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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

AMENDED RECORD ON APPEAL

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[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

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State of South Carolina) In the Court of General Sessions
) Thirteenth Judicial Circuit
County of Greenville) 2024-GS-23-1870
2024-GS-23-1872
2024-GS-23-1873
2024-GS-23-1874

The State of South Carolina,

vs.

Tyberious Rahkeem Pyles.

Transcript of Record

September 2, 3, 4, 2025
Greenville, South Carolina

B E F O R E:

The Honorable R. Scott Sprouse, Judge, and a jury

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

Brian Moroney, Deputy Solicitor
Attorney for the State

Michael Stephen Gambrell, Esquire
Attorney for the Defendant

Latasha Jefferson
Transcriber

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MR. GAMBRELL: No, your Honor.

THE COURT: Okay.

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

MR. MORONEY: Okay.

COURT REPORTER: Okay.

MR. MORONEY: Thank you.

COURT REPORTER: It's a Court's exhibit (inaudible).

(Court's Exhibit Number 1 marked for identification.)

(Jury enters courtroom.)

THE COURT: Okay. Call the first case.

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

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

Now, let me remind you that these indictments are not

40, Tracy Butler What says the State?

MR. MORONEY: Please present this juror.

THE CLERK: What says the Defendant?

MR. GAMBRELL: Please seat Ms. Butler.

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

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

MR. MORONEY: Nothing from the State.

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

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

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

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

JURY PANEL: I will.

(Jury panel sworn.)

THE CLERK: Thank you.

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

(Jury pool exits courtroom.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

statements in the morning at 9:00.

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

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

(Jury exits courtroom at 12:50 PM.)

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

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

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

MR. MORONEY: Thank you, your Honor.

(Off the record.)

(On the record.)

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

MR. MORONEY: Yes, your Honor.

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

MR. GAMBRELL: Yes, sir. Your Honor.

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

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

MR. GAMBRELL: Yeah.

MR. MORONEY: Okay.

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

MR. MORONEY: Yes. This is just --

MR. GAMBRELL: Okay.

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

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

MR. MORONEY: Probably Court's.

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

INVESTIGATOR ALVIN TRACY KING,

being duly sworn, testified as follows:

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

THE WITNESS: Alvin Tracy King.

DIRECT EXAMINATION

BY MR. MORONEY:

Q. Good afternoon, Mr. King.

A. How are you, sir?

Q. Good.

A. Good.

Q. Where do you currently work?

A. I work for Enchanted Homes.

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

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

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

A. Yes, sir, I did.

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

A. I did.

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

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

A. Yes, sir.

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

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

BY MR. MORONEY:

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

A. Yes, sir.

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

A. Yes, sir.

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

A. It is.

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

THE COURT: For purposes of this hearing.

(Court's Exhibit 2 admitted into evidence.)

BY MR. MORONEY:

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

A. Yes.

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

A. That was Circuit Court Judge Morgan.

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

A. Yes, sir.

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

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

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

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

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

A. Yes, sir.

Q. (Inaudible)?

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

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

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

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

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

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

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

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

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

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

A. Yes, sir.

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

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

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

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

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

THE COURT: Mr. Gambrell?

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

CROSS-EXAMINATION

BY MR. GAMBRELL:

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

A. Yes, sir.

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

A. Yes, sir.

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

A. That night?

Q. Yes.

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

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

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

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

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

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

A. I'm sure I would have.

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

person that he saw with the gun?

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

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

A. That's correct.

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

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

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

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

Q. Did you see that in the video?

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

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

A. Yes, sir -- yes, sir.

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

A. It could. Yes, sir.

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

THE COURT: Yes, sir.

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

THE COURT: Yes, sir.

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

(Video interview (Shareef McCarroll) published.)

BY MR. GAMBRELL:

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

A. Yes, sir.

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

A. Yes, sir.

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

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

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

A. That was part of it.

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

A. The fact that --

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

A. No, sir -- no, sir.

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

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

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

A. I don't recall that.

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

A. That's correct.

Q. Okay.
A. Holding the Two-Tone firearm.
Q. Do you know if that was the same in that video as what was shown to Mr. Shareef during his -- during his interview?
A. I do not.
Q. And you also stated here, with regard to the video, that was from the Ring camera?
A. There's -- there's a video that shows an individual walking past that apartment, and then the video was -- the video with the Facebook Live was through the victim's Facebook.
Q. And -- and as far as you -- and you don't mention the -- the Ring camera video in your affidavit, correct?
A. I'm sure I -- no, sir.
Q. Okay. So the only video that you're referring to is the -- is the one from the Facebook Live?
A. That's correct. From the victim's Facebook Live.
Q. Okay. Was there any other information that was presented to the -- to the judge that was not contained in your affidavit?
A. Not to my knowledge. No, sir.
Q. Okay. And so the -- the only evidence that you presented to the -- to the -- Judge Morgan was that one of the witnesses reported seeing machine with a Two-Tone gun,

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

A. That is correct.

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

A. Yes, sir.

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

THE COURT: Any re-direct?

MR. MORONEY: Briefly, your Honor.

RE-DIRECT EXAMINATION

BY MR. MORONEY:

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

A. Yes, sir.

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

A. That's correct.

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

A. Absolutely. Yes, sir.

Q. All right. And at this point of your

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

A. Yes, sir.

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

A. That's correct.

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

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

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

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

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

A. Yes, sir.

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

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

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

THE COURT: Clarify that.

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

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

BY MR. MORONEY:

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

A. Yes, sir.

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

surveillance footage during the course of your investigation?

A. I do.

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

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

MR. MORONEY: Thank you, your Honor.

BY MR. MORONEY:

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

A. No.

Q. -- on Facebook, social media?

A. That's correct.

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

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

THE COURT: Okay.

RE-CROSS EXAMINATION

BY MR. GAMBRELL:

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

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

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

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

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

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

THE COURT: Go ahead.

(Video interview (Shareef McCarroll) published.)

BY MR. GAMBRELL:

Q. Do you recall that now?

A. I do. Yes.

(Video interview (Shareef McCarroll) published.)

BY MR. GAMBRELL:

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

A. Yes, sir.

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

A. No, sir.

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

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

MR. MORONEY: No, your Honor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE COURT: Okay.

MR. MORONEY: I'm sorry.

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

SERGEANT ANDREW HERRING,

being duly sworn, testified as follows:

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

THE WITNESS: Andrew Herring.

DIRECT EXAMINATION

BY MR. MORONEY:

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

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

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

A. I did. In March of '22.

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

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

Q. So May 13, 2022?
A. Yeah.
Q. Okay. Do you remember the approximate time that it was obtained at?
A. 9:00, at night.
Q. Okay. And who was present during the questioning?
A. Myself, the Defendant, and Master Deputy Brian Loftus.
Q. Was the Defendant under the influence of alcohol or drugs to the extent that would've impaired his ability to understand?
A. No.
Q. And did the Defendant have any physical or mental disability that would've impaired his ability to understand what was being said and asked?
A. No.
Q. Where did this interview take place?
A. The law enforcement center in our -- our only interview room that we have.
Q. And can you describe that generally what that interview room is like?
A. Yeah. It's a small room, probably, like, 6-feet by 12, or a little bit bigger than that. And there's a table smaller than that, but around that design against a wall. And then several chairs. We always put the Defendant or

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

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

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

A. No.

Q. Was the Defendant under arrest at the time?

A. Yes.

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

A. Yeah, he was.

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

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

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

A. He was.

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

questioning regarding the crime?

A. He was.

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

A. Yes, and was recorded.

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

A. Yes.

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

(Court's Exhibit 3 marked for identification.)

BY MR. MORONEY:

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

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

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

A. Yes.

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

A. Yes.

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

THE COURT: For purposes of this hearing.

(Court Exhibit Number 3 admitted into evidence.)

BY MR. MORONEY:

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

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

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

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

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

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

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

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

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

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

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

A. They did.

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

A. No.

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

A. He was fine talking to us without one.

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

A. No.

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

A. Yes.

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

A. It was.

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

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

BY MR. MORONEY:

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

A. I do, sir. I do.

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

A. They are.

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

THE COURT: For purposes of this hearing.

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

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

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

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

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

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

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

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

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

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

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

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

THE COURT: Okay.

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

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

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

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

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

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

MR. MORONEY: Yes, sir.

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

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

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

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

THE COURT: Okay.

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

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

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

MR. GAMBRELL: That would be hearsay.

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

MR. GAMBRELL: Okay.

THE COURT: And just --

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

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

MR. GAMBRELL: 6:15.

THE COURT: 6:15.

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

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

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

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

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

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

THE COURT: Okay.

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

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

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

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

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

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

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

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

20:23 mark, it's muted.

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

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

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

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

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

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

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

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

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

MR. MORONEY: To the 32:26 mark.

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

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

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

MR. MORONEY: At 36:42 mark --

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

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

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

MR. MORONEY: 37:01 mark --

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. MORONEY: 46:23 no, I want to say 46:27. Muted

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

MR. MORONEY: 47:58 to 47:59, muted.

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

MR. MORONEY: 49:15 through 49:46 is muted.

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

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

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

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

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

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

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

MR. MORONEY: 58 --

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

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

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

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

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

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

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

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

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

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

MR. MORONEY: -- 6 mark --

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

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

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

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

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

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

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

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

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

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

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

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

BY MR. MORONEY:

Q. Sergeant Herring, aside from the muted portions or

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

A. It is.

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

THE COURT: Mr. Gambrell?

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

CROSS-EXAMINATION

BY MR. GAMBRELL:

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

A. Right now it's sergeant.

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

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

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

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

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

Q. So he had an active warrant for trespass?

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

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

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

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

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

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

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

A. The unedited one, right?

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

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

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

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

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

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

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

about the charges for which he was arrested for that day? The trespass --?

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

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

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

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

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

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

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

Q. Right.

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

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

And you weren't assigned to those cases?

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

Q. Right.

A. That's the one --

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

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

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

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

Q. Right. That's all --

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

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

A. Uh-huh.

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

A. Yeah, that's who killed Webbie.

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

A. No -- that sounds about right.

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

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

Q. Yeah.

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

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

A. No.

Q. Okay.

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

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

A. Yes -- yes.

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

THE COURT: Okay. Any re-direct?

MR. MORONEY: None, your Honor.

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

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

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

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

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

THE COURT: Mr. Moroney, any response?

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

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

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

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

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

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

MR. MORONEY: Yes, your Honor.

THE COURT: All right. Go ahead.

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

THE COURT: Yes, sir.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

guilt.

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

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

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

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

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

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

THE COURT: Mr. Gambrell?

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

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

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

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

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

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

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

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

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

THE COURT: State, call your first witness.

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

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

DEPUTY STEVEN DREW EPPS,

being duly sworn, testified as follows:

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

THE WITNESS: Steven Epps.

DIRECT EXAMINATION

BY MR. MORONEY:

Q. Good morning, Deputy Epps.

A. Good morning.

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

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

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

A. I was. Yes, sir.

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

A. I did. Yes, sir.

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

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

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

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

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

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

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

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

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

date?

A. I was. Yes, sir.

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

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

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

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

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

BY MR. MORONEY:

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

A. I do. Yes, sir.

Q. And what is that?

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

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

this flash drive?

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

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

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

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

A. Yes, sir.

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

THE COURT: Any objection.

MR. GAMBRELL: Without objection.

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

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

BY MR. MORONEY:

Q. What are we seeing here, Deputy Epps?

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

Q. And who's that individual?

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

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

A. That's correct.

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

BY MR. MORONEY:

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

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

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

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

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

BY MR. MORONEY:

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

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

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

A. Yes, sir.

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

BY MR. MORONEY:

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

A. Yes, sir.

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

BY MR. MORONEY:

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

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

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

A. That's correct.

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

THE WITNESS: Yes, sir.

THE COURT: All right. Mr. Gambrell?

MR. GAMBRELL: No question, your Honor.

THE COURT: Thank you, Officer.

DEPUTY EPPS: Thank you, Sir.

THE COURT: Call your next witness.

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

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

MARQUEZ MCCARROLL,

being duly sworn, testified as follows:

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

THE WITNESS: Marquez McCarroll.

DIRECT EXAMINATION

BY MR. MORONEY:

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

A. Good morning.

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

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

Q. Okay.

A. And -- you know, playing football.

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

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

Q. Okay.

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

Q. All right. Tell me a little bit about Joseph. Just generally.

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

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

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

BY MR. MORONEY:

Q. What is that?

A. It's a contract.

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

THE COURT: Any objection?

MR. GAMBRELL: No objection, your Honor.

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

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

BY MR. MORONEY:

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

A. Yes, sir.

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

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

MR. GAMBRELL: Objection, your Honor. Hearsay.

THE COURT: Sustained.

BY MR. MORONEY:

Q. Did you all end up moving in together?

A. Yes, sir.

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

A. Yeah. It was split rent.

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

A. 850.

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

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

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

A. Yes, sir.

MR. MORONEY: Okay. I'm going to show you what's been pre-marked as State's Exhibits 5, 6, and 7. And 7 is two sides.

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

BY MR. MORONEY:

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

A. Yes. It's the apartment complex.

Q. Would this be pictures of Cliffwood Terrace?

A. Yes, sir.

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

A. Yes, sir.

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

THE COURT: Any objection?

MR. GAMBRELL: No objection.

THE COURT: The State's Exhibits 5, 6, and 7 are admitted without objection.

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

BY MR. MORONE:

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

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

A. On the end.

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

A. Yes, sir.

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

A. Upstairs.

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

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

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

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

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

A. Yes, sir.

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

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

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

A. It was right here and back here.

Q. And you were on the backside?

A. Yes, sir.

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

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

Q. And where did you work at the time?

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

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

A. Shareef.

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

A. Yes, he was.

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

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

Q. Okay.

A. That's how he came by.

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

A. He was staying in my bedroom.

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

A. Yes, sir.

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

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

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

A. In my bedroom.

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

A. My cousin.

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

A. No, sir.

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

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

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

A. Yeah. Liquor.

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

A. Marijuana.

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

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

Q. Okay.

A. He was just chilling.

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

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

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

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

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

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

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

Q. Did you wake up to the door opening?

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

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

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

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

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

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

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

Q. Yeah.
A. -- this man was behind.
Q. What if you can stand up, and I'll -- I'll send you too to help provide some perspective, okay?
A. Okay.
Q. All right. So we'll treat this -- if -- if this is the front door here, where would your bed have been?
A. Right here.
Q. Okay. And how -- if you were sleeping, would your feet be here?
A. I was turned this way.
Q. Okay.
A. Yes, sir.
Q. With your bed this direction?
A. Uh-huh.
Q. And if in this bedroom, where is Shareef's bed is?
A. Is right over the wall.
Q. Over on the wall. Is he --
A. Over here probably -- where that table was at, probably.
Q. Okay. And the door would be over there?
A. The door would be back here.
Q. All right. And from the moment when you hear the door open, can you explain to the jury the positioning of people that you observed and where Joe was?

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

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

BY MR. MORONEY:

Q. You just got to speak up.

A. Yes.

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

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

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

BY MR. MORONEY:

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

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

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

State's Exhibits 9, 10, and 11.

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

BY MR. MORONEY:

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

A. Yes, sir.

Q. What are these depicting?

A. That's Slim on the floor.

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

A. Yes, sir.

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

A. Yes, sir.

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

THE COURT: Any objection?

MR. GAMBRELL: Without objection, Judge.

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

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

BY MR. MORONEY:

Q. So what are we looking at here, Mr. McCarroll?
A. It's the stairs going up into the bedroom room.
THE COURT: Which -- which number is this?
MR. MORONEY: This is State's Exhibit 10, your Honor.
BY MR. MORONEY:
Q. State's Exhibit 9, you can give some perspective as to what we're looking at here and explain. As you walk in the door, would this be the view that you would see?
A. Yeah. When you walk in the door. Yes, sir.
Q. Would the door be to the right of the photographer here?
A. Yes.
Q. In the corner?
A. Yes.
Q. And would your bed be essentially where the photographer is standing?
A. Yes.
Q. Where -- using this photograph, can you explain where you saw the two masked individuals and where you saw Slim before he was shot?
A. Kind of -- one was in the front where the door was at, right in front of the door. I was sitting down, and the other one, just off -- estimate time about where that fan was at.
Q. Okay. Was Slim in between the two masked men?

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

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

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

Q. Okay.

A. Right here in the wall.

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

A. Yeah.

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

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

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

A. From the --

Q. Can you point?

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

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

A. I have no -- yes, sir.

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

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

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

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

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

A. Yes.

Q. Okay.

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

Q. And what did you hear during this timeframe?

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

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

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

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

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

THE COURT: Sustained.

BY MR. MORONEY:

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

A. Yes, sir.

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

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

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

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

Q. And did ultimately EMS arrive on scene?

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

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

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

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

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

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

nothing in here"?

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

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

A. No, sir.

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

A. It was damaged before this incident. Yeah.

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

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

Q. Okay.

A. Yeah.

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

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

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

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

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

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

A. Yes.

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

A. Correct.

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

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

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

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

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

Q. And that had happened before --

A. Yeah.

Q. -- this incident?

A. Right.

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

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

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

A. Same nighttime.

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

A. I was --

Q. What you saw.

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

Q. Okay.

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

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

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

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

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

Q. Okay.

A. -- situation.

Q. Okay.

A. I just went downstairs like that.

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

A. No. Not that I remember, no.

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

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

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

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

Q. Okay. Who was that?

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

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

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

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

A. No.

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

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

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

A. Yes.

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

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

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

A. That's correct.

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

A. Yes, sir -- yes, sir.

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

A. Yes, sir.

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

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

Q. Okay. And whose Facebook handle is that?

A. It's Shareef's.

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

A. Okay. To where again?

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

A. Okay.

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

A. Okay.

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

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

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

A. Yeah.

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

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

A. Yeah -- yeah -- yeah.

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

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

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

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

MR. GAMBRELL: Objection, your Honor.

THE COURT: Sustained.

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

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

THE WITNESS: Yes, sir.

THE COURT: Mr. Gambrell?

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

CROSS-EXAMINATION

BY MR. GAMBRELL:

Q. You go by Marquez?

A. Yes, sir.

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

A. Yeah, it was there, sir.

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

A. There was a lot of people come over.

Q. How often would that occur?

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

Q. On a regular basis?

A. Yeah, regular basis.

Q. People would come over and hang out?

A. Yeah.

Q. Smoke weed?

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

Q. Drink?

A. Say that again?

Q. Drink alcohol?

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

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

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

Q. They knew Joe or they knew you, or?
A. Yeah. Or whoever -- you know, just, "Hey." Yeah.
Q. Was Mr. Pyles over there between December and January?
A. Not that I can recall.
Q. You don't recall him ever coming over to hang out with Joe?
A. Not that I can remember, no.
Q. Okay.
A. Because like I said, most of the time I was at work, and then I -- when I get back it's like 8:00 -- 8:00, 9:00 -- you know, I go, and that's pretty much it.
Q. Did you -- the night that -- that this occurred, you said that you had gone to work, and then you came home?
A. (No verbal response.)
Q. You have to answer verbally so that they can record you?
A. Yes, sir.
Q. Okay. And then that's when you hooked up with Shareef, and then you all went to the mall?
A. Yes, sir.
Q. And then came back to the apartment?
A. Yes.
Q. And I think you said it was about 9:00 or 10:00? About --

A. Yeah, 10:00-something.
Q. Okay. And then you all started to drink alcohol?
A. Yes.
Q. Do you recall what you were drinking?
A. Patrón.
Q. Patrón? How much did you drink?
A. Not that much.
Q. You smoked?
A. Yes.
Q. You smoked weed?
A. Yes.
Q. How much did you smoke?
A. I smoke, like, two blunts. I rolled one and Shareef rolled one.
Q. So you all smoked two blunts between each other?
A. A (inaudible) each other, so...
Q. Yeah. And then you -- and then you -- I think you said you passed out.
A. Yeah, I talked to my -- I talked to my brother after me and Shareef finished.
Q. And then you were woken up later on that morning. How long did that incident occur where those individuals were in that room -- in your room?
A. I think -- I want to say, like, 2:30-ish, something like that. Something --

Q. How -- how much time did -- were they in there?
A. It was kind pretty quick. It was pretty quick.
Q. And I think you told the officers that night that both of them were wearing hoodies?
A. Uh-huh.
Q. And both of them had on black masks?
A. Masks, yeah.
Q. Okay. Now you -- you had met Ty previously, right?
A. Yeah. I met him, yeah.
Q. No. And you didn't identify any one of those individuals as being Ty?
A. No, sir, I never had.
Q. Have you -- you heard his voice before?
A. I have.
Q. Okay. The voices that you heard in that room tonight, did you identify that as Ty?
A. No, sir.
MR. GAMBRELL: Okay. That's all the questions I have, your Honor.
THE COURT: Any re-direct?
MR. MORONEY: Nothing from the State, your Honor?
THE COURT: Thank you, sir. You can step down.
THE WITNESS: Thank you.
MR. MORONEY: Your Honor, the State calls the Lajuan

Hoke.

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

LAJUAN HOKE,

being duly sworn, testified as follows:

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

THE WITNESS: Lajuan Hoke.

DIRECT EXAMINATION

BY MR. MORONEY:

Q. Good morning, Mr. Hoke.

A. Good morning.

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

A. Cliffwood Terrance.

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

A. Yeah. 4A.

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

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

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

A. No. My fiancé and two kids.

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

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

A. I'd say nine and four.

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

A. Number 4A.

Q. All right.

A. As in apple.

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

A. This was mine.

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

A. This right here.

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

A. Yeah, I had a Ring doorbell.

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

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

Q. Do you get kind of notifications when that motion

happens?

A. Yeah.

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

A. Yes.

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

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

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

A. Just someone walking past my car.

Q. Okay.

A. From the door.

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

A. No.

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

A. Yeah, I did.

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

A. Yes.

Q. Okay. And did you relay that information about

your Ring camera activation to that?

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

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

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

BY MR. MORONEY:

Q. And ask if you recognize what that is.

A. Yeah, I do.

Q. What is on this disc?

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

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

A. On this (inaudible).

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

A. Yeah.

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

THE COURT: Any objection?

MR. GAMBRELL: Without objection, your Honor.

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

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

BY MR. MORONEY:

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

A. Yes.

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

A. Yes.

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

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

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

A. Yeah.

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

A. The opposite at the right.

Q. On the far end?

A. Yeah.

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

A. It seems to look like that.

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

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

A. When the police came?

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

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

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

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

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

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

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

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

Q. Okay.

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

Q. Okay.

A. -- to me.

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

A. You could say that.

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

A. Yeah.

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

A. Yeah.

MR. MORONEY: Okay. All right. I'm going to hand you what's been pre-marked as State's Exhibit 3, for identification purposes.

(State's Exhibit Number 3 marked for identification.)

BY MR. MORONEY:

Q. Do you recognize what that is?

A. Yeah.

Q. Okay. What is that?

A. I -- I initiated it, so.

Q. Okay.

A. It's a video. Probably from my from the Ring cam,

I'm thinking.

Q. Okay. Well, this -- we got your signature and -- and label on there, so...

A. I'm familiar with that.

Q. Okay. All right. Is this a fair and accurate representation of the events that were reported on January 22, 2022?

A. Yes, sir.

MR. MORONEY: Okay. Your Honor, at this time, State moves to admit State's Exhibit 3.

THE COURT: Any objection?

MR. GAMBRELL: Without objection, your Honor.

THE COURT: State's Exhibit Number 3 is admitted without objection.

(State's Exhibit Number 3 admitted into evidence.)

(Flash Drive - Ring Camera Video (State's Exhibit 3) published.)

BY MR. MORONEY:

Q. You can explain to the jury what we're looking at? Whose phone is this that we're looking at right here?

A. It's my phone.

Q. Okay. And you're showing it to who? Not exactly, but...

A. It was an officer.

Q. Okay. And whose Facebook account are you viewing

right now?

A. That's Joe's.

Q. Okay.

MR. GAMBRELL: Your Honor, if -- if there further voices that's not Mr. -- I'm sorry, Pope that's on the video, I would object to those. Hearing those voices.

THE COURT: This is in evidence, Mr. Gambrell. This exhibit is in evidence. Overruled.

(Flash Drive - Ring Camera Video (State's Exhibit 3) published.)

BY MR. MORONEY:

Q. And when you saw this what stood out to you?

A. Clothes. But at the time I did think he was the one that was hurt. Do want to make that clear?

Q. So if I understand you weren't necessarily assuming he might have had something to do with the other, he might have been needing police assistance or EMS assistance?

A. Yeah, I thought he was the hurt one.

Q. Did anything about the clothing and masks stand out to you in comparison to the Ring video footage?

A. Yeah.

(Flash Drive - Ring Camera Video (State's Exhibit 3) published.)

BY MR. MORONEY:

Q. And just to clarify, Bag Boi Brazy, would that

have been the Facebook account name for Joe?

A. Yes, sir.

(Flash Drive - Ring Camera Video (State's Exhibit 3) published.)

BY MR. MORONEY:

Q. After this interaction with law enforcement handing over the Ring camera and directing them towards this Facebook video, did police, EMS, ultimately clear up from the scene?

A. Yeah. Yes.

Q. And at some point, later after that, did you ever come across another Facebook post that caught your eye that became relevant to this case?

A. Yeah, I did.

Q. Okay. And if you could detail the jury generally what that observation was?

A. It just looked like the same guy from the Ring video. He was just talking.

Q. Okay. And was this close in time after the murder of Joe?

A. Yeah, I want to say the following day.

Q. Okay.

A. A few hours later.

Q. And what, in particular, drew your eye to this post? This different post?

A. Same clothes -- same clothes.

MR. MORONEY: Your Honor, at this time, pursuant to the Uniform Business Records Act, State would move to introduce State's Exhibit 4 as a certified business record.

THE COURT: Is there any objection?

MR. GAMBRELL: No objection.

THE COURT: Okay. So State's Exhibit Number 4 is admitted without objection.

(State's Exhibit Number 4 marked and admitted into evidence.)

(Flash Drive - Facebook Live - T. Pyles (State's Exhibit 4) published.)

BY MR. MORONEY:

Q. These muted -- those muted parts, are they just muted for court purposes? You have to just answer to the microphone.

A. Come again?

Q. There is a part that was just muted there. Is that just muted for court purposes?

A. Oh. Yeah, it is.

(Flash Drive - Facebook Live - T. Pyles (State's Exhibit 4) published.)

MR. MORONEY: I am going to skip forward in this video (inaudible).

(Flash Drive - Facebook Live - T. Pyles (State's Exhibit 4) published.)

BY MR. MORONEY:

Q. And upon viewing that video and comparing it to what you observed with the Ring camera footage, and that other Facebook video, was there -- what was the primary thing that stuck in your mind?

A. The outfit. I was just like, "Man, he's fried."

MR. MORONEY: Thank you, Mr. Pope. Please answer any questions Mr. Gambrell has for you.

THE COURT: Mr. Gambrell?

MR. GAMBRELL: Just briefly.

CROSS-EXAMINATION

BY MR. GAMBRELL:

Q. Mr. Hoke, the timestamp on the -- on the Ring camera, that was at 2:00 in the morning?

A. I believe so.

Q. And when the police came out, that -- that was more closer to 3:30 in the morning?

A. Yeah.

Q. And the only connection you made was on the video -- is correct -- as far as I -- you noticed any similarities?

A. Yeah, you can say that.

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

THE COURT: Any re-direct?

