The State fails not better in its argument that the facts are sufficient to sustain the conviction of Robert Gentry for accessory after the fact to murder. The State again cites the three elements of accessory after the fact. One of the elements is Mr. Gentry helped Mr. Johnson cover up the crime.

In trying to sustain the conviction, the State argues, "Gentry undertook numerous searches regarding the murder. Further, the internet searches indicate Gentry knew he needed to dispose of the weapon quickly and Johnson's message seeking for Gentry to report the weapon stolen the day before the murder is further evidence of Gentry's knowledge.<sup>1</sup> The jury could infer that Gentry knew of the murder when he assisted Johnson in disposing of the weapon." Br. of Resp. at 22-23. Nothing in any of the record supports the conclusion that Mr. Gentry was trying to dispose of the weapon. No evidence establishes that Mr. Gentry assisted Mr. Johnson in

---

<sup>1</sup> The record does not support the conclusion that Mr. Johnson asked Mr. Gentry to report the gun stolen. This conclusion by the State is apparently based upon Mr. Gentry conducting searches about reporting a gun as being stolen. It is just as logical to believe that Mr. Gentry figured out on his own that Mr. Johnson has used his weapon in a murder and Mr. Gentry on his own decided to report it stolen. Rec. on App. at 232, 11 to 235, 12. The murder, by the time of these searches, had been in the local news.

disposing of the weapon. Again, based upon the absence of facts, the State is asking this Court, and the jury below, to infer with no facts what they could not prove.

The State also argues, “Gentry’s first internet search after the meeting was a search for selling a weapon on Cheaper than Dirt.” Br. of Resp. at 23. The searches indicate that Mr. Gentry was trying to buy a firearm and not sell one.<sup>2</sup> Rec. on App. at 226, 115 to 275, 123. Nothing in the record establishes Mr. Gentry had the firearm used to commit the murder in his possession.

Whether Mr. Gentry conducted an internet search to buy or sale a weapon, neither happened. An internet search, even with knowledge that a murder had been committed does not make one guilty of accessory after the fact. As the Mississippi court said, “In order to commit the crime of accessory after the fact in this State, we are satisfied that there must be some indication that the effort to assist a fleeing felon actually aided or assisted him in some way. This is inherent in the statutory definition, which requires that the defendant have actually ‘aided or assisted’ the felon, as opposed to simply having attempted, but failed, to do so.” *White v. State*, 851 So. 2d 400, 405 (Miss. Ct. App. 2003).

The State then argues, “There is sufficient evidence that Gentry disposed of the weapon or coordinated its disposition with Johnson.” Br. of Resp. at 23. Nothing in this record supports this conclusion. Mr. Gentry agrees that if he had disposed of the weapon the evidence would support a conviction of accessory after the fact. No such evidence exist in this case. The State is using internet searches to conclude this happened. Such a conclusion is mere speculation.

---

<sup>2</sup> The theory of the State at trial was Mr. Gentry was trying to buy a gun. Rec. on App. at 423, 111-14.

Speculation is not substantial circumstantial evidence. Again, the State is unable to prove Mr. Gentry even saw the murder weapon after the murder. Again, the State urges this court to sustain the conviction not based on facts but from speculation based upon the lack of facts.

Accessory after the facts requires that a defendant does an affirmative act to help cover up or conceal the crime. No such affirmative act has been shown in this case. No substantial circumstantial evidence support the conviction of Mr. Gentry for accessory after the fact.

### CONCLUSION

For the reasons set forth in the opening brief and for the reasons above, this court should reverse the convictions of Robert Gentry on the grounds the facts were not sufficient to conviction and remand with an order to dismiss the two cases.

July 17, 2022



C. Rauch Wise  
305 Main Street  
Greenwood, SC 29646  
(864) 229-5010  
[rauchwise@gmail.com](mailto:rauchwise@gmail.com)  
S. C. Bar No 6188

Attorney for Robert T. Gentry

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

JUL 25 2022

**SC Court of Appeals**

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

Appellant Case No 2021-000692

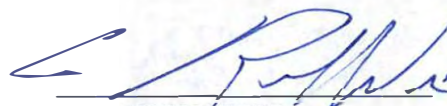
State of South Carolina, ..... Respondent,  
vs.

