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Jul 27 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Grace Gilchrist Knie, Circuit Court Judge

Appellate Case No. 2024-000848

Jacoby Jamar Gregory,.....Petitioner,

v.

State of South Carolina,Respondent.

SUPPLEMENTAL APPENDIX

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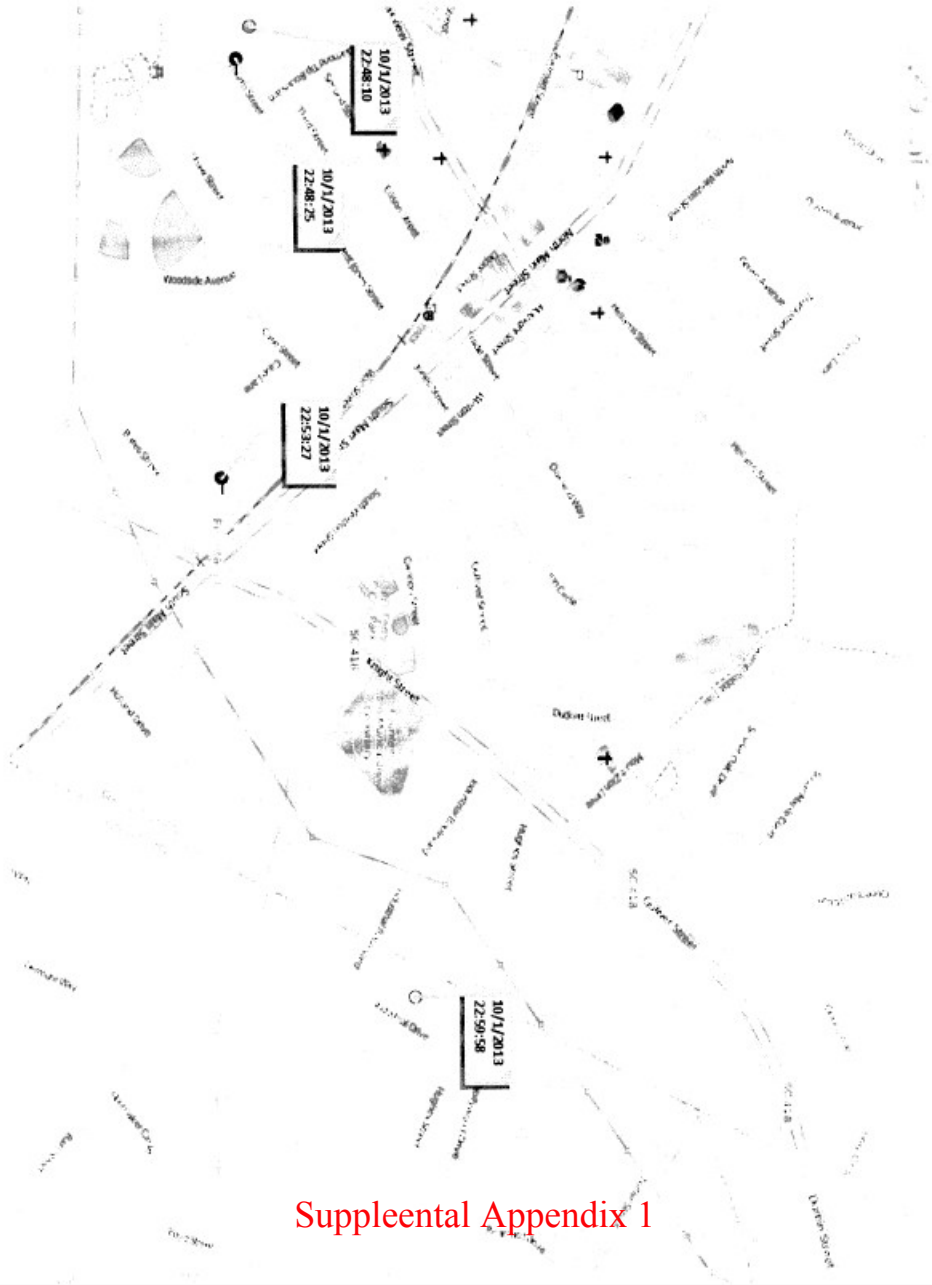
Applicant's Exhibit 3

