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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TYLEEK RAYQUAN JOHNSON,

APPELLANT

APPELLATE CASE NO. 2025-001005

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May 12th - 16th, 2025

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THE HONORABLE R. LAWTON McINTOSH, Judge; and a jury.

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THE COURT: All right. Ladies and gentlemen, you still can hear me okay?

(WHEREUPON, the jurors nod affirmatively.)

THE COURT: Again, if you can't hear me and hear what's going on, raise your hand and let me make sure that you do hear what we have to say.

You're still under oath. But we have a series of questions now that we're gon' go over after the State calls its case. If you do not want to stand up, I'll let you come talk to me in a more confidential setting.

These questions are not as personal since you know it's not the need -- but if you feel like you don't want to do that, just make a note to come forward at the end of the process.

But I'm gon' ask the State to call its case, case please, sir.

SOLICITOR SMITH: Your Honor, at this time the State calls State v. Tyleek Johnson on Indictments 2021-GS-42-4979 through 4983.

THE COURT: Thank you.

Would you pass that forward?

SOLICITOR SMITH: Yes, Your Honor.

THE COURT: Appreciate it.

All right. Ladies and gentlemen, we're about to begin jury selection in the case of the State of South Carolina versus Tyleek Johnson who's charged or been indicted with murder on two counts, and then possession of a weapon during the commission of a violent crime, two counts, one count of armed robbery, unlawful possession of a handgun, and burglary in the first degree.

Let me say this to you, and I'll tell you again, these documents in my hands are called indictments. The fact that this gentleman has been arrested, charged, and indicted is not evidence of his guilt. It doesn't lead to a presumption or an inference of his guilt. These are simply the mechanisms by which the State of South Carolina will bring a jury (sic), such as Mr. Johnson, before the Court for a trial and determination by the jury of guilt or innocence.

With that being said, ladies and gentlemen, I have several questions. Again, I'm gon' ask that you stand up and give me your jury number if you need to reply, and if you don't want to reply, you can come forward at the end of the process.

The first question is has any member of the jury panel ever been related by blood or marriage to Tyleek Johnson?

Mr. Johnson, do you mind standing for me please, sir?

(WHEREUPON, the defendant complies.)
THE COURT: Thank you.
(WHEREUPON, the defendant sits down.)
THE COURT: Is anyone -- member of the jury panel ever been related by blood or marriage to Tyleek Johnson, if so, would you please stand?
(WHEREUPON, there was no response.)
THE COURT: Has any member of the jury panel ever had a close personal or social relationship with Tyleek Johnson, if so, would you please stand?
(WHEREUPON, there was no response.)
THE COURT: Has any member of the jury panel ever had a -- been related by blood or marriage to either Kelli Curran or Timothy Thompson, if so, would you please stand?
(WHEREUPON, there was no response.)
THE COURT: And has any member of the jury panel ever had a close personal or social relationship with Kelli Curran, that's C-U-R-R-A-N, or Timothy Thompson, if so, would you please stand?
(WHEREUPON, there was no response.)
THE COURT: All right. Ladies and gentlemen, I'm gonna read to you a list of potential witnesses who may appear in this case. It's gon' be rather lengthy. So I'm gonna go through the entire list; then ask you questions to follow-up on that.

Potential witnesses are James Soule, Spartanburg Sheriff's Office.

Saray Pindea, Spartanburg Sheriff's Office.

Isaiah Parham, Spartanburg Sheriff's Office.

Akilah Jefferson, Spartanburg Sheriff's Office.

Mike Mironenko, Spartanburg Sheriff's Office.

Kennith Hammett, Spartanburg Sheriff's Office.

Paul Norris, Spartanburg Sheriff's Office.

Brandon Letterman, Spartanburg Sheriff's Office.

Jon Guest, Spartanburg Sheriff's Office.

James Brewster, Spartanburg Sheriff's Office.

Chadwick Ingle, Spartanburg Sheriff's Office.

Justen Martin, 9-1-1 communications.

Melissa Thompson.

Doctor Michael Ward.

Doctor Grace Dukes.

Andrew Edwards.

Brooks Fowler.

Dondrey Johnson.

Takila Terry.

Roger Reynolds.

Devon Sorgee.

Brett Boggs, Greenville Sheriff's Office.

Ryan Weeks, Greenville Sheriff's Office.

Kenyatta Lebby.

Tracy King, formerly of the Greenville County Sheriff's Office.

James Green, SLED.

Special Agent Jay Berni.

Jessica Bowens, Verizon.

Semeon Charles, AT&T.

And a representative from T-Mobile.

Now, ladies and gentlemen, is there anyone who did not get all of those names, raise your hand.

(WHEREUPON, there was no response.)

THE COURT: And as a follow-up to that, has any member of the jury panel been related by blood or marriage to any of the potential -- have I missed somebody?

SOLICITOR SMITH: Mr. Yarborough.

THE COURT: Oh, that's right. I'm sorry.

What is, what is Billie's first -- middle initial?

G?

SOLICITOR SMITH: Yes, G. William G.

THE COURT: William G. Yarborough, attorney in Greenville, South Carolina.

Okay. With that being said, is anyone who did not get all of the names that I just read out to you, if so, raise your hand.

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, does any member of

the jury panel ever been related by blood marriage to any of the potential witnesses I've just given to you, if so, would you please stand?

(WHEREUPON, there was no response.)

THE COURT: Has any member of the jury panel ever had a personal or social relationship with any of the potential witnesses that I've just given to you, if so, would you please stand?

(WHEREUPON, there was no response.)

THE COURT: All right. Mr. Morin, would you stand up, introduce yourself, and where your practice is?

MR. MORIN: My name's Michael Morin. I'm the Circuit Public Defender here in the Seventh Circuit.

THE COURT: Okay. Mr. Smith, would you do the same as well as your cohorts there please, sir?

SOLICITOR SMITH: My name is Spenser Smith. I work as an assistant solicitor in the Seventh Circuit office. This is Ken Hammett. He was read off on the list in case you didn't recognize him. And this is Tyler Brown.

THE COURT: All right. Ladies and gentlemen, has any member of the jury panel ever been related or been represented by any of these attorneys here in the courtroom or in the past or presently or in the past or presently are you represented by any member of the Spartanburg County Public Defender's Office or the

Solicitor's Office, if so, would you please stand?

(WHEREUPON, there was no response.)

THE COURT: Has any member of the jury panel ever had a close -- been related by blood or marriage or have you had a close personal or social relationship with any of these attorneys here in the courtroom, any attorney at the Public Defender's Office, or the Spartanburg County Sheriff's Office -- I mean Solicitor's Office, if so, would you please stand?

(WHEREUPON, there was no response.)

THE COURT: All right. What's the alleged date from the -- excuse me.

SOLICITOR SMITH: October 25th, 2020.

THE COURT: October 25th?

SOLICITOR SMITH: 2020.

THE COURT: Okay. Ladies and gentlemen, this trial is about events that occurred on or around October 25th, 2020.

Has any member of the jury panel read, seen, or, or heard anything in the press about the case of the State of South Carolina versus Tyleek Johnson prior to coming to court today, if so, would you please stand?

(WHEREUPON, there was no response.)

THE COURT: As a follow-up to that, has any member of the jury panel formed or expressed an opinion about any

issue or matter involved in the case of the State of South Carolina versus Tyleek Johnson, if so, would you please stand?

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, is any member of the jury panel aware of any bias or prejudice they may harbor for or against the State of South Carolina or this, or this defendant or their respective attorneys, if so, would you please stand?

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, is any member of the jury panel who is a member of the Spartanburg County Grand Jury that issued the indictments in this case, if so, would you please stand?

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, is any member of the jury panel who is a member of or a contributor to any group which has as its, as its primary concern the promotion of law enforcement or victim's rights?

Certainly not exhaustive list, but some examples would be MADD, SADD, or CAVE.

But if you are member of or a contributor to any group which has as its primary concern the promotion of law enforcement, would you please stand?

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, is any member of the jury panel aware of any reason why he or she should not be selected to serve in the trial of the, of the -- of this matter with particular emphasis being placed upon your ability to be fair and impartial to both the State of South Carolina and the defendant?

If you know of any reason whatsoever why you should not serve, would you please stand?

(WHEREUPON, there was no response.)

THE COURT: Is there any additional voir dire from the State?

SOLICITOR SMITH: Your Honor, I had one about if they'd been victims or family members of the victims --

THE COURT: All right. Let me see.

SOLICITOR SMITH: -- of violent crimes.

THE COURT: You had one I think on this stack.

(WHEREUPON, a bench conference was held at this time.)

THE COURT: All right. Ladies and gentlemen, is any member of the jury panel re -- related by blood or marriage to anyone who currently or, in the past, worked in law enforcement for any level, whether it be city, state, or federal, if so, would you please stand?

(WHEREUPON, one juror responds at this time.)

THE COURT: All right, sir. What is your juror

number and your name?

THE JUROR: 186, Damiean Sylvester.

THE COURT: And who is it you're related to?

THE JUROR: My father was a correctional officer for the State of California.

THE COURT: And would that impact your ability to give both sides of this case a fair and impartial trial?

THE JUROR: No, Your Honor.

THE COURT: Very good.

Any additional voir dire from the State or defense?

SOLICITOR SMITH: No.

MR. MORIN: Nothing.

THE COURT: All right. Guys, if you want it, let me know, otherwise I'll assume you do not want it.

Okay?

MR. MORIN: Yes, sir.

THE COURT: Thank you, sir. You may be seated.

Ma'am, in the black shirt?

THE JUROR: My ex-husband---

THE COURT: What is your juror number and name?

THE JUROR: One sixteen.

THE COURT: And your name?

THE JUROR: Kristen Langford.

THE COURT: Okay. And tell me your relationship please.

THE JUROR: My ex-husband was a sheriff's deputy.
THE COURT: Okay. And would that impact your ability to give both sides of this case a fair and impartial trial?
THE JUROR: No, sir.
THE COURT: Thank you, ma'am.
Yes, ma'am, your name and number -- and jury number?
THE JUROR: One eighty, Christy Snyder.
THE COURT: Okay. Could you tell me who you have in force -- law enforcement?
THE JUROR: My partner is a retired detective.
THE COURT: And that's current?
Current situation?
THE JUROR: Yes.
THE COURT: Would that impact your ability to give both sides of this case a fair and impartial trial?
THE JUROR: No, Your Honor.
THE COURT: Okay. Thank you very much.
Yes, ma'am, you just stood up, what's your jury number and name?
THE JUROR: Oh, 137, Anita---
THE COURT: And what's your---
THE JUROR: Anita Mullinax.
THE COURT: Okay.
THE JUROR: Sister-in-law.

THE COURT: Ms. Mullinax, who is it?
THE JUROR: Anita Mullinax. She's my sister-in-law. I think she's retired now and then it's---
THE COURT: And what's her relationship to you?
THE JUROR: My husband's brother's wife.
THE COURT: Okay. And would that prevent you from giving both sides of this case a fair and impartial trial?
THE JUROR: No, sir.
THE COURT: Thank you.
All right, sir. In the nice looking jacket you got up there.
What -- what's your jury name, name -- and jury name?
THE JUROR: Scottie Fowler, Number 70.
THE COURT: And what is your relationship please, sir?
THE JUROR: Brother, Wayne Fowler, at the Sheriff's Department.
THE COURT: Okay. Would -- now would that impact your ability to give both sides of this case a fair and impartial trial?
THE JUROR: No, sir.
THE COURT: Thank you, sir.
All right. Start over here in the front row.
THE JUROR: Sixty-one, Lynn Ertzberger. My husband is deceased. But he was a retired lieutenant from the

Spartanburg County Sheriff's Office.

THE COURT: Okay. Would that impact your ability to give both sides of this case a fair and impartial trial?

THE JUROR: No, sir.

THE COURT: Thank you, ma'am.

All right. Over here.

THE JUROR: Number 13, Jason Bellew, cousin, Roxie Bellew, City of Union police officer.

THE COURT: Okay. And that's at current -- is that a current situation?

THE JUROR: Last I checked she is still employed. I'm not sure. I asked her a few years ago.

THE COURT: All right. Would that impact your ability to give both sides of this case a fair and impartial trial?

THE JUROR: No, Your Honor.

THE COURT: Thank you.

All right, sir. In the blue.

THE JUROR: One seventy-six, Alexander Smith. My dad is a former police officer in Ohio.

THE COURT: Okay. And would that impact your ability to give both sides in this case a fair and impartial trial?

THE JUROR: No, sir.

THE COURT: Thank you.

Right behind him, what's your jury name -- jury number and name?

THE JUROR: Number 40, James Hart. My father-in-law's a retired detective in New York.

THE COURT: And would that impact your ability to be fair and impartial to both sides of this case?

THE JUROR: No, sir.

THE COURT: Thank you.

Yes, ma'am.

THE JUROR: 190, Rebecca Thompson. My son-in-law just got hired by Spartanburg County.

THE COURT: Okay.

THE JUROR: She's in Spartanburg County.

THE COURT: Then he wasn't one of the witnesses we heard, was it?

THE JUROR: No, he just got hired.

THE COURT: Okay. So, would that, would that relationship with your son-in-law impact your ability to give everybody a fair and impartial trial?

THE JUROR: No, Your Honor.

THE COURT: Thank you, ma'am.

In the, the white.

THE JUROR: Number 51, Aliena Davis.

THE COURT: I need you to speak up a little bit please, ma'am.

THE JUROR: Number 51, Aliena Davis.
THE COURT: Okay. And who is it?
THE JUROR: My auntie's a judge here.
THE COURT: And would that impact your ability to give both sides a fair and impartial trial?
THE JUROR: Yeah.
THE COURT: It will?
THE JUROR: (WHEREUPON, the juror nods affirmatively.)
THE COURT: So you can't not be fair?
THE JUROR: No.
THE COURT: You don't think so?
THE JUROR: No.
THE COURT: You're not just trying to get out of jury service, are you?
THE JUROR: No.
THE COURT: Okay. And tell me your juror number again.
THE JUROR: Fifty-one.
THE COURT: Okay. I'm gonna, I'm gonna take you out of the jury panel on this case. But you'll still need to come back if they tell you to.
Okay. So, call in after six o'clock on the number that you'll get. Don't leave until you get that number.
Okay?

THE JUROR: Okay.
THE COURT: Yes, ma'am.
THE JUROR: One thirty, Michael McDowell.
THE COURT: Okay.
THE JUROR: My uncle is currently employed with the state department or highway department in Cherokee County and my cousin is a former---
THE COURT: You say highway department, is that the troopers?
THE JUROR: Yes.
THE COURT: Okay. Would that impact your ability to give both sides a fair and impartial trial?
THE JUROR: No, sir.
THE COURT: Thank you.
And what's your jury number again?
THE JUROR: 130.
THE COURT: Thank you.
Yes, ma'am.
THE JUROR: My jury number is 73 and I believe my husband---
THE COURT: What's your, what's your last name?
THE JUROR: Gallman.
THE COURT: Okay.
THE JUROR: And I think my aunt's cousin is a police officer in Philadelphia. I'm not sure. I think.

THE COURT: Well, I don't even know I asked that. But let me---

THE JUROR: I saw -- I was like, you know, in a uniform.

THE COURT: Would that -- can you give both sides a fair and impartial trial?

THE JUROR: Yes.

THE COURT: Thank you so much.

Okay. All right. Ladies and gentlemen, is any member of, of the jury panel related to -- by blood or marriage to anyone who's employed at the Seventh Judicial Circuit Solicitor's Office here in -- is that Spartanburg and Cherokee?

Is that right?

SOLICITOR BROWN: Yes, Your Honor.

SOLICITOR SMITH: Yes, sir.

THE COURT: If so, would you please stand?

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, does any member of the jury panel currently employed---

THE CLERK: I'm sorry, Your Honor. We had one stand I believe.

THE JUROR: Fifty-one.

THE COURT: Oh, I've already exempted, exempted you. Excuse me.

THE JUROR: Okay.
THE COURT: Excuse you.
THE JUROR: Okay.
THE COURT: All right. Exempted, I can't even speak this morning.
Okay. Ladies and gentlemen, any member of the jury panel ever been employed or currently employed by any civilian or military law enforcement agency, if so, and we're speaking about you, would you please stand?
(WHEREUPON, there was no response.)
THE COURT: Has any member of the jury panel or any member of their immediate family ever been the victim of gun violence, if so, would you please stand?
(WHEREUPON, jurors respond at this time.)
THE COURT: Okay. What is your jury number?
THE JUROR: Seventy-four.
THE COURT: And---
THE JUROR: Yeah, Kimberly Graham.
THE COURT: And would that -- was it you or a member of your family?
THE JUROR: My family.
THE COURT: Would that impact your ability to give both sides of this case a fair and impartial trial?
THE JUROR: No, Your Honor.
THE COURT: Okay. What's your jury number again?

THE JUROR: 74.
THE COURT: Thank you, ma'am. You may be seated.
THE JUROR: One ninety, Rebecca Thompson.
THE COURT: You or a family member?
THE JUROR: My mother-in-law.
THE COURT: Would that impact your ability to be -- give everybody a fair and impartial trial?
THE JUROR: No, sir.
THE COURT: Thank you, ma'am.
Yes.
What's your jury number and name?
THE JUROR: One twenty-seven, Cameron Martin.
THE COURT: Was it you or a family member?
THE JUROR: My father.
THE COURT: Would that impact your ability to give everybody a fair and impartial trial?
THE JUROR: No, sir.
THE COURT: Thank you, ma'am.
Yes, ma'am.
THE JUROR: One seventy-three and---
THE COURT: What's your, what's your name please?
THE JUROR: Temythi Singfield.
THE COURT: Okay.
THE JUROR: It was my aunt.
THE COURT: Your uncle?

Okay. Would that impact your ability to give everybody a fair and impartial trial?

THE JUROR: No, sir.

THE COURT: Thank you, ma'am.

Yes, sir, in the --.

THE JUROR: Me, Your Honor?

THE COURT: Yes, sir.

THE JUROR: One eighty-six, Damiean Sylvester. Throughout my law enforcement career as a SWAT team member and had been shot at multiple times, sir.

THE COURT: And now are you gon' be able to give everybody a fair and impartial trial in this case?

THE JUROR: Yes, Your Honor.

THE COURT: Very good. Thank you, sir.

In the black.

THE JUROR: Ninety, Breanna Harris.

THE COURT: Okay. Is it you or a family member?

THE JUROR: My mother.

THE COURT: Okay. Would that impact your ability to give everybody a fair and impartial trial?

THE JUROR: No, sir.

THE COURT: Thank you, ma'am.

THE JUROR: Seventeen, Alexa Beargarmon.

THE COURT: And is it you or a family member?

THE JUROR: Me and a family member.

THE COURT: Both?
THE JUROR: Both.
THE COURT: Would either one of those situations cause you to be unable to give a fair and impartial trial to both sides of this case?
THE JUROR: Yes, Your Honor.
THE COURT: It will?
THE JUROR: Yes.
THE COURT: What's your jury number again?
THE JUROR: Seventeen.
THE COURT: Seventy?
THE JUROR: Seventeen.
THE COURT: Seventeen.
Would you remove Number 17?
I'm gon' ask you -- I'm gon' let you go. You need to call back tonight after six o'clock and each night until you've been excused.
Okay?
THE JUROR: Yes, Your Honor.
THE COURT: Do not leave until you have that, that blue thing with the number on it.
Okay?
THE JUROR: Yes, Your Honor.
THE COURT: Thank you, ma'am.
Ladies and gentlemen, has any member of the jury

panel or any member of their immediate family been the victim of a burglary, if so, please stand.

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, is any member of the jury panel ever been or currently or are you an acquaintance with the defendant or his family, if so, his immediate family, if so, would you please stand?

(WHEREUPON, the defendant stands at this time.)

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, has any member of the jury panel or any member of their immediate family been accused of or charged with commission of a violent crime, if so, would you please stand?

(WHEREUPON, jurors respond at this time.)

THE COURT: All right. And I'm just gon' -- you don't have to tell me the circumstances. Just -- I want you over here in the blue to give me your name and first your jury number.

THE JUROR: Forty-seven, Lucas Crowe.

THE COURT: And would that cause you to be unable to give both sides of this case a fair and impartial trial?

THE JUROR: No, sir.

THE COURT: Okay. Ma'am, in the black.

THE JUROR: One, Jennifer Adams and it will not bother to me.

THE COURT: Thank you, Ms. Adams.
Okay.
THE JUROR: One twenty-five, and it would---
THE COURT: What's your last name?
THE JUROR: Macho.
THE COURT: Would that cause you to be unable to give both sides a fair and impartial trial?
THE JUROR: No, Your Honor.
THE COURT: Thank you, ma'am.
Yes, ma'am, what's your jury number?
THE JUROR: Oh, 180, Christy Snyder.
THE COURT: And---
THE JUROR: No, it would not.
THE COURT: It would not impact, impact your ability to be fair to both sides?
THE JUROR: No. No, sir.
THE COURT: Thank you, ma'am.
Yes, sir.
THE JUROR: One fifty-three, Casey Revis, and it wouldn't.
THE COURT: All right. Thank you.
Ladies and gentlemen, has any member of the jury panel or any member of the immediate family been prosecuted by an agency, other than the Solicitor's Office, here, by any state or federal agency, if so, would

you please stand?

(WHEREUPON, there was no response.)

THE COURT: And, ladies and gentlemen, has any member of the jury panel themselves ever been investigated by law enforcement for the violation of a criminal or for the alleged violation of a criminal law, if so, would you please stand?

(WHEREUPON, there was no response.)

THE COURT: All right. Any other voir dire from the defense?

MR. MORIN: No, sir.

THE COURT: From the State?

SOLICITOR SMITH: No, Your Honor.

THE COURT: All right. Ladies and gentlemen, back in the day before I had gray hair, we would pick juries by having people come in here and have the actual name in a spindle and somebody would spin it around who really couldn't read or write and they'd draw names out and your name would be called. You'd be called to summon up here to stand in front of our court reporter and face the State and face the defense and they'd make a decision as to whether or not they'd accept you in this case.

Today, we have a computer that's gon' do so. And if your name is called out, I'm gon' ask that you pick up your personal belongings, come here and stand in front of

my court reporter's desk, look at the State, look at defense, and they'll make a call as to whether or not you'll be selected.

Madam Clerk, we'll have three alternates.

THE CLERK: Yes, sir.

THE COURT: Okay. And ten and five, ladies and gentlemen, and two and one on the alternates.

Everybody in agreement with that?

SOLICITOR SMITH: The State is.

MR. MORIN: Yes, sir.

THE COURT: All right. Very good.

Give us one second and we'll have that, that list generated.

(Pause.)

THE CLERK: When your juror number is called, please stand and come to the center aisle with the bailiff.

Juror Number 159.

What says the State?

SOLICITOR SMITH: Please excuse this juror.

THE CLERK: Number 70.

What says the State?

SOLICITOR SMITH: Please present the juror.

THE CLERK: What says defense?

MR. MORIN: Please excuse the juror.

THE CLERK: One zero six.

What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Please swear the juror.
THE CLERK: One thirty-one.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Please swear the juror.
THE BAILIFF: Did you say swear the juror?
MR. MORIN: Yes, sir.
THE CLERK: One sixty-four.
One sixty-four, Desiree Scales.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Please swear the juror.
THE CLERK: One sixteen.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Please swear the juror.
THE CLERK: One eighty-six.
What says the State?
SOLICITOR SMITH: Please present the juror.

THE CLERK: What says defense?
MR. MORIN: Please excuse the juror.
THE CLERK: One seventy-five.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Please swear the juror.
THE CLERK: Ninety-eight.
SOLICITOR BROWN: Is that 98?
THE CLERK: Yes, sir.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Please swear the juror.
THE CLERK: Seventy-four.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Please excuse the juror.
THE CLERK: One eighty-one.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Please swear the juror.
THE CLERK: One forty-six.

THE COURT: No, she's been excused.
Let me see the attorneys up here. No, no.
THE CLERK: You can have a seat, ma'am.
THE BAILIFF: You can go back to your seat. You're excused.
THE COURT: She -- no, no. Do not let her leave, Mr. Bailiff. She's to stay here.
Y'all come up here.
(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)
THE CLERK: One zero eight.
What says the State?
SOLICITOR SMITH: Please excuse this juror.
THE BAILIFF: Ma'am, you can go back to your seat.
THE CLERK: Number 47.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Please swear the juror.
THE CLERK: Number 5.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Please swear the juror.
THE CLERK: Number 99.

What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Please swear the juror.
THE CLERK: One eighty-two.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Ma'am, was that Number 182?
THE CLERK: Yes, sir.
MR. MORIN: Please swear the juror.
THE CLERK: One sixty-three.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Please excuse the juror.
THE CLERK: One zero four.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Please swear the juror.
This will be for the first alternate.
One ninety-three.
What says the State?
SOLICITOR SMITH: Please present the juror.

THE CLERK: What says defense?
MR. MORIN: Please swear the juror.
THE CLERK: Number 61.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Please excuse the juror.
THE CLERK: Number 32.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. MORIN: Please swear the juror.
THE CLERK: One fifty-six.
What says the State?
SOLICITOR SMITH: Please excuse this juror.
THE CLERK: Number 56.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE COURT: What says defense?
MR. MORIN: Please swear the juror.
THE CLERK: Your Honor, jury selection is complete.
THE COURT: Thank you, ma'am.
All right. Counsel, any motions directed to the jury selection process from the State?
SOLICITOR SMITH: No, Your Honor.

THE COURT: From the defense?
MR. MORIN: No, sir.
THE COURT: Very good.
(Pause.)
THE COURT: All right. Those of you who were selected, just to give you the lay of the land, we're going to go over some administrative matters pretty much the rest of the day. So, we're gon' ask that you start tomorrow morning with the opening statements in this case.
Is 9:30 okay with everybody?
SOLICITOR SMITH: Yes, sir.
MR. MORIN: Yes, sir.
THE COURT: All right. So, before we -- I excuse you for the day, I'm gon' ask that you go back to your jury room and that you select a foreperson to serve as the foreperson of this jury. Your foreperson is someone who will communicate with me throughout the course of this trial if you need to and also who will preside over deliberations at the end of the process when you're told to begin your deliberations.
Our alternates have a right to vote but they may not serve as foreperson.
Can I see the alternates' hands?
(WHEREUPON, the jurors raise their hands at this time.)

THE COURT: Okay. So we know who that is.

If you would, go back to your jury room. Whoever's selected, write your name down and then ask your fellow jurors if anyone would like to have pad and pen to take notes with during trial.

This case -- if you do, there's like 10 people who do, just write the number 10 down. If everyone does, write 15 down but whatever number. And once you've got that, I'm gon' ask you to come back in here for some important instructions before I excuse you for the day.

But if you go with your bailiff please.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Yes, sir.

Are you gon' -- oh, I thought you were about to ask me something.

THE BAILIFF: No, sir.

THE COURT: Guys, let me ask y'all.

Do you think there's any way we gon' get these things done today or we just gon' do everything tomorrow?

SOLICITOR SMITH: No, I have people coming.

THE COURT: Oh, you do?

You're a good man. I appreciate it. I know you love it that I changed gears on you in the middle of trial.

SOLICITOR SMITH: It's Spartanburg. It's pretty much

how it goes. That's --.

THE COURT: Well, what time you think y'all -- just to tell you, when you're ready to have it done, tell me. We'll stop and have it done.

How long you think it's gon' take to get it taken care of?

MR. MORIN: I, I wouldn't think it's gonna take more than 90 minutes.

SOLICITOR SMITH: Yeah.

MR. MORIN: That sound right?

SOLICITOR SMITH: That's fair.

I had told the retired officer from Greenville had -- he was worried about how he's dressed. He was gonna head home and change.

I told him if he got here like 3:00, I thought we'd be fine. We can start with the *Jackson v. Denno*. I know if, if we're not ready, there are, you know, people will be showing up for pleas too. So, I think we'll, we'll get it all handled today.

THE COURT: Sounds like it.

SOLICITOR SMITH: Keep you occupied and we'll get this moving forward.

THE COURT: All right. Anything from defense before we stand down?

MR. MORIN: No, sir.

THE COURT: Mr. Johnson, let me tell you this.

Are, are you -- are you, are you out on bond or you're not out -- you're not out on bond?

(WHEREUPON, the defendant nods negatively.)

THE COURT: Okay. Nevermind. Don't need to tell you anything.

Y'all just hang tight just a little -- till we get this back and then we'll excuse them for the, for the day.

MR. MORIN: If I may ask, judge, which courtroom are you going to?

THE COURT: I think 6-B if no -- is that right?

Is that right?

THE BAILIFF: Correct.

THE COURT: Six B.

MR. MORIN: Okay. Thank you, Your Honor.

(Pause.)

THE COURT: All right. This is it?

THE CLERK: Yes, sir.

SOLICITOR SMITH: Your Honor, can I ask you something about cellphones?

THE COURT: About what?

SOLICITOR SMITH: Cellphones.

Are you okay with us using cellphones?

THE COURT: You guys?

SOLICITOR SMITH: Yes, not, not like a phonecall

during the trial. But they, they -- because we didn't have a cyber security specialist, we went through an IT hack and they've now linked our phones up to opening our laptops and it -- and they got to look at our face and --.

THE COURT: Just make them so they're not ringing.

SOLICITOR SMITH: Yeah, definitely not that. But we found out -- you actually can't use your computer if you're not connected to the Internet. That's another thing I found.

THE COURT: Oh really. Tell your witnesses though not to bring them in. I had a trial the other day, every dang witness had a phone and every dang one went off during the course of trial.

Is there any matters we can be taking care of now or you're just gon' wait?

MR. MORIN: I'm just gonna wait, Your Honor. Well, there, there might be one.

For the record, Your Honor, my client wanted to know about a 1983 action we believe he has and I have --.

THE COURT: Nineteen eighty-three?

MR. MORIN: Yes, sir, and I have instructed him and explained to him that that is a federal action that he would have to bring in Federal Court and not---

THE COURT: It's state or federal I think.

MR. MORIN: Well -- and it won't be part of this.

THE COURT: It is a federal action but jurisdiction in both.

MR. MORIN: Right. So, it won't be part of this trial and I just explained---

THE COURT: It's a civil case.

MR. MORIN: Correct. And I just wanted to put that on the record because he and I are getting along pretty well now. But there are certain things that we may not agree on and I wanted to be on the record that I've explained that to him.

THE COURT: And---

MR. MORIN: But other than that, I don't have anything.

THE COURT: And, and, Mr. Johnson, yeah, I can't advise you at all. But if you want to, you know, pursue that avenue, that, that you just need to sit down with an attorney who is well versed in that kind of lawsuit. And they can tell you what the ends and outs and whether or not you have a case or not have a case.

Okay, sir?

THE DEFENDANT: Yes, sir.

SOLICITOR SMITH: Your Honor, he has pending litigation against the county from my understanding. So, I think he has done that.

THE COURT: He's -- all right. So --.

SOLICITOR SMITH: I've seen filings of it.

But there is, there is one other -- Your Honor, the unlawful possession of a handgun charge is related to him having a, a previous conviction for a crime of violence. Last week when I talked to Mr. Morin, I was asking him if he would do a stipulation where, instead of introducing his prior conviction, that we would just have a stipulation that he has a qualifying---

THE COURT: Qualifying.

SOLICITOR SMITH: ---crime of conviction -- of violence. At that time, they said they didn't want to do that. I just didn't know if anything had changed.

THE COURT: Well, here's the options, Mr. Johnson, for you. You're the one who's got to make the call. But I'd ask you to talk to your attorney ahead of -- before you make the situation up.

Since that is one of the elements of the charge, you know, that you have a prior qualifying conviction, they'll be able to have the documentation of that prior charge admitted, once it's properly authenticated, into evidence in the trial of this matter or you can -- instead of having that paperwork where they can read it and see everything on it, you can just say I agree that there's a qualifying conviction in my past that would qualify for that.

Okay. That way that wouldn't have to come into evidence. The jury doesn't have to look at it. They're just told that there's a qualifying conviction.

Okay, sir?

But I'll suggest that you speak with your attorney and y'all decide how you want to proceed with that.

Okay?

MR. MORIN: Your Honor, if I may?

THE COURT: Go ahead.

MR. MORIN: I have gotten a copy of that alleged conviction. My client denies it. So, we will not be stipulating to it.

THE COURT: All right.

MR. MORIN: That's --

THE COURT: There you go.

MR. MORIN: -- where we are.

THE COURT: All right. Well then you just got to do what you got to do.

SOLICITOR SMITH: Yes, sir.

THE COURT: All right.

SOLICITOR SMITH: I just -- you know, it's for a robbery. That's the only reason that I had -- and, of course, it's not my job to protect him. But it's for the same crime, at least an element of the crime -- one of the crimes that he's alleged to have done. So --.

THE COURT: All right.
MR. MORIN: Your Honor, are we at ease now or we are---
THE COURT: Sir?
MR. MORIN: Are we at ease or are we waiting for something because I---
THE COURT: We're waiting for the jury to come back. I want to give them parting instructions.
MR. MORIN: Oh, okay.
THE COURT: But you -- we're at ease until they come -- they're back with their --.
MR. MORIN: Well, I was gonna sit -- have a sit down with my client and --.
THE COURT: Give me a second and then I --.
MR. MORIN: Sure.
THE COURT: I can't imagine they gon' be -- except I have to tell you I was down in the low country one time and the jurors got in a fight over who was gonna be the foreperson. That didn't bode well for them.
SOLICITOR SMITH: Did they reach a verdict?
THE COURT: They did. Believe it or not they did.
SOLICITOR SMITH: Got the tough work out --.
THE COURT: I didn't think they would.
(Pause.)
THE COURT: Madam Clerk, if we can get seven pad and

pencils --

THE CLERK: Yes, sir.

THE COURT: -- and Number 4 is our foreperson.

THE CLERK: Okay.

THE COURT: I'm gonna give this to our clerk -- I mean court reporter. Excuse me.

(WHEREUPON, the note from the jury was marked as Court's Exhibit No. 1 for identification purposes only at this time.)

THE COURT: Would you bring the jury in please?

THE BAILIFF: Yes, sir.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Okay. Juror Number 5?

(WHEREUPON, the juror raises their hand.)

THE COURT: You are our foreperson?

THE JUROR: Yes, sir.

THE COURT: Very good.

Now, let me go over a couple things with you and then I want to talk to the rest of you very briefly and then I'll excuse you.

If, at anytime, Madam Forelady, you need a break or you have a question or you need anything, if you just write it down on a piece of paper like you did a minute ago, sign your name to it. Give it to one of our

bailiffs. They'll get it to me and we'll react accordingly.

Okay?

THE JUROR: Yes, sir.

THE COURT: This is not gonna be an endurance contest. I will tell you that sometimes I have a tendency to go a little long. So, if you need to take a break, I will stop any time you want me to. If I call you back before you're ready, just say we're not ready and, and then our bailiffs are the best in the state. If y'all need anything, just ask them.

You know, they can't answer questions, okay, about this case and that's gon' lead me into the next thing.

From this point forward until you are discharged from the trial of this matter, you may not and you shall not speak with anybody about this case, okay, and that includes amongst yourselves. I just had to mistry a case in Anderson County about two weeks ago because the jurors, even after I told them not to, were sitting at lunchtime talking about a case, which was overheard by members of the public who called me and told me I heard your jurors talking, and I know that that -- it's not necessarily intentional.

But do not talk to each other or anybody about this case. For example, if, during a break, we're gon' start

in the morning at 9:30, we take a break, and somebody had objected and I let you hear my ruling on that objection, it's gon' be improper for you to say hey, did you see what happened, did you see that objection.

Well, don't talk about it until you're told at the end of the case now to begin your deliberations. And the reason that is is that we don't want you to come to a early conclusion about what the facts of this case are until you've heard everything, you've heard the law that you will apply, and then you'll be ready to talk about it and discuss the case and that means face-to-face, phone, you know, texts or any other form of communication that my gray hair doesn't allow me to understand. But just don't talk about it.

Okay. Also, I have to tell you this cause I'm required by our Supreme Court Chief Justice that, in any case, you're not allowed to engage in what is called independent jury research. That means that, while you are performing your tasks as a juror, you may not read anything in the paper about the case. You may not hear anything on the news or some other form of media and you may not look up any issue that you hear in the case or any issue you may think would be helpful or anything about any actor in the case, about me, the lawyers, witnesses, anyone connected to this case, until you've been

discharged.

And, after that, you can look it up till your heart's desire. But until that time, please do not engage in any independent research. Don't read anything about it. Don't talk about it. And I'm not gon' give you a hard time about it. But, every morning, I'm gonna ask you have you read, heard, or seen anything about this case and have you spoken with anybody about this case.

Okay. We'll have seven pads and pens.

Is that correct, Madam Forelady?

THE JUROR: Yes, sir.

THE COURT: All right. If anybody changes their mind, you want one, we'll make them available for you. I'm gonna excuse you for the remainder of the day. If you'd be in your jury room about 9:25. I'm gonna try to start us off at 9:30 in the morning as quick or close to thereto as possible. Our bailiff will escort you out and show you where you need to come tomorrow.

Thank you and you're excused for the day.

THE FORELADY: Thank you, Your Honor.

THE COURT: Yes, ma'am.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Any additions or exceptions to my instructions from the State?

SOLICITOR SMITH: No, Your Honor.
THE COURT: From the defense?
MR. MORIN: No, sir. No, sir.
THE COURT: All right. What time y'all want to crank it up this afternoon or what, what y'all want to do?
What time were they, what time were they scheduled to do pleas for this afternoon?
THE CLERK: Your Honor, pleas are scheduled for 2:00PM this afternoon.
THE COURT: Two PM?
THE CLERK: Yes, sir.
THE COURT: All right. We'll see y'all some time some -- just tell me when y'all are ready to go and we'll go do it.
SOLICITOR SMITH: Yes, sir.
THE COURT: Okay. Anything I need to do in the meantime?
MR. MORIN: No, sir.
THE COURT: All right.
(WHEREUPON, this case was in recess for the lunch hour.)
THE COURT: All right. Counsel, call your case, and for, for the record, what we're doing please.
SOLICITOR SMITH: Your Honor, we are here on the matter of Tyleek Johnson. This is Indictments 20 --

2021-GS-42-4979 through 4983. The defense has two or at least two pretrial matters they would like to handle.

THE COURT: All right. Mr. Morin.

MR. MORIN: Your Honor, the first one is *Jackson v. Denno*. The State alleges my client gave incriminating statements and we are arguing that it was not voluntarily, knowingly, and intelligently given.

THE COURT: Okay.

SOLICITOR BROWN: Your Honor, may it please the Court?

THE COURT: Yes, sir.

SOLICITOR BROWN: Tyler Brown for the State.

Your Honor, we have witnesses prepared to call on that matter, and, with your permission, we'll call Derrick Bulsa first.

THE COURT: Come around please, sir, and be sworn.

Raise your right-hand.

So, go ahead. Go for it.

THE CLERK: I'm sorry.

DERRICK BULSA, being first duly sworn, testified as follows:

THE WITNESS: How are you, judge?

THE COURT: Yes, sir.

SOLICITOR BROWN: May it please the Court, Your Honor?

DIRECT EXAMINATION

BY SOLICITOR BROWN:

Q. Mr. Bulsa, for our court reporter, can you start by saying your name and spelling your last name?

A. Derrick Bulsa, B-U-L-S-A.

Q. All right. Mr. Bulsa, you're now in private practice.

But, prior to that, what was your job?

A. I was the deputy solicitor for Spartanburg and Cherokee County.

Q. As a part of those duties, were you assigned the case of prosecuting this defendant, Mr. Johnson, regarding the murder of Kelli Curran and Timothy Thompson?

A. I was.

Q. All right. When Mr. Johnson was arrested, was there a point in time where you were contacted by his attorney regarding him giving a statement?

A. Yes, I was.

Q. All right. Do you remember who his attorney was?

A. It would of been Bill.

Q. Bill Yarborough sitting---

A. Yes.

Q. ---on the second row here in the courtroom?

And do you remember or what---

THE COURT: Let me stop you right -- I, I don't mean

to do -- interrupt you.

Do we need to sequester anybody here or are we okay?

SOLICITOR SMITH: I, I would defer to the defendant. I, I --.

MR. MORIN: No, I, I think we're fine, Your Honor.

THE COURT: Okay.

MR. MORIN: Your Honor, I would ask if my client could, could have a hand free so he can write down notes rather than whisper to me?

THE COURT: That's fine with me if it's okay with law enforcement.

MR. MORIN: Yes, sir. Thank you, sir.

THE COURT: All right. I'm sorry. Go ahead.

SOLICITOR BROWN: Yes, Your Honor.

May it please the Court?

THE COURT: Okay.

Q. Do you remember when Mr. Yarborough reached out to you?

A. I don't know what time -- what kind of timeframe you're telling -- asking for. But, no, I don't recall it.

Q. Do you remember about how much before the statement was given that Mr. Yarborough reached out to you?

A. It would of been soon after the arrest. I recall Bill calling wanting his man to cooperate and I said well, he's got to -- we've got to see what he knows before I can

make any -- make, make any comments about it.
Q. At this point in time when he reached out to you about giving a statement, did you offer to Mr. Yarborough any hope of an end result of what might happen in this case, any promises of leniency, or anything to that nature?
A. I did not. Mr. Yarborough mostly was seeking a bond.
Q. Were y'all considering a bond at this point in time?
A. No, because, my understanding, his client was also facing a murder charge in Greenville.
Q. With the defendant, through his attorney letting you know that he wished to give a statement, did you make contact with law enforcement or did you put them in touch with one another to give a statement?
A. It happened somehow. I would of reached out to John telling him -- telling, Jon Guest, telling him that the client wanted to speak and would of had them schedule it, he and, he and Mr. Yarborough.
Q. And, prior to that statement, did y'all enter any agreements about the usage of his statement later, proffer agreement or anything of that effect?
A. We did not.
Q. All right. Were you present the day that the statement was given?
A. I recall being at the Sheriff's Office when the

parties arrived and making sure it got set up and started. I did not stay and watch.

Q. Was Mr. Yarborough present?

A. He was.

Q. And, to your knowledge, was Mr. Yarborough allowed to remain in the interview room during the course of the interview?

A. It's my understanding he did -- he was there and did remain.

Q. All right. But you were not present during that?

A. I was not.

Q. How did you anticipate finding out what was said in that interview at a later date and time?

A. I was expecting a video of the, of the statement and I was told, soon afterwards, that the video failed to record. So, I had Investigator Guest do a detailed report about what happened --

Q. Okay.

A. -- and what was said.

Q. Did you have any more involvement with that interview being taken that day?

A. I did not.

SOLICITOR BROWN: Beg the Court's indulgence.

(Pause.)

Q. All right. Please answer any questions that Mr.

Morin has for you.

MR. MORIN: One moment, Your Honor.

CROSS-EXAMINATION

BY MR. MORIN:

Q. You weren't present during this interview?

A. No, sir.

Q. You made no agreement as to what would result in that?

A. Correct.

Q. Is that right?

A. Correct.

Q. Mr. Yarborough wanted something for that?

A. Of course.

Q. Do you recall, other than -- Officer Guest, is it?

A. I believe he was the lead investigator.

Q. All right. Do you recall any other law enforcement that were there at the time?

A. Mr. Morin, no, I don't recall the other officers.

Q. Okay. Do you recall if you got any written notes about what happened in the interview?

A. I -- as I said, I had Investigator Guest do a detailed report once he told me the videotape did not record. So, I did get a detailed --.

Q. Well, I understand that but that was after they realized that the video didn't work and that was a typed

report?
A. Oh, you mean any written notes of --
Q. Yes.
A. -- of the interview?
No, I did not see any.
MR. MORIN: That's all the questions I have, Your Honor.
THE COURT: Redirect?
SOLICITOR BROWN: Nothing further from this witness, Your Honor.
THE COURT: May this witness be excused?
SOLICITOR BROWN: Yes, Your Honor.
THE COURT: And is he under subpoena for trial?
SOLICITOR SMITH: He is.
THE COURT: So he's not released from that I, I assume?
SOLICITOR BROWN: Correct, Your Honor.
THE COURT: All right.
SOLICITOR SMITH: Yes, that---
SOLICITOR BROWN: But we'll---
SOLICITOR SMITH: We were not planning on calling him.
THE COURT: Okay.
SOLICITOR SMITH: But you never know how things go.
THE COURT: Just let him know.

SOLICITOR BROWN: We won't make him hang out at the courthouse. We'll call him if we need him.

THE COURT: Thank you, man. Appreciate you.

THE WITNESS: Thank you, judge.

SOLICITOR BROWN: May it please the Court, Your Honor?

THE COURT: Yes, sir.

SOLICITOR BROWN: The State would call Ken Hammett from the Spartanburg County Sheriff's Office.

KEN HAMMETT, being first duly sworn, testified as follows:

SOLICITOR BROWN: May it please the Court, Your Honor.

THE COURT: Yes, sir.

(WHEREUPON, the pre-interrogation waiver form was marked as Court's Exhibit No. 2 for identification purposes only at this time.)

DIRECT EXAMINATION

BY SOLICITOR BROWN:

Q. Mr. Hammett, for our court reporter, can you please say your name and spell your last name?

A. First name is Kennith. It's K-E-N-N-I-T-H and Hammett is H-A-M-M-E-T-T.

Q. Mr. Hammett, with whom are you employed?

A. Spartanburg County Sheriff's Office.

Q. And what are your duties with the Spartanburg County Sheriff's Office?
A. I currently work in the violent crimes investigation division.
Q. Is that the part of the Sheriff's Office you worked in 2021?
A. Yes, sir.
Q. And 2020.
A. 2020 -- '20 and since, yes.
Q. Were you part of the investigation into the killing of Kelli Curran and Timothy Thompson that was alleged to have occurred at [redacted] Walden Circle on October 25th, 2020?
A. Yes, sir, I was the lead investigator on that case.
Q. As a part of your investigation, was there a point in time where you were given the opportunity to interview Tyleek Johnson?
A. Yes, sir.
Q. Was he, at this point in time, a suspect or charged in this crime?
A. He was charged in that crime at the time, yes, sir.
Q. Can you please tell this Court how you came in contact with interviewing Tyleek Johnson?
A. Solicitor Bulsa, at the time, had contacted -- I believe he contacted Investigator Guest as wanting to do an interview with him and his attorney and tell his side

of the story of the case.
Q. Was this the first time y'all had tried to interview Tyleek Johnson?
A. Investigator Mironenko had, had actually attempted to interview him at the jail that night he was brought over from Greenville County where he was arrested.
Q. All right. Did -- was he able to interview him that day?
A. He was not.
Q. Do you know why?
A. He invoked his Fifth.
Q. At some point though you were contacted about him wanting to now sit down with his attorney present?
A. That is correct.
Q. All right. Did y'all make arrangements to sit down with him, with his attorney present, and interview him regarding this event?
A. We did, yes, sir.
SOLICITOR BROWN: Permission to approach opposing counsel?
THE COURT: Yes, sir.
SOLICITOR BROWN: Permission to approach the witness?
THE COURT: Yes, sir.
Q. I'm gonna show you what's marked as Court Exhibit No. 2.

Do you recognize this document?
A. Yes, that's a pre-interrogation waiver that Spartanburg County Sheriff's Office uses.
Q. Is that something y'all use on any interview y'all do with a defendant?
A. That is correct.
Q. All right.
A. Yes, sir.
Q. And is this something y'all use specifically to Tyleek Johnson to interview him regarding the events that occurred in October of 2020?
A. We did, yes.
Q. All right. Does this indicate what day Mr. Johnson came to y'all and interviewed with y'all?
A. The 21st of April at 2021.
Q. Okay. And does it indicate where y'all were when you interviewed with him?
A. At the Sheriff's Office at 8045 Howard Street---
Q. All right.
A. ---Spartanburg.
Q. Do you know if the defendant, at that time, was incarcerated?
A. He was, yes.
Q. All right. And do know who all was present at the time of the interview?

A. In the interview room, it was Mr. Yarborough, his -- Mr. Johnson's attorney, Mr. Johnson, myself, Investigator Guest, and Sergeant Norris.
Q. And did y'all advise him, even though his attorney was present, about what rights he had that day in speaking with y'all and what rights he could invoke?
A. Yes, this form is read to them verbatim.
Q. Okay. For this Court, can you please go through the rights that y'all advised Mr. Johnson of on the date of April 21st, 2021?
A. Yes. I have the right to remain silent. Anything I say can and will be used against me in the court of law. I have the right to talk to a lawyer and to have him present while I'm being questioned. If I can not afford to hire a lawyer, one will be appointed to represent me before any questioning if I so wish. I have the right to stop answering questions at any point in the questioning.
The above rights have been read and has my name on it or initials, K. Hammett, and the next statement is I have read the same and I understand my rights fully and there's a witness signature and a signature from Mr. Johnson.
Q. Who is listed as the witness who witnessed y'all reading these rights to Mr. Johnson?
A. His attorney, Mr. Yarborough.
Q. All right. And y'all recognize that signature as

Bill Yarborough's signature?
A. Yes, sir.
Q. Does that -- does this document have a case number at the top of it that is associated with the shooting at Walden Circle---
A. Yes.
Q. ---in October of 2020?
A. Yes, sir.
Q. All right. And do we also have other witnesses listed at the bottom of this?
A. So, on the bottom portion of the statement, it says I waive or give up my rights as explained above and agree to talk to Officer K. Hammett, Guest, and Norris in reference to our Case Number 20101354 and my statement that, that I may make is my own free will without fear, threat, or promise, or favor of reward of any kind.

I am able and read the -- read the -- I am able to read and write the English language and finished 11 years in school and it is also witnessed and signed by Mr. Yarborough and Mr. Johnson and Investigator Net -- Guest notarized it.
Q. And, and the lists that he puts in there of what he was not promised to come in and give a statement, was that a true statement?
A. Yes, sir, that's a true statement.

Q. Did y'all promise him anything to come in to talk to y'all that day?
A. We did not, no, sir.
Q. Did y'all threaten him to come in and talk to y'all that day?
A. We did not.
Q. Did y'all hold out hope of any type result of him coming in and giving a statement to y'all on April 21st, 2021?
A. No, sir.
Q. He had his attorney present with him?
A. Yes.
Q. Had his attorney or the defendant, in any point in the time period where he was sitting down with y'all, said hey, let's stop this interview, we need to talk, or we need to end this interview, what would of y'all done?
A. There was a point in the interview process where Mr. Yarborough asked that we stop so that he could talk with his client and we stepped out of the room and stopped the recording and then, when Mr. Yarborough said he was ready to continue, we went back in and continued.
Q. So, there was a point where y'all did stop but y'all, at their request, continued that interview?
A. That is correct.
Q. Who set this interview up?

A. Mr. Yarborough.
Q. All right. And did the defendant appear to understand what was going on that day?
A. Yes.
Q. All right. Did he appear intoxicated or like he had any of his faculties impaired in any way, shape, or form speaking with y'all that day?
A. He did not, no.
Q. All right. At the end of this interview, did y'all find out information regarding the interview about whether or not it had properly recorded?
A. We did.
Q. And can you tell this Court about that?
A. As, as we started watching the video, it only played for a second and there was no audio to the video at all and we found out later that it had gotten some water damage to the cameras.
Q. Okay. Were you present for the entirety of the interview?
A. Yes.
Q. All right. And, at any point, did any threats occur or any type promises to get him to give the statement that he did that day?
A. No, sir.
SOLICITOR BROWN: All right. Court's brief

indulgence.

(Pause.)

SOLICITOR BROWN: And, Your Honor, I'm gonna hand up this statement --

THE COURT: Okay.

SOLICITOR BROWN: -- pre-rights form.

Please answer any questions Mr. Morin might have for you.

CROSS-EXAMINATION

BY MR. MORIN:

Q. Mr. Yarborough was in the room when you did this?

A. Yes, sir.

Q. But you read out loud you have the right to an attorney?

A. Yes, sir.

Q. Even though his attorney was present?

A. That is correct.

Q. And you told him he had the right to get an attorney if he couldn't afford one?

A. We read the form no matter what, yes, sir.

Q. Even when the attorney's present?

A. That is correct.

Q. All right. I understand your cameras didn't work.

Did you write anything down during the interview?