Robert T. Gentry ..... Appellant.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Reply Brief of Appellant complies with Rule 211(b), SCACR.

July 19<sup>th</sup>, 2022



C. RAUCH WISE  
Attorney at Law  
305 Main Street  
Greenwood, SC 29646  
SC Bar No. 6188  
(864) 229-5010

Attorney for Appellant

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

The State, Respondent,

v.

Robert Tyrell Gentry, Appellant.

Appellate Case No. 2021-000692

---

Appeal From Spartanburg County  
J. Derham Cole, Sr., Circuit Court Judge

---

Unpublished Opinion No. 2025-UP-016  
Heard October 9, 2024 – Filed January 15, 2025

---

**AFFIRMED**

---

Clarence Rauch Wise, of Greenwood, for Appellant.

Attorney General Alan McCrory Wilson, Senior  
Assistant Deputy Attorney General Melody Jane Brown,  
and Assistant Attorney General Joshua Abraham  
Edwards, all of Columbia; and Solicitor Barry Joe  
Barnette, of Spartanburg, all for Respondent.

---

**PER CURIAM:** Robert Tyrell Gentry appeals his convictions for accessory  
before the fact to the crime of murder and accessory after the fact to the

commission of a felony. Gentry argues the trial court erred in denying his motions for directed verdict. We affirm.

1. We hold the trial court properly denied Gentry's motion for a directed verdict on the accessory before the fact charge because, when viewing the evidence in the light most favorable to the State, there is substantial circumstantial evidence demonstrating that Gentry aided the principal in the commission of murder. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 27-28, 602 S.E.2d 772, 782 (2004) ("When reviewing the denial of a motion for [a] directed verdict . . . , an appellate court must employ the same standard as the trial court by viewing the evidence and all reasonable inferences in the light most favorable to the nonmoving party."); *State v. Lollis*, 343 S.C. 580, 583, 541 S.E.2d 254, 256 (2001) (explaining this court must view the evidence in the light most favorable to the State when reviewing the denial of a motion for a directed verdict); *State v. Bailey*, 368 S.C. 39, 44-45, 626 S.E.2d 898, 901 (Ct. App. 2006) ("When ruling on a motion for a directed verdict, the trial court is concerned with the existence of evidence, not its weight."); *State v. Bennett*, 415 S.C. 232, 237, 781 S.E.2d 352, 354 (2016) ("Accordingly, in ruling on a directed verdict motion where the State relies on circumstantial evidence, the court must determine whether the evidence presented is sufficient to allow a reasonable juror to find the defendant guilty beyond a reasonable doubt."); S.C. Code Ann. § 16-1-40 (2015) ("A person who aids in the commission of a felony or is an accessory before the fact in the commission of a felony by counseling, hiring, or otherwise procuring the felony to be committed is guilty of a felony and, upon conviction, must be punished in the manner prescribed for the punishment of the principal felon."). The State presented evidence showing the principal communicated with Gentry through phone calls and messages throughout the day of the murder, and Gentry subsequently deleted most of those phone calls and messages. Notably, shortly before the murder, Gentry texted the principal asking him to contact him "when [he was] dun." Gentry's phone and the principal's phone used the same cell tower hours before the murder, and the principal called him twice later that night. Additionally, the State presented a witness who saw Gentry and the principal together mere hours before the murder occurred. A bullet and shell casing found at the crime scene were the same caliber and were made by same manufacturer as ammunition found in Gentry's car. Further, the forensic firearms examiner opined the markings on the bullet indicated it could only have been fired from a .40 caliber Smith & Wesson, the same type of gun Gentry owned.