MR. MORONEY: Nothing from the State.

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

MR. GAMBRELL: (Inaudible).

MR. MORONEY: (Inaudible) we're free marking this stuff, just --

THE COURT: Yeah. Just -- just give -- just take one second. Go ahead and do that so we can move quickly once we start.

MR. MORONEY: Thank you so much.

COURT REPORTER: You're welcome.

THE COURT: How many are they?

MR. MORONEY: It's State's Exhibit 17 through 50, consecutively.

THE COURT: Mr. Gambrell, are you going to have any objections to any of those?

MR. GAMBRELL: Not (inaudible) your Honor.

THE COURT: Okay.

MR. MORONEY: Your Honor, the State is ready.

THE COURT: Okay. You ready? All right. Let's get our jury.

(Jury enters courtroom.)

THE COURT: Okay. Call your next witness.

MR. MORONEY: Your Honor, the State calls Kaelyn Ford.

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

OFFICER KAELYN FORD,

being duly sworn, testified as follows:

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

THE WITNESS: Kaelyn Ford.

DIRECT EXAMINATION

BY MR. MORONEY:

Q. Good morning, Ms. Ford.

A. Good morning.

Q. Where do you currently work?

A. I work for the Albuquerque Police Department.

Q. Okay. And is that in New Mexico?

A. Yes.

Q. All right. And where did you -- what's your role there?

A. I am a crime scene specialist.

Q. Okay. And generally speaking, what are your roles and responsibilities there?

A. So we respond to all crime scenes within the city limits, and my job is to identify, document, collect and process any evidence found on scenes.

Q. Okay. And immediately before that role, where were you employed?

A. I was employed at Greenville County Forensics.

Q. Okay. And what were your roles and responsibilities here in Greenville at that time?

A. Very similar to what I do now, with the addition

of responding to autopsies.

Q. Okay. Did you have the occasion to respond to the Cliffwood Terrace Apartments on January 22, 2022?

A. I did.

Q. And was that in reference to a murder investigation?

A. Yes.

Q. Generally, can you explain to the jury what you did that early morning?

A. I was the primary crime scene investigator on scene, so my job was to analyze the scene, take photographs, collect evidence, and take it back to the lab and process it at a later time.

Q. Okay. What kind of education and training have you received to prepare you for this role in forensics?

A. I have my bachelor's degree in forensic science. I'm currently pursuing my master's degree in forensic science. I've completed two on-the-job training programs between both of my careers. I've also held certifications in bloodstain pattern analysis and latent fingerprint analysis.

Q. And can you speak to some of the protocols or things that you focus on in evidence collection and its storage subsequently?

A. Yes. So when collecting evidence, you always want to make sure and be aware of cross contamination. So that's

changing your gloves or making sure that other items of evidence aren't touching other things that you've collected.

When transporting, we always take it back to our crime lab and put it in a secure location where an evidence log is filled out to keep track of what evidence you collected before it is then transferred to property and evidence.

MR. MORONEY: Ms. Ford, I'm going to hand you what's been pre-marked as State's Exhibits 17 through 50.

(State's Exhibit Numbers 17 through 50 marked for identification.)

BY MR. MORONEY:

Q. And ask you to lead through those, please, and let me know if you can identify.

A. Yes. These are the photographs that I took on scene that day.

Q. And are those photographs a fair and accurate depiction of the events that you observed on January 22, 2022?

A. Yes.

MR. MORONEY: Your Honor, at this time, the State moves State's Exhibits 17 through 50, consecutively, into evidence.

THE COURT: Any objection?

MR. GAMBRELL: Without objection, your Honor.

THE COURT: So State's Exhibits 17 through 50 are admitted without objection.

(State's Exhibit Numbers 17 through 50 admitted into evidence.)

BY MR. MORONEY:

Q. And Ms. Ford, I'm going to -- for the jury benefit, put this on this projector, and there's the large TV behind you. At times, if you need to explain any perspective of anything, if I have to put these up, if you could explain what we're looking at.

A. Okay.

THE COURT: State the exhibit number when you show it too.

MR. MORONEY: Yes, your Honor.

BY MR. MORONEY:

Q. Starting with State's Exhibit 17. Excuse me.

A. So that is a photograph of the front door area to the apartment.

Q. Okay. And of these two doors we're looking at, which door would be the front door to the incident location.

A. The one that's open.

Q. State's Exhibit 18.

A. This is just a broader view of that same front door area, showing the vehicles that are -- were parked in front of the apartment.

Q. State's 19.

A. So that is a photograph with scale of damage that

was observed to the front door of that apartment.

Q. State's 20.

A. Same thing. Showing the damage to the door.

Q. State's 21.

A. This is a view of the living room, which is what you see immediately upon entering through front door of the apartment.

Q. So would this be as you walk in the door looking left?

A. Yes.

Q. State's Exhibit 22.

A. The same area of the living room, just panning a little bit further to the right.

Q. State's Exhibit 23.

A. Another photograph of the living room, showing the entry to the kitchen.

Q. State's Exhibit 24.

A. And that's photograph taken inside of the living room, just showing that front door area.

Q. And what did you observe upon arrival immediately in that area of that front door?

A. There appeared to be furniture blocking the doorway as well as a mattress that had been propped up against the wall in the living room.

Q. State's 25.

A. Just a better view of those items of furniture that were blocking that entry into the living room from the front door.

Q. State's 26.

A. That is a photograph of the kitchen.

Q. State's 27.

A. Same thing, showing a different angle of the kitchen.

Q. State's 28.

A. Another corner of the kitchen.

Q. State's 29.

A. Another view of the kitchen.

Q. State's 30.

A. So that is a photograph of the rear door that was in the kitchen, just showing that the deadbolt was still engaged upon our arrival.

Q. State's 31.

A. So that is a view of the staircase, which was directly in front of the front door that leads up to the second floor of the apartment.

Q. State's 32.

A. So that is a photograph of the bedroom door where the victim was located, and it just shows the damage caused to the wall from the turn lock on the door.

Q. State's 33.

A. That is the damage to the door frame of that upstairs rear the bedroom.

Q. And again, that would be the same bedroom where the victim was?

A. Yes.

Q. Okay. State's 34.

A. That is a view into that rear bedroom.

Q. And is this the other bedroom opposite where the victim was located?

A. Yes.

Q. State's 35.

A. Another view of that bedroom, showing the closet area.

Q. State's 36.

A. Another view of that bedroom, showing just items in the mattress that was inside.

Q. State's 37.

A. Same bedroom, showing the photographs of the bags that were in the corner.

Q. State's 38.

A. And that's a view of the hallway from that same bedroom.

Q. State's 39.

A. Another view from that front bedroom.

Q. State's 40.

A. Same thing. Another view from of those mattresses in that bedroom.

Q. State's 41.

A. Those were cards found inside of the bedroom just showing ownership of who resided there.

Q. It appears that these cards have a name Joseph Smith?

A. Yes.

Q. State's Exhibit 42.

A. That is a cartridge casing that was located inside of that rear bedroom where the victim was.

Q. And in lay person's terms, can you explain what a cartridge casing is in your duties?

A. Yes. So the projectile or a bullet usually sits in the cartridge casing. The bullet comes out of the front of the gun, and the cartridge casing flies out of the side.

Q. And this yellow marker here, can you explain to the jury what that's used for in your line of work?

A. Yes. So we use those yellow number markers to identify different items of evidence so that we can keep track, and give them something to identify by. So that was the second item of evidence that I located on the scene.

Q. I'm also going to show you State's Exhibit 43.

A. Just a better closeup view of that cartridge casing.

Q. State's Exhibit 44.

A. So that is an additional cartridge casing that was found in that same bedroom.

Q. State's Exhibit 45.

A. Just a better closeup of that casing.

Q. Were those casings ultimately collected? And can you speak to that and what subsequent action you would've taken with those?

A. Yes. So after they were photographed, I then placed them into an envelope. They were transferred with me to the crime lab where they were put into a secured locker until I was able to get them transferred to our property and ethics division.

MR. MORONEY: Ms. Ford, I'm going to hand you what's been pre-marked as State's Exhibit 12 and 13, for identification purposes.

(State's Exhibit Numbers 12 and 13 marked for identification.)

BY MR. MORONEY:

Q. Do you recognize those?

A. Yes.

Q. Okay. And what are contained in those individual exhibits?

A. These two envelopes contain each of those cartridge casings that we just saw.

Q. And are there markings sufficient for you to be able to identify them from back at this incident date in your collection?

A. Yes, I can still see my initials on them.

Q. Okay. And this is a fair and accurate representation of what was sealed and stored on the date that you entered into evidence?

A. Yes.

MR. MORONEY: Your Honor, at this time, the State moves Exhibits 12 and 13 into evidence.

THE COURT: Any objection?

MR. GAMBRELL: No objection.

THE COURT: State's Exhibits 12 and 13 are admitted without objection.

(State's Exhibit Numbers 12 and 13 admitted into evidence.)

BY MR. MORONEY:

Q. Continue. Just a couple more photographs, Ms. Ford. State's Exhibit 46.

A. So that's going to be a photograph of those bags that were in that front bedroom showing who resided in.

Q. State's Exhibit 47.

A. That is a photograph of the green leaky substance that was located in one of those bags in that bedroom.

Q. State's Exhibit 48.

A. And then just a closeup of that bag.

Q. State's Exhibit 49.

A. That is a receipt from a timecard that belonged to the victim that was located in that room.

Q. And State's Exhibit 50.

A. That is just a overall photograph of the room with the victim in it, showing evidence he's in there.

MR. MORONEY: Thank you, Ms. Ford. Please answer any questions, Mr. Gambrell has for you.

THE WITNESS: Thank you.

THE COURT: Mr. Gambrell.

MR. GAMBRELL: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. GAMBRELL:

Q. Ms. Ford, what time did you arrive at the apartment?

A. I don't recall the exact time. It was early in the morning.

Q. Was it still dark, or was it --?

A. It was still dark.

Q. Okay. And do you recall what you typically do when you first arrive on scene?

A. I speak to whatever officers who were initially had responded to the scene.

Q. And do you take any sort of precautions to make sure that the scene had not been contaminated?

A. Correct. The officer's responsibility is to put a crime scene tape upon their arrival to secure it before we get there.

Q. Do you know how many people have been inside the apartment before you got there?

A. I know that EMS had responded, but that's about it.

Q. And when you collect evidence, do you take precautions to make sure that you don't contaminate?

A. Yes.

Q. And what do you do?

A. We change gloves, we wear booties if -- which are shoe covering on your feet. So you're not tracking things from outside into inside.

Q. And was everyone on scene also doing that as well?

A. I don't recall.

Q. Who else was on scene when you arrived there?

A. There were officers. I think the coroner was on scene when I was there as well.

Q. Okay. And was Mr. Smith still there?

A. Yes.

Q. Now did you take the pictures of Mr. Smith?

A. I did.

Q. Okay. And you took all the pictures that were just shown to you today?

A. I did.
Q. All right. Do you also collect fingerprints?
A. Not unless you respond to the autopsy.
Q. No, I mean, do you collect fingerprints from the scene?
A. Oh, yes, we can process the scene for fingerprints.
Q. And did you do that in this case?
A. I believe so, yes.
Q. What finger -- like, where and -- and how many fingerprints did you collect from the scene?
A. So I personally did not process the fingerprints. There were other technicians on scene that did that.
Q. And do you know how many fingerprints were collected?
A. I do not know.
Q. Okay. Now, is it possible to collect fingerprints from the shell casing?
A. I can't speak to that. Very rare of circumstances. I'm not sure of the exact percentage, and how accurate that is.
Q. So in -- in your filed in forensics, you don't -- you don't process shell casings to determine if there are fingerprints on there?
A. So when a shell casing comes out of a gun, it's

going through extreme heat. So usually, things like DNA or fingerprints are typically burned off of that metal.

Q. But if someone were to have touched it after that, that would not be the case, correct?

A. After that, possibly not. Again, I can't speak to the likelihood of that.

Q. And in the -- I'm going to show you State's Exhibit 42 through 45.

A. Okay.

Q. And could you describe what's in those pictures?

A. So these are photographs of both of the casings that were collected.

Q. And is there any way for you to determine how long those casings have been there?

A. No.

Q. Do you know if there were any other casings found in the house?

A. No, not to my knowledge.

Q. Okay. Do you know if there were any casings found outside the house?

A. Not to my knowledge.

Q. And so there's no way for you to determine how long those casings had been there?

A. No.

Q. Is it -- is it your -- would you have asked for

those fingerprints to be taken after you collected those, or is that someone else's responsibility?

A. That is someone else's.

Q. Okay. And -- but in your experience had those casings been there for a while and someone had touched them after they dissipated their heat, there could be possible fingerprints on those?

A. Possibly, yes.

Q. Okay. And you -- you testified that you, yourself, didn't take -- collect any fingerprints?

A. No, I did not.

MR. GAMBRELL: Okay. Thank you, your Honor. That's all.

THE COURT: Any you re-direct?

MR. MORONEY: No your Honor.

THE COURT: Thank you, Officer. You can step down.

MR. MORONEY: Your Honor, the State calls Toni Godfrey.

THE CLERK: If you can please come to the Bible. Please place your left hand on the Bible, and raise your right hand.

INVESTIGATOR TONI GODFREY,

being duly sworn, testified as follows:

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

THE WITNESS: Toni Godfrey.

DIRECT EXAMINATION

BY MR. MORONEY:

Q. Good morning, Ms. Godfrey. Where do you currently work?

A. The Laurens County Sheriff's Office.

Q. Okay. And -- and what role do you work there?

A. I'm the crime scene investigator with the sheriff's office.

Q. Okay. And what are some of your general responsibilities at the Laurens County Sheriff's Office?

A. So, generally, I respond to their crime scenes, document the scene, collect the evidence, maintain general custody for that evidence, and submit it to our evidence section.

Q. Okay. And before working in Laurens County, where did you work?

A. The Greenville County Forensics Division.

Q. Okay. And in what capacity did you work there?

A. I was the forensic evidence technician, basically the same job description.

Q. Okay. And what kind of education, training have you received that's relevant to your work in forensics?

A. So before I started working in Greenville County, I graduated from West Virginia University with a bachelor's degree in forensic science. And then I did eight weeks of

field training with Greenville County. And then we also take classes and continue that education with different classes throughout the year.

Q. Did you have occasion to become involved in this case responding to Prisma at 701 Grove Road?

A. Yes, I did.

Q. Okay. And could you explain to the jury your involvement in that capacity?

A. So I responded to the autopsy after the incident.

Q. Okay. And what was your focus, and what did you do during your time at the autopsy?

A. So at the autopsy, we respond to collect any additional evidence from the victim. We take photographs, document any injuries, collect the clothing, and any other evidence we might find worthwhile in there.

Q. Okay. During the course of the autopsy, were there any projectiles that were ultimately removed from the victim's body?

A. Yes.

Q. Okay. And can you detail to the jury the process, what you did with those?

A. So the forensic pathologist performs the autopsy. She's the one that locates the projectiles or any problems within the body. She will remove them, and then she'll have it to them. I then take possession of them from her and

submit them to evidence.

Q. And is -- that would've been done in this case?

A. Yes.

Q. All right. Do you recall, with respects to projectiles or projectile fragments, how many were collected and entered into evidence?

A. There were three total. I believe there were two projectiles and one fragment.

Q. Okay.

A. If I remember correctly.

MR. MORONEY: Okay. I'm going to show you what's been pre-marked as State's Exhibits 14, 15, and 16.

(State's Exhibit Numbers 14, 15, and 16 marked for identification.)

BY MR. MORONEY:

Q. I ask you to examine those. Please let me know if you recognize them.

A. Yes.

Q. And what are contained in those exhibits?

A. So we have one projectile recovered from the bladder, a projectile recovered from the pelvis, and then a fragment recovered from the pelvis.

Q. Okay. And State's Exhibit 14 in particular is a projectile; is that correct?

A. Yes.

Q. State's Exhibit 15 is a projectile; is that correct?

A. Yes.

Q. And State's Exhibit 16 is a projectile collected?

A. Yes.

MR. MORONEY: Your Honor, at this time, State would move Exhibits 14, 15, and 16 into evidence.

THE COURT: Any objection?

MR. GAMBRELL: No objection, your Honor.

THE COURT: State's Exhibits 14, 15, and 16 are admitted without objection.

(State's Exhibit Numbers 14, 15, and 16 admitted into evidence.)

MR. MORONEY: Thank you, Ms. Godfrey. Please answer any questions Mr. Gambrell has for you.

THE COURT: Mr. Gambrell?

MR. GAMBRELL: No question, your Honor.

THE COURT: Thank you, Officer. You can step down.

MR. MORONEY: Your Honor, I'm just going to check to make sure this next witness has already arrived.

THE COURT: Yes.

MR. MORONEY: The State calls Susan Molloy.

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

SUSAN MOLLOY,

being duly sworn, testified as follows:

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

THE WITNESS: My first name is Susan. It's spelled S-U-S-A-N. My last name is Molloy. It's spelled M-O-L-L-O-Y.

DIRECT EXAMINATION

BY MR. MORONEY:

Q. Good morning, Ms. Molloy.

A. Good morning.

Q. Where are you currently employed?

A. I currently work for the Greenville County Department of Public Safety, in their crime lab.

Q. Okay. And what is your role there?

A. I'm actually a principal criminalist. And in my role, I'm the supervisor of the controlled substance section as well as the supervisor of the firearms unit.

Q. Generally, what do you do there?

A. So we'll talk more about firearms, because that's what my testimony is going to be about today. So in the firearm section, we basically look at ammunition components that have been fired at crime scenes to help investigators figure out how many guns were used at that crime.

That information can then be put into a system that's known as "NIBIN." That system is kind of like what a

database, like, CODIS for DNA, or AFIS for fingerprints. So we can link shootings by putting cartridge cases into that system. I also have the opportunity to look at other fired ammunition components like bullets. And I'll be talking a little bit more about terminology and what those things are actually called.

Q. What kind of education and training have you received to prepare you for this role?

A. So I actually graduated from Cal State University Hayward with a Bachelor's of Science in biological science and I double majored in criminal justice. From there, I've been working in the field for over 30 years. I -- I also had the opportunity to attend something called "The National Firearms Examiner's Academy," and this is put on by the Bureau of Alcohol, tobacco and Firearms.

So it's about a year-long program where you've learn to be a firearms examiner. And a firearms examiner is someone who looks at the ammunition components using, like, a microscope in order to identify the particular component was fired by a certain gun.

Q. And do you have prior experience being qualified as an expert in the field of firearms identification?

A. I do.

Q. Okay. How many times have you been qualified, approximately, in that area?

A. For firearms? 58.

MR. MORONEY: Your Honor, at this time, the State would move to qualify Ms. Molloy as an expert in the field of firearms identification.

THE COURT: Any Objection?

MR. GAMBRELL: No objection.

THE COURT: The witness is qualified as an expert in firearms identification without objection.

BY MR. MORONEY:

Q. What is firearms identification?

A. So I spoke a little bit about it. So firearms identification is when we actually look at ammunition components using a microscope, and I'm able to determine if they were fired by a particular gun or not.

Q. Okay. So it might be helpful here. I've got a demonstrative exhibit here that I'm going to put up. Generally speaking, if you can give us -- for the layperson, an explanation of to educate us on what we're looking at in the firing of the gun and what happens.

A. Yes. So what you have here is basically a picture of a typical handgun, of a pistol. In this case, a semi-automatic pistol. And the way you differentiate that from an automatic pistol is when you pull that trigger that's on the screen one time, and it fires once, you have a semi-automatic firearm.

Now, if I pulled that trigger and there's ammunition in that magazine, and it continually fires, that is classified as an automatic firearm. So in this case -- can I like point to things?

Q. Absolutely.

A. Thanks. So what I kind of want to basically point out to you guys is, this lower part of the gun is called "The frame." And on the frame is where you actually get the serial number off the gun in order to trace it or identify it from its point of inception.

This top part is called "A slide." All right. It's on a spring. There's a lot of tension there. So you have to pull back on this slide in order to load the magazine because the magazine, which is a box, kind of, like, a Pez dispenser, you load your cartridges into the magazine, place it into the magazine well, and it'll be sitting right here up at the top. So when that slide comes back, it's going to strip one of those cartridges off of the magazine, and place it right there in the chamber. The chamber's right here at this point of the barrel.

So now you have a loaded firearm with that cartridge. It's cocked already. So when you pull that trigger, there's a firing pin inside here that is going to basically move forward and depress the primer area of that cartridge. And when it hits that primer area, it's full of chemicals and

it's basically going to create an explosion. It's going to burn all of the powder that's inside that cartridge, and then you have immense pressure, it has to go somewhere.

So the bullet goes down the barrel of the gun and out, and then the cartridge case will be ejected out of this ejection port. There are parts inside here, like, the extractor and the ejector, that are basically going to remove that cartridge case from the chamber.

So the reason why all of this is so important is the gun itself is a tool, and I'm looking at the tool marks to basically say "Yes, the tool marks left behind on the cartridge case, or the bullet came from this particular firearm."

Q. What about this other demonstrative here? This helps explaining some of the analysis you do as it pertains to cartridge casings?

A. So I mentioned cartridge because most people will call this a bullet. The bullet is actually just the projectile that sits at the top of that cartridge. So the orange color. It's seated in the cartridge case, which is the golden color there.

And then I spoke about the primer, that's that area that is silver-colored at the bottom, and then you have powder inside of the cartridge. So a cartridge is technically made of four parts, and the bullet is just the

projectile at the top.

Q. Okay. Did you have the opportunity to do some analysis and examination relevant to this case?

A. Yes.

Q. Specifically, could you explain to the jury what you did?

A. Okay. So one of my first requests was to just look at the two cartridge cases -- two of the cartridge cases in this case, and to figure out if they were fired by the same gun. And I did that, and came to the conclusion that, yes, one firearm fired those two cartridge cases. I believe it's K2 and K3, are my item numbers.

Q. I'm going to show you what's in State's Exhibit 12 and 13. Refresh your memory, and see if you can -- they're already in evidence. Do those appear to be the shell casings that you would've done your analysis on?

A. They appear to be the envelopes. I'm sure the shell casings are -- cartridge casings are inside.

Q. So what do you do when -- when you have those casings? What's the procedure that you're doing specifically as to those casings, and what are you looking for?

A. So I'm going to actually make sure that the evidence is sealed. The chain of custody is intact when I receive that evidence, which it was in this case. I then open each item by itself individually as to not confuse the

two. I'll put a sticker on the actual cartridge case to identify it, specifically to that item number.

And then I use a device called "A comparison microscope." A comparison microscope is basically two microscopes put together as one. It has something called "An optical bridge." So you have one microscope that you can look at through your left eyepiece and another one that you can look at through your right eyepiece.

So basically, I can look at two different objects at the same time, one with my left eye and one with my right. And then I'll have a dividing line or a prism line right down the middle between the two. So it's a comparison discipline. So I can look at both of those cartridge cases at the same time to see if they have the same marks or not.

Q. In your analysis here, do you recall the caliber of cartridge casing?

A. It -- yes, they were 9mm Ruger.

Q. Okay. And what did your comparative analysis determine as it pertains to these two casings left behind in the bedroom?

A. That they were fired by the same firearm.

Q. Did you do any additional analysis -- analysis in this case?

A. I did.

Q. And was that pertaining to projectiles recovered

from the victim?

A. Yes.

Q. Okay. Understanding that there are bags, I'm going to hand you what's already in evidence as 14, 15, and 16. This -- does this appear to be the projectiles that you would've done additional analysis on?

A. So I did analysis on GD1 and GD2.

Q. Okay. 14 and 15?

A. 14 and 15, yes.

Q. And would -- could you claim would that be due to the fragmented nature of -- of 16?

A. That I --?

Q. Would not have done analysis on that?

A. It might have not been requested by the investigator as well. So we can get laboratory requests from the investigator saying, "Would you look at these items specifically?" And in this case, I looked at GD1 and GD2.

Q. And can you speak to the analysis as to the projectiles, and what your findings were there, please?

A. Yes. So what I do when I look at the bullet, right?, the projectile that's gone down the barrel, I'm going to look at marks that are known as "Class marks." So class marks are decided by the manufacturer when -- when they actually make the barrel of the gun. They decide how many lands and grooves they want carved into that barrel.

The reason that there are land and grooves there is the same idea why a quarterback throws a spiral football. You want to impart spin on that bullet so it's more accurate down range. And you do that by placing rifling in that barrel. So there are different configurations of rifling that can occur.

So in this demonstrative up here, you can see above the far left image it says, "Six, right." So that barrel has six lands and grooves, and it's -- the bullet's actually going to twist to the right when it goes down the barrel. The one next to it says, "Six, left." So that bullet would twist to the left. And then you have something like, "Five, right." That manufacturer decides to put five lands and grooves.

So like Smith & Wesson typically does five, right, Colt typically does six, left. So it can help us narrow down what type of firearm might have been used in a shooting. I didn't mention, however, at the very end there is another type of rifle class, it's called "Polygonal." So this is different than conventional cutting or broaching of a barrel.

So polygonal occurs by something called, like, "Hammer forging." And basically, you take the tool or the mandrel and you're going to put the barrel or the steel around it and hammer it into the shape of that tool bit, that mandrel. So it's very different type of rifling. And in this case, polygonal guns are typical of, like, Glock, or Bursa, or HK.

So certain manufacturers will use this process instead of the majority which use conventional rifling.

Q. And what were your findings in your analysis as it pertains to this case of the expelled projectiles?

A. So GD1 and GD2 were fired by the same firearm, those two bullets that I examined.

Q. And in addition to the two cartridge cases that we spoke here, did you do an additional analysis of a cartridge case related to this case?

A. I did.

Q. Okay. And what were your findings as it pertained to that?

A. So I received -- my item number was HG 10 in this case. And that cartridge case was not fired by the same gun as the one that fired, is it 12- and 13-People's Exhibit? Different guns fired those cartridge cases.

Q. And did you have information that that was collected from outside the residence?

A. I do not. I don't know anything about the reports. I try to be as unbiased as possible when I'm looking at evidence. I just look at the evidence as I receive it.

Q. And back to the projectiles you were just testifying to, were there any specific findings for your report as to the bullets that were fired with respects to the

groove and twists that were relevant?

A. So those bullets had class characteristics of six, right. So they were fired through a conventionally rifled barrel that had a right-hand twist.

Q. And what would most common -- what are some examples of the most common weapons that would be used in your training experience?

A. So --

Q. That have that kind of six, R.

A. It is the most popular designation for rifling. What we see in Greenville, a lot are Taurus' -- a lot of Taurus's and Ruger would be another firearm that would be six, right. Six, sour and six, right. I could -- I could go on and just name a whole bunch of guns, but a lot of them are specific.

Q. It could be -- it could be any number? And importantly -- we'll -- we'll forget that, but it could be any number of guns specific as a result of your findings?

A. Correct. So because that's a class, it just kind of tells me the manufacturer, its individual marks that I have to look at for identification. So those are picked up inside the barrel and they're called "Strata," those marks.

Q. Does that six, R designation tell you anything about if it could be a Glock firearm or not?

A. So I don't believe it would be have been fired by

a Glock barrel because Glock barrels, once again, are polygonal-ly rifled and they would not have those features.

