

STATE OF SOUTH CAROLINA
In The Supreme Court

PAGES 501-716

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On Writ of Certiorari to the Court of Appeals
Appeal from Horry County
Honorable Mark J. Hayes, Circuit Court Judge

Aug 25 2026
S.C. SUPREME COURT

Appellate Case No. 2026-001715

THE STATE,.....PETITIONER

v.

ANIJAH YARNELL,.....RESPONDENT.

APPENDIX VOLUME II

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INDEX

Record on Appeal	1
Final Brief of Appellant	616
Final Brief of Respondent	654
Court of Appeals Opinion 2026-UP-276	689
Petition for Rehearing.....	701
Order Denying Petition for Rehearing	715

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Honorable Mark J. Hayes, Circuit Court Judge

Appellate Case No. 2023-000571

Volume II of II
Pages 501-615

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Aug 21 2024

SC Court of Appeals

THE STATE,APPELLANT

v.

ANIJAH YARNELL,RESPONDENT.

RECORD ON APPEAL

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INDEX

IMMUNITY TRIAL TRANSCRIPT NOV. 14-16, 2022,	1
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DEFENSE WITNESSES

TESTIMONY (Monday, November 14, 2022)

MELISSA CANNON

Direct by Mr. Martin.....	39
Cross by Ms. Livesay.....	46
Redirect by Mr. Martin	60

DARRIN CARD

Direct by Mr. Martin.....	63
Cross by Ms. Livesay.....	75
Redirect by Mr. Martin	89
Recross by Ms. Livesay	97

DR. ROBERT BENNETT

Voir Dire by Mr. Martin	109
Voir Dire by Ms. Livesay	110
Direct by Mr. Martin.....	120
Cross by Mr. Helms	135

(Tuesday, November 15, 2022)

DETECTIVE JONATHAN KELLY

Direct by Mr. Martin.....	158
Cross by Ms. Livesay.....	160
Redirect by Mr. Martin	166

DENNIS MCLAIN LEWIS

Direct by Mr. Martin.....	180
Cross by Ms. Livesay.....	187

KIMBERLY MEARS

Voir Dire by Mr. Martin	193
Direct by Mr. Martin.....	194
Cross by Ms. Livesay.....	198

Redirect by Mr. Martin	201
JILL DOMOGAUER	
Direct by Mr. Martin.....	202
Cross by Ms. Livesay.....	232
COURTNEY JOHNSON	
Direct by Mr. Martin.....	252
SARA ZAPATA	
Voir Dire by Mr. Martin	257
Direct by Mr. Martin.....	258
Cross by Ms. Livesay.....	263
Redirect by Mr. Martin	267
EMILY CERIO	
Direct by Mr. Martin.....	268
Cross by Ms. Livesay.....	288
Redirect by Mr. Martin	303
Recross by Ms. Livesay	310
(Wednesday, November 16, 2022)	
ELIZABETH LAWSON	
Direct by Mr. Martin.....	320
Cross by Ms. Livesay.....	323
ANIJAH YARNELL	
Direct by Mr. Martin.....	327
Cross by Ms. Livesay.....	356
Redirect by Mr. Martin	434
Recross by Ms. Livesay	437
Defense Rests.....	441
Motions	444
<u>STATE’S WITNESSES</u>	
DARLA BENOIT	
Direct by Ms. Livesay.....	469
Cross by Mr. Martin.....	477
Redirect by Ms. Livesay	481

Recross by Mr. Martin	484
EMMETT LEONARD HALL	
Direct by Mr. Helms	487
Cross by Mr. Martin.....	491
Redirect by Mr. Helms.....	494
PAM COLLINS	
Direct by Ms. Livesay	495
State Rests	499
PETITIONER’S BRIEF ON MOTION FOR IMMUNITY	540
THE STATE’S REPLY TO PETITIONER’S BRIEF ON MOTION FOR IMMUNITY	544
APRIL 4, 2023, ORDER GRANTING MOTION FOR IMMUNITY	547
STATE’S EXHIBIT 19 – YARNELL’S TEXT MESSAGES TO AND FROM “MISSY”	562
STATE’S EXHIBIT 49 – STATEMENT OF EMILY CERIO	566
STATE’S EXHIBIT 51 – TEXT MESSAGES BETWEEN YARNELL AND MICHELLE	572
DEFENSE’S EXHIBIT 46 – CELLEBRITE REPORT	587
INDICTMENTS	612

[THE FOLLOWING EXHIBITS ARE ON FILE WITH THE COURT: STATE’S EXHIBITS 23, 25, 27, 32, 33, 36, 38-47, 49, 55 (PHOTOGRAPHS); DEFENSE’S EXHIBITS 14-16, 20, 43 (PHOTOGRAPHS); STATE’S EXHIBIT 54 (MAP OF COMPLEX); DEFENSE’S EXHIBIT 32 (AERIAL PHOTOGRAPH OF APARTMENT COMPLEX & SIDE ROADS)]

1 specifically said that the fact there is conflicting evidence
2 does not mean that it should be sent to a jury, but that the
3 Court should find if the defendant is entitled to protection
4 under the act on the evidence in the record. They have
5 specifically said, number one, that the fact that the defendant
6 was not armed is not dispositive, it is a fact to be considered
7 along with the other evidence. So I think that those matters
8 are clear and it's the kind of case that was meant, this is the
9 kind of case that was meant to afford that protection to Mr.
10 Yarnell. You know, and I put this in my brief to you, as well,
11 as another thing struck me as I listen to this. The fact that
12 he was unarmed is not dispositive and the Supreme Court has
13 said that in State versus Glenn, I believe it is, or State
14 versus Cervantes-Pavon, which I've handed copies of those cases
15 up to the Court. Also, the law of self defense is clear is
16 that a defendant is entitled to act on appearances even if his
17 ultimate belief is mistaken, let's say as to a gun, that you do
18 not have to wait, again, the law of self defense, you do not
19 have to wait for your adversary to get your drop on you, that's
20 the case law, and thirdly, that threatening words accompanied
21 by aggressive actions are a sufficient basis for one to act in
22 self defense. Now, having said that, the reason we're asking
23 for protection in this case is based on the fact that he's in
24 an occupied vehicle. The State keeps wanting to talk about and
25 divert the attention to, he was in a place where he didn't have

1 a right to be. We take the position he was in his vehicle. He
2 was in a place where he had a right to be, his vehicle, and the
3 legislature has specifically said that if you're at your home
4 or if you're in an occupied vehicle that you are afforded
5 special protections, and that is the protection of the Castle
6 Doctrine and that you have no duty to retreat it and this
7 access, as a matter of fact, if you are at home or if you're in
8 the occupied vehicle, that you're entitled to the presumptions
9 in 16 -- well, 16-11-448: The presumption of reasonable fear
10 of imminent peril when using deadly force against another
11 unlawfully entering the residence, occupied vehicle or place of
12 business. Now, the legislature, and it seemed to me made it
13 clear, that they wanted to afford that protection to occupied
14 vehicles, and they know when you purport it to vehicles the
15 vehicles are not always at home. They may be on the highway,
16 they may be in the parking lot, they may be -- may be at home,
17 may be at your neighbor's home, you might be over for a
18 Christmas party. You could be anywhere, but that vehicle, and
19 I can't find the case on this, Judge, so, I've looked, but the
20 vehicle has the same protection as your home, that's what the
21 statute says, and we believe that that's where he is here, and
22 so therefore, not only is he entitled to stand his ground, he
23 is entitled to the presumption, if he needs it, and I would
24 suggest to you he don't need it, but he's entitled to
25 presumption of reasonable fear as to great bodily injury or

1 death. If you go down, and I'm going to start back there and
2 then go back to the law of self defense. You need to look at
3 that first as I read the cases, then you get into presumption.
4 But again, at fault in bringing on the difficulty. Who was at
5 fault in bringing on the difficulty? And of course, that's
6 almost a case by case analysis, but in this case you have to
7 find by a preponderance of the evidence that Anijah was not at
8 fault in bringing on the difficulty. Well, the evidence in the
9 record is that he did go to this place, and we can argue, and
10 let me say this, the issue of whether or not he was at a place
11 where he had a right to be only comes into play, only comes
12 into play under Subsection C of that provision. We aren't
13 there yet. That's a last resort for Anijah. We are up in A
14 where we're talking about the presumption that he's entitled
15 to, but if you go into was he at fault in bringing on the
16 difficulty? The evidence is in the record, but Judge, we'd
17 argue that he's not. He was in his car, he drove up in the
18 parking lot of this apartment, he did not get out of his car,
19 he rolled down his window, the evidence in the record is that,
20 from him, that he said, is Remi gonna come get her stuff? The
21 evidence is from others is that he may have heard him said
22 something but they couldn't hear what it was, and then the
23 evidence in the record from him is, he was immediately greeted
24 with: Get the fuck out the car, I'm gonna fuck you up. Missy
25 Cannon says the first thing she heard was: Get the fuck out of

1 the car, I'm gonna fuck you up, repeatedly, belligerently, and
2 it scared her. Now, Darrin Card tells it a little differently.
3 He tells it a little differently, but he eventually gets around
4 to the same thing. He says that he thought he said something
5 about you need to go home but that he eventually got
6 adversarial: Come on, get out of the car, let's get it on.
7 You got the transcript, but it's pretty clear from Darrin
8 Card's testimony that Mr. Pennington became aggressive. So at
9 fault, so you have to say, well, Anijah was at fault because he
10 went there or stopped there and spoke to somebody. Judge,
11 that's not at fault in bringing on the difficulty. If you find
12 by a mere, mere, preponderance of the evidence that Mr.
13 Pennington was the aggressor then we've established what we
14 need to establish there, and I think the evidence is clear in
15 this case that Mr. Pennington for reasons satisfactory to his
16 self, and my argument would be, Judge, that frankly, Emily and
17 not Remi, but Emily had brought him over there and he was there
18 so he could do whatever people do in approaching and
19 straightening Anijah out or whip his A double S, or whatever
20 the case may be, frankly. The evidence is that Mr. Pennington
21 was under the influence of alcohol, cocaine metabolites, likely
22 cocaine, marijuana, Xanax, and then you got the testimony of
23 Dr. Proctor and Dr. Bennett of what that can do to an
24 individual. It's corroborative evidence of Anijah's
25 explanation of how he acted, why it scared him to the extent

1 that it did, we've got his prints on the door, we've got
2 Anijah, Darrin, Emily, saying that he was reaching into the car
3 hitting him, and Judge, frankly, you know, you can blame Anijah
4 all you want to, but there's no excuse for that conduct on Mr.
5 Pennington's part. Now, the only way you try to wrangle that
6 around and say, well, maybe he's justified as imminent, I say,
7 well, he saw the gun so he went after it, well, that defies
8 logic. If they knew he had a gun and they had no gun he hadn't
9 bothered anybody, he hadn't bothered anybody. You would think
10 that they would not escalate the situation by trying to take
11 his gun from him. Again, now, he's in his car legally in
12 possession of a gun, and he is being attacked so he gets the
13 gun. That don't give the right that the guy that's trying to
14 get you out of the car to beat your A double S, or to do
15 whatever, the right to try to take the gun, because surely you
16 think, well, if he gets the gun he's liable to shoot me. So at
17 fault in bringing on the difficulty, we believe the evidence is
18 clear. There's also blood in the driveway which corroborates
19 the story that Anijah pulls up into the middle of the driveway,
20 that Mr. Pennington is at the door, that Anijah is backing up,
21 for what it's worth, and that in this he is fearful and he
22 shoots, and Judge, that is what the stand your ground business
23 is all about, whether you like it or you don't like it. We
24 live in a world where people have guns, like guns, want guns,
25 use guns for protection, most people do this day in time, have

1 them in the car, have them in the house, concealed weapons
2 permits and walk around with them, everybody wants a gun. And
3 the legislature has recognized the fact that, listen, you're
4 entitled to have guns and you also are entitled to stand your
5 ground. You do not have to take a whipping that places you in
6 fear of great bodily injury, not even death, but great bodily
7 injury, you can stand your ground. That's exactly what was
8 happening here.

9 And then if you go to the next element, was he in
10 fear? He's testified he was in fear. There's really no
11 evidence he wasn't in fear and the question then becomes, was
12 it reasonable? Well, two things, Judge. First of all, we
13 believe he's entitled to the presumption under the statute. He
14 is in his car, there is more than ample evidence that he's
15 under assault or attack, and that he is either hit or Mr.
16 Pennington is doing his best to hit him and get him out of the
17 car. Now, remember the testimony from Missy Cannon is, even
18 from Emily and Darrin and Anijah, that he's pulling on that car
19 door trying to get him out of the car. That's exactly what he
20 don't have a right to do because Mr. Yarnell is in an occupied
21 vehicle and at this point in time we aren't even talking about
22 where he has a lawful right to be or not because that's
23 Subsection A, but it is crystal clear under the law of South
24 Carolina, going back to State versus Gunter, State versus Leek,
25 State versus Glenn, a number of cases that I gave you, that he

1 was not deprived of his right to act in self defense by being
2 in that that apartment complex parking lot that night. as
3 State versus Glenn says, and I'm going to take the time to read
4 some of this to you into the record. it says: we recognize in
5 Jones the irrationality before closing the immunity based on
6 the location of the incident provoking the use of self defense.
7 we find that the legislature intended the protection, and this
8 is of Subsection C, but I see it applies to the whole act:
9 provided that other requirements met without geographical
10 restrictions they're intended the protections to apply to
11 incidents, provided other requirements are met, without
12 geographic location. It goes on to say: Such analysis in this
13 context is supported by our long-standing self defense
14 precedent pre-dating the act, State versus Leek, State versus
15 Gunter, and Miller versus Aiden. It goes onto say: indeed, to
16 to bar a victim of crime, and that ends in assault in this
17 instance, maybe an attempted carjacking. That's exactly what
18 the law could have charged Mr. Pennington with under an
19 isolated incident where they are looking at the facts, he's
20 threatening to whip, he's opening the door trying to get him
21 out of the car, that is, frankly, Judge, frankly, that's
22 uncontested testimony, not only for Pennington -- I mean,
23 excuse me, Mr. Yarnell, but from the witnesses of the State,
24 Card, our witness Missy Cannon, and Darrin. But the Court goes
25 onto say: Indeed, to bar a victim of a crime from claiming

1 immunity, based on a hyper-technical reading of the statute,
2 would lead to absurd results when his presence in the place he
3 was attacked had no relation to the incident itself. However,
4 the plain ordinary meaning of the words used in the statute may
5 be the Court will reject that meaning when to accept that the
6 lead to a result so plainly absurd that it could not possibly
7 have been intended by the legislature or would defeat a plain
8 legislative petition. Now, Judge, if you are going -- and my
9 point, it would be an absurd result in this case to say that
10 Anijah Yarnell, in his car, in an apartment building condo
11 building complex, private property or not, could not defend
12 himself if he was under assault or attack. That would be an
13 absurd result, and that's not what's intended. Just like,
14 Judge, I went over there to look at that scene, I've been a
15 couple of times, I rode in and out of there, I stopped, I got
16 out of the car and looked around, nobody stopped me, but let's
17 suppose while I would've been there I got back in the car and a
18 guy had run up to me and had tried, got me out of the car,
19 tried to get me out of the car, threatening to whip my A double
20 S and all that and I had a pistol, you mean to tell me I
21 couldn't defend myself? Oh, This is on private property now,
22 you need to let him whip your butt. I don't need to get too
23 dramatic, but it just, frankly, insenses me the thought that
24 the State would make that argument if he didn't have a right to
25 defend himself there, but let me go back. Now, again, that's

1 under Subsection C, which is where Ms. Livesay wants to push us
2 and where I don't think we need to be. We're in A, he's in an
3 occupied vehicle. Clearly, the place he is is not such an
4 egregious place that he don't have a right to be there. He had
5 as much right to be there, frankly, as Mr. Pennington did, or
6 any of these other folks, for that matter, or actually where
7 anybody had a parking permit, and I think we all know that by
8 and large those places people come and go and nobody misses
9 where you go and whether you park and whether you got the
10 parking permit unless there's some disturbance of some kind,
11 but in this case he's in an occupied vehicle, as such, he has
12 no duty to retreat, even though he does attempt to back out.
13 He can't drive forward, the building's there, it's difficult to
14 turn around where you might run over somebody or run into a
15 vehicle, at any rate, he does not have the duty to retreat, we
16 would say, even though he attempted in some fashion to do so,
17 but he's under attack, and it's easy to say, well, you got your
18 car, you could have backed out, you roll your window, if you
19 couldn't roll your window, all of this happens in a split
20 second, really, and if you want to go back to, and I'll go into
21 a few minutes into a proximate cause argument that I think is
22 relevant, but one thing for clear is Mr. Yarnell's presence
23 there was not the proximate cause of the event. The proximate
24 cause of the event was Mr. Pennington, sadly, inserting himself
25 into a situation that he did not have to, in an aggressive

1 belligerent manner, but, Judge, so I think, as I read the case
2 law, you take a look and see whether there's a case of the
3 elements of self defense are met, and then you can look at A
4 and say, you know what, since he's in an occupied vehicle he's
5 entitled to a presumption of fear and reasonable fear. You
6 mess with me in my car, I'm entitled to that presumption of
7 fear and have no duty to retreat. So really, and Judge, the
8 standard here is by a preponderance of the evidence, and I
9 couldn't find precedent for it, but I'd like to argue to you
10 and I would say to you, the fact that there's a presumption
11 that exists as to those two elements meets the standard of
12 preponderance of the evidence, but I'll go back and say, we
13 believe there's abundant evidence, and this always worries me,
14 Judge. I'll tell you, Judge, I've never been before you in
15 court, I don't know how you think, I don't really know a thing,
16 but it always worries me that judges kind of would rather not
17 take the burden to make a decision, kick it to jury, let's see
18 what they do, but now, the Courts has said, specifically, Judge
19 you shouldn't do that, and frankly, I don't think you will
20 based on the week I've spent here with you this week, but you
21 shouldn't do that, there's decisions to be made, so it would
22 defy logic in this case if you look at the evidence about who
23 started this. It would defy logic to come to any conclusion,
24 but that it was started by Mr. Pennington, unless you accept
25 the proposition that simply by driving up in his car he started

1 it, and Judge, that's just simply not true. That defies logic
2 that one would make that argument, because all this to had to,
3 again, it didn't have to go there, but it's clear that Mr.
4 Pennington initiated it, and it went from there. So my
5 argument to you is, under the law, occupied vehicle, he's
6 entitled to the protection and he's entitled there. If for
7 some reason you don't think that being in your occupied vehicle
8 and the parking lot of an apartment complex, notwithstanding
9 the testimony of Ms. Benoit, I would address you again, I'd
10 address you again, to State versus Williams, Webster's
11 Dictionary, and once again, this is where I'm telling you that
12 the Court has said, don't let hyper-technical readings of
13 things give you absurd results, and if you find here that this
14 was a place he simply had no right to be so that he could
15 defend himself -- if he's got a right to be there so he can
16 defend himself he's entitled to the protections of Subsection
17 A, Castle Doctrine defendant occupying my car. If Mr.
18 Pennington never tried to get in that car this would have never
19 happened, and again, it is tragic that he passed away, it is,
20 but that's the facts on the ground. Now, I think we win right
21 there and don't have to go any further, but Ms. Livesay, to her
22 credit, an excellent lawyer, has tried to shift the burden to
23 Subsection C to say, well, he unlawfully was in a place where
24 he didn't have a right to be. Well, Judge, even there, even
25 there, I would point the Court, again, to State versus Glenn

1 and the State versus State versus McCarty, the most recent case
2 which I have handed up to you, and say that those
3 hyper-technical readings, this is where they come into effect.
4 You don't forfeit your right to self defense, nor do you
5 forfeit your right to protection under the act unless you can
6 establish that the being in the place where you didn't have a
7 right to be was the cause of what occurred. And Ms. Livesay is
8 thinking right now, there you go, see, even Mr. Yarnell said
9 this wouldn't have happened if I hadn't been there, but that's
10 not the legal test. It wouldn't happened if he hadn't been
11 born. It wouldn't have happened if Remi had come to the house,
12 it wouldn't happened if Mr. Pennington hadn't been there.
13 That's not the call, and so what the Courts had clearly said is
14 if you were to get that far and if you were to decide that
15 maybe he was in a place where he shouldn't be that you still
16 cannot not allow him protections under this Act, unless you do
17 can a proximate cause analysis to determine whether his
18 presence in the place had anything to do with what occurred or
19 what initiated the difficulty. That goes back to State versus
20 Leek, the gambling case, which was cited in State versus Glenn
21 in support of the proposition which I'm giving you, and if you
22 look at, it says that even if the Court determines the
23 defendant was violating some law related to harassment,
24 unlawful use of a telephone, that's actually our language, in
25 that case violating some law as regarding trespassing. I think

1 it's the Glenn case, you can find it, Judge, my memory isn't
2 quite what it used to be, but trespassing case, that's a case
3 in which a guy is trespassing at an apartment complex, they
4 say, because he was on a no trespass order, or he was on an
5 order not to be in that place and the Court held at that time
6 that you couldn't just say that he wasn't entitled to defend
7 himself because of that. They say in those cases a jogger is
8 jogging through Central Park after hours, unlawful to be there
9 after midnight, but they are assaulted and they act to defend
10 themselves, to say they weren't entitled to defend themselves,
11 there would be a, it would just be a travesty of the justice
12 and same here, but you can't get much more clear, I don't
13 think, you read them, Judge. Then the no trespassing case.
14 They're trying to say, essentially, he was trespassing here, I
15 disagree with that. There were no "trespassing" signs up there
16 and in the law in South Carolina there has to be such, and I
17 think in this instance those signs there have to do with, you
18 know, parking, whatever, but for all practical purposes, if you
19 go back to State versus Williams, this is a place where he had
20 a right to be that should not disabuse you of your rights that
21 the legislature gave you under the Persons Property and
22 Protection Act.

23 THE COURT: I don't want to break your train of
24 thought, will you take a question on that?

25 MR. MARTIN: I'm good for a question.

1 THE COURT: Okay. On that issue of proximate cause,
2 thank you for giving me the copies of the cases. I have not
3 looked at them so I will look at them, but in the State versus
4 McCarty or any of the other cases that talk about this issue of
5 proximate cause, I am more familiar with proximate cause in a
6 civil case where proximate cause not only has to be the legal
7 cause but also the "but for" cause, and that requires an issue
8 of foreseeability. Now, proximate cause also includes in the
9 analysis of proximate cause as to what is the proximate cause
10 or intervening causes, and in an analysis, and so there can be
11 a proximate cause but it can also be intervening causes that
12 then breaks that chain of what a normal proximate cause
13 analysis would be. Does these cases address that in proximate
14 cause in that fashion?

15 MR. MARTIN: Judge, they don't give the definition --
16 I haven't seen one that gives the definition of proximate cause
17 there. They simply say do a proximate cause analysis of some
18 sort, and that's what I think that you've got. Now, in my
19 mind, I agree with you, and any time, and I do a lot of civil
20 work, too, but any time I think about proximate cause it is
21 that civil definitions that we deal with from time to time
22 including the interruption of the sequence of events that
23 transpires, but there's several, you know, lots of definitions,
24 Judge, one I like that I think is one is an act from which the
25 injury results as a natural direct uninterrupted consequence

1 and without which the injury would not have occurred, and if
2 you take that and I said, well, the proximate cause was he went
3 there that day in his car, which he never got out of, and it
4 says: An act from which the injury, that is the shooting of
5 Mr. Pennington, results as natural direct uninterrupted
6 consequence of the act of going there. That is, under any
7 analysis you do a proximate cause, that doesn't get you there
8 because, clearly, going there in and of itself was not the
9 proximate cause. The proximate cause of a death with a gunshot
10 wound and there was an interruption in the natural sequence of
11 events of going there and leaving there, it was interrupted by
12 the attack by Mr. Pennington, the gun and those things. So you
13 know, I don't want to over argue the, what, frankly, I think is
14 the obvious, but this is the last chance I get to talk to you
15 and I believe firmly in our case here, and I don't want to
16 neglect to cover something that I shouldn't, and I welcome your
17 questions, frankly, on the issue because to me it's clear, but
18 again, I'm gonna say, again, Judge, you don't even get to the
19 proximate cause analysis in my way of thinking of this. In my
20 way of thinking, we've got three places to win. We've got the
21 argument of self defense, that we establish self defense by a
22 preponderance of the evidence. That's the first thing the
23 Court says you need to do, without even looking at A, B or C.
24 If you think that it's there then you go to A and you see if
25 that's applicable. We say it is because of the presumptions

1 that we're entitled to there, and again, there's the no duty of
2 retreat that there has to be in self defense.

3 THE COURT: You go to A because he's in the
4 automobile, automobile that is covered by the statute.

5 MR. MARTIN: I'm sorry, say that again.

6 THE COURT: I'm sorry, I'll speak into the
7 microphone. So your argument, if I understand it correctly,
8 you've got to meet by preponderance of the evidence the
9 elements of self defense. If you meet that then you don't have
10 to worry about the element of retreat because then the statute
11 takes over and gives you that presumption because he is, your
12 argument is, where he should be, which is in his automobile,
13 which is covered by the statute. Did I understand that right?

14 MR. MARTIN: Correct. If you look at the four
15 standard prongs of self defense and you get down to the fourth
16 one, and you may say, well, I don't know, I'm not quite sure
17 about that, and then I need you say, okay, I need to go to see
18 if Subsection A applies. Wait a minute, this individual was in
19 an area protected by the Castle Doctrine now, occupied vehicle,
20 he doesn't have the duty to retreat. In addition to that, he's
21 entitled to a presumption of fear and reasonable fear and if
22 somehow you don't think the analysis should stop there, which I
23 would say, Judge, that it would, then you would go down and
24 look at Subsection C, and we would argue that we're entitled to
25 it there, as well.

1 THE COURT: So your argument is that reading statute
2 C only applies if I find that A does not apply?

3 MR. MARTIN: Correct. I'm sure about that, Judge,
4 but at any rate, you got the cases, and I will say, I think
5 even the Supreme Court and the Courts, in general, have
6 struggled, from what I can see, with exactly how to deal with
7 the Stand Your Ground law, but these latter cases which I've
8 handed up to you, the Supreme Court in that case of State
9 versus McCarty, which was the last, I think the issue goes to
10 great pains to point out what you and I were just discussing
11 and how to do it.

12 THE COURT: And the reason I asked the question, and
13 I wish the State would listen to this, as well, because my
14 understanding is that with Stand Your Ground cases I think the
15 Supreme Court has made it very clear, but I can't just make a
16 decision. I can't just say the State wins or I can't say the
17 Defendant wins. I actually, they are going to look at me that
18 I have to do an analysis of these elements.

19 MR. MARTIN: Absolutely. That's what these cases I'm
20 talking about say, and you can't just say I rule for either
21 side, you've got to say I rule for this way because this is my
22 analysis. I find that the defendant was or was not at fault in
23 bringing on the difficulty. I find out that he was in fear or
24 not in fear based on this evidence, that evidence, this
25 evidence, and again, they really do put the burden strictly on

1 the Circuit Judge to become the finder of fact in these cases.

2 THE COURT: Okay. I'm sorry to break up your
3 thought. Thank you for answering my question.

4 MR. MARTIN: Well, it worked, though, Judge, because
5 I kind of lost my train of thought now. Judge, I think I
6 stated it as succinctly as I know how. We did provide the
7 Court with a brief that we would still say is relevant and on
8 point with regards to the facts that which you now have into
9 evidence before you.

10 THE COURT: Are you telling me it's a pretrial brief?

11 MR. MARTIN: Sir?

12 THE COURT: Your pretrial brief?

13 MR. MARTIN: Pretrial brief, yes, sir, and then we
14 supplemented that with the cases. The only thing I haven't
15 touched on is the thought, and I'm sure Ms. Livesay will or if
16 she already has, the idea that, well, he was using that car for
17 an unlawful purpose. I don't think that the case here rises to
18 that level, Judge, that he was using the vehicle to carry on an
19 unlawful activity, which again, I think that goes back to the
20 idea here, the primary one they've used is an unlawful use, I
21 guess an unlawful of a telephone or a telephone call, which
22 frankly got nothing to do with the vehicle. You can do that in
23 the vehicle, that would be with or without a vehicle. What she
24 wants to say is that he went hunting down Remi with the vehicle
25 and they have mentioned stalking, I believe it is, but Judge,

1 if you look at the elements of that it simply doesn't rise to
2 that level. This is an instance of where nobody has ever
3 claimed there was stalking or harassment or has called the
4 police in any way or in connection with that. I mean, you
5 know, if you're trying to use a car to commit an armed robbery
6 and you have to defend yourself in that process, you know, then
7 I think it doesn't apply. That's probably what the legislature
8 would admit by that, some unlawful activity, it rises to the
9 level of being more than a mere circumstance of being where you
10 are like in a gambling game or even in a parking lot where
11 there was a private property sign, and I will go back to say,
12 private property is not in any manner the answer to the
13 question that you must answer. Going back to State versus
14 Williams without belaboring that point, a private property
15 doesn't mean that you can't defend yourself in some fashion.
16 Judge, again, there's a lot to digest here and we presented,
17 obviously, a lot of evidence and I don't know why in the world
18 myself or Ms. Livesay were probably foolish enough to think we
19 could do this in a day or so, but that's our argument, we would
20 ask that the Court consider it and I may want to make a few
21 responses to her, but that's my argument, Judge.

22 THE COURT: Thank you, sir.

23 MR. HELMS: I'm going to do the closing, Judge.

24 THE COURT: Yes, sir.

25 MR. HELMS: The first thing I'd like to clarify is

1 this, Judge. Let's refocus because a lot was said right there.
2 So let's look at what the rule is right here. The role of this
3 Court, Your Honor, is to determine whether or not this
4 defendant is entitled to immunity under this act. For him to
5 be entitled to immunity certain criteria must be met, that's
6 the rule. There has to be criteria there met for him to get
7 immunity. Let's see if those criteria are met, Your Honor.
8 The applicable statute of 16-11-440 and the presumption of fear
9 of imminent peril of death or great bodily injury to himself or
10 to another person, but that's not applicable I don't think,
11 when using deadly force that is intended or likely to cause
12 death or great bodily injury to another person if the person
13 against whom the force is used is in the process of unlawfully
14 and forcefully entering or has unlawfully and forcibly entered
15 a dwelling, residence or occupied vehicle, or if he removes or
16 is attempting to remove another person against his will from
17 the dwelling, residence or occupied vehicle, and, but let me
18 stop there for a second, Judge. Unlawfully and forcibly
19 entering. Judge, for him to argue in the face of his own
20 evidence that what Michael Pennington was doing was illegal is
21 to ignore the testimony of the witnesses. Mr. Martin called
22 the witnesses of Emily Cerio and Darrin Card, and what did
23 Emily Cerio and Darrin Card tell us? They told us that that
24 man right there was told to leave. Now, Mr. Martin would very
25 much conveniently like to ignore the fact that this statute,

1 this law very much does address the legal status of the people
2 involved, whether people were trespassers, whether they were
3 aggressors, whether they were lawfully allowed to be somewhere,
4 whether they were not, he says -- now, initially the argument
5 before we put up evidence, Judge, was private means public, but
6 we've abandoned that. They're not arguing that anymore,
7 private no longer means public, now it just doesn't matter. We
8 know that's not true. Judge, the statute goes on to say, and
9 who uses deadly force knows or has reason to believe that an
10 unlawful and forcible entry or unlawful and forcible act that's
11 occurred or has occurred. Judge, there was an interaction
12 between them, there's no doubt, but was it unlawful? Was
13 Michael Pennington acting unlawfully, Judge? Our position is
14 Michael Pennington was acting in the defense of Remi Hargrove.
15 Remi Hargrove, Judge, that's something else that can't be
16 ignored. Why? Because everything turned on the interactions
17 between Remi Hargrove and this defendant. Now, Judge, the
18 defense wants to ignore the circumstances or not have the Court
19 really focus on the circumstances, conversations, situations
20 that the defendant was in just prior to the incident occurring
21 between him and the victim, but we've got to dwell on
22 everything Michael Pennington did, said and had in his system
23 just before. We can talk about everything that was surrounding
24 his circumstances prior to the shooting, but anything
25 surrounding the defendant we have to downplay. You can't do

1 that, Judge. Furthermore, the statute goes on to say when the
2 presumption that the defense is seeking does not apply. Here's
3 where it doesn't apply. We don't have to guess, we can read
4 it. It doesn't apply if the person against whom deadly force
5 used has a right to be in or is in a lawful resident of the
6 dwelling, residence or occupied vehicle. Well, Judge, we know
7 that Michael Pennington was allowed to be where he was. He was
8 invited there, and by Mr. Martin's own presented testimony we
9 know that the defendant was not. We know he was not allowed to
10 be there, Judge. How do we know he was not allowed to be
11 there? The witnesses told us he was told to leave. The
12 witnesses told us he was never invited. The witnesses told us
13 that the conversations and the interactions between him and
14 Remington Hargrove leading up to this shooting were nothing but
15 contentious, so contentious, in fact, he called her every name
16 under the sun. Judge, do you think a person that called the
17 person that he was going to see at that point, do you think a
18 person that called 200 times, texted multiple times from a star
19 67 number, an application designed to hide his phone number,
20 after he's admittedly been blocked, do you think that person is
21 not the aggressor when he goes to the location that the other
22 person is at, of course he's the aggressor. He was the
23 aggressor all day long. That's why you can't ignore the
24 circumstances surrounding the defendant leading up to the
25 shooting anymore than you'd ignore the circumstances

1 surrounding the victim leading up to the shooting. It goes on
2 to say the presumption in Subsection A does not apply, if the
3 person sought to be removed as a child or grandchild, or three,
4 who uses deadly force is engaged in an unlawful activity or is
5 using the dwelling, residence or occupied vehicle to further an
6 unlawful activity, we can't ignore that either, Judge: Is
7 engaged in an unlawful activity. Judge, do you think that Remi
8 Hargrove believes that he was acting lawfully when he was
9 harassing her all day, when she had to turn her phone off just
10 to enjoy time with her family, that he was acting lawfully?
11 What about when she got back to the location, she was so
12 scared, Judge, of the man that she was seven months pregnant
13 with a child, she was so afraid of him that she went somewhere
14 else to get somebody else to escort her. She doesn't think he
15 was acting lawfully, Judge. Let's talk about this car
16 situation. Mr. Martin wants you to believe, Your Honor,
17 because Yarnell was in his vehicle can shoot anybody he wants
18 to. Think about that. He's saying that because he's in his
19 car that he has unfettered ability to pop a cap at anybody that
20 walks by him that he's mad at, that is absurd. That is
21 absurd -- it was absurd for the guy that was shooting people
22 out of the trunk of his car in the city up north, and it's
23 absurd for this guy, when he goes to a place that he's not
24 allowed to be. Judge, he took his car by it's very definition,
25 a mobile object, and trespassed, that is uncontroverted. Now,

1 Mr. Martin wants you to believe that because the sign that says
2 "private property," much like private means public, because the
3 sign that says "private property" doesn't have the word "no
4 trespassing" on it, that Mr. Yarnell shouldn't have felt like
5 he didn't have to turn around, he was more than welcome to come
6 on in. He wants you to believe, Judge, that just because Mr.
7 Yarnell had been there before he can come and go as he pleases.
8 Mr. Martin used the word "absurd" multiple times, that Your
9 Honor, is absurd.

10 Judge, the statute even goes further in this dealing
11 with the legal status of the parties in Part C. Part A is
12 100 percent applicable, Judge, according to the bench. Part A
13 is the dispositive law, but if you don't find for us, let's
14 look to more of it, let's look at Part C. Because Part C says
15 that he could shoot somebody if he's in a place he's lawfully
16 allowed to be. Judge, we know he's not lawfully allowed to be
17 there. State's 55 says he knows he's not lawfully allowed to
18 be there. Judge, I want to tell you something, public property
19 and private property are mutually exclusive, they just are.
20 There's no hybrid and there's no gradation to public or private
21 property, it's open to the public or it's private, and nobody
22 could have made it more clear that this was private property
23 because it says, "private property." They have a whole
24 screening process that keeps people from coming there that
25 aren't supposed to be there. Then Mr. Martin wanted to talk to

1 you, well, what about the FedEx driver or the witness? Does
2 that look like a FedEx driver? Was there any evidence that
3 that man right there is a FedEx driver?

4 Judge, to grant immunity under this statute to this
5 defendant you would have to completely ignore the fact that he
6 was the aggressor that day. You would have to completely
7 ignore the fact that even the defense's witnesses said it
8 didn't hit the fan until he showed a gun. The defendant
9 testified he didn't know Michael, didn't really know him,
10 didn't have any beef with him. There's no evidence to suggest
11 Michael had any beef with the defendant either, so what could
12 have possibly started the interaction, except for, but for, Mr.
13 Yarnell going to this place he has been forbidden by every
14 person he could be possibly forbidden by coming to and pulling
15 a gun on Michael Pennington, that is what the evidence shows
16 us. Did Michael Pennington reach in that car? I have no
17 doubt. At some point Michael Pennington's arm went in that
18 car, Judge, but when? When? Well, let's take Mr. Martin's
19 witnesses at their word. After his client pulled a gun,
20 Michael went for the gun. Was it the smartest thing to do?
21 Nope. Was it the thing I would have done? Heck no, but it's
22 what Michael did, it's what Michael did. Now, we can see that
23 he went for the gun, Judge, and we know he got shot. What else
24 do we know? We know there's stippling on the victim, and you
25 know what that is, I'm not going to insult Your Honor's

1 intelligence by giving you a lesson on what stippling is, but
2 Judge, just as telling as where the stippling is on this victim
3 is as telling where it's not at. He's got stippling on this
4 wound right here. The defendant wants you to believe that when
5 he shot him, when he shot him his arm was inside of that car.
6 There's no testimony there's any stippling here. So if he's
7 reaching up over into that window there's no stippling under
8 his arm, how is that even possible, Judge? It's not possible,
9 and it's not in line with the evidence because we know that the
10 witnesses that took this stand told us Michael Pennington was
11 backing away when he caught a bullet by that defendant. Two
12 hundred calls, Judge. Judge, I'm going to touch on this before
13 I forget, though. There was a lot of talk about the toxicology
14 and the effect it may or may not have had on Michael
15 Pennington. Our position was we wanted it out. We didn't want
16 to argue with the defense about the effect of what marijuana or
17 alcohol do. You know what marijuana and alcohol does. Your
18 Honor, you know what Alprazolam does, the defense knows.
19 They're depressants, that's what came from the witness stand.
20 In no world has alcohol, marijuana and Alprazolam, a muscle
21 relaxer, according to Dr. Proctor, a muscle relaxer, Judge,
22 that makes you drowsy, in no world has that ever made someone
23 aggressive. If you want to believe anything that the
24 toxicologist said, Your Honor, is that he don't know. On
25 Cross-Examination, that was his answer for most of my

1 questions, I don't know. So put as much thought into Mr.
2 Bennett's testimony as you think is appropriate. I think very
3 little is appropriate, and of course, coming on trial we would
4 move to keep that from the jury. We feel like it confused the
5 issues, Judge, so I don't want you to dwell on that too much
6 because we just don't think it's relevant. It's not relevant.
7 Michael Pennington did not ingest anything that night, be it,
8 alcohol, marijuana or cocaine with the intention of fighting
9 Mr. Yarnell. Yarnell caught him at the disadvantage.

10 Let's talk about what Yarnell did when he got there,
11 Judge, and what he didn't do. He laid and wait. Had laid that
12 he sat there for 40 minutes knowing he was not supposed to be
13 there. How do you know? Judge, he parked his car and waited
14 on them for almost an hour, and this is after all of the names
15 have been called and all of the threats have been made. He
16 waited on them, and when they got there is when he made his
17 move, and as he sat there he developed this anger, Judge,
18 because he is the aggressor. There's no question about it,
19 it's documented he's the aggressor, the witnesses told us he
20 was the aggressor. The witnesses told us that when they got
21 there they encountered the defendant and he told them, why the
22 F are you blocking me in? Does that sound like somebody that's
23 calm to you, Your Honor? There's no testimony that Emily Cerio
24 or Remi Hargrove was hostile towards the defendant. You can't
25 ignore that, Judge. Back to the phone calls, Judge. Two

1 hundred calls, Facebook messages, blocked calls, Text Plus,
2 there is no evidence in all of these messages and all of these
3 conversations, nowhere in black and white is it written, please
4 come over. You can't find it, Judge, but conveniently Mr.
5 Yarnell and the defense say that happened. The witnesses
6 didn't. No witness testified that man was invited over there.
7 The defense would like to say that because he's been over there
8 before then that allows him to come and go as he pleases, well,
9 that's not true, and the HOA manager took the stand and told
10 you that's not true, and she went a step further, Judge. She
11 told you that if a car is found there without a sticker,
12 placard, they're gonna be towed. That's the category that Mr.
13 Yarnell falls in, Judge. He's not an invitee, he's not a
14 licensee, he's a trespasser.

15 Judge, the calls and the texts in and of themselves
16 show malice. Malice is going to be a question for the jury, I
17 know, but that's when it was developed. He didn't get out of
18 his car, Judge, any time he was at that location. I want to
19 ask yourself why, Judge? Why didn't he get out of the car?
20 Because he knew he wasn't supposed to be there. He waited
21 there in the parking lot in his car, in his car, that's the
22 sticking point for the defense. He was in his car. Judge, you
23 can't take your car anywhere and shoot somebody, that's not the
24 standard. Just because your car by its very nature is mobile
25 does not mean you can use it to protect yourself from

1 prosecution when you kill somebody. There's still criteria
2 that must be met. It's not in the inquiry to say, well,
3 Yarnell was in his car so that's it and he has no duty to
4 retreat, that's not the analysis, Your Honor. You don't
5 abandon the duty to retreat in this analysis automatically,
6 Judge. The defense has to prove self defense by a
7 preponderance of the evidence absent the duty to retreat, but
8 that doesn't mean that the defendant didn't have it. He had it
9 because he was not in a place he was lawfully allowed to be.