In addition to his meeting with the principal shortly before the murder, the phone calls, texts, and Gentry's own internet searches provided additional circumstantial evidence supporting the circuit court's denial of a directed verdict on the accessory

before the fact charge. Investigator William Reece of the Spartanburg Police Department explained that on May 10—after notifying the principal he was headed to work—Gentry searched the internet for guns, gun accessories, and "Cheaper Than Dirt," a website for purchasing weapons. That same morning, the principal sent a message to Gentry asking if he could come talk to him at work. The principal then attempted to call Gentry. Gentry later conducted additional internet searches, including searches for guns for sale, "only 11 states require gun owners to report stolen weapons to police," and "my pistol was stolen." That afternoon, the principal sent additional messages to Gentry stating, "Do it today fam! Happen two days ago," and Gentry responded, "Ight." Following that message, Gentry searched for "Report firearm. theft or loss. Alcohol, tobacco, firearms and explosives."<sup>1</sup> The various communications—and the internet searches that followed—lend further support to the State's theory that Gentry aided the principal by knowingly providing him with the gun used in the murder and subsequently sought to attenuate his connection to the weapon he previously provided.

2. We hold the trial court properly denied Gentry's motion for a directed verdict on the accessory after the fact charge because, when viewing the evidence in the light most favorable to the State, there is substantial circumstantial evidence demonstrating Gentry assisted the principal with disposing of the murder weapon and covering up the crime. *See Elam*, 361 S.C. at 27-28, 602 S.E.2d at 782 ("When reviewing the denial of a motion for [a] directed verdict . . . , an appellate court must employ the same standard as the trial court by viewing the evidence and all reasonable inferences in the light most favorable to the nonmoving party."); *Lollis*, 343 S.C. at 583, 541 S.E.2d at 256 (explaining this court must view the evidence in the light most favorable to the State when reviewing the denial of a motion for a directed verdict); *Bailey*, 368 S.C. at 44-45, 626 S.E.2d at 901 ("When ruling on a motion for a directed verdict, the trial court is concerned with the existence of evidence, not its weight."); *Bennett*, 415 S.C. at 237, 781 S.E.2d at 354 ("Accordingly, in ruling on a directed verdict motion where the State relies on circumstantial evidence, the court must determine whether the evidence presented is sufficient to allow a reasonable juror to find the defendant guilty beyond a reasonable doubt."). On the night of the murder, Gentry told the principal to contact him once he was done. Cell phone records established that the principal called Gentry twice later that night. The day after the murder, the principal asked Gentry where he worked and stated he needed to tell Gentry something. Additionally, the day after the murder, Gentry researched how to report a lost or

---

<sup>1</sup> A former coworker also testified Gentry asked him "how to go about reporting a gun stolen" on or about May 10, 2018.

stolen firearm after receiving a text message from the principal demanding that he act immediately and referring to something that happened two days ago. Further, police never found Gentry's gun. Finally, on the day the victim's body was found, Gentry searched for "death investigation in Duncan Park," "woman's body found in Duncan Park Lake," and "located body . . . was pregnant woman." *See State v. Blakely*, 402 S.C. 650, 656, 742 S.E.2d 29, 32 (Ct. App. 2013) ("Before an accused may be found guilty of being an accessory after the fact to a felony, the following elements must exist: (1) the felony has been completed; (2) the accused must have knowledge that the principal committed the felony; and (3) the accused must harbor or assist the principal felon."); *State v. Frazier*, 386 S.C. 526, 532, 689 S.E.2d 610, 613 (2010) (upholding the trial court's denial of the defendant's motion for a direct verdict based on circumstantial evidence).

**AFFIRMED.**

**WILLIAMS, C.J., and MCDONALD, and TURNER, JJ., concur.**

**RECEIVED**

**Jan 28 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

The State, Respondent,

v.

Robert Tyrell Gentry, Appellant.

