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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable R. Scott Sprouse, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TYBERIOUS RAHKEEM PYLES,

APPELLANT

APPELLATE CASE NO. 2025-001886

RECORD ON APPEAL

JOANNA K. DELANY
Appellate Defender

ALAN WILSON
Attorney General

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

P. SANDERS LINKER
Assistant Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-0918

ATTORNEY FOR APPELLANT

CYNTHIA SMITH CRICK
Solicitor, Thirteenth Judicial Circuit
305 E. North Street
Greenville, SC 29601
(864) 467-8647

ATTORNEYS FOR RESPONDENT

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**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
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EXHIBIT #2 (FLASH DRIVE—RING DOORBELL), #3 (FLASH DRIVE—FACEBOOK
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(PHOTO, STILL-SHOT VIDEO), #62 (FLASH DRIVE—INTERVIEW, DEFENDANT),**

**#63 (PHOTOGRAPH, FACEBOOK CERTIFICATE), AND #65 (FLASH DRIVE—
FACEBOOK VIDEO)]**

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1 MR. GAMBRELL: No, your Honor.

2 THE COURT: Okay.

3 COURT REPORTER: Yes, sir. Brian, just for numbering
4 purposes, the Judge did mark it as a Court's exhibit, so it's
5 not State's 1.

6 MR. MORONEY: Okay.

7 COURT REPORTER: Okay.

8 MR. MORONEY: Thank you.

9 COURT REPORTER: It's a Court's exhibit (inaudible).
10 (Court's Exhibit Number 1 marked for identification.)

11 (Jury enters courtroom.)

12 THE COURT: Okay. Call the first case.

13 COURT REPORTER: Your Honor, this is the case of the
14 State versus Tyberious Rahkeem Pyles, indicted for murder and
15 possession of a weapon during the commission of a violent
16 crime, armed robbery, burglary in the first degree, and
17 conspiracy.

18 THE COURT: All right. Ladies and gentlemen of the
19 jury pool, as you have heard, this is the case of the State
20 versus Tyberious Rahkeem Pyles. Mr. Pyles is charged with
21 burglary, first degree, conspiracy, armed robbery, murder,
22 and possession of a weapon during the commission of a violent
23 crime. Two of those charges, Mr. Pyles has entered a plea of
24 not guilty.

25 Now, let me remind you that these indictments are not

1 40, Tracy Butler What says the State?

2 MR. MORONEY: Please present this juror.

3 THE CLERK: What says the Defendant?

4 MR. GAMBRELL: Please seat Ms. Butler.

5 THE CLERK: Ma'am, you may take your things to the jury
6 box.

7 THE COURT: All right. We have 12 primary jurors and
8 two alternates. Are there any motions or exceptions to the
9 selections jury from the State?

10 MR. MORONEY: Nothing from the State.

11 THE COURT: Are there motions or exceptions to the
12 selection of the jury from the Defense?

13 MR. GAMBRELL: Not from the Defense, your Honor.

14 THE COURT: All right. Madam Clerk, would you swear
15 the jury.

16 THE CLERK: Please stand and raise your right hand?
17 The correct response will be "I will." You shall well and
18 truly try the case: 2024-GS-23-1874, the State versus
19 Tyberious Rahkeem Pyles, indicted for murder and possession
20 of a weapon during the commission of a violent crime;
21 2024-GS-23-1873 for armed robbery, 2024-GS-23-1870 for
22 burglary in the first degree, and 2024-GS-23-1872 for
23 conspiracy, and a true verdict render according to the law
24 and the evidence, so help you God? "I will"?

25 JURY PANEL: I will.

1 (Jury panel sworn.)

2 THE CLERK: Thank you.

3 THE COURT: All right. Ladies and gentlemen in the
4 remainder of the pool, that will conclude your duty up here.
5 Go back down to the jury assembly room, and Ms. Janine will
6 give you further instructions. So Bailiff, would you show
7 them assembly room? Shut that door.

8 (Jury pool exits courtroom.)

9 THE COURT: Okay. Ladies and gentlemen, before we
10 start, let me explain our roles in this trial. I'm the judge
11 of the law, you are the judges of the facts. To the facts,
12 you will apply the law as I give it to you. Now, as a judge
13 of the facts, you will have the job of evaluating the
14 evidence that is presented in the case.

15 What is evidence? Evidence is a sworn testimony from
16 the witnesses and any exhibits that are entered into the
17 evidence. You and you alone determine the matter of
18 credibility of witnesses and how much weight to give their
19 testimony. Now the attorneys will have the opportunity to
20 speak to you. They'll have an opportunity to make opening
21 statements. They'll also have an opportunity to make closing
22 arguments.

23 Keep in mind that the statements of the attorneys are
24 not evidence, but merely tools that they use to help you
25 understand their respective positions. Now, as I mentioned

1 to you earlier, the State has the burden of proof in this
2 trial. It must prove beyond a reasonable doubt that the
3 Defendant is guilty of the offenses charged. If the State
4 fails to meet that burden, you must find the Defendant not
5 guilty.

6 On the other hand, if the State does prove its case
7 beyond a reasonable doubt, then you must find the Defendant
8 guilty. Keep in mind that the Defendant is presumed to be
9 innocent of the charges and has no burden of proof in this
10 trial.

11 Now you're going to hear me define it in much greater
12 length at the end of the case, but preliminary definition of
13 a reasonable doubt is a doubt which would cause a reasonable
14 person to hesitate to act. Now a few more things as you
15 could hear from the witness list, this is not going to be a
16 very short case, but it's not going to be unduly long either.
17 But it is significant, and we -- we have a number of
18 potential witnesses. It's not an endurance contest.

19 I try to structure breaks as we go along. I also try
20 to get you out of here, and -- and let you go home if there's
21 going to be times when you're not going to be doing anything,
22 and we're going to have that situation arise this afternoon.
23 But if at any point during the case you get into stress and
24 you need to take a break, let the bailiffs know, and they
25 will let me know, and we'll do our best to accommodate you.

1 I'm well aware I often have folks serving on juries who
2 have back problems, diabetes, other health issues, or that
3 they have to take breaks as we go along. So I'm -- I'm going
4 to try my best to accommodate you if you have -- if you have
5 that issue come up. Now, when you leave the jury room, there
6 are three things that you are strictly prohibited from doing.

7 The first is independent investigation. In this area
8 -- in this -- this era of smartphones and internet access,
9 it's easy for someone to try to research either the facts or
10 the law. You are strictly prohibited from doing that.
11 Second thing you are prohibited from doing is speaking to
12 third parties about this case. That's why you have these
13 juror buttons. The whole world knows that you're serving as
14 a juror.

15 You go outside, you run into these attorneys, they're
16 going to go the opposite direction. They're not trying to be
17 rude to you, they just know they can't have any contact with
18 you. If somebody comes up to you trying to talk about this
19 case, you let the bailiffs know, they'll let me know, and
20 I'll -- I'll handle that. But it's very important that you
21 not talk about the case to third parties.

22 And the last thing you're prohibited from doing is
23 deliberating amongst yourselves until I tell you to do so at
24 the very end of the case. So when you go back in the jury
25 room, do not discuss what you just heard in the courtroom.

1 You can talk about anything you want to in the jury room, or
2 if you go to lunch together, except this case. Again, I'll
3 tell you when you may begin discussing the case at the end.

4 And ladies and gentlemen, the reason for these rules is
5 that you should base your decision solely on the evidence
6 that's presented in this courtroom, and not outside
7 influences. And you also should not decide the case
8 prematurely until all of the evidence is in.

9 Now during the course of the trial, commonly, there are
10 objections. Sometimes one attorney objects to a question or
11 a piece of evidence. I have to make a ruling on that. That
12 should not be interpreted to mean that the Court favors one
13 side or the other.

14 Also, along those same lines, you're going to be asked
15 at times to go to the jury record where we have to take up a
16 matter of law outside of your presence. That's not to hide
17 things from you. These rules are designed to ensure that
18 both the State and the Defendant receive a fair and impartial
19 trial in accordance with the rules of evidence.

20 Now along that -- that line, you're getting ready to --
21 it's almost 1:00, and I'm going to -- I'm going to send you
22 home to lunchtime, and plus, we have several matters of law
23 that we have to take up this afternoon that will be somewhat
24 lengthy, and I don't want you to waste your day sitting in --
25 in the jury room. So we're going to actually start opening

1 statements in the morning at 9:00.

2 So be in the jury room shortly before 9:00. You have
3 one order of business before you come out here. And that is
4 to elect a foreperson. This will be the presiding juror over
5 your deliberations at the end. It also will be the juror
6 that communicates with the Court.

7 Any communication between the jury and the Court should
8 be in the form of a written note, signed by the foreperson.
9 So with that, ladies and gentlemen, I'm going to send you
10 home for the day. Thank you for your attendance this
11 morning, and we will see you at 9:00 in the morning.

12 (Jury exits courtroom at 12:50 PM.)

13 THE COURT: Okay. We will -- I understand from talking
14 to Counsel, we will have a Jackson v. Denno hearing, and
15 also, Mr. Gambrell, I believe you have another motion
16 regarding -- suppression motion?

17 MR. GAMBRELL: That's correct, your Honor.

18 THE COURT: Okay. We will -- it's -- it's almost 1:00.
19 We'll start back at 2:30 this afternoon, and we'll -- we'll
20 deal with those issues, okay? We'll be in recess.

21 MR. MORONEY: Thank you, your Honor.

22 (Off the record.)

23 (On the record.)

24 THE COURT: Do we have everybody? And are we ready --
25 are we ready?

1 MR. MORONEY: Yes, your Honor.

2 THE COURT: Okay. All right. Let's go on the record.
3 There are two matters, as I understand, before the Court.
4 There's a motion to suppress by the Defendant. There's also
5 a Jackson v. Denno hearing. So Mr. Gambrell, are you
6 prepared to go forward on the motion to suppress?

7 MR. GAMBRELL: Yes, sir. Your Honor.

8 THE COURT: Okay. Well, let's go ahead and do that.

9 MR. MORONEY: And this is a -- a Facebook search
10 warrant?

11 MR. GAMBRELL: Yeah.

12 MR. MORONEY: Okay.

13 MR. GAMBRELL: Now -- okay. Is that different from the
14 warrant issued towards this matter, or no?

15 MR. MORONEY: Yes. This is just --

16 MR. GAMBRELL: Okay.

17 MR. MORONEY: Because this -- this has been only one I
18 got you. Yep. That's the same. Your Honor, the State calls
19 the investigator -- or former investigator, Tracy King, to
20 the stand. Be for purpose of this hearing.

21 THE CLERK: Okay. You want it to be State's or
22 Court's?

23 MR. MORONEY: Probably Court's.

24 THE CLERK: Okay. Thank you. Please raise your right
25 hand.

1 INVESTIGATOR ALVIN TRACY KING,

2 being duly sworn, testified as follows:

3 THE CLERK: Thank you. Please take a seat, and state
4 your name for the record.

5 THE WITNESS: Alvin Tracy King.

6 DIRECT EXAMINATION

7 BY MR. MORONEY:

8 Q. Good afternoon, Mr. King.

9 A. How are you, sir?

10 Q. Good.

11 A. Good.

12 Q. Where do you currently work?

13 A. I work for Enchanted Homes.

14 Q. Okay. And before working for Enchanted Homes,
15 where were you employed?

16 A. I worked for the Greenville County Sheriff's
17 Office, in the homicide unit.

18 Q. And in that role, did you become involved in this
19 case, murder that took place on January 22, 2022, the
20 Cliffwood Terrace Apartments?

21 A. Yes, sir, I did.

22 Q. And did you have the opportunity to obtain a
23 number of search warrants related to that -- this case?

24 A. I did.

25 Q. In particular, did you obtain a search warrant for

1 a Facebook account known to be linked to the Defendant in
2 this case?

3 A. Yes, sir.

4 MR. MORONEY: I'm going to hand you what's been
5 pre-marked as Court's Exhibit 2.

6 (Court's Exhibit Number 2 marked for identification.)

7 BY MR. MORONEY:

8 Q. And ask you to just take a quick look at that, and
9 let me know if you recognize it.

10 A. Yes, sir.

11 Q. All right. And is this search warrant the search
12 warrant for the Facebook account of Tyberious Pyles?

13 A. Yes, sir.

14 Q. And is this search warrant a fair and accurate
15 representation of the search warrant you obtained and got
16 signed back on January 26, 2022?

17 A. It is.

18 MR. MORONEY: Your Honor, for purposes of this hearing,
19 the State moves to admit Court's Exhibit 2 for purposes of
20 this hearing.

21 THE COURT: For purposes of this hearing.

22 (Court's Exhibit 2 admitted into evidence.)

23 BY MR. MORONEY:

24 Q. Hang on, I'm going to put this up here. I believe
25 you got a TV screen in front of you?

1 A. Yes.

2 Q. Or monitor to help you. Do you recall what judge
3 signed this search warrant?

4 A. That was Circuit Court Judge Morgan.

5 Q. Okay. Was it common practice at that time that
6 you had obtained search warrants from the circuit court for
7 these types of social media search warrants?

8 A. Yes, sir.

9 Q. Okay. And generally, can you speak as to the
10 probable cause which led to your issuing, or seeking out the
11 search warrant?

12 A. Yes, sir. I -- I'd actually responded to the
13 incident location the night that we did -- Greenville County
14 Sheriff's Office was notified. And during the course of the
15 investigation, I learned that there were two other subjects
16 that were present in the apartment at the time this -- this
17 murder occurred. Shareef McCarroll and Marquez McCarroll.

18 They were initially reluctant to speak to us. However,
19 I was able to get them to come down to the law enforcement
20 center. Their stories were consistent, and they both
21 described the perpetrators as -- as having their faces
22 covered. And that there was -- they were both adamant about
23 one of the subjects having a firearm in his hand. It was
24 Two-Tone black and green in color. That firearm --

25 Q. Did -- did that Two-Tone black in color firearm

1 end up being a -- a key linchpin in the case --?

2 A. Yes, sir.

3 Q. (Inaudible)?

4 A. Yes, sir, it did. I learned that one of our other
5 investigators at this time had made contact with a neighbor.

6 Q. And was -- with that neighbor -- did that neighbor
7 have some relevance surveillance footage that became relevant
8 to this case?

9 A. Yes, sir. That neighbor had the door Ring camera
10 video that was provided to us.

11 Q. And then during law enforcement's interaction with
12 that neighbor, was there other information brought to law
13 enforcement's attention from a Facebook posting?

14 A. Yes, sir -- yes, sir. That -- that particular
15 neighbor also provided us a Facebook posting that was from
16 the -- the victim's Facebook that showed a gentleman wearing
17 what appeared to be the same clothing as an individual that
18 was seen on the Ring doorbell camera.

19 And also, that Facebook posting by the victim. It was
20 -- I believe it was a Facebook Live posting showed the -- who
21 the neighbors -- or who we later identified as the Defendant
22 in the video holding a firearm matching the description
23 described by the two other witnesses.

24 Q. Okay. And in particular, that neighbor who gave
25 you the Ring video camera and identified this -- this

1 Facebook video, did he specifically state, "That looks like
2 the individual who's on this Ring camera"?

3 A. He did. He -- he made a statement that it
4 appeared to be the same person. And in looking at the Ring
5 Door camera and looking at the Facebook Live video, it does
6 appear to be the same clothing.

7 Q. And as a result of that information, it was your
8 intent to seek a response from Facebook for all of the
9 account related materials associated with the Defendant,
10 Tyberious Pyles?

11 A. Yes, sir.

12 Q. And is that common during the course of your
13 investigations when you're employed with the Greenville
14 County Sheriff's Office?

15 A. It is. And both with my experience and training,
16 it has approved beneficial to look into the social media of
17 individuals associated with the cases that we were working.

18 Q. And what date was the search warrant obtained by
19 Circuit Court Judge Morgan?

20 A. This was the 26th of January of 2022.

21 MR. MORONEY: Thank you. Please answer any questions
22 that Mr. Gambrell may have for you.

23 THE COURT: Mr. Gambrell?

24 MR. GAMBRELL: Thank you, your Honor. My it please the
25 Court?

1 CROSS-EXAMINATION

2 BY MR. GAMBRELL:

3 Q. Mr. King, you -- you had mentioned that you all
4 were able to speak with the two other individuals that were
5 in the apartment that night other than the Defendant?

6 A. Yes, sir.

7 Q. And one was Shareef McCarroll, and the other was
8 Marquez McCarroll?

9 A. Yes, sir.

10 Q. Were you present when Shareef was interviewed by
11 law enforcement that night?

12 A. That night?

13 Q. Yes.

14 A. I would've probably been on the scene.

15 Q. I'm -- I'm talking about at the law enforcement
16 office.

17 A. Again, I was probably at the scene of the -- doing
18 -- conducting a search warrant on the property.

19 Q. I got that. So you were not present?

20 A. To my -- to my knowledge, no.

21 Q. Okay. Did you have a chance to review that
22 interview prior to -- to seeking the search warrant?

23 A. I'm sure I would have.

24 Q. Okay. Now, were you aware then that during the
25 course of that interview that Shareef had described the

1 person that he saw with the gun?

2 A. I don't recall the details of the interview.

3 Q. You did state in your affidavit, that one of the
4 witnesses reported seeing the shooter with a Two-Tone
5 handgun?

6 A. That's correct.

7 Q. And is that Mr. Shareef, is that who you're
8 referring to?

9 A. Sitting here today, I couldn't tell you if it was
10 Mr. Shareef or Marquez.

11 Q. Were you aware that --? Okay. Are you also aware
12 that when Mr. Shareef was questioned that night, that he
13 stated, unequivocally, that that person was not Tyberious
14 Pyles?

15 A. I'm not aware of that. No, sir.

16 Q. Did you see that in the video?

17 A. Again, I -- sitting here with the timeframe, I --
18 I couldn't tell you.

19 Q. If I were to show you -- you said that you did
20 observe that video before you asked for the search warrant,
21 right?

22 A. Yes, sir -- yes, sir.

23 Q. So if I showed you that portion of the video,
24 would that refresh your memory?

25 A. It could. Yes, sir.

1 MR. GAMBRELL: I beg the Court's indulgence, your
2 Honor?

3 THE COURT: Yes, sir.

4 MR. GAMBRELL: I'm just looking for my -- I'm just
5 going to take those. May I approach the witness?

6 THE COURT: Yes, sir.

7 MR. GAMBRELL: I just need to find the timestamp Your
8 Honor. I've got a timestamp, sir.

9 (Video interview (Shareef McCarroll) published.)

10 BY MR. GAMBRELL:

11 Q. Do you recall that now after you saw that?

12 A. Yes, sir.

13 Q. Okay. And do you recall Mr. Shareef, during the
14 course of that interview, saying that he only saw one person
15 with the gun?

16 A. Yes, sir.

17 Q. Okay. So if he -- the information that you put in
18 your search warrant was that, that there -- the shooter had a
19 Two-Tone gun and then Mr. Shareef says that he is a hundred
20 percent sure that that was not Mr. Pyles; is that correct?

21 A. That's -- that's coming from one individual. Yes,
22 sir.

23 Q. Right. And you -- did you -- you used his
24 statements to you -- or to the law enforcement during the
25 course of that interview to obtain a search?

1 A. That was part of it.

2 Q. Okay. But that wasn't included in your affidavit,
3 correct?

4 A. The fact that --

5 Q. That he identified that it was not Mr. Pyles in
6 the video?

7 A. No, sir -- no, sir.

8 Q. Do you think that the magistrate should have had
9 that information before -- or, I'm sorry, the circuit court
10 judge should have had that information prior to issuing a
11 search warrant?

12 A. I don't feel that that would've benefited one way
13 or the other.

14 Q. Do you also recall from that interview where
15 Mr. McCarroll -- they showed a picture of what they believed
16 to be the gun and he says that that's not it?

17 A. I don't recall that.

18 Q. Okay. And just based on the -- the face of your
19 affidavit, it states that one of the witnesses reported
20 seeing the shooter was with a Two -- Two-Tone gun. The
21 victim's public face file -- Facebook profile was interviewed
22 and facial recognition was utilized that showed what appears
23 to be Tyberious Pyles' with the victim at the victim's
24 apartment two day -- two days before the shooting?

25 A. That's correct.

1 Q. Okay.

2 A. Holding the Two-Tone firearm.

3 Q. Do you know if that was the same in that video as
4 what was shown to Mr. Shareef during his -- during his
5 interview?

6 A. I do not.

7 Q. And you also stated here, with regard to the
8 video, that was from the Ring camera?

9 A. There's -- there's a video that shows an
10 individual walking past that apartment, and then the video
11 was -- the video with the Facebook Live was through the
12 victim's Facebook.

13 Q. And -- and as far as you -- and you don't mention
14 the -- the Ring camera video in your affidavit, correct?

15 A. I'm sure I -- no, sir.

16 Q. Okay. So the only video that you're referring to
17 is the -- is the one from the Facebook Live?

18 A. That's correct. From the victim's Facebook Live.

19 Q. Okay. Was there any other information that was
20 presented to the -- to the judge that was not contained in
21 your affidavit?

22 A. Not to my knowledge. No, sir.

23 Q. Okay. And so the -- the only evidence that you
24 presented to the -- to the -- Judge Morgan was that one of
25 the witnesses reported seeing machine with a Two-Tone gun,

1 and then there was this Facebook video on the victim's
2 Facebook account that showed Mr. Pyles was there too?

3 A. That is correct.

4 Q. And then you had the information that Mr. Shareef
5 had -- had said that Mr. Pyles was not the -- the one who
6 shot the gun?

7 A. Yes, sir.

8 MR. GAMBRELL: Okay. That's all the questions I have.

9 THE COURT: Any re-direct?

10 MR. MORONEY: Briefly, your Honor.

11 RE-DIRECT EXAMINATION

12 BY MR. MORONEY:

13 Q. To be clear, also in that interview with
14 Mr. Shareef McCarroll, he goes into specifics about the
15 appearance of that gun; isn't that correct?

16 A. Yes, sir.

17 Q. And I believe it's detailed in other reports about
18 the gun being tan or green, correct?

19 A. That's correct.

20 Q. In specific color? And did the investigation that
21 -- that point reveal that there were more than one subject
22 that entered the apartment, and committed this -- this murder
23 and robbery?

24 A. Absolutely. Yes, sir.

25 Q. All right. And at this point of your

1 investigation, it's fair to say there are a lot of moving
2 parts and many different investigators doing different roles,
3 correct?

4 A. Yes, sir.

5 Q. Okay. And not uncommon -- well, I would say in
6 this case were -- there are subsequent interviews that you're
7 aware of that would've potentially taken place with Shareef
8 McCarroll?

9 A. That's correct.

10 Q. And I understand this -- would this have been
11 around the timeframe where you were getting ready to depart,
12 and retire from the Sheriff's office?

13 A. Yes, sir. I'd actually already submitted my
14 letter of resignation for retirement.

15 Q. So ultimately down the line, some of those
16 interviews may have been conducted by different
17 investigators; is that correct?

18 A. That's correct. This case, to my knowledge,
19 continued -- well, while I tried to retire.

20 Q. Do you have knowledge then during one of those
21 later interviews, Mr. McCarroll would've been shown
22 additional information like the surveillance video where he
23 then, Mr. Shareef McCarroll, does in fact identify the
24 Defendant in this case?

25 A. Yes, sir.

1 Q. Okay -- okay. And with that surveillance video
2 you touched on it earlier, but I just want to circle back to
3 it. Was there very identifiable clothing seen on that
4 surveillance footage?

5 A. Yes, sir. The -- the jacket --

6 MR. GAMBRELL: Your Honor, I don't -- I don't mean to
7 interrupt, but I'm going to object. I believe Mr. King has
8 stated that he did not rely on that information with regards
9 to his affidavit that was presented to the judge to get the
10 search warrant.

11 THE COURT: Clarify that.

12 MR. GAMBRELL: He -- he's -- the only information that
13 he's -- that he used -- that had nothing to do with the Ring
14 camera that Mr. Moroney is referring to, he's asking about a
15 video that was not used in -- in any portion of the probable
16 cause affidavit.

17 THE COURT: Limit the questioning to what he used to
18 obtain the search warrant information.

19 BY MR. MORONEY:

20 Q. At -- at the time that -- would you have viewed
21 the Facebook profile that you mentioned here in the affidavit
22 of the Defendant with that gun, with the victim of this case?

23 A. Yes, sir.

24 Q. And at that time, although maybe not mentioned
25 here, did you have the knowledge of having viewed that

1 surveillance footage during the course of your investigation?

2 A. I do.

3 MR. GAMBRELL: Judge, I'm going to object. Because
4 that was never presented to the judge. That -- he -- he said
5 the only information that he gave to the judge was in his
6 affidavit.

7 THE COURT: Well, I -- I'm -- I'm going to give you an
8 opportunity to argue that. This is a proffer, so...

9 MR. MORONEY: Thank you, your Honor.

10 BY MR. MORONEY:

11 Q. So this wasn't a whim that you were tracking down,
12 or had interest for probable cause purposes in obtaining a
13 search warrant for the Defendant --

14 A. No.

15 Q. -- on Facebook, social media?

16 A. That's correct.

17 MR. MORONEY: Thank you. Nothing further, your Honor.

18 MR. GAMBRELL: Okay. Just -- just briefly, I'll re-
19 direct, your Honor -- I mean, on re-cross.

20 THE COURT: Okay.

21 RE-CROSS EXAMINATION

22 BY MR. GAMBRELL:

23 Q. Mr. King, when -- when you viewed that video of
24 the interview, and the photograph of a gun was shown to
25 Mr. Shareef, and he's -- did -- do you recall him saying

1 that, "That's not the gun, but I have seen Ty with that gun.
2 But that's not the gun that I saw." Do you recall that?

3 A. I'm not saying that didn't happen, but I do not
4 recall that. No, sir.

5 Q. If I showed you a portion of that video, would you
6 -- would that refresh your memory?

7 A. Again, I have no reason to doubt you, so...

8 MR. GAMBRELL: May I show the -- the video, Judge?

9 THE COURT: Go ahead.

10 (Video interview (Shareef McCarroll) published.)

11 BY MR. GAMBRELL:

12 Q. Do you recall that now?

13 A. I do. Yes.

14 (Video interview (Shareef McCarroll) published.)

15 BY MR. GAMBRELL:

16 Q. So he says in that video that you -- he had seen
17 that gun in that photograph that Mr. Pyles has, but he also
18 says that that's not the same gun; do you recall that?

19 A. Yes, sir.

20 Q. And that was not included in your probable cause
21 affidavit either?

22 A. No, sir.

23 MR. GAMBRELL: That's all the question I have.

24 THE COURT: Thank you, Mr. King. Step down. You have
25 any other witnesses?

1 MR. MORONEY: No, your Honor.

2 THE COURT: All right. Mr. Gambrell, if I hear from
3 you, then I'll let Mr. Moroney.

4 MR. GAMBRELL: Thank you, your Honor. If the Court
5 pleases. As you know, the sufficiency of probable cause
6 that's presented to judge issuing a circuit warrant is
7 contained to the affidavit unless there's other information
8 provided. In this case, Mr. King has said that there was no
9 other information other than what was in the affidavit. And
10 if you -- if you -- you know, look at the affidavit, the two
11 biggest things that connects Mr. Pyles is, there's one of the
12 witnesses reporting seeing a shooting with a Two-Tone
13 handgun.

14 Now, in the interview, Mr. King says that he reviewed
15 prior to requesting this search warrant that Shareef says
16 that he knows 100 percent that the person with the gun was
17 not Tyberious Pyles. He's a hundred percent sure of that.
18 And then they come and they show him a picture of a handgun,
19 and he states, yeah, that's the gun that -- that he's seen
20 Tyberious Pyles with, but that's not the same gun that he
21 saw.

22 And so, I don't know how that is sufficient probable
23 cause to connect Mr. Pyles to this case when you have the
24 witness who's giving them that information, contradicting
25 what was in -- in the -- in the affidavit. You know, the two

1 things is the witness says there was a Two-Tone handgun, and
2 then they review a Facebook video that shows Mr. Pyles with a
3 Two-Tone handgun.

4 Shareef identifies that gun, but then says "That's not
5 the same one." And the person with the handgun was not
6 Mr. Pyles. And so, that information was not before the --
7 the signing judge to the search warrant. And I believe that
8 that makes this affidavit insufficient, probable cause to
9 grant that search warrant.

10 THE COURT: Thank you, Mr. Gambrell. Mr. Moroney?

11 MR. MORONEY: Your Honor, briefly. As you're aware,
12 the exclusionary rule is adopted to determine misconduct by
13 governor -- government actors, and suppression of evidence is
14 typically our last result. I would just make reference that
15 at this early stage of the investigation, while Mr. McCarroll
16 in the first interview does say that he does not believe it's
17 Tyberious Pyles as was elicited on the stand, or in
18 subsequent interviews that changes.

19 But importantly as to this gun, that photograph that
20 Mr. Gambrell got into was just a stop-photograph that law
21 enforcement was showing the witness, Mr. McCarroll, at the
22 time. But importantly we have an identifiable firearm with
23 the green/tan coloring that was viewed on that Facebook Live
24 video associated with the Defendant, who was observed on this
25 Facebook Live video just days previously in the company of

1 the victim at this same apartment complex in the same
2 location where the murder happened.

3 I think for purposes of probable cause and obtaining a
4 search warrant at this early inception of the investigation,
5 they identified that this account was, in fact, utilized by
6 the Defendant in this case, and it was relevant, and further
7 into their investigation, I do think that probable cause was
8 sufficient and that the search warrant is valid.

9 THE COURT: Thank you, Mr. Moroney. All right. I -- I
10 have reviewed the search warrant signed by Judge Morgan.
11 Heard the testimony from the -- the affiant officer. And
12 Counsel, as you know, when reviewing a search warrant, the
13 Court is looking at the sufficiency of probable cause, and a
14 number of cases established the standard, whether the
15 decision to issue a search warrant, whether the judge made a
16 practical common-sense decision concerning whether under the
17 totality of the circumstances set forth in the affidavit,
18 there's a fair probability that evidence of a crime will be
19 found in a particular place to be searched. Or in this case,
20 the documentation on the social media site that was solved.

21 After hearing this, I find that -- that probable cause
22 was sufficient, and I'll deny the motion to suppress. Okay.
23 Let's move on to the next -- next matter.

24 MR. MORONEY: Your Honor, the State calls Sergeant Drew
25 Herring to the stand.

1 THE COURT: Now, we're -- this is Jackson v. Denno?

2 MR. MORONEY: Jackson v. Denno. Yes, your Honor.

3 THE COURT: Okay.

4 MR. MORONEY: I'm sorry.

5 THE CLERK: Please place your left hand on the Bible,
6 and raise your right hand.

7 SERGEANT ANDREW HERRING,

8 being duly sworn, testified as follows:

9 THE CLERK: Thank you. Please take a seat, and state
10 your name for the record.

11 THE WITNESS: Andrew Herring.

12 DIRECT EXAMINATION

13 BY MR. MORONEY:

14 Q. Good afternoon, Sergeant Herring. Where do you
15 work, and did you work there in January 2022?

16 A. Yeah. I worked in the Greenville County Sheriff's
17 Office. Right now, I'm a sergeant on Warrants Division, but
18 in January '22, I was assigned in homicide.

19 Q. And did you have occasion to become the lead
20 investigator in this case against Tyberious Pyles?

21 A. I did. In March of '22.

22 Q. During the course of that investigation, were you
23 able to obtain a statement from the Defendant in this case?

24 A. Yes, I was able to. It was on, like, May 13th of
25 '23, I believe -- or '22.

1 Q. So May 13, 2022?

2 A. Yeah.

3 Q. Okay. Do you remember the approximate time that
4 it was obtained at?

5 A. 9:00, at night.

6 Q. Okay. And who was present during the questioning?

7 A. Myself, the Defendant, and Master Deputy Brian
8 Loftus.

9 Q. Was the Defendant under the influence of alcohol
10 or drugs to the extent that would've impaired his ability to
11 understand?

12 A. No.

13 Q. And did the Defendant have any physical or mental
14 disability that would've impaired his ability to understand
15 what was being said and asked?

16 A. No.

17 Q. Where did this interview take place?

18 A. The law enforcement center in our -- our only
19 interview room that we have.

20 Q. And can you describe that generally what that
21 interview room is like?

22 A. Yeah. It's a small room, probably, like, 6-feet
23 by 12, or a little bit bigger than that. And there's a table
24 smaller than that, but around that design against a wall.
25 And then several chairs. We always put the Defendant or

1 suspect or whoever we're interviewing in the same corner so
2 that the cameras can see them, and have the best view.

3 And then the lead interviewer always sits where I was
4 sitting in the video just on this side of the table on the
5 close, but not the opposite. And then Loftus was sitting
6 kind of behind me against the wall off camera, but facing
7 both me and the Defendant.

8 Q. Were any threats or promises made in exchange for
9 the statement?

10 A. No.

11 Q. Was the Defendant under arrest at the time?

12 A. Yes.

13 Q. Was he under arrest for a separate and distinct
14 infraction other than the case that time?

15 A. Yeah, he was.

16 Q. Was the Defendant free to go at any time during
17 questioning?

18 A. No. He was under arrest. He could stop talking
19 at any time. He had that option, and then he would go to --
20 to jail and be booked for those charges.

21 Q. Was the Defendant advised of the nature of the
22 investigation?

23 A. He was.

24 Q. And was the Defendant advised of his
25 constitutional rights pursuant to Miranda prior to any

1 questioning regarding the crime?

2 A. He was.

3 Q. And was that done on an advisement of rights form?

4 A. Yes, and was recorded.

5 Q. And does that advisement of rights form contain
6 all the warnings that you provide and provided to the
7 Defendant?

8 A. Yes.

9 MR. MORONEY: Okay. I'm going to hand you what's been
10 pre-marked as State's (sic) Exhibit 3, for identification
11 purposes.

12 (Court's Exhibit 3 marked for identification.)

13 BY MR. MORONEY:

14 Q. And ask you if you can recognize what it is.

15 A. Yeah. This is the waiver of rights, Miranda form.

16 Q. And is that the form that was gone over with and
17 signed ultimately by Tyberious Pyles and yourself in this
18 case?

19 A. Yes.

20 Q. And is this a fair and accurate copy of that same
21 advisement form?

22 A. Yes.

23 MR. MORONEY: Your Honor, at this time, for purposes of
24 this hearing, the State moves to admit Court's Exhibit 3.

25 THE COURT: For purposes of this hearing.

1 (Court Exhibit Number 3 admitted into evidence.)

2 BY MR. MORONEY:

3 Q. So we'll go through this form thoroughly. And if
4 you could advise and let us know which rights the Defendant
5 was advised of, and what he acknowledged.

6 A. So we started off with the date and time. This
7 time appears when I start before I read everything to him.
8 And then I read each line and he would have to initial, so I
9 read just word for the form. You want me to read it?

10 Q. If you can please, if you could for the record.

11 A. "Before we ask you any questions, you must
12 understand your rights." I would ask him to initial, or
13 sometimes people will rather initial law at -- once at end.

14 "You have the right to remain silent. Anything you say
15 can be used against you in a court. You have the right to
16 talk to a lawyer for advice before we ask you any questions
17 and have -- and to have him with you during questioning. If
18 you have no money to pay a lawyer's fee, the court will
19 appoint one to represent you without cost, if you wish. If
20 you decide to answer questions now without a lawyer present,
21 you will still have the right to stop answering at any time.
22 You also have the right to stop answering at any time until
23 you talk to a lawyer."

24 And a waiver of rights is a big letter in right there.
25 And states, "I have read this statement of my rights, and I

1 understand what my rights are. I'm willing to make a
2 statement and answer questions. I understand and know what
3 I'm doing, the promises -- no promises or threats have been
4 made to me."

5 And then we have them -- you see next to each
6 statement, we've broken it up to where they initial each one,
7 and then we have them sign and print the name. And then we
8 go through this whole -- you know, where's your last address,
9 your Social, date of birth, education, school attended, phone
10 number. And then I sign, and then the person who was there
11 with me signs. And then I put the time down for when we
12 stopped. So it took about four minutes.

13 Q. Did the Defendant appear to have any trouble
14 understanding his rights?

15 A. No. He said he'd already been read his rights
16 before, but I wanted to make sure it was extremely clear.

17 Q. Did the Defendant's answers to questions appear
18 rational and responsive?

19 A. They did.

20 Q. Did you or anyone in your presence threaten, or
21 coerce the Defendant in any fashion, or offer him any
22 promise, or hope, or reward?

23 A. No.

24 Q. How did the Defendant respond when asked whether
25 he wanted an attorney before speaking to police?

1 A. He was fine talking to us without one.

2 Q. Did the Defendant ever later change his mind and
3 ask to stop questioning because he wanted an attorney?

4 A. No.

5 Q. To the best of your knowledge, was the Defendant
6 statement freely and voluntarily given?

7 A. Yes.

8 Q. And was that statement from the Defendant
9 ultimately video- and audio-recorded?

10 A. It was.

11 MR. MORONEY: Okay. I hand you this USB drive, marked
12 as Court's Exhibit 4.

13 (Court's Exhibit Number 4 marked for identification.)

14 BY MR. MORONEY:

15 Q. Do you recognize the contents on that USB drive?

16 A. I do, sir. I do.

17 Q. And is -- are the contents a fair and accurate
18 depiction of the interview that you conducted with Tyberious
19 Pyles on May 13, 2022?

20 A. They are.

21 MR. MORONEY: Your Honor, at this time, for purposes of
22 the hearing, the State moves Court's Exhibit 4 into evidence.

23 THE COURT: For purposes of this hearing.

24 (Court's Exhibit Number 4 admitted into evidence.)

25 (Defendant's video interview (Court's Exhibit 4) published.)

1 MR. MORONEY: And, your Honor, just as a housekeeping
2 matter, this is an edited video that has some of the edits
3 the State has made to -- to try to remove things that would
4 be irrelevant, and in order to address --

5 THE COURT: Do -- do you need to -- well, let me ask
6 you this: Do you want to put the timestamps on the record,
7 what's been edited, or have you and Mr. Gambrell figured out
8 the redactions ahead of time?

9 MR. MORONEY: We -- we are in the process of that.
10 I've gotten -- and I think I've taken care of many of them.
11 But just a suggestion. I was going -- the reason I'm
12 bringing this to the Court's attention, Mr. Gambrell's
13 attention, was if there's something that, in this redacted
14 version, gives pause, Mr. Gambrell and I can -- can annotate
15 as we're going through here, for purposes of trial, if that's
16 meaningful to your Honor.

17 THE COURT: Mr. Gambrell, is that --?

18 MR. GAMBRELL: I'm not sure exactly what he's asked are
19 -- are we -- because I -- I do have certain objections, and I
20 have timestamped in, but I have not seen this exact portion
21 of -- of the video. It has some of the redactions already.
22 Now when it -- when it plays, I don't see the timestamp on my
23 computer up here. So I don't know how to do that
24 contemporaneously.

25 THE COURT: Well, why don't -- why don't we do this:

1 Mr. Moroney, when the video skips forward, state on the
2 record, what point that is, that the -- the timestamp so
3 Mr. Gambrell will know that and --

4 MR. MORONEY: Yeah, I'm fine --?

5 THE COURT: Mr. Gambrell, I'm assuming you have the
6 entire video.

7 MR. GAMBRELL: Yes -- yes, I do, your Honor.

8 THE COURT: Okay.

9 MR. GAMBRELL: And I have gone through there, and a
10 timestamped what my particular objection to be, and I have
11 given a lot of it to Mr. Moroney.

12 THE COURT: Okay -- okay. So just when -- when you
13 skip forward, just announce that on the record, then we'll
14 see where two of you are as far as objections.

15 MR. MORONEY: Okay. And Mr. Gambrell, if you want to
16 just let me know if there's a portion of this to include in
17 the claim, and if it's something I've not redacted, that you
18 think it's something -- you know what I mean? You let me
19 know.

20 MR. GAMBRELL: Yeah, I'll try to do that.

21 MR. MORONEY: Okay. I'll back this up, your Honor, to
22 that point. And, your Honor, for clarity's sake, are you
23 talking about when there's portions removed from the video,
24 not mute -- muted portions? Because there's going to be
25 muted portions for the majority --

1 THE COURT: Well, if any -- any modification you've
2 made to the video to either redact the portion, or mute
3 portion, state that for the record so we can then talk about
4 it if there's an objection to that.

5 MR. MORONEY: Yes, sir.

6 (Defendant's video interview (Court's Exhibit 4) published.)

7 MR. MORONEY: At the 3:52 mark of this redacted video,
8 there's a mute -- muted portion (inaudible).

9 (Defendant's video interview (Court's Exhibit 4) published.)

10 MR. MORONEY: Your Honor, the 5:16 mark, the video
11 skips ahead to begin the interview as to this case as there
12 is a relevant conversation proceeding this.

13 THE COURT: Okay.

14 (Defendant's video interview (Court's Exhibit 4) published.)

15 MR. GAMBRELL: Judge, I object to the statement that
16 Mr. Herring said. He -- I think he said he didn't take
17 (inaudible).

18 (Defendant's video interview (Court's Exhibit 4) published.)