10 Judge, let's talk about the substance of what
11 happened and the reasonableness of the defendant's fear, if
12 there is such a thing. We know that there's testimony, the
13 words of the defendant during this altercation were, quote, am
14 I supposed to be scared of that? Now, that was Missy, Your
15 Honor, and that's a witness that the defense called. Am I
16 supposed to -- Judge, does that sound like somebody to you
17 that's in reasonable fear of great bodily injury or death, it
18 doesn't to me. Judge, we know that Michael Pennington was
19 backing away because that's the witnesses the defense put on
20 the stand said. He was retrieved at the time that he was shot,
21 Judge, but that ain't where the inquiry ends, Judge. There's a
22 lot to digest here, I'm not going to talk this ad nauseam, you
23 know what your job is, you've done it before. Every judge, and
24 I've done this about eight times now and every judge I've have
25 at one of these Stand Your Ground Hearings does it a little

1 differently, present company included. It's very vague in the
2 law as to how this is to proceed. I know that there's a case
3 that says you don't even have to have a full hearing on the
4 record, Your Honor, you can be apprised with the facts and make
5 a decision that way. We didn't ask you to do that. We didn't
6 ask you to do that, we wanted this hearing to take place, we
7 wanted these facts to be heard by Your Honor, and now they have
8 been.

9 The defendant was the aggressor, Judge. He was in a
10 place he wasn't allowed to be. He was at fault in bringing on
11 the harm because he approached the victim where he was lawfully
12 allowed to be. He was not in fear of great bodily injury or
13 death because he said he wasn't in fear: Am I supposed to be
14 scared of that? That's another way of saying, I ain't scared
15 of you. And a reasonable person, Judge, who went there, been
16 fighting with these folks all day through their ex-girlfriend,
17 their 7-month ex -- knew, a reasonable person knew that there
18 was going to be trouble there. He went there for trouble, Your
19 Honor, and he found it. You can't start a fight and then kill
20 somebody. That's somewhere in the law, too.

21 MR. HELMS: That's all.

22 THE COURT: Well, give me one second. I'll ask you
23 the same question about proximate cause. Do you have any
24 insight or enlightenment as to how to analyze proximate cause
25 in a Stand Your Ground Hearing?

1 MR. HELMS: None whatsoever, Judge. I'm a criminal
2 attorney and strictly a criminal attorney, so I do not.

3 MS. LIVESAY: Give us one second, Judge.

4 MR. HELMS: But I will say this to you, Judge. The
5 way I've always understood it since law school any way was
6 proximate cause, and maybe I'm wrong in this, but I substituted
7 the word "proximate" for legal, legal cause. What legally
8 caused the death here? I don't know, Mr. Martin made some
9 argument about somebody being born or something. I'm not going
10 there. I will tell you this, I know that Michael Pennington
11 wouldn't be dead if Anijah Yarnell hadn't gone there against
12 the wishes of the witnesses and the victim. I know that
13 Michael Pennington wouldn't be dead if Anijah Yarnell left when
14 Michael Pennington asked him to leave, told him to leave.
15 Judge, the last thing I want to say about that because I just
16 want to touch on it, there's been a lot of talk about the
17 gambling case, and there is a case about an individual that
18 stays in the park until after the park closes. Judge, do you
19 think that's what we have here? Mr. Yarnell wasn't in a park
20 until after close, Judge. He went to a place he was forbidden
21 to be from the time he got there until the time he put a bullet
22 in Michael. It ain't the park and he wasn't gambling, Judge.
23 The gambling case, you're right, the gambling may or may not
24 have been an intervening factor of the proximate cause, Your
25 Honor, but that is very distinguishable from what we have here.

1 The very trespass nature of what Mr. Yarnell did is what led to
2 this killing, Judge, so there is a nexus there, is the only
3 thing I can say as to proximate cause.

4 THE COURT: Yes, sir?

5 MR. MARTIN: Yes, briefly, Judge. Let me say on
6 proximate cause, while I got it on my mind, obviously,
7 foreseeability is part of that. In this particular case there
8 is no evidence in the record, and it's a fact that Mr. Yarnell
9 didn't know Mr. Pennington was there, and this is the case
10 sadly involving the life of Mr. Pennington. Mr. Yarnell didn't
11 know he was there, he didn't go there looking for him, and you
12 can always say, if you want to say, well, it would have
13 happened, the "but for" analysis, this wouldn't have happened,
14 but the fact that Anijah was there, well, this wouldn't have
15 happened but for the fact Mr. Pennington was there. That's
16 kind of like saying to -- and I won't get into analogies
17 anymore, we've kept you long enough, but I want to address some
18 things. First of all, let me say, Mr. Helms and I have a
19 clearly different recollection of what the evidence in the
20 record is, and no more clear than the repeated assertion that
21 Subsection A of that act which they argue which talks about --
22 strike that -- B(1), against whom the deadly force used has a
23 right to be in or as a lawful resident of the dwelling,
24 residence or occupied vehicle, clearly no evidence of that.
25 And I pointed out just to say that I think their argument is

1 based more on the motion in the loudness of the argument than
2 it is to factual basis beneath it. But again, nobody there,
3 this business about, told him to leave, had no right to be
4 there, that's up to the Court as to whether or not his right to
5 be where he was deprives him of his right to immunity and I
6 have argued that it doesn't, and I think the case law supports
7 that, then I won't go any further. Let me just make it clear,
8 Michael Pennington, nor Darrin Card, nor Emily Cerio, they had
9 no standing to tell him where to be, none. He said Michael was
10 acting in self defense of Remi Hargrove, she was upstairs in
11 the apartment, she didn't need anybody defending her. Now, had
12 he tried to break into the apartment to get to her, we'd have a
13 different situation. She wasn't there, he didn't need to
14 defend her in any shape, form or fashion. My argument is not
15 under B(1) as Mr. Helms said, well, he argues just because he's
16 in his car he can shoot anybody that passes by. Well, that's
17 not my argument. If he shot somebody that just passed by, that
18 would be a different situation. Here he shot somebody who was
19 trying to force him out of the car or break into the car. It
20 don't take no time to find out there's a difference between
21 those two facts. There is evidence that he was at the car
22 trying to break in the car, and one I didn't address was the
23 stippling. You know, Judge, the evidence in the record is
24 uncontradicted in terms of scientific evidence that he was in
25 ten to 12 inches from the gun at the time he was shot,

1 uncontradicted. The stippling they want to talk about, I
2 thought about all the stippling. Of course, Dr. Proctor says
3 there was stippling around the wound, there was some stippling
4 around the neck and he talked about the angle of the body, and
5 what I want to say to the Court is, if you look at the
6 pictures, and all of this, it's hard to tell exactly what was
7 going on even for the people that were there, because I have
8 learned over time, people that are there often times don't know
9 what happened, but in this case what the scientific evidence
10 tells you is that Mr. Pennington was at the door, his
11 handprint's on the door, everybody says he's trying to hit him.
12 You can argue about the sequence of events, but at the time he
13 shot he's within close range, 10 to 12 inches, stippling around
14 the wound, stippling on the neck, and Judge, when you look at
15 this, if you look at the evidence in the record, all of it is
16 consistent with a, like this and I'm shot and the bullet goes
17 down, it goes to the right, that's the position of the body
18 from a blow being thrown, there is abrasions on the arm from
19 the window. We know the window is down far enough that he can
20 hit him through it. You got the pictures of the abrasions, he
21 didn't want to battle it, but he got into him. The stippling
22 the abrasions, the angle of the body, and that stippling on the
23 neck that you see, when he's bent over like this, that neck is
24 closer to the wound. It's not like it's a straight up blow.
25 All of that is consistent in connection with the fact that he

1 was trying to get into the car at the time he was shot. He
2 laid and wait on nobody, he did wait, he wanted to to see his
3 girlfriend. And Judge, you and I both know, and everybody, I
4 think in this courtroom knows this, though, some won't admit
5 it, but boyfriends and girlfriends talk junk to one another and
6 his talk was bad and he shouldn't have done it and he said
7 that, and then they make up, and then they're sorry for what
8 they said, and then they want to see each other one more time.
9 And this couple got back together, so to speak, after this
10 incident. That's not necessarily uncommon. It's not uncommon
11 that he wanted to see her. Then he's mad, he wanted to give
12 her stuff, then I'm sorry, maybe if I can talk to her again,
13 you know, as they did, they make up, though he went there,
14 that's not some great crime he's doing. They might try to
15 force feed it into some harassment or stalking, or that kind of
16 thing, but it's a natural kind of consequence that people do.
17 He wasn't laying and waiting for her. In those texts there was
18 no threats of violence, none. No threats of violence, none,
19 any of that stuff. And then he if he came there to shoot her,
20 I think Ms. Livesay said in her opening statement, he could
21 have shot her when they passed each other. That theory falls
22 totally apart there. He had the opportunity to hurt her,
23 that's not what it's about, didn't even know Michael Pennington
24 was there, so he certainly got no malice towards him. She
25 offered to send him gas money to come down there, and I know

1 that gets mixed up here and there, I want you there, don't want
2 you there, that kind of thing, but clearly he'd been invited to
3 go have dinner with them. They had argued that and change, he
4 said I'm not going. She probably changed her mind a time or
5 two, but the evidence in the record is of no threats of her
6 offering to send him gas money of her knowing that he was at
7 the apartment complex and her going back there where he was.
8 No trespasser, he keeps saying trespassers, no evidence of
9 trespassing, no trespassing sign. He may have been on private
10 property where there was a sign that said you need a permit to
11 be here, that's not trespassing. I would say to you again,
12 Judge, in closing, we called a couple of witnesses that were
13 hostile witnesses, Mr. Card and Ms. Cerio, and I did that for a
14 purpose and I know they were going to escape me where they
15 could, but what they both wound up saying was is that Mike went
16 to the car and Mike was trying to open the door and Mike was
17 trying to hit him, and those are incontrovertible facts that
18 are relevant and pushed this beyond the preponderance of the
19 evidence any way you turn it or twist it, and I'll close by
20 saying, Judge, I'll say it again, from a mile-high perspective
21 and from a minute detail look at the evidence, from a mile-high
22 perspective, this is the kind of situation, I believe, that the
23 legislature passed the Act. Anything Anijah was doing, whether
24 it was sending text messages or going to see her, would have
25 been smarter if he hadn't had gone, I guess, from a standpoint,

1 or was he wanted there or sitting there trying to talk to her,
2 all of that is minor, nothing illegal, no problems, no police
3 call, no issues here until Mike enters the picture, none.
4 Sadly, that's where it happened, and I believe that a reading
5 of the cases that you have before you and a thorough analysis
6 of those facts leads to the conclusion that as the Supreme
7 Court said in State versus Glenn, this is a substantial right
8 to Stand Your Ground in self defense, and you don't lose it.
9 Even if you are in possession, Judge, in those cases, even if
10 you unlawfully in possession of a gun, which "but for" the
11 thing wouldn't have occurred, if you didn't have a gun you
12 couldn't shoot him, you don't lose your right to stand your
13 ground or to self defense if you're on unlawful possession of a
14 gun, so certainly this case is one of those cases that I would
15 deem one day sooner or later some Court will say, whether it's
16 you or the Supreme Court of the State of South Carolina, that
17 his conduct was not such that deprived him of the right to
18 defend himself from an unwarranted attack. Thank you.

19 THE COURT: Thank you all. I will let you know.
20 I've got to take it, what we say in civil court, to take it
21 under advisement, but I will take a look at everything, and in
22 due course, issue a ruling. If by chance, you all do reach out
23 to Judge Culbertson and he sets this for a date soon, let me
24 know, because it might take me a while because you all have
25 given me a lot of information and a lot to go through, and I

1 appreciate very much all of you all's efforts. I mean, this
2 has been, from where I sit it has been a privilege, even though
3 I probably haven't acted like it, it's been a privilege to have
4 such high quality lawyers appear in front of me. You all have
5 put in a great deal amount of work into both sides and it's
6 noticeable by the Court so I tend to try to go through and
7 equal the magnitude and quality of work and try to give the
8 proper analysis of it. I understand from information the State
9 gave me pretrial that I've got to go through everything and
10 I've got to decide every element so that to the Appellate
11 Courts can make a proper review at some point and they frown
12 and reverse us judges if we do not address every element of it.
13 That has actually occurred in a case I did one time like this
14 and they reversed it, and said, well, you didn't do enough, so
15 I don't know what happened to the case, but I got reversed
16 because I didn't do the proper analysis of it, so I will let
17 you all know. Thank you all very much.

18 MR. MARTIN: Thank you, Judge.

19 MR. HELMS: Thank you, Judge.

20 MS. LIVESAY: Thank you, Judge.

21 MR. MARTIN JR.: Thank you, Your Honor.

22 (Proceedings concluded on Wednesday, November 16, 2022)

23

24

25

1 CERTIFICATE

2 STATE OF SOUTH CAROLINA

3 COUNTY OF HORRY

4 I, Julie A. Kevish, Official Court Reporter for the
5 State of South Carolina, do hereby certify that the foregoing
6 is a true, accurate and complete Transcript of Record of the
7 proceedings had and evidence introduced in the Court of General
8 Sessions for Horry County, South Carolina, on the 14th day of
9 November, 2022.

10 I do further certify that I am neither of kin,
11 counsel, nor interest to any party hereto.

12

13 November 16, 2022

14

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Julie Kevish

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JULIE A. KEVISH
OFFICIAL COURT REPORTER

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	Warrant(s): 2021GS2602687-2688
COUNTY OF HORRY	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
VS	)	PETITIONER BREIF ON MOTION FOR IMMUNITY
	)	UNDER THE PROTECTION OF PERSON AND PROPERTY
ANJAH YARNELL	)	ACT § 16-11-440
_____	)	

THE ACT AND ITS APPLICATION

The "Stand Your Ground Law," as the Act is informally known, was enacted by the South Carolina General Assembly in 2006. Providing a person "is immune from criminal prosecution and civil action for the use of deadly force" in circumstances that are permitted by the Act or by another provision of law. S.C. Code Ann. § 16-11-450(A) (2015).

We have observed that "[t]he Act codified the common law Castle Doctrine and extended its reach." *State v. Glenn*, 429 S.C. 108, 117, 838 S.E.2d 491, 495 (2019) (citing S.C. Code Ann. § 16-11-420 (A)). "Under the Castle Doctrine, 'one attacked, without fault on his part, on his own premises, has the right in establishing his plea of self-defense, to claim immunity from the law of retreat, which ordinarily is an essential element of that defense.'" *Id.* At 117, 838 S.E.2d at 495-96 (alternation in original) (quoting *Jones*, 416 S.C. at 291, 786 S.E.2d at 136).

In codifying the Castle Doctrine, the General Assembly extended the Doctrine, not only to one's home, but to other places where he has the right to be, including an occupied vehicle. Further the Act **provides the defendant with a presumption of reasonable fear**, stating "a person is presumed to have a reasonable fear of imminent peril of death or great bodily injury to himself... when using deadly force that is intended or likely to cause harm or great bodily injury if that person against whom the deadly force is used in the process of unlawfully and forcefully entering or has unlawfully and forcefully entered a dwelling, residence, or **occupied vehicle** or if he is attempting to remove another person against his will from the dwelling, residence, or **occupied vehicle**." §16-11-440(A)(1).

TRIAL COURTS ROLE

Our appellate courts interpretation of the act and its implementation since its adoption have identified and set forth the trial courts rôle in an immunity hearing as follows:

1. Conduct a pretrial immunity hearing (*State v. Douglas* 411 S.C. 307 Court of Appeals (2014));
2. Consider the of law of self-defense the Act as it applies to the facts of the case (*State v. McCarty* Opinion 28116 filed September 21, 2022); and,
3. courts must consider and weigh the evidence and act as a fact finder and make a specific finding as to whether the petitioner is entitled to immunity. The Court should not abdicate this role to the jury because there is conflicting evidence. (*State v Cervantes-Pavon* 426 S.C. 442 S. Court (2019)).
4. Preponderance of the Evidence standard to be applied (*State v. Douglas* 411 S.C. 307 Court of Appeals (2014)).

FACTS

On May 14 at approximately 7:55 P.M., Anijah Yarnell went to Crossgate Villa Apartment Complex to take his girlfriend, Remi Hargrove, some of her belongings. Remi was there visiting a friends and relatives. When Anijah pulled into the apartment complex parking lot, he encountered Mike Pennington and his girlfriend. Anijah rolled down his driver side window to ask if Remi would come and get her belongings. Pennington, the boyfriend of Remi's cousin, Emily approached Anijah, as he sat in his vehicle.

During the interaction words were exchanged between Anijah and Pennington. Pennington began to curse at Anijah and attempted to taunt him out of the vehicle stating "get the fuck out of the car, I'm going to fuck you up." Anijah remined in the vehicle. At some point during this exchange Pennington aggressively approached the vehicle and tried to force his way inside, striking Anijah in the face, through the open window, multiple times. Threatened and in fear of Pennington, Anijah reached for his handgun he kept in the center console. Pennington reached to take the weapon when Anijah fired one shot through the window, striking Pennington once in the upper chest as he was at the door of the vehicle. Pennington then retreated as Anijah reversed and left the scene. He drove directly to his apartment and waited for police.

Petitioner believes the evidence to be presented will show the following:

1. Pennington's palm and fingerprints are found on Anijah's driver side vehicle door;
2. Autopsy findings show gunshot residue and stippling near the gunshot wound on Pennington's body, indicating he was at least no further than 12 inches from the weapon at the time it was fired;

3. A mixture of DNA on Anijah's handgun that includes an unknown person in addition to Anijah;
4. Witness testimony that the deceased was:
 - a. aggressive;
 - b. belligerent (under the influence of alcohol and drugs);
 - c. threatening (though apparently not armed);
 - d. striking Anijah with his fist in the face;
 - e. attempting to force his way into the vehicle; and
 - f. reaching for Anijah's gun.
 - g. under the influence of a combination of alcohol and cocaine, Xanax, and marijuana
 - h. Anijah was fearful the deceased was armed.

ANALYSIS

Petitioner asserts that he was:

1. without fault in bringing on the difficulty;
2. in fear of death or serious bodily injury at the hands of the deceased; and,
3. reasonable in his fear.

Additionally, Petitioner relies on § 16-11-440(A)(1)(2) and the fact that he was **occupying his vehicle** at the time of the altercation to establish his immunity from the law of retreat and claim his presumption of fear of imminent peril of death or great bodily injury to himself when using deadly force that is intended or likely to cause death or great bodily injury.

§ 16-11-440(A)(1)(2) reads as follows:

(A) A person is presumed to have a reasonable fear of imminent peril of death or great bodily injury to himself or another person when using deadly force that is intended or likely to cause death or great bodily injury to another person if the person:

(1) against whom the deadly force is used is in the process of unlawfully and forcefully entering, or has unlawfully and forcibly entered a dwelling, residence, or **occupied vehicle**, or if he removes or is attempting to remove another person against his will from the dwelling, residence, or **occupied vehicle**; and,

(2) who uses deadly force knows or has reason to believe that an unlawful and forcible entry or unlawful and forcible act is occurring or has occurred.

The immunity statute permits one to stand his ground and use deadly force if attacked in his vehicle, and should be applied in this case. The defendant was lawfully in his vehicle in the parking lot of an apartment complex, not engaged in any illegal activity.

Anijah found himself in the very predicament that the codification of the "Castle Doctrine" was intended by our Legislature to provide immunity from prosecution. Even if there were some conflicting evidence the court must weigh all evidence as a fact finder, not pass it on to a jury, and grant immunity if petitioner establish by only a preponderance of the evidence in his case. *State v. McCarty*, supra.

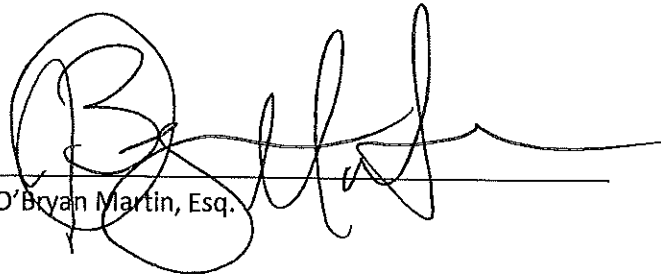
It should be noted that our courts have held that even though a victim, though unarmed, may be relevant for consideration; it does not prohibit immunity. *State v. Cervantes-Pavon* supra. The court noted that as to a reasonable belief of imminent danger "an individual has the right to act on appearances, even if that belief is ultimately mistaken." *State v. Scott* 424 S.C. 463.472 (2018) citing *State v. Dickey*, 394 S.C. at 501.

CONCLUSION

Petitioner is entitled to immunity from prosecution.

Respectfully submitting,

LAW OFFICES L. MORGAN MARTIN, P.A.



M. O'Bryan Martin, Esq.

Conway, South Carolina

Dated: November 7, 2022

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	Warrant: 2020A2610400201
COUNTY OF HORRY	)	Indictment: 2021GS2602687
	)	Case: 20H02144
STATE OF SOUTH CAROLINA	)	
	)	
PLAINTIFF.	)	
	)	REPLY TO PETITIONER BRIEF ON MOTION
	)	FOR IMMUNITY UNDER THE PROTECTION
	)	OF PERSON AND PROPERTY ACT 16-11-440
VS.	)	
	)	
ANIJAH YARNELL	)	
	)	
DEFENDANT.	)	

THE ACT AND IT'S APPLICATION

This brief is in response to petitioner's brief on motion for immunity under the protection of person and property Act 16-11-440. First, the State finds it necessary to address the statute in its entirety with an effort to give breath to the spirit of the protection of person and property act. The Petitioner in his brief only addresses 16-11-440(A)(1), which is only half the story. The statute does not allow unfettered immunity nor any kind of presumption to a person in every circumstance as long as the person is in their dwelling, residence or occupied vehicle. In fact, upon continued reading of the statute subsection (B)(1) and (3) place limitations on one's right to stand your ground, which are relevant to the facts in this case.

- (B) The presumption provided in subsection (A) DOES NOT APPLY if the person*
- (1) against whom the deadly force is used has the right to be in or is a lawful resident of the dwelling, residence, or occupied vehicle including, but not limited to, an owner, lessee, titleholder; or*
 - (3) who uses deadly force is engaged in an unlawful activity or is using the dwelling, residence, or occupied vehicle to further an unlawful activity.*

In the interest of justice the entirety of the statute must be applied to the facts of this case to include subsection (B)(1) and (3).

FACTS

Secondly, the State does not agree to the petitioner's version of the story titled as "facts" in his brief. The evidence in the case will show that Remington Hargrove and the defendant lived together in an apartment at Winchester Circle in Myrtle Beach. On May 14, 2020 the

day of the murder Ms. Hargrove's family members from New York were in town visiting and staying in Surfside Beach in Horry County. The defendant and Ms. Hargrove got into an argument the afternoon of the murder over dinner plans. When the argument starts the defendant is at his apartment on Winchester Circle and Ms. Hargrove is with her family in Surfside Beach. The defendant in the course of the argument sent text messages to Ms. Hargrove demanding her return to their apartment. When Ms. Hargrove will not leave Surfside to return to the apartment at Winchester Circle the defendant starts sending Ms. Hargrove threatening text and relentlessly calls her phone in an excess of one hundred times. Ms. Hargrove never returns any of the calls.

After over a hundred unreturned phone calls the defendant while still continuing to call Ms. Hargrove leaves his apartment around 9PM at Winchester circle and drives over to a private residence in Surfside Beach where Ms. Hargrove is staying with her family. When the defendant arrives at the private residence he continues to call Ms. Hargrove every minute from a blocked number. The defendant lays in wait at the residence for approximately forty-five minutes until Ms. Hargrove and her family return from dinner. Ms. Hargrove in returning to the private residence passes the defendant in his car. She immediately parks the car and enters the private residence and the defendant drives out of the parking lot. After Ms. Hargrove is inside the residence the defendant drives back around the private drive again and drives up to Ms. Hargrove's family members who were standing outside. Mr. Pennington, an invited guest of Mr. Hargrove's family, approached and asked the defendant to leave and the defendant refused to leave the area. After the defendant refused to leave words were exchanged between Mr. Pennington and defendant. During this exchange the victim was unarmed standing in a private drive and the defendant was in his car with the motor on, doors locked and windows up. The defendant then shoots Mr. Pennington through the car window. Mr. Pennington did succumb to the gunshot wound that night. The defendant did not suffer injuries and never required any kind of medical attention.

After the shooting the defendant made several phone calls on the way home including, but not limited to, his mother who went to meet him at his apartment. Mr. Yarnell never contacted the authorities.

ANALYSIS

Third, a person can only receive immunity under SC Code 16-11-440 if that individual can satisfy subsection (A) or (C) of the statute, and this defendant can satisfy neither.

1. The defendant took off the white hat when he started threatening and calling Ms. Hargrove multiple times without receiving a response.

2. The defendant lost his right to stand his ground when he got in his car with a loaded weapon and drove to a private residence uninvited in an effort to hunt Ms. Hargrove down. (B)(1) & (3)
3. The defendant committed murder when he laid in wait with a loaded gun over thirty minutes for Ms. Hargrove and her family to arrive back at the private residence. And then shooting through the window an unarmed victim who is standing in a private drive where he has a right to be.

CONCLUSION

Lastly, the State has by way of this brief laid out a skeleton response to petitioner's brief and will add meat to the bones at the hearing. The State believes that this response, however, lays out the entirety of SC 16-11-440 and the facts of the case, which clearly do not satisfy what is required for the defendant to obtain immunity. In fact, because the defendant was the aggressor, a trespasser, and any alleged fear of great bodily injury was unreasonable, immunity under the statute is inapplicable. The State is prepared to move forward with a hearing and is adamantly opposed that the defendant is entitled to immunity.

Respectfully Submitted,

State of South Carolina

THE COURT OF GENERAL SESSIONS
Fifteenth Judicial Circuit

County of Horry

The State,

RECEIVED

2021-GS-26-02687

and

2021-GS-26-02688

v.

APR 13 2023

SC Court of Appeals

ORDER
GRANTING MOTION FOR
IMMUNITYAnijah Yarnell,
Petitioner

This is a Stand Your Ground (SYG) matter.

Anijah Yarnell (Petitioner) is charged with Murder and Possession of a Weapon During the Commission of a Violent Crime. He maintains he acted in self-defense. He filed the present motion seeking immunity from prosecution of the charges pursuant to the South Carolina Protection of Person and Property Act, "the Act" (S.C. Code Section 16-11-410, et seq.). This Act is commonly referred as the "Stand Your Ground" law (SYG).¹

¹ The South Carolina General Assembly provided through the Act that a person is immune from criminal prosecution and civil action for the use of deadly force in circumstances that are permitted by the Act. S.C. Code Section 16-11-450(A). The Act codified the common law Castle Doctrine and extended its reach. State v. Glenn, 429 S.C. 108, 838 S.E.2d 491 (2019). Under the Castle Doctrine, one attacked, without fault on his part, on his own premises, has the right, in establishing his plea of self-defense, to claim immunity from the law of retreat, which ordinarily is an essential element of the defense. Id.

As directed by the General Assembly through the Act, the Castle Doctrine and the right to stand your ground is extended beyond a person's home to include "an occupied vehicle". (S.C. Code Section 16-11-420(A), (B), (D), and (E). *Also see* 16-11-420(C) where the General Assembly directed that the right to stand your ground is extended beyond a person's home or occupied vehicle even further to any place a person has the "right to be."

Thus, the General Assembly expanded the Castle doctrine, and the ability to seek immunity from prosecution, not only to occupied vehicles (sometimes referred to as a "mobile" Castle doctrine, but also to any place a person has a "right to be."

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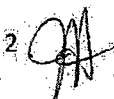
The South Carolina Supreme Court requires that a pretrial evidentiary hearing be conducted to determine whether immunity from criminal prosecution under the Act exists. State v. Duncan, 392 S.C.404, at 665, 709 S.E.2d 662 (2011). The Supreme Court explained the Act did not simply create a new affirmative defense to defeat a prosecution from being successful during a trial, but rather the General Assembly expressly provided for immunity to prevent a prosecution from occurring. Id.

The pretrial hearing is required to be conducted before a circuit judge. Id. The Supreme Court also mandated that at such a pretrial hearing, the circuit court must utilize a "preponderance of the evidence" (the greater weight of the evidence) standard of proof when considering whether a defendant is entitled to immunity under the Act. Id., 411. The person seeking immunity under the Act bears the burden of proof.

The Supreme Court further instructed the circuit court that when determining if the Act's immunity applies to a particular case, the defendant must show, by a preponderance of the evidence, that he has a valid claim of self-defense. Therefore, all of the elements of self-defense must be considered, except the duty to retreat. State v. Curry, 406 S.C. 364, 752 S.E.2d 263 (2013).

In State v. McCarty, 437 S.C. 355, 878 S.E.2d 902 (2022), the Supreme Court reiterated the elements of self-defense as:

First, the defendant must be without fault in bringing on the difficulty. Second, the defendant must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury, or he actually was in such imminent danger. Third, if his defense is based upon his belief of imminent danger, a reasonably prudent man of ordinary firmness and courage would have entertained the same belief. If the defendant actually was in imminent danger, the circumstances were such as would warrant a man of ordinary prudence, firmness and courage to strike the fatal blow in order to

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save himself from serious bodily harm or losing his own life.² Fourth, the defendant had no other probable means of avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did in this particular instance.³

Again, the Supreme Court has repeatedly stated that “[i]t is the fourth element – the duty to retreat—that is excused under the Act and the Castle Doctrine.” *Id.* As previously noted, in determining whether a person's belief or fear of imminent danger is objectively reasonable, the individual has the right to act on appearance, even if that belief is ultimately mistaken. *Scott*, 424 S.C. at 328.

In the present case, Petitioner claims immunity pursuant to S.C. Code Section 16-11-410(A) (1) and (2). Subsection (A) provides, in part, that:

A person is presumed to have a reasonable fear of imminent peril of death or great bodily injury to himself...when using deadly force...if the person:

- (1) Against whom the deadly force is used is in the process of unlawfully and forcefully entering or has unlawfully and forcibly entered a ...occupied vehicle, or if he...is attempting to remove another person against his will from the ...occupied vehicle; and
- (2) Who uses deadly force knows or has reason to believe that an unlawful and forcible entry or unlawful and forcible act is occurring or has occurred.

In the present case, the State contends subsection (B) applies which states, in part, that the presumption provided in subsection (A) does not apply if the person:

² The Supreme Court noted that the reference to a reasonable belief of imminent danger echoes language in the Act and observed that an individual has the right to act on appearances, even if that belief is ultimately mistaken. *State v. Scott*, 424 S.C. 463, 472, 819, S.E.2d 116, 120 (2018). The belief must be objectively reasonable. *Douglas*, 411 S.C. at 328, 768 S.E.2d at 244. This Court finds that Petitioner met his burden of proof that he had an objectively reasonable belief of imminent danger of serious bodily harm or death.

³ *Curry*, 406 S.C. at 371, 752 S.E.2d at 266, quoting *State v. Davis*, 282 S.C. 45, 46, 317 S.E.2d 452, 453 (1984).

(1) Against whom the deadly force is used has the right to be in or is a lawful resident of the dwelling, resident or occupied vehicle including, but not limited to, an owner, lessee, or titleholder; or

...

(3) Who uses deadly force is engaged in an unlawful activity or is using the dwelling, residence, or occupied vehicle to further an unlawful activity.⁴

The State contends subsection (B) disqualifies Petitioner from immunity because he was using his occupied vehicle to further an unlawful activity or he was engaged in an unlawful activity. The State also contends he cannot satisfy the provision of subsection (C).⁵ Subsection (C) involves situations where deadly force has been used that does not include a dwelling, resident or occupied vehicle, but rather is a place where the person who used deadly force claims he has the "right to be." Recently, the Supreme Court instructed the circuit court to perform a proximate cause analysis when considering the requirements in subsection (C) of 16-11-440 that the person attacked (here Petitioner) must be someone who was not engaged in an unlawful activity and was in a place where he had a right to be. State v. McCarty, 437 S.C. 555, 878 S.E.2d 902 (2022), citing State v. Glenn, 429 S.C. 108, 124, 838 S.E.2d 491, 499 (2019)⁶

⁴ This Court also notes subsection (D) of 16-11-440 which provides, in part, that:

A person who unlawfully and by force enters or attempts to enter a person's...occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or a violent crime as defined in Section 16-1-60.

Subsection (D) is not inconsistent with the instruction from State v. Scott, that an individual has the right to act on appearance, even if that belief is ultimately mistaken. 424 S.C. 463, 472, 819 S.E.2d 116, 120 (2018).

⁵ See State's, Reply to Petitioner Brief on Motion For Immunity under Protection of Person and Property Act 16-11-440.

⁶ The Supreme Court now requires circuit courts during the pretrial hearings to conduct a proximate cause analysis before determining whether a person seeking immunity under the Act satisfies subsection (C) of 16-11-440, if applicable." The Supreme Court noted that the circuit court in McCarty properly applied a proximate cause analysis to examine whether Glenn (the shooter claiming immunity) was engaged in unlawful activity at the time of the incident. In its oral ruling, the circuit court found Glenn was not engaged in any unlawful activity—despite the fact he was carrying an illegal weapon at the time of the shooting—because his possession was not the proximate cause of the incident." Id.

The Court also explained that “analyzing a defendant’s ‘right to be’ in a place where he is attacked under [sub]section 16-11-440(C) without considering proximate cause or a causal connection to the incident leaves an innocent person’s ability to seek the Act’s protection up to happenstance, which the Court opined that it did not believe was the intent of the Legislature.” *Id.* at 119-20, 838 S.E.2d at 497. Further, the Court found “a proximate cause analysis must also be applied to the unlawful activity element of subsection (C).” *Id.* As noted below, the proximate cause analysis articulated in *McCarty* for subsection (C) cases, has not been extended to subsections (A) and (B),⁷ and

⁷ As the Supreme Court noted in *State v. McCarty*, the Court has revisited the Act numerous times to establish the judicial procedures and requirements that were not included in the Act by the legislature. In the course of this development of the practical application of the Act in court, the Supreme Court has concluded that “the circuit court should perform a proximate cause analysis when considering the requirements in § 16-11-440(C) that the person attacked must be someone who was ‘not engaged in an unlawful activity’ and was in a ‘place where he ha[d] a right to be.’” *State v. McCarty*, 437 S.C. 355, 370, 878 S.E.2d 902, 910, (2022). *Citing State v. Glenn*, 429 S.C. 108, 124, 838 S.E.2d 491, 499 (2019). This proximate cause analysis is performed because “analyzing a defendant’s ‘right to be’ in a place where he is attacked under § 16-11-440(c) without considering proximate cause or a causal connection to the incident leaves an innocent person’s ability to seek the Act’s protection up to happenstance, which we (Supreme Court) do not believe was the intent of the legislature.” *Id.* at 119-20, 838 S.E.2d at 497.

Thus, proximate cause analysis is required not because the legislature encoded such a requirement into the text of the Act but rather because the Supreme Court concluded that, absent the application of this analysis, the purpose of the Act would be impaired and haphazardly functional when an individual sought protection under subsection (C). This analysis, however, is presently narrowly tailored to subsection (C), as the text indicates that this inclusion of proximate cause is necessitated by the broader scope of (C) to areas where the claimant “had a right to be,” rather than the more specific locations detailed in subsections (A) and (B).

Furthermore, in *State v. Glenn*, the Supreme Court provides an instructional walkthrough of the mechanical action of the statute and its components. It begins with subsection (A), explaining how it operates to replace the reasonable fear element of self-defense if the person claiming self-defense falls within its prescribed categories. The Court then moves on to explain how “generally, a defendant will be defaulted into satisfying subsection (C) when the castle doctrine does not apply or he otherwise cannot show he was excused from the duty to retreat” under subsection (A). Finally, the Court addresses the operation of subsection (C), noting as above that proximate cause analysis is needed to ensure that “the place where he is attacked... [does not leave] an innocent person’s ability to seek the Act’s protection up to happenstance.” *Id.* at 120, 838 S.E.2d at 497. It is only in this discussion that the issue of proximate cause is raised in the application of the Act, and the Court concludes that “we find a proximate cause analysis must be applied to the unlawful activity element of subsection (C),” but no mention of (A) or (B) is made.

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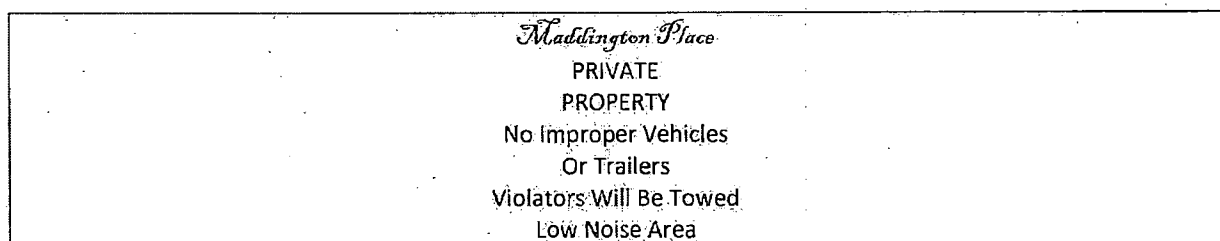
Petitioner does not assert subsection (C) as his statutory basis for immunity. Nevertheless, as will be explained herein, when applying McCarty's proximate cause test while examining subsections (A) and (B) to the present facts, the proximate cause test does not alter the present decision that Petitioner has met his burden of proof of establishing self-defense and is entitled to immunity under the Act.⁸

The Court concludes State v. Glenn by reiterating that circuit courts are required to conduct a proximate cause analysis during pretrial hearings when determining whether a person seeking immunity under the act satisfies subsection (C), if applicable. Id. at 124, 838 S.E.2d at 499.

⁸ As noted, the State contends subsection (C) applies, and thus, a proximate cause analysis is required. In the present case, the facts are uncontested that Petitioner had a right to be in his vehicle. Thus, the occupied vehicle of subsection (A) is met. The State desires the Court to focus on the parking lot in a proximate cause analysis. The State asserts because the parking lot was private property and because Petitioner was not invited by Remi's family to be present (the facts establish Remi had consented to Petitioner bringing her belongings to her at Maddington Place), the causal connection to the incident is the Petitioner's alleged unlawful act of trespassing (he had no right to be in the parking lot). This Court disagrees with the State's factual position.

The condominium complex, Maddington Place, had a common area parking lot. Property owners were to have a parking sticker on their vehicles and guest were to have a hanging tag in order to park their vehicles. The parking lot was monitored by maintenance and management. If a vehicle did not have a permit or tag, it was subject to being towed. Even though the sign at the entrance of the property does not say no trespassing, the property manager stated the word "private" on the sign means no trespassing.

Maddington Place is private property as opposed to public property. The property has no gate, there is no fencing, there is no police or security gate. The following sign is located at the entrance of Maddington Place.



Even though the property manager testified the property is not open to the general public, she also stated it was permissible for a person, like defense counsel, to ride through the parking lot several times to look around. She also stated it is also permissible for deliveries to be made by FedEx and mail carriers as they are technically invited.

Petitioner was not aware the area was private property.

When Petitioner drove his vehicle into the common area of the parking lot to drop off Remi's belongings, he was not trespassing. Remi had consented to Petitioner bringing her belongings to the complex. Even though he did not have a hanging tag, he was not in violation of Maddington Place's rules. A vehicle on the property for the purpose of making a delivery of goods does not violate its posted rules. This Court cannot conclude that Petitioner

Recent declarations by the Supreme Court and the Court of Appeals have made it clear that it is impermissible for the circuit court to abdicate its role as a fact-finder to determine a defendant's entitlement to immunity under the Act. State v. Gray, 438 S.C. 130, 882 S.E. 2d 469 (2023). The relevant inquiry is ... whether the accused has met his entitlement to immunity by a preponderance of the evidence. A circuit court can no longer rest its decision to deny immunity just because conflicting evidence was presented during the hearing. The circuit court must sit as the fact-finder at the hearing, weigh the evidence presented and reach a conclusion under the Act. Id., citing Cervantes-Pavon, 426 S.C. at 451, 827 S.E.2d at 569. The failure of circuit court to perform the proper analysis, even after a defendant is convicted of a serious crime of murder, can have far reaching effects to achieving finality to such serious and tragic events. See, McCarty.

The required pretrial hearing was conducted from November 14, 2022 to November 16, 2022. The State and the Defense were represented by competent and well-prepared attorneys. Prior to the hearing, both the State and Defense submitted prehearing briefs. During the hearing, the testimony of sixteen (16) witnesses were presented, along with a large volume of documents, reports and photographs. The gun and demonstrative aids were also presented.

After having heard the testimony of the witnesses and viewed their demeanor while testifying, having considered the substance of their testimony, considered the exhibits,

was engaged in an unlawful act at the time of the altercation or attempting to commit an unlawful act. Thus, 16-11-440 (B)(1) (Pennington had no right to be in Petitioner's vehicle) and (B)(3) (Petitioner was not using his vehicle for an unlawful purpose) do not disqualify Petitioner from immunity. Nevertheless, based on the facts presented to this Court, much like the McCarty case, even if Petitioner were to be considered trespassing when in the common area of the parking lot, his being in his vehicle was not the proximate cause of the attack against him.

7 

and considered the arguments of counsels, the following facts are determined by the preponderance of the evidence.⁹

On May 14, 2020, at approximately 9:45 p.m., or sometime shortly afterwards, an altercation occurred between Petitioner and Pennington.¹⁰ The altercation ended when Petitioner fired a single gunshot at Pennington. Pennington passed away from the gun shot.

Petitioner was seated in his vehicle at all times during the altercation and when the shot was fired. The driver's side window was partially down during the altercation.¹¹ The bullet's path traveled through the window before it struck Pennington in his upper chest. Forensic evidence indicates that Pennington was in very close proximity (10 to 12 inches) to the gun when it was fired.¹²

Prior to the shot being fired, Pennington reached into the vehicle to strike the Petitioner and to attempt to grab the gun. Finger print, palm print analysis and eyewitness testimony established that Pennington grabbed the door handle during the altercation. The greater weight of the evidence establish that Pennington was attempting to open the vehicle's door in order to reach Petitioner. The preponderance of the evidence establishes that Petitioner did not present the gun into the altercation until after Pennington had approached the vehicle, threatening words such as "get out of the car

⁹ The factual statement in Footnote 8 are also determined by a preponderance of the evidence.

¹⁰ According to records presented, Michael Pennington was a 33 year old male at the time of the altercation who weighed 175 pounds and was approximately 5 feet, 9 inches.

¹¹ While the exact measurement of how far down the window was located at the time of the altercation cannot be determined, eye witness testimony established the window was down sufficient enough for Pennington to reach into the vehicle to attempt to punch Petitioner and attempt to grab the gun. The window was not up as asserted in the State's pretrial brief.