Exhibit 40.jpe.....	1
IMG_5719.HEIC	2
IMG_5724.HEIC	3
IMG_5729.HEIG	4
IMG_5731.HEIC	5
Reflection State Exhibit 50 101 3 rd Street added.jpeg	6
Reflection State Exhibit 50 101 3 rd Street and access time 22/49/06 added.jpeg....	7
Reflection State Exhibit 50.jpg	8
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Applicant's Exhibit 3 in a USB-Drive. In addition to the documents listed above, the exhibit contains the following video files:

movie reflection of state exhibit 50 with added label of 101 3rd street and 22.49.06 B.mov

movie reflection of state exhibit 50 with added label of 101 3rd street B.mov



Supplemental Appendix 1









7:06 PM

100%

< Settings

Privacy



Location Services

On >



Contacts



Calendars



Reminders



Photos



Bluetooth Sharing



Microphone



As applications request access to your data,
they will be added in the categories above.

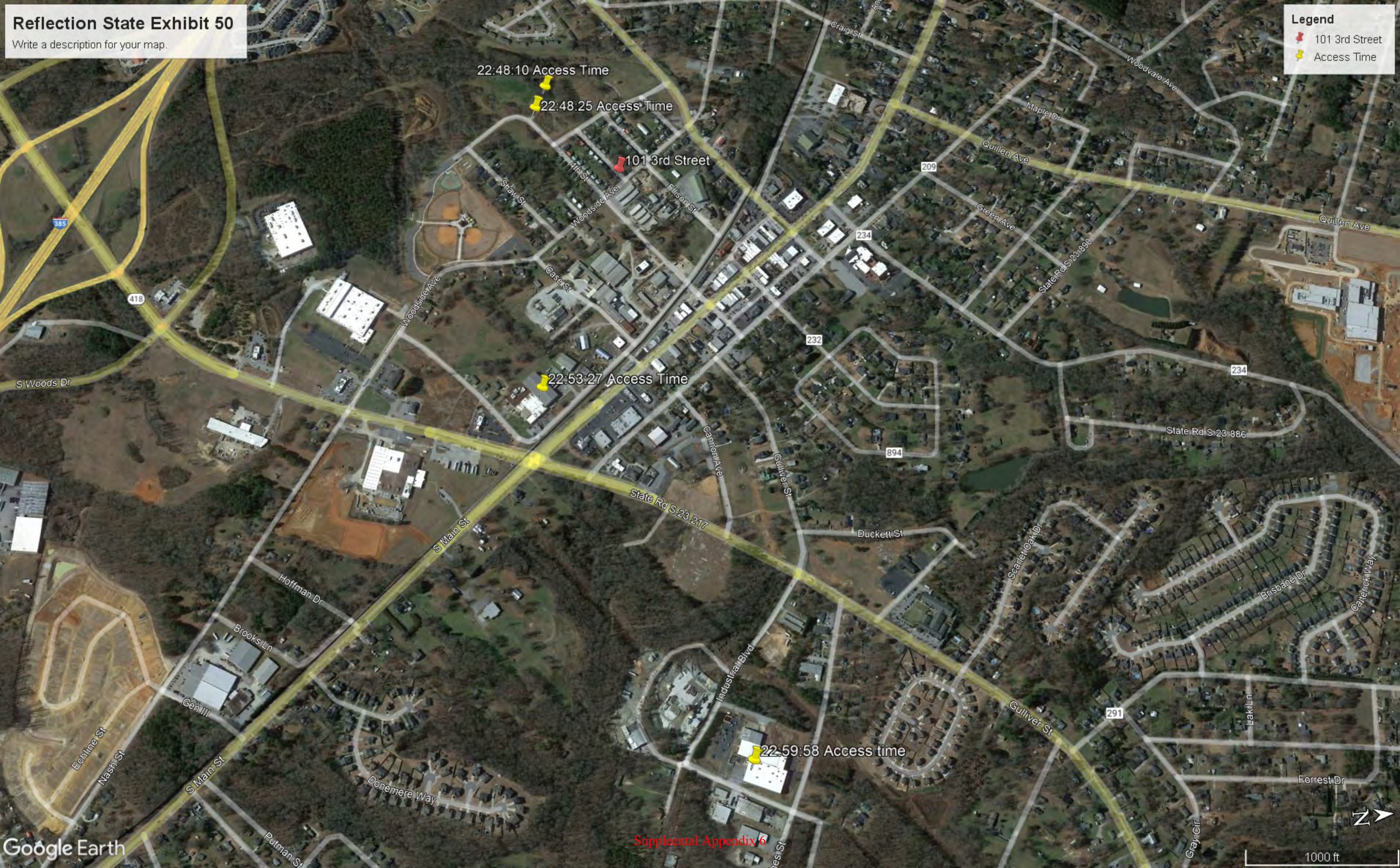
Reflection State Exhibit 50

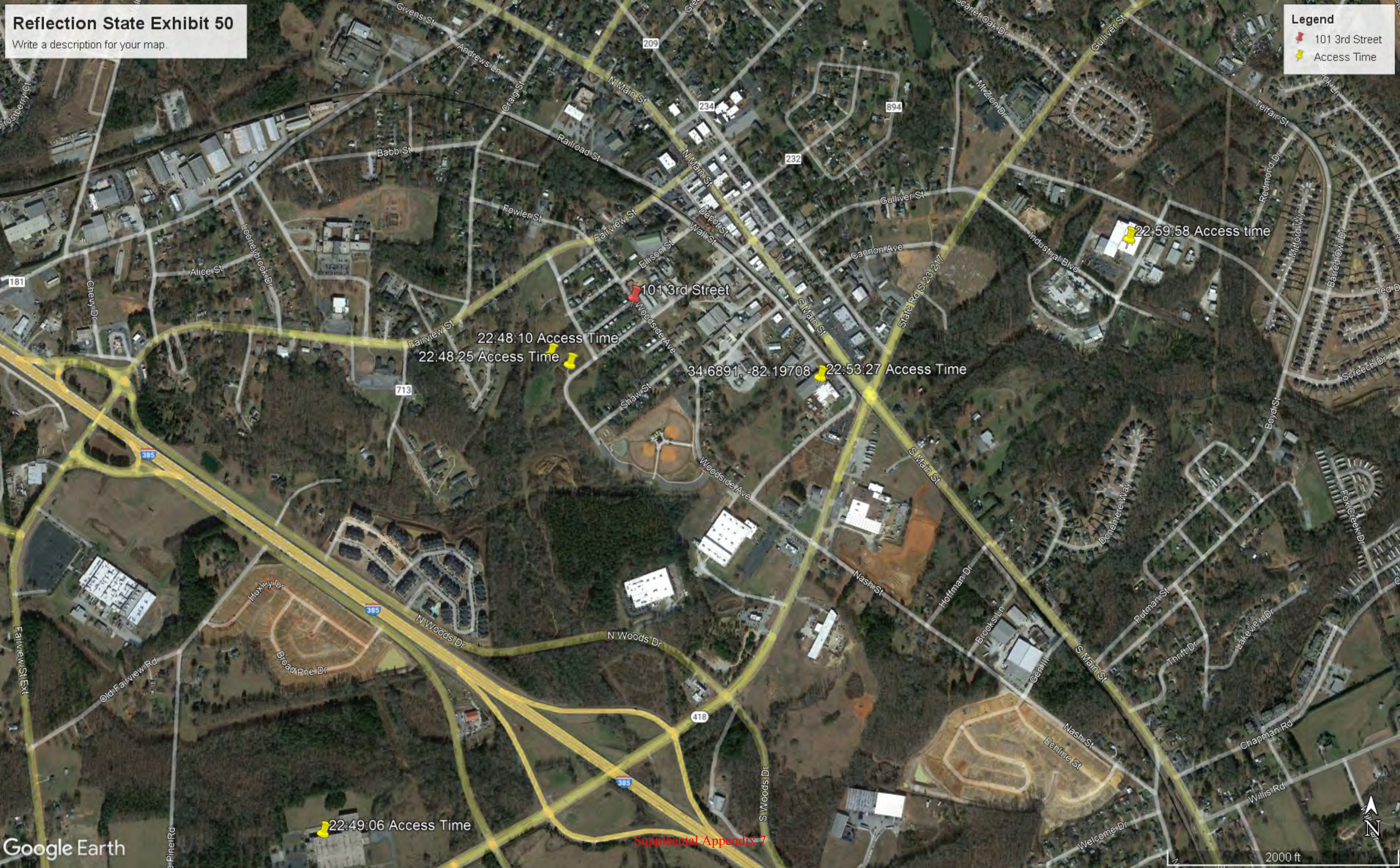
Write a description for your map.