19 MR. GAMBRELL: That would be hearsay.

20 THE COURT: Oh, okay. Well, let's make a note, and I'm
21 -- I'm going to hear all your objections.

22 MR. GAMBRELL: Okay.

23 THE COURT: And just --

24 MR. GAMBRELL: I don't know exactly what that timestamp
25 is, but I don't -- because I don't have it on here.

1 THE COURT: What -- what -- what time is that?

2 MR. GAMBRELL: 6:15.

3 THE COURT: 6:15.

4 MR. GAMBRELL: Is it possible that we can get the --
5 the time running on the screens? Is that possible? I -- I
6 could just mark my objections without even interrupting
7 anybody.

8 MR. MORONEY: Does it go away at the bottom, right-hand
9 point?

10 (Defendant's video interview (Court's Exhibit 4) published.)

11 MR. MORONEY: This, your Honor, is --

12 (Defendant's video interview (Court's Exhibit 4) published.)

13 MR. MORONEY: At the 6:52 mark, we have a muted
14 portion.

15 THE COURT: Okay.

16 (Defendant's video interview (Court's Exhibit 4) published.)

17 MR. MORONEY: And that continues to the 7:12 mark.

18 (Defendant's video interview (Court's Exhibit 4) published.)

19 MR. MORONEY: Your Honor, starting at 9:59, it's muted
20 until 10:45.

21 (Defendant's video interview (Court's Exhibit 4) published.)

22 MR. MORONEY: Your Honor, starting at 19:15 mark until
23 the 19:23 mark, it's muted.

24 (Defendant's video interview (Court's Exhibit 4) published.)

25 MR. MORONEY: Your Honor, from the 20:10 mark to the

1 20:23 mark, it's muted.

2 (Defendant's video interview (Court's Exhibit 4) published.)

3 MR. MORONEY: Your Honor, from the 27:18 mark to 27 --
4 a couple times, 22 mark -- 27:18 to 27:22.

5 (Defendant's video interview (Court's Exhibit 4) published.)

6 MR. MORONEY: Your Honor, from the 30:05 mark to the
7 30:06 mark, it's muted.

8 (Defendant's video interview (Court's Exhibit 4) published.)

9 MR. MORONEY: Your Honor, from 31:29 to 31:47, will be
10 muted

11 (Defendant's video interview (Court's Exhibit 4) published.)

12 MR. MORONEY: Your Honor, the 32:21 mark starts muting.

13 (Defendant's video interview (Court's Exhibit 4) published.)

14 MR. MORONEY: To the 32:26 mark.

15 (Defendant's video interview (Court's Exhibit 4) published.)

16 MR. MORONEY: The 35:04 mark to the 35:08 mark, it's
17 muted.

18 (Defendant's video interview (Court's Exhibit 4) published.)

19 MR. MORONEY: At 36:42 mark --

20 (Defendant's video interview (Court's Exhibit 4) published.)

21 MR. MORONEY: -- to the 36:07 mark.

22 (Defendant's video interview (Court's Exhibit 4) published.)

23 MR. MORONEY: 37:01 mark --

24 (Defendant's video interview (Court's Exhibit 4) published.)

25 MR. MORONEY: -- to the 37:41 mark.

1 (Defendant's video interview (Court's Exhibit 4) published.)

2 MR. MORONEY: Your Honor, at the 38:35 mark, the video
3 cuts and deletes a portion of which would be irrelevant to
4 this case, where the Defendant is found to have some crack,
5 suspected crack cocaine hidden in his sock in the interview
6 room. We removed that. It resumes at 38:36 with the
7 investigator coming back into the interview room.

8 (Defendant's video interview (Court's Exhibit 4) published.)

9 MR. MORONEY: Your Honor, 38:51 mark --

10 (Defendant's video interview (Court's Exhibit 4) published.)

11 MR. MORONEY: -- to the 39:00, minute mark, it's muted.

12 (Defendant's video interview (Court's Exhibit 4) published.)

13 MR. MORONEY: The 40:51 mark to the 41:01 mark, it's
14 muted.

15 (Defendant's video interview (Court's Exhibit 4) published.)

16 MR. MORONEY: 41:11 to 41:13 is muted.

17 (Defendant's video interview (Court's Exhibit 4) published.)

18 MR. MORONEY: Your Honor -- your Honor? As at 42:44
19 mark, the video deletes an irrelevant portion, and then
20 resumes a second later with Investigator Herring returning to
21 the room.

22 (Defendant's video interview (Court's Exhibit 4) published.)

23 MR. MORONEY: Your Honor, the 43:20 mark to the 44:03
24 mark, it'll be muted.

25 (Defendant's video interview (Court's Exhibit 4) published.)

1 MR. MORONEY: That's muted for one second. Excuse me.
2 46:11.

3 (Defendant's video interview (Court's Exhibit 4) published.)

4 MR. MORONEY: 46:23 no, I want to say 46:27. Muted
5 (Defendant's video interview (Court's Exhibit 4) published.)

6 MR. MORONEY: 47:58 to 47:59, muted.
7 (Defendant's video interview (Court's Exhibit 4) published.)

8 MR. MORONEY: 49:15 through 49:46 is muted.
9 (Defendant's video interview (Court's Exhibit 4) published.)

10 MR. MORONEY: 50:32, 50 minute and 32 mark is a
11 mutation or muted part portion. To be exact, 50:39 through
12 the 50:48 mark is muted.

13 (Defendant's video interview (Court's Exhibit 4) published.)

14 MR. MORONEY: From the 55:23 mark to the 55:36 mark was
15 muted.

16 (Defendant's video interview (Court's Exhibit 4) published.)

17 MR. MORONEY: 57:39, it's muted.

18 (Defendant's video interview (Court's Exhibit 4) published.)

19 MR. MORONEY: 58 --

20 (Defendant's video interview (Court's Exhibit 4) published.)

21 MR. MORONEY: 58:02 to 58:16 is muted.

22 (Defendant's video interview (Court's Exhibit 4) published.)

23 MR. MORONEY: 58:25 to 58:47, it's muted.

24 (Defendant's video interview (Court's Exhibit 4) published.)

25 MR. MORONEY: 59:58 to one minute -- excuse me. The

1 one hour, one minute, and seven second mark, we will be
2 muted.

3 (Defendant's video interview (Court's Exhibit 4) published.)

4 MR. MORONEY: One hour, one minute and 30 --

5 (Defendant's video interview (Court's Exhibit 4) published.)

6 MR. MORONEY: -- 6 mark --

7 (Defendant's video interview (Court's Exhibit 4) published.)

8 MR. MORONEY: -- (inaudible) is muted.

9 (Defendant's video interview (Court's Exhibit 4) published.)

10 MR. MORONEY: The one hour, five minutes, and 55 second
11 mark -- one hour, six-minute mark is muted.

12 (Defendant's video interview (Court's Exhibit 4) published.)

13 MR. MORONEY: One hour, 11-minute and four-second mark
14 to the one hour, 11-minute, and 32-second mark was muted.

15 (Defendant's video interview (Court's Exhibit 4) published.)

16 MR. MORONEY: 16:06 -- excuse me. The one hour,
17 16-minute, and the 06 mark --

18 (Defendant's video interview (Court's Exhibit 4) published.)

19 MR. MORONEY: -- to the one hour, 16-minute, and
20 22-second mark, muted.

21 (Defendant's video interview (Court's Exhibit 4) published.)

22 MR. MORONEY: The video ends at the one hour,
23 18-minute, and 11-second mark, your Honor.

24 BY MR. MORONEY:

25 Q. Sergeant Herring, aside from the muted portions or

1 edited portions, is that accurate copy of your interview with
2 defendant and your response?

3 A. It is.

4 MR. MORONEY: Thank you. Please answer any questions
5 that Mr. Gambrell might have for you.

6 THE COURT: Mr. Gambrell?

7 MR. GAMBRELL: Thank you, your Honor. May it please
8 the Court? Just a brief indulgence, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. GAMBRELL:

11 Q. Is it detective or investigator? What do you --
12 what's your title?

13 A. Right now it's sergeant.

14 Q. Sergeant? Sergeant Herring, when you first
15 brought Ty into the investigation room, he was charged with
16 -- that was pursuant to him being picked up initially on the
17 trespass charge?

18 A. He was charged -- yeah. It was a deputy patrol
19 was out doing extra patrol in the -- in the neighborhood that
20 he was on trespass from. They saw him out there. They got
21 out, tried to make contact with him. He ran from them
22 through the woods, and they -- they apprehended him and
23 brought him in, charged him with trespassing and the drug
24 charges.

25 Q. Is that the -- the -- the PWID and the

1 interference with an officer and then the subsequent trespass
2 charge, those came from May 13th?

3 A. The trespass charge came from me. During the
4 investigation, it led me out to that neighborhood that he's
5 from. I talked to management, trying to figure out just if
6 he still lived there, what his whole ordeal was there. And
7 they -- I talked to the maintenance crew, and they had video
8 of him walking through the breezeways and parking lots, which
9 he's not allowed to do because he's on trespass notice.

10 Q. So he had an active warrant for trespass?

11 A. Yeah, that was -- that's what I put on, I guess.

12 Q. And then when they went to go serve that on him,
13 they charged him on May 13th for another trespass, an
14 interference with an officer and PWID, cocaine based?

15 A. I -- I would've to look at the warrants. I'm not
16 sure if they charged him again because they -- because he
17 already had the -- I can't remember. But he had the drug
18 ones, interfering, those definitely came from that month.

19 Q. And then when you brought it to the interview room
20 and presented him with Miranda warnings in the -- in the
21 letter form. Subsequent to that, you didn't ask him any
22 questions about the trespass or the interfering or the PWID
23 charges, correct?

24 A. I can't -- I can't remember exactly the -- there
25 were a bunch of different reasons I wanted to talk to Ty. He

1 had knowledge of a murder that I was also working. Because
2 it was his cousin who got murdered -- murdered. And he had
3 -- he had information about that. And also, I started with
4 that because it was something that we could both relate to.
5 I was working it, and it was a crazy situation how that
6 happened. And I figured it would put him at ease and relax
7 at first.

8 Q. So at the -- on the original interview time on
9 tape --

10 A. The unedited one, right?

11 Q. Yes, correct. At the -- about seven minutes into
12 the interview, you said, "Did -- did they tell you what
13 you're charged with?"

14 A. Right. And I read him his charges, after asking
15 him that. Yes, sir.

16 Q. And then you asked him you wanted to talk to him
17 about Webbie (ph) getting killed?

18 A. That's his cousin. That was another murder I was
19 working.

20 Q. Right. So at any time during the interview, you
21 never did ask him about the charges for which he was arrested
22 on that day or the previous trespass charge, correct?

23 A. What are you asking? I'm sorry. Did I ever ask
24 him about the drugs?

25 Q. Right. You didn't -- you didn't ask him anything

1 about the charges for which he was arrested for that day?

2 The trespass --?

3 A. I -- I wasn't -- I wasn't -- that wasn't the
4 purpose of the interview. They asked -- they asked him
5 beforehand, "Would you be willing to go upstairs and talk
6 about the murder? The weapon?" He said, "Yes." And then --
7 so that opened the door for me to be able to talk to him
8 about. Which also segued into the actual charge I was
9 looking at him as a person of interest.

10 Q. Okay. But just to answer "Yes," or "No." You
11 never did ask him about the questions with regards to the
12 charges that he was picked up that day?

13 A. Did I ask him if I knew he was on trespass?

14 Q. No. Did you ask him any questions with regard to
15 those charges?

16 A. I can look back. It was a long interview. Do you
17 have it? Do you have that -- do you have that stated? I
18 mean, the --

19 Q. Do you recall asking him any questions about that?

20 A. No, I can answer you fully if you want me to see
21 the part that you're talking about you, because I know I
22 talked to him about it, and I read it to him.

23 Q. Right.

24 A. But that wasn't -- that wasn't the main purpose.

25 Q. Okay. That's fine. That's all I want to know.

1 And you weren't assigned to those cases?

2 A. The trespass charge I charged him with, I assigned
3 it before they even went out there.

4 Q. Right.

5 A. That's the one --

6 Q. That they were actively seeking him for -- when
7 they went and picked him up on the 13th?

8 A. They were on a task force that was a targeted
9 apartment because it's a heavily gang-saturated apartment,
10 and there's been a lot of violent crime out there. And I
11 told them, "Hey, if you're out there this weekend, please
12 look for Tyberious because I put a warrant on him, and I need
13 to talk to him."

14 Q. That was -- that was the incident that they gave
15 them the legal authority to pick him up that night.

16 A. That's what gave them the authority to arrest him
17 for the charge -- for the trespass. But when he ran and
18 threw dope --

19 Q. Right. That's all --

20 A. -- that was -- that was additional.

21 Q. Okay. That's fine. Now you also talked to him
22 about Webbie?

23 A. Uh-huh.

24 Q. And also, an individual named Man-man?

25 A. Yeah, that's who killed Webbie.

1 Q. Yeah. And then -- I think it was it was a little
2 about an hour or so into the -- I'm sorry, an hour and 37
3 minutes into the interview that you then informed him that
4 you're charging him with murder?

5 A. No -- that sounds about right.

6 Q. Okay. At any time after you informed him of that,
7 did you inform him of his Miranda rights?

8 A. Did I -- I re-read him Miranda?

9 Q. Yeah.

10 A. No. There was no need to. He was already under
11 arrest. He was already being questioned. He had every right
12 to stop talking, get a lawyer.

13 Q. It is just a "Yes," or "No." You did not read him
14 his Miranda rights?

15 A. No.

16 Q. Okay.

17 A. Not again. I did at the very beginning.

18 Q. And then after you did read him his Miranda rights
19 after you told him he was being charged with murder, and
20 burglary, and armed robbery, you still continued to ask him
21 questions about that?

22 A. Yes -- yes.

23 MR. GAMBRELL: That's all the questions I have, Judge.

24 THE COURT: Okay. Any re-direct?

25 MR. MORONEY: None, your Honor.

1 THE COURT: Thank you, Officer. You can step down.
2 Okay. Anything further from the State?

3 MR. MORONEY: Not at this time, your Honor, from the
4 State.

5 THE COURT: Mr. Gambrell, any -- any motions?

6 MR. GAMBRELL: Judge, I would just ask that the -- the
7 statements after an hour and 37-minute mark, where he was --
8 charged him with additional crimes of these crimes. And,
9 your Honor, it's just based on the fact that the waiver --
10 you know, Mr. Pyles has to waive his rights with full
11 awareness of the nature of -- of that -- of those rights, and
12 the consequences of the decision to abandon it.

13 And based on -- you know, that he was arrested
14 previously for different crimes, and then subsequently
15 charged during that interview, with additional crimes, I
16 believe that it would require him to have an additional
17 arrest warrant, and that those were not given.

18 THE COURT: Mr. Moroney, any response?

19 MR. MORONEY: Very briefly, your Honor. My review of
20 the case law is the Miranda warnings are not of offense
21 specific. So we accordingly think that there is a valid
22 waiver of rights detailed in the hearing this afternoon. And
23 the Defendant was apprised of those rights, acknowledged
24 those rights on this said waiver, which was done verbally and
25 in the written format.

1 THE COURT: Well, I've heard the testimony. I've also
2 reviewed the State's Exhibit Number 4 interview, in which
3 extensive number of redaction through the audio was being
4 muted, and then there's some actual redactions in the -- of
5 video took place to take out irrelevant high prejudicial
6 matters.

7 I find, first, that the interview was custodial, the
8 Defendant was under arrest and was in custody. And brought
9 up to the interview room, Defendant was not free to leave. I
10 find that Miranda rights were given to the Defendant as shown
11 on State's Exhibit Number 3, in which form was explained, and
12 each line was -- was initialed by the Defendant. Court finds
13 that there was no evidence, in the interview, of coercion.

14 There was no evidence of Defendant denied food or
15 water, or was in physical or mental distress. There, the
16 Miranda form advised the Defendant that he had the right to
17 remain silent. He had the right to counsel; he could stop
18 questioning any -- any moment, and seek counsel.

19 And it also, importantly, advised him as required that
20 anything he said could be used against him in court of law.
21 And Mr. Moroney's argument regarding Miranda is correct.
22 It's not offense-specific. And there's -- there's case law
23 to that effect. So I'm going to find that the statement as
24 set forth in State's Exhibit Number 4 as redacted with the
25 mutations is admissible. So is there anything further?

1 on the end. My two alternates, you'll always sit on those
2 two chairs on the end. The rest of you are free to move
3 about when you come in and out, but we're ready to proceed.
4 First part of the trial will be opening statements. Is the
5 State ready?

6 MR. MORONEY: Yes, your Honor.

7 THE COURT: All right. Go ahead.

8 MR. MORONEY: May it please the Court, your Honor?

9 THE COURT: Yes, sir.

10 MR. MORONEY: Good morning, ladies and gentlemen. On
11 January 22, 2022, Joseph Smith was killed in his apartment,
12 at the Cliffwood Terrace Apartment. He was there, along with
13 his roommate, Marquez McCarroll, from which you'll hear
14 during the course of this testimony, it's his roommate in
15 another bedroom. They each had their own separate bedrooms
16 in the upstairs of this apartment.

17 Marquez McCarroll's cousin, Shareef McCarroll, had been
18 staying with him. This is 2022, COVID still going on. He
19 had been sick for some time, and he was staying with his
20 cousin. So Shareef and Marquez were staying in a bedroom.
21 And then our victim, Joseph Smith, was staying in another
22 bedroom.

23 And in the early morning hours of January 22, 2022,
24 approximately 3:30 in the morning, two masked individuals
25 come in armed with weapons. And you'll hear from the

1 testimony that Marquez and Shareef were asleep in their
2 bedroom, on separate air mattresses. And about that time,
3 awoken with the door flying open and them seeing Joseph Smith
4 being held at gun point.

5 There's a demand, something to the effect of "Give it
6 over." Response by Joseph, "I don't know what you're talking
7 about. I don't know where it is." Something to that effect.
8 And quickly thereafter, gunshots, that lead to Mr. Smith's
9 ultimate demise right there in that bedroom. Those suspects
10 flee from that location of the bedroom out of the apartment.

11 Joseph Smith was a father, family in the area, grew up
12 in a foster system, but we should not be here today. The
13 Defendant in this case, Tyberious Pyles, is charged with
14 murder, possession of a weapon during the commission of a
15 violent crime, murder being a violent crime in our state's
16 laws. Conspiracy, combining with someone else for an
17 unlawful purpose. Armed robbery, and burglary in the first
18 degree. Essentially, when you burglarize someone's home in
19 the nighttime, armed with a weapon, it's burglary in the
20 first degree.

21 Here, during the course of this case, you're going to
22 hear witness testimony on the stand, and you are the ultimate
23 determiners of the facts of this case. In the conclusion of
24 this trial, you'll will be making the ultimate decision of
25 guilt or innocence as to each one of these charges at the

1 conclusion of this trial. But you are the drivers of the
2 facts.

3 And from this witness stand, you are going to hear
4 direct evidence and circumstantial evidence. The conclusion
5 of this trial, his Honor will instruct you on the law. He's
6 in charge of everything law related, but he's going to give
7 you the playbook, so to speak, as the rules of law that you
8 are to consider at the conclusion of this trial during
9 deliberation. But he will also touch on direct and
10 circumstantial evidence.

11 Direct evidence, pretty straightforward. Something you
12 see, hear, smell, tangible items, direct evidence.
13 Circumstantial evidence can be a chain of events which leads
14 to the existence of a fact. And the important thing that
15 you'll hear the Judge say at the conclusion of this trial is
16 that circumstantial evidence and direct evidence are on an
17 equal playing field.

18 And the example I like to give with circumstantial
19 evidence would be: Let's say you get back home after today's
20 trial, and as you're locking up the house, you look outside,
21 dry as a bone in your front yard, turn off all the lights, go
22 to sleep. Middle of the night, you start hearing some pitter
23 pattern on the roof. Some flashes in the distance, in your
24 experience, it looked like lightning with some flashes
25 outside.

1 And when you wake up in the morning, you go outside,
2 start flipping on the lights, and you look out at the front
3 door and the leaves are dripping. It's not raining outside.
4 Leaves are dripping, the street, it's soaking wet. The
5 neighbor's lawn is wet, your lawn is wet. You can infer from
6 all those observations from the previous night and what
7 you're doing right there that it rained in the previous
8 night. Although you never observed, it rained, okay? That's
9 an example of circumstantial evidence.

10 Sure, somebody could have gone on your roof with some
11 nails attacks and made some noise in the middle of the night,
12 hose down your entire front yard, the trees, and your
13 neighbor's front yard. But is that likely? No. And that's
14 where your common sense and life experience comes into.
15 You're ultimate deliberations in this case, in consideration,
16 in this case. You get to believe or not believe anything you
17 hear on that witness stand, and that is your role.

18 The State has to prove each and every element of each
19 and every charge in this case beyond a reasonable doubt.
20 That's something we take very seriously. It is a high
21 burden. You may be familiar with -- with civil cases, a
22 preponderance of the evidence or just kind of a scale like
23 this. That's not the case in criminal court here. Proof
24 beyond a reasonable doubt would be proof as to each and every
25 element that leaves you firmly convinced of the Defendant's

1 guilt.

2 In this case, the Defendant, Tyberious Pyles, spoke
3 with Investigator Drew Herring. He was advised of his
4 rights, and he provided a statement. During the course of
5 this statement, I'll implore you to listen very closely for
6 the winding tail that this story leads you on, and where
7 ultimately it starts and ends. Where ultimately it ends is
8 placing Mr. Pyles at the scene beforehand, scoping out the
9 residence and being complicit with his co-conspirators in the
10 armed robbery that ultimately led to the death of Joseph
11 Smith.

12 Again, the Judge is going to charge you in the law, but
13 if there's anything, there's two things I'd like you to
14 remember before I sit down here. Is to please take the time
15 to listen closely to the Defendant's statement in this case.
16 And keep in mind in our statement, the hand of one is the
17 hand of all.

18 The person who joins with another to commit an unlawful
19 act is criminally responsible for everything done by the
20 other person, which happens as a probable or natural
21 consequence of the acts done in carrying out a common plan or
22 purpose. You plan and conspire with others to join an
23 unlawful purpose, the hand of one is the hand of all.

24 Two people could be found guilty of killing another
25 person when only one of the two had a gun. There was only

1 one bullet, and only one of the two fired the shot that
2 caused the death. Two or more people are together, acting
3 together, assisting each other in committing the offense, the
4 act of one is the act of all, or as it is sometimes said, the
5 hand of one is the hand of all.

6 Judge is going to charge you on the law on this case,
7 and you ultimately listen to him. But I implore you to
8 listen to Defendant's statement in this case as long as with
9 all the other witnesses that we have in this case. And keep
10 in mind, if you plan ahead of time to rob somebody with
11 firearms, and in the course of that, somebody ends up dead,
12 everyone who conspires and is a planner and part of that,
13 it's just as if they're very well the ones pulling the
14 trigger. Thank you.

15 THE COURT: Mr. Gambrell?

16 MR. GAMBRELL: Thank you, your Honor. May it please
17 the Court? Everyone that's here today in the courtroom is
18 innocent of the charges of the case that's before you today:
19 Me, Mr. Moroney, Judge Sprouse, Mr. Pyles, all. And I know
20 it's -- it's sometimes difficult to hold that belief
21 especially when it comes to Mr. Pyles because right now, he's
22 the only one that's sitting in that chair, and he's the only
23 one that's being referred to as "The Defendant," but he's as
24 innocent as every one of us in the courtroom today.

25 And -- and you have to hold that belief unless, and

1 until the State firmly convinces you that he's guilty of
2 murder, burglary, armed robbery, possession of a weapon, and
3 conspiracy. And these are very serious charges. These are
4 substantial claims that the State is making against
5 Mr. Pyles, and substantial claims require substantial
6 evidence. Excuse me.

7 Now, the evidence that's going to be presented by the
8 government has to be substantial enough to overcome his
9 burden of innocence. Now, there's not going to be any
10 forensic or physical evidence directly connecting Mr. Pyles
11 to these crimes. The bulk of that evidence, as you're going
12 to hear, as Mr. Moroney stated, is going to be circumstantial
13 evidence, and it's going to be received from the testimony of
14 the witnesses that you're going to hear over the course of
15 the next few days.

16 Two of these witnesses, the two that Mr. Moroney
17 referred to, Shareef and Marquez, when you listen to their
18 testimony, you're going to find that there's inconsistencies
19 in their own testimony in between each other, and sometimes
20 it's going to be contradictory. And you're going to have to
21 judge whether or not that they're credible based on the
22 testimony that they give.

23 You're also going to hear from Mr. Pyles in that
24 statement, and -- well, let me back up, because the evidence
25 that they're going to present have to present -- has to

1 prove, as Mr. Moroney said, every element of every single
2 charge, and included in every charge, is the element of
3 intent. You have to prove that Mr. Pyles intended to commit
4 these charges. And he's going to give a statement that
5 you're going to hear.

6 And in that statement, he describes how him and Joseph
7 were friends, that he freely comes and goes from that
8 apartment. And he's going to describe the circumstances
9 under which he was there that night. But based on the
10 testimony of Marquez and Shareef, and the inconsistencies and
11 the contradictions they gave in their testimony and based on
12 Mr. Pyles' testimony through the statement, essentially.

13 The State's not going to be able to meet that burden of
14 proof. And when the State fails to provide evidence that
15 firmly convinces you, it's okay. And it is your duty to find
16 Mr. Pyles is not guilty of these charges. Thank you.

17 THE COURT: State, call your first witness.

18 MR. MORONEY: Your Honor, State calls Deputy Drew Epps.

19 THE CLERK: Please place your left hand on the Bible,
20 and raise your right hand.

21 DEPUTY STEVEN DREW EPPS,
22 being duly sworn, testified as follows:

23 THE CLERK: Thank you. Please take a seat, and state
24 your name for the record.

25 THE WITNESS: Steven Epps.

1 DIRECT EXAMINATION

2 BY MR. MORONEY:

3 Q. Good morning, Deputy Epps.

4 A. Good morning.

5 Q. Could you please tell the jury where you work and
6 what your role and responsibilities are there?

7 A. Yeah, I work for the Greenville County Sheriff's
8 Office, apparently master deputy on patrol to answer all the
9 calls for service or 911.

10 Q. Okay. And were you working in a similar capacity
11 on January 22, 2022?

12 A. I was. Yes, sir.

13 Q. Okay. Did you have occasion to respond to a call
14 for service at the Cliffwood Terrace Apartments at
15 approximately 3:30 in the morning?

16 A. I did. Yes, sir.

17 Q. Okay. Could you explain to the jury, generally,
18 what that involved?

19 A. Yeah, I think it came out originally as an EMS
20 call, a cardiac arrest or something. Usually, we'll respond
21 to those as well. Somehow, we may be closer. When we got
22 there, fire department and EMS was already there. We went
23 inside to make contact with them, and as we were walking up
24 the stairs, they advised us they had a victim upstairs with a
25 gunshot wound.

1 Q. Upon learning that information, what would --
2 would the steps you would've taken next immediately from a
3 security standpoint?

4 A. Yeah. So when EMS gets there, they normally just
5 go straight to the victim. They don't do anything else
6 security wise. So we found that out, so we did a -- we call
7 a protective sweep of the house. Just checking all the rooms
8 and hiding spots to make sure there's no one else inside with
9 a firearm.

10 Q. And after that was complete, did you generally
11 learn of any occupants that had been in the home?

12 A. We did. So after that was complete, I went back
13 upstairs, made contact with them. As I was talking to them,
14 a gentleman came out of the room, I believe, Marquez with the
15 -- he was a resident there. And so, he had -- I was just
16 talking to him for a little bit about what happened, what he
17 saw, of the incident.

18 Q. And did you learn of anybody else that was present
19 that evening as well?

20 A. There ended up being I think it was a cousin or
21 something that was outside when we were walking in. I didn't
22 know he was -- he lived there at first, but we later found
23 that as well. So there had been the two occupants that we
24 talked to and then the victim all inside the same apartment.

25 Q. Were you outfitted with a body-worn camera on this

1 date?

2 A. I was. Yes, sir.

3 Q. Okay. And I think most people are pretty familiar
4 with what that is nowadays. We can very briefly explain how
5 that works.

6 A. Yeah. There's just a little camera we wear on our
7 chest. Usually when we arrive on scene, we'll activate it.
8 You'll see, like, usually the first 15 or 30 seconds is
9 silent. What that is, is when I activate it, the camera's
10 basically always rolling, but it doesn't start recording
11 until we press it.

12 So the 30 seconds are silent, which are the 30 seconds
13 before I press the button, and then it just stays on until --
14 through the duration.

15 MR. MORONEY: Deputy Epps, I'm handing you what's been
16 pre-marked as State's Exhibit 1, for identification purposes.

17 (State's Exhibit Number 1 marked for identification.)

18 BY MR. MORONEY:

19 Q. Can you take a look at that and let me know if you
20 recognize what it is?

21 A. I do. Yes, sir.

22 Q. And what is that?

23 A. This is a thumb drive that has my body-worn camera
24 from that night.

25 Q. And how do you know that's what's contained on

1 this flash drive?

2 A. I went over it previous or last week I should say,
3 and I initialed it and put the date on it after I watched it.

4 Q. And is this a portion of the entire body-worn
5 camera or just the beginning part?

6 A. This just the beginning of it. Yes, sir.

7 Q. Okay. And is it fair and accurate representation
8 of the events that took place on January 22, 2022?

9 A. Yes, sir.

10 MR. MORONEY: Your Honor, at this time, the State moves
11 State's Exhibit 1 into evidence.

12 THE COURT: Any objection.

13 MR. GAMBRELL: Without objection.

14 THE COURT: State's Exhibit Number 1 is admitted
15 without objection.

16 (State's Exhibit Number 1 admitted into evidence.)

17 BY MR. MORONEY:

18 Q. What are we seeing here, Deputy Epps?

19 A. Just exited my patrol car, and I'm walking through
20 the parking lot. This is probably the part of that
21 prerecorded part I was talking about until I activated.

22 Q. And who's that individual?

23 A. I believe his name ends up being Shareef. He was
24 the -- the other occupant at this apartment. We just didn't
25 have that at the time.

1 Q. And when this audio starts, is that the moment you
2 would've pressed your button?

3 A. That's correct.

4 (Body-worn camera (State's Exhibit 1) published.)

5 BY MR. MORONEY:

6 Q. Deputy Epps, did you observe any damage to the
7 front door upon entry to the apartment?

8 A. I don't think I paid much attention to it when I
9 first walked in. So I was talking to the fireman standing
10 there. I did know later -- later on, I did notice something
11 there.

12 Q. And did it appear to be fresh, or...?

13 A. It didn't. It looked like it had been there for a
14 while.

15 (Body-worn camera (State's Exhibit 1) published.)

16 BY MR. MORONEY:

17 Q. And Deputy Epps, there's this big screen behind
18 you. Can you please point out to the jury where the victim
19 would've been lying in relation to where you were standing?

20 A. Yes, sir. If you looked right on the outline of
21 my taser little bit, he laying in the floor in the bedroom.

22 Q. And had he been pronounced deceased by EMS at this
23 point?

24 A. Yes, sir.

25 (Body-worn camera (State's Exhibit 1) published.)

1 BY MR. MORONEY:

2 Q. Is -- that portion that's muted, is that just
3 redacted here for court purposes?

4 A. Yes, sir.

5 (Body-worn camera (State's Exhibit 1) published.)

6 BY MR. MORONEY:

7 Q. Deputy Epps, after making sure the scene is secure
8 and making contact with initial parties like that, what is
9 your next responsibility as far as notifying anybody?

10 A. Yeah. So our next responsibility would be, like,
11 preserving the crime scene not letting anyone in and out --
12 in and out. I think we had a sergeant arriving on scene
13 right at that time. At that time, I was a -- just a D2, so
14 -- so the lowest ranking, but then the sergeant would end up
15 calling the homicide investigators, the coroner, and all that
16 good stuff.

17 Q. So essentially, at this -- once everything's
18 secured and you do those things, it's handed off to
19 investigators so to speak?

20 A. That's correct.

21 MR. MORONEY: Thank you. Please answer any questions
22 that Mr. Gambrell may have for you.

23 THE WITNESS: Yes, sir.

24 THE COURT: All right. Mr. Gambrell?

25 MR. GAMBRELL: No question, your Honor.

1 THE COURT: Thank you, Officer.

2 DEPUTY EPPS: Thank you, Sir.

3 THE COURT: Call your next witness.

4 MR. MORONEY: Your Honor, the State calls Marquez
5 McCarroll.

6 THE CLERK: Mr. McCarroll, please come to the Bible,
7 place your left hand on the Bible. You can face me, and
8 please raise your right hand.

9 MARQUEZ MCCARROLL,
10 being duly sworn, testified as follows:

11 THE CLERK: Thank you. Please take a seat. And please
12 state your name for the record.

13 THE WITNESS: Marquez McCarroll.

14 DIRECT EXAMINATION

15 BY MR. MORONEY:

16 Q. Good morning, Marquez. Thank you for being here.

17 A. Good morning.

18 Q. How did you know the victim in this case, Joseph
19 Smith?

20 A. We went to high school together, knew him from
21 high school.

22 Q. Okay.

23 A. And -- you know, playing football.

24 Q. Okay. And since high school, did you all stay
25 relatively friendly with each other?

1 A. Yeah. We had touch day-to-day basis sometimes.

2 Q. Okay.

3 A. Whenever -- whenever we see each other around.

4 Q. All right. Tell me a little bit about Joseph.

5 Just generally.

6 A. Joe? Joe's cool. Fine dude to be around. He was
7 always energetic, and he loved everybody that he looked out
8 for and everything, so he had a good heart.

9 MR. MORONEY: I'm going to hand you what's been
10 pre-marked as State's Exhibit 8, for identification purposes.

11 (State's Exhibit Number 8 marked for identification.)

12 BY MR. MORONEY:

13 Q. What is that?

14 A. It's a contract.

15 MR. MORONEY: Your Honor, at this time the State would
16 move for State's Exhibit 8 to be admitted into evidence.

17 THE COURT: Any objection?

18 MR. GAMBRELL: No objection, your Honor.

19 THE COURT: State's Exhibit Number 8 is admitted
20 without objection.

21 (State's Exhibit Number 8 admitted into evidence.)

22 BY MR. MORONEY:

23 Q. Did you all have the occasion to link back up
24 again and ultimately become roommates?

25 A. Yes, sir.

1 Q. How did that come about, and where did you all end
2 up?

3 A. It came about -- one day I was asleep outside, and
4 I was put out. When I put out, my dad did turn me in, so I
5 was out just sleeping and he just came one morning and asked
6 me to come in and sleep. And then a couple days afterwards
7 when I -- I was told by other sources that he was going to
8 ask me --

9 MR. GAMBRELL: Objection, your Honor. Hearsay.

10 THE COURT: Sustained.

11 BY MR. MORONEY:

12 Q. Did you all end up moving in together?

13 A. Yes, sir.

14 Q. Okay. All right. Did you all -- did you split
15 rent? How did that work out?

16 A. Yeah. It was split rent.

17 Q. Okay. All right. Do you remember what the rent
18 was out there?

19 A. 850.

20 Q. Okay. And approximately when did you move in out
21 there?

22 A. It was kind of the end of December, right around
23 Christmas.

24 Q. Okay. So you had been there just about a
25 month-ish at the time of this incident; is that correct?

1 A. Yes, sir.

5 (State's Exhibit Numbers 5, 6, and 7 marked for
6 identification.)

8 Q. If you can look -- flip through those please, and
9 let me know if you recognize what that is.

11 Q. Would this be pictures of Cliffwood Terrace?

13 Q. And are they're fair and accurate representation
14 of your observations and knowledge of Cliffwood Terrace,
15 having lived out there?

17 MR. MORONEY: Your Honor, at this time the State would
18 move State's Exhibits 5, 6, and 7 into evidence.

20 MR. GAMBRELL: No objection.

23 (State's Exhibit Numbers 5, 6, and 7 admitted into evidence.)

25 Q. Mr. McCarroll, I'm going to show you what's been

1 marked as State's Exhibit 7, in evidence, and if you're using
2 that TV back there behind you so the jury can see, it's okay
3 if you stand up. If you can show them the unit that you and
4 Joseph would've lived in.

5 A. On the end.

6 Q. Okay. So that door on the far left there; is that
7 correct?

8 A. Yes, sir.

9 Q. Okay. And if you could explain the layout of the
10 bedrooms, where were the bedrooms? Upstairs or downstairs?

11 A. Upstairs.

12 Q. Okay. And those far-left windows, whose windows
13 into the bedroom would that be?

14 A. Top left is Slim's, and the bottom is the living
15 room.

16 Q. Okay. And make sure, try to -- I know you're
17 looking over your shoulder and stuff, but try to speak up if
18 you can.

19 A. Top left is Slim's and the bottom is the living
20 room. And on the backside of the top left would be mine --
21 well, my apartment (inaudible).

22 Q. So your room would've been on the backside?

23 A. Yes, sir.

24 Q. And you referred to Slim. Is that the nickname
25 that you and others would've referred to --

1 A. That's nickname he was gone by, yes. But I
2 already know him as Joe.

3 Q. Okay. I'm going to show you what's in evidence
4 that State's Exhibit 6, just to provide some perspective. So
5 again, could you just show us where we're at, and then point
6 out where your bedroom would've been in relation to the
7 building?

8 A. It was right here and back here.

9 Q. And you were on the backside?

10 A. Yes, sir.

11 Q. Take you to the early morning hours of January 22,
12 2022. Can you tell us about your day leading up to that
13 early morning? So the -- the night before.

14 A. Early morning, I went to work, got there early,
15 about 8:00 in the morning.

16 Q. And where did you work at the time?

17 A. DHL. After I got off work, came straight to the
18 -- to the apartment because I was about to go out with my
19 friends, and I ended up going -- taking -- going to the mall,
20 taking my cousin to the mall, and then we came back after
21 afterwards again.

22 Q. And who was your cousin that you took to the mall?

23 A. Shareef.

24 Q. Okay. Was Shareef staying with you at the time?

25 A. Yes, he was.

1 Q. Can you explain to the jury how that came about?
2 Where he was staying?

3 A. All right. So it was around Christmas, around the
4 holiday we went, I picked him up, went to a family event. I
5 called him a couple days after we all caught COVID, like 14
6 of us caught COVID. So we just stayed on the quarantine, and
7 once my quarantine was over, I ended up going back to work,
8 but he went back to stay, so...

9 Q. Okay.

10 A. That's how he came by.

11 Q. And where exactly in the apartment was he staying?

12 A. He was staying in my bedroom.

13 Q. Okay. And did he have his own bed situation and
14 you had your own bed?

15 A. Yes, sir.

16 Q. Okay. So picking up where you took Shareef to the
17 mall, you said, and you pick up from there, please.

18 A. After that came -- we got back in the car, drove
19 back to the apartment and we just stayed there. I decided
20 not to go out, stayed there, we just chilled out, and then
21 remember talking to my twin brother. And after that, I ended
22 up going to sleep, and that was it.

23 Q. And when you say you were chilling out, where were
24 you doing that?

25 A. In my bedroom.

1 Q. In your bedroom? Okay. And who was there with
2 you?

3 A. My cousin.

4 Q. Okay. Was anybody else in the apartment at that
5 time?

6 A. No, sir.

7 Q. Okay. And -- and then chilling out. What were
8 you all doing there? What were you doing? What was Shareef
9 doing?

10 A. I just bought me a bottle and I was smoking, so
11 that was about it.

12 Q. When you say, "a bottle," was that a bottle of
13 like liquor or something?

14 A. Yeah. Liquor.

15 Q. All right. And when you were smoking -- smoking?

16 A. Marijuana.

17 Q. Okay. All right. And Shareef, what was he doing
18 at this time?

19 A. Just chilling out with me. Was listening to music
20 and all that.

21 Q. Okay.

22 A. He was just chilling.

23 Q. All right. What time do you think then you
24 would've fallen asleep, went to bed that night?

25 A. I talked my brother, it was, like, 10:30, close to

1 11:00, but after that, I ain't up passing out. I don't know.
2 But anything after that until what -- what led up.

3 Q. And what's the next thing you remember after you
4 fell asleep?

5 A. After I fell asleep, waking up, I just remember
6 waking up, my eyes turning it over, getting up and I had a
7 pistol down my face, and it was just -- everything was
8 happening too fast after that.

9 Q. Okay. Had the door to your bedroom been closed
10 previously?

11 A. Yes. I had -- it had been closed when -- when I
12 laid down.

13 Q. Did you wake up to the door opening?

14 A. Busted the door, yeah. So (inaudible).

15 Q. And who did you see? How many people did you see?

16 A. I seen Joe and I seen two other people.

17 Q. Okay. All right. And if you can, if you don't
18 mind getting up and explaining, just kind of speak up the
19 position of what you saw, where these folks were standing,
20 and where Joe was, please.

21 A. Do I have to stand up? I just --

22 Q. If it -- it's probably helpful to give some
23 perspective of things.

24 A. Come -- like, come through the door, there was a
25 person around -- the other person (inaudible) --

1 Q. Yeah.

2 A. -- this man was behind.

3 Q. What if you can stand up, and I'll -- I'll send
4 you too to help provide some perspective, okay?

5 A. Okay.

6 Q. All right. So we'll treat this -- if -- if this
7 is the front door here, where would your bed have been?

8 A. Right here.

9 Q. Okay. And how -- if you were sleeping, would your
10 feet be here?

11 A. I was turned this way.

12 Q. Okay.

13 A. Yes, sir.

14 Q. With your bed this direction?

15 A. Uh-huh.

16 Q. And if in this bedroom, where is Shareef's bed is?

17 A. Is right over the wall.

18 Q. Over on the wall. Is he --

19 A. Over here probably -- where that table was at,
20 probably.

21 Q. Okay. And the door would be over there?

22 A. The door would be back here.

23 Q. All right. And from the moment when you hear the
24 door open, can you explain to the jury the positioning of
25 people that you observed and where Joe was?