¹² Information from the autopsy indicates, from the bullet's projection of travel into the torso, that Pennington was bent in a downward position when the bullet was fired. The entry wound, GSR, and glass fragments establish that he was bent towards the window at the time the gun was fired.

and I will fuck you up" or "get out of the car so I can fuck you up" were made by Pennington, before and after he was reaching into the vehicle.¹³ After the gun was presented, Pennington stated if you pull a gun then you better pull the trigger.¹⁴

Again, at all times during the altercation, Petitioner remained in his vehicle. There was no dispute that Pennington had no ownership interest in the Petitioner's vehicle.¹⁵

During the altercation, Petitioner was on the telephone with Melissa Cannon (a friend of the Petitioner and Remi). Melissa Cannon testified as a witness during the hearing. Cannon testified the incident sounded like someone was trying to open a car door. It was very loud. It sounded like several people screaming. She heard Petitioner say "Is that supposed to scare me." She also heard another voice say several times "Get the fuck out of the car and I will fuck you up." Even though she told police it sounded as if the window was up, the greater weight of the evidence established the window was partially down. She said the phone then sounded muffled and she thought he had dropped it so she hung up.

Darrin Card, the boyfriend of Remi's Aunt Jennifer,¹⁶ was in the parking lot the night of the altercation. Card testified he was standing with Emily when the Petitioner drove his car back into the parking lot. Petitioner did not pull into a parking space. (Petitioner's vehicle was in the common area of the parking lot). Card testified he was too far away to hear the Petitioner, but he could hear Pennington. The fact Card testified he could not hear Petitioner does not distract from the other witnesses' statement as to

¹³ While the State desires a circumstantial inference that Petitioner had the gun in the car to do harm to his girlfriend, Remi, the record before this Court does not support such an inference or a factual conclusion.

¹⁴ Thus, the burden of proof establishes that 16-11-440(A) (1) and (2) are met.

¹⁵ Thus, 16-11-440(B)(1) does not disqualify Petitioner from immunity.

¹⁶ Jennifer was in another car in the parking lot on the phone. Jennifer was not called as a witness.

the words spoken. He testified that Pennington approached Petitioner's car and told Petitioner to go home, no one wants you here.¹⁷ To the police, Pennington's words were described by Card as "What's your problem." He testified the driver's window was 2/3 to 1/2 of the way down and the door was closed.¹⁸ He testified Pennington tried to hit Petitioner through the window and tried to open the door. He testified that after punching Petitioner, Pennington took a step back and said "You have a gun" and then a shot was fired.

Emily Cerio, Remi's cousin and Pennington's girlfriend, testified that Pennington told Petitioner to leave. She saw the car window was down and that Petitioner had a gun. She testified, at the hearing seeing the gun cocked. She told Pennington to "let it go." She testified Pennington told Petitioner, that he is from Virginia and if you pull a gun then you better pull the trigger. Her testimony was also that Pennington stepped to the side and reached into punch Petitioner. She also testified that Pennington tried to open the door and that he reached into the car to try to get the gun. She testified that Petitioner started backing up the car. When Pennington let go of the door handle, she heard the gun shot.

In her statement to the police, Emily's version of the facts was that she could see the window was down and see the gun. Her statement indicated Pennington telling Petitioner that he was from Virginia and if you pull a gun you better pull the trigger. After these statements, Pennington reached into the car's window and punched Petitioner.

¹⁷ Petitioner testified no one ever told him to leave.

¹⁸ Some of the witnesses indicated the window was higher. The higher the window was raised infers a higher degree of difficulty and determination to punch at Petitioner.

After the punch, her statement indicates Petitioner started backing up, her telling Pennington to let it go, the car door opening, and a shot being fired.

Petitioner¹⁹ testified the altercation started after he pulled his vehicle into the parking lot in the proximity to where Gard, Emily and Pennington were standing. After asking a general question "if Remi was going to come get her stuff," Pennington put his beer down and screamed "Get the fuck out of the car so I can fuck you up." He testified Pennington was belligerent and aggressive.²⁰ He testified Pennington's eyes were wide

¹⁹ Petitioner was 23 years old (Detention records DOB is July 7, 1999) at the time of the hearing. (Detention Center Records indicate Petitioner was 20 years old, 5 feet tall and weighed 180 pounds at the time of his arrest). His demeanor while testifying was respectful to both attorneys while being questioned. He was not argumentative or belligerent. He appeared nervous, but also genuine with his attempts to give answers to the questions presented to him. His demeanor remained the same even when pressed by the State. He was a credible witness.

Moreover, his description of his relationship with Remi is accepted. Remi was not called as a witness. Petitioner and other witnesses stated he and Remi often argued with each other. Petitioner and other witnesses also established that he and Remi were both young, were living together at the time of the altercation, she was seven (7) months pregnant, and had an argument the day of the altercation. The argument resulted in Petitioner wanting to end the relationship and bring Remi her belongings. The messages also read as Petitioner expressing his affection for Remi. The messages indicate he was not hiding his whereabouts from Remi. He sent text messages to her letting her know of his presence, that he wanted to give her her belongings, give her a kiss before he went home and referring to her as baby.

As previously noted, evidence was presented that Remi and Petitioner spoke by phone wherein Remi told him to leave her belongings.

The text messages and phone calls were substantial in number and extraordinary. Petitioner acknowledged his regret in sending them. Nevertheless, these messages, even as numerous as they maybe, do not indicate an intent to do physical harm to Remi.

Petitioner's testimony and these messages support the conclusion that Petitioner went to Maddington Place to deliver her belongings and supports the decision that he was not engaged in an unlawful activity or attempting to do so. 16-11-440(B)(3) or 16-11-440(C) do not disqualify Petitioner from immunity.

²⁰ The State objected to the information gained from the autopsy and toxicology report which Petitioner sought to use to explain Pennington's aggressive behavior. Courtney Johnson, Horry County Police Forensic Chemist, testified that cocaine was found on Pennington. Dr. Robert Bennett testified that ethanol, caffeine, Benzylalagn, (cocaine metabolite), Xanax and marijuana were located in the blood specimen taken at the time of autopsy. Dr. Bennett also provided his opinion as to the behavior consequences in a person with these substances in them. The State objected to toxicology information and argued during closing that marijuana, alcohol and antidepressants do not make someone more aggressive. The State asserted, Pennington did not ingest anything with the intent of starting a fight with Petitioner.

open and bulging. He testified the gun was in the center console and he got the gun out when Pennington started attacking him and trying to enter his vehicle. He testified, Pennington told him if you pull the gun you better use it. He testified Pennington tried to open the door. His testimony was that Pennington was punching with his right arm through the window and that Pennington reached for the gun. At the time the shot was fired, he knew Pennington was trying to hit him and take the gun. He testified he had tried to back up, he did not know Pennington's intentions, he was in fear for his life, and just fired the gun in Pennington's general direction to get him off of him.

He also testified that Card did not involve himself in the altercation. He testified that Emily was at first laughing at Pennington, but recalls her later telling Pennington to stop.²¹

As previously noted, the altercation took place in the parking lot common area of a condominium complex called Maddington Place. Darla Benoit testified at the hearing.

Based on the facts presented in this pretrial hearing, the intoxication, if any, of Pennington has not been considered. The first interaction between Petitioner and Pennington on the night of the altercation was when Petitioner drove into the parking lot area. There is no evidence in the record (other than Petitioner seeing Pennington place his beer on the ground prior to the attack) to suggest Petitioner had a concern or that Petitioner's fear was based on any substance consumed by Pennington prior to the attack. According to Petitioner, he had met Pennington at other times before the altercation, but had no problems with him.

²¹ Petitioner also testified he was injured in the altercation. Photographs were presented that reflect, at best, a minor injury to Petitioner's mouth area. The photographs show a visible injury to the inside of Petitioner's mouth. Elizabeth Lawson, the Health Administrator for Horry County Detention Center, testified that Petitioner reported his teeth hurt on the left side from being hit in the jaw. According to records from the detention center, Petitioner received Ibuprofen twice a day for five days. She testified that during the almost a month time he was in the detention center, Petitioner took Ibuprofen, but received no medical care or orthodontic care.

Pamela Collins, an employee of Petitioner's dentist, testified her office's notes do not indicate any of Petitioner's brackets or braces needed to be fixed.

Also, Petitioner testified that he saw Pennington lift his shirt and it looked like Pennington started wrapping something around his hand. He also testified it was dark and he could not see anything. Cannon testified that after Petitioner got out of jail, Petitioner told her he thought Pennington had taken off his belt and wrapped it around his hand. The evidence established that Pennington did not remove his belt and that Pennington was not armed with a weapon during the altercation.

12 

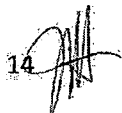
She was the property manager and homeowner association manager for Maddington Place. Maddington Place is owned by Deerfield Plantation. The complex is private property. Property (condominium) owners are supposed to have a sticker to park on the property and guests are supposed to have a hanging tag. If either do not exist, the vehicle is subject to being towed. The parking lot is monitored by the property's maintenance and management. The property is not open to the general public. The sign on the property indicates it is private property but it does not read no trespassing. There is no gate, no security guard, and no fencing on the property. Significantly, Ms. Benoit explained that a person who rides through the parking lot several times to look around the property is permissible, as well as emergency vehicles, and FedEx and mail carrier personnel making deliveries. When asked, what does private mean, she stated, no trespassing. Based on the testimony of Ms. Benoit and the facts surrounding the altercation, this Court concludes the Petitioner's vehicle being in the common area of the parking lot did not violate Maddington's rules and common practices. Petitioner was in the common area of the parking lot to deliver Remi her belongings. Petitioner's vehicle being in Maddington's parking lot common area was not an unlawful act. He had been to the complex before and Remi had provided her consent for Petitioner to be there.²²

²² The State argued that Petitioner should not be entitled to immunity for his use of deadly force against Pennington because Petitioner intended to harm Remi. The argument was that Pennington was defending Remi. The undisputed facts were that Remi, assuming she needed to be defended, was upstairs in a condominium at the time of the altercation. It was argued Petitioner "laid in wait" for 40 minutes to spring on Remi when she returned. Based on the totality of information presented during the hearing, this Court cannot conclude that Petitioner had a premeditated motive to do serious bodily injury or death to Remi. The messages do not make any threat of bodily harm. He does threaten to tear up pictures of her deceased father and dispose of her belongings. Notwithstanding making these threats of property damage, he does not carry through with the threats. This Court is not aware of other criminal charges or criminal complaints being made against Petitioner. Moreover, as previously stated, Remi was not called as a witness. The measure of Remi's concern could only be measured by her responses to the messages and through third persons; Emily and Petitioner. Additionally, the only information provided as to Pennington's motive for attacking Petitioner comes from Emily. As previously mentioned in Footnote 2, the reference to a reasonable belief of imminent danger echoes language in the Act. The Supreme

Based on the above, this Court's finding and conclusion are, the Petitioner has met his burden of proof of establishing by a preponderance of the evidence the defense of self-defense. Petitioner had done nothing to Pennington to provoke Pennington's attack on him while Petitioner was in his vehicle. Petitioner was not at fault in bringing on the attack. The facts are such that this Court is convinced that Petitioner believed he was in imminent danger of losing his life or sustaining serious bodily injury and that he was actually in such imminent danger during the physical attack on him by Pennington. Petitioner's fear and belief of imminent danger was real and a reasonable prudent man of ordinary firmness and courage would have come to the same belief. Also, circumstance of the attack placed the Petitioner in actual imminent danger and these circumstances were such that would warrant a man of ordinary prudence, firmness and courage to strike the fatal blow in order to save himself from serious bodily harm or losing his own life.

Additionally, for purposes of Section 16-11-440(A), the Petitioner is entitled to be presumed to have a reasonable fear of imminent peril of death or great bodily injury when he used deadly force because the person against whom he used deadly force was in the process of unlawfully and forcefully entering Petitioner's occupied vehicle and, the person had attempted to remove Petitioner from his occupied vehicle. The requirements of 16-11-440(A)(1) have been established. Also, Petitioner has established by a preponderance of evidence that he was aware that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred at the time deadly force was used. Thus, the requirements of 16-11-440(A)(2) have been proven.

Court observed that an individual has the right to act on appearances, even if that belief is mistaken. Petitioner had no idea why he was being attacked by his assailant.

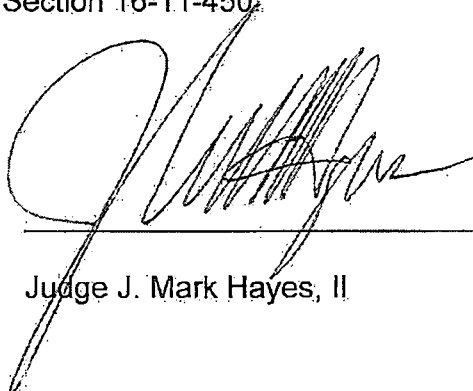
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Also, this Court finds by a preponderance of the evidence that Section 16-11-440(B)(1) does not disqualify Petitioner from immunity because Pennington had no right to be in or to lawfully occupy Petitioner's vehicle. This Court also finds the Petitioner was not engaging in an unlawful activity nor was he using the occupied vehicle to further an unlawful activity. See, 16-11-440(B)(3).

Therefore, having established his entitlement to immunity by a preponderance of the evidence, this Court finds the Petitioner is immune from prosecution of the present charges in accordance with S.C. Code Section 16-11-450.

IT IS SO ORDERED.

April 4, 2023



Judge J. Mark Hayes, II

From: +18032068144 Missy
 To: +18434659460 (owner)
 To: +18434659460 (owner)

Call me please

Participant	Delivered	Read	Played
+18434659460		5/14/2020 6:32:49 PM(UTC-4)	
+18434659460			

Status: Read

5/14/2020 6:08:05 PM(UTC-4)

Source Info
 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db
 0x1304757 (Table: message_handle; chat Size: 27099136 bytes)

From: +18032068144 Missy
 To: +18434659460 (owner)
 To: +18434659460 (owner)

I know how you feel so call me, Michelle is medicated so please talk to me before you flip out. She had an MRI so she is still drugged up

Participant	Delivered	Read	Played
+18434659460		5/14/2020 6:32:49 PM(UTC-4)	
+18434659460			

Status: Read

5/14/2020 6:09:38 PM(UTC-4)

Source Info
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 0x1305A62 (Table: message_handle; chat Size: 27099136 bytes)

From: +18032068144 Missy
 To: +18434659460 (owner)
 To: +18434659460 (owner)

Hey you should go get her pictures and know that this is just them and she wants to see them. She loves you but they are her family so you just gotta make the best of it.

Participant	Delivered	Read	Played
+18434659460		5/14/2020 6:32:49 PM(UTC-4)	
+18434659460			

Status: Read

5/14/2020 6:24:46 PM(UTC-4)

Source Info
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 0x1305768 (Table: message_handle; chat Size: 27099136 bytes)



From: +18434659460 (owner)
 To: +18032068144 Missy
 To: +18434659460 (owner)

Remi doesn't care about the stuff so I guess it's staying there

Participant	Delivered	Read	Played
+18032068144 Missy	5/14/2020 6:33:04 PM(UTC-4)	5/14/2020 6:33:14 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 6:33:03 PM(UTC-4)

Source Info:
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From: +18434659460 (owner)
 To: +18032068144 Missy
 To: +18434659460 (owner)

Hey if remi wants the rest of her stuff I need to know because next is her clothes and stuff I'm not playing games with her

Participant	Delivered	Read	Played
+18032068144 Missy	5/14/2020 6:53:14 PM(UTC-4)	5/14/2020 6:53:32 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 6:53:13 PM(UTC-4)

Source Info:
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From: +18434659460 (owner)
 To: +18032068144 Missy
 To: +18434659460 (owner)

She claims she doesn't care so I need to truly know if she does or not

Participant	Delivered	Read	Played
+18032068144 Missy	5/14/2020 6:53:40 PM(UTC-4)	5/14/2020 6:53:40 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 6:53:40 PM(UTC-4)

Source Info:
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From: +18434659460 (owner)
 To: +18032068144 Missy
 To: +18434659460 (owner)

Does remi want these crystals

Participant	Delivered	Read	Played
+18032068144 Missy	5/14/2020 7:23:42 PM(UTC-4)	5/14/2020 0 7:26:02 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 7:23:34 PM(UTC-4)

Source Info:
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From: +18032068144 Missy
 To: +18434659460 (owner)
 To: +18434659460 (owner)

Michelle says please don't throw anything out, we will come tomorrow and get it if you want it gone.

Participant	Delivered	Read	Played
+18434659460		5/14/2020 7:27:55 PM(UTC-4)	
+18434659460			

Status: Read

5/14/2020 7:27:43 PM(UTC-4)

Source Info:
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From: +18032068144 Missy
 To: +18434659460 (owner)
 To: +18434659460 (owner)

I have not talked to her but I know she cares.

Participant	Delivered	Read	Played
+18434659460		5/14/2020 07:28:06 PM(UTC-4)	
+18434659460			

Status: Read

5/14/2020 7:28:05 PM(UTC-4)

Source Info:
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From: +18434659460 (owner)
To: +18032068144 Missy
To: +18434659460 (owner)

565

It's out now tell remi to respond to see if she wants it if she says no it's gone

Participant	Delivered	Read	Played
+18032068144 Missy	5/14/2020 7:28:31 PM(UTC-4)	5/14/2020 7:28:31 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 7:28:24 PM(UTC-4)

Source Info:
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From: +18434659460 (owner)
To: +18032068144 Missy
To: +18434659460 (owner)

Okay she said she doesn't care so it's gone sorry for bothering y'all

Participant	Delivered	Read	Played
+18032068144 Missy	5/14/2020 7:34:48 PM(UTC-4)	5/14/2020 7:35:49 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 7:34:40 PM(UTC-4)

Source Info:
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From: +18434659460 (owner)
To: +18032068144 Missy
To: +18434659460 (owner)

Hey can you tell remi I'm outside she told me to bring the stuff to Andrews now she's not answering

Participant	Delivered	Read	Played
+18032068144 Missy	5/14/2020 9:22:18 PM(UTC-4)	5/14/2020 9:22:38 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 9:22:11 PM(UTC-4)

Source Info:
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STATEMENT OF EMILY CERIO

1
2
3 Detective: what's your uh phone number?
4
5 Emily: *(inaudible)*
6
7 Detective: what's your birthday?
8
9 Emily: 1-16-*(inaudible)*
10
11 Detective: what's your address?
12
13 Emily: 1080 inaudible Place, Myrtle Beach 295 inaudible-
14
15 Detective: inaudible
16
17 Detective: what's your phone number Emily?
18
19 Emily: 315-6570005
20
21 Detective: alright so just run me through what happened tonight.
22
23 Emily: ok
24
25 Emily: me and my family we were going out to Handley's pub it's in Carolina forest we were all
26 going there to eat some food
27
28 Detective: ok
29
30 Emily: I called Michael and told him that what we're doing and he said he'd meet us there.
31
32 Detective: ok
33
34 Emily: this whole time Remi my cousin was arguing with her boyfriend Anijah and uh she had
35 turned her phone off she was ignoring calls from him just wasn't talking to him at all. So
36 we go out to eat Michael meets us there he's only there about 15 minutes and he's with
37 his friend josh they're hanging out with us they shoot a game of pool and they end up
38 leaving.
39
40 Detective: ok
41
42 Emily: and Michael's bringing josh home. *(inaudible)* texting Michael and told him we're going
43 to be leaving soon we haven't left yet but we are leaving soon to go back to Andrew's
44 and he said ok when we drop josh off and head that way toward Andrew's
45
46 Detective: ok
47
48 Detective 2: Andrew's is here



1
2 Emily: Sorry
3
4 Detective: ok
5
6 Emily: uhm so then we left and he texted and said he just pulled up to Handley's. I told him
7 well we already left. He said ok well I'll meet you at Andrew's
8
9 Detective: ok
10
11 Emily: so in the car it was me and Remi my cousin she's pregnant
12
13 Detective: ok
14
15 Emily: we drove to and pulled up and parked as we parked I opened my door and I let my dog
16 outside
17
18 Detective: ok
19
20 Emily: and my dog was running around and Remi looked at her phone and said Anijah's here.
21
22 Detective: so then you guys pull in the parking lot
23
24 Emily: he was here
25
26 Detective: he was already here. 
27
28 Emily: yeah. And she was saying she was scared she didn't know what to do so I got the dog I
29 got back in the car I said start the car. She started the car I'm like pull off let's go. So we
30 started driving on this road here and I called *(inaudible)* and told them like she's scared
31 like *(inaudible)* get out of this car without you or somebody she's pregnant and he's like
32 I'm right here right here at Murphys gas station. And I said ok we'll be right there. We
33 met em there and we talked for just a minute I was on the phone with my aunt telling
34 her what was going on that we weren't going to go back unless we were with Michael so
35 then we sat in the car for just a minute cause Remi talked Anijah on the phone. She was
36 on the phone with him and he was saying that he had like all of her stuff or something
37 like that and she told him like leave it and go like or I'll get it you need to go home I
38 don't want to see you. so then she said she didn't want to go back I'm like Remi lets just
39 go *(inaudible)* so we got back here and we're pulling right here so we're right bout like
40 right there and Anijah was backing out of one of those parking spots over there trying to
41 get out
42
43 Detective: ok
44
45 Emily: and he finally we backed up a little he got out and he pulled up next to us with the
46 window down and was like girl you trying to block us in or block me in and Remi's like
47 and Remi said no that's the only way you get in he was like no your trying to F'in block

1 me in like all pissed off and so then he pulls away and leaves me and Remi park and
2 Michael parks
3
4 Detective: which car is Micheal's?
5
6 Emily: it's that one California plated one. It's a rental and then the Toyota camry is his too I
7 was driving that uhm so we park and we all get out and it's Remi me Darrin and Michael
8 we're all kinda standing there and Michael had a case of beer right here it was him and
9 Darrin were just talking and case of beer on the ground and Michael said hold on or
10 something and I told him I said she's scared she doesn't want to be out here she doesn't
11 want to be outside I'm gonna walk her up he said ok so I walk Remi up the stairs said hi
12 to my dad I put my stuff down and I realize that my charger was in the car so I told Remi
13 I will be right back just stay right here so I came back down here and I walked back up
14 and as I walked up Anijah was pulling up by the time I got to Michael he was there with
15 his window down and he had the gun Michael could see the gun
16
17 Detective: yeah
18
19 Emily: and he said Michael said to Anijah he said I'm from Virginia if you're gonna pull a gun
20 you better pull a trigger and Anijah just saying something or whatever and then Anijah
21 cocked the gun went and Michael punched and punched Anijah he thought he was
22 pulling the gun to shoot he cocked it and went like this
23
24 Detective: ok
25
26 Emily: and Michael reached in the window and punched him
27
28 Detective: ok
29
30 Emily: and tried to stop him and then and then uhm and then Anijah kinda starts backing out
31 and and I told mike I said stop don't I said Michael let just let it go and mike or Anijah
32 was kinda backing out and I and the door opened and he shot
33
34 Detective: so Anijah's car opened
35
36 Emily: yeah
37
38 Detective: ok
39
40 Emily: and he shot and then Anijah drove off Michael fell back into mine then Darrin's arms he
41 said that mother fucker shot me.
42
43 Detective: how many shots did you hear?
44
45 Emily: I wanna say it was two but I only saw one like I wanna hear (makes noise)
46
47 Detective: yeah
48

1 Emily: that's what I thought I heard
2
3 Detective: that's fine
4
5 Emily: I think it was like boom boom he shot like twice I can't I can't really remember
6
7 Detective: that's ok
8
9 Emily: and then Michael was laying on the ground he kinda fell back I saw he was bleeding so I
10 pushed on it as hard as I could and I just talked to him and Darrin talked to him and I
11 called the police
12
13 Detective: did you see the gun? Have you ever seen him with a gun before?
14
15 Emily: No but I forgot a part
16
17 Detective: ok
18
19 Emily: when me and Remi were walking upstairs she said she said I'm scared what if he has a
20 weapon and I was like everything will be ok she was like you know what he probably he
21 doesn't have a weapon and I made a joke like haha he's gonna grab a kitchen knife and
22 she kinda laughed it off but she kept saying what if he has a weapon
23
24 Detective: when they are not arguing does she live with them?
25
26 Emily: yeah
27
28 Detective: ok
29
30 Emily: she kept saying what if he has a weapon what if he has a weapon like she knew he had a
31 weapon I don't know and I kept saying it's ok everything is ok Micheal is here Micheal
32 will help Michael will take care of it
33
34 Detective: what's Micheal's name full name
35
36 Emily: Micheal M-I-C-H-E-A-L Wayne W-A-Y-N-E Pennington P-E-N-N-I-N-G-T-O-N the third
37
38 Detective: the third
39
40 Emily: 04-14-87.
41
42 Detective: Where's he stay?
43
44 Emily: my house (*inaudible*) the house
45
46 Detective: at your house
47
48 Emily: yeah

1
2 Detective: your place
3
4 Emily: me and him live together. It's his house
5
6 Detective: ok
7
8 Detective: do you have a phone number for him?
9
10 Emily: 803-446-2663 this is his
11
12 Detective: ok
13
14 Emily: I am my I had I don't know where my phone is I had my phone and they pulled it out but
15 I saw it was dying that's why I came to get the charger
16
17 Detective: ok
18
19 Emily: so I reached into his pocket really quick and I grabbed it and then I called 911 off of this
20
21 Detective: ok
22
23 Emily: and then I I I used my phone and tried to call my dad cause I thought could help but it
24 died and I don't' know where it is
25
26 Detective: ok
27
28 Emily: this is it
29
30 Detective: ok
31
32 Detective: anything else you can think of?
33
34 Emily: uhm
35
36 Detective: what were Remi and Anijah arguing about or is that just a common
37
38 Emily: I think that it's common. They argue all the time but I guess he was upset cause she
39 wasn't home when he got home from work and she just didn't want to deal with it and
40 she turned her phone off and he was just blowing her phone up.
41
42 Detective: where does he work at?
43
44 Emily: Moe's I think. Maybe He he used to work at the wax museum and I think he works at
45 Moe's now since the whole *(inaudible)*
46
47 Detective: ok
48

1 Detective: uhm his contact information for Mike's parents
2
3 Emily: *(inaudible)*
4
5 Detective: *(inaudible)* the second
6
7 Emily: Micheal Pennington the second. Its 843- 360-8770
8
9 Detective: do he live here locally somewhere
10
11 Emily: he does he lives right by us you take hwy 15
12
13 Detective: ok
14
15 Emily: uhm but he's in Virginia right now cause his father just passed away.
16
17 Detective: here's my card that's got my cell phone number, my email, my office number if you
18 need or think of anything and I wrote on the back he's the lead detective on the case so
19 you can get ahold of either one of us and if you have any questions we'll try to answer
20 them for you.

From: +18434659460 (owner)
To: +18434508308 Michelle
To: +18434659460 (owner)

572

Hey can you talk real quick?

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 2:45:01 PM(UTC-4)	5/14/2020 3:38:13 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 2:45:00 PM(UTC-4)

Source Info
00008030-001818901A8A802E files_full.zip:private/var/mobile/Library/SMS/sms.db: 0x12F12B6 (Table: message_chat handle: Size: 27099136 bytes)

From: +18434508308 Michelle
To: +18434659460 (owner)
To: +18434659460 (owner)

Hey I'm headed into my 2nd MRI right now I can call when I'm done. Is everything ok

Participant	Delivered	Read	Played
+18434659460		5/14/2020 3:42:24 PM(UTC-4)	
+18434659460			

Status: Read

5/14/2020 3:38:43 PM(UTC-4)

Source Info
00008030-001818901A8A802E files_full.zip:private/var/mobile/Library/SMS/sms.db: 0x12F8635 (Table: message_chat handle: Size: 27099136 bytes)

From: +18434659460 (owner)
To: +18434508308 Michelle
To: +18434659460 (owner)

No everything is fine it's just me remi Allie and trey and the kids had plans for food when I got off so I didn't eat anything on break then all of sudden they ate and said yea we can eat again at 7 so I said I'm not driving to Andrews I'm good now I'm the bad guy remi caters to everything for Allie for some reason

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 3:43:31 PM(UTC-4)	5/14/2020 4:32:02 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 3:43:30 PM(UTC-4)

Source Info
00008030-001818901A8A802E files_full.zip:private/var/mobile/Library/SMS/sms.db: 0x12F9769 (Table: message_chat handle: Size: 27099136 bytes)



From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

They act like I'm not at work all day

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 3:44:07 PM(UTC-4)	5/14/2020 0 4:32:02 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 3:44:06 PM(UTC-4)

Source Info:
 00008030-001818901ABA802E files_full.zip:private/var/mobile/Library/SMS/sms.db: 0x12F92CE (Table: message_chat handle: Size: 27099136 bytes)

From: +18434508308 Michelle
 To: +18434659460 (owner)
 To: +18434659460 (owner)

It's not Remi. The others just don't care at all who they inconvenience

Participant	Delivered	Read	Played
+18434659460		5/14/2020 5:15:04 PM(UTC-4)	
+18434659460			

Status: Read

5/14/2020 4:32:55 PM(UTC-4)

Source Info:
 00008030-001818901ABA802E files_full.zip:private/var/mobile/Library/SMS/sms.db: 0x12FFB4F (Table: message_chat handle: Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

Hey you better tell remi to come get her shit before I throw it All out

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 5:47:58 PM(UTC-4)	5/14/2020 5:51:17 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 5:47:57 PM(UTC-4)

Source Info:
 00008030-001818901ABA802E files_full.zip:private/var/mobile/Library/SMS/sms.db: 0x12FF6A2 (Table: message_chat handle: Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

I'm giving her 10 more
 Mine

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 5:54:09 PM(UTC-4)	5/14/2020 0 5:57:24 PM(UTC-4)	

+18434659460

Status: Sent

5/14/2020 5:54:03 PM(UTC-4)

Source Info:
 00000030-001818901A8A802E: files: full.zip/private/var/mobile/Library/SMS/sms.db:
 0x12FF4D1: Table: message_chat.handle: Size: 27099136 bytes

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

Mins

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 5:54:09 PM(UTC-4)	5/14/2020 0 5:57:24 PM(UTC-4)	

+18434659460

Status: Sent

5/14/2020 5:54:05 PM(UTC-4)

Source Info:
 00000030-001818901A8A802E: files: full.zip/private/var/mobile/Library/SMS/sms.db:
 0x12FF4D1: Table: message_chat.handle: Size: 27099136 bytes

From: +18434508308 Michelle
 To: +18434659460 (owner)
 To: +18434659460 (owner)

What's going on

Participant	Delivered	Read	Played
+18434659460		5/14/2020 0 5:57:51 PM(UTC-4)	

+18434659460

Status: Read

5/14/2020 5:57:43 PM(UTC-4)

Source Info:
 00000030-001818901A8A802E: files: full.zip/private/var/mobile/Library/SMS/sms.db:
 0x1300FBD: Table: message_handle_chat: Size: 27099136 bytes

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

I already threw most of her pics out

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 5:58:00 PM(UTC-4)	5/14/2020 0 5:58:20 PM(UTC -4)	
+18434659460			

Status: Sent

5/14/2020 5:57:59 PM(UTC-4)

Source Info
 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db: 0x1300D61 (Table: message_chat_handle Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

She is trying to act tough around Allie and I guess she forgot I was the wrong one to fuck with I haven't ate all day because of them

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 5:58:27 PM(UTC-4)	5/14/2020 5:58:27 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 5:58:26 PM(UTC-4)

Source Info
 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db: 0x1300B0F (Table: message_chat_handle Size: 27099136 bytes)

From: +18434508308 Michelle
 To: +18434659460 (owner)
 To: +18434659460 (owner)

What pics

Participant	Delivered	Read	Played
+18434659460		5/14/2020 0 5:58:37 PM(UTC -4)	
+18434659460			

Status: Read

5/14/2020 5:58:34 PM(UTC-4)

Source Info
 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db: 0x13007FA (Table: message_handle_chat Size: 27099136 bytes)

From: +18434659460 (owner)
To: +18434508308 Michelle
To: +18434659460 (owner)

576

Her belongings

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 5:58:48 PM(UTC-4)	5/14/2020 0 5:58:48 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 5:58:45 PM(UTC-4)

Source Info
00028030-001818901A6A802E_files_full.zip:private/var/mobile/Library/SMS/sms.db:
0x13005DE (Table: message_chat.handle Size: 27099136 bytes)

From: +18434659460 (owner)
To: +18434508308 Michelle
To: +18434659460 (owner)

Just bags of shit I'm sick of the shit

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 5:58:58 PM(UTC-4)	5/14/2020 0 5:58:58 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 5:58:58 PM(UTC-4)

Source Info
00028030-001818901A6A802E_files_full.zip:private/var/mobile/Library/SMS/sms.db:
0x13001B9 (Table: message_chat.handle Size: 27099136 bytes)

From: +18434508308 Michelle
To: +18434659460 (owner)
To: +18434659460 (owner)

Please don't Anijah

Participant	Delivered	Read	Played
+18434659460		5/14/2020 0 5:59:11 PM(UTC-4)	
+18434659460			

Status: Read

5/14/2020 5:59:08 PM(UTC-4)

Source Info
00028030-001818901A6A802E_files_full.zip:private/var/mobile/Library/SMS/sms.db:
0x1301F8D (Table: message_handle_chat Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

No I am she thinks everything is a game

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 5:59:19 PM(UTC-4)	5/14/2020 0 5:59:19 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 5:59:19 PM(UTC-4)

Source Info:
 00008030-001818901A8A802E files: full.zip/private/var/mobile/Library/SMS/sms.db:
 0x1301D59 Table: message_chat handle: Size: 27099136 bytes

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

She's been there all day and I asked her to come get her shit she thinks I'm bluffing

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 5:59:41 PM(UTC-4)	5/14/2020 6:00:07 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 5:59:40 PM(UTC-4)

Source Info:
 00008030-001818901A8A802E files: full.zip/private/var/mobile/Library/SMS/sms.db:
 0x1301B01 Table: message_chat handle: Size: 27099136 bytes

From: +18434508308 Michelle
 To: +18434659460 (owner)
 To: +18434659460 (owner)

Why does she need to come get her stuff.

Participant	Delivered	Read	Played
+18434659460		5/14/2020 0 6:00:29 PM(UTC-4)	
+18434659460			

Status: Read

5/14/2020 6:00:25 PM(UTC-4)

Source Info:
 00008030-001818901A8A802E files: full.zip/private/var/mobile/Library/SMS/sms.db:
 0x130184C Table: message_handle_chat Size: 27099136 bytes

From: +18434659460 (owner)
To: +18434508308 Michelle
To: +18434659460 (owner)

578

Because she's moving with Allie

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:00:40 PM(UTC-4)	5/14/2020 0 6:00:40 PM(UTC -4)	
+18434659460			

Status: Sent

5/14/2020 6:00:39 PM(UTC-4)

Source Info:
00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db:
0x13015F2:Table: message_chat.handle: Size: 27099136 bytes.

From: +18434659460 (owner)
To: +18434508308 Michelle
To: +18434659460 (owner)

Now she won't have shit to move with

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:00:53 PM(UTC-4)	5/14/2020 0 6:00:53 PM(UTC -4)	
+18434659460			

Status: Sent

5/14/2020 6:00:53 PM(UTC-4)

Source Info:
00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db:
0x1301346:Table: message_chat.handle: Size: 27099136 bytes.

From: +18434508308 Michelle
To: +18434659460 (owner)
To: +18434659460 (owner)

What are you talking about

Participant	Delivered	Read	Played
+18434659460		5/14/2020 0 6:00:59 PM(UTC -4)	
+18434659460			

Status: Read

5/14/2020 6:00:56 PM(UTC-4)

Source Info:
00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db:
0x1302F8D:Table: message_chat.handle: Size: 27099136 bytes.

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

She's moving with Allie she said Bc we are "done" she's too weak to have a kid on her own we both know that she needs me or you bc she's weak Allie can't take care of her

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:01:49 PM(UTC-4)	5/14/2020 6:01:49 PM(UTC-4)	
+18434659460			
Status: Sent			
5/14/2020 6:01:49 PM(UTC-4)			

Source Info
 00008030-001818901A6A802E_files_full.zip\private\var\mobile\Library\SMS\sms.db: 0x1302D4F (Table: message_chat.handle) Size: 27099136 bytes

From: +18434508308 Michelle
 To: +18434659460 (owner)
 To: +18434659460 (owner)

When did she say that

Participant	Delivered	Read	Played
+18434659460		5/14/2020 6:02:10 PM(UTC-4)	
+18434659460			
Status: Read			
5/14/2020 6:02:06 PM(UTC-4)			

Source Info
 00008030-001818901A6A802E_files_full.zip\private\var\mobile\Library\SMS\sms.db: 0x13029DE (Table: message_chat.handle) Size: 27099136 bytes

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

Today so since she wants to leave so bad I'll gladly throw her shit put

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:02:26 PM(UTC-4)	5/14/2020 6:02:26 PM(UTC-4)	
+18434659460			
Status: Sent			
5/14/2020 6:02:25 PM(UTC-4)			

Source Info
 00008030-001818901A6A802E_files_full.zip\private\var\mobile\Library\SMS\sms.db: 0x13027AA (Table: message_chat.handle) Size: 27099136 bytes

From: +18434659460 (owner)
To: +18434508308 Michelle
To: +18434659460 (owner)

580

Out

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:02:30 PM(UTC-4)	5/14/2020 6:02:30 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 6:02:29 PM(UTC-4)

Source Info:
00008030:001818901A8A802E files: full.zip/private/var/mobile/Library/SMS/sms.db: 0x130224C (Table: message_chat handle: Size: 27099136 bytes)

From: +18434508308 Michelle
To: +18434659460 (owner)
To: +18434659460 (owner)

Please don't Anijah. Come on. Someone will steal it. They came from NY. She hasn't seen them since Christmas

Participant	Delivered	Read	Played
+18434659460		5/14/2020 6:03:17 PM(UTC-4)	
+18434659460			

Status: Read

5/14/2020 6:03:05 PM(UTC-4)

Source Info:
00008030:001818901A8A802E files: full.zip/private/var/mobile/Library/SMS/sms.db: 0x1303F8D (Table: message_handle: chat: Size: 27099136 bytes)

From: +18434659460 (owner)
To: +18434508308 Michelle
To: +18434659460 (owner)

Her clothes are at the dump I don't care anymore

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:03:31 PM(UTC-4)	5/14/2020 6:05:17 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 6:03:30 PM(UTC-4)

Source Info:
00008030:001818901A8A802E files: full.zip/private/var/mobile/Library/SMS/sms.db: 0x1303CA2 (Table: message_chat handle: Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

She choosed allie over me today so I don't care along with her photos and shit I'm getting every last thing out she will not succeed as a single mother as of now because she's too weak

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:04:30 PM(UTC-4)	5/14/2020 6:05:17 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 6:04:30 PM(UTC-4)

Source Info
 00008030-001818901A6A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db: 0x1303A36 (Table: message_chat_handle: Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

So since she thinks she can do it we will see I'll send money as much as she needs but she doesn't need me so tell her to remember that because I'm the only guy that will ever but up with the bs that comes with her

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:05:13 PM(UTC-4)	5/14/2020 6:05:17 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 6:05:13 PM(UTC-4)

Source Info
 00008030-001818901A6A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db: 0x1303A36 (Table: message_chat_handle: Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

We both know the truth ima dick I know that but I'm the only guy that will put up with remi she's learned so much from me but what have I learned Michelle

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:06:24 PM(UTC-4)	5/14/2020 6:06:24 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 6:06:23 PM(UTC-4)

Source Info
 00008030-001818901A6A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db: 0x1304F85 (Table: message_chat_handle: Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

Jack shit

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:06:27 PM(UTC-4)	5/14/2020 6:06:27 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 6:06:26 PM(UTC-4)

Source Info:
 00008030-001818901A8A802E files_full.zip/private/var/mobile/Library/SMS/sms.db: 0x1304C3A (Table: message; chat handle: Size: 27099136 bytes)

From: +18434508308 Michelle
 To: +18434659460 (owner)
 To: +18434659460 (owner)

Anijah I haven't talked to her. I'm kind of out of it because of my medicine they gave me for my MRI

Participant	Delivered	Read	Played
+18434659460		5/14/2020 6:07:45 PM(UTC-4)	
+18434659460			

Status: Read

5/14/2020 6:07:36 PM(UTC-4)

Source Info:
 00008030-001818901A8A802E files_full.zip/private/var/mobile/Library/SMS/sms.db: 0x1304A28 (Table: message; handle: chat; Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

Well just relax but I'm throwing all of her shit out I'm done

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:08:09 PM(UTC-4)	5/14/2020 6:08:09 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 6:08:09 PM(UTC-4)

Source Info:
 00008030-001818901A8A802E files_full.zip/private/var/mobile/Library/SMS/sms.db: 0x1304532 (Table: message; chat handle: Size: 27099136 bytes)

From: +18434508308 Michelle
 To: +18434659460 (owner)
 To: +18434659460 (owner)

Call missy

Participant	Delivered	Read	Played
+18434659460		5/14/2020 6:08:32 PM(UTC-4)	
+18434659460			

Status: Read

5/14/2020 6:08:31 PM(UTC-4)

Source Info
 00008030-001818901A6A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db
 0x13042AF (Table: message_chat; Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

Sorry to bother you but it's over Michelle she's a single mother let's see how strong she thinks she is

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:08:35 PM(UTC-4)	5/14/2020 6:08:35 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 6:08:35 PM(UTC-4)

Source Info
 00008030-001818901A6A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db
 0x1305F8E (Table: message_chat; handle: Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

She has no clue

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:08:42 PM(UTC-4)	5/14/2020 6:08:42 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 6:08:42 PM(UTC-4)

Source Info
 00008030-001818901A6A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db
 0x1305CA2 (Table: message_chat; handle: Size: 27099136 bytes)

From: +18434508308 Michelle
 To: +18434659460 (owner)
 To: +18434659460 (owner)

Ples get the ouctis of her dad

Participant	Delivered	Read	Played
+18434659460		5/14/2020 0 6:25:43 PM(UTC -4)	
+18434659460			

Status: Read

5/14/2020 6:25:24 PM(UTC-4)

Source Info:
 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db:
 0x130540E (Table: message_handle_chat Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

Nope she's still being a smart ass

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:25:51 PM(UTC-4)	5/14/2020 0 6:25:53 PM(UTC -4)	
+18434659460			

Status: Sent

5/14/2020 6:25:50 PM(UTC-4)

Source Info:
 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db:
 0x1305F85 (Table: message_handle_chat Size: 27099136 bytes)

From: +18434508308 Michelle
 To: +18434659460 (owner)
 To: +18434659460 (owner)

Please that's all she hid of him

Participant	Delivered	Read	Played
+18434659460		5/14/2020 0 6:28:08 PM(UTC -4)	
+18434659460			

Status: Read

5/14/2020 6:26:16 PM(UTC-4)

Source Info:
 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db:
 0x1306D3D (Table: message_handle_chat Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

She doesn't seem too worried

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:28:48 PM(UTC-4)	5/14/2020 0 6:29:06 PM(UTC -4)	
+18434659460			

Status: Sent

5/14/2020 6:28:47 PM(UTC-4)

Source Info:
 00008030-001818901A8A802E files: full.zip/private/var/mobile/Library/SMS/sms.db:
 0x1306AF1 (Table: message_chat_handle Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

So I'm not worried

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 6:28:53 PM(UTC-4)	5/14/2020 0 6:29:06 PM(UTC -4)	
+18434659460			

Status: Sent

5/14/2020 6:28:53 PM(UTC-4)

Source Info:
 00008030-001818901A8A802E files: full.zip/private/var/mobile/Library/SMS/sms.db:
 0x13068AD (Table: message_chat_handle Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

Does remi want these crystals

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 7:23:07 PM(UTC-4)	5/14/2020 0 7:24:09 PM(UTC -4)	
+18434659460			

Status: Sent

5/14/2020 7:23:02 PM(UTC-4)

Source Info:
 00008030-001818901A8A802E files: full.zip/private/var/mobile/Library/SMS/sms.db:
 0x13077A3 (Table: message_chat_handle Size: 27099136 bytes)

From: +18434659460 (owner)
 To: +18434508308 Michelle
 To: +18434659460 (owner)

Because I'm throwing that out next

Participant	Delivered	Read	Played
+18434508308 Michelle	5/14/2020 7:23:10 PM(UTC-4)	5/14/2020 0 7:24:09 PM(UTC-4)	
+18434659460			

Status: Sent

5/14/2020 7:23:10 PM(UTC-4)

Source Info
 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db
 0x130755F (Table: message_chat.handle Size: 27099136 bytes)

39

Name: +14692146216
 Start Time: 2/13/2020 1:46:56 PM(UTC-5)
 Last Activity: 2/13/2020 2:05:40 PM(UTC-5)
 Number of attachments: 0
 Source: Native Messages
 Account: +18434659460
 Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db 0x17055D5 (Table: chat_message.handle
 Size: 27099136 bytes)
 Body file: chat-208.txt

Participants:



+14692146216



+18434659460

From: +14692146216
 To: +18434659460 (owner)

Hi, this is AllyO from the recruiting team at FedEx Office! Thanks for your interest in the Store Consultant position. I would like to ask you a few quick questions as well as share information about the role.