Q. The term "Ghost gun," what does that refer to or mean in your experience?

A. So a ghost gun is a slang term for a privately manufactured firearm or for short called a "PMF." So ATF basically says that you're allowed to build a gun, you can actually manufacture your own firearm, and you don't have to put a serial number on it. However, you're not supposed to be selling that gun. You're not supposed to be doing -- it's for your own personal use.

And so ghost guns are a way to basically not have a serial number associated with a gun. So they are manufactured in a way that they don't require a serial number. ATF can't trace them, can't track them, doesn't know the origin of those firearms.

Q. And you touched on barrel, I believe, very briefly when we were back at this pistol diagram, but can you speak to the jury in your experience as to switching out barrels, how that's possible, and what that may -- you know, why you see that when you see that? What it means?

A. So -- I want to talk about this. Majority of firearms like the one you see up here are recoil operated. So what that means is they work on a spring, and the recoil that comes back from the slide is what makes it operate or

function. And because of that, you can kind of -- not kind of, you can remove the slide and remove the barrel from inside there.

I can take a barrel from another gun as long as it fits those specs -- those specifications for this particular design, and put them in there. So you can go online and buy a different barrel. Maybe I want it gold plated so it looks really neat. I could put a gold barrel in there versus what the manufacturer gives with the firearm.

Q. And I think it goes without saying your previous testimony, but switching that barrel, would -- could that potentially have an effect on any subsequent projectiles and the cartridges that were left behind, fired out of a new barrel when compared to the previous barrel?

A. It would be different, right? So when the gun was used and fired those projectiles, it's going to pick up those marks from that barrel. If somebody switches out that barrel, I'm not going to be able to identify those bullets to that barrel because it's not the right one, because it's different.

Q. And just to circle back again, as to the firing pin markings that you saw on the casing, your results were that it was fired from the same firearm?

A. Yes.

Q. And --

A. For. K2 and K3, which was People's 12 and 13, I think.

Q. Okay.

A. Yes.

Q. And was there any type of manufacturer that would be included-excluded as it pertains to those firing pin markings that you would've seen on the case?

A. Okay. Just like I spoke about class marks for the barrel, you can have class marks associated with cartridge cases. So the firing pin hole itself can be in different shapes. Classic Glock. So I mean, early generations of Glock had a rectangle aperture or hole with an elliptical firing pin.

So if you would see that, you'd be, like, "Probably a Glock." I'm going to go on a tangent here. There was about a year that Smith & Wesson, basically, broke their patent and the manufacture of that same design as Glock, but the way you could differentiate it was on where the ejector mark was located.

So based on your training and experience, you can kind of figure out what potential firearm fired those cartridge cases. So what I'm trying to say is, the cartridge cases in this case had a hemispherical, it's just a circular firing pin that was not Glock type. So I can say it wasn't Glock, but I can't tell you specifically what other gun it was.

MR. MORONEY: Thank you, Ms. Molloy. If you can you please answer any questions Mr. Gambrell has for you.

THE COURT: Mr. Gambrell?

MR. GAMBRELL: Thank you, your Honor.

CROSS-EXAMINATION.

BY MR. GAMBRELL:

Q. Ms. Molloy, if I understand your testimony, you were able to conclude that the two casings that were found were fired by the same gun?

A. Two of the cartridge cases I examined. Yes.

Q. Okay. And then you were able to determine that the projectiles were fired from the same gun?

A. Yes.

Q. Is there any way to determine if the projectiles were fired for the same gun as the casings?

A. That is a very difficult examination that's usually not completed because you cannot look at the seating marks usually from the cases to the bullets.

However, there are design features in terms of the types of metals that are used or the design of the bullet to kind of narrow it down to -- I believe in this case, I -- I thought the ammunition was Winchester Supreme Elite that was used. That, in terms of a limited universe, you have two cartridge cases that are Winchester, and you have two bullets that are Winchester.

Q. But other than that, there's no way to conclude if they came from the same company?

A. Same gun. No.

Q. Okay. So it's possible that if there were two different guns, one for the casings and one for the projectiles, correct?

A. That is a possibility.

Q. Were you asked to compare the projectiles to any specific gun to see if it came from a specific gun in this case?

A. Yes.

Q. And what gun was that?

A. So -- I believe, according to my notes, I had looked at a Glock and a Taurus --

Q. Okay. And how --

A. -- in this case.

Q. How did those come into your possession?

A. Those were requested by the investigator, and so, I would go to property and basically request those firearms, and I would then go through the process of function-checking them, making sure they actually operate, test-firing them, and then looking at the test fires to the evidence.

Q. And you said one was a Glock and one was a Taurus?

A. Correct.

Q. Okay. And I think that you testified that Glock

was not a six, right. And remind me what the terminology is.

A. That is correct. Typical Glocks have polygonal rifling, that was that one at the end. So it's different. But in this case, that Glock did have an after-market barrel, so that means it wasn't the one that came with that gun.

Q. And were you able to match the projectiles to those particular firearms?

A. I was not.

Q. Okay. And what -- what goes into determining that?

A. So I'm going to look at the class first: Do I have six, right? Because if I don't, I can immediately eliminate the evidence from those test fires. So in this case, both Taurus and that after-market Glock barrel had a six, right rifle in characteristic.

So from there, I'm going to look at the individual marks that are present on those bullets, compare it to each other, and then to the evidence. And in this case, there was just not sufficient information there for me to make a conclusion to say it was or wasn't fired. So it's called "Inconclusive."

Q. Were those the only two handguns that you were asked to make a comparison to?

A. I believe so. Yes.

Q. So if I -- if I understate your testimony, you

were able to determine your professional opinion that the projectiles were fired from the same gun, correct?

A. Yes.

Q. And the casings were fired from the same gun, correct?

A. Yes.

Q. And that there's no way to determine if the projectiles came from those casings?

A. Correct.

Q. Or you didn't determine that they came from those casings?

A. Right. That's more accurate.

Q. And that you also -- the two guns that they provided you to determine if the projectile came from those guns, guns were inconclusive?

A. That is accurate, yes.

Q. And in your job as a criminologist, are you familiar with gunshot residue?

A. I have had some training in gunshot residue, however, I do not -- I did not do any in this case.

Q. Could you explain to the jury what that is -- what gunshot residue is?

A. So gunshot residue, when I talked about when that cartridge, pardon me, was fired, that powder burns up. Well, elements that are part of the powder particles basically will

come out of the firearm and land on your hand, or maybe if you're near a window, or some other material, those powder particles will come out when you're shooting or firing a firearm.

Q. And you -- have you been trained in testing for gunshot residue?

A. So -- I have.

Q. And when you -- what sort of -- I -- I think you just testified to the hand. So if you were bringing an -- some item to you to test for that, how would you do that?

A. So normally -- okay. So there are two different ways that gunshot residue can be looked at. You can take stubs off of people's hands to see if they have residue left behind. That is examined by a special instrument called "An SEM." We do not do that at the Greenville County Lab. The only agency that does that type of GSR is SLED.

Distance determination and gunshot residue is what I can do. And that has more to do with corroborating someone's statement when you have holes or gunshot holes in clothing and somebody saying, "I was this far away from that individual," you can do chemical testing to see how far away the person really was when the shot was fired.

Q. And -- and what sort of conclusions are you looking to make from that?

A. So you would make a range of conclusions, once

again, on how far the person was when the shots occurred. You're looking for those powder particles, you're looking for, like, lead, right? Antimony, barium, those are the types of chemicals you're -- or powder particles you're looking for with chemicals.

Q. And -- and a conclusion you could make if gunshot residue is present is that, that -- whatever it is that you're testing was in the presence when a gun was being fired?

A. So that's very vague because I'm trying to understand which manner or path you're asking. Towards someone's hands or, like, a gunshot hole that I'm looking at those?

Q. Well, let's say someone's hands.

A. Someone's hands? So not as experienced in the SEM as SLED does that analysis.

Q. How about some of an article of clothing?

A. So an article of clothing? We're going to step back to. It depends on the type of clothing. Sometimes certain clothing will hold those powder particles better. It also depends on, once again, how far away the victim is to the shooter, right? Because powder particles fall off by a good foot or so, and it depends on the ammunition you're using. So there are a lot of variables involved in gunshot residue.

MR. MORONEY: If that's cool with you (inaudible). Thank you.

(Jury enters courtroom at 1:55 PM.)

THE COURT: Mr. Foreman, ladies and gentlemen of the jury, I hope everyone had a good lunch. We are ready to proceed.

Mr. Moroney, call your next witness.

MR. MORONEY: May it please the Court, your Honor? The State calls Dr. Grace Dukes.

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

DR. GRACE DUKES, M.D.,

being duly sworn, testified as follows:

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

THE WITNESS: Grace Dukes.

DIRECT EXAMINATION

BY MR. MORONEY:

Q. Good afternoon, Dr. Dukes.

A. Hi.

Q. Where do you currently work?

A. I'm employed by Pathology Associates here in Greenville.

Q. Okay. And where -- what campus, or what area is that located?

A. I work in the Greenville Memorial Hospital.

Q. Okay. And what is your specific role there and your general responsibilities?

A. I'm a forensic pathologist and medical examiner. They're the same thing. I do autopsies and provide a medical opinion as to the cause and manner of death of an individual.

Q. Okay. Could you please detail the jury some of the training and education you have that led up to you having this role?

A. Yes. I completed an undergraduate degree in biological sciences from Clemson University. I then completed four years of medical school at Medical University of South Carolina. I then completed a four-year anatomic and clinical pathology residency at the University of Kentucky. I then completed a one-year forensic pathology fellowship, which is my specialty training, prior to taking a job in Atlanta at the Georgia Bureau of Investigation before taking the job here in Greenville.

Q. And have you testified before in the area of forensic pathology?

A. Yes.

Q. Okay. And have you been qualified as an expert in that area?

A. Yes.

MR. MORONEY: Okay. Your Honor, at this time, the

State would move to qualify Dr. Grace Dukes in the area of forensic pathology.

THE COURT: Any objection?

MR. GAMBRELL: Without objection.

THE COURT: The witness is qualified as an expert in the field of forensic pathology, without objection.

BY MR. MORONEY:

Q. Dr. Dukes, on January 22, 2022, did you have the occasion of performing an autopsy of Joseph Clark Smith?

A. Yes.

Q. And could you please explain, generally, that process?

A. The process of an autopsy?

Q. Yes, please.

A. So when a decedent is discovered at the scene of the incident, jurisdiction is taken by the coroner. The coroner is the investigator who will be on the scene to investigate the scenario, and then bag the decedent, placing a seal on the body bag at that time. The decedent will be brought into the morgue where the autopsy takes place at Greenville Memorial.

At the time of autopsy, they'll bring out the decedent in the sealed bag, we'll remove the seal and then proceed with our examination, which consists of first an external exam where we document features of the decedent's hair color,

eye color, weight, things like that.

Any -- identifying features, tattoos, scars, any injuries, clothing, things accompanying the body. Then we'll proceed with the internal examination where we will open up the body and remove the organs, and then dissect it individually to document disease, injury, things like that.

Q. And are photographs typically taken during this procedure?

A. Yes. Photographs are taken throughout the autopsy.

Q. Okay. During this autopsy of Mr. Smith, could you please detail to the jury the evidence of injury as it pertains to Mr. Smith?

A. Yes. The decedent in this case had two gunshot wound tracks: One, which went through the left arm and into the chest and was recovered in the abdomen. The other which entered in the back, and was recovered in the pelvis.

Q. And during the course of the autopsy, was there anything recovered in terms of projectiles?

A. Yes, there was the majority of a projectile recovered from the lumen of the colon and a fragment of that projectile, which was recovered from the abdominal cavity, and then there was a second projectile recovered from -- from the bladder.

Q. And in addition to the evidence of injury, would

photographs, also, have been taken of the projectiles and fragment that were removed?

A. Yes.

MR. MORONEY: At this time, I'll hand you what's been pre-marked as State's Exhibits 51, 52, 53, 54, and 55.

(State's Exhibit Numbers 51, 52, 53, 54, and 55 marked for identification.)

BY MR. MORONEY:

Q. Do you recognize those? And if so, can you tell the jury what they are?

A. I do. These are photos of the projectiles that were recovered from the body at autopsy, and of the entrance wounds.

Q. And are these a fair and accurate representations of what you observed on January 22, 2022?

A. Yes.

MR. MORONEY: Your Honor, at this time, the State moves State's Exhibits 51 through 55 into evidence.

THE COURT: Any objection?

MR. GAMBRELL: Without objection.

THE COURT: State's Exhibits 51, 52, 53, 54, and 55 are admitted without objection.

(State's Exhibit Numbers 51, 52, 53, 54, and 55 admitted into evidence.)

BY MR. MORONEY:

Q. State's Exhibit 55, you can explain to the jury.

THE COURT: Screen is down. Sometimes it likes to go to sleep. Is it coming back up?

THE CLERK: Yeah.

BY MR. MORONEY:

Q. With respect to State's Exhibit 55, could you explain to us what we're seeing here in the general direction regarding evidence of injuries?

A. Yes. So this is the anterior surface of the decedent's body. This is the left arm, the anterior part of the left arm, and the left side of the chest.

So at the top of the screen is the initial entrance wound of the projectile that went through the skin and subcutaneous tissue on the arm. It then exited more towards the armpit, medially of the left arm and re-entered on the left side of the chest, which is the wound on the bottom.

Q. And did you note the trajectory with respect to upward/downward --

A. Yes.

Q. -- for this injury?

A. I recall that the trajectory was from left to right, front to back, and downward.

Q. And then with respect to State's Exhibit 54, would you explain what we're seeing here?

A. This is the entrance wound from the back. It was

on the upper portion of the left buttock.

Q. State's Exhibit 51. If you could explain what we're looking at.

A. This is a fragment of a projectile, which was recovered from the pelvic cavity.

Q. State's Exhibit 52.

A. This is a projectile that was recovered from the colon.

Q. And State's Exhibit 53.

A. This projectile was recovered from the bladder.

Q. And Dr. Dukes, in your findings, do you have a medical opinion as to the medical cause and manner of death in this case?

A. Yes.

Q. And what is that?

A. Multiple gunshot wounds.

Q. Okay. And the manner of death that you classify of the autopsy?

A. Homicide.

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

THE COURT: Mr. Gambrell?

MR. GAMBRELL: Thank you, your Honor. Just briefly.

CROSS-EXAMINATION

BY MR. GAMBRELL:

Q. Is it Dr. Dukes?

A. Yes.

Q. Okay. For your examination, is there -- is there any way to determine the distance from which a wound was created, or from a -- from a gunshot wound?

A. We have certain classifications of the range of fire of a gunshot wound. In this case, it was considered indeterminate, which means further away than two or three feet.

Q. Okay. So it wasn't a -- it wasn't a -- a within two- or three-feet, it had to be further than that in your medical opinion?

A. Yes.

Q. And that was for both of the shots?

A. Yes.

Q. Okay. Were you able to determine an angle of entry point for the second one that was located above the left arm?

A. I just know the pathway through the body.

Q. There was no way that to determine from what angle that was shot from your examination?

A. Not from my examination.

MR. GAMBRELL: Okay. Thank you, Doctor. That's all.

THE COURT: Mr. Moroney, any re-direct?

MR. MORONEY: Not from the State, your Honor.

before we get our jury?

MR. MORONEY: Run into the restroom real quick?

THE COURT: All right. Awesome.

(Pause.)

THE COURT: Okay. Let's get our jury.

THE BAILIFF: Your Honor, bring the jury?

THE COURT: Yes.

(Jury enters courtroom 9:18 AM.)

THE COURT: All right. Mr. Foreman, ladies and gentlemen of the jury, good morning.

JURY PANEL: Good morning.

THE COURT: Hope everyone had a good evening. We are ready to proceed. State, call your next witness.

MR. MORONEY: Your Honor, the State calls Sergeant Drew Herring.

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

SERGEANT ANDREW HERRING,

being duly sworn, testified as follows:

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

THE WITNESS: Drew Herring.

DIRECT EXAMINATION

BY MR. MORONEY:

Q. Good morning, Sergeant Herring.

A. Good morning.
Q. Where are you currently employed?
A. Greenville County Sheriff's Office.
Q. And how long have you been employed there, roughly?
A. Over 12 years.
Q. Okay. What's your current role there?
A. My current role is as a sergeant of the warrants division. I just oversee a unit of 10 guys looking for people who have active warrants.
Q. Okay. And have you held any other positions at the Sheriff's office before this role that you're in right now?
A. Yeah. You'd let me go through all of them?
Q. If you could, just a general overview for the jury.
A. I started on the road, Uniform Patrol. I was there. I -- I worked on the east side of our county for over two and a half years, and then I went to tobacco and narcotics for a little over half a year. And then there's just -- you know, it's basic narcotics and prostitution and gambling investigations.
Then I went to a unit called "Facet," that's an on warrants division. We only apprehend people with violent crime warrants and assist in, like, violent crime

investigations. I did that for two and a half years. Then I went to directed patrol, that was a street crimes unit, and, like, street level narcotics gang investigations, and UC buys and CI operations for two and a half years.

And then I took a promotion to homicide. I was at homicide for a little over two years, two and a half years, or so. And then I took another promotion to the road again. I was there for about six months, and then, I transferred to warrants as a sergeant.

Q. Okay. During your time as a homicide investigator, did you have occasion to be assigned to this case in March 2022?

A. Yeah, I was.

Q. Could you explain to the jury how that came about?

A. The lead investigator at the time who was investigating the case was actually retiring. So -- and he had not signed warrants on anyone and had not finished the case, so I took it over, and that's how it started.

Q. Okay. And when you took it over, did you start from scratch essentially?

A. Yeah, I -- I didn't really know a bunch about this case at the beginning, so I didn't respond out there at the night of -- or anything like that.

So I -- I just started from the very beginning, from body camera footage to all the interviews. They already did

any evidence, scans of the scene from forensics, photos, videos, everything that -- everything that they had. And I started from there and followed -- followed up.

Q. So from the outset of the investigation, what did you learn where this occurred, and some of the general facts of this case?

A. I can't remember the exact address. At [redacted] Edwards Road, I think.

Q. You remember the apartment complex name?

A. The Terrace -- I -- I can't remember the name of it.

Q. Okay.

A. But it's [redacted] Edwards Road.

Q. Okay. I'll show -- I know it's been a lot going on in this case. If I showed you a copy of your report, would that help refresh your memory?

A. Yeah.

Q. Do that. If you could look for the address and your -- name of the apartment. Let me make sure I give you this first sheet, it might be helpful.

A. [redacted], sorry, Edwards Road, Apartment [redacted] in Terrace -- it's Cliffwood Terrace Apartments.

Q. Do you have a high caseload, high volume caseload that you work with?

A. Oh, yeah. Yes, I do.

Q. And is Cliffwood Terrace Apartments, is that in the county, Greenville?

A. It is -- it is.

Q. All right. So what were some of your initial observations as you became assigned to this case, generally what happened?

A. Generally, it -- it was at around 3:00 or so in the morning, two masked men went into the home. And the two witnesses of the whole incident were awoken by the masked individuals pushing their roommate into their room which was the victim, Joseph Smith, they called him "Slim." They pushed him into the room. They had --

MR. GAMBRELL: Your Honor, I -- I'm sorry to object, but he's testified to something that either was told to him, or that he learned from somewhere else. He does not have personal knowledge that someone pushed anyone into the room.

THE COURT: Limit it to his general impression of what he was investigating.

MR. MORONEY: Yes. So continue generally what you learned. Your Honor, may we approach briefly?

THE COURT: Yes, sir.

(Bench conference.)

BY MR. MORONEY:

Q. So where was the victim located in the apartment in this case?

A. The victim was located in his -- in his roommate's floor, deceased.

Q. Okay. And what was the nature of the injuries upon EMS and law enforcement's arrival there to the victim?

A. Two gunshot wounds to his -- to his body.

Q. Okay.

A. His abdomen and his torso.

Q. Okay. And with respect to the victim, what did the investigation reveal who lived in that apartment?

A. Marquez McCarroll and the victim, Joseph Smith. They -- they were the main occupants of the residence. And then Marquez's cousin, Shareef McCarroll, was living in his room.

Q. Okay. And when you say "His room" --?

A. Marquez's room.

Q. Okay. All right. I'm going to show you some pictures that are already in evidence, if we can use the overhead, please. With respect to the front entry door of the apartment, were there any observations that stood out to you, generally speaking?

A. Front -- front door had some -- some damage that was consistent with being kicked in, forced in some way. The jam right there. It was broken apart not just from wear and tear. It's highly consistent with being forced in. But it's -- it's not fresh.

Q. It appeared to be existing damage?

A. Yes.

Q. Okay. And were there any other occupants that your investigation you revealed -- or individuals, I should say, that had a connection to that apartment that would sometimes stay in the apartment?

A. Yeah. The main one was Joseph Kane Roach.

Q. Okay.

A. He was -- he was -- through the investigation, it was determined that he was in the same boy's home as the victim. And --

MR. GAMBRELL: Your Honor, I'm going to object again because he does not have prior knowledge of this. It had to come from another witness, or someone had to tell him about that.

THE COURT: Well, let's -- let's move on.

MR. GAMBRELL: Okay.

THE COURT: Let's move on.

BY MR. MORONEY:

Q. All right. So was there any -- after the initial response there, was there any relevant surveillance footage of that became of import to your investigation?

A. Yeah, on the night of, they discovered a Ring camera footage of a subject walking past.

Q. Okay.

A. It's a neighbor, a few houses down from the incident location, and it's a good profile view of the subject walking past towards the incident location, the victim's apartment, about at 1:59 in the morning, which is like a couple hour, or hour or so, hour and a half or so before the shooting, and then the robbery.

Q. All right. I have State's Exhibit 2, already in evidence. I'll play this. We could use the computer. If you could detail to the jury upon observation of what this meant to your investigation, and some of the things that you took note of.

A. So the -- the biggest thing we were trying -- that -- this was the only camera or surveillance footage we had at the time in any kind of close proximity towards the time of the shooting and robbery. So this was really, to me, was like -- like, kind of ground zero of figuring out who the last person was that saw and victim alive, other than the -- his roommates when he was being robbed.

So I was looking -- key part his every little piece of clothing. So from his head all the way down to his feet, which I believe I can get into later, exactly how that all came together. That's what we were initially looking for.

So if you look -- if you go back, you can see pretty clearly there's a pattern on the Crocs. And I -- I recognize those as be either, maybe not exactly Crocs, but they're

highly consistent with them.

They have the strap on the back some kind of a -- I thought they were a -- some kind of pattern or some kind of design pattern. The -- the joggers were a huge, they seemed -- you know, they're pretty common.

But that was something we're looking at. A puff jacket, and then the fact that he had a face mask on. It was cold at that time, but we were still looking at that as well since there was a robbery that just happened with face masks.

Q. Okay.

A. And then there's one more thing. On top of his head, that side, it looks like a reflector, but it's because of the Ring cameras night vision. It's a white logo. And as he is walking off, it's hard to see unless you get really close to a big screen. We've watched this hundreds of times. But to me, it looks like he's got a hat on sideways.

If you go until it gets to the end building on the very -- the very last building on the screen, there's a light -- a street light. If you slow it down and piece it inch by inch, then it looks like a brim is to the side.

And then if you go back to where the Jeep -- the white Jeep, when he is crossing, you can see little twist-ies or -- or braids coming out the front of the mask by his eyes. But you have to go extremely slow and kind of go back and forth, back and forth with it.

Q. And how did you all come into possession or realize this video existed?

A. So on the initial response, they -- they went and scoured the area, immediate area for cameras. And this neighbor happened to be awake, and they spoke with them. And it was for the same building, 4A. I'm trying to remember his name now. He testified.

Q. Would he have been the occupant living in the apartment with this Ring video camera?

A. Yes.

Q. Testified earlier?

A. Yeah.

Q. I'm going to show you what's also been in State's Exhibit -- in evidence as State's Exhibit 3. Did that individual in that same apartment bring investigator's attention to any other Facebook posts that he observed?

A. Yeah. He -- he was talking about a -- a Facebook Live that was posted by the victim on the 18th, I believe. Yeah, so Tuesday, that would've been the 18. So that's the victim, that's Slim, and that's what we believe is in this apartment. And then the Defendant is shown there.

And that same -- what I believe to be highly consistent with what the subject was wearing up past in the Ring footage. Again, this is also from what I've learned from watching the interviews, and -- and spun with investigations,

that was also a concern, was the Two-Tone color of that gun. And he was known to have that gun.

MR. GAMBRELL: Objection, your Honor.

THE WITNESS: Because There's a video of him with it.

THE COURT: Okay. Overruled.

BY MR. MORONEY:

Q. All right. And the pants in particular, did -- did they stand out to you in any way?

A. Yeah. This -- so this was kind of a -- I think we -- there was -- I thought they were Adidas joggers in the Ring camera video, and then my partners thought they were solid color, so it was kind of going back and forth.

So I -- I couldn't tell at first whether it was these pants, like, similar to what he's wearing in this video, or Adidas joggers, which I found body camera, past incidents, where he was wearing those. So I couldn't tell exactly until we get into an interview and he tells me.

Q. And -- again, what date was this posted?

A. This was posted on Tuesday. So the 8th -- January 8, 2022. It's a few days before the actual -- before the actual incident.

Q. And were you able to identify that defendant as to who that was in the course of your investigation?

A. Yeah, Tyberious Pyles.

Q. Okay. And do you see that individual seat in the

courtroom today?

A. Yeah, he's sitting right there in the white polo.

Q. Subsequent to this, was there any other Facebook Live posts that became relevant to your investigation?

A. Yeah. There -- the Defendant posted a live where he was at (inaudible). I recognized to be a woman, the apartment complex that I've been in many times where they were -- he was with a -- a big group of friends in one of the apartments there, and they were talking about the victim, and then he -- at one point, they were talking about getting revenge, whoever did this.

Q. Anything about -- and the Defendant was seen on the video?

A. He was, yeah. It was his live.

Q. And -- and anything about his clothing, or physical appearance that stood out to you?

A. This is where I thought -- if you go a little closer, a little further and you pay attention to his hat there. If you go back, the MLB logo on the back of the hat and how he wears it on to the side like that, I thought it was highly consistent with the video.

That made sense to me there that MLB would -- would show up on the night like that because it was all white and it was on the side of his head. So that was -- that stood out pretty big for me as we were piecing together different

parts.

Q. Do you recall the date and time that this was posted?

A. That was -- that was the night -- well, Slim was murdered at 3:00-something in the morning. This was posted -- I believe, at, like, 9:00-ish at night that night.

Q. Would -- would it help for you to review a copy of the record?

A. Yeah -- yeah. I'm not -- I can't remember names and numbers very well. Oh, okay. So we have -- this was on the 23rd at 1:00 a.m. So how -- depend how you look at it, that same -- that night from rolling into the 23rd. Yeah.

Q. With -- if you can explain the conversion.

A. Oh, yeah. UTC is a -- I'm sorry. Yeah. UTC time. So it would have to -- you would have to go back four or five hours depending on daylight saving time. So if you go back, it's actually -- yeah, it's around 9:00. It's 8:43 on 1/22.

Q. Okay.

A. Yeah.

Q. So this video was posted by Tyberious Pyles at what time?

A. 8:43 p.m., on January 22nd.

Q. Okay. The same day of the murder?

A. Right. That night -- that night.

Q. Yes. Same night. And again, anything with the -- what we're seeing here at this portion of the video, it's a rather lengthy video. We only played short portions of it so far as to the handgun that the Defendant is holding.