1 A. So when I -- I turned it over -- I'm -- I'm
2 sitting down in the bed (inaudible) there's another person
3 right here.

4 COURT REPORTER: Judge, I can't hear him.

5 BY MR. MORONEY:

6 Q. You just got to speak up.

7 A. Yes.

8 Q. She's taking down everything. No, you're good.
9 You -- you can just --

10 THE COURT: Just speak up, make sure she can hear.

11 THE WITNESS: Okay. I'm standing. When I was sitting
12 down and see -- before my peripheral, I see another person,
13 and I see slammed on the back of like where the ball was at
14 and I just kept my eyes on the -- on the pistol, and dead set
15 at the barrel. But the pistol got from my middle of my head
16 to the left side, like, kind of away my ear, I fell back in
17 the back sheet, and I just put it over my head and I was
18 covering myself.

19 BY MR. MORONEY:

20 Q. Okay. Where was Joe standing in the residence?

21 A. Behind -- behind the -- when the door starts open,
22 he was behind the door wall.

23 MR. MORONEY: Okay. You can have a seat up there,
24 please. I beg the Court's indulgence. Looking at a
25 photograph here. I'm going to show you with the pre-marked

1 State's Exhibits 9, 10, and 11.

2 (State's Exhibit Numbers 9, 10, and 11 marked for
3 identification.)

4 BY MR. MORONEY:

5 Q. Can you take a look at those and flip through
6 those, please? And do you recognize what those are pictures
7 of?

8 A. Yes, sir.

9 Q. What are these depicting?

10 A. That's Slim on the floor.

11 Q. And is this picture of that bedroom where you were
12 staying?

13 A. Yes, sir.

14 Q. Okay. Are they a fair and accurate
15 representation?

16 A. Yes, sir.

17 MR. MORONEY: Your Honor, at this time, the State moves
18 9, 10, and 11 into evidence.

19 THE COURT: Any objection?

20 MR. GAMBRELL: Without objection, Judge.

21 THE COURT: State's Number -- Exhibits Number 9, 10,
22 and 11 are admitted without objection.

23 (State's Exhibit Numbers 9, 10, and 11 admitted into
24 evidence.)

25 BY MR. MORONEY:

1 Q. So what are we looking at here, Mr. McCarroll?

2 A. It's the stairs going up into the bedroom room.

3 THE COURT: Which -- which number is this?

4 MR. MORONEY: This is State's Exhibit 10, your Honor.

5 BY MR. MORONEY:

6 Q. State's Exhibit 9, you can give some perspective
7 as to what we're looking at here and explain. As you walk in
8 the door, would this be the view that you would see?

9 A. Yeah. When you walk in the door. Yes, sir.

10 Q. Would the door be to the right of the photographer
11 here?

12 A. Yes.

13 Q. In the corner?

14 A. Yes.

15 Q. And would your bed be essentially where the
16 photographer is standing?

17 A. Yes.

18 Q. Where -- using this photograph, can you explain
19 where you saw the two masked individuals and where you saw
20 Slim before he was shot?

21 A. Kind of -- one was in the front where the door was
22 at, right in front of the door. I was sitting down, and the
23 other one, just off -- estimate time about where that fan was
24 at.

25 Q. Okay. Was Slim in between the two masked men?

1 A. Kind of like where you see the door of the -- the
2 closet of that.

3 Q. Yeah. Can you point to where using that
4 television screen?

5 A. Right here. He was like right here in this little
6 area.

7 Q. Okay.

8 A. Right here in the wall.

9 Q. So before he was shot, he was generally standing
10 there?

11 A. Yeah.

12 Q. Okay. Did you testify one of the individuals had
13 a gun at your head closer towards the door, the entry door of
14 the bedroom?

15 A. Yeah. That's where he was standing, yeah.

16 Q. Okay. And then, generally, where did you observe
17 another individual standing?

18 A. From the --

19 Q. Can you point?

20 A. Like, you just thinking over here by the fan.

21 Q. Okay. Over by the fan. So to the left, exact --
22 doesn't matter. I know this was a very traumatic experience.
23 Was there one individual to the left of Slim, and one
24 individual to the right of Slim?

25 A. I have no -- yes, sir.

1 Q. Okay. Slim was in the middle, and there were two
2 men on the other side? Okay. Speak to what your
3 observations were please. Of those two individuals who came
4 into the room. What did you see?

5 A. I couldn't been just really focused on the gun
6 was, but they were just masked up, and I just couldn't really
7 just identify them or as far as voice or anything, just
8 couldn't.

9 Q. Okay. Is it hard to say, can you say anything
10 about their height? Tall, short?

11 A. I couldn't. All I remember was just getting
12 masked up, and I just -- really just focusing on that -- on
13 the gun that was on me.

14 Q. I understand. And in addition to the gun that was
15 on you, did the other individual have a handgun as well?

16 A. Yes.

17 Q. Okay.

18 A. Yes, sir. Yeah, from my -- from what I saw --
19 from -- from my rear-view side, yes, sir.

20 Q. And what did you hear during this timeframe?

21 A. It was just: "Give -- give it up." Just was
22 saying, "Don't give it up, going to kill everybody here."
23 And that was just it. Because after that was said, it was
24 like so much going on. I guess when he was saying all that,
25 he moved -- that's when the pistol moved my -- over my

1 forehead to my ear, and that's when I just fell back and
2 grabbed the sheet, and I just wrapped myself up.

3 And then after that, I didn't hear nothing. Then I
4 heard the gunshot, and then -- then i'm saying -- I was
5 hearing, "Come on, come on." Then -- you know, footstep was
6 going down the steps, and then I just -- you know, stayed
7 there for a couple seconds.

8 Q. When you heard, "Come on, come on," who did you
9 assume was staying that at that point?

10 MR. GAMBRELL: Objection, your Honor. Calls for
11 speculation.

12 THE COURT: Sustained.

13 BY MR. MORONEY:

14 Q. Were the people who were fleeing out of the room
15 saying, "Come on, come on"?

16 A. Yes, sir.

17 Q. Okay. And what did you -- so as you hear, "Come
18 on, come on"?

19 A. I -- after that, I -- I said -- I stayed there
20 for, like, a couple seconds, and I ended up -- I was
21 unwrapping myself -- unwrapping myself. Then that's when I
22 got up, I seen feet on the ground, and -- like, it was laying
23 somebody was laying there, and I know -- you know, at that
24 time, I was looking, I was like, "Slim, Slim." And then he
25 didn't move and or nothing.

1 So that's when I got up. And then that's when -- when
2 I got up, that's when I started seeing blood. And I told my
3 cousin to call 911. He said his phone was dead. So I told
4 him to grab my phone, and he called them from -- from my
5 phone.

6 And while I'm sitting there, had held Slim hand with my
7 hand, and I was -- he was breathing slowly and he was fine.
8 He was -- he was calm man. I just told him to keep my hand
9 tight as he can while I get -- get the people on the phone
10 and that's when they was telling me about how to do the CPR -
11 - you know, poke his chest and everything until somebody got
12 there.

13 Q. And did ultimately EMS arrive on scene?

14 A. I want to say the fireman and -- yeah, they came
15 first, and I want to say the paramedics came after that,
16 police came after that.

17 Q. And shortly thereafter, did the sheriff's office
18 arrive too?

19 A. Yeah, they -- they was the last ones.

20 Q. During the course of the commotion, you said you
21 heard "Give it up, give it up," did you hear any response
22 from Joe?

23 A. Sadly, no. Talking about, "There's nothing in
24 here." That's all I was hearing. That's what I would say.

25 Q. Is that what you're talking about, "There's

1 nothing in here"?

2 A. Yeah. That's what -- yeah, that's where I said,
3 "Yeah."

4 Q. Other than the two handguns in the room, did you
5 observe any other weapons other than that handgun, or the two
6 handguns?

7 A. No, sir.

8 Q. Can you tell the jury about the front door
9 situation to the apartment that you lived in? Was it damaged
10 at the time of this incident?

11 A. It was damaged before this incident. Yeah.

12 Q. Okay. All right. And when approximately would --
13 would that damage have occurred?

14 A. Can't really say. I know it was -- I can't really
15 say what, like, the day or -- you know, the time of that. I
16 just know that it was already like that.

17 Q. Okay.

18 A. Yeah.

19 Q. All right. And was your front door of your
20 apartment able to be deadbolted or locked at the time due to
21 that damage?

22 A. Yeah, I think so. Yeah. Almost there. It
23 should, yeah. Before that -- before that, it been messed up
24 yet. It was.

25 Q. But did you -- do you recall any furniture that

1 you would have to place in front of the door at the time of
2 this incident?

3 A. Well, it was a sock -- a sandbag, and then it was
4 like a dresser, like, a small mini dresser right there just
5 to hold it up.

6 Q. So if I'm understanding correctly, the door could
7 lock, but after it was damaged, did you use the furniture to
8 help shove it up?

9 A. Yes.

10 Q. Okay. So the door could not be properly secured
11 other than just pushing up something against the door; is
12 that correct?

13 A. Correct.

14 Q. Okay. There was also some damage to your bedroom
15 door. Was that fresh? Had that been there already?

16 A. That was -- yeah, that was damaged already before
17 this whole incident as well.

18 Q. Okay. How -- how did the damage happen to your
19 bedroom door?

20 A. So it was at a gather, like, a little a kick back,
21 but some friends and what not -- you know. And then it was
22 -- I was upstairs with a -- with a friend -- a friend girl,
23 and -- you know, I was chilling, drinking, watching TV and
24 movies, and all that. And then that's when we were asleep, I
25 had some friends come through past through the door because

1 they thought they heard police people outside, so they was
2 just scared on that. That's how my door ended up like that.

3 Q. And that had happened before --

4 A. Yeah.

5 Q. -- this incident?

6 A. Right.

7 Q. And what about the front door? What had happened
8 to the front door? How did that be become damaged?

9 A. I -- it was some altercation I was coming from
10 coming downstairs from -- from -- from upstairs, and I was
11 about to go up, and then it was a commotion going on outside.
12 The door was shut, and then somebody kicked the door.

13 Q. Okay. This would -- what time of day was this in?

14 A. Same nighttime.

15 Q. Okay. And -- and tell us what you observed, what
16 are you doing? And then -- you know, paint a picture for us
17 because we weren't there.

18 A. I was --

19 Q. What you saw.

20 A. I was -- I had come back from the kitchen. I was
21 about to go up the stairs. That's when the door was kicked,
22 and it flew open, and whoever was at the door at the time
23 shut it. And then I was just like, "That's wild." It's
24 crazy to me. And then I just went back upstairs.

25 Q. Okay.

1 A. Because the situation -- when I ain't know what
2 the situation is about, I ain't know who it was dealing with.
3 So I ain't -- you know, mind my own business, going back
4 upstairs.

5 Q. And did you observe some individuals arguing at
6 that time?

7 A. It was, like, outside, but the individuals, I
8 really can't recall them like that.

9 Q. Okay. Who specifically was in the apartment
10 involved in this altercation? Verbal altercation?

11 A. As the -- I really want to say it was -- Slim was
12 at the door, and was just me coming from the kitchen and
13 going back upstairs and all that. I want to say it was Slim.
14 I just don't remember. Like I said, I don't remember the
15 whole --

16 Q. Okay.

17 A. -- situation.

18 Q. Okay.

19 A. I just went downstairs like that.

20 Q. And did you recall anybody outside the apartment
21 that was involved in the altercation?

22 A. No. Not that I remember, no.

23 Q. Was there anybody else who would come by this
24 apartment frequently when you lived there, or that Joe would
25 have over?

1 A. No. Not really. No. Not really. It was always
2 like somebody we knew. Like, I knew that he knew or -- you
3 know, just people that we know. It was never like that. No.
4 Yeah, he had a couple girlfriends or whatnot to come over,
5 and I had a couple female friends come over and -- you know,
6 I had my brothers and some of my -- my family members come
7 over. It was just -- it was just that. Yeah.

8 Q. There was a pink mattress downstairs in the living
9 room the jury just saw earlier when a deputy first arrived
10 down there, that was up on the wall. Was there somebody that
11 would, from time-to-time, stay down there?

12 A. One of Slim -- well, Joe, one of his friends that
13 he know from the boys' home.

14 Q. Okay. Who was that?

15 A. His name was Kane -- Kane, I think that's his --
16 just his name really, but I knew -- know him by Kane.

17 Q. Okay. And you said how did they first meet each
18 other and -- and became friends?

19 A. They -- from the boys' home -- that was in the
20 boys' home together.

21 Q. Okay. I'm going to show you what's State's
22 Exhibit 11. This mattress. Is this usually the position of
23 this mattress?

24 A. No.

25 Q. Okay. Can you explain why that's there like that?

1 A. I want to say the paramedics did that when they
2 came in because Slim -- that was my mattress. If it was
3 sitting down, Slim's, like, in front of it.

4 Q. So that's your mattress in the corner now; is that
5 correct?

6 A. Yes.

7 Q. Okay. That smaller mattress with the P-E-S-T,
8 whose mattress would that be?

9 A. Shareef's. That's Shareef's.

10 Q. I just want to be clear because I know I'm
11 throwing a lot at you this morning. With the front door of
12 the apartment, not the front door to your bedroom, is it
13 correct that it was not able to be locked at that time and
14 you all would use furniture in front of it?

15 A. That's correct.

16 Q. Okay. And I know it's been some time. 2022. I
17 want to show you this Facebook communication here. Do you
18 recognize this name here yourself?

19 A. Yes, sir -- yes, sir.

20 Q. Okay. And that'd be your Facebook handle?

21 A. Yes, sir.

22 Q. Do you recognize -- recognize this Facebook
23 handle? Was that --

24 A. Yeah. Yes, sir. I recognize it.

25 Q. Okay. And whose Facebook handle is that?

1 A. It's Shareef's.

2 Q. Okay. Without reading it aloud, can you just read
3 this brief conversation starting here to refresh your memory?
4 Just start here, and then you can flip and continue into
5 there, please.

6 A. Okay. To where again?

7 Q. Just start here. Ignore that, go back where it
8 says, "Body."

9 A. Okay.

10 Q. Really, you can just look at everything after
11 body.

12 A. Okay.

13 Q. No. You don't need to read it aloud. Just read
14 it to yourself, and see if that refreshes your memory. Does
15 that help remember what happened back, and when you had a
16 conversation over Facebook Messenger between Joseph and
17 yourself?

18 A. Yeah. Most -- most of the time if he wasn't
19 around, yeah. Most of the time that's how we communicate
20 with each other. Yeah.

21 Q. Okay. And were you all speaking according to
22 these dates, around December 27, 2021?

23 A. Yeah.

24 Q. Okay. Based on that communication, now that you
25 were able to read this between -- did you have an occasion

1 where you notified Joe some damage to the front door of the
2 apartment?

3 A. Yeah -- yeah -- yeah.

4 Q. Okay. And what were you telling him, generally
5 speaking?

6 A. That -- that girl just broke -- kicked the door
7 and whatnot, like that.

8 Q. Who's that now? Who did it?

9 A. I don't really know her name, never really had a
10 conversation with, but what I was told by it was --

11 MR. GAMBRELL: Objection, your Honor.

12 THE COURT: Sustained.

13 THE WITNESS: So -- and that's -- that what -- that's
14 what it was said to me.

15 MR. MORONEY: Okay. All right. Thank you,
16 Mr. McCarroll. Please answer any questions Mr. Gambrell may
17 have for you.

18 THE WITNESS: Yes, sir.

19 THE COURT: Mr. Gambrell?

20 MR. GAMBRELL: Thank you, your Honor. May it please
21 the Court?

22 CROSS-EXAMINATION

23 BY MR. GAMBRELL:

24 Q. You go by Marquez?

25 A. Yes, sir.

1 Q. You testified that you moved in to that apartment
2 before or after December 2021?

3 A. Yeah, it was there, sir.

4 Q. And was there a lot of people between that time
5 and the incident dated in January, was there a lot of people
6 that would come over and hang out at that apartment?

7 A. There was a lot of people come over.

8 Q. How often would that occur?

9 A. It was kind of frequent -- you know, it was -- it
10 was a lot.

11 Q. On a regular basis?

12 A. Yeah, regular basis.

13 Q. People would come over and hang out?

14 A. Yeah.

15 Q. Smoke weed?

16 A. And -- yeah, vibe. Just by having just chill. Be
17 around people. Yeah.

18 Q. Drink?

19 A. Say that again?

20 Q. Drink alcohol?

21 A. Yeah. Yes, sir -- yes, sir.

22 Q. It's okay. Now when people would come over, would
23 they always knock, or would they sometimes just come in?

24 A. Some -- some would knock, and some would just come
25 in because they -- you know...

1 Q. They knew Joe or they knew you, or?

2 A. Yeah. Or whoever -- you know, just, "Hey." Yeah.

3 Q. Was Mr. Pyles over there between December and
4 January?

5 A. Not that I can recall.

6 Q. You don't recall him ever coming over to hang out
7 with Joe?

8 A. Not that I can remember, no.

9 Q. Okay.

10 A. Because like I said, most of the time I was at
11 work, and then I -- when I get back it's like 8:00 -- 8:00,
12 9:00 -- you know, I go, and that's pretty much it.

13 Q. Did you -- the night that -- that this occurred,
14 you said that you had gone to work, and then you came home?

15 A. (No verbal response.)

16 Q. You have to answer verbally so that they can
17 record you?

18 A. Yes, sir.

19 Q. Okay. And then that's when you hooked up with
20 Shareef, and then you all went to the mall?

21 A. Yes, sir.

22 Q. And then came back to the apartment?

23 A. Yes.

24 Q. And I think you said it was about 9:00 or 10:00?

25 About --

1 A. Yeah, 10:00-something.

2 Q. Okay. And then you all started to drink alcohol?

3 A. Yes.

4 Q. Do you recall what you were drinking?

5 A. Patrón.

6 Q. Patrón? How much did you drink?

7 A. Not that much.

8 Q. You smoked?

9 A. Yes.

10 Q. You smoked weed?

11 A. Yes.

12 Q. How much did you smoke?

13 A. I smoke, like, two blunts. I rolled one and
14 Shareef rolled one.

15 Q. So you all smoked two blunts between each other?

16 A. A (inaudible) each other, so...

17 Q. Yeah. And then you -- and then you -- I think you
18 said you passed out.

19 A. Yeah, I talked to my -- I talked to my brother
20 after me and Shareef finished.

21 Q. And then you were woken up later on that morning.
22 How long did that incident occur where those individuals were
23 in that room -- in your room?

24 A. I think -- I want to say, like, 2:30-ish,
25 something like that. Something --

1 Q. How -- how much time did -- were they in there?

2 A. It was kind pretty quick. It was pretty quick.

3 Q. And I think you told the officers that night that
4 both of them were wearing hoodies?

5 A. Uh-huh.

6 Q. And both of them had on black masks?

7 A. Masks, yeah.

8 Q. Okay. Now you -- you had met Ty previously,
9 right?

10 A. Yeah. I met him, yeah.

11 Q. No. And you didn't identify any one of those
12 individuals as being Ty?

13 A. No, sir, I never had.

14 Q. Have you -- you heard his voice before?

15 A. I have.

16 Q. Okay. The voices that you heard in that room
17 tonight, did you identify that as Ty?

18 A. No, sir.

19 MR. GAMBRELL: Okay. That's all the questions I have,
20 your Honor.

21 THE COURT: Any re-direct?

22 MR. MORONEY: Nothing from the State, your Honor?

23 THE COURT: Thank you, sir. You can step down.

24 THE WITNESS: Thank you.

25 MR. MORONEY: Your Honor, the State calls the Lajuan

1 Hoke.

2 THE CLERK: Please come up to the Bible, and please
3 place your left hand on the Bible, and raise your right hand.

4 LAJUAN HOKE,

5 being duly sworn, testified as follows:

6 THE CLERK: Thank you. Please take a seat, and state
7 your name for the record.

8 THE WITNESS: Lajuan Hoke.

9 DIRECT EXAMINATION

10 BY MR. MORONEY:

11 Q. Good morning, Mr. Hoke.

12 A. Good morning.

13 Q. Were you living out of the Cliffwood -- where were
14 you living out in January 2022?

15 A. Cliffwood Terrance.

16 Q. Okay. Do you recall what unit number you were
17 living in?

18 A. Yeah. [REDACTED].

19 Q. Okay. And how long had you been living out there
20 approximately at that time?

21 A. I'd say about six months, almost close to a year.

22 Q. Okay. Do you live there alone? Do you live with
23 family?

24 A. No. My fiancé and two kids.

25 Q. Okay. And how old would your kids have been

1 approximately at the time? I know it's been about four years
2 ago now.

3 A. I'd say nine and four.

4 Q. Okay. And which unit in particular did you reside
5 in?

6 A. Number [REDACTED].

7 Q. All right.

8 A. As in apple.

9 Q. Just show you some images that are already in
10 evidence, just to help give some perspective to the jury as
11 to where you were. There's a TV screen behind you, if you
12 don't mind pointing out to the jury. Which door was your
13 apartment?

14 A. This was mine.

15 Q. That one on the far right there, okay?

16 A. This right here.

17 Q. All right. And did your apartment have any kind
18 of surveillance or video camera system attached to it?

19 A. Yeah, I had a Ring doorbell.

20 Q. Okay. And most people are familiar with that
21 nowadays, but very briefly, can you explain what that is?
22 How it works?

23 A. It's a doorbell with a camera, and it detects
24 motion.

25 Q. Do you get kind of notifications when that motion

1 happens?

2 A. Yeah.

3 Q. Okay. In the early morning hours of January 22,
4 2022, did you get a notification that caught your attention?

5 A. Yes.

6 Q. Okay. Do you recall what time that notification
7 was?

8 A. It was about, like, 2:00 in the morning.

9 Q. Okay. And what did you observe at 2:00 in the
10 morning?

11 A. Just someone walking past my car.

12 Q. Okay.

13 A. From the door.

14 Q. And was that common at that time in the early
15 morning hours?

16 A. No.

17 Q. Okay. Were you ultimately contacted -- well, let
18 me ask you: Did you notice a large police and EMS presence in
19 the early morning hours later on that morning?

20 A. Yeah, I did.

21 Q. Okay. And did you ultimately speak with
22 Greenville County Sheriff's Office investigators on scene
23 there and -- and deputies?

24 A. Yes.

25 Q. Okay. And did you relay that information about

1 your Ring camera activation to that?

2 A. When they came to the door, they -- they asked,
3 "Did that thing catch anything?" I said, "It did." So he
4 had me take it off the wall, and he got a code off of that.

5 MR. MORONEY: I'm going to show you what's been
6 pre-marked as State's Exhibit 2, for identification purposes.

7 (State's Exhibit Number 2 marked for identification.)

8 BY MR. MORONEY:

9 Q. And ask if you recognize what that is.

10 A. Yeah, I do.

11 Q. What is on this disc?

12 A. I believe that's Ring -- Ring camera.

13 Q. Okay. And how do you know that's what's on this
14 USB?

15 A. On this (inaudible).

16 Q. Okay. And is that a fair and accurate
17 representation of what was recorded on January 22, 2022?

18 A. Yeah.

19 MR. MORONEY: Okay. Your Honor, at this time, the
20 State moves Exhibit 2 into evidence.

21 THE COURT: Any objection?

22 MR. GAMBRELL: Without objection, your Honor.

23 THE COURT: State's Exhibit Number 2 is admitted
24 without objection.

25 (State's Exhibit Number 2 admitted into evidence.)

1 BY MR. MORONEY:

2 Q. Okay. All right. If you could explain again,
3 utilizing the TV behind you, what we're looking at to give us
4 perspective. Is this your Ring doorbell camera facing out
5 from your front door?

6 A. Yes.

7 Q. Okay. And is this the notification you just
8 testified to that you received around 2:00 in the morning?

9 A. Yes.

10 Q. Okay. And the direction that he's headed to.
11 Were you familiar with the Joseph Smith out at the Cliffwood
12 Terrace Apartments?

13 A. I knew of him. I didn't know him personally.

14 Q. Okay. Were you familiar with where Joseph Smith,
15 what unit he lived in?

16 A. Yeah.

17 Q. In relation to you, if you were at the one end of
18 the building, what unit was Joseph in?

19 A. The opposite at the right.

20 Q. On the far end?

21 A. Yeah.

22 Q. Was this individual walking in the direction
23 towards Joseph Smith's apartment?

24 A. It seems to look like that.

25 Q. Okay. After you turned over this -- well, I'd say

1 after the police presence came, tell me about anything you
2 might have done or observed, you, while you were inside your
3 apartment.

4 A. When the police came?

5 Q. Before the police -- well, after you saw blue
6 lights, but before you spoke with the police, were you doing
7 anything?

8 A. So -- yeah, me and my fiancé was looking out the
9 window and I guess the cop noticed we were looking, and
10 that's when he approached our door.

11 Q. And before that, did you have occasion to go
12 online and make any observations that stood out to you?

13 A. Well, once I noticed where -- you know, the
14 problem was coming from -- where they were coming from, I
15 just started to look at Joe's Facebook.

16 Q. Okay. And what in particular did you see that
17 caught your eye?

18 A. I just seen -- you know, it looked like a dude
19 with the same clothes on was with him -- you know.

20 Q. Okay. And was that a video that had been recorded
21 prior? Explain to the jury kind of what kind of post it was
22 or video.

23 A. It was -- I believe they were just hanging
24 together a day before this. I'm not sure.

25 Q. Okay.

1 A. You know, but I just noticed from the clothes, it
2 just looks familiar --

3 Q. Okay.

4 A. -- to me.

5 Q. Okay. And was -- when you made that observation,
6 did you relay that information to investigators as well too?

7 A. You could say that.

8 Q. Okay. And you were able to view that from your
9 social media account?

10 A. Yeah.

11 Q. And then ultimately, was that interaction of you
12 showing what you just detailed video-recorded while you're
13 showing it?

14 A. Yeah.

15 MR. MORONEY: Okay. All right. I'm going to hand you
16 what's been pre-marked as State's Exhibit 3, for
17 identification purposes.

18 (State's Exhibit Number 3 marked for identification.)

19 BY MR. MORONEY:

20 Q. Do you recognize what that is?

21 A. Yeah.

22 Q. Okay. What is that?

23 A. I -- I initiated it, so.

24 Q. Okay.

25 A. It's a video. Probably from my from the Ring cam,

1 I'm thinking.

2 Q. Okay. Well, this -- we got your signature and --
3 and label on there, so...

4 A. I'm familiar with that.

5 Q. Okay. All right. Is this a fair and accurate
6 representation of the events that were reported on January
7 22, 2022?

8 A. Yes, sir.

9 MR. MORONEY: Okay. Your Honor, at this time, State
10 moves to admit State's Exhibit 3.

11 THE COURT: Any objection?

12 MR. GAMBRELL: Without objection, your Honor.

13 THE COURT: State's Exhibit Number 3 is admitted
14 without objection.

15 (State's Exhibit Number 3 admitted into evidence.)

16 (Flash Drive - Ring Camera Video (State's Exhibit 3)
17 published.)

18 BY MR. MORONEY:

19 Q. You can explain to the jury what we're looking at?
20 Whose phone is this that we're looking at right here?

21 A. It's my phone.

22 Q. Okay. And you're showing it to who? Not exactly,
23 but...

24 A. It was an officer.

25 Q. Okay. And whose Facebook account are you viewing

1 right now?

2 A. That's Joe's.

3 Q. Okay.

4 MR. GAMBRELL: Your Honor, if -- if there further
5 voices that's not Mr. -- I'm sorry, Pope that's on the video,
6 I would object to those. Hearing those voices.

7 THE COURT: This is in evidence, Mr. Gambrell. This
8 exhibit is in evidence. Overruled.

9 (Flash Drive - Ring Camera Video (State's Exhibit 3)
10 published.)

11 BY MR. MORONEY:

12 Q. And when you saw this what stood out to you?

13 A. Clothes. But at the time I did think he was the
14 one that was hurt. Do want to make that clear?

15 Q. So if I understand you weren't necessarily
16 assuming he might have had something to do with the other, he
17 might have been needing police assistance or EMS assistance?

18 A. Yeah, I thought he was the hurt one.

19 Q. Did anything about the clothing and masks stand
20 out to you in comparison to the Ring video footage?

21 A. Yeah.

22 (Flash Drive - Ring Camera Video (State's Exhibit 3)
23 published.)

24 BY MR. MORONEY:

25 Q. And just to clarify, Bag Boi Brazy, would that

1 have been the Facebook account name for Joe?

2 A. Yes, sir.

3 (Flash Drive - Ring Camera Video (State's Exhibit 3)
4 published.)

5 BY MR. MORONEY:

6 Q. After this interaction with law enforcement
7 handing over the Ring camera and directing them towards this
8 Facebook video, did police, EMS, ultimately clear up from the
9 scene?

10 A. Yeah. Yes.

11 Q. And at some point, later after that, did you ever
12 come across another Facebook post that caught your eye that
13 became relevant to this case?

14 A. Yeah, I did.

15 Q. Okay. And if you could detail the jury generally
16 what that observation was?

17 A. It just looked like the same guy from the Ring
18 video. He was just talking.

19 Q. Okay. And was this close in time after the murder
20 of Joe?

21 A. Yeah, I want to say the following day.

22 Q. Okay.

23 A. A few hours later.

24 Q. And what, in particular, drew your eye to this
25 post? This different post?

1 BY MR. MORONEY:

2 Q. And upon viewing that video and comparing it to
3 what you observed with the Ring camera footage, and that
4 other Facebook video, was there -- what was the primary thing
5 that stuck in your mind?

6 A. The outfit. I was just like, "Man, he's fried."

7 MR. MORONEY: Thank you, Mr. Pope. Please answer any
8 questions Mr. Gambrell has for you.

9 THE COURT: Mr. Gambrell?

10 MR. GAMBRELL: Just briefly.

11 CROSS-EXAMINATION

12 BY MR. GAMBRELL:

13 Q. Mr. Hoke, the timestamp on the -- on the Ring
14 camera, that was at 2:00 in the morning?

15 A. I believe so.

16 Q. And when the police came out, that -- that was
17 more closer to 3:30 in the morning?

18 A. Yeah.

19 Q. And the only connection you made was on the video
20 -- is correct -- as far as I -- you noticed any similarities?

21 A. Yeah, you can say that.

22 MR. GAMBRELL: Okay. That's all the questions I have.

23 THE COURT: Any re-direct?

24 MR. MORONEY: Nothing from the State.

25 THE COURT: Thank you, sir. You can step down.

1 MR. GAMBRELL: (Inaudible).

2 MR. MORONEY: (Inaudible) we're free marking this
3 stuff, just --

4 THE COURT: Yeah. Just -- just give -- just take one
5 second. Go ahead and do that so we can move quickly once we
6 start.

7 MR. MORONEY: Thank you so much.

8 COURT REPORTER: You're welcome.

9 THE COURT: How many are they?

10 MR. MORONEY: It's State's Exhibit 17 through 50,
11 consecutively.

12 THE COURT: Mr. Gambrell, are you going to have any
13 objections to any of those?

14 MR. GAMBRELL: Not (inaudible) your Honor.

15 THE COURT: Okay.

16 MR. MORONEY: Your Honor, the State is ready.

17 THE COURT: Okay. You ready? All right. Let's get
18 our jury.

19 (Jury enters courtroom.)

20 THE COURT: Okay. Call your next witness.

21 MR. MORONEY: Your Honor, the State calls Kaelyn Ford.

22 THE CLERK: Please place your left hand on the Bible,
23 and raise your right hand.

24 OFFICER KAELYN FORD,

25 being duly sworn, testified as follows:

1 THE CLERK: Thank you. Please take a seat, and state
2 your name for the record.

3 THE WITNESS: Kaelyn Ford.

4 DIRECT EXAMINATION

5 BY MR. MORONEY:

6 Q. Good morning, Ms. Ford.

7 A. Good morning.

8 Q. Where do you currently work?

9 A. I work for the Albuquerque Police Department.

10 Q. Okay. And is that in New Mexico?

11 A. Yes.

12 Q. All right. And where did you -- what's your role
13 there?

14 A. I am a crime scene specialist.

15 Q. Okay. And generally speaking, what are your roles
16 and responsibilities there?

17 A. So we respond to all crime scenes within the city
18 limits, and my job is to identify, document, collect and
19 process any evidence found on scenes.

20 Q. Okay. And immediately before that role, where
21 were you employed?

22 A. I was employed at Greenville County Forensics.

23 Q. Okay. And what were your roles and
24 responsibilities here in Greenville at that time?

25 A. Very similar to what I do now, with the addition

1 of responding to autopsies.

2 Q. Okay. Did you have the occasion to respond to the
3 Cliffwood Terrace Apartments on January 22, 2022?

4 A. I did.

5 Q. And was that in reference to a murder
6 investigation?

7 A. Yes.

8 Q. Generally, can you explain to the jury what you
9 did that early morning?

10 A. I was the primary crime scene investigator on
11 scene, so my job was to analyze the scene, take photographs,
12 collect evidence, and take it back to the lab and process it
13 at a later time.

14 Q. Okay. What kind of education and training have
15 you received to prepare you for this role in forensics?

16 A. I have my bachelor's degree in forensic science.
17 I'm currently pursuing my master's degree in forensic
18 science. I've completed two on-the-job training programs
19 between both of my careers. I've also held certifications in
20 bloodstain pattern analysis and latent fingerprint analysis.

21 Q. And can you speak to some of the protocols or
22 things that you focus on in evidence collection and its
23 storage subsequently?

24 A. Yes. So when collecting evidence, you always want
25 to make sure and be aware of cross contamination. So that's

1 changing your gloves or making sure that other items of
2 evidence aren't touching other things that you've collected.

3 When transporting, we always take it back to our crime
4 lab and put it in a secure location where an evidence log is
5 filled out to keep track of what evidence you collected
6 before it is then transferred to property and evidence.

7 MR. MORONEY: Ms. Ford, I'm going to hand you what's
8 been pre-marked as State's Exhibits 17 through 50.

9 (State's Exhibit Numbers 17 through 50 marked for
10 identification.)

11 BY MR. MORONEY:

12 Q. And ask you to lead through those, please, and let
13 me know if you can identify.

14 A. Yes. These are the photographs that I took on
15 scene that day.

16 Q. And are those photographs a fair and accurate
17 depiction of the events that you observed on January 22,
18 2022?

19 A. Yes.

20 MR. MORONEY: Your Honor, at this time, the State moves
21 State's Exhibits 17 through 50, consecutively, into evidence.

22 THE COURT: Any objection?

23 MR. GAMBRELL: Without objection, your Honor.

24 THE COURT: So State's Exhibits 17 through 50 are
25 admitted without objection.

(State's Exhibit Numbers 17 through 50 admitted into
evidence.)

4 Q. And Ms. Ford, I'm going to -- for the jury
5 benefit, put this on this projector, and there's the large TV
6 behind you. At times, if you need to explain any perspective
7 of anything, if I have to put these up, if you could explain
8 what we're looking at.

10 THE COURT: State the exhibit number when you show it
11 too.

13 BY MR. MORONEY:

15 A. So that is a photograph of the front door area to
16 the apartment.

19 A. The one that's open.

21 A. This is just a broader view of that same front
22 door area, showing the vehicles that are -- were parked in
23 front of the apartment.

25 A. So that is a photograph with scale of damage that

1 was observed to the front door of that apartment.

2 Q. State's 20.

3 A. Same thing. Showing the damage to the door.

4 Q. State's 21.

5 A. This is a view of the living room, which is what
6 you see immediately upon entering through front door of the
7 apartment.

8 Q. So would this be as you walk in the door looking
9 left?

10 A. Yes.

11 Q. State's Exhibit 22.

12 A. The same area of the living room, just panning a
13 little bit further to the right.

14 Q. State's Exhibit 23.

15 A. Another photograph of the living room, showing the
16 entry to the kitchen.

17 Q. State's Exhibit 24.

18 A. And that's photograph taken inside of the living
19 room, just showing that front door area.

20 Q. And what did you observe upon arrival immediately
21 in that area of that front door?

22 A. There appeared to be furniture blocking the
23 doorway as well as a mattress that had been propped up
24 against the wall in the living room.

25 Q. State's 25.

1 A. Just a better view of those items of furniture
2 that were blocking that entry into the living room from the
3 front door.

4 Q. State's 26.

5 A. That is a photograph of the kitchen.

6 Q. State's 27.

7 A. Same thing, showing a different angle of the
8 kitchen.

9 Q. State's 28.

10 A. Another corner of the kitchen.

11 Q. State's 29.

12 A. Another view of the kitchen.

13 Q. State's 30.

14 A. So that is a photograph of the rear door that was
15 in the kitchen, just showing that the deadbolt was still
16 engaged upon our arrival.

17 Q. State's 31.

18 A. So that is a view of the staircase, which was
19 directly in front of the front door that leads up to the
20 second floor of the apartment.

21 Q. State's 32.

22 A. So that is a photograph of the bedroom door where
23 the victim was located, and it just shows the damage caused
24 to the wall from the turn lock on the door.

25 Q. State's 33.

1 A. That is the damage to the door frame of that
2 upstairs rear the bedroom.

3 Q. And again, that would be the same bedroom where
4 the victim was?

5 A. Yes.

6 Q. Okay. State's 34.

7 A. That is a view into that rear bedroom.

8 Q. And is this the other bedroom opposite where the
9 victim was located?

10 A. Yes.

11 Q. State's 35.

12 A. Another view of that bedroom, showing the closet
13 area.

14 Q. State's 36.

15 A. Another view of that bedroom, showing just items
16 in the mattress that was inside.

17 Q. State's 37.

18 A. Same bedroom, showing the photographs of the bags
19 that were in the corner.

20 Q. State's 38.

21 A. And that's a view of the hallway from that same
22 bedroom.

23 Q. State's 39.

24 A. Another view from that front bedroom.

25 Q. State's 40.

1 A. Same thing. Another view from of those mattresses
2 in that bedroom.

3 Q. State's 41.

4 A. Those were cards found inside of the bedroom just
5 showing ownership of who resided there.

6 Q. It appears that these cards have a name Joseph
7 Smith?

8 A. Yes.

9 Q. State's Exhibit 42.

10 A. That is a cartridge casing that was located inside
11 of that rear bedroom where the victim was.

12 Q. And in lay person's terms, can you explain what a
13 cartridge casing is in your duties?

14 A. Yes. So the projectile or a bullet usually sits
15 in the cartridge casing. The bullet comes out of the front
16 of the gun, and the cartridge casing flies out of the side.

17 Q. And this yellow marker here, can you explain to
18 the jury what that's used for in your line of work?

19 A. Yes. So we use those yellow number markers to
20 identify different items of evidence so that we can keep
21 track, and give them something to identify by. So that was
22 the second item of evidence that I located on the scene.

23 Q. I'm also going to show you State's Exhibit 43.

24 A. Just a better closeup view of that cartridge
25 casing.

1 Q. State's Exhibit 44.

2 A. So that is an additional cartridge casing that was
3 found in that same bedroom.

4 Q. State's Exhibit 45.

5 A. Just a better closeup of that casing.

6 Q. Were those casings ultimately collected? And can
7 you speak to that and what subsequent action you would've
8 taken with those?

9 A. Yes. So after they were photographed, I then
10 placed them into an envelope. They were transferred with me
11 to the crime lab where they were put into a secured locker
12 until I was able to get them transferred to our property and
13 ethics division.

14 MR. MORONEY: Ms. Ford, I'm going to hand you what's
15 been pre-marked as State's Exhibit 12 and 13, for
16 identification purposes.

17 (State's Exhibit Numbers 12 and 13 marked for
18 identification.)

19 BY MR. MORONEY:

20 Q. Do you recognize those?

21 A. Yes.

22 Q. Okay. And what are contained in those individual
23 exhibits?

24 A. These two envelopes contain each of those
25 cartridge casings that we just saw.

1 Q. And are there markings sufficient for you to be
2 able to identify them from back at this incident date in your
3 collection?

4 A. Yes, I can still see my initials on them.

5 Q. Okay. And this is a fair and accurate
6 representation of what was sealed and stored on the date that
7 you entered into evidence?

8 A. Yes.

9 MR. MORONEY: Your Honor, at this time, the State moves
10 Exhibits 12 and 13 into evidence.

11 THE COURT: Any objection?

12 MR. GAMBRELL: No objection.

13 THE COURT: State's Exhibits 12 and 13 are admitted
14 without objection.

15 (State's Exhibit Numbers 12 and 13 admitted into evidence.)