Would you like to continue? Reply with Y or N

Participant	Delivered	Read	Played
+18434659460		2/13/2020 2:04:21 PM(UTC-5)	

Status: Read

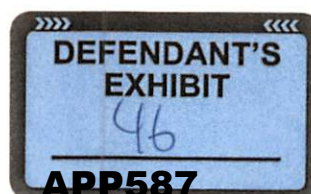
2/13/2020 1:46:56 PM(UTC-5)

Source Info
 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db 0x9F69DE (Table: message_chat.handle Size: 27099136 bytes)

**Extraction Report - Apple iOS Full File system**

Timeline (248)

#	Type	Direction	Attachments	Locations	Timestamp	Party	Description	Deleted
1	Instant Messages	Outgoing			5/14/2020 9:17:58 PM(UTC-4)	From: 227c11775de8451e9a3 760229cecbacf@app.ne xtplus.me SKEKENEKWJ-1 To: +18439570096@sms.ne xtplus.com Baby To: +18439570096@sms.ne xtplus.com Baby	I'm at Andrews come out side Source: Source file: 00008030- 001818901A8A802E_files_full.zip/private/var/ mobile/Containers/Shared/AppGroup/C687CA CD-DF4B-4257-8062- 7357F0D6EE8A/NextplusSharedData.sqlite- wal : 0x7B7B4 (Table: ZCD_CONVERSATIONMESSAGE, ZCD_CONVERSATION; Size: 539752 bytes)	
2	Instant Messages	Outgoing			5/14/2020 9:18:03 PM(UTC-4)	From: 227c11775de8451e9a3 760229cecbacf@app.ne xtplus.me SKEKENEKWJ-1 To: +18439570096@sms.ne xtplus.com Baby To: +18439570096@sms.ne xtplus.com Baby	I got ur pics Source: Source file: 00008030- 001818901A8A802E_files_full.zip/private/var/ mobile/Containers/Shared/AppGroup/C687CA CD-DF4B-4257-8062- 7357F0D6EE8A/NextplusSharedData.sqlite- wal : 0x7B921 (Table: ZCD_CONVERSATIONMESSAGE, ZCD_CONVERSATION; Size: 539752 bytes)	
3	Instant Messages	Outgoing			5/14/2020 9:18:29 PM(UTC-4)	From: 227c11775de8451e9a3 760229cecbacf@app.ne xtplus.me SKEKENEKWJ-1 To: +18439570096@sms.ne xtplus.com Baby To: +18439570096@sms.ne xtplus.com Baby	I just wanna give them to yo and give you a kiss. Then go home baby fr Source: Source file: 00008030- 001818901A8A802E_files_full.zip/private/var/ mobile/Containers/Shared/AppGroup/C687CA CD-DF4B-4257-8062- 7357F0D6EE8A/NextplusSharedData.sqlite- wal : 0x7B691 (Table: ZCD_CONVERSATIONMESSAGE, ZCD_CONVERSATION; Size: 539752 bytes)	
4	Instant Messages	Outgoing			5/14/2020 9:18:41 PM(UTC-4)	From: 227c11775de8451e9a3 760229cecbacf@app.ne xtplus.me SKEKENEKWJ-1 To: +18439570096@sms.ne xtplus.com Baby To: +18439570096@sms.ne xtplus.com Baby	I gotta work so hurry Source: Source file: 00008030- 001818901A8A802E_files_full.zip/private/var/ mobile/Containers/Shared/AppGroup/C687CA CD-DF4B-4257-8062- 7357F0D6EE8A/NextplusSharedData.sqlite- wal : 0x7B59F (Table: ZCD_CONVERSATIONMESSAGE, ZCD_CONVERSATION; Size: 539752 bytes)	
5	Instant Messages	Incoming			5/13/2020 5:47:28 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434508308 Michelle, To: +18434659460 (owner) To: +18434659460 (owner), To: +18434508308 Michelle, To: +18434659460 (owner)	Loved an image Source: Native Messages Source file: 00008030- 001818901A8A802E_files_full.zip/private/var/ mobile/Library/SMS/sms.db : 0x12D0A4B (Table: message, handle, chat; Size: 27099136 bytes)	
6	Instant Messages	Outgoing			5/13/2020 6:07:15 AM(UTC-4)	From: +18434659460 (owner) To: +18434508308 Michelle, To: +18439570096 Baby . To: +18434659460 (owner) To: +18434508308 Michelle, To: +18439570096 Baby . To: +18434659460 (owner)	Loved an image Source: Native Messages Source file: 00008030- 001818901A8A802E_files_full.zip/private/var/ mobile/Library/SMS/sms.db : 0x12D04FB (Table: message, chat, handle; Size: 27099136 bytes)	



7	Instant Messages	Outgoing	1	5/13/2020 7:43:46 PM(UTC-4)	From: +18434659460 (owner) To: +18434508308 Michelle, To: +18439570096 Baby , To: +18434659460 (owner) To: +18434508308 Michelle, To: +18439570096 Baby , To: +18434659460 (owner)	Library SMS Attachments a6 06 ACEC4B14-1AEE-46C4-95F4-056D0A9CBE87 IMG 1685.MP4 Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DC4A0 (Table: message, chat, attachment, handle; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/a6/06/ACEC4B14-1AEE-46C4-95F4-056D0A9CBE87/IMG_1685.MP4 : (Size: 8339795 bytes)	588
8	Instant Messages	Incoming		5/13/2020 7:46:44 PM(UTC-4)	From: +18434508308 Michelle (owner), To: +18434659460 (owner), To: +18439570096 Baby , To: +18434659460 (owner) To: +18434659460 (owner), To: +18439570096 Baby , To: +18434659460 (owner)	Awe he is so smart Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DC233 (Table: message, handle, chat; Size: 27099136 bytes)	
9	Instant Messages	Outgoing	1	5/13/2020 7:50:23 PM(UTC-4)	From: +18434659460 (owner) To: +18434508308 Michelle, To: +18439570096 Baby , To: +18434659460 (owner) To: +18434508308 Michelle, To: +18439570096 Baby , To: +18434659460 (owner)	Library SMS Attachments 76 06 F7C07043-84C3-4F32-A47F-5D645AAD3DC5 61110656344 2D916D7F-23BA-49EF-9981-B7A6C79EF69E.MOV Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DDF7F (Table: message, chat, attachment, handle; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/76/06/F7C07043-84C3-4F32-A47F-5D645AAD3DC5/61110656344_2D916D7F-23BA-49EF-9981-B7A6C79EF69E.MOV : (Size: 2169 bytes)	
10	Instant Messages	Incoming		5/13/2020 7:56:05 PM(UTC-4)	From: +18434508308 Michelle (owner), To: +18434659460 (owner), To: +18439570096 Baby , To: +18434659460 (owner) To: +18434659460 (owner), To: +18439570096 Baby , To: +18434659460 (owner)	Do where's Anijah Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DDB08 (Table: message, handle, chat; Size: 27099136 bytes)	
11	Instant Messages	Incoming		5/13/2020 8:04:50 PM(UTC-4)	From: +18439570096 Baby (owner), To: +18434659460 (owner), To: +18434508308 Michelle, To: +18434659460 (owner) To: +18434659460 (owner), To: +18434508308 Michelle, To: +18434659460 (owner)	I miss the nice brayden Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DD8CC (Table: message, handle, chat; Size: 27099136 bytes)	
12	Instant Messages	Incoming		5/13/2020 8:05:14 PM(UTC-4)	From: +18434508308 Michelle (owner), To: +18434659460 (owner), To: +18439570096 Baby , To: +18434659460 (owner) To: +18434659460 (owner), To: +18439570096 Baby , To: +18434659460 (owner)	Did you put heat on remi Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DD676 (Table: message, handle, chat; Size: 27099136 bytes)	
13	Instant Messages	Incoming		5/13/2020 8:05:27 PM(UTC-4)	From: +18439570096 Baby (owner), To: +18434659460 (owner), To: +18434508308 Michelle, To: +18434659460 (owner) To: +18434659460 (owner), To: +18434508308 Michelle, To: +18434659460 (owner)	Not yet I have to make the thing Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DD42E (Table: message, handle, chat; Size: 27099136 bytes)	

14	Instant Messages	Incoming		5/13/2020 8:05:37 PM(UTC-4)	From: +18434508308 Michelle To: +18434659460 (owner), To: +18439570096 Baby , To: +18434659460 (owner) To: +18434659460 (owner), To: +18439570096 Baby , To: +18434659460 (owner)	Ok Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DD1D6 (Table: message, handle, chat; Size: 27099136 bytes)	589
15	Instant Messages	Incoming		5/13/2020 8:05:40 PM(UTC-4)	From: +18434508308 Michelle To: +18434659460 (owner), To: +18439570096 Baby , To: +18434659460 (owner) To: +18434659460 (owner), To: +18439570096 Baby , To: +18434659460 (owner)	Make sure you do Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DEF77 (Table: message, handle, chat; Size: 27099136 bytes)	
16	Instant Messages	Incoming		5/13/2020 8:06:24 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434508308 Michelle, To: +18434659460 (owner) To: +18434659460 (owner), To: +18434508308 Michelle, To: +18434659460 (owner)	I'm gonna put the pillow between my legs and lay down Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DED3F (Table: message, handle, chat; Size: 27099136 bytes)	
17	Instant Messages	Incoming		5/13/2020 8:12:17 PM(UTC-4)	From: +18434508308 Michelle To: +18434659460 (owner), To: +18439570096 Baby , To: +18434659460 (owner) To: +18434659460 (owner), To: +18439570096 Baby , To: +18434659460 (owner)	With the heat Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DE4C4 (Table: message, handle, chat; Size: 27099136 bytes)	
18	Instant Messages	Incoming		5/13/2020 8:13:20 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434508308 Michelle, To: +18434659460 (owner) To: +18434659460 (owner), To: +18434508308 Michelle, To: +18434659460 (owner)	I will Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DFD49 (Table: message, handle, chat; Size: 27099136 bytes)	
19	Instant Messages	Incoming		5/13/2020 8:15:38 PM(UTC-4)	From: +18434508308 Michelle To: +18434659460 (owner), To: +18439570096 Baby , To: +18434659460 (owner) To: +18434659460 (owner), To: +18439570096 Baby , To: +18434659460 (owner)	Ok make sure babins Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DFD47 (Table: message, handle, chat; Size: 27099136 bytes)	
20	Instant Messages	Incoming	1	5/13/2020 5:50:24 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	I love you baby have a good day  Library SMS Attac hments de 14 9217 D9E7-0525-468E- A149- EE192EC9D049_ms- 0dcCiC.gif Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D082E (Table: message, handle, attachment, chat; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/de/14/9217D9E7-0525-468E-A149-EE192EC9D049/ms-0dcCiC.gif : (Size: 2169 bytes)	
21	Instant Messages	Outgoing		5/13/2020 6:07:23 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	I love you too baby Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D02D7 (Table: message, chat, handle; Size: 27099136 bytes)	

22	Instant Messages	Outgoing		5/13/2020 6:07:26 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	My phone is low Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D1F85 (Table: message, chat, handle; Size: 27099136 bytes)	590
23	Instant Messages	Incoming		5/13/2020 6:40:35 AM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner)	What is it on? Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D1D67 (Table: message, handle, chat; Size: 27099136 bytes)	
24	Instant Messages	Outgoing		5/13/2020 6:56:46 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	11 Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D1B41 (Table: message, chat, handle; Size: 27099136 bytes)	
25	Instant Messages	Incoming		5/13/2020 6:58:45 AM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner)	I just saw a video and it said if I have a longer torso I'm gonna carry Kalani more in my back and not stick out bc imma tall bitch Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D193D (Table: message, handle, chat; Size: 27099136 bytes)	
26	Instant Messages	Incoming		5/13/2020 6:58:56 AM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner)	And we forgot to plug it in I'm sorry baby Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D162C (Table: message, handle, chat; Size: 27099136 bytes)	
27	Instant Messages	Outgoing		5/13/2020 7:27:46 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	It's good Is Brayden up Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D13CA (Table: message, chat, handle; Size: 27099136 bytes)	
28	Instant Messages	Incoming		5/13/2020 7:41:41 AM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner)	Not yet Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D2F8D (Table: message, handle, chat; Size: 27099136 bytes)	
29	Instant Messages	Outgoing		5/13/2020 8:01:51 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	He should be at work Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D2D75 (Table: message, chat, handle; Size: 27099136 bytes)	
30	Instant Messages	Incoming		5/13/2020 8:02:06 AM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner)	Huh Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D2B4B (Table: message, handle, chat; Size: 27099136 bytes)	
31	Instant Messages	Outgoing		5/13/2020 8:28:01 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	Brayden Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D293D (Table: message, chat, handle; Size: 27099136 bytes)	
32	Instant Messages	Outgoing		5/13/2020 8:28:06 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	Should be at work Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D2725 (Table: message, chat, handle; Size: 27099136 bytes)	

33	Instant Messages	Incoming	1	5/13/2020 8:33:47 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	He is gonna be late  Library SMS Attachments 9c 12 79D6 1E89-A651-435B-8828-A4B0631F3677 IMG 0590.mov Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D2503 (Table: message, handle, attachment, chat; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/9c/12/79D61E89-A651-435B-8828-A4B0631F3677/IMG_0590.mov : (Size: 613653 bytes)	591
34	Instant Messages	Outgoing		5/13/2020 8:48:30 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Ofc he is he's a nigger Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D222E (Table: message, chat, handle; Size: 27099136 bytes)	
35	Instant Messages	Incoming		5/13/2020 9:20:24 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	He is still knocked out Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D349F (Table: message, handle, chat; Size: 27099136 bytes)	
36	Instant Messages	Outgoing		5/13/2020 9:37:06 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Did y'all eat Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D3267 (Table: message, chat, handle; Size: 27099136 bytes)	
37	Instant Messages	Incoming		5/13/2020 9:39:52 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	We are about to but Allie said they are still in va so it's gonna be alittle bit later Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D4F8D (Table: message, handle, chat; Size: 27099136 bytes)	
38	Instant Messages	Outgoing		5/13/2020 9:43:35 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	That was obvious lol but we gotta take Brayden back baby Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D4CD2 (Table: message, chat, handle; Size: 27099136 bytes)	
39	Instant Messages	Outgoing		5/13/2020 9:43:49 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	I'll see if I can keep him another day but you know how she is Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D4A5A (Table: message, chat, handle; Size: 27099136 bytes)	
40	Instant Messages	Incoming		5/13/2020 9:51:28 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Yeah I know Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D47D9 (Table: message, handle, chat; Size: 27099136 bytes)	
41	Instant Messages	Outgoing		5/13/2020 10:02:39 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	What y'all doing Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D45B7 (Table: message, chat, handle; Size: 27099136 bytes)	
42	Instant Messages	Incoming		5/13/2020 10:07:17 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Painting Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D4393 (Table: message, handle, chat; Size: 27099136 bytes)	
43	Instant Messages	Incoming		5/13/2020 10:07:30 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	I got the tiles off now we need the glue off Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D5F8D (Table: message, handle, chat; Size: 27099136 bytes)	

44	Instant Messages	Incoming	1		5/13/2020 10:26:25 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Library SMS Attachments/fe/14/D113035F-7CBD-4A1C-A7F0-694A55393EAE_IMG_0591.png Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D5D33 (Table: message, handle, attachment, chat; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/fe/14/D113035F-7CBD-4A1C-A7F0-694A55393EAE/IMG_0591.png : (Size: 2169 bytes)	592
45	Instant Messages	Outgoing			5/13/2020 10:34:22 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Was it just streaks Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D5A9D (Table: message, chat, handle; Size: 27099136 bytes)	
46	Instant Messages	Incoming			5/13/2020 10:35:26 AM(UTC-4)	From: +18439570096 Baby (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	It was a picture that was on his story Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D5877 (Table: message, handle, chat; Size: 27099136 bytes)	
47	Instant Messages	Outgoing			5/13/2020 10:47:33 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Did you cook Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D5621 (Table: message, chat, handle; Size: 27099136 bytes)	
48	Instant Messages	Incoming			5/13/2020 10:47:56 AM(UTC-4)	From: +18439570096 Baby (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	No Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D5407 (Table: message, handle, chat; Size: 27099136 bytes)	
49	Instant Messages	Incoming			5/13/2020 10:48:26 AM(UTC-4)	From: +18439570096 Baby (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	We are painting Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D5203 (Table: message, handle, chat; Size: 27099136 bytes)	
50	Instant Messages	Incoming			5/13/2020 10:48:57 AM(UTC-4)	From: +18439570096 Baby (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	My mom has to go and I can't do it alone w Brayden. Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D6F8D (Table: message, handle, chat; Size: 27099136 bytes)	
51	Instant Messages	Outgoing			5/13/2020 11:21:29 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	She's leaving? Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D6D19 (Table: message, chat, handle; Size: 27099136 bytes)	
52	Instant Messages	Incoming			5/13/2020 11:33:24 AM(UTC-4)	From: +18439570096 Baby (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Yeah she has her appointments Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D6AF9 (Table: message, handle, chat; Size: 27099136 bytes)	
53	Instant Messages	Incoming			5/13/2020 11:34:15 AM(UTC-4)	From: +18439570096 Baby (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	And I'm hurting so she basically painted the whole room Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D68BF (Table: message, handle, chat; Size: 27099136 bytes)	
54	Instant Messages	Incoming			5/13/2020 11:45:29 AM(UTC-4)	From: +18439570096 Baby (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Do they have stuff at Lowe's that removes tile like sticky remover Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D664A (Table: message, handle, chat; Size: 27099136 bytes)	

55	Instant Messages	Outgoing		5/13/2020 11:46:54 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Baby just chill then and I have no clue ima look around Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D63B7 (Table: message, chat, handle; Size: 27099136 bytes)	593
56	Instant Messages	Outgoing		5/13/2020 11:47:01 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Like tile remover? Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D7F85 (Table: message, chat, handle; Size: 27099136 bytes)	
57	Instant Messages	Incoming		5/13/2020 11:47:17 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Yeah like goo remover and I would ask or something Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D7D61 (Table: message, handle, chat; Size: 27099136 bytes)	
58	Instant Messages	Outgoing		5/13/2020 11:57:39 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	What should I get for break I'm still not on it lol Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D7AF3 (Table: message, chat, handle; Size: 27099136 bytes)	
59	Instant Messages	Incoming	1	5/13/2020 12:18:32 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Library SMS Attachments cd 13 EE65 4471-87A8-45DC-A342-1E05C271AA2B IMG_0592.png Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D7889 (Table: message, handle, attachment, chat; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/cd/13/EE654471-87A8-45DC-A342-1E05C271AA2B/IMG_0592.png : (Size: 2169 bytes)	
60	Instant Messages	Outgoing		5/13/2020 12:32:01 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Is there something else on the order Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D75F3 (Table: message, chat, handle; Size: 27099136 bytes)	
61	Instant Messages	Outgoing		5/13/2020 12:32:07 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Like a number Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D73A3 (Table: message, chat, handle; Size: 27099136 bytes)	
62	Instant Messages	Incoming	1	5/13/2020 12:34:37 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Library SMS Attachments 32 02 5A1B 43A2-966A-4B9D-876A-97C2AE173F84 IMG_0593.png Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D8F8D (Table: message, handle, attachment, chat; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/32/02/5A1B43A2-966A-4B9D-876A-97C2AE173F84/IMG_0593.png : (Size: 2169 bytes)	
63	Instant Messages	Outgoing		5/13/2020 12:42:10 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Your Chick-fil-A buddy was looking for you Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D8CF7 (Table: message, chat, handle; Size: 27099136 bytes)	
64	Instant Messages	Incoming		5/13/2020 12:42:30 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Ur son is looking for you Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D8AA3 (Table: message, handle, chat; Size: 27099136 bytes)	

65	Instant Messages	Outgoing		5/13/2020 12:47:02 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Tell him I'll be there around 3 ish I'm making money Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D8867 (Table: message, chat, handle; Size: 27099136 bytes)	594	
66	Instant Messages	Incoming		5/13/2020 12:47:26 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Tell him I'm not watching him anymore. Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D82BB (Table: message, handle, chat; Size: 27099136 bytes)		
67	Instant Messages	Outgoing		5/13/2020 12:48:10 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	That's cool lmao if you didn't want to watch him that's all you had to say and I would've dropped him off yesterday so you wouldn't be bitching Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D9F85 (Table: message, chat, handle; Size: 27099136 bytes)		
68	Instant Messages	Outgoing		5/13/2020 12:49:05 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	One thing you won't do is act funny towards my son Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D996F (Table: message, chat, handle; Size: 27099136 bytes)		
69	Instant Messages	Incoming		5/13/2020 12:50:00 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	One thing you won't do is make me a fucking baby sitter. I physically can't do this shit Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D9707 (Table: message, handle, chat; Size: 27099136 bytes)		
70	Instant Messages	Incoming		5/13/2020 12:50:23 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	You rushing me to get the whole house done whne I can't even sleep at night bc I'm in so much pain Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12D944C (Table: message, handle, chat; Size: 27099136 bytes)		
71	Instant Messages	Incoming		5/13/2020 12:50:25 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Fuck Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DAF8D (Table: message, handle, chat; Size: 27099136 bytes)		
72	Instant Messages	Incoming		5/13/2020 12:50:26 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Off Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DAD83 (Table: message, handle, chat; Size: 27099136 bytes)		
73	Instant Messages	Incoming	1	5/13/2020 4:17:01 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Library SMS Attachments 57 07 0416 C161-F4D8-49A5-A257-C19C98C1F501 IMG_0595.png Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DA4A0 (Table: message, handle, attachment, chat; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/57/07/0416C161-F4D8-49A5-A257-C19C98C1F501/IMG_0595.png : (Size: 2169 bytes)		

81	Instant Messages	Incoming	1	5/14/2020 5:54:00 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	You are my baby and I'm not going anywhere. Everything before you was a mistake and all I want is for us to have a bomb ass future baby. And I will continue to do everything to make you happy and have you never doubt my love for you baby. I can promise being with me is not a mistake and loving me is not a mistake either bc we have a bright future together and you know that. I also want you to know how much I appreciate you staying with me through all my bullshit baby and I know the mistake I made affected things and I wish on everything I could take them back and have met you so much earlier but I'm beyond happy I found you now. You are my everything and my love and my best friend all in one person and I couldn't ask for more I understand you are mad and pissed but baby I love you and have a good day . Ps thank you for being the best bf and making the past few days so awesome baby. Text me when u can baby I love you so so much <u>Library SMS Attachments 1f 15 A9081 181-52E6-4DAE-8183-53D7DEFC5DFB ms -CrLWRS.gif</u> Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E0F8D (Table: message, handle, attachment, chat; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/1f/15/A9081181-52E6-4DAE-8183-53D7DEFC5DFB/ms-CrLWRS.gif : (Size: 2169 bytes)
82	Instant Messages	Incoming	1	5/14/2020 6:01:04 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	<u>Library SMS Attachments fa 10 AE7F8B5B-439A-48E8-9ED3-0E5B1FE6D36D IMG 0602.png</u> Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E056D (Table: message, handle, attachment, chat; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/fa/10/AE7F8B5B-439A-48E8-9ED3-0E5B1FE6D36D/IMG_0602.png : (Size: 2169 bytes)
83	Instant Messages	Outgoing		5/14/2020 6:49:46 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	I love you too but I don't want no sweet ass paragraph you completely fucking embarrassed me over a small dick white boy Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E02D6 (Table: message, chat, handle; Size: 27099136 bytes)
84	Instant Messages	Incoming		5/14/2020 6:53:44 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Well you are gonna get one bc you deserve more than that. You deserve an apology and you deserve better baby . And I did embarrass you and I wish everyday I didn't baby. But I'm gonna make up for everything baby Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E1F8D (Table: message, handle, chat; Size: 27099136 bytes)
85	Instant Messages	Incoming	1	5/14/2020 7:48:43 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	<u>Library SMS Attachments 43 03 0431 9628-79FD-40AD-A6C3-B0AE3D88DC31 IMG 0603.png</u> Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E1BD8 (Table: message, handle, attachment, chat; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/43/03/04319628-79FD-40AD-A6C3-B0AE3D88DC31/IMG_0603.png : (Size: 2169 bytes)

74	Instant Messages	Incoming	1		5/13/2020 4:29:07 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Library SMS Attachments 40 00 FD0E-6CF6-CA9A-4B0A-9B15-17A02F678D2B IMG_0596.png Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DBF8D (Table: message, handle, attachment, chat; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/40/00/FD0E-6CF6-CA9A-4B0A-9B15-17A02F678D2B/IMG_0596.png : (Size: 2169 bytes)	596
75	Instant Messages	Incoming	2		5/13/2020 4:31:09 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Library SMS Attachments 2f 15 94C8-8B7D-FE26-4344-9DD4-8A0E77C2CF8A IMG_0598.png Library SMS Attachments 86 06 28D1-E7D2-BCFB-43CA-95A8-6B7087A05B62 IMG_0599.png Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DBCFF (Table: message, handle, attachment, chat; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/2f/15/94C88B7D-FE26-4344-9DD4-8A0E77C2CF8A/IMG_0598.png : (Size: 2169 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/86/06/28D1-E7D2-BCFB-43CA-95A8-6B7087A05B62/IMG_0599.png : (Size: 2169 bytes)	
76	Instant Messages	Incoming			5/13/2020 4:31:09 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Liked an image Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DB9F4 (Table: message, handle, chat; Size: 27099136 bytes)	
77	Instant Messages	Incoming			5/13/2020 4:31:10 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Liked an image Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DB7A3 (Table: message, handle, chat; Size: 27099136 bytes)	
78	Instant Messages	Outgoing			5/13/2020 5:01:45 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Does it say what aisle and bay? Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DB358 (Table: message, chat, handle; Size: 27099136 bytes)	
79	Instant Messages	Outgoing			5/13/2020 5:01:53 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	On those items Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DCF85 (Table: message, chat, handle; Size: 27099136 bytes)	
80	Instant Messages	Outgoing			5/13/2020 5:50:23 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	She said I see she's still on a unemployment shopping spree Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12DCD61 (Table: message, chat, handle; Size: 27099136 bytes)	

86	Instant Messages	Incoming	1	5/14/2020 7:49:01 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner), To: +18434659460 (owner), To: +18434659460 (owner)	Library SMS Attachments cb 11 FB37 F9C-9541-419A-8B55-B2BDD3DB3572 IMG_0604.png  Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E194A (Table: message, handle, attachment, chat; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/cb/11/FB371F9C-9541-419A-8B55-B2BDD3DB3572/IMG_0604.png : (Size: 2169 bytes)	597
87	Instant Messages	Outgoing		5/14/2020 8:10:04 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Your supposed to be a trophy but all you're is a girl that was hella easy and fucked guys just because they would hype you up you weren't drunk every time you knew what you were doing now it backfired on you, you didn't tell me everything off the bat bc you knew I would drop you like a fly sit back and think about something what can ppl say about you? I know ppl can say ima hard worker I worked for a lot of shit on my own what can they say about you? That your a hoe? That you fuck ppl that are homies? What name have you brought for yourself think about that Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E16B4 (Table: message, chat, handle; Size: 27099136 bytes)	
88	Instant Messages	Incoming		5/14/2020 8:16:02 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner), To: +18434659460 (owner), To: +18434659460 (owner)	I have made my mistakes and so have u. But you and I both know we changed each other and we love each other so knock the shit off. Bc you don't want to lose me. And that's a promise baby. I treat u like a king bc I love you. I adore every part of you no matter what u do. I'm supportive and have a big ass heart. So I know my worth and how great I am but you taught me that. This stuff won't matter in 2 years the only thing that will is our love and our family so please let me know what is more important baby bc I want us to be a forever thing. Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E2F8D (Table: message, handle, chat; Size: 27099136 bytes)	
89	Instant Messages	Outgoing		5/14/2020 8:26:22 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Tell me what name have you made for yourself at the age of 19 about to be 20 just like me? Who are you? Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E2926 (Table: message, chat, handle; Size: 27099136 bytes)	
90	Instant Messages	Outgoing		5/14/2020 8:27:02 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	What name have you made? Other than you ducked hella guys and fucked ppl that were cool which is complete ducking disgusting and embarrassing I'm sickened by you at times tbh Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E264D (Table: message, chat, handle; Size: 27099136 bytes)	
91	Instant Messages	Outgoing		5/14/2020 8:27:13 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	So tell me what name have you made without flipping it Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E22E0 (Table: message, chat, handle; Size: 27099136 bytes)	
92	Instant Messages	Outgoing		5/14/2020 8:30:06 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Exactly Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E3F85 (Table: message, chat, handle; Size: 27099136 bytes)	
93	Instant Messages	Outgoing		5/14/2020 8:31:07 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	You don't even know who you are you haven't made anything for yourself nobody knows you for anything other than you being a hoe and fucking hella guys and that's real Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E3D6D (Table: message, chat, handle; Size: 27099136 bytes)	

94	Instant Messages	Outgoing		5/14/2020 8:32:57 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	Now go ahead and flip it on me Bc I'm spitting facts Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E39FE (Table: message, chat, handle; Size: 27099136 bytes)
95	Instant Messages	Outgoing		5/14/2020 8:44:10 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	So before you say I don't wanna "lose you" no you don't wanna lose me I saved your ass and I'll continue to save you bc I love you but you ever fucking embarrass me again watch how quick we are done you've learned so much from me about credit, how you were a hoe and embarrassed yourself etc so stu bc you won't find anyone better than me and that's fucking facts I've lost so many ppl I'll be good without you it would hurt losing you but I'll be okay and you know it I'll help you find yourself but tread lightly bc you will lose me if you ever fuck up again and embarrass me I made you a better person I've made mistakes yes but I made you a better bitch remember that Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E377F (Table: message, chat, handle; Size: 27099136 bytes)
96	Instant Messages	Incoming		5/14/2020 8:45:09 AM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner)	I taught you how to love and what it felt like to be loved remember that Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E4F8D (Table: message, handle, chat; Size: 27099136 bytes)
97	Instant Messages	Outgoing		5/14/2020 8:46:19 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	I've felt love and I know how to love especially when Brayden was born you didn't teach me that all you've taught me is how certain girls really are and that's facts Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E4CF4 (Table: message, chat, handle; Size: 27099136 bytes)
98	Instant Messages	Incoming		5/14/2020 8:46:39 AM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner)	Remember that Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E498B (Table: message, handle, chat; Size: 27099136 bytes)
99	Instant Messages	Outgoing		5/14/2020 8:46:41 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	I haven't learned shit from you so teach me something other than that you're a hoe show me Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E4767 (Table: message, chat, handle; Size: 27099136 bytes)
100	Instant Messages	Outgoing		5/14/2020 8:46:52 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	I'm being honest remi don't get mad Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E44A0 (Table: message, chat, handle; Size: 27099136 bytes)
101	Instant Messages	Incoming		5/14/2020 8:47:03 AM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner)	Bet Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E4250 (Table: message, handle, chat; Size: 27099136 bytes)
102	Instant Messages	Outgoing		5/14/2020 8:47:36 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	Fr let's have a adult convo about this what have you taught me Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E5F85 (Table: message, chat, handle; Size: 27099136 bytes)
103	Instant Messages	Incoming		5/14/2020 8:47:45 AM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner)	Bet Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E5D02 (Table: message, handle, chat; Size: 27099136 bytes)

104	Instant Messages	Outgoing		5/14/2020 8:50:27 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Tell me remi what have you taught me I'm being fr Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E5AF2 (Table: message, chat, handle; Size: 27099136 bytes)	599
105	Instant Messages	Outgoing		5/14/2020 8:50:36 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	I'm like so serious I'm wondering Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E5884 (Table: message, chat, handle; Size: 27099136 bytes)	
106	Instant Messages	Outgoing		5/14/2020 8:52:08 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	? You got nothing huh Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E5632 (Table: message, chat, handle; Size: 27099136 bytes)	
107	Instant Messages	Outgoing		5/14/2020 8:55:11 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E5400 (Table: message, chat, handle; Size: 27099136 bytes)	
108	Instant Messages	Incoming		5/14/2020 8:55:13 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	THATS A BIG ASS BET WHNE UR NEXT BITCH COMES AND SHE IS 10X WORSE THAN I WAS AND YOU PUT UR ALL INTO HER I TAUGHT YIU THAT SHIT. ALL THR KINDNESS YOU HAVE ALL THE SWEET THINGS YOU DO I TAUGHT YIU THAT. I TAUGHT YIU TO OPEN UP. UR MOM OR DAD DIDNT DO ANY OF THAT SHIT. IM GONNA TEACH YOU ABOUT HOW A FAMILY SHOULD BE! do bet Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E6F8D (Table: message, handle, chat; Size: 27099136 bytes)	
109	Instant Messages	Outgoing		5/14/2020 8:55:42 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Open up to my mom or dad? Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E6AF4 (Table: message, chat, handle; Size: 27099136 bytes)	
110	Instant Messages	Incoming		5/14/2020 8:56:00 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	REREAD Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E68C2 (Table: message, handle, chat; Size: 27099136 bytes)	
111	Instant Messages	Incoming		5/14/2020 8:56:04 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	DUMD FUCK Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E66B4 (Table: message, handle, chat; Size: 27099136 bytes)	
112	Instant Messages	Incoming		5/14/2020 8:57:08 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	I taught you to never give up also Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E64A0 (Table: message, handle, chat; Size: 27099136 bytes)	
113	Instant Messages	Outgoing		5/14/2020 8:58:46 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Open up? Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E6252 (Table: message, chat, handle; Size: 27099136 bytes)	
114	Instant Messages	Outgoing		5/14/2020 8:59:26 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Alr knew how to do that just takes time Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E8F85 (Table: message, chat, handle; Size: 27099136 bytes)	

115	Instant Messages	Outgoing		5/14/2020 9:00:23 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	And i know to never give up on ppl you love so you didn't teach me that either so what remi and i hope you can teach me how a family should be i hope you can teach me something Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E8D2F (Table: message, chat, handle; Size: 27099136 bytes)
116	Instant Messages	Outgoing		5/14/2020 9:21:40 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	Questioned "And i know to never give up on ppl you love so you didn't teach me that either so what remi and i hope you can teach me how a family should be i hope you can teach me something" Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E8917 (Table: message, chat, handle; Size: 27099136 bytes)
117	Instant Messages	Outgoing		5/14/2020 9:23:23 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	I'm being fr i wanna talk about what i learned from you tell me what i've learned remi Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E8583 (Table: message, chat, handle; Size: 27099136 bytes)
118	Instant Messages	Outgoing		5/14/2020 9:23:48 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	I don't wanna argue let's come to a agreement on what i've learned and i haven't learned Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E82C6 (Table: message, chat, handle; Size: 27099136 bytes)
119	Instant Messages	Incoming		5/14/2020 9:40:47 AM(UTC-4)	From: +18439570096 Baby (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Reread what i said Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E9F8D (Table: message, handle, chat; Size: 27099136 bytes)
120	Instant Messages	Outgoing		5/14/2020 9:41:28 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	Baby you know i'm right you haven't taught me anything Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E9D5F (Table: message, chat, handle; Size: 27099136 bytes)
121	Instant Messages	Incoming		5/14/2020 9:42:10 AM(UTC-4)	From: +18439570096 Baby (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Bet Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E9AE8 (Table: message, handle, chat; Size: 27099136 bytes)
122	Instant Messages	Outgoing		5/14/2020 10:00:21 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18439570096 Baby (owner)	So what have you taught me baby Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E98E8 (Table: message, chat, handle; Size: 27099136 bytes)
123	Instant Messages	Incoming		5/14/2020 10:00:25 AM(UTC-4)	From: +18439570096 Baby (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Who blocked you? Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E98EB (Table: message, handle, chat; Size: 27099136 bytes)
124	Instant Messages	Incoming		5/14/2020 10:00:38 AM(UTC-4)	From: +18439570096 Baby (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Who blocked you? Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E94FC (Table: message, handle, chat; Size: 27099136 bytes)
125	Instant Messages	Outgoing		5/14/2020 10:03:33 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	What have you taught me? Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12E92E3 (Table: message, chat, handle; Size: 27099136 bytes)
126	Instant Messages	Incoming		5/14/2020 10:04:24 AM(UTC-4)	From: +18439570096 Baby (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Read what i said Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EAF8D (Table: message, handle, chat; Size: 27099136 bytes)

127	Instant Messages	Outgoing		5/14/2020 10:06:34 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	So your gonna teach me stuff? Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EAD63 (Table: message, chat, handle; Size: 27099136 bytes)	601
128	Instant Messages	Incoming		5/14/2020 10:09:31 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	I already have if Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EAB29 (Table: message, handle, chat; Size: 27099136 bytes)	
129	Instant Messages	Incoming		5/14/2020 10:09:37 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	You a soft dude now Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EA905 (Table: message, handle, chat; Size: 27099136 bytes)	
130	Instant Messages	Outgoing		5/14/2020 10:14:59 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	How Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EA6D5 (Table: message, chat, handle; Size: 27099136 bytes)	
131	Instant Messages	Incoming		5/14/2020 11:44:11 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Hey Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EA4CF (Table: message, handle, chat; Size: 27099136 bytes)	
132	Instant Messages	Outgoing		5/14/2020 11:44:36 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Yea Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EA2BF (Table: message, chat, handle; Size: 27099136 bytes)	
133	Instant Messages	Incoming		5/14/2020 11:45:37 AM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	I have a question and I know you are mad but you can say no but is there a way for my mom and missy to stay w us Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EBF8D (Table: message, handle, chat; Size: 27099136 bytes)	
134	Instant Messages	Outgoing		5/14/2020 11:46:52 AM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Why aren't you answering Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EBCA2 (Table: message, chat, handle; Size: 27099136 bytes)	
135	Instant Messages	Incoming		5/14/2020 12:01:18 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Are you sure you don't want me to order tropical or anything Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EBA6C (Table: message, handle, chat; Size: 27099136 bytes)	
136	Instant Messages	Outgoing		5/14/2020 12:07:44 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Yea Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EB7E5 (Table: message, chat, handle; Size: 27099136 bytes)	
137	Instant Messages	Incoming		5/14/2020 12:08:37 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	What do you want to eat? Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EB6DF (Table: message, handle, chat; Size: 27099136 bytes)	
138	Instant Messages	Outgoing		5/14/2020 12:08:50 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	I got a bar and a orange Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EB3A5 (Table: message, chat, handle; Size: 27099136 bytes)	

139	Instant Messages	Incoming		5/14/2020 12:09:18 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	You need to eat more Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12ECF8D (Table: message, handle, chat; Size: 27099136 bytes)
140	Instant Messages	Incoming		5/14/2020 12:12:19 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Baby what do you want Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12ECD63 (Table: message, handle, chat; Size: 27099136 bytes)
141	Instant Messages	Outgoing		5/14/2020 12:12:30 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	I'll be gOod baby Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12ECB2F (Table: message, chat, handle; Size: 27099136 bytes)
142	Instant Messages	Incoming		5/14/2020 12:12:47 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	What about a side salad from Chick-fil-A Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EC909 (Table: message, handle, chat; Size: 27099136 bytes)
143	Instant Messages	Incoming		5/14/2020 12:12:56 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Or nuggets or soup Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EC6B7 (Table: message, handle, chat; Size: 27099136 bytes)
144	Instant Messages	Outgoing		5/14/2020 12:13:39 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	They are slammed and I'm fine baby we will eat later Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EC489 (Table: message, chat, handle; Size: 27099136 bytes)
145	Instant Messages	Incoming		5/14/2020 12:18:16 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Baby please you have to eat more Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EC21D (Table: message, handle, chat; Size: 27099136 bytes)
146	Instant Messages	Incoming	1	5/14/2020 12:22:19 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Library SMS Attachments 88 08 87A3 02CB-85BA-402F-8191-343F3BF6D69C 61116609612 0E306992-348B-477C-A45D-76CECC02BE16.MOV  Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EDD69 (Table: message, handle, attachment, chat; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/88/08/87A302CB-85BA-402F-8191-343F3BF6D69C/61116609612_0E306992-348B-477C-A45D-76CECC02BE16.MOV : (Size: 2169 bytes)
147	Instant Messages	Outgoing		5/14/2020 12:22:20 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	I'll be good Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EDF85 (Table: message, chat, handle; Size: 27099136 bytes)