A. I did not take any notes, no, sir.

Q. Did you record it any other way, cellphone, any -- body camera, anything?
A. No, sir, we did not.
Q. All right. Mr. Yarborough said we need to stop. Is that right?
A. That is correct.
Q. How much -- do you recall what was being said at that time?
I understand it's over four years ago.
A. I do not.
Q. Okay. You just remember him saying that?
A. That is correct.
Q. How did Mr. Johnson get to the Sheriff's Office?
A. He was bought -- brought by our warrant office.
Q. Okay. When he got to the Sheriff's Office, who greeted him, you?
A. I was, I was upstairs I believe, yes.
Q. The first -- I mean---
A. Again---
Q. So you---
A. ---it's been four years. It's --.
Q. Right.
So, I guess my question is, the warrant officer brought him into the front of the Sheriff's Office?
A. Yes, sir, but upstairs from the back.

Q. Okay.
A. They come in through the back.
Q. Okay. Upstairs in the back?
A. Yes, sir.
Q. And then you, and Guest, and Norris were present?
A. As well was his attorney and Mr. Bulsa and I believe Brian Dill was there as well.
Q. But when he first came in, you were the first person to see him or how did that work?
A. We were all kind of standing in a group. It was not like I just -- I was the first person to start talking to him.
Q. So, you -- the group is you, Mr. Norris, Officer Norris, Officer Guest, and Mr. Yarborough?
A. Yes.
Q. He saw -- the defendant should of been able to see all of you all at the same time?
A. I mean he should of been, yes.
Q. Y'all were all in the same room?
A. At that time -- when all of that started, yes. When he first got there, of course, we have to make our way to that room.
Q. Right.
Who's we?
A. Everyone that was -- myself, Sergeant Norris,

Investigator Guest, Mr. Yarborough, and Mr. Johnson.
Q. Okay. I, I don't want to belabor the point. But I'm just trying to make sure I've got the details.
So, when the door opens to the Sheriff's Office and he walks in with the warrant officer behind him, he can see everybody?
Y'all are waiting there at the door?
A. We were in, in a hallway.
Q. Okay.
A. We weren't standing there at the door just anticipating him coming there, no.
Q. Do you remember who spoke to him first?
A. I don't.
MR. MORIN: One moment, Your Honor.
(Pause.)
Q. Did Mr. -- was there any conversation there in the hall before you went into the room?
A. I mean there was nothing pertaining to the case, no, sir.
Q. Did you expect that you were going to get information that would be incriminating?
A. We didn't have any idea what he was gonna tell us.
Q. Did you approach it -- I think the word that's used in some of your reports is adversarial cause you talked to some people and you wrote not an adversarial interview and

other people you referred to as that.
Do you recall that?
A. I don't think any of mine -- I typically don't put that in any of my writings but I may have. But I typically do not write whether it's an adversarial or, or not interview.
Q. Well, you interview some people and you don't do a waiver when you're investigating these kind of things, right?
A. That is correct.
Q. Okay. So, you knew that when you started out these -- this questioning that was going to occur that you were going to be eliciting incriminating statements or statements that might not be in his interest.
A. Didn't---
Q. Is that right?
A. Didn't know that, no, sir.
Q. You asked him the questions.
A. Actually Investigator Guest done most of the questioning.
Q. Okay. When someone's in custody like this, and they agree to come over and talk and you take them to that interview room, you're gonna videotape it because he might say something, as you told him, might be used against -- that would be used against him in a court of law, right?

A. Well, it's protection for us and for him.
Q. That's right.
And you knew, how long before he got there, that he was coming?
A. Probably a day or two.
Q. Okay. And in that day or two, it didn't occur to you to make sure that your, for your protection, was operating correctly?
A. It's kind of like your TV. Sometimes you turn it on and it works and the next time you don't.
Q. Yes, sir.
A. I mean you never, you never know --
Q. Right.
A. -- until you turn the switch on.
Q. Right.
Some of us have more than one TV.
Do you not have more than one way to record the statement?
A. At the time we did not, no.
Q. So, the officers that were present back in 2020 did not have body camera?
A. Investigators, we don't use body cameras, no, sir.
Q. You had access to them?
A. We actually, as an -- investigators, we don't have access to them.

Q. All right. That's all the questions I have.
THE COURT: Redirect.
SOLICITOR BROWN: Very briefly.
REDIRECT EXAMINATION
BY SOLICITOR BROWN:
Q. Who was it that requested the interview?
A. Mr. Yarborough.
Q. And the entire time that this interview going on, was it your belief that the interview was being recorded?
A. Yes.
Q. All right. You believed y'all had two cameras going at that exact time?
A. That is correct.
Q. With audio?
A. Yes, sir.
Q. When did y'all find out that it wasn't recording?
A. At -- after we -- after everyone had left and we downloaded it to try to go through the interview.
Q. Do you wish we had that recording right now?
A. Yes.
SOLICITOR BROWN: No further questions.
THE COURT: All right. Thank you, sir. You may step down.
SOLICITOR BROWN: May it please the Court, Your Honor?

May it please the Court?

THE COURT: Yes, sir.

SOLICITOR BROWN: The State would call Jon Guest.

THE CLERK: Please raise your right-hand.

JON GUEST, being first duly sworn, testified as follows:

SOLICITOR BROWN: May it please the Court?

THE COURT: Yes, sir.

DIRECT EXAMINATION

BY SOLICITOR BROWN:

Q. Investigator Guest, can you please spell your -- say your name and spell you last for our court reporter?

A. Jon, J-O-N, Guest, G-U-E-S-T.

Q. And, Mr. Guest, what is your job?

A. I am assigned to the violent crime unit at the Spartanburg County Sheriff's Office with Investigator Hammett.

Q. And with Investigator Hammett, were you also part of the team that investigated the murder of Kelli Curran and Timothy Thompson on or about October 25th, 2020?

A. Yes, I was.

Q. All right. Were you involved in the interview of Mr. Tyleek Johnson on or about April 21st, 2021?

A. Yes, I was.

Q. All right. Can you please tell this Court your

recollection of how that interview was initiated?
A. So, I believe Derrick Bulsa called me. He was, at the time, the deputy solicitor here in the Seventh Circuit and said that Tyleek's or Mr. Johnson's attorney had reached out to him wanting to come in and talk to us and have a conversation and be interviewed.
Q. All right. Is that something y'all decided to accommodate to---
A. Yes.
Q. ---interview Mr. Johnson?
A. Yes.
Q. And what date was it that you remember that they interviewed?
A. It was Wednesday, April 21st, 2021.
Q. Where did y'all interview?
A. In an interview room at the Sheriff's Office.
Q. All right. And who all attended this interview?
A. Myself, Investigator Hammett, Sergeant Paul Norris, and Mr. Yarborough, his attorney, and Mr. Johnson.
Q. Was Mr. Yarborough allowed to remain in the interview throughout its duration---
A. Yes.
Q. ---and to sit beside the defendant during the interview?
A. The entire time, yes, sir.

Q. And were you present when Mr. -- Investigator Hammett, apologies, read the defendant his Miranda rights?
A. Yes, I was.
Q. Were you present while he went through those line by line, as he's previously testified to, to outline what rights the defendant had?
A. Yes, I was.
Q. All right. Do you know if Mr. Yarborough was present during the duration of that?
A. He was the entire time.
Q. All right. Did he actually witness that to indicate that he was present for that as well?
A. Yes, he, he signed the form as well.
Q. After these Miranda rights were read and after the defendant had indicated he wished to speak, did he give a statement to y'all?
A. He did.
Q. And can you please tell this Court, and we're gonna use very -- kind of broad terms of what the statement was at this point in time, but what was his initial statement to y'all regarding what occurred on October 25th, 2020?
A. So, we initially -- I, I mean I guess you would, you would say that I was directing the interview. I was sitting directly across from Tyleek. Investigator Hammett was next to me.

I basically -- we asked him to tell us what you want to tell us and tell us what happened. His initial story was that he wasn't even there, that he had any part of this at all.

Q. Okay. And did y'all confront him about this and, and challenge that assertion?

A. We did.

Q. All right. Was his attorney sitting next to him during that challenge?

A. He was.

Q. And after -- how did you challenge him regarding that?

A. So, if -- I believe Sergeant Norris, yes, went and got some -- we had confirmed for him that what, what his phone number was.

Q. Okay.

A. And that he's the only one that, that uses that device and we had previously pulled his phone records during the investigation and Sergeant Norris went and got a copy of a report that would indicate that his device was present at the scene during the time of the murder.

Q. Did you present him with this evidence?

A. Yes.

Q. And with -- his attorney was there with him?

A. Yes.

Q. Did y'all threaten him in any way, hold out any promises of hope or reward or do anything to coerce him to give any further statement?
A. No.
Q. At that point in time did he invoke his right to remain silent?
A. No.
Q. At that point in time did he give a further statement?
A. He did.
Q. And, by the way, were you taking notes during this?
A. No, it -- I don't interview well when I'm trying to write as I talk. So, typically, most of us, when it's being audio and video recorded, we'll just do the interview and then you may go back, whenever you review it, and take notes as you go.
Q. You actually got a step ahead of me.
Was it your anticipation that you'd be able to watch this entire interview at a later date?
A. Absolutely.
Q. And after you confronted the defendant with his cellphone record placing him at the scene of the crime, what happened next?
A. He admitted to being there -- excuse me. He admitted to being there. However, he said he stayed outside. He

didn't go in the house, didn't know what happened, didn't know what was going on.

Q. And did y'all challenge this?

A. Yes.

Q. And can you please tell this Court about that?

A. I mean essentially it was the forensic evidence at the scene and just the layout of the home, that they -- the items we knew that were, that were taken from the home, the 9-1-1 call that was made by Ms. Curran, just confronted him with some of the things that he was telling us and his story didn't make sense.

Q. You mentioned the 9-1-1 call. His Honor hasn't heard it yet.

Was there indications in the 9-1-1 call that would make you think that the defendant might of been in the residence?

A. There were multiple people in the residence on the 9-1-1 call. Ms. Curran called essentially as she was dying and it recorded multiple individuals in the home speaking.

Q. When you confronted the defendant with this, what happened next?

A. He eventually admitted that he was in the home, took part in the robbery, and actually was armed with a firearm.

Q. And before he gave that statement, was there a point in time between the second portion of his interview where he was saying he was in the car and the third part where he admitted going into the house, that he asked to speak with his attorney privately, or his attorney asked to speak with him privately?
A. I believe Mr. Yarborough stopped us and said, hey, can I talk to him a minute. I don't remember if it was between the first and second story or the second and third. But, at one point, he did ask us to -- can I have a minute. We stepped out and stopped the recording.
Q. Thought y'all stopped the recording.
A. Yeah, we also stopped it and a couple minutes later he came to the door and said we're ready. We started it back and went back in the room.
Q. And so, during this interview when the defendant or his attorney asserted their right to speak with one another without y'all present, y'all honored that?
A. Yes, sir.
Q. All right.
A. Yes, sir.
Q. And, and who reinitiated a further interview?
A. Mr. Yarborough.
Q. All right. And that was when y'all went and took further statements from the defendant?

A. Yes.
Q. Did the defendant ultimately admit to being in the house at [redacted] Walden Circle on the night of October 25th, 2020?
A. Yes.
Q. Did he eventually admit to being present when Ms. Curran and Mr. Thompson were killed?
A. Yes.
Q. Did he admit that he knew that it was gonna be a robbery?
A. Yes.
Q. Did he admit that they took items from this house?
A. Yes, he did.
Q. Did he admit that he was armed?
A. Yes, he did.
Q. All right. Did he give you specifics about what kind of gun he was carrying?
A. Yes, he did.
Q. At the conclusion of his interview, did y'all go back to try watching the video?
A. So, yeah, that video, it's downloaded from a computer hard drive and I downloaded it onto a thumb drive and -- so we could review it.
Q. And what did y'all find when you tried to review it?
A. It only recorded a few seconds, if that, and it

was -- there was no audio on the video. We found out -- I didn't know at the time. We found out later, when some research was done to figure out what happened, that apparently there was some damage to the camera. That was -- one of the cameras wasn't working and the audio cord actually was plugged into the one camera that wasn't working. The other camera worked for a little while. But we're -- I don't know. It sounded like it was water damaged. But completely unbeknownst to us during the interview.

Q. And, based on that, did y'all make sure to document very well what occurred---

A. Yes.

Q. ---in that interview room that day?

A. Yeah, I reported this to Mr. Bulsa. He just asked me to write it up in detail.

SOLICITOR BROWN: Court's brief indulgence.

(Pause.)

SOLICITOR BROWN: Please answer any questions Mr. Morin has for you.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. MORIN:

Q. When you went into this interview, your intention was to hear what he had to say but you would elicit what you

already knew.

Is that right?

A. I'm sorry. I -- to hear what he had to say and what was the second part?

Q. You, you, you wanted to elicit things you already knew.

A. Sure.

Q. Okay. And is it your recollection as well that there was a group of you there in the hallway near the door when he arrived and he saw you all?

A. Probably. That's typically how it's done, yeah. I don't remember specifically where I was standing.

Q. Okay. Do you remember if he said anything when he got there?

A. No.

Q. Did he greet his attorney?

A. I don't remember that at all. Maybe.

Q. Now, we're talking about two cameras, right?

A. Yeah, one in each corner.

Q. And both cameras weren't working?

A. Well, we thought they were.

Q. Right.

But you're saying they were both out.

A. Yeah, from the appearance on the screen, when you start the recording, it looked like it was working but

they weren't.
Q. Okay.
A. Wish they were.
Q. Did any of you happen to have any electronic devices in there, phones, iPads, anything like that?
A. Yes, sir.
Q. Did any of you use -- as far as you know, there's no notes that were taken on any of those devices?
A. Notes?
Q. Notes --
A. No.
Q. -- recordings, anything.
Anything to memorialize what was being said.
A. We were memorializing. We were recording it with two cameras.
Q. I understand. But we've already established that that's not -- that didn't work. I'm just curious as to whether or not there was anything else.
A. No, we, we, we never do or did. These cameras had worked for years and we activated them and assumed they were working.
Q. And if I understand correctly, this -- the statement that you're saying you have goes in three steps. Step one is I wasn't there. Step two is I was there but I was in the car and step three is actually I was in the house.

A. Yes, sir.
Q. And somewhere, correct me if I'm wrong, between two and three, there was a question about stepping out and talking to Mr. Yarborough?
A. I -- again, I believe Mr. Yarborough brought that up. I don't remember which step it was between.
Q. Right.
A. But, at some point, yes, he said can I talk to him for a minute. It was 90 seconds, two minutes, something like that, that he got our attention and we went back in.
Q. Okay.
A. Not even---
Q. I guess the thing about it is, is he didn't ask to step out before you started because you would already been talking to him, right?
A. Before we started?
I mean---
Q. You started talking to him. Everybody was there.
A. Yeah.
Q. He made a statement, we're calling it statement one for purposes of this hearing, where he wasn't there?
A. Right.
Q. So, Mr. Yarborough didn't say can we stop here?
A. No.
Q. So then he said I was there but I didn't go in?

A. Again, I don't remember which -- I don't remember if it was between one and two or two and three. But---
Q. Okay.
A. ---between one of those two stories, he---
Q. Okay.
A. ---wanted to stop. I don't remember which.
Q. All right.
A. I think it was two and three.
Q. Okay.
A. But -- yes, you're right. He did stop between stories and wanted to talk to him for a few minutes.

MR. MORIN: Okay. That's all the question I have, Your Honor.

REDIRECT EXAMINATION

BY SOLICITOR BROWN:

Q. And y'all honored that, right?
A. Yes.
Q. Nothing further.

SOLICITOR SMITH: May this witness be excused?

SOLICITOR BROWN: Yes, Your Honor.

THE COURT: Any objection?

MR. MORIN: No, sir.

THE COURT: All right. Thank you, sir.

SOLICITOR SMITH: We need him for the second hearing, Your Honor.

THE COURT: All right. You're still under subpoena for the trial.

THE WITNESS: Yes, sir.

THE COURT: All right. Thank you.

SOLICITOR BROWN: Finally, Your Honor, the State would call Bill Yarborough.

THE COURT: Mr. Yarborough.

BILL YARBOROUGH, being first duly sworn, testified as follows:

THE COURT: I want to say something for the record.

I talked to Mr. Yarborough and, you know, he said you know that I can't give up my, my client. So, confidential statements or something. So, you can't. But if it's a situation where you're waiving or he waived them, you may be required to testify.

SOLICITOR BROWN: And, Your Honor, I, I intend not at all to ask him about the time period that they asked. I'll step out. I think that will be protected by attorney/client privilege.

THE COURT: Absolutely.

SOLICITOR BROWN: But that being said, what was said in the interview with the three investigators we consider relevant here.

THE COURT: All right. Thank you, sir.

SOLICITOR BROWN: May it please the Court, Your

Honor?

THE COURT: Uh-huh. (Affirmative).

DIRECT EXAMINATION

BY SOLICITOR BROWN:

Q. Mr. Yarborough, can you please tell our court reporter your name and spell your last name please?

A. William Yarborough. Y-A-R-B-O-R-O-U-G-H.

Q. All right. And, and, Mr. Yarborough, fair to say you'd rather not be here today?

A. Sure.

Q. Were you the attorney for Mr. Johnson back in April of 2021?

A. I was.

Q. And, as his attorney, was there a point in time that arose where you reached out to Derrick Bulsa requesting an opportunity to sit down with your client and investigators regarding the incidents that occurred October 25th, 2020?

A. Correct.

Q. Okay. What, if anything, do you remember about that other than reaching out to Mr. Bulsa?

A. I remember meeting Mr. Bulsa at the Sheriff's Office and I remember they were -- we were gonna sit down for an interview with the, with the two investigators that have talked here.

Q. Would it be fair to say that this sitdown interview

was at the request of you and your client?
A. It was at, at our request. There was a -- there were a lot of moving parts in the case and---
Q. Sure.
A. ---and there was some -- there was a lot of misinformation, we felt like, in the police reports.
Q. And, and to just briefly touch on that, have one of the codefendants already given a statement implicating your client?
A. Right. My client was adamant that that was incorrect.
Q. Okay. So, based on this, did you come with your client, on April 21st, 2021, or at least meet your client at the Sheriff's Department that day to sit down with investigators regarding this incident?
A. I did.
Q. All right. Were you allowed to be present with your client in the interview room on April 21st, 2021?
A. I was.
Q. And were you given an opportunity to be present while he was provided his rights, whether it be to an attorney or to remain silent, and basically the pre-interrogative waiver that I'm sure you've seen a thousand times?
A. We did.
Q. All right. After seeing that, did your client give a

statement?
A. He did.
Q. All right. And you have seen a summary of this statement.
Was there a point in time where you were given the opportunity to meet privately with your client because y'all had reservations?
A. I think we met privately on several occasions.
Q. And I don't want to get into those conversations. But you had chances to meet with your client?
A. I did.
Q. All right. You've been practicing for how many years?
A. A long time.
Q. During that long time, have you been a criminal defense attorney?
A. That's the only thing I've ever done.
Q. Okay. And you know how to stop an interview if you need to meet with your client or if you need to talk privately with him---
A. We---
Q. ---how to get there?
A. We talked privately several times --
Q. Okay.
A. -- the way I remember it.

Q. At any point in time did law enforcement deny your ability to talk privately with your client or to end the interview?
A. No.
Q. All right. At any point in time did the -- did law enforcement hold out any promise of hope or reward or anything other than just giving him an opportunity to tell law enforcement what occurred?
A. We, we would not have been there if there wasn't a hope for a promise and a reward. So, I think that's a miscalculation. So, they didn't hold it out. I, I had known Mr. Bulsa for, I don't know, 30 -- the whole time I remember practicing law, Derrick and I knew each other. So -- and we'd always been able to work things out. So, I thought we'd be able to do that at this time.
Q. Anytime that you're working on a case, you're trying to get the best result for your client?
A. That's correct.
Q. But there wasn't anything y'all---
A. That's why we were there.
Q. Okay.
A. That's why we were there.
Q. And, at the end of this interview, did it end peacefully?
Did y'all -- he had given his full statement and that

ended the interview?
A. I, I don't remember when the interview ended. I, I remember there was a -- I remember not thinking the interview was going well.
SOLICITOR BROWN: Court's brief indulgence.
(Pause.)
SOLICITOR BROWN: Your Honor, may I approach and retrieve Court's Exhibit No. 2?
Permission to approach the witness, Your Honor?
THE COURT: Yes, sir.
Q. Okay. And just very briefly, Mr. Yarborough, is that your signature here on Court's Exhibit No. 2 as the witness with Mr. Johnson?
A. It is.
Q. All right. Please answer any questions Mr. Morin might have for you.
CROSS-EXAMINATION
BY MR. MORIN:
Q. Just so I'm clear, Mr. Yarborough, when you say you met with him several times, are you talking about during the course of this interview or are you talking about something else?
A. I, I -- well, how you're answering the question -- how you're asking the question, I remember us stopping several times during the interview.

Q. Yes.
A. If you're asking me did I meet with him a, a number of times before, I did.
Q. Okay.
A. Okay.
Q. No, I meant how many times cause it's been indicated that there was one stoppage. But you're saying there were multiple stoppages.
A. I remember multiple but --.
Q. Okay. Now, did you indicate to your client that this would benefit him in this interview?
A. I believe I did, yeah.
Q. And the solicitor asked you -- you've seen the summation of the statement that they have.
Is that correct?
A. That's correct.
Q. And you've been practicing law, I know you said for a long time, it's at least 30 years.
Is there anything in there that strikes you as something you would of stopped?
A. I -- that inter -- what I -- the synopsis of that interview is not what I recall.
Okay. It's -- I'm, I'm -- it just -- it, it doesn't -- it -- we were there for a long time. It was all being taped. There was a lot of moving parts. I

think that interview is, is a summation of, of what law enforcement felt. I think that Mr. Johnson -- I don't want to get into what Mr. Johnson said. But that's not, that's not consistent with my recollection of four years ago.

MR. MORIN: That's all the questions I have.

SOLICITOR BROWN: Nothing further, Your Honor.

THE COURT: May this witness be excused?

SOLICITOR BROWN: Yes, Your Honor.

THE COURT: He's still under subpoena for tomorrow?

SOLICITOR BROWN: Still under subpoena. We'll contact him if we actually need him---

SOLICITOR SMITH: Yeah.

SOLICITOR BROWN: ---Your Honor.

THE COURT: Okay.

THE WITNESS: Thank you, judge.

SOLICITOR BROWN: We don't need to ruin his practice.

THE WITNESS: It's good to see you.

THE COURT: Yes, sir, you too.

THE WITNESS: Thank you.

SOLICITOR SMITH: And, Your Honor, that would be the State's presentation of the voluntariness of this statement.

THE COURT: Anything from the defense in this matter?

MR. MORIN: Yes, sir.

If I may have a moment?

(Pause.)

MR. MORIN: Your Honor, I'm gonna call my client.

THE COURT: I'll -- let me do this. I'd like to give him his Fifth Amendment rights first---

MR. MORIN: Yes, sir.

THE COURT: ---if you don't mind.

MR. MORIN: That's fine.

THE COURT: Raise your right-hand.

TYLEEK JOHNSON, being first duly sworn, testified as follows:

THE COURT: Okay. You can, you can put your hand down.

First, Mr. Johnson, has your attorney explained to you your fifth -- rights under the Fifth Amendment?

THE WITNESS: Yes, sir.

THE COURT: And do you feel like you understand them?

THE WITNESS: Yes, sir.

THE COURT: You understand that the Fifth Amendment to the United States Constitution says that no person can be required to testify against himself or give evidence against himself in a criminal trial?

THE WITNESS: Yes, sir.

THE COURT: Is that -- you understand that your attorney can't make you get up on the stand and testify.

The State can't make you get up on the stand. I can't. Only you can make that decision as to whether or not you wish to testify or you wish to claim the privileges afforded to you by the Fifth Amendment.

Do you understand that?

THE WITNESS: Yes, sir.

THE COURT: And if you get up on the stand and you testify, what you say will and can be used against you later in the trial of this matter.

You understand that?

THE WITNESS: Yes, sir.

THE COURT: All right. Do you feel like you've had sufficient time to talk to your attorney as to whether or not you wish to testify at this juncture?

THE WITNESS: Yes, sir.

THE COURT: And it's your desire to waive your rights under the Fifth Amendment and to testify today?

THE WITNESS: Yes, sir.

THE COURT: Are you under the influence of any medications, drugs, or alcohol?

THE WITNESS: No, sir.

THE COURT: Anybody force, threaten, or promise you anything to get you to waive your constitutional rights to not testify?

THE WITNESS: No, sir.

THE COURT: And all this is being done in consultation with your attorney?

THE WITNESS: Yes, sir.

THE COURT: Do you have any questions that you want to ask me?

THE WITNESS: No, sir.

THE COURT: Do you have any questions you'd like to ask your attorney now before you testify?

THE WITNESS: No, sir.

THE COURT: All right. I'm gonna find that you've made a free and voluntary waiver of your right to counsel or right to the Fifth Amendment.

Go ahead.

TYLEEK JOHNSON, being first duly sworn, testified as follows:

THE COURT: You may be seated.

DIRECT EXAMINATION

BY MR. MORIN:

Q. Would you state your name for the court reporter, sir?

A. Tyleek Johnson.

Q. And spell Johnson.

A. J-O-H-N-S-O-N.

Q. Okay. Mr. Johnson, do you recall the day that you were at the Sheriff's Department?

A. Yes, sir.
Q. Okay. When they came and got you, where were you?
A. At the jail.
Q. And where did you think you were going?
A. To preliminary hearing.
Q. Okay. Tell us what happened from that point.
A. I was picked up. I was informed that I was going to preliminary hearing and, when I got there to the Sheriff Office, I didn't know the difference between cause I went there before when I was brought from Greenville. So, I didn't know the difference until I got inside. I was met in the hallway by the detectives.
Q. Which detectives?
A. Him. Hammett, that's his name if I'm not mistaken --
Q. Okay.
A. -- with the glasses. And I told him I didn't want to speak like the last time and he told me my attorney was here.
Q. All right. Then what happened?
A. My attorney came -- we waited on my attorney and he came. We went in a room. We went in the room. They asked me, they asked me questions and I told them I wasn't there.

But they asked -- I asked when the crime suppose to happen. They said in October. I told them I didn't have

a gun since June. That was months before October. But by the time I seen the interview and the printout of the interview, they put me on the scene.

Q. Okay. I understand that.

But you saw -- Detective Hammett, Detective Guest were there in the room with you and your attorney?

A. Yes.

Q. You are saying you didn't know you were going there?

A. No.

Q. You're saying you told Hammett that that's not where you -- that you weren't gonna talk to him?

A. Yeah, I said I didn't want to speak.

Q. But then something changed and you did speak to him, right?

A. Yes, sir.

Q. What was that that changed?

A. I was promised a bond.

Q. By who?

A. My attorney. My former attorney.

Q. Mr. Yarborough?

A. Mr. Yarborough.

Q. Okay. And then, after that, do you recall having other conversations where Mr. Yarborough was the only person in the room?

A. No, he wasn't the only one. They were present.

Q. The---
A. The detectives---
Q. ---whole time?
A. ---were present -- they stepped out.
Q. Yeah.
How many times?
A. A few.
Q. Okay. And when they stepped out, you talked to Mr. Yarborough?
A. Yes, sir.
Q. Were any promises made then about what you were doing?
A. A promise was made with a bond, that I'd get a bond.
Q. And who was that coming from?
A. Mr. Yarborough.
Q. Did that ever -- was that ever said in front of the officers?
A. No.
SOLICITOR BROWN: And, Your Honor, we would object at this point to hearsay, attorney/client privilege.
THE COURT: The fact that the statement was or was not made in front of officers is hearsay?
SOLICITOR BROWN: Well, the part that he's getting into about the -- what was said without the---
THE COURT: Tell me what you're -- what part of it

are you saying is hearsay please.

SOLICITOR BROWN: He -- he's talking about -- he's giving statements regarding what the defendant said or what his office -- his attorney said to him with officers not present with regards to promises of hope or rewarding.

MR. MORIN: I've asked -- the answer -- I'm not gonna repeat the question. Your Honor, that's fine.

THE COURT: Well -- okay.

Q. So then after this meeting happened, where did you go next?

A. I went back to the jail.

Q. And when did you -- when were you shown or when did it come to your attention what they had written you said?

A. Like seven, eight months later.

Q. Seven or eight months later?

A. Yeah.

MR. MORIN: That's all the questions I have, Your Honor.

SOLICITOR BROWN: Briefly, Your Honor.

CROSS-EXAMINATION

BY SOLICITOR BROWN:

Q. Mr. Johnson, you don't deny that you were brought to the Sheriff's Department on April 21st, 2021, correct?

A. No.

Q. And, and when you arrived there, you indicate that

you only saw investigators, but before any statement was taken, you saw Mr. Yarborough, correct?
A. No.
Q. You didn't see Mr. Yarborough before any statement was taken?
A. I met them in the hallway.
Q. You.
A. The detectives in the hallway. They met me first and told me that my attorney was on the way.
Q. Okay. But before any statement was taken, you saw your attorney, Bill Yarborough, correct?
A. Not that day.
SOLICITOR BROWN: Permission to approach the witness with Court Exhibit No. 2?
THE COURT: Yes, sir.
Q. You remember this?
A. Yeah.
Q. And, and this is the pre-interrogation waiver form, which is Court Exhibit No. 2, correct?
A. Yeah.
Q. That's your signature right there?
A. Yes.
Q. Whose signature is that?
A. It's William Yarborough.
Q. All right. And that's Mr. Bill Yarborough, your

attorney, correct?
A. Yes.
Q. This was given to you before any statement was taken.
Isn't that correct?
A. Yes.
Q. And, and you were advised, at that point in time,
that you have a right to remain silent, correct?
A. I just was told to sign.
Q. You were just told to sign?
A. Yes.
Q. All right. So, you were not read all of this
statement that day?
A. No, I probably been -- they probably summarized what,
what the paper consisted of and it's just sign it.
Q. We're not dealing with probably.
What occurred that day?
A. I can't remember that, that small detail.
Q. So -- that's not really a small detail though. You
were read your rights to an attorney and to remain silent
and you signed after that was read to you along with your
attorney witnessing it.
Isn't that true?
A. I was just told to sign.
Q. You were just told to sign?
A. And I was told him what it was. I just told to sign

by my attorney.
Q. You were told by whom?
A. William Yarborough.
Q. You were told by William Yarborough to sign?
A. Just sign the paper.
Q. All right.
A. It was a waiver.
Q. You have invoked your right to remain silent previously, correct?
A. Yes.
Q. All right. So you knew how to invoke your right to remain silent, correct?
A. Yes.
Q. And Mr. Yarborough was present during the course of your interview.
Isn't that right?
A. Yes.
Q. And, and in multiple occasions while you were giving this interview, by your own statement, multiple times y'all stopped the interview so you could talk privately with Mr. Yarborough.
Isn't that true?
A. Yeah.
Q. Now, you -- you've indicated Mr. Yarborough has held out to you that you were gonna get a bond as a result of

this, right?
A. Yeah.
Q. You didn't hear that from Mr. Guest, did you?
A. No.
Q. You didn't hear that from Mr. Nesbitt, did you?
A. No.
Q. All right. Did you ever hear from Derrick Bulsa that you were gonna get a bond for giving a statement?
A. No. But I thought I -- if I'm not mistake, him and my attorney was already suppose to have something like a deal going --
Q. Were gonna have---
A. -- cause they knew -- cause, cause they knew each other.
Q. Cause they knew each other?
A. Yeah.
Q. And at no point in this interview is it documented that any type promises were made?
A. No, not on -- no, not on the document.
Q. You were charged with murder that day, correct?
Two---
A. Not that day.
Q. Two counts?
A. Not that day.
Q. Were you in our jail for two counts of murder along

with armed robberies and---
A. Yeah.
Q. ---burglaries?
A. Yes.
Q. All right. And you came in, at the request of counsel, to come and give this statement, correct?
A. No.
Q. You misled law enforcement initially by telling them that you were not even at the location.
Isn't that true?
A. I mean---
MR. MORIN: Objection, Your Honor. We're here to decide whether or not it's a free and voluntary statement; not the contents that's therein.
THE COURT: Sustain that.
And, by the way, if you want to assert your right to the Fifth Amendment, you still have a right to stop being questioned at this juncture or anytime during questioning if you want to. But I -- I'll sustain the objection.
Rephrase it please.
SOLICITOR BROWN: Yes, Your Honor.
You were never offered any promise of hope or reward by anybody from the State of South Carolina prior to you sitting down with them on April 21st, 2021, were you?
A. Just my lawyer.

Q. Just your lawyer.
You were never stopped from remaining silent if you so choose to do so by anybody with the State of South Carolina, were you?
A. No.
Q. You were given the opportunity, at the entirety of April 21st, 2021, to exercise your right to an attorney and to stop that interview at any point in time, were you not?
A. Yes.
Q. And, and your attorney, in fact, did pause that interview multiple times during the course of the interview, correct?
A. Yes.
Q. And, and you interviewed with them for multiple hours that day, correct?
A. Not multiple hours. I wasn't there probably like 30, 40 minutes.
SOLICITOR BROWN: Court's indulgence.
THE COURT: Yes, sir.
(Pause.)
SOLICITOR BROWN: No further questions.
MR. MORIN: I have no further questions, Your Honor.
THE COURT: Thank you, sir. You may step down.
Anything further?

MR. MORIN: No, sir.
THE COURT: Anything in reply?
SOLICITOR BROWN: Nothing further in reply, Your Honor.
THE COURT: How old is your client?
MR. MORIN: Twenty-seven, twenty-eight. Twenty-nine now.
SOLICITOR BROWN: He was 23 at the time I believe, Your Honor.
MR. MORIN: Yeah, 28 two days ago.
THE COURT: All right. I'll be glad to hear from either the State and defense or where do you want to go?
Where do you want to go?
MR. MORIN: I'll go first, Your Honor.
Your Honor, Mr. Yarborough's a witness on this waiver form and my client has testified Mr. Yarborough has indicated that my client was told by him that something was gonna -- good was gonna happen. The State would like to push Mr. Yarborough aside when it comes to any kind of promises. But they're perfectly willing to bring him in to say he's a witness to this statement.
I would argue that them making Mr. Yarborough a witness in this case means that, if Mr. Yarborough made a promise to him, then that is something that my client would have to take into account.

As he stated, it's his lawyer telling him that he should do these things because of this supposed bond will help. That's where my argument goes.

It's -- I understand law enforcement saying that. But they can't have Mr. Yarborough come in and say yes, I'm a witness, yes, he knew this and then go but, no, his statements that he was gonna be a -- he was gonna get a benefit from this doesn't count. And, for that reason, I would argue that it wasn't freely, voluntarily, and knowingly given.

That's my argument, Your Honor.

THE COURT: Thank you, sir.

SOLICITOR BROWN: May it please the Court, Your Honor.

You have heard from two officers, the deputy solicitor, and the defense attorney that there was no promises of hope of reward given for him to give a statement. It was freely and voluntarily given.

Your Honor, you've heard from the defendant himself that there was no promises made by anybody with the State of South Carolina that he would receive any benefit.

Your Honor, he has previously invoked that he knows how to invoke his right to remain silent. His right to remain silent and also his right to counsel and to speak with counsel outside the presence of law enforcement was

not only advised to him but also honored during the course of this interview, by their contention, multiple times.

We remember certainly one time. But, Your Honor, this was the definition of free and voluntary statement given that day.

THE COURT: All right. Any, any other response to that at all?

MR. MORIN: No, Your Honor.

THE COURT: All right. I mean clearly, in this case, this is a custodial interrogation and there was Miranda given.

Under the factors regarding the totality, I have to concern -- be concerned with whether there was police coercion from the standpoint of the defendant, the length of the interrogation, the location of the interrogation, the defendant's maturity and education, his physical conditions, mental health, what kind of experience he had, any kind of misrepresentations by the police or threats of violence, promises or leniency, and isolation of a minor from the parents as well as anything other relevant.

In this case, there's been absolute zero showing of any kind of coercion at all. The interrogation was not unduly long. In fact, it was relatively short from what I can tell.

The location is not unduly harsh. It's in the police

station with his own police -- with his counsel present at the request of his counsel.

I don't really know anything about the maturity of the defendant but he seems to be well spoken to me. He seems like he's intelligent and articulate. I know nothing of his physical or mental health condition. But he has some experience based on what's happened here based on his questions presented today that he knew how to access his right to -- exercise his right to the Fifth Amendment and there's been zero misrepresentations by the police or promises of violence, threats of violence, or promises of leniency.

I have totally and without question, from a totality standpoint, totality of the circumstances, a free and voluntary statement and it will be admitted in the case.

Anything else before we break for the day as far as this is concerned?

MR. MORIN: No, sir.

SOLICITOR SMITH: No, sir.

MR. MORIN: Well --.

THE COURT: Let's do that. I want to get these pleas out of the way. Let's take one more or what else do we, do we have?

SOLICITOR SMITH: We have the search warrant. The only thing---

THE COURT: Is there any---
SOLICITOR SMITH: He'll come back because he was very nice today. But the retired guy from Greenville is, is here and he---
THE COURT: Okay.
SOLICITOR SMITH: ---testify---
THE COURT: Well, he came here. Then let's---
SOLICITOR SMITH: It's on the search warrant.
THE COURT: ---keep on going, make him come and get dressed tomorrow.
All right.
SOLICITOR SMITH: He might rejoin the Sheriff's Office. I don't know.
THE COURT: The next issue---
SOLICITOR SMITH: There's been---
THE COURT: ---is what?
SOLICITOR SMITH: It's about the suppression of a search of a car at a residence in Greenville.
THE COURT: Okay. And let me tell you, I heard arguments from counsel in my chambers and, and let me see if I understand the issues in the case and that exists.
There was a search warrant that was signed for a premises which included vehicles at the premises, that the defendant was driving the vehicle, not his own, or the defendant had constructive possession of a vehicle that

was not his own. It was a, a friend of -- a female friend that, from the defendant's standpoint, was not parked on the premise but was parked next door in another driveway and which was searched.

You're saying that was not part of the search warrant, there's no exception that applies, and, therefore, it should be suppressed?

MR. MORIN: That's correct, Your Honor.

THE COURT: Okay. And, and, factually, if you want to take testimony, whatever you want to do, I'll be glad to hear you.

SOLICITOR SMITH: Yes, Your Honor.

We have a couple -- from my understanding, they have to show -- their burden is to show that he has a right that the Fourth Amendment applies to. We don't think he does. But we can draw that out through our own testimony.

THE COURT: So, the burden's on him to show a violation.

Okay.

SOLICITOR SMITH: The -- no, the burden on him is to show that, if there is a violation, that it -- that he has a, a right to that property. So there's two separate -- the burden is on us to show that there was probable cause that supports the search warrant and, and that the correct items were searched. And then if he's -- if there's a

violation, the burden is on him to say that that violation applies to, to him.

I have, have a case on that, Your Honor.

THE COURT: That's all right. I believe you.

SOLICITOR SMITH: And one of our challenges would be that he did not have an, an expectation of privacy in that vehicle and that can be drawn out through the witnesses we were planning on calling.

THE COURT: Okay.

SOLICITOR SMITH: Your Honor, at this time, the State would call Tracy King.

THE COURT: Thank you for coming by the way.

THE WITNESS: Yes, sir.

TRACY KING, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Will you please state your name?

A. It's Alvin Tracy King, K-I-N-G.

Q. All right. And were you employed at the Greenville Sheriff's Office in 2021?

A. I was.

Q. Okay. And part of your duties or, I guess, as a law enforcement officer, you're occasionally contacted by neighboring counties or other states looking for things

that might be in your jurisdiction?
A. Yes, sir.
Q. All right. In this case, were you contacted by Spartanburg deputies about a murder case that they had going on?
A. I was, yes, sir.
Q. All right. And what was your understanding of what they had going on that they needed Greenville's assistance with?
A. I was notified, I believe it was February the 16th of 2021, that detectives with the Spartanburg County Sheriff's Office, and through the aid of our fugitive team, which is also known as the Marshal Task Force, had actually located a defendant or a possible suspect at one -- in one of their homicide cases in a location within Greenville County and that they were requesting assistance in obtaining search warrants for the property there.
Q. All right. And that property was 3-C Westbrook Drive in Greenville, South Carolina?
A. Yes, sir, area, area code or the zip code was 29611.
Q. All right. And you were the affiant on that search warrant, correct?
A. Yes, sir.
(WHEREUPON, the search warrant was marked as Court's

Exhibit No. 3 for identification purposes only at this time.)

Q. All right. I hand you Court's Exhibit 3.

Is this a copy of the search warrant that you got signed for that property?

A. Yes, sir.

SOLICITOR SMITH: Okay. Your Honor, at this time we would move State -- Court's Exhibit 3 into evidence for this hearing.

THE COURT: Any objection?

MR. MORIN: No, sir.

THE COURT: Be admitted.

(WHEREUPON, Court's Exhibit No. 3 was received into evidence for purposes of this hearing only at this time.)

SOLICITOR SMITH: Can I give you a copy?

THE COURT: Yes, sir.

Q. You -- at this time when you were asked to do this, you know nothing independently of this case?

Everything you learned was through Spartanburg?

A. That's correct.

Q. Okay.

A. Yes, sir.

Q. And the information you put in the affidavit is what was relayed to you about how they got there and what they were looking for?

A. That's correct.
Q. All right. Had you been out to the property before the search warrant was done?
A. No, sir.
Q. Okay. So, you get the search warrant and then you come to the property?
That's the first time you've seen anything at that location?
A. That's correct. I actually relied on a -- I believe it was a Detective Boggs with the city that was attached to the task force for an actual description of the property.
Q. All right. And when you say the task force, you're talking about the marshals that try to arrest people when warrants have been signed?
A. Yes, sir.
SOLICITOR SMITH: Your Honor, just for brevity, I don't have all these marked.
Can we, can we handle that after the fact?
THE COURT: That's fine with me.
You okay with that, Mr. Morin?
MR. MORIN: I'm fine with that, Your Honor.
Q. Okay. I'm gonna hand you a series of pictures.
Are these all pictures that were taken at the location of this search warrant was executed on?

A. Yes, sir.

SOLICITOR SMITH: Your Honor, at this time we would -- we will -- don't have them numbered yet. We will move them as four through seventeen into evidence for this hearing.

THE COURT: Any objection?

MR. MORIN: No, sir.

THE COURT: Admitted.

(WHEREUPON, Court's Exhibit Nos. 4 through 17 were received into evidence at this time to be marked later.)

Q. All right. This is a small trailer park.

Is that correct?

A. Yes, sir.

Q. All right. And they're -- ultimately y'all searched two vehicles, correct?

A. That's correct. Yes, sir.

Q. One was -- well, where were these vehicles?

A. There was a smaller compact type dark vehicle that was in the front yard and there was a -- I don't remember the color. But it was a lighter goldish type car/vehicle that was parked at the back door.

Q. All right. This is State's 4.

Is that the vehicle you're referring to that was in the front?

A. In the front, yes, sir.

Q. All right. This is State's 5. This is State's 6.
So that -- the vehicle that we're just looking at is to the left?
A. Yes, sir.
Q. Out, out of the frame?
A. Yes, sir.
Q. All right. This is State's 8.
You -- are you able to see them?
A. (WHEREUPON, the witness nods affirmatively.)
Q. What's on the right-side of that?
A. Yes, sir, on the, on the right-side, you can actually see the, the, the second vehicle that I mentioned that's parked at the back of the residence.
Q. All right. And this is State's 9.
What is this---
A. Yes, sir.
Q. ---on the very far right?
A. Again, you can see the, the, the corner of the vehicle that's actually parked directly behind the residence in line with the back door.
Q. This is skipping one. But this is State's 10.
Is this where you ultimately recovered a firearm out of the trunk of this vehicle?
A. Yes, sir.
Q. All right. And State's 12 is just -- this is the BMW

and it's paved, correct, to the left?
A. Yes, sir, it's paved leading up to the back door of the residence, 3-C.
Q. Okay. And this is State's 13.
A. That's the interior, yes, sir.
Q. All right. Does it also show what's on the other side of the BMW?
A. Yes, sir, it shows the -- a, a good bit of separation and it shows the, the lower support for the porch next door.
Q. All right. I'm just gonna put these up for the Court.
A. Again, you can see the, the BMW and, beyond the BMW, you can see a vehicle parked in the parking spot for the next location, which I would assume would be D.
Q. All right. And that is what you're referring to?
A. To the left, yes, sir.
Q. That truck?
A. Yes, sir.
Q. All right. And that -- does this picture show the BMW at least from this prospective of this photo being close to the, the back stairwell that goes into C?
A. Yes, sir. Extremely close, yes, sir.
Q. Just the ones I skipped.
This you can actually see inside the, the front of

the residence. I did this just for prospective of what we're looking at.

Is that right?

A. Yes, sir.

Q. All right. And then, this exhibit, you can see inside of the---

A. The---

Q. ---the front of the house?

A. The front, yes, sir.

Q. And that item here is, is this item?

A. That's correct.

Q. Okay. All right. As you were out at the crime scene, did, did you have any doubt that that BMW was associated with the residence that you had gotten a search warrant for it and the property around it?

A. No, sir, and I don't, I don't recall or I don't remember the exact conversation. But I knew that, at, at some point with the investigators -- speaking with the investigators with Spartanburg County, that that vehicle was identified as being a vehicle that it was in some way attached to that residence.

Q. All right. You did not speak to Tyleek Johnson or any of -- the other individuals was gone I think by the time you got there, the other person arrested?

A. That's correct.

Q. Do you remember speaking---
A. And---
Q. ---to Mr. Johnson?
A. To the best of my knowledge, I don't, I don't recall speaking to him, no, sir.
Q. How were you able to -- how did you get into that car?
A. I believe it was one of our uniform patrol officers that actually utilized -- he had -- actually has a kit to get into it.
Q. Does that damage the vehicle?
A. It, it can damage the locking mechanism.
Q. Okay. There was no key present or nobody volunteered a key.
Is that fair?
A. That would be the fairest. No, no, no one volunteered a key to that vehicle, correct.
Q. Okay. Are you familiar with where the, where the property lines are divided on the -- in this trailer park?
A. No, sir.
Q. Are there any lines to indicate whose spot -- I mean is there like a C in the pavement or something for the parking space?
A. No, sir.
Q. Is it fair to say, just from the best of your ability

and your own common sense and training, you thought this was connected to the 3-C property?
A. That's correct. Yes, sir.
Q. What, what about the pictures you've looked at and what you saw that day made you believe that?
A. Due to the, the close proximity that the vehicle -- both vehicles were actually parked in relation to the, the mobile home itself. In other words, there was not a great distance -- like neither vehicle was actually parked in front of or beside like Trailer B or Trailer D. They were both nestle -- nestled basically right there beside Trailer C.
Q. Okay. You perceived both vehicles to be closer to C than the next closest trailer?
A. Yes, sir.
Q. All right. Oh, and that, that door -- you ended up going into that house.
That door at the back functions and, and would let you in to see?
A. Yes, sir.
Q. Do you know who owned that BMW at the time?
A. I know, at some point, that the, the tag was ran and the VIN was confirmed. But, at that time, no, sir.
Q. You don't remember it coming back to anybody that was present at the scene?

A. To the best of my knowledge, that vehicle was not registered to anyone that was at the scene.
Q. I hand you a document.
Can you tell me what this is?
A. This is a motor vehicle tow report that was completed by the Greenville Police Department.
Q. All right. And what was the date for that?
A. I believe it's March the 2nd of 2021.
Q. All right. And does it have information about who was in the vehicle when it was taken?
A. It does.
Q. And who is that?
A. It states that the driver's name and address was a Tyleek Johnson.
Q. All right. And who is listed as the owner of that vehicle?
A. A Michael Watkins.
SOLICITOR SMITH: Your Honor, at this time, we would move this as Court's Exhibit 18.
THE COURT: Eighteen.
SOLICITOR SMITH: Eighteen. Yeah, I think it's 4 through 17.
THE COURT: What is it?
SOLICITOR SMITH: This is a tow report, Your Honor---
THE COURT: Okay.

SOLICITOR SMITH: ---from Greenville.

THE COURT: Okay.

SOLICITOR SMITH: Would you like to see it?

(WHEREUPON, the tow report was marked as Court's Exhibit No. 18 for identification purposes only at this time.)

Q. Please answer any questions Mr. Morin has.

CROSS-EXAMINATION

BY MR. MORIN:

Q. All right. So, this vehicle was parked in what, what I think you referred to as the front.

Is that right?

A. Yes, sir.

Q. And the search warrant states that the, the address is a single wide mobile home, grayish blue, white underpinning, small wooden cover on the porch.

That would be this?

A. Yes, sir.

Q. And, of course, it also says that vehicles on the property or outbuildings.

Were there any outbuildings that you recall?

A. To the best of my knowledge, no, sir.

Q. Okay. Now, your testimony is this car is parked in the back of 3-C?

A. Yes, sir.

Q. It's also in the front of whatever the next one is, 3 -- 4-C or 3-D?
A. D or whatever.
Q. Right.
A. Yes, sir. Yes, sir.
Q. It's in the front of that one too?
A. Yes, sir.
Q. And these, these mobile homes, the main road runs one way but they actually don't face the road. They face each other.
Is that fair to say?
In other words -- where's the -- hold on. Didn't ask that, that well.
Okay. That truck is on the road in front of whatever that is, 3-D or --?
A. D.
Q. Right.
A. But it would be -- yes, sir, it'd be right directly be -- beside the 3-D.
Q. Right. The side of the -- it is -- but it's on the road. This---
A. Yes, sir.
Q. ---truck's on the road.
A. Well, it's---
Q. This supplies---

A. At, at that -- if you look at the other image, it would actually show that that dead ends. That road does not continue past where that truck is parked.
Q. Okay. Well, let me, let me just hand it to you rather then me try to guess.
A. Right here.
Where the truck is parked --
Q. Uh-huh. (Affirmative).
A. -- that road does not continue.
Q. Okay. So, you -- as you said, the truck stops at the end of the road?
A. Correct. It's right there beside the three -- I would guess it would be 3-D.
Q. Yeah, that's what it looks like.
All right. Why didn't you pull up beside it?
Why did you just park where you are?
A. That's not my vehicle. That was part of the --
Q. Okay.
A. -- the other team that, that---
Q. All right. But do you know why they didn't -- why they parked right there?
A. No, sir, I don't have any, any idea.
Q. If I understand you, Mr. Johnson wasn't the person that y'all -- that Spartanburg had interest in that day, was it?

A. To my knowledge, no, sir.
Q. But you're saying that you had information that this car was somehow attached to 3-C?
A. That's correct.
MR. MORIN: If I may approach the witness?
I apologize.
SOLICITOR SMITH: I put it up there between that pad and the --
MR. MORIN: Oh, okay.
SOLICITOR SMITH: -- the monitor.
MR. MORIN: On the judge's bench.
SOLICITOR SMITH: Yeah.
THE COURT: Which one are you looking at?
You want the --
MR. MORIN: If I can?
THE COURT: -- tow---
MR. MORIN: Yes.
THE COURT: There it is right here.
MR. MORIN: Yes, sir.
Okay. I'm gonna show you this tow sheet that they've talked about.
A. Yes, sir.
Q. And it lists Mr. Johnson as the driver and it lists Mr. Watkins as the owner?
A. That's correct.

Q. But neither place address is close to 3-C. In fact, one's in Piedmont.
A. That's correct.
Q. And so the car's not connected to that house although they thought it was?
A. Again, the information that was received -- and, again, I don't recall as far as the details of that information.
Was that somehow that vehicle was, in fact, related to that address.
Q. That was incorrect?
A. I could not -- I couldn't answer that today. I don't -- to -- today---
Q. Based on---
A. ---I don't know.
Q. Based on the, on the tow sheet that you've been given.
A. The -- based on the tow sheet, that tow sheet would be, to me, irrelevant as far as what took place the day of the search warrant as far as my involvement.
Q. I understand. Because you didn't have -- all of the information you had was coming from Spartanburg. You didn't know Mr. Johnson. You didn't know Mr. Fuller. You didn't know anything about that 3-C.
Is that fair?