Appellate Case № 2021-000692

---

Appeal From Spartanburg County  
J. Derham Cole, Sr. Circuit Judge

---

Unpublished Opinion № 2025-UP-016  
Heard October 9, 2024 - Filed January 15, 2025

---

**Petition for Rehearing**

Pursuant to Rule 221 of the South Carolina Appellate Court Rules, Robert Tyrell Gentry, the Appellant above named, hereby Petitions this court to rehear this matter based upon the following grounds:

1. This Court correctly held that the facts in this case are to be viewed in the light most favorable to the State, but failed to recognize that the inferences from those facts are not to be viewed in the light most favorable to the State. If the inferences from the facts in a circumstantial evidence case are always viewed in the light most favorable to the State, no circumstantial evidence would ever be reversed. As noted in the opening brief, the South Carolina the circumstantial evidence cases of *State v. Bostick*, 392 S.C. 134, 708 S.E.2d 774 (2011), *State v. Arnold*, 361 S.C. 386, 605 S.E.2d 529 (2004) and *State v. Hernandez*, 382 S.C.

620, 677 S.E.2d 603 (2009) all were reversed. In each case, the facts were such that a jury could reasonably infer guilt.

In *Bostick*, the facts were that the blood on the defendant's clothes excluded 99% of the population but the agent could not conclusively say the blood came from the victim.<sup>1</sup> Items of property belonging to the victim were found in a burn pile at the residence of the mother of the defendant. Gasoline was used as an accelerant in the fire and the shoes of the defendant contained a relatively fresh pattern that matched gasoline. From these facts a jury could logically infer Mr. Bostick committed the arson and murder. In reversing the case, the court said such inferences are not sufficient.

In *Arnold*, the automobile belonging to the deceased was found about ten miles from where the defendant was in Tennessee. A fingerprint of the defendant was found on a cup lid in the car. The defendant and the deceased knew each other and had had a sexual relationship. From these facts a jury could have easily drawn the inference that the defendant killed the deceased and drove his automobile to Tennessee.

In *Hernandez*, the defendant followed a tractor-trailer rig from Texas down a dirt road in rural Edgefield County. The three defendants were in a Ryder truck. The Ryder truck arrived at a predetermined location with a Ford Thunderbird. The driver of the Thunderbird, who escaped, directed the driver of the tractor-trailer to following him. All three vehicles, with the Thunderbird leading, went down the dirt road. From these facts the jury could have easily inferred that the defendants knew the tractor-trailer contained illegal drugs. What other reason

---

<sup>1</sup> As the jury inferred this blood was from the victim, they had a 99% chance of being right.

would there be to go down a dirt road in a rural county? The court reversed the conviction saying the inferences the jury could draw were not sufficient to convict.

While not stated in any of the opinions, something more is needed than an inference of guilt to convict. In the three cases an inference of guilt was logical and would be consistent with the facts proven. Unfortunately, the opinions did not state what else is needed.

The Fifth Circuit has stated, “[I]f the evidence viewed in the light most favorable to the prosecution gives equal or nearly equal circumstantial support to a theory of guilt and a theory of innocence of the crime charged, then a reasonable jury must necessarily entertain a reasonable doubt.” *Clark v. Procunier*, 755 F.2d 394, 396 (5th Cir. 1985). In the Opinion, this court did not explain why the inferences of guilt were not simply nearly equal or, as argued in the brief, substantially more likely than the inference of innocence as would be required to establish guilt.

The court made special reference to the text message, “when [he was] dun.” This text message does not make reference to the murder. Nothing in the record makes this text message a reference to the murder more likely than to any other event. A reference to a murder is not substantially more likely. At best it is equal or nearly equal to not referring to a murder.

The court also placed special emphasis on the fact that after the murder, Mr. Gentry searched the internet for reporting lost or stolen guns. Such searches give no support to the claim that Mr. Gentry aided Tremaine Pierre Johnson in committing a murder by providing a gun. In fact, the most logical inference from such searches is that he found out after the fact his weapon was used in a murder and he was trying to figure out what to do. Had Mr. Gentry aided Mr. Johnson in the murder, logic would dictate they would have made a plan to get rid of the weapon. What evidence in the record makes these searches more likely to prove guilt than knowledge

acquired after the fact. Are not these two inferences equal or nearly equal so as to fail the circumstantial evidence test established by the Fifth Circuit?