148	Instant Messages	Incoming	1	5/14/2020 12:24:18 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Library SMS Attachments 11 01 4A17 E417-F610-4A0E-B9A9-5545D12BE5E4 611 16622835 0A33163B-F096-49ED-A3C8-11C69C5FC91F.MOV  Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EDADB (Table: message, handle, attachment, chat; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/11/01/4A17E417-F610-4A0E-B9A9-5545D12BE5E4/61116622835_0A33163B-F096-49ED-A3C8-11C69C5FC91F.MOV : (Size: 2169 bytes)	603
149	Instant Messages	Incoming		5/14/2020 12:26:09 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Baby are you 100% Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12ED84D (Table: message, handle, chat; Size: 27099136 bytes)	
150	Instant Messages	Incoming		5/14/2020 12:53:52 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Baby Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12ED62B (Table: message, handle, chat; Size: 27099136 bytes)	
151	Instant Messages	Incoming		5/14/2020 1:36:26 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Baby Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12ED421 (Table: message, handle, chat; Size: 27099136 bytes)	
152	Instant Messages	Incoming	1	5/14/2020 1:37:06 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Library SMS Attachments 42 02 D080 B922-57EA-4A50-8CA9-C21DC394A6FD.ms-60JIO0.gif  Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EEF8D (Table: message, handle, attachment, chat; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/42/02/D080B922-57EA-4A50-8CA9-C21DC394A6FD/ms-60JIO0.gif : (Size: 2169 bytes)	
153	Instant Messages	Incoming		5/14/2020 2:29:45 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Baby Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EECF (Table: message, handle, chat; Size: 27099136 bytes)	
154	Instant Messages	Outgoing		5/14/2020 2:34:16 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Ya Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EEAED (Table: message, chat, handle; Size: 27099136 bytes)	
155	Instant Messages	Incoming		5/14/2020 2:37:16 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	I'll send you gas money baby Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EE8E9 (Table: message, handle, chat; Size: 27099136 bytes)	
156	Instant Messages	Outgoing		5/14/2020 2:38:35 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Bruh I don't run on their time Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EEA3 (Table: message, chat, handle; Size: 27099136 bytes)	

157	Instant Messages	Incoming		5/14/2020 2:39:15 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner), To: +18434659460 (owner), To: +18434659460 (owner)	Okay baby I thought we would all just have a plan I wanted too see you Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EE463 (Table: message, handle, chat; Size: 27099136 bytes)
158	Instant Messages	Outgoing		5/14/2020 2:39:35 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Y'all never have shit planned Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EFF85 (Table: message, chat, handle; Size: 27099136 bytes)
159	Instant Messages	Outgoing		5/14/2020 2:39:39 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Literally Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EFD3F (Table: message, chat, handle; Size: 27099136 bytes)
160	Instant Messages	Incoming		5/14/2020 2:40:14 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner), To: +18434659460 (owner), To: +18434659460 (owner)	Okay baby I understand but that was what we were thinking about doing Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EFB2B (Table: message, handle, chat; Size: 27099136 bytes)
161	Instant Messages	Outgoing		5/14/2020 2:40:41 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	What sitting in the house all day? And not planning shit? Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EF896 (Table: message, chat, handle; Size: 27099136 bytes)
162	Instant Messages	Outgoing		5/14/2020 2:40:43 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	I'm good Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EF61C (Table: message, chat, handle; Size: 27099136 bytes)
163	Instant Messages	Outgoing		5/14/2020 2:40:47 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Have fun Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12EF3FE (Table: message, chat, handle; Size: 27099136 bytes)
164	Instant Messages	Incoming		5/14/2020 2:41:18 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner), To: +18434659460 (owner), To: +18434659460 (owner)	Like for dinner remember when we talked otp Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F0F8D (Table: message, handle, chat; Size: 27099136 bytes)
165	Instant Messages	Outgoing		5/14/2020 2:41:28 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	I ate a bar and a orange Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F0D2F (Table: message, chat, handle; Size: 27099136 bytes)
166	Instant Messages	Outgoing		5/14/2020 2:41:37 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Wtf do I look like waiting on y'all bruh Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F0AF5 (Table: message, chat, handle; Size: 27099136 bytes)
167	Instant Messages	Outgoing		5/14/2020 2:41:58 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Y'all take forever 6:30 will turn into 8:30 then I'll never eat y'all are unorganized asf Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F0899 (Table: message, chat, handle; Size: 27099136 bytes)
168	Instant Messages	Outgoing		5/14/2020 2:42:44 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Cause that shit just pissed me off i purposely didn't get real food bc I thought y'all had a plan Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F1F85 (Table: message, chat, handle; Size: 27099136 bytes)

169	Instant Messages	Outgoing		5/14/2020 2:42:57 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	Fuck outta here bruh Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F1CB2 (Table: message, chat, handle; Size: 27099136 bytes)	605
170	Instant Messages	Incoming		5/14/2020 2:43:16 PM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner)	Baby I said I would get you food for break and on the phone we said we were going to dinner Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F1A8A (Table: message, handle, chat; Size: 27099136 bytes)	
171	Instant Messages	Outgoing		5/14/2020 2:43:42 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	YEA I SAID WHEN I GET OFF RIGHT YALL SAID YEA Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F17C9 (Table: message, chat, handle; Size: 27099136 bytes)	
172	Instant Messages	Outgoing		5/14/2020 2:44:20 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	Be more specific Bc now I'm livid to the max I don't feel like seeing hella ppl Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F1567 (Table: message, chat, handle; Size: 27099136 bytes)	
173	Instant Messages	Incoming		5/14/2020 2:45:04 PM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner)	Baby I'm sorry for the misunderstanding but I want to see you Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F2F8D (Table: message, handle, chat; Size: 27099136 bytes)	
174	Instant Messages	Outgoing		5/14/2020 2:45:42 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	I'll see you Tomorrow Bc I'm not going anywhere with y'all bc I just got so fucking pissed and I'll be sleep when you get home I don't have time for the bs Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F2D04 (Table: message, chat, handle; Size: 27099136 bytes)	
175	Instant Messages	Outgoing		5/14/2020 2:46:07 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	I'm afk mad at you also so just call it a fucking day I'm so turned off m Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F26A6 (Table: message, chat, handle; Size: 27099136 bytes)	
176	Instant Messages	Incoming		5/14/2020 2:46:15 PM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner)	Baby I won't be home late Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F2407 (Table: message, handle, chat; Size: 27099136 bytes)	
177	Instant Messages	Outgoing		5/14/2020 2:46:19 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	Nah Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F21C7 (Table: message, chat, handle; Size: 27099136 bytes)	
178	Instant Messages	Outgoing		5/14/2020 2:46:23 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	I'll be sleep Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F3F85 (Table: message, chat, handle; Size: 27099136 bytes)	
179	Instant Messages	Incoming		5/14/2020 2:46:28 PM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner)	Baby please Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F3D67 (Table: message, handle, chat; Size: 27099136 bytes)	
180	Instant Messages	Outgoing		5/14/2020 2:46:39 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	You know that was fucked up Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F3B47 (Table: message, chat, handle; Size: 27099136 bytes)	

181	Instant Messages	Incoming		5/14/2020 2:47:10 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Baby I offered to get you food and the dinner part was a misunderstanding and I said I was sorry Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F390F (Table: message, handle, chat; Size: 27099136 bytes)
182	Instant Messages	Incoming		5/14/2020 2:47:35 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	You really don't want to see me tho Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F364C (Table: message, handle, chat; Size: 27099136 bytes)
183	Instant Messages	Outgoing		5/14/2020 2:47:41 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	What is there to misunderstand! Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F3F8 (Table: message, chat, handle; Size: 27099136 bytes)
184	Instant Messages	Outgoing		5/14/2020 2:47:54 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	I said when I get off right?!!??!! Y'all said yea Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F4F85 (Table: message, chat, handle; Size: 27099136 bytes)
185	Instant Messages	Outgoing		5/14/2020 2:48:16 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Didn't say 8 o'clock bc they won't be ready by 6:30 Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F4D17 (Table: message, chat, handle; Size: 27099136 bytes)
186	Instant Messages	Incoming		5/14/2020 2:48:37 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	What time was dinner Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F4F8D (Table: message, handle, chat; Size: 27099136 bytes)
187	Instant Messages	Outgoing		5/14/2020 2:48:45 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	I'm not gonna drive all the way back after I just got off of work to sit around little kids and shit and do nothing Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F455B (Table: message, chat, handle; Size: 27099136 bytes)
188	Instant Messages	Incoming		5/14/2020 2:49:06 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	I wanted to hangout w u but ok Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F426E (Table: message, handle, chat; Size: 27099136 bytes)
189	Instant Messages	Outgoing		5/14/2020 2:49:08 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	I thought y'all were gonna be here then we were going to dinner Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F5F85 (Table: message, chat, handle; Size: 27099136 bytes)
190	Instant Messages	Outgoing		5/14/2020 2:49:21 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	So just leave me out of y'all plans I'll see you tomorrow bruh Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F5CF8 (Table: message, chat, handle; Size: 27099136 bytes)
191	Instant Messages	Incoming		5/14/2020 2:50:23 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	wow Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F5F9C (Table: message, handle, chat; Size: 27099136 bytes)
192	Instant Messages	Outgoing		5/14/2020 2:51:58 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	What did you think I was just gonna be happy and shit when y'all can't plan any fucking thing Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F558E (Table: message, chat, handle; Size: 27099136 bytes)

193	Instant Messages	Outgoing		5/14/2020 2:52:03 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Answer that Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F52C3 (Table: message, chat, handle; Size: 27099136 bytes)
194	Instant Messages	Incoming		5/14/2020 2:53:59 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	I DONT GIVE A FUCK ABOUT PLANS BUT YOU DONT WANT TO SEE ME Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F6F8D (Table: message, handle, chat; Size: 27099136 bytes)
195	Instant Messages	Incoming		5/14/2020 2:54:00 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	BET Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F6D16 (Table: message, handle, chat; Size: 27099136 bytes)
196	Instant Messages	Outgoing		5/14/2020 3:07:49 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Who said I didn't wanna see you I said I'm not driving all the way back up there Bc ppl don't know what they wanna do Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F6B06 (Table: message, chat, handle; Size: 27099136 bytes)
197	Instant Messages	Outgoing		5/14/2020 3:08:24 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	I don't run on anyone's time once plans are made and y'all act like y'all don't know wtf is going on anymore I'm good Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F6807 (Table: message, chat, handle; Size: 27099136 bytes)
198	Instant Messages	Outgoing		5/14/2020 3:08:53 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	I have a set schedule to follow I can't live the unemployment lifestyle like y'all Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F64FA (Table: message, chat, handle; Size: 27099136 bytes)
199	Instant Messages	Incoming		5/14/2020 3:13:22 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Emphasized "I DONT GIVE A FUCK ABOUT PLANS BUT YOU DONT WANT TO SEE ME" Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F7EE7 (Table: message, handle, chat; Size: 27099136 bytes)
200	Instant Messages	Outgoing		5/14/2020 3:15:04 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Well if you wanna see me you know where I am I'm not coming up there after that Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F7C45 (Table: message, chat, handle; Size: 27099136 bytes)
201	Instant Messages	Incoming		5/14/2020 3:15:14 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Nah Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F79A2 (Table: message, handle, chat; Size: 27099136 bytes)
202	Instant Messages	Incoming		5/14/2020 3:15:30 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	You don't want to see me so bet Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F779A (Table: message, handle, chat; Size: 27099136 bytes)
203	Instant Messages	Outgoing		5/14/2020 3:15:41 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	I'm not driving all the way up there after they made plans then just said nvm who said I didn't wanna see you Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F754E (Table: message, chat, handle; Size: 27099136 bytes)
204	Instant Messages	Outgoing		5/14/2020 3:17:07 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner) To: +18439570096 Baby To: +18434659460 (owner)	Once again you know where I am I wanna see you but I'm not going up there Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F7261 (Table: message, chat, handle; Size: 27099136 bytes)

205	Instant Messages	Incoming			5/14/2020 3:17:30 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Why would I go out of my fucking way whne you don't seem to care? Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F8F8D (Table: message, handle, chat; Size: 27099136 bytes)	608
206	Instant Messages	Outgoing			5/14/2020 3:18:08 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	I don't care? Because I'm not catering to Allie and her fams plans? Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F8FCFC (Table: message, chat, handle; Size: 27099136 bytes)	
207	Instant Messages	Outgoing			5/14/2020 3:18:14 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Gotcha Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F8A65 (Table: message, chat, handle; Size: 27099136 bytes)	
208	Instant Messages	Outgoing			5/14/2020 3:37:14 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Remember this Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F884F (Table: message, chat, handle; Size: 27099136 bytes)	
209	Instant Messages	Outgoing	1		5/14/2020 3:39:12 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Library SMS Attachments fd 13 11CC 8A07-3150-4DD8-A5C4-6F0CEFB9B46B 611 17794134 A5CF1C31-EC12-4827-BBFB-5D4C62BAF774.JPG Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F8376 (Table: message, chat, attachment, handle; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/fd/13/11CC8A07-3150-4DD8-A5C4-6F0CEFB9B46B/61117794134_A5CF1C31-EC12-4827-BBFB-5D4C62BAF774.JPG : (Size: 2169 bytes)	
210	Instant Messages	Outgoing			5/14/2020 3:39:12 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Dinner Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F9F85 (Table: message, chat, handle; Size: 27099136 bytes)	
211	Instant Messages	Outgoing			5/14/2020 3:40:38 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	I can't believe I fell in love with a girl that got passed around by ugly white boys at someone's grandma house Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F9D71 (Table: message, chat, handle; Size: 27099136 bytes)	
212	Instant Messages	Outgoing			5/14/2020 3:41:13 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	I swear on kalani if you told me all of that before we dated I would've stopped talking to you and I wish you did you piece of shit Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12F9A82 (Table: message, chat, handle; Size: 27099136 bytes)	
213	Instant Messages	Outgoing			5/14/2020 3:44:14 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Emphasized "I can't believe I fell in love with a girl that got passed around by ugly white boys at someone's grandma house" Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FAEDF (Table: message, chat, handle; Size: 27099136 bytes)	
214	Instant Messages	Outgoing			5/14/2020 3:44:18 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Emphasized "I swear on kalani if you told me all of that before we dated I would've stopped talking to you and I wish you did you piece of shit" Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FAB24 (Table: message, chat, handle; Size: 27099136 bytes)	

215	Instant Messages	Outgoing		5/14/2020 3:44:20 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Emphasized an image Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FA7B4 (Table: message, chat, handle; Size: 27099136 bytes)	609
216	Instant Messages	Incoming		5/14/2020 3:47:07 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	I wish you did Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FA58D (Table: message, handle, chat; Size: 27099136 bytes)	
217	Instant Messages	Outgoing		5/14/2020 3:47:30 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Should've told me then dumb fuck Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FA367 (Table: message, chat, handle; Size: 27099136 bytes)	
218	Instant Messages	Outgoing		5/14/2020 3:47:41 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Tell them not to come Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FBF85 (Table: message, chat, handle; Size: 27099136 bytes)	
219	Instant Messages	Incoming		5/14/2020 3:48:15 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Are you joking Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FBD5B (Table: message, handle, chat; Size: 27099136 bytes)	
220	Instant Messages	Incoming		5/14/2020 3:48:37 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Remember that shit Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FBB3D (Table: message, handle, chat; Size: 27099136 bytes)	
221	Instant Messages	Outgoing		5/14/2020 3:48:37 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	I'm sick of mfs acting like I DONT work and I acting like I gotta cater to ppl Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FB90F (Table: message, chat, handle; Size: 27099136 bytes)	
222	Instant Messages	Outgoing		5/14/2020 3:49:11 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	They have a nice ass condo to stay at they'll be fine Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FB666 (Table: message, chat, handle; Size: 27099136 bytes)	
223	Instant Messages	Incoming		5/14/2020 3:51:10 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	They want to see you and all hangout you are mad at me not them Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FB3F8 (Table: message, handle, chat; Size: 27099136 bytes)	
224	Instant Messages	Outgoing		5/14/2020 3:51:26 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Well tell em why I'm mad Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FCF85 (Table: message, chat, handle; Size: 27099136 bytes)	
225	Instant Messages	Outgoing		5/14/2020 3:51:58 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	do that Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FCD3F (Table: message, chat, handle; Size: 27099136 bytes)	
226	Instant Messages	Incoming		5/14/2020 3:52:54 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	It's not there business like how none of it is ur moms business either Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FCB31 (Table: message, handle, chat; Size: 27099136 bytes)	

227	Instant Messages	Outgoing		5/14/2020 3:53:14 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	So they won't know why they aren't coming anymore then Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FC896 (Table: message, chat, handle; Size: 27099136 bytes)	610
228	Instant Messages	Outgoing		5/14/2020 3:53:26 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Tell them no hard feelings tho Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FC619 (Table: message, chat, handle; Size: 27099136 bytes)	
229	Instant Messages	Incoming		5/14/2020 3:53:47 PM(UTC-4)	From: +18439570096 Baby To: +18434659460 (owner), To: +18434659460 (owner) To: +18434659460 (owner), To: +18434659460 (owner)	Then I'm not coming home either Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FC3DD (Table: message, chat, handle; Size: 27099136 bytes)	
230	Instant Messages	Outgoing		5/14/2020 3:53:53 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Ok Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FDF85 (Table: message, chat, handle; Size: 27099136 bytes)	
231	Instant Messages	Outgoing		5/14/2020 4:01:50 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	I'll go ahead and text Allie what's going on Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FDD79 (Table: message, chat, handle; Size: 27099136 bytes)	
232	Instant Messages	Outgoing	1	5/14/2020 4:04:01 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Library SMS Attachments 95 05 1F47 5775-C3D3-48FF-A8DA-B45D63BCC3D9 IMG 1286.JPG Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FDB11 (Table: message, chat, attachment, handle; Size: 27099136 bytes) 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/Attachments/95/05/1F475775-C3D3-48FF-A8DA-B45D63BCC3D9/IMG_1286.JPG : (Size: 365205 bytes)	
233	Instant Messages	Outgoing		5/14/2020 4:04:22 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Remember what you started all of this for Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FD8B1 (Table: message, chat, handle; Size: 27099136 bytes)	
234	Instant Messages	Outgoing		5/14/2020 4:04:53 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	NOW YOU FUCKING BEG ME NOT TO EMBARRASS YOU TO YOUR FAMILY BEG Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FD655 (Table: message, chat, handle; Size: 27099136 bytes)	
235	Instant Messages	Outgoing		5/14/2020 4:12:56 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	You're dead Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FD3D0 (Table: message, chat, handle; Size: 27099136 bytes)	
236	Instant Messages	Outgoing		5/14/2020 4:13:03 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	Dead* Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FD1AE (Table: message, chat, handle; Size: 27099136 bytes)	
237	Instant Messages	Outgoing		5/14/2020 4:13:09 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner) To: +18439570096 Baby , To: +18434659460 (owner)	deaf* Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FEF85 (Table: message, chat, handle; Size: 27099136 bytes)	

238	Instant Messages	Outgoing		5/14/2020 4:25:52 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	Get your ass home since you wanna be a smarty pants each 30 mins your not here I'm ripping 4 of your dada pics Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FED73 (Table: message, chat, handle; Size: 27099136 bytes)	611
239	Instant Messages	Outgoing		5/14/2020 4:26:12 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	Countdown starts now Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FEA88 (Table: message, chat, handle; Size: 27099136 bytes)	
240	Instant Messages	Outgoing		5/14/2020 4:26:31 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	After the first 30 mins I'm ripping 15 Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FE858 (Table: message, chat, handle; Size: 27099136 bytes)	
241	Instant Messages	Outgoing		5/14/2020 4:27:53 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	On kalani Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FE600 (Table: message, chat, handle; Size: 27099136 bytes)	
242	Instant Messages	Incoming		5/14/2020 4:29:15 PM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner)	On Kalani I will break up with you if you continue to be rude Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FE3EC (Table: message, handle, chat; Size: 27099136 bytes)	
243	Instant Messages	Outgoing		5/14/2020 4:29:36 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	You have 30 mins Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FF85 (Table: message, chat, handle; Size: 27099136 bytes)	
244	Instant Messages	Outgoing		5/14/2020 4:31:13 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	28 mins Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FFD5D (Table: message, chat, handle; Size: 27099136 bytes)	
245	Instant Messages	Outgoing		5/14/2020 4:33:26 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	27 Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x12FF8AE (Table: message, chat, handle; Size: 27099136 bytes)	
246	Instant Messages	Incoming		5/14/2020 9:53:25 PM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner)	Baby please Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x13097F0 (Table: message, handle, chat; Size: 27099136 bytes)	
247	Instant Messages	Incoming		5/14/2020 9:53:28 PM(UTC-4)	From: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner) To: +18434659460 (owner)	Baby please Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x13095E9 (Table: message, handle, chat; Size: 27099136 bytes)	
248	Instant Messages	Outgoing		5/14/2020 10:28:01 PM(UTC-4)	From: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner) To: +18439570096 Baby (owner) To: +18434659460 (owner)	Rem Source: Native Messages Source file: 00008030-001818901A8A802E_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x130A968 (Table: message, chat, handle; Size: 27099136 bytes)	

WITNESSES

Sean M Wydra Horry County Police Department

DUSTIN SMELL

JAMES FLETCHER

JARED SOUL

ARREST WARRANT NUMBER

2020A2610400201

CDR: 0116 16-03-0010, 0020

DOA: 5/15/2020

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

JUN 16 2021

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2021GS2602687

The State of South Carolina

County of Horry

Nancy Livesay

20H02144

COURT OF GENERAL SESSIONS

June, 2021 TERM

THE STATE

vs.

Anijah Yarnell

B/ M

SSN:

ATTORNEY: L. Morgan Martin

Indictment for

Murder

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY
2021 JUN 16 A 11:26
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
DATE RECEIVED FROM
GRAND JURY

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

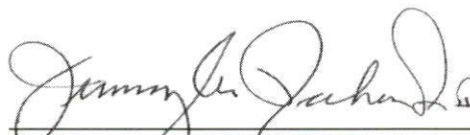
At a Court of General Sessions, convened on June 16, 2021, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Anijah Yarnell did in Horry County, on or about May 14, 2020, willfully, feloniously, and intentionally kill the victim, Michael Pennington, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof on or about in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Sean M Wydra Horry County Police Department

DUSTIN SMELL

JAMES FLETCHER

JPEN SOOY

The State of South Carolina
County of Horry

Nancy Livesay

20H02144

COURT OF GENERAL SESSIONS

June, 2021 TERM

ARREST WARRANT NUMBER

2020A2610400202

CDR: 0549 16-23-0490

DOA: 5/15/2020

THE STATE

vs.

Anijah Yarnell

B/ M

SSN:

ATTORNEY: L. Morgan Martin

Indictment for

Possession of a Weapon During a Violent Crime

Jimmy A. Richardson, II, Solicitor

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

JUN 16 2021

VERDICT

Foreperson of Petit Jury

Date:

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
DATE RECEIVED FROM
GRAND JURY

2021 JUN 16 A 11:26

FILED
HORRY COUNTY

ORIGINAL

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on June 16, 2021, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Anijah Yarnell did in Horry County, on or about May 14, 2020, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

RECEIVED

Sep 17 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Honorable J. Mark Hayes, Circuit Court Judge

Appellate Case No. 2023-000571

THE STATE,..... APPELLANT,

v.

ANIJAH YARNELL,..... RESPONDENT.

FINAL BRIEF OF APPELLANT

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TABLE OF CONTENTS

Table of Contents	i
Table of Authorities	ii
Appellant's Statement of Issues on Appeal	1
Statement of the Case.....	2
Statement of Facts	3
Standard of Review.....	13
Argument	14
I. Judge Hayes abused his discretion by finding Yarnell had proved element 1 of self-defense: he was without fault in bringing on the difficulty. Yarnell called his ex-girlfriend 200 times from *67 and a spoofing app, made her afraid he would attack her with a weapon, refused to leave a private property he was not invited to, and then came back full of anger after being lawfully ejected	17
II. Judge Hayes abused his discretion by finding Yarnell was in actual danger of death or great bodily injury as the victim was unarmed, Yarnell's window was only cracked 2-3 inches, and the victim had no way to enter the vehicle or cause actual injury to Yarnell.....	21
III. Judge Hayes abused his discretion by analyzing Section A of the Protection of Persons and Property Act with strict liability rather than as part of a totality test. Judge Hayes ruled that because Michael Pennington touched Yarnell's car, that automatically entitled Yarnell to Section A's presumption of reasonable fear (replacing element 3 of self-defense) even though Pennington could not actually enter the vehicle.....	22
IV. Judge Hayes abused his discretion by finding that even if Section A's presumption of reasonable fear applied, Yarnell did not lose it per Section B as he was engaged in unlawful activity when he fired. The judge also made an error of law when he found Yarnell was in a place he had the right to be under Section C, and that Yarnell's trespassing was not the proximate cause of the victim's death....	25
Conclusion	32

TABLE OF AUTHORITIES

Cases

<i>State v. Bixby</i> , 388 S.C. 528, 698 S.E.2d 572 (2010).....	14
<i>State v. Bradley</i> , 126 S.C. 528, 120 S.E. 240 (1923)	20
<i>State v. Brooks</i> , 252 S.C. 502, 167 S.E.2d 307 (1969).....	19
<i>State v. Bryant</i> , 336 S.C. 340, 520 S.E.2d 319 (1999)	17, 19, 20
<i>State v. Curry</i> , 406 S.C. 364, 752 S.E.2d 263 (2013).....	15, 25
<i>State v. Davis</i> , 282 S.C. 45, 317 S.E.2d 452 (1984).....	14
<i>State v. Dickey</i> , 394 S.C. 491, 716 S.E.2d 97 (2011).....	19
<i>State v. Douglas</i> , 411 S.C. 307, 768 S.E.2d 232 (Ct. App. 2014)	25
<i>State v. Duncan</i> , 392 S.C. 404, 709 S.E.2d 662 (2011)	13
<i>State v. Elmore</i> , 2023-UP-307 (S.C. Ct. App. filed September 6, 2023).....	26
<i>State v. Fuller</i> , 297 S.C. 440, 377 S.E.2d 328 (1989).....	30
<i>State v. Glenn</i> , 429 S.C. 108, 838 S.E.2d 491 (2019)	11, 28
<i>State v. Grantham</i> , 224 S.C. 41, 77 S.E.2d 291 (1953)	17
<i>State v. Hawes</i> , 411 S.C. 188, 767 S.E.2d 707 (2015)	25
<i>State v. Hewitt</i> , 205 S.C. 207, 31 S.E.2d 257 (1944)	20
<i>State v. Heyward</i> , 441 S.C. 484, 895 S.E.2d 658 (2023)	25
<i>State v. Isaac</i> , 405 S.C. 177, 747 S.E.2d 677 (2013)	13
<i>State v. Jackson</i> , 227 S.C. 271, 87 S.E.2d 681 (1955).....	30
<i>State v. Jones</i> , 416 S.C. 283, 786 S.E.2d 132 (2016).....	13, 14, 28, 29
<i>State v. Leaks</i> , 114 S.C. 257, 10 S.E. 549 (1920).....	12, 30
<i>State v. Long</i> , 186 S.C. 439, 195 S.E. 624 (1938).....	17, 18

<i>State v. Marshall</i> , 428 S.C. 11, 832 S.E.2d 618 (Ct. App. 2019)	28
<i>State v. McCarty</i> , 437 S.C. 355, 878 S.E.2d 902 (2022).....	12, 13, 14, 17, 19, 20, 25 ¹
<i>State v. Oates</i> , 421 S.C. 1, 803 S.E.2d 911 (Ct. App. 2017)	15, 16, 29, 30
<i>State v. Pittman</i> , 373 S.C. 527, 647 S.E.2d 144 (2007)	13
<i>State v. Rogers</i> , 130 S.C. 426, 126 S.E. 329 (1925).....	19
<i>State v. Sparks</i> , 179 S.C. 135, 183 S.E. 719 (1936).....	20
<i>State v. Starnes</i> , 213 S.C. 304, 49 S.E.2d 209 (1948).....	20
<i>State v. Wiggins</i> , 330 S.C. 538, 500 S.E.2d 489 (1998).....	19
<i>State v. Williams</i> , 280 S.C. 305, 312 S.E.2d 555 (1984).....	11, 14, 29
Statutes	
S.C. Code § 14-3-330.....	13
The Protection of Persons and Property Act, S.C. Code 16-11-410, <i>et. seq</i> (2015).....	i, 2, 10, 12, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29
S.C. Code § 16-11-620.....	27
S.C. Code §16-17-430.....	27

¹ Pursuant to the Supreme Court of the United States’ new disavowal of *passim*, Appellant will refrain from using it.

APPELLANT'S STATEMENT OF ISSUES ON APPEAL

1. Whether Judge Hayes abused his discretion by finding Yarnell was without fault in bringing on the difficulty when Yarnell called Remi over 200 times, made her fearful he would attack her with a weapon, showed up at her friends' private condo and refused to leave after being lawfully ejected multiple times, then left and came back full of anger with no lawful reason to return *and* presented a weapon to the unarmed victim.
2. Whether Judge Hayes abused his discretion by finding Yarnell was in actual danger of death or great bodily injury when it lacked evidentiary support: Yarnell's window was only cracked 2-3 inches, the door was locked, the victim was squeezed up against another car, and the victim had no weapon, tool, or way by which to enter the vehicle, making it impossible for Yarnell to have been in actual danger of death or serious bodily injury.
3. Whether Judge Hayes abused his discretion and committed an error of law by applying strict liability to Section A of the PPPA, ruling that because one of Pennington's fingerprints was found on Yarnell's car, Yarnell automatically had the right to shoot to kill because he was entitled to Section A's presumption of reasonable fear (regardless of whether actual entry into the vehicle was possible) when every element of self-defense and the corresponding sections of the PPPA are analyzed as a totality test.
4. Whether Judge Hayes abused his discretion and made an error of law by finding Section B of the PPPA (revoking any entitlement to Section A's presumption of reasonable fear) did not apply when Yarnell was engaged in an unlawful activity when he fired, and by finding Yarnell was in a place he had the right to be and his presence was not the proximate cause of the victim's death under Section C.

STATEMENT OF THE CASE

This case examines the importance of private property, relational boundaries, and an invited guest's right to eject a trespasser from that property in immunity rulings under the Protections of Persons and Property Act ("PPPA"). Respondent Anijah Yarnell was indicted in June of 2021 by an Horry County Grand Jury for the murder of Michael Pennington and possession of a weapon during the commission of a violent crime. (2021-GS-26-02687 and -2688). The case was prosecuted by Violent Crimes Assistant Solicitor Nancy Livesay and Assistant Solicitor Christopher Helms. R. 1. Yarnell, represented by M. O'Bryan Martin, Esq. and L. Morgan Martin, Esq., then filed a motion for immunity under the PPPA, S.C. Code § 16-11-410, *et. seq.*, on November 7, 2022, and the State filed a reply shortly after. A full, three-day immunity hearing with 15 witnesses and approximately 76 exhibits was held before the Honorable Mark J. Hayes from November 14th to 16th, 2022, and Judge Hayes issued his order granting immunity from prosecution to Yarnell on April 4, 2023. R. 547. The State timely filed its notice of appeal on April 10, 2023, and this Brief of Appellant now follows.

STATEMENT OF FACTS

On May 14, 2020, Remington Hargrove (“Remi”) was in Surfside Beach in Horry County visiting her family who were in town from New York. R. 64, R. 75-76. She and Anijah Yarnell (6’0”, 180 pounds) had lived together at an apartment at Winchester Circle in Myrtle Beach, but the two were arguing that day and eventually ended up breaking up. Remi then made it clear she did not want to see him or talk to him. R. 1-25, R. 311-312; State’s Exhibit 51 at R. 579, R. 581 (text messages between Yarnell and his friend Michelle); Defense Exhibit’s 46 # R. 611 (text messages between Remi and Yarnell). Remi sent her last message to him in the middle of the afternoon, and then her messages stopped. *Id.* Yarnell, on the other hand, proceeded to call her over 200 times from *67 and with a spoofing app to disguise his phone number. R. 286, R. 382-384. He also sent texts where he threatened to destroy photos of her deceased father. R. 382; Defense Exhibit 46 – R. 587 (text messages between Remi and Yarnell).

Yarnell texted his friend Michelle at 5:51 PM, “Hey you better tell Remi to come get her shit before I throw it all out.” State’s Exhibit 51 at R. 573. He then said, “I guess she forgot I was the wrong one to fuck with I haven’t ate all day because of them.” *Id.* at R. 575. Then, from 6:30 PM to 7:39 PM, Yarnell texted his friend Missy about the situation, and he again threatened to destroy Remi’s belongings if she did not come get them immediately. State’s Exhibit 19, R. 562. Missy texted back at 7:27 PM, “Michelle says please don’t throw anything out, we will come tomorrow and get it if you want it gone.” Yarnell replied, “It’s out now, tell Remi to respond to see if she wants it if she says no it’s gone.” State’s Exhibit 19 at R. 565. He then texted at 7:34 PM, “Okay she said she doesn’t care so it’s gone sorry for bothering y’all.” *Id.*

Around 8:30 or 9:00 PM, Yarnell decided to drive to the Cross Gate Villas Apartment Complex anyway—it was a part of the larger Maddington Place collection of condos. R. 206, R. 384, R. 473-480; State’s Exhibit 54 (map of complex); State’s Exhibit 55 (Private Property

sign). Maddington Place was a private property that was not open to the public; owners needed a sticker on their car to park anywhere, and guests needed tags from the owners. If a car did not have a sticker or tag, Quality Towing would tow it.² R. 469-471. An individual could only come onto the property if they were an owner or an invited guest of an owner, because the HOA wanted to “protect the owners and keep out the bad guys.” R. 479, R. 482-483. If a person was not invited, they would be declared a trespasser. R. 480, R. 483.

Jennifer Tassone (Remi and Emily’s aunt), Jennifer’s boyfriend Darrin Card, Remi, Emily Cerio, and Emily’s boyfriend Michael Pennington (“victim”) were at dinner at Handley’s Pub in Carolina Forest in the early evening. R. 78, R. 92-93, R. 268-269, R. 273. Remi was very upset about Yarnell at dinner, and made it known that she was afraid of him. R. 78. Darrin said, “I know that she was telling her aunts and her cousins just how bad things were and how violent he was.” “[S]he talked of violence and abuse and very controlling behavior.” R. 77, R. 78. Everyone at dinner knew that Remi had turned her phone off that day to avoid talking to Yarnell, as he had been harassing, messaging, texting, and calling her so much that she couldn’t use her phone; any time she went to use it, a call from him would prevent her from accessing its functions. R. 271, R. 291. Remi then told Darrin Card she did not want Yarnell near her and wanted him and Michael Pennington to help make sure Yarnell did not come over because she was afraid of what he might do. R. 86. Emily also asked her boyfriend (the victim) to come and make sure they were safe. R. 93

Darrin and Jennifer rode back to Maddington Place in a separate car from Remi and Emily. R. 64. Remi and Emily stopped at a Speedway Gas Station, and Emily called

² FedEx trucks, mailmen, etc. were allowed on the property as invited guests for the limited purpose of delivering packages the owners had invited them to deliver. R. 484.

Pennington, who was in a third car, and told him, “She’s scared, she’s scared, she’s pregnant.” R. 272-275. Remi was 7 months pregnant at the time. R. 293. A few minutes later, Remi and Emily pulled into the complex and saw Yarnell in his car in the parking lot, and Remi again said she was scared. State’s Exhibit 49 at R. 567. They called Pennington and told him this, and he told them to meet him at Murphy’s Gas Station. R. 272-275. After they met up, Emily called her Aunt Jennifer and told her what was going on. Everyone agreed they would not go back to the complex without Pennington there, because Remi and Emily weren’t equipped to deal with an angry man. R. 293, R. 301-302; State’s Exhibit 4, R. 566, (Statement of Emily Cerio.)³

Remi then briefly talked to Yarnell on the phone. R. 272-274, R. 301-302. Remi told him she did not want to go home with him or see him; she asked him to leave her stuff at the complex and go home. R. 274-275, R. 293-294, R. 301-302. “[L]eave it and go . . . I’ll get it you need to go home. I don’t want to see you.” State’s 49, R. 566 (Statement of Emily Cerio).

About 15 minutes later, at approximately 9:30 PM, Darrin saw Pennington arrive in a second car, and then he saw Emily and Remi pull into the complex in the third car. R. 271, R. 293. He also saw Yarnell pull out of the complex and watched as Yarnell saw Emily and Remy pulling in and decide to turn around and drive up next to them. The three of them then had a brief conversation. R. 68, 81, 271, 275. Remi was terrified, shaking, and scared. R. 292, 302. Remi once again told Yarnell to leave because she didn’t want to see him. R. 277, R. 281. He yelled at her aggressively and accused her of blocking him in, and she said they weren’t blocking him. R. 279, R. 294-295. Yarnell drove off, and the two girls went upstairs right away after Emily

³ Pennington was a guest invited over for the purpose of protecting Remi and Emily from Yarnell. R. 87-88, R. 287. Darrin and Jennifer lived in the complex, and Emily’s brother and father also lived there; Emily had a key. R. 287-289.

told Pennington again that Remi was scared. R. 69, R. 82, R. 292-293. Remi said, “What if he has a weapon?” State’s Exhibit 49, R. 566.

Pennington, Jennifer, and Darrin had a conversation in the parking lot while this was going on. R. 279-280, R. 297. Jennifer had just gotten into her van to take a phone call and Emily was coming back down to get her phone charger when Yarnell wheeled back into the complex and pulled right up next to Pennington. R. 83-84, R. 98-99, R. 281, R. 297-298. He had fully turned out onto Deerfield Lakes Drive and had to turn around to come back in. R. 206, R. 210, R. 231; R. 249; Defense Exhibit 32 (aerial photo of apartment complex). Pennington was not acting aggressively when he walked up to Yarnell’s driver’s side window and said, “Hey, why don’t you just go home, you’re not welcome at this time.”⁴ R. 72, R. 281, R. 284- 285, R. 310. “No one wants you here, go home.” *Id.* Yarnell refused to leave. R. 83, R. 289.⁵

He had partially pulled into a parking space but had not turned off his car; his doors were locked, the driver’s-side window was mostly rolled up,⁶ and he was moving his car slowly while he was talking to Pennington. R. 86-88, R. 304-306.⁷ No one blocked his car at any point. R. 87-88, R. 249.

⁴ Pennington’s blood showed traces of substances, but the defense’s toxicologist testified Pennington was not actively under the influence of any of the substances when he was shot, and Judge Hayes did not take the victim’s toxicology report into consideration in making his ruling. R. 124; 558, FN 1. Judge Hayes ruled, “Nothing suggested Petitioner was afraid because he knew Pennington was on something.”

⁵ It was debatable whether Yarnell was invited in the first place, but he was certainly not invited back after he fully left the complex after Remi told him to leave. R. 80-82, R. 85-86, R. 289.

⁶ There were many differing opinions as to how far the window was down, so the forensic evidence showing how far it could have actually been down will be discussed shortly. R. 70, 73.

⁷ Yarnell was on the phone with Melissa Cannon at the time, who testified she heard Pennington say: “Get the f*** out of the car . . . I’m going to beat your a**, get out of the car.” R. 41. “I’m going to f*** you up.” Darrin Card and Emily Cerio did not hear Pennington say this. R. 72, R. 281-282. Melissa also said, “[I]t was loud and belligerent, and it scared me.” R. 44

Pennington also said, “Hey, what’s your problem?” R. 91. After Yarnell continued to refuse to leave, Pennington said, “You know what, why don’t you just get out of the car?” “Come on, let’s go, come on tough guy.” R. 84. Yarnell replied, “Am I supposed to be scared of that?” several times. R. 41, R. 43, R. 46. Pennington did not threaten Yarnell with a weapon and did not put his hands on the car until the gun came out. R. 87, R. 299.

Yarnell then fully stopped his car (yet left it running), pulled his Glock 17 up, and Pennington said, “You have a gun,” looking shocked. R. 84, R. 257. Pennington then moved to the side and tried to reach for the gun or hit it to push it out of the way through the window crack. R. 282-284, R. 299-300, R. 304-306. He then said, “I’m from Virginia and if you pull a gun you better pull the trigger.” R. 281. Yarnell then cocked the gun. State’s 49, R. 566. Emily was standing close to Pennington, and she testified Pennington was trying to protect her and the others from the gun Yarnell had. R. 282-284. Pennington tried to pull on the door handle, but the door was locked. R. 45, R. 70-72, R. 283-285, R. 300. Yarnell then pulled the trigger and shot him. R. 73-74. The round went through the window, and Yarnell drove off, leaving Pennington dying in the parking lot. Yarnell never called 911. State’s Exhibit 23 (photograph of the window); State’s Exhibit 36 (photograph of where Pennington landed in the parking lot); Defense Exhibit 16 (another photograph of the parking lot).

5’11” Pennington was not touching the car and he was at least 10-12 inches from the gun when Yarnell fired. R. 85, R. 174. Pennington was unarmed – and there was no stippling found under his arms, so his arms could not have been up and in the window at the moment he was shot. R. 219. He was bent over when the bullet entered his chest in a downward direction. State’s Exhibit 33 (autopsy photo showing bullet wound); Defense Exhibit 15 (autopsy photo showing the bullet’s trajectory). Pennington’s DNA was not found on the gun. R. 260-261, R.

266. Yarnell lied later and said Pennington had taken off his belt and wrapped it around his hand and was hitting him with it like it was a gang thing, but no other witness testified to that, and the photos of Pennington showed he still had his belt on. R. 56, R. 242-249; State's Exhibit 32 (photograph of the contents of Pennington's pockets). Yarnell also testified that Pennington had punched him through the window. R. 339.