Legend

101 3rd Street

Access Time





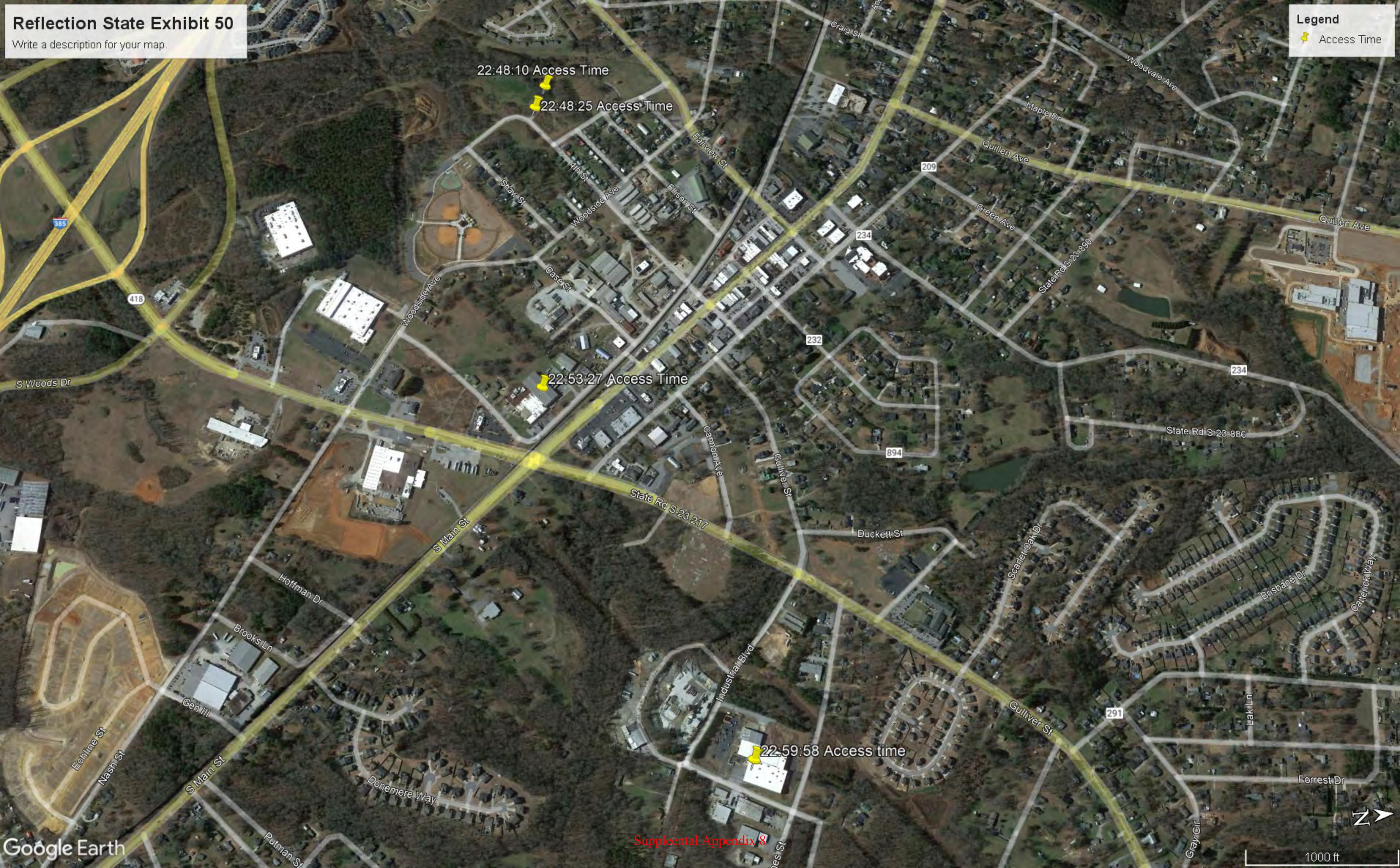
Reflection State Exhibit 50

Write a description for your map.