A. Yeah. This was a -- a much closer look. I feel like we had a lot better looks at this gun through this video. There's a bunch of different things you can pick up on. There's an aftermarket addition added to the --

MR. GAMBRELL: Objection, your Honor. Failed to lay foundation on knowledge.

THE COURT: Lay foundation to the question.

BY MR. MORONEY:

Q. If you could explain to the jury some of the investigation you did relevant to this gun that helped you identify certain features, and...

A. I -- I consulted the expert that was testified earlier, Susan Molloy. And we -- we looked in -- she -- she recognized it --

MR. GAMBRELL: Objection, your Honor. Hearsay.

THE COURT: Yeah. Sustained.

THE WITNESS: Either an investigation, it was -- it was it determined from multiple sources that it only made sense that this --

MR. GAMBRELL: Judge, I'm going to object to that too. I mean, he's not testifying about what he received from

multiple sources.

MR. MORONEY: I -- I can make this easier, your Honor.

BY MR. MORONEY:

Q. Had you seen the gun before the murder took place on a video held by the Defendant?

A. Right. On the 18th.

Q. Okay. And did it have similar characteristics to the gun you see the Defendant holding now hours after the murder happened?

A. Yes.

Q. Okay. Ultimately, in the course of your investigation, did you have the opportunity to interview Tyberious Pyles?

A. I did.

Q. Okay. And did he give a statement to you directly?

A. He did.

Q. Do you recall when that statement was made and taken?

A. I believe it was May 13, 2022.

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

A. It was myself and Master Deputy Brian Loveless.

Q. Was the Defendant under the influence of alcohol or drugs to the extent that would impair his ability to understand?

A. No.

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

A. No.

Q. Can you describe to the jury the physical surroundings of the room where the interview took place?

A. It is a small-ish room. It's, like, 10 feet by 7, or 10 by 8. And it has a table smaller than this one right here, kind of against the wall like that, with another chair on this side.

And then one chair on the opposite end, which we usually put where we're interviewing in that chair so that the camera can see -- have the best view of them. And then Master Loveless was against the wall on this side and the chair, but he is not really on camera, not on the main view.

Q. And approximately how long was the Defendant questioned, and were any breaks taken?

A. Yeah, breaks were taken. It was probably around a couple hours. But he was provided water, asked if he wanted food.

Q. Was the Defendant denied access to a telephone, the bathroom, food, or drink?

A. No.

Q. Were any threats or promises made in exchange for

the statement?

A. None.

Q. Without getting into any specifics, was the Defendant under arrest for an unrelated offense at the time of the interview?

A. Yes.

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

A. No.

Q. Did he come to speak with the police voluntarily, or was his presence compelled?

A. It was -- it was voluntary, asked if he wanted to.

Q. Okay. And was he advised at any time that he could terminate, questioning or leave?

A. Yeah -- yes, he was.

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

A. He was.

Q. Was Mr. Pyles advised of the -- of his constitutional rights pursuant to Miranda prior to any questioning regarding the crime?

A. Yes.

Q. And how did you advise the Defendant of his rights?

A. We do a -- we do a recorded waiver of rights form,

a Miranda warning form. It's been put into evidence. And it's -- it's basically line-by-line every bit of Miranda.

So it's not -- it's not -- it's not really -- there's no way to really confuse what your rights are with it. We try to make it as -- as clear as possible. So we go through that, and we fill out all the -- all the information about him, where he went to school and all that.

MR. MORONEY: I'm going to show you what's been pre-marked as State's Exhibit 56.

(State's Exhibit Number 56 marked for identification.)

BY MR. MORONEY:

Q. Do you recognize what that is?

A. Yeah, that's the -- that's the waiver of rights form that I had the Defendant fill out.

Q. Okay. And that's a fair and accurate representation of the one that was filled out on May 13, 2022?

A. It is.

MR. MORONEY: Your Honor, at this time, the State moves to admit State's Exhibit 56 into evidence.

THE COURT: Any objection.

MR. GAMBRELL: No objection, your Honor.

THE COURT: State's Exhibit Number 56 is admitted without objection.

(State's Exhibit Number 56 admitted into evidence.)

BY MR. MORONEY:

Q. If you could, Investigator Herring, explain to us and the jury here what we're looking at, if we could go through this one?

A. Yes. At the top -- at the top right is the date and the time. I put the time that I start everything, just to show what kind of time lapse happens, how long it takes, or -- so then you read it line-by-line and the -- the person has the ability to read it each line, and then they initial each line, stating they under -- you know -- they understand what that means and what those lines.

I usually read it all out to them. If they have any questions, we can talk about. But it's -- it clearly states that all of your rights -- that you have the right to stop talking at anytime, talk to a lawyer before.

Q. For the record, can we just go one line by line and -- and go through each advisement?

A. Yep. So "Before we ask -- we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say can be used against you in court. You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning. If you have no money to pay a lawyer's fee, the court will appoint one to represent you without cost, if you wish. If you decide to answer questions

now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer."

We have to initial that, and then there's a last little paragraph that we always read out, is: "I've read this statement of your rights, and I understand my right -- what my rights are. I'm going to make a statement and answer your questions. I understand and know what I'm doing. No -- promises or threats have been made to me."

We read all that out. We have them sign it after they've initial each one, and then print. And then we get their address -- you know, their Social, date of birth, education level, which school they attended, their phone number. I sign it. That's my signature at the top, my star number and unit number at the time.

And then the witness, other than me, signs it. And that's his signature with his unit number. And then that end time is -- is the time that it stopped. We were done with it.

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

A. No.

Q. Did the Defendant's answers to questions appear rational and responsive, or was he so emotional that you had concerns regarding his ability to understand?

A. No, it was -- it was rational responses.

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

A. No.

Q. And how did the Defendant respond when asked whether he wanted an attorney before he spoke to the police?

A. He -- he said -- he just talked. He said he was fine.

Q. And that waiver is indicated here on this form, correct?

A. Right.

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

A. No.

Q. And to the best of your knowledge, was the Defendant's statement freely and voluntarily given?

A. Yes.

Q. Was the statement by the Defendant ultimately recorded in a video and audio format?

A. It was.

MR. MORONEY: Okay. I'm going to show you what's been pre-marked as State's Exhibit 62, for identification purposes.

(State's Exhibit Number 62 marked for identification.)

BY MR. MORONEY:

Q. Do you recognize what that is?

A. Yes -- yes.

Q. And what is that?

A. It's the interview with the Defendant.

Q. Okay. Have you had time to review this USB ahead of time?

A. Yes.

Q. Okay. And it's a fair and accurate copy of -- of events that took place on the interview date --

A. It is.

Q. -- with the Defendant?

A. Yeah.

MR. MORONEY: Okay. Thank you. At this time, your Honor, State moves State's Exhibit 62 into evidence.

THE COURT: Any objections?

MR. GAMBRELL: Judge, we can just re-assert our previous objections made in pretrial.

THE COURT: Yes, sir. So noted.

(State's Exhibit Number 62 admitted into evidence.)

(Defendant's video interview (State's Exhibit 62) published.)

MR. GAMBRELL: Can I just confer with Counsel really quick, Judge?

THE COURT: Yes.

MR. GAMBRELL: Thank you.

(Counsel confers.)

(Defendant's video interview (State's Exhibit 62) published.)

BY MR. MORONEY:

Q. In any of these quiet, muted parts, is that for court purposes?

A. Yes.

(Defendant's video interview (State's Exhibit 62) published.)

MR. MORONEY: And I'm going to switch to this other file here, just for a -- an IT issue.

(Defendant's video interview (State's Exhibit 62) published.)

BY MR. MORONEY:

Q. Would this actually be the beginning portion of your interviews with the Defendant here, this one small little file that I'm about to start?

(Defendant's video interview (State's Exhibit 62) published.)

BY MR. MORONEY:

Q. Essentially, is this immediately after the Miranda advisement? This -- although it's a separate file, should be the beginning of the interview?

A. Yeah.

Q. Okay. Thank you. And the Crocs, what stood out to you about the Crocs here, if you could speak to that?

A. They looked like the same ones in the Ring video. I thought -- and then, the fact I asked about the -- the back -- the back strap. Because there was a back strap in the

video, and I -- I just wanted to know -- I just kind of asked him in passing.

Q. What was the Defendant wearing similar-looking Crocs in this interview room?

A. Yeah.

Q. And were those ultimately photographed?

A. Yes.

Q. Okay.

A. And seized.

MR. MORONEY: I'm going to show you what's been pre-marked as State's Exhibit 59 and 60.

(State's Exhibit Numbers 59 and 60 marked for identification.)

BY MR. MORONEY:

Q. What are those?

A. Those are -- yeah, those are the Crocs that he was wearing.

Q. And that's taken in the interview room that day?

A. It was.

MR. MORONEY: Your Honor, the State moves to admit State's Exhibit 59 and 60 into evidence.

THE COURT: Any objection?

MR. GAMBRELL: Without objection, your Honor.

THE COURT: State's Exhibits Number 59 and 60 are admitted without objection.

(State's Exhibit Numbers 59 and 60 admitted into evidence.)
(Defendant's video interview (State's Exhibit 62) published.)
MR. MORONEY: This is a rather lengthy interview, Detective Herring. So I'm going to skip just to --
(Defendant's video interview (State's Exhibit 62) published.)
MR. MORONEY: -- relevant points of the interview.
MR. GAMBRELL: Judge, I'm going to ask that -- the interview be --
(Defendant's video interview (State's Exhibit 62) published.).
THE COURT: Hold on. We have an objection. Yes, sir?
MR. GAMBRELL: I would ask that the interview be played in full.
THE COURT: Okay. Play -- play the whole video, it's in evidence.
(Defendant's video interview (State's Exhibit 62) published.)
BY MR. MORONEY:
Q. You made reference to Buddha, who was Buddha?
A. Kiana Knowles.
Q. Okay. And who was that to the Defendant?
A. The Defendant's girlfriend's little brother.
Q. And who was the Defendant's girlfriend at the time of the incident?
A. Dream Adams.
MR. MORONEY: Okay.

(Defendant's video interview (State's Exhibit 62) published.)
BY MR. MORONEY:
Q. And at this time of the interview, had you already conducted a significant investigation, you had information that you are aware of while you're questioning the Defendant?
A. Yeah.
Q. And again, we'll note -- just for clarity's sake, several muted portions throughout this are -- were these unmuted previously, but they've been muted for purposes of court hearing?
A. That's correct.
MR. MORONEY: Thank you.
(Defendant's video interview (State's Exhibit 62) published.)
BY MR. MORONEY:
Q. At this point of the interview, Detective Herring, had you interviewed Kane already prior to this interview?
A. Yeah.
Q. And did the Defendant appear shocked that you had talked to Kane at this part of the interview?
A. He's a little bit, but I -- he -- he was trying -- from what he said, I felt that he had -- he had already -- Kane had told him what I asked Kane about because he was trying to portray that gunshot.
Q. During your interview with Kane, would you have advised him that there was Ring camera footage out at the

scene for the murder?

A. Yeah, I told him there was a video of him walking by.

(Defendant's video interview (State's Exhibit 62) published.)

BY MR. MORONEY:

Q. At this point, what are you all talking about with respect to where the Defendant stated he was dropped off in correlation to the Ring camera that you had observed?

A. I was -- I was trying to -- we were talking about how he -- how he would've walked across that Ring camera if he was dropped off in front of the apartment, and -- and I was trying to get to the bottom of did he have a legitimate reason for walking that way or -- or was he walking up on the apartment to not be seen by anyone in the...

Q. And in this overhead view of the apartment complex, you can point generally to where the trash -- or where he was stating that he was dropped off at?

THE COURT: What exhibit is that?

MR. MORONEY: This is Exhibit 6, your Honor.

THE WITNESS: So he is talking about -- this is a -- you can't tell -- this is a gradual hill at the top. It goes all the way down. This is -- this is a gradual hill all the way down into the apartment complex. That's the victim's apartment there at the very end. The Ring camera -- the Ring camera is here.

And he's saying that he was dropped off right here, around where the trash cans were. And to me, that's why there's a cut here that all the residents use behind here, up here to the road, or it goes around. That's what I was -- I don't know if I'll reference it there or not, but that's what I was trying to get an understanding of why he was walking in front of it like that.

MR. MORONEY: Okay.

(Defendant's video interview (State's Exhibit 62) published.)

BY MR. MORONEY:

Q. And when the Defendant says, "Hals Commons," when he says that's where she used to stay at, who is he referring to?

MR. GAMBRELL: Objection, your Honor. Unless...

THE COURT: Lay a foundation for the question.

BY MR. MORONEY:

Q. Immediately before in the conversation, you asked him where he went to after he checked out the interior of the apartment, where did he say that they went to?

A. Dream's apartment.

MR. MORONEY: Okay.

(Defendant's video interview (State's Exhibit 62) published.)

BY MR. MORONEY:

Q. When the Defendant here is talking about, he didn't know if he got her pregnant, who is he referring to?

A. Dream.

(Defendant's video interview (State's Exhibit 62) published.)

BY MR. MORONEY:

Q. Investigator Herring, at that point, would that have been a brief break as you stepped out?

A. Yeah.

(Defendant's video interview (State's Exhibit 62) published.)

MR. GAMBRELL: Your Honor, I have a matter of law to take over before...

THE COURT: Mr. Bailiff, could you take our jury to the jury room, please?

(Jury exits courtroom 10:37 AM.)

THE WITNESS: Can I go to the restroom while we do that?

THE COURT: Yeah. We'll take -- just go. We'll just go ahead and take a short break.

THE WITNESS: All right. Thank you, sir.

THE COURT: Officer, you're under oath, so don't talk about your testimony with anyone.

THE WITNESS: Yes sir.

THE COURT: Okay.

(Pause.)

THE COURT: All right. Mr. Gambrell?

MR. GAMBRELL: Judge, that was one of the statements that I had talked to Mr. Moroney about yesterday. When he

states that -- I was trying to find my notes. It's where Sergeant Herring states that -- he says Ty -- he states that, "It's the same clothes that you're wearing on several social media accounts." And I have objected to that as hearsay. And I thought we had an agreement that that was going to be redacted.

MR. MORONEY: This is the same exact video that Mr. Gambrell reviewed yesterday, your Honor, and I -- I did edit --

(Defendant's video interview (State's Exhibit 62) published.)

MR. MORONEY: It starts the edit at 39:20. And from our initial notes, that's the timestamp you gave me. That's the edit that was given in yesterday, and you reviewed. So I -- you may -- if you can see, it's...

(Defendant's video interview (State's Exhibit 62) published.)

MR. MORONEY: It cuts out there.

MR. GAMBRELL: I -- I had specific -- and I've written down the statement I was objecting.

(Defendant's video interview (State's Exhibit 62) published.)

MR. GAMBRELL: That -- that particular statement was the one that I mentioned and that I had written down.

THE COURT: Well, this -- but Exhibit 62, is this not what the two of you came up with yesterday after going over the --

MR. MORONEY: It is, your Honor.

THE COURT: -- the video?

MR. MORONEY: And -- and the deletion point that Mr. Gambrell gave me at 39:20, that's what we've got here.

(Defendant's video interview (State's Exhibit 62) published.)

MR. MORONEY: So...

MR. GAMBRELL: Right -- right before -- I can't see what -- it -- it -- it was -- I mean, it was one that I -- that I heard. And as soon as I heard it again, I knew it was one that I had brought to his attention. Because it's -- in my opinion, it was -- it was improper Brewer -- under Brewer. But I wrote down, and -- and I -- I thought I had gotten the right time to (inaudible). But I said to him, it was the one statement where he says that I -- "It's the same clothes that you're wearing on social media accounts."

THE COURT: But -- but did you not get a copy of this --

MR. GAMBRELL: I -- after I -- I was here, I sat in that office back here until about 4:45, I guess. And then I went to his office, and I shared to him that -- I think there were three things that I wanted to -- to be redacted, and -- and I didn't watch him redact it, but it was my understanding that those were going to be redacted.

MR. MORONEY: And to be clear, those three additions from yesterday, is -- is that -- that's not covering here, correct?

MR. GAMBRELL: I'm sorry?

MR. MORONEY: The three redactions from yesterday that you wanted added to this interview?

MR. GAMBRELL: No, the three redactions were --

MR. MORONEY: Different than what we're talking about?

MR. GAMBRELL: No, it's -- it's this one.

MR. MORONEY: Is it this one?

MR. GAMBRELL: Yeah, it's this one.

MR. MORONEY: Okay.

MR. GAMBRELL: It's this one because -- and I'm trying to find my exact notes where I wrote it down.

MR. MORONEY: Is -- so the timestamps you gave me, Mike, were 23:13 to 23:24, as to a mute yesterday. And 57:45 is to the prior bad act evidence. And that -- that's what we discussed yesterday.

MR. GAMBRELL: Well, there was another one too, because I -- I know that I had mentioned this one of the times, and I'm just -- I don't know exactly because I have so many notes on this, Judge.

MR. MORONEY: Your Honor, I'll just say that the edited version has all the edits that Mr. Gambrell --

MR. GAMBRELL: I didn't -- I didn't go -- I didn't listen to it after he said that he was going to make the redactions. Because I assumed that we were -- we were clear that we were together on that.

THE COURT: Well, Mr. Gambrell, and -- and I -- I can't make a judgment as to what you all said between yourselves because I wasn't there and I didn't hear that, but the Court asked this morning if Exhibit 62, all the issues had been resolved, and you indicated that they had been.

So I'm going overrule the objection. It's in evidence, and it is -- it speaks for -- it speaks for itself, and it's subject to your cross-examination. You have the right to cross-examine the officer. So with that, we will just go ahead and take our morning break, and -- and resume in about 10 minutes.

MR. MORONEY: For the record, your Honor, as this video plays, the Defendant acknowledges his presence on the video and wearing that clothing to -- to --

THE COURT: Again, that's a --

MR. MORONEY: -- the investigator.

THE COURT: -- question of fact. And Mr. Gambrell has the right to cross-examine the witness.

UNIDENTIFIED SPEAKER: Your Honor, I may have to look.

THE COURT: Yes, sir.

(Off the record.)

(On the record.)

THE COURT: Okay. All right. Let's go -- let's go on the record. The Court was informed at the start of the break from -- by bailiff that upon seeing the video of the

Defendant speaking with the officer in the Miranda form, with the initials on it, the -- one of the jurors, Juror Number 253, remembered that at one point he had worked with the Defendant.

Defendant was with a temp service working at the location. He remembered having a conversation with the Defendant about what he would have to do to get hired on full time. I had the juror speak to me and the two attorneys, and then gave the attorneys the option to make any pertinent motions regarding that. So, Mr. Moroney, what's the State's position?

MR. MORONEY: The State's position would be: Had we known that information at the outset, we would've utilized the strike. So we would make a motion to have him excused, and have an alternate replace him.

THE COURT: We have two alternates. Mr. Gambrell, anything for the record?

MR. GAMBRELL: Yeah, I -- we oppose that, Judge. I mean, obviously, it wasn't -- you know -- when you interviewed -- and I don't -- I can't remember his name, but I think 253 was the number, previous to this motion that -- he stated that he did not -- you know, they worked together. It was maybe for a month that he didn't recognize him, but for that -- the initials, and that he could still be fair and impartial to both the State and -- and the Defense. He's

only African-American on the jury. You know, it's supposed to be a jury of peers. So -- you know, we -- we would ask that he be allowed to -- to finish the trial.

THE COURT: Well, I wouldn't be -- he's the only African-American male in the jury.

MR. GAMBRELL: Yes. I'm sorry, I misspoke.

THE COURT: We have several -- several others. And, well --

MR. MORONEY: And again, during -- the juror did indicate that they did interact with each other during their time at -- while they were together. Again, had we known that information, the State would've utilized the strike at the outset of the trial.

MR. GAMBRELL: And I would just state that he wasn't even sure if it was him. He just said that the -- the signature or the -- the initials of the Defendant.

THE COURT: Well, when the Court asked him, he -- he recognized the -- the signature, and then he -- he indicated that it was -- that it was the same individual. I will -- I will excuse the juror since we have two alternates. Can you get Juror 253, please?

(Juror Number 253 enters courtroom.)

THE COURT: Okay. All right. Mr. Sullivan?

JUROR NUMBER 253: Sir.

THE COURT: Thank you for bringing that matter to our

attention. And after conferring with the attorneys, I don't want to put you in an uncomfortable position. So I -- I'm going to excuse you from this case. We have an alternate, so it will not affect the trial, but thank you for your service. And if you have any questions regarding your work excuse, or -- or a compensation, the clerk can handle that. But thank you.

JUROR NUMBER 253: Thank you.

THE COURT: Thank you for being honest with me and letting me know that information.

JUROR NUMBER 253: Thank you, sir.

THE COURT: Thank you, Mr. Sullivan.

(Juror Number 253 excused.)

THE COURT: All right. Okay. Let's -- let's get our jury.

(Jury enters courtroom 11:03 AM.)

THE COURT: The first alternate will be (inaudible). All right, we are ready to proceed, and first alternate is now -- you are now a primary juror. State, please proceed.

MR. MORONEY: Yes, your Honor. Resuming at the 39:22 mark.

(Defendant's video interview (State's Exhibit 62) published.)

BY MR. MORONEY:

Q. At this point, at the 42:45-mark, Investigator Herring, were you taking a brief break?

A. Yes.

(Defendant's video interview (State's Exhibit 62) published.)

BY MR. MORONEY:

Q. And when there's a reference to ice, what is that in your training experience?

A. Meth.

Q. Is that methamphetamine?

A. Methamphetamine, yeah.

(Defendant's video interview (State's Exhibit 62) published.)

BY MR. MORONEY:

Q. And similarly, with a reference to "beans," from your training experience, what does that reference to?

A. MDMA pill form. It's like Ecstasy or the party drug. But MDNA since one molecule from meth.

(Defendant's video interview (State's Exhibit 62) published.)

BY MR. MORONEY:

Q. But he makes reference to being shot in the butt in his words, is that related to a prior incident or subsequent?

A. Yeah -- yeah.

MR. GAMBRELL: I'm going to object to that, your Honor. Can we approach?

THE COURT: Yes.

(Bench conference.)

MR. MORONEY: Thank you.

BY MR. MORONEY:

Q. Just to be clear, this -- when he's making reference to being shot in the rear end, that's an unrelated incident?

A. Correct.

MR. MORONEY: Thank you.

(Defendant's video interview (State's Exhibit 62) published.)

BY MR. MORONEY:

Q. Investigator Herring, did you execute a number of search warrants related to this case? And you don't need to detail every single one, but if you could generally -- what are some of the areas or places you focused on with the search warrants?

A. Yeah, I did. Social media: Instagram, Facebook; phone tolls, which are records from towers based on where phones hit or are at; Dream's house.

Q. Were you able to review the Defendant's Facebook as a result of one of those search warrants?

A. Yeah.

MR. GAMBRELL: And -- and your Honor, I would just renew our pretrial motion with regards to that.

THE COURT: Okay. What -- which exhibit are we talking about?

MR. MORONEY: It's not in evidence yet, your Honor.

THE COURT: Okay. All right. I note the objection for

the record.

MR. MORONEY: Your Honor, at this time, pursuant to the Uniform Business Records as Evidence Act, State intends to introduce copies of Facebook records of Tyberious Pyles consistent with Section 19-5-520. Those would be State's Exhibits 61 and 63.

THE COURT: All right. Counsel, approach.

(Bench conference.)

THE COURT: Mr. Bailiff, can you take the jury to the jury room, please?

(Jury exits courtroom 11:47 AM.)

THE COURT: Okay. I understand there's going to be an objection. Mr. Moroney, go ahead and proffer the exhibits that you seek to admit, and then I'll hear from Mr. Gambrell.

MR. MORONEY: First, I'll just display them here. If we could display them on the --

THE COURT: We did that.

MR. MORONEY: And I'll lay a foundation.

THE COURT: Lay the foundation to the exhibit.

BY MR. MORONEY:

Q. Specifically with Tyberious Pyles's Facebook records, were there two images of note that stood out to you?

A. Yes.

Q. Okay. And we'll start -- first, with respect to part of the motive in this case, and with respect to drugs,

was there anything relevant?

A. Yes.

Q. Okay. Could you briefly detail what was found on...

A. Yeah, as far as drugs? The night before Kane sent a video of -- it looked like over a pound of weed in a bag to the Defendant. And he was -- he spoke to who supplied, and he spoke about it briefly.

Q. Was there anything that caught your eye about that bag in particular that was contained in?

A. Yeah, it looked the exact same as the one we seized from the apartment.

Q. From the scene of the murder there?

A. Right. Yeah.

MR. MORONEY: Okay. I'll show you what's been pre-marked as State's Exhibit 61.

(State's Exhibit Number 61 marked for identification.)

BY MR. MORONEY:

Q. Is that a still image of that?

A. Yeah.

MR. MORONEY: I'll also show you what's been pre-marked as State's Exhibit 65.

(State's Exhibit Number 65 marked for identification.)

BY MR. MORONEY:

Q. Take a look at that, and let me know if you

recognize what that contains.

A. Yeah. This is the video I preview -- of the video that this was (inaudible) trunk.

Q. Okay. Is that a relatively short video just showing the marijuana in the bag?

A. Yeah. It's just showing cans, fingertips, picking up bags of weed.

Q. And importantly, when was -- when did Mr. Pyles receive that, and have it on his device -- his Facebook account? What date?

A. January 21, 2022.

Q. Okay. The day before the homicide?

A. Right.

Q. And also on the Defendant's Facebook account, was there anything as to motive relating to the altercation between Kane and Dream that became relevant --

A. Yes.

Q. -- from your review of those records, and specifically what did you observe?

A. Dream sent a picture of herself to the Defendant with an obvious -- obvious abrasion on her face, seemed like being punched. And they continued to have a conversation that -- saying that if he didn't take care of it, then she would handle it, and then he agreed he would handle it.

Q. Okay. But without saying what Dream said -- you

know --

A. Right.

Q. -- it was when the -- was this in the context of when the Defendant was asking what happened to her?

A. Right.

MR. MORONEY: Okay. I'm going to show you what's State's Exhibit 63.

(State's Exhibit Number 63 marked for identification.)

BY MR. MORONEY:

Q. Can you identify what that depicts?

A. Yeah. This is the picture sent to the Defendant.

Q. And were all these images that you just referenced received as a result of a return from Facebook pursuant to the search warrant that you obtained from circuit court judge for?

A. They were.

MR. MORONEY: Your Honor, at this time for purposes of this -- of this proffer, State would seek to admit State's 61, 63, and 65 purposes of this proffer.

THE COURT: For purposes of this proffer. Okay.

(State's Exhibit Numbers 61, 63, and 65 admitted into evidence.)

BY MR. MORONEY:

Q. First with State's Exhibit 61, you just went through it, but for the record, what are we looking at with

61?

A. This is still shot of the video sent to the Defendant the night before the murder.

Q. State's Exhibit 63, for purposes of this hearing, what is that depicting?

A. It's a photo of the Defendant's girlfriend with an a abrasion on her eyes sent to him on the 18th.

Q. And this second page attached to here, is this just the --

A. That's the --

Q. -- certificate from Facebook?

A. Yes.

Q. Finally, State's Exhibit 65. Was there anything about this bag that stood out to you in particular?

A. Yeah. It's a vacuum-sealed bag that's been cut open, and that's the -- and also the -- the type of marijuana that's the exact same type of bag that we found in the victim's bedroom.