A. That's fair, yes, sir.

MR. MORIN: Okay. That's all the questions I have, Your Honor.

THE COURT: Redirect?

SOLICITOR SMITH: No, Your Honor.

THE COURT: All right. May this witness be excused?

SOLICITOR SMITH: Yes, please, Your Honor.

THE COURT: Thank you, sir.

Is he subpoenaed for tomorrow?

SOLICITOR SMITH: Well, it wouldn't be tomorrow. But he is, he is subpoenaed for the week.

THE COURT: All right. Thank you.

THE WITNESS: Yes, sir.

SOLICITOR SMITH: Your Honor, the State would call Investigator Ken Hammett.

THE COURT: You're already under oath, Mr. Hammett.

THE WITNESS: Yes, sir.

THE COURT: All right. Come around.

KEN HAMMETT, having been previously sworn, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Investigator Hammett, you ultimately signed arrest warrants on a guy named Deandre Fuller as a part of this case?

A. I did, yes, sir.
Q. All right. And once you signed warrants, other people that have different jobs than you start looking for that person, correct?
A. That's correct.
Q. Did you get information that the marshals task force might have had a potential location for which -- where Mr. Fuller was?
A. Yes, sir.
Q. All right. And was that a location in Greenville?
A. It was. That was the 3 Westbrook Drive, Lot C.
Q. All right. And you communicated with Greenville because you don't have jurisdiction in Greenville, correct?
A. That is correct.
Q. I'm assuming this is a location in the county?
A. Yes, sir.
Q. All right. Did you relay information to, I guess at the time, Investigator King, a Tracy King, about what was going on and, and what y'all potentially needed and why you had a reasonable basis to try to get it?
A. Yes, sir.
Q. All right. But he had not been working with you on this case until---
A. No, sir.

Q. ---that point?
A. I think he just happened to be on call that day and they typically --
Q. All right.
A. -- do like we do when you're on call---
Q. Now---
A. ---you're up.
Q. ---one of the things that you were looking for was a specific firearm, correct?
A. That is correct.
Q. All right. And you were looking for that specific firearm why?
A. Because it was stolen from -- during the robbery at [redacted] Walden Circle.
Q. All right. Had you also executed search warrants on Mr. Fuller's social media accounts at that time as well?
A. Yes.
Q. Was there anything in those social media accounts that made you think that this weapon could still be around?
A. There were a number of pictures that were taken a few days afterwards and some even up to weeks before when Mr. Fuller was arrested that he was posting on social media. He had photos with him and that firearm, Mr. Fuller -- Mr. Johnson with that firearm and the other codefendant,

Mr. Lebby, all had that firearm at some point during those Facebook posts.
Q. Okay. So, you're not just looking for any, any random --?
There was a specific one that you---
A. Yes, sir, this one---
Q. ---thought you had identified?
A. ---was very unique, yes.
Q. All right. You ultimately went out to that address, correct?
A. That's correct.
Q. And Tyleek Johnson was out at that address, correct?
A. He was, yes.
Q. At that point, what would you have classified him as in this case?
A. At the time -- at the -- that time, we did not even have him on our radar.
Q. Well, you'd already arrested Lebby I'm assuming --
A. Right.
Q. -- and he had told y'all there was a guy, Max Johnson?
A. Right.
Q. All right. And you had call detail records from his number, correct?
A. Right.

Q. All right. So, is he just a total stranger or I mean how did y'all know his name?
A. I mean we knew his name from Lebby. I mean but --.
Q. Yeah.
A. You know, we, we basically don't go chasing after people just because they give somebody's name cause we'd be running down rabbit holes.
Q. All right.
A. But---
Q. But you said you've seen pictures of him with this firearm --
A. Yes.
Q. -- at the time---
A. On Fuller's Facebook, yes.
Q. Okay. So, when you see this guy, you have an idea who he is when you see Tyleek Johnson?
A. He actually told me who he was that day.
Q. Okay. He, he was not arrested that day?
A. He was not arrested, no.
Q. Do you remember if he was handcuffed?
A. Nope.
Q. No, you don't remember or no---
A. He was freely -- he was, was freely -- he was freely walking around.
Q. All right. And what did he tell you about this

vehicle?
A. He had told me that he had been -- he had come to that location with a female friend and that that was her vehicle and that she had left him there.
Q. Okay. How did they get there if you can recall?
A. In -- as part of my search warrant for some phone records, the conversation was, when they executed the search warrant incident to arrest of Deandre Fuller in reference to this case, on scene was, was suspect Fuller as well as Tyleek -- Takila Terry and Tyleek Johnson.
During the execution of the search warrant, sev -- seven cellphones were recovered from this address. One Takila Terry identified as hers, one Tyleek Johnson identified as his, and the other five are unknown that -- believed one belonged to Deandre Fuller.
Of the three phones listed, two were located in a trash bag where it appears they were deliberately hidden from the original arresting officers.
Also, at the residence, there was a 2000 Silver BMW with South Carolina tag RLP 680 in which T -- Tyleek Johnson stated was his -- was a female friend and did not know her name, that she had driven the BMW to this location, and he had followed her in another vehicle, in another vehicle in which she left in.
Q. All right. So, from that information, he didn't ever

tell you he'd even been inside that vehicle?
A. That's correct.
Q. That vehicle belonged to a friend who is a girl, right?
A. Right.
Q. Not a girlfriend?
A. A fee -- he just says a female friend.
Q. Okay. And he followed that vehicle to this location and then she left in the vehicle that he had driven to that location?
A. That's correct.
Q. Did he tell you that he had keys to the vehicle?
A. He did not. No one claimed to have keys to the vehicle.
Q. All right. And did it become apparent to everybody that was out there that y'all were going to break into this vehicle I guess?
A. Yes.
Q. And nobody offered keys at that point?
A. No.
Q. Do you remember anything about the ownership of that vehicle?
A. I do not.
Q. Do you remember -- know if it was registered to Tyleek Johnson?

A. I do not know if it was or not. That, that was information that Greenville had ran the tags and stuff on.
Q. Okay. All right. Please answer any questions Mr. Morin has.
MR. MORIN: If I may have just a moment?
I know it's late but I --.
THE COURT: Do your job.
(Pause.)
CROSS-EXAMINATION
BY MR. MORIN:
Q. Were you there when -- with the first group of people that got there of officers?
Were you in that group or was---
A. I was not. I arrived, I arrived shortly after.
Q. Okay. When you arrived, was everybody already out of the house?
A. Yes, sir, they were.
Q. Okay. So, you don't know if anybody was taken into investigative detention?
A. Not while I was there they were not, no, sir.
Q. Okay. Did you have information that this BMW was attached to that address?
A. I did not have that information, no, sir.
Q. Are -- you're the lead investigator?
A. At the time of this search warrant I did not have

information --.
Q. But you called Greenville to tell them --.
A. I did not, no, sir.
Q. Who, who made that call?
A. I believe Investigator King said that he didn't -- he had got that information. I have no idea how he got that information. I did not provide that information to him.
MR. MORIN: Okay. That's all the questions I have.
THE COURT: Redirect.
SOLICITOR SMITH: Nothing, Your Honor.
THE COURT: All right. Thank you, sir.
SOLICITOR SMITH: Those would be our witnesses for this motion hearing, Your Honor.
THE COURT: You don't have any witnesses on tomorrow?
MR. MORIN: No, sir.
THE COURT: Okay.
MR. MORIN: Do not.
Your Honor, our position is, is that the car that they searched was actually -- they, they say well, it was closer to one house than the other. But clearly, the way it's laid out, you can see that that would be where somebody who lived in 3-D would be.
THE COURT: I, I didn't see that. I'll be honest with you. I saw the pictures that looked like he was closer to the backdoor than it was to the other house by

all good measure --

MR. MORIN: Well---

THE COURT: -- based on the pictures I looked at.

MR. MORIN: Well, my, my argument is that the reason that car would of been there and not over there where -- in front porch where the search warrant says -- describes 3-C, my position is is that's where -- that area is where the car for 3-D would park.

Now, I don't know how -- they didn't do a measurement. But it appears to me that that's the case.

I am a little -- and it's my position that, because it's outside the bounds of what they're suppose to do, and a firearm is recovered that the State intends to introduce in this case to incriminate my client is the reason why we're making this argument. There's no doubt about that.

They, they said in this case, already in this motion, that they have a, a Facebook page from somebody else whose -- he's got to the gun and then the gun's in that car and he was present. So, they're making that connection. That's the connection they're gonna make and I submit that this car is not subject to that search warrant.

That's my argument.

THE COURT: All right.

SOLICITOR SMITH: Your Honor, our argument would be

that, you know, the, the police don't live at this trailer park. Everything that they did was reasonable under the circumstances.

In, in fact, if there is any connection to this vehicle, it is connected to C because Tyleek Johnson tells them that he arrived with somebody and his -- he's at 3-C with Deandre Fuller.

When you look at the pictures, it is closer to C than D. And, of course, any car that's parked in this trailer park is going to be, I guess, somewhat ambiguous because there's another trailer on the other. The same point he made for Takila Terry's car's in the front.

THE COURT: I don't think that's right. But I, I, I, I tell you that, in looking at those photographs, they certainly look like it was parked where the curtilage that went to 3-C and was closer to the back of 3-C than it was to the D where another vehicle was in-between them and that vehicle -- and that residence.

SOLICITOR SMITH: You---

THE COURT: So, it certainly seemed like it was parked in the curtilage.

Go ahead.

SOLICITOR SMITH: Yes, Your Honor. I won't argue further on that other than the one thing --

THE COURT: That was a smart move.

SOLICITOR SMITH: -- I did point out with it is paved basically up to C and D. If you look at the pictures of its foliage and underbrush type stuff, and, you know, which could, could lead one to believe that it's more connected with C, we -- our position also, Your Honor, would be that he, under *State v. Robinson*, Your Honor, it's 410 S.C. 519, I can email a copy to the Court and Mr. Morin, but the proponent of a motion to suppress has the burden of establishing that his own Fourth Amendment rights were violated by the challenge, search, or seizure by demonstrating he had an expectation of privacy in the area illegally searched.

The only information we have at this motion hearing is that this car does not belong to him. At least in the sense that he could sell it. It's not owned by him.

The only testimony that we have is that he didn't even -- he was not even in that car on, on this day. He told law enforcement that he followed somebody else in another car, a, a friend girl, who then took his car.

So, under the evidence that's before the Court, he's---

THE COURT: Can I stop you right there for a second?

SOLICITOR SMITH: Yes, sir.

THE COURT: If I recall, and I want to -- Mr. Morin, you correct me too, that, that -- the, the information

that I thought I heard was that the car was driven by someone else to that location and left there and it wasn't driven by this defendant. It was some -- somebody else.

SOLICITOR SMITH: Yes, Your Honor. I was saying the -- he followed in another car that that woman then left in his car.

So, all, all I was trying to establish is that he wasn't even in the car under his own. He doesn't own it. He doesn't have keys to it. It's apparently somebody he knows and law enforcement's breaking into the vehicle apparently in a way that can cause damage.

He doesn't say, say hey, I have the keys, which, of course, he's not required to do so. But that would be an indication of, of constructive possession, Your Honor, and, in this case, he doesn't have the keys. I mean I, I don't know if they've patted him down. But don't think he's -- our arguments are, are multiple layered, Your Honor.

One, the search warrant covers it because it is close with C.

Number two, he has failed to meet his burden of establishing that, if there was a violation, that he is the proper victim of that violation.

And number three would be that, if there is a violation, Your Honor, the good faith exception should

prevent the exclusionary rule from being put into place because there would be no lesson taught to law enforcement short of getting a, a surveyor out or, or, or making the property manager come out and explain the parking space system to them.

They used common sense and, and the abilities that they had at the time to figure out which cars were associated with 3-C and we think that that was reasonable and certainly had no ill intent on their part and that they -- if they did -- if Your Honor rules they exceeded the scope, that the results should not be suppressed based off of that.

Thank you, Your Honor.

THE COURT: Anything further, Mr. Morin?

MR. MORIN: No, sir.

THE COURT: All right. My, my preliminary, and this is subject to y'all giving me anything to change my mind between now and trial time tomorrow, but I think that the area that was searched where the car was was parked in the curtilage of the property. I think it was on the property. It certainly would appear to be closer to 3-C then 3-D, and, therefore, be part of that property and then a good faith exercise of your belief, which you're entitled to look for under the warrant, would include that area.

So, I think that, that the officers were entitled to look into that vehicle and did not violate any expectation of privacy cause the defendant had none in that vehicle at all at the time.

With that being said, you can change my mind tomorrow if you give me something to do.

So --.

Okay?

MR. MORIN: Yes, sir.

THE COURT: All right. Okay. Thank you.

I got one gentleman who's been sitting here wanting to plead all afternoon. I'm gon' let him get out of the way.

Are we done on -- for this today?

MR. MORIN: Yes.

SOLICITOR SMITH: All right. Do you want me to email you directly and your law clerk or your law clerk?

THE COURT: Yeah. She -- yeah, please do.

SOLICITOR SMITH: Okay. Thank you, Your Honor.

(WHEREUPON, Court's Exhibit Nos. 4 through 17 were marked at this time.)

(WHEREUPON, Court was in recess for the evening.)

Tuesday, May 13th, 2025

(WHEREUPON, State's Exhibit Nos. 1 through 146 were marked for identification purposes only at this time.)

THE COURT: All right. Any matters from the State before we bring the jury in?

SOLICITOR SMITH: It's not something we would deal with today. But I didn't know if there was any decision about the stipulation of the prior record.

THE COURT: Say that again.

SOLICITOR SMITH: The, the stipulation about the prior record. I didn't know if there was a decision on that. But that's not something---

THE COURT: All right. We did that. I decided that yesterday. There was no stipulation. So, you know, once you lay, lay your foundation, it's coming in.

SOLICITOR SMITH: Yes, sir.

THE COURT: All right. Anything from the defense?

MR. MORIN: No, sir.

THE COURT: Bring the jury in please, sir.

Mr. Bailiff, when I or the lawyers are doing their opening statements, don't let anybody come in and out of the courtroom please, sir.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Good morning.

(WHEREUPON, the jurors respond good morning.)

THE COURT: I hope you had a nice evening.

Before we get started, ladies and gentlemen, I'm gonna ask our clerk to swear you in. Then we'll go over some opening remarks please.

THE CLERK: Please stand and raise your right-hand.

(WHEREUPON, the jury panel was placed under oath at this time.)

THE CLERK: Thank you. You may be seated.

THE COURT: All right. Ladies and gentlemen, as we told at the beginning, this is the case of State of South Carolina versus Tyleek Johnson who's been indicted and charged with two counts of murder, one count of armed robbery, one count of burglary first degree, one count of lawful -- unlawful possession of a handgun, and possession of a weapon during the commission of a violent crime times two.

Ladies and gentlemen, let me remind you of the fact that this gentleman has been indicted and, and, and charged is not evidence of his guilt. It doesn't raise an inference nor presumption of his guilt.

Indictments are simply the mechanism by which the State of South Carolina will bring a defendant such as Mr. Johnson before the Court for a trial and a

determination by you, the jury, as to whether or not he's guilty of any or all these charges.

Now, I don't know if any of you have ever been involved in a trial before; whether it be civil or criminal as this case is. But I would suspect that each and every one of you has watched on TV or at the movies something that purports to be a trial. Let me quickly dispel any preconceived notions that you may have.

Trials are not entertainment. They're very slow. They're very methodical and they're very deliberate. But they're also a fundamental part of our democracy.

Now, these attorneys, when they're sworn in, they take an oath to zealously represent their clients and I know these attorneys and you can expect no less from them in this case. But they're also officers of this court. That means that you can expect of them that they will be professional and competent and ethical in their dealings with themselves and with me and any witnesses who appear before this Court.

But you, yourselves, have just taken an oath where you swore or affirmed that you'd try to reach a fair and impartial verdict. That means that we have the, the attorneys, the parties, and the Court staff has a right to expect of you that you will be fair, that you will be ethical in your dealings in this case, and that you will

try to reach a fair and impartial verdict at the end of this matter.

Now, what I tell you now is not the law that you will apply. I will give that to you at the end of this case. This is basically a roadmap so you kind of understand where you are at any given time in this case.

Those of you who ask for notes, do you have your pad and pencil?

(WHEREUPON, the jurors nod affirmatively.)

THE COURT: Is anyone else who would like to have one at the last minute who doesn't?

(WHEREUPON, there was no response.)

THE COURT: Let me say something to you who are taking notes. Be careful so that you don't get distracted in your note taking that you miss any, excuse me, you miss something that -- somebody's reaction to being questioned on the stand.

Part of which you are doing is being the judges of the facts of this case. You're the sole judges of what the facts are. In other words, you're the judges of what your verdict's gonna be.

No one, not the Court, not these attorneys, not anyone, can interfere with your role as being the fact finders. But part of that is to make a determination as to what testimony you wanted to believe or what testimony

you wish not to believe.

You have a right to believe all or part or none of any witnesses testimony who comes before you. You can believe one testimony -- one person's testimony over many or many over one. I'll tell you more about that at the end of the case.

But it making this determination of credibility of the testimony of the witness, you want to watch their, their reaction to the questions cause sometimes their reaction may give you a subtle hint as to whether or not you should or should not believe their testimony. So, if you're so engrossed in your note taking you may miss that.

Also, Madam Forelady, just because something may appear in one of your jurors' notes doesn't mean it trumps somebody's memory of that fact in the case. Some people are better listeners. Some people are better note takers. If you have a disagreement as to facts in this case, that's why they're called deliberations. You'll just have to hash those out.

Now, at the end of the day, it will your duty to determine whether or not the State has met its burden of proving the defendant guilty of the charge or charges in this case. In fact, he says I'm not guilty to all of these charges. And, once he says that, he is presumed innocent and that presumption stays with him from this

point or from the point he says it all the way into your deliberations and unless you are convinced that the State has proven each and every element of the charge or charges against him by proof beyond a reasonable doubt.

If you have ever been involved in a civil case, those cases only involve a preponderance of the evidence. If you imagine a set of scales like this, if they tilt ever so slightly in favor of somebody who has a preponderance of evidence burden of proof, they would have met their burden. In the criminal arena, proof beyond a reasonable doubt is much greater than that.

So, let me give you a brief definition of what reasonable doubt is so you can have it in your minds throughout the course of this case. Reasonable doubt, ladies and gentlemen, is the kind of doubt that would cause a reasonable, sincere, and conscientious person to hesitate to act in an important matter in their own affairs. It is proof that leaves you firmly convinced of the person's guilt.

Now, that being said, the law does not require the State to overcome every single doubt that may appear in this case. At the end of the day, if you are firmly convinced that the defendant is guilty of one or more of the charges against him, it's your duty to find him guilty. On the other hand, if you think there's a real

possibility that he is not guilty, you must give him the benefit of the doubt and find him not guilty.

That being said, ladies and gentlemen, I'll charge you more about that at the end of the case. But for, for purposes of, of what we're doing right now, at the end of the day, it will be you to decide whether or not the State has met its burden of proving the defendant guilty of the charges for which he is standing trial.

Now, when I said to you earlier that you were the judges of the facts, that means that you will determine not only what your verdict is gon' be but what the facts are leading up to that verdict. You have a right to decide what the facts are and any reasonable inferences that may be drawn from the facts that you decide them to be.

If I do anything throughout the course of this trial that seems to indicate to you how you are to find facts, in other words your verdict, I'm gonna ask you, but also charge you, to disregard it. I am not allowed, by our state constitution, to have an opinion on the facts of this case or to make remarks on the facts of the case. You and you alone will determine what the facts are and accordingly what your verdict will be.

Now, the law that makes you the sole judges of the facts makes me the sole judge of the law. You must accept

the law as I give it to you. You may not and must not be concerned with what you think it should be but only what it is.

If I make a mistake in charging you on the law that you must apply in this case, our Court of Appeals or Supreme Court will reverse me and correct my errors. But you may not do so.

And also let me point out something to you. There's rarely a chance that you can correct an incorrect finding of facts. So, throughout the course of this trial, please pay close attention to all the testimony and all the evidence being presented so, at the end of the day, you're capable and able to make those findings for yourselves.

Now, I'll remind you, please do not begin your deliberations until I've asked you to do so. Do not talk with anybody about the case even informally through breaks amongst yourselves and certainly with not anybody else.

Do not look up any matter in this case or do any independent research. If it happens to be in the news, cut it off. Don't listen it to, read it, or hear it.

Now, Madam Forelady, ladies and gentlemen, they're five phases in every case. In just a minute the State will give you an opening statement.

What the attorneys tell you is not evidence. It's simply their contentions as to what they're going to prove

in this case and what their facts are that they intend to show you.

They're not sworn in. They're not put on the witness stand. It's important what they tell you but it's not evidence.

The defense may give you an opening statement but they're not required to. They don't have to do anything. They don't have to say anything. The burden is on the State at all times to prove this gentleman's guilt by proof beyond a reasonable doubt.

However, if they decide to exercise their right to have an opening statement, likewise, it's not evidence either. It's simply their contentions of what the facts are and what they intend to show you in this case, what they think the contentions are.

Now, after the opening statements, the State will, will present their evidence in the case because they have the burden of proof. The defense may or may not follow that with their evidence but I will tell you more about that later.

At the end of that, they'll be closing arguments by the attorneys. I'll then charge you on the law and then you'll be given the case with the instructions to begin your deliberations. I tell you that so you'll generally know where we are at any given time in the case.

Madam Forelady, at anytime, I'll remind you, if you need a break, raise your hand and tell me I need to, you know, take a break or we need to take a break. If I try to bring you back before you're ready, just say we're not ready.

If you need anything, if you have any questions, just the process, if you'd write whatever it is down, write your name on it, give it to our bailiffs, and they will bring it to me and we'll respond accordingly.

Now, finally, ladies and gentlemen, lawyers have an ethical duty to object when they see something that's improper by way of evidence or procedure in a case. I will suspect this case is no different than any other case I've ever been involved with. There probably will be objections.

To the extent that I allow you to stay in the courtroom and hear my ruling on those objections, Madam Forelady, that is not to be the subject of your jury's deliberations. Suffice it to say that it's simply the process that's followed in each and every case before this Court.

With that being said, I'm gonna send you back to your jury room for a quick second, you probably won't have a chance to sit down, to see if I need to make any amendments to what I told you so far. Then we'll bring

you back for opening statements.

Okay. If you'd go back to the jury room please.

(WHEREUPON, the following takes place outside the presence of the jury panel.)

THE COURT: Thank you.

Any addition or exceptions from the State?

SOLICITOR SMITH: No, Your Honor.

THE COURT: From the defense?

MR. MORIN: No, sir.

THE COURT: You guys ready to go?

MR. MORIN: Yes, sir.

SOLICITOR SMITH: We are.

THE COURT: Okay. Mr. Bailiff, don't let anybody in or out.

Do we have any sequestration issues right now or we okay?

MR. MORIN: I, I think we're fine.

THE COURT: Okay. Fine with me.

All right. Bring the jury back please.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: State ready with its opening statement?

SOLICITOR SMITH: Yes, Your Honor.

Please the Court.

THE COURT: Yes, sir.

SOLICITOR SMITH: Good morning.

(WHEREUPON, the jurors respond good morning.)

SOLICITOR SMITH: On the late evening of October 24th, 2020, going into the early morning hours of October 25th of 2020, Timothy Thompson and Kelli Curran were sitting at their house at [redacted] Walden Circle in Spartanburg County. It's off of Business 85.

Kelli had drifted off to sleep. Events start happening around two o'clock in the morning.

But they were -- a knock happened at their door, an unexpected knock as most knocks are at two o'clock in the morning, and Tim answered the door with a firearm as many people would at two o'clock in the morning. And there was two men, young men, at the front door.

One of those men was Tyleek Johnson. Tyleek Johnson, and the other man, Kenyatta Lebby, are both completely unknown to Tim, unknown to Kelli.

They represent that they need help, that their Jeep has broken down. There car is actually parked away from the house. It's not directly in front of Tim's.

Tim, oddly enough or maybe not oddly enough, happened to work on cars. He knew how to fix them and he would possibly be willing to try to help.

So, he invites them into the home and they're inside the home for some period of time. We know that Tim ended

up doing a Google search on his phone looking for car troubles with a Jeep. We also know that Tim added a phone contact for a number and he named that person Doug Cherokee in his phone and he actually -- there was a call between those two, a very quick call, like when you exchange phone numbers with somebody that you don't know. And that all happens right around in the two o'clock to 2:15 range in the morning of the 25th.

And, as these people are sitting in the living room with Tim and Kelly, one of them pulls out a firearm and shoots seven shots hitting Kelli and Tim three times each predominately in their abdomen areas and Kelli and Tim are both laid out on the living room floor in grave, grave danger, and, as you know from the charges, they both end up passing away.

They begin to ransack the house. Tim had a lot of weapons inside the house and he had some drugs inside the house and that's why these people had showed up that day. It wasn't -- their car was not broken down. They did not need help. They had come all the way from Greenville with another man to steal his firearms and to steal anything of value, guns, money, that they could find inside that home.

And the first break in the case is as they are greedily stealing everything out of Tim's home thinking that Tim and Kelli are either dead or well on their way,

certainly no longer a threat to them, Kelli Curran makes a 9-1-1 call and it starts with her whispering because they're still in the house and you'll actually hear the voices of what we believe in the end are Tyleek Johnson. You'll hear them say that the weed is in the back, bro, and you'll also hear, later on in the call, somebody say Dubb.

Kelli is largely quiet. She's trying to whisper. She's trying to get help to her but she's trying to not alert the people that just shot her and her boyfriend that she's calling 9-1-1 and the authorities might be coming to catch them.

So, they're in the house. You can hear them rustling around and then they eventually leave and then Kelli's voice becomes strong and Kelli gives the story. Kelli tells you the crimes that occurred to her, that these were strangers, that they used a ruse to enter their house, car trouble, that at some point they produced firearms and shot both her and her boyfriend, and then she was present as they were ransacking the home stealing many, many rifles and other handguns.

She indicates that they called another person and that another person had come into the house. That person we contend is Deandre Fuller. That's the three people that are involved in this case that were charged in this

case, Kenyatta Lebby, Tyleek Johnson, and Deandre Fuller.

Kelli dies about an hour and a half after that 9-1-1 call ends. She was in -- actually, as you look at it, as you'll hear the testimony, it appeared that Tim was in much more serious trouble. But Kelli was bleeding internally and she says she thinks she's dying on the video and she was and she did.

Tim maybe wasn't so lucky. Tim had to -- died on December 11th of 2020 after having many, many, many surgeries to try to save him, to try to get him back to whatever condition they could. He ultimately ended up choosing to come off life support and succumbed to the injures that were done to him on October 25th of 2020.

He was not himself. It was not like he was alert and speaking and talking about this incident. You'll hear from his sister that dealt with him some before his passing and that's the first part of the case.

The crime itself, it happened. It definitely happened. There's no question. They were tricked. They were robbed. They were murdered in their own living room for items of value.

The second part of this story starts with Ken Hammett who's sitting at the table with me. He's an investigator with the Sheriff's Office and that 9-1-1 call was absolutely crucial. And then looking at Tim's phone and

seeing what he had done was absolutely crucial to start them on their trek that ends up leading to Tyleek Johnson being arrested in March of 2021. A very, very extensive investigation was done.

That number that Tim called belonged to Kenyatta Lebby. They were able to search that and that was kind of how the case started going from there.

The next day, the 26th, they find out a man named Dondrey Johnson, who will testify before you this week, Dondrey Johnson had exchanged a car with Tim in the days leading up to this crime and Dondrey Johnson had been inside Tim's house. He had seen this gun cabinet that you'll see at the end of a hallway that was loaded with some high-end firearms, some custom built firearms.

He also will tell you that Tim presented him a, a decently sized amount of marijuana and gave him some of it as I guess a part of the deal for the car. And Dondrey knows Kenyatta Lebby. Dondrey was -- Dondrey's brother was very good friends with Kenyatta Lebby. Dondrey's brother was killed in Greenville. But he and Lebby stayed in touch after that.

And he will tell you that he told Kenyatta Lebby about what Tim had inside of this house. And there may be a question about whether you think Dondrey is involved in this case because of some of the -- that will come out.

He's not on trial here today. He's gonna tell you about what he did. He told Kenyatta Lebby that there was guns and there was drugs inside that house and he gave them the address.

There's no communication with any of these codefendants with Tim's phone before it happens. It's a surprise that they show up there. But Dondrey called both Kenyatta Lebby after the crime and Tim before the crime.

Dondrey Johnson is why these men showed up at Tim's house that night. Whether he knew it or he should of known it or he's a fool, that's for somebody else to decide perhaps another day. But that gets them to the connection of Lebby and then they start searching through phones and they find that Lebby called a number. Once they get his call numbers back, Lebby called somebody two minutes before the 9-1-1 calls come in at 2:21. At 2:19 he called Deandre Fuller.

He called Deandre Fuller because Fuller was still outside. You'll see pictures of Deandre Fuller and we'll explain why we believe he was outside because you don't call somebody who's in the house with you. Calls Deandre Fuller. Fuller comes in and assists in the robbery and taking of these guns.

You will find out -- we will introduce evidence of -- that Deandre Fuller started trying to sell firearms that

looked very, very similar to the guns that were taken from Tim's cabinet. We have witnesses that were there at Tim's house that night. We have witnesses that were there in the days leading up that are intimately familiar with the firearms that he had, can describe them, and you will see that Deandre Fuller starts selling these guns.

You will also see, eventually, they make a connection with Tyleek Johnson and Kenyatta Lebby through phone records. They're all connected on social media. They're all connected through phones.

They end up having enough evidence to arrest Kenyatta Lebby I believe on February 11th. On February 12th they issue warrants for Deandre Fuller, and, on February 16th, Deandre Fuller is apprehended at an address at a trailer park in Greenville.

You'll hear that Ken Hammett went to that trailer park in Greenville and Tyleek Johnson was present. They didn't have warrants on him yet. They knew he was involved, possibly that he was circulating around through different phone numbers and social media. But Tyleek was present.

They searched this trailer park and they searched two cars that were at this trailer park. There was a silver BMW at the back of the trailer that Deandre Fuller was found in along with his -- along with a woman named Takila

Terry that we'll hear from too.

In searching that house, they find seven cellphones. Five of them are out on nightstands and counters and places that normally they would be. Two of them were found in the bottom of a trash bag hanging on the back door of the trailer.

Those two phones were not the phone that Deandre Fuller was using the night of the crime. But Deandre Fuller's not committing murders and robberies from the phone that he was using. And Tyleek Johnson's phone, the very phone that he had on him that night, is still in his possession. So, he had changed the phone. The number was still the same.

They also searched the silver BMW and, in the trunk, after Mr. Johnson kind of disavows any, any knowledge of, of knowing what's up with this silver BMW, they find two of his driver's license IDs inside the car and, in the trunk, they find a firearm that is very, very distinctive. Has a red trigger. It's a short little pistol platform type rifle looking gun.

I'm not a huge gun person but it's called an AR-9. You'll hear from people that know a lot more gun -- about guns than me. But it's a distinctive gun. It has aftermarket stuff. It's not something you just walk into the gun store and buy. It was assembled.

They searched Tyleek Johnson's phone and they find pictures in November, and December, other times of him and Deandre Fuller both together and in possession of Tim's firearm that was stolen on the night of October 25th. Once they have that firearm, they run it through ATF. They're able to find out who originally purchased that firearm. That's a man named Andrew Edwards.

He purchased and assembled that firearm in 2017. He had his use with it and then he sold it to a man named Roger Reynolds. You'll hear from him too. And then Roger Reynolds sold it to Tim some time before this murder. So, there's a complete chain between this gun that ends up in his possession.

The phone numbers for this man, Kenyatta Lebby and Deandre Fuller, they got call detail records which you'll hear about. But it's essentially when you call and text, it creates data, it uses cellphones, and there are people that can map that information.

That information was sent to an FBI Special Agent James Berni you'll hear from later this week. He did an analysis that shows that those phones assembled in an area within the vicinity of each other in Greenville around ten o'clock at night. They made their way down 85 and they ended all three in a zone around Walden Circle and then they went back to Greenville and went their separate ways.

And he'll show you those records and how people that are known to -- girlfriends and baby mama's of these people were contacting each other. There are numerous, numerous connections between all of these people and that's it.

That's how law enforcement decided to charge Tyleek Johnson and bring him before the Court here today because he is the man that looked Timothy Thompson in the face and said he needed help and was invited into his home and we contend that he shot him.

So, he is arrested. He gets a lawyer. Ultimately, in April of 2021, he and his lawyer---

MR. MORIN: Objection.

THE COURT: Sustained.

Please move on.

SOLICITOR SMITH: Can we approach?

THE COURT: Step up here.

(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)

SOLICITOR SMITH: I need some water.

Mr. Johnson ultimately had a meeting at the Sheriff's Office where he spoke with investigators after he'd been charged. In that, he initially denied being present at the scene. He was confronted with the cellphone evidence, other evidence they had against him. He then said he was at the scene but never went in the house. Didn't know

what was happening. Didn't know what was gonna go on.

He was confronted again and he gave a third story where he admitted that he was present inside that home. He gave details about the home. He confirmed his phone number that placed him at the scene and he admitted that he knew that they were there to rob Mr. Thompson for guns. He admitted to having a firearm. He indicated that the firearm he had was a 9-millimeter, which happens to be all of the casings -- you'll hear from the SLED agent that analyzed the casings. They're all 9-millimeter.

They all come back to the same gun. But he'd indicated that his codefendant, Kenyatta Lebby, was the person who shot him and ultimately that distinction will be irrelevant when you hear about the hand of one, hand of all, accomplice liability because these people set out to target Tim and Kelli. They were wolves in sleep's clothing.

There was nothing legitimate about this. Their entire intention they came on was to rob them and probably, once Tim answered the door with a gun, and they realized that it wasn't gonna be easy, the plan elevated to, to shooting them to get what they wanted.

At the end of all this, I'll come address you, try to draw any connections I'm not able to now, and ask for a guilty verdict on all charges against him.

Thank you.

THE COURT: Mr. Morin, does defense wish to have opening statement?

MR. MORIN: Yes, Your Honor.

THE COURT: All right, sir.

MR. MORIN: As in many of these cases, there's some things that I won't dispute with the State and they're other things that I absolutely will.

Mr. Thompson had drugs and guns in the house. Deandre Fuller, not Tyleek, this is Tyleek, Deandre Fuller was the only person that admits he was in that house.

The State wants to talk about Mr. Thompson's stay in the hospital. But the police spoke to him twice and the question is who was in the house and the State's confident it's Mr. Fuller because Mr. Thompson identified him in the picture.

The State knows that Mr. Deandre Fuller was the person who knew where it was, what was there, and how it was. And they want to say well, Mr. Lebby called Mr. Fuller. That's not this defendant. And you're gonna hear about what happened out there when they went out to arrest Mr. Fuller and when they searched Mr. Fuller's single wide and they searched the vehicles next to the single wide.

And Mr. -- my client, Tyleek, I have to keep telling

myself that cause we've got Tyleek Johnson and Dondrey Johnson, and he wasn't arrested. In fact, they weren't even considering him. That's what you're gonna hear.

Now, the State wants to make some jumps. Well, this person and this person and this person was over here and, therefore, this other person is the person who did it. They know Dondrey Johnson was in that house that day. They know that Mr. Lebby was in that house calling Mr. Fuller. They don't want to talk about that.

They want to talk about Tyleek and some phone and, you know, I come from, since we started having cellphones and I use mine, but you're gonna hear testimony about how it wasn't unusual for people to just be swapping phones. I read it. They know it. That, that officer right there even documented it seemed weird that they were using different phones.

So, when you're listening to this case, who was out there, how many people were out there, and why have they decided everything is on Tyleek, and I submit to you they can't do it without some serious jumping. Not circumstantial evidence but even beyond that.

A man -- and I'll address that at the end of the trial after they've had an opportunity to present their case. But I intend to test this evidence and those are the questions I'm gonna be focused on, the who's, the

why's, the how's.

Mr. Johnson, Tyleek, is not one of the people that was out there.

Thank you.

THE COURT: Mr. Bailiff, you can open up the doors.

Do you need a minute to set up or do you want to go ahead and call your first witness?

SOLICITOR BROWN: Your Honor, we can call our first witness.

THE COURT: Very well.

SOLICITOR BROWN: May it please the Court, Your Honor.

The State would call Justin Martin of Spartanburg County 9-1-1 dispatch.

JUSTIN MARTIN, being first duly sworn, testified as follows:

THE CLERK: Be seated.

SOLICITOR BROWN: May it please the Court, Your Honor?

THE COURT: Yes, sir.

DIRECT EXAMINATION

BY SOLICITOR BROWN:

Q. Morning, sir.

A. Good morning.

Q. For these ladies and gentlemen of the jury, can you

please tell us your name and spell your last name for our court reporter?
A. My name is Justin Martin. My last name is M-A-R-T-I-N.
Q. Justin, you are a little soft spoken. So, when you speak, if you can, I'm gon' stay back closer to the jury. And, if I raise my hand up, I just want you to speak up a little bit---
A. Okay.
Q. ---so all our jurors can hear you.
Okay?
A. Yes, sir.
Q. Justin, who do you work for?
A. Spartanburg County 9-1-1.
Q. And, and what is Spartanburg County 9-1-1?
What do y'all do?
A. We take 9-1-1 emergency calls and non-emergency calls and then dispatch police, fire, and EMS.
Q. Do y'all do that for all of Spartanburg County?
A. Yes, sir.
Q. And how long have you worked in that job?
A. Just over 21 years.
Q. What is your role with 9-1-1 dispatch?
A. I'm the records coordinator.
Q. And, and what is a records coordinator for 9-1-1

dispatch for Spartanburg County?
A. So basically anytime anyone, anyone needs a record --
Q. There we go.
A. -- I pull that record and I pull them for the Freedom of Information Act. I pull them for court purposes and then for any responders that we dispatch.
Q. Okay. Explain to these ladies and gentlemen of the jury how records are kept at 9-1-1.
When someone calls in to report either a serious crime or a cat stuck in a tree, tell us how that is all collaborated, what y'all keep, and how y'all keep it.
A. So basically, when someone calls 9-1-1, we keep a, a record of pertinent information that's given from the caller to the call taker and then also what is given from the dispatcher to the responder, whether it be police, fire, or EMS, and then that's all -- serves as what we call a CAD report and it's---
Q. What does CAD stand for?
A. Computer aided dispatch and it's kept on a server on, on, on, on site and all audio is recorded to 9-1-1.
Q. When all audio's recorded, can you tell us how that happens?
Does it start recording when the call is answered or at some point before that?
A. It starts at -- it starts recording at when the

phone's answered and then it records until we hang up and then all radio communications are recorded as well.

Q. Do y'all preserve those telephone calls after they are made and after they are recorded?

A. Yes.

Q. Can you tell the ladies and gentlemen of the jury about that?

A. It's kept on a server on site and it's kept for two years.

Q. And if these records are requested, whether it be through a Freedom of Information Act or through an investigation that is being conducted by law enforcement or the Solicitor's Office, do y'all create copies of those calls and provide them as needed?

A. Yes, sir.

SOLICITOR BROWN: All right. Permission to approach opposing counsel, Your Honor?

THE COURT: Yes, sir.

SOLICITOR BROWN: Permission to approach the witness, Your Honor?

THE COURT: Yes, sir.

Q. At some juncture, after the events of October 25th, 2020, were y'all requested to provide the call details and the 9-1-1 call associated with a phonecall regarding something that occurred at [redacted] Walden Circle?

A. Yes, sir.
Q. And, and do you know that address to be in Spartanburg County?
A. Yes, sir.
Q. It is?
A. Yes, sir.
Q. And prior to coming here today, did we give you an opportunity to listen to a disk that we understand to be the same 9-1-1 dispatch that you provided to our office as a part of this investigation?
A. Yes, sir.
Q. And were you able to listen to that in the Solicitor's Office to confirm that it is an accurate and true copy of what you provided to our office and as part of this investigation?
A. Yes, sir.
Q. And did you find it to be a true and accurate copy?
A. Yes, sir.
Q. And did you do anything to document that this was a true and accurate copy so that, when you came to court, you'd know that you're looking at the same disk?
A. Yes, I, I dated it and I put my initials on it.
SOLICITOR BROWN: All right. And, Your Honor, at this point, we'd ask to move in -- and this is State's Exhibit No. 56. My apologies. We'd ask to move it into

evidence.

THE COURT: Fifty-six?

SOLICITOR BROWN: Fifty-six, Your Honor.

THE COURT: Any objections?

MR. MORIN: No, sir.

THE COURT: Be admitted.

SOLICITOR BROWN: Okay.

(WHEREUPON, State's Exhibit No. 56 was received into evidence at this time.)

Q. That -- and that's your initials and your date of when you reviewed this and it's the same accurate copy, May 8th?

A. Yes, sir.

Q. All right. Do you have your CAD report there with you today?

A. Yes, sir.

Q. All right. And do you have notes on that CAD report that document to you when this call came in and, and what occurred throughout the course of that call?

A. Yes, sir.

Q. And is this something that is regularly kept as a part of the business of the 9-1-1 dispatch and part of your duties as the records custodian?

A. Yes, sir.

Q. All right. What time did the phonecall come in

regarding the incident at [redacted] Walden Circle in October of 2020?

A. At 2:21 and 32 seconds AM.

Q. All right. That's AM 2:21?

A. Yes, sir.

Q. Is that on the 25th or 24th?

A. The 25th.

Q. Okay. And was that call answered when it was made?

A. Yes.

Q. All right. And do you have notes about, after that call came in, how long it was until law enforcement arrived on scene at Walden Circle?

A. Yes, sir.

Q. And, and what time did law enforcement arrive on scene?

A. Showing the first unit got there at 2:31 and one second.

Q. And what was the first initial call, that time again?

A. At 2:21 time and 32 seconds.

Q. So approximately 10 minutes?

A. Yes, sir.

Q. All right. And did y'all give them instructions about where to go during the course of that 9-1-1 call so they could enter the home?

A. Yes, sir.

Q. Okay. And did y'all tell them to go in through the garage?
A. Yes, sir.
Q. Okay. And this is all documented on this 9-1-1 call?
A. Yes, sir.
SOLICITOR SMITH: Your Honor, at this point, permission to publish?
THE COURT: Any objection?
MR. MORIN: No, sir.
THE COURT: All right. Granted.
(WHEREUPON, the 9-1-1 call was played for the jury at this time.)
Q. What was that sound?
A. It's for hearing impaired.
Q. Mr. Martin, at the end there, was that where the 9-1-1 ended?
A. Sir?
Q. Was that when the 9-1-1 call ended there---
A. Yes, sir.
Q. ---at the end?
A. Yes, sir.
Q. And do your notes reflect that, by that point, law enforcement was on scene?
A. Yes, sir.
Q. What time was it again that law enforcement arrived?

A. 2:31.
Q. Do your notes reflect who arrived on scene from the Sheriff's Department?
A. Yes, sir, it has a list of units.
Q. All right. And can you tell us who was on scene that night?
A. I can give the units but I don't know names or anything.
Q. That's fine. My apologies.
A. All of them?
Q. No, no. You don't need to give---
A. Oh.
Q. That's fine.
A. Okay.
Q. If you don't --.
A. Okay. Okay.
Q. Did that mostly end y'all's involvement with keeping this 9-1-1 call, turning it over to our office?
A. Yes, sir.
Q. All right. No further questions. Please answer any from Mr. Morin.
A. Yes, sir.
THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. MORIN:

Q. You said that the recordings are kept for two years?
A. Yes, sir.
Q. And you said that it automatically starts recording when the call is made?
A. When it's picked up.
Q. When it was picked up?
A. Yes, sir.
Q. Sorry. Yes, when it's picked up.
And you said that the recordings are automatically made, just to make sure --
A. Yes, sir.
Q. -- when it was picked up?
Who's in charge to make sure that the recordings are being captive, being stored, and working correctly?
A. That would be the -- I guess the IT people that keep up with that server.
Q. Okay. How often do they see that IT server?
A. I don't -- I'm not sure.
Q. Is it once a year, once a month?
You don't know?
A. No, sir.
Q. After the hurricane, did any policies or procedures change regarding keeping up with the records?
A. Not that I'm aware of.
Q. Okay. So that's somebody else's department?

A. Yes, sir.
Q. You don't really know about it?
A. Yes. Exactly.
Q. You just know what was taken and that kind of thing?
A. Yes, sir.
MR. MORIN: That's all the questions I have.
THE COURT: Redirect.
SOLICITOR BROWN: Nothing further, Your Honor.
THE COURT: May this witness be excused?
SOLICITOR BROWN: I was gonna ask, yes, Your Honor, if he may be excused.
MR. MORIN: No objection.
THE COURT: Thank you, sir. You are excused.
THE WITNESS: Yes, sir.
SOLICITOR SMITH: The State will call Investigator James Soule.

JAMES SOULE, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Would you please introduce yourself to the jury?
A. My name's James Soule. I'm a deputy with the Spartanburg County Sheriff's Office.
Q. All right. And what is your current role with the Sheriff's Office?

A. Currently I'm an investigator with the gang unit.
Q. All right. And what were you doing back in October 25th of 2020?
A. Working uniform patrol.
Q. All right. And when did you started (sic) with the Sheriff's Office?
A. I got hired by the Sheriff's Office in October of 2019.
Q. All right. Is uniform patrol's primary responsibility responding to, I know y'all call them calls for service, but 9-1-1 calls, people that need help?
A. Yes, sir.
Q. All right. And what is your primary role when you arrive as a uniform patrol officer on a scene?
A. Primary is to get to the address that we're given through to dispatch and then assess the situation from there.
Q. All right. And were you called to a shooting on October 25th at [redacted] Walden Circle?
A. I was.
Q. And that's in Spartanburg?
A. Yes, sir.
Q. That's in Spartanburg County?
A. Yes, sir.
Q. What was your understanding of what you were

responding to?
A. I was understanding that I was responding to a shooting. There was possibly two black male suspects there and there's also a woman and a male who is -- who had been shot.
Q. All right. And are -- is -- are you equipped or were you equipped at that time with a body camera that records?
A. I was.
Q. I'm gonna hand you, you State's Exhibit 1.
Ask if you can tell me what this is.
A. This would be body camera footage of my surveillance video from this incident.
Q. And from -- and this is your recording of what -- your involvement at [redacted] Walden Circle that evening?
A. Yes, sir.
Q. And you've previously viewed that video in the Solicitor's Office in preparation for testimony?
A. Yes, sir.
SOLICITOR SMITH: Your Honor, at this time we would move State's Exhibit 1 into evidence.
THE COURT: Any objection?
MR. MORIN: No, sir.
THE COURT: Admitted.
(WHEREUPON, State's Exhibit No. 1 was received into evidence at this time.)

SOLICITOR SMITH: Permission to publish it, Your Honor?

THE COURT: Yes, sir.

Q. What, what did you see when you initially arrived at the location?

A. When I arrived at the location, I initially went to the front door and could not hear anything. I then made my way to the door connecting to the house through the garage where I then heard people calling for help.

Due to that, exigent circumstances existed. So I entered the home and began clearing it with my county issued firearm.

As I entered the house, it, it initially goes into the kitchen area. As I passed that, I saw a woman and a man laying on the floor to, to -- on my left side. There was an open living room to my right. I, I observed them and I had to keep moving just to assure that no suspects were in the house and make sure that that house was safe for any of us to be in.

When I, I continued down the hallway of the house where there, on the back right bedroom, there was a large cabinet blocking the entrance to that bedroom. I thought that was sus -- weird. I was able to look inside of it, it and assess the room, see that there was no threat inside.

After that, I started to go back to the two victims who were shot.
Q. All right. And when you talk about clearing the residence, that's your primary purpose---
A. Correct.
Q. ---correct?
And was your understanding that EMS or EMTs were responding to this scene as well?
A. I had called for them as -- I, I figured they were coming. But as I was clearing, I reaffirmed with dispatch if they were close or on the way.
Q. Okay. And can EMS and EMT can or will they enter into a scene prior to law enforcement -- involving a shooting or something like of a violent nature, will they enter before law enforcement has said it's okay to come in?
A. No, they will not.
Q. All right. So, your primary mission is to clear the residence?
A. Correct.
SOLICITOR SMITH: All right. Your Honor, at this time we're gonna play State's Exhibit 1. Go to like three minutes in.
(WHEREUPON, State's Exhibit No. 1 was played for the jury at this time.)

Q. All right. This cabinet as what you described as being unusual to you --
A. Yes.
Q. -- did you see anything in it?
A. No.
Q. All right. I know there were some confusion. At some point you perhaps thought that this was like a driveby.
Is that what you were doing looking at the window---
A. Yeah.
Q. ---correct?
A. Correct.
Q. All right. What did you end up -- were you able to figure out?
A. Initially I thought it was a driveby. But through my interview with Kelli, she said that two people came in through the door and then that's when they had been shot.
Q. All right. And did you begin to see shell casings, and there was reference to that on your body cam, in that living room where -- the living room where Kelli and, and Tim were?
A. Correct. Yes.
Q. All right. And it's, it's fair to say that, when crime scene came in, things had been moved since the crime had actually occurred?

A. Yes.
Q. It's possible that shell casings were kicked or were on objects and knocked off?
A. Yes.
Q. There was multiple deputies and multiple EMS present?
A. Yes.
Q. All right. As far as moving those items around out where Tim and Kelli were, what was your purpose in moving that chair and other items that you moved?
A. I was moving those just to, to try to make it easier for EMS to take them out of the house and have more clear path to the ambulance to get them to the hospital.
Q. All right. And you ultimately moved that gun cabinet a little bit.
What was the purpose of that?
A. Just to -- I didn't make it into that room entirely. I had just pied it. So, I just felt like I needed to just walk into that room just to make sure that, you know, it was checked.
Q. All right. And when you walked outside, I think it's Deputy Bible was the female officer that was standing by that truck, what was it at her feet?
A. There was an, an AR style rifle by her feet.
Q. Okay. And you had not seen that when you initially approached?

A. Correct.
Q. All right. Ultimately investigators responded to the scene and crime scene investigators and then they take over from that point?
A. Yep. Once those investigators get on scene, and we, we pretty much hold scene security until we're relieved of doing that.
Q. All right. And while you're there, if you see shell casings, you might mark it or something or mention---
A. Yes.
Q. ---it to them---
A. Definitely.
Q. ---when they show up?
All right. All right. Please answer any questions Mr. Morin has.
MR. MORIN: I have no questions.
THE COURT: All right. May this witness be excused?
SOLICITOR SMITH: Yes, Your Honor.
THE COURT: All right. Thank you, sir. You're excused.
THE WITNESS: Thank you.
THE COURT: All right. Madam Forelady, we been going about an hour and a half.
Would y'all like to have a morning break or do y'all want to continue?