Legend

101 3rd Street

Access Time





My name is Pete Skidmore Jr. I am licensed through SLED as a private investigator. I have been working as an investigator for over 16 years, primarily on criminal cases involving individuals charged with murder. I have also worked on hundreds of domestic cases. I have been qualified as an expert regarding cellular device extractions/acquisitions. I have been doing cellular device extractions/acquisitions and examinations since 2015.

I got involved in the Jacoby Gregory case mid-2022 timeframe. The following is a summary of what has been provided to me, observations, and my opinion as an investigator and as a previously qualified expert in cellular device extractions/acquisitions.

I have reviewed the discovery provided by Attorney Blanchette and I have concluded, from what I have reviewed, the following:

- There was an extraction on the victim's phone.
- The extraction report that I reviewed was in a PDF format.
- To my knowledge, Attorney Blanchette did not, nor did the prior defense counsel for Mr. Gregory, receive the "raw" data from the original extraction/acquisition of the victim's phone.

I am prepared to provide and/or testify to the following at a hearing regarding cellular devices:

- The differences between a PDF report for a cellular device and a UFDR report. The disadvantages of a PDF report compared to a UFDR Reader report and why the prior defense should have requested the victim's cellular report in a different format than PDF at the very minimum.
- The format that was provided, the PDF format, makes it difficult to properly review and analyze the data that is provided. At the time of the extraction/acquisition of the victim's phone data, there could have been an electronic copy of the data that mirrored the report that law enforcement was reviewing. The report that could have been provided is a "UFED Reader" report. The UFED Reader report would have given the defense a better understanding and opportunity to review the data on the victim's phone. It is my understanding that that the "UFED Reader" report was not provided. The format that the data was given in PDF format. The PDF format put the prior defense for Mr. Gregory at a disadvantage.
- The prior defense counsel did not request for the original "raw" data from the extraction/acquisition of the victim's phone. If this had been requested, the defense could have analyzed the data and verified that all data from the extraction was provided. Without analyzing the original raw data, the prior defense team could not have known if they had everything related to the victim's cellular device.
- I have previous experience where a cellular device extraction/acquisition of data was conducted by the State and provided to the defense in a report. It was not until I conducted an independent review of the extraction/acquisition of raw data that I was able to determine that all the data was not provided to the defense of the defendant in that case.

- It is my experience and opinion that the only way for the defense to have all the evidence from the State is for the defense to receive the raw data from the cellular device extraction conducted by the State or Law Enforcement.

I have reviewed the discovery provided by Attorney Blanchette and I have concluded, from what I have reviewed, the following:

- There was an iPhone collected by Law Enforcement.
- The iPhone was placed in discovery.
- The defense team for Mr. Gregory had access and knowledge of the iPhone.
- The defense team for Mr. Gregory's original trial never attempted to obtain or extract data from the iPhone.

I am prepared to provide and/or testify to the following at a hearing regarding Mr. Gregory's cellular iPhone device:

- Documentation of Mr. Gregory's iPhone, model MD440LL/A with Serial Number C8QJRZGVDPNG, was unlocked and the State and the defense had the opportunity to extract data from the device.
- Documentation of Mr. Gregory's iPhone, model MD440LL/A with Serial Number C8QJRZGVDPNG, had Location Services turned on.
 - That the prior defense should have extracted Mr. Gregory's iPhone, model MD440LL/A with Serial Number C8QJRZGVDPNG, for the device's raw data. Because the device's Location Services was turned on, there could have been exculpatory data that was not investigated.

I have reviewed the discovery provided by Attorney Blanchette and I have concluded, from what I have reviewed, the following:

- There was a Samsung Galaxy Note II collected by Law Enforcement
- The Samsung Galaxy Note II was placed in discovery.
- The defense team for Mr. Gregory had access and knowledge of the Samsung Galaxy Note II.
- The defense team for Mr. Gregory's original trial never attempted to obtain or extract data from the Samsung Galaxy Note II.

I am prepared to provide and/or testify to the following at a hearing regarding Mr. Gregory's cellular Samsung Galaxy Note II:

- That the prior defense should have extracted Mr. Gregory's Samsung Galaxy Note II, Model: SCH-1605, with IMEI: 990003348069358, and MEID: 256691486808415541, for the device's raw data. There could have been exculpatory data that was not explored or investigated by the previous defense of Mr. Gregory.