Q. And is that consistent with photographs already in evidence with the torn vacuum-sealed bag, and containing the large quantity of Marijuana?

A. It is.

MR. MORONEY: Thank you. At this time, answer any questions Mr. Gambrell may have for you.

THE COURT: Mr. Gambrell?

MR. GAMBRELL: Just briefly, your Honor.

CROSS-EXAMINATION

BY MR. GAMBRELL:

Q. Did you say the -- the video with regard to State's Exhibit 61, was there accompanying dialogue with that?

A. There was, like, texting -- text -- text dialogue between the -- Kane and the Defendant.

Q. And what -- what was the substance of that dialogue?

A. Talking about, basically -- basically, like -- he was talking to Kane, saying, "Don't show me this. You are going to help me out or put me on?" And Kane, he said he couldn't hook him up with it.

Q. Did it give any indication of as to where Kane was?

A. No.

Q. Did he give any indication as to where the marijuana was?

A. Through that message? No.

Q. And again, that -- that -- the marijuana that you found in the house is still -- I mean, that -- that was not taken, that was found by the law enforcement?

A. Yes, that was found.

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

Judge.

THE COURT: All right. Any re-direct on the issue of the proffer?

MR. MORONEY: No, your Honor.

THE COURT: Okay. All right. Mr. Gambrell, let me hear from you.

MR. GAMBRELL: Well, Judge, I -- I think that if -- if it's too attenuated -- you know, to assume that -- you know -- first of all, Kane has not testified as to what or why he was sending that message. There's no way to to say that that's the same marijuana that they found at the residence at -- at Cliffwood Terrace.

I would also say that it's -- so I'm not sure that it's -- it's -- it's relevant without laying that proper foundation. I would say that it's also potentially excluded under other bad acts because it -- it -- it is an assumption. I -- you know -- I think the State's theory is -- is that -- that they were coming over there to steal that.

The fact of the matter is, that was never taken out of the house. And so I would -- and then by -- I guess, my third objection would be that if it is relevant, then it's more prejudicial.

THE COURT: Mr. Moroney, your response?

MR. MORONEY: Yes, your Honor. The Court would argue, of course, that it is a relevant evidence pursuant to Rule 1.

And there is ample testimony in the record to this point from the Defendant's statement that we just heard, of Kane being involved in the illegal sale of narcotics, and that those narcotics will be in that home.

Also, in the record, it's clear that from Marquez McCarroll, the statement of the victim saying, "I don't know where it is. I don't know where it is." When they're saying, "Give it" -- the -- the two masked men are saying, "Give it up. Give it up." And the marijuana's left behind in the other bedroom that it appears that that marijuana was missed.

The marijuana also, as you just heard from the testimony, the distinct packaging and the closeness in time, the State would argue that this certainly goes to motive. This certainly goes to the identity, the victim that the Defendant would've had knowledge of this ahead of time.

He's -- he acknowledged numerous times during the interview that this was intended to be an armed robbery of Kane's drugs. And they couldn't -- he goes and said he couldn't find the weed. I'm acknowledging that he has that knowledge. So for those reasons -- probably, I can expound more, but I feel that it is admissible.

THE COURT: Well, after -- after hearing the proffer, I would, again, note for the record that the -- and Mr. Gambrell, you are protected on the record. You made a

pre-trial motion in the search warrant on each probable cause which the Court denied that motion to suppress that it's renewed here along with bad acts, 404(B), objection.

After seeing the evidence and three exhibits, I find that the evidence is probative. There is -- and I would note for the record, there is testimony in the record regarding marijuana being at the residence. There's also testimony that was presented in the Defendant's statement about the theft of pills and -- and other drugs from the resident.

The photograph of the girlfriend of the Defendant corroborates testimony or -- or evidence put in through the Defendant's statement about her getting her eye black by his friend, Kane. And also, there's discussion of Kane being the reason why he went to the residence to make sure Kane was not there.

So I find that there is probative value to this evidence, and that that probative value does outweigh any prejudicial unfair -- the danger of unfair prejudice. So I would deny the motion on that, and Mr. Gambrell, you're protected on the record.

MR. GAMBRELL: Thank you, your Honor.

THE COURT: Okay. Let's get our jury back in.

(Jury enters courtroom 11:59 AM.)

THE COURT: All right. Mr. Moroney, proceed.

MR. MORONEY: Thank you, your Honor. Your Honor, at

this time, pursuant to the Uniform Business Records Act, Section 19-5-520, State seeks to admit State's Exhibits 61, 63, and 65.

THE COURT: So admitted. Defense objection is noted.

(State's Exhibit Numbers 61, 63, and 65 admitted into evidence.)

RE-DIRECT EXAMINATION

BY MR. MORONEY:

Q. Investigator Herring, could you explain to the jury some of -- if there were any images in your review of the Defendant's Facebook records close in time to the night leading up to that became relevant to your investigation?

A. Yeah. On the 18th, we received the photo from Dream of her face and blackened eye, a bruise.

Q. I'm going to hand you what's in evidence as State's 63, that's that photograph --

A. Yes.

Q. -- there? Is there anything in addition -- well, I'll tell you what, will you publish this, please? (Inaudible). Okay. Through the course of your investigation, you were able to identify this as Dream Adams?

A. Yes.

Q. With respect to the drugs and the armed robbery component of this, was there anything on the Defendant's Facebook account that became relevant with regard to that?

A. Yeah. There's a -- there's a video sent to the Defendant the day before the incident, and it was a -- a video of mass -- a large amount of marijuana from Kane.

Q. Showing State's 61. Is this a screenshot from that video?

A. Yeah, that's it.

MR. MORONEY: The State will publish State's Exhibit 65.

BY MR. MORONEY:

Q. When did the Defendant receive information of this video?

A. January 21, 2022, the day before the murder.

MR. MORONEY: And your Honor, if we could please switch back to computer?

(Video sent to Defendant (State's Exhibit 65) published.)

BY MR. MORONEY:

Q. Is there anything that stood out to you in your observation of this short video clip?

A. Yeah, the -- I recognize that as a -- a large heat-sealed bag that's been torn open, and then also the -- the type of weed marijuana is highly consistent and to the one that was discovered in the victim's room -- deceased.

Q. And with respect to the baggie or bag, was there anything that became relevant to the investigation?

A. The bag -- that -- the bag that was seized?

Q. The bag in this video. Was anything --
A. Yeah. This one matches --
Q. -- secured?
A. Yeah. This one matches the same.
Q. Okay.
A. One that was seized in the victim's room, was left behind. It was stuck by this bag against the wall in a bag.
Q. I'm showing State's Exhibit 48. There's a few pictures already in evidence, but this is one of them. Would that be that baggie seized from --?
A. Yeah. That's -- that's after we moved it.
Q. Okay. So this would be the baggie seized from Slim's bedroom?
A. Yes. Right.
Q. To provide some perspective, the Defendant in his statement made mention to the McDonald's that he first claimed that he went to. Was that later on in the statement admitted to be untrue by the Defendant?
A. Yeah.
Q. And are you familiar, generally, with the area of Cliffwood Terrace and the McDonald's in relation to Cliffwood Terrace?
A. Yes.
MR. MORONEY: I'm show you what's pre-marked to State's Exhibits 57 and 58, for identification purposes.

(State's Exhibit Numbers 57 and 58 marked for identification.)

BY MR. MORONEY:

Q. Do you recognize what those two images detail?

A. Yeah.

Q. And, generally speaking, what does that depict?

A. The intersection of Howell Road, East and North. Howell turns into Edwards Road, and where the McDonald's is. And in relation to how far away the -- it is from the instant location, the apartments (inaudible).

MR. MORONEY: Your Honor, at this time, the State moves State's Exhibits 57 and 58 into evidence.

THE COURT: Any objection?

MR. GAMBRELL: Without objection.

THE COURT: The State's Exhibit Number 57, Number 58 are admitted without objection.

(State's Exhibit Numbers 57 and 58 admitted into evidence.)

BY MR. MORONEY:

Q. State's Exhibit 57. Again, behind you, I think we can see what -- the labeling that, if you're comfortable pointing it out. Where's the McDonald's, please?

A. And this is (inaudible) from Howell, McDonald's is right.

Q. And then for the next exhibit, State's Exhibit 58, can you tell us what we're looking at here at this moment?

A. Howell Road, this is McDonald's down at the bottom in East North, Howell Road travels up this direction and turns into Edwards Road, and that's where the apartment is, up there at the top.

Q. And in your review -- further review of Tyberious Pyles' Facebook account, were there any posts close in time to after the murder that became relevant to your investigation?

A. Well, yeah, there was a wall post that was caught.

Q. Without reading it loud, just take a look at this. Could you take a look at State's Exhibit 64, for identification purposes?

A. Yes.

(State's Exhibit Number 64 marked for identification.)

BY MR. MORONEY:

Q. All right. And if you could leaf through that, and let me know just if you recognize it.

A. Yes.

MR. MORONEY: And what was the -- your Honor, pursuant to the Certified Business Records Act, the State moves the State's Exhibit 64 into evidence.

THE COURT: Any objection?

MR. GAMBRELL: Just pursuant to our previous objection.

THE COURT: Admitted, subject to the previous objection.

(State's Exhibit Number 64 admitted into evidence.)
BY MR. MORONEY:
Q. If you could explain to the jury first with how the time in UTC works on these Facebook -- what we're looking at for the date and time that this post would've been made?
A. So you got to subtract five or four hours depending on Daylight Saving Time. So this was either at 4:00 a.m. or 5:00 a.m.
Q. And what day was this?
A. This was the date of the murder, armed robbery, January 22, 2022.
Q. Okay. And what are we viewing here?
A. This would be how you would -- how it would appear on the actual app or website, the wall post.
Q. And do we notice any reaction emojis here from social media?
A. Yeah. There's two -- there's two emojis that -- that means two reactions right there on the emoji down to the bottom left. You have two different -- two different users responded with a -- a laugh or whatever emoji face you want to characterize that as.
Q. And with this first laugh emoji, the (inaudible) Adams account, and of course your investigation, who did you identify that as?
A. That's -- that's Dream Adams.

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

THE COURT: Mr. Gambrell?

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

RE-CROSS EXAMINATION

BY MR. GAMBRELL:

Q. Sergeant Herring, would you be considered the lead investigator on this case?

A. Yes, sir.

Q. And I believe that you testified that you inherited this from Investigator King?

A. Yes, sir.

Q. Okay. So there was some -- and -- and part of your job is a -- let me ask you this: From the date of the incident, January '22 -- January 22, 2022, when did you first start the case?

A. I didn't receive it until March.

Q. Early March?

A. Yeah, I think it was the 13th or the 15th.

Q. I think you testified that when you took over the case, you began to review all the work that Investigator King had done.

A. Yeah. Yes, sir.

Q. And what -- what would that have included?

A. They -- well, he didn't -- it was several investigators were working on it. So two investigators interviewed the two witnesses that were also there the night of. So I reviewed that. They -- they did a few things in those interviews.

And then some investigators spoke to, like, Lajuan Hoke, I believe, I can't remember his full name, but he -- the neighbor with the Ring camera, they spoke with him. I reviewed the video that they have from that, I reviewed the Ring video, the Ring search warrant that they had obtained -- obtained, we saw another one. He also obtained a search warrant for another person of interest at the time, Akevious Foggy, for his phone records. He had his phone -- did you want to ask?

Q. No, go ahead.

A. He had -- he had his phone downloaded; I believe.

Q. He also -- he also did a -- a -- a search warrant for Buddha or Kiana Knowles' Instagram account?

A. I can't remember if he did. I thought I did -- I did too.

Q. And -- and pursuant to that search warrant, you guys had received images from that Instagram account?

A. Yeah. I mean -- yes -- yes, sir.

Q. Okay.

A. Yeah, I -- I -- I did that -- I did those. Yeah,

I have those in mind.

Q. Now, when you -- he did the search warrant for Foggy. Was that due to the fact that Foggy's fingerprints had been found in the apartment?

A. Palm print, and I think it was -- I think there was other people, I -- I can't remember what what else. Made him a personal interest, but -- yeah, he had a palm print come back on the not the victim's door, Marquez's and Shareef's store.

Q. Right. And that was identified as Akevious Foggy?

A. Yes, sir.

Q. Okay. Now when you did the search warrant on Buddha's Instagram account, you obtained an image that he had posted of the MDMA?

A. Yeah.

Q. And you believed that that was the image that was -- or that MDMA was the package that was taken from Apartment 4A?

A. I -- I believe that was some of it. Yeah. It wasn't -- it wasn't in the vacuum-sealed bag. It was, like, 10 or so. I can't remember exactly how many, but...

Q. Did you find any other images or evidence of that MDMA letter?

A. After the incident?

Q. Yeah.

A. No.

Q. Okay. And I think you also testified that you had executed a search warrant on Dream and Buddha's residence?

A. Yes. Yeah. Yes, sir.

Q. And do you recall what you collected during that search warrant?

A. There was 9mm ammunition under that, for sure. There was firearms accessories, like, I believe there was, like, a laser or a pistol or a light. A lot of pictures. I can't remember the whole list, but there is a -- a few have it. I know we have it somewhere in here.

Q. Yeah. Were -- did you guys compare any of that evidence with any other evidence in the case?

A. The 9mm (inaudible)?

Q. Yeah. Or any other evidence?

A. We looked at -- there was nothing -- there was nothing very substantial found that I can remember at that search warrant to be able to compare it too now.

Q. The -- the -- the shell casings that were collected were 9mm, correct?

A. They were.

Q. Okay. And the particles of the -- of the bullet that was found in Mr. Smith, those were also 9mm?

A. Yes, sir.

Q. Okay.

A. The reason we -- it's one of the most popular calibers. So -- I mean, I -- that was good. That was good for our investigation because I do believe Buddha was heavily involved with that sign, but there's no way to --

Q. And --

A. -- really connect those two.

Q. And in fact, it was you that took out the petition for Buddha -- or requested a petition -- I'm sorry, in family court?

A. Oh, yes -- yes. That was me.

Q. And -- and could you explain that to the jury?

A. The -- which -- which part?

Q. The process that you undertook with regard to Buddha's (inaudible)?

A. With family court juveniles, it's different. So as soon as you charge a juvenile, there's a -- like a -- there's a court hearing within a few days where you have to appear and explain why they need to be held in juvenile detention and not released. And that continues to happen. There's, like, a iteration time period, maybe -- I can't remember exactly whether there's like three days and 10 days in a month. And -- and it continues. Because they're juveniles, they have different -- there's different concerns for them.

Q. And the -- there -- it's similar to a warrant in

juvenile?

A. Yeah.

Q. Okay.

A. Yes, sir.

Q. And which charges did you seek against Buddha?

A. The same.

Q. Okay. Murder, burglary, armed robbery, possession of a weapon during the commission of a violent crime and conspiracy?

A. Yes, sir.

Q. Okay. And those -- those charges were subsequently dismissed?

A. They were remanded back to us.

Q. Yeah. Are -- so he's not -- those -- those charges are not pending against Dream (ph) right now?

A. No, they're -- the family court and the solicitor's office. It's the same, but it's different -- it wasn't the same solicitor working that case, and that solicitor's no longer there.

Q. Now, on March 8, 2022, you met with Elex Gregory; is that correct?

A. Yeah, I think that's -- that sounds right. Yeah.

Q. And then on that same --

A. Man -- I referred to him as Man or Man-man.

Q. And then on that same date you met with Joseph

Roach Kane?

A. I can't -- if that's in my supp, yes. I just can't remember the exact dates I met with him.

Q. Did you remember meeting them on the same day?

A. I met -- I met with them several different times. But I think one time. I just can't -- if it's documented, I -- I put the dates in my supplement, the exact dates I met with them.

Q. So if your supplement indicates that it's March 8th, it would --

A. Yeah. Yes.

Q. -- you'd be comfortable that -- that's the date?

A. Yes. Yes, sir.

Q. Now, you also attempted to meet with Dream around March 12th?

A. Yes.

Q. And you had attempted to meet with her, was it at her place of business where she worked?

A. She claimed to work there. Yeah.

Q. And then did you ever get a chance to sit down and -- and meet with her at that time?

A. Not at that time. I eventually -- she -- I eventually had -- ended up having to charge her with the -- well, slightly related offense.

Q. Obstruction of justice?

A. Yeah.

Q. Okay. And then you met with Shareef again on March 30th?

A. Yes.

Q. And did you ever meet with Marquez again?

A. He was hard to find. I think I eventually did, yeah.

Q. Now, after you interviewed Mr. Pyles, did you ever meet with Foggy after that?

A. No.

Q. How about -- did you attempt to -- to identify who Drake was?

A. Yes. So I did search warrants on additional -- I did an Apple search warrant for what -- Foggy -- Drake. They call him "Drako." And it turned out that him and this -- a friend known as Drake, they share a phone, go back and forth.

Probably at one point, one of them gave it to the other, but -- so we identified him through that. But when we were looking at phone tolls for Drako -- he used Foggy's phone, it was the -- it was hitting on toll's active, nowhere near the scene during the incident.

Q. Is it -- is it possible he didn't have his phone at that time?

A. Yeah. I mean, if he would've had to plan it for someone to be using it at a -- and the only person to be

doing that in the group, but -- yeah, he -- that's possible. Yeah.

Q. Is it -- and you said that he shared it. What kind of account with Drake?

A. He -- I did an Apple search warrant for his Apple ID that's attached to the phone. And then it just appeared from pictures. And that at some point they would switch back and forth with the account. Because he would have pictures of just -- it just seemed like it was Drake, not Drako's -- Akevious, I assume I'm referring to him as Drako. And then we would go back and forth with the dates.

Q. But you never attempted to try to interview him about this?

A. Drake -- Akevious (ph)?

Q. Yeah.

A. No, once he was -- once -- because he was doing -- claiming Drake and Drako were both there, and those two, believing that, it would have to be one of them with the phone. And then seeing that the phone was in Fleetwood, the district, on the southern end of the county, I -- and then for other reasons, the Defendant and Drake and Drako hang out with absolute opposite crowds. So they were not on talking terms at all.

Q. And were you -- how were you able to confirm that the -- the -- the Drake, Drako, that you got the phone tools

on, were the same ones that Mr. Pyles informed you?

A. He told me that the one I was showing him was the right Drako on the -- and -- and then --

Q. But you never showed him --

A. -- a video of --

Q. You never showed him a picture of -- of Drako in the -- in the interview.

A. I did. If I'm mistaken, there's other reasons. The fact that they're also in the video that in one of Dream's posts that she sent somebody, there's video of them at that apartment during the daytime when they came out after the incident, after the -- not the murder, after the --

Q. But subsequent to your interview with Mr. Pyles, you did not attempt to make contact with either a Drake or Drako?

A. No, I wasn't trying to -- I -- I was confident with the -- with the phone tools.

Q. Now, with -- with regard to the gun that Mr. Pyles has in several of the videos, you guys were never able to determine which -- what gun or if any gun was used in Mr. Smith's murder?

A. I was -- I was -- I'm -- I'm very certain that the gun that he had was not the one -- the black and tan one was not the one that murdered him.

Q. Oh.

A. Based off of testimony from Ms. Molloy.

Q. Okay. And that's because of the particular rifling and -- and inside of the --?

A. Yes, sir.

A. Because we were able to, through pictures, and then it's a -- it's a convoluted story with that through -- through investigation and pictures, and verifying through his -- his claims in the interview, the ghost gun that he had, had -- had a Glock barrel in it.

Because there's pictures of it when they were trying to sell it afterwards, not him, but other subjects were trying to sell it on Facebook afterwards. And you can see the serial number. Serial number ghost to a Glock, which was also seized which had an aftermarket barrel in it, which -- that was one of the guns compared. So if the barrels were switched, either one could not have killed the -- the -- the victim.

Q. Where did you Ms. -- Ms. Molloy had testified that you all had tested two guns with regard to determine if they were similarities to the projectiles?

A. Yeah. The other one was a Ruger or -- a Ruger. I can't remember right now. We have --

MR. MORONEY: I object. Just pitting the witness.

THE COURT: Overruled.

BY MR. GAMBRELL:

Q. And where -- where -- where were those guns located?

A. The -- like, what I'm talking about, the Glock was one of them, which is the aftermarket barrel. That Glock actually matches the serial number on the barrel that was inside the ghost gun. And from his -- from what he explained is some point those barrels were switched. And it's a common -- it's a very common thing.

The aftermarket barrel was gold, and the barrel and the ghost gun was darker. So we seized that actual gun that that barrel belongs to, and his actual associate of the Defendant, and -- who's actually in the video that they're in together the night after the incident. So we tested that, and it did not match. Because it's a -- a Glock that used the polygonal rifle.

Q. And the Ruger?

A. The -- the other one that was tested was taken off of a search warrant, a drug search warrant that was in the area that -- for a group that I believed Buddha to be connected to. So I was -- I was hoping that this could have been the -- the gun related, but it wasn't.

Q. And so you never able -- were able to find any -- any weapon to -- to match to the projectiles that were taken from Mr. Smith?

A. Correct.

MR. GAMBRELL: Okay. I beg the Court's indulgence? Thank you, Sergeant Herring. That's all the questions I have.

THE WITNESS: Okay.

THE COURT: Any re-direct?

MR. MORONEY: It will be brief, your Honor.

RE-DIRECT EXAMINATION

BY MR. MORONEY:

Q. For your interview with Defendant Pyles with respect to this gun, the Defendant acknowledged that the barrels were switched between the ghost gun that you're referencing and we've seen in this video numerous times and other gun?

A. Right. Yeah.

Q. And to be clear, you've never been able to match a gun linked to the gun that actually killed Joseph Smith, correct?

A. Correct.

Q. And during the trial -- the testimony or statement of the Defendant, he acknowledged that a weapon was disposed after the murder, correct?

A. Correct.

MR. MORONEY: Thank you. Please --

THE COURT: Anything further for this witness?

MR. GAMBRELL: (Inaudible).

(Jury enters courtroom 2:16 PM.)

THE COURT: Okay. Mr. Foreman, ladies and gentlemen of the jury, the State has rested. Mr. Gambrell?

MR. GAMBRELL: Your Honor, at this time, the Defense would rest.

THE COURT: All right. Both parties have rested, so that means we are at the end of the evidentiary stage of this trial. The next stage of the trial will be closing arguments by the attorneys. The State ready to proceed?

MR. MORONEY: It is, your Honor.

THE COURT: All right. Mr. Moroney?

MR. MORONEY: May it please the Court, your Honor? A senseless loss of life on January 22, 2022. No reason we should be here today in this week for that, but we are, and you've heard over these past couple days everything that has led up to that. This is our closing argument phase, of course, where I'll have the opportunity to address you and summarize the case.

Go over the law, put forth the State's position, where after I'm done arguing, Mr. Gambrell will do the same with respect to the Defense. And after that, you'll be charged on the law by his Honor. And after that, we'll ask to deliberate at the appropriate time of his Honor. Give you the (inaudible).

On January 22, 2022 at Cliffwood Terrace Apartments, we

heard from the witness stand Marquez McCarroll, that approximately 3:30 in the morning, awoken to the door flinging open and seeing mass subjects who he does not recognize, both armed with handguns, bringing in his friend, his high school friend, Joseph Clark, into the room.

You heard about the arrangement of that room, and ultimately what he heard over the course of that interaction, something to the effect of, "Give it up, where's it at?" Joseph responded, "I don't know what you're talking about," or something to that effect.

Marquez hides under the covers because he has a pistol pointed at his forehead. If you remember that positioning of the room, there was the doorway, Marquez's bed is right here. So he awakes and turns over to find the pistol in his head. And as he looks up and sees that pistol, he looks slightly over and he sees Joe, his friend, standing there being held at gunpoint by another subject to his right.

When Marquez sees that gun at his forehead, he's terrified and says the gun starts going towards his temple, at which point, he turns the covers over to cover his face in there. And some short time thereafter, Joseph Smith is shot and killed in that bedroom near this corner where he was standing, being held at gunpoint by these two individuals here -- at approximately here.

You heard that testimony from Dr. Grace Dukes, who did

the autopsy, that the injury were consistent with a two rater, a two- to-three foot distance based on her expertise. And -- and again, consistent with the layout of that room and what we see here.

Immediately after the shots rang out, Marquez hears something to the effect of, "Let's go, we got to go." And hears the footsteps. Running out of the apartment. Went and stayed quiet for a little bit. He and his cousin, who was also in the bedroom, are able to call 911 for help. And where Marquez tries his best with the EMS to save his friend's life, to no bear.

You saw on that body-worn camera is the first responding deputy response. Literally, Marquez has his friend's blood on his hands, and he has to come up here and recount that in front of this entire courtroom, under these circumstances with this factual situation, has been on full display this week. Very tough thing to do.

I'm so thankful for Lajuan Hoke being out there at that apartment complex. You remember, Lajuan Hoke was a resident at this farthest unit at the end of the building there who had the Ring camera. Where of course, as you're familiar with by now, the victim resided in this apartment at the other end. I'm so thankful for Mr. Hoke for having the courage to come forward and turn over what he found was interesting movement, notification at 1:59 a.m., as he

testified -- around 2:00 a.m.

And you've seen that multiple times play, and I'll have it on display here shortly, but that surveillance video was key, right? Because we saw that very identifiable clothing, gait, the way he walked, the shoes that later became relevant in this investigation.

And the timing of that is pretty curious. Early morning hours, you heard testimony from Lajuan Hoke that it was not common in that area where he lived to see a subject masked up, bundled up, walking that close to his front door in that direction at that hour of night. And that's what caught his eye.

Fast forward about an hour and a half later, he starts seeing the police presence, ambulance presence. And upon observing that, he starts clicking around online because he knows, generally, who lives down there. He knows Joe, he knows Slim, who lives down there. Wasn't the closest to friends, but is able to find him on social media. And through locating his social media page, he's able to find an interesting video that's posted several days before on the Tuesday. This homicide murder happened on a Saturday, January 22.

Tuesday night, he finds previous posts of video where in his observation, sees an interestingly similar-looking subject that he immediately wants to turn that over to law

enforcement. Of course, as we know that subject is Tyberious Pyles, the Defendant, in the company of Joseph in that bedroom or in the house, excuse me.

In the lower portion of that house with them together. Where Tyberious Pyles is wearing eerily similar clothing including that red stripe, distinctive red stripe on those pants, that puffy jacket and that handgun he's holding.

Furthermore, you heard testimony from Mr. Hoke that at a later date after the murder, after law enforcement had cleared up, he observed another Facebook post with the Defendant. And similarly, the mask, the shirt, or a coat that he saw, the pants strikingly similar, and his observation seemed to be the same subject that he would've seen on that case, and turns that over to law enforcement.

And that's such a key part of this case because the Defendant knew that he was captured on that video there. And ultimately after painstaking process acknowledged, "Yes, that's me." He realized, "I've got to acknowledge that's me." He -- and we'll get into that interview in a moment and the tale that we went on with that. But that was such a crucial piece of evidence that led ultimately towards opening the aperture of this case, and us having an understanding of what truly happened in this case.

Remember what we heard as a result of the investigation, and from the Defendant's own words, what had

happened immediately proceeded this armed robbery, this burglary, this murder. There was an altercation in which his girlfriend, who was expecting his child, was punched in the face by Kane. And who was Kane? Do you remember from the testimony? Kane was the individual who was connected to that apartment, was good friends with Joseph Clark. Grew up in the foster home together with him, and stayed there and slept there from time to time.