Detective Jonathan Kelly went to Yarnell's apartment around 11 PM that night to talk to him about what had occurred. R. 158-159. Detective Kelly said the window on Yarnell's was slightly bowed outward like it had been pushed out but there was no other damage to the car. R. 162, R. 164. He also testified the bullet hole was about 6 inches down from the top of the window, meaning the window was likely only cracked 2-3 inches (as it shows below) to a maximum of 6-8.5 inches down if the bullet had been fired into the very bottom of the window. R. 163, R. 167, R. 241-242; State's Exhibits 23, 25; Defense Exhibits 14, 20, and 43 (showing the window and then showing the length of Yarnell's car). Below is Defense Exhibit 43:



The detective testified Yarnell did not have injuries on his hands or any part of his body, and neither did his car. R. 163. SLED dusted for prints, and only one of Pennington's left-handed fingerprints was found on the paint below the middle part of the window. R. 180-185, R. 193-198. SLED's latent prints expert testified Pennington could have just as easily put his hand on the bottom part of the window when he initially went up to talk to Yarnell. R. 198.

Pennington's prints were not found on the front side or back side of the window. *Id.* Neither his DNA nor his fingerprints were found on the door handle of Yarnell's Hyundai. R. 263. Yarnell was also examined at the Horry County Detention Center later that night, and it was reported that he was not bleeding and had received no medical treatment. No part of his body showed injury, except what looked like a cold sore on his bottom lip. R. 256, R. 320-325, R. 353-354; State's Exhibits 38 to 44 and 47 (photographs of Yarnell's face and body); State's Exhibits 45-46 (photographs of the tops and bottoms of Yarnell's hands).

Emmet Leonard Hall, who had thirty-years of experience installing auto glass, testified that regulators (which are down inside car doors) attach to vehicle windows and are what are responsible for making the windows go up and down on their tracks. He testified the regulator in State's Exhibit 23 (Yarnell's Hyundai) was not on the track, so the regulator would not have pushed the window up or down; the glass would have fully shattered if someone had tried to raise or lower it. R. 488-490, R. 493-494. He testified that the window was therefore inoperable after the bullet went through it and was only being held together by window tint. R. 490-494.

Anijah Yarnell never made any real attempts to drop off Remi's clothes that night, and never told anyone he was scared of Pennington. R. 46, R. 310-311.

MOTION FOR IMMUNITY:

In his written motion for immunity, Yarnell claimed he was entitled to it under Section (A)(1) and (2) of the PPA, because the victim had been attempting to enter Yarnell's occupied vehicle when Yarnell shot him. R. 540, 542. He claimed he was without fault in bringing on the difficulty, was in reasonable fear of death or serious bodily injury and was lawfully parked in the apartment complex not engaging in illegal activity at the time. R. 542-543. He argued that the fact the victim was unarmed was only one factor in the entire determination, that he was entitled to Section A's presumption of reasonable fear, and that he had the right to act on appearances, even if his belief was ultimately mistaken. R. 542-543.

REPLY:

In the State's written reply, the State argued Yarnell was only telling half of the story. R. 544. "The statute does not allow unfettered immunity nor any kind of presumption to a person in every circumstance as long as the person is in their ... occupied vehicle." *Id.* Instead, the State maintained Yarnell lost his presumption of reasonable fear under Section B because Yarnell was engaged in unlawful activity with his vehicle at the time he shot the victim. *Id.* Yarnell had been threatening his ex-girlfriend Remi via text and phone calls (over two hundred) all day without a response from her, so he got into his vehicle with a loaded weapon and drove to a private drive, uninvited, and laid in wait for Remi for forty-five minutes. R. 545.

Remi got back to the complex and immediately went upstairs, so Yarnell left. R. 545. However, he turned around and re-entered the complex, so the victim, an invited guest, asked Yarnell to leave, but Yarnell refused again. After words were exchanged, Yarnell shot the unarmed victim as he was sitting in his locked vehicle with the motor on and the windows up. R. 545. The State argued Yarnell was not entitled to immunity because he was a trespasser who was engaged in unlawful activity in a place he had no right to be and had no reasonable fear of death.

R. 546. Pennington had no way to actually enter the vehicle: he was unarmed, the space between Yarnell's car and the other parked car was very small, the vehicle was locked, the window was barely cracked, and Pennington had no tool by which to break the glass.

IMMUNITY HEARING:

The immunity hearing was conducted over the three full days of November 14-16, 2022.

R. 1. After multiple pre-hearing motions to exclude various pieces of evidence, Judge Hayes ruled the text messages between Yarnell and Remi were admissible to show Yarnell's state of mind. R. 24-27. The State argued:

- Yarnell committed unlawful use of a telephone by calling 200 times;
- He trespassed on private property and was stalking Remi;
- The above was the res gestae of the crime, and Yarnell did not have to be officially charged with the above crimes for his criminal actions to matter in the immunity determination;
- There were no cracks in the window or dents or damage to the car; and
- Yarnell had no injury on him at all – no brackets on his braces were broken.

R. 443-450.

The defense argued a person's car is his castle, so essentially strict liability should be applied to Section A regardless of whether a person actually had a real ability to enter the vehicle.

R. 444. They argued the parking lot was like a Wal-Mart parking lot that invited the public in, and that the parking lot was like the hotel lobby in *State v. Williams*, 280 S.C. 305, 312 S.E.2d 555 (1984). They argued that the Supreme Court in *State v. Glenn*, 429 S.C. 108, 838 S.E.2d 491 (2019), made the place the person was when they engaged in self-defense not matter. R. 434-455, R. 513. They also argued Yarnell was not a trespasser, and that if he did not have a right to be there, neither did Pennington, Darrin Card, Emily Cerio, or Jennifer Tassone.

R. 455. They continued by arguing no one had the right to invite or disinvite Yarnell, and the fact he was not invited was not important. R. 456-457.

They also argued that *State v. McCarty*, 437 S.C. 355, 878 S.E.2d 902 (2022), and *State v. Scott*, 424 S.C. 463, 819 S.E.2d 116 (2018), ruled the fact the victim was unarmed was only one factor in the totality test of immunity, and that the case facts were like *State v. Leaks*, 114 S.C. 257, 10 S.E. 549 (1920),⁸ (where both the victim and defendant were engaged in illegal gambling), and again reiterated that Yarnell was entitled to the protection of Section A of the PPPA for the sole reason that he was in his occupied vehicle. R. 456, R. 500, R. 503. They argued his phone calls should not be considered because he was not using his vehicle to make the calls. R. 457. They then argued in the alternative that Yarnell was entitled to the protection of Section C, and that Pennington had brought on the difficulty. R. 459-460.

The State countered by stating there was no evidence Maddington Place was open to the public, and that it was the defense's burden to prove it was. R. 462-463. They stated Wal-Mart parking lots did not have "No Trespassing" signs, and one did not need a sticker or tag to park in the parking lot, day or night, so the complex parking lot was in no way like a public Wal-Mart parking lot. R. 462-463. They concluded by arguing Yarnell's case was different than *State v. Leaks* because gambling was an intervening factor that broke the causal chain of proximate cause, but here, the trespass nature of Yarnell's actions led directly to the shooting. R. 531-532.

The defense finished by arguing again that the fact the victim was unarmed was only one factor a judge had to consider in making an immunity determination, and that Yarnell had the right to act on appearances; that threatening words and aggressive actions were enough for him to fire in self-defense. R. 501.

⁸ The transcript says, "State versus Lee," but there is no such case. R. 457.

STANDARD OF REVIEW

A grant of immunity is immediately appealable because it is a final order that ends the case. *State v. McCarty*, 437 S.C. at 369, 878 S.E.2d at 910; *State v. Duncan*, 392 S.C. 404, 709 S.E.2d 662 (2011). The order is the nature of an injunction. *State v. Isaac*, 405 S.C. 177, 182, 747 S.E.2d 677, 679 (2013); S.C. Code § 14-3-330(1) & (3). The Court reviews a grant of immunity under an abuse of discretion standard. *State v. Jones*, 416 S.C. 283, 290, 786 S.E.2d 132, 136 (2016). There must be errors of law or factual conclusions that are without evidentiary support for an order to be reversed. *Jones*, 416 S.C. at 290, 786 S.E.2d at 136; *State v. Pittman*, 373 S.C. 527, 647 S.E.2d 144 (2007).

ARGUMENT

To be entitled to immunity after using deadly force, a defendant must first prove all four elements (or applicable sections of the PPPA) of self-defense by a preponderance of the evidence:

- (1) He must be without fault in bringing on the difficulty;
- (2) He must have believed he was in imminent danger of losing his life or sustaining great bodily injury (“GBI”), or actually was in such danger;
- (3) “Reasonable Fear.” If his claim is based on the belief he was in imminent danger of losing his life or sustaining GBI, a reasonably prudent person of ordinary fitness and courage would have entertained that same belief; and
- (4) He must have had no other probable means of avoiding the danger or sustaining serious bodily injury than to act how he did.

State v. Davis, 282 S.C. 45, 46, 317 S.E.2d 452, 453 (1984); *State v. Jones*, 416 S.C. at 290, 786 S.E.2d at 136 (2016) (citation omitted.)

If a defendant only proves the first two elements, then he must also prove the applicable section(s) of the Protection of Persons and Property Act (“PPPA”) that replace elements (3) reasonable fear (Section A); and (4) the duty to retreat (Section C). However, if the State disproves one element at any point, the judge may deny immunity right then and there and send the case to a jury.⁹ *State v. Bixby*, 388 S.C. 528, 554, 698 S.E.2d 572, 586 (2010) (“It is an axiomatic principle of law that the defense has not been established if any one element is disproven.”) “Th[e elemental structure of self-defense] places the burden on the defendant to produce some evidence to support the existence of each element.” *State v. Williams*, 427 S.C. at 249, 830 S.E.2d at 906.

The summarized sections of the PPPA are as follows:

⁹ By its very nature, a judge who did this would (and must) be making a ruling on the element(s) as required by *State v. McCarty*, 437 S.C. 355, 878 S.E.2d 902 (2022).

Section (A): The presumption of reasonable fear applies (replacing element 3) if:

- (1) The victim was in the process of unlawfully and forcefully entering or had entered an occupied vehicle or attempted to remove another person against his will from the vehicle;
and
- (2) Knows or has reason to believe that unlawful and forcible entry is or has occurred.

Section (B): Section A does not apply, however, if:

- (1) The victim had the right to be in the residence or vehicle; or ((2) and (4) are not relevant)¹⁰
- (3) The defendant was engaged in an unlawful activity at the time or used an occupied vehicle to further such unlawful activity.

Section (C): A person who:

- Is not engaged in unlawful activity; and
- Who is attacked in another place he had the right to be . . .
- Has no duty to retreat and has the right to meet force with force to prevent death or great bodily injury (“GBI”) to himself or others. (Replacing element 4).

Section (D): A person who attempts to enter a person’s occupied vehicle is presumed to be doing so with the intent to commit an unlawful act or violent crime. PPPA

– S.C. Code §§ 16-11-410 to 450 (2015) (emphasis added).

“‘[T]he General Assembly did not intend’ to require the circuit court ‘to accept the accused’s version of the underlying facts’ in determining a motion for immunity under the Act.”

State v. Oates, 421 S.C. at 13, 803 S.E.2d at 918 *quoting State v. Curry*, 406 S.C. 364, 371, 752 S.E.2d 263, 266 (2013).

¹⁰ “The person (2) sought to be removed is a child or grandchild, or is otherwise in the lawful custody or under the lawful guardianship, of the person against whom the deadly force is used; or” “(4) against whom the deadly force is used is a law enforcement officer who enters or attempts to enter a dwelling, residence, or occupied vehicle in the performance of his official duties, and he identifies himself in accordance with applicable law or the person using force knows or reasonably should have known that the person entering or attempting to enter is a law enforcement officer.”

To set up the discussion, in *State v. Oates*, this Court upheld the trial court's denial of immunity from prosecution to Oates even though the victim had actually entered his occupied vehicle right before, because he was not in the active process of entering at the time Oates shot and killed him. *Oates*, 421 S.C. at 17, 803 S.E.2d at 920 (certiorari denied). The victim illegally parked his van, and Oates, an agent of the neighborhood's HOA, showed up to tow it. The victim and two other men approached Oates and started an argument about it, so Oates retreated inside his vehicle and locked the door. The argument continued through the cracked window.

Two men then jumped up on Oates' running board, and the victim said, "Go get my shotgun." Oates heard a round being chambered, and the victim said, "You're going to take this [vehicle boot] off right now and I'm leaving." Oates said, "That's fine." The victim then pulled a gun from his pants, ratcheted it, and said, "Nobody's going to take my car." The victim then unlocked the door of Oates' truck, pulled the handle, opened it, and ordered Oates out of his truck at gunpoint. The victim then began to walk away from the vehicle, and Oates shot him.

Oates, 421 S.C. at 7-11, 803 S.E.2d at 915-917.

Even so, this Court rightly held Oates was not entitled to Section A of the PPPA's presumption of reasonable fear *even though* the victim forced Oates from his vehicle at gunpoint because the argument had subsided at the exact moment Oates shot the victim. *Id.* at 15, 803 S.E.2d at 919. This Court also held Oates was not entitled to Section C of the PPPA's immunity from the duty to retreat because his use of deadly force against the victim was not necessary to prevent his own death or injury; he only had the right to meet force with force. *Oates*, 421 S.C. at 16, 803 S.E.2d at 919. This case is similar to *State v. Oates* in many ways. Thus, this Court should reverse and remand Judge Hayes' order granting immunity from prosecution to Yarnell.

I Judge Hayes abused his discretion by finding Yarnell was without fault in bringing on the difficulty. Yarnell called Remi over 200 times, made her fearful he would attack her with a weapon, showed up at a private condo and refused to leave after being lawfully ejected multiple times, then left and came back full of anger. He had no lawful reason to return. He then killed an invited guest who was ejecting him.

Judge Hayes found Yarnell was without fault in bringing on the difficulty by a preponderance of the evidence because he “had done nothing to Pennington to provoke Pennington’s attack” while Yarnell was in his vehicle. R. 560. The State disagrees and asks this Court to vacate and / or reverse and remand for further proceedings. This ruling is without evidentiary support and is an error of law, as Judge Hayes did not properly factor either in the res gestae of how the victim knew of and knew what Yarnell’s state of mind was when he walked up to the vehicle or the victim’s right to eject Yarnell, a trespasser, in making his determination.

First, Judge Hayes did not sufficiently develop the reasons why he ruled Yarnell was not at fault in bringing on the difficulty as *State v. McCarty* requires.¹¹ Even if he had, though, “the [Castle Doctrine] rule is predicated on the absence of aggression or fault on [the defendant’s] part in bringing on the difficulty; the doctrine is for defensive, and not offensive, purposes.” *State v. Grantham*, 224 S.C. 41, 45, 77 S.E.2d 291, 292 (1953). A defendant “who provokes or initiates an assault cannot escape criminal liability by invoking self-defense.” *State v. Bryant*, 336 S.C. 340, 345, 520 S.E.2d 319, 322 (1999). “Statements or circumstances which are explanatory of the main fact are admissible in evidence as part of the res gestae . . . [they] must possess the very characteristic of being well calculated to unfold the nature and quality of the

¹¹ *McCarty*, 437 S.C. at 360, 370, 878 S.E.2d at 905, 910 (finding a trial court must analyze each element of self-defense and the PPPA in making its determination until they happen upon an element the defendant has decisively not proven. If they find the defendant has proven all elements, they must analyze all of the elements and give specific reasons (including credibility determinations) for making their ruling.)

main fact, and so harmonize with it as to obviously constitute a single transaction.” *State v. Long*, 186 S.C. 439, 195 S.E. 624, 626 (1938).

Yarnell had been harassing his ex-girlfriend Remi all day, had called her over 200 times, and sat and waited for her for 45 minutes as his anger built. Then, even though she asked him over the phone while she and Emily were still at the Speedway to leave her clothes and go home, he stayed and waited for her in a private parking lot. Then, 15 minutes later, when the two saw him in the parking lot against her wishes (she and Emily were invited guests of owners at the complex, so they legally had the right to eject), they drove away and got Pennington, then came back to the complex and once again told Yarnell to leave. He left. Then, nevertheless, he came back with no legal justification for returning. An individual is not permitted by law to sit outside a private residence in their vehicle for as long as they want when they are creating reasonable fear in the occupants by nature of their presence. Boundaries have to matter. What would the purpose be of posting a “Private Property” sign, if owners and their agents could not eject?

Even if Remi *had* initially invited him over to drop off her clothing, her consent for him to be on the premises was unequivocally revoked before Yarnell ever talked to Pennington.¹² Judge Hayes did not analyze or consider this fact in his Order; instead, he merely found that Yarnell had been invited by Remi, and therefore the fact that Yarnell was asked to leave did not matter. R. 552, FN 8. Legally, he should have considered that when Yarnell returned, and Pennington, who was also an invited guest with the legal right to eject Yarnell (especially because Remi and Emily asked him to), asked him to leave and Yarnell refused, Yarnell brought on the difficulty by refusing to leave a place he was lawfully ejected from at least three times.

¹² The defense argued Yarnell being there was like a FedEx or mail truck on the complex to drop off a package. Yes, the drivers would be like invited guests. But an invitation can always be revoked, and Judge Hayes did not analyze or consider that, which was an error of law.

A person has a right to eject “one who, either by virtue of a warning before entry, or as a result of a duly communicated revocation after entry of an express or implied license to enter, has become a trespasser.” “That such a proprietor has the right to eject a trespasser from his premises and to use such reasonable force, short of killing him, as may be necessary to accomplish the expulsion, is, as we apprehended, well settled.” *State v. Rogers*, 130 S.C. 426, 126 S.E. 329, 331 (1925). If a person is “engaged in the legitimate exercise in good faith of his right to eject, he would in such case be without fault in bringing on the difficulty and would not be bound to retreat.” *State v. Brooks*, 252 S.C. 502, 510, 167 S.E.2d 307, 310 (1969). An individual clothed with the proper agency may eject from a private parking lot. The absence of a duty to retreat also extends to the curtilage, which includes outbuildings, the yard around a dwelling, a garden of the dwelling, or a parking lot of a dwelling or business. *State v. Wiggins*, 330 S.C. 538, 548 n. 15, 500 S.E.2d 489, 494 n. 15 (1998); *cf. State v. Dickey*, 394 S.C. 401, 509, 716 S.E.2d 97, 106 (2011) (holding there is no right to eject from a public parking lot.)

Wouldn't the victim also have a right to self-defense or a right to defend the others in the parking lot, namely his girlfriend? Or can a victim's right to self-defense never be considered in an immunity determination? Here, Pennington knew Remi was scared, and he had been asked to protect Remi and his girlfriend Emily from Yarnell, who he knew had been harassing Remi all day. He then watched Yarnell refuse to leave when Remi asked, and then approached Yarnell himself and asked him to leave. After a verbal argument, Yarnell then presented a weapon, and Pennington's actions showed he was acting in defense of himself and the others by attempting to push the gun out of the way. Yes, Yarnell had a right to remain unmolested in his vehicle, but he lost that privilege when he refused to leave and then presented his weapon. That is why the first element of self-defense takes away the right to remain unmolested if one brings on the difficulty.

Even so, even if Pennington had brought on the difficulty, hypothetically, “there are circumstances in which the right to self-defense may be restored.” *McCarty*, 437 S.C. at 373, 878 S.E.2d at 912; *Bryant*, 336 S.C. at 345, 520 S.E.2d at 322. “One’s right to self-defense is restored after a withdrawal from the initial difficulty with the victim if that withdrawal is communicated to the victim by word or act.” *Bryant*, 336 S.C. at 345, 520 S.E.2d at 322. “A person is not obliged to retreat even though he can do so without increasing his danger where, being without fault in bringing on the difficulty, he is assaulted while on his own premises.” *State v. Hewitt*, 205 S.C. 207, 31 S.E.2d 257, 258 (1944); *see also State v. Bradley*, 126 S.C. 528, 120 S.E. 240, 242 (1923) (considering the interplay between a person’s right to eject a trespasser and self-defense law) (“Such a person cannot lawfully be ejected by the use of violence until he has been requested to depart, and if he refuses to heed the request the hands must be laid on gently and thereafter only so much force be used as is necessary to accomplish the ejection.”)¹³

Here, when Pennington saw the gun, he stepped either back or to the side and said, “You have a gun?” Emily Cerio his girlfriend testified Pennington was then defending her and the others from Yarnell’s gun when he tried to put his hand through the barely-cracked window to push the gun away. But he was not touching the vehicle at all at the exact moment he was shot. As in *Oates*, this signifies he was withdrawing from his encounter with Yarnell. So even if Yarnell did not bring on the difficulty, Pennington clearly withdrew from the conflict, giving him a right to engage in self-defense of his own. The victim’s right to self-defense has to matter. It should be considered in the totality test of whether a defendant met his burden of proving the elements of self-defense and the PPPA. The victim was unequivocally in a place he had the right

¹³ Further, *see also State v. Starnes*, 213 S.C. 304, 316-317, 49 S.E.2d 209, 213-214 (1948); *State v. Sparks*, 179 S.C. 135, 183 S.E. 719 (1936).

to be, was unarmed, and had no way to defend himself from Yarnell, who was in a locked and running vehicle with a gun. Judge Hayes did not analyze or consider these facts when making his ruling, and his ruling that Yarnell proved he had not brought on the difficulty (element one of self-defense) was without evidentiary support. Judge Hayes, further, committed an error of law by failing to analyze the victim's right to eject Yarnell. This Court should reverse and remand.

II. Judge Hayes abused his discretion by finding Yarnell was in actual danger of death or great bodily injury. The window was only cracked 2-3 inches, the victim had no weapon or tool by which to enter the vehicle, the doors were locked, and the victim was squeezed up against another car. The victim had no way to actually enter the vehicle, making it impossible for Yarnell to have been in actual danger of death.

In analyzing the second element of self-defense, Judge Hayes ruled Yarnell was actually in imminent danger of losing his life or sustaining serious bodily injury. R. 560. The “[c]ircumstances of the attack placed the Petitioner in actual imminent danger and these circumstances were such that would warrant a man . . . to strike the fatal blow to save his own life.” R. 560. This was a factual error wholly without evidentiary support. It was a factual impossibility that Yarnell was in danger of actual death or serious bodily injury. Under the PPPA, “Great bodily injury” means “bodily injury which creates a substantial risk of death, or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of a bodily member or organ.” S.C. Code § 16-11-430(2).

As the photos showed and as the detective and the auto glass installer expert testified, Yarnell's window was rolled down only 2-3 inches when he fired. Defense Exhibits 14, 20, and 43; State's Exhibit 23. It was forensically and factually impossible for it to have been rolled down further. It was undisputed Yarnell's vehicle was locked. As State's Exhibit 36 shows, Yarnell had pulled in between two other vehicles when he was talking to Pennington, so Pennington did not have room to create enough force to enter Yarnell's vehicle with his bare

hands. Pennington did not have a weapon or tool on him with which to break the window. How could he have caused protracted loss or impairment to one of Yarnell's organs, *e.g.*, with just his hands, through a 2-to-3-inch crack? How could he have killed Yarnell? The photos of Yarnell, taken mere hours after he shot Pennington, showed Yarnell did not have any injuries to his face, body, or vehicle. There were no scratches or dents on the vehicle (except for the bullet hole).

However, Judge Hayes found the window was down enough for Pennington to reach in and punch Yarnell and attempt to grab the gun. R. 554, FN 11. How could a grown man's fist punch another through a 2-3 inch cracked window? Judge Hayes, contrary to what the physical evidence showed, found the window was 2/3rds, or at least half of the way down. R. 556. This ruling was without evidentiary support, and he abused his discretion in finding Yarnell had met his burden of proving element two of self-defense. This Court should reverse and remand.

III. Judge Hayes abused his discretion by applying strict liability to Section A of the PPPA because every element of self-defense and the corresponding sections of the PPPA are to be analyzed as a totality test. Judge Hayes ruled that because one of Pennington's fingerprints was found on Yarnell's car, he automatically had the right to claim Section A's presumption of reasonable fear. This was legal error.

Judge Hayes made an error of law when he applied strict liability to Section A of the PPPA (that could replace element 3 of self-defense with a presumption of reasonable fear of imminent death or great bodily injury) instead of analyzing the section as a totality test. The defense admitted at the hearing that the whole determination was a totality test by arguing the fact the victim was unarmed was only one factor to be considered in the totality of the circumstances surrounding the shooting. Yet Judge Hayes ruled that, as has been stated, because Pennington touched Yarnell's vehicle and tried to reach through the cracked window, that meant Yarnell had automatically proven Section A by a preponderance of the evidence and was thus entitled to its presumption of reasonable fear. But presumptions by their very nature can be

rebutted with additional facts that are to be analyzed via a totality test. But Judge Hayes ruled, “The greater weight of the evidence establish[es] that Pennington was attempting to open the vehicle’s door in order to reach Petitioner.” R. 554. “[T]he facts are uncontested that Petitioner had a right to be in his vehicle. Thus, the occupied vehicle of subsection (A) is met.” R. 552, FN

8. Then a third time:

For purposes of Section 16-11-440(A), the Petitioner is entitled to be presumed to have a reasonable fear of imminent peril of death or great bodily injury when he used deadly force because the person against whom he used deadly force was in the process of unlawfully and forcefully entering Petitioner’s occupied vehicle, and the person had attempted to remove Petitioner from his occupied vehicle. The requirements of 16-11-440(A) have been established.

R. 560.

Those rulings bear the language of strict liability. “Pennington touched the vehicle, so that means the section is met.” However, again, it was a forensically proven fact that it was impossible for Pennington to have actually entered Yarnell’s vehicle (due to the mere 2-3 inches of rolled-down window, the fact the victim was squeezed against Yarnell’s car and another, and the victim’s lack of a weapon or tools by which to break the window or open the car’s door, or an unlocked door). That has to matter in the analysis. Further, Judge Hayes did not take into account that the victim had let go of the vehicle well before Yarnell fired. He did not take into account the forensic fact that no stippling existed under the victim’s arms, meaning the victim’s arms could not have been up and in the window when Yarnell fired. R. 554. Those facts should have been analyzed in a totality of the circumstances analysis when Judge Hayes was determining whether Yarnell had proven Section A’s elements. The surrounding circumstances matter and must be weighed when determining whether someone was legally justified in taking another person’s life.

The summarized language of the statute is as follows:

Section (A): The presumption of reasonable fear applies (replacing element 3) if:

- (1) The victim was in the process of unlawfully and forcefully entering or had entered an occupied vehicle or attempted to remove another person against his will from the vehicle;
and
- (2) The person knows or has reason to believe that unlawful and forcible entry is or has occurred.

Section (D): A person who attempts to enter a person's occupied vehicle is presumed to be doing so with the intent to commit an unlawful act or violent crime. (Emphasis added).

A vehicle is distinctly different from a home or a place of business for purposes of self-defense. One cannot put a home or a brick-and-mortar business (where a person has the right to be) on a piece of land where a person does not have the right to be. Here, yes, Yarnell was in his occupied vehicle, but he was in his occupied vehicle *parked on* a piece of land he had no right to be parked on. Pennington was in the process of ejecting him from the private property when Yarnell shot him. Again, especially when analyzing the elements of self-defense when a shooting occurs at a vehicle's window (because of how different a vehicle is from a building), the totality of the circumstances all matter. Section (A) mandates that for a court to find a person was in reasonable fear of imminent *death* (or GBI), the victim must have actually been able to remove the person from their vehicle by force when they attempted to. Section (A)(2) says the defendant must know or believe unlawful entry *is* occurring or *has* occurred. If a person attempts to assault someone, but the person is safely behind a glass wall, could they be found guilty of assault and battery under our statutes? The above facts matter in determining whether Section A applied, and Judge Hayes did not take them into consideration.

Under Section D, for argument's sake, Yarnell could claim Pennington was attempting to enter his vehicle for the purposes of committing an unlawful act or violent crime against him.

That still does not make the analysis of whether he met Section A a strict liability determination. The victim's right to self-defense still has to be weighed against the presumption that the victim was attempting to commit an unlawful or violent act against Yarnell. Many individuals commit violent acts in self-defense that are not deemed lawful until a hearing is later held. Here, had the window been rolled down further, in order to defend himself and the others around him from Yarnell's gun, the victim very well might have injured Yarnell. (He did not.) That, again, still does not make Section A a strict liability test. Appellate courts in this state have recently overturned many a case where judges have said, "One box is checked, so that means I do not have to, or am bound not to, exercise discretion or analyze the facts."¹⁴

Yes, as the defense said, Yarnell had a right to act on appearances, but his belief had to be objectively reasonable. *McCarty*, 437 S.C. at 369 n. 7, 878 S.E.2d at 910. It is not reasonable to conclude that just because the victim touched Yarnell's vehicle, it thus became obvious that Yarnell was in peril of death when it was factually impossible for Pennington to get inside it. Reasonableness is the cornerstone of any self-defense determination. *State v. Douglas*, 411 S.C. 307, 316, 768 S.E.2d 232, 238 (Ct. App. 2014). Totality tests are used to determine reasonableness. This Court should reverse and remand.

IV. Judge Hayes abused his discretion by finding that Yarnell did not lose Section A's presumption of reasonable fear under Section B because Yarnell was not engaged in an unlawful activity when he fired. Judge Hayes also made an error when he found Yarnell was in a place he had the right to be under Section C. Yarnell had put Remi in reasonable fear, he was trespassing, and he refused to be lawfully ejected.

Judge Hayes made multiple errors of law when he ruled Yarnell was not engaged in an unlawful activity and thus did not lose his already-granted Section A presumption of reasonable

¹⁴ *E.g. State v. Heyward*, 441 S.C. 484, 895 S.E.2d 658 (2023); *State v. Hawes*, 411 S.C. 188, 767 S.E.2d 707 (2015); *State v. Curry*, 406 S.C. 364, 752 S.E.2d 452 (1984).

fear; and when he found Yarnell was in a place he had the right to be under Section C. Judge Hayes further made an error of law when he found Yarnell's unlawful presence was not the proximate cause of the victim's death. R. 561. Yarnell had engaged in unlawful use of a telephone and was trespassing on private property when the victim lawfully attempted to eject him. What purpose was there for Yarnell to return to the complex when *he left* after being asked to by Remi? Remi had already asked him to drop off her clothes and leave before she returned to the complex. Yarnell did not. Yarnell then could have dropped her clothes off to her when he talked to her in the condo parking lot. He did not. He then complied with her ejection and left.¹⁵ He had no lawful reason to return. This Court should reverse and remand.

The summarized parts of Sections B and C of the PPPA are as follows:

Section (B): Section A (that replaces element 3 of self-defense) does not apply, however, if:

(1) The victim had the right to be in the residence or vehicle; or

(3) The defendant was engaged in an unlawful activity at the time or used an occupied vehicle to further such unlawful activity.

Section (C): A person who:

- Is not engaged in unlawful activity; and
- Who is attacked in a place he had the right to be . . .
- Has no duty to retreat (replacing element 4) and has the right to meet force with force to prevent death or great bodily injury ("GBI") to himself or others.

(Emphasis added).

¹⁵ Although unpublished, this Court correctly analyzed a woman's right to withdraw permission from even a boyfriend to be in a place they both had stayed many times before in *State v. Elmore*, 2023-UP-307 (S.C. Ct. App. filed September 6, 2023). "[She] testified multiple times she was not in a relationship with Elmore . . . Bluford testified that Elmore did not have permission to be in her house on the night of the incident. She did not invite him over that evening."

Section B – Yarnell Engaged in Unlawful Activity

As the State here argued, calling someone 200 times (when they do not want you to) is an unlawful use of telephone under S.C. Code § 16-17-430, which created reasonable fear in Remi and showed why the victim approached Yarnell's vehicle in the first place.¹⁶ Judge Hayes, however, found Yarnell's texts only showed his affection for Remi, and they were just "young kids who argued a lot." R. 557. He just wanted to "give her a kiss before he went home." R. 557. Remi could not ask him to leave, ever, because she was in a relationship with him? Yarnell was trespassing and was refusing to be ejected when he fired. That was unlawful activity. Under Section (B)(2), he was using his occupied vehicle to further such unlawful activity. Therefore, even if he had been entitled to Section A's presumption of reasonable fear, he forfeited it by engaging in unlawful activity.

Section C – Yarnell Was Not in a Place He Had the Right to Be¹⁷

Judge Hayes ruled Yarnell was in a place he had the right to be, and that his presence did not violate Maddington Place's rules and common practices. R. 557, FN 19, 559. Legally, however, that was not true. Yarnell was trespassing under S.C. Code § 16-11-620: "Any person who, without legal cause or good excuse, enters ... on the premises of another person after having been warned not to do so ... **and refuses . . . to leave immediately upon being ordered or requested to do so by the person in possession or his agent or representatives**" (emphasis added). FedEx trucks, etc. were invited guests, unlike Yarnell was here.

¹⁶ "1. That the accused did anonymously or otherwise: **b. Telephone or electronically contact another repeatedly, regardless of whether or not conversation ensues for the purpose of annoying or harassing another person or his family.**"

¹⁷ The judge ruled Yarnell did not claim entitlement to Section C, but that is not true. He did. R. 459.

What is the purpose of having a No Trespassing sign, or private property in general for that matter, if ejectment cannot occur? The Maddington Place HOA manager, in contradiction to Judge Hayes' Order, testified Yarnell was, in fact, in violation of their rules. If this line of thinking stands, any individual would be able to park on a road outside anyone's home for as long as they wanted, and make them as afraid as they wanted, and no one would be able to make them leave for the sole reason that they were and are in their occupied vehicle. The law has to matter. As the solicitor stated at the hearing, the fact that Yarnell was not officially charged with the crimes did not mean his having committed them could not be used or analyzed for purposes of an immunity determination. R. 447-448. "Not engaged in unlawful activity" was and is an element of the Act that Yarnell had to prove, as is "in a place he had the right to be."

The defense argued that where Yarnell's vehicle was parked did not matter, because our Supreme Court apparently eliminated any and all geographical restrictions when it came to self-defense in *State v. Jones* and *State v. Glenn*.¹⁸ However, that is not what the Court meant. The quote the defense relies on from *Jones* was, "[W]e find the Legislature intended the protection of subsection (C) to apply to incidents, provided the other requirements are met, without a geographic restriction." *Jones*, 416 S.C. at 297-298, 786 S.E.2d at 139-140. The Court was talking about how Section C in general opened up the right to claim self-defense to and at any place a defendant *had the right to be*, where previously individuals could only claim it in homes, businesses, and vehicles. The fact that Yarnell was trespassing still matters here.¹⁹

¹⁸ *State v. Glenn*, 429 S.C. 108, 838 S.E.2d 491 (2019); *State v. Jones*, 416 S.C. 283, 786 S.E.2d 132 (2016).

¹⁹ It is worth noting that the defense utilized (not by name) *State v. Marshall*, 428 S.C. 11, 15, 832 S.E.2d 618, 620 (Ct. App. 2019) in their argument, R. 457, but in that case, *the victim* was on a no trespass order, but his girlfriend (who had asked for the order) had invited him over that night anyway, making the applicability of the case negligible.

The Court did *not* say that meant a person was entitled to the protection of self-defense no matter where they are parked or what they are doing. The “provided the other requirements are met” means all the elements of Section C (and the other self-defense elements and sections of the PPPA for that matter), including the one where a defendant must prove he had a right to be in the place he was, must still be proven. In *Jones*, both the victim and the defendant were in a place they had the right to be, so Jones could only claim immunity under Section C. If this line of thinking prevails, an individual could park in anyone’s driveway without permission (because geography does not matter) and then be entitled to Section C’s elimination of the duty to retreat when a homeowner started an argument with them about it and an altercation occurred. If Yarnell had been invited and had not been asked to leave, he *would* have been in a place he had the right to be and could avail himself of Section C. But he was asked to leave, and he refused.

The private parking lot was not like the public hotel lobby the defense argued it was from *State v. Williams*, 280 S.C. 305, 306-307, 312 S.E.2d 555-556 (1984). The *Williams* court drew a sharp distinction between a public and a private place. *Id.* The Maddington Place parking lot was not a place the “general public had the right to resort” or by “point of fact [was] public rather than private.” *Id.* Williams had paid for a room already, and he was at the hotel’s desk (where any member of the public could come in and rent a room) attempting to secure a refund when the fight happened. There were no “no trespassing” signs in the lobby (assumedly), and one could not be automatically penalized (or towed, as in this case) by their mere presence in the lobby. *Id.*

Nevertheless, Judge Hayes ignored the fact that Yarnell was breaking the law, and instead ruled that because Yarnell did not have a premeditated motive to do serious bodily harm, and because he was never actually charged with the lesser crimes, his lesser crimes did not matter to the analysis. R. 559, FN 22, 560. This was an error of law. But even if, for argument’s sake, Yarnell did have a right to be there and was also not engaged in any unlawful activity, he still only

had the right to meet force with force to be entitled to Section C's elimination of the duty to retreat.

Like in *Oates*, where this Court held the appellant was not entitled to Section C of the PPPA's immunity from the duty to retreat because his use of deadly force against the victim was not necessary to prevent his own death or injury, Yarnell also only had the right to meet force with force, and killing the victim was not necessary to prevent Yarnell's own death or injury. *Oates*, 421 S.C. at 16, 803 S.E.2d at 919. An immunity determination is based, again, on reasonableness and proportionality. Here, the victim had no way to actually injure Yarnell. Therefore, Yarnell was not entitled to Section C, and thus had to prove element 4 of self-defense, and had the duty to retreat before firing. *State v. Fuller*, 297 S.C. 440, 444, 377 S.E.2d 328 (1989); *State v. Jackson*, 227 S.C. 271, 279, 87 S.E.2d 681, 685 (1955) (finding one has the duty to avoid taking human life if at all possible, unless the danger of being killed or suffering serious bodily harm is increased by retreating.)

Judge Hayes Ruled Yarnell's Trespass was not the Proximate Cause of the Death

In *State v. Leaks*, 114 S.C. 257, 103 S.E. 549 (1920), a case our Supreme Court decided over ninety years before *Duncan* immunity hearings were established, and a case that the defense squarely hung its hat on, was a case where two men were *both* participating in the illegal act of gambling when they got into a fight, and one killed the other. The Court ruled, of course, that the "causal connection between the unlawful act of gambling and the encounter arising during the progress of the game between the participants [was] too remote to destroy the right of self-defense." *Leaks*, 103 S.E. at 551. But in *Leaks*, unlike in this case, both men were engaged in unlawful activity. Here, only Yarnell was engaged in unlawful activity.

“Statements or circumstances which are explanatory of the main fact are admissible in evidence as part of the res gestae . . . [they] must possess the very characteristic of being well calculated to unfold the nature and quality of the main fact, and so harmonize with it as to obviously constitute a single transaction.” *State v. Long*, 186 S.C. at 439, 195 S.E. at 626. In a proximate cause analysis, the res gestae of what occurred in the hours or even days leading up to the killing matters. Here, Yarnell was asked to leave a private property and actually left. As he had no lawful reason to return, his returning, full of anger, was the proximate cause of the death. Yarnell even admitted that the victim would not have died if he had not come back to the parking lot. R. 404. Judge Hayes made an error of law by finding Yarnell’s return in his vehicle was not the proximate cause of Michael Pennington’s death. R. 552-553. This Court should reverse and remand.

CONCLUSION

For all of the foregoing reasons, the State respectfully requests that the Order granting immunity be vacated and reversed, and this matter remanded for further proceedings.

Respectfully submitted,

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Columbia, South Carolina

September 17, 2024

* Ms. Battenfield filed the initial brief but has since left the Attorney General's Office. Thus, the signature block has been modified to reflect that change.

RECEIVED

Sep 17 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Horry County
Honorable J. Mark Hayes, Circuit Court Judge

THE STATE,

APPELLANT,

v.

ANIJAH YARNELL,

RESPONDENT.

Appellate Case No. 2023-000571

PROOF OF SERVICE

I, Melody J. Brown, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Final Brief of Appellant has been forwarded to Respondent's counsel, Robert Dudek, Esquire, via email on September 17, 2024 to RDudek@sccid.sc.gov, and to Mr. Dudek's assistant, Kaylynn Warren, KWarren@sccid.sc.gov.

I further certified that all parties required by Rule to be served have been served. This is the 17th day of September 2024.

s/Melody J. Brown

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From: Brandy Rankin
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To: Dudek, Robert
Cc: Melody Brown; Warren, Kaylynn
Subject: The State v. Anijah Yarnell - Final Brief of Appellant - Appellate Case No. 2023-000571
Attachments: Final Brief of Apellant & Proof of Service, Anijah Yarnell, 9-17-24.pdf

Dear Mr. Dudek,

Please find attached the Appellant's Final Brief in the above captioned matter along with the Proof of Service. These documents will be filed with the South Carolina Court of Appeals, today, September 17, 2024 along with a copy of this email. Thank you and have a great evening.

Sincerely,
Brandy Rankin

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SC Court of Appeals

STATE OF SOUTH CAROLINA

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Appeal from Horry County

Honorable J. Mark Hayes, Circuit Court Judge

THE STATE,

APPELLANT,

V.

ANIJAH YARNELL,

RESPONDENT

APPELLATE CASE NO. 2023-000571

FINAL BRIEF OF RESPONDENT

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TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES	iii
APPELLANT STATEMENT OF THE ISSUE.....	1
COUNTER STATEMENT OF THE ISSUE.....	2
STATEMENT OF THE CASE.....	4
STATEMENT OF THE FACTS	5
Introduction.....	5
Relevant Facts	5
Arguments of Counsel	13
Order Granting Immunity	15
STANDARD OF REVIEW	18
ARGUMENT	

1.

The trial court did not abuse its discretion by finding respondent was without fault in bringing on the difficulty. Respondent having another disagreement or argument with his girlfriend, who was not the decedent, did not bring on the difficulty. The aggressive threatening decedent reaching into respondent's occupied automobile and punching him brought on the difficulty.19

2.

The trial court did not abuse its discretion in finding respondent was in actual danger of great bodily injury or death where the decedent was threatening respondent, where the decedent attacked respondent, threatening him and punching him through the car window where respondent also had the right to act on appearances.22

3.

The trial court did not abuse its discretion in its well-reasoned analysis of S.C. Code § 16-11-440(A)(1) & (2), as to the presumption of fear in the immunity statute by reasoning the evidence showed respondent, at a minimum, had reason to believe the aggressive and cursing decedent was going to harm him where the decedent was threatening respondent and punched him since the decedent was unlawfully and forcibly trying to enter respondent's occupied vehicle at the time the shooting occurred.....24

4.