In ruling on a circumstantial evidence case, the Minnesota court has said, “In identifying the reasonable inferences that can be drawn from the circumstances proved, ‘we view the circumstances proved as a whole and not as discrete and isolated facts.’ The State’s circumstantial evidence is sufficient when the reasonable inferences are consistent with the hypothesis that the accused is guilty and inconsistent with any rational hypothesis other than guilt. Put differently, if the circumstances proved, when viewed as a whole, are consistent with a reasonable inference of innocence, the State’s circumstantial evidence is not sufficient to support the conviction.” *State v. Segura*, 2 N.W.3d 142, 157 (Minn. 2024)(internal citations omitted).

As noted in the brief in this matter, such a standard has twice been used by our Supreme Court. *State v. Hernandez*, 382 S.C. 620, 677 S.E.2d 603 (2009) and *State v. Odems*, 395 S.C. 582, 720 S.E.2d 48 (2011). To simply say substantial circumstantial evidence exists without defining the term, or stating why the evidence as to guilt is substantially more likely, provides no guidance to the bench and bar as to how circumstantial evidence cases should be viewed. This Court should rehear this matter and hold the State failed in its burden of proof.

2. This court further erred in the order in failing to acknowledge accessory before the fact requires knowledge that the crime of murder is going to be committed. The conviction of Mr. Gentry cannot be sustained without substantial circumstantial evidence that Mr. Gentry had actual knowledge that Mr. Johnson was going to commit a murder. In affirming the conviction, this court said, “The various communications—and the internet searches that followed—lend further support to the State’s theory that Gentry aided the principal by knowingly providing him

with the gun used in the murder and subsequently sought to attenuate his connection to the weapon he previously provided.” *State v. Gentry*, Op. № 2025-UP-016 (S.C.Ct.App. filed January 15, 2025) at 3. Mr. Gentry agrees the circumstantial evidence could be interpreted to prove Mr. Gentry knowingly gave the gun to Mr. Johnson. Giving the gun to Mr. Johnson is not a crime unless Mr. Gentry knew Mr. Johnson was going to commit a murder with the gun. As the Mississippi Supreme Court has held, “To render one liable as an accessory after the fact he must have had actual knowledge, at the time he relieved or assisted the principal, that the latter had committed a felony, or was an accessory before the fact to a felony; and such knowledge must be personal as distinguished from constructive.” *Matula v. State*, 220 So. 2d 833, 834 (Miss. 1969). Mr. Gentry knowingly providing the gun used in the murder is not sufficient to convict Mr. Gentry of accessory before the fact of murder. The State is required to prove Mr. Gentry had personal knowledge that Mr. Johnson was going to commit a murder with the gun. As one authority said, “In order to render one guilty as an accessory before the fact, he or she must have had the requisite criminal intent. Such person must have the same intent as the principal.” 22 C.J.S. Criminal Law: Substantive Principles § 179. As noted in the opening brief the intent required for murder is wilfulness. S.C. Code. § 17-19-30. Thus, the State must prove Mr. Gentry gave Mr. Johnson a gun knowing Mr. Johnson was going to use it in a murder. In the opinion, this court appears to say Mr. Gentry is guilty from “knowingly providing [Johnson] with the gun used on the murder . . . .” *Id.* Thus, this court created a strict liability crime for accessory before the fact if a person knowingly provided the means by which the crime was committed. This is not a correct statement of the law. This court should rehear this matter and hold the State failed to prove by substantial circumstantial evidence that Robert Tyrell Gentry

knew Tremaine Pierre Johnson intended to commit murder with the gun provided to him.