I have reviewed the discovery provided by Attorney Blanchette and I have concluded, from what I have reviewed, the following:

- There are cell phone records showing grid coordinates in latitude and longitude format.

- The only records showing latitude and longitude were for only one of Mr. Gregory's cell phones; the cell phone ending in 9074.
- To my knowledge, Attorney Blanchette, nor the prior defense counsel for Mr. Gregory received any other records that indicated grid coordinates for other cell phones.
- There were 4 grid coordinates, regarding Mr. Gregory's phone ending in 9074, that were given/provided during the trial regarding the location of the phone ending in 9074. These 4 grid coordinates were plotted on a map showing the location of the phone ending in 9074, the date of the call, and the time of the call. During the trial, these 4 mapped grid coordinates were presented as evidence in Exhibit 50.

*I have previously testified as an investigator in a murder trial regarding State Evidence that was provided to the defense regarding cellular records and grid coordinates. I have a background in grid coordinates during my time in the Army. I have an extensive background and experience using grid coordinates as a private investigator related to domestic and criminal cases.

I am prepared to provide and/or testify to the following at a hearing regarding Mr. Gregory's cellular phone location, ending in 9074, from the data excel sheet "mevdort_Greenville_9074" and Exhibit 50:

- A copy of Exhibit 50
- A reflective copy of Exhibit 50 in Google Earth
- A reflective copy of Exhibit 50 in Google Earth with a label of 101 3rd Street added.
- A reflective copy of Exhibit 50 in Google Earth with a label of 101 3rd Street and row 499 added, reflecting the grid coordinates at 22:49:06 that was left out and was not questioned by the prior defense.
- A video reflection of state Exhibit 50 with the added label of 101 3rd Street.
- A video reflection of state Exhibit 50 with the added label of 101 3rd Street and row 499, reflecting the grid coordinates at 22:49:06 that was left out and was not questioned by the prior defense.

I believe that the other phone coordinates should have been provided, or at minimum, requested from the prior defense counsel.

It is my opinion that picking these 4 grid coordinates does not properly display an accurate depiction of where the phone, ending in 9074, was located during the timeframe in question. When reviewing the data excel sheet "mevdort_Greenville_9074" and reviewing rows 501 through 496, row 497 and 499 were left out of the map exhibit that the state presented. Row 497 did not provide any grid coordinate data. Row 499 date is 1-Oct, Access time is 22:49:06, and release time is 22:49:06. When reviewing row 499 data, the grid coordinates for this row/time, places the phone, ending in 9074, across from the interstate a minute or two before the shooting. By leaving this out and the prior defense counsel not questioning or inquiring further about these grid coordinates, it allows for a misrepresentation of the data, which is very misleading, in my opinion.

When thoroughly reviewing rows 501 through 496, it brings into question several things. First, the accuracy of the data that was provided. When row 499 is added with the grid coordinates to map exhibit 50, it brings into question the accuracy and reliability that row 499 has when added to Exhibit 40. Secondly, if the reliability/accuracy is in question of row 499; can the reliability/accuracy of the other rows be trusted? Lastly, why did the original defense not hire an expert to review the accuracy of the

data. Most importantly, why did the original defense not question or investigate why row 499 was not included in the map exhibit 50? Did the original defense even know that row 499 was not included in Exhibit 50?

Also, when reviewing the data from this excel sheet and the data that was used, there were a total of 1984 rows in the spreadsheet; only 4 of those rows were reflected in the map exhibit 50 that the state presented in the case against Mr. Gregory. It is my further opinion that these rows should have been investigated by the prior defense counsel.

In conclusion, it is my opinion that, at minimum, the prior defense counsel should have further investigated, requested, and even extracted/acquired the “raw” data from not only the victim’s phone, but also from both of Mr. Gregory’s phones.

The prior defense counsel should have also further investigated the grid coordinates regarding excel sheet “mevdort_Green_9074” for the rows/cells that were not included in the map exhibit that the state presented. I also believe that the prior defense counsel should have requested for the same type of data and grid coordinates with latitude and longitude, for the other cell phones that were involved in the case. If the prior defense counsel had requested these things, they would have multiple sources of information to verify and validate extremely relevant information.

Peter M Skidmore