16 BY MR. MORONEY:

17 Q. Continue. Just a couple more photographs, Ms.
18 Ford. State's Exhibit 46.

19 A. So that's going to be a photograph of those bags
20 that were in that front bedroom showing who resided in.

21 Q. State's Exhibit 47.

22 A. That is a photograph of the green leaky substance
23 that was located in one of those bags in that bedroom.

24 Q. State's Exhibit 48.

25 A. And then just a closeup of that bag.

1 Q. State's Exhibit 49.

2 A. That is a receipt from a timecard that belonged to
3 the victim that was located in that room.

4 Q. And State's Exhibit 50.

5 A. That is just a overall photograph of the room with
6 the victim in it, showing evidence he's in there.

7 MR. MORONEY: Thank you, Ms. Ford. Please answer any
8 questions, Mr. Gambrell has for you.

9 THE WITNESS: Thank you.

10 THE COURT: Mr. Gambrell.

11 MR. GAMBRELL: Thank you, your Honor.

12 CROSS-EXAMINATION

13 BY MR. GAMBRELL:

14 Q. Ms. Ford, what time did you arrive at the
15 apartment?

16 A. I don't recall the exact time. It was early in
17 the morning.

18 Q. Was it still dark, or was it --?

19 A. It was still dark.

20 Q. Okay. And do you recall what you typically do
21 when you first arrive on scene?

22 A. I speak to whatever officers who were initially
23 had responded to the scene.

24 Q. And do you take any sort of precautions to make
25 sure that the scene had not been contaminated?

1 A. Correct. The officer's responsibility is to put a
2 crime scene tape upon their arrival to secure it before we
3 get there.

4 Q. Do you know how many people have been inside the
5 apartment before you got there?

6 A. I know that EMS had responded, but that's about
7 it.

8 Q. And when you collect evidence, do you take
9 precautions to make sure that you don't contaminate?

10 A. Yes.

11 Q. And what do you do?

12 A. We change gloves, we wear booties if -- which are
13 shoe covering on your feet. So you're not tracking things
14 from outside into inside.

15 Q. And was everyone on scene also doing that as well?

16 A. I don't recall.

17 Q. Who else was on scene when you arrived there?

18 A. There were officers. I think the coroner was on
19 scene when I was there as well.

20 Q. Okay. And was Mr. Smith still there?

21 A. Yes.

22 Q. Now did you take the pictures of Mr. Smith?

23 A. I did.

24 Q. Okay. And you took all the pictures that were
25 just shown to you today?

1 A. I did.

2 Q. All right. Do you also collect fingerprints?

3 A. Not unless you respond to the autopsy.

4 Q. No, I mean, do you collect fingerprints from the
5 scene?

6 A. Oh, yes, we can process the scene for
7 fingerprints.

8 Q. And did you do that in this case?

9 A. I believe so, yes.

10 Q. What finger -- like, where and -- and how many
11 fingerprints did you collect from the scene?

12 A. So I personally did not process the fingerprints.
13 There were other technicians on scene that did that.

14 Q. And do you know how many fingerprints were
15 collected?

16 A. I do not know.

17 Q. Okay. Now, is it possible to collect fingerprints
18 from the shell casing?

19 A. I can't speak to that. Very rare of
20 circumstances. I'm not sure of the exact percentage, and how
21 accurate that is.

22 Q. So in -- in your filed in forensics, you don't --
23 you don't process shell casings to determine if there are
24 fingerprints on there?

25 A. So when a shell casing comes out of a gun, it's

1 going through extreme heat. So usually, things like DNA or
2 fingerprints are typically burned off of that metal.

3 Q. But if someone were to have touched it after that,
4 that would not be the case, correct?

5 A. After that, possibly not. Again, I can't speak to
6 the likelihood of that.

7 Q. And in the -- I'm going to show you State's
8 Exhibit 42 through 45.

9 A. Okay.

10 Q. And could you describe what's in those pictures?

11 A. So these are photographs of both of the casings
12 that were collected.

13 Q. And is there any way for you to determine how long
14 those casings have been there?

15 A. No.

16 Q. Do you know if there were any other casings found
17 in the house?

18 A. No, not to my knowledge.

19 Q. Okay. Do you know if there were any casings found
20 outside the house?

21 A. Not to my knowledge.

22 Q. And so there's no way for you to determine how
23 long those casings had been there?

24 A. No.

25 Q. Is it -- is it your -- would you have asked for

1 those fingerprints to be taken after you collected those, or
2 is that someone else's responsibility?

3 A. That is someone else's.

4 Q. Okay. And -- but in your experience had those
5 casings been there for a while and someone had touched them
6 after they dissipated their heat, there could be possible
7 fingerprints on those?

8 A. Possibly, yes.

9 Q. Okay. And you -- you testified that you,
10 yourself, didn't take -- collect any fingerprints?

11 A. No, I did not.

12 MR. GAMBRELL: Okay. Thank you, your Honor. That's
13 all.

14 THE COURT: Any you re-direct?

15 MR. MORONEY: No your Honor.

16 THE COURT: Thank you, Officer. You can step down.

17 MR. MORONEY: Your Honor, the State calls Toni Godfrey.

18 THE CLERK: If you can please come to the Bible.

19 Please place your left hand on the Bible, and raise your
20 right hand.

21 INVESTIGATOR TONI GODFREY,

22 being duly sworn, testified as follows:

23 THE CLERK: Thank you. Please take a seat, and please
24 state your name for the record.

25 THE WITNESS: Toni Godfrey.

1 DIRECT EXAMINATION

2 BY MR. MORONEY:

3 Q. Good morning, Ms. Godfrey. Where do you currently
4 work?

5 A. The Laurens County Sheriff's Office.

6 Q. Okay. And -- and what role do you work there?

7 A. I'm the crime scene investigator with the
8 sheriff's office.

9 Q. Okay. And what are some of your general
10 responsibilities at the Laurens County Sheriff's Office?

11 A. So, generally, I respond to their crime scenes,
12 document the scene, collect the evidence, maintain general
13 custody for that evidence, and submit it to our evidence
14 section.

15 Q. Okay. And before working in Laurens County, where
16 did you work?

17 A. The Greenville County Forensics Division.

18 Q. Okay. And in what capacity did you work there?

19 A. I was the forensic evidence technician, basically
20 the same job description.

21 Q. Okay. And what kind of education, training have
22 you received that's relevant to your work in forensics?

23 A. So before I started working in Greenville County,
24 I graduated from West Virginia University with a bachelor's
25 degree in forensic science. And then I did eight weeks of

1 field training with Greenville County. And then we also take
2 classes and continue that education with different classes
3 throughout the year.

4 Q. Did you have occasion to become involved in this
5 case responding to Prisma at 701 Grove Road?

6 A. Yes, I did.

7 Q. Okay. And could you explain to the jury your
8 involvement in that capacity?

9 A. So I responded to the autopsy after the incident.

10 Q. Okay. And what was your focus, and what did you
11 do during your time at the autopsy?

12 A. So at the autopsy, we respond to collect any
13 additional evidence from the victim. We take photographs,
14 document any injuries, collect the clothing, and any other
15 evidence we might find worthwhile in there.

16 Q. Okay. During the course of the autopsy, were
17 there any projectiles that were ultimately removed from the
18 victim's body?

19 A. Yes.

20 Q. Okay. And can you detail to the jury the process,
21 what you did with those?

22 A. So the forensic pathologist performs the autopsy.
23 She's the one that locates the projectiles or any problems
24 within the body. She will remove them, and then she'll have
25 it to them. I then take possession of them from her and

1 submit them to evidence.

2 Q. And is -- that would've been done in this case?

3 A. Yes.

4 Q. All right. Do you recall, with respects to
5 projectiles or projectile fragments, how many were collected
6 and entered into evidence?

7 A. There were three total. I believe there were two
8 projectiles and one fragment.

9 Q. Okay.

10 A. If I remember correctly.

11 MR. MORONEY: Okay. I'm going to show you what's been
12 pre-marked as State's Exhibits 14, 15, and 16.

13 (State's Exhibit Numbers 14, 15, and 16 marked for
14 identification.)

15 BY MR. MORONEY:

16 Q. I ask you to examine those. Please let me know if
17 you recognize them.

18 A. Yes.

19 Q. And what are contained in those exhibits?

20 A. So we have one projectile recovered from the
21 bladder, a projectile recovered from the pelvis, and then a
22 fragment recovered from the pelvis.

23 Q. Okay. And State's Exhibit 14 in particular is a
24 projectile; is that correct?

25 A. Yes.

1 Q. State's Exhibit 15 is a projectile; is that
2 correct?

3 A. Yes.

4 Q. And State's Exhibit 16 is a projectile collected?

5 A. Yes.

6 MR. MORONEY: Your Honor, at this time, State would
7 move Exhibits 14, 15, and 16 into evidence.

8 THE COURT: Any objection?

9 MR. GAMBRELL: No objection, your Honor.

10 THE COURT: State's Exhibits 14, 15, and 16 are
11 admitted without objection.

12 (State's Exhibit Numbers 14, 15, and 16 admitted into
13 evidence.)

14 MR. MORONEY: Thank you, Ms. Godfrey. Please answer
15 any questions Mr. Gambrell has for you.

16 THE COURT: Mr. Gambrell?

17 MR. GAMBRELL: No question, your Honor.

18 THE COURT: Thank you, Officer. You can step down.

19 MR. MORONEY: Your Honor, I'm just going to check to
20 make sure this next witness has already arrived.

21 THE COURT: Yes.

22 MR. MORONEY: The State calls Susan Molloy.

23 THE CLERK: Please place your left hand on the Bible,
24 and raise your right hand.

25 SUSAN MOLLOY,

1 being duly sworn, testified as follows:

2 THE CLERK: Thank you. Please take a seat, and state
3 your name for the record.

4 THE WITNESS: My first name is Susan. It's spelled
5 S-U-S-A-N. My last name is Molloy. It's spelled
6 M-O-L-L-O-Y.

7 DIRECT EXAMINATION

8 BY MR. MORONEY:

9 Q. Good morning, Ms. Molloy.

10 A. Good morning.

11 Q. Where are you currently employed?

12 A. I currently work for the Greenville County
13 Department of Public Safety, in their crime lab.

14 Q. Okay. And what is your role there?

15 A. I'm actually a principal criminalist. And in my
16 role, I'm the supervisor of the controlled substance section
17 as well as the supervisor of the firearms unit.

18 Q. Generally, what do you do there?

19 A. So we'll talk more about firearms, because that's
20 what my testimony is going to be about today. So in the
21 firearm section, we basically look at ammunition components
22 that have been fired at crime scenes to help investigators
23 figure out how many guns were used at that crime.

24 That information can then be put into a system that's
25 known as "NIBIN." That system is kind of like what a

1 database, like, CODIS for DNA, or AFIS for fingerprints. So
2 we can link shootings by putting cartridge cases into that
3 system. I also have the opportunity to look at other fired
4 ammunition components like bullets. And I'll be talking a
5 little bit more about terminology and what those things are
6 actually called.

7 Q. What kind of education and training have you
8 received to prepare you for this role?

9 A. So I actually graduated from Cal State University
10 Hayward with a Bachelor's of Science in biological science
11 and I double majored in criminal justice. From there, I've
12 been working in the field for over 30 years. I -- I also had
13 the opportunity to attend something called "The National
14 Firearms Examiner's Academy," and this is put on by the
15 Bureau of Alcohol, tobacco and Firearms.

16 So it's about a year-long program where you've learn to
17 be a firearms examiner. And a firearms examiner is someone
18 who looks at the ammunition components using, like, a
19 microscope in order to identify the particular component was
20 fired by a certain gun.

21 Q. And do you have prior experience being qualified
22 as an expert in the field of firearms identification?

23 A. I do.

24 Q. Okay. How many times have you been qualified,
25 approximately, in that area?

1 A. For firearms? 58.

2 MR. MORONEY: Your Honor, at this time, the State would
3 move to qualify Ms. Molloy as an expert in the field of
4 firearms identification.

5 THE COURT: Any Objection?

6 MR. GAMBRELL: No objection.

7 THE COURT: The witness is qualified as an expert in
8 firearms identification without objection.

9 BY MR. MORONEY:

10 Q. What is firearms identification?

11 A. So I spoke a little bit about it. So firearms
12 identification is when we actually look at ammunition
13 components using a microscope, and I'm able to determine if
14 they were fired by a particular gun or not.

15 Q. Okay. So it might be helpful here. I've got a
16 demonstrative exhibit here that I'm going to put up.
17 Generally speaking, if you can give us -- for the layperson,
18 an explanation of to educate us on what we're looking at in
19 the firing of the gun and what happens.

20 A. Yes. So what you have here is basically a picture
21 of a typical handgun, of a pistol. In this case, a
22 semi-automatic pistol. And the way you differentiate that
23 from an automatic pistol is when you pull that trigger that's
24 on the screen one time, and it fires once, you have a
25 semi-automatic firearm.

1 Now, if I pulled that trigger and there's ammunition in
2 that magazine, and it continually fires, that is classified
3 as an automatic firearm. So in this case -- can I like point
4 to things?

5 Q. Absolutely.

6 A. Thanks. So what I kind of want to basically point
7 out to you guys is, this lower part of the gun is called "The
8 frame." And on the frame is where you actually get the
9 serial number off the gun in order to trace it or identify it
10 from its point of inception.

11 This top part is called "A slide." All right. It's on
12 a spring. There's a lot of tension there. So you have to
13 pull back on this slide in order to load the magazine because
14 the magazine, which is a box, kind of, like, a Pez dispenser,
15 you load your cartridges into the magazine, place it into the
16 magazine well, and it'll be sitting right here up at the top.
17 So when that slide comes back, it's going to strip one of
18 those cartridges off of the magazine, and place it right
19 there in the chamber. The chamber's right here at this point
20 of the barrel.

21 So now you have a loaded firearm with that cartridge.
22 It's cocked already. So when you pull that trigger, there's
23 a firing pin inside here that is going to basically move
24 forward and depress the primer area of that cartridge. And
25 when it hits that primer area, it's full of chemicals and

1 it's basically going to create an explosion. It's going to
2 burn all of the powder that's inside that cartridge, and then
3 you have immense pressure, it has to go somewhere.

4 So the bullet goes down the barrel of the gun and out,
5 and then the cartridge case will be ejected out of this
6 ejection port. There are parts inside here, like, the
7 extractor and the ejector, that are basically going to remove
8 that cartridge case from the chamber.

9 So the reason why all of this is so important is the
10 gun itself is a tool, and I'm looking at the tool marks to
11 basically say "Yes, the tool marks left behind on the
12 cartridge case, or the bullet came from this particular
13 firearm."

14 Q. What about this other demonstrative here? This
15 helps explaining some of the analysis you do as it pertains
16 to cartridge casings?

17 A. So I mentioned cartridge because most people will
18 call this a bullet. The bullet is actually just the
19 projectile that sits at the top of that cartridge. So the
20 orange color. It's seated in the cartridge case, which is
21 the golden color there.

22 And then I spoke about the primer, that's that area
23 that is silver-colored at the bottom, and then you have
24 powder inside of the cartridge. So a cartridge is
25 technically made of four parts, and the bullet is just the

1 projectile at the top.

2 Q. Okay. Did you have the opportunity to do some
3 analysis and examination relevant to this case?

4 A. Yes.

5 Q. Specifically, could you explain to the jury what
6 you did?

7 A. Okay. So one of my first requests was to just
8 look at the two cartridge cases -- two of the cartridge cases
9 in this case, and to figure out if they were fired by the
10 same gun. And I did that, and came to the conclusion that,
11 yes, one firearm fired those two cartridge cases. I believe
12 it's K2 and K3, are my item numbers.

13 Q. I'm going to show you what's in State's Exhibit 12
14 and 13. Refresh your memory, and see if you can -- they're
15 already in evidence. Do those appear to be the shell casings
16 that you would've done your analysis on?

17 A. They appear to be the envelopes. I'm sure the
18 shell casings are -- cartridge casings are inside.

19 Q. So what do you do when -- when you have those
20 casings? What's the procedure that you're doing specifically
21 as to those casings, and what are you looking for?

22 A. So I'm going to actually make sure that the
23 evidence is sealed. The chain of custody is intact when I
24 receive that evidence, which it was in this case. I then
25 open each item by itself individually as to not confuse the

1 two. I'll put a sticker on the actual cartridge case to
2 identify it, specifically to that item number.

3 And then I use a device called "A comparison
4 microscope." A comparison microscope is basically two
5 microscopes put together as one. It has something called "An
6 optical bridge." So you have one microscope that you can
7 look at through your left eyepiece and another one that you
8 can look at through your right eyepiece.

9 So basically, I can look at two different objects at
10 the same time, one with my left eye and one with my right.
11 And then I'll have a dividing line or a prism line right down
12 the middle between the two. So it's a comparison discipline.
13 So I can look at both of those cartridge cases at the same
14 time to see if they have the same marks or not.

15 Q. In your analysis here, do you recall the caliber
16 of cartridge casing?

17 A. It -- yes, they were 9mm Ruger.

18 Q. Okay. And what did your comparative analysis
19 determine as it pertains to these two casings left behind in
20 the bedroom?

21 A. That they were fired by the same firearm.

22 Q. Did you do any additional analysis -- analysis in
23 this case?

24 A. I did.

25 Q. And was that pertaining to projectiles recovered

1 from the victim?

2 A. Yes.

3 Q. Okay. Understanding that there are bags, I'm
4 going to hand you what's already in evidence as 14, 15, and
5 16. This -- does this appear to be the projectiles that you
6 would've done additional analysis on?

7 A. So I did analysis on GD1 and GD2.

8 Q. Okay. 14 and 15?

9 A. 14 and 15, yes.

10 Q. And would -- could you claim would that be due to
11 the fragmented nature of -- of 16?

12 A. That I --?

13 Q. Would not have done analysis on that?

14 A. It might have not been requested by the
15 investigator as well. So we can get laboratory requests from
16 the investigator saying, "Would you look at these items
17 specifically?" And in this case, I looked at GD1 and GD2.

18 Q. And can you speak to the analysis as to the
19 projectiles, and what your findings were there, please?

20 A. Yes. So what I do when I look at the bullet,
21 right?, the projectile that's gone down the barrel, I'm going
22 to look at marks that are known as "Class marks." So class
23 marks are decided by the manufacturer when -- when they
24 actually make the barrel of the gun. They decide how many
25 lands and grooves they want carved into that barrel.

1 The reason that there are land and grooves there is the
2 same idea why a quarterback throws a spiral football. You
3 want to impart spin on that bullet so it's more accurate down
4 range. And you do that by placing rifling in that barrel.
5 So there are different configurations of rifling that can
6 occur.

7 So in this demonstrative up here, you can see above the
8 far left image it says, "Six, right." So that barrel has six
9 lands and grooves, and it's -- the bullet's actually going to
10 twist to the right when it goes down the barrel. The one
11 next to it says, "Six, left." So that bullet would twist to
12 the left. And then you have something like, "Five, right."
13 That manufacturer decides to put five lands and grooves.

14 So like Smith & Wesson typically does five, right, Colt
15 typically does six, left. So it can help us narrow down what
16 type of firearm might have been used in a shooting. I didn't
17 mention, however, at the very end there is another type of
18 rifle class, it's called "Polygonal." So this is different
19 than conventional cutting or broaching of a barrel.

20 So polygonal occurs by something called, like, "Hammer
21 forging." And basically, you take the tool or the mandrel
22 and you're going to put the barrel or the steel around it and
23 hammer it into the shape of that tool bit, that mandrel. So
24 it's very different type of rifling. And in this case,
25 polygonal guns are typical of, like, Glock, or Bursa, or HK.

1 So certain manufacturers will use this process instead of the
2 majority which use conventional rifling.

3 Q. And what were your findings in your analysis as it
4 pertains to this case of the expelled projectiles?

5 A. So GD1 and GD2 were fired by the same firearm,
6 those two bullets that I examined.

7 Q. And in addition to the two cartridge cases that we
8 spoke here, did you do an additional analysis of a cartridge
9 case related to this case?

10 A. I did.

11 Q. Okay. And what were your findings as it pertained
12 to that?

13 A. So I received -- my item number was HG 10 in this
14 case. And that cartridge case was not fired by the same gun
15 as the one that fired, is it 12- and 13-People's Exhibit?
16 Different guns fired those cartridge cases.

17 Q. And did you have information that that was
18 collected from outside the residence?

19 A. I do not. I don't know anything about the
20 reports. I try to be as unbiased as possible when I'm
21 looking at evidence. I just look at the evidence as I
22 receive it.

23 Q. And back to the projectiles you were just
24 testifying to, were there any specific findings for your
25 report as to the bullets that were fired with respects to the

1 groove and twists that were relevant?

2 A. So those bullets had class characteristics of six,
3 right. So they were fired through a conventionally rifled
4 barrel that had a right-hand twist.

5 Q. And what would most common -- what are some
6 examples of the most common weapons that would be used in
7 your training experience?

8 A. So --

9 Q. That have that kind of six, R.

10 A. It is the most popular designation for rifling.
11 What we see in Greenville, a lot are Taurus' -- a lot of
12 Taurus's and Ruger would be another firearm that would be
13 six, right. Six, four and six, right. I could -- I could go
14 on and just name a whole bunch of guns, but a lot of them are
15 specific.

16 Q. It could be -- it could be any number? And
17 importantly -- we'll -- we'll forget that, but it could be
18 any number of guns specific as a result of your findings?

19 A. Correct. So because that's a class, it just kind
20 of tells me the manufacturer, its individual marks that I
21 have to look at for identification. So those are picked up
22 inside the barrel and they're called "Strata," those marks.

23 Q. Does that six, R designation tell you anything
24 about if it could be a Glock firearm or not?

25 A. So I don't believe it would be have been fired by

1 a Glock barrel because Glock barrels, once again, are
2 polygonal-ly rifled and they would not have those features.

3 Q. The term "Ghost gun," what does that refer to or
4 mean in your experience?

5 A. So a ghost gun is a slang term for a privately
6 manufactured firearm or for short called a "PMF." So ATF
7 basically says that you're allowed to build a gun, you can
8 actually manufacture your own firearm, and you don't have to
9 put a serial number on it. However, you're not supposed to
10 be selling that gun. You're not supposed to be doing -- it's
11 for your own personal use.

12 And so ghost guns are a way to basically not have a
13 serial number associated with a gun. So they are
14 manufactured in a way that they don't require a serial
15 number. ATF can't trace them, can't track them, doesn't know
16 the origin of those firearms.

17 Q. And you touched on barrel, I believe, very briefly
18 when we were back at this pistol diagram, but can you speak
19 to the jury in your experience as to switching out barrels,
20 how that's possible, and what that may -- you know, why you
21 see that when you see that? What it means?

22 A. So -- I want to talk about this. Majority of
23 firearms like the one you see up here are recoil operated.
24 So what that means is they work on a spring, and the recoil
25 that comes back from the slide is what makes it operate or

1 function. And because of that, you can kind of -- not kind
2 of, you can remove the slide and remove the barrel from
3 inside there.

4 I can take a barrel from another gun as long as it fits
5 those specs -- those specifications for this particular
6 design, and put them in there. So you can go online and buy
7 a different barrel. Maybe I want it gold plated so it looks
8 really neat. I could put a gold barrel in there versus what
9 the manufacturer gives with the firearm.

10 Q. And I think it goes without saying your previous
11 testimony, but switching that barrel, would -- could that
12 potentially have an effect on any subsequent projectiles and
13 the cartridges that were left behind, fired out of a new
14 barrel when compared to the previous barrel?

15 A. It would be different, right? So when the gun was
16 used and fired those projectiles, it's going to pick up those
17 marks from that barrel. If somebody switches out that
18 barrel, I'm not going to be able to identify those bullets to
19 that barrel because it's not the right one, because it's
20 different.

21 Q. And just to circle back again, as to the firing
22 pin markings that you saw on the casing, your results were
23 that it was fired from the same firearm?

24 A. Yes.

25 Q. And --

1 A. For. K2 and K3, which was People's 12 and 13, I
2 think.

3 Q. Okay.

4 A. Yes.

5 Q. And was there any type of manufacturer that would
6 be included-excluded as it pertains to those firing pin
7 markings that you would've seen on the case?

8 A. Okay. Just like I spoke about class marks for the
9 barrel, you can have class marks associated with cartridge
10 cases. So the firing pin hole itself can be in different
11 shapes. Classic Glock. So I mean, early generations of
12 Glock had a rectangle aperture or hole with an elliptical
13 firing pin.

14 So if you would see that, you'd be, like, "Probably a
15 Glock." I'm going to go on a tangent here. There was about
16 a year that Smith & Wesson, basically, broke their patent and
17 the manufacture of that same design as Glock, but the way you
18 could differentiate it was on where the ejector mark was
19 located.

20 So based on your training and experience, you can kind
21 of figure out what potential firearm fired those cartridge
22 cases. So what I'm trying to say is, the cartridge cases in
23 this case had a hemispherical, it's just a circular firing
24 pin that was not Glock type. So I can say it wasn't Glock,
25 but I can't tell you specifically what other gun it was.

1 MR. MORONEY: Thank you, Ms. Molloy. If you can you
2 please answer any questions Mr. Gambrell has for you.

3 THE COURT: Mr. Gambrell?

4 MR. GAMBRELL: Thank you, your Honor.

5 CROSS-EXAMINATION.

6 BY MR. GAMBRELL:

7 Q. Ms. Molloy, if I understand your testimony, you
8 were able to conclude that the two casings that were found
9 were fired by the same gun?

10 A. Two of the cartridge cases I examined. Yes.

11 Q. Okay. And then you were able to determine that
12 the projectiles were fired from the same gun?

13 A. Yes.

14 Q. Is there any way to determine if the projectiles
15 were fired for the same gun as the casings?

16 A. That is a very difficult examination that's
17 usually not completed because you cannot look at the seating
18 marks usually from the cases to the bullets.

19 However, there are design features in terms of the
20 types of metals that are used or the design of the bullet to
21 kind of narrow it down to -- I believe in this case, I -- I
22 thought the ammunition was Winchester Supreme Elite that was
23 used. That, in terms of a limited universe, you have two
24 cartridge cases that are Winchester, and you have two bullets
25 that are Winchester.

1 Q. But other than that, there's no way to conclude if
2 they came from the same company?

3 A. Same gun. No.

4 Q. Okay. So it's possible that if there were two
5 different guns, one for the casings and one for the
6 projectiles, correct?

7 A. That is a possibility.

8 Q. Were you asked to compare the projectiles to any
9 specific gun to see if it came from a specific gun in this
10 case?

11 A. Yes.

12 Q. And what gun was that?

13 A. So -- I believe, according to my notes, I had
14 looked at a Glock and a Taurus --

15 Q. Okay. And how --

16 A. -- in this case.

17 Q. How did those come into your possession?

18 A. Those were requested by the investigator, and so,
19 I would go to property and basically request those firearms,
20 and I would then go through the process of function-checking
21 them, making sure they actually operate, test-firing them,
22 and then looking at the test fires to the evidence.

23 Q. And you said one was a Glock and one was a Taurus?

24 A. Correct.

25 Q. Okay. And I think that you testified that Glock

1 was not a six, right. And remind me what the terminology is.

2 A. That is correct. Typical Glocks have polygonal
3 rifling, that was that one at the end. So it's different.
4 But in this case, that Glock did have an after-market barrel,
5 so that means it wasn't the one that came with that gun.

6 Q. And were you able to match the projectiles to
7 those particular firearms?

8 A. I was not.

9 Q. Okay. And what -- what goes into determining
10 that?

11 A. So I'm going to look at the class first: Do I have
12 six, right? Because if I don't, I can immediately eliminate
13 the evidence from those test fires. So in this case, both
14 Taurus and that after-market Glock barrel had a six, right
15 rifle in characteristic.

16 So from there, I'm going to look at the individual
17 marks that are present on those bullets, compare it to each
18 other, and then to the evidence. And in this case, there was
19 just not sufficient information there for me to make a
20 conclusion to say it was or wasn't fired. So it's called
21 "Inconclusive."

22 Q. Were those the only two handguns that you were
23 asked to make a comparison to?

24 A. I believe so. Yes.

25 Q. So if I -- if I understate your testimony, you

1 were able to determine your professional opinion that the
2 projectiles were fired from the same gun, correct?

3 A. Yes.

4 Q. And the casings were fired from the same gun,
5 correct?

6 A. Yes.

7 Q. And that there's no way to determine if the
8 projectiles came from those casings?

9 A. Correct.

10 Q. Or you didn't determine that they came from those
11 casings?

12 A. Right. That's more accurate.

13 Q. And that you also -- the two guns that they
14 provided you to determine if the projectile came from those
15 guns, guns were inconclusive?

16 A. That is accurate, yes.

17 Q. And in your job as a criminologist, are you
18 familiar with gunshot residue?

19 A. I have had some training in gunshot residue,
20 however, I do not -- I did not do any in this case.

21 Q. Could you explain to the jury what that is -- what
22 gunshot residue is?

23 A. So gunshot residue, when I talked about when that
24 cartridge, pardon me, was fired, that powder burns up. Well,
25 elements that are part of the powder particles basically will

1 come out of the firearm and land on your hand, or maybe if
2 you're near a window, or some other material, those powder
3 particles will come out when you're shooting or firing a
4 firearm.

5 Q. And you -- have you been trained in testing for
6 gunshot residue?

7 A. So -- I have.

8 Q. And when you -- what sort of -- I -- I think you
9 just testified to the hand. So if you were bringing an --
10 some item to you to test for that, how would you do that?

11 A. So normally -- okay. So there are two different
12 ways that gunshot residue can be looked at. You can take
13 stubs off of people's hands to see if they have residue left
14 behind. That is examined by a special instrument called "An
15 SEM." We do not do that at the Greenville County Lab. The
16 only agency that does that type of GSR is SLED.

17 Distance determination and gunshot residue is what I
18 can do. And that has more to do with corroborating someone's
19 statement when you have holes or gunshot holes in clothing
20 and somebody saying, "I was this far away from that
21 individual," you can do chemical testing to see how far away
22 the person really was when the shot was fired.

23 Q. And -- and what sort of conclusions are you
24 looking to make from that?

25 A. So you would make a range of conclusions, once

1 again, on how far the person was when the shots occurred.
2 You're looking for those powder particles, you're looking
3 for, like, lead, right? Antimony, barium, those are the
4 types of chemicals you're -- or powder particles you're
5 looking for with chemicals.

6 Q. And -- and a conclusion you could make if gunshot
7 residue is present is that, that -- whatever it is that
8 you're testing was in the presence when a gun was being
9 fired?

10 A. So that's very vague because I'm trying to
11 understand which manner or path you're asking. Towards
12 someone's hands or, like, a gunshot hole that I'm looking at
13 those?

14 Q. Well, let's say someone's hands.

15 A. Someone's hands? So not as experienced in the SEM
16 as SLED does that analysis.

17 Q. How about some of an article of clothing?

18 A. So an article of clothing? We're going to step
19 back to. It depends on the type of clothing. Sometimes
20 certain clothing will hold those powder particles better. It
21 also depends on, once again, how far away the victim is to
22 the shooter, right? Because powder particles fall off by a
23 good foot or so, and it depends on the ammunition you're
24 using. So there are a lot of variables involved in gunshot
25 residue.

1 MR. MORONEY: If that's cool with you (inaudible).

2 Thank you.

3 (Jury enters courtroom at 1:55 PM.)

4 THE COURT: Mr. Foreman, ladies and gentlemen of the
5 jury, I hope everyone had a good lunch. We are ready to
6 proceed.

7 Mr. Moroney, call your next witness.

8 MR. MORONEY: May it please the Court, your Honor? The
9 State calls Dr. Grace Dukes.

10 THE CLERK: Please place your left hand on the Bible,
11 and raise your right hand.

12 DR. GRACE DUKES, M.D.,
13 being duly sworn, testified as follows:

14 THE CLERK: Thank you. Please take a seat, and please
15 state your name for the record.

16 THE WITNESS: Grace Dukes.

17 DIRECT EXAMINATION

18 BY MR. MORONEY:

19 Q. Good afternoon, Dr. Dukes.

20 A. Hi.

21 Q. Where do you currently work?

22 A. I'm employed by Pathology Associates here in
23 Greenville.

24 Q. Okay. And where -- what campus, or what area is
25 that located?

1 A. I work in the Greenville Memorial Hospital.

2 Q. Okay. And what is your specific role there and
3 your general responsibilities?

4 A. I'm a forensic pathologist and medical examiner.
5 They're the same thing. I do autopsies and provide a medical
6 opinion as to the cause and manner of death of an individual.

7 Q. Okay. Could you please detail the jury some of
8 the training and education you have that led up to you having
9 this role?

10 A. Yes. I completed an undergraduate degree in
11 biological sciences from Clemson University. I then
12 completed four years of medical school at Medical University
13 of South Carolina. I then completed a four-year anatomic and
14 clinical pathology residency at the University of Kentucky.
15 I then completed a one-year forensic pathology fellowship,
16 which is my specialty training, prior to taking a job in
17 Atlanta at the Georgia Bureau of Investigation before taking
18 the job here in Greenville.

19 Q. And have you testified before in the area of
20 forensic pathology?

21 A. Yes.

22 Q. Okay. And have you been qualified as an expert in
23 that area?

24 A. Yes.

25 MR. MORONEY: Okay. Your Honor, at this time, the

1 State would move to qualify Dr. Grace Dukes in the area of
2 forensic pathology.

3 THE COURT: Any objection?

4 MR. GAMBRELL: Without objection.

5 THE COURT: The witness is qualified as an expert in
6 the field of forensic pathology, without objection.

7 BY MR. MORONEY:

8 Q. Dr. Dukes, on January 22, 2022, did you have the
9 occasion of performing an autopsy of Joseph Clark Smith?

10 A. Yes.

11 Q. And could you please explain, generally, that
12 process?

13 A. The process of an autopsy?

14 Q. Yes, please.

15 A. So when a decedent is discovered at the scene of
16 the incident, jurisdiction is taken by the coroner. The
17 coroner is the investigator who will be on the scene to
18 investigate the scenario, and then bag the decedent, placing
19 a seal on the body bag at that time. The decedent will be
20 brought into the morgue where the autopsy takes place at
21 Greenville Memorial.

22 At the time of autopsy, they'll bring out the decedent
23 in the sealed bag, we'll remove the seal and then proceed
24 with our examination, which consists of first an external
25 exam where we document features of the decedent's hair color,

1 eye color, weight, things like that.

2 Any -- identifying features, tattoos, scars, any
3 injuries, clothing, things accompanying the body. Then we'll
4 proceed with the internal examination where we will open up
5 the body and remove the organs, and then dissect it
6 individually to document disease, injury, things like that.

7 Q. And are photographs typically taken during this
8 procedure?

9 A. Yes. Photographs are taken throughout the
10 autopsy.

11 Q. Okay. During this autopsy of Mr. Smith, could you
12 please detail to the jury the evidence of injury as it
13 pertains to Mr. Smith?

14 A. Yes. The decedent in this case had two gunshot
15 wound tracks: One, which went through the left arm and into
16 the chest and was recovered in the abdomen. The other which
17 entered in the back, and was recovered in the pelvis.

18 Q. And during the course of the autopsy, was there
19 anything recovered in terms of projectiles?

20 A. Yes, there was the majority of a projectile
21 recovered from the lumen of the colon and a fragment of that
22 projectile, which was recovered from the abdominal cavity,
23 and then there was a second projectile recovered from -- from
24 the bladder.

25 Q. And in addition to the evidence of injury, would

1 photographs, also, have been taken of the projectiles and
2 fragment that were removed?

3 A. Yes.

4 MR. MORONEY: At this time, I'll hand you what's been
5 pre-marked as State's Exhibits 51, 52, 53, 54, and 55.

6 (State's Exhibit Numbers 51, 52, 53, 54, and 55 marked for
7 identification.)

8 BY MR. MORONEY:

9 Q. Do you recognize those? And if so, can you tell
10 the jury what they are?

11 A. I do. These are photos of the projectiles that
12 were recovered from the body at autopsy, and of the entrance
13 wounds.

14 Q. And are these a fair and accurate representations
15 of what you observed on January 22, 2022?

16 A. Yes.

17 MR. MORONEY: Your Honor, at this time, the State moves
18 State's Exhibits 51 through 55 into evidence.

19 THE COURT: Any objection?

20 MR. GAMBRELL: Without objection.

21 THE COURT: State's Exhibits 51, 52, 53, 54, and 55 are
22 admitted without objection.

23 (State's Exhibit Numbers 51, 52, 53, 54, and 55 admitted into
24 evidence.)

25 BY MR. MORONEY:

1 Q. State's Exhibit 55, you can explain to the jury.

2 THE COURT: Screen is down. Sometimes it likes to go to
3 sleep. Is it coming back up?

4 THE CLERK: Yeah.

5 BY MR. MORONEY:

6 Q. With respect to State's Exhibit 55, could you
7 explain to us what we're seeing here in the general direction
8 regarding evidence of injuries?

9 A. Yes. So this is the anterior surface of the
10 decedent's body. This is the left arm, the anterior part of
11 the left arm, and the left side of the chest.

12 So at the top of the screen is the initial entrance
13 wound of the projectile that went through the skin and
14 subcutaneous tissue on the arm. It then exited more towards
15 the armpit, medially of the left arm and re-entered on the
16 left side of the chest, which is the wound on the bottom.

17 Q. And did you note the trajectory with respect to
18 upward/downward --

19 A. Yes.

20 Q. -- for this injury?

21 A. I recall that the trajectory was from left to
22 right, front to back, and downward.

23 Q. And then with respect to State's Exhibit 54, would
24 you explain what we're seeing here?

25 A. This is the entrance wound from the back. It was

1 on the upper portion of the left buttock.

2 Q. State's Exhibit 51. If you could explain what
3 we're looking at.

4 A. This is a fragment of a projectile, which was
5 recovered from the pelvic cavity.

6 Q. State's Exhibit 52.

7 A. This is a projectile that was recovered from the
8 colon.

9 Q. And State's Exhibit 53.

10 A. This projectile was recovered from the bladder.

11 Q. And Dr. Dukes, in your findings, do you have a
12 medical opinion as to the medical cause and manner of death
13 in this case?

14 A. Yes.

15 Q. And what is that?

16 A. Multiple gunshot wounds.

17 Q. Okay. And the manner of death that you classify
18 of the autopsy?

19 A. Homicide.

20 MR. MORONEY: Thank you. Please answer any questions
21 Mr. Gambrell may have for you.

22 THE COURT: Mr. Gambrell?

23 MR. GAMBRELL: Thank you, your Honor. Just briefly.

24 CROSS-EXAMINATION

25 BY MR. GAMBRELL:

1 Q. Is it Dr. Dukes?

2 A. Yes.

3 Q. Okay. For your examination, is there -- is there
4 any way to determine the distance from which a wound was
5 created, or from a -- from a gunshot wound?

6 A. We have certain classifications of the range of
7 fire of a gunshot wound. In this case, it was considered
8 indeterminate, which means further away than two or three
9 feet.

10 Q. Okay. So it wasn't a -- it wasn't a -- a within
11 two- or three-feet, it had to be further than that in your
12 medical opinion?

13 A. Yes.

14 Q. And that was for both of the shots?

15 A. Yes.

16 Q. Okay. Were you able to determine an angle of
17 entry point for the second one that was located above the
18 left arm?

19 A. I just know the pathway through the body.

20 Q. There was no way that to determine from what angle
21 that was shot from your examination?

22 A. Not from my examination.

23 MR. GAMBRELL: Okay. Thank you, Doctor. That's all.

24 THE COURT: Mr. Moroney, any re-direct?

25 MR. MORONEY: Not from the State, your Honor.

1 before we get our jury?

2 MR. MORONEY: Run into the restroom real quick?

3 THE COURT: All right. Awesome.

4 (Pause.)

5 THE COURT: Okay. Let's get our jury.

6 THE BAILIFF: Your Honor, bring the jury?

7 THE COURT: Yes.

8 (Jury enters courtroom 9:18 AM.)

9 THE COURT: All right. Mr. Foreman, ladies and
10 gentlemen of the jury, good morning.

11 JURY PANEL: Good morning.

12 THE COURT: Hope everyone had a good evening. We are
13 ready to proceed. State, call your next witness.

14 MR. MORONEY: Your Honor, the State calls Sergeant Drew
15 Herring.

16 THE CLERK: Please place your left hand on the Bible,
17 and raise your right hand.

18 SERGEANT ANDREW HERRING,
19 being duly sworn, testified as follows:

20 THE CLERK: Thank you. Please take a seat, and state
21 your name for the record.

22 THE WITNESS: Drew Herring.

23 DIRECT EXAMINATION

24 BY MR. MORONEY:

25 Q. Good morning, Sergeant Herring.

1 A. Good morning.

2 Q. Where are you currently employed?

3 A. Greenville County Sheriff's Office.

4 Q. And how long have you been employed there,
5 roughly?

6 A. Over 12 years.

7 Q. Okay. What's your current role there?

8 A. My current role is as a sergeant of the warrants
9 division. I just oversee a unit of 10 guys looking for
10 people who have active warrants.

11 Q. Okay. And have you held any other positions at
12 the Sheriff's office before this role that you're in right
13 now?

14 A. Yeah. You'd let me go through all of them?

15 Q. If you could, just a general overview for the
16 jury.

17 A. I started on the road, Uniform Patrol. I was
18 there. I -- I worked on the east side of our county for over
19 two and a half years, and then I went to tobacco and
20 narcotics for a little over half a year. And then there's
21 just -- you know, it's basic narcotics and prostitution and
22 gambling investigations.

23 Then I went to a unit called "Facet," that's an on
24 warrants division. We only apprehend people with violent
25 crime warrants and assist in, like, violent crime

1 investigations. I did that for two and a half years. Then I
2 went to directed patrol, that was a street crimes unit, and,
3 like, street level narcotics gang investigations, and UC buys
4 and CI operations for two and a half years.

5 And then I took a promotion to homicide. I was at
6 homicide for a little over two years, two and a half years,
7 or so. And then I took another promotion to the road again.
8 I was there for about six months, and then, I transferred to
9 warrants as a sergeant.