The trial court did not abuse its discretion by finding respondent was not engaged in unlawful activity within the meaning of the Protection of Persons and Property Act, and that respondent was also in a place where he had a right to be should he claim that right also under the statute, where respondent was merely on the premises to return his girlfriend's property, and he was not trespassing, neither of which was the proximate cause of the decedent's death regardless.....26

CONCLUSION.....29

TABLE OF AUTHORITIES

Cases

<u>State v. Burriss</u> , 334 S.C. 256, 513 S.E.2d 104 (1999).....	27
<u>State v. Cervantes-Pavon</u> , 426 S.C. 442, 827 S.E.2d 564 (2019).....	13
<u>State v. Curry</u> , 406 S.C. 364, 752 S.E.2d 263 (2013).....	18, 19
<u>State v. Davis</u> , 282 S.C. 45, 317 S.E.2d 452 (1984).....	19
<u>State v. Dickey</u> , 394 S.C. 491, 716 S.E.2d 97 (2011).....	21
<u>State v. Duncan</u> , 392 S.C. 404, 709 S.E.2d 662 (2011).....	18, 24
<u>State v. Fuller</u> , 297 S.C. 440, 377 S.E.2d 328 (1989).....	21
<u>State v. Glenn</u> , 429 S.C. 108, 838 S.E.2d 491 (2019).....	13
<u>State v. Goodson</u> , 312 S.C. 278, 440 S.E.2d 370 (1994).....	27
<u>State v. Jones</u> , 416 S.C. 283, 786 S.E.2d 132 (2016)	18, 24
<u>State v. Manning</u> , 418 S.C. 38, 491 S.E.2d 148 (2016).....	28
<u>State v. McCarty</u> , 437 S.C. 355, 878 S.E.2d 902 (2022)	15, 19
<u>State v. McCaskill</u> , 300 S.C. 256, 387 S.E.2d 268 (1990).....	27
<u>State v. Pittman</u> , 373 S.C. 527, 647 S.E.2d 144 (2007).....	18
<u>State v. Scott</u> , 424 S.C. 463, 819 S.E.2d 116 (2018)	28

Statutes

S.C. Code § 16-11-440.....	passim
S.C. Code § 16-11-450.....	4, 17

Other Authorities

Protection of Persons and Property Act.....	passim
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APPELLANT STATEMENT OF THE ISSUE

1.

Whether Judge Hayes abused his discretion by finding Yarnell was without fault in bringing on the difficulty when Yarnell called Remi over 200 times, made her fearful he would attack her with a weapon, showed up at her friends' private condo and refused to leave after being lawfully ejected multiple times, then left and came back full of anger with no lawful reason to return *and* presented a weapon to the unarmed victim.

2.

Whether Judge Hayes abused his discretion by finding Yarnell was in actual danger of death or great bodily injury when it lacked evidentiary support: Yarnell's window was only cracked 2-3 inches, the door was locked, the victim was squeezed up against another car, and the victim had no weapon, tool, or way by which to enter the vehicle, making it impossible for Yarnell to have been in actual danger of death or serious bodily injury.

3.

Whether Judge Hayes abused his discretion and committed an error of law by applying strict liability to Section A of the PPPA, ruling that because one of Pennington's fingerprints was found on Yarnell's car, Yarnell automatically had the right to shoot to kill because he was entitled to Section A's presumption of reasonable fear (regardless of whether actual entry into the vehicle was possible) when every element of self-defense and the corresponding sections of the PPPA are analyzed as a totality test.

4.

Whether Judge Hayes abused his discretion and made an error of law by finding Section B of the PPPA (revoking any entitlement to Section A's presumption of reasonable fear) did not

apply when Yarnell was engaged in an unlawful activity when he fired, and by finding Yarnell was in a place he had the right to be and his presence was not the proximate cause of the victim's death under Section C.

COUNTER STATEMENT OF THE ISSUES

1.

The trial court did not abuse its discretion by finding respondent was without fault in bringing on the difficulty. Respondent having another disagreement or argument with his girlfriend, who was not the decedent, did not bring on the difficulty. The aggressive threatening decedent reaching into respondent's occupied automobile and punching him brought on the difficulty.

2.

The trial court did not abuse its discretion in finding respondent was in actual danger of great bodily injury or death where the decedent was threatening respondent, where the decedent attacked respondent, threatening him, and punching him through the car window where respondent also had the right to act on appearances.

3.

The trial court did not abuse its discretion in its well-reasoned analysis of S.C. Code § 16-11-440(A)(1) & (2), as to the presumption of fear in the immunity statute by reasoning the evidence showed respondent, at a minimum, had reason to believe the aggressive and cursing decedent was going to harm him where the decedent was threatening respondent and punched him since the decedent was unlawfully and forcibly trying to enter respondent's occupied vehicle at the time the shooting occurred.

4.

The trial court did not abuse its discretion by finding respondent was not engaged in unlawful activity within the meaning of the Protection of Persons and Property Act, and that respondent was also in a place where he had a right to be should he claim that right also under the statute, where respondent was merely on the premises to return his girlfriend's property, and he was not trespassing, neither of which was the proximate cause of the decedent's death regardless.

STATEMENT OF THE CASE

Respondent was indicted at the June 2021 term of the Horry County grand jury for the offenses of murder and possession of a weapon during a violent crime. R. 612 - 615. Respondent and the state filed pre-hearing briefs on the issue of immunity under the Protections of Persons and Property Act. R. 540 - 546.

An immunity hearing was convened on November 14, 2022, before the Honorable Mark Hayes. Morgan Martin and Morgan O'Brian Martin represented respondent. Nancy Livesay and Christopher Helms were the assistant solicitors. R. 1. The immunity hearing concluded on November 16, 2022. R. 1-538

The trial judge issued an order granting the motion for immunity from prosecution pursuant to S.C. Code § 16-11-450, dated April 4, 2023. R. 547 - 561.

Appellant, the local solicitor's office, filed a notice of intent to appeal. The state then filed its brief of appellant.

This brief of respondent follows.

STATEMENT OF THE FACTS

Introduction

During the immunity hearing from November 14-16, 2022, the trial court heard the testimony of fifteen witnesses, and it reviewed a plethora of exhibits, many of which are now before this Court. The trial judge issued a fifteen-page order analyzing the statutes and case law pertaining to the Protection of Persons and Properties Act, the law of self-defense, and applying the applicable law to the facts of this case. Importantly, the judge found respondent to be a credible witness. Order at 11, n. 19; R. 557.

Relevant facts

Melissa Canon was a friend of respondent's girlfriend, Remi Hargrove. R. 39, l. 19 – 40, l. 8. Melissa was in Columbia, South Carolina on the day this incident happened in Myrtle Beach. R. 40, ll. 9-11. Melissa was actually on the telephone with respondent "at the time that this incident occurred." R. 40, ll. 19-24.

Melissa remembered that she was watching a movie with her friend, Michelle Hargrove, when respondent called her from his car. "[A]ll of the sudden I hear a bunch of noise like somebody ran up on the car, and I hear, you know, you want me to cuss . . . I heard: 'get the fuck out of the car, N, I'm going to beat your ass, get out of the car,' and then, within like a couple of seconds I could hear the door like someone was trying to get into the car door, and then Anijah [respondent] said, 'am I supposed to be scared of that?' and I was, like, what is going on . . . and then it was like the phone dropped." R. 40, l. 25 – 41, l. 22. Melissa distinctively remembered a person saying to respondent: "[G]et the fuck out of the car, I am going to fuck you up." R. 42, ll. 3-9.

Melissa testified that the respondent sounded “sincere” on the phone, and she thought that because of the belligerence and anger she heard from the other person or persons, that there was more than one person going after the respondent at the time. R. 43, ll. 1-20. Melissa was “scared” following their telephone conversation. She spoke again with respondent later that night. Respondent told her “a couple of times” that when he was attacked that “[h]e wanted to leave but he couldn’t get out of the parking space.” R. 44, ll. 4-16.

Melissa said that respondent admitted he shot the decedent, Mike Pennington, but she did not think respondent realized the decedent had died. R. 44, ll. 11-25. Melissa offered that she told respondent if he was telling her the truth, that he needed to go home and turn himself in. R. 45, ll. 1-6. Melissa also related that she heard the man tell respondent several times while she was on the phone with him to “get the fuck out of the car, I am going to fuck you up.” R. 45, ll. 1-13.

On cross-examination by the solicitor, Melissa acknowledged that she knew that respondent was upset because he had planned to go out with Remi to dinner that evening, but Remi had planned to go to dinner that night with her family instead. R. 53, ll. 2-8. Melissa was aware respondent was attempting to return Remi’s clothes to her that evening, and that he was upset that Remi was not returning his calls. Melissa asked respondent not to throw her “stuff” away because he was upset about the difficulty in getting to talk to Remi. R. 51, l. 8 –53, l. 6.

On redirect examination, Melissa confirmed it was not unusual for respondent and Remi to “bicker” and argue about things. This was definitely not the first time it had happened. Melissa testified that the man telling respondent to get out of his car that he was going to “fuck you up” while she was on the phone with respondent was the aggressor in what was occurring that night. R. 61, ll. 10-23. Melissa said although she thought respondent’s car window was

rolled up at the time this occurred that she still able to hear what was going on. She did not know for a fact whether the car window was up or down. R. 61, ll. 4-15.

Derrin Card was visiting from New York on the day of the shooting. He went to dinner with Remi Hargrove and Card's girlfriend, Jennifer. R. 63, l. 16 – 64, l. 14. Card had seen respondent "a couple of times" before that evening, and he had met him.¹ R. 64, ll. 19-24.

As to the fatal altercation itself, Card remembered when respondent returned to the Villas complex parking lot that the decedent approached the respondent's car. Respondent's car window appeared half-way down. The decedent attempted to punch respondent through the window. The decedent pulled on the car door handle to open the door, but he could not open it. R. 70, l. 6 – 72, l. 2. Card did not know whether the decedent's arm was inside of respondent's car when respondent shot him. R. 85, ll. 6-8.

On recross-examination, Card admitted that respondent could not have simply driven away from the decedent's attack that night. Respondent would have had to turn around or back out. Card also admitted he never heard respondent threaten the decedent. However, Card claimed the decedent was not smoking marijuana in the apartment complex parking lot that night, and he did not see the decedent use cocaine that evening either. R. 95, l. 13 – 96, l. 24.

Doctor Robert Bennett, the toxicologist, then testified that the decedent's blood results were positive for a major metabolic product of cocaine, and Xanax. R. 122, l. 18 – 124, l. 15. The lab results indicated recent cocaine consumption by the decedent. Doctor Bennett opined that cocaine use results in increased aggression, especially with cocaine-dependent individuals.

¹ Defense counsel told the trial judge she considered Card a hostile witness, and the judge asked Card to answer counsel's questions. R. 71, ll. 10-19.

Dr. Bennett testified that individuals who use both cocaine and alcohol showed the highest aggression levels. R. 124, l. 16 – 127, l. 24.

Doctor Bennett further observed that the totality of the drugs present in the decedent's system made it more likely than not that the decedent was exhibiting signs of aggression at the time of the incident. R. 130, ll. 4-14. The decedent's blood-alcohol concentration was .05. R. 137, l. 16 – 138, l. 18. Doctor Bennett stated that this revealed the decedent was impaired. R. 138, ll. 4-8. Further, Doctor Bennett said to a reasonable degree of medical certainty, the decedent [was] displaying some signs of aggression based on the drugs and the number of drugs that [were] in his system at the time. R. 153, l. 21 – 154, l. 20.

Investigator Jonathan Kelly went to respondent's house at around 11 p.m. on the night of the shooting. Kelly identified on State's Exhibit #40, which is before this Court for viewing, that showed what appeared to be a hole in the driver's side window. R. 159, l. 21 – 160, l. 6. Kelly said the damage to the driver's side window appeared to be from the inside of the window outward. The window was down 2.5 to 3 inches from the top of its frame. R. 162, l. 8 – 163, l. 22.

Kimberly Mears was a SLED forensic agent from the print division. Agent Mears testified the fingerprint from the front driver's door of respondent's car matched the decedent's fingerprint. R. 194, l. 18 – 195, l. 10. On cross-examination, Mears said there was obviously no way to tell when the fingerprint was left on respondent's car. R. 198, ll. 3-19.

Jill Domogauer did crime scene investigation in this case. She testified that there was only one entrance and exit out of the condominium complex “[s]o it's the same entrance. You go in there, there is no turn around to come back out. You would have to go down and then come

back out.” R. 206, l. 14 – 207, l. 1. She also said that the parking lot was “extremely full” that evening. R. 207, l. 22 – 208, l. 17.

Domogauer identified a case of Michelob Ultra beer which contained eleven cans and one partially opened can which was on ground between “a silver Toyota and a Dodge van.” R. 208, l. 25 – 209, l. 8. She also testified on cross-examination that she believed that there was not anything blocking the condominium exit that evening. “There was law enforcement calling for scene security, but other than that, no.” R. 249, l. 8 – 250, l. 3.

Courtney Johnson of the Horry County police department testified that cocaine was found in the decedent’s pocket. The state argued that the fact that cocaine was in the decedent’s possession was irrelevant. The judge overruled that objection. R. 252, l. 14 – 255, l. 2.

Sara Zapata testified that the decedent could not be fully excluded as a DNA contributor to what was found on the gun. R. 260, l. 24 – 262, l. 25. That DNA report, State’s Exhibit #27, is before this Court.

The decedent’s girlfriend, Emily Cerio, testified that she was with respondent’s girlfriend, Remi Hargrove, all day on the date of the incident. According to Cerio, Remi turned her phone off and had no contact with respondent for most of the afternoon. Cerio confirmed that when they returned to the condominium parking lot, Remi was driving since Cerio had been drinking. R. 271, l. 4 – 272, l. 5; R. 278, ll. 10-24.

Cerio testified that they had pulled into the parking lot and had gone inside. When Cerio walked back downstairs, she saw respondent pull into the parking lot. She acknowledged that the decedent had brought a case of beer with him. R. 280, l. 2 – 281, l. 8.

Cerio nonetheless maintained the decedent was not drinking at the time. She did not recall if the decedent was smoking a marijuana blunt in the parking lot. She also did not know if the decedent had cocaine in his possession. R. 281, ll. 9-18.

Cerio remembered the decedent saying to respondent during the altercation: "I'm from Virginia, and if you pull a gun, you better pull the trigger." R. 281, ll. 19-21. Cerio admitted that she saw the decedent swinging at respondent through the window of his car. R. 282, l. 25 – 283, l. 22. She told the decedent to stop. She claimed that respondent started backing out of the parking space, and then stopped. She acknowledged the decedent was trying to open respondent's car door during the incident. R. 284, l. 1 – 285, l. 3. The following occurred with Cerio:

Q. [B]ut at any rate, there's no question did he reach through the window and hit him?

A. Yeah.

Q. Grabbed him at the door?

A. Yes.

Q. You were telling him to stop, let it go, weren't you?

A. Yes.

Q. Now, let me turn you to page nine. I mean, page 10. The detective asked you about Remi and Anijah arguing that day. Do you see that?

A. Yes.

Q. And your response was: I think it's common, they argue all the time, but I guess he was upset because she wasn't home when he got home from work and then she just turned off her phone and he kept just blowing up her phone. Do you see that?

A. Yes.

R. 285, l. 19 – 286, l. 9.

Cerio claimed that no one touched respondent until he pulled the gun. R. 299, ll. 1-7. On redirect examination, Cerio admitted that the decedent reached into the car and hit respondent at least once. The decedent also tried to get into respondent's car after the gun was pulled. R. 305, l. 12 – 309, l. 24.

Respondent testified during the immunity hearing. The trial judge wrote in his order granting immunity that records indicated respondent was twenty years old. "He was five feet tall, and weighed one-hundred eighty pounds at the time of his arrest." His demeanor while testifying was respectful to both attorneys while being questioned. He was not argumentative or belligerent. He appeared nervous, but also genuine in his attempts to give answers to the questions presented to him. His demeanor remained the same even when pressed by the state. *He was a credible witness.*" Order granting immunity at 11, n. 19. (emphasis added). The judge also noted that "Remi was not called as a witness." Order granting immunity at 11, n. 19. R. 557.

Respondent testified that he was invited to have dinner that evening with Remi, but then plans changed. At around 3:00 or 4:00 p.m. on the day of the incident, Remi told respondent to come over, that she would give him "gas money," and she offered that "I really want to see you and I love you." R. 329, l. 15 – 332, l. 4. Respondent explained that he went to the Crossgate Villas that night to see Remi, talk to her, and to drop off her clothes. R. 329, l. 25 – 332, l. 17.

Respondent made it clear that he always kept a gun in his center console, and that he liked to shoot his gun at a shooting range. The gun was in the center console as usual on the day he was attacked. R. 333, l. 24 – 334, l. 17. Respondent was not anticipating any trouble when he went to the Villas that night. R. 334, ll. 10-12.

Respondent remembered that when he pulled into the parking lot, he asked the decedent if Remi was coming to get her clothing and other items. R. 338, l. 1 – 339, l. 17.

Respondent again explained on cross-examination that the decedent had approached his car, and he put his beer down in the parking lot when he approached. “He forcefully tried to enter my vehicle by pulling the door handle. I rolled the window down a little bit, he grabbed the window and I started backing up . . . he started punching me through my vehicle and I grabbed my firearm in my central console . . . when I got my gun out of the central console he said, ‘if you pull a gun out you better use it’ and he reached in for the gun, and I shot one time in his general direction to get him off of me.” R. 416, l. 14 – 417, l. 16.

On redirect examination, respondent said all he wanted that night was to give Remi her personal belongings, and go home. Respondent testified that it was his understanding that Remi wanted him to stay there, give her the pictures and other items, and then he could go home. R. 436, l. 1 – 437, l. 3.

Darla Benoit was the homeowners’ association property manager for the property where the shooting occurred. Benoit acknowledged that there was a sign hanging that said, “private property, no improper vehicles, trailers and violators will be towed from the area.” R. 477, ll. 16-19. There was no sign that said: “No entry.” R. 477, l. 20 – 478, l. 1.

There was no gate at the end of the property and no fence around the property. She admitted that FedEx trucks were able to drive onto the property and drop off packages and that the property was accessed for deliveries and other legitimate purposes. There was not a “no trespassing” or “no entry” sign on the property. R. 479, l. 18 – 481, l. 17. Benoit also admitted there was no security guard at the gate and when there was a problem on the property “[w]e tell the owners to call the police if the owners are seeing something.” R. 480, l. 22 – 481, l. 12.

Arguments of Counsel

Defense counsel Martin noted that the Protection of Persons and Property Act protected people, such as respondent, who were attacked in an “occupied vehicle.” R. 500, ll. 4-17. Counsel noted the standard of proof was by a “preponderance of the evidence.” R. 500, ll. 17-25. Counsel also argued that there being conflicting evidence did not mean that the judge could simply send the case to the jury. R. 500, l. 25 – 501, l. 11. Further, the fact that respondent was ultimately found not to be armed was not dispositive. R. 501, ll. 15-22.

Defense counsel cited State v. Glenn, 429 S.C. 108, 838 S.E.2d 491 (2019) and State v. Cervantes-Pavon, 426 S.C. 442, 827 S.E.2d 564 (2019) as support for these legal principles. Further, it is also clear respondent had the right to act on appearances even if his ultimate belief was mistaken. Under the law of self-defense “you do not have to wait for your adversary to get the drop on you, that’s the caselaw, and thirdly, that threatening words accompanied by aggressive actions are a sufficient basis for one to act in self-defense.” R. 501, ll. 15-22.

Counsel also argued respondent was in his own car -- which was a place where he had a right to be -- and while in that occupied car the presumption of reasonable fear of imminent peril applied when respondent was attacked, and the decedent entered or tried to enter his car. R. 502, l. 1 – 503, l. 17. Defense counsel noted that respondent was in his car, he drove into the parking lot, he did not get out of his car, he rolled his window down, and the decedent told him to “get the fuck out of the car, I’m going to fuck you up.” R. 503, l. 8 – 504, l. 4.

The decedent was the aggressor, and respondent was not at fault for bringing on the difficulty given the evidence in this case. Further, the decedent was under the influence of alcohol, likely cocaine, marijuana, and Xanax, given the testimony. This was further evidence of respondent’s fear that evening, and why he believed he was in imminent peril. There was “no

excuse” for the decedent attacking respondent while respondent was inside of his own car. R. 504, l. 11 – 508, l. 8.

Counsel said it would be absurd to assert that respondent, while in his own car in the parking lot of a condominium building complex, could not defend himself when he was attacked inside his own car. That was not a result the legislature intended. R. 508, l. 3 – 510, l. 23. Counsel said that immunity needed to be granted unless the judge accepted the proposition that by simply driving in his car to the Villas parking lot respondent was at fault for bringing on the difficulty. R. 510, l. 14 – 513, l. 22.

The solicitor argued that the decedent was acting in defense of Remi Hargrove. R. 521, l. 13 – 522, l. 6. The solicitor said that the decedent was invited to go to the condominiums, and she maintained respondent was never invited to the condominiums, and that he was told to leave. R. 522, ll. 6-11. The solicitor asserted that respondent should be considered the aggressor. R. 525, ll. 4-17.

The solicitor admitted the decedent’s arm went inside respondent’s vehicle but she questioned “when?” R. 525, l. 16 – 526, l. 15. The solicitor contended that respondent was the aggressor, and respondent did not have a right to be on the property that night. R. 530, ll. 9-20.

Defense counsel countered that the evidence showed respondent did not even know the decedent was there that night when he went over. Counsel continued that although the solicitor claimed the decedent was acting in self-defense of Remi Hargrove, Remi was upstairs in her apartment, and she did not need anyone defending her. R. 532, l. 5 – 533, l. 11. Further, the scientific evidence showed that the decedent was only ten to twelve inches from the gun when he was shot. The decedent attacked respondent while respondent was inside his own “occupied vehicle.” Respondent had no malice towards the decedent. Respondent’s girlfriend Remi had

even offered respondent gas money to come to the condominiums that night, and respondent had a right to defend himself from this unwarranted attack. R. 534, l. 9 – 537, l. 18.

After the arguments by counsel, the judge took the matter under advisement. The judge said he would go through the record thoroughly and issue an order for the appellate courts to review. The judge noted he had gotten reversed before because he did not give a proper and thorough immunity analysis.² R. 537, l. 19 – 538, l. 17.

Order Granting Immunity

A written order granting respondent immunity dated April 4, 2023, was issued. R. 547 – 561. In his order granting immunity, the judge wrote “when [respondent] drove his vehicle into the common area of the parking lot to drop off Remi’s belongings, he was not trespassing. Remi had consented to [respondent] bringing her belongings to the complex. Even though he did not have a hanging tag, he was not in violation of Maddington Places rules. A vehicle on the property for the purpose of making a delivery of goods does not violate its posted rules. This Court cannot conclude that [respondent] was engaged in an unlawful act at the time of the altercation or attempting to commit an unlawful act. Thus, 16-11-440(B)(1)(Pennington had no right to be in [respondent’s] vehicle) and (B)(3)([respondent] was not using his vehicle for an unlawful purpose) do not disqualify [respondent] from immunity. Nevertheless, based on the facts presented to this Court, much like the McCarty case, even if [respondent] were to be considered trespassing when in a common area of the parking lot, his being in his vehicle was not the proximate cause of the attack against him. Order at 6-7. R. 552 – 553.

² While it is generally improper to cite an unpublished opinion, the trial judge was apparently referring to State v. Lunsford, 2021-UP-197 (Filed June 9, 2021), which was likely fresh in the judge’s mind at the time of this November 14-16, 2022 immunity hearing, and the issuance of his April 4, 2023 order granting respondent immunity.

The order further noted that respondent came to the condominium to give Remi her clothes and “stuff” back. The decedent put his beer down in the parking lot and screamed “get the fuck out of the car so I can fuck you up.” Order at 11. R. 557.

The Court found that respondent was a credible witness, and respondent’s testimony was that the decedent was belligerent and aggressive. Cocaine was found in the decedent’s possession, and the toxicology report revealed that Xanax and marijuana were in his blood stream. Order at 11. R. 557.

Further, the judge found that the decedent started the altercation in the parking common area of Maddington Place. Order at 12. R. 558. Respondent merely coming to Maddington Place where he was in the common area of the parking lot “to deliver Remi her belongings,” this was not an unlawful act. Respondent had been “to the complex before and Remi had provided her consent for [respondent] to be there.” “Based on the totality of information presented during the hearing, this Court cannot conclude that [respondent] had a premeditated motive to do serious bodily harm or death to Remi.” Order at 13, n. 22. R. 559.

Respondent was not at fault for bringing on the attack and respondent did not provoke the decedent’s attack on him while respondent was inside of his own car. Order at 14. R. 560.

The order continued:

Based on the above, this Court's finding(s) and conclusion(s) are, the [Respondent]³ has met his burden of proof of establishing by a preponderance of the evidence the defense of self-defense. [Respondent] had done nothing to Pennington to provoke Pennington's attack on him while [Respondent] was in his vehicle. [Respondent] was not at fault in bringing on the attack. The facts are such that this Court is convinced that [Respondent] believed he was in imminent danger of losing his life or sustaining serious

³ The judge in his order referred to Respondent Yarnell as “petitioner” since he was the moving party. For ease of reference, he is referred to herein as “respondent” which is his present legal status on appeal.

bodily injury and that he was actually in such imminent danger during the physical attack on him by Pennington. [Respondent's] fear and belief of imminent danger was real and a reasonable prudent man of ordinary firmness and courage would have come to the same belief. Also, circumstance of the attack placed the [Respondent] in actual imminent danger and these circumstances were such that would warrant a man of ordinary prudence, firmness and courage to strike the fatal blow in order to save himself from serious bodily harm or losing his own life.

Additionally, for purposes of Section 16-11-440(A), the [Respondent] is entitled to be presumed to have a reasonable fear of imminent peril of death or great bodily injury when he used deadly force because the person against whom he used deadly force was in the process of unlawfully and forcefully entering [Respondent's] occupied vehicle and, the person had attempted to remove [Respondent] from his occupied vehicle. The requirements of 16-11-440(A)(1) have been established. Also, [Respondent] has established by a preponderance of evidence that he was aware that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred at the time deadly force was used. Thus, the requirements of 16-11-440(A)(2) have been proven.

Also, this Court finds by a preponderance of the evidence that Section 16-11-440(B)(1) does not disqualify [Respondent] from immunity because Pennington had no right to be in or to lawfully occupy [Respondent's] vehicle. This Court also finds the [Respondent] was not engaging in an unlawful activity nor was he using the occupied vehicle to further an unlawful activity. See, 16-11-440(B)(3).

Therefore, having established his entitlement to immunity by a preponderance of the evidence, this Court finds the [Respondent] is immune from prosecution of the present charges in accordance with S.C. Code Section 16-11-450.

Order at 14-15. R. 560 – 561.

STANDARD OF REVIEW

“A claim of immunity under the Act requires a pretrial determination using a preponderance of the evidence standard, which this court reviews under an abuse of discretion standard of review.” State v. Jones, 416 S.C. 283, 290, 786 S.E.2d 132, 136 (2016), *citing* State v. Curry, 406 S.C. 364, 370, 752 S.E.2d 263, 266 (2013); State v. Duncan, 392 S.C. 404, 411, 709 S.E.2d 662, 665 (2011) (recognizing that the proper standard for the circuit court to use in determining immunity under the Act is a preponderance of the evidence). An abuse of discretion occurs when the trial court's ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support. State v. Jones, 416 S.C. 283, 290, 786 S.E.2d 132, 136 (2016) *citing* State v. Pittman, 373 S.C. 527, 647 S.E.2d 144 (2007).

ARGUMENT

1.

The trial court did not abuse its discretion by finding respondent was without fault in bringing on the difficulty. Respondent having another disagreement or argument with his girlfriend, who was not the decedent, did not bring on the difficulty. The aggressive threatening decedent reaching into respondent's occupied automobile and punching him brought on the difficulty.

Our Supreme Court has held that the defense must show, by preponderance of the evidence, that the defendant has a valid claim of self-defense, and that the circuit court judge must consider all of the elements of self-defense – except the duty to retreat. State v. McCarty, 437 S.C. 355, 368, 878 S.E.2d 902, 910 (2022) *citing* State v. Curry, 406 S.C. 364, 371, 752 S.E.2d 263, 266 (2013).

The Supreme Court noted the elements of self-defense are:

First, the defendant must be without fault in bringing on the difficulty.

Second, the defendant must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury, or he actually was in such imminent danger.

Third, if his defense is based upon his belief of imminent danger, a reasonably prudent man of ordinary firmness and courage would have entertained the same belief. If the defendant actually was in imminent danger, the circumstances were such as would warrant a man of ordinary prudence, firmness and courage to strike the fatal blow in order to save himself from serious bodily harm or losing his own life.

Fourth, the defendant had no other probable means of avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did in this particular instance. Curry, 406 S.C. at 371 n.4, 752 S.E.2d at 266 n.4 (quoting State v. Davis, 282 S.C. 45, 46, 317 S.E.2d 452, 453 (1984)). We

reiterated, however, that “[i]t is the fourth element—the duty to retreat—that is excused under the Act and the Castle Doctrine.” *Id.*

In its well-reasoned order granting immunity, the judge here correctly found respondent did not bring on the difficulty in this case. He was returning his girlfriend’s clothing and “stuff” to her at the Maddington Place. Respondent had planned on having dinner that night with Remi, but her friends being in town changed Remi’s plans. While there was evidence respondent was not happy about their dinner plans being changed, respondent, who the judge found “credible” readily admitted that he and Remi had had many disagreements or arguments in the past. This one was nothing unusual in the larger scheme of events.

Respondent simply drove onto the property at Maddington Place to give Remi her property back. He was not doing anything illegal, and he was inside his own vehicle which belonged to him. The decedent had no property or other interest in respondent’s vehicle. The decedent started the difficulties by putting his beer down, threatening respondent, and punching respondent while respondent was inside of his own car.

Melissa Canon heard much of what transpired because she was on the telephone with respondent at the time he was attacked. She heard a noise like somebody had run up to respondent’s car and that person said: “Get the fuck out of the car, N, I’m going to beat your ass.” It sounded like this person was trying to get inside respondent’s vehicle. R. 41 - 42. This person, the decedent, was angry, belligerent and aggressive. R. 43 - 44. He said “get the fuck out, I’m going to fuck you up” more than once and simultaneous with the sound of the decedent trying to get inside of respondent’s car. R. 45.

The evidence showed the respondent carried his gun inside the center console of his car. Respondent often went to the shooting range with this gun.

The judge correctly reasoned respondent did not bring on the difficulty where the decedent reached into respondent's car and punched him. It appeared the threatening, belligerent, and aggressive decedent was attempting to continue to punch respondent and open his car door. Respondent reasonably was in fear of great bodily harm or death under these circumstances. While the state notes that the decedent was eventually determined to be "unarmed," respondent had the right to act on appearances, even if his belief was ultimately shown to be mistaken. State v. Dickey, 394 S.C. 491, 501, 716 S.E.2d 97, 102 (2011) *citing* State v. Fuller, 297 S.C. 440, 443-44, 377 S.E.2d 328, 331 (1989). The judge did not abuse his discretion by finding respondent did not bring on the difficulty in this case.

2.

The trial court did not abuse its discretion in finding respondent was in actual danger of great bodily injury or death where the decedent was threatening respondent, where the decedent attacked respondent, threatening him and punching him through the car window where respondent also had the right to act on appearances.

The Court correctly found the evidence in this case showed the decedent was threatening respondent, and the decedent punched respondent through the opened or partially opened window on respondent's occupied vehicle. The judge also noted the toxicology evidence that the decedent was found with cocaine in his pocket, and the decedent had cocaine, Xanax, and marijuana in his system. The decedent was also correctly found to be threatening, belligerent and aggressive.

Respondent was in his own "occupied vehicle" at the time. Respondent having another disagreement with his girlfriend, Remi, in no way justified the decedent's actions. The judge properly rejected the solicitor's argument at the conclusion of the immunity hearing that the decedent was somehow defending Remi. As defense counsel correctly noted, Remi was upstairs and not in need of defending by the decedent or anyone else. As seen, the twenty-year-old respondent and Remi apparently argued or had disagreements on many prior occasions in the past as respondent admitted. The decedent was older than respondent, thirty-three years old, and he weighed one-hundred seventy-five pounds. He was punching respondent, and when respondent grabbed his gun from the center console to protect himself, the decedent attempted to grab respondent's gun.

Self-defense under these circumstances was what respondent was left with given the decedent's aggressiveness and his battering of respondent. The judge did not abuse his

discretion by finding respondent reasonably feared great bodily harm, or worst, death. Respondent was alone in his own car, and he was being attacked and punched. When respondent pulled his gun in self-defense, the decedent tried to take the gun. The “preponderance of evidence” established that respondent did not present the gun until after the decedent had approached the vehicle using threatening words such as “get out of the car and I will fuck you up” or “get out of the car so I can fuck you up” were made by the decedent, before or after he reached into the vehicle. After the gun was presented, Pennington stated “if you pull a gun, you better pull the trigger.” Order at 8-9. R. 554 – 555.

Respondent was acting in self-defense and he reasonably feared suffering great bodily harm or death. Respondent was entitled to the presumption of fear pursuant to S.C. Code § 16-11-440(A)(1) & (2), as the trial court reasonably found, and the judge did not abuse his discretion in finding respondent also met these elements of self-defense, elements (2) & (3), under these circumstances. Respectfully, this Court’s intervention given the judge’s thoughtful, well-reasoned order on this issue, and other issues raised by the state is not warranted.

3.

The trial court did not abuse its discretion in its well-reasoned analysis of S.C. Code § 16-11-440(A)(1) & (2), as to the presumption of fear in the immunity statute by reasoning the evidence showed respondent, at a minimum, had reason to believe the aggressive and cursing decedent was going to harm him where the decedent was threatening respondent and punched him since the decedent was unlawfully and forcibly trying to enter respondent's occupied vehicle at the time the shooting occurred.

The state incorrectly argued that the judge applied a "strict liability" standard as to S.C. Code § 16-11-440(A). Brief of Appellant at 22. The state also argues that the judge -- because one of the decedent's fingerprints was found on respondent's car -- "automatically had the right to claim section (A) presumption of fear." Brief of Appellant at 22-25. Respectfully, this is a misreading of the judge's order, and also of the facts of this case. The judge did not abuse his discretion in finding by a preponderance of evidence that respondent was entitled to the presumption of reasonable fear under S.C. Code § 16-11-440(A)(1) & (2).

There was far more evidence than merely the decedent's fingerprint being found on respondent's vehicle to show the decedent was unlawfully and forcefully entering respondent's "occupied vehicle." The decedent was punching respondent through the car window while cursing at him, and threatening him. Respondent was aware that the decedent was engaged in unlawful and forcible entry or unlawful and forcible act of forcefully entering his occupied vehicle, and the decedent had attempted to remove respondent from the vehicle. Order at 14. R. 560. See State v. Duncan, 392 S.C. 404, 709 S.E.2d 662 (2011); State v. Jones, 416 S.C. 283, 786 S.E.2d 132 (2016). Again, there was evidence the decedent was the aggressor, he was threatening respondent, and he was belligerent. A fair reading of this record and the judge's

order, shows the judge did consider the totality of the evidence and he did not apply a “strict liability” standard that because there was evidence that the decedent merely touched respondent’s vehicle he must have reached through the window and punched the respondent. Again, the judge found respondent was a credible witness and there was corroborating evidence of his testimony, including the testimony earlier during the immunity hearing of Melissa Canon who was on the phone with respondent at the time he was attacked. Respondent was entitled to the presumption in S.C. Code § 16-11-440(A)(1) & (2). The judge did consider the evidence of the respondent’s window being rolled down, and the extent to which it was rolled down, and the decedent being unarmed and him being unable to open respondent’s car door despite him trying to open that car door.

The judge was present at the immunity hearing, he observed the fifteen witnesses and viewed the exhibits introduced into evidence. The judge considered all of the evidence and to the extent it was conflicting, made reasonable findings of fact.

Importantly, as seen, the judge found the respondent credible. The state having a one-sided view of how far respondent’s window was down, and “the victim’s lack of a weapon or tools by which to break the window, or open the car’s door, or unlocked door” does not change the fact the judge made considered, well-reasoned findings of fact and conclusions of law as to this matter. The judge did not abuse his discretion.

4.

The trial court did not abuse its discretion by finding respondent was not engaged in unlawful activity within the meaning of the Protection of Persons and Property Act, and that respondent was also in a place where he had a right to be should he claim that right also under the statute, where respondent was merely on the premises to return his girlfriend's property, and he was not trespassing, neither of which was the proximate cause of the decedent's death regardless.

The state argues that respondent was engaged in crime of unlawful use of a telephone by continuing to call Remi when she did not want him to call her, and therefore he should not be allowed protection under the Persons and Property Act. The state also asserts respondent was trespassing because the condominium parking lot was "private property." Brief of Appellant at 26-31.

First, there was evidence Remi talked to respondent when she wanted to talk to him. Further, the judge found respondent credibly testified and respondent admitted that he and Remi often had disagreements or argued in the past, and they got over those disagreements in the past.

The state also argues that respondent was not in a place where he had a right to be because the parking lot was private property and because he refused to leave when asked to do so. Again, the HOA manager admitted the FedEx trucks made deliveries, and other common-sense activities were allowed on the property as long as visiting people did not break the law. If a visitor broke the law, the residents could call the police. Further, the decedent was not in position of authority to act as some kind rogue vigilante police officer by threatening the respondent, and by punching him.

Importantly, also, Remi was not in any danger in this case, as defense counsel noted, she was upstairs in an apartment. The decedent's drug addled threats and his physical attack upon the respondent were simply unwarranted. The decedent was not Remi's protector, and he was not a security guard for the complex. Further, no legitimate security guard would have engaged in such illegal, aggressive and dangerous behavior.

The state further criticizes the judge by claiming that the judge did not consider the fact that this was a private parking lot. Brief of Appellant at 27-31. The state urges that the judge should have found respondent was trespassing.

The state's arguments were considered by the trial judge when he ruled that respondent was not engaged in unlawful activity and that he was not trespassing. A reasonable review of the evidence respectfully reveals that a person such as respondent who merely came onto the condominium property to see his girlfriend or return her property and "stuff" was not banned from coming onto the property. He was not trespassing.

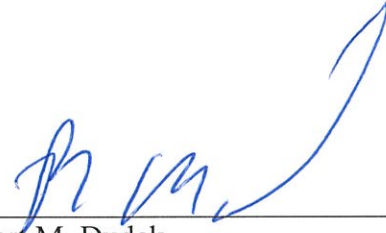
As to the state's contention that respondent should not be entitled to immunity because he was unlawfully using the telephone, the Supreme Court has held if a defendant had the right to arm himself in self-defense, the fact he is collaterally breaking the law in some other respect, does not disqualify him from his right to act in self-defense. See State v. Burris, 334 S.C. 256, 262, 513 S.E.2d 104, 108 (1999) (Read together, State v. McCaskill, 300 S.C. 256, 387 S.E.2d 268 (1990) and State v. Goodson 312 S.C. 278, 440 S.E.2d 370 (1994) stand for the proposition that a person can be acting lawfully, even if he is in unlawful possession of a weapon, if he was entitled to arm himself in self-defense at the time of the shooting).

What occurred in this case was truly unfortunate, but the decedent brought on the difficulty by aggressively threatening respondent, and by reaching into his vehicle and punching

him. The judge reasonably found the respondent acted in self-defense under these circumstances, and that he was entitled to the presumption of harm the legislature put in place when it passed S.C. Code § 16-11-440 (A) (1) & (2). See State v. Scott, 424 S.C. 463, 819 S.E.2d 116 (2018), where the Supreme Court found the judge's findings that Scott was acting in self-defense were not unreasonable or an abuse of discretion. As in State v. Scott and State v. Manning, 418 S.C. 38, 45, 491 S.E.2d 148, 151 (2016), this Court's standard of review respectfully requires that the judge's findings in his case be upheld. The judge's well-reasoned thoughtful analysis and his conclusion that respondent was entitled to immunity under the statute should be affirmed.

CONCLUSION

By reason of the foregoing arguments, the order of the lower court granting respondent immunity should be affirmed.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR RESPONDENT

This 10th day of September, 2024.

RECEIVED

Sep 10 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable J. Mark Hayes, Circuit Court Judge

THE STATE,

APPELLANT,

V.

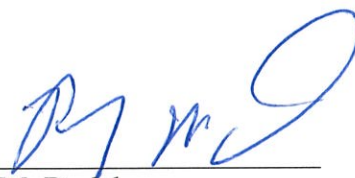
ANIJAH YARNELL,

RESPONDENT

APPELLATE CASE NO. 2023-000571

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies true copies of the Final Brief of Respondent in the above-referenced case have been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 10th day of September, 2024.



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR RESPONDENT

From: [Warren, Kaylynn](#)
To: [SC - BROWN MELODY](#)
Cc: [Dudek, Robert](#); [Angela Brown](#)
Subject: 2023-000571 The State v. Anijah Yarnell
Date: Tuesday, September 10, 2024 8:28:00 AM
Attachments: [2023-000571 The State v. Anijah Yarnell Final Brief of Respondent.pdf](#)
[FBOR Cover Letter.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Final Brief of Respondent which will be filed today, September 10, 2024, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Appellant,

v.

Anijah Yarnell, Respondent.

Appellate Case No. 2023-000571

Appeal From Horry County
J. Mark Hayes, II, Circuit Court Judge

Unpublished Opinion No. 2026-UP-276
Submitted April 22, 2025 – Filed June 3, 2026

AFFIRMED

Attorney General Alan McCrory Wilson, Deputy
Attorney General Donald J. Zelenka, Senior Assistant
Deputy Attorney General Melody Jane Brown, all of
Columbia; and Solicitor Jimmy A. Richardson, II, of
Conway, all for Appellant.

Chief Appellate Defender Wanda H. Carter, of
Columbia, for Respondent.