THE FORELADY: We need a break please, sir.
THE COURT: Okay. Let's take about a 15 minute break.
If you need anything, let our bailiffs know.
(WHEREUPON, the following takes place outside the presence of the jury.)
THE COURT: All right. Let's take about a 15 minute break.
SOLICITOR SMITH: Yes, Your Honor.
(WHEREUPON, a short recess was taken at this time.)
THE COURT: All right. Anything before we, before we bring the jury out from the State?
SOLICITOR SMITH: No, Your Honor.
THE COURT: From the defense?
MR. MORIN: No, sir.
THE COURT: All right. Bring the jury in for us please, sir.
(WHEREUPON, the following takes place within the presence of the jury.)
THE COURT: Call your next witness please, sir.
SOLICITOR SMITH: The State calls Akilah Jefferson.
AKILAH JEFFERSON, being first duly sworn, testified as follows:
DIRECT EXAMINATION
BY SOLICITOR SMITH:

Q. Will you please introduce yourself to the jury?
A. My name is Akilah Jefferson.
Q. And, Ms. Jefferson, where are you employed?
A. I'm employed with the Spartanburg County Sheriff's Office.
Q. And what do you do for the Sheriff's Office currently?
A. I do crime scene investigation.
Q. All right. And were you in that same position back in October 25th of 2020?
A. Yes.
Q. When did you start with the Sheriff's Office?
A. I started in August of 2019.
Q. All right. Have you worked in crime scene your entire time?
A. Yes.
Q. All right. Did you have an opportunity to respond to [redacted] Walden Circle on October 25th for a shooting?
A. Yes.
Q. All right. And y'all functioned as a team that night, correct?
There was multiple forensic investigators out at the scene?
A. Correct.
Q. Okay. Was this your first murder case?

A. Yes.
Q. All right. Can you describe to the jury a little bit about what you do when you arrive at a scene or what you did in this role at the -- that night as a crime scene investigator?
A. Yes. Basically my job entails responding to the scene, photographing, documenting, and collecting evidence.
Q. All right. That could be shell casings, blood, semen, all the things from like CSI, correct?
A. Correct.
Q. All right. Fingerprints, other things like that?
A. Yes.
Q. Okay. Did you take pictures from the scene that night?
A. I did.
Q. I'm gonna approach you with, sorry, it's a long list, with State's 2, 9, 10, 12 through 14, 18, 18 through 29, 37 through 53, 57 through 58, and 60 through 61 and ask if you can tell me what these are.
A. Each one?
Q. I would prefer collectively.
A. Okay.
Q. I believe you re -- you reviewed them before Court, correct?

A. Correct.
Q. All right.
A. So, the first seven pictures is basically the exterior of the house to include the front and the carport area.
Q. All right.
A. The next four is pretty much going through the door that leads from the carport into the residence. So in the kitchen area.

Then the next eight is pretty much within the kitchen, breakfast, dining room area.

The next two is pretty much in front of the french doors that leads out into the backyard.

The next two is in the hallway leading back towards the back bedrooms, which is a cabinet, and then the next three is fired cartridge casings that were found in the kitchen area -- well, kitchen like breakfast, dining room area.

The next four are more fired cartridge casings in the hallway area leading back towards the bedrooms.

The next two is firearms that were in the kitchen area and the next one includes one of the shirts that the victims was wearing.

This next picture is a fired bullet and the following picture is a picture of the french door showing that a

bullet was -- went through the door.
Q. We're gonna go through them with the jury.
Are they all pictures you took from the crime scene that night at [redacted] Walden Circle?
A. Correct.
Q. All right. Do you have that post-it that I had on there?
A. Yes.
SOLICITOR SMITH: All right. Your Honor, at this time we would move State's 2, 9, 10, 12 through 14, 18 through 29, 37 through 53, 57 through 58, and 60 to 61 into evidence.
THE COURT: Any objection?
MR. MORIN: No, sir.
THE COURT: All admitted.
(WHEREUPON, State's Exhibit Nos. 2, 9, 10, 12 through 14, 18 through 29, 37 through 53, 57 through 58, 60 and 61 were received into evidence at this time.)
Q. Thank you.
A. Uh-huh. (Affirmative).
Q. This is State's Exhibit 2.
What is this picture of?
A. This is a picture of the front entryway or the front of the residence basically looking from the roadway to the residence.

Q. All right. This is State's Exhibit 9.
A. That is the -- basically the driveway of the residence.
Q. All right. And what is behind this truck's tire?
A. Behind that truck tire is a rifle.
Q. All right. Do you remember -- is there anything else you found around the vicinity of that rifle?
A. Yes. So, if you look at where the rifle is, if you look right there, there's a zip tie and I believe they're about two more around there as well.
Q. All right. This is State's Exhibit 10.
What does that show?
A. That is a vehicle -- those vehicles in the carport in the driveway.
Q. State's Exhibit 12.
A. That is the front door of the residence.
Q. This is State's 13.
A. Driveway.
Q. All right.
A. Those are marked off with the zip ties.
Q. These --
A. Correct.
Q. -- three things on the exterior are the zip ties?
A. Correct.
Q. And that's the rifle?

A. Yes.
Q. State's 14.
A. That is the rifle.
Q. Okay. This is State's 18.
A. That is the carport.
Q. All right. Is, is that how you enter the home?
Is that how people appeared to be entering the home while you were there?
A. Yes.
Q. State's 19.
A. That is leading from the doorway into the kitchen.
Q. All right. And do you know what this E mark is?
A. That is a fired cartridge casing.
Q. Is it fired or unfired?
I don't know if you can tell from this or from your notes.
A. That is unfired. I'm sorry. It's unfired.
Q. Okay. All right. State's 20, just a more close-up picture of that?
A. Yes.
Q. And is that a .223 round?
A. Yes, that's a .223 casing.
Q. All right. This is State's 21.
What does this show?
A. That shows the kitchen area, the kitchen counter.

Q. All right. And then, on the other side of the counter, is what you're referring to as like a breakfast area or a dining, dining room area --
A. Yes.
Q. -- where the victims were located?
A. Yes.
Q. They were gone when you, when you arrived, correct?
A. Correct.
Q. This is State's 22.
What is this a picture of?
A. That is another picture of the kitchen area leading into the dining, breakfast area.
Q. All right. This is State's 23.
A. So that is pretty much within the breakfast area, and if you look straight ahead, it leads into the hallway, entryway leading towards the back bedrooms.
Q. All right. And this F right here is seen in State's 24, what is that?
A. That is a fired cartridge casing.
Q. And State's 25, again, is an image looking down the hallway. What is -- you have G here in State's 26.
What is that Item G?
A. That is another fired cartridge casing. It's a 9-millimeter.
Q. All right. All right. What does this picture show?

A. This picture shows within the breakfast area.
Well, pointing out specifically where you're, where you're wanting to focus on?
Q. Is it -- is H a, a casing?
A. Yes, H is a casing fired.
Q. And so that goes kind of into the room where the front door is I guess where that back end --?
A. Yes.
Q. This is State's 28.
All these placards obviously were not in the house. These are things put by you, items of note, that were then collected by the Sheriff's Office?
A. Yes.
Q. All right. And this is State's 29.
What is this a picture of or where is this picture located?
A. That is pretty much located in front of the french doors that leads out towards the backyard --
Q. All right.
A. -- and that picture is showing the shirt that was worn by one of the victims.
Q. All right. And I guess, from your observations, did, did this appear that -- what, what did you glean from this area?
A. Just looking at that picture and seeing the amount

of, which is blood, it shows that the victim was laying there at some point.

Q. All right. This is State's 37.

Is this just a picture slightly to the right of, of the last one --

A. Yes.

Q. -- showing that computer chair?

A. Yes.

Q. All right. State's 38, what is this a picture of?

A. That is a picture of the french doors.

Q. Okay. And what is this if you can, if you can tell?

What did you think that was?

A. That was pretty much an indention from the bullet striking the door.

Q. All right. And then State's 39.

A. That is a close-up picture to scale.

Q. All right. This is State's 40.

What does this show?

A. That shows the hallway and that is a placard showing a fired cartridge casing.

Q. Number 3?

A. Yes.

Q. All right. And this is State's 41.

What is that a picture of?

A. So that is a picture of the cabinet. If you go back

to the previous picture, that is that cabinet that's at the end of the hallway.

Q. So, 41 is the inside of the cabinet seen on State's 40?

A. Yes.

Q. All right. And what's at the bottom of this cabinet?

A. That is ammunition.

Q. Did you find any firearms in the -- in that cabinet?

A. There was -- I don't remember if there were firearms exactly in that cabinet. But there were firearms throughout the whole residence.

Q. This is State's 42.

What is, what is this picture?

A. Again, that's like the little breakfast area.

Q. All right. State's 43's and G is a cartridge casing.

Is that correct?

A. Yes.

Q. Forty-four we talked about earlier but couldn't see it.

A. That is another fired cartridge casing in the back if you look to this back left corner.

Q. And this H is corresponding with that I'm assuming?

A. Yes.

Q. This is State's 45.

A. Again, that's the hallway leading to the back

bedrooms.
Q. All right. And U is marked on this one.
State's 46, what is, what is U?
A. U is another fired cartridge casing.
Q. All right. And on State's 45, you could see V as well.
Is that correct?
Here to the right of this I guess it's an Academy chair?
A. Yes, that's V.
Q. State's 47.
And what was V?
A. V is another fired cartridge casing.
Q. And State's 48, the Item 3 is what?
A. Another fired cartridge casing.
Q. All right. What is this -- the picture of State's 49?
A. So basically this is behind the kitchen counter in that little breakfast nook area and those are firearms that were found in the residence.
Q. All right. Now, that would be, I guess, ten and Y are gun boxes?
A. Yes.
Q. All right. And 12, I don't know if you were involved testing -- it looks like green plant material and looks

like a -- paraphernalia around it?
A. Yes.
Q. This is State's 50.
Is that just a lower portion of the, of the kitchen counter?
A. Yes.
Q. This is -- State's 51 are the french doors to the left of this and then that's the computer chair that was previously referred to?
A. Yes.
Q. All right. And there's Item 11 that's marked in this?
A. Yes.
Q. This is State's 52.
A. And that is a picture of a fired bullet.
Q. All right. State's 53, where is this picture taken from?
A. That is showing the bottom of the french doors showing that indention of the bullet hitting the door.
Q. Is it from the inside or the outside?
A. That appears to be from the outside.
Q. All right. So you believe the bullet went through?
A. Yes.
Q. All right. I think there's a -- yes. There's a casing seen here on the outside.

Do you remember what was in the backyard of that house or what -- in relation to casings?
A. I believe or -- I don't remember. But there were a lot of older casings out there as well.
Q. Okay.
A. Like --.
Q. Did you collect all of those?
A. No.
Q. Why?
A. I believed that he fired in his backyard pretty regularly.
Q. Okay. This is State's 57. I don't know if you can -- can you see what's in this?
It's not marked with, with a placard but --.
A. Looks like a fired cartridge casing.
Q. All right. State's 58 is just a zoomed in picture of it?
A. Yes.
Q. State's 60.
A. It's another casing.
Q. And State's 61 has N marked.
What is that?
A. That is a cellphone.
Q. All right. Okay. And you were involved in collecting not all of the items from this house but some

of the items, correct?
A. Yes.
Q. I'm gonna hand you State's 3, 11, 15, 33 -- 32, 33, 34. Switch it up.
Thirty through 34. Eight -- 5, 6, 7, 8 and ask if you can identify what these are.
There's less of them. So if you want to do them individually and this is the State's number.
A. Okay. So, State Exhibit 34 is a fired 9-millimeter, 9-millimeter cartridge casing from the hallway entry beside the stereo speaker.
State Exhibit 33 is a fired 9-millimeter Luger found in the floor of hallway entryway.
State Exhibit 32 is another fired cartridge casing that was found in the corner of the living room area.
State Exhibit 31 is a fired 9-millimeter, 9-millimeter that was under the wooden chair in the walkway entry.
State Exhibit 30 is another fired 9-millimeter that was found in the left walkway entry into the kitchen beside the refrigerator.
State Exhibit 3 is another fired cartridge casing that was found in the hallway entryway.
State Exhibit 11 is a fired copper bullet that was under the computer desk near the breakfast area.

State Exhibit 15 was the cellphone that was found on the floor in the breakfast area in front of the rear door.

State Exhibit 8 is an unfired .223 casing that was found in the entryway of the kitchen.

State Exhibit 6 is a zip tie that was found at the edge of the roadway behind that red F-250.

State Exhibit 7 is another zip tie that was found in the driveway behind that red F-250.

And State Exhibit 5 is another zip tie that was found in the edge of the driveway.

Q. All right. And you collected all of these items?

A. Yes.

SOLICITOR SMITH: Your Honor, at this time we would move State's Exhibit 3, State's Exhibit 5 through 8, State's Exhibit 11, State's Exhibit 15, and State's 30 through 34 into evidence.

THE COURT: Five, 6, and 7 as well?

SOLICITOR SMITH: Yes, Your Honor.

THE COURT: Any objection?

MR. MORIN: No, sir.

THE COURT: All right. All admitted. That will be three, 5, 6, 7, 8, 11, 15, 30 through 34.

(WHEREUPON, State's Exhibit Nos. 3, 5 through 8, 11, 15, and 30 through 34 were received into evidence at this time.)

Q. Seemed to have misplaced something.

But did you do any other forensic testing as a part of this, fingerprinting or DNA swabs?

A. On my end, I fingerprint or dusted. There was a mirror in one of the back bedrooms. I did dust that area for prints.

Q. All right. And then you don't know what happens from that?

You've collected and then investigators make decisions about what gets sent off?

A. Correct.

Q. All right. We found it.

I'm gonna hand you State's Exhibit 17 and ask if you can tell me what that is.

A. State's 17 is a fired 9-millimeter from the top of the kitchen table.

Q. And you collected that item as well?

A. Yes.

SOLICITOR SMITH: Your Honor, at this time we'd move State's 17 into evidence.

THE COURT: Any objection?

MR. MORIN: No, sir.

THE COURT: It's admitted.

(WHEREUPON, State's Exhibit No. 17 was received into evidence at this time.)

Q. All right. And you did collect numerous other firearms as well?
A. Yes.
Q. Is it believed that they belonged to the people that lived at that house?
A. It's believed to be, yes.
Q. All right. Please answer any questions Mr. Morin has.

CROSS-EXAMINATION

BY MR. MORIN:

Q. You testified that there's a .223 round?
A. Yes, sir.
Q. I'm not that familiar with things past 9-millimeter and I want to know is, is that -- can you expand on what a .223 round is as opposed to a 9-millimeter?
A. A .223 round is pretty much just a rifle round. So, bigger bullet.
Q. Okay. Okay. I just want to make sure I'm clear on a few things. The first thing is this is State's Exhibit 25. Number four looks like it's on a stack. It's not marking anything.

Is that correct?

A. Yes, sir, that's not marking anything.
Q. Okay. And is this item here unmarked, is that some of the medical stuff or what is that?

A. That may be something medical. Sometime EMS leaves behind their things.
Q. Okay. But you're doing the same thing I -- looks like it but you don't know?
A. Correct. I'm not a hundred percent sure.
Q. Okay. This is State's Exhibit 29.
Can you tell me what R is?
A. R is a computer modem.
Q. Uh-huh. (Affirmative).
A. It was, it was just plugged up within the computer.
Q. Okay. You documented some marijuana there in the dining area.
Is that right?
A. Yes, sir.
Q. Is that the only marijuana that you recovered that day?
A. No, sir.
Q. Approximately---
A. No, sir.
Q. Approximately how much more marijuana did you recover?
A. As far as weight, I don't know. But basically I'll read you what's on my notes. There were---
Q. Okay.
A. There was a clear baggy with residue on the kitchen

breakfast bar. There were two baggies with green plant material on the countertop and then there were the cannister containing the green plant material as well.
Q. Okay. The -- just want to ask you -- this is State's Exhibit 39.
This is a indentation in the door, right?
A. Yes, sir.
Q. It's at the bottom of the door?
A. Yes, sir.
Q. It did not go all the way through the door or did it?
A. On the outside, there's another picture showing that it did go through.
Q. Okay. Did you use a dowel to estimate the direction of that bullet?
A. I did not.
Q. And, of course, a dowel's just a long a piece of -- a stick basically and you would slide it through and it would give you a idea of where that bullet was coming from, right?
A. Yes.
Q. Okay. And, finally, you took fingerprints from a mirror in the back bedroom.
Is that right?
A. Yes.
Q. Why did you do that?

A. Why did I?
Q. Uh-huh. (Affirmative).
A. It was requested by the investigator on scene.
Q. Okay. I'm gonna show you State's Exhibit No. 40, this cabinet?
A. Yes.
Q. Did investigators on the scene inform you that that cabinet had been moved?
A. At the time, no.
Q. Did the investigators at the time tell you that it was possible that the assailants touched this item?
A. Possibly.
Q. Okay. This item is made of wood but has a glass front.
Isn't that correct?
A. As far as the doors?
Q. Yes.
A. Yes.
Q. And the glass front would of been suitable for fingerprinting in you had known it moved -- it had been moved?
A. Yes.
Q. But you didn't do that?
A. I do what the investigator asked me to do, sir.
Q. I understand.

So, the investigator didn't ask you to fingerprint an item they believed that had been touched?
A. Yes.
MR. MORIN: That's all the questions I have, Your Honor.
THE COURT: Redirect.
SOLICITOR SMITH: I, I don't have anything for this witness, Your Honor.
THE COURT: Okay. Thank you, ma'am. You may be excused.
THE WITNESS: Thank you.
SOLICITOR SMITH: The State calls Isaiah Parham.
ISAIAH PARHAM, being first duly sworn, testified as follows:
DIRECT EXAMINATION
BY SOLICITOR SMITH:
Q. Would you please introduce yourself to the jury?
A. My name is Isaiah Parham.
Q. And where are you currently employed?
A. The Spartanburg County Sheriff's Office.
Q. And what is your role at the Sheriff's Office?
A. I am in the crime scene unit.
Q. And were you in the crime scene unit back in October of 2020?
A. Yes.

Q. All right. Were you asked to respond to a shooting call at [redacted] Walden Circle in Spartanburg County?
A. Yes.
Q. And you, along with Officer Jefferson and Chad or Chadwick Ingle, were out at the scene that night?
A. Yes, at different times.
Q. All right. And so you, you respond to the actual scene, correct?
A. Yes.
Q. But ultimately you were diverted to go to the hospital?
A. Correct.
Q. All right. And, at the hospital, what were you, what were you asked to do?
A. I was asked to collect firearm and some clothing that the Timothy Thompson subject had when he arrived.
Q. All right. And so he was, he was taken to Spartanburg Regional?
A. Correct.
Q. All right. And you collected his clothing and---
A. Yes, sir.
Q. ---you mentioned a firearm.
What can you tell me about that firearm that was found?
A. I was advised that, that hospital personnel, when

they was getting ready to -- when they did the x-rays, they looked at the x-ray and found -- well, saw what looked like a firearm on his back, and when they rolled him over, they found the firearm and the holster and that's when I -- they contacted the Sheriff's Office to come get the firearm.

Q. All right. And so that -- you did -- did you ever see Mr. Thompson while you were there?

A. No.

Q. Didn't have an opportunity to photograph him?

A. No.

Q. So, the gun was set to the side I suppose?

A. Yes.

Q. All right. And what do you recall about that gun, if anything, the gun and the holster?

A. I think it was a black Sig Sauer and it was in a brown leather holster.

Q. Okay. Was there anything on the holster or anything?

A. It was some blood or what appeared to be blood on the holster.

Q. Okay. And so this firearm was not noticed if -- you're saying until he was x-rayed at the hospital?

A. Correct.

Q. Did you also collect a phone from Mr. Thompson?

A. I did.

Q. And I'm gonna approach you with State's Exhibit 77 and ask if you can tell me what that is.
A. This is an evidence bag. It says that it's a Samsung and I recovered it.
Q. All right. And, and it says that you recovered it at the hospital as well --
A. Yes.
Q. -- and the date and time?
A. Correct.
Q. Is that Mr. Thompson's phone that you recovered that --
A. I believe so.
Q. -- morning I suppose?
A. Yes.

SOLICITOR SMITH: Your Honor, at this time we would move State's 77 into evidence.

THE COURT: Any objection?

MR. MORIN: No, sir.

THE COURT: I'm sorry?

MR. MORIN: No, sir.

THE COURT: Admitted.

(WHEREUPON, State's Exhibit No. 77 was received into evidence at this time.)

Q. Please answer any questions Mr. Morin has.

CROSS-EXAMINATION

BY MR. MORIN:

Q. Just so I'm clear, the firearm that you collected at the hospital was taken from Mr. Thompson during his x-ray?

A. Correct.

Q. And you took that into evidence?

A. Correct.

Q. It was on his person?

A. Correct.

MR. MORIN: That's all I have, Your Honor.

THE COURT: Redirect?

SOLICITOR SMITH: Nothing, Your Honor.

THE COURT: Sir, you are excused.

SOLICITOR SMITH: Your Honor, can we approach real quickly?

THE COURT: Yes, sir.

(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)

SOLICITOR SMITH: The State calls Melissa Thompson.

THE CLERK: Place your left-hand on the Bible and raise your right.

MELISSA THOMPSON, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Will you please introduce yourself to the jury?

A. Hi. I'm Melissa Thompson, Timothy Thompson's little sister.
Q. All right. Ms. Thompson, are you familiar with the home at [redacted] Walden Circle?
A. Yes, I lived there for years.
Q. All right. Did you live with your brother?
A. I did.
Q. Do you know Kelli Curran?
A. I did.
Q. How did you know her?
A. She was dating my brother.
Q. All right. You said you'd lived there for multiple years.
Were you living there at the time that this crime happened?
A. I had actually bought a house on the 20th and the next day -- the day after the shooting is when we were suppose to -- they were gonna help me move my stuff from that house to my new house.
Q. All right. And if we're looking at the pictures that the jury has seen with the, with the gun cabinet, your bedroom is to the left?
A. Yes.
Q. And Tim's bedroom is to the right?
A. Uh-huh. (Affirmative).

Thank you.
Q. And then, and then there's another one on the right that -- that's closer if you're at the beginning of the hall.
Do you know who stayed in there or what happened in there?
A. It was the spare room. It was a mixture, collective of his stuff and mine.
Q. Okay. Nobody stayed in it?
A. No.
Q. All right. Do you know the last time that you were at the Walden Circle address before this crime?
A. I don't. But I know it was at least within a week. Like --.
Q. All right. Are you familiar with items that were in that house?
A. For the most part, yes.
Q. All right. How -- the last time that you saw that house and the, and the times that you had been in that house, how was that gun cabinet that's positioned in the hallway normally appear?
A. Flush -- well, the mirror -- there were mirrors. But they were the sliding closet doors. I had taken those off so I could get stuff out of my closet and they sat behind the gun cabinet and the gun cabinet was then flush against

the wall with the mirrors.
Q. All right. So, if you're standing at the hallway looking towards y'all's bedrooms, you would see the guns?
A. Say that one more time. Sorry.
Q. If you're, if you're standing in the hallway and you're looking down towards y'all's bedrooms, the guns would be facing you?
A. Yes.
Q. And it would be fitted basically into the edge?
It wasn't---
A. Right.
Q. ---wide side---
A. It was not cockeyed. It was like flat, yeah.
Q. All right. And is -- does that gun cabinet have like a light in it, a display?
A. Uh-huh. (Affirmative).
Q. And is that typically on?
A. Uh-huh. (Affirmative).
Q. All right. And you're talking about -- I think you could see it on Deputy Soule's when he went into what you've described as your bedroom. But those -- there were two doors that were laying on a bed.
Did you see that?
A. Yes.
Q. All right. That's what you're talking about.

Those were behind the gun cabinet?
A. (WHEREUPON, the witness nods affirmatively.)
Q. All right. Were you ultimately able to go into the crime scene once law enforcement had finished their forensic investigation of this case?
A. Yes.
Q. All right. Did you---
A. Whenever it was released hours later.
Q. Did you notice anything, once you were able to get in there or that law enforcement had asked you about, anything else that was missing?
A. Before I saw the house, the -- Detective Hammett called and, while I was at the hospital, and we were, we were just talking about things in the house and I asked him if there was a safe in my bedroom, the last bedroom on the left, and he went back and looked and he said no. And I told him that I had a spare key behind the mirror because it -- we were talking about the other safes and I said that well, you know, maybe mine got moved or something.
And so I had a spare key behind the mirror of my bathroom. And he retrieved it to see if it was a match for any of the other safes and that's how we figured out my safe was taken.
Q. Okay. So, so, you knew Timothy had safes as well?

A. Uh-huh. (Affirmative).
Q. Do you know how many he had?
A. I knew he had one in his bedroom and in his closet and then at least one or two in the spare room or, yeah, spare room. So --.
Q. All right. And so when you were able -- obviously Investigator Hammett told you your safe was gone.
But you were able to see that when you actually went into the---
A. Yeah, the -- there -- and there was a huge -- first thing I noticed when I got there, in the hallway, there was a huge scratch in the floor where it wasn't there before cause my dad did those floors and they were beautiful. So, that's something that my brother would of been upset about as well when he saw it.
Q. All right. And what, and what did you think of that scratch in relation to the safe and --?
A. It had to have come from -- I, I assumed it had come from either the---
MR. MORIN: Objection, Your Honor. She's speculating.
THE COURT: Sustained.
Q. Was your safe something that you could carry by yourself, pick it up off the ground?
A. Maybe if it was empty but no.

Q. Okay. In the state that you had left, left it in?
A. No. Nor could I fit it out the door.
Q. Okay. Explain, explain that.
A. I couldn't -- the way the, the gun cabinet was, it protruded out from the wall. So, if I -- I could walk out of my room. But if, if I had something in my hand, I would of hit it. But I wouldn't of been able to carry anything out of my room that was more than shoulder width apart.
Q. So, in order to get the safe out, from your experience, you would of had to of moved the gun cabinet?
A. A hundred percent.
Q. All right. What did you have inside of that safe?
A. My dad's high school diploma and some of his Vietnam war patches. He served in the Air Force. And then my dad and my brother collected coins. And when I was little, I wanted to collect coins too but I didn't know anything about it.

So, that safe used to be my dad's safe. He died two years before. So, I had -- my dad, we had some -- a little coin collection of silly coins that I would find, you know, like a penny from -- a wheat penny or something. It wasn't, you know, a, a legitimate coin collection but it was ours and then -- sorry.

Some of my dad's personal like paperwork and stuff

and as well as these coins that were -- I forget what they're called. The -- they're, they're in a blue case from all the way back from like 1900s minted and -- yeah.
Q. And, when you were living there, did -- was your safe secured to the floor?
A. Yeah.
Q. All right. And had you done anything in preparation for moving to the safe?
A. Uh-huh. (Affirmative).
We -- it was suppose -- it's bolted to the floor. So, we unbolted it so we could move it the next day.
Q. Are you aware -- I know you mentioned specifically Tim's safe that was in the closet.
Do you know if that was bolted to the floor or not?
A. Yes.
Q. Okay. All right. The -- did -- do you -- your brother liked guns.
Is that fair?
A. Yeah.
Q. Okay. Did he have any guns that were family heirlooms?
I know you've mentioned some.
Do you know -- are, are you a gun person?
A. Not to where I could tell you anything like --.
Q. Okay.

A. No.
Q. The guns that were displayed in that case, what, if anything, do you remember the last time you saw them?
A. They were big guns.
Q. Okay. So not handguns?
A. (WHEREUPON, the witness nods negatively.)
Q. The two handed guns?
A. Definitely.
Q. All right. Did you -- were you like personally familiar with any of those firearms or you just knew that they were rifles?
A. I just knew that they were big guns.
Q. All right. And, and you've said guns.
There's more than two?
A. Yeah.
Q. Was it full?
I know --.
A. I mean there was a row of them. I would -- I mean -- yes, there was multiple. More than a few.
Q. All right. Did you know anything about what Tim would do in the backyard in relation to firearms?
A. Yeah, I have a shop in the backyard. It's like a 16 X 36 and I did woodworking back there and I would spend the majority of my days back there. And there would be plenty of times that if -- I would hear shooting. I would

poke my head out of the shop and Timothy and the boys would scramble inside like mom's coming or, you know, they were in trouble cause I didn't want to hear it.
Q. Okay. So, the fact that there's a bunch of casings out in the back, that is not a surprise to you?
A. No, not at all.
Q. Is there anything else that you noticed that was out of place from the last time you'd been there or other times that you'd been there or anything else that was stolen that stuck out to you?
A. (WHEREUPON, the Witness nods negatively.)
Q. You have to answer out loud.
A. Oh, sorry. No.
Q. All right. All right. You, you spoke with Investigator Hammett multiple times about this case, correct?
A. Yes.
Q. Did you give him a list of basically anybody that you thought could conceivably have had something to do with this for him to look into?
A. Yeah.
Q. All right. And that included friends of, of Timothy, people that you know had -- whether they were friends or associates, everybody?
A. To a certain extent, yes. But I knew my -- I --

whoever -- I knew the day when I got there and that we figured out that my safe was gone, that no one else -- like whoever had done this had never been in our house before because no one knew I had a safe. My brother was really weird about that was -- my room was off limits to -- I didn't make that rule. He did. He was always protective over me and nobody, other than my brother and I, knew I had a safe in that room.

Q. Okay. So, you -- you're saying somebody with prior experience would of known whose bedroom was whose?

A. Yeah. Yeah.

Q. All right.

A. My door was always closed.

Q. All right. Your, your brother was taken to the hospital that night. He ended up dying December 11th.

A. (WHEREUPON, the witness nods affirmatively.)

Q. Were you ever able to discuss what had happened to him in the time he was in the hospital?

A. No, not really.

Q. Can you describe to the jury, not even saying what he said, but what was his ability to communicate during that time?

A. He couldn't talk. He had a trach. I think the -- I mean the most communication I got from him was the -- he was in an induced coma the first couple days. So, the

first time I went there and he was awake, as soon as he saw me, the nurse was like look who's here to see you and he smiled. Yeah, it was the goofiest smile. Probably the last time I saw him smile.

Q. And did, did you try to, to ask him about what had happened ever?

A. Yeah.

And he was just confused a lot of, of times. He would ask me why his nightmares were about guns and shooting.

Q. And did you ever tell him something about -- did y'all have a rental property?

A. Uh-huh. (Affirmative).

Q. All right. What did, what did you tell Tim about what you had done with the rental property?

A. That I had checked on the renter and I had gotten a receipt for rent and that I had let -- I wasn't letting the vehicles sit in our yard, that I would crank them just cause, growing up, that's what dad taught us to do if a car sat for a little while and he was really confused by it. He didn't understand why the cars -- like he didn't understand the time.

Q. So, you were never able to -- you never spoke to your brother after he was attacked?

You -- he was never able to speak with you?

A. (WHEREUPON, the witness nods negatively.)
Q. So, when you talked about him communicating with you, how, how was he doing that?
A. I, I would have to read his lips and he would try to write. Couldn't read what it said.
Q. Okay.
A. But -- and just cause I knew him well, so, I knew the -- you know, he would point at his mouth or something and he wasn't allowed to eat anything. So, I knew he wanted like candy or food or something and I couldn't give it to him.
Q. All right. And it, it was a -- he, he had multiple scares I assume before he ultimately passed and it was a traumatic hospital stay.

Is that correct?

A. To say the least. Yeah, it was a day where he had like over 14 episodes of where he would go like AFib and his heart rate would skyrocket and then plummet and then they would have to do like CPR and stuff.
Q. All right. And were, were you involved in, in him deciding to, to succumb basically to the, to the injuries that had been done to him?
A. Just that it was my responsibility, as his power of attorney, to tell the doctors that he had a DNR.
Q. And your, your mom is here in the courtroom.

She was with, with y'all for a lot of this as well?
A. Uh-huh. (Affirmative).
Q. All right. One second.
(Pause.)
Q. Please answer any questions Mr. Morin has.
CROSS-EXAMINATION
BY MR. MORIN:
Q. Ms. Thompson, were you aware that the police came to speak with your brother on two occasions?
A. (WHEREUPON, the witness nods affirmatively.)
Q. Can I ask---
A. Yes. Sorry.
Q. And you mentioned that your brother pointed with his hand to his mouth and whatnot.
Is that right?
A. Uh-huh. (Affirmative).
Q. And was he able to indicate yes and no in any way?
A. Sometimes.
Q. Okay. And do you recall calling Investigator Hammett and saying your brother had decided to go off life support?
A. Said -- I'm sorry. Say that one more time.
Q. Did you -- do you recall telling officer -- Detective Hammett and calling him and saying my brother's decided he wants to go off life support?

A. Yes.
Q. Okay. Your brother decided that?
I know you had the DNR but you still participated.
Isn't that right?
A. Yes.
Q. Okay. That's all I have.
THE COURT: Redirect.
SOLICITOR SMITH: No, Your Honor.
THE COURT: All right. Thank you, ma'am. You may step down.
Lunch break, guys?
SOLICITOR SMITH: Yes, this would be a good break if you'll allow it.
THE COURT: All right. Madam Foreman, ladies and gentlemen of the jury, let's go ahead and take a lunch break.
Two o'clock, guys, in the afternoon?
SOLICITOR SMITH: That's fine.
THE COURT: If you would, leave your notes in the jury room and be back in the jury room around two o'clock and we will resume at that time.
Thank you.
(WHEREUPON, the following takes place outside the presence of the jury.)
THE COURT: All right. Any matters before we break

for lunch from the State?

SOLICITOR SMITH: Your Honor, I did not file a third party guilt motion. I didn't necessarily know where they were going. But I, I think his opening, maybe I need to submit a writing, but where I think the defense is, is going I think is classic third party confusion. It, it doesn't exclude Tyleek Johnson as being a participant in this crime.

Mr. Morin actually switched the first name and last name of the two different people that he's talking to. So, I'm already confused and I know a lot about the case. So, I, I think where this is heading is, is, is inadmissible third party guilt.

THE COURT: Well, let me tell you something. I don't have a crystal ball. And so you gon' have to object when it occurs or when you think it's occurring and we'll---

SOLICITOR SMITH: Yes, sir.

THE COURT: ---deal with it at that time.

But, Mr. Morin, you've been around the block once or twice yourself and you know what the standard for an admission of third party guilt evidence is.

MR. MORIN: Yes, sir.

THE COURT: All right.

Okay.

MR. MORIN: Uh-huh. (Affirmative).

SOLICITOR SMITH: Yes, sir.
THE COURT: Would you double -- would the attorneys double-check with my law clerk before y'all leave as to one of the gun charges to make sure that we have the right charge being prepared if you don't mind?
SOLICITOR SMITH: Yes, sir.
THE COURT: All right.
SOLICITOR SMITH: It should be the, the, the stolen pistol section in 500 I think. Not the violent felon one.
THE COURT: All right. If you'd just check with her.
SOLICITOR SMITH: Yes, sir.
THE COURT: Check -- anything from the defense before we go?
MR. MORIN: No, sir.
THE COURT: All right. See y'all at 2:00 o'clock. Thank you.
(WHEREUPON, Court was in recess for the lunch break.)
THE COURT: Any matters we need to concern ourselves with before we get started?
SOLICITOR SMITH: No, Your Honor.
MR. MORIN: No, sir.
THE COURT: All right. Bring the jury in.
(WHEREUPON, the following takes place within the presence of the jury panel.)
THE COURT: Call your next witness please, sir.

SOLICITOR SMITH: The State calls Brooks Fowler.

THE COURT: How you doing?

THE CLERK: Place your left-hand on the Bible.

BROOKS FOWLER, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Mr. Fowler, will you please introduce yourself to the jury?

A. Hi. My name is Brooks Fowler.

Q. All right. Did you know a man named Timothy Thompson?

A. I known him for -- just had met Tim --

Q. All right.

A. -- the day before that he got killed.

Q. How did you meet him?

A. I met him through Justin Cartee.

Q. Okay.

A. We was working on a house and Tim wanted me to go get -- pull a car for him in Greenville that he had bought.

Q. Okay. So -- was Cartee a, a friend of Timothy?

A. Yes. Yes, sir.

Q. All right. And did you agree to go pull this car with Timothy?

A. Yes, sir.
Q. All right. And who went with you when you went to go get this car?
A. Me and his girlfriend.
Q. All right. And, and Timothy as well?
A. Yeah, me, Tim, and his girlfriend, yes, sir.
Q. All right. And y'all drove in one car?
A. Yes, sir.
Q. All right. And this was an address in Greenville?
A. Yes, sir.
Q. Do you know whose house this was?
A. I do -- when we went there, there was nobody there. He just picked the car up cause it wouldn't fit on the dolly that we had went and got.
Q. Okay. So, it appeared that everything was on the up and up. There's arrangements been made.
He was just suppose to be picking up this vehicle?
A. Yes, sir.
Q. All right. And explain what you're talking about with the wheels being too big and the dolly.
A. The car dolly that we got, when we got there, it had like 24s or 22s on it and it wouldn't fit on the car dolly. So, Tim drove it home and we just followed him.
Q. All right. Do you remember what type of vehicle this was?

A. I -- not right off I don't.
Q. Okay. And so you and Kelli drive back in the car y'all had come in and Tim is driving in the car y'all pick up?
A. Yes, sir.
Q. All right. And did you go back to Tim and Kelli's house at Walden Circle?
A. Yes, sir.
Q. So, this would of been October 24th of 2020?
A. I, I think -- I think so.
Q. All right. Did, did you go inside that home?
A. I did.
Q. Can you describe whatever you remember about that house?
A. I think, when you first walked in, it was like a little kitchen area, a living room. Then there a was hallway. They had -- he had a gun display --
Q. All right.
A. -- at the very end of it.
Q. All right. And can you describe how the gun display looked?
A. It was at the very end of the hallway lit up.
Q. Okay. I'm showing you State's Exhibit 40.
Is that how the gun cabinet was when you were at the house?

A. No, sir.
Q. All right.
A. It was turned around with the guns showing.
Q. Okay. So, the part -- if they had been there when you were there, the person taking this picture, they would of been able to see the guns?
A. Yes.
Q. And there was a light in the cabinet?
A. Yes, sir.
Q. All right. Did you see anything about -- did you see if there were any firearms in the cabinet?
A. They were.
Q. Do you remember anything about those firearms?
A. They were nice rifles in there like ARs and such things. They's probably four or five of them.
Q. Okay.
A. Tim, Tim showed them to me.
Q. Okay. Are, are you a gun enthusiast?
A. Not really.
Q. All right. So they were all rifles?
A. Yeah.
Q. Did you see any handguns?
A. I, I don't think I did.
Q. Okay. Do you remember anything about those weapons other than what you've described already?

A. I know they were done up pretty good.
Q. What do you mean by done up pretty good?
A. They were customized.
Q. Okay. Like --?
A. Like flashy like.
Q. Okay.
A. Yeah.
Q. Not at perhaps as you would buy from the store you're saying?
A. No, sir.
Q. All right. Did you go back into Tim's bedroom or any of the other bedrooms?
A. No, sir.
Q. Where did you stay at the time you were there?
A. I was actually outside working on my Honda.
Q. Okay. But you did go in at some point?
A. Yes, sir.
Q. All right. Did a man come over to the house while you were there?
A. Yeah, a locksmith.
Q. Okay. And, and what happened with -- what did you see with that individual?
A. He brought Tim a gun.
Q. And what, what type of gun?
A. It was AR, something like that.

Q. Okay. And he left it there?
A. Yes, sir.
Q. Do you know anything about what---
A. I don't---
Q. ---was going on there?
A. I don't know.
Q. Did you know that individual?
A. No, sir.
Q. You -- but you know he was a locksmith?
A. Yes, sir, or that's what kind of vehicle he was driving.
Q. All right. So you saw his company car?
A. Yes, sir.
Q. All right. Do you know around about when you left that house?
A. I left around -- I want to say around midnight.
Q. Okay. And you, you spoke with law enforcement in this case when they --
A. Yes, sir.
Q. -- got -- found you?
I don't know. Not found. Makes you sound like you were hiding but --.
A. I come in and made a statement, yes, sir.
Q. Okay. And told them what you're telling the jury here today?

A. Yes, sir.
Q. All right. As you were leaving Tim's house, did you notice anything unusual in the driveway?
A. No, sir.
Q. Okay. I'm gonna show you State's 14 -- 13 and 14.
A. Yes, sir.
Q. Did, did you see either of those items that are on there?
A. No, sir.
Q. All right. And you left some time around midnight?
A. Yes, sir.
(WHEREUPON, an alarm starts going off in the courtroom at this time.)
THE COURT: Would you take them back to the jury room please?
Stay there.
THE WITNESS: Yes, sir.
(WHEREUPON, a short recess was taken at this time.)
THE COURT: Come back around, buddy.
(WHEREUPON, the witness complies.)
THE COURT: Mr. Fowler, anybody try to speak with you or did you speak with anybody about your testimony during the break?
THE WITNESS: No, sir.
THE COURT: All right. Didn't think so.

Anything from the State before we get started?

SOLICITOR SMITH: No, Your Honor.

THE COURT: From the defense?

MR. MORIN: No, sir.

THE COURT: What's that?

SOLICITOR SMITH: Mr. Morin told me that he ran into some of the jurors and, and he---

MR. MORIN: Coming out this door and they were coming in.

THE COURT: Incidental.

MR. MORIN: I just held the door and they went by.

SOLICITOR SMITH: I'm not, not, not concerned but --.

THE COURT: Well, if they got that close to him, might of hurt the case anyway.

(WHEREUPON, the following takes place within the presence of the jury panel.)

SOLICITOR SMITH: I think I was done before we were interrupted. So, I, I didn't have any more questions of Mr. Fowler.

THE COURT: All right. Cross-examination.

CROSS-EXAMINATION

BY MR. MORIN:

Q. Mr. Fowler, you said you left around midnight that night?

A. Yes, sir.

Q. What time did you leave there to go see about getting that truck or that car?
A. It was probably -- it was still daylight. Probably around 5:00 or 6:00.
MR. MORIN: Okay. That's all I have.
THE COURT: Anything on reply?
SOLICITOR SMITH: No, Your Honor.
THE COURT: May this witness be excused?
SOLICITOR SMITH: Yes, please, Your Honor.
THE COURT: Thank you.
THE WITNESS: Y'all have a good day.
THE COURT: Yes, sir.
SOLICITOR SMITH: Thank you, Mr. Fowler.
State calls Investigator Mike Mironenko.

MIKE MIRONENKO, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Will you please introduce yourself to the jury?
A. My name is Mike Mironenko. I am currently the lieutenant over criminal investigations division at the Spartanburg County Sheriff's Office.
Q. Thank you.
How long have you worked at the Spartanburg County Sheriff's Office?

A. I started in March of 2013. Before that I worked in Pennsylvania. Then, when I moved to South Carolina, I worked for the Mauldin Police Department. But I've been in law enforcement -- I went to the academy in 2009.
Q. All right. And at your time at the Sheriff's Office, you've worked in patrol, and investigations, and now you're supervisor over investigations?
A. Yes.
So, whenever everybody starts in law enforcement, they usually go and start patrol. So, I did patrol and then, in 2015, I went to criminal investigations and then I went back to patrol for a sergeant opportunity and then --
Q. All right.
A. -- didn't really enjoy that and then came back to criminal investigations.
Q. All right. And in -- October 25th, 2020, were you working on the violent crimes team?
A. Yes, at that time I was in the violent crimes unit.
Q. All right. And you are one of many investigators that worked on this case, correct?
A. Yes.
Q. Can you tell me how you initially got involved in this, in this case?
A. So, on October 25th of 2020, Sergeant Ken Hammett

called me at about three o'clock, 2:51 in the morning, advising that two people had been shot on Walden Circle in Spartanburg County.
Q. You responded to that location?
A. Yes.
Q. And what did you see upon your arrival?
A. When I got there, it was dark outside. Obviously it was, it was nighttime. There was an AR style rifle laying in the driveway. I didn't observe that anyone broke in the house. There's no signs of, of forced entry into the residence. Didn't see any cameras and then, when I came inside, I observed blood inside the house.
Q. All right. And that was when you figured that -- everything had gone down, where the, the actual crime scene was, and where that blood was?
A. Yes. Yep, it's -- if you would walk inside the house, you'd kind of turn right and it's gonna be like in the main area.
Q. Okay. And did you also observe a cellphone that was in that area where -- that you were just describing?
A. I did, yes.
Q. All right. And you did a search warrant to search, obviously, police had been in there, but to search the house more thoroughly?
A. Yeah.

So, what we did is we, we didn't really know what, what had gone on. So, what, what we did, we all -- after making sure that it was clear, nobody else was inside the house, and we kind of had the general idea of what was going on, we all exited the house and I went and secured a search warrant for the residence in front of the judge.

Q. All right. And then to kind of -- can you explain to me how, how does an investigator work with a forensic investigator as far as what to collect and how that process works at a crime scene?

A. So, the forensic investigator, they're specialized in the actual collecting of the evidence. We're kind of more specialized, in, in violent crimes, of seeing what evidence needs to be collected.

So, I'm kind of looking at the case of what are we gonna need in, in the long term. They're kind of looking more of how is it gonna be collected, the proper collection procedures. You know, when you pick up a bloody object, you don't put it in a plastic bag. You put it in a paper bag. That's the kind of things they do.

I'm kind of walking -- doing a walk through with them at -- in the residence seeing what actually needs to be collected. It's a team effort. A, a lot of them are more seasoned than I am.

So, it's a team effort and we, we talk about what we

believe needs to be collected and they do the actual taking the pictures and then collecting the, the physical evidence. I don't pick anything up but put it in bags or mark it with the markers. I, I don't do that.

Q. All right. But you directed, ultimately, in this area, a QT cup, the straws, some cigarette butts, a WiFi router, all, all were collected from that at your direction?

A. Yes.

Q. And what was the -- I, I think the other -- the beginning two speak for themselves.

What was the purpose of the WiFi router that you collected that --?

A. Well, there's possibly -- at the time we collected -- like we go in there, we don't -- we're trying to figure out what's happened. WiFi routers, there's, at the time and even now, I don't know if there's a possibility of -- with technology that might get information.

When you have a cellphone and you walk into a building that's got WiFi numbers, your cellphone almost like reaches out and tries to get a connection. We can get that off of a person's cellphone. We -- and I don't know if there's technology now to get it off the WiFi router, what phone connects or tries to connect to a WiFi router. In the future, if this would be an unsolved

homicide, there might be that technology.

So, you always -- you're always looking forward and collecting things like that because, before the 1970s or '80s, we'd had DNA. But they still collected DNA and a lot of cases get solved that way today.

Q. All right. And so you participated in looking around the crime scene, and then, ultimately, you ended up going back to the office or directed to go back to the office to collect a cellphone.

Is that correct?

A. Yeah, I believe I collected the cellphone that was taken off of Mr. Thomas.

Q. Okay. And that was -- that's already in evidence and -- but you had a suspected number for that.

Is that correct?

A. Yes.

Q. All right. And did you attempt to verify that that was the number for that phone?

A. Yes.

So I called, I called the numbers just to the -- Kelli's number I believe I called it on scene according to my notes and I don't actually know if I called Timothy's phone or -- but the purpose of that is -- what I'm doing is I'm trying to figure out, one, is this the correct -- I'm looking at the phone. Is this the correct number I'm

dialing and what I'm gonna do is I'm gonna send, for that phone number, I'm gonna send a preservation request to the provider, Verizon, T-Mobile, or AT&T.

I'm gonna -- a preservation request is it's telling the cellphone provider hey, save everything you have. Don't, don't delete anything. Preserve this, this -- everything that's -- all the calls that are coming in, the text messages, preserve everything for that phone number.

Q. All right. And I think under this 7:17 section, you did that for Mr. Thompson.

That number was (803)730-2386?

A. Yes. You're right. So, at 7:17 in the morning, I did call -- the phone number was locked. But I did call it just to confirm that that's the phone number that, that I'm gonna preserve.

Q. Okay. And then, at 10:43, I believe you did the same for the suspected number for Ms. Curran and confirmed that?

A. Yes.

Q. And that was (864)278-3552?

A. Yes.

Q. And both of those, you were able to determine, were Verizon numbers?

A. Yes.

Yeah, both of them were Verizon, Verizon phone

numbers. So we ran it through our system and it will tell us who the carrier is.

Q. All right. And for both of those phones, you did search warrants for phone extraction and for call detail records.

Is that correct?

A. Yes.

So the -- they're two different things. The, the phone extraction, actually what you're doing is you're going inside the physical phone. You're trying to figure out what's inside the phone.

So, we take pictures on our phones. Those pictures are inside the phone. If you have AT@T, Verizon, or T-Mobile, they don't keep those pictures.

So, the extraction search warrant's actually or is a search warrant to go inside the phone and get the information that's housed inside the phone. The phone number search warrant I actually sent off to the carrier asking them give me any call detail records, give me any text messages that were sent. That's going to the providers.

So, there's two search warrants, one for the physical device and then one for the phone number to the carrier that holds that information.

Q. All right. And did you ultimately receive responses

back, as far as the call detail records, for both of those two numbers?

A. Yeah, I know I did. I just don't know -- I don't remember when.

Q. Okay.

MR. MORIN: Your Honor, I'm gonna have a motion.

THE COURT: All right. Madam Forelady, ladies and gentlemen, can I ask you to go back to the jury room for a few minutes?

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: All right, sir.

MR. MORIN: Your Honor, I, I may be jumping ahead but --.

THE COURT: You certainly are cause I have no idea what the evidence is yet but go ahead.

MR. MORIN: It's the phone records that he got and I don't know if he's intending to put it in or if he's intending to put it in at a later time. But, at some point, I'm going to object based on the authenticate or based on the accuracy and the authentication. Not just the authentication. Make sure I get my words right. I wrote it up the other day.

THE COURT: Okay.

MR. MORIN: I need to object to the reliability,

reliability of the underlying data that's being presented and I'm going off the *State v. Franks* where *Franks* didn't do that and the Court said well, we can't do anything, you didn't object. So, I'm putting that on the record now and I'm gonna -- I don't know if I want to do it every time. I don't know if he's gonna enter this right now through this witness. But --.

THE COURT: Well, let me ask you this---

MR. MORIN: Yes, sir.

THE COURT: ---Mr. Morin.

MR. MORIN: Yes, sir.

THE COURT: I mean I know you're an imaginative lawyer. But right now we're making the objection about what may happen in the future and I don't know what it is. But I think, if you want to go ahead and address it now, we can go ahead and do it since we've gotten here.

So, basically you're saying that the --

MR. MORIN: If---

THE COURT: -- call detail records that he received pursuant to the search warrant have not been properly authenticated?

MR. MORIN: Authenticated or the reliability of them testified to.

THE COURT: Okay. What's your response?

SOLICITOR SMITH: We were going to attempt to admit

them at this point.

As to Mr. Johnson's phone, the call detail records for it, the State is seeking to admit those under Section 19-5-520. We do have a, a certification that was sent by Joshua Foreman and signed indicating that the records that responds and sends the Verizon case number that's assigned.

THE COURT: Where's that case -- what's that statute number?

SOLICITOR SMITH: Nineteen -- got smoke. Sorry.

19-5-520. It's --.

THE COURT: Okay. Give me one second please.

SOLICITOR SMITH: Yes, Your Honor.

(Pause.)

THE COURT: Now, when we met in my chambers, while she's looking that up, you told me, and I'm, I'm about to look at it, that 19-5-520 is basically the private equivalent to the public records authentication.

Is that right?

SOLICITOR SMITH: Yes, Your Honor. That's Rule 902. It's, it's referenced in that statute.

THE COURT: Could any of this fall under 901?

SOLICITOR SMITH: Um.

THE COURT: I know that it -- there's some evidence in my phonecall made to a person, person or business

number.

SOLICITOR SMITH: The, the only one of -- I'm sorry, Your Honor. I'm, I'm not extremely familiar with this section. But the only one that would come to my mind would be potentially (b)(1).

THE COURT: It's not really on point, is it?

SOLICITOR SMITH: I, I don't think so. I mean I, I think Investigator---

THE COURT: All right.

SOLICITOR SMITH: ---Mironenko could testify that he's probably gotten call detail records a bunch of times and knows what they look like and it, it has indicia of who's phone it is and, and---

THE COURT: Let me---

SOLICITOR SMITH: ---things like that.

THE COURT: Did you get -- let me ask you a question.

Changing gears on you, under the 19-5-520, did you give notice ahead of time before the trial?

SOLICITOR SMITH: We did, Your Honor.

THE COURT: And does the authentication from the business meet 803(6)?

SOLICITOR SMITH: Yes, Your Honor. In, in my opinion it does. They're, they're different for each company. They cite federal rules, Federal Rule of Evidence 902, and 830 is cited in the Verizon affidavit.

