

5/14/2025

Edge Field Police mislodge a Firearm into my case during trial and Police admitted during trial and Inside is proof and It was suppose to be up for appealate review. Inside is also proof of my sixth and fourth admendment right violated during trial. This is a murder case and Sted testified during trial and said the DNA and Finger prints Found at the crime scene wasnt a Match to mine. I was excluded I had an Indigent Defense during my Jury trial. My rights were violated and Inside is Proof from trial transcript.

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MAY 22 2025

SC Court of Appeals

1 A. It was.

2 Q. What caliber?

3 A. .380.

4 Q. When you logged that firearm into evidence, did you
5 log it in evidence associated with an assault and battery
6 case?

7 A. No, ma'am.

8 Q. What case did you log it into evidence with?

9 A. It was logged in as a murder case.

10 Q. And the murder case that we are here on today?

11 A. Yes, ma'am.

12 Q. And was that weapon eventually sent to SLED for
13 testing?

14 A. It was.

15 Q. And were you able to connect that weapon in this
16 case?

17 A. I was not.

18 Q. Were you able to connect that weapon to the
19 defendant in any way?

20 A. I was not.

21 Q. And was it an oversight logging that weapon in the
22 murder case versus in the assault and battery case?

23 A. It was.

24 Q. And the purpose of sending it to SLED for
25 comparison, what was the purpose of that?

1 A. Because we had some .380 shell casings found at the
2 crime scene and we knew the defendant in this case, on my case
3 was living in the area, we wanted the gun checked.

4 Q. So the purpose was to include it or exclude it in
5 this case?

6 A. Yes, ma'am.

7 Q. So to determine if that other individual may be
8 involved in this case?

9 A. That's correct.

10 Q. And you were able to determine that that other
11 individual is not involved in this case?

12 A. That's correct.

13 Q. And you were able to determine that that individual
14 and the defendant in this case have no relationship in regards
15 to that firearm?

16 A. That's correct.

17 Q. And just to be clear that this firearm was recovered
18 approximately two months after the case that we are on here
19 today?

20 A. Correct.

21 Q. And just to be clear, it was not recovered, it was
22 recovered on a person or in an area?

23 A. An area.

24 Q. What area? Was it on someone's physical body or was
25 it found randomly?

1 lunch, please do not discuss this case with any member of
2 the jury or anyone else. Do not attempt to do any type
3 of research. Thank you. If you will escort the jury
4 out.

5 (Whereupon, the jury was released for lunch at 11:35
6 a.m.)

7 THE COURT: At this time I'll hear any motions.

8 MR. MADSEN: Judge, we would move for a directed
9 verdict. We would renew all of our objections, all of
10 our motions, specifically all of our requests for
11 suppression of evidence from search warrants, the request
12 of suppression of items of tangible pieces of evidence
13 that was introduced by the State in their case in chief
14 and not provided to us until Friday, June 24th at
15 approximately 5:15 in violation of Rule 5 of the rules of
16 criminal procedure and also not only the State, but
17 Federal due process of our client's right to present a
18 defense.

19 Judge, what we're looking at here is a defendant is
20 entitled to a directed verdict when the State fails to
21 produce evidence of the offense charged. If there is any
22 direct evidence or substantial circumstantial evidence
23 reasonably tending to prove the guilt of the accused,
24 then obviously that case has to be submitted to the jury,
25 but Your Honor should grant a directed verdict if the

1 evidence merely raises a suspicion that the accused is
2 guilty. You should grant a directed verdict motion where
3 speculating as to the guilt of the accused or where the
4 evidence is only to raise a mere suspicion which we
5 believe we have here, obviously suspicion means or
6 ~~implies a belief or an opinion as to guilt and based on~~
7 facts or circumstances.

8 We believe here that the circumstantial evidence
9 relied upon by the State is not substantial and merely
10 raises a suspicion of guilt. Even viewing the
11 circumstantial evidence in a light most favorable to the
12 State, the evidence certainly does not tend to prove
13 Gabe's guilt. We would point also to State versus
14 Buckmon, 347 South Carolina 316. That was a case where
15 Mr. Buckmon was convicted in Barnwell County. That case
16 was overturned on a lack of denial of a directed verdict.

17 In this case, Judge, they have no eye witnesses, no
18 admissions, no physical evidence that ties Gabe to this
19 crime, no fingerprints, no DNA, no footprints placing him
20 at the crime scene next to the car. All they have is
21 circumstantial evidence. They have cell phone timeline
22 where Gabe and Dakota are potentially in the same area as
23 Your Honor had heard. It doesn't say that they're
24 standing right next to each other. I mean, there's a
25 wide swathe there, even according to their expert.

(Ct. App 2012)¹. In short, the affidavits in this case were conclusory and only asserted that appellant was the last person seen with the decedent while the decedent was alive, and the additional information was only that the police believed that the appellant's girlfriend lied about appellant not being home when the police first came to speak with him. There was no attesting to the reliability of the information or no specific indication of where the information came from or the persons that supplied it.

The affidavits by which law enforcement obtained appellant's cell phone were invalid. They did not establish probable cause for law enforcement to believe that appellant committed the murder, and they failed to assert that the information came from reliable sources or credible people. The judge therefore erred by refusing to grant the appellant's motion to suppress this evidence obtained as a result of the defective search warrants.

The cell phone information was very prejudicial because it allowed law enforcement, including Investigator Chase Harley, to reportedly trace appellant's movements to the crime scene, to the Burger King he denied stopping at, and back home. Tr. 457, l. 22 – 499, l. 25. Appellant also properly also objected to the cell phone tracing information of Secret Service Agent John Vanhouten. Tr. 508, l. 14 – 531, l. 14, and the cell phone mapping testimony of FBI Agent Matthew Wilde. Tr. 535, l. 23 – 536, l. 10; tr. 543, l. 2 – 567, l. 22.

¹ *Rev'd on other grounds*, 412 S.C. 643, 773 S.E.2d. 906 (2015). The defective affidavits in this case lacked even a conclusory assertion that the information or its source was reliable.

The court erred by admitting the cell phone mapping testimony of FBI Agent Matthew Wilde, after initially granting the motion to suppress it, where the state disclosed the maps after five o'clock on the Friday afternoon before the murder trial was starting on Monday morning since the defense could not hire its own expert, which was essential to challenge the validity of this highly prejudicial technical mapping evidence at trial, which was in contravention of appellant's right to fundamental fairness

Relevant Facts

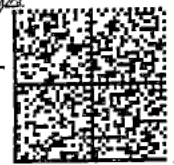
As seen, defense counsel moved to suppress and exclude the cell phone and cell phone tower mapping evidence because he only received the cell phone maps on Friday afternoon after 5 o'clock when the murder trial was starting on Monday morning. For appellant to have a fair trial, defense counsel correctly told the judge that he would have to obtain a funding order from a judge to hire an expert "to double pass check all of this stuff, to make sure it's appropriate, to make sure that it's right, I mean there's no way after four years that we can do that on a weekend going into the murder trial." Defense counsel added to admit this evidence and not suppress it would deny the appellant his right to a fair trial and to due process. Tr. 100 l. 18 – Tr. 101 l. 22.

The state only countered that it turned over the cell phone mapping information without undue delay and it even asserted that they could have waited until Monday morning at the start of the trial to give the information to the defense. At another point the solicitor asserted the state did not have to disclose the evidence at all. Tr. 104 l. 25 – Tr. 108 l. 12.

The judge ruled that she was granting the defense motion and would suppress the cell phone mapping information. Tr. 108, ll. 14-15. However, after further argument about the exact

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