3. As stated in the opening brief, to convict Mr. Gentry of accessory after the fact to murder the state is required to prove some form of aiding in covering up the crime. As the South Carolina Supreme Court has said, “Three conditions must unite to render one an accessory after the fact: (1) The felony must be complete. (2) The accessory must have knowledge that the principal committed the felony. (3) The accessory must harbor or assist the principal felon. *State v. Nicholson*, 221 S.C. 399, 405, 70 S.E.2d 632, 634 (1952). In this case, the State must prove Mr. Gentry did something to harbor or assist Mr. Johnson after he learned a murder had been committed.

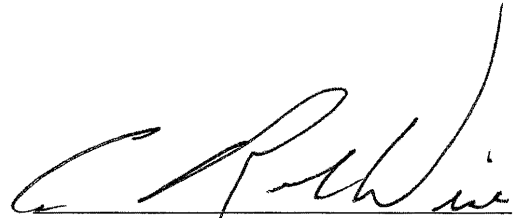
This court failed to explain in any manner how Mr. Gentry searching for lost or stolen guns or, as stated by the court, “‘death investigation in Duncan Park,’ ‘woman's body found in Duncan Park Lake,’ and ‘located body . . . was pregnant woman’” (*Id.* at 4) in any way aided Mr. Johnson is covering up the crime. Mr. Gentry never reported the gun stolen. No inference ever suggested he had the gun in his possession after the murder. In the opinion of the case against Mr. Johnson, this court stated, “Further, the State provided evidence that in the days following the murder, Johnson worked with his codefendant to dispose of the murder weapon.” *State v. Johnson*, Op. № 2025-UP-018 (S.C.Ct.App. filed Jan. 23, 2025) at 3. The record has no proof that Mr. Johnson and Mr. Gentry disposed of the weapon. Obviously someone did, but that does not create any evidence that Mr. Gentry was the person who actually disposed or even helped dispose of the weapon. The fact that Mr. Gentry searched the internet about stolen or lost guns does not support the conclusion that he helped dispose of the gun. Mr. Gentry never reported the gun lost or stolen. As such, to hold Mr. Gentry did anything to aid Mr. Johnson is sheer

speculation. Again, nothing in the record suggests the inferences drawn by the court on this issue were, as discussed by the Fifth Circuit, not “equal or nearly equal.” This court did not explain why an inference of guilt as to accessory after the fact is substantially more likely. If the state is required to prove its case with substantial circumstantial evidence, this court should be required to explain why the inference of guilt is substantially more likely than the inference of innocence. As the facts of this case do not show the inference as to accessory after the fact are substantially more likely, then this court should reverse the conviction of Robert Tyrell Gentry for accessory after the fact.

## CONCLUSION

For the foregoing reasons, this court should rehear this matter and issue an order finding that the State did not present substantial circumstantial evidence to establish that Robert Tyrell Gentry knew the gun was going to be used in a murder before the murder occurred and that none of the searches established that Mr. Gentry aided or abetted Tremaine Pierre Johnson to make him guilty of accessory after the fact to murder.

January 28, 2025



C. Rauch Wise  
305 Main Street  
Greenwood, SC 29646  
(864) 229-5010  
[rauchwise@gmail.com](mailto:rauchwise@gmail.com)  
S. C. Bar № 6188

Attorney for Robert Tyrell Gentry

# The South Carolina Court of Appeals

The State, Respondent,

v.

Robert Tyrell Gentry, Appellant.

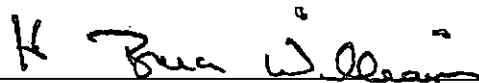
Appellate Case No. 2021-000692


---

## ORDER

---

After careful consideration of the petition for rehearing, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 C.J.

 J.

 J.

Columbia, South Carolina

cc:  
Barry Joe Barnette, Esquire  
Alan McCrory Wilson, Esquire  
Clarence Rauch Wise, Esquire  
Melody Jane Brown, Esquire  
Joshua Abraham Edwards, Esquire  
The Honorable J. Derham Cole

**FILED**  
**Feb 10 2025**