10 Q. Okay. During your time as a homicide
11 investigator, did you have occasion to be assigned to this
12 case in March 2022?

13 A. Yeah, I was.

14 Q. Could you explain to the jury how that came about?

15 A. The lead investigator at the time who was
16 investigating the case was actually retiring. So -- and he
17 had not signed warrants on anyone and had not finished the
18 case, so I took it over, and that's how it started.

19 Q. Okay. And when you took it over, did you start
20 from scratch essentially?

21 A. Yeah, I -- I didn't really know a bunch about this
22 case at the beginning, so I didn't respond out there at the
23 night of -- or anything like that.

24 So I -- I just started from the very beginning, from
25 body camera footage to all the interviews. They already did

1 any evidence, scans of the scene from forensics, photos,
2 videos, everything that -- everything that they had. And I
3 started from there and followed -- followed up.

4 Q. So from the outset of the investigation, what did
5 you learn where this occurred, and some of the general facts
6 of this case?

7 A. I can't remember the exact address. At [REDACTED]
8 Edwards Road, I think.

9 Q. You remember the apartment complex name?

10 A. The Terrace -- I -- I can't remember the name of
11 it.

12 Q. Okay.

13 A. But it's [REDACTED] Edwards Road.

14 Q. Okay. I'll show -- I know it's been a lot going
15 on in this case. If I showed you a copy of your report,
16 would that help refresh your memory?

17 A. Yeah.

18 Q. Do that. If you could look for the address and
19 your -- name of the apartment. Let me make sure I give you
20 this first sheet, it might be helpful.

21 A. [REDACTED], sorry, Edwards Road, Apartment [REDACTED] in Terrace
22 -- it's Cliffwood Terrace Apartments.

23 Q. Do you have a high caseload, high volume caseload
24 that you work with?

25 A. Oh, yeah. Yes, I do.

1 Q. And is Cliffwood Terrace Apartments, is that in
2 the county, Greenville?

3 A. It is -- it is.

4 Q. All right. So what were some of your initial
5 observations as you became assigned to this case, generally
6 what happened?

7 A. Generally, it -- it was at around 3:00 or so in
8 the morning, two masked men went into the home. And the two
9 witnesses of the whole incident were awoken by the masked
10 individuals pushing their roommate into their room which was
11 the victim, Joseph Smith, they called him "Slim." They
12 pushed him into the room. They had --

13 MR. GAMBRELL: Your Honor, I -- I'm sorry to object,
14 but he's testified to something that either was told to him,
15 or that he learned from somewhere else. He does not have
16 personal knowledge that someone pushed anyone into the room.

17 THE COURT: Limit it to his general impression of what
18 he was investigating.

19 MR. MORONEY: Yes. So continue generally what you
20 learned. Your Honor, may we approach briefly?

21 THE COURT: Yes, sir.

22 (Bench conference.)

23 BY MR. MORONEY:

24 Q. So where was the victim located in the apartment
25 in this case?

1 A. The victim was located in his -- in his roommate's
2 floor, deceased.

3 Q. Okay. And what was the nature of the injuries
4 upon EMS and law enforcement's arrival there to the victim?

5 A. Two gunshot wounds to his -- to his body.

6 Q. Okay.

7 A. His abdomen and his torso.

8 Q. Okay. And with respect to the victim, what did
9 the investigation reveal who lived in that apartment?

10 A. Marquez McCarroll and the victim, Joseph Smith.
11 They -- they were the main occupants of the residence. And
12 then Marquez's cousin, Shareef McCarroll, was living in his
13 room.

14 Q. Okay. And when you say "His room" --?

15 A. Marquez's room.

16 Q. Okay. All right. I'm going to show you some
17 pictures that are already in evidence, if we can use the
18 overhead, please. With respect to the front entry door of
19 the apartment, were there any observations that stood out to
20 you, generally speaking?

21 A. Front -- front door had some -- some damage that
22 was consistent with being kicked in, forced in some way. The
23 jam right there. It was broken apart not just from wear and
24 tear. It's highly consistent with being forced in. But it's
25 -- it's not fresh.

1 Q. It appeared to be existing damage?

2 A. Yes.

3 Q. Okay. And were there any other occupants that
4 your investigation you revealed -- or individuals, I should
5 say, that had a connection to that apartment that would
6 sometimes stay in the apartment?

7 A. Yeah. The main one was Joseph Kane Roach.

8 Q. Okay.

9 A. He was -- he was -- through the investigation, it
10 was determined that he was in the same boy's home as the
11 victim. And --

12 MR. GAMBRELL: Your Honor, I'm going to object again
13 because he does not have prior knowledge of this. It had to
14 come from another witness, or someone had to tell him about
15 that.

16 THE COURT: Well, let's -- let's move on.

17 MR. GAMBRELL: Okay.

18 THE COURT: Let's move on.

19 BY MR. MORONEY:

20 Q. All right. So was there any -- after the initial
21 response there, was there any relevant surveillance footage
22 of that became of import to your investigation?

23 A. Yeah, on the night of, they discovered a Ring
24 camera footage of a subject walking past.

25 Q. Okay.

1 A. It's a neighbor, a few houses down from the
2 incident location, and it's a good profile view of the
3 subject walking past towards the incident location, the
4 victim's apartment, about at 1:59 in the morning, which is
5 like a couple hour, or hour or so, hour and a half or so
6 before the shooting, and then the robbery.

7 Q. All right. I have State's Exhibit 2, already in
8 evidence. I'll play this. We could use the computer. If
9 you could detail to the jury upon observation of what this
10 meant to your investigation, and some of the things that you
11 took note of.

12 A. So the -- the biggest thing we were trying -- that
13 -- this was the only camera or surveillance footage we had at
14 the time in any kind of close proximity towards the time of
15 the shooting and robbery. So this was really, to me, was
16 like -- like, kind of ground zero of figuring out who the
17 last person was that saw and victim alive, other than the --
18 his roommates when he was being robbed.

19 So I was looking -- key part his every little piece of
20 clothing. So from his head all the way down to his feet,
21 which I believe I can get into later, exactly how that all
22 came together. That's what we were initially looking for.

23 So if you look -- if you go back, you can see pretty
24 clearly there's a pattern on the Crocs. And I -- I recognize
25 those as be either, maybe not exactly Crocs, but they're

1 highly consistent with them.

2 They have the strap on the back some kind of a -- I
3 thought they were a -- some kind of pattern or some kind of
4 design pattern. The -- the joggers were a huge, they seemed
5 -- you know, they're pretty common.

6 But that was something we're looking at. A puff
7 jacket, and then the fact that he had a face mask on. It was
8 cold at that time, but we were still looking at that as well
9 since there was a robbery that just happened with face masks.

10 Q. Okay.

11 A. And then there's one more thing. On top of his
12 head, that side, it looks like a reflector, but it's because
13 of the Ring cameras night vision. It's a white logo. And as
14 he is walking off, it's hard to see unless you get really
15 close to a big screen. We've watched this hundreds of times.
16 But to me, it looks like he's got a hat on sideways.

17 If you go until it gets to the end building on the very
18 -- the very last building on the screen, there's a light -- a
19 street light. If you slow it down and piece it inch by inch,
20 then it looks like a brim is to the side.

21 And then if you go back to where the Jeep -- the white
22 Jeep, when he is crossing, you can see little twist-ies or --
23 or braids coming out the front of the mask by his eyes. But
24 you have to go extremely slow and kind of go back and forth,
25 back and forth with it.

1 Q. And how did you all come into possession or
2 realize this video existed?

3 A. So on the initial response, they -- they went and
4 scoured the area, immediate area for cameras. And this
5 neighbor happened to be awake, and they spoke with them. And
6 it was for the same building, ■■■. I'm trying to remember his
7 name now. He testified.

8 Q. Would he have been the occupant living in the
9 apartment with this Ring video camera?

10 A. Yes.

11 Q. Testified earlier?

12 A. Yeah.

13 Q. I'm going to show you what's also been in State's
14 Exhibit -- in evidence as State's Exhibit 3. Did that
15 individual in that same apartment bring investigator's
16 attention to any other Facebook posts that he observed?

17 A. Yeah. He -- he was talking about a -- a Facebook
18 Live that was posted by the victim on the 18th, I believe.
19 Yeah, so Tuesday, that would've been the 18. So that's the
20 victim, that's Slim, and that's what we believe is in this
21 apartment. And then the Defendant is shown there.

22 And that same -- what I believe to be highly consistent
23 with what the subject was wearing up past in the Ring
24 footage. Again, this is also from what I've learned from
25 watching the interviews, and -- and spun with investigations,

1 that was also a concern, was the Two-Tone color of that gun.
2 And he was known to have that gun.

3 MR. GAMBRELL: Objection, your Honor.

4 THE WITNESS: Because There's a video of him with it.

5 THE COURT: Okay. Overruled.

6 BY MR. MORONEY:

7 Q. All right. And the pants in particular, did --
8 did they stand out to you in any way?

9 A. Yeah. This -- so this was kind of a -- I think we
10 -- there was -- I thought they were Adidas joggers in the
11 Ring camera video, and then my partners thought they were
12 solid color, so it was kind of going back and forth.

13 So I -- I couldn't tell at first whether it was these
14 pants, like, similar to what he's wearing in this video, or
15 Adidas joggers, which I found body camera, past incidents,
16 where he was wearing those. So I couldn't tell exactly until
17 we get into an interview and he tells me.

18 Q. And -- again, what date was this posted?

19 A. This was posted on Tuesday. So the 8th -- January
20 8, 2022. It's a few days before the actual -- before the
21 actual incident.

22 Q. And were you able to identify that defendant as to
23 who that was in the course of your investigation?

24 A. Yeah, Tyberious Pyles.

25 Q. Okay. And do you see that individual seat in the

1 courtroom today?

2 A. Yeah, he's sitting right there in the white polo.

3 Q. Subsequent to this, was there any other Facebook
4 Live posts that became relevant to your investigation?

5 A. Yeah. There -- the Defendant posted a live where
6 he was at (inaudible). I recognized to be a woman, the
7 apartment complex that I've been in many times where they
8 were -- he was with a -- a big group of friends in one of the
9 apartments there, and they were talking about the victim, and
10 then he -- at one point, they were talking about getting
11 revenge, whoever did this.

12 Q. Anything about -- and the Defendant was seen on
13 the video?

14 A. He was, yeah. It was his live.

15 Q. And -- and anything about his clothing, or
16 physical appearance that stood out to you?

17 A. This is where I thought -- if you go a little
18 closer, a little further and you pay attention to his hat
19 there. If you go back, the MLB logo on the back of the hat
20 and how he wears it on to the side like that, I thought it
21 was highly consistent with the video.

22 That made sense to me there that MLB would -- would
23 show up on the night like that because it was all white and
24 it was on the side of his head. So that was -- that stood
25 out pretty big for me as we were piecing together different

1 parts.

2 Q. Do you recall the date and time that this was
3 posted?

4 A. That was -- that was the night -- well, Slim was
5 murdered at 3:00-something in the morning. This was posted
6 -- I believe, at, like, 9:00-ish at night that night.

7 Q. Would -- would it help for you to review a copy of
8 the record?

9 A. Yeah -- yeah. I'm not -- I can't remember names
10 and numbers very well. Oh, okay. So we have -- this was on
11 the 23rd at 1:00 a.m. So how -- depend how you look at it,
12 that same -- that night from rolling into the 23rd. Yeah.

13 Q. With -- if you can explain the conversion.

14 A. Oh, yeah. UTC is a -- I'm sorry. Yeah. UTC
15 time. So it would have to -- you would have to go back four
16 or five hours depending on daylight saving time. So if you
17 go back, it's actually -- yeah, it's around 9:00. It's 8:43
18 on 1/22.

19 Q. Okay.

20 A. Yeah.

21 Q. So this video was posted by Tyberious Pyles at
22 what time?

23 A. 8:43 p.m., on January 22nd.

24 Q. Okay. The same day of the murder?

25 A. Right. That night -- that night.

1 Q. Yes. Same night. And again, anything with the --
2 what we're seeing here at this portion of the video, it's a
3 rather lengthy video. We only played short portions of it so
4 far as to the handgun that the Defendant is holding.

5 A. Yeah. This was a -- a much closer look. I feel
6 like we had a lot better looks at this gun through this
7 video. There's a bunch of different things you can pick up
8 on. There's an aftermarket addition added to the --

9 MR. GAMBRELL: Objection, your Honor. Failed to lay
10 foundation on knowledge.

11 THE COURT: Lay foundation to the question.

12 BY MR. MORONEY:

13 Q. If you could explain to the jury some of the
14 investigation you did relevant to this gun that helped you
15 identify certain features, and...

16 A. I -- I consulted the expert that was testified
17 earlier, Susan Molloy. And we -- we looked in -- she -- she
18 recognized it --

19 MR. GAMBRELL: Objection, your Honor. Hearsay.

20 THE COURT: Yeah. Sustained.

21 THE WITNESS: Either an investigation, it was -- it was
22 it determined from multiple sources that it only made sense
23 that this --

24 MR. GAMBRELL: Judge, I'm going to object to that too.
25 I mean, he's not testifying about what he received from

1 multiple sources.

2 MR. MORONEY: I -- I can make this easier, your Honor.

3 BY MR. MORONEY:

4 Q. Had you seen the gun before the murder took place
5 on a video held by the Defendant?

6 A. Right. On the 18th.

7 Q. Okay. And did it have similar characteristics to
8 the gun you see the Defendant holding now hours after the
9 murder happened?

10 A. Yes.

11 Q. Okay. Ultimately, in the course of your
12 investigation, did you have the opportunity to interview
13 Tyberious Pyles?

14 A. I did.

15 Q. Okay. And did he give a statement to you
16 directly?

17 A. He did.

18 Q. Do you recall when that statement was made and
19 taken?

20 A. I believe it was May 13, 2022.

21 Q. Okay. And who was present during the questioning?

22 A. It was myself and Master Deputy Brian Loveless.

23 Q. Was the Defendant under the influence of alcohol
24 or drugs to the extent that would impair his ability to
25 understand?

1 A. No.

2 Q. Did the Defendant have any physical or mental
3 disability that would've impaired his ability to understand
4 what was being said and asked?

5 A. No.

6 Q. Can you describe to the jury the physical
7 surroundings of the room where the interview took place?

8 A. It is a small-ish room. It's, like, 10 feet by 7,
9 or 10 by 8. And it has a table smaller than this one right
10 here, kind of against the wall like that, with another chair
11 on this side.

12 And then one chair on the opposite end, which we
13 usually put where we're interviewing in that chair so that
14 the camera can see -- have the best view of them. And then
15 Master Loveless was against the wall on this side and the
16 chair, but he is not really on camera, not on the main view.

17 Q. And approximately how long was the Defendant
18 questioned, and were any breaks taken?

19 A. Yeah, breaks were taken. It was probably around a
20 couple hours. But he was provided water, asked if he wanted
21 food.

22 Q. Was the Defendant denied access to a telephone,
23 the bathroom, food, or drink?

24 A. No.

25 Q. Were any threats or promises made in exchange for

1 the statement?

2 A. None.

3 Q. Without getting into any specifics, was the
4 Defendant under arrest for an unrelated offense at the time
5 of the interview?

6 A. Yes.

7 Q. Was the Defendant free to go at any time during
8 the questioning?

9 A. No.

10 Q. Did he come to speak with the police voluntarily,
11 or was his presence compelled?

12 A. It was -- it was voluntary, asked if he wanted to.

13 Q. Okay. And was he advised at any time that he
14 could terminate, questioning or leave?

15 A. Yeah -- yes, he was.

16 Q. Was the Defendant advised of the nature of the
17 investigation?

18 A. He was.

19 Q. Was Mr. Pyles advised of the -- of his
20 constitutional rights pursuant to Miranda prior to any
21 questioning regarding the crime?

22 A. Yes.

23 Q. And how did you advise the Defendant of his
24 rights?

25 A. We do a -- we do a recorded waiver of rights form,

1 a Miranda warning form. It's been put into evidence. And
2 it's -- it's basically line-by-line every bit of Miranda.

3 So it's not -- it's not -- it's not really -- there's
4 no way to really confuse what your rights are with it. We
5 try to make it as -- as clear as possible. So we go through
6 that, and we fill out all the -- all the information about
7 him, where he went to school and all that.

8 MR. MORONEY: I'm going to show you what's been
9 pre-marked as State's Exhibit 56.

10 (State's Exhibit Number 56 marked for identification.)

11 BY MR. MORONEY:

12 Q. Do you recognize what that is?

13 A. Yeah, that's the -- that's the waiver of rights
14 form that I had the Defendant fill out.

15 Q. Okay. And that's a fair and accurate
16 representation of the one that was filled out on May 13,
17 2022?

18 A. It is.

19 MR. MORONEY: Your Honor, at this time, the State moves
20 to admit State's Exhibit 56 into evidence.

21 THE COURT: Any objection.

22 MR. GAMBRELL: No objection, your Honor.

23 THE COURT: State's Exhibit Number 56 is admitted
24 without objection.

25 (State's Exhibit Number 56 admitted into evidence.)

1 BY MR. MORONEY:

2 Q. If you could, Investigator Herring, explain to us
3 and the jury here what we're looking at, if we could go
4 through this one?

5 A. Yes. At the top -- at the top right is the date
6 and the time. I put the time that I start everything, just
7 to show what kind of time lapse happens, how long it takes,
8 or -- so then you read it line-by-line and the -- the person
9 has the ability to read it each line, and then they initial
10 each line, stating they understand -- you know -- they understand
11 what that means and what those lines.

12 I usually read it all out to them. If they have any
13 questions, we can talk about. But it's -- it clearly states
14 that all of your rights -- that you have the right to stop
15 talking at anytime, talk to a lawyer before.

16 Q. For the record, can we just go one line by line
17 and -- and go through each advisement?

18 A. Yep. So "Before we ask -- we ask you any
19 questions, you must understand your rights. You have the
20 right to remain silent. Anything you say can be used against
21 you in court. You have the right to talk to a lawyer for
22 advice before we ask you any questions and to have him with
23 you during questioning. If you have no money to pay a
24 lawyer's fee, the court will appoint one to represent you
25 without cost, if you wish. If you decide to answer questions

1 now without a lawyer present, you will still have the right
2 to stop answering at any time. You also have the right to
3 stop answering at any time until you talk to a lawyer."

4 We have to initial that, and then there's a last little
5 paragraph that we always read out, is: "I've read this
6 statement of your rights, and I understand my right -- what
7 my rights are. I'm going to make a statement and answer your
8 questions. I understand and know what I'm doing. No --
9 promises or threats have been made to me."

10 We read all that out. We have them sign it after
11 they've initial each one, and then print. And then we get
12 their address -- you know, their Social, date of birth,
13 education level, which school they attended, their phone
14 number. I sign it. That's my signature at the top, my star
15 number and unit number at the time.

16 And then the witness, other than me, signs it. And
17 that's his signature with his unit number. And then that end
18 time is -- is the time that it stopped. We were done with
19 it.

20 Q. Did the Defendant appear to have any trouble
21 understanding his rights?

22 A. No.

23 Q. Did the Defendant's answers to questions appear
24 rational and responsive, or was he so emotional that you had
25 concerns regarding his ability to understand?

1 A. No, it was -- it was rational responses.

2 Q. Did you or anyone in your presence threaten or
3 coerce the Defendant in any fashion, or offer him any
4 promise, or hope of reward?

5 A. No.

6 Q. And how did the Defendant respond when asked
7 whether he wanted an attorney before he spoke to the police?

8 A. He -- he said -- he just talked. He said he was
9 fine.

10 Q. And that waiver is indicated here on this form,
11 correct?

12 A. Right.

13 Q. Did the Defendant ever later change his mind and
14 ask to stop questioning because he wanted an attorney?

15 A. No.

16 Q. And to the best of your knowledge, was the
17 Defendant's statement freely and voluntarily given?

18 A. Yes.

19 Q. Was the statement by the Defendant ultimately
20 recorded in a video and audio format?

21 A. It was.

22 MR. MORONEY: Okay. I'm going to show you what's been
23 pre-marked as State's Exhibit 62, for identification
24 purposes.

25 (State's Exhibit Number 62 marked for identification.)

1 BY MR. MORONEY:

2 Q. Do you recognize what that is?

3 A. Yes -- yes.

4 Q. And what is that?

5 A. It's the interview with the Defendant.

6 Q. Okay. Have you had time to review this USB ahead
7 of time?

8 A. Yes.

9 Q. Okay. And it's a fair and accurate copy of -- of
10 events that took place on the interview date --

11 A. It is.

12 Q. -- with the Defendant?

13 A. Yeah.

14 MR. MORONEY: Okay. Thank you. At this time, your
15 Honor, State moves State's Exhibit 62 into evidence.

16 THE COURT: Any objections?

17 MR. GAMBRELL: Judge, we can just re-assert our
18 previous objections made in pretrial.

19 THE COURT: Yes, sir. So noted.

20 (State's Exhibit Number 62 admitted into evidence.)

21 (Defendant's video interview (State's Exhibit 62) published.)

22 MR. GAMBRELL: Can I just confer with Counsel really
23 quick, Judge?

24 THE COURT: Yes.

25 MR. GAMBRELL: Thank you.

1 (Counsel confers.)

2 (Defendant's video interview (State's Exhibit 62) published.)

3 BY MR. MORONEY:

4 Q. In any of these quiet, muted parts, is that for
5 court purposes?

6 A. Yes.

7 (Defendant's video interview (State's Exhibit 62) published.)

8 MR. MORONEY: And I'm going to switch to this other
9 file here, just for a -- an IT issue.

10 (Defendant's video interview (State's Exhibit 62) published.)

11 BY MR. MORONEY:

12 Q. Would this actually be the beginning portion of
13 your interviews with the Defendant here, this one small
14 little file that I'm about to start?

15 (Defendant's video interview (State's Exhibit 62) published.)

16 BY MR. MORONEY:

17 Q. Essentially, is this immediately after the Miranda
18 advisement? This -- although it's a separate file, should be
19 the beginning of the interview?

20 A. Yeah.

21 Q. Okay. Thank you. And the Crocs, what stood out
22 to you about the Crocs here, if you could speak to that?

23 A. They looked like the same ones in the Ring video.
24 I thought -- and then, the fact I asked about the -- the back
25 -- the back strap. Because there was a back strap in the

1 video, and I -- I just wanted to know -- I just kind of asked
2 him in passing.

3 Q. What was the Defendant wearing similar-looking
4 Crocs in this interview room?

5 A. Yeah.

6 Q. And were those ultimately photographed?

7 A. Yes.

8 Q. Okay.

9 A. And seized.

10 MR. MORONEY: I'm going to show you what's been
11 pre-marked as State's Exhibit 59 and 60.

12 (State's Exhibit Numbers 59 and 60 marked for
13 identification.)

14 BY MR. MORONEY:

15 Q. What are those?

16 A. Those are -- yeah, those are the Crocs that he was
17 wearing.

18 Q. And that's taken in the interview room that day?

19 A. It was.

20 MR. MORONEY: Your Honor, the State moves to admit
21 State's Exhibit 59 and 60 into evidence.

22 THE COURT: Any objection?

23 MR. GAMBRELL: Without objection, your Honor.

24 THE COURT: State's Exhibits Number 59 and 60 are
25 admitted without objection.

1 (State's Exhibit Numbers 59 and 60 admitted into evidence.)

2 (Defendant's video interview (State's Exhibit 62) published.)

3 MR. MORONEY: This is a rather lengthy interview,

4 Detective Herring. So I'm going to skip just to --

5 (Defendant's video interview (State's Exhibit 62) published.)

6 MR. MORONEY: -- relevant points of the interview.

7 MR. GAMBRELL: Judge, I'm going to ask that -- the

8 interview be --

9 (Defendant's video interview (State's Exhibit 62)

10 published.).

11 THE COURT: Hold on. We have an objection. Yes, sir?

12 MR. GAMBRELL: I would ask that the interview be played

13 in full.

14 THE COURT: Okay. Play -- play the whole video, it's

15 in evidence.

16 (Defendant's video interview (State's Exhibit 62) published.)

17 BY MR. MORONEY:

18 Q. You made reference to Buddha, who was Buddha?

19 A. Kiana Knowles.

20 Q. Okay. And who was that to the Defendant?

21 A. The Defendant's girlfriend's little brother.

22 Q. And who was the Defendant's girlfriend at the time

23 of the incident?

24 A. Dream Adams.

25 MR. MORONEY: Okay.

1 (Defendant's video interview (State's Exhibit 62) published.)

2 BY MR. MORONEY:

3 Q. And at this time of the interview, had you already
4 conducted a significant investigation, you had information
5 that you are aware of while you're questioning the Defendant?

6 A. Yeah.

7 Q. And again, we'll note -- just for clarity's sake,
8 several muted portions throughout this are -- were these
9 unmuted previously, but they've been muted for purposes of
10 court hearing?

11 A. That's correct.

12 MR. MORONEY: Thank you.

13 (Defendant's video interview (State's Exhibit 62) published.)

14 BY MR. MORONEY:

15 Q. At this point of the interview, Detective Herring,
16 had you interviewed Kane already prior to this interview?

17 A. Yeah.

18 Q. And did the Defendant appear shocked that you had
19 talked to Kane at this part of the interview?

20 A. He's a little bit, but I -- he -- he was trying --
21 from what he said, I felt that he had -- he had already --
22 Kane had told him what I asked Kane about because he was
23 trying to portray that gunshot.

24 Q. During your interview with Kane, would you have
25 advised him that there was Ring camera footage out at the

1 scene for the murder?

2 A. Yeah, I told him there was a video of him walking
3 by.

4 (Defendant's video interview (State's Exhibit 62) published.)

5 BY MR. MORONEY:

6 Q. At this point, what are you all talking about with
7 respect to where the Defendant stated he was dropped off in
8 correlation to the Ring camera that you had observed?

9 A. I was -- I was trying to -- we were talking about
10 how he -- how he would've walked across that Ring camera if
11 he was dropped off in front of the apartment, and -- and I
12 was trying to get to the bottom of did he have a legitimate
13 reason for walking that way or -- or was he walking up on the
14 apartment to not be seen by anyone in the...

15 Q. And in this overhead view of the apartment
16 complex, you can point generally to where the trash -- or
17 where he was stating that he was dropped off at?

18 THE COURT: What exhibit is that?

19 MR. MORONEY: This is Exhibit 6, your Honor.

20 THE WITNESS: So he is talking about -- this is a --
21 you can't tell -- this is a gradual hill at the top. It goes
22 all the way down. This is -- this is a gradual hill all the
23 way down into the apartment complex. That's the victim's
24 apartment there at the very end. The Ring camera -- the Ring
25 camera is here.

1 And he's saying that he was dropped off right here,
2 around where the trash cans were. And to me, that's why
3 there's a cut here that all the residents use behind here, up
4 here to the road, or it goes around. That's what I was -- I
5 don't know if I'll reference it there or not, but that's what
6 I was trying to get an understanding of why he was walking in
7 front of it like that.

8 MR. MORONEY: Okay.

9 (Defendant's video interview (State's Exhibit 62) published.)

10 BY MR. MORONEY:

11 Q. And when the Defendant says, "Hals Commons," when
12 he says that's where she used to stay at, who is he referring
13 to?

14 MR. GAMBRELL: Objection, your Honor. Unless...

15 THE COURT: Lay a foundation for the question.

16 BY MR. MORONEY:

17 Q. Immediately before in the conversation, you asked
18 him where he went to after he checked out the interior of the
19 apartment, where did he say that they went to?

20 A. Dream's apartment.

21 MR. MORONEY: Okay.

22 (Defendant's video interview (State's Exhibit 62) published.)

23 BY MR. MORONEY:

24 Q. When the Defendant here is talking about, he
25 didn't know if he got her pregnant, who is he referring to?

1 A. Dream.

2 (Defendant's video interview (State's Exhibit 62) published.)

3 BY MR. MORONEY:

4 Q. Investigator Herring, at that point, would that
5 have been a brief break as you stepped out?

6 A. Yeah.

7 (Defendant's video interview (State's Exhibit 62) published.)

8 MR. GAMBRELL: Your Honor, I have a matter of law to
9 take over before...

10 THE COURT: Mr. Bailiff, could you take our jury to the
11 jury room, please?

12 (Jury exits courtroom 10:37 AM.)

13 THE WITNESS: Can I go to the restroom while we do
14 that?

15 THE COURT: Yeah. We'll take -- just go. We'll just
16 go ahead and take a short break.

17 THE WITNESS: All right. Thank you, sir.

18 THE COURT: Officer, you're under oath, so don't talk
19 about your testimony with anyone.

20 THE WITNESS: Yes sir.

21 THE COURT: Okay.

22 (Pause.)

23 THE COURT: All right. Mr. Gambrell?

24 MR. GAMBRELL: Judge, that was one of the statements
25 that I had talked to Mr. Moroney about yesterday. When he

1 states that -- I was trying to find my notes. It's where
2 Sergeant Herring states that -- he says Ty -- he states that,
3 "It's the same clothes that you're wearing on several social
4 media accounts." And I have objected to that as hearsay.
5 And I thought we had an agreement that that was going to be
6 redacted.

7 MR. MORONEY: This is the same exact video that
8 Mr. Gambrell reviewed yesterday, your Honor, and I -- I did
9 edit --

10 (Defendant's video interview (State's Exhibit 62) published.)

11 MR. MORONEY: It starts the edit at 39:20. And from
12 our initial notes, that's the timestamp you gave me. That's
13 the edit that was given in yesterday, and you reviewed. So I
14 -- you may -- if you can see, it's...

15 (Defendant's video interview (State's Exhibit 62) published.)

16 MR. MORONEY: It cuts out there.

17 MR. GAMBRELL: I -- I had specific -- and I've written
18 down the statement I was objecting.

19 (Defendant's video interview (State's Exhibit 62) published.)

20 MR. GAMBRELL: That -- that particular statement was
21 the one that I mentioned and that I had written down.

22 THE COURT: Well, this -- but Exhibit 62, is this not
23 what the two of you came up with yesterday after going over
24 the --

25 MR. MORONEY: It is, your Honor.

1 THE COURT: -- the video?

2 MR. MORONEY: And -- and the deletion point that
3 Mr. Gambrell gave me at 39:20, that's what we've got here.
4 (Defendant's video interview (State's Exhibit 62) published.)

5 MR. MORONEY: So...

6 MR. GAMBRELL: Right -- right before -- I can't see
7 what -- it -- it -- it was -- I mean, it was one that I --
8 that I heard. And as soon as I heard it again, I knew it was
9 one that I had brought to his attention. Because it's -- in
10 my opinion, it was -- it was improper Brewer -- under Brewer.
11 But I wrote down, and -- and I -- I thought I had gotten the
12 right time to (inaudible). But I said to him, it was the one
13 statement where he says that I -- "It's the same clothes that
14 you're wearing on social media accounts."

15 THE COURT: But -- but did you not get a copy of this
16 --

17 MR. GAMBRELL: I -- after I -- I was here, I sat in
18 that office back here until about 4:45, I guess. And then I
19 went to his office, and I shared to him that -- I think there
20 were three things that I wanted to -- to be redacted, and --
21 and I didn't watch him redact it, but it was my understanding
22 that those were going to be redacted.

23 MR. MORONEY: And to be clear, those three additions
24 from yesterday, is -- is that -- that's not covering here,
25 correct?

1 MR. GAMBRELL: I'm sorry?

2 MR. MORONEY: The three redactions from yesterday that
3 you wanted added to this interview?

4 MR. GAMBRELL: No, the three redactions were --

5 MR. MORONEY: Different than what we're talking about?

6 MR. GAMBRELL: No, it's -- it's this one.

7 MR. MORONEY: Is it this one?

8 MR. GAMBRELL: Yeah, it's this one.

9 MR. MORONEY: Okay.

10 MR. GAMBRELL: It's this one because -- and I'm trying
11 to find my exact notes where I wrote it down.

12 MR. MORONEY: Is -- so the timestamps you gave me,
13 Mike, were 23:13 to 23:24, as to a mute yesterday. And 57:45
14 is to the prior bad act evidence. And that -- that's what we
15 discussed yesterday.

16 MR. GAMBRELL: Well, there was another one too, because
17 I -- I know that I had mentioned this one of the times, and
18 I'm just -- I don't know exactly because I have so many notes
19 on this, Judge.

20 MR. MORONEY: Your Honor, I'll just say that the edited
21 version has all the edits that Mr. Gambrell --

22 MR. GAMBRELL: I didn't -- I didn't go -- I didn't
23 listen to it after he said that he was going to make the
24 redactions. Because I assumed that we were -- we were clear
25 that we were together on that.

1 THE COURT: Well, Mr. Gambrell, and -- and I -- I can't
2 make a judgment as to what you all said between yourselves
3 because I wasn't there and I didn't hear that, but the Court
4 asked this morning if Exhibit 62, all the issues had been
5 resolved, and you indicated that they had been.

6 So I'm going overrule the objection. It's in evidence,
7 and it is -- it speaks for -- it speaks for itself, and it's
8 subject to your cross-examination. You have the right to
9 cross-examine the officer. So with that, we will just go
10 ahead and take our morning break, and -- and resume in about
11 10 minutes.

12 MR. MORONEY: For the record, your Honor, as this video
13 plays, the Defendant acknowledges his presence on the video
14 and wearing that clothing to -- to --

15 THE COURT: Again, that's a --

16 MR. MORONEY: -- the investigator.

17 THE COURT: -- question of fact. And Mr. Gambrell has
18 the right to cross-examine the witness.

19 UNIDENTIFIED SPEAKER: Your Honor, I may have to look.

20 THE COURT: Yes, sir.

21 (Off the record.)

22 (On the record.)

23 THE COURT: Okay. All right. Let's go -- let's go on
24 the record. The Court was informed at the start of the break
25 from -- by bailiff that upon seeing the video of the

1 Defendant speaking with the officer in the Miranda form, with
2 the initials on it, the -- one of the jurors, Juror Number
3 253, remembered that at one point he had worked with the
4 Defendant.

5 Defendant was with a temp service working at the
6 location. He remembered having a conversation with the
7 Defendant about what he would have to do to get hired on full
8 time. I had the juror speak to me and the two attorneys, and
9 then gave the attorneys the option to make any pertinent
10 motions regarding that. So, Mr. Moroney, what's the State's
11 position?

12 MR. MORONEY: The State's position would be: Had we
13 known that information at the outset, we would've utilized
14 the strike. So we would make a motion to have him excused,
15 and have an alternate replace him.

16 THE COURT: We have two alternates. Mr. Gambrell,
17 anything for the record?

18 MR. GAMBRELL: Yeah, I -- we oppose that, Judge. I
19 mean, obviously, it wasn't -- you know -- when you
20 interviewed -- and I don't -- I can't remember his name, but
21 I think 253 was the number, previous to this motion that --
22 he stated that he did not -- you know, they worked together.
23 It was maybe for a month that he didn't recognize him, but
24 for that -- the initials, and that he could still be fair and
25 impartial to both the State and -- and the Defense. He's

1 only African-American on the jury. You know, it's supposed
2 to be a jury of peers. So -- you know, we -- we would ask
3 that he be allowed to -- to finish the trial.

4 THE COURT: Well, I wouldn't be -- he's the only
5 African-American male in the jury.

6 MR. GAMBRELL: Yes. I'm sorry, I misspoke.

7 THE COURT: We have several -- several others. And,
8 well --

9 MR. MORONEY: And again, during -- the juror did
10 indicate that they did interact with each other during their
11 time at -- while they were together. Again, had we known
12 that information, the State would've utilized the strike at
13 the outset of the trial.

14 MR. GAMBRELL: And I would just state that he wasn't
15 even sure if it was him. He just said that the -- the
16 signature or the -- the initials of the Defendant.

17 THE COURT: Well, when the Court asked him, he -- he
18 recognized the -- the signature, and then he -- he indicated
19 that it was -- that it was the same individual. I will -- I
20 will excuse the juror since we have two alternates. Can you
21 get Juror 253, please?

22 (Juror Number 253 enters courtroom.)

23 THE COURT: Okay. All right. Mr. Sullivan?

24 JUROR NUMBER 253: Sir.

25 THE COURT: Thank you for bringing that matter to our

1 attention. And after conferring with the attorneys, I don't
2 want to put you in an uncomfortable position. So I -- I'm
3 going to excuse you from this case. We have an alternate, so
4 it will not affect the trial, but thank you for your service.
5 And if you have any questions regarding your work excuse, or
6 -- or a compensation, the clerk can handle that. But thank
7 you.

8 JUROR NUMBER 253: Thank you.

9 THE COURT: Thank you for being honest with me and
10 letting me know that information.

11 JUROR NUMBER 253: Thank you, sir.

12 THE COURT: Thank you, Mr. Sullivan.

13 (Juror Number 253 excused.)

14 THE COURT: All right. Okay. Let's -- let's get our
15 jury.

16 (Jury enters courtroom 11:03 AM.)

17 THE COURT: The first alternate will be (inaudible).
18 All right, we are ready to proceed, and first alternate is
19 now -- you are now a primary juror. State, please proceed.

20 MR. MORONEY: Yes, your Honor. Resuming at the 39:22
21 mark.

22 (Defendant's video interview (State's Exhibit 62) published.)

23 BY MR. MORONEY:

24 Q. At this point, at the 42:45-mark, Investigator
25 Herring, were you taking a brief break?

1 A. Yes.

2 (Defendant's video interview (State's Exhibit 62) published.)

3 BY MR. MORONEY:

4 Q. And when there's a reference to ice, what is that
5 in your training experience?

6 A. Meth.

7 Q. Is that methamphetamine?

8 A. Methamphetamine, yeah.

9 (Defendant's video interview (State's Exhibit 62) published.)

10 BY MR. MORONEY:

11 Q. And similarly, with a reference to "beans," from
12 your training experience, what does that reference to?

13 A. MDMA pill form. It's like Ecstasy or the party
14 drug. But MDMA since one molecule from meth.

15 (Defendant's video interview (State's Exhibit 62) published.)

16 BY MR. MORONEY:

17 Q. But he makes reference to being shot in the butt
18 in his words, is that related to a prior incident or
19 subsequent?

20 A. Yeah -- yeah.

21 MR. GAMBRELL: I'm going to object to that, your Honor.
22 Can we approach?

23 THE COURT: Yes.

24 (Bench conference.)

25 MR. MORONEY: Thank you.

1 BY MR. MORONEY:

2 Q. Just to be clear, this -- when he's making
3 reference to being shot in the rear end, that's an unrelated
4 incident?

5 A. Correct.

6 MR. MORONEY: Thank you.

7 (Defendant's video interview (State's Exhibit 62) published.)

8 BY MR. MORONEY:

9 Q. Investigator Herring, did you execute a number of
10 search warrants related to this case? And you don't need to
11 detail every single one, but if you could generally -- what
12 are some of the areas or places you focused on with the
13 search warrants?

14 A. Yeah, I did. Social media: Instagram, Facebook;
15 phone tolls, which are records from towers based on where
16 phones hit or are at; Dream's house.

17 Q. Were you able to review the Defendant's Facebook
18 as a result of one of those search warrants?

19 A. Yeah.

20 MR. GAMBRELL: And -- and your Honor, I would just
21 renew our pretrial motion with regards to that.

22 THE COURT: Okay. What -- which exhibit are we talking
23 about?

24 MR. MORONEY: It's not in evidence yet, your Honor.

25 THE COURT: Okay. All right. I note the objection for

1 the record.

2 MR. MORONEY: Your Honor, at this time, pursuant to the
3 Uniform Business Records as Evidence Act, State intends to
4 introduce copies of Facebook records of Tyberious Pyles
5 consistent with Section 19-5-520. Those would be State's
6 Exhibits 61 and 63.

7 THE COURT: All right. Counsel, approach.

8 (Bench conference.)

9 THE COURT: Mr. Bailiff, can you take the jury to the
10 jury room, please?

11 (Jury exits courtroom 11:47 AM.)

12 THE COURT: Okay. I understand there's going to be an
13 objection. Mr. Moroney, go ahead and proffer the exhibits
14 that you seek to admit, and then I'll hear from Mr. Gambrell.

15 MR. MORONEY: First, I'll just display them here. If
16 we could display them on the --

17 THE COURT: We did that.

18 MR. MORONEY: And I'll lay a foundation.

19 THE COURT: Lay the foundation to the exhibit.

20 BY MR. MORONEY:

21 Q. Specifically with Tyberious Pyles's Facebook
22 records, were there two images of note that stood out to you?

23 A. Yes.

24 Q. Okay. And we'll start -- first, with respect to
25 part of the motive in this case, and with respect to drugs,

1 was there anything relevant?

2 A. Yes.

3 Q. Okay. Could you briefly detail what was found
4 on...

5 A. Yeah, as far as drugs? The night before Kane sent
6 a video of -- it looked like over a pound of weed in a bag to
7 the Defendant. And he was -- he spoke to who supplied, and
8 he spoke about it briefly.

9 Q. Was there anything that caught your eye about that
10 bag in particular that was contained in?

11 A. Yeah, it looked the exact same as the one we
12 seized from the apartment.

13 Q. From the scene of the murder there?

14 A. Right. Yeah.

15 MR. MORONEY: Okay. I'll show you what's been
16 pre-marked as State's Exhibit 61.

17 (State's Exhibit Number 61 marked for identification.)

18 BY MR. MORONEY:

19 Q. Is that a still image of that?

20 A. Yeah.

21 MR. MORONEY: I'll also show you what's been pre-marked
22 as State's Exhibit 65.

23 (State's Exhibit Number 65 marked for identification.)

24 BY MR. MORONEY:

25 Q. Take a look at that, and let me know if you

1 recognize what that contains.

2 A. Yeah. This is the video I preview -- of the video
3 that this was (inaudible) trunk.

4 Q. Okay. Is that a relatively short video just
5 showing the marijuana in the bag?

6 A. Yeah. It's just showing cans, fingertips, picking
7 up bags of weed.

8 Q. And importantly, when was -- when did Mr. Pyles
9 receive that, and have it on his device -- his Facebook
10 account? What date?

11 A. January 21, 2022.

12 Q. Okay. The day before the homicide?

13 A. Right.

14 Q. And also on the Defendant's Facebook account, was
15 there anything as to motive relating to the altercation
16 between Kane and Dream that became relevant --

17 A. Yes.

18 Q. -- from your review of those records, and
19 specifically what did you observe?

20 A. Dream sent a picture of herself to the Defendant
21 with an obvious -- obvious abrasion on her face, seemed like
22 being punched. And they continued to have a conversation
23 that -- saying that if he didn't take care of it, then she
24 would handle it, and then he agreed he would handle it.

25 Q. Okay. But without saying what Dream said -- you

1 know --

2 A. Right.

3 Q. -- it was when the -- was this in the context of
4 when the Defendant was asking what happened to her?

5 A. Right.

6 MR. MORONEY: Okay. I'm going to show you what's
7 State's Exhibit 63.

8 (State's Exhibit Number 63 marked for identification.)

9 BY MR. MORONEY:

10 Q. Can you identify what that depicts?

11 A. Yeah. This is the picture sent to the Defendant.

12 Q. And were all these images that you just referenced
13 received as a result of a return from Facebook pursuant to
14 the search warrant that you obtained from circuit court judge
15 for?

16 A. They were.

17 MR. MORONEY: Your Honor, at this time for purposes of
18 this -- of this proffer, State would seek to admit State's
19 61, 63, and 65 purposes of this proffer.

20 THE COURT: For purposes of this proffer. Okay.

21 (State's Exhibit Numbers 61, 63, and 65 admitted into
22 evidence.)

23 BY MR. MORONEY:

24 Q. First with State's Exhibit 61, you just went
25 through it, but for the record, what are we looking at with

1 61?

2 A. This is still shot of the video sent to the
3 Defendant the night before the murder.

4 Q. State's Exhibit 63, for purposes of this hearing,
5 what is that depicting?

6 A. It's a photo of the Defendant's girlfriend with an
7 a abrasion on her eyes sent to him on the 18th.

8 Q. And this second page attached to here, is this
9 just the --

10 A. That's the --

11 Q. -- certificate from Facebook?

12 A. Yes.

13 Q. Finally, State's Exhibit 65. Was there anything
14 about this bag that stood out to you in particular?

15 A. Yeah. It's a vacuum-sealed bag that's been cut
16 open, and that's the -- and also the -- the type of marijuana
17 that's the exact same type of bag that we found in the
18 victim's bedroom.

19 Q. And is that consistent with photographs already in
20 evidence with the torn vacuum-sealed bag, and containing the
21 large quantity of Marijuana?

22 A. It is.

23 MR. MORONEY: Thank you. At this time, answer any
24 questions Mr. Gambrell may have for you.

25 THE COURT: Mr. Gambrell?

1 MR. GAMBRELL: Just briefly, your Honor.

2 CROSS-EXAMINATION

3 BY MR. GAMBRELL:

4 Q. Did you say the -- the video with regard to
5 State's Exhibit 61, was there accompanying dialogue with
6 that?

7 A. There was, like, texting -- text -- text dialogue
8 between the -- Kane and the Defendant.

9 Q. And what -- what was the substance of that
10 dialogue?

11 A. Talking about, basically -- basically, like -- he
12 was talking to Kane, saying, "Don't show me this. You are
13 going to help me out or put me on?" And Kane, he said he
14 couldn't hook him up with it.

15 Q. Did it give any indication of as to where Kane
16 was?

17 A. No.

18 Q. Did he give any indication as to where the
19 marijuana was?

20 A. Through that message? No.

21 Q. And again, that -- that -- the marijuana that you
22 found in the house is still -- I mean, that -- that was not
23 taken, that was found by the law enforcement?

24 A. Yes, that was found.

25 MR. GAMBRELL: Okay. That's all the questions I have,

1 Judge.

2 THE COURT: All right. Any re-direct on the issue of
3 the proffer?

4 MR. MORONEY: No, your Honor.

5 THE COURT: Okay. All right. Mr. Gambrell, let me
6 hear from you.

7 MR. GAMBRELL: Well, Judge, I -- I think that if -- if
8 it's too attenuated -- you know, to assume that -- you know
9 -- first of all, Kane has not testified as to what or why he
10 was sending that message. There's no way to to say that
11 that's the same marijuana that they found at the residence at
12 -- at Cliffwood Terrace.

13 I would also say that it's -- so I'm not sure that it's
14 -- it's -- it's relevant without laying that proper
15 foundation. I would say that it's also potentially excluded
16 under other bad acts because it -- it -- it is an assumption.
17 I -- you know -- I think the State's theory is -- is that --
18 that they were coming over there to steal that.

19 The fact of the matter is, that was never taken out of
20 the house. And so I would -- and then by -- I guess, my
21 third objection would be that if it is relevant, then it's
22 more prejudicial.

23 THE COURT: Mr. Moroney, your response?

24 MR. MORONEY: Yes, your Honor. The Court would argue,
25 of course, that it is a relevant evidence pursuant to Rule 1.

1 And there is ample testimony in the record to this point from
2 the Defendant's statement that we just heard, of Kane being
3 involved in the illegal sale of narcotics, and that those
4 narcotics will be in that home.

5 Also, in the record, it's clear that from Marquez
6 McCarroll, the statement of the victim saying, "I don't know
7 where it is. I don't know where it is." When they're
8 saying, "Give it" -- the -- the two masked men are saying,
9 "Give it up. Give it up." And the marijuana's left behind
10 in the other bedroom that it appears that that marijuana was
11 missed.

12 The marijuana also, as you just heard from the
13 testimony, the distinct packaging and the closeness in time,
14 the State would argue that this certainly goes to motive.
15 This certainly goes to the identity, the victim that the
16 Defendant would've had knowledge of this ahead of time.

17 He's -- he acknowledged numerous times during the
18 interview that this was intended to be an armed robbery of
19 Kane's drugs. And they couldn't -- he goes and said he
20 couldn't find the weed. I'm acknowledging that he has that
21 knowledge. So for those reasons -- probably, I can expound
22 more, but I feel that it is admissible.

23 THE COURT: Well, after -- after hearing the proffer, I
24 would, again, note for the record that the -- and Mr.
25 Gambrell, you are protected on the record. You made a

1 pre-trial motion in the search warrant on each probable cause
2 which the Court denied that motion to suppress that it's
3 renewed here along with bad acts, 404(B), objection.

4 After seeing the evidence and three exhibits, I find
5 that the evidence is probative. There is -- and I would note
6 for the record, there is testimony in the record regarding
7 marijuana being at the residence. There's also testimony
8 that was presented in the Defendant's statement about the
9 theft of pills and -- and other drugs from the resident.

10 The photograph of the girlfriend of the Defendant
11 corroborates testimony or -- or evidence put in through the
12 Defendant's statement about her getting her eye black by his
13 friend, Kane. And also, there's discussion of Kane being the
14 reason why he went to the residence to make sure Kane was not
15 there.

16 So I find that there is probative value to this
17 evidence, and that that probative value does outweigh any
18 prejudicial unfair -- the danger of unfair prejudice. So I
19 would deny the motion on that, and Mr. Gambrell, you're
20 protected on the record.

21 MR. GAMBRELL: Thank you, your Honor.

22 THE COURT: Okay. Let's get our jury back in.

23 (Jury enters courtroom 11:59 AM.)

24 THE COURT: All right. Mr. Moroney, proceed.

25 MR. MORONEY: Thank you, your Honor. Your Honor, at

1 this time, pursuant to the Uniform Business Records Act,
2 Section 19-5-520, State seeks to admit State's Exhibits 61,
3 63, and 65.

4 THE COURT: So admitted. Defense objection is noted.
5 (State's Exhibit Numbers 61, 63, and 65 admitted into
6 evidence.)

7 RE-DIRECT EXAMINATION

8 BY MR. MORONEY:

9 Q. Investigator Herring, could you explain to the
10 jury some of -- if there were any images in your review of
11 the Defendant's Facebook records close in time to the night
12 leading up to that became relevant to your investigation?

13 A. Yeah. On the 18th, we received the photo from
14 Dream of her face and blackened eye, a bruise.

15 Q. I'm going to hand you what's in evidence as
16 State's 63, that's that photograph --

17 A. Yes.

18 Q. -- there? Is there anything in addition -- well,
19 I'll tell you what, will you publish this, please?

20 (Inaudible). Okay. Through the course of your
21 investigation, you were able to identify this as Dream Adams?

22 A. Yes.

23 Q. With respect to the drugs and the armed robbery
24 component of this, was there anything on the Defendant's
25 Facebook account that became relevant with regard to that?

1 A. Yeah. There's a -- there's a video sent to the
2 Defendant the day before the incident, and it was a -- a
3 video of mass -- a large amount of marijuana from Kane.

4 Q. Showing State's 61. Is this a screenshot from
5 that video?

6 A. Yeah, that's it.

7 MR. MORONEY: The State will publish State's Exhibit
8 65.

9 BY MR. MORONEY:

10 Q. When did the Defendant receive information of this
11 video?

12 A. January 21, 2022, the day before the murder.

13 MR. MORONEY: And your Honor, if we could please switch
14 back to computer?

15 (Video sent to Defendant (State's Exhibit 65) published.)

16 BY MR. MORONEY:

17 Q. Is there anything that stood out to you in your
18 observation of this short video clip?

19 A. Yeah, the -- I recognize that as a -- a large
20 heat-sealed bag that's been torn open, and then also the --
21 the type of weed marijuana is highly consistent and to the
22 one that was discovered in the victim's room -- deceased.

23 Q. And with respect to the baggie or bag, was there
24 anything that became relevant to the investigation?

25 A. The bag -- that -- the bag that was seized?

1 Q. The bag in this video. Was anything --

2 A. Yeah. This one matches --

3 Q. -- secured?

4 A. Yeah. This one matches the same.

5 Q. Okay.

6 A. One that was seized in the victim's room, was left
7 behind. It was stuck by this bag against the wall in a bag.

8 Q. I'm showing State's Exhibit 48. There's a few
9 pictures already in evidence, but this is one of them. Would
10 that be that baggie seized from --?

11 A. Yeah. That's -- that's after we moved it.

12 Q. Okay. So this would be the baggie seized from
13 Slim's bedroom?

14 A. Yes. Right.

15 Q. To provide some perspective, the Defendant in his
16 statement made mention to the McDonald's that he first
17 claimed that he went to. Was that later on in the statement
18 admitted to be untrue by the Defendant?

19 A. Yeah.

20 Q. And are you familiar, generally, with the area of
21 Cliffwood Terrace and the McDonald's in relation to Cliffwood
22 Terrace?

23 A. Yes.

24 MR. MORONEY: I'm show you what's pre-marked to State's
25 Exhibits 57 and 58, for identification purposes.

1 (State's Exhibit Numbers 57 and 58 marked for
2 identification.)

3 BY MR. MORONEY:

4 Q. Do you recognize what those two images detail?

5 A. Yeah.

6 Q. And, generally speaking, what does that depict?

7 A. The intersection of Howell Road, East and North.
8 Howell turns into Edwards Road, and where the McDonald's is.
9 And in relation to how far away the -- it is from the instant
10 location, the apartments (inaudible).

11 MR. MORONEY: Your Honor, at this time, the State moves
12 State's Exhibits 57 and 58 into evidence.

13 THE COURT: Any objection?

14 MR. GAMBRELL: Without objection.

15 THE COURT: The State's Exhibit Number 57, Number 58
16 are admitted without objection.

17 (State's Exhibit Numbers 57 and 58 admitted into evidence.)

18 BY MR. MORONEY:

19 Q. State's Exhibit 57. Again, behind you, I think we
20 can see what -- the labeling that, if you're comfortable
21 pointing it out. Where's the McDonald's, please?

22 A. And this is (inaudible) from Howell, McDonald's is
23 right.

24 Q. And then for the next exhibit, State's Exhibit 58,
25 can you tell us what we're looking at here at this moment?

1 A. Howell Road, this is McDonald's down at the bottom
2 in East North, Howell Road travels up this direction and
3 turns into Edwards Road, and that's where the apartment is,
4 up there at the top.

5 Q. And in your review -- further review of Tyberious
6 Pyles' Facebook account, were there any posts close in time
7 to after the murder that became relevant to your
8 investigation?

9 A. Well, yeah, there was a wall post that was caught.

10 Q. Without reading it loud, just take a look at this.
11 Could you take a look at State's Exhibit 64, for
12 identification purposes?

13 A. Yes.

14 (State's Exhibit Number 64 marked for identification.)

15 BY MR. MORONEY:

16 Q. All right. And if you could leaf through that,
17 and let me know just if you recognize it.

18 A. Yes.

19 MR. MORONEY: And what was the -- your Honor, pursuant
20 to the Certified Business Records Act, the State moves the
21 State's Exhibit 64 into evidence.

22 THE COURT: Any objection?

23 MR. GAMBRELL: Just pursuant to our previous objection.

24 THE COURT: Admitted, subject to the previous
25 objection.

1 (State's Exhibit Number 64 admitted into evidence.)

2 BY MR. MORONEY:

3 Q. If you could explain to the jury first with how
4 the time in UTC works on these Facebook -- what we're looking
5 at for the date and time that this post would've been made?

6 A. So you got to subtract five or four hours
7 depending on Daylight Saving Time. So this was either at
8 4:00 a.m. or 5:00 a.m.

9 Q. And what day was this?

10 A. This was the date of the murder, armed robbery,
11 January 22, 2022.

12 Q. Okay. And what are we viewing here?

13 A. This would be how you would -- how it would appear
14 on the actual app or website, the wall post.

15 Q. And do we notice any reaction emojis here from
16 social media?

17 A. Yeah. There's two -- there's two emojis that --
18 that means two reactions right there on the emoji down to the
19 bottom left. You have two different -- two different users
20 responded with a -- a laugh or whatever emoji face you want
21 to characterize that as.

22 Q. And with this first laugh emoji, the (inaudible)
23 Adams account, and of course your investigation, who did you
24 identify that as?

25 A. That's -- that's Dream Adams.

1 MR. MORONEY: Thank you. Please answer any questions
2 that Mr. Gambrell may have.

3 THE COURT: Mr. Gambrell?

4 MR. GAMBRELL: Thank you, your Honor. May it please
5 the Court?

6 RE-CROSS EXAMINATION

7 BY MR. GAMBRELL:

8 Q. Sergeant Herring, would you be considered the lead
9 investigator on this case?

10 A. Yes, sir.

11 Q. And I believe that you testified that you
12 inherited this from Investigator King?

13 A. Yes, sir.

14 Q. Okay. So there was some -- and -- and part of
15 your job is a -- let me ask you this: From the date of the
16 incident, January '22 -- January 22, 2022, when did you first
17 start the case?

18 A. I didn't receive it until March.

19 Q. Early March?

20 A. Yeah, I think it was the 13th or the 15th.

21 Q. I think you testified that when you took over the
22 case, you began to review all the work that Investigator King
23 had done.

24 A. Yeah. Yes, sir.

25 Q. And what -- what would that have included?

1 A. They -- well, he didn't -- it was several
2 investigators were working on it. So two investigators
3 interviewed the two witnesses that were also there the night
4 of. So I reviewed that. They -- they did a few things in
5 those interviews.

6 And then some investigators spoke to, like, Lajuan
7 Hoke, I believe, I can't remember his full name, but he --
8 the neighbor with the Ring camera, they spoke with him. I
9 reviewed the video that they have from that, I reviewed the
10 Ring video, the Ring search warrant that they had obtained --
11 obtained, we saw another one. He also obtained a search
12 warrant for another person of interest at the time, Akevious
13 Foggy, for his phone records. He had his phone -- did you
14 want to ask?

15 Q. No, go ahead.

16 A. He had -- he had his phone downloaded; I believe.

17 Q. He also -- he also did a -- a -- a search warrant
18 for Buddha or Kiana Knowles' Instagram account?

19 A. I can't remember if he did. I thought I did -- I
20 did too.

21 Q. And -- and pursuant to that search warrant, you
22 guys had received images from that Instagram account?

23 A. Yeah. I mean -- yes -- yes, sir.

24 Q. Okay.

25 A. Yeah, I -- I -- I did that -- I did those. Yeah,

1 I have those in mind.

2 Q. Now, when you -- he did the search warrant for
3 Foggy. Was that due to the fact that Foggy's fingerprints
4 had been found in the apartment?

5 A. Palm print, and I think it was -- I think there
6 was other people, I -- I can't remember what what else. Made
7 him a personal interest, but -- yeah, he had a palm print
8 come back on the not the victim's door, Marquez's and
9 Shareef's store.

10 Q. Right. And that was identified as Akevious Foggy?

11 A. Yes, sir.

12 Q. Okay. Now when you did the search warrant on
13 Buddha's Instagram account, you obtained an image that he had
14 posted of the MDMA?

15 A. Yeah.

16 Q. And you believed that that was the image that was
17 -- or that MDMA was the package that was taken from Apartment
18 ■?

19 A. I -- I believe that was some of it. Yeah. It
20 wasn't -- it wasn't in the vacuum-sealed bag. It was, like,
21 10 or so. I can't remember exactly how many, but...

22 Q. Did you find any other images or evidence of that
23 MDMA letter?

24 A. After the incident?

25 Q. Yeah.

1 A. No.

2 Q. Okay. And I think you also testified that you had
3 executed a search warrant on Dream and Buddha's residence?

4 A. Yes. Yeah. Yes, sir.

5 Q. And do you recall what you collected during that
6 search warrant?

7 A. There was 9mm ammunition under that, for sure.
8 There was firearms accessories, like, I believe there was,
9 like, a laser or a pistol or a light. A lot of pictures. I
10 can't remember the whole list, but there is a -- a few have
11 it. I know we have it somewhere in here.

12 Q. Yeah. Were -- did you guys compare any of that
13 evidence with any other evidence in the case?

14 A. The 9mm (inaudible)?

15 Q. Yeah. Or any other evidence?

16 A. We looked at -- there was nothing -- there was
17 nothing very substantial found that I can remember at that
18 search warrant to be able to compare it too now.

19 Q. The -- the -- the shell casings that were
20 collected were 9mm, correct?

21 A. They were.

22 Q. Okay. And the particles of the -- of the bullet
23 that was found in Mr. Smith, those were also 9mm?

24 A. Yes, sir.

25 Q. Okay.

1 A. The reason we -- it's one of the most popular
2 calibers. So -- I mean, I -- that was good. That was good
3 for our investigation because I do believe Buddha was heavily
4 involved with that sign, but there's no way to --

5 Q. And --

6 A. -- really connect those two.

7 Q. And in fact, it was you that took out the petition
8 for Buddha -- or requested a petition -- I'm sorry, in family
9 court?

10 A. Oh, yes -- yes. That was me.

11 Q. And -- and could you explain that to the jury?

12 A. The -- which -- which part?

13 Q. The process that you undertook with regard to
14 Buddha's (inaudible)?

15 A. With family court juveniles, it's different. So
16 as soon as you charge a juvenile, there's a -- like a --
17 there's a court hearing within a few days where you have to
18 appear and explain why they need to be held in juvenile
19 detention and not released. And that continues to happen.
20 There's, like, a iteration time period, maybe -- I can't
21 remember exactly whether there's like three days and 10 days
22 in a month. And -- and it continues. Because they're
23 juveniles, they have different -- there's different concerns
24 for them.

25 Q. And the -- there -- it's similar to a warrant in

1 juvenile?

2 A. Yeah.

3 Q. Okay.

4 A. Yes, sir.

5 Q. And which charges did you seek against Buddha?

6 A. The same.

7 Q. Okay. Murder, burglary, armed robbery, possession
8 of a weapon during the commission of a violent crime and
9 conspiracy?

10 A. Yes, sir.

11 Q. Okay. And those -- those charges were
12 subsequently dismissed?

13 A. They were remanded back to us.

14 Q. Yeah. Are -- so he's not -- those -- those
15 charges are not pending against Dream (ph) right now?

16 A. No, they're -- the family court and the
17 solicitor's office. It's the same, but it's different -- it
18 wasn't the same solicitor working that case, and that
19 solicitor's no longer there.

20 Q. Now, on March 8, 2022, you met with Elex Gregory;
21 is that correct?

22 A. Yeah, I think that's -- that sounds right. Yeah.

23 Q. And then on that same --

24 A. Man -- I referred to him as Man or Man-man.

25 Q. And then on that same date you met with Joseph

1 Roach Kane?

2 A. I can't -- if that's in my supp, yes. I just
3 can't remember the exact dates I met with him.

4 Q. Did you remember meeting them on the same day?

5 A. I met -- I met with them several different times.
6 But I think one time. I just can't -- if it's documented, I
7 -- I put the dates in my supplement, the exact dates I met
8 with them.

9 Q. So if your supplement indicates that it's March
10 8th, it would --

11 A. Yeah. Yes.

12 Q. -- you'd be comfortable that -- that's the date?

13 A. Yes. Yes, sir.

14 Q. Now, you also attempted to meet with Dream around
15 March 12th?

16 A. Yes.

17 Q. And you had attempted to meet with her, was it at
18 her place of business where she worked?

19 A. She claimed to work there. Yeah.

20 Q. And then did you ever get a chance to sit down and
21 -- and meet with her at that time?

22 A. Not at that time. I eventually -- she -- I
23 eventually had -- ended up having to charge her with the --
24 well, slightly related offense.

25 Q. Obstruction of justice?

1 A. Yeah.

2 Q. Okay. And then you met with Shareef again on
3 March 30th?

4 A. Yes.

5 Q. And did you ever meet with Marquez again?

6 A. He was hard to find. I think I eventually did,
7 yeah.

8 Q. Now, after you interviewed Mr. Pyles, did you ever
9 meet with Foggy after that?

10 A. No.

11 Q. How about -- did you attempt to -- to identify who
12 Drake was?

13 A. Yes. So I did search warrants on additional -- I
14 did an Apple search warrant for what -- Foggy -- Drake. They
15 call him "Drako." And it turned out that him and this -- a
16 friend known as Drake, they share a phone, go back and forth.

17 Probably at one point, one of them gave it to the
18 other, but -- so we identified him through that. But when we
19 were looking at phone tolls for Drako -- he used Foggy's
20 phone, it was the -- it was hitting on toll's active, nowhere
21 near the scene during the incident.

22 Q. Is it -- is it possible he didn't have his phone
23 at that time?

24 A. Yeah. I mean, if he would've had to plan it for
25 someone to be using it at a -- and the only person to be

1 doing that in the group, but -- yeah, he -- that's possible.

2 Yeah.

3 Q. Is it -- and you said that he shared it. What
4 kind of account with Drake?

5 A. He -- I did an Apple search warrant for his Apple
6 ID that's attached to the phone. And then it just appeared
7 from pictures. And that at some point they would switch back
8 and forth with the account. Because he would have pictures
9 of just -- it just seemed like it was Drake, not Drako's --
10 Akevious, I assume I'm referring to him as Drako. And then
11 we would go back and forth with the dates.

12 Q. But you never attempted to try to interview him
13 about this?

14 A. Drake -- Akevious (ph)?

15 Q. Yeah.

16 A. No, once he was -- once -- because he was doing --
17 claiming Drake and Drako were both there, and those two,
18 believing that, it would have to be one of them with the
19 phone. And then seeing that the phone was in Fleetwood, the
20 district, on the southern end of the county, I -- and then
21 for other reasons, the Defendant and Drake and Drako hang out
22 with absolute opposite crowds. So they were not on talking
23 terms at all.

24 Q. And were you -- how were you able to confirm that
25 the -- the -- the Drake, Drako, that you got the phone tools

1 on, were the same ones that Mr. Pyles informed you?

2 A. He told me that the one I was showing him was the
3 right Drako on the -- and -- and then --

4 Q. But you never showed him --

5 A. -- a video of --

6 Q. You never showed him a picture of -- of Drako in
7 the -- in the interview.

8 A. I did. If I'm mistaken, there's other reasons.
9 The fact that they're also in the video that in one of
10 Dream's posts that she sent somebody, there's video of them
11 at that apartment during the daytime when they came out after
12 the incident, after the -- not the murder, after the --

13 Q. But subsequent to your interview with Mr. Pyles,
14 you did not attempt to make contact with either a Drake or
15 Drako?

16 A. No, I wasn't trying to -- I -- I was confident
17 with the -- with the phone tools.

18 Q. Now, with -- with regard to the gun that Mr. Pyles
19 has in several of the videos, you guys were never able to
20 determine which -- what gun or if any gun was used in
21 Mr. Smith's murder?

22 A. I was -- I was -- I'm -- I'm very certain that the
23 gun that he had was not the one -- the black and tan one was
24 not the one that murdered him.

25 Q. Oh.

1 A. Based off of testimony from Ms. Molloy.

2 Q. Okay. And that's because of the particular
3 rifling and -- and inside of the --?

4 A. Yes, sir.

5 A. Because we were able to, through pictures, and
6 then it's a -- it's a convoluted story with that through --
7 through investigation and pictures, and verifying through his
8 -- his claims in the interview, the ghost gun that he had,
9 had -- had a Glock barrel in it.

10 Because there's pictures of it when they were trying to
11 sell it afterwards, not him, but other subjects were trying
12 to sell it on Facebook afterwards. And you can see the
13 serial number. Serial number ghost to a Glock, which was
14 also seized which had an aftermarket barrel in it, which --
15 that was one of the guns compared. So if the barrels were
16 switched, either one could not have killed the -- the -- the
17 victim.

18 Q. Where did you Ms. -- Ms. Molloy had testified that
19 you all had tested two guns with regard to determine if they
20 were similarities to the projectiles?

21 A. Yeah. The other one was a Ruger or -- a Ruger. I
22 can't remember right now. We have --

23 MR. MORONEY: I object. Just pitting the witness.

24 THE COURT: Overruled.

25 BY MR. GAMBRELL:

1 Q. And where -- where -- where were those guns
2 located?

3 A. The -- like, what I'm talking about, the Glock was
4 one of them, which is the aftermarket barrel. That Glock
5 actually matches the serial number on the barrel that was
6 inside the ghost gun. And from his -- from what he explained
7 is some point those barrels were switched. And it's a common
8 -- it's a very common thing.

9 The aftermarket barrel was gold, and the barrel and the
10 ghost gun was darker. So we seized that actual gun that that
11 barrel belongs to, and his actual associate of the Defendant,
12 and -- who's actually in the video that they're in together
13 the night after the incident. So we tested that, and it did
14 not match. Because it's a -- a Glock that used the polygonal
15 rifle.

16 Q. And the Ruger?

17 A. The -- the other one that was tested was taken off
18 of a search warrant, a drug search warrant that was in the
19 area that -- for a group that I believed Buddha to be
20 connected to. So I was -- I was hoping that this could have
21 been the -- the gun related, but it wasn't.

22 Q. And so you never able -- were able to find any --
23 any weapon to -- to match to the projectiles that were taken
24 from Mr. Smith?

25 A. Correct.

1 MR. GAMBRELL: Okay. I beg the Court's indulgence?
2 Thank you, Sergeant Herring. That's all the questions I
3 have.

4 THE WITNESS: Okay.

5 THE COURT: Any re-direct?

6 MR. MORONEY: It will be brief, your Honor.

7 RE-DIRECT EXAMINATION

8 BY MR. MORONEY:

9 Q. For your interview with Defendant Pyles with
10 respect to this gun, the Defendant acknowledged that the
11 barrels were switched between the ghost gun that you're
12 referencing and we've seen in this video numerous times and
13 other gun?

14 A. Right. Yeah.

15 Q. And to be clear, you've never been able to match a
16 gun linked to the gun that actually killed Joseph Smith,
17 correct?

18 A. Correct.

19 Q. And during the trial -- the testimony or statement
20 of the Defendant, he acknowledged that a weapon was disposed
21 after the murder, correct?

22 A. Correct.

23 MR. MORONEY: Thank you. Please --

24 THE COURT: Anything further for this witness?

25 MR. GAMBRELL: (Inaudible).

1 (Jury enters courtroom 2:16 PM.)

2 THE COURT: Okay. Mr. Foreman, ladies and gentlemen of
3 the jury, the State has rested. Mr. Gambrell?

4 MR. GAMBRELL: Your Honor, at this time, the Defense
5 would rest.

6 THE COURT: All right. Both parties have rested, so
7 that means we are at the end of the evidentiary stage of this
8 trial. The next stage of the trial will be closing arguments
9 by the attorneys. The State ready to proceed?

10 MR. MORONEY: It is, your Honor.

11 THE COURT: All right. Mr. Moroney?

12 MR. MORONEY: May it please the Court, your Honor? A
13 senseless loss of life on January 22, 2022. No reason we
14 should be here today in this week for that, but we are, and
15 you've heard over these past couple days everything that has
16 led up to that. This is our closing argument phase, of
17 course, where I'll have the opportunity to address you and
18 summarize the case.

19 Go over the law, put forth the State's position, where
20 after I'm done arguing, Mr. Gambrell will do the same with
21 respect to the Defense. And after that, you'll be charged on
22 the law by his Honor. And after that, we'll ask to
23 deliberate at the appropriate time of his Honor. Give you
24 the (inaudible).

25 On January 22, 2022 at Cliffwood Terrace Apartments, we

1 heard from the witness stand Marquez McCarroll, that
2 approximately 3:30 in the morning, awoken to the door
3 flinging open and seeing mass subjects who he does not
4 recognize, both armed with handguns, bringing in his friend,
5 his high school friend, Joseph Clark, into the room.

6 You heard about the arrangement of that room, and
7 ultimately what he heard over the course of that interaction,
8 something to the effect of, "Give it up, where's it at?"
9 Joseph responded, "I don't know what you're talking about,"
10 or something to that effect.

11 Marquez hides under the covers because he has a pistol
12 pointed at his forehead. If you remember that positioning of
13 the room, there was the doorway, Marquez's bed is right here.
14 So he awakes and turns over to find the pistol in his head.
15 And as he looks up and sees that pistol, he looks slightly
16 over and he sees Joe, his friend, standing there being held
17 at gunpoint by another subject to his right.

18 When Marquez sees that gun at his forehead, he's
19 terrified and says the gun starts going towards his temple,
20 at which point, he turns the covers over to cover his face in
21 there. And some short time thereafter, Joseph Smith is shot
22 and killed in that bedroom near this corner where he was
23 standing, being held at gunpoint by these two individuals
24 here -- at approximately here.

25 You heard that testimony from Dr. Grace Dukes, who did

1 the autopsy, that the injury were consistent with a two
2 rater, a two- to-three foot distance based on her expertise.
3 And -- and again, consistent with the layout of that room and
4 what we see here.

5 Immediately after the shots rang out, Marquez hears
6 something to the effect of, "Let's go, we got to go." And
7 hears the footsteps. Running out of the apartment. Went and
8 stayed quiet for a little bit. He and his cousin, who was
9 also in the bedroom, are able to call 911 for help. And
10 where Marquez tries his best with the EMS to save his
11 friend's life, to no bear.

12 You saw on that body-worn camera is the first
13 responding deputy response. Literally, Marquez has his
14 friend's blood on his hands, and he has to come up here and
15 recount that in front of this entire courtroom, under these
16 circumstances with this factual situation, has been on full
17 display this week. Very tough thing to do.

18 I'm so thankful for Lajuan Hoke being out there at that
19 apartment complex. You remember, Lajuan Hoke was a resident
20 at this farthest unit at the end of the building there who
21 had the Ring camera. Where of course, as you're familiar
22 with by now, the victim resided in this apartment at the
23 other end. I'm so thankful for Mr. Hoke for having the
24 courage to come forward and turn over what he found was
25 interesting movement, notification at 1:59 a.m., as he

1 testified -- around 2:00 a.m.

2 And you've seen that multiple times play, and I'll have
3 it on display here shortly, but that surveillance video was
4 key, right? Because we saw that very identifiable clothing,
5 gait, the way he walked, the shoes that later became relevant
6 in this investigation.

7 And the timing of that is pretty curious. Early
8 morning hours, you heard testimony from Lajuan Hoke that it
9 was not common in that area where he lived to see a subject
10 masked up, bundled up, walking that close to his front door
11 in that direction at that hour of night. And that's what
12 caught his eye.

13 Fast forward about an hour and a half later, he starts
14 seeing the police presence, ambulance presence. And upon
15 observing that, he starts clicking around online because he
16 knows, generally, who lives down there. He knows Joe, he
17 knows Slim, who lives down there. Wasn't the closest to
18 friends, but is able to find him on social media. And
19 through locating his social media page, he's able to find an
20 interesting video that's posted several days before on the
21 Tuesday. This homicide murder happened on a Saturday,
22 January 22.

23 Tuesday night, he finds previous posts of video where
24 in his observation, sees an interestingly similar-looking
25 subject that he immediately wants to turn that over to law

1 enforcement. Of course, as we know that subject is Tyberious
2 Pyles, the Defendant, in the company of Joseph in that
3 bedroom or in the house, excuse me.

4 In the lower portion of that house with them together.
5 Where Tyberious Pyles is wearing eerily similar clothing
6 including that red stripe, distinctive red stripe on those
7 pants, that puffy jacket and that handgun he's holding.

8 Furthermore, you heard testimony from Mr. Hoke that at
9 a later date after the murder, after law enforcement had
10 cleared up, he observed another Facebook post with the
11 Defendant. And similarly, the mask, the shirt, or a coat
12 that he saw, the pants strikingly similar, and his
13 observation seemed to be the same subject that he would've
14 seen on that case, and turns that over to law enforcement.

15 And that's such a key part of this case because the
16 Defendant knew that he was captured on that video there. And
17 ultimately after painstaking process acknowledged, "Yes,
18 that's me." He realized, "I've got to acknowledge that's
19 me." He -- and we'll get into that interview in a moment and
20 the tale that we went on with that. But that was such a
21 crucial piece of evidence that led ultimately towards opening
22 the aperture of this case, and us having an understanding of
23 what truly happened in this case.

24 Remember what we heard as a result of the
25 investigation, and from the Defendant's own words, what had

1 happened immediately proceeded this armed robbery, this
2 burglary, this murder. There was an altercation in which his
3 girlfriend, who was expecting his child, was punched in the
4 face by Kane. And who was Kane? Do you remember from the
5 testimony? Kane was the individual who was connected to that
6 apartment, was good friends with Joseph Clark. Grew up in
7 the foster home together with him, and stayed there and slept
8 there from time to time.

9 Remember there was testimony about when you see, when
10 you walk in this living room here, this pink mattress, when
11 you immediately walk into that living room and it's up on the
12 wall there, that was the mattress that meant if it was up, he
13 wasn't there. If it was down, that was his mattress.

14 And that fight or altercation that left Dream Adams
15 injured, punched in the face, is what kicked this whole thing
16 on. Of course, we then learned there was a drug component to
17 this. We heard testimony pursuant to the investigation and
18 the Defendant's own acknowledgment of the frequent presence
19 of drugs, marijuana. We heard about "beans," we learned
20 about that being MDMA, "ice," and quite a large bit of
21 quantities from the Defendant's own words, and from what we
22 see in this case, what was left behind: rather large quantity
23 of marijuana, worth a good bit of money.

24 And unfortunately, I -- it can be as simple as this, a
25 bag of marijuana that can ultimately lead somebody getting

1 shot and killed for. And those drugs, the Defendant learned,
2 were going to be at that apartment, going to be at Kane's the
3 day before. He knew that this large amount of drugs was
4 going to be there in addition, because he had gotten
5 (inaudible) before from his own admission, the "beans" and
6 "ice" would be there.

7 I think it's helpful for us to briefly go over the
8 offenses for which the Defendant is charged not trial for,
9 and address the elements of each and what the State submits
10 to you that we proved each and every element. Murder in the
11 state of South Carolina is the unlawful killing of another
12 with malice aforethought.

13 A malice aforethought -- it's kind of a funny word.
14 What does that mean? It's a wicked heart. It's hatred, ill
15 will, or hostility towards another person. It's the
16 intentional doing of a wrongful act without just cause and
17 with intent to inflict injury. This is such a key part of
18 malice aforethought. When you hear the word "aforethought,"
19 there's no premeditation or planning involved. It does not
20 have to exist in time before it can happen in a snap of --
21 you know, the hand.

22 It can happen. Malice aforethought can happen in the
23 (inaudible) of the truth. That's malice aforethought --
24 that's malice aforethought right there. It must exist in the
25 mind of the Defendant just before and at the time the act was

1 committed.

2 And there's different kinds of malice; express malice,
3 "I'm going to kill you." You remember from the testimony in
4 here, from the mass individuals; will kill everyone in here.
5 Something to that effect, or preparing in advance, lying in
6 wait, i.e., scoping things out ahead of time to see who's in
7 there, or any other acts that show preparation in advance
8 like say burglarizing and going into a residency, and who's
9 in there ahead of time.

10 Malice can also be inferred from conduct showing a
11 total disregard for human life. I'd submit to you that we
12 have that on full display. Of course, sadly, Joseph Smith
13 was killed that night. Murdered in a manner being shot twice
14 in that bedroom.

15 The of offense of armed robbery. Got a lot of words
16 here and most of them are just the many different weapons
17 that could be used here. I'm not going to read all that, but
18 a person commits a robbery while armed with a pistol or a
19 firearm during the commission of the robbery. It can even be
20 by somebody who by appearances, it appears to be a deadly
21 way. But here are the elements of armed robbery, but taking
22 and carrying away of another's personal property.

23 Another personal property would include: drugs, though
24 it's illegal, that was personal property, not belonging to
25 them, but the intent to deprive him of possession by use of

1 force, threats, or intimidation, and while armed with a
2 deadly weapon, "Give it up. Give it up. Kill everybody in
3 here." Armed robbery, okay? And the taking and carrying
4 away of the property, the divvying up after this murder of
5 the "beans" and the "ice," not the weed. They weren't able
6 to find the weed that's an armed robbery, while, of course,
7 being armed with a deadly weapon or while having possession
8 of an object that somebody was alleged as a deadly weapon.
9 Here, no doubt, deadly weapon.

10 Burglary in the first degree. In South Carolina, a
11 person is guilty of burglary in the first degree if the
12 person enters a dwelling, and that has a specific definition
13 here in our state. Essentially would be a place where
14 somebody sleeps, okay?

15 Without consent and with intent to commit a crime in
16 the dwelling. Here's an important part the "without
17 consent," and a door that's not able to be secured, that is
18 of notice. If you don't lock your door tonight, nobody has
19 the right to enter yours or my dwelling, okay?

20 If you have been a prior invited guest, let's say my
21 best friend's house, I've been over there a hundred times,
22 okay? But I am eying his new MacBook Pro, and I go over
23 there, and go in the unlocked door, and I go ahead and steal
24 that MacBook Pro. That's a burglary, even though at one time
25 before I had been an invited guest, the other time when I go

1 in there. Certainly, with intent to commit a crime, that's a
2 burglary.

3 And I just touched on "with intent to commit a crime
4 and the weapon." And during the course of that is either
5 armed with a deadly weapon, causes physical injury, threatens
6 the use of a dangerous instrument, displays what is or
7 appears to be a pistol, or other firearm, or the entering, or
8 remaining occurs in the night. Importantly it is or of all
9 of those, any of those.

10 So sadly, in this instance we hit multiple of them. A
11 burglary in the first degree occurred on January 22, 2022.
12 As I touched on the dwelling, it's any building where a
13 person usually sleeps. We don't need to prove that force was
14 used to gain injury as I touched on. And the intent to
15 commit a crime therein, i.e., rob the occupant or occupants
16 of drugs or personal property sort of in that residence. And
17 I think it's -- we have no dispute here that this occurred in
18 the night time hours, about 3:30 in the morning.

19 Possession of a weapon during the commission of violent
20 crime. Another charge that's before you. Murder is a
21 violent crime in the state of South Carolina as is armed
22 robbery and burglary in the first degree. And if a person is
23 in possession of a firearm, or displays what appears to be a
24 firearm during the commission of a violent crime, and is
25 convicted of that violent crime, they are then, in fact,

1 guilty of possession of a weapon during the commission of a
2 violent crime. So they go hand-in-hand. And certainly, in
3 this instance the weapon further, or help in the commission
4 with this crime.

5 Conspiracy. When a defendant combines with one or more
6 persons for the purpose of committing an unlawful act.
7 You've heard a lot of names and characters in this thing, but
8 from the Defendant's own words, starting out from Dream. He
9 and Dream -- Dream is still Buddha, if you recall from the
10 witness stand and from the interview.

11 Combining with one or more persons for the purpose of
12 committing an unlawful act. And there has to be a mutual
13 understanding agreement or common intention and plan. I'd
14 submit to you there was a common intention in plan meeting to
15 get back at Kane and Slim for the injury that took place on
16 January 18th. And it was going to be in the form of robbing
17 and/or hurting whoever was inside that apartment.

18 Mere passive knowledge of or consent to the criminal
19 conduct of another is not enough to make a person
20 co-conspirator. There must be guilty knowledge and
21 participation. If you heard ample testimony, we -- we're
22 going to go over it in a brief moment of what the Defendant
23 was aware was going to happen, and participating in that by
24 scoping out the residence ahead of time, and doing the
25 surveillance and then returning later, although it took a

1 long time for him to acknowledge that he was there, time of
2 the murder, handing that firearm to who he says were the --
3 the individuals who went into that residence and committed
4 the murder.

5 And a -- conspiracy may be shown by circumstantial
6 evidence in the conduct of the parties. I touched on that at
7 the outset. All these charges, in this case, in -- in
8 general has direct and circumstantial evidence, and I touched
9 on that. You have direct evidence, things you can see, hear,
10 smell the testimony or the statement I should say of the
11 Defendant himself, direct evidence.

12 And then circumstantial evidence. The chain of
13 circumstances that we heard through the testimony and the
14 evidence before you attempt to prove the existence of a fact
15 of something being true. Remember that rain example? Just
16 because you're asleep in bed, and you awake, and you hear
17 that sound, see that flashing, and it was dry before you went
18 to bed, but you went outside in the morning, looked out
19 (inaudible) that it rained.

20 Sure somebody could have sprayed a whole fire hose in
21 the middle of the night on your lawn, but from your life
22 experience, the circumstantial evidence existed that it ran
23 the previous time. And that's just not reason. And you got
24 to use common sense. I'd ask you during your deliberations
25 later to take that common sense with you as you review all of

1 these charges, review all of this evidence and review the
2 statement of this offense.

3 Must prove the Defendant not only knew of the unlawful
4 conduct, but that the Defendant agreed to combine with the
5 other persons for the purpose of accomplishing the unlawful
6 conduct. He knew of it, and he continued to participate
7 throughout the early morning hours there from his
8 surveillance onto when the moment that Joe was killed.

9 At the outset, we touched on this, and I asked you to
10 take -- pay particular attention to it and keep that in mind.
11 And I can't thank you enough because I tried several cases,
12 such an attentive jury throughout this entire week, and I
13 thank you immensely. And I know that a long interview like
14 that, particularly with those redactions and muted parts,
15 that's a lot to absorb, and you all have given it an
16 incredible amount of attention, and I thank you.

17 The hand of one. If a crime is committed by two or
18 more people who are active together and committing a crime,
19 the act of one is the act of all. The person who joins with
20 another to commit an unlawful act is criminally responsible
21 for everything done by the other person, which happens is a
22 probable or natural consequence of the acts done in carrying
23 out the common pledge or purpose.

24 Ladies and gentlemen, when you engage in an armed
25 robbery, a home invasion, armed robbery, burglarizing

1 somebody's home at gunpoint screaming, "I'll kill everybody
2 in here, give it up, give it up." It is a natural and
3 probable consequence, sadly, that there will be a loss of
4 life. And that's what happened in January 22, 2022.

5 Two people can be guilty of killing another person, but
6 only one but two had a gun. There was only one bullet and
7 only one of the two fired the shot that caused the death. If
8 we were to believe the Defendant's statement 100 percent in
9 its entirety where he ended up after taking us on the winding
10 path that he took us on, he is guilty of all the offenses
11 that are for your consideration.

12 Knowing what was about to transpire, doing the
13 surveillance ahead of time, leaving, returning them, waiting
14 outside as he hands the gun to the individuals, he says, "Go
15 in the apartment and commit this crime." It's as if
16 Tyberious Pyles' finger was on the trigger. Two or more
17 people are together acting together, assisting each other and
18 committing the effects. The act of one is the act of all, or
19 as it is sometimes said, "The hand of one is the hand of
20 all."

21 We touched on this video and all of the evidence that's
22 admitted, all the evidence that's on this table, including
23 the flash drives of these videos are there for your review.
24 And for efficiency's sake, particularly in some of these
25 videos, this one a rather short one. The next one that I'm

1 about to talk in that other Facebook Live is 22 minutes long.
2 I've not played all of that, but you have the opportunity to
3 review whatever you'd like to, and take as much time as you'd
4 like during deliberations to review all that.

5 The Facebook Live on January 18 that touched on a few
6 minutes ago, this was what Lajuan Hoke's observation was.
7 This is that same clothing that Tyberious Pyles acknowledges.
8 Those are those pants that he's wearing on the surveillance
9 footage at about 1:59 in the morning. That -- that red
10 stripe down there with that jacket, the face mask down around
11 his neck at that point, and this Two-Tone glock color
12 handgun. Inside the apartment -- which is just a few short
13 days later, Slim's going to lose his life. The Ring camera
14 footage. You'll notice the clothing, you've seen many times
15 throughout this trial. Heading at 1:59 in the morning
16 directly to Joseph Smith's apartment.

17 You remember the layout over there. You've seen it
18 throughout the course of this trial when you had this with
19 me. This is where he's walking right here in between the
20 cars in that apartment there. Tyberious Pyles is not just
21 stopping it for a visit. You can see what he is wearing.
22 And was trying to go undetected. Unfortunately, Mr. Hoke's
23 Ring camera captured that key piece of evidence, and
24 fortunately, Mr. Hoke had the courage to come forward with it
25 and be held.

1 We then, of course, have the Facebook Live. The longer
2 video, the 22-minute video that'll be here in evidence. It's
3 interesting because you -- recall the Defendant's statement.
4 Defendant was there, and knows everything that took place,
5 and participated, and handed over that gun, the ghost gun
6 that we keep referring to, right? "The privately
7 manufactured firearm," being the technical term that we
8 learned from Susan Molloy up here on the same hands, that gun
9 during the course of the robbery. And this was hours later
10 on the same day.

11 Of course, the murder happened in the early morning
12 hours, about 3:30 in the morning, and this was later in the
13 early evening of the same day, right? And here we are,
14 wearing pretty much the identical outfit that he's wearing on
15 displayed.

16 And at this moment too, there is mention in this video
17 of "RIP to Slim." Knowing what we know now seems a bit
18 disingenuous. I submit to you it was an attempt to shy the
19 focus away from him, act like he was mourning Slim. But I
20 think fortunately through the investigation, and frankly the
21 Defendant's statement that he gave, that veil was pulled back
22 on the reality of that.

23 So while this whole gesturing, dancing around, gun
24 toting is going on, hours after, Slim was killed. Ty is
25 everything. Ty was there. Ty participated in this. Ty is

1 guilty of this, he's concerned.

2 It brings us to this interview with Investigator
3 Herring. There was so much to that interview, but what I
4 detailed here were some of the things in the presentation of
5 this evidence and frankly just using our common sense. As
6 you sit there and you observe and you listen as to what the
7 narrative is, things that stood out that just don't make
8 sense, they contradict each other.

9 Things that were revealed for the first time. We start
10 off about five minutes in early on, there's no reason Buddha
11 would've killed Slim. Of course, we know that's going to be
12 turned into a complete 180. You'll turn into a complete 180
13 again, and then return back there. I lose track at some
14 point as to really what the truth is.

15 Sometimes it's important to remember, particularly in
16 deliberations, there can be questions. Questions are okay.
17 Proof beyond a reasonable doubt is proof that leaves you
18 firmly convinced of the Defendant's guilty. It is not
19 absolute certainty, okay? And after listening to this
20 weaving tale, we've got questions, and I submit to you it's
21 my position we're never going to know. Only the Defendant
22 knows truly what happens from the people who are sitting in
23 this courtroom right now. That man right there is the only
24 one who knows what truly happened. And I tell you even as I
25 go through this, this isn't the 100 percent story, but these

1 are the important parts.

2 Remember from the outset, he denies knowing Greg off --
3 off again, "I don't know Gregory." Of course, continuing, "I
4 didn't see Buddha the whole night. The last time I was over
5 there was the day of the Facebook Live, January 18, 2022,"
6 when he's referring to Joseph's apartment, he's distancing
7 himself. And why from the outset? Because this is all
8 before the Defendant realizes what Detective Herring and
9 Greenville County Sheriff's Office already knows. There have
10 been months of investigation, interviews done, search
11 warrants done. He had a lot of information at his disposal.

12 And what I submit to you is going on by Tyberious Pyles
13 is he thought he was smarter than Investigator Herring, and
14 he could ferret out what he knew, and he was only going to
15 give him what he had to try to weave his story to fool him.
16 And as we see, it completely unravels. Frankly, he had too
17 many pots blowing at one time, and he burned himself.

18 "I wasn't going over there after that." Meaning
19 January 18, 2022. From the get, "I don't know if drugs or
20 robbery was the cause of the murder." And then several
21 minutes in, we have that first -- to me, this is the first --
22 when he's confronted with the Ring camera, when Investigator
23 Herring brings that up. "Oh, yeah, I was definitely there
24 earlier." And that begins the narrative portion where, "I
25 was there earlier." And it's such a key part because it took

1 a while to get there.

2 But again, talk about, why is he wanting to distance
3 himself from that scene? Because he's guilty, and he knew
4 about it all leading up to it and knew about it the moment it
5 happened. He can't even give you the right time from the
6 outset. He's insistent at the start of 8:00 to 9:00 p.m., "I
7 was over there at 8:00 to 9:00 p.m.", okay? It's important
8 because as we know when he's creeping around at the front of
9 Lajuan Hoke's Ring camera to walk up into the apartment of
10 Joseph -- Joseph Smith. Paused train of thought. We'll keep
11 on going.

12 He knows the early morning hours, and he knows when
13 they fell asleep because shortly thereafter, it was within
14 about an hour and a half the murder happened. So this was
15 intentional. Again, he didn't know quite yet. He knew there
16 was a Ring camera now, he doesn't know if he knows what time
17 that was. So he's going to say, "I know it was dark because
18 he knows the footage is going to show it's dark outside.
19 Please don't have a timestamp on it. Please don't have a
20 timestamp on it."

21 There's a reason for all these little lies. He's doing
22 mental gymnastics throughout the entire interview. "Dream
23 parked down by the trash can and let me out." Dream, of
24 course, being his girlfriend at the time. These little
25 things are important here.

1 Well, if you caught this, because there's a lot coming
2 at you, I understand in this, and you'll have this video for
3 you. But when Investigator Herring mentions to the Defendant
4 that he spoke with Kane about this Ring video camera, he has
5 the fan reaction of, "Oh, you talked to Kane? Oh man. Man,
6 something" -- you know, like that's news to him, right? "Oh,
7 okay."

8 And what do we have when we fast forward? You know, we
9 have this happen many times in this -- this interview here.
10 You jump ahead where Kane told him -- okay, if you fast
11 forward, he shortly thereafter says, "Yeah, Kane told me
12 about the Ring cam."

13 Because Investigator Herring had talked to Kane before
14 interviewing Tyberious Pyles, and Tyberious Pyles spoke with
15 Kane. That was when Kane presumably would've said something
16 to the effect of, "Yeah, talked to the investigators, there's
17 a Ring camera out there now." So he knew that much, but he
18 didn't know all the details. But because he's starting to
19 weave this, we with lies, he can't keep his lies straight.
20 And that's where things are undone too.

21 It's the old adage of you have a 10-year-old that keep
22 telling -- you know, once you tell one lie, you dig yourself
23 deep -- you know, just can't keep it straight. You keep
24 digging yourself in a hole. You -- you -- you can't -- you
25 can't keep up with it all.

1 "I was just trying to find some weed." He's given this
2 story of he was just coming over to Cliffwood Terrace to look
3 for Kane to look for some weed, and then that's why he was
4 calling on the Ring camera over there, which we ultimately
5 know, fast forward to the end of this interview, that's far
6 from the truth. He denies knowing Drako again.

7 And here's where he acknowledges what Investigator
8 Herring had already uncovered in the course of this
9 investigation. And a lot of what the tactic and
10 investigations would be is he has a lot of information that
11 he's not going to offer to the Defendant during the course of
12 the interview. And he knew that. But that's the moment in
13 the interview where Tyberious Pyles confirms that Dream was
14 struck by Kane just a few days earlier that provided the
15 motive for this entire thing to get started.

16 Dream said, "Either you're going to handle it, or I
17 will." Again, "I wasn't there when he got shot. I don't
18 know who shot." Such a key statement because wasn't there
19 when he got shot. Turns complete 180. When we fast forward
20 in a few minutes, and I get to that, don't know who shot him.

21 There's a laundry list of names. He then begins to
22 list and rattle off in this interview room. This is the
23 moment it first comes. Remember at the outset, there's no
24 reason Buddha would kill Slim. Didn't see Buddha that whole
25 night. It was Buddha.

1 They did that because Dream got punched by Kane. "I
2 wasn't there. Only time I was there was before looking for
3 Kane." They came back to the house talking about it. Again,
4 why is he distancing himself? It's because he's guilty.
5 It's because of that guilty knowledge that he knows he was
6 there. He doesn't want to place himself there. He doesn't
7 want to place himself there.

8 He's starting at this point to say, "I wasn't there. I
9 was looking for Kane before." They came back to the house
10 talking about it. He's not referencing who yet, but he's
11 saying whoever was responsible for it. "I wasn't there.
12 Then they came back and then I heard about it. I learned
13 about it." And we -- we know that later in the interview,
14 that's a complete lie right there. He's there.

15 "I know the three dudes who did it." This is the
16 moment when he starts saying, Drako and Drake. I'd submit to
17 you Drako, if you listen to that interview, he latches on --
18 he's trying to figure out what the investigator knows. He
19 latches on to what he's working with, and what he's
20 suspicious of and who he's asking about. So he says, "It --
21 it was Drako, the one you asked me about in the beginning."
22 That's when he starts inserting that. And strangely enough,
23 then Drako and Drake comes up.

24 "The reason I went in there was to make sure Kane
25 didn't get hurt." He's acknowledging that Kane was going to

1 get hurt on this day. Because he knew what ultimately what
2 this was about. Now, ladies and gentlemen, as I said
3 earlier, if this was even an armed robbery, just a planned
4 armed robbery, okay, where Joseph Smith ends up guilty, the
5 Defendant is guilty of murder due to his participation, the
6 evidence in this case, and the testimony you've heard on this
7 stand and the Defendant's own statement.

8 But, "I went in there to make sure Kane didn't get
9 hurt" doesn't make any sense -- doesn't make any sense. When
10 he walks in, he's going to see that bed up on the wall here,
11 it's looking on the wall. And then he proceeds in the early
12 morning hours, he even says, "Everyone was asleep in there."
13 He saw Slim asleep. He goes into the Slim's closed bedroom
14 door, he says he has to peek in and open the bedroom door,
15 when everyone's asleep in the house.

16 He acknowledges that Marquez and Shareef were passed
17 out, Slim passed out in there, and he's looking for Kane to
18 make sure that he didn't get hurt. He wasn't looking for
19 Kane. The robbery was about to happen, and he was seeing who
20 was there and doing the scoping out of everything before they
21 come back an hour and a half later.

22 "I told them to let me out at McDonald's." And you can
23 see -- you'll have this with you to look at it. The distance
24 from that McDonald's on this map, a fair distance all the way
25 down. Here's the apartment complex, that's McDonald's. He's

1 claiming, from the outset, "That's where I was when the
2 murder happened." And then that completely unwraps. That's
3 a complete lie. He acknowledges it. "No, I -- I never went
4 to McDonald's." It's evidence of guilt.

5 And you -- you have to look when it gets to a point of
6 lie, after lie, after lie of what the reasoning is behind
7 that. I got a -- he talks about getting a whole bunch of
8 pills and "ice," the meth and the "beans" that ultimately are
9 referred to the MDMA or ecstasy. "Kane sold 'beans' and
10 'ice.' All that stuff was in Slim's closet." He knew Kane
11 well. He acknowledges that he dealt with him. He knows that
12 Kane would've had those drugs in there. And remember that
13 picture, that video that you're going to have in evidence
14 that he received. He did, before.

15 When you click on -- it's about a 20-second video. And
16 when you watch that video, pay attention to that packaging.
17 It's a large quantity of marijuana in a vacuum-sealed bag.
18 It's torn open. And if you take a look at these pictures --
19 and you heard testimony from Investigator Herring. He got
20 that bag. I submit to you, that same bag right here.

21 The motive was already there to get back for Dream
22 being hit, and the opportunity presented itself when the
23 apartment of Cliffwood Terrace was going to be full of drugs.
24 That was the moment to hit this place. And Tyberious Pyles
25 was aware of it. He had just gotten this message the day

1 before.

2 He acknowledges, "They said they couldn't find the
3 weed." I told you you're never going to know a hundred
4 percent. Part of this job is I compare this -- you know, you
5 could do mental gymnastics and try to figure -- you know,
6 understand what happened and get to the bottom of things.
7 But I -- I've always wondered: Is it not locating the
8 marijuana? Is that what those last moments were about?
9 Where is it? I don't know what she's talking about.

10 Because they knew somewhere in there was this bag, and
11 for whatever reason, it wasn't located. We don't know that.
12 But is that the reason why Joe is not with us today? The
13 Defendant acknowledges two 9mm used in this murder. As you
14 know, from the evidence, the collected shell casings in the
15 bedroom and the projectile recover from the victim, a 9mm.

16 Susan Molloy, an expert in firearms identification,
17 testified with two shots fired from one gun. One gun fired
18 those shots. There was then this discussion about the ghost
19 gun. And it is confusing and the swapping of barrels before.
20 If you pay attention, the Defendant says he swapped barrels
21 before he made the trade, before he acquired the gun.

22 And then short time later, "I'm not sure when the
23 barrel was swapped before or after." This gun was a part of
24 this armed robbery, part of this murder. And with the
25 swapping of barrels, again, we're never going to know exactly

1 what the truth is, but we do have an acknowledgment that the
2 barrel was swapped at some point.

3 And we heard about the testimony from Susan Molloy. If
4 you remember why that matters, when you swap out a barrel,
5 that would hinder one's ability to match it to a subsequently
6 compared to firearm (sic), okay? Not typical. And we don't
7 have a firearm in this case. We do not have the murder
8 weapon here. Per testimony or the interview of the Defendant
9 that weapons were discarded after this.

10 Then he says Buddha had the ghost gun after. Buddha
11 didn't have it after for a while. And then he starts talking
12 about the Ruger killed Slim, they got rid of it. And there's
13 testimony that Ruger, the Defendant says he was known -- it
14 was known to be associated with Buddha, Dream's brother.
15 This is that key point. "That night, I gave them my ghost
16 gun. They said they were going in there to rob him, and I
17 gave up my gun."

18 And of course, there's an undercurrent in here as he
19 realizes that these lies are unraveling. And you are the
20 ones who get to determine the credibility. You determine the
21 facts in this case, what's true and what's not. But I submit
22 to you that this suggestion that he did it under duress, and
23 was forced to turn over the gun, when you keep in mind, aware
24 of what's in this apartment is doing the active surveillance
25 at 1:59 in the morning, creeping around with a mask in all

1 black creeping up in there, going in the closed bedroom doors
2 looking for Kane, it wasn't under address.

3 He just got caught. And now he's trying to come up
4 with excuse after excuse, after excuse. And when you use
5 your common sense and you apply it to this case and you apply
6 it to the evidence before you, and this statement in
7 particular, I submit to you that the truth becomes apparent
8 and what actually happened.

9 "Me, Dream, Buddha, Drake, and Drako were in the car.
10 I was in the passenger seat. I gave them my gun. They were
11 supposed to go in and get drugs. Came back with "beans" and
12 "ice"." Made claims that the flash was observed at the
13 moment when Joseph was shot and killed in that bedroom.

14 Remember where we started. He didn't know anything
15 about anything. "I wasn't there." And now we have another
16 term Drako shot, it wasn't Buddha. He's given descriptions
17 of Drako and Drake. And this, of course, is where he
18 confirms that what he was wearing on that Ring camera I had
19 on the black joggers with the red stripe and the mask on.

20 The same from the January 18, 2022 Facebook. That's
21 that one that Lajuan Hoke discovered where Tyberious Pyles
22 were in the red stripe pants with the firearm with the victim
23 (inaudible) in there.

24 The statement that the Defendant gave, you heard that
25 lengthy questioning and we went through Defendant's waiver of

1 rights form. It was gone through by the Defendant. This was
2 a voluntary statement. The Defendant was advised of his
3 rights. He was read in this entirety. You saw the entire
4 video of it. It was given freely, voluntarily --
5 voluntarily, and knowingly.

6 Because that something that you'll hear your Honor says
7 that you have to consider in this case. Is that when there's
8 a statement of the Defendant that it was given freely,
9 voluntarily, and knowingly, I would submit to you that we
10 have proven beyond the shadow of doubt.

11 I think it would be helpful to go through, briefly,
12 some of the law that you're about to hear from his Honor.
13 After I sit down, as I said, the defense attorney, Mr.
14 Gambrell, is going to have an opportunity to speak with you,
15 after which his Honor is going to instruct you on the law.
16 And you're to follow everything his Honor says. But I always
17 find it helpful in context of what I just explained to you to
18 go over a few of the things as the law applies to this case.

19 Of course, with these facts and statement of the
20 Defendant (inaudible) one is a big part of this case, right?
21 Guilt as a principle is shown by actual or constructive
22 presence at the scene as a result of prior arrangement.
23 Therefore, a finding of a prior arranged plan or common
24 scheme is necessary for a finding guilt as a principal, I'd
25 submit to you, we have that here.

1 I would submit to you that the Defendant is actually
2 present, but if there were an argument to be made that being
3 outside of the residence and somehow while folks run in with
4 the guns and come back to the drugs and then you speed off
5 his constructive presence or merely present, I should say, I
6 -- I suspect that the Defense may get up here and say, "He
7 was just present. You can't find him guilty if he was just
8 present."

9 That -- that would be the equivalent of you with a
10 group of people, you have no idea what's about to happen, and
11 then somebody pulls out a gun and robs somebody, and you're
12 like, "Oh, what just happened there?" That's not what we
13 have here. Tyberious Pyles is not merely present at this,
14 and I'm not going to belabor that point, but I think it's
15 important to understand what constructive presence is. And
16 in a short moment, you'll hear his Honor explain it to you.

17 A person may be constructively present at the
18 commission of a crime, even though the person is some
19 distance away from the actual scene. If it is shown, beyond
20 a reasonable doubt, that the person played a role in the
21 commission of the crime as a result of some prior
22 arrangement. And I submit to you, we've proven that prior
23 arrangement he has a role in the crime.

24 And again, I would submit to you that he is actually
25 present, not constructively present. He does not need to be

1 in that bedroom to be actually present, I would submit to you
2 that he is also in constructive presence at the time of this
3 murder.

4 You know, by example, again, if I know my (inaudible)
5 and a friend are going to rob the convenience store point,
6 and I know my friend is armed, when we come up with the plan,
7 "I'm going to drive you up there. You're going to run in,
8 you're going to get the cash, you're going to come out hold
9 to gunpoint, then I'm going to drive off there." If in the
10 course of that there's some misunderstanding, or the person
11 doesn't comply quick enough or whatever it may be, and my
12 friend pulls that trigger and kills that clerk in there, it's
13 as if my hand is on that gun.

14 There was mention in this case of Akevious Foggy,
15 Drako, and the investigation into -- to him, there was
16 mentioning of -- of Buddha, the investigation into him, the
17 talk of his charges, and what happened with those. I ask you
18 to stay focused on what we're here for because that is an
19 attempt to divert attention away from what we're here for
20 today.

21 You heard that Investigator Herring testified to the
22 subsequent follow-up investigations he did with respect to
23 Drako search warrants he obtained. The Apple ID and
24 ultimately the phone locations that showed active locations
25 in areas inconsistent and far away from this crime scene at

1 the time of this -- the commission of this crime.

2 I'll give the Defendant credit for his poker face as
3 you watch this interview, and you see his demeanor, how he
4 can deliver some of these lies, particularly at the
5 beginning. What we know are lies what he goes of 180
6 degrees. Look at his demeanor and how he sells it. It's
7 deadpan.

8 It is believable at first, but you fast-forward a few
9 minutes on that video and you watch him. He acknowledges, "I
10 was there. Yeah, I wasn't at the McDonald's." "Okay. I
11 handed over my gun." "They came out with the drugs -- you
12 know." But just moments before, look at that delivery that
13 he gives, he thought he was smarter than Investigator Herring
14 thought he was going to fool everybody, and it just didn't
15 work out.

16 Ladies and gentlemen, I appreciate your attention
17 throughout this week. And after your careful deliberation
18 back there, I'm going to ask you to find the Defendant guilty
19 of murder, possession of a weapon during the commission of a
20 violent crime, conspiracy, armed robbery, and burglary in the
21 first degree.

22 Tyberious Pyles intended to participate, plan, conspire
23 in an armed robbery out there at Cliffwood Terrace that
24 night. And as a result, Joe ended up dead. He's guilty.
25 He's guilty of the burglary first. He's guilty of the armed

1 robbery. He's guilty of conspiring for these crimes. He's
2 guilty of murder, and he's guilty of possession of a weapon
3 during commission of a violent crime. Thank you.

4 THE COURT: Okay. Mr. Gambrell?

5 MR. GAMBRELL: Thank you, your Honor. I'll admit I'm
6 pretty nervous right now. I'm certainly not going to be as
7 polished as Mr. Moroney. And I just ask that you all don't
8 hold that against Mr. Pyles, okay? This is an extremely
9 important day for him. And I don't want any of my stumbles,
10 or dry mouth, or my nervousness to do you want to hold that
11 against him. Because, ultimately, the -- the sole purpose of
12 why we're here this week and today is for the State to prove
13 to you, to firmly convince you that he's guilty of his
14 crimes.

15 There is no other purpose of the trial other than that.
16 It's his day in court. And -- and -- and I -- I hope that
17 you focus on -- on that when we go back in deliberations.
18 Judge is going instruct you as to what the law is in this
19 case. And I'm not going to speak to -- to everything that
20 he's got instruct you on.

21 I hope that you were recognized that we attempted to
22 try to select people to be jurors who we thought would give
23 considerate deliberations to each of the charges, and apply
24 those to the facts as you determine them today. And I know
25 that you will, because that's your duty as jurors.

1 When I first spoke to you all during opening -- you
2 know, just mention that these were very substantial claims
3 that they made against Mr. Pyles, and suggested that
4 substantial claims require substantial evidence. And so I'm
5 just going to go over a few of the charges, and apply them to
6 the facts that I hope that you all will consider in the back
7 of the deliberation room.

8 The first of which is you're going to get a what's
9 called "A circumstantial evidence charge." And it
10 essentially states that when the state relies on
11 circumstantial evidence, the circumstances, each circumstance
12 must be consistent with each other, okay? And we take it
13 together. They must point conclusively to the guilt of the
14 accused beyond the reasonable doubt.

15 And so you have to consider them each individually and
16 then also together. They must all be consistent and then
17 they must all point conclusively to Mr. Pyle's guilt. I want
18 to talk about just sort of go in order of the witnesses that
19 you heard. Detective Epps -- I'm sorry, Deputy Epps was the
20 first witness to testify.

21 And -- and it was strange to me because he -- when he
22 came to the call, he said it was not a -- a criminal call
23 when he first got the call. He came in as a medical assist,
24 I believe is what he said. And -- which surprised me.
25 Because if you remember Marquez's testimony, he said that

1 Shareef was the one who called 911.

2 Now, these are two individuals who were sleeping and
3 people bust into their room and their roommate is shot. I
4 mean, that's a very dramatic traumatic episode. And yet the
5 -- the 911 call that goes out doesn't mention any of this,
6 it's a medical assistance account. I -- I don't understand
7 that why is that. And -- and we won't know because the
8 Government didn't allow you to hear the 911 tape. And we
9 didn't hear from Shareef.

10 He was listed on the -- on the witness list. You all
11 were read that witness list prior to trial to see if you were
12 having familiarity with the potential witnesses. This is a
13 person who was there in the room when this happened and spoke
14 to 911. Why did they not call him as a witness? Don't you
15 want to know what he has to say? They never explained why.
16 And we'll -- we'll get back to that. We would've liked to
17 know what he communicated to 911, what information he gave
18 and why it was called out as a medical assistance and not a
19 criminal emergency.

20 The next person who testified was Marquez, who grew up
21 with -- with Joseph, and went to high school together. He --
22 he'd only lived there for about a month, but he testified
23 that -- that Ty had come over there during the time he was
24 there, and that he was friends with Slim, as they referred to
25 him. He would come over and hang out, not the time he would

1 just walk in. He was not familiar with -- with coming over
2 there and hanging out with those guys.

3 And what I thought was particularly interesting about
4 his testimony is -- is that he knew Ty, but he did not
5 recognize him as any one of the two intruders that came into
6 the room. He didn't recognize the voice, and he didn't
7 recognize this person. But he did say that -- that -- and I
8 thought this was interesting, that both of the two intruders
9 were wearing hoodies. And I think I -- I'll come back and
10 talk to that a little bit more extensively. But those were
11 the -- the -- the facts that I gathered from Marquez, is that
12 he knew how friendly Ty and Slim were, and that he knew Ty
13 personally, still didn't recognize him as either one of the
14 intruders.

15 Mr. Hoke, who -- I believe they introduced three
16 movies, or films, or clips: The Ring camera and the two
17 Facebook clips. One from Joseph, and then one from Ty. In
18 the Ring camera -- you know, that -- if you look on the time
19 set, it comes in at 1:59, but I believe the 911 call, you'll
20 -- you'll -- I'll get a chance to reveal this evidence was
21 made at 3:36 in the morning. It's about a little over an
22 hour and a half.

23 Now, the State just seems to assume that that's
24 Tyberious walking across in that Ring camera. But if you
25 listen to the video of his statement, he never admits to

1 that. In fact, Sergeant Herring asked him, "Is that you in
2 the video?" And he says, "What?" And then -- but he never
3 says that it was. He does admit to being over there earlier.
4 But I don't think -- and again, you guys will have the
5 opportunity to review all this. I don't think they ever
6 nailed down at that time who that was.

7 And, in fact, if you look at it -- you'll -- and -- and
8 -- and Mr. Hoke says it's -- he thought that the -- the
9 clothing that the individual in the -- in the video camera
10 was what drew him to that. Because he had seen the previous
11 (inaudible) from Joseph. So they started focusing on the --
12 on the clothing of the person in the video. And if you watch
13 that video, you'll see that the Crocs that that person's
14 wearing does have the strap that comes around.

15 And these are, of course -- was taken a few months
16 later. And those were taken into evidence, and Sergeant
17 Herring asks Ty about that, and Ty says, "Well, my -- my
18 first baby mother" -- when he was in 10th grade, had ripped
19 him off because she was mad at him because she found him
20 talking with other women on the phone. But then Sergeant
21 Herring doesn't follow up with any questions about, "Well,
22 when was that? When did she take those off?"

23 I mean, it -- you know, it seems from what they
24 presented to you that at the time that he was involved with
25 Dream and not his first baby mama when he was a -- a

1 sophomore in high school. But they never -- that could have
2 been an easy question for him to answer. And remember, this
3 was -- this was before he even charged him with murder in
4 this case.

5 He didn't know that he was going to get charged with
6 murder, which is a less -- much less likely situation for him
7 to lie about it. But he didn't follow up and say, "Well,
8 when did she do that? When did you guys have this
9 conversation? When did she take your shoes?" But it's
10 inconsistent with what you see on the video. And, again, we
11 don't know why, and we don't have to provide those answers
12 for you. That's the State's requirement. That's their
13 burden -- you know. The whole purpose of this is for them to
14 prove to you beyond a reasonable doubt.

15 I would also point out the pants. If you look at that
16 video now -- you know, everyone, you all have their own
17 opinions on it. I'm -- I'll give you mine, but it looks like
18 to me in the video that there's three stripes, almost like an
19 Adidas, going down the side of the pants. And they want to
20 say that that's the same one from the video from Joseph's
21 Facebook page, but that's a singular (inaudible) strike going
22 down the pants.

23 So you guys decide -- you know, all for yourselves, but
24 to me that's another inconsistency. You know, everyone just
25 assumes that that's him in the video. But are you firmly

1 convinced that it is? Because it's their job to prove to you
2 that it is.

3 I would also point out that Marquez says that the two
4 intruders have hoodies. The person in that video, as far as
5 I can tell -- and again, you'll have the chance to scrutinize
6 it, isn't wearing a hoodie, is wearing a jacket. And it's
7 called a balaclava, but he's not wearing a hoodie. I mean,
8 we all know what a hoodie looks like. When you pull it up
9 over your head, it's pretty -- it's pretty -- it's pretty
10 obvious. And -- and -- and that to me is another
11 inconsistency with that video.

12 And again, I -- I didn't scrutinize the video and --
13 and tie statement when we get back there, but I don't -- I
14 don't remember ever claiming that was him. It seems to be
15 that the Government is just taking that for granted.

16 The two Facebook videos that Mr. Pope introduced where
17 they showed the gun, and I'm going to talk a little bit more
18 about this later, but they never -- or if they did, you don't
19 know, they never showed those videos to Marquez or Shareef.
20 Why wouldn't you take those? You've got the video that --
21 they didn't even take the video from the Ring camera to show
22 them that.

23 Why you have these three videos of -- you know, you're
24 claiming two of them are tied. I mean, it's pretty clear
25 from the Facebook videos. You can see his face about the --

1 the Ring camera. You can't -- you don't know who it's, but
2 why wouldn't they take those videos and show the two
3 eyewitnesses to this man's murder and ask them, "Do you
4 recognize that? Do you recognize the person in that Ring
5 camera?" And nobody identifies him as either being Ty or the
6 person that was in the room.

7 Why wouldn't you do that? Why -- if you're claiming
8 that that person was one of the people that came into your
9 room, why wouldn't you take it to the eyewitness who saw it
10 and say, "If you -- does this sort of look like the person
11 that may have been in the room with you when your friend got
12 shot?" We don't know the answer to that.

13 And again, it's the State's responsibility to provide
14 you with that information so that you can make a -- a
15 determination as to whether or not they've met the burden of
16 proof. Same thing with -- with the gun. They never -- did
17 they ask Ty -- I mean, Marquez or Shareef about the gun in
18 the video, in the two Facebook videos? Did they say, "Do you
19 recognize this gun?" It's a very -- they claim it's a very
20 unique gun. It's a ghost gun. It's got a -- a different
21 colored slide with a different colored handle, or grasp, or
22 whatever.

23 It's -- but one's green and one's black. You can see
24 it in the video. I mean -- you know, it's certainly
25 distinguishable from a gun that's entirely black, or silver,

1 or chrome. Did they take that and show it to Marquez and
2 Shareef, and say, "Did you -- either one of you recognize
3 this is one of the guns that the people came in with?" They
4 didn't do that. So we don't know what the answer is.

5 We don't know if they would've said, "Yes, I recognize
6 it," or, "No, I don't." But do you think that you deserve to
7 know the answer to that? I mean, it's -- it's an easy
8 process to do that. This investigation had went on for five
9 months and -- and more, and couldn't show the video one time,
10 and say, "Do you -- do you recognize this? Does this look
11 familiar to you?" Marquez had the gun right in his face. I
12 mean -- again, it's their burden to -- to provide this
13 evidence to firmly convince you of his guilt.

14 And, again, you don't know what Shareef would've said
15 because they didn't call him as a witness. Also Marquez had
16 said that -- you know, again, the two (inaudible) have black
17 hoodies. If you look at the -- the -- the video from Ty's
18 Facebook page, there's -- there's multiple people in there.
19 Some of them will wear black, some of them will have guns.
20 You know, the law enforcement never identified who these
21 people were or tried to identify him or take that video to
22 show Marquez and Shareef and say, "Does this look similar to
23 those people coming in here? Is that a similar footage? Is
24 that a similar gun? We don't know because they didn't do
25 that, so...

1 The next witness was Kaelyn Ford, as she was the crime
2 scene specialist who collected the two shell casings. We
3 don't know where those shell casings came from, how long they
4 were there. And we don't know if they were the same make --
5 you know, the manufacturer as the -- as the 9mm rounds that
6 they recovered from Dream and Buddha's house because they
7 never prepared. Or if they did, they didn't tell you. And
8 so -- you know, again, it's -- it's a lack of evidence to --
9 to bring to you to -- to prove in overcoming their burden of
10 proof.

11 Susan Molloy was the criminalist, and she was a
12 supervisor of firearms. And her testimony was that the
13 bullet fragments from Mr. Smith, they matched each other, and
14 then the shell casings that they found in the apartment,
15 matched each other, but she couldn't tell if they had come --
16 they matched -- if the fragments matched the casing. And, of
17 course, that wasn't able to determine if it came from any
18 particular gun.

19 The next witness I want to talk about is Sergeant
20 Herring. And I think that the -- the biggest thing that
21 stood out to me was they -- they pulled a hand print off of
22 Marquez's, and Shareef's room that night on the 22nd. How
23 did you guys figure -- you know, hear that information? The
24 State didn't tell you about it in -- in direct examination, I
25 had to ask Mr. Herring about it.

1 Why didn't they tell you that they found this -- this
2 hand print? And it was later identified to be the hand
3 prints of Tyberious Pyles. And they don't have a
4 conversation with him? They don't go and talk to him, and --
5 and find out -- you know, he testified that his phone wasn't
6 in the area. But what does that prove? That his phone
7 wasn't in the area.

8 You have a hand print of Akevious Foggy, outside the
9 bedroom door of an individual who was shot inside the
10 apartment. You don't want to have a conversation with him,
11 especially after Ty says that he was there that night. Don't
12 you want to exclude him? See if he has an ally, try to find
13 out if he has any information. He was in the house at some
14 point, and they don't have a conversation about it with him.

15 Again, that's a lack of -- of evidence. That's their
16 duty to -- to provide you with these answers. And if they
17 don't, can you sit back and -- and -- and honestly say that
18 you're firmly convinced of what happened out there? Because
19 there's all this -- all this evidence that has questions to
20 it that hasn't been answered by the State.

21 And, again, it's not our responsibility to provide you
22 with that evidence or to answer those questions. Tyberious
23 doesn't have any duty with regard to this proceeding. It's
24 entirely on the State to convince you beyond the reasonable
25 doubt.

1 Also, he didn't tell you on direct, but told you cross
2 that they executed a search warrant against Buddha's
3 Instagram. They see a picture of pills, "beans," MDMA that
4 he had on there. And they didn't tell you about that. Why
5 not? I mean, that if -- if there was an armed robbery, they
6 went there to commit this armed robbery, and -- and that was
7 what they took out of it. Would he want to know that?

8 I mean, that -- that seems to me that would be the
9 reason for them to have gone up there. So they -- they would
10 tell you that -- you know, Buddha, we found him with these --
11 with these beans you know, on his Instagram account. And
12 then you find out that his case is dismissed -- you know.
13 Why? We don't know.

14 And again, he was the one that had the proceeds for
15 this alleged armed robbery that any time any proceeds
16 (inaudible) Pyles, Buddha was the only one that had those.
17 And, in fact, I believe Sergeant Herring, if you listen to
18 the statement, says that he believed that Buddha was the one
19 that shot him. Well, this case has been dismissed.

20 Then next -- jury charge. I'd like to go over with
21 you. And -- and just to just put a stand on that as a fact
22 -- you know, those circumstances all have to be consistent
23 with -- with each other, and you have to conclusively point
24 to Tyberious Pyles (inaudible).

25 The second one, Judge Sprouse -- that I want to talk to

1 you about, that Judge Sprouse is going to charge you with is
2 intent. "Intent may be shown by acts or conduct of the
3 defendant and other circumstances for which you may naturally
4 and reasonably affirm." Intent is an -- is a -- it's an
5 element of (inaudible) crime. The State has to prove that --
6 the intent to commit that crime beyond a reasonable doubt.

7 And you'll have to determine -- you know, what was the
8 intent, and have they proven his intent beyond a reasonable
9 doubt. And I just want to -- I hope you -- and I know you
10 will take time to go through all the evidence, and listen to
11 the -- to the statement, but I just wanted to point out a few
12 things that Ty (inaudible) of that statement.

13 State states that -- you know, been friends a couple of
14 times, specifically, talking about (inaudible) she was mad.
15 She tried to hurt him, tried to get him killed. Told him
16 that -- you know, she was going to send boys to come kill
17 him. And then she had brought (inaudible) over there
18 previously. They were masked up with guns. She does crazy
19 shit.

20 In fact, Sergeant Herring even agreed that she was
21 crazy. Asked him why Buddha was trying to kill him. Towards
22 the end -- you know, he says that she was always threatening
23 him, and he was hiding from her at one point. She will --
24 she has people behind her. When people are crazy -- you
25 know, they were -- she knows where his family lives, where

1 his sisters are, where (inaudible) where his children are.

2 At one point, Sergeant Herring, says -- you know, "The
3 only way to protect yourself is to make sure that they're in
4 jail." Ultimately if he's -- if he's under arrest, if he --
5 if he cares that these folks are going to hurt him, then you
6 have to take that into account as to whether or not he had
7 intent to do what the State is trying to convince you of him.

8 And so, I ask you to look at that, to take that into
9 account to determine if that overrides his presumption of
10 innocence. If it's firmly convinced you that he did have the
11 intent to participate in this. Because if you look at it,
12 he's friends, with friends -- with -- Kane, he says over and
13 over that he -- he didn't want anything to happen with him.

14 And I don't know how the State -- you know, can swear
15 away the fact they either have to believe that he was in
16 there. I mean, because if they don't, then -- you know,
17 their theory is that he wasn't there then.

18 They did not do any investigation whatsoever with
19 regards to (inaudible) they didn't pursue that for whatever
20 reason. But if you -- so I -- I believe that theory has to
21 be that he -- he was inside of the house. And have they
22 proven that to you? Have they -- have they firmly convinced
23 you of that?

24 And reasonable doubt -- and Judge Sprouse is going to
25 tell you that a reasonable doubt is a -- is a doubt that it

1 causes you to hesitate to act, okay? So what would cause one
2 to hesitate to act in this case? Well, to me, I mean, right
3 off the bat, we don't get to hear from Shareef McCarroll. He
4 was an eyewitness to the account to call 911. We don't know
5 if he could ID the gun, if he could, ID Ty, if he could ID
6 Buddha, if he could ID Drake, if he could ID Drako. Any of
7 those people in any of the videos.

8 We don't know because the State never brought him in
9 here to testify. And not of that, but -- you know, they had
10 17 people listed on their witness -- on their witness list.
11 You heard seven. So there were 10 people that did get
12 called. I'm sorry, eight. So there were nine people that
13 didn't get called including -- you know, Kane.

14 I heard Kane's name a lot throughout this whole trial.
15 He was on the witness list. Why didn't he come and testify,
16 and to give you the information that he had? I don't know.
17 Elex Gregory, Bobby Aiken, and Dream Adams. And most -- you
18 know, importantly Shareef McCarroll, who was a -- who was a
19 witness to this. If you have questions about -- you know,
20 wanting more information or questions answered, that should
21 give you a reason to hesitate. And I -- that's all that it
22 takes, is -- is one reason to cause you to hesitate as to
23 whether or not they've met their burden and convinced you --
24 firmly convince you of his guilt. And it only takes one.
25 You don't have to have multiple reasons. You don't have to

1 have multiple deposits, hesitations. It just takes one.

2 The other main reason that'd cause you to hesitate is
3 the fact that Foggy's handprint is on the door frame outside
4 the door where Mr. Smith is murdered, and the State doesn't
5 have a conversation with him. If you're wondering that, and
6 you ask yourself why that would you want to hear that, that
7 should cause you to hesitate. This is physical forensic
8 evidence. There's none that matches TY to the scene. All of
9 it's circumstantial.

10 There -- there's no forensics that -- that -- that
11 match him that put him in that scene. But there are for body
12 and for Drako, he's there, his hand print is there, and they
13 don't go and talk to him, and -- and -- and -- and he tells
14 him that he was there. That should cause you to hesitate to
15 that.

16 And it is okay because that's how this process works,
17 okay? And it's the only way this process works, is if you
18 have the courage to do your duty, that when the State fails
19 to prove to you, beyond a reasonable doubt in the
20 presentation of their case, if you come across, yourself,
21 anything, I would -- I hesitate to act. It's your duty to
22 enter a -- a verdict of not guilty. And -- and that's the
23 way the system's supposed to work, because everything gets
24 better from that.

25 If -- if the -- if one part of the system fails, the

1 whole -- everything starts to get worse. The one way for it
2 to stay good and to get better is if everybody upholds their
3 duty. And your duty is if you -- in fact, in your
4 deliberations, or right now, or whenever it is that you
5 decide that your if you have a hesitation in your -- in your
6 mind, in your heart, and it says to you that "I -- I don't
7 know why, I don't -- I'd love to know the answer to this
8 question, and without it, I've been hesitating me to -- to
9 make up my mind." That's enough for a reasonable doubt.

10 And that's all that the law says you have to have in
11 order to find Mr. Pyles is not guilty. And it is your duty
12 to do that. And it's okay because that's what you're
13 supposed to do. You took an oath to truly and fairly try
14 this case. And if at any point during the presentation --
15 during the period of deliberations, if you decide that there
16 is more that you want to know, I don't have -- I have a
17 question about why the State didn't do this, it's okay to do
18 that.

19 I wish I knew the quick answer to this, but I'm not
20 sure that's given you a pause, and that's causing you to
21 hesitate. And once you have that hesitation, that's a
22 reasonable doubt. And once that reasonable doubt arises, you
23 have a duty to say, "You can't find him guilty." It's not
24 your fault. That's what you're supposed to do. That's the
25 way our system works.

1 If you believe in the Second Amendment that you have a
2 right to -- to bear arms and -- and own -- you know, guns,
3 then you have to believe in the the Fifth and 14th amendment
4 that says that, "Every person has a right to due process of
5 law." And part of that due process of law is putting the
6 burden of the State to prove you guilty beyond a reasonable
7 doubt.

8 And as soon as Judge Sprouse instructs you as to what
9 that reasonable doubt is, and you recognize that, in your
10 mind -- that you have that reasonable doubt, if you believe
11 in -- in -- in the strength of the Constitution, that due
12 process clause, it's your duty to exercise it. That's how
13 the system works.

14 Judge Sprouse is going to give you the verdict form, on
15 it, is going to be "guilty," "not guilty," "not guilty,"
16 "guilty." I -- I don't know if the order is going to be.
17 Sometimes I wish there was a third option that just says, "No
18 proof." You know, because oftentimes that's the case where
19 you just have more questions than answers.

20 And you do have that -- that hesitation, and you wish
21 that the State had provided you with more. But under those
22 circumstances when it's not proven, that your duty requires
23 to submit a -- a verdict of not guilty. Thank you.

24 THE COURT: All right. Ladies and gentlemen, we've
25 come to the point in the trial where I instruct you on the

1 law. My instructions will be at three parts. First
2 instruction is on the general rules that define and control
3 the jury's duties. Secondly, instructions and state the
4 rules of the law that you must apply, what the State must
5 prove to make its case. And lastly, some rules for your
6 deliberations.

7 The general rules begin with your duties as jurors. It
8 is your duty to find the facts from all of the evidence in
9 the case and to those facts, you must apply the law as I give
10 it to you. You shall not be concerned with what the law
11 should be, but what it is.

12 And you must not be influenced by any personal likes,
13 dislikes, opinions, prejudices, or undue sympathy. That
14 means you must decide the case solely on the evidence before
15 you in accordance with the law. The very thing you took an
16 oath promising to do at the beginning of the trial.

17 It is your responsibility, and yours alone, to
18 determine the facts of this case. I would therefore charge
19 you that if during the course of this trial or during this
20 charge, you have been given or left with the feeling or
21 impression that I have a personal feeling about the facts of
22 this case, or that I favor one side or the other, I would
23 specifically instruct you to disregard that impression.

24 Under our Constitution, I'm not allowed to have an
25 opinion as to the facts of the case. You should not be

1 influenced by any objections or the Court's ruling on them.
2 You and you alone are the judges of the facts. You determine
3 the facts by evaluating or weighing the evidence that you
4 have heard during the trial.

5 What is evidence? Evidence is the sworn testimony from
6 the witness stand and any exhibits that are entered into
7 evidence. The statements by the attorneys are not evidence.
8 What they have said in opening statements, closing arguments,
9 and in other times is intended to help you interpret the
10 evidence, but it is not evidence.

11 There are two types of evidence which are generally
12 presented during a trial, direct evidence and circumstantial
13 evidence. Direct evidence directly proves the existence of a
14 fact and does not require deduction. Circumstantial evidence
15 is proof of a chain of facts and circumstances indicating the
16 existence of a fact. Crimes may be proven by circumstantial
17 evidence.

18 The law makes no distinction between the weight or
19 value to be given to either direct or circumstantial
20 evidence. However, to the extent the State relies on
21 circumstantial evidence, all the circumstances must be
22 consistent with each other. And when taken together, point
23 conclusively to the guilt of the accused beyond a reasonable
24 doubt. If the circumstances merely portray the defendant's
25 behavior as suspicious, then the proof has failed.

1 The State has the burden of proving the defendant
2 guilty beyond a reasonable doubt. That burden rest with the
3 State regardless of whether the State relies on direct
4 evidence, circumstantial evidence, or some combination of the
5 two.

6 As the judges of the facts, you are the sole judges of
7 the credibility. That is the believability of the witnesses
8 who have testified in this case. In determining their
9 credibility, you may take into consideration many things,
10 such as the appearance and manner of a witness on the stand,
11 sometimes referred to as "The demeanor of a witness." Was
12 the witness able to see, hear, or know the things about which
13 the witness testified? How well was the witness able to
14 recall and describe those things?

15 Did the witness have a -- reason or cause to be biased
16 or prejudiced in favor of the testimony he or she gave? How
17 reasonable was the witness's testimony considered in the
18 light of all the evidence in the case? Was the witness's
19 testimony contradicted by what the witness had said or done
20 at another time, or by the testimony of other witnesses or by
21 other evidence? These are some of the factors you may
22 consider in deciding whether to believe testimony.

23 As jurors, you have the right to believe all of the
24 testimony of a witness or none of the testimony of a witness.
25 You may believe a portion of the testimony of a witness and

1 discard the rest. You may believe the testimony of the one
2 over the many, or the many over the one. Most certainly, you
3 do not determine the matter of credibility by simply counting
4 up the number of witnesses who may have testified on behalf
5 of the parties in the case.

6 The rules of evidence ordinarily do not permit
7 witnesses to testify to opinions or conclusions, and
8 exception to this rule is for witnesses we call "Expert
9 witnesses." A witness who, by education and experience, has
10 become expert in some art, science, profession, or calling
11 may state an opinion as to relevant and material matter in
12 which the witness claims to be an expert, and may also state
13 the reasons for that opinion.

14 You should consider any expert opinion received in
15 evidence in this case, and like any other evidence, give it
16 the weight you think it deserves. If you decide that the
17 opinion of an expert witness is not based on sufficient
18 education and experience, or if you conclude that the reasons
19 given in support of the opinion are not sound, or that the
20 opinion is outweighed by other evidence, you may disregard
21 the opinion entirely.

22 An expert witness's testimony is to be given no greater
23 weight than that of other witnesses simply because the
24 witness is an expert. Further, you are not required to
25 accept an expert's opinion, even though it is uncontradicted.

1 The Defendant has entered a plea of not guilty to these
2 indictments, and that plea puts the burden on the State to
3 prove the Defendant guilty. A person charged with committing
4 a criminal offense is never required to prove himself
5 innocent.

6 I charge you that it is an important rule for the law
7 that a defendant in a criminal trial, no matter what the
8 seriousness of the charge may be, will always be presumed to
9 be innocent of the charge for which the indictment was
10 issued. Unless guilt has been proven by evidence satisfying
11 you of that guilt beyond a reasonable doubt.

12 The presumption of innocence does not end when you
13 begin your deliberations, but it accompanies the defendant
14 throughout the trial until you reach a verdict of guilt based
15 on evidence satisfying you of that guilt beyond a reasonable
16 doubt.

17 The presumption of innocence is like a robe of
18 righteousness placed about the shoulders of the defendant
19 until it has been stripped from the defendant by evidence
20 satisfying you of the defendant's guilt beyond a reasonable
21 doubt.

22 The presumption of innocence is not a mere legal
23 theory. It is not just a legal phrase. It is a substantial
24 right to which every defendant is entitled unless you, the
25 jury, are satisfied from the evidence of the defendant's

1 guilt beyond a reasonable doubt.

2 What is a reasonable doubt? A reasonable doubt is a
3 kind of doubt that would cause a reasonable person to
4 hesitate to act. Some of you may have served as jurors in
5 civil cases where you were told that it is only necessary to
6 prove that a fact is more likely true than not true, such as
7 by the greater weight or preponderance of the evidence.

8 In criminal cases, the State's proof must be more
9 powerful than that. It must be beyond a reasonable doubt.
10 Proof beyond a reasonable doubt is proof that leaves you
11 firmly convinced of the defendant's guilt. There are very
12 few things in this world that we know with absolute
13 certainty, and in criminal cases, the law does not require
14 proof that overcomes every possible doubt.

15 If, based on your consideration of the evidence, you
16 are firmly convinced that the Defendant is guilty of the
17 crimes charge, you must find the Defendant guilty. If, on
18 the other hand, you think that there is a real possibility
19 that the Defendant is not guilty, you must give the Defendant
20 the benefit of the doubt and find him not guilty.

21 A reasonable doubt may arise from the evidence or from
22 a lack of evidence. The Defendant is entitled to every
23 reasonable doubt that may arise in the case. If -- upon any
24 issue of fact essential for a conviction, and a verdict of
25 guilty of a offense, if you have any reasonable doubt as to

1 how that issue should be resolved, it is your duty to resolve
2 that doubt in favor of the Defendant.

3 Suspicion, however, strong is not enough to sustain a
4 conviction. The evidence presented by the State must be
5 substantial evidence, with that tends to prove the guilt of
6 the Defendant beyond a reasonable doubt.

7 In order to establish criminal liability, criminal
8 intent is required. For example, the mental state required
9 to be proven by the State for a particular crime might be
10 purpose, the intent, knowledge, recklessness or criminal
11 negligence. Criminal intent must be proven by the State
12 beyond a reasonable doubt.

13 Criminal intent is always a matter that must be
14 determined by the jury from the circumstances surrounding the
15 situation. There is no way to prove intent to a mathematical
16 certainty. There's no way medical science can dissect a
17 person's brain and determine what that person had in mind.
18 So the law says that criminal intent may be inferred from
19 circumstances shown to have existed. This is how you make a
20 determination of whether or not the element requiring intent
21 was present.

22 It is not necessary to establish intent by direct and
23 positive evidence, but intent may be established by inference
24 in the same way as any other fact, by taking into
25 consideration the acts of the parties and all of the facts

1 and circumstances of the case.

2 Criminal intent is a mental state, a conscious
3 wrongdoing. It is up to you to determine what the Defendant
4 intended to do based on the circumstances shown to have
5 existed. Criminal intent can arise from action or a failure
6 to act. It may arise from negligence, recklessness, or an
7 indifference to duty or to consequences that is considered by
8 the law to be the equivalent of criminal intent.

9 At issue in this case, is the identification of the
10 Defendant as the person who committed the crime charge. The
11 State has the burden of proving identity beyond a reasonable
12 doubt. You must be satisfied beyond a reasonable doubt as to
13 the accuracy of the identification of the Defendant before
14 you may convict the Defendant.

15 A statement alleged to have been made by the Defendant
16 has been admitted into evidence in this case. While the
17 Court determined that the statement is admissible, I instruct
18 you that you make the ultimate decision of whether or not the
19 Defendant made the statement. If the Defendant did make the
20 statement, you must determine whether the statement was made
21 by the Defendant voluntarily and of his own free will.

22 This means that the statement was not caused by
23 pressure, force, fear, threats, coercion, or intimidation, or
24 by the hoop, or promise of leniency, or a reward of any kind.
25 In determining whether the statement was voluntary, you

1 should consider both the characteristics of the Defendant and
2 the details of the questioning.

3 Some of the factors that you must consider are: The age
4 of the Defendant, the Defendant's education or lack of
5 education, the Defendant's mental ability or capacity, the
6 Defendant's IQ or intelligence, the Defendant's background
7 and environment, the place and length of detention, the
8 nature of questioning, the advice or lack thereof to the
9 Defendant of his constitutional rights, included, but not
10 limited to the right to remain silent, that any statement
11 could be used against him in a court of law.

12 The right to have a lawyer present, that if he could
13 not afford a lawyer, a lawyer would be appointed to represent
14 him without any cost, that he could stop making the statement
15 at any time. You must carefully consider all the surrounding
16 circumstances before you give any weight to the alleged
17 statement.

18 The State has the burden of proving, beyond a
19 reasonable doubt, that the alleged statement was voluntary.
20 If you determine it was, you may give the statement any
21 further consideration that you deemed proper. You must
22 decide what weight, if any, should be given to the alleged
23 statement. If you determine that the alleged statement was
24 not the free and voluntarily voluntary statement of the
25 Defendant, you should not consider the statement at all.

1 The indictments charged the Defendant with murder,
2 burglary in the first degree, armed robbery, conspiracy, and
3 possession of a weapon during the commission of a violent
4 crime.

5 I remind you that the fact that the Defendant was
6 arrested, and charged, and indicted in this case is not
7 evidence in this case, nor does it create any presumption or
8 inference of guilt. These documents are simply the formal
9 written instruments which contain the charges made against
10 the Defendant. They're the formal documents by which the
11 case is brought to court.

12 Now, let's go down each charge. The Defendant is
13 charged with murder. The State must prove, beyond a
14 reasonable doubt, that the Defendant killed another person
15 with malice aforethought. Malice is hatred, ill will, or
16 hostility toward another person. It is the intentional doing
17 of a wrongful act without just cause, or excuse, and with the
18 intent to inflict an injury or under circumstances that the
19 law will infer (inaudible) intend.

20 Malice aforethought does not require that malice exists
21 for any particular time before the act is committed, but
22 malice must exist in the mind of the Defendant just before
23 and at the time the act is committed. Therefore, they must
24 be a combination of the previous evil intent in the act.

25 Malice aforethought may be expressed or inferred.

1 These terms express or -- and inferred do not mean different
2 kinds of malice, but merely the manner in which the malice
3 may be shown to exist. That is either by direct evidence or
4 by inference from the facts and circumstances which are
5 proved.

6 Express malice is shown when a person speaks words
7 which express hatred or ill will for another, or when the
8 person prepared, beforehand, to do the act, which was later
9 accomplished. For example, lying and wait for a person, or
10 any other acts of preparation, going to show that the deed
11 was -- was within the Defendant's mind would be express
12 malice. Malice may be inferred from conduct showing a total
13 disregard for human life.

14 The Defendant is also charged with burglary in the
15 first degree. A person is guilty of burglary in the first
16 degree. If the person enters a dwelling without consent,
17 with the intent to commit a crime therein accompanied by the
18 presence of an aggravating circumstance. The State must
19 prove each of these elements beyond a reasonable doubt. If
20 the State fails to prove any single element, you cannot find
21 the Defendant guilty of burglary in the first degree.

22 The State must first show there was an entry. That is,
23 the Defendant actually went inside the dwelling or some part
24 of it. However, entry is not confined to the intrusion of
25 the all body. The slightest entry is sufficient and it may

1 consist of the insertion of any part of the body or any
2 instrument under the Defendant's control. An entry may be
3 accomplished, for example, by the insertion of a hand,
4 finger, foot, or implement, such as a hook or pole. No force
5 needs to be used to gain entry.

6 The place entered must be a dwelling. A dwelling is
7 defined as a dwelling house, as in-house, out-house,
8 apartment, building, erection, shed -- shed, or box, which
9 -- in which resides an owner, tenant, watchman, clerk, or
10 laborer for the purpose of sleeping, leaving, or lodging. An
11 unoccupied residence is a dwelling if the occupant left with
12 the purpose of returning.

13 The entry must have been without consent, meaning the
14 defendant entered without permission of the person in lawful
15 possession. In addition to this traditional meaning of entry
16 without consent, the phrase also includes entering by using
17 deception, artifice, trick, or misrepresentation to gain
18 consent to enter from the person in lawful possession.

19 There, also, must have been an intent to commit a crime
20 in the dwelling house. Any crime, a felony or misdemeanor,
21 whether or not that crime was actually committed, satisfies
22 this requirement. However, entry into a dwelling without
23 consent is not sufficient to constitute burglary in the first
24 degree, absent intent to commit a crime therein.

25 Further, it is not sufficient if the intent to commit a

1 crime was formulated after entry. To convict the Defendant
2 of burglary in the first degree, you must find that at the
3 time he entered the dwelling, the Defendant intended to
4 commit a crime, once therein. The Defendant's actions after
5 he entered the dwelling can be relied on his evidence to the
6 Defendant's motivation for entering the dwelling.

7 Evidence that the Defendant abandoned the crime after
8 entry does not negate the offense of burglary in the first
9 degree if intent to commit the crime existed at the time of
10 entry. If you find the Defendant entered a dwelling without
11 consent, with the intent to commit a crime therein, you must
12 then find the presence of at least one of the following
13 aggravating circumstances, that: While entering, or while in
14 the dwelling, or fleeing the -- the scene, the Defendant or a
15 co participant did cause physical injury to any person who is
16 not a participant in the crime, or was armed with display,
17 used, or threatened use of a deadly weapon or explosive.

18 If the Defendant or Co-participant is not armed with a
19 deadly weapon upon entering the dwelling, but takes the dwell
20 -- from the dwelling, a firearm, or other deadly weapon, that
21 defendant or co-participant is, at that point, armed with a
22 deadly weapon for purposes of burglary in the first degree.

23 To be armed with a deadly weapon, the defendant or
24 co-participant need only have physical control over a deadly
25 weapon in effecting entry or while in the dwelling or in the

1 immediate flight there from such that the weapon is readily
2 available for the person to use. It does not matter how the
3 person acquired the deadly weapon or for what purpose the
4 person took possession of the deadly weapon.

5 A deadly weapon is generally defined as any article,
6 instrument, or substance, which is likely to produce death or
7 bodily harm. The following are examples of instruments which
8 may be deadly weapons: A pistol, a shotgun, a rifle, a dirt,
9 a dagger, a knife, a slingshot, metal knuckles, a razor
10 gasoline, a fire bomb, or Molotov cocktail, and a lighter
11 fluid.

12 The question of whether an instrument has been utilized
13 as a deadly weapon depends on the facts and circumstances of
14 the case. A gun may be a deadly weapon even if it is not
15 operating. An additional aggravating factor that may be
16 considered is whether or not the non-consensual entry into
17 the dwelling took place at nighttime.

18 The Defendant is also charged with armed robbery. In
19 order to prove this offense, the State must prove, beyond a
20 reasonable doubt, that the Defendant took personal property
21 from the person or presence of another person. Property is
22 in the presence of the person, it is within the person's
23 reach, inspection, observation, or control so that that
24 person could, if not overcome with violence or prevented by
25 fear, keep possession of the property.

1 The State must also prove, beyond a reasonable doubt,
2 that the Defendant carried the property away, intending to
3 permanently deprive the owner of the property, and to keep
4 the property for the Defendant's own use. The slightest
5 removal of the property or the complete possession of the
6 property, even for an instant by the Defendant, is sufficient
7 to show a taking and carrying away of the property.

8 The taking and carrying away of the property must have
9 been done with violence, or by putting the owner of the
10 property in fear of violence. Finally, the State must prove,
11 beyond a reasonable doubt, that the Defendant was armed with
12 a deadly weapon during the robbery. A deadly weapon is any
13 article, instrument, or substance, which is likely to cause
14 death or great bodily harm. Whether an instrument has been
15 used as a deadly weapon depends on the facts and
16 circumstances of each case.

17 The following are examples of instruments which may be
18 deadly weapons: A pistol, a shotgun, a rifle, a dirt, a
19 dagger, a knife, a slingshot, metal knuckles, a razor
20 gasoline, a fire bomb, or Molotov cocktail, and lighter
21 fluid. A gun may be a deadly weapon even if it's not
22 operating.

23 The Defendant is also charged with possession of a
24 weapon during the commission of, or attempt to commit a
25 violent crime. The State must prove, beyond a reasonable

1 doubt, that the Defendant was in possession of a firearm, or
2 visibly displayed what appeared to be a firearm during the
3 commission of a violent crime.

4 A firearm means any machine, gun, automatic rifle,
5 revolver, pistol, or any weapon, which will is designed to
6 and may be readily converted to expel a projectile. In order
7 to find the Defendant guilty of possession of a weapon during
8 the commission of a violent crime, you must find the
9 Defendant first guilty of either committing a violent crime
10 or attempting to commit a violent crime. Murder, armed
11 robbery, and burglary first degree are all violent crimes
12 under South Carolina law. The State must prove, beyond a
13 reasonable doubt, that the weapon further advanced, or helped
14 in the commission of the crime.

15 Finally, the Defendant is charged with conspiracy.
16 State must prove beyond a reasonable doubt that the Defendant
17 combined with one or more persons for the purpose of
18 committing an unlawful act of committing a lawful act, or
19 committing a lawful act by unlawful means. There must be a
20 mutual understanding agreement or common intention and plan.
21 Mere passive knowledge of, or consent to the criminal conduct
22 of another is not enough to make the person that a
23 conspirator. There must there must be guilty knowledge and
24 participation.

25 Similarly, the mere fact that the Defendant may have

1 associated with another person or met with another person and
2 discussed common aim and interest does not necessarily
3 establish proof of the existence of a conspiracy, or that the
4 Defendant was involved in a conspiracy.

5 On the other hand, it is not necessary that an
6 agreement be a formal one, that it be in writing and the
7 person's holding a meeting, and expressly state the terms of
8 the common plan or that the agreement be stated in words
9 between them. The agreement of the criminal conspiracy may
10 come into being through an implied mutual understanding. The
11 willful, intentional, and knowing adoption by two or more
12 persons of a common plan is sufficient.

13 No overt acts need to be done to establish a
14 conspiracy. A conspiracy may be shown by circumstantial
15 evidence and conduct of the parties. In order to convict the
16 Defendant of conspiracy, the State must prove, beyond a
17 reasonable doubt, that not only that the Defendant knew of
18 the unlawful conduct, but that the Defendant agreed to
19 combine with the other persons for the purpose of
20 accomplishing the unlawful conduct.

21 A person may be constructively present at the
22 commission of a crime even though the person is some distance
23 away from the actual scene if it is shown, beyond a
24 reasonable doubt, that the person played a role in the
25 commission of the crime as a result of some prior

1 arrangement. Mere presence at the scene is not sufficient to
2 prove someone guilty of a crime. A defendant's presence
3 where a crime is being committed, or mere association with a
4 person who commits a crime does not make a defendant -- or an
5 accomplice, or an aider and abettor of the person committing
6 the crime.

7 The burden is on the State to prove every element of
8 the crime charged. If you find, after -- after reviewing all
9 the evidence, that the State has proved that the Defendant
10 was only present at the scene of a crime, and that they have
11 not proved beyond a reasonable doubt any other participation
12 in the crime, you must find the Defendant not guilty. The
13 law is that the proof is -- that proof at the scene of the
14 crime is alone, is not sufficient to find you guilty.

15 I instruct you and emphasize that the fact that the
16 Defendant did not testify is not a factor to be considered by
17 you in any way in your deliberation, and in your
18 consideration of the question of guilt or innocence of the
19 Defendant. It must not be considered by you in any manner
20 whatsoever. A defendant has the constitutional right to
21 remain silent, and the assertion of this right must not be
22 considered by you in your deliberations. I repeat under your
23 oath, you are to draw no conclusion whatsoever from the fact
24 that the Defendant in this case did not testify. The fact
25 that this defendant did not testify should not even be

1 discussed in the jury room.

2 The burden of proof, as I have stated to you, is on the
3 State. The Defendant is not required to prove his innocence.
4 The burden remains on the State to prove guilt beyond a
5 reasonable doubt.

6 A person who joins with another to commit a crime is
7 criminally responsible for everything done by the other
8 person, which happens as a natural and probable consequence
9 of the act. If two or more are together, acting together,
10 and assisting each other in committing the offense, all are
11 guilty. A finding of a prior arrange plan or scheme is
12 necessary for criminal liability to attach to the accomplice
13 who does not directly commit the criminal act when -- when an
14 act is done in the presence of and with the assistance of
15 others, the act is done by all.

16 Ladies and gentlemen, we're almost at the point where I
17 send you do the jury room to begin your deliberations. This
18 has been a long instruction on the law, but I want to leave
19 you with some final thoughts. You were chosen as jurors in
20 this case because both sides believe that you could be fair
21 and impartial in deciding this case. I instruct you to make
22 use of your life experiences, your good common sense, and
23 your sense of logic and reason in evaluating the evidence in
24 this case.

25 You are not partisans for either side. You have no

1 friends to reward, nor any enemies to punish. You are the
2 judges of the facts. Your sole interest is to determine
3 whether or not the State has proven its case beyond a
4 reasonable doubt. Be courteous with one another. Listen to
5 the views of your fellow jurors. Take the amount of time
6 necessary for you to thoroughly evaluate the evidence. This
7 case is important to both sides as this is their day in
8 court.

9 So Mr. Foreman, I'm going to go over the verdict form
10 quickly with you. As you'll see, it's a -- it's a three-page
11 verdict form, and it has -- it -- it is broken down by charge
12 with the indictment number. And the first one as to the
13 charge of murder, "We, the jury, unanimously define the --
14 find the Defendant" -- it gives you two options, "Not
15 guilty," or -- and then the second option is, "Guilty."

16 Then you go down to armed robbery. It gives you the
17 same options, "Not guilty," or "Guilty." Burglary, first
18 degree, same option, "Guilty," "not guilty." Conspiracy,
19 "Not guilty," or "Guilty." Now, the final charge is
20 possession of a weapon during the commission of a violent
21 crime. In order to find the Defendant guilty of this
22 offense, you must first have found him guilty of murder,
23 armed robbery, or burglary, first degree. You must have
24 found him guilty of at least one of those that are classified
25 as violent offenses.

1 If -- if you have found him not guilty to -- to all of
2 the -- those three, then you must find him not guilty and
3 just proceeded to the end of the form on that. But when you
4 have reached a verdict, you'll sign it where your name is
5 here, and date it, and knock on the door and let the bailiff
6 know you have reached a verdict.

7 Your verdict must -- on each charge must be unanimous,
8 okay? So with that, I'm going to have you retire to the jury
9 room. Do not begin your deliberations until I send the
10 verdict form and the exhibits back with the bailiff, okay?

11 (Jury exits courtroom 4:11 PM.)

12 THE COURT: Okay. Any exceptions from the State?

13 MR. MORONEY: Not from the State, your Honor.

14 THE COURT: Any exceptions from the Defense?

15 MR. GAMBRELL: Not from the Defense, your Honor.

16 THE COURT: All right. Let me have each attorney come
17 forward to the table, count the exhibits, make sure they're
18 -- they're all there, and then we'll send them back.

19 (Off the record.)

20 (On the record.)

21 MR. GAMBRELL: Judge, I -- I just remember one thing I
22 had asked to be about to submit that phone record on a hard
23 drive to the record for the pretrial motion.

24 THE COURT: (Inaudible) Court's exhibit?

25 MR. GAMBRELL: Yeah.

1 THE CLERK: Yes, sir.

2 THE COURT: All right. We got our first question from
3 the Foreman: "Jury wants to see/hear the charge, "and one,"
4 can you send the charge back?" I do not send charges back.
5 I -- I -- I have in a couple of rare occasions done it. But
6 I -- I generally do not do that. What I'll do is bring them
7 back out here and read it to them again.

8 Additionally, my charge has other writing and other
9 things on the page that they don't need to get bogged down
10 trying to decipher, so -- I'm going to bring back out here
11 and read it to them.

12 THE BAILIFF: Ready, your Honor?

13 THE COURT: Yes, sir.

14 (Jury enters courtroom 4:31 PM.)

15 THE COURT: Okay. Mr. Foreman, I -- I'm in receipt of
16 your question. What I'm -- I had them bring you back out
17 here because I'm going to read you the -- you -- you want the
18 law on hand of one. Again, so listen -- listen very
19 carefully. I'm -- I'm going to read it to you again.

20 A person who joins with another to commit a crime is
21 criminally responsible for everything done by the other
22 person, which happens as a natural and probable consequence
23 of the act. If two or more are together, acting together and
24 assisting each other in committing the offense, all are
25 guilty.

1 A finding of a prior arranged plan or scheme is
2 necessary for criminal liability to attach to the accomplice
3 who does not directly commit the criminal act. When an act
4 is done in the presence of, and with the assistance of
5 others, the act is done by all. That is the definition of
6 "The hand of the one, the hand of all." So, with that, I
7 will send you back to the jury room, and you can resume your
8 deliberations.

9 (Jury exits courtroom 4:37 PM.)

10 THE COURT: (Inaudible) there's that Court's exhibit.

11 COURT REPORTER: Oh, thank you.

12 (Court's Exhibits Numbers 5 and 6 marked for identification.)

13 THE COURT: All right. We'll go back into recess.

14 (Off the record.)

15 (On the record.)

16 THE COURT: Okay. We have our -- all our parties,
17 attorneys and parties. Let's go on the record. Counsel,
18 I've been informed that we have a verdict. So Mr. Bailiff,
19 would you bring the jury, please?

20 THE BAILIFF: Ready, your Honor?

21 THE COURT: Yes, sir.

22 (Jury enters courtroom 6:00 PM.)

23 THE COURT: All right. Mr. Foreman, has the jury
24 reached a verdict?

25 JUROR NUMBER 228: Yes, your Honor. We have a verdict.

1 THE COURT: Would you hand that to the bailiff, please,
2 sir? Madam Clerk, please publish the verdict.

3 THE CLERK: Your Honor, in the State versus Tyberious
4 Rahkeem Pyles: As to the charge of murder, Indictment
5 24-GS-23-1874, "We, the jury, unanimously find the Defendant
6 guilty." As to armed robbery, Indictment Number
7 24-GS-23-1873, "We, the jury, find the -- the Defendant
8 unanimously guilty." As to the charge of burglary, first
9 degree, Indictment 24-GS-23-1870, "We, the jury, unanimously
10 find the Defendant guilty." As to conspiracy, Indictment
11 number 24-GS-23-1872, "We, the jury, unanimously find the
12 Defendant guilty." As to the possession of a weapon during
13 the commission of a violent crime, Indictment 24-GS-23-1874,
14 "We, the jury, unanimously find the Defendant not guilty."

15 Ladies and gentlemen, if this is -- the jury, if these
16 are the verdicts you reached in your jury deliberation room,
17 please raise your right hand. Thank you.

18 THE COURT: Anything further for the jury from the
19 State?

20 MR. MORONEY: Nothing from the State.

21 THE COURT: Anything further for the jury for the --
22 from the Defense?

23 MR. GAMBRELL: Not from the Defense, your Honor.

24 THE COURT: Ladies and gentlemen, I'm going to have you
25 retire to the jury room just for a brief moment. Mr.

1 good person and he had tons of friends and just loved hanging
2 out.

3 So I -- you know -- for whatever distinction that that
4 is, I -- I just say that I -- you know, based on the jury's
5 verdict, I don't believe that they found that -- that he went
6 into the house, or that he possessed the handgun, or that he
7 -- you know, fired the shot. But he is -- has been found
8 guilty of those crimes. He has four children, ages 9, 5, 4,
9 and 2. He is 25 years old. And I -- I don't think that he
10 wants to address the court, but I would like to give him this
11 opportunity to do so.

12 THE COURT: Mr. Pyles, is there anything you'd like to
13 say?

14 THE DEFENDANT: Yeah, I would just like to say that I
15 apologize for all the charges that I have.

16 THE COURT: Okay. Thank you, Mr. Pyles.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Well, this is a terrible, terrible tragedy.
19 "Senseless," I heard that word, and that -- and that's
20 accurate. I see multiple lives affected by this: one life
21 ended, and another family member suffering. And the multiple
22 family members are suffering as a result of.

23 Mr. Pyles, your life is fundamentally affected too. I
24 -- I'm very sad to hear that -- that you have children that
25 are growing up without their father, and that's -- that's a

1 terrible tragedy in and of itself. But Mr. Smith, the
2 victim, had children as well.

3 So the sentence of the Court would be as follows: The
4 -- on 2024-GS-23-1874, Defendant be confined in the
5 Department of Corrections for 40 years. Then on
6 2024-GS-23-1870 and 1873, he would be confined in the
7 Department of Corrections for a term of 30 years. Then on
8 2024-GS-23-1872, he would be confined in the Department of
9 Corrections for a term of five years.

10 All of these are concurrent. He gets credit for 1,211
11 days. Good luck to you, Mr. Pyles. Ma'am, good luck to you.
12 I hope your family (inaudible) family finds peace. We close
13 the record.

14 MR. GAMBRELL: Judge, could I -- I just want to put one
15 last thing on the record.

16 THE COURT: Yes, please.

17 MR. GAMBRELL: I don't have that storage disc that has
18 the phone file on it. I just ask that you let the record
19 stay until tomorrow morning, that I can bring that, and --
20 and submit it as a Court's exhibit?

21 THE COURT: I'll be here tomorrow. Just bring it to
22 Ms. Jenkins tomorrow.

23 MR. GAMBRELL: I believe it's -- it's going to be
24 listed as Court's Exhibit 6.

25 THE COURT: Okay.

CERTIFICATE OF TRANSCRIBER

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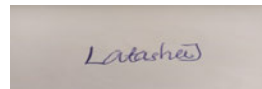
16

17

I, LATASHA JEFFERSON, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 13 of Greenville County, South Carolina, on September 2-4, 2025.

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

December 8, 2025.

A rectangular box containing a handwritten signature in blue ink that reads "Latasha".

LATASHA JEFFERSON,
TRANSCRIBER

WITNESSES

303 Andrew Herrington #1441
Greenville County Sheriff's Office

5/13/2022

ARREST WARRANT NUMBER

2022A2330203911 and 2022A2330203980

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2024-GS-23-

BJM

001874

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2024

THE STATE

vs.

TYBERIOUS RAHKEEM PYLES

Indictment for

0116 and 0549

MURDER

and

**POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME**

VIOLATION § 16-93-0010 and § 16-23-0490

FILED

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

INDICTMENT FOR
MURDER
and
POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

APR 02 2024

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

COUNT I – MURDER
(Warrant 2022A2330203911)

That TYBERIOUS RAHKEEM PYLES did in Greenville County, on or about the 22nd day of January, 2022, unlawfully and with malice aforethought kill JOSEPH SMITH by means of a gunshot wound, and that JOSEPH SMITH died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

COUNT II – POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME
(Warrant 2022A2330203980)

That TYBERIOUS RAHKEEM PYLES did in Greenville County, on or about the 22nd day of January, 2022, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: MURDER. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR BAR #101814

WITNESSES

305 Andrew Henry 11/11

Greenville County Sheriff's Office

5/16/2022

ARREST WARRANT NUMBER

2022A2330203978

ACTION OF GRAND JURY
TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2024-GS-23-

BJM

001870

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2024

THE STATE

vs.

TYBERIOUS RAHKEEM PYLES

Indictment for

0079

BURGLARY
IN THE FIRST DEGREE

VIOLATION § 16-11-0311

FILED
11/11/2022

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
BURGLARY
IN THE FIRST DEGREE

At a Court of General Sessions, convened on **APR 02 2024** the Grand Jurors of Greenville
County present upon their oath:

That TYBERIOUS RAHKEEM PYLES did in Greenville County, on or about the 22nd day of January, 2022, willfully and unlawfully enter the dwelling of JOSEPH SMITH, located at [REDACTED] Edwards Road, Apt. [REDACTED], Taylors, South Carolina, without consent and with the intent to commit a crime therein, and the burglary was accompanied by circumstances of aggravation, to wit: while armed with a deadly weapon and/or the entering or remaining did occur during the nighttime hours. This is in violation of §16-11-0311 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

BAR #101814

WITNESSES

307

Andrew Henry #1441

Greenville County Sheriff's Office

5/18/2022

ARREST WARRANT NUMBER

2022A2330203979

ACTION OF GRAND JURY
TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2024-GS-23-
B/M

001873

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2024

THE STATE

vs.

TYBERIOUS RAHKEEM PYLES

Indictment for

0139

ARMED ROBBERY

VIOLATION § 16-11-0330

ENTERED
ACCT.

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ARMED ROBBERY

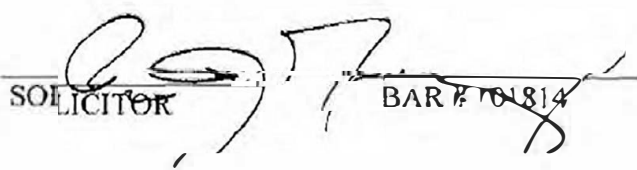
At a Court of General Sessions, convened on
County present upon their oath:

APR 02 2024

the Grand Jurors of Greenville

That TYBERIOUS RANKEEM PYLES did in Greenville County, on or about the 22nd day of January, 2022, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as narcotics from the person or presence of JOSEPH SMITH. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

BAR # 10814

WITNESSES

309

Andrew Henning #1491

Greenville County Sheriff's Office

5/13/2022

ARREST WARRANT NUMBER

2022A2330203912

ACTION OF GRAND JURY
TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2024-GS-23-

BJM

The State of South Carolina

0.01872

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2024

THE STATE

vs.

TYBERIOUS RAHKEEM PYLES

Indictment for

0049

CONSPIRACY

VIOLATION § 16-17-0410

ACQUITTAL

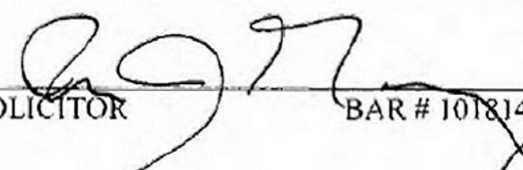
STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

INDICTMENT FOR
CONSPIRACY

At a Court of General Sessions, convened on **APR 02 2024** the Grand Jurors of Greenville
County present upon their oath:

That TYBERIOUS RAHKEEM PYLES did in Greenville County, on or about the 22nd day of January, 2022,
willfully and unlawfully combine with Dream Areyuhanna Michelle Adams for the purpose of accomplishing an
unlawful object or a lawful object by unlawful means, to wit: ARMED ROBBERY. This is in violation of §16-
17-0410 of the South Carolina Code of Laws (1976) as amended.

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

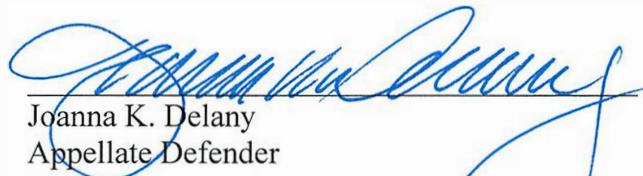

SOLICITOR

BAR # 101814

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 9th day of September, 2026.

RECEIVED

Sep 09 2026

SC Court of Appeals