THE COURT: Well, have you looked at it to make sure it's just regularly kept, recorded at the time, had them at the time and set -- and part of business -- whatever those elements are?

Do you have that -- do you have the affidavit?

SOLICITOR SMITH: I, I, I have all of the affidavits that we were---

THE COURT: Do you have---

SOLICITOR SMITH: ---using.

THE COURT: ---any argument that that affidavit does not comply with 803(6) or if they have not complied with 19-5-520?

MR. MORIN: No, sir, those are authentication issues.

SOLICITOR SMITH: Yes, and -- can I speak to it---

THE COURT: Okay.

SOLICITOR SMITH: ---what he said about *Franks*, Your Honor?

I do think we're premature on, on that. This witness is not -- we are not expecting him or going to ask him any questions about interpreting those records as far as placing phones, using certain towers, or anything like that. We have an investigator from the FBI that was given all these records long ago that is -- but *Franks*, the case he cites is about a local police department.

THE COURT: It's just Mr. Morin doing what he does

and making things---

SOLICITOR SMITH: Well --

THE COURT: ---hard---

SOLICITOR SMITH: ---sometimes it's hard to -- it's better early than late---

THE COURT: Nah, you're right.

SOLICITOR SMITH: ---an objection---

THE COURT: I tell you what though.

SOLICITOR SMITH: ---early.

THE COURT: You wait till he lays the foundational requirements for it. If he doesn't, stand up and---

MR. MORIN: Okay.

THE COURT: ---object. I assume---

MR. MORIN: I didn't know where---

THE COURT: ---that you're---

MR. MORIN: ---he was gonna go and I didn't want to be halfway.

THE COURT: I got you.

MR. MORIN: Thank you, Your Honor.

THE COURT: Yes, sir.

Okay. Y'all ready to bring the jury back?

MR. MORIN: Yes, sir.

(WHEREUPON, the following takes place within the presence of the jury.)

CONTINUED DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Did, did you receive call detail records back from the two search warrants you sent for Kelli Curran and Timothy Thompson's phone number?

A. I did.

Q. All right. And then did you, did you look at those?

A. I did. But mainly I give them to Sergeant Hammett to look at.

Q. Okay. Are you familiar with call detail records?

A. Yes.

Q. Did -- the documents that you receive, they come in some Excel and some PDF.

Is that right?

A. Yes.

Q. All right. And what is your understanding of what these call detail records show generally?

I know it's different provider to provider but --.

A. Yeah, it, it depends what it is with, with each provider and depends how fast you do it.

Most of the time they show any calls. It goes -- it shows your data, what your cellphone is using for data, what towers. It shows SMS text messages. That's any text messages. And then it shows any phonecalls. It shows, shows data, SMS or text messages, and then it shows phonecalls.

Q. All right. And are these records commonly submitted with a, a affidavit or attestation from the provider that these are, are true and accurate records of the information stored by the cell company?
A. Yes, that's standard. Every, every single one I've done comes with almost like a letterhead saying hey, they're pretty much the information -- a person is saying that the information that they have sent you is true and correct.
Q. All right. I'm gonna hand you State's 80 and 88 and, and ask if you can tell me what these are.
THE COURT: What number are those two?
SOLICITOR SMITH: Eighty and 88.
A. So, one is the call detail records for Tim's phone number and the other one is Kelli Curran -- Curran's phone records. They're both on CDs of --.
Q. And you submitted those into evidence after whatever you shared with Investigator Hammett?
A. Yes.
So I usually put a copy on CD, place it in evidence, make another copy for the lead investigator.
SOLICITOR SMITH: All right. Your Honor, at this time we would move State's 88 and 80 into evidence.
MR. MORIN: Can I approach?
THE COURT: Yes, sir.

(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)

THE COURT: Madam Forelady, I'm sorry. I'm gonna send you back to the jury room one more time. That's my fault, not these lawyer's fault. So I apologize.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Now, the records you're about to or trying to introduce, are, are those the ones that you had the affidavit for that -- from the company under 15-19-520?

SOLICITOR SMITH: Yes, Your Honor.

THE COURT: I think that's a foundational requirement. Probably got to do those and show him those and show -- at least do it now so we have it in the record.

Okay?

SOLICITOR SMITH: Make sure I know -- I know I know---

THE COURT: I'll hear you after we do that.

Okay. But I think that and then show that it comports with 803(6).

SOLICITOR SMITH: I know I have one for Mr. Thompson's. I'd have to check. I'm not seeing one for Ms. Curran's. But if, if we have an issue with that,

we'll call the Verizon person. That's the one company that's local.

THE COURT: Okay. May I see it?

SOLICITOR SMITH: Yes, sir.

MR. MORIN: It's a secret.

THE COURT: Any argument, Mr. Morin, that this affidavit does not comply with 803(6) or 19-5-520?

Now I'll let you---

MR. MORIN: This is in regard to the---

THE COURT: ---tell me what you want to tell me.

MR. MORIN: That means -- we're talking about authentication, authentication of the document?

THE COURT: Right.

MR. MORIN: That is correct. I agree.

THE COURT: Okay. Okay. So you're not making an objection as to authentication and you---

MR. MORIN: No, sir.

THE COURT: ---stipulate to that or can say that these are---

MR. MORIN: Well---

THE COURT: For purposes of the admissibility, that they have met the requirements at least for --?

SOLICITOR SMITH: That's Mr. Thompson's phone, Your Honor.

THE COURT: Mr. Thompson's records---

SOLICITOR SMITH: Which I think is---

THE COURT: Now yours is saying we're not saying they're accurate.

MR. MORIN: Correct, and in the *Franks* case -- I have a copy for the Court.

THE COURT: But they -- it's accompanied by them putting munsies (phonetic) is what they say in the art -- but that -- and, and, of course, doesn't it say that?

MR. MORIN: Well, not according to the Internet at my house and that's what triggered me.

THE COURT: The Internet at your house?

Okay.

MR. MORIN: Yeah.

Well, I got a -- I got to go by something that, that actually happened to us.

THE COURT: Hey, listen, I'm glad to hear anything you have.

MR. MORIN: I've been told that I live in Baltimore on more than one occasion by Verizon based off of my Internet that goes through these cell towers. So, it got to -- me to thinking that how, how reliable are these. I'm not taking -- I've been blacked out in baseball games in Baltimore because I live there. So, I'm---

THE COURT: But these are phones. These aren't -- this isn't Internet.

MR. MORIN: Well, it's Verizon.
THE COURT: Right?
MR. MORIN: My internet goes over those cellphone towers the same as your phone. I don't have a cable.
So, the reason I bring that up, Your Honor, is because, in this *Franks* case, *Franks* argue -- he argued the reliability of the system or the, the thing they were using to read it or map it wasn't reliable.
THE COURT: Is that my case?
SOLICITOR SMITH: Judge Addy.
MR. MORIN: Judge Addy.
THE COURT: Is it Abby?
MR. MORIN: Yes, sir.
THE COURT: Okay. Then he's got to be wrong but go ahead.
MR. MORIN: So, the Court says *Franks* didn't object to the data on the basis during his suppression hearing or at the time that the Verizon calls were introduced into evidence. So, I'm objecting to the reliability of the data. He's moving to put it in and I'm entering that objection right now---
THE COURT: Okay.
MR. MORIN: ---because---
THE COURT: And you're not objecting to authen -- authentication?

MR. MORIN: No, I'm not.

THE COURT: What is your response?

SOLICITOR SMITH: I have not read the *Franks* case, Your Honor. But I, I think the question's about the reliability of the data is more of a question for the jury rather than an admissibility --.

THE COURT: No, hu huh. (Negative). It's a question of admissibility. I disagree with you on that.

Let me ask you, gentlemen, is this something that you can -- do you have to do it through this witness or can you put this -- go ahead and get the other evidence out through this witness and we can brief this tonight and cross that bridge in the morning when you have a chance to read---

SOLICITOR SMITH: We can do that. We have a back-up option if, if --.

THE COURT: I think that's the best way to do it.

MR. MORIN: That's fine.

THE COURT: All right. Okay. Other than that, they are not -- they are authentic and they're---

MR. MORIN: They are authentic.

THE COURT: ---and they're accurate?

You haven't -- I wouldn't think to ask that part of this process is accuracy but who I am.

Would you -- y'all ready for the jury?

MR. MORIN: Yes, sir.

SOLICITOR SMITH: Yes, Your Honor.

THE COURT: All right. And make those affidavits -- that affidavit a Court Exhibit.

SOLICITOR SMITH: Yes, sir.

THE COURT: Okay. That is --.

(WHEREUPON, the following takes place within the presence of the jury.)

CONTINUED DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. After you had done your work with the phones, were you tasked with kind of trying to run down some potential leads that had been given by family members of people that Timothy had been in contact with?

A. Yes.

So, so one of the things you want to do on a homicide is what's called victimology. So, you want to talk to family, friends, everybody that the victim had contact with in, in the last 24 hours. You want to run all those people down. So that I was tasked with that.

Q. All right. And the first person you spoke with was a man named Justin Cartee?

A. Yes, he -- I believe that was at the Sheriff's Office.

Q. All right. And he, he came in voluntarily at y'all's

request I guess?
A. Yes.
Q. Okay. And we can't talk about what he said.
But he gave you information about somebody else had been in contact with him that night, correct?
A. Yes.
Q. Was that person Brooks Fowler?
A. Yes.
Q. All right. And did you then speak with Mr. Fowler?
A. I did.
Q. All right. And Mr. Fowler came to the office and was interviewed voluntarily?
A. Yes.
Q. And Mr. Fowler's already testified but you, you spoke with him.
He answered every question that you had and he went on his way?
A. Yes.
Q. All right. Based off of what he told you, did that lead you to another individual?
A. That did.
Q. All right. And he -- was he able to give you an address -- he wasn't able to do it here in court, but he, he gave you an address of a place where they had gone to get a car?

A. Yes, he gave -- he -- and I don't know if he knew it off the top or he put it in his GPS. But he provided me the address that they went to in Greenville to pick that car up.
Q. All right. And that address was [redacted] Glendale Street in Greenville?
A. Yes.
Q. All right. And did he also tell you about a, a locksmith coming by that night?
A. Yes, he did.
Q. And you were able to speak with that individual, correct?
A. Yes.
Q. Not quite as voluntarily as the other people that we've referenced?
A. No. No, he, he sold a gun to, to Mr. Thompson and I think he, he may have been concerned about that sale. So, so, he -- he didn't wish to speak to me about that.
Q. All right. Were you able to con -- figure out who lived at that [redacted] Glendale Street and who had been communicating and exchanged this -- your -- car with Mr. Thompson?
A. Yes.
So, we did that from Mr. Fowler, who, who is here today, and then we did that from the vehicle that Timothy,

the victim, had actually driven from, from Greenville to his house cause it was sitting in his front yard.

Q. Okay.

A. That vehicle was sitting in Tim's front yard.

Q. All right. This is a, a Chrysler 300?

A. Yes.

Q. All right. So I guess the tag on it led you back to the address?

A. The tag, the tag or the VIN. I, I don't remember if it had the correct tag. But we had tracked the vehicle down to [redacted] Glendale Street and in Greenville.

Q. All right. And you spoke with him on October -- you went to Greenville and spoke with Dondrey Johnson on October the 26th of 2020?

A. Yes.

Yep, I went up there at 10:56 in the morning. I spoke with Mr. Dondrey Johnson.

Q. At that time did you have any idea that he could be a suspect or were you just running down kind of what people were telling you?

A. No.

At that time I was, again, I was just running down everybody that had contact with the victim. So, Mr. Fowler, cause they went to Greenville, Mr. Cartee, he helped with the vehicle, the -- Dondrey Johnson because

he's the one that traded Timothy's cars and they had contact with each other within the last 24 hours.
Q. All right. And can you describe what Mr. Johnson, if you recall, what his reaction was to seeing you?
A. Well, I think, from what I remember, he was, he was sitting in his car. So, I, I kind of surprised him that the police were there. But other than that, he, he offered me some, some information. At the time, I just took everything down, audio recorded that, and to verify later on cause we had a lot of things we were running down.
Q. All right. Nothing about that initial meeting made you suspicious or anything?
A. No. No.
Q. Didn't read him Miranda rights or anything like that?
A. No, I didn't, I didn't read him Miranda. I told him -- that was in Greenville. I told him I was from Spartanburg.
So, don't really have any enforcement actions in Greenville County. So, I wasn't gonna do anything. Just wanted to talk to him as -- and if it was, if it was some sort of, you know, some sort of -- I suspected him, I wouldn't be going by myself.
Q. Okay.
A. I'd, I'd been taking Greenville County with me. I

just went up there just to see did they trade the cars.
Q. All right. And you ended up meeting with a person named Devon Sorgee as well at the Sheriff's Office?
A. I, I did. That was on the 26th --
Q. All right.
A. -- I met with Devon.
Q. Is your understanding that was a friend of Timothy Thompson?
A. Yes.
Q. All right. You also attempted to contact home detention programs from Spartanburg and Greenville and see if any offenders were at that location?
A. Yes.
So, in Spartanburg, our home detention has a capability, if you tell them hey, I want this house on Walden Circle, can you tell me if anybody on home detention was at that address, they can tell me that. Greenville does not have that capability and that, that was just something we have to run down, make sure that nobody was in, in that crime scene that's on home detention. In, in Spartanburg County home detention, there's nobody at the crime scene.
Q. All right. This is the difficulty of calling everybody out of order.
But, ultimately, were y'all able to figure out that

Dondrey Johnson had been in communication with Tim on his phone?

A. Yes. So, when they -- during the, the vehicle---

MR. MORIN: Objection. I think we're getting into hearsay now, Your Honor.

THE COURT: Rephrase your questions please, sir.

Q. Did, did y'all find evidence that Timothy Thompson's phone had communicated with Dondrey Johnson's phone?

A. Yes. That was -- yes, we did.

Q. Okay. And I don't know if, if you did it, I think another investigator did it, but y'all ultimately got call detail records for Dondrey Johnson.

Is that correct?

A. We did, yes.

Q. Devon Sorgee sent law enforcement some pictures, sent you some pictures of guns that he had taken.

Is that correct?

A. Yes.

Q. All right. And, and y'all made those a part of the case file?

A. Yes.

So, like I told you, when I arrived there, there was a rifle laying in the, in the yard and there was more, more firearms that were missing from the, from the gun case. So, part of our strategy in the case was we had to

run down these firearms, get them identified, and, and then run them down and recover them.

Q. All right. I'm gonna hand you State's 55, 83, and 84 and ask if you can you tell me what those are.

A. These are the pictures---

Q. Don't show them to the jury yet.

A. These are the pictures that the -- Devon Sorgee sent me of the, of the firearms that he took of Timothy Thompson's---

MR. MORIN: Objection. I don't know where Sorgee got these and he doesn't -- he can't testify to that.

THE COURT: I sustain just on that basis.

SOLICITOR SMITH: Okay. We're, we're not introducing them at this time.

Are, are these -- you, you -- these, these were pictures that Devon Sorgee sent you?

A. Yes, those are pictures Devon sent me.

Q. All right. And you were speaking about a murder case at Timothy Thompson's house, correct?

A. Yes.

Q. He understood---

A. With, with, with Devon, yes.

Q. You didn't ask him do you have any guns at your house?

A. Did I ask Devon if he had any guns at his house?

Q. Yeah.
I mean were y'all on the topic of Timothy Thompson when these picture were sent to you?
A. Yes, yes. So -- yep.
Q. All right. And, and not introducing these at that time, but did you take those pictures and make them part of the case file and items that you were potentially looking for to recover?
A. Yes, we were looking for those -- the -- we were trying to figure out what firearms were in Timothy Thompson's case so that we could recover those firearms. That's what we were trying to do.
Q. All right. You also spoke with Corey Curran, correct, about the, the murder case at Walden Circle?
A. Yes.
Q. All right.
A. I believe that's the nephew of Ms. Curran.
Q. All right. And did he send you a picture as well of, of---
A. He, he did.
Q. And just for identification purposes, I'm gonna ask if -- this is State's 129.
Do you recognize that?
A. Yes, that's the picture that Corey sent me.
Q. All right. And this, again, was in an attempt to try

to figure out what may have been in the gun cabinet the night that this crime occurred?

A. Yes, which guns we needed to track down, yes.

Q. And, and eventually you attempted to canvas the neighborhood to try to speak with neighbors if they had heard anything.

Is that correct?

A. Yes.

So I believe it was --.

(WHEREUPON, a juror started coughing at this time.)

THE COURT: Stop for a second. Thank you.

SOLICITOR SMITH: Sorry.

THE COURT: Just a minute.

You okay?

THE JUROR: Yeah, I'm sorry.

THE COURT: It's okay.

Do you need a break?

THE JUROR: No, I'm good.

THE COURT: I'm sorry to interrupt you.

SOLICITOR SMITH: No, it's -- it got me too.

THE COURT: All right.

Q. You did a neighborhood canvas?

A. Yeah.

So, on October 31st, I think it was a Saturday, I figured most people would be home. So I went and knocked

on every single door, which I think it was 53 houses in, in that neighborhood, just to see did we miss something, did somebody see something, was there cameras that we missed, maybe one of the neighbors saw something that we could, we could get a -- get, get information on the case.

Q. And did anything come of knocking on those 53 doors?

A. No.

Q. Was it---

A. That was about the same. It was a dark, rainy night that night. So, everyone was kind of indoors.

Q. And, at that point, you had, you had spoken with Steven Mitag that lives across from Timothy Thompson, right?

You'd already spoken with him?

A. Yeah.

So, we knew Steven was an associate of Timothy and I, I believe he was out-of-state. He was working for a -- like a tower or cellphone towers and he was out-of-state. He wasn't, he wasn't home at the time.

Q. All right. On November the 6th of 2020, did you again speak with Dondrey Johnson?

A. November the 6th?

I believe we, we spoke by -- yeah, I called him and we, we spoke by phone and I called him to come down to the Sheriff's Office and if he could talk to me a little bit

further.
Q. All right. And your expectation was he was gonna show up on November the 9th to speak with you?
A. Yes.
Q. Did he show up?
A. No, he did not. He failed to show up.
Q. All right. And you then called him and then something else came up for you?
A. Yeah. Yeah. So I believe I had another homicide that came up.
Q. All right. And so then y'all agreed to speak on November the 13th of 2020?
A. Yes.
Q. Did he show up at that meeting?
A. No. No, he failed to show up.
Q. And then y'all, third time's the charm, tried November 16th to meet at noon again?
A. Yes. And, and he failed to show up again.
Q. All right. All right. And so a lot of time passes before we go to January. At that point you, you did go again to speak with Dondrey Johnson.
Is that correct?
A. Yes.
So, this time, I went with Greenville County Sheriff's Office, Investigator Stokes and Garrett, along

with Sergeant Hammett, to speak with Dondrey again at the [redacted] Glendale Street cause he hasn't -- he hadn't come. The numerous times we set up interviews at the Sheriff's Office, he didn't want to come.

Q. All right. Do you remember what was the reason -- I know you said that him not showing up, but any other developments in the case that had or were you just still trying to speak with him?

Is there anything that triggered y'all to go out there?

A. Yes.

So when we did the phone dump, the actual -- remember we talked about what's, what's the telephone. We took the, the search warrant for the telephones and then we did the subscriber. We had the 9-1-1 calls that came in. So we had a pretty good timeframe of when these homicides happened. We kind of knew cause Kelli had called 9-1-1.

On the actual phone dumps, there was a phone number at the time of the homicide that it was like for a split second that that phone number connected to Timothy's phone.

Q. All right. And had y'all made some connection with that number and, and Dondrey?

A. Yes.

So we -- it came back to I believe a Mr. Lebby out of

Greenville and he was an associate of Dondrey Johnson, the person that Timothy and -- trade -- traded vehicles the night prior. So we now have a phone number at the time of the homicide that calls Timothy. It, it -- now the -- that phone dump -- the phone number's never connected. So it was just a call but they never -- it was never picked up.

So there's a call to Timothy's phone from this other phone number that is now linked to Dondrey that sold or traded cars with Timothy.

Q. So you were there to investigate, I guess, Dondrey Johnson's connection to Kenyatta Lebby?

A. Yes. Yes.

Q. Had Dondrey Johnson previously mentioned anything about Kenyatta Lebby to y'all?

A. I don't believe so. I don't believe so.

Q. All right. And you, you recorded the conversation that you had in Greenville with Dondrey Johnson, correct?

A. Yes.

Q. And then y'all also then met again on, on the 14th, correct?

A. Yes.

So, on the 12th, we went up there. On the 14th, he had actually come down to the Sheriff's Office now --

Q. All right.

A. -- to speak with me.
Q. Did you advise him of his rights under Miranda at that meeting?
A. Yes, I did.
Q. Why did you do that?
A. Well, at the time -- now we're, we're kind of linking this together. You have this trading of vehicles. Timothy and Dondrey traded vehicles. Now an associate of Dondrey's calls the victim, Timothy, at the time of the homicide. So now we didn't know, at the time, if Timothy's a or, sorry, Dondrey Johnson is, is a possible suspect.
Q. Either as setting it up or, or having potentially participated I suppose?
A. Well, the participation at the time -- well, I'll, I'll leave that alone. We didn't know either way if he participated yes or---
Q. Okay. And I know -- you -- let -- so, try to clear some of this up. It's hard to tell a story when you can't tell what everybody else did.
But y'all had received call detail records for Dondrey Johnson---
A. Yes.
Q. ---at this time?
You had call detail records for Kenyatta Lebby---

A. Yes.
Q. ---at this time?
Those records had been sent to the FBI, correct---
A. Yes.
Q. ---at this time and y'all had the results of that whether -- I'm not asking you to say what they were.
But all of that was a part of why we're out talking to Dondrey and, and --?
A. I, I don't know if, at this time, the records were sent to the FBI---
Q. Okay.
A. ---on January 12th, 2021. I don't know if the records had been sent to the FBI.
Q. Okay.
A. Can't testify to that. I know at some point they were. I didn't know at this time.
Q. Okay. People in your office had looked at these, not FBI people, but people had looked through programs y'all had?
A. Yes.
Q. All right. And so what you're saying to me is, is based off of whatever that showed was your belief that Dondrey Johnson was not a active participant at the scene?
A. Yeah, at the time I did not believe he was at the scene.

Q. All right.
A. Dondrey Johnson that is.
Q. But you, you thought that -- you, you can be guilty of something without being at the scene, correct?
A. You, you could be involved in something and not be at the scene, yes.
Q. Yeah, as -- I mean you could be an accessory if you give information?
MR. MORIN: Objection, Your Honor.
THE COURT: Sustained.
Q. Okay. Okay. He was not in custody, correct?
A. No, he was not.
Q. He, he drove himself there, correct?
A. Yes.
Q. Not ever put in handcuffs or anything like that?
A. No, he was not.
Q. And, and Miranda is generally done for people that are in custody, doesn't have to be, but that's when it's required, correct?
A. Yeah.
So you would Mirandize somebody when they're in custody and you're gonna be asking them guilt seeking questions.
Q. All right. So since he wasn't in custody, why did you read him Miranda?

A. Well, at the Sheriff's Office, when you take them upstairs, you're not really free to move about. So, even though he came voluntarily, we kind of have to walk you upstairs. We're in interview rooms.

So, you can't just -- like we have to walk you out of the building. So I just want to be -- I just want to be safe and, and, and read them their Miranda rights any time I'm interviewing somebody at the Sheriff's Office.

Q. Okay. And, at, at this point, you had more information than when you initially came and talked with Dondrey?

A. Yeah.

Q. The investigation had move forward?

A. Yes.

So when I initially talked with Dondrey on the 26th, all I knew is he traded a car with Timothy and I was running down that, that -- whoever made contact with the victim or, or maybe associated with the victim. Now I had a lot more information.

Q. I'm gonna hand you State's 86 and ask if you can tell me what that is.

A. Yes, this is the Miranda form -- I, I believe the only mistake that I made here is I put 950 California Avenue, which is not. It was at the Sheriff's Office, not at the detention center. That might be just out of habit.

Q. All right.
A. But that is the Miranda waiver.
SOLICITOR SMITH: Your Honor, at this time we'd move -- did I say 86?
Move State's 86 into evidence.
THE COURT: Without objection?
MR. MORIN: No objection.
THE COURT: Admitted.
That's for Deandre?
SOLICITOR SMITH: Dondrey.
THE COURT: Dondrey.
(WHEREUPON, State's Exhibit No. 86 was received into evidence at this time.)
Q. So I know I'm, I'm possibly beating a dead horse. Maybe I am.
But you, you don't read this to people that you think are just witnesses in cases, do you?
A. No, I read it to people who's in -- are in custody and I'm asking them guilt seeking questions. Not witnesses.
Q. All right. And, once again, you then interviewed Mr. Johnson --
A. He---
Q. -- and that was recorded, correct?
A. Yes.

Q. There's a note on January 15th about going to a location to look for cameras.

Do you know -- remember what that was about?

A. Yeah, I believe he told me, maybe -- and I might be, I might be misremembering that, that that's where he met Kenyatta Lebby the Saturday before; Dondrey.

Q. All right. You were not able to find anything with that visit?

A. No, I went out there with him and, and the people that are -- said their cameras weren't working.

Q. All right. And then, ultimately, I don't know if you were involved in signing arrest warrants, but arrest warrants were signed on -- well, excuse me, Kenyatta Lebby was a suspect at this time and he was arrested on some other charges.

Is that correct?

A. Yes.

Q. All right. And you ended up participating in an interview with Kenyatta Lebby on February the 11th of 2021?

A. Yes.

Q. Is that correct?

All right. And at the conclusion of that interview, do you know what happened as far as Mr. Lebby being charged in this case?

A. He -- yes, he was charged in this case.
Q. I'm gonna show you State's 54.
Ask if you can tell me who that is?
A. That is Kenyatta Lebby.
SOLICITOR SMITH: Okay. Your Honor, at this time we'd move State's 54 into evidence.
THE COURT: Any objection?
MR. MORIN: No, sir.
THE COURT: Admitted.
(WHEREUPON, State's Exhibit No. 54 was received into evidence at this time.)
Q. You ultimately collected DNA swabs from both Kenyatta Lebby and Tyleek Johnson as a part of your investigation as well---
A. Yes.
Q. ---correct?
A. Yes, I did.
Q. You also collected Mr. Lebby's phone.
Is that correct?
A. Yes, I did.
Q. I'm gonna hand you State's 123.
Ask if you can tell me what that is.
A. It's a cellphone.
Q. All right. It's indicated it belongs to Kenyatta Lebby and was collected by you?

A. Yes.

At the, at the -- so, he got arrested and I collected it at the detention center from his property.

SOLICITOR SMITH: Your Honor, at this time we would move State's 123 into evidence.

THE COURT: Any objection?

MR. MORIN: No, sir.

THE COURT: Admitted.

(WHEREUPON, State's Exhibit No. 123 was received into evidence at this time.)

SOLICITOR SMITH: Your Honor, that's all the question I have for this witness.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. MORIN:

Q. Officer Mironenko?

A. Yes, sir.

Q. The name of the locksmith --

A. Yes.

Q. -- could you tell me?

A. I believe it's James Mills.

Q. Mills?

A. Mills. M-I-L-L-S. Yes.

Q. Okay.

A. James Mills.

Q. All right. Now, when you talked to Mr. Fowler, you said in your report that -- I can show it to you.

May I approach?

May I approach?

THE COURT: Yes, sir.

Q. I won't try and I think this is part of your report.

Is that correct?

A. Yes, I believe so. I can't -- yes. Yes, it is.

Q. Okay. I couldn't direct you cause the page numbers --.

But, at the bottom of the page that I have, and it says Brooks Fowler?

A. Yes.

Q. All right. And you wrote that Mr. Fowler came in and he was not under arrest. He came in voluntarily.

A. Yeah.

Q. Is that right?

A. Yes. Yes.

Q. And you said I did not expect to be confrontational with him. So I did not advise him of Miranda.

A. Yes, I, I did not be expected to ask him any sort of guilt seeking questions. That's correct.

Q. Okay. And that was at the Sheriff's Office?

A. Yes.

Q. In the interview room?

A. Yes.
Q. Just like when you interviewed Dondrey?
A. Yes.
Q. But Dondrey got, got a Miranda?
A. Yes, because, at this time, I was gonna ask Dondrey guilt seeking questions---
Q. Okay.
A. ---about his possible involvement.
Q. All right. And DNA swabs were taken from Mr. Lebby?
A. Yes.
Q. And Tyleek?
A. Yes.
Q. And Mr. Fuller?
A. I, I don't -- I don't know if -- I was not involved with Mr. Fuller.
Q. How about Deandre?
A. Deandre Johnson.
Q. Dondrey.
A. Don---
Q. I think I---
A. Dondrey?
Q. Yes.
A. No. No, because we don't believe he was at the scene.
Q. Uh-huh. (Affirmative).

When you went to see Dondrey in Greenville, you indicated that it was somehow recorded that first time you met with him.

Is that right?

A. Yes.

Q. Okay. How did you do that?

A. I -- the Sheriff's Office gives us, when we do come to criminal investigations, our senior admin assistant gives us a recorder.

Q. That big?

A. About, yeah.

Q. About that big?

Everybody in investigations gets one of those?

A. I don't know if everybody. But if you ask for it, she'll order you one.

Q. I see.

So you asked for it?

A. I don't remember how I came into --

Q. Okay.

A. -- possession of that.

Q. Okay. When he, he came in to the Sheriff's Office, did you use it to record it then?

A. No. No, I think that was on the Axon interview -- the interview room.

Q. Okay. So, you relied on the videos that were --

A. Yes.
Q. -- being recorded?
A. Yes.
Q. Now, we've talked about or you've answered the solicitor's question about the time Dondrey didn't come in.
Those were times that you spoke to him, correct, and he said he'd come in?
A. Yes.
So, I talked to him on the phone. He said he's coming in. I believe the one time I had a case come up. So, I canceled on him.
Q. Right.
And then there were some more -- other times where you asked him and he didn't come in after he said he was going to?
A. Yeah, that's, that's correct.
Q. And during that second interview, he suggested there might be somewhere that has cameras that could show his whereabouts.
Is that right?
A. No. No, I don't, I don't think -- I don't think that was it. I think it was to show where he and Kenyatta Lebby had come into contact.
Q. Okay.

A. So somehow Dondrey Johnson tells Kenyatta Lebby about Timothy Thompson and I believe that was the meeting location where this conversation happened.
Q. Okay. So -- but the meeting location wasn't at either one of their homes. It was somewhere else.
A. Yes, I believe it was somebody's family.
MR. MORIN: Okay. That's all the questions I have, Your Honor.
THE COURT: Redirect.
SOLICITOR SMITH: I don't have anything further, Your Honor.
THE COURT: All right. Thank you, sir. You're excused.
Madam Forelady, we've been going about an hour and a half.
Would y'all like a break or would you like to continue?
THE FORELADY: We're good. Thank you.
THE COURT: You good?
All right. Solicitor.
SOLICITOR SMITH: I was gonna suggest that and mark a couple things. But I'll -- we'll push on. It's only five things. So, it won't take long.
THE COURT: Okay. State calls James Brewster.
JAMES BREWSTER, being first duly

sworn, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Investigator Brewster, where are you currently employed?

A. At Spartanburg County Sheriff's Office.

Q. And what do you currently do for the Sheriff's Office?

A. At this time I am a white collar investigator.

Q. All right. And have you previously been assigned to the ID unit or forensics?

A. Yes, I spent approximately five years in crime scene.

Q. All right. How long have you been involved in law enforcement in total?

A. Next month's 11 years.

Q. Sorry. A lot of numbers going here.

You had a very limited involvement in this case, correct?

A. Yes, sir.

Q. All right. You were called to go to Spartanburg Regional on December 12th of 2020?

A. Yes, sir.

Q. What, what were you there to attend?

A. The autopsy of the decedent was being performed at that time.

Q. All right. You were able to photograph Mr. Thompson as, as well as the, the pathologist takes their own pictures?
A. Yes, sir.
Q. All right. And, ultimately, did they recover items from Mr. Thompson that you collected?
A. Yes, sir.
If I recall correctly, there were three projectiles that we, that we were given from the medical examiner that he removed from, from the decedent.
Q. All right. And you recovered those, put them in a, in a cup, and then later -- and then you photographed them in the cup as well and then I think photographed them at the station?
A. Yes.
Typically they place -- the medical examiner's office places them in like specimen sample bottles and seals them and then I, for chain of custody purposes, take them to the Sheriff's Office and then open them up at the Sheriff's Office to photograph them.
Q. All right. I'm gonna hand you the 95 -- 94, 95, 96, and 126, 127, 128 and ask if you can tell me what these are.
A. So these were all given to me separately. I couldn't remember if they were or not. But this is gonna be --

this is one of the projectiles removed from the spine of the victim.

Q. Will you refer to the number on it for the record?

A. This is gonna be State's Exhibit 95.

Q. All right.

A. State's Exhibit 94 is gonna be the projectile that was removed from the left chest of the victim and State's Exhibit 96 is gonna be the projectile removed from the left hip of the victim.

The photographs -- State's Exhibit 126 is gonna be the projectile from the right chest in the container as it was collected at the Coroner's Office with the medical examiner.

State's Exhibit 127 is gonna be projectile -- picture of the projectile recovered from the left hip of the victim in the original container at the Coroner's Office.

And then State's Exhibit 128 is gonna be the picture of the projectile as I recovered it and it was recovered from the spine at the Coroner's Office.

SOLICITOR SMITH: Your Honor, at this time we would move State's 126 through 128 and State's 94 through 96 into evidence.

THE COURT: Any objection?

MR. MORIN: No, sir.

THE COURT: Admitted.

(WHEREUPON, State's Exhibit Nos. 94 through 96 and State's Exhibit Nos. 126 through 128 were received into evidence at this time.)

Q. That was your sole involvement in this.

Is that correct?

A. Yes, sir.

Q. All right. Put these up so we don't get mixed up. But I don't have any further questions.

MR. MORIN: I have no questions.

THE COURT: All right.

SOLICITOR SMITH: Okay. I'll get out of your way.

THE COURT: All right. Madam Forelady, I'm gonna go ahead and call a break this afternoon for just a few reasons. Let's take about 15 minutes. If you need any more time, please let us know please, ma'am.

THE FORELADY: Okay.

THE COURT: Go back to the jury room.

THE FORELADY: Yes, sir.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Can I see the attorneys up here right quick?

SOLICITOR SMITH: Yes, Your Honor.

Did he get excused or we -- I don't --.

THE COURT: He's excused, yeah.

SOLICITOR SMITH: Okay. Don't think anybody needs him.

(WHEREUPON, a bench conference was held at this time.)

THE COURT: Let's take about 15, 20 minutes.

MR. MORIN: Thank you, Your Honor.

(WHEREUPON, a short recess was taken at this time.)

THE COURT: Any matters before we go forward?

SOLICITOR SMITH: No, Your Honor.

MR. MORIN: No, sir.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Call your next witness.

SOLICITOR SMITH: The State calls Chadwick Ingle.

CHADWICK INGLE, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Will you please introduce yourself to the jury?

A. My name's Chad Ingle. I'm a for -- forensic or crime scene investigator with Spartanburg County Sheriff's Office.

Q. All right. And how long have you been with the Sheriff's Office?

A. Seventeen years.

Q. Have you done all of your time in crime scene?
A. No, sir.
Q. How long---
A. About the---
Q. How long have you been in crime scene?
A. At least six or seven years.
Q. All right. And were you asked to respond to a scene at [redacted] Walden Circle for a shooting---
A. Yes.
Q. ---that occurred on October 25th of 2020?
A. Yes, sir.
Q. All right. And what was your role in the -- being there that night?
A. I was the lead crime scene investigator.
Q. All right. And Isaiah Parham and Akilah Jefferson were working with you as y'all worked that scene?
A. Akilah Jefferson did. I think Isaiah responded to the hospital.
Q. Okay. And we already have pictures and many, many items admitted before -- I think before you were here this afternoon.
Did you do any swabs for DNA or fingerprints that you can recall, attempts to find fingerprints in this case or---
A. Yes.

Q. ---any swabs for DNA?
A. Yes, sir.
Q. What items did you attempt to fingerprint?
A. I did fingerprint the back door, which is actually like a kitchen door coming in out of the carport.
Q. Okay.
A. I assisted Investigator Jefferson with the -- a bedroom mirror that we fingerprinted and I also fingerprinted the, the gun cabinet -- gun case.
Q. Did you fingerprint the gun case or swab it?
A. Both.
Q. Okay. Did you find -- did you -- the, the two places that you fingerprint, the gun cabinet and the, the carport door, did you find any prints that were---
A. No.
Q. ---suitable for comparison?
A. No, sir.
Q. All right. And then, the gun cabinet, you took DNA swabs from that?
A. Yes, sir.
Q. What is the reason for doing that after not having any fingerprints?
A. The, the gun safe was turned sideways in the hallway and you would be led to believe that it was not always like that.

Q. Okay.
A. So just in case a suspect had turned that gun safe.
Q. All right. And just as another layer because there weren't fingerprints?
A. Correct.
Q. All right. Did you also do touch DNA swabs of the rifle that was out in the driveway?
A. Yes, sir.
Q. Was it raining when you did that?
A. Yes, sir.
Q. Were you working the whole night?
Was it raining the whole night?
A. I was called in. I was on call. But it was raining from the time I left the house probably until I got back home, which was late.
Q. So, is that just kind of a long shot of hoping that that didn't destroy---
A. Yes, sir.
Q. You also, in this case, responded to the morgue for an autopsy on October the 26th---
A. Yes, sir.
Q. ---correct?
A. Yes, sir.
Q. And that's at Spartanburg Regional?
A. Correct.

Q. All right. And that was the autopsy for Kelli Curran?
A. Yes, sir.
Q. All right. And did you recover any items as a part of, of going out to the morgue that day?
A. I recovered -- I'm thinking it was two shell casings -- two -- I'm sorry. I'm sorry. Two projectiles.
Q. All right. And you collected her clothing as well --
A. Yes.
Q. -- right?
I'm gonna hand you State's 35 and 36.
Ask if you can tell me what these are.
A. State's Exhibit 35 is one fired bullet from the victim's left leg and Exhibit 36 is one fired bullet from the victim's back.
Q. All right. And those items you collected from the autopsy of Ms. Curran?
A. Yes, sir.
SOLICITOR SMITH: Your Honor, at this time we'd move State's 35 and 36 into evidence.
THE COURT: Any objection?
MR. MORIN: No objection.
THE COURT: Admitted.
(WHEREUPON, State's Exhibit Nos. 35 and 36 were received into evidence at this time.)

Q. Investigator Ingle, you don't ultimately determine what gets sent off to SLED or any other agency?
You just---
A. No.
Q. ---collect?
A. Correct.
Q. All right. And you're not aware of what happens with those things?
You're kind of just in the moment?
A. Generally not, no.
Q. Okay. I know we've introduced many items. But there, there are many, many items that are collected that have not been entered into evidence, is that correct, if you know?
A. I'm sorry.
MR. MORIN: Objection. I don't know how he can --
SOLICITOR SMITH: I'll rephrase it.
MR. MORIN: -- know.
THE COURT: Please.
Q. I, I won't even bother. It's -- answer any questions he has please.
MR. MORIN: I have no questions for the witness.
THE COURT: Thank you, sir. You may be excused.
THE WITNESS: Thank you, Your Honor.
SOLICITOR SMITH: This would be the time for --.

THE COURT: All right. Madam Forelady, ladies and gentlemen of the jury, I'm from Anderson. So, I don't know this case nearly like these attorneys do.

They tell me that this is a good time to break just because we don't want to take testimony, break it up in the middle of it, and have to come back and -- another day. So, I'm gonna go ahead and, and stop us for today.

Is there any reason why we can't be back and start again at 9:30 in the morning?

THE JUROR: No, sir.

THE JUROR: Everybody okay with that?

(WHEREUPON, the jurors nod affirmatively.)

THE COURT: All right. If you leave your jury room -- your notes in the jury room.

I remind you that you're not to talk amongst yourselves or with anybody else. And, and, before you leave, I meant to ask you this morning, but I'm gonna ask you now, has anyone spoken to you about this case or have you spoken to anybody about this case?

If you have, raise your hand.

(WHEREUPON, there was no response.)

THE COURT: Has anybody read, heard, or seen anything about this case?

(WHEREUPON, the jurors respond in the negative.)

THE COURT: I didn't think so.

All right. Have a great evening. See you in the morning.

THE FORELADY: Yes, sir. Thank you.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: What's the case cite on *Franks* that you have?

SOLICITOR BROWN: I've got it here.

MR. MORIN: 432 South Carolina 58.

SOLICITOR BROWN: Your Honor, would you like me to email a copy?

I pulled a PDF version of it if that helps.

THE COURT: Love it.

SOLICITOR BROWN: Okay. Let me briefly show Mike. It highlighted this.

MR. MORIN: I've got a copy of it right here.

THE COURT: Appreciate it.

All right. Anything before we go for today?

MR. MORIN: No, sir.

SOLICITOR SMITH: Your Honor, can, can we -- I know you haven't read this case but can we make -- I, I -- we're gonna be in a difficult spot of -- I, I would like to try to figure out where we're heading just so I can get these witnesses. I know that one is local.

The other two would have to be set up on WebEx and,

and, I know Your Honor's aware of the challenges for that having lived through COVID.

THE COURT: Yeah, you gon' have a challenge WebEx again with me.

All right. Where are -- those are the ones that are out of town, is that right, in California?

SOLICITOR SMITH: Yes, Your Honor. We, we have AT&T representative from Texas and then we have a T-Mobile person from I, I don't know where. They, they told us they would get us one if, if need be.

THE COURT: I thought they were local.

SOLICITOR SMITH: Verizon is local.

THE COURT: Verizon's local.

SOLICITOR SMITH: Verizon is. There's a lady in Greenville, thankfully, that, that does this.

THE COURT: Let me see something.

Well, I don't mind sticking around looking at it for a minute and reading it and then kind of give you my thoughts.

MR. MORIN: Okay.

SOLICITOR SMITH: Okay. I, I, I -- Page 10 is where they kind of get into the conclusions of, of this. Obviously you can read the background for it.

THE COURT: Just let me read it.

SOLICITOR SMITH: Yes, sir.

THE COURT: Okay. All right. Y'all just stand. I'm gonna go back and just, you know, if you want to go somewhere, fine. Just let us --.

MR. MORIN: I'm gonna meet with my client before they take him back.

THE COURT: Absolutely.

Just give me -- give my law clerk your numbers where we can chase you down.

We'll be back in about 15 minutes.

(WHEREUPON, a short recess was taken at this time.)

THE COURT: All right. I've read *Franks* and reviewed my -- the other case that was cited, which was my case. Also I've looked at the affidavits.

Tell me, counsel, what exactly would -- are you trying to introduce?

SOLICITOR SMITH: Well, it, it depends on, on which number. Tim and Kelly's phones were not mapped. So, there's no location information testimony coming from---

THE COURT: I don't want to hear what's not being introduced. I want to hear what is being introduced.

SOLICITOR SMITH: The three people that we -- four people that we intend to introduce location information is Dondrey Johnson, Deandre Fuller, Kenyatta Lebby, his old number, and Tyleek Johnson.

THE COURT: Okay. My question is what are you trying

to introduce?

So you're trying to do cellphone location information?

SOLICITOR SMITH: Call detail records from those four individuals, Your Honor.

THE COURT: Okay. Well -- and you, you definitely -- those affidavits do not get you close to doing that. So, you got to have experts to do that.

SOLICITOR SMITH: Okay.

THE COURT: There's no question. This phone -- those cases are clear. My case was clear these -- there's nothing in the -- any case law out there that even indicates anywhere remotely that you can't do it without that. Maybe you can show you where I'm wrong and I don't mind you doing it. But I think that has -- does require it.

SOLICITOR SMITH: The only -- the, the couple lines that I saw, Your Honor, was Page 9 of *Franks*. It talks about the, the right paragraph.

Courts are often presented with challenges on the qualifications and reliability, and then, at the, at the very bottom of that, turning to the reliability factor, a trial court may ultimately take the same approach but only after making a threshold determination for purposes of admissibility.

Our argument would be that, that the affidavits and Section 19-5-520 is the, the threshold for admissibility, that those are---

THE COURT: No, no, no, no, no. You're -- they're talking -- that whole case is about 702. It's expert testimony.

SOLICITOR SMITH: Yes, Your Honor, and, and the, the expert is, is the FBI agent that can speak about -- the, the FBI is Officer Kelly in the *Franks* case.

THE COURT: So, I'm asking again.

I'm not clear on what it is you're trying to show besides ping towers information on these guys, right?

SOLICITOR SMITH: I -- the -- I, I mean there's a, there's a PowerPoint---

THE COURT: Come on. Stop. Tell me, ping tower information of the four individuals you named.

SOLICITOR SMITH: Cell site---

THE COURT: Yes or no.

SOLICITOR SMITH: Cell site location information.

THE COURT: Okay. Ping tower, cell site, whatever.

How are you trying to get that admitted into evidence?

SOLICITOR SMITH: Through the FBI agent through interpreting call detail records of the four individuals I listed.

THE COURT: Okay. Got you.

So your problem is, from that prospective as brought up in the *Franks* case, they're not saying it's not reliable?

Okay. I miss -- I was not following it. I'm sorry. I'm being obtuse over here.

I think you're -- you've got to raise the objection. But I think you're gonna find that it is admissible.

Okay.

MR. MORIN: Okay. Well, I appreciate that ruling and I'd just like to put on the record. So I just want to make sure.

THE COURT: Absolutely. You got to do what---

MR. MORIN: The data---

THE COURT: ---you got to do.

MR. MORIN: The data from Verizon and AT&T and T-Mobile that this officer is using, his analysis is the, is the issue that I'm raising and he doesn't work for those places and those places have different towers and T-Mobile's got a completely different --.

THE COURT: Well, and let me tell both of you.

I don't have a crystal ball as I said before. I think I understand what you're saying but I may not. And so you got to be ready to object. You got to be ready to have your foundational people here and, and go.

MR. MORIN: Okay.

THE COURT: But if I understand what you're saying is that I've got an officer who used his Geo time or whatever it is to show what the ping was on these guys. This is what it showed and you're gon' show that he's capable -- he's competent and capable and, and you gon' show his expertise in that area and then you're saying I don't challenge that. I challenge that the underlying data from which it emanates is not reliable.

MR. MORIN: And he can't testify cause he's not from there.

THE COURT: You know and, and that -- that is what the case says. They didn't bring it up. They didn't address it. But you're 100 percent correct. And it may be something they say hey, that's a good objection. So, I'm gonna leave you to that.

SOLICITOR SMITH: Yeah, that -- Your Honor, they do have a, a line in there about even if this issue is preserved and they essentially let Sergeant Kelly's explanation of the data he received, that even if that issue was preserved, they would not have overturned the case on that.

And so James Berni's that's gonna testify from the FBI---

THE COURT: Where are you cause he said -- I think

they said -- cause that's not where he was but where he wasn't if I'm not mistaken---

SOLICITOR SMITH: The---

THE COURT: ---cause I read it quickly. But I think that's what I saw.

SOLICITOR SMITH: They, they reference that he explains the records have longitude and latitude, the call number, the calling party's number, text and phone. Basically what the -- what this data is and that this is the same type of data that he's analyzed many, many times.

THE COURT: I mean---

SOLICITOR SMITH: We don't have any---

THE COURT: ---if you looked at the cases, and, again, the guy in the, in the case Addy had said these things are pretty reliable. You don't have to get them to tell you to the exact foot. But they do show certain amount of reliability based on the fact you won't be able to show a tower ping phone bill and all that kind of thing.

So, it very well may show that it's reliable. I don't know.

SOLICITOR SMITH: Yes, Your Honor. We'd have voir dire obviously with that cause we would be attempting to qualify -- the person that's actually interpreting these will be able to---

THE COURT: Well, that may be so---
SOLICITOR SMITH: ---be so qualified.
THE COURT: ---or subject to cross-examination or so I guess.
SOLICITOR SMITH: Sure.
THE COURT: But, right now, unless I hear something else coming up, I -- my, my tendency is to let it in. But you need, I think, probably be ready to have your other people testify as to potential reliability---
SOLICITOR SMITH: Yes.
THE COURT: ---to safeguard.
SOLICITOR SMITH: Yes, sir.
THE COURT: That's not my case. But I, I don't know what to tell you.
SOLICITOR SMITH: Yes, sir.
THE COURT: And if you gon' do that, please make this stuff to get to work without us having to fight the technology. I hate it with all my --.
SOLICITOR SMITH: I will try. One of the things I like about the courthouse is now the clerk controls the technology. So I -- it's not my fault if things mess up.
THE COURT: Speaking of which, can I get it on -- when I get on -- I can't get on there on my computer at all. That would be helpful for me to be able to use it.
All right. Before we go, anything else?

MR. MORIN: I don't have anything, Your Honor.

SOLICITOR BROWN: Your Honor?

THE COURT: You've caused enough of a problem for an afternoon, Mr. Morin. I tell you.

SOLICITOR BROWN: Your Honor, I don't have anything else on this issue. There is another issue on a separate case if we could briefly address.

(WHEREUPON, Court was in recess for the evening.)

Wednesday, May 14th, 2025

THE COURT: Any matters we need to contend with before we get started from the State?

SOLICITOR SMITH: No, Your Honor.

THE COURT: From the defense?

MR. MORIN: Your Honor, just to be clear, yesterday's ruling was that the data was gonna come in over my objection.

THE COURT: Yesterday's ruling was -- what now?

MR. MORIN: When we talked about whether or not the data, my objection to the data's reliability, the Court indicated that---

THE COURT: Let, let me tell you both. I hadn't heard it yet. When I hear it, I'm gonna rule.

Okay?

SOLICITOR SMITH: Okay.

THE COURT: But I told you my thoughts on it.

MR. MORIN: Okay.

THE COURT: Okay. So I have not ruled yet.

MR. MORIN: Okay.

THE COURT: I don't know what else to tell you, brother. I mean --.

MR. MORIN: That's all. That -- that's fine, Your Honor.

THE COURT: I mean I -- I will tell you this.
MR. MORIN: Yes, sir.
THE COURT: You know, the whole issue is what, as to it being admitted, and that is reliability.
MR. MORIN: Yes, sir.
THE COURT: Right?
MR. MORIN: Right.
THE COURT: And so, when I looked at the case that we were asked to look at, you asked me to look at actually --
MR. MORIN: Yes, sir.
THE COURT: -- and I think I read in there that basically they thought that the information was reliable. But, you know, I think it depends on what we hear in voir dire.
MR. MORIN: Yes, sir, Your Honor.
THE COURT: Don't you think?
MR. MORIN: I understand and I'm just trying to do for the sake of moving things along because---
THE COURT: Absolutely. And protecting the record.
MR. MORIN: The State is gonna introduce several different ones and I'm constantly gonna be going objection as previously noted and I just wanted to make sure, if you rule against me, then that's where we'll be going.
THE COURT: You know, I don't think you have to keep -- you know, the old way we used to have to keep on

objecting. But I think once you have it, and we have a definitive ruling, I don't think you have to keep on.

MR. MORIN: Okay.

THE COURT: You know --.

MR. MORIN: That will be fine.

THE COURT: But I had an, an appellate court judge tell me, not terribly long ago after reading one of my records, saying that you keep telling everybody you're protected on the record. You need to quit saying that cause you don't protect them. We decide whether that's going on. So --

MR. MORIN: Yes, sir.

THE COURT: -- you know you, you have to make your call.

MR. MORIN: Okay.

THE COURT: All right, man.

MR. MORIN: Thank you.

SOLICITOR SMITH: Your Honor?

THE COURT: Yes, sir.

SOLICITOR SMITH: Can I clarify something just -- I know, since you don't have a crystal ball, none of the witnesses that we are calling today are going to be interpreting the data. All of these people are going to be talking about they sent search warrants and got data back and got a certificate of authenticity for that.

The voir dire will, will -- he's coming tomorrow morning. He, he lives in Auburn. So, as -- just for you to know when the objection's come, we're -- we are not expecting anybody today to be qualified as an expert in, in cell site location information or offering any testimony---

THE COURT: Right.