Remember there was testimony about when you see, when you walk in this living room here, this pink mattress, when you immediately walk into that living room and it's up on the wall there, that was the mattress that meant if it was up, he wasn't there. If it was down, that was his mattress.

And that fight or altercation that left Dream Adams injured, punched in the face, is what kicked this whole thing on. Of course, we then learned there was a drug component to this. We heard testimony pursuant to the investigation and the Defendant's own acknowledgment of the frequent presence of drugs, marijuana. We heard about "beans," we learned about that being MDMA, "ice," and quite a large bit of quantities from the Defendant's own words, and from what we see in this case, what was left behind: rather large quantity of marijuana, worth a good bit of money.

And unfortunately, I -- it can be as simple as this, a bag of marijuana that can ultimately lead somebody getting

shot and killed for. And those drugs, the Defendant learned, were going to be at that apartment, going to be at Kane's the day before. He knew that this large amount of drugs was going to be there in addition, because he had gotten (inaudible) before from his own admission, the "beans" and "ice" would be there.

I think it's helpful for us to briefly go over the offenses for which the Defendant is charged not trial for, and address the elements of each and what the State submits to you that we proved each and every element. Murder in the state of South Carolina is the unlawful killing of another with malice aforethought.

A malice aforethought -- it's kind of a funny word. What does that mean? It's a wicked heart. It's hatred, ill will, or hostility towards another person. It's the intentional doing of a wrongful act without just cause and with intent to inflict injury. This is such a key part of malice aforethought. When you hear the word "aforethought," there's no premeditation or planning involved. It does not have to exist in time before it can happen in a snap of -- you know, the hand.

It can happen. Malice aforethought can happen in the (inaudible) of the truth. That's malice aforethought -- that's malice aforethought right there. It must exist in the mind of the Defendant just before and at the time the act was

committed.

And there's different kinds of malice; express malice, "I'm going to kill you." You remember from the testimony in here, from the mass individuals; will kill everyone in here. Something to that effect, or preparing in advance, lying in wait, i.e., scoping things out ahead of time to see who's in there, or any other acts that show preparation in advance like say burglarizing and going into a residency, and who's in there ahead of time.

Malice can also be inferred from conduct showing a total disregard for human life. I'd submit to you that we have that on full display. Of course, sadly, Joseph Smith was killed that night. Murdered in a manner being shot twice in that bedroom.

The of offense of armed robbery. Got a lot of words here and most of them are just the many different weapons that could be used here. I'm not going to read all that, but a person commits a robbery while armed with a pistol or a firearm during the commission of the robbery. It can even be by somebody who by appearances, it appears to be a deadly way. But here are the elements of armed robbery, but taking and carrying away of another's personal property.

Another personal property would include: drugs, though it's illegal, that was personal property, not belonging to them, but the intent to deprive him of possession by use of

force, threats, or intimidation, and while armed with a deadly weapon, "Give it up. Give it up. Kill everybody in here." Armed robbery, okay? And the taking and carrying away of the property, the divvying up after this murder of the "beans" and the "ice," not the weed. They weren't able to find the weed that's an armed robbery, while, of course, being armed with a deadly weapon or while having possession of an object that somebody was alleged as a deadly weapon. Here, no doubt, deadly weapon.

Burglary in the first degree. In South Carolina, a person is guilty of burglary in the first degree if the person enters a dwelling, and that has a specific definition here in our state. Essentially would be a place where somebody sleeps, okay?

Without consent and with intent to commit a crime in the dwelling. Here's an important part the "without consent," and a door that's not able to be secured, that is of notice. If you don't lock your door tonight, nobody has the right to enter yours or my dwelling, okay?

If you have been a prior invited guest, let's say my best friend's house, I've been over there a hundred times, okay? But I am eying his new MacBook Pro, and I go over there, and go in the unlocked door, and I go ahead and steal that MacBook Pro. That's a burglary, even though at one time before I had been an invited guest, the other time when I go

in there. Certainly, with intent to commit a crime, that's a burglary.

And I just touched on "with intent to commit a crime and the weapon." And during the course of that is either armed with a deadly weapon, causes physical injury, threatens the use of a dangerous instrument, displays what is or appears to be a pistol, or other firearm, or the entering, or remaining occurs in the night. Importantly it is or of all of those, any of those.

So sadly, in this instance we hit multiple of them. A burglary in the first degree occurred on January 22, 2022. As I touched on the dwelling, it's any building where a person usually sleeps. We don't need to prove that force was used to gain injury as I touched on. And the intent to commit a crime therein, i.e., rob the occupant or occupants of drugs or personal property sort of in that residence. And I think it's -- we have no dispute here that this occurred in the night time hours, about 3:30 in the morning.

Possession of a weapon during the commission of violent crime. Another charge that's before you. Murder is a violent crime in the state of South Carolina as is armed robbery and burglary in the first degree. And if a person is in possession of a firearm, or displays what appears to be a firearm during the commission of a violent crime, and is convicted of that violent crime, they are then, in fact,

guilty of possession of a weapon during the commission of a violent crime. So they go hand-in-hand. And certainly, in this instance the weapon further, or help in the commission with this crime.

Conspiracy. When a defendant combines with one or more persons for the purpose of committing an unlawful act. You've heard a lot of names and characters in this thing, but from the Defendant's own words, starting out from Dream. He and Dream -- Dream is still Buddha, if you recall from the witness stand and from the interview.

Combining with one or more persons for the purpose of committing an unlawful act. And there has to be a mutual understanding agreement or common intention and plan. I'd submit to you there was a common intention in plan meeting to get back at Kane and Slim for the injury that took place on January 18th. And it was going to be in the form of robbing and/or hurting whoever was inside that apartment.

Mere passive knowledge of or consent to the criminal conduct of another is not enough to make a person co-conspirator. There must be guilty knowledge and participation. If you heard ample testimony, we -- we're going to go over it in a brief moment of what the Defendant was aware was going to happen, and participating in that by scoping out the residence ahead of time, and doing the surveillance and then returning later, although it took a

long time for him to acknowledge that he was there, time of the murder, handing that firearm to who he says were the -- the individuals who went into that residence and committed the murder.

And a -- conspiracy may be shown by circumstantial evidence in the conduct of the parties. I touched on that at the outset. All these charges, in this case, in -- in general has direct and circumstantial evidence, and I touched on that. You have direct evidence, things you can see, hear, smell the testimony or the statement I should say of the Defendant himself, direct evidence.

And then circumstantial evidence. The chain of circumstances that we heard through the testimony and the evidence before you attempt to prove the existence of a fact of something being true. Remember that rain example? Just because you're asleep in bed, and you awake, and you hear that sound, see that flashing, and it was dry before you went to bed, but you went outside in the morning, looked out (inaudible) that it rained.

Sure somebody could have sprayed a whole fire hose in the middle of the night on your lawn, but from your life experience, the circumstantial evidence existed that it ran the previous time. And that's just not reason. And you got to use common sense. I'd ask you during your deliberations later to take that common sense with you as you review all of

these charges, review all of this evidence and review the statement of this offense.

Must prove the Defendant not only knew of the unlawful conduct, but that the Defendant agreed to combine with the other persons for the purpose of accomplishing the unlawful conduct. He knew of it, and he continued to participate throughout the early morning hours there from his surveillance onto when the moment that Joe was killed.

At the outset, we touched on this, and I asked you to take -- pay particular attention to it and keep that in mind. And I can't thank you enough because I tried several cases, such an attentive jury throughout this entire week, and I thank you immensely. And I know that a long interview like that, particularly with those redactions and muted parts, that's a lot to absorb, and you all have given it an incredible amount of attention, and I thank you.

The hand of one. If a crime is committed by two or more people who are active together and committing a crime, the act of one is the act of all. The person who joins with another to commit an unlawful act is criminally responsible for everything done by the other person, which happens is a probable or natural consequence of the acts done in carrying out the common pledge or purpose.

Ladies and gentlemen, when you engage in an armed robbery, a home invasion, armed robbery, burglarizing

somebody's home at gunpoint screaming, "I'll kill everybody in here, give it up, give it up." It is a natural and probable consequence, sadly, that there will be a loss of life. And that's what happened in January 22, 2022.

Two people can be guilty of killing another person, but only one but two had a gun. There was only one bullet and only one of the two fired the shot that caused the death. If we were to believe the Defendant's statement 100 percent in its entirety where he ended up after taking us on the winding path that he took us on, he is guilty of all the offenses that are for your consideration.

Knowing what was about to transpire, doing the surveillance ahead of time, leaving, returning them, waiting outside as he hands the gun to the individuals, he says, "Go in the apartment and commit this crime." It's as if Tyberious Pyles' finger was on the trigger. Two or more people are together acting together, assisting each other and committing the effects. The act of one is the act of all, or as it is sometimes said, "The hand of one is the hand of all."

We touched on this video and all of the evidence that's admitted, all the evidence that's on this table, including the flash drives of these videos are there for your review. And for efficiency's sake, particularly in some of these videos, this one a rather short one. The next one that I'm

about to talk in that other Facebook Live is 22 minutes long. I've not played all of that, but you have the opportunity to review whatever you'd like to, and take as much time as you'd like during deliberations to review all that.

The Facebook Live on January 18 that touched on a few minutes ago, this was what Lajuan Hoke's observation was. This is that same clothing that Tyberious Pyles acknowledges. Those are those pants that he's wearing on the surveillance footage at about 1:59 in the morning. That -- that red stripe down there with that jacket, the face mask down around his neck at that point, and this Two-Tone glock color handgun. Inside the apartment -- which is just a few short days later, Slim's going to lose his life. The Ring camera footage. You'll notice the clothing, you've seen many times throughout this trial. Heading at 1:59 in the morning directly to Joseph Smith's apartment.

You remember the layout over there. You've seen it throughout the course of this trial when you had this with me. This is where he's walking right here in between the cars in that apartment there. Tyberious Pyles is not just stopping it for a visit. You can see what he is wearing. And was trying to go undetected. Unfortunately, Mr. Hoke's Ring camera captured that key piece of evidence, and fortunately, Mr. Hoke had the courage to come forward with it and be held.

We then, of course, have the Facebook Live. The longer video, the 22-minute video that'll be here in evidence. It's interesting because you -- recall the Defendant's statement. Defendant was there, and knows everything that took place, and participated, and handed over that gun, the ghost gun that we keep referring to, right? "The privately manufactured firearm," being the technical term that we learned from Susan Molloy up here on the same hands, that gun during the course of the robbery. And this was hours later on the same day.

Of course, the murder happened in the early morning hours, about 3:30 in the morning, and this was later in the early evening of the same day, right? And here we are, wearing pretty much the identical outfit that he's wearing on displayed.

And at this moment too, there is mention in this video of "RIP to Slim." Knowing what we know now seems a bit disingenuous. I submit to you it was an attempt to shy the focus away from him, act like he was mourning Slim. But I think fortunately through the investigation, and frankly the Defendant's statement that he gave, that veil was pulled back on the reality of that.

So while this whole gesturing, dancing around, gun toting is going on, hours after, Slim was killed. Ty is everything. Ty was there. Ty participated in this. Ty is

guilty of this, he's concerned.

It brings us to this interview with Investigator Herring. There was so much to that interview, but what I detailed here were some of the things in the presentation of this evidence and frankly just using our common sense. As you sit there and you observe and you listen as to what the narrative is, things that stood out that just don't make sense, they contradict each other.

Things that were revealed for the first time. We start off about five minutes in early on, there's no reason Buddha would've killed Slim. Of course, we know that's going to be turned into a complete 180. You'll turn into a complete 180 again, and then return back there. I lose track at some point as to really what the truth is.

Sometimes it's important to remember, particularly in deliberations, there can be questions. Questions are okay. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilty. It is not absolute certainty, okay? And after listening to this weaving tale, we've got questions, and I submit to you it's my position we're never going to know. Only the Defendant knows truly what happens from the people who are sitting in this courtroom right now. That man right there is the only one who knows what truly happened. And I tell you even as I go through this, this isn't the 100 percent story, but these

are the important parts.

Remember from the outset, he denies knowing Greg off -- off again, "I don't know Gregory." Of course, continuing, "I didn't see Buddha the whole night. The last time I was over there was the day of the Facebook Live, January 18, 2022," when he's referring to Joseph's apartment, he's distancing himself. And why from the outset? Because this is all before the Defendant realizes what Detective Herring and Greenville County Sheriff's Office already knows. There have been months of investigation, interviews done, search warrants done. He had a lot of information at his disposal.

And what I submit to you is going on by Tyberious Pyles is he thought he was smarter than Investigator Herring, and he could ferret out what he knew, and he was only going to give him what he had to try to weave his story to fool him. And as we see, it completely unravels. Frankly, he had too many pots blowing at one time, and he burned himself.

"I wasn't going over there after that." Meaning January 18, 2022. From the get, "I don't know if drugs or robbery was the cause of the murder." And then several minutes in, we have that first -- to me, this is the first -- when he's confronted with the Ring camera, when Investigator Herring brings that up. "Oh, yeah, I was definitely there earlier." And that begins the narrative portion where, "I was there earlier." And it's such a key part because it took

a while to get there.

But again, talk about, why is he wanting to distance himself from that scene? Because he's guilty, and he knew about it all leading up to it and knew about it the moment it happened. He can't even give you the right time from the outset. He's insistent at the start of 8:00 to 9:00 p.m., "I was over there at 8:00 to 9:00 p.m.", okay? It's important because as we know when he's creeping around at the front of Lajuan Hoke's Ring camera to walk up into the apartment of Joseph -- Joseph Smith. Paused train of thought. We'll keep on going.

He knows the early morning hours, and he knows when they fell asleep because shortly thereafter, it was within about an hour and a half the murder happened. So this was intentional. Again, he didn't know quite yet. He knew there was a Ring camera now, he doesn't know if he knows what time that was. So he's going to say, "I know it was dark because he knows the footage is going to show it's dark outside. Please don't have a timestamp on it. Please don't have a timestamp on it."

There's a reason for all these little lies. He's doing mental gymnastics throughout the entire interview. "Dream parked down by the trash can and let me out." Dream, of course, being his girlfriend at the time. These little things are important here.

Well, if you caught this, because there's a lot coming at you, I understand in this, and you'll have this video for you. But when Investigator Herring mentions to the Defendant that he spoke with Kane about this Ring video camera, he has the fan reaction of, "Oh, you talked to Kane? Oh man. Man, something" -- you know, like that's news to him, right? "Oh, okay."

And what do we have when we fast forward? You know, we have this happen many times in this -- this interview here. You jump ahead where Kane told him -- okay, if you fast forward, he shortly thereafter says, "Yeah, Kane told me about the Ring cam."

Because Investigator Herring had talked to Kane before interviewing Tyberious Pyles, and Tyberious Pyles spoke with Kane. That was when Kane presumably would've said something to the effect of, "Yeah, talked to the investigators, there's a Ring camera out there now." So he knew that much, but he didn't know all the details. But because he's starting to weave this, we with lies, he can't keep his lies straight. And that's where things are undone too.

It's the old adage of you have a 10-year-old that keep telling -- you know, once you tell one lie, you dig yourself deep -- you know, just can't keep it straight. You keep digging yourself in a hole. You -- you -- you can't -- you can't keep up with it all.

"I was just trying to find some weed." He's given this story of he was just coming over to Cliffwood Terrace to look for Kane to look for some weed, and then that's why he was calling on the Ring camera over there, which we ultimately know, fast forward to the end of this interview, that's far from the truth. He denies knowing Drako again.

And here's where he acknowledges what Investigator Herring had already uncovered in the course of this investigation. And a lot of what the tactic and investigations would be is he has a lot of information that he's not going to offer to the Defendant during the course of the interview. And he knew that. But that's the moment in the interview where Tyberious Pyles confirms that Dream was struck by Kane just a few days earlier that provided the motive for this entire thing to get started.

Dream said, "Either you're going to handle it, or I will." Again, "I wasn't there when he got shot. I don't know who shot." Such a key statement because wasn't there when he got shot. Turns complete 180. When we fast forward in a few minutes, and I get to that, don't know who shot him.

There's a laundry list of names. He then begins to list and rattle off in this interview room. This is the moment it first comes. Remember at the outset, there's no reason Buddha would kill Slim. Didn't see Buddha that whole night. It was Buddha.

They did that because Dream got punched by Kane. "I wasn't there. Only time I was there was before looking for Kane." They came back to the house talking about it. Again, why is he distancing himself? It's because he's guilty. It's because of that guilty knowledge that he knows he was there. He doesn't want to place himself there. He doesn't want to place himself there.

He's starting at this point to say, "I wasn't there. I was looking for Kane before." They came back to the house talking about it. He's not referencing who yet, but he's saying whoever was responsible for it. "I wasn't there. Then they came back and then I heard about it. I learned about it." And we -- we know that later in the interview, that's a complete lie right there. He's there.

"I know the three dudes who did it." This is the moment when he starts saying, Drako and Drake. I'd submit to you Drako, if you listen to that interview, he latches on -- he's trying to figure out what the investigator knows. He latches on to what he's working with, and what he's suspicious of and who he's asking about. So he says, "It -- it was Drako, the one you asked me about in the beginning." That's when he starts inserting that. And strangely enough, then Drako and Drake comes up.

"The reason I went in there was to make sure Kane didn't get hurt." He's acknowledging that Kane was going to

get hurt on this day. Because he knew what ultimately what this was about. Now, ladies and gentlemen, as I said earlier, if this was even an armed robbery, just a planned armed robbery, okay, where Joseph Smith ends up guilty, the Defendant is guilty of murder due to his participation, the evidence in this case, and the testimony you've heard on this stand and the Defendant's own statement.

But, "I went in there to make sure Kane didn't get hurt" doesn't make any sense -- doesn't make any sense. When he walks in, he's going to see that bed up on the wall here, it's looking on the wall. And then he proceeds in the early morning hours, he even says, "Everyone was asleep in there." He saw Slim asleep. He goes into the Slim's closed bedroom door, he says he has to peek in and open the bedroom door, when everyone's asleep in the house.

He acknowledges that Marquez and Shareef were passed out, Slim passed out in there, and he's looking for Kane to make sure that he didn't get hurt. He wasn't looking for Kane. The robbery was about to happen, and he was seeing who was there and doing the scoping out of everything before they come back an hour and a half later.

"I told them to let me out at McDonald's." And you can see -- you'll have this with you to look at it. The distance from that McDonald's on this map, a fair distance all the way down. Here's the apartment complex, that's McDonald's. He's

claiming, from the outset, "That's where I was when the murder happened." And then that completely unwraps. That's a complete lie. He acknowledges it. "No, I -- I never went to McDonald's." It's evidence of guilt.

And you -- you have to look when it gets to a point of lie, after lie, after lie of what the reasoning is behind that. I got a -- he talks about getting a whole bunch of pills and "ice," the meth and the "beans" that ultimately are referred to the MDMA or ecstasy. "Kane sold 'beans' and 'ice.' All that stuff was in Slim's closet." He knew Kane well. He acknowledges that he dealt with him. He knows that Kane would've had those drugs in there. And remember that picture, that video that you're going to have in evidence that he received. He did, before.

When you click on -- it's about a 20-second video. And when you watch that video, pay attention to that packaging. It's a large quantity of marijuana in a vacuum-sealed bag. It's torn open. And if you take a look at these pictures -- and you heard testimony from Investigator Herring. He got that bag. I submit to you, that same bag right here.

The motive was already there to get back for Dream being hit, and the opportunity presented itself when the apartment of Cliffwood Terrace was going to be full of drugs. That was the moment to hit this place. And Tyberious Pyles was aware of it. He had just gotten this message the day

before.

He acknowledges, "They said they couldn't find the weed." I told you you're never going to know a hundred percent. Part of this job is I compare this -- you know, you could do mental gymnastics and try to figure -- you know, understand what happened and get to the bottom of things. But I -- I've always wondered: Is it not locating the marijuana? Is that what those last moments were about? Where is it? I don't know what she's talking about.

Because they knew somewhere in there was this bag, and for whatever reason, it wasn't located. We don't know that. But is that the reason why Joe is not with us today? The Defendant acknowledges two 9mm used in this murder. As you know, from the evidence, the collected shell casings in the bedroom and the projectile recover from the victim, a 9mm.

Susan Molloy, an expert in firearms identification, testified with two shots fired from one gun. One gun fired those shots. There was then this discussion about the ghost gun. And it is confusing and the swapping of barrels before. If you pay attention, the Defendant says he swapped barrels before he made the trade, before he acquired the gun.

And then short time later, "I'm not sure when the barrel was swapped before or after." This gun was a part of this armed robbery, part of this murder. And with the swapping of barrels, again, we're never going to know exactly

what the truth is, but we do have an acknowledgment that the barrel was swapped at some point.

And we heard about the testimony from Susan Molloy. If you remember why that matters, when you swap out a barrel, that would hinder one's ability to match it to a subsequently compared to firearm (sic), okay? Not typical. And we don't have a firearm in this case. We do not have the murder weapon here. Per testimony or the interview of the Defendant that weapons were discarded after this.

Then he says Buddha had the ghost gun after. Buddha didn't have it after for a while. And then he starts talking about the Ruger killed Slim, they got rid of it. And there's testimony that Ruger, the Defendant says he was known -- it was known to be associated with Buddha, Dream's brother. This is that key point. "That night, I gave them my ghost gun. They said they were going in there to rob him, and I gave up my gun."

And of course, there's an undercurrent in here as he realizes that these lies are unraveling. And you are the ones who get to determine the credibility. You determine the facts in this case, what's true and what's not. But I submit to you that this suggestion that he did it under duress, and was forced to turn over the gun, when you keep in mind, aware of what's in this apartment is doing the active surveillance at 1:59 in the morning, creeping around with a mask in all

black creeping up in there, going in the closed bedroom doors looking for Kane, it wasn't under address.

He just got caught. And now he's trying to come up with excuse after excuse, after excuse. And when you use your common sense and you apply it to this case and you apply it to the evidence before you, and this statement in particular, I submit to you that the truth becomes apparent and what actually happened.

"Me, Dream, Buddha, Drake, and Drako were in the car. I was in the passenger seat. I gave them my gun. They were supposed to go in and get drugs. Came back with "beans" and "ice"." Made claims that the flash was observed at the moment when Joseph was shot and killed in that bedroom.

Remember where we started. He didn't know anything about anything. "I wasn't there." And now we have another term Drako shot, it wasn't Buddha. He's given descriptions of Drako and Drake. And this, of course, is where he confirms that what he was wearing on that Ring camera I had on the black joggers with the red stripe and the mask on.

The same from the January 18, 2022 Facebook. That's that one that Lajuan Hoke discovered where Tyberious Pyles were in the red stripe pants with the firearm with the victim (inaudible) in there.

The statement that the Defendant gave, you heard that lengthy questioning and we went through Defendant's waiver of

rights form. It was gone through by the Defendant. This was a voluntary statement. The Defendant was advised of his rights. He was read in this entirety. You saw the entire video of it. It was given freely, voluntarily -- voluntarily, and knowingly.

Because that something that you'll hear your Honor says that you have to consider in this case. Is that when there's a statement of the Defendant that it was given freely, voluntarily, and knowingly, I would submit to you that we have proven beyond the shadow of doubt.

I think it would be helpful to go through, briefly, some of the law that you're about to hear from his Honor. After I sit down, as I said, the defense attorney, Mr. Gambrell, is going to have an opportunity to speak with you, after which his Honor is going to instruct you on the law. And you're to follow everything his Honor says. But I always find it helpful in context of what I just explained to you to go over a few of the things as the law applies to this case.

Of course, with these facts and statement of the Defendant (inaudible) one is a big part of this case, right? Guilt as a principle is shown by actual or constructive presence at the scene as a result of prior arrangement. Therefore, a finding of a prior arranged plan or common scheme is necessary for a finding guilt as a principal, I'd submit to you, we have that here.

I would submit to you that the Defendant is actually present, but if there were an argument to be made that being outside of the residence and somehow while folks run in with the guns and come back to the drugs and then you speed off his constructive presence or merely present, I should say, I -- I suspect that the Defense may get up here and say, "He was just present. You can't find him guilty if he was just present."

That -- that would be the equivalent of you with a group of people, you have no idea what's about to happen, and then somebody pulls out a gun and robs somebody, and you're like, "Oh, what just happened there?" That's not what we have here. Tyberious Pyles is not merely present at this, and I'm not going to belabor that point, but I think it's important to understand what constructive presence is. And in a short moment, you'll hear his Honor explain it to you.

A person may be constructively present at the commission of a crime, even though the person is some distance away from the actual scene. If it is shown, beyond a reasonable doubt, that the person played a role in the commission of the crime as a result of some prior arrangement. And I submit to you, we've proven that prior arrangement he has a role in the crime.

And again, I would submit to you that he is actually present, not constructively present. He does not need to be

in that bedroom to be actually present, I would submit to you that he is also in constructive presence at the time of this murder.

You know, by example, again, if I know my (inaudible) and a friend are going to rob the convenience store point, and I know my friend is armed, when we come up with the plan, "I'm going to drive you up there. You're going to run in, you're going to get the cash, you're going to come out hold to gunpoint, then I'm going to drive off there." If in the course of that there's some misunderstanding, or the person doesn't comply quick enough or whatever it may be, and my friend pulls that trigger and kills that clerk in there, it's as if my hand is on that gun.

There was mention in this case of Akevious Foggy, Drako, and the investigation into -- to him, there was mentioning of -- of Buddha, the investigation into him, the talk of his charges, and what happened with those. I ask you to stay focused on what we're here for because that is an attempt to divert attention away from what we're here for today.

You heard that Investigator Herring testified to the subsequent follow-up investigations he did with respect to Drako search warrants he obtained. The Apple ID and ultimately the phone locations that showed active locations in areas inconsistent and far away from this crime scene at

the time of this -- the commission of this crime.

I'll give the Defendant credit for his poker face as you watch this interview, and you see his demeanor, how he can deliver some of these lies, particularly at the beginning. What we know are lies what he goes of 180 degrees. Look at his demeanor and how he sells it. It's deadpan.

It is believable at first, but you fast-forward a few minutes on that video and you watch him. He acknowledges, "I was there. Yeah, I wasn't at the McDonald's." "Okay. I handed over my gun." "They came out with the drugs -- you know." But just moments before, look at that delivery that he gives, he thought he was smarter than Investigator Herring thought he was going to fool everybody, and it just didn't work out.

Ladies and gentlemen, I appreciate your attention throughout this week. And after your careful deliberation back there, I'm going to ask you to find the Defendant guilty of murder, possession of a weapon during the commission of a violent crime, conspiracy, armed robbery, and burglary in the first degree.

Tyberious Pyles intended to participate, plan, conspire in an armed robbery out there at Cliffwood Terrace that night. And as a result, Joe ended up dead. He's guilty. He's guilty of the burglary first. He's guilty of the armed

robbery. He's guilty of conspiring for these crimes. He's guilty of murder, and he's guilty of possession of a weapon during commission of a violent crime. Thank you.

THE COURT: Okay. Mr. Gambrell?

