

VOLUME III OF III

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable Alex Kinlaw, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JEFFREY MICHAEL GEORGE,

APPELLANT

APPELLATE CASE NO. 2024-001653

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1 Bailey. Went back to the case file.

2 A Right.

3 Q Whoever the investigating agent is.

4 Did you run any other phones on any other dates
5 other than 12/20/2019 and 11/28/2023?

6 A Yeah. The other -- the other Samsung, the other two
7 I ran 15 November. One of those had a frozen screen so I
8 didn't get into it. And then the other one I was able to
9 bypass the PIN with Cellebrite Premium and able to get an
10 extraction from that one.

11 Q What phone was that?

12 A That one was that Samsung SM-G550T1.

13 Q What was the date in November? So November 15th?

14 A That was 15 November 2023.

15 MR. MARCHANT: Thank you, Mr. Perry.

16 MR. WILLIAMS: No redirect, Your Honor.

17 THE COURT: All right. Sir, you can step down.

18 All right. State's ready to call its next witness?

19 MR. FRETWELL: We are, Your Honor.

20 THE COURT: All right.

21 MR. FRETWELL: The State would call Investigator Jon
22 Garrett.

23 WHEREUPON,

24 JONATHAN GARRETT

25 After having been duly sworn, testified as follows:

1 THE CLERK: Thank you. And state your full name.

2 THE WITNESS: My name's Jonathan Jeter Garrett.

3 MR. FRETWELL: May it please the Court, Your Honor.

4 THE COURT: Yes, sir.

5 DIRECT EXAMINATION

6 BY MR. FRETWELL:

7 Q Investigator Garrett, can you tell us about your --
8 well, first of all, how long have you been in law
9 enforcement, sir?

10 A 30 years.

11 Q Can you please relate your background of employment
12 history with the different agencies with whom you've been
13 associated, sir.

14 A I started my career with the Greenville City Police
15 Department in 1992. I worked in Uniform Patrol mainly my
16 whole career there until 1996. I left there in 1996.
17 Went to Greenville County Forensic Division, and I was a
18 crime scene technician like the ones you saw testify
19 earlier this week. I did that until 1998. 1998 I left
20 there and went to the United States Border Patrol in
21 Southwest Texas, Del Rio, Texas, working on the Mexican
22 border. I worked there until 2001 where I came back home
23 to Greenville and worked with the Greenville County
24 Sheriff's Office. And I've been there for 23 years.

25 Q I'm going to ask you to tell us about your role and

1 your involvement in the Greenville County Sheriff's
2 Office itself. But maybe we can have you go backwards
3 and tell the jury what you do now and what other
4 positions and responsibilities you've held in the
5 Greenville County Sheriff's Office.

6 A When I went back, I was on Uniform Patrol for about
7 17 months. Cross-trained in narcotics. Ended up staying
8 there 14 years till, I want to say, 2002 to 2016. Eight
9 years of that I was assigned to the United States Drug
10 Enforcement Administration as a federal task force agent
11 with the Greenville resident office for the DEA. In 2016
12 I left there and went to bomb/arson. Since 2013 I had
13 been a bomb technician working bomb arson until 2018
14 where I transferred to homicide. And I've been working
15 in homicide since early 2019.

16 Q And your responsibilities in the Homicide Unit where
17 you're currently an investigator; is that correct?

18 A That's correct.

19 Q Have included the supervisor of that unit; is that
20 correct?

21 A I made sergeant of homicide. While I was in
22 homicide, fortunately I didn't have to go back to Uniform
23 Patrol. But I had 14 years in narcotics, and I got
24 transferred back to narcotics as a sergeant which I'd
25 been in narcotics for 14 years. I ain't got many years

1 left. I want to work homicide. I took a voluntary
2 demotion to go back to homicide to work cases. So I want
3 to finish up in homicide.

4 Q In fact, in your unit, the disparity between your
5 experience and the next most experienced investigator is
6 pretty significant, is it not?

7 A Correct.

8 Q Speaking of your experience and your training and
9 all that, tell us about your training and experience.

10 A Well, obviously, I have numerous drug classes and --
11 with the federal and state and with the academy. In
12 forensics, I had crime scene processing. I've testified
13 as an expert witness crime scene processing one time as a
14 forensic technician, numerous times in narcotics in that
15 field.

16 In homicide I had formal and informal training of
17 the International Homicide Investigators Association
18 basic of homicide investigations for 40 hours. My
19 80 hour advance course I took here in Greenville with the
20 International Homicide Investigator Association for
21 advance homicide investigations. I've also had numerous
22 hours as far as suspicious deaths, natural deaths and as
23 bomb/arson. I graduated from the National Fire Academy
24 in Emmitsburg, Maryland, where a section of that was on
25 fire deaths.

1 Q And you've attended quite a number of autopsies in
2 your career; is that correct?

3 A At least 50 as a crime scene technician or
4 investigator.

5 Q Are you married?

6 A I am.

7 Q You have kids?

8 A I have three.

9 Q And you have grand kids.

10 A Just have one I missed two days ago with ---

11 Q While you were here.

12 A Correct.

13 Q And have you lived in Greenville your entire life,
14 sir?

15 A I have.

16 Q Investigator Garrett, let me take you back to
17 December 18, 2019. Were you functioning as a homicide
18 investigator at that time?

19 A I was.

20 Q Did you conduct an interview related to the death of
21 Ivan Gula at approximately 2:55 p.m. that afternoon in
22 the interview room?

23 A I did.

24 Q And was that with an individual by the name of Bobby
25 Ray Smith?

1 A It was.

2 Q And who else was present for that particular
3 interview? I'm sorry, I should ask you what investigator
4 was present for that interview.

5 A Yeah. Myself and Investigator David Picone.

6 Q And that interview was recorded; is that correct?

7 A It was.

8 Q And did you, at that time, detail with Mr. Smith
9 information he had provided to you about this particular
10 homicide?

11 A Yes, I did.

12 Q Out of that interview, did you develop a number of
13 suspects or confirmed some information that had already
14 been in the possession of law enforcement?

15 A I did.

16 Q Did the defendant, Jeff George, come up as a name in
17 that investigation?

18 A It did.

19 Q And what significance did Jeff George or what
20 information was provided to you about the defendant,
21 Mr. Jeff George?

22 A That he was a participant in the assault of the
23 victim, Ivan Gula, at Audrea Cook's house at 212 C and S
24 Road.

25 Q And, in fact, among that information, did you learn

1 from the individual, Mr. Smith -- back in December of
2 2019, what information did he tell you he had received
3 from David Stokes specifically about this defendant's
4 role in the death of Ivan Gula?

5 A Let me refer to my notes.

6 Q Yes, sir.

7 A (Reviews document) He said Ivan arrived in Audrea's
8 car with Micco, Zay and a blonde female. He said when he
9 entered the house, he and David and Jeff -- I mean --
10 yeah, David, they were in the back bedroom and had been
11 waiting on him. He said then David -- he said then they
12 exited the bedroom, approached Ivan. Jeff had a black
13 gun and David had a machete and began swiping it,
14 fighting Ivan.

15 Q And in that interview with him, did you learn at
16 some point people had been taken away from the residence
17 by one of the individuals?

18 A I did.

19 Q And then after that time, did Mr. Smith, on
20 December 18, 2019, at 2:55 p.m., tell you what
21 Mr. Stokes had told him about this defendant's role --
22 this defendant's role in the death of Ivan Gula?

23 A (Reviews document) He said Bobby said he never knew
24 Ivan made it out of there, that David -- but David said
25 after the fact Jeff had finished him off.

1 Q Okay. During that interview, Investigator Garrett,
2 did you present Mr. Smith with a photo lineup in this
3 case?

4 A I did.

5 Q I believe that's already in evidence but I want to
6 go over that with you if we can, sir. Were you in that
7 same room when you asked him to review that lineup?

8 A I was.

9 Q And you and Investigator Picone?

10 A We were.

11 Q And Investigator Picone was in and out of the room;
12 is that correct?

13 A He was. I think Investigator Bailey was doing
14 another obligation related to this investigation, so he
15 sat in with me.

16 Q Okay. Since they're in evidence, I'm just going to
17 ask you about them while I put them up on the screen.
18 But I'll show you what's in evidence as State's
19 Exhibit 217. Is this the...

20 (Pause for technical issues.)

21 BY MR. FRETWELL:

22 Q All right. Investigator Garrett, is this, in fact,
23 the photo lineup you presented to Mr. Smith?

24 A It is.

25 Q And all the photos on this lineup are similar; is

1 that correct?

2 A Very.

3 Q And is this how the photo lineup was presented to
4 him? All at once?

5 A It was.

6 Q Not just separate pictures that you put together on
7 a table and then photo copy?

8 A That's correct.

9 Q Just like that.

10 Okay. What, if anything, did you tell Mr. Smith
11 about the lineup before you presented it to him?

12 A Nothing. I just told him -- I presented it to him
13 and asked him if any one of them stood out to him.

14 Q Jumps out at him?

15 A Yeah. Jumped out. That's my go-to word. Any one
16 of these jump out at you.

17 Q Did you or Investigator Picone, at any time, suggest
18 the photo he should select?

19 A Did not.

20 Q How long did he say he had known the defendant at
21 that time, if you recall?

22 A I don't recall.

23 Q Was it months? Was it years? Do you recall?

24 A I know it wasn't years. I think it was months.

25 Q Okay. Did he tell you how they met?

1 A Through Audrea Cook.

2 Q And did he display -- Mr. Smith display any doubt
3 that Jeff George was the man with the gun at Audrea
4 Cook's house the evening of December 1, 2019?

5 A He seemed pretty confident.

6 Q And was he able to identify the gunman he identified
7 to you as Jeff George from this series of six photos?

8 A That's correct.

9 Q And did he do that with the circle, the initials and
10 the date that we see on this exhibit?

11 A That's it.

12 Q And that's Number 4; is that correct?

13 A That's correct.

14 Q And how sure was he of his selection that this was
15 Jeff George?

16 A 100 percent.

17 Q Did you also have him complete what is in evidence
18 as State's Exhibit 218?

19 A I did.

20 Q Is this your signature at the bottom?

21 A No. Mine's over to the left.

22 Q Right here (indicating)?

23 A Yes, sir.

24 Q I apologize.

25 Is this (indicating) Mr. Smith's signature?

1 A That's his.

2 Q And his address information?

3 A At the time. That's correct.

4 Q Okay. And I'll zoom in a little bit here. Is this
5 the information that he provided to you about the
6 gunman ---

7 A It is.

8 Q --- at Audrea Cook's house?

9 A Yes, sir.

10 Q Will you read that for us, please.

11 A It says, "I, Bobby Ray Smith, have reviewed a group
12 of six photographs this 18 day of December 2019 from
13 which I positively identified Photograph Number 4
14 displayed to me by Investigator Jon Garrett of Jeff
15 George as being the person who held a gun on Ivan at
16 Audrea Cook's house while Dave Stokes assaulted Ivan with
17 a weapon."

18 Q Did you also show Mr. Smith what is in evidence as
19 State's 219?

20 A I did.

21 Q Is this a lineup that you had prepared for him?

22 A Me or Investigator Bailey did, but it was for this
23 case.

24 Q Okay. And was Mr. Smith able to identify the
25 individual that he described as having machetes and he

1 knew as a friend by the name of David Stokes?

2 A He did.

3 Q And who did he indicate on this document was
4 Mr. Stokes?

5 A Photograph Number 3.

6 Q Are those his initials and the date he wrote out
7 there off to the side?

8 A They are.

9 Q Let me show you what's been marked as State's
10 Exhibit 220 that's in evidence. Is this the accompanying
11 affidavit that he signed?

12 A It is.

13 Q That's right here (indicating)? He signed it?

14 A That's it.

15 Q And your signature is here (indicating)?

16 A That's correct.

17 Q And this is the information that he presented to you
18 about Mr. Stokes?

19 A It is.

20 Q Can you read that for the jury?

21 A Zoom out just a little.

22 Q I'm sorry.

23 A "I, Bobby Ray Smith, have reviewed a group of six
24 photographs this 18th day of December 2019 from which I
25 positively identified Photograph Number 3 displayed to me

1 by Investigator Jon Garrett of David Stokes as being the
2 person who beat the fuck out of Ivan at Audrea Cook's
3 house with bat, meat cleaver."

4 Q Okay. And when he identified Mr. Stokes as
5 Number 3, was there any hesitation when he did that?

6 A No.

7 Q In fact, he told you that Mr. Stokes was a friend of
8 his that he'd known for some time.

9 A Correct.

10 Q And what about State's Exhibit 221? Did you present
11 this lineup to Mr. Stokes?

12 A I did.

13 Q I'm sorry. To Mr. Smith?

14 A Yeah. I did to Mr. Smith.

15 Q Okay. And is this his -- are his initials down here
16 with the date, and he circled this picture?

17 A That's correct.

18 Q And you know that picture to be Audrea Cook?

19 A Yeah, I do.

20 Q All right. Did you also show him -- or have him
21 fill out this affidavit of photo identification as
22 State's Exhibit 22 [sic]? Is that your signature at the
23 bottom?

24 A I did. That's it.

25 Q Is that Mr. Smith's signature and his personal

1 information?

2 A It is. Correct.

3 Q And what information did he provide to you? Did he
4 say that he knew Ms. Cook at the time?

5 A Yes. I think he did.

6 Q Was a friend of his?

7 A Yes.

8 Q And what information did he provide about Ms. Cook?

9 A "I, Bobby Ray Smith, have reviewed a group of six
10 photographs this 18th day of December 2019 from which I
11 have positively identified Photograph Number 5 displayed
12 to me by Investigator Jon Garrett of Audrea Cook as being
13 the person who organized everything where Ivan was
14 assaulted at Audrea Cook's house."

15 Q All right. And then when he identified Ms. Cook in
16 State's Exhibit 221, any hesitation on his part?

17 A No.

18 Q All right. After that time, you asked Mr. Smith if
19 you could look through his phone. Did he give you
20 permission to look through his phone?

21 A He did.

22 Q Did he provide you a password to his phone?

23 A He did.

24 Q All right. Later that same day at 5:30, did you
25 conduct another interview related to the death of Ivan

1 Gula?

2 A I did.

3 Q And who did you interview at 5:30 that day, sir?

4 A Jeff George.

5 Q And where did this interview take place?

6 A Greenville County Law Enforcement Center.

7 Q Same kind of room we saw Ms. Velichko being
8 interviewed in?

9 A Homicide interview room.

10 Q Is that room equipped with audio and video
11 surveillance?

12 A It is.

13 Q And tapes are made of those interviews?

14 A They are.

15 Q Who else was present for that interview, sir?

16 A Investigator Bailey.

17 Q And how did you begin your interview with
18 Mr. George?

19 A I introduced myself. And I think I asked him how he
20 wanted to be called, was he called Jeff. And he agreed
21 he was.

22 Q All right. And after you did that, what did you do,
23 sir?

24 A I got basic information from him like what his
25 education level was, where he'd lived before, where he's

1 from and what he did for a living.

2 Q And then what did he tell you about his educational
3 level?

4 A He said he got his GED in Michigan and Ohio and
5 he'd been in South Carolina for 20 years, since October
6 of '99. And he works as an electrician for Bayou
7 Electric.

8 Q Why do you begin interviews by asking these kinds of
9 questions?

10 A To see what the education level is, if they're going
11 to be able to understand me and just get some -- make
12 them feel at ease.

13 Q And are you going to go over his rights with him?

14 A I am.

15 Q So is it important to you to understand his
16 education level with respect to his understanding of
17 those rights?

18 A It is.

19 Q Do you use a specific form when you're explaining
20 someone's rights to them?

21 A I do. Greenville County Sheriff's Office has a
22 waiver of rights form that we use.

23 Q Is that a standardized form that's used in just
24 about every case?

25 A It is.

1 Q All right. Would you recognize that if I brought it
2 to you?

3 A I would.

4 Q All right. Show you what's been marked as
5 State's 227. Do you recognize State's 227?

6 A (Reviews exhibit) I do.

7 Q What is it, sir?

8 A It's a waiver of rights form filled out on that day
9 with Jeff George.

10 Q With the defendant seated right over here
11 (indicating)?

12 A That's him.

13 Q Did the defendant sign the form?

14 A He did.

15 Q Did you sign the form?

16 A I did.

17 Q Did you and the defendant have any difficulty
18 communicating?

19 A None.

20 Q Did the defendant appear to understand the rights
21 that you were giving him?

22 A He did.

23 Q Did you ask the defendant specifically if he
24 understood what you read to him?

25 A I did.

1 Q And how did he respond?

2 A He said he did.

3 Q In fact, he said, "Yes, sir. I do"; is that
4 correct?

5 A That's exact words.

6 Q Did he appear intoxicated or under the influence of
7 any drugs?

8 A He didn't.

9 Q Did he ask you any question about his rights?

10 A He did not.

11 Q Did he do or say anything that would make you
12 believe he didn't fully understand the rights as you
13 explained them to him?

14 A He did not.

15 Q Has that form been materially altered in any way?

16 A It has not.

17 Q Is it substantially in the same condition as when
18 you completed it with the defendant?

19 A It is.

20 MR. FRETWELL: Your Honor, the State would move
21 State's 227 into evidence at this time.

22 THE COURT: Any objection?

23 MR. MARCHANT: Subject to the previous objections,
24 Your Honor.

25 THE COURT: So noted for the record.

1 (WHEREUPON, State's Exhibit Number 227 was admitted into
2 evidence.)

3 BY MR. FRETWELL:

4 Q All right. Investigator Garrett, I'm going to have
5 you go over or explain how you went over the rights
6 portion of this particular document with the defendant.

7 A I read each line to the defendant from this form
8 word for word.

9 Q Okay. And why are there initials out to the left
10 and whose are they?

11 A Those are Jeff George's initials initialing that he
12 understands his rights.

13 Q Okay. Did you go through each one of these rights
14 with him?

15 A I did.

16 Q And did he initial next to each one of those rights?

17 A He did.

18 Q And what was the understanding for why he was
19 initialing those rights?

20 A That he understood what I was telling him.

21 Q At that point when he's about to initial these
22 rights, is there anything that Lieutenant Bailey, then
23 Investigator Bailey, did to assist the defendant in the
24 ability to initial those rights?

25 A Yeah. I think he took off his right handcuff.

1 Q Okay. All right. Please, if you can, and I can try
2 to zoom this in more if I need to.

3 A No. I'm good right now.

4 Q You're good? All right. If you can read those
5 rights as you read them to the defendant that particular
6 day, sir.

7 A "Before we ask you any questions, you must
8 understand your rights. You have a right to remain
9 silent. Anything you say can be used against you in
10 court. You have a right to talk to a lawyer for advice
11 before we ask you any questions and have him with you
12 during questioning. If you don't have the money -- if
13 you have no money to pay your lawyer's fees, the Court
14 will appoint one to represent you without cost if you
15 wish. If you decide to answer questions now without a
16 lawyer present, you will still have the right to stop
17 answering questions at any time. You also have the right
18 to stop answering questions at any time until you talk to
19 a lawyer."

20 Q And how did you go over the waiver of rights portion
21 of this document?

22 A The same way. I read it.

23 Q Okay. You read it to him?

24 A I did.

25 Q And he initialed it?

1 A He did.

2 Q If you can, please read that waiver portion as you
3 read it to the defendant that particular day.

4 A "I have read this statement of my rights. I
5 understand what my rights are. I am willing to make a
6 statement and answer questions. I understand and know
7 what I'm doing. No promises or threats have been made to
8 me."

9 Q And you said that you talked to him earlier that --
10 in that interview and asked him how far he went in
11 school; is that correct?

12 A That's correct.

13 Q And the information that he provided to you was
14 what, sir?

15 A I'm sorry?

16 Q How far did he say that he had gone to school?

17 A He got his GED.

18 Q Okay. That is basically a high school equivalency?

19 A Yes.

20 Q You understand anything about that with respect to
21 somebody's ability to read and write?

22 A It is.

23 Q And what is that understanding?

24 A That he can read and write.

25 Q All right. And as you've indicated before, you

1 signed this form. Investigator Bailey, is that his
2 signature down there as well?

3 A It is.

4 Q Were the defendant's handcuffs removed for the
5 remainder of his interview?

6 A They were. That one handcuff I think was.

7 Q Whatever it was would be shown on the video.

8 A Yeah. It would.

9 Q Did you or anyone, including Lieutenant Bailey,
10 promise the defendant anything in exchange for making a
11 statement?

12 A We didn't.

13 Q Did you or anyone coerce or threaten him into making
14 a statement?

15 A We did not.

16 Q To the best of your knowledge, was the defendant's
17 statement given freely and voluntarily?

18 A It was.

19 Q All right. Let me show you what's been marked as
20 State's 228. Do you recognize this disk?

21 A Yes, I do.

22 Q How do you recognize it?

23 A It has my initials on it.

24 Q Does that mean that you've reviewed this disk?

25 A I have.

1 Q What is it?

2 A It's a video-audio recording, digital recording on a
3 disk of Jeff George's interview.

4 Q That interview that we've just been talking about.

5 A That's it.

6 Q Including this -- this rights and all of --
7 everything we've just discussed?

8 A That's correct.

9 Q All right. Other than redaction for purposes of
10 evidentiary and court rules, does this exhibit accurately
11 and completely reflect the interview that you had with
12 the defendant on that date?

13 A It does.

14 MR. FRETWELL: Your Honor, at this time, I would
15 move State's 228 into evidence.

16 THE COURT: Any objection?

17 MR. MARCHANT: Subject to previous objections, Your
18 Honor.

19 THE COURT: All right. So noted for the record.

20 (WHEREUPON, State's Exhibit Number 228 was admitted into
21 evidence.)

22 MR. FRETWELL: Your Honor, in the interest of time,
23 we're just going to publish the exhibit at this time.
24 Any objection to publishing?

25 MR. MARCHANT: You're playing it?

1 MR. FRETWELL: Yep.

2 MR. MARCHANT: Subject to previous objections, Your
3 Honor.

4 THE COURT: All right.

5 (WHEREUPON, State's Exhibit Number 228, a video
6 recording, was played in open court.)

7 MR. FRETWELL: I'm going to have two documents
8 marked State's 233 and 234.

9 (WHEREUPON, State's Exhibit Numbers 233 and 234 were
10 marked for identification.)

11 BY MR. FRETWELL:

12 Q I'm going to show you State's Exhibits 233 and 234.
13 Just a second. And ask you if you recognize these two
14 documents.

15 A (Reviews exhibits) I do.

16 Q Okay. Do these documents have the case number of
17 this case on it?

18 A They do at the top.

19 Q And do they have writing on the back that you
20 recognize?

21 A Yes.

22 Q Did you write that writing on the back?

23 A My handwriting and initials.

24 Q And we've just seen a recorded interview with the
25 defendant, Mr. George. What are these two documents?

1 A These are two lineups I showed him where he did not
2 recognize anyone.

3 Q Okay. Let's deal with -- are they accurate and have
4 they been altered in any way since the time you showed
5 them to Mr. George other than writing the case number at
6 the top and writing whatever you wrote on the back?

7 A They have not.

8 MR. FRETWELL: Your Honor, at this time, the State
9 would move State's 233 and 234 into evidence.

10 THE COURT: Any objection?

11 MR. MARCHANT: No objection.

12 THE COURT: All right. So entered without
13 objection.

14 (WHEREUPON, State's Exhibit Numbers 233 and 234 were
15 admitted into evidence.)

16 BY MR. FRETWELL:

17 Q All right. Let's start with 233. Was this the
18 first lineup that you presented to Mr. George?

19 A It is.

20 Q When you create lineups, there's one person of
21 interest that you put in the lineup; is that right?

22 A That's right.

23 Q And then how do you figure out who else to go in the
24 lineup? What's that based on?

25 A Well, it's a database, and you put the height,

1 weight, race, sex, build, age, hair color, hairstyle.
2 There's like ten different hairstyles. Like this would
3 probably be a crew cut. Facial hair, and you can say
4 some, little. So it will be a light goatee, crew cut.
5 And it will give you different photos that you can line
6 up with it that are similar to the suspect.

7 Q So that's the key. You have one person of interest
8 and then you have five people in there that are similarly
9 looking; is that correct?

10 A That's correct.

11 Q Okay. Who was the person of interest in this
12 particular lineup that you presented to Mr. ---

13 A It's not numbered, but it's this photo here
14 (indicating). Photo Number 3 is which one I would number
15 it. And that would be David Stokes.

16 Q And when you showed that lineup to the defendant,
17 did he indicate he knew anybody in that lineup?

18 A He said he did not.

19 Q Later on when you asked or -- yeah. I believe you
20 asked him if he knew David Stokes.

21 A I did.

22 Q And what did he say?

23 A He did know David Stokes.

24 Q What did you put on the back here?

25 A I wrote, "Photo lineup presented to Jeff George on

1 12/18/2019," and I initialed it.

2 Q Okay. And this one, State's 234?

3 A It's another photo lineup with this one involving
4 Bobby Ray Smith. He is Photo Number 4, which would be
5 the bottom left one, this individual right here
6 (indicating).

7 Q And, of course, the rest of these individuals don't
8 really have anything to do with your case.

9 A No. They're just random photos I got that were
10 similar.

11 Q Similarity. Okay.

12 A Correct.

13 Q And this lineup was presented to Mr. George as well?

14 A They were.

15 Q And did he pick anybody out of this lineup?

16 A He did not know anybody, but he said this guy
17 (indicating) looked like Brad Pitt.

18 Q And at the end when Lieutenant Bailey was telling
19 the defendant who was in jail, there were a couple of
20 times where he kind of didn't seem to know the name.

21 A Correct.

22 Q Kurt I guess is one.

23 A Right.

24 Q When Lieutenant Bailey told him Bobby Smith was in
25 jail, did he give any kind of indication that that was a

1 surprise to him?

2 A No.

3 Q What did you put on the back here?

4 A Same thing. "Photo lineup presented to Jeff George
5 on 12/18/2019," my initial.

6 Q At the time that the defendant was arrested, was
7 anything found in his possession?

8 A Yes. A cell phone.

9 Q And that cell phone was taken from him. And what is
10 the identification number for that cell phone?

11 A JG-2 for my initials, second item I seized in this
12 case.

13 Q So the JG stands for Jon Garrett?

14 A Correct.

15 Q Okay. Did you obtain and execute a search warrant
16 for this phone?

17 A I did.

18 Q Okay and that was back on 12/19/2019; is that
19 correct?

20 A That's correct.

21 Q And over a period of time, does technology change?

22 A It does.

23 Q What do you do with respect to cell phones in order
24 to try to keep up with changing time?

25 A We're buying new databases and all the time updating

1 our software so when we have a case that's taking a long
2 time to get to court, we'll see if there's new databases
3 or software that can get more information from a phone.
4 So we'll examine them again.

5 Q And is that why Investigator Perry that just
6 testified ran this phone again much later on?

7 A It is.

8 Q Any new information that was uncovered from the
9 original?

10 A No.

11 Q All right. Turning your attention to December 18,
12 the same day, 9:17 p.m. that night.

13 A Yes.

14 Q Did you conduct another interview related to the
15 death of Ivan Gula?

16 A I did.

17 Q And who was that with, sir?

18 A It was nine at night.

19 Q 917.

20 A It was David Stokes.

21 Q And was Lieutenant Bailey present for that
22 interview?

23 A He was.

24 Q Okay. And that interview was recorded?

25 A It was.

1 Q I want to skip through the majority of this and just
2 ask you a couple -- or two or three questions given the
3 time. What information did Mr. Stokes give you -- yeah,
4 Mr. Stokes give you at that time with respect to who came
5 and picked him up and took him to Audrea Cook's house?
6 And just so it's clear, you're referring to what right
7 now?

8 A (Reviews document) My original supplemental report.

9 Q Is that a report that you wrote around the time of
10 this incident?

11 A It's one of many.

12 Q Okay.

13 A I'm trying to find where it's in my report.

14 (Reviews document) He said Jeff George and Bobby Ray
15 picked him up from his residence at Cripple Creek, took
16 him to Audrea's residence at C and S Road.

17 Q And that was back on December 18, 2019, at
18 9:17 p.m.; is that correct?

19 A That's right. That's correct.

20 Q Did he tell you when they got to Cook's house the
21 people that were there?

22 A Yes.

23 Q And who did he report as being there at Ms. Cook's
24 house the night of December 1, 2019?

25 A Audrea Cook was obviously there, Jeff George, Bobby

1 Ray Smith, himself. I think that's all I see.

2 Q Did he also describe a young man?

3 A There was a young -- young dude that he didn't know
4 the name of.

5 Q Okay. When Ivan arrived, did he tell you what
6 happened shortly after he arrived with respect to that
7 back bedroom and what happened at that point?

8 A Yeah. He said that -- he had learned from Audrea
9 that Gula had raped her and was going to sell her into
10 sex trafficking. And she had asked Stokes to stay with
11 her for protection at her house.

12 Q Well, let me go back to when Ivan first arrived ---

13 A Right.

14 Q --- at the residence with respect to what was going
15 on in the back bedroom and how anybody including himself
16 came in contact with Ivan Gula. And Investigator, I am
17 skipping around because of the time.

18 A I understand.

19 Q I apologize for doing that to you.

20 A I've got you.

21 Q It's very late.

22 A He said he was supposed to scare Gula. He came at
23 him, and when he jumped up, he hit him with a machete
24 with a black handle -- black and orange handle and he
25 swung it at him.

1 Q Did you record in your report that he was -- whether
2 or not he was trying to kill Ivan at that moment?

3 A He said he wasn't trying to kill him. He just
4 wanted to hurt him. He did confess he injured his hand
5 and his arms with the machete.

6 Q Did he say in that interview whether or not he was
7 being paid for hurting Ivan?

8 A Nothing other than pills and meth.

9 Q So he did indicate to you he had received some pills
10 and meth.

11 A According to David, he did.

12 Q Do you recall or did he tell you where he got them
13 from or anything like that?

14 A No, no.

15 Q A little further down in your report you indicate
16 that he said, "When Ivan arrived, they were in the back
17 bedroom." Can you describe what he told you at that
18 point?

19 A Yeah. He said they were in the back bedroom of
20 Audrea's residence, and George was in the back bedroom
21 near the back door with his handgun out. He said Stokes
22 said he was standing behind George, and when Gula entered
23 the residence, Jeff George pointed a firearm at him and
24 ordered him to his knees.

25 Q Okay. And then finally, after -- further down in

1 your report after Audrea Cook left, did he indicate who
2 was left in the trailer with Ivan at that time?

3 A After Audrea leaves?

4 Q Yes, sir.

5 A Jeff George. I'm not seeing it. I'm still back at
6 where the blonde doctored his hand.

7 Q A little bit further down. I'm talking
8 specifically about a line "Cook left after Stokes did,
9 leaving."

10 A He said George and another person, he could not
11 recall his name, was there when he left. He stated that
12 then Audrea left the residence after, yeah.

13 Q Okay. Now December 27, 2019, did you obtain and
14 execute a search warrant on a vehicle on that date?

15 A I did.

16 Q What was that, sir?

17 A That was a 2012 Ford Fusion belonging to Audrea
18 Cook.

19 Q And that was processed by who?

20 A Me.

21 Q Okay.

22 A Well, it was sealed at the scene and never searched.
23 It was searched later.

24 Q Okay. And who sealed it at the scene?

25 A One of the forensic technicians on the scene at

1 C and S Drive on the date of -- I want to say the 16th
2 when they executed the search warrant, they just sealed
3 it and towed it.

4 Q Is that that Ms. Libus that testified?

5 A Yeah. Libus did.

6 Q Okay. And what about -- let me ask you specifically
7 just about two things that were taken from that vehicle.
8 JG-5B, what was that, sir?

9 A JP-5B?

10 Q JG-5B.

11 A A silver iPhone with a pink glitter case.

12 Q Did you identify that as an individual's cell phone
13 in this particular case?

14 A I did. We later identified it as Audrea Cook's
15 phone.

16 Q Okay. And where was that located?

17 A Collected from a pocket in a driver's side door.

18 Q And did you also obtain and remove and impound JG-8A
19 identified as an envelope addressed to Isaiah Hill?

20 A I did.

21 Q Where was that located, sir?

22 A That was in the center console between the front
23 seats.

24 Q Okay. All right. Now let me show you what's been
25 marked as State's 226-A and B. When Investigator Perry

1 testified a little bit -- a while ago about records,
2 Facebook records and cell phone extraction -- the cell
3 phone extraction that he performed, that that information
4 was compiled into an exhibit, did you have input into
5 that exhibit?

6 A I did.

7 Q Did you check that exhibit for accuracy and for
8 relevant information related to this case?

9 A I did.

10 Q And have you reviewed both the digital form, which
11 is 226-A, and the paper form, which is 226-B in this
12 case?

13 A I have.

14 Q Are these the same thing, first of all? And how do
15 you recognize the digital flash drive?

16 A The digital flash drive has my initials on the
17 outside of it.

18 Q Does it also have Investigator Perry's initials on
19 it?

20 A Yeah. It does.

21 Q Okay. All right. And this document here is the
22 same as that document on the flash drive.

23 A It is.

24 MR. FRETWELL: Your Honor, at this time, the State
25 would move both ---

1 BY MR. FRETWELL:

2 Q Let me ask you other foundational questions. All of
3 these messages in here are either from the defendants
4 Facebook or his cell phone extraction; is that correct?

5 A Cell phone extraction, Facebook messenger.

6 Q And other than confirming perhaps those messages
7 with other Facebook or other information, those are the
8 only messages or calls or records of calls or messages
9 that are in this document; is that correct?

10 A That's correct.

11 MR. FRETWELL: Okay. All right. Your Honor, at
12 this time, the State would move State's Exhibit 226-A and
13 B into evidence.

14 THE COURT: All right. Subject to previous
15 objections?

16 MR. MARCHANT: Yes, Your Honor.

17 THE COURT: All right. So noted.

18 (WHEREUPON, State's Exhibit Numbers 226-A and 226-B were
19 admitted into evidence.)

20 MR. FRETWELL: Permission to publish, Your Honor.

21 THE COURT: Subject to objection. So noted for the
22 record.

23 MR. FRETWELL: And, Judge, we'll get it set up
24 before you activate it, if you don't mind.

25 THE COURT: Okay. We need a bathroom break.

1 MR. FRETWELL: Absolutely.

2 THE COURT: Let's get five, six minutes.

3 So, ladies and gentlemen, I'm going to send you
4 back. Please, ma'am, please, sir, don't talk about the
5 case. We'll bring you back in. We'll take about a ten
6 minute break.

7 (WHEREUPON, the jury exits the courtroom at 6:01 PM.)

8 MR. FRETWELL: And, Judge, going through this
9 exhibit is the last part of my examination with him. I
10 have a witness outside that's very brief. And that is
11 the end of the State's case.

12 THE COURT: Okay.

13 (WHEREUPON, a recess is taken at 6:01 PM; Defendant's
14 Exhibit Number 15 was marked for identification; the jury
15 entered the courtroom at 6:12 PM.)

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

17 THE COURT: Yes, sir.

18 BY MR. FRETWELL:

19 Q Investigator Garrett, let me first of all direct you
20 to the first page of this exhibit. Could you take a
21 moment to kind of orient the jury to what we have here in
22 kind of the construct of how the data is organized?

23 A So this is a spreadsheet. It comprises Facebook
24 messenger from Jeff George's phone for his Facebook
25 account and his text messages from his phone dump which

1 could be -- "from" will be from the caller that sent it
2 or the messenger that sent it to George, which BR Demon
3 is an abbreviation, which is in his phone contacts was
4 Blue Ridge Demon which we had identified as being Audrea
5 Cook's cell phone number. But that's how he had her
6 saved in there. So for the purpose of the exhibit,
7 that's how we would know that she is texting him through
8 the contacts.

9 Q So this first column is the sender; is that correct?

10 A That's correct. It's "from."

11 Q And then every time the defendant's name George
12 appears either the sender or receiver side, that's a
13 message either being sent from or to the defendant; is
14 that correct?

15 A That's right. "From" is the sender, "to" is the
16 receiver.

17 Q And then you have the date listed; is that correct?

18 A That's correct.

19 Q And the time?

20 A Right behind it.

21 Q And then the message itself.

22 A That's right.

23 Q Okay. All right. Let me direct you down at the
24 bottom of this page to the date being November 17th at
25 1:30 p.m. Messages sent from?

1 A Audrea Cook.

2 Q Let me take you all the way down to November 17th.

3 A I've got you.

4 Q That's Queen R.

5 A That is a Facebook handle for Queen Cush Red, which
6 we've identified through Facebook records as being Alyssa
7 Simons.

8 Q Simons?

9 A Correct.

10 Q Okay. All right. Starting there on November 17th
11 at 1:30 p.m., these messages coming from Ms. Simons to
12 the defendant, would you read those three messages for
13 us?

14 A It says, "I jus wanna come back there n keep -- they
15 keep coming up with all kinds of bullshit."

16 The next tag says, "I literally jus wanna be where I
17 know I'm safe. I am on my way please don't leave or I'll
18 be stuck. With John again n I'm starting to feel like
19 something bad is gonna happen."

20 Q All right. Let me stop you there. That John right
21 there, could that John have significance to the
22 investigation?

23 A Yes. We've identified that as John Rickson, a
24 friend of Ivan Gula.

25 Q Okay. Let me now move you to the following page at

1 1:42 -- sorry. I guess that's at the bottom of this
2 page. 1:42, that message right there indicates what from
3 Ms. Simons?

4 A "I'm okay right now but I feel like I'm being held
5 against my will."

6 Q And the next message on the top of the next page?

7 A "Like I've told him multiple time bring me home n
8 everything I say it I somehow end up falling asleep."

9 Q And while we're doing this, these highlighted
10 portions, what are these -- significance of these yellow
11 highlighted portions?

12 A They're significant because we've identified them as
13 being relevant to the investigation.

14 Q Okay. So coming down to 1:49, also from Ms. Simons
15 to the defendant.

16 A "He's making up excuses to not bring me like I'm
17 about to flip."

18 Q The next highlighted portion?

19 A "He's sayin I can wait."

20 Q And the return message from the defendant?

21 A George texts to Simon, "I can see where the f you
22 were at and I will track him down and f'g shoot him."

23 Q And the next reply?

24 A "Like I'm really uncomfortable right now I'm being"
25 -- "I've been trying to come home for 2 days."

1 Q Keep going.

2 A "N somehow I keep passing out."

3 Q And the response from the defendant?

4 A "Try and stay awake hide your phone so he can't get
5 into it easily put it in your back pocket or under your
6 butt or something away from him and make sure you leave
7 your GPS on I'm going to come get you tell him he's not
8 going to be driving himself" -- "tell him he's not going
9 to be driving himself to the hospital if I have to chase
10 him down he will need an ambulance."

11 Q All right. And so skipping on down through -- I'm
12 sorry. Just go to this next one right here, 1:55. Read
13 that for us if you would, please.

14 A "We at the road way inn I jus flipped out n he
15 saying that he gonna bring me now but he's on the phone
16 with the Iran dude."

17 Q Okay. Now I want to skip to the next page, the top
18 of the page at 2 o'clock, so some five minutes later.
19 What is that first message there from Ms. Simons to the
20 defendant?

21 A "He's waiting on this Ivan guy."

22 Q Okay. So is Ivan the victim in this particular
23 case?

24 A It is.

25 Q All right. His name's Ivan? All right.

1 And did you find an association between a John
2 Rickson and an Ivan Gula?

3 A We did.

4 Q Okay. Now, the very next message is a 911. Who is
5 that sent to? Who is the defendant sending that to?

6 A That is the defendant sending it to Audrea Cook.

7 Q And she then responds. There's a call. And then
8 what is the message that he then after that call relates
9 to Ms. Simons at 2:04 a.m.?

10 A He says, "He is keeping you and you're not" ---

11 Q I'm sorry. That should be 2:04.

12 A What time?

13 Q That's an error in the thing. It's 2:04 p.m. right
14 here. It says a.m. in the example there, but it ---

15 A The one that says a.m.?

16 Q The one that says ---

17 A But it's 2 p.m. All right. "If he is keeping you
18 and not taking you where you're supposed to" -- "where
19 he's supposed to and holding you against your will for
20 one step that's kidnapping."

21 Q Are these messages in sequential order?

22 A They are.

23 Q All right. And is that supposed to be 2:04 p.m.?

24 A It is.

25 Q Okay. Just fix that into a "P" and initial that,

1 please, sir.

2 A (Witness complies.)

3 Q Okay. All right. So if he's keeping you and not
4 taking you where he's supposed to and holding you against
5 your will for one step, that is kidnapping.

6 The next message also references the concept of
7 kidnapping; is that correct?

8 A Yeah. "He has kidnapped you at this point because
9 he's holding you against your will get out of the car and
10 start walking go into a building somewhere where they
11 can't" -- "they can't just NAB you."

12 Q And that's a message from the defendant to
13 Ms. Simons; is that correct?

14 A That's correct.

15 Q Now come down to where it's 4:30 p.m. on the same
16 day, a message to somebody in here as Haley M.

17 A Yes.

18 Q What message is that?

19 A "Lyssa."

20 Q And the next line?

21 A "She almost" -- "she was almost a victim of white
22 slavery today."

23 Q And then down to 4:31, the highlighted portion?

24 A " Luckily the guy had met me and I told her to tell
25 him that if he had" -- "if I had to track him down I

1 would f'g kill him he'd better bring her to me right now
2 and he did."

3 Q All right. Now I'd like for you to skip forward in
4 these messages to November 18th which is on page 4 at the
5 bottom at 4:04 p.m.

6 A Auddy Cook texts George and says, "Hey I need Ayla."

7 Q Keep going.

8 A "Why do you need A for" -- "what do you need A for?"

9 Q Hold on just a second. Tell us who Ayla is in
10 relation to this defendant.

11 A It's his daughter.

12 Q Okay. Keep going.

13 A "What do you need A for?"

14 Auddy, "To work."

15 George, "Doing?"

16 Auddy, "She -- "Look she might as well make some
17 cash while her legs are open."

18 The next one is Auddy. "Why do you think I'm
19 getting Jessica?"

20 Q Keep going.

21 A "Paying" -- "You paying for gas?" from Auddy.

22 George, "So your gonna prostitute my daughter out?"

23 Auddy, "You make it sound terrible."

24 Q Okay. Now let me skip ahead a little bit if I can.
25 This particular dialogue back and forth was significant

1 to you for what reason, sir?

2 A The human -- kidnapping. I mean, he's charged with
3 kidnapping so it establishes ---

4 Q His understanding of that?

5 A Yeah. One step, holding someone against their will.

6 Q All right. Let me move you down to November 30th.

7 Let me find a page number for you on the exhibit. At

8 11:19 p.m. From Auddie Cook to the defendant. And

9 before you read it, November 30th is the day before what?

10 A Of Ivan Gula's murder.

11 Q On December 1, 2019.

12 A Correct.

13 Q All right. 11:19 that evening, what does Ms. Cook
14 say to the defendant on page 23?

15 A Cook texts George, "I need you."

16 George, "For what?"

17 Cook, "Help."

18 Q Keep going at 3:36 a.m.

19 A 3:37, "Bobby Ray is about to pull up." That's from
20 Auddy.

21 Q Okay. And down at 3:48 a.m. on page 24?

22 A "Bobby is here."

23 Q All right. Coming all the way down to 4:35.

24 A "I've talked to everyone they see the dude is a
25 piece of" -- "POS."

1 Q And that's coming from?

2 A That's coming from Auddy to George.

3 Q And George responds, "Who?" How does Ms. Cook
4 respond?

5 A "The rusi."

6 Q The rusi. The ---

7 A Rusi, the Russian.

8 Q All right. Keep moving down, down to the morning --
9 later in the morning of the day that Mr. Gula was killed,
10 9:24 a.m.

11 A 9:24. "Hey Nikki do you know any janky ass Russians
12 that live around here that go by Ivan?"

13 Q Keep going.

14 A "Motherfukers stole Audis car last night."

15 Q And then the top of the next page?

16 A "Are you playin one of those" -- "are you playin one
17 of those guys like you did me?"

18 Q And that message is actually sent to whom?

19 A That's Auddy Cook, which would be her Facebook
20 messenger handle.

21 Q Okay. So now we're looking at the Facebook records;
22 is that correct?

23 A We -- yeah. We switched methods.

24 Q Okay. So Ms. Cook is saved in Mr. George's phone as
25 Blue Ridge Demon.

1 A That's correct. Auddy Cook is her handle for
2 Facebook.

3 Q For Facebook. Okay. Now we're looking at a
4 Facebook record right there.

5 And then how does she respond in that next message
6 at 12:04 p.m. on the day ---

7 A "I still don't have my car. Please help me."

8 Q At 12:10; is that correct?

9 A That's correct.

10 Q Okay. Let me have you move down to 12:58, the
11 bottom of page 25.

12 A George, "I told you I would help you if you want my
13 help tell me now if you do not want my help leave me
14 alone I have shit to do."

15 Q All right. And then all the way down to 1:59 p.m.
16 on the top of page 27.

17 A "I love you too babydoll. I got" -- "I got that
18 stupid ass Russian coming Rick says he knows" ---

19 Q Okay. You can stop there.

20 The next line is what?

21 A Where are you at?

22 Q I'm sorry. The next ---

23 A What time?

24 Q The 2:07 at the bottom of the page. "I may be
25 coming," who's that coming from?

1 A "I may be coming to see you shortly hopefully before
2 the Russian gets there."

3 Q And who is communicating that and to whom?

4 A George is communicating that to Audrea Cook.

5 Q Okay. And then the next line?

6 A "I am. Say what you want about my boys. They
7 didn't leave me."

8 Q And at 2:08 there's a message from Ms. Cook to the
9 defendant that says what?

10 A "I swear to god if you don't fuck his world up."
11 Please be" ---

12 Q We can stop there.

13 A I've got you.

14 Q Let me move down to 6:16 that night which would be
15 on page 29.

16 A George, "I'm at auddys."

17 Q Okay. And then the location that he gives one
18 minute later, 6:17?

19 A "212 c and s drive."

20 Q And did you identify that as the incident location
21 where the murder occurred?

22 A It is, correct.

23 Q Let me move you down to 9:28 p.m. which I believe is
24 on page 30. There is -- now, you've heard testimony by
25 Investigator Perry that a picture was taken. And that

1 picture was placed into evidence and identified, I
2 believe, as State's Exhibits 224 and 225. That message
3 was taken at 9:24 -- 9:34 that night; is that correct?

4 A That's right.

5 Q All right. Let me go right to 9:28 that evening.
6 There's a series of indications of calls or missed calls,
7 various things. If you'll take us through those, please,
8 if you will, sir.

9 A All right. George's messaging of Alyssa Simon.
10 Missed call. She misses a call. Then he texts, "Call me
11 on the phone." Then he sends at 9:28 a thumbs up,
12 another 9:28 thumbs up, a 9:28 thumbs up. And at 9:29
13 there's a completed call to Audrea Cook.

14 Q Now, that completed call can also include a
15 voicemail picking up.

16 A That's right.

17 Q Okay. Now come down to 9:33, so a minute before
18 that photo was taken.

19 A Yeah. There's a completed call to Alyssa Simons.

20 Q Now, hold just for a moment.

21 Now, the next time is 9:36. This picture is taken
22 two minutes before this next text is sent out; is that
23 correct?

24 A That's correct. 9:34 the picture is taken, and then
25 the next text is 9:36.

1 Q And what is that text and to whom?

2 A "The blonde that was with him tried calling a John
3 for a ride."

4 Q And that message is from the defendant to whom?

5 A Alyssa Simons.

6 Q And the very next message is what?

7 A "Is that him?"

8 Q Then there's a 9:39 completed call?

9 A That's correct.

10 Q After that point at 9:42, there's a response from
11 Ms. Simons that says what?

12 A "Why didn't he buy me?"

13 Q And the response to that message by the defendant
14 was what?

15 A "Because I threatened John's life.

16 Q All right. Then a completed call, and then a
17 message back at 10:10 p.m. that night, correct?

18 A Correct.

19 Q From?

20 A That's from Audrea Cook to George.

21 Q On his what? His cell phone or Facebook?

22 A That would be cell phone.

23 Q All right. And what does it say?

24 A "Can't talk will call you back."

25 Q All right. Then at 10:16 there is a call to whom?

1 A Shane.

2 Q Who is Shane?

3 A Shane Patrick Poole.

4 Q And where was Shane in your investigation at this
5 time of 10:16 at night?

6 A He was at Audrea Cook's house or shortly before when
7 this incident was taking place.

8 Q Right. And then he left -- the testimony is that he
9 left with Audrea Cook; is that correct?

10 A Yeah. To take Janice and the others home, Zay and
11 Micco.

12 Q Now let's go back to 10:30 p.m. Some 14 minutes
13 later, the defendant sends a message to Ms. Simons that
14 says what?

15 A "Delete that picture."

16 Q "Please."

17 A "Please," correct.

18 Q And then about approximately 12 minutes later he
19 sends a message to who?

20 A Audrea Cook.

21 Q Saying?

22 A "Call" -- "call me."

23 Q All right. Now let me take you to the morning of
24 December the 2nd at approximately 4:25 in the morning.
25 There's a message. And this is, of course, the morning

1 after the incident there on December the 1st. What is
2 the message from Ms. Cook to Mr. George at 4:25 in the
3 morning?

4 A "Thank you babydoll."

5 Q And then followed by?

6 A "I love you," exclamation point times three.

7 Q And then a call; is that correct?

8 A That's completed at 4:27 a.m.

9 Q There's a message at 4:41 that says what?

10 A "Okay I've got to run Shane to his shop drop off his
11 transmission and then take him home."

12 Q Okay. Coming down to 9:34?

13 A "What am I gonna get if I do?"

14 Q And that's sent from who?

15 A It's from George to Auddy and then a question mark.

16 Q And then what's the response from Ms. Cook?

17 A "Lol."

18 Q And then the response to that from the defendant?

19 A "I think after last night I deserve something."

20 Q All right. Let me now take you to December the 5th
21 at approximately 8:18 in the morning. This is a message
22 from whom to whom?

23 A This is from the defendant to Audrea Cook. "Why in
24 the hell am I hearing that you are telling people that I
25 write statements you are fucking with me" -- "with the

1 wrong one I am leaving you alone you need to keep your
2 name out of my mouth."

3 Q Next one at 8:19?

4 A "Have you heard of mutually assured destruction that
5 is a real thing that's what the Cold War was about I
6 don't write statements but it keeps everybody okay right
7 let's keep it that way."

8 Q Investigator Garrett, does the reference to the Cold
9 War have any significance to you as the investigator in
10 this particular case?

11 A It was with Russia.

12 Q And what nationality was the victim in this
13 particular case, sir?

14 A Russian.

15 Q Let me now take you to December the 6th at 1:54 p.m.
16 on the bottom of page 39. If you'll read down through
17 those messages, please, and explain where they're coming
18 from and to whom they're going.

19 A This is from Billy Ray, but this number has been
20 identified as Billy R. which really belongs to Bobby Ray
21 Smith.

22 Q And so how do you -- do you know whether this is
23 cell phone or Facebook and how?

24 A I think this is cell phone contact.

25 Q Is that how this name was saved?

1 A It's saved in George's contact list.

2 Q As Billy Ray, not Bobby Ray.

3 A Correct.

4 Q Okay. So if you could keep with the messages,
5 please.

6 A He said, "Hey bro I just got off the phone with
7 David."

8 George replies, "And?"

9 Bobby replies, "Here's his # +1," then the number
10 for David -- for David Stokes. "Text him & let him know
11 it's you."

12 Keep reading?

13 Q Yep.

14 A "I told him to be careful around her." Bobby also
15 says, "& not to let her get in his head."

16 Then George texts Pirate Ship.

17 Q Now hold on. Is that in the phone or is that in
18 Facebook records?

19 A That's in the phone.

20 Q And that's how he has ---

21 A Him saved in his contacts. David Stokes is Pirate
22 Ship.

23 Q Okay. Keep reading.

24 A "Hey Brother this is Jeff."

25 "Wats up homie can I call?" That's from Stokes.

1 George, "Give me a few."

2 David, "Ok just call me when you get a minute."

3 Then there's several completed calls over the next two
4 minutes.

5 Q All right. Let me take you to December the 7th at
6 5:07 p.m. That message starting there from to who?

7 A It's from George to Bobby. It says, "Send me the
8 phone number to the pirate ship."

9 Q And that's a telephone number that's there that
10 you've identified as being -- belonging to whom?

11 A Which one? Where it's coming from or -- the 7006
12 belongs to David Stokes.

13 Q Yes, sir. That's the one.

14 Okay. If you'll keep going then to December the 9th
15 at 12:32, the bottom of page 45. This is a message from
16 whom to whom?

17 A This is from Alyssa Simons to George saying, "John
18 is questioning me," which would be Ivan's friend.

19 Q Okay. And then the next message at the top of
20 page 46.

21 A She tells him, "My lips are sealed n what the f when
22 he get that."

23 Q Okay. Come down to 11:44 [sic].

24 A "John is asking about Ivan."

25 Q And what's the response from Mr. George three

1 minutes later?

2 A "I have no idea who Ivan is never met him."

3 Q And then what's the response to that a minute later?

4 A "Okay."

5 Q From?

6 A That would be from Alyssa Simons.

7 Q Okay. All right. And then coming down, is there a
8 telephone call at some point from the defendant to
9 Ms. Cook at approximately 12:58 p.m.?

10 A There are.

11 Q Okay. And then what about starting at 1:01 at the
12 bottom of that page 46?

13 A "I ain't did nothing to make you think I would fuck
14 you over so you not wanting me there is fucked up so I
15 would jus like everything I own."

16 Q Who was that coming from and who was that going to?

17 A From Alyssa Simons.

18 Q To?

19 A Jeff George.

20 Q All right. And the next one?

21 A From George to Simons, "I just thought you and I" --
22 "I just thought you and we're getting close and he warned
23 you about something that's why you didn't come back last
24 night."

25 Q All right. Keep going down to 1:04.

1 A 1:04, "I wouldn't turn on you for him either way."

2 Q And then 1:05, please.

3 A "I know not saying that you would turn on me but if
4 you" -- "if he warned you I didn't know that you would
5 warn me."

6 Q Response?

7 A "If he wouldn't even mentioned doing anything that
8 put you or Ayla in harms way I would've told you."

9 Q Now how does Ms. Simons respond in the next one?

10 A "I care about y'all like y'all family I wouldn't let
11 nothing happen."

12 Q And the defendant's response?

13 A "I didn't think you would but didn't know what to
14 think when all" -- "when y'all both disappeared with no
15 word but you were at least talking to me last night."

16 Q All right. Let me move you on to December the 10th
17 of that year at 4:19 in the morning. So that would be on
18 page 53.

19 A 4:19 from George to Audrea?

20 Q Yes.

21 A "I'm going to need you to come stay with me though
22 it's too much to run two households."

23 Q And that's at December the 10th; is that correct?

24 A That's right.

25 Q All right. So that's some nine days after the

1 murder?

2 A It is.

3 Q Okay. And then the next one at 4:20 a.m.?

4 A "I just want a girlfriend I can wake up next 2."

5 Q Keep going.

6 A "And actually sleep next to At least a few nights a
7 week."

8 Q All right. Let me move you now to December the 11th
9 at approximately 4:46.

10 A "I love you baby sucks that you weren't in bed with
11 me last night."

12 "I love you too I know," from Audrea.

13 Q And then coming back down to 1:32 on the 11th which
14 would be on page 57. That message from the defendant to
15 Ms. Simons says what?

16 A "Why the f" -- "why are you f'g with John again I've
17 already saved you from him once don't make me have to
18 kill that f" -- "fat f."

19 Q Okay. And if you'll keep going with the
20 highlighted.

21 A "You're giving him the chance to sell you off
22 again."

23 Q So that's two minutes later. And then how about two
24 minutes after that?

25 A "Who's going to be with you Danielle so he's getting

1 a two-for-one deal."

2 Q All right. And then come down to 1:42.

3 A "I know you can't" -- "I know you can't but don't
4 let your not wanting me to be stuck get f'd up getting a
5 guarantee I'll be able to save you again."

6 Q So that's, "I know you can't but don't let your not
7 wanting to be stuck get you f'd up can't guarantee I'll
8 be able to save you again."

9 A Correct.

10 Q And that's from the defendant to Ms. Simons December
11 the 11th, 1:42 p.m.

12 A That's right.

13 Q And the next one at two minutes later says what?

14 A "Because I have no idea who he would be selling you
15 to" -- "to guess is" -- "is that Jan girl."

16 Q What was the first name of Ms. Velichko who came in
17 here and testified and you interviewed? And that was?

18 A Janice.

19 Q Janice?

20 A Janice Velichko.

21 Q Let me now take you to December the 12th at
22 7:51 p.m. That message from Ms. Simons to the defendant
23 is what?

24 A "My only other choice is John." That's from Simons.

25 Q Coming down to the next highlighted message which is

1 on December the 12th at 8:49 p.m. So that is the bottom
2 of page 62.

3 A "You send someone to my house and I promise you it's
4 not going to end well for you."

5 Q And that's from, to?

6 A The defendant to Alyssa Simons.

7 Q The next message, sir?

8 A "If you send someone over here to do some fuckshit
9 I'm going to make sure the f s happens to you you don't
10 send anybody over here I ain't doing s to you" or "shit
11 to you."

12 Q All right. And the next message at 8:51 on December
13 the 12th from the defendant to Ms. Simons says what?

14 A "I saved you from getting sold to that f fat f" --
15 "that f'g fat f that you wanted to go hang out with
16 yesterday."

17 Q And the next message at 9:11?

18 A 9:11, "So i keep you up for how long and you're" --
19 "you going to put my freedom in jeopardy because you
20 stole something from somebody that they got back" -- "got
21 it back."

22 Q And then the next message on page 64 at 12:03 from
23 Ms. Simons to the defendant?

24 A 12:03, "I would never put you or your freedom at
25 risk over something as petty as what happened tonight."

1 Q And keep going.

2 A "Jeff out" -- "Jeff out of all the times you've
3 known me have I ever been a cop caller?"

4 Q And at 12:07.

5 A "But you know if something like that popped off at
6 my house I'd be right up in the middle of it and then the
7 cops are going to get called by one of the neighbors."

8 Q Page 66, December the 13th at 11:04 a.m.?

9 A 11:04?

10 Q Yes, sir.

11 A "Free cigarettes free food what the f ever you f'g
12 wanted I made sure you can" -- "you can was taken care of
13 and won't f'g talk to me like this over a couple pieces
14 of clothing."

15 Q It says, "And you won't f talk to me like this over
16 a couple pieces of clothing."

17 A It's lacking some punctuality.

18 Q And then the response?

19 A "You know for a fact I was bluffin when i said
20 police I know your situation n shit I wouldn't involve no
21 cops I was trying to get your attention seemed like you
22 was ignoring me."

23 Q Page 68, 1:06 p.m. on December the 13th?

24 A "We'll see this being" -- "we'll see this you being
25 a dick to me because Audra is around aint fenna slide

1 with me I think you're forgetting I know shit."

2 Q And the next thing she said?

3 A "Shit that wouldn't won't" ---

4 Q "That you wouldn't."

5 A "Shit you wouldn't want getting out so you can fix
6 this little role play" -- "role you're playing."

7 Q Keep going.

8 A "Cause I don't give a fuck."

9 Q And what's the response that same minute?

10 A "F u you dumb b run your mouth and I will put you in
11 the f'g ground fuk you" -- no -- "fuk with me and you
12 will get sold to them motherfuckers. You're going to sign
13 your own f'g ticket b."

14 Q So then she says?

15 A "Is that a threat?"

16 "No" -- "no threat promise" -- "promise they're
17 threatening me" -- "you're threatening me."

18 Q And then 1:09?

19 A "I'm not threatening you but you seemed to have
20 forgotten" -- "forgot who has been there for you."

21 Q The next page, 1:13 p.m. on December 13th?

22 A "Yeah but she's not threatening my freedom right now
23 you are."

24 Q And then 1:14, a message from Ms. Simons?

25 A Correct. "I knew something was up."

1 Q And is there a change now at 1:21? Is there a
2 different source for this message that comes next?

3 A Yeah. Lyssa is saying -- Alyssa Simons is saved as
4 Lyssa in his contacts.

5 Q So this is a move from Facebook ---

6 A To phone.

7 Q --- to his actual phone.

8 A Correct.

9 Q And what's sent to him at 1:21?

10 A "All I want is my stuff n you wanna be a smart ass."

11 Q Let me take you down to 1:38, the response from
12 Mr. George to Ms. Simons. What does that say?

13 A "I ain't being a smart-ass if I was being a
14 smart-ass I tell you I saved your life again this morning
15 cuz I killed a s eating dog. You threatened my freedom
16 when all I ever did was be good to you and take care of
17 you over a f'g couple pieces of shit clothes that I was
18 giving back to you but you had to run your f'g mouth."

19 Q All right. Let me skip you forward until December
20 the 13th at 7:31 p.m. which I believe is on page 74.
21 That message also from Ms. Simons to the defendant?

22 A What time?

23 Q 7:31 p.m. I'm sorry.

24 A She's calling Jeff. "This is important."

25 Q Okay keep going.

1 A 7:36, "Someone" -- "someone that was there that
2 night has loose lips John just called me I'm not gonna
3 say what was said over text but you need to go. Go
4 somewhere. Out of Greenville atleast. I'm telling you
5 because i don't want anything to happen to you regardless
6 I'm on your side. You know that. My lips are sealed. I
7 told John that you're" -- "that you've never met him."

8 Q Okay. And then there's a message from the defendant
9 back that says what?

10 A "Wth call me."

11 Q And she says?

12 A "I'm in a car full of people."

13 Q All right. Then there's a message at 7:58 on
14 page 75 from whom to whom?

15 A From George, the defendant, to David Stokes, the
16 pirate ship.

17 Q And that says what?

18 A "Got wind of blow back on its way."

19 Q And the response?

20 A Stokes, "Concerning wat exactly?"

21 Q And the response at 8:00?

22 A "The only thing you and I have in common."

23 Q And then the next message?

24 A "Oh Lord we need 2 talk in person."

25 Q And then there's a message from Shane to the

1 defendant at 8:00.

2 A "What's going on brother?"

3 Q And keep going.

4 A Then he texts Stokes, "I know but I can't be around
5 audrea." Then he texts again, "I was told to get out of
6 greenville tonight."

7 then Pirate Ship, Stokes, "Call me please."

8 Q Next one at 8:22?

9 A This is to Alyssa Simons, "So when do i need to be
10 worrying about this?"

11 Q And at 10:59 on December the 13th?

12 A Audrea Cook, "What's this trash about someone
13 calling you?!?!?"

14 Q And then there's an expletive. What's the response
15 after that?

16 A "I kinda need to know."

17 Q All right. Let me then take you to December the
18 14th at 5:03 p.m. on page 78. This is from the defendant
19 to Lyssa?

20 A Correct.

21 Q What does that say?

22 A "Are you with them?"

23 Q All right. And the following response?

24 A Lyssa responds, "I'm with John right now he's taking
25 me" -- "taking me n Danielle to get food I'm tryna see

1 what I can find out for you."

2 Q All right. Keep going.

3 A "If you wanna come by moms after" -- "after her does
4 so I can feel you in on everything that's been said n the
5 rumors that are going around."

6 Q Keep going at the bottom of the page.

7 A She says, "I punched John in the eye."

8 Q Keep going.

9 A "But I really done it for you."

10 Q Keep going.

11 A From George.

12 Q At 8:38.

13 A Correct. "Still want to know what the hell he's
14 saying make sure you call me when you can sorry you hurt
15 your hand."

16 Q All right. The next minute?

17 A "He deserved it anyway he's lucky" -- "he's lucky I
18 didn't go" ---

19 Q And do it.

20 A "Do it and try to sell you."

21 Q Okay. Keep going.

22 A "I promise I'll call you as soon as he drops me n
23 Danielle off because the shit he knows had to come from
24 someone who was in that house with y'all and it's okay
25 the pain is worth it cause he will think twice next time

1 he talks shit about anybody I fuck with or calling me out
2 by name."

3 Q Keep going.

4 A "My story hasn't changed you never met him is all I
5 kept saying n that he is stupid who ever said that you
6 did was lying."

7 Q And what's the response from the defendant at 8:45?

8 A "It was that jan bitch."

9 Q Is that the first name of Janice Velichko?

10 A That's correct.

11 Q And what's the next -- the message there at 9:14
12 from the defendant to Alyssa Simons?

13 A "Cant prove nothin."

14 Q I want to take you to December the 16th at 4:24 p.m.
15 on page 81. This is a message from whom to whom?

16 A What time? 4:26?

17 Q I'm sorry. 4:24.

18 A 4:24, "They got search warrants they kicked in the
19 door on your house and the shop and they're investigating
20 a major crime." That's from the defendant to Audrea
21 Cook.

22 Q And two minutes later he says what to her?

23 A "Find a hole and hide in it I'll let you know if I
24 out" -- "find anything out."

25 Q And 4:29, what does she say?

1 A "Find out what's going on."
2 Q And he says?
3 A "Im trying."
4 Q The next one?
5 A "This makes no sense why did they search the shop?"
6 Q And come down to 4:51?
7 A "What do I do?"
8 Q And what does he say at 4:56?
9 A "Find somewhere safe to park for now and I'll let
10 you know."
11 Q All right. And then the next one on page 83 at
12 5:41, who is that message to?
13 A That is from Alyssa, Alyssa Simons to George.
14 Q And what does it say?
15 A "We got a lot of shit to fill you in on."
16 Q Okay. And then in the middle of that at 6:48
17 there's a message from the defendant to who?
18 A Audrea Cook.
19 Q And what is that?
20 A "How you doin babe."
21 Q And what's the response down at 7:54?
22 A "Fucking terrible" -- "terrified." I'm sorry.
23 Q Let me then take you to December the 16th on
24 page 84 at 8:19 p.m.?
25 A "How can we move your car and hide it?" That's from

1 George to Audrea.

2 Q She responds?

3 A "I'm really worried about everything."

4 He replies, "Me to but you can't be here."

5 Q All right. And then down on the next page at 9:41?

6 A "My mom said they're digging up the well."

7 Q And then the next one at 9:42?

8 A "So someone is giving them info."

9 Q And what does she say to the defendant at 9:47?

10 A "I'm turning" -- it says, "In turning this phone
11 off."

12 Q Okay. And then turn the page on 86 at 7:17 a.m.

13 The defendant sends to Ms. Simons what?

14 A "I ain't heard s find out this morning exactly what
15 they're looking for."

16 Q Okay. And then let's move to December the 17th.
17 That's at the bottom of the page, actually -- the next
18 page at 11:06 on page 87?

19 A Oh, "I don't know what happened at your house cuz I
20 wasn't there but from what I hear it was Daniel sweat
21 what" -- "what about you?"

22 Q And then ten minutes later what's the response?

23 A "I love you."

24 Q And then three minutes later, what does she say to
25 Mr. George?

1 A "They're probably watching you Jeff you know that
2 right."

3 Q Okay. Keep going to the next page, 88, and go down
4 to 11:31 a.m. from Ms. Cook to the defendant?

5 A "So Daniel did something to somebody at my house
6 while I was staying with you?"

7 Q And in your investigation and even in these messages
8 themselves, where was Ms. Cook staying from the time
9 period -- or at the time period right after the murder on
10 December the 1st of 2019?

11 A Her house.

12 Q Her house.

13 Okay. All right. Keep going.

14 A "So Daniel did something while I was staying with
15 you."

16 "That's the only thing I can think that happened I
17 had heard someone say that but I don't know cuz I wasn't
18 there."

19 Q And then what does she respond?

20 A "Me neither."

21 Q And what does he respond?

22 A "I knew he was a bad egg."

23 Q Keep going.

24 A "I haven't been around him."

25 Q All right. Keep going.

1 A "I only was a few times I'm pretty sure he stole
2 something from me every time I seen him."

3 "He ruined my life and who knows what else he has
4 done to me."

5 Q Keep going.

6 A This is from George. "Looks like he set you up for
7 something f'g up where the cops were rooting around in
8 your house and shit."

9 Q Okay.

10 A "I haven't been doing anything except laying around
11 with you and going home and feeding my dog" -- "going
12 home to feed my dog."

13 Q Okay.

14 A "I don't even go inside to do that."

15 Q All right. And then keep going.

16 A "I know you hate it going into that house because of
17 all your memories with the kids I know" -- "I know it
18 kills you."

19 Q And she responds?

20 A "It really does. I've been there to change my pad
21 and that's it."

22 Q All right. And then the next one?

23 A "I'm just glad that you moved in with me."

24 Q All right. And then come down to 1:45 on page 89
25 and keep going.

1 A "They were at David's house too."

2 Q Who's that from and who ---

3 A That's going to be from Audrea Cook to the
4 defendant.

5 Q All right. Keep going.

6 A George to her, "Who the fuck is Kurt Russell nuts
7 in?"

8 Q Okay. And the next one?

9 A "Some dude that lived with David".

10 "Oh kurt."

11 And George, "I don't know him."

12 Then she says, "Me neither."

13 Q All right. And then at 1:55?

14 A "Have you heard from the captain?"

15 Q Okay.

16 A He said, "Yes."

17 Q And then what does Mr. George ask Ms. Cook?

18 A "Is in ship" -- "still ship shape."

19 Q All right. Keep going.

20 A "Seems to be except his nerves are as bad as mine."

21 Q All right. And then at 2:04 what does the defendant
22 say to Ms. Cook?

23 A "Ok does he know why Daniel did this?"

24 Q And then immediately the same minute he says what?

25 A "I guess he wouldn't know he wasn't there either."

1 Q All right. Keep coming down to the next page -- or
2 the same page, 3:48.

3 A "My house is clear the tape is gone."

4 Q Keep going.

5 A "Why does that mean" -- "what does that mean they're
6 on a different location do we know what is going on yet?"

7 Q And how does Ms. Cook respond?

8 A "Means my house is no longer in question."

9 Q At 4:04?

10 A 4:04 from Audrea, "God I need you Jeff."

11 Q Okay. Next page.

12 A "I sent David a text but no answer."

13 Q Now, at this time on December the 17th, is this when
14 law enforcement is involved and investigation and
15 interviews are going on?

16 A That's correct.

17 Q All right. And then let me take you to page 92 at
18 3:42 a.m. on December the 18th.

19 A "Jessica martin text Jonathan that they found a body
20 in the well."

21 Q Okay. The next page, 5:39?

22 A "I don't know" -- "I don't know did David put one
23 down there?"

24 Q Did David or did Daniel?

25 A Daniel, I mean.

1 Q That's a message from the defendant?

2 A That's correct.

3 Q To Ms. Cook.

4 A Correct.

5 Q And at 5:42?

6 A "I'm just telling you that Jonathan told me this
7 morning that Jessica Martin said that to him."

8 Q The next message at 5:44?

9 A "Yeah I would assume Runt told this to so called
10 sister that stupid shit."

11 Q And how does the defendant respond at 5:45?

12 A "That's all right let people keep thinking that
13 shit."

14 Q All right. And then finally, at the bottom of this
15 page, there's a message here from whom to whom?

16 A Alyssa Simons to George.

17 Q That's the defendant and at 4:13 on the date of his
18 arrest; is that correct?

19 A Correct.

20 Q December the 18th. And what does that say?

21 A "Ayla said something about you think me n Danielle
22 should go to my moms or somewhere so we don't be in" --
23 "in it and asked my mom if we don't" -- "if we could come
24 back she said she guessed we should" -- "it would be
25 easier for me to find us a ride or do you wanna drop us

1 off?"

2 Q And then on the last page, 94, there's some messages
3 there after 4:16 where the defendant responds. Are any
4 of those messages after 4:16 responded to by the
5 defendant, Mr. George?

6 A No.

7 Q And, in fact, was he in custody at that time?

8 A He is.

9 MR. FRETWELL: No further questions, Judge.

10 THE COURT: Mr. Marchant?

11 CROSS EXAMINATION

12 BY MR. MARCHANT:

13 Q You have Alyssa Simons's Facebook records?

14 A We did, yeah.

15 Q You got a search warrant and got her records?

16 A Me or Investigator Bailey did.

17 Q Those are in -- provided to the solicitor's
18 office?

19 A Should have been.

20 Q You interviewed Alyssa Simons, right?

21 A I have, I think, for trial prep.

22 Q You were in the solicitor's office with
23 Mr. Williams.

24 A Yes, I was.

25 Q Conference room, right?

1 A I was.

2 Q That was video recorded, right?

3 A It was.

4 Q And you asked her all these questions about what
5 information she had over him.

6 A Correct.

7 Q And she told you this was about a lawn mower.

8 A A stolen lawn mower is what this was all about.

9 Q That's the dirt she had on Jeff George.

10 A Correct.

11 Q What information did you obtain to determine that
12 John Rickson was a friend of Ivan Gula?

13 A I think it was an interview -- I don't know. I got
14 that from Investigator Bailey. It was in the Facebook
15 messaging or Facebook research. We found it on Facebook
16 they were friends and identified them that way. It may
17 have been in Ivan's Facebook.

18 Q Did you interview John Rickson?

19 A I didn't.

20 Q Do you have John Rickson's Facebook records?

21 A I don't have it. I was assisting Investigator
22 Bailey up until I got my next murder.

23 Q So that we potentially do not have to call
24 Investigator Bailey back, I'm going to ask you to take a
25 look at a report of his on page 9 of 27, the highlighted

1 portion.

2 A (Reviews document) Yeah. The highlighted part?

3 Q The highlighted part.

4 When y'all were interviewing Terry Dillard, Micco,
5 he gave you Isaiah Culbreth's contact information,
6 right?

7 A Yes. It appears that.

8 Q I'm showing you what's marked in evidence as
9 Defendant's 13.

10 A Yes.

11 Q That's Isaiah Devon Culbreth Wilkins, right?

12 A Yes.

13 Q Okay. Investigator Bailey said he was unable to
14 locate Isaiah Culbreth, right?

15 A Right.

16 Q Unable to find him.

17 A Yes.

18 Q One of the areas that you can go and get information
19 to find somebody is the Public Index for the State of
20 South Carolina judicial web site, right?

21 A Right.

22 Q And as a law enforcement officer, you have even
23 greater access than a typical citizen to records,
24 correct?

25 A I do.

1 (WHEREUPON, Defendant's Exhibit Number 16 was marked for
2 identification.)

3 BY MR. MARCHANT:

4 Q I'm going to show you what's marked as
5 Defendant's 16 for you to take a look at those records.

6 A (Reviews exhibit) Yes, sir.

7 MR. MARCHANT: Move Defendant's 16 into evidence.

8 MR. FRETWELL: No objection, Judge.

9 THE COURT: So entered without objection.

10 (WHEREUPON, Defendant's Exhibit Number 16 was admitted
11 into evidence.)

12 MR. MARCHANT: Move to publish.

13 THE COURT: Any objection?

14 MR. FRETWELL: No objection, Your Honor.

15 MR. MARCHANT: Your Honor, can I get switched over
16 to my document cam?

17 THE COURT: All right.

18 BY MR. MARCHANT:

19 Q All right. When did this event occur, the murder?

20 A December 1st.

21 Q Okay. I'm showing you a Public Index document from
22 Spartanburg County. Isaiah Devon Culbreth Wilkins pled
23 guilty on October 9, 2019, right?

24 A Correct.

25 Q Okay. And this is the disposition down here. This

1 means he got 18 months of active time but suspended to
2 18 months of probation, right?

3 A That's correct.

4 Q So he's on probation in the State of South Carolina
5 on October 9th of 2019.

6 A Correct.

7 Q Correct. So November 19th to December 19th, 60 days
8 later, he's on probation in the State of South Carolina.

9 A Correct.

10 Q In Spartanburg County.

11 A According to that, yes.

12 Q According to this.

13 Okay. Did you or Investigator Bailey ever check
14 probation to see ---

15 A Not under Wilkins. That's the first time I've heard
16 that name. I've been looking under Isaiah Hill.

17 Q Okay. But you had the phone number.

18 No. I'm talking about Isaiah Culbreth ---

19 A Culbreth.

20 Q --- who was with Ivan and Ms. Velichko and
21 Mr. Dillard, right? Because Mr. Dillard gives
22 Investigator Bailey Isaiah's contact information, also
23 known as Zay.

24 A I was under the impression it was Isaiah Hill.

25 That's who Zay was. But this is 1 of 9 -- this is page 9

1 of 27 pages of another officer's report.

2 Q Yes, sir.

3 A I'm not -- all these names, I've got Isaac, Isaiah.

4 I was under the impression it was Isaiah Hill.

5 (WHEREUPON, Defendant's Exhibit Number 17 was marked for
6 identification.)

7 BY MR. MARCHANT:

8 Q I'm going to show you what's been marked as
9 Defendant's 17. Do you recognize that type of document
10 in general?

11 A I do.

12 Q Okay. And do you recognize Antonio Bailey's
13 signature down here on the bottom line?

14 A I do.

15 Q Okay. And you're familiar with Antonio Bailey's
16 signature.

17 A Yes. That's it.

18 Q Okay. So you don't question that that's his
19 signature.

20 A No, I don't.

21 MR. MARCHANT: I move Defendant's 17 into evidence.

22 THE COURT: Any objection?

23 MR. FRETWELL: No objection, Your Honor. No
24 objection to publication.

25 THE COURT: So entered.

1 (WHEREUPON, Defendant's Exhibit Number 17 was admitted
2 into evidence.)

3 BY MR. MARCHANT:

4 Q All right. Investigator Garrett, this is what we
5 call a waiver of rights sort of like the waiver of rights
6 when you're interviewing somebody, right?