SOLICITOR SMITH: ---interpreting that data other than---

THE COURT: Okay.

SOLICITOR SMITH: ---entering the disk themself with the call logs.

THE COURT: Okay. Any other issues do you think I need to be aware of or just -- I kind of like you surprise me here and there just to make sure---

SOLICITOR SMITH: We, we have -- we do -- I don't know if you need your expert. I'm sure you probably know what to say. But we do have a SLED expert who's testifying this morning if you have the, you know, the instructions given to the jury. I'm sure you've done it enough.

THE COURT: I've got it.

SOLICITOR SMITH: You probably know what it is but --.

THE COURT: I think I probably do. But you know

what?

Every time I think I know something, I realize how little I do know.

MR. MORIN: Yes, sir.

THE COURT: All right. Okay. You ready to go?

MR. MORIN: Yes, sir.

SOLICITOR SMITH: We are, Your Honor.

THE COURT: Bring the jury in please, ma'am.

THE BAILIFF: Yes, sir.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Good morning.

(WHEREUPON, the jurors respond good morning.)

THE COURT: I hope you had a nice evening and I'm gonna ask each and every one of you if anybody read, heard, or seen, seen anything about this case during the break, if so, raise your hand.

(WHEREUPON, there was no response.)

THE COURT: Have you spoken with anyone or seen anyone or spoken with you about this case during the break?

(WHEREUPON, there was no response.)

THE COURT: I didn't think you did. Thank you very much.

All right. You ready to proceed?

SOLICITOR SMITH: Yes, Your Honor.

The State calls Takila Terry.

THE CLERK: Place your left-hand on the Bible and raise your right.

TAKILA TERRY, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Ms. Terry, will you please introduce yourself to the jury?

A. Takila Terry.

Q. And, Ms. Terry, do you know a man named Deandre Fuller?

A. Yes, sir.

Q. Can you explain to the jury how you know him?

A. I know Deandre because he's an ex of mine.

Q. All right. Do you also have a friend or, or do you have friendships with other family members of his?

A. I've been knowing his mama and his aunt and them for years.

Q. Okay. Did you have any sort of sexual relationship with Mr. Fuller?

A. Yes, sir, I did.

Q. All right. Did you ever consider yourselves to be boyfriend and girlfriend or what did you, what did you

consider the status of y'all's relationship?
A. A situation ship.
Q. A situation ship?
A. Yes, sir.
Q. Okay. Does that just mean you have relations if the situation's right?
I'm not -- I haven't heard that---
A. Yeah.
Q. ---before today. I'm pretty good at it.
All right. How do you know him as far as -- what, what is he called generally?
A. Nana.
Q. And do you know him to have a Facebook account or had a Facebook account back in 2020?
A. He had a Facebook account.
Q. Do you remember the name Grizzle King?
A. Yes, sir.
Q. And that was his Facebook account?
A. Yes, sir.
Q. All right. What is -- what do you go by?
What do people call you?
A. They call me Kedabug or either Bug.
Q. All right.
THE COURT: I'm sorry.
What was that please?

THE WITNESS: Kedabug or either Bug.
MR. MORIN: Your Honor, she's soft spoken.
Could she lean a little closer to the --?
THE COURT: Yeah.
THE WITNESS: My apologies.
THE COURT: It's okay.
Q. All right. You go by Kedabug?
A. Yes.
Q. K-E-D-A-B-U-G?
A. Yes, sir.
Q. And you had a Facebook with that name as well, correct?
A. Yes, sir.
Q. All right. Did you end up, at some point, getting a phone for Mr. Fuller?
A. Yes, sir, I did.
Q. All right. And, and did you -- the numbers that -- of your two phones were two digits off.
Did y'all get those at similar times?
A. No, sir, I -- when I started dealing with him, he didn't have a phone, a working phone. So --
Q. Okay.
A. -- being nice, I went and got him one.
Q. Uh-huh. (Affirmative).
A. I added him to my line.

Q. All right. And, and your number at that time was (864)566-1074, correct?
A. If I'm not mistaken, yes, sir.
Q. All right. And, and the number that you got for him was (864)566-1072.
Is that right?
A. Yes, sir.
Q. Okay. And so I know, in previous statements to law enforcement, you referred to that 1072 as being your phone.
Is that because you paid for it or because it was -- you possessed that 1072 number?
A. It was, it was my phone---
Q. All right.
A. ---and I added him.
Q. In -- by your phone, did you carry that phone around with you, the 1072 number, or you---
A. No, sir.
Q. ---paid for the bill for it?
A. Yeah, I paid the bill.
Q. All right. So, I guess, in the sense, if you wanted to take it back, you could take it back?
A. Yes, sir.
Q. But he utilized that phone?
A. Yes, sir.

Q. And you utilized 1074?
A. Yes, sir.
Q. All right. Do you know Tyleek Johnson?
A. Yes, sir.
Q. How do you know Mr. Johnson?
A. I met him through Deandre.
Q. All right. And do you know what he goes by?
A. I met him by Max.
Q. Max?
A. Yes, sir.
Q. All right. In the time that you were around Mr. Fuller and Mr. Johnson, did you get a sense of the relationship between the two of them?
A. Yes, sir.
Q. What was your sense of that?
A. That they were home boys. Like, you know, street brothers. They was cool with each other.
Q. Okay. Hung -- you -- have you hung around the two of them many times?
A. Yes, sir.
Q. Has, has Tyleek Johnson been to your house?
A. Yes, sir.
Q. Have y'all gone out together, things like that?
A. We didn't go out together like out to a club or nowhere. But we have went out to eat. He use to come and

take me to work when my car was messed up. He would go pick up my daughter for me from school if I wasn't able to get her.

Q. Okay.

A. So we---

Q. So you trust---

A. Yes, sir.

Q. You trust him --

A. Yes, sir.

Q. -- obviously to pick up your children?

A. He -- yes, sir, he, he wasn't in, you know, in my eyes, a bad person.

Q. All right. And, and the only way you knew him was, was Deandre?

That was the, the---

A. Yes, sir.

Q. ---connection?

A. Yes, sir.

Q. All right. Do you know a guy named Dubb or a nickname Dubb?

A. Yes, sir.

Q. You ever heard that person?

A. Yes, sir.

Q. Where did you meet that person?

A. I met Dubb at the gas station that was down by his

house. Well, his mom's house down by Sunbelt up in Greenville.
Q. Okay. And, and how did you meet him?
What was -- how was the connection to him?
A. Through Deandre and Max.
Q. Okay. All right. Given that you had exchanged or that Mr. Johnson sometime picks up your kid, did he have your 1074 phone number?
A. He's -- yes, sir, I'm sure.
Q. All right. Do you know anything about any relationships that Mr. Johnson was in around this time back in October of 2020?
A. The only person -- you mean female wise?
Q. Yeah. Yeah. Sorry.
A. Only female that I knew of him to be with was his baby's mother.
Q. Okay. Do you know her name?
A. Wyelisha if I'm not mistaken.
Q. All right. Did you and Mr. Fuller ever live together?
A. No, we didn't live together. But he would spend the night at my house -- at my trailer when I got my trailer.
Q. All right. And where was that trailer located?
A. 3 West Drive, Trailer 3-C.
Q. All right. I'm gonna show you State's 62 and ask if

you can tell me what this is.
A. That's my trailer. My old trailer.
SOLICITOR SMITH: Your Honor, at this time we move State's 62 into evidence.
MR. MORIN: No objection.
THE COURT: Admitted.
(WHEREUPON, State's Exhibit No. 62 was received into evidence at this time.)
Q. Who, who lived at that location with you?
A. Me and my daughter.
Q. All right.
A. She's now 11. But she wasn't there at the time.
Q. All right. Do you remember in February, February 16th of 2021, when Mr. Fuller was arrested at your trailer?
A. Yes, sir.
Q. All right. Can you tell me what was going on and who was at the trailer before the police showed up?
A. Well, woke up that morning. Deandre had came in about, about 2:00 something that morning. I got up cause I had to go to work but I had to go take care of some stuff. After that, it was me, Deandre, and his cousin from the met -- Eric. I think that's what his name was. And later on Tyleek had came.
Q. All right. Do you remember how Tyleek got there?

A. He drove.
Q. What did he drive?
Do you remember?
A. His car. It was a gray car, a silver car.
Q. Okay. Do you remember where his car was parked?
A. It was parked on the other side of my trailer cause he couldn't park in the driveway due to my car.
Q. All right. So the, the -- on the back door side.
Is that -- the---
A. Yes, sir.
Q. ---trailer sits---
A. Yes, sir.
Q. ---like -- the road is the narrow side of the trailer and then there's --
A. Uh-huh. (Affirmative).
Q. -- a parking lot?
A. He parked on the other side of my bedroom window.
Q. All right. And you were parked in the front?
A. Yes, sir.
Q. All right. Did anybody come with him?
A. No, sir.
Q. All right. Did he come inside the residence?
A. He came in, used the rest room, and we joked around. And he was like sis, what you about to do. I said I'm about to go take care of some stuff and got ready to take

the trash out. And when I went out the door, that's when everybody came.
Q. All right. And the trash that you were about to take out, where was that located?
A. The trashcan -- well, you see how the picture is on the trailer?
When you come out the door, and go to the left, the trashcans were right there.
Q. Okay.
A. Right there on the left.
Q. Do you remember there being a trash bag on the backdoor hanging?
A. The backdoor of what?
Q. The, the inside of your backdoor, do you remember a trash bag hanging --
A. No, sir.
Q. -- from that?
A. In the inside of the trailer?
Q. Yes.
A. No, sir.
Q. Let me show you a picture.
A. Yeah, I took out the big trash bags. I don't remember a little one.
Q. I show you State's 64.
A. Uh-huh. (Affirmative).

Q. Does that look familiar to you?
A. No, I don't remember that one.
Q. All right.
A. I took the black trash bag out, the trash bag that I had by the door.
Q. Okay. Does that, does that look like your---
A. Yeah, that's my trailer. That's the inside of my trailer.
Q. All right.
A. Yeah.
SOLICITOR SMITH: All right. Your Honor, we're just gonna do this for identity purposes, 64.
All right. And so where were y'all when law enforcement arrived?
A. They were in the house. I was outside.
Q. All right. So, you -- I'm assuming they did not let you run back inside or you didn't try to run back inside the house?
A. Hu huh. (Negative).
I didn't cause they -- as I was walking away from the trashcan, they came in. Like I said, I didn't know what it was and then they hopped out of the truck and one of the officers had did me like that. He said you just stay right here and the other one asked me, he said is Deandre in there and I say yes, sir --

Q. All right.
A. -- and then they went on in there like.
Q. Okay. They went in?
A. Yes, sir.
Q. All right. After you said he was inside?
A. Uh-huh. (Affirmative).
No, they, they talked over the -- that little horn thing.
Q. PA?
A. Uh-huh. (Affirmative).
Q. All right. Do you remember -- what did, what did you observe as far as once they announced for him to come out?
A. They were talking amongst themselves and then I want to say one went to the -- around to the back door. Well, stood on the end of the trailer by a car.
Q. Are you referring to a police officer?
A. Uh-huh. (Affirmative).
Q. All right.
A. Yes, sir, and the rest of them had went in. They was telling them to come out and they went in and then they brought -- they immediately cuffed Deandre, put him in the car, he left, and brought Eric and Max outside --
Q. All right.
A. -- and all of us was outside. They were separate from me.

Q. Okay. And, and Tyleek was not arrested at that time?
A. No, sir.
Q. Correct?
A. No, sir.
Q. All right. So you -- basically what you're saying, you have no idea what happened inside that trailer after they had announced that they were looking for Deandre?
A. No, sir, other than I was outside the whole time. I know they went through the trailer. I guess they was looking for guns or whatever whatever.
Q. All right. They -- do, do you know any reason that there would of been cellphones in that trash bag that I showed you a picture of in State's 64?
A. No, sir.
Q. You hadn't thrown any phones away?
A. No, sir.
Q. They collected seven total cellphones from that house.

Do you know who those belonged to?

A. If they got any out of my room, there were old phones that was in the drawers. Like I said, they went through -- they went through the whole house.
Q. All right. I'm gonna show you some pictures.

You might be able to recognize them from the case you think?

A. (WHEREUPON, the witness nods affirmatively.)
Q. This is State's 87.
Can you tell me, do you know whose phone that is?
A. That phone, if I'm not mistaken, it's mine if that case is pink and blue. I don't know if it's, you know, it might show a red.
Q. Whose, whose phone is that?
A. The pink and blue, mines.
Q. That's yours?
A. That was my case.
Q. Okay.
A. And my other phone---
Q. Does that look like your---
A. ---had a black case.
Q. All right. This is State's 79.
A. That is the living room.
Q. This is -- eighty-seven is your living room?
A. Yeah, that's the living room cause I think that's the lamp where the charger at.
Q. All right.
A. So that might of been Eric's phone.
Q. Okay. That's Deandre's cousin?
A. Uh-huh. (Affirmative).
Q. All right. What about these two phones in State's 79?

A. I think one of them is, is mines and the other one might of been Deandre's. I have a lot of old Android phones in the drawers. So, you said that many phones -- I know his cousin had two and he had one --
Q. All right.
A. -- and I had my phone on me and they had got it.
Q. And this is State's 90.
Do you know that phone?
A. That look like my old Android. All the cracked phones are pretty much old phones like I said.
Q. This is -- this is State's 59.
Do you recognize either of these phones?
A. Deandre's.
Q. The, the red and black?
A. Uh-huh. (Affirmative).
Q. Do you recognize---
A. The iPhone, uh-huh. (Affirmative).
Q. Okay. So you're sure that this red and black case phone---
A. Uh-huh. (Affirmative).
Q. ---on 59 is---
A. That's the---
Q. ---Deandre's?
A. Yes, sir, that's the old case that he had.
Q. Do, do you know if Deandre had multiple phones?

A. He did. The only one that I knew of that was working --
Q. Was --?
A. -- that was operating, that was working, and that was the one that I had got him.
Q. The 1072 number?
A. Yes, sir. But he tore (phonetic) the other phones for contacts and I guess whenever he get around WiFi so --
Q. All right.
A. -- he can get on and talk to his other little friends.
Q. So, were you -- are you familiar with him having a phone number of (864)787-8627?
A. Not right off the top---
Q. Okay.
A. No, sir, I'm not.
Q. Were you outside when they -- did, did they -- do you remember them asking about whose cars was whose?
Did law enforcement do that?
A. I don't remember. I just know, when I was going to my car, one of the officers had told me that I couldn't go to my car until after everything was over with.
Q. So your, your car was searched as a part of this --?
A. No, they didn't search my car. He was -- when he walked over cause my hatch was already up on the black

car.
Q. Okay. Did they look in it?
A. The officer that was talking to me, he did. But he said just don't mess with it --
Q. All right.
A. -- cause I asked him, I was like can I finish doing what I was about to do and he said don't do nothing until everything got finished --
Q. All right.
A. -- till they got finished with everything.
Q. All right. Did, did the car that was at the back of your house get searched?
Did you see that?
A. Uh-huh. (Affirmative).
Q. How did they get into that car if you recall?
A. Honestly, I can't remember. I just know that one of the officers kept asking him for the keys or get in the car and --.
Q. Who is him that you were just referring to?
A. From -- my apologies. Tyleek.
Q. Okay. Did he provide the keys?
A. That I can't remember cause I was talking to the other officers at the same time trying to figure out what was going on.
Q. All right. After Mr. Fuller was taken away and the

police left your residence, there was then you, Deandre's cousin, and Tyleek were still there?
A. Yes, sir.
Q. Do you remember what, if anything, Tyleek did?
A. No, he was just, you know, talking -- basically talking to hisself and was like what the F you know, and then, after that, I left -- Eric called his mom and waited for him -- I mean waited for her and that was it.
Q. All right. One, one second.
(Pause.)
Q. All right. Please answer any questions Mr. Morin has.
A. Yes, sir.
CROSS-EXAMINATION
BY MR. MORIN:
Q. Ma'am, I, I want to make sure that I get the names right.
So, your relationship, I forgot what the term you used for it, was with Mr. Fuller?
A. Yes, sir.
Q. And Mr. Fuller had at least two phones there at the house?
A. Yes, sir.
Q. And you had several phones that were at the house.
One of them was your primary phone?

A. Yes, sir.
Q. Now, you also said that Mr. Fulling -- Fuller was friends with the man named Dubb?
A. Uh-huh. (Affirmative).
Q. And did you ever loan your phone -- a phone to Dubb?
A. Yes, sir, Dubb had used my phone.
Q. Okay. Now, is that the phone that you used as your primary or one of the other ones you had?
A. My primary phone cause we was at the gas station.
Q. Okay. You also, and, and correct me if I'm wrong, isn't it true that there's another gentleman by the name of Mookie that you also had loaned your phone to before?
A. Yeah, that was a while back.
Q. Okay. And that was your primary phone as well?
A. That was a phone that had got taken and I had to get another -- I had to get the replacement of the phone.
Q. Got taken?
A. Uh-huh. (Affirmative).
Q. What do you -- who took it?
A. I have the slightest idea. It had got stolen.
Q. Oh.
A. But yeah.
Q. Got lost.
Okay.
A. Yes, sir.

Q. Okay. But you loaned him a phone and then you had to do that?
A. Yes, sir.
Q. Now, some of the phones that you had that were there in the house that were WiFi phones or you didn't say this. So let me back up.
You had other phones --
A. Yes, sir.
Q. -- that could still be used on WiFi?
A. Yes, sir.
Q. And you kept those as well --
A. Yes, sir.
Q. -- for that purpose?
A. No, it wasn't for that purpose. It's just I didn't get rid of the devices.
Q. Okay.
A. They were all in drawers. They were old phones.
Q. Okay. Do you know what Dubb's name was?
A. Not his government, no, sir.
Q. Okay. Now, when you let other people use your phone, sometimes were they ever not in your presence when they were using them?
A. No, sir.
Q. Okay. So, Mookie used it but he didn't keep it?
A. No, sir, he didn't.

MR. MORIN: All right. That's all the questions I have, Your Honor.

THE COURT: Redirect.

REDIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. The two instances that he referred to of Dubb and Mookie using your phone, are you referring to the 1074 number, the number that you used?

A. Yeah, my number. Dubb used my phone---

Q. Okay.

A. ---at the gas station.

Q. Not the 10 --

A. Not Deandre's phone.

Q. -- 72?

A. Not Deandre's device. Nah, if he's -- I'm pretty sure he has used Deandre's device.

Q. But you would be speculating about that, correct?

A. Yes, sir.

Q. All right. I show you State's Exhibit 54.

Is that who you know as Dubb?

A. Yes, sir.

Q. All right. And you met him through Deandre and Tyleek?

A. Yes, sir.

SOLICITOR SMITH: That's all I have, Your Honor.

THE COURT: May this witness be excused?

SOLICITOR SMITH: Yes, please.

THE COURT: All right. Thank you, ma'am. You are excused.

SOLICITOR SMITH: Your Honor, the State calls Dondrey Johnson.

THE CLERK: Place your left-hand on the Bible. Raise your right-hand.

DONDREY JOHNSON, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Will you please introduce yourself to the jury?

A. My name is Dondrey Johnson.

Q. All right. Dondrey---

THE COURT: Will you pull that microphone to you a little bit?

THE WITNESS: All right.

Q. Do you know a man or did you know a man named Timothy Thompson?

A. Yes.

Q. How did you meet him?

A. I met him on Facebook Marketplace.

Q. All right. And what, what was -- was he selling something or you selling something?

A. I was in the process of looking for another vehicle.
Q. All right. What were you driving at the time?
A. Silver Chrysler 300.
Q. All right. And what was Tim looking to get rid of?
A. A B -- Well, two BMWs.
Q. Okay. And y'all communicated over Facebook?
A. Yes.
Q. Did y'all end up reaching a deal?
A. Yes.
Q. Is, is this in October of 2020?
A. Yes, sir.
Q. Do you remember around about when it was.
The incident happened on the 25th.
A. It was between the 21st and 22nd or 3rd---
Q. Okay.
A. ---of October.
Q. Okay. So, the first time you'd met Tim was that week and then the dealings with the deal happened in the days leading up to this incident?
A. The deal actually happened the same day. He came to check the car out.
Q. Okay. All right. So, the first time you meet him you're saying is he came to your residence?
A. Yes.
Q. And where was your residence at that time?

A. It was at [redacted] Glendale --
Q. All right.
A. -- Greenville.
Q. Greenville?
A. Yeah.
Q. Okay. Did he come with anybody else?
A. No.
Q. All right. Did, did he come in one of the BMWs?
A. No.
Q. All right. But I guess -- is it -- you're saying he liked the Chrysler from what he saw that day?
A. Yes, sir.
Q. So -- and, and did y'all make a deal just off the fact that he was selling BMWs?
You didn't want to see them or --?
A. No, he actually offered to drive me up to his house to check out the car, and, if I liked it, from there we were --
Q. Okay.
A. -- gonna make the deal that way.
Q. So he had liked it enough to then bring you back to his house?
A. Yes, sir.
Q. All right. And so did y'all -- how did y'all get back to Spartanburg?

A. Tim drove.
Q. His car --
A. His.
Q. -- or---
A. I think he was in a truck. He drove a truck.
Q. All right. So, I, I guess the plan is then he's gonna drive you back?
You came in one car to Spartanburg?
A. Yes.
Q. All right. And did he end up taking you to his house?
A. Yes.
Q. And that's at [redacted] Walden Circle?
A. Yes.
Q. All right. When you got to the house, did you look at the BMW---
A. Yeah.
Q. ---or BMWs?
A. Yeah, I looked at both cars.
Q. All right. And did you ultimately end up going inside the house?
A. Yes, sir.
Q. All right. And what happened inside the house?
A. When, when we went inside the house, Tim basically -- he was showing me some headlights he were restoring or

something he had in the oven and we were walking and talking. Talked about marijuana. We talked about firearms and whatnot, and, from there, we kind of made the deal on the vehicles.

Q. All right. Did you see a gun cabinet down his hallway?

A. Yes.

Q. Do you remember what, if anything, was in that gun cabinet?

A. Oh, you, you could obviously see the guns in the cabinet.

Q. I'm -- all right. Are, are you a gun person?
Do you know guns?

A. Somewhat.

Q. All right. I mean were these handguns or rifles or --?

A. Rifles. It was a tall case.

Q. All right. Did you look at any of them --

A. No.

Q. -- or just saw the case?

A. I just saw the case.

Q. And did it have a light that illuminated it?

A. I -- that I don't know.

Q. Okay. You talked about Tim had spoken to you about marijuana.

Did he end up bringing out some marijuana?
A. Yes, sir.
Q. And how much -- I guess -- obviously you didn't have a scale I assume.
But how, how much marijuana did you see him bring out?
A. It was like a freezer bag.
Q. Okay. Is that a -- is that a large quantity?
A. Yes.
Q. Okay.
THE COURT: Could you speak a little bit more in the microphone please, sir?
THE WITNESS: All right. Yes.
Q. All right. Do you know where he, he got that?
A. I think he went down his hallway and took a right or left cause you could only go one or two ways. You go down the hallway.
Q. Okay. So you didn't see which room he went into but you know he went down the hallway?
A. Yes.
Q. One second. A lot of pictures.
(Pause.)
Q. I'm showing you State's 40. It's been admitted already.
Is this the hallway of Tim's house?

A. Yes.
Q. Is that how the gun cabinet was looking when you were at his house?
A. No.
Q. All right. Was -- were the guns -- if you were taking a picture, the guns would of been facing you?
A. Yes.
Q. All right. And this is State's 41.
You -- this is the, the actual display of that cabinet or is it?
Can you tell?
A. Honestly, I can't tell.
Q. Okay.
A. I never look at the cabinet like that.
Q. Okay. Here's State's 45.
The cabinet you saw was full of, of firearms---
A. Yes.
Q. ---correct?
A. Yes, sir.
Q. More than two?
You have any estimate on how many?
A. I know it was more than two. Maybe three or more.
Q. All right. All right. And did Tim give you some marijuana?
A. Yes.

Q. Do you know how much?
A. It was about three or four ounces.
Q. All right. Is that -- was that a part of the --
A. Yes.
Q. -- exchange of the vehicle?
A. Yes.
Q. All right. And do you remember the house being cluttered?
A. No, I don't.
Q. No. Let me make sure we're talking about the same house. This is State's 19, State's 21.
Does this look familiar?
State's 22.
Do these look familiar?
A. No. No.
Q. No.
Okay. Where did you walk to in Tim's house if you saw the gun cabinet?
A. When we -- when you go in, if I'm not mistaken, you go in through the car porch and I think you're right there in a laundry room or the kitchen. You got to go to the right---
Q. Yeah.
A. ---and it's a big opening.
Q. All right. I mean so is this, is this his kitchen?

This is State's 23. This is where the cabinet is on State's 22. That's his chair.
A. Honestly, I can't tell.
Q. But you went into the house at [redacted] Walden Circle?
A. Yes.
Q. And you saw the gun cabinet?
A. Yes.
Q. Did you exchange phone numbers with Tim?
A. Yes.
Q. And your phone number at the time, maybe still is, was (864)901-0404?
A. Yes.
Q. Is that still your number?
A. Yes.
Q. And so, after y'all've made the deal, Tim ends up driving you back?
A. No, I actually drove the BMW back.
Q. Okay. So the deal was done---
A. Yes.
Q. ---at that point?
I guess he had to get the Chrysler?
A. Yes.
Q. All right. How did he end up getting the Chrysler if you know?
A. That I don't know. I wasn't home when he came to

pick it up.
Q. All right. But y'all -- you had arranged -- I mean I guess somebody had left the key?
A. Yeah.
Q. He had to have the key.
A. I left the keys and the title at the house.
Q. Okay. And so someone -- somebody that's associated with you, family member or something---
A. Yes.
Q. ---knew he was coming and, and gave it to him?
A. Yes.
Q. Did you ever see Kelli Curran, a woman, at that house at Walden Circle?
A. No.
Q. All right. Do you know a man named Kenyatta Lebby?
A. Yes.
Q. Does he have a nickname that you know?
A. Dubb. Dubb two times.
Q. Okay. How do you know him?
A. I know him through my younger brother.
Q. All right. He was friends with your younger brother?
A. Yes.
Q. And your younger brother was killed before this happened, correct?
A. Yes.

Q. When was that?
A. August 17th, 2020.
Q. All right. And it's fair to say that Mr. Lebby was closer friends with your brother than you were with him?
A. Yes.
Q. But you would still speak with him --
A. Yes.
Q. -- after your brother's death?
A. Somewhat, yes.
Q. Okay. Did you end up speaking with him after being at Tim's house and, and making the deal for this car?
A. Yes.
Q. All right. How did that occur?
A. He was looking for some weed and he came over. I told him I had some. He came to my grandfather's, and, from there, we started talking about weed and the car and how he wanted the car and some other things.
Q. All right. So, did he notice the car or something, ask you about it?
A. Yes.
Q. All right. And you told him where you'd gotten it?
A. Yes.
Q. What else did you tell him about anything related to Tim and where you'd gotten that car?
A. I basically told him Tim had -- he had another

vehicle he was selling, a newer BMW, silver, and also told him about the marijuana and the --

Q. Okay. All right.

A. -- firearms.

Q. Okay. Why did you tell him about that, sir?

A. I'm -- cause usually he would buy and sell drugs also.

Q. Okay. What about the firearms?

Why would you tell him?

A. The same. We would buy and sell drugs also and Tim was also selling firearms also.

Q. Okay. So you thought to make a connection I guess --

A. Yeah.

Q. -- for the two of them?

A. Yeah.

Q. All right. At any point did you get suspicious or worrisome about the questions he was asking about Tim?

A. Not at that moment when he was asking me the questions, no.

Q. Okay. When, when did you get suspicious?

A. Maybe a little later on that night when I started thinking about it more.

Q. Okay. Why, why did you have suspicions later that night?

A. Neither one of them were answering their phones.

Q. Okay. Well, well, why would that give you suspicion?
A. I mean it's two o'clock at -- about 2:00 -- between 11:00 and 2:00 in the morning. I'm calling one guy to see like what, what are you doing, did you speak to him, and neither one's answering. So, I didn't know what to think.
Q. Okay. All right. When you're saying you -- you did call Tim and did speak with him at some point, correct?
A. Yes.
Q. And that was like 1:40'ish in the morning or something like that?
A. Yes.
Q. What did you talk about---
A. I believe so.
Q. ---on that phonecall?
A. Basically talked about the car and we also talked about him and Dubb meeting and looking at the car and also buying some marijuana.
Q. Okay. Did you tell him that Dubb was coming there?
A. No.
Q. Okay. Did you know he was?
A. No.
Q. All right. Did Mr. Lebby end up calling you later that night?
A. No.
Q. Did he call you at some point after this crime?

A. If I'm not mistaken, he called me that following Sunday.
Q. Okay. And, and what did he tell you?
MR. MORIN: Objection. Hearsay.
SOLICITOR SMITH: It's a statement of a co-conspirator in furtherance of the conspiracy is the rule we would be attempting to move---
THE COURT: Just one second.
Madam Forelady, let me hear this outside your presence please, ma'am.
THE FORELADY: Yes, sir.
(WHEREUPON, the following takes place outside the presence of the jury.)
THE COURT: Okay. The question asked for exactly who said what please?
SOLICITOR SMITH: The, the, the question was what Kenyatta Lebby told him on the phone.
THE COURT: And then you're saying that is a statement by a coconspirator?
SOLICITOR SMITH: Yes, Your Honor. The, the---
THE COURT: Would you point me to a exception to the hearsay rule or the definition where that comes in?
SOLICITOR SMITH: 801(d)(2)(E).
THE COURT: (d)(2)?
SOLICITOR SMITH: Yeah, (d)(2)(E).

THE COURT: All right. That falls right under that exception.

MR. MORIN: I --.

THE COURT: Overruled.

Would you bring the jury back please?

(WHEREUPON, the following takes place within the presence of the jury.)

SOLICITOR SMITH: Am I good, Your Honor?

THE COURT: Yes, sir.

CONTINUED DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Okay. You're talking about on Sunday you're saying that Mr. Lebby called you?

A. Yes, I believe so.

Q. And Sunday would be the, I don't know if you've got a calendar, but it was October 25th.

A. I think so. I'm not sure.

Q. All right. And, and what did -- what did Mr. Lebby say to you in that call?

A. Shit went bad. We shot.

Q. All right. And did the, did the call basically end after that?

A. Yes.

Q. All right.

A. He hung up.

Q. All right. And at, at what point did you -- did you immediately know the connection, what he was talking about?
A. Not at first.
Q. All right. And is there something that you ended up seeing that --?
A. I saw the news and I saw the back of my car on the news and that's when I put two and two together.
Q. Okay. So, you're, you're saying you saw a news report and the Chrysler---
A. Yes.
Q. ---that you know well was shown on what, a video or a -- this picture of the crime scene?
A. Yes.
Q. All right. And then, on October 26th, law enforcement comes and speaks with you, correct?
A. Yes.
Q. Investigator Mironenko?
A. Yes.
Q. He came out to your house?
A. Yes.
Q. Did, did you tell him, at that time, that you had called Tim that night?
A. Yeah, I told him I had called Tim.
Q. Okay. Did you tell him -- did you tell him about

Kenyatta Lebby and this phonecall that he had gave?
A. Not at the time, no.
Q. Why not?
A. I was shaken up, kind of scared I mean honestly.
Q. Okay. I mean did you think that would of been important, somebody saying that they had shot and you'd made a connection to that person?
A. Yeah, I thought it was important. But stuff normally like that -- when stuff like that goes on, you don't know what to think or what to do and I was scared. So --.
Q. Okay.
A. So, I didn't know.
Q. Okay. And you have ended -- you ended up having a bunch of interviews that y'all tried to schedule and you, you didn't show up for it.
Do you remember that?
A. Yes.
Q. Why did you not show up for it?
A. Cause I was scared.
Q. All right. You eventually did speak two more times with Investigator Mironenko, correct?
A. Yes.
Q. And both of those were rather lengthy interviews?
A. Yes.
Q. And you told him about what you knew about Mr. Lebby.

You told him about the phonecall eventually?
A. Yes.
Q. The third time that you were interviewed was at the police station?
A. Yes, sir.
Q. Correct?
A. Yes, sir.
Q. Do you remember them reading you a pre-interrogation waiver form---
A. Um.
Q. ---where they went over your Miranda rights?
A. I don't remember them doing that.
Q. I hand you State's 86.
Does that look familiar?
Do you recognize your signature on that?
A. Yeah, that's my signature.
Q. All right. So, do you remember that now?
A. Yeah.
Q. All right. So, this interview was conducted at the police station. You were read your Miranda rights.
You didn't get arrested or anything---
A. No.
Q. ---correct?
A. No.
Q. All right. But they had never read you these before?

A. He probably did but I was freak and shaw (phonetic) shaking. So, I ain't know.
Q. All right. Were you present at Walden Circle on the night that Tim and Kelli were shot?
A. No.
Q. Where were you?
A. I was at my grandfather's.
Q. And where is that?
A. On Stonebridge Road in Greenville County.
Q. Okay. What's, what's the -- that address?
A. [redacted].
Q. Is that anywhere near your Glendale address?
A. Yes.
Q. How close?
A. About seven to ten minutes.
Q. All right. You were making phonecalls that night. You've talked -- acknowledged you called Tim. You attempted to call Mr. Lebby.
A. Yes.
Q. All right. And you had phonecalls from like 1:00, 2:00, 3:00?
You, you were on your phone actively---
A. Yes, I was up---
Q. ---during---
A. ---that whole night, yes.

Q. All right. And, and you were -- you stayed at your grandfather's house that entire time?
A. When I left my grandfather's, I went to my mother's.
Q. Okay.
A. Went home.
Q. Where's that?
A. Glendale.
Q. Glendale.
Okay. Did you get anything from Mr. Lebby as proceeds of what they---
A. No.
Q. ---what he did?
A. No.
Q. Do you know Tyleek Johnson?
A. No.
Q. Do you know Deandre Fuller?
A. No.
Q. One second.
(Pause.)
Q. Do you feel a, a sense of responsibility for what happened to Tim and Kelli?
A. Some.
Q. Why?
A. Yeah.
Q. Why?

A. Because if I would of never put them two together, none of this would of happened.
Q. All right. Does, does it bother you to this day?
A. Yes, sir, it does.
Q. Please answer any questions Mr. Morin has.
THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. MORIN:

Q. Mr. Johnson, your Facebook account that you connected with Timothy, what was your name on that?
A. Drey Johnson.
Q. Okay. And you sent him a -- you, you traded -- you sent -- he got a Chrysler 300 out of this trade.
Is that right?
A. Yes.
Q. And what did Timothy call you?
A. My name, Drey.
Q. Right.
A. Yes, sir.
Q. Okay. And you said that you had some -- that Mr. Lebby was friends with your brother more than you?
A. Yes.
Q. But you told him about all those things that were in Timothy's house?
A. Yes.

Q. And what made you become concerned about having told Mr. Lebby that?
A. I mainly started thinking about his past somewhat.
Q. All right. So, Mr. Lebby had a past that would concern you about giving him that kind of information?
A. Yes.
Q. Okay. And then after Mr. Lebby called you the next day and said this brief statement, did you call him back?
A. I don't believe so, no.
Q. So, you just let that hang there?
A. Yes.
Q. When the police interviewed you several days -- it was more than one time, right?
A. Yes.
Q. Did they take your phone?
A. No.
Q. How did you -- how, how did you describe where it was that Mr. Lebby would know the address?
Did you just tell him the address?
A. No. Yes, I told him the address. But, you see, the car I used to have, you'll know.
Q. All right. So, you told him the street, the basic address, and that's how you knew, if he went there, that's how he knew how to get there?
A. Yes.

MR. MORIN: Okay. Just need a moment.

(Pause.)

Q. Do you have an Instagram account?

A. Yes.

Q. And what's your name on the Instagram account?

A. I think it's druy31589.

Q. Okay. So, it's a combination of your name and a number?

A. Yes.

Q. The first number's three?

A. Yeah.

Q. When -- just to make sure I understand.

You called Tim around 1:40 or 1:50?

A. I believe so. I don't know the exact time.

Q. Okay. But I, I understand you don't know the exact times. It's been four years.

But it was definitely after midnight when you talked to him?

A. Yes.

Q. Is that -- and did you speak to him then?

A. I believe so.

Q. Okay. You testified what you spoke.

Did you call him anymore after that?

A. Yes, I tried to.

Q. When was that?

A. Probably about two or three minutes after. I kept trying to call him.

MR. MORIN: Okay. That's all the questions I have, Your Honor.

THE COURT: Redirect?

SOLICITOR SMITH: I don't have any redirect, Your Honor.

THE COURT: All right. Thank you, sir.

You -- you're excused.

THE WITNESS: All right.

SOLICITOR SMITH: Your Honor, we're been -- gonna be calling James Green from SLED. But I can not find one of the reports that I was looking for. If we can -- unless you have, you have extra copies?

MR. MORIN: Just one.

SOLICITOR SMITH: Can we have just one minute to get a copy of this report --

THE COURT: All right.

SOLICITOR SMITH: -- and then we'll be good?

THE COURT: Madam Forelady, let's take a quick minute break. About 10 minutes please.

(WHEREUPON, the following takes place outside the presence of the jury panel.)

SOLICITOR SMITH: Thank you, Your Honor. Sorry about that.

THE COURT: All right.
(WHEREUPON, a short recess was taken at this time.)
THE COURT: Y'all ready?
SOLICITOR SMITH: Thank you, Your Honor.
THE BAILIFF: Ready, sir?
THE COURT: You can bring the jury in please, yes, ma'am.
THE BAILIFF: All right.
THE COURT: Who's your next witness?
SOLICITOR BROWN: It's gonna be James Green with South Carolina Law Enforcement Division.
THE COURT: What's the last name?
SOLICITOR BROWN: Green --
THE COURT: Green.
SOLICITOR BROWN: -- as in the color.
(WHEREUPON, the following takes place within the presence of the jury.)
THE COURT: Call your next witness please, sir.
SOLICITOR BROWN: May it please the Court, Your Honor.
State would call James Green of the South Carolina Law Enforcement Division.
JAMES GREEN, being first duly sworn, testified as follows:
SOLICITOR BROWN: May it please the Court, Your

Honor?

THE COURT: Yes, sir.

DIRECT EXAMINATION

BY SOLICITOR BROWN:

Q. Morning, Mr. Green.

A. Morning.

Q. Can you please, for these ladies and gentlemen of the jury, tell them your name and, for our court reporter, spell your last name?

A. James Green. G-R-E-E-N just like the color.

Q. And, and, Mr. Green, with whom are you currently employed?

A. I'm currently employed by the South Carolina Law Enforcement Division. Most people refer to it as SLED.

Q. All right. And is there a particular department within the South Carolina Law Enforcement Division in which you work?

A. Yes, sir, I am a forensic scientist in the forensic firearms department of the forensic services laboratory.

Q. Mr. Green, let these ladies and gentlemen of the jury learn about who James Green is.

Can you please tell them kind of where you grew up, where you went to school, and how you ultimately ended up in the role of working at SLED in the forensics firearms division?

A. Yes, sir, I'm originally from Charleston. I went to a small private school, First Baptist, in downtown Charleston, until I graduated high school. Then I went to Charleston Southern University where I received both a bachelor's degree and a master's degree.

After I received my master's degree, I went and worked for the Mount Pleasant Police Department, which is just right across the river from downtown Charleston. Worked there for approximately three and a half years until I applied for and was accepted to an -- to my current job at SLED.

Q. And when you first went to SLED, did you go over for this role or did you go over for a different role this way?

A. When I started in 2005 it was for a firearm examiner training position. So, I've been in the firearm's department my entire time at SLED.

Q. Starting in the firearms training department, they then provide you training and education in terms of examining firearms, ballistics, and, and identifying their markings?

A. Yes, sir, we had a---

Q. Tell these jurors about that please.

A. We have a approximately three to three and a half year course of instruction studying in an apprentice type

fashion studying under Court qualified firearm's examiners. When I got my master's I thought I was done with taking tests and writing papers. But I learned that was not the case.

It was three and a half years of reading over the history of firearms, the history of ammunition for -- how they're produced, going and touring different manufacturing facilities like FN or Glock to see how firearms are produced, ammunition companies, see how it's produced cause, if we can understand how the firearms are made, we can understand how markings are imparted on the bullets of the cartridge cases and can we trust them.

The practical problems, practical exercises at the end, we took a comprehensive final over three and a half years of stuff with information and passed that and was cut loose to work cases.

Q. All right. And after being, as you put it, cut loose to work cases, do you begin working with SLED in terms of actually analyzing firearm and determining if -- what markings they may have and what matches they may produce?

A. Yes, sir.

After I completed the course instruction, I was cut loose on casework. So that means I started doing the forensic firearms identification or examinations for agencies throughout the state.

Q. Can you tell us or tell this Court approximately when that was that you began actually working as a certified firearms examiner?
A. It was some time in late 2008.
Q. And, and just doing my quick lawyer math, that puts you somewhere around at the point about 16 years of doing this?
A. Sixteen years what they say on the bench of actually working cases, yes.
Q. With three years predating that training to do that work?
A. Yes.
During those three years training, I was actually working cases as well. But they weren't my cases. I was prepping them for the other Court qualifying firearms examiner. So I was doing what I do now. It just wasn't my name going out on the report.
Q. And just in, in broad pictures, when you examined these, do you prepare reports?
A. Yes, sir, every case where we issue a conclusion, fired by, not fired by, whatever, a report is issued.
Q. And, and as those reports were issued, are there times where you're called into court to testify about those reports?
A. Yes, sir.

Q. Are you qualified as an expert witness in a particular field of study when you're called in as -- in to testify about that?
A. Yes, sir.
Q. Have you ever been called in to a court to testify about your findings in firearms examination?
A. Yes, sir.
Q. And have you ever been qualified as an expert to testify in the area of firearms examination?
A. Yes, sir.
Q. Approximately how many times have you been qualified as an expert witness in firearms examination here in the State of South Carolina?
A. It's actually 129 times and that includes both state and federal courts.
Q. Have you ever not been qualified?
A. No, sir.

SOLICITOR BROWN: Your Honor, at this time, the State would offer Mr. Green as an expert witness in firearms examination.

MR. MORIN: I have no questions and no objections.

THE COURT: So you stipulate to his expertise?

MR. MORIN: Yes, sir.

THE COURT: And to the field?

MR. MORIN: Yes, sir.

THE COURT: Very good.

All right. Madam Forelady, ladies and gentlemen of the jury, normally witnesses are not allowed to give their opinion. They have to limit their testimony to what they saw, they heard, they smelt or they felt, or your senses. However, if, upon qualification because of your past and your expertise or your education, you have developed an expertise in the area that it's helpful to you, you are, are allowed to give your opinion in the area of your expertise.

In this case, it's stipulated that Mr. Green is an expert in the area of firearm examination. He'll be allowed to give his opinion in that area and tell you the reasons for that opinion.

I'll tell you that expert testimony is like any other testimony you'll hear in this case. You may accept it. You may reject it or give it as such weight as you think it deserves.

All right, sir.

SOLICITOR BROWN: May it please the Court, Your Honor?

THE COURT: Uh-huh. (Affirmative).

Q. Tell these ladies and gentlemen of the jury how you receive cases from the agency here in South Carolina to ultimately begin testing.

A. When firearms evidence or any forensic evidence is requested to be tested through our laboratory, whatever agency it is throughout the state, whether it's a small county, a larger county, it doesn't have the facilities or the expertise we do, they'll submit evidence to the laboratory. Their individual agency incident number, or their OCA, will get this individual SLED laboratory case number.

Each individual item in that case, so if there's 122 pieces of items or pieces of evidence, each one will get its own item number, they are all tracked through chain of custody. So, that means there's electronic and physical record of where each piece of evidence goes.

We're in the firearms department, excuse me, we get cases assigned to us on a rotating basis. So, I'll get two cases assigned to me and the next will get two cases and the next so on and so on. So it's just, in this instance, this case just happened to be assigned to me.

Q. And specifically you, you were assigned the case we're here about today?

A. Yes, sir.

Q. And did you receive items for testing as a result of this being assigned to you?

A. Yes, sir.

SOLICITOR BROWN: Your Honor, permission to approach

the witness and I've already shown opposing counsel what I'm approaching with?

THE COURT: Yes, sir.

Q. I'm gonna show you -- and these are all in evidence.

I'm gonna show you State's 3, 17, 30 through 36, and State's 94 and 95. Just generally do you recognize these items.

A. I got them.

Q. Okay.

A. Yes, sir, these are the fired cartridge cases and the projectiles I examined in this case.

Q. All right. And did you prepare reports regarding the results of your examination on these projectiles?

A. Yes, sir.

Q. All right. And I'm gonna show you what's, at this point for identification, State's 105 and 106.

Are these the reports you prepared?

A. Yes, sir, they are.

Q. Beginning with the cartridge casings, and those are State's 3, 17, 30 through 34, listed on your report, State's 105 is Items 1 through 7, can you tell these ladies and gentlemen of the jury how you examined and ultimately reached conclusions regarding cartridge casings?

Here's your report, sir.

A. Yes, sir.

The primary tool we use is a comparison microscope. There's two microscopes connected by a single optical bridge. So, it's just two microscopes like binoculars that we can look at two objects simultaneously. We can change the angle. We can change the lighting source from florescent to LED cause what we're really looking for are tiny scratches that are imparted on the cartridge cases during the firing sequence.

When firearms are produced, the firearm manufacturers like Glock or Smith & Wesson or Ruger, or whoever it is, they have certain characteristics that they want to be on that firearm. There's caliber. There's rifling with -- couple different things, the rifling, direction and twist of the rifling, what they want their breach face to look like, what they want the firing pin to look like. All those are class characteristics and they can not be used to say they were fired by a single firearm because all those class characteristics are on every single firearm that, that a manufacturer makes of that make, model, and caliber.

However, when those working surfaces are made, tiny microscopic imperfections are left on those working surfaces on the breach face, on the firing pin, and in the barrel that differentiate that firearm from the one made

right before it and the one made right after it.

Easy way to remember it is firearm is -- the metal used in firearms has a grain structure just like sand. So if we all go to the beach and I get one rake and we rake a 3-foot by 3-foot section of sand, and we have -- stand up and look at it, it's all gonna look the same because we use the same rake. It's the same size.

But if you start looking at it microscopically, the grains of sand will fall differently on each mark based on the angle of the rake, the force, the height, all that kind of stuff. It's the same way with firearms.

So, each firearm has a unique signature or a fingerprint, if you will, that we can use to determine if cartridge cases and/or bullets are all fired by the same firearm even without a firearm being submitted.

Q. When you looked at items for -- on your report, one through seven for evidence purposes, 3, 17, 30 through 34, did you make any initial findings just in terms of caliber of gun or anything of that nature?

A. Yes, sir. The -- all fired cartridge case -- I take that back. I'm sorry.

Two were 9-millimeter NATO caliber cartridge cases and the rest were 9-millimeter Luger caliber cartridge cases. They're actually two separate calibers based on pressure but they're so similar they can be used

interchangeably. So---
Q. So they can be fired from the same gun?
A. Yes, sir.
You can shoot 9-millimeter NATO caliber cartridge in a 9-millimeter Luger caliber pistol. You can shoot 9-millimeter Luger caliber ammunition in a 9-millimeter NATO caliber pistol. There's just a slight pressure differentiation in the cartridge itself and the bullet weighs a little bit more in a 9-millimeter NATO. But they're virtually interchangeable. We see that stuff al the time.
Q. After making your initial examination determining that these were all 9-millimeters with two being NATO and the others being Luger, did you then microscopically examine them to make determinations about whether or not these were fired from the same gun?
A. Yes, sir.
Q. And can you please tell these ladies and gentlemen of the jury about that?
A. These seven cartridge cases I received were all fired by one firearm.
Q. Okay. And this is based on your examination and seeing that they have the same fingerprint?
A. Yes, sir.
Q. All right. And so moving on from there, did you

then, in this initial report, examine what has been identified as State's Exhibits, these were the ones pulled from Kelli, State's Exhibits Nos. 35 and 36?

Did you examine those?

A. Yes, sir.

Q. All right. And those are identified as the bullets removed from Ms. Kelli Curran.

Can you tell these ladies and gentlemen of the jury about how you examined those to reach the conclusions you ultimately did?

A. Yes, sir.

Cartridge cases are relatively easy. You know what caliber they are by simply reading the head stamp.

When we look at bullets or fragments of bullets or projectiles, what some people call them are slugs, they're actually bullets, we look at what we call the OPCs, the observable physical characteristics. It's literally what it looks like, what the diameter of the base is if we can measure the diameter of the base cause that will give you the nominal caliber and the weight.

So, when we use those OPCs, I used those to look at State's Exhibits -- what was that -- 35 and 36.

State's Exhibit 35 was a fired bullet fragment and so was State's Exhibit 36. They were both fired bullet fragments.

Q. When you examined these, were you able to draw any conclusions about these two bullets?
A. The State's Exhibit 35, the -- was a smaller fired bullet fragment. It was consistent with being a fragment from a bullet loaded into some nominal .38 caliber cartridges. That includes 9-millimeter Luger in that caliber.

The, the family of nominal .38 is like you go to a car dealership and you want to buy a Ford truck. Well, in that Ford truck you've got the Ranger. You've got the F-150. You've got the F-250. You've got the F-350. You got the Super Duty. You got a whole bunch of different trucks made by Ford.

Nominal .38's the same way. You've got .380 auto. You've got 9-millimeter Luger. You've got .357 Sig, .38 Special, .357 Magnum. There's a whole bunch of different calibers that fall under that nominal .38. But 9-millimeter Luger is one of those caliber.

State's Exhibit 36 was also a fired bullet fragment. But it was in tact enough for me to be able to say it was most consistent with bullets loaded into some 9-millimeter Luger caliber cartridges.
Q. Were you able to examine these, in addition to weights and make any determinations of caliber, were you able to examine it for any type ridge detail?

A. Yes, sir.
Q. And can you explain, first off, to the jury, you may of already done it, but ridge detail in what y'all are looking for and what that can tell y'all?
A. Yes, sir.

When you're looking at cartridge cases, you're looking mainly at the firing pin impression and the breach face markings. When you're looking at fired bullets, what we're looking for are the rifling impressions left on that bullet by the barrel.

Rifling is put into the barrel of a firearm to give the bullet what they call gyroscopic stability. It's a fancy word for makes it spin on its axis. It's like the quarterback throwing the football. It -- the rifling grips the bullet. It makes it spin on its axis so it's more accurate in flight and it hits what it's going towards. It's a byproduct of that rifling. The lands and grooves are imparted onto the bullet.

So, that's a class characteristic I spoke of, of earlier. Both State's Exhibits 35 and 36 have these same rifling widths on them. So that's something to look at.

Since they're similar, then we'll microscopically compare them. Then when we microscopically compare them, we're looking for those tiny individual characteristics on or in the rifling impressions of the two projectiles.

Due to the damage sustained by these two projectiles, I was unable to make a conclusive determination whether they were fired by one firearm or not. So, my answer was it was inconclusive. That's a fancy word for I don't know. They could of been fired by the same firearm or they could of been fired by two separate firearms.

Q. Okay. After examining those items, did you then, at a later date and time, receive what is State's Exhibits Nos. 94, and 95, and 96?

A. Yes, sir.

Q. And did you prepare a re -- did you prepare a report regarding the findings of that?

A. Yes, sir.

Q. And I'm showing you what's been marked for ID as State's No. 106.

Is that the report you prepared?

A. Yes, sir.

Q. All right. What was in State's Nos. 94, 95, 96 I believe listed for you as Items 8, I'm sorry, 31, 32, and 33?

A. Oh. SLED Items 31 through 33, or State's Exhibits 94 through 96, were all fired bullets. They were all most consistent with bullets loaded into some 9-millimeter Luger caliber cartridges.

Q. And, and these are, by the way, identified as bullets

that were removed from Timothy Thompson at his autopsy just so to be clear.
A. Okay.
Q. All right. And did y'all again analyze these to make determinations about what type caliber this was and also if there's any ridge detail in conclusions?
A. Yes, sir.
Q. And can you please tell the ladies and gentlemen of the jury about that analysis?
A. The three bullets that were from the autopsy of Timothy Thompson were all most consistent with 9-millimeter Luger caliber cartridges. They all have the same rifling characteristics on them. And when I microscopically compared the two, excuse me, the three, I was able to determine that State's Exhibits 94, and 95 were fired by the same firearm. State's Exhibit 96 was inconclusive. It could of been fired by the same firearm that fired 94 and 95 or it could of been fired by a different firearm.

So, once I looked at those three bullets, they resubmitted the two previous ones I looked at before. So, I microscopically compared all the projectiles with each other.
Q. And, and did you reach any conclusions about that?
A. Yes, sir, the previous ones I examined in the initial

report, State's Exhibits 35 and 36, were inconclusive with State's Exhibits 94 through 96. I could not tell if they were fired by one firearm or multiple. They could of been fired by the same firearm. All of them could of been fired by one firearm. Conversely, there could be multiple firearms.

Q. But it is your expert opinion here today that all of the shell casings recovered, these are your Items 1 through 7, are Items -- Exhibits 3, 17, 30 and 34, all were fired by the same weapon?

A. Yes, sir, all the cartridge cases were fired by one firearm.

Q. And it's your conclusion that all of the bullet fragments were all consistent with 9-millimeter Luger or at least the offshoot of that?

I think there's a .38 caliber section of that.

A. Yes, sir.

Q. All right. And they all have the same ridge detail but two of them are conclusively matched?

A. Correct. They all had similar what we call GRC, general rifling characteristics. Two of them matched each other, were fired by the same firearm. The others were inconclusive with those two.

SOLICITOR BROWN: Your Honor, at this time, State would offer State's Exhibits 105 and 106 into evidence.

MR. MORIN: No objection.

THE COURT: All right. Admitted.

(WHEREUPON, State's Exhibit Nos. 105 and 106 were received into evidence at this time.)

SOLICITOR BROWN: Court's brief indulgence.

(Pause.)

Q. Do you know what a Ruger Parabellum is?

A. No, I do not. I know what a Parabellum is. I know what a Ruger is.

A Ruger is a firearm manufacturer. Parabellum is a Latin word that means I believe for war and that is a caliber designation. I call it 9-millimeter Luger. Some people call it 9-millimeter Para or 9-millimeter Parabellum. It's also 9X19.

There's different names for the same caliber and 9-millimeter Parabellum is just another name for 9-millimeter Luger. But if I say 9-millimeter Parabellum in a report, some people aren't -- have no idea what I'm talking about. So, we just use the more commonly used 9-millimeter Luger.

Q. So, when the word Parabellum is associated with firearms, it would be most commonly associated with a 9-millimeter Luger?

A. Yes, sir, it'd be commonly associated with a caliber.

Q. Okay.

A. Not a model.
Q. But that'd be 9-millimeter caliber, correct?
A. Yes.
Q. All right. I'm gonna collect this evidence real quick.
Mr. Green, thank you for testifying here today. If you can, please answer any questions that Mr. Morin may have for you.
MR. MORIN: I have no questions of this witness.
THE COURT: All right. Thank you, sir. You are excused.
SOLICITOR BROWN: Thank you, Your Honor.
SOLICITOR SMITH: State calls Investigator Kennith Hammett.

KENNITH HAMMETT, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Will you please introduce, introduce yourself to the jury?
A. I'm Kennith Hammett. K-E-N-N-I-T-H. Hammett, H-A-M-M-E-T-T, and I'm an investigator with the Spartanburg County Sheriff's Office in the criminal investigations division.
Q. All right. And currently do you work in the violent

crimes area of the criminal investigations division?
A. Yes.
Q. Were you in that role in October 25th of 2020?
A. Yes, sir.
Q. What is your total law enforcement experience?
A. I have 17 years with the Sheriff's Office and five years as a state trooper.
Q. All right. Were you assigned the -- I guess it was initially a shooting at [redacted] Walden Circle?
A. Yes.
Q. And you were the lead investigator on that case?
A. Yes, sir.
Q. All right. Can you explain what a -- the lead investigation's role is on a, on a case like this?
A. In most cases, it's to assign duties. You arrive on scene. You determine if you need extra investigators. You help with evidence that is collected. You divvy out jobs to be done, phone records, follow-up contacts, or stuff like that. So, you're kind of like the supervisory role to give other person's jobs to do and you will do some of the investigation yourself depending on how time allows.
Q. All right. And then, I'm assuming, they were feeding you back information and you're making subsequent decisions based off the information that's coming in to

you---
A. Yes, sir.
Q. ---from the people you've assigned?
A. And there's follow-up investigations like if somebody comes in with another name that comes up and you, you follow-up to make sure those are followed up on.
Q. Now, I don't know if anybody's been to the violent crimes unit but y'all are in one space?
Y'all are, are very much a team?
A. Yes, sir.
Q. Especially back in those times.
A. Probably about the room size of the jury box.
Q. Okay. All right. You responded to Walden Circle that early morning?
A. Yes, sir.
Q. You walked through the crime scene.
Is that correct?
A. Yes, sir.
Q. You assisted with Investigator Mironenko about items that were collected by either Ingle or Jefferson---
A. Yes.
Q. ---from the scene?
All right. Just gonna -- can you describe where Walden -- this address is?
I got a picture here I'm gonna show you too.

A. Ah.
Q. Where is it generally?
A. If you're familiar with Spartanburg County, I, I would consider it in far for -- Fairforest/Arcadia area. Coming down 85 business, once you make the split off of 85 business north, you'll go by FedEx. The first exit you come to is New Cut Road. There's not a way to get on and off. But it is to the right of -- right before you get to the exit. Kind of behind -- there's a Valero gas station there. Used to be a fire department there.
Q. All right.
A. It's, it's in that area.
Q. I'm gonna show you State's 130.
Ask if you can tell me what this is.
A. That is an aerial view of, of the area and it's highlighted with [redacted] Walden Circle, the incident location.
SOLICITOR SMITH: Your Honor, at this time we'd move State's 130 into evidence.
THE COURT: Any objection?
MR. MORIN: No, sir.
THE COURT: Admitted.
(WHEREUPON, State's Exhibit No. 130 was received into evidence at this time.)
Q. This yellow road is Business 85?
A. Yes, sir.

Q. And then this is the road -- is that---
A. That is---
Q. ---New Cut?
A. That is New Cut Road, yes, sir.
Q. All right. And this is -- this red mark is the indication of Walden Circle?
A. Yes, sir.
Q. And it's kind of a square, not a circle, but it does loop around---
A. Right.
Q. ---essentially?
A. Yeah, there's two entrances off of Falling Creek Road.
Q. All right. Is there anything at -- when you got to the crime scene that immediately stood out to you as, as something of note?
A. When we first got there, I mean it's kind of on the 9-1-1 calls, there's a lot of cars there. It's -- it was raining pretty heavily. It was -- I walked around I believe it was Tim's Ford pickup truck. I noticed, at the back of the pickup truck, there was an AR rifle lying there, a number of zip ties in the, in the driveway, which, you know, later found out that Tim worked on cars all the time and used those for his cars. It's a pretty crowded area.

Q. Okay. What about inside the residence?
A. You walked inside. You have to go in through the garage door. Noticed blood on the wall as you walked into the doorway. It's very cluttered, very small path to get through with tools, miscellaneous items.
Everyone had been transported. Sergeant Bland had shown me some -- where the shell casings where the victims were when they had gotten there and just an overall look of the house to see if there was anything that stood out that, that we definitely needed to be trying to collect evidence on.
Q. All right. What about the hallway?
Was there anything in the hallway that was of note?
A. Yes.
The hallway, as you went down the hallway, you could see that there was a gun cabinet. It was, I would say, sitting at an angle or sitting cockeyed, which would not be typical if you were wanting to use it as a display.
Q. All right. And were there any firearms in it?
A. They were none, no, sir.
Q. All right. You did locate numerous firearms inside this residence?
A. Yes, sir, there were a number of firearms inside the residence.
Q. All right. And did you also find two firearm cases

under the bed in, in Mr. Thompson's room that did not have firearms in them?
A. Yes.
Q. All right. And those -- were those handguns?
A. They would of been handgun cases. I believe both were Glocks. I'm pretty sure one was a Glock. Not sure of the other one---
Q. Okay.
A. ---right off the top of my head.
Q. All right. And did you enter those as stolen based off of the fact that they were not there?
A. We, we did, yes, sir.
Q. There was fingerprinting done in this case and DNA swabs---
A. Yes, sir.
Q. ---collected?
At -- as -- did anything come of any of that testing to give you any leads?
A. No, sir, they did not.
Q. All right. And, at a certain point, you, you called Melissa with -- who is Mr. Thompson's younger sister as you're at the scene, correct?
A. Yes, sir.
Q. And, and, and she had not been inside the house obviously---

A. No.
Q. ---at that point?
A. No, she had not.
Q. Did you have a discussion about a, a safe?
A. Yes, I did.
Q. All right. And were you able -- what were you able to determine about a safe that had been---
A. When I---
Q. ---in her room?
A. When I first, first talked to her, as I had done a walk through, I, I knew right off to -- her bedroom that she described is the first on the left. I knew there wasn't a safe in there.

We found two safes in Timothy's bedroom, and as I was talking with her, she mentions that she had a safe in her bedroom and she explained where it was. And I went back to doublecheck that there was not a safe there and everything we looked for we could not find a safe. And, at that point, she told me -- I told her I located two in Tim's room.

So, she asked me to get a key that she had hidden and to try those keys on those locks to see if they fit his safes, and, at that point, we determined they were safe was gone.

Q. All right. Did you receive information about the,

the, the firearm cabinet?
A. Yes, she explained that, that there were a number of firearms in the house. She said that the cabinet should have been, as you walked down the hall, the glass and everything should of been facing -- pretty much facing you and that it should have guns in the cabinet.
Q. All right. And y'all had a conversation about the French doors.
I know you were in here when she mentioned that, that they were now on her bed I think when you went in the crime scene?
A. It's glass, glass sliding doors, yes.
Q. Okay.
A. She had -- she'd explained that those were kind of held -- being held up by the gun, the gun cabinet, and that they had been moved because, at the time we were there, they were laying on her bed.
Q. All right. And at -- as the initial step, Investigator Mironenko talked -- obviously y'all, ya'll talked with neighbors that night---
A. Yes.
Q. ---you two?
You also -- Melissa gave you points of contact of Tim's that she thought---
A. Yeah, she gave me---

Q. ---could have some---
A. She gave me five or six names that she knew -- that, that she knew as his close friends and contacts.
Q. All right. And y'all attempted or did run down those people?
A. Yes, sir.
Q. Did anything come of, of those investigative leads?
A. I -- you know, we had found out that Tim had previously gone to Greenville a couple of days before and picked up the Chrysler 300 --
Q. Okay. Melissa --
A. -- from---
Q. -- was aware of that transaction---
A. Yes.
Yes, she had went with them to pick the car up and knew that Tim had had to drive the car back because, the car dolly they had taken, the car wouldn't fit on it. The wheels were too wide.
Q. You did immediately know that was significant, that's just something that you discovered through talking with associates---
A. Yes, sir.
Q. ---of his?
All right. Timothy Thompson's phone was recovered at the hospital and Kelli Curran's was recovered at Walden

Circle?
A. Yes, sir.
Q. Is that right?
And do you know Investigator Brandon Letterman?
A. Yes.
Q. Was he assigned to extract or do cellphone dumps at---
A. Yes, sir, he is---
Q. ---that time or is licensed---
A. That -- at the time of this incident, that's what his primary job was, do telephone extractions --
Q. All right.
A. -- or computers.
Q. Did he---
A. Anything electronic.
Q. He, he did that on both of those devices --
A. Yes, sir.
Q. -- at your direction?
A. Yes, sir.
Q. Once he's done with that, do you get those results back?
A. We do, yes, sir.
Q. Okay. And it's in a, a reader that even -- you're not an expert in the process of creating that file.
Is that correct?

A. Right. I don't, I don't know how it's created. I just know that there's documents that are created. It's -- basically you can read the documents afterwards.
Q. Okay. And you have the ability, once he's done it, to look through, you yourself, and find things?
A. Yes.
Q. And did you look through Timothy Thompson's?
A. Yes, sir, I did.
Q. Did you find there were -- was there something that you found of note that kind of started---
A. Uh.
Q. ---this investigation going in a positive direction?
A. Yes, I, I noticed there was a phonecall that didn't show up on phone records but it showed up on his phone dump where there was a phonecall made for Doug Cherokee. Later found out, talking with Melissa, that Timothy's -- that's how he remembered people. He would be like Spencer, solicitor, Ken, sheriff.
He would associate somebody's name with what their occupation was and that's how he would store it in his phone so that he could remember what they did or how he had them as a contact.
Q. All right. And you're saying that you had also gotten Timothy and Kelli's phone records.
These did not show this call but it was on Tim's

device?
A. That's correct.
Q. Do you remember what time that call was?
A. That call was at 2:16AM on the 25th.
Q. All right. And the 9-1-1 call was at 2:21?
A. Was at 2:21, yes.
Q. All right. Did you see any other contact with that number on Timothy's device?
A. No, sir, there was no other contact with that number.
Q. So, did this, did this become a positive lead for the case?
A. Yes, sir.
Q. Did you do anything else?
A. So, so what I did, once I found that number, our, our records management system, it's called Spillman, so anybody that we have dealing with in your reports, any evidence, anything like that is all in the record names of the system. I plugged that phone number into the management system, our Spillman management system, and Kenyatta Lebby's name popped up as being associated with that phone number, that being his phone number.
Q. All right. And did you do anything based off of, anything investigative, steps wise, based off of that relevation -- revelation?
Excuse me.

A. At the point of doing that and not knowing why that phone number was in his phone, we did a phone preservation for his phone records and did a search warrant for his phone records.
Q. I'm gonna hand you State's 98 and 100 and ask if you can tell me what these are.
A. Ninety-eight is the certification letter that you receive when you get phone records back from this -- in this case being Verizon and it -- it's the person that pulls those phone records basically and sends them to you saying that these are certified records for that phone during the time period that you ask for it. And this is a copy of the call detail records in which I made a copy from what they had sent me and placed into evidence.
Q. And on 98 is the paper, correct?
A. Yes, sir.
Q. On State's 98, is there a identification number for Verizon for that -- the records that they are certifying as correct?
A. Yes, sir, Verizon has a record of 20280852, which is basically an inventory number for them.
Q. All right.
A. Just like we have a case number for this case, they have a case number for theirs.
Q. And in -- the call detail records list that number on

them, correct?
A. It uses the last for target is 3788, which Mr. Lebby's phone number is 864-349-3788.
Q. Okay. So there's a way to compare the records to the certification?
A. Yes, sir.
Q. And you took those and, and put them into evidence, made them part of the case file---
A. Yes, sir.
Q. ---correct?
All right. Your Honor, at this time we would move State's eight -- 98 and 100 into evidence.
THE COURT: Any objection?
MR. MORIN: I agree as to the authentic record.
THE COURT: Okay. Admitted for that purpose.
(WHEREUPON, State's Exhibit Nos. 98 and 100 were received into evidence at this time.)
Q. All right. These, these records themselves, you don't know how to say where people are when they're made off?
A. No, sir.
Q. And you can look at who was called, correct?
A. Yes, sir, it gives you -- it gives you the time and the number it was called, whether it's incoming, outgoing---

Q. Yeah.
A. ---and that information.
Q. I guess not who but which number is probably more accurate---
A. The number, yes.
Q. ---way of describing that.
Okay. Did you find a call on Mr. Lebby's records that was of note once you received them back?
A. Yes, sir, around that same time between the 2:11 and 2:13, you could see, as Verizon does theirs, they have like different letter certifications for what they do. So they have an SMS message, which is a text message. There were text messages ex -- exchanged between Mr. Lebby and Mr. Fuller.
Q. But you didn't know Mr. Fuller at that time---
A. Didn't know Mr. Fuller---
Q. ---correct?
A. ---no.
Q. All right. Will you tell the jury what that number was?
A. It was (864)566-1072.
Q. All right. So, there was text messages.
Was there also a call?
A. Yes, there was -- at 2:16, there was a missed call from Mr. Fuller's -- I mean from Mr. Lebby's number.

Q. All right. Was there a call at 2:19?
A. At 2:19 there was a phonecall from Lebby to Deandre Fuller.
Q. All right. And that would be two minutes prior to the 9-1-1 call?
A. Yes, sir.
Q. All right. Based off of that, did you get -- attempt to get call detail records for the 1072 number?
A. We did, yes, sir.
Q. I'm gonna hand you State's 97 and 102.
Ask if you can tell me what these are.
A. Ninety-seven are the phone records back from T-Mobile. They also assign it as others -- their case number is 3035510 and these are the call detail records for the (864)566-1072 from a time period of October the 13th to October the 27th of 2020.
Q. All right.
A. And when they send the records, we download the records to a CD and they're placed into evidence and this is the CD of those records --
Q. All right.
A. -- with the call detail records.
Q. And this one also has a case number but it specifically mentions that phone number in the certification that they did and the time---

A. The---
Q. ---period?
A. The complete phone number versus the last four, yes, sir.
Q. Yes.
Your Honor, at this time we would move State's 97 to a hundred -- not to. Ninety-seven and 102 into evidence.
THE COURT: Any objections?
MR. MORIN: No objection to the authenticity.
THE COURT: So you are admitting the authenticity but not the reliability.
Is that correct?
MR. MORIN: Correct, Your Honor.
THE COURT: All right. Thank you.
They're admitted for that purpose.
(WHEREUPON, State's Exhibit Nos. 97 and 102 were received into evidence at this time.)
Q. And you also, you also requested call detail records from other numbers that were called from Mr. Lebby's phone after this crime, correct?
A. Yes, sir.
Q. And you reviewed those as a part of your overall---
A. As part of the investigation---
Q. ---work in this case?
A. ---yes.

Q. All right. At, at this point in the investigation, Mr. -- excuse me. Let, let me go on.

You also -- you were aware that Investigator Mironenko went and spoke with Dondrey Johnson on October 26th, correct?

A. Yes, sir.

Q. Did you end up finding -- and you, you were able to get his phone number from -- through that investigation?

A. Yes, sir.

Q. Were you able to find anything in Mr. Lebby's call detail records showing him as having contacted, or vice versa, Dondrey Johnson?

A. I don't remember seeing that, no.

Q. Okay. Do you remember Mr. Johnston testifying to them having a phonecall?

MR. MORIN: Objection, Your Honor.

THE COURT: Sustained.

Q. Did you end up getting call detail records on Dondrey Johnson?

A. I did, yes, sir.

Q. Why?

A. About 1:40ish or so in the morning he had made a phonecall to Tim and had a phone, phone conversation with Tim. At that point---

Q. Okay.

A. ---we knew there was a connection between Doug Cherokee, which was Mr. Lebby, Tim, and Dondrey Johnson. So, we got those phone records to see if there was -- the, the time length that these people had been communicating to determine if it was -- they'd known each other for a long time, they've not known each other. It was basically to narrow down if these people had known each other, had prior connections.
Q. And you don't have the ability to do it yourself personally but you can -- there are people that can take these call detail reports and interpret a, a -- potentially a proximate location of where these devices were when various contacts are made?
A. Yes, sir.
Q. And so would you have been conceivably looking for that as well about Mr. Johnson?
A. Yes, that is correct.
Q. And you ended up completing a search warrant for his call detail records?
A. Yes, sir.
Q. I'm gonna hand you State's 101 and State's 118 and ask if you can tell me what these are.
A. One eighteen is a certification from AT&T for the phone records with their case number is 3085954, and 101 one is the records that are downloaded and put into

evidence, the call detail records.
Q. All right. Can you raise your voice when you're speaking please?
All right. So, these two items are the authentification (phonetic) sent by the company for Dondrey Johnson's phone number, which ends in 0404 I believe?
901-0404.
A. Yes, sir.
Q. And that's what you received back from the company and then entered into evidence?
A. That is correct.
SOLICITOR SMITH: Your Honor, at this time we would move -- is it 97 and 118?
THE COURT: Admitted on the same basis?
SOLICITOR SMITH: Excuse me. One hundred one and 118, Your Honor, into evidence.
(WHEREUPON, State's Exhibit Nos. 101 and 118 were received into evidence at this time.)
Q. All right. Did you eventually get word that Mr. Thompson was, was going to take himself off of life support?
A. Yes, sir, I did.
Q. All right. Did you attempt a, a final interview with him prior to him -- his passing?

A. Yes, his sister notified me, on December the 11th, that Timothy had made his wishes to be taken off of life support. Investigator Bennett and I went and did an interview with him at the hospital.
Q. Okay. He was willing to do this?
A. Yes, sir.
Q. Can, can you describe how Mr. Thompson was when you, when you met him?
A. The few times -- I had been to the hospital a number of times in order to make attempts to communicate with Mr. Thompson. He was on life support, tracheostomy, literally everything that was keeping him alive. Couldn't eat. Had a feeding tube. Left arm was broken.
He would have -- he would have times of, of anxiety and, and he would have times where he was almost lethargic I guess from being on medication and being on life support.
Q. And you had previously went -- before this final decision to die, you had tried to speak with him several times and was unsuccessful because of these issues that you're speaking with?
A. Yes, sir.
Q. All right. And did you record that final interview with Mr. Thompson?
A. I did.

Q. I'm gonna hand you State's 91 and ask if you can tell me what this is.
A. That is the DVD that was copied for his -- from the interview we did on 12/11.
Q. All right. Yes.
And that was December 11th of 2021---
A. Actually---
Q. ---at Spartanburg Regional?
A. ---December 11th of '20.
Q. '20, yeah.
A. Yes, '20.
Q. Sorry. I hadn't switched the year yet.
At Spartanburg Regional?
A. Yes, sir.
SOLICITOR SMITH: Your Honor, at this time we would move State's 91 into evidence.
THE COURT: Any objections?
MR. MORIN: No, sir.
THE COURT: Admitted.
(WHEREUPON, State's Exhibit No. 91 was received into evidence at this time.)
SOLICITOR SMITH: We're gonna publish it now, Your Honor.
THE COURT: Yes, sir.
(WHEREUPON, State's Exhibit No. 91 was published to

the jury at this time.)
Q. Y'all did try a follow-up -- there's two videos on it.
Y'all tried to start back again but unsuccessful after that?
A. Yes, sir.
Q. And, and y'all left and then did you find out that he died later that day?
A. Yes, sir, Melissa informed us that he had pass away later that night.
Q. Why did you not go arrest Dondrey Johnson after that statement?
A. We didn't have enough information to arrest him after that statement.
Q. Was there anything about Mr. Thompson's statement that did not make sense to you?
A. He initially said he did not know anybody there that came to the door, which he would not -- he would have known Drey or Dondrey because he had dealt cars with him and he knew, he knew that he had remembered Dondrey from trading cars with him -- the cars that they traded. But his initial thing is that he did not know who those people were that came there.
So, it was odd to me that he didn't know who came to his door. But then he could say that Dondrey was there.

Q. And you had listened to the 9-1-1 call from this case, correct?
A. That is correct.
Q. And what had Ms. Curran indicated about the people that had come to the door?
A. That it was two younger black males.
Q. Were they known?
Were they---
A. She did know who they were.
Q. And there was, based off your investigation, some 20 minutes ostensibly the individuals that did this crime were in the house?
A. Yes, sir.
Q. Was, was Dondrey Johnson a, a suspect or is he still a suspect in this case?
A. He's not a suspect in this case, no.
Q. So you think that he has no potential involvement?
MR. MORIN: Objection.
THE COURT: I sustain that objection.
Q. All right. Dondrey Johnson was read a Miranda warning when he was interviewed.
Do you know why that was done?
A. We typically will read Miranda to persons of interest in possible connection with a crime.
Q. Okay. So is he a person of interest in this case?

A. He's a person of interest still in this crime.
Q. Is, is it fair to say that you just ignored what Mr. Thompson told you and, and just didn't consider it at all?
A. No, sir, we investigated everyone that he had connections with in that time period to determine their actual involvement or what their participation may have been including names that Melissa had given us to see if they were involved in this crime at all.
Q. All right. All right. You ended up, in January 26th, 2021 -- excuse me.

The 1072 number, were you able to figure out who the subscriber for that was?
A. So, most of the time when we do our search warrants, I mean very seldom do you get them back the next day. It'd be nice, on some of the CSI shows, that you, you send them, you get them back. It takes time to get those back. Sometimes a month to two months.

When we got the information back on the (864)566-1072, we found that that was actually owned or number assigned to Takila Terry.
Q. All right.
A. Investigator Guest and I, when we got this information, we went to interview her at her listed address but found out that she wasn't there. That was her mother's house.

Her sister or her daughter was there and provided us -- she made a phonecall to her and Takila Terry agreed to meet with Investigator Guest and I at a Spinx Station a short distance from her mother's house.

Q. All right. And she's already testified.

But throughout the interactions you just talked about, did you get a name of Nana?

A. Yes, Nana was provided to us by her daughter.

Q. All right. And then, subsequently to that, Investigator Guest had done some information on Facebook, correct?

A. Yes.

So, when we got back to the office, he did some research for Nana. You can type that in the search bar and a Grizzly King Facebook, AKA Nana, showed up and a search warrant was done on that Facebook account.

Q. And the search warrant is for mess -- some people use Facebook just to post pictures of their kids. Some people call on it, send messages.

A. It -- it's for all information that's in, in that account. Whether it be a post, whether it be photos shared, whether it be -- you can't actually see the phonecall. But it will show you if a phonecall was made via -- cause a lot of people use Facebook to make phonecalls to each---

Q. Shows the duration?
A. ---back and forth---
Q. I mean---
A. ---and it just shows that.
Q. All right. I'm gonna hand you State's 93 and State's 104.
Ask if you can tell me what these two are?
A. Ninety-three is the certification records from the custodian with Facebook dated March the 5th of 2021 and the CD is where I would of downloaded that information onto a CD and turned it in evidence.
SOLICITOR SMITH: Your Honor, at this time we would move State's 93 and 104 into evidence.
THE COURT: Any objection?
MR. MORIN: No, sir.
THE COURT: Admitted.
(WHEREUPON, State's Exhibit Nos. 93 and 104 were received into evidence at this time.)
Q. All right. Kenyatta Lebby was arrested on February 11th, 2021, for unrelated charges?
A. That is correct.
Q. All right. But he was definitely a suspect in this case at that time?
A. Yes, sir.
Q. All right. And you ended enduct (phonetic) you

all -- you and other investigators ended up doing an interview with him, correct?
A. That is correct.
Q. And, at the conclusion of that interview, what did y'all do as far as charges against Mr. Lebby?
A. He had, he had actually -- we made murder charges for two counts of murder, armed robbery, possession of a weapon during a, a violent crime, and possession by a weapon -- possession of a weapon by a felon convicted of a violent crime.
Q. All right. So he was charged --
A. He was charged.
Q. -- in this case?
A. In this case, yes.
Q. Did you end up getting the name of Max?
A. Yes.
During the interview with him, he indicated that we needed to be looking for a person named Max.
MR. MORIN: Objection, Your Honor. I need to approach.
THE COURT: Okay.
(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)
THE COURT: All right. For the record, please renew your objection.

MR. MORIN: Your Honor, I move -- my objection is hearsay and I would move that that statement he just gave be struck from the record and the jury so instructed.

THE COURT: All right. Ladies and gentlemen, I'm going to sustain that objection; the response as to what he said about Mr. Lebby.

MR. MORIN: What Mr. Lebby said.

THE COURT: All right. It's to be disregarded and stricken from the record.

Q. As---

THE COURT: Okay. You may continue.

Q. As a part of Mr. Lebby being -- thank you, Your Honor.

As a part of Mr. Lebby being taken into custody, a phone was taken from him as well --

A. Yes.

Q. -- correct?

And he had a different phone number when he was arrested than he was using at the time of the crime, correct?

A. Yes, sir.

Q. Did you find -- you, you also did call detail records and, and investigation into that new phone number?

A. Yes, sir.

Q. Did you find a connections to an (864)309-9465

number?
A. Yes, sir, that was in both the phone detail records for the original phone number of (864)349-3788 and the phone -- new phone number of (864)707-8615.
Q. Okay. So both of Lebby's numbers had communicated with 309-9465 is what you're saying?
A. Yes, sir.
Q. And were you able to see, in the phone extraction, any name associated with that number?
A. That, that number was also in our Spillman database and it was associated---
MR. MORIN: Objection, Your Honor.
Your Honor, may I?
THE COURT: Just one second.
Madam Forelady, would you please take the jury back to the jury room?
THE FORELADY: Yes, sir.
(WHEREUPON, the following takes place outside the presence of the jury.)
THE COURT: Don't be talking to the witness.
THE OFFICER: All right.
THE COURT: I don't mean to fuss at you.
State your objection.
MR. MORIN: He just indicated that the number was gotten off of Spillman database, which is their database

of people who's been arrested. It's not necessary for him to say it. But yet he's brought that in nonresponsive and that's the second time he's done that. I object to him -- that and I'm gonna ask that that be struck as well.

SOLICITOR SMITH: I do have an argument on that one, Your Honor.

Spillman is not just people that have charges. That's every witness, every person that's ever spoken with law enforcement and they've entered a phone number. My phone number, there's a name page for me with my phone number in it. Every person that gets an involvement in a case. This is not like NCIC. This is not like rap sheet indication.

THE COURT: I thought I heard him say stolen database.

SOLICITOR SMITH: Spillman.

MR. MORIN: He said Spillman.

SOLICITOR SMITH: Spillman is the name of the company that runs the, the database. But it's, it's they're -- it's essentially their case management.

THE COURT: I have no clue what that means. I don't think this jury knows what that means. You deal with it all the time.

But I am gonna warn you, officer, I know you're not doing it intentionally or, if you are, do not offer beyond

the question being asked of you.

Okay, sir?

Cause you're bringing new things that could or potentially cause us to come back and try this case again.

THE WITNESS: Understand.

THE COURT: All right. But I am going to---

THE WITNESS: Could, could I address---

THE COURT: ---overrule your objection. I, I, I don't think it did what you thought it did.

Okay?

THE WITNESS: Could I say---

THE COURT: Hang on. Don't -- if you have a question --.

SOLICITOR SMITH: And I'll clarify it. Spillman is -- I mean I -- I'll clean it up.

THE COURT: No, I know he's questioning me when I said I don't want him going beyond the questions being asked.

And so do you have a question of me or you have a question -- problem with him asking me a question?

SOLICITOR SMITH: We can and you can privately talk.

THE COURT: I think that's probably not appropriate.

MR. MORIN: I think if we just move on at this point, Your Honor. I know that I may of done it -- put an emphasis on it. But --.

THE COURT: I agree.

Okay. All right. Would you bring the jury back?

THE WITNESS: I don't understand how to answer that.

THE COURT: Don't, don't talk to me, officer.

SOLICITOR SMITH: Do you want to approach about timing?

MR. MORIN: Uh-huh. (Affirmative).

(WHEREUPON, a bench conference was held while the jury was entering the courtroom.)

THE COURT: Hey, come up.

(WHEREUPON, a bench conference was held out of the hearing of the jury and the following takes place within the presence of the jury.)

CONTINUED DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. All right. You ended up getting a search warrant for call detail records for (864)309-9465, correct?

A. Yes, sir.

Q. I'm gonna show you State's 99 and State's 103.

Ask if you can tell me what these are.

A. This is AT -- the -- 99 is the AT&T certification of the phone records with their case number 3156571 and the disk, 103, is the call detail records that were sent and downloaded to put into evidence.

SOLICITOR SMITH: Your Honor, at this time we'd offer

State's 99 and 103 into evidence.

THE COURT: Any objection?

MR. MORIN: To authenticity, I have no objection.

THE COURT: Admitted for that purpose.

(WHEREUPON, State's Exhibit Nos. 99 and 103 were received into evidence at this time.)

Q. All right. And you ended up signing warrants on Deandre Fuller some time in February, correct?

A. Yes, sir.

Q. February 12th, correct?

A. Yes, sir.

Q. The day after Mr. Lebby was arrested?

A. Yes, sir.

Q. All right. And then did you receive word that Mr. Fuller had been arrested on February 16th of 2021?

A. We did, yes, sir.

Q. All right. And was that at a location in Greenville?

A. It was, yes.

Q. Did you respond out to that location?

A. I did.

Q. Did you provide information to Greenville officers that they used to get a search warrant for that residence and two vehicles that were associated with it or---

A. Yes, sir.

Q. ---nearby?

And you arrived on scene there?
A. I did.
Q. Who did you -- who and what did you see when you arrived on scene?
A. When I first arrived on scene, I noticed there was three people outside with Greenville officers. Ms. Terry was one of those. Mr. Fuller had already been transported from the scene along with some of their investigators, their ID people.
Q. Okay. Was the defendant present?
A. He was, yes.
Q. And did you participate in the search of that house and/or the trailer and that -- those cars?
A. Yes, I assisted Greenville.
Q. All right. I'm gonna hand you State's 59, 63 through 76, 78, 79, 87, and 90 and ask if you can look through them and tell me what these are all pictures of and you can, you can do it collectively and then we'll go through them if we can get them admitted.
A. These are all photos that were taken at the residence during the search warrant.
SOLICITOR SMITH: Your Honor, at this time we would move State's 59, 63 through 76, and 78, and 79, 87 and 90 into evidence.
MR. MORIN: No objection.

THE COURT: All right. All admitted.

(WHEREUPON, State's Exhibit Nos. 59, 63 through 76, 78, 79, 87, and 90 were received into evidence at this time.)

Q. Ultimately you found seven phones in that house?

A. Yes, sir.

Q. This is State's 63.

Is this of the kitchen area, breakfast area?

A. Yes, sir, it's the kitchen table, breakfast area.

Q. This is State's 64.

What is seen in this picture?

A. That is a trash bag hanging on the back door of the residence.

Q. All right. Is that a trash bag where two phones were located?

A. That's correct.

Q. This is State's 65.

A. That's the phone where you can see it as an outline in the trash bag.

Q. State's 74 is just a zoomed out view of that?

A. Yes.

Q. All right. State's 76.

A. That is one of the phones being taken out of the bag.

Q. And then State's 70 -- no, 59.

Were those the two phones that was taken out of the

trashcan?
A. It is.
Q. Did anybody claim those phones?
A. We had described the phones that we had recovered in the residence, and, from the description that Ms. Terry had given, one of those phones belonged to Mr. Fuller and one of those phones belonged to Mr. Johnson.
Q. All right. And there were other phones in the house. This was previously shown to Ms. Terry.
But this is State's 90 and that was collected?
A. Yes, sir.
Q. All right. State's 87.
A. That was collected.
Q. State's 79.
A. Collected.
Q. All right. But only -- all the other phones that you found were in understandable locations --
A. Yes, sir.
Q. -- for a phone to be?
This is State's 66. I forgot that.
What does this have in it?
A. That is a book bag with a -- looks to be probably a 50 round drum magazine.
Q. All right. And what's to the right of it?
A. A cellphone.

Q. All right. As to the -- there was a silver BMW at that location, correct?
A. Yes, that is correct.
Q. And where was that parked?
A. It was parked on a paved area at the back of the residence close to the back door.
Q. What, if anything, were you able to find out about---
A. The---
Q. ---how that car got there and who was associated with that car?
MR. MORIN: Your Honor, renew my objection regarding that vehicle.
THE COURT: State your objection again please, sir.
MR. MORIN: This regards the search warrant objection I made.
THE COURT: All right.
MR. MORIN: We're renewing that objection at this time.
THE COURT: Okay. Overruled.
Q. What were you able to learn, if anything, about whose car that was?
A. What was the -- who's -- Ms. Terry had, had claimed the -- there's a black car, smaller car, I don't remember the make, that was in front of the residence. Speaking with Mr. Johnson, he said that he had followed his

girlfriend there in that car. He was in another vehicle. He got to the residence, stayed, and she left in the vehicle that he had driven there --

Q. Okay.

A. -- and left that vehicle.

Q. Did -- you said girlfriend.

Did you -- did he tell your girlfriend or did he say a friend?

A. A friend girl I believe --

Q. Okay.

A. -- it was.

Q. A, a friend who is a girl?

A. Right.

Q. So, from what he told you, he had not been in that vehicle?

He had---

A. That is correct.

Q. He had followed, in another car, a friend girl of his to that location and then she had left in the car he drove?

A. That is correct.

Q. How were y'all able to get into that vehicle?

A. We actually had to call one of the Greenville uniform patrol deputies that had a kit to where he could get in the car because no one said they had the keys to it.

Q. All right. And did y'all force entry---
A. Forced --
Q. ---into the---
A. -- entry into the vehicle, yes, sir.
Q. And upon searching the, the car, you, you found items of, of note, correct?
A. That is correct.
Q. This is State's 68.
Oh. All right. All right. That's the car you searched?
A. Yes, sir.
Q. And State's 69, what is this in the center console?
A. A driver's license.
Q. And, State's 70, is that those two licenses---
A. That is---
Q. ---flipped over?
A. Yes, sir, that is two driver's licenses.
Q. All right. And who do they belong to?
A. Tyleek Johnson.
Q. All right. And you also searched the trunk of this vehicle?
A. Yes, sir.
Q. Give me one second.
Investigator Mironenko talked about some pictures that were sent to him and he looked at.

A. Yes, sir.
Q. Do you remember that testimony?
A. (WHEREUPON, the witness nods affirmatively.)
Q. Have, have, have you seen those pictures that we looked at?
A. I have.
Q. They are -- we've not admitted them yet. But I'm gonna show them to you. State's 129, 55, 83, and 84.
Have, have you seen these, these pictures?
A. I have, yes, sir.
Q. All right. Was there a firearm in particular that y'all were looking to potentially recover?
A. Yes, sir.
Yes, there was. In the photograph that was provided to Investigator Mironenko, there was a text---
MR. MORIN: Objection, Your Honor.
Is he testifying to the picture you just showed him?
It's not in evidence.
THE COURT: They're, they're not in evidence?
SOLICITOR SMITH: They're not in evidence yet as the---
THE COURT: He can not testify as to them if they're not in evidence.
Sustain the objection.
Q. So, you had looked at those pictures?

A. Yes, sir.
Q. You had guns potentially that you were looking to identify?
MR. MORIN: He's still asking the same question, Your Honor.
THE COURT: Overruled.
A. Yes.
Q. Okay. Did you find a gun in the back of the BMW that was of note to you?
A. Yes, sir.
Q. This is State's 67, State's 71.
What is underneath that black jacket maybe?
A. There's a AR style pistol, firearm underneath that jacket or wrapped in that jacket.
Q. All right. This is State's 72.
A. That is the firearm from the jacket.
Q. State's 73.
A. Serial number on that firearm.
Q. All right. And did you also -- you also found things in the trunk linking Mr. Johnson to this vehicle, correct?
A. There was some mail of some sort that was in a bag, yes.
Q. This is State's 75.
A. That appears to be a bank statement with Mr. Johnson's name on it from Greenville Credit Union.

Q. All right. And State's 78.
A. That's another piece of mail with Mr. Johnson's name on it.
Q. And you did not arrest Mr. Johnson that day?
A. I did not, no, sir.
Q. Yeah.
Was that gun collected as evidence?
A. Yes, sir.
THE COURT: Let me see the attorneys up here right quick.
SOLICITOR SMITH: Yes, sir.
(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)
THE COURT: Yeah -- all right. You're good.
Ladies and gentlemen of the jury, to the extent in this -- there might be any weapons, they are -- have been disabled or will be disabled. They'll not be pointed at you or me and, and I just wanted to let you know that you can be rest assured.
Okay. Go ahead.
Q. All right. Will you take a look at State's 134 and tell me what that is?
A. Am I allowed to --?
Q. Yeah, don't, don't put it up cause it's not in evidence. But --.

A. That is the firearm that we recovered from the rear of the vehicle.
Q. All right.
THE COURT: It's 134.
SOLICITOR SMITH: Your Honor, at this time we would offer State's 134 into evidence.
THE COURT: Any objection?
MR. MORIN: No.
THE COURT: Admitted.
(WHEREUPON, State's Exhibit No. 134 was received into evidence at this time.)
Q. You said that you saw Dondrey Fuller that day. You'd seen pictures of him as well.
A. I had seen pictures of him. But I did not see him that day. They had -- he had left prior to my arrival.
Q. Okay. Are you familiar with what he looks like?
A. Yes, sir.
Q. I hand you State's 16 and ask if you can tell me what that's a picture of.
A. That is a photograph of Deandre Fuller.
SOLICITOR SMITH: Your Honor, at this time we'd move State's 16 into evidence.
THE COURT: Any objection?
MR. MORIN: No, sir.
THE COURT: Admitted.

(WHEREUPON, State's Exhibit No. 16 was received into evidence at this time.)

Q. You also collected the phones that were -- all of the phones that were found at the scene?

A. Yes, sir.

Q. Three are put in this evidence item 107.

Do you know whose three phones you believed these were?

A. They were phones we believe belonged to Deandre Fuller and Tyleek Johnson.

Q. Okay. And one of them also Takila Terry?

A. And one Takila Terry's, yes.

Q. All right. And those are the phones that you collected from the address in Greenville?

A. Yes, sir.

SOLICITOR SMITH: Your Honor, at this time we'd move State's 107 into evidence.

THE COURT: Any objection?

MR. MORIN: No, sir.

THE COURT: Admitted.

(WHEREUPON, State's Exhibit No. 107 was received into evidence at this time.)

Q. Did you direct Brandon Letterman to conduct and, and do search warrants to do cellphone extractions on those two devices that you believe were associated with

Mr. Fuller and Mr. Johnson?
A. I did, yes, sir.
Q. Did you -- you talked about a serial number on the firearm.
Did you do anything with that serial number?
A. Any firearm that we take in we do what's called an ATF trace. That only shows the original purchaser of that firearm by that serial number.
Q. Okay. So, if you buy a firearm from like an Academy or Palmetto State or a place that is licensed to sell firearms, and you're the first one, you get a report done about you?
A. That is correct.
Q. And that is kept by the ATF and is accessible by law enforcement?
A. Yes.
Q. I'm gonna hand you State's 92.
Ask if you can tell me what that is?
A. That is what we call a ATF trace report.
Q. All right. For --?
A. For the firearm in which we had collected which would of been that one -- that firearm.
Q. The State's 134?
A. Yes, sir.
SOLICITOR SMITH: All right. Your Honor, at this

time we would move State's Exhibit 92 into evidence.

THE COURT: Any objection?

MR. MORIN: No, sir.

THE COURT: Admitted.

(WHEREUPON, State's Exhibit No. 92 was received into evidence at this time.)

Q. All right. This part up here is the information about the gun?

A. That is the manufacturer, yes, and the serial number about the gun.

Q. And then this person is who purchased that firearm---

A. That is correct.

Q. ---correct?

A. Yes.

Q. And then this is that y'all recovered it?

A. That is the recovery address and then the bottom portion is the dealer who sold the gun.

Q. Okay.

A. And the---

Q. The recovery time is relative, is relative to the purchase of the firearm, not it being taken or anything like that?

A. Right. So that 1,400 days is when the gun was recovered versus when it was first purchased, first purchased.

Q. And it was purchased April 17th of 2017?
A. Yes, sir.
Q. All right.
A. The top portion is just to use to work for us and there's our case number and that is who we have to fill out that information that we get for that report.
Q. All right. Were y'all able to make contact with Andrew Edwards?
A. Yes.
Q. Did -- and, and he spoke with you freely?
A. Yes.
Q. And we're not gonna get into what he said, he's coming later, but did you show him pictures of firearms --
A. Yes, sir.
Q. -- or a, a firearm?
Excuse me. I said it pleural.
A. Yes.
Q. And based off of your conversation with Andrew, did you end up speaking to somebody else?
A. That is correct.
Q. And who was that?
A. Roger Reynolds.
Q. All right. And, and you spoke with Roger Reynolds about that firearm as well, correct?
A. Yes.

Q. All right. Did you end up looking through Mr. Fuller's Facebook and finding items of note for your investigation?
A. I did, yes, sir.
Q. We'll go through some of those.
All right. This is, this is State's 104.
THE COURT: These have been admitted, correct?
SOLICITOR SMITH: It, it has, Your Honor.
THE COURT: Okay.
Q. All right. So, you had referred, referred previously of Grizzly King. That's the name of this account.
A. Yes, sir.
Could you scroll back up just a second?
Q. Yeah.
A. A little further.
Q. I am.
A. It also has -- this is how we have to search it through Facebook with the Nana---
Q. You---
A. ---as well.
Q. The Nana Band Up?
A. Yes, sir.
Q. All right. And then there's an email address with the Deandre Fuller that is associated with this?
A. Yes, sir.

Q. Do you know what, what this means, this section I'm highlighting?
A. That shows the date and time that that account was deactivated.
Q. All right. And that would be February 23rd of --
A. 2021.
Q. -- 2021?
A. Yes, sir.
Q. Y'all had already gotten the records by the time that happened?
A. Yes, sir, we had already preserved it, the account, and got the records before that.
Q. And Mr. Fuller was arrested on February 16th?
A. That is correct.
Q. Okay. One second.
(Pause.)
Q. On Page 303, did you find a, a picture of a rifle that was taken in close proximity to the murder?
A. Yes, sir.
Q. And that was a message with Lamarcus Harris?
A. Yes.
Q. Excuse me.
All right. And I -- can you explain to the jury the -- where this says sent and it says UTC, what does that mean?

A. So, UT Time -- UTC time is a, is a known standard time that is used. So, for instance, if you're looking at, at the clock right now, the UTC time would be -- it's four hours ahead. So, it would be 4:30 instead of 12:30.
Q. All right.
A. So, it is four hours ahead of the time that is gonna be posted on here.
Q. All right. And that, that same analysis applies to October?
I know we're not in October right now.
A. Right. It, it changes to five hours when we get -- when they get into standard time in November from---
Q. Okay.
A. ---November to March. It's standard.
Q. So, this message---
A. It's five hours.
Q. ---would be sent on October 27th at 4:59 in the morning.
Is that---
A. At 4:59 in the morning, yes.
Q. Okay. Okay. And then -- as this conversation continues, he ends up sending another picture of the rifle, correct?
A. Yes.
Q. And that is on October the 30th at --

A. 5:18.
Q. -- 5:18?
A. 5:18PM, yes.
Q. Okay. All right. And then this message, did you find anything of note about Mr. Harris' question and the response from the account?
A. He's ask -- he's trying to sell the gun to Mr. Harris and he's asking him what's the brand and most people know the brand of the firearms that they're selling. And the IDK is the I don't know in terms of how they respond.
Q. All right. Did you find numerous messages where this Grizzle King account associated with Deandre Fuller was sending people the 566-1072 number as his number?
A. Yes.
Q. Go to Page 440.
All right. This one was on January 10th of 2021.
Did you end up finding information, both before and after the murder at the -- though all of you looked through this, that, that he was sending that number?
A. Yes, that is the number that Mr. Fuller is using during that timeframe and after the timeframe of the murder.
Q. Going to Page 529 and this is a message sent from this account, this Grizzly King, on October 30th at four o'clock or excuse me?

A. 6:10PM.
Q. Yeah, 6:10. Not a military guy. Three photos were sent.
Was this of, of interest to you, this photo?
A. Yes.
Q. D on Page 529, that's the same picture we got previously, 5:30, and then 5:32?
A. Yes.
Q. Were you able to find pictures of Mr. Fuller and Tyleek Johnson on this account?
A. Yes.
Q. And this is one such picture. He -- trying to see when it was sent. From November 26th, 2020.
A. That is November 26th, yes, and that is Tyleek Johnson and Deandre Fuller.
Q. All right. And -- excuse me.
Right after that, again, this is November, he sends the 1072 number again?
A. Yes.
Q. All right. On 5:58, he also sends the 1072 number in December, correct?
A. Yes, on December the 3rd, yes.
Q. And then on 580, he also sends that number in January?
A. In January -- January the 1st, yes.

Q. On Page 753, he's in a conversation with a, with a female, correct, Shameka Cureton?
A. Yes.
Q. All right. And Ms. Cureton sends a message on October 25th at ten o'clock in the morning?
A. It's about 10:11 in the morning, yes.
Q. Saying that she's having a stressful time and Grizzly King responds I'm going through some shit myself.
Is that correct?
A. Yes.
Q. All right. And the murder would of occurred on October 25th at -- well, not -- maybe not perhaps the murder.
But the incident around 2:21, some time around that, is the call?
A. Yes, 2:21AM, yes.
Q. So, this is the day of the incident at Walden Circle?
A. That is correct.
Q. On Page 862, this picture is sent on October 26th at 2:00PM?
A. 2:08PM, yes.
Q. All right. To a Black Sept I guess?
A. Yes.
Q. Okay. And that is the same rifle that we have seen previously?

A. That is correct.
Q. All right. Also sends, on that same day, the 26th, a picture of a handgun, correct?
A. Yes.
Q. And then on Page 866, this one is sent on October 27th, the next day---
A. At about---
Q. ---including a picture of---
A. ---7:00PM, yes.
Q. ---many firearms?
A. Yes.
Q. On -- were you able to find associations with Kenyatta Lebby, also known as Dubb, in this?
A. Yes, there's also a page, I don't have it off the top of my head, where Deandre Fuller has his name. Led---
Q. Yeah, we'll get there.
A. Okay. Yes, but on---
Q. On Page 1028, Tobrian Mills asks him who he's with. This conversation's occurring on November the 10th. He responds Dubb and Coby. She asks who is Dubb and he responds Tashawn.
Does Tashawn mean anything to you?
A. That is one of Mr. Lebby's middle names.
Q. Okay. And then, on 1037, this is a conversation again with Tobrian Mills and it's about meeting up I

think. Some sort of encounter.
A. Yes.
Q. Correct?
A. Yes.
Q. And he's indicated he's with Dubb --
A. Right.
Q. -- and she wants him to, to get rid of him?
A. Yes.
Q. And he -- his response is that he's my brother. I'm not going to leave him.
Is that correct?
A. That's correct, yes.
Q. All right. And we talked -- we've shown one picture of Tyleek but there's conversate -- conversations between a Facebook account named Max Johnson, correct---
A. Yes.
Q. ---and other pictures of Tyleek Johnson in this Facebook record, correct?
A. Yes.
Q. All right. On Page 1150, Mimi Morton was having a conversation where they're exchanging photos, this is in January, talking about meeting up, correct?
A. Yes.
Q. And he's got some friends, she's got some friends is the gist of this conversation, correct?

A. Yes.
Q. And they want to know what the friends look like before they go meet, correct?
A. Yes, sir.
Q. All right. And so he sends two pictures to her and that's Page 1151.
Who is that?
A. That's Tyleek Johnson.
Q. All right. And that 1153, who is in those -- who is in this picture?
A. To the left is Deandre Fuller and to the right is Tyleek Johnson.
Q. All right. We'll wait. And -- all right.
On October the 29th at -- well, I guess it would be the 28th at ten o'clock?
A. At 10:00PM, yes, on the 28th.
Q. Asking who he's with.
He sends a picture of who is that?
A. Tyleek Johnson.
Q. All right. At 1234, this might be the closest we looked at, but -- nevermind.
On, on Page 1240, this would be -- this message here, I got my bro Max with me and my homey Dubb.
What is the nickname you know associated with Tyleek Johnson?

A. Max.
Q. And what is the one with Kenyatta Lebby?
A. Dubb.
Q. All right. And this would have been on October the 25th at 11:07PM?
A. Yes.
Q. So the day of the murder but --.
A. But that night.
Q. Late -- later on that night?
A. Yes.
Q. Not the early morning hours and you've found -- I, I don't, don't want to beat a dead horse. But you found -- we're not going through everything.
But there are other pictures of, of Tyleek Johnson and other reference of him giving that 1072 number, correct?
A. That is correct.
Q. On 1525, there is a message and this is with a Simone Lewis and this would also be around -- basically around the same time we were just talking about being with Mr. -- with Dubb and Max, correct?
A. Yes.
Q. Eleven o'clock at night on the 25th. He indicates that he has strap for sale. One of the bros got it.
Do you know what a strap is?