MR. GAMBRELL: Thank you, your Honor. I'll admit I'm pretty nervous right now. I'm certainly not going to be as polished as Mr. Moroney. And I just ask that you all don't hold that against Mr. Pyles, okay? This is an extremely important day for him. And I don't want any of my stumbles, or dry mouth, or my nervousness to do you want to hold that against him. Because, ultimately, the -- the sole purpose of why we're here this week and today is for the State to prove to you, to firmly convince you that he's guilty of his crimes.

There is no other purpose of the trial other than that. It's his day in court. And -- and -- and I -- I hope that you focus on -- on that when we go back in deliberations. Judge is going instruct you as to what the law is in this case. And I'm not going to speak to -- to everything that he's got instruct you on.

I hope that you were recognized that we attempted to try to select people to be jurors who we thought would give considerate deliberations to each of the charges, and apply those to the facts as you determine them today. And I know that you will, because that's your duty as jurors.

When I first spoke to you all during opening -- you know, just mention that these were very substantial claims that they made against Mr. Pyles, and suggested that substantial claims require substantial evidence. And so I'm just going to go over a few of the charges, and apply them to the facts that I hope that you all will consider in the back of the deliberation room.

The first of which is you're going to get a what's called "A circumstantial evidence charge." And it essentially states that when the state relies on circumstantial evidence, the circumstances, each circumstance must be consistent with each other, okay? And we take it together. They must point conclusively to the guilt of the accused beyond the reasonable doubt.

And so you have to consider them each individually and then also together. They must all be consistent and then they must all point conclusively to Mr. Pyle's guilt. I want to talk about just sort of go in order of the witnesses that you heard. Detective Epps -- I'm sorry, Deputy Epps was the first witness to testify.

And -- and it was strange to me because he -- when he came to the call, he said it was not a -- a criminal call when he first got the call. He came in as a medical assist, I believe is what he said. And -- which surprised me. Because if you remember Marquez's testimony, he said that

Shareef was the one who called 911.

Now, these are two individuals who were sleeping and people bust into their room and their roommate is shot. I mean, that's a very dramatic traumatic episode. And yet the -- the 911 call that goes out doesn't mention any of this, it's a medical assistance account. I -- I don't understand that why is that. And -- and we won't know because the Government didn't allow you to hear the 911 tape. And we didn't hear from Shareef.

He was listed on the -- on the witness list. You all were read that witness list prior to trial to see if you were having familiarity with the potential witnesses. This is a person who was there in the room when this happened and spoke to 911. Why did they not call him as a witness? Don't you want to know what he has to say? They never explained why. And we'll -- we'll get back to that. We would've liked to know what he communicated to 911, what information he gave and why it was called out as a medical assistance and not a criminal emergency.

The next person who testified was Marquez, who grew up with -- with Joseph, and went to high school together. He -- he'd only lived there for about a month, but he testified that -- that Ty had come over there during the time he was there, and that he was friends with Slim, as they referred to him. He would come over and hang out, not the time he would

just walk in. He was not familiar with -- with coming over there and hanging out with those guys.

And what I thought was particularly interesting about his testimony is -- is that he knew Ty, but he did not recognize him as any one of the two intruders that came into the room. He didn't recognize the voice, and he didn't recognize this person. But he did say that -- that -- and I thought this was interesting, that both of the two intruders were wearing hoodies. And I think I -- I'll come back and talk to that a little bit more extensively. But those were the -- the -- the facts that I gathered from Marquez, is that he knew how friendly Ty and Slim were, and that he knew Ty personally, still didn't recognize him as either one of the intruders.

Mr. Hoke, who -- I believe they introduced three movies, or films, or clips: The Ring camera and the two Facebook clips. One from Joseph, and then one from Ty. In the Ring camera -- you know, that -- if you look on the time set, it comes in at 1:59, but I believe the 911 call, you'll -- you'll -- I'll get a chance to reveal this evidence was made at 3:36 in the morning. It's about a little over an hour and a half.

Now, the State just seems to assume that that's Tyberious walking across in that Ring camera. But if you listen to the video of his statement, he never admits to

that. In fact, Sergeant Herring asked him, "Is that you in the video?" And he says, "What?" And then -- but he never says that it was. He does admit to being over there earlier. But I don't think -- and again, you guys will have the opportunity to review all this. I don't think they ever nailed down at that time who that was.

And, in fact, if you look at it -- you'll -- and -- and -- and Mr. Hoke says it's -- he thought that the -- the clothing that the individual in the -- in the video camera was what drew him to that. Because he had seen the previous (inaudible) from Joseph. So they started focusing on the -- on the clothing of the person in the video. And if you watch that video, you'll see that the Crocs that that person's wearing does have the strap that comes around.

And these are, of course -- was taken a few months later. And those were taken into evidence, and Sergeant Herring asks Ty about that, and Ty says, "Well, my -- my first baby mother" -- when he was in 10th grade, had ripped him off because she was mad at him because she found him talking with other women on the phone. But then Sergeant Herring doesn't follow up with any questions about, "Well, when was that? When did she take those off?"

I mean, it -- you know, it seems from what they presented to you that at the time that he was involved with Dream and not his first baby mama when he was a -- a

sophomore in high school. But they never -- that could have been an easy question for him to answer. And remember, this was -- this was before he even charged him with murder in this case.

He didn't know that he was going to get charged with murder, which is a less -- much less likely situation for him to lie about it. But he didn't follow up and say, "Well, when did she do that? When did you guys have this conversation? When did she take your shoes?" But it's inconsistent with what you see on the video. And, again, we don't know why, and we don't have to provide those answers for you. That's the State's requirement. That's their burden -- you know. The whole purpose of this is for them to prove to you beyond a reasonable doubt.

I would also point out the pants. If you look at that video now -- you know, everyone, you all have their own opinions on it. I'm -- I'll give you mine, but it looks like to me in the video that there's three stripes, almost like an Adidas, going down the side of the pants. And they want to say that that's the same one from the video from Joseph's Facebook page, but that's a singular (inaudible) strike going down the pants.

So you guys decide -- you know, all for yourselves, but to me that's another inconsistency. You know, everyone just assumes that that's him in the video. But are you firmly

convinced that it is? Because it's their job to prove to you that it is.

I would also point out that Marquez says that the two intruders have hoodies. The person in that video, as far as I can tell -- and again, you'll have the chance to scrutinize it, isn't wearing a hoodie, is wearing a jacket. And it's called a balaclava, but he's not wearing a hoodie. I mean, we all know what a hoodie looks like. When you pull it up over your head, it's pretty -- it's pretty -- it's pretty obvious. And -- and -- and that to me is another inconsistency with that video.

And again, I -- I didn't scrutinize the video and -- and tie statement when we get back there, but I don't -- I don't remember ever claiming that was him. It seems to be that the Government is just taking that for granted.

The two Facebook videos that Mr. Pope introduced where they showed the gun, and I'm going to talk a little bit more about this later, but they never -- or if they did, you don't know, they never showed those videos to Marquez or Shareef. Why wouldn't you take those? You've got the video that -- they didn't even take the video from the Ring camera to show them that.

Why you have these three videos of -- you know, you're claiming two of them are tied. I mean, it's pretty clear from the Facebook videos. You can see his face about the --

the Ring camera. You can't -- you don't know who it's, but why wouldn't they take those videos and show the two eyewitnesses to this man's murder and ask them, "Do you recognize that? Do you recognize the person in that Ring camera?" And nobody identifies him as either being Ty or the person that was in the room.

Why wouldn't you do that? Why -- if you're claiming that that person was one of the people that came into your room, why wouldn't you take it to the eyewitness who saw it and say, "If you -- does this sort of look like the person that may have been in the room with you when your friend got shot?" We don't know the answer to that.

And again, it's the State's responsibility to provide you with that information so that you can make a -- a determination as to whether or not they've met the burden of proof. Same thing with -- with the gun. They never -- did they ask Ty -- I mean, Marquez or Shareef about the gun in the video, in the two Facebook videos? Did they say, "Do you recognize this gun?" It's a very -- they claim it's a very unique gun. It's a ghost gun. It's got a -- a different colored slide with a different colored handle, or grasp, or whatever.

It's -- but one's green and one's black. You can see it in the video. I mean -- you know, it's certainly distinguishable from a gun that's entirely black, or silver,

or chrome. Did they take that and show it to Marquez and Shareef, and say, "Did you -- either one of you recognize this is one of the guns that the people came in with?" They didn't do that. So we don't know what the answer is.

We don't know if they would've said, "Yes, I recognize it," or, "No, I don't." But do you think that you deserve to know the answer to that? I mean, it's -- it's an easy process to do that. This investigation had went on for five months and -- and more, and couldn't show the video one time, and say, "Do you -- do you recognize this? Does this look familiar to you?" Marquez had the gun right in his face. I mean -- again, it's their burden to -- to provide this evidence to firmly convince you of his guilt.

And, again, you don't know what Shareef would've said because they didn't call him as a witness. Also Marquez had said that -- you know, again, the two (inaudible) have black hoodies. If you look at the -- the -- the video from Ty's Facebook page, there's -- there's multiple people in there. Some of them will wear black, some of them will have guns. You know, the law enforcement never identified who these people were or tried to identify him or take that video to show Marquez and Shareef and say, "Does this look similar to those people coming in here? Is that a similar footage? Is that a similar gun? We don't know because they didn't do that, so...

The next witness was Kaelyn Ford, as she was the crime scene specialist who collected the two shell casings. We don't know where those shell casings came from, how long they were there. And we don't know if they were the same make -- you know, the manufacturer as the -- as the 9mm rounds that they recovered from Dream and Buddha's house because they never prepared. Or if they did, they didn't tell you. And so -- you know, again, it's -- it's a lack of evidence to -- to bring to you to -- to prove in overcoming their burden of proof.

Susan Molloy was the criminalist, and she was a supervisor of firearms. And her testimony was that the bullet fragments from Mr. Smith, they matched each other, and then the shell casings that they found in the apartment, matched each other, but she couldn't tell if they had come -- they matched -- if the fragments matched the casing. And, of course, that wasn't able to determine if it came from any particular gun.

The next witness I want to talk about is Sergeant Herring. And I think that the -- the biggest thing that stood out to me was they -- they pulled a hand print off of Marquez's, and Shareef's room that night on the 22nd. How did you guys figure -- you know, hear that information? The State didn't tell you about it in -- in direct examination, I had to ask Mr. Herring about it.

Why didn't they tell you that they found this -- this hand print? And it was later identified to be the hand prints of Tyberious Pyles. And they don't have a conversation with him? They don't go and talk to him, and -- and find out -- you know, he testified that his phone wasn't in the area. But what does that prove? That his phone wasn't in the area.

You have a hand print of Akevious Foggy, outside the bedroom door of an individual who was shot inside the apartment. You don't want to have a conversation with him, especially after Ty says that he was there that night. Don't you want to exclude him? See if he has an ally, try to find out if he has any information. He was in the house at some point, and they don't have a conversation about it with him.

Again, that's a lack of -- of evidence. That's their duty to -- to provide you with these answers. And if they don't, can you sit back and -- and -- and honestly say that you're firmly convinced of what happened out there? Because there's all this -- all this evidence that has questions to it that hasn't been answered by the State.

And, again, it's not our responsibility to provide you with that evidence or to answer those questions. Tyberious doesn't have any duty with regard to this proceeding. It's entirely on the State to convince you beyond the reasonable doubt.

Also, he didn't tell you on direct, but told you cross that they executed a search warrant against Buddha's Instagram. They see a picture of pills, "beans," MDMA that he had on there. And they didn't tell you about that. Why not? I mean, that if -- if there was an armed robbery, they went there to commit this armed robbery, and -- and that was what they took out of it. Would he want to know that?

I mean, that -- that seems to me that would be the reason for them to have gone up there. So they -- they would tell you that -- you know, Buddha, we found him with these -- with these beans you know, on his Instagram account. And then you find out that his case is dismissed -- you know. Why? We don't know.

And again, he was the one that had the proceeds for this alleged armed robbery that any time any proceeds (inaudible) Pyles, Buddha was the only one that had those. And, in fact, I believe Sergeant Herring, if you listen to the statement, says that he believed that Buddha was the one that shot him. Well, this case has been dismissed.

Then next -- jury charge. I'd like to go over with you. And -- and just to just put a stand on that as a fact -- you know, those circumstances all have to be consistent with -- with each other, and you have to conclusively point to Tyberious Pyles (inaudible).

The second one, Judge Sprouse -- that I want to talk to

you about, that Judge Sprouse is going to charge you with is intent. "Intent may be shown by acts or conduct of the defendant and other circumstances for which you may naturally and reasonably affirm." Intent is an -- is a -- it's an element of (inaudible) crime. The State has to prove that -- the intent to commit that crime beyond a reasonable doubt.

And you'll have to determine -- you know, what was the intent, and have they proven his intent beyond a reasonable doubt. And I just want to -- I hope you -- and I know you will take time to go through all the evidence, and listen to the -- to the statement, but I just wanted to point out a few things that Ty (inaudible) of that statement.

State states that -- you know, been friends a couple of times, specifically, talking about (inaudible) she was mad. She tried to hurt him, tried to get him killed. Told him that -- you know, she was going to send boys to come kill him. And then she had brought (inaudible) over there previously. They were masked up with guns. She does crazy shit.

In fact, Sergeant Herring even agreed that she was crazy. Asked him why Buddha was trying to kill him. Towards the end -- you know, he says that she was always threatening him, and he was hiding from her at one point. She will -- she has people behind her. When people are crazy -- you know, they were -- she knows where his family lives, where

his sisters are, where (inaudible) where his children are.

At one point, Sergeant Herring, says -- you know, "The only way to protect yourself is to make sure that they're in jail." Ultimately if he's -- if he's under arrest, if he -- if he cares that these folks are going to hurt him, then you have to take that into account as to whether or not he had intent to do what the State is trying to convince you of him.

And so, I ask you to look at that, to take that into account to determine if that overrides his presumption of innocence. If it's firmly convinced you that he did have the intent to participate in this. Because if you look at it, he's friends, with friends -- with -- Kane, he says over and over that he -- he didn't want anything to happen with him.

And I don't know how the State -- you know, can swear away the fact they either have to believe that he was in there. I mean, because if they don't, then -- you know, their theory is that he wasn't there then.

They did not do any investigation whatsoever with regards to (inaudible) they didn't pursue that for whatever reason. But if you -- so I -- I believe that theory has to be that he -- he was inside of the house. And have they proven that to you? Have they -- have they firmly convinced you of that?

And reasonable doubt -- and Judge Sprouse is going to tell you that a reasonable doubt is a -- is a doubt that it

causes you to hesitate to act, okay? So what would cause one to hesitate to act in this case? Well, to me, I mean, right off the bat, we don't get to hear from Shareef McCarroll. He was an eyewitness to the account to call 911. We don't know if he could ID the gun, if he could, ID Ty, if he could ID Buddha, if he could ID Drake, if he could ID Drako. Any of those people in any of the videos.

We don't know because the State never brought him in here to testify. And not of that, but -- you know, they had 17 people listed on their witness -- on their witness list. You heard seven. So there were 10 people that did get called. I'm sorry, eight. So there were nine people that didn't get called including -- you know, Kane.

I heard Kane's name a lot throughout this whole trial. He was on the witness list. Why didn't he come and testify, and to give you the information that he had? I don't know. Elex Gregory, Bobby Aiken, and Dream Adams. And most -- you know, importantly Shareef McCarroll, who was a -- who was a witness to this. If you have questions about -- you know, wanting more information or questions answered, that should give you a reason to hesitate. And I -- that's all that it takes, is -- is one reason to cause you to hesitate as to whether or not they've met their burden and convinced you -- firmly convince you of his guilt. And it only takes one. You don't have to have multiple reasons. You don't have to

have multiple deposits, hesitations. It just takes one.

The other main reason that'd cause you to hesitate is the fact that Foggy's handprint is on the door frame outside the door where Mr. Smith is murdered, and the State doesn't have a conversation with him. If you're wondering that, and you ask yourself why that would you want to hear that, that should cause you to hesitate. This is physical forensic evidence. There's none that matches TY to the scene. All of it's circumstantial.

There -- there's no forensics that -- that -- that match him that put him in that scene. But there are for body and for Drako, he's there, his hand print is there, and they don't go and talk to him, and -- and -- and -- and he tells him that he was there. That should cause you to hesitate to that.

And it is okay because that's how this process works, okay? And it's the only way this process works, is if you have the courage to do your duty, that when the State fails to prove to you, beyond a reasonable doubt in the presentation of their case, if you come across, yourself, anything, I would -- I hesitate to act. It's your duty to enter a -- a verdict of not guilty. And -- and that's the way the system's supposed to work, because everything gets better from that.

If -- if the -- if one part of the system fails, the

whole -- everything starts to get worse. The one way for it to stay good and to get better is if everybody upholds their duty. And your duty is if you -- in fact, in your deliberations, or right now, or whenever it is that you decide that your if you have a hesitation in your -- in your mind, in your heart, and it says to you that "I -- I don't know why, I don't -- I'd love to know the answer to this question, and without it, I've been hesitating me to -- to make up my mind." That's enough for a reasonable doubt.

And that's all that the law says you have to have in order to find Mr. Pyles is not guilty. And it is your duty to do that. And it's okay because that's what you're supposed to do. You took an oath to truly and fairly try this case. And if at any point during the presentation -- during the period of deliberations, if you decide that there is more that you want to know, I don't have -- I have a question about why the State didn't do this, it's okay to do that.

I wish I knew the quick answer to this, but I'm not sure that's given you a pause, and that's causing you to hesitate. And once you have that hesitation, that's a reasonable doubt. And once that reasonable doubt arises, you have a duty to say, "You can't find him guilty." It's not your fault. That's what you're supposed to do. That's the way our system works.

If you believe in the Second Amendment that you have a right to -- to bear arms and -- and own -- you know, guns, then you have to believe in the the Fifth and 14th amendment that says that, "Every person has a right to due process of law." And part of that due process of law is putting the burden of the State to prove you guilty beyond a reasonable doubt.

And as soon as Judge Sprouse instructs you as to what that reasonable doubt is, and you recognize that, in your mind -- that you have that reasonable doubt, if you believe in -- in -- in the strength of the Constitution, that due process clause, it's your duty to exercise it. That's how the system works.

Judge Sprouse is going to give you the verdict form, on it, is going to be "guilty," "not guilty," "not guilty," "guilty." I -- I don't know if the order is going to be. Sometimes I wish there was a third option that just says, "No proof." You know, because oftentimes that's the case where you just have more questions than answers.

And you do have that -- that hesitation, and you wish that the State had provided you with more. But under those circumstances when it's not proven, that your duty requires to submit a -- a verdict of not guilty. Thank you.

THE COURT: All right. Ladies and gentlemen, we've come to the point in the trial where I instruct you on the

law. My instructions will be at three parts. First instruction is on the general rules that define and control the jury's duties. Secondly, instructions and state the rules of the law that you must apply, what the State must prove to make its case. And lastly, some rules for your deliberations.

The general rules begin with your duties as jurors. It is your duty to find the facts from all of the evidence in the case and to those facts, you must apply the law as I give it to you. You shall not be concerned with what the law should be, but what it is.

And you must not be influenced by any personal likes, dislikes, opinions, prejudices, or undue sympathy. That means you must decide the case solely on the evidence before you in accordance with the law. The very thing you took an oath promising to do at the beginning of the trial.

It is your responsibility, and yours alone, to determine the facts of this case. I would therefore charge you that if during the course of this trial or during this charge, you have been given or left with the feeling or impression that I have a personal feeling about the facts of this case, or that I favor one side or the other, I would specifically instruct you to disregard that impression.

Under our Constitution, I'm not allowed to have an opinion as to the facts of the case. You should not be

influenced by any objections or the Court's ruling on them. You and you alone are the judges of the facts. You determine the facts by evaluating or weighing the evidence that you have heard during the trial.

What is evidence? Evidence is the sworn testimony from the witness stand and any exhibits that are entered into evidence. The statements by the attorneys are not evidence. What they have said in opening statements, closing arguments, and in other times is intended to help you interpret the evidence, but it is not evidence.

There are two types of evidence which are generally presented during a trial, direct evidence and circumstantial evidence. Direct evidence directly proves the existence of a fact and does not require deduction. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. Crimes may be proven by circumstantial evidence.

The law makes no distinction between the weight or value to be given to either direct or circumstantial evidence. However, to the extent the State relies on circumstantial evidence, all the circumstances must be consistent with each other. And when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt. If the circumstances merely portray the defendant's behavior as suspicious, then the proof has failed.

The State has the burden of proving the defendant guilty beyond a reasonable doubt. That burden rest with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or some combination of the two.

As the judges of the facts, you are the sole judges of the credibility. That is the believability of the witnesses who have testified in this case. In determining their credibility, you may take into consideration many things, such as the appearance and manner of a witness on the stand, sometimes referred to as "The demeanor of a witness." Was the witness able to see, hear, or know the things about which the witness testified? How well was the witness able to recall and describe those things?

Did the witness have a -- reason or cause to be biased or prejudiced in favor of the testimony he or she gave? How reasonable was the witness's testimony considered in the light of all the evidence in the case? Was the witness's testimony contradicted by what the witness had said or done at another time, or by the testimony of other witnesses or by other evidence? These are some of the factors you may consider in deciding whether to believe testimony.

As jurors, you have the right to believe all of the testimony of a witness or none of the testimony of a witness. You may believe a portion of the testimony of a witness and

discard the rest. You may believe the testimony of the one over the many, or the many over the one. Most certainly, you do not determine the matter of credibility by simply counting up the number of witnesses who may have testified on behalf of the parties in the case.

The rules of evidence ordinarily do not permit witnesses to testify to opinions or conclusions, and exception to this rule is for witnesses we call "Expert witnesses." A witness who, by education and experience, has become expert in some art, science, profession, or calling may state an opinion as to relevant and material matter in which the witness claims to be an expert, and may also state the reasons for that opinion.

You should consider any expert opinion received in evidence in this case, and like any other evidence, give it the weight you think it deserves. If you decide that the opinion of an expert witness is not based on sufficient education and experience, or if you conclude that the reasons given in support of the opinion are not sound, or that the opinion is outweighed by other evidence, you may disregard the opinion entirely.

An expert witness's testimony is to be given no greater weight than that of other witnesses simply because the witness is an expert. Further, you are not required to accept an expert's opinion, even though it is uncontradicted.

The Defendant has entered a plea of not guilty to these indictments, and that plea puts the burden on the State to prove the Defendant guilty. A person charged with committing a criminal offense is never required to prove himself innocent.

I charge you that it is an important rule for the law that a defendant in a criminal trial, no matter what the seriousness of the charge may be, will always be presumed to be innocent of the charge for which the indictment was issued. Unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence does not end when you begin your deliberations, but it accompanies the defendant throughout the trial until you reach a verdict of guilt based on evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence is like a robe of righteousness placed about the shoulders of the defendant until it has been stripped from the defendant by evidence satisfying you of the defendant's guilt beyond a reasonable doubt.

The presumption of innocence is not a mere legal theory. It is not just a legal phrase. It is a substantial right to which every defendant is entitled unless you, the jury, are satisfied from the evidence of the defendant's

guilt beyond a reasonable doubt.

What is a reasonable doubt? A reasonable doubt is a kind of doubt that would cause a reasonable person to hesitate to act. Some of you may have served as jurors in civil cases where you were told that it is only necessary to prove that a fact is more likely true than not true, such as by the greater weight or preponderance of the evidence.

In criminal cases, the State's proof must be more powerful than that. It must be beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases, the law does not require proof that overcomes every possible doubt.

If, based on your consideration of the evidence, you are firmly convinced that the Defendant is guilty of the crimes charge, you must find the Defendant guilty. If, on the other hand, you think that there is a real possibility that the Defendant is not guilty, you must give the Defendant the benefit of the doubt and find him not guilty.

A reasonable doubt may arise from the evidence or from a lack of evidence. The Defendant is entitled to every reasonable doubt that may arise in the case. If -- upon any issue of fact essential for a conviction, and a verdict of guilty of a offense, if you have any reasonable doubt as to

how that issue should be resolved, it is your duty to resolve that doubt in favor of the Defendant.

Suspicion, however, strong is not enough to sustain a conviction. The evidence presented by the State must be substantial evidence, with that tends to prove the guilt of the Defendant beyond a reasonable doubt.

In order to establish criminal liability, criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be purpose, the intent, knowledge, recklessness or criminal negligence. Criminal intent must be proven by the State beyond a reasonable doubt.

Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation. There is no way to prove intent to a mathematical certainty. There's no way medical science can dissect a person's brain and determine what that person had in mind. So the law says that criminal intent may be inferred from circumstances shown to have existed. This is how you make a determination of whether or not the element requiring intent was present.

It is not necessary to establish intent by direct and positive evidence, but intent may be established by inference in the same way as any other fact, by taking into consideration the acts of the parties and all of the facts

and circumstances of the case.

Criminal intent is a mental state, a conscious wrongdoing. It is up to you to determine what the Defendant intended to do based on the circumstances shown to have existed. Criminal intent can arise from action or a failure to act. It may arise from negligence, recklessness, or an indifference to duty or to consequences that is considered by the law to be the equivalent of criminal intent.

At issue in this case, is the identification of the Defendant as the person who committed the crime charge. The State has the burden of proving identity beyond a reasonable doubt. You must be satisfied beyond a reasonable doubt as to the accuracy of the identification of the Defendant before you may convict the Defendant.

A statement alleged to have been made by the Defendant has been admitted into evidence in this case. While the Court determined that the statement is admissible, I instruct you that you make the ultimate decision of whether or not the Defendant made the statement. If the Defendant did make the statement, you must determine whether the statement was made by the Defendant voluntarily and of his own free will.

This means that the statement was not caused by pressure, force, fear, threats, coercion, or intimidation, or by the hoop, or promise of leniency, or a reward of any kind. In determining whether the statement was voluntary, you

should consider both the characteristics of the Defendant and the details of the questioning.

Some of the factors that you must consider are: The age of the Defendant, the Defendant's education or lack of education, the Defendant's mental ability or capacity, the Defendant's IQ or intelligence, the Defendant's background and environment, the place and length of detention, the nature of questioning, the advice or lack thereof to the Defendant of his constitutional rights, included, but not limited to the right to remain silent, that any statement could be used against him in a court of law.

The right to have a lawyer present, that if he could not afford a lawyer, a lawyer would be appointed to represent him without any cost, that he could stop making the statement at any time. You must carefully consider all the surrounding circumstances before you give any weight to the alleged statement.

The State has the burden of proving, beyond a reasonable doubt, that the alleged statement was voluntary. If you determine it was, you may give the statement any further consideration that you deemed proper. You must decide what weight, if any, should be given to the alleged statement. If you determine that the alleged statement was not the free and voluntarily voluntary statement of the Defendant, you should not consider the statement at all.

The indictments charged the Defendant with murder, burglary in the first degree, armed robbery, conspiracy, and possession of a weapon during the commission of a violent crime.

I remind you that the fact that the Defendant was arrested, and charged, and indicted in this case is not evidence in this case, nor does it create any presumption or inference of guilt. These documents are simply the formal written instruments which contain the charges made against the Defendant. They're the formal documents by which the case is brought to court.

Now, let's go down each charge. The Defendant is charged with murder. The State must prove, beyond a reasonable doubt, that the Defendant killed another person with malice aforethought. Malice is hatred, ill will, or hostility toward another person. It is the intentional doing of a wrongful act without just cause, or excuse, and with the intent to inflict an injury or under circumstances that the law will infer (inaudible) intend.