7 A Right.

8 Q Okay. But in this particular case, this is a --
9 what you do is a DNA waiver.

10 A Right.

11 Q Right. So Mr. George, on September 13th of 2022,
12 signed away his constitutional rights for y'all to get a
13 DNA sample for him, right?

14 A According to this, yes.

15 Q Didn't have to have a hearing. Didn't have to do a
16 search warrant for him.

17 A Correct.

18 Q Right. This is my signature down here, right?

19 A I don't know.

20 Q You don't know that. I'm telling you that's my
21 signature.

22 A I trust you.

23 Q Investigator Bailey will confirm that.

24 So we voluntarily gave y'all his DNA sample.

25 A Yes, sir.

1 Q Okay. Do you recall me questioning Mr. Stokes?

2 A I do.

3 Q Okay. And he was adamant that he never gave you the
4 name of Daniel Sweat, right?

5 A Yeah, he was.

6 Q Okay. I'm sure you reviewed your interview with him
7 preparing for this case?

8 A Right.

9 Q Okay.

10 A My notes are in my -- can I retrieve my notes?

11 Q Yes, sir.

12 A Those notes are there -- rather over here. Can I
13 step down and grab it, Your Honor?

14 Q As we're working through that I'm just going to ask
15 you one question about this. I'm showing you what's
16 marked as Defendant's 15. I've shown this to
17 Mr. Williams.

18 Investigator, I don't think you need your notes.
19 It's going to be quick.

20 A Okay.

21 Q So I've got Defendant's 15 which is your interview
22 with David Stokes, okay?

23 A All right.

24 MR. MARCHANT: I move Defendant's 15 into evidence.

25 MR. FRETWELL: I don't have an objection.

1 (WHEREUPON, Defendant's Exhibit Number 15 was admitted
2 into evidence.)

3 MR. MARCHANT: Publish, Your Honor?

4 MR. FRETWELL: No objection.

5 THE COURT: All right. So noted.

6 MR. MARCHANT: Your Honor, if you could switch me
7 over to the HDMI.

8 THE COURT: All right.

9 (Pause in proceedings for technical issues.)

10 BY MR. MARCHANT:

11 Q So we've seen this similar room before. You've gone
12 over all his right and all that stuff, right? You're
13 interviewing him.

14 A Correct.

15 MR. MARCHANT: All right.

16 (WHEREUPON, Defendant's Exhibit Number 15, a video
17 recording, was played in open court.)

18 MR. MARCHANT: Bear with me, Investigator Garrett.
19 This is coming up different on the timestamps than it did
20 on my computer.

21 (WHEREUPON, Defendant's Exhibit Number 15, a video
22 recording, continued to play in open court.)

23 BY MR. MARCHANT:

24 Q What name did he just say?

25 A Daniel Sweat.

1 Q I've asked a lot of other of these witnesses similar
2 questions where they denied makings statements like that,
3 right?

4 A Right.

5 Q We can go through this all night, okay? I think the
6 point is made here.

7 All right. You also heard this same individual,
8 Mr. Stokes, tell this jury on the stand he was high on
9 methamphetamine when he was interviewed by you, right?

10 A Yes.

11 Q You didn't think he was high?

12 A Not there.

13 Q Okay. You also heard Ms. Velichko say the same
14 thing ---

15 A Right.

16 Q --- during her interview.

17 A She was high.

18 Q You've got that much experience. You know what
19 people look like when they're impaired and intoxicated?

20 A I terminated an interview this week because the guy
21 was impaired.

22 Q Okay. You're familiar with the effects of
23 methamphetamine on the body.

24 A I am.

25 Q All of your training and experience.

1 A I've worked 102 meth labs for over ten years. I was
2 on a meth lab team. I've talked to thousands of meth
3 heads.

4 Q I'm sorry. Say that again?

5 A Probably close to 500. Just say that.

6 Q You've don't what?

7 A 500 meth heads during investigations.

8 Q They can have mood disturbances when under the use,
9 right?

10 A Right.

11 Q They can exhibit violent behavior?

12 A Yes.

13 Q Paranoia?

14 A Correct.

15 Q Psychotic features from time to time?

16 A Right.

17 Q Hallucinations?

18 A Right.

19 Q Delusion?

20 A I didn't witness any of that when I was talking to
21 him that night.

22 Q In general, people that are using meth, those things
23 can occur while under the use.

24 A Correct, correct.

25 Q Okay.

1 A Most time under meth I have to slow them down.
2 They're talking too fast. Which I didn't have to do in
3 this case.

4 Q You interviewed Mr. George. You also stopped that
5 interview when he requested a lawyer, right?

6 A I did.

7 Q So you are aware that he had requested
8 representation.

9 A Uh-huh.

10 Q And invoked his amendments -- Fifth Amendment right,
11 right?

12 A Right.

13 Q After that interview, you went and pulled him from
14 the detention center, tried to talk to him again, didn't
15 you?

16 A George?

17 Q Yeah.

18 A No. Not that I'm aware of.

19 Q Sure?

20 A Not that I'm aware of. If he had a lawyer, I
21 wouldn't have.

22 Q You didn't pull him out and he said, "Why are you
23 talking to me? I wanted a lawyer"?

24 A No. What day? I don't recall that. I mean,
25 refresh my memory.

1 Q When you're interviewing Mr. George and he tells you
2 that that gentleman looks like Brad Pitt, didn't really
3 believe that he was serious, did you?

4 A Did not.

5 Q You took his cell phone into possession that day.

6 A I'm pretty sure I did.

7 Q Would you have gotten documentation from the service
8 provider to confirm he was the account holder of that
9 phone?

10 A Me or Investigator Bailey would have. We'd have
11 pulled phone records for that.

12 Q You'd have done that on all the phones?

13 A I don't know. I did it on a few of them in this
14 case.

15 Q Okay.

16 A I know that one because it has JG-2 on it.

17 Q I'm sorry?

18 A It was JG-2 so I know I seized that phone.

19 Q But did I understand correctly? I can't remember if
20 it was you or Jim Perry, y'all ran his phone early on and
21 then you ran it again because you had some new
22 technology.

23 A That's right. I got the initial search warrant on
24 the 19th.

25 Q Okay. So I can't remember. Was that the day

1 Mr. George was interviewed?

2 A I don't ---

3 Q It was within a day or two, right, of the 19th ---

4 A Correct.

5 Q --- back in December 2019?

6 So you got the search warrant, did the same thing.

7 It just wasn't with Investigator Perry.

8 A I don't know. I probably would have seized it for
9 Investigator Bailey and got the warrant for him. I don't
10 know who would have put in the request.

11 What we usually do is get a request, and they would
12 come to Property and Evidence. The computer forensics
13 guys would sign it out and then put it back in.

14 Q Right. I didn't ask the question.

15 A I got you.

16 Q I'm sorry. You seized Mr. George's phone the day
17 you interviewed him.

18 A Right.

19 Q The day he was arrested.

20 A Correct.

21 Q Okay. And that's 18th, 19th, 20th of December.

22 A Sometime in there.

23 Q All right. You then would have taken that phone and
24 gone and got a search warrant.

25 A Right.

1 Q And then sent it to whoever does that stuff with
2 your office.

3 A Correct.

4 Q Okay. At that time, it just was not Jim Perry.
5 Somebody else did it.

6 A Yeah. That's -- Investigator Perry. Somebody else
7 did it.

8 Q That's what he testified to.

9 A Yeah. That's right. That's right.

10 Q You had the information then back in December of
11 2019. It's not like we had to wait all the way to -- I
12 thought, and I could be mistaken, but Jim Perry's cell
13 phone search was sometime in 2023.

14 A September, I think.

15 Q September of 2023. So you had had that information
16 that had been displayed on the screen four years prior
17 almost, three and a half; is that fair to say?

18 A Yes. If the phone -- yeah. He had the initial
19 dump, yes.

20 Q So this picture -- okay. So I'm showing you
21 State's 225 which is something y'all had back in December
22 of 2019.

23 A Right.

24 Q I don't know when the search was. I'm not trying to
25 tell this jury ---

1 A I understand. I understand.

2 Q Okay. But you had this information back then, had
3 this picture.

4 A Right.

5 Q That you say that that comes from Jeff George's
6 phone.

7 A Right.

8 Q And the picture taken, and there's this fellow right
9 here (indicating).

10 A Correct.

11 Q Right?

12 Did y'all ever identify him?

13 A Recently we did.

14 Q Okay. Who is it?

15 A That's the Isaiah.

16 Q Isaiah Hill.

17 A Correct.

18 Q Okay. And you've gone and talked to him?

19 A No. Not yet.

20 Q Right. Because he's got a lawyer and he's got some
21 problems in Spartanburg.

22 A That's right.

23 Q But in December of 2019 ---

24 A Yeah. So in December -- we didn't know we had that
25 until recently because Jim Perry is that good. So I

1 don't know who dumped it in 2019, but in 2023 it was
2 revealed through trial prep that Jim Perry said, hey,
3 y'all know you had this? It was a thumbnail. But, no,
4 you have a picture here. We didn't realize we had a
5 picture there. I didn't until recently for trial prep
6 which has opened up a few other doors.

7 Q But to be clear, Jim Perry testified he did not get
8 any new information from what was originally done.

9 A Right. So that picture had been there. He just
10 discovered how to get our hands on it.

11 Q Mr. Dillard never told you about his communication
12 with Isaiah Hill until this year, right?

13 A That's right.

14 Q You think you got sufficient information for a
15 murder warrant for Isaiah Hill?

16 A I'm sorry?

17 Q You think you have sufficient information for a
18 murder warrant for Isaiah Hill?

19 MR. FRETWELL: I'm going to object to that, Judge.
20 That's outside the scope. It's not relevant.

21 THE COURT: Sustained.

22 BY MR. MARCHANT:

23 Q All right. The gun that you seized from Mr. George,
24 State's 182, you've seen this, you're familiar with it,
25 right?

1 A I have. Correct.

2 Q Firearms have serial numbers, right?

3 A They do.

4 Q Okay. Did you run the serial number?

5 A I didn't.

6 Q Okay. Did someone in your office that you're aware
7 of?

8 A I don't know. I'm not the lead investigator. But I
9 assisted as much as I could. But I didn't do it.

10 Q Your office has a database or some electronic
11 mechanism for y'all to get into to run a serial number on
12 a firearm, right?

13 A NCIC to see if it was stolen.

14 Q Okay. But you can also take the serial number and
15 determine who purchased the gun, right?

16 A That's called eTrace. We didn't get access to that
17 until like 2021, I think, was my first run with that.

18 Q So prior to 2021, you could never ---

19 A It could. We did. Greenville County didn't have
20 access to it.

21 Q You -- DEA?

22 A They did. I didn't. But ---

23 Q You could have gotten -- you could have run a trace
24 on the gun if you wanted to.

25 A Yeah.

1 Q Still haven't done it today even though you have the
2 ability to do it.

3 A I haven't. I don't know if anyone else in the
4 investigation has.

5 Q Okay. David Stokes, in his interview, told you
6 about a fellow by the name of, I think, John Paul
7 Garrett.

8 A Yes.

9 Q Did y'all go talk to him?

10 A I hadn't.

11 Q In addition to the cell phones that you seized that
12 have been processed by your office, you have the ability
13 to go get a search warrant and ask the cell phone
14 provider for cell data tower location, don't you?

15 A Yes, we do.

16 Q And the jury, real quick, what you can do is you can
17 get the cell phone provider to give you all the pings off
18 of cell phone towers when somebody has possession of a
19 cell phone, right?

20 A Correct.

21 Q So, for example, we've been sitting in here all
22 week. If they went and ran my phone, my phone's going to
23 ping off wherever the nearest tower is.

24 A Correct.

25 Q Right? And then we leave at 5:30 most days, and I

1 go home, my phone's going to be pinging off another
2 tower.

3 A Correct.

4 Q Okay. Did y'all do any of that?

5 A I didn't.

6 Q When Mr. Knutson testified yesterday or the day
7 before, he discussed three book bags being brought to his
8 trailer and Mr. Stokes's trailer after all this
9 supposedly occurred, right?

10 A Right.

11 Q That is the first we have ever heard of that, right?

12 A Yes.

13 Q The same goes for Mr. Stokes talking about the book
14 bag that was -- all the contents were burned in some burn
15 pile.

16 A That's correct.

17 Q First we've heard of that.

18 Did you or anyone else get a search warrant to do a
19 search of Mr. George's house?

20 A I didn't.

21 Q You heard earlier Investigator Bailey did not
22 either.

23 A Right.

24 Q Don't have any reason to believe a judge wouldn't
25 have given you a search warrant, do you?

1 A I don't.

2 Q Were you at Cook's house when y'all executed the
3 search warrant?

4 A Initially briefly.

5 Q Okay. And we've heard from the forensic officer,
6 Mr. Hamilton, that he takes direction from y'all about
7 what to pick up.

8 A Yeah. And he'll suggest too since he's got a lot of
9 experience.

10 Q Right, right. Did y'all take the surveillance video
11 equipment from Ms. Cook's residence?

12 A If I'm not mistaken, it was missing on the day of
13 the search warrant. It had been removed.

14 Q Several of the people that you interviewed talked
15 about going to -- like Ms. Velichko and Mr. Dillard, they
16 told you about going to a gas station on the way home.

17 A Right.

18 Q Right? Did you go to the gas station and get
19 surveillance video from there?

20 A I didn't.

21 Q You don't have any reason to believe that Mr. George
22 can't legally possess a firearm, do you?

23 A I don't.

24 MR. MARCHANT: No further questions.

25 MR. FRETWELL: I just have a few topic areas, Judge.

REDIRECT EXAMINATION

BY MR. FRETWELL:

Q Investigator Garrett, first of all, Mr. Marchant referenced the interview with Alyssa Simons and that she mentioned something about a lawn mower. Did she also mention in that same interview that she told you that the defendant had been washing his truck after midnight on December the 1st?

A She did.

Q And that he installed a lock on the door to his room in the house there on Irene Drive?

A Yes.

Q Okay. And with respect to Daniel Sweat, and, obviously, this entire interview is now in evidence for the jury to listen to in the deliberation room if they so choose, but did Mr. Stokes ever tell you that Daniel Sweat was there the night of December 1, 2019?

A No.

Q Okay. It was in the weeks or days after when he was living there that he mentioned the context of a Daniel Sweat.

A That's correct.

Q No altercation with Ivan Gula involving a Daniel Sweat.

A No.

1 Q Okay. Now, the gun that was located that
2 Mr. Marchant brought up to you and showed it to you and
3 all of that, does it matter who owns this gun?

4 A No. It's the possession.

5 Q It's the possession, and more importantly, it's the
6 access.

7 Where did you locate this gun?

8 A In a bag in Jeff George's truck.

9 Q In Jeff George's truck, right?

10 A Correct.

11 Q And did you look at the color of this gun? Do you
12 recall what color Ms. Velichko said that gun was?

13 A I think it was black or silver.

14 Q Silver. And what color did Bobby Smith say the gun
15 was?

16 A Black.

17 Q And what color is that gun?

18 A Black and silver.

19 Q Black and silver.

20 And did you hear in this case that he had it in a
21 holster?

22 A Yes.

23 Q So it was in his truck. When the search warrant was
24 executed, you found it in that truck so that meant he had
25 access to it; is that the case?

1 A Correct.

2 Q How about the defendant's location the night of the
3 murder? And what did he tell you in that interview we
4 just watched? Where was he the night of the murder?

5 A Which, George?

6 Q This defendant right here (indicating).

7 A Audrea Cook's house.

8 Q So did you need to go get some cell phone records to
9 figure out where he was the night that Ivan Gula was
10 killed?

11 A No.

12 Q But you had his cell phone; is that correct?

13 A I did.

14 Q And on that cell phone, was Jim Perry ever able to
15 give you any GEO location on that cell phone?

16 A He did.

17 Q Because it wasn't on.

18 And finally, the surveillance equipment that
19 Mr. Marchant just asked you about, you just read a few
20 minutes ago a message about Mr. George keeping a hard
21 drive that he wasn't going to keep anymore of Ms. Cook's;
22 is that correct?

23 A Correct.

24 Q Days after the murder.

25 A Correct.

1 Q Did you locate a hard drive at C and S Drive that
2 had video stored on it?

3 A I wish we would have.

4 MR. FRETWELL: No further questions, Judge.

5 RECROSS EXAMINATION

6 BY MR. MARCHANT:

7 Q Your interview with Ms. Simons, I think the question
8 was asked that somebody said that he was washing his
9 truck. But y'all further clarified that with her, didn't
10 you?

11 A Yes.

12 Q And, in fact, she said, "I don't know if he was
13 washing his truck or not. I just heard water running."

14 A That is correct.

15 MR. MARCHANT: Thank you.

16 THE COURT: All right. You can step down.

17 You've got one short witness?

18 MR. FRETWELL: I do, Judge. Just one short witness
19 right outside.

20 THE COURT: Okay. Let's take him very quickly.

21 MR. FRETWELL: Are you ready for him to take the
22 stand, Judge?

23 THE COURT: Yeah. Bring him up.

24 THE CLERK: Please raise your right hand.

25 ///

1 WHEREUPON,

2 CHARLES MOORE

3 After having been duly sworn, testified as follows:

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

6 THE WITNESS: Charles Moore.

7 MR. FRETWELL: May it please the Court.

8 THE COURT: Yes, sir.

9 DIRECT EXAMINATION

10 BY MR. FRETWELL:

11 Q Officer Moore, I'm going to skip the background on
12 you and ask are you the custodian of records for the jail
13 phone recording system of the Greenville County Detention
14 Center?

15 A Yes.

16 Q Have you been employed in that capacity for ten plus
17 years?

18 A Yes.

19 Q And does the jail record and preserve inmate phone
20 calls?

21 A It does.

22 Q How long has the jail had this system in place?

23 A They've had this system in place since August 2014.

24 Q And when inmates come into the jail, they get a PAC
25 number; is that correct?

1 A Yes.

2 Q Is that the number, the unique number that each
3 individual has when they come into that jail?

4 A Yes.

5 Q And is that their identification number that you
6 need for purposes of identifying them with the phone
7 calls they make?

8 A Yes.

9 Q How does that work?

10 A Once someone is booked in, they receive the PAC
11 number. And after the booking process, they have to get
12 an ID. With their ID, they also receive a four digit PIN
13 to go along with their six-digit PAC number and that
14 works as their account number to access the phone calls.
15 And from there they do what's called a roma call
16 [phonetic] where they speak into the system, they read
17 prompts or they repeat back messages the phone system
18 gives them to record their voice to identify their
19 biometrics.

20 Q And that you utilized something called voice
21 recognition software; is that correct?

22 A Yes.

23 Q Okay. Are all phone calls subject to recording for
24 all inmates?

25 A Yes.

1 Q Are all personal calls actually recorded?

2 A Yes.

3 Q And are these calls recorded at the time they are
4 made?

5 A Yes.

6 Q Are they kept and preserved in the regular course of
7 business?

8 A Yes.

9 Q Who is responsible for maintaining this system?

10 A The Securus Technologies.

11 Q And who is the person in charge of that?

12 A That will be me.

13 Q And how long generally are the recorded calls kept
14 or preserved?

15 A The recordings are kept for four years.

16 Q Are you able to access certain records beyond that
17 time period?

18 A Yes.

19 Q How do you keep track of these calls? How does the
20 system keep track of these calls?

21 A There is a server located in Dallas, Texas, and they
22 are accessible through the World Wide Web.

23 Q And how does the system keep track of who is calling
24 whom?

25 A They use -- they use voice biometrics and they use a

1 six digit PAC number to make sure that is the person
2 calling.

3 Q Is that a program called Investigator Pro?

4 A Yes.

5 Q And that uses the voice recognition software.

6 A Yes.

7 Q In addition to the voice recognition program, do you
8 do anything else to double check or confirm that the
9 voice you're hearing is the same inmate whose name pops
10 up on the screen?

11 A Yes. I listen to the phone calls that are being
12 investigated and I also listen to their roma call to
13 verify that the phone -- the voices sound the same.

14 Q And that identifying number is the PAC number?

15 A Yes.

16 Q What purposes are served by recording incoming and
17 outgoing calls from the jail?

18 A They're served not just for use in court, but
19 they're also served to find contraband within the
20 facility and possibly prevent any kind of crimes that
21 could be occurring within the facility.

22 Q How are inmates put on notice that their calls are
23 being recorded?

24 A They receive a prompt at the beginning of the call
25 stating that the call is being recorded, and we also have

1 signs painted on the walls throughout the facility saying
2 that calls are subject to recording.

3 Q And that prompt is on every call; is that correct?

4 A Yes.

5 Q That prompt has to come before they can start
6 speaking ---

7 A Yes.

8 Q --- to anybody.

9 A Uh-huh.

10 Q If the inmate continues the call once that notice is
11 given, what does that mean?

12 A That means they're consenting to being recorded.

13 Q Are inmate visits also recorded and preserved?

14 A Yes.

15 Q Same manner?

16 A Same manner.

17 Q All right. Let me show you what's been marked as
18 State's 229. Do you recognize 229 by your initials right
19 there (indicating)?

20 A Yes.

21 Q Have you listened to these four calls?

22 A I have.

23 Q Have you authenticated these four calls?

24 A I have.

25 Q These four calls were made by the inmate identified

1 as Jeff George?

2 A Yes.

3 Q And how do you know that these calls were made by
4 Jeff George and not by another inmate?

5 A By listening to the phone calls, by verifying the
6 PAC number and looking at the voice biometrics on
7 Investigator Pro.

8 Q Do these recordings fairly and accurately reflect
9 the phone conversations on January 1st, January 2nd,
10 January 3rd and January 4th of the year 2020?

11 A Yes.

12 MR. FRETWELL: Your Honor. At this time, I move
13 State's Exhibit 229 into evidence and request to publish
14 it.

15 THE COURT: Any objection?

16 MR. MARCHANT: Brief voir dire with this witness.

17 THE COURT: All right.

18 VOIR DIRE

19 BY MR. MARCHANT:

20 Q You don't actually go talk to the person that's
21 making the phone call.

22 A Not if I don't have to.

23 Q Okay. Did you do that in this case?

24 A No.

25 Q Okay. So you didn't write this program.

1 A No.

2 Q You didn't design it. You just know how it works.

3 A Right.

4 Q You went to the place in Texas and trained on this
5 system?

6 A I have.

7 Q How long ago was that?

8 A It was -- I'm not sure of the year. I think it was
9 back in 2017. The date, I mean, is 2017, I think.

10 Q And you've listened to all of these calls that the
11 solicitor was talking about?

12 A Yes.

13 Q And you believe, based off of that, that is the same
14 person that is -- has the PAC number or whatever?

15 A I believe it is the same person who enrolled their
16 voice in the phone system, that is the holder of the PAC
17 number that is issued by the facility.

18 Q Is there any way for somebody to circumvent that
19 voice system?

20 A There is. But also, the system can detect that. It
21 gives us a rating system on Investigator Pro that tells
22 us the likelihood that it could be someone else on that
23 person's account.

24 Q So it's not perfect.

25 A Not when it comes to the access of the phone calls.

1 But I've -- in my experience in using that system, I've
2 never had it be wrong.

3 Q You're the only person that does this with the jail?

4 A When it comes to the managing of the system, I am.
5 We give access to the phone records to a lot of people
6 within the county.

7 MR. MARCHANT: Thank you.

8 THE COURT: All right. Go ahead, Mr. Fretwell.

9 MR. FRETWELL: I move it into evidence and ask that
10 it be published, Judge.

11 THE COURT: I don't think you objected to it,
12 Mr. Marchant.

13 MR. MARCHANT: No, Your Honor.

14 THE COURT: All right.

15 (WHEREUPON, State's Exhibit Number 229 was admitted into
16 evidence.)

17 MR. FRETWELL: Judge, I don't have any questions --
18 further questions for Officer Moore. And if Mr. Marchant
19 doesn't have any, can we please excuse him.

20 THE COURT: He first questioned him for voir dire.
21 You don't have any other questions. I know you had some
22 voir dire questions regarding -- are you going to ask him
23 different questions?

24 MR. MARCHANT: I don't anticipate that, Judge.

25 THE COURT: All right. We're going to let him be

1 excused if it's okay.

2 MR. FRETWELL: Thank you, Judge. I wouldn't ask
3 except for the hour.

4 THE COURT: Thank you, sir.

5 THE WITNESS: Thank you, sir.

6 MR. FRETWELL: Thank you, Judge.

7 (WHEREUPON, State's Exhibit 229, an audio recording, was
8 played in open court.)

9 MR. FRETWELL: Your Honor, the State rests.

10 THE COURT: All right. Ladies and gentlemen of the
11 jury, I'm going to send you to your jury room. Please,
12 ma'am, please, sir, don't talk about the case. And I'll
13 bring you back in in just a second, let you know where we
14 are. And I may need to ask you a question. All right.

15 (WHEREUPON, the jury exits the courtroom at 8:03 PM.)

16 THE COURT: All right. Before I get into any
17 motions and ask you questions, I got an email that my law
18 clerk got from Columbia because Columbia is aware of the
19 trial. So apparently, they contacted us and wanted to
20 know if this trial was going into Saturday, that we need
21 permission from the Chief Justice to do that. So the
22 email was sent a while ago, but my law clerk is laptop
23 accessible so she just texted me that said that she got
24 that email for us to do that. That's my first question.

25 My second question is this. You've got -- you're

1 going to have a long closing argument, you're going to
2 have a long closing argument, Mr. Marchant's going to
3 have a long closing argument. It is 8 o'clock. And
4 we've got one juror that can't be here, I mean, at least
5 if we go. Yeah. And I guess, really, the question is
6 going to have to be posed to them whether they want to,
7 you know, stay here tonight until we get this done or,
8 you know, fatigue sets in not only with us, but also
9 those people sitting over there. And, you know, it just
10 depends how that impacts both sides, I mean, you know, in
11 terms of State and the defense in terms of fatigue. So I
12 think at this point it really is going -- I'm okay either
13 way.

14 And, you know, I didn't -- and I'm saying on the
15 record that I'm not trying to tell counsel to cut off
16 their case. I haven't said a word. I want you to try
17 the case. You need to put witnesses up, but you also
18 need to be cognizant of the time when you do that in
19 terms of what you're -- so that's why -- I just got that
20 email just a second ago.

21 So if the jury tells me that they are fatigued, if
22 they tell me that, then it's 8 o'clock in the evening, I
23 don't know where the Chief Justice is. I don't have his
24 contact information. I don't know whether we need to go
25 back through Chelsea Kennedy to get that done. I don't

1 know any of that. So -- but we won't have to cross that
2 bridge if they said let's go and continue to do it. But
3 both sides need to know what you're dealing with. And
4 like I said, if you want to stand up and give a three and
5 a half hour closing argument, Judge Kinlaw is not going
6 to say a word to you. But this jury, I'm not going to do
7 that. But I'm just letting you know kind of where we are
8 timewise, functionwise.

9 So my first thing is, is after I hear any motions
10 and then I need to make inquiry of Mr. Marchant regarding
11 his client, I intend -- and I know there's probably some
12 food back there.

13 THE BAILIFF: Yes. We're feeding them right now.

14 THE COURT: You're feeding them right now in
15 between. Okay. Maybe after they eat they'll feel okay
16 staying here a little while longer. Hopefully -- that's
17 what I would hope.

18 So they are doing that right now.

19 THE BAILIFF: Yes, sir.

20 THE COURT: Very good.

21 Okay. So once they finish, I'll bring them back and
22 hopefully we won't have to cross that bridge about
23 tomorrow and that kind of thing. Let's hope not.

24 But first of all, Mr. Marchant, any motions?

25 MR. MARCHANT: Yes, Your Honor. I'm making a motion

1 for a directed verdict. The indictment alleges that
2 Jeffrey Michael George did in Greenville County, on or
3 about the 1st day of December 2019, unlawfully and with
4 malice aforethought kill Ivan Gula. That's Count 1.
5 Count 2 alleges the same thing with respect to
6 kidnapping, that he did, on or about the 1st of December
7 2019, unlawfully seize, abduct, confine, inveigled,
8 decoy, kidnap, abduct or carry away Ivan Gula.

9 My first motion relates to the directed verdict. In
10 the specific element of those two offenses is that Ivan
11 Gula has not been identified. There is no witness that
12 testified that the person that was recovered from the
13 hole was Ivan Gula. Further, there's been nobody from
14 the coroner's office who has identified by way of prints
15 that the person they printed at the Greenville County
16 morgue was Ivan Gula. There's only been information
17 relayed to law enforcement that the coroner's office told
18 us X, Y and Z. So there's no direct testimony that the
19 person that has been recovered out of that hole is Ivan
20 Gula.

21 Mr. Stokes does not know who Ivan Gula is.
22 Mr. Knutson has no idea who he is because he never met
23 him. Mr. Dillard, Ms. Velichko have not been asked if
24 that's Ivan Gula. So there has been no identification by
25 any witness to positively identify Ivan Gula. That's my

1 first directed verdict motion.

2 My second one is more of a general one in that the
3 State has not proven the two charges in this case. There
4 is, even in the light most favorable to the State, not
5 sufficient information for the jury to reasonably
6 conclude that Ivan Gula was murdered by Jeff George, nor
7 that he was kidnapped by Jeff George.

8 For those reasons, Your Honor, you must dismiss the
9 case at this time. Thank you.

10 THE COURT: All right. Mr. Williams?

11 MR. WILLIAMS: Your Honor, first of all, as to the
12 identity of the victim being Ivan Gula, you saw Tyler
13 Bucholtz testify. He said he was at the autopsy, and he
14 identified him by his prints. He said that was Ivan
15 Gula. They confirmed that. That was also confirmed
16 through other witnesses in a backdoor kind of way as
17 well. I would also submit to you that, certainly, Janice
18 Velichko and Micco Dillard knew who Ivan was and that's
19 the last time they've ever seen him. And they knew that
20 he was dead. It was not a shock at all to them when
21 investigators said he's dead because they hadn't heard
22 from him in two-plus weeks whenever they were finally
23 talking to investigators.

24 And as you've seen, Your Honor, the guy that Ivan's
25 friends have identified as Ivan Gula was wearing the same

1 things he was found wrapped up in a couple weeks later.
2 It's the same shirt. "Trust me, Jedi I am." As you can
3 see, it's covered up by the coat. But "trust me" is on
4 there. They said that that was their friend that they
5 went with that night. So ample evidence has been
6 provided that Ivan Gula is the subject that was killed,
7 was murdered.

8 And as far as the elements of the offense, there's
9 no doubt that Ivan was unlawfully killed. There's no
10 justifiable reason to kill him. None's been offered at
11 all or any of the evidence presented would indicate that
12 it was a lawful killing in any way. And that malice
13 aforethought, Your Honor, harmful intent in the mind of
14 the defendant, well, as you heard David Stokes say before
15 the defendant struck him with his own machete, he said,
16 "My girlfriend's got some good -- doesn't she?" Right?
17 That's one example.

18 We've also got this timeline exhibit here, Your
19 Honor, which provides multiple examples. Janky-ass
20 Russians, blah, blah, blah. Hey, you know some guy named
21 Ivan, you know?

22 So he clearly had -- and what did he say to Alyssa
23 when they were bickering back and forth as he and most of
24 his friends seem to do every 15 seconds? He says, "I
25 killed a shit eating dog," is what he said. If that

1 doesn't tell you the kind of malice in his heart...

2 And then you heard the jail calls. You heard the
3 jail calls as well speaking about malice. Human
4 traffickers, blah, blah, blah, blah, blah.

5 So certainly, malice, he certainly knows what
6 kidnapping is. I mean, he told Lyssa in his timeline
7 exhibit if they're holding you for one step, that's
8 kidnapping.

9 And there's ample evidence provided by many people
10 that he participated in the kidnapping.

11 So I think, in the light most favorable to the
12 State, we've certainly got enough to overcome this
13 directed verdict motion.

14 THE COURT: All right. Thank you, Counsel, on both
15 sides. I'm going to go ahead and deny the motion. I'll
16 note it for the record.

17 All right. Mr. Marchant, do you need some time to
18 speak with Mr. George regarding his willingness to
19 testify or have you done that already?

20 MR. MARCHANT: I do need a few moments, Your Honor.
21 But I think it would be prudent, if you wouldn't mind,
22 going through his rights and then we can further discuss
23 it and come back with an answer.

24 THE COURT: All right. Mr. George, I think you --
25 first of all, raise your right hand for me.

1 (WHEREUPON, JEFFREY MICHAEL GEORGE is duly sworn.)

2 THE COURT: All right. I'm sure your lawyer has
3 told you on numerous occasions that you have the absolute
4 right to testify on your behalf. That's your right.
5 That's a right that no one can take away from you. No
6 lawyer in this courtroom or even myself can take away
7 that right from you. So that's a right that you have.
8 Just like you have a right to remain silent, you've got a
9 right to be wanting to testify on your own behalf.

10 And so I'm going to let Mr. Marchant ask you some
11 questions regarding whether you want to testify, your
12 willingness to testify. But you have the absolute right
13 to do that. Do you understand that?

14 DEFENDANT GEORGE: Yes, sir.

15 THE COURT: All right. And you also understand you
16 have the right to remain silent if you choose to do that.

17 DEFENDANT GEORGE: Yes, sir.

18 THE COURT: Do you understand that?

19 All right. And you understand that all those are
20 your rights. And you've got the right to assert a
21 defense of any kind. Do you understand that?

22 DEFENDANT GEORGE: Yes, Your Honor.

23 THE COURT: All right. So other than possibly
24 Mr. George, do you have any other witnesses?

25 MR. MARCHANT: No, Your Honor.

1 THE COURT: Okay. All right. So what we're going
2 to do is I'm going to let the jury kind of just continue
3 eating their dinner now. It's not lunch. And I'm going
4 to give you an opportunity to talk to your client. So
5 we'll be at ease. I'd say it's about 8:15 I'm hoping
6 that the fact that they're eating will be their
7 willingness to go ahead and see this through if we can do
8 that.

9 All right. So about 8:15, we'll try to see where
10 they are around 8:30.

11 MR. FRETWELL: Judge, before you leave the bench,
12 can I say on behalf of the State we've reviewed all of
13 your charges that you sent out?

14 THE COURT: Okay.

15 MR. FRETWELL: We have no objection to the wording
16 of any of your charges, to the verdict forms. I do
17 believe I anticipate Mr. Marchant asking for a specific
18 charge.

19 THE COURT: Now, I did -- I don't know if she sent
20 this to you and I don't know if it's applicable, I forgot
21 to send you that general charge I do on intent.

22 MR. FRETWELL: I have that, Judge. She sent that
23 and she sent ---

24 THE COURT: She sent identification.

25 MR. FRETWELL: Yes.

1 THE COURT: I don't know if that's -- that might --
2 I don't know if that's applicable.

3 MR. FRETWELL: Well, we do have Neil v. Biggers
4 hearings, Judge.

5 THE COURT: That's why I sent that.

6 MR. FRETWELL: I have no objection to your charge.

7 THE COURT: And there was another one. I don't -- I
8 think she might have sent manslaughter. But she said ---

9 MR. FRETWELL: She did send voluntary manslaughter
10 yesterday.

11 THE COURT: I probably need to hear some argument
12 from you guys on that one.

13 MR. MARCHANT: Are you wanting that right now, the
14 argument on it?

15 THE COURT: No.

16 MR. MARCHANT: Can we handle that when we come back?

17 THE COURT: Yeah. We can handle it when we get
18 back. But you've got everything that he has in terms of
19 the charges. My clerk sent them to both of y'all.

20 MR. MARCHANT: Yes, sir. The only thing I would
21 further request is a mere presence charge. I don't know
22 if that's in your general charge or not. She did not
23 send us your entire charge from start to finish, if you
24 will.

25 THE COURT: No. She didn't send you -- she just

1 sent you the law.

2 MR. FRETWELL: I believe mere presence is in the
3 charges she sent. I actually read that.

4 THE COURT: Take a look at it and just let me know
5 when we get back, okay? We'll be back in a little bit.

6 (WHEREUPON, a recess is taken at 8:17 PM.)

7 THE COURT: Let's go back on the record.

8 Mr. Marchant, have you had an opportunity to talk
9 with your client?

10 MR. MARCHANT: I'm sorry. What was the question,
11 Judge?

12 THE COURT: You've had an opportunity to speak with
13 your client?

14 MR. MARCHANT: I did, Your Honor. Again, I've
15 spoken to him, of course, prior to today and up in our
16 preparation for the trial. But we did have an
17 opportunity to talk during the break. I've gone over
18 his, you know, options of testifying or not testifying.
19 Of course, it's his decision. But he informs me he does
20 not wish to testify.

21 THE COURT: All right. Mr. George, would you stand
22 again? I need to ask you some additional questions.

23 Prior to the break, I put you under oath and I asked
24 you were you aware of your constitutional right to
25 testify ---

1 DEFENDANT GEORGE: Yes, Your Honor.

2 THE COURT: --- and also your right to remain
3 silent. And during that time on the record, you
4 indicated that you were and that you had enough time to
5 discuss those rights that you were entitled to with your
6 lawyer, Mr. Marchant. He has now since had some
7 additional conversation with you about your decision.

8 DEFENDANT GEORGE: Yes.

9 THE COURT: And he has indicated on the record that
10 you have decided, after consultation with him, discussing
11 the matter fully with him, that it is your decision not
12 to offer any testimony on your behalf; is that correct?

13 DEFENDANT GEORGE: Yes, sir. I'm too tired tonight
14 to do it. There's no way I could.

15 THE COURT: Well, you know, I think we all are
16 probably feeling just like you are because we've all been
17 here the same time, certainly. But if you want to
18 testify, it doesn't matter how long we're here if that's
19 what you want to do. I don't think that should be a
20 hindrance for you if you want to testify. If you want to
21 testify, you'll have an opportunity to do that. So I
22 don't want you to not testify because you think it's late
23 and we're tired. I mean, everybody in here has probably
24 been here as long as you have, and so we're all feeling
25 the same way. And I'm still here and I'm willing to be

1 here until we bring this matter to a conclusion. So if
2 you're telling me that you want to testify, you have the
3 right to do that if you want to. So you understand?

4 DEFENDANT GEORGE: Yes. I understand.

5 THE COURT: Okay. So I'm just responding that way
6 because you said you're too tired. I just want you to
7 understand that your ability to testify and the Court
8 being willing to hear your testimony and the jury willing
9 to hear your testimony is still there.

10 DEFENDANT GEORGE: Well, the later we stay the more
11 tired I'm going to be. So...

12 THE COURT: But it's your voluntary decision not to
13 testify.

14 DEFENDANT GEORGE: Yes.

15 THE COURT: Okay. You're not under the influence of
16 anything at all that would impact your judgment.

17 DEFENDANT GEORGE: No.

18 THE COURT: You're sound minded and you know what
19 you're doing.

20 DEFENDANT GEORGE: Yes, sir.

21 THE COURT: Okay. All right. Anything further,
22 Mr. Marchant?

23 MR. MARCHANT: Not with respect to Mr. George. But
24 I've had time to reflect on the evidence presented, and I
25 can quickly point to I think two specific pieces of

1 testimony that would make a voluntary charge appropriate
2 in this matter.

3 THE COURT: All right.

4 MR. MARCHANT: One of those instances comes from a
5 jail phone call that the State put into evidence. I
6 believe it was the January 1, 2020, call where the
7 statement by Mr. George says, and I would have to refer
8 the Court to the recording for the exact, but my notes
9 reflect that it says, "Dude had a box full of tiny
10 crosses that he got off all these women like a shrine.
11 That set dude off." I think it's reasonably interpreted
12 that "that set dude off," dude meaning David Stokes.

13 Further, I also believe there was testimony, I
14 cannot recall which witness, but somebody that was at the
15 house that evening that said Mr. Gula was down on the
16 floor on his knees. There was some conversation going
17 on. At that point in time, he had not been struck.
18 Whatever the conversation was elicited some sort of
19 reaction from Mr. Gula and that set Mr. Stokes in motion
20 to assault him.

21 Murder requires malice aforethought. I think both
22 of those instances along with the collection of
23 information that this court has heard would put us into
24 the category of a sudden heat of passion which would make
25 a voluntary manslaughter charge appropriate given the

1 facts that have been testified to here at trial.

2 THE COURT: Mr. Fretwell?

3 MR. FRETWELL: May it please the Court, Judge.

4 THE COURT: Yes, sir.

5 MR. FRETWELL: While I disagree with Mr. Marchant's
6 second example because there is insufficient legal
7 provocation in that example, I have to concede that his
8 first example, there is a scenario by which if the jury
9 accepted the argument that Mr. Stokes and Mr. Stokes
10 alone killed Ivan Gula that night, that this defendant
11 had no hand or role in it, that that death was caused
12 when Mr. Stokes was enraged under heat of passion at the
13 idea of this individual trafficking women, that there
14 would be some evidence, some, the tiniest sliver. But
15 that's all the law requires, Judge.

16 So if Mr. Marchant, on behalf of his client, is
17 requesting the voluntary manslaughter charge, I think the
18 law is clear. It has to be charged.

19 THE COURT: Yes. I'm going to go ahead and charge
20 that. I already have the voluntary manslaughter charge I
21 sent to both of you, so you probably took a look at it.

22 And you indicated, Mr. Marchant, about a mere
23 presence charge. Is that a stand-alone charge or --
24 because I did not ---

25 MR. MARCHANT: Judge, in your ---

1 THE COURT: What I sent you?

2 MR. MARCHANT: Yes, sir. I think it's in the hand
3 of one.

4 THE COURT: Yeah. It is in there.

5 MR. MARCHANT: It has mere presence. I do not know
6 what your stand-alone mere presence charge reads.

7 THE COURT: It's just going to be what's in there.

8 MR. MARCHANT: Right. So I think I'm covered on
9 that.

10 THE COURT: All right. Now, as far as the general
11 charge that I normally give, this is what I typically do.
12 All of the charges that I sent you, those would be the
13 charges that I would send back with the jury, typically.
14 I don't, as a practical matter, send my colloquy because
15 I don't always say the same thing in the same order. So
16 I don't send that. But I'm going to say the same things
17 but it may not be in the order that I always do it. But
18 it will be the same stuff. So I don't really think that
19 that's going to be necessary for me to send that back. I
20 think the jury will hear that. But if you want me to
21 provide that to you -- and I will say this. Typically,
22 if I had my capable law clerk sitting right next to me
23 and you wanted that, I would just look at her and tell
24 her to get that. But as you can see, she's not next to
25 me simply because -- I don't have to tell you why, but

1 she's just not next to me.

2 All right. So when I bring the jury back, I'm going
3 to ask them just a question of where they are physically
4 and whether or not they're willing to continue to move
5 forward. I'm hoping that they say yes. Chick-fil-A
6 probably has pushed them to move more energy so I'm
7 hoping it works.

8 But I will let you, Mr. Marchant, rest on the
9 record. The State has already rested. And then I'm
10 going to go -- if they're willing to continue to move
11 forward, then I'm going to say a few statements, a few
12 things and then I'm going to let you go into the closing
13 arguments. And then after that, it's my intention to go
14 straight into the charge. I'm not going to have a break
15 unless they want one, and I don't think they will. So we
16 can just move forward. Everybody's good with that?

17 MR. WILLIAMS: Yes, sir, Your Honor.

18 THE COURT: All right. bring them back.

19 (WHEREUPON, the jury entered the courtroom at 8:53 PM.)

20 THE COURT: All right. Let's go back on the record,
21 Madam Court Reporter.

22 Ladies and gentlemen of the jury, I'm hoping you're
23 feeling okay. Chick-fil-A has a tendency to make you
24 feel better, gives you a little more energy than you had
25 before you ate Chick-fil-A. It has a tendency to do

1 that. And you know I'm getting ready to ask you
2 something because I started off with that.

3 Are you okay for us to continue with this? Are you
4 feeling better? Just give me some kind of nod.

5 UNIDENTIFIED JUROR: Yes.

6 THE COURT: All right. Feeling a little better.
7 All right. So we're going to move on and we'll try to
8 move as expeditiously as we possibly can.

9 The State has rested. Mr. Marchant, do you intend
10 -- does the defendant intend to present any witnesses?

11 MR. MARCHANT: May it please the Court. The defense
12 rests.

13 THE COURT: All right okay. All right. Thank you
14 so much.

15 And as you noticed, the defendant did not testify
16 and I will charge you the law as it relates to the
17 defendant's failure to testify, so don't think anything
18 about that at this particular point. And I will give you
19 specifics on that in just a little bit.

20 Now, you've heard all the testimony. Remember at
21 the beginning of the trial I said -- I gave a definition
22 of evidence, and I sort of divided evidence between the
23 witnesses' testimony that you heard from the witness
24 stand and then I said sketches, videos, documents and all
25 that. You can see in front of you all that stuff.

1 Pictures, photos, all that's evidence. All the videos
2 you heard, evidence. Anything audio, video, evidence.

3 So all the evidence has been presented in this case.
4 Now it is time for the attorneys to present to you what
5 is called closing statements. And as I told you at the
6 beginning, they gave opening statements, and I sort of
7 likened it to trying to get from one point to the next
8 point. And the attorneys will tell you what they thought
9 the evidence that you did not see at the time, what the
10 evidence would lead to.

11 Now all the evidence is in. The attorneys are going
12 to come up here and give you what is called a closing
13 statements. All the evidence is in, and now they're
14 going to say -- tell you, in their opinion, and I use the
15 word "opinion" because it's their opinion, it's not
16 evidence -- in their opinion what they think the evidence
17 that's been presented to you shows. So please, ma'am,
18 please sir, listen very attentively to both sides. And
19 then after that I, will give you what the law is as it
20 applies to this case in reference to Mr. George.

21 All right. State's ready to proceed?

22 MR. WILLIAMS: We are, Your Honor.

23 THE COURT: All right. Go ahead.

24 MR. WILLIAMS: May it please the Court.

25 THE COURT: Yes, sir.

CLOSING ARGUMENTS

MR. WILLIAMS: Ladies and gentlemen, I had a big idea of a closing I was going to give you, but I think we're all pretty tired and I'm going to try to condense it. And on top of that, I think the evidence you're presented speaks for itself.

The judge is going to talk to you about the law. He's going to talk to you about reasonable doubt and what all that is. And I want you to remember it's not beyond any doubt whatsoever. He'll explain what it is. But it's not beyond any doubt whatsoever.

And there's something important that I want you to know about or think about as we go through this is the hand of one is the hand of all. That is the law in South Carolina. And that means when people combine together to commit an unlawful act, even if like in this case, maybe all they were originally going to do was beat the crap out of this guy, but when you combine with people and you've got machetes and you've got a gun on somebody, the natural and probable consequence of that act is murder. That is a natural and probable consequence of that act, and therefore, if you are assisting in that murder or in that beat-up or whatever you want to call it, you are guilty of whatever happens. And that's why we're here today.

1 So I want you to remember that hand of one, hand of
2 all principal. Because I suspect Mr. Marchant, he's done
3 a really good job representing his client, I suspect he's
4 going to get up and he's going to tell you only one
5 person says that the defendant ever touched Ivan Gula.
6 And he's exactly right. And you saw that guy, David
7 Stokes. He's the only person that ever said the
8 defendant touched him. But we don't have to prove that
9 the defendant is the one who actually finished him off.
10 All we have to prove to you is that he was acting
11 together with David Stokes.

12 And what do we have to show that? We have multiple
13 witnesses. We have Micco Dillard. Okay. You saw him
14 get up on that stand. He was a friend of Ivan Gula. He
15 said he called him his uncle, and it was clearly a
16 cultural term of endearment. It was somebody he was very
17 close to. And the last time he saw him, he said I'll
18 never forget.

19 Mr. Marchant made a big deal about all these other
20 people that Micco had talked about, and Micco told you
21 those people are on the peripheral, some of the people
22 that he wasn't quite sure about. But there's one man
23 he'll never, ever, ever forget the face of. And that's
24 this defendant right here. Because this defendant is the
25 person that was holding the gun on Ivan when David

1 attacked him. When David attacked him.

2 And let's talk about that for a second. You heard
3 the defendant's jail calls. You heard that when he was
4 talking to his friend, he said that this guy needs to
5 step up. He's clearly talking about David Stokes because
6 he's the only one they've seen do anything. He's the
7 only one they, obviously Micco's friends, Micco, Janice
8 and Isaiah, he's the only one they've seen -- not he's
9 the only one that did anything. He's the only one they
10 seen do anything.

11 And he clearly doesn't know that -- he doesn't know
12 the law. He doesn't know that he's already guilty of
13 murder by the fact that he was assisting with the gun.
14 He thinks that he has to physically touch the guy to get
15 in trouble for anything. And so he thinks that once
16 Ivan's friends are gone, all bets are off. The only
17 person they saw hitting him was David Stokes. I can do
18 whatever I want, and it's all going to fall on him if it
19 ever comes down.

20 Why do you think Ivan's body was buried at David
21 Stokes's property? Obviously, he's the fall guy. And
22 you saw David Stokes. I mean, he's a convicted murderer.
23 But does this guy look like he's the one in charge of
24 anything? No. You spin him up and you turn him loose.
25 Kurt Knutson, the friend that was staying on the Cripple

1 Creek Road with him on the camper, he says, man, that guy
2 will do anything. He just wants people to be his friend.
3 He'll do anything for anybody. Whatever it takes to
4 impress or whatever, that's what he's willing to do.

5 So -- and what did he say? They set me up. He
6 mentioned Bobby, he mentioned Cook, and he mentioned the
7 defendant. They set me up. They didn't do anything
8 while the friends were there. Again, talking about this
9 guy right here.

10 And let's talk about Janice for a second. I think
11 we heard "I do not recall" about eight thousand times
12 yesterday, right? And it would be funny if it wasn't so
13 sad because I think we saw exactly what was happening up
14 there. She's terrified of this guy, terrified. And when
15 you heard -- I mean, she didn't even know where Wade
16 Hampton Boulevard was according to her yesterday.

17 But when you heard her actual interview, what did
18 she say? At the end of that interview, for one, she was
19 clearly not high in the interview. She was fully
20 coherent. This was only 19 days after the murder had
21 occurred. And what she did is she walked through and she
22 said exactly what happened. She didn't hesitate to
23 identify this defendant as the person with a gun just
24 like Micco.

25 But what did she say at the end? Is there any way

1 this guy is going to know where I live or these people
2 are going to know where I live? They're not going to
3 know who I am or any of that, right? She was hoping.
4 She was already afraid. And obviously, that has carried
5 over to this day. She's terrified of this guy, and with
6 good reason. The last time she saw her friend Ivan, he
7 was holding a gun on him while some other guy was hacking
8 him with a machete. Never saw him again.

9 Okay. And what we have, too, is we've got a couple
10 -- we've got some codefendants. And we got David Stokes
11 who's pled guilty to murder. He's getting 30 years no
12 matter what. So whatever Mr. Marchant is going to tell
13 you about some deal he's getting, he's not getting a
14 deal. He's got 30 years minimum up to life. And he's
15 taking ownership for what he did, but he's coming in here
16 and telling you what this guy did. And he's calling it
17 like it is. And he's saying, yeah, he had a gun on him,
18 too. He's saying that the defendant had a gun on Ivan
19 while he was hitting him and that the defendant actually
20 went out in front of him with the gun out of that back
21 room. So David Stokes said that.

22 Bobby Smith had a little bit different take. Bobby
23 says he wasn't there. And obviously, we understand that
24 Bobby and David's stories are different, right? There's
25 going to be a self-serving element to both of them,

1 right? They still have a motive to help themselves. We
2 acknowledge that. But there's consistency and there's
3 corroboration. Bobby Smith also said the defendant had a
4 gun on the victim while David Stokes was hitting him.

5 And Bobby Smith said -- after the victim's friends
6 left with Audrea Cook and Patrick Poole, Bobby Smith said
7 that at that moment, he was told by -- around that time
8 frame sometime after they left, he was told to go get
9 Jeff's truck down from the barn, pull it up to the back.
10 And that's exactly what he did.

11 And sometime after he went in there, what did he say
12 happened? He said Jeff George was taking a picture of
13 Ivan on his phone, sending it to his friend and telling
14 everybody else there that this guy had tried to kidnap
15 his friend and his daughter to sell them into sexual
16 servitude. That's what he said happened at that moment.
17 And you may remember he also said that's when I realized
18 they're probably going to kill this guy, so I got Joe and
19 Kayla out of there.

20 Well, he's going to attack their credibility. I
21 know he is. And you know what? With good reason. One's
22 a convicted murderer, one's convicted of a lesser
23 included but is still facing up to 55 years. But there's
24 corroboration, ladies and gentlemen. We've got
25 corroboration because what we've got is Bobby Smith

1 saying that happened.

2 And then you heard from Investigator Jim Perry who's
3 done all these cell phone data extractions. And he
4 showed you that metadata next to this photo that he found
5 that was captured from the defendant's phone at 9:34 p.m.
6 the night that Ivan died. The night that he died.

7 And as you're aware, we've also got -- and I'm not
8 going to go through -- I think we've gone through that
9 Facebook and text message exhibit pretty exhaustively.
10 And you've got the whole thing there. If you want to
11 look at it, you have all the time in the world to do
12 that. But what you will I hope remember is around that
13 same time he captures this photo right here on his phone.
14 So he captures that photo at 9:34 p.m. He's sending this
15 girl Lyssa who you heard all about, he's sending her a
16 text at 9:36 p.m. saying, "Is this the guy? Is this the
17 guy?"

18 And remember, this guy thinks himself a hero. He's
19 saving women from human trafficking or whatever, right?
20 Which we can get into that, but I think you know that's a
21 bunch of baloney too.

22 But anyway, he's saying, "Is this the guy? Is this
23 the guy?" Because you'll remember he saved her a couple
24 of weeks ago from Ivan's friend John. Is this the guy?
25 Call me, all this kind of stuff.

1 He's also calling Cook during this time frame
2 because Cook's taking the friends away from the trailer.
3 You remember Patrick Poole was getting blown up and Micco
4 said -- and Janice said, okay, somebody was trying to
5 really get ahold of her. Why were they trying to get
6 ahold of her? We just killed. That's why they were
7 trying to get ahold of her.

8 And we know he takes that photo at 9:34. He texts
9 Alyssa at 9:36, says, "Is this the guy?" And then, at
10 approximately 10:30, he texts her or Facebook messenger
11 and says, "Delete that photo." Delete that photo.
12 Delete the photo, please, or delete that picture, please.
13 He was covering his tracks. A smart guy. He's
14 definitely smarter than David Stokes. I think he's
15 obviously smarter than Bobby Smith, too. He thought he
16 had it figured out.

17 And I'll guarantee, he deleted the text message that
18 he sent her, too, that had the picture in it, but he
19 didn't delete the photo itself. And even Mr. Marchant
20 asked Mr. Perry, he said how do you know, how do you know
21 that that wasn't sent to him, you know? Or whatever.
22 And he said because I know that metadata. I can look at
23 the metadata on any of those photos that are captured,
24 and I can tell you how that picture came to be on that
25 phone. And the metadata on that particular photo says

1 this is it's creation date, it came from this phone, and
2 this is the time that it happened, 9:34 p.m.

3 As we know from his Facebook -- from all the
4 eyewitness testimony as well as his Facebook and text
5 message records, he admitted he was there that night. He
6 said 212 C and S Road, Audrea's house.

7 You've got this photo here, ladies and gentlemen.
8 And in case there's any cause for concern whatsoever,
9 this is what forensics took a picture of a couple weeks
10 later. Not the exact angle, but pretty darn close.
11 9:34 p.m. on December 1, 2019, clearly, Audrea Cook's
12 house. You can see all this. You can see this see. You
13 can see that roll desk there. And then forensics a
14 couple weeks later. Ain't no doubt in the world where
15 that photo was taken. And it's also consistent with some
16 of the people that were there that said he was in the
17 kitchen area. Well, he sure was.

18 Mr. Perry showed you an enhanced photo. And I'll
19 tell you this right now. I think that that Cellebrite
20 data extraction that we toggled through and fumbled
21 through that like I've been fumbling through these
22 photos, that, when you zoom in on the photo on that cell
23 phone -- cell data extraction, it's actually even better
24 than this enhancement. You can see even more things.

25 But what you're seeing right there as we enhance it,

1 you're seeing that shirt, ladies and gentlemen. That
2 shirt. And you can see "rust." And you see a little bit
3 of a picture there. It's the same shirt. It's the same
4 shirt, folks, right there. Obviously, it's more bloody
5 now because they hadn't finished killing him at that
6 point. But it's covered by the jacket. That's the back.

7 We've got his -- see that? It's hard to tell right
8 here, but there is a red -- it's clearly black pants, but
9 there's a red stripe right there (indicating). It's
10 easier to see when you're holding it.

11 Obviously, you'll have these photos to take back.
12 Do it. Ain't no doubt who we're talking about here.

13 You can see an armband right here (indicating) as
14 well. This was also collected from the victim at the
15 autopsy.

16 Dr. Dukes mentioned that one of the fatal wounds at
17 least, because I think we would all agree there were
18 multiple, but one of the fatal wounds occurred right here
19 (indicating), Number 1, in the neck, the carotid artery.
20 What did David Stokes tell you? He couldn't finish him
21 off, so this guy did.

22 And, again, I remind you, don't have to prove to you
23 that he ever touched him to prove that he's guilty of
24 murder. But I submit to you beyond a reasonable doubt,
25 he absolutely did. He was the one, took his own machete.

1 She also said it was a 1.3 inch incision, cut line.
2 David Stokes's machete, that's clearly bigger than
3 1.3 inches. I think we can all look and see that that is
4 bigger than 1.3 inches, so it couldn't have come from
5 his.

6 But while we've got this, I'm sure that Mr. Marchant
7 is going to talk about the DNA and the fingerprints and
8 all this. And that's fine. We submitted that all to you
9 for you all to see. And part of what we did that for was
10 the fact that it not only linked Ivan to Audrea Cook's
11 trailer, because we had all that blood on the walls, we
12 had that on the carpet area and all that, but it also
13 corroborated what David Stokes said. David Stokes said,
14 yeah, for two weeks afterwards I stayed there at Cook's
15 house. And sure enough, on all the weapons in there and
16 on the shot glasses and the Mason jars, you've got either
17 his fingerprints or his DNA. Did not find Mr. George's
18 DNA anywhere. But it corroborated what David Stokes
19 says.

20 And why did he say he stayed there? He said because
21 Audrea Cook was afraid that this man would kill her. Why
22 would she be afraid of that? Is it because she knows
23 that he just killed Ivan Gula? Is it because that he's
24 seen -- she's seen some of the kind of text messages and
25 Facebook messages he sends other people, other women,

1 I'll put you in the fucking ground? Excuse my language,
2 but that's his language. I'll put you in the f'g ground
3 if you cross me.

4 Have you heard of mutually assured destruction?
5 That's what the Cold War is about. She has good reason,
6 too, to be afraid.

7 But yeah. And Mr. Marchant has made a big deal
8 about this gun. You didn't test it for DNA? Such an
9 incomplete investigation, right? He makes it as if they
10 found it out in the woods somewhere. Where did they find
11 it? They found it in a leather bag that was literally in
12 the driver's seat of the defendant's truck. They didn't
13 need to show that he -- that, oh, he could have touched
14 it. He had to have it. He's the only one that had
15 access to it. He and perhaps people he knows. But he
16 had more access to it than anybody else did. It was his
17 work truck.

18 And speaking about corroboration, Bobby Smith said
19 that the gun was black. He said he thought it was a .40
20 caliber. And Janice Velichko said she thought it was a
21 silver gun. She said it was also a pistol. What have we
22 got here, folks? Silver and black. They're both right.

23 I believe it was Micco Dillard said he had a police
24 style holster on it that was found.

25 And you hear all these bullets rattling around as

1 well. It was found loaded.

2 So he was ready. He was ready. If David Stokes
3 faltered, he was ready to finish him with a gun if he
4 needed to.

5 But the reality is there's been a plethora of
6 evidence that's been provided that this defendant was
7 angry, angry at Ivan Gula. And perhaps it had to do with
8 his obsession with Audrea Cook. That's another thing
9 that you can get into more if you'd like to with that
10 exhibit. These two, and maybe it's the drugs talking, I
11 don't know, but these two go every 15 seconds, go from
12 loving each other to death to f-u, f-u, get out of my
13 life, never talk to me again. One thing after the other.
14 One thing after the other.

15 And another thing is he was obsessed with her. He
16 didn't like Ivan for a number of reasons. But one of
17 them was the evidence we heard that Ivan and Cook had
18 apparently been in some sort of romantic relationship.
19 We heard that from a number of people. But perhaps the
20 most compelling testimony came from the guy already
21 convicted of murder, David Stokes, who said at the time
22 that the defendant decided to strike Ivan, he said, "My
23 girlfriend's got some good -- don't she?" And you know
24 what he said. And then he struck him. So it's this
25 obsession with Audrea Cook.

1 We've also heard from a number of people the
2 manipulation that Audrea Cook was able to have not only
3 on this defendant, but on all the men. And then it's
4 this obsession with her and also this almost jealousy of
5 Ivan. And then he tries to tell his friends and family
6 on the phone calls or whatever, oh, these guys are all --
7 these guys are all trafficking women, you know. They're
8 human traffickers.

9 Also in the exhibit that y'all -- that we went
10 through with the highlights as you'll see, Audrea Cook
11 talks about prostituting his daughter. And it's a big
12 joke for him. Then he says -- I don't even know if we
13 covered it there, but it's in there right after he's like
14 you're going to prostitute my daughter? And she's like,
15 you're acting like it's such a big, bad, bad thing,
16 right? Like prostituting your daughter. And a couple
17 lines down after that, he's like, well, I guess it's
18 okay. Essentially in so many words, I guess it's okay as
19 long as I get sex out of it, you know. I'll trade that
20 if I can get some sex.

21 This man is accusing Ivan Gula of pretty heinous
22 things. How is his behavior any better? And I would
23 submit that was just an excuse, ladies and gentlemen.
24 That was an excuse to kill this guy and he wanted to have
25 a chance to say afterwards, well, heat of passion, you

1 know. I mean, I was just trying to save these women.
2 It's a bunch of baloney.

3 So you've been presented with plenty of evidence to
4 convict this man of kidnapping and of murder. He knew
5 what he was doing. He knew what the consequences are for
6 something like that. That's why he lied to investigators
7 from the moment they went in there. I never had an
8 altercation with Ivan. Okay. Look at his demeanor on
9 that video. Yeah, yeah. Okay. I was there, but I was
10 in the back bedroom the whole time. Someone's getting
11 hacked with a machete, but I didn't come out of the
12 bedroom at any point to see what was going on. It's the
13 biggest load of crap I've ever heard in my life. I mean,
14 it's really hard to believe that he really thought he
15 could go into that interview room and trick these guys.
16 But he did.

17 And then how did he react when they said Ivan's
18 dead? Okay. Was he surprised? Was he, what? Ivan's
19 dead? Okay.

20 How did he react when they said you're charged with
21 the murder of Ivan? Okay. Yeah. Okay. He had no
22 reaction because he knew it -- he'd known it for two
23 weeks or two and a half weeks at that point when it
24 happened. He wasn't surprised.

25 So at the end of the day, this guy, he's tried to

1 come up with all these excuses for what he did, and, you
2 know, blame it on all these people, if David Stokes will
3 step up. Well, it's time for him to see his day in
4 court. You can see through his baloney. You can see the
5 facts, all the eyewitnesses who have him with his gun,
6 pointing it at Ivan. He thinks because the witnesses
7 went away and they didn't see him do anything, that that
8 somehow absolves him of this. That's not the case.

9 So I ask you, use your common sense. That's what
10 the judge has told you already and he's going to tell you
11 again. Use your common sense and find this defendant
12 guilty of kidnapping and murder.

13 Thank you.

14 THE COURT: Mr. Marchant?

15 MR. MARCHANT: Good evening, ladies and gentlemen.
16 I want to thank you before I get started as does my
17 client. You've been sitting here all week. It's been a
18 long time, but y'all have been diligent in paying
19 attention to the questions and being very patient with
20 myself and the prosecution.

21 Mr. George comes before you today, just like he did
22 on Tuesday, an innocent man. The State has to prove
23 beyond a reasonable doubt that Mr. George is guilty and
24 responsible of murder. They have to prove to you each
25 and every element of that offense. They also have to

1 prove each and every element of the offense of
2 kidnapping.

3 Let me tell you why he is not responsible for
4 either. How many witnesses did the State put up that
5 told you they lied? How many witnesses did the State put
6 up that I cross-examined either through Investigator
7 Bailey or Investigator Garrett and they said, yep, they
8 weren't truthful about the statement that they gave us?

9 One thing I will agree with Mr. Williams about is
10 that both Mr. Stokes and Mr. Smith have given you
11 self-serving information. Let's talk about one small
12 thing that the two of those people have told you.

13 Bobby Smith told you David Stokes hit Ivan Gula on
14 top of the head with a baseball bat. What does David
15 Stokes tell you? Bobby Smith hit Ivan Gula on top of the
16 head with a baseball bat.

17 Mr. Stokes comes in here -- excuse me -- Mr. Smith
18 comes in here having pled to two charges, one of them is
19 kidnapping and one of them is assault and battery in the
20 third degree -- excuse me -- assault and battery by a mob
21 in the second degree. One of them carries 30 years, one
22 of them carries 25. Neither carries 30 to life.
23 Mr. Smith struck that deal with these two gentlemen and
24 then came back to them with new information, new
25 information he had withheld about why this thing

1 happened.

2 He wants you to believe that Jeffrey George and
3 Audrea Cook have concocted a plan to kill Ivan Gula over
4 sex trafficking. What information do you have that
5 Audrea Cook has any information about Ivan Gula
6 trafficking women? If there is information about Ivan
7 Gula trafficking women, it wasn't her. It was not her.

8 Ms. Cook was upset about her car being taken by
9 Mr. Gula. Now, we don't know if that's even true. We
10 ain't heard from Ms. Cook, right? She ain't been in here
11 to testify. But that's all we do really know is that
12 she's upset about her car because the witnesses have
13 testified she didn't have it. Ivan's driving around in
14 it, apparently has been up to Charlotte to see his
15 ex-wife that he's trying to reconcile with. Ivan goes
16 and picks up Micco, goes and picks up Janice, goes and
17 picks up Isaiah Culbertson.

18 Speaking of that, Isaiah Culbertson is identified
19 from the very beginning of this case by Micco. Law
20 enforcement go talk to him? Did they get his perspective
21 of things? No. You heard from Investigator Bailey. I
22 couldn't find him. I found him. He's on probation. How
23 hard did they actually look? They're the police. They
24 have access to more resources than y'all can ever imagine
25 about how to find people.

1 There's another person they didn't go talk to:
2 Isaiah Hill who's in the back room. Let's take a look at
3 State's 300 -- excuse me -- 225. Who's this person
4 standing right there (indicating)? Less than 30 days
5 after the event occurred and Mr. George is arrested,
6 they've got a picture of this guy. They claim they just
7 didn't know it. Why did they not know it? They didn't
8 know it because they didn't do their job. They didn't
9 look. They didn't care. Why? Because they thought they
10 had the case solved because Bobby Smith told them these
11 people did X, Y and Z, and Stokes told them these people
12 did X, Y and X.

13 You heard Investigator Bailey. I'm asking him, he's
14 talking to Micco and we're talking about identifications
15 and the amount of time you got to see people and who saw
16 what and who did what. Michael Tucker was there. He got
17 murder warrants on Michael Tucker based off of Micco's
18 identification of Michael Tucker. That's how certain
19 Micco was that Michael Tucker was there.

20 Investigator Bailey said, oh, wait a minute. Bobby
21 Stokes who was there tells me that Michael Tucker wasn't
22 there. So I believe Michael -- I believe Bobby Smith. I
23 don't really believe Dillard that Tucker was there. So
24 he recalls the warrants because he believed Bobby Stokes.

25 What did I just talk to you a minute ago about Bobby

1 Stokes -- excuse me -- Bobby Smith? He struck a deal
2 with the prosecution, and then he comes back and says,
3 oh, man, only two weeks ago, there's just one little
4 thing I forgot to tell you guys. Ivan owed me \$500 and I
5 was pissed about it. I fronted him some dope. I didn't
6 really know him that well, but I want to get my money
7 back.

8 What did Bobby do? He went and got his boy Dave,
9 Dave Stokes. Knew he was crazy. Called himself Crazy
10 Dave. Been committed to a mental institution before.
11 Knew he could manipulate him.

12 Bobby Ray Smith -- you remember Knutson,
13 Mr. Knutson? What did he say? Bobby Ray Smith set the
14 whole thing up. Bobby Ray Smith. Is this really about
15 sex trafficking or Ms. Cook's car? It's too late. It is
16 too late for them to change their minds about Bobby Ray
17 Smith. They cut the deal and the man lied. And you
18 heard me ask him what did Investigator Garrett say in the
19 room? If we catch you in one little lie, that's it for
20 you. He played it well. He played it smooth. He waited
21 until the last minute to come in here and tell you what
22 this was all about because he's not exposed to that
23 anymore.

24 The prosecution is going to tell you, maybe he
25 already has told you, he's looking at 55 years. He ain't

1 looking at life anymore. Self-serving.

2 Stokes and Bobby Ray Smith are boys. Told you that.
3 And I can't even begin to get into how incredible, not
4 believable, not reliable any of the State's witnesses
5 are. Every single one of those lay witnesses -- and we
6 call them lay witnesses because they're not law
7 enforcement. Every single one of the lay witnesses that
8 they put up has done more drugs than you guys have
9 probably ever heard about in your entire lives. And I'm
10 sure you see things on TV and you think that's not really
11 reality. Well, it is.

12 Stokes does not remember what he did. He can't. He
13 cannot remember the details. And he told you that. He
14 said I remember what I did, but I don't really remember
15 everything piece by piece. Why is that? Well, the first
16 story was was that he was over there and roughed the guy
17 up, had a couple shots of liquor on the way out and he
18 walked back home. I don't know nothing about nothing
19 else. When he comes clean, he tells the prosecution did
20 some meth, did some heroin, smoked some pot, did some
21 cocaine. Might have had a few beers, too, when I got
22 home. Maybe before I went over there. I don't remember
23 which it is. He's facing life in prison. He's doing
24 every doggone thing he can to try to lessen what's coming
25 his way. But he was stuck. He was absolutely stuck on

1 murder because multiple people saw him attack Ivan. It
2 wasn't like Bobby Ray Smith. Nobody had said Bobby Ray
3 did anything. Nobody said Bobby Ray struck Ivan except
4 now Mr. Stokes.

5 Remember I asked Mr. Smith if you didn't assault or
6 kill Ivan, you shouldn't be responsible for murder,
7 should you? I mean, you might be responsible for
8 something else, but not murder. You didn't touch him.
9 And the solicitor wants to get all up in this hand of
10 one, hand of all. That is the law, but practically, why
11 did they give him the deal? Because he gave them what
12 they wanted.

13 How are you going to convict that man based off of
14 that testimony? There's no reliable information about
15 any plan that they had. Nobody can tell you and nobody
16 has told you what happened in that bedroom. They don't
17 remember. Unreliable and not credible. Multiple
18 misidentifications. Multiple lies. I hate it.

19 Investigator Bailey lied. Had to admit it. They
20 got law enforcement, they're lying in this case.

21 Solicitor also talked and he nailed it on the head
22 about what I was going to tell you. There's no DNA in
23 this case. None that comes back to my client. You can
24 look at Defendant's 17. They asked us for a DNA sample.
25 We are ready to give it to you. You ain't got to get a

1 search warrant.

2 Why is it that there is no DNA that comes back to
3 Mr. George? Is it maybe because these people aren't
4 telling the truth about what happened?

5 Take you back to this picture right here. And it's
6 hard to see, and maybe there's another area that this is
7 accessible. It's going to be easier for you to see this
8 when you get back to the jury room.

9 Look at what's in his hand. You make a
10 determination when you get back there. What is that?
11 What does that look like? Does it look like that?

12 Of course, nobody's bothered to go find this guy.
13 You've got testimony in here today that he stabbed Ivan
14 multiple times. They don't care. Why do they not care?
15 Bobby Ray Smith told them what they wanted to hear. We
16 got him. Now we got Dave. Everybody else is going to
17 fall.

18 The judge is going to charge you here in a little
19 bit about reasonable doubt. He's going to tell you if
20 you have any doubt, you must resolve that doubt in that
21 man's favor. He's going to talk about reasonable doubt
22 and a hesitation to act.

23 What is reasonable doubt? Reasonable doubt is a
24 reason that gives somebody a hesitation to act. Think
25 about a very simple analogy. I'm sure y'all have either

1 parked over here at the Hyatt or over here at the Bon
2 Secures Wellness parking garage. You get up to the
3 corner. Maybe you push the button, maybe you don't.
4 You're waiting on the light to turn. The light turns,
5 the little white man pops up on the crosswalk, right?
6 You're looking at the crosswalk. Do you go? I sure hope
7 you don't go. I hope you look to see if cars are coming.
8 Do you automatically step down into that road? No?
9 You're looking both ways. You're making sure. You're
10 hesitating because you are not sure if somebody is going
11 to run that red light, right? You're hesitating to act.

12 When you're back there in that jury deliberation
13 room, each one of you has a voice. Your voice is equally
14 as important as the person next to you, but y'all have to
15 collectively agree unanimously. So if you hesitate on
16 something, or you hesitate on something, or you hesitate
17 on something, or you hesitate on something, you have to
18 resolve that hesitation in favor of Mr. George.

19 I do not have enough time to go through every single
20 situation in here that would give you a hesitation to
21 act. But we know Bobby Ray Smith has lied. We know
22 Stokes has lied.

23 We know Terry Dillard has lied. He waited until
24 January of this year or the fall of last year to tell
25 these two prosecutors about who Isaiah Hill was. Why is

1 that? Oh, I thought y'all knew already. Y'all didn't
2 know that? That little piece of information would be
3 helpful, wouldn't it? Why would it be helpful? It would
4 be helpful so y'all can have a clear picture of what
5 truly unfolded that night. Ask the investigators.

6 Bobby Ray Smith told you he took his child's mother
7 and her boyfriend over to that house. Knew who their
8 names were: Joe Foster, Kayla Jordan. Look at them.
9 They go talk to them? No. Didn't bother. Didn't feel
10 like they needed to because why? They made the case
11 already. You've got four people that they have not
12 attempted to find, speak to or anything. Three of them
13 who were supposedly not involved in this, one of them
14 coming over with Ivan, supposedly, and two that are in
15 the back of the house that didn't see or hear anything.
16 I don't know. Did they see or hear anything?

17 We know they were there because Bobby Ray Smith told
18 you they were there. But he claims they stayed in the
19 back room the whole time. Do we know that to be true?
20 Yes, we do. No, we don't know it to be true because they
21 didn't go talk to them. They've got to be the only two
22 unbiased people in this entire case, Joe Foster and Kayla
23 Jordan. And not a single piece of information come to
24 them because they didn't bother to go talk to them. That
25 cause you to hesitate? Got to resolve it in his favor.

1 If you do not, and if you say, well, we believe that
2 Mr. George had a gun, okay, what was the purpose for with
3 which he had that gun? And what was the plan? Well, we
4 only know what the plan is from David Stokes. So if you
5 believe what David Stokes said, what did he say? I was
6 only supposed to scare him. Was he telling the truth?
7 If he was only supposed to scare him, then is Mr. George
8 responsible for kidnapping?

9 The State wants you to then make this huge leap all
10 the way into, well, he came in there and held a gun on
11 him, so the logical and natural consequence is that he's
12 going to die.

13 They talked about it in the bedroom. They're going
14 to kill him. They're going to kill him, so he's got to
15 be responsible for murder, too. He held a gun on him and
16 didn't let him leave. What did David Stokes say? I was
17 supposed to scare him.

18 Is murder a natural and logical consequence,
19 probability, likelihood of kidnapping? I submit to you
20 that it is not. And there is another reason that you
21 cannot find him guilty of murder.

22 But if you do not agree with that, what does Bobby
23 Stokes tell you? What does he say? Ivan Gula came at me
24 and I went off. He popped up at me and I went off. I
25 was just supposed to scare him, but I got to swinging

1 this on Ivan Gula and I hacked him a couple of times
2 good. Couple of times.

3 Mr. Fretwell went through some examination of
4 Ms. Velichko. I'm certain y'all remember it. And one of
5 his statements to her that he says she made, Ivan Gula
6 bleeding profusely from the head and neck area, chin.
7 There are no other injuries on Ivan's neck or chin. But
8 Bobby -- David Stokes wants you to believe him in the
9 sense that that man is the one that committed the final
10 blow because Stokes couldn't do it. Couldn't bring
11 myself to kill him. I can hack him up real good, but
12 can't just go that little extra bit. Can't just go that
13 little extra bit.

14 You hesitate? You've got to resolve it in his
15 favor.

16 If you believe David Stokes and that he just
17 snapped, that ain't murder. That's what we call
18 voluntary manslaughter. Sudden heat of passion,
19 something that sets somebody off, no formulation or plan
20 of action. Having an argument with your wife, y'all get
21 a little heated, somebody snaps, decides to make a move.
22 It's not murder. It's manslaughter.

23 I didn't go over there to kill that man. I went
24 over there to scare him. I didn't really mean for him to
25 get hurt, but they went further than I thought.

1 You hesitating? You've got to resolve it in his
2 favor. The only person that says anything about
3 Mr. George assaulting anybody is David Stokes.

4 This is -- this piece of evidence, State's 182, it
5 really might be the most important piece of evidence. If
6 you believe the witnesses that Mr. George had this
7 particular gun, isn't it a hell of a lot easier to shoot
8 the man and put him out of his misery than stabbing him?
9 They claim it was fully chambered and loaded when they
10 found it.