A. A strap is street talk, and the gang talk, is a handgun.
Q. All right. On 1763, there is a -- excuse me. It starts -- yeah, conversations with a, a Max Johnson.
Is that right?
A. Yes, sir.
Q. And this is extensive that they have many, many communications, calls, video chats, text messages?
A. Yes.
Q. On 1885 -- so, this is still in the thread with Max Johnson, correct, based off of this?
A. Yes.
Q. All right. So, we are at -- went from -- that's 120 pages of conversations between them --
A. Yes.
Q. -- between those two dates?
And in this, November 28th at 1:00PM, he sends a screenshot of -- what is this?
What do you make out of this picture?
A. Tashawn at the top. Not sure what FFR is. Dubb, shit like that, and it's a missed call from Tashawn.
Q. Okay. So this could be referencing Mr. Lebby speaking to---
MR. MORIN: Objection. Calls for speculation.
THE COURT: Sustained.

Q. On 1997, on January 14th, he's indicating his affection for Tyleek Johnson.

Is that correct?

A. Yes.

Q. And on 2038, Max Johnson account sends a picture, this is January 18th, and who is that picture of?

A. Tyleek Johnson.

Q. And, and this, again, is about meeting girls and exchanging a picture with those girls.

Is that correct?

A. Yes, sir.

Q. And 2040 -- remember we talked about Mimi earlier in the Facebook records where we showed those two pictures.

What is this picture a picture of?

A. That appears to be a picture of their phone or their conversation.

Q. Mimi and Fuller's?

A. Yes, that would be Fuller because it's on his Facebook page, yes.

Q. And, and then it has the two pictures that we previously saw --

A. Yes, sir.

Q. -- sent with me?

All right. On 2484, there are conversations with a Tashawn Lebby, correct?

A. Yes.
Q. All right. Out about myself without lunch, but on October 27th at 11:00 in the morning, Mr. Lebby is asking for his phone number, correct?
A. Yes.
Q. And then he gives the 1072 number?
A. Yes.
Q. And -- well, we'll cover that, cover that with somebody else.
All right. And then Lebby gives his phone number, correct?
A. Yes.
Q. (864)320-6209?
A. Yes.
Q. That is what you've referred to as his second phone?
A. Yes.
Q. All right. And then on 2520, this is October the 30th, he sends a picture October the 30th, this is in a conversation with Sam Smith, of the rifle that we've seen previously, the two references we appear to see in the group photo, correct?
A. Yes, sir.
Q. And then, on 2592, this conversation with Tasha Cheeks is occurring before the murder, October 17th, around midnight plus a little?

A. Yes.
Q. And he's giving that 1072 number as his number again, correct?
A. Yes.
Q. And, again, the, the flavor of this conversation is trying to meet up for some sort of encounter with the female, correct?
A. It is, yes.
Q. All right. And on October 24th around 9:56PM, he sends a message yes, let me make this big play real quick.
A. Yes.
Q. What do you know about the word play in the context of, of this message?
A. It can be referred to in a couple of different ways if---
MR. MORIN: Objection. He's speculating. I'm gonna object. He's, he's about to say it could be this, that, or the other thing.
THE COURT: Overruled.
A. It could be -- it could be a drug deal. It could be, you know, going to buy something just typically on the street where you go make a deal.
Q. Something, something like coming into money or something?
Is that fair?

A. Yes.
Q. No specific way that you're coming into money?
Just that there's money to be made or something like that?
A. Right.
Q. On Page 3159, there's a group that's created and who are the -- three of the people that are in that group?
A. Deandre Fuller, Tyshon Lebby, and Tyleek Johnson.
Q. All right. And on 3171, again, there's a -- this group is solely those three individuals, correct?
A. Yes.
Q. And they start talking on November the 8th -- November the 28th?
A. Yes, sir, about 2:30PM.
Q. And 3189, again, a group that's created between those three individuals?
A. Yes.
Q. And I think, I think both it's on the video chats, is that correct, it looks like?
A. Yes, video chat.
Q. All right. On Page 3290, this is a conversation with a guy named Hit A Guns, correct?
A. Yes, sir.
Q. And this is occurring on October the 25th around 11:00 -- yeah, 11:00---

A. Right.
Q. ---PM?
A. Around 11:00, yes.
Q. Okay. Again, we have strap for sale.
Do you believe that to be a gun?
A. Yes, sir.
Q. All right. Hit A Gun responds what kind and then a picture is sent?
A. Yes, sir.
Q. And then they have phonecalls, one, two, three, four, and then Mr. Fuller is apparently at the location that Hit A Guns is at?
A. Yes.
Q. And then they have another call.
What is this message say on from Hit A Guns on October 27th -- well, 26th, around 10:22?
A. It's I ain't called nobody, bro. That's real.
Q. All right. And on 3428, again, this is before the shooting at Walden Circle, and a conversation with a Marissa Marissa asking for what friends he's got and he sends a picture of who?
A. Tyleek Johnson.
Q. All right. And then she said I already seen him.
A. Yes.
Q. And what does Mr. Grizzly King, Mr. Deandre Fuller,

say about Tyleek Johnson?
A. That's my day one, nah way.
Q. Give me one second to make sure I've not missed anything.
(Pause.)
SOLICITOR SMITH: I believe that's all the questions I have.
Thank you.
THE COURT: All right. Madam Forelady, it's a good time to break for lunch.
THE FORELADY: All right.
THE COURT: Let me see the lawyers right up here real quick so I can deal with logistics.
SOLICITOR SMITH: Sure.
THE COURT: If you bear with me one second please.
THE FORELADY: Yes, sir.
THE COURT: Officer, you can go ahead and step down. Just don't talk to anybody about your testimony.
THE WITNESS: Yes, sir.
(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)
THE COURT: Madam Forelady, can everybody get back here by 1:15?
Is that okay?
THE FORELADY: Yes, sir.

THE COURT: All right. We'll take a break now. Leave your notebooks in the jury room.

THE FORELADY: 1:15?

SOLICITOR SMITH: You said 1:15. I don't mean to correct you.

THE COURT: Excuse me. 2:15. I'm from Anderson, South Carolina.

THE JUROR: Expecting a lot.

THE COURT: That's right. Excuse me. At 2:15 we'll see you back.

Thank you.

THE FORELADY: All right, judge. Take it easy on us.

THE COURT: That's right.

(WHEREUPON, the following takes place outside the hearing of the jury.)

THE COURT: All right. Anything before we break?

MR. MORIN: No, sir, not from me.

SOLICITOR SMITH: No, Your Honor.

THE COURT: All right. We'll see everyone at 2:15.

(WHEREUPON, Court was in recess for the lunch break.)

THE COURT: All right. What is it?

Stand up.

SOLICITOR SMITH: Yes, Your Honor.

THE COURT: Thank you.

SOLICITOR SMITH: I was waiting to see the -- my

assistant informed me over the lunch break that Bo Cantrell, I think he's the older juror, he's been on the back row I think, has -- they know each other in -- I think she said that he is a school bus driver that drives her daughter to softball and he used to be the mayor of Inman and she lives in Inman and they have --.

THE COURT: And who is this who saw this?

SOLICITOR SMITH: This is my assistant, Jessica Lawson. She saw him on Monday. I, I don't know if they know each other's names. I'm not -- I am not arguing that he concealed this or anything. I just -- I wanted to bring it to the Court's attention. She came and told me. I didn't want to just sit on it.

So I -- she believes that he doesn't know that she works at the Solicitor's Office. I know, when you asked a question if you have -- if you know people that work at the Solicitor's Office. So --.

THE COURT: She been in the courtroom?

SOLICITOR SMITH: She came in for about five minutes yesterday. She said they did not see each other.

THE COURT: I mean how did she even know?

I know, out of an abundance of caution, you're bringing this up.

But I mean how would -- I'm not sure how this plays in there.

SOLICITOR SMITH: Well, I'm just a --
THE COURT: Right.
SOLICITOR SMITH: -- paranoid person --
THE COURT: I agree.
SOLICITOR SMITH: -- at this time as you know.
THE COURT: You have to do what you're doing.
SOLICITOR SMITH: And, and, Your Honor, the---
THE COURT: I'm just not seeing it.
SOLICITOR SMITH: ---the case I was sending this -- cause I sat with Ms. Halford on a case.
THE COURT: That's a criminal case. I mean criminal appeal.
SOLICITOR SMITH: But they, they changed the whole framework in 2024 about, you know, it's no longer the intentional versus unintentional. I mean I'm -- I don't know if there is any concealment. But I just wanted to bring it to the Court's attention. If you want to ask the juror if they have a position, I, I just did not want to---
THE COURT: I, quite frankly, don't think it's necessary. But, you know, I'll, I'll, I'll defer to counsel to see if they have a suggestion.
MR. MORIN: Your Honor, I would, I would ask that you ask about it out of an abundance of caution cause---
THE COURT: Say that again.

MR. MORIN: I would ask that you address with the juror because I don't know, as he doesn't know, but we do know somebody in his office recognized somebody on the jury.

Now, that could be a lot of different things. But I don't want to let that go by and then it turn out it's more serious than we think. Now is the time to address it.

THE COURT: Okay. Then I, you know, your, your client's the one whose liberty is at interest or in peril. So I'll certainly defer to that.

Let me ask you this.

MR. MORIN: Yes, sir.

THE COURT: Several ways to approach it. One be to have the worker come in the courtroom. I think you have to.

MR. MORIN: Okay.

THE COURT: The second would be do you isolate this juror and ask him out of the presence of the rest of the jury or bring in the whole jury and ask them?

MR. MORIN: No, I don't think you should -- I would just say just that one juror.

THE COURT: I think so too.

MR. MORIN: Because, obviously, if he stood up and said---

THE COURT: Ask, ask your girl or your person to come up here please.

SOLICITOR SMITH: I will.

MR. MORIN: As you --.

THE COURT: Okay.

MR. MORIN: I think if he stood up and said I know something from the Solicitor's Office, I would say that's fine.

THE COURT: Say that again.

MR. MORIN: If he just stood up and said I, I know someone in the Solicitor's Office, I would of struck him. That's, that's the point. If he doesn't know her, he doesn't know her.

SOLICITOR SMITH: And, Your Honor, that---

THE COURT: And I don't know that the questions that we had went far down to the -- did it go down to employees too?

MR. MORIN: Works for the Solicitor's Office.

THE COURT: All right.

SOLICITOR SMITH: Yeah, usually have Mr. Morin or anybody in his office on my questions. I know they usually do the same for, for us, anybody that's employed.

THE COURT: All right.

SOLICITOR SMITH: I messaged her. She should be up here shortly, Your Honor.

THE COURT: Ask her to put the step -- quickness in her step.
SOLICITOR SMITH: I --.
THE COURT: I know she is.
SOLICITOR SMITH: On the way.
THE COURT: Good.
SOLICITOR SMITH: Do you know his number?
Did you hear his name?
THE BAILIFF: Say it again please.
SOLICITOR SMITH: Bo Cantrell.
THE BAILIFF: Juror 32.
SOLICITOR SMITH: Okay. He's on the jury, right?
He's not an alternate?
THE BAILIFF: He is an alternate.
SOLICITOR SMITH: He is an alternate.
THE BAILIFF: And he goes by---
SOLICITOR SMITH: Well, that---
THE BAILIFF: ---Winston E. Cantrell.
SOLICITOR SMITH: That improves things I would say --
MR. MORIN: Yeah.
SOLICITOR SMITH: -- from a --.
MR. MORIN: If he's an alternate, we can just keep going.
SOLICITOR SMITH: I mean she's coming on up but --.
MR. MORIN: There's three alternates anyway.

Why do we do all that if he's not even one of the main jurors?

THE COURT: Well, you just want to go ahead and have him removed --

MR. MORIN: Yes, sir.

THE COURT: -- out of an abundance of caution?

MR. MORIN: That'd be good.

THE COURT: Then you go to the other two as alternates.

Are you sure that this is an alternate?

SOLICITOR SMITH: That is -- let -- I'm gon' let them say that.

THE CLERK: He's number -- the second alternate.

THE COURT: He is the second alternate?

THE CLERK: Yes, sir.

THE COURT: Winston Cantrell?

THE BAILIFF: Yes, sir.

THE COURT: I -- so, let me ask you this.

If he's an alternate, if he -- there's a chance that he might be called up, why excuse him?

I hate to lose an alternate --

MR. MORIN: Yes, sir.

THE COURT: -- while we are pretty well into it.

MR. MORIN: Yes, sir.

THE COURT: What you want to do?

MR. MORIN: I, I would just ask that he be relieved. It would be easier for him. It would be easier for us and I, I just have---

THE COURT: Can he be removed?

MR. MORIN: Yes.

THE COURT: You agree with that?

SOLICITOR SMITH: I, I defer to what Your Honor does. I don't, I don't have a strong opinion on it.

THE COURT: I think---

SOLICITOR SMITH: I, I just---

THE COURT: ---that's probably unnecessary. But I will -- again, you're the one who -- your client's the one who's facing -- not, not me. And so --

MR. MORIN: Yes, sir.

THE COURT: -- if you want him removed, your client---

MR. MORIN: Yes, sir.

THE COURT: ---that --.

SOLICITOR SMITH: Your Honor, she is here if you want. My only -- you know, I know we are very far in it. We're suppose -- we think we'll finish our case tomorrow morning. But, you know, I don't want to run out. I sure, we hope, don't lose two---

THE COURT: I'm gon'---

SOLICITOR SMITH: ---and---

THE COURT: These last two or three, I dang sure don't want to do it again.

MR. MORIN: I know you --.

THE COURT: But that's, you know, what we're looking at to make sure we have a fair trial.

MR. MORIN: Yes, sir.

THE COURT: So that's the primary thing.

MR. MORIN: Yes, sir.

THE COURT: I tell you what, I'll go ahead and just remove Mr. Cantrell.

Okay. Would you ask him to come in?

THE BAILIFF: Yes, sir.

(WHEREUPON, the following takes place within the presence of Juror Cantrell.)

THE COURT: Hey, Mr. Cantrell.

THE JUROR: Hello.

THE COURT: How you doing?

THE JUROR: Good I hope.

THE COURT: You're good. You're good.

Let me just tell you something. It came to the attention of somebody who works at the Solicitor's Office that you know them or they know you and the concern was that there are questions do you know anybody that works in the Solicitor's Office and it wasn't answered.

We don't think, in any form or fashion, that you have

not revealed something or you did---

THE JUROR: No, cause I---

THE COURT: And I know you haven't.

But what we're gon' do, cause you are an alternate, is just, out of an abundance of caution, you say all right, thank you for your service but I'm gon' let you go ahead and go.

THE JUROR: Okay.

THE COURT: Not -- and please understand---

THE JUROR: I am -- apologize for any inconvenience.

THE COURT: You didn't do anything. Let me tell you something.

You did not do anything and we have a murder case---

THE JUROR: Right.

THE COURT: ---and you really can't -- very severe sanctions, someone lose their -- so we're just trying to be above board.

THE JUROR: And see I was the former mayor of Inman and somebody told me, said that might be an issue and---

THE COURT: But you -- no, you've been fine. Nobody has a complaint with you at all. I want to thank you for your service.

THE JUROR: All right.

THE COURT: This does not indicate to you that you've done anything wrong---

THE JUROR: No, I---
THE COURT: ---cause you haven't.
THE JUROR: Well, I apologize to the Court.
THE COURT: No, sir, you don't need to apologize.
THE JUROR: All right.
THE COURT: I appreciate you.
THE JUROR: Yes, sir, I'm sorry.
THE COURT: No, you didn't -- please do not apologize. You did not do anything.
THE JUROR: Yes, sir.
THE COURT: All right.
THE JUROR: All right.
(WHEREUPON, the following takes place outside the presence of the juror.)
THE COURT: I'm gonna tell the jury what we did.
SOLICITOR SMITH: Yes, sir.
SOLICITOR BROWN: Yes, Your Honor.
THE COURT: All right. All right. Y'all ready to bring the jury out?
SOLICITOR SMITH: Are you ready?
MR. MORIN: Yes, Your Honor.
THE COURT: Bring them in.
SOLICITOR SMITH: Do you want him to be on the stand or do you want him to---
THE COURT: Where---

SOLICITOR BROWN: Mr. Hammett.
THE COURT: Oh, yeah, come on up.
THE BAILIFF: Your Honor, you ready for the jury?
THE COURT: Bring them in please.
(WHEREUPON, the following takes place within the presence of the jury.)
THE COURT: All right. Ladies and gentlemen, I know you're probably wondering what in the world is happening over here and I'm gon' explain to you.
I've asked our alternate to just step down. He did not do anything wrong. He did not -- he has not done anything that would warrant any kind of sanction.
It just came to our attention that he's pretty well known in that somebody knew him from the Solicitor's Office who's kind of further down the employment chain that he may not have seen or recognized. Out of an abundance of caution, I have taken the liberty, since he's a alternate, to ask him to step off because we're talking about very serious charges and, and I just don't want to -- y'all think he's done anything wrong cause he hasn't. But I did that because I'm -- out of an abundance of caution so you understand.
Okay. All right. Are you ready to proceed with cross-examination?
MR. MORIN: Yes, sir.

THE COURT: Okay.

CROSS-EXAMINATION

BY MR. MORIN:

Q. Officer Hammett, when you interviewed Timothy there in the hospital, who was the other person that was with you?

A. It was -- Sergeant Bennett was doing the recording.

Q. Bennett?

A. Yes, sir.

Q. Okay. And just as a -- to make sure that I'm clear, when you went out to the, to the house where Mr. Fuller was arrested, my client was, was present.

Is that right?

A. Yes, sir.

Q. But he wasn't arrested?

A. No, sir.

Q. Not that day?

A. No, sir.

Q. Is it fair to say that, at that point, he wasn't even a person of interest or a suspect at that time?

A. No, sir, that's not fair to say.

Q. All right. Well, didn't -- strike that.

Have you not previously stated that before today?

A. Previously had stated that he was not on the radar at one point---

Q. Okay.
A. ---yes.
Q. The radar?
A. Yes, sir.
Q. There you go. I apologize for the wrong terminology. He was not on the radar.
Just a moment, Your Honor.
(Pause.)
MR. MORIN: That's all I have.
THE COURT: Redirect.

REDIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Just to clarify that, are you, you -- are you saying that he wasn't on the radar even at the time that you were at the trailer park and Mr. Fuller was arrested?
A. Yes, that's correct.
Q. Okay. And the number that's associated -- that you alleged is associated with Mr. -- one second -- thank you -- is 309-9465 associated with Tyleek---
A. Yes, sir.
Q. ---Johnson?
A. Yes, sir.
Q. All right. And I -- I'm gonna -- we -- we've covered this. You've got certain -- you've got search warrants for that number.

Do you remember what date that was?
A. I do not.
Q. If I showed you a copy of it, would that help?
A. Yes, sir.
Q. Look at the --.
A. That was February the 18th of 2021.
Q. All right. So, two days after Fuller was arrested, and you found what you found at that house, you are then getting call detail records for the number associated with Tyleek Johnson?
A. Yes, sir.
SOLICITOR SMITH: That's all I'd have.
THE COURT: All right. Thank you, sir. You may step down.
All right. You may call your next witness.
SOLICITOR SMITH: Yes, Your Honor.
I, I expected that to be a little bit longer. I was waiting -- we have pathologists coming. They're supposed to be here shortly.
THE COURT: You need to have them step up and be waiting please, sir.
All right. Madam Forelady, y'all go on back to the jury room for a minute and we'll get you back out just as soon as we can please, sir.
THE FORELADY: Okay.

(WHEREUPON, the following takes place outside the presence of the jury.)

SOLICITOR SMITH: They're, they're here, Your Honor. So, it should be -- I just don't know where. I told them the courtroom.

THE COURT: Y'all come up here.

(WHEREUPON, a bench conference was held at this time.)

THE COURT: He, he is here?

SOLICITOR SMITH: There's two different pathologists.

THE COURT: Oh.

SOLICITOR SMITH: So we have one of them.

THE COURT: Oh, okay.

SOLICITOR SMITH: I assume she will be -- they, they work together and I almost thought they might drive together.

THE COURT: You just juggle whichever one you want to do, man.

SOLICITOR SMITH: Okay. We got one option right now. But we are ready to proceed. She -- hopefully she will be here --

THE COURT: All right.

SOLICITOR SMITH: -- by the time he's done.

(WHEREUPON, the following takes place within the presence of the jury.)

SOLICITOR BROWN: May it please the Court, Your Honor.

We appreciate---

THE COURT: Yes, sir.

SOLICITOR BROWN: ---that -- your accommodation.

At this time, the State would call Doctor Michael Ward.

DOCTOR MICHAEL WARD, being first duly sworn, testified as follows:

SOLICITOR BROWN: May it please the Court, Your Honor?

THE COURT: Yes, sir.

DIRECT EXAMINATION

BY SOLICITOR BROWN:

Q. Doctor, for these ladies and gentlemen of the jury, can you start by telling them your name and spelling your last name for our court reporter?

A. My name is -- excuse me.

My name is Michael Eugene Ward. W-A-R-D.

Q. And, and you're a medical doctor?

A. I am.

Q. Doctor, just go ahead and introduce yourself to these jurors. Let them know kind of you -- who you are, where you're from, where you grew up, where you went to school, and how you got to do what you now do for a living.

A. I was born and raised in Birmingham, Alabama. I went to school at the University of Alabama where I have a bachelor's degree in biology. Excuse me.

I have a master's degree in forensic science from the University of Alabama in Birmingham. And my medical degree is from the University of South Alabama, which is in Mobile.

I did a four year anatomic, pathology residency at the Medical University of South Carolina in Charleston and a one year fellowship in forensic pathology at the University of New Mexico in Albuquerque. I'm board certified by the American Board of Pathology in both anatomic and forensic pathology. I worked two years after my fellowship in Albuquerque and then took the job in Greenville in 1995.

Q. All right. And, and, doctor, I, I suspect many of these jurors know, but, just for our record, what is pathology?

A. So pathology is a medical speciality which is the study of disease and disease processes and how they affect man. Forensic pathology takes that one step further dealing primary -- primarily with trauma and disease processes that result in death and then the presentation of that information in a court of law.

Q. And is that the area that you currently practice as a

medical, medical doctor?
A. Yes, it is.
Q. All right. You said you started working in Greenville in 1999?
A. '95.
Q. '95. My apologies.
And have you worked in this area of study for the entirety of those past I guess that would be close to 30 years?
A. That's correct.
Q. All right. Have you ever testified in a court of law about findings regarding your autopsies or pathology?
A. Yes, I have.
Q. And, and how many times have you done that in your career?
A. Well over a hundred times.
Q. All right. And have you ever been qualified as an expert in the area of pathology in a court of law?
A. Yes.
Q. Have you ever not been qualified as an expert?
A. I have not.
SOLICITOR BROWN: All right. Your Honor, at this time we would offer Doctor Ward as an expert in the area of pathology.
THE COURT: Pathology, forensic or anatomic forensic?

SOLICITOR BROWN: Forensic pathology. My apologies, Your Honor.

THE COURT: Forensic.

Okay. Do you stipulate to his expertise?

MR. MORIN: I do.

THE COURT: All right. Again, ladies and gentlemen, normally witnesses are not allowed to give their opinion. However, upon qualification of witnesses because of their educational experience is allowed to give their opinion in the area of their expertise.

It's stipulated that Doctor Ward is an expert in the field of forensic pathology. He'll be allowed to give his opinion in that area and tell you why he has that opinion.

Expert testimony is like any other testimony you'll hear in this case. You may accept it, you may reject it, or give it as much weight as you think it deserves.

All right. Counsel.

SOLICITOR BROWN: Your Honor, may it please the Court?

THE COURT: Yes, sir.

Q. Doctor Ward, as a part of your practice in forensic pathology, do you perform autopsies after, after deaths?

A. Yes, that's correct.

Q. And do you perform those as part of criminal investigations as well?

A. Yes.
Q. All right. Did the, the occasion arise in which you were asked or assigned the responsibility of performing the autopsy of Ms. Kelli Curran?
A. Yes, I did.
Q. All right. And you were made aware that this is what you would be testifying about today?
A. Yes.
Q. Did you perform the autopsy on Kelli Curran?
A. I did.
Q. And did you prepare a report outlining your findings from that autopsy?
A. Yes.
SOLICITOR BROWN: Permission to approach the witness?
THE COURT: Yes, sir.
Q. I'll start by showing you the report that you prepared.
Is that the report you prepared actually?
A. Yes, it is.
Q. Can you walk---
A. I have a copy.
Q. Thank you.
Can you walk these ladies and gentlemen of the jury through, once a body is brought to you for an autopsy, how you go through the procedure of performing that autopsy,

what steps you take, and how you ultimately reach conclusions about cause of death?

A. So, an autopsy is a detailed physical examination performed on someone who has passed away.

In this case, Ms. Curran died in the hospital in the emergency room or in the OR and was transported to the Spartanburg Memorial Hospital morgue in a sealed body bag. At the time of the autopsy, that body bag was opened. The body was photographed. External injuries were documented. The autopsy was performed continuing to document any internal injuries that may of been present, removal of the two projectiles that were recovered, removal of samples for toxicological analysis, as well as samples to look at under the microscope.

Following completion of the autopsy, the report is prepared. The toxicology is reviewed. The microscopic sections are reviewed with compilation of a report, which with autopsy and historical information, helps to determine the cause and the manner of the death.

Q. As a review of the body of Kelli Curran as you were doing this autopsy, did you also prepare -- and I'm gon' show you what's been marked as State's No. 131.

Did you prepare a diagram showing where injuries were sustained on her body?

A. Yes, I did.

Q. And, and is that a document that you prepared as you regularly do when you perform autopsies?
A. Yes.
SOLICITOR SMITH: All right. Your Honor, at this time we'd offer into evidence State's No. 131.
THE COURT: Any objection?
MR. MORIN: No, sir.
THE COURT: All right. Admitted.
(WHEREUPON, State's Exhibit No. 131 was received into evidence at this time.)
Q. Showing this to the jury, would you be able to walk them through where you found injuries on her body and how that helped you ultimately reach a conclusion regarding her cause of death?
A. Yes, it would.
Q. And with the Court's permission, could I have you step over to the State's table?
I'm gonna put this on a projector for our jurors to see and there is a microphone over there for you to speak into.
A. That'd be fine.
THE COURT: Absolutely.
SOLICITOR SMITH: Thank you.
THE COURT: Yes, sir. You may step down.
A. (WHEREUPON, the witness comes down from the stand.)

Q. Doctor Ward, I have a copy of your report if you need to reference it and can you please walk these ladies and gentlemen of the jury through what findings you made as you were looking at the injuries sustained by Kelli Curran?

A. As -- excuse me.

As to the injuries on Ms. Curran, there were three separate gunshot wounds, two to the abdomen, one to the left ankle. These were arbitrarily numbered. I don't know which ones came first, second, or third. But they are numbered for my convenience so that I can keep a record through the protocol.

The first one that was numbered was gunshot wound number one here, which is the left lower quadrant of the abdomen just to the left of the midline and just below the level of the belly button.

Q. Would you -- I'm just gonna zoom in so they can see specifically where you're pointing.

A. So, this is where -- this is -- this circle is a -- an area of bruising of the skin. So it's purple red bruising of the skin surrounding these two gunshot wounds.

The uppermost gunshot wound was labeled as number one. Gunshot wound number one goes through the skin and muscle of the abdomen. It perforates multiple loops of small intestine. It hits and fractures the fifth lumbar

vertebra, fractures the edge of that bone, and come to rest within the musculature of the right lower back.

Q. Doctor, if I can pause you there.

The fifth lumbar vertebra, where would that be on the---

A. I'm sorry.

Q. ---human body?

A. It's approximately this dot here. That's (sic) represents where we recovered the projectile associated with gunshot wound number one.

Q. All right.

A. So, the direction of this wound was from Ms. Curran's front to her back and from the left side of her body to the right side of her body.

Q. Okay. And the -- was that from the first gunshot wound that that was that trajectory or was that the second one?

My apologies.

A. That was the first gunshot wound.

Q. Okay. Can you go on to the second gunshot wound?

A. The second gunshot wound is the one shown below this -- the lower wound in this big circle. It is, again, located in the left lower quadrant of the abdomen. It perforates the skin and muscle of the abdomen, into the abdominal cavity, perforates -- goes through multiple

loops of small intestine. It goes through the bone of the right side of the pelvis and exits roughly in this region here on the right hip.

So, it goes from, again, from the left side of her body across the midline towards the back and exits roughly the right hip. So, from left to right, front to back, and exits here. This projectile was not recovered at autopsy.

Q. So -- but you did recover a projectile from number one, the one that lodged in the lower lumbar, correct?

A. That's correct.

Q. All right. Was there a third gunshot wound y'all found?

A. There was a third gunshot wound to the left ankle in this region here. This, again, is surrounded by this area of purple bruising. This smaller circle represents a gun shot wound of entry. It goes through the skin of the ankle, impacts the larger bone of the left lower leg, fractures that bone, and comes to rest within that bone itself where we recovered a projectile.

Q. Okay. And did you turn these projectiles over to law enforcement after you recovered them?

A. I did.

Q. Anything else you want to show us on this before you return to your seat?

A. No, sir.

Q. All right. Please if you can just return. Thank you very much.
A. (WHEREUPON, the witness returns to the stand.)
SOLICITOR BROWN: May it please the Court, Your Honor?
THE COURT: Yes, sir.
Q. And, and, doctor, after you had performed this part of the examination, did you make any other findings about any other injuries you saw or anything of that nature?
A. I saw no other injuries.
Q. Based on this examination, based on finding these gunshot wounds and your observations, were you able to reach a conclusion, with a reasonable degree of medical certainty, as to what caused the death of Kelli Curran?
A. Yes, I was.
Q. And can you please tell these ladies and gentlemen of the jury about that finding?
A. The cause of death in Ms. Curran was gunshot wounds of the abdomen.
Q. And, and what specific about the abdomen is what caused the death?
What -- I don't know if I'm wording that correctly.
But how exactly did the gunshot wound to the abdomen kill her?
A. So, these two projectiles, as they passed through the

contents of the abdominal cavity, disrupted not only the integrity of the intestinal tract but also multiple blood vessels. So, Ms. Curran essentially bled to death on the inside of her abdomen resulting from extreme blood loss as a result of these gunshot wounds.

SOLICITOR BROWN: Court's indulgence.

(Pause.)

Q. And did you have a time of death?

A. I know what time she was pronounced.

Q. And what time was that?

A. 4:01AM on October 25th, 2020.

Q. Please answer any questions Mr. Morin has for you.

MR. MORIN: I have no questions.

SOLICITOR BROWN: Thank you, doctor.

We'd ask that he be able to be excused, Your Honor.

THE COURT: All right. You have any objection to him being excused?

MR. MORIN: No.

THE COURT: Yes said no?

MR. MORIN: No.

THE COURT: All right. Thank you, sir. You are excused.

THE WITNESS: Thank you.

SOLICITOR BROWN: We're waiting on the other doctor.

SOLICITOR SMITH: Your Honor, can I step out and call

her to see where she is?

THE COURT: Ladies and gentlemen, I tried cases for over 30 years and sometimes trying cases is like herding cats and you can't always depend on when people are gonna be here. But bear in mind this is not the attorney's fault. It's just something we have to deal with. Give us about 10 minutes and we'll get you back out here---

THE FORELADY: Yes, sir.

THE COURT: ---and we'll let you go back to the jury room.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: While we're waiting, I'm gonna go ahead and give you the verdict form and the charges so y'all can have them.

(Pause.)

SOLICITOR SMITH: Okay. Judge, I was trying not to inconvenience the doctors and then I look like a fool. But --.

(Pause.)

THE COURT: Are you our pathologist?

THE WITNESS: I am.

THE COURT: Okay. Come around.

Bring the jury in.

SOLICITOR BROWN: You want the attorneys to approach,

Your Honor?

THE COURT: Sir?

SOLICITOR BROWN: You want the attorneys to approach or---

THE COURT: No, I was just gon' have her come up and have a seat and then we're going to call the jury back in.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Call your next witness please, sir.

SOLICITOR BROWN: May it please the Court, Your Honor.

May it please the Court, Your Honor?

THE COURT: Yes, sir.

SOLICITOR BROWN: The State would call Grace Dukes, Doctor Grace Dukes. My apologies.

DOCTOR GRACE DUKES, being first duly sworn, testified as follows:

SOLICITOR BROWN: May it please the Court, Your Honor?

MR. MORIN: Yes, sir.

DIRECT EXAMINATION

BY SOLICITOR BROWN:

Q. Good afternoon, doctor. Thank you for being here today.

Can you start by telling these ladies and gentlemen

of the jury your name and spelling your last name for our court reporter?

A. Yes, my name is Grace Dukes. My name is spelled D-U-K-E-S.

Q. Doctor, can you let these ladies and gentlemen of the jury know who Doctor Grace Dukes is.

Just let them know where you were born, where you grew up, where you went to school, and how you got to the point of what you do for a living.

A. Sure.

I was born in Columbia, South Carolina where I grew up until I went to college. Got a bachelors in biological sciences at Clemson University. I then attended medical school at the Medical University of South Carolina in Charleston. I then completed an anatomic and clinical pathology residency at the University of Kentucky. That was a four year residency. And then I completed my specialty training in forensic pathology at the Cook County Medical Examiner's Office in Chicago.

Q. When did you complete your residency in Cook County?

I guess that's Illinois.

Is that right?

A. Correct. That was in 2017.

Q. After completing your residency in Illinois, where did you then begin working?

A. I then began working my first job out of training at the Georgia Bureau of Investigation in Atlanta where I worked for one year before taking the job as medical examiner in Greenville County.
Q. Is that where you currently work?
A. That is.
Q. And what's (sic) is your job assignment in Greenville County?
A. I am a forensic pathologist in Greenville County charged with examining bodies of deceased individuals that the coroner who's taken jurisdiction of and opining on cause and manner of death in those individuals.
Q. As a part of those job responsibilities, you prepare reports and, at times, come to court to testify regarding your findings?
A. I do.
Q. All right. And have you ever testified in a court of law in South Carolina, state or federal?
A. Yes.
Q. And have you been qualified as an expert in forensic pathology as a part of that testimony?
A. Yes.
Q. Do you know about how many times?
A. Approximately a couple of dozen.
Q. Okay. Have you ever not been qualified as an expert?

A. No.

SOLICITOR BROWN: All right. Your Honor, at this time we would offer Doctor Grace Dukes as an expert in forensic pathology.

MR. MORIN: I stipulate, Your Honor.

THE COURT: All right. Ladies and gentlemen, again, remind you about expert witness testimony. However, this witness will be stipulated to be an expert in the field of forensic pathology.

All right, counsel.

SOLICITOR BROWN: Your Honor, may it please the Court?

THE COURT: Yes, sir.

Q. Doctor Dukes, did the occasion arise in December of 2020 where you were assigned the responsibility of performing the autopsy on Timothy Thompson?

A. Yes.

Q. And, and did you prepare a report to that effect?

A. Yes.

SOLICITOR BROWN: Your Honor, permission to approach the witness?

I've already shown opposing counsel.

THE COURT: Yes, sir.

Q. Showing you what I believe is your report, is that a copy of your report that you prepared regarding the

findings of the autopsy of Timothy Thompson?
A. Yes.
Q. All right. And does that reflect the date and time that time -- Timothy Thompson was pronounced dead?
A. It does.
Q. And, and what is that date and time?
A. December 11th, 2020, at 6:50PM.
Q. Following someone being pronounced dead and then needing an autopsy, what is the process for it to ultimately end up in your office for this autopsy to be performed?
A. Like I said, the coroner needs to decide to take jurisdiction and investigate the death of that individual and then the body of the deceased will be packaged in a sealed body bag, transported to the morgue, wherever the autopsy is meant to be performed, and then I will open that bag once I am there in the autopsy room to do the exam.
Q. And is that what you did in this particular case with Mr. Thompson?
A. Yes.
Q. As, as a part of the examination of Mr. Thompson's body, did you prepare an anatomical drawing outlining where injuries occurred to Mr. Thompson to -- so for -- to help you reach your conclusions about cause of death?

A. Yes.
Q. All right. And, and I'm gonna show you what's been marked as State's Exhibit No. 132.
Do you recognize this document?
A. I do.
Q. And, and how do you recognize that document?
A. This is what we call our body diagram. This is the page of notes where we take notes during the exam on injuries, characteristics of the person, anything we might need to remember to put into our report. So this our, our page of notes and this looks familiar for this case.
SOLICITOR BROWN: All right. Your Honor, at this time the State would offer into evidence State's No. 132.
THE COURT: Any objection?
MR. MORIN: No, sir.
THE COURT: Be admitted.
(WHEREUPON, State's Exhibit No. 132 was received into evidence at this time.)
Q. And, and with the Court's permission, doctor, can I have you step down to the State's table?
We have a -- an overhead projector over there that we can put this under and you can walk the jury through what injuries you found on Mr. Thompson's body.
Is that okay?
A. Sure.

Q. All right.
A. (WHEREUPON, the witness comes down from the stand.)
Q. If you want to use my pen as a pointer, that might help. Here's a -- a copy of your report's right here.
Showing the jury what's identified as State's No. 132, can you just begin by walking us through how you were -- how you found injuries on Mr. Thompson and what your -- what injuries you did find?
A. Yes.
So, this situation is slightly different than when I receive someone immediately following their death.
So, Mr. Thompson was shot and then taken to the hospital where he stayed for approximately 17 days before death was pronounced in his case. So, he had a lot of medical complications throughout that time and all of those complications can change the appearance of the gunshot wounds.
So, what I did in my, in my report is I described all of the defects on the person that could potentially be gunshot wounds that either dried out, were sutured, became infected, whatever it was. So, I noted all of those defects, which may or may not represent gunshot wounds.
Q. And, and can you just start with the -- I guess the frontal view of this diagram just starting from the head and moving down and just outline your findings.

A. My findings in terms of injuries you mean?
Q. Right. Yes, sir. Yes, ma'am.
A. Okay. Okay. On -- so there are a lot of medical things noted here. I know that there are -- this is messy.
Q. Let me move this microphone a little closer to you. Just make it a little easier for you.
A. Sure.

So, there is a scabbed lesion which is very small which likely does not represent an entire gunshot wound. But it is a defect in the skin.

There are three defects right here on the chest which most likely represent gunshot wounds with post injury changes like infection or similar.

There is another gunshot wound on the right side of the chest -- I'm sorry -- over here on the right side of the chest which exhibited similar characteristics as what might be considered gunshot wounds. But this defect held a tube. So it's possible that that defect was caused by medical intervention. Again, once some of these wounds became necrotic, they become distorted and it's difficult to tell.

So, for completeness sake, there are additional defects. There is a tube noted in the defect on the left lower abdomen. They're additional round -- I apologize.

Those are scars. There are more defects on the left thigh over here and on the right thigh over here and those are the defects I noted that might be consistent with a gunshot wound injury.

Q. At some juncture during the course of the autopsy, do you ultimately look inside of Mr. Thompson's body to see if you can find bullets or anything like that that would indicate where gunshots actually did go through?

A. Yes.

Q. All right. And can you please tell the ladies and gentlemen of the jury about that?

A. Okay. So, again, typically I would examine the external surface of the body for wounds and then I would open the body and do an internal examination. That's when I am able to tell where those projectiles went, what they perforated, what damage they caused.

In Mr. Thompson's case, there was a large amount of surgical intervention since his injury. There was infection. There were lots of changes, adhesions, et cetera, that had formed. So, clear pathways of those projectiles were not evident.

But it, it was apparent, through description of the medical records and my findings, were consistent with their procedures, removal of certain tissues like a portion of the lung, the spleen, surgical repair of the

stomach, the small intestine, the pancreas, the liver. All of those were consistent with the defects that were found within Mr. Thompson.

Q. Were you ultimately able to locate bullets within the body of Mr. Thompson?

A. Yes.

Q. Where did you remove those from?

A. I removed three projectiles I believe from Mr. Thompson from the spine, the left hip, and the right side of the chest.

Q. On this drawing, can you show us where, on the spine -- you, you remember where on the spine you did remove the bullet?

A. I don't.

Q. All right. How about on the left hip?

Was there a spot on the left hip where you actually did find -- make a finding of where that bullet was?

A. Within the, the sort of -- I don't remember exactly the layer of the hip. But it was in -- within probably the posterior half of the upper portion of that left hip.

Q. All right. And you said spine, left hip, and what was the third bullet?

A. In the right side of the chest.

Q. The right side of the chest.

Do you know what part of the chest that might -- that

bullet was located?
A. I don't recall.
Q. Okay. Did you turn these bullets over to law enforcement for further investigation?
A. Yes.
Q. All right. Anything else from this drawing that you can draw to the jury's attention about the cause of death and how you ultimately reached conclusions about the cause of death of Mr. Thompson?
A. I don't believe there's any more information regarding injuries.
Q. All right.
A. It's a lot of medical --
Q. Okay.
A. -- changes.
Q. All right. If you would, please just take your seat back.
A. Do I take this?
Q. You can. Yes, ma'am.
A. (WHEREUPON, the witness returns to the stand.)
Q. Very briefly, very briefly, you did say 17 days.
Do you know what date he entered the hospital up until the point in time where he was pronounced dead?
A. I believe he entered the hospital on October 25th.
Q. Okay. And what date was he pronounced dead?

A. December 11th. That's --.
Q. All right.
A. I might have October 25th incorrect.
Q. All right. It -- it's fine.
Based on your autopsy, based on your examination of the body, were you able to draw conclusions about the cause of death of Mr. Thompson?
A. Yes.
Q. And, and can you please tell these ladies and gentlemen of the jury about your findings?
A. Yes, his cause of death in this case was complications of multiple gunshot wounds.
SOLICITOR BROWN: All right. Court's brief indulgence.
(Pause.)
SOLICITOR BROWN: All right. And permission to approach the witness, Your Honor?
THE COURT: Yes, sir.
Q. Showing you again State's 132, at the top of this, is it giving an indication of what day he was admitted to the hospital above the bar code?
A. It does say October 25th.
Q. All right. So, fair to say it -- that's fine -- approximately closer to 45, 50 days?
A. Yes.

Q. All right. And I may not be exact on that. Thank you.
A. Apologies.
Q. No. No, that's fine.
Please answer any questions Mr. Morin might have for you.
THE COURT: Cross-examination.
MR. MORIN: I don't have any questions of this witness.
THE COURT: All right. Thank you, doctor. You are excused.
THE WITNESS: Thank you.
THE COURT: Yes, ma'am.
SOLICITOR SMITH: Could we approach?
THE COURT: Yes, sir.
(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)
THE COURT: All right. Madam Forelady, we're gon' do a little bit of logistics getting some things set up in connection with this next witness so we don't have to do it while they're here. Probably take about 10 minutes.
If you, you would just take a break and we'll get you back out here as soon as we can.
THE FORELADY: Yes, sir.
(WHEREUPON, the following takes place outside the

presence of the jury.)

THE COURT: All right. Would you send word back when y'all are ready?

SOLICITOR BROWN: Yes, Your Honor.

THE COURT: All right. Thank you.

SOLICITOR BROWN: Thank you.

(WHEREUPON, a short recess was taken at this time.)

THE COURT: State ready?

SOLICITOR SMITH: Yes, Your Honor. Sorry about that.

THE COURT: All right. Defense ready?

MR. MORIN: Yes, sir.

THE COURT: So we gon' need to wrap up around 5:00ish today.

SOLICITOR SMITH: Whatever you say.

THE COURT: You know, I'm just, you know, trying to get as close as you can.

SOLICITOR SMITH: Yes, sir.

Judge, the only issue, as we transition to phones, we're gonna have a, a period of down time. I don't know if you want them to leave. It might be awkward -- that time was loading Cellebrite for, for this.

THE COURT: Do you do it for each time?

Is it -- we can't do this in advance either, can we?

SOLICITOR SMITH: It's hard because I don't --.

Okay. It, it is very difficult to do that.

THE COURT: All right. But it is what it is.
SOLICITOR SMITH: Yes, sir.
(WHEREUPON, the following takes place within the presence of the jury.)
THE COURT: Call your next witness please, sir.
SOLICITOR SMITH: State calls Investigator Brandon Letterman.
THE CLERK: Place your left-hand on the Bible.
BRANDON LETTERMAN, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Will you please introduce yourself to the jury?
A. I'm Investigator Brandon Letterman with the Spartanburg County Sheriff's Office.
Q. And how long have you been at the Spartanburg County Sheriff's Office?
A. Nineteen years.
Q. And at -- what do you currently do with the Sheriff's Office?
A. Senior investigator in the criminal investigation division.
Q. All right. And previously, at some point, were you in charge of doing cellphone extractions for the Sheriff's Office?

A. Yes, I did digital forensics extractions for approximately five years at the Sheriff's Office.
Q. All right. And during the time of October 25th of 2020, were you in that role --
A. I was.
Q. -- and I guess going into 2021 as well?
A. Correct.
Q. All right. Have you seen -- received any special training in order to do cellphone extraction?
A. I have.
Q. Can you detail that training for the jury?
A. Yes.

So, I've received close to 400 hours of training ranging from the United States Secret Service National Computer Forensic Institute with over close to 200 hours of training there in digital forensics. Was a member of the United States Secret Service Electronic Crime Task Force for five years and was identified as the top forensic examiner in the state in 2019 by the United States Secret Service.

Q. And can you explain what forensic -- cellphone forensics is that you described?
A. Yeah, digital forensics, any type of digital forensics, specifically cellphone forensics, is taking the device and extracting the data from the device where we

can analyze it in software so we can dig down into the, the device and find text messages, phonecalls, photos, things along those lines.

Q. All right. And is there a program that you use to facility your job I guess?

A. Yes.

They're a couple of programs that we, we would use on cellphones. We would use GrayKey as well as Cellebrite are the two leading forensic softwares on the market.

Q. And have you been qualified as an expert previously in digital forensic?

A. Yes, been qualified five times as an expert.

SOLICITOR SMITH: Your Honor, at this time we would present Investigator Letterman as an expert in digital forensics.

MR. MORIN: Can I---

THE COURT: Would you like to voir dire this witness?

MR. MORIN: Yes, I do.

THE COURT: Okay.

VOIR DIRE EXAMINATION

BY MR. MORIN:

Q. Just so I'm clear, you're an expert in using a program to remove data from the phone itself?

A. Well, you use the program to remove data from the phone. You -- the expert -- you have to dig down and be

able to interpret how the data got there, the file systems structure, things along those lines. So, the, the program will extract the data. I have to be able to analyze the data.

Q. All right. And in analyzing the data, you're looking for the things you just said, text messages, phonecalls.

Is that right?

A. Correct. Looking for artifacts on the phone, correct.

Q. Photographs --

A. Yes.

Q. -- that are stored on the phone?

A. Yes.

Q. Not that are in WhatsApp or whatever?

A. Well, it's a yes. I mean you still get that from off -- so any of -- it's based on what the app is, whether it's encrypted or not or whatever, whether you can get photos or messages off of it. So, technically, yes, if there's a photographs on WhatsApp and it's supported for the extraction, then yes, you can get photographs off WhatsApp.

It's not just on the physical phone. It's, it's all the data in the phone. So all the app usage, all the messaging, and all the apps, all that stuff.

Q. And this is gonna be all that I'll call it gibberish

that we first see?
Is that what you're interpreting?
A. I don't call it gibberish.
I'm sorry. What?
Q. A lot of lines of data and that kind of thing---
A. Correct. Yes.
Q. ---is that what you're interpreting?
A. Yes.
Q. And your experience has been trained by the Secret Service for how many hours?
A. Close to a little over 200 hours for Secret Service.
Q. Over what time period?
A. That was over a two year period. One class was 192 hours and then two 40 hours classes.
Q. Is this like a college thing where you, you have three hours -- 15 hours in a semester but you're doing a whole bunch of time?
A. No, this is actually on-site at the U.S. Secret Service National Computer Forensic Institute. One was a week long. Two are a week long classes and one was a five week long class where you'll actually live on-site.
Q. Well, what's your other educational background?
A. What's that?
Q. Your other educational background outside of your training from the---

A. Correct.
Q. ---Secret Service?
A. Yes, high school diploma from Hunter Huss High School in Gastonia. Attended Gardner Webb University.
Q. Got a degree in --?
A. No degree.
Q. Okay. You don't have any technical background other than what you received in the 200 hours from the Secret Service?
A. Correct. With approximately 1200 cellphone extractions.
MR. MORIN: I'm gonna have a motion, Your Honor.
THE COURT: Sir?
MR. MORIN: I'm gonna have a motion, Your Honor.
THE COURT: All right.
MR. MORIN: I'm gonna -- I'm not gonna stipulate. I, I don't believe he has the appropriate qualifications. I know he said he's been in court five times before but I wasn't there. He doesn't have any background beyond 200 hours of the SLED -- at the Secret Service to interpret these -- this data and --.
THE COURT: All right. Well, let me stop you.
MR. MORIN: Uh-huh. (Affirmative).
THE COURT: Madam Forelady, I'm gonna send you out again.

Okay. I'm sorry.

THE FORELADY: Yes, sir.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Okay, sir.

MR. MORIN: They're asking him to be qualified in running this program. He has no educational---

THE COURT: Well---

MR. MORIN: ---background.

THE COURT: ---let me make sure we're right cause---

MR. MORIN: Yes, sir.

THE COURT: ---it started out being special training in cellphone extraction. The area of expertise, according to my notes, is digital forensics.

SOLICITOR SMITH: Yes, sir.

THE COURT: Okay. Go ahead.

MR. MORIN: They're -- the digital forensics he's talking about when he testified in, in direct from the State was he's gonna use this program to pull things off of a phone. But then he's going to read and interpret what it says and the -- his educational background in this field is 200 hours over a two year period.

THE COURT: It's 400 hours hundreds, 200 at -- with the U.S. Secret Service. But it's 400 hours total more or less. That's what he testified to.

MR. MORIN: Okay. Thank you.
THE COURT: That's what I thought.
THE WITNESS: That's correct, yes.
MR. MORIN: Okay. Four hundred hours.
The 200 hours was over two years and I didn't get the other. But he doesn't have any other training regarding any of this technical information. He doesn't have any other educational background that would support him being qualified as an expert in this. And I always been suspect of I've been, I've been certified or found to be an expert private -- in previous court hearings. I, I don't -- so --.
THE COURT: That, that doesn't hold much weight with me but --.
MR. MORIN: So that's my -- the basis for my objection.
THE COURT: Well, let me ask you this.
MR. MORIN: Yes, sir.
THE COURT: Okay. When we're, when we're looking at experts, first you look at 702, is it an area where expert testimony is required. I think everybody will agree, yes, this is a technical area that expertise in the area is needed to help explain things to the jury.
Do you agree with that?
MR. MORIN: Yes.

THE COURT: And so when we get into qualifying someone as an expert, the hallmark, as we talked about earlier, is just reliability. I mean, at the end of the day, at what he's doing, the processes, the procedures, and the actual area is reliable so that it can be beneficial to the jury.

Right?

MR. MORIN: Yes.

THE COURT: Tell me why or what makes this unreliable so I can evaluate what your argument is.

MR. MORIN: Because what he's doing is he's not -- it's not stopping at when he uses Cellebrite or the program that he uses, which is the, the qualified, reliable program. He then is getting a series of data and he's interpreting it and that's where -- I'm not challenging what's (sic) Cellebrite does or what the other program he named was. I'm challenging his ability to interpret the data -- the raw date that's coming out of the phone.

THE COURT: Well, let me say this.

MR. MORIN: I think that's what his expertise is suggesting.

THE COURT: Well, let me say this.

Certainly this is an area where expertise -- where expert testimony would be relevant. Didn't mean to cut