Malice aforethought does not require that malice exists for any particular time before the act is committed, but malice must exist in the mind of the Defendant just before and at the time the act is committed. Therefore, they must be a combination of the previous evil intent in the act.

Malice aforethought may be expressed or inferred.

These terms express or -- and inferred do not mean different kinds of malice, but merely the manner in which the malice may be shown to exist. That is either by direct evidence or by inference from the facts and circumstances which are proved.

Express malice is shown when a person speaks words which express hatred or ill will for another, or when the person prepared, beforehand, to do the act, which was later accomplished. For example, lying and wait for a person, or any other acts of preparation, going to show that the deed was -- was within the Defendant's mind would be express malice. Malice may be inferred from conduct showing a total disregard for human life.

The Defendant is also charged with burglary in the first degree. A person is guilty of burglary in the first degree. If the person enters a dwelling without consent, with the intent to commit a crime therein accompanied by the presence of an aggravating circumstance. The State must prove each of these elements beyond a reasonable doubt. If the State fails to prove any single element, you cannot find the Defendant guilty of burglary in the first degree.

The State must first show there was an entry. That is, the Defendant actually went inside the dwelling or some part of it. However, entry is not confined to the intrusion of the all body. The slightest entry is sufficient and it may

consist of the insertion of any part of the body or any instrument under the Defendant's control. An entry may be accomplished, for example, by the insertion of a hand, finger, foot, or implement, such as a hook or pole. No force needs to be used to gain entry.

The place entered must be a dwelling. A dwelling is defined as a dwelling house, as in-house, out-house, apartment, building, erection, shred -- shed, or box, which -- in which resides an owner, tenant, watchman, clerk, or laborer for the purpose of sleeping, leaving, or lodging. An unoccupied residence is a dwelling if the occupant left with the purpose of returning.

The entry must have been without consent, meaning the defendant entered without permission of the person in lawful possession. In addition to this traditional meaning of entry without consent, the phrase also includes entering by using deception, artifice, trick, or misrepresentation to gain consent to enter from the person in lawful possession.

There, also, must have been an intent to commit a crime in the dwelling house. Any crime, a felony or misdemeanor, whether or not that crime was actually committed, satisfies this requirement. However, entry into a dwelling without consent is not sufficient to constitute burglary in the first degree, absent intent to commit a crime therein.

Further, it is not sufficient if the intent to commit a

crime was formulated after entry. To convict the Defendant of burglary in the first degree, you must find that at the time he entered the dwelling, the Defendant intended to commit a crime, once therein. The Defendant's actions after he entered the dwelling can be relied on his evidence to the Defendant's motivation for entering the dwelling.

Evidence that the Defendant abandoned the crime after entry does not negate the offense of burglary in the first degree if intent to commit the crime existed at the time of entry. If you find the Defendant entered a dwelling without consent, with the intent to commit a crime therein, you must then find the presence of at least one of the following aggravating circumstances, that: While entering, or while in the dwelling, or fleeing the -- the scene, the Defendant or a co participant did cause physical injury to any person who is not a participant in the crime, or was armed with display, used, or threatened use of a deadly weapon or explosive.

If the Defendant or Co-participant is not armed with a deadly weapon upon entering the dwelling, but takes the dwell -- from the dwelling, a firearm, or other deadly weapon, that defendant or co-participant is, at that point, armed with a deadly weapon for purposes of burglary in the first degree.

To be armed with a deadly weapon, the defendant or co-participant need only have physical control over a deadly weapon in effecting entry or while in the dwelling or in the

immediate flight there from such that the weapon is readily available for the person to use. It does not matter how the person acquired the deadly weapon or for what purpose the person took possession of the deadly weapon.

A deadly weapon is generally defined as any article, instrument, or substance, which is likely to produce death or bodily harm. The following are examples of instruments which may be deadly weapons: A pistol, a shotgun, a rifle, a dirt, a dagger, a knife, a slingshot, metal knuckles, a razor gasoline, a fire bomb, or Molotov cocktail, and a lighter fluid.

The question of whether an instrument has been utilized as a deadly weapon depends on the facts and circumstances of the case. A gun may be a deadly weapon even if it is not operating. An additional aggravating factor that may be considered is whether or not the non-consensual entry into the dwelling took place at nighttime.

The Defendant is also charged with armed robbery. In order to prove this offense, the State must prove, beyond a reasonable doubt, that the Defendant took personal property from the person or presence of another person. Property is in the presence of the person, it is within the person's reach, inspection, observation, or control so that that person could, if not overcome with violence or prevented by fear, keep possession of the property.

The State must also prove, beyond a reasonable doubt, that the Defendant carried the property away, intending to permanently deprive the owner of the property, and to keep the property for the Defendant's own use. The slightest removal of the property or the complete possession of the property, even for an instant by the Defendant, is sufficient to show a taking and carrying away of the property.

The taking and carrying away of the property must have been done with violence, or by putting the owner of the property in fear of violence. Finally, the State must prove, beyond a reasonable doubt, that the Defendant was armed with a deadly weapon during the robbery. A deadly weapon is any article, instrument, or substance, which is likely to cause death or great bodily harm. Whether an instrument has been used as a deadly weapon depends on the facts and circumstances of each case.

The following are examples of instruments which may be deadly weapons: A pistol, a shotgun, a rifle, a dirt, a dagger, a knife, a slingshot, metal knuckles, a razor gasoline, a fire bomb, or Molotov cocktail, and lighter fluid. A gun may be a deadly weapon even if it's not operating.

The Defendant is also charged with possession of a weapon during the commission of, or attempt to commit a violent crime. The State must prove, beyond a reasonable

doubt, that the Defendant was in possession of a firearm, or visibly displayed what appeared to be a firearm during the commission of a violent crime.

A firearm means any machine, gun, automatic rifle, revolver, pistol, or any weapon, which will is designed to and may be readily converted to expel a projectile. In order to find the Defendant guilty of possession of a weapon during the commission of a violent crime, you must find the Defendant first guilty of either committing a violent crime or attempting to commit a violent crime. Murder, armed robbery, and burglary first degree are all violent crimes under South Carolina law. The State must prove, beyond a reasonable doubt, that the weapon further advanced, or helped in the commission of the crime.

Finally, the Defendant is charged with conspiracy. State must prove beyond a reasonable doubt that the Defendant combined with one or more persons for the purpose of committing an unlawful act of committing a lawful act, or committing a lawful act by unlawful means. There must be a mutual understanding agreement or common intention and plan. Mere passive knowledge of, or consent to the criminal conduct of another is not enough to make the person that a conspirator. There must there must be guilty knowledge and participation.

Similarly, the mere fact that the Defendant may have

associated with another person or met with another person and discussed common aim and interest does not necessarily establish proof of the existence of a conspiracy, or that the Defendant was involved in a conspiracy.

On the other hand, it is not necessary that an agreement be a formal one, that it be in writing and the person's holding a meeting, and expressly state the terms of the common plan or that the agreement be stated in words between them. The agreement of the criminal conspiracy may come into being through an implied mutual understanding. The willful, intentional, and knowing adoption by two or more persons of a common plan is sufficient.

No overt acts need to be done to establish a conspiracy. A conspiracy may be shown by circumstantial evidence and conduct of the parties. In order to convict the Defendant of conspiracy, the State must prove, beyond a reasonable doubt, that not only that the Defendant knew of the unlawful conduct, but that the Defendant agreed to combine with the other persons for the purpose of accomplishing the unlawful conduct.

A person may be constructively present at the commission of a crime even though the person is some distance away from the actual scene if it is shown, beyond a reasonable doubt, that the person played a role in the commission of the crime as a result of some prior

arrangement. Mere presence at the scene is not sufficient to prove someone guilty of a crime. A defendant's presence where a crime is being committed, or mere association with a person who commits a crime does not make a defendant -- or an accomplice, or an aider and abettor of the person committing the crime.

The burden is on the State to prove every element of the crime charged. If you find, after -- after reviewing all the evidence, that the State has proved that the Defendant was only present at the scene of a crime, and that they have not proved beyond a reasonable doubt any other participation in the crime, you must find the Defendant not guilty. The law is that the proof is -- that proof at the scene of the crime is alone, is not sufficient to find you guilty.

I instruct you and emphasize that the fact that the Defendant did not testify is not a factor to be considered by you in any way in your deliberation, and in your consideration of the question of guilt or innocence of the Defendant. It must not be considered by you in any manner whatsoever. A defendant has the constitutional right to remain silent, and the assertion of this right must not be considered by you in your deliberations. I repeat under your oath, you are to draw no conclusion whatsoever from the fact that the Defendant in this case did not testify. The fact that this defendant did not testify should not even be

discussed in the jury room.

The burden of proof, as I have stated to you, is on the State. The Defendant is not required to prove his innocence. The burden remains on the State to prove guilt beyond a reasonable doubt.

A person who joins with another to commit a crime is criminally responsible for everything done by the other person, which happens as a natural and probable consequence of the act. If two or more are together, acting together, and assisting each other in committing the offense, all are guilty. A finding of a prior arrange plan or scheme is necessary for criminal liability to attach to the accomplice who does not directly commit the criminal act when -- when an act is done in the presence of and with the assistance of others, the act is done by all.

Ladies and gentlemen, we're almost at the point where I send you do the jury room to begin your deliberations. This has been a long instruction on the law, but I want to leave you with some final thoughts. You were chosen as jurors in this case because both sides believe that you could be fair and impartial in deciding this case. I instruct you to make use of your life experiences, your good common sense, and your sense of logic and reason in evaluating the evidence in this case.

You are not partisans for either side. You have no

friends to reward, nor any enemies to punish. You are the judges of the facts. Your sole interest is to determine whether or not the State has proven its case beyond a reasonable doubt. Be courteous with one another. Listen to the views of your fellow jurors. Take the amount of time necessary for you to thoroughly evaluate the evidence. This case is important to both sides as this is their day in court.

So Mr. Foreman, I'm going to go over the verdict form quickly with you. As you'll see, it's a -- it's a three-page verdict form, and it has -- it -- it is broken down by charge with the indictment number. And the first one as to the charge of murder, "We, the jury, unanimously define the -- find the Defendant" -- it gives you two options, "Not guilty," or -- and then the second option is, "Guilty."

Then you go down to armed robbery. It gives you the same options, "Not guilty," or "Guilty." Burglary, first degree, same option, "Guilty," "not guilty." Conspiracy, "Not guilty," or "Guilty." Now, the final charge is possession of a weapon during the commission of a violent crime. In order to find the Defendant guilty of this offense, you must first have found him guilty of murder, armed robbery, or burglary, first degree. You must have found him guilty of at least one of those that are classified as violent offenses.

If -- if you have found him not guilty to -- to all of the -- those three, then you must find him not guilty and just proceeded to the end of the form on that. But when you have reached a verdict, you'll sign it where your name is here, and date it, and knock on the door and let the bailiff know you have reached a verdict.

Your verdict must -- on each charge must be unanimous, okay? So with that, I'm going to have you retire to the jury room. Do not begin your deliberations until I send the verdict form and the exhibits back with the bailiff, okay?

(Jury exits courtroom 4:11 PM.)

THE COURT: Okay. Any exceptions from the State?

MR. MORONEY: Not from the State, your Honor.

THE COURT: Any exceptions from the Defense?

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

THE COURT: All right. Let me have each attorney come forward to the table, count the exhibits, make sure they're -- they're all there, and then we'll send them back.

(Off the record.)

(On the record.)

MR. GAMBRELL: Judge, I -- I just remember one thing I had asked to be about to submit that phone record on a hard drive to the record for the pretrial motion.

THE COURT: (Inaudible) Court's exhibit?

MR. GAMBRELL: Yeah.

THE CLERK: Yes, sir.

THE COURT: All right. We got our first question from the Foreman: "Jury wants to see/hear the charge, "and one," can you send the charge back?" I do not send charges back. I -- I -- I have in a couple of rare occasions done it. But I -- I generally do not do that. What I'll do is bring them back out here and read it to them again.

Additionally, my charge has other writing and other things on the page that they don't need to get bogged down trying to decipher, so -- I'm going to bring back out here and read it to them.

THE BAILIFF: Ready, your Honor?

THE COURT: Yes, sir.

(Jury enters courtroom 4:31 PM.)

THE COURT: Okay. Mr. Foreman, I -- I'm in receipt of your question. What I'm -- I had them bring you back out here because I'm going to read you the -- you -- you want the law on hand of one. Again, so listen -- listen very carefully. I'm -- I'm going to read it to you again.

A person who joins with another to commit a crime is criminally responsible for everything done by the other person, which happens as a natural and probable consequence of the act. If two or more are together, acting together and assisting each other in committing the offense, all are guilty.

A finding of a prior arranged plan or scheme is necessary for criminal liability to attach to the accomplice who does not directly commit the criminal act. When an act is done in the presence of, and with the assistance of others, the act is done by all. That is the definition of "The hand of the one, the hand of all." So, with that, I will send you back to the jury room, and you can resume your deliberations.

(Jury exits courtroom 4:37 PM.)

THE COURT: (Inaudible) there's that Court's exhibit.

COURT REPORTER: Oh, thank you.

(Court's Exhibits Numbers 5 and 6 marked for identification.)

THE COURT: All right. We'll go back into recess.

(Off the record.)

(On the record.)

THE COURT: Okay. We have our -- all our parties, attorneys and parties. Let's go on the record. Counsel, I've been informed that we have a verdict. So Mr. Bailiff, would you bring the jury, please?

THE BAILIFF: Ready, your Honor?

THE COURT: Yes, sir.

(Jury enters courtroom 6:00 PM.)

THE COURT: All right. Mr. Foreman, has the jury reached a verdict?

JUROR NUMBER 228: Yes, your Honor. We have a verdict.

THE COURT: Would you hand that to the bailiff, please, sir? Madam Clerk, please publish the verdict.

THE CLERK: Your Honor, in the State versus Tyberious Rahkeem Pyles: As to the charge of murder, Indictment 24-GS-23-1874, "We, the jury, unanimously find the Defendant guilty." As to armed robbery, Indictment Number 24-GS-23-1873, "We, the jury, find the -- the Defendant unanimously guilty." As to the charge of burglary, first degree, Indictment 24-GS-23-1870, "We, the jury, unanimously find the Defendant guilty." As to conspiracy, Indictment number 24-GS-23-1872, "We, the jury, unanimously find the Defendant guilty." As to the possession of a weapon during the commission of a violent crime, Indictment 24-GS-23-1874, "We, the jury, unanimously find the Defendant not guilty."

Ladies and gentlemen, if this is -- the jury, if these are the verdicts you reached in your jury deliberation room, please raise your right hand. Thank you.

THE COURT: Anything further for the jury from the State?

MR. MORONEY: Nothing from the State.

THE COURT: Anything further for the jury for the -- from the Defense?

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

THE COURT: Ladies and gentlemen, I'm going to have you retire to the jury room just for a brief moment. Mr.

good person and he had tons of friends and just loved hanging out.

So I -- you know -- for whatever distinction that that is, I -- I just say that I -- you know, based on the jury's verdict, I don't believe that they found that -- that he went into the house, or that he possessed the handgun, or that he -- you know, fired the shot. But he is -- has been found guilty of those crimes. He has four children, ages 9, 5, 4, and 2. He is 25 years old. And I -- I don't think that he wants to address the court, but I would like to give him this opportunity to do so.

THE COURT: Mr. Pyles, is there anything you'd like to say?

THE DEFENDANT: Yeah, I would just like to say that I apologize for all the charges that I have.

THE COURT: Okay. Thank you, Mr. Pyles.

THE DEFENDANT: Yes, sir.

THE COURT: Well, this is a terrible, terrible tragedy. "Senseless," I heard that word, and that -- and that's accurate. I see multiple lives affected by this: one life ended, and another family member suffering. And the multiple family members are suffering as a result of.

Mr. Pyles, your life is fundamentally affected too. I -- I'm very sad to hear that -- that you have children that are growing up without their father, and that's -- that's a

terrible tragedy in and of itself. But Mr. Smith, the victim, had children as well.

So the sentence of the Court would be as follows: The -- on 2024-GS-23-1874, Defendant be confined in the Department of Corrections for 40 years. Then on 2024-GS-23-1870 and 1873, he would be confined in the Department of Corrections for a term of 30 years. Then on 2024-GS-23-1872, he would be confined in the Department of Corrections for a term of five years.

All of these are concurrent. He gets credit for 1,211 days. Good luck to you, Mr. Pyles. Ma'am, good luck to you. I hope your family (inaudible) family finds peace. We close the record.

MR. GAMBRELL: Judge, could I -- I just want to put one last thing on the record.

THE COURT: Yes, please.

MR. GAMBRELL: I don't have that storage disc that has the phone file on it. I just ask that you let the record stay until tomorrow morning, that I can bring that, and -- and submit it as a Court's exhibit?

THE COURT: I'll be here tomorrow. Just bring it to Ms. Jenkins tomorrow.

MR. GAMBRELL: I believe it's -- it's going to be listed as Court's Exhibit 6.

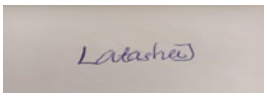
THE COURT: Okay.

CERTIFICATE OF TRANSCRIBER

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.



LATASHA JEFFERSON,

TRANSCRIBER

WITNESSES

303 Andrew Hennings #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 § 16-03-0010 and § 16-23-0490

ENTERED

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
MURDER
and
POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

APR 0 2 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 #1491

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

ENTERED

306

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	**BURGLARY**
COUNTY OF GREENVILLE	)	**IN THE FIRST DEGREE**

At a Court of General Sessions, convened on APR 0 2 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

5/16/2022

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- BJM 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.

308

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ARMED ROBBERY

At a Court of General Sessions, convened on APR 0 2 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, 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 # 101814

WITNESSES

309 Andrew Herring #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 01872

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April **TERM 2024**

THE STATE

vs.

TYBERIOUS RAHKEEM PYLES

Indictment for

0049

CONSPIRACY

VIOLATION § 16-17-0410

A TRUE INDICTMENT

310

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CONSPIRACY

At a Court of General Sessions, convened on APR 0 2 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

STATE OF SOUTH CAROLINA

County of
Greenville 01-2022-010021

SEARCH WARRANT

Date 1-26-2022

Officer INV Tracy King

EXHIBIT
Courts 2

ejy/09/20/2023 12:46:56

STATE OF SOUTH CAROLINA

COUNTY OF Greenville, South Carolina

AFFIDAVIT

Personally appeared before me, one Inv. King who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

See Attachment # A for description

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

Facebook Inc.
1601 Willow Road
Menlo Park, CA 94025
and more particularly described as follows:
Facebook account: https://www.facebook.com/[redacted]

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

The affiant is assisting in a death investigation where the victim was found shot to death in his apartment at 4302 Edwards Rd 4F, in Taylors, SC 29687. The Greenville county Sheriff's Office received a call for service at a 0336 AM on 01/22/22. Deputies arrived and Found Greenville County EMS already present and working the victim. The victim was later pronounced dead. GCSO Uniform Patrol secured the scene and Investigators arrived a short time later. There were two witnesses to this event, Shareef McCarroll and Marquez McCarroll. The two witnesses were reluctant to speak to investigators at first but they did travel to the LEC later and speak with investigators. The witnesses described a similar version of events that their bedroom door was kicked in and the victim was thrown into the room. There were two subjects with their faces covered and one subject had a two tone (black/green) gun. One of the subjects asked the victim where "it" was. The subject with the gun then shot the victim and both subjects fled the scene. During the course of this investigation a large amount of marijuana was located in the victim's apartment. This investigator believes that drugs was a motivating factor in this shooting. Other investigators spoke to the witnesses about the suspects they observed in this incident. One of these witnesses reported seeing the shooter with a two tone handgun. The victim's public Facebook profile was viewed and facial recognition was utilized that showed what appears to be Tyberious Pyles with the victim at the victim's apartment a few days before the shooting. This video shows what appears to by Tyberious Pyles holding a two tone handgun. The affiant requests this warrant to further investigate this homicide by attempting to link Tyberious Pyles to this incident from information that has already collected and information that is in the data relating to the Facebook account of Tyberious Pyles.

Sworn to and Subscribed before me
this 26th day of January, 20 22
B O Morgan (L.S.)
Signature of Judge

Inv. A.T King
Affiant

Address 4 McGee Street
Greenville SC 29601

Phone 864-271-5210

ejy/09/20/202312:46:57

STATE OF SOUTH CAROLINA }
COUNTY OF Greenville }

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-13-140
March 18, 1918

ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF Greenville South Carolina.

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

Facebook Inc.
1601 Willow Road
Menlo Park, CA 94025
and more particularly described as follows:
Facebook account: https://www.facebook.com[redacted]

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

See Attachment #A for description of property.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to Facebook and the issuing Circuit Court Judge within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Greenville, S. C.
1/26, 2022

Signature of Judge (L. S.)

EJ/09/20/2023 12:45:54

Attachment A:

Description of Property Sought

- Any and all subscriber information for account holder [redacted]@facebook.com .
- Information to include user ID number, Email address(s), Date and time stamp of account creation, Most recent logins, Registered and or identified mobile telephone numbers, VPN numbers, Profile contact information, Mini-feed, Status update history, Shares, Notes, Wall postings including deleted wall postings, Friend listing with friends' Facebook ID's, Group listing with Facebook Group ID's, Future and past events, Video listing with filename, User photos including deleted photos, Private messages including deleted private messages, IP logs, Instant Messages, Voice over IP Call and Text Data, Video Messaging, Video Conferencing, Video Calls.

- LOCATION HISTORY DATA, EXIF DATA,: This search is for that data which is collected by FaceBook Inc., Facebook Pixiel, Instagram, Meta, WhatsApp, Oculus VR, Com, LiveRail, Threadsy, Parakey, ConnectU, FriendFeed, Octazen, Divvyshot, Friendster patents, ShareGrove, Zenbe, Nextstop, Chai Labs, Hot Potato, Drop.io, FB.com domain name, Rel8tion, Beluga, Snaptu, RecRec, Daytum, Sofa, MailRank, Push Pop Press, Friendly.ly, Strobe, Gowalla, Caffeninatedmind, Tagtile, Glancee, Lightbox.com, Karma, Face.com, Spool, Acrylic Software, Threadsy, Atlas Solutions, osmeta, Storylane, Hot Studio, Spaceport, Parse, Monoidics, Jibbigo, Onavo, SportStream, Little Eye Labs, Branch, Ascenta, ProtoGeo Oy, PrivateCore, LiveRail, WaveGroup Sound, Wit.ai, Quickfire Networks, TheFind, Inc., Surreal Vision, Endaga, Prebbles, MSQRD (Masquerade), Two Big Ears, Nascent Objects, Infiniled, CrowdTangle, Faciometrics, Zurich Eye, Ozlo, Fayteg AG, tbh, Confirm, Bloomsbury AI, Redkix, Vidpresso, Dreambit, Chainspace, GrokStyle, Servicefriend, CTRL-labs, Packagd, Beat Games, PlayGiga, Sanzaru Games, Scape Technologies, GIPHY, Mapillary, Readt at Dawn, Lemnis Technologies, Kustomer, Downpour Interactive, Unit 2 Games, BigBox VR, AI.Reverie, Within, Atlas Ad platform, Adsense, AdMob, and DoubleClick, LiveRamp, Experian, Paper, , . To include data derived from Ads based on data from partners of the above mentioned collection parties and applications, social actions, or websites which share information with or use advertising services from the above listed companies, platforms and applications. All location data from third party cookies which can track a user's activity across multiple sites and platforms, regardless if the user has provided Facebook Inc. with consent or not, and the data exists within the data files of the above listed companies, and or third party providers to any of the above listed companies, to include those not mentioned but utilize Facebooks SSO to follow the movement of a user.

- To include Precision and or "precise" Some of which was obtained from Browser Data, "habits", IP addresses, Wi-Fi Networks, Bluetooth Data, GPS signal and connection activity, Check-Ins, events and internet connection activity, nearby friends, Ad or advertisement data, relevant or non-relevant data, find places, which is used by Google, Apple, Microsoft, Google AdID, IDFA, to collect current and historical location history, Beacon Location data, Content tagged with location data, from user, user associates or friends which share data with EXIF data attached.

2023/09/20 12:46:54

All of this data should be limited to the time period between 12-01-2021 and 1-24-2022.

Inv. A.T. King — 1-26-2022

Signature of Affiant — Date

G.D. Morgan Jr. — 1/26/22

Signature of Judge — Printed name — Date

Thirteenth Judicial Circuit Court
305 East North Street
Greenville, SC 29601

EJV/09/20/2023 12:46:55

RETURN

I received the attached Search Warrant Jan. 26th, 20 22, and have executed it as follows:

On Jan 26th, 20 22 at 10:00 o'clock A. M, I searched

(the person) described in the warrant and (the premises)

I left a copy of the warrant with Judge.
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:
E-Mail Showing Facebook in Receipt of Warrant
Documents Expected to take More than 10 Day's to Receive

This inventory was made in the presence of

AND

I swear that this Inventory is a true and detailed account of all the property ~~taken by me on~~ the warrant.

SWORN to before me this 4th
day of Febru, 20 22

[signature] (L.S.)
Signature of Judge

[signature] 4-12-78 / 617
(Signature of Officer Executing Warrant)

ajy/09/20/202312:46:57

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF GREENVILLE	)	Case Number: 012022010021
	)	
IN THE MATTER OF A CRIMINAL INVESTIGATION	)	ORDER FOR NON-DISCLOSURE

Facebook Inc
1601 Willow Road
Menlo Park, CA 94025

In Re: Facebook user: https://www.facebook.com/tyberious.pyles.100

It is hereby ordered that Facebook, Inc., per 18 USC 2705b, should not disclose the existence of the related Search Warrant for the Facebook account, or the existence of this investigation, for a period of 90 days, not to extend beyond September 9, 2024.

Any such disclosure will impede this investigation and thereby interfere with the enforcement of South Carolina law and may result in harm of witness and/or other victims involved in this case.

IT IS SO ORDERED.

Date: 1/26/22

Circuit Court Judge
Thirteenth Judicial Circuit
State of South Carolina

EJY/09/20/2023 12:45:55

Case Number: 01 – 2022 - 010021

YOUR RIGHTS

Sheriff's Office
Greenville, S. C.

Date 5/13/22

Time 9:10 pm

TP Before we ask you any questions, you must understand your rights.

TP You have the right to remain silent.

TP Anything you say can be used against you in court.

TP You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

TP If you have no money to pay a lawyer's fee, the court will appoint one to represent you without cost if you wish.

TP If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

TP I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I understand and know what I am doing. No promises or threats have been made to me.

Signature Tyberious Pyles

Print Name Tyberius Pyles

Address [redacted] Osmond Dr
Taylors SC 29615

SSN [redacted]

DOB [redacted]99

Education HS Diploma

School Attended Riverside

Phone [redacted]

Witness [signature] #1441/613

Witness BR LeL #1284/534

Time 9:14 PM

EXHIBIT
Court's 3

2023 SEP 15 P 12:02

ajy/09/20/202312:50:40

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Amended Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Amended 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,

RECEIVED
Sep 25 2026
SC Court of Appeals

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 25th day of September, 2026.

RECEIVED
Sep 25 2026
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

CERTIFICATE OF SERVICE

I certify that a copy of the Amended Record on Appeal in the above-referenced case has been served upon P. Sanders Linker, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 25th day of September, 2026.

Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT