

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

Honorable Daniel D. Hall, Circuit Court Judge

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Dec 18 2025

SC Court of Appeals

THE STATE,

RESPONDENT

V.

NATHANIEL JENKINS,

APPELLANT

APPELLATE CASE NO. 2024-002043

RECORD ON APPEAL

SARAH E. SHIPE
Appellate Defender
South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

MARK FARTHING
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201
(803)734-4117

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA IN THE COURT OF GENERAL SESSIONS
COUNTY OF YORK CASE NO. 2024-GS-46-545, et al

STATE OF SOUTH CAROLINA,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	TRANSCRIPT <u>OF</u> RECORD
	)	(VOLUME I of IV)
NATHANIEL JOHN JENKINS,	)	
	)	
Defendant.	)	
	)	

November 18, 2024
York, South Carolina

B E F O R E:

Honorable Daniel D. Hall, Judge.

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

Ms. Heather Burdette
Assistant Solicitor
Mr. Christopher Epting
Assistant Deputy Solicitor
Sixteenth Circuit Solicitor's Office
Attorneys for the Plaintiff
York, South Carolina

Mr. Frederick Davis
Assistant Public Defender
Mr. Jerry White
Assistant Public Defender
Sixteenth Circuit Public Defender's Office
Attorneys for the Defendant
York, South Carolina

Shannon E. McGilberry, CVR-M
Court Reporter

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E X H I B I T S

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(REPORTER'S NOTE: All exhibits admitted during this proceeding were duly filed with the York County Clerk of Court's Office.)

1 THE COURT: All right. State ready to proceed?

2 MR. EPTING: The State's ready.

3 THE COURT: Defense ready?

4 MR. DAVIS: We're ready, Your Honor.

5 THE COURT: All right. Let's bring the jury in.

6 (Whereupon, the jury pool entered the courtroom at 2:20
7 P.M.)

8 THE COURT: All right. Thank you, ladies and
9 gentlemen. I appreciate your promptness and your patience.
10 We are about to begin the case of the trial of the State of
11 *South Carolina versus Nathaniel John Jenkins*. Mr. Jenkins
12 has been indicted on a number of indictments; in fact,
13 there's 16 different charges that will be before you in this
14 case. They allegedly -- the indictments allegedly arise out
15 of incidents that took place on December the 10th of 2023 at
16 the Rock Hill Airport. The various charges involved are
17 allegations of unlawfully entering aircraft, grand larceny,
18 burglary at that location, and then other -- some petit
19 larcenies also at that location. Again, that occurred at
20 the Rock Hill Airport on or about November the 10th, 2023.
21 The defendant's name is Mr. Nathaniel John Jenkins.

22 Is there any member of the jury panel that has any
23 personal knowledge about this case whatsoever? If so,
24 please stand.

25 THE COURT: Thank you. No one stands.

1 Representing the State of South Carolina is Mr. Chris
2 Epting and Heather Burdette. If y'all will stand and
3 introduce yourselves.

4 MR. EPTING: Good afternoon. I'm Assistant Deputy
5 Solicitor Chris Epting of the Sixteenth Circuit Solicitor's
6 Office.

7 MS. BURDETTE: I'm Assistant Solicitor Heather Burdette
8 of the Sixteenth Circuit Solicitor's Office.

9 THE COURT: All right. Thank y'all. You may be
10 seated.

11 Is there any member of the jury panel related by blood
12 or marriage, have any close personal, business or
13 professional relationship with either Mr. Epting or Ms.
14 Burdette? If so, please stand.

15 THE COURT: Thank you. No one stands.

16 Representing the defendant in this case is Mr. Fred
17 Davis and his assistant. If y'all would introduce
18 yourselves.

19 MR. DAVIS: I am Fred Davis. I'm Assistant Public
20 Defender of the Sixteenth Circuit Public Defender's Office.

21 MR. WHITE: How you doing? I'm Jerry White with the
22 Sixteenth Circuit Public Defender's Office. I'm an
23 Assistant Public Defender.

24 THE COURT: Is any member of the jury panel related by
25 blood -- y'all can have your seat. Any member of the jury

1 panel related by blood or marriage or have a close personal,
2 business or professional relationship with either Mr. Jerry
3 White or Mr. Fred Davis? If so, please stand.

4 THE COURT: Thank you. No one stands.

5 Is there any member of the jury panel related to or
6 have anyone -- have a close business, professional or social
7 relationship with anyone who works in the Sixteenth Circuit
8 Solicitor's Office or any of the programs managed by the
9 York County or the Sixteenth Circuit Solicitor's Office? If
10 so, please stand.

11 (Juror stands)

12 THE COURT: Yes. If you'd tell me your number.

13 JUROR: 13. But I don't know that you would call
14 it close. I just want to give full disclosure. I know
15 Marina Hamilton.

16 THE COURT: All right. And you --

17 JUROR: Just through exercise classes.

18 THE COURT: And you know Marina through exercising
19 together. Is that correct?

20 JUROR: And prior neighbors. Yes.

21 THE COURT: And you are number --

22 JUROR: 13.

23 THE COURT: Would that fact affect your ability to be
24 fair and impartial to both the State and the defense in this
25 case?

1 JUROR: No.

2 THE COURT: All right. Thank you. You may be seated.

3 Has any member of the jury panel ever been, either you
4 or a member of your immediate family, ever been prosecuted
5 by the York County Solicitor's Office? If so, please stand.

6 THE COURT: Thank you. No one stands.

7 Has any member of the jury panel, either you or a
8 family member, been accused of or investigated for or
9 arrested for larceny or a related larceny offense? If so,
10 please stand.

11 THE COURT: Thank you. No one stands.

12 BAILIFF: We've got --

13 THE COURT: I'm sorry. Yes. Your number?

14 JUROR: Two.

15 THE COURT: Yes. And what was the situation?

16 JUROR: I was accused of petit theft, shoplifting in
17 Florida.

18 THE COURT: Would that fact affect your ability to be
19 fair and impartial to both the plaintiff and the defense in
20 this case?

21 JUROR: No.

22 THE COURT: Thank you. You may be seated.

23 Has any member -- either any member of the jury panel
24 or your immediate family member ever been represented by the
25 York County Public Defender's Office? If so, please stand.

1 THE COURT: Thank you. No one stands.

2 Is any member of the jury panel, either you or a family
3 member, related to or have a close person relationship,
4 business, social, otherwise with an attorney who practices
5 criminal defense work? If so, please stand.

6 THE COURT: Thank you. No one stands. Yes. I'm
7 sorry. Your number?

8 JUROR: 1-3-9.

9 THE COURT: And who do you know?

10 JUROR: I knew Matthew -- Matthew Niemiec.

11 THE COURT: Would that fact affect your ability to be
12 fair and impartial to both the State and the defense in this
13 particular case?

14 JUROR: No.

15 THE COURT: Thank you. You may be seated.

16 Has any member of the jury panel either been, presently
17 or in the past, ever been employed by or volunteered with
18 any city, county, state, or federal law enforcement agency
19 or law enforcement's victim witness assistance program? If
20 so, please stand. You got some -- you've got a family
21 member that's a sheriff's deputy or a friend that's a
22 sheriff's deputy or a police officer in any department,
23 anything that way, if you'd please stand.

24 THE COURT: Yes. Your number?

25 JUROR: 21.

1 THE COURT: And who do you know?

2 JUROR: I know Christopher West.

3 THE COURT: And where is he employed?

4 JUROR: York County Sheriff's Department.

5 THE COURT: Would that fact affect your ability to be
6 fair and impartial to both the State or the defense in this
7 case?

8 JUROR: No, sir.

9 THE COURT: Thank you. Yes. Coming forward.

10 JUROR: 173.

11 THE COURT: Yes, and who do you know?

12 JUROR: My father, David Wilson, was chief of
13 investigations for Richland County.

14 THE COURT: For Richland County. Would that fact
15 affect your ability to be fair and impartial to both the
16 State and the defense in this case?

17 JUROR: No.

18 THE COURT: Thank you. You may be seated.

19 Yes, sir.

20 JUROR: 67.

21 THE COURT: And who do you know?

22 JUROR: Robert Allen. Robert Allen.

23 THE COURT: Would that -- and he works for the
24 sheriff's department. Would that fact affect your ability
25 to be fair and impartial to both the State and the defense

1 in this case?

2 JUROR: No.

3 THE COURT: Thank you. You may be seated.

4 Yes, ma'am; your number?

5 JUROR: 77.

6 THE COURT: And who do you know?

7 JUROR: My brother's a sheriff for Tega Cay Police

8 Department. I didn't know if that mattered or not.

9 THE COURT: Would that fact affect your ability to be
10 fair and impartial?

11 JUROR: No, sir.

12 THE COURT: Thank you. Yes, ma'am.

13 JUROR: 69. Years ago I worked for the U.S. Attorney's
14 Office in North Carolina.

15 THE COURT: And you are number 69?

16 JUROR: Yes, sir.

17 THE COURT: Would that fact affect your ability to be
18 fair and impartial to both the State and the defense?

19 JUROR: No, sir.

20 THE COURT: Thank you. You may be seated.

21 Is any member of the jury panel -- and the juror who
22 just stood up last don't have to answer this, but any member
23 of the jury panel, either you or a family member or close
24 friend ever been employed by a prosecutor's office, the
25 city, county, state or federal? If you've had friends or

1 family that have been -- worked in a prosecutor's office.

2 If so, please stand.

3 THE COURT: Thank you. No one stands.

4 THE BAILIFF: We have one in the back, Your Honor.

5 She's the same one. Oh, okay. Yes, sir.

6 THE COURT: Does any member of the jury panel have a
7 family member or a close friend or relative that has worked
8 for a prosecutor's victims' assistant program, or been a
9 victim -- sometimes they're referred to as victim witness
10 advocates or victims' assistance program. Any member of the
11 jury panel had any family member or friend that works in
12 that capacity? If so, please stand.

13 THE COURT: Thank you. No one stands.

14 I'm going to read through a couple of organizations
15 that lobby on behalf of victims or criminal -- or for
16 tougher sentences. So my question has any member of the
17 jury panel ever contribute to or volunteer time with MADD,
18 that's Mother's Against Drunk Driving; SADD, Student's
19 Against Drunk Driving; CAVE, which is Citizens Against
20 Violence Everywhere; or any witness program or similar
21 organization that works with or lobbies on behalf of
22 victims? If so, please stand.

23 THE COURT: Yes. Your number?

24 JUROR: 158.

25 THE COURT: And what is your answer to that?

1 JUROR: We, at our daughter's school, sponsor Safe
2 Passage. We're primary contributors to them here in town.

3 THE COURT: All right. Would that fact affect your
4 ability to be fair and impartial in this case?

5 JUROR: No.

6 THE COURT: Thank you. You may be seated.

7 Has any member of the jury panel ever contributed money
8 to the Fraternal Order of Police or the South Carolina Law
9 Enforcement Officer's Association or any law enforcement
10 organization, which supports the police or law enforcement?
11 If so, please stand.

12 THE COURT: All right. And if you would just tell me
13 your number and simply answer -- my question for you is
14 ' would that fact affect your ability to be fair and impartial
15 in this case. So your answer's going -- the answer's going
16 to be your number and yes or no.

17 Yes. I will start -- yes. Your number?

18 JUROR: 173, and no.

19 THE COURT: All Right.

20 JUROR: 32; no.

21 THE COURT: Thank you.

22 JUROR: 20; no.

23 JUROR: 2; no.

24 JUROR: 4; no.

25 THE COURT: Thank you. Yes, sir.

1 JUROR: 90; no.

2 THE COURT: Thank you.

3 JUROR: 44; no.

4 THE COURT: Thank you.

5 JUROR: No.

6 THE COURT: I'm sorry. Give me -- we have to have a
7 record of this. You've stood before. Give us your number
8 again.

9 JUROR: 69.

10 THE COURT: Number 9?

11 JUROR: No; 69.

12 THE COURT: 69. I'm sorry. Thank you.

13 JUROR: Uh-huh.

14 THE COURT: Does any member of the jury panel have any
15 law enforcement or legal training? If so, please stand.

16 THE COURT: Yes, ma'am. If you'd tell me your number.

17 JUROR: I am 156.

18 THE COURT: And you're --

19 JUROR: I'm a lawyer.

20 THE COURT: Would that fact affect your ability to be
21 fair and impartial in this case?

22 JUROR: No, sir.

23 THE COURT: Thank You. You may be seated. Yes, ma'am.

24 JUROR: 13. Number 13.

25 THE COURT: Yes, ma'am.

1 JUROR: And no, it would not.

2 THE COURT: And what's the -- what type of training
3 have you had?

4 JUROR: Oh, sorry. An attorney.

5 THE COURT: You're an attorney. All right. Thank you.

6 Yes, ma'am. Number 69 again?

7 JUROR: Yes. I studied paralegal. I was in school to
8 be a paralegal several years ago.

9 THE COURT: Would that fact affect your ability to be
10 fair and impartial?

11 JUROR: No.

12 THE COURT: Thank you. You may be seated.

13 Has any member of the jury panel ever sought employment
14 as a law enforcement officer or prison official? If you've
15 applied or sought employment as a law enforcement officer,
16 please stand.

17 THE COURT: Thank you. No one stands.

18 Does any member of the jury panel display the Thin Blue
19 Line or symbols like that on your vehicle to show your
20 support for law enforcement? If so, please stand.

21 THE COURT: Yes, sir; your number?

22 JUROR: 160.

23 THE COURT: And what do you display?

24 JUROR: I have a little blue line on an American Flag.

25 THE COURT: Would that fact affect your ability to be

1 fair and impartial in this case?

2 JUROR: No. No, sir.

3 THE COURT: Thank you. You may be seated.

4 Does any member of the jury panel follow the York
5 County Sheriff's Office or other law enforcement
6 organization on social media? If so, please stand.

7 THE COURT: I'm an old man. I'm always shocked. I
8 butt dial my adult children about twice a week, much less
9 messing with social media, so. We'll start here on my
10 right. Your number?

11 JUROR: 32.

12 THE COURT: Who do you follow?

13 JUROR: The York -- York County---

14 THE COURT: Sheriff?

15 JUROR: ---Sheriff.

16 THE COURT: Would that fact affect your ability to be
17 fair and impartial?

18 JUROR: No.

19 THE COURT: Thank you. You may be seated. Yes, ma'am.
20 Your number?

21 JUROR: 23. 23.

22 THE COURT: All right.

23 JUROR: The sheriff's department.

24 THE COURT: Would that fact affect your ability to be
25 fair?

1 JUROR: No, sir.

2 THE COURT: Thank you. You may be seated. Yes, ma'am.

3 JUROR: 46, and the sheriff's department.

4 THE COURT: Can you be fair and impartial in this case?

5 JUROR: Uh-huh.

6 THE COURT: Thank you. You may be seated. Yes, ma'am.

7 JUROR: Number 30. Number 30. I follow the Broward
8 County in Florida.

9 THE COURT: Would that fact affect your ability to be
10 fair and impartial?

11 JUROR: No.

12 THE COURT: Thank you. Yes, ma'am, behind her.

13 JUROR: Number 4.

14 THE COURT: Yes.

15 JUROR: York County Sheriff. I just follow along on
16 Facebook.

17 THE COURT: Would that fact affect your ability to be
18 fair and impartial?

19 JUROR: No.

20 THE COURT: Thank you. Yes, sir; to my left.

21 JUROR: 67; sheriff's department.

22 THE COURT: Would that fact affect your ability to be
23 fair and impartial?

24 JUROR: No.

25 THE COURT: Thank you. Yes, sir.

1 JUROR: 21. I follow York County Sheriff's Department
2 on Facebook. No, it would not affect me.

3 THE COURT: Thank you.

4 JUROR: 88. I follow York County Sheriff and it would
5 not affect me.

6 THE COURT: Thank you.

7 JUROR: 40. I follow York County Sheriff and no, it
8 will not affect me.

9 THE COURT: Thank you. You may be seated. Yes, ma'am.

10 JUROR: 124. Me? Sorry.

11 THE COURT: I'm going to start here on my right.

12 JUROR: Me?

13 THE COURT: Yes.

14 JUROR: 124. I follow York County Sheriff's Office.
15 It would not affect my ability to be fair.

16 THE COURT: Thank you. Yes, ma'am.

17 JUROR: 121. The sheriff's department, and it will not
18 affect me.

19 THE COURT: All right. Thank you.

20 JUROR: 77. The Tega Cay Police Department. No, it
21 would not affect me.

22 THE COURT: All Right. Thank you. Yes, ma'am.

23 JUROR: 64. York County Sheriff and no, it wouldn't
24 affect me.

25 THE COURT: All right. Thank you. Has any member of

1 the jury panel ever been the victim of a crime? If you've
2 been a victim of a crime, then please stand.

3 THE COURT: All right. And, again, you may have given
4 your numbers before, we need to have a record again. Your
5 number?

6 JUROR: Start here?

7 THE COURT: Yes, sir.

8 JUROR: 173.

9 THE COURT: What type of crime?

10 JUROR: Property.

11 THE COURT: Would that fact affect your ability to be
12 fair and impartial?

13 JUROR: No.

14 THE COURT: Thank you. Yes, sir; your number?

15 JUROR: Number 2. Identity theft and assault by a
16 patient. No, it wouldn't affect me.

17 THE COURT: Thank you. Yes, ma'am, your number?

18 JUROR: Number 20. Domestic violence in Virginia and
19 property destruction here in York.

20 THE COURT: Would that fact affect your ability to be
21 fair and impartial?

22 JUROR: No, sir.

23 THE COURT: Thank you. You may be seated.

24 Does any member of the jury panel believe that if a
25 person is arrested for a crime, then they must prove their

1 innocence, or that the person accused must have done
2 something wrong in order to be accused? If you believe that
3 to be true, then please stand.

4 THE COURT: Thank you. No one stands.

5 Does any member of the jury panel follow any true crime
6 podcasts or internet sleuth groups? Then please stand.

7 THE COURT: All right. Yes, ma'am; your number?

8 JUROR: 77. And I follow them all.

9 THE COURT: All of them. Well, you can't do that
10 during the course of this trial. Would that fact affect
11 your ability to be fair and impartial?

12 JUROR: No, sir.

13 THE COURT: Thank you. You may be seated. Yes, ma'am;
14 your number?

15 JUROR: 64. And all of them.

16 THE COURT: All right. Can you be fair and impartial?

17 JUROR: Yes. I mean, yes, I can be fair and impartial.

18 THE COURT: All right. Thank you.

19 Is there any member of the jury panel ever served on a
20 jury before? If you've served on a jury, then please stand.

21 THE COURT: And my question is what type of jury? Yes,
22 ma'am, on the front row. Your number?

23 JUROR: 52.

24 THE COURT: Yes, ma'am.

25 JUROR: I served in a medical malpractice and I served

1 in a drive-by shooting, attempted murder, murder charge.

2 THE COURT: All right. Would that fact affect your
3 ability to be fair and impartial?

4 JUROR: No.

5 THE COURT: Thank you. Yes, ma'am.

6 JUROR: 124. It was a civil case.

7 THE COURT: Would that fact affect your ability to be
8 fair?

9 JUROR: No.

10 THE COURT: Yes, ma'am. Thank you. You can be seated.
11 Yes, ma'am; your number?

12 JUROR: 66. It was a traffic violation in Orangeburg
13 County.

14 THE COURT: Would that fact affect your ability to be
15 fair and impartial?

16 JUROR: No.

17 THE COURT: Thank you. Yes, sir.

18 JUROR: 139. I served on a Grand Jury in New Jersey
19 about 10 years ago.

20 THE COURT: Would that fact affect your ability to be
21 fair and impartial?

22 JUROR: No.

23 THE COURT: Thank you. Yes, ma'am.

24 JUROR: Juror 40. And I was -- it was a car accident.

25 THE COURT: All right. Would that fact affect your

1 ability to be fair and impartial?

2 JUROR: No.

3 THE COURT: Thank you. You may be seated.

4 I'm going to read through a list of potential witnesses
5 in the case. These are just potential witnesses and my
6 question is going to be is there anyone related by blood or
7 marriage or have a close business, professional or a social
8 relationship to any of these potential witnesses: Karl
9 Kleiderer; Jonathan Long; Dirk Tanis, T-a-n-i-s; Russell
10 Farris; Peter McLean. Anyone related by blood or marriage
11 or have a close personal or business relationship with
12 anyone with that name or know those individuals, then please
13 stand.

14 THE COURT: Thank you. No one stands.

15 Daniel Villada; Gabrielle Chalouhi; Barbara Pinda;
16 Steve Gould, works for the City of Rock Hill. Anyone
17 related by blood or marriage or have a close personal,
18 business or professional relationship with any of those
19 individuals, then please stand.

20 THE COURT: Thank you. No one stands.

21 Rebecca Askew of the Rock Hill Police Department; John
22 Darin Swiger of the Rock Hill Police Department; Viann
23 Brantley of South Carolina Law Enforcement Division;
24 Benjamin Ross from the South Carolina Law Enforcement
25 Division. If you know those individuals, have a

1 relationship with them, please stand.

2 THE COURT: Yes, ma'am; your number?

3 JUROR: Juror number 158.

4 THE COURT: And who do you know?

5 JUROR: Rebecca Askew. She's one of my parents at my
6 school. I know her very well.

7 THE COURT: Would that fact affect your ability to be
8 fair and impartial to both the plaintiff -- to both the
9 State and the defense in this case?

10 JUROR: No.

11 THE COURT: Thank you. You may be seated.

12 Clay Sheriff of the Oconee County Sheriff's Department;
13 Christina Lutton, Oconee County Sheriff's Department; Tamyra
14 Hogg of the York County Sheriff's Office; Tanner Davis of
15 the -- investigator of the Sixteenth Circuit Solicitor's
16 Office; Officer Chasse, C-h-a-s-s-e, of Rock Hill PD.
17 Anyone related by blood or marriage, have a close personal,
18 business or professional relationship with any of those
19 individuals, then please stand.

20 THE COURT: Thank you. No one stands.

21 Has any member of the jury panel formed or expressed
22 any kind of opinion about any issue or matter in this case?
23 If so, please stand.

24 THE COURT: Thank you. No one stands.

25 Is there any member of the jury panel aware of any bias

1 or prejudice you may have either toward the State or the
2 defendant in this case? If so, please stand.

3 THE COURT: Thank you. No one stands.

4 Is there any member of the jury panel who has any
5 religious or moral basis by which you would not be able to
6 pronounce judgment on another individual, then please stand.

7 THE COURT: Thank you. No one stands.

8 Does any member of the jury panel know of any reason
9 whatsoever why you should not serve as a juror in this case,
10 with particular emphasis being placed on your ability to be
11 fair and impartial to both the State and the defendant? Is
12 there any reason why you're unable -- why you would not be
13 able to be fair and impartial to both the State and the
14 defendant in this case, then please stand.

15 THE COURT: Thank you. No one stands.

16 Anything further as far as voir dire from the State?

17 MS. BURDETTE: Nothing from the State, Your Honor.

18 THE COURT: From the defense?

19 MR. DAVIS: Nothing from the defense, Your Honor.

20 THE COURT: All right. Thank you. All right.

21 Ladies and gentlemen, the clerk's going to call --
22 she's going to give you some instructions for our jury
23 selection. The lawyers, by law and by statute, are entitled
24 to -- the State is entitled to strike five names when
25 they're called and the defense, by statute, is entitled to

1 strike ten names in this particular case and so this next
2 process will be where the clerk has a random list and we
3 will begin with jury selection.

4 The lawyers approach.

5 (Whereupon, a Bench conference was held off the record,
6 out of the hearing of the court reporter.)

7 THE COURT: All right. In the old days when we pulled
8 juries, we would pull little balls out of a little cage they
9 rolled, randomly. Actually, the statute still says that you
10 can get a blind person or a child, I think, under the age of
11 ten, something like that, but nowadays, we let computers
12 generate a random list. So the clerk will give you some
13 instructions about when they call your name. All right.
14 Madam Clerk.

15 CLERK: All right. When I call your name and juror
16 number, please bring all your belongings and come to the
17 front and face the attorneys.

18 Juror number 156, Karen Stiles.

19 THE COURT: If you'll come up and the bailiff will give
20 you some instructions.

21 CLERK: What say ye for the State?

22 MS. BURDETTE: Please excuse this juror.

23 CLERK: You have been excused from this case.

24 Juror number 120, Jennifer Purser.

25 What say ye for the State?

1 MS. BURDETTE: Please present this juror.
2 CLERK: And the defense?
3 MR. DAVIS: Please seat the juror, Your Honor.
4 CLERK: Please have a seat in the jury box.
5 Juror number 160, Sean Thomas.
6 What say ye for the State?
7 MS. BURDETTE: Please present this juror.
8 CLERK: And the defense?
9 MR. DAVIS: Please excuse the juror, Your Honor.
10 CLERK: You've been excused from this case.
11 Juror 173, Christopher Wilson.
12 CLERK: What say ye for the State?
13 MS. BURDETTE: Please present this juror.
14 CLERK: And the defense?
15 MR. DAVIS: Please seat the juror, Your Honor.
16 CLERK: Please have a seat in the jury box.
17 Juror number 74, Kayla Jackson.
18 What say ye for the State?
19 MS. BURDETTE: Please excuse this juror.
20 CLERK: You have been excused from this case.
21 Juror number 4, Teresa Allen.
22 What say ye for the State?
23 MS. BURDETTE: Please present this juror.
24 CLERK: And the defense?
25 MR. DAVIS: Please seat the juror, Your Honor.

1 CLERK: Please have a seat in the jury box.
2 Juror number 100, Matthew Morgan.
3 What say ye for the State?
4 MS. BURDETTE: Please present this juror.
5 CLERK: And the defense?
6 MR. DAVIS: Please seat the juror, Your Honor.
7 CLERK: Please have a seat in the jury box.
8 Juror 84, Rebecca Klass.
9 What say ye for the State?
10 MS. BURDETTE: Please present this juror.
11 CLERK: And the defense?
12 MR. DAVIS: Please seat the juror, Your Honor.
13 CLERK: Please have a seat in the jury box.
14 Juror number 12, Randal Brackett.
15 What say ye for the State?
16 MS. BURDETTE: Please present the juror.
17 CLERK: And the defense?
18 MR. DAVIS: Please excuse the juror, Your Honor.
19 CLERK: You've been excused from this case.
20 Juror 77, Deanna Jones.
21 What say ye for the State?
22 MS. BURDETTE: Please present this juror.
23 CLERK: And the defense?
24 MR. DAVIS: Please excuse the juror, Your Honor.
25 CLERK: You have been excused from this case.

1 Juror 76, Rex Jennings.
2 What say ye for the State?
3 MS. BURDETTE: Please present this juror.
4 CLERK: And the defense?
5 MR. DAVIS: Please seat the juror, Your Honor.
6 CLERK: Please have a seat in the jury box.
7 Juror number 3, Domeek Allen.
8 What say ye for the State?
9 MS. BURDETTE: Please present this juror.
10 CLERK: And the defense?
11 MR. DAVIS: Please seat the juror, Your Honor.
12 CLERK: Please have a seat in the jury box.
13 Juror number 85, Thomas Klingsensmith.
14 What say ye for the State?
15 MS. BURDETTE: Please present this juror.
16 CLERK: And the defense?
17 MR. DAVIS: Please seat this juror, Your Honor.
18 CLERK: Please have a seat in the jury box.
19 Juror number 18, Michael Brunnemer.
20 What say ye for the State?
21 MS. BURDETTE: Please excuse this juror.
22 CLERK: You've been excused from this case.
23 Juror number 57, Brandy Haney.
24 What say ye for the State?
25 MS. BURDETTE: Please present this juror.

1 CLERK: And the defense?

2 MR. DAVIS: Please seat the juror, Your Honor.

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

4 Juror number 52, Lori Gross.

5 What say ye for the State?

6 MS. BURDETTE: Please present this juror.

7 CLERK: And the defense?

8 MR. DAVIS: Please seat the juror, Your Honor.

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

10 Juror number 45, Wesley Fowler.

11 What say ye for the State?

12 MS. BURDETTE: Please present this juror.

13 THE COURT: And the defense?

14 MR. DAVIS: Please seat the juror, Your Honor.

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

16 Juror 132, Jalen Rosario.

17 What say ye for the State?

18 MS. BURDETTE: Please present this juror.

19 CLERK: And the defense?

20 MR. DAVIS: Please seat the juror, Your Honor.

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

22 THE COURT: On the alternates, the strikes are one and

23 two. We want to pick two alternates.

24 CLERK: Juror 146, Joshua Sigmon.

25 What say ye for the State?

1 MS. BURDETTE: Please present this juror.

2 CLERK: And the defense?

3 MR. DAVIS: Please seat the juror, Your Honor.

4 CLERK: All right. Please have a seat in the jury box.

5 Juror number 44, Joshua Fite.

6 What say ye for the State?

7 MS. BURDETTE: Please present this juror.

8 CLERK: And the defense?

9 MR. DAVIS: Please excuse the juror, Your Honor.

10 CLERK: You've been excused from this case.

11 Juror 168, Arielle Waldrop.

12 What say ye for the State?

13 MS. BURDETTE: Please present this juror.

14 CLERK: And the defense?

15 MR. DAVIS: Please seat the juror, Your Honor.

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

17 THE COURT: All right. Thank you. Anything further as
18 far as jury selection from the State?

19 MS. BURDETTE: Nothing from the State, Your Honor.

20 THE COURT: From the defense?

21 MR. DAVIS: Nothing from the defense, Your Honor.

22 THE COURT: All right. Ladies and gentlemen, those of
23 you who have not been selected as jurors in this particular
24 case, if you will call back tonight after 6:00, you'll get
25 instructions on when you'll be needed next or you'll get

1 some instructions from the clerk's office about when we'll
2 possibly need you next. So call back tonight after 6:00 to
3 the number that was provided you by the clerk. With that,
4 everyone else remain seated and the big panel, y'all can --
5 you're relieved for the rest of the day. Call back tomorrow
6 morning -- I'm sorry -- call back tonight.

7 (Whereupon, the jury pool exited the courtroom at 3:07
8 P.M.)

9 MR. EPTING: Your Honor, may we approach very briefly?

10 THE COURT: Yes, you may.

11 (Whereupon, a Bench conference was held off the record,
12 out of the hearing of the court reporter.)

13 THE COURT: All right. Thank you, ladies and
14 gentlemen. Those of you who have been selected as jurors,
15 we're not going to start the trial today. We have a whole
16 afternoon of other issues that we've got to take up outside
17 of your presence; however, I will need you back tomorrow
18 morning at 9:30. Be back tomorrow morning at 9:30. The
19 clerk's going to show you out in just a moment, give you
20 some instructions about tomorrow, but we'll be here 'til
21 9:30 -- need you here at 9:30.

22 Generally, what we do once the trial gets started, we
23 usually try to go for an hour, hour and a half before we
24 take a break. I'll give you some other instructions on that
25 tomorrow, but we'll take a break if you need it anytime,

1 simply by raising your hand, we'll give you a break.

2 We generally try to take about an hour and a half for
3 lunch. It takes about an hour and a half from the time you
4 leave, go get something to eat and come back, and then
5 depending on where we are as far as the movement of
6 witnesses and how many witnesses we go through, you can
7 expect to be here 'til around 5:00 or 5:30 before we break.
8 Sometimes we break earlier than that. Generally, I try not
9 to go beyond 5:30. People have responsibilities at home and
10 that kind of thing, but that's sort of the lay of the land.

11 When you come back in tomorrow, you can sit wherever
12 you want to sit, except the two alternates, the last two
13 that were chosen. If y'all would keep those two seats
14 throughout the trial. The rest of you can sit wherever you
15 want to. Feel free to bring water in the courtroom with
16 you. We ask that you not bring coffee or soft drinks. This
17 is what I still consider a relatively new building. It's
18 still pretty nice and that's because we don't have coffee
19 stains and soft drink stains on the floor, but we all have
20 water available to us. Y'all feel free to bring your water
21 in and out with you.

22 There will be no note taking in the case. So don't
23 come prepared with a pad and pencil to take notes. There'll
24 be no -- you know, will be no note taking during the course
25 of the trial.

1 The instruction you're going to hear throughout the
2 trial until the very end of the trial is you're not to
3 discuss the case at all. Even though you don't know much
4 about it, I'm instructing you when you leave, if you're back
5 in the jury, you can't even discuss it among yourselves. I
6 ask you not to discuss it at home with the people you live
7 with, tonight or anytime this week. I'm instructing you
8 don't be using your electronic devices to Google people,
9 places or things or see what you can dig up about the case
10 or people involved in the case. There's a reason behind
11 that. You're going to be sworn in tomorrow morning to be
12 fair and impartial to both the State and the defense and the
13 only way you can do that in rendering a verdict that's
14 proper is that if you're limited to what you see and hear in
15 this courtroom and not something that you've dug up on your
16 own outside. So -- and then, even then, what you see and
17 hear in the courtroom is also going to include, at the end
18 of the case, what I will give you, the instructions on the
19 law that applies in the case. So you've got to wait 'til
20 all the way to the end of the case before you can tie all of
21 that stuff together and so that's sort of the rationale and
22 the basis behind which we instruct you not to have any
23 conversation about the case, don't be talking among
24 yourselves and even when the trial starts, you go back in
25 the jury room, I instruct you -- you're going to hear this

1 over and over and over again from me, is don't go back and
2 start talking about the case in the jury room 'cause you
3 haven't heard all the evidence and you don't know what the
4 law is in a particular case and you'll start forming
5 opinions that could be faulty based on what you haven't seen
6 or heard. And so, again, don't discuss the case at all.

7 With that, I'm going to release you to go home for the
8 evening. Again, be back at 9:30 tomorrow morning. Sometime
9 during the course of the day tomorrow, I'll ask you to
10 select a foreperson from among yourselves. I'll give you
11 some more instructions on that tomorrow. However,
12 basically, a foreperson has no greater say in the outcome of
13 a case or the deliberations. The foreperson simply is
14 something -- someone on the jury panel that the Court may
15 need to communicate back and forth with the jury through the
16 foreperson and the foreperson is responsible for seeing that
17 the deliberations take place in an orderly fashion, but I'll
18 give you an opportunity to select a foreperson from among
19 yourselves sometime probably tomorrow afternoon.

20 With that, I'm going to allow you to be excused for the
21 evening. Be back tomorrow morning at 9:30. All right.
22 Everyone else remain seated while this jury panel is
23 excused.

24 (Whereupon, the jury exited the courtroom at 3:07 P.M.)

25 THE COURT: All right. Thank you.

1 MR. DAVIS: Your Honor, do you want to talk to that
2 other juror that Ms. Burdette knows?

3 THE COURT: Oh, I'm sorry. Can you ask Mr. Morgan,
4 juror number 100, I need to speak to him. Tell him he's not
5 in trouble. I just need to ask him something.

6 (Juror number 100 entered the courtroom)

7 THE COURT: Mr. Morgan,---

8 JUROR: Yes, sir.

9 THE COURT: --you're juror number 100. You're not in
10 any trouble.

11 JUROR: Good. Whoof.

12 THE COURT: One of the lawyers, actually, Heather
13 Burdette, works for the solicitor's office indicated that
14 she sees you sometimes at the school where y'all may have
15 children attend together and we want to just put that on the
16 record and be sure that you -- do you know Ms. Burdette?

17 JUROR: Ms. Bur- --

18 THE COURT: Burdette.

19 MS. BURDETTE: Hey.

20 JUROR: I may have seen, but I don't remember.

21 THE COURT: All right. Would that fact affect your
22 ability to be fair and impartial in this case?

23 JUROR: No, sir.

24 THE COURT: All right. Thank you. You can go home.

25 JUROR: All right.

1 THE COURT: All right. Thank you. Heather, I think
2 that's the wise -- the best --

3 MS. BURDETTE: Thank you, Your Honor. I just wanted to
4 point it out in case he got into trial, and was like
5 Burdette, that name.

6 THE COURT: Right. That's better addressed on the
7 beginning from the getgo.

8 All right. What pretrial issues do we have? What I'd
9 like to sort of know what they are. Before we start taking
10 about them, we're going to take a break, but just tell me
11 what they are from the -- let's start with the State.

12 MS. BURDETTE: Your Honor, the State has provided you
13 with a copy. We just request that all witnesses be
14 sequestered with the exception of the victims and the case
15 agent.

16 THE COURT: Any objection to that?

17 MR. DAVIS: No objection to that, Your Honor.

18 MS. BURDETTE: We request that if the --

19 THE COURT: We need to be sure and remind tomorrow
20 morning, remind me to give that instruction to the -- well,
21 you need to instruct your witnesses.

22 MS. BURDETTE: Yes, Your Honor.

23 THE COURT: But I'll say that again in court, too,
24 tomorrow.

25 MS. BURDETTE: Yes, Your Honor. The defense certify

1 that they have complied with reciprocal Rule 5, motion for
2 discovery and disclosure of evidence.

3 THE COURT: Mr. Davis?

4 MR. DAVIS: We have complied, Your Honor.

5 THE COURT: All Right.

6 MS. BURDETTE: The State requests that the defense
7 refrain from referencing any potential penalties of each
8 charge in the presence of the jury.

9 THE COURT: Well, that -- I think they -- hopefully,
10 they know that rule. Refrain from --

11 MS. BURDETTE: And we just ask the ---

12 THE COURT: -- refrain from referring to any penalties
13 whatsoever.

14 MR. DAVIS: We understand the rule and we'll comply,
15 Your Honor.

16 THE COURT: All right.

17 MS. BURDETTE: Your Honor, last is just the defense
18 refrain from eliciting self-serving hearsay, that includes
19 -- there's some interviews that the defendant did with law
20 enforcement. The State does not plan on introducing those
21 at trial. So we would ask that they refrain from eliciting
22 that hearsay.

23 THE COURT: Well, they are statements that he gave to
24 law enforcement?

25 MS. BURDETTE: Yes, Your Honor.

1 THE COURT: All right. Mr. Davis, what's your --

2 MR. DAVIS: We don't have any issue with eliciting any
3 self-serving hearsay, Your Honor, but, you know, whether my
4 client testifies or not's a different matter.

5 THE COURT: Right. The eliciting self-serving hearsay
6 -- okay. We'll deal with that when we get to that point.

7 MS. BURDETTE: Right.

8 THE COURT: Let me just be sure that what you're -- are
9 there -- are there law enforcement interviews that were
10 recorded that are evidence in the case?

11 MS. BURDETTE: Not that the State plans on introducing
12 as evidence.

13 MR. EPTING: None that were done with the defendant,
14 Your Honor, and none that will be done without a court
15 temperance(ph), so there will not be hearsay.

16 THE COURT: Okay. All right. All right. That handles
17 it. All right. Y'all have any other pretrial issues?

18 MR. EPTING: Beg the court's indulgence.

19 MS. BURDETTE: That's all from the State, Your Honor.

20 THE COURT: All right. And then, Mr. Davis?

21 MR. DAVIS: May I approach, Your Honor?

22 THE COURT: Yes, please. I said we were going to take
23 a break, but we're -- wait 'til I receive the list.

24 (Whereupon, Mr. Davis passed a document up to the
25 Court.)

1 THE COURT: I tell you what, let's take about a 15-
2 minute break and -- or so and I'll look through these
3 motions and then we'll be back on the record and then we
4 need to have everybody else lined up for moving all this
5 other stuff so we can get through. Okay.

6 MR. EPTING: Thank you, Your Honor.

7 THE COURT: All Right. We're going to take a 15-minute
8 break.

9 (Whereupon, a brief recess was observed from 3:13 P.M.
10 until 3:33 P.M.)

11 THE COURT: All right. We're back on the record in the
12 case of *State versus Nathaniel John Jenkins*. He's got 16
13 different indictments for burglary, petit larceny, grand
14 larceny, unlawful entry of an aircraft and a multitude of
15 related charges. We had -- the jury's been selected, sent
16 home, have not been sworn in. We've been through the
17 pretrial motions for the State and let's work through the
18 defendant's pretrial motions.

19 The first motion by the defense, has the State complied
20 with Rule 5?

21 MS. BURDETTE: We have, Your Honor.

22 THE COURT: All right. Prior records, if any, if he
23 intends to testify?

24 MR. EPTING: Your Honor, under 609, we believe he has
25 multiple convictions that would qualify under both parts.

1 He has a conviction for receiving stolen goods over 10,000
2 for which he received a 5-year sentence in 2013. Our belief
3 is that puts it within the 10-year range envisioned by 609.
4 He has a conviction for habitual traffic offender from 2015.
5 He has convictions for financial transaction card fraud as
6 well as forgery. We believe those, under 609, qualify as
7 crimes of dishonesty that we could inquire about
8 specifically as to the charge from 2017. That would be the
9 extent of the charges we found.

10 THE COURT: Well, the one about honesty would just be
11 the forgery; right?

12 MR. EPTING: I believe the fraud charge would qualify
13 as well.

14 THE COURT: I'm sorry. Tell me -- I have receiving
15 stolen goods, HTO, forgery. What was the other one?

16 MR. EPTING: Financial transaction card fraud from
17 2017.

18 THE COURT: All right. So the first two would be have
19 you been convicted of a crime that carries more than a year
20 and then you're arguing that it should go into a little more
21 specifics on the forgery and the fraud because they're
22 crimes.

23 MR. EPTING: Yes, Your Honor. The State's position is
24 that we can ask him if he's been convicted of that crime by
25 name without going into the underlying facts under the Rules

1 provided under 609.

2 THE COURT: All right. Mr. Davis, do you have a
3 position on that?

4 MR. DAVIS: We do not have a position on this at this
5 time, Your Honor. I'd like to revisit it should my client
6 decide to testify.

7 THE COURT: All right. Well, for his information, I'm
8 inclined to rule with the State that those would be
9 admissible, but we'll see where we are at that point in the
10 trial.

11 MR. EPTING: Yes, Your Honor. And just, as an Officer
12 of the Court, the defendant has had multiple other prior
13 convictions we believe lie outside the 10-year range, but
14 should those be inquired in some way, shape or form on
15 direct or cross-examination, we would like -- also like to
16 revisit those as well.

17 THE COURT: All right. He's just making an opening the
18 door argument. If you open the door with your questions, he
19 might delve into it. That's an in-trial issue. We'll deal
20 with that as it comes up.

21 MR. EPTING: Thank you, Your Honor.

22 MR. DAVIS: Understood, Your Honor. Thank you.

23 THE COURT: All right. How about number 5, any Lyle,
24 any prior bad acts?

25 MR. EPTING: Your Honor, we don't intend to introduce

1 any prior bad act evidence insofar as any of the factors
2 under *Lyle*. I understand that may ~~be~~ and the reason I'm
3 hesitating is that may become complicated depending upon the
4 ruling as to the direct indictment for petit larceny that is
5 on this list of motions by the defense.

6 THE COURT: All right. All right.

7 MR. EPTING: And, Your Honor, we have -- we will
8 instruct our witnesses that they will be sequestered and I
9 believe we provided any criminal histories we have. I don't
10 believe we had any in this case for any of our lay
11 witnesses.

12 THE COURT: All right.

13 MR. DAVIS: I haven't received any if you --

14 MS. BURDETTE: We don't have any.

15 THE COURT: You had indicated there were no statements
16 made to law enforcement. Is that right?

17 MS. BURDETTE: Yes, Your Honor.

18 THE COURT: There's no *Jackson v. Denno* issues. How
19 about the ID under *Neil v. Biggers*?

20 MR. EPTING: There were no lineups in this case, Your
21 Honor. My understanding is that the testimony will be from
22 the cooperating co-defendants as well as an independent
23 third eyewitness, that they knew the defendant, that they
24 flew with him multiple times. They knew each other from
25 around the airports. However, they were not shown a lineup

1 or done any type of identification procedures by law
2 enforcement in any way, shape or form that I'm aware of.

3 THE COURT: All right. Is the -- so any identification
4 is -- what you're arguing is going to be limited to the co-
5 defendant and another witness who personally know him and
6 is -- are they going to identify him on a video? Is that --

7 MR. EPTING: Yes, Your Honor.

8 THE COURT: All right. Mr. Davis, do you have a
9 position on that?

10 MR. DAVIS: I have no objection to those people
11 identifying my client on that video as long as the video is
12 introduced to the jury, Your Honor.

13 THE COURT: All right.

14 MS. BURDETTE: It will be, Your Honor.

15 THE COURT: All right. Thank you. All right. Number
16 8; just that's the standard, the State or the defense and
17 the Court and its instructions to the jury. I think that
18 was actually jury instruction in that particular case, *State*
19 *v. Beatty*, where the judge charged that it was -- I think it
20 was -- maybe it wasn't jury instruction. I think it used to
21 be in our prior preliminary remarks about it's a search for
22 the truth, but that's not what we're about. That sounds
23 sort of bad, doesn't it?

24 MR. BURDETTE: Your Honor, the State acknowledges that--

25 -

1 THE COURT: About the proof beyond a reasonable doubt.

2 MS. BURDETTE: ---and we don't plan on doing that.

3 THE COURT: All right. How about number 9, exclude
4 testimony regarding FAA or airport regulations or
5 procedures?

6 MR. EPTING: We believe that there's a sufficient basis
7 of knowledge laid that that should be evidence that is
8 before the jury on this case, Your Honor.

9 THE COURT: All right. Tell me about your motion, Mr.
10 Davis.

11 MR. DAVIS: Your Honor, it's two things. Number 1,
12 there's no -- they're -- they would have to lay that basis
13 and that basis -- they have to have a foundation for any
14 statements made that an FAA regulation was violated or an
15 airport regulation or procedures were violated, and then it
16 would go to relevance. The elements he's on charge with are
17 larceny, burglary, breaking into aircraft. None of them
18 have to do with any FAA regulations. These are all things
19 that happened on the ground. They don't -- and they don't
20 have anything to do with any airport regulations, unless
21 there is -- a foundation is laid for that, other than oh,
22 he's -- you know, he's doing something wrong. No one cares
23 if you broke the speed limit on the way to the bank robbery.
24 What matters is whether or not you robbed the bank. So we
25 need to focus on what the elements of the offense are and

1 what is relevant to that.

2 THE COURT: Mr. Epting.

3 MR. EPTING: I believe the testimony the defense is
4 referring to is that at some point in time there's
5 allegations that the defendant turned off a transponder on
6 the plane. I would not analogize that to speeding. I would
7 analogize that to turning the lights of a car off while
8 you're driving at night. I believe that it goes to his
9 intent to conceal his identity from the airport as well as
10 other people that may be monitoring radar. Again, with a
11 sufficient basis laid about knowledge of those regulations
12 and failure to comply with them, we think that's relevant
13 for the jury insofar as it goes towards his intent to commit
14 a crime that night.

15 THE COURT: All right. We'll deal with that as it
16 comes up in the course of the trial, but just for your
17 information, if it's being presented the way the solicitor
18 has indicated that it was a transponder -- is that what we
19 call them, transponder?

20 MR. EPTING: I may have butchered it.

21 THE COURT: Whatever the proper -- what's the proper
22 name for those things, Mr. Davis?

23 MR. DAVIS: It is a transponder, Your Honor, but once
24 again, we'd have to talk about what a proper foundation
25 might be in this case.

1 THE COURT: Okay. We'll see where we are, but my
2 inclination is that that would be admissible, because it is
3 relevant to his location at the time and is relevant to
4 whether he was trying to conceal his movements as well, but
5 we'll deal with that during the course of the trial as it
6 comes up.

7 Number 10. What's the basis of that, Mr. Davis?

8 MR. DAVIS: Once again, Your Honor, I don't want any
9 testimony regarding reviewing of the video or identifying my
10 client off the video, any actions he took on the video
11 without showing the video to the jury.

12 THE COURT: All right.

13 MR. DAVIS: I think that's a rule on completeness and
14 best evidence.

15 MR. EPTING: There are two videos in this case, Your
16 Honor, one from an incident that occurred in November. That
17 video was preserved and we intend to introduce that. The
18 allegations are that in December, a couple of weeks -- a
19 week or two after the first incident, there was a second
20 time when the defendant, as well as his co-defendant and an
21 uncharged third party, went to the same Rock Hill Airport
22 and this time broke into a hangar that was secured by locks.
23 The video there was preserved by the airport, shown to law
24 enforcement and at some point in time that video was not
25 preserved. It was deleted. It was purged. It's no longer

1 in existence. My understanding is that after -- that after
2 reviewing the evidence, that was because it did not show any
3 actions on the video itself. I'm not sure exactly what Mr.
4 Davis is moving as far as testimony on that, but we do
5 intend to introduce evidence that the video was seen, that
6 nothing was on it and that it was destroyed or purged.

7 MR. DAVIS: Your Honor, I have a right to view that
8 video. I have a right to decide whether or not that helps
9 my case or not. It's not their decide -- decision to purge
10 it just 'cause it doesn't support their conclusion that Mr.
11 Jenkins did this. I don't know what was on that video and
12 this is -- this goes to the heart of discovery, is that I
13 don't know what was on there and without reviewing it, I
14 don't know what the video showed. For all I know, the video
15 shows a completely different plane landing. It may show a
16 completely different set of facts that don't support the
17 conclusion the State's trying to reach.

18 THE COURT: All right.

19 MR. DAVIS: So I ask that we not -- we exclude all the
20 -- any mention of that video.

21 THE COURT: All right. We have one video from the --

22 MR. DAVIS: November.

23 THE COURT: November. All right. And then this is the
24 second video that supposedly someone -- you anticipate
25 somebody was going to testify that a video was made. They

1 looked at it. They didn't see any and now that video's been
2 lost?

3 MR. EPTING: The video, I believe, was purged by time
4 limit by the Rock Hill Airport. It wasn't deleted by the
5 people, but because it was not, I guess, stored separately,
6 the system purged it after 45 days.

7 THE COURT: All right. Well, --

8 MR. DAVIS: And, Your Honor, I'd just like to add that
9 we have the video from before that. So if it was purged,
10 then it was done -- it's awfully odd that the one that was
11 older is available to us, but the one that was newer is not.

12 THE COURT: Yeah. I'm going to grant that motion
13 preliminarily. Again, this is a motion in limine and what
14 happens at trial could change that. However, if there was a
15 video that existed and the defense never saw that video and
16 now we're going to take testimony from an individual or
17 individuals who claim they saw that video and what was
18 purportedly on the video or not on the video, and then they
19 don't have an opportunity to cross-examine on that video,
20 I'm not going to allow that in.

21 MR. EPTING: Yes, Your Honor. And just to -- if the
22 State may be heard very briefly.

23 THE COURT: Yes.

24 MR. EPTING: We respect Your Honor's ruling. Does that
25 preclude -- and I guess trying to envision how this trial

1 plays out. If that video's not coming in and that video's
2 not mentioned, is that later fair game for the defense to
3 argue to the jury the absence of that video when it was not
4 testified to and explained by law enforcement or third
5 parties from the airport?

6 THE COURT: You know, this is the old defense, where's
7 the video, when the Court has ruled. I'll mull over that
8 overnight, 'cause obviously they didn't have anything to do
9 with the video being -- being wiped out. I'll rule on that
10 and let you know in the morning whether he can -- whether he
11 can reference that or not, particularly during opening.

12 MR. DAVIS: And, Your Honor, what I ask the Court
13 would, you know, make that ruling in limine so we could
14 address that later in the trial as new facts are developed.

15 THE COURT: That's right. Okay. That's the case with
16 any piece of evidence that comes up and is admitted in the
17 course of a -- all right. So I ruled on any reference by
18 the defense to, in essence, where's the video? They don't
19 have the video. Well, they don't have the video. That's --
20 like everything else in court, Mr. Epting, that's a double-
21 edge sword, that video. It may -- anyway, I won't tell you
22 how to try your case.

23 Number 11. Any evidence produced within -- any
24 evidence that's been produced within 45 days of trial?

25 MR. DAVIS: Yes, Your Honor. They produced a phone rip

1 to me October 31st. These are very large, as the Court
2 probably knows, and this is well within the 45-day window.
3 In fact, it's within the 20-day window of trial. So I ask
4 the Court that the State should not be allowed to present --
5 use any of the evidence in that phone rip. I'm speaking of
6 the phone that was in my client's possession when he was
7 arrested in Greenville. They've had that since January of
8 this year.

9 THE COURT: Yeah. State?

10 MS. BURDETTE: Your Honor, that phone rip was done by
11 SLED. It had to go through a taint review and it was State
12 Grand Jury material so, like we said in chambers earlier,
13 there was a lot of State Grand Jury material that we did not
14 have access to. They had to get a judge to go sign an order
15 for me and Mr. Davis to review that information. I got it
16 on the exact date that I sent it to Mr. Davis and I've
17 reviewed it and I have provided it to him as soon as I got
18 it.

19 THE COURT: And tell me again when you provided it.

20 MS. BURDETTE: It was sent to him straight by -- from
21 SLED.

22 THE COURT: Okay. So he got it the same time you did?

23 MS. BURDETTE: Yes, Your Honor.

24 THE COURT: All right.

25 MS. BURDETTE: It's a link through, I believe it was,

1 Kiteworks.

2 THE COURT: All right. Well, I note your objection,
3 Mr. Davis; however, I'm going to deny that motion to prevent
4 them from introducing that.

5 MR. DAVIS: But, Your Honor, I would add that SLED is
6 an arm of the State and that information was in possession
7 of the State and *Brady* and his progidy says it doesn't
8 really matter what bucket they put it in, it's the
9 responsibility to be produced and I'm asking right now that
10 the State not be allowed to use it in their case. Now, if
11 the door is open to it, you know, the Court can always re-
12 -- take another look at it, but the excuse that SLED didn't
13 give it to them is like saying that, oh, the county
14 sheriff's office had it, we didn't get it.

15 THE COURT: What's the prejudice to your client?

16 MR. DAVIS: Your Honor, it is about a 17 gigabyte file
17 and go through it, you know, and finding out exactly
18 everything that's in there would be very difficult on such
19 short notice. That's why the docketing order that the
20 Supreme Court has issued has given us a time line.

21 THE COURT: I've got a copy of the docketing order.

22 MR. DAVIS: That we don't have -- that we have
23 discovery complete at some point and we're not dropped a 17-
24 gigabyte phone rip just 18 days before trial.

25 THE COURT: All right. Do y'all intend to use anything

1 off the phone?

2 MS. BURDETTE: We do, Your Honor.

3 THE COURT: And what?

4 MS. BURDETTE: And the reason was not because SLED just
5 had it in their possession. It's State Grand Jury.

6 THE COURT: Just tell me what it is you want to use off
7 of it.

8 MS. BURDETTE: There's text messages that the co-
9 defendant will introduce. There's text messages that
10 another witness will introduce, and then there is a time
11 line of the defendant's information. We're specific around
12 our incident date and we are only going to use that time
13 line of the incident dates and that shows things that the
14 defendant researched and anything relevant to these cases
15 only in Rock Hill. We've redacted all of his grinder
16 material. We've redacted anything that's not relevant to
17 this case and we're only choosing the incident dates that we
18 are going to introduce.

19 THE COURT: All right. All right. Well, again, Mr.
20 Davis, I note your objection; however, I'm going to deny
21 that motion. I'll allow them to refer to information that
22 they got off of the phone rip. Have those specific things
23 that you intend to use, have they been provided to -- Mr.
24 Davis is aware of what the State's going to use off of the
25 phone rip. Is that right?

1 MR. DAVIS: No, Your Honor. They just gave me the 17-
2 gigabyte phone dump. They gave me a link to it and that's
3 all I've got.

4 THE COURT: Well, they say they got information off of
5 it---

6 MR. DAVIS: Uh-huh.

7 THE COURT: ---that they intend to use at trial. Have
8 y'all told him what information you're going to use off that
9 rip?

10 MS. BURDETTE: We told him texts and emails, but not
11 exactly the text messages and emails that we plan on
12 introducing.

13 THE COURT: Now, why is that? Why did you not -- I
14 assume -- can you not -- and, again, I'm completely ignorant
15 on this kind of stuff. Can you not press copy and give that
16 to him or could it be --

17 MS. BURDETTE: Actually, no, Your Honor. Our IT
18 department has been working very hard, because it wasn't
19 until late last night that I was able to pull up an
20 extraction report because it kept crashing our computers.
21 So it's -- when it came from SLED, they had to do a taint
22 review because there was attorney/client privileged
23 information on there, so they had to take all of that
24 information out of there before they could provide it and
25 so, basically, what I've done is I just went to the incident

1 and I'm just using that information. If there's anything
2 outside of that, we're just going off of these incidents in
3 Rock Hill.

4 THE COURT: So you didn't receive -- you didn't decide
5 what you were going to use off of it until last night?

6 MS. BURDETTE: Until I got it and looked it over.

7 THE COURT: And that was last night?

8 MS. BURDETTE: Yes, Your Honor.

9 THE COURT: Well, that's --

10 MS. BURDETTE: As far as the time line. But I've asked
11 Mr. Davis several times if he was able to open it and review
12 everything and each time I asked him, he said yes.

13 MR. DAVIS: I might be able to open. Your Honor, I'd
14 like to go on the record I've not been able to review
15 everything. I was able to open the link. I have access to
16 it, but I did not have the time to go through all the data
17 and I don't know if the Court's familiar with the format
18 they're presented in, but it is not a user-friendly format.
19 We just have the ability to look at reports. We don't have
20 the ability to really dig through a phone like you normally
21 would.

22 MR. EPTING: Your Honor, we have had several meetings
23 leading up to this case, discussing pretrial issues to try
24 to narrow down the issues. We have discussed which time
25 lines, which -- I mean, times lines; I'm conflating. We

1 have discussed what time periods we're planning on
2 introducing evidence on and actually changed our
3 presentation of this based upon a request of the defense to
4 join both of those. Initially, we told them we were only
5 focusing on the November date. He said he was going to have
6 a motion to join them. We conceded to that. Getting the
7 information off of the phone has been quite an ordeal
8 because of the software program that we need to extract it,
9 but I don't think there's been any illusions what time
10 period for the phone.

11 THE COURT: All right. So the phone information only
12 applies to the December charges?

13 MR. EPTING: It applies to both November and December.

14 THE COURT: I mean, what's it say? What are you going
15 to say? What is --

16 MS. BURDETTE: Your Honor, on the defendant's phone
17 records, he is Googling -- on the day of the incident, he's
18 Googling covert instruments, lock-pick sets, jigglers tools,
19 Red Team tools. He is texting the co-defendant about
20 flying. There's emails where he did purchase those lock
21 picks and Jiggler tools and we plan on introducing that
22 evidence, that he was researching these tools to break into
23 the airplane and, obviously, the defense can say these tools
24 are used for anything. We understand that they can make
25 that argument, but we plan on presenting that he was looking

1 up this information, and it is specific to the 28th and
2 29th, and he was making calls to the co-defendant leading up
3 to the incident.

4 THE COURT: And that was only 'til last night that you
5 were able to get that in a form --

6 MS. BURDETTE: We could pull it up, but we couldn't
7 print it off or save it to limit it down. So we could pull
8 it up ---

9 THE COURT: How are you going to present it to a jury?

10 MS. BURDETTE: I've printed it off now. So that's what
11 IT was working on, was getting me to print it off, to -- so
12 that I don't have to show them the whole USB.

13 THE COURT: So what you intend to present to the jury
14 is eight and a half by eleven pieces of paper with the
15 printed off searches?

16 MS. BURDETTE: Yes, Your Honor, and I actually have a
17 copy right here.

18 THE COURT: All right. Well, here's the thing: I'm
19 not going to let it in. If y'all -- if it -- y'all call
20 the case for trial. You know, the rule says ready means
21 ready. It doesn't mean we allow evidence in that's only
22 being able to be presented in a form 24 hours before trial.
23 That's the purpose of the rule, to avoid that. I understand
24 the thing y'all are going through as far as what did you
25 get. You got a State-wide Grand Jury investigation going

1 on, but the case is scheduled for trial today. That was a
2 decision somebody else made. Information is being provided
3 that he's entitled to in a form in which he can see it and
4 that is incumbent on the State if that information is in
5 there, whether it's exculpatory or inculpatory. Your
6 argument that it's inculpatory, it points toward his guilt,
7 and so I'm not going -- well, that goes to statements, but
8 still evidence, but I'm not going to let anything that
9 you discovered or put in a form that could be used last
10 night. That won't come into evidence.

11 MR. EPTING: Your Honor, just for clarification. The
12 defense did have access to this material. They could read
13 the same internet searches, the same text messages, the same
14 conversations that we're intending to introduce. All that
15 we've done is we've limited that to a time frame. So they
16 had that material in their possession; however, just not in
17 this --

18 THE COURT: Well, that's what I mean, and maybe it's my
19 -- maybe it's my ignorance on data in the form that it's in.
20 And so you're arguing that he had it, he could -- he could
21 have -- he could have found it since the 21st of October?

22 MR. EPTING: Yes, Your Honor. We made multiple --

23 THE COURT: Okay. Hold on a minute.

24 MR. DAVIS: The 31st of October, Your Honor.

25 THE COURT: All right.

1 MR. EPTING: And we've made multiple reach -- we've
2 reached out multiple times to ensure that he had access, was
3 able to open the program, was able to peruse it, was able to
4 review the data that was on the phone. All that we have
5 done is pull the data from the incident dates that is
6 material to our case, Your Honor. It would substantially
7 limit --

8 THE COURT: Let me see what it looks like on the paper.
9 I need to know what you're talking about.

10 (Whereupon, the referenced document was passed up to
11 the Court.)

12 THE COURT: How many pages is this?

13 MS. BURDETTE: I have not counted, Your Honor.

14 THE COURT: All right. I'm not going to let it in. I
15 mean, it's still -- you know, he only got it and today's the
16 18th. He got it on the 31st. And what's been presented to
17 the Court and told the Court is that this is a -- what they
18 intend to use is a limited portion of what must be a very
19 huge cache of information from his phone. I have probably,
20 I don't know, 50 pages. There's about 18 entries per page.
21 That would be 900 entries. Is that right? Fifty times 18?

22 MR. EPTING: Yes, sir.

23 MR. DAVIS: That's correct, Your Honor.

24 THE COURT: 900 entries just that someone would have to
25 study very closely to be able to understand what they say

1 and to glean that out. Again, that was a matter of the case
2 not -- you know, the case -- if that was evidence that was
3 intended to use at trial, the State could have chosen to
4 call the case later on after they knew before last night
5 what they were going to use and so I'm going to abide by
6 that ruling. We'll see where we are during the course of
7 the trial.

8 MR. EPTING: Yes, Your Honor. That does substantially
9 impair our ability to prosecute this case, given the
10 importance of the evidence that is in that material, but we
11 hate to do it, we respectfully ask at this point in time,
12 given Your Honor's ruling, a continuance to give the defense
13 time to review that material. In the alternative, I would
14 ask for a brief break so we can consult on how best to
15 proceed.

16 THE COURT: Well, I'm not going to tell you how to try
17 your case. Whether he's talking about -- well, what is the
18 evidence that you have that he went into a building? I
19 mean, that's the burglary; right?

20 MR. EPTING: Yes, Your Honor.

21 THE COURT: And what is the evidence?

22 MR. EPTING: As to the burglary, it would be the
23 statements of charged co-defendant, as well as an uncharged
24 person that was present that --

25 THE COURT: I mean, so what you're talking about is

1 corroborative evidence?

2 MR. EPTING: Yes, Your Honor. But it -- it's really
3 conspirators engaging in a conspiracy within that to commit
4 these very crimes and in some -- and some -- to some extent
5 to cover up their tracks in committing these crimes.

6 THE COURT: All right. Well, I'll look at that again
7 tonight. I'll make my final ruling in the morning, but I'm
8 inclined to not allow that in and I'll consider that as a
9 motion to continue the case. I'll rule on -- well, Mr.
10 Davis, do you wish to be heard on that?

11 MR. DAVIS: Yes, Your Honor. We would oppose any
12 motion to continue. This case they've been bringing forth
13 to trial and they claim they've only gotten the evidence on
14 the 18th, why would they even put it on the docket? It was
15 on the docket long before that, Your Honor. I mean, I don't
16 believe that -- this evidence cannot be so critical to the
17 case going forward that they -- that we would have to, you
18 know, put this -- grant a continuance in this case. I think
19 we're ready to go forward. We're ready to take this to
20 trial. My client wants to resolve this. He has been --
21 he's been incarcerated since he got arrested back in January
22 and he'd like to resolve these charges.

23 THE COURT: Okay. All right. I'll take a look at that
24 issue. Again, I'm inclined to abide by my ruling and not
25 allow it in, but I'll revisit that tonight and rule on that

1 in the morning.

2 MR. EPTING: Thank you, Your Honor.

3 THE COURT: I'm also inclined to -- because of the
4 General Sessions Docket Management Order, and I know that
5 part of the argument is that it's an administrative order.
6 It is certainly not statutory, doesn't carry the weight of a
7 statute, but it is an administrative order that deals pretty
8 in detail about discovery, time lines for discovery in an
9 effort to try to keep cases and dockets from getting bogged
10 down. I'll take a look at that, but I'm also inclined not
11 to continue it, but I'll revisit that overnight as well.

12 MR. EPTING: Thank you, Your Honor. May I be heard on
13 the administrative order?

14 THE COURT: Yes.

15 MR. EPTING: Your Honor, respectfully, the State's
16 position is that the administrative order is an
17 administrative order issued by the Court; that discovery is
18 a matter that is statutory under the Rules of Criminal
19 Procedure and if the Court sought to alter or change the
20 Rules regarding, especially Rule 5, disclosure on criminal
21 cases under the criminal rules, then that would be a
22 matter that they would be required to use statutes and
23 invoked by the legislature rather than a ruling in an
24 administrative order. That's the State's position. I just
25 wanted to put that on the record.

1 THE COURT: All right. Thank you. All right. I'll
2 take a look at that overnight as well. Then -- all right.
3 Number 12; direct indictments.

4 MR. DAVIS: This goes to the theft of fuel direct
5 indictment, Your Honor, that was issued just five days
6 before trial. It was not mentioned prior to that date and
7 it's -- we feel that this would go once again to, you know,
8 unfair surprise discovery and at just five days prior to
9 trial, they should not be adding extra charges on.

10 THE COURT: All right. Mr. Epting.

11 MR. EPTING: The State's position is that it was
12 mentioned far in excess of five days prior to the scheduled
13 trial date. In discussing scheduling and discussing timing,
14 we discussed adding additional indictments for things that
15 were shown on the video. In detail, this shows the plane
16 taxi up to a gas pump. Through the reviewing of some of the
17 material that is on the cell phone, we realized they were
18 getting what's known as a Jiggler. That's basically a
19 skeleton key that allows them to open the pump and,
20 basically, to pump gas, turn it to manual and steal gas. We
21 discussed this. Now, granted it was, I think, within the
22 45-day time line, but it was well in excess of five days
23 prior to being sent to the Grand Jury. We discussed with
24 Mr. Davis the possibility of adding this charge to the case.
25 In candor to the Court, it does appear -- I think even

1 if it were not an indictment in and of itself, it's
2 something that the State would be allowed to talk about as
3 res gestae of the case and it goes to the intent of the
4 parties and what was in their mind and hearts that night at
5 the airport as far as whether they were there to steal or
6 something else.

7 THE COURT: All right.

8 MR. DAVIS: Your Honor, I don't have an objection to
9 discussing the actions that can be seen on the video,
10 explaining the situation, but as to adding another charge, I
11 would have an objection to that.

12 THE COURT: All right. Well, I'm going to deny that
13 motion. I find in this particular case we've got 16
14 indictments, many of them are larceny of various items,
15 things, property involved in the alleged larcenies. Simply
16 adding fuel that was taken, I find no prejudice to the
17 defendant. He certainly -- there's been a discussion about
18 that, the issue about whether he was -- whether it was
19 improper from them to indict him or seek a true-billed
20 indictment, that again is just a notice document. They've
21 had plenty of notice about lots of the issues in this case
22 so I'm going to deny that motion to omit or dismiss the two
23 direct indictments.

24 All right. Number 13.

25 MR. DAVIS: I believe we've addressed 13 with number

1 10, above, Your Honor. I don't think we need a further
2 examination of that.

3 THE COURT: Okay. That's the --

4 MR. DAVIS: That's the video from December that --

5 THE COURT: All right.

6 MR. DAVIS: We've already discussed that.

7 THE COURT: Okay. That's not in existence and it was
8 no longer in existence.

9 MR. EPTING: Yes, Your Honor. As to item 14, in
10 getting ready for this case, NCIC does indicate the
11 defendant has multiple prior burglary convictions. In
12 trying to get copies, certified copies of that, we were not
13 able to get those from out-of-state jurisdictions to us in
14 time. I believe the case is indicted as a nighttime
15 burglary. I don't believe that priors were included nor
16 were they added to it. So insofar as we have discussed in
17 our pretrial meetings, introducing evidence of his prior
18 burglaries, the State withdraws that. We're going to --

19 THE COURT: Well, in other words, so there's no -- as
20 far as the burglary and that's what *State v. Cross*
21 specifically dealt with and I think the Supreme Court has
22 been leaning toward also on related cases, like criminal
23 sexual conduct when somebody has a record, to bifurcate.
24 What you're telling me is in this particular case, now,
25 there's not going to be any need to bifurcate because there

1 are no prior convictions that are -- that could be argued
2 or elements of the offense that are going to be used in any
3 of these changes?

4 MR. EPTING: Yes, Your Honor. And I believe the
5 indictments should be correct as they are written right now.
6 We got one certified. We did not get the second. So in
7 fairness to the defense, we're not proceeding under that
8 theory. We're proceeding under that this was a nighttime
9 burglary into a non-residential building.

10 THE COURT: All right. Mr. Davis.

11 MR. DAVIS: No objection, if they're not relying on a
12 burglary conviction as an element of the offense. That was
13 the worry about that motion there, Your Honor.

14 THE COURT: All right. Thank you. All right. Then
15 that leaves -- I need to rule on -- well, I'll review that
16 -- I said I would review the issue of the video that's
17 missing and then I'll rule on -- I'll review and rule on the
18 information that was provided to the defense on October the
19 31st and then the State put it in a form in which they
20 believe they could read last night, but have not provided
21 that form to defense. I'll rule on that in the morning.

22 MR. EPTING: And, Your Honor, just for clarification,
23 I'm learning this as we go, too. The form it is in now is
24 not -- it's not that it was not able to be read before using
25 the program. We were not able to redact things off of that.

1 We were not able to remove portions of it, nor were we able
2 to take out specific items that were not proper for the
3 jury. I believe there were some pornography references on
4 there that are not proper for the jury. So that material
5 that is provided on that time line was available to the
6 defense, albeit in a larger format, not in an isolated
7 format as it is now, but it was ready for their review prior
8 to this case beginning.

9 THE COURT: But a very large -- okay. All right. I
10 got it.

11 MR. EPTING: Thank you, Your Honor.

12 THE COURT: All right. Thank you. All right.
13 Anything else?

14 MR. DAVIS: Nothing further from the defense, Your
15 Honor.

16 MR. EPTING: Nothing from the State, Your Honor.

17 THE COURT: All right. We'll crank back up with y'all
18 at 9:30 in the morning. Let's get everybody in here and see
19 what we can knock out --

20 MR. EPTING: Your Honor, I believe there might be -- is
21 there another matter scheduled first thing? Am I confusing
22 dates?

23 THE COURT: I've got some -- all I have was some minor
24 settlements at 9:00, 9:15.

25 MS. BURDETTE: I believe you have something with

1 Matthew Shelton that you agreed to hear.

2 THE COURT: Okay. All right. Well, tell Matthew to
3 come see me in the morning. I appreciate you reminding me.

4 MR. EPTING: Thank you, Judge.

5 (Whereupon, court was adjourned at 4:40 P.M. and
6 reconvened on November 19th, 2024 at 11:18 A.M.)

7 (END OF VOLUME I OF IV)

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STATE OF SOUTH CAROLINA IN THE COURT OF GENERAL SESSIONS
COUNTY OF YORK CASE NO. 2024-GS-46-545, et al

STATE OF SOUTH CAROLINA,)

Plaintiff,)

-vs-)

NATHANIEL JOHN JENKINS,)

Defendant.)

TRANSCRIPT OF RECORD
(VOLUME II of IV)

November 19, 2024
York, South Carolina

B E F O R E:

Honorable Daniel D. Hall, Judge.

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

Ms. Heather Burdette
Assistant Solicitor
Mr. Christopher Epting
Assistant Deputy Solicitor
Sixteenth Circuit Solicitor's Office
Attorneys for the Plaintiff
York, South Carolina

Mr. Frederick Davis
Assistant Public Defender
Mr. Jerry White
Assistant Public Defender
Attorneys for the Defendant
York, South Carolina

Shannon E. McGilberry, CVR-M
Court Reporter

1 THE COURT: All right. We're back on the record in
2 *State v. Nathaniel John Jenkins*. He has 16 different
3 indictments relating to breaking and entering aircraft,
4 larcenies, burglary 2nd degree, among others.

5 We ended yesterday with pretrial motions and there was
6 an issue, I think one unresolved issue was a motion brought
7 by the defense. The motion number 11 on the defendant's
8 pre-trial motions. The motion's to prevent the State from
9 introducing any evidence produced within 45 days of trial.

10 Mr. Davis, is that your motion and what's your
11 position?

12 MR. DAVIS: Yes, Your Honor. It was my motion and the
13 main piece of evidence at issue is a phone rip, which is a
14 very large piece of data that was dumped on us on October
15 31st, about the same time we got the copy of the search
16 warrant for that phone. This case had been docketed for
17 trial 45 days prior and this is 18 days prior to trial,
18 basically, that we had gotten this phone dump. We feel that
19 it is untimely. We feel it is an untimely surprise and we
20 ask the Court to suppress the information from that phone
21 dump. The State -- as noted, the State places the case on
22 the trial docket and now we're making -- taking the position
23 that the information that they didn't even know what was in
24 it is now indispensable to their case. We find that that is
25 a specious arg- -- we ask the Court to consider that a

1 specious argument and grant our motion to suppress.

2 THE COURT: All right. And does the State wish to
3 respond?

4 MR. EPTING: Very briefly. We'll stand on the
5 arguments that were made yesterday. We did want to
6 emphasize on the record that this -- the defense did receive
7 this electronic phone rip the same date that the State did.
8 We did meet about that several days after that, discuss with
9 the defense what dates we were focusing on in trial. It
10 appears that the defense does not wish for a continuance on
11 this case, but wishes to go forward and has had ample time
12 to review the limited portion of the -- from that phone that
13 the State intends to introduce.

14 MR. DAVIS: And, Your Honor, I'd like to make a
15 statement on the record here, that I have not received any
16 copies of that limited portion the State intends to
17 introduce. It was -- it was given to the Court yesterday,
18 but I have not seen that.

19 THE COURT: All right. Well, the Court's going to
20 direct you make a copy of that and hand it to him.

21 MS. BURDETTE: Yes, Your Honor.

22 THE COURT: Well, here's the thing: the remedy --
23 well, let me just remind everybody on the General Sessions
24 Docket Management Order, which is an order from the South
25 Carolina Supreme Court, dated May the 24th, 2023, under the

1 section discovery on page 6 of that order, subsection (b)
2 the states that the solicitor shall not list any case on the
3 proposed trial docket in which production of discovery and
4 available *Brady* material is not complete at the time the
5 proposed docket is presented to the Chief Judge for
6 Administrative purposes and the Clerk of Court.
7 Communication between the solicitor and law enforcement,
8 including SLED, and between the solicitor and defense
9 counsel regarding discovery deficiencies is paramount. The
10 only remedy that is provided in the order is that if the
11 solicitor has not, under subsection (e), that the solicitor
12 -- well, that actually doesn't apply. The whole intent of
13 it is that cases are to be ready for trial. In this
14 particular case, what was presented to the Court was that
15 there -- and correct me if I'm wrong -- that there had been
16 discussions between the State and the defense about the
17 phone and the information on the phone and a phone dump that
18 everybody was waiting on prior to October the 31st. Is that
19 correct or am I wrong on that? I'll hear from the State
20 first.

21 MS. BURDETTE: That is correct, Your Honor. I have a
22 email from Fred Davis on August 29th of this year where he
23 mentions the text messages from Mr. Jenkins and his co-
24 defendant, Mr. Villada.

25 THE COURT: All right. Read me that text. Read me

1 that text message.

2 MS. BURDETTE: It says, Heather, I have the airport
3 video from the night of 28 November 2023, the IR and the
4 body-worn cameras -- body-worn camera videos, mentioned
5 video from the 9 December event. I do not have any of
6 those. There's also a mention of text messages from Mr.
7 Jenkins to his co-defendant, Mr. Villada. I do not have any
8 of those and that was prior to it going on the 45-day list.

9 MR. EPTING: And, Your Honor, prior to that
10 conversation, there was discussion that there was an
11 outstanding phone rip that was held up by the grand jury and
12 parties were working to get an order to get that released to
13 both the State and the defense so it's --

14 THE COURT: All right.

15 MR. EPTING -- the grand jury secrecy.

16 THE COURT: And when you say the parties, what parties?

17 MR. EPTING: Ms. Burdette and Mr. Davis.

18 THE COURT: All right. So there was a point in time
19 when both of you were aware of this phone dump. Prior to
20 October 31st there had been communication between the
21 defense and the State that we're waiting on the State Grand
22 Jury to get through with their stuff and clean it up before
23 you got it. Is that -- that's what I'm hearing. Is that
24 right?

25 MS. BURDETTE: That's correct, Your Honor. Again, that

1 was to protect the defendant's rights. It had to go through
2 that taint review before any attorneys -- even the AG's
3 office could not view it until it protected the defendant's
4 rights to go through that --

5 THE COURT: All right. Mr. Davis, let me hear you on
6 this.

7 MR. DAVIS: Your Honor, I do not recall any specific
8 talks about a phone rip. When I asked for text messages,
9 that's not phone rip, because text messages are on the two
10 phones. In this case, they were on one of the co-
11 defendant's phone who was a cooperating witness. From my
12 understanding of this message, I was asking are you going to
13 produce those text messages? They could have easily
14 produced them from the cooperating witness's phone. It
15 doesn't talk about a phone rip from my client. That was
16 never mentioned. And I just double-checked my emails and
17 the discovery dates, the search warrant for that phone was
18 provided to me on November 7th, so seven days after we had
19 got access to the dump. So this was, you know, a very late
20 occurrence and if there was any discussions about things to
21 come, that's fine. They might be out there, but until they
22 become real, I can't review them. I can't look at what's in
23 there and they could have produced these text messages from
24 Mr. Villada's phone 'cause that was in their possession when
25 they arrested him on December 20th of 2023, and he was

1 cooperating with them. So if there was -- and if there was
2 evidence to produced -- so that evidence is in possession of
3 the State December 20 of 2023 and they didn't produce it to
4 me until October 31st and then produced it in a form that I
5 have to ferret through 16 gigabytes of data to find it.

6 THE COURT: Well, I mean, what's a gigabyte? 16
7 gigabytes?

8 MR. DAVIS: It's a thousand megabytes, Your Honor.

9 THE COURT: Well, tell me what's that in eight and a
10 half by eleven pieces of paper.

11 MR. DAVIS: I can't even hazard a guess, Your Honor.

12 THE COURT: All right.

13 MR. DAVIS: You can probably fill a room of banker
14 boxes worth of paper.

15 THE COURT: All right. Well -- anything else as far as
16 the motion?

17 MR. EPTING: Nothing from the State, Your Honor.

18 THE COURT: All right. I'm going to deny the motion.
19 Again, I think there's notice that there were -- well, I'm
20 going to do this: you're limited to whatever is produced at
21 trial to any text messages that involve -- that are between
22 the defendant and the co-defendant. Were there other text
23 messages that you --

24 MS. BURDETTE: Yes, Your Honor. There's text messages
25 with another witness that shows that the defendant owns the

1 plane.

2 THE COURT: Well, how do you intend to lay a foundation
3 to get that in?

4 MS. BURDETTE: She will testify and say that they joint
5 -- they bought this plane as joint ownership. He was the
6 only one that had access to the plane during these
7 incidents and there's also internet searches for the fuel
8 master key and the lock picks.

9 MR. DAVIS: And, Your Honor, I would object to any
10 of the internet searches, but if they can lay a foundation
11 for the other text messages, I would not have as much
12 standing to object to that.

13 MR. EPTING: And those internet searches were also
14 contained in the phone dump around the dates discussed with
15 the defense regarding what areas we're focusing on.

16 THE COURT: Well, for purposes of this trial, I'm going
17 to limit you to text messages between -- that he had notice
18 of. The notice that he indicated is that there were text
19 messages between the co-defendant and the defendant in this
20 case. They were on the phone. He had notice of those a
21 long time before the 31st; however, if any other information
22 that he did not have notice of as far as text messages
23 between the defendant and other witnesses, I'm not going to
24 allow that in. All right. Are we clear? And I find that
25 that was a -- him getting that information -- well, probably

1 making it clear on yesterday for the first time, that's
2 going to be the basis that, again, that's a late discovery.
3 He had no notice of it. I'm not -- the case was set, ready
4 for trial. Y'all didn't have to call the case for trial.
5 The solicitor's been given, under the administrative order,
6 the sole right to set the trial docket and it's clear on
7 that order that cases are to be -- when they're ready, to
8 include discovery. Ready means ready. Y'all called the
9 case for this week. That's what we're dealing with. On the
10 other hand, you could have waited and called it in January,
11 February, March, after you'd gone through the dump in detail
12 and the defense had gone -- but that's not where we are, but
13 I'm going to deny the motion generally; however, I'm going
14 to confine you to any text messages between the co-defendant
15 and the defendant.

16 MS. BURDETTE: Your Honor, and just for the record, we
17 did have conversations in person with Mr. Davis where we
18 said we were planning on introducing text and emails from
19 the defendant's phone on the incident day and the emails we
20 are planning on introducing are the fuel master key and lock
21 picks and that's what we referred to when we met for a trial
22 --

23 THE COURT: Well, he did not receive those until --

24 MS. BURDETTE: He did. He received those in his phone
25 data.

1 THE COURT: He got a dump on October the 31st.

2 MS. BURDETTE: That's the same information I received,
3 Your Honor.

4 THE COURT: And then it was not put in a -- in a form
5 in which it could be introduced to a jury until yesterday.
6 Is that right?

7 MS. BURDETTE: It was not redacted with certain words
8 taken from it until Sunday.

9 THE COURT: All right. I'm going to abide by my
10 ruling. You're limited to what the co-defendant, what he
11 had ample notice as far as the co-defendant and the co-
12 defendant's phone is closely involved. Any other witnesses,
13 I will not allow it.

14 MR. EPTING: And, Your Honor, we respect Your Honor's
15 ruling. Should the defendant testify or should other
16 information come out to that, we would ask leave to re-
17 approach this.

18 THE COURT: Again, this is a motion in limine.
19 Testimony and evidence that's presented at trial often
20 changes the way motions are ruled initially and then the way
21 they would be ruled at trial. If the door is opened, then
22 we'll deal with that.

23 MR. EPTING: Thank you, Your Honor.

24 THE COURT: All right.

25 MR. DAVIS: Thank you, Your Honor.

1 THE COURT: All right. Everybody -- y'all ready to
2 proceed?

3 MS. BURDETTE: Your Honor, I think there was one more
4 motion from yesterday that you needed to rule on. It was
5 the motion by the defense. They asked that we not discuss
6 the video from December 9th and we in turn asked that they
7 not bring up that the State was hiding any evidence or bring
8 up that that video was missing. So we just need your ruling
9 on that.

10 MR. DAVIS: And, Your Honor, if I can remind the Court,
11 you made the observation that I had nothing to do with the
12 loss of that video so I can refer to its absence. I'm not
13 going to refer to anything that might be contained into it,
14 but I can refer to the fact that there is no video of that
15 day.

16 THE COURT: He can -- yeah. I'll -- he can say there
17 is no video. I assume what he's attempting to say, well,
18 there was a video the prior time. They don't give you a
19 video of the December incident. That sort of --

20 MR. DAVIS: That summarizes it, Your Honor.

21 THE COURT: He is confined to that. All right.
22 Anything else?

23 MS. BURDETTE: That's all from the State, Your Honor.

24 THE COURT: Anything from the defense?

25 MR. DAVIS: Nothing further from the defense, Your

1 Honor.

2 THE COURT: All right. Let's bring our angry jury in.

3 MR. DAVIS: Your Honor, I believe we had the motion to
4 sequester witnesses as well.

5 THE COURT: All right. We'll talk about that.

6 MS. BURDETTE: Yes, Your Honor.

7 THE COURT: We'll take care of that.

8 (Whereupon, the jury entered the courtroom at 11:33
9 A.M.)

10 BAILIFF: Your Honor, can I approach?

11 THE COURT: I'm not going to read this message from the
12 jury that said why are we sitting back here for two hours
13 and you haven't brought us back out yet.

14 Y'all have elected a foreperson. Is that Ms. --

15 JUROR: Purser.

16 THE COURT: Number 120. Yes, ma'am. If you'll keep
17 that seat for the remainder of the trial.

18 JUROR: Okay.

19 THE COURT: But I am going to answer the unwritten
20 question about why were we sitting back here for two hours
21 and not started court. We have -- we've been working. We
22 had a very significant case that, probably due to my fault
23 scheduling and not understanding how long it would take.
24 Again, that's the Court's responsibility to know that and to
25 find that out. It was a very serious case. It was a case

1 involving a death and so it -- to give that case the ample
2 time that it needed to dispose of that, that's what took two
3 hours. There should not be anymore of that type of delay as
4 going forward in the case.

5 So with that, Madam Clerk, if you'll swear the jury in.

6 CLERK: Ladies and gentlemen of the jury, please stand
7 and raise your right hand.

8 (Whereupon, the jury was duly sworn)

9 THE COURT: Thank you. Again, I appreciate your
10 promptness this morning and, hopefully, your patience with
11 us. I'm going to give you some preliminary remarks just to
12 sort of give you an outline of where the case -- where we
13 are procedurally and what will take place in the case.

14 In this particular case, the defendant, Nathaniel John
15 Jenkins, has been charged with a number of charges and I'm
16 going to just -- he's been charged with petit larceny, grand
17 larceny, unlawful entry of an aircraft, contributing to the
18 delinquency of a minor, another unlawful entry of an
19 aircraft, burglary 2nd degree, grand larceny, unlawful entry
20 of an aircraft, contributing to the delinquency of a minor,
21 burglary 2nd degree, grand larceny, unlawful entry of an
22 aircraft, burglary 2nd degree, grand larceny, unlawful entry
23 of an aircraft. Those are the charges on the indictments
24 that have brought him here into court and I'm going to
25 explain to you at the appropriate time, at the conclusion of

1 all the evidence in the case, the elements of each of those
2 offenses. However, just because he has been indicted and
3 brought to court, that is not in any sense any evidence of
4 any of the allegations that are contained in the
5 indictments. The defendant has pled not guilty to these
6 indictments and so, therefore, the State has the burden of
7 proving his guilt beyond a reasonable doubt for each one of
8 those charges. It's your job, ladies and gentlemen, it's
9 your duty to determine whether the State has met their
10 burden and proven his guilt on those charges with evidence
11 beyond a reasonable doubt.

12 Your purpose as jurors is to find and determine the
13 facts. You're the sole judges of the fact. If at any time
14 I make any comment regarding the facts, you must disregard
15 it. You're to determine the facts from the testimony you
16 hear and the other evidence introduced in court. It's up to
17 you to determine the inferences which you feel may be
18 properly drawn from the evidence.

19 Again, as I instructed you yesterday, when we take
20 breaks, when you go to your jury room, when you go home
21 tonight, you're not to use any electronic devices or any
22 other discussion with anybody to begin discussing the case
23 and even trying to figure out what the facts are. You are
24 to determine that based on what you see and hear from the
25 witness stand and the evidence in which the -- that is

1 presented.

2 The law that makes you the judges of the facts in the
3 case makes me the judge of the law. The law that I give to
4 you is the only law that you may consider. Your job is to
5 take the law as I give it to you and apply it to the facts
6 as you find them from the testimony of witnesses and any
7 other evidence and at the end of the case, I'll provide you
8 with the law that you can combine with the evidence to then
9 determine what you believe is the appropriate resolution of
10 the case.

11 If, during the trial, that you hear a lawyer object or
12 stand up to object, I hope that you don't, and I instruct
13 you not to hold that against them. They're doing their job.
14 Because it's my duty to be the judge of the law, I will have
15 to listen to their arguments. Sometimes I can deal with
16 that almost immediately, deal with the objection. On the
17 other hand, they may come up here and talk outside of your
18 presence here at the Bench. However, there may be times
19 when we may ask you to leave the jury room and discuss
20 questions of law here outside of your presence and then
21 bring you back again once we resolve those issues. Again,
22 don't hold that against the lawyers. That's them doing
23 their job and representing their clients to the best of
24 their ability.

25 In a moment the solicitor will make what's called an

1 opening statement in which the solicitor will explain to you
2 the issues in this case or at least what the solicitor
3 thinks the issues are in this case. The attorney for the
4 defendant may make an opening statement and to give you
5 their contention as to what the issues are in the case.

6 In determining what the true facts are in this case,
7 you must decide whether or not the testimony of witnesses is
8 believable. It's going to be my responsibility to rule as a
9 matter of law as to whether certain testimony is admissible
10 at all or not, but once the testimony is admitted, whether
11 or not you believe it is solely for you to determine. In
12 deciding whether to believe a witness, you have the right to
13 consider the interest of any witness, the bias of any
14 witness, the prejudice of any witness, the opportunity for
15 the witness to have seen the matters and things about which
16 the witness may testify and the way the witness acts on the
17 witness stand. I ask you pay close attention to the
18 witnesses as you receive your testimony from them.

19 Madam Forelady, when you -- again, your role is no
20 different than any other member of the jury as far as the
21 ultimate outcome in the case; however, you'll be given some
22 responsibilities about carrying out instructions with the
23 jury when you're in the jury room; however, the foreperson
24 has no greater say in the outcome or decision of the jury
25 than any other juror.

1 We will -- hopefully, we'll be able to go 'til about
2 12:30 or quarter 'til 1:00 or so before we break for lunch.
3 If at any time during the course of the trial you need to
4 take a break for whatever reason, just simply raise your
5 hand. Make sure the bailiff sees it or I see it. We'll
6 stop where we are and you can go back to your jury room.

7 I do remind you, the trial has starting. When you go
8 back to the jury room, don't even discuss the case in the
9 jury room until after all of the evidence is in and I've
10 charged you on what the law is. If you have any questions
11 -- you've already discovered the pad and pencil in the jury
12 room. If you have any questions for the Court, Madam
13 Forelady, if you would write those questions down, do what
14 you did this morning, hand it to the bailiff. He'll hand
15 them up to the Court and we'll address those as we deem
16 appropriate.

17 All right. Anything further as far as preliminary
18 instructions from the State?

19 MS. BURDETTE: Nothing from the State, Your Honor.

20 THE COURT: From the defense?

21 MR. DAVIS: Nothing from the defense, Your Honor.

22 THE COURT: All right. Solicitor.

23 MS. BURDETTE: May it please the Court?

24 Good morning, ladies and gentlemen.

25 JURY: Good morning.

1 MS. BURDETTE: You are here today because during the
2 nighttime hours on November 28th and December 9th of 2023,
3 the defendant, Nathaniel Jenkins, flew his plane into the
4 Rock Hill Airport in York County with two juveniles. While
5 they were in Rock Hill, they entered several different
6 aircrafts, several different enclosed hangars, and they
7 stole thousands of dollars of aircraft equipment. You will
8 first hear from the four victims. And each victim arrived
9 to the airport on different days in December to check on
10 their airplane. Some were going to fly. Some were just
11 stopping by to check on things when they discover things
12 were missing from their aircrafts.

13 From December 5th, 2023, the first victim, Karl
14 Kleiderer is the first to report his aircraft had been
15 broken into and over \$20,000 worth of equipment was taken.
16 Rock Hill PD Officers and investigator with forensics,
17 Rebecca Askew, go out to scene and they start their
18 investigation to find out what happened. They swabbed Karl
19 Kleiderer's airplanes for fingerprints. At this point in
20 the investigation, Detective Swiger was unsure when the
21 burglaries had occurred. It wasn't until December 13th of
22 2023 that Investigator Askew received a hit on one of those
23 fingerprints and it came back to the 17-year-old juvenile,
24 Daniel Villada. Detective Swiger began investigating Daniel
25 to see who he was, where he was from, had he been in any

1 trouble, and that's when he was able to go speak to Daniel
2 in Greenville.

3 After receiving information and GPS data for Daniel's
4 phone, he was able to confirm that the defendant and the co-
5 defendant, Daniel Villada, were in Rock Hill on November
6 28th, 2023 from 9:50 to 10:50 P.M. and December 9th at
7 approximately 2:43 A.M. to around 3:30 A.M. Detective
8 Swiger then went and arrested Daniel. He charged him with
9 the crimes. Daniel met with Detective Swiger and realized
10 he needed to confess. He needed to come clean. So he told
11 Detective Swiger that Nathaniel Jenkins was the one who
12 owned the airplane. He rode with Nathaniel Jenkins into
13 Rock Hill and they both contributed to the burglaries
14 together.

15 You will see -- at that point, Detective Swiger starts
16 investigating a little more 'cause he didn't have the exact
17 dates of when he should be looking on videos. So he now has
18 the exact dates. He goes and gets airport surveillance
19 video from director, Steve Gould. Steve Gould is able to
20 pull the videos from November 28th and is able to see that
21 the defendant's airplane first arrives to Rock Hill at 9:50.
22 He pulls up to the fuel pump. He has a fuel key that is a
23 master key for QTPod fuel, and it's kind of weird to think
24 about, but if you have this master key, you can go unlock
25 the fuel pump, you can hit the manual button and you get

1 unlimited access to aircraft fuel. The defendant, Nathaniel
2 Jenkins, had that key. He ordered that key with the intent
3 to steal fuel from Rock Hill that night. It's on video.
4 They pull up there. They steal the fuel. They put the fuel
5 into their aircraft and then they pull away to the far side
6 of the airport where they think no one -- no videos are.
7 They pull as far as they can up to the grass and their
8 headlights are shining from the plane. They turn off the
9 plane and two flashlights get out of the plan, open the
10 shade ports and they go through two victims' planes on that
11 night. That wasn't enough for them. They come back on
12 December 9th and realize that there's enclosed hangars on
13 the opposite side of the airport. They taxi right over to
14 the enclosed hangars. They get out. They have lock-picking
15 -- lock-picking tools and a flathead screwdriver where
16 they're able to open up these hangars, get into these
17 hangars where the other victims have stored their airplanes
18 and volumes of equipment and they load up as much as they
19 can in their airplane and they fly back to Spartanburg where
20 the defendant and co-defendant are from.

21 You will hear through testimony that Daniel was 17
22 years old at the time. He's a licensed single-engine pilot
23 who connected with this defendant in order to obtain his
24 twin-engine license and Daniel will go into the difference
25 between a single-engine plane and a twin-engine, his future

1 goals as to what he wanted to do in his future and why he
2 needed the twin-engine plane. It was very enticing to fly
3 with this defendant so that he could maintain those hours
4 and eventually go into the Air Force. When he first got
5 arrested, he met with Detective Swiger by himself. He was
6 scared. He confessed. He gave a little information, but he
7 did hold back. We're not contesting that. He did not tell
8 everything we needed to know. We do know from that meeting
9 that it was Nathaniel Jenkins. We do know the incident
10 dates and we knew what they did. Detective Swiger then used
11 this information to begin looking into Nathaniel Jenkins,
12 where he was from, where he had been and that is when they
13 went and watched the videos to see. There were actually
14 three people that night on November 28th. Daniel Villada,
15 Gabrielle Chalouhi, and Nathaniel Jenkins. Daniel Villada
16 and Gabrielle Chalouhi were dating at the time. They're
17 young. They're teenagers. They were dating. They were in
18 a relationship. They were on scene. You can see them on
19 the video. You'll also see Nathaniel Jenkins. And they
20 will both testify as to what happened, what they saw, who
21 went into the airplanes, who took this equipment, who
22 conspired to steal this equipment from these airplanes; who
23 knew about it. In fact, multiple witnesses will testify
24 throughout the trial and say that the defendant flew his
25 Piper PA-30 Twin Comanche into Rock Hill on November 28th

1 and December 9th, 2023 with those two juveniles and went
2 inside the airplanes and the hangars and stole equipment.

3 This defendant, Nathaniel Jenkins, he is a very smart
4 man. Testimony will show that he knew from the moment he
5 chose this 17-year-old juvenile as his copilot, he knew what
6 he was doing. He knew when he was flying in that he needed
7 to turn his transponder off so that no one could track him.
8 He knew he needed to turn his ADS-B receiver off and you'll
9 learn through testimony what all this means, but the
10 defendant knew what it was. He knew he who was -- who was
11 tracking him and he knew in order to come into Rock Hill
12 without anyone knowing he was here, he needed to shut his
13 airplane down and fly in at night where no one is really in
14 Rock Hill during this time, and it wasn't until we received
15 that fingerprint that we knew who -- where to begin this
16 investigation and he, the defendant, Nathaniel Jenkins, was
17 smart enough to wear gloves. Airplane pilots do not wear
18 gloves. You'll hear that through testimony. They don't
19 wear gloves when flying their plane. This defendant put on
20 gloves so that no one could trace his fingerprints.

21 At the end of the trial, the judge will give you the
22 law to apply to this case. The judge is going to tell you
23 each element of grand larceny, petit larceny, burglary 2nd
24 violent, contributing to the delinquency of a minor, and
25 unlawful entry into an aircraft.

1 Just briefly, grand larceny and petit larceny are
2 simply taking another's property without permission.
3 Unlawful entry into an aircraft is just that. Unlawfully
4 entering an aircraft without permission or damaging or
5 removing equipment from an aircraft is also that charge.
6 Burglary 2nd degree violent is not actually violent at all.
7 It just means that it occurred during the nighttime hours of
8 a building, without permission, and with the intent to
9 commit a crime. Lastly is contributing to the delinquency
10 of a minor, which is simply when a person over the age of 18
11 encourages or aids a minor to violate any law. That is what
12 the defendant is charged with and that is what the State
13 intends to introduce evidence of over the next couple of
14 days.

15 Once the judge reads you the law, he will then ask you
16 to deliberate and render a verdict. I stand before you now
17 and I will stand before you again after you've heard
18 everything and I ask that you find the defendant guilty of
19 all charges. Thank you.

20 THE COURT: Thank you. Mr. Davis?

21 MR. DAVIS: Thank you, Your Honor.

22 Good morning. My name is Fred Davis. I'm with the
23 public defender's office and with myself, my associate Jerry
24 White, we're representing Mr. Jenkins. I'm not going to
25 recite what the evidence is going to show. This is the time

1 at trial we present evidence to you and you tell us what it
2 says. It's not our place to tell you what the evidence
3 shows or what occurred. It's our job to present the
4 evidence and then you, as the jury, tell us what the facts
5 are. The judge is in charge of what the law is in the case.
6 We're here to present evidence to you, not tell you what
7 happened. We can tell you our interpretation of what
8 happened, but ultimately it's up to you to look at the
9 videos, listen to the testimony and then you decide what is
10 true and what is not true.

11 Now, when the video's up they can say, look here, look
12 at this. This is what's happening, but at the end of the
13 day your interpretation of what occurred is what matters,
14 not what either one of the parties might say. So I ask you
15 to listen very carefully to questions the prosecutor asks
16 and the questions I ask of each of the witnesses and
17 consider all the evidence presented.

18 A little background on myself and my co-counsel, I'm a
19 graduate of the Naval Academy. I used to fly airplanes for
20 the Navy and so if I'm cross-examining someone, I don't have
21 any axe to grind against people in uniform. I spent too
22 many years in uniform myself. I don't -- if things get --
23 seem contentious, it's because that's the nature of the
24 proceedings here. Neither myself nor my -- Mr. White is
25 also a prior enlisted Marine so I try to use smaller words

1 around him, but nonetheless, neither one of us has an animus
2 towards anyone in uniform. I don't want anybody to think
3 that. This is just the way this process works out. I mean,
4 they have their point of view and we have to point out why
5 we don't agree with that. So this is not a -- this is a
6 contentious environment here, but your role here in
7 everything we do, all the time-outs the judge has to call
8 and send you back to the jury room and everything -- all the
9 preparation we do is to make sure that what is presented to
10 you is in the proper format for you to make the decisions.
11 And so, I will ask you to look at everything we present,
12 listen to the arguments on both sides and then you decide
13 what the facts are. It's not up to me to tell you the
14 facts, not up to the solicitor to tell you the facts; it's
15 not up to the judge. That's your purview. We're not going
16 to disturb that. We may try to sway your perspective one
17 way or the other, but that's all we can do. Thank you.

18 THE COURT: All right. Thank you. Lawyers approach.

19 (Whereupon, a Bench conference was held off the record,
20 out of the hearing of the jury and the court reporter.)

21 THE COURT: All right. Solicitor, call your first
22 witness.

23 MS. BURDETTE: Thank you, Your Honor. The State would
24 call Karl Kleiderer to the stand.

25 (KARL KLEIDERER, being first duly sworn, was examined

1 and testified as follows:

2 DIRECT EXAMINATION

3 KARL KLEIDERER BY MS. BURDETTE:

4 Q. Good morning. Would you please state your name for the
5 record?

6 A. Karl Kleiderer.

7 Q. And how are you employed?

8 A. I'm a part-time contract pilot.

9 Q. And how long have you been a contract pilot?

10 A. Since 2022.

11 Q. Are you a licensed pilot?

12 A. Yes.

13 Q. And how long have you been a pilot?

14 A. I started naval flight -- flight officer training --
15 flight officer training in 1989. I left the Navy in 1995,
16 started civilian flying in early 2018.

17 Q. Okay. Do you own a airplane?

18 A. Yes.

19 Q. What type of plane do you own?

20 A. Beechcraft Bonanza a36.

21 Q. Where is it located?

22 A. The Rock Hill Airport.

23 Q. Where at in the Rock Hill Airport?

24 A. At the time in question, it was in the shade ports on
25 the --

1 Q. And can you describe ---

2 A. -- on the west side of the airport.

3 Q. Can you describe what a shade port is?

4 A. A shade port is, effectively, like a open-air garage,
5 you know, like you would have a detached garage, pull the
6 car in. It just has a roof. That's effectively what a
7 shade port is.

8 Q. Is it enclosed?

9 A. It is not.

10 Q. Is it locked?

11 A. No. There's no doors.

12 Q. Are there any cameras facing those shade ports?

13 A. There are.

14 Q. Do you typically lock up your plane when you're leaving
15 it overnight?

16 A. I typically do.

17 Q. Is that always the case?

18 A. It is not always the case. It was not the case here.

19 Q. Why would you not lock your airplane?

20 A. This particular situation, I had plugged in a heater
21 for the cabin of the airplane and I had plugged in a heater
22 for the engine, so the door was unlocked.

23 Q. Okay. I want to take you back to late November, early
24 December of 2023. Do you recall that time period?

25 A. I do.

1 Q. When had you checked on your -- well, when did you call
2 law enforcement?

3 A. I called law enforcement early in the morning on
4 December 5th.

5 Q. Okay. And when had you checked on your plane before
6 December 5th?

7 A. The last time I had parked it there and seen it was on
8 November 26th.

9 Q. So from November 26th to December 5th you hadn't been at
10 the airport to check on your plane?

11 A. I had not.

12 Q. Okay. So you called Rock Hill on the 5th. What were
13 you doing on the 5th to realize that your plane had been
14 broken into?

15 A. I got there early in the morning. I -- the intent that
16 day, I volunteer for an organization called Angel Flight.
17 Angel Flight is a volunteer -- it's a 401 3(c) charitable
18 organization that coordinates pilots that have access or own
19 airplanes to fly people for medical procedures or
20 appointments that they otherwise would not be able to make
21 if they weren't able to use air travel. My intent that
22 morning was to fly a 73-year-old woman from Columbia to her
23 cancer treatment appointment south of Atlanta.

24 Q. Were you able to do so?

25 A. No.

1 Q. Why?

2 A. When I arrived at the aircraft, the door was open,
3 which was unusual. You asked me if it was locked. It was
4 not actually open, it was just unlocked. When I arrived at
5 the airplane, the door was open, which I knew was unusual,
6 went around the side of the air- -- the side of the aircraft
7 and I could see avionics missing from the panel.

8 Q. Okay. What -- do you remember everything that was
9 missing from your plane?

10 A. I do.

11 Q. What was those items?

12 A. It was a GPS unit called at GTN 750. There was an
13 audio panel missing and there were several headsets missing.

14 Q. And approximately how much does that GPS cost?

15 A. Eighteen -- approximately \$18,800.

16 Q. What about that audio panel, how much does that cost?

17 A. Approximately \$2,700.

18 Q. And you said it was three Bose headsets?

19 A. Three headsets, approximately \$1,000 retail each.

20 Q. Okay. Do you know how hard it is to pop that GPS out
21 of your plane?

22 A. It's pretty easy.

23 Q. Would you need any special tools?

24 A. 3/32 Allen Wrench, generally speaking.

25 Q. What about that audio panel, is that --

1 A. Same thing.

2 Q. Did that officer take any pictures?

3 A. Yes.

4 Q. Okay.

5 MS. BURDETTE: Your Honor, may I approach?

6 THE COURT: Yes, You may.

7 Q. I'm now showing you what has been previously marked as
8 State's Exhibit 1. Can you take a look at that?

9 (Whereupon, the referenced item was handed to the
10 witness.)

11 A. Yeah. Yes, ma'am.

12 Q. What is that a picture of?

13 A. That's a picture of my airplane.

14 Q. And is that what it looked like on December 5th of
15 2023?

16 A. Yes.

17 Q. How do you know that's your plane?

18 A. It has the tail number on it.

19 MS. BURDETTE: Your Honor, at this time, the State
20 moves to admit State's Exhibit 1 into evidence.

21 MR. DAVIS: No objection, Your Honor.

22 THE COURT: State's 1 is into evidence.

23 MS. BURDETTE: Would you please publish.

24 (Whereupon, the referenced exhibit was published to the
25 jury.)

1 Q. So this is the picture of your plane that was taken on
2 December 5th of 2023?

3 A. Yes.

4 Q. And is that the shade port you were describing earlier?

5 A. Yes, ma'am.

6 Q. So it's similar to a carport?

7 A. Effectively, yes.

8 Q. Okay. And that's where your plane was located on
9 December -- or November 28th of 2023 as well; right?

10 A. Correct.

11 Q. Did they process your plane for fingerprints?

12 A. Yes, they did.

13 Q. And did you have to give them your fingerprints for
14 comparison?

15 A. Yes.

16 Q. And the last time you had checked on your plane was
17 November 26?

18 A. Correct.

19 Q. Did you give anyone permission to take anything from
20 your plane?

21 A. No.

22 Q. Did you give anyone permission to even enter your
23 plane?

24 A. No.

25 Q. Do you know the defendant, Nathaniel Jenkins?

1 A. I do not.

2 Q. Do you know the defendant, Daniel Villada?

3 A. I do not.

4 Q. Did you give either of them permission to enter your
5 plane?

6 A. I did not.

7 Q. Did you give either of them permission to access your
8 plane?

9 A. I did not.

10 Q. And what was the total amount of equipment taken from
11 the aircraft?

12 A. The total insurance claim was 28,686.

13 MS. BURDETTE: No further questions.

14 THE COURT: All right. Mr. Davis

15 MR. DAVIS: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 KARL KLEIDERER BY MR. DAVIS:

18 Q. Mr. Kleiderer, just to get a couple things to get out
19 of the way. What airways were you in or what type of
20 airplane did you fly in the Navy?

21 A. A-6 Intruder bombardier.

22 Q. And what airways were you in?

23 A. CAG 15.

24 Q. CAG 15. And what coast is that on?

25 A. West Coast.

1 Q. West Coast.

2 A. How about you?

3 Q. I'm just making sure that we had not crossed paths in
4 our days so there wouldn't have been any problems here.

5 A. Understood.

6 Q. All right. So Mr. Kleiderer, you reported the -- that
7 the items were missing on December 5th. Is that correct?

8 A. That is correct.

9 Q. And do you remember the name of the officer you
10 initially talked to?

11 A. I don't.

12 Q. Okay. But did you contact them later to update your --
13 your -- what was missing?

14 A. Yes.

15 Q. Okay. And do you know how many times you spoke to him
16 or to Detective Swiger later to update what was missing and
17 what was -- what may have been taken, what not taken?

18 A. I don't know. A couple.

19 Q. But was it more than once, though?

20 A. Yeah.

21 Q. Okay. So you updated him, I believe, you one time
22 updated him with the serial number of what was taken because
23 you didn't necessarily have it on you at the time?

24 A. That's correct.

25 Q. And you also updated that -- initially I believe your

1 report said there was \$5,500 worth of something missing, but
2 you may have recovered that later. Is that correct?

3 A. Actually, it was the -- it was another piece of
4 avionics that is black on the front that I thought was
5 missing and it wasn't until I went back and realized it was
6 actually still there.

7 Q. And what was that piece of avionics? What was that?

8 A. It's called the GI-250.

9 Q. Okay. So --

10 A. Standby general.

11 Q. So the initial report something was missing and -- but
12 it turned out it was not missing?

13 A. Correct.

14 Q. But there were other things, such as, the headsets you
15 noted were missing and so the final result was the GPS unit,
16 the audio panel and the three headsets. Is that correct?

17 A. That's correct. That's correct.

18 Q. So in between your updating all this, what's missing
19 and you're talking to police on a regular basis. Is that
20 correct?

21 A. I mean --

22 Q. So in other words, you had several interactions with
23 the police over --

24 A. Yes.

25 Q. -- over the status of your case?

1 A. Yes.

2 Q. All right. Today in court you said that you last saw
3 your plane on the 26th of November. Is that correct?

4 A. That's correct.

5 Q. All right. Do you know if that was included in any of
6 the incident reports from the officer or from Detective
7 Swiger?

8 MR. EPTING: We object, Your Honor. He did not write
9 those incident reports.

10 THE COURT: Yeah. I sustain the objection.

11 Q. Okay. Did you make that statement that the last time
12 you saw your plane was November 26th to either officer --
13 Detective Swiger or to the officer who talked to you on the
14 5th?

15 A. I don't know if that question was asked or if I
16 answered it.

17 Q. Okay. If I showed you a video of that time, would that
18 refresh your recollection?

19 A. A video of what time?

20 Q. Of the body-worn camera of the officer when he's
21 talking to you on December 5th. Would that refresh your
22 recollection?

23 A. Sure. Of course.

24 Q. Okay.

25 MR. DAVIS: Your Honor, I ask that we excuse the jury

1 so that I may show that video to the witness.

2 THE COURT: All right. Lawyer approach.

3 (Whereupon, a Bench conference was held off the record,
4 out of the hearing of the court reporter and the jury.)

5 THE COURT: All right. Ladies and gentlemen, we need
6 to take up a matter outside of your presence. It'll take
7 about 15 minutes so this will be a good time for you to take
8 a break. We'll have you back in here in about 15 minutes or
9 so. Everyone remain seated. Again, do not discuss the case
10 at all.

11 (Whereupon, the jury exited the courtroom at 12:09
12 P.M.)

13 MR. DAVIS: And may I approach, Your Honor?

14 THE COURT: Yes, you may.

15 MR. DAVIS: And as indicated to the Court, Your Honor,
16 this is a 12-minute excerpt of the body cam.

17 THE COURT: All right. Let's be sure the record's
18 clear. Twelve-minute excerpt from the body cam of whom?

19 MR. DAVIS: Officer Chasse, C-h-a-s-s-e, of Rock Hill
20 Police Department.

21 THE COURT: All right. Go ahead. And this is being
22 offered for the purpose for him to refresh his memory.

23 MR. DAVIS: Correct, Your Honor.

24 (Whereupon, the referenced video was played for the
25 witness.)

1 MR. DAVIS: All right. Your Honor, at this time I
2 believe we can bring the jury back in to see --

3 THE COURT: Well, let's -- let me -- proffer your
4 questions for him before we bring them back in. Go ahead.

5 Q. Sir, the next question, Mr. Kleiderer, is whether or
6 not that video refreshed your recollection of the time and
7 your interview with that officer?

8 A. It did.

9 Q. It did. And what time did you tell him you'd last seen
10 your plane? What time did you tell the officer you last saw
11 your airplane?

12 A. Whatever that Wednesday was. I don't know what the
13 date was.

14 Q. So the prior Wednesday?

15 A. Yes.

16 Q. Okay.

17 MR. DAVIS: That would be the --

18 THE COURT: All right. Let's bring the jury in.

19 MR. EPTING: Your Honor, the defense has indicated they
20 may wish to introduce a copy of this video into evidence. I
21 would inquire whether this is a portion of the video?

22 MR. DAVIS: It is a portion of Officer Chasse's body
23 cam. I have Officer Chasse under subpoena and I can back
24 bring him back, do the full authentication at that time.

25 MR. EPTING: We would object to a portion being

1 introduced.

2 MR. DAVIS: Then we will not introduce, then, Your
3 Honor. That's fine.

4 THE COURT: All right.

5 (Whereupon, the jury entered the courtroom at 12:23
6 P.M.)

7 THE COURT: All right. Thank you, ladies and
8 gentlemen. Mr. Davis.

9 MR. DAVIS: Thank you, Your Honor.

10 Q. Mr. Kleiderer, after reviewing the video, did that
11 refresh your recollection of the events of the interview you
12 had on December 5th of 2023?

13 A. Yes, it did.

14 Q. And do you recall what you told the officer at that
15 time when the last time you saw your airplane was?

16 A. Yes.

17 Q. And what was your response to that question?

18 A. In the video, the previous Wednesday. I don't know
19 what the date was.

20 MR. DAVIS: Your Honor, I'd ask the Court take judicial
21 notice that the previous Wednesday would have been -- of
22 2023, would have been November 29th.

23 THE COURT: All right. The Court takes judicial
24 notice of that fact.

25 MR. DAVIS: Thank you, Your Honor.

1 Q. Now, Mr. Kleiderer, you also -- did you have any
2 observations about how the equipment that was removed from
3 your airplane? You had indicated it was done professionally
4 or looked like was a very cleanly -- clean, a clean job?

5 A. I did.

6 Q. So there was no actual damage to your plane. It looks
7 like someone knew what they were doing?

8 A. I did.

9 Q. Okay.

10 MR. DAVIS: I have no further questions, Your Honor.

11 THE COURT: All right. Any redirect?

12 MS. BURDETTE: Yes, Your Honor.

13 REDIRECT EXAMINATION

14 KARL KLEIDERER BY MS. BURDETTE:

15 Q. Mr. Kleiderer, when you were speaking to the officer
16 that was on scene that day, did you give a specific date
17 that you had seen your plane?

18 A. No.

19 Q. So you were just asked of the blue when you had seen it
20 and you said what?

21 A. My recollection on that day was the previous Wednesday.

22 Q. Was it exactly that Wednesday or around that time?

23 A. Around that time.

24 MS. BURDETTE: No further questions.

25 THE COURT: Recross.

1 RECROSS EXAMINATION

2 KARL KLEIDERER BY MR. DAVIS:

3 Q. Mr. Kleiderer, I'm going to ask you to do a little bit
4 of math in public here. If the 29th was a Wednesday, what
5 day would the 26th be?

6 A. It would be a Sunday.

7 Q. Are your Sundays -- and I'm not trying to be cute here.
8 I don't know what your work schedule's like. Are your
9 Sundays typically different than your Wednesdays?

10 A. They are. I came up -- yes. They are.

11 Q. Go ahead, please.

12 A. The last time I flew the plane was the 26th. That's
13 why I parked it there.

14 Q. But this -- on December 5th of 2023, you made the
15 statement -- how many times do you believe you made that
16 statement to the officer that it was Wednesday?

17 A. I don't remember.

18 Q. From watching the video, do you recall that you made it
19 more than once, that it was Wednesday?

20 A. Potentially.

21 Q. And I believe you're specific at the time of day on
22 Wednesday towards the end of that video. Did you recall if
23 you gave a specific time or close to a specific time during
24 the day on Wednesday?

25 A. I think I referenced something around noon.

1 MR. DAVIS: No further questions, Your Honor.

2 THE COURT: All right. Thank you. You can step down.

3 Ladies and gentlemen, we're going to take our lunch
4 break. This afternoon should be full. However, I'm going
5 to give you 'til -- be back in your jury room -- well, we're
6 going to try to start the trial promptly again at 2:00.
7 That'll give you an hour and half. I think the bailiffs ask
8 that you come in a little bit before that so they can get
9 you up here in the jury room, but we will resume the trial
10 at 2:00.

11 Again, do not discuss the case. Don't use your
12 electronic devices to look up any people, places or anything
13 related to the case. With that, you can go to lunch.
14 Everyone remain seated while this jury is excused.

15 (Whereupon, the jury exited the courtroom at 12:28
16 P.M.)

17 THE COURT: All right. Anything from the State before
18 we break for lunch?

19 MS. BURDETTE: Nothing from the State, Your Honor.

20 THE COURT: From the defense?

21 MR. DAVIS: Nothing from the defense, Your Honor.

22 THE COURT: All right. Y'all be back, ready to go at
23 2:00.

24 (Whereupon, the proceeding was recessed at 12:28 P.M.
25 for lunch and reconvened at 2:01 P.M.)

1 THE COURT: All Right. State ready to proceed?

2 MR. EPTING: State's ready, Your Honor.

3 THE COURT: Defense ready?

4 MR. DAVIS: We're ready, Your Honor.

5 THE COURT: All right. Let's bring in the jury.

6 MS. BURDETTE: Your Honor, real quick before the jury
7 comes in actually. The defense has indicated they may
8 stipulate to chain of the phone. If they are going to do
9 that, we have two witness that can only testify today. So
10 if they're going to stipulate, I'd like to go ahead and
11 release those so they can go back to Oconee County.

12 THE COURT: Don't bring the jury yet, Tommy.

13 MR. DAVIS: And, Your Honor, we have no objection to
14 stipulating to the chain of custody of the phone. It was
15 taken from my client, I believe it was, January.

16 MS. BURDETTE: Yes, January 6th.

17 MR. DAVIS: January, when he was arrested in Oconee
18 County.

19 THE COURT: All right. So, again, it's for purposes of
20 the record as far as the confiscation of the phone by the
21 Oconee or the Pickens Sheriff's Department, whoever got it.

22 MS. BURDETTE: Oconee County.

23 THE COURT: It ended up at SLED. It may have changed
24 hands several times in between there, but the defense is not
25 contesting the chain of custody and not requiring those

1 individuals to be here as far as how it ended up at SLED.
2 You can testify about how it ended up at SLED when it went
3 through, but we're not requiring those individuals to be
4 here. He's stipulating to the chain of custody.

5 MR. DAVIS: That is correct, Your Honor.

6 MS. BURDETTE: And if I may go release them real
7 quick?

8 THE COURT: Yes.

9 (Whereupon, Ms. Burdette left the courtroom
10 momentarily.)

11 THE COURT: All right. Is the State ready?

12 MS. BURDETTE: We're ready, Your Honor.

13 THE COURT: Is the defense ready?

14 MR. DAVIS: We're ready, Your Honor.

15 THE COURT: All right. Let's bring the jury in.

16 (Whereupon, the jury entered the courtroom at 2:06
17 P.M.)

18 THE COURT: All right. Thank you, ladies and
19 gentlemen. I hope you enjoyed your lunch. State, call your
20 next witness.

21 MS. BURDETTE: May it please the Court. The State
22 calls Steve Gould to the stand.

23 THE COURT: All right. Solicitor.

24 (STEVE GOULD, being first duly sworn, was examined and
25 testified as follows):

1 DIRECT EXAMINATION

2 STEVE GOULD BY MS. BURDETTE:

3 Q. Good afternoon, Mr. Gould. Could you please state your
4 name for the record?

5 A. Yeah. Steven Gould.

6 Q. Where do you currently work?

7 A. The Rock Hill/York County Airport.

8 Q. How long have you been employed with the Rock Hill/York
9 County Airport?

10 A. A little over eleven -- or about eleven and a half
11 years.

12 Q. What is your position with the airport?

13 A. The airport director.

14 Q. And what are your duties as director?

15 A. I oversee all the day-to-day operations of the airport.
16 I ensure the safety and security of it; short-term, long-
17 term planning; wildlife control; lease managements, things
18 like that. So everything that runs through the airport
19 basically runs through my office.

20 Q. Okay. Were you the director in charge on November and
21 December of 2023?

22 A. Yes, ma'am.

23 Q. And is the airport secured in any way?

24 A. It is.

25 Q. How so?

1 A. We have, basically, fence line surrounding it, 360
2 degrees around the entire airport property. We have
3 multiple vehicle access gates that are automated and in
4 order to gain access, you need to have, either an ID badge
5 or a key fob and that's been in place since about -- for
6 about two years now. Prior to that, it was pin-code access.

7 Q. So is the key fob, do you need that at all times of the
8 day or just certain times of the day?

9 A. Just in terms of accessing the airport.

10 Q. Okay. Like, the main --

11 A. From the land side. So accessing from the public side
12 to get onto the airport, you're required to have that key
13 fob or an ID badge. You can be -- you can gain access
14 remotely by using the call box to the FBO, but that's only
15 during business hours.

16 Q. Okay. So that's if someone parked at the airport and
17 wanted to enter the facilities?

18 A. That's correct.

19 Q. Okay. And what if they flew into Rock Hill, would they
20 have access to the main building?

21 A. Not the building, just the airfield itself. The
22 airport is open 24/7 in terms of utilization. It's public
23 access -- asset.

24 Q. Okay. And can you describe the layout of the airport?

25 A. Yeah. Most of the commercial services are on the west

1 side of the airport where the terminal building is at.
2 That's where the FBO operates out of. You'll have flight
3 schools, aircraft maintenance services, everything else will
4 have tenants that are either based in a hangar facility,
5 shade ports or on the tie downs and then on the other side,
6 on the east side of the airport, is a little bit more
7 secluded. That's all, essentially, private access. They're
8 all individual hangar owners, so they have ownership in the
9 facilities over there. So only those owners and persons
10 that have permission from them are able to gain access
11 outside of staff members and things of that nature.

12 Q. Is there, like, security over there so they can gain
13 access? How do those owners get access over there?

14 A. Same thing, using a key fob.

15 Q. Okay. All right.

16 MS. BURDETTE: May I approach the witness, Your Honor?

17 THE COURT: Yes, you may.

18 Q. I'm now showing you State's Exhibit 13 through 16.
19 Would you take a look at those?

20 A. Sure.

21 (Whereupon, the referenced items were handed to the
22 witness.)

23 Q. Do you recognize those photos?

24 A. Yeah. That's my airport.

25 Q. And you recognize it because it's your airport you work

1 at?

2 A. It is.

3 Q. And are they a fair and accurate depiction of the
4 airport in 2023 in November, December?

5 A. Yes, it is.

6 Q. Okay.

7 MS. BURDETTE: Your Honor, at this time, the State
8 moves to admit into evidence.

9 THE COURT: All right.

10 MR. DAVIS: No objection, Your Honor.

11 THE COURT: Tell me again what are those numbers?

12 MS. BURDETTE: State's Exhibits 13 through 16.

13 THE COURT: All right. State's Exhibit 13, 14, 15, and
14 16 are into evidence.

15 MS. BURDETTE: Thank you, Your Honor. Can we publish,
16 please?

17 (Whereupon, the referenced exhibits were published to
18 the jury.)

19 Q. I believe this is State's 13. Is that right?

20 A. That's correct.

21 Q. Okay. So what are we looking at here?

22 A. An aerial view of the airport, the main portion of the
23 airport property.

24 Q. Okay. Can you use this photo to kind of tell us -- you
25 were saying east side, west side. Can you just kind of

1 point out those things on that photo?

2 A. Yeah. So the top part of the photo is the west side of
3 the airport. That top spot of the photo is the west side of
4 the airport and the bottom half is the east side.

5 Q. Okay. What do we see on the west side of the airport?

6 A. On the west side you'll see -- so, basically, you see
7 the pavement, the big block of pavement there, that's our
8 apron. It's where the aircraft park outside. So on the
9 right-hand side of it, that's where those two building are
10 owned by Skytech, the FBO and that third building to the
11 left of those is the main terminal building and as you keep
12 going a little bit farther down, you'll find those three
13 hangars that are kind of in a row. Those are privately
14 owned there and then you keep going and you get to what we
15 call our porta ports. That's that brown and white looking
16 setup there. The next three rows are three shade ports.
17 They hold a total of 29 aircraft spaces and then the last
18 two rows are private hangars.

19 Q. Okay. What about the east side of the airport, where
20 is that at?

21 A. East side. So if you just went directly to the other
22 side and you'll see that whole block of, essentially, T-
23 hangar buildings. You know, it looks like -- I don't know
24 if you want -- how else to describe that on this, but where
25 that block of pavement is there, that's all individual

1 hangar owners there. Those three white ones, those are new
2 and they were under construction at the time. So there
3 wasn't any occupancy in those, but the other ones, there's a
4 total of 68 hangar units, if you will, and those are all
5 privately owned units. That facility there was privately
6 constructed, private funds.

7 Q. Okay. So the top left of the picture, those are the
8 shade ports?

9 A. Yes. Those -- where that mouse is pointing, that's the
10 -- one of the rows, so the -- not the last two, those are
11 hangars.

12 Q. Okay.

13 A. The other three are the shade ports.

14 Q. Okay. So it's shade ports and then hangars?

15 A. Correct. Yeah. Going right to left.

16 Q. And then at the bottom of the screen, those are three
17 enclosed hangars?

18 A. No. That's a total of 1, 2, 3 -- what's that 8,---

19 Q. Oh, I'm sorry.

20 A. ---9, 10, 11 buildings.

21 Q. Okay. Yes. But all of those are enclosed hangars?

22 A. That is correct.

23 Q. Okay.

24 MS. BURDETTE: If we can go to State's Exhibit 14.

25 Q. What are we looking at here?

1 A. That's a closer shot of the shade ports in the
2 Southwest Hangar Owner's Association as well as the three
3 individual hangars. You'll see our fuel farm, which is
4 those two white above ground tanks and right next to that is
5 the self-serve pump.

6 Q. Okay. So the self-serve pump is like the middle of the
7 picture?

8 A. Kind of. It's kind of hard to see a little bit, but if
9 you look at the -- yeah, right where that mouse is at,
10 that's where it's at.

11 Q. Okay. And then when you go down the picture, those are
12 the shade ports?

13 A. Correct.

14 Q. Okay. Do you know who owns or uses those shade ports?
15 Do you know the owners?

16 A. Technically, the City of Rock Hill owns the shade
17 ports and we lease it per the ground lease management with
18 Skytech, the FBO. So they are the -- so any of the aircraft
19 that are tenants in there are subtenants of Skytech, who is
20 our tenant, essentially.

21 Q. Back in November and December of 2023, do you know who
22 was leasing those or --

23 A. It was still the same setup. In terms of the
24 individuals in there, I have a based aircraft list where --
25 that we manage, but Skytech controls that list at all times.

1 Q. Okay. Would Carl Kleiderer's airplane be stored over
2 there?

3 A. He was at that time.

4 Q. What about Peter McLean, would his aircraft be stored
5 over there?

6 A. Yes, ma'am.

7 Q. Okay. And then State's Exhibit 15. What are we
8 looking at here?

9 A. It's a different kind of angle of the shade ports.
10 Those are the shade ports, those top three buildings there
11 and then the bottom two there is the enclosed hangars.

12 Q. Okay. And this is Exhibit 16, I believe. What are we
13 looking at here?

14 A. This is the east side of the airport with all the
15 enclosed hangars.

16 Q. So that's what we were seeing when we looked at the
17 first one, 13, that's what we're seeing---

18 A. The bottom section.

19 Q. ---on the bottom there?

20 A. Yes, ma'am.

21 Q. Okay. And do you know who stores their planes or do
22 those -- are those leased out?

23 A. They're all owned. The individual units are owned and
24 then some of the owners do lease out their hangar space.

25 Some aircraft -- some hangar owners, they own multiple

1 units. So they might keep one -- their one aircraft in
2 their own and then lease out the others, but essentially,
3 they're all aircraft owners there, whether they're leasing
4 or they own space themselves.

5 Q. Would Jonathan Long have an enclosed hangar over in
6 that area?

7 A. We actually have two Jonathan Longs. There's one
8 that's part of -- it's Taxiway J Hangar Owner Association
9 and the other one is Jonathan Long, the current president of
10 the Taxiway K Hangar Owner's Association so, yes.

11 Q. Do they both hangars in there?

12 A. They both have hangars over there and they both have
13 aircraft.

14 Q. Okay. What about Dirk Tanis, does he have an enclosed
15 hangar over there?

16 A. Yes, he does.

17 Q. Okay. All right. Moving on. Do you have cameras
18 installed throughout the airport?

19 A. We do.

20 Q. I want to take you to December 7th, 2023. On that date
21 did you know when airplanes had been broken into?

22 A. Not the exact dates. The thing about the aircraft is
23 it's not like having a car where you're synched up to using
24 it every single day. So some folks may go to the airport
25 everyday, some may not be there but once a month. So at

1 that moment, at that time, we didn't have an exact time
2 frame of when the break-ins may have happened. We just had
3 a general time frame. We knew -- some dates was in terms of
4 the last date that one of those aircraft had been visited by
5 the owner and then we had others that, you know, indicated
6 it may have been, you know, beyond this point so that --

7 Q. So you had a time frame, but you didn't know the exact
8 date?

9 A. Correct. We were able to narrow it down. At one point
10 it was week-long time frame and once we got a couple of
11 other reports, then we were able to narrow it down to within
12 a three-day window.

13 Q. Okay. On December 7th, did you meet with Detective
14 Swiger of Rock Hill Police Department?

15 A. Yes, ma'am.

16 Q. And did you guys discuss two other possible suspects?

17 A. We did.

18 Q. And do you remember those names?

19 A. One was Jonathan Baines and the other gentleman was his
20 friend, a Steven -- I don't remember his last name, though.

21 Q. Okay. Why did you believe Jonathan Baines and Steven
22 would be involved?

23 A. Well, when we were -- during the video footage, there
24 was consistent activity during late hours and it kind of
25 came off kind of strange, but at the same time it was kind

1 of weird that it would have been Jonathan Baines 'cause I'd
2 had interactions with him multiple times, but I knew he was
3 also -- he had dabbled in aircraft maintenance at times as
4 well and based off of the thefts, that's something that may
5 have kind of went, you know, together as a type of
6 opportunity, if you will. But through the footage, it kept
7 -- we kept seeing where they were at, it was dark, and we
8 saw what looked like flashlights consistently on some of the
9 aircraft. So that's why we kind of viewed them as potential
10 suspects at the beginning and then after further observation
11 of the footage, we were able to determine that what we were
12 seeing, what we thought were flashlights, were actually the
13 vehicle lights of their own by their aircraft and them kind
14 of walking in between. So it looked like there's movement
15 of flashlights, but it was really just their legs walking in
16 between -- in between the aircraft in question and their
17 vehicle making it seem like there was movement of lights.

18 Q. So you went back and reviewed the video of what you
19 thought was something suspicious?

20 A. Yes.

21 Q. And you were able to confirm that it was just him
22 flying and he pulled his truck over to his airplane?

23 A. That's correct. 'Cause we had observed him multiple
24 nights, 'cause at the time, he and Steven were working on
25 getting a -- fulfilling a flight hour requirements to be

1 able to get into the airline industry to be pilots for the
2 airlines and so they were flying consistently almost twelve
3 hours a day, five days a week and so they were consistently
4 in and out of the airport and in those areas and they were
5 also the only ones in dark conditions that we could see on
6 video at that time and so that's why they were the initial
7 suspects.

8 Q. Were they using their key fob to access the airport
9 facilities?

10 A. Steven doesn't have one, but Jonathan does and what
11 they would do is he -- Steven would just follow in as an
12 escort. So Jonathan Baines was essentially escorting Steven
13 each time they would come in.

14 Q. Is that allowed?

15 A. It is allowed.

16 Q. Okay. So even --

17 A. Like I said, as long as somebody is following another
18 -- a vehicle, they have to be -- they are essentially
19 responsible for that person while they're on the grounds.

20 Q. Like a guest?

21 A. Correct.

22 Q. Okay. So he's using his key fob to get in and out and
23 that's how you know it's him?

24 A. Correct.

25 Q. Okay.

1 MR. DAVIS: Objection, Your Honor. May we approach?

2 THE COURT: Yes, you may.

3 (Whereupon, a Bench conference was held off the record,
4 out of the hearing of the court reporter and out of the
5 hearing of the jury).

6 THE COURT: I sustain the objection. Move on to your
7 next question.

8 Q. Okay. Were your cameras in proper working condition on
9 November 28th, 2023?

10 A. They were.

11 Q. And what area of the airport do those cameras capture?

12 A. We capture essentially the entire west side of the
13 airport and then various locations on the east side.

14 Q. As the director, do you have the authority to review
15 those videos captured on the surveillance system?

16 A. I do.

17 Q. Are those videos kept in the normal and ordinary course
18 of your business operations?

19 A. They are.

20 Q. And were you asked to retrieve surveillance video for
21 November 28th, 2023?

22 A. I was.

23 Q. Who asked you to retrieve those videos?

24 A. Detective Swiger.

25 Q. Do you know who Detective Swiger works for?

1 A. The Rock Hill Police Department.

2 Q. And were you, in fact, able to retrieve surveillance
3 video from November 28, 2023?

4 A. I was.

5 MS. BURDETTE: May I approach the witness?

6 THE COURT: Yes, you may.

7 Q. Do you recognize this?

8 (Whereupon, the referenced item was handed to the
9 witness.)

10 A. I do.

11 Q. How do you recognize this?

12 A. It's the video disk or the disk that we had reviewed
13 prior.

14 Q. So you've had a chance to review this video?

15 A. I have.

16 Q. How do you know?

17 A. Those are my initials on there.

18 Q. Okay.

19 MS. BURDETTE: The State moves to admit Exhibit --
20 State's Exhibits 17 into evidence.

21 MR. DAVIS: No objection, Your Honor.

22 THE COURT: State's 17 is in evidence without
23 objection.

24 MS. BURDETTE: If we can have permission to publish?

25 MR. DAVIS: I have a question, Your Honor.

1 (Whereupon, a Bench conference was held out of the
2 hearing of the court reporter and out of the hearing of the
3 jury.)

4 MS. BURDETTE: Okay. You can publish.

5 (Whereupon, State's Exhibit Number 17 was published to
6 the jury.)

7 Q. Mr. Gould, what are we looking at here?

8 A. It looks like it's four camera shots that was taken
9 from our video collection system that we have.

10 Q. From the Rock Hill Airport?

11 A. That's correct.

12 Q. And what day is this video from?

13 A. This is November 28th.

14 Q. How do you know that?

15 A. It's published right there on the screen, on each of
16 the individual video windows.

17 Q. Now, the time that's displaying here, is that the
18 correct time of the day?

19 A. That's correct. Yes, it is.

20 Q. There's no delay or anything? That's --

21 A. There was no delay.

22 Q. Okay. So this first view, what is this?

23 A. That one? That's the PTZ, which stands for Pan Tilt
24 Zoom camera. We have that set on a tour to where it is
25 consistently scanning the entire airport from the west side,

1 looking out to the east and it's right on the tip or point,
2 if you will, of our terminal building.

3 Q. I'm going to play this video. So why is it rotating?

4 A. To get a full view, consistent view, of the entire
5 airfield. We have some stationary ones that also picked up,
6 but those are motion-sense -- detecting. With the PTZ, as
7 long as it's moving, it is consistently recording so this
8 records 24/7.

9 Q. And I'm going to just speed it up a little bit. And
10 you tell me if you see a plane come in, I'll stop it.

11 A. There's one coming in right now looks like.

12 Q. Is that the defendant's plane coming in right then?

13 A. Can't tell just yet. It may have been another
14 aircraft, because there were multiple aircraft that evening.

15 (Publication continued)

16 A. Yeah. That would be him right there.

17 Q. So let me slow it down. Going a little fast. So --

18 MR. EPTING: Madam Clerk, could we dim the lights,
19 please?

20 Q. Is that the defendant's plane landing right there?

21 A. Yeah, it is.

22 Q. Okay. And what time is that?

23 A. 9:50 P.M., almost 9:51.

24 Q. And where does that plane go as it's landing?

25 A. So it's touching down utilizing runway 02, and it's

1 going to, after it touches down, slow down, brake, and then
2 you'll see him go past this taxiway intersection, which is
3 the blue lights going all the way across right there. It
4 will go just past there and then it will then make its turn
5 to exit the runway.

6 Q. Do you see the plane?

7 A. That's him right there. That's him right there.

8 Q. Right there with the flashing lights?

9 A. That's correct.

10 Q. Now, when it came into the airport, did it have on all
11 of required lights?

12 MR. DAVIS: Objection, Your Honor.

13 THE COURT: I overrule the objection.

14 Q. You can answer.

15 A. Okay. No, it did not in terms of the safety of flight.

16 Q. So is it --

17 MR. DAVIS: Objection, Your Honor.

18 THE COURT: All right. What's your objection?

19 MR. DAVIS: The witness is not qualified. He's not
20 been qualified as an expert in safety of flight.

21 THE COURT: Solicitor?

22 MS. BURDETTE: Your Honor, Your Honor, it's not expert
23 testimony. He's just saying as the director of the airport
24 what they should have been doing.

25 THE COURT: I overrule the objection.

1 Q. So when the defendant was flying in, did he have on all
2 required lights that he's supposed to have on?

3 A. He did not.

4 Q. Is that standard procedure --

5 A. FAA Regulations --

6 MR. DAVIS: Objection, Your Honor. May we approach?

7 THE COURT: Yes, you may.

8 (Whereupon, a Bench conference was held off the record,
9 out of the hearing of the court reporter and out of the
10 hearing of the jury.)

11 THE COURT: All right. I note your objection. I
12 overrule the objection. Ask your next question.

13 MS. BURDETTE: Thank you, Your Honor.

14 Q. So when the defendant was flying in, what lights did he
15 have on?

16 A. It looked like he has his anti-collision light, which
17 is that strobe, as well as his landing lights.

18 Q. What lights should he have on?

19 A. Should have his navigational lights on, which on the
20 left-hand wing would be a green light and then on the right-
21 hand wing would -- I'm sorry. Right-hand wing would be a
22 green light. Left-hand is a red and that helps identify
23 aircraft in terms of being in the air, direction on where
24 they're going 'cause in -- when it's nighttime, at night,
25 you can't see exactly which direction the aircraft is going

1 and that kind of helps -- help you determine which direction
2 of flight, whether they're coming away from you or towards
3 you.

4 Q. Is it unusual for a plane to come in at night without
5 those lights on?

6 A. No, not really. Oh, I'm sorry. Say that again?

7 Q. Is it unusual for a plane to come into Rock Hill
8 Airport---

9 A. Yes, it is.

10 Q. ---without their lights on?

11 A. It is unusual for that. Yes.

12 Q. Okay.

13 A. Sorry. I misunderstood.

14 Q. Thank you.

15 (Publication resumed)

16 Q. Okay. So at this point -- if you see the airplane,
17 will you identify it, please?

18 A. It's right there, taxiing---

19 Q. Okay.

20 A. ---on our parallel taxiway Alpha.

21 Q. Okay.

22 A. It had turned off on taxiway Charlie and is now
23 proceeding south on taxiway Alpha.

24 Q. So this is the same plane that landed; right?

25 A. It is.

1 Q. What area of the airport is it heading to?

2 A. It's heading to the south portion of the apron, which
3 is in the vicinity of the shade ports.

4 Q. If you see the airplane, will you please point it out?

5 A. It is on the ramp right now. Sorry. It just exited
6 the taxi lane that's on the right.

7 Q. Right here?

8 A. Yes, ma'am.

9 Q. Okay. And what is that area? What's near that area?

10 A. It looks like that's where he is heading over towards
11 the area of the self-serve pump.

12 Q. Okay. Is there another camera over there?

13 A. There is.

14 Q. Is it motion activated or is it a constant recording?

15 A. Motion activated.

16 Q. So it would have clicked on once something was over
17 there?

18 A. That's correct. And you'll see on those bars on the
19 tower, where the time is at, those spaces is when the camera
20 stopped recording and then --

21 Q. And that's the motion activated?

22 A. That's correct. That's actually Jonathan Baines right
23 there.

24 Q. So he's leaving the airport at that time?

25 A. That's correct. And then that would be his friend,

1 Steve.

2 Q. Okay. So they left at what time?

3 A. It's 10:00 P.M.

4 Q. Can you see the suspect airplane at this point?

5 A. I do not believe so.

6 Q. Do you see motion?

7 A. Well, there's a person right there.

8 Q. Can you see who --

9 A. Okay. Actually, in that far right corner you can see

10 one of the engines, one of the props turning on an aircraft.

11 Q. Okay. So this corner?

12 A. Yep.

13 Q. You see the airplane there?

14 A. Yeah.

15 Q. Can you see the --

16 A. Sorry. I was trying to keep my mouth in front of the

17 speaker.

18 Q. You're fine.

19 A. This angle, it was kind of hard for me to see.

20 Q. Can you see anyone standing outside the aircraft at

21 that time?

22 A. I can.

23 Q. And what time is that?

24 A. That is at 10:01 P.M.

25 Q. That is when someone walks over there. What is this?

1 A. That is the self-serve pump.

2 Q. What does that do?

3 A. Pumps aviation fuel into aircraft. It's -- think of it
4 as going to a regular gas station and you need to fill your
5 car up. The same thing with the aircraft. You can pull
6 your own aircraft up and fuel it yourself.

7 Q. So how exactly how does it work?

8 A. Very similar to a gas station, where you just use a
9 credit card or any type of electronical payment, form of
10 payment that it accepts. You swipe your card, punch in a
11 tail number and it gives the approval to begin disbursing
12 fuel.

13 Q. So you have to put in a tail number of the airplane?

14 A. You have to put a tail number in. It's not the most
15 secure in terms of you could put any tail number in,
16 technically.

17 Q. Was there a tail number recorded?

18 A. No, there was not. There was no --

19 MR. DAVIS: Objection, Your Honor. May we approach?

20 THE COURT: Lawyers approach.

21 (Whereupon, a Bench conference was had off the record,
22 out of the hearing of the court reporter and out of the
23 hearing of the jury.)

24 THE COURT: I note your objection. I overrule the
25 objection.

1 Q. Was there a tail number put into this system around
2 this time?
3 A. There was no transaction, period.
4 (Publication resumed)
5 Q. What do we see here?
6 A. It looks like they started the aircraft back up and
7 they are now taxiing with its -- under its power.
8 Q. Is there still someone outside of the airplane?
9 A. Yes, there is.
10 Q. Did you see a tail number on that airplane?
11 A. I did. I see the number 8- -- 8339 Yankee.
12 Q. Let me try to zoom this in a little bit. So that's the
13 tail number you're referring to?
14 A. Yes, ma'am.
15 Q. And that's what they were supposed to put into the fuel
16 pump?
17 A. That is correct.
18 Q. Okay. And there's still this person standing outside?
19 A. That's correct. But before you put in the tail number,
20 you're required to swipe a card first.
21 Q. Right. Was there any card swiped?
22 A. No.
23 Q. Do you have access to that data base to see if cards
24 were swiped?
25 A. I do.

1 Q. Is that part of your duties as the director of the
2 airport?

3 A. Not my direct duties, but if I get asked I can get -- I
4 have the ability to gain those records, which I have.

5 Q. Okay.

6 MR. DAVIS: Objection, Your Honor.

7 THE COURT: What's your -- state your objection.

8 MR. DAVIS: I ask they introduce these records if
9 they're going to testify again -- about them, Your Honor.

10 THE COURT: All right. I overrule your objection. Ask
11 the next question.

12 Q. Okay. At this point we see how many individuals?

13 A. Three.

14 Q. What does that one have?

15 A. Looked like he had a flashlight.

16 Q. Do you know what they're doing right here?

17 A. I do know what they're doing.

18 Q. What are they doing?

19 A. They are unlocking the cabin to gain access to the
20 manual override to the self-serve pump.

21 MR. DAVIS: Objection, Your Honor; speculation.

22 THE COURT: I overrule the objection.

23 Q. So they're doing -- they're accessing what?

24 A. Manual override switch.

25 Q. Okay. How would you do that?

1 A. You unlock the cabinet with a key, and there's
2 literally a button that you push to activate the pump.

3 Q. Okay. Is that legal?

4 A. The FAA uses it for safety testing in terms of the
5 sampling so if they needed to, but, generally, no.

6 Q. Would it be legal for an outsider to do that?

7 A. No. It would not be legal for an outsider to do that.

8 Q. So these people are stealing gas right now?

9 A. Yes, ma'am.

10 Q. What are they doing here?

11 A. Right now they're using the -- the hose. We can see
12 the hose being pulled over to the tips of the wing.

13 Q. Is that where you fuel up a aircraft?

14 A. There's four points on this aircraft. There's the two
15 points on the wings itself, near the engines, and then those
16 are called tip tanks at the end where it stores additional
17 fuel. Right now they're fueling the wing itself.

18 Q. In your experience as the director of Rock Hill
19 Airport, is there vulnerability to this fuel pump system?

20 A. Vulnerability in what ways?

21 Q. Would -- how is it able to be accessed?

22 A. There is a key. Typically, FBOs have access to that
23 key because of the system itself. It's a generic key that
24 is used at all or at a lot of different FBOs, but you have
25 to be a -- you have to a FBO staff member to have access to

1 that key.

2 Q. Do you know if you can purchase this key somewhere?

3 A. No, you cannot.

4 Q. Is it just one key that opens all of them or how does
5 that work?

6 A. I wouldn't necessarily say all of them, but it's almost
7 like having multiple keys for the same lock, but at
8 different airport facilities. It's the --

9 Q. Okay. So multiple --

10 A. It's the way the manufacturer distributes that product.

11 Q. So multiple airport facilities, you can use this one
12 key to access the fuel?

13 A. You could.

14 Q. Okay. What kind of pod is this?

15 A. What kind of pod? I don't know that. I can't remember
16 the exact name of the pod.

17 Q. That's okay. What are they doing here?

18 A. Right there, it looks like one person is fueling the
19 tip tank and then the other two, I don't know.

20 Q. Standing by?

21 A. Yeah.

22 Q. What is this guy doing right then?

23 A. It looked like he was -- it looks like he was done
24 fueling and putting the hose back and reeling it back in.

25 Q. Okay. This man right here. Do you see his arm waving,

1 gesturing or --

2 A. Sort of.

3 Q. Is he gesturing towards a certain location?

4 A. Looks like he's pointing towards the -- towards the

5 self-serve pump.

6 Q. What about right there? Where is he pointing to?

7 MR. DAVIS: Objection, Your Honor; speculation.

8 THE COURT: I sustain the objection.

9 Q. Where is he walking off to right here?

10 A. He's walking south towards the -- the vicinity of the

11 shade ports.

12 Q. What's happening with the plane right here?

13 A. He just started it up and those lights you see come on

14 are the -- now, that strobe that's on right there.

15 Q. Uh-huh.

16 A. That was not on when he was flying in.

17 Q. Okay. So it's on now,---

18 A. That is correct.

19 Q. ---but it wasn't on in the beginning?

20 A. That is correct.

21 Q. The strobe light, which one is that?

22 A. It's on the tail of the aircraft.

23 Q. That's that top blinking one?

24 A. That's correct.

25 Q. Okay. What direction is the plane going now?

1 A. It's turning around, heading south on the ramp.
2 Q. Towards what?
3 A. Towards the shade ports.
4 Q. Okay. Now, is there more cameras on that side?
5 A. There are.
6 Q. Okay. So are these cameras motion activated as well?
7 A. They are.
8 Q. Okay. What do we see here?
9 A. That looks like a flashlight.
10 Q. Where are those flashlights going to?
11 A. They're walking towards the shade ports.
12 Q. Do you know how many flashlights you saw there?
13 A. I couldn't make out more than one. I saw two sets of
14 lights and there -- before it switched that spot where that
15 light just came on shining between those hangars, that would
16 be between shade port row B and C and there's --
17 Q. Okay. I'm going to try to zoom it in a little bit.
18 Okay. So I'm going to go back and tell me if you see
19 anything.
20 A. I see there are actually flashlights over there by the
21 shade ports right now.
22 Q. Right here?
23 A. Yeah.
24 Q. Okay. Whose plane is parked near there?
25 A. That spot specifically, I'm not sure off the top of my

1 head.

2 Q. Are there planes stored over in that area?

3 A. There are.

4 Q. I'm going to speed it up a little bit. Do you see
5 anything right there?

6 A. You kind of sped it up.

7 Q. Sorry.

8 A. You sped it up a little fast for me.

9 Q. Sorry. We can go back. Is there any movement over
10 there?

11 A. Yeah. You can actually see. So let's -- at least one
12 person.

13 MR. DAVIS: Objection, Your Honor. May I approach?

14 THE COURT: Yes, you may.

15 (Whereupon, a Bench conference was held off the record,
16 and out of the hearing of the court reporter and out of the
17 hearing of the jury.)

18 THE COURT: I note your objection. I overrule the
19 objection.

20 Q. I'm sorry. I kept the video going. I don't think we
21 missed anything. Is there anything over here that you saw?
22 Do you want me to go back?

23 A. Maybe go back.

24 Q. Do you see anything there?

25 A. Looks like there was a flash of light around the side

1 wall of the A shade-port building.

2 Q. Do you know whose plane would have been in that area?

3 A. Over in that area would have been various aircraft from
4 our flight school, Aces Flight School.

5 Q. Okay.

6 A. As well as Jonathan Baines' aircraft over in that
7 vicinity.

8 Q. Okay. Now where on this video would Peter McLean's
9 airplane be?

10 A. His is slightly out of shot, in that middle row where
11 that --

12 Q. The further video, so we can't see it?

13 A. It would be -- it would be literally the next aircraft
14 over.

15 Q. Okay. Did you see anything up here?

16 A. Looked like I saw a flash of light, but---

17 Q. Okay.

18 A. ---couldn't be sure.

19 Q. Okay.

20 A. Yeah. That flashlight looks like it's the reflection
21 of our rotating beacons(ph).

22 Q. Okay. And what about up there?

23 A. That's definitely flashlights.

24 Q. Whose plane is over there?

25 A. I'm not sure exactly who they were just looking at, but

1 they're moving over -- I believe that's Carl Kleiderer's
2 plane right there.

3 Q. And is that the shade port he was leasing back in
4 November of 2023?

5 A. He was. That's correct. It looks like there's
6 movement over in that same aircraft.

7 Q. Over here?

8 A. I think that was a flashlight right there.

9 Q. And whose plane is that?

10 A. Karl Kleiderer's.

11 Q. What type of airplane does Karl have? Do you know?

12 A. I can't recall off the top of my head.

13 Q. But there's two flashlights near Karl's plane?

14 A. That's correct.

15 Q. What time of day is this?

16 A. That is 10:42 P. -- at night.

17 Q. Could you see another flashlight coming down in here?

18 A. Go back a little bit.

19 Q. Right there.

20 A. I see one walking towards that -- that C building, the
21 C shade port.

22 Q. And one flashlight is still over here?

23 A. Yes, ma'am.

24 Q. And then what do you see there?

25 A. It looked like the motion stopped there for a second

1 and you see the folks -- the person is walking back to the
2 aircraft.

3 Q. Going back to that plane. There's flashlights over
4 there?

5 A. That looks to be, yes.

6 Q. And that was the plane from the fuel pump; correct?

7 A. That is correct.

8 Q. What is right here, this area?

9 A. That's part of the taxi -- taxiway system, the ramp and
10 gaining access out to the taxiway.

11 Q. Can airplanes travel on that? Is it --

12 A. Are you talking about that lighter gray area there?

13 Q. Yeah.

14 A. That's grass.

15 Q. Grass. So this plane is parked up against the grass?

16 A. It's kind of hard to tell at this video angle to -- if
17 he's in a tie-down spot. I believe he is on the centerline
18 of that access, though, so not on on a tie down.

19 Q. What are they doing there?

20 A. Yeah. He's definitely on the centerline there.

21 Q. What does that mean?

22 A. He's in the middle of a traveling route for aircraft,
23 not a parking spot.

24 Q. So should aircrafts be parked right there?

25 A. No.

1 Q. So what are they doing right now?

2 A. Now they're taxiing, trying to taxi, and if I recall,
3 they're holding right there. Yeah. They're waiting for
4 another aircraft to taxi by.

5 Q. So another aircraft came?

6 A. That's correct.

7 Q. And then what are they doing now?

8 A. They're taxiing out and they're turning north on
9 taxiway Alpha.

10 Q. And then is that them?

11 A. No. That was the other aircraft that just took off.
12 They took off in the southern direction.

13 Q. So they left the airport at that time?

14 A. That's correct.

15 Q. Okay.

16 MS. BURDETTE: You can unpublish, please.

17 Q. So back in November 28th, 2023, do you know what the
18 cost of aircraft fuel was?

19 A. Somewhere between \$6.50 to \$7.00.

20 Q. And do you know how much it would have cost for that
21 aircraft to fuel up?

22 A. It would depend on how much fuel it took on. That
23 aircraft will hold 90 gallons, 45 gallons in each wing, and
24 then another -- up to another 15 in each of those tip tanks.

25

1 Q. So rough math?

2 A. 120 gallons.

3 Q. Okay. So as the airport director, do you have access
4 to track each plane that comes and goes from Rock Hill
5 Airport?

6 A. I do, as long as they have their ADS-B capabilities.

7 Q. Okay. What is ADS-B?

8 A. It's part of the recording system that is required on
9 all -- it's required to be installed on all aircraft
10 certified with electrical systems. So anything that is like
11 that aircraft and the vast majority of our aircraft at the
12 airport, are required to have that capabilities for flying.
13 It's part of the radar tracking systems, in addition to the
14 transponders.

15 Q. Okay. So when you said --

16 MR. DAVIS: Objection, Your Honor. May I approach?

17 THE COURT: Yes, you may.

18 (Whereupon, a Bench conference was held off the record,
19 out of the hearing of the court reporter and out of the
20 hearing of the jury.)

21 THE COURT: All right. I sustain the objection;
22 improper foundation. Ask your next question.

23 MS. BURDETTE: Beg the Court's indulgence.

24 Q. Mr. Gould, as the director of Rock Hill Airport, are
25 you familiar with FAA regulations?

1 A. Yes. It is part of my job to ensure that operations at
2 the airport are in the manner of following FAA regulations.

3 Q. Thank you. And so part of your regulations that you
4 know about, would that be the ADS-B receiver?

5 A. That is correct. You're required to have an ADS-B
6 receiver -- ADS-B Out -- that's what it's called --
7 receiver, turned on when in flight within 30 miles of Class
8 B airspace -- aircraft -- airport, which Charlotte Douglas
9 International Airport is. So you're bound to have that
10 turned on when flying within that 30-mile veil.

11 Q. Do you have a system to track whether a plane has their
12 ADS-B receiver on?

13 A. I do.

14 Q. And what is that called?

15 A. It's through a company called Airport Monitoring
16 Systems and that's how we monitor our operational levels.
17 It tracks every takeoff and landing as well as a flight
18 within a certain altitude of the airport.

19 Q. And as the director of Rock Hill Airport, do you have
20 access to that airport monitoring system?

21 A. I do.

22 Q. And what exactly does that monitoring system report?

23 A. Takeoffs and landings.

24 Q. So any plane that comes in Rock Hill and any plane that
25 lands -- that leaves Rock Hill, you have access to that?

1 A. I do.

2 Q. Okay. And did the defendant have his ADS-B receiver on
3 on November 28th of 2023?

4 A. It appeared he did not.

5 Q. Did the defendant use his ADS-B to report his location
6 on December 9th of 2023?

7 A. No, he did not.

8 Q. Now, other planes are flying in on these two dates,
9 November 28, and 12/9. Were you able to see if they were
10 tracking using their ADS-B receivers?

11 A. I was.

12 Q. So it was -- was it working properly those days?

13 A. Our system was, yes.

14 Q. Yes.

15 MS. BURDETTE: No further questions, Your Honor.

16 THE COURT: Thank you. Ladies and gentlemen, this
17 would be an appropriate time to take about a 10-minute break
18 before we begin cross-examination. I'm going to allow you
19 to go back to your jury for about a 10-minute break. Don't
20 discuss the case. We'll have you out in about 10 minutes.
21 Everyone remain seated while this jury is excused.

22 (Whereupon, the jury exited the courtroom at 3:09 P.M.)

23 THE COURT: All right. We're going to take a 10-minute
24 break. I'll remind you, Mr. Gould, you're still under oath
25 even when we take a break, which means that you can't talk

1 to any attorneys about the case or anyone else about the
2 case or your testimony during that 10-minute break. It's as
3 if you're still on the stand.

4 THE WITNESS: Yes, sir.

5 THE COURT: All right.

6 THE WITNESS: Yes, Your Honor.

7 THE COURT: Ten-minute break.

8 MR. DAVIS: Thank you, Your Honor.

9 (Whereupon, a brief recess was observed from 3:09 P.M.
10 to 3:27 P.M.)

11 THE COURT: All right. State ready to proceed?

12 MR. EPTING: The State's ready, Your Honor.

13 THE COURT: Defense ready?

14 MR. DAVIS: We're ready, Your Honor.

15 THE COURT: Bring the jury in.

16 MR. EPTING: Your Honor, I'm sorry.

17 THE COURT: Hold on a minute.

18 MR. EPTING: We do have two witnesses here that are
19 from out of town and two witnesses with conflicts for
20 tomorrow. Those are the last four witnesses we anticipate.
21 I anticipate one of them would be long, but not the other
22 three. If there's a possibility we could go late tonight
23 and get them done, we would like to inquire that of the
24 Court.

25 THE COURT: Lawyers approach.

1 (Whereupon, a Bench conference was held off the record,
2 out of the hearing of the court reporter.)

3 THE COURT: All right. Let's bring the jury in.

4 (Whereupon, the jury entered the courtroom at 3:30
5 P.M.)

6 THE COURT: All right. Thank you, ladies and
7 gentlemen.

8 Mr. Davis, this is your witness for cross-examination.

9 MR. DAVIS: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 STEVE GOULD BY MR. DAVIS:

12 Q. Mr. Gould, you mentioned that there was construction of
13 new hangars on the airport there. When did those finish
14 construction?

15 A. Those hangars that were on the photos, January/February
16 time frame.

17 Q. So they were still under construction during the time
18 in question here?

19 A. That's correct.

20 Q. Okay. And so there were --

21 MR. DAVIS: Could we put up State's Exhibit 13, please;
22 publish that. That's the big overall picture of the
23 airport. I'm going to bring in a picture of my Golden
24 Retriever just to --

25 MS. BURDETTE: I'm sorry. I have it here.

1 (Whereupon, the referenced item was published for the
2 jury.)

3 Q. All right. And so, the new hangars, they're on the
4 bottom part of the picture?

5 A. Yes, sir.

6 Q. And what does the -- this line here indicate? Right
7 here, going down that white line.

8 A. That white line? That is the access route, in and out
9 from Airline Boulevard, which on the most -- that
10 intersecting part of -- yes, sir. Right there.

11 Q. Airline Boulevard would be down here?

12 A. Yep. That would be where our access gate is to the
13 property on that side.

14 Q. It looks like actually this construction in this
15 picture, looks like there's, you know, disturbed dirt around
16 here. I don't know when this picture was taken. So there
17 were construction crews and how were they accessing this
18 area? They were coming in through this gate here?

19 A. That's correct.

20 Q. And how many key fobs were issued to the construction
21 crews?

22 A. I don't know the total amount. There was probably
23 about three or four.

24 Q. Three or four for all the construction crews?

25 A. For the construction managers to then distinguish who

1 would have access. Yes.

2 Q. And so he'd give them out as needed to different
3 contractors coming in and out?

4 A. No. They'd be assigned to a certain person.

5 Q. They assigned to -- and they kept a log with you of
6 every person it was assigned to for each day?

7 A. No. They would have that control of that individual
8 fob. Each person it's assigned to -- excuse me -- would
9 have access to the airport and if anybody else needed
10 access, they would have to designate somebody to have access
11 to basically escort them in and out, essentially.

12 Q. All right. So say, for example, -- I assume at one
13 point you did some concrete work out there. You did some
14 concrete work out there?

15 A. Uh-huh.

16 Q. But once that's done, you don't need the concrete
17 pourers anymore?

18 A. That's correct.

19 Q. So at one time they had a FOB and then the FOB was
20 taken away?

21 A. Yes, or reassigned.

22 Q. Reassigned. And was that done through you or was it
23 done by a general contractor?

24 A. Through me.

25 Q. Through you?

1 A. Yeah. The general contract would notify me of who it'd
2 need to be moved over to.

3 Q. And so you'd keep track of each, you know, individual
4 contractor or group of contractors that had a FOB at any
5 given time?

6 A. That's correct.

7 Q. And how long did the construction last, from when they
8 first broke ground to when they kind of finished up?

9 A. Well, that whole project itself was about three years.
10 We switched over to a different contractor at some point
11 because the other one wasn't meeting its obligations per its
12 lease agreement.

13 Q. And how wasn't he meeting his obligations again?

14 A. He wasn't -- he wasn't following along with his
15 construction time frame that was outlined in his lease
16 agreement.

17 Q. And when did that occur, the switch between general
18 contractors?

19 A. It was late August of 2023.

20 Q. And you said that there's ID badge or key fob access.
21 What is the difference exactly?

22 A. This is the ID badge (displaying a badge) and a fob
23 would be about the size of -- sorry -- if I can hold it up
24 right -- of this clip.

25 Q. And do you swipe them at the same terminals or do you

1 swipe them at different terminals?

2 A. Yes.

3 Q. Okay. And you said the airfield's open 24/7. Is that
4 correct?

5 A. That's correct.

6 Q. And the -- where exactly is taxiway K? Is that a new
7 taxiway for --

8 A. No. There is no taxiway K.

9 Q. That's just a name they stylized for themselves?

10 A. There was reason for it, but the reason doesn't exist
11 anymore.

12 Q. Okay. All right. So is the -- when -- we threw out a
13 lot of terms here that the jury may not be familiar with.

14 What does FBO stand for?

15 A. Fixed base operator.

16 Q. And what does the fixed based operator do at an
17 airport?

18 A. Their primary duty is to be the fuel provider so they
19 sell fuel, disburse fuel.

20 Q. Are they in charge of security out on the ramp area?

21 A. Not in charge. They secure their own facilities.

22 Q. Okay. Do you work for the -- who is the fixed base
23 operator at Rock Hill City Airport?

24 A. The fixed base operator is Skytech.

25 Q. Skytech. And are you a Skytech employee?

1 A. I am not.

2 Q. Where -- who is Skytech? Are they a corporation?

3 A. They are.

4 Q. And where are they home based?

5 A. Well, recently, they're a subsidiary company of
6 Pilatus, but their -- if you want to call it their main
7 facility is up in Westminster, Maryland, but they have two
8 locations essentially, Westminster and the one here in Rock
9 Hill and they have two executive VPs at each location.

10 Q. Okay. And so -- it's -- they're in charge of fuel
11 pumps; correct?

12 A. Correct.

13 Q. All right. So they control -- they're the ones who,
14 you know, fill the tanks, charge for the gas, and collect
15 the funds for the gas. Is that correct?

16 A. That is correct.

17 Q. When I say gas, I mean aviation gas, whatever you want
18 to call it, jet fuel, Jet A, whatever, whatever might be
19 pumped there. So do you have access to how much fuel is
20 pumped there on a daily basis and do you review those logs
21 and how much is pumped?

22 A. I review on a monthly basis.

23 Q. On a monthly basis?

24 A. Yes, but if I needed to know, I would ask them and they
25 would provide that information.

1 Q. But it's not normally part of your job description to
2 review what Skytech is doing with the gas pumps?

3 A. It is, not necessarily on a daily basis.

4 Q. Okay. What would -- what occasion -- what would cause
5 you to want to review the gas usage at Skytech?

6 A. Well, it's in their lease agreement to provide their
7 fuel flowage numbers because they actually pay a fee on the
8 fuel that's pumped.

9 Q. Okay. So they would --

10 A. So we receive -- the State receives revenues based on
11 how much fuel is pumped.

12 Q. So you receive a tax revenue on that basically?

13 A. It's not a tax.

14 Q. Or surcharge, whatever this might be called.

15 A. Sure; sure.

16 Q. All right. So how much fuel was pumped into the
17 airplane, the Twin Comanche, on the night in question, the
18 28th of November, 2023?

19 A. There's no way to know because the meter was bypassed.

20 Q. Okay. So you don't know how much fuel was pumped in
21 in?

22 A. Not exactly.

23 Q. You don't know if any fuel was pumped in?

24 A. I don't know the answer to that question.

25 Q. So in other words, you have no personal knowledge that

1 any gas was pumped out of that pump that night?

2 A. There's no way to be certain.

3 Q. Okay. Thank you. All right. Where are the landing
4 lights on the twin Comanche? Did you notice?

5 A. There's one on each wing.

6 Q. Are they right at the wing tips?

7 A. Essentially, yes.

8 Q. Okay. So they're right at the wing tips. And what are
9 the brightest lights on a plane?

10 A. That's -- that could be interpreted differently, so --

11 Q. Okay. What is -- when you're looking at a plane and
12 all the lights are turned on, which ones have the most
13 intensity?

14 A. I guess you can call it the landing lights.

15 Q. The landing lights. And so the landing lights are what
16 color?

17 A. White.

18 Q. And the anti-collision lights, as you call them, the
19 running lights, if you will, -- actually they're
20 running lights, the port and starboard running lights, green
21 and red -- they're not as bright as the landing lights. Is
22 that correct?

23 A. That's correct.

24 Q. So if they're right next to the landing lights on the
25 tip of the plane and the landing lights are on, they may be

1 difficult to see?

2 A. I would disagree with that.

3 Q. Okay. We'll take a look at the video in a sec. Let's
4 talk about the FAA requirements. Are you an FAA official in
5 any way?

6 A. I am not.

7 Q. Okay. So do you issue flight violations in any way,
8 shape or form?

9 A. I do not.

10 Q. Okay. You don't ask people when they're taking off at
11 a airport if they have a current license, if their planes
12 meet minimum standards or anything like that, on a regular
13 basis unless something comes up?

14 A. I would agree with that.

15 Q. Okay. And so you made a statement that ADS-B and a
16 transponder was required. Now, -- and then you said that
17 was within 30 miles of Class Bravo airspace. Is that -- was
18 that your testimony?

19 A. Yes. As long as it's with -- as long as it an aircraft
20 that was certified and had an electrical system in it.

21 Q. Okay. And so there's a lot of aircraft that are old---

22 A. Uh-huh.

23 Q. ---that don't have a, quote, "electrical system" in
24 them that are still flying; correct?

25 A. That's correct.

1 Q. And they're not required to have that?

2 A. That is correct.

3 Q. And if you're not within 30 miles of Class Bravo
4 airspace, you're not required to have it either?

5 A. You're not required to have it turned on, no. That's
6 correct.

7 Q. Correct. Okay. Thank you. So when you're flying, at
8 least from your airport, it's within 30 miles of Class Bravo
9 airspace?

10 A. Yes.

11 Q. And which class -- just for the record, which Class
12 Bravo airspace would that be?

13 A. Charlotte Douglas International Airport.

14 Q. So its within 30 miles of that point? Not 30 miles of
15 Rock Hill, but 30 miles from Charlotte Douglas. That's when
16 you need to be -- turn on your transponder and ADS-B app;
17 correct?

18 A. That's correct. And less than 15 nautical miles from
19 the airport.

20 Q. Understood. But it's -- Charlotte is the point of
21 reference there?

22 A. That's correct.

23 Q. Okay. And when -- excuse me. For the jury's sake,
24 could you tell us what ADS-B is?

25 A. I don't what the actual acronym is.

- 1 Q. It stands for Data Broadcast System. But the point is
2 that -- what does that system do?
- 3 A. What does that system do?
- 4 Q. Correct.
- 5 A. It allows air traffic control to have an idea of where
6 you are in the area. It's part of the radar tracking
7 system.
- 8 Q. Does it also transmit to other planes---
- 9 A. It does.
- 10 Q. ---in an anti-collision warning?
- 11 A. I'm not sure about the anti-collision warning,---
- 12 Q. Right.
- 13 A. ---but it does transmit to aircraft that are in the
14 air.
- 15 Q. So just to summarize, ADS-B and a transponder is
16 required because you're within 30 miles of Charlotte;
17 correct?
- 18 A. The ADS-B part, yes.
- 19 Q. So if I'm flying from, say, down in, you know, the
20 deepest, darkest parts of rural South Carolina. I'm up in
21 the air and I get, you know, going along. Do I see a big
22 sign in the airways that says you are now within 30 miles of
23 a Class Bravo airspace?
- 24 A. Do you see a big sign in the air? No.
- 25 Q. Is there a big sign up there in the air that says that?

1 A. There's not. No.

2 Q. So it's not like driving your car where you have a road
3 sign saying like now entering York County or now entering
4 Chester County or something like that. This is just you
5 have to be aware and, in fact, if you're in Rock Hill,
6 unless you, you know, preplan ahead of time and looked at it
7 and said, hey, we're next to a big airport here, I might
8 better check what I'm doing here. You may not be aware of
9 that?

10 A. I believe that every pilot would be aware of that.

11 Q. Well, -- but there's no road signs, are there?

12 A. There's no road signs.

13 Q. You would have to be -- you have to have knowledge
14 before you get there that you're within 30 miles of Class
15 Bravo airspace. Is that true?

16 A. Not necessarily 'cause if you bust through the
17 airspace, you're at fault, you're going to be fined. You're
18 going to be -- you're going to be breaking regulations.

19 Q. Okay. You might be breaking regulations, but that's
20 not my question. My question was, you wouldn't have
21 knowledge of that unless you looked it up ahead of time. If
22 I got in my plane down in Saluda and said I'm going to Rock
23 Hill and I don't look at the chart, how would I know it's
24 within 30 miles of Class Bravo airspace?

25 A. You're going to plan that flight.

1 Q. No, I'm not. I'm just going to go VFR, tower to tower.
2 I don't have to plan that flight. So if I do that, --

3 MR. EPTING: Your Honor, I'm going to object. He's not
4 asking questions. He's just making statements.

5 THE COURT: Yeah. All right. You can ask the
6 question.

7 MR. DAVIS: Okay.

8 THE COURT: I sustain the objection.

9 Q. All right. So if someone gets in their plane, is
10 flying towards Rock Hill, how would they know that Rock Hill
11 is within 30 miles of a Class Bravo airspace?

12 A. They would have to look at an aeronautical chart.

13 Q. Okay. And if they didn't look at an aeronautical
14 chart, how would they know that?

15 A. I guess you can just jump in a plane and fly it without
16 doing anything, just like you can get into a vehicle, and
17 you drive down the road and not following the rules.

18 Q. Okay. Well, so in other words, it's not immediately
19 apparent to someone, unless they looked at a chart ahead of
20 time, that they're within 30 miles of a Class Bravo airport.
21 Is that correct?

22 A. All pilots go through that training before you can
23 obtain that pilot certificate for ---

24 MR. DAVIS: Your Honor, I'm going to ask the witness to
25

1 answer the question.

2 THE COURT: Hold on. Hold on. I've got two people
3 talking at once.

4 MR. DAVIS: I would ask the --

5 THE COURT: Hold on a minute. You can ask the
6 question. He can answer the question. He can elaborate if
7 that's what he wishes to do after he's answered the
8 question. All right.

9 MR. DAVIS: All right.

10 Q. So once again, it is not apparent that Rock Hill is
11 within 30 miles of Class Bravo airspace---

12 A. It is apparent.

13 Q. ---when you're flying in. How is it apparent? Please
14 describe that to us.

15 A. Because before you go flying, you're going to have that
16 indication because you have to do that pre-flight planning.
17 If you want to go fly VFR, so be it, but you're going to
18 have an indication and if you're a pilot, you know to look
19 for those things.

20 Q. Okay. So who enforces that you did that pre-flight
21 planning?

22 A. No one enforces it.

23 Q. And so no one is going to force you to do pre-flight
24 planning. Where is this pre-flight planning required? What
25 FAA publication or regulation requires that pre-flight

1 planning? Can you give me the name of that, please?

2 A. I couldn't tell you off-hand. I could look it up for
3 you, though.

4 Q. Okay. Well, that would be -- that would be great. So
5 you don't have an answer for that right now. You don't know
6 if there is an FAA publication --

7 THE COURT: All right. All right. Hold on. Slow down
8 a little bit. You can ask him some questions. You cannot
9 describe his answers and give your opinion about the
10 answers. Ask him questions he can answer and move on.

11 MR. DAVIS: All right.

12 Q. You said that every pilot knows this. Is that correct?

13 A. That is correct.

14 Q. Are you a pilot?

15 A. I am not a pilot.

16 Q. Okay. So what exactly is required in this pre-flight
17 planning?

18 A. I wouldn't be able to tell you all the exact
19 regulations because I don't have my pilot certificate.

20 Q. So let me just get this clear. You just said you can't
21 tell us everything that's supposed to be a on a pre-flight
22 planning, but you're sure that what you're asserting is that
23 has to be done?

24 A. It should be done. And you can't fly VFR at night.

25 Q. According to what regulation can you not fly VFR at

1 night? Can you please give me that, please?

2 A. I don't know the exact regulation.

3 Q. Where did you get that from? I mean, you just -- that
4 was a spontaneous statement that I did not ask about whether
5 or not you can VFR at night. So I want to know where you
6 get that regulation from?

7 THE COURT: All right. You can answer that question.

8 A. Where did I get that from? Because you're indicating
9 VFR flight.

10 Q. Uh-huh.

11 A. And so that's why I indicated that aspects, because you
12 were talking about getting in a plane flying VFR and not
13 knowing where Class B airspace was.

14 Q. Why can't you fly visual flight rules, which is what
15 VFR stands for, at nighttime?

16 A. How are you're supposed to see exactly what's at night?

17 Q. If you have a horizon, you can fly?

18 THE COURT: All right. Hold on. You can ask the
19 questions. That's not a question.

20 Q. Do you have any basis for making the statement you
21 can't fly VFR at night?

22 A. From my experience from what I've -- with working with
23 -- within my position running the airport, that is, to my
24 knowledge.

25 Q. Okay.

1 MR. DAVIS: All right. I'd like to publish part of the
2 airport video here, if we may.

3 Will you dim the lights a little bit, please?

4 (Whereupon, a portion of video was published.)

5 Q. All right. This is at time, 9:50, which is about the
6 time you say the defendant's plane is landing and it's going
7 to show up here right about here (indicating on video), in
8 just a second. All right. And as we discussed, the landing
9 lights are kind of towards the wingtips. Does that look a
10 little greenish to you right there?

11 A. It's hard to tell.

12 Q. It's hard to tell. Well, you know, that's -- the jury
13 can decide that later, but that would be -- if it was
14 greenish, that would indicate it's the starboard wingtip
15 light. Wouldn't that be that right about there
16 (indicating)?

17 A. Sure.

18 Q. And, unfortunately, we pan out right there. And right
19 there, did you just see the flash on the other side of the
20 airplane there?

21 A. I did.

22 Q. So that would be anti-collision lights that are
23 flashing?

24 A. Sure.

25 Q. Okay.

1 MR. DAVIS: I have no further questions, Your Honor.

2 THE COURT: All right. Thank you. Any redirect?

3 MS. BURDETTE: Just briefly, Your Honor.

4 THE COURT: Okay.

5 REDIRECT EXAMINATION

6 STEVE GOULD BY MS. BURDETTE:

7 Q. Mr. Gould, would you expect every pilot to know where
8 Charlotte Douglas Airport is?

9 A. Every pilot in the world? No.

10 Q. Well, every pilot that's flying near Charlotte Douglas?

11 A. I would expect that.

12 Q. And how many Class Bravos in the United States exist?

13 A. I don't know for sure.

14 Q. Are we talking a handful or a lot? Do you know?

15 A. Probably quite a few.

16 Q. Is there a safety issue for planes to fly without their
17 transponder or ADS-B receivers on?

18 A. I would say so.

19 Q. And when they're in the plane, are the pilots wearing
20 headsets?

21 A. They are.

22 Q. And are they reporting their data as they travel?

23 A. Their locations, depending on where they are. If
24 they're in uncontrolled airspace, possibly not, but if
25 they're in a controlled airspace, then yes.

1 Q. So when they're getting into Rock Hill, they should be
2 speaking with someone and reporting their location?

3 A. It depends on their altitude. If they're in Class B
4 airspace, yes. If they're under, not necessarily.

5 Q. Okay.

6 MS. BURDETTE: No further questions.

7 THE COURT: Any recross?

8 RECROSS EXAMINATION

9 STEVE GOULD BY MR. DAVIS:

10 Q. So just to clarify, if you're under a certain altitude,
11 you don't have to be talking to anyone?

12 A. In a certain airspace. There's different
13 classifications of the airspace.

14 Q. Okay. Let me qualify. Let me ask you again then.
15 When you're coming into Rock Hill Airport, if you stay below
16 a certain altitude, you're not required to contact anyone in
17 terms of a controlling agency on the radio?

18 A. Depending on their distance, sure. Yes. That's
19 correct.

20 Q. Okay.

21 MR. DAVIS: No further questions, Your Honor.

22 THE COURT: All right. Thank you, Mr. Gould. You can
23 step down.

24 THE WITNESS: Thank you.

25 THE COURT: State, call your next witness.

1 MR. EPTING: The State calls Barbara Pinda to the
2 stand.

3 (BARBARA PINDA, being first duly sworn, was examined
4 and testified as follows):

5 DIRECT EXAMINATION

6 BARBARA PINDA BY MR. EPTING:

7 Q. Good afternoon.

8 A. Good afternoon.

9 Q. Would you please state your name for the record?

10 A. My name is Barbara Pinda.

11 Q. And, Ms. Pinda, how are you employed?

12 A. Excuse me?

13 Q. How are you employed?

14 A. How I am employed? I am employed full-time -- full-
15 time as an accountant.

16 Q. And do you know the defendant, Nathaniel Jenkins?

17 A. Yes, I do.

18 Q. Do you see him present here in the courtroom?

19 A. Yes.

20 Q. Could you point him out, please?

21 A. Right there.

22 MR. EPTING: I would ask that the record reflect that
23 Ms. Pinda has pointed out the defendant, Nathaniel Jenkins,
24 seated at defense counsel table.

25 Q. Ms. Pinda, how long have you known Nathaniel Jenkins?

1 A. It's going to be 10 years plus.

2 Q. And what was the nature of your first meeting with him?

3 A. He worked for my husband in a used car dealership lot.

4 Q. Okay. Where was that used car dealership lot located?

5 A. In Travelers Rest, South Carolina.

6 Q. Travelers Rest? And what did he do for your husband?

7 A. He did sales and ordering parts and advertising and
8 pretty much a lot of stuff to help my husband.

9 Q. And do you and your husband own businesses together?

10 A. He actually owned Wesley Auto, Inc. by himself, and
11 now we own MBP3(ph) together and also other business. TR
12 Bella is one of them.

13 Q. TR Bella. What is TR Bella?

14 A. TR Bella was put into place to purchase a airplane.

15 Q. Okay. Let's talk about that airplane purchase. Who
16 were the parties to that airplane purchase deal?

17 A. My husband, Wesley, and Nathan.

18 Q. And were you familiar with the negotiations as well as
19 the agreements made concerning that purchase?

20 A. Yes. I would write them up.

21 Q. And what was the purpose? What was the agreement or
22 the arrangement?

23 A. My understanding was that we were going to buy this
24 plane and fix it up and sell it. Flip it, basically.

25 Q. And I'm not a plane person either, so forgive me, but

1 do you know the general make and model of the plane?

2 A. It's a -- I know it's a Piper Comanche.

3 Q. Do you know if it's a single engine or dual engine?

4 A. It's dual engine.

5 Q. And what was the financial arrangement between you?

6 A. The financial arrangement was Nathan was putting 20,000
7 down and my husband was putting 20,000 down and then they
8 were supposed to split everything on the repairs 50/50.

9 Q. Okay. And at the -- what was the end game? Were y'all
10 going to go in the airplane business or was there a plan?

11 A. No. My husband and I don't have a pilot's license, so
12 no, we -- our intention was to flip it.

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

14 Q. You mentioned earlier, Ms. Pinda, that you memorialized
15 the agreement in writing. Is that correct?

16 A. That is correct.

17 MR. EPTING: May I approach the witness, Your Honor?

18 THE COURT: Yes, you may.

19 Q. I'm handing this witness what's been marked as State's
20 19.

21 (Whereupon, the referenced item was handed to the
22 witness.)

23 Q. Ms. Pinda, please look at State's 19 and once you're
24 done reviewing it, look up at me.

25 A. Yes.

1 Q. Do you recognize State's 19?

2 A. Yes. I drew it up.

3 Q. And what is State's 19?

4 A. State's 19 is an agreement between my husband and
5 Nathan about the Piper; that the initial purchase is \$40,000
6 and it gives the information on the Piper, and they both
7 signed it.

8 Q. And do you --

9 A. And then also 50/50 for repairs.

10 Q. And you said you drafted that?

11 A. Yes, I did.

12 Q. Is that a fair and accurate depiction of the contract
13 you drafted?

14 A. That is correct. Yes.

15 Q. And do you recognize Nathaniel's signature to be on
16 that document?

17 A. Yes. They both signed in front of me.

18 MR. EPTING: Your Honor, at this time, the State would
19 seek to enter State's 19 into evidence.

20 MR. DAVIS: No objection, Your Honor.

21 THE COURT: State's 19 is in evidence without
22 objection.

23 Q. So just to catch up, you and your husband and Mr.
24 Jenkins had entered into a deal to flip this plane,
25 basically?

1 A. That is correct.

2 Q. What -- tell the jury how that deal went? Was the
3 plane eventually flipped? Was it without problems?

4 A. So what had happened was later on down the line, I
5 think a year and half after all the repairs were done and
6 the plane was going to be ready for flight, I found out that
7 my husband paid most of the money and that Nathan only put
8 in 20,000 and the rest of the repairs were paid for by my
9 husband.

10 Q. That can't have made you too terribly happy, did it?

11 A. No, it hasn't. Did not, no.

12 Q. Were you involved in trying to get the airplane
13 registered in some way, shape or form --

14 A. Yes. I was trying to be sure that my husband's name
15 was somewhere on the documentation. So I would actually
16 requested copies of the bill of sales and making sure that
17 everything is registered correctly and through our business
18 name, which is the TR Bella and so I got involved heavily at
19 that point.

20 Q. So the plane was meant to be registered in TR Bella's
21 name. Is that what your testimony was?

22 A. Yes. That is correct.

23 Q. And that's a company you and your husband own?

24 A. That is correct.

25 Q. And who was supposed to initially take care of that

1 registration?

2 A. Everything was supposed to be done by Nathan.

3 Q. And was that done, to your knowledge?

4 A. He kept putting me off and telling me -- you know,
5 putting me on phone calls with people and so on, but I
6 didn't get paperwork from him, so I finally went and
7 proceeded to make the changes to TR Bella to ensure that
8 we are the company and do all the corrections that I need,
9 but he did take care of -- he did put in the registration.

10 Q. Okay. And what was -- so when you said he put in the
11 registration, what do you mean by that?

12 A. Basically, I have no idea how to take care of, so he
13 had the agents and whoever to take care of the registration
14 of the plane.

15 Q. At some point in time, did you receive information that
16 caused you to contact the defendant and act in a certain
17 way?

18 A. Yes. I did. And --

19 Q. Did you hear that the plane was being flown?

20 A. I was told that the plane was being flown.

21 Q. And why -- if it did, why did that cause you concern?

22 A. Because the plane was not insured and my biggest
23 concern is the liability for my husband and myself.

24 Q. Did you take action to protect TR Bella and your
25 husband and yourself?

1 A. I did. I did.

2 Q. What?

3 A. I actually drew up another agreement and in this
4 agreement I had indicated how much my husband put into the
5 purchase of the plane and making sure that we are not liable
6 for any damages.

7 MR. EPTING: May I approach the witness, Your Honor?

8 THE COURT: Yes, you may.

9 MR. EPTING. For the record, I'm handing this witness
10 what's been marked as State's 18?

11 (Whereupon, the referenced item was handed to the
12 witness.)

13 Q. Ms. Pinda, do you recognize State's 18?

14 A. Yes, I do.

15 Q. What do you recognize State's 18 to be?

16 A. It is the agreement that we are not going to be held
17 liable. I drew that one up, too, and I also asked to have a
18 witness sign it.

19 Q. Is State's 18 a fair and accurate copy of the indemnity
20 agreement that you had the defendant sign?

21 A. Yes.

22 Q. And do you recognize the defendant's signature on that
23 agreement?

24 A. I do.

25 MR. EPTING: Your Honor, the State would seek to enter

1 State's 18 into evidence.

2 MR. DAVIS: No objection, Your Honor.

3 THE COURT: State's 18 is in evidence without
4 objection.

5 MR. DAVIS: Your Honor, may I publish a portion of
6 this?

7 THE COURT: Yes, You may.

8 (Whereupon, a portion of the referenced exhibit was
9 published to the jury.)

10 Q. Again, this is State's 18. I the undersigned Nathaniel
11 Jenkins, of sound mind state the following: Wesley Pinda
12 and I have purchased a private plane -- a private plane,
13 Piper 20 Comanche, PA30, serial number 30-1485. Wesley
14 Pinda paid 80 percent of the value of the plane on upgrades,
15 engines and defect improvements. In case of an accident
16 during flight testing, the plane is not insured, Wesley
17 Pinda will take ownership of the boat, information on the
18 title I have signed in Wesley Pinda's possession to cover
19 the loss he incurred. Explain to our jury, what is the
20 boat?

21 A. It's a boat. It's a fishing boat that we actually
22 requested that Nate sign the title over to us.

23 Q. So was that collateral to protect the plane?

24 A. That is correct.

25 Q. In addition, Wesley Pinda and family are not liable for

1 any property damages and physical injury damage. I,
2 Nathaniel Jenkins, am testing this plane uninsured and
3 without license.

4 MR. EPTING: Beg the Court's indulgence.

5 Q. At some point in time, Ms. Pinda, did the deal to flip
6 this plane go south? You have it registered. You said you
7 were unhappy when you heard how much your husband went in.
8 Did it proceed smoothly after that or did something happen?

9 A. No. Nate and I would argue at that point. We would
10 discuss the registrations and him flying and he would say
11 that he's not flying. I would say I heard you're flying and
12 it would just go back and forth. There were a lot of curse
13 words in between and so basically I threatened him with FAA.

14 Q. And when you say you threatened him with the FAA, can
15 you explain specifically what that means?

16 A. Basically, I said I was going to call FAA to find out,
17 you know, if the plane is registered and, you know, that
18 he's flying it and all the other things, so I threatened him
19 with that.

20 Q. How did ~~that~~

21 A. So Federal Aviation.

22 Q. And how did the defendant respond to you threatening to
23 call the Federal Aviation on him?

24 A. He was upset. He told me to stop, not to call.

25 Q. And he's telling you this one time to stop or is this

1 repeated constantly?

2 A. No. Messages were going back forth at that point. We
3 just kept being really negative towards each other.

4 Q. Did he tell you to get off the phone?

5 A. He actually -- I hung up on him and he texted me to get
6 on the phone, to answer him and I would not.

7 Q. Okay. Did he follow up with more texts after that?

8 A. Yes.

9 Q. What is he saying to you?

10 A. He's telling me to stop calling FAA, to stop getting
11 them involved. If I get them involved, that's over. You
12 know, we're going to lose this plane.

13 Q. At some point in time did you enact physical measures
14 to ensure that the plane was not taken out anymore?

15 A. So I was concerned, you know, when I heard that he's
16 flying. Like I said, I didn't -- never saw him fly the
17 plane, but I did hear that he was flying. So my husband and
18 I chained the airplane. I chained it with a lock and in the
19 window I put that he should not fly the plane; that no
20 one's allowed to fly the plane.

21 Q. So who had access to this plane in November/December of
22 2023?

23 A. My husband and Nathan.

24 Q. Are those the only two?

25 A. Yes.

1 MR. EPTING: Beg the Court's indulgence.

2 Q. And just one final question. What's your husband's
3 name?

4 A. Wesley Pinda.

5 Q. Is Wesley a pilot?

6 A. No.

7 Q. Does he have any practical knowledge how to fly a
8 plane?

9 A. No.

10 MR. EPTING: That's all the questions I have.

11 THE COURT: Mr. Davis.

12 MR. DAVIS: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BARBARA PINDA BY MR. DAVIS:

15 Q. At what time did you put the lock on the airplane? Do
16 you know what -- when you did that?

17 A. It was when I got a tip from FAA that they're going to
18 come out and look at our plane and that it's been flown.

19 Q. At what point?

20 A. It was probably -- actually, it was before Nate was
21 arrested, that I'm sure. I just don't remember when, but it
22 was in between the agreement and before he was arrested.

23 Q. So we talked about the agreement regarding the boat.
24 You're talking about that, that --

25 A. That is correct.

1 Q. Okay. So that was November 2nd, it looks when that was
2 signed. So sometime between that and January is when you --

3 A. That is correct.

4 Q. Okay. So sometime in there you prevented him from
5 flying the plane?

6 A. Yes. It was -- yes. That would be correct. Is when I
7 was told he was flying, but I don't know exactly. I don't
8 remember.

9 Q. Do you know how much money your husband spent on
10 repairs?

11 A. Probably, like, I would say a hundred -- I'd say 135,
12 30,000.

13 Q. \$135,000?

14 A. 130,000, 35.

15 Q. When they bought the plane, what was wrong with it that
16 it needed repairs?

17 A. It have front nose damage. That's all I know. And
18 that a mechanic saw it; I'm not sure.

19 Q. Was it flyable when they bought it or did it need the
20 repairs in order to be flown?

21 A. Oh. It needed new engine overhaul. It needed a lot of
22 repairs, obviously, with a 100,000.

23 Q. Do you know if there's any problem with registering a
24 plane that's not air worthy?

25 A. I'm not aware of that. No.

1 Q. Okay. So you don't know if there's a problem with
2 registering a plane that can't be flown? Can you register
3 one that can't be flown?

4 A. I wouldn't know that.

5 Q. Okay. Do you know what the approximate worth of this
6 fishing boat that's mentioned in that agreement you signed
7 on November?

8 A. I'm not sure of that either.

9 Q. Okay.

10 MR. DAVIS: No further questions, Your Honor.

11 THE COURT: All right. Any redirect?

12 MR. EPTING: Beg the Court's indulgence. No further
13 questions.

14 THE COURT: All right. Thank you, Ms. Pinda.

15 THE WITNESS: Thank you.

16 THE COURT: You can step down. Thank you.

17 State call your next witness.

18 MR. EPTING: The State calls Gabrielle Chalouhi to the
19 stand. I believe she's in the restroom, Your Honor. We'll
20 call another witness.

21 THE COURT: All right.

22 MS. BURDETTE: The State would call Jonathan Long to
23 the stand.

24 (JONATHAN LONG, being first duly sworn, was examined
25 and testified as follows):

1 DIRECT EXAMINATION

2 JONATHAN LONG BY MS. BURDETTE:

3 Q. Good afternoon.

4 A. Good afternoon.

5 Q. Would you please state your name for the record?

6 A. Jonathan Long.

7 Q. And how are you employed?

8 A. I am self-employed. I own some businesses, primarily
9 in the aviation business.

10 Q. How long have you owned those companies?

11 A. Twenty-six years.

12 Q. Are you a licensed pilot?

13 A. Yes, ma'am.

14 Q. How long have you been a licensed pilot?

15 A. Thirty-four years.

16 Q. Do you currently own an airplane?

17 A. I do.

18 Q. What type of plane do you own?

19 A. I currently own a Piper Comanche 250.

20 Q. And where is that located?

21 A. Rock Hill Airport.

22 Q. On November and December of 2023, where was that plane
23 located?

24 A. At Rock Hill Airport.

25 Q. Do you have -- how is -- where was it stored at at Rock

1 Hill Airport?

2 A. I own a hangar there.

3 Q. Okay. Can you describe that hangar?

4 A. It's a 60 foot by 60 foot commercial metal building.

5 Q. Is it enclosed?

6 A. Yes, ma'am.

7 Q. Do you keep it locked?

8 A. Yes.

9 Q. And are there any cameras over there near the hangars?

10 A. Near the hangars? Like where?

11 Q. Like facing the hangars?

12 A. Not directly, no.

13 Q. And do you have cameras inside the hangars?

14 A. At that time I did not.

15 Q. Do you now?

16 A. Yes, ma'am.

17 Q. Did you get cameras after this incident?

18 A. Yes, ma'am.

19 Q. Okay. Would anyone else have access to your hangar in

20 November, December of 2023?

21 A. Yes. A mechanic that works with me would have had

22 access; also a couple of friends of mine.

23 Q. Would they come and go as they please or would they

24 notify you?

25 A. No. They would notify me.

1 Q. Okay. Did they notify you that they had been in your
2 hangar in December, on December 9th of 2023?

3 A. Not at the exact time. No.

4 Q. Okay. And do you typically lock your airplane inside
5 that hangar?

6 A. No.

7 Q. Why not?

8 A. The hangar's locked.

9 Q. All right. Let's go back to December 9th, 2023. Do
10 you remember calling the Rock Hill Police Department on
11 December 13th?

12 A. I believe that was the date. I don't recall, but I
13 certainly called them. Yes.

14 Q. And prior to calling them, when was the last time you
15 were with your plane?

16 A. I could have answered it better at that time, but it
17 was several days prior to that.

18 Q. Okay. And when you left your plane, was everything
19 there that you knew of?

20 A. Yeah.

21 Q. Were you flying your plane the last time you had
22 checked on it?

23 A. I'm at the airport quite a bit. I would have to check
24 my log to see if I had flown it that day so I don't recall
25 off the top of my head.

- 1 Q. Okay.
- 2 A. But I'm at the hangar quite frequently.
- 3 Q. Now, when you get to your hangar on December 13th, did
- 4 you notice anything about your hangar before you entered?
- 5 A. If that was -- that's the day that I called the police.
- 6 I believe there is an error in there. No, I did not notice
- 7 anything about the hangar before I entered.
- 8 Q. Did you notice any signs of forced entry on the door?
- 9 A. No, I did not.
- 10 Q. And what did you notice about your plane?
- 11 A. The Piper Comanche had a radio missing from it.
- 12 Q. Okay. Was there anything else from another plane?
- 13 A. Yes. The other -- at the time, I also owned another
- 14 aircraft that was in the hangar.
- 15 Q. Okay.
- 16 A. And there was headsets missing from there and also a
- 17 ADS-B receiver and iPad mount.
- 18 Q. Okay. And that other airplane, what type of plane was
- 19 that?
- 20 A. That was a Cirrus SR22.
- 21 Q. Okay. And you said a radio, is that correct,---
- 22 A. Yes.
- 23 Q. ---that was missing? How much does that radio cost?
- 24 A. The replacement was \$2,800.
- 25 Q. And each headset, how much does each one of those cost?

-
- 1 A. Roughly \$1,000.
- 2 Q. And then you also said an ADS-B receiver?
- 3 A. Yes.
- 4 Q. How much does that cost?
- 5 A. That was roughly \$1,000.
- 6 Q. And then what else did you mention?
- 7 A. An iPad mount.
- 8 Q. How much does that cost?
- 9 A. \$57.
- 10 Q. Okay. And do you know the defendant, Nathaniel
- 11 Jenkins?
- 12 A. I do not.
- 13 Q. Do you know Daniel Villada?
- 14 A. No.
- 15 Q. Did you give either of them permission to enter your
- 16 aircraft and take things?
- 17 A. No.
- 18 Q. You said you had mechanics and a friend. Did you give
- 19 them permission to take anything?
- 20 A. No.
- 21 Q. Did you ask them if they had taken anything?
- 22 A. No. It was -- no. They wouldn't take my stuff.
- 23 Q. Did you ask them if they were inside your hangars on
- 24 these dates?
- 25 A. I actually -- no, not that -- not that particular date.

1 No, I did not.

2 Q. Not on that date, but did you ever ask them?

3 A. During, I believe it was, the week prior, I checked
4 with the mechanic to see if he had been there and he, in
5 fact, had been there, but didn't notice anything out of the
6 ordinary at that time.

7 Q. Okay. And you called Rock Hill Police. Did an officer
8 respond?

9 A. Yes.

10 Q. Did that officer take any pictures?

11 A. Yes.

12 MS. BURDETTE: May I approach the witness?

13 THE COURT: Yes, you may.

14 Q. I'm now showing you State's Exhibits 7 through 12.

15 Will you take a look at that?

16 (Whereupon, the referenced items were handed to the
17 witness.)

18 A. Uh-huh.

19 Q. Have you had a chance to review those?

20 A. Yes.

21 Q. What are those pictures of?

22 A. The first one, Exhibit 7, is a picture of my hangar.
23 Exhibit 8, 9, and 10 are pictures of the Cirrus SR22 that I
24 owned at that time and then 11 and 12 are the Piper Comanche
25 that I still own.

1 Q. And do those photos substantially and accurately
2 reflect your hangar and airplanes on December 13th of 2023?

3 A. Yes.

4 MS. BURDETTE: Can I please publish? Your Honor, the
5 State moves to admit State's Exhibits 7 through 13 into
6 evidence.

7 MR. DAVIS: No objection, Your Honor.

8 THE COURT: All right. Exhibits 7, 8, 9, 10, 11, 12,
9 and 13 are in evidence without objection.

10 (Whereupon, the referenced exhibits were published to
11 the jury.)

12 Q. What are we looking at here?

13 A. That's my hangar.

14 Q. How do you know it's your hangar?

15 A. I built it.

16 Q. Where is it located?

17 A. It's at the Rock Hill/York County Airport.

18 Q. York County. And if we can get to the next one, number
19 8. What are we looking at here?

20 A. That's the Cirrus SR22. That's the main thing we're
21 looking at.

22 Q. Okay. And the next one, State's Exhibit 9. What is
23 that?

24 A. The same.

25 Q. Okay. Is this inside your hangar?

1 A. Yes, ma'am.

2 Q. And is that where the planes are stored?

3 A. Yes.

4 Q. And State's Exhibit 10. What are we looking at here?

5 A. That's the SR22.

6 Q. And State's Exhibit 11?

7 A. That's the Piper Comanche 250.

8 Q. So this is the other plane you owned at that time?

9 A. Yes.

10 Q. And 12, State's Exhibit 12?

11 A. The same aircraft.

12 Q. Okay. Just another view of it?

13 A. Uh-huh.

14 Q. Okay. So you don't notice really anything out of the

15 ordinary on the airplanes?

16 A. Not from the pictures. Correct.

17 Q. Okay. And what was the total amount of all the items

18 taken from your airplanes?

19 A. It was roughly \$6,000.

20 MS. BURDETTE: No further questions.

21 THE COURT: Mr. Davis.

22 MR. DAVIS: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 JONATHAN LONG BY MR. DAVIS:

25 Q. Mr. Long, you said you've been a licensed pilot for 34

1 years now?

2 A. Yes, sir.

3 Q. Have you ever flown at night under visual -- visual
4 flight rules?

5 A. Yes, sir.

6 Q. You have? So you can fly -- you don't know of any
7 problem flying VFR at night then?

8 A. There is no prohibition on that.

9 Q. Thank you. Do you know -- you mentioned the mechanic
10 had been there. Do you know what date he had been there at
11 all?

12 A. I would have to check with him.

13 Q. You'd have to check?

14 A. Yes.

15 Q. Do you have idea -- if you're calling in on the 13th,
16 how far before that?

17 A. I want to say it was around Thanksgiving, but I don't
18 really remember that -- that detail.

19 Q. Do you also recall calling into Rock Hill Police
20 Department at a later date and updating what exactly was
21 missing?

22 A. Yes.

23 Q. And what changed between what you initially reported
24 and then what you later reported?

25 A. Yeah. The first that day I went there, it was, you

1 know, stressful and chaotic at the first moments. I saw
2 initially that the radio was missing from the Comanche.
3 That was -- at first that was the only thing I noticed. I
4 went outside. I was telling people, oh my gosh, you know,
5 it looks like I was broken into and they said, did you check
6 for headsets? 'Cause we heard that, you know, this other
7 theft happened and the headsets were stolen. I went back
8 inside. I looked in the Cirrus where I knew there were
9 three headsets and there were no headsets visible and I
10 thought, okay, I've had three headsets stolen. A couple of
11 days later, I looked in the center console of that plane and
12 I found one of the headsets was there. It was not visible
13 when I first noticed. I also realized, 'cause I went to fly
14 the airplane, that it was -- that the ADS-B receiver -- it's
15 a portable unit -- was missing, as well as the iPad mount.
16 So those were things that I had noticed were missing the
17 first day. Later noticed it and then called back to the
18 police department and reported that.

19 Q. And was any -- the items that were missing, they were
20 taken from your planes? Not from, like, any storage areas
21 or somewhere else?

22 A. No. They were in the planes. Correct.

23 MR. DAVIS: All right. No further questions, Your
24 Honor.

25 MS. BURDETTE: No redirect, Your Honor.

1 THE COURT: Thank you. Mr. Long, you can step down.
2 Call your next witness.

3 MR. EPTING: May we approach, Your Honor?

4 THE COURT: Yes, you may.

5 (Whereupon, a Bench conference was held off the record,
6 out of the hearing of the court reporter and out of the
7 hearing of the jury.)

8 MS. BURDETTE: At this time the State will call Dirk
9 Tanis to the stand.

10 THE COURT: All right. Solicitor.

11 (DIRK TANIS, being first duly sworn, was examined and
12 testified as follows):

13 DIRECT EXAMINATION

14 DIRK TANIS BY MS. BURDETTE:

15 Q. Would you please state your name for the record?

16 A. Dirk Tanis.

17 Q. And how are you employed, Dirk?

18 A. I'm retired.

19 Q. And, Mr. Tanis, where were you working before you were
20 retired?

21 A. I worked for Black Beauty Coal Company in Evansville,
22 Indiana.

23 Q. How long have you been retired?

24 A. For them? 22 years.

25 Q. Okay. And are you a licensed pilot?

- 1 A. I am.
- 2 Q. How long have you been a pilot?
- 3 A. Since 1962.
- 4 Q. Do you own an airplane?
- 5 A. I do.
- 6 Q. What type of plane is that?
- 7 A. It's a Beechcraft Travel Air.
- 8 Q. And where is that located at?
- 9 A. In Rock Hill at the airport.
- 10 Q. Do you have a hangar at the Rock Hill Airport?
- 11 A. I do.
- 12 Q. And can you describe that hangar where your plane is
- 13 located?
- 14 A. It's 42 by, I think, 38, steel. It's right next to
- 15 John Long's.
- 16 Q. Okay. Is it enclosed?
- 17 A. Yes.
- 18 Q. Is it locked?
- 19 A. Yes.
- 20 Q. Do you have cameras facing that hangar?
- 21 A. No.
- 22 Q. Do you have cameras inside the hangar?
- 23 A. I do now.
- 24 Q. Did you get cameras installed after this incident?
- 25 A. I did not.

1 Q. When did you get the cameras installed?

2 A. About the 15th of December.

3 Q. Okay. Do you typically lock your airplane when you're
4 leaving it in the hangar?

5 A. No.

6 Q. And why is that?

7 A. The airplane's so old you can't get parts. If somebody
8 forces a door open, you have to may have to buy a whole junk
9 airplane to get that part.

10 Q. So you just leave --

11 A. It's extremely difficult.

12 Q. Okay. Do you locker your hangar when you leave?

13 A. Of course.

14 Q. Okay. Now, as a licensed pilot, are you familiar with
15 the FAA regulations?

16 A. Oh. You have to be.

17 Q. And do you know specifically that FAA Regulation
18 91.103?

19 A. That is what you have to do before you go somewhere.

20 Q. What is that regulation?

21 A. It deals with pre-flight charts, what you have to do to
22 go places, a lot of rules that you have to follow,
23 especially around Charlotte with Class B airspace.

24 Q. Okay.

25 A. You can come and go from Rock Hill Airport. If you

1 look at Class B, which is centered on Charlotte
2 International or Douglas, as they call it, take a wedding
3 cake invert it and you'll see it goes like so.

4 Q. Uh-huh.

5 A. Okay. You can go in very low. You have to have a
6 transponder, either mode C or mode S, but you have to have
7 that operating to do it. If you don't, you can't go in
8 there.

9 Q. What is the transponder?

10 A. Transponder is a device that makes an airplane --
11 there's two ways to look at an airplane with radar. It can
12 bounce off the skin of the airplane or a transponder will
13 interrogate or be interrogated by the ground radar. It
14 sends a signal and says, hey, I'm here.

15 Q. So even --

16 A. And it's really big so they know you're there.

17 Q. Okay. So even if you're really low coming into Rock
18 Hill, you have to ---

19 A. In Charlotte, they can literally -- at 100 feet they
20 can see you.

21 Q. And you're supposed to have that transponder on?

22 A. You have to. It's in the rules for -- for Class B
23 airspace. You aren't what they call under the veil.

24 Q. And do you know how many Class Bravo airports are
25 located in the United States, a rough estimate?

1 A. I want to say there's probably 75.

2 Q. Okay.

3 A. Every State seems to have one.

4 Q. What typically is a Class Bravo airport?

5 A. Okay. Class Bravo has to do with the amount of traffic
6 that you have in and out. They've got, you know, American
7 has a hub there.

8 Q. So Charlotte-Douglas, because it's a huge airport, --

9 A. Yeah. Airports with large amounts of traffic typically
10 become Class Bs.

11 Q. Okay. Now, let me take you back to December 12th of
12 2023. Do you remember calling Rock Hill on that date?

13 A. Calling the police?

14 Q. Yes. Rock Hill Police Department.

15 A. I was in denial.

16 Q. And when you called Rock Hill Police Department, why
17 did you call them?

18 A. Because my tug initially was missing. It's an electric
19 drill, literally, that connects to the nose gear and you use
20 it to pull the airplane in and out.

21 Q. Okay. And did you notice anything about your hangar
22 when you arrived?

23 A. No, I didn't.

24 Q. Okay. Did you notice anything about your airplane
25 specifically when you arrived?

1 A. The tug was missing. I was going to go fly for lunch
2 and I couldn't because the tug -- I was so upset the tug was
3 gone.

4 Q. Okay. But, otherwise, everything looked normal?

5 A. No. I went back. After my initial shock, I went back
6 and looked and I saw that other stuff had been taken.

7 Q. Okay. But as far as your doors on the airplane, they
8 were --

9 A. I leave them open.

10 Q. Okay. You leave them open.

11 A. Well, cracked.

12 Q. And the hangar itself, was that door open or closed?

13 A. The hangar door?

14 Q. Yeah.

15 A. It was closed and locked.

16 Q. So you didn't know anyone had been in there?

17 A. No.

18 Q. And when was the last time you had checked on your
19 airplane before December 12th, before you called law
20 enforcement?

21 A. I was -- I was there on the day before. I go pretty
22 much everyday.

23 Q. Okay.

24 A. Get away from the wife.

25 Q. Did you notice that the tug was missing or the -- is

1 that what it's called?

2 A. No. It was there the day -- until I went that day, the
3 tug was there.

4 Q. Until you were flying on the 12th?

5 A. Yeah.

6 Q. Okay.

7 A. 'Cause you have to have it to put it away.

8 Q. Okay. So you said an airplane dolly was missing. Is
9 that right?

10 A. Well, it's not a dolly, it's a tug and it -- it's a
11 wheel connected to gear, which is connected to a big
12 electric drill and you pull a lever and the wheel goes up
13 against the nose gear tire and you can control it, you can
14 pull it forward or pull it backward by using the electric
15 drill.

16 Q. Okay. And how much does that cost?

17 A. When I bought it, it was 1,295. When I bought the
18 replacement, it was 2,300.

19 Q. Oh, wow. Okay. And what else was missing from your
20 airplane?

21 A. Three Sony cameras,---

22 Q. Okay.

23 A. ---a Garmin portable GPS, and -- goh, there was one
24 other thing. Oh. Yes, three cameras, a portable GPS, and
25 my wife's headset.

- 1 Q. Okay. That portable GPS, how much does that cost?
- 2 A. That was a hundred bucks, but the big deal with that
- 3 was it had lifetime maps.
- 4 Q. Lifetime maps?
- 5 A. Lifetime maps of the world.
- 6 Q. What does that mean?
- 7 A. You want to go to Norway, you just take a Garmin
- 8 database, put it in there, and you've got maps.
- 9 Q. Oh, wow. Okay. What about the three Sony cameras, how
- 10 much did each one of those cost?
- 11 A. The bad one was, it was 2 grand. It was a Sony a6700.
- 12 It was brand new.
- 13 Q. Okay.
- 14 A. And then the other two were, oh, probably 500 a piece.
- 15 Q. Okay. And then the headset that was missing?
- 16 A. That was 1,000.
- 17 Q. \$1,000. Okay. So you called Rock Hill Department.
- 18 And did a officer respond?
- 19 A. Quickly.
- 20 Q. Did they meet with you?
- 21 A. Yes.
- 22 Q. Did they process your planes for fingerprints?
- 23 A. Yes.
- 24 Q. And did that officer take any pictures?
- 25 A. I believe so. Oh. Yes, she did.

1 MS. BURDETTE: May I approach, Your Honor?

2 THE COURT: Yes, You may.

3 Q. I am showing you State's Exhibit 2, 3, 4, 5, and 6.

4 Can you take a look at those please?

5 (Whereupon, the referenced items were handed to the
6 witness.)

7 Q. What are those photos?

8 A. Pictures of the door and the jamb into my airplane.

9 Q. Okay. And do they fairly and accurately reflect your
10 hangar and airplane?

11 A. Well, be honest, this isn't my hangar. My hangar was
12 next door. They're identical. And I had put my airplane in
13 there because I was trying to clean up my hangar.

14 Q. Okay. So --

15 A. But everything is identical.

16 Q. So on December 9th, was your plane located in that
17 hangar---

18 A. Yes. It was in this hangar.

19 Q. ---depicted in the pictures? Okay. But that's not
20 necessarily your hangar?

21 A. No.

22 Q. But you were storing your plane in someone else's
23 hangar?

24 A. No. You wouldn't want to see the inside of my hangar.

25 Q. Okay. All right.

1 MS. BURDETTE: Your Honor, State moves to admit State's
2 Exhibits 2 through 6.

3 MR. DAVIS: No objection, Your Honor.

4 THE COURT: State's Exhibit 2, 3, 4, 5, and 6 are in
5 evidence without objection.

6 MS. BURDETTE: If we can please publish.

7 (Whereupon, the referenced exhibits were published to
8 the jury.)

9 Q. Is that State's Exhibit 2?

10 A. Uh-huh.

11 Q. Is that the door of the hangar your plane was stored
12 in?

13 A. Uh-huh.

14 Q. Okay. And State's Exhibit 3, what is that a picture
15 of?

16 A. That's the lock.

17 Q. And that's how it locks, the hangar?

18 A. Yeah.

19 Q. Okay. State's Exhibit 4?

20 A. That's the jamb. Yeah.

21 Q. Okay. State's Exhibit 5?

22 A. That's mine.

23 Q. That's your airplane?

24 A. Uh-huh.

25 Q. What type of plane is that?

1 A. A Beechcraft -- it's a D95A Travel Air, built in June
2 of 1965.

3 Q. Okay. And State's Exhibit 6, what is that a picture
4 of?

5 A. The right side, the passenger door, and the baggage
6 door.

7 Q. Is that how you found your airplane --

8 A. That's how I leave it.

9 Q. Okay.

10 A. Just like that.

11 Q. Okay. And that's how you found it---

12 A. Uh-huh.

13 Q. ---on December 12th?

14 A. Uh-huh.

15 Q. Okay. Did you give anyone permission to take anything
16 from your plane?

17 A. No.

18 Q. Do you know the defendant, Nathaniel Jenkins?

19 A. Pardon?

20 Q. Do you know the defendant, Nathaniel Jenkins?

21 A. No.

22 Q. Do you know Daniel Villada?

23 A. No.

24 Q. Did you give either one of them permission to enter the
25 hangar and take your stuff?

1 A. No, ma'am.

2 Q. And how much total was the items taken from your
3 airplane?

4 A. About \$6,000.

5 Q. Thank you.

6 MS. BURDETTE: No further questions.

7 THE COURT: Mr. Davis, cross-examination.

8 MR. DAVIS: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 DIRK TANIS BY MR. DAVIS:

11 Q. So Mr. Tanis, what exactly was inside your airplane
12 that was missing?

13 A. What was just mentioned, the three cameras.

14 Q. Okay. They were in the plane?

15 A. They were under -- under the back seat.

16 Q. Under the back seat. Okay.

17 A. Along with the -- the headset was on the other seat.

18 Q. Okay.

19 A. And the ---

20 Q. Was the dolly in the plane or --

21 A. No. The dolly is---

22 Q. No?

23 A. ---connected to the nose wheel.

24 Q. It was connected. Okay.

25 A. I leave it parked there unconnected, but it goes

1 through the axle.

2 Q. Okay. Whose hangar was this in?

3 A. A friend of mine's, next door.

4 Q. What's his --

5 A. His airplane was being painted out in Arizona.

6 Q. Okay. So what's your friend's name?

7 A. Phil Brakar(ph).

8 Q. So you -- and how long had your plane been in that

9 hangar while you were getting yours cleaned up?

10 A. Oh, maybe three or four days.

11 Q. Three or four days?

12 A. Yeah. That's it.

13 Q. And you said you were just out there the day before you

14 called this in?

15 A. Uh-huh. I go out there pretty much every day.

16 Q. Okay.

17 MR. DAVIS: No further questions, Your Honor.

18 THE COURT: Any redirect?

19 MS. BURDETTE: No redirect, Your Honor.

20 THE COURT: All right. Thank you. You can step down.

21 Ladies and gentlemen, that's going to be a good place

22 for us to stop today. I kept you sitting for two hours this

23 morning and I'm not going to make you stay any later today.

24 We'll start back tomorrow morning at 9:30. Again, I

25 instruct to have no conversations among yourselves or with

1 others about the case. Don't be doing any independent
2 research into airplanes or anything related to airplanes or
3 airspace or hangars or anything else that you've heard in
4 the case. Again, I remind you that your job is to listen to
5 the evidence in this courtroom and the law that I give to
6 you at the end of the case to be able to reach a verdict.
7 You're not to be influenced by anything outside this
8 courtroom.

9 So with that, we'll allow you to go home for the
10 evening. Be back, ready to go tomorrow morning at 9:30.
11 Everyone remain seated while this panel is dismissed.

12 (Whereupon, the jury exited the courtroom at 4:35 P.M.)

13 THE COURT: All right. Thank you. Anything further
14 for the record before we break from the State?

15 MR. EPTING: Nothing from the State, Your Honor.

16 THE COURT: From the defense?

17 MR. DAVIS: Nothing from the defense, Your Honor.

18 THE COURT: All right. We will start back up at 9:30
19 tomorrow morning. Thank you.

20 (Whereupon, court was adjourned at 4:40 P.M. and
21 reconvened on November 20, 2024 at 9:30 A.M.)

22 (END OF VOLUME II OF IV)

23

24

25

STATE OF SOUTH CAROLINA IN THE COURT OF GENERAL SESSIONS
COUNTY OF YORK CASE NO. 2024-GS-46-545, et al

STATE OF SOUTH CAROLINA,	)	
Plaintiff,	)	
-vs-	)	TRANSCRIPT OF RECORD
	)	(VOLUME III of IV)
NATHANIEL JOHN JENKINS,	)	
Defendant.	)	

November 20, 2024
York, South Carolina

B E F O R E:

Honorable Daniel D. Hall, Judge.

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

Ms. Heather Burdette
Assistant Solicitor
Mr. Christopher Epting
Assistant Deputy Solicitor
Attorneys for the Plaintiff
York, South Carolina

Mr. Frederick Davis
Assistant Public Defender
Mr. Jerry White
Assistant Public Defender
Attorneys for the Defendant
York, South Carolina

Shannon E. McGilberry, CVR-M
Court Reporter

1 THE COURT: All right. Back on the record in *State*
2 *versus Nathaniel John Jenkins*. Is the State ready to
3 proceed.

4 MR. EPTING: Yes, Your Honor. If we could just put a
5 couple of housekeeping matters on record.

6 THE COURT: All right.

7 MR. EPTING: Through discussions between Ms. Burdette
8 and Mr. Davis, I believe the defense is agreeing to
9 stipulate to the texts that are coming into evidence
10 between the defendant and Daniel Villada are going to be
11 stipulated as being from Mr. Jenkins' phone. So that will
12 allow us to not call an additional witness who would be
13 missing time from her vacation to come in here and testify
14 about the fact that she ripped the phone and the data that
15 was ~~was~~

16 THE COURT: Is that correct, Mr. Davis?

17 MR. DAVIS: That is correct, Your Honor.

18 THE COURT: All right. Then I don't know that because
19 of the nature of it, I generally have an instruction
20 regarding stipulations. Stipulation really is involved in
21 sort of a chain and an identification. I don't believe I
22 need to give an instruction regarding the stipulation and I
23 don't believe there has to be a charge regarding -- is this
24 the only stipulation that we've got?

25 MR. EPTING: I believe it will be.

1 THE COURT: Well, had a stipulation as far as chain on
2 the phone itself.

3 MR. EPTING: I think the way that we would intend to
4 handle is that when it becomes time to introduce that
5 exhibit, the party introducing can make a verbal statement
6 on the record that both parties agree this is where these
7 texts came from.

8 THE COURT: Yeah. I'm not going to do a formal
9 instruction to the jury on what a stipulation is. Do y'all
10 agree with that? Any need

11 MR. EPTING: We don't object to that, Your Honor.
12 That's fine with the State.

13 THE COURT: Do you have a position on that, Mr. Davis?

14 MR. DAVIS: No, Your Honor. In fact, we'd be fine
15 stating in front of the jury that we agree that it's Mr.
16 Jenkins' phone -- from his phone.

17 THE COURT: Okay. All right. Okay. All right. But
18 for purposes of the record, it was a stipulation agreed upon
19 by the parties. All right.

20 MR. DAVIS: Fair enough.

21 MR. EPTING: We did receive an exhibit around 9:00 this
22 morning from the defense. I believe it's relative to a
23 witness that is -- Gabby Chalouhi who's testifying later
24 this morning. We've had time to review it. We think it's
25 in order. There were some redactions done, I think, to

1 remove references to the defendant's prior record and some
2 character stuff. If there are additional exhibits, we would
3 like to have those in hand so that we don't have to review
4 those prior to coming into court. We're wrangling witnesses
5 as it is.

6 THE COURT: All right. Well, y'all just -- y'all take
7 care of that. That's a housekeeping thing. Just we'll take
8 whatever time we need. When we get to that point, if we
9 need to take time to get them blown up, we'll be glad --
10 I'll be glad to accommodate you.

11 MR. EPTING: Thank you, Your Honor.

12 THE COURT: All right. Anything else?

13 MR. EPTING: Nothing from the State.

14 MR. DAVIS: Nothing from the defense, Your Honor.

15 THE COURT: All right. Let's bring the jury in.

16 (Whereupon, the jury entered the courtroom at 9:48
17 A.M.)

18 THE COURT: All right. Thank you, ladies and
19 gentlemen. We have been taking care of a few housekeeping
20 matters this morning before we brought you in here. We're
21 now ready to proceed with the trial and so at this point,
22 State call your next witness.

23 MS. BURDETTE: May it please the Court. The State
24 would call Peter McLean to the stand.

25 (PETER MCLEAN, being first duly sworn, was examined and

1 testified as follows):

2 THE COURT: All right. Solicitor.

3 DIRECT EXAMINATION

4 PETER MCLEAN BY MS. BURDETTE:

5 Q. Good morning.

6 A. Good morning.

7 Q. Would you please state your name for the record?

8 A. Yes. It's Peter McLean.

9 Q. And how are you employed?

10 A. I'm unemployed right now. I'm retired.

11 Q. Where are you retired from?

12 A. I'm retired from my own business that I had for about
13 25 years.

14 Q. Okay. Are you a licensed pilot?

15 A. Yes, I am.

16 Q. And do you own a airplane?

17 A. I do.

18 Q. What type of plane do you own?

19 A. It's a Piper PA-28, which is a single-engine, four-
20 place airplane.

21 Q. Did you own that plane in 2023?

22 A. Yes, I did.

23 Q. Okay. And where is that located at?

24 A. At the Rock Hill Airport.

25 Q. Where is it stored at the Rock Hill Airport?

1 A. It's in what is known as a shade hangar. That's like a
2 carport for airplanes. It's not enclosed. There's no
3 doors. It does have a roof.

4 Q. Okay. Now, as a pilot, when you are flying, do you
5 keep a log or anything of the flights you take?

6 A. Yes, I do. It's an automated process with the
7 navigation program that I use.

8 Q. Okay. And how does that work?

9 A. Well, the program that I'm using keeps track of where
10 I'm going, at what time, what date, etcetera, and it makes a
11 record of that.

12 Q. Do most pilots use a log when flying their plane?

13 A. Most do. There's -- not all, but most do. Yes.

14 Q. Would Carl Kleiderer keep a log of when he flew his
15 plane?

16 A. I think so.

17 MR. DAVIS: Object, Your Honor.

18 THE COURT: Yeah. I sustain the objection.

19 Q. Is it typical that most pilots keep some sort of record
20 of when they're flying their plane?

21 A. It would say so. Yes. Uh-huh.

22 Q. Okay. And you said you keep a log as well?

23 A. I do. Yes.

24 Q. Okay. Now, let's go back to November of 2023. At the
25 end of November, when was the last time you had flown your

1 plane?

2 A. At the end of November?

3 Q. Yes.

4 A. November the 23rd.

5 Q. Okay. And you actually took a flight that day?

6 A. I did.

7 Q. And then when is the next day that you noticed
8 something is off about your plane?

9 A. I didn't return to the aircraft until November the
10 the 1st. I went there not to fly that day, but I went there
11 just to retrieve an item from the aircraft.

12 Q. Was that December 1st, do you mean?

13 A. I'm sorry. Yes.

14 Q. December 1st..

15 A. December 1st. Yes.

16 Q. Okay. December 1st, 2023, you go to your aircraft just
17 to get something?

18 A. Correct.

19 Q. And what did you notice about your plane that day?

20 A. When I got to the aircraft, the door was open. I
21 always lock the door. Certainly I close it and lock it.
22 The door was open, but the lock, looking at the lock, it
23 appeared to be still in a locked position. There was no
24 damage to the door, but it was open. I looked inside.
25 Mainly, two sets of ear -- headsets that I have that are

1 rather expensive. I thought if there was a theft, they
2 would be gone, but they weren't gone. So at that point I
3 called the airport director. I got his voice mail. I left
4 a message with him, asking him if there had been any reports
5 of break-ins and then I left.

6 Q. Okay. And at that point you didn't notice anything
7 else was missing from your plane?

8 A. No. I did not notice at that time that there was
9 anything missing.

10 Q. And then when was the next time you went to your plane?

11 A. The next time was on December the 7th and I went there
12 with the intent of flying that day and I get into the
13 aircraft and was preparing to taxi and that's when I noticed
14 one item was missing, one electronic item was missing.

15 Q. What was that electronic item?

16 A. That's an ADS-B receiver. It's about the size of a
17 small cell phone. It provides me information on the
18 location of other aircraft when I'm flying. So it's a
19 safety device.

20 Q. So when you're flying, you use that receiver?

21 A. Yes, I do. I won't fly without it.

22 Q. Okay. So at that day you weren't able to take out your
23 plane?

24 A. Oh, I was able to, but I didn't want to 'cause this
25 device was missing. So I decided to not fly and, of course,

1 the fact that it was missing, I put that information
2 together with my last trip on the 1st and I realized that it
3 had been stolen.

4 Q. So once you realized it was stolen, what did you do?

5 A. I went up to the office that's at the airport and I
6 reported it there and they suggested that I call the police,
7 which I did and a short time afterwards a uniformed officer
8 arrived and I made a report to him of the theft and,
9 coincidentally, there was a Rock Hill Police Detective on
10 the premises at the time and he came down and I made the
11 same report to him.

12 Q. Okay. Now, was that ADS-B receiver, was that the only
13 thing missing from your plane?

14 A. The only thing -- yes. The only thing I'm aware of.
15 Correct.

16 Q. And how much does that cost?

17 A. It has a list price of approximately \$400 and then, of
18 course, you have to add shipping and tax to that.

19 Q. Now, where was that at in your plane?

20 A. It's a little device. It attaches with suction cups to
21 the inside of the windshield. So there's no actual
22 installation required. The pilot can just stick it to the
23 windshield and it sits there.

24 Q. Do you need any special tools or anything to remove
25 that item?

1 A. No, you don't.

2 Q. Okay. And did you give anyone permission to take that
3 item?

4 A. No.

5 Q. And did you give anyone permission to enter your plane?

6 A. No. I did not.

7 Q. Are you familiar with the FAA procedures when flying?

8 A. Well, I sure hope I am.

9 Q. Are most pilots familiar with the FAA procedures?

10 A. Well, there's a requirement, of course, to be familiar
11 and you are examined every couple of years and at that time
12 you have to demonstrate that you are aware of the
13 regulations.

14 Q. Is there a FAA regulation and procedure about your ADS-
15 B receiver or transponder being on?

16 A. Well, not the receiver, but the transponder and the ADF
17 transmitter has to be on at all times that you're in a
18 certain area, in the immediate area of, in this case, of the
19 Charlotte Airport, approximately 30 nautical miles, within
20 that area they have to be on all the time and, of course,
21 outside that area you're well advised to keep them turned on
22 because they create a traffic avoidance information for you.

23 Q. Does it matter how high or how low you are to have that
24 transponder on?

25 A. You have them on regardless of your altitude.

1 Q. So even if you're five feet off the ground landing into
2 Rock Hill --

3 A. Well, no. If you're on the ground or taxing on the
4 ground, it doesn't have to be on?

5 Q. So, say, 20 feet, do you need that on?

6 A. As soon as you levitate, it has to be on.

7 Q. Okay. And how does one know when they're within that
8 airspace of Charlotte Douglas?

9 A. Well, there are a variety of ways of finding that. In
10 my case, I have a -- we all have a GPS receiver in your car
11 to see where you're going, how to a grocery store or
12 whatever. I have the equivalent in the airplane on my iPad,
13 except it shows things that are of interest to you when
14 you're flying and on that, the area surrounding the
15 Charlotte Airport is depicted.

16 Q. Okay.

17 MS. BURDETTE: No further questions.

18 CROSS-EXAMINATION

19 PETER MCLEAN BY MR. DAVIS:

20 Q. So Mr. McLean, you said you own a Piper PA-28. What
21 year was that manufactured?

22 A. '81, 1981.

23 Q. Did that come in 1981 with a GPS system?

24 A. No. GPS wasn't even available, as you well know.

25 Q. So if you don't -- if you don't retrofit your airplane,

1 you probably wouldn't have GPS today, would you?

2 A. That's correct.

3 Q. Okay. All right. Now, you spoke -- you said you spoke
4 to the police. You first filed a police report December
5 7th?

6 A. Correct. Uh-huh.

7 Q. That's correct. And could you explain why in the
8 police report they said -- you initially said that your ADS-
9 B was -- you noticed it missing between November 7th and
10 December -- I'm sorry -- November 30th and December 7th, the
11 day you're making the report?

12 A. I don't recall that I actually made that statement. I
13 think I made a statement to the police that on December 1st
14 I noticed that the door was open.

15 Q. Okay. If I showed you a copy of that report, would it
16 refresh your recollection?

17 MR. EPTING: We object, Your Honor.

18 MR. DAVIS: Okay. Well, --

19 MR. EPTING: It's a copy of the incident report he did
20 not create.

21 MR. DAVIS: Okay. Well, --

22 THE COURT: Hold on.

23 MR. DAVIS: I just thought maybe we could find out.

24 THE COURT: Hold on a second. I sustain the objection.

25 Q. If we showed you a video of the interview between

1 yourself and the police officer, would it refresh your
2 recollection?

3 A. If it needs refreshing, I suppose it would.

4 Q. Okay.

5 MR. DAVIS: Then I ask, Your Honor, if we could excuse
6 the jury while I show the -- Mr. McLean a copy of the video.

7 THE COURT: All right. Ladies and gentlemen, we're
8 going to allow you to go back to your jury room, take up a
9 matter outside of your presence. Don't discuss the case.
10 We'll have you back in here as soon as we have that issue
11 resolved. Everyone remain seated while the jury's excused.

12 (Whereupon, the jury exited the courtroom at 10:00
13 A.M.)

14 THE COURT: All right.

15 MR. DAVIS: May I approach, Your Honor?

16 THE COURT: Yes, You may. Here's the thing: going
17 forward, if you want to refresh his memory, let's don't put
18 on the record in detail what it is you're using in front of
19 the jury to refresh his memory. When you come back out with
20 the jury, you can say you've seen the body-cam video. Does
21 that refresh your memory. Handle it that way.

22 MR. DAVIS: This is the body-cam video of Officer
23 Walker, recorded on December 7th.

24 (Whereupon, the referenced video was played for the
25 witness.)

1 A. Is this the only record you have of the phone call?

2 Q. This is the record of you and the --

3 A. No. I mentioned a phone call. Is this your only
4 record of it?

5 Q. I --

6 A. You don't know?

7 Q. I would not --

8 A. You don't know? Is that what you're saying?

9 THE COURT: Hold on a second.

10 Q. You don't get to question me, Mr. McLean.

11 THE COURT: Hold on a minute.

12 Q. Thank you.

13 THE COURT: Stop it. Stop it. Stop the video.

14 This is the procedure we follow in trial. I'm sure
15 you're not aware of -- stop the video. He's showing you a
16 video. You're not allowed to ask questions. That's the
17 rules we follow in court.

18 Mr. Davis, you're not to engage with him if he asks you
19 a question. He's not allowed to ask questions. Where we
20 are is you're showing him a video. You show what you deem's
21 appropriate on the video and then you can ask him whatever
22 questions you deem appropriate. All right.

23 (Video resumed)

24 THE COURT: All right. Mr. Davis, if you'll proffer
25 whatever testimony you intend to ask him as a result of the

1 video.

2

3 Q. All right. Mr. McLean, did viewing that video refresh
4 your recollection of your conversation with Officer Walker
5 on the 7th?

6 A. Yes.

7 Q. Okay. And on that date, did you indicate that December
8 30th was the last time you had visited your plane before
9 reporting a theft?

10 A. I may have. Yes. Uh-huh. I did. Okay.

11 Q. Okay. So your testimony is that you -- on December 7th
12 when you talked to Officer Walker, you said the last time
13 you visited your plane before calling them on the 7th was
14 November 30th?

15 A. I would -- okay. Yes.

16 Q. All right.

17 THE COURT: All right. And I'll tell you too, Mr.
18 McLean, any time you're asked a question, you're required to
19 answer it; however, you can offer any explanation you deem
20 appropriate after you've answered the question.

21 THE WITNESS: Okay. May I do that now?

22 THE COURT: Well, we'll save that for when the jury
23 comes back. That's not part of the process.

24 THE WITNESS: Okay.

25 THE COURT: All right. Let's bring the jury in.

1 (Whereupon, the jury entered the courtroom at 10:06
2 A.M.)

3 THE COURT: All right. Thank you, Mr. Davis. Your
4 witness.

5 MR. DAVIS: Thank you, Your Honor.

6 Q. So Mr. McLean, did watching the video of the body-worn
7 camera from Officer Walker from December 7th of 2023 refresh
8 your recollection?

9 MR. EPTING: Your Honor, I'm going to object. That is
10 an improper procedure for refreshing recollection.

11 THE COURT: All right. Rephrase your question.

12 Q. Mr. McLean, did the video refresh your recollection of
13 the events?

14 A. Yes.

15 Q. And so on December 7th, do you recall what date you
16 told Officer Walker you last visited your airplane before
17 reporting it?

18 A. On that day to Officer Walker, I indicated it was
19 November 30th.

20 Q. Thank you. And you also said that your -- when you
21 approached your plane earlier in November, you saw that the
22 door was open, but still locked. Is that correct? So the
23 lock was not engaged in -- it was in a locked position, but
24 the door wasn't shut. Is that correct? I think that was
25 the 23rd.

1 A. Am I allowed -- on the 23rd, I flew the aircraft.

2 Q. Okay.

3 A. The door was not ajar. That was discovered on December
4 the 1st.

5 Q. So on December the 1st is when you discovered your door
6 was -- something was improper with the door?

7 A. Correct.

8 Q. Correct. Okay. And did you note -- and you said
9 something about headsets. They were still in the plane
10 December 1st? They were not missing?

11 A. Yes. That's correct.

12 Q. So the only thing missing from your plan was that ADS-B
13 box?

14 A. Which I didn't notice on December 1st.

15 Q. Okay. But you did notice that the headsets were still
16 in the plane; correct?

17 A. Correct.

18 Q. Okay.

19 MR. DAVIS: No further questions, Your Honor.

20 THE COURT: All right. Any redirect?

21 MS. BURDETTE: Yes. Just briefly, Your Honor.

22 REDIRECT EXAMINATION

23 PETER MCLEAN BY MS. BURDETTE:

24 Q. Mr. McLean, when you talked to Detective Swiger on
25 December 7th, did you have your log book in front of you?

1 A. No, I didn't.

2 Q. Did you know exactly when you had last seen your plane?

3 A. No. I did not.

4 Q. Did you know exactly when you had last flown your
5 plane?

6 A. No. I did not.

7 Q. In fact, did you tell Officer Swiger or did you ask
8 Swiger when did you call Steve Gould?

9 A. Yes, I did.

10 Q. 'Cause you weren't sure when you were first reporting
11 this when you had been with your plane?

12 A. Yes. That's correct. I was unsure.

13 Q. And then today, have you reviewed your log book?

14 A. Yes. I've reviewed my log book.

15 Q. Are you confident that on November 23rd you flew your
16 plane?

17 A. Yes. Correct. It's in the log book and the log book
18 is generated automatically, so the airplane recorded that it
19 was active with me on November 23rd.

20 Q. Okay.

21 MS. BURDETTE: No further questions.

22 THE COURT: Any recross?

23 RE CROSS EXAMINATION

24 PETER MCLEAN BY MR. DAVIS:

25 Q. So, Mr. McLean, what you say is you relied on what

1 Detective Swiger was telling you to determine what date you
2 last flew your plane?

3 A. At that time I was relying on him. Yes.

4 MR. DAVIS: No further questions, Your Honor.

5 THE COURT: All right. Thank you. You can step down,
6 Mr. McLean.

7 State call your next witness.

8 MR. EPTING: The State calls Gabrielle Chalouhi.

9 MR. EPTING: May it please the Court?

10 THE COURT: Solicitor.

11 (GABRIELLE CHALOUHI, being first duly sworn, was
12 examined and testified as follows:

13 DIRECT EXAMINATION

14 GABRIELLE CHALOUHI BY MR. EPTING:

15 Q. Good morning?

16 A. Good morning.

17 Q. Could you please state your name for the record?

18 A. Gabriel Chalouhi.

19 Q. And do you go by any other nicknames or other names?

20 THE COURT: Ms. Chalouhi, let's be sure that microphone
21 is close to you 'cause we need to pick up your void.
22 Everybody on the jury needs to be able to hear you and hear
23 your responses.

24 THE WITNESS: Okay.

25 THE COURT: All right. Very good.

- 1 Q. We can hear and I know you're well soft spoken. Just
2 make sure to talk into that mic. You go by Gabby as well?
- 3 A. Yes.
- 4 Q. Is it okay if I call you Gabby?
- 5 A. Yes.
- 6 Q. How old are you, Gabby?
- 7 A. I'm 18.
- 8 Q. And where do you live?
- 9 A. Greenville, South Carolina.
- 10 Q. Greenville. Greenville, South Carolina?
- 11 A. Uh-huh.
- 12 Q. And what do you do for a living?
- 13 A. I work at QT.
- 14 Q. How long have you worked at QT?
- 15 A. A year and a half.
- 16 Q. And do you know a person named Daniel Villada?
- 17 A. Yes.
- 18 Q. What is the nature of -- when did you first meet
19 Daniel?
- 20 A. I met him when I was younger.
- 21 Q. And at some point, did y'all form a relationship?
- 22 A. Yes.
- 23 Q. Do you remember approximately what dates y'all were
24 dating?
- 25 A. I started dating him in October of 2023.

1 Q. Okay. And are y'all still dating now?

2 A. No.

3 Q. Well, when did y'all break up?

4 A. February of 2024.

5 Q. And was that around the time that he got arrested?

6 A. It was a little bit after.

7 Q. Okay. And have you had any contact with Daniel since
8 you broke up with him in February?

9 A. No. Just a phone call that was about something when we
10 were in a relationship like a subscription.

11 Q. Like a Netflix subscription or something like that?

12 A. Yeah. Something like that. Yeah.

13 Q. Do you know an individual named Nathaniel Jenkins?

14 A. Yes.

15 Q. And how did you call Nathaniel?

16 A. Nate.

17 Q. Nate. Do you see Nate here in the courtroom today?

18 A. Yes.

19 Q. Could you please point him out?

20 A. He's over there.

21 MR. EPTING: I would ask the record reflect that Ms.

22 Chalouhi's pointed out the defendant, Nathaniel Jenkins

23 seated at defense counsel table.

24 Q. And how long -- had you known Nate Jenkins longer than

25 Daniel or --

- 1 A. I met him through Daniel.
- 2 Q. You met Nate through Daniel?
- 3 A. Yes.
- 4 Q. And what did Nate do for a living when you met him?
- 5 A. I knew that he made, like, stuff with speakers, audio
- 6 control and stuff like that.
- 7 Q. Was he involved in airplanes at all?
- 8 A. Yes.
- 9 Q. And what airport -- what airport did Nate fly out of?
- 10 A. An airport in Spartanburg.
- 11 Q. Going back to Daniel, did Daniel also fly airplanes?
- 12 A. Yes.
- 13 Q. And how old was Daniel when y'all were dating?
- 14 A. 17.
- 15 Q. And you were also 17 when you were dating?
- 16 A. Yes.
- 17 Q. Did Daniel have a pilot's license?
- 18 A. Yes.
- 19 Q. What plane did Daniel normally fly?
- 20 A. It was a small one-engine plane.
- 21 Q. And what airport did you normally fly out of?
- 22 A. The downtown Greenville airport.
- 23 Q. Had you flown with Daniel prior to of February y'all
- 24 breaking up?
- 25 A. Yes.

1 Q. Had you flown with Nate Jenkins prior to you breaking
2 up with Daniel?

3 A. Yes.

4 Q. Would you say a number of times you've flown with Nate?

5 A. Yes.

6 Q. And what plane did you fly -- was Daniel present when
7 you flew with Nate?

8 A. Yes.

9 Q. And what plane was used when Nate and Daniel flew?

10 A. I don't know the name. I just know it was two-engine
11 plane.

12 Q. Okay. You're not real tech savvy on planes. Is that
13 correct?

14 A. No.

15 Q. Neither am I, so bear with me.

16 A. Yes.

17 Q. I want to talk to you about November of 2023. Do you
18 remember -- you remember that time?

19 A. Yes.

20 Q. At some point in time did you and Nate and Daniel fly
21 into Rock Hill?

22 A. Yes.

23 Q. And, Gabby, if you need a break or water or anything
24 let me know.

25 A. Okay.

- 1 Q. Was this daytime or nighttime?
- 2 A. It was nighttime.
- 3 Q. When did you first get up with Daniel that night?
- 4 A. Maybe around -- maybe I met him, like, 7:00, 8:00.
- 5 Q. Okay. And where was Daniel located when y'all met?
- 6 A. Greenville.
- 7 Q. And did Daniel fly from Greenville to somewhere else?
- 8 A. Yes.
- 9 Q. And you flew with him?
- 10 A. Yes.
- 11 Q. Where did y'all fly to?
- 12 A. To the airport in Spartanburg.
- 13 Q. And did you meet anyone there?
- 14 A. Yes.
- 15 Q. Who'd you meet?
- 16 A. Nate.
- 17 Q. And prior to this, was Daniel communicating with Nate
- 18 by phone or text?
- 19 A. Yes.
- 20 Q. Was there an arranged meeting?
- 21 A. Yes.
- 22 Q. And at some point, did you fly out with those two
- 23 individuals, out of the Spartanburg Airport to somewhere
- 24 else?
- 25 A. Yes.

1 Q. And where did y'all fly to?

2 A. The Rock Hill Airport.

3 Q. And what type of -- whose plane did y'all fly to the
4 Rock Hill Airport in?

5 A. In Nate's plane.

6 Q. And do you remember the layout of the plane? Like, how
7 many fit people fit in that plane?

8 A. I think you could fit like max, five people.

9 Q. Okay. And where did you sit in the plane?

10 A. In the back seat.

11 Q. And inside the plane, are you just sitting like you're
12 sitting in a car or are you wearing something over your
13 ears?

14 A. Yeah. Headsets over my ears.

15 Q. Do those headsets have microphones that allow people to
16 communicate?

17 A. Yes.

18 Q. Are you able to hear any communications between Daniel
19 and the defendant?

20 A. I could, but I would usually just mute my mic and
21 listen to my music.

22 Q. Okay. They're talking technical babble?

23 A. Yeah.

24 Q. Did you hear any discussions about a transponder prior
25 to muting them and turning on your music?

- 1 A. Yeah, I had.
- 2 Q. Tell the jury what you heard and who said what.
- 3 A. Nate would say or did said they should turn it off so
- 4 the plane could not be tracked and Daniel was hesitant, but
- 5 went ahead and just went along with that.
- 6 Q. Okay. And at some point, did the plane land in Rock
- 7 Hill?
- 8 A. Yes.
- 9 Q. And when it landed in Rock Hill, did anyone get out of
- 10 the plane?
- 11 A. Yes.
- 12 Q. Do you recall who first got out?
- 13 A. I don't know who got out first.
- 14 Q. Okay. And at some point did -- at some point was there
- 15 a gas pump that y'all interacted with?
- 16 A. Yes.
- 17 Q. Tell the jury about that.
- 18 A. So there is like a key and you can open the tanks and
- 19 there's switch -- there's different switches, but the only
- 20 one that I know is a switch that makes the pump go on manual
- 21 mode and you just pump gas for free.
- 22 Q. Okay. And you're not real technical savvy. Who is
- 23 operating -- who is putting the key and turning it to
- 24 manual?
- 25 A. I don't know. Both of them.

1 Q. Both of them. They were kind of acting together?

2 A. Yeah.

3 Q. Have you reviewed surveillance video from that night?

4 A. Yeah.

5 Q. All right.

6 MR. EPTING: Beg the Court's to publish a State's
7 Exhibit. Beg the Court's indulgence while they're queuing
8 that up.

9 Your Honor, I believe this is State's Exhibit 17 the
10 State's requesting permission to publish portions of.

11 THE COURT: You can publish it and it's already in
12 evidence.

13 MR. EPTING: Madam Clerk, can we dim the lights,
14 please?

15 (Whereupon, a portion of State's Exhibit 17 is
16 published.)

17 Q. All right. Are you able to see State's 17 on your
18 screen? It doesn't have a number, but it should look like
19 surveillance video.

20 A. No.

21 MR. EPTING: Beg the Court's indulgence.

22 THE COURT: I'm not sure we have it on anybody's --

23 THE WITNESS: I can see it now.

24 MR. EPTING: All right. How about now?

25 THE COURT: I have it on my -- is it on the jurors's

1 screen?

2 FORELADY: It is.

3 THE COURT: We've got it on the jury's screen and we
4 have it on the screen at the Bench.

5 Q. Gabby, State's 17 should be reflected there on your
6 screen right now. Do you recognize what we're looking at
7 here?

8 A. Yes.

9 Q. What are we looking at?

10 A. The gas pumps.

11 Q. Is that the same gas pump that you said the defendant
12 and Daniel took gas out of?

13 A. Yes.

14 Q. Do you remember at some point speaking with Detective
15 Swiger?

16 A. Yes.

17 Q. Do you remember approximately when that was that you
18 spoke to him?

19 A. I don't know the date. I just know it was a couple of
20 days after Daniel was taken into custody.

21 Q. Okay. And did he ask you about this gas pump?

22 A. Yes.

23 Q. And do you remember speaking with him about that?

24 A. Yes.

25 Q. Do you remember telling him that you were unsure if

1 they got gas out of that?

2 A. Yes.

3 Q. Okay. Was that correct?

4 A. I knew that they were, but Daniel had told me to lie.

5 Q. Was this out of the blue?

6 A. Well, he had called my sister first and --

7 Q. This discussion with law enforcement, did they show up?

8 Did they call you? How was this interaction --

9 A. It was -- first they called my sister, but then my

10 sister gave them my number and they called me.

11 Q. And you spoke to him and you were not entirely truthful

12 at that point?

13 A. Yes.

14 Q. What we're going to do is we're going to fast-forward

15 to when some figures come onto the screen. I'm going to

16 direct your attention to the right side of the screen. Do

17 you see this -- on State's 17, do you see this arrow where

18 I'm pointing?

19 A. Yes.

20 Q. What am I pointing at?

21 A. I'm not -- oh. That's a person.

22 Q. That's a person?

23 A. Yeah.

24 Q. Does that appear to be the plane that y'all drove in or

25 can you see enough of it yet?

- 1 A. I can't see enough of it.
- 2 Q. What we're going to do is we're going to track forward
- 3 some. All right. What are looking at here?
- 4 A. Somebody walking from the pump back.
- 5 Q. Does it appear the plane's starting up?
- 6 A. (Viewing video)
- 7 Q. Beg your indulgence. This is a surveillance software
- 8 and, again, like I said, I'm not tech savvy myself. All
- 9 right. Did you see what just happened? What are we looking
- 10 at here?
- 11 A. They're moving the plane closer to the pump.
- 12 Q. All right. And I'm going to draw your attention right
- 13 here. Is that the same individual you saw walking to the
- 14 gas pump first?
- 15 A. Yes.
- 16 Q. Are you inside the plane that just pulled up to the gas
- 17 pump?
- 18 A. Yes.
- 19 Q. Do you recognize the individual wearing the black coat?
- 20 A. Yes.
- 21 Q. Who do you recognize that individual to be?
- 22 A. The one that was out of the plane?
- 23 Q. Correct.
- 24 A. That's Nate.
- 25 Q. Nate or the defendant on trial?

- 1 A. Yes.
- 2 Q. There are other figures getting out of this plane right
3 now. Do you recognize those figures?
- 4 A. Yeah. That's me and Daniel.
- 5 Q. Okay. Which one are you?
- 6 A. I'm the one with the red pants and the black jacket.
- 7 Q. All right. And can we see what Daniel's wearing?
- 8 A. Yes.
- 9 Q. Do you see what Daniel has in his hand?
- 10 A. A flashlight.
- 11 Q. And what are they looking at on the wing?
- 12 A. The gas.
- 13 Q. Okay. You're indicating with your hand like you're
14 opening a gas tank?
- 15 A. Yeah; yeah. A gas tank. Yes.
- 16 Q. Is the plane gassing up at this point?
- 17 A. I think so.
- 18 Q. And you said earlier they did not pay for this gas?
- 19 A. No.
- 20 Q. And they were operating together to gas this plane up?
- 21 A. Yes.
- 22 Q. All right. Do you see what's in both Daniel and Nate's
23 hands at this time?
- 24 A. Yes. It's flashlights.
- 25 Q. They both have a flashlight?

- 1 A. Uh-huh.
- 2 Q. Did you have a flashlight?
- 3 A. No.
- 4 Q. Now, what are you and Daniel doing there?
- 5 A. I didn't see it.
- 6 Q. Let's go back a little bit. And, again, Daniel's the
- 7 tall skinny individual standing next to you?
- 8 A. Uh-huh.
- 9 Q. You're shorter than him?
- 10 A. (Nods affirmatively)
- 11 Q. Was it cold that night?
- 12 A. Yeah.
- 13 Q. Do you remember after the plane -- once the plane is
- 14 gassed up, once they've stolen gas, do you remember what
- 15 they do with the plane?
- 16 A. No. I don't remember much after this.
- 17 Q. All right. Well, let's -- do you recall watching the
- 18 other angle of the video?
- 19 A. Yes.
- 20 Q. All right. Do you recognize what we're looking at
- 21 here? And, again, this is State's 17, but a different
- 22 camera angle.
- 23 A. Uh-huh.
- 24 Q. What are those carport looking things?
- 25 A. They're open hangars.

- 1 Q. All right. What are we seeing here?
- 2 A. The plane pulling up.
- 3 Q. All right. Do you see somebody in the headlights?
- 4 A. Yes.
- 5 Q. Do you remember who that was?
- 6 A. Nate.
- 7 Q. Where was -- where were you and Daniel?
- 8 A. In the plane.
- 9 Q. So Nate meets you by the shade ports, the open-air
- 10 hangars.
- 11 A. Uh-huh.
- 12 Q. What are we looking at here?
- 13 A. Two people walking.
- 14 Q. Who are those two people?
- 15 A. Daniel and Nate.
- 16 Q. And where were you while they were walking over to the
- 17 shade ports?
- 18 A. In the plane.
- 19 Q. Were you paying any attention to what they were doing
- 20 after the gas was stolen and they parked?
- 21 A. Maybe I tried, but I couldn't see anything.
- 22 Q. Okay. It was dark out that night?
- 23 A. Yeah.
- 24 Q. And you're in the plan; right?
- 25 A. Yes.

- 1 Q. And what are you doing inside of the plane?
- 2 A. On my phone.
- 3 Q. Do you remember Daniel and Nate coming back to the
- 4 plane at some point in time?
- 5 A. Yes.
- 6 Q. And did they have anything with them?
- 7 A. I don't remember.
- 8 Q. Okay. Do you remember them having electronics with
- 9 them, headphones?
- 10 A. I don't remember.
- 11 Q. Okay. Did they have any discussions about whether
- 12 they're staying or leaving?
- 13 A. I just don't remember.
- 14 Q. Okay. This was a long time ago; right?
- 15 A. Yes.
- 16 Q. At some point in time, do you remember where y'all flew
- 17 back to?
- 18 A. Probably Spartanburg, but I don't --
- 19 Q. You don't remember that too well either?
- 20 A. I don't remember. Yeah.
- 21 Q. Would you remember if you flew directly to Greenville?
- 22 A. No.
- 23 Q. Okay. So best you can remember, they flew back to
- 24 Spartanburg, but memory's fuzzy?
- 25 A. Yeah.

1 Q. Did y'all -- did you and Nate and Daniel spend any more
2 time together once you got back to where you were going or
3 did you go your separate ways?

4 A. Most likely hung out for a little bit.

5 Q. Okay. And into the night, did you stay at -- did you
6 stay anywhere with them or did y'all go home?

7 A. No. I always went home.

8 Q. Okay. And where were you living at the time?

9 A. I was living with my mom.

10 Q. Okay. And where does she live?

11 A. In downtown Greenville.

12 Q. Okay. At some point in time, did you come back to the
13 Rock Hill Airport with Nate and Daniel?

14 A. Yes.

15 Q. Was this in December?

16 A. Yeah.

17 Q. Can you -- do you remember where you met up with Daniel
18 in the December incident?

19 A. I want it was the same thing. We flew from the
20 downtown Greenville airport to Spartanburg.

21 Q. Okay. And then do you remember what plane you came
22 back to Rock Hill in?

23 A. Nate's plane.

24 Q. Nate's plane?

25 A. Yeah.

- 1 Q. And that's the dual-engine Comanche?
- 2 A. Yeah.
- 3 Q. And anything different this time going into -- as far
4 as what they talked about, what you heard coming into Rock
5 Hill?
- 6 A. It was the same thing with the transponders, but I
7 didn't hear anything, like, on what they planned on doing.
- 8 Q. Okay. And where did y'all land?
- 9 A. In Rock Hill.
- 10 Q. And where are you sitting in the plane?
- 11 A. I'm in the back seat.
- 12 Q. Okay. Are you on your phone again or are you muting
13 them or what is the activity between you and them?
- 14 A. Well, when we were flying, I probably was just
15 listening to my music.
- 16 Q. Okay.
- 17 A. And then once we landed, I was on my phone.
- 18 Q. Okay. Do you remember, did they go to the same shade
19 ports in December or did they go somewhere different?
- 20 A. It was somewhere different.
- 21 Q. Do you remember -- where did they go that was
22 different?
- 23 A. They went -- the hangars, it was closed hangars. So it
24 wasn't the same place that we were just looking at.
- 25 Q. Okay. So they went somewhere different, same airport?

1 A. Yes.

2 Q. And while -- and do you get out with them as they're
3 initially getting out?

4 A. Yeah. I used the restroom.

5 Q. Okay. And then did you go into those closed hangars
6 with them?

7 A. No.

8 Q. What did you do?

9 A. I went into the plane.

10 Q. Okay. And then we're talking about -- we're talking
11 about Nate's plane?

12 A. Yes.

13 Q. That twin-engine Comanche?

14 A. Uh-huh.

15 Q. Do they have flashlights with them this night like in
16 November?

17 A. There was lights outside, so maybe not.

18 Q. Okay. And did you see what they were doing inside the
19 hangar?

20 A. No.

21 Q. Were there multiple hangars or was there just one?

22 A. There was multiple.

23 Q. And did you see any activity from where you are in the
24 plane to the outside?

25 A. Yes.

- 1 Q. What activity are you seeing?
- 2 A. They had like a hammer and they were breaking open,
3 like, the hangars.
- 4 Q. Okay. When you said they, are they operating together
5 or is one doing --
- 6 A. It was both of them.
- 7 Q. Okay. And at some point, do you see them come back to
8 the plane with any objects?
- 9 A. Yeah.
- 10 Q. Okay. And I know you're not tech savvy, so you
11 probably don't know what it was, but if you could tell the
12 jury what you remember seeing them both come back with.
- 13 A. Headsets. That's all I remember. I can't remember
14 anything specific.
- 15 Q. Okay. So headsets you remember for sure?
- 16 A. Yeah.
- 17 Q. Maybe some other stuff? And, again, you're not real
18 tech savvy?
- 19 A. No.
- 20 Q. So going -- where do you go after that? Is it back --
21 is it somewhere else or was it back to either Spartanburg or
22 Greenville?
- 23 A. From what I remember, we went back to Spartanburg.
- 24 Q. Okay. And at some point in time -- and you went back
25 to Spartanburg and then did you go back to your mom's house

1 or somewhere else?

2 A. I went to my mom's house.

3 Q. Okay. And at some point in time did you hear that

4 Daniel had been arrested?

5 A. Yes.

6 Q. Did you know what he had been arrested for?

7 A. Yes.

8 Q. And at some point in time, did you talk to Daniel?

9 A. After he had been released.

10 Q. And you testified that he told you not to tell the cops

11 what they were doing?

12 A. Yeah. He was texting me.

13 Q. Okay.

14 MR. EPTING: Beg the Court's indulgence.

15 Q. And, Gabby, you stayed in the plane for the most part

16 according to your testimony; right?

17 A. Yeah.

18 Q. Have you ever been in trouble?

19 A. No.

20 Q. Ever been arrested or convicted of anything?

21 A. No.

22 Q. This is the closest you've gotten to being in trouble

23 before?

24 A. Yes.

25 Q. And you broke up with Daniel when?

1 A. In February.

2 Q. And that was after he was arrested and this came about?

3 A. Yeah.

4 Q. That's all the questions I have.

5 A. Okay.

6 THE COURT: Cross-examination. If we could have the
7 lights back up.

8 CROSS-EXAMINATION

9 GABRIEL CHALOUHI BY MR. DAVIS:

10 Q. Good morning, Ms. Chalouhi. I hope that's -- I don't
11 have to say your name again, 'cause I don't want to say it
12 improperly. You said that on the first event, after you got
13 fuel and then they went to park the plane, you stayed in the
14 airplane?

15 A. When they got the fuel?

16 Q. After they got the fuel and then they re-parked the
17 airplane.

18 A. Okay. Yeah. No.

19 Q. You stayed in the airplane after that?

20 A. Yes.

21 Q. So you didn't get out of the airplane?

22 A. No.

23 Q. All right. So do you remember Detective Swiger calling
24 you shortly after Daniel got arrested?

25 A. Yes.

1 Q. Okay. And I think you mentioned that in your direct
2 examination with the State, and during that phone call you
3 initially said you weren't sure if they got gas or not.

4 A. Uh-huh.

5 Q. And you admitted that, but that was not truthful. Why
6 are you saying that at that point?

7 A. Daniel was texting me and he was telling me not to say
8 anything.

9 Q. So how -- talking about the -- that first night when
10 they're getting the gas, do you have any background in
11 aviation besides your association with Daniel?

12 A. Not much. No.

13 Q. Not much?

14 A. No.

15 Q. And so you haven't worked in an airport or fueled an
16 airport plane yourself?

17 A. Uh-huh.

18 Q. Okay. Could you answer verbally so that --

19 A. Yes. Sorry. I'm sorry.

20 Q. Okay. So how would you know that a key could open the
21 tanks to the pumps and all that stuff? How would you know
22 that stuff, then?

23 A. I saw them with the key and I watched them open it.

24 Q. When you say you saw them open it, was it Daniel or was
25 it Mr. Jenkins opening it?

1 A. Nate had the key. He found it and he showed it to
2 Daniel. So I don't --

3 Q. Okay. So who was opening on the -- who opened the
4 panel and switched the -- put the switches on to let it
5 flow?

6 A. I think it was Daniel.

7 Q. All right. But you had to be -- so who told you that
8 they can do that, they can open the panel and switch it to
9 manual?

10 A. Well, they talked about it and I -- I watched them do
11 it.

12 Q. Okay.

13 MR. DAVIS: All right. At this point, Your Honor, I'd
14 like to play the phone call for Ms. Chalouhi so that she can
15 -- and to enter it as an exhibit.

16 THE COURT: All right. Lawyers approach.

17 (Whereupon, a Bench conference was held off the record,
18 out of the hearing of the court reporter and the jury.)

19 Q. All right. So, Ms. Chalouhi, you had referenced a
20 phone conversation you had with Detective Swiger in
21 December. Do you -- and so do you understand that phone
22 conversation was recorded?

23 A. I didn't know at the time, but I know now.

24 Q. You know now it was recorded?

25 A. Yes.

1 Q. Okay.

2 MR. DAVIS: At this point, Your Honor, we would like to
3 enter a -- three separate recordings or the totality of that
4 conversation with a couple of redacted portions that was
5 done in agreements with the State into evidence, Your Honor.

6 THE COURT: Mr. Epting?

7 MR. EPTING: We have no objection to that. I don't
8 believe that Ms. Chalouhi has reviewed this, but we have and
9 that is an --

10 THE COURT: Okay. Let's be sure -- have we had them
11 marked yet?

12 MR. DAVIS: I'm going to have them marked right now,
13 Your Honor.

14 THE COURT: Okay. Let's have them marked.

15 (Whereupon, the court reporter marked the referenced
16 items as Defendant's Exhibit Number 1.)

17 MR. DAVIS: And, Your Honor, we have three disks
18 labeled phone part 1, 2 and 3, the Defendant's Exhibit 1.

19 THE COURT: All right. Defendant's Exhibit 1, 2, and 3
20 have been offered into evidence without objection from the
21 state.

22 MR. DAVIS: I'd like to play at this point, Your Honor,
23 publish to the jury the first portion of that phone call.

24 THE COURT: All right.

25 (Whereupon, the referenced item was published to the

1 jury.)

2 MR. DAVIS: All right. And this will be the second
3 part of that phone call.

4 (Whereupon, the referenced item was published to the
5 jury.)

6 MR. DAVIS: And this is the third part of the phone
7 call.

8 (Whereupon, the referenced item was published to the
9 jury.)

10 Q. All right. Ms. Chalouhi, what do you think Mr. --
11 Detective Swiger meant by he was going to try to get as many
12 warrants on him as he can?

13 MR. EPTING: Objection, Your Honor; speculation.

14 THE COURT: Yeah. I sustain the objection.

15 MR. EPTING: Can we un-publish the screen, please?

16 MR. DAVIS: Yeah. That's fine.

17 Q. So, Ms. Chalouhi, you said you knew about the first
18 Rock Hill, the first time you went in Rock Hill you remember
19 from what Daniel told what was taken. The only knowledge
20 you had of what was taken that night was what Daniel had
21 told you. Is that correct?

22 A. Yeah, but I don't remember now.

23 Q. Okay. But you didn't observe anything?

24 A. No.

25 Q. Okay. And you stated that you had your cell phone with

1 you during both events and you were actively using it;

2 correct?

3 A. Yes.

4 Q. All right. Did they ever ask to search your cell phone
5 and take that into custody?

6 A. No.

7 Q. Detective Swiger said during the phone call, this phone
8 call, that said you're not going to jail. Prior to that,
9 were you worried about getting charged with some crimes?

10 A. Yeah.

11 Q. I mean, were you worried about it, like, even up in --
12 even after the phone call that you might be in trouble?

13 A. No.

14 Q. So after this phone call, you knew that you weren't
15 going to get charged with anything?

16 A. That's what it seemed like to me.

17 Q. You felt at ease after this phone call?

18 A. Well, obviously not a hundred percent, but it made me
19 feel a little bit better.

20 Q. And you're aware that Daniel had a pilot's license. Is
21 that correct?

22 A. Yes.

23 Q. Okay. So the reason the detective called you, you
24 mentioned, he stated was because he reviewed the video and
25 saw three people get out of the plane?

1 A. Uh-huh.

2 Q. So -- and then he went on to say he believes Daniel and
3 Daniel's a good guy. Is that correct?

4 A. Yes.

5 Q. But the reason he's calling you is 'cause he found out
6 Daniel wasn't truthful with him. Is that correct?

7 MR. EPTING: Objection, Your Honor. That's pitting.

8 THE COURT: I sustain the objection.

9 Q. So during this phone call, did Detective Swiger give
10 you -- kind of coach you as to what you needed to say and
11 what you needed to do?

12 A. No.

13 Q. Like telling you what his detective's perspective on
14 things were? Did that kind of tell you what you needed to
15 say to stay out of trouble?

16 A. No. I'd already agreed with him before the phone call.

17 Q. You agreed with him before the phone call?

18 A. Yeah, his opinions. I had already felt that way.

19 Q. Okay. What did you interpret as the statement of
20 trying to pave the way for Daniel then?

21 A. Help him out. He's young.

22 Q. And you never were told by the person who introduced
23 Daniel to Nate, you were never told why he said don't hang
24 around Nate anymore?

25 A. Yeah. I don't remember. At the time maybe, but right

1 now I don't remember why, but the guy that told Daniel about
2 Nate later on told Daniel to stay away from him.

3 Q. And was that before you guys went to Rock Hill, after
4 you went to Rock Hill?

5 A. It was -- it was whenever they met, it was a couple of
6 weeks later and then from then on he had said not -- to not
7 be around him.

8 Q. Okay.

9 MR. DAVIS: No further questions, Your Honor.

10 THE COURT: Any redirect?

11 MR. EPTING: Very briefly.

12 REDIRECT EXAMINATION

13 GABRIEL CHALOUHI BY MR. EPTING:

14 Q. Gabby, how old were you on November 28th?

15 A. I was 17.

16 Q. And were you also 17 on December 9th?

17 A. Yes.

18 Q. And when Mr. Davis asked that you felt that way too
19 about Nate, what did you mean by that?

20 A. I had just agreed with what he was saying.

21 Q. Did you want Daniel to hang around Nate?

22 A. No.

23 Q. Did you feel like Nate was a bad influence?

24 A. Yes, but I thought that -- before I thought that Nate
25 would help Daniel.

1 Q. When you say help Daniel, to get his pilot's license?

2 A. Yeah. His multi-license.

3 Q. And then once the trips started, you felt like he was
4 putting Daniel up to stuff?

5 A. Yeah.

6 Q. And the transponder conversations, that was a multiple
7 incident conversation?

8 A. Yeah. It's happened a couple times.

9 Q. And you -- he asked you -- he advised you to that next
10 you're in that situation, perhaps you should have called
11 your mother?

12 A. Yes.

13 Q. And you didn't call your mother that night, did you?

14 A. No.

15 Q. Why not?

16 A. Because I felt like I may have been being over dramatic
17 or I kind of felt guilt-tripped that it was -- it was okay.
18 So I didn't necessarily feel unsafe. I just felt
19 uncomfortable and I didn't know if it was enough for me to
20 stress my mom out.

21 Q. And you didn't see what they took on November, but you
22 did see some of the things they took in December?

23 A. Yes.

24 MR. EPTING: Beg the Court's indulgence.

25 Q. That's all the questions I have for you, Gabby. Thank

1 you.

2 THE COURT: Any recross?

3 MR. DAVIS: Nothing, Your Honor.

4 THE COURT: All right. Thank you. Ms. Chalouhi, you
5 can step down.

6 MR. EPTING: And, Your Honor, we ask that this witness
7 be excused from he subpoena.

8 MR. DAVIS: No objection, Your Honor.

9 THE COURT: Thank you. Then she's excused.

10 MR. EPTING: May we have just a very brief recess for a
11 bathroom break, Your Honor?

12 THE COURT: Ladies and gentlemen, this is an
13 appropriate time to take our morning break. We're going to
14 break about 10 or 15 minutes. Take this time to refresh
15 yourselves. Again, I instruct you, do not discuss the case
16 at all among yourselves. Everyone remain seated while this
17 panel is excused.

18 (Whereupon, the jury exited the courtroom at 11:02
19 A.M.)

20 THE COURT: All right. We'll be at ease for about 15
21 minutes.

22 MR. EPTING: Thank you, Your Honor.

23 (Whereupon, a brief recess was observed from 11:02 A.M.
24 until 11:27 A.M.)

25 THE COURT: Is the State ready?

1 MR. EPTING: The State's ready, Your Honor.

2 THE COURT: Is the defense ready?

3 MR. DAVIS: The defense is ready, Your Honor.

4 THE COURT: Where are we as witnesses for the morning?

5 MR. EPTING: We have two witnesses for the morning.

6 One of those witnesses we can push to the afternoon.

7 I believe Rebecca Askew's walking in the building right now.

8 She got the fingerprint that was matched to Daniel Villada.

9 We have a case agent that we can call and then our other

10 witnesses are showing up this afternoon. I believe we will

11 finish presentation of our evidence well-

12 THE COURT: Today?

13 MR. EPTING: ---before 5:00.

14 THE COURT: Okay. All right.

15 MR. DAVIS: We do have one witness for the defense,

16 Your Honor. It's a Rock Hill Police Department officer and

17 we're using him just to put in a body camera video into

18 evidence.

19 THE COURT: Well, we'll see where we get. All right.

20 Let's bring the jury in.

21 (Whereupon, the jury entered the courtroom at 11:27

22 A.M.)

23 THE COURT: Thank you, ladies and gentlemen.

24 State, call your next witness.

25 MR. EPTING: Thank you, Your Honor. May it please the

1 Court. The State calls Rebecca Askew to the stand.

2 (REBECCA ASKEW, being first duly sworn, was examined
3 and testified as follows):

4 DIRECT EXAMINATION

5 REBECCA ASKEW BY MR. EPTING:

6 Q. Good morning.

7 A. Good morning.

8 Q. Could you please state your name for the record?

9 A. Rebecca Askew.

10 Q. And how are you -- a stupid question given how you're
11 dressed, but how are you employed?

12 A. I'm employed as a forensic investigator and officer for
13 the Rock Hill Police Department.

14 Q. Is the forensics investigation, is that a specialized
15 unit or all officers able to do that?

16 A. It is a very specialized unit. There's actually only
17 four officers in our unit.

18 Q. And how long have you been with forensics?

19 A. I've been in forensics since August of 2017.

20 Q. Can you describe the general duties of being forensics,
21 what that involves?

22 A. We go out to any and all crime scenes, if requested, to
23 collect, preserve and process evidence for not only
24 fingerprints, but also DNA to be later identified for the
25 fingerprints and tested by DNA labs for the unit.

1 Q. Are you required to have special education to do that
2 job?

3 A. Yes.

4 Q. What education have you had to be --

5 A. To just start in the unit we require at least two weeks
6 of fingerprint identification on top of an additional two to
7 three weeks, depending on the courses, of basic crime scene
8 processing analysis.

9 Q. In addition to the formal training that you receive to
10 do that evidence analysis, do you get practical training and
11 experience as being part of the unit?

12 A. Yes. So pretty much any scene we go on, we lean on
13 others' experiences in the unit to teach us and guide us
14 through their experiences in not only the processing, but
15 the analysis of crime scenes.

16 Q. Over the course of your time with the forensics unit,
17 approximately how many crimes scenes have you processed,
18 let's say for fingerprints? If you can give it a number.

19 A. I haven't kept track that well, but probably over 500.

20 Q. And during the processing, have you lifted, collected,
21 and compared fingerprints?

22 A. Several.

23 Q. And when you're doing that and you come to a
24 conclusion, is there any fail-safe? Is it double-checked by
25 anyone?

1 A. Yes. So we actually go through a process called ACE-V.
2 It's a four-step scientific process starting with the
3 analysis of a fingerprint, seeing if it's actually suitable
4 for identification. Then we move into the comparison where
5 I actually compare the fingerprint to either a known print
6 by a suspect or a victim's print and then I make my end
7 evaluation, which ends my portion of the identification, but
8 it also goes through an independent verification by another
9 person in my unit that's trained in fingerprints as well.

10 Q. Would you like a cup of water?

11 A. I'm sorry. I literally just ran down here.

12 Q. I apologize. No. It's winter and you're talking.

13 MR. EPTING: May I approach the witness, Your Honor?

14 THE COURT: Yes, You may.

15 THE WITNESS: Thank you.

16 MR. EPTING: Your Honor, at this time, based upon
17 Investigator Askew's experience as well as formal training,
18 we ask that the Court declare her an expert in fingerprint
19 collection, identification and comparison.

20 MR. DAVIS: No objection, Your Honor.

21 THE COURT: The Court finds that Rebecca Askew is
22 qualified to testify as an expert in fingerprint analysis.

23 Ladies and gentlemen of the jury, let me give you a
24 brief instruction on experts. Ladies and gentlemen,
25 normally a person cannot give opinion testimony. Normally,

1 when a person testifies they must testify as to what they
2 either saw, heard or sensed by smell or something of that
3 nature. However, there is an exception when someone is
4 qualified because of education or experience. They are
5 permitted to give their opinion in certain areas if the
6 Court qualifies them that way. This witness is qualified as
7 an expert in the area of fingerprint analysis to give an
8 opinion testimony in that area -- in fingerprint analysis
9 -- to give an opinion testimony in that area. That does not
10 mean that you must accept the opinion, but it is evidence
11 for you to use in any way you see fit and give the weight
12 and credibility you believe is appropriate.

13 All right. Thank you.

14 MR. EPTING: Thank you, Your Honor.

15 Q. If you will begin by giving some definitions. Could
16 you explain to the jury what a known or an inked print is?

17 A. An inked print is a print that is rolled from an
18 individual's hand after it's -- the hand has been applied
19 with black printer's ink. The hand is then rolled from one
20 edge of the finger to the other, thus leaving that printer's
21 ink on a suitable contrastable surface like a 10-print card.

22 Q. Now, are those under ideal conditions?

23 A. Yes, sir.

24 Q. And is that digital now? Is it still black ink or have
25 they changed that to a digital format?

1 A. So the more common practice these days due to
2 technology advances is actually what's called live-scan.
3 It's the digital capture in a similar pattern where the
4 finger is then rolled on a glass surface that is smooth and
5 digital images capture that image or capture that roll as it
6 happens. That has been sent to the state repository, SLED,
7 which is then kept by them.

8 Q. Okay. And can you tell the jury in general terms what
9 a latent print is, a found --

10 A. A latent print in its very definition is a print that
11 is next to invisible to our own eyes, naked eye, which we
12 then use powder, such as black fingerprint powder, which
13 contains graphite, fine graphite-like powder that's applied
14 to a surface, which is attracted to latent prints because
15 they're mostly made of moisture, that powder is attracted to
16 that print and makes it actually visible, very contrastable
17 due to the surface of the powder and the background surface.

18 Q. Do you watch TV shows like CSI or is that too much
19 work? I always -- is it like CSI where fingerprints are
20 found all of the time and identified and matched up?

21 A. No. So there are actually a very random chance by
22 several different factors and that can be environmental as
23 well as biological. Environmental meaning if it's too cold,
24 our bodies may not secrete those -- that moisture as well,
25 or if it's too wet, a rainy condition can actually

1 obliterate a print and cause our moisture from our prints
2 not to adhere to a surface.

3 Q. Are certain surfaces more conducive to finding a good
4 identifiable print?

5 A. Yes. So we tend to look for smooth, shiny objects
6 because those hold the most ability to give us a consistent
7 rolled print, whereas rough textures will give us creases
8 and make it very hard to identify a latent print.

9 Q. If somebody's wearing something like mechanics gloves,
10 is it likely that, in your expert opinion, to get a usable
11 print or any print whatsoever?

12 A. No. So we can actually create one of two things,
13 depending on the surface of the glove. If it's a fabric
14 surface, the majority of time we see it creates a void where
15 the background image may show water spots or something like
16 that, dirt, other things, but when a glove touches it,
17 that's a fabric im- -- a fabric, it actually leaves a void
18 in that where it takes it away. If it has some kind of grip
19 to the bottom of a glove, it can actually leave that pattern
20 impression behind where that grip is located.

21 Q. Is that pattern impression something that you always
22 find when somebody uses gloves?

23 A. No. Again, it depends on the surface and the moisture
24 content on the exterior of that glove.

25 Q. Can you walk the jury through how you process an

1 article to try to lift those latent prints with black powder
2 like you described? What areas are you looking at?

3 A. So the most common areas are going to be your common
4 sense areas. If you're going into a vehicle -- in this
5 instance, it was an airplane -- you have to climb up on on a
6 wing. Now, me, personally, I'm not so very comfortable on
7 an airplane's wing, so I'm going to be touching as many
8 surfaces as I can possibly grab within arms reach. So in
9 this instance I processed not only the door, wall area
10 leading up to the pilot's door, but also the wing area next
11 to where the walkway is indicated by, like, a black -- I
12 don't even know what to call it -- a black rough texture on
13 the wing to give the shoes some grip.

14 Q. So you did process a wing of plane in this case and
15 that was upon request of who?

16 A. The victim. I think it was Mr. Kleiderer.

17 Q. Okay. And in this case, did -- once you -- you put the
18 powder down. You identify something that might be an
19 identifiable print. What do you do next?

20 A. After the print is located -- usually, like I said, it
21 will be in contrast between the background and the actual
22 powder, I'll lay down what's either fingerprint tape or
23 what's called poly tape. It's a little bit stretchable.
24 For rounder surfaces, it's easier to grab up that print in
25 one consistent motion rather than getting creases that can

1 prevent that positive identification. Once that tape is
2 down, we then lift it up very carefully and place it on a
3 white or black, depending upon what powder we use,
4 fingerprint card. Essentially, it is just a card about ye
5 big (indicating), that I can then use that black powder and
6 a white contrasting background to increase that -- excuse me
7 -- to increase that contrast even more so that that print is
8 visible.

9 Q. So in this case there was no known subject at the time
10 that you processed the scene. Is that correct?

11 A. The only prints that I compared initially were Mr.
12 Kleiderer's.

13 Q. Are those elimination prints?

14 A. Yes, sir.

15 Q. And that's to eliminate what prints you're looking at;
16 right?

17 A. Yes, sir. So, essentially, we collect all victims'
18 prints 'cause it's their property. We expect their
19 fingerprints to actually be on their objects.

20 Q. Do you have ways or databases that you can use to try
21 to compare a print that you've taken, but you don't have a
22 known person to compare it to?

23 A. Yes. In this instance, after comparing my known print,
24 my latent print to my known prints of Mr. Kleiderer, the
25 victim in this case, I actually entered it into a system

1 called AFIS. It is maintained by the FBI as well as SLED
2 through several different ruled ten-print cards. I
3 initially ran it through a criminal database and did not get
4 anything back. A few days later I had the inclination, hey,
5 maybe they've never been arrested. Let me run it through a
6 civil database. That is not a database we usually run it
7 through. Just giving this instance, a very off, strange
8 case for us. We don't usually get break-ins to airplanes.
9 Excuse me. So I was hoping to get an identification through
10 what's called a registration print or application print. So
11 when certain people apply for a job, say, law enforcement,
12 they need to pass the Bar, nurses, anybody that's in
13 childcare, certain licenses require people to get
14 registration prints or application prints. Those prints are
15 then maintained by the State and in their repository. So
16 those are maintained on a civil database, not the criminal
17 database.

18 Q. Okay. So in the civil database, are lawyers prints
19 stored in there?

20 A. Yes.

21 Q. Uh-oh. So once -- did you get a hit out of that civil
22 database for the latent prints that you recovered from that
23 plane?

24 A. Yes, sir. I actually got an identification to Daniel
25 Villada.

1 Q. Okay. And is that the end of it or do you do
2 additional confirmation analysis?

3 A. So the program itself only runs off of a Myometric
4 imaging. So just because it says, hey, we think this is it,
5 I've got to do my own independent analysis, comparison, and
6 evaluation of that print in comparison to that return. Once
7 I made my evaluation saying that, yes, these fingerprints
8 were Mr. Villada's, I went through that independent
9 verification through one of my members in my unit.

10 Q. And before we go into your analysis of how you made the
11 comparison, have you -- would it assist the jury to visually
12 see a presentation that you've prepared for this trial?

13 A. If it's so --

14 MR. EPTING: If the defense has no objection to show a
15 demonstrative.

16 MR. DAVIS: No objections, Your Honor.

17 Q. So what are we looking at here?

18 A. So this is a 10 print card that I took the day Mr.
19 Villada came into our custody. So the fingerprint
20 identification was then identified by that point, but due to
21 knowing that this was probably going to be going to trial,
22 what we tend to do is use that actual arrest card for the
23 case at hand. So this is actually the one that I took -- I
24 believe it was on -- I can't remember the exact day I took
25 it, but it was from his arrest, the day he was intaked(sic)

1 into the Rock Hill Police Department. This is right palm
2 print card, which includes not only his fingers, but also
3 the palm print and the writer's palm, which is that piece
4 there at the top, sideways, and this is the left palm print
5 card. This is Mr. Kleiderer's airplane that I processed and
6 lifted the fingerprints from. This is a scan of the first
7 fingerprint card that I lifted. It was collected from the
8 exterior passenger door by the handle. So if you're
9 looking, there was a door right as the wing started and then
10 forward was the pilot's door. This is that first door right
11 as the wing started. This is a closeup of that first
12 fingerprint card just showing you the areas that we want to
13 focus in on. The red squares are where I actually made that
14 identification. So it's small portion of the palm, just so
15 that we can get a good detailed view of it, and we can go
16 one-by-one in that identification. So the first arrow is
17 pointing to what's called a ridge end. There are two types
18 of characteristics we really look for in identification.
19 It's any ridges where a ridge or the lines that you guys see
20 continues on and then abruptly ends or truncates. The other
21 characteristic we look to identify is called a bifurcation.
22 Now, what happens with that one is it a ridge that continues
23 on straight and then ends up making a fork in the road and
24 splits off. So the one that it is pointing to is an ending
25 ridge and in Mr. Villada's rolled 10 print card on his left

1 palm, it is indicated there as a direct comparison to
2 another ending ridge and we'll go through -- the way we make
3 an identification is not only one point to one point, but
4 the spacial comparison in relation to each one throughout
5 the latent print to the known print.

6 Q. Is there an industry accepted number of points that you
7 compare or is it kind of person to person?

8 A. So it actually depends. There has been several cases
9 of quantitative/qualitative analysis. So if the quantity is
10 high, your quality can be kind of low on the latent print,
11 but if your quality of the latent print is really clear and
12 crisp, the quantity needed to make the identification can
13 actually be a little bit lower.

14 Q. And as we're cycling through, are these points of
15 comparison that you've made?

16 A. Yes. So you continue down that first line and you'll
17 see where each one lines up in spacial awareness to the
18 following arrow.

19 Q. And after you submit your findings, you make your
20 points of comparison, you said that's peer reviewed by
21 another expert?

22 A. Yes, sir.

23 Q. And does that expert know what your conclusion was,
24 whether it's a match or not?

25 A. No. It is a blind verification.

1 Q. So as we're looking at these arrows, is it correct to
2 say that you are looking at bifurcations, swirls, and then
3 points of demarcation, if that is the right term?

4 A. Ending ridges and bifurcations. Yes.

5 Q. What are we looking at here?

6 A. This is the second print that I lifted. This one was
7 actually recovered from the right wing of the plane next to
8 the walkway. So I'm not -- I'm uncomfortable climbing on
9 planes, but I was like let me just process this just in
10 case. This was lifted from next to the walkway and, again,
11 the red squares are just detailed images of where we're
12 going to make the identification.

13 Q. What are those giant dots?

14 A. I think those are actually rivets on the airplane
15 itself.

16 Q. And did you do the same thing with this print that you
17 did with the other? You matched points up until you were
18 confident as to a match?

19 A. Yes, sir. And this is just showing that process.

20 Q. All right. And what are we looking at here?

21 A. This is another print that I lifted, print three, which
22 was lifted from the exterior top of the pilot's entry door.
23 You go up the wing to where the pilot would enter the plane.
24 This is actually recovered from right above the little
25 window that's on that door.

1 Q. As though someone were bracing themselves looking in?

2 A. Yes. And this is -- on the left is the latent print.

3 The right is the rolled 10 print card for Mr. Villada, and

4 this is just that close-in view of that latent print to Mr.

5 Villada's right thumb.

6 Q. And, again, would you expect to find prints like that

7 if an individual is wearing gloves?

8 A. No, sir.

9 Q. What are we looking at here?

10 A. This is an additional latent print that was lifted from

11 the exterior side of the pilot's entry door. So just off to

12 the, I believe it's, the left, which I made an

13 identification to Mr. Villada's right middle finger.

14 Q. So in your expert opinion, these prints that -- these

15 latents and these knowns are matches to Mr. Villada. Is

16 that correct?

17 A. Yes, sir.

18 Q. Same process here? You're matching points of

19 comparison?

20 A. Yes, sir. This is an additional fingerprint lifted

21 from the exterior top of the pilot's entry door. Again, red

22 square and a detailed photo and a clear spot defined, which

23 was then compared to Mr. Villada's right middle finger.

24 Q. Same thing here?

25 A. Yes, sir. And these are verifications done by one of

1 my unit members, who's also an expert in fingerprints?

2 Q. Same conclusions, same points?

3 A. Same conclusions.

4 Q. That's all the questions I have for you right now,
5 Investigator. Please answer any questions defense counsel
6 may have.

7 A. Yes, sir.

8 THE COURT: All right. Cross-examination.

9 MR. DAVIS: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 REBECCA ASKEW BY MR. DAVIS:

12 Q. So, Officer Askew, did you find fingerprints for anyone
13 besides Mr. Villada during this investigation?

14 A. No, sir.

15 Q. And besides Mr. Kleiderer's plane, did you find
16 fingerprints anywhere else?

17 A. No, sir.

18 Q. And approximately how many other places did you process
19 for fingerprints?

20 A. What do you mean?

21 Q. Did you process any other planes, hangars or anything
22 else for fingerprints?

23 A. Yes, sir.

24 Q. How many others did you do?

25 A. I can't honestly remember off the top of my head. I

1 remember processing at least four other plans and at least
2 two different hangars.

3 Q. And you said you're unlikely to get prints off the
4 black bumpy stuff, which some people might call non-skid.
5 Is that correct?

6 A. Yes, sir.

7 Q. Okay. Did you get any prints that were unusable, that
8 were just too degrad- -- too fractional or too small that
9 you could not use? Was there a lack of those?

10 A. If we did, then it was documented as unidentifiable
11 prints in my report. I honestly don't remember off the top
12 of my head.

13 MR. DAVIS: No further questions, Your Honor.

14 THE COURT: Any redirect?

15 MR. EPTING: Just briefly.

16 REDIRECT EXAMINATION

17 REBECCA ASKEW BY MR. EPTING:

18 Q. Is it unusual to get unidentifiable prints like that?

19 A. No, sir.

20 Q. Is it more common to get those than it is identifiable?

21 A. Extremely.

22 MR. EPTING: That's all I have.

23 A. The way we touch, we touch in fractions, not in a full
24 roll. So it's actually quite easy to get a partial latent
25 print than a full rolled impression.

1 Q. And can -- is an identifiable latent become
2 unidentifiable by a matter of use? For instance, if you
3 skidded your hand?

4 A. Yes. So there's many different ways that we can have
5 unidentifiable impression through distortion. So we are
6 very movement oriented people so the way we touch is also
7 very dynamic. So if we touch and your hand and it slides on
8 a surface, it'll distort that print and cause that slide
9 just like you would see if you slid through mud. It will
10 only capture a very small portion of the very tip or if you
11 just brush against something, it'll do the exact same thing.

12 Q. And your testimony earlier was if somebody wears
13 gloves, then no prints identifiable or not are typically
14 left?

15 A. Correct.

16 MR. EPTING: That's all the questions I have.

17 THE COURT: Any recross?

18 RECROSS EXAMINATION

19 REBECCA ASKEW BY MR. DAVIS:

20 Q. You don't have any way of dating when these prints were
21 left, do you?

22 A. No, sir.

23 MR. DAVIS: No further questions, Your Honor.

24 THE COURT: All right. Thank you. Thank you,
25 Detective Askew. You can step down. Thank you.

1 THE WITNESS: Thank you.

2 THE COURT: All right. State, call your next witness.

3 MS. BURDETTE: The State would call Detective Swiger to
4 the stand.

5 MR. EPTING: You want to approach? May we approach?
6 May we approach, Your Honor?

7 THE COURT: Yes, you may.

8 (Whereupon, a Bench conference was held off the record,
9 out of the hearing of the court reporter and the jury.)

10 MS. BURDETTE: The State would call Detective Swiger to
11 the stand.

12 (DARIN SWIGER, being first duly sworn, was examined and
13 testified as follows):

14 DIRECT EXAMINATION

15 JOHN DARIN SWIGER BY MS. BURDETTE:

16 Q. Detective Swiger, would you please state your full name
17 for the record?

18 A. I'm Darin Swiger.

19 Q. And how are you employed?

20 A. I'm a property crimes detective with the Rock Hill
21 Police Department.

22 Q. How long have you been with the Rock Hill Police
23 Department?

24 A. 16 years.

25 Q. Were you with law enforcement prior to the Rock Hill

1 Police Department?

2 A. No; I was not.

3 Q. And what has your role been throughout those 16 years
4 at Rock Hill?

5 A. I spent 13 years as a patrol officer on the road and
6 I've spent the last three in the criminal investigation
7 division.

8 Q. And can you please describe your duties and
9 responsibilities as a detective?

10 A. Yes. As a detective, we are -- we receive reports from
11 our lieutenant. She reviews the daily activities from the
12 various patrol shifts and the cases that the patrol shift
13 does not feel they can handle easily as a patrol officer,
14 they pass to us. So we receive those cases and we pick up
15 the investigation at that point using the information in the
16 primary narrative as a starting point for the investigation.

17 Q. Were you assigned to investigate some thefts at the
18 Rock Hill Airport in November and December of 2023?

19 A. Yes, I was.

20 Q. And is that in York County?

21 A. Yes, ma'am.

22 Q. And can you please tell the jury how your investigation
23 began?

24 A. My investigation began when Carl Kleiderer's case was
25 the first one that came to me. I contacted Mr. Kleiderer,

1 kind of confirmed the information that was in the
2 preliminary part of the report, began to call the airport
3 crew to, you know, gain access there to try to find out what
4 video might be available. Very shortly after that I was out
5 at the airport, you know, to talk with Mr. Gould about video
6 and that was the time when Mr. McLean's incident report
7 actually got called in. So when his officer arrived to do
8 the initial report, I actually happened to be on the scene
9 when that second report came in.

10 Q. So the first day of Carl Kleiderer that he called in
11 was December 5th?

12 A. That's correct.

13 Q. And during your investigation, did you confirm with
14 Carl when he had last checked on his plane?

15 A. Yes, I did.

16 Q. And how was he able to confirm the date?

17 A. He went back to his log book and looked at the log book
18 to see the time.

19 Q. And what was the date in his log book that he had last
20 been with his plane?

21 A. The last time he was at his plane was November 26th.

22 Q. And did he say why he maybe told the initial officer a
23 Wednesday or a different day at that time?

24 A. He stated he didn't --

25 MR. DAVIS: Objection, Your Honor. May we approach?

1 THE COURT: Yes.

2 (Whereupon, a Bench conference was held off the record,
3 and out of the hearing of the court reporter and the jury.)

4 THE COURT: I overrule the objection. Ask your next
5 question.

6 Q. So did he say why he may have said the wrong day
7 initially?

8 A. I'm sorry. Can you restate the question again?

9 Q. Did Carl Kleiderer, during your investigation, tell you
10 why he maybe told the initial officer a different date?

11 A. That he had -- well, he -- how do I phrase this? He
12 had not reviewed his log book at that time and did not know
13 the exact date.

14 Q. Okay. But when you spoke with him later in your
15 investigation, had he checked his log book?

16 A. Yes, he had.

17 Q. And what was the date he had last checked on his plane?

18 MR. DAVIS: Objection, Your Honor. May we approach?

19 THE COURT: Lawyers approach.

20 (Whereupon, a Bench conference was held off the record,
21 out of the hearing of the court reporter and the jury.)

22 THE COURT: All right. I sustain the objection. Ask
23 your next question.

24 Q. So you speak with Carl Kleiderer on December 5th and
25 then you said another report came in from who?

1 A. Mr. McLean, I think.

2 Q. Okay. And what day was that?

3 A. The 7th, December 7th.

4 Q. Were you at the airport on that date?

5 A. Yes, I was.

6 Q. What were you doing on that day?

7 A. I was talking to Mr. Gould about airport cameras and
8 what availability I would have to see any possible movement.

9 Q. When you met with Mr. Gould that day, did you know the
10 exact date of the thefts?

11 A. No; I did not.

12 Q. Did you review a video of different dates?

13 A. Yes, I did.

14 Q. And what date were you looking at then?

15 A. Many different dates at that time. I had a very wide
16 range that I was looking at 'cause it was, you know, at that
17 point, it was just two cases. You start with a couple of
18 days before, a couple days after. You're just really kind
19 of shooting in the dark at that point to get more
20 information.

21 Q. And at that point in your investigation, did you
22 develop any potential suspects?

23 A. In my discussions with Mr. Kleiderer, a couple of names
24 had come up. It was Mr. Baines was the first one. I guess
25 he was the primary one that came up and in my investigation

1 into Mr. Baines, I developed a Durchy(ph), I think is the
2 second name. So I began to look at those individuals to see
3 if there was any further information that would indicate
4 that they were possible suspects.

5 Q. Did you meet with Mr. Baines and Mr. Durchy(ph)?

6 A. No; I did not.

7 Q. Did you -- why were they cleared as suspects?

8 A. As I was viewing video in this very broad range of
9 time, I was focusing on times where Mr. Gould had told me
10 Mr. Baines had entered the airport at different -- you know,
11 during the evening hours. So I was looking at those periods
12 of time and saw what appeared to be, you know, flash lights
13 moving through the area where Mr. McLean's plane was and
14 where Mr. Kleiderer's plane was, but the more I reviewed
15 that and the more I took an opportunity to kind of slow down
16 and look at what it was, I could see that the lights I saw
17 in that video were not moving or handheld lights. They
18 appeared to be stationary lights, but the movement that I
19 saw or thought I saw was from them walking in front of the
20 headlights. They apparently parked the vehicle with their
21 headlights pointed toward their plane to illuminate their
22 plane while they were working on it in the middle of the
23 night.

24 Q. Okay. Were any other planes processed for
25 fingerprints?

- 1 A. Yes, they were.
- 2 Q. And do you know the date that they were processed?
- 3 A. I'd have to go back and look at each of the reports.
- 4 Q. That's okay.
- 5 A. But they were processed on the dates that the reports
- 6 are taken, 'cause generally when the pilots were finding
- 7 that their plane had been broken into, a patrol officer
- 8 would arrive and then they would call for FSU support,
- 9 forensic services unit, and then they would process that
- 10 plane at that time.
- 11 Q. Did you get any results from those fingerprints?
- 12 A. The one; yes.
- 13 Q. Do you know what the results were?
- 14 A. The results came back to Daniel Villada.
- 15 Q. Okay. And so while you're waiting on the fingerprints,
- 16 did you learn of any more break-ins?
- 17 A. Yes, I did. There were three more cases that came in
- 18 over three different days on the other side of the airport,
- 19 away from the shade ports that are on the west side of the
- 20 airport.
- 21 Q. Those thefts over there, what type of building was
- 22 that?
- 23 A. Those were enclosed hangars versus an open shade port.
- 24 Q. And did you go over there and examine those hangars?
- 25 A. Yes, I did.

1 Q. And can you describe where those are on the airport
2 property?

3 A. They're on the east side of the airport. You know, as
4 you saw on the picture, the airport runway runs basically
5 north and south. The west side is the main portion where
6 the terminal is and where the open shade ports are and on
7 the east side of the airport are the enclosed hangars with,
8 you know, locked doors, locked big, huge garage doors, and
9 there's a taxiway off the runways to get to those.

10 Q. So when you observed the hangars, were there any signs
11 of forced entry?

12 A. Yes, there was?

13 Q. And can you describe those?

14 A. Some of the doors had evidence that they'd been pried,
15 you know, dents and gouges.

16 Q. Okay. Were there any markings on the door to show that
17 they had been pried open?

18 A. Correct. Dents or gouges, yeah.

19 Q. Okay.

20 A. Scuffs. Scuffs in the paint.

21 Q. So then you're out there. You're examining the hangars
22 and then you get a -- you receive information that the
23 fingerprint came back to Daniel Villada?

24 A. That's correct.

25 Q. What did you do in your investigation next?

- 1 A. At that point, I began to investigate who Daniel
2 Villada was. I knew his date of birth from the fingerprint
3 card that we had or the identification of him and it kind of
4 just surprised me that he would be such a young person
5 involved in an aviation related event. So I dug into FAA
6 databases. I dug into his social media, pull a criminal
7 history for the individual to try to see if there's any
8 previous histories of burglaries or anything like that.
9 Just kind of just started to do my research on who he was.
- 10 Q. When you did your search of a criminal history, did
11 anything come back for Daniel Villada?
- 12 A. He had no criminal history.
- 13 Q. Now, did you do a search warrant for his phone
14 location?
- 15 A. Yes, I did.
- 16 Q. And what were your results of that search warrant?
- 17 A. The search warrant had came back that Daniel Villada's
18 phone connected to cell towers around the Rock Hill Airport
19 at the times of our crimes.
- 20 Q. So on what day did Daniel Villada's phone ping that he
21 was in Rock Hill?
- 22 A. It would have been November 28th.
- 23 Q. Do you have a time frame?
- 24 A. Late. Without my notes, probably 10:00, 10:30 time
25 frame.

1 Q. What about on December 9th, did you get results that he
2 was in Rock Hill on that night?

3 A. Yes, I did.

4 Q. And do you know approximately what time?

5 A. 2:30, 3:30 A.M. on the 9th.

6 Q. And then what happens next now that you have this
7 information?

8 A. Now that I have that information, I issued -- you know,
9 I created the search -- the arrest warrants for Villada. I
10 only knew him as the one suspect at this point. I knew he
11 was a pilot. He had the ability to get to the airport; did
12 not know when he had been there at the airport yet. There's
13 kind of a wide range, so, you know, on the warrants you
14 state, you know, between the dates or you kind of use a
15 general range of time. Created the arrest warrants and got
16 those signed by judges. I entered them into the NCIC and
17 then I began working with Greenville area, Spartanburg area,
18 Greenville County Sheriff's Office trying to find out if I
19 could Villada in custody down where we could transport him
20 back to Rock Hill.

21 Q. Were you able to get him in custody?

22 A. Yes.

23 Q. And did you charge him with committing the crimes?

24 A. Yes, ma'am.

25 Q. How many warrants did you issue for Daniel?

1 A. 15 total. Between the juvenile charges and the adult
2 charges, 15 total.

3 Q. So why -- what was the purposes of juvenile versus
4 adult charges?

5 A. The enclosed hangars on the east side of the airport
6 involved the burglary 2nd degree violent, which is a burglar
7 at night, so it's a much more serious crime than the open
8 shade port offenses on the west side of the airport. So
9 those are charged on the juvenile process. The more serious
10 crimes on the burglary to an enclosed building and a closed
11 structure during nighttime hours were charged as an adult.

12 Q. Did you charge Mr. Jenkins and Mr. Villada with the
13 same crimes?

14 A. Yes, I did.

15 Q. The same amount of warrants?

16 A. Yes, I did. With the exception of the contributing to
17 the delinquency of a minor, because he's the adult and she's
18 the minor -- and he was a minor.

19 Q. Okay. And now you -- did you get him -- was he
20 arrested?

21 A. Yes, he was.

22 Q. And where was he arrested at?

23 A. He was arrested, I believe, at the airport in
24 Greenville/Spartanburg?

25 Q. In Greenville?

1 A. Yeah. Greenville.

2 Q. And was he transported to Rock Hill?

3 A. Yes, he was.

4 Q. And then when he was transported to Rock Hill, did you
5 have an interview with Mr. Villada?

6 A. Yes, I did.

7 Q. And can you tell us about that interview?

8 A. We have an interview room at the police department;
9 it's recorded. He was advised of his Miranda warnings. I
10 explained what my case was and what I was investigating on
11 and I asked him if he'd be willing to tell me what happened.
12 He was relatively nervous, a little stunned for being in the
13 situation. Not surprising for a 17-year-old kid, but he
14 told me pretty -- he says I'll tell you everything I know
15 and he started explaining to me that he flew with a person
16 that was giving him experience on how to fly a twin-engine
17 plane. He explained to me that he had a single-engine
18 rating, but he wanted to continue his training so he had
19 talked with other pilots that he knew and would put the word
20 out is there somebody that has a twin-engine plane that I
21 can fly with. He was introduced to Mr. Jenkins. He flew
22 with him. They came to Rock Hill. He gave me a date range.
23 He couldn't narrow it down exactly, but close enough that I
24 was able to find it on video. He gave me the registration
25 number of the plane that they flew and the type that it was

1 and with that information, I was able to go back and look at
2 specific sections of the video. Since it is motion
3 activated, I think that was mentioned before, it's hard to
4 find the exact spot unless you know exactly what you're
5 looking for. So knowing dates and times, I was able to
6 narrow in pretty quickly and find images of that plane
7 coming into Rock Hill.

8 Q. Do you remember off the top of your head what that
9 number was that he gave you for that plane he had used?

10 A. Yes. It's N8339Y.

11 Q. Okay. And did you ask him specifically about Nathaniel
12 Jenkins? Like, did you give him the name Nathaniel Jenkins?

13 A. No; I did not.

14 Q. How did he come up with --

15 A. He volunteered that name. I said did you fly down
16 yourself? Did you fly the plane? He said, no. He said --
17 he told me the story about how he, you know, was getting
18 twin-engine experience with this guy who flew this plane.

19 Q. At that point in your investigation, did you even know
20 Nathaniel Jenkins?

21 A. I had never heard the name before.

22 Q. Did you even know that he was involved in this crime?

23 A. Not until that point.

24 Q. Did you throw out his name to Daniel Villada?

25 A. No; I did not.

1 Q. Okay. And then once you learned that Nathaniel Jenkins
2 was a suspect, what did you do?

3 A. Much like I did with Daniel Villada when I learned his
4 name. I first went to DMV database at South Carolina.
5 Knowing that he was an adult, he was probably going to have
6 a driver's license so I needed to get a date of birth to
7 begin to do any deeper dive in that, so I got the DMV
8 information that showed his name and date of birth and the
9 address listed on his driver's license and with that name
10 and date of birth, I began to dig social media. We have
11 various law enforcement databases that I could did and find
12 any, you know, prior --

13 MR. DAVIS: May we --

14 THE COURT: Lawyers approach.

15 (Whereupon, a Bench conference was held off the record,
16 out of the hearing of the court reporter and the jury.)

17 Q. Okay. So you were investigating Mr. Jenkins and then
18 did you discover anything about his pilot license?

19 A. Yes.

20 Q. Was he a licensed pilot?

21 A. No; he was not.

22 Q. Okay. And then -- so you know Nathaniel Jenkins from
23 Daniel and you've learned of the dates from GPS and Daniel.
24 Did you go back to Rock Hill and obtain video footage?

25 A. Yes, I did.

1 Q. And were you able to review those videos?

2 A. Yes, I was.

3 Q. What did you see on those videos? On the November 28th
4 video, what did you see?

5 A. On November 28th, I was able to see a twin-engine plane
6 come into the airport. I could see the landing lights,
7 which, you know, which I would have called headlights, not
8 being an airplane pilot. I could see the headlights were
9 illuminated, but from what I could see on the video, I could
10 not see any of the flashing lights that I would normally see
11 on an airplane so that kind of struck me as a little
12 different. I watched the plane land. I watched the plane
13 taxi over to the fuel pump area. I saw the individuals, you
14 know, out of the plane moving around, looked like they got
15 into the fuel pump. They pumped some gas, taxied or motored
16 it around, parked it and then I saw two individuals, just
17 two -- and that's kind of struck me as interesting is when I
18 saw the three at the airplane and I only saw two walking
19 across the taxiway or the ramp, whatever it might be called.
20 So I couldn't tell you who the two were at that time. I
21 didn't know -- you know, didn't -- I didn't know who the
22 third person was at that point, but I saw, you know, the
23 movement in and around the planes, flashlights moving, you
24 know, in various areas, you know, appeared to be looking
25 into planes or scouting things out.

1 Q. Were you able to confirm that fuel went into that plane
2 that was at the fuel pump that night?

3 A. Yes, I was.

4 Q. And how much fuel went into that plane?

5 A. 47.1 gallons.

6 Q. Was a card used to pay for that fuel?

7 A. No.

8 Q. And how did they get the fuel?

9 A. They opened up the cabinet at the bottom and pushed the
10 manual bypass button.

11 Q. So it was bypassed to pump fuel?

12 A. Uh-huh; uh-huh.

13 Q. Okay. And who was that plane registered to?

14 A. The plane is registered to a corporation called TR
15 Bella.

16 Q. Okay. Now, did you ever go back and conduct a second
17 interview with Daniel Villada?

18 A. Yes.

19 Q. Was there any additional information given during that
20 interview?

21 A. Yes, there was.

22 Q. What?

23 A. Daniel Villada -- over the holiday period between
24 Christmas and New Year, Daniel Villada's attorney contacted
25 me and stated that his client wished to amend the statement.

1 So I met with him and his attorney at the Rock Hill Airport
2 and Daniel then admitted to being involved in the burglaries
3 to the enclosed hangars on the east side of the airport. He
4 explained to me the details of what happened during that
5 time period. Am I allowed to speak on those details?

6 Q. We'll just stop right there.

7 A. Okay.

8 Q. Now, earlier you stated you conducted a search warrant
9 for Daniel Villada's GPS information on his phone. Did you
10 also do a search warrant for Nathaniel Jenkins' GPS
11 location?

12 A. Yes, I did, on the phone number that Daniel provided to
13 me.

14 Q. And what were those results?

15 A. I did not have any connections with Jenkins' cell phone
16 in Rock Hill at the time of the burglaries.

17 Q. Was there any location data at all during those
18 incident times?

19 A. Yes, there was. Areas outside of Rock Hill. There was
20 data before and data after, but during the date period,
21 there was no hits in Rock Hill.

22 Q. Was it pinging in Greenville or somewhere else or it
23 just wasn't pinging at all?

24 A. It was pinging in other areas, but I didn't dig into
25 the GPS to determine the exact locations of those pings?

1 Q. Was it moving or --

2 A. You can't tell -- you can't tell by moving. You just
3 get specific points.

4 Q. Okay.

5 A. But there was data before. There was no data in Rock
6 Hill. No data, no pings whatsoever and then pings later.

7 Q. Okay. That's what I'm trying to make clear. So was
8 there pings at all from 9:00 P.M. to 11:00 P.M. on
9 November 28th?

10 A. No.

11 Q. Were there pings at all on December 9th from 2 A.M.
12 to 3:30 A.M.?

13 A. No.

14 Q. But there was information pinging before?

15 A. Correct.

16 Q. And there was pinging after?

17 A. Yes.

18 Q. But during the incident times from the videos,
19 Nathaniel Jenkins' phone was not pinging anywhere?

20 A. That's correct.

21 Q. Okay. And then what was the next step in your
22 investigation?

23 A. Wish I knew where --

24 Q. So you've watched the videos?

25 A. I've watched the videos. I have search warrants in

1 place for Mr. Jenkins at that point.

2 Q. Okay.

3 A. He was taken into custody in Oconee County or Pickens
4 County. I'm not sure what county that was. Greenville
5 County maybe and I was notified, you know, by SLED that he
6 was in custody at that point and then he was transported up
7 to Rock Hill and charged with the offenses that I had
8 written.

9 Q. Okay. And do you know the address of the residence he
10 was arrested at?

11 A. █ Idlewild, Taylors. Yeah.

12 Q. And do you know the date he was arrested?

13 A. I believe it was January 6th.

14 Q. What is a lock pick? In your investigation as a
15 detective, what is a lock pick generally used for?

16 A. Manipulating a lock without the key that's designed for
17 it to get a lock to work, open up.

18 Q. What about a jigglers tool? What would that be used
19 for?

20 A. A jigglers tool looks like somewhat of a key. It's used
21 for opening a lock, again, without really having to have a
22 key and manipulates the lock and allows you to get it open,
23 if you're skilled.

24 Q. Okay. Just briefly, let's go back to the GPS data
25 about Nathaniel Jenkins' phone. If the phone is off, will

1 it ping?

2 A. No.

3 Q. Okay. And in your experience as a detective, why would
4 GPS data not be available for the specific time of the
5 incident?

6 A. I guess what I find in my experience is if there's
7 information -- if a person's cellphone pings and then it
8 doesn't ping and then it pings later, it means it was
9 intentionally turned off or left in another area not to be
10 traced.

11 Q. Okay. Do you know how old Daniel Villada was at the
12 time of November 28th and December 9th, 2023?

13 A. He was 17.

14 Q. And how old was Nathaniel at that time?

15 A. Do my math. Born in '87.

16 Q. Do you know his birthday?

17 A. Yeah; yeah.

18 Q. What is his birthday?

19 A. [REDACTED]/87 is his birthday.

20 Q. Was he over the age of 18---

21 A. Yes, he was.

22 Q. ---in November and December.

23 A. Mid-30s. Mid-30s somewhere.

24 Q. Okay.

25 MS. BURDETTE: No further questions.

1 THE COURT: All right. Ladies and gentlemen, we're
2 probably at an appropriate time to break for lunch. Before
3 we do cross-examination, I'm going to allow you to get --
4 we're going to break for lunch. Again, do not discuss the
5 case, don't be using your electronic devices to do any
6 independent research on the case. Let's be back, ready
7 to go at about quarter 'til 2, about 1:45. With that,
8 you're excused. We'll see you back at 1:45. Everyone
9 remain seated while this panel is excused.

10 (Whereupon, the jury exited the courtroom at 12:19
11 P.M.)

12 THE COURT: All right. Thank you. Detective Swiger,
13 you're still under oath.

14 THE WITNESS: Yes, sir.

15 THE COURT: You can talk to anybody about anything
16 except this case during the break. You can't talk to the
17 lawyers about your testimony that you've given or any
18 testimony in the future. It's as if you're still on the
19 stand, but you're still under oath so don't have any of
20 those conversations.

21 THE WITNESS: Yes, sir. Thank you.

22 THE COURT: All right. We'll break for lunch.

23 MR. EPTING: Thank you, Your Honor. Your Honor, I know
24 that the Court's without a law clerk. Would you like the
25 parties to prepare closing -- or jury charges or would you

1 like to do that yourself?

2 THE COURT: Well, I have -- I have been preparing the
3 jury charge. I hope I'm better than my clerk and so we can
4 talk about that later. You can get up. I do have a -- I
5 have a suggestion on the verdict form. Generally, I prepare
6 a verdict form on a separate sheet. I think I'm going to
7 revert to the old way of doing things and send the
8 indictments back. The only thing is the two petit larceny
9 indictments, I will need to redact. A redacted copy will go
10 back which says priors. I think -- and y'all can take a
11 look at the indictments, but I think the other indictments,
12 when I've looked at them carefully, the front of the
13 indictment and the body of the indictment, that information
14 is appropriate going back to the jury. You know, used to be
15 all the time we just sent the indictment back. Some Judges,
16 I think, still do that. I think in this case with 16
17 different charges and they're going to have to differentiate
18 between each charge, that that is better done with a copy of
19 the indictment back. So if y'all have any objections to
20 that, concerns about that, I think that's the way to solve
21 that problem.

22 MR. EPTING: We don't -- as the State, we don't have
23 any concerns and if it suits the Court, we can prepare as to
24 the enhancement property charges and indictments. We had --

25 THE COURT: Well, I simply -- I have the -- I have made

1 copies. I was simply going to white out the language as --
2 we did this in the old days, too -- and I made copies of
3 that whited out or redacted. So the copy will go back with
4 the other indictments.

5 MR. EPTING: Your Honor, I believe one of those
6 indictments -- we had that one victim that had the flu. We
7 were hopeful he was going to recover this week and be able
8 to come in and testify. It appears that he was not. I
9 don't believe there's any prejudice to the jury or the
10 defendant based upon the way the Court has presented the
11 charges, but we will need to pull one indictment.

12 THE COURT: Well, I have 16 indictments, but I did not
13 have an indictment 2024-GS-46-548, that was listed on the
14 witness list heading. Instead, there is an indictment 547
15 that was in the -- and I don't know whether 547 doesn't need
16 to go back or whether or 548. All I know is I do not have
17 548, I have 547.

18 MR. EPTING: Well, Your Honor, we will make sure that
19 that is taken care of prior to any submission to the jury
20 ---

21 THE COURT: Okay.

22 MR. EPTING: ---so that they don't see --

23 THE COURT: And I don' know what 548 was. 547 is the
24 unlawful entry of an aircraft.

25 MS. BURDETTE: There were two charges with that other

1 victim. So it was unlawful entry of a aircraft and another
2 larceny.

3 THE COURT: Well, y'all can look through what -- the
4 indictments that I have. I'm not offended if something less
5 than 16 indictments go back to the jury.

6 MR. EPTING: I'm sure the jury won't be either.

7 MS. BURDETTE: So indictment 549, 550 and 551 all went
8 to that victim and they should be pulled.

9 THE COURT: All right. Wait a minute. 5- --

10 MS. BURDETTE: 49.

11 THE COURT: 549.

12 MS. BURDETTE: 550.

13 THE COURT: 550.

14 MS. BURETTE: And 551.

15 THE COURT: All right. 551.

16 MS. BURDETTE: And then you said you have --

17 THE COURT: I have 547. I do not have 548.

18 MS. BURDETTE: So 548 is -- was the petit larceny we
19 indicted before we knew he was enhanced, so we pulled before
20 --

21 THE COURT: Okay. That's fine. So I just had a-

22 MS. BURDETTE: 548.

23 THE COURT: ---question about that. So there is no --
24 even though it's listed on here, on the --

25 MS. BURDETTE: No 548.

1 THE COURT: There's no 548.

2 MS. BURDETTE: 548 --

3 THE COURT: There is a 547.

4 MS. BURDETTE: Yes.

5 (Discussion between the attorneys off the record.)

6 THE COURT: All right. Let's -- let me make sure I got
7 one, two, three,---

8 MR. EPTING: 549, 550 and 551 are the ones that should
9 be --

10 THE COURT: ---four, five, six, seven, eight, nine,
11 ten, eleven, twelve, thirteen.

12 MS. BURDETTE: Thirteen.

13 MR. EPTING: We're good.

14 THE COURT: All right. And we'll go over those again
15 before we send them back to the jury. All of them will go
16 back except for the two petit larceny and I will have those
17 redacted.

18 MR. DAVIS: Okay. Thank you, Your Honor.

19 (Whereupon, the proceeding was recessed at 12:30 P.M.
20 and reconvened at 1:49 P.M.)

21 THE COURT: State ready to proceed?

22 MS. BURDETTE: The State's ready, Your Honor.

23 THE COURT: Defense ready?

24 MR. DAVIS: Defense is ready, Your Honor.

25 THE COURT: Let's have -- Detective, help me pronounce

1 your last name.

2 THE WITNESS: Swiger.

3 THE COURT: Swiger. Detective Swiger, if you'll come
4 take the stand, and let's bring the jury in.

5 MR. DAVIS: Your Honor, actually, could you hold the
6 jury just for one second?

7 THE COURT: Hold on a minute, Tommy. Hold on just --
8 shut the door.

9 Yes, Mr. Davis.

10 MR. DAVIS: Yes, Your Honor. I do have a matter to put
11 before the Court that goes to my pretrial motions from the
12 -- this witness's testimony is the first time we had a
13 definitive amount of gas that was stolen. This goes back to
14 the indictment we received five days prior to trial
15 regarding stolen gas. The previous had testified that he
16 had no idea how much was taken and he was the airport
17 manager and now this witness is going to be -- has given an
18 exact amount. I'm renewing my motion to dismiss that charge
19 because we don't have any record of that, of how he came to
20 that amount of fuel that that was the amount of fuel taken.
21 We have no discovery of that prior to just now this
22 testimony. If the Court would like, we could proffer cross-
23 examination prior to the jury coming in and then make your
24 decision whether or not to consider dismissing that charge.

25 THE COURT: All right. State wish to be heard?

1 MR. EPTING: Just very briefly, Your Honor. I think
2 looking at the video it's clear that they are taking
3 something from that gas pump. That video's been in
4 discovery the entire time. I think as to the specific
5 amount and how Detective Swiger came to that number, that's
6 a subject for cross-examination that defense counsel can
7 inquire into.

8 THE COURT: All right. I deny that motion. He can
9 testify as the detective investigating the case, what he
10 believed that the evidence showed. You can certainly cross-
11 examine him on any aspect about how he arrived at that and
12 argue that as well in front of the jury in your closing
13 arguments, but I deny the motion to dismiss the charge.

14 MR. DAVIS: And, Your Honor, just to be clear, I asked
15 -- ask the Court if we wanted to proffer any cross-
16 examination specifically on how he arrived at that, 'cause
17 I believe I'd be entitled to any underlying documentation he
18 relied on to reach that conclusion.

19 THE COURT: Well, we're not going to -- I deny that
20 motion.

21 MR. DAVIS: Okay.

22 THE COURT: You can cross-examine him however you see
23 fit.

24 All right. Let's bring the jury in.

25 (Whereupon, the jury entered the courtroom at 1:50

1 P.M.)

2 THE COURT: All right. Thank you, ladies and
3 gentlemen. We're at the point where Detective Swiger is
4 subject to cross-examination. Mr. Davis.

5 MR. DAVIS: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 DARIN SWIGER BY MR. DAVIS:

8 Q. Detective Swiger, you said you'd been in police work
9 for approximately 16 years now?

10 A. That's correct.

11 Q. And how long have you been a detective now?

12 A. Three years.

13 Q. Three years. And so when you first became a police
14 officer, you learned the importance of documenting your --
15 making documents and documenting all your interactions;
16 correct?

17 A. Yes. That's correct.

18 Q. And you learned the importance of being accurate in
19 those reports -- in those --

20 A. That's correct.

21 Q. And your role in this investigation was -- could you --
22 well, describe your role in the investigation.

23 A. As a case investigator or case agent, I lead the
24 investigation. Usually it's, you know, a sole
25 investigation, but sometimes it might involve others.

1 Assemble the documents that you find that build your case or
2 add information, you know, that you might need in trial.
3 You do a case summary or kind of like an executive summary
4 where you summarize the details and facts as you see, you
5 know, based upon your investigation. I type the warrants
6 and I present those warrants to the judges to obtain the
7 signatures on those warrants, and then follow the trial, if
8 it develops into that, through its process.

9 Q. And so you produce a final case summary?

10 A. There is a case summary an executive summary of kind of
11 general overview.

12 Q. And then you also decide which portions of individual
13 reports from the other officers you may include with that.

14 Is that correct?

15 A. Those are all included in the incident report and I'm
16 not able to remove any of those.

17 Q. You're not able to remove any of those?

18 A. No.

19 Q. Can you explain why our office received four different
20 versions of that case summary, along with different inputs?

21 A. There were five cases in total. Since they were all
22 related, I put one major case summary on one report. The
23 other cases probably had a case summary. Without looking it
24 up, I would say the other summaries had the same general
25 executive summary with changes, such as the warrants that

1 were relative to that victim. So there might be warrant
2 numbers that were different or -- yeah, that would probably
3 be the only difference that I would say be normal or
4 expected in that situation, 'cause they're all similar. All
5 of the case -- all of the five victims are summarized in one
6 case summary that's attached to one report.

7 Q. Will you be surprised if one report had inputs from
8 officers who interviewed Mr. McLean and other reports did
9 not have that officer -- input from officers who interviewed
10 Mr. McLean?

11 A. That would be correct, because each -- each case was a
12 difference officer as the primary officer who took the
13 initial report. So there would be incident reports or
14 narratives, primary narratives from one officer, or the
15 primary officer, that would be on one but not on the others.

16 Q. But as your -- as the case officer, your responsibility
17 is to put it together at the end and include all the
18 information collected?

19 A. In a general overview, yes.

20 Q. Okay. And so the beginning of this investigation, you
21 said it started with a phone call from Mr. Kleiderer. Is
22 that correct?

23 A. That's correct.

24 Q. And that was on the 5th of December?

25 A. Yes, sir.

1 Q. And Mr. McLean called you on the 7th of December?

2 A. Called the police department and I was there, but not
3 me directly.

4 Q. Okay. And then Mr. Tanis called you on the 12th? Or
5 not you particularly, but---

6 A. Correct.

7 Q. ---the police department.

8 A. Police department.

9 Q. And then Mr. Long called on the 13th?

10 A. Correct.

11 Q. In your summary, did you include any dates as to when
12 they last saw their property before it was -- they
13 determined it was missing?

14 A. I do not recall without reviewing the summary.

15 Q. So you didn't have any dates in your summary as to when
16 they last saw it?

17 A. I would have to look at my summary to see. I do not
18 recall as I'm sitting here.

19 Q. Would you like a copy of your summary?

20 A. Please.

21 MR. DAVIS: May I approach, Your Honor?

22 THE COURT: Yes, you may.

23 (Whereupon, the referenced document was handed to the
24 witness.)

25 A. Thank you.

1 Q. So, Detective Swiger, if you'd take a second to look at
2 that and determine if there's any place in there you
3 indicate when they last saw their equipment and I'd ask you
4 to limit it to the people who've already testified here.

5 A. Okay. (Reviews document) Some of the paragraphs that
6 reference each of the victim's have a date stating when they
7 last were at their unit or last saw their airplane and some
8 do not.

9 Q. Okay.

10 MR. DAVIS: May I approach, Your Honor?

11 THE COURT: Yes, you may.

12 Q. All right. So would it be important to you to
13 determine when they last saw their property?

14 A. Yes, it would be.

15 Q. Okay. And so normally before you got a warrant, you
16 would be -- it's an important fact to know when whatever was
17 taken was taken or close to it?

18 A. Sometimes warrants are written, you know, on the
19 approximate date. I mean, so it -- you need to be close,
20 but it does not have to be exact.

21 Q. All right. Let's go to the conduct of the overall
22 investigation. You were getting reports from the 5th, the
23 7th, the 11th, 12th of December or so -- 12th and 13th of
24 December or so.

25 A. Uh-huh.

- 1 Q. And you first really -- your first big break was when
2 you had the fingerprint match. Is that correct?
- 3 A. That's correct.
- 4 Q. And so prior to that, you didn't have a good idea who
5 to look at?
- 6 A. Correct.
- 7 Q. All right. And so just to be clear, the only
8 fingerprint you got was for Daniel Villada. Is that
9 correct?
- 10 A. That's correct.
- 11 Q. There's no fingerprints from the defendant?
- 12 A. That's correct.
- 13 Q. When you sat down to interview Mr. Villada, what date
14 was that? First interview.
- 15 A. First interview was after his arrest, off the top of my
16 head, just before Christmas break.
- 17 Q. Does 20 December sound about right?
- 18 A. That sounds about correct.
- 19 Q. All right. So prior to that you said you'd gotten some
20 background on Mr. Villada. Did you make phone calls to
21 Greenville to find anything out about him?
- 22 A. Yes. I had to make a phone call prior to his arrest to
23 find out his location.
- 24 Q. Okay. Did you talk to anyone besides law enforcement
25 about Mr. Villada?

1 A. Yes, I did.

2 Q. And did you discover who he was flying with or who he

3

4 could possibly have been flying with during the time you
5 were interested in?

6 A. I did not have that information.

7 Q. Did you talk to someone name Brian Fricks(ph)?

8 A. No, I did not.

9 Q. Did you talk to Mr. Villada about his reputation with
10 people in the Greenville?

11 A. I did not talk to Mr. -- you talking during the
12 interview or prior to his arrest?

13 Q. During the interview, 20 December.

14 A. I don't remember asking about his reputation.

15 Q. So you don't recall -- just to be clear, you don't
16 recall whether or not you'd talked to anyone in Greenville
17 about Mr. Villada, besides law enforcement, prior to the
18 interview?

19 A. Prior to his arrest, I spoke to, I believe it was like,
20 an airport director at the Greenville Airport.

21 Q. Well, there was some time between his arrest and the
22 interview because he had to be transported from Greenville
23 to Rock Hill. So I'm asking if you talked -- before you sat
24 down with him in Rock Hill, did you talk to anybody in
25 Greenville about him besides law enforcement?

1 A. Let me make sure I understand what you're asking. From
2 the time he was arrested to the time that he was transported
3 to Rock Hill, I did not talk with anybody in law enforcement
4
5 or anybody about Mr. Villada. Prior to his arrest, I spoke
6 with some law enforcement in the Greenville/Spartanburg area
7 as well as the airport director at the airport and the
8 reason I was speaking with those individuals was with Mr.
9 Villada being a juvenile, it's difficult to get juveniles
10 that are outside your jurisdiction into custody without the
11 assistance of the local jurisdiction. So I needed to
12 contact the Greenville Sheriff's Department, Greenville
13 County Sheriff's Department to enlist their support in going
14 to Mr. Villada's residence and getting him in custody. They
15 did not determine that they had the officers or the
16 resources at the time to do that. So my only other recourse
17 was to contact the Greenville Airport and ask if Mr. Villada
18 was potentially at that location at that time and he was and
19 then I coordinated with Greenville City Police Department
20 who was willing to get him into custody.

21 Q. And was that airport director, is his name Ryan
22 Hamrick?

23 A. I do not recall.

24 Q. So did you have any indication that Daniel was flying
25 with anybody else during that time frame during your

1 conversation? Did they give an indication?

2 A. During the conversation, I heard he was flying, but I
3 don't -- they did not say whether he was flying with
4 somebody. He just said he was flying at that time.

5

6 Q. Not at that time, but did you have any further
7 discussion about, you know, Daniel and what he had been
8 doing prior to his arrest, just the general background
9 information on what he might have been doing?

10 A. No.

11 Q. Okay. When you first interviewed Daniel -- this is
12 going back to the first interview Rock Hill, December 20.

13 A. Uh-huh.

14 Q. Did he admit that he took anything at that time?

15 A. Not directly. He was a little bit evasive, gave some
16 bits of information, but I could tell not all of it was
17 being disclosed.

18 Q. Did he give you a list of what was taken from Mr.
19 Kleiderer's plane?

20 A. I do remember him talking about a GPS and an ADS-B.

21 Q. Did he know the GPS model number?

22 A. I think he called it a 750.

23 Q. Did you ask -- did you ask him what happened to any of
24 this equipment?

25 A. Yes, I did.

- 1 Q. And what was --
- 2 A. He stated he didn't --
- 3 Q. Do you recall his response?
- 4 A. He stated he didn't know. I asked him if he'd seen Mr.
- 5 Jenkins load it into his vehicle or what he did with it and
- 6 he said I didn't see.
- 7 Q. Do you know if some of these units have a card in them
- 8 that identifies them by serial number so that they can't be
- 9 used?
- 10 A. I don't know the technical nature of these units.
- 11 Q. All right. Do you remember telling -- during that
- 12 conversation with Daniel, the first interview, do you recall
- 13 calling Daniel's mother on the phone?
- 14 A. No. I don't believe I spoke with his mother
- 15 beforehand.
- 16 Q. This would have been on the phone from the interview
- 17 room in Rock Hill City?
- 18 A. Oh, yes. Yes.
- 19 Q. You recall doing that?
- 20 A. Yes.
- 21 Q. Okay. And do you remember telling her that you will
- 22 work with the solicitor to help Daniel?
- 23 A. Yes, I do.
- 24 Q. Okay. So -- and did you get some background on what
- 25 Daniel was doing -- what his -- you know, what he had been

1 doing around airports and what he had -- what his jobs had
2 been? Did you talk to him about that?

3 A. Yes. He talked to me a little bit about that and I,
4 you know, gathered a little bit in my investigation who he
5 was.

6 Q. And did you find out that he'd been working around
7 airports installing avionics?

8 A. Yes. I knew that.

9 Q. And you asked -- you asked about -- do you recall
10 asking about FAA paperwork for installing avionics in an
11 airplane? Do you recall that?

12 A. Just vaguely.

13 Q. And do you know -- do you remember if Daniel answered
14 that he knows people who install without the FAA paperwork?

15 A. I don't recall. I'm sorry.

16 Q. And during that interview you had Daniel's cell phone;
17 correct?

18 A. I had his cell phone number.

19 Q. Well, I believe you called on his cell phone, called
20 his mother on his cell phone.

21 A. Okay. I did not seize his phone. I had his number,
22 but Daniel still had it.

23 Q. But it was -- in it was in -- he was in custody and his
24 cell phone was there?

25 A. Correct.

1 Q. Okay. Thank you. All right. Now, let's go to your
2 second interview on the 10th of January and who asked for
3 this interview?

4 A. Daniel Villada's attorney. I don't recall his name.

5 Q. I don't recall his name either, but it was -- he was
6 representing -- he's a private attorney; correct?

7 A. Correct.

8 Q. All right. So, and do you recall Daniel's attorney
9 asking about PTI?

10 A. Yes.

11 Q. And could you explain what PTI is for the jury, please?

12 A. I guess in laymen's terms PTI is a process that South
13 Carolina allows first-time offenders to use to minimize the
14 impact of their first charges if they're arrested for an
15 offense. I'm not certain if there's certain types of
16 offenses that are included or excluded, but PTI is an option
17 that's available, where the Court requires them to do
18 various programs in lieu of a sentence and if they
19 successfully complete those types of programs, they have the
20 opportunity to have that first arrest expunged or not count
21 toward their future.

22 Q. So that -- after PTI, Daniel's arrest would not show on
23 his records. Is that correct?

24 A. If he chooses to use that and if the solicitors agree
25 to go that route.

1 Q. And do you recall your position on whether or not you
2 were opposed the PTI?

3 A. I was not oppose to PTI.

4 Q. Okay. And your -- in your experience, law
5 enforcement's input on whether or not someone's eligible for
6 PTI has a lot of weight on whether or not the solicitors
7 offer --

8 MR. EPTING: Objection, Your Honor.

9 THE COURT: Yeah. I sustain the objection.

10 MR. DAVIS: Okay.

11 Q. Do you recall that Daniel saying that while flying with
12 Nate, he had a agreement that Daniel will pay for fuel?

13 A. I do not recall that.

14 Q. Okay.

15 A. I do remember that direct rephrase. Let me rephrase or
16 restate that. I remember Daniel saying that for him to fly
17 in a twin engine saved him a lot of money because I don't
18 think he had to pay for fuel.

19 Q. Do you recall Daniel mentioning he was very desperate
20 to get hours?

21 A. Yes. I could tell he was an eager flier.

22 Q. All right. So let's go to talk about the video from
23 the airport for a second. Do you recall Daniel telling you
24 that Nate was opening the bottom of the pump to gain access?

25 A. When I interviewed Daniel, I did not have access to

1 that video---

2 Q. Okay.

3 A. ---so I didn't have specific questions about that video
4 for him.

5 Q. When did you get access to that video?

6 A. After my first interview with Daniel, I began reviewing
7 the video files on those specific dates and found more
8 information as time went on.

9 Q. Well, this is the second video, 10 January and
10 actually, you talk about -- I believe you talk about at that
11 point three people on the ramp. So the 10 January video --
12 I'm talking about the 10 January interview.

13 A. Okay.

14 Q. You would have the video. Is that correct?

15 A. That's correct.

16 Q. Okay. So the 10 January interview, do you recall that
17 Daniel's telling you that Nate was -- Mr. Jenkins was
18 opening the bottom of the pump?

19 A. Okay. Yeah.

20 Q. Do you recall that?

21 A. Yeah. I do.

22 Q. And from the video, did you see Mr. Jenkins
23 manipulating the bottom of the pump?

24 A. Not directly. What I could see was two individuals
25 crouching down in front of the pump. I could not see whose

1 hands were manipulating the key or the lock or whatever
2 device they used to open it up, but I could see two
3 individuals there.

4 Q. Okay.

5 MR. DAVIS: At this time I'd like to publish a portion
6 of State's -- what number is that, Chris?

7 MR. EPTING: My I approach the exhibit, Your Honor?

8 THE COURT: You may.

9 MR. EPTING: 7.

10 (Whereupon, a portion of the referenced exhibit was
11 published.)

12 Q. Okay. Just for identification purposes, do you
13 recognize who this would be in the video?

14 A. I'd say that's Daniel -- Nathaniel Jenkins.

15 Q. That's Nathaniel Jenkins, the defendant, right there?

16 A. That's correct.

17 Q. And this is?

18 A. Daniel Villada?

19 Q. And this is?

20 A. And that would Gabriel Chalouhi.

21 Q. Okay. Thank you. And who is that going to the pump
22 first?

23 A. That's Daniel first.

24 Q. Okay. And what does he appear to be doing there?

25 A. He's starting to look at the cabinet in the area where

1 the key lock may be.

2 Q. Okay. And if you would look -- I'd ask you to look
3 along the tarmac here. Do you see any line along the tarmac
4 here?

5 A. No.

6 Q. Indicating a hose coming out to the plane?

7 A. No. There is not at that point.

8 Q. Okay. Thank you. Now, as that -- as the camera's, you
9 know, it's a motion sensor. For some reason, it just seems
10 to skip here for a second and Mr. Jenkins is down. It looks
11 like he's grabbing something; correct?

12 A. I see Mr. Jenkins and Mr. Villada both in that area.

13 Q. Okay. Mr. Villada's where he was by the cabinet at the
14 pump; correct?

15 A. Correct.

16 Q. Okay. Let me just hit play now and the magic -- all
17 right. So as you saw, there was a time skip there and I ask
18 you to take a look right along the tarmac here, coming out
19 of the pump. What does that look like there?

20 A. That is a fuel hose.

21 Q. And who do you think this is standing by the port --
22 the starboard wing there?

23 A. That would be Nathaniel Jenkins.

24 Q. And it looks like he is doing what there?

25 A. I would say he's waiting. I don't know if he's opened

1 up any type of a cap for a fuel tank or anything at --

2 Q. Okay. Well, let's play it then instead of just a
3 moment, just play it. And during the next few minutes -- we
4 don't need to watch the whole sequence -- but what does Mr.
5 Jenkins like he's doing there?

6 A. I see that he's got a nozzle in his hand -- nozzle in
7 his hand, yes, and now he's pulling the hose back.

8 Q. Okay. All right.

9 MR. DAVIS: You can un-publish. Thank you.

10 Q. All right. So Daniel is telling you on the second
11 interview --

12 THE COURT: Hold on a second. I've got the dog with
13 the red handkerchief on on my screen. It may still be on
14 the jury's screen as well. Okay. Making sure.

15 MR. DAVIS: That's a good looking dog.

16 Q. So Daniel said that -- he's telling you that Nate was
17 opening the bottom of the fuel cabinet. Is that correct?

18 A. He was.

19 Q. Okay. Does it look like on the video that Daniel is
20 the first one to that -- the bottom of that fuel cabinet?

21 A. He would be the first one. I don't know whether he
22 would be the one that opened it because we couldn't see when
23 the cabinet was opened.

24 Q. Did Daniel tell you during that second interview that
25 he was holding the hose?

- 1 A. I don't recall.
- 2 Q. Okay. Did it look like Daniel was holding the hose in
3 the portion you saw there?
- 4 A. No. It did not.
- 5 Q. Now, there's been some discussion as to who was in what
6 seat. Now, during that video you saw -- and you'd seen it
7 before, I assume. You see someone out on the ramp while the
8 plane is moving.
- 9 A. Uh-huh.
- 10 Q. And who's the person out on the ramp walking around?
- 11 A. That would be Nathaniel Jenkins.
- 12 Q. Okay. And so that means that who would have to be
13 driving the plane at that point?
- 14 A. I hope not Mr. Chalouhi.
- 15 Q. So that would be?
- 16 A. Mr. Villada.
- 17 Q. Okay. In the video, the only people -- person we see
18 that we know is in the left seat or driving the plane would
19 be Daniel Villada. Is that correct?
- 20 A. Correct.
- 21 Q. Okay. You also discussed with Daniel that he had
22 access to another single-engine airplane?
- 23 A. That's correct.
- 24 Q. And that was a Cessna 150, I believe?
- 25 A. I don't know models.

- 1 Q. Well, it was a cheaper single-engine plane?
- 2 A. Single engine. I knew it was a single engine.
- 3 Q. And how did he gain access to that plane?
- 4 A. I do not recall.
- 5 Q. Do you recall him saying he gained access through one
- 6 of Mr. Jenkins's friends?
- 7 A. I do not recall.
- 8 Q. Okay. But he had used that 150 on many of the nights
- 9 when he'd flown with Mr. Jenkins to go from, I believe,
- 10 Greenville/Spartanburg to meet Mr. Jenkins. Is that
- 11 correct?
- 12 A. I agree with that. Yes.
- 13 Q. So he'd take a short flight to -- one airport to
- 14 another in the---
- 15 A. To meet up.
- 16 Q. ---150 and get in the twin?
- 17 A. Uh-huh.
- 18 Q. All right. Were any of the stolen items recovered?
- 19 A. No.
- 20 Q. Did you get a search warrant for Daniel's home, work or
- 21 his phone?
- 22 A. No, I did not.
- 23 Q. So you never --
- 24 A. I'm sorry. Restate that.
- 25 Q. Did you get a search warrant for Daniel Villada's home,

1 his work or is phone?

2 A. His phone I did.

3 Q. His phone records or his phone itself?

4 A. His phone records.

5 Q. So in other words, you just got phone from the -- his
6 carrier, whoever that might be,---

7 A. Correct.

8 Q. ---to determine where it had been?

9 A. Location.

10 Q. Location,

11 A. Location.

12 Q. So you never actually got a copy of his phone and did a
13 search of what's on the phone?

14 A. That's correct.

15 Q. Did you get a search of Ms.---

16 A. Chalouhi?

17 Q. ---Chalouhi's phone?

18 A. No, I did not.

19 Q. I hate mispronouncing people's names. So you didn't
20 get any search of her phone?

21 A. No.

22 Q. And you didn't get records from her carrier?

23 A. No, I did not.

24 Q. Okay. There was evidence about construction being done
25 on the airport during this time. Did you ever look into the

1 construction companies---

2 A. No, sir.

3 Q. ---who had access to those fobs?

4 A. No, sir. No, sir.

5 Q. Especially the fact that the one general contractor,
6 they changed from one general contractor to another just in,
7 I believe, August prior to this.

8 A. Okay.

9 Q. Was that part of the investigation at all?

10 A. No. It was not.

11 Q. So you didn't take a look at other people who may have
12 had access to the airport?

13 A. I was unaware at the time of my investigation that
14 construction was being done in that manner and I had a
15 suspect with -- Nathaniel -- Nathan -- Nathaniel Jenkins and
16 Villada without even understanding that there was
17 construction going on there.

18 Q. Okay. And so you also had previous suspects, Mr.
19 Baines and what was the other person's name?

20 A. I found his name to be Terschi, I believe how it's
21 pronounced?

22 Q. Yeah.

23 A. T-e-r-s-c-h-i.

24 Q. Yeah. But you had prior suspects as well and that was
25 based on -- what did you base that on?

1 A. Some of the pilots, some of the victims had heard or
2 suspected or had rumors and it was just kind of a hunch-type
3 thing and it was, you know, mentioned to Mr. Gould, the
4 airport director, and he provided me some dates and times of
5 when they came through the gate, so they were preliminary
6 suspects until I found evidence that they probably weren't
7 suspects.

8 Q. So when did they cease being suspects? It was just --
9 you said it had something to do with the headlights of their
10 trucks?

11 A. Shortly after December 7th. I mean, as I was reviewing
12 the video, I had some case notes in file on when I ruled
13 them out, but I can't recall off the top of my head when
14 that was. Fairly early in the investigation. I still had
15 no suspects at the time that I ruled them out.

16 Q. All right. So and looking at the videos, you can
17 plainly see the side numbers of the airplane, even at night.
18 Is that correct?

19 A. That's correct.

20 Q. So, given time, you probably would have looked at
21 November 833 Yankee.

22 A. Eventually, yes.

23 Q. 8339 Yankee. Correct?

24 A. Yes. I spent hours prior to having specific knowledge
25 going through those. You know, it would have taken me

1 several more hours, yes, but eventually, I would stumble
2 on it.

3 Q. So -- and so eventually you would have figured out that
4 a Piper Twin had landed about that time and taken off?

5 A. Correct. Eventually.

6 Q. You talked about the defendant's phone records when
7 they were off. How long exactly were they off between when
8 they went off and when they went back on?

9 A. I did not track the exact times on that. The primary
10 goal of looking at the phone data was to see if it pinged in
11 the location of the crime at the time. When it did not, you
12 know, I didn't try to tabulate a graph or any type of data
13 showing the absence of data, but the phone data records show
14 activity before, activity after and no activity during, so
15 --

16 Q. So how common was that for Mr. Jenkins's phone to have
17 gaps in activity?

18 A. I didn't go back and try to do a whole historical of
19 his phone on that.

20 Q. And you don't have any idea how, you know, if it was
21 idle for six hours, two hours, four hours? It was just idle
22 during that time is what you're saying?

23 A. On that specific day it was about three hours it was
24 idle on there, but outside of time frame, I didn't look at
25 it.

1 Q. All right. We've been talking a little bit about
2 lighting on airplanes. You call the landing lights
3 headlights and that's not a bad term for them, actually, but
4 like headlights, they're streaming bright.

5 A. Uh-huh.

6 Q. And do you notice that airplanes do not fly with their
7 landing lights on?

8 A. That's correct.

9 Q. I mean, 'cause they are very bright and when you're --
10 like headlights, when you're looking at landing lights,
11 because they're so bright, that they tend to wash out the
12 smaller lights on the plane?

13 A. I imagine they could.

14 Q. So much like headlights at night when you're looking at
15 a car, that's what you see and you don't see the little
16 amber lights and you might not see the anti-collision lights
17 and running lights, the green and red port, starboard and
18 the flashing lights, as clearly when you're looking at
19 landing lights?

20 A. True. In the air. Yes.

21 Q. But also on the ground, wouldn't that be true?

22 A. I would say probably depending on the angle. If you're
23 looking at the side of the plane, you'd be able to tell
24 anything flashing much easier than front-on headlights in
25 your eyes.

1 Q. But with those bright landing lights pointed down at
2 the runway, it's going to be hard to see the lesser -- the
3 lower illumination lights?

4 A. Possible, yeah.

5 Q. During the course of your investigation, have you ever
6 met a pilot that doesn't fly at night without a flashlight?

7 A. No. This is the first aviation case I've ever had.

8 Q. Okay. And so let's talk a little bit about the missing
9 fuel. How did you determine that there was 40 -- what is
10 that -- 47.1 gallons of missing fuel?

11 A. In my discussions with Mr. Gould about the airport, I
12 heard or learned that the fuel pumps are controlled by
13 Skytech, which I guess is the company that has a business on
14 that property. I don't know the exact nature of how Skytech
15 controls that, but I attempted to contact individuals at
16 Skytech for information to say, hey, do you have data? Is
17 there anything I can look at? Did somebody use a credit
18 card at this pump? Was any fuel even used? And, again,
19 this was before I knew of anything being taken as far as
20 fuel. I was aware of other cases in the region where fuel
21 had been stolen from airports and that's why I was
22 interested to find out if fuel was also involved in this
23 case. Nobody from Skytech ever returned a phone call to me.
24 So I contacted QT pumps or QT -- I can't remember the term
25 right now. QT on demand, I think is the name of it, QT.

1 They're headquartered in Texas and I inquired just verbally
2 over the phone. I said do I need to submit a search warrant
3 for information? This is the type of case I'm working on.
4 And they provided information to me without a search
5 warrant.

6 Q. What information did they provide to you?

7 A. Just a one-page document that had their code sheets on
8 it and they verbally walked me through what their codes
9 meant, dates and times and dollar amount -- not -- times and
10 fuel amounts and when the pump was on, when it was put on
11 manual, when it was, you know, scanned with a credit card
12 and stuff like that.

13 Q. And did you produce a copy of that sheet in your
14 investigation?

15 A. That copy is attached to one of the case reports.

16 Q. And which case report would that be?

17 A. I couldn't tell you right here directly off the top of
18 my head. It's on one --

19 Q. You said it's a code sheet and it cannot be ---

20 A. If you'd look at it, you wouldn't know what you were
21 looking at without somebody interpreting it for you.

22 Q. And so you produced the data in a form that cannot be
23 read by someone who doesn't have other information on how to
24 read that?

25 A. They produced the form. They sent it to me in an

1 email.

2 Q. And so -- but there's not -- did they also produce a
3 legend or a key in how to read it, in other words?

4 A. I think I might have highlighted what I put on the
5 front of it, you know, at the appropriate points.

6 Q. So what was the coded data? What exactly did it say?

7 A. In laymen's terms, if I can describe it, 'cause it was,
8 you know, a coded sheet, QT said that the code indicated
9 that the pump was put in a bypass mode. There was a
10 numerical value saying, you know, a start value and then an
11 end value, which was the -- a number that referenced the
12 amount of fuel that was stolen or pumped without a code or
13 without a credit card and then dates and times associated
14 with when those transactions went through their computer
15 system.

16 Q. Do you have -- did they send you a document explain
17 what their codes would be or did they -- do they have
18 someone from QT coming in here to explain what that means?

19 A. That was just verbal, over the phone.

20 Q. Just verbal. So we don't have -- you don't -- and you
21 don't work for QT?

22 A. No, I do not.

23 Q. And you have no idea what these codes are?

24 A. I do not know what the rest of the codes are. That's
25 correct. I made some notes on the sheet that were relative

1 to the dates and times, but I don't know what the rest of
2 the codes would be.

3 Q. So you don't have any personal knowledge of what those
4 codes are, besides what someone on the other end of the
5 phone told you?

6 A. That would be correct.

7 Q. And you don't work for this company?

8 A. No, I do not.

9 MR. DAVIS: And, Your Honor, I have matter of law to
10 take up.

11 THE COURT: Lawyers approach.

12 (Whereupon, a Bench conference was held off the record,
13 out of the hearing of the court reporter and the jury.)

14 THE COURT: For the record, I note your objection, Mr.
15 Davis. You may want to articulate that during a break.

16 MR. DAVIS: And just for the record, Your Honor, I was
17 objecting to the witness testifying from what is basically
18 hearsay.

19 THE COURT: All right. Thank you.

20 Q. Now, in the opening to this case, the opening argument,
21 if you remember, the State was saying that Mr. Jenkins was a
22 very smart person. Do you remember that?

23 A. Yes, sir.

24 Q. So Mr. Jenkins was aware that he was -- the airplane he
25 was flying had these big numbers painted on the side. Is

1 that correct?

2 A. That is correct.

3 Q. And that eventually someone might notice those numbers
4 and right them down?

5 A. That could be true.

6 Q. Is that correct?

7 A. That would be correct.

8 Q. And if Mr. Jenkins was doing all of this stuff and he
9 was a smart person, he was smart enough to put on gloves.
10 Wouldn't he have saved himself a lot problems if he -- if he
11 just --

12 MR. EPTING: Your Honor, I would object.

13 THE COURT: I sustain the objection.

14 MR. DAVIS: All right.

15 Q. All right. So let's talk about, you know, turning the
16 transponder off. Where is the transponder located in the
17 Twin Comanche?

18 A. I could not tell you.

19 Q. Huh?

20 A. I could not tell you.

21 Q. You don't know whether or not Daniel and Mr. Jenkins
22 had that conversation about turning it on or off?

23 A. Restate that question.

24 Q. Did they have to discuss it? Was it within reach of
25 one seat or both seats?

1 A. I do not know.

2 Q. You do not know. And so a transponder, when they're
3 flying, does it have any distinctive -- does it define one
4 airplane over another when it's just flying -- when you're
5 not on an instrument flight plan?

6 A. I would imagine a transponder probably is meant to
7 identify one plane and one plane only.

8 Q. Okay. If you're not putting a specific code in it.
9 I'm not talking about the ADS-B box. I'm talking about the
10 transponder.

11 A. You're over my head there on that.

12 Q. Okay. All right. So did you look into whether or not
13 anybody was selling any of the avionics in the Greenville
14 area or anywhere else?

15 A. No, I did not. It would be very difficult to track
16 that type of activity. As a property crimes detective, we
17 do try to track stolen items through leads on line, through
18 some social media platforms sometimes, but due to the nature
19 of these types of devices, they're not going to show up at
20 pawn shops and stuff like that. There are probably a number
21 of other ways that these are sold, but not through the
22 typical channels that we're able to search.

23 Q. And you knew that Daniel was working around the
24 airports?

25 A. I knew that. Yes.

1 Q. And one of his jobs was installing avionics?

2 A. Yes. I knew that.

3 Q. So he was coming into contact with a lot of people in
4 the market for avionics?

5 A. It could be a word-of-mouth sale. Yes.

6 Q. Okay. Is it safe to say that Daniel changed his
7 statements when you confronted him with evidence that he was
8 not telling the truth?

9 A. Yes, in general.

10 Q. Okay. And do you remember telling Ms. Chalouhi --
11 Chalouhi, I'm sorry -- that you wanted to get as many
12 warrants on Mr. Jenkins as possible?

13 A. That's correct.

14 Q. Okay. And you told her that you didn't want to hurt
15 Daniel?

16 A. That's correct.

17 Q. In fact, I think the words you used was you wanted to
18 protect Daniel?

19 A. I said I want to help him.

20 Q. You want to help him. Okay. And was that because he
21 was trying to get into the Air Force?

22 A. No, sir. My perspective on that was he was willing to
23 cooperate with me. He was providing me information.

24 Q. We just went over the fact that he's providing you
25 information until you pointed out he wasn't telling the

1 truth. Is that correct?

2 A. That's correct.

3 MR. DAVIS: I have no further questions, Your Honor.

4 THE COURT: All right. Redirect.

5 MS. BURDETTE: Just briefly, Your Honor.

6 REDIRECT EXAMINATION

7 DARIN SWIGER BY MS. BURDETTE:

8 Q. Detective Swiger, are you aware that burglary 2nd
9 violent is not PTI eligible?

10 A. I was not aware of that.

11 MS. BURDETTE: No further questions.

12 THE COURT: Any recross?

13 MR. DAVIS: No recross, Your Honor.

14 THE COURT: Thank you, Detective. You can step down.
15 State, call your next witness.

16 MS. BURDETTE: The State will call Daniel Villada to
17 the stand.

18 (DANIEL VILLADA, being first duly sworn, was examined
19 and testified as follows):

20 THE COURT: All right. Solicitor.

21 DIRECT EXAMINATION

22 DANIEL VILLADA BY MS. BURDETTE:

23 Q. Good afternoon. Could you please state your name for
24 the record?

25 A. Daniel Villada.

- 1 Q. And, Daniel, how old are you?
- 2 A. I'm 18 years old.
- 3 Q. Where do you currently live?
- 4 A. Greenville, South Carolina.
- 5 Q. Are you employed?
- 6 A. Yes.
- 7 Q. Where are you employed at?
- 8 A. I'm working with Gold(ph) Property Services in North
- 9 Carolina?
- 10 Q. And what do you do?
- 11 A. Disaster relief cleanup.
- 12 Q. Okay. And how long have you been working there?
- 13 A. Since October.
- 14 Q. October of this year?
- 15 A. Yes, ma'am. Before that, I worked at REI.
- 16 Q. What is that?
- 17 A. An outdoor store.
- 18 Q. Okay. And are you a licensed pilot?
- 19 A. Yes, I am.
- 20 Q. What do you plan on doing in the future?
- 21 A. Hopefully, I can go to the Air Force.
- 22 Q. Okay. What do you want to do in the Air Force?
- 23 A. Pararescue.
- 24 Q. Okay. Have you taken any steps towards joining the Air
- 25 Force?

1 A. Yes, but everything's on hold right now since I
2 contacted my recruiter and I've been to MEPS.

3 Q. Is it on hold because of these charges against you?

4 A. Yes, ma'am.

5 Q. Okay. So before the charges were against you, what did
6 you do to get ready for the Air Force?

7 A. I took my ASVAB. I went to MEPS. And initially, I was
8 going to go to the 701st as a load master and enter in the
9 reserves, but now I'm switching. I want to go active duty
10 into Pararescue.

11 Q. Okay. And you said you had your pilot's license. What
12 did you have to do to obtain your pilot's license?

13 A. I had to do 40 hours of flight, ten-hour solo, the rest
14 with an instructor, then take a test with -- pretty much
15 like -- it would be the same as a driving test.

16 Q. Okay. When did you get your pilot's license?

17 A. February 16th of last year, '23.

18 Q. 2023? How old were you?

19 A. 17.

20 Q. 17? You can get a pilot's license at 17?

21 A. That's the legal age.

22 Q. Okay. And so can you go out and fly any plane?

23 A. No. Only single-engine airplanes that are complex --
24 I have a -- so it's -- there's multiple ratings you get, but
25 I have just a single-engine license with a complex

1 endorsement.

2 Q. What's a complex endorsement?

3 A. You can fly airplanes with a gear fold-up and you have
4 a constant speed propeller.

5 Q. Okay. But you're only licensed to fly single-engine
6 planes?

7 A. Yes.

8 Q. Okay. And what additional steps do you need in order
9 to fly another plane, like, a twin-engine plane?

10 A. You need to get a multi-engine rating, which is you
11 have to do a certain amount of hours with an instructor
12 until he calls you proficient to go do a check ride.

13 Q. Okay. So do you just need hours or do you need
14 certifications or anything?

15 A. You need a certification.

16 Q. Okay. How do you get that?

17 A. You deal with an instructor in a multi-engine airplane
18 and you take a test.

19 Q. Have you done any of that?

20 A. No.

21 Q. Okay. Do you know Gabrielle Chalouhi?

22 A. Yes.

23 Q. And do you know her by any other name besides
24 Gabrielle?

25 A. Gabby.

1 Q. Gabby. And how do you know Gabby?

2 A. From middle school and then she's my ex-girlfriend.

3 Q. When was the last time you spoke to Gabby?

4 A. February, I'm thinking when it was.

5 Q. February of this year?

6 A. Yes, ma'am.

7 Q. And you said she's your ex-girlfriend, so you guys
8 broke up at some point. When did you break up?

9 A. February.

10 Q. Why did you break up?

11 A. It wasn't working out and all of this.

12 Q. Okay. Not to get too much into your personal
13 information. Do you know Nathaniel Jenkins?

14 A. Yes.

15 Q. Do you see him the courtroom today?

16 A. Yes.

17 Q. Can you please point him out.

18 A. Right there.

19 MS. BURDETTE: Your Honor, let the record reflect the
20 witness has identified the defendant.

21 Q. How do you know Nathaniel Jenkins?

22 A. I met him through the airport. I met him at Pickens
23 County Airport.

24 Q. Okay. How did you get introduced to him?

25 A. I was working one night at the Pickens County Airport.

1 I went to go pick up some coffee and stuff from Brian
2 Fricks' shop and Nathaniel was in there.

3 Q. Who's Brian Fricks?

4 A. The owner of Performance Air in Pickens.

5 Q. Okay. And why did you meet Nate?

6 A. So I was going in there. Usually, I go in there to get
7

8 coffee. There's a coffee machine in there and they were
9 talking. I think they were settling up a bill.

10 Q. Okay. Did you -- do you know when that first meeting
11 was?

12 A. I don't have the exact date, but late November.

13 Q. Okay. And at some point you start communicating with
14 him?

15 A. Yes.

16 Q. And why? Why do you --

17 A. In order to hopefully exchange hours, like, to -- so
18 flying to save money, you sometimes you can split time with
19 another pilot. So that was the point.

20 Q. Okay. Hours for what?

21 A. So just hours in an airplane, like -- so right now like
22 for a certain range you need more hours and the more hours
23 you have the better 'til you can build your resume for jobs
24 and it would be like -- I was introduced initially. Brian
25 introduced me to -- he had a Cessna. I was told I could

1 split hours with him in that.

2 Q. With Nate?

3 A. Yes.

4 Q. Okay. So did Nate need the hours or did you need the
5 hours?

6 A. I needed the hours.

7 Q. And you needed the hours why?

8 A. 'Cause I was going after my instrument rating and
9 commercial pilot's license.

10 Q. Okay. And how did you learn Nate's phone number?

11 A. He gave it to me that night.

12 Q. And when you were typically discussing things with
13 Nate, was it text message or phone calls or both?

14 A. A mix of both.

15 Q. Okay. And do you remember texting Nate in November and
16 December of 2023?

17 A. Yes.

18 MS. BURDETTE: May I approach the witness?

19 THE COURT: Yes, you may.

20 Q. I'm going to show you State's Exhibit 20 and I want you
21 to take a few minutes. It's a number of pages. Take a
22 few minutes, look through all those and then we'll talk
23 about them. Just tell me when you're ready.

24 (Whereupon, the referenced exhibit was handed to the
25 witness.)

1 Q. Do you recognize those?

2 A. Yes.

3 Q. What are they?

4 A. Text messages between me and Nate.

5 Q. Did those messages come off of the defendant's phone,
6 Nathaniel Jenkins' phone?

7 A. Yes.

8 Q. Okay. And how do you know those are texts between you
9 and Nate?

10 A. My -- it's -- my phone number is on there and I
11 recognize them.

12 Q. Have those messages been altered in any way?

13 A. I believe there's some stuff missing, but other than
14 that, no.

15 Q. Are they in substantially the same condition as when
16 the conversation occurred?

17 A. Yes.

18 MS. BURDETTE: Your Honor, the State would move to
19 admit State's Exhibit 20 into evidence.

20 MR. DAVIS: And, Your Honor, may we approach on this?

21 THE COURT: Yes, you may.

22 (Whereupon, a Bench conference was held off the record,
23 out of the hearing of the court reporter and the jury.)

24 MR. DAVIS: Thank you, Your Honor.

25 MR. EPTING: And, Your Honor, I believe as to State's

1 20 there's a stipulation between the parties that these
2 texts did, in fact, come from the defendant, Nathaniel
3 Jenkins' phone, as agreed upon by both parties.

4 MR. DAVIS: No objection.

5 THE COURT: We had dealt with that earlier. That is a
6 stipulation. Go ahead. That is the agreement.

7 MS. BURDETTE: Can we please publish for the jury?

8 THE COURT: Tell me again, what are they marked?
9 What's it marked?

10 MS. BURDETTE: State's Exhibit 20.

11 THE COURT: State's Exhibit 20 is in evidence.

12 MR. EPTING: Beg the Court's indulgence.

13 (Whereupon, the referenced exhibit was published to the
14 jury.)

15 Q. Is that what you see in front of you?

16 A. Yes.

17 Q. Okay. And can you please read the first message?

18 A. So this on here or on the paper?

19 Q. Hold on now. Hold on. On your paper.

20 A. How you doing, Nate? It's Daniel from Pickens. When
21 do you want to fly?

22 Q. Okay. How do you know that's from you?

23 A. Because I can -- it says from my phone number [REDACTED]

24 [REDACTED].

25 Q. Okay. And what date does that say you sent that

1 message?

2 A. 11/15/23.

3 Q. Okay. Now, it says a time of 4:20 P.M. UTC. Do you
4 see that?

5 A. Yes.

6 Q. Now, as a pilot, do you know what UTC means?

7 A. Central Time Zone time zone.

8 Q. So what time was this message actually sent?

9 A. I want to say eight -- like, 1:00 P.M., around that
10 time. Like, they're 8 hours behind.

11 Q. So when it says UTC plus zero, the message was actually
12 sent five hours prior to what it says on here?

13 A. Yes.

14 Q. Okay. All right. And then after that first text
15 message it says a track is created and then what does Nate
16 respond to your message?

17 A. I'll be -- it says my 172 is in ATL.

18 Q. Okay. What is he talking about with a 172?

19 A. A 172 is like a trainer, single-engine airplane.

20 Q. Okay. And then what does he say after that?

21 A. All I have right now is my twin.

22 Q. Do you know what he's talking about?

23 A. The twin Comanche.

24 Q. And have y'all been introduced to each other at this
25 point?

1 A. Yes.

2 Q. But this is your first communication via text message.

3 Is that correct?

4 A. Yes.

5 Q. Okay. Had you seen his twin plane that he was

6 referring to?

7 A. Yes.

8 Q. And then can you continue reading and stop when

9 Nathaniel says, sure.

10 A. Do you want me to pick it up or --

11 Q. Tell me who says it and what the message is.

12 A. I said do you want me -- want me to pick it up?

13 Q. Okay.

14 A. Or fly the twin?

15 Q. Uh-huh.

16 A. He said, we can fly the twin. I said, sounds good.

17 When? He said, where are you? Says, I'm in -- I said, I'm

18 in Pickens. He said my plane's in Spartanburg, and I said,

19 want to pick me up later? And he said, sure.

20 Q. And so that twin plane you said is what type of plane?

21 A. A twin Comanche.

22 Q. Okay. And then can we go to November 22nd. It says

23 8:38 UTC time. Nathaniel sends you a text message. You can

24 look at your screen, too, if that's a little easier than

25 looking through the pages.

- 1 A. Yeah.
- 2 Q. What does that message say?
- 3 A. Which time on November 22nd?
- 4 Q. The 8:38 UTC time. So five hours -- it was really sent
- 5 five hours before that time.
- 6 A. November 8339 Yankee from Spartanburg and then a link.
- 7 Q. What does that mean?
- 8 A. November 8339 Yankee's the registration and the tail
- 9 number for the twin Comanche.
- 10 Q. And do you know what that link is?
- 11 A. I don't recall.
- 12 Q. And how do you know that's the tail number for the twin
- 13 Comanche?
- 14 A. 'Cause that's what's on the side of the airplane.
- 15 Q. Okay. Now let's go to November 29th and it says 1:28
- 16 A.M. UTC time. What day and time was that actually sent in
- 17 Eastern Standard Time?
- 18 A. Around 9:00 P.M. or 8:00 P.M.
- 19 Q. On what day?
- 20 A. The 28th.
- 21 Q. Okay. So it says the 29th, but, again, that's UTC
- 22 time. And who is that message from?
- 23 A. Nate.
- 24 Q. What does it say?
- 25 A. You flying over?

1 Q. What was he talking about?

2 A. If I was flying in another airplane to Spartanburg to
3 meet up with him.

4 Q. Okay. And where were you guys going?

5 A. I didn't know before -- 'til I got in the airplane, but
6 we ended up going that night to Rock Hill.

7 Q. Okay. But you didn't know at that time where you guys
8 were going?

9 A. No.

10 Q. Okay. And, now, you don't respond to his message. Did
11 you maybe call him?

12 A. I believe so, but I don't recall.

13 Q. Okay. Was it typical for you to call him?

14 A. Yes.

15 Q. Okay. And, typically, when you guys were trying to
16 plan up meeting, what would you guys talk about?

17 A. So what time and where to go or --

18 Q. Let's say on the 28th, when you guys were going to go
19 to Rock Hill, he says are you flying over and then do you
20 ever call him and say anything to him like where you are or
21 what you're doing or --

22 A. I said that I'm flying over. I'm on my way, I believe.
23 I don't recall, though, exactly.

24 Q. Okay. That's okay. Okay. And then we're going to go
25 to 12/6 at 3:29 UTC. And, Daniel, you send a text message.

1 A. Where? Where?

2 Q. What does that say?

3 A. We are 17 minutes away, but we'll be circling the area
4 and then we'll land; also, bring a flat head.

5 Q. What's a flat head?

6 A. It's a type of like a screw driver but flat.

7 Q. Why do you need a flat head?

8 A. Nate would use that to bust doors open on hangars.

9 Q. Okay. And then on 12/7/23, you send Nate a text with a
10 link. What is that?

11 A. A Master Lock key.

12 Q. What is that key for?

13 A. It was to unlock -- it was just to unlock Master Locks.

14 Q. Okay. Master Locks for what?

15 MR. DAVIS: Objection, Your Honor. May we approach?

16 THE COURT: Yes.

17 (Whereupon, a Bench conference was held off the record,
18 out of the hearing of the court reporter and the jury.)

19 Q. Daniel, what would that Master Lock key be used for?

20 A. What I'm remembering from the link it was a master key
21 so it could be used to unlock any of them.

22 Q. Okay. And then on December 8th. Can you read that
23 first message?

24 A. That was from me. Getting my backpack ready for
25 tomorrow.

- 1 Q. And then keep going.
- 2 A. That was from me again and it said and I'll order and
- 3 I'll order a lock-pick set.
- 4 Q. Why would you need a lock-pick set?
- 5 A. So the lock-pick set was supposed to be for whatever
- 6 there it is, Fuel Masters, to unlock to get free fuel.
- 7 Q. So the Fuel Master what?
- 8 A. So there's -- Fuel Master is a type of like, a type of
- 9 gas pump would be the best description.
- 10 Q. Okay. And, now, you see you send a number of messages
- 11 and he really doesn't respond. Do you guys have a phone
- 12 conversation during that time?
- 13 A. I don't recall.
- 14 Q. Okay. Okay. I think that is all for the text
- 15 messages. So at some point, you started flying around with
- 16 Mr. Jenkins?
- 17 A. Yes, ma'am.
- 18 Q. And do you remember when the first flight was?
- 19 A. That first day of the text. I'd have to -- sorry.
- 20 They're out of order. I think it was the 16th -- the 15th.
- 21 Q. The 15th.
- 22 A. The 15th.
- 23 Q. Okay. And was anyone else with you?
- 24 A. Yes.
- 25 Q. Were there ever any trips that you and Nate took alone?

1 A. No.

2 Q. Who was with you?

3 A. Gabby.

4 Q. And did you guys ever fly into Rock Hill?

5 A. Yes.

6 Q. When?

7 A. I don't have the exact date, but it was the beginning

8 of December---

9 Q. Okay.

10 A. ---or ending of November and the beginning of December.

11 Q. Okay. How many times did you fly into Rock Hill with

12 Nathaniel Jenkins?

13 A. Twice.

14 Q. Okay. And what time of day were you flying?

15 A. Nighttime on both times.

16 Q. Both times at night?

17 A. Yes, ma'am.

18 Q. Were all your trips with Nathaniel at night?

19 A. Yes, all except one.

20 Q. Okay. And then on November 28, 2023, you say you first

21 flew into Rock Hill. Just tell me what happened that day.

22 A. So do you want me to review the transcripts?

23 Q. If you need to, you can. Just generally what --

24 A. So we flew into -- so I flew from -- he picked me up

25 at Greenville Downtown Airport, got in the airplane with

1 him. I was sitting right seat observing the flight. We
2 landed in Rock Hill. We got fuel and then Nate showed me a
3 trick and he unlocked the QT pod and he got free fuel and
4 after that -- well, I drove the airplane to a parking spot
5 and then after that we walked around. We went to one
6 airplane that was a Bonanza and we got a 750 and a headset
7 from that airplane and then afterwards we walked to another
8 airplane, which was a Cherokee, grabbed an ADS-B receiver.
9 Then we walked around and then we got in the airplane and
10 left.

11 Q. Okay. And when you guys are -- let's start with --
12 I'll play the video and we can go through the video.

13 A. Yes, ma'am.

14 THE COURT: Can we please publish State's 17?

15 MR. EPTING: Madam Clerk, can we dim the lights,
16 please?

17 (Whereupon, State's Exhibit Number 17 was published.)

18 Q. Can you see that on your screen, Daniel?

19 A. Yes.

20 Q. Okay. I'm going to play the video and we'll stop and
21 point out. So right there, do you recognize who that person
22 is?

23 A. Yes.

24 Q. What is he -- who is it?

25 A. Nate.

- 1 Q. What is he doing?
- 2 A. Walking to the airplane.
- 3 Q. Okay. From where?
- 4 A. From the fuel pump.
- 5 Q. Do you know why he went over to that fuel pump?
- 6 A. At that point, no.
- 7 Q. Okay. And where is he walking to?
- 8 A. Back towards the Comanche.
- 9 Q. Okay. Is this the Comanche up here?
- 10 A. Yes, ma'am.
- 11 Q. Now, when you first arrive -- well, first of all, when
- 12 you flew into Rock Hill, what side of the airplane were you
- 13 on?
- 14 A. The right seat.
- 15 Q. Okay. And where was Nate?
- 16 A. Left seat.
- 17 Q. And where was Gabby?
- 18 A. The back seat. I'm not sure which side.
- 19 Q. Okay. So you're on the right?
- 20 A. Yes, ma'am.
- 21 Q. Nate's on the left and Gabby's in the back?
- 22 A. Yes.
- 23 Q. On the right where you are sitting, are you the pilot
- 24 in charge?
- 25 A. No. He's still on a full set of controls.

- 1 Q. So you have controls. Can you do everything with the
2 plane that you need to do?
- 3 A. No. The only thing I had was brakes on that side.
- 4 Q. Okay. So where are the brakes located?
- 5 A. The left side.
- 6 Q. So where Nathaniel is sitting, he is considered what?
- 7 A. PIC, which is pilot in command.
- 8 Q. Pilot in command. Okay. So he was the one landing the
9 plane into Rock Hill?
- 10 A. Yes, he did.
- 11 Q. Okay. And then at this point, who got out of the plane
12 first?
- 13 A. I did because I have to let Nate out.
- 14 Q. Okay. Because you're -- where's the door on the
15 aircraft?
- 16 A. There's only one door and that's on the right side.
- 17 Q. On the right side where you're sitting?
- 18 A. Yes, ma'am.
- 19 Q. So you had to jump out and let Nate out?
- 20 A. Yes, ma'am.
- 21 Q. Okay. And then at this point, we know Nate's out of
22 the plane. Where did you go?
- 23 A. I went back in the airplane 'cause I was going to move
24 the airplane to get to the --
- 25 Q. So then what side of the airplane are you in if you

- 1 have to move it?
- 2 A. I sat in the left seat.
- 3 Q. Okay. Do you know what Nate is doing over here?
- 4 A. From what I recall, he's showing me how to start it.
- 5 Q. Okay. So you didn't even know how to start the plane
- 6 at that point?
- 7 A. I had a rough idea, but it was a different airplane.
- 8 It was a weird way to start it.
- 9 Q. Okay. Is this Nate still outside the plane?
- 10 A. Yes.
- 11 Q. So what are you doing here?
- 12 A. I'm taxiing over to get fuel.
- 13 Q. Okay. Are all the lights on at this point when you're
- 14 driving?
- 15 A. Yes, except the strobes and all that. I only turned on
- 16 the landing lights in order to move.
- 17 Q. Okay. When you were landing into Rock Hill, were all
- 18 your lights on?
- 19 A. Just the landing lights.
- 20 Q. Okay. Who gets out of the plane?
- 21 A. Gabby and me.
- 22 Q. Okay. Do you know what you were doing right there with
- 23 that flashlight?
- 24 A. I just had it on, 'cause she was --
- 25 Q. Could you have been looking for cameras?

- 1 A. Possibly, yes.
- 2 Q. Okay. So who is right here?
- 3 A. That's me.
- 4 Q. Okay. What are you doing?
- 5 A. I was what's called we opened up QT pod and --
- 6 Q. Who opened it up?
- 7 A. Nate did. And I --
- 8 Q. Go ahead.
- 9 A. And I pushed the manual mode on.
- 10 Q. Okay. So how does he open up that?
- 11 A. He ordered a master key for the QT pod.
- 12 Q. And then you pushed the button?
- 13 A. Yes, ma'am.
- 14 Q. What does the button do?
- 15 A. So the button turns on manual mode. I believe that's
- 16 what they use it for like calibrating or like just so that
- 17 you don't have to pay for it.
- 18 Q. Okay. So you knew you were stealing gas at this point?
- 19 A. Yes, ma'am.
- 20 Q. Okay. And then who puts the fuel into the aircraft?
- 21 A. I don't recall. I believe it was me or Nate. Oh. It
- 22 was Nate.
- 23 Q. Okay. So Nate is the one putting the fuel in?
- 24 A. Yes, ma'am.
- 25 Q. Okay. Do you know how much gas for aircraft in

1 November and December was?

2 A. I don't. Around at least 6.50 at least.

3 Q. Okay. Just a rough estimate. How much gas do you
4 think you guys got that night?

5 A. I -- 90 gallons or 60 gallons. I'm not sure.

6 Q. Okay. So at this point what are you guys doing?

7 A. Just fueling the airplane.

8 Q. Okay.

9 A. There's three tanks per wing.

10 Q. What do you guys have in your hand?

11 A. Flashlights. So in the tank, like, if not you'll
12 overflow if you don't have a light on there to check it at
13 night.

14 Q. What did Nate have in his hand?

15 A. The fuel pump.

16 Q. Did he also have a flashlight?

17 A. I'm not sure. Oh. Yes, he did.

18 Q. Okay. Did Gabby have a flashlight?

19 A. No.

20 Q. What are you and Gabby doing over there?

21 A. Just talking.

22 Q. What is Nate doing there?

23 A. So the one at Rock Hill, you have to -- like there's a
24 little button you have to push to bring the hose back inside
25 of it, so you just bring it up.

- 1 Q. Okay. Did you pay for fuel that night?
- 2 A. No, ma'am.
- 3 Q. Did Nathaniel Jenkins pay for fuel that night?
- 4 A. No, ma'am.
- 5 Q. Did Gabby pay for fuel that night?
- 6 A. No, ma'am.
- 7 Q. Okay. Right here, who gets back in the plane?
- 8 A. I did.
- 9 Q. What is Nate doing?
- 10 A. Standing on the edge and just talking.
- 11 Q. Do you know what he's talking about?
- 12 A. I don't recall.
- 13 Q. Does Nathaniel tell you where to take the plane?
- 14 A. Yes, just -- I believe so. I don't so I don't recall
- 15 exactly, but I know I moved it to a parking spot.
- 16 Q. Okay. Had you flown this plane by yourself before?
- 17 A. Never.
- 18 Q. Right there, did he point somewhere?
- 19 A. Right where?
- 20 Q. Sorry. I'm moving a little fast. Let me slow down.
- 21 A. Yes.
- 22 Q. What is he pointing towards?
- 23 A. The -- he's in the front and he's pointing to the shade
- 24 ports.
- 25 Q. Okay. Is he directing you and telling you where to go?

- 1 A. I don't recall.
- 2 Q. Where does he go?
- 3 A. He's walking towards the shade ports.
- 4 Q. Okay. All right. So then what do you guys do?
- 5 A. I get in the airplane in the left seat and I moved it
- 6 towards a parking spot.
- 7 Q. Okay. Is this your plane or Nathaniel's plane---
- 8 A. Yes.
- 9 Q. ---that you're driving?
- 10 A. Yes.
- 11 Q. And you pull it over here?
- 12 A. Yes, ma'am.
- 13 Q. Did you know that actually wasn't a parking spot?
- 14 A. No, not at night.
- 15 Q. Did you know you were in the middle of the runway?
- 16 A. I was not in the middle of the runway. I was on the
- 17 edge of a taxiway.
- 18 Q. Okay. Taxiway. Who's right here outside the plane?
- 19 A. Nate.
- 20 Q. Okay. Who gets out of the plane?
- 21 A. Me and Gabby.
- 22 Q. Is Nathaniel outside of the plane?
- 23 A. Yes. He's with me.
- 24 Q. Okay. You said Gabby. Did she get out of the plane or
- 25 did she stay in the plane?

- 1 A. I believe she was with me.
- 2 Q. Okay. Where do you guys go?
- 3 A. Towards the shade ports.
- 4 Q. Okay. To do what?
- 5 A. Initially, it was to look around.
- 6 Q. Okay. And then what happened while you were over in
- 7 the shade ports?
- 8 A. I ended up going inside of the airplane.
- 9 Q. Okay. How many airplanes?
- 10 A. I want to say two.
- 11 Q. Did you take anything from those airplanes?
- 12 A. Yes, ma'am.
- 13 Q. Did you see that flash of light that happened right
- 14 there?
- 15 A. Could you go back? I did not.
- 16 (Whereupon, the video was rewound/resumed.)
- 17 A. Yes.
- 18 Q. Is that you guys?
- 19 A. Yes.
- 20 Q. Okay. And what are you guys doing?
- 21 A. Initially, looking around.
- 22 Q. Okay. Are you pulling on handles?
- 23 A. Yes, ma'am.
- 24 Q. And then where -- we don't see anything for a little
- 25 bit here. Where are you guys at?

1 A. Walking around in that area and then we ended up
2 walking to over the -- like their's a maintenance shop in
3 the shade port.

4 Q. Where's the maintenance shop?

5 A. In the very back corner. Like right -- in the very
6 back or the right corner.

7 Q. Here?

8 A. A little bit down.

9 Q. Down here?

10 A. Like in this -- a little bit more down. Like, it's
11 right under, in that area. In that hangar right there.

12 Q. Okay. So you guys even go back into the maintenance
13 shop?

14 A. Yes, ma'am.

15 Q. Okay. Did you take anything from the maintenance shop?

16 A. No, ma'am.

17 Q. Okay. You took a receiver. Do you remember where that
18 plane was located that you took that receiver at?

19 A. Yeah. I believe it was the middle shade port all the
20 way at the end, the right.

21 Q. So it may be off-camera there?

22 A. Yes, ma'am. And I think that airplane was a Cherokee.

23 Q. Okay. And, now, there's a little light here.

24 A. Yes, ma'am.

25 Q. I know we really can't tell who it is, but who had the

1 | flashlights that night?

2 | A. Both of us.

3 | Q. Both of y'all.

4 | A. I think it was mainly me with the flashlight.

5 | Q. You and Nathaniel?

6 | A. Yes, ma'am.

7 | Q. Okay. And what plane was right here?

8 | A. A A-36 Bonanza.

9 | Q. Did you go into that plane?

10 | A. Yes, ma'am.

11 | Q. Did you take anything from that plane?

12 | A. Yes, ma'am.

13 | Q. Did Nathaniel take anything from that plane?

14 | A. No, but he told me what to take.

15 | Q. So describe that for me.

16 | A. Describe. Can you rephrase that?

17 | Q. What's happening? You said he's telling you what to

18 | take.

19 | A. So I went in the airplane and initially just to look at

20 | it---

21 | Q. Uh-huh.

22 | A. ---and then once I went in there, he saw the GPS and he

23 | told me to take it.

24 | Q. Okay.

25 | A. And he handed me a Allen Key to take the GPS outfit.

1 Q. Was it your idea to go into that plane?

2 A. No, ma'am.

3 Q. Who's idea was it?

4 A. Nate's.

5 Q. And did he tell you to go into that plane?

6 A. Yes, ma'am.

7 Q. Okay. So he tells you to go into that plane. You
8 start looking and you see a GPS?

9 A. Yes, ma'am.

10 Q. And then he says take it?

11 A. Yes, ma'am.

12 Q. And you -- how did you get that out?

13 A. With a 3.5 Allen. I believe it was a 3.5 or -- I'm not
14 -- I don't remember the size, but it's a Allen Key, put into
15 a GPS and it's -- you turn to the left and it comes out.

16 Q. Who had that Allen Key?

17 A. Nate did.

18 Q. Now, at this point are you wearing gloves?

19 A. No, ma'am.

20 Q. Do you know if Nathaniel Jenkins is wearing gloves?

21 A. I believe he was, but I'm not sure because he always
22 had his hands in his pockets.

23 Q. Do pilots typically fly with gloves on?

24 A. No, ma'am.

25 Q. Was Gabby with you the whole time?

- 1 A. Yes.
- 2 Q. Was she inside the shade ports?
- 3 A. Or right outside of them. I don't recall.
- 4 Q. Did she have anything to do with stealing these items?
- 5 A. No, ma'am.
- 6 Q. All right. I'm going to direct your attention up here.
- 7 Did you see -- what do you see up there?
- 8 A. A little flashlight and two shadows or now -- a
- 9 flashlight down.
- 10 Q. Okay. Who's up there?
- 11 A. It would be me and Nate.
- 12 Q. Okay.
- 13 A. And Gabby's standing outside of the shade port.
- 14 Q. Okay. What are you guys doing?
- 15 A. That's when we go into the Bonanza.
- 16 Q. Okay. There's a flashlight here. Did it come down
- 17 into here somewhere to a different airplane?
- 18 A. I'm not sure.
- 19 Q. Okay. Where are you at? Do you know?
- 20 A. I'm not sure. What I remember is being in the Bonanza
- 21 and walking around.
- 22 Q. And then the flashlights went off back over here?
- 23 A. Yes, ma'am. That's back towards the airplane.
- 24 Q. Okay. Did you guys have anything with you when you
- 25 went back to the plane?

1 A. Yes, ma'am.

2 Q. Okay.

3 MS. BURDETTE: You can turn the lights back on, please.

4 Q. Okay. I am now going to show you State's Exhibit 21.

5 MS. BURDETTE: May I approach the witness?

6 THE COURT: Yes, you may.

7 Q. Take a look at that, please.

8 (Whereupon, the referenced item was handed to the
9 witness.)

10 Q. What is that?

11 A. That's the twin Comanche.

12 Q. Who owns that plane?

13 A. Nate.

14 Q. Okay. Is that Nathaniel Jenkins?

15 A. Over there? Yes.

16 Q. That owns the plane, Nate?

17 A. Yes.

18 Q. Okay. We've been referring to him as Nate. Is that
19 what you've known him as?

20 A. Yes.

21 Q. Okay. But Nathaniel Jenkins, the defendant, he owned
22 that plane?

23 A. Yes.

24 Q. Okay. Is that the plane you flew into Rock Hill on
25 November 28th and December 9th?

- 1 A. Yes, ma'am.
- 2 Q. Okay. And then so we watched the video from November
- 3 28th. Did you guys ever come back to Rock Hill?
- 4 A. Yes, ma'am.
- 5 Q. When?
- 6 A. Beginning of December.
- 7 Q. Okay. And what did you guys do that day?
- 8 A. We went and we went to the other side of the airport.
- 9 Q. Okay.
- 10 A. And we walked around and we went into hangars.
- 11 Q. Okay. How did you get into the hangers?
- 12 A. A flat-head screwdriver.
- 13 Q. Who had that flat-head screwdriver?
- 14 A. Nate.
- 15 Q. Okay. Whose idea was it to go in those hangars?
- 16 A. Nate's, but I knew what I was doing. I was there.
- 17 Q. You knew what you were doing?
- 18 A. Yes, ma'am.
- 19 Q. This was planned, but -- so you guys used a flat-head.
- 20 Did you have to pry the door open?
- 21 A. Yes, ma'am.
- 22 Q. Okay. 'Cause they're locked?
- 23 A. Yes, ma'am.
- 24 Q. Okay. Once you guys get -- how many hangars did you go
- 25 into?

1 A. I don't recall. It's -- I want to say about five or
2 four.

3 Q. Okay. And then once you got inside the hangars, what
4 did you do?

5 A. We went into the airplane and took stuff.

6 Q. When you say we, who is we?

7 A. I did, was told to, like, what to grab and --

8 Q. Was anyone with you inside the hangars?

9 A. Nate.

10 Q. Nate. So he went into the hangars with you?

11 A. Yes, ma'am.

12 Q. Okay. And then he tells you again look in this plane?

13 A. Yes, ma'am.

14 Q. Were you wearing gloves then?

15 A. Yes, ma'am.

16 Q. Okay. And then was Nathaniel wearing gloves then?

17 A. I'm not sure.

18 Q. Okay. And so he says look in the plane and what
19 happens?

20 A. So he told me to target KX-155s.

21 Q. What is that?

22 A. It's a style of radio.

23 Q. Okay. So did you find that?

24 A. Yes, ma'am.

25 Q. And did you take it?

- 1 A. Yes, ma'am.
- 2 Q. Did you take it and keep it for yourself? Where did
3 that item go?
- 4 A. I left them inside of a Cessna 150.
- 5 Q. Okay.
- 6 A. And then he took most of them.
- 7 Q. Okay. Did you guys ever separate on either incident
8 date?
- 9 A. What do you mean?
- 10 Q. Were you with Nate the whole time---
- 11 A. Yes.
- 12 Q. ---on those days?
- 13 A. Yeah.
- 14 Q. You guys were together?
- 15 A. Yes, ma'am.
- 16 Q. And the whole time was he telling you look for this,
17 get that?
- 18 A. Oh. Once he told me the whole -- the first time, I
19 knew what he wanted. He was grabbing -- I know he grabbed
20 the tug from an airplane and three cameras.
- 21 Q. So he grabbed those items?
- 22 A. Yes, ma'am. Oh. The three cameras, I grabbed.
- 23 Q. Okay. He grabbed the tug?
- 24 A. Yes, ma'am.
- 25 Q. What is a tug?

1 A. So the tug, it was a Milwaukee tug that you hook up to
2 an airplane to move it around. It makes it easier.

3 Q. Okay. And you saw him with that?

4 A. Yes, ma'am.

5 Q. And did you he see him with anything else?

6 A. Yes. Radio, a KX-155 radio, and then like a Garmin
7 receiver, a Borescope.

8 Q. Okay. Okay.

9 A. A -- just everything and then some, like,
10 equipment, like a log, like a battery charger, I believe, a
11 leaf blower.

12 Q. Oh, wow. Okay.

13 A. And then I don' recall everything.

14 Q. That's okay. So when you guys get these items, you
15 have your hands full, what do you do with them?

16 A. Throw them in the back of an airplane, the back of the
17 airplane.

18 Q. Whose airplane?

19 A. The twin Comanche.

20 Q. Okay. And then -- so what time of day were you in Rock
21 Hill on December 9th?

22 A. I want to say middle of the night.

23 Q. Okay. And you guys, what happens when you leave Rock
24 Hill?

25 A. We fly back towards Spartanburg.

- 1 Q. Okay. Is your vehicle in Spartanburg?
- 2 A. Yeah. No. I was in the 150.
- 3 Q. The 150? That's the Cessna 150 airplane?
- 4 A. Cessna 150. Yes, ma'am.
- 5 Q. Okay. So where did you take the Cessna 150 back --
- 6 A. Back towards Greenville.
- 7 Q. Towards Greenville.
- 8 A. Yes, ma'am.
- 9 Q. And that was with who?
- 10 A. Gabby.
- 11 Q. Gabby. So was Nathaniel Jenkins' vehicle at
- 12 Spartanburg?
- 13 A. Yes.
- 14 Q. Okay. So when you guys get back on the 28th and the
- 15 9th, ---
- 16 A. Yes, ma'am.
- 17 Q. ---and you have all this stolen equipment, where does
- 18 it go?
- 19 A. Loaded into Nate's truck and then one KX-155 was thrown
- 20 into the 150.
- 21 Q. Okay. So you take the KX- --
- 22 A. There was multiple KX-155s.
- 23 Q. KX-155. And Nate takes all the other stuff and loads
- 24 it into --
- 25 A. Yes, ma'am. And then there was one headset that was

1 put in the 150.

2 Q. Okay.

3 A. Or two, actually.

4 Q. That 150 plane, is that your plane?

5 A. No.

6 Q. Whose plane is that?

7 A. Nate's friend or --

8 Q. How did you have access to it?

9 A. Nate gave me access to that airplane.

10 Q. Okay. Was it -- what did you do with the stolen items

11 that you took back into the Cessna 150?

12 A. I left them in the 150.

13 Q. Okay. Did you ever take it back to your house?

14 A. No, ma'am. The only thing, the three cameras, Gabby

15 took those. We took that to Gabby's house and she still --

16 I don't know what happened that.

17 Q. Okay.

18 A. And the Borescope was left in Gabby's house.

19 Q. Okay. Did you guy's sell that?

20 A. No, ma'am.

21 Q. Did you create an eBay account?

22 A. No, ma'am.

23 Q. Did Nathaniel Jenkins ever ask you to create a eBay

24 account?

25 A. Yes. He was telling me to potentially sell the KX-

1 155s.

2 Q. Okay. So he wanted you to create an eBay account to
3 sell these items?

4 A. Yes, ma'am, and he told me that I could make some money
5 off of it.

6 Q. Did you do that?

7 A. No, ma'am.

8 Q. Do you know what Nathaniel did with his stolen items?

9 A. No, ma'am. He told me he would get rid of it or I
10 don't recall.

11 Q. Okay.

12 A. But I do not know what he did with them.

13 Q. Okay. What is a transponder?

14 A. A transponder is what -- so transponders look like if
15 -- what you can use to track, what ATC uses to track you
16 instead of radar. It gives a signal and sends back to the
17 radar so they can track you.

18 Q. Who is tracking you?

19 A. Air Traffic Control and, you know, how you can track an
20 airplane with a transponder, as was he on my phone.

21 Q. Okay. So you can look up and track any airplane?

22 A. It depends. Unless they -- the only way to get off of
23 the trafficking service is you contact the company and tell
24 them to turn you off.

25 Q. Would Nathaniel typically turn off his transponder when

1 he was --

2 A. Every time.

3 Q. Why?

4 A. So we weren't tracked.

5 Q. Okay. So did you ever ask him not to do that?

6 A. No, ma'am.

7 Q. Are you supposed to turn your transponder off when you
8 fly?

9 A. So it's legal not to turn off your -- to turn -- I
10 mean, you can fly without your transponder, but it's really
11 bad practice.

12 Q. Okay. Is it a safety concern?

13 A. It -- potentially, yes.

14 Q. Okay. And so you said every time you flew with
15 Nathaniel, he told you turn -- or he turned it off?

16 A. It was a mix. Yes.

17 Q. Okay. So where's the transponder at in that twin-
18 engine that you guys are flying?

19 A. So there's the six-pack of instruments. There's a GFC
20 500 then a 750 and then the transponder, which was a Garmin
21 transponder.

22 Q. Okay. I have no idea what any of that is. So we have
23 a dash in an airplane?

24 A. Yes, ma'am. It was pretty much like a glass cockpit.

25 Q. Okay. Is this in like the middle of the plane?

1 A. So it's -- so usually the GPS and radios are in the
2 area where both seats can reach it. So right in the center.

3 Yes.

4 Q. Okay. So you both have access to this transponder?

5 A. Yes.

6 Q. Okay. And during your conversations with Nathaniel
7 when you're flying Rock Hill, were there ever any
8 conversations about turning the transponder on and off?

9 A. No. Every time before like -- as soon as he turned on
10 the avionics, he turned it off.

11 Q. Who did?

12 A. Nate.

13 Q. Did you ever ask him to keep it on?

14 A. No.

15 Q. And what is Class Bravo airspace?

16 A. So Class Bravo airspace is pretty much -- the best way
17 to describe it is the major cities like Atlanta, Charlotte,
18 Miami, Chicago, some of the busiest airspace in the world.

19 Q. Okay. Is Rock Hill one of the airports that the FAA
20 requires the transponder to be on for?

21 A. No.

22 Q. Okay. And --

23 A. Because it's under the Class Bravo def(ph). It's like
24 an upside down wedding cake.

25 Q. When you guys were flying in, did you know when you in

- 1 Class Bravo airspace?
- 2 A. We never were in Class Bravo airspace.
- 3 Q. Okay. Did you know you were near --
- 4 A. I was under -- under Class Bravo airspace. As long as
- 5 you stay under 3600 feet coming into Rock Hill, you'll --
- 6 you won't be in Class Bravo airspace.
- 7 Q. Was that on purpose to stay under 3600 feet?
- 8 A. Yes, ma'am, and -- because if you don't have permission
- 9 to be in Class Bravo airspace, you're not -- you shouldn't
- 10 -- you're not allowed to be in Class Bravo airspace if you
- 11 don't have permission.
- 12 Q. Why?
- 13 A. The FAA.
- 14 Q. Okay.
- 15 A. That's the law.
- 16 Q. Okay. And then was is an ADS-B receiver?
- 17 A. An ADS-B receiver is a -- so the receiver it's like --
- 18 so these airplanes know airplane, like these tiny airplanes
- 19 don't have radar. The ADS-B receiver taps into like ADS-B
- 20 mode C, which you can see like other airplanes on your iPad
- 21 so you can avoid other airplanes.
- 22 Q. Okay. That airplane that you have in front of you,---
- 23 A. Yes.
- 24 Q. ---did that have a ADS-B receiver?
- 25 A. It was -- so that one was built into the GPS.
-

1 Q. Okay. So they had one?

2 A. Yes, but it was turned off. When you turn off the
3 transponder, you lose the function of the receiver.

4 Q. So when you turned off the transponder, it turned off
5 the receiver and the transponder?

6 A. Yes.

7 Q. Could anyone track you without either of those on?

8 A. No.

9 Q. Off?

10 A. Off? No, nobody could.

11 MR. BURDETTE: Your Honor, the State would move to
12 admit State's Exhibit 21 into evidence.

13 MR. DAVIS: Is that the picture?

14 MR. BURDETTE: That's the picture. I'm sorry. I --

15 MR. DAVIS: No objection, Your Honor.

16 THE COURT: State's 21 is into evidence without
17 objection.

18 Q. Okay. And, then, so why were you flying around with
19 Nathaniel Jenkins?

20 A. So I potentially could get my multi-rating for pretty
21 much pennies.

22 Q. Okay. Were you able to do that?

23 A. No, ma'am.

24 Q. Did you ever learn he was not a licensed pilot?

25 A. After the first time we went to Rock Hill, yes.

1 Q. Okay. Did he know how to fly that plane?

2 A. Yes.

3 Q. Okay. How did he know how to fly that plane?

4 A. I was told he was trained by Dan -- Dan Greiger.

5 Q. Who's Dan Greiger?

6 A. Some famous guy on YouTube.

7 Q. Okay. And who told you that he was trained by Dan
8 Greiger?

9 A. Brian Fricks.

10 Q. Okay. And then -- so when he was in the left seat of
11 this airplane, he seemed like he knew what he was doing?

12 A. Like any other pilot, yes.

13 Q. Did you know what you were doing?

14 A. No. I knew the systems behind it, but the actual
15 flying, like -- so if you get a multi-engine rating is you
16 learn how to fly with two engines because if one engine
17 failed, if you go under a certain speed, you learn how to
18 fly, you can spin in the airplane and crash.

19 Q. Okay. So you needed hours to become a multi-engine
20 pilot?

21 A. Yes, ma'am.

22 Q. Did you ever log any of those hours in the Comanche?

23 A. No, ma'am, because I was never with a multi instructor.

24 I was just -- initially, I just thought he was a multi-
25 engine pilot and if I got to know him, he would let me use

1 the airplane so I could go with an instructor in order to
2 get my rating.

3 Q. Was he promising you anything?

4 A. Yes.

5 Q. What was he promising?

6 A. Getting my multi-rating for just the cost of fuel.

7 Q. Okay. Did he promise you that in the beginning?

8 A. Yes.

9 Q. And then was the whole time you guys were flying around
10 for over a couple of months, was he still promising you
11 this?

12 A. The entire time and then to potential to go on trips to
13 build hours for free and --

14 Q. Okay. Nathaniel was telling you that?

15 A. Yes.

16 Q. Okay. And then what did you have to do in return?

17 A. Fly with him and do, like, steal with him.

18 Q. Commit the crimes?

19 A. Yes, ma'am.

20 Q. Okay. And did you ever log any hours in that other
21 plane that he was giving you access to?

22 A. About 10 hours.

23 Q. Okay. So he had given you another plane and said use
24 this as well?

25 A. But that was a single-engine airplane.

1 Q. Right. Okay. But you could still log hours. It just
2 wouldn't go for your twin-engine --

3 A. No, ma'am. That was for twin-engine rating and another
4 reason I wanted my multi-rating is it's super expensive and
5 then when it's on a resume, multi hours look really good
6 when you're applying for jobs.

7 Q. Do you know of any other benefit Nathaniel would have
8 to have you flying around with him?

9 A. 'Cause he couldn't get a pilot license.

10 Q. Okay.

11 A. And he needed someone to make it legal, 'cause I know
12 one of his goals was to go to the Bahamas.

13 Q. Okay. And you were a licensed pilot?

14 A. Yes. For the single-engine airplanes only.

15 Q. Right. So if you got your multi-engine, you could fly
16 him to, you said, the Bahamas?

17 A. Bahamas or fly him anywhere he wanted.

18 Q. Okay. And then when did you get arrested for these
19 crimes?

20 A. About, I want to say, middle of December, or really
21 after December 7th, I want to say.

22 Q. Okay. Had you ever been in trouble before?

23 A. No, ma'am.

24 Q. Had you ever been arrested before?

25 A. No, ma'am.

1 Q. Okay. And then once you get arrested, do you ever text
2 or call Nathaniel anymore?

3 A. Never again.

4 Q. Did he ever continue to text you?

5 A. Yes.

6 Q. And did you respond?

7 A. No.

8 Q. What was he saying when he was trying to reach out to
9 you?

10 A. I don't have the text in front of me and I don't
11 recall.

12 Q. Okay.

13 MS. BURDETTE: May I approach, Your Honor?

14 THE COURT: Yes, you may. I tell you what, ladies and
15 gentlemen, let's take a break. It's a good time to take an
16 afternoon break. I'll allow you to go back to your jury
17 room. We'll take about a 10- or 15-minute break. Everyone
18 remain seated while the jury is excused. Do not discuss the
19 case.

20 (Whereupon, the jury exited the courtroom at 3:29 P.M.)

21 MS. BURDETTE: I need to get these back in order.

22 THE COURT: All right. Y'all figure out -- get your
23 evidence the way you want it. We're going to take a 15-
24 minute break.

25 MR. EPTING: Thank you, Your Honor.

1 MR. DAVIS: Thank you, Your Honor.

2 (Whereupon, a brief recess was observed from 3:30 P.M.
3 until 3:46 P.M.)

4 THE COURT: All right. Let's bring the jury in.

5 (Whereupon, the jury entered the courtroom at 3:46
6 P.M.)

7 THE COURT: All right. Thank you, ladies and
8 gentlemen.

9 All right. Ms. Burdette, your witness.

10 MS. BURDETTE: May I please publish for the jury?

11 (Whereupon, the referenced item was published.)

12 Q. All right. Daniel, so you said after you were arrested
13 you were getting text from Nathaniel; right?

14 A. Never again.

15 Q. Okay. Now, what are we looking at here?

16 A. The text messages between me and him after I was
17 arrested.

18 Q. Okay. Who is sending these messages?

19 A. That's all Nate.

20 Q. And what is he saying?

21 A. The first one, You flying? Second one, Sometime later,
22 question mark?

23 Q. Okay.

24 A. He said, I found an MEI, which is a multi-engine
25 instructor, and then two days later he texted me, You can't

1 talk anymore? Next day, Hello. What happened to you? The
2 same day he said, I need the key to the hangar in Pickens.
3 The same day, Where can I meet you to get that key? I need
4 it today. The next day, Why can't you talk? The next --
5 that same day he said, Clearly, there's some reason you
6 won't talk to me. I need the key. Do you stay at -- he
7 sent me an address [REDACTED] Bellhouse Drive, Piedmont, S.C.

8 Q. Is that your address?

9 A. No, ma'am.

10 Q. Okay.

11 A. And he said, I need to come get the key. Then he said,
12 the 2nd of January, a few days later, Why don't you just
13 explain what happened one time? Then, I'll just leave you
14 alone. It's simple as that. Just be for one damn minute,
15 explain what the hell's going on. Then some time later he
16 said -- well, two minutes later said, You can't be man
17 enough for just that? Then two minutes later, I haven't
18 done a dam thing against you and you act like this for what?
19 Then about four minutes later he said, What could have
20 happened that would cause you to act like this? I have
21 absolutely zero information. Can't you just say anything?
22 And then that's the last one.

23 Q. Okay.

24 A. And then during all of this, he was calling me.

25 Q. He was calling you as well?

- 1 A. Yes, ma'am.
- 2 Q. And then did he ever show up to your house?
- 3 A. Yes.
- 4 Q. How did he get your address?
- 5 A. I have no idea.
- 6 Q. Okay. So you didn't give him your address?
- 7 A. No, ma'am.
- 8 Q. And he shows up to your house. Who were you living
- 9 with at the time?
- 10 A. It's just me and my mother.
- 11 Q. Okay. And do you know why he went to your house?
- 12 A. 'Cause I wasn't talking to him at all. I don't know if
- 13 it was for that key, but no good reason.
- 14 Q. And when he went to your house, did he park in the
- 15 driveway?
- 16 A. No.
- 17 Q. Did he park in front of your house?
- 18 A. No.
- 19 Q. Do you know where he parked?
- 20 A. I think my neighbor told me down the street, beside
- 21 their house.
- 22 Q. Okay were you home on this night that he showed up at
- 23 your house?
- 24 A. Yes.
- 25 Q. And did your -- did you have surveillance video of your

1 house that night?

2 A. Yes.

3 MR. DAVIS: No objection, Your Honor.

4 MS. BURDETTE: May I approach?

5 THE COURT: Yes, you may.

6 Q. I'm handing you what's been marked as State's Exhibit
7 22.

8 (Whereupon, the referenced item was handed to the
9 witness.)

10 THE COURT: All right. State's Exhibit 22 is in
11 evidence without objection.

12 MS. BURDETTE: Would you please publish.

13 Q. Daniel, what is that?

14 A. That's the Ring Doorbell on my front door.

15 Q. This is your house?

16 A. Yes, ma'am.

17 Q. Okay. Do you know what night this is?

18 A. I believe it was January 3rd.

19 Q. What did Nate do when he got to your house?

20 A. He knocked on my door and stood in my driveway.

21 Q. Did you ever answer the door?

22 A. No.

23 Q. Did anyone ever answer the door?

24 A. No. We ended up calling the cops.

25 Q. Who called the cops?

- 1 A. I did.
- 2 Q. You called the cops? Why did you call the cops that
- 3 night?
- 4 A. Because I didn't want him at my house.
- 5 Q. Who is that?
- 6 A. That's Nate.
- 7 Q. Nathaniel Jenkins?
- 8 A. That's Nathaniel Jenkins. Yes.
- 9 Q. What's he doing?
- 10 A. Knocking on my front door.
- 11 Q. Does he leave after that?
- 12 A. No. He stands in my driveway.
- 13 Q. How long was he in your driveway?
- 14 A. I want to say the duration of this video, maybe like a
- 15 minute afterwards.
- 16 Q. Okay.
- 17 A. 'Cause the Ring camera shuts off.
- 18 Q. And no one ever went to the door to answer it?
- 19 A. Nobody went to the door.
- 20 Q. And what did he need from you?
- 21 A. The key for Pickens.
- 22 Q. Okay.
- 23 A. And then 'cause I wouldn't talk to him.
- 24 Q. Okay. Now, Daniel you knew what you were doing was
- 25 illegal with Nathaniel; right?

- 1 A. Yes.
- 2 Q. Why were you doing it?
- 3 A. In desperation to get my multi.
- 4 Q. Okay. Could you have gotten your multi in another way?
- 5 A. Yes.
- 6 Q. How could you have gotten your multi in another way?
- 7 A. That or, like, getting more by paying it.
- 8 Q. What was the benefit of keeping Nathaniel to get your
- 9 multi?
- 10 A. Getting it for like pretty much \$500 or \$800 in fuel.
- 11 Q. How much would it have cost you to get it?
- 12 A. To like \$6,000, \$8,000.
- 13 Q. And where do you work at?
- 14 A. Right now I work construc- -- pretty much I run an
- 15 excavator doing --
- 16 Q. Where were you working at the time?
- 17 A. At the airport, doing maintenance.
- 18 Q. Do you have six -- you said \$6,800?
- 19 A. No, \$6,000 to \$8,000.
- 20 Q. \$6,000 to \$8,000?
- 21 A. That's on top of all my other ratings, so --
- 22 Q. Is that a lot to you?
- 23 A. A whole lot. Yes.
- 24 Q. Okay. And has anyone promised you anything to get you
- 25 to testify today?

1 A. No.

2 Q. Has anyone threatened you in any way to get you to
3 testify?

4 A. No.

5 Q. And on November 28th and December 9th, how old were you?

6 A. 17 years old.

7 Q. Thank you. No further questions. Please answer any
8 questions the defense may have.

9 THE COURT: Cross-examination.

10 MR. DAVIS: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 DANIEL VILLADA BY MR. DAVIS:

13 Q. Mr. Villada, let me ask you a couple of questions about
14 your background. You've had a couple of interviews and I
15 believe you've given sworn testimony in this case in another
16 incident. Is that correct?

17 A. Yes.

18 Q. You say you were working as an aircraft technician?

19 A. I said apprentice.

20 Q. As an apprentice. So during that time, did you work at
21 installing avionics?

22 A. Yes. We worked -- I never actually installed them.

23 All I did was strip panels getting -- prepping them for
24 installing.

25 Q. Okay. So, but you're familiar with the process of

1 taking them out and putting them in, things like that?

2 A. Yes, sir.

3 Q. And if you'll excuse me, when I -- when you say
4 installing avionics, what does that entail to you? What
5 does that mean?

6 A. Some of the airplanes have steam gauges, so you install
7 like a glass panel, which would be like a GPS, an operated
8 radio, antennas, avionics or anything that are used
9 instrumentation-wise.

10 Q. Okay. And prior to this you were in high school?

11 A. I was in high school during this.

12 Q. And I believe in one of your interviews you said you
13 had to leave J.L. Mann High School?

14 A. Yes. Well, I left J.L. Mann so I could work more so I
15 could go on-line high school so I could pursue the rest of
16 my ratings.

17 Q. You'd indicated that something happened at that high
18 school that you had to leave?

19 A. No.

20 Q. And as part of your -- you said you worked at an
21 airport. Did you do any other jobs in airports, besides
22 maintenance?

23 A. I was a lawn guy.

24 Q. Lawn guy?

25 A. Yes, sir.

1 Q. So you'd also worked with -- I believe you said you
2 worked with some of the fuel pumps?

3 A. Yes.

4 Q. And you serviced some of the fuel pumps?

5 A. No.

6 Q. Okay. But you knew how they operated?

7 A. Yes, sir.

8 Q. Okay. And I believe -- in one of your previous
9 testimony you said you knew how Mr. Jenkins would have
10 manipulated the pump?

11 A. Yes.

12 Q. Okay. Let me ask you a couple of questions about the
13 layout of the twin, the Piper twin.

14 A. Yes.

15 Q. There's -- and image it's related -- relate it to an
16 automobile so the jury will understand. The pilot in
17 command is like the driver's seat; correct?

18 A. Yes.

19 Q. And, then, but there's only one door?

20 A. Yes.

21 Q. And that's on the passenger side front seat, if you
22 would, kind of like a car; right?

23 A. Yeah.

24 Q. Now, where is -- and then you have two seats in the
25 back?

1 A. Yes, sir.

2 Q. But everybody has to go through that one door in the
3 front seat; right?

4 A. Unless you came in through the baggage department.
5 Yes.

6 Q. Okay. Where's the baggage department?

7 A. Off the west side of the very back.

8 Q. And that's behind the windows?

9 A. Behind the windows. Yes, sir.

10 Q. Okay. So you didn't have any -- you weren't working
11 with someone who was installing the 750 that went into the
12 Piper twin?

13 A. Well, it wasn't by aircraft model. When we do avionics
14 installs, it would be -- it doesn't matter the model. It
15 would be the same, the same across the board for the 750.

16 Q. Okay. So you've installed -- helped work on a 750
17 installs before?

18 A. Not a 750 install. I stripped the -- I never installed
19 it, only stripped the panel from an old GPS to prep it for
20 install.

21 Q. All right. So you don't know that -- you didn't work
22 with a Mr. Perez installing the 750 in this particular Piper
23 twin --

24 A. In this particular -- oh, no. He did that before I
25 worked with Nate.

1 Q. Okay. So there was a 750 already in the Piper twin?

2 A. There was a 750.

3 Q. A Garmin 750?

4 A. Yes.

5 Q. Okay. And Nate also got you access to a Cessna 150;

6 correct?

7 A. Yes.

8 Q. And that was a friend of his, a Mr. Allen Kendrick, I

9 believe.

10 A. Hendricks.

11 Q. Hendricks. I'm sorry. Al Hendricks. And you were

12 able to get -- you had pretty much free use of that plane.

13 Is that correct?

14 A. Yes.

15 Q. Okay. And you have mentioned several times that part

16 of the deal was you pay for fuel in order to get the flight

17 hours. Is that correct?

18 A. Yes.

19 Q. Okay. All right. So let's talk about your first

20 flight into Rock Hill. You said that you -- on the airport

21 video, when the airplane's moving around on the ground, who

22 was in the left seat?

23 A. I was.

24 Q. And who were you saying went to the shelter or the

25 hangar? Did all three of you go there?

- 1 A. All three of us went to the shade ports.
- 2 Q. Okay. So was Gabby with you by the airplanes at all or
3 she was at the end of the shade port? That's your
4 testimony.
- 5 A. She was with me at the -- I was there and she was with
6 us.
- 7 Q. She was with you?
- 8 A. Yes.
- 9 Q. And today said that you and Nate took the stuff out of
10 the planes, the two planes?
- 11 A. Yes.
- 12 Q. And then walked back to the Piper Comanche together?
- 13 A. Yes.
- 14 Q. Would it -- is that testimony today consistent with
15 your previous testimony in this case?
- 16 A. No, it was not.
- 17 Q. What was your previous testimony in this case?
- 18 A. That I stayed in the airplane the entire time.
- 19 Q. On both events?
- 20 A. Yes, from my previous testimonies.
- 21 Q. I'm talking just about the November 28th event?
- 22 A. Yes, sir.
- 23 Q. And so you're saying now that your previous testimony
24 said you stayed in the airplane the whole time?
- 25 A. Yes.

1 Q. If I showed you a copy of that, a transcript of that
2 testimony, would it refresh your recollection as to what you
3 testified that day?

4 A. Yes.

5 THE COURT: All right. Lawyers approach.

6 (Whereupon, a Bench conference was held off the record,
7 out of the hearing of the court reporter and the jury.)

8 Q. All right. So, Mr. Villada, in previous sworn
9 testimony, do you recall saying that you left Mr. Jenkins at
10 the airplane and walked back to the twin -- Piper twin with
11 Gabby and then Mr. Jenkins came 10 minutes later with the
12 equipment?

13 A. Yes.

14 Q. So that was your previous statement regarding the
15 events of November 28th?

16 A. Yes.

17 Q. And that was given under oath; correct?

18 A. Yes.

19 Q. Just like your statements today are given under oath?

20 A. Yes.

21 Q. But that -- you're saying now that that statement was
22 incorrect?

23 MR. EPTING: Objection, Your Honor. It's asked and
24 answered at this point.

25 THE COURT: I'll overrule the objection. He can answer

1 the question.

2 A. Yes.

3 Q. Similarly on the 28th, you were asked about the Allen
4 Key that would have been used to remove a -- from the --
5 remove the 750 in this case. They asked you -- do you
6 recall your answer to their question about what you needed
7 to remove a 750 from the airplane?

8 A. An Allen Key.

9 Q. And then they asked you if Nate had ever had one. Do
10 you recall your response to that?

11 A. Yes.

12 Q. And what did you tell them?

13 A. That he did.

14 Q. You told him that he did?

15 A. I don't recall, but yes, on my statement, but I do
16 remember he did have an Allen Key.

17 Q. But you say -- but in your sworn testimony, your sworn
18 prior testimony, I'm asking you did you tell them then he
19 had an Allen Key?

20 A. I don't recall my testimony.

21 Q. You don't recall telling them that it was small and
22 could be hidden in his pockets, but you didn't see one?

23 A. Yes.

24 Q. Is that what you told that?

25 A. Can you rephrase that? I'm sorry. You're confusing

1 me.

2 Q. Do you recall telling them that it's small and could be
3 concealed in his pocket, but you didn't see one?

4 A. Yes.

5 Q. So is that what you told them?

6 A. Yes.

7 Q. So you did not tell them you saw an Allen Key that Mr.
8 Jenkins had at that time. Is that correct?

9 A. Yes.

10 Q. Okay. So on both trips to Rock Hill you said you had
11 your cell phone with you. Is that correct?

12 A. Yes.

13 Q. In fact, you and Gabby both had cell phones?

14 A. Yes.

15 Q. In fact, you had indicated that you kept your parents
16 of where you were and used your cell phones during that
17 time?

18 A. Yes.

19 Q. Did law enforcement ever ask you for your cell phone?

20 A. Yes.

21 Q. Did they ever do a search of your cell phone?

22 A. No.

23 Q. But they had your cell phone in their possession when
24 they arrested you; correct?

25 A. When they arrested me, yes.

- 1 Q. And did they return it to you?
- 2 A. Yes.
- 3 Q. How soon after that, once you were let go?
- 4 A. Yes.
- 5 Q. When you bonded out?
- 6 A. Yes.
- 7 Q. Okay. Did you have -- Nate was texting you about a
- 8 hangar key. Do you have a key to a hangar where the 150 was
- 9 kept?
- 10 A. It's inside of the 150; no.
- 11 Q. So, but he was asking you where it was?
- 12 A. Yes.
- 13 Q. Okay. So, but you had that and that was his friend's
- 14 plane; correct?
- 15 A. I didn't have it with me. I left it inside of the 150.
- 16 Q. But he was under the impression. Is that correct?
- 17 A. Yes.
- 18 Q. 'Cause you didn't text him back?
- 19 A. Yes.
- 20 Q. So you didn't tell him it's inside the 150?
- 21 A. I did not tell him it was inside the 150.
- 22 Q. Did you also have a pilot operations handbook for the
- 23 twin Comanche?
- 24 A. No.
- 25 Q. Did he give that to you at any time?

1 A. He -- I left it inside the airplane. He was offering
2 it for me to take it to study.

3 Q. Okay. And so which airplane did you leave it in?

4 A. The twin Comanche.

5 Q. The twin Comanche. Do you recall telling Detective
6 Swiger that you know people who would install -- strike
7 that. Let's talk a little bit about the 750. Does the 750,
8 if I take one and I put it in my airplane and I didn't buy
9 it directly from Garmin or I didn't buy it legitimately, is
10 it going to work in my airplane?

11 A. It depends. If you already -- so the way you have to
12 install a 750, you have to put in a bracket and then you
13 have to make the parts for the 750 work with all the air
14 data computer and magnetometers, the static(ph) system and
15 then the antennas that it connects to and if you already
16 have that, then you could put it in there, but you'd have to
17 register to get updates for your GPS.

18 Q. So you have to register it and that has to be done
19 through Garmin---

20 A. Yes, sir.

21 Q. ---to that specific unit; correct?

22 A. Yes.

23 Q. By serial number?

24 A. Yes. But only if you want updates. So legally, you
25 can fly VFR without updates and you need updates in order to

1 fly instrument flight rules, so --

2 Q. So how much does a basic 750 cost?

3 A. I'm not sure. I believe it's -- I know it's more than
4 10,000.

5 Q. So it's not a cheap piece of -- it's not a cheap
6 instrument?

7 A. No.

8 Q. So more than 10,000 just for the box, basically?

9 A. Pretty much.

10 Q. And I believe Mr. Kleiderer testified somewhere around
11 the 18,000 mark. Does that sound about right to you?

12 A. Yes. Not including all the install, like, the air nav.
13 computer and all of that.

14 Q. The basic box is about 18,000. That's what it costs
15 before you do anything to it?

16 A. Yes.

17 Q. But it's not any good to you without that subscription
18 service; correct?

19 A. It would still work without a subscription service.

20 Q. How much -- okay. But if someone wants a 750 in their
21 plane, they're not going to pay the full price if they're
22 not going to be able to activate the subscription service,
23 would they?

24 A. I don't know.

25 Q. Okay. All right. During your interview with -- I'm

1 talking about your January 10th interview, which is your
2 second interview with Detective Swiger, which I believe your
3 lawyer requested, you had told him -- do you recall telling
4 him that you stayed in the plane the entire time on the
5 December trip to Rock Hill?

6 A. Yes.

7 Q. So you told him then you never got out of the plane?

8 A. Yes.

9 Q. But your testimony today is you got out of the plane
10 and went into about four or five hangars?

11 A. Yes.

12 Q. Did Mr. Jenkins respond to your text about a flat-head
13 screwdriver?

14 A. He called me.

15 Q. Does a flat-head screwdriver have any other uses
16 besides opening doors illegally?

17 A. No. Well, yes. But for this use case, no.

18 Q. Do you know if the radio key was working in the right
19 seat of the Comanche twin?

20 A. It was not.

21 Q. It was not. So from the right seat you couldn't turn
22 on the runway lights at night, could you?

23 A. No.

24 Q. Is that consistent with your testimony to the grand
25 jury?

1 A. No, but I still went to press them on and he got mad at
2 me.

3 Q. If the radio key is not working, how can you activate
4 the --

5 A. It's second nature when I fly an airplane to stoke(ph)
6 up the lights and he got made at me.

7 Q. In your prior testimony did you say you turned -- do
8 you recall saying you turned on the runway lights?

9 A. Yes, because that's what I remember, but because it's
10 second nature to me any time I fly an airplane to still hit
11 that button.

12 Q. So we just -- you just testified that the button wasn't
13 working.

14 A. I didn't -- I just remembered that, actually. I didn't
15 even remember that.

16 Q. Is that why you told them you turned on the runway
17 lights?

18 A. Yes.

19 Q. Because you forgot the button wasn't working?

20 A. Well, I pressed the button. Can you re- -- I'm sorry.
21 You're confusing me.

22 Q. In your previous testimony you said you turned on the
23 runway lights?

24 A. Yes.

25 Q. And that Mr. Jenkins got upset because you did?

- 1 A. Yes.
- 2 Q. And you just said the button wasn't working in the
3 plane?
- 4 A. I just remembered that.
- 5 Q. So why did Mr. Jenkins get upset if the runway lights
6 couldn't have been turned on by you?
- 7 A. 'Cause I still want to push the button.
- 8 Q. But the runway lights could not have come on. The
9 button wasn't working.
- 10 A. He could still see me pressing the button.
- 11 Q. Now, in your sworn testimony you had also mentioned
12 that you were pumping the fuel---
- 13 A. Yes.
- 14 Q. ---in Rock Hill. Is that correct?
- 15 A. Yes. I don't recall that. I didn't recall that night.
16 It's been so long.
- 17 Q. But the video clearly shows that you were not pumping
18 the fuel?
- 19 A. Yes.
- 20 Q. So was that honest testimony?
- 21 A. No.
- 22 Q. And, once again, that was sworn testimony, correct?
- 23 A. Yes.
- 24 Q. Do you recall in that sworn testimony you said that Mr.
25 Jenkins was opening the bottom panel and his body was

1 blocking the view of the pump?

2 A. Yes.

3 Q. Is that what the video shows?

4 A. No.

5 Q. Do you recall the -- your prior testimony you said that
6 you and Nathaniel had looked into the Bonanza and he had
7 mentioned that that was a good looking plane, indicating the
8 750, the audio panel, basically, the glass cockpit setup?

9 A. Yes.

10 Q. At the end of your testimony you had mentioned that
11 when you were arrested they didn't have anything on Mr.
12 Jenkins. Do you recall that?

13 A. Yes.

14 Q. And that he would get off, and those are your words,
15 scotch free. Is that correct?

16 A. Can you rephrase that?

17 Q. In your words you said that he was scotch free?

18 A. Yes.

19 Q. And so without your testimony they wouldn't have had
20 anything on Mr. Jenkins. Is that correct?

21 A. Correct.

22 Q. Now, you stated that your goal was to go into the Air
23 Force?

24 A. Yes.

25 Q. And your goal was also to get your different ratings as

1 a private pilot. Is that correct?

2 A. Yes.

3 Q. And you also said you were desperate for flight hours?

4 A. Yes.

5 Q. Can you explain why every time you're confronted with
6 evidence that tends to prove you're not telling the truth,
7 your story changes?

8 A. Well, I'm telling the truth now and I wasn't thinking.
9 I just want to make this right.

10 Q. What makes this different than the previous time you
11 were under oath?

12 A. I wasn't thinking straight. I wasn't -- I've matured
13 more since then and --

14 Q. You still have charges pending in York County; correct?

15 A. Yes.

16 Q. And your cooperation in this case may influence how
17 those are disposed; correct?

18 A. No.

19 Q. They're not?

20 A. I was not promised anything to be here today.

21 Q. So you're under subpoena?

22 A. Yes.

23 Q. But they haven't had any further conversations about
24 Pre-Trial Intervention or about dismissing burglary charge
25 or anything like that or keeping your record clean so you

1 can go in the Air Force?

2 A. No further conversation about that. I was only
3 volunteering to be here. I'm not gaining or losing anything
4 being here.

5 Q. You said you volunteered to be here?

6 A. Yes.

7 Q. I thought you just said you were under subpoena.

8 A. Well, under subpoena.

9 Q. So your prior statements which said you didn't get out
10 of the plane on December 9th, whether under oath or just to
11 Detective Swiger twice, those aren't true?

12 A. They're not true.

13 Q. And your prior statements regarding the events of
14 December -- of November 28th, they aren't true either?

15 A. No, they're not true.

16 Q. Do you know of any pilot that flies at night without a
17 flashlight?

18 A. No.

19 Q. A flashlight's kind of necessary in a plane at night if
20 the engine -- if the electrical system fails, isn't it?

21 A. Yes.

22 Q. And it's also necessary to do pre-flight; correct?

23 A. Yes.

24 Q. So almost every pilot who's flying at night is going to
25 be carrying a flashlight?

1 A. Yes.

2 Q. This has been mentioned before, but there were other
3 flights with Mr. Jenkins, weren't there, besides these two
4 we've talked about?

5 A. Yes.

6 Q. And you're claiming that you knew Nate was stealing
7 after this first flight to Rock Hill?

8 A. Yes.

9 Q. And you continued to fly with him?

10 A. Yes.

11 Q. When you were in the plane with Nate, in fact, any time
12 you've flown, did you ever enter a discrete code into the
13 transponder?

14 A. No.

15 Q. Can you explain to the jury what a discrete code in a
16 transponder might mean?

17 A. So for a transponder, it's a coded system that you can
18 put in there, so an example, the standard code would be
19 1200. That means you're VFR. If you put a code in there,
20 that would be like, example, it could be a 5555. That would
21 be so they can have you on their radar so they could track
22 you, like would already know what airplane it is and on your
23 flight plan.

24 Q. And those discrete codes are generally people flying
25 instrument flight rules; correct?

1 A. Yes, sir or flight following.

2 Q. Correct. So the transponder just augments your radar
3 ; return. Is that correct?

4 A. Yes.

5 Q. So even if you're turning it off, you're still going to
6 get -- you're still going to be able to paint your plane
7 with radar?

8 A. In certain ~~ways~~ in certain airports 'cause most airports
9 in the US don't have radar.

10 Q. Well, I'm not talking just talking about airport data.
11 I'm talking about approach radar, FAA radar.

12 A. Yes.

13 Q. So, you know, turning off the transponder, all that
14 does is turning off the augmenting to the radar return;
15 correct?

16 A. Yes.

17 Q. All right. And that may be one of the reasons it's not
18 required?

19 A. Yes.

20 Q. On your testimony today you had said that, and you were
21 very specific about this, you said -- and this is you
22 speaking. You said, I never flew in Class Bravo airspace?

23 A. Yes.

24 Q. So the I of that sentence would be you; correct?

25 A. Well, we never flew the airplane into Class Bravo

1 airspace.

2 Q. Well, you were adamant. You don't want to, you know,
3 indicate that you might have violated flight regulations.

4 Is that true?

5 A. We never violated flight regulations.

6 Q. But you were forceful enough about that. Does that
7 indicate that you were actually flying the plane at that
8 time?

9 A. No.

10 Q. 'Cause if you're just a passenger you're not going to
11 get a flight violation, would you?

12 A. No.

13 Q. You said you had gloves on the second time you were in
14 Rock Hill airport. Why did you put on gloves the second
15 time?

16 A. 'Cause I knew what we were going there for.

17 Q. Do you know why Nate didn't tell you to put gloves on
18 the first time?

19 A. No.

20 Q. And you said you took home cameras and Borescope to
21 Gabby's house?

22 A. Yes.

23 Q. And what happened to them?

24 A. I don't know. Gabby still has those.

25 Q. Gabby still has those?

1 A. Well, I don't know if she still has those, but last
2 time I heard, they were with Gabby.

3 Q. So Gabby might be concerned about getting charged in
4 this case?

5 MR. EPTING: Objection, Your Honor.

6 THE COURT: Yeah. I sustain the objection.

7 Q. So you said you took cameras and a Borescope to Gabby's
8 house and there's some things you left in the 150. I
9 believe that was a radio and two headsets. Is that correct?

10 A. Yes, sir.

11 Q. So you took those?

12 A. Yes, sir.

13 Q. You don't know what happened to them?

14 A. I left them in the 150.

15 Q. And you're saying there was never a conversation
16 between you and Nate about the transponder being on and off?

17 A. No.

18 Q. Okay. Did you get insurance on the 150 as part of --
19 the Cessna 150 that was owned by Mr. Jenkins, I believe?

20 A. Owned by Mr. Hendricks.

21 Q. Hendricks, I'm sorry. I keep saying Jenkins. Mr.
22 Hendricks. You got insurance on that; correct?

23 A. Renters insurance, yes.

24 Q. Renters insurance. So you insured it to the extent
25 that if you damaged it while flying?

1 A. Yes.

2 Q. And that would have your home address on that policy;
3 correct?

4 A. Yes.

5 Q. And you would have supplied that information, the
6 policy information, to Mr. Jenkins so he could give it to
7 his friend; correct?

8 A. Yes.

9 Q. So he could have gotten your home address off of that?

10 A. I believe so. Yes.

11 Q. Okay.

12 MR. DAVIS: Beg the Court's indulgence, Your Honor.

13 Q. Do you know the range of a Cessna 150?

14 A. It depends on winds, but usually I want to say about
15 450 nautical miles.

16 Q. So you can get to Greenville and back on -- Greenville
17 to Rock Hill on that round trip without having to refuel;
18 correct?

19 A. Yes.

20 Q. Okay.

21 MR. DAVIS: No further questions, Your Honor.

22 THE COURT: Any redirect?

23 MS. BURDETTE: No redirect, Your Honor.

24 THE COURT: Thank you, Mr. Villada, you can step down.

25 Lawyers approach.

1 (Whereupon, a Bench conference was held off the record
2 out of the haring of the court reporter and the jury.)

3 THE COURT: All right. State, call your next
4 witness.

5 MS. BURDETTE: The State would call Tamyra Hogg to the
6 stand.

7 (TAMYRA HOGG, being first duly sworn, was examined and
8 testified as follows):

9 THE COURT: All right. Solicitor.

10 DIRECT EXAMINATION

11 TAMYRA HOGG BY MS. BURDETTE:

12 Q. Would you please state your name for the record?

13 A. Tamyra Hogg.

14 Q. And how are you employed?

15 A. With the York County Detention Center.

16 Q. And how long have you worked for the York County
17 Detention Center?

18 A. 26 years.

19 Q. And can you please describe your duties at the
20 detention center?

21 A. I am the administrator captain. I supervise the
22 records management clerks, the inmate programs department,
23 the medical department, and the professional status
24 department.

25 Q. Okay. What is your title?

1 A. Administrative Captain.

2 Q. Okay, Captain. How does the detention center go about
3 providing inmates the opportunity to communicate with
4 individuals not in jail?

5 A. We use the SmartJAIL platform.

6 Q. And can you briefly describe that platform and how the
7 inmates make use of it?

8 A. It's a internet-based system that we use where they can
9 send emails, text. They use it with the phone system, video
10 visitation as well. Also, they can check their inmates
11 accounts with that system.

12 Q. Does the detention center to monitor that communication
13 that's coming through the platform?

14 A. Yes.

15 Q. And how so?

16 A. We have access to logging in to that system and we can
17 actually see what is coming in and going out at any time.

18 Q. Okay. How does the messages work?

19 A. With the messages, either a third party or the inmate
20 themself will send a request to that person and once they
21 accept it, they can begin sending messages back and forth,
22 once they got money on their accounts.

23 Q. Are all those messages recorded?

24 A. Yes.

25 Q. And what information is captured and how is it stored?

1 A. It's captured at the time, who sent the message, the
2 time, the date, who sent it and it's pretty much stored with
3 our cloud-based system that we use.

4 Q. Are the people who are sending and receiving the
5 messages, are they notified that they're being recorded?

6 A. Yes.

7 Q. And are those messages maintained in the ordinary
8 course of the detention center's business?

9 A. Yes.

10 Q. Who has access to those messages?

11 A. Pretty much anyone who Chief Hicks gives access to, but
12 on a daily basis it's the records management clerks, the
13 command staff and certain supervisors.

14 Q. Now, does that access allow anyone to change or alter
15 those messages?

16 A. No.

17 Q. And prior to court, did you receive a request to review
18 any records of a photo and message involving Nathaniel
19 Jenkins' SmartJAIL account on September 20th of 2024?

20 A. Yes.

21 Q. Was there a message sent from the defendant on that
22 date?

23 A. Yes.

24 Q. And was there a photo sent to the defendant on that
25 date?

1 A. Yes.

2 MS. BURDETTE: May I approach the witness?

3 THE COURT: Yes, you may.

4 Q. I am approaching with State's Exhibit 23 and 24. If
5 you can take a look at those.

6 A. Okay.

7 (Whereupon, the referenced items were handed to the
8 witness.)

9 Q. What is that?

10 A. This is a photo sent from Christopher Nicholas to
11 Nathaniel Jenkins and also a message sent saying to send the
12 picture in.

13 Q. So who sent the message that said send the picture in?

14 A. Send the picture in? Mr. Jenkins.

15 Q. And then the response to that message was State's
16 Exhibit 24. What is the response to that message?

17 A. I'm just seeing where the picture came in. Is that
18 what you're asking?

19 Q. Yes.

20 A. Okay.

21 Q. And how do you know this message came from Nathaniel
22 Jenkins' account?

23 A. Once I received the email, I actually logged onto the
24 account to verify.

25 Q. And is this a true and accurate depiction of the

1 messages on that day?

2 A. Yes.

3 MS. BURDETTE: Your Honor, the state moves to admit
4 State's Exhibit 23 and 24 into evidence.

5 THE COURT: Mr. Davis?

6 MR. DAVIS: I renew my prior objection to late delivery
7 of discovery, Your Honor.

8 THE COURT: All right. I note your prior objection. I
9 overrule the objection. State's Exhibit --

10 MS. BURDETTE: Thank you. May we please publish?

11 THE COURT: I'm sorry. State's Exhibit 23 and 24 are
12 now in evidence.

13 MS. BURDETTE: Thank you, Your Honor.

14 (Whereupon, State's Exhibit Numbers 23 and 24 were
15 published for the jury.)

16 Q. What are we looking at here? Can you see it? Well,
17 let me --

18 A. That's the message that comes in on our SmartJAIL
19 platform.

20 Q. So who sent that message?

21 A. It came from Mr. Christopher Nicholas. Well,
22 Nathaniel Jenkins sent this message. I was looking at the
23 wrong part. I apologize.

24 Q. Okay. So Nathaniel Jenkins sends this message that
25 says, Send pics of the twin that you should have of the

1 exterior and interior with the dash plates?

2 A. Yes.

3 Q. And then State's Exhibit 24, what is that?

4 A. That's the photo that came in to Nathaniel Jenkins from
5 Mr. Christopher Nichols.

6 Q. Thank you.

7 MS. BURDETTE: No further questions.

8 THE COURT: Any cross-examination?

9 CROSS-EXAMINATION

10 TAMYRA HOGG BY MR. DAVIS:

11 Q. Is there any indication why Mr. Jenkins may have wanted
12 a picture of the airplane?

13 A. No, not that I know of.

14 MR. DAVIS: No further questions, Your Honor.

15 THE COURT: All right.

16 MS. BURDETTE: No redirect, Your Honor.

17 THE COURT: All right. Ms. Hogg, -- Captain Hogg,
18 thank you being here. Thank you for your testimony. You
19 can step down.

20 THE WITNESS: Thank you.

21 THE COURT: All right. State, call your next witness.

22 MS. BURDETTE: Your Honor, at this time the State would
23 rest.

24 THE COURT: Ladies and gentlemen of the jury, the State
25 has indicated when they state that they are resting, that

1 they have presented all the evidence that they introduce at
2 this time. That means that this is a good place for us to
3 break for today. We're going to need to take up some
4 matters outside of your presence. We'll have you back
5 tomorrow morning at 9:30 and we'll resume the remainder of
6 the trial at 9:30 in the morning.

7 Again, do not discuss the case. You've only heard part
8 of the case. You certainly haven't heard the law that's to
9 be applied in the case, but do any independent research,
10 don't be discussing the case with anyone else or even among
11 yourselves. With that, you're free to leave. Be back
12 tomorrow morning at 9:30.

13 Everyone remain seated while this panel is being
14 excused.

15 (Whereupon, the jury exits the courtroom at 4:33 P.M.)

16 THE COURT: All right. Thank you. Anything further
17 from the State?

18 MS. BURDETTE: Nothing further from the State, Your
19 Honor.

20 THE COURT: From the defense?

21 MR. DAVIS: Your Honor, at this time I renew all of my
22 prior motions and ask for a directed verdict on all the
23 current indictments.

24 THE COURT: Does the State wish to be heard?

25 MR. EPTING: No, Your Honor. We believe the light most

1

1 favorable to the State, we presented sufficient evidence to
2 present this case on all charges to the jury.

3 MR. DAVIS: And just for clarification, Your Honor, I
4 would like to highlight the indictment with regard to stolen
5 fuel. Number one, the lack of notice, lack of production of
6 the discovery prior to today for that and also the hearsay
7 -- my objections regarding the hearsay of the testimony of
8 Detective Swiger on how much fuel was stolen.

9 THE COURT: All right. Thank you. I note your
10 objections. The Court will stand by its prior ruling. On
11 your motion for directed verdict, I deny the motion for
12 directed verdict, taking the evidence in light most
13 favorable to the non-moving party, the State in this case.
14 There is sufficient of the questions of fact that -- for the
15 jury to decide the basis by which they can make a
16 deliberation and reaching a verdict in the case. There's
17 sufficient evidence for this case to go forward so I'm going
18 to deny the motion for directed verdict.

19 Anything else?

20 MR. EPTING: Nothing from the State, Your Honor.

21 THE COURT: From the Defense?

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

23 THE COURT: All right. And then what does tomorrow
24 look like? We have possibly one witness in the morning?

25 MR. EPTING: I believe that the defense may call one

1 short witness and then I guess we can do the colloquy to the
2 defendant at the appropriate time about whether or not he
3 wishes to exercise his right to testify.

4 THE COURT: Yeah. And let me do that. Let's bring him
5 around now and he can think about it overnight.

6 MR. DAVIS: One second.

7 (Whereupon, a discussion was held off the record.)

8 THE COURT: Mr. Jenkins, I need to talk to you a
9 little, just simply about your right to remain silent or
10 your right to testify. What I'm going to do is I'm going to
11 go over what I'm required to ask you, and then I'll give you
12 overnight to talk to your lawyers more in detail about that
13 or think about it and tomorrow I'll ask you to answer the
14 question about whether you'll testify or not.

15 We need to place him under oath.

16 (Whereupon, the defendant was duly sworn.) THE COURT:
17 All right. Mr. Jenkins, this is -- again, this Nathaniel
18 John Jenkins before the Court. At this time I'm going to
19 explain to you certain of your rights. If you do not
20 understand anything I say, please let me know. If you want
21 me to explain anything in more detail, please let me know,
22 as well. Do you understand that?

23 MR. JENKINS: Yes, sir.

24 THE COURT: We've now reached the stage of the trial
25 where you may present your defense. You have the right to

1 claim the protections given to you by the Fifth Amendment of
2 the Constitution of the United States. This amendment
3 states in part, No person shall be compelled in any criminal
4 case to be a witness against himself. This means that you
5 cannot be required to testify in this case. You have the
6 right to testify on your behalf; however, no one can make
7 you testify. This is a personal right. No one can waive
8 this right except you. If you decide to testify, you'll be
9 subject to the same rules that govern other witnesses and
10 you may be examined and cross-examined on any relevant issue
11 in the case.

12 In addition, if you have any convictions involving
13 dishonesty or false statements or for crimes punishable for
14 imprisonment by more than one year, and this Court
15 determines that the probative value of admitting this
16 evidence outweighs its prejudicial effect to you, the
17 solicitor will be able to introduce your record to attack
18 your credibility, and we had that discussion, I believe, on
19 the -- on Monday and I didn't write down -- there was a
20 discussion about what the State -- well, maybe we had that
21 discussion in chambers.

22 Mr. Epting, if he takes the stand, what would the State
23 intend to attempt to offer as far as any prior record?

24 MR. EPTING: Your Honor, we believe prior to his
25 testimony looking at his record, that we would be in bounds

1 under the Rules of Evidence 609 to ask him about a
2 conviction for a crime that carries over a year from 2013.
3 I believe that was a receiving stolen goods for which he
4 received a 5-year sentence, which puts it within the 10-year
5 range. A conviction on, I believe it was for HTO from 2015,
6 that was within the 10-year range. We'd be limited by my
7 reading of the rule to ask him if he's been convicted on
8 those offenses of a crime over one year. In 2017, he was
9 convicted of financial transaction card fraud as well as
10 forgery. We believe those to be crimes of dishonest into
11 which we can name the offense for which he pled, was
12 convicted, and not go into the facts of the case. He does
13 have multiple priors before that that may become relevant if
14 he opens the door, but just before testimony Rule 609 allows
15 those.

16 THE COURT: All right. So Mr. Jenkins, the State's
17 indicated that under our rules that they believe that they
18 would be entitled to ask you about were you -- in essence,
19 it would go like this if you took that stand: Isn't it
20 true, Mr. Jenkins, you've been convicted of a crime in 2013,
21 2015 that carries over one year in jail? And then in
22 addition, you in fact were convicted of financial
23 transaction card fraud and forgery in 2017, sort of the
24 basis of what they would do. Do you understand how that
25 could be used against you?

1 MR. JENKINS: Yes, sir.

2 THE COURT: If you decide to testify, this decision on
3 your part must be freely, voluntarily and intelligently made
4 with the knowledge of the protections given to you by the
5 Fifth Amendment and the consequences of your decision to
6 testify.

7 If you decide not to testify, I will instruct the
8 jurors that they cannot give the fact that you did not
9 testify any consideration whatsoever and that there's to be
10 absolutely no prejudice to you because you did not testify.
11 It is left entirely up to you whether or not you testify.
12 You may talk with your attorney, your family and friends or
13 anyone else, but the final decision will be left up entirely
14 to you. Do you understand what I've explained to you about
15 your right to testify or not testify?

16 MR. JENKINS: Yes, sir.

17 THE COURT: Do you have any questions for the Court?

18 MR. JENKINS: No, sir.

19 THE COURT: All right. I'm going to give you
20 overnight. You can talk to your lawyer more about that.
21 Y'all can discuss that. First thing tomorrow morning, we'll
22 pick back up where we left off and I'll ask you if you wish
23 to testify. All right. Thank you.

24 MR. DAVIS: Thank you, Your Honor.

25 MR. EPTING: Thank you, Your Honor.

1 MR. WHITE: Thank you, Your Honor.

2 (Whereupon, court was adjourned at 4:40 P.M. and

3 reconvened on November 21, 2024 at 9:34 A.M.)

4 (END OF VOLUME III of IV)

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1 THE COURT: All right. Let's bring Mr. Jenkins out.

2 MR. EPTING: Your Honor, this is unrelated to the
3 trial; it's for scheduling purposes.

4 (Whereupon, discussion was held off the record.)

5 THE COURT: All right. Let's bring -- Mr. Davis, if
6 you'll bring your client around. Let me finish where we
7 were yesterday evening.

8 All right. We're back on the record in the case of
9 *State versus Nathan John Jenkins*.

10 Mr. Jenkins, we ended yesterday with the Court going
11 over your right to remain silent and your right not to
12 testify. Have you had plenty of time to talk to your lawyer
13 about that?

14 MR. JENKINS: Yes.

15 THE COURT: And so the question today is what is your
16 decision? Do you wish to testify or do you wish to not
17 testify.

18 MR. JENKINS: Not testify.

19 THE COURT: All right. Thank you. And, Mr. Davis,
20 you've had plenty of opportunity to talk to him about that
21 right as well?

22 MR. DAVIS: Yes, Your Honor.

23 THE COURT: All right. Then thank you. Y'all can have
24 a seat.

25 THE COURT: And then, Mr. Davis, do you have a witness.

1 this morning?

2 MR. DAVIS: I do. It's Officer Chasse of the Rock Hill
3 Police Department. He said he was sick earlier and he's on
4 the way in. I will check the hallway and see if he's here,,
5 Your Honor.

6 THE COURT: All right. Let's see where he is before we
7 bring our jury in.

8 (Whereupon, Mr. Davis exits/enters the courtroom.)

9 MR. DAVIS: And our witness is not here yet, Your
10 Honor.

11 THE COURT: All right. What do we -- what about his
12 estimated time of arrival?

13 MR. DAVIS: I do not know, Your Honor. I expect him to
14 be here in the next -- hold on one second, Your Honor. If I
15 may, let me give a call to my investigator real quick, Your
16 Honor, and I'll --

17 THE COURT: All right.

18 (Whereupon, Mr. Davis exits/enters the courtroom.)

19 MR. DAVIS: And, Your Honor, Officer Chasse is here
20 now.

21 THE COURT: All right. Great. Is he in the courtroom?

22 MR. DAVIS: No. He's outside, Your Honor.

23 THE COURT: Let's bring him on in.

24 MR. DAVIS: Okay.

25 THE COURT: He can just have a seat right here on the

1 front row. All right. Let's bring the jury in.

2 (Whereupon, the jury entered the courtroom at 9:37
3 A.M.)

4 THE COURT: Ladies and gentlemen, thank you for your
5 patience, promptness. We are ready to proceed with the rest
6 of the trial. Where we are this morning is the State rested
7 yesterday afternoon. We're now at the point in which the
8 defense can introduce evidence and witnesses if they wish.

9 So at this point in time, Mr. Davis, call your first
10 witness.

11 MR. DAVIS: Defense calls Officer Chasse of the Rock
12 Hill Police Department, Your Honor.

13 (ANTHONY CHASSE, being first duly sworn, was examined
14 and testified as follows):

15 THE COURT: All right. Mr. Davis.

16 MR. DAVIS: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 ANTHONY CHASSE BY MR. DAVIS:

19 Q. Officer Chasse, could you please tell the jury where
20 you're currently employed?

21 A. I'm currently employed with the Rock Hill City Police
22 Department in South Carolina.

23 Q. And were you working, were you employed by them on
24 December 5th of 2023?

25 A. Yes, I was.

1 Q. And do you recall responding to a call for service at
2 the Rock Hill City Airport on that date?

3 A. Yes, sir.

4 Q. And were you wearing your body-worn camera that day?

5 A. I was.

6 Q. And did it capture a -- not an interview, but an
7 interaction with a plane owner on that date?

8 A. Yes, sir.

9 Q. And have you -- and you've reviewed the footage from
10 your body-worn camera?

11 A. Yes, sir.

12 Q. And it truly and accurately depicts---

13 A. Yes, sir.

14 Q. ---the events of that day?

15 A. Yes.

16 MR. DAVIS: And may I approach, Your Honor?

17 THE COURT: Yes, you may.

18 MR. EPTING: Your Honor, the State has no objection to
19 introduction of this exhibit.

20 THE COURT: All right. Let's put on the record what
21 exhibit it is.

22 MR. DAVIS: And, Your Honor, I have what is marked as
23 Defendant Exhibit 3, which is a 12-minute video of the
24 complete video of the body-worn camera that Officer Chasse
25 was wearing that day.

1 THE COURT: All right. And you moving it into
2 evidence?

3 MR. DAVIS: I'd like to ask the Court to move it into
4 evidence.

5 THE COURT: And no objection from the State?

6 MR. EPTING: No objection, Your Honor.

7 THE COURT: Defendant's Exhibit 3 is into evidence.

8 MR. EPTING: And, Your Honor, may I publish that video?

9 THE COURT: Yes, you may.

10 (Whereupon, Defendant's Exhibit Number 3 was published
11 for the jury.)

12 Q. Do you remember who the individual is to the right in
13 this frame?

14 A. Yes. That's Mr. Kleiderer.

15 Q. Mr. Kleiderer. He's the owner of the airplane that was
16 broken into?

17 A. Yes, sir.

18 Q. Okay. I apologize for the poor quality. Our IT
19 department consists of me.

20 THE COURT: Turn the volume up if you can.

21 (Whereupon, publication of Defendant's Exhibit Number 3
22 resumes.)

23 Q. So, Officer Chasse, are you feeling okay?

24 A. Yeah.

25 Q. I know you weren't feeling well, so I just wanted to

1 make sure and I appreciate your coming in this morning. You
2 had mentioned in there that you put the date at the top of
3 the report?

4 A. Yes.

5 Q. Do you recall filing a report in this case?

6 A. Yes.

7 Q. And you put -- and you would put the date in the top of
8 that report?

9 A. Yes.

10 Q. And you asked Mr. Kleiderer twice there which day it
11 was he was last at his plane. Is that correct?

12 A. Yes, sir.

13 Q. And both times he said Wednesday. Is that correct?

14 A. Yes. Yes, sir.

15 Q. In fact, the second time he verified Wednesday around
16 noon?

17 A. Yes, sir.

18 MR. DAVIS: I have no further questions.

19 THE COURT: Any cross-examination?

20 MR. EPTING: I'll be very brief, Your Honor.

21 CROSS-EXAMINATION

22 ANTHONY CHASSE BY MR. EPTING:

23 Q. Are you okay? I know you're under the weather.

24 Something's going around.

25 A. Yeah, mostly the family. I have a one-and-a-half year

1 old who decided she wanted to wake up every hour last night
2 sick, so --

3 Q. Enjoy babies. So just very briefly, when you responded
4 to this incident, you were on patrol. Is that correct?

5 A. Yes, sir.

6 Q. And the job of patrol is to receive calls. Is that
7 right?

8 A. Yes, sir.

9 Q. You receive calls, you respond to calls and you kind of
10 put out fires. Is that right?

11 A. Yes, sir.

12 Q. And that's what you were doing today. Is that right?

13 A. Yes, sir.

14 Q. On that day, before you went out to the airport, you
15 don't know what documents the victim might have had a chance
16 to review, did you?

17 A. I do not.

18 Q. You don't know the length -- the necessary length
19 between how long he's been there that day and how -- how
20 long it took you to get there. Is that right?

21 A. I do not.

22 Q. And oftentimes on patrol, you refer matters to other
23 agencies. Is that right?

24 A. Yes, sir.

25 Q. And here you have asked forensics to come out. Is that

1 correct?

2 A. Yes, sir.

3 Q. And you also asked or said that you were going to refer
4 it to CID. Is that right?

5 A. Yes, sir.

6 Q. Is CID expected to do a more full, thorough
7 investigation prior to you putting out that fire?

8 A. Yes, they are. So we handle the initial report and
9 they take everything after the initial report.

10 Q. So you don't know what documents this victim may have
11 had a chance to review?

12 A. I do not.

13 Q. You don't know if he's reviewed his flight logs?

14 A. I do not.

15 Q. You don't know if he's reviewed his calendar?

16 A. I do not.

17 Q. And you said to him at one point this is just an
18 estimate. Is that right?

19 A. Yes, sir.

20 Q. 'Cause he was hesitant in answering what day he was
21 last there; right?

22 A. Yes, sir.

23 Q. And he said it's just an estimate?

24 A. Yes, sir.

25 Q. And then CID followed up more fully?

1 A. Yes, sir.

2 Q. And when one follows up with CID they have more time to
3 check their schedules. Is that right?

4 A. Yes, sir.

5 Q. To check their calendars?

6 A. Yes, sir.

7 Q. And to check their flight schedule?

8 A. Yes, sir.

9 MR. EPTING: That's all the questions I have.

10 THE COURT: Redirect.

11 REDIRECT EXAMINATION

12 ANTHONY CHASSE BY MR. DAVIS:

13 Q. You asked Mr. Kleiderer twice which day it was;
14 correct?

15 A. Yes, sir.

16 Q. He gave you the same answer both times?

17 A. He did.

18 Q. Did he say he needed to reference anything else?

19 A. He don't mention it.

20 Q. Okay. So he gave you an answer. He stated that he
21 didn't say I need to check my -- he did not say I need to
22 check my flight logs. I need to check my calendar. I've
23 got to check with someone else to give you an answer to
24 that, did he?

25 A. He did not.

1 Q. Thank you very much.

2 MR. DAVIS: No further questions, Your Honor.

3 THE COURT: Any recross?

4 RECROSS EXAMINATION

5 OFFICER CHASSE BY MR. EPTING:

6 Q. You told him it was an estimate, didn't you?

7 A. Yes, sir.

8 Q. And he said this is just an estimate?

9 A. Yes, sir.

10 MR. EPTING: No further questions.

11 THE COURT: All right. Thank you. Officer, you can
12 step down. Hope you get some sleep tonight.

13 THE WITNESS: Hopefully.

14 THE COURT: All right. Mr. Davis, call your next
15 witness.

16 MR. DAVIS: At this point the defense rests, Your
17 Honor.

18 THE COURT: Any rebuttal?

19 MR. EPTING: No, Your Honor.

20 THE COURT: Ladies and gentlemen of the jury, where we
21 are now is the defense has presented all the evidence that
22 they intend to present in the case, no rebuttal from the
23 State. So you have now received all the evidence that
24 you'll be presented in this case. What that means is,
25 procedurally, we're going to take a break and when you come

1 back the attorneys will have an opportunity to give closing
2 -- their closing arguments to you. When they do that, I
3 remind you that closing arguments or opening statements are
4 not evidence in the case. That is these lawyers' positions
5 and where they see the case and what they deem important,
6 but it's not evidence in the case.

7 Once they finish their closing arguments, then I'm
8 going to instruct you on the law. That simply means I'm
9 going to read you the law that applies in this case. Once
10 we finish that process, you'll be able to begin to
11 deliberate on the issues in this case. So with that, I'm
12 going to allow you to go back to your jury room. We'll take
13 a few minutes to reorganize ourselves, get ready for closing
14 arguments. As soon as we have that done, we'll have you
15 back out.

16 Again, even though you've heard all the evidence in the
17 case, you have not heard the law in the case. So don't
18 discuss the case among yourselves while you're in the jury
19 room. We'll have you back out here shortly. Everyone
20 remain seated while this jury panel is excused.

21 (Whereupon, the jury exited the courtroom at 9:59 A.M.)

22 THE COURT: All right. Anything else before we move to
23 closing arguments from the State?

24 MS. BURDETTE: Nothing from the State, Your Honor.

25 THE COURT: And from the defense?

1 MR. DAVIS: At this point we renew all of our pretrial
2 motions and motions made during trial and our motion for
3 directed verdicts, Your Honor.

4 THE COURT: All right. Thank you. I note your
5 objections and note your motions. The Court abides by all
6 its prior rulings on those motions.

7 How much time do y'all need to get ready for closing?

8 MR. EPTING: The State, I think, is ready.

9 THE COURT: All right. And who -- Heather, are you
10 going to --.

11 MR. EPTING: We're ready, Your Honor.

12 THE COURT: Heather, you're going to do the closing?

13 MS. BURDETTE: Yes, Your Honor.

14 THE COURT: And then, Fred, are you ready?

15 MR. DAVIS: Yes. We're ready, Your Honor.

16 THE COURT: All right. We're going to take about a 10-
17 minute break.

18 MR. EPTING: Your Honor, under our reading of *State v.*
19 *Beatty*, the State would begin, the defense will close in
20 full and then we will have the right to reply.

21 THE COURT: That's correct. He put up -- he put in
22 evidence. The State gets the last word.

23 MR. DAVIS: Thank you, Your Honor.

24 THE COURT: All right. And, then, I did send a copy of
25 the proposed charge last night and I received from Mr.

1 Epting a proposed charge on aiding and I have included --
2 aiding and abetting. I have included that charge.

3 Mr. Davis, you'd indicated you did not have any other
4 charges that you'd like to add. Is that correct?

5 MR. DAVIS: We do not, Your Honor.

6 THE COURT: All right. Then let's take 10 minutes, get
7 self-reorganized, re-situated and then we will try to finish
8 this case.

9 MR. EPTING: Thank you, Your Honor.

10 (Whereupon, a brief recess was observed from 10:05 A.M.
11 until 10:16 A.M.)

12 THE COURT: Is the State ready to proceed?

13 MS. BURDETTE: The State is ready, Your Honor.

14 THE COURT: Defense ready? Well, we're waiting on
15 Fred.

16 (Whereupon, Mr. Davis entered the courtroom.)

17 THE COURT: All right. Mr. Davis, are you ready to
18 proceed?

19 MR. DAVIS: The defense is ready, Your Honor.

20 THE COURT: All right. Let's bring the jury in.

21 (Whereupon, the jury entered the courtroom at 10:20
22 A.M.)

23 THE COURT: Thank you, ladies and gentlemen. We're now
24 ready for closing arguments.

25 Ms. Burdette.

1 MS. BURDETTE: May it please the Court, Your Honor.

2 THE COURT: Yes.

3 MS. BURDETTE: Good morning, ladies and gentlemen.

4 Can we please publish that?

5 Thank you for being here with us over the last couple
6 days. You have heard testimony of the *State versus*
7 *Nathaniel John Jenkins*, the defendant, sitting right at that
8 table over there.

9 In just a few minutes, after our arguments, the judge
10 is going to give you the law that you have to apply to the
11 case. He is going to tell you that the State must prove its
12 case beyond a reasonable doubt.

13 Now, us lawyers like to argue about lots of things.
14 Some of things we argue about is the definition of what that
15 means, beyond a reasonable doubt. What does that mean? The
16 judge will tell you what law you have to apply and what
17 definitions you have to apply. You have to follow what the
18 judge tells you, not what I argue, not what Mr. Davis
19 argues. You have to follow the law that the judge tells
20 you. The judge will tell you that beyond a reasonable doubt
21 is hesitate to act. Does that mean that you should go back
22 in the deliberation room and immediately find the defendant
23 guilty? No. We don't expect that. If that was the case,
24 there would be no point of a deliberation. You guys are to
25 go back there and deliberate, talk about it, watch the

1 videos again. Watch them again if you need to. Stop them,
2 zoom in. Look at the pictures, look at the text messages.
3 Look at everything the State has presented to you and look
4 at what the defense has presented to you. Take your time.
5 Look at all the evidence. Once you are firmly convinced
6 that the defendant committed these crimes on November 28th
7 of 2023 and December 9th of 2023, you will find the
8 defendant guilty on all the charges. So that leads us to
9 firmly convinced. What does that mean?

10 There are very few things in life that we know with
11 absolute certainty. If that was the standard, it would be
12 very hard for us to ever go to trial, because we don't know
13 everything with absolute certainty and that's not the
14 standard here today. The standard is firmly convinced.
15 After you review all the evidence, after you hear all the
16 testimony, after you deliberate, you'll be firmly convinced
17 that the defendant is guilty for the crimes he's on trial
18 for.

19 I submit to you that you will find the defendant guilty
20 of grand larceny, petit larceny, burglar 2nd violent,
21 contributing to the delinquency of a minor and unlawful
22 entry into an aircraft. Those are the crimes we're here
23 today for. That is what the defendant committed on November
24 28th of 2023 and December 9th of 2023.

25 Here's the time line that you heard over the last

1 couple days. On November 28th, 2023 around 9:50, you see
2 the defendant's plane land at the Rock Hill Airport. The
3 defendant flies there with two juveniles. Two 17-year-old
4 kids are flying on that plane with him into Rock Hill. You
5 see on the video that they fly in, they go to the fuel pump.
6 Nathaniel Jenkins first gets out of the plane. He walks
7 over to the fuel pump. Why? Why does he walk over to the
8 fuel pump? He then goes back to the airplane. He helps
9 Daniel start that airplane. Daniel testified he didn't know
10 how to start it. He knew how to fly single-engine planes.
11 He wasn't flying this twin Comanche that they rode in on.
12 He was on the right-hand side. So Nathaniel walks over
13 there, helps him start it up and Daniel pulls it over to the
14 fuel pump.

15 On December 5th, the first victim calls in and says
16 things are missing and then a couple days later the second
17 victim calls in and says he's missing the ADS-B receiver and
18 then while they're investigating these crimes, the defendant
19 comes back. They come back to Rock Hill. They go to the
20 other side of the airport where Daniel testified there were
21 no cameras over there. The witness testified that -- or the
22 victim testified that now he has cameras inside his hangar,
23 but then they did not have cameras inside those hangars.

24 Then on December 12th, Dirk Tanis calls in. He reports
25 his thefts. The 13th Jonathan Long reports his thefts. The

1 13th was also the real beginning of the investigation. That
2 is when we got the fingerprint for Daniel Villada. That is
3 when Detective Swiger was notified who was a actual suspect
4 in this crime and he went and interviewed. He arrested
5 Daniel on December 19th and then on the 20th Daniel
6 confessed and he informed him that Nathaniel Jenkins was an
7 active participant in these crimes. Mr. Jenkins was then
8 arrested in Oconee County on January 6th of this year.

9 So petit larceny and grand larceny. They both have the
10 same elements, taking and carrying away personal property of
11 another with a value. So petit larceny is a value less than
12 2,000. There's a grand larceny 2 to 10. So anything
13 between \$2,000 and \$10,000, that's a grand larceny. Grand
14 larceny is also a value in excess of 10,000. So you will
15 hear through -- or you heard through testimony the value of
16 the items that were taken. That applies to each different
17 petit larceny and grand larceny that you will deliberate on.
18 Without the consent of the owner, taking.

19 Here we have the defendant and Daniel taking items on
20 camera. We know they had a flashlight. We know this was
21 them. We saw their plane. There's the flashlight in Carl
22 Kleiderer's plane. Carrying -- taking the gas. That is
23 another crime that he has committed. You see the defendant
24 standing by and then we have carrying away. This is them
25 carrying away the fuel. This is the defendant putting the

1 fuel into his airplane. He also carried away the items back
2 to his plane that he had taken. When he went into those
3 hangars, he took those items back to Spartanburg, loaded up
4 his truck and never returned them to the victims.

5 Personal property of another. Some of this is going to
6 be repetitive. You heard the victims testify this was their
7 belongings. No one had access to it. No one was supposed
8 to go in there and get it. This was their property that no
9 one was allowed to take. In fact, Carl Kleiderer had just
10 replaced that GPS. He spent thousands of dollars to install
11 that equipment into his airplane just for the defendant to
12 come and steal it.

13 Value of goods. We heard from Peter McLean that the
14 value of his ADS-B receiver was \$400. We heard from
15 Jonathan Long that the value of all his equipment was around
16 \$6,000. Carl Kleiderer was \$28,686. And Dirk Tanis was
17 \$6,000.

18 Now, the aircraft fuel, there's been a debate.
19 Detective Swiger testified that he was able to confirm that
20 that fuel was bypassed, that fuel went into that plane and
21 there was approximately 40 gallons of fuel. The price of
22 fuel was between \$6 and \$7 at that time. So all we have to
23 prove is that it's less than \$2,000. So from a dollar to
24 \$2,000, he stole the fuel.

25 Without consent. Again, the victims got on the stand

1 and they said I did not -- I don't know this person. I
2 don't know Daniel Villada. I don't know Gabrielle Chalouhi.
3 I did not give anyone permission to go and take my things.

4 So the intent to steal. There's many things we heard
5 over the trial to prove that the defendant had the intent to
6 steal. He had the intent to permanently deprive the victims
7 of their property. He loaded the items into his truck when
8 he got back to Spartanburg, Daniel did. He admitted he took
9 some of the things. He put it in that Comanche, that C-150,
10 whatever that airplane is. He admitted to that. He
11 admitted that they took items back to Gabby's. Daniel got
12 on the stand and confessed to all of you today in front of
13 Nathaniel Jenkins. He had to sit here and look at Nathaniel
14 Jenkins and testify against him as a 18-year-old child.
15 The defendant had the intent to steal by flying into Rock
16 Hill without all the proper equipment.

17 Now, the defense tried to keep this out many times with
18 you. They kept arguing with Steve Gould over this. They
19 hammered into Steve Gould and said you don't know FAA
20 policies. You don't know what you're talking about. They
21 went so hard on Steve Gould. Why? Because that's intent.
22 Steve, as the director of the airport for many, many years,
23 knew -- he's not a pilot, but he knows when you're flying in
24 at night, you got to have those lights on so you can see.
25 It's a safety hazard. You're going to taxi and you can't be

1 parking in the middle of a taxiway. The defense is trying
2 to distract you. They want you to not listen to everything.
3 They even distracted you by putting a picture of their
4 Golden Retriever on the screen in the middle of trial. It's
5 a distraction. They don't want you to focus on the evidence
6 that's presented. Think about it. Why? It's intent. He
7 knew what he was doing. He knew what he was doing on
8 December 9th. They came back. They both wore gloves that
9 day. Daniel said we both wore gloves. The text messages
10 right before December 9th say, I'm getting my backpack
11 ready. Bring a flathead. You don't need a flathead to fly
12 a airplane. Why do you need a flathead? Testimony shows
13 they used that flathead to pry open the doors.

14 Unlawful entry into an aircraft. That's the next crime
15 that the defendant committed. Entering into an aircraft or
16 damage or removal of equipment without permission. Those
17 are the airplanes they went into. Now, Peter McLean's
18 airplane is not pictured, but we know from testimony that
19 they entered his as well. Even Daniel said I went in the
20 Bonanza and the Cherokee. He knew exactly what planes they
21 went into. There's the flashlight of them going into those
22 planes without permission. Again, they didn't have
23 permission.

24 So then we go to burglary second degree. Burglary is
25 entering a building without consent with the intent to

1 commit a crime at nighttime. Again, it's not violent. It
2 doesn't mean anyone got hurt. It just means nighttime,
3 entering a building. We have evidence, you guys will have
4 the pictures back there with you. Those are the hangars
5 they went into. They were closed, they were locked and they
6 had to pry those doors open to get into. Without consent.
7 Again, pried open the doors. If they had consent to go into
8 them, they didn't have to unlock those doors. They could
9 have just opened them up. They didn't have consent.

10 Intent to commit a crime. Again, the defendant wore
11 gloves. Why? Why did he wear gloves? The defendant's
12 phone had no GPS location reported from 9:00 to 11:00 P.M.
13 on December (sic) 28th, nothing, no pinging anywhere, and
14 then on December 9th no pinging anywhere from 2:00 A.M. to
15 3:30 A.M. Nothing. Not in Greenville where he's from. Not
16 in Rock Hill, not in Alaska, nowhere. Why did he turn his
17 phone off? Daniel didn't. Daniel's phone was pinging in
18 Rock Hill. That's how we got the incident dates. That's
19 how we knew what time they were here. Daniel's 17 years
20 old. He kept his phone on.

21 At nighttime. We have the text message from the
22 defendant, Nathaniel Jenkins, says 11:29 UTC time. We know
23 from testimony of Daniel that was sent on November 28th,
24 2023 at 8:28 P.M. That is Nathaniel Jenkins texting Daniel
25 saying are we flying? Are you flying over? Where were they

1 flying to on November 28th? They flew to Rock Hill. We
2 know. We have airport surveillance video.

3 The last charge is contributing to the delinquency of a
4 minor. Swiger testified that the defendant's date of birth
5 is [REDACTED]/1987. He was 36 years old at the time of the crime.
6 Knowing and willfully. He knew what he was doing. He knew
7 why he needed Daniel to fly with him. He had something to
8 hold over Daniel. Daniel desperately wanted to go into the
9 Air Force. Daniel wanted to have a successful life and have
10 this big career ahead of him so the defendant picked Daniel,
11 a juvenile, because he thought that the juvenile would take
12 it all, and even if the juvenile did take it all, he would
13 get away with it. What are we going to do to juveniles;
14 right? That's not right. Swiger testified he charged
15 Daniel Villada as an adult for the burglary 2nd violents.
16 You have to. It's the law. Daniel's not getting off easy.
17 Daniel is in adult court being prosecuted by our office for
18 committing these crimes. He encouraged him. He influenced
19 him. He aided him. You see him on video pointing in the
20 direction and then he walks in the direction where he wants
21 Daniel to take the plane. He walks all the way he can to
22 the grass of a taxiway. It's not even a parking spot. It's
23 dangerous, actually. He parks as far as he can to get away
24 from all the other people that may come into the airport and
25 you can see on the video another plane does come in. That's

1 far away. They can't see anything down there. They shut
2 off all their lights and they're walking around with
3 flashlights. Nathaniel Jenkins is aiding him. He uses his
4 airplane to come into Rock Hill. Daniel doesn't have a twin
5 Comanche.

6 We know through testimony of Barbara Pinda, she owned
7 -- her and her husband owned the plane with Nathaniel
8 Jenkins. You'll have that agreement in here as well. He
9 signed it. We're going to buy this plane. I'm going to put
10 some money into it. You put some money into it. We're
11 going to repair it up and we're going to own it together,
12 sell it and flip it and we'll all make a profit. That's
13 what he does. He takes things and sells it for a profit,
14 just like he did with all this equipment.

15 To violate any law is the last element of contributing
16 to the delinquency of a minor. We know they violated laws.
17 They violated lots of laws actually and the defendant
18 encouraged that. He aided in that. He assisted in that
19 with Daniel Villada.

20 So let's go through the evidence just briefly. I know
21 you guys are tired. I'm tired. It's been a long three
22 days. You heard from the victims. They said that -- they
23 said the day that they have last checked on their planes.

24 Now, you watched body cam and they may have said a
25 different date. In that body cam, he's not holding his log

1 book. He's not -- he's stressed. All the victims are
2 stressed. They just lost thousands of dollars. They're
3 just saying I think it was around this date. Detective
4 Swiger then takes over from the patrol officer. He goes
5 back and confirms, tell me when was the last time you were
6 with your plane, 'cause they needed to narrow it down. They
7 didn't know at that point when these crimes were committed.
8 They didn't have the fingerprint yet. They needed to narrow
9 it down and that's why Detective Swiger took over as the
10 detective. That's what he does. He goes and investigates
11 further.

12 Officer Chasse, he was the patrol officer. They got a
13 call, hey, there's some thefts. He went out. He started
14 the initial report until Detective Swiger could go take over
15 and Investigator Askew. Investigator Askew testified she
16 went out there, she swabbed for fingerprints and she was
17 able to collect some. She also testified that there -- it's
18 more likely than not that we would be get unidentifiable
19 fingerprints. What does that mean? That's fingerprints
20 from smudges. If the defendant's wearing gloves, he's not
21 going to have fingerprints; right?

22 Then we have Barbara Pinda. She testified that she
23 knew the defendant was flying with two juveniles and that's
24 why she had him sign the second agreement that said this is
25 not insured. This plane is not registered. It's not

1 insured. If anything happens, you're not coming after me.
2 She drafted the document herself and she had Nathaniel
3 Jenkins sign it to say if anything happens in that plane
4 while you have exclusive control over it, it's on you.

5 We even have the defendant's very own jail messages.
6 He knew what plane was involved in these crimes. He sent
7 his friend a message and said will you please send me a
8 picture of the plane? The friend took a picture of
9 Nathaniel Jenkins' plane and sent it through jail messages.

10 Again, we have Steve Gould. Why did the defense go so
11 hard on him? He's a third party. He's not a victim. He's
12 not involved in anything. He's a third party who's just
13 providing us surveillance video from his airport. He gets
14 nothing out of this. Why were they harping on him so bad?
15 Intent. Because even Steve Gould knew something's going on
16 if that plane is flying in, because that's not normal and
17 ordinary course of business for planes to fly in and taxi
18 around. It's not normal for someone to go up to the fuel
19 pump, bypass that manual and pump free gas. It's not normal
20 for the plane to pull over in the middle of a taxiway and
21 get out with two flashlights and go through those shade
22 ports. Intent.

23 Detective Swiger testified that he -- during his
24 investigation he even went back QT pod company and said show
25 me what records you have and they were able to confirm on

1 November 28th of 2023 the fuel was bypassed. They were able
2 to confirm exactly how much fuel was taken and they were
3 able to confirm that no one paid for fuel at that time.

4 Gabby and Daniel. Now, they're 18 now. They were not
5 18 at the time. They were 17-year-old juveniles. Who is
6 Daniel Villada? Daniel is a single-engine licensed pilot.
7 Very, very smart kid. Had a lot going for him until he got
8 involved with this defendant. He thought he was just going
9 to go and fly around and get his multi-engine license.
10 That's what he wanted so desperately and that's what the
11 defendant continued promising him. Continued. Look at the
12 text messages. Even after Daniel was arrested and stopped
13 texting him, he was like oh, I found you a MI -- MEI
14 instructor. That's what that is, MEI, Daniel testified.
15 He's still trying to get him to talk to him and maybe they
16 were going to fly back into Rock Hill. Who knows? The
17 defendant knows.

18 Gabby, she was there that night, but that's not
19 illegal. We have the mere presence doctrine that says if
20 you are merely present when a crime is occurring, it's not
21 illegal. Now, it's bad. It's a bad thing to do. She sat
22 back and watched her boyfriend and Nathaniel commit these
23 crimes and didn't report them to law enforcement and she put
24 herself in a bad situation, but it's not illegal.

25 We do have testimony that Daniel and Nathaniel were

1 working together to commit these crimes. Nathaniel was not
2 only participating in taking the items, but he was
3 encouraging. He was aiding and abetting. The judge will
4 tell you what aiding and abetting means, assisting,
5 directing, encouraging. That's what the defendant was
6 doing. If you are aiding and abetting a crime, you are just
7 as guilty as the person who's reaching in there to take it.
8 You're just as guilty as Daniel Villada, who used his
9 fingerprints to climb into that airplane and, hey, yeah, get
10 that GPS. That's the GPS I want. Okay. Pop it out. Hand
11 it to me. You're just as guilty as Daniel Villada.

12 I'm a mom. I have a five-year-old son and a three-
13 year-old little girl. They are both sneaky and my daughter
14 who loves to blame her brother for everything 'cause he's
15 old. So if I go in my kitchen and my three-year-old
16 daughter has her hand in the cookie jar and my son is
17 holding the chair tightly and he says, hey, give me the
18 chocolate chip cookie and I walk in and I see them and I
19 hear him say that, and I'm like what's going on? My
20 daughter's going to say I didn't do anything. It wasn't me.
21 And my son's going to say huh-uh. She's up there, not me.
22 I didn't do anything. That's her. Well, guess what? My
23 daughter doesn't like chocolate chip cookies. She likes
24 Oreos. Who's telling her to get the chocolate chip cookies
25 in there? My son. He's older. He's five. He knows he got

1 to hold onto that chair tightly because if they crash, if
2 she falls, they're going to be in trouble. They're working
3 together. They are conspiring together to do something bad
4 and that is exactly what that defendant did. He worked with
5 Daniel Villada to commit crimes and he is just as guilty.
6 He is guilty on every single charge because of the way he
7 put Daniel in these situations.

8 Again, we are here today because Nathaniel Jenkins went
9 into Rock Hill, York County, on two separate days, November
10 28th, 2023, December 9th, 2023. The first day they steal
11 fuel. They enter two airplanes and they steal multiple
12 items from that. They then go back another day, December
13 9th, 2023. They go to the opposite end of the airport where
14 there's no cameras. They enter those hangars illegally at
15 night and they steal items, thousands and thousands of items
16 from our victims. I submit to you that you will find the
17 defendant guilty on all charges. Thank you.

18 THE COURT: Thank you. Mr. Davis.

19 MR. DAVIS: For the record, my dogs never conspired
20 against me. Put up the motto of the Air Force Academy
21 'cause there's been a lot of discussion of Daniel wanting to
22 go into the Air Force. Starts off integrity first. No.
23 Let me go back to that. Integrity first, and then it talks
24 about service and excellence. Well, how about integrity
25 second then? Daniel Villada lies to Detective Swiger in the

1 first interview on December 20th, whether or not he took
2 anything, he was there. Integrity third? Daniel Villada's
3 lawyer requests a meeting with Detective Swiger on 10,
4 January, 2024. Daniel lies about his participation again
5 and he lies about who's pumping fuel, who manipulated the
6 pump. As you look at the video, don't listen to me to tell
7 you who's manipulating the pump. Don't listen to the
8 solicitors and don't listen to anybody else. You just watch
9 the video. Your job is to watch the video and determine
10 what's happening. Not to let someone else tell you what's
11 going on in the video. You have the video. That's the
12 reason you're given the video. You decide what's in it.

13 How about integrity fourth? Daniel Villada lied
14 during sworn testimony, just like when he was in here today.
15 He lied. So even taking the oath and giving testimony, he
16 didn't tell the truth, saying Mr. Jenkins took the equipment
17 from the plane on the night November 28th and about seeing
18 Mr. Jenkins with the Allen Wrench.

19 Now, I could have sat here for hours yesterday going
20 over every little inconsistent statement I could find
21 between Mr. Villada's first interview, his second interview
22 and his sworn testimony, but at a certain point, I've got to
23 accept that you as the jury can see that if someone's lying
24 to you, his testimony is of no value in finding the truth
25 and getting more testimony from him, I don't know how --

1 what value that has. As the jury, you're going to sit there
2 and say, well, if a liar tells you he's lying to you, what
3 do you believe? So Daniel Villada's testimony, I don't know
4 what to make of any of it, except that I can take away from
5 it that he's a dishonest young man.

6 Integrity. When he's confronted with any issue that
7 contradicts what he said, he comes up with a new story and
8 he's more than willing to sit here and say, yeah, my
9 previous sworn testimony doesn't count. Believe me today.
10 Believe me today 'cause I'm in trouble and I need to get out
11 of trouble and I need to blame someone else and that
12 happened to be Mr. Jenkins, because everybody else just
13 seem to be fine with pointing the finger at Mr. Jenkins.
14 And as a bonus, even though Ms. Chalouhi was not under --
15 you know, nobody thought she'd committed any crimes, he
16 tells everybody at the end, oh, yeah, some of the stolen
17 goods are at her house and that she didn't stay in airplane.
18 She got out of the airplane. So at the end of this, when
19 he's telling you he's lying on the stand, he also says, oh,
20 yeah, I'm not even going to, you know, be a standup guy and
21 take the blame myself. I'm going to blame Ms. Chalouhi as
22 well. She has some of the stolen things at her house, some
23 of the things that were never recovered. Why does the story
24 keep changing? From his first encounter with law
25 enforcement, Daniel's told, they want to help him out. They

1 don't want to hurt him. They want to pave his way to get to
2 the Air Force. They're only interested in Mr. Jenkins.
3 They don't search Daniel's home. They don't search his
4 place of work. They don't search his phone, even though
5 they have his phone when they arrest him. They just let him
6 go and they turn his phone over to him when he leaves. They
7 tell Ms. Chalouhi the next day that, hey, we want to get as
8 many warrants as we can on Mr. Jenkins. I don't know why
9 they couldn't just get a few warrants that made sense, they
10 they have evidence for. They just want to get as many as
11 they can. Throw a bunch against the wall, see if something
12 sticks. Maybe if we give enough charges back there in that
13 jury room, you guys would compromise and say, you know,
14 let's say he's guilty on two and then go home. I'm hoping
15 you don't do that. Quantity over quality in this case is
16 what they've decided. They're so focused on Mr. Jenkins,
17 the police ignored all the other evidence. In aviation we
18 call this, you know, target fixation, scope lock. You get
19 so fixed on your target, you ignore everything else around
20 you. They ignored the fact that construction was going on,
21 how many people may have had access to that back gate. They
22 ignored the fact that the videos aren't quite consistent
23 with what Daniel's telling them.

24 Let me change gears here just a second and talk about
25 Ms. Pinda. She's the wife of Wesley Pinda who is the co-

1 owner of the twin Comanche. She was an accountant, but she
2 claimed her husband paid for all of the repairs above
3 \$100,000. She doesn't have any documents to do that. Now,
4 I've dealt with accounts a lot when they do my taxes and
5 stuff and I'm going to try that next time I file my taxes
6 and say just trust me. I might not bring any paperwork in.
7 I'll just give you -- I'll just give you a number and you
8 can fill it in. No paperwork.

9 Gabrielle Chalouhi. When she's testifying she may be
10 concerned, you know, hey, I may have some -- I may have some
11 legal liability here. I could be charged with some of these
12 crimes. Daniel's telling them that she received missing
13 equipment. Daniel said she stayed in the airplane, and then
14 he said he didn't and I mean she claimed she stayed in the
15 airplane. And she said she didn't remember getting fuel and
16 you can look at the video and you can watch her about 15
17 minutes or so, watching them fuel the airplane, but she
18 somehow doesn't remember that and then she claims the
19 transponder, she heard Daniel and Mr. Jenkins discussing
20 turning the transponder off and then gets on the stand and
21 said no, they don't discuss it. I guess she had figured out
22 from their investigation everybody was saying turning the
23 transponder off was a big deal.

24 Steve Gould. Now, the solicitor's beat up on me for
25 taking -- for being upset with what Mr. Gould was testifying

1 to, mainly because Mr. Gould, all Mr. Gould did was watch a
2 video, the same video you have and you can draw the
3 conclusions from that video. You don't have to listen to
4 Mr. Gould. Mr. Gould runs the airport. Okay? He makes
5 sure that the grass is cut, the taxiways are clean and the
6 gas is ready to be pumped and that's it. He's not even in
7 charge of the gas. So he's not even a pilot. He had plenty
8 of opinions about what FAA regulations were, but he's not an
9 FAA administrator. It's not his job to enforce any of
10 those. He -- on the stand he said he could not determine
11 how much gas was put in the twin Comanche, but he's the guy
12 who claims to have access to those records. He can access
13 those records. In fact, he has a -- you know, he does it on
14 a regular basis to determine how much is pumped so they can
15 get Rock Hill's, you know, tax dollars for that or whatever
16 it might be. It might be -- whatever fee they call them.
17 They may not call them tax, but, nonetheless, he claimed
18 that. The owner of the fuel, Skytech, where are they? This
19 is not a terminator movie with Skytech, it's a big computer
20 system. This is what's called the fixed-based operator.
21 They own the fuel. They own the pumps. They're the one who
22 collect the money. They're not here. They didn't
23 cooperate. Maybe there wasn't any stolen fuel. We don't
24 know. You decide. If they had stolen fuel worth over \$240,
25 \$300 by the calculations if you take anything into account,

1 why didn't they come here and cooperate with the police?
2 Why aren't they here? Instead, we get a cryptic readout of
3 codes from the pump manufacturer that only Detective Swiger
4 can interpret for us.

5 Now, I'm a Catholic and I'm used to taking on faith and
6 having the Pope tell me what to believe, but this is a court
7 of law and they should present evidence in a form that you
8 can pick up and understand and not have to rely on someone
9 telling you what it means. So that stolen fuel, that kind
10 of, you know, that's a big deal. Big.

11 Now, they're going to try to tell you that don't listen
12 to what the victims tell you. Don't listen to what they
13 say. Let Detective Swiger interpret it for you. Let him go
14 back and convince them that it was a different day. Now,
15 there's a problem, though. Mr. Kleiderer was here on the
16 stand on Monday. I don't remember if you remember him and I
17 showed him the video that you just saw outside you being
18 able to see it and he was able to refresh his recollection
19 of what he told Officer Chasse on that day and after doing
20 that, he seemed a little more confused about what time he
21 was there and the closest point in time to when this
22 occurred was when he was interviewed on December 5th when
23 his memory was freshest and he said quite clearly it was a
24 Wednesday and then at the end of that tape you'll hear him
25 say it's Wednesday around noon. Wednesday was the 29th of

1 November. That was a day after the defendant landed at Rock
2 Hill City. So the 29th, that equipment was still in his
3 plane. The good part about that tape is they open the plane
4 door, you can see the dash and you can see where he's
5 pointing to that there's holes in the dash where the
6 equipment used to be. So it's not like he could come out,
7 look at his plane and not notice it was gone. So his
8 equipment was stolen, but it wasn't stolen on the 28th,
9 evidently, because he was there the morning of the 29th and
10 it was still there.

11 Mr. McLean, he initially says he last checked his plane
12 on the 30th of November, which is the next day and he
13 reports it missing on the 7th.

14 We talked about the December 9th events. Mr. Tanis
15 said he was last with his airplane on December 11th and he
16 reports it missing on the 12th. Jonathan Long couldn't give
17 us an exact date. He said, you know, several days prior,
18 but we don't know exactly when it went missing and the
19 incident report that Detective Swiger produced didn't
20 include the dates the equipment was taken. I had to kind of
21 dig through the videos and look to other information to find
22 out. And now they're saying don't listen to any of that.
23 Don't listen to the victims. Let us tell you what day it
24 is. Let us tell you, don't let the owner of the fuel pumps
25 and the fuel come in here and testify and tell you the gas

1 was stolen, just trust us. Mr. Jenkins was not there when
2 the equipment was stolen, but somebody was.

3 Let's look at the independent facts. Daniel Villada's
4 fingerprints on Mr. Kleiderer's plane, the Bonanza. That's
5 the A36 Bonanza that was in the video just now from the
6 night of -- that you saw on December 5th from the incident
7 on the 28th.

8 During his interview on December 20th with Detective
9 Swiger, Daniel Villada knew exactly what was taken from Mr.
10 Kleiderer's plane. He knew what was taken. He knew the
11 model numbers. The only way he would know that is he took
12 it. None of that equipment was recovered. And once again,
13 law enforcement didn't look at Daniel or Gabby. They didn't
14 search their homes, their place of business, their phones,
15 anything. So none of that equipment was recovered.

16 Daniel had access to another plane, a Cessna 150 and I
17 asked him could you fly that to Greenville -- Rock Hill City
18 and back without fueling? He said yes, no problem. How do
19 we know Daniel didn't fly the 150 on another day? He came
20 to Rock Hill City on November 28th. Let's just say that he
21 just flew in from Greenville in your twin-engine plane, you
22 got gas. There's a young lady in the plane with you and,
23 you know, they may have to use the bathroom. Now, the fuel
24 pits are well lighted. Let's park the plane over there. I
25 might walk on the other side of these shade ports and say I

1 might go take a look and maybe relieve myself and then come
2 back, 'cause there's this young lady over there in the plane
3 and you can't just, you know, don't want to do that in front
4 of her. And guess what people do who are interested in
5 aviation? They look at other peoples' planes. Hey, look at
6 this guy's plane. That's a nice looking Bonanza. Hey, they
7 got a glass cockpit in there. Mr. Jenkins may have done
8 that stuff. He may have looked at those planes. People in
9 general aviation are interested in other peoples' airplanes.
10 It's just something they do. So that might be what you see
11 on the video, but Daniel Villada might have done that, seen
12 the 750 and he knew how much they were worth and thinking,
13 you know what, I might come back and snatch that out of
14 here. That's a nice looking plane. I can sell some of that
15 stuff. I need money for my flight hours. I need the money
16 to pay for my dreams and fuel my aspirations and he said
17 he's willing to commit crimes to do that.

18 Occam's razor. This is one of -- one of the
19 solicitors around here likes to quote this a lot. It
20 basically says shaving away unnecessary elements. If I can
21 explain how something occurred with five things and you can
22 explain it with six, my explanation's better. The only
23 thing unnecessary here is Mr. Jenkins' participation in any
24 of this. The testimony of Mr. Villada and Ms. Chalouhi -- I
25 hate mispronouncing peoples' names -- are the only real

1 evidence of any crimes here. If you take away everything
2 else, the only thing that indicates that there's a crime is
3 their testimony and all the other pictures and everything
4 else are just pictures until you tie it to something that
5 makes a crime that's an unlawful entry, they took it against
6 -- is their testimony. Their testimony puts the stolen
7 equipment, Mr. Villada said some he left in the Cessna 150
8 and some was at Ms. Chalouhi's house. So that means
9 simplest explanation being it's still in the 150 'cause
10 that's the plane they flew to Rock Hill when they stole the
11 equipment and they just left it in there. It's at Gabby's
12 house, 'cause they were the only two people involved with
13 stealing it and one of them happened to keep the stuff they
14 hadn't sold yet. None of it's at Mr. Jenkins' house. None
15 of it's in the twin. So we can just take Mr. Jenkins and
16 the twin out of the equation and that's unnecessary. It's
17 Gabby, Daniel and the 150. That's the simple explanation,
18 folks. Bringing Mr. Jenkins in, they brought him in because
19 law enforcement wants to pin it on him and they figured,
20 hey, if they're going after him, we're good with that. Our
21 future's assured. The dates Mr. Jenkins was in Rock Hill do
22 not match with the dates the equipment went missing. So the
23 only necessary parts of this crime are Daniel and Gabby,
24 'cause Mr. Villada had access to an airplane and could
25 easily get and forth to Rock Hill City. That explains all

1 the inconsistencies in their stories. Talking about flying
2 without a transponder, ADS-B, all of that stuff.

3 Now, Mr. Villada, by making that an issue, it just
4 feels that he knew what he thought he could do to evade
5 detection. If I turn off the transponder and lights and
6 everything, I can sneak in there and sneak out of there.

7 Now, Mr. Jenkins is a 37-year-old man. He's got a
8 little bit more to risk. He could put \$20,000 of his own
9 money into, let's face it, a toy, a twin-engine airplane to
10 fly around. That means he's got all of his other needs met.
11 He can throw 20 grand and is planning to more money into it
12 to fix it up and flip as a toy. I mean, he's got a little
13 bit more to risk that a couple of teenagers and he knew that
14 you can't just fly an airplane around with the tail numbers
15 painted about this big in it, that people aren't going to
16 notice it eventually and say, hey, that guy flew in here.
17 It's on video. So they would have found him eventually.
18 He's not that stupid. Daniel, a 17-year-old kid, he might
19 think he's smart enough to get away with it. And like I
20 said before, no stolen equipment in the twin Comanche and no
21 stolen equipment was recovered 'cause all they're doing is
22 looking at Mr. Jenkins. So he's not necessary to explain
23 what happened here. Take him out of this situation and you
24 can explain what happened, but you can't find any of the
25 equipment because you're looking in the wrong place. And

1 does this make sense? Like I said, a man who can afford to
2 pay \$20,000 in a twin-engine plane would steal equipment
3 that he could only sell for hundreds. He had a Garmin 750.
4 The testimony in this trial with the Garmin 750, you have to
5 have a subscription service to really use it and the
6 testimony was it is between 18,000 and 25,000. It's not
7 cheap. And so the people who can buy and install a 750 are
8 not going to buy one off-market that may be stolen, that
9 they can't update the maps on it. They're going to be like
10 I'm not going to do that, you know. People who can afford
11 to spend that kind of money on a piece of gear are not going
12 to buy one off the street. Mr. Jenkins knew that 'cause he
13 had one of his own. He had his own subscription, but Mr.
14 Villada, being a 17-year-old kid, just saying, hey, they're
15 high-dollar items, he might think I can sell this and then
16 maybe he takes it and realizes he can't sell it.

17 So why would Mr. Jenkins steal a 750 he already has and
18 when he knows he can't sell it because you need a
19 subscription service and it's tied to the specific serial
20 number on that unit. On the other hand, Daniel Villada's
21 desperate for flight time. By his own admissions, he was
22 willing to commit crimes to fund his desires and he had
23 access to a plane. He was never investigated and he takes
24 advantage of everyone he meets.

25 Ms. Chalouhi, Detective Swiger, his good nature in

1 saying I want to help you out, Daniel and he just says,
2 sure, I'll throw Mr. Jenkins under the bus and he took
3 advantage of Mr. Jenkins. Yes, Mr. Jenkins doesn't have a
4 pilot license and so he needed a licensed pilot to fly. We
5 can discuss whether or not Daniel was in the left seat or
6 right seat. Look at the video of Daniel taxiing. We know
7 it's Daniel in the plane, on the ground, taxiing into the
8 fuel pits -- I'm sorry -- fuel pump and then taxiing to
9 park. You tell me if that looks like someone who's never
10 taxied that plane before. See if there's any hesitancy, any
11 steering the wrong way and twin engine planes, you got
12 two engines. So if you increase thrust differently, they do
13 this, you know. So taxiing a twin-engine plane, it takes a
14 little time to get used to that as opposed to a single-
15 engine plane. Single-engine plane, all the trust is along
16 the centerline of the plane. It's kind of like a car. You
17 hit the gas, there's a little torque, but it just goes
18 forward like that. In a twin engine plane, since you got
19 two engines like this, if you hit the gas on one engine, the
20 plane's going to go like that.

21 MR. EPTING: Your Honor, I'm going to object. None of
22 these facts are in evidence.

23 THE COURT: I overrule the objection.

24 MR. DAVIS: Yeah. So you decide whether or not that
25 looks like someone who's never taxied a twin-engine plane

1 before.

2 The crimes here sound more like something committed by
3 a teenager than a 36-year-old man with a lot to lose. It
4 sounds, you know, instead of, you know, driving around in an
5 automobile, they have access to an airplane. That's what
6 makes it different here. They thought maybe distance from
7 Greenville might give them anonymity and they had much less
8 to risk than Mr. Jenkins does. They're both minors. They
9 could have figured hey, we get charged, we'll get charged as
10 minors, not a big deal. Why would Mr. Jenkins put himself
11 at risk and say, hey, you know, what, I'm going to fly to
12 Rock Hill and commit some crimes in front of this guy I
13 hardly know I'm flying with and this 17-year-old girl I just
14 met? They're not going to tell on me; right? How does that
15 make any sense? And they said that they had something to
16 hold over Daniel. He was going to give him flight time. I
17 don't know that that's a good enough reason for me to -- for
18 anybody, an adult to decide, hey, that's a good reason
19 enough. I may go commit some crimes and they won't tell.
20 What guarantee that Ms. Chalouhi was going to keep quiet?
21 That doesn't make any sense.

22 This is the part you've waited for, where I stop
23 talking. I can't tell you exactly what happened. I'm just
24 a defense attorney. I don't get all the information and I
25 don't have the police doing investigations for me. I'm very

1 limited in what I'm given. The burden of proof is beyond a
2 reasonable doubt. Here, there's actual doubt and in some
3 cases if you look at the dates my client was in Rock Hill
4 City and when the dates of when the equipment went missing,
5 I believe it's actual innocence, although that's not my job
6 to prove actual innocence. Why is this important? I opened
7 with integrity.

8 Now, my background is I went to the Naval Academy. I
9 flew airplanes in the military and in aviation, I mean,
10 integrity is extremely important. When someone tells you
11 they've done something to fix your airplane, you believe
12 them. You know, if I'm on that carrier deck and if someone
13 says they replaced a box that was not working right or they
14 fixed something on my plane and I say okay, we're going
15 flying. Well, I'm going to go down that catapult and two
16 seconds later, I'm either going to go flying or not going to
17 flying and that's the based on some 19-year-old kid telling
18 me, hey, it's good to go. Integrity means, you know,
19 different definitions: quality of being honest and living
20 by a set of strong moral and ethical principles, doing the
21 right thing when no one's looking. It doesn't mean using
22 other people to cover up your mistakes and changing your
23 story every time the facts don't support you. I just can't
24 tell you how -- I mean, this process is important to me.
25 The evidence you're given is important. If someone's

1 willing to sit on that stand and say they lied under oath, I
2 don't know what to tell you. If someone's willing to
3 testify to the stuff they say they know stuff when they
4 don't, that bothers me.

5 Ladies and gentlemen, I know it's been a long week and
6 I thank you for your attention and I don't believe the State
7 has come anywhere close to proving their charges beyond a
8 reasonable doubt. And I think in some cases, as I said,
9 we've actually shown my client could not have committed any
10 of these crimes. So I'm going to ask you to take the time,
11 look at the evidence. Look at the evidence yourself and
12 evaluate it. I'm going to ask you to come back with not
13 guilty on all charges. Thank you.

14 THE COURT: Thank you. Rebuttal.

15 MR. EPTING: Thank you, Your Honor. May it please the
16 Court. Madam Clerk, can we please publish and dim the
17 lights.

18 Ladies and gentlemen, this is what's known as rebuttal
19 closing. We get to respond to arguments that were made by
20 the defendant and a lot of those arguments centered around
21 credibility. We deal with that in each and every trial we
22 have and oftentimes we wonder how do we determine somebody's
23 credibility. The judge is going to talk to you some about
24 common sense. He's going to talk with you about different
25 factors that you consider when you are considering

1 somebody's credibility, but I'm going to talk about that
2 since defense counsel brought it up.

3 How do we know somebody's telling the truth? Well,
4 first, we have corroboration. You're saying this happened.
5 What evidence do we have outside of your testimony that is
6 indicative that you are telling the truth? What reasons
7 does somebody have to lie? What reasons does somebody have
8 the truth? Let's take it one-by-one.

9 As to Daniel, who is Daniel? When we look at that, we
10 look at credibility, too. Daniel at the time of this was
11 17 years old. He was a teenager, he was a child. A
12 precocious child, because I know at 17 I certainly wasn't
13 flying planes or having a license, but nonetheless, he is a
14 17 year old with the same type of mind sets that most 17
15 year olds have. There is no question that he was not
16 truthful with the officers. There's no question that he
17 told Gabby to not be truthful with the police when it first
18 happened. He is 17. You heard his testimony. He is
19 somebody that has never been in trouble. He is somebody
20 that has never seen a pair of handcuffs outside of a TV
21 show. He's a teenager. Anybody who deals with teenagers
22 know that they make awful, irrational, terrible decisions
23 sometimes and that's who we're dealing with. Did Daniel lie
24 about the defendant's role? That's why we're here, not for
25 Daniel's role. His day is another day. Did he lie about

1 what the defendant did. Let's start with November. What
2 did he say? He said the defendant unlocked the gas pump
3 with a key. Was this consistent with the video? I submit
4 to you that when that plane first pulls up, you see the
5 defendant in that black puffer jacket walk up to that gas
6 pump. Why? What -- when I started this case, I had no
7 idea, but I submit to you now, after hearing this evidence,
8 reviewing the case, we know why he walked up to it 'cause
9 some of those gas pumps, you can open with a master key.
10 Not all, but some. Is it not likely that he's walking up to
11 that gas pump to see if that's the kind that he can open up
12 with a simple key twist, turn to manual and steal? And then
13 what does he do? He walks back to that plane.

14 Ladies and gentlemen, watch that video. Watch where
15 he's standing off in the shadows next to the wing of that
16 plane. He sits and he waits. And y'all remember in that
17 video you see some cars leaving? The defendant's standing
18 there waiting for them to leave. Why? Common sense. Why
19 does somebody wait in the shadows for another person to
20 leave? So they can't see what he's doing. So that he can
21 do what he's about to do in private. Intent is always the
22 most difficult part in proving any case because we can't
23 read someone's mind, but we can see their actions. We can
24 see what they do and you see what the defendant does on that
25 video.

1 What did Gabby say? Gabby said that they walked up to
2 the pump. She is not tech savvy, but she said that the
3 defendant opened up that gas pump, used the key, opened it
4 up, flipped it to manual and then they fueled the plane.
5 And Ms. Burdette, I think, is correct that we don't know
6 exactly how much gas they took. The records are all kinds
7 of wonky, you know, digital, but we know they took
8 something. So if you find that there's even a dollar value,
9 then at the point, the defendant's guilty of petit larceny.
10 And let's say that Daniel opened it up as the defense
11 argued, that he opened it up and he's the one that turned it
12 to manual. What would the defendant have seen, him being a
13 pilot who knows how to pilot that very expensive plane? He
14 would have seen an open and a manual switch come down. What
15 should that have told him? Something's not right. Nobody
16 used a credit to get this gas. A cannister has been opened,
17 a switch has been flipped and then you see him very clearly
18 on that video go and just gas up his plane like nothing had
19 happened.

20 What did he say about the shade ports? Look on
21 that video. Look on that video when he's talking to them at
22 the plane. Daniel said he didn't know that plane well
23 enough to even get it started. So when he's supposed to
24 taxi around, you see the defendant come over and tell him
25 how to start it. You see him standing there at that door,

1 the only door into the plane, gesturing and pointing and at
2 some point, prior to them taxiing over there, he points down
3 to the shade ports and we saw what happened then. We saw
4 what happened after he came down there. So what about the
5 defendant? What about the December incidents? Why does
6 somebody lie? They lie because they want to stay out of
7 trouble; right? You will lie to avoid pain and get out of
8 trouble. They had his fingerprints from the November
9 incident, but when he talked to police, he told them about
10 the December incident, something that, as to that point,
11 they had absolutely no forensic evidence that it had ever
12 happened. He gave himself up. He put himself in additional
13 trouble. What could he have said? Okay. He's this
14 mastermind who wants to get out trouble, he could have said
15 all kinds of things. He could have said, you know what, I
16 didn't really want to do it but, you know, Nate Jenkins told
17 me if I didn't do it he was going to hurt my family. He
18 told me was going to hurt Gabby. He told me that he was
19 going to, you know, leave me stranded in Rock Hill if I
20 didn't do what he said. He didn't say that. He said he
21 went with that flashlight, they looked in planes and when
22 the defendant, Mr. Jenkins, said what's in there? Hey, take
23 that. He did it. He said he didn't know what they were
24 going in there to do in November, although he should have
25 known. But in December, what did he say? He didn't say no,

1 we went home and I said I don't want to do it but he's
2 threatening my family. No. He said I knew what was up in
3 December. I blubbed up just like Mr. Jenkins blubbed up and
4 we busted into those hangars.

5 We talked about corroboration. What did Gabby say?
6 Gabby said basically the same thing, Daniel's credibility.
7 Daniel's scared. He's a 17-year-old kid being contacted
8 police about something that he did, indeed do with Mr.
9 Jenkins. He did not minimize his own role, especially as to
10 December, but, again, he admitted he went into those planes.
11 He even said he went inside the plane. He said the
12 defendant was with him and telling him what to take, but he
13 said he went inside. That's greater culpability. He didn't
14 have to do that. We know he touched the plane, but we don't
15 know when, as we pointed out during the course of this case.
16 Daniel confessed to that December incident with zero
17 forensic evidence.

18 There's a lot of talk about promises. What did Daniel
19 say about promises up there? He is up there confessing to
20 15 crimes in open court, under oath in a courtroom full of
21 people and his charges are open being actively prosecuted by
22 our office. If that's not credibility, I don't know what
23 'cause he sure just stuck his hand in the blender.

24 Corroboration. There was implication during the
25 argument that Gabby, Gabrielle, had lied. Who is Gabby?

1 She is a 17 year old at the time of this, girlfriend of
2 Daniel, who was just kind of along for the ride. What is
3 her reward for lying for Daniel? She don't love Daniel. I
4 don't know if y'all caught on that. They've been broke up
5 since February. She ain't happy to be here. We tried to
6 call her Tuesday and we didn't get to her in time. She had
7 to come back the next day. Where does she say she lives?
8 Pendleton. Gas isn't cheap. I-85 is terrible to drive up.
9 So her reward was -- for coming in here and lying, could be
10 potential perjury charges if she in fact lied. Spending gas
11 and time and all the time it takes and her own life in
12 danger driving up 85 with all that construction. The easy
13 -- and then to get cross-examined by a defense attorney,
14 have her integrity questioned in a room full of people.
15 That is her reward for coming in here and testifying when
16 she could have just as easily said I saw nothing. I heard
17 nothing. For that matter, Daniel could have pled the Fifth.
18 He doesn't have to testify, but he did. He came in here and
19 he put himself in great legal jeopardy by telling you guys
20 what happened those nights. I don't know if y'all caught,
21 she's very quietly spoken. I would submit that she's very
22 shy. She had to speak in a room full of people. The
23 defense has intimated that she was accused by Daniel, that
24 she's a potential defendant. All the evidence shows, even
25 Daniel's account, was that she did not go into the shade

1 port and help them steal, that, at worst, she stood outside
2 the shade port while he and Nate Jenkins went in there to
3 steal.

4 Mere presence. A teenager can -- a person can watch
5 their boyfriend and his older mentor steal. She can ride
6 in the plane with them. She can stand outside the shade
7 port. She can do all those things and it is not a crime,
8 unless you participate, unless you participate like Mr.
9 Jenkins participated and saying, hey, yes, do grab that.
10 Hey, go in this plane and see what they got. Yes. Grab
11 that and steal it. If you're just watching, you are merely
12 present and you are not in any criminal jeopardy whatsoever.
13 Whether that's a good idea is completely to the side. It is
14 a terrible idea. It is terribly dangerous and is not a
15 great thing to do, but nonetheless, it is not criminal. She
16 has to lie for Daniel. And, as a matter, if she really
17 wanted to come in here and help Daniel, like the defense has
18 intimated in their argument, she could have said a lot
19 worse. Just like with Daniel. Daniel could have said Nate
20 did this. Nate did that. Ah, it was against my will. He
21 had a gun to my head. She could have said the same, but she
22 didn't, did she? She said they went into the shade port and
23 she couldn't really tell what they're doing and to her
24 credit, because it's been so long ago and it was so late at
25 night, she didn't really say she remembered them bringing

1 anything back. She didn't see what they were doing. She
2 saw flashlights and movement, but she didn't know, but she
3 said she saw everything in December. And what did she say?
4 She saw both of them breaking into hangars. She didn't
5 protect Daniel on that, did she? He was an active
6 participant then, just like Daniel said. What is that
7 ladies and gentlemen? That's corroboration. That is
8 independent corroboration of two people that have no reason
9 to protect each other here in court, independent of each
10 other. They have not talked since they broke up in February
11 when he got her involved in all this mess. She erred on the
12 side of caution. I would submit that she told you she
13 couldn't remember certain things so she didn't want to
14 commit to an answer that she couldn't fully remember. If
15 she wanted to help Daniel and she wanted to come in here
16 and, you know, blow our case up and really bury Mr. Jenkins,
17 then maybe she would have remembered some stuff. Maybe
18 she'd remember some stuff that would have made Mr. Jenkins
19 look worse. Was she protecting legally with her testimony?
20 Nope. She came in here and gave adverse testimony to him on
21 both occasions. She's not burying Nate. She told you what
22 she saw in November. She told you what she saw in December.
23 That was theft. That was those larcenies. That was
24 entering a plane with intent to steal. That was burglary.
25 Who was really in charge at the airport that night? Common

1 sense.

2 They talked about the manager. We know the defendant
3 has a great deal more airplane knowledge. Again, remember,
4 but Daniel didn't even know how to start that plane. Mr.
5 Jenkins had to come over and teach him how. Watch the
6 video. Watch his body language. Watch the way that he
7 interacts with these teenagers. He's talking to them. He's
8 directing them. Gabby's account of Nate, I wish I could
9 have stole -- she stole part of -- part of, I think, what
10 would have been our closing argument with her conversation
11 with Detective Swiger, not Swigger, Swiger, when she said
12 Nate kind of pressured him into doing things he didn't want
13 to do. Did she say he forced him? No. She said he
14 pressured because he's older and Daniel wants to gets these
15 hours and his license. You see that on camera. We have
16 heard so much about that log book. We didn't see in the
17 video about that log book, but we know where Carl Kleiderer
18 was when the police arrived. He's talking to a patrol guy.
19 He has just lost a \$28,000 piece of equipment. He has not
20 had a chance to go back and look at his records or his log
21 book or all the other detailed records he needs, because he
22 just wants the police come out and take a report. He
23 testified he was sure that that date was wrong, that the
24 date that he told officers that day was wrong and that the
25 earlier date, predating the November incident that was

1 right. And what did the officer testify to this morning?
2 He deals with that all the time. People don't have time to
3 review those things, 'cause they're just making a report.
4 They're thinking, oh, my god. I got to call the insurance.
5 I have to put in a claim. Are my rates going to go up? All
6 of those things are going through his mind rather than when
7 was the last time I started this. And, furthermore, when
8 did these pilots testify that they noticed these pieces of
9 equipment missing. There's a lots of talks about dates and,
10 oh, they're at their plane at this date. They're at their
11 plane on that date. What do they say? They said I did not
12 notice this equipment missing until I went ready to fly,
13 until I got in my plane. And they don't fly everyday. They
14 may be at the hangar more or at the shade port more or their
15 airplane more, but they don't fly everyday. When they fly,
16 they notice a very important piece of equipment that's
17 missing, 'cause they turn their plane on and they're getting
18 ready and they're doing safety checks. That is what the
19 defense is relying on in the argument they put to you today.
20 Dates taken off the top of their head of when they might
21 have been to their plane the last time. When, in fact, the
22 only time, and the reason we have all these reports
23 trickling in, is they don't notice the important equipment
24 gone until they start their plane, which is not everyday.
25 We have a difference of arguments. He said that Detective

1 Swiger ignored all the other evidence. Is that what y'all
2 think the evidence showed, cause he fully admitted he had a
3 suspect. That was the main point of focus at the beginning
4 that he cleared. He cleared them. He talked to people. He
5 followed up on leads. He did exactly what he was supposed
6 to do as a police officer. The police just want to help
7 Daniel out? They charged him with as many charges as they
8 charged Mr. Jenkins with. So if that's help, then Lord, I
9 don't want it. As many warrants as possible. Daniel had
10 the exact same number of warrants. We're not putting that
11 in front of you so that you compromise. Don't compromise.
12 Because the evidence has proven the defendant committed
13 every single one of those crimes. Don't compromise on
14 justice. Apply the evidence that you've heard here today
15 and find him guilty of every single warrant that is -- every
16 single indictment that is in front of you. So I submit to
17 you the evidence has been proven that, and apparently, Mr.
18 Gould is lying, too, about his role at the airport. Why?
19 Y'all saw the behavior with the gas. We know that Daniel
20 did not fly in December 9th, because Gabby told us that,
21 because Daniel told us that, because in some ways the cover
22 up is worse than the crime, as they say. There are phone
23 plots missing from the defendant's phone for what dates and
24 what times, especially? The time of the November incident.
25 And we have data, data, data. We have another vacuum of

1 information. When? The exact time of the December 9th
2 incident. The only real evidence we have is Daniel and
3 Gabby? No, ladies and gentlemen. There is much, much more
4 around their evidence. Much, much more around their
5 testimony that is completely consistent. We talked about
6 Occam's razor. I have a different saying. The simplest
7 answer is almost always the right one and the simplest
8 answer in this is not that two 17 year olds became criminal
9 masterminds and then can't keep their stories straight in
10 court. A grown man entered the Rock Hill Airport in
11 November with two teenagers that he is not related to any
12 way, shape or form. Apparently, they took advantage of him,
13 if you would believe the different argument.

14 What innocent reason was this? Daniel wasn't getting
15 flight hours. Daniel had a pilot's license. What does your
16 common sense tell you? What does your common sense tell you
17 about why they went to this stranger airport that they had
18 no business being at in the late-night hours, avoiding
19 everyone else at the airport, gassing up with gas that no
20 one paid for, regardless of how much they took or how much
21 they didn't. And as to December, we have the texts. Daniel
22 is writing the defendant. Hey, I got my backpack ready.
23 Hey, don't forget the flathead screwdriver. Why? Did the
24 defendant write back and say, hey, what are you talking
25 about? Why do we need a flathead screwdriver to go fly?

1 Nope. He calls him, because he doesn't want to leave that
2 type of evidence in texts. Why would he steal if he can
3 afford to buy? Why would he put himself at risk, the
4 million dollar question. Ladies and gentlemen people steal
5 all the time when they can afford not to steal, even when
6 they don't need the items, 'cause these items, as you heard,
7 are very, very expensive and very, very valuable.

8 We have proven our case. This is not proof beyond all
9 doubt. This is proof beyond a reasonable doubt and I
10 would submit to you to the extent that the defense has
11 raised arguments in this case, those doubts aren't
12 reasonable. Find Mr. Jenkins, hold him accountable and find
13 him guilty of every single indictment that's in front of you
14 'cause we have proven our case and you should be firmly
15 convinced of his guilt. We look eagerly look forward to
16 your verdict.

17 THE COURT: Thank you. Let's have the lights.

18 Ladies and gentlemen, the next part of the process is I
19 need to read the law to you. That's going to take about 20
20 minutes. I also intend to give you a break before we do
21 that. You've been here for more than about hour and 20
22 minutes. In looking at the clock, I think the most
23 efficient use of our time is I'm going to allow you to break
24 for lunch, but be back at 1:00, ready to go at 1:00. At
25 1:00 I will charge you on the law in the case and then the

1 case will be sent to you.

2 In the meantime, again, still do not discuss the case
3 because you have not heard the law that applies to the case.
4 You'll hear that from me when I read that to you. So don't
5 have any discussion about the case. Don't be looking on
6 your electronic devices about anything that might be related
7 to the case. With that, I'm going to allow you to go to
8 lunch, be back ready to go at 1:00, at 1:00. Everyone
9 remain seated while this panel is excused.

10 (Whereupon, the jury exited the courtroom at 11:30
11 A.M.)

12 THE COURT: All right. We'll be at ease until 1:00.

13 MR. DAVIS: Thank you, Your Honor.

14 (Whereupon, the proceeding was recessed at 11:30 A.M.
15 for lunch and reconvened at 1:01 P.M.)

16 THE COURT: All right. Is the State ready?

17 MS. BURDETTE: The State's ready, Your Honor.

18 THE COURT: Defense ready?

19 MR. DAVIS: Defense is ready, Your Honor.

20 THE COURT: Bring the jury in.

21 (Whereupon, the jury entered the courtroom at 1:03
22 P.M.)

23 THE COURT: Thank you ladies and gentlemen, thank you
24 for your promptness. We're ready to begin the last phase of
25 the trial in which I am going to read to you or charge you

1 on the law that you are to apply in this case. Listen very
2 carefully as I read to you. I will tell you a story. There
3 was judge who was really, really, really smart a number of
4 years ago -- and I have about 25 pages that I'm going to
5 read to you -- he had a photographic memory, Justice
6 Pleicones. He never read anything. He could look the jury
7 in the eye and recite everything on 25 pages. Judge Hall's
8 not able to do that.

9 Ladies and gentlemen of the jury, you have seen and
10 heard the evidence presented as well as the arguments of
11 counsel. It's now my duty and obligation to instruct you on
12 the law that is applicable in this case. It will then be
13 your solemn duty and obligation to begin your deliberations
14 through which process you will apply the facts -- decide the
15 facts, apply the law as I've instructed and render a fair
16 and impartial decision. It's your exclusive duty to
17 determine what the facts are in this case. You do that
18 based on your own common sense, examination and evaluation
19 of the testimony and other evidence received during the
20 trial of this case. You twelve jurors alone will decide
21 what effect, value and weight is to be given to any
22 particular testimony or other evidence received. Quite
23 simply, your ultimate goal is to find -- is to determine the
24 facts in this case and by doing so, you will have fulfilled
25 your obligations as jurors in giving both the State and the

1 defendant a fair and impartial trial, based on the evidence
2 presented and law applicable to this case.

3 The defendant in this case, Nathaniel John Jenkins, has
4 been indicted on charges of burglary 2nd degree violent,
5 unlawfully entry of an aircraft, grand larceny, petit
6 larceny, and contributing to the delinquency of a minor,
7 concerning incidences, which allegedly -- which are
8 allegedly occurred on or about December the 10th, 2023 and
9 November 28th, 2023.

10 I remind you that the fact the defendant was arrested,
11 charged and indicted in this case is not evidence in this
12 case and cannot be considered by you as evidence of guilt in
13 this case, nor does it create any presumption or inference
14 of guilt. The documents are simply the formal written
15 instruments which contain the charges made against the
16 defendant. They are the formal documents by which this case
17 is brought into this court.

18 The defendant has pled not guilty to these indictments
19 and that plea puts the burden on the State to prove the
20 defendant's guilt beyond a reasonable doubt. A person
21 charged with committing a criminal offense in South Carolina
22 is never required to prove himself innocent. I charge you
23 that is a cardinal, important, and vital rule of law that in
24 a criminal trial, no matter what the seriousness of the
25 charge may be for which he stands charged, the defendant

1 will always be presumed to be innocent of the crime for
2 which the indictment was issued, unless his guilt has been
3 proven by evidence satisfying you of that guilt beyond a
4 reasonable doubt. This presumption of innocence does not
5 end when you begin your deliberations, but it accompanies
6 the defendant throughout the trial until you reach a verdict
7 of guilt, based on the evidence satisfying you of that
8 guilty beyond a reasonable doubt.

9 The presumption of innocence is like a robe of
10 innocence placed about the shoulders of the defendant, which
11 remains with the defendant from the moment of his arrest and
12 continues until it has been stripped from the defendant's
13 shoulders by evidence satisfying you of the defendant's
14 guilt beyond a reasonable doubt. The presumption of
15 innocence is not a mere legal theory nor is it a legal
16 phrase. It is a substantial right to which every defendant
17 is entitled unless you twelve jurors are satisfied from the
18 evidence of the defendant's guilt beyond a reasonable doubt.

19 I remind you that during this trial, you and I have
20 certain duties to perform. As the trial judge, it's my
21 responsibility to preside over the trial of this case and I
22 also have the duty to rule on the admissibility of the
23 evidence offered during this trial. You're to consider only
24 the competent evidence before you. If there were any
25 testimony ordered stricken from the record in this case

1 during this trial, you must disregard that testimony. You
2 are to consider only the testimony which has been presented
3 from this witness stand, any exhibits which have been made a
4 part of the record in this case, and any stipulations of
5 counsel.

6 I have the additional duty to charge you the law that's
7 applicable to this case. I am the sole judge of the law of
8 this case and it's your duty as jurors to accept and apply
9 the law as I now state it to you. If you already have any
10 idea as to what the law is or what the law ought to be and
11 it does not agree with what I now tell you the law is, you
12 must abandon your idea because you are sworn to accept the
13 law and apply the law exactly as I state it to you.

14 In every case tried in this court before the jury, the
15 becomes the sole and exclusive judge of the facts in the
16 case. A trial judge cannot intimate, state, comment on or
17 make any statement to a trial jury about the facts in the
18 case. Since you, the jury, are the sole judge in the facts
19 in this case, you're not to infer from what I have said
20 during the progress of this trial in ruling upon the
21 admissibility of evidence or otherwise, or anything that I
22 say now during the course of this instruction to you, that I
23 have any opinion about the facts in this case. The law does
24 not allow me to have an opinion about the facts in this
25 case. This is a matter solely for you, the jury, to

1 determine. As jurors, it is your duty to determine the
2 effect, value, weight and truth of the evidence presented
3 during this trial.

4 The State has the burden of proving the defendant
5 guilty beyond a reasonable doubt. Proof beyond a reasonable
6 doubt is proof that leaves you firmly convinced of the
7 defendant's guilt. There are very few things in this world
8 that we know with absolute certainty and in criminal cases,
9 the law does not require proof that overcomes every possible
10 doubt. A reasonable doubt may also be described as the kind
11 of doubt that would cause a reasonable person to hesitate to
12 act. If you have such a doubt as to the guilt of the
13 defendant, then he would be entitled to a verdict of not
14 guilty. Reasonable doubt may arise from evidence which is
15 in the case or from the absence or lack of evidence in the
16 case. If, based on your consideration of the evidence,
17 you're firmly convinced that the defendant is guilty of the
18 crime charged, you must find him guilty. If, on the other
19 hand, you think there's a real possibility that he is not
20 guilty, you must give him the benefit of the doubt and find
21 him not guilty. You alone must make a determination of
22 whether or not reasonable doubt exists as to the guilt of
23 the defendant.

24 There are two types of evidence which are generally
25 presented during the course of a trial, direct evidence and

1 circumstantial evidence. Direct evidence is the testimony
2 of a person who claims to have actual knowledge of a fact,
3 such as an eye witness. It is evidence which immediately
4 establishes the main fact to be proved. Circumstantial
5 evidence is proof of a chain of facts and circumstances
6 indicating the existence of a fact. It is evidence, which
7 immediately establishes collateral facts -- collateral facts
8 from which the main facts may be inferred. Circumstantial
9 evidence is based on inference and not on personal knowledge
10 or observation.

11 The law makes absolutely no distinction between the
12 weight or value to be given to either direct or
13 circumstantial evidence, nor is a greater degree of
14 certainty required of circumstantial evidence than of direct
15 evidence. You should weigh all of the evidence in this
16 case. After weighing all the evidence, if you are not
17 convinced of the guilt of the defendant beyond a reasonable
18 doubt, you must find the defendant not guilty. However, to
19 the extent the State relies on circumstantial evidence, all
20 of the circumstances must be consistent with each other and
21 when taken together, point conclusively to the guilt of the
22 accused beyond a reasonable doubt. If these circumstances
23 merely portray the defendant's behavior as suspicious, the
24 proof has failed.

25 Under our constitution, because you are the finder of

1 the facts, you must determine the credibility of witnesses
2 who have testified in this case. Credibility simply means
3 believability. It becomes your duty as jurors to analyze
4 and to evaluate the evidence and determine which evidence
5 convinces you of its truth. In determining the
6 believability of witnesses who have testified in this case,
7 you may believe one witness over several witnesses or
8 several witnesses over one witness. You may believe a part
9 of testimony of a witness and reject the remaining part of
10 the testimony of that same witness. You may believe the
11 testimony of a witness in its entirety or reject the
12 testimony of a witness in its entirety. You may consider
13 whether any witness has exhibited to you any interest, bias,
14 prejudice or other motive in this case. You may also
15 consider the appearance and manner of a witness while on the
16 witness stand. Was the witness straightforward in answering
17 questions or hesitant in responding to questions? Simply
18 put, do you believe the witness was telling the truth. You
19 may consider how the witness came to know the facts to which
20 he or she testified and whether or not the witness had an
21 opportunity to hear, observe or perceive a fact by means of
22 their senses. Whatever your good judgment and common sense
23 tells you is the most believable testimony is the testimony
24 that you should accept and reject that testimony which you
25 find not to be credible or believable.

1 There's been evidence presented that witnesses have
2 made prior statements, which are not consistent with the
3 witness's present testimony. You may use this evidence to
4 decide whether to believe the witness. You may also use
5 evidence of the earlier contradictory statements to
6 determine the truth of those statements. It is up to you to
7 decide whether to believe the earlier statements or the
8 testimony given at trial. If a witness has shown to have
9 knowingly testified untruthfully concerning any matter --
10 material matter, you may consider this in determining
11 whether to trust a witness's testimony as to other matters.
12 You may reject all the testimony of that witness or give all
13 or part of the testimony the weight you think it deserves.

14 I instruct you and emphasize that the fact that the
15 defendant did not testify is not a factor to be considered
16 by you in any way in your deliberation and in your
17 consideration on the question of the guilt or the innocence
18 of the defendant. It must not be considered by you in any
19 manner whatsoever. A defendant has the constitutional right
20 to remain silent and the assertion of this right must not be
21 considered by you in your deliberations. I repeat, under
22 your oath, you're not to draw any conclusion, you're to draw
23 no conclusion whatsoever from the fact that the defendant in
24 this case did not testify. The fact that this defendant did
25 not testify should not even be discussed in the jury room.

1 The burden of proof, as I have stated to you, is on the
2 State. The defendant is not required to prove his
3 innocence. The burden of proof remains on the State to
4 prove the defendant's guilt beyond a reasonable doubt.

5 Now, criminal intent is a necessary element of each
6 crime that must be proved by the State beyond a reasonable
7 doubt. Criminal intent is always a matter that must be
8 determined by the jury from the circumstances surrounding
9 the situation. There is no way to prove intent to a
10 mathematical certainty. There is no way medical science can
11 dissect a person's brain to determine what he had in mind.
12 So the law says that criminal intent may be inferred from
13 the circumstances shown to have existed. This is how a jury
14 makes a determination of whether or not the element
15 requiring intent was present. Criminal intent is a state of
16 mind, which operated jointly with an act in the commission
17 of a crime. Criminal intent is a mental state, a conscious
18 wrongdoing. So it is up to you, the jury, to determine what
19 the defendant intended to do based on the circumstances
20 shown to have existed.

21 I tell you that the State must prove criminal intent
22 beyond a reasonable doubt, just as the State must prove every
23 element beyond a reasonable doubt, as I previously explained
24 to you. It is not necessary to establish intent by direct
25 and positive evidence, but intent may be established by

1 inference in the same way as any other fact by taking into
2 consideration the acts of the parties and all the facts and
3 circumstances of a case. While the State may prove motive,
4 it is unnecessary that the State do so. However, the State
5 must prove intent.

6 The rules of evidence ordinarily do not permit
7 witnesses to testify to opinions or conclusions. An
8 exception to this rule exists for witnesses we call expert
9 witnesses. A witness who by education and experience has
10 become an expert at some art, science, profession or calling
11 may state an opinion as to relevant and material matters in
12 which the witness claims to be an expert and may also state
13 the reasons for the opinion.

14 You should consider any expert opinion received as
15 evidence in this case, and like other evidence, give it the
16 weight you think it deserves. If you decide that the
17 opinion of an expert witness is not based on sufficient
18 education and experience or if you conclude that the reasons
19 given in support of the opinion are not sound, or that the
20 opinion is outweighed by other evidence, you may disregard
21 that opinion entirely. An expert witness's testimony is to
22 be given no greater weight than the other witnesses, than
23 that of the other witnesses, simply because the witness is
24 an expert. Further, you are not required to accept an
25 experts opinion even though it is not contradicted.

1 A person who is present at the scene of the crime and
2 intentionally or through a common plan aided, abetted or
3 assisted in the commission of that crime through some overt
4 act is guilty as an accomplice. To be liable as an
5 accomplice, the defendant must have knowledge of the
6 principal's criminal conduct. Mere presence at the scene of
7 the crime is not sufficient to establish guilt as an
8 accomplice. Intentionally means willfully, intending the
9 result which actually occurs, not accidentally or
10 involuntarily.

11 This defendant has been charged with the unlawful entry
12 of aircraft or damaging or removing equipment, aircraft
13 equipment. The law states it's unlawful for a person to
14 enter an aircraft or damage or remove from it any equipment
15 or other property attached to it, affixed to or otherwise on
16 or in an aircraft without the permission of the owner or a
17 person authorized by the owner to grant permission.

18 The defendant in this case is also charged with
19 burglary 2nd degree violent. To prove burglary 2nd degree
20 violent, the State must prove beyond a reasonable doubt the
21 defendant entered a building without consent, with the
22 intent to commit a crime in the building and that the
23 defendant entered or remained in the building in the
24 nighttime. A building is any structure where goods are
25 stored.

1 The State must prove the following four elements in
2 order to establish burglary 2nd degree violent. The State
3 must prove each element beyond a reasonable doubt. Those
4 elements are: one, an entry into a building; two, without
5 consent; three, with the intent to commit a crime therein;
6 and, four, the entering or remaining occurs in the
7 nighttime.

8 The defendant in this case has been charged with
9 contributing to the delinquency of a minor. The law states
10 it shall be unlawful for any person over 18 years of age to
11 knowingly and willfully encourage, aid or cause to do any
12 act which shall cause or influence a minor to violate any
13 law or municipal ordinance.

14 In order to convict the defendant of contributing to
15 the delinquency of a minor, the State must prove beyond a
16 reasonable doubt that: one, the defendant was over 18 years
17 old; and, two, the defendant knowingly and willfully
18 encouraged, aided, caused or did any act which caused or
19 influenced the minor to violate any law or any municipal
20 ordinance.

21 The defendant in this case is charged under our law of
22 grand larceny and petit larceny. Larceny is the felonious
23 taking and carrying away of the goods of another against the
24 owner's will or without his consent with an intent to
25 permanently deprive the owner of possession. There are five

1 elements of which the State must establish beyond a
2 reasonable doubt to convict the defendant of larceny. The
3 elements are: one, a taking; two, the act of carrying away
4 the property of another; three, that it has to be personal
5 property of another; and, four, without the consent or
6 against the will of the owner; and, five, with the intent to
7 steal.

8 To convict of grand larceny, the value of the property
9 must be valued at more than \$2,000, but less than \$10,000.
10 To convict of petit larceny, the value of the property must
11 be valued at less than \$2,000. The defendant must intend to
12 permanently deprive the owner of possession by converting
13 the property to his own use.

14 Ladies and gentlemen, you've been selected as jurors to
15 be fair and impartial in this case. You're sworn to
16 impartiality, to try and determine the facts of this case
17 and when you comply with your oath to do so, then no one
18 will have a right to criticize your verdict and you will
19 have fully discharged your duty as jurors. You're to decide
20 this case according to the testimony that you have heard
21 from the lips of the sworn witnesses, along with other
22 evidence introduced during trial.

23 In just a few moments, I'm going to send you back to
24 your jury room. When you go back to your back to your jury
25 room, don't begin deliberations until the bailiff knocks on

1 the door and hands you the indictments and any evidence that
2 will go back.

3 Part of the evidence are some videos.

4 Do we have something in the jury room by which they can
5 see the videos?

6 MR. EPTING: I'm not entirely confident -- I'm
7 getting indication from the clerks we do.

8 THE COURT: We do? Is it back there now?

9 CLERK: They should have a DVD set up. They should be
10 able to play it.

11 THE COURT: Okay. There should be a DVD set up in the
12 jury room if you need to play it. If you have any
13 difficulty with that, knock on the door, tell the bailiff.
14 We can bring you back here in the courtroom and pull up on
15 the screen so you can see whatever parts you need to see on
16 those videos, but you're going to have the evidence that's
17 been presented to you in the case when you go back. So
18 don't start until we have all of that handed to you through
19 the door.

20 When you're in the jury room, you're not to discuss the
21 case, only -- you're not to discuss the case until we give
22 you the authorization to start and you may only discuss the
23 case when all 12 jurors are in the jury room.

24 In just a moment I'm going to have the alternates step
25 aside; 12 of you go in the jury room. If somebody goes to

1 the restroom or leaves the room, Madam Forelady, you need to
2 stop deliberations until they can come back and then you can
3 begin deliberations when all 12 jurors are in the jury room.

4 If you have any questions during the course of your
5 deliberations for the Court, just simply write those on the
6 paper, you have that; knock on the door, hand it to the
7 bailiff and the Court will address those as best we can.

8 When you go back to the jury room, you're going to have
9 13 indictments that will go back. I'm not going to go
10 through each of those. The speak clearly for themselves.
11 However, you need to deliberate or a have a judgment on each
12 of the indictments and on the left of the front of the
13 indictment, there's the word verdict. When the jury has
14 reached a unanimous verdict on that indictment, Madam
15 Forelady, if you would simply write the verdict, either not
16 guilty or guilty, and then sign your name and put today's --
17 today's date on each of those 13 indictments.

18 Just for the purposes of record, what will be going
19 back to your is 2024-GS-46-6068, an indictment for petit
20 larceny; indictment 2024-GS-46-6193, another indictment for
21 petit larceny; indictment 2024-GS-46-552, an indictment for
22 contributing to delinquency of a minor; indictment 2024-GS-
23 46-553, burglary 2nd degree violent; indictment 2024-GS-46-
24 554, grand larceny with a value of more than \$2,000, but
25 less than \$10,000; indictment 2024-GS-46-00555, indictment

1 for unlawful injury, damaging or removing equipment from an
2 aircraft; indictment 2024-GS-46-556, indictment for burglary
3 2nd degree violent; indictment 2024-GS-46-00557, grand
4 larceny more than \$2,000, but less than \$10,000; indictment
5 2024-GS-47-00558, an indictment for unlawful entry of an
6 aircraft or damaging or removing equipment; indictment 2024-
7 GS-46-00544, grand larceny the value more than \$10,000;
8 indictment 2024-GS-46-00546, indictment for contributing to
9 delinquency of a minor; indictment 2024-GS-46-00545,
10 unlawful entry of an aircraft, damaging or removing
11 equipment; and, indictment 2024-GS-46-00547, also an
12 indictment for unlawful entry of an aircraft, damaging or
13 removing equipment.

14 Each of those indictments has the charge on one side of
15 the indictment. On the side there is a short statement of
16 the allegations on the case. So, again, Madam Forelady,
17 you'll have all 13 of these. Once you reach a verdict of
18 either not guilty or guilty, write that on each indictment,
19 sign your name and date it.

20 Once you have reached your verdict on all those
21 indictments, then knock on the door, let the bailiff know
22 that you've reached a verdict. Hand him the indictments.
23 You'll come into the courtroom -- I'm sorry. You will keep
24 the indictments in your hand. Come back into the courtroom,
25 have a seat, and I'll ask if you have reached a verdict. If

1 the answer is yes, then you will hand -- then hand the
2 indictments to the bailiff who will hand them up to the
3 Court. So with that, I'm going to allow you to go back to
4 your jury room. Don't begin discussing until you have the
5 indictments and the evidence.

6 I'm going to ask the two alternates if you'll come down
7 here and wait while they go out.

8 Everyone else remain seated.

9 (Whereupon, the jury exited the courtroom at 1:29 P.M.)

10 THE COURT: All right. For the alternates, this is
11 where we get just a little bit awkward here. I'm going to
12 now ask you to step outside the door here, but do not go in
13 the jury room. Step outside the door. I've got to discuss
14 some things with the attorneys. When we get through with
15 that, I will have you come back out in the courtroom.

16 (Whereupon, the two alternates exited the courtroom.)

17 THE COURT: Anything in regards to the charge from the
18 State?

19 MS. BURDETTE: Nothing from the State, Your Honor.

20 THE COURT: From the defense?

21 MR. DAVIS: Nothing from the defense, Your Honor.

22 THE COURT: All right. Let's make sure we have all the
23 evidence down here. I don't think we had anything marked as
24 an exhibit that didn't come into evidence. I think
25 everything that was marked.

1 MR. DAVIS: I had one thing. Defense is out of order.
2 Defense 2 is not into evidence.

3 THE COURT: What was Exhibit 2?

4 MR. DAVIS: It was the fuller version of this video,
5 Your Honor.

6 THE COURT: Where is it?

7 MR. DAVIS: It's downstairs.

8 THE COURT: Okay. That's fine.

9 MR. DAVIS: It's a Court Exhibit. I'll get it.

10 THE COURT: No, no, no.

11 MR. DAVIS: It never got entered. It just got marked.
12 It never got --

13 THE COURT: Okay. That's fine. That's what I meant.
14 Everything here is --

15 MR. DAVIS: Correct.

16 THE COURT: All right.

17 MR. EPTING: Judge, I think we've got -- it looks like
18 a copy. We whited out the enhancement language on the two
19 grand larcenies.

20 THE COURT: All right. All right. Tell them they can
21 begin deliberating and have the two alternates come back in
22 now.

23 (Whereupon, the two alternate jurors entered the
24 courtroom, and the indictments and evidence were delivered
25 to the jury.)

1 THE COURT: You don't have to sit. Y'all come up.

2 We've reached the point in the case where --

3 THE BAILIFF: They got stuff in the jury room, too.

4 THE COURT: I'm sorry?

5 THE BAILIFF: They have stuff in the jury room.

6 THE COURT: What?

7 JUROR: I just have a coffee that I can get whenever.

8 THE COURT: Let her get her coffee right quick. We
9 don't want to be like the Murdaughs and have eggs. Oh. I
10 thought it might be a dozen eggs that another juror brought.
11 Oh. That was another case.

12 Y'all are free to go. Thank you for your promptness
13 and your patience. Oftentimes, when we start, we need 12 at
14 the conclusion of the case. Sometimes during the course of
15 a trial we have people have issues, they get removed or
16 relieved and then you would have, you know, stepped in their
17 place. In this particular case, all 14 of you were here the
18 whole time. So you're no longer needed. You can talk to
19 anybody you want to about the case. On the other hand,
20 you're not required to talk. Sometimes lawyers may call you
21 to get information from you. Oftentimes that's help to them
22 to determine how to prepare cases in the future. You can
23 talk to them if you wish. On the other hand, you're -- and
24 it's not improper for them to do that. On the other hand,
25 you don't have to talk to them at all if you see fit. If

1 you want to stay with us, you can. You can have a seat out
2 here in the courtroom. We're getting ready to start some
3 other matters, but you can stay as long as you want. On the
4 other hand, you're free to go and you're good for three more
5 years. All right. Thank y'all.

6 JUROR: Thank you.

7 (Whereupon, the alternate jurors were dismissed at 1:34
8 P.M.)

9 THE COURT: All right. All right. We'll be at ease
10 while the jury's out. I want to thank you for y'all's --
11 both sides for your professionalism.

12 MR. DAVIS: Thank you, Your Honor.

13 MR. EPTING: Thank you.

14 (Whereupon, court at ease at 1:34 P.M.)

15 THE COURT: All right. Let's bring the jury in.

16 (Whereupon, the jury entered the courtroom at 3:00
17 P.M.)

18 THE COURT: All right. Thank you. Madam Forelady, has
19 the jury reached a verdict?

20 MADAM FORELADY: Yes, sir.

21 THE COURT: If you would hand the indictments to the
22 bailiff. Pass those up.

23 (Whereupon, the forelady handed the indictments to the
24 bailiff, which were handed up to the Court.)

25 THE COURT: Madam Clerk, if you would publish the

1 verdicts.

2 CLERK: *The State of South Carolina versus Nathaniel*
3 *John Jenkins* on indictment 2024-GS-46-06193, on the direct
4 indictment for petit larceny, the verdict the jury finds is
5 guilty.

6 *The State of South Carolina, County of York versus*
7 *Nathaniel John Jenkins*, indictment 2024-GS-46-06068, for
8 petit larceny, the verdict the jury has found is guilty.

9 *The State of South Carolina, The County of York versus*
10 *Nathaniel John Jenkins*, indictment number 2024-GS-46-00552,
11 on indictment contributing to the delinquency of a minor,
12 the verdict from the jury is guilty.

13 The State of South Carolina, County of York, indictment
14 number 2024-GS-46-00546, for contributing to the delinquency
15 of a minor, the jury has come to the verdict of guilty.

16 The State of South Carolina, County of York, indictment
17 number 2024-GS-46-00553, for burglary in the 2nd degree
18 violent, the jury's verdict is guilty.

19 The State of South Carolina, County of York, indictment
20 number 2024-GS-46-00556, for burglary 2nd degree violent,
21 the jury finds the verdict guilty.

22 The State of South Carolina, County of York, indictment
23 number 2024-GS-46-00544, for grand larceny value \$10,000 or
24 more, the jury's verdict is guilty.

25 The State of South Carolina, County of York, indictment

1 number 2024-GS-46-00545, for airport, unlawful entry of an
2 aircraft, damaging or removing equipment, the jury's verdict
3 is guilty.

4 The State of South Carolina, County of York, indictment
5 number 2024-GS-46-00547, for airport, unlawful entry of
6 aircraft, damaging or removing equipment, the jury's verdict
7 is guilty.

8 The State of South Carolina, County of York, indictment
9 number 2024-GS-46-00555, airport -- for airport, unlawful
10 entry of aircraft, damaging or removing equipment, the
11 jury's verdict is guilty.

12 The State of South Carolina, The County of York,
13 indictment number 2024-GS-46-00558, the indictment for
14 airport, unlawful entry of airport, damaging or removing
15 equipment, the jury's verdict is guilty.

16 The State of South Carolina, County of York, indictment
17 number 2024-GS-46-00557, indictment is for grand larceny
18 value more than \$2,000, but less than 10, the jury's verdict
19 is guilty.

20 The State of South Carolina, County of York, docket --
21 excuse me -- indictment number 2024-GS-46-00554 for grand
22 larceny value more than \$2,000, but less than 10, the jury's
23 verdict is guilty.

24 THE COURT: All right. Thank you. Let me have the
25 indictments.

1 (Whereupon, the clerk hands the indictments to the
2 Court.)

3 THE COURT: Anything further from the state before we
4 release the jury?

5 MR. EPTING: Just to be heard as to sentencing at the
6 appropriate time. We do have some --

7 THE COURT: Well, that's -- we'll get there.

8 MR. EPTING: Yes, Your Honor.

9 THE COURT: This is concerning the jury. Anything
10 regarding the jury?

11 MR. EPTING: No, Your Honor.

12 THE COURT: Mr. Davis?

13 MR. DAVIS: Nothing further, Your Honor.

14 THE COURT: All right. Madam Clerk, if you would --

15 CLERK: And ladies and gentlemen of the jury, if that
16 be your verdicts, say so you all by raising your right hand.

17 (Whereupon, all jurors' right hand was raised)

18 THE COURT: All right. Thank you ladies --

19 CLERK: Let the record --

20 THE COURT: Go ahead.

21 CLERK: Let the record show the jurors affirm their
22 verdicts.

23 THE COURT: All right. Thank you, ladies and
24 gentlemen. That concludes your service as jurors and that's
25 for this week and the next three years. You're free to talk

1 to anybody about the case if you wish. Sometimes the
2 attorneys -- it's very helpful to them to call and get
3 input. That's not wrong for them to do that. On the other
4 hand, you're not required to talk to them or if somebody
5 from their offices calls, you're not required to talk to
6 them. You don't have to talk to them, but you can if you
7 wish. However, you can talk to anybody else that you wish
8 to about the case if that's what you want to do.

9 I appreciate your promptness this week. Thank you for
10 your attention to this case. Jury service is extremely
11 important in our society. It's what separates us from much
12 of the rest of the world and it's -- and we don't take it
13 lightly. You certainly did your part this week to fulfil
14 your duty to this community and to our state. So with that,
15 we're going to allow you to leave. I tell you what, if the
16 forelady, if you'd come here. I need to get you to sign
17 something else.

18 Y'all go back to your jury room. I may want to speak
19 you briefly before you leave.

20 (Whereupon, the jury exited the courtroom at 3:10 P.M.)

21 THE COURT: Does the State have the sentencing sheets?

22 MR. EPTING: We do, Your Honor.

23 THE COURT: Well, let's do this: let's take about a
24 10-minute break. It's going to take me a while to fill out
25 the sentencing sheets. I need to go back and we'll resume

1 in 10 minutes.

2 MR. EPTING: Yes, Your Honor.

3 (Whereupon, a brief recess was observed from 3:12 P.M.
4 until 3:22 P.M.)

5 THE COURT: And I have the sentencing date for all
6 entered, I guess, through y'all's computer system and they
7 all have the 18th or 19th on them, so I'm having to fix that.

8 MR. EPTING: We apologize about that, Your Honor.

9 THE COURT: All right. Let's have the defendant and
10 lawyers stand and the solicitor.

11 MR. DAVIS: And, Your Honor, if I may for the record,
12 I'd like to make a motion for a new trial and set aside the
13 verdict at this point. I renew all my previous objections
14 and my motion for a new trial and set aside the verdicts
15 based upon those objections and just to elaborate more on
16 the one charge that was given to us five-days prior to
17 trial, the late discovery and some of the evidentiary
18 issues.

19 THE COURT: All right. Thank you. I note your
20 objections. I stand by any prior rulings and I deny the
21 motions for a new trial and the motions related to new
22 trial as well.

23 All right. Solicitor, tell me about him.

24 MS. BURDETTE: Your Honor, if I may, I'm going to pass
25 up a copy of his prior record.