11 Didn't find the Gerber blade or whatever the blade
12 is that Mr. Stokes keeps talking about. Why not? They
13 didn't search Mr. George's house. Why not? Lazy,
14 incomplete investigation.

15 Are you hesitating? Got to resolve it in his favor.
16 I realize that is going to be an extremely challenging
17 thing for you to do because a man is dead. And when I
18 had my opening comments to you, I told you that he died
19 in a horrendous way. It is tragic. So I can understand
20 you're going to get back there and have to resolve that
21 within yourself to say this man is dead and this man is
22 charged with killing him. We can't let it go. We just
23 can't. Just can't. But you can't think that way. The
24 judge is going to charge you and he's going to tell you
25 exactly what you can and cannot do. And he's going to

1 tell you if you hesitate to act, you've got to resolve it
2 in his favor.

3 I think one more other piece of evidence that's
4 particularly moving in this case, and that's the jail
5 phone call. There is no doubt that Mr. George had
6 information when he was arrested. Where did that
7 information come from we do not know. Why do we not
8 know? Because Mr. George chose not to continue
9 discussing this case with Investigator Garrett when
10 Garrett told him Gula was dead. He said, "I want a
11 lawyer. I want a lawyer."

12 You heard the phone call, too, where he's talking to
13 somebody on the other line who has talked to the
14 investigator who was going to come back and pull him out
15 of the cell to talk to him even though he'd already
16 invoked his right to a lawyer. Investigator Garrett does
17 not seem to remember that. Investigator Garrett being
18 straight with you? You hesitating? Got to resolve it in
19 his favor.

20 The phone call we heard, dude had a box full of tiny
21 crosses like a shine. That set dude off. You heard
22 Mr. Stokes, if you believe him, I don't want anybody
23 messing with women. I don't like that. That's not okay.

24 Was there really a plan to kill Ivan? Are you
25 hesitating? You've got to resolve it in his favor.

1 If Mr. Stokes -- if Mr. Stokes is telling the truth
2 about him killing Ivan, meaning Mr. Stokes, and he did so
3 in the sudden heat of passion, then Mr. George, if you're
4 going to hold him responsible, would be responsible for
5 voluntary manslaughter and you would have to return a
6 verdict of not guilty on murder.

7 Mr. George lawyered up, decided not to talk. Why
8 did he do that? You can't really get back there and
9 speculate. And I think this is very important for you to
10 understand. This is the evidence and what was testified
11 to on the stand. But a lot of information that testified
12 up here is what we call hearsay. You've got one witness
13 saying what somebody else told them.

14 So what direct evidence do we have that Ivan Gula is
15 the person that is the deceased? There is no doubt that
16 there is a body. Did you hear from anyone at the
17 coroner's office that said I compared the prints of Ivan
18 Gula and this is what I came up with? This is how I
19 determined that the man that we had found is Ivan Gula?
20 No. There's all this talk about that's what the
21 coroner's office told us. They haven't produced anybody
22 to say that that's actually Ivan Gula. None of the
23 friends of Ivan Gula came in here and testified and told
24 you that's terrible, but that's Ivan. There's been no
25 identification of Ivan Gula.

1 I'm sure y'all are now thinking this man is telling
2 us that the dead body is not Ivan Gula. There's all this
3 Ivan. We talked about Ivan for five days now. Has
4 anybody actually identified that the person that came out
5 of the grave is Ivan Gula? No.

6 Are you hesitating? Got to resolve it in his favor.

7 Ladies and gentlemen, there is simply not enough
8 information for the State to overcome their burden of
9 proof which is beyond a reasonable doubt. You cannot
10 convict this man of murder and kidnapping, and that is
11 what we are asking you to do. We are asking you to
12 return a verdict of not guilty.

13 And one thing with not guilty that you need to
14 understand as it relates to the burden of proof is that
15 it doesn't mean innocent. Jurors often get confused that
16 "not guilty" means innocent.

17 These folks right here have the burden. I didn't
18 have to put in any evidence. None. He doesn't have to
19 take the stand. I chose to put some things in so y'all
20 could see.

21 You don't have to find him innocent. You have to
22 find him not guilty because they have not done their job.
23 They have not proven each and every element of these
24 crimes beyond a reasonable doubt, period. You must
25 resolve it in his favor and return a verdict of not

1 guilty.

2 Thank you.

3 MR. WILLIAMS: Thank you, Your Honor.

4 First things first. Tyler Bucholtz of forensics
5 testified that they took the fingerprints and they
6 verified that it was Ivan Gula who was the deceased
7 person. But suggesting that we haven't established who
8 the dead person is is exactly what you do when you're
9 grasping at straws, and that's what Mr. Marchant's doing.
10 He's asking you to let go of your common sense. He's
11 trying to attack these investigators in our law
12 enforcement and saying it's insufficient investigation.
13 And he's trying to attack the credibility of the
14 witnesses because he cannot explain Jeff George's
15 actions. He can't explain this photo that's captured on
16 Jeff George's phone at 9:34 p.m., minutes before Ivan
17 Gula is murdered. He can't explain that those same
18 clothing -- the same clothing that's in that photo is the
19 clothing that the victim was wearing when he was
20 uncovered in that grave. He can't explain all the
21 witnesses who have come forward and put that gun in Jeff
22 George's hand and put him like this over Ivan while David
23 Stokes is hitting him with a machete.

24 But even if there is some level of concern, ladies
25 and gentlemen, about what those witnesses have said,

1 consider what the defendant himself has said, okay?
2 Can't prove nothing. That's both in his Facebook
3 messages and on his jail calls. And then what he said
4 that I think I already went over this, but the
5 mother-effer that's responsible, on his jail calls, for
6 this shit should stand up because he knows he's the only
7 one they seen do f'g anything, and he's the one who had
8 the thing on his property. He's the only one they seen
9 because he thinks he's covered his tracks. They were
10 gone whenever I did anything. They were gone.

11 And Mr. Marchant suggested the natural and probable
12 consequence of what they were doing was not murder.
13 Sorry, folks. Again, don't let go of your common sense
14 here, okay? You've got a group of people that are armed.
15 One guy's got a machete, another guy's got a bat or a
16 club or whatever and you've got a loaded .40 caliber gun
17 and you're going to mess this guy up? You don't think a
18 natural and probable consequence of that is murder? It
19 absolutely is. And that's not even hard. That's easy.
20 That's obvious.

21 We've got multiple, multiple witnesses that put that
22 gun in his hand. And then we've got the malice in his
23 heart that he said throughout his exhibit and on the jail
24 calls, how did he refer to him? Mother-effer this, that,
25 blah, blah, blah.

1 You know what's in his heart. That malice was
2 there. He's guilty of this crime, ladies and gentlemen.
3 And, you know, go back there and look at all the
4 evidence. Absolutely. There's no doubt that this guy's
5 own admissions are what set him apart.

6 And I'll take you to one last thing, one last piece
7 of evidence. In that second jail call on January 2,
8 2020, a couple weeks after his arrest and about a month
9 after Ivan was murdered, he says to whoever it was, his
10 friend, his relative, in reference to his truck being
11 searched, the truck that we had a lot of evidence
12 suggests that the victim was carried in in the bed of the
13 truck.

14 Obviously, Ms. Simons reported to law enforcement or
15 reported in an interview with us and law enforcement that
16 she believed he was cleaning his truck, the bed of his
17 truck because she heard water running in the middle like
18 after midnight on December 1st. How cold would it be
19 after midnight on December 1st? Is that a time that
20 people are normally washing their truck or even running
21 any water at all?

22 But what did he say on his jail call in reference to
23 that search warrant of his truck? If they didn't cut
24 anything out of the back of the truck or in between the
25 seats, then they have nothing.

1 The person responds, "I'm sorry?"

2 Nothing.

3 And then the person responds, "I got you."

4 Stick to the script. That's where all that Daniel
5 Sweat crap came from, too, right? That didn't get
6 introduced till about two or three days before they got
7 arrested.

8 And what was he talking about all the way up until
9 about two or three days before he got arrested? Why
10 don't you come stay with me? Why am I waking up to an
11 empty bed? I can't run two households. And then all of
12 a sudden, once they raid her house and they search her
13 house, he and Audrea come up with this plan. I wonder
14 what Daniel did?

15 Oh, I don't know. I haven't been there. I've been
16 with you, baby, you know, is what Cook is saying to him.

17 He's like, yeah, I'm so glad you came to stay with
18 me.

19 Well, that's a bunch of baloney. Look at the
20 exhibit. He's upset with her 24/7 because she won't have
21 anything to do with him all the way up until that moment
22 where the story becomes it's Daniel Sweat.

23 And when it comes to sticking to the script, what
24 did Alyssa Simons say? I told him you never met the guy.
25 I stuck to the script. The first time she says John is

1 asking about Ivan, she's like John's asking about Ivan.

2 He's like never heard of him. Never met him.

3 Got it. Understood.

4 Sticking to the script.

5 Well, see through it. Use your common sense. Find
6 him guilty of murder and kidnapping.

7 CHARGE ON THE LAW

8 THE COURT: All right. Thank you, Mr. Williams.
9 Thank you, Mr. Marchant.

10 Ladies and gentlemen of the jury, first of all, I
11 want to thank you for being very attentive this week.
12 It's been a long week since Monday when we first met one
13 another. And I tend to watch jurors throughout the week
14 because no matter what the case is that comes before the
15 Court, it's important to the litigants. And I always
16 want to make sure that the jurors are paying attention,
17 so I want to give you an A+ for paying attention this
18 week. And it's almost 10 o'clock on a Friday night and
19 you're still paying attention, so I still want to just
20 thank you for that.

21 Now, as you recall, I'm going to say a lot of things
22 to you so I want you to listen to me. And I'm probably
23 going to speak a little louder because I want you to hear
24 everything I'm getting ready to say.

25 If you remember, when we first started, I made

1 reference to this little piece of paper right here, this
2 white sheet of paper. And I referred to it as an
3 indictment. And I read to you what the indictment said.
4 As a matter of fact, when I read it to you, you were
5 still a member of the panel before you were selected.
6 And I went over the offenses that was contained in this
7 indictment. But I also referred to the indictment as a
8 ticket by which matters in the Court of General Sessions,
9 which this is, comes before the Court. And I likened it
10 to going to the movie, and y'all remember my analogy
11 there.

12 Well, at the beginning, I also said that as
13 Mr. George came into this courtroom on Monday or Tuesday,
14 whenever we started, he had a cloak of innocence. That's
15 what I use. That's the word I use. And that cloak of
16 innocence, even at five minutes till ten on a Friday
17 night at this particular time, he's still wearing that
18 cloak of innocence because that cloak of innocence is
19 housed on him and cannot be removed and will not be
20 removed unless you the jurors, you the judge of the facts
21 find that the State has met its burden of proof as to the
22 elements of the offenses upon which Mr. George is charged
23 and they have proven that beyond a reasonable doubt. And
24 I'll talk about reasonable doubt in just a minute.

25 And as you recall, I told you at the beginning that

1 you and I had different responsibilities. I told you
2 that there were two judges in the courtroom. I said the
3 judge of the facts and the judge of the law. And
4 throughout this trial, I have worked diligently to
5 perform my duty as the judge of the law. As you recall,
6 I made -- there were some objections made that I had to
7 make some rulings on regarding issues of law. And then I
8 also sent you back to your jury room on numerous
9 occasions so that I could deal with issues of law that
10 were raised by these very fine attorneys.

11 But I also told you that since you are the judge of
12 the facts, that when you came to court on Monday or
13 Tuesday or when you got out of your car to participate in
14 your service as jurors, you also got out of your car with
15 a couple of things. You got out of the car with your car
16 keys and you kept them with you and you've still got them
17 with you. But more importantly, you brought with you
18 your common sense. And every time that you leave your
19 house, always remember that you carry your common sense
20 with you. That's one thing you can't just leave at home
21 on the shelf. You have to take that with you everywhere
22 you go. And I talked about that with you.

23 But now it becomes my duty under the constitution of
24 this state to charge you and instruct you on what the law
25 -- applicable law is. And you must follow the law as I

1 give it to you, not as what you think it should be. And
2 so if you've got an idea of what you think the law should
3 be, disregard that because you must follow the law as I
4 give it to you.

5 Now, just like I've had the opportunity to watch all
6 of you this week, you've had the opportunity to watch me.
7 And if you have noticed anything about my demeanor or
8 anything at all that you are interpreting that I have an
9 opinion regarding this case, you need to disregard it
10 because I do not. I do not have an opinion regarding
11 this case because I cannot have an opinion regarding this
12 case.

13 So both the State and Mr. George have a right to
14 expect that you will conscientiously consider and
15 evaluate the evidence and apply the laws of the case as I
16 give it to you.

17 Now, as to the indictment that I just mentioned,
18 Mr. George has pled not guilty. He's pled not guilty to
19 Count 1 of the indictment which is murder, and he's pled
20 not guilty to Count 2 to the indictment which is
21 kidnapping. And he has the absolute right to do that.
22 This is his constitutional right to plead not guilty.
23 But that places the burden in the Court of General
24 Sessions upon the State to prove Mr. George -- and I made
25 reference to the defendant, but when I use the word

1 "defendant," I'm talking about Mr. George. The State has
2 the burden to prove Mr. George guilty beyond a reasonable
3 doubt. But it also -- but they've got to make sure that
4 all of the elements of the offense upon which the
5 defendant is charged is proven. So you've got to make
6 sure that that occurs. And I'm going to tell you what
7 the elements of the offense upon which he's charged in
8 just a minute.

9 Now, what is reasonable doubt? And you heard
10 counsel just a minute ago give you a definition of
11 reasonable doubt. And I'm going to give you a definition
12 that mirrors what counsel stated. A reasonable doubt is
13 a doubt which makes an honest, sincere, conscientious
14 juror, which you are, in the search of truth in the case
15 to hesitate to act. Proof beyond a reasonable doubt is
16 proof that leaves you firmly convinced of the defendant's
17 guilt. There are few things in the world that we know
18 with absolute certainty, and in criminal cases, the law
19 does not require proof that overcomes every possible
20 doubt.

21 If, based on your consideration of the evidence, you
22 are firmly convinced that the defendant is guilty of the
23 crimes charged, you must find him guilty. If, on the
24 other hand, you think there's a real possibility that he
25 is not guilty, you must give him the benefit of the doubt

1 and find him not guilty.

2 Reasonable doubt may arise from evidence which is in
3 the case or from the lack of evidence in the case. It is
4 up to you, ladies and gentlemen, as the judge of the
5 facts to determine whether or not reasonable doubt exists
6 as to Mr. George's guilt.

7 I charge you that this defendant is entitled to
8 every reasonable doubt arising in the whole case. If,
9 upon any issue of fact essential to a conviction and a
10 verdict of guilty, you have a reasonable doubt as to how
11 that issue should be resolved, it would be your duty as
12 jurors to resolve that reasonable doubt in favor of the
13 defendant.

14 Now, as you recall, at the beginning of the trial, I
15 categorized for you what evidence consisted of. And I
16 told you that evidence consisted of the testimony of
17 witnesses that testify from this witness stand whether
18 they were from the defendant or the State. I also
19 indicated to you that evidence can be categorized as
20 sketches or pictures or documents or videos or anything
21 of that nature. And you have in front of you, on that
22 table in front of you a lot of evidence.

23 But there's a litmus test how you view the evidence.
24 Since you're the judge of the facts, you're the judge of
25 the facts, you determine the credibility and

1 believability of the evidence. And you say, well, how do
2 I do that? Well, you remember you came in here with your
3 common sense? Well, now it's time to use that common
4 sense.

5 You can listen to a witness's testimony from this
6 witness stand, and you can believe some of what a witness
7 says, none of what a witness says, all of what a witness
8 says or you can make a determination. You're the judge
9 of the facts. You can make a determination whether the
10 witness had some bias. Did the witness have some
11 prejudice or something about this witness that would
12 cause you to question his or her believability? But
13 that's up to you because you're the judge of the facts.
14 And we may talk a little bit about that in just a minute.

15 Now, there's two kinds of evidence in a case.
16 There's direct and what is called circumstantial
17 evidence. And let me just read this to you. There are
18 two types of evidence generally presented in a trial.
19 There's direct evidence and circumstantial evidence.
20 Direct evidence is testimony of a person who claims to
21 have actual knowledge of a fact such as an eyewitness.
22 And this is evidence which immediately establishes the
23 main fact to be proved.

24 Circumstantial evidence is proof of a chain of facts
25 and circumstances which indicate the existence of a fact.

1 And this evidence is evidence which immediately
2 establishes collateral facts from which a main fact may
3 be inferred.

4 I just said a mouthful, but I'm going to give you a
5 simplistic example. You have been sitting in here all
6 day. You haven't had the opportunity to go back to your
7 car. But if you go back to your car and you see here in
8 September, your car is covered with snow, you didn't see
9 the snow, but you had kind of assumed that while you were
10 sitting here, it must have snowed on your car. So that's
11 sort of a simplistic example of circumstantial evidence.
12 You didn't see it, but you just, based on the
13 circumstances, you figured that's what occurred.

14 Now, circumstantial evidence is based on inference
15 and not a personal knowledge or observation. The law
16 makes absolutely no distinction between the weight or
17 value you the jury are to be giving to either direct or
18 substantial evidence, nor is a greater degree of
19 certainty required of circumstantial evidence than direct
20 evidence. You should weigh all of the evidence in the
21 case, and after weighing the testimony and evidence, if
22 you are not convinced of the defendant's guilt beyond a
23 reasonable doubt, you must find the defendant not guilty.

24 Now let me just pause and say this to you. The
25 charges on the law and the things that I'm saying to you

1 right now, you will be given a copy of everything that I
2 said to review, Madam Forelady, with the jury if you so
3 desire, the things that I just said, particularly as it
4 relates to the law -- applicable law in each case, in
5 each offense.

6 Now, you should weigh all the evidence in the case.
7 The law says to the extent that the State relies on
8 circumstantial evidence, it has to meet a certain test.
9 First, as to each of those events or circumstances they
10 are relying on, the State has to prove each of those
11 beyond a reasonable doubt.

12 Further, these facts must point conclusively to the
13 guilt of the accused and they must be wholly consistent
14 with each other in every particular respect.

15 I further instruct you that the mere fact that the
16 circumstances brought out in a case are strongly
17 suspicious of guilt or circumstances are such that the
18 defendant's guilt is probable is not enough. That is not
19 sufficient to sustain a conviction because the proof
20 offered by the State has to be more than a suspicion. It
21 has to be more than somebody being probably guilty. It
22 has to be proof that satisfies you of that guilt beyond a
23 reasonable doubt.

24 Now, how do you decide the facts in a case? As I
25 told you, you use your common sense, the common sense

1 that you came in here, and you judge the credibility and
2 believability of the evidence that's been present.

3 Now, in determining the question of believability,
4 as I told you before, you can believe some of what a
5 witness says, all of what a witnesses or none of what a
6 witness says.

7 Now, in this case, there were expert witnesses. And
8 let me just tell you how you the judge of the facts deal
9 with expert witnesses in determining credibility, and
10 I'll read this to you. The rules of evidence ordinarily
11 do not permit witnesses to testify to opinions or
12 conclusions. In this case, there were, I think, more
13 than a couple of expert witnesses. An exception to this
14 rule exists for witnesses we call expert witnesses. A
15 witness who, by education and experience, has become an
16 expert in some art, science, profession or calling may
17 state an opinion as to relevant and material matter in
18 which the witness claims to be an expert in and may also
19 state the reasons for giving that opinion.

20 You should consider any expert opinion received in
21 evidence in this case like any other evidence. In other
22 words, what am I saying? I'm saying that you determine
23 the believability and credibility of the opinion of
24 expert witnesses the same way you determine the
25 believability and credibility of any other witness who is

1 not deemed to be an expert.

2 If you decide that the opinion of the expert witness
3 is not based on sufficient education and experience, or
4 if you conclude that the reasons given in support of the
5 opinion are not sound, or that the opinion is outweighed
6 by other evidence that's been presented, you may
7 disregard the opinion given by the expert entirely. An
8 expert's testimony is to be given no greater weight than
9 any other witness's simply because the witness is an
10 expert. Further, you are not required to accept an
11 expert's opinion even though it is not contradicted.

12 Now, you have noticed that the defendant in this
13 case, Mr. George, did not testify. And I told you a few
14 minutes ago I would explain to you the law as it relates
15 to that.

16 Every defendant, every defendant has certain
17 constitutional rights. And every defendant has the right
18 not to testify. So I instruct you and emphasize that the
19 fact that the defendant, in this case Mr. George, did not
20 testify is not a factor at all to be considered by you in
21 any way in your deliberations and in your consideration
22 of the question of guilt. In other words, that shouldn't
23 factor at all.

24 A defendant has the constitutional right to remain
25 silent, and the assertion of this right must not be

1 considered by you in your deliberations. I repeat, under
2 the oath that you took, you are to draw no conclusion
3 whatsoever from the fact that Mr. George in this case did
4 not testify. The fact that Mr. George did not testify
5 should not even be discussed by you in the jury room.
6 The burden of proof, as I stated to you, is on the State.
7 The defendant is not required to prove his innocence.
8 The burden of proof remains on the shoulders of the State
9 to prove the defendant, in this incident Mr. George,
10 guilty beyond a reasonable doubt upon -- about the
11 offenses of which he has been charged in this indictment.

12 Now, there's been some question and there's been
13 some discussion about identity, so I'm going to give you
14 some language regarding identity, identification that you
15 can rely upon. Here again, you will have all of this in
16 the jury room to review again.

17 An issue in this case is the identification of the
18 defendant as the person who committed the crime charged.
19 The State has the burden of proving identity beyond a
20 reasonable doubt. You must be satisfied beyond a
21 reasonable doubt of the accuracy of the identification of
22 the defendant before you may convict the defendant.

23 Identification testimony is an expression of belief
24 or impression by a witness. You must determine the
25 accuracy of the identification of the defendant. You

1 must consider the believability of each identification
2 witness in the same way as any other witness. You may
3 consider whether the witness had an adequate opportunity
4 to observe the defendant at the time of the offense.
5 This will be affected by things like how long or short a
6 time was available, how far or close was the witness, the
7 lighting conditions and whether the witness had the
8 chance to see or know the person in the past.

9 Once again, I instruct you the burden of proof on
10 the State extends to every element of the crime charged,
11 and this specifically includes the burden of showing
12 beyond a reasonable doubt the identity of the defendant
13 as the person who committed the crime. After examining
14 the testimony you have a reasonable doubt of the accuracy
15 of the identification, you must resolve that doubt in
16 favor of the defendant.

17 Now, in criminal cases, not only does the State have
18 the burden of proving all of the elements of the offense
19 upon which the defendant is charged beyond a reasonable
20 doubt, the State has to show intent. And this is what
21 the law says as it relates to intent: In order to
22 establish criminal liability, to establish criminal
23 liability, criminal intent is required. For example, the
24 mental state required to be proven by the State for a
25 particular crime might be purpose, intent, knowledge,

1 recklessness or criminal negligence.

2 Criminal intent must be proven by the State beyond a
3 reasonable doubt. Criminal intent is always a matter
4 that must be determined by the jury from the
5 circumstances surrounding the situation.

6 There's no way to prove intent to a mathematical
7 certainty. There's no way medical science can dissect
8 the person's brain and determine what the person had in
9 mind. So the law says that criminal intent may be
10 inferred from the circumstances shown to have existed.
11 This is how you make a determination of whether or not
12 the element requiring intent was present.

13 It is not necessary to establish intent by direct
14 and positive evidence, but intent may be established by
15 inference in the same way as any other act by taking into
16 consideration the acts of the parties and all of the
17 facts and circumstances of the case.

18 Criminal intent is a mental state, a conscious
19 wrongdoing. It is up to you as the jury to determine
20 what the defendant intended to do based on the
21 circumstances shown to have existed at the time.

22 Criminal intent can arise from action or failure to
23 act. It may arise from negligence, recklessness or an
24 indifference to duty or to consequences that is
25 considered by the law to be the equivalent of criminal

1 intent.

2 Now, a theory that the law -- that these lawyers
3 have mentioned to you and you've heard it, and now I'm
4 going to give you -- talk about it. You heard the hand
5 of one is the hand of all. You've heard that from these
6 lawyers.

7 If a crime is committed by two or more people who
8 are acting together in committing a crime, the act of one
9 is the act of all. A person who joins with another to
10 commit an unlawful act is criminally responsible for
11 everything done by the other person which happens as a
12 probable or natural consequence of the acts done in
13 carrying out the common plan and purpose. For example,
14 two people can be guilty of killing another person when
15 only one of the two had a gun, there was only one bullet,
16 and only one of the two fired the shot that caused the
17 death. That's just an example. If two or more people
18 are together, acting together, assisting each other in
19 committing the offense, the act of one is the act of all.
20 Or as it is sometimes said in the legal arena, the act of
21 one -- the hand of one is the hand of all.

22 Prior knowledge that the crime is going to be
23 committed without more is not sufficient to make a person
24 guilty of that crime. Mere knowledge that another person
25 is going to commit a crime, even if the defendant is

1 present when the crime is committed, is not sufficient to
2 convict the defendant as a principal. Guilt as a
3 principal is shown by actual or constructive presence at
4 the scene as a result of prior arrangement, therefore, a
5 finding of a prior arranged plan or common scheme is
6 necessary for a finding of guilt as a principal. The
7 State must prove beyond a reasonable doubt by competent
8 evidence that the theory of the hand of one is the hand
9 of all.

10 A principal in a crime is one who either actually
11 commits the crime or who is present aiding, abetting or
12 assisting in committing the crime. When a person does an
13 act in the presence of or with the assistance of another,
14 the act is done by both. Where two or more acting with a
15 common plan or intent are present at the commission of a
16 crime, it does not matter who actually commits the crime.
17 All are guilty. The hand of one is the hand of all.