PER CURIAM: The State appeals the circuit court's order granting Anijah Yarnell immunity from prosecution under the Protections of Persons and Property

Act (the Act). *See* S.C. Code Ann. §§ 16-11-410 to -450 (2015). The State argues the circuit court abused its discretion by (1) finding Yarnell was without fault in bringing on the difficulty; (2) finding Yarnell was in actual danger of death or great bodily injury; (3) ruling that Yarnell was entitled to the presumption of reasonable fear because one of the decedent's fingerprints was found on Yarnell's car; and (4) finding subsection 16-11-440(B) of the Act did not apply when Yarnell was engaged in an unlawful activity and that he was in a place he had the right to be under subsection 16-11-440(C). We affirm.¹

FACTS

In May 2020, Yarnell was in a romantic relationship with Remington Hargrove (Remi). On May 14, 2020, Remi's family was visiting Myrtle Beach from New York, and the group had plans to go out for dinner together after Yarnell got off work. When the plans changed, Yarnell got upset and the couple engaged in a heated argument through text messaging. When Remi told Yarnell she would not be coming home that night, he demanded that she come home and threatened to destroy four photographs of her deceased father every thirty minutes she did not return home. Between around 2:30 p.m. and 9:00 p.m. that day, Yarnell called Remi over 200 times, sometimes from a blocked number. After the first few calls, Remi stopped answering and turned off her phone for most of the afternoon and evening. Around 5:45 that afternoon, Yarnell also began sending text messages to Remi's mother, Michelle, threatening to throw away Remi's belongings if she did not come home and collect them because Remi told him she was going to move in with one of her friends.

Later that night, Yarnell drove to the condo where he knew Remi and her family were headed after dinner. When Remi and her cousin, Emily Cerio, drove into the complex, Remi saw Yarnell's car, and she and Cerio got back in their car and left the complex. Remi and Cerio drove to a gas station. While there, Remi spoke to Yarnell on the phone and asked him to drop off her things and leave. Cerio and Remi met Cerio's boyfriend, Michael Pennington, at the gas station and asked him to come to the apartment complex because Remi was afraid of Yarnell.

When Remi and Cerio returned to the apartment complex parking lot, they passed by Yarnell as he was driving out of the complex. Remi and Cerio continued toward the building, parked the car, and went upstairs to the apartment.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

Pennington was already standing in the parking lot talking to Remi's aunt, Jennifer Tassone, and her boyfriend, Darrin Card, when Cerio and Remi returned.

In the meantime, Yarnell turned around and pulled back into the parking lot. He drove up close to where Pennington was standing. The record contains conflicting testimony as to what exactly happened next, but ultimately, Yarnell produced a handgun, shot Pennington through his partially-lowered window, and drove away.² Pennington died as a result.

An Horry County Grand Jury indicted Yarnell for murder and possession of a weapon during the commission of a violent crime. Yarnell claimed he shot Pennington in self-defense and thus sought immunity from prosecution under the Act. The circuit court held an immunity hearing. During the hearing, in addition to his own testimony, Yarnell presented the testimony of eleven witnesses, including Card, Cerio, and Melissa Cannon, who was on the phone with Yarnell during his confrontation with Pennington.³ Following the hearing, the circuit court granted Yarnell's motion for immunity.

Yarnell testified he went to the apartment complex that night for the sole purpose of dropping off Remi's clothes and belongings to her. He stated he also wanted to talk to her but he did not want to hurt her. Yarnell explained that he always kept his gun in his center console and that it was already there, loaded with a round in the chamber, when he left his home to drive to the apartment complex. He stated he liked to go to the shooting range from time to time and had been there recently prior to the altercation.

Yarnell testified that when he spoke to Remi shortly before she arrived at the apartment complex, she told him to "drop her stuff off then leave" and he interpreted that to mean to "wait until she got there to give her her stuff and then leave." He explained he got tired of waiting and had decided to leave but then Remi passed him on her way into the parking lot and he turned around to "finally drop her stuff off to her." Yarnell recalled that when he came back into the parking lot, he saw Card, Pennington, and Cerio standing together. He stated he lowered his window and asked, "[I]s Remi going to get her stuff or not?" Yarnell explained that Pennington, who was the only person to respond, reacted by screaming at him

² The bullet traveled through the window glass.

³ Cannon was friends with Michelle. Michelle had undergone a medical procedure that day, was disoriented from medication related to the procedure, and was staying with Cannon in Columbia the night of the shooting.

and telling him to "get the f*** out of the car, get the f*** out of the car so I can f*** you up." Yarnell testified that when Pennington first approached his car, he locked his doors. He recalled Pennington's demeanor was "belligerent" and "aggressive."

Yarnell stated Pennington, who was about the same size as him, "lifted his shirt up at a point in time and started wrapping something around his hand, [but] it was dark so [Yarnell] did[no]t see what it was." He testified Pennington approached his vehicle and "was forcefully trying to get in [the] vehicle" by pulling on the door handle. He stated the only way for him to get out of the parking lot was by backing out. Yarnell stated he tried to back up and leave but Pennington was moving along with his car and punched him through the lowered window and was trying to force his way inside. Yarnell testified Pennington was unable to land good punches because he was punching through the window and Yarnell had his hand up. He stated that as Pennington was punching him through the window, Yarnell reached into the center console for his gun and Pennington saw that he had a gun. Yarnell stated Pennington said "if you pull it out you better use it" and reached for the gun. Yarnell testified he fired one shot in Pennington's general direction out of fear for his life. Yarnell clarified that he "had no clue if [Pennington] had a weapon in his pocket" and "did[no]t know what his intentions were." He explained that he was afraid Pennington was going to take his gun from him and hurt or kill him with it. Yarnell acknowledged he did not see Pennington with a gun or knife in his hands but stated he could not fully see whether he had any weapon and did not know what Pennington might have had in his pockets.

The circuit court found Yarnell "was a credible witness." The circuit court further found that Yarnell proved by a preponderance of the evidence that he shot Pennington in self-defense. It determined that before Yarnell fired the shot, "Pennington reached into the vehicle to strike [Yarnell] and to attempt to grab the gun." The circuit court noted the driver's side window was partially down during the altercation, and although it could not be determined exactly how far the window had been lowered, it was low enough that Pennington was able to reach inside the car to attempt to punch Yarnell and grab the gun. The circuit court found Pennington grabbed the door handle during the altercation. It held "the greater weight of the evidence establish[ed] that Pennington was attempting to open the vehicle's door in order to reach [Yarnell]" and that Yarnell "did not present the gun into the altercation until after Pennington had approached the vehicle, [using] threatening words such as 'get out of the car and I will f*** you up' . . . before and after he . . . reach[ed] into the vehicle."

The circuit court found that Yarnell did not provoke Pennington's attack and was not at fault in bringing on the attack; that Yarnell believed he was in imminent danger of losing his life or sustaining serious bodily injury and was actually in such danger; and that his fear and belief of imminent danger was real and reasonable. The circuit court further concluded that under section 16-11-440(A), Yarnell was entitled to a presumption of reasonable fear of imminent peril of death or great bodily injury when he used deadly force because Pennington was in the process of unlawfully and forcefully entering Yarnell's occupied vehicle and had attempted to remove Yarnell from the car. The circuit court concluded section 16-11-440(B)(1) did not disqualify Yarnell from immunity because Pennington did not have a right to occupy Yarnell's vehicle.

The circuit court additionally held Yarnell was not engaged in an unlawful activity or using his vehicle to further an unlawful activity under section 16-11-440(B)(3). The circuit court noted that although Yarnell's vehicle was located on private property at the time the shooting occurred, the evidence showed he was not trespassing because Remi had permitted him to come to the complex to drop off her belongings and it was undisputed Yarnell was lawfully occupying his vehicle. The circuit court thus concluded subsections "(B)(1) (Pennington had no right to be in [Yarnell's] vehicle) and (B)(3) ([Yarnell] was not using his vehicle for an unlawful purpose)" of the Act did not disqualify Yarnell from immunity. The circuit court further held that even if Yarnell were trespassing, his occupying the vehicle was not the proximate cause of the attack against him. The circuit court further rejected the State's argument that Yarnell brought the gun to harm Remi, finding that based on the evidence presented during the hearing, it could not conclude Yarnell had a premeditated motive to inflict serious bodily injury upon or to kill Remi. This appeal followed.

ANALYSIS

"A claim of immunity under the Act requires a pretrial determination using a preponderance of the evidence standard, which [appellate] court[s] review[] under an abuse of discretion standard of review." *State v. Gray*, 438 S.C. 130, 141, 882 S.E.2d 469, 475 (Ct. App. 2022) (alterations in original) (quoting *State v. Jones*, 416 S.C. 283, 290, 786 S.E.2d 132, 136 (2016)). "A circuit court abuses its discretion when its ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support." *State v. Marshall*, 428 S.C. 11, 18, 832 S.E.2d 618, 621-22 (Ct. App. 2019).

"To obtain immunity under the Act, a defendant must establish by a preponderance

of the evidence that his use of deadly force was justified." *State v. Dennis*, 447 S.C. 323, 334, 926 S.E.2d 250, 256 (2026). "There are four elements that must be established to justify the use of deadly force as self-defense." *State v. Scott*, 424 S.C. 463, 468, 819 S.E.2d 116, 118 (2018). A claim of self-defense requires that (1) the defendant is "without fault in bringing on the difficulty"; (2) the defendant "actually believed he was in imminent danger of losing his life or sustaining serious bodily injury, or he actually was in such imminent danger"; (3) "if his defense is based upon his belief of imminent danger, a reasonably prudent man of ordinary firmness and courage would have entertained the same belief," and "[i]f the defendant actually was in imminent danger, the circumstances were such as would warrant a man of ordinary prudence, firmness[,] and courage to strike the fatal blow in order to save himself from serious bodily harm or losing his own life"; and (4) "the defendant had no other probable means of avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did in this particular instance." *State v. McCarty*, 437 S.C. 355, 369, 878 S.E.2d 902, 909-10 (2022) (quoting *State v. Curry*, 406 S.C. 364, 371 n.4, 752 S.E.2d 263, 266 n.4 (2013)). "If the defendant has failed to meet the elements of reasonable fear or the duty to retreat, the court should then determine whether section 16-11-440(A) or (C) is applicable." *State v. Glenn*, 429 S.C. 108, 118, 838 S.E.2d 491, 496 (2019).

Subsections 16-11-440 of the Act provides,

(A) A person is presumed to have a reasonable fear of imminent peril of death or great bodily injury to himself . . . when using deadly force that is intended or likely to cause death or great bodily injury to another person if the person:

(1) against whom the deadly force is used is in the process of unlawfully and forcefully entering, or has unlawfully and forcibly entered . . . [an] occupied vehicle, or if he removes or is attempting to remove another person against his will from the . . . occupied vehicle; and

(2) who uses deadly force knows or has reason to believe that an unlawful and forcible entry or unlawful and forcible act is occurring or has occurred.

(B) The presumption provided in subsection (A) does not apply if the person:

(1) against whom the deadly force is used has the right to be in . . . [the] occupied vehicle including, but not limited to, an owner, lessee, or titleholder; or

. . . .

(3) who uses deadly force is engaged in an unlawful activity or is using the . . . occupied vehicle to further an unlawful activity;

. . . .

(C) A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be, including, but not limited to, his place of business, has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force, if he reasonably believes it is necessary to prevent death or great bodily injury to himself

(D) A person who unlawfully and by force enters or attempts to enter a person's . . . occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or a violent crime

§ 16-11-440(A)-(D).

The State argues the circuit court abused its discretion by (1) finding Yarnell was without fault in bringing on the difficulty; (2) finding Yarnell was in actual danger of death or great bodily injury; (3) ruling that Yarnell was entitled to the presumption of reasonable fear because the decedent's fingerprints were found on Yarnell's car; and (4) finding subsection 16-11-440(B) of the Act did not apply when Yarnell was not engaged in an unlawful activity and was in a place he had the right to be under subsection 16-11-440(C). We address each issue in turn.

I. Without Fault in Bringing on the Difficulty

We hold the circuit court did not abuse its discretion in finding Yarnell was without fault in bringing on the difficulty. *See Gray*, 438 S.C. at 141, 882 S.E.2d at 475 ("A claim of immunity under the Act requires a pretrial determination using a preponderance of the evidence standard, which [appellate] court[s] review[] under an abuse of discretion standard of review." (alterations in original) (quoting *Jones*, 416 S.C. at 290, 786 S.E.2d at 136)); *see also Marshall*, 428 S.C. at 18, 832 S.E.2d at 621-22 ("A circuit court abuses its discretion when its ruling is based on an error of law, or when grounded in factual conclusions, is without evidentiary support."); *McCarty*, 437 S.C. at 369, 878 S.E.2d at 909 (holding the first element of self-defense requires the defendant was "without fault in bringing on the difficulty" (quoting *Curry*, 406 S.C. at 371 n.4, 752 S.E.2d at 266 n.4)). Yarnell testified his only reason for being at the apartment complex was to drop Remi's clothes off to her and that based on the conversation he had with her immediately prior to his arrival, he thought she wanted him to wait so that he could give them directly to her. Thus, according to Yarnell, he had been invited to the parking lot and that permission had never been revoked. Additionally, Yarnell explained that when he drove up to where Pennington, Card, and Cerio were standing in the parking lot, he simply asked them collectively if Remi was going to come get her things. Yarnell stated that is when Pennington approached the car and started screaming at him to get out of the car so that he could "f*** [him] up." The evidence conflicts as to whether Yarnell displayed his handgun before or after Pennington tried to open the car door. Cerio's and Card's testimonies were inconsistent with Yarnell's account. Cerio testified Pennington never tried to open the car door or punch Yarnell until *after* Yarnell presented a gun. Although Card's testimony was less clear, he did state Pennington stepped back from the car when he saw that Yarnell had a gun and that is when Yarnell fired. Nevertheless, the circuit court found Yarnell was a credible witness. Because we cannot say the circuit court's finding that Yarnell was a credible witness lacked evidentiary support, we cannot disregard such finding. *See State v. Johnson*, 413 S.C. 458, 467, 776 S.E.2d 367, 371 (2015) ("Credibility findings are treated as factual findings, and therefore, the appellate inquiry is limited to reviewing whether the trial court's factual findings are supported by any evidence in the record."); *State v. Oates*, 421 S.C. 1, 13, 803 S.E.2d 911, 918 (Ct. App. 2017) ("In other words, the abuse of discretion standard of review does not allow this court to reweigh the evidence or second-guess the [circuit] court's assessment of witness credibility." (alteration in original) (quoting *State v. Douglas*, 411 S.C. 307, 316, 768 S.E.2d 232, 237-38 (Ct. App. 2014))); *Johnson*, 413 S.C. at 467, 776 S.E.2d at 371 ("Moreover, . . . credibility determinations are entitled to great deference."); *see also State v. Blackwell*, 420 S.C. 127, 143 n.12, 801 S.E.2d 713, 721 n.12 (2017) (noting that "[a]lthough the dissent may disagree with the trial court's

pre-trial . . . determination, it cannot supplant the role of the trial court to judge the credibility of the witnesses, to weigh their testimony, and to evaluate conflicting testimony"). Furthermore, Remi was upstairs in the apartment when Yarnell returned, and no evidence showed he attempted to park or exit his car or that he expressly threatened any violence against Remi. Thus, we reject the State's argument that Yarnell brought on the difficulty by showing up when he was uninvited and that Pennington was acting for Remi's protection. Because the circuit court found Yarnell to be a credible witness and Yarnell's testimony provides evidence to support the circuit court's finding that he was without fault in bringing on the difficulty, we find the circuit court did not abuse its discretion in determining Yarnell established the first element of self-defense.

II. Imminent Danger

We hold the circuit court did not abuse its discretion in finding Yarnell established he actually believed he was in imminent danger of losing his life or sustaining great bodily injury, or that he actually was in such imminent danger. *See McCarty*, 437 S.C. at 369, 878 S.E.2d at 909-10 (stating the second element of self-defense requires that the defendant "actually believed he was in imminent danger of losing his life or sustaining serious bodily injury or he actually was in such imminent danger" (quoting *Curry*, 406 S.C. at 371 n.4, 752 S.E.2d at 266 n.4)). Yarnell testified Pennington was trying to forcefully enter his vehicle and that he was afraid for his life when he shot at him. Yarnell stated Pennington punched him, tried to open his car door, and was using threatening language. Fingerprint analysis showed Pennington's palm print on the driver's side front door of Yarnell's car, but no forensic evidence showed his prints were on the actual door handle. However, Card, Cerio, and Yarnell all testified that Pennington tried to open the car door at some point during the confrontation. Testimony conflicted as to whether he tried to open the door before or after Yarnell pulled out his handgun, but according to Yarnell, he only pulled out the gun after Pennington tried to forcibly enter his vehicle. Yarnell stated Pennington then tried to reach for the gun and he was afraid Pennington would gain control of the gun and use it to injure or kill him. Yarnell admitted he did not see a gun or knife in Pennington's hands when he approached the vehicle but stated he could not see his hands and he did not know what he might have in his pants. However, because Yarnell testified he was afraid for his life when he shot Pennington and the circuit court found he was a credible witness, we hold evidence supports the circuit court's finding that Yarnell satisfied the second element of self-defense. *See Johnson*, 413 S.C. at 467, 776 S.E.2d at 371 ("Credibility findings are treated as factual findings, and therefore, the appellate inquiry is limited to reviewing whether the trial court's

factual findings are supported by any evidence in the record."); *id.* ("Moreover, . . . credibility determinations are entitled to great deference.").

III. Application of Presumption in Subsection 16-11-440(A)

We hold the circuit court did not abuse its discretion in concluding that under subsection 16-11-440(A), Yarnell was entitled to a presumption of reasonable fear of imminent peril of death or great bodily injury when he used deadly force because Pennington was in the process of unlawfully and forcefully entering Yarnell's car and had attempted to remove Yarnell from the car. *See* § 16-11-440(A) ("A person is presumed to have a reasonable fear of imminent peril of death or great bodily injury to himself . . . when using deadly force that is intended or likely to cause death or great bodily injury to another person if the person: (1) against whom the deadly force is used *is in the process of unlawfully and forcefully entering*, or has unlawfully and forcibly entered . . . [an] *occupied vehicle*, or if he removes or is attempting to remove another person against his will from the . . . *occupied vehicle*; and (2) who uses deadly force knows or has reason to believe that an unlawful and forcible entry or unlawful and forcible act is occurring or has occurred." (emphases added)). "Section 16-11-440(A) may, under appropriate facts, replace the reasonable fear element of self-defense by providing a presumption that the person's fear was reasonable under certain circumstances" *Glenn*, 429 S.C. at 118, 838 S.E.2d at 496.

First, we hold subsection (A)(2) was satisfied because evidence showed Yarnell was in the driver's seat of his locked vehicle when Pennington attempted to open the driver's side door. Thus, Yarnell knew the forcible act or entry was occurring.

Second, we hold the circuit court did not err by finding Yarnell satisfied subsection (A)(1) because Yarnell presented evidence that he was sitting in the driver's seat of his own vehicle while Pennington was in the process of unlawfully and forcefully entering the vehicle or attempting to remove Yarnell from his car. The State does not dispute Yarnell was in his vehicle during the entire confrontation with Pennington, nor does the State contend Yarnell had no right to occupy his own vehicle. Yarnell testified Pennington approached his car and tried to forcefully open his car door and then punched him while he was sitting in his vehicle before he displayed his gun. He also testified Pennington told him several times to get out of the car so he could "f*** [him] up." Cannon's testimony was also consistent with this. The circuit court found "[Card] testified that after punching [Yarnell], Pennington took a step back and said[,]' You have a gun[,]' and then a shot was fired." The circuit court found Cerio testified that "[w]hen Pennington let go of the

door handle, she heard the gun shot." The circuit court noted that in her statement to police, Cerio indicated Yarnell started backing up, she told Pennington to let it go, and the car door opened and a shot was fired. Thus, even though both Cerio and Card's testimonies indicated Pennington was not touching the car and was retreating when Yarnell shot him, Cerio's statement to police undermines that evidence. Although Cerio and Card's testimonies conflict with Yarnell's account, they do not outright contradict his version of events. Further, although the only evidence that Pennington was armed was Yarnell's testimony that "at some point" he "started wrapping something around his hand," subsection 16-11-440(A) contains no express requirement that the person attempting to enter or remove another person against his will from the occupied vehicle be armed. Thus, Yarnell's testimony supports the circuit court's conclusion that Yarnell was entitled to the presumption of reasonable fear under subsection 16-11-440(A). *See Johnson*, 413 S.C. at 467, 776 S.E.2d at 371 ("Credibility findings are treated as factual findings, and therefore, the appellate inquiry is limited to reviewing whether the trial court's factual findings are supported by any evidence in the record."); *id.* ("Moreover, . . . credibility determinations are entitled to great deference."). Accordingly, we hold the circuit court did not abuse its discretion by determining Yarnell satisfied the reasonable fear requirement for establishing self-defense.

IV. Application of Subsections 16-11-440(B) and (C)

We hold evidence supports the circuit court's finding that Yarnell was not engaged in unlawful activity at the time of the shooting. *See* § 16-11-440(B)(3) ("The presumption [of reasonable fear] provided in subsection (A) does not apply if the person: . . . who uses deadly force is engaged in an unlawful activity or is using the . . . occupied vehicle to further an unlawful activity . . ."). We acknowledge Yarnell engaged in questionable behavior by his obsessive attempts to contact Remi and his demeaning text messages to her. However, no evidence was presented that Yarnell expressly threatened Remi. Yarnell's carrying of a loaded gun in his car when he showed up to the apartment complex after arguing with Remi most of the day could be viewed as demonstrating an intent to harm her, however, he provided an explanation for the gun and denied he intended to injure or kill Remi. Further, the evidence is uncontroverted that Yarnell was occupying his own personal vehicle and that Pennington had no right to be in his vehicle. Although the property manager testified the apartment complex parking lot was "private property," she acknowledged the sign did state "no trespassing" and that anyone could drive a vehicle through the parking lot. She also confirmed that delivery vehicles were permitted in the parking lot for the purpose of delivering

packages to residents. The property manager further agreed that the complex did not have a gated entry and there were no fences surrounding the property. Moreover, Yarnell's testimony provided at least some evidence that he had been invited to the apartment complex to drop off Remi's belongings and that he had to wait for her to arrive before he could do so. According to his testimony, that was his reason for being there. *See Johnson*, 413 S.C. at 467, 776 S.E.2d at 371 ("Credibility findings are treated as factual findings, and therefore, the appellate inquiry is limited to reviewing whether the trial court's factual findings are supported by any evidence in the record."). Because the circuit court found Yarnell was credible, we hold evidence supports its conclusion that he was not engaged in unlawful activity at the time the confrontation began. Thus, we hold the circuit court did not abuse its discretion by finding subsection 16-11-440(B)(3) did not apply.

Finally, as to the State's argument that the circuit court erred by finding Yarnell was in a place he had the right to be under section 16-11-440(C), we need not address this issue. *See State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003) ("Issues not raised and ruled upon in the trial court will not be considered on appeal."). The circuit court discussed subsection 16-11-440(C) in a footnote in considering whether a proximate cause analysis was required under subsection 16-11-440(B), but it did not address whether Yarnell was entitled to immunity under subsection 16-11-440(C). Rather, in applying subsection 16-11-440(B), the court considered whether Yarnell was engaged in any unlawful activity by his presence at the complex. Thus, the question of whether Yarnell was in a place he had the right to be under subsection 16-11-440(C) is not before us.

CONCLUSION

For the foregoing reasons, the circuit court's order granting Yarnell's motion for immunity under the Act is

AFFIRMED.

KONDUROS, MCDONALD, and VINSON, JJ., concur.

RECEIVED

Jun 18 2026

SC Court of Appeals

**STATE OF SOUTH CAROLINA
In the Court of Appeals**

Appeal from Horry County
The Honorable J. Mark Hayes, Circuit Court Judge

THE STATE,

APPELLANT,

v.

ANIJAH YARNELL,

RESPONDENT.

Appellate Case No. 2023-000571

PETITION FOR REHEARING

Pursuant to Rule 221(a), SCACR, counsel for Appellant, the State, petitions this Court for rehearing.¹ The ruling of this Court was essentially that the abuse of discretion standard and mere reference to credibility (itself a fact-finding requiring support) wholly insulated Judge Hayes' ruling from appellate reversal. Counsel respectfully submits that this Court has misapprehended certain factual and legal matters in arriving at its holding and erroneously endorsed the legal and factual findings of the trial court. Appellant would respectfully argue:

Fault in Bringing on the Difficulty

This Court erred in finding no abuse of discretion by Judge Hayes in his ruling that Respondent did not "provoke Pennington's attack." Such was a misstatement of the element, as

¹ A Petition for Rehearing is required before a party can seek a Writ of Certiorari from the South Carolina Supreme Court. Rule 242, SCACR.

the law asks whether the defendant “was without fault in bringing on the difficulty.” The distinction is a crucial one that seeks a factual proof of direct provocation rather than contributory fault, as it purposefully enabled the trial court to focus only upon the interaction between Pennington and Respondent and effectively ignore the substantial *res gestae* of events that created the dispute. It was legal error to characterize and decide the legal issue in such a way by Judge Hayes, and it is subsequent legal error by this Court to endorse and affirm the trial court’s finding of the first element of self-defense.

The first element also presents reversible error on the basis of factual conclusions not supported by the record. The trial court and now this Court have failed to properly consider the *res gestae* of the dispute that created turmoil between the individuals that night. Remi broke up with Respondent due to his behavior. His own texts demonstrated that reality and his anger about the situation. (State’s Ex. 51). His response was to insult Remi, harass her with 200 cell phone calls, and threaten to destroy her property unless she were to “come get her shit” from him immediately. (State’s Ex. 51). This was an obvious pretext for creating an opportunity to see and communicate with Remi, which she adamantly did not want, and such is a common fuse for domestic abuses. Moreover, and in contradiction to Judge Hayes’ and this Court’s affirmance, Respondent admitted that his ultimate decision to drive to Remi’s apartment and then wait for her for nearly an hour was *partly motivated by a desire to see and talk to Remi*. (R. 332). This is an explicit concession from the Respondent that negates the premise that he was “only” there to deliver her belongings. It therefore constituted error on the part of the trial court in the application of S.C. Code §§ 16-11-440(B) & (C), as it pertains to trespass. (*Infra*). And, in the context of the strained interpretation of the instructions Respondent claims he was given (“drop the stuff off and leave”), his decision

to stay at Maddington Place in order to see and talk to Remi was satisfying *his own desires* that harassment had not successfully satisfied.

Respondent does not dispute that he called Remi 200 times. There is no other description of such behavior than to call it what it is: harassment and unlawful use of cellphone. It is this undisputed harassment by Respondent that brought about the difficulty with Victim. Definitively, had Respondent not harassed Remi and threatened to destroy her property, Victim would not have had any basis for discord toward Respondent. In fact, Victim's presence that night was explicitly requested because of the fear Remi was feeling toward Respondent and his behaviors that day. (R. 92-93). Had Respondent not engaged in threats of destroying Remi's property, neither he nor Victim would have been present that night. After committing harassment and threats against property, had Respondent simply followed Remi's instruction to drop the stuff off and leave, he would not have been there upon Remi's arrival (contrary to his admitted intention), and the opportunity for confrontation would never have arisen. (R. 274; 277). Had Respondent simply (even by his own doubtful interpretation) dropped off her belongings and left the scene without attempting to engage in conversation or seek Remi's *personal* involvement, this confrontation would not have arisen. Lastly, had Respondent left when he was asked, thereby establishing ejectment, the opportunity for confrontation would not have occurred. (R. 83; 87). Judge Hayes ruled that "the facts established Remi had consented to Petitioner bringing her belongings to her at Maddington Place." (R. p. 552, n. 8). That finding is reached in disregard of record testimony to the contrary, in full adoption of the doubtful testimony offered the individual charged with murder, and is simply contrary to the extensive efforts Remi made to avoid or limit contact with Respondent due to his fear inducing behavior. As argued in brief, Respondent is very clearly "not

without fault” for bringing about the difficulty in question. Rehearing is warranted to correct both legal and factual error.

Imminent Danger

The Court erred in finding no abuse of discretion by Judge Hayes in his ruling that Respondent was in actual danger of death or great bodily injury, and that Respondent’s fear of imminent danger was real and that a reasonably prudent man of ordinary firmness and courage would have come to the same belief. (R. 560). This finding was an uncritical adoption of the testimony of Respondent, without consideration of the contradictory details presented in the record and without consideration of Respondent’s own contradictory testimony. This Court has erred in its refusal to critically review the factual findings of the trial court as to the second element of self-defense, where Respondent’s own testimony detracts from his establishment of reasonable fear, and where forensic evidence demonstrated the impossibility of Respondent’s story of the crime. *At minimum*, such discredited his testimony when tested against unbiased forensic and photographic evidence.

The court disregarded the physical limitations of how much danger a reasonably prudent man would feel from the possibility of having his gun taken from him through a minimally opened car window and locked door. (See Defense Ex. 43). The court inexplicably dismissed the possibility that the window was nearly up during Victim’s alleged attempt to grab the gun (R. 554, n. 11), despite the fact that photograph evidence of the position of the window was taken and the mechanic demonstrated that the window *was inoperable* once the window became shattered. (R. 491). The trial court likewise disregarded Respondent’s own testimony that the position of the window was such that it prevented “good punches” against him. (R. 348). Respondent likewise presented no testimony that he ever saw Victim or any other witness with a weapon of any kind.

Instead, he surmised the possibility that they *might* be armed (without a basis for such) and based his fear of danger on that presupposition.

The law permits a person acting in self-defense to act *on appearances*, and Judge Hayes relied on such law as his basis for finding imminent danger. (R. 549, citing *State v. Scott*, 424 S.C. 463, 472, 819 S.E.2d 116, 120 (2018)). Respondent's unsupported fear of imagined weapons in Victim's pockets and the unscrutinized single use of the doorhandle were used as the factual basis supporting the trial court's ruling. However, the law of appearances is intended to permit a defendant to use deadly force when he believes (even if mistaken) that an assailant is in the process of drawing or presenting a deadly weapon. No such testimony is provided by Respondent, and as such, it was legal error on the part of the trial court to rely on that facet of the law. This Court erred in affirming that legal conclusion. Rehearing and reversal is warranted.

S.C. Code §§ 16-11-440

In light of the legal and factual errors discussed above, the statutory provisions do not even require attention. Respondent cannot satisfy the elements of self-defense because he was not without fault in bringing on the difficulty and he was not under reasonable fear of imminent danger of life or limb. But even if you address the statute, additional errors on the part of the trial court arise and those errors were improperly affirmed by this Court.

This Court erred in finding no abuse of discretion by Judge Hayes in his ruling that Respondent did not lose his presumption of reasonable fear under S.C. Code §§ 16-11-440(B). This case is not as complex as Judge Hayes sought to make it. Respondent broke the law by harassing Remi, and that harassment is the direct cause for Respondent's presence at the crime scene and Victim's animus. Specifically, the unlawful conduct is established by his unlawful use of a telephone and his criminal harassment, and Respondent utilized his car to further the intent of

those acts: see and speak with Remi. See S.C. Code Ann. § 16-17-430; See S.C. Code Ann. § 16-3-1700-1710. Respondent likewise was acting unlawfully by trespassing on private property. As mentioned above, even considering the doubtful interpretation of Remi's instructions that Respondent now asserts while attempting to avoid a murder charge, he conceded that he was desirous of seeing and speaking with Remi and was at least partially there for that purpose. That exceeded the scope of any lawful presence he had on the property. Moreover, testimony demonstrated that he was asked to leave and thereby ejected from any rightful presence on the property. His return was an unlawful trespass and he used his vehicle to accomplish that action as well. Notwithstanding the additional argument that Respondent intended to harm Remi, there are three separate grounds for unlawful conduct on the part of Respondent that satisfy subsection (B).

This Court also erred in ruling that the trial court's alternative finding under subsection (C) is unpreserved. Respondent conceded at the hearing that subsection (C) was an underlying argument of the State and actively argued against its application. (R. 509-510; 517). Indeed, the State argued that Respondent could not satisfy subsection (C) in briefing. (R. 545). This Court suggests that its mention is limited to "a footnote in considering whether a proximate cause analysis was required under subsection 16-11-440(B) but did not address whether Respondent Yarnell was entitled to immunity under subsection 16-11-440(C)." This simply is not a fair or accurate assessment of the Order granting immunity. Extensive discussion of subsection (C) can be found in both the text and footnotes of pages 4, 5, 6 and 7 of the Order, and the trial court explicitly states: "Nevertheless, as will be explained herein, when applying McCarty's proximate cause test while examining subsections (A) and (B) to the present facts, the proximate cause test does not alter the present decision. (R. 550-553). As such, the argument was presented, argued

against, and ruled upon by the trial court. As argued in briefing, that ruling was in error. It was properly before this Court on appeal and this Court's finding to the contrary was in error.

The trial court erred in its legal application of statutory law, as well as its factual conclusions in support. This Court has erred in affirming the findings under subsection (B) and in declining to address subsection (C) as unpreserved. Rehearing is therefore warranted.

Egregious Factual Errors

This Court erred in finding Judge Hayes was within his discretion in ruling that Respondent had satisfied his burden of proof for each of the first three elements of self-defense. In addition to the arguments raised in brief (incorporated herein), this finding was reached in reliance upon erroneous application of law, as well factual findings not supported by the record. It is also controlled by a generalized finding of credibility for defendant that is wholly unwarranted under the record – such may be entitled to “great deference,” but not absolute deference. Here, deference was granted in error.

The most egregious factual error by Judge Hayes is the finding that “[t]he argument result[ed] in Petitioner wanting to end the relationship and bring Remi her belongings.” (R. 557, n. 19) (emphasis added). At no point in the record does Respondent indicate that he was independently desirous of wanting to end his relationship with Remi. By proof of Petitioner's own messages, the exact opposite is true; Remi sought to end the relationship with Respondent and he responded with apparent scorn, anger, and petty behavior. His texts include the following statements:

She's moving with Allie she said Bc we are “done” she's too weak to have a kid on her own we both know that she needs me or you bc she's weak Allie can't take care of her.

...

Today so since she wants to leave so bad I'll gladly throw her shit put (out).

...
She choosed allie over me today so I don't care along with her
photos and shit I'm getting every last thing out she will not succeed
as a single mother as of now because she's too weak.

...
So since she thinks she can do it we will see I'll send money as much
as she needs but she doesn't need me so tell her to remember that
because I'm the only guy that will ever but (put) up with the bs that
comes with her.

(State's Ex. 51).

These texts were stated *before the shooting*, before Petitioner had a substantial reason to portray himself or his actions in a way that is less provocative and less criminal, and they come *directly from the Petitioner*. Yet, immediately following Judge Hayes' glaring error as to who sought to end the relationship, he adds, "The messages also read as Petitioner expressing his affection for Remi." (R. p. 557, n. 19). There is no deference to this conclusion from the record; these texts are an unbiased demonstration of who wanted to end the relationship and how poorly Respondent reacted and behaved afterward.

This text message evidence was corroborated by evidentiary proof that after the argument/break-up, Petitioner called Remi over 200 times in a single evening. Respondent concedes this and concedes that often his calls were placed every minute or placed multiple times within the same minute. Judge Hayes' finding that it was Petitioner who wished to end the relationship is not a disputable question of fact, it is a blatant abuse of discretion as to the record evidence and it relates to the single fundamental dispute taking place that leads to the crime. "A circuit court abuses its discretion when its ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support." *The State, Appellant, v. Anijah Yarnell, Respondent.*, No. 2023-000571, 2026 WL 1587243, at *3 (S.C. Ct. App. June 3, 2026) (quoting

State v. Marshall, 428 S.C. 11, 18, 832 S.E.2d 618, 621-22 (Ct. App. 2019)). Such is reversible error, and this Court should grant rehearing and reverse.

Unfounded Credibility

The trial court reached a general finding that Respondent was a credible witness. However, he offered only the barest explanation in support of this finding. (R. 557, n. 19). When the review of the record is taken in comparison, that finding, both in general and specific to certain factual and legal matters, is not deserving of the deference the law usually affords.

Respondent conceded on the stand that he was not at Remi's apartment solely to satisfy his interpretation of "drop it off and leave." He conceded in testimony that he also wanted to see Remi and engage her in conversation (R. 332), something he had been unable to accomplish with his maniacal cellphone efforts. This was something that Remi clearly wished to avoid based not just upon testimony of friends and family, but her own efforts to avoid Respondent's communications. This is the first of many instances where Respondent's supposed "credibility" is unfounded. It is furthered by Respondent's repeated refusal to admit that Remi did not wish to see or speak with him and his refusal to consider his pre-argument invitation to her home revoked in light of his actions, her termination of communications, and the testimony that supports an explicit desire not to see him. (R. 382-398; 277).

Despite the fact that the other eyewitnesses who testified created numerous questions of disputed fact relevant to the dispute, the confrontation, and the ultimate use of force, the trial court failed to provide a finding *as to their credibility*. It instead used its broad finding of credibility for Respondent (R. 557, n. 19) to satisfy all of the factual disputes of the case, despite a lack of record support for numerous matters. These above facts, and others, demonstrate the abuse of discretion in finding Respondent credible *as to all matters* related to this crime. Respondent's 1) concession

that he called Remi a “piece of shit” and “dumb fuck” (R. 386), 2) his claim that he needed orthodontic repair but refused to read his own doctor’s reports to the contrary (R. 359), 3) his claim to have no knowledge as to why Victim would have displayed aggression toward him at that time, 4) his claim that he rolled the window up after the shooting which is contradicted by mechanic’s testimony that such was not possible (R. 489-491), and 5) his denial of anger despite clear texts and behavior to the contrary (R. 396; 399) all demonstrate that the carte blanche credibility assigned to Respondent was in direct conflict with the record.²

“Because the appellate court lacks the opportunity for direct observation of the witnesses, it should accord great deference to [circuit] court findings where matters of credibility are involved.” *S.C. Dep’t of Soc. Servs. v. Forrester*, 282 S.C. 512, 516, 320 S.E.2d 39, 42 (Ct. App. 1984). Here, the Court of Appeals does not require an opportunity to review Respondent’s testimony at the hearing, because his testimony as to his state of mind and behavior while on the stand are objectively contradictory to his previous statements and behaviors displayed by admitted evidence. The shield of deference cannot guard a finding of credibility that is defeated by a witness’s own contradictions. This question of credibility even goes to assertions such as Petitioner testifying that he “had no idea” why Victim would be angry with him. (R. 347). He made this assertion despite having just hours before threatened to destroy Remi’s property, after persistently using *67 to harass her and force communications, and after calling Remi “a piece of shit” and a “dumb fuck.” Victim arrived *with* Remi and her friends; to accept Respondent’s claim of having no understanding of tensions for the situation is to rubberstamp a credibility finding without any legitimate critique.

² This list does not represent every contradiction and every basis for discreditable testimony. The whole of the record are replete with such weaknesses in testimony in contrast to the trial court’s ruling, and Appellant argues that all such are emblematic of the same reversible error.

The law exists to ensure that the trial court is granted deference, not infallibility. It was error by this Court not to find the credibility finding undeserving of deference generally, and it was error by this Court not to at least limit deference and deny such for specific matters where the record and Respondent's own testimony are so blatantly contradictory to the trial court's finding.³

The factual errors discussed ultimately result in legal errors as well. The finding that Respondent was not at fault for bringing on the difficulty renders the application of subsection B(3) one of legal error. Respondent's presence was a continuation of his harassment, which was unquestionably demonstrated by the texts messages, the 200 phone calls, and the threat of destruction of property if Remi did not create some means of an encounter between her and Respondent. Respondent's behavior was extortionist in nature, his use of his vehicle to camp out at her apartment was in furtherance of such unlawful activity, and the court erred in its dismissive interpretation of such evidence. Statutory immunity from prosecution cannot be stretched that far.

CONCLUSION

Based upon the above arguments, Appellant asserts that this Court has misapprehended certain facts and law that led to an improper result in this case. Appellant respectfully petitions for rehearing on this matter, and submits that for all the foregoing reasons, the ruling of the trial court be reversed.

Respectfully Submitted,

ALAN WILSON
Attorney General

³ Also, these holdings were reached after the Court needed to cancel scheduled oral arguments for emergency purposes, but then subsequently decided to forego oral argument entirely. (Email from Clerk, dated April 22, 2025).

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June 18, 2026

By: s/W. Joseph Maye
ATTORNEYS FOR RESPONDENT

RECEIVED

Jun 18 2026

SC Court of Appeals

**STATE OF SOUTH CAROLINA
In the Court of Appeals**

Appeal from Horry County
The Honorable J. Mark Hayes, Circuit Court Judge

THE STATE,

APPELLANT,

v.

ANIJAH YARNELL,

RESPONDENT.

Appellate Case No. 2023-000571

CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to Rule 262(c)(3), SCACR and the Supreme Court order of April 24, 2024, the Petition for Rehearing, along with Certificate of Service has been forwarded to Respondent's counsel, Wanda H. Carter, Esquire via email today, June 18, 2026 to Wcarter@sccid.sc.gov and to her assistant at sleverett@sccid.sc.gov.

I further certify that all parties required by Rule to be served have been served.

This 18th day of June 2026.

s/ Angela Brown

Angela Brown
Administrative Coordinator

Angela Brown

From: Angela Brown
Sent: Thursday, June 18, 2026 3:15 PM
To: Carter, Wanda; Leverett, Scott
Cc: Joe Maye; Melody Brown; Brandy Rankin
Subject: The State v. Anijah Yarnell (2023-000571)
Attachments: Yarnell.Petition for Rehearing (002).pdf

RECEIVED

Jun 18 2026

SC Court of Appeals

Ms. Carter, please find attached the State's Petition for Rehearing in reference to the above appeal. The petition will be electronically filed with the South Carolina Court of Appeals on today's date.

Thank you,

Angela Bennett Brown, Administrative Coordinator II
Office of the South Carolina Attorney General
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The South Carolina Court of Appeals

The State, Appellant,

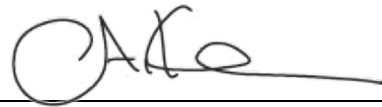
v.

Anijah Yarnell, Respondent.

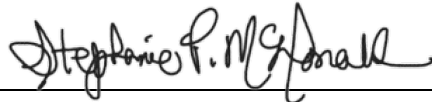
Appellate Case No. 2023-000571

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



J.



J.



J.

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire

Melody Jane Brown, Esquire

Donald J. Zelenka, Esquire

Jimmy A. Richardson, II, Esquire

Wanda H. Carter, Esquire

William Joseph Maye, Esquire
The Honorable J. Mark Hayes, II

FILED
Jul 10 2026