18 Present at the commission of a crime means to be
19 sufficiently near to aid and abet and assist in the
20 commission of the crime. However, mere presence at the
21 scene of a crime is not sufficient to convict one as a
22 principal in the theory of aiding and abetting.

23 Intent is also a necessary element for there must
24 have been a common design or intent to commit the crime
25 and the crime must have been committed pursuant thereto

1 with the person aiding and abetting by some overt act.

2 Intent means intending the result which actually
3 occurs, not accidentally or not involuntarily. Intent
4 may be shown by acts and conduct of the defendant and
5 other circumstances upon which you may naturally and
6 reasonably infer intent. The State must prove these
7 elements beyond a reasonable doubt.

8 Now, in this indictment, Mr. George has been charged
9 with two offenses. One is the offense of murder. And in
10 our law, murder is defined -- let me define murder for
11 you. Murder is defined as the willful, felonious killing
12 of a human being by a human being with malice
13 aforethought, and that malice being either express malice
14 or implied malice. Section 16-3 section 10, subsection
15 10 of our South Carolina code of law provides murder is
16 the killing of any person with malice aforethought either
17 expressed or implied. The State must proof beyond a
18 reasonable doubt that the defendant killed another person
19 with malice aforethought.

20 The presence of malice is a required element of
21 murder. Malice is defined as being hatred or ill-will.
22 Malice, in its legal sense, does not necessarily impart
23 ill will towards the individual injured, but signifies,
24 rather, a general malignant recklessness of lives and
25 safety of others or a condition of the mind which shows a

1 heart regardless of social duty and fatally bent on
2 mischief.

3 Malice is the wrongful intent to injure another
4 person. It indicates a wicked or depraved spirit intent
5 on doing wrong.

6 Malice is a legal term implying wickedness and
7 excluding a just cause or excuse. The term "malice"
8 indicates a form purpose and designed to do a wrongful
9 act under the circumstances that exclude any legal right
10 to do it.

11 Malice may be either expressed or implied. The
12 words "expressed" or "implied" add nothing to the meaning
13 of the word "malice." They do not imply different kinds
14 of malice but merely the manner in which the only kind
15 known to the law may be shown to exist, that is either by
16 positive evidence or by inference.

17 Express malice is when there is a deliberate
18 intention to unlawfully take the life of another.
19 Implied malice is when circumstances demonstrate a wanton
20 or reckless disregard for human life or a reasonably
21 prudent man would have had knowing -- known that,
22 according to a common experience, there was a plan and
23 strong likelihood that death would result, would follow
24 the contemplated act. And I'm going to read that last
25 sentence again. That is either by positive evidence or

1 by inference. Express malice is when there is a
2 deliberate intention to unlawfully take the life of
3 another. Implied malice is when circumstances
4 demonstrate a wanton or reckless disregard for human life
5 or a reasonably prudent man would have known that,
6 according to common experience, there was a plan and
7 strong likelihood that death would follow the
8 contemplated act.

9 Although malice must be aforethought, there is no
10 requirement that it must exist for any appreciable length
11 of time before the commission of the act. It can be
12 conceived at the very moment the act occurs. There must
13 be a combination of the evil intent and of the act
14 producing the result. And that is our law on the offense
15 of murder.

16 This defendant -- and there was mention of voluntary
17 manslaughter. I'm going to charge you that and just give
18 you a definition of what voluntary manslaughter is in
19 this State. And I will also send this charge back to
20 your jury room as well. Let me just read this to you.
21 I've given you murder, and so I'm going to go ahead and
22 tell you what voluntary manslaughter is.

23 If you find that the State has failed to prove
24 beyond a reasonable doubt that the defendant committed
25 murder, you may consider whether the State has proved

1 beyond a reasonable doubt that the defendant committed
2 voluntary manslaughter. To prove voluntary manslaughter,
3 the State must prove beyond a reasonable doubt that the
4 defendant took the life of another in the sudden heat of
5 passion based on sufficient legal provocation.

6 Both heat of passion and sufficient legal provocation
7 must be present at the time of the killing to constitute
8 voluntary manslaughter.

9 Sudden heat of passion may, for a time, affect a
10 person's self-control and temporarily disturb a person's
11 reason. The sudden heat of passion must be the type that
12 would make an ordinary person unable to coolly reflect on
13 his or her actions and would produce an controllable
14 impulse to do violence.

15 Sufficient legal provocation must be the type that
16 would make a person of ordinary reason and caution become
17 enraged or to lose control temporarily.

18 The provocation needed for voluntary manslaughter
19 must come from some act or related to the victim. Words
20 alone, however vulgar or insulting, are not enough to be
21 legal provocation. Where death is caused by the use of a
22 deadly weapon, the words must be accompanied by some
23 overt act -- some overt, threatening act which could have
24 produced the heat of passion.

25 The exercise of a legal right, no matter how

1 offensive it is to another, is never sufficient legal
2 provocation for voluntary manslaughter. If the heat of
3 passion had cooled or if there was enough time between
4 the provocation, if any, in the killing for the passion
5 of a reasonable person to cool, the killing would not be
6 voluntary manslaughter.

7 In deciding whether a reasonable person would have
8 had enough time to cool off, you should consider all the
9 circumstances surrounding the killing. You may consider
10 the nature of the provocation, if any, the defendant's
11 mental and physical state, and the circumstances and
12 relations between the party.

13 That is the offense of voluntary manslaughter. Here
14 again, this will also be sent back to you for your review
15 if need be during deliberations.

16 This defendant, Mr. George, is also charged in this
17 indictment with the Count 2 of kidnapping which is found
18 in Section 16-3-910 of our South Carolina code of laws.

19 Mr. George is charged with kidnapping. The State
20 must prove beyond a reasonable doubt that Mr. George
21 knowingly and unlawfully seized, confined, unveiled
22 [sic], decoyed, kidnapped, abducted or carried away
23 another person without the authority of law. To do a
24 thing unlawfully is to do it willfully against the law.

25 "Knowingly" means with knowledge, consciously, not

1 accidentally.

2 "Seize" means to take hold of.

3 "Suddenly" or "forcibly confined" means to limit,
4 restrict or enclose within bounds, imprison or shut or
5 keep in.

6 "Inveigle," which is a word, it's spelled
7 I-N-V-I-E-G-L-E [sic], means to lure, entice or lead
8 astray by false representations, promises or other
9 deceitful means.

10 "Decoy" means to lure by or as if by decoy. A decoy
11 is something to entice a person into a trap.

12 "Kidnap" is to remove a person against his will by
13 unlawful force or by fraud.

14 "Abduct" means to carry off secretly or by force for
15 an illegal purpose.

16 "Carry away" means to remove.

17 The State does not have to prove that the defendant
18 did all of these things. Instead, if you find beyond a
19 reasonable doubt that the defendant did any of these
20 things, you may find the defendant guilty of kidnapping.

21 Something done without authority of law is something
22 which the law does not sanction, permit, allow, condone
23 or provide justification for. The kidnapping does not
24 have to be for any personal or monetary gain or for any
25 illegal purpose but may be for any reason whatsoever.

1 Now, I have gone over the law as it applies to the
2 offenses upon which this defendant is charged, and I have
3 gone over with you the concepts that were not only
4 discussed by some of the attorneys, but all of them. And
5 as I said at the outset, I will send back to your jury
6 room all of these charges which I just read in the event
7 that you would need to look at them again.

8 Now, Madam Forelady, I have prepared what is called
9 verdict forms. I have two pieces of paper in front of
10 me. And I am going to read what these pieces of paper
11 contain and give you specific instructions as to how you
12 should handle them.

13 This piece of paper says: The State of South
14 Carolina, County of Greenville, State of South Carolina
15 vs. Jeffrey Michael George. This is indictment
16 2021-GS-23-002637. And it says in the Court of General
17 Sessions for the Thirteenth Judicial Circuit. And in the
18 right-hand corner it says "verdict form."

19 The first line says: We the jury, as to the
20 indictment of murder, unanimously find the defendant, and
21 there's a line that says "guilty" and a line that says
22 "not guilty." Pay no particular attention to the order
23 that I have them in because I had to put them in some
24 order.

25 If your answer to Question 1 is guilty, stop your

1 deliberations, and you, Madam Forelady, sign the verdict
2 form. If your answer to Question 1 is not guilty, then
3 you continue to answer -- go to Question 2 which says:
4 We the jury, as to the offense of voluntary manslaughter,
5 unanimously find the defendant either guilty or not
6 guilty.

7 Remember, your verdict must be unanimous. Each of
8 you -- as counsel indicated in closing, each of you have
9 your own opinion, but you need to sit and discuss it
10 among each other, listen to each other's point of view.
11 But, however, your verdict must be unanimous. And then
12 once that is completed as it relates to the offense of
13 murder or voluntary manslaughter, Madam Forelady, you
14 will sign the bottom of it and date it today's date.

15 There's another verdict form as to the offense of
16 kidnapping. The indictment says the exact same thing,
17 the State of South Carolina vs. Jeffrey Michael George,
18 Indictment 2021-GS-23-002637. And it says: We the jury,
19 as to the indictment of kidnapping in violation of
20 16-3-0910, South Carolina Code of Laws as amended,
21 unanimously find the defendant, and there's a line that
22 says "guilty" and there's a line that says "not guilty."

23 And then once you have unanimously reached a
24 decision, Madam Forelady, then you, as the foreman of the
25 jury -- or forelady of the jury, will sign the verdict

1 form.

2 You are to preside over the entire deliberations.

3 You are instructed that if there's anything that needs to
4 be brought to the attention of the Court, if any of the
5 jurors have a question or things that need to be brought
6 to the attention of the Court, you must write the note
7 and you must give that note to the bailiff. You must
8 write the note with the question, and you must sign your
9 name and give it to the bailiff in the event that there
10 are any questions.

11 Once you have completed your deliberations, then you
12 will let the bailiff know, and the bailiff will give you
13 instructions how to do that.

14 You're not to begin any deliberations until I
15 instruct you to do so. All of the evidence that was
16 presented in this case will be provided to you in your
17 jury room. If there's anything that was presented to you
18 by way of video or audio and you need that information,
19 the clerk's office will make a provision to make sure
20 that you're provided that. And if I need to bring you
21 back in here so I can mess with this screen some more,
22 then I will do that as well.

23 All right. So I'm going to send you back to your
24 jury room. Please, ma'am, please, sir, do not talk about
25 this case at all. As a matter of fact, I don't want you

1 to say anything to each other. Just keep your mouth shut
2 until I instruct you to begin deliberations.

3 So follow the bailiff, and then I'll be with you in
4 just a minute.

5 (WHEREUPON, the jury exits the courtroom at 10:30 PM.)

6 THE COURT: All right. Any exceptions to the charge
7 by the State?

8 MR. WILLIAMS: No, Your Honor.

9 THE COURT: Any exception to the charge by the
10 defendant?

11 MR. MARCHANT: No, Your Honor.

12 THE COURT: All right. So y'all want to go over
13 there and look at the exhibits and then go from there.

14 MR. FRETWELL: Judge, I would ask that your charges,
15 after the jury has used them and deliberated with them,
16 be marked as a court's exhibit.

17 THE COURT: Very good. I'll make sure the bailiff
18 brings them back.

19 MR. FRETWELL: Thank you, Judge.

20 (WHEREUPON, a recess is taken at 10:42 PM, and the jury
21 starts deliberating; Court's Exhibit Number 3 was marked
22 for identification; the jury entered the courtroom at
23 11:39 PM.)

24 THE COURT: All right. We're back on the record,
25 Madam Court Reporter.

1 Madam Forelady, the bailiff has provided me a
2 question that I think that you wrote. Is it your
3 hand ---

4 JURY FOREPERSON: Yes.

5 THE COURT: Don't worry about it. You didn't sign
6 it, but you did write the note.

7 JURY FOREPERSON: Yes. Yes, I did.

8 THE COURT: All right. And your note, I'll put it
9 in the record, says: Definition of accessory to murder
10 is, question mark. And right under it says: Does it
11 apply to this case, comma. Can we even ask what it
12 means, question mark.

13 And what I can say to you is that I can't answer
14 this question. You have the charges that was litigated.
15 I've given you the charges, the law as to the charges
16 upon which Mr. George is tried. And that's what you
17 have. So I can't -- you just have to go back and
18 deliberate based on what I've given you.

19 JURY FOREPERSON: Yes, sir.

20 THE COURT: Is that okay? All right. Y'all can go
21 back. Continue.

22 (WHEREUPON, the jury exits the courtroom at 11:41 PM.)
23
24
25

Saturday, September 21, 2024

(WHEREUPON, the jury entered the courtroom at 12:06 AM.)

THE COURT: All right. Let's go back on the record,
Madam Court Reporter.

Madam Forelady, the bailiff has indicated to the
Court that the jury has reached a verdict; is that
correct?

JURY FOREPERSON: We have, Your Honor.

THE COURT: All right. Could you pass the verdict
form to the bailiff, please. Verdict forms.

Madam Clerk, publish the verdict.

VERDICT

THE CLERK: Okay. In the case for Jeffrey Michael
George, Indictment Number 2021-GS-23-02637, we the jury,
as to the indictment of kidnapping in violation of
16-03-0910 of the South Carolina Code of Laws, 1976, as
amended, unanimously find the defendant guilty.

In Case Number 2021-GS-23-02637, we the jury, as to
the indictment of murder, unanimously find the defendant
guilty.

If you would all please stand with me and raise your
right hand. The correct response to the oath is "I
will."

THE COURT: No, no. Just poll them about the
verdict.

1 THE CLERK: Go ahead and poll?

2 THE COURT: Just poll them.

3 THE CLERK: The verdict that was just published was
4 the verdict you reached in your deliberation room. I ask
5 you, was it your verdict then and is it your verdict now?
6 When I call your name or number, please answer "yes" or
7 "no."

8 Juror Number 23, Michelle Bedoya? Yes or no?

9 THE COURT: Is that the right list? I don't think
10 that's the right list.

11 THE CLERK: Juror Number 74?

12 JUROR NUMBER 74: Yes.

13 THE CLERK: Juror Number 142?

14 JUROR NUMBER 142: Yes.

15 THE CLERK: Juror Number 140?

16 JUROR NUMBER 140: Yes.

17 THE CLERK: Juror Number 63?

18 JUROR NUMBER 63: Yes.

19 THE COURT: Juror Number 61?

20 JUROR NUMBER 61: Yes.

21 THE CLERK: Juror Number 101?

22 JUROR NUMBER 101: Yes.

23 THE CLERK: Juror Number 224?

24 JUROR NUMBER 224: Yes.

25 THE CLERK: Juror Number 209?

1 JUROR NUMBER 209: Yes.

2 THE CLERK: Juror Number 11?

3 JUROR NUMBER 11: Yes.

4 THE CLERK: Juror Number 79?

5 JUROR NUMBER 79: Yes.

6 THE CLERK: Juror Number 49?

7 JUROR NUMBER 49: Yes.

8 THE CLERK: Juror Number 71?

9 JUROR NUMBER 71: Yes.

10 THE CLERK: Did I miss anyone?

11 (No response.)

12 THE COURT: All right. Thank you, Madam Clerk.

13 Ladies and gentlemen of the jury, first of all, I
14 want to thank you for your service this week. As I told
15 you at the outside and told you a little while ago that I
16 appreciate your attentiveness to this case. I'm sure
17 that both sides appreciate your service as jurors. And I
18 know it's ten minutes after 12, so I appreciate your
19 dedication and hope that if you ever get an opportunity
20 to serve as a juror again, whether it's in the Court of
21 General Sessions or in civil court or magistrate court, I
22 don't care where it is, make sure you take advantage of
23 that opportunity because without you, our system does not
24 work. So I appreciate your service and you're free to
25 go. And hopefully, our paths will cross again sometime

1 in the future, okay?

2 All right. So just follow the bailiff.

3 (WHEREUPON, the jury exits the courtroom at 12:11 AM.)

4 THE COURT: All right. Have y'all got some
5 sentencing sheets?

6 MR. MARCHANT: Judge, can I put a few things on the
7 record?

8 THE COURT: Yeah. Let me hear you, Mr. Marchant.

9 MR. MARCHANT: Judge, I'm renewing my motion for a
10 directed verdict and making a further motion for a new
11 trial. The evidence presented in this case does not
12 support the verdict that was rendered.

13 THE COURT: All right. You want to respond,
14 Mr. Williams?

15 MR. WILLIAMS: Your Honor, I stand by my previous
16 response to the initial directed verdict. There's been
17 more than enough evidence for both the conviction of
18 murder and kidnapping. And I think that there's no
19 grounds for a new trial either based on the evidence
20 that's been presented to the jury and the sufficiency of
21 that evidence, and more than enough for a reasonable jury
22 to find the defendant guilty of murder and kidnapping.

23 THE COURT: All right. I would respectfully deny
24 your motion, Mr. Marchant.

25 MR. MARCHANT: Judge, my next matter before you

1 proceed to sentencing, I'd like to -- Mr. George is going
2 to appeal this case. I will file the appeal for him not
3 today but Monday. And we would request the ability to
4 post an appeal bond while the appeal is pending.

5 THE COURT: I'll hear from you, Mr. Williams, but
6 I'm not inclined to do that.

7 I'm not inclined to do that, Mr. Marchant. I'm not
8 inclined to do that.

9 All right. Mr. George, would you stand for me? All
10 right. I'm going to hear from the State and then I'll
11 hear from you, Mr. Marchant, as well as Mr. George.

12 MR. WILLIAMS: Your Honor, you heard all the facts
13 in this case. The defendant has no prior record.

14 THE COURT: All right. Mr. Marchant?

15 MR. MARCHANT: Yes, Your Honor. Thank you. May it
16 please the Court.

17 As the State has just referenced, Mr. George has no
18 prior record. I believe he's 50 years of age now.

19 He was arrested on December the 18th of 2019,
20 remained in the custody of the Greenville County Law
21 Enforcement Center, the detention center for, I think,
22 roughly four to five months. I don't have the exact
23 calculation with me. But he posted bond after a bond
24 hearing. Part of the condition of bond in April of 2020,
25 was house arrest with GPS monitoring. He has

1 continuously been under that monitor since his release.
2 He's had no violations, no reporting issues. The State
3 has not had any issue with him being out on bond, so I'm
4 asking when you are considering the appropriate sentence
5 in this case, to afford him the credit that you can give
6 him under the statute for that time under home
7 incarceration. So I'm asking that his sentence start
8 date be December 18, 2019.

9 You have heard the testimony in the case. We
10 respect the jury's verdict. However, I think, given all
11 of the circumstances that you have heard, the acts and
12 actions of others in this case, that the minimum sentence
13 of 30 years is appropriate. Even if you were to give him
14 the minimum sentence and credit for all of the time he's
15 been on house arrest, he's still looking at 25 more years
16 of his life. That would put him at roughly age 75. At
17 that point in time, there are very few people that would
18 be able to engage in this type of activity again if he
19 even makes it out of the Department of Corrections.
20 Effectively, it's a life sentence. So I'm asking you and
21 I believe it to be appropriate and reasonable for you to
22 sentence him to 30 years.

23 THE COURT: Jail credit, your calculation is based
24 on HIP as a part of the bond? I need to know how much
25 time he spent in jail.

1 MR. MARCHANT: Yes, sir. I have to go back and pull
2 the bond information, but it was December of 2019
3 through, I believe, April of 2020.

4 MR. WILLIAMS: December 18th is the first he was
5 incarcerated. We're looking it up. Sorry, Your Honor.

6 THE COURT: That's all right.

7 MR. MARCHANT: The bond was posted on April 8, 2020.
8 I'd have to run the calculation.

9 MR. WILLIAMS: Judge, I think that would be 14 --
10 did you say April 8th? I think it's 112, I think.

11 THE COURT: 112.

12 MR. WILLIAMS: Days. Jail days.

13 THE COURT: Total?

14 MR. WILLIAMS: I believe so, Judge.

15 MR. MARCHANT: Judge, punching in the calculator, I
16 come up with 112 days.

17 And I'm sorry. I have misspoken. Mr. George
18 informed me that there was a violation of something,
19 assuming that we -- I just don't remember. But there must
20 have been a violation hearing where he was sanctioned to
21 about 45 days. So that's 112 plus 45 is 157.

22 Otherwise, he's been out on bond this entire trial
23 and showed up every morning, has returned when Your Honor
24 has instructed us to. I think he should be given some
25 serious consideration for the respect of the terms of his

1 release and the fact that the Court has had zero problems
2 out of him for the duration of the week that we've been
3 here.

4 Again, I'm asking for all of the credit from the
5 house arrest.

6 MR. FRETWELL: Judge, he initially -- I had 110
7 days. When he was violated, he received an additional
8 37 days for a total of 147 days in the detention center.

9 SENTENCING

10 THE COURT: All right. Thank you, gentlemen.

11 On indictment ending in 02637, the State vs. Jeffrey
12 Michael George, charged with the offense of murder, the
13 sentence of the Court is you be committed to the South
14 Carolina Department of Corrections for a period of
15 48 years. 147 days of jail credit is given to you.

16 On indictment ending in 02537, State vs. Jeffrey
17 Michael George, charged with the offense of kidnapping,
18 the sentence of the Court is you be committed to the
19 South Carolina Department of Corrections for 30 years.
20 That sentence is to be ran concurrent with the prior
21 sentence, 147 days of jail credit.

22 MR. FRETWELL: Thank you, Your Honor.

23 THE COURT: All right. Good luck.

24 (WHEREUPON, proceedings concluded at 12:21 AM; Court's
25 Exhibit Number 4 was marked for identification.)

1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)
4 COUNTY OF GREENVILLE)
5
6

7 I, CHERYL A. SMITH, Official Court Reporter for the
8 Thirteenth Judicial Circuit of the State of South
9 Carolina, do hereby certify that the foregoing is a true,
10 accurate and complete Transcript of Record of the
11 proceedings had and evidence introduced in the trial of
12 the captioned case, relative to appeal, in the Court of
13 General Sessions for Greenville County, South Carolina,
14 on the 16th, 17th, 18th, 19th and 20th of September,
15 2024.

16 I do further certify that I am neither of kin,
17 counsel, nor interest to any party hereto.
18

19 January 21, 2025
20
21

22 Cheryl A. Smith

23 Cheryl A. Smith, CVR-M

24 Court Reporter
25

23

WITNESSES

Antonio L Bailey

Greenville County Sheriffs Office

12/18/2019

ARREST WARRANT NUMBER

2019A2330211364 and 2019A2330211365

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

GUILTY

John R. Ray

Foreperson of Petit Jury

Date: 9 - 21 - 24

DOCKET NO. 2021-GS-23-

AOF

002637

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2021

THE STATE

vs.

JEFFREY MICHAEL GEORGE

Indictment for

0116 and 0095

MURDER

and

KIDNAPPING

VIOLATION § 16-03-0010 and § 16-03-0910

ENTERED ACCT

BN

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
MURDER
 and
KIDNAPPING

At a Court of General Sessions, convened on

MAY 04 2021

the Grand Jurors of Greenville

County present upon their oath:

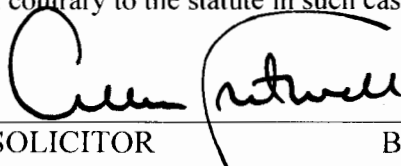
COUNT I: MURDER
(Warrant 2019A2330211364)

That JEFFREY MICHAEL GEORGE did in Greenville County, on or about the 1st day of December, 2019, unlawfully and with malice aforethought kill IVAN GULA. This is in violation of §16-03-0010 of the South Carolina Code of Laws (1976) as amended.

COUNT II: KIDNAPPING
(Warrant 2019A2330211365)

That JEFFREY MICHAEL GEORGE did in Greenville County, on or about the 1st day of December, 2019, unlawfully seize, abduct, confine, inveigle, decoy, kidnap, abduct or carry away IVAN GULA, without the authority of law. This is in violation of §16-03-0910 of the South Carolina Code of Laws (1976) as amended.

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


 SOLICITOR

BAR # 17016

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Jeffrey Michael George

AKA:

Race: WHITE Sex: M Age: 50DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED] CircleCity, State, Zip: Greenville, SC 29617DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021 - GS - 23 - 02637AW#: 2019A2330211364Date of Offense: 12/1/2019S.C. Code § 16-03-0010, 0020CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Murderin violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

[Signature] 17016
Fretwell, Allen SC Bar #

Defendant

MARCHANT, LUCAS
Attorney for Defendant72742
SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 48 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP. 14 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

ENTERED ACCT

[Signature]

1/1/2021

STATE VS. Jeffrey Michael George INDICTMENT/CASE#: 2021 - GS - 23 - 02637**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____ \$ _____

§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ <u>3.75</u>

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

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund
TOTAL\$ 128.75 BW
 Clerk of Court/ Deputy Clerk:
 Court Reporter:

Bruce Harrell
C. Smith

 Presiding Judge:
 Judge Code:
 Sentence Date:

[Signature]
2703
9/21/24

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Jeffrey Michael George

AKA:

Race: WHITE Sex: M Age: 50DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED] CircleCity, State, Zip: Greenville, SC 29617DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021 - GS - 23 - 02637A/W#: 2019A2330211365Date of Offense: 12/1/2019S.C. Code § 16-03-0910CDR Code #: 0095

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Kidnappingin violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

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

ATTEST:

[Signature] 17016
Fretwell, Allen SC Bar #

Defendant

MARCHANT, LUCAS
Attorney for Defendant72742
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 30 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for

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The sentence shall run

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1/30/21

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☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

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☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund
TOTAL \$ 128.75 BL
 Clerk of Court/ Deputy Clerk:
 Court Reporter:

Brice Garrett
C. Smith

 Presiding Judge:
 Judge Code:
 Sentence Date:

11/1/21
2763
9/21/24

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Kathrine H. Hudgins
Senior Appellate Defender

RECEIVED

Dec 15 2025

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 15th day of December, 2025.

RECEIVED

Dec 15 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Alex Kinlaw, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JEFFREY MICHAEL GEORGE,

APPELLANT

APPELLATE CASE NO. 2024-001653

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Tommy Evans, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 15th day of December, 2025.



Kathrine H. Hudgins
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT