ORIGINAL

VOLUME TWO OF THREE

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM KERSHAW COUNTY

G. Thomas Cooper, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GREGORY V. SMITH,

APPELLANT

APPELLATE CASE NO. 2012-213666

RECORD ON APPEAL

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microscope that has what looks like binoculars on it, but I can see in one side, my test fire, and the other side any evidence, and then I attempt to find dissimilarities or similarities to show that the bullet or cartridge case came from a specific firearm.

Q And in the present case, what did you find? Did you do those things?

A I did.

Q And what did you find?

A I found that the fired bullet, State's Exhibit 26, was fired by the revolver that I received, and that the fired cartridge case also came from that revolver.

Q Were you able to make any determination as to --- the fired cartridge case, was it the same type of bullets as the unfired bullets?

A Yes, it was.

Q And the spent shell was --- the spent round was the same type of bullet? Was it all the same stuff?

A They were consistent with being the same. They had the same head stamp on the cartridge case and the bullet was very similar in construction to what was received as the fired bullet.

Q All right. And there's no doubt in your mind that the fired bullet was fired from that gun?

A Correct.

MR. PERRY: Please answer any questions Mr. Riley may have for you, Ms. Eichenmiller.

CROSS-EXAMINATION:

BY MR. RILEY:

Q Ms. Eichenmiller, I'm Neil Riley. I represent the defendant. Dumb question, but your tests and your analysis tells you nothing about who fired that gun, correct?

A Correct.

MR. RILEY: Thank you.

MR. PERRY: Nothing further from this witness, Your Honor.

THE COURT: All right. Ma'am. You may come down. Thank you very much.

THE WITNESS: Thank you.

THE COURT: May this witness be excused?

MR. PERRY: Yes, please.

MR. MOAK: The State calls Patricia Crawford.

PATRICIA CRAWFORD,

after being duly sworn, testified as follows:

THE CLERK: State your full name for the record. Have a seat.

THE WITNESS: Patricia Martin Crawford.

DIRECT EXAMINATION:

BY MR. MOAK:

Q Ms. Crawford, where do you work?

A Kershaw County 9-1-1.

Q And you are a 9-1-1 operator?

A Yes, sir.

Q Do you have in your hands what's been marked State's 84, I believe?

A Yes, sir.

Q What is that?

A This is what we call a CAD report.

Q Is the CAD record to the incident that happened May 28th, 2011, at , 601 South Lugoff?

A Yes, sir.

Q And that's the actual CAD report?

A Yes, sir.

Q That was produced by your office?

A Yes, sir, it is.

MR. MOAK: Your Honor, at this time I'd move State's 84 into evidence.

MR. RILEY: Without objection, Judge.

THE COURT: Without objection.

(WHEREUPON, State's Exhibit 84 was admitted into evidence.)

BY MR. MOAK:

Q Can you tell us when the initial call came in on

this case?
A 12:46.
Q 12:46, and did this call originate in Kershaw EMS or did it go to Columbia and then get transferred over?
A It went to Richland County and they transferred it to us.
Q The , 601 South is kind of near the Richland County line?
A Right.
Q Okay. On that report, on the first page towards the bottom, is there a transcript of two calls in there?
A Yes, sir.
Q Or narratives?
A Yes, sir.
Q Can you read the first narrative?
A Yes, sir. It says, "Per Richland County, stated the caller said that she heard two shots. It was transferred --- the call was transferred to Kershaw County. The caller stated when she was going by the residence, she heard two shots. The caller was very upset, seen someone walking down Koon Road with a gun and heard the shots. Stepfather told her to call the police. She did not see anyone get shot. The closest

mailbox was 601 South. Caller is Christina Shepherd, wearing jeans, shorts and blue t-shirt. She will be with a white male, blond or light colored hair. Aunt Samantha Steeprock was there, went up to the location to see if Greg Smith would put a lock on her sister's door. He was arguing with a Nicole Taylor (sic). She heard a gun go off when she was leaving --- when she left. Came home, got her brother-in-law and seen Greg walking down the street on Koon Road towards Baughman. Caller is at Baughman Road. She is headed back to the location in a green colored vehicle."

The next narrative is, "Female called from (803 , should be an Andrea Reichert, South. She thinks that's the address. It should be a tan trailer up on a hill. Caller will be in a Chevy trailblazer. Her E.T.A. is five minutes. Samantha Steeprock was there, heard gunshot when she was pulling out of the driveway. Stated subject in the residence was fussing, stated it was Deborah Taylor."

Q And that's the two narratives that are on that report?

A Yes.

Q Now, if you --- between the first page and page 13, there's lot of stuff about EMS and I think even

one of them is talking about getting Gatorade to some workers and stuff like that?

A Right.

Q But on page 13 there is a list with times and numbers. Can you tell us what that is?

A Okay. The one on the far left-hand corner is the unit number.

Q Okay.

A That means what the deputy that has an assigned unit number and that's where their unit number goes. Then in the status it tells whether they were dispatched en route, arrived, and every remark they said over the radio.

Q Okay.

A And in the middle is what they said and there's the times on the far right-hand side.

Q So on the very first one that --- the timestamp is 12:48:28 that's actually when this call, the call goes out to law enforcement?

A Yes, that's when it was dispatched.

Q So that's when initial dispatch was?

A Yes.

Q Then at 13:00:10 what's the notation?

A 13:00:10, it said no one had been shot.

Q Okay. And then 13:11:27 is there a nation there?

A Yes. It says, "Has a female, has been shot."
Q And then the next three notations?
A "She is not responding, covered in blood. Looks like she has been shot in the head."
Q So that's 13:11:27, which is approximately 23 minutes after this was then dispatched?
A When that came? When that was?
Q Yeah.
A Yes.
Q Okay. Then going down on page 14, it says 13:30:27, what's the notation there?
A Subject in custody.
Q And between the notation about appears to be dead and this, there's a bunch of notation about Life Net, checking to see if patient is breathing, things of that nature, correct?
A Yes, yes.
Q And then there is another notation at 13:31:12, does that say that the suspect is in custody?
A Yes, "Suspect in custody."
Q Okay. So that's approximately 41 seconds --- I take it back --- 55 seconds after subject in custody?
A Uh-huh.
Q And at that point, there's something about

locking down Screaming Eagle Road that same minute at 13:31:57?
A Uh-huh.
Q Okay. And at 13:37:35, there's a notation with Greg Smith and his date of birth?
A Yes.
Q And then on page 15, moving up to 13:55:21 is that something to do with a breach of peace?
A Yes.
Q And that indicates somebody is in custody for breach of peace?
A Yes.
Q Doesn't say who it was, but just that somebody is in custody for breach of peace?
A Right, right.
Q And then skipping down about halfway down the page, 14 hours, 18 minutes, 34 seconds, is that a call for emergency assistance?
A Yes.
Q And what does that actually say?
A It says...
Q Something about unresponsive or something?
A Something about ER A.S.A.P., unresponsive, yes.
Q And then two notations down it says something about the jail?

A Yes, to meet the deputy at the jail.
Q Okay.
A That was a request ER A.S.A.P. unresponsive.
Q Okay. And then after that there is a bunch of notations about meth lab and chemicals, like the hazardous material type stuff?
A Right.
Q And on page 16 --- or actually 14:29:15 hours 29 minutes, 15 seconds, there's something about a cardiac arrest patient?
A Yes, sir.
Q That's also in regards to this incident?
A Yes, sir.
Q Okay. You don't know who that is. You just know somebody had cardiac arrest?
A Yes, sir.
Q Then at 14:30:56, it's something about the fire units are somewhere, or fire units being there?
A What time did you say? I'm sorry.
Q Fourteen hours 30 minutes 56 seconds.
A Yes, yes.
Q About the fifth one down. If you read that it looks like Richland County Fire assisting Kershaw County?
A Exactly.

Q There's something --- later on there is something about animal control?
A Right.
Q And also some of the deputies having to be --- go to the hospital?
A Yes, sir.
Q And that's what's --- that's what's on, well, actually the next thing it looks like kind of before it is at --- on page 17, 15 hours, 43 minutes 40 seconds, approximately about a third of the way down the page?
A Yes, sir.
Q What's that notation?
A You said 15:43:40?
Q Yes.
A 65 to get subject to the ER.
Q And 65 is a sheriff's deputy?
A Yes, sir.
Q So that's the deputy, whoever 65 is, was told to take the subject to the ER?
A Yes, sir.
Q And after that there's some stuff about the haz-mat and the dog, some animal control issues?
A Yes, sir.
Q And that's what's on this report?

A Yes, sir.

MR. MOAK: No further questions.

THE COURT: Cross-examination?

CROSS-EXAMINATION:

BY MR. RILEY:

Q Ms. Crawford, I'm Neil Riley, I represent the defendant in this case. Are you like the head person at Kershaw County?

A I am one of four supervisors, yes, sir.

Q Now, in the course of this transcript, just picking page 13 as an example, over on the right hand side, of course, date and time are obvious, but user, there's Barbara, Daisy, Tess, Crawford. Are those all employees of 9-1-1?

A Yes, sir; yes, sir.

Q So that's identifying who made the actual entry?

A Yes, sir.

Q But these are basically transcripts of telephone conversations, right?

A And radio, yes, sir.

Q Okay.

A Telephone and radio.

Q So what --- when the category that's marked user, what would the user --- it's just a recording --- how is the user --- what's the purpose of identifying the

user?
A So if something happens like this.
Q Uh-huh.
A Like if something was done, you can go to that particular dispatcher.
Q Okay.
A I mean, there's four of us in a room.
Q Okay.
A So, you know, you have to --- we log onto a computer with our last name and then we also have a password.
Q Okay.
A So that's where that comes from.
Q And the date and time period covered by this transcript that we're here today --- that you're here today testifying about, you were on duty that day, correct?
A Yes, sir.
Q And were the other three on duty?
A Yes, sir.
Q And you were basically their supervisor?
A Yes, sir.
Q Okay. All right. But I guess --- and I don't mean make a mountain out of a mole hill, but I'm just wondering why if what we have before us is a

transcript of voice recordings, someone like you or Tess or Daisy wouldn't have to actually type in anything, would they? I mean, this is just merely a transcript of what was verbalized?

A Well, you have to have --- a recorder can't give you a case number.

Q Uh-huh.

A A recorder can't, you know, you have to have paperwork somewhere.

Q Well, I understand that. I understand that.

A I guess I don't understand what you're asking. Why we have CAD reports?

Q No, no.

A No?

Q No. I'm basically asking why the user, why is there a category marked user? If there is nothing that is being keyed in or typed in or stenographically entered, if it's merely a record of voice conversations?

A Right.

Q What does the category user mean?

A It means who --- who CAD'ed the call, who put what --- like if a deputy says something to me.

Q Uh-huh.

A And I log it in the computer, it's showing that

I'm the one ---
Q Uh-huh.
A --- who logged it in the computer, not everybody else in the room, just me, just Crawford.
Q So you do have to actually type this into a computer?
A Yes, yes.
Q Okay. Well, I guess I should have asked that to begin with. Thank you. Now, let's go back to page one.
The first call that came in was basically transferred from Richland County EMS?
A Yes, yes.
Q So the caller was a live caller and the call was just transferred, right, or was just ---
A From what I'm seeing from this.
Q Uh-huh.
A The caller called from a cell phone.
Q Uh-huh.
A And whatever tower you're closest to ---
Q Uh-huh.
A --- it sends you to that dispatch, so evidently the phone tower they hit was in Richland County, so it went to their dispatch and all they have to do is mash a button to transfer it to us.

Q Uh-huh.
A That's what they did. They transferred the call to us. As you can see, it says on here that someone has been shot, lost contact with the caller.
Q Uh-huh.
A So when they transferred, we get their cell phone number so we can call them back.
Q Now, Mr. Moak had you read the first two paragraphs that are entered and there were two different people?
A Right.
Q Christina Shepard and an Andrea Reichert or Richard or whatever?
A Right.
Q And those were separated only by --- it looks to me like seven minutes, right?
A Right.
Q All right. Now, are you --- are you familiar with the geographic area that these people were talking about or not?
A I'm not.
Q Okay. All right. Now, between pages two and 13, there is --- there are some entries dealing with the actual case that we're here about today, right?
A Right.

Q Like on page three there is another reference, 13:28, which would have been 25 minutes later another call from Andrea Reichert, right, or Rikard?
A Yes.
Q Okay.
Q Then at 13:30, the deputy has a subject down, is that not correct on page three?
A On page three? What ---
Q It's about three quarters of the way down. Narrative by Daisy at 13:30?
A 13:30? Yes, I see that, yes.
Q All right, but a lot of what's in between these pages two and 13 deal with other cases, right?
A No, sir, it's still the same case.
Q Okay.
A Everything] that's on this deals with that particular call.
Q How about on page two?
A Okay.
Q Probation or supervised release, status, name, David L. Taylor.
A Right.
Q Is that related to this case?
A Can you give me one minute?
Q Mail fraud?

A If you will look at page 14.
Q Yes, ma'am?
A Go to 13:16:21.
Q Uh-huh.
A That's where the deputy asked --- do you see David Lynn Taylor, 9:18:54.
Q Yes, ma'am?
A That's where we run him in an N.C.I.C. computer, National Crime Information Center computer.
Q Okay.
A That's where that information comes from.
Q All right. Got you.
Back to page two, though, what is the entry "OOC slash mail fraud, son, Mark Fowler?"
A Are you talking at 13:23? Is that where you're talking about on page two or are you talking about page three?
Q Page two. I'm looking at page two.
A And you're talking about the mail fraud?
Q Yeah, OOC slash mail fraud?
A Okay. What happens is we ran him in N.C.I.C. by his name and date of birth.
Q Okay.
A And this is what came back was that he was on probation or supervised release status.

Q Okay. David --- the name on page two is David Taylor, but you're saying that is actually David Tyler? In other words, you're saying it's the same guy?
A Not necessarily, the ending of the last name you have to --- when you get something like this, you have to verify by the name, date of birth, Social Security number. You've just don't assume. You have to match things up.
Q Uh-huh.
A So when we run it, whether it's them or not, we put it in the call.
Q Okay. All right. Turn, if you would, to page six, do you have that, page six?
A Uh-huh.
Q Are those where you are running David Tyler's or somebody else's rap sheet? Is that what that is?
A That is a driver's license history.
Q Okay. All right. The left most column, SUSP, would that refer to suspension of driver's license?
A What page are you on now?
Q Still on six.
A Still on six. And where are you talking about again?
Q I count three batches ---

A Right, right.
Q --- of dates and ...
A Okay.
Q It's SUSP, cause, begin, end.
A Right. That gives you the --- SUSP is the suspension code.
Q Okay.
A The cause gives you the date. The beginning gives you the beginning date of the suspension.
Q Okay.
A And the end gives you the ending date of the suspension.
Q Well, page six in these DL suspensions that are listed, who does that pertain to?
A Give me one minute.
(Pause.)
In this paperwork right now, I don't see who they belong to.
Q I don't either. I was hoping you could enlighten me, but anyway, let me move on, ma'am, okay.
A Okay.
Q Page eight. Again, there's a bunch of driver's license suspensions listed. Now, those clearly belong --- referencing the bottom of page seven.
A Right.

Q I think those clearly relate to David Tyler, correct?
A Yes.
Q Is that correct?
A Yes.
Q Okay. And then about halfway down page nine, there is the beginning of some DL records on Deborah Tyler, right?
A On page nine, yes.
Q Okay. And with the --- on page ten, the other suspensions listed on page ten pertain to Deborah Tyler, correct?
A Yes, sir.
Q Okay. Now, near the top of page 12, there is a name, Rebecca Getz listed. What's that all about?
A Hold on one second.
(Pause.)
If you look on page 19 it at 20:56.
Q All right.
A It's showing where a deputy ran those for us to log ---, they were in impound at the sheriff's office.
Q Yes, ma'am. Okay, but what is it that you telling me?
A They give you the tag numbers.
Q Okay.

A You see that and then , when they give us those, we run those through NCIC, as well and add those to the call.
Q So the 1996 Buick would have been --- the owner would have been Rebecca Getz or was registered in her name?
A Yes.
Q All right. Now, page 13, who is --- you answered or testified in response to an earlier question that the left most numbers refer to a unit, which I assume is a police vehicle?
A Yes, police, fire or EMS.
Q And who --- I mean, what unit is unit 47, do you know?
A Do I know his name?
Q Yeah.
A (Indicating in the negative.)
Q No? Okay. At 13:00, unit 47 sent a message that no one been shot, right?
A Right.
Q Okay. But you're not --- you don't know who that came from or who unit 47 is, right?
A Well, I was working another shift, so I'm not familiar with those deputies, but I know their numbers.

Q I thought you said on the date in question, you were on duty?
A Oh, I was on duty.
Q Okay.
A I was working.
Q Okay. All right. When you say you were working another shift, what do you mean?
A Yes. I was working on somebody else's shift.
Q Okay.
A But I was there.
Q Okay.
A Physically there.
Q All right.
Q These would --- wherever there is a unit listed, a number ---
A Uh-huh.
Q --- that means it's a police officer, correct, or not?
A Police, fire or EMS.
Q Okay. It's somebody in the whole realm of public safety?
A Right.
Q Okay, now what about --- how about going to page 14, when there is a listing like unit 1906.
A That's the ---

Q For 19:12, is that still either EMS, fire or police?
A That's fire apparatus, yes, sir.
Q Okay. All right. Page 14, 13:22:08, you got that?
A Yes, sir.
Q What does that mean? It looks to me like advised patient, PT 10-7? What is 10-7?
A It was saying that per number 10, 40 which is a unit ---
Q Uh-huh.
A Advised that PT, PT is patient is 10-7 and that means deceased.
Q Deceased, okay.
A Yes.
Q Okay. Now, can you tell from the entries on page 14, was that message coming in from someone at the detention center? If you can't tell from this log, just ---
A Either it came in through this radio or over the phone.
Q Okay. But do you --- can you tell the physical location of where that message was coming from?
A No.
Q Okay.

Q It looks --- again, looking at page 14, it looks like the Life Net helicopter was summoned and then canceled, correct?
A Yes, sir.
Q From this log, where was the --- when the initial message was sent summoning the Life Net helicopter, where were they being summoned to?
A They were being summoned to the address. Hold on one second.
Q ?
A If you look at if you look at 13:28:10 our fire department sets up the LZ, which is landing zone for the chopper to land. They set it up at Porter Cross Road.
Q Okay.
A So they wouldn't have to land on sand.
Q Okay. And that's near the incident site, but not near the jail, right?
A Right.
Q Now, Mr. Moak asked you about the entry at page 13, 13:55:21 breach of peace. Is that --- what's that about, do you know?
A From what it looks like here, they gave a case number.
Q Uh-huh.

A That's 2782.
Q Uh-huh.
A And then it was deleted, 2783.
Q Uh-huh.
A For breach of trust. I'm not sure if --- because both of them have been deleted.
Q Uh-huh.
A I'm not sure if that was a mistake.
Q Uh-huh.
A That's why both of them have been deleted.
Q Okay.
A Do you see DL beside it? That means they were deleted.
Q Okay.
A And for your question earlier.
Q Yes, ma'am?
A I responded no, that I didn't know if they were calling from the jail or not.
Q Yes, ma'am?
A I do know they were not calling from the jail.
Q Okay. Well, then that --- let me take you back to page 14 at 13:16:21.
A Uh-huh.
Q Well, actually way back to 13:13:57, the name David Tyler is listed at 13:13 and then again at

13:16, right?
A Uh-huh.
Q Then 13:17 to assist ST.5, what does that mean?
A Right.
Q What does that mean?
A That means the unit EMS 1 ---
Q Uh-huh.
A --- which is ambulance service ---
Q Uh-huh.
A --- was 10-17, en route, to the 601 location to assist EMS, which is another Station 5.
Q Okay. 13:20:39 there's four question marks, and then "if patient is breathing."
A That is telling me they were unknown if the patient was breathing or not.
Q And you're stating that this relates to the highway 601 address, right?
A Yes. Because what it looks like to me is Station 5 was asking us ---
Q Uh-huh.
A --- if the patient was breathing or not.
Q Okay.
A And the dispatcher log asked if patient was breathing.
Q Okay.

A That's what that was standing for.
Q Okay. The top of page 16. I apologize for going through this.
A Oh, that's okay.
Q I have no other way to do it, okay.
A Okay.
Q But the top of page 16, 14:29:15 cardiac arrest patient. Now, can you tell from entries either before that or close thereafter where that call came in from?
A Let's see. Give me one second.
Q It says EMS 2 as the unit.
It looks to me, let me just interject, that that's referencing the jail, the detention center.
A Well, the quick response, I would think so.
Q Okay.
A From what it's showing me is that Station 1 asked per EMS 1, Station 2 is en route.
Q Uh-huh.
A Cardiac arrest.
Q Uh-huh.
A But at the time, Station 1 was supposed to be en route to the jail. So they went to assist Station 1 on a cardiac arrest at the jail.
Q Okay. All right. 14:39:39. Richland County EMS on the scene. On scene where, and why would Richland

County EMS ---
A They were on scene at the location on 601.
Q Okay. All right.
A They needed them for additional manpower.
Q That entry doesn't refer to the jail?
A No.
Q Okay.
A No, sir.
Q Do you --- well, all right. Skip that 14:59:29 subjects is 10-7. That's --- somebody else is dead, right?
A What time did you say?
Q 14:59:29.
A Subject is 10-7.
Q That means somebody --- there is a death?
A Right, there is a death.
Q Okay. And presumably that's referencing the jail, correct? Can you tell if it's the jail or the hospital?
A Hold on one second. Can you give me a minute?
Q Yes, ma'am.
(Pause.)
A It looks to me like that's going to be the one at the jail.
Q All right, ma'am. Now, moving on to page 17,

15:43:40, "advised 65 to get subject to ER", so that would have been somebody who needed to be transferred from the jail to the emergency room, right? Presumably? I mean, you need to tell me if ---

A If you notice, 65 at 15:33:25.

Q Yes. Where are you now?

A Page 17, 15:33:25.

Q Yes, ma'am.

A He had a prisoner in custody. That's 10-67 and he was en route to the sheriff's office.

Q Okay.

A So whoever he had, they notified him to carry him straight to the hospital.

Q Okay. All right.

All right, ma'am, as far as the chronological course of events as it involved 9-1-1 dispatch, we can safely say this is a reliable, dependable chronology of calls to and from your office, right?

A Oh, yes, sir.

Q There is no doubt about that?

A Well, we're all humans, we all make mistakes, but yes.

MR. RILEY: Begging the court's indulgence.

(Pause.)

MR. RILEY: Thank you, ma'am. That's all.

THE COURT: Redirect?

REDIRECT EXAMINATION:

BY MR. MOAK:

Q A lot of questions were asked about who entered what on this document. When y'all are in the 9-1-1, your office, y'all aren't actually producing this document, are you?

A No.

Q Y'all are getting calls, you're typing stuff in. You're noting what you're doing, and the computer is putting all this stuff together, correct?

A Correct.

Q And that's how the CAD report gets made.

A Correct.

Q Because if you were taking your time and typing all this stuff in, could you even do your job?

A No.

Q Okay. Looking on page ten, if you look at the bottom of page ten, if you will look at the last thing that happened at 16:28?

A Yes.

Q Can you tell what you say that says?

A Contacted the ER, spoke with number 47, advised him to have 65 to call number 90 in reference to Greg Smith, the patient he brought in.

Q So going back to the question about 65 being told to take the subject to the ER at 15:43:40, this other note actually identifies who the patient is, right?
A Right.
Q It's Greg Smith?
A Correct.
Q Okay.
MR. MOAK: Beg the Court's indulgence.
(Pause.)
BY MR. MOAK:
Q And when you were talking about --- I think there's two actual, I guess, calls where it says the patient is 10-7. One is 13:22:08?
A Uh-huh.
Q On page 14?
A Uh-huh.
Q And another one subject is --- or patient is 10-7, and that's deceased?
A Correct.
Q And up until that point the notes were talking about the landing zone being at Porter Cross Road?
A Yes.
Q So that clearly would be at the ---
A Patient on the scene.
Q --- at 601 south.

A Yes.
Q Now, the second call about the subject being 10-7, that's at 14:59:29 on page 16?
A Uh-huh.
Q Looking at all the other notes on that page that are kind of contemporaneous to this, there is a 13:49:11 ER emergency cardiac arrest, and at 13:49:15, there's a cardiac arrest patient. There is 14:28 --- what is full code? What does full code mean?
A Full code means cardiac arrest, CPR in progress.
Q If you've already got a call in back on 13:22 the subject is dead, why would they be calling in on somebody they already know is dead about being in cardiac arrest.
A Correct.
Q So clearly, that's why the later notation about 10-7 would be the jail?
A Correct.
Q Okay.
MR. MOAK: No further questions of this witness, Your Honor.
MR. RILEY: Nothing further, ma'am.
THE COURT: You may come down, ma'am. May this witness be excused? Without objection, you're free to

go.

THE COURT: Next witness?

MR. MOAK: Your Honor, may we approach?

(WHEREUPON, there was a bench conference.)

MR. MOAK: The State calls Chris Phillips.

CHRISTOPHER PHILLIPS,

after being duly sworn, testified as follows:

THE CLERK: Please be seated in the witness chair and state your full name for the record.

THE WITNESS: Christopher Phillips.

DIRECT EXAMINATION:

BY MR. MOAK:

Q Chris Phillips, where are you currently employed at?

A Kershaw County Sheriff's Office.

Q How long have you been there?

A A year-and-a-half.

Q Before you were at the sheriff's office, did you used to work at like DHEC or something like that?

A I was a special investigator for the Department of Health, Environmental Control doing environmental crimes. I also worked as an investigator for the State Attorney General's office and the Highway Patrol, and I have about 18 years total experience in law enforcement.

Q So you've been in law enforcement 18 years?
A That's correct, sir.
Q And what education do you have?
A I have a bachelor's degree in criminal justice, I have a Master's degree in education and a Master's degree in public administration, public policy.
Q Okay. Now on May 28th of last year, what was your position at the sheriff's department?
A Lieutenant in the criminal investigations unit.
Q And you were involved in the Greg Smith case?
A That's correct.
Q Can you tell us, kind of walk through what your involvement in this case was?
A Yes, sir, I was contacted either by dispatch or Captain Corey at the time that there was a shooting incident located somewhere near Koon Road and US 601.
Q Okay. And did you respond to that location?
A I did.
Q And what did you do when you got there?
A Started the investigation. Started trying to find out what happened, what was going on. Trying to figure out --- trying to figure out a chaotic situation, to figure out what was going on.
Q And can you explain what the on-call investigator means at the sheriff's department?

A I can. On-call investigator has a weekly rotation so that each investigator does not have to work 24 hours a day seven days a week. The manpower at Kershaw sheriff's office does not allow something like that having an investigator on all the time, so each investigator takes a rotation. The rotation is a Thursday to Thursday rotation.

Q Okay.

A Anything that happens in the off hours after five p.m., which obviously things do, until the next morning, there is an on-call investigator on that whenever somebody needs something, they'll call an investigator.

Q The on-call that day or week was Dexter Handy?

A It was, that's correct.

Q And that's him right there?

A That's correct, that is Dexter.

Q So he was officially the lead investigator?

A That is correct, sir.

Q Now, when you got to the scene, was there a call in reference to somebody spotting the subject?

A It's my understanding that when somebody called in, said that somebody that did the shooting or a shooter was running down the road, running down Koon Road headed towards Richland County.

Q Uh-huh.
A At that point in time, obviously the dispatch advised us, advised myself via radio that a caller was behind the individual running.
Q Okay. Did you leave the actual crime scene to respond to that?
A That is correct. Myself and Brian Morris, I believe, did.
Q Were you in the same vehicle or separate vehicles?
A Separate vehicles.
Q Were you able to locate somebody?
A We were, just inside Richland County. We notified dispatch to advise --- to call Richland County and advise Richland County that we were going to be entering their county, the reason why we also asked for assistance.
Q Uh-huh.
A Asked if they could assist and provide that, to which dispatch did because the Richland County Sheriff's Department eventually showed.
Q And Sheriff Lott has no problem with you getting or pursuing a murder suspect just inside the county line?
A No, he did not. They gave us permission. Their

supervisor, who was working, gave us permission to enter the county to search.

Q Did you find him?

A That's correct. We found an individual who was running. The individual was running down the road, and had just entered into Richland County ---

Q Okay.

A --- at Koon Road. I believe that road there in Richland County is Screaming Eagle Road at the intersection right there, just a couple hundred yards in Richland County, from Kershaw County.

Q Is that him?

A The individual with the glasses on, that's correct, that's Mr. Smith.

Q That's who you all located?

A That's correct.

Q When you got there, how did you take him into custody? Did he obey or did you have to order him to do anything?

A We were notified that this was a potential shooting suspect, involved in a shooting. Obviously, we didn't know if he had a gun on him, so he was taken at gunpoint, because I have a family to go home to.

He was taken at gunpoint, he was arrested, put in handcuffs. At that point in time, I noticed he was

sweating profusely from running.
Q Was it warm that day?
A It was warm, that's correct.
Q Okay.
A Don't know what the temperature, was but it was warm. He was sweating profusely. He was apprehended by myself and Lieutenant Brian Morris.
Q Was he Mirandized?
A He was Mirandized immediately by myself.
Q Can you tell us how you Mirandized him?
A That's correct, standard, everybody has probably seen on TV somebody giving someone a Miranda warning. That he had the right to remain silent. Anything he says could be and will be used against him in a court of law. He had the right to an attorney, had the right to have an attorney present with him before any questioning, things like that.
Q Did he say anything about water in response to that?
A He did. He was sweating. It was warm outside. He said, "I'll tell you everything. I want some water." I carry water in the back of my car. I gave him a --- it was a plastic.
Q Like Aquafina? Bottled water?
A It was Aquafina in a bottle, some type of bottled

water. I opened it up because he was in handcuffs, obviously, I had to pour it and he drank the whole thing, consumed the entire thing of water.

Q Did he make any comment about the water?

A He did. Prior to getting the water, he said, "I'll tell you everything you want to know. I just want some water." There is a store right down within sight distance. I don't know the name of the store, but it's a little country store.

Q Uh-huh.

A Right there almost at the intersection.

Q Okay.

A So I gave him the water. As he finished the water, I made a comment to me. He did.

Q What was that comment?

A He said the water wasn't F'ing cold enough. He didn't use F'ing. I'm using my terminology.

Q Did he make any other comment about not having cold water?

A That was basically it, that the water wasn't cold enough.

Q Okay. Was he interviewed on the side of the road?

A He was not.

Q And did you have a written Miranda form on the

side of the road?
A I did not.
Q So at that point, did you call another deputy to transport from there to somewhere else?
A That's correct. It was kind of a dynamic situation, all that went on in a matter of milliseconds or seconds, I guess.
Q Okay. At some point, to your knowledge, you kind of knew what was going on in the investigation, he ended up being transported to the emergency room?
A He was.
Q And was he interviewed before or after he went to the emergency room?
A To my knowledge, I interviewed him after his visit to the hospital.
Q And a lot of deputies went to the emergency room, correct?
A Including myself.
Q And that was due to concerns about meth fumes?
A It was due to concerns that the fire department and incident commander on the scene of the fire department had about potential inhalation of meth fumes or fumes associated with the meth lab.
Q Was the incident commander Max Dorsey from SLED?
A I believe it was. I think it was turned over to

him.
Q Okay.
A It was either him or the fire chief from the Columbia Fire Department.
Q And Columbia Fire Department was there because they have all the equipment, right?
A They have a lot of equipment, that's correct.
Q And they were happy to --- or gracious enough to help out?
A They were. They provided assistance for decontamination of deputies, as well as anything that was there, the fire hazard and the potential explosion hazard, I guess.
Q And so Smith is arrested or put in custody. He's taken to the ER. What happens after he gets done at the ER, as far as you know?
A As far as I know, he was taken back to the sheriff's office.
Q Okay. At some point was an attorney --- did an attorney appear on his behalf?
A That's correct, Mr. William Tetterton was going to or was representing him.
Q Can you explain how --- what happened after Tetterton showed up on the scene?
A Showed up at the sheriff's office, yes, sir.

Q Okay.
A Mr. Tetterton advised that he was going to represent him, was representing him, excuse me.
Q Okay.
A And we have rooms at the sheriff's office that are audio and video recorded. However, because Mr. Smith wanted to speak with an attorney, that is not going to be videotaped or recorded. Those two individuals sat --- I escorted them to our kitchenette area. There's a table in there. It as a coffee machine, refrigerator, things like that, which is nowhere near an audio or video or any type of recording devices so they could have whatever conversation they wanted as long as they wanted and they did.
Q So y'all were maintaining custody, but you're also affording him his privacy with his attorney?
A That's correct. There's glass windows there that you can visually see the two individuals and there's a corner, unless you specifically look around you'll never see them, but obviously custody was maintained while he was afforded the opportunity to be with his attorney in private, which they did for a long period of time.
Q After he spoke with his attorney in private, did

he end up back in the interview room?
A He did. He and his attorney both. He said he have wanted to talk to law enforcement. He and the attorney both then were escorted to an audio and video recorded room at the sheriff's office, an interview room so to speak.
Q I show you what's been marked State's 6. Do you recognize that document?
A Yes, sir, I do.
Q Is that the written Miranda form that was read to him in the interview room?
A This is the written Miranda form given to him that I read to him as well he acknowledged, to make sure he understood.
Q Uh-huh.
A And he had an attorney sitting beside him, as well.
Q So as you read the rights, you checked them off that you had read them?
A That's correct. On the form you can see where there is a check mark that's actually upside down because I was reading it up side down, so the check mark was upside down that he acknowledged that he understood each individual question, as well as I also signed it after the questions that he had the right to

remain silent. He acknowledged. Anything you say can and will be used against you in a court of law. He acknowledged. You have the right to talk to a lawyer and have him present with him while he was being questioned. He acknowledged, as well he had an attorney present with him. If he cannot afford to hire an attorney, one could be appointed to represent before any question if he wished. Checked off, acknowledged, as well as his attorney was sitting beside him. You can decide at any time to exercise these rights and not answer any questions or make any statements. He acknowledged it. I put a check mark.

I signed my name or my first two initials and my last name. I gave that to him. The next section ---

Q That's the waiver section?

A This is a waiver section.

Q Uh-huh.

A This goes on further.

Q Uh-huh.

A It says, "This is to certify that I have read or have read to me the above statement of my rights. I understand each of these rights and having these rights in mind, I waive them and willing make a statement. No promises or threats have been made to me. No pressure or coercion of any kind has been used

against me."

Mr. Smith then signed it with his signature, and just to make sure that we knew and he knew who it was signing here, I asked him to print his name, as well, so basically you can consider it double signed and then it was witnessed by Sergeant Knafelc with the sheriff's office, as well.

Q And this procedure right here, reading this to him is on video, correct?

A It is.

Q Is he even asking questions about these rights and actually talked to his attorney and you guys?

A That is correct.

Q While he was doing that?

A He is.

Q So he's clearly ---

A Thinking things through.

Q He was thinking about it?

A That's correct.

Q Did he choose to give you a statement?

A He did.

Q And to your knowledge --- well, actually, did you ever threaten him?

A No, sir.

Q Do you ever coerce him?

A No, sir.
Q Did you ever give him anything other than that bottle of water?
A That's it, just an unopened bottle of water that I opened, but it was not cold enough.
Q But that wasn't in exchange for anything?
A No, sir.
Q Did you promise him anything?
A No, sir.
Q Did you do anything to make --- to try to over bear his will to make him tell you what happened?
A No, sir, not at all.
Q Did any law enforcement officer or anybody in your presence that you know of do any of those things?
A Certainly not, not in my presence.
Q I'm going to show you what's been marked State's Exhibit 4.

Do you know what that is?
A It appears to be a copy of the audio and video recording that was taken from Mr. Greg Smith.
Q So this is the actual statement he gave?
A That's what it appears, yes.

MR. MOAK: Your Honor, at this time I'd like to publish this to the jury.

THE COURT: Any objection?

MR. RILEY: Judge, I ask that the record reflect my prior objection, which the court has already ruled on.

THE COURT: All right. Over the defendant's objection.

Approach the bench, counsel.

(WHEREUPON, there was a bench conference.)

THE COURT: I'm just trying to check on our time scheduling, ladies and gentlemen.

(Pause.)

I'm trying to find out if your lunch is here and whether we should start this video, because it's at least 30 minutes, maybe longer.

(Pause.)

THE COURT: All right. Let's play the video.

These jurors all need to see. Can you all move your chairs so you can see this? Can you see it all right with the blue jacket? Okay. I'm going to get out of the way.

(WHEREUPON, the video was played for the jury.)

THE COURT: Go ahead and finish your direct.

MR. MOAK: Thank you.

BY MR. MOAK:

Q Did you ultimately all ride in the same vehicle, you and Jacob Hammond and Greg Smith?

A No, sir, Deputy Hammond took Mr. Smith. I believe that Sergeant Knafelc and I drove together, and I believe Mr. Tetterton drove his own vehicle.
Q And you rode out there to the old English Road area?
A That's correct.
Q And what vehicle were you in?
A I was in an Explorer.
Q And was Tetterton in your vehicle?
A He may have been. I don't recall completely.
Q Do you remember how he got there?
A He got there. I don't recall exactly how he got there. Mr. Smith was in the back of a marked parole car. We were following that marked patrol car.
Q Uh-huh.
A Mr. Hammond was relaying to us where he was going to be turning, based on the directions that Mr. Smith was giving him.
Q Okay.
A He turned down a dirt road called Old English Road. As soon as we turned left on Old English Road, there was a dirt, not even a driveway, just a dirt portion that we parked at.
Q It was like an A.T.V. track or something?
A Probably so.

Q Okay.
A We parked there because of the relaying of information by Mr. Smith.
Q Okay.
A We got out. Mr. Tetterton, his attorney, myself, Steve Knafelc Deputy Hammond were all there.
Q Uh-huh.
A And Mr. Smith took us to the area where the gun was to be found. Ultimately he pointed out that it should be right over there in that area.
Q And it was pretty dark by the time you all got out there, right?
A Oh yeah, it was 11, twelve o'clock at night, something like that.
Q And it would have been daylight when he initially went through there in the first place?
A That's correct.
Q So he got you all to the area and the gun was found in that general location?
A That's correct.
Q But you all did have to do some looking around for it?
A That's correct.
Q I think Jacob Hammond is the one who found the bucket or can on top of it?

A Mr. Smith advised us it was underneath a can or bucket, the can being like a paint can, not like a Campbell's soup can, but like a paint can or bucket underneath a rusted paint can or bucket. Sure enough, it was.

Q And the gun was in like a holster with that gun belt he was describing in the video?

A That's correct.

Q And pictures were taken of that?

A That's correct.

Q And it was taken into evidence?

A That's correct.

Q The belt, pistol, everything?

A The pistol, belt, bullets, everything, that's correct.

Q And they were turned over to the evidence room at the sheriff's department?

A That's correct, I remember obviously looking at the gun, opening up the revolver and seeing one spent shell casing and the remainder were still live rounds.

Q Is this the pistol?

A I believe so, yes, sir.

Q That is State's 74, and you stated that you --- the rounds were in the pistol with the chamber out, and there was one that had the mark where the firing

pin had struck it?
A That's correct.
Q That one actually had been fired, that bullet in that cartridge?
A That's correct, sir.
Q The other ones had not been fired?
A They were live rounds, yes, sir.
Q And pictures were taken of all this stuff?
A That's correct, sir.
Q Were there any initials on the gun belt?
A I believe there was initials, G.S., I believe in the video in the interview, as well, Mr. Smith said it was, as well.
Q Okay.
A It corresponded completely.
Q He said he actually had made that belt?
A That's correct.
Q Okay. Did you make any --- was he standing there when you all found the gun? Did he see the gun? Where was he when you all found it?
A He was in the vicinity within a few feet. He wasn't directly over it because I didn't want an inmate to be close to a gun.
Q But did he see the gun when y'all collected it?
A Yes, sir.

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Q Did he say anything like that's the gun or ---
A That's it, I believe that is what he said.
Q That's it?
A Yes.
MR. MOAK: No further questions of this witness at this time.
THE COURT: All right. Thank you very much.
Ladies and gentlemen, our lunch is here. We'll take a break at this time. Take a lunch hour. I'm going to say --- let's ask you to be back in the jury room about 1:45. I'm not sure what the lunch arrangements are. I'm going to try to find out.
THE CLERK: Sir?
UNIDENTIFIED MAN: Your Honor.
THE COURT: Oh, there she is. What is your plan for lunch, Ms. McDonald.
THE CLERK: I'm going to take them down to the grand jury room.
THE COURT: Oh, you get a treat today. You don't have to be locked up in this room.
All right. Ms. McDonald is going to take you down to the grand jury room where she has prepared a wonderful lunch.
THE CLERK: I slaved making that pizza.
THE COURT: And you can eat. You can go out,

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take a walk, run errands if you need to, make some phone calls. I'm going to ask you to be back in the jury room at a quarter till two, at which time we continue with the trial. Again, don't discuss the case among yourselves. Thank you very much. Or with anyone else over the lunch hour.

(WHEREUPON, the jury left open court at approximately 12:53 p.m.)

THE COURT: All right. Officer, you are not to speak with any of the attorneys during lunch hour. Just relax. Don't talk to any of the attorneys. Stand at ease until 1:45.

(WHEREUPON, a lunch break was taken.)

THE COURT: Is the State ready for the jury?

MR. PERRY: Yes, sir, Your Honor.

THE COURT: Is the defense ready for the jury?

(There was no response.)

THE COURT: Is the defense ready for the jury?

MR. RILEY: Yes, sir.

THE COURT: Bring the jury, please.

(WHEREUPON, the jury came into open court at approximately 2:40 p.m.)

THE COURT: All right. Ladies and gentlemen, we'll now continue with the trial. Before we do, let me apologize to you for the delay. A matter came up

that I had to deal with, not really associated with this case, but it took longer than I expected.

I need not go into it, but the delay was necessary. Believe me, I'm not --- I'm very conscious of your sitting back there locked in a room with no windows.

THE JUROR: Yes.

THE COURT: And can't talk about the case and probably hot and probably --- I feel the daggers in my back sometimes when jurors sit too long. I'm very conscious of your comfort, so I do apologize. I need not say any more than that.

Mr. Riley, you may continue.

MR. RILEY: Thank you, Judge.

CROSS-EXAMINATION:

BY MR. RILEY:

Q Officer Phillips, how are you doing, sir?

A I'm doing good. Thank you.

Q Now, you were basically, essentially --- I don't know whether your official title was chief investigator, but basically, you were the chief investigator in this case, right?

A No, sir, Dexter Handy, Investigator Handy, was the assigned as lead investigator to the case.

Q Your title or role was what?

A Assisting in the investigation.
Q Oh, okay.
A As well as everybody else was assisting in the investigation. It was a collaboratively effort.
Q All right. Okay. Now, you --- clear up one thing for me. I'm not sure if you yourself personally was on the scene at the incident location the day of the incident?
A That is correct, yes, sir.
Q And were you involved in the collection and bagging and tagging of evidence?
A No, sir.
Q You were not?
A No, sir.
Q Were you involved in taking any of the photographs of the incident location?
A I don't believe so, no, sir.
Q Were you involved in interviewing witnesses at the incident location?
A Witnesses at the incident scene?
Q Anybody that was around the incident location.
A No, sir, Investigator Handy and those guys did that.
Q What did you do at the incident location on May 28th, 2011?

A Assisted with anything that was needed.
Q And what was needed? What did you do?
A Again, we collaborated information, got information, assisted with having DHEC respond ---
Q Uh-huh.
A --- to the meth lab.
Q Uh-huh.
A Things like that. It was a pretty chaotic situation.
Q What time, if you recall --- and we do have the 9-1-1 tape. At what time was it that you were directed to head out to Screaming Eagle Road, I believe it was?
A I don't recall the time. I'd have to refresh my memory with the CAD report.
Q But it was sometime that afternoon, correct?
A I would agree, that's correct.
Q Okay. And Mr. Moak has asked you some questions about what went on out there. You were basically the --- like the first officer to apprehend the defendant; is that correct?
A It was myself and Brian Morris at the same time, sir.
Q Brian who?
A Brian Morris, Lieutenant Morris with the

sheriff's office.
Q Did you go out with him in the same vehicle?
A No, sir.
Q Separate vehicles?
A That's correct.
Q Okay. So the two of you were the first ones on the scene, right?
A Which scene?
Q The scene where you apprehended Mr. ---
A That is correct, sir.
Q And at the time --- I believe your previous testimony is that he was just walking down the road; is that right?
A He was running down the road is what I said.
Q So when you first saw him, he was running; is that correct?
A That's correct.
Q And I think you testified it was a very hot day?
A It was warm. I'm sure it was. It was the end of May.
Q And I believe you testified he was sweating, right?
A He was.
Q Not unusual for some --- a person on a hot day running, correct, to be sweating?

A No, sir.
Q Okay. Nothing unusual about that?
A No, sir.
Q Okay. Did he resist arrest in any way?
A He did the not, no, sir.
Q It's true, isn't it, that you approached him with drawn guns; is that right?
A Yes, sir, as I said. I had an individual who was to have alleged, at that time --- we were notified that he shot somebody.
Q Uh-huh.
A Yes, sir, I sure did.
Q Well, you were notified that he was a suspect in a shooting, correct?
A That is correct.
Q Not that he shot somebody?
A Subsequently found out he did, yes, sir.
Q That's not your call, sir, okay?
A Sir?
Q That's not your call, with all due respect.
A Okay.
Q Now, later that day, did you not escort Mr. Smith out to a wooded area to look for a --- look for this handgun?
A Later that day, no, sir. It was late night,

early morning hours. That would be it.
Q Okay. All right. And you were one of those that was out in the woods looking for the handgun, correct?
A That is correct.
Q And Officer Knafelc has testified that he was the one who took photographs of the gun when it was found; is that correct?
A I don't know what he testified to, sir.
Q Okay. Who was it that collected this gun and bagged and tagged?
A That would be both of us. It was Sergeant Knafelc and myself.
Q Okay. Officer Knafelc said he didn't do anything.
A I don't know what he said, sir. I wasn't here.
Q I understand, but I'm just telling that you he said that it would have been you who bagged this.
A Okay.
Q Okay. You don't remember? You don't remember?
A No, sir, I just told you. I just said I did.
Q Sir, of your own recollection, do you recall taking this gun and putting it in an evidence bag or some sort of a collection bag? Do you remember or not?
A Yes, sir.

A I told you that's what we did, yes, sir.
Q You do remember?
A Yes, sir, I just told you we did.
Q All right. And when that gun was found, was there not a holster and a belt?
A There was a holster and a belt.
Q Where are they?
A I'm not the evidence technician, sir.
Q You collected them, right?
A Yes, sir.
Q You put them in some sort of a bag. Where are they now?
A At the sheriff's office.
Q You work for the sheriff's office, right?
A I do, but not as an evidence custodian, sir.
Q I understand that. I understand that, but you're the one that placed it into evidence?
A Yes, sir.
Q It's not any longer under your supervision from that point on; I understand that.
A It's never been under my supervision.
Q Pardon?
A The evidence has never been under my supervision.
Q I understand that, but do you remember whether you placed the holster and the belt into evidence?

A Yes, sir.
Q In the evidence room?
A Well, that's not --- we don't place stuff into the actual evidence room.
A Okay.
Q Everything is placed into evidence lockers, and they get signed for by the evidence custodian.
Q Uh-huh.
A The gun itself, I took position of.
Q Uh-huh.
A And transferred that possession to Investigator Handy.
Q Uh-huh.
A So that he could take it directly to SLED to have ballistics done on it.
Q All right. Who would have made the call, you or Investigator Handy once the gun had been recovered? Who would have made the call to have the gun tested for fingerprints?
A I wouldn't have made that call, sir.
Q You wouldn't have been the one?
A No, sir.
Q So therefore, it would have been up to Investigator Handy?
A No, sir, I didn't say that. You asked the

question if I was, and no, sir, I was not.
Q All right, sir. Well, let me approach the question a different way.
A Yes, sir.
Q It wasn't your call. You just stated. You're not sure if it was Investigator Handy's call. I'm talking about ---
A That's not what I said, no, sir. What I said was it was not my call to take fingerprints. If we may go back a second, sir.
Q Uh-huh.
A Mr. Smith voluntarily took us to the location where the gun was found.
Q Uh-huh.
A Where he put it, where he placed it.
Q Uh-huh.
A That gun was found exactly where he said it was going to be at, underneath some paint can, underneath some bucket, some type of something.
Q Uh-huh.
A That's where it was found.
Q Uh-huh.
A The gun was then in my position.
Q Uh-huh.
A The gun was transferred to Investigator Handy on,

I believer, Monday morning.
Q Uh-huh.
A Or Tuesday morning, somewhere around there, to take to SLED for ballistics test.
Q Uh-huh.
A Mr. Smith took us out to that location.
Q Uh-huh. It's not going to let this lie until I get an answer out of you. Okay?
A Sure.
Q Whose call would this have been to have the gun tested for fingerprints?
A And I think I answered you.
Q Whose call?
A It was not my call.
Q Whose call was it?
A I do not know whose call it was.
Q You were the assistant chief investigator on the case, correct?
A No, sir, that's not correct. I was assisting with the investigation.
Q And you don't know who on God's green earth would have been the deciding person to check for fingerprints?
A No, sir. Again, the information came in from Mr. Smith ---

Q Uh-huh.
A --- that he used that gun ---
Q Uh-huh.
A --- to shoot the individual, Ms. Tyler.
Q Uh-huh.
A He then took us to the gun.
Q Uh-huh.
A We photographed, we got the gun.
Q Uh-huh.
A The gun is sitting in front of you today, sir.
Q No forensic tests, to your knowledge, okay, no forensic tests were conducted? I'm not talking about ballistics. We know about the ballistics, okay, but forensics in terms of fingerprints, you know, DNA, anything of that nature on this weapon, to your knowledge, were any of those tests performed?
A And to simplistically answer ---
Q Uh-huh.
A --- to my knowledge, no.
Q Okay.
A However, to answer the full question ---
Q Uh-huh.
A --- from the time he shot Ms. Tyler ---
Q Uh-huh.
A --- to the time that we ---

THE COURT: Just answer the question.

THE WITNESS: Yes, sir.

THE COURT: Please. You don't have to editorialize.

THE WITNESS: Yes, sir.

THE COURT: You've got to answer his question, and then we'll move along.

THE WITNESS: Yes, sir.

THE COURT: We don't need to hear the same story over and over again. Just please try to answer his questions. You answered the Solicitor questions. Answer the defense counsel's question. If you don't know, you don't know. If the answer is no, the answer is no. Then we can move along.

THE WITNESS: Yes, sir.

BY MR. RILEY:

Q And let me do just that, sir. Okay. Going back to the incident location, there again, I guess my question is similar. Would you have been the one or if not you, do you know who would have been the one to, for example, check any of the hard objects for fingerprints? Okay. Would that have been within your area of responsibility at the 601 location, Highway 601?

A No, sir. It would not have been within my

authority.
Q Do you know who would have made those calls as to collecting DNA fingerprints, any of that sort of thing?
A There were supervisors that was above me that were there.
Q Okay. And would that term supervisors that were above you, on this particular case, would that have included Dexter Handy?
A No, sir.
Q All right. Who would it have included?
A Captain Ed Corey, Chief Marvin Brown.
Q Okay. He was at the 601 location?
A That is correct.
Q Okay. Anybody else?
A Above me, would be the sheriff.
Q Okay. Now, was he out there for very long?
A I don't know how long he was out there, sir.
Q Okay. Anybody else other than Corey and Matthews?
A Not to my knowledge, no, sir.
Q Okay. It would have been one of their --- one of those two individual's calls to ask for DNA or fingerprint evidence?
A You say one of --- which one, sir?

Q Corey and Matthews?
A In between there was Chief Marvin Brown.
Q All right. Okay. Now, at some point during the time that Mr. Smith was incarcerated, isn't it true that you confiscated all of his legal papers?
A It is true that I executed a search warrant on his jail cell.
Q Uh-huh.
A Which included legal papers.
Q Uh-huh.
A Which included personal notes, letters from and to Ms. Samantha Steeprock.
Q Uh-huh.
A About bringing in contraband into the jail.
Q Uh-huh, okay and what time --- what month and day were those papers confiscated?
A I believe August. I don't remember the date. Maybe is that 18th, the 15th, I'm not ---
Q August of 2011?
A That is correct, August 15th or 18th, 2011.
Q So about 14 months ago?
A Yes, sir.
Q Okay. Included within those documents were letters to and from Mr. Smith and his then attorney at that time, Mr. Tetterton?

A That is correct.
Q Okay.
A They were sealed and they are still in evidence at the sheriff's office sealed as the day they were taken.
Q All right. When were they sealed?
A They were sealed evidently in the jail cell. I don't know. I didn't see them.
Q What use was made of them before they were sealed?
A Never seen them. I never looked inside the envelopes.
Q Who looked through them?
A Who looked through what?
Q Who looked through those papers?
A I don't know who looked through them. Nobody has since I sealed them and put them in evidence.
Q You're saying that the bin, what kind of container were they in?
A I believe it was a Rubbermaid bin, a plastic bin.
Q Okay. You're saying that was sealed at the detention center?
A No, no, no.
Q Okay.
A At the detention center, that bin was in his jail

cell.
Q Uh-huh.
A In that bin was personal items.
Q Uh-huh.
A Letters.
Q Uh-huh.
A Pictures of his dog.
Q Uh-huh.
A Things of that nature in the bin.
Q Uh-huh.
A It was not sealed. It was open.
Q Uh-huh.
A I guess I misunderstood you --- I thought you said law enforcement had sealed it upon seizure down at the detention center.
A No, sir, once that evidence was gathered, that information that was noticed to be from his attorney, Mr. William Tetterton ---
Q Uh-huh.
A --- was sealed in an evidence bag by me.
Q Okay.
A It was placed into evidence where it still resides today.
Q Okay. And what about the rest of the material?
A The rest of the material was also placed into a

separate material bag.
A Uh-huh.
Q It was placed into evidence, as well.
Q Is it also true that that separate material is there as we speak today?
A Assuming it is, yes, sir.
Q You haven't checked lately to see if it is?
A No, sir.
Q You haven't made any use of it?
A No, sir. I don't have access to the evidence room, sir.
Q Well, let me just briefly ask you about that. If you're an officer who is investigating a case and you bring something into the evidence room, which you occasionally do, right?
A No, sir, we put it in evidence lockers. We don't go into the evidence room.
Q Okay. Are you telling me you can't ever gain access to it again?
A No, sir. What I'm saying is that I can't go in there, sir.
Q Okay.
A There is an evidence custodian, Sergeant Lynch, who is responsible for all of that.
Q Right.

A I don't cross that threshold into that door.
Q Is that a rule that applies to all sheriff's deputies?
A Yes, sir.
Q Does it apply to like, for example, Ed Corey, Marvin Brown, Matthews, Sheriff Matthews?
A If I'm not mistaken, I believe Chief Brown is the designated back-up evidence custodian.
Q Uh-huh.
A But other than that, I believe that is correct.
Q Okay. All right. So you did not read carefully or make any further use of the documents you took from Mr. Smith's cell, correct?
A No, sir. That information --- which documents are you referring to, sir, the legal documents?
Q Uh-huh.
A Legal?
Q Well, I'm asking about the entire, complete, full contents of the bin.
A Yes, sir.
Q And the nature of any documents.
A I understand.
Q Okay.
A I just want to make sure I understood.
Q Okay.

A The legal documents are part and parcel complete and separate ---
Q Uh-huh.
A --- from any other documents that were taken underneath a search warrant ---
Q Uh-huh.
A The ones that were letters, pictures, things of that nature, yes, sir, I did go through that ---
Q Uh-huh.
A --- based upon the search warrant.
Q Uh-huh.
A He was asking to have drugs brought into the jail.
Q Uh-huh.
A Those were viewed by me, as I said ---
Q Uh-huh.
A --- for a separate issue.
Q Those were what you had earlier referenced as letters between him and Ms. Steeprock?
A Among pictures and things, yes, sir, that's correct.
Q Now, I apologize in advance for asking this question, okay, gentleman to gentleman. What is your rank right now?
A Corporal.

Q Didn't you used to be a captain?
A I did.
Q Well, tell me about that.
A I was spending too much time away from my family.
Q You took a voluntary demotion?
A I asked for a demotion.
Q All right, sir. That's a hell of a bump downwards, isn't it? Excuse me my language.
A No problem with the language. The bump down is worth spending more time with my kids and my wife, sir.

MR. RILEY: Beg the court's indulgence.

(Pause.)

Nothing further Judge.

THE COURT: Redirect.

REDIRECT EXAMINATION:

BY MR. MOAK:

Q The whole purpose of having an evidence room is to maintain the integrity of the evidence, correct?
A That is correct, sir.
Q And over at the sheriff's department now, doesn't everything have to be like scanned in and bar coded?
A I don't know. I stay away from that, because that would be an operation inside of that office.
Q Okay.

A I do not cross the threshold of that door, sir.
Q Well, there are rules on who and how you access evidence, right?
A Yes, sir, there is.
Q If you start making exceptions to those rules, the rules don't really exist, correct?
A That's correct, sir.
Q Now, your search warrant, was that for like stamps or something like that? What was the search warrant, that allegation?
A Allegations were that Mr. Smith was asking Ms. Steeprock to send in laced stamps, laced envelopes ---
Q Uh-huh.
A --- somehow into the jail, ---
Q Uh-huh.
A --- to smuggle it in because he was going through withdrawals.
Q So the search warrant was specific for correspondence items from Samantha Steeprock?
A No, it was broader than that.
Q Okay.
A It was items --- due to the fact that I could not pinpoint a specific item, ---
Q Uh-huh.

A --- that could have potentially been laced with some type of material, it had to be all collected up at one time.
Q Uh-huh.
A I could not distinguish what could or could not be potentially laced with methamphetamines or whatever. I had no idea what at all were potential items, so it all got gathered up in the search warrant.
Q But clearly you wouldn't think that anything from William Tetterton would be what you were looking for?
A No, clearly not. That's why I was very careful with that specific material. Even though I don't know what was contained inside those envelopes.
Q Uh-huh.
A There could be stuff in those envelopes. I didn't want to breach that issue.
Q So if it said Tetterton on it, you didn't want that?
A It's completely separate.
Q The rest of the stuff you kind of sorted through to try to look for evidentiary value?
A That's correct, letters to and from, which we did find.
Q And ultimately, all that stuff was bagged up and

put into evidence at the sheriff's department?
A That's correct.
Q Isn't there like a log or something of who accesses evidence over there?
A I assume so. Again, sir, I have nothing to do with evidence.
Q Have you tried to access that evidence since it was put over there?
A I tried to access the --- not the legal material ---
Q Uh-huh.
A --- but the extemporary material there for other reasons to look through that for a potential criminal case.
Q And that might be talked about --- is that Samantha Steeprock back over there?
A It is.
Q Is she charged with bringing contraband in to Greg Smith?
A I charged her, that's correct.
Q Okay. Morris Nixon, have you ever met him?
A Never met him, sir.
Q Let's talk about fingerprints a little bit. Let's say my house gets broken into. Would you check my house for my fingerprints?

A No, I would not check your house.
Q Why wouldn't you do that?
A Because that would be obviously --- your fingerprints will be in that house.
Q Items in my house, would you check those items for my fingerprints in my own house?
A No, sir.
Q Would there be any reason to check fingerprints to confirm I live where I live?
A No, sir.
Q Okay. Let's talk about this gun. I understand you're not the lead investigator, but just for the sake of argument, if you were, would your have requested fingerprints on that gun?
A I would not.
Q Why not?
A Based upon the information I had already obtained earlier that evening, I would not have.
Q The items in Mr. Smith's trailer where he lived, would you have requested fingerprints on those?
A The items where?
Q The ones in Mr. Smith's trailer where he lived.
A Would I have requested fingerprints on those?
Q Yes, like cans and stuff, would you have requested fingerprints on those?

A No, sir.
Q Why not?
A He lived there.
Q Now gunshot residue on David Tyler, would you have requested him to be tested for that if you were the lead investigator?
A Probably not.
Q Why not?
A Based on the total information that I had, I wouldn't have.
Q Because he told you he's the one that shot her?
A That's correct, sir.
Q He never said David Tyler shot anybody?
A Not one time, sir.

MR. MOAK: No further questions.

RECROSS-EXAMINATION:

BY MR. RILEY:

Q Do you know who the owner of the property on Highway 601 was, the incident location?
A No, I don't know official who owned it, sir, no, sir.
Q Okay. How about unofficially?
A I thought the Tylers did, but I don't know that, sir.

MR. RILEY: All right. Thank you.

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THE COURT: All right, sir. You may come down.
THE WITNESS: Thank you, sir.
THE COURT: May this witness be excused?
MR. MOAK: Yes, Your Honor.
THE COURT: You're free to go.
MR. PERRY: Your Honor, that would be the State's case.
THE COURT: All right. Ladies and gentlemen. That's all the evidence you will hear from the State's case. As I told you at the beginning, the defendant now has the opportunity, but no obligation to present a defense. The burden is always on the State to prove guilt beyond a reasonable doubt, but I need to take it up with the attorney --- I mean, with the defendant as to whether they plan to present a defense, and I hate to do this, but I got to send you back to that jury room for just a few minutes. Let me find out where we're going from here.
It's a scheduling matter, too, so I'll let you know as soon as I can. Don't discuss the case among yourselves while you're in the jury room.
(WHEREUPON, the jury left open court at approximately 3:07 p.m.)
THE COURT: Any motions?
MR. RILEY: Judge, I have a motion for --- is the

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door shut?

THE COURT: Clear? Is it clear?

THE CLERK: Yes, sir.

THE COURT: The jury is clear? Is the jury clear?

THE BAILIFF: Yes, sir.

THE COURT: Okay.

THE BAILIFF: Yes, sir.

THE COURT: Wake up.

MR. RILEY: I wanted to make a motion for a directed verdict at this time, Judge. My grounds are ---

THE COURT: On what charge?

MR. RILEY: As to the charge of murder.

THE COURT: Okay.

MR. RILEY: I submit to the court that the State has completely failed to meet or to present evidence of a necessary element of the charge of murder, mainly malice aforethought.

Taking the State's own witnesses and adding their testimony together cumulatively, it indicates --- and even if you accept the veracity of each and every one of the State's witnesses, there is absolutely no evidence of malice aforethought or premeditation.

The State's own witnesses indicate that if things

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happened exactly the way that they say they did, it was an impulsive, instantaneous act on the part of the defendant if you accept their testimony as being completely truthful.

THE COURT: Well, the witnesses ---

MR. RILEY: Number one, there is no ---

THE COURT: What witness?

MR. RILEY: Ms. Steeprock said it was an impulsive reaction. Mr. Smith said it was an impulsive reaction in his videotaped interview. Furthermore, there is evidence that --- I realize this is not a defense to the charge, but I'm offering it merely as a possible explanation for what took place at that incident date and time.

There is evidence of drug consumption on the part of the defendant, as well as others involved. There is a total lack of any evidence of evil intent, mens rea, on the part of the defendant.

In the interview, the videotaped interview, he talks about his mother being --- about being berated or criticized or ridiculed by the victim. It was an instantaneous action on the part of the defendant, and on that particular charge, I would ask the court for a directed verdict.

THE COURT: Just on that charge?

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MR. RILEY: As to just --- do you want me to go into the other charge?

THE COURT: You have to make your motion.

MR. RILEY: Judge, as to the charge of manufacturing methamphetamine, what we have is the best evidence that's been put forward is that the property owners, David and Deborah Tyler, that Mr. Smith was living in a mobile home on the back of that property in one room of that mobile home. There is no evidence other than the fact that he was living back there that he was the one involved in the manufacture.

There is evidence from Ms. Steeprock that one of the rooms in that back mobile home was exclusively David Tyler's. I won't repeat the term Ms. Steeprock used, but it was used by Mr. David Tyler for his own amusement.

I detected no evidence whatsoever that connect Greg Smith to the actual products used in the manufacture of meth.

THE COURT: Didn't she say he cooked it for them? I mean, wasn't that her testimony?

MR. RILEY: Yes, sir, it was.

THE COURT: What's the evidence of malice in this case, Solicitor?

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MR. MOAK: Your Honor, both Mr. Smith himself on the video and Ms. Steeprock both say that the victim's last words were, "What are you going to do, shoot me?" indicating the gun was already out. He actually fired the shot after the woman asked if he was going to shoot her. Mr. Smith himself even though he said he meant to scare her, he clearly intended to fire the shot. Even though he said he meant to just scare her, it was an intentional act that resulted in the death of Ms. Tyler.

THE COURT: Well, what's the malice aforethought? You know the definition of malice aforethought.

MR. MOAK: I'm getting there, Your Honor. We had Morris Nixon, the cellmate of Mr. Smith, who alleged that Mr. Smith related to him that not only was he not remorseful for killing Ms. Tyler, he would do it again and actually bragged about it. That goes to malice aforethought.

THE COURT: That's after thought, that's after thought.

MR. MOAK: His actions afterwards, fleeing the scene, hiding the weapon. All of these things, in our opinion, cumulate to show malice aforethought. The fact that he --- in addition, Ms. Steeprock relaying that the defendant actually tried to get her to post

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pictures of Ms. Tyler on a website on his behalf, all of these in our opinion go together to show malice aforethought.

THE COURT: All right.

MR. MOAK: As to the meth evidence, I think the statute even says for possession of all the requisite materials and implements, it's prima facie evidence, and just the possession of the materials alone --- I think alone gets us beyond that bar, much less the testimony of both Ms. Steeprock and Mr. Smith's statement that he was the one cooking meth gets it beyond that one.

I mean, for malice aforethought, I mean, the fact that he is waving a gun in this woman's face, the woman is asking him before he fires the shot, what are you going to do, shoot me? I mean there is a reason he is waiving the gun in her face. He actually states it. He intended to scare her even though his mitigating --- his self-serving statement was I didn't mean to hit her. He admits to firing the shot. We believe that that ---

THE COURT: Could it have not been in the heat of anger or passion?

MR. MOAK: Well, Your Honor, if it was, again Ms. Steeprock, who even he admits is his best friend,

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she testifies that she ran because she is in fear of her life because she was in fear that she was going to shoot her and her mother next because he relayed a threat to her mother, to shoot her mother, because being --- of him being evicted for cooking meth, which is the same exact scenario we have here.

I mean, we have a prior threat to another person under similar circumstances, and then he pulls the gun out.

THE COURT: You're not trying that case.

MR. MOAK: I'm just saying we believe we have sufficient evidence of malice aforethought to make it past directed verdict motion.

THE COURT: Well, even Mr. Phillips in the interview asked him, "You didn't mean to shoot her, did you?" and he said it was just a warning, just to scare her.

MR. MOAK: Uh-huh.

THE COURT: Did you hear what I said?

MR. MOAK: Uh-huh, but we've got an eyewitness of him holding the gun in her face, and the victim's last word --- I think we can prove him shooting the victim in the eye with a 357 independent of his statement.

THE COURT: I agree with that.

MR. MOAK: His self-serving statement. I don't

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believe his self-serving statement is enough to negate the other evidence we have, the other eyewitness, in order to --- in order to grant a directed verdict motion. It's a jury --- it's a jury question. I admit --- I concede that there will be an involuntary jury instruction.

THE COURT: And probably --- a voluntary and an involuntary.

MR. MOAK: There was no question about that. I believe we have presented enough evidence to get beyond the directed verdict on this charge.

THE COURT: All right. As to the motion for directed verdict on both charges, I feel the evidence goes beyond mere conjecture or suspicion and there is some evidence, either direct or circumstantial or some combination of both, which could reasonably tend to prove the guilt of the defendant or from which that guilt might be logically deduced if the evidence is taken in the light most favorable to the State, so Mr. Riley I must respectfully deny your motion for a directed verdict on both charges.

MR. RILEY: Yes, sir.

THE COURT: I think I made my feelings about this case clear, at least to this point.

Now, Mr. Riley, does your client intend to

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present a defense?

MR. RILEY: Judge. It's 3:15. We still need to discuss that further. I discussed that with him many times, but he is not quite at the point where he is ready to make a decision.

THE COURT: Okay. Well, let me give him his --- advise him of his 5th amendment rights, and I'll adjourn for the day and allow you to let me know in the morning.

MR. RILEY: Thank you, Judge.

THE COURT: Mr. Smith, if you'll rise, please. At this time I'm going to explain to you certain of your rights. If you do not understand anything I say, please let me know. If you want me to explain anything in more detail, will you please let me know. Do you understand?

THE DEFENDANT: Yes.

THE COURT: We've now reached the stage of this trial where you may present your defense. You have the right to claim the protections given to you by the 5th amendment to the Constitution of the United States. This amendment states in part that no person shall be compelled in any criminal case to be a witness against himself. This means you cannot be required to testify in this case. You have the right

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to testify on your own behalf. However, no one can make you testify.

This is a personal right and no one can waive this right except you. If you decide to testify, you will be subject to the same rules that govern other witnesses and you may be examined and cross-examined on any relevant issue in this case.

In addition, if you have any convictions involving dishonesty or false statement or for crimes punishable by imprisonment for more than one year and this court determines that the probative value of admitting this evidence out weighs its prejudicial effect to you, the solicitor will be able to introduce your record to attack your credibility.

If you decide to testify, this decision on your part must be freely, voluntarily, and intelligently made with knowledge of the protections given to you by the 5th amendment to the Constitution and the consequences of your decision to testify.

If you decide not to testify, I will instruct the jurors that they cannot give the fact that you did not testify any consideration whatsoever, and that there is to be absolutely no prejudice to you because you didn't testify.

It's left entirely up to you whether or not you

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wish to testify. You may talk to your attorney, family friends or anyone else, but the final decision will be left entirely up to you.

Do you understand what I explained to you?

THE DEFENDANT: Yes, sir.

THE COURT: Do you have any questions about what I've explained to you?

THE DEFENDANT: No, sir.

THE COURT: Have you discussed with your lawyer whether you should or should not testify?

THE DEFENDANT: Yes.

THE COURT: Do you wish to consult with him any more about this issue?

THE DEFENDANT: I'm good.

THE COURT: You wish to testify?

THE DEFENDANT: No.

THE COURT: All right. Well, I'm going to wait until in the morning to find out from you.

MR. RILEY: Yes, if you could.

THE COURT: If you wish to change your mind on that issue, I'll be glad to entertain that in the morning.

I'll need to know, Mr. Riley, whether you plan to present a defense or not, and if not, then be prepared to argue and charge in the morning.

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MR. RILEY: Yes, sir.
THE COURT: All right. And ---
MR. PERRY: Your Honor.
THE COURT: Yes.
MR. PERRY: The State may call rebuttal witnesses.
THE COURT: What?
MR. PERRY: If he puts up something. I just want to be sure.
THE COURT: There is nothing to rebut at this point.
MR. PERRY: I understand, but if he does that, I just wanted to be sure, for scheduling purposes or what have you, we may call two or three rebuttal witnesses.
THE COURT: Call all you want.
MR. PERRY: All right. Thank you, sir.
MR. RILEY: Thank you, Judge.
THE COURT: All right. We're going to adjourn until ten in the morning, since it appears that we are going to finish this case tomorrow. It appears that way or at least no later than Friday. I have a doctor's appointment at nine in the morning. I don't see any reason to miss it.
MR. PERRY: Yes, sir.

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THE COURT: All right, sir. Bring the jury.

(WHEREUPON, the jury came into open court at approximately 3:22 p.m.)

THE COURT: All right. Ladies and gentlemen. I'm going to dismiss you now for the afternoon, and just ask you to be back in the jury room at ten o'clock tomorrow morning. I think we're going to finish this case tomorrow, but we certainly can't finish it today. I'm going to give the defendant the opportunity over the evening to consider whether he wishes to present a defense or not, so as I say, we're not going to finish this case today, but we will finish it tomorrow.

Have a pleasant evening. We'll see you at ten o'clock in the morning. Once again, don't discuss the case among yourselves when you return to the jury room or with anyone else over the evening hours. I have that line down pat. Thank you very much. See you in the morning.

THE JURORS: Thank you.

(WHEREUPON, the jury left open court at approximately 3:23 p.m.)

THE COURT: Are they gone?

THE BAILIFF: Yes, sir.

THE COURT: Stand about ease until ten o'clock in

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the morning.

MR. PERRY: Your Honor.

THE COURT: If you have any requested jury charges, let me know.

(WHEREUPON, there was a bench conference.)

(WHEREUPON, there was an overnight recess.)

THE COURT: Is the State ready to proceed?

MR. MOAK: Yes, Your Honor.

THE COURT: Is the defense ready to proceed?

MR. RILEY: Yes, Your Honor.

THE COURT: Mr. Smith, I mentioned to you yesterday afternoon that I would wait until this morning give you an opportunity to consult with your family, friends or your attorney about whether or not you wish to testify. At this time, I have to ask you, do you wish to testify?

THE DEFENDANT: Yes, sir.

THE COURT: You do?

THE DEFENDANT: Yes.

THE COURT: All right. That's fine. Have a seat.

MR. RILEY: Judge, it's further --- I am further informed that it's Mr. Smith's desire --- if indeed he takes the stand, to attempt to introduce into evidence various documents and exhibits and writings, and I'm

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not sure what all he has, that he ---

THE COURT: You better share them with your attorney.

MR. RILEY: I'm sorry, Your Honor?

THE COURT: I'm speaking with Mr. Smith. I said that he had better share them with his attorney, because I have to determine whether they are admissible or not.

Do you understand that, Mr. Smith?

THE DEFENDANT: Yeah. I need to share them with my attorney.

THE COURT: Yes. Have you done that?

(There was no response.)

THE COURT: Have you reviewed them with your attorney?

THE DEFENDANT: We haven't had a chance to go over all of them, no.

THE COURT: All right. Well, what is the nature of what he's referring to?

MR. RILEY: Judge, he's got exhibits from a United States District Court for the District of South Carolina civil case. He's got the 9-1-1 --- excuse me, no. The rap sheet on a witness who was not even called to testify by the State; statements by --- written statements, rap sheets, 9-1-1 tape.

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A lot of this looks to me to be already in evidence, a copy of the search warrant, one of the search warrants.

What else do you have?

THE COURT: All right. Let ---

MR. RILEY: Do you want to review these, Judge?

THE COURT: I want to mark them, so we'll know what we're talking about.

MR. RILEY: Yes, sir.

THE COURT: And then I will show them to the State just like everything else.

(WHEREUPON, Defendant's Exhibits 3 through 11 were marked for identification only.)

THE COURT: Mr. Riley, are you looking over some more ---

MR. RILEY: No, Your Honor, I'm looking over the Court's ---

THE COURT: You need to --- well, somebody needs to hand these to the Solicitor so they can look over them.

Mr. Riley, let me just say this, before I have an opportunity to look at these documents, and this is for Mr. Smith's benefit, you can't --- the Rules of Evidence do not permit the introduction of reports, letters, documents, only under certain limited

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circumstances.

The reason for that is because you can't cross-examine a document. The State cannot cross-examine a letter. You have to cross-examine an individual. That's what this whole process resolves around is live testimony. That is why the State has brought all these witnesses here. They could have all just filed written letters, but that's not the way the court systems works in this country.

As I say, now I'm looking at something that you wrote. You can tell them what this says.

THE DEFENDANT: Yes, Your Honor.

THE COURT: I want you to understand what I'm saying. You can't just hand this to a jury and say that's it. You have to be able to testify so that they can test your credibility.

If you just hand this up, you can't test the credibility of a piece of paper.

All of these documents, in my opinion, at this point, without --- I mean, they may be such that you can use documents to refresh your memory, but your case, just like the State's case, has to come from live witnesses so the jury can hear and decide whether they believe a witness.

THE DEFENDANT: Your Honor, may I speak?

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THE COURT: If your attorney wishes for you to speak and allows you to speak.

MR. RILEY: Yes, sir.

THE COURT: Go ahead.

THE DEFENDANT: I've been incarcerated since May 28th.

THE COURT: Uh-huh.

THE DEFENDANT: I got --- all my family is in Maine. The only way to get a proper defense is through the manual system. I have Mr. Riley, and the evidence that I'm bringing in is from --- under penalties of perjury in a civil suit in which my evidence from August 15th of last year to May 28th back is missing. Law enforcement took it. So therefore I'm at a disadvantage, where I don't have anybody. I don't have anybody on the outside but Mr. Riley.

I've had to go through SLED. I've gone through the Department of Justice, a lot of the materials that I'm using are from the State itself. I don't have the luxury of color photos, but I have reviewed the evidence from the State, and I found quite a few things that I feel have hampered my fair trial.

THE COURT: Well, you can tell the jury about it. Do you understand what I'm saying? It has to come

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from you. You don't have to testify. I've given you that information, but if you choose to testify, you can testify --- and I'm not going to say about anything --- but the focus of this trial is based on the charges that the State has presented.

THE DEFENDANT: Correct.

THE COURT: And that's it.

THE DEFENDANT: Correct.

THE COURT: If the State has done something to you, there may be other ways to correct that. This jury panel has got to decide yes or no on murder and yes or no, and I will instruct them, and I think both attorneys know that I'm going to instruct them on involuntary manslaughter ---

THE DEFENDANT: Uh-huh.

THE COURT: --- and voluntary manslaughter.

THE DEFENDANT: Okay.

THE COURT: Which in South Carolina, that's basically murder one, murder two, and murder three. That's what juries are used to hearing.

THE DEFENDANT: Uh-huh.

THE COURT: And you're --- and the fourth option is not guilty of anything, and the jury is going to have those four options.

THE DEFENDANT: Uh-huh.

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THE COURT: But as far as your testimony ---

THE DEFENDANT: For instance, can I use a for instance?

THE COURT: Sure.

THE DEFENDANT: All right. On May 27th, the day before the incident took place ---

THE COURT: Uh-huh.

THE DEFENDANT: --- my best friend back here got a warrant for accessory to murder the day before it even happened. I've got it right there in the papers.

I have evidence that was brought from the front residence and put in my chain of custody ---

THE COURT: Say that again. I didn't quite hear you.

THE DEFENDANT: I said I have evidence that he has taken from the front residence.

THE COURT: From the front residence?

THE DEFENDANT: Yes, and put into my chain of custody from when I was arrested at two o'clock in the afternoon, and the 9-1-1 report clearly states that the judge was on his way, estimated time of arrival, 1:20 --- 12:20, excuse me. There wasn't even a warrant to begin with.

The evidence was taken from the front trailer and put in my chain of custody as if it was on my person.

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That is malicious evidence and it's all, everything I've got is under penalties of perjury from Chris Phillips, Peggy Spivey ---

THE COURT: Have you shared ---

THE DEFENDANT: I was in the jailhouse, just briefly on August 15th. He came in without a search warrant, and the State needs a search warrant to come in there. He removed all my paperwork from Mr. Tetterton, my letters from my friend, everything that I had, plans, written down, opening statements. There is a huge gap in my defense.

From August 15th, she is wearing charges, and her story changes to something horrible. I've got pictures in there of her laying there with my dog she brought to the jail. I have documents where she brought me money. She came to visit.

I've got letters that were illegally taken from her house concerning me and this trial, all in there. I've got lot of things that law enforcement has --- they jacked me up, and it's not right the way they done this.

There is fruit from the poisoned tree been introduced into this case, a lot of it. In order for me to bring this out, I have got go through those documents. Some of it is mail. The witness

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statements that I have, have all been notarized by Ms. Hodge over at the jailhouse.

I had --- I only have a portion of my paperwork. I have got paperwork in there showing several attempts to get my legal documents back from the Kershaw County sheriff's office. They will not give me my paperwork back.

I got a huge hole in my defense.

THE COURT: What is in that paperwork? I mean, what do you say you're missing?

THE DEFENDANT: I've got letters from before law enforcement put charges on her. I've got my motion of discovery from Mr. Tetterton, which had Supreme Court rulings in there that I was going to use and I had written down. I had 80 days worth of documentation, letters anything that I had started to build my case. I've got things from law enforcement before the confession even came in that I need that jury to know.

There was pictures from the front house of hypodermic needles and extreme drug use going on, and they're painting a picture like I'm some evil Hitler coming in here. I can't prove --- I have had --- from August 15th, I have a huge hole in my defense backwards and everything from August 15th forward is fruit from the poisoned tree.

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THE COURT: How much of this have you shared with your attorney?

THE DEFENDANT: I haven't had a chance to share a lot of it, but we need to go over it. I mean, I've got --- this right here is from August 15th until today.

I am missing a stack of papers like this that had everything to do from that day forward. Like I say, she is wearing charges that on the warrant, May 27th, how can she know of a crime being committed the day before it even happened? Now, she is coming up with I wanted things put on gore.com, I was going to kill her mother.

Now, before this, she is bringing in pictures, money, visiting me, but as soon as law enforcement steps up and pulled that crap on the 15th, I get no more visits, no more money, nothing, and now my best friend has plotted against me.

There is malicious evidence in this trial that does not belong here.

THE COURT: Well, what I'm trying to understand, is ---

THE DEFENDANT: And ---

THE COURT: --- is how you can present that.

THE DEFENDANT: There is absolutely no effort on

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law enforcement to provide a valid search warrant, and I have it in there. I mean, if I put a $5 million lawsuit on a man, you'd think you would come up with some sort of a search warrant.

MR. PERRY: Your Honor, that lawsuit has been dismissed with prejudice.

THE DEFENDANT: No. It's not. It's still --- I ruled. I filed an objection last week. I expect for it go through, and I still had two more, three ---

THE COURT: You're doing that pro se?

THE DEFENDANT: Yes, sir, and I still have two or three more motions to go through before it's going to be dismissed and I'm not --- I don't believe it's going to be dismissed.

THE COURT: Okay. Well, that's not in my ballpark.

THE DEFENDANT: I know my fourth amendment right has been taken from me, and my 14th amendment right has been taken from me.

THE COURT: All right.

THE DEFENDANT: The ability to have a fair trial has been crushed.

Approach the bench counsel.

(WHEREUPON, there was a bench conference.)

THE COURT: Bring the jury, please.

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(WHEREUPON, the jury came into open court at approximately 10:49 a.m.)

THE COURT: Good morning, ladies and gentlemen.

THE JURORS: Good morning.

THE COURT: Again, I apologize for the delay, but let me tell you that something significant has come up that I need to deal with in this case.

It's a bit of an unusual procedure for me to do this, because I know your time is valuable. I feel through these walls what you're back there thinking and wondering about, but I've got to deal with this issue.

It's --- as I say, it's a significant issue in this case. I'm not going to get into it, don't need to get into it, but in order to do that, I'm going to have to send you home for today and ask you to come back tomorrow. It's going to take a while to deal with this.

As I say, it's a very unusual procedure for this court, for any court, especially when we're moving on towards the conclusion of the trial, but believe me, I've got to do it this way.

Sorry about lunch. You've already made a lunch order. I'll get your lunch tomorrow. I'll get you two lunches tomorrow, so I'm going to dismiss you for

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the day now and ask you to be back tomorrow at nine o'clock so we have plenty of time --- I'll get this matter resolved today, and we'll be ready to go at nine o'clock in the morning, and you're just going to have to get another day's pay, so please follow my instructions about not talking about the case with anyone else. We'll get it resolved and we'll get the case to you tomorrow.

Thank you very much. We'll see you at nine o'clock in the morning.

(WHEREUPON, the jury left open court at approximately 10:53 a.m.)

THE COURT: All right. Now, Mr. Smith.

THE DEFENDANT: Yes, sir.

THE COURT: What I've basically done is given you 24 hours.

THE DEFENDANT: Thank you very much.

THE COURT: You are right when you say you've got nobody else here but Mr. Riley. Mr. Riley has to present your case.

THE DEFENDANT: Yes, sir.

THE COURT: Or I'm sure he has explained your options to you at this point.

THE DEFENDANT: Yes.

THE COURT: I can tell you --- I'm going to

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remind you that trials are based on witness' testimony. They're not based on a stack of documents.

THE DEFENDANT: Uh-huh.

THE COURT: I can't --- under the rules, those documents are not admissible into evidence.

In other words, the jury is not going to see that. You can use documents to refresh your memory about anything you want.

THE DEFENDANT: Yes, sir.

THE COURT: And.

THE DEFENDANT: Pardon me.

THE COURT: Go ahead.

THE DEFENDANT: As far as what's in my discovery, I can use that, correct?

THE COURT: You can --- I'm not sure what you mean by using it.

THE DEFENDANT: Well, whatever the State has introduced.

THE COURT: Oh, if it's already introduced ---

THE DEFENDANT: I can use that?

THE COURT: The jury can see that. The jury is going to see all of this. Anything the State has that has a red sticker on it, the jury is going to see.

THE DEFENDANT: Now, can I --- I can't call one of their witnesses back, can I?

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THE COURT: Sure you can.
THE DEFENDANT: Okay. Good deal.
THE COURT: You can call anybody that you want.
THE DEFENDANT: Thank you. I appreciate you listening to me.
THE COURT: Well, I want to ---
THE DEFENDANT: I haven't had time to ---
THE COURT: I want too afford you every protection the Constitution of the United States gives you.
THE DEFENDANT: Thank you.
THE COURT: None of us wants to do this again, so we're going to try to do it right.
THE DEFENDANT: Well, when you're facing your life ---
THE COURT: I understand what your facing, and that's why I'm making every effort to make sure that you get a fair trial.
THE DEFENDANT: Thank you.
THE COURT: That's my job.
THE DEFENDEANT: Is there any way you can court order the paperwork that I'm missing?
THE COURT: I don't even know what it is. I don't know what it is. Talk to Mr. Riley about that.
THE DEFENDANT: Okay.

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THE COURT: I don't know what it is or if it exists. I just don't know. You know, yesterday Mr. Phillips said something about things that are at the sheriff's office. Well, I was a little bit surprised. I thought the solicitors might have those things. I don't --- it's not my job to present the evidence.

THE DEFENDANT: Okay. I've got --- I've got evidence that shows he is saying good faith, and he is not sure whether he can come up with the evidence now or not.

THE COURT: Who?

THE DEFENDANT: Mr. Phillips.

THE COURT: Oh.

THE DEFENDANT: He seems to lose things.

THE COURT: Well, as I say, I'm just a traffic cop.

THE DEFENDANT: Okay.

THE COURT: You got --- I've got two competing sides.

THE DEFENDANT: Yeah.

THE COURT: And my responsibility is to make sure both sides, the State and the defendant get a fair and impartial trial.

THE DEFENDANT: Yes.

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THE COURT: I'm going to try my best.

THE DEFENDANT: Well, they had three days to paint their picture. I know it's a real rosy picture.

THE COURT: Went, you had two days. Now, you have only one.

THE DEFENDANT: Yes, sir.

THE COURT: So the jury is gone. I'll see you at nine o'clock in the morning.

THE DEFENDANT: Thank you very much.

THE COURT: Stand at ease until nine o'clock in the morning.

MR. MOAK: Your Honor, there was one thing I wanted to point out on the proposed jury charge?

THE COURT: On whose?

MR. MOAK: Yours.

THE COURT: Yes.

MR. MOAK: On the bottom of page 23, I just wanted to throw this out there. I know you're quoting the statute about the prima facie evidence with intent to manufacture, and I just wanted to point out that I've seen other statutes that had that prima facie language in there. I think it's more permissive inference is what the courts have ruled, so I'm concerned.

THE COURT: If you'll get me a case I'm glad to

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take a look at it.

MR. MOAK: Okay. Even though it hurts me to say that...

THE COURT: Okay. Stand at ease until nine o'clock tomorrow morning.

Any objection to Mr. Riley having the documents that --- I'm talking to you.

MR. PERRY: Oh, okay.

THE COURT: Any objection to Mr. Riley having the documents that have been marked for identification only?

MR. MOAK: We have no problem that, Your Honor. We would like to look at them at some point, too.

MR. MOAK: Well.

THE COURT: All right, sir. They're in your custody, Mr. Riley.

MR. RILEY: All right. That.

MR. MOAK: That was the whole purpose of the delay.

(WHEREUPON, there was an overnight recess.

MR. RILEY: Are you bringing the jury?

THE COURT: No. We're waiting for the exhibits. I assume somebody will want to refer to them in their closing argument.

(Pause.)

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Other than the arrival of the exhibits, is the State ready to proceed?

MR. MOAK: Yes, Your Honor.

THE COURT: Defense ready to proceed?

MR. RILEY: Judge, there's one matter ---

THE COURT: You are ready to proceed?

MR. RILEY: Yes.

THE COURT: All right. Anything that needs to be brought to the court's attention at this time?

MR. RILEY: Yes, sir.

THE COURT: All right.

MR. RILEY: This morning when law enforcement brought the prisoner back in the back stairway in the back corner of the courthouse, it's my understanding that as the defendant in handcuffs and leg shackles rounded the corner, there were two members of the jury, whether they were primary or alternates, I don't know, but two members of the jury standing in the hallway waiting to be let into the jury room.

They --- according to the defendant, they turned and looked directly at the defendant as he was rounding the corner in handcuffs and leg shackles, and I would submit to the court that under the circumstances in their full view of the defendant in restraints compels me to move for a mistrial.

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THE COURT: Does the State have a position?

MR. PERRY: Yes, Your Honor. It would seem that a mistrial would be extreme under the circumstances. As I understand it, the defendant was dressed in street clothes. I think at this point, this far along in the trial, if any remedy is appropriate and I'm not suggesting that this is, replace whatever jurors saw him with two of the three alternates that Your Honor was so wise to have us pick early on in the week seems to be a more appropriate remedy. Again, I think absent questioning the jurors about it, we can't even know whether or not that's necessary.

MR. MOAK: In addition, Your Honor, I think there's been abundant testimony that the defendant is in jail.

MR. PERRY: Yeah.

MR. MOAK: It's been not objected to in testimony.

MR. PERRY: One of my star witnesses, if you will, is a jailhouse snitch.

MR. RILEY: Judge, the --- clearly testimony has been introduced that the defendant was in jail. I don't recall anything in the record thus far stating that he currently is in jail.

THE COURT: I understand. Well, as you know,

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this is a small courtroom --- I mean, a small court house in terms of access to the rooms is not small, but the hall and the back is small. We try to caution law enforcement to have no contact with the jury whatsoever and to avoid the situation you just referred to. Nobody seems to pay much attention to that.

I'm going to respectfully deny your motion. I don't think it's necessary, based on the testimony in this case, to replace the jurors who may or may not have witnessed your client in street clothes yet in restraints.

Now, when we adjourned court yesterday, the defendant had advised the court he wished to testify in this case. Has there been any change in that?

MR. RILEY: Judge, after conferring with my client yesterday at the jail for somewhere between three-and-a-half and three and three-quarters hours, I laid out for him all of his options, told him that he needed to have an answer first thing this morning. This morning he indicated he has elected to exercise his 5th amendment right not to testify.

THE COURT: All right. Mr. Smith; is that correct?

THE DEFENDANT: Yes, sir.

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THE COURT: All right. Thank you very much.

MR. PERRY: Your Honor, if I could, I'd also like to place on the record yesterday there was quite ---

THE COURT: What?

MR. PERRY: Your Honor, yesterday, there was quite a bit of information put on the record about documents that were taken out of the defendant's cell in the course of a search warrant, pursuant to a search warrant, Your Honor.

Without the court asking me to or anything else, I took it on myself and got with Investigator Handy, went over to the Kershaw County sheriff's department, had my intern make a copy of everything that was taken out of the that cell, instructing her specifically don't read this stuff, don't look at this stuff. If you see anything inadvertently, don't tell anyone else in our office what you saw. Made copies of that, took the originals back to the sheriff's department, gave copies of everything that was removed from the cell to the defendant, and took them over to the jail and gave them to him and his attorney.

MR. RILEY: And all of that was done with my client.

THE COURT: And you reviewed with him all the documentary evidence that he had with him yesterday?

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MR. RILEY: Yes, sir.
THE COURT: Very well.
THE DEFENDANT: Am I allowed to speak?
(Mr. Riley conferring with client.)
(Pause.)
MR. RILEY: Judge, against my advice, he wishes to address the court.
THE COURT: Mr. Smith.
THE DEFENDANT: Yes, sir.
THE COURT: You just told me you do not wish to testify; is that correct?
THE DEFENDANT: Correct.
THE COURT: Now, I don't know what you want to talk about, but you may have other opportunities to air any grievances you have with reference to the sheriff's department, the investigation and that sort of thing, if that's what it deals with.
THE DEFENDANT: Yes, sir.
THE COURT: That's not the issue right now. I'm prepared to bring this jury in and let the trial proceed.
THE DEFENDANT: I ---
THE COURT: I don't think anything you could say would stop me from doing that.
THE DEFENDANT: I have reason to believe that the

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jury has been tainted.

THE COURT: All right. You told your attorney about that?

THE DEFENDANT: He knows.

MR. RILEY: Judge, I can't count the number of times Mr. Smith and I have talked about this subject, including yesterday.

THE COURT: All right. Well, Mr. Riley, which juror does he indicate some --- which juror does he indicate some improper contact has been made?

MR. RILEY: Judge, I believe he's referring to the jury collectively. I think he thinks that --- and there's been testimony introduced about Officer Phillips confiscating a bin full of documents from his jail cell in the course of investigating a suspected smuggling of contraband operation.

Mr. Smith believes that the entire jury has been contaminated because the State built their entire case around the papers that were confiscated from his jail cell. I explained to him ad nauseam that that is simply not the case, but he refuses to heed my opinion and that's where we stand.

THE COURT: Well, you know, I think you misinterpret what he's charging or he misinterprets what's going on.

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The fact that the State has presented a case that he feels is contrived, based on his paperwork is --- that's not the issue. The issue here today is his guilt or innocence of the charges on May 28th, 2011, unless he can show that a juror or multiple jurors in some manner have been poisoned before or during this trial, I'm not going to listen to him.

MR. RILEY: He has no such evidence, Judge.

THE COURT: Okay. I'm going to allow him, at some point in time, to place his entire grievance on the record, on a permanent record that you will have for whatever purpose you wish to use that record, but not now.

THE DEFENDANT: Okay.

THE COURT: All right. Now, is the State ready for the jury?

MR. PERRY: We are, Your Honor.

MR. MOAK: Yes, Your Honor.

THE COURT: The State will argue followed by the defense, correct, Mr. Riley?

MR. RILEY: Yes, sir.

THE COURT: All right. Bring the jury, please.

(WHEREUPON, the jury came into open court at approximately 9:18 a.m.)

THE COURT: Have a seat, Mr. Moak.

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Good morning, ladies and gentlemen.

THE JURORS: Good morning.

THE COURT: Well, I hope you had a pleasant day yesterday.

We're now ready to conclude the trial. As I mentioned to you yesterday, the defendant has the opportunity to present a defense, but he has chosen to rely on his 5th amendment right not to present a defense, and that puts the burden, as I told you earlier, on the State to prove guilt beyond a reasonable doubt in both of these charges.

Now, the lawyers are going to tell you something. They're going to talk to you about the law, and they're going to talk to you about the facts and what their interpretation of the law and the facts is. The State will argue, of course, that they think they're entitled to a conviction and the defense will argue that they're entitled to an acquittal, but in that process, they're going to talk to you specifically about murder and what we call --- in the law we call them lesser included offenses.

Now, what I mean by that, you probably --- if you watched enough television or seen in movies, in most states, the definition of murder includes murder in the first degree, murder in the second degree, and

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murder in the third degree.

Now, in South Carolina, for some reason, we don't call --- we have the same thing, but we don't call it the same thing. In South Carolina, we call it obviously murder and then voluntary manslaughter. You might want to write this down. You're going to hear about it, and then you're going to have to try to decide among these three different charges which one you think best suits the facts in this case.

As I said, they are murder, voluntary manslaughter and involuntary manslaughter, and I'm going to define those terms more specifically at the end of --- after the lawyers argue, but they're going to tell you what their interpretation of murder, voluntary manslaughter and involuntary manslaughter and what we call lesser included offenses. They were included under the definition of murder, but they are lesser offenses, lesser offenses.

Now, they're going to define them for you. They probably will define them similarly to the way I define them, because they know pretty much what I'm going to tell you.

They're going to tell you why they think the acts of the defendant fit into one of those three categories.

Now, remember, you also have the manufacturing of methamphetamine to think about. They're going to talk about that, too.

I just wanted to --- I didn't want you to be sitting there when they start talking about these things and say the judge didn't say anything about it, voluntary and involuntary manslaughter. Any of which you may find, and your jury verdict form will include those three different charges, and you will be asked to select one, not two, but only one of those, one or the other, one of those three and the alternate, so with that little preface of what I think you're about to hear, Solicitor, you may proceed with your argument.

CLOSING STATEMENT:

MR. MOAK: I have two separate power points. I may have to like bounce around a little bit, but again, my name is Ron Moak. I'm one of the assistant solicitors.

Like I told you on Tuesday, I think we laid out exactly what we were going to prove.

When we finished up Wednesday --- we finished our case on Wednesday, you heard all the evidence, and organizationally, we think the best way to approach this is do the law first, and then to go into our

argument, okay.

The first thing, in case you haven't figured it out yet, there are two judges in this courtroom. You have Judge Cooper on the bench. He is the judge on the law. The second judge is you, the jury. You're charged with deciding what the facts of this case are.

You listened to all the evidence. Weighed all the evidence. You look at the demeanor, credibility and everything with the witnesses and decide what you think the truth is, what you think happened, and in your mind, in your conscious, what you think the truth is. That's what your job is.

Now, we have to do everything in a criminal courtroom beyond a reasonable doubt. I got this on the board, too.

Sometimes there's a lot of words to deal with, okay. I invite you to like really look at that because that is the key part of the jury charge.

I've been assistant solicitor going on 13 years. It seems like every trial we have, the jury comes back, Judge, can you tell us more about what beyond a reasonable doubt is? This is all you're going to hear, okay.

The reason for that is that you are the judge of the facts. This is what you decide. That bar, the

word beyond a reasonable doubt is, it's for you to decide. If the judge could decide it, if I could decide it, if Mr. Riley could decide it, we wouldn't be here. That's what we need y'all for. That's why this is a great system.

What beyond a reasonable doubt is, is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world we know with absolutely certainly and in criminal cases, the law does not require proof that overcomes every possible doubt.

Now, listen to that. What that means is unless you have a video, like incontrovertible evidence, like even on football, they have all of these cameras for instant replay and the argument about whether the ball crossed the goal line. Even then sometimes you can't figure something out. That's what you're there for. You cannot overcome every possible doubt, okay. That's a perfect example of what that means.

But just because we don't have a video. Just because we don't have DNA, it doesn't mean we can't prove beyond a reasonable doubt.

Now, the second part of this, if based on your consideration of the evidence, you are firmly convinced the defendant is guilty of the crime

charged, you must find him guilty. If, on the other hand, you think there is a real possibility you think he is not guilty, give him the benefit of the doubt and find him not guilty.

That means kind of like the football analogy. You know, look at the replays. Look at it. If you're firmly convinced we scored a goal, then give it to us. That's what that means, okay.

So this is all the Judge is going to tell you about that.

Now, going on --- now, what does it mean? It does not mean beyond all doubt. Does not mean beyond a shadow of a doubt, and it does not mean 100 percent, okay. What it does mean is use your common sense. Use your common sense.

I know in this day and age, you watch TV shows like CSI, NCIS, all of these people who can do this stuff at the flick of a wrist, and there's been some allegation about whether or not there was a gunshot residue test done on David Tyler, whether or not fingerprints were taken off of the gun.

And they may argue that because we didn't take fingerprints off the gun, they may argue that because we didn't take a gunshot residue test off of David Tyler, who is dead, they may argue that's a reasonable

doubt, but I'm going to bring this up later.

Think about why we didn't we get those fingerprints? Why should we try to pull fingerprints off the gun that this man told law enforcement he shot Nicole Tyler with? He didn't tell them that David Tyler shot her. He told them that he, himself, shot her. There was no reason to get gunshot residue off of David Tyler. We're going to play some video clips off of his statement so you can hear that again. At no point is there any allegation that David Tyler is anywhere near this gun.

There is no allegation that David Tyler is anywhere near this gun, so I submit that any argument that no gunshot residue test on David Tyler is a red herring. The items found in the meth lab, the cans and everything, this is where Greg Smith lives.

I would submit to you that in your house, you can find on your bathroom mirror, your doorknob, your refrigerator, your fingerprints are all over your house. There is no reason, there is no real reason to get fingerprints off of items in your own house.

Again, that's that beyond a shadow of a doubt. We have to go 100 percent. There is no reason to believe that. Another way to put this, reasonable comes from the word reason.

It's a doubt with a reason you can attach to it, a reason you can explain to your fellow jurors. So if you can't even like tell your other jurors what reason you doubt, it's probably not reasonable, okay.

Like for example, the Wateree River flows one direction, okay. If I were to tell y'all I'm going to hop in at the Lugoff bridge and float down stream to the dam, you'll are going to think I'm crazy, because everybody knows that it doesn't go that way. If I go in there to float the other way, that's an unreasonable assertion, okay.

Remember, this is --- you're the judge of the facts. It's up to you to decide what you believe the facts are. Use your common sense.

Now, here we've got some videos, some of the video statement. We have some eyewitnesses, okay. There's two types of evidence. You've got direct evidence and circumstantial evidence.

Direct evidence is something that you yourself have seen, okay. Samantha Steeprock: I was there. Greg and Nicole were arguing. Greg pulls the gun out, Nicole said something like either what are you going to do, shoot me or why don't you just go ahead and shoot me. I think it came out two different ways, okay.

The gun goes off. Nicole falls back. Samantha runs. Greg Smith in his own story, I'm going to play that clip of this in his statement, they're arguing. She says something about the gun. He gets upset. He pulls the gun out. She was on the couch. He pulls the trigger. You know, that is direct evidence, okay.

That is from this individual's senses of hearing, feeling, smelling, tasting, hearing from the five human senses that's related to you from the stand or from the video statement. That's direct evidence.

Now, there's another thing called circumstantial evidence. I didn't even bother to put up this slide because there's way too many words. Even on this it's kind of small.

It talks about direct evidence and circumstantial evidence. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. The law makes no distinction between the weight or value given to direct or circumstantial evidence. No greater degree of certainty is required of circumstantial evidence than of direct evidence. You weigh them all the same.

Again after weighing all the evidence, if you're not convinced of the guilt of the defendant beyond a reasonable doubt, you must find him not guilty. If on

the other hand, you're convinced of the defendant's guilt beyond a reasonable doubt, then you must find him guilty.

This is another thing you're going to hear from the judge, okay. One way to look at this is this, and I didn't make this slide. I got it from somebody else.

Okay. Look at this. I don't know if you got kids, sometimes the kids get in the cookie jar, okay. The child has brown crumbs on his face. The cookie jar was full when you left the kitchen. When you come back in, the lid is off, a bunch of cookies are missing. The child is asking you for a glass of milk, and no --- but then nobody saw the child take the cookies, so there's no direct evidence that anybody saw him do it, okay.

Now, your inference is the child took the cookies from the jar. The dog --- it could possibly happen, that the dog took the cookies, an invisible person took cookies, okay, or the cookies evaporated.

Now, when you look at those, what's reasonable? Everybody with a lick of sense knows that kid took the cookies, okay. Ain't no dog there, nobody is invisible and they don't evaporate. Okay. That's a chain of circumstances.

Here we've got a 9-1-1 call about a shooting. We've got a meth lab with all this stuff on the property, and I think this is an overall picture. I think one of the things that rang true was --- I believe it was from Horace Lee or Harvey Lee. When he was testifying --- oh, and by with a way, it seems like everybody is a meth head or using meth. Harvey Lee has a job. Everybody has the allegation that he was involved in this heinous drug activity. He is just a regular person, has a job. You know, he is doing the right thing. He gets brought in to try to help out Samantha Steeprock, his sister-in-law, because she is so upset.

I have a nice poster that shows the marijuana, and there's 130 marijuana plants there, okay. Horace Lee says when they found the body, David Tyler hugs her, says something like I'm going to kill Greg Smith or if I find out Greg Smith did this, I'm going to kill him. They talk about calling 9-1-1. He says no.

You know, if you listen to the cross-examination questions, it sounds like they're just trying to intimate that he didn't want 9-1-1 called because he was involved in the killing, but what did Horace Lee say that David said? We're all going to go to jail. Look about all this stuff. If you had all this stuff

in your house, I would submit to you, you wouldn't want the cops there either, especially if your plan is I'm going to kill him himself myself. That's why he didn't want to call 9-1-1.

As a matter of fact, on the video, if y'all watch the whole thing in deliberations, even he says that part of his corroboration for him is that David didn't call 9-1-1. I submit to you, is it reasonable? Do you understand why David Tyler did not want the police at his house? I think that's fairly reasonable.

Now, how do we prove our case? How do we get this evidence in front of you? We have to call witnesses, okay. Again, kind of like the slide with the kid in the cookie jar, you have to decide for your own mind, your own conscience, your own heart, whether or not the witnesses are telling the truth. Do you believe what they're saying or not?

Let's say I go to Lugoff Toyota and want to buy a new truck. I have to talk to the salesman. He tells me this is the best rate or whatever, and, you know, I've got to decide whether I believe him, whether it's a good truck. There's a lot of issues there. You have to decide whether I believe him. That's a common thing people get involved in.

Having kids in the cookie jar. You may have

kids, good kids, bad kids. The lamp gets knocked over. They're pointing fingers at which one did it. You have to decide which one of them did it. That's something that people do in their every day lives, and that's why just regular people, y'all have the best training for your job as being the judge of the facts.

Now, look at the demeanor of a witness on the stand as something to take into account. Were they forthright or hesitant, was it consistent? Was it corroborated? Did they have a reason to be biased or prejudiced? Okay. Did they have a reason to tell you what they've been telling you, okay.

My example of that is Samantha Steeprock, okay. Samantha Steeprock and again, she doesn't know. She used meth two weeks ago. She doesn't like the police. She has no reason to cooperate with the police. I mean, she uses meth, but look at State's 84.

This is the notes from the 9-1-1 call the day of, okay. Samantha Steeprock was there, went up to the location to see if Greg Smith would put a lock on her sister's door. He was arguing with Nicole Tyler. She heard a gun go off, and she left. She came home, got her brother-in-law and seen Greg walking down the street, down Koon Road. This one right here, the 9-1-1 call, Samantha Steeprock is there when the

shooting took place.

That corroborates what she told them. The statement --- I'm actually talking about Greg Smith's statement. I'm going to play this clip later on. You will get to hear it from him. Don't believe what I tell you it said. Listen for yourself.

He says that he got the gun out. Samantha runs. Nicole said why are you going to --- or what are you going to do, shoot me, and he pulls the trigger, okay. He himself told y'all that Samantha was there when the gun comes out, okay. Corroboration from him.

Cedric Blackmon, okay. Law enforcement did not even know about Cedric Blackmon until Samantha Steeprock came clean. We didn't even have his name until she came clean and admitted she was in the trailer when that shot came off, because she was asked how did you get there? Cedric Blackmon.

You heard from him. Yes, apparently he's part of the meth tribal, he says he is in the yard in the car, and apparently there's some bad blood between him and David Tyler. He knows he ain't welcome there whether --- for whatever reason, he knows that he's not welcome. He doesn't even get out of the car. He sees David Tyler at his front screen. David Tyler never comes out. He sees Samantha go into Greg

Smith's trailer. He sees Nicole go into Greg Smith's trailer, then he sees Samantha run out, hears a gunshot. He gets out of there, and he ain't going back there for nothing, okay. That's corroboration from Cedric Blackmon, who we didn't even know about until Steeprock came clean in her statement. Then we got Morris Nixon.

Morris Nixon is a thug, okay. Ain't no doubt about that. He is a thug. He has burglaries, he has a bad criminal record, but notice all the charges that he supposedly is working off to testify came out six months after he told law enforcement about what his cellmate, Greg Smith, told him, okay.

If he's doing this to get charges dropped, he must have known he was going to get arrested here, okay. That's what came out.

What does he say? What does Morris say? Morris says Samantha Steeprock, who is right there, was in the trailer when the shooting took place. Morris also goes further and says that Greg was telling him he would do it over and over again, and alleged that Greg had no remorse. Again, look at Greg's statement. This is the day he shot Nicole Tyler dead.

Right at four minutes into his statement, he even said, "Old dude is gone." He already knew that Goat

Man is dead. These two people who put him up, let him live rent free for two years are dead, one at his hands and what is he upset about? Losing his dog. There is no remorse whatsoever. Morris again corroborates Samantha Steeprock.

Then you have Horace or Harvey Lee. Again, he corroborates Samantha Steeprock. He is the brother-in-law that comes back with Samantha to check on Nicole to make sure she is okay or to find out what happened, and kind of going back a little bit, Samantha told you from the stand that when the gun went off, I think she didn't see any blood, so she was hoping that Nicole didn't get hit. She just ran. She didn't wait to see what happened.

In this clip I'm going to show you, again, Greg Smith himself, after the gun goes off, doesn't realize he hit her. Afterwards, he says I was waiting for her to retaliate, okay. She has a 357 slug through her left eye in her brainstem, and he is sitting there waiting for her to retaliate. When I play that clip, I'm going to give you a heads up when I play it. Just listen to the tone of his voice when he says, "I didn't realize I shot her in the eye." It was almost like he thought that was cool. Listen to the tone of voice he uses when he makes that statement.

Okay. So Samantha Steeprock, a prostitute, meth addict, a full blown AIDS patient, you may have a reason not to believe her, but she is corroborated by everybody.

Now, bias or prejudice, Mr. Greg Smith himself has repeatedly called Samantha Steeprock his best friend. Even when he is talking about how bad Nicole Tyler does him, Samantha Steeprock is who he called his best friend. You heard from the stand, she wanted him to admit he did it. She wanted him to tell her it was an accident. She wanted him to tell her that he didn't mean to do it.

She went to go see him at the jail. What's the result of her seeing him at the jail? He convinces her that he meant to do it.

The one person in this entire courtroom who knows this man the best is his best friend Samantha Steeprock who wanted to believe he did not intend to kill Nicole Tyler, who wanted to believe he was not a murderer, he convinced her that he's the murderer. He convinced her that it was not accidental. He convinced her this was intentional. He convinced her, I think the way she put it, he would put Nicole's head on a stump and shoot it over and over again.

That --- I mean, I felt right there, that right

there the State would submit proves the murder beyond a reasonable doubt. The fact that he convinced his best friend, who actually got a criminal charge taking contraband to him at the jail. She is on his side and wants to believe he is not a murderer, and he managed to convince her he is the murderer.

He even asked her to put some autopsy photos on gore.com. Who does that? If this is an accident, who does that? You know, you just looked out --- you have a corpse, who does that? This man is proud of this. He sits here proud that he murdered the woman that took him in, let him live rent free for two years. That's what we have here.

Now, we have a bunch of charges here. One of them is manufacturing of methamphetamine, okay. All that means is you're making meth. You're conspiring to make meth. I think it's pretty obvious what was going on here.

The judge in the jury charge is going to say that just the possession of all these implements --- here's a picture with everything in there, that just because he had this in his house, you may infer that he's manufactured meth, okay, just based on that.

But what else do we have? We have Greg Smith saying he was doing it. We have Samantha saying he's

doing it. I think even Cedric Blackmon said Greg was making meth. So in addition to the inference where you may infer this is what he's doing, he himself says he's making meth, so I'm not going to spend a whole lot of time on the meth charge, because I don't think there is a real --- we don't believe there is a legitimate concern whether or not he is guilty of the meth charge. You can't get guiltier of this charge than he is, okay.

Now, something else you're going to hear, voluntary intoxication is not a defense to the commission of a crime in South Carolina, okay.

What that means is that it's hard to believe a normal, rationale, good hearted human being can sit there and take this firearm and shoot somebody in the left eye.

Anybody, much less somebody you lived with or lived around for two years. You might think to yourself, maybe he was high. Maybe he was drunk. You know, maybe he was smoking pot. There's 130 marijuana plants there. While that may be an explanation of why he did it, the thing is if he is high it's because he made the meth, if he's drunk it's because he himself choose it. If he's high on marijuana it's because he chose to smoke it. Just because you get yourself so

messed up you can do something sick and depraved does not mean you can claim hey, I wasn't in my right mind. There's going to be a lot of husbands who don't like their wives and who would get drunk, do something stupid and claim alcohol as their defense. That's not the way the law works in South Carolina. That's not the way it works, okay.

Now, the judge told you on the killing, you're going to have actually four options. You can just cut him lose, not guilty.

I submit to you, the State believes you are not going to do that. I think there's an abundance of evidence, even Greg Smith saying he is the one who shot her. The State would submit that is not even an option in this case. The options are murder, voluntary manslaughter, involuntary manslaughter. We're going to go kind of backward, start with involuntary and move up, okay.

Involuntary manslaughter is the unintentional killing of another without malice, okay. Unintentional means you didn't mean to do it, you didn't mean to do it. When I play that clip later, listen to what he tells Goat Man for why he shot her. I did it because she pushed me too far. I couldn't take it. I submit that to say that Greg Smith said it

was intentional from the get go and this is not an involuntary case. He meant to do it.

Listen to his words. Once she starts talking about his parents, there was something about calling his mother a B, calling him an MF'er, starts talking about how they don't even know his mother. The only thing he has in the world is his parents and his dog, and they're trying to take his dog away. That's why he did it. He talks about pulling the gun out, and listen real closely. Again, when I play the clip, I'm going to highlight it again. He have says he was going to shoot over there, but I didn't. I raised up and pulled the trigger, okay. He intentionally pulled that trigger, so we know that --- while engaging in an unlawful activity not intended to cause death or great bodily harm, okay.

So basically, for you to find him guilty of involuntary manslaughter, you would have to find that pointing a 357 Magnum in somebody's face while it's loaded does not tend to result in great bodily harm or death.

I mean, what's a gun pulled? This ain't like a fork. This is a gun. There is no --- this is not an involuntary case, okay.

The rest of that --- or he had unintentionally

killed the victim without malice while engaging in lawful activity with disregard for the safety of others.

There's going to be a jury instruction about negligent misuse of a deadly weapon. I think the judge is going to have a gun or vehicle or whatever. What that's talking about is --- again, this is a law. It's not really the argument. If this was a semiautomatic with a clip, and you pop the clip out and forget there is a round in the chamber and you really don't think there is a round in there and pull the trigger, that's what we're talking about. We're not talking about somebody that intentionally puts the gun in the woman's face to scare her and intentionally pulls the trigger, okay.

Again, that says the same thing what I just read to you, and it also means that you are not interested in the consequences of your acts or the rights and safety of others, okay.

Again, that does kind of fit him. He doesn't care about nobody else. You don't care about yourself, and this is the thing about the dangerous instrumentality, you know, it is reckless, but he meant to do it.

You can't --- you can't mean to end up doing

something and claim recklessness. Again, if he tries --- if they try to claim this is an accident, I know it's not good to see, but that's where she got shot. He shot her in the left eye. That's a pretty good shot. That's not a miss. He probably was aiming at her face. I'm not saying that he aimed at her left eye, but that's a kill shot, you know, this is not an accident. This is not an involuntary manslaughter case.

Now, the second option up is voluntary manslaughter. That's the unlawful killing of another, without malice, in the sudden heat of passion upon sufficient legal provocation.

Again, this one, without malice. Listen to his description of Nicole Tyler. He thought she is black hearted, you know, she is evil. It's like he is trying to tell the police that Nicole Tyler deserved to die, and all that happened that day was that he decided to get it over with.

I mean, listen to his description of it, talking about these evil things she does. She doesn't like other people being around, takes his play station or whatever that game console is, steals his mail. He has been there for two years. If it's that bad, why is he still there?

He talks about going to get food with friends, he can find somewhere else to live. He stayed there for two years.

You know, we will submit that he is just trying to justify what he did. Now, you've got to have a sudden heat of passion upon sufficient legal provocation. That's his other problem, sudden.

The sudden heat of passion upon sufficient legal provocation which mitigates felonious killing or manslaughter, while it need not be without reason entirely, it must be such as would naturally serve to sway a reason and regular mind of an ordinary person incapable of cool reflection and produce what, according to human experience, may have be called uncontrolled impulse to do violence.

What does he say set him off? She is putting me out. I'm losing my dog. That's all I've got. The guy hasn't paid rent in two years, and all of a sudden, he is shocked that he is getting put out, okay.

That gives rise to voluntary manslaughter. Think about all these people that get evicted. I mean, I guess you can shoot your landlord, open season. I mean, people get evicted every day. People are in bad spots financially. I mean, the economy is bad. This

happens all the time, but people don't go out and shoot each other. People deal with things the right way and guns are not part of it.

You're also going to hear about this, sufficient legal provocation, because it has to be legal provocation. It's the legal provocation coming on, the dude is in bed with your wife. Okay, that's legal provocation. Sufficient legal provocation must include more than mere words or a display a willingness to fight without an overt threatening act. More than mere words.

All he is saying that Nicole Tyler did is was that she was cussing at him. I don't think there's any doubts about that. Saying nasty things to him. Saying she will put him out.

Okay. There is no display of willingness to fight. Even he himself said when he shot her, Nicole tried to get up off the couch. She was sitting down when she got shot. She was sitting down when she got shot, so not only is there not a willingness to fight, there is also no overt threatening act. She is sitting down when she got shot.

Again, words alone, however vulgar or insulting are not enough to be legal provocation. Where death is caused by the use of a deadly weapon, i.e., a

firearm, the words must be accompanied by some overt threatening act which could have produced the heat of passion. What's the threatening act? I'm putting you out.

The Judge is also going to tell you've as part of the jury instruction that the assertion of a legal right, however, not convincing of another, this is what he's talking about the eviction is not a legal provocation. You're going to hear this from the judge. It's not on my slide, but you'll hear that from the judge. He will tell you that. That's the law of South Carolina. There it is right there. I guess I did put it on the slide. You will hear those words from the Judge.

Also, you'd have to have heat of passion and sufficient legal provocation both at the same time. Another thing, it's like with the heat of passion and legal provocation --- if you listen to Mr. Smith and believe Mr. Smith and believe Nicole Tyler is this evil person, this black hearted person, this has been going on for two years. If you listen to him, it sounded like this is a daily incidence or daily occurrence.

What is sudden about this thing? I mean, there is no sudden legal provocation, there is no sudden

heat of passion and again, she is sitting on the couch when she gets shot. She never got up. Look at her. I mean, look at her. This is not a voluntary manslaughter case, which leads us to what Mr. Smith did.

Murder is the killing of any person with malice aforethought, either expressed or inferred, okay.

Expressed means I come out and say I'm going to kill you. Inferred is --- I mean, we can't get in his brain. It goes back to circumstantial evidence, okay, pulling the gun out, putting it in her face, pulling the trigger, shooting her in the left eye.

Again, think about this. This gun is in her face long enough for her to say what are you going to do, shoot me or why don't you just shoot me, okay.

I mean, the gun is just not like bam, it's in there for a little while, okay. Based on circumstantial evidence, you know, he shoots her in the eye and then what he tells Goat Man about snapping. She pushed me too far this time. I had to do it, him trying to basically demonize Nicole, trying to justify doing it. Telling Samantha Steeprock he would do it again. Telling Morris Nixon he would do it again. That shows no remorse, and all that goes to circumstantially proving the state of mind he had that

day to by proving that he did the shooting with malice, and that's the inferred.

It does not necessarily import ill will toward the individual injured. He got that here. He got a lot of ill will here, but rather, it signifies the general and malignant recklessness for the lives and safety of others or a condition of the mind which shows a heart devoid of social duty and fatally bent on mischief, okay.

Here is your social dude there, buddy. Meth lab, marijuana plants. I mean, the thing about this guy's state of mind, the only thing he was worried about is his dog.

Some wicked condition of the heart, it's a wicked purpose. It does not necessarily import ill will toward the individual injured. I'll say it over again. What we have here is he tells you on the video that he has ill will towards Nicole Tyler. She was black hearted. You know, this has been going on a while. I had to fire the shot. You know, that is our malice. It may be inferred there, conduct showing a total disregard for human life.

Again, got a loaded 357 in her face. You know, that is a total disregard for human life. Now, aforethought, because you have to have malice before

you fired the shot. Aforethought is the time when the evil is conceived. There is no particular length of time prior to the killing for malice to exist to be malice aforethought, and it does not --- it need not exist for any appreciable period of time before the commission of the act. Indeed it may be conceived at the very moment the fatal blow is given. It's sufficient in law that the combination of evil intent and the act produce a fatal result.

That means that when he decides to pull the trigger, the actual decision of pulling the trigger, intending the result, is malice aforethought, and again, listen --- you're going to hear it again when I play it. Hear his explanation of why this took place, okay.

You know, he pulls the gun out because she is putting him out. I'm going to lose my dog. That's all I care about in this world, that and my parents. She is talking about my parents. When he picked that gun up, he had malice in his heart. When he picked that gun up, he had malice in his heart.

Now, get ready to switch to the other PowerPoint.

(Pause.)

Again, that's what this case is about, okay. I don't think there's any doubts about the manufacturing

of methamphetamine with all that the witnesses said to back that up.

Not shifting the argument on this, but again, the whole issue about gunshot residue or fingerprints on the gun, you know, is, who told the sheriff that they shot the gun? Mr. Smith. Who never mentioned David Tyler had the gun? Mr. Smith. Who showed the sheriff's department the gun? Mr. Smith. Who calls the sheriff's department after this test? The answer is Mr. Smith.

Is that the same slide? Okay. Morris Nixon, going back to his credibility, okay. You have Morris Nixon. Again, he is a thug. He's got a record. All these burglaries, burglary second, burglary first and all that, that arose after he told his story to the sheriff's department. His story matches up to what Greg Smith told the sheriff's department, except he is the one who told us Steeprock was inside the trailer and saw the shooting. Steeprock confirmed that. Cedric Blackmon confirmed that. He was asked something about papers, and I don't know what they're talking about. He never saw any papers mentioned in that and he talked to Phillips, okay.

That's just trying to figure out, based on one the questions in the cross-examination. I mean, I

don't know what, if anything, they're going to say, okay.

All he is telling you is what happened in the cell, what Mr. Smith told him. It's kind of strange. He is the thug. He's got a record. Again, if I had Preacher Hancock at First Baptist in the cell with him and this was coming from somebody that was really credible, well, that would be kind of interesting because then we would be wondering how did he get in the jail cell. Okay. I mean, if he's put in the jail cell with somebody who shot and killed the woman who is putting him up, you know, I mean, if he is a choirboy, then the question is how did he get in the cell.

So, I mean, this is kind of like what he said in his opening about when you're dealing with the devil and you have to go to hell to get the witnesses, this is kind of what he's talking about. Okay. Then he talked about things like credibility and consistency. How about Greg? The first thing he said when he's talking about in the trailer, and he was going blow by blow, and the first thing he mentions is that I meant to scare her, then he talks to Goat Man, he says she went too far this time. Then he switches to Morris Nixon. I would shoot her again. Then to Steeprock, I

would put her head on a stump and shoot her over and over again. That's what he told her. I mean, that's a development of his statements, okay, and kind of like the circumstantial evidence thing, okay. I wasn't there. He admits he was there. Or I didn't do it. What did he say? I shot her. Number three, I didn't mean to do it. He said she pissed me off, called my mom a B and an M'Fer. I snapped, I would put her head on a stump and shoot her over and over again, and then I want her autopsy photos on gore.com.

That's what Steeprock testified to. She's the person who got help for her. What did he do? He ran. What would an innocent person do? Call the police. But he didn't, he ran. What does an innocent person do, not tamper with evidence. What does he do? He hid the gun. What does an innocent person say or do, I feel bad that this happened. What does he say? I would put her head on a stump and shoot her over and over again.

You watch his statements that he gave to law enforcement. It will say the only thing he is regretful about, he does not have his dog. That's the only thing he is worried about. Watch the video. I'm not going to play the whole video in closing. I'm going to play parts of it, but if you want to watch it

again, you're going to have it.

Ask yourself, does he really look like he's concerned he just killed somebody? Does he really look like he is concerned that Goat Man is dead, or is he just worried that he might lose his dog, okay? I mean, that's what he's really worried about. That goes to whether or not he has any concern for the life, safety, and rights of others. That's your malice right there. He doesn't care the least bit about these people that put him up rent free for two years.

Going through this whole thing, I meant to scare her. She pushed me too far this time. I snapped and said that to Goat Man. She was always talking --- talking about Nicole --- about how she wanted rent. How was I going to do that? I didn't have a job. Well, apparently he had a job. He is making meth. She told me to go to the shelter. I was going to lose my dog. I would do it again; I would put her head on a stump and shoot it over and over again.

Then around four minutes into the video, he even says, and this is kind of important, Harvey Lee and Samantha Steeprock when they came back to check on Nicole, both of them said, and I think even Brooks Houser, the sheriff's deputy said something to the

effect that when David Tyler saw Nicole was dead, he hugged the body, was crying, I'm going to kill Greg Smith. I'm going to get him if I find out he did this, okay.

Greg Smith is claiming on that video that shortly after he shot Nicole, he had a conversation with David Tyler and said, I shot your wife, and David tells him to get out of here, get rid of the gun. I'll clean it up. When Samantha Steeprock and Morris Lee come back, what is David Tyler doing? He is in the yard spraying flea spray on the dog. He is not cleaning the crime scene up. They ask him where is Nicole? She is in there with Greg. He has to get his key out to open the door.

Again, he doesn't want law enforcement there. He knows --- he knows whether he shot somebody or not, his butt is going to prison, going to jail. He doesn't want law enforcement there, but he has Harvey Lee and Samantha Steeprock there. People --- he didn't know Harvey, but he knows Samantha. She has been over there before, he trusts her, they are there about Nicole. He opens the door. What is his reaction. Oh my God. I'm going to kill Greg Smith. I'm going to get him. That's what his reaction was, okay.

When the police show up, they say it appeared he might have something to hide. Do you think he might be wanting to hide this stuff? This is his property, okay. Whether or not he killed somebody or not, he has got a dead body back there. He has a meth lab. He has 130 marijuana plants. Again, is it reasonable that he didn't want anybody in that place? Then once he is taken into custody, once they take him into custody, you know, Houser is talking about he makes the statement, if I find out Greg did it, I'm going to kill him. He even says that in the house, okay. So Houser is not a meth head. Houser is not involved in this mess. If I find out Greg Smith did this, I'm going to kill him.

Now, does that back up with Greg Smith claiming to have told Goat Man I just shot your wife, okay? The reason I point that out is --- and I think I typed this up wrong, Old Dude is wrong. This is his exact words, Old Dude is wrong, I guess. He says that and then goes into the story, okay.

Just the way he says that and the reason he says that, one, he knows --- he knows David Tyler is dead when he is calling the police, and he also knows now that David Tyler, Old Dude is gone, he does not have to worry about David Tyler coming after him, you know.

Most people, you shoot a man's wife, you might be worried about the husband coming after him. He says Old Dude is gone, I guess, and then tells his story, okay.

Now, you tell me. Do you believe that Greg Smith actually talked to Goat Man before he left the scene or do you believe he got his butt out of there and Goat Man not even knowing that Greg Smith is even gone, I mean, which one makes more sense? Goat Man saying that Nicole was in there talking to Greg, doesn't know Nicole is dead, doesn't know Greg is even gone --- which one makes more sense when he begins --- when he begins part of his statement, Old Dude is gone, I guess, so it's okay for me to tell the story.

Okay. Which one makes more sense? What does he do? He runs, he hides the gun. Once the gun is hidden, does he come back? No, he is booking it toward Eastover. He is going down 601. He is heading towards Richland County. He is getting out of Dodge. He ain't coming back.

Now, again as to why he would do this. Nicole was always messing with me, deciding when I could eat. She had her plan on what I could eat, what I couldn't eat. She took my mail, talking about like getting stuff from his mom, Nicole taking money out of it, not

telling him his mom was sending stuff, taking his game console. I forget if he said it was a Play Station, Nintendo, whatever it was, was constantly on me, and I think he said something in there about Nicole was trying to keep people out of his life.

If I understood it correctly, he was trying to say there was a dispute between Nicole and Samantha about who was getting more meth or something. So I mean, he's basically like this is part of the conversation when he was saying Nicole was blackmailing him, okay.

It's like he was trying to tell the police Nicole deserved to die. She deserved to die, and I did it. You listen to him describe his life. It isn't sad. You know, if you believe him, this was his life, okay. This wasn't something that just happened that day that happened. This is --- this is his life. This is not a sudden heat of passion, okay.

He came in. He apparently had moved to the Tyler's after living some period at Samantha Steeprock's house and he had been kicked out of there for making meth at Samantha Steeprock's mother's house and made a threat to kill the mother, okay. Is that consistent with getting put out of the Tyler property and killing Nicole Tyler? You know, he had already

threatened to kill one family for putting him out. He did it this time. Again, that's malice aforethought. This is a murder. This is not voluntary manslaughter. This is not involuntary manslaughter.

There's no overt physical threat at the time that Nicole was sitting as she was shot. She was asserting a legal right. He wasn't paying rent. You know, put him out, you know. It goes back to this, okay. Here is the first, the first clip, okay. This is where he says --- where he talked about being provoked. Again, if you're saying you are being provoked, it's not an accident.

If this works.

(Pause.)

Okay. Apparently it must not work.

Okay. Since that's not working, I'll do it this way.

(Pause.)

Okay. This is the clip where he's talking about being provoked.

(Plays portion of video.)

Yeah, this is about being provoked, okay. That's at 3:50 into the video.

Now, this is where he says Old Boy is gone.

(Plays portion of video.)

Okay. It says like it is now because the Old Boy is gone, and again, next clip is his explanation of what went on in the trailer.

(Plays portion of video.)

I was going --- I went to raise up. I was going to shoot beside her, but I didn't. I raised up and pulled the trigger. He is not saying this is an accident. He is saying he was going to do that, but he raised up and pulled the trigger, okay. Shot her in the eye.

(Plays portion of video.)

Listen to how he says eyeball. I mean, it's like he was excited, thought it was cool.

(Plays portion of video.)

Again, does that corroborate Steeprock's story, which was not what she originally told law enforcement that she didn't see any blood. She didn't know. She thought --- she was hoping that Nicole hadn't been hit. That's why she came back to check on her.

Now, he's talking about what he told Goat Man.

(Plays portion of video.)

She pushed me too far in front of my best friend and wanted to get rid of my dog. That's all I had in life.

Ladies and gentlemen, we submit to you that's

when malice came up when he is sitting there thinking about she pushed me too far in front of my best friend. She was threatening to take my dog, or I was going to lose my dog. That's all I had in life. That's him honestly telling you why he did it. There is no question he shot Nicole Tyler. Listen to his own words. It ain't no accident. He meant to do it. It's not involuntary manslaughter.

Another way, a non-legal way to explain this malice aforethought thing. I don't know if any of you have ever read *Seven Habits of Highly Successful People* by Steven Covey, but one of the things he puts in there is whenever somebody does action, does an action upon us, there is a period of time between us receiving the action and us reacting. In that period of time of time is when you make a choice. You make a choice and that's your choice. That's on you.

That's what we're talking about. So Nicole Tyler is probably in there not being nice, telling him she's going to put him out. He gets upset, and he's got a choice. Is he going to try to deal with this a normal way, a legal way, a right way, or is he going to do this the wrong way? And we know what he did. He pulled this gun out, held it on her. She goes, what are you going to do, shoot me? And even he says I was

going to just scare her, but I raised up and pulled the trigger. Bam, shoots her in the eye.

He is even telling you he thought about shooting to the side. He said I was going to shoot to the side, but I raised up and pulled the trigger. He is even telling you he knew he could have aimed it somewhere else, but he chose to raise up and pull the trigger.

We submit to you this is a murder, and again, one of the best --- one of the best pieces of evidence in here is this lady over here and he says on the video right in front of his best friend, this lady right here, this is his best friend. This is who his best friend was when he shot Nicole Tyler. This is who his best friend was when he went to jail. She got locked up herself trying to help him out in jail. She didn't want to believe he was a murderer. She wanted to believe this was an accident, and the result of her talking to him in the jail, hearing him talk about I'd put her head on a stump and shoot it over and over again, he managed to convince his best friend, the only person other than his parents or his dog who he had in this entire world, he is convinced the only person that's in this courtroom or anywhere around here that cares about him that he committed the murder

and she knows it.

We don't know him. You'll don't know him. She knows him. She is convinced he is a murderer.

What better evidence can we have than that.

Nicole Tyler asked him what are you going to do, shoot me? We're going to ask you, why don't you just go ahead and convict him. I guarantee you all are going to give him more consideration than he gave Nicole Tyler. You are all going to go back and think about it, deliberate over it, and we're asking you why don't you go ahead and convict Greg Smith for the murder he committed on May 28th, 2011.

Thank you.

THE COURT: Anybody need to take a break?

All right. Let's take a short break, just a short break. We'll continue following the break. Don't discuss the case among yourselves while you're in the jury room. Thank you very much.

(WHEREUPON, the jury left open court at approximately 10:30 a.m.)

THE COURT: All right. Stand at ease. Ten minutes.

MR. PERRY: Thank you, Your Honor.

(WHEREUPON, a short break was taken.)

THE COURT: Mr. Riley, are you ready to proceed?

MR. RILEY: I am, Your Honor.

THE COURT: Is the State ready to proceed?

MR. MOAK: I am, Your Honor.

THE COURT: Bring the jury back.

(WHEREUPON, the jury came into open court at approximately 10:49 a.m.)

THE COURT: All right. Ladies and gentlemen, we're now ready to continue with the trial. Mr. Riley.

MR. RILEY: May it please the Court.

THE COURT: Yes.

MR. RILEY: Madam Forelady, ladies and gentlemen of the jury.

CLOSING STATEMENT:

MR. RILEY: Ladies and gentlemen, this will be my last opportunity to address you all before the judge charges you on the law and you begin your deliberations.

One of the things that I wanted to thank you all for is your careful attention. It's Friday morning not very far from noon. We've been at this since Monday. It's been a long week for everybody concerned, and I know especially for you folks.

I do want to thank you for your attention. You've been paying very close and careful attention to

each and every witness and each and every document that's been introduced.

The judge and each and every one of us is grateful to you.

Now, one of the things that my friend, Mr. Moak, said that I wholeheartedly agree with is there really in the courtroom are two judges. There's a judge of the law, that's Judge Cooper and the judge of the facts. That's you, ladies and gentlemen, and in a little while, Judge Cooper will be instructing you on the law applicable to this case, and through --- particularly through Mr. Moak's closing argument, you've already been given a great deal of information about what the judge will be taking about when he charges you on the law.

If my friend Mr. Moak or if I say anything about the law applicable to this case that disagrees with or is different from what Judge Cooper charges you on the law, you have to pay attention to Judge Cooper.

Mr. Moak and I are advocates. What we do is we advocate for a particular position. That's our job.

Of course, we advocate with you all about our point of view, and the judge is the impartial referee here. He is the impartial judge of the law. We have to listen to his instructions and not Mr. Moak's, not

mine. We want to take what we have, the tools we have available to us and shake them and fit them and apply them to our case and advocate for our particular position. That's what we're all engaged in.

Now, I wanted to --- it's my preference to confront the main challenges in a case head-on right from the get go. Of course, the main challenge in this case, I feel, is the videotaped interview that you all have seen of the defendant.

Now, the judge will charge you that as a matter of law, he has already determined that that videotape is admissible. However, you all as the judges of the facts have to determine whether the statement was made by the defendant freely, voluntarily, and of his own free will, meaning that the statement was not caused by pressure, force, fear, threats, coercion, intimidation or by hope or promise of leniency or reward of any kind.

You have to examine as judges of the facts whether the defendant, the characteristics of the defendant, and the details of the questioning.

Among the factors you have to consider are the age of the defendant, his education or lack of education, his mental ability or capacity, his I.Q. or intelligence, his background and environment, the

place and length of detention, the nature of the questioning and the advice or lack thereof of the defendant being advised of his constitutional rights.

You have to evaluate all of those factors as judges of the facts.

Now, State's Exhibit No. 6, which is the Miranda rights form that you saw Mr. Smith signing on the videotape was signed on May 28th, 2011, at 10:53 p.m.

You have to evaluate the course of events of that day, and the condition, mental and physical and emotional of the defendant, Mr. Smith, at 10:53 p.m.

I submit to you, and I have been doing this for 26 years, I submit to you that I've never seen a videotaped interview where the subject indicated a greater reluctance to sign the Miranda rights form. He had to --- Officer Phillips went over all the factors in the Miranda rights form with him, and he hesitated, Mr. Smith, I mean.

Then Mr. Tetterton went over all the factors in the Miranda rights form. Again, Mr. Smith hesitated. It took a long time before the various parties in that interview room were able to allay or attempt to allay Mr. Smith's concerns and questions about whether he should proceed or not.

You have to evaluate and don't --- you know, the

State, of course, my friend Mr. Moak, would have you believe that it's --- the videotape is just ironclad. It's exactly what happened. It's the truth, no challenging it.

Well, that ain't quite the way it is. Lots of people give false confessions. The Innocence Project has estimated that one out of four people give false confessions for one reason or another.

MR. MOAK: Your Honor, is there any of this that needs arguing?

THE COURT: Overruled.

MR. RILEY: False confessions can be due to compromised reasoning, due to exhaustion, stress, hunger, substance abuse, mental limitations, or limited education.

Just because there is a videotaped confession does not mean that you all lose your ability to evaluate the voluntariness of that confession, the willingness, whether it was given under duress or coercion or mental, physical or emotional exhaustion.

10:53 p.m., he was arrested, as you've already heard from testimony, at 1:30 p.m. He had been through an arduous exhausting day, clearly.

Now, again, as I said a minute ago, confronting the primary pieces of evidence that the State has

presented to you in the way that I perceive their order of importance, we have the testimony of Ms. Samantha Steeprock, a prostitute, which she candidly admitted, a woman unfortunately and tragically dying of AIDS, a woman who gave two statements to the police about the events of May 28th, 2011.

One was given on May 28th, the other one a month or two later. You heard me cross-examine her about those statements. In those statements, both of those statements, she says she was outside the incident location when she heard a loud noise.

She denies being inside the incident location in both of those statements. She says in one of them she was outside the driveway because Nicole Tyler had prohibited her from being on the premises, and yet, it's Ms. Steeprock's testimony that she and Nicole --- that Nicole was her very best friend on earth and Nicole had told her to stay off the property.

Why was that? Ms. Steeprock says because Nicole thought that Samantha Steeprock was getting more methamphetamine than she was. You have to --- each of these witnesses that the State has presented, you have to evaluate their credibility.

Judge Cooper will instruct you on that also.

Then on July 19th, 2012, the State charges Samantha Steeprock with accessory after the fact to murder, okay, July 19th, 2012.

Lo and behold, miraculously, Ms. Steeprock remembers, I was an eyewitness. I was there, and there's a new statement saying that she was there and that she witnessed what happened. You have to think about the timing of the service of the warrant and Ms. Steeprock's sudden change in her statements.

She took the stand here and said well, the first two statements I gave, I was afraid of Greg. I was deathly afraid of him, yet she also testified that during the time he was incarcerated, she visited him, and I think if your memory differs, you rely on your memory, but I think she said between three and five times in jail. They exchanged lots of correspondence.

She referred to Greg as someone she considered to be a member of her family. This is the horrible, vicious person who she wants you to believe she was afraid of.

Why did her story change when she was served with a warrant for accessory after the fact to murder? It's a big question in my mind.

The third witness that I want to talk about, Morris Nixon. You know, it always amazes me. When

Morris Nixon testified, and, of course, I had the opportunity to cross-examine him, here is a fellow who has three pending burglary second charges, a pending possession of burglary tools charge, and a pending first degree burglary charge.

Mr. Moak himself in his closing argument referred to Morris Nixon at least twice as a thug. I guarantee you that with those pending charges, if Mr. Morris Nixon goes to trial, the state will charge him not only as a thug, but the worst thug of the world, the absolute bottom of the pecking order of human life, that's how they will try to portray him, but yet in this trial, his testimony is hard as granite according to the State. His testimony, according to what he says Greg Smith told him is not to be challenged. He is telling the truth. How can anyone doubt he is telling the truth?

By their own statement, he is a thug. He got a PR bond for charges that arose in July 2012. He had already alerted law enforcement that he had information pertaining to Greg Smith's case, and he gets a personal recognizance bond with his record? He had two strong arm robberies in his history.

Does that pass the smell test? You don't think there was consideration given to him? You don't think

that the State valued and wanted to keep him tucked away carefully as a potential witness in this case?

I guarantee you the State will never take him to trial. They're going to cut a deal with him. That's the way they do things, if the deal hasn't already been cut.

The law enforcement witnesses, which I'm going to discuss in more detail in just a second, but as I listened to them testify, and as I cross-examined them, it seemed to me the one underlying theme of all the law enforcement witnesses who testified was "that wasn't my job. It wasn't up to me to collect evidence. It wasn't up to me to do this, that and the other thing." Do you remember all the witnesses that basically gave some version of that answer to my questions?

How about this: This gentleman has sat here throughout this trial for one reason. He was the chief investigator in this case. Did the State call him to the stand? Did he testify? Did you all have a chance to listen to him? Did I have a chance to cross-examine him? Why didn't they call him, Dexter Handy? What are they trying to hide?

They're afraid of something he might have testified to or that I might have cross-examined him

about, like the lack of professional investigation in this case? Like why David Tyler was never tested for gunshot residue, why David Tyler was never autopsied. Did they call the county coroner, Mr. Feller, to answer my questions as to why there was no autopsy ordered, why there were no gunshot residue tests done on David Tyler, also known as Goat Man? You never heard from him.

The chief investigator in this case ---

MR. MOAK: Your Honor, I'm going to object to this. He is saying I should call witnesses so he can put stuff in evidence through our witnesses?

THE COURT: Overruled. That's proper closing argument.

MR. RILEY: Brooks Houser, he was one of the officers who testified. He testified about arriving on the scene and meeting with David Tyler, Goat Man. He testified that Goat Man was confused, nervous, labored breathing and angry and irate, and Officer Houser's testimony, he said he acted like somebody who was trying to hide something.

You also heard Officer Houser testify about the difficulties they had subduing Mr. Tyler in the backseat of a police vehicle.

Even the sheriff who was there got involved in

subduing Mr. Tyler. He was trying to kick out a window in the car. He was trying to open the door and get out. He was using profanity, cursing. Officer Houser was the one who drove David Tyler to the detention center after the police had elected to charge him with disorderly conduct, and he noticed on the ride to the detention center, Mr. Tyler got awfully quiet.

When they got to the detention center and pulled into what's called the sally port, which is when they're bringing someone into the detention center, it's where a car pulls in, and it's closed off on both front and back, with electric doors, like garage doors, and he opened the back door in an attempt to get Mr. Tyler to get out.

Mr. Tyler was motionless. Brooks Houser didn't remember checking him for a pulse. In fact, after I reminded him of what he had written, he said, yeah, I did check him for a pulse and there was no pulse.

Now, this is the guy --- I beg you to remember. They didn't know who --- the police were just beginning of their investigation of this case. They had a dead body and what they perceived to be a meth lab. They didn't know who was the culprit or the responsible party, and yet no tests were ordered on

David Tyler's body. No autopsy. No forensics of any kind.

Why is that? Why is the State embarrassed about that? Then --- I'll get back to the testimony of the police in just a minute, but in the course of their investigation, they searched the premises, obviously.

All these photographs that I hold in my hand were photos taken through the testimony of Brian Elliott. All these photos were taken in the Tyler's house, Officer Elliott testified.

I believe --- this is State's Exhibit 38 and State's Exhibit 39. Several of these. That's Exhibit 40, a whole bunch of needles, Exhibit 41, all taken into the Tyler's residence.

David Tyler's driver's license, Exhibit 49. You, of course, will have all of these photos. Oh, and the crack pipe in the Tyler's residence, Exhibit 54, spoon and needles, 53 and 52, more needles. Fifty-one, more needles. You'll have all of these with you in the jury room.

Officer Lee Young, do you remember Samantha Steeprock testifying that --- in her third statement, the same one she gave the day she was charged with accessory, do you remember her testifying that Nicole Tyler had turned off the electricity to Greg's

trailer. It was hot, no light, no electricity.

Officer Lee Young, when he went into that trailer, said the lights were on in the grow room. Exhibit 22, State's Exhibit 22, does that look like the electricity was off? All of these things that I'm bringing up have to do with the veracity of one of the State's key witnesses, if not the key witness, Samantha Steeprock.

We don't have the poor lady, Deborah Tyler here. We don't have the poor gentleman, David Tyler, here to say whether --- what Samantha has testified to is really true or not.

Ila Simmons testified, too. She is with SLED. No gunshot residue found on Greg Smith, and no gunshot residue tests were done on David Tyler.

Brian Elliott, who I referred to when I was discussing those photos, no fingerprints taken of anyone at the scene, never asked for any forensics, any forensic tests, doesn't know if anyone ever asked for forensics, don't know who should have asked for forensics.

Well, how about the chief investigator who didn't testify? Morris Nixon, I discussed him. Jacob Hammond, he testified about finding the gun out in the woods. This is State's Exhibit 74, it's the handgun.

State's Exhibit 77 and State's Exhibit 79 were taken out in the woods, of the gun later in the woods when they first found it. You will notice a holster and a belt. You will further notice no holster and belt. They can't find them. Where are they? Officer Phillips testified, I don't know where they are. Ain't my responsibility, that ain't my job. Where are the belt and the holster? This is evidence in a murder case, and they're saying basically, just reading between the lines, we lost them.

Steve Knafelc, another officer testified to you. He was the one who was out in the woods. I believe his testimony was --- and again, if I say anything that disagrees with your memory, you need to rely on your memory because mine is far from perfect. But anyway, I think Steve was the who took the photographs in the woods. He said that Officer Phillips bagged and marked the gun holster and belt. Officer Phillips said, no, I didn't do that. I don't know who did. I didn't do that. It ain't my job.

Quincy Ford from SLED, he is the one who removed all of the by-products, the ingredients of the meth lab. No fingerprints were ever taken from any of those hard objects like the cans or the bottles, no analysis of the contents of the cans or the bottles.

Law enforcement, which includes, of course, Agent Ford who is a SLED agent just seemed well, they must contain what the label says they contained. They weren't chemically analyzed.

The point I'm making about the forensics, which includes any fingerprints, who owned that property? Who was the owner of that property? Officer Phillips said, I think it was the Tyler's, both front and back mobile homes. Who had --- I don't mean to get into X rated territory, but who had in that back trailer what Samantha Steeprock referred to as a jack room where Goat Man kept his pornography, who had access to both mobile homes all the time? The Tylers.

Did Greg Smith own that trailer? No, he was allowed to stay there upon the goodwill of the Tylers. He wasn't staying there all the time, 100 percent of the time.

The State would have you believe on the methamphetamine charge --- well, Greg was living there, it must have him who was doing the cooking.

To me, that's not B following A. That's going from A to Z because they don't have any forensics to tie Greg Smith to the methamphetamine. No fingerprints, no DNA, no nothing other than the fact that he was occupying the bedroom back there.

Periodically, not 100 percent of the time, I went --- my cross-examination of the 9-1-1 operator took quite a while.

At this late day, I apologize for taking your time for that, but that lays out --- I believe the State introduced that into evidence. It's State's Exhibit 84. That lays out a careful chronology of the events of May 28th, 2011.

Chris Phillips testified, pardon me, that on the scene, there were three people who basically out ranked him at that time. I believe he testified at that time he was a lieutenant. He subsequently became a captain. He's now a corporal.

He testified there were three people who were at the scene who out ranked him, Sheriff Matthews, Ed Corey and Marvin Brown. Did you hear from any of those three? Did you hear from them about whether they ordered the fingerprint test to be done or a chemical sampling and testing of the supposed meth ingredients be done, or the --- both the front and back trailers, all the evidence they photographed be tested for fingerprints.

A whole lot of forensic tests that could have been ordered, that could have been performed, could have been requested for by law enforcement, things

bagged and tagged and sent to SLED for analysis but they were not. Undoubtedly, it wasn't my job. Well, it might have been the job of Ed Corey or the sheriff or Marvin Brown, but they weren't called as witnesses to ask those questions of.

I want you to --- I mean, I put this up here for a reason. We don't have to prove anything. I'm pointing out to you things that the State has not proven, big holes in the State's case that you all need to remember when you're deliberating.

The first people to place calls to 9-1-1, Christina Shepherd and Ms. Reichert, I think it is or Richart. You didn't hear from them. They weren't called as witnesses.

Now, the State has brought against Mr. Smith a murder charge. He is charged with murder. There are basically three elements the State has to prove to establish a case of murder: Number one, killing; number two, of a person; number three, with malice aforethought.

Where is their evidence of malice aforethought? Mr. Moak did a --- I think, a commendable job of trying to establish malice aforethought, but you all have to decide whether he did or not. I don't think he did. I don't think there is a shred of evidence

for malice aforethought or premeditation or planning or preparing in advance or working out the details of what they were thinking or planning to do.

All of that is what malice aforethought means. You will have before you the lesser charges of involuntary manslaughter and voluntary manslaughter. You will have to evaluate, based on the judge's instructions on the law, of whether there is enough proof of either of those offenses, whether the elements, the necessary elements of those offenses have been met, but they have chosen to proceed on a murder charge. That's what's before you. It has been before you throughout this trial. It won't be the only option before you when you begin your deliberations, but they haven't established the required elements of the charge of murder.

And specifically --- specifically, I don't think there is any question about elements one and two, the killing of a person; but what about element three with malice aforethought. Was it even Greg Smith? We don't know. What about David Tyler? Where is the gunshot residue test on David Tyler?

You can see from the photographs taken in the Tyler residence that they were using and injecting and smoking. It was the Tyler's property.

Now, I don't --- Mr. Moak made a reference in his closing statement, something to the effect, and again you should rely on your memory, but that Greg managed to convince Samantha that he was the murderer. I don't --- that doesn't make any sense to me.

Samantha Steeprock testified she --- her third version, she was there and witnessed the whole thing. I don't know what Mr. Moak is referring to. Managed to convince Samantha that he was the murderer. She is now wanting you to believe she witnessed it. Being evicted doesn't mean you can shoot your landlord or landlady. Well, golly, that's a revelation.

Nicole tried to get up off the couch. Where did that come from? I don't remember that testimony. You have to rely on your memory, but I don't remember that. Look at 78, another photograph.

Ladies and gentlemen, you've been very patient with all of us. This is a fundamental principle. I mentioned that to you and stressed that to you in my opening statement. Once again I'm stressing it to you in my closing argument. There isn't a thing the defense has to prove. The State has the burden of proof on everything.

I've pointed out to you, I hope, many, many gaps and holes and missing pieces and inconsistencies and

inexplicable chronologies in the State's case.

Shortly after the judge charges you on the law, you will have to retire to your jury room to begin your deliberations.

I don't need to tell you or remind you again these are serious charges. One of them is the most serious of all. You all cannot reach a guilty verdict unless you think the State has proven each and every element beyond a reasonable doubt.

I know and am convinced and heartedly the admire you for your attention. I know and am convinced you will be very, very careful and conscientious and deliberate in your evaluations.

And on behalf of Mr. Smith --- and express regret for this tragic case that really involves the death of two people, I thank you and appreciate your listening to me.

THE COURT: Mr. Riley.

(removing the easel in front of the jury box.)

JURY CHARGE:

THE COURT: All right, madam foreperson, ladies and gentlemen of the jury. You've now heard all the testimony in this case. You've heard the arguments of both the State and the defendant, and you'll take with you to the jury room all the evidence in this case,

and that includes the videotape, for which we will provide you the means by which to view it, if you wish to do so.

Now, from time to time juries have asked me to send back to the jury room a copy of what I'm about to go over with you. Generally I'm not able to do that. In some states it's done, but it's not done in South Carolina, so I ask you to pay close attention to what I tell you the law is in the State of South Carolina as it applies to this case.

I want to remind you of some principles that I commented on in my earlier remarks to you. Under our Constitution and code of laws, only the jury can make findings of fact. I'm not permitted to indicate to you how I might feel about the facts. If I have said or done anything in this case which would indicate to you that I have an opinion concerning the facts in this case, you should disregard that. You must independently weigh the evidence presented in this trial and render a verdict based solely on that evidence.

The same Constitution and laws which designate and make you the finders of fact, also make me the instructor of the law. If you have some ideas as to what the law is or the law ought to be, and it does

not agree with what I tell you the law is, you're now obligated under your oath to abandon this preconception on your part and apply and accept the law precisely as I now state it to you.

The defendant Gregory Smith in this case has been charged with murder and manufacturing of methamphetamine. I remind you the fact that the defendant was arrested, charged, and indicted in this chase is not evidence in this case and cannot be considered by you as evidence of guilt 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.

Now, each indictment charges a separate and distinct offense. You must decide each indictment separately on the evidence and law applicable to it, uninfluenced by your decision as to any other indictment.

The defendant, Mr. Smith, may be convicted or acquitted on either of the offenses charged. You'll be asked to write a separate verdict of guilty or not guilty on each indictment.

Now, Mr. Smith has pled not guilty to these indictments. That plea puts the burden on the State

to prove the defendant guilty.

A person charged with committing a criminal offense in South Carolina is never required to prove himself or herself innocent.

I charge you that this is an important rule of law that the defendant in a criminal case no matter what the seriousness of the crime may be will always be presumed to be innocent of the crime for which the indictment was issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

This presumption of innocence does not even end when you begin your deliberations, but it accompanies the defendant throughout the trial and your deliberations until you've reached a verdict of guilt based on evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence, again, is not a mere legal theory. It is a legal --- not 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.

The State is not required to prove the guilt of the defendant beyond all doubt or beyond every doubt,

but beyond a reasonable doubt.

Well, what is a reasonable doubt in the law? A reasonable doubt is the kind of doubt that would cause a person, a reasonable person, to hesitate to do something.

Let me repeat that. A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act. The State has the burden of proving the defendant guilty beyond a reasonable doubt.

Some of you may have served as jurors in civil cases where you were told it's only necessary to prove that a fact is more likely true than not true, such as by the greater weight or the preponderance of the evidence.

In criminal cases however, the State's proof must be more powerful than that. It must be beyond a reasonable doubt. To think a defendant is probably guilty or the circumstances are suspicious is not enough.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. Now, 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 the defendant, Mr. Smith, is guilty of the crimes charged, you must find the defendant guilty.

On the other hand, if you think 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.

Now, generally there are two types of evidence that are presented during a trial, direct evidence and what we call circumstantial evidence.

Direct evidence is the testimony of a person who claims to have actual knowledge of a fact, such as an eyewitness. It's evidence which immediately establishes the main fact to be proved.

Circumstantial evidence on the other hand is proof of a chain of facts or a series of facts and circumstances indicating the existence of some other fact. It's evidence which immediately establishes collateral facts from a which the main fact may be inferred.

Circumstantial evidence is based on inference in other words and not on personal knowledge or observation, but the law makes absolutely no distinction between the weight or value to be given to

either direct or circumstantial evidence. Nor is a greater certainty required of circumstantial evidence than of direct evidence.

You should weigh all the evidence in the case. After weighing all the evidence if you're not convinced of guilt of the defendant beyond a reasonable doubt, you must find the defendant not guilty.

Now, necessarily, in any trial, you must determine the credibility of the witnesses who have testified. Credibility simply means believability. It becomes your duty as jurors to analyze and evaluate the evidence, determine which evidence convinces of you of its truth.

In determining the believability of witnesses who testified in this case, you may believe one witness over several or several witnesses over one. You may believe a part of the testimony of a witness and reject the remaining testimony or part of testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety.

You may consider whether any witness has exhibited to you any interest or bias, prejudice or other motive in this case. You may consider the

appearance and manner of the witness while the witness was on the witness stand.

Now, these considerations, ladies and gentlemen, you do not exercise arbitrarily. Your objective is to seek the truth regardless of its source. In exercising your mental processes and determining what you consider to be true, the law simply requires that you exercise good judgment, your common sense, your sense of logic and reasoning and your experiences in life.

You then apply these attributes to the evidence and determine what you the jury consider to be the truthful evidence. You will then take and apply the law as it is now stated to you and thus arrive at a true and just verdict.

Now, the fact that a person has a past criminal record does not disqualify that person from testifying. A past record does not affect the ability of that witness to testify. A past record of a witness may only be considered by you, if at all, in determining the witness's credibility or believability. Remember, you are the sole judges of the facts in the case and of the believability of any and all witnesses.

Now, generally the Rules of Evidence, and this is

sorts of a minor point, but the Rules of Evidence do not ordinarily permit lay witnesses or witnesses to testify concerning their opinions or conclusions.

Witnesses testify about facts. An exception to this rule is what --- for what we call expert witnesses. We had several expert witnesses in this case. A witness who by education and experience has become expert in some art, science, profession or calling may state an opinion to you as to relevant and material matter in which the witness claims to be an expert. It may also state the reasons for that opinion, but the testimony of an expert is to be given no greater weight than that of any other witness in this case.

Now, there is a statement in this case. By a statement, I mean, the one which you have seen on the video --- I think on the videotape or the CD, which you'll have with you in the jury room.

That statement is alleged to have been made by the defendant, Gregory Smith, and has been admitted into evidence by me in this case.

I have determined that the statement was admissible in a court of law, but I instruct you, you make the decision whether or not Mr. Smith made the statement. If the defendant did make the statement,

you must determine whether the statement was made by the defendant freely and voluntarily, and of his own free will and accord.

This means that the statement was not caused by pressure or force or fear or threats or coercion or intimidation or by hope or promise of leniency or a reward of any kind. In determining whether the statement was free and voluntary, you should consider both the characteristics of the defendant and the details of the questioning.

Some of the factors you might consider are the age of the defendant, his education or lack of education, his mental ability, his I.Q. or intelligence, his background, his environment, the place and length of the detention, the nature of the questioning and the advice or lack thereof of the defendant of his constitutional rights. You must consider all the surrounding circumstances before you give any weight to the alleged statement.

The State has the burden of proving to you beyond a reasonable doubt that the alleged statement was voluntary. If you determine it was, you give it the statement --- you may give the statement any further consideration you deem proper. You must decide what weight, if any, should be given to the alleged

statement.

If you determine the alleged statement was not the free and voluntary statement of the defendant, you should not consider the statement at all.

Now, in order to establish criminal liability, criminal intent is required. Intent must be proved 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 is no way medical science can dissect a person's brain and determine what the person had in mind, so the law says that criminal intent may be inferred from the circumstances shown to have existed at the time and place of the incident. This is how you make a determination of whether or not the element requiring intent was present.

Criminal intent is a mental state, a conscience wrongdoing. It's up the you to determine what the defendant intended to do based on the circumstances shown to have existed at the time and place of the incident.

Now, as you know, Mr. Smith 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 towards another person. It is the intentional doing of a wrongful act without just cause or excuse and intent to inflict an injury or under circumstances that the law will infer as evil intent.

Malice is an essential ingredient of murder and does not necessarily import ill will toward the individual injured, but rather signifies a general malignant recklessness of the lives and safety of others or a condition of the mind which shows a heart regardless of social duty and fatally bent on mischief. It is a wicked condition of the heart. It is a wicked purpose.

In a legal sense, however, as it is employed in the description of murder, it does not necessarily import ill will toward the individual injured, but signifies rather a general malignant recklessness of the lives and safety of others.

Malice aforethought does not require that malice exists for any particular amount of 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, there must be a combination of the

previous evil intent and the act. Malice aforethought may be expressed or inferred --- these terms expressed or inferred do not mean different kinds of malice but merely the manner in which malice may be shown to exist. That is either by direct evidence or by inference from the facts and circumstances which are proved.

Expressed malice is shown when the person speaks words or expresses hatred or ill will for another or if the person prepared beforehand to do the act which was later accomplished. For example, laying in wait for a person or any other acts of preparation going to show the deed that was done was within the defendant's mind would be expressed malice. On the other hand, malice may be inferred from conduct showing a total disregard for human life.

Now, as I told you, and your jury verdict form will reflect, you may also consider a lesser-included offense, that being voluntary manslaughter.

If you find the State has failed to prove beyond a reasonable doubt that the defendant committed murder, you may consider whether the State has proved beyond a reasonable doubt that the defendant committed voluntary manslaughter. To prove voluntary manslaughter, the State must prove beyond a reasonable

doubt that the defendant took the life of another in the sudden heat of passion based on sufficient legal provocation. Both heat of passion and sufficient legal provocation must be present at the time of the killing to constitute voluntary manslaughter.

Sudden heat of passion may for a time affect a person's self-control and temporarily disturb a person's reason. The sudden heat of passion must be the type that would make an ordinary person unable to coolly reflect on his actions and would produce an uncontrollable impulse to do violence.

Sufficient legal provocation must be the type that would make a person of ordinary reason and caution become enraged and to lose control temporarily. The provocation needed for voluntary manslaughter must come from some act of or related to the victim.

Now, words alone, however vulgar and insulting are not enough to be legal provocation. Where death is caused by the use of a deadly weapon, the words must be accomplished by some overt act, threatening act, which could have produced the heat of passion. The exercise of a legal right no matter how offensive it is to another is never sufficient legal provocation for voluntary manslaughter.

If the heat of passion has cooled or if there was enough time between the provocation, if any, and the killing for the passion of a reasonable person to cool, the killing would not be voluntary manslaughter.

In deciding whether a reasonable person would have had enough time to cool off, you should consider all the circumstances surrounding the killing. You may consider the nature of the provocation, if any, the defendant's mental and physical state, and the circumstances and relationship between the parties.

The third option under the murder indictment is that of involuntary manslaughter. I've just described voluntary manslaughter.

If you find beyond a reasonable doubt that the defendant has committed --- has not committed murder or voluntary manslaughter, you may consider whether the State has proved beyond a reasonable doubt that the defendant committed involuntary manslaughter.

To prove involuntary manslaughter, the State must prove beyond a reasonable doubt that the defendant unintentionally killed the victim without malice, but while engaged in an unlawful activity not naturally tending to cause death or great bodily harm or that the defendant unintentionally killed the victim without malice while engaged in a lawful activity with

reckless disregard for the safety of others.

Unintentional means that the defendant did not intend for anyone to be killed or seriously injured. Reckless disregard for the safety of others is more than mere negligence or carelessness. Mere negligence or carelessness is the failure to use care that a person of ordinary reason would use under the same circumstances.

Recklessness is a conscience failure to use ordinary care. Reckless disregard for the safety of others means that you are not interested in the consequences of your acts or the rights and safety of others.

If a person knows or should know that ordinary care requires certain precautions to be taken for the safety of others when using a dangerous instrumentality, such as a gun or a car, but that person fails to use those precautions without concern, the person's actions are considered reckless. The state must also prove beyond a reasonable doubt that the defendant's act was the proximate cause of death.

Proximate cause is the direct cause. The immediate cause is the sufficient cause. It is the cause without which the death of the victim would not have resulted.

In addition to the murder indictment, the defendant is charged with the manufacturing of methamphetamine. It's unlawful for a person to manufacture, distribute, dispense, deliver, purchase or otherwise aid or abet or attempt to conspire to manufacture, distribute, dispense, deliver, purchase or possess with intent to distribute, dispense or deliver methamphetamine or what's known as cocaine base or cocaine base.

Manufacture means to produce, prepare, convert, process, plan, cultivate, grow or harvest a drug naturally or chemically --- a drug natural or chemical. Manufacturing includes any packaging or repackaging of the drug or labeling or relabeling of the drug's container. Possession of equipment or paraphernalia used in the manufacture of cocaine, cocaine base, or methamphetamine is evidence of intent to manufacture.

Now, ladies and gentlemen, this is one of my final instructions to you, and it's the most important. I instruct you and emphasize the fact that the defendant, Mr. Gregory Smith, did not testify in this case is not a factor to be considered by you in any way in your deliberations and in your consideration of the 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 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 stated to you, is on the State. This defendant is not required to prove his innocence. The burden of proof remains on the State to prove guilt beyond a reasonable doubt.

Now, ladies and gentlemen, I further charge you that any punishment provided by law to the offense or offenses charged in these indictments is a matter exclusively within the province of the court, and that means me. It should never be considered by a jury in any way whatsoever in arriving at a fair and impartial verdict as to the guilt or innocence of the defendant.

Now, I'm required to declare the law firm as I've done through these instructions to help and guide you to a just or lawful verdict. Whether some of these instructions apply will depend on what you find to be the facts. The facts that I have instructed on

various subjects in this case again must not be taken by you as indicating any opinion of this court as to what you should find to be the facts or which party is entitled to your verdict.

Your verdict must represent the considered judgments of each juror. In order for you to return a verdict, it's necessary that each juror agree. In other words, your verdict must be unanimous. All 12 of you must agree on the verdict. Your verdict must not be based on sympathy or passion or prejudice or emotion or any other consideration that's not in evidence in this case.

Remember at all times that you are not partisans favoring one party over another. You are judges, judges of the facts. Your sole interest is to seek the truth from the evidence in this case.

Now, ladies and gentlemen, I'm going to send with you, in addition to the evidence, a jury verdict form, and madam forelady, this is primarily for your consideration. The verdict on the murder charge does have all three potential verdicts.

We the jury on the charge of murder find the defendant Gregory Smith guilty or not guilty. We the jury on the charge of voluntary manslaughter find the defendant Gregory Smith guilty or not guilty. We the

jury on the charge of involuntary manslaughter find the defendant, Gregory Smith, guilty or not guilty.

On a separate jury form, we the jury on the charge of manufacturing methamphetamine find the defendant Gregory Smith guilty or not guilty.

Once you receive --- once you have completed your deliberations and have reached a verdict on each of these charges, please sign the verdict form, knock on the jury room door, and we will receive your verdict.

Now, I'm going to ask you to retire to the jury room and not begin your deliberations until you have received all the evidence. We're going to collect it up, make sure all the evidence is here and bring it to you.

The firearm has a trigger lock on it, does it not?

MR. PERRY: I don't believe so, Your Honor.

MR. MOAK: It's like twist tie, zip tie.

MR. PERRY: I don't believe so. No, sir, it does not, but the firearm is unloaded.

THE COURT: What's the twist tie?

MR. PERRY: This was to secure it in the box so it didn't slide around in the box. It had two holes punctured through one side of the box.

THE COURT: Anybody have a trigger guard?

MR. PERRY: I have one at home.

THE COURT: Well, anyway, it will all be sent to the jury room. You may retire to the jury room at the present time. Do not begin your deliberations until all the evidence has been presented to you, the verdict form is presented to you, and once that happens you may have begin your deliberations.

All right, ladies and gentlemen, you may have now retire to the jury room. It's my understanding we've ordered lunch for you which should be here around 12:30. Just don't begin your deliberations yet. Just relax for a few minutes and we'll bring the evidence to you.

Now, I'm going to ask the three alternates just to stay in the hall for a few minutes. Okay.

(WHEREUPON, the jury left open court at approximately 12:01 p.m.)

THE COURT: Clear? Any exceptions to the jury from the State?

MR. PERRY: No.

THE COURT: From the defense?

MR. RILEY: No, sir.

MR. PERRY: I wanted to let you know Investigator Handy indicates that he believes he might have a trigger lock in his truck outside.

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THE COURT: Go ahead and get it. We're not sending it in quite yet.

Are you going to check the evidence?

We're still on the record. Mr. Riley, the court reporter informs me that she marked several exhibits yesterday for identification. She marked a number of exhibits for identification. She is wondering if we can return those to you.

MR. RILEY: Yes, sir.

THE COURT: Since they were not introduced into the evidence?

MR. RILEY: That's right.

MR. MOAK: Your Honor, there were a couple other items. One, two, and three specifically, Your Honor, which were put into evidence during the Jackson v. Denno, which were not put in before the jury. I don't think these go back before the jury.

THE COURT: Approach the bench.

(WHEREUPON, there was a bench conference.)

THE COURT: All right, counsel.

Mr. Riley, the discussion we had prior to the arguments about your client being witnessed by two jurors in the hallway as he entered the second floor hallway, I've had an occasion to discuss that matter with the bailiffs, and I'd like them to recount on the

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record what their recollection of that incident or non-incident was.

Now, Mr. --- gentlemen, if you'll each raise your right hand.

BILLY DOWEY and ALBERT WALTERS,

after being duly sworn, testified as follows:

THE COURT: Mr. Dowey, will you state where you were standing and what you witnessed when the defendant entered the hallway, second floor hallway behind the --- next to the holding cell.

MR. DOWEY: All right, sir. I was standing --- obviously there is a water fountain right around the corner there, and when they started around the corner, just as they went to turn, I done this, and said y'all hold it. They backed up.

Mr. Catoe was, Your Honor, actually he was between me and the defendant in a way, not completely, but I'd say about half way. I told them you back up and hold it. We lacked one juror and Leo was standing on this corner to stop jurors.

THE COURT: So one juror still was not ---

MR. DOWEY: One juror had still not showed up and Leo was standing on this corner down here to hold them up. She, and I can't remember whether it was a man or a woman, but that's the way it happened. There wasn't

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no way he could see them jurors, wasn't no way.

THE COURT: Mr. Leo, what is your recollection of what happened?

MR. WALTERS: The same as Billy Dowey. I was down here watching for any more jurors coming in so I could stop them if they was coming in, but they could not have seen him.

THE COURT: Okay. Thank you very much.

Mr. Riley, there could have been some confusion about who was in the hallway.

MR. RILEY: Yes, sir.

THE COURT: But I'm satisfied --- these are your glasses.

MR. RILEY: Oh, okay.

THE COURT: I'm satisfied that nothing improper took place.

MR. RILEY: Yes, sir.

THE COURT: All right. Thank you very much.

All right, let's get the evidence to the jury.

THE BAILIFF: Okay.

THE COURT: And tell them they can begin their deliberations.

(WHEREUPON, the jury began their deliberations at 12:18 p.m.)

THE COURT: The alternates have been sequestered

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and will remain sequestered until the jury begins their deliberations. Will there be any objection to releasing the alternate jurors?

MR. MOAK: None from the State.

MR. RILEY: No, Your Honor.

THE COURT: Go ahead. I'll wait until I'm certain that the jury has begin deliberations. All right, stand at ease until we hear from the jury.

THE COURT: Mr. 180, who is 180? Do you remember, 108 (indicating) and 87? (indicating).

THE ALTERNATE JURORS: Yes, sir.

THE COURT: Well, the reason you're out here and not in there, obviously, is because you were alternates selected in this case. I will tell you that we need alternates very frequently, especially in a case --- when I saw what this case was about on Monday, I figured it would last most of the week, and it has.

It's not unusual for something to happen. People get sick. Cars break down. There's any number of things that can happen, so we have to have alternates to fill in. I noticed you all were taking notes and being very attentive, so I wouldn't have felt uncomfortable if any one of you had been called to sit on the jury, but they all made it through, and they're

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deliberating now, so I'm going to release you.

Now, I'm formally releasing you. You're certainly welcome to stay. I don't know how long the jury is going to deliberate. They've got some tough questions to answer, and they may be back there a good while. I've been here late Friday nights, not often, but every now and then it goes on until late at night.

So as I said, you're welcome to stay. You're welcome to --- I'm releasing you now, and that includes talking to anybody. If anybody wants to talk to you about the case, you certainly can feel free to talk to them, but let me tell you this. You don't have to talk to anybody. If somebody comes up to you and wants to talk about the case, you don't have to say anything. You can just tell them you're not going to talk about it.

If you have anybody that kind of persists in trying to get you to talk to them about it, you let me know or let one of these bailiffs know, and I can do something about it.

So I guess in closing, I'll say I know the lawyers have expressed their appreciation to you. I know I want to do the same thing. It's important that --- and this is true in any county in this state and any county in this United States that people are

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willing to come and sit and do these things, hear these cases. You didn't get the most comfortable seats. I realize that, but I do appreciate your willingness to stay this week and stick it out with us.

I'll be glad to answer any questions you might have, but at this point, Ms. McDonald, do you have their work excuses?

THE CLERK: They already have them.

THE COURT: They already have those. Okay, do they have their paycheck yet?

THE CLERK: No, sir. They'll get that next week.

THE COURT: It's in the mail, but you can't make your house payment with it that way.

All right. Do you have any questions of me? (Indicating in the negative.)

THE COURT: All right. Well, the bailiffs will tell you where you can sit, if you wish to sit and stay.

Yes, sir?

THE BAILIFF: This one gentleman here, he left his keys in the jury room, and he would like Ms. Joyce to go in there and get them for him.

THE COURT: Okay. If you'll tell her where they are.

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THE JUROR: And my phone, too.
THE BAILIFF: We'll get your phone.
THE CLERK: Okay. I'll get those for you.
THE COURT: All right. I'll be in my office if anybody wants to talk to me. All right. Stand at ease.
(WHEREUPON, a short break was taken.)
THE COURT: Approach the bench, please.
(WHEREUPON, there was a bench conference.)
THE COURT: Karen, just for the record, the jury has asked for the definition of malice. Both the State and the defense counsel have no objection to the Court sending to the jury the written instruction on murder, which includes the definition of malice.
Anything further?
MR. PERRY: Nothing from the State, Your Honor.
THE COURT: Stay close.
MR. PERRY: Yes, sir.
THE BAILIFF: Give them this?
THE COURT: Yes.
(Pause.)
THE COURT: All right. Counsel, the bailiff informs the Court the jury has reached a verdict. Are you ready to receive the verdict?
MR. PERRY: The State is ready, Your Honor.

MR. RILEY: Defense is ready, Your Honor.

THE COURT: Bring the jury, please.

(WHEREUPON, the jury returned to the courtroom at 2:38 p.m.)

VERDICT:

THE COURT: All right. Madam forelady, has the jury reached a verdict?

THE FORELADY: Yes, sir.

THE COURT: Will you hand it to the bailiff, please?

THE CLERK: Thank you.

THE COURT: All right. Madame clerk, publish the verdict, please.

THE CLERK: Thank you, Your Honor. This is the State of South Carolina vs. Gregory Vincent Smith, defendant.

We the jury on the charge of murder, we find the defendant, Gregory Vincent Smith, guilty.

We the jury on the charge of manufacturing methamphetamine, we find the defendant, Gregory Vincent Smith, guilty.

Madam Forelady and ladies and gentlemen of the jury, if these are your verdicts, please signify by raising your right hand.

(All jurors respond affirmatively.)

THE COURT: Any desire to poll the jury?
MR. RILEY: Yes, sir.
THE COURT: Madame clerk, please poll the jury.
THE CLERK: Thank you, Your Honor.
THE CLERK: Juror number 36, was this your verdict?
THE JUROR: Yes it was.
THE CLERK: Is it still your verdict?
THE JUROR: Yes.
THE CLERK: Thank you. Juror number 45, was this your verdict?
THE JUROR: Yes.
THE CLERK: Is it still your verdict?
THE JUROR: Yes.
THE CLERK: Thank you. Juror number 94, was this your verdict?
THE JUROR: Yes.
THE CLERK: Is it still your verdict?
THE JUROR: Yes.
THE CLERK: Thank you. Juror number 96, was this your verdict?
THE JUROR: Yes.
THE CLERK: Is it still your verdict?
THE JUROR: Yes.
THE CLERK: Thank you. Juror number 130, was

this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Thank you. Juror number 140, was this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Thank you. Juror number 145, was this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Thank you. Juror number 149, was this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Thank you. Juror number 154, was this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Thank you. Juror number 191, was

this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Thank you. Juror number 211, was this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Thank you. Juror number 223 , was this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Thank you.

The jury has been polled, Your Honor.

THE COURT: Thank you. All right. Ladies and gentlemen, I want to thank you for your service in this matter. Obviously these things must be decided in our community. Some of them are very difficult. It takes a lot of work on behalf of the jury to do that.

I guess I just want to thank you for your service. I know the attorneys have done that. This was a difficult case, a lot of complicated facts.

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Obviously you analyzed the facts and applied them to the law as I stated to you.

I'm going to release you now. I'll tell you the remaining part of the trial will consist of the sentencing of the defendant.

Now, we're not like Law and Order. When a verdict comes in, the show is over, but it's not over because we don't have the opportunity or the luxury of being able to wait and sentence people at a later date.

I will tell you that the penalty for murder is a mandatory minimum sentence of 30 years to life. In other words, the defendant can be sentenced anywhere from a mandatory 30 years to life in prison.

The penalty for manufacturing of methamphetamine is a maximum sentence of 15 years, so it will be my responsibility now that you've made that decision to sentence the defendant according to the law.

I'm going to do that in the next ten or 15 minutes, but some paperwork has to be done prior to doing that for a lot of reasons.

So you're welcome to stay for that sentencing portion of the trial, if you wish to do so. Some jurors like to stay just to bring closure to the whole process.

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I see two of your fellow jurors are staying to see what the outcome of the trial was. You're certainly welcome to stay with them, sit with them if used like to do so.

I will tell you if anyone want to talk to you about this case, you are free to talk to them, but if you don't want to talk to them, you don't have to talk to anybody about it, but you are free to do so. If anybody gives you any problem after you tell them you don't want to talk about it, please tell the bailiffs or myself, or get word to me through law enforcement or somebody and I can take care of it.

By the same token, you're going to be excused right now. I'll stop by the jury room in just a minute. You are going to actually return to the jury room because Ms. McDonald is going to have a few things to say to you. I'll be there in just a minute if you'd like to ask me any questions. Other than that good luck to all of you. Thank you so much for you help. You're now dismissed.

(WHEREUPON, the jury left open court at approximately 2:44 p.m.)

THE COURT: Any motions?

MR. MOAK: Your Honor, at this time I think the defense needs to make a motion for a JNOV.

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THE COURT: You do?

MR. MOAK: I think he needs to.

THE COURT: Well, that's up to him.

MR. MOAK: Nothing from the State, Your Honor.

MR. RILEY: Judge, I do have a motion at this time. Basically, my request is that the court grant the defense ten days to submit a written motion for a new trial.

THE COURT: Well, I'd do that. I'm not going to delay sentencing. That's a problem. I think you're going to have to make that motion now.

MR. RILEY: Judge, at this time, I ---

THE COURT: You see, my schedule is such that I'm not coming back here in ten days to hear a motion. Tell me why I should do that.

MR. RILEY: Judge, I would --- it's purely in order to give me time to do a little bit of legal research, Judge, and substantiate my motion for a new trial based on a review of the law and the cases applicable.

If Your Honor wants me to proceed now, I'm prepared to do so, and I understand the Court's ruling.

THE COURT: Well, what's the State's position?

MR. PERRY: Your Honor, our position is whether

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he does research or not, the motion is essentially going to be that they are going to allege that there was not sufficient evidence upon which to base the jury's verdict. Our position is going to be there was, the same evidence we had at the directed verdict motion which was denied, and we feel that the jury has ruled correctly. They have decided. It's a factual decision that they are the jury, the judge of. We would be opposed to that motion.

THE COURT: Mr. Moak, anything further?

MR. MOAK: Nothing, Your Honor. Our basic position is whether he makes the motion today or in ten days, it's essentially the same motion. We're going to have the same opposition to it.

THE COURT: I understand that. I will not be back in this circuit until the 10th of December or until --- or back in this courtroom until the 10th of December.

Well, because it is a murder and your client is facing life in prison without the possibility of parole, I'll be glad to give you ten days, and I'll withhold sentencing until after that motion is heard.

MR. RILEY: Thank you, Judge.

THE COURT: All right. But obviously, he is to remain in custody until such time as he's sentenced by

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this court.

MR. RILEY: Yes, sir.

THE COURT: All right. I'll expect it within ten days. I'm not going to --- I don't want any delay of this matter.

If the State wishes to reply, you'll have five days after that to reply, and I may not get to hear it until the 10th. I may rule on it from the bench just depending on what it says.

MR. RILEY: Yes, sir.

MR. MOAK: Thank you, Your Honor.

MR. PERRY: Your Honor, with respect to sentencing, I would like to mention that we've got family members who have been here throughout the week for this. In the event you might rule on it from the bench, would you want to hear from them today or do you want to wait?

THE COURT: Well, is there a problem with that?

MR. PERRY: Sir?

THE COURT: Is there a problem with bringing them to a sentencing hearing?

MR. PERRY: Not at all, Your Honor, but you said you might rule on it without having a hearing, or that's what I thought ---

THE COURT: I might rule on the motion, but I

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have to have a sentencing hearing.

MR. PERRY: I'm sorry. I'm sure they can come back for that, Judge.

THE COURT: As I say --- I understand. All right. Anything further?

MR. RILEY: No, sir.

MR. MOAK: Nothing from the State, Your Honor.

THE COURT: Court is adjourned.

Hold on, hold on. Come to order.

(Pause.)

THE COURT: Now, I promised Mr. Smith he would have an opportunity to put on the record whatever he wanted to put on the record, before the case was submitted to the jury, so Mr. Smith, do you still want to do that?

THE DEFENDANT: Yes.

THE COURT: All right. Ms. McDonald, why don't you go release the jury. Tell them what I've done and tell them they're free to go. I'm not going to sentence today.

THE CLERK: All right.

THE COURT: All right, sir.

THE DEFENDANT: All right. Before my trial, I was in pretrial confinement. I had letters, legal materials were obtained through the State, the efforts

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of the detective was not connected to the operation of the jail. The detective was given permission to read, photocopy and eventually possess all of my paperwork. I got copies of my paperwork. He kept the originals.

I was merely in pretrial confinement. The only legitimate purpose for confining me was to ensure my presence at trial. If jail security justifies surveillance of my mail and legal materials, then the jail officials can open the letters in order to achieve that legitimate government purpose. However, to shift with that, the jail security, is not a passport to wholesale abuse of the appellant's constitutional rights. When a pretrial detainee remains in custody, he is not disrobed of his constitutional rights and laid bare for the zealous investigation of his case. He is cloaked with the innocence --- the presumption of innocence.

No search warrant was issued. Therefore, the most basic constitutional rule in this area of searches outside the judicial process is prior --- without prior approval by a judge or magistrate per se unreasonable under the 4th Amendment.

Additionally, a search impinged upon the defendant's 1st Amendment right is incorporated by the 14th Amendment right.

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To be able to communicate without the uninvited ears and eyes of the government, the use of mail is almost as much a part of free speech as is the right to use our tongues.

What's particularly disturbing here is the context in which this search took place. When an accused is not available, he is somewhat disadvantaged in preparing for a trial. If he is to marshal facts in support of his defense, he necessarily must rely on persons outside of jail, Stack vs. Boyle Super ---.

THE COURT REPORTER: I'm sorry, I didn't get that. Stack versus what?

THE DEFENDANT: Boyle, B-O-Y-L-E. Perhaps some may have to run the risk of exposing communications to a jailer, if jail security justifies opening and reading all incoming and outgoing mail.

On 266 Supreme Court ruling 502, you can see Mr. Justice Marshall's concurring opinion in Procunier v. Martinez, nonetheless allowing an independent prosecution team the right to indiscriminately inspect letters written by the accused is to hack the roots of any defense. To paraphrase Justice Black, freedom to communicate privately with associates to develop a possible defense is as important to a fair trial as the heart to the human body.

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In fact, this right is the heart of any defense. If that heart is to be weakened or develop debilitation it is to be still, the result is death.

Nevertheless, a respect for constitutional rights of citizens required by the state not to seek the advantage convey the use of evidence gained by trampling upon those rights. I contend, however, that the State obtained my legal materials and my letters in question in violation of my rights under the 4th Amendment of the United States Constitution. I argue that the letters were illegally obtained by the detective who was permitted by the jailer to not only read and photograph, but to remove all my legal work, to hold letters that were obtained by an unconstitutional search and seizure.

My argument was that after this search, I had two witnesses. One changed everything around and got more and more charges.

The other one happened to be the cellmate that was in the cell --- when I wasn't in the cell. They took my legal papers. He had a pile of them, and he was running around the pod saying that Chris Phillips had given him the permission --- or not permission, but the opportunity for a PR bond, and he was let go on a PR bond shortly thereafter.

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I am saying the material that was taken from me was read. Jail security, as far as I know, has the right to inspect these letters for, for ---

THE COURT: Contraband.

THE DEFENDANT: --- contraband and if there is anything --- harm coming to, like threats to some jail security, but the letters that me and Samantha, we were arguing at the time, and there was some pretty discriminating things said in there that weren't meant to be said, but however --- she wore another charge of murder after the fact because of those letters, and I feel it's fruit from the poisoned tree, and I think that those two testimonies right there poisoned my jury.

THE COURT: All right. Well, you understand --- now, obviously I don't know what happened. The jail is not run by the sheriff's office.

THE DEFENDANT: Correct.

THE COURT: It's run by the county, which works in close conjunction with the sheriff's office.

THE DEFENDANT: But it's a separate entity.

THE COURT: It's a separate entity.

THE DEFENDANT: Yes, sir, I understand that.

THE COURT: Now, if what you say is true, that your personal belongings were taken.

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THE DEFENDANT: They were returned to me yesterday, the day before my jury comes in.

THE COURT: You said only copies were returned.

THE DEFENDANT: Only the copies. I don't have the originals and I don't have all of them.

THE COURT: And you told me that --- I believe, early on that your legal correspondence was included in that, too, is that correct?

THE DEFENDANT: Yes, sir, the reason being is this was my only outside connection.

THE COURT: All right.

THE DEFENDANT: And they stifled, they stifled ---

THE COURT: Just yes or no, was legal correspondence involved in this confiscation of your private papers?

THE DEFENDANT: Yes, sir, it was.

THE COURT: All right. Mr. Riley, I think this needs to be looked into.

It may be that there has been a clear violation of Mr. Smith's 4th Amendment rights. I don't know.

The only independent investigative branch that I know of would be the State Law Enforcement Division, who would have to conduct some sort of investigation.

THE DEFENDANT: Your Honor, sir, I had got ahold of Mark Keel, the chief of SLED, and I brought it to

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his attention at the time.

THE COURT: Well, let me say this.

THE DEFENDANT: Okay.

THE COURT: In all candor, Mark Keel probably gets --- he is the director of the State Law Enforcement Division.

THE DEFENDANT: Yes, sir.

THE COURT: He probably gets a lot of mail from inmates.

THE DEFENDANT: I'm sure.

THE COURT: And --- and they may not get the attention that you think they should. That's not a criticism, but I would not be surprised if the department receives many complaints from inmates.

THE DEFENDANT: He wrote back to me.

THE COURT: What did he say?

THE DEFENDANT: He said that normally under the circumstances he does not take into consideration unless a prosecutor or a State agency inquires, he said but however, he is going to look into the matter himself, and he forwarded the matter to the sheriff's department.

THE COURT: He said what?

THE DEFENDANT: He said he forwarded my inquiries to the sheriff's department. I've never got anything

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back from the sheriff's department. I've gotten an additional letter from Mr. Keel. I wrote him twice, and he wrote me back twice.

THE COURT: Well ---

THE DEFENDANT: He must have found some sort of interest there or he wouldn't have written me back.

THE COURT: No. I think his interest is in protecting the rights of all citizens in this state.

THE DEFENDANT: I believe that to be true.

THE COURT: I'm going to ask your lawyer, Mr. Riley, to follow up with that. You know, there has to be some verification of your allegations.

THE DEFENDANT: Yes, sir; yes, sir. I have three signed confessions where they --- Ms. Hodges at the Kershaw County sheriff's office --- not sheriff's ---

MR. RILEY: Detention center.

THE DEFENDANT: The detention Center, yes. And she --- she has notarized --- I have three, three notary public ---

THE COURT: Notarizations?

THE DEFENDANT: Yeah, I went to bring one to the witness stand. Mr. Kirinchich didn't want him to get on the stand.

Another issue I have is my key witness was subpoenaed by Chris Phillips. Now, whether it has any

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bearing or not ---

THE COURT: No, it doesn't. And Mr. Phillips didn't subpoena anybody to my knowledge. He has no power.

THE DEFENDANT: No?

HE COURT: Not to subpoena. Mr. Riley, you're going to have to look into that.

THE DEFENDANT: Was it? My bad. My bad. I was under the impression because he came in and mentioned something about it.

THE COURT: Well, Mr. Riley, I think at this point you need to follow up with Mr. Keel and find out if an investigation is or will be --- has been or will be made so that I can be satisfied that there's been no clear violation of Mr. Smith's 4th Amendment rights.

THE DEFENDANT: And 14th.

THE COURT: By way of the 14th.

THE DEFENDANT: Yes. Thank you, Your Honor.

THE COURT: And as it applies to the State, it may or may not have any bearing on the outcome of this case.

THE DEFENDANT: I understand, but I feel that ---

THE COURT: I know you feel it does.

THE DEFENDANT: I wanted to get that out.

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THE COURT: All right. Do you understand, Mr. Riley?

MR. RILEY: Yes, sir.

THE COURT: I'll expect some report back from you as soon as you're able to ---

MR. RILEY: Yes, sir.

THE COURT: --- find out, and we'll just have to see where it goes.

THE DEFENDANT: Thank you very much.

THE COURT: All right. Anything else?

MR. PERRY: Nothing from the State, Your Honor.

MR. RILEY: No, Your Honor.

THE COURT: All right. Thank you very much counsel. Court is adjourned.

MR. MOAK: Thank you, Your Honor. under the circumstances.

(WHEREUPON, Court's Exhibits 2, 3, 4 and 5 were marked for identification only).

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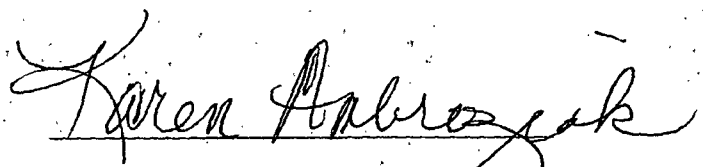
CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
)
COUNTY OF KERSHAW)

I, Karen Ambroziak, Official Court Reporter for the 5th Judicial Circuit of the State of South Carolina, 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 General Sessions Court for Kershaw County, South Carolina, on the 22nd through 25th days of October, 2012.

Signed

February 19, 2013



Karen Ambroziak, Court Reporter

My Commission Expires: 04/01/14

STATE OF SOUTH CAROLINA	) COURT OF GENERAL SESSIONS
	) COUNTY OF KERSHAW
COUNTY OF FLORENCE	) CASE NO. 2012-GS-28-74,76
	)
STATE OF SOUTH CAROLINA,	)
	)
Plaintiff,	)
	)
-vs-	) TRANSCRIPT OF RECORD
	)
	)
GREGORY V. SMITH,	)
	)
Defendant.	)
	)

December 12, 2012
Camden, South Carolina

B E F O R E:

THE HONORABLE G. THOMAS COOPER, JR., Judge

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

BRETT PERRY, Solicitor
Attorney for the Plaintiff

NEIL RILEY, Esquire
Attorney for the Defendant

KRYSTAL J. SMITH
Court Reporter

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EXHIBITS

NO.	DESCRIPTION	ID.	EV.
(No Exhibits Presented)			

DECEMBER 12, 2012

(WHEREAS this matter was scheduled for a term of General Sessions court, the defendant appeared along with his counsel of record. The hearing began at 10:12 a.m.)

THE COURT: All right, Solicitor.

MR. PERRY: Your Honor, I was just waiting on Madam Clerk.

THE COURT: Oh.

MR. PERRY: The sentencing sheets have all been filled out and they're ready for her and to be handed up to you.

THE COURT: Okay.

MR. PERRY: I think they've gone to get her. I believe we have.

(Whereupon, the clerk enters the courtroom.)

THE COURT: All right, Madam Clerk.

(Whereupon, there is a pause in the proceedings until the sentencing sheets are provided to the Court.)

THE COURT: All right, Solicitor.

MR. PERRY: Your Honor, we're here for the sentencing of Gregory Smith. As you well remember, he was convicted, Your Honor, of murder and manufacturing marijuana ---

THE COURT: That was ---

MR. PERRY: --- back in -- I'm sorry.

THE COURT: No. The marijuana charge was dismissed with directed verdict. He was convicted of manufacturing

methamphetamine.

MR. PERRY: Methamphetamine, excuse me. The manufacture -- the marijuana charge was not brought forward. I'm sorry. Convicted of methamphetamine. I want to be sure I've handed up the right sentencing sheets on that as well.

THE COURT: This is correct.

MR. PERRY: It is? Okay, good.

THE COURT: No. I beg your pardon.

MR. PERRY: Yeah. I -- I thought that was the incorrect ---

THE COURT: This is incorrect. This is 370 ---

MR. PERRY: Here's -- yeah, this is the right one.

THE COURT: 370(b)(2).

MR. PERRY: I'm sorry, Your Honor. This is the methamphetamine. We can go forward on that.

THE COURT: I'm not sure. It seems to me I dismissed them. In either case, he was only convicted ---

MR. PERRY: He was convicted of meth -- of manufacturing methamphetamine, Your Honor, and murder. He's back before Your Honor today for sentencing on those charges.

We had a report that was commissioned to be done by SLED. Your Honor wanted SLED to do follow-up on some issues relating to items that were removed from his jail cell. I think that that's been submitted to Your Honor.

We have the victims here today. The victim's family is

here today to be heard, Your Honor, and the State is ready to proceed with that sentencing.

THE COURT: All right. Mr. Riley, bring your client.

(Whereupon, the defendant and his counsel approach.)

THE COURT: All right, sir.

MR. PERRY: Your Honor, I've got the members of the family that are here that would like to be heard if Your Honor would -- would hear from them.

THE COURT: Go ahead.

MS. TYLER: My name is Heather Tyler.

THE COURT: I can't quite hear you. Miss Tyler?

MS. TYLER: Yes, Heather Tyler.

THE COURT: Mm-hmm.

MS. TYLER: I'm David Tyler slash Oatman's daughter and step-daughter of Nicole.

THE COURT: Right.

MS. TYLER: I brought a picture in. This is my dad and this is Nicole. I just wanted to -- can I speak to -- speak towards Greg? I need to say ---

THE COURT: Yeah, yeah, it's all right.

MS. TYLER: Okay. I just wanted to say, Greg, today I come before this Court to hear the sentencing for the murder you committed that tore many families apart.

THE COURT: Mr. Perry, move that microphone over so ---

MR. PERRY: Yes, sir.

THE COURT: --- we can hear her a little better. Thank you.

MR. PERRY: Yes, sir.

MS. TYLER: I would like for you to know that you stole our hearts, memories, and a piece of our minds. Nicole was a good woman. She may have had a -- she may have had her flaws like all of us do. Her flaws some would not consider normal, but she had a heart of gold. She helped out others when she could. One thing I can say and so could you is she never missed a holiday or a birthday for the family to come eat and enjoy themselves.

You, Greg Smith, took that from us two days before we were supposed to come there to enjoy Memorial Day. You took Nicole's life. That wasn't your decision to make. My father was a great man. He was always willing to help others and how dare you throw his name around like trash and try your best to say he shot Nicole when they basically took care of you and you -- you called my daddy your friend. He wasn't your friend. He was a person you took advantage of because you knew his heart. Your defense during trial presented a different image of my father. You tried to use him as your escape to be free.

You will never understand how much anger I have for the horrible things that were said. You aren't guilty of anything; are you, Greg? All the evidence on the meth had

everything to do with my father. We all know he wasn't the ringleader of this addictive drug; you were. You didn't put -- he didn't put it into the circle's veins for all you -- for all of y'all to get high. You never mentioned that my father worked out of town sometimes for months. What did the circle do when he wasn't home, Greg? Only you can answer that because you're the only one breathing out of this tragedy.

You took it upon yourself to apologize the last day of your trial for what your lies, being a murderer, or just being you. Your apology does nothing for me, but I would so deeply appreciate it if you would never -- if you never spoke about my father as long as you live. Leave his name to rest.

As we stand here today, I blame you for my father not being here with us today. You may not have killed him physically, but when you took the love of his life of 25 years, you killed him. He had four kids and nine grandkids that loved and cared about him deeply. We have to love both of them in spirit because we can't see them, kiss them, talk to them, nothing. All we have left is memories in our minds, pictures, and ashes. You didn't give us the potential to see them get old. My siblings and I will never hear my father tell us he is in a -- he is just a phone call away.

I miss the phone calls that Nicole would give us if we didn't call to check in with them at least once a week, her first words are you still alive and kicking. You don't know

and will never know what you took from us. You ripped my heart out at age 28. I have to live the rest of my life without two important people in my life that made me -- that made me laugh and brought a smile to my face. I hope that you can live with yourself knowing that you took one shining star's life and scarred the other shining star's life by your vicious act of violence.

I have no doubt in my mind that Daddy and Nicole are sitting beside you in your cell tormenting the hell out of you. So I hope you enjoy the rest of your life behind bars while I'm suppressing to fill this hole in my heart that you created.

THE COURT: Thank you, ma'am.

MR. PERRY: Your Honor, as -- as you remember, Mr. Smith was found guilty of -- of taking a life. In addition to that life that he took, he affected a lot of others. The husband of the lady that he killed died of a heart attack it appears on the way to the jail the day that this happened, having been arrested for breach of peace. He affected a lot of other lives whenever he took this life, Your Honor.

In addition, he was found guilty of manufacturing methamphetamine there at the house and you saw all of the -- the many chemicals and items that were -- that were used to manufacture meth that were found there.

Your Honor, we feel like, you know, a sentence of 30

years for these two things would just be just not enough, Judge, so the State would -- would ask for more than that we think considering the time that he could get for manufacturing the methamphetamine and the -- the murder, the life that he took. This family will never have that life back and it's something that they're going to have to live with for -- for as long as they're still around.

Your Honor, I've got his rap sheet that I would -- I would hand up.

THE COURT: Why don't you read it to me and tell me what it says.

MR. PERRY: Yes, sir, Your Honor.

THE COURT: What's his prior record?

MR. PERRY: Your Honor, in 2007 I've got an arrest and charge with possession of less than one gram of crack cocaine. A lot of this is out of state, Judge. It's Florida.

THE COURT: It still -- it still counts.

MR. PERRY: So -- yes, sir. I'm trying to -- I made some notes, but -- I've got a DUI in Pennsylvania. It looks like 1990. Carrying a firearm without a license, possession of equipment to manufacture narcotics, and possession of cocaine.

THE COURT: When was that?

MR. PERRY: Those are 1991, Your Honor.

THE COURT: Out of state?

MR. PERRY: Yes, sir. Felony conviction of possession of

a weapon and, Your Honor, in Mississippi I show charges for burglary. It looks like two burglaries, but I'm just unable to find any sort of disposition on those. It does look like it says 18 months confinement D of C, all but 60 days suspended on one year probation. So it does appear that there was actually a conviction there, but no actual time and I don't know if -- I can't tell by this if it was pled down to some sort of lesser offense or not, but it shows burglary B, whatever that is in Mississippi. So, Your Honor, clearly nothing like this before, but, you know, he does have a record.

THE COURT: No crimes of violence?

MR. PERRY: No crimes of violence, Your Honor. This is not a potential life without.

THE COURT: All right. Anything further from the State?

MR. PERRY: Nothing further from the State, Judge.

THE COURT: Mr. Riley?

MR. RILEY: Your Honor, let me first of all briefly address the prior conviction record that Mr. Perry just went over. Mr. Smith has never been to the State of Mississippi and with a name like Smith, I think it's more than -- more than -- there's more than a good chance that that rap sheet may include records that really don't pertain to ---

THE COURT: Are you using that? Have you had the opportunity to review his rap sheet?

MR. RILEY: Yes, sir, but it's extremely -- because a lot of the pages of the rap sheet pertain to out-of-state records, it's extremely hard to decipher.

THE COURT: I understand. I mean if it's the same date of birth ---

MR. RILEY: I don't ---

THE COURT: --- and same Social Security number.

MR. RILEY: I've been over this. I don't see anything from Mississippi so I don't know where that came from. Mr. Smith also denies the manufacturing cocaine charges that Mr. Perry referred to.

THE COURT: What do you think his record is?

(Whereupon, defendant and counsel briefly confer off the record.)

MR. RILEY: Judge, if you will allow, he can -- he can summarize.

THE COURT: It appears that you're the only one in the courtroom who knows what your record is.

THE DEFENDANT: Well, I do know what it is.

THE COURT: Sure, you should.

THE DEFENDANT: Yeah. When I was 18, I accepted stolen property and came up with a burglary B.

THE COURT: Mm-hmm. Where was that?

THE DEFENDANT: Maine.

THE COURT: Where?

THE DEFENDANT: Maine.

THE COURT: Maine?

THE DEFENDANT: Yeah.

THE COURT: I believe you were from Maine.

THE DEFENDANT: Yes, sir. Yes, sir. In New Jersey, I was accused of cocaine, a marijuana pipe, and a butterfly knife, and the judge asked me what my occupation was. I told him and he said can you afford $30 to the Violent Crime Fund and I said yes, sir. They let me go. So take it as you may then.

THE COURT: Okay.

THE DEFENDANT: I guess I took the -- I took the charges, but ---

THE COURT: Okay.

THE DEFENDANT: I didn't get but three days over it.

THE COURT: They weren't -- they couldn't have been considered very serious if they were ---

THE DEFENDANT: No, no, sir.

THE COURT: --- dealt with in that manner.

THE DEFENDANT: The Pennsylvania thing was a drinking and driving and it was a misdemeanor gun charge, which was dismissed. It was disposed of and they were to give me a suspended sentence of 16 months or so from the -- on probation for the drinking and driving first offense. That's all I believe I've gone to court for.

THE COURT: So how about the 2007 possession?

THE DEFENDANT: Oh, oh, oh. That was Ms. Steebrock, the lady that -- we got pulled over and she handed me her meth pipe. I put it in my sock and it was less than -- less than one tenth of a gram of residue in the pipe and I took that charge for her.

THE COURT: Okay.

THE DEFENDANT: At that point, I didn't have much chance to take it out of my sock or anything so that's what that was all about. They did not -- they did not find anything on me.

THE COURT: So this is your first violent charge?

THE DEFENDANT: Yes, sir. I ---

THE COURT: Okay.

THE DEFENDANT: I've never had anything violent in my life.

MR. PERRY: I can -- I can say that for certain, Your Honor. There's nothing at all in this record whether this is him or not him that appears to be a violent offense for somebody with this name.

THE COURT: All right, Mr. Riley, you may continue.

MR. RILEY: Judge, I think that that probably is the -- is the critical item of significance in regards to his prior record. He is 50 years old. He went as far as the tenth grade in school. During most of his -- he was born and raised in the State of Maine, as Your Honor has pointed out. Still

has family there. I know his mother lives there still. He worked during his employment history mostly as a pipe fitter.

He was married twice. The first marriage ended with the death of his wife. He has six kids ranging in age from about 10 up to 32. He has lived for a number of years -- he cannot remember exactly how many years -- in South Carolina.

Judge, he's been incarcerated continuously since his arrest, which was on May the 28th of 2011. He -- of course, as Your Honor is well aware, this case went to trial. The jury returned a verdict. We're here today for sentencing. I -- there's no way to sugar coat the tragic events involved in this case, nor would I even attempt to. I feel very deeply for the young ladies that are here today.

I would ask the Court to bear in mind that this individual during the period of my representation of him did have a psychiatric evaluation. That psychiatric evaluation showed the long-term effects of long-term drug abuse. Of course, he, you know, is in much better health today than he was when I first met him. I was -- a week or two ago, I happened to be looking through this file and looked at his mug shot, the photo that was taken the day of his arrest, and it looks like two different individuals. I mean he just looked awful at that point in time. He's obviously drug-free now and at the time of his arrest, his body, his appearance, his face particularly showed the -- the wear and tear of long-term drug

use.

Judge, I'd ask the Court to be lenient, to sentence him on these two convictions concurrently, and in the Court's discretion I would ask that he be sentenced as leniently as possible to a minimum sentence. I do believe that Mr. Smith ---

THE COURT: He understands what that is?

MR. RILEY: Yes, sir. I do believe Mr. Smith wanted to say a few words to the Court also.

THE COURT: All right. Mr. Smith?

THE DEFENDANT: Yes, sir. I believe it was October 27th was the date that I was convicted. I had a chance to speak on the record about my material - my -- my legal material had been taken from the State -- by the State, not from the jail, but from the State. In this legal material, I had letters, correspondence from Ms. Steebrock's daughters that -- just to make a long story short, I would have, if I had known, gotten it the day before the jury went into deliberation from Mr. Perry. Mind you, I would have had different witnesses. I would have had -- I would have been supplied other materials that I had been saving from August 15th -- from the date I was arrested until August 15th.

Now, when I had put forward to Mr. Tetterton that I wanted to go to trial, he was not going to go to trial pro bono. That's where the trouble came in.

Now, on August 15th, Chris Phillips from the Kershaw County Sheriff's Department came into the jail with Ms. Spivey's permission and took this legal material. Okay? I think that was very beneficial to the outcome for the State.

Now, additionally, Mr. Tetterton and Mr. Perry had gotten together five days prior to my paperwork being removed from me at the jail, knowingly. They knew that my paperwork was going to come up missing. I have -- I have the paperwork right there. They with -- they knew that my material was going to come up missing.

Regardless of what they say, you cannot -- you can't take away -- my new motion in discovery was presented to me after the one that was stolen because there was no -- there was no search warrant at all to take this material from me. They had the right to inspect the letters. That's true, but to remove my defense from my possession at that time and return it to me the day before the jury goes into deliberation had a serious effect on my trial and he knew ahead of time, five days in advance. The -- the officer that took my material knew that Mr. Tetterton was my attorney. He knew I had an attorney. He didn't bring my attorney.

He took urine. He took a urine sample from me, which came up negative which he says was positive. Then they went to Samantha Steebrock's with a search warrant based upon me failing a drug test, which I did not fail. Now, they take and

they put charges on Ms. Steebrock. They went and got a search warrant on the premise that I failed the drug test, which I did not fail. I had -- I had that paperwork also.

This trial was not fair from the beginning and I want that on the record because I am going to appeal this. That if I had that material in my possession, I would have had Samantha Steebrock's daughters brought in as witnesses. I've got material in there that were letters from Ms. Steebrock that had the same exact material that the State used against me on the -- the video that they had put together, the gore dot com and all of that. They got that out of my letters that they obtained illegally.

I just wanted to state that and I'm -- I'm definitely going to appeal it as soon as possible and I wanted you to know that the trial would have gone in a different direction had these instances not occurred and this man right here did five days in advance have another motion drawn up to replace the one that was stolen from me at the jail.

THE COURT: All right. Well ---

MR. PERRY: Your Honor, may I respond?

THE COURT: That's not necessary. Mr. Smith, you -- you will be provided ample opportunity to make your appeal. I think your public defender is prepared to file a notice of intent to appeal. You'll need to gather all these facts together ---

THE DEFENDANT: Yes, sir. I know.

THE COURT: --- as -- as you see them and recall them. Now, the purpose of this hearing today is quite simply just for sentencing purposes.

THE DEFENDANT: Okay.

THE COURT: I can't reopen your case. I can't reopen your case, at least not based on what I know at this stage in the proceedings.

THE DEFENDANT: All right.

THE COURT: So you'll be given any other -- I mean you'll be given full opportunity to lay these facts out at a different time and different place and you'll -- you'll be provided with counsel from the Office of Indigent Defense. What's the name of it? Appellate Defense, yeah. So just keep your best records you can.

THE DEFENDANT: I've got them all right there.

THE COURT: It's not -- I know it's not easy when you're incarcerated to pursue these types of things. All right, anything further, Mr. Smith?

THE DEFENDANT: No, sir.

THE COURT: All right.

MR. PERRY: Your Honor, before you sentence him, may I please just put on the record that with respect to this -- the allegations that he's made against this office that we are somehow involved in any of this, this office had no knowledge

that anything was going to be removed from his cell. I understand it was removed pursuant to the search warrant.

The information we had to prosecute this case was all information that we had prior to that. We had his confession. We had a statement from a jailhouse snitch that corroborated his story before that search warrant was ever executed by the Sheriff's Department and the allegations that this office was somehow involved in improperly removing his information from his cell is just grossly inaccurate, Your Honor.

THE COURT: All right.

MR. RILEY: Your Honor, there is an inquiry we'd like to make. My understanding is that the -- clearly the record shows that the Court asked that an investigation be done by the State Law Enforcement Division into many of these subjects that Mr. Smith has raised. I believe that report is finished and -- and the Court has a copy of it. My inquiry to the Court is whether a copy of that report can be made available to the defense.

THE COURT: Well, I have not -- I -- I just received it. I haven't even looked at it yet. At this point in time, the answer is no. It was -- it was done at my request. It -- I don't know -- I've read the summary page, but the report itself is some -- it's probably several hundred pages conducted by the State Law Enforcement Division. I'm going to leave it at that. At some point in time in the future, if I'm

directed to release that under the proper circumstances, they may be released -- it may be released, but not now.

MR. RILEY: Yes, sir.

THE COURT: I told them I had that.

MR. RILEY: Thank you, Your Honor.

THE COURT: I'll say it again that that whole issue is not before me today.

MR. RILEY: Yes, sir.

(Whereupon, there is a pause in the proceedings.)

SENTENCE OF THE COURT

THE COURT: All right, Mr. Smith, on your charge of murder, the sentence of the Court is you be committed to the State Department of Corrections for a period of 30 years, giving you credit for time served from May 28th, 2011.

On your manufacturing methamphetamine charge, the sentence of the Court is you be committed to the State Department of Corrections for a period of 5 years. This sentence is to run consecutive to the murder conviction. You're also given credit from -- for time served from May 28th, 2011. Good luck to you, sir.

THE DEFENDANT: Thank you, Your Honor.

MR. RILEY: Thank you, Your Honor.

MR. PERRY: Thank you, Your Honor.

(Whereupon, the proceedings end at 10:45 a.m.)

--- END REQUESTED TRANSCRIPT ---

STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF FLORENCE)

I, the undersigned, Krystal J. Smith, Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of General Sessions for Kershaw County, South Carolina, on the 12th day of December, 2012.

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

Krystal J. Smith

Court Reporter

Florence, South Carolina
March 12, 2013

SOUTH CAROLINA
LAW ENFORCEMENT DIVISION

INVESTIGATIVE FILE

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor

MARK A. KEEL
Chief

December 7, 2012

INVESTIGATIVE REPORT

TO: File 32-12-0107

FROM: Special Agent Kevin W. Baker

RE: Official Misconduct

Gregory V. Smith (subject)
Christopher D. Phillips (officer)

COUNTY: Kershaw

Introduction

On October 29, 2012, the South Carolina Law Enforcement Division (SLED) received a request, through the 5th Circuit Solicitor's Office, from The Honorable Judge G. Thomas Cooper, Jr. to investigate allegations of official misconduct involving the collection of possible attorney/client privileged paperwork from the jail cell of Gregory V. Smith. The allegation from Smith contended that the Kershaw County Sheriff's Office (KCSO) and/or the 5th Circuit Solicitor's Office used the information within this paperwork to prosecute Smith. On October 31, 2012, SLED Captain (Capt.) Thomas Robertson assigned Special Agent (S/A) Kevin Baker to conduct an investigation.

Summary

Since November 2, 2012, S/A Baker has reviewed the case files involving Gregory V. Smith. The original case files remained at KCSO. The following information was obtained:

In May of 2011, Gregory V. Smith was arrested and charged with murder and manufacturing methamphetamine by KCSO. KCSO Investigator Dixter Handy was the lead investigator on the murder case. Smith was incarcerated at the Kershaw County Detention Center (KCDC) while awaiting trial.

In August of 2011, KCSO Lieutenant (Lt.) Christopher Phillips received information that Smith was receiving, while in KCDC, amounts of methamphetamine (meth) in envelopes and stamps through the US Postal Service from his girlfriend, Samantha Steeprock. With this information, Lt. Phillips obtained a search warrant **(Attachment 1)** and executed it on Smith's cell. He collected paperwork from the cell.

On December 5, 2012, S/A Baker interviewed Christopher Phillips and prepared a Memorandum of Interview (MOI) **(Attachment 2)**, which provided the following information. Phillips, not knowing where Smith may have hidden the meth containing materials, collected assorted paperwork from Smith's cell. Later, while reviewing the paperwork, he saw an 8" by 11" envelope that bore the name of Smith's attorney, William Tetterton. Phillips did not read or look at the material in the envelope and placed the paperwork into evidence at KCSO. He notified Deputy Solicitor Brett Perry of the paperwork. Since he did not read or see what was inside the envelope, he could not and did not discuss it with anyone.

On December 5, 2012, S/A Baker interviewed Dixter Handy and prepared an MOI **(Attachment 3)**, which provided the following information. He was not present when the search warrant was executed on Smith's cell, and he never saw or handled the paperwork that was collected. He did not discuss its contents with anyone.

On December 5, 2012, S/A Baker interviewed William Tetterton, Esquire, and prepared an MOI **(Attachment 4)**, which provided the following information. He represented Smith for a period

of time involving the murder and manufacturing methamphetamine charges. He was still representing Smith when Phillips executed the search warrant on Smith's cell. He was not aware of the search warrant until told about it by Dep. Sol. Perry. Perry advised him of the paperwork that was taken as well. The only paperwork that he sent Smith in jail was information on the Brady Motion and Rule 5 for Smith's case. He never writes anything and sends it to a client. He meets with the client and discusses the case in person. Any paperwork from him that was collected by KCSO from Smith's cell would have been the information on the Brady Motion and Rule 5, which was sent to the prosecution for discovery of evidence. He did not send anything to Smith that would have adversely affected Smith's defense if discovered by the prosecution.

On December 5, 2012, S/A Baker interviewed Dep. Sol Brett Perry and prepared an MOI **(Attachment 5)**, which provided the following information. He was aware of the paperwork that was taken from Smith's cell. He called and told Smith's attorney, Tetterton, about the paperwork. Tetterton advised Perry that there was no paperwork sent from Tetterton to Smith that would have been sensitive in nature to Smith's defense. Perry never saw the contents of the paperwork and never discussed the contents of the paperwork with anyone at KCSO.

In 2012, Perry prosecuted Smith's case. After the prosecution rested its case and out of an abundance of caution, Perry had Smith's paperwork brought to the Solicitor's Office for an intern, Autumn Furniss, to copy for the defense. Perry specifically told Furniss not to discuss anything that she saw in the paperwork. Furniss copied the paperwork and provided the copy to Smith's current attorney, N. Riley. The original paperwork was retuned to KCSO. Perry never asked or discussed with Furniss anything she saw involving Smith's paperwork. In addition, Perry advised that the prosecution's evidence presented at trial **(Attachment 6)** was collected, gathered, and/or discovered before the search warrant was executed on Smith's cell at KCDC. Therefore, the paperwork taken from Smith's cell bore no weight on the prosecution's case.

On December 5, 2012, S/A Baker interviewed Autumn Furniss and prepared an MOI **(Attachment 7)**, which provided the following information. She was asked by Dep. Sol. Brett Perry to copy some paperwork and give the copies to Defense Attorney N. Riley. She received a box which contained a plastic envelope that was taped shut with a clear tape. She opened the

envelope and copied the material. She did not read any of the paperwork and does not remember if the envelope had been opened before. She did remember seeing a picture of a dog. She gave the copies to the defense attorney and put the originals back in the envelope and box and had them returned to KCSO. She did not know what information the paperwork contained, and she did not discuss it with Dep. Sol. Perry or anyone else at the Solicitor's Office.

On December 4, 2012, S/A Baker went to KCSO and obtained a copy of Smith's paperwork **(Attachment 8)** from KCSO Evidence Custodian Kevin Lynch and reviewed the material. The material contained: copies from the KCSO case file; Brady Motion and Rule 5 material from Tetterton; and handwritten notes from Smith about the case against him. Some of his notes were written as if he were going to represent himself at trial. He wrote about what he believed were inconsistencies in statements and reports and how he would make a motion to have these items suppressed.

The SLED investigation revealed the following findings concerning Smith's paperwork that was seized in a search warrant on August 15, 2011. All individuals involved in the prosecution and handling of Smith's case denied reading the material in question. Dep. Sol. Perry advised that the evidence used in the trial was obtained before the search warrant on Smith's cell was executed. His attorney at the time of the search warrant, Tetterton, did not send any case sensitive material to Smith in jail. Smith was represented at trial by Defense Attorney N. Riley, through the Public Defender's Office. The paperwork in question was provided to the defense during the trial, so they had access to the material. Also, Smith, who wrote the notes in the paperwork, had opportunities to discuss his ideas with his attorney(s) when they met to plan his defense.

In addition, Phillips advised S/A Baker that Smith had filed a federal lawsuit against him and Peggy Spivey, Director of KCDC. He provided paperwork **(Attachment 9)** on the federal lawsuit which indicated that a summary judgment in favor of Phillips and Spivey was made by United States Magistrate Judge Shiva V. Hodges.

This file will be forwarded to 5th Judicial Circuit Judge G. Thomas Cooper, Jr. for his review.

Kevin W. Baker

S/A Kevin W. Baker

Attachments

1. Search Warrant and KCSO Incident Report – Smith's jail cell
2. MOI – Christopher Phillips
3. MOI – Dixter Handy
4. MOI – William Tetterton
5. MOI – Brett Perry
6. Prosecution Exhibits
7. MOI – Autumn Furniss
8. Smith's Paperwork
9. Paperwork on Federal lawsuit

ATTACHMENT 1

STATE OF SOUTH CAROLINA

County of Kent

SEARCH WARRANT

Greg Smith

Date 8-15-11

Officer C. Phillips

SCCA 513
(3-1978).

STATE OF SOUTH CAROLINA)
)
COUNTY OF Kershaw)
)

SEARCH WARRANT

Form Approved by
SC Attorney General
Section 19-13-160
March 15. 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF :

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 OR THING) TO BE SEARCHED

Cell F-6 At the Kershaw county detention Facility

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

All Papers And effects belonging to inmate Greg Smith. To include but not limited to Pictures, letters, envelopes. And memo's.

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 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.

Camden, South Carolina

R O [illegible]
Signature of Judge

Dated: 3-15-11

SCCA 513
(3-1978)

STATE OF SOUTH CAROLINA)
COUNTY OF Kershaw) AFFIDAVIT

Personally appeared before me, one , who being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of S.C. Code Ann. § 17-13-140, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Papers and effects to include but not limited to letters, memo's, envelopes belonging to inmate Greg Smith

DESCRIPTION OF PREMISES (PERSON OR THING) TO BE SEARCHED

Cell F-6 at 15 Kershaw County Detention Facility

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

A C/I advised Greg Smith was receiving mail from his girlfriend laced with Amphetamines. A random drug test was conducted on 8/15/11 and was positive for Amphetimines. further supplemented by oral testimony. 8/15/11

Sworn to and Subscribed before me
15 day of August, 2011

Signature of Judge

Affiant

Address 821 Ridgeway Rd
Lugoff SC 29078

Phone 803-425-1572

SCCA 513
(3-1978)

RETURN

I received the attached Search Warrant 8/15/11, and have executed it as follows:

On 12:00 at p.m. o'clock ~~A.M.~~, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with Greg Smith

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:

Misc. papers, Letters, And effects

This inventory was made in the presence of Director Spivey AND Christopher Phillips Mason Hodge

I swear that the inventory is a true and detailed account of all the property taken by me on the warrant.

Sworn to and Subscribed before me this 15 day of August, 20.11

Signature of Judge

Cpl T. Wilson

(Signature of Officer Executing Warrant)

SCCA 513

(3-1978)

STATE OF SOUTH CAROLINA

County of Kershaw

SEARCH WARRANT

Greg Smith

Date 8-15-11

Officer C. Phillips

SCCA 513
(3-1978)

760

STATE OF SOUTH CAROLINA)
) SEARCH WARRANT
COUNTY OF Kershaw)
)

Form Approved by
SC Attorney General
Section 19-13-160
March 15, 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF :

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DESCRIPTION OF PREMISES (PERSON OR THING)
TO BE SEARCHED

cell F-6 at the Kershaw County detention Facility

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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.

Camden, South Carolina

Signature of Judge

Dated: 3-15-11

SCCA 513
(3-1978)

STATE OF SOUTH CAROLINA)
) AFFIDAVIT
COUNTY OF Kershaw)

Personally appeared before me, one , who being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of S.C. Code Ann. § 17-13-140, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Papers and effects to include but not limited to letters, memo's, envelopes belonging to inmate Greg Smith

DESCRIPTION OF PREMISES (PERSON OR THING) TO BE SEARCHED

Cell #b at 15 Kershaw County Detention Facility

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

A C/E advised Greg Smith was receiving mail from his girlfriend laced with Amphetamines. A random drug test was conducted on 8/15/11 that was positive for Amphetamines. further supplemented by oral testimony. 8/15/11

Sworn to and Subscribed before me
15 day of August, 2011

Signature of Judge

Affiant

Address 821 Ridgeway Rd
Lugoff SC 29078
Phone 803-425-1572

SCCA 513
(3-1978)

RETURN

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I left a copy of the warrant with Greg Smith

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:

Misc. papers, letters, and effects

This inventory was made in the presence of Director Spivey AND Christopher Phillips Mason Hodge

I swear that the inventory is a true and detailed account of all the property taken by me on the warrant.

Sworn to and Subscribed before me this 15 day of August, 20.11

Signature of Judge

Cpl T. Wilson

(Signature of Officer Executing Warrant)

SCCA 513

(3-1978)

AGENCY I.D. KERSHAW COUNTY SO

INCIDENT REPORT

Case Number 2011- 4074 | NCIC INQ. | ENTD

EVENT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. ALL OTHER OFFENSES.	☒ Yes ☐ No	☐ Yes ☒ No	JAIL/PRISON	0	☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☒ Soc/Public ☐ Other ☐ Unknown ☐ Police Off
2.					
3.					

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER): 101 BRAMBLEWOOD PLANTATION | CAMDEN | SC | ZIP CODE: 29020 | WEAPON TYPE: UNARMED

INCIDENT DATE	24 HR CLOCK	TO	DATE	24 HR CLOCK	REPORT DATE	DISPATCH DATE/TIME 24 HR CLOCK: DISP DATE	DISP TIME	TIME ARRIVED	DEPART TIME	LOCATION NO
05/01/2011	12:00		08/15/2011	12:00		08/15/2011	12:00	12:00	12:00	1

VICTIM NO. 1

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	AGE	SEX	ETN	DAY TIME PHONE	EVENING PHONE
							--	--

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO
				1

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	AGE	SEX	ETN	DAY TIME PHONE	EVENING PHONE
STATE OF SOUTH CAROLINA		J				N	--	803-425-1512

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS	CITY	STAT	ZIP CODE	LOCATION NO
821 RIDGEWAY ROAD / P.O. BOX 70	LUGOFF	SC	29078	1

VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO EXPLAIN None — COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☒ NO

VICTIM (NO.1) USING ALCOHOL ☐ YES ☐ NO ☒ UNK — DRUGS ☐ YES ☐ NO ☒ UNK TYPE:

TYPE ASSIGNMENT — J - This Jurisdiction S - State O - Out of State U - Unknown

SUBJECT NO.

☒ SUBJECT ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS

NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETN	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
SMITH GREGORY VINCENT	W	M	49	N		602	160	BRO	HAZ

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.: TATTOO;BROWN;HAZEL;LIGHT

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO
RD	LUGOFF			1

SUBJECT (NO.1) USING: ALCOHOL ☐ YES ☒ NO ☐ UNK — DRUGS ☒ YES ☐ NO ☐ UNK TYPE: ALL OTHER

ARRESTED NEAR OFFENSE SCENE ☒ YES ☐ NO — TOTAL # ARRESTED 2

DATE/TIME OF OFFENSE: 08/15/2011 12:00 — DATE/TIME OF ARREST:

NARRATIVE

Lieutenant Chris Phillips (Phillips) was advised by a CI that an inmate, Gregory Smith (Smith) was having his girl friend, Samantha Steeprock (Steeprock) mail him stamps and envelopes laced with methamphetamines (meth) to him as he was incarcerated at the Kershaw County Detention facility (KCDC). Upon gaining this information from this reliable source, Phillips went to the KCDC and advised Director Spivey (Spivey) of the KCDC of the problem. Spivey had a field urine drug test completed on Smith by the KCDC nurse. The field test had a result of positive for meth. Phillips then executed a search warrant on Smith's Cell and found numerous letters from Steeprock advising Smith to look at

PROPERTY ES

					JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
TYPE GROUP								
STOLEN	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
DAMAGED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
BURNED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
RECOVERED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
SEIZED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO — SUBJECT LOCATED ☒ YES ☐ NO — INCIDENT CASE STATUS: ACTIVE — ☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER — ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: ☐ OFFENDER DEATH ☐ NO PROSECUTIO ☐ EXTRADITION DENIE ☐ VICTIM DECLINES COOPERATI ☐ JUVENILE NO CUST

REPORTING OFFICER(S)	DATE	UNIT	APPROVING OFFICER	DATE	UNIT
LT CHRIS PHILLIPS	08/15/2011	10			
			FOLLOW UP INVESTIGATION YES ☒ NO ☐	08/17/2012	

AGENCY I.D. KERSHAW COUNTY SO

SUPPLEMENTAL INCIDENT REPORT

Case Number: 2011 - 4074 | NCIC: INQ. | ENTD

☒ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL ☐ CASE STATUS ☒ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

VICT/SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☒ ARREST ☐ JAIL ☐ SUMMONS ☐ _____

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	DOB	ETN
SMITH GREGORY VINCENT		J	W	M	49	3/03/1962	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
602	160	BRO	HAZ	TATTO

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO	DAY PHONE	EVENING PHONE
1689 BAUGHMAN RD	LUGOFF				--	--

☐ VICTIM NO ___ VISIBLE INJURY ☐ YES ☐ NO — EXPLAIN
COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO
VICTIM USING ALCOHOL ☐ YES ☐ NO ☐ UNK — DRUGS ☐ YES ☐ NO ☐ UNK — TYPE:
TYPE ASSIGNMENT

☐ SUBJECT NO. ___ USING ALCOHOL: ☐ YES ☐ NO
USING DRUGS: ☐ YES ☐ NO TYPE: ☐ UNK

VICT/SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☒ ARREST ☐ JAIL ☐ SUMMONS ☐ _____

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	DOB	ETN
STEEPROCK SAMANTHA GIRL		J	W	F	38		N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
506	110	BLK	BRN	TATTOO

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO	DAY PHONE	EVENING PHONE
RD	LUGOFF	SC	29078		-	803-767-0086

☐ VICTIM NO ___ VISIBLE INJURY ☐ YES ☐ NO — EXPLAIN
COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO
VICTIM USING ALCOHOL ☐ YES ☐ NO ☐ UNK — DRUGS ☐ YES ☐ NO ☐ UNK — TYPE:
TYPE ASSIGNMENT

☐ SUBJECT NO. ___ USING ALCOHOL: ☐ YES ☐ NO
USING DRUGS: ☐ YES ☐ NO TYPE: ☐ UNK

NARRATIVE

Please see Additional Narratives on attached page

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

VEH/GUN/ETC 1

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM
TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS /STOCKS ☐ ARTICLE

VIN AND/OR LICENSE NO	BOAT HULL NO AND/OR REG NO	
SERIAL AND/OR OWNER APPLIED NO		STATE
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR / MAKE / TYPE
MODEL	STYLE	COLOR / BRAND NAME / CALIBER
NIC NO	DENOTATION	ISSUER / SECURITIES DATE
MISCELLANEOUS		

PROPERTY EST.

TYPE GROUP							
STOLEN	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
DAMAGED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
BURNED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
RECOVERED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
SEIZED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO | SUBJECT LOCATED ☒ YES ☐ NO | INCIDENT CASE STATUS: ACTIVE
☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL ☐ OFFENDER ☐ NO PROSECUTIO ☐ EXTRADITION DENIE ☐ VICTIM DECLINES COOPERATI ☐ JUVENILE NO CUSTO

REPORTING OFFICER(S)	DATE	UNIT	APPROVING OFFICER	DATE	UNIT
LT CHRIS PHILLIPS	08/15/2011			0/0/0	
			FOLLOW UP INVESTIGATION ☐ YES ☐ NO	08/17/2012	

AGENCY I.D. KERSHAW COUNTY SO

SUPPLEMENTAL INCIDENT REPORT

Case Number: 2011 - 4074 | NCIC INQ. | NCIC ENTD

☒ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL ☐ CASE STATUS ☒ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

VICT/SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☒ SUBJECT # 2 ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS ☐ _____

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	DOB	ETN
STEEPROCK SAMANTHA GIRL		J	W	F	38		N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
506	110	BLK	BRN	TATTOO:BLACK:BROWN:LIGHT

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO	DAY PHONE	EVENING PHONE
	LUGOFF	SC	29078		-	803-767-0086

☐ VICTIM NO ___ VISIBLE INJURY ☐ YES ☐ NO — EXPLAIN
COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO
VICTIM USING ALCOHOL ☐ YES ☐ NO ☐ UNK — DRUGS ☐ YES ☐ NO ☐ UNK — TYPE:
TYPE ASSIGNMENT

☒ SUBJECT NO. 2 USING ALCOHOL: ☐ YES ☐ NO
USING DRUGS: ☐ YES ☐ NO TYPE: ☐ UNK

VICT/SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS ☐ _____

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	DOB	ETN

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO	DAY PHONE	EVENING PHONE

☐ VICTIM NO ___ VISIBLE INJURY ☐ YES ☐ NO — EXPLAIN
COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO
VICTIM USING ALCOHOL ☐ YES ☐ NO ☐ UNK — DRUGS ☐ YES ☐ NO ☐ UNK — TYPE:
TYPE ASSIGNMENT

☐ SUBJECT NO. ___ USING ALCOHOL: ☐ YES ☐ NO
USING DRUGS: ☐ YES ☐ NO TYPE: ☐ UNK

NARRATIVE

Please see Additional Narratives on attached page

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY | JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

VEH/GUN/ETC 1

STATUS	TYPE
☐ STOLEN	☐ VEHICLE
☐ RECOVERED	☐ GUN
☐ FOUND	☐ BOAT
☐ TOWED	☐ LICENSE PLATE
☐ SUSPECT	☐ SECURITIES/BONDS /STOCKS
☐ VICTIM	☐ ARTICLE

VIN AND/OR LICENSE NO | BOAT HULL NO AND/OR REG NO
SERIAL AND/OR OWNER APPLIED NO | STATE
YEAR OF REGISTRATION | YEAR OF EXPIRATION | YEAR | MAKE | TYPE
MODEL | STYLE | COLOR | BRAND NAME | CALIBER
NIC NO | DENOTATION | ISSUER | SECURITIES DATE
MISCELLANEOUS

PROPERTY EST.

TYPE GROUP											
STOLEN	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00
DAMAGED	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00
BURNED	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00
RECOVERED	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00
SEIZED	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO | SUBJECT LOCATED ☒ YES ☐ NO | INCIDENT CASE STATUS ACTIVE | ☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL ☐ OFFENDER ☐ NO PROSECUTIO ☐ EXTRADITION DENIE ☐ VICTIM DECLINES COOPERATI ☐ JUVENILE NO CUSTO

REPORTING OFFICER(S)	DATE	UNIT	APPROVING OFFICER	DATE	UNIT
LT CHRIS PHILLIPS	08/15/2011			0/0/0	
			FOLLOW UP INVESTIGATION ☐ YES ☐ NO	08/17/2012	

ADDITIONAL NARRATIVES

the stamp on the letters and numerous other writings on smuggling in meth. In addition, letters were found written by Smith t Steeprock about how to send larger quantities into the jail facilities.

A search warrant was obtained for Steeprock's house and found in the house was meth and letters to and from Smith confirmi same. The next day after SteepRock was arrested, she admitted to the same.

Narrative Entered By / Modifications

CPHILLIPS 8/22/2011 2:37:24PM

ARREST WARRANT

M-099834

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Kershaw

THE STATE 2011-4074

against

;amantha Girl Steeprock

ddress: Rd

hone: SSN:

ex: F Race: W Height: 5 7 Weight: 130

L State: SC DL #:

OB: Agency ORI #: SC0280000

rosecuting Agency: Kershaw County Sheriff

rosecuting Officer: Christopher Phillips - 7216

ffense: Prisoners / Contraband, furnish. or poss., county or municipal prisons prohibited

ffense Code: 0437

ode/Ordinance Sec: 24-07-0155

his warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused to be arrested and brought before me to be ealt with according to the law.

(L.S.)

Signature of Judge

ate:

RETURN

copy of this arrest warrant was delivered to

efendant

n

Signature of Constable/Law Enforcement Officer

ETURN WARRANT TO:

General Sessions
1121 Broad Street
Camden, SC 29020

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Kershaw)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Christopher Phillips who being duly sworn deposes and says that defendant Samantha Girl Steeprock did within this county and state on or about 08/15/2011 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Kershaw) in the following particulars:

DESCRIPTION OF OFFENSE Prisoners / Contraband, furnish. or poss., county or municipal prisons prohibited

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

Tha between June 1, 201 land August 15, 2011 the defendant Samantha Girl Steeprock has been furnishing Gregory Smith illegal drugs while he has been imprisoned for murder.The defendant is the self proclaimed girlfriend of Mr. Smith . A C gave information that Mr. Smith was being furnished Methamphetamines by Samantha Streeprock by use of the mail system. The defendant has been soaking the envelopes and or stamps in a liquid and mailing to Mr. Smith for consumption. On August 15, 2011, a drug screen was issued on Mr. Smith and tested postive for Methamphetamines. Asearch warrant was executed on the property of Mr. Smith and letters were found by the defendant stating that she has indeed sent drugs through the mail and making sure he looks at the stamps.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Kershaw)

Affiant's Address 821 Ridgeway Rd.
Lugoff, SC 29078-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 8/15/2011 defendant Samantha Girl Steeprock did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Kershaw) as set forth below:

DESCRIPTION OF OFFENSE: Prisoners / Contraband, furnish. or poss., county or municipal prisons prohibited

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me)
on 08/15/2011)
R. Eugene Hartis (L.S.))
Signature of Presiding Judge)
R. Eugene Hartis)
Judge Code: 5562)

Judge's Address Post Office Box 1528
Camden, SC 29020-1528

Judge's Telephone (803)425-1500

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

ATTACHMENT 2

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor

MARK A. KEEL
Chief

December 5, 2012

MEMORANDUM OF INTERVIEW

TO: File 32-12-0107

FROM: Special Agent Kevin Baker

RE: Interview of Christopher D. Phillips

COUNTY: Kershaw

On December 5, 2012, at 10:38 AM, Special Agent (S/A) Kevin Baker with the South Carolina Law Enforcement Division (SLED) interviewed Christopher Daniel "Chris" Phillips, a male with the date of birth of January 19, 1973. He is a law enforcement officer and currently works for the Kershaw County Sheriff's Office (KCSO) in South Carolina. His contact number is 803-729-6113, and the interview was conducted by telephone. He provided information about his address, date of birth, and SSN as proof of his identity. Phillips was interviewed about his knowledge of a search warrant executed on the jail cell of Gregory V. Smith and paperwork taken from that cell. He thereafter voluntarily provided the following information.

Phillips was assigned to the investigations section of the KCSO during the execution of this search warrant in August of 2011. He had received information that Gregory Smith, who was currently incarcerated at the Kershaw County Detention Center (KCDC) for murder and manufacturing methamphetamnine, was receiving methamphetamine from his girlfriend, Samantha Steeprock, by mail received through the US Postal Service. According to the

information received, the methamphetamine was in the stamps, envelopes, and paperwork she sent. Phillips obtained a search warrant for Smith's cell to recover the paperwork. He executed the search warrant and collected paperwork from within Smith's cell. After he collected it, he looked over the paperwork and saw an 8 by 11 envelope that contained paperwork from Smith's attorney, William Tetterton. He placed the paperwork in an evidence bag and put it into evidence at the KCSO. He never looked at the paperwork and has not looked at it to this date. He notified 5th Circuit Deputy Solicitor Brett Perry about the paperwork and where he put it. Since he never saw what was in the paperwork, he never discussed the contents of the paperwork with anyone.

Phillips took all the paperwork because he was not sure where Smith may have put the methamphetamine laced items. Once he noticed some of the paperwork dealt with information concerning Smith's attorney, he put that paperwork into evidence.

At the conclusion of the interview, Phillips agreed to allow law enforcement to contact him again if any further questions arose. The interview ended.

ATTACHMENT 3

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor

MARK A. KEEL
Chief

December 5, 2012

MEMORANDUM OF INTERVIEW

TO: File 32-12-0107

FROM: Special Agent Kevin Baker

RE: Interview of Dixter Handy

COUNTY: Kershaw

On December 5, 2012, at 10:38 AM, Special Agent (S/A) Kevin Baker with the South Carolina Law Enforcement Division (SLED) interviewed Dixter Handy, a male with the date of birth of April 9, 1968. He is a law enforcement officer and currently works for the Kershaw County Sheriff's Office (KCSO) in South Carolina. His contact number is 803-729-6259, and the interview was conducted by telephone. He provided information about his address, date of birth, and SSN as proof of his identity. Handy was interviewed about his knowledge of a search warrant executed on the jail cell of Gregory V. Smith and paperwork taken from that cell. He thereafter voluntarily provided the following information.

Handy was not at the execution of the search warrant. He never saw or handled any of the paperwork; therefore, he did not discuss the paperwork with the 5th Circuit Solicitor's Office. He was not told about the paperwork's contents.

At the conclusion of the interview, Handy agreed to allow law enforcement to contact him again if any further questions arose. The interview ended.

ATTACHMENT 4

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor

MARK A. KEEL
Chief

December 5, 2012

MEMORANDUM OF INTERVIEW

TO: File 32-12-0107

FROM: Special Agent Kevin Baker

RE: Interview of William S. Tetterton

COUNTY: Kershaw

On December 5, 2012, at 1:23 PM, Special Agent (S/A) Kevin Baker with the South Carolina Law Enforcement Division (SLED) interviewed William S. Tetterton, a male with a date of birth of . He is an attorney with forty-one (41) years of experience and has an office at 608 Lafayette Ave., Camden, SC. His contact number is 803-432-1496. The interview took place at his office. Tetterton was interviewed about his association with Gregory V. Smith and his knowledge of a search warrant executed on Smith's jail cell at the Kershaw County Detention Center (KCDC). He thereafter voluntarily provided the following information.

Tetterton was called by Brett Perry, Deputy Solicitor of the 5th Judicial Circuit, and advised that the Kershaw County Sheriff's Office (KCSO) was working a homicide investigation and were interviewing a subject, Greg Smith, who wanted to speak to an attorney. Tetterton agreed to represent Smith pro-bono [redacted]

[redacted]

After Smith's incarceration, Tetterton was told by Perry that Smith was involved in receiving methamphetamine at the jail and that a search warrant was executed on his cell. Tetterton did not know about the warrant and was not there when it was served. The only paperwork that he sent Smith in jail was information on the Brady Motion and Rule 5 for Smith's case. Tetterton said he never writes anything and sends it to a client. He meets with the client and discusses the case in person. Any paperwork from him that was collected by KCSO from Smith's cell would have been the information on the Brady Motion and Rule 5, which is sent to the prosecution for discovery of evidence. Tetterton did not send anything to Smith that would have adversely affected his defense if discovered by the prosecution.

Tetterton did meet with Smith in jail on different occasions to tell Smith not to talk to anyone about his case and to stay out of trouble while in jail. Tetterton had worked out a plea agreement with the Solicitor's Office for Smith to receive a fifteen (15) year sentence, and he was worried that Smith would do something, while in KCDC, to jeopardize the plea agreement, such as receiving contraband (meth) and talking about the case.

Some time after the execution of the search warrant on his cell, Smith fired Tetterton and claimed that Tetterton had conspired with the Solicitor's Office and KCSO to obtain his confession. Smith was later represented by an attorney through the Public Defenders Office.

At the conclusion of the interview, Tetterton agreed to allow law enforcement to contact him again if any further questions arose. The interview ended.

ATTACHMENT 5

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor

MARK A. KEEL
Chief

December 5, 2012

MEMORANDUM OF INTERVIEW

TO: File 32-12-0107

FROM: Special Agent Kevin Baker

RE: Interview of Brett Perry

COUNTY: Kershaw

On December 5, 2012, at 1:53 PM, Special Agent (S/A) Kevin Baker with the South Carolina Law Enforcement Division (SLED) interviewed Brett Perry, Deputy Solicitor with the 5th Judicial Circuit. The interview was conducted in his office at the Kershaw County Courthouse in Camden, SC. He was interviewed about his knowledge of Gregory V. Smith and of paperwork collected from Smith's jail cell by the Kershaw County Sheriff's Office (KCSO) during the execution of a search warrant. He thereafter voluntarily provided the following information.

He was the solicitor assigned to prosecute Gregory Smith for the murder of Debra Tyler. He was aware that KCSO had served a search warrant on Smith's cell at the Kershaw County Detention Center (KCDC) and had collected paperwork from the cell. Some of this paperwork was possibly from Smith's attorney, William Tetterton. Perry understood that this paperwork was placed in KCSO's evidence room. He never saw the contents of the paperwork and never discussed the contents of the paperwork with anyone at KCSO.

Perry spoke to Tetterton about the paperwork to let him know what happened, and he understood from Tetterton that there was no paperwork from Tetterton to Smith that would have been sensitive in nature to Smith's defense. Again, Perry said he never saw or discussed the contents of the paperwork with anyone.

Smith later fired Tetterton as his attorney and was appointed an attorney, N. Riley, by the Public Defender's Office. Smith's case was tried and the state rested its case against Smith. The court gave the defense a day to review any additional evidence or information that it needed prior to presenting the defense's case to the jury. After the prosecution rested its case and out of an abundance of caution, Perry had Smith's paperwork brought to the Solicitor's Office for an intern, Autumn Furniss, to copy for the defense. Perry specifically told Furniss not to discuss anything that she saw in the paperwork. Furniss copied the paperwork and provided the copy to Smith's attorney, N. Riley. The original paperwork was retuned to KCSO. Perry never asked or discussed with Furniss anything she saw involving Smith's paperwork. In addition, Perry advised that the prosecution's evidence presented at trial was collected, gathered, and/or discovered before the search warrant was executed on Smith's cell at KCDC. Therefore, the paperwork taken from Smith's cell bore no weight on the prosecutions case.

The defense had a day to review this paperwork before presenting their case to the jury; however, the defense never presented any evidence when court reconvened.

At the conclusion of the interview, Perry agreed to allow law enforcement to contact him again if any further questions arose. The interview ended.

ATTACHMENT 6

Date 10/22/12

STATE OF SOUTH CAROLINA
COUNTY OF KERSHAW

Case # 12-GS-28-0074

EXHIBITS

Plaintiff (s) State
vs.
Defendant(s) Gregory Smith

	State EXHIBITS	Dft's EXHIBITS	COURT'S EXHIBITS
1	Hazmat Records	1. ~~statement~~ withdrawn	1 psych. eval
2	SLED inventory	2 ~~statement~~ withdrawn	2 note - jury
3	~~medical records~~ withdrawn	3 responses withdrawn	3 note - jury 1:43 pm
4	CD	4 item log withdrawn	4 note - jury 2:18 pm
5	records	5 ~~witness statements~~ withdrawn	5 Charge - malice
6	miranda	6 search warrant withdrawn	6
7	incident report	7 ~~witness statements~~ withdrawn	7
8	~~photo~~ withdrawn	8 "~~Malicious Evidence Search~~" withdrawn	8
9	CD (S. Stepanek	9 ~~search warrant~~ withdrew	9
10	aerial photography	10 ~~medical records~~ withdrawn	10
11	photo	11 letters affidavit note withdrew	11
12		12	12
13		13	13
14		14	14
15		15	15
16		16	16
17	photo	17	17
18		18	18
19		19	19
20	photo	20	20

Court Reporter Karen Ann Broziak

Clerk of Court

(2) Date 10/23/12

STATE OF SOUTH CAROLINA
COUNTY OF KERSHAW

Case # 12-GS-28-0074

EXHIBITS

Plaintiff(s) State
vs.
Defendant(s) Gregory Smith

State's EXHIBITS		EXHIBITS		State's ~~COURT'S~~ EXHIBITS	
1	photo withdrawn	41	photo ✓	1	Photo ✓
2	photo ✓	42	✓	42	✓
3	✓	43	✓	43	✓
4	photo ✓	44	✓	44	✓
25	autopsy report ✓	45	✓	45	✓
26	fragment ✓	46	✓	46	✓
7	autopsy photos ✓	47	✓	47	✓
8	" ✓	48	✓	48	✓
9	" ✓	49	✓	49	✓
10	photo ✓	50	✓	10	photo ✓
11	✓	51	✓	11	" ✓
12	✓	52	✓	12	" ✓
13	✓	53	✓	13	photo ✓
14	✓	54	photo ✓	14	gun ✓
15	✓	55	" ✓	15	photo ✓
16	✓	56	" ✓	16	✓
17	✓	57	" ✓	17	✓
18	✓	58	" ✓	18	✓
19	✓	59	photo ✓	19	photo ✓
20	✓	60	marijuana analysis ✓	20	photo ✓

Court Reporter Karen Ambrose

Clerk of Court Joyce Mitchell

(B)

Date 10/24/12

STATE OF SOUTH CAROLINA
COUNTY OF KERSHAW

Case # 12-GS-28-6024

EXHIBITS

Plaintiff (s) State

vs.

Defendant(s) Gregory Smith

State EXHIBITS	EXHIBITS	COURT'S EXHIBITS
S1 photo	1.	1
S2 unfired bullet ✓	2	2
S3 spent shell casing ✓	3	3
S4 CAD report ✓	4	4
S5	5	5
S6	6	6
S7	7	7
S8	8	8
S9	9	9
S10	10	10
11	11	11
12	12	12
13	13	13
14	14	14
15	15	15
16	16	16
17	17	17
18	18	18
19	19	19
20	20	20

Court Reporter Kim Hardesty

Clerk of Court Angie M. Clark

ATTACHMENT 7

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor

MARK A. KEEL
Chief

December 5, 2012

MEMORANDUM OF INTERVIEW

TO: File 32-12-0107

FROM: Special Agent Kevin Baker

RE: Interview of Autumn Furniss

COUNTY: Kershaw

On December 5, 2012, at 2:15 PM, Special Agent (S/A) Kevin Baker with the South Carolina Law Enforcement Division (SLED) interviewed Autumn Furniss, a female with the date of birth of . She is employed was a part-time employee of the 5th Circuit Solicitor's Office in Camden, SC, and has held that position since May 14, 2012. The interview took place in her office at the Kershaw County Courthouse in Camden, SC. She was interviewed about her knowledge of paperwork collected from Gregory V. Smith's jail cell at the Kershaw County Detention Center (KCDC). She thereafter voluntarily provided the following information.

She was asked by Deputy Solicitor Brett Perry to copy some paperwork and give the copies to Defense Attorney N. Riley. She received a box which contained a plastic envelope that was taped shut with a clear tape. She opened the envelope and copied the material. She did not read any of the paperwork and does not remember if the envelope had been opened before. She did remember seeing a picture of a dog. She gave the copies to the defense attorney and put the originals back in the envelope and box and had them returned to KCSO. She did not know what

information the paperwork contained, and she did not discuss it with Dep. Sol Perry or anyone else at the Solicitor's Office.

At the conclusion of the interview, Furniss agreed to allow law enforcement to contact her again if any further questions arose. The interview ended.

ATTACHMENT 8

Draft Rule #5

Aug 6 2011

Dear Mr. Tetterton,

I am requesting all the material In The Georgetown Law Journal and any other legal information that is associated with my case. I want all material involved with confessionals, coercions and extraction of evidence rules. I need to know how a jury trial is set up and how to motion for investigations, to suppress etc....

* Also copies of video and audio that the prosecution plans to present to the courtroom

Thank you

Gregory H Smith

THE STATE OF SOUTH CAROLINA

PUBLIC DEFENDER
FIFTH JUDICIAL CIRCUIT

Douglas S. Strickler
Circuit Public Defender
C. J. Neil Riley
Chief County Public Defender
Jason D. Kirincich
Assistant Public Defender

Kershaw County Courthouse
1121 Broad Street
Camden, South Carolina 29020
Tel 803-425-7237 • Fax 803-425-8807

July 8, 2011

Gregory Vincent Smith
K.C.D.C.

Re: M099398, M099445, M100402, M100403

Dear Mr. Smith:

According to our records, your lawyer is William Tetterton. I would suggest that you contact him.

Sincerely,

C. J. Neil Riley

cc: Clerk of Court
Solicitor
William Tetterton

THE STATE OF SOUTH CAROLINA

PUBLIC DEFENDER
FIFTH JUDICIAL CIRCUIT

D. S. STRICKLER
C. J. RILEY
J. D. KIRINCICH
E. S. DURAND

KERSHAW COUNTY COURTHOUSE
1121 BROAD STREET
CAMDEN, SOUTH CAROLINA 29020
TEL 803-425-7237 • FAX 803-425-8807

TO: Gregory Vernal Smith, K.C.D.C.

FROM: R. D. Mack, Administrative Assistant

DATE: 6-8, 2011

Your assigned attorney (**SEE CARD ABOVE**) will be meeting with you as soon as possible. If you bond out of jail before meeting with your attorney, **IT IS YOUR RESPONSIBILITY** to call our office to schedule an appointment.

NOTE: Do not talk about your case with anyone. We do not accept collect calls. Our attorneys cannot discuss your case with your family or friends. Our attorneys only handle General Sessions offenses, not Summary Court (magistrate/municipal) offenses.

TETTERTON LAW FIRM, LLC
608 LAFAYETTE AVENUE
P.O. BOX 530 29021
CAMDEN, SOUTH CAROLINA 29020

WILLIAM S. TETTERTON
wstmail@bellsouth.net

TELEPHONE: 803-432-1496
FACSIMILE: 803-432-1498

BOB M. COOK
bobmcook@bellsouth.net

July 5, 2011

Lieutenant K. Willis
Kershaw County Sheriff's Office
821 Ridgeway Road
Lugoff, South Carolina 29078

RE: State v. Gregory V. Smith
Ticket No.: 88548 EL (SPMJ)

Dear Lieutenant Willis:

Please be advised that I have been retained to represent Gregory V. Smith the above referenced matter. Enclosed please find a Brady Motion and a Rule 5, along with a Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

William S. Tetterton

WST/llb

Enclosures

innocence, to mitigate punishment, or to impeach, discredit, or contradict the testimony of any witness whom the Government will call at the trial of the cause. Napue v. Illinois, supra; Giglio v. U.S., supra.

(e) Any scientific or medical report which tends to establish the Defendant's innocence, to mitigate punishment, or to impeach, discredit, or contradict the testimony of any witness whom the State will call at the trial of the cause. Ashley v. Texas, 319 F. 2d 80 (5th Cir.), cert. Denied, 375 US 931, 84 S. Ct. 331 (1963).

WHEREFORE, the undersigned prays for such Order as is just and proper.

TETTERTON ~~LAW FIRM~~, LLC

By: _____
WILLIAM S. TETTERTON
ATTORNEY FOR THE DEFENDANT
608 Lafayette Ave., Post Office Box 530
Camden, South Carolina 29021
(803) 432-1496

July 5, 2011

STATE OF SOUTH CAROLINA)
)
COUNTY OF KERSHAW)

CERTIFICATE OF SERVICE

I certify that I am an employee for Tetterton Law Firm, attorney for Gregory V. Smith, in the case of State v. Gregory V. Smith, Ticket No(s): 88548 EL, and I further state that on July 7, 2011, I served a copy of the Brady Motion and Rule 5 to Lieutenant K. Willis of The Kershaw County Sheriff's Office by mailing a copy, to his attention at 821 Ridgeway Road, Lugoff, South Carolina 29078.

Lauren Branham

Lauren L. Branham

Camden, SC

Solicitor, ought to be the judge of his defense and the documents relevant thereto and necessary in support of same.

6. To the extent that specificity is required to demonstrate the materiality of the requested information, see United States v. Agurs, 427 US 97 (1976), the Defendant submits that this requirement is satisfied in this motion.

7. To disclose to counsel for the defense any and all evidence in the actual or constructive possession of the United States which is of favorable character for the Defendant in this case and material to the issue of guilt or innocence or to punishment in this case, pursuant to that due process clauses of the Fourteenth Amendment to the United States Constitution, including, but not limited to, the following material:

(a) Any oral, written or recorded statements made by any person to the police, to the Solicitor, or to the Grand Jury which tend to establish the Defendant's innocence, to mitigate punishment, or to impeach, discredit or contradict the testimony of any witness whom the Government will call at the trial of the cause. Brady v. Maryland, 373 US 83, S. Ct. 1194 (1963).

(b) Any police investigation report made to the police which tends to establish the Defendant's innocence, to mitigate punishment, or to impeach, discredit, or contradict the testimony of any witness whom the State will call at the trial of the cause. Giles v. Maryland, 3686 US 66, 87 S. Ct. 793 (1967).

(c) The names and addresses of witnesses who might establish the Defendant's innocence, mitigate punishment, or to impeach, discredit, or contradict the testimony of any witness whom the State will call at the trial of the cause.

(d) Any information or material which tends to establish the Defendant's

STATE OF SOUTH CAROLINA	)	IN THE MAGISTRATE'S COURT
	)	
COUNTY OF KERSHAW	)	Ticket No: 88548 EL (SPMJ)
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**REQUEST FOR DISCOVERY PURSUANT TO RULE 5**
	)	
Gregory V. Smith,	)	
	)	
Defendant.	)	

Pursuant to Rule 5 of the South Carolina Criminal Practice Rules, the Defendant moves the Court to require the prosecution to permit the Defendant to inspect and copy or photograph, the following:

A) Any written or recorded statements made by the Defendant, or copies thereof, within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution;

B) The substance of any oral statement which the prosecution intends to offer into evidence at the trial made by the Defendant, whether before or after arrest, in response to interrogation by any person then known to the Defendant to be prosecution agent;

C) A copy of the Defendant's prior criminal record, if any, as is within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution;

D) All books, papers, documents, photographs, tangible objects, building or places, or

copies or portions thereof, which are within the possession, custody, or control of the prosecution, and which are material to the defense, or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the Defendant;

E) All results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial; and

F) The statement of any witness or prospective prosecution witness, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution.

TETTERTON LAW FIRM, LLC

William S. Tetterton
Attorney for Defendant
608 Lafayette Avenue
Post Office Box 530
Camden, SC 29021
(803) 432-1496

July 5, 2011

798

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)

IN THE COURT OF GENERAL SESSIONS
FOR THE FIFTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
-VS-)
GREGORY VINCENT SMITH)
DEFENDANT

ORDER TO SET BOND

WARRANT NUMBERS: **M099398**

JOYCE DONALD
CLERK OF COURT
KERSHAW CO. S.C.
2011 JUN -8 AM 11:39

This matter comes before the Court on _____**06.08.2011**___ for the purpose of setting /reducing /revoking bond.

The Defendant was present. The following attorney appeared on behalf of the Defendant: _____**WILLIAM TETTERTON**_____.

The State was represented by _____**BRETT PERRY**_____ of the Solicitor/SCDPPP office.

The Defendant is charges with the following offense(s):

_____**MURDER** _____ _____

After hearing from the Defendant and the State, the Court finds it appropriate, and IT IS THEREFORE ORDERED, THAT:

__✓__ **Bond is denied** at this time with leave for defense counsel to file a written Motion for bond.

____ A Personal Recognizance Bond in the amount of $_____ is set at this time.

____ A surety Bond in the amount of $ _____ is set at this time; and the Defendant **Is** **Is Not** (Circle One) allowed to post 10%.

____ Motion **granted** **denied** to revoke bond.

AND IT IS SO ORDERED.

SPECIAL CONDITIONS OF BOND _____

_____

_____

ATTEST True, Correct & Certified Copy of Original on File in this Court
Kershaw County
Clerk of Court

Dated: June 8, 2011
Columbia, SC

Honorable
Presiding Judge – General Sessions
Fifth Judicial Circuit

STATE OF SOUTH CAROLINA	)	IN THE MAGISTRATE'S COURT
	)	
COUNTY OF KERSHAW	)	Ticket No(s): 88548 EL (SPMJ)
	)	
	)	
The State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**MOTION**
	)	
Gregory V. Smith,	)	
	)	
Defendant.	)	

MOTION FOR BRADY AND OTHER FAVORABLE MATERIAL AND INCORPORATED MEMORANDUM OF LAW

COMES NOW, the Defendant, by and through the undersigned counsel, and files this motion for Brady and other Favorable Material and incorporated Memorandum of Law, and as grounds thereof, the undersigned would show as follows:

1. Under the United States Supreme Court decision in Brady v. Maryland, 373 US 83, 83 S. Ct. 1194(1963), the Solicitor has an obligation to produce all Brady material for the Defendant well in advance of the scheduled trial date.

2. Defendant claims under Brady, and its progeny, as well as the language and spirit of Giglio v. United States, 405 US 150, 92 S. Ct. 763 (1972); United States v. Tashamn, 478 F. 2d 129 (5th Cir., 1973); and Napue v. Illinois, 360 US 264, 79 S.Ct. 1173 (1959); that he is entitled to any and all records, memorandum and documents, as well as a statement of the Solicitor and all appropriate state, federal and local law enforcement agencies as to:

(a) Any and all promises, rewards and inducements made to all witnesses herein,

whether or not they have testified before an state or federal Grand Jury, or other investigative agency, and regardless of whether they will testify at the trial herein.

(b) Any officers or grants of immunity in this case to any witness from loss of property, fine, forfeiture, prosecution, or punishment in this or any other case, related or otherwise.

(c) Whether any witness called before the Grand Jury or who has or will give testimony to any investigative agency or at the trial has ever been psychiatrically hospitalized or undergone psychiatric examination, treatment, mental status examination or care, and, if so, a lost of names and addresses of the psychiatrists, hospitals, and copies of any and all relevant records and reports.

(d) Any "inconsistent" statements of a particular witness or between witnesses.

(e) Any and all "rap" sheets or histories of arrests or convictions of any unindicted co-conspirator or State witness.

3. In addition, Defendant requests copies of any and all reports of law enforcement agencies of the United States and all state, county municipal and local law enforcement agencies regarding the investigation herein.

4. Defendant also contends that he is entitled to any statement or admissions by a witness for or on behalf of the State with respect to the witness' memory or loss thereof.

5. Defendant contends that this Court should specifically direct the Government in the spirit of fairness and equity, seek and produce for Defendant the documents, letters, records and other items sought, irrespective of the State's determination of whether a witness' statement or a particular letter or exhibit can "help" the Defendant. The Defendant and his attorney, not the

S/WS
1995 1/2
The old Trailer

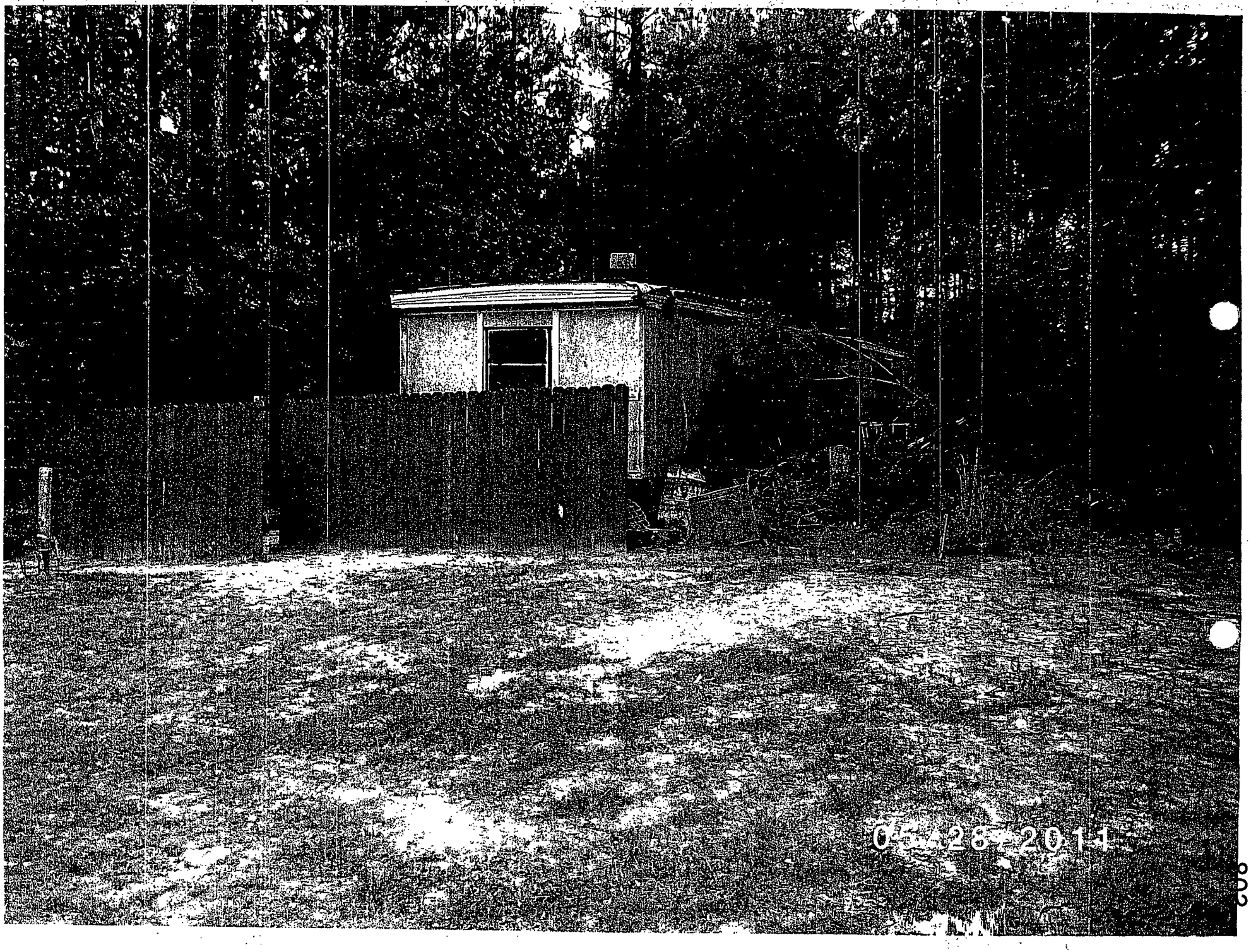
STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

SEARCH WARRANT

Date: May 28, 2011

Officer : Wayne Nesbitt
KCSO Case #: 2011-2782


06-28-2011

Original 70th day Case # 2011-2782 Aug. 6th 2011

On 5-29-2011 Lt. Kirk WILLIS WAS ADVISED BY LT. Phillips that after defendant consulted with with an attorney, the Sherriff's office had recieved a confession/admission in reguard to the ownership of meth lab and marijuana cultivation in the blue trailer.

* The same Kirk willis that used 2 marijuanna smoking pipes that belonged to Debra Tyler to charge defendant with simple possession of marijuanna.
* Brooks Houser uses correct address for defendants incident report. 1689 Baughman Road Lugoff SC.
* Motion for Investigation: Motive for Mr. William Tetterton's taking defendant's case Pro-bono.
* Furthermore defendant wishs to collect data such as telephone records between caller and mr. Tetterton to Identify who asked attorney to represent the defendant.
* Sgt. Brian Elliott is claiming residency on defendant by observing numerous photographs the same officer who extracted evidence improperly from the Tylers residence and did conspire along with Sgt. Steve Knaflee Inv. Handy, Kirk WILLIS and Wayne Nesbitt.

Original 70th day Case #2011-2782 Aug. 6th 2011

* Motion for Investigation: Defendant is being accused of living in 3 different address. 1689 Baughman Lugoff was established before 5-23-07. Brooks Houser has used this address for Incident Report on 5-28-2011.
* Dexter Handy used evidence from: 1995 601 South Lugoff S.C. Items #1 and #2 in a murder investigation.
* KIRK Willis has used photographs to claim residency to 1 . 601 South Lugoff S.C.
* Motion to suppress evidence that claims defendant's residency at 601 South both and One South.

Arrest Warrants use One South.

* Lt. Phillps used Mr. Tetterton and coersion to gain a confession from defendant.

Motion To Suppress

Gregory V. Smith

Aug. 6th 2011

Original Copy 67th Day Case# 2011-2782 8-3-11

2:56PM On 5-28-11 R/O Deputy Houser fills out an incident report that clearly states the defendants address as: Baughman Road Lugoff SC 29078 R/O also states his arrival time at 1995 6015 at 12:56 PM and departure time at 11:40 PM

:03 PM Amanda Reichardt stated "The Tylers were fussing. Said Samantha (her daughter) was at the house too, And heard a gunshot when they went to leave.

2:06 Wayne Nesbitt was on stand by for a S/W while waiting on Judge Todd who was en route with 10 min eta.

3:03 David Tylers life has ended.

① S/W Dexter Handy signs Affidavit which description of offense: Murder Changes defendants address and I.D. New address: Hwy One South Lugoff SC 29078 New ID# SC [redacted]

② S/W Kirk WILLIS signs Affidavit which description of offense: Drugs/Manuf. Changes defendants address and I.D. [redacted] Hwy One South Lugoff SC 29078 New ID# SC [redacted]

Cont.

③ A/w Kirk Willis signs Affidavit which description of offense: Meth Manufacture Changed Address: Hwy One South Lugoff SC 29078
New I.D. # SC

STATE OF SOUTH CAROLINA
AFFIDAVIT
COUNTY OF KERSHAW

Personally appeared before me, one Wayne Nesbitt who, being duly sworn, says that there is probable cause to believe that a certain person or items 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

An unknown color and caliber handgun that was used in a homicide at Highway 601 South, Kershaw County, South Carolina. In addition to any and all guns we seek the serial numbers of any and all weapons in the house, any ammunition associated with these weapons and any and all other evidence related to the homicide victim. Also due to plain view evidence of a meth lab, all illegal narcotics and substances used to make illegal narcotics are being sought.

DESCRIPTION OF PREMISES (PERSON, PLACE, OR THING) TO BE SEARCHED

The search location will be at Highway 601 South, Kershaw County, South Carolina. This blue single wide trailer with white trim is located behind Highway 601 South, which is a tan single wide trailer.

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

That on May 28, 2011 a female subject was found deceased, in the residence with gunshot wounds. Officers did see in plain sight evidence of a possible meth lab. The affiant and other witnesses to prove the same against the form of the statue.

Sworn to and Subscribed before me

This 28 day of May, 2011

Signature of Judge

Wayne Nesbitt 18

Affiant
Address: 821 Ridgeway Road
Lugoff, South Carolina 29078
Phone (803) 425-1512

STATE OF SOUTH CAROLINA
SEARCH WARRANT
COUNTY OF SUMTER

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF SUMTER, 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

The search location will be at Highway 601 South, Kershaw County, South Carolina. This blue single wide trailer with white trim is located behind Highway 601 South, which is a tan single wide trailer.

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

An unknown color and caliber handgun that was used in a homicide at Highway 601 South, Kershaw County, South Carolina. In addition to any and all guns we seek the serial numbers of any and all weapons in the house, any ammunition associated with these weapons and any and all other evidence related to the homicide victim. Also due to plain view evidence of a meth lab, all illegal narcotics and substances used to make illegal narcotics are being sought

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 Kershaw County Magistrate

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.

Camden, S.C.

May 23, 2011

Signature of Judge (L.S.)

ARREST WARRANT

M-099445

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Kershaw

THE STATE 2011-2782

against

Gregory Vincent Smith

Address:

Lugoff, SC 29078-

Phone: SSN:

Sex: M Race: W Height: 6 2 Weight: 160

DL State: SC DL #:

DOB: Agency ORI #:

Prosecuting Agency: Kershaw County Sheriff

Prosecuting Officer: Dexter Handy - 7064

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant GREGORY SMITH on 06/07/2011

B Town #42

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
1121 Broad Street
Camden, SC 29020

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Kershaw)

AFFIDAVIT

DEFENDANT COPY

S.C. Attorney General April 21, 2003 SCCA 518

810

Personally appeared before me the affiant Dexter Handy who being duly sworn deposes and says that defendant Gregory Vincent Smith did within this county and state on or about 05/28/2011 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Kershaw) in the following particulars:

DESCRIPTION OF OFFENSE Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on May 28, 2011 the defendant Gregory Vincent Smith did, with malice and aforethought, cause the death of Debra Lee Tyler by shooting her about the face with a handgun. This incident did occur at 1 Highway 601 South which is located in Lugoff, Kershaw County, South Carolina.

COPY

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Kershaw)

Affiant's Address 821 Ridgeway Rd.
Lugoff, SC 29078-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 5/28/2011 defendant Gregory Vincent Smith did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Kershaw) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 06/07/2011

(L.S.)

Signature of Issuing Judge

R. Eugene Hartis

Judge Code: ~~5562~~ 7029

Judge's Address Post Office Box 1528
Camden, SC 29020-1528

Judge's Telephone (803)425-1500

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

ARREST WARRANT

M-099445

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Kershaw

THE STATE 2011-2782

against

Gregory Vincent Smith

Address:

Lugoff, SC 29078-

Phone: SSN:

Sex: M Race: W Height: 6 2 Weight: 160

DL State: SC DL #: 3

DOB: Agency ORI #:

Prosecuting Agency: Kershaw County Sheriff

Prosecuting Officer: Dexter Handy - 7064

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the

[ ] County/ [ ] Municipality of

. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
1121 Broad Street,
Camden, SC 29020

AUDIT COPY AUDIT COPY AUDIT COPY AUDIT COPY AUDIT COPY AUDIT COPY

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Kershaw)

AFFIDAVIT

AUDIT COPY

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

53

Personally appeared before me the affiant Dexter Handy who being duly sworn deposes and says that defendant Gregory Vincent Smith did within this county and state on or about 05/28/2011 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Kershaw) in the following particulars:

DESCRIPTION OF OFFENSE Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on May 28, 2011 the defendant Gregory Vincent Smith did with malice and aforethought, cause the death of Debra Lee Tyler by shooting her about the face with a handgun. This incident did occur at Highway 601 South which is located in Lugoff, Kershaw County, South Carolina.

COPY

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Kershaw)

Affiant's Address 821 Ridgeway Rd.
Lugoff, SC 29078-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 5/28/2011 defendant Gregory Vincent Smith did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Kershaw) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me)
on 06/07/2011)

(L.S.)

Signature of Issuing Judge

R. Eugene Hartis)
Judge Code: ~~5562~~ 7029)

Judge's Address Post Office Box 1528
Camden, SC 29020-1528

Judge's Telephone (803)425-1500

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

AUDIT COPY AUDIT COPY AUDIT COPY AUDIT COPY AUDIT COPY AUDIT COPY

811

M-100403

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Kershaw

THE STATE

against

Gregory Vincent Smith

Address:

Lugoff, SC 29078-

Phone: SSN: -

Sex: M Race: W Height: 6 2 Weight: 160

DL State: SC DL #: 3

DOB: Agency ORI #: C0280000

Prosecuting Agency: Kershaw County Sheriff

Prosecuting Officer: Kirk Willis - 7222

Offense: Drugs / Manuf., poss. of other sub. in Sch. I,II,III or flunitrazepam or analogue, w.i.t.d. - 1st offense

Offense Code: 0186

Code/Ordinance Sec: 44-53-0370(b)(2)

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Gregory Vincent Smith on 05-29-2011

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Bond Court
1121 Broad Street
Camden, SC 29020

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

[X] County/ [ ] Municipality of

Kershaw

AFFIDAVIT

ORIGINAL

S.C. Attorney General
April 21, 2003
SCCA 518

53

812

Personally appeared before me the affiant Kirk Willis who being duly sworn deposes and says that defendant Gregory Vincent Smith did within this county and state on or about 05/28/2011 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Kershaw) in the following particulars:

DESCRIPTION OF OFFENSE Drugs / Manuf., poss. of other sub. in Sch. I,II,III or flunitrazepam or analogue, w.i.t.d. - 1st offense

File Copy

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on May 28, 2011 within Kershaw County, State of South Carolina, KCSO responded to Hwy. One, in response to a complaint of a disturbance. Upon arrival, responding officers found a deceased party, and indications of an ongoing functional methamphetimine lab. KCSO secured a Search Warrant for the premises. On the aforesaid premises, one Gregory Vincent Smith did have in his custody and control, with intent to distribute same, in excess of 130 marijuana plants, a controlled substance, in various stage of growth and development, along with related equipment used to grow and cultivate same, including lights, thermostats and soils.

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Kershaw

Affiant's Address 821 Ridgeway Rd.
Lugoff, SC 29078-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 5/28/2011 defendant Gregory Vincent Smith did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Kershaw) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manuf., poss. of other sub. in Sch. I,II,III or flunitrazepam or analogue, w.i.t.d. - 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 05/29/2011

(L.S.)

Signature of Issuing Judge

Roderick M. Todd Jr.

Judge Code: 5074

Judge's Address P.O. Drawer 1528
Camden, SC 29020-1528

Judge's Telephone (803)425-1500

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

M-100402

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Kershaw

THE STATE

against

Gregory Vincent Smith

Address:

Lugoff, SC 29078-

Phone: SSN:

Sex: M Race: W Height: 6 2 Weight: 160

DL State: SC DL #: 3

DOB: Agency ORI #: SC0280000

Prosecuting Agency: Kershaw County Sheriff

Prosecuting Officer: Kirk Willis - 7222

Offense: Drugs / Manufacture, distribution, etc. of methamphetamine, 1st

Offense Code: 3198

Code/Ordinance Sec: 44-53-0375 (B) (1

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Gregory Vincent Smith on 5-29-2011

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Bond Court
1121 Broad Street
Camden, SC 29020

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Kershaw)

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

AFFIDAVIT

Personally appeared before me the affiant Kirk Willis who being duly sworn deposes and says that defendant Gregory Vincent Smith did within this county and state on or about 05/28/2011 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Kershaw) in the following particulars:

DESCRIPTION OF OFFENSE Drugs / Manufacture, distribution, etc. of methamphetamine, 1st

53

Affidavit

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on May 28, 2011 within Kershaw County, State of South Carolina, KCSO responded to Hwy. One, in response to a complaint of a disturbance. Upon arrival, responding officers found a deceased party, and indications of an ongoing functior methamphetimine lab. KCSO secured a Search Warrant for the premises. The Defendant did have in his custody and control a functional lab, on the aforesaid premises, with required chemicals and equipment, used to manufacture methamphetimine. Within the lab area, within the home of Defendant, were personal belongings, documents and photos bearing the likeness of Defendant or his identity. Prior to arrest, the Defendant did flee the crime scene.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Kershaw)

Affiant's Address 821 Ridgeway Rd.
Lugoff, SC 29078-
Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 5/28/2011 defendant Gregory Vincent Smith did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Kershaw) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. of methamphetamine, 1st

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 05/29/2011

(L.S.)

Signature of Issuing Judge

Roderick M. Todd Jr.

Judge Code: 5074

Judge's Address P.O. Drawer 1528
Camden, SC 29020-1528
Judge's Telephone (803)425-1500

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

813

WHITE FEMALE WAS IN THE BLUE OBILE HOME WITH THE LAB. A SEARCH WARRANT WAS IN THE PROCESS OF BEING OBTAINED AND INV. NESBITT WAS ENROUTE BACK TO THE PROPERY WITH THE DOCUMENT, PERIMITER WAS SECURED AND NARCOTIC AGENTS INFORMED
AND EVACUTED THE NEIGHBORS. SLED AND DHEC WERE NOTIFIED AND DID RESPOND. UPON SLED AGENTS (FOF COLLIER) INSPECTING THE LOCATION IN PROTECTVE GEAR, A CONTRACTOR WAS REQUESTED TO RESPOND IN RI TO DISPOSAL OF THE CONTAMINATED AND CHEMICAL ITEMS. THE SLED HAZARDOUS TEAM DID REMOVE THE FOLLOWING
ITEMS WHICHCONSISTED OF THE ELEMENTS REQUIRED TO MANUFACTURE METHAMPHETAMINE :

1) 3 "CROWN ACETONE" QUART CANS- ROOM 1
2) 1"KLEEN STRIP" ACETONE QUART CAN -ROOM 1
3) 1"CROWN" ACETONE GALLON CAN- ROOM 1
4) 1 "KLEEN STRIP" ACETONE GALLON CAN- ROOM 1
5) 1 "CROWN" DENATURED ALCOHOL GALLON CAN - ROOM 1
6) 3 "CROWN" DENATURED ALCOHOL QUART CANS- ROOM-1
7) 3 "KLEEN STRIP" DENATURED ALCOHOL QUART CANS- ROOM-1
8) 1 "COLEMAN" GALLON CANS OF CAMP FUEL-ROOM-1
9) 1 WOODEN SMOKING PIPE- ROOM 1
10) 1 WOODEN BOX WITH 3 PLASTIC BOTTLES AND 1 METAL CONTAINER- ROOM 1
11) 1 TORE OPEN CVS BOX STAINED WITH RED FLUID - ROOM 1
12) 1 BLACK BOTTLE LABLED "CRYSTAL DOPE" -ROOM 1
13) 4 GLASS JARS OF RED TINTED CLEAR LIQUID -ROOM 1
14) 2 PLASTIC MEASURING CUPS WITH PURPLE LIQUID -ROOM 1
15) 1 CAN OF "ROTO" HOUSEHOLD DRAIN CLEANER- ROOM 1
16) 2 DIGITAL SCALES- ROOM 1
17) 1 KNIFE (XACTO STYLE) WITH POWDER RESIDUE ON BLADE- ROOM 1
18) 1 PIECE OF CARDBOARD WITH HANDWRITTEN MATH FIGURES- ROOM 1
19) 1 PLASTIC TUBE-ROOM 1
20) 1 PROPANE HAND TORCH-ROOM 1
21) 1 YELLOW NOTE PAPER MARKED "LL SMITH@MYFAIRPOINT.NET"- ROOM 1
22) 2 MASON JAR LIDS WITH 3 FOOT PLASTIC TUBES- ROOM 1
23) 1 PLASTIC BOTTLE OF SALINE- ROOM 1
24) 1 PLASTIC WHITE 1' LONG CYLINDER WITH UNKNOWN SUBSTANCE- ROOM 1
25) 1 BOOK " CHEMISTRY OF THE COVALENT BOND" - ROOM 1
26) 50+/- PACKETS OF PHOSPHEROUS MATCHES- ROOM 1
27) 1 SQUARE PIECE OF CERAMIC COOKWARE WITH YELLOW LIQUID- ROOM 1
28) 14 BOTTLES OF IODINE- ROOM 1
29) 2 BOTTLES OF HYDROGEN PYROXIDE- ROOM 1
30) 1 TUPPERWARE SQUARE CONTAINER WITH RED SUBSTANCE- ROOM 1
31) 1 BOX OF IODINE PREP PADS- ROOM 1
32) 2 LAYER COFFE FILTERS FILLED WITH APPROX 1/2 FULL WITH RED POWDER- ROOM 1
33) 1 LAYER COFFEE FILTER FILLED APPROX 1/8 FULL WITH RED POWDER- ROOM 1
34) 1 BOX OF COFFE FILTERS - IN ROOM 1
35) 2 CLEAR TUBES 2 FOOT TUBES - ROOM 1
36) WADDED UP STAINED PINK PAPER TOWELS- ROOM 1
37) 1 SMURF DOLL -ROOM 1
38) 3 "RITE AID" EMPTY SUPHEDRINE PILL BOXES (48,20,20)- ROOM 1
39) 1 "CVS" EMPTY SUPHEDRINE BOX (10)- ROOM 1
40) 1 "EQUATE" EMPTY SUPHEDRINE BOX- ROOM 1
41) 1 "UP & UP" EMPTY SUPHEDRINE BOX- ROOM 1
42) 6 MARIJUANA PLANTS IN VARIOUS STAGES OF GROWTH SURROUNDED WITH ARTIFICIAL LIHGTING, THERMOS TIMERS, AND POTTING SOIL- ROOM 2
43) APPROX 130 MARIJUANA PLANTS IN VARIOUS STAGES OF GROWTH SURROUNDED WITH ARTIFICIAL LIGTING, THEMOSTATS, TIMERS, AND POTTING SOIL- ROOM 3
THE ABOVE ITEMS RECOVERED BY SLED HAZZARDOUS MATERIAL TEAM COLLIER AND FORD
44) WALLET CONTAINING N.C. PHOTO ID OF GREGORY SMITH AND BIRTH DOCUMENT IN ROOM-1 (SGT ELLIOTT) (W RETURNED)
45) 1 PHOTO OF GREGORY SMITH - ROOM 1(SGT ELLIOTT)
46) 1 WOODEN BOX WITH LOOSE MARIJUANA -ROOM 1 (SGT ELLIOTT)

47) 1 FEMALE BODY ON SOFA IN MAIN ROOM-1 (SUPERVISED REMOVAL CORONER FELLERS)
48) METAL ITEM BELIEVED TO BE BULLET FRAGMENT FROM WALL BEHIND FEMALE BODY- FORD

THE EVIDENCE WAS PHOTOGRAP[illegible]D ANDTHE HAZZARDOUS CHEMICALS V[illegible]E TOT THE CUSTODY OF ADVANCE ENVIORMENTAL OPTIONS (25 STAN PERKINS RD SPARTENBURG SC 29307) FOR PROPER DISPOSAL.THE MARIJUANA WAS TOT KCSO FOR TESTING WHERE IT LATE TESTED POSITIVE FOR THC ON 5-31-2011 BY SLED CERTIFIED ANALYST B. ELLIOTT.

ON THE FOLLOWING DAY (5-29-2011) R/O WAS ADVISED BY LT. PHILLIPS THAT AFTER GREGORY SMITH CONSULTI WITH AN ATTORNEY, THE SHERIFF'S OFFICE HAD RECIEVED A CONFESSION/ ADMISSION FROM ONE GREGORY SMITH IN REGARD TO THE OWNERSHIP OF THE FUNCTIONAL METHAMPHETAMINE LAB, MANUFACTURE OF METHAMPHETAMINE, AND GROWING OF MARIJUANA IN THE BLUE TRAILER, WHICH HE DID CLAIM AS HIS RESIDENCE. THE RESIDENCE W OBSERVED TO HAVE NUMEROUS PHOTOGRAPHS IN THE HOME OF GREGORY SMITH WHICH WERE PHOTOGRAPHED BY SGT ELLIOTT AND ALLOWED TO REMAIN. NARCOTIC AGENTS CHARGED GREGORY SMITH WITH MANUFACTURING METHAMPHETAMINE, CULTIVATION OF MARIJUANA , . SPMJ.

Supplemental Narrative Entered By / Modifications

KWILLIS 5/31/2011 2:59:43PM
KWILLIS 5/31/2011 3:13:29PM
KWILLIS 5/31/2011 3:16:25PM
KWILLIS 5/31/2011 3:13:29PM
KWILLIS 5/31/2011 3:16:25PM
KWILLIS 5/31/2011 2:59:43PM
KWILLIS 5/31/2011 3:12:52PM

WHITE FEMALE WAS IN THE BLUE MOBILE HOME WITH THE LAB. A SEARCH WARRANT WAS IN THE PROCESS OF BEING OBTAINED AND INV. NESBITT WAS ENROUTE BACK TO THE PROPERY WITH THE DOCUMENT. PERIMITER WAS SECURED AND NARCOTIC AGENTS INFORMED
AND EVACUTED THE NEIGHBORS. SLED AND DHEC WERE NOTIFIED AND DID RESPOND. UPON SLED AGENTS (FOR COLLIER) INSPECTING THE LOCATION IN PROTECTVE GEAR, A CONTRACTOR WAS REQUESTED TO RESPOND IN RE TO DISPOSAL OF THE CONTAMINATED AND CHEMICAL ITEMS. THE SLED HAZARDOUS TEAM DID REMOVE THE FOLLOWING
ITEMS WHICHCONSISTED OF THE ELEMENTS REQUIRED TO MANUFACTURE METHAMPHETAMINE :

1) 3 "CROWN ACETONE" QUART CANS- ROOM 1
2) 1"KLEEN STRIP" ACETONE QUART CAN -ROOM 1
3) 1"CROWN" ACETONE GALLON CAN- ROOM 1
4) 1 "KLEEN STRIP" ACETONE GALLON CAN- ROOM 1
5) 1 "CROWN" DENATURED ALCOHOL GALLON CAN - ROOM 1
6) 3 "CROWN" DENATURED ALCOHOL QUART CANS- ROOM-1
7) 3 "KLEEN STRIP" DENATURED ALCOHOL QUART CANS- ROOM-1
8) 1 "COLEMAN" GALLON CANS OF CAMP FUEL-ROOM-1
9) 1 WOODEN SMOKING PIPE- ROOM 1
10) 1 WOODEN BOX WITH 3 PLASTIC BOTTLES AND 1 METAL CONTAINER- ROOM 1
11) 1 TORE OPEN CVS BOX STAINED WITH RED FLUID - ROOM 1
12) 1 BLACK BOTTLE LABLED "CRYSTAL DOPE" -ROOM 1
13) 4 GLASS JARS OF RED TINTED CLEAR LIQUID -ROOM 1
14) 2 PLASTIC MEASURING CUPS WITH PURPLE LIQUID -ROOM 1
15) 1 CAN OF "ROTO" HOUSEHOLD DRAIN CLEANER- ROOM 1
16) 2 DIGITAL SCALES- ROOM 1
17) 1 KNIFE (XACTO STYLE) WITH POWDER RESIDUE ON BLADE- ROOM 1
18) 1 PIECE OF CARDBOARD WITH HANDWRITTEN MATH FIGURES- ROOM 1
19) 1 PLASTIC TUBE-ROOM 1
20) 1 PROPANE HAND TORCH-ROOM 1
21) 1 YELLOW NOTE PAPER MARKED "LL SMITH@MYFAIRPOINT.NET"- ROOM 1
22) 2 MASON JAR LIDS WITH 3 FOOT PLASTIC TUBES- ROOM 1
23) 1 PLASTIC BOTTLE OF SALINE- ROOM 1
24) 1 PLASTIC WHITE 1' LONG CYLINDER WITH UNKNOWN SUBSTANCE- ROOM 1
25) 1 BOOK " CHEMISTRY OF THE COVALENT BOND" - ROOM 1
26) 50+/- PACKETS OF PHOSPHEROUS MATCHES- ROOM 1
27) 1 SQUARE PIECE OF CERAMIC COOKWARE WITH YELLOW LIQUID- ROOM 1
28) 14 BOTTLES OF IODINE- ROOM 1
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30) 1 TUPPERWARE SQUARE CONTAINER WITH RED SUBSTANCE- ROOM 1
31) 1 BOX OF IODINE PREP PADS- ROOM 1
32) 2 LAYER COFFE FILTERS FILLED WITH APPROX 1/2 FULL WITH RED POWDER- ROOM 1
33) 1 LAYER COFFEE FILTER FILLED APPROX 1/8 FULL WITH RED POWDER- ROOM 1
34) 1 BOX OF COFFE FILTERS - IN ROOM 1
35) 2 CLEAR TUBES 2 FOOT TUBES - ROOM 1
36) WADDED UP STAINED PINK PAPER TOWELS- ROOM 1
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45) 1 PHOTO OF GREGORY SMITH - ROOM 1(SGT ELLIOTT) —— 3 ?
46) 1 WOODEN BOX WITH LOOSE MARIJUANA -ROOM 1 (SGT ELLIOTT)

47) 1 FEMALE BODY ON SOFA IN MAIN ROOM-1 (SUPERVISED REMOVAL CORONER FELLERS)
48) METAL ITEM BELIEVED TO BE BULLET FRAGMENT FROM WALL BEHIND FEMALE BODY- FORD

THE EVIDENCE WAS PHOTOGRAPHED ANDTHE HAZZARDOUS CHEMICALS WERE TOT THE CUSTODY OF ADVANCE ENVIORMENTAL OPTIONS (25 STAN PERKINS RD SPARTENBURG SC 29307) FOR PROPER DISPOSAL.THE MARIJUANA WAS TOT KCSO FOR TESTING WHERE IT LATE TESTED POSITIVE FOR THC ON 5-31-2011 BY SLED CERTIFIED ANALYST B. ELLIOTT.

ON THE FOLLOWING DAY (5-29-2011) R/O WAS ADVISED BY LT. PHILLIPS THAT AFTER GREGORY SMITH CONSULTI WITH AN ATTORNEY, THE SHERIFF'S OFFICE HAD RECIEVED A CONFESSION/ ADMISSION FROM ONE GREGORY SMITH IN REGARD TO THE OWNERSHIP OF THE FUNCTIONAL METHAMPHETAMINE LAB, MANUFACTURE OF METHAMPHETAMINE, AND GROWING OF MARIJUANA IN THE BLUE TRAILER, WHICH HE DID CLAIM AS HIS RESIDENCE. THE RESIDENCE W OBSERVED TO HAVE NUMEROUS PHOTOGRAPHS IN THE HOME OF GREGORY SMITH WHICH WERE PHOTOGRAPHED BY SGT ELLIOTT AND ALLOWED TO REMAIN. NARCOTIC AGENTS CHARGED GREGORY SMITH WITH MANUFACTURING METHAMPHETAMINE, CULTIVATION OF MARIJUANA , SPMJ.

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KWILLIS 5/31/2011 3:12:52PM

THE STATE AGAINST:

NAME:GREGORY VINCENT SMITH

ADDRESS:1 601 SOUTH

LUGOFF

SC 29078

PHONE #: _____

SEX: M RACE:W HGT:602 WGT:160

D.O.B.:

SSN: _____

DL STATE: SC DL#:_____

INVESTIGATOR / PROSECUTING OFFICER:HANDY, DEXTER

PROSECUTING AGENCY:KERSHAW

DATE OF OFFENSE:05/28/11

OFFENSE: MURDER

OFFENSE CODE:116

CASE NUMBER:2011-2782

MAGIST ☐ GS ☒

DESCRIPTION OF OFFENSE

I further state there is probable cause to believe that the named set forth and that probable cause is based in the following facts:

THAT ON MAY 28, 2011 THE DEFENDANT GREGORY VICENT SMITH DID WITH MALICE AND AFORETHOUGHT CAUSE THE DEATH OF DEBRA LEE TYLER BY SHOOTING HER ABOUT THE FACE WITH A HANDGUN. THIS INCIDENT DID OCCUR AT HWY 1 SOUTH WHICH IS LOCATED IN LUGOFF, KERSHAW COUNTY, SOUTH CAROLINA.

THE STATE AGAINST:

NAME: GREGORY VINCENT SMITH

ADDRESS: HWY 601 SOUTH

LUGOFF

SC 29078

PHONE #: _____

SEX: M RACE: W HGT: 602 WGT: 160

D.O.B.:

SSN: _____

DL STATE: SC DL#: _____

INVESTIGATOR / PROSECUTING OFFICER: HANDY, DEXTER

PROSECUTING AGENCY: KERSHAW

DATE OF OFFENSE: 05/28/11

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DESCRIPTION OF OFFENSE

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THAT ON MAY 28, 2011 THE DEFENDANT, GREGORY VINCENT SMITH DID WITH MALICE AND AFORETHOUGHT CAUSE THE DEATH OF DEBRA LEE TYLER BY SHOOTING HER ABOUT THE FACE WITH A HANDGUN. THIS INCIDENT DID OCCUR AT 1 HWY 601 SOUTH WHICH IS LOCATED IN LUGOFF, KERSHAW COUNTY, SOUTH CAROLINA.

Kershaw County Warrant Worksheet

The state against:

NAME: ___GREGORY VINCENT SMITH

ADDRESS: _ HWY 601 S. LUGOFF SC 29078

PHONE NUMBER: _____UKN.

SEX: _ M RACE: _W HGT: _6'2 WGT: _160

DOB: _

SSN: ____

INVESTIGATOR/PROSECUTING OFFICER: ___K.WILLIS__.
DL STATE: _NC_ DL NUMBER: _25255033_

PROCSECUTING AGENCY: __KCSO

DATE OF OFFENSE: ___5-28-2011

OFFENSE: _CULTIVATION OF MARIJUANA
44-53-370
CDR CODE: _0186

CASE NUMBER: 2011-2782

MAGISTRATE CASE: _____ GENERAL SESSIONS CASE: ___X___

DESCRIPTION OF OFFENSE: _____.THAT ON 5-28-2011 WHILE IN KERSHAW COUNTY AT HWY 601 S. LUGOFF S.C. 29078, ONE GREGORY VINCENT SMITH DID HAVE IN HIS CUSTODY AND CONTROL IN EXCESS OF 130 MARIJUANA PLANTS IN VARIOUS STAGES OF GROWTH ALONG WITH ARTIFICAL LIGHTING, TEMPERATURE-THERMOSTAT INDICATORS, AND POTTING SOIL INSIDE TWO ROOMS ALONG WITH DOCUMENTS, BELONGINGS, AND PHOTOS BEARING HIS IDENTITY. THE CONTRABAND WAS LOCATED AFTER KCSO RESPONDED TO A DISTURBANCE AT THE LOCATION AND FOUND A DECEASED VICTIM (D.TYLER) AT THE LOCATION. THE DEF. DID FLEE THE LOCATION. A SEARCH WARRANT WAS EXCUTED AND THE CONTRABAND SEIZED.

Kershaw County Warrant Worksheet

The state against:

NAME: ___GREGORY VINCENT SMITH

ADDRESS: _) HWY 601 S. LUGOFF SC 29078

PHONE NUMBER: _____UKN.

SEX: _M RACE: _W HGT: _6'2 WGT: _160

DOB: _

SSN: ____

INVESTIGATOR/PROSECUTING OFFICER: ___K.WILLIS__.

DL STATE: _NC_ DL NUMBER: _25255033_

PROCSECUTING AGENCY: __KCSO

DATE OF OFFENSE: ___5-28-2011

OFFENSE: _MANUFACTURE OF METHAMPHETAMINE
44-53-375b
CDR CODE: 3198

CASE NUMBER: 2011-2782

MAGISTRATE CASE: _____

GENERAL SESSIONS CASE: ___X___

DESCRIPTION OF OFFENSE: _____THAT ON 5-28-2011 WHILE IN KERSHAW COUNTY AT HWY 601 S. LUGOFF S.C. 29078, ONE GREGORY VINCENT SMITH DID HAVE IN HIS CUSTODY AND CONTROL A FUNCTIONAL LAB USED TO MANUFACTURE METHAMPHETIMINE AND THE REQUIRED CHEMICALS AND EQUIPMENT IN VARIOUS STAGES OF OPERATION. ALONG WITH THE LAB WERE DOCUMENTS, BELONGINGS, AND PHOTOS BEARING HIS IDENTITY. THE CONTRABAND WAS LOCATED AFTER KCSO RESPONDED TO A DISTURBANCE AT THE LOCATION AND FOUND A DECEASED VICTIM (D.TYLER) AT THE LOCATION. THE DEF. DID FLEE THE LOCATION. A SEARCH WARRANT WAS EXCUTED AND THE CONTRABAND SEIZED.

husband → DAVID TYLER [redacted] 56
wife → DEBORAH 'NICOLE' TYLER 58 (2) HWY 60L South
Greg Smith [redacted] 48 ( )

12:46 PM → rec call : from unk. person (female)
~~someone's been shot~~

12:56 PM → Deputies on Scene

1:13:03 PM → Amanda Reichardt said ~~that~~ that the Tyler's were fussing, said Samantha (her daughter) was at the house too. Heard a gunshot when they went to leave.

1:11 PM → Located deceased in the home [redacted]

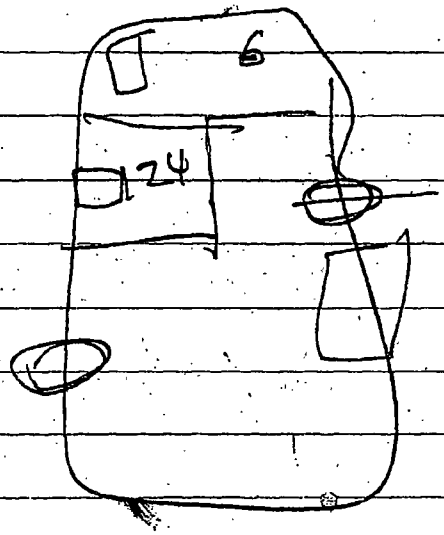
Becky was Debras perscription pill dealer Adderal & Pain Killers

daughter
Rebecca Getz
1902 Dogbranch
420-3763

1 Female Body

130+ Plants across room

Plants . bac



180

WALLET IN MAIN ROOM WITH NC ID, Birthlet
3 PHOTO TAPED TO WALL OF Gregory Vincent Smith
NO PHOTOS "TAPED" TO WALL

PAGE 3

RETURN

I received the attached Search Warrant MAY 25, 2011, and have executed it as follows:

On MAY 28, 2011 at 6:30 o'clock P M, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with GREGORY V. SMITH
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:

#38) 3 "RITE AIDE" EMPTY SUPHEDRINE PILL BOXES (48, 20, & 20 COUNT) - IN MAIN ROOM 1
#39) 1 "CVS" EMPTY SUPHEDRINE PILL BOX (10 COUNT) - IN MAIN ROOM 1
#40) 1 "EQUATE" EMPTY SUPHEDRINE PILL BOX (20 COUNT) - IN MAIN ROOM 1
#41) 1 "UP & UP" EMPTY SUPHEDRINE PILL BOX (48 COUNT) - IN MAIN ROOM 1
#42) 6 MARIJUANA PLANTS IN ROOM 2 WITH ARTIFICIAL LIGHTING
#43) APPROX 130+ MARIJUANA PLANTS IN ROOM 3 WITH ARTIFICIAL LIGHTING
#44) WALLET CONTAINING N.C. PHOTO ID OF GREGORY V. SMITH AND BIRTH DOCUMENT - IN MAIN ROOM 1 - SGT ELLIOTT
#45) PHOTO OF GREGORY V. SMITH - IN MAIN ROOM 1 - SGT ELLIOTT
#46) 1 WOODEN BOX WITH LOOSE MARIJUANA (HARVESTED) IN MAIN ROOM 1 - SGT ELLIOTT
#47) 1 FEMALE BODY ON SOFA IN MAIN ROOM 1 - FELLERS (CORONER)
#48) BULLET / BULLET FRAGMENT IN MAIN ROOM 1 FROM WALL BEHIND VICTIM/FEMALE BODY - FORD

*NOTE ITEMS 1 THRU 43 WERE RECOVERED BY SLED HAZ. TEAM: COWER/FORD

This inventory was made in the presence of LT. KIRK WILLS, SGT. BRIAN ELLIOTT, AND INV. DEXTER HANDY, INV RICK BAILEY, SGT STEVE KWAFIEC, SLED LT. CRAIG COWER AND SLED CHEMIST FORD, FELLERS (CORONER)

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 2 day of June, 2011

(L.S.)
Signature of Judge

(Signature of Officer Executing Warrant)

RETURN

I received the attached Search Warrant MAY 25, 2011, and have executed it as follows:

On MAY 25, 2011 at 6:30 o'clock P M, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with GREGORY V. SMITH
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:

#21) 1 YELLOW NOTE PAPER MARKED "LLSmith@mycanpoint.net" - IN MAIN ROOM 1
#22) 2 MASON JAR LIDS WITH 3" PLASTIC TUBES - IN MAIN ROOM 1
#23) 1 PLASTIC BOTTLE OF SAUNE - IN MAIN ROOM 1
#24) 1 PLASTIC WHITE 1' LONG CYLINDER WITH UKN SUBSTANCE - IN MAW ROOM 1
#25) 1 BOOK "CHEMISTRY OF THE COVALENT BOND" - IN MAIN ROOM 1
#26) 50 +/- PACKETS OF PHOSPHEROUS MATCHES - IN MAIN ROOM 1
#27) 1 SQ PIECE OF CERAMIC COOKWARE WITH YELLOW LIQUID - IN MAIN ROOM 1
#28) 14 BOTTLES OF IODINE - IN MAIN ROOM 1
#29) 2 BOTTLES OF HYDROGEN PYROXIDE - IN MAIN ROOM 1
#30) 1 TUPPERWARE STYLE CONTAINER WITH RED SUBSTANCE - IN MAIN ROOM 1
#31) 1 BOX OF IODINE PREP PADS - IN MAIN ROOM 1
#32) 2 LAYER COFFEE FILTERS FILED APPROX 1/2 FULL OF PINK POWDER - IN MAIN ROOM 1
#33) 1 LAYER COFFE FILTER FILED APPROX 1/3 FULL OF PINK POWDER - IN MAIN ROOM 1
#34) 1 BOX OF COFFEE FILTERS - IN MAIN ROOM 1
#35) 2 CLEAR 2' TUBES - IN MAIN ROOM 1
#36) WADDED UP PAPER TOWELS STAINED PINK - IN MAIN ROOM 1
#37) 1 SMURF DOLL (DAMP) - IN MAIN ROOM 1

*SEE PAGE 3 *

This inventory was made in the presence of LT. KIRK WILLS, SGT. BRIAN ELLIOTT, AND INV. DEXTER HANDY, INV RICK BAILEY, SGT STEVE KNAFLEL, SLED LT. CRAIG COLLEN AND SLED CHEMIST FORD, FELLERS (CORONER)

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 2 day of [signature], 2011

[signature] (L.S.)
Signature of Judge

[signature]
(Signature of Officer Executing Warrant)

RETURN

I received the attached Search Warrant MAY 28, 2011, and have executed it as follows:

On MAY 28, 2011 at 6:30 o'clock P M, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with GREGORY N SMITH
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:

#1) 3 "CROWN" ACETONE QUART CANS - ACROSS FROM FRONT DOOR - ROOM 1
#2) 1 "KLEEN STRIP" ACETONE QUART CAN - ACROSS FROM FRONT DOOR - ROOM 1
#3) 1 "CROWN" ACETONE GALLON CAN - ACROSS FROM FRONT DOOR - ROOM 1
#4) 1 "KLEEN STRIP" ACETONE GALLON CAN - ACROSS FROM FRONT DOOR - ROOM 1
#5) 1 "CROWN" DENATURED ALCOHOL GALLON CAN - ACROSS FROM FRONT DOOR - ROOM 1
#6) 3 "CROWN" DENATURED ALCOHOL QUART CANS - ACROSS FROM FRONT DOOR - ROOM 1
#7) 3 "KLEEN STRIP" DENATURED ALCOHOL QUART CANS - ACROSS FROM FRONT DOOR - ROOM 1
#8) 2 "COLEMAN" GALLON CANS OF CAMP FUEL - ACROSS FROM FRONT DOOR - ROOM 1
#9) 1 WOODEN SMOKING PIPE IN MAIN ROOM - ROOM 1
#10) 1 WOODEN BOX WITH 3 PLASTIC BOTTLES AND 1 METAL CONTAINER - ROOM 1
#11) 1 TORE OPEN CVS BOX STAINED WITH RED FLUID IN MAIN ROOM - ROOM 1
#12) 1 BLACK BOTTLE LABLED "CRYSTAL DOPE" IN MAIN ROOM - ROOM 1
#13) 4 GLASS JARS OF RED TINTED CLEAR LIQUID IN MAIN ROOM - ROOM 1
#14) 2 PLASTIC MEASURING CUPS WITH PURPLE LIQUID IN MAIN ROOM - ROOM 1
#15) 1 CAN OF "ROOTO HOUSEHOLD 100% DRAIN OPENER" IN MAIN ROOM - ROOM 1
#16) 2 DIGITAL SCALES IN MAIN ROOM - ROOM 1
#17) 1 Knife (small XACTO-STYLE) IN MAIN ROOM - ROOM 1
#18) 1 PIECE OF CARDBOARD WITH HANDWRITTEN MATH FIGURES IN MAIN ROOM - ROOM 1
#19) 1 PLASTIC TUBE IN MAIN ROOM - ROOM 1
#20) 1 PROPANE HAND TORCH IN MAIN ROOM - ROOM 1 *(CONTINUED P. 2)

This inventory was made in the presence of LT. KIRK WILLIS, SGT. BRIAN ELLIOTT, AND INV. DEXTER HANDY, INV RICK BAILEY, SGT STEVE KWAPIEC, SLED LT. CRAIG COWEN AND SLED CHEMIST FORD, FELLERS (spelling)

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

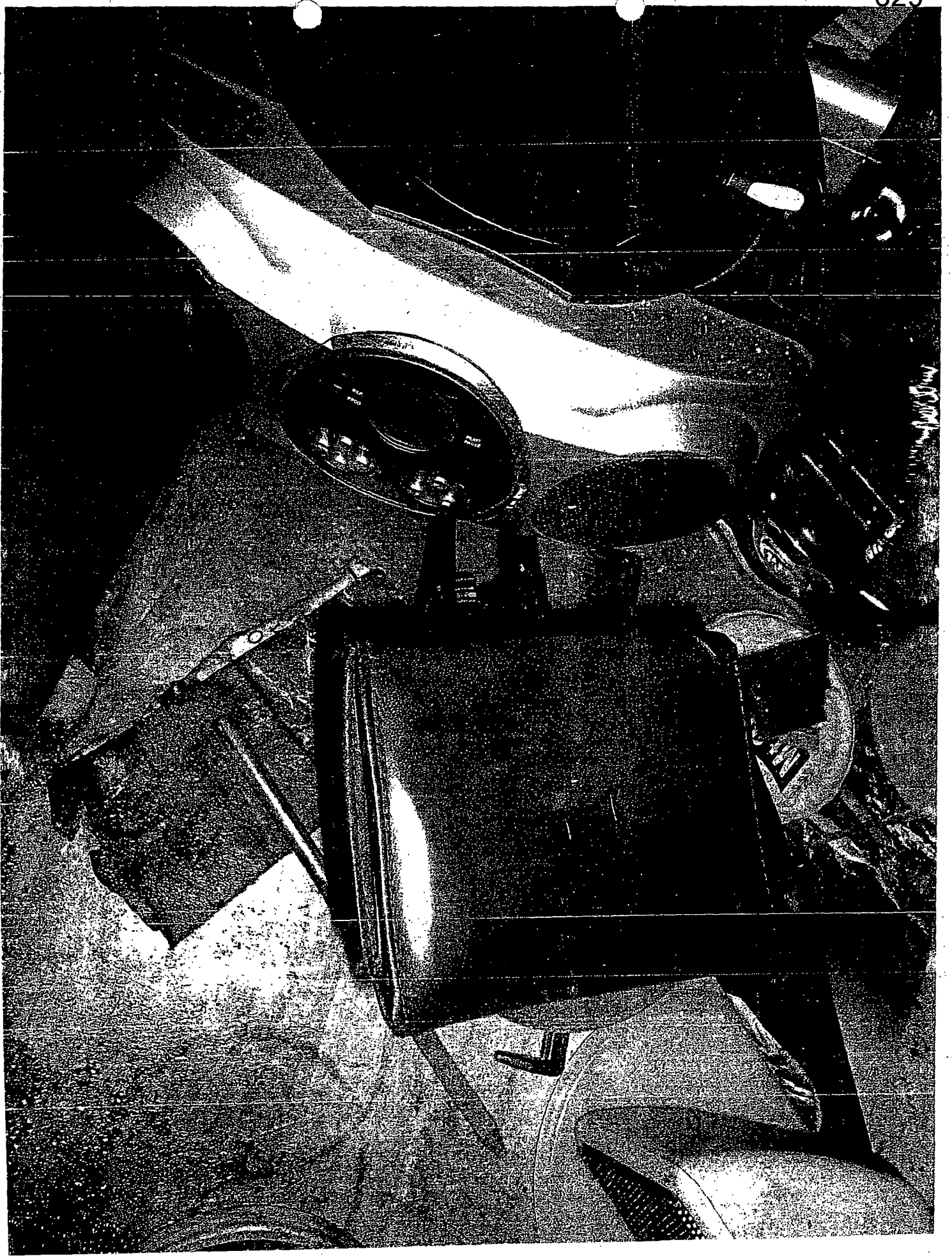
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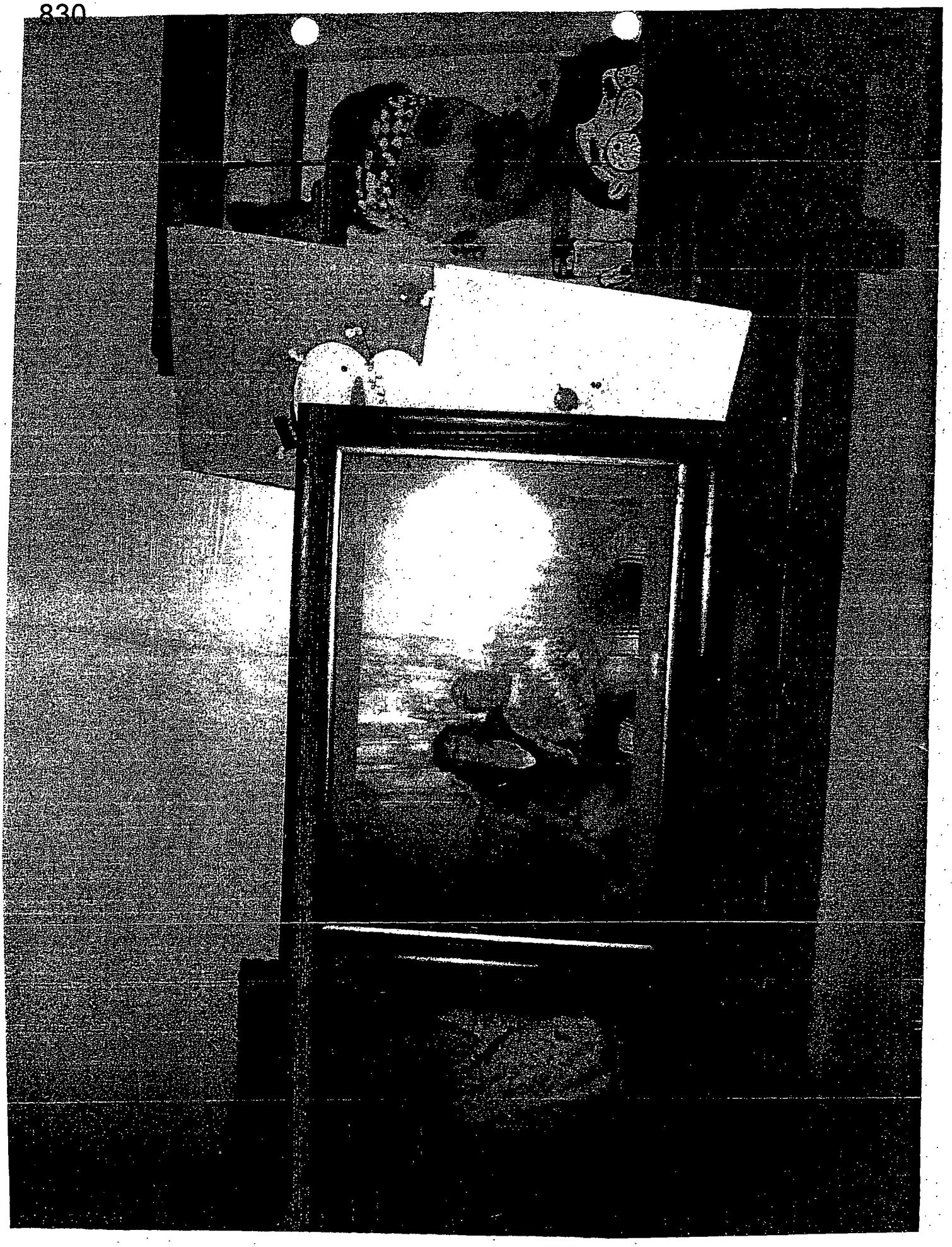
(L.S.)
Signature of Judge

(Signature of Officer Executing Warrant)



1795





Harvey's Statement

Harvey: I drove down the road by (Samanthas) house where (Samantha) said Greg and (nicole) Debra were arguing and (Samantha) heard shots.

He goes on stating that David was standing outside. Samantha: claims David was sitting outsideand he said he didn't Know where Debra was.

Harvey: Samantha asked David where Debra was.

Harvey: David tried to enter the second trailer but it was locked.

Harvey: Suggested they should break in.

No mention of David getting a key.

No mention of David grabbing Debra

David told them to leave.

Harvey goes on to say his step-daughter meaning (Samantha) who is his step-sister lost cell fone signal and proceeded to leave.

Part (d) Any inconsistant statements of (2) a particular witness or between witnesses

I Gregory V. Smith motion to have any statements or evidence brought to this court dismissed due to inconsistancies.

Gregory V. Smith

7-19-11

Case # 2011-2782

HORACE R LEE
Name of Person Giving Statment

Social Security Number

Address

2:17-PM
Current Time and Date

Lugoff S.C 29078
City, State, and Zip Code

5-28-2011
Date of Birth / Age

(803) (803) 1-(803) 736
Phone Number Home / Work / Cell

I got a Phone call from my wife Said Something IS wrong With Samethin. I drove Down the Road By her house where she Said Greg and Nicole Where arguing and She heard shots. I took her back to see if they was okay When we went to the house this guy Was Standing outside (we saw Greg walking down the Road) Samethin ask where Nicole was. He said he didn't know. He tried to go in the second trailer But it was locked. Samethin Said her car was there So we Suggested he break in. When he got

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of 2 pages and a true copy has been given to me this date.

Signature of Person Giving Statement

Witness of Signature

Pages 1 of 2 Pages

Witness of Signature

White: Original Yellow: Office

836
Statement Form, Part 2

I'M Nicole was sitting on the with Blood coming out of her eye. That when she was said I've My Step Daughter call the Police But the Phone lost signal I've left Went back to my house when We called the police again they told us to wait beside the Road at a Gas. But when my other Step daughter call and said Greg had come to my house. So We call the police again until they caught him on Screening Eight Mark

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of 2 pages and a true copy has been given to me this date.

Signature of Person Giving Statement

Witness of Signature

Pages 2 of 2 Pages

Witness of Signature

White: Original Yellow: Officer

Sam's Statement

(1972) Giglio v United States 405 US 150, 92 S. Ct. 763, 838
(1973) United States V. Tashamn 478 F. 2d 129 (5th cir.) (1)
(1959) Napue V Illinois 360 US 264, 79 S. Ct. 1173

Part (d) Any inconsistant statements of a particular witness or between witnesses.

I Gregory V. Smith motion to have any statements or evidence brought to this court by Samantha Steeprock to be dismissed due to inconsistancy. If the court fails to dismiss I would ask for information pertaining to the psychiatric treatment and mental status examination or care, and, if so, a list of names and addresses of the psychiatrists, hospitals, and copies of any and all relevant records and reports Part(C) of above:

Gregory V. Smith
7-19-11

Samantha Stoprocks Statements

① At 1:40 PM Witness: Sgt. Steven Knaffec

② At 2:14 PM Witness: ANDREA REICHART

Statement ② She knocked on the door.
Statement ① no knock on the door.
② nicole (Debra) came out arguing
① nicole (Debra) came over from other trailer, ranting and raving.
② I started to leave and heard a gunshot.
① We started to leave and heard a gunshot.
② I called my sister
① Told her niece to call 911 (Kristina Shepard)
② Scratched over (Nicole was inside talking.)
① David told her I ~~Gregory H Smith~~ was arguing with Debra.
② No mention of any argument between Debra and I. ~~Gregory Smith~~
① Saw greg walking on koon rd
② No mention of greg at all.
① No mention of Debra's car
② Mentioned Debra's car was present where would she go.
① No Mention of David grabbing Debra
② Said David grabbed her
① Stated she was told to leave and did not.
② Stated she left when David told her to.
① The fact she was never allowed to enter the property clearly shows tresspassing against the wishes of Debra and David

840

Case # _____

Samantha Steppack
Name of Person Giving Statment

[redacted]
Social Security Number

[redacted]
Address

1:40 PM
Current Time and Date

Lugoff S.C 29078
City, State, and Zip Code

38
Date of Birth / Age

Phone Number Home / Work / Cell

Sat may 28th I went to gregs To ask him to fix the locks at Brestors Ice cream While greg and I were outside Talking about it Nicole came over Ranting and Raving So They went inside the Trailer. as we were pulling out of the driveway I ~~[redacted]~~ SS heard a Gun Shot. I went home and got my Brother in law and told my Neice to call 911. when I returned to Nicoles, David was outside

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of _____ pages and a true copy has been given to me this date.

Signature of Person Giving Statement

Sgt. Steve Kuyk
Witness of Signature

ages _____ of _____ Pages

Witness of Signature

Statement Form, Part 2

I asked him where Nicole was goodman (David) Told me They Greg and Nicole were ~~[illegible]~~ SS arguing I Told Goodman to check on her. Because I just saw Greg walking on Koon Road. The door was locked so goodman got the key and when he opened the door. I saw Nicole ~~[illegible]~~ SS sitting up on the coach with Blood coming down her face. So I Told him To call an ambulance. He Goodman Told me to get off the property. I did not ~~[illegible]~~ SS Listen to him and called 911 anyway. I was never allowed on there property Nicole told me to not come to her house when i had Greg dot odd jobs for me he always had me pick him up at the mail Box or on old english

SS

SS

SS

SS

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of _____ pages and a true copy has been given to me this date.

Signature of Person Giving Statement

Witness of Signature

Pages _____ of _____ Pages

Witness of Signature

White: Original

842

Case # 2011-2782

Samantha Steeprock
Name of Person Giving Statment

Social Security Number

Address

5/28/11 2:14 pm
Current Time and Date

Lugoff SC 29078
City, State, and Zip Code

38
Date of Birth / Age

803--
Phone Number Home / Work / Cell

I went to Greg's and knocked on the door and he came out to talk to me about changing a lock at my Sister's (Andrea Lee) business. While we were outside Nicole came out arguing and they went inside to continue their argument. Figuring this was not a good time, I started to leave and then I heard a gunshot. Not knowing what to do, I left and called my sister. She wasn't home, but got her husband, Harvey Lee, to come and pick me up. I asked him to take me over there

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of 2 pages and a true copy has been given to me this date.

Samantha L Steeprock
Signature of Person Giving Statement

Amber Reichardt-Lee
Witness of Signature

Pages 1 of 2 Pages

Witness of Signature

White: Original Yellow: Officer

and when we got there her husband (Nicole's) was sitting outside and he said ~~[illegible]~~ he didn't know where Nicole was but the door is locked. I said her car is here where would she go - don't you have a key? He got a key and when he opened the door Nicole was on the couch. He grabbed her, but there was no response. An ambulance was called and he told us to leave. We went back to my brother-in-law's house and called 911 again.

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of 2 pages and a true copy has been given to me this date.

Signature of Person Giving Statement

Witness of Signature

Pages 2 of 2 Pages

Witness of Signature

Virginia's Statement

Rec. #3 65th day Case # 2011-2782 Aug. 1. 11
Virginia Gradys statement 5-28-11 8:30pm

In this statement Mrs. Grady goes on to say "Nicole said David had been raising hell all night and cussing her this morning" then stated "Nicole said she was going to put David out of her house".

I would like to enter this statement into evidence for the defendant and further show malace by no one signing as witness.

Margaret V. Smith

8-2-11

846

Case # 2011-2782

Virginia Condy
Name of Person Giving Statment

Social Security Number

Address

5-28-11 8:30 PM
Current Time and Date

Liquff SC 29078
City, State, and Zip Code

Date of Birth / Age

803 [illegible]
Phone Number Home / Work / Cell

Nicole called me this morning and said she need to talk she came by Nicole said David had been raising hell all night and David had been Cussing Nicole this morning. Nicole said she was going to put David out of her house. Nicole did not look or act like her self. Then Nicole walked off mumbleing to herself, The Nicole left.

I have made the foregoing statement freely and voluntarily, without fear, threat, promise of reward or hope of reward of any kind. This is to certify that I have read or had read to me the foregoing statement consisting of _____ pages and a true copy has been given to me this date.

Signature of Person Giving Statement

Witness of Signature

Pages _____ of _____ Pages

Witness of Signature

White: Original Yellow: Officer Pink: Victim

Confession de court

848 Opening Statement 7-21-11 (53)

Ladies and Gentlemen of the jury, Hello, My name is Gregory N. Smith. I am in front of you today in hope you can discern the rigor of the incomprehensible cavalcade before me. The allegations you are about to hear fall nothing short of malicious prosecution and are constructed out of a flawed process with evidence used improperly. The officers involved have used coersion and corruption to build a case against me. I made a video confession as a result of thier chicanery. I'm going to ask you to use your intelligence to look past the confession and focus on the facts. The proof or failure to provide proof. The officers and investigators have a lack of concern of achieving justifiable and reasonable litigation is among the malfunctions you will withess in my negligible case. Thank yall for being here today.

Gregory N. Smith

7-21-11

I would like the court to observe that 849 during the video confession when I ~~Gregory Smith~~ had attempted I believe twice to refuse to sign the miranda rights statement. Before actually signing said statement looked to my attorney WILLIAM S TETTERTON and made a statement to the effect that as soon as I sign the ~~[illegible]~~ statement and gave officers what they had been badgering me for since the moment I surrendered myself that he would no longer defend me. He then advised me I would have to fire him from my case. We briefly spoke in private. He asked me why I hadn't washed my hands to remove gun powder residue. He then told me of his 41 years of experience as an attorney and a prosecuter he could get me a break on this case if I confessed. I was not in my right mind. A few hours earlier I was in David Tylers back trailer. Sleeping in an eaviroment that sent approx. 6 officers to an emergency decontamination situation. I had been there on and off for weeks. When the lab was in use I stayed next door with Debra and our dogs. But the time I was near said lab had

serious effects on my judgement. My attorney has agreed that I'm not the same man he met on the evening 5-28-2011. I hadn't even questioned who called him to come represent me a few hours after I Gregory Smith had been incarcerated. I would also ask the court to observe the two apple cores on the table beside me when I signed the miranda statement. I was offered them because I hadn't eaten for quite a while. Starving ~~delirious~~ delirious from chemicals and scared from the statements made to me from David Tyler I made up a story and confessed.

Gregory V. Smith
7-20-2011

KERSHAW COUNTY SHERIFF'S OFFICE

STATEMENT OF MIRANDA RIGHTS

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING, IF YOU WISH.
5. YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.

C D Phillips
OFFICER'S NAME AND TITLE

WAIVER OF RIGHTS

THIS IS TO CERTIFY THAT I HAVE READ\OR HAVE HAD READ TO ME THE ABOVE STATEMENT OF MY RIGHTS. I UNDERSTAND EACH OF THESE RIGHTS, AND HAVING THESE RIGHTS IN MIND I WAIVE THEM AND WILLINGLY MAKE A STATEMENT. NO PROMISES OR THREATS HAVE BEEN MADE TO ME AND NO PRESSURE OR COERCION OF ANY KIND HAS BEEN USED AGAINST ME.

X Greg Smith

WITNESSED BY:

Steve Hyman SGT
OFFICER'S NAME AND TITLE

KCSO
OFFICER'S DEPARTMENT

DATE: 5-28-2011
TIME: 10:53 pm

SLED Forensic Reports

Rev.#2 68th day Case#2011-2782 Aug. 4-11

On 5-28-11 Before entering decontamination I did not waive my rights. I insisted I had a lawyer before I answered any questions or did any tests. An uknown person had come to me and started to swab my right hand with a GSR kit and then someone had cut my shirt of my body. I did not agree to any of these things without my lawyer present, therefore my rights wern't considered.

INV. Dexter Handy had entered my shirt into evidence:
Blue in color t-shirt Delta-Pro Weight, size medium, belonging to suspect (Smith). Suspect had this shirt on when incident occured.
TR-GSR-Analysis: No gunpowder traces. Shirt not submitted. Destroyed my shirt.

Motion of Investigation:
Why wasn't David Tyler tested for TR-GSR Analysis?
The defendants rights were broken and his property destroyed.
Motion to suppress evidence.

Laboratory Analysis Electronic Packing Slip

Print Packing Slip | New Case | Back | Logout

Case Information
Sent electronically to Lab: (06/01/2011 @ 10:27)
SLED Forensic Services

Department Case:20112782 Submission # 1

- **Department:** Kershaw County Sheriff's Department [SC0280000] / User Name: Kershaw County Sheriff's Office
- **Department Case:** 20112782
- **Submission Number:**1
- **Case Officer Pick:** Dexter Handy
- **Officer Name:** Dexter Handy
- **Officer Email:** dexter.handy@kershaw.sc.gov
- **Officer Phone:** 8034251512
- **Offense Date:** 05/28/2011
- **Offense Location:** # 601 South , Lugoff SC
- **County:** Kershaw
- **Case Type:** HOMICIDE

Submission Information

- **Delivery Type:** Hand Delivered
- **Date Sent:** 06/01/2011

Name Information

Name Type	Full Name	Date Of Birth	Sex	Race
Suspect	Smith, Gregory Vincent		Male	White/Caucasian
Victim Deceased	Tyler, Debra Lee		Female	White/Caucasian

Analysis Request Information

Item Number	Package	Item Type Code	Item Description	Serial Number	Exam Requests	Date Collected
001	gun box	[067]Handgun	Ruger .357 revolver, serial # 154-89930, black in color with brown wooden handle	154-89930	FA-Firearms	05/29/2011 00:30
002	plastic bag	[062]Cartridge case(s)	Winchester .357mag spent shell		FA-Firearms	05/29/2011 00:30
003	plastic bag	[060]Unfired cartridges and shotshells	Five Winchester unspent .357mag rounds		FA-Firearms	05/29/2011 00:30
004	ziplock bag	[059]GSR Kit	GSR kit with sample from suspect (Smith)		TR-GSR Analysis	05/28/2011 15:19
005	plastic bag	[098]Clothing	Blue in color t-shirt Delta Pro Weight, size med, belonging to suspect (Smith). Suspect had this shirt on when incident occured.		TR-GSR Analysis	05/28/2011 15:19

Signature

Dexter Handy
Print Name

Laboratory Analysis Electronic Packing Slip

Print Packing Slip | New Case | Back | Logout

Case Information
Sent electronically to Lab: (06/01/2011 @ 10:27)
SLED Forensic Services

Department Case:20112782 Submission # 1

- **Department:** Kershaw County Sheriff's Department [SC0280000] / User Name: Kershaw County Sheriff's Office
- **Department Case:** 20112782
- **Submission Number:** 1
- **Case Officer Pick:** Dexter Handy
- **Officer Name:** Dexter Handy
- **Officer Email:** dexter.handy@kershaw.sc.gov
- **Officer Phone:** 8034251512
- **Offense Date:** 05/28/2011
- **Offense Location:** Hwy # 601 South , Lugoff SC
- **County:** Kershaw
- **Case Type:** HOMICIDE

Submission Information

- **Delivery Type:** Hand Delivered
- **Date Sent:** 06/01/2011

L11-06050
Sub# 1 Received (6/1/2011)
Kershaw County Sheriff's Department
Agency Case #: 20112782

Name Information

Name Type	Full Name	Date Of Birth	Sex	Race
Suspect	Smith, Gregory Vincent		Male	White/Caucasian
Victim Deceased	Tyler, Debra Lee		Female	White/Caucasian

Analysis Request Information

	Item Number	Package	Item Type Code	Item Description	Serial Number	Exam Requests	Date Collected
1	001	gun box	[067]Handgun	Ruger .357 revolver, serial # 154-89930, black in color with brown wooden handle	154-89930	FA-Firearms	05/29/2011 00:30
A2	002	plastic bag	[062]Cartridge case(s)	Winchester .357mag spent shell		FA-Firearms	05/29/2011 00:30
A3	003	plastic bag	[060]Unfired cartridges and shotshells	Five Winchester unspent .357mag rounds		FA-Firearms	05/29/2011 00:30
4	004	ziplock bag	[059]GSR Kit	GSR kit with sample from suspect (Smith)		TR-GSR Analysis	05/28/2011 15:19
5	005	plastic bag	[098]Clothing	Blue in color t-shirt Delta Pro Weight, size med, belonging to suspect (Smith). Suspect had this shirt on when incident occured.		TR-GSR Analysis	~~05/28/2011 15:19~~ Not Submitted

Signature

Dexter Handy
Print Name

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor

MARK A. KEEL
Chief

Dexter Handy
Kershaw County Sheriff's Department
P.O. Box 70
Lugoff, SC 29078

FIREARMS DEPARTMENT
July 07, 2011
SLED LAB: L11-06050
Your Case No: 20112782
Incident Date: 5/28/2011
[S] Gregory Smith
[V-Deceased] Debra Tyler

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

Item: 1 One Ruger Model Security-Six revolver, 357 Magnum caliber, serial number 154-89930.
RESULTS:
Item 1 was examined, test fired, and found to be in working order.

Item: 2 One fired 357 Magnum caliber cartridge case **(Winchester headstamp).**
RESULTS:
Item 2 was fired by Item 1.

Item: 3 Five unfired 357 Magnum caliber cartridges **(Winchester headstamps).**
RESULTS:
The Item 3 cartridges were correct for use in Item 1.

Item: 16 One fired bullet, labeled in part, from autopsy "Debra Tyler". Note: During decontamination and examination, a small jacket fragment and the bullet core became separated from the bullet jacket. All fragments were packaged together for return.
RESULTS:
Item 16 was fired by Item 1.

Evidence in this case will be retained by the SLED Firearms Department pending completion of maintenance of the Integrated Ballistics Identification System (IBIS). When IBIS operations resume, your evidence will be submitted to IBIS for evaluation and potential entry. Upon completion of this process, you will receive a letter notifying you of IBIS entry status.

P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

SLED LAB No. L11-06050 July 07, 2011	Page 2 of 2

Michele Eichenmiller

Michele Eichenmiller
Forensic Scientist

P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

858

This Space Reserved For Lab Receipt Barcode

SLED LABORATORY FORENSIC SERVICES REQUEST

SLED LAB No. L11-06050
Submission: 1 6/1/2011 12:07:40PM

Name of Investigating officer: Dexter Handy
Agency: Kershaw County Sheriff's Department **Phone No:** 425-1512
Fax No: _____ **Email:** _____
Mailing Address: P.O. Box 70
City / State / Zip: Lugoff, SC 29078
CC: _____

ORI No: SC0280000
Agency Case No: 20112782
Offense: HOMICIDE
County: Kershaw
Offense Date: 05/28/2011
Officer Involved Shooting ☐ Yes
Rush: ☐ Yes

Is this evidence related to another lab number?
☐ Yes ☒ No
If yes, Lab Number:

SLED ITEM No. LAB ONLY	Agency Item No.	Description of Evidence	Analysis Requested
1	001	Handgun - Ruger .357 revolver, serial # 154-89930, black in color with brown wooden handle, SN 154-89930	FIREARMS
2	002	Cartridge case(s) - Winchester .357mag spent shell	FIREARMS
3	003	Unfired cartridges and shotshells - Five Winchester unspent .357mag rounds	FIREARMS
4	004	GSR Kit - GSR kit with sample from suspect (Smith)	TRACE EVIDENCE

Subject(s)	Sex	Race	DOB	SSN
Gregory Vincent Smith	M	W		

Victim(s) Deceased	Sex	Race	DOB	SSN
Debra Lee Tyler	F	W		

Comments

All sealed evidence packages accepted by the laboratory are assumed to contain what they are "said to contain" by the submitter. The laboratory does not conduct a detailed inventory of evidence package contents during the evidence intake process.

This Space Reserved For Lab Receipt Barcode

SLED LABORATORY
FORENSIC SERVICES REQUEST

SLED LAB No. L11-06050
Submission: 1 6/1/2011 12:07:40PM

Submitted By :

Dexter Handy

Received By :

Doris Yarbrough
Forensic Technician

S/W
Residence

860

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

SEARCH WARRANT

Date: May 28, 2011

Officer : Wayne Nesbitt
KCSO Case #: 2011-2782

E911_Addre HIGHWAY 601 SOUTH
Map_Number 387-00-00-008 SDK
ZoningRD-2

Property Owner_Name
R N DEVELOPMENT
P O BOX 5282
COLUMBIA SC 29250

Manufactured Home Owner Name
Debra Delbuomo
Year-Make 1991 WESTFIELD
Model BROADMORE GAFLL07AM
Size 66'x14' 70'x14' TO HITCH
Color TAN/BLACK
SC MH License 94537



Rev.#3 64th day Case#2011-2782 July-31-11
Malicious Prosecution: Constructing a case out of a flawed process Or from evidence extracted improperly.

911 call log indicates at 2:06 PM On 5-28-11 Wayne Nesbitt was on stand by for a S/O while waiting for Judge Todd who was on route with 10 mins eta.

At 2:00 PM 5-28-11 Investigator Dexter Handy has filled out a Evidence/Chain of Custody form on Gregory V Smith. Items #1 and #2 are taken from 1995 Hwy 601 South the residence of Debra Lee Tyler. Also Handy claims to have recieved the same evidence on 5-31-11

At 5:30 PM Sgt. Steve Knafelc has filled out a list of items seized from the residence of Debra Lee Tyler. Items #1 and #2 are photographed and taken as evidence by Sgt. Brian Elliott. Items #6 and #7 Debra and David Tyler's I.D.s are photographed by Inv. Handy and entered as evidence.

cont.

Rev. #3 64th day Case# 2011-2782 July-31-11
At 6:30 PM Lt. Kirk Willis on 5-28-11
has filled out a simple possession of
marijuanna ticket on Gregory V. Smith
a: 601 SOUTH

Unjustifiable and Unreasonable Use of
evidence: Motion to Supress any and
all evidence brought forth to this
court by Inv. Dexter Handy, Sgt. Steve
Knafflc, Sgt. Brian Elliott, Wayne Nesbitt
and Lt. Kirk Willis.

Inv. Handy has submitted evidence
before the warrant was obtained
and in combination with four other
officers did conspire to accuse the
defendant with evidence extracted
improperly.

July-31-11

Gregory V. Smith

STATE OF SOUTH CAROLINA
AFFIDAVIT
COUNTY OF KERSHAW

Personally appeared before me, one Wayne Nesbitt who, being duly sworn, says that there is probable cause to believe that a certain person or items 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

Any and all illegal narcotics and any substances used to make illegal narcotics. Any and all evidence related to the homicide at Highway 601 South, Kershaw County, South Carolina

DESCRIPTION OF PREMISES (PERSON, PLACE, OR THING) TO BE SEARCHED

The search location will be at Highway 601 South, Kershaw County, South Carolina. This tan and grey single wide trailer with brown deck attached to the front of the residence is located in front of the homicide location at Highway 601 South..

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

That on May 28, 2011 a female subject was found deceased, in the residence with gunshot wounds. Officers did see in plain sight evidence of a possible meth lab and grow house for marijuana. The residence at , Highway 601 south appears to be a grow house and highway 601 south, a possible residence. The affiant and other witnesses to prove the same against the form of the statue.

Sworn to and Subscribed before me

This 28 day of May, 2011

Signature of Judge

Affiant
Address: 821 Ridgeway Road
Lugoff, South Carolina 29078
Phone (803) 425-1512

STATE OF SOUTH CAROLINA
SEARCH WARRANT
COUNTY OF SUMTER

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF SUMTER, 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

The search location will be at Highway 601 South, Kershaw County, South Carolina. This tan and grey single wide trailer with brown deck attached to the front of the residence is located in front of the homicide location at Highway 601 South.. .

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

Any and all illegal narcotics and any substances used to make illegal narcotics. Any and all evidence related to the homicide at Highway 601 South, Kershaw County, South Carolina

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

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.

Sumter, S.C.

May 23, 2011

(L.S.)

Signature of Judge

KERSHAW COUNTY SHERIFF'S OFFICE

Evidence / Chain of Custody

Case Number: 2011-2782 Case Type: Murder

Seized By: INV. HANDY Date/Time: 05/28/11 / 14:00

Seized From: Hwy 601 South Location: 1995 Hwy 601 South

Victim: Debra Lee Tyler Court Type: ☐MUNICIPAL ☐GENERAL SESSIONS ☐FAMILY ☐MAGISTRATE

Suspect(s): Gregory V. Smith

Original Court Date:

Item Number	Description of Evidence	SLED #	KCSO #	KCSO Loc
1.	Bambo pipe			
2.	Skull and Bone pipe			
3.	Green in color pants			
4.	Black Nike shoe with white stripe			

Received By	Agency	Date & Time	Reason for Transfer	Item #	Signature / Init
INV. HANDY	KCSO	05/31/11	Storage	1-4	
K-CYRCIL	KCSO	6/1/11 1020	STORAGE	1-4	

868

Form Rev.

STATE OF SOUTH CAROLINA

UNIFORM TRAFFIC TICKET

CITY OR COUNTY OF KERSHAW VERSUS

FIRST NAME	MIDDLE NAME	LAST NAME
GREGORY	V.	SMITH

STREET AND NO.	CITY	STATE	ZIP CODE
12A HWY 601 S.	LUGOFF	SC	29078

STATE LICENSED	DRIVER'S LICENSE NO.	CDL ☐ YES ☐ NO	DRI. LIC. CLASS
SC			

VEH. LIC. NO.	STATE	MAKE OF VEH	YEAR	COM. VEH.	AUTO	15 PSGR VEH.	COMB.
				HAZ. MT.	MOPED	MTRCYCL	OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER	STREET AND NO.
CORBETT	1121 BROAD ST

DATE OF TRIAL	TIME OF TRIAL	CITY	STATE	ZIP CODE
6 13 20 11	2 PM	CAMDEN	SC	29020

VIOLATION - COURT APPEARANCE REQUIRED YES NO — VIOLATION SECTION NO.: SPDS — 4W-53-372

OWNER OF VEHICLE — DATE OF ARREST: 5 28 20 11

ADDRESS OF OWNER — DATE OF VIOLATION: 5 28 20 11

BAIL DEPOSITED: JAIL — NAME OF ARRESTING OFFICER: K. WILLIS — RANK: LT

DESCRIPTION OF ACCUSED

RACE	SEX	BIRTH DATE	AGE	HAIR	HGT	WGT
W	M	3 3 19 72	6	BRO	6'0	180

COUNTY: KER — NUMBER: 28

DATE BAIL REC'D. 20 — BY

BADGE: 910 — DISTRICT: 1

DOCKET NO.

D	S	M	T	W	T	F	S
0	1	2	3	4	5	6	7

CASE BEFORE: MAGISTRATE ☒ MUN. COURT ☐ CIRCUIT COURT ☐ FAMILY COURT ☐ FEDERAL COURT ☐

TIME OF VIOLATION: 1830 A.M. ☐ P.M. ☒ — WEATHER: CLR

NAME OF TRIAL OFFICER IF DIFFERENT FROM ABOVE

DISTANCE IN FEET FROM INTERSECTION OF: 1995 S/B — AND: HWY 601 S

DEFENDANT: DID NOT APPEAR ☐ APPEARED ☐

DISPOSITION: NOLLE PROSSED ☐ GUILTY ☐ FORFEITED BOND ☐ PLED NOLO CONTENDERE ☐

MILES: N. 1 E. 2 S. 3 W. 4

HWY NO.: 601 S — CITY: LUGOFF

TRIAL BY: TRIAL OFFICER ☐ JURY ☐

VERDICT OF TRIAL IF ANY: GUILTY ☐ NOT GUILTY ☐ — DATE OF TRIAL IF ANY: 20

Lat: ° ' "

Long: ° ' "

JAIL	SUSPEND	FINE	AMT. COLLECTED	AMT. SUSPENDED

COMMITTED TO: — Vehicle Searched — Arrest as Result of Collision: NO

OFFENSE CODE: 69 — R.A. LEVEL:

CERTIFIED CORRECT — DATE: 20

88548 EL

TRIAL OFFICER'S COPY

201-272

RETURN

I received the attached Search warrant MAY 28, 2010, and have executed it as follows:

On MAY 28, 2011 at 5:30 o'clock P M, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with @ Residence
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:
Due to the intense nature and exhaustive amount of information that may be stored in the device(s) seized and the necessary amount of time required to complete the search of these device(s), the results of the forensic analysis will be forwarded to the originating agency after the analysis has been completed.

ITEM# 1,2 TWO MARIJUANA SMOKING PIPES ON DEN TABLE IN FRONT OF DOOR - ROOM 1 - ELLIOTT
ITEM# 3,4,5 THREE PIECES OF MAIL ADDRESSED TO DAVID TYLER & DEBRA TYLER ON DEN COUNTER IN ROOM 1 - WILLIS
ITEM 6 ONE SCID # 00412463 OF DEBRA TYLER FROM WHITE PURSE ON DEN FLOOR ROOM 1 - HANDY
ITEM 7 ONE 'DAV' ID CARD OF DAVID TYLER FROM WALLET ON DEN COFFEE TABLE - HANDY
ITEM 8,9 TWO HANDWRITTEN NOTES ON TWO 9"x4" ENVELOPES (APPROX") ON TOP OF MASTER BEDROOM DRESSER ROOM 3 - ELLIOTT

This inventory was made in the presence of ELLIOTT, HANDY, WILLIS, KNAFELC

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 2

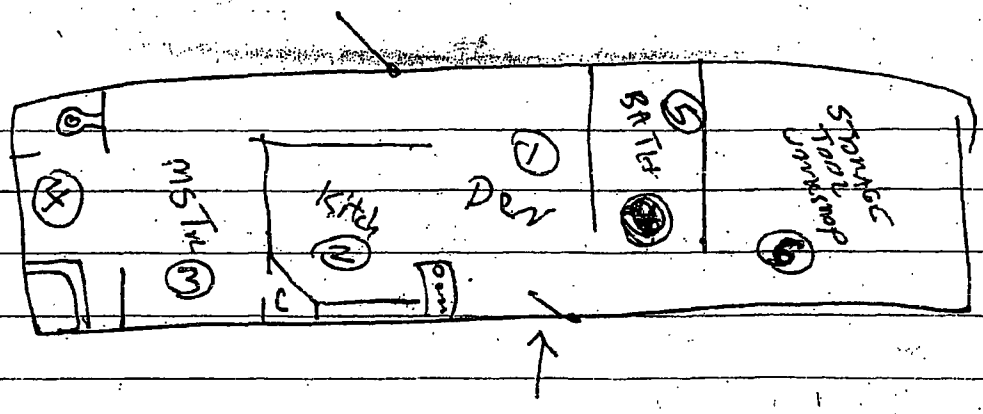
Day of , 2011

(L.S.)
Signature of Judge

(copy)

D. Knafelc
(Signature of Officer Executing Warrant)
KNAFELC

870



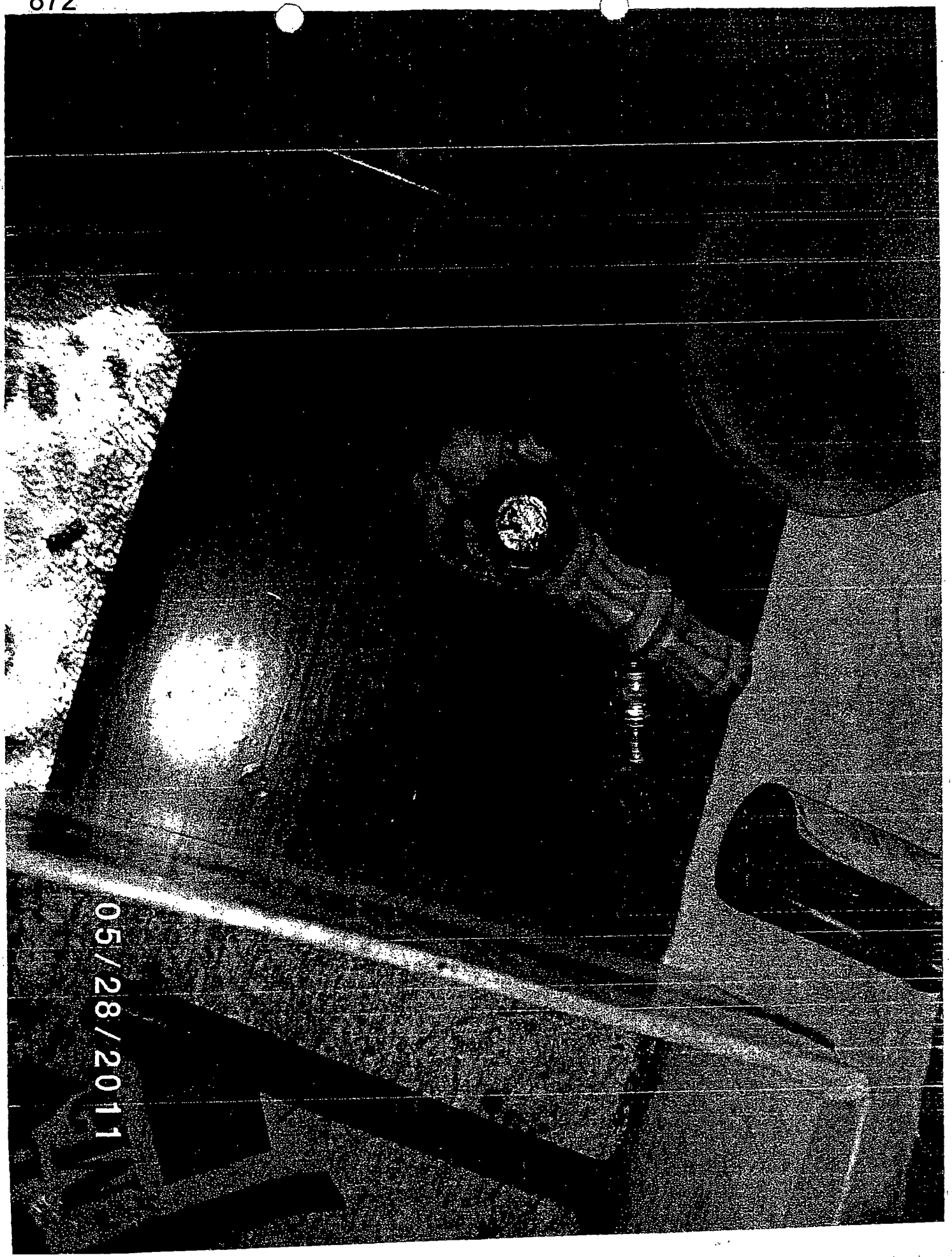
DEN is Room # 1
Kitchen is Room 2
master bed is Room 3
master bath is Room 4
~~master~~ Guest bath Room 5
workshop is Room 6

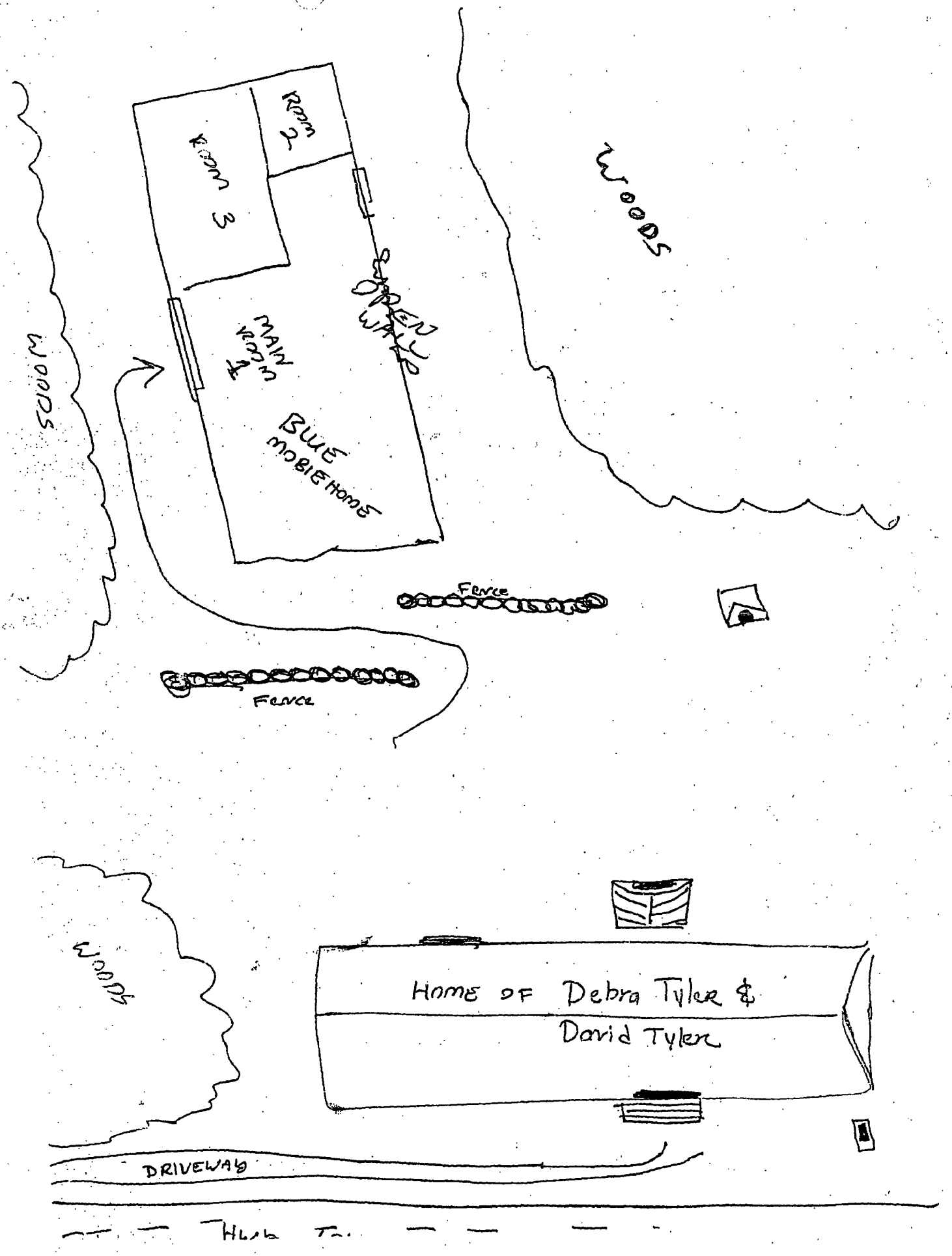
Room
1 ✓ Two marijuana pipes on den table in front of front door - Elliott
1 ✓ Eletric Bill (fairfield Electric - Debra Tyler) den counter - Willis
1 ✓ Brown envelope addressed to David Tyler @ address Den counter - Willis
3 ✓ 2 envelopes (4½ x 4 appr.) handwritten notes on back on dresser - Elliott
1 ✓ SCID # 00412463 of Debra Tyler from white purse on den floor - Hardy
1 ✓ DAV ID card of DAVID LYNN Tyler from wallet on den coffee table - Hardy
1 ✓ AT&T Bill addressed to David Tyler @ 1995 Hwy 69 S Lugoff SC - Willis

MY
NOTES
FOR
Search warrant
on First
Trailer
Kill

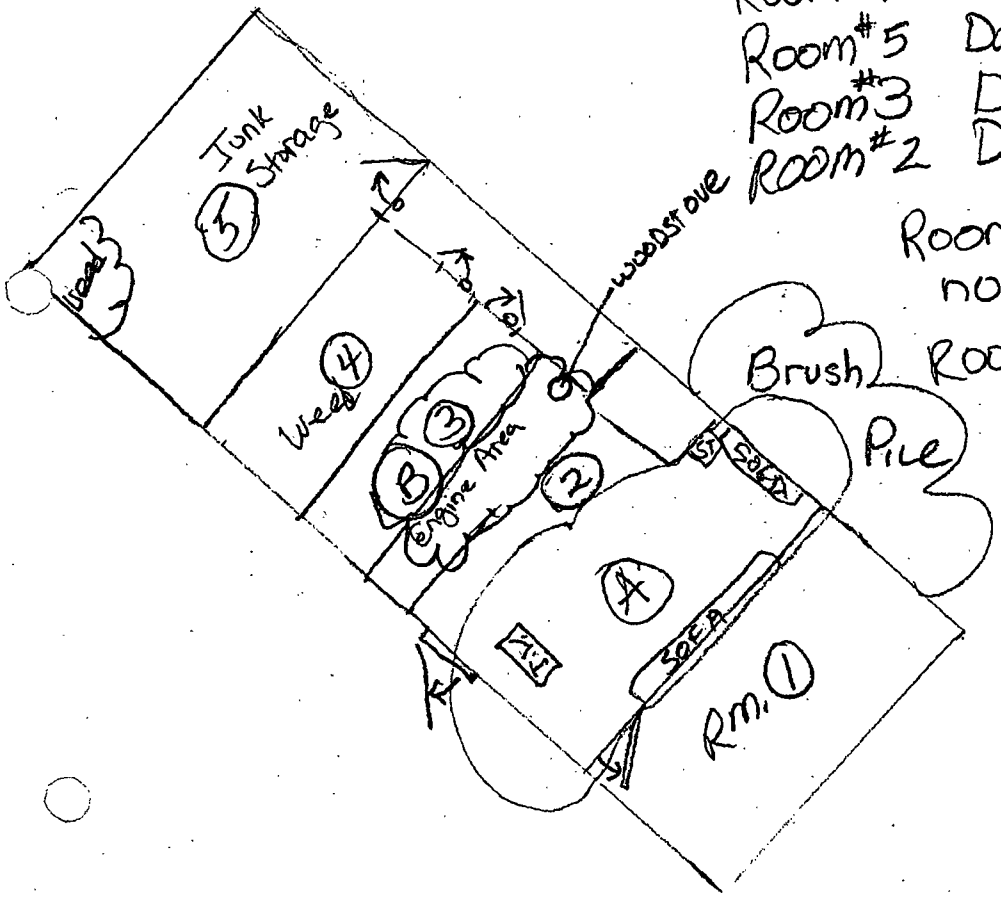
871

872



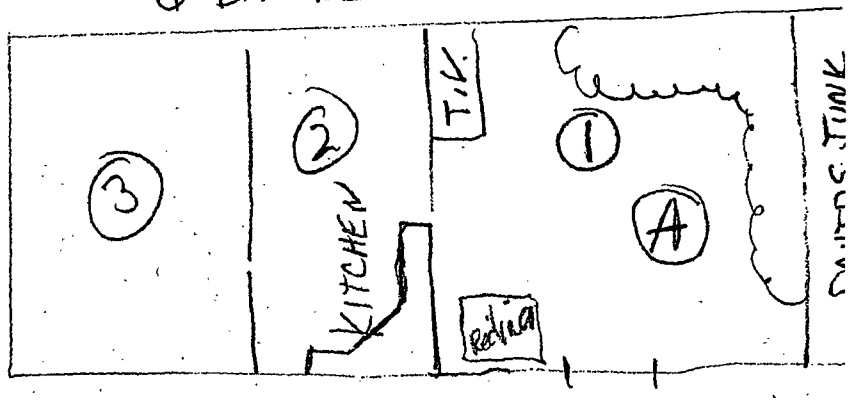

Room 2
Room 3
Woods
Open Walk
Main Walk
Blue Mobile Home
Woods
Fence
Fence
Home of Debra Tyler &
David Tyler
Woods
DRIVEWAY

Room #1 DAVIDS PORN Room (Private)
Room #4 DAVIDS Pot Room
Room #5 DAVIDS Pot Room & Junk Storage
Room #3 DAVIDS Junk Storage
ROOM #2 DAVIDS METH LAB CRAP



Room #A my place to sleep when no cooking going on
Room #B my clothing stored and small engine workshop

Room #1 DAVID & NICOLES LIVING ROOM
Room #2 KITCHEN
Room #3 Tylers bedroom & DAVIDS #2 PORN Room



Room #A - Where I Slept w/ Deebo when Lab was running.
* Biggest percentage of the time

874

875

05/28/2011

877

Rhyolite Mt.

Arroyo Cuervo
14,000 about

Dora Mt.

Dynamite Peak

Shoshone Mts.

Ione

05/28/2011

878

05/28/2011

Firearm History

880

Regarding Edward Coreys request to ATF for a trace on Ruger 357 154-89930

I have the information you requested on said firearm. Last purchase was Debra Tyler 1995 601 south Lugoff South Carolina 29078. She bought the firearm from her friend she called "Cricket" who lives about 5 miles south on 601.

7-20-11 Margary V Smith

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
NATIONAL TRACING CENTER

Phone:(800) 788-7133 Fax:(800) 578-7223

Print Date: May 31, 2011

FIREARMS TRACE SUMMARY

Trace Number: T20110143044 Request Date: May 29, 2011 Completion Date: May 31, 2011

EDWARD COREY
CAMDEN POLICE DEPARTMENT
816 WEST DEKALB STREET
CAMDEN, SC 29020
PHONE: (803) 425-6025 Ext:
FAX (803) 425-1537

Badge No: 3
Investigation No: 2011-2782

FIREARM INFORMATION

Manufacturer: RUGER
Model:
Caliber: 357
Serial Number: 154-89930
Type: REVOLVER
Country: UNITED STATES
Importer:
Obliterated:
Identifying Marks:
NIBIN:
Gang Name:

RECOVERY INFORMATION

Recovery Date: 05/28/2011
Time to Crime:
1993 HWY 601 S
LUGOFF, SC 29078
Possessor: GREGORY VINCENT SMITH
DOB: 03/03/1962
POB: UNITED STATES

DEALER INFORMATION

FFL: 15733117
OK PAWN SHOP INC
116 118 E MAIN ST
ROCK HILL, SC 29730-0000
Phone: (803) 327-2736 Ext:
Ship-To-Date: 05/07/1979

ADMINISTRATIVE INFORMATION

SUMMARY OF RESULTS

THE FINAL DISPOSITION OF THE DESCRIBED FIREARM CANNOT BE DETERMINED. THIS FIREARM WAS TRACED TO A FEDERAL FIREARMS LICENSEE FOR WHOM NO RECORDS EXIST FOR THE TIME PERIOD DURING WHICH THIS FIREARM WAS SHIPPED. THIS MAY BE ATTRIBUTED TO THE RECORDS BEING LOST, STOLEN, DAMAGED, OR ILLEGIBLE.

Additional Remarks:

THE LAST KNOWN DEALER ASSOCIATED WITH THIS FIREARM HAS NO RECORDS PRIOR TO 1982.

Unclassified Information Controlled

The information in this report must be validated prior to use in any criminal proceedings.

Incident Report

Key-2 50th day Case-2011-d-102 Inv-02-cr-883

R/O Brooks Houser A/O Lt. Brian Morris 12:56 PM

Incident Report

After David Tyler was seen shaking his dead wife in front of Samantha Steeprock and Horace Lee: R/O Houser and A/O morris asked David if anyone has been shot. DAVID replys no one has been shot, but my car back-fired a short while ago. R/O and A/O asked David why he was breathing hard. DAVID REPLYS he just returned searching for his dog. R/O and A/O asked if anyone was at the residence. David: No, my wife left earlier to go to a neighbors house, I do not know exactly where she went. Deputy Young found Debra shot in the head. David: "If that son of a bitch shot my wife I'll Kill him." David went on to say that his wife and Greg Smith were arguing earlier that was when she left to go to a neighbors house. David demanded to be released from handcuffs and threatened to kick out the windows. Sheriff Matthews grabbed him from behind. R/O placed leg irons around his ankles. David still acting irate when Chief Brown instructed R/O to charge him with Disorderly Conduct. David tried to escape one last time and went into Cardiac arresst and died.

Gregory N. Smith

07-25-11

Original 66th Dist Case # 2011-2782 Aug-2-11
Andy Watts Statement On 5-29-11
10:45 AM

Deputy Andy Watts has made the statement "Sub. #1 stated "I am fixin to spend the rest of my life in prison and your fucking worried about a drink". After sub. #1 making this comment made other statements were made by sub. #1"

I motion for Investigation what other statements Watts talking about. Futhermore if his memory fails to produce said statements I would motion for suppression of Deputy Andy watts statements.

Gregory V. Smith
Aug. 2-2011

Original 69th day Case #2011-2782 Aug 5th 2011
Deputy Brooks Houser filled out a incident report on a murder case stating:
Incident location: 1995 HIGHWAY 601 S LUGOFF SC.
INCIDENT DATE: 5-27-2011 00:00 to 5-28-2011 12:48
Unknown if victim was using drugs or alcohol
No visable injurys
Sub. #1 Subject Gregory V. Smith 1689 Baughman Rd. LUGOFF SC.
Subject #1 using drugs: yes
Arrested near scene: yes

Deputy Houser has failed to make some serious observations.
#1 Debra has no visible injuries?
Moments earlier Samantha Steeprock, Horace Lee and ~~Dewey~~ ~~Tyler~~ had obviously seen visible injuries. Both had stated blood coming down the side of her face.
#2 Subject #1 using drugs?
How in this world could he make this remark? R/O Had made no contact with defendant, before or after said incident
#3 Arrested near scene? Approx. 4-5 miles ✓ across the Richland co. line. (down the road)

Deputy Houser has failed to act on obvious actions.

#1 Failure to mention David Tylers actions of guilt upon questioning would have made him Sub # 2. Covering up his gunfire, his nervousness and looking for his dog after witnesses saw him "shake" his dead wife.

#2 Not administering A GSR-Analysis.

#3 Making no comment about whether or not he was on drugs, (David) despite his violence. He died a violent death in a heart attack as a result.

AGENCY I.D. KERSHAW COUNTY SO

SUPPLEMENTAL INCIDENT REPORT

Case Number: 2011 - 2782

NCIC: INQ. | ENTD

☒ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL ☐ CASE STATUS ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

VICT/SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS ☒ OTHER

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	DOB	ETN
TYLER DAVID LYNN		J	W	M	56	09/18/1954	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
600	127	GRE	BLU	GREY;BLUE

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO	DAY PHONE	EVENING PHONE
601 SOUTH	LUGOFF	SC	29078		--	803-408-1369

☐ VICTIM NO ___ VISIBLE INJURY ☐ YES ☐ NO — EXPLAIN
COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO
VICTIM USING ALCOHOL ☐ YES ☐ NO ☐ UNK — DRUGS ☐ YES ☐ NO ☐ UNK — TYPE:
TYPE ASSIGNMENT

☒ SUBJECT NO. ___ USING ALCOHOL: ☐ YES ☐ NO
USING DRUGS: ☐ YES ☐ NO TYPE: ☐ UNK

VICT/SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS ☐ _____

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	DOB	ETN

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO	DAY PHONE	EVENING PHONE

☐ VICTIM NO ___ VISIBLE INJURY ☐ YES ☐ NO — EXPLAIN
COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO
VICTIM USING ALCOHOL ☐ YES ☐ NO ☐ UNK — DRUGS ☐ YES ☐ NO ☐ UNK — TYPE:
TYPE ASSIGNMENT

☐ SUBJECT NO. ___ USING ALCOHOL: ☐ YES ☐ NO
USING DRUGS: ☐ YES ☐ NO TYPE: ☐ UNK

NARRATIVE

Please see Additional Narratives on attached page

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY

JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

VEH/GUN/ETC 1

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS /STOCKS ☐ ARTICLE

VIN AND/OR LICENSE NO			BOAT HULL NO AND/OR REG NO	
SERIAL AND/OR OWNER APPLIED NO				STATE
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	COLOR	BRAND NAME	CALIBER
NIC NO	DENOTATION	ISSUER	SECURITIES DATE	
MISCELLANEOUS				

PROPERTY EST.

TYPE GROUP								
STOLEN	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00	
DAMAGED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00	
BURNED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00	
RECOVERED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00	
SEIZED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00	

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO | SUBJECT LOCATED ☒ YES ☐ NO | INCIDENT CASE STATUS: ACTIVE | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL ☐ OFFENDER ☐ NO PROSECUTIO ☐ EXTRADITION DENIE ☐ VICTIM DECLINES COOPERATI ☐ JUVENILE NO CUSTO

REPORTING OFFICER(S)	DATE	UNIT	APPROVING OFFICER	DATE	UNIT
BROOKS HOUSER	05/28/2011	40	LT BRIAN MORRIS	5/31/2011	40
			FOLLOW UP INVESTIGATION ☐ YES ☐ NO	05/29/2012	

888

AGENCY I.D. KERSHAW COUNTY SO

INCIDENT REPORT

Case Number 2011- 2782 | NCIC INQ. | ENTD

EVENT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. MURDER & NONNEGLIGENT MANSLAUGHTER	☒ Yes ☐ No	☐ Yes ☒ No	RESIDENCE/HOME	0	☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc/Public ☐ Other ☐ Unknown ☐ Police Off
2.					
3.					

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)			ZIP CODE	WEAPON TYPE
1995 HIGHWAY 601 S	LUGOFF	SC	29078	HANDGUN

INCIDENT DATE	24 HR CLOCK	TO	DATE	24 HR CLOCK	REPORT DATE	DISPATCH DATE/TIME 24 HR CLOCK				LOCATION NO
						DISP DATE	DISP TIME	TIME ARRIVED	DEPART TIME	
05/27/2011	00:00		05/28/2011	12:48		05/28/2011	12:48	12:56	23:40	4

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	AGE	SEX	ETN	DAY TIME PHONE	EVENING PHONE
							--	--

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO
				4

VICTIM NO. 1

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	AGE	SEX	ETN	DAY TIME PHONE	EVENING PHONE
TYLER DEBRA LEE	OK	J	W	59	F	N	--	803-408-1369

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
508	130	BRO	GRN	TATTOO;BROWN;GREEN;LIGHT

ADDRESS	CITY	STAT	ZIP CODE	LOCATION NO
HIGHWAY 601 SOUTH	LUGOFF	SC	29078	4

VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO EXPLAIN None — COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☒ NO

VICTIM (NO.1) USING ALCOHOL ☐ YES ☐ NO ☒ UNK — DRUGS ☐ YES ☐ NO ☒ UNK TYPE:

TYPE ASSIGNMENT — J - This Jurisdiction S - State O - Out of State U - Unknown

SUBJECT NO.

☒ SUBJECT ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS

NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETN	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
SMITH GREGORY VINCENT	W	M	49	N		602	160	BRO	HAZ

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
TATTOO;BROWN;HAZEL;LIGHT

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO
RD	LUGOFF			4

SUBJECT (NO.1) USING: ALCOHOL ☐ YES ☐ NO ☒ UNK	ARRESTED NEAR OFFENSE SCENE ☒ YES ☐ NO	DATE/TIME OF OFFENSE	DATE/TIME OF ARREST
DRUGS ☒ YES ☐ NO ☐ UNK TYPE: MURDER &	TOTAL # ARRESTED 0	05/28/2011 12:48	

NARRATIVE

Reporting officer (Deputy Houser, R/O) and Deputy Watts were dispatched to the above location in reference to a possible shooting incident. Units were advised that a third-party caller had called to report that someone had been shot at the above residence. R/O and Deputy Watts arrived on scene, approached the front of the residence, and knocked on the front door. A white male wearing blue jeans, black t-shirt, with grey hair, and grey beard answered the door. We asked this subject who, if anyone, had been shot and he stated no one has been shot. We asked him if he heard any gunshots, and he stated that his car back-fired a short while ago, but no gunshot. We observed that the subject's breathing was labored and his hands were shaking; he appeared nervous. We asked him why he was breathing hard, and he said he just got back from looking for his lost dog. We asked the subject if there was anyone else at the residence, and he stated no. He then stated that his wife had left moments earlier to go to a neighbor's house. He stated he did not know exactly where she

PROPERTY ES

				JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
TYPE GROUP							
STOLEN	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
DAMAGED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
BURNED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
RECOVERED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
SEIZED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00

ADMINISTRATIVE

SUBJECT IDENTIFIED	SUBJECT LOCATED	INCIDENT CASE STATUS		
☒ YES ☐ NO	☒ YES ☐ NO	ACTIVE	☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL ☐ OFFENDER ☐ NO PROSECUTIO ☐ EXTRADITION DENIE ☐ VICTIM DECLINES COOPERATI ☐ JUVENILE NO CUST

REPORTING OFFICER(S)	DATE	UNIT	APPROVING OFFICER	DATE	UNIT
BROOKS HOUSER	05/28/2011	44	LT BRIAN MORRIS	5/31/2011	40
			FOLLOW UP INVESTIGATION YES ☒ NO ☐	05/29/2012	

ADDITIONAL NARRATIVES

went. We asked the subject for permission to search his residence, and he verbally consented. We searched the residence, a not find any other subjects. We then asked the subject to produce some identification and step outside. He produced identifica and was identified as "David Lynn Tyler." At this time Deputy Young arrived on scene. We then received additional informatior another caller was at the residence earlier and saw two subjects arguing. We were advised that the caller left out of the drivew heard gunshots. At this time R/O placed David Tyler subject under investigative detention; he was handcuffed behind his back placed in the back of my patrol car. He was not under arrest at this time. R/O turned the car air conditioning on high and lower window slightly so he could get some air. Lt. Morris arrived on scene, and assisted Deputy Watts and Deputy Young in searchi area for any other subjects or evidence. I was advised over the radio that Deputy Young had found a female subject, unrespon with a gunshot wound in the head, inside a blue trailer behind and to the left of the main residence. EMS was summoned at thi to respond to the scene. R/O then began a crime scene log. R/O advised Mr. Tyler of his Miranda rights, but advised him that not under arrest at this time. Mr. Tyler acknowledged that he understood his rights. Mr. Tyler became very irate and threatene kick out the back windows. He also demanded to be released from the handcuffs. R/O opened the back door and advised Mr to calm down. He made the statement, "If that son of a bitch shot my wife I'm going to kill him!" R/O asked Mr. Tyler who he wa talking about, and he stated "Greg Smith." Mr. Tyler went on to say that he and his wife had allowed Greg Smith to live in the b trailer, but have tried to get him to move for about the past five years. Mr. Tyler went on to state that his wife and Greg Smith w arguing earlier, and that's when she left to go to a neighbor's house. Moments later Lt. Phillips advised that he saw a subject w on Koon Rd., possibly the suspect responsible for the shooting. Lt. Phillips requested additional units to assist him in apprehen the subject. At this time Lt. Morris and Deputy Watts left the scene in Lt. Morris's vehicle to assist Lt. Phillips. R/O was advised the radio that the subject (Greg Smith, suspect 1) was in custody. Capt. Corey and Inv. Handy arrived on the scene moments l EMS arrived on scene. Moments later Lt. Morris requested a caged unit to respond to his location to transport the suspect. R/(advised to place David Tyler in Deputy Watts's vehicle in case I had to leave to meet Lt. Morris. R/O placed David Tyler in Dep Watts's vehicle, however Deputy Young then left the scene to meet with Lt. Morris. Moments later Sheriff Matthews and Chief I arrived on scene. R/O had David Tyler sit in the back seat with the door open. Mr. Tyler stood up, became irate again, deman be released from the handcuffs, and threatened to kick out the windows if I shut the door. R/O pushed down on the top of Mr. head and sat him down in the back seat. Sheriff Matthews grabbed him from behind on the other side of the back seat while R/ pushed his legs inside of the vehicle and shut the door. Mr. Tyler then raised his feet as if he was going to kick out the windows placed leg irons around his ankles and shut the door again. Mr. Tyler was still acting very irate, using profanity, and Chief Brow instructed R/O to charge him with Disorderly Conduct, place him in my vehicle, take him to jail and put a hold on him. R/O pla Tyler back in my patrol vehicle. Mr. Tyler tried to roll the window down and pulled the door handle in an attempt to escape, but unsuccessful. 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Narrative Entered By / Modifications

BHOUSER 5/29/2011 8:00:54AM
BHOUSER 5/29/2011 8:26:23AM
BHOUSER 5/29/2011 8:26:36AM
BHOUSER 5/29/2011 8:35:47AM
BHOUSER 5/29/2011 8:49:39AM
BHOUSER 5/29/2011 9:03:45AM
BHOUSER 5/29/2011 9:09:24AM
BHOUSER 5/29/2011 9:10:09AM
BHOUSER 5/29/2011 9:10:56AM
BHOUSER 5/29/2011 9:11:13AM
AWATTS 5/29/2011 10:45:51AM
BHOUSER 5/29/2011 8:49:39AM
BHOUSER 5/29/2011 8:52:32AM
BHOUSER 5/29/2011 9:00:56AM
BHOUSER 5/29/2011 9:02:08AM
BHOUSER 5/29/2011 9:03:45AM
BHOUSER 5/29/2011 9:09:24AM
BHOUSER 5/29/2011 9:10:09AM
BHOUSER 5/29/2011 9:10:56AM
BHOUSER 5/29/2011 9:11:13AM
BHOUSER 5/29/2011 9:12:57AM
BHOUSER 5/29/2011 9:14:24AM
BHOUSER 5/29/2011 9:15:39AM
AWATTS 5/29/2011 10:45:51AM
KWILLIS 5/31/2011 2:59:43PM
KWILLIS 5/31/2011 3:13:29PM
KWILLIS 5/31/2011 3:16:25PM
KWILLIS 5/31/2011 3:13:29PM
KWILLIS 5/31/2011 3:16:25PM
KWILLIS 5/31/2011 2:59:43PM
KWILLIS 5/31/2011 3:12:52PM

SUPPLEMENTAL NARRATIVES

ON 5-28-2011 NARCOTICS AGENTS WILLIS AND ELLIOTT WERE SUMMONED TO 1995 HWY 601 S. LUGOFF, SC 29078 REGARD TO A SHOOTING INCIDENT WHICH LED TO THE DISCOVERY OF A METHAMPHETAMINE LAB AND INDOOR MARIJUANA GROW OPERATION IN A BLUE SINGLEWIDE MOBILE HOME IN THE REAR OF THE PROPERTY. THIS WAS LOCATED BEHIND THE PRIMARY HOME. UPON ARRIVAL NARCOTICS AGENTS WERE NOTIFIED THAT THE BODY OF

AGENCY I.D. KERSHAW COUNTY SO

SUPPLEMENTAL INCIDENT REPORT

Case Number: 2011- 2782 | NCIC INQ. | NCIC ENTD

☒ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL ☐ CASE STATUS ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

VICTIM/SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS ☒ OTHER

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	DOB	ETN
TYLER DAVID LYNN		J	W	M	56	0	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
600	127	GRE	BLU	GREY;BLUE

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO	DAY PHONE	EVENING PHONE
601 SOUTH	LUGOFF	SC	29078		--	803-408-1369

☐ VICTIM NO ___ VISIBLE INJURY ☐ YES ☐ NO — EXPLAIN

COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO

VICTIM USING ALCOHOL ☐ YES ☐ NO ☐ UNK — DRUGS ☐ YES ☐ NO ☐ UNK — TYPE:

TYPE ASSIGNMENT

☐ SUBJECT NO. ___ USING ALCOHOL: ☐ YES ☒ NO
USING DRUGS: ☐ YES ☐ NO TYPE: ☐ UNK

VICTIM/SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS ☐ _____

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	DOB	ETN

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO	DAY PHONE	EVENING PHONE

☐ VICTIM NO ___ VISIBLE INJURY ☐ YES ☐ NO — EXPLAIN

COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO

VICTIM USING ALCOHOL ☐ YES ☐ NO ☐ UNK — DRUGS ☐ YES ☐ NO ☐ UNK — TYPE:

TYPE ASSIGNMENT

☐ SUBJECT NO. ___ USING ALCOHOL: ☐ YES ☐ NO
USING DRUGS: ☐ YES ☐ NO TYPE: ☐ UNK

NARRATIVE

Please see Additional Narratives on attached page

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY

JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

VEH/GUN/ETC 1

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS /STOCKS ☐ ARTICLE

VIN AND/OR LICENSE NO | BOAT HULL NO AND/OR REG NO

SERIAL AND/OR OWNER APPLIED NO | STATE

YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE

MODEL	STYLE	COLOR	BRAND NAME	CALIBER

NIC NO	DENOTATION	ISSUER	SECURITIES DATE

MISCELLANEOUS

PROPERTY EST.

TYPE GROUP							
STOLEN	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
DAMAGED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
BURNED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
RECOVERED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00
SEIZED	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00 0	$0.00

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO | SUBJECT LOCATED ☒ YES ☐ NO | INCIDENT CASE STATUS: ACTIVE

☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL ☐ OFFENDER ☐ NO PROSECUTIO ☐ EXTRADITION DENIE ☐ VICTIM DECLINES COOPERATI ☐ JUVENILE NO CUSTO

REPORTING OFFICER(S)	DATE	UNIT	APPROVING OFFICER	DATE	UNIT
BROOKS HOUSER	05/28/2011	40	LT BRIAN MORRIS	5/31/2011	40
			FOLLOW UP INVESTIGATION ☐ YES ☐ NO	05/29/2012	

892
AGENCY I.D.

INCIDENT REPORT

Case Number: 2011- 2782 | NCIC INQ. | NCIC ENTD

KERSHAW COUNTY SO

EVENT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. MURDER & NONNEGLIGENT MANSLAUGHTER	☒ Yes ☐ No	☐ Yes ☒ No	RESIDENCE/HOME	0	☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc/Public ☐ Other ☐ Unknown ☐ Police Off
2.					
3.					

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER): HIGHWAY 601 S | LUGOFF | SC | ZIP CODE: 29078 | WEAPON TYPE: HANDGUN

INCIDENT DATE	24 HR CLOCK	TO	DATE	24 HR CLOCK	REPORT DATE	DISPATCH DATE/TIME 24 HR CLOCK: DISP DATE	DISP TIME	TIME ARRIVED	DEPART TIME	LOCATION NO
05/27/2011	00:00		05/28/2011	12:48		05/28/2011	12:48	12:56	23:40	4

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	AGE	SEX	ETN	DAY TIME PHONE	EVENING PHONE
							--	--

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO
				4

VICTIM NO. 1

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	AGE	SEX	ETN	DAY TIME PHONE	EVENING PHONE
TYLER DEBRA LEE	OK	J	W	59	F	N	--	803-408-1369

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
508	130	BRO	GRN	TATTOO;BROWN;GREEN;LIGHT

ADDRESS	CITY	STAT	ZIP CODE	LOCATION NO
[redacted] HIGHWAY 601 SOUTH	LUGOFF	SC	29078	4

VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO EXPLAIN None — COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☒ NO

VICTIM (NO.1) USING ALCOHOL ☐ YES ☐ NO ☒ UNK — DRUGS ☐ YES ☐ NO ☒ UNK TYPE:

TYPE ASSIGNMENT — J - This Jurisdiction S - State O - Out of State U - Unknown

SUBJECT NO.

☒ SUBJECT ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS

NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETN	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
SMITH GREGORY VINCENT	W	M	49	N		602	160	BRO	HAZ

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.: TATTOO;BROWN;HAZEL;LIGHT

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO
[redacted] RD	LUGOFF			4

SUBJECT (NO.1) USING: ALCOHOL ☐YES ☐NO ☒UNK	ARRESTED NEAR OFFENSE SCENE ☒YES ☐NO	DATE/TIME OF OFFENSE	DATE/TIME OF ARREST
DRUGS ☒YES ☐NO ☐UNK TYPE: MURDER &	TOTAL # ARRESTED 0	05/28/2011 12:48	

NARRATIVE

Reporting officer (Deputy Houser, R/O) and Deputy Watts were dispatched to the above location in reference to a possible shooting incident. Units were advised that a third-party caller had called to report that someone had been shot at the above residence. R/O and Deputy Watts arrived on scene, approached the front of the residence, and knocked on the front door. A white male wearing blue jeans, black t-shirt, with grey hair, and grey beard answered the door. We asked this subject who, if anyone, had been shot and he stated no one has been shot. We asked him if he heard any gunshots, and he stated that his car back-fired a short while ago, but no gunshot. We observed that the subject's breathing was labored and his hands were shaking; he appeared nervous. We asked him why he was breathing hard, and he said he just got back from looking for his lost dog. We asked the subject if there was anyone else at the residence, and he stated no. He then stated that his wife had left moments earlier to go to a neighbor's house. He stated he did not know exactly where she

PROPERTY

TYPE GROUP						JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
STOLEN	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00
DAMAGED	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00
BURNED	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00
RECOVERED	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00
SEIZED	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00

ADMINISTRATIVE

SUBJECT IDENTIFIED	SUBJECT LOCATED	INCIDENT CASE STATUS		
☒ YES ☐ NO	☒ YES ☐ NO	ACTIVE	☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL ☐ OFFENDER ☐ NO PROSECUTIO ☐ EXTRADITION DENIE ☐ VICTIM DECLINES COOPERATI ☐ JUVENILE NO CUST

REPORTING OFFICER(S)	DATE	UNIT	APPROVING OFFICER	DATE	UNIT
BROOKS HOUSER	05/28/2011	44	LT BRIAN MORRIS	5/31/2011	40
			FOLLOW UP INVESTIGATION YES ☒ NO ☐	05/29/2012	

ADDITIONAL NARRATIVES

went. We asked the subject for permission to search his residence, and he verbally consented. We searched the residence, a not find any other subjects. We then asked the subject to produce some identification and step outside. He produced identifica and was identified as "David Lynn Tyler." At this time Deputy Young arrived on scene. We then received additional informatio another caller was at the residence earlier and saw two subjects arguing. We were advised that the caller left out of the drivew heard gunshots. At this time R/O placed David Tyler subject under investigative detention; he was handcuffed behind his back placed in the back of my patrol car. He was not under arrest at this time. R/O turned the car air conditioning on high and lower window slightly so he could get some air. Lt. Morris arrived on scene, and assisted Deputy Watts and Deputy Young in searchi area for any other subjects or evidence. I was advised over the radio that Deputy Young had found a female subject, unrespon with a gunshot wound in the head, inside a blue trailer behind and to the left of the main residence. EMS was summoned at thi to respond to the scene. R/O then began a crime scene log. R/O advised Mr. Tyler of his Miranda rights, but advised him that not under arrest at this time. Mr. Tyler acknowledged that he understood his rights. Mr. Tyler became very irate and threaten kick out the back windows. He also demanded to be released from the handcuffs. R/O opened the back door and advised Mr. to calm down. He made the statement, "If that son of a bitch shot my wife I'm going to kill him!" R/O asked Mr. Tyler who he w talking about, and he stated "Greg Smith." Mr. Tyler went on to say that he and his wife had allowed Greg Smith to live in the b trailer, but have tried to get him to move for about the past five years. Mr. Tyler went on to state that his wife and Greg Smith w arguing earlier, and that's when she left to go to a neighbor's house. Moments later Lt. Phillips advised that he saw a subject w on Koon Rd., possibly the suspect responsible for the shooting. Lt. Phillips requested additional units to assist him in apprehen the subject. At this time Lt. Morris and Deputy Watts left the scene in Lt. Morris's vehicle to assist Lt. Phillips. R/O was advise the radio that the subject (Greg Smith, suspect 1) was in custody. Capt. Corey and Inv. Handy arrived on the scene moments l EMS arrived on scene. Moments later Lt. Morris requested a caged unit to respond to his location to transport the suspect. R/ advised to place David Tyler in Deputy Watts's vehicle in case I had to leave to meet Lt. Morris. R/O placed David Tyler in Dep Watts's vehicle, however Deputy Young then left the scene to meet with Lt. Morris. Moments later Sheriff Matthews and Chief I arrived on scene. R/O had David Tyler sit in the back seat with the door open. Mr. Tyler stood up, became irate again, demand be released from the handcuffs, and threatened to kick out the windows if I shut the door. R/O pushed down on the top of Mr. T head and sat him down in the back seat. Sheriff Matthews grabbed him from behind on the other side of the back seat while R/ pushed his legs inside of the vehicle and shut the door., Mr. Tyler then raised his feet as if he was going to kick out the window placed leg irons around his ankles and shut the door again. Mr. Tyler was still acting very irate, using profanity, and Chief Brow instructed R/O to charge him with Disorderly Conduct, place him in my vehicle, take him to jail and put a hold on him. R/O plac Tyler back in my patrol vehicle. Mr. Tyler tried to roll the window down and pulled the door handle in an attempt to escape, but unsuccessful. 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the door open in a fast motion and wa[illegible]ng in. The door shut behind me at which time I checked the smaller closets in the large Once inside the larger room as before their was what appeared to be numerous marj. plants, Meth, and instruments Involved w drugs. At this point I became to feel noxious. I informed Lt. Morris my findings of what was in the bed-rooms. After confirming th was no other injured persons or suspects inside the house we left the residence and stood by outside the residence waiting for investigators to arrive. While waiting out side central dispatch stated someone was following Subj. #1 on Koon road. My-self an Morris got in his patrol car and began traveling towards Koon Road. Once we approached Koon Road and Hwy 601 S. we were flagged down by several white females. They stated Subj. #1 had come to their house on Baughman Road and they had ran ou house to get help. Central Dispatch again stated on the radio Subj. #1 was seen by witnesses on Screaming Eagle Road. My-s Lt. Brian Morris continued traveling down Koon Road and spotted Subj. #1 on Koon Road and Screaming Eagle Road. Subj. #1 walking on Screaming Eagle Road towards the country store when my-self and Lt. Morris approached him with guns drawn and pointed at Subj. #1. Subj. #1 was given orders to lay on the ground and complied. Subj. #1 was hand-cuffed by Lt. Brian Morris placed sitting on the ground until a caged patrol car arrived on scene so that Subj. #1 could be secured. Subj. #1 asked Lt. Chri Philips for something to drink. Lt. Chris Philips gave Subj. #1 a bottle of water at which time Subj. #1 made the statement he wa something cold from the store. Lt. Chris Philips stated he did not have a cold drink and the water was all he had. Subj. #1 then "I am fixing to spend the rest of my life in prison and you are fucking worried about a drink". After Subj. #1 making this commen other statements were made by Subj. #1. Deputy Lee Young took custody of Subj. #1 a short time later.

Narrative Entered By / Modifications

BHOUSER 5/29/2011 8:00:54AM
BHOUSER 5/29/2011 8:26:23AM
BHOUSER 5/29/2011 8:26:36AM
BHOUSER 5/29/2011 8:35:47AM
BHOUSER 5/29/2011 8:49:39AM
BHOUSER 5/29/2011 9:03:45AM
BHOUSER 5/29/2011 9:09:24AM
BHOUSER 5/29/2011 9:10:09AM
BHOUSER 5/29/2011 9:10:56AM
BHOUSER 5/29/2011 9:11:13AM
AWATTS 5/29/2011 10:45:51AM
BHOUSER 5/29/2011 8:49:39AM
BHOUSER 5/29/2011 8:52:32AM
BHOUSER 5/29/2011 9:00:56AM
BHOUSER 5/29/2011 9:02:08AM
BHOUSER 5/29/2011 9:03:45AM
BHOUSER 5/29/2011 9:09:24AM
BHOUSER 5/29/2011 9:10:09AM
BHOUSER 5/29/2011 9:10:56AM
BHOUSER 5/29/2011 9:11:13AM
BHOUSER 5/29/2011 9:12:57AM
BHOUSER 5/29/2011 9:14:24AM
BHOUSER 5/29/2011 9:15:39AM
AWATTS 5/29/2011 10:45:51AM
KWILLIS 5/31/2011 2:59:43PM
KWILLIS 5/31/2011 3:13:29PM
KWILLIS 5/31/2011 3:16:25PM
KWILLIS 5/31/2011 3:13:29PM
KWILLIS 5/31/2011 3:16:25PM
KWILLIS 5/31/2011 2:59:43PM
KWILLIS 5/31/2011 3:12:52PM

SUPPLEMENTAL NARRATIVES

ON 5-28-2011 NARCOTICS AGENTS WILLIS AND ELLIOTT WERE SUMMONED TO 1995 HWY 601 S. LUGOFF, SC 29078 REGARD TO A SHOOTING INCIDENT WHICH LED TO THE DISCOVERY OF A METHAMPHETAMINE LAB AND INDOOR MARIJUANA GROW OPERATION IN A BLUE SINGLEWIDE MOBILE HOME IN THE REAR OF THE PROPERTY. THIS WAS LOCATED BEHIND THE PRIMARY HOME. UPON ARRIVAL NARCOTICS AGENTS WERE NOTIFIED THAT THE BODY OF

Criminal History

05-28-2011 21:53 KERSHAW 8034257698 PAGE1

Response:

KERCC203. TO: KERCC203-162232 20110528 21:49:33 00067B83A6
FROM: NC2K-8094630 20110528 21:49:33 02DE00F279
1L0102DE00F2792QWA
SC028013N

NO NCIC WANT FBI/689664JA8
NO NCIC WANT SOC/005566578
***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

No violent crimes on my history. The one meth charge was from Samantha Steprocks traffic stop. I tried to hide her meth pipe in my sock. less than 1/10 of a gram was recovered from the pipe. misdemeanor poss.

Gregory V. Smith

7-20-2011

52

Response:

KERCC203. TO: KERCC203-162228 20110528 21:49:29 003FA7826C
FROM: SCCH-10977900 20110528 21:49:29 02DE00F278

ICHR REQUEST FOR RAP SHEET
ORI-SC028013N FBI-689664JA8 PUR-D
ATN-WILLIS

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS. BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-05/28/2011 TIME-21:55:20
REQ ORI-SC028013N KERSHAW 911
SID-SC01758003 FBI-689664JA8
NAME-SMITH, GREGORY VINCENT SEX-M RACE-W
HEIGHT-601 WEIGHT-160 EYES-HAZ HAIR-BRO SKIN- BORN-NC Maine
FPC- HENRY-

1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--05/23/2007 DATE OF LAST UPDATE--05/23/2007

ADDITIONAL IDENTIFIERS NAME	BIRTH DATES	MARKS	SOC SEC	MISC NUM
	03031962		005566578	

CONTRIBUTOR/SUBJECT	DOA/RCVD	CHARGE/DISPOSITION/ETC
SMITH, GREGORY VINCENT	05/23/2007	
SC0160000 DARLINGTON CNTY SO		
CASE-22103		
ATN-16X007143019		
WARR-J660318		
CIT-44-53-375(A)-MISDEMEANOR		
		ARREST CHARGE 01-POSS < 1GRAM OF METH OR COCAINE BASE 1ST
		OFFENSE DATE-05/22/2007

1/10th residue from Sam's pipe.

BASED ON SEARCH OF SCLED CJIS CCH FILE USING FBI/689664JA8
REQUESTED FOR CRIMINAL JUSTICE PURPOSES

SCLED CJIS RECORD INDICATES SUBJECT HAS OUT OF STATE ARREST INFORMATION
REQUEST FORWARDED TO NCIC FOR OUT-OF-STATE INFORMATION
INFORMATION FROM OTHER STATES TO FOLLOW THRU NLETS VIA YOUR TERMINAL

INQUIRY WILL BE FORWARDED TO: N C I C W A N T E D P E R S O N S

** S C CJIS END OF RECORD **

Response:

---------- HIT NOTIFICATION ----------
---------- RUN BY USER: DOLORES ----------

KERCC203. TO: KERCC203-162226 20110528 21:46:43 0035ED7142
FROM: III-15561026 20110528 21:46:43 02DE00F276
7L0102DE00F2762QH
SC028013N
THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR INQUIRY ON FBI/689664JA8 PUR/C

NAME	FBI NO.	INQUIRY DATE
SMITH,GREGORY VINCENT	689664JA8	2011/05/28

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	PHOTO
M	W		601	145	HAZ	BRO	N

BIRTH PLACE
MAINE

FINGERPRINT CLASS	PATTERN CLASS
10 TT 02 06 09	RS RS RS RS RS LS AU LS LS LS
09 AA 02 08 08	AU AU

ALIAS NAMES
SMITH,GREGORY V

OTHER BIRTH DATES
SCARS-MARKS-TATTOOS
TAT L HND
SC BACK — NO
TAT R HND — NO
SC R HND — NO
SOCIAL SECURITY

IDENTIFICATION DATA UPDATED 2007/05/23

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE FOLLOWING:
SOUTH CAROLINA - STATE ID/SC01758003
PENNSYLVANIA - STATE ID/PA19757307
NEW JERSEY - STATE ID/NJ754368B
UTAH - STATE ID/UT00445203
FBI - FBI/689664JA8

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END

Response:

KERCC203. TO: KERCC203-162224 20110528 21:46:37 003FA78268
FROM: SCCH-10977896 20110528 21:46:36 02DE00F276
ICHS/QH INQUIRY OF SCLED CCH FILES USING:
ATN-NARCOTIC
FBI-689664JA8 ORI-SC028013N PUR-C

DATE-05/28/2011 TIME-21:52 PAGE-01 OF 08
ORI-SC028013N
SCLED IDENT RESPONSE TO ICHS/QH INQUIRY

NAME-SMITH, GREGORY VINCENT SEX-M RACE-W
HEIGHT-601 WEIGHT-160 EYES-HAZ HAIR-BRO SKIN- BORN-NC
FPC: HENRY- NCIC-

SID-SC01758003 FBI-689664JA8

1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS
DATE RECORD ENTERED--05/23/2007 DATE OF LAST UPDATE--05/23/2007

BIRTH DATES-

MARKS, ETC-

SOC SEC NUMBERS-
SCLED CJIS RECORD INDICATES SUBJECT HAS OUT-OF-STATE ARREST INFORMATION

** END OF IDENT **

REQUESTED FOR CRIMINAL JUSTICE PURPOSES MAY OCCUR DAILY, A NEW INQUIRY
SHOULD BE MADE AND NO SUBSEQUENT USE OF THIS RECORD IS ALLOWED.

FOR COMPLETE CRIMINAL HISTORY, PERFORM ICHR INQUIRY USING SID NUMBER OR
FBI NUMBER.

REQUEST FORWARDED TO NCIC
ANY OUT-OF-STATE IDENT INFORMATION TO FOLLOW FROM NCIC VIA YOUR TERMINAL
** END OF MESSAGE **

Response:

KERCC203. TO: KERCC203-162233 20110528 21:49:33 0008D7ED92
FROM: NLETS-14151058 20110528 21:49:33 02DE00F278
CR.WVFBINF00
18:48 15884
05/28/2011 58917 SC028013N
*02DE00F278
TXT
HDR/2L0102DE00F2782QR
ATN/WILLIS
********** CRIMINAL HISTORY RECORD **********

********** Introduction **********

This rap sheet was produced in response to the following request:

FBI Number	689664JA8
Purpose Code	D
Attention	WILLIS

The information in this rap sheet is subject to the following caveats:

This record is based only on the FBI number in your request-689664JA8. Because additions or deletions may be made at any time, a new copy should be requested when needed for subsequent use. (US; 2011-05-28)
This record is subject to the following use and dissemination restrictions. This response may be used for only purposes of the Violent Crime Control Act of 1994, Public Law 103-322, Subtitle F--National Stalker and Domestic Violence Reduction. (US; 2011-05-28)
All arrest entries contained in this FBI record are based on fingerprint comparisons and pertain to the same individual. (US; 2011-05-28)

********** IDENTIFICATION **********

Subject Name(s)

SMITH, GREGORY VINCENT
SMITH, GREGORY V (AKA)

Subject Description

FBI Number	State Id Number
689664JA8	SC01758003
	PA19757307
	NJ754368B
	UT00445203

Social Security Number

Sex	Race
Male	White

Height	Weight	Date of Birth
6'01"	145	

Hair Color	Eye Color	Fingerprint Pattern
Brown	Hazel	10TT02060909AA020808 (FPC)

Scars, Marks, and Tattoos

Code	Description, Comments, and Images
TAT L HND	, TATTOO ON LEFT HAND
~~SC BACK~~	~~, SCAR ON BACK~~
~~TAT R HND~~	~~, TATTOO ON RIGHT HAND~~
~~SC R HND~~	~~, SCAR ON RIGHT HAND~~

Place of Birth	Citizenship
ME	US

Fingerprint Images

Photo Images

Available Image Other
(No Photo Image Transmitted
Comment:Arresting agency has photo associated with arrest date of 1988/05/23)

Available Image Other
(No Photo Image Transmitted
Comment:Arresting agency has photo associated with arrest date of 1987/09/29)

********** CRIMINAL HISTORY **********

========== Cycle 1 ==========

Earliest Event Date 1987-09-29

Arrest Date 1987-09-29
Arrest Case Number
Arresting Agency MESPSBI00 STATE POLICE AUGUSTA
Subject's Name SMITH,GREGORY V
Charge 01
Charge Literal BURGLARY
Severity
Charge 02
Charge Literal BURGLARY
Severity

Court Disposition (Cycle 1)
Court Agency Unknown
Charge 01
Charge Literal BURGLARY
Severity
Disposition (; GUILTY)
Charge 02
Charge Literal BURGLARY
Severity
Disposition (; 18 M TO DEPT OF CORR ALL BUT 60D SUS 1 YEAR PROB TO RUN CONC)

21 days in jail

========== Cycle 2 ==========

Earliest Event Date 1988-05-23

Arrest Date 1988-05-23

Arrest Case Number FC03563
Arresting Agency ME0040000 SHERIFF'S OFFICE FARMINGTON
Charge 01
Charge Literal BURGLARY B
Severity

Court Disposition (Cycle 2)
Court Agency Unknown
Charge 01
Charge Literal BURGLARY B
Severity
Disposition (; 18M CONFINEMENT, D OF C ALL BUT 60 DAYS SUSP,1 YR PROBATION)

21 days w/work release

********** INDEX OF AGENCIES **********

Agency FBI-CJIS DIV-CLRKSBG CLARKSBURG; WVFBINF00;
Address
1000 CUSTER HOLLOW RD
CLARKSBURG, WV 26306

Agency STATE POLICE AUGUSTA; MESPSBI00;
Address
42 STATEHOUSE STATION
AUGUSTA, ME 043330042

Agency SHERIFF'S OFFICE FARMINGTON; ME0040000;
Address
123 COUNTY WAY
FARMINGTON, ME 04938

Agency STATE POLICE AUGUSTA; MESPSBI00;

Agency SHERIFF'S OFFICE FARMINGTON; ME0040000;

Agency Unknown; ;

Agency Unknown; ;

* * * END OF RECORD * * *

Response:

KERCC203. TO: KERCC203-162234 20110528 21:49:35 0008D7ED93
FROM: NLETS-14151059 20110528 21:49:34 02DE00F278
CR.NJIII0000
18:48 15885
05/28/2011 36528 SC028013N
*02DE00F278
TXT

HDR/2L0102DE00F2782QR
ATN/WILLIS
THIS RECORD IS BASED ON THE SID NUMBER IN YOUR REQUEST-SID/NJ754368B
NEW JERSEY CRIMINAL HISTORY DETAILED RECORD
USE OF THIS RECORD IS GOVERNED BY FEDERAL AND STATE REGULATIONS.
UNLESS FINGERPRINTS ACCOMPANIED YOUR INQUIRY, THE STATE BUREAU OF
IDENTIFICATION CANNOT GUARANTEE THIS RECORD RELATES TO THE PERSON WHO IS
THE SUBJECT OF YOUR REQUEST. USE OF THIS RECORD SHALL BE LIMITED SOLELY TO
THE AUTHORIZED PURPOSE FOR WHICH IT WAS GIVEN AND IT SHALL NOT BE
DISSEMINATED TO ANY UNAUTHORIZED PERSONS. TO ELIMINATE A POSSIBLE
DISSEMINATION VIOLATION, AND TO COMPLY WITH FUTURE EXPUNGEMENT ORDERS,
THIS RECORD SHALL BE DESTROYED *IMMEDIATELY* AFTER IT HAS SERVED ITS
INTENDED AND AUTHORIZED PURPOSES. ANY PERSON VIOLATING FEDERAL OR STATE
REGULATIONS GOVERNING ACCESS TO CRIMINAL HISTORY RECORD INFORMATION
MAY BE SUBJECT TO CRIMINAL AND/OR CIVIL PENALTIES. THIS RECORD IS
CERTIFIED AS A TRUE COPY OF THE CRIMINAL HISTORY RECORD INFORMATION
ON FILE FOR THE ASSIGNED STATE IDENTIFICATION NUMBER.
STATE ID NO. 754368B FBI NO. 689664JA8 DATE REQUESTED. 05/28/2011
NAME: SMITH, GREGORY V.

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE
M	W		602	145	HAZ	BRO	ME

RECEIVING AGENCY: SC028013N U.S. CITIZEN: YES
FPC: \A\\\/A/// AFIS NO: III: MULTI STATE
DNA AVAILABLE: NO

SOCIAL SECURITY NUMBERS

SCARS/MARKS/TATTOOS/MISC NUMBERS
TATTOO LEFT HAND
********** ARREST 001 **********
ARRESTED 06/13/1991 AGENCY CASE NO: A14091340
AGENCY: NJNSP3200 SP WOODSTOWN SALEM
001 CNT NJ2C35-10A1 COCAINE-POSSESS
001 CNT NJ2C36-2 NARCOTIC EQUIP-POSSESS
001 CNT NJ2C39-3 CARRYING PROHIBITED
SUMMONS/WARRANT PROMIS/GAVEL NO:
NO: S742207 DISPOSITION DATE: 06/08/1993
AGENCY: NJ017031J MUNICIPAL COURT SALEM
DISPOSITION: DISMISSED
001 CNT: 2C:36-2 DEG: NARCOTIC EQUIP-POSSESS
INDICTMENT/ACCUSATION PROMIS/GAVEL NO:
NO: SLM910700407I DISPOSITION DATE: 10/07/1991
AGENCY: NJ017023J SALEM CO SUPERIOR COURT
DISPOSITION: GUILTY FELONY CONVICTION
001 CNT: 2C:39-3E DEG: 4 POSS WEAPON
DISPOSITION: DISMISSED
001 CNT: 2C:35-10A(1) DEG: 3 DRUG OFFENSE
AGGREGATE SENTENCE DATE: 10/07/1991
COURT: NJ017023J SALEM CO SUPERIOR COURT

$30.00 donation violent crime fund.

INCARCERATION: SALEM CTY JAIL
CONFINEMENT 1Y AMOUNT ASSESSED $ 30
****
DEPARTMENT OF CORRECTIONS DATA NOT FOUND FOR THIS SID NUMBER
****
CRIMINAL HISTORY DIVERSION PROGRAM AND FELONY CONVICTION SUMMARY
PRE-TRIAL INTERVENTION: 000
CONDITIONAL DISCHARGE: 000
FELONY CONVICTIONS: 001
VIOLATION OF PROBATION: 000
COURT DISPOSITION INFORMATION CONTAINED IN THIS RECORD IS REPORTED ELECTRONICALLY FROM THE SENTENCING COURT. QUESTIONS CONCERNING DISPOSITION INFORMATION SHOULD BE DIRECTED TO THE MUNICIPAL OR SUPERIOR COURT LISTED ON THE RECORD. INFORMATION REGARDING CORRECTIONS TO THIS RECORD MAY BE DIRECTED TO THE SBI AT (609)882-2000, EXTENSION 2369, 2457, OR 2886.
END OF CCH RECORD
END OF RECORD

Response:

KERCC203. TO: KERCC203-162235 20110528 21:49:39 0008D7ED94
FROM: NLETS-14151060 20110528 21:49:38 02DE00F278
CR.UTIII0000
18:48 15886
05/28/2011 69853 SC028013N
*02DE00F278
TXT

HDR/2L0102DE00F2782QR
ATN/WILLIS
PART 1
This Record is Based only on the SID Number in Your Request-UT00445203
SC028013N REQSTR: NCIC III REAS: C nletsinq T

UTAH CRIMINAL HISTORY RECORD
MAY 28 2011 19:48:33

THIS RECORD IS PROVIDED FOR OFFICIAL USE ONLY, AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED. USE OF THE INFORMATION CONTAINED IN THIS RECORD IS GOVERNED BY STATE AND FEDERAL LAWS AND REGULATIONS. MISUSE OF ANY PART OF THIS RECORD IN ANY FORM, INCLUDING RELEASE TO UNAUTHORIZED AGENCIES OR INDIVIDUALS, MAY BE SUBJECT TO CIVIL OR CRIMINAL PENALTIES.

THIS RESPONSE IS BASED UPON FINGERPRINT-SUPPORTED CRIMINAL HISTORY INFORMATION IN THE FILES OF THE UTAH CRIMINAL IDENTIFICATION BUREAU ON THIS DATE. SINCE THE BUREAU'S FILES ARE REVISED AS NEW INFORMATION IS RECEIVED, PLEASE REQUEST AN UPDATED RECORD FOR ANY SUBSEQUENT NEEDS. IF EXPLANATION OF ANY INFORMATION IS NEEDED, PLEASE CONTACT THE CONTRIBUTING AGENCY.

THIS IS UTAH'S PORTION OF A MULTISTATE RECORD. ADDITIONAL CRIMINAL HISTORY RECORD INFORMATION IS INDEXED IN NCIC-III FOR OTHER STATE OR FEDERAL OFFENSES.

****

IDENTIFICATION DATA
NAME:
SMITH, GREGORY VINCENT
STATE IDENT. NO.
445203
SEX:
MALE
HEIGHT:
6 FT. 01 IN.
WEIGHT:
155 LBS.
HAIR:
BROWN
DATE OF BIRTH:
PLACE BORN:
ME
RESIDENCE:
TRANSIENT, SALT LAKE CITY, UT (Apr 18, 1996)
MISCELLANEOUS COMMENTS:

MULTISTATE OFFENDER
ALIASES:
FBI NO.
689664JA8
RACE:
WHITE
EYES:
HAZEL
SCARS, MARKS, TATTOOS, AMPUTATIONS:
SC R HND
TAT R HND
SSN:

****

CRIMINAL JUSTICE SUMMARY
TOTAL NUMBER OF ARRESTS: 1
DATE OF LAST ARREST: Feb 23, 1996

****

CRIMINAL HISTORY
INCIDENT # 1
ARREST/CHARGE
DATE OF ARREST: Feb 23, 1996 OFFENSE TRACKING #: 7699838

ARRESTING AGENCY: SOUTH SALT LAKE PD (UT0180400)
ARRESTING AGENCY CASE #: 209917
ARREST CHARGES:
NCIC Code: 3599, POCS SCHOOL GROUND ENHANCED PCP/MARIJ, FELONY - FIRST
AGENCY OF NEXT APPEARANCE: 3RD CIR CRT-SALT LAKE CITY (UT018055J)
NCIC Code: 6199, DRUG STAMP VIOLATION, FELONY - THIRD DEGREE
AGENCY OF NEXT APPEARANCE: 3RD CIR CRT-SALT LAKE CITY (UT018055J)
NCIC Code: 5212, POSSESSION OF FIREARM AT SCHOOL, MISDEMEANOR - A
AGENCY OF NEXT APPEARANCE: 3RD CIR CRT-SALT LAKE CITY (UT018055J)
NCIC Code: 3550, POSSESSION OF DRUG PARAPHERNALIA, MISDEMEANOR - B
AGENCY OF NEXT APPEARANCE: 3RD CIR CRT-SALT LAKE CITY (UT018055J)
DISPOSITION/FINDING
CHARGES DISPOSED OF:
AGENCY: SALT LAKE CITY PD (UT0180300)
, FELONY - SECOND DEGREE
STATUTE TEXT: ILLEGAL POSS/USE OF CONTROLLED SUBSTANCE

CASE #: 96-41192
DISPOSITION: WARRANT ISSUED
DISPOSITION DATE: Mar 22, 1996
COMMENTS: Warrant # 960101329, Agency Issue D1853
AGENCY: SALT LAKE CITY PD (UT0180300)
, FELONY - SECOND DEGREE
STATUTE TEXT: ILLEGAL POSS/USE OF CONTROLLED SUBSTANCE

CASE #: 96-41192
DISPOSITION: WARRANT ISSUED
DISPOSITION DATE: Mar 22, 1996
COMMENTS: Warrant # 960101329, Agency Issue D1853
AGENCY: SALT LAKE CITY PD (UT0180300)
, FELONY - SECOND DEGREE
STATUTE TEXT: ILLEGAL POSS/USE OF CONTROLLED SUBSTANCE

CASE #: 96-41192
DISPOSITION: WARRANT ISSUED
DISPOSITION DATE: Mar 22, 1996
COMMENTS: Warrant # 960101329, Agency Issue D1868
AGENCY: SALT LAKE CITY PD (UT0180300)
, FELONY - SECOND DEGREE
STATUTE TEXT: ILLEGAL POSS/USE OF CONTROLLED SUBSTANCE

CASE #: 96-41192
DISPOSITION: WARRANT ISSUED
DISPOSITION DATE: Mar 22, 1996
COMMENTS: Warrant # 960101329, Agency Issue D1853
END OF CRIMINAL RECORD
CUSTODY INFORMATION TO FOLLOW
****
CORRECTIONS/CUSTODY INFORMATION
* * * NO INFORMATION AVAILABLE * * *
END OF RECORD

Response:

KERCC203. TO: KERCC203-162236 20110528 21:49:40 0008D7ED95
FROM: NLETS-14151061 20110528 21:49:39 02DE00F278
CR.PAIII0000
18:48 15887
05/28/2011 33500 SC028013N
*02DE00F278
TXT
HDR/2L0102DE00F2782QR
ATN/WILLIS
********** CRIMINAL HISTORY RECORD **********

********** Introduction **********

This rap sheet was produced in response to the following request:

Subject Name(s)	SMITH,GREGORY VINCENT
State Id Number	197-57-30-7 (PA)
Purpose Code	D
Attention	WILLIS

The information in this rap sheet is subject to the following caveats:

USE OF THE FOLLOWING CRIMINAL HISTORY RECORD *** SID 197-57-30-7 ***
REGULATED BY ACT 47, AS AMENDED. (PA)
III - MULTIPLE STATE OFFENDER ()

********** IDENTIFICATION **********

Subject Name(s)

SMITH, GREGORY VINCENT
SMITH, GREGORY VINCENT (AKA)

Subject Description

FBI Number	State Id Number
689664JA8	197-57-30-7 (PA)

Social Security Number

Sex	Race	
Male	White	
Height	Weight	Date of Birth
5'01" (1990-10-18)	150 (1990-10-18)	
Hair Color	Eye Color	
Brown (1990-10-18)	Hazel (1990-10-18)	
	Citizenship	

********** CRIMINAL HISTORY **********

Cycle 1

Tracking Number	C440115-4
Earliest Event Date	1990-09-01
Arrest Date	1990-09-01
Arrest Case Number	C7077
Arresting Agency	PA0250400 NORTH EAST
Subject's Name	SMITH, GREGORY VINCENT
Charge	1
Charge Number	1
Charge Tracking Number	C440115-4
Charge Literal	FIREARM CARRIED W/O A LICENSE
Statute	FIREARM CARRIED W/O A LICENSE (CC6106A; Pennsylvania)
State Offense Code	CC6106A
Counts	1
Severity	Misdemeanor
Disposition	(Acquitted 1991-01-04; QUASHED/ DISMISSED/ DEMURRER SUSTAINED)
Charge	2
Charge Number	2
Charge Tracking Number	C440115-4
Charge Literal	DUI OF ALCOHOL OR CONTRL SUBST
Statute	DUI OF ALCOHOL OR CONTRL SUBST (VC3731A1; Pennsylvania)
State Offense Code	VC3731A1
Counts	1
Severity	Misdemeanor
Disposition	(Acquitted 1991-01-04; NOLLE PROSSED/WITHDRAWN)
Charge	3
Charge Number	3
Charge Tracking Number	C440115-4
Charge Literal	DUI OF ALCOHOL OR CONTRL SUBST
Statute	DUI OF ALCOHOL OR CONTRL SUBST (VC3731A4; Pennsylvania)
State Offense Code	VC3731A4
Counts	1
Severity	Misdemeanor
Disposition	(Convicted 1991-01-04; PLEAD GUILTY/ COUNTY PRISON/ 02 DYS - 18 MOS/ FINES AND COSTS)

********** INDEX OF AGENCIES **********

Agency	NORTH EAST; PA0250400;
Agency Telephone	8148983333
Address	POLICE DEPARTMENT,58 E MAIN STREET NORTH EAST, PA 16428

* * * END OF RECORD * * *

Kristina Shepard
803-427-6238 called 911

Jessica Reichardt
803-260-0354
3-11-95

Angie Reichardt 1820 Baughman Rd.
803-260-0354

Christina Shepard had lied to 911 operater

① She stated she heard two shots. That's impossible because the shot David or Debra made was at least 10 mins from the shot I made into a tree to scare my dog back from the swamp.

② She heard shots while driving by 1995 6015 on 601. On 5/28/2011 at 12:56 she fabricated this story. Check phone records on 803-427-6238 and you will find the truthof her location.

③ She also stated seeing myself on Koon Rd. with a gun. I showed officers where I hid gun before stepping on Koon Rd.

911

05/31/2011 KERSHAW CO 911 PAGE 1
09:31:22 CAD Incident Detail USER KIRK

CAD Incident: 2011-00030738 ESN : 0277 SO 08 MS
Phone : 803 427-6235 Law : SHERIFF
Name : ANON FEMALE Fire : STATION 8
Address : HWY 601 S EMS : KERSHAW EMS
Community: Rescue:
Jurisdctn:
Intersect: Disp : 9
SubDivisn: Source: CEL
Caller Address: TRANS FROM COLA RICHLAND

CAD Call Times: SHOOTING INCIDENT

Incoming Call: 05/28/2011 12:46:40
Call Created : 05/28/2011 12:46:49 Created By: TINA Pos:002 DISPATC
Call Send Time : 12:47:50 Sent By : TINA Action:
Call Dispatch Time: 12:48:28 Event : 1075 1 Language:
Call Enroute Time : 12:48:38 Law : 1075 1
Call Arrival Time : 12:56:06 Fire : 1075 2
Call Clear Time : 23:40:26 EMS : 1075 1 1ST A
Call Closed :05/28/2011 23:40:26 Rescue: 1075 1 1ST A

Original Dispatch Remarks:
SOMEONE HAS BEEN SHOT/ LOST CONTACT CALLED BACK LEFT MESSAGE

Narratives

Narrative By: TESSS 05/28/2011 12:56
PER RICHLAND CO STATED THE CALLER SAID THAT SHE HEARD 2 SHOTS/TX THE CALLER TO US / CALLER STATED WHEN SHE WAS GOING BY THE RESIDENCE / HEARD THE SHOTS// CALLER UPSET /SEEN SOMEONE WALKING DOWN KOON RD WITH A GUN AND HEARD THE SHOT / STEP FATHER TOLD HER TO CALL THE POLICE / SHE DID NOT SEE ANYONE GET SHOT /CLOSET MAILBOX WAS HWY 601 S // CALLER IS CHRISTINA SHEPARD/WEARING JEAN SHORTS & BLUE TEE SHIRT / /WM / BLONDE OR LIGHT HAIR // AUNT SAMATHA STEETROCK/ WAS THERE // WENT UP TO THE LOCATION TO SEE IF GREG SMITH WOULD PUT LOCK ON HER SISTERS DOOR // HE WAS ARGUING WITH NICOLE TYLER // SHE HEARD A GUN GO OFF WHEN SHE LEFT // CAME HOME AND GOT HER BROTHER IN LAW AND SEEN GREG WALKING DOWN THE STREET ON KOON ROAD TOWARD BAUGHMAN / CALLER IS AT BAUGHMAN RD/SHE IS HEADED BACK TO LOCATION IN CREAM COLOR VEH

7 mins

Narrative By: CRAWFORD 05/28/2011 13:03 1:03 PM
FEMALE CALLED FROM 803-260-0354 ANDRA REICHARDT 601 SOUTH \\\\ SHE THINKS WHATS THE ADDREA TAN TRL UP A HILL \\\\CALL WILL BE IN CHEV TRAILBLAZER SHORTLY ETA 5 MIN ,,,SAMANTHA STEETROCK WAS THERE HEARD GUN SHOT WHILE SHE PULLED OUT OF THE DRIVEWAY SHE STATED SUBJS IN THE RESIDENCE WERE FUSSING...STATED DEBRA TYLOR

5 mins.

Narrative By: CRAWFORD 05/28/2011 13:08
CALLER IS ON KOON RD AT THIS TIME

ELASPED TIME

Narrative By: CRAWFORD 05/28/2011 13:09

912

ELAPSED TIME

CALLER IS ALMOST AT FOX HILL RD

Narrative By: CRAWFORD 05/28/2011 13:10 1:10 PM 2 mins
PASSING DRY BRANCH AT THIS TIME IN THE TRAIL BLAZER

Narrative By: CRAWFORD 05/28/2011 13:12 1:12 PM 2 mins
CALLER IS AT 601 AND KOON RD

Narrative By: DAISY 05/28/2011 13:15
NOTIFIED SUSAN W/ LIFENET , THE ETA WILL BE ABOUT 18 MIN.

Narrative By: TINA 05/28/2011 13:18
PER SUSAN LIFENET IS IN THE AIR ETA THEY AUTO LAUNCH ETA 9 MINS COMING FROM COLUMBIA

Narrative By: BARBARA 05/28/2011 13:22
---------- HIT NOTIFICATION

---------- RUN BY USER: BARBARA

KERCC203. TO: KERCC203-162191 20110528 13:22:34 00067B5518
FROM: NC2K-8082712 20110528 13:22:34 02DE00F268
1L0102DE00F2682QWA
SC028013N
***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.
WARNING - DO NOT ARREST BASED ON THIS INFORMATION
MKE/PROBATION OR SUPERVISED RELEASE STATUS
ORI/M00480176 NAM/TAYLOR, DAVID L SEX/M RAC/W DOB/19540918
HGT/603 WGT/260 EYE/BRO HAI/BLN FBI/83287FC5
SOC/488666032
OCA/PR036638
OOC/MAIL FRAUD
OPE/20120426
OSS/20070427 SON/FOWLER, MARK SOT/816 512-1300
ONA/N
ORI IS US PROBATION OFFICE KANSAS CITY 816 512-1300
IC/C071957450 DTE/20100225 1639 EST DLU/20100225 1639 EST
EPEAT - PROBATION OR SUPERVISED RELEASE STATUS RECORD - DO NOT ARREST
ASED ON THIS INFORMATION - PLEASE CONTACT SUPERVISING AGENCY VIA NLETS,
ELEPHONE OR EMAIL TO ADVISE OF CONTACT WITH SUPERVISED INDIVIDUAL.
LEASE BE ADVISED THAT SUPERVISING AGENCY MAY NOT BE
PERATIONAL 24/7.

arrative By: BARBARA 05/28/2011 13:23
ERCC203. TO: KERCC203-162190 20110528 13:22:30 003E9FDB21
ROM: SRS-10476321 20110528 13:22:30 02DE00F268
PURSUANT TO ARTICLE 7, CHAPTER 3 OF TITLE 23 OF THE 1976
CODE: THE INFORMATION COLLECTED FOR THE SEX OFFENDER
REGISTRY IS MADE AVAILABLE TO LAW ENFORCEMENT, AND OTHER
AUTHORIZED PURPOSES.
TIVE STATUS: ACTIVE

Elasped TIME

PUBLIC ACCESS: STANDARD
COUNTY OF REGISTRATION-43 SUMTER

1. IDENTIFICATION INFORMATION

INIT REG DATE	REGISTER ORI	COUNTY OF REGISTRATION
20100419	SC0430000	

OTHER REGISTRATION COUNTIES

SRS NUMBER	STATE ID NUM	FBI NUMBER	JJN NUMBER
0000018965	SC01862302	763950CD9	

COMMUTER	FINGERPRINTS	PALMPRINTS	PHOTOGRAPH
N	Y	Y	Y

2. PERSONAL INFORMATION

NAME: TAYLOR, DAVID M DOB: 19521119 POB: KY

SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR	SKIN	DNA	BLT	SXP
M	W	506	195	BLU	SDY	MED	N	OPOS	N

ELASPED TIME
12 MINS
+18 MINS
17 MINS
47

Narrative By: DAISY 05/28/2011 13:24 1:24 PM
HORCE LEE / BAUGHAM RD //// GREG RED BASEBALL CAP, BLUE SHIRT GREEN OR BROWN SHORTS // HE IS AT THE KERSHAW CO / RICHLAND CO, HE JUST WALKED INTO RICHLAND CO

Narrative By: TESSS 05/28/2011 13:26 1:26 PM
PER # 10 ADV 40 2 MINS

Narrative By: DAISY 05/28/2011 13:26
HE IS ON KOON RD, HE IS WENT INTO RICHLAND CO, WHICH IS SCREAMING ROAD IN RICHLAND CP

Narrative By: CRAWFORD 05/28/2011 13:27
CALLED RICHLAND CO DISPATCH PARSON

Narrative By: TESSS 05/28/2011 13:28 1:28 PM
CALLER THAT STATES HER NAME IS ANDREA REICHART/ CALLED ME 803-260-0354// SHE STATED THE SUSP WAS WALKIGN DOWN KOON RD NEAR SCREAMING EAGLE //UNK IF HAS THE WEAPON WITH HIM 2MIN

Narrative By: DAISY 05/28/2011 13:30 1:30 PM
ORCE 446-1049 COMPL IS IN A TAN BUIC SAID THE DEPUTY HAVE THE SUB DOWN 2mins

Narrative By: TINA 05/28/2011 13:32
ALLED RICHLAND CO SPOKE TO DAVIS ADV THEM TO LOCK DOWN SCREAMING EAGLE PER CO
0

Narrative By: BARBARA 05/28/2011 13:33
TAND DOWN LIFENET// SUSAN.. CANCELLED//

Narrative By: TESSS 05/28/2011 14:01
ERCC204. TO: KERCC204-142493 20110528 13:39:48 00067B565F
ROM: NC2K-8083039 20110528 13:39:48 02DF00D763
,0102DF00D7632QWA
:028013N
) NCIC WANT NAM/SMITH, GREG DOB/19620303

ELASPED TIME
[illegible]

914

***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

Narrative By: DAISY 05/28/2011 14:04
I CALLED DEHEC EMERG. SPOKE TO CAROL EVANS, SHE IS GOING TO NOTIFY THE ON CALL

Narrative By: BARBARA 05/28/2011 14:16
CITY / #120 ADVISED CORONER COMING THROUGH CAMDEN// LIGHTS SIREN// JUST FOR INFO WITH DEPUTY TO HOSPITAL

Narrative By: TESSS 05/28/2011 14:16
CALLED DHEC FOR #10 2ND TIME SHE ADVISED SHE HAS PAGED STILL WAITING ON REPSONSE

Narrative By: BARBARA 05/28/2011 14:17
CORRECTION/ 55 THERE / HARD TO UNDERSTAND RADIO// NOT 65 ON CALL THERE

Narrative By: TINA 05/28/2011 14:23
PER DENNIS W LFD /TONE ST 19 HAVE THEM TAKE 1901 C-1 TO THE SCENE AT 1955 HWY 601S TO MEET W LE REF TO SOME ITEMS THAT LE HAS

Narrative By: TESSS 05/28/2011 14:26
CALLED THE DHEC IN COLUMBIA / ADVISED URGENT NEEDED ON CALL TO CALL / ADV OF SITUATION / SHE STATED SHE HAD SPOKEN WITH ON CALL FEW MIN AGO AND HE WILL CALL SHORTLY

Narrative By: TINA 05/28/2011 14:37
RICHLAND CO DAVIS WAS ADV THEY NEEDED A EMS UNIT TO THE SCENE TO STANDBY

Narrative By: BARBARA 05/28/2011 14:43
PER WHACK AT JAIL WAS ADVISED OF SITUATION PER BROOKS/ #44 NEED TO GET CHECKED OUT AT HOSPITAL//WHACK SAYS HE WILL GET W/ PROPER AUTHORITYS

2:47 PM

Narrative By: TINA 05/28/2011 14:47
ANDREA LEE CALLED FROM 803-260-0354 SHE WANTED TO SPEAK TO CO 16 ABOUT GETTNG ONE OF THE DOGS FROM THE SCENE IT WAS A VERY FRIENDLY BLACK PITBULL

Narrative By: DAISY 05/28/2011 15:01
ERCC201. TO: KERCC201-203731 20110528 15:02:43 001E723A40
ROM: DMV-7486016 20110528 15:02:43 0276013322
XTAG SC028013N0276013322
TAG
000 GPT167 VALIDATION GPT167 TAG EXP 12/2012 DECAL EXP 12/2011
008 STRN SU OUTLOO VIN 5GZER23798J248526 EMPT WGT 004 GVW 000000
HORES,RONALD LEE
786 MARSHWOOD DR
OLLYWOOD SC 294495879 CHAR CNTY
LTERNATE TAG YEAR
L: 770610227805187 TTL ISSUE DT: 12/22/2010 SALES PRICE: $22,729.00

Narrative By: DAISY 05/28/2011 15:02
ERCC201. TO: KERCC201-203732 20110528 15:02:47 00067B5CEF

FROM: NC2K-8084719 20110528 15:02:47 0276013322
1L0102760133222QV
SC028013N
NO RECORD LIC/GPT167

Narrative By: TESSS 05/28/2011 15:02
KERCC204. TO: KERCC204-142503 20110528 15:02:53 001E723A46
FROM: DMV-7486022 20110528 15:02:53 02DF00D768
TXTAG SC028013N02DF00D768
XTAG
2000 FXF646 VALIDATION FXF646 TAG EXP 02/2012 DECAL EXP 02/2012
1996 BUIC 4S CENTUR VIN 1G4AG5540T6430634 EMPT WGT 002 GVW 000000
GETZ,REBECCA K
1902 DRY BRANCH RD Debras CAR
LUGOFF SC 290789613 KERS CNTY
ALTERNATE TAG YEAR
TTL: 770280215729805 E TTL ISSUE DT: 02/22/2010 SALES PRICE: $100.00

Narrative By: TINA 05/28/2011 15:02
PER RICHLAND CO CPT MIKE RUMFIELD EMS SUPERVISOR HE WILL NOT BE ABLE TO SEND A UNIT TO STANDBY TO ASST WITHOUT CONTACTING HIS COUNTY ADMINISTATOR BEFORE HE WILL BE ABLE SEND HELP AND HE WANTS TO KNOW WHY A KERSHAW COUNTY EMS UNIT ISNT GOING TO STANDBY / HE WAS ADV WE DID HAVE A UNIT OUT THERE EARLER AND THAT WE WERE ASKING FOR THERE ASST HE ADV THEY WOULD ONLY BE ABLE TO ASST IF SOMEONE NEEDED TO BE TRANSPORTED TO THE HOSPITAL THEY COULDNT GO AND STANDBY

Narrative By: BARBARA 05/28/2011 15:03 3:03 PM
CALLED JAIL ADVISED WHACK AGAIN. THE GUY PASSED AWAY/ IF THEY WANT TO GO GET CHECKED OUT// HE SAID THEY DIDN'T TOUCH HIM / I TOLD HIM IT WAS UP TO THEM// ALL THE DEPUTYS ARE GETTING CHECKED OUT THAT WAS THERE DAVIDS DEAD

Narrative By: TINA 05/28/2011 15:04
OFFICER MCENTIRE 803-319-3737 WOULD LIKE A OFFICER TO CALL HIM 1.hr 33 mins After my arrest

Narrative By: TINA 05/28/2011 15:06
CALLED RICHLAND AND SPOKE TO HARRIS AND ADV HER NEEDED HAZMAT 1 TO ASST WITH THE METH LAB 3:06 PM

Narrative By: DAISY 05/28/2011 15:07
CALLED THE JAIL AND TOLD BRADSHAW TO HAVE THE CLOTHES DOUBLE BAGGED AND PUT IN A VENTED AREA

Narrative By: TESSS 05/28/2011 15:07
OV F20 OF THE SITUATION

Narrative By: DAISY 05/28/2011 15:15
LMA WATTS, ANDY'S MOTHER CALLED AND WANTED INFORMATION REF TO ANDY, 5-5219, SHE ASKED FOR KIM MCCAY, I TOLD HER THAT I COULD NOT GIVER HER ANY FO, I WOULD TELL KIM TO CALL HER, SHE SAID ANDY'Y WIFE WAS AT ANDY'S STER'S NIKIA NELSON HOUSE IN LEXINGTON. ////// I CALLED KIM, SHE SAID SHE S PULLING UP TO ANDY'S HOUS EAND HIS WIFE IS STANDING BY HER CAR

Narrative By: TESSS 05/28/2011 15:31
PER RICHLAND CO DISP / HAZMAT1 IS JUST GETTING ON HWY 601 OF I-20

Narrative By: CRAWFORD 05/28/2011 16:22
K

Narrative By: CRAWFORD 05/28/2011 16:22
KERCC202. TO: KERCC202-186193 20110528 16:21:11 001E7242C3
FROM: DMV-7488195 20110528 16:21:11 02D2011D9C
TXLIC SC028013N02D2011D9C
XLIC
OLN = 0003373647
SUSP CAUSE BEGIN END
97 02/10/2009 03/16/2010 10/29/2010
03 06/25/2009 07/25/2010 10/25/2010
36 06/22/2009 01/24/2010 07/24/2010
97 04/21/2009 09/23/2009 08/30/2010
97 06/09/2009 08/17/2009 08/30/2010
97 06/09/2009 08/17/2009 08/30/2010
** MORE **

Narrative By: CRAWFORD 05/28/2011 16:22
KERCC202. TO: KERCC202-186194 20110528 16:21:11 001E7242C4
FROM: DMV-7488196 20110528 16:21:11 02D2011D9C
TXLIC SC028013N02D2011D9C
XLIC
OLN = 0003373647
SUSP CAUSE BEGIN END
97 06/09/2009 08/17/2009 08/30/2010
36 06/09/2009 07/23/2009 01/23/2010
97 03/13/2009 07/05/2009 08/30/2010
03 04/19/2008 09/07/2008 12/07/2008
22 12/16/1988 12/16/1988 06/17/1991
13 05/11/1988 08/11/1988 11/11/1988
* MORE **

arrative By: CRAWFORD 05/28/2011 16:22
ERCC202. TO: KERCC202-186195 20110528 16:21:11 001E7242C5
ROM: DMV-7488197 20110528 16:21:11 02D2011D9C
XLIC SC028013N02D2011D9C
LIC
LN = 0003373647
JSP CAUSE BEGIN END
13 04/20/1987 03/19/1988 06/17/1988
.3 12/03/1986 12/19/1987 03/19/1988
.3 06/10/1986 10/26/1986 01/26/1987
.3 05/03/1986 07/26/1986 10/26/1986
3 02/04/1986 03/19/1986 06/19/1986
END OF INQUIRY **

Narrative By: CRAWFORD 05/28/2011 16:22
---------- HIT NOTIFICATION

---------- RUN BY USER: TRISHA

KERCC202. TO: KERCC202-186201 20110528 16:21:48 00067B63BD
FROM: NC2K-8086461 20110528 16:21:48 02D2011D9E
1L0102D2011D9E2QWA
SC028013N
***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.
MKE/WANTED PERSON
1 - FULL EXTRADITION UNLESS OTHERWISE NOTED IN THE MIS FIELD
ORI/SC0100800 NAM/STORY, KENNETH R SEX/M RAC/W POB/VA DOB/19560530
HGT/503 WGT/130 EYE/BRO HAI/BRO FBI/619309P3
SMT/SC L ARM
FPC/PM6408CI0914SR10CM15 SOC/247111699
OFF/FAILURE TO APPEAR - SEE MIS
OOC/TRAFFIC OFFENSE
DOW/20081203 OCA/2008006887N
WNO/93646EK
MIS/WILL EXTRADITE SOUTH CAROLINA ONLY BENCH WARRANTS FOR ORIG OFF DUS 2ND
MIS/CARELESS OPERATION OPR863
DNA/N
ORI IS NORTH CHARLESTON PD 843 745-1015
DOB/19590219
DOB/19560330
DOB/19560830
AKA/STORY, KENNETH RAY
AKA/STOREY, KEN

Narrative By: CRAWFORD 05/28/2011 16:22

Narrative By: CRAWFORD 05/28/2011 16:22
(

3:24 PM

Narrative By: DAISY 05/28/2011 16:24
ERCC201. TO: KERCC201-203756 20110528 16:17:38 001E72423D
ROM: DMV-7488061 20110528 16:17:38 027601332C
XREF SC028013N027601332C
REF
D NO 0004791303
YLER,DAVID LYNN
995 HIGHWAY 601 S
JGOFF SC 290788950 KERS CNTY
EX M HGT 6 00 WGT 135 BIRTH 0
SN 250-08-5490 RACE WHITE
ATUS-DL:SUSPENDED CDL:DISQUALIFIED
*** IDENTIFICATION ONLY **** ISSUED 02/02/2010
RIVER LICENSE CLASS D ISSUED 06/16/1998
MORE **

Narrative By: DAISY 05/28/2011 16:24
KERCC201. TO: KERCC201-203750 20110528 16:11:42 001E724191
FROM: DMV-7487889 20110528 16:11:42 027601332A
TXREF SC028013N027601332A
XREF
OLN = 0004791303
SUSP Failure to Pay Traffic Ticket BEG 08/26/1998 END INDEFINITE CAU 12/08/1997
SUSP Failure to Pay Traffic Ticket BEG 08/27/1998 END INDEFINITE CAU 12/08/1997
SUSP Failure to Pay Traffic Ticket BEG 04/05/1998 END 06/15/1998 CAU 08/03/1997
SUSP Failure to Pay Traffic Ticket BEG 11/24/1997 END 02/18/1998 CAU 05/10/1997
SUSP Driving Under Suspension BEG 12/28/1993 END 03/28/1994 CAU 03/16/1993
SUSP Point Suspension BEG 02/28/1993 END 05/28/1993 CAU 01/22/1993
SUSP Failure to Pay Traffic Ticket BEG 11/27/1992 END 03/10/1993 CAU 09/13/1992
SUSP Driving Under Suspension BEG 09/21/1987 END 12/21/1987 CAU 04/18/1987
SUSP Habitual Offender BEG 06/06/1980 END 06/06/1985 CAU 06/06/1980
SUSP Driving Under Suspension BEG 07/24/1978 END 12/24/1978 CAU 04/08/1978
SUSP Driving Under Suspension BEG 02/10/1978 END 07/10/1978 CAU 12/31/1977

DAVID TYLER

Narrative By: DAISY 05/28/2011 16:24
KERCC201. TO: KERCC201-203751 20110528 16:11:43 001E724192
FROM: DMV-7487890 20110528 16:11:42 027601332A
TXREF SC028013N027601332A
XREF
OLN = 0004791303
SUSP Point Suspension BEG 08/10/1977 END 01/07/1978 CAU 07/21/1977
** END OF INQUIRY **

Narrative By: DAISY 05/28/2011 16:25
KERCC201. TO: KERCC201-203753 20110528 16:15:20 001E7241F6
FROM: DMV-7487990 20110528 16:15:20 027601332B
XREF SC028013N027601332B
REF
L NO 0008687793
MITH,GREGORY SCOTT
171 FORT JACKSON RD
JGOFF SC 290789621 KERS CNTY
EX M HGT 5 11 WGT 170 BIRTH 11/04/1969
N 248-39-7932 RACE WHITE
TATUS-DL:NO SUSPENSION CDL:NO DISQUALIFICATION

DRIVER LICENSE CLASS D ISSUED 11/07/2007
BEGINNERS PERMIT CLASS M ISSUED 03/29/2006
** MORE **

Narrative By: DAISY 05/28/2011 16:25
KERCC201. TO: KERCC201-203754 20110528 16:15:20 001E7241F7
FROM: DMV-7487991 20110528 16:15:20 027601332B
TXREF SC028013N027601332B
XREF
OLN = 0008687793
SUSP Failure to Pay Traffic Ticket BEG 01/26/1993 END 02/05/1993 CAU 10/16/1992
SUSP Failure to Pay Traffic Ticket BEG 01/10/1993 END 02/05/1993 CAU 10/07/1992
** END OF INQUIRY **

Narrative By: BARBARA 05/28/2011 16:29 3:29 A
DECON TEAN // METH LAB ROBERT JOYNER CALL GERALD 713-2638 PER TERESA AT HOSPITAL

Narrative By: DAISY 05/28/2011 16:26 3:26 PM
KERCC201. TO: KERCC201-203761 20110528 16:18:20 001E724254
FROM: DMV-7488084 20110528 16:18:20 027601332D
TXREF SC028013N027601332D
XREF
ID NO 0004124613
TYLER,DEBRA D
1995 HIGHWAY 601 S
LUGOFF SC 290788950 KERS CNTY
SEX F HGT 5 09 WGT 125 BIRTH 01/23/1952
SSN 266-17-2835 RACE WHITE
STATUS-DL:SUSPENDED CDL:DISQUALIFIED
**** IDENTIFICATION ONLY **** ISSUED 11/19/2007
** MORE **

Narrative By: DAISY 05/28/2011 16:26
KERCC201. TO: KERCC201-203762 20110528 16:18:20 001E724255
FROM: DMV-7488085 20110528 16:18:20 027601332D
XREF SC028013N027601332D
REF
LN = 0004124613
USP Controlled Substance Violation BEG 04/20/2010 END 10/20/2010 CAU 1/20/2010
JSP Driving Under Suspension BEG 07/15/2009 END 10/15/2009 CAU 3/25/2009
JSP Driving Under Suspension BEG 05/09/2004 END 11/08/2004 CAU 5/25/2002
ISP Habitual Offender BEG 05/21/2002 END 05/21/2007 CAU 5/01/2002
SP Driving Under the Influence BEG 05/08/2003 END 05/08/2004 CAU /05/2002

Debra Delbuono

SUSP Driving Under Suspension - DUI BEG 11/08/2002 END 05/08/2003 CAU
02/05/2002
SUSP Driving Under Suspension - DUI BEG 05/08/2002 END 11/08/2002 CAU
12/02/2001
SUSP Failure to Maintain Proof of F BEG 01/19/2002 END INDEFINITE CAU
01/09/2002
SUSP Driving Under the Influence BEG 11/08/2001 END 05/08/2002 CAU
04/26/2001
SUSP Operating or Allowing Operatio BEG 04/04/2000 END 05/03/2000 CAU
12/25/1999
SUSP Controlled Substance Violation BEG 04/01/1999 END 04/01/2000 CAU
09/23/1998

Debra Delbuo

Narrative By: DAISY 05/28/2011 16:26
KERCC201. TO: KERCC201-203763 20110528 16:18:20 001E724256
FROM: DMV-7488086 20110528 16:18:20 027601332D
TXREF SC028013N027601332D
XREF
OLN = 0004124613
SUSP Controlled Substance Violation BEG 09/18/1998 END 03/18/1999 CAU
03/07/1994
SUSP Controlled Substance Violation BEG 09/18/1998 END 03/18/1999 CAU
03/07/1994
SUSP Driving Under Suspension BEG 03/25/1997 END 06/25/1997 CAU
12/18/1994
SUSP Implied Consent BEG 01/21/1995 END 04/20/1995 CAU
12/18/1994
SUSP Implied Consent BEG 02/05/1993 END 05/05/1993 CAU
11/25/1992
SUSP Habitual Offender BEG 05/21/1991 END 05/21/1996 CAU
05/01/1991
SUSP Driving Under Suspension - DUI BEG 09/19/1991 END 03/19/1992 CAU
12/20/1990
SUSP Driving Under Suspension - DUI BEG 03/19/1991 END 09/19/1991 CAU
09/28/1990
SUSP Driving Under the Influence BEG 09/19/1990 END 03/19/1991 CAU
05/13/1990
** END OF INQUIRY **

Debra Delbuono

Narrative By: DAISY 05/28/2011 16:26
KERCC201. TO: KERCC201-203765 20110528 16:18:53 001E724265
FROM: DMV-7488101 20110528 16:18:53 027601332E
XREF SC028013N027601332E
C0400800.
.XREF
JONO/D/D/19520123
NO MATCH FOUND. TRY AGAIN WITHOUT USING A MIDDLE INITIAL.

3:28 PM

Narrative By: TESSS 05/28/2011 16:28
CONTACTED THE ER SPOKE WITH #47 // ADV HIM TO HAVE 65 TO CALL #90 REF TO GREG
WITH THE PT HE BROUGHT IN

Narrative By: BARBARA 05/28/2011 16:50
WIS NEWS / KNIGHT CALLED IN JUST TO CONFIRM ADDRESS/1995 HWY 601 S NOT SCREAMING EAGLE

3:50 PM NEWS CREW arrives

Narrative By: BARBARA 05/28/2011 16:56
PER ROBERT JOYNER/ IT IS OK FOR REHAB// DOBY MILL WILL HANDLE

Narrative By: DAISY 05/28/2011 16:53
ROBERT JOYNER CALLED AND WANTED RED CROSS TO COME OUT THERE AND BRING THEM WATER OR GATOR AID SOMETHING FOR THE GUYS

Narrative By: DAISY 05/28/2011 16:53
MR POPE WITH RED CROSS SAID HE WILL COME OUT

Narrative By: BARBARA 05/28/2011 18:04 6:04 PM
PER PEGGY SPIVEY/SAID SLED OFFICER WAS OVER THERE NEEDED TO SPEAK TO HER 2 OFFICERS WHACK AND BRADSHAW SHE NEEDS TO KNOW IF SHE NEEDS TO KEEP THEM THERE OR GO AHEAD LET THEM GO HOME// MAYBE TALK TO THEM TOMORROW// TRIED #2 CELL, TRIED#3 CELL// VOICE MESSAGE // SHE DOESN'T KNOW SLED OFFICER NAME/ OFF LEE / SLED SAID HAVE THE 2 OFFICERS MEET AT SO IN BACK// ADVISED PEGGY 669-0026

Narrative By: TESSS 05/28/2011 18:40
CLAY WITH RED CROSS ENROUTE TO THIS LOCATION WITH SUPPLIES

Narrative By: DAISY 05/28/2011 18:40 6:40 PM
PER FIRE DEPT COMMAND , HAVE RED CROSS GO AHEAD AND BRING THEM SOME DRNKS, THEY HAVE APPOX.30-40 PEOPLE THERE

Narrative By: CIERRA 05/28/2011 20:56
KERCC204. TO: KERCC204-142526 20110528 20:57:41 001E726608
FROM: DMV-7497224 20110528 20:57:41 02DF00D770
TXTAG SC028013N02DF00D770
XTAG
2000 DPT167 VALIDATION DPT167 TAG EXP 11/2012 DECAL EXP 11/2011
1992 CHEV CP CAVALI VIN 1G1JC1449N7292737 EMPT WGT 002 GVW 000000
TYLER,HEATHER DAWN
2065 GABLE RIDGE DR
FLORENCE SC 295016411 FLOR CNTY
ALTERNATE TAG YEAR
TTL: 770210226449671 E TTL ISSUE DT: 11/13/2010 SALES PRICE: $0.00

DAVIDS CAR

arrative By: CIERRA 05/28/2011 20:57
ERCC204. TO: KERCC204-142527 20110528 20:57:41 00067B7E9C
ROM: NC2K-8093340 20110528 20:57:41 02DF00D770
L0102DF00D7702QV
C028013N
O RECORD LIC/DPT167

arrative By: CIERRA 05/28/2011 20:57
ERCC204. TO: KERCC204-142529 20110528 20:57:44 001E72660A

FROM: DMV-7497226 20110528 20:57:44 02DF00D771
TXTAG SC028013N02DF00D771
XTAG
2000 FXF646 VALIDATION FXF646 TAG EXP 02/2012 DECAL EXP 02/2012
1996 BUIC 4S CENTUR VIN 1G4AG5540T6430634 EMPT WGT 002 GVW 000000
GETZ,REBECCA K
1902 DRY BRANCH RD
LUGOFF SC 290789613 KERS CNTY
ALTERNATE TAG YEAR
TTL: 770280215729805 E TTL ISSUE DT: 02/22/2010 SALES PRICE: $100.00

Debra's car

Narrative By: CIERRA 05/28/2011 20:57
KERCC204. TO: KERCC204-142530 20110528 20:57:47 00067B7EA0
FROM: NC2K-8093344 20110528 20:57:47 02DF00D771
1L0102DF00D7712QV
SC028013N
NO RECORD LIC/FXF646

Narrative By: CIERRA 05/28/2011 20:57
PER 2 THESE VEH ARE IN IMPOUND AT THE SHERIFFS OFFICE DPT167 AND FXF646

Narrative By: SONYA 05/28/2011 21:36 9:36 PM
KERCC201. TO: KERCC201-203829 20110528 21:37:09 0008D7ED3F
FROM: NLETS-14150975 20110528 21:37:09 0276013345
DR.NCDCI0000
18:36 05/28/2011 15799
18:36 05/28/2011 46234 SC028013N
*0276013345
TXT
NAME: GREGORY VINCENT SMITH
RESIDENCE ADDRESS: 1766 WILMINGTON HWY; FAYETTEVILLE,NC 283063108
COUNTRY: UNITED STATES
DATE OF BIRTH:
HEIGHT: 602
EYE COLOR: HAZEL
HAIR COLOR: BROWN
GENDER: Male
RACE: White
** DRIVER LICENSE DETAILS ***
DRIVER AUTHORIZATION ID: 000025255033
JURISDICTION AUTHORITY CODE: NC
ISSUE DATE: 2007-11-02
EXPIRATION DATE: 2015-03-03
DRIVER LICENSE PERMIT QUANTITY: 1
LICENSED COMMERCIAL DRIVER INDICATOR: N
LICENSED NON-COMMERCIAL DRIVER INDICATOR: Y
DRIVER LICENSE NON-COMMERCIAL STATUS: CLS ID CARD
DRIVER LICENSE NON-COMMERCIAL CLASS: ID CARD

MY I.D

rrative By: SONYA 05/28/2011 21:44

KERCC201. TO: KERCC201-203835 20110528 21:44:52 00067B8338
FROM: NC2K-8094520 20110528 21:44:52 0276013347
1L0102760133472QWA
SC028013N
NO NCIC WANT NAM/SMITH, GREGORY V DOB/19620303
***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

Narrative By: SONYA 05/29/2011 00:12
KERCC201. TO: KERCC201-203872 20110529 00:10:45 00067B9460
FROM: NC2K-8098912 20110529 00:10:45 0276013354
1L0102760133542QG
SC028013N
NO RECORD SER/15489930

Narrative By: SONYA 05/29/2011 00:13
KERCC201. TO: KERCC201-203878 20110529 00:11:58 00067B9489
FROM: NC2K-8098953 20110529 00:11:58 0276013357
1L0102760133572QG
SC028013N
NO RECORD SER/15489930 MAK/SR

Vehicle Information

UNIT	DEPT	STATUS/DSP/CASE	LOCATION/REMARK	USER	DATE	TIME
44	L01	DSP		BARBA	05/28	12:48:28
47	L01	DSP		BARBA	05/28	12:48:30
40	L01	DSP		BARBA	05/28	12:48:31
44	L01	1017		BARBA	05/28	12:48:38
47	L01	1017		BARBA	05/28	12:54:18
40	L01	1017		BARBA	05/28	12:54:27
40	L01	1088		BARBA	05/28	12:55:19
47	L01	1023		BARBA	05/28	12:56:06
40	L01	1023		BARBA	05/28	12:56:09
44	L01	1023		BARBA	05/28	12:56:12
65	L01	1023		BARBA	05/28	12:56:59
47	L01	LOG	NO ONE BEEN SHOT	BARBA	05/28	13:00:10
65	L01	1006	2010 HWY 601	BARBA	05/28	13:02:16
47	L01	LOG	CALLER WILL BE THER 5 MIN	BARBA	05/28	13:04:49
40	L01	1023	NOW	BARBA	05/28	13:07:10
47	L01	LOG	TAN TRAILBLAZER// COMPLAINT	BARBA	05/28	13:07:17
MS5	E01	DSP		DAISY	05/28	13:10:54
40	L01	1017		TESSS	05/28	13:11:04
46	L01	1017		TESSS	05/28	13:11:16
45	L01	1023	HAS A FEMALE HAS BEEN SHOT	DAISY	05/28	13:11:27
45	L01	LOG	SHE IS NOT RESPONDING, COVERED	DAISY	05/28	13:11:30
45	L01	LOG	IN BLOOD, LOOKS LIKE SHE HAS	DAISY	05/28	13:11:30
45	L01	LOG	BEEN SHOT IN THE HEAD	DAISY	05/28	13:11:30
MS5	E01	1017		DAISY	05/28	13:13:14
MS5	E01	EMS#	0000003965	DAISY	05/28	13:13:31

EMS5	E01	LOG	CHECK LIFENET AVAIL	DAISY 05/28 13:13:46
47	L01	LOG	DAVID TYLER/	BARBA 05/28 13:13:57
3	L01	1017		TESSS 05/28 13:14:36
11	L01	DSP		TESSS 05/28 13:16:01
16	L01	1017		TESSS 05/28 13:16:06
10	L01	1017		TESSS 05/28 13:16:10
44	L01	LOG	DAVID LYNN TYLER 9-18-54	BARBA 05/28 13:16:21
EMS1	E05	1017	TO ASSIST ST.5	DAISY 05/28 13:17:19
EMS5	E01	LOG	???? IF PATIENRT IS BREATHING	BARBA 05/28 13:20:39
EMS5	E01	LOG	FOR LZ TO BE SET UP	BARBA 05/28 13:20:39
ST19	F10	DSP		CRAWF 05/28 13:21:08
EMS1	E05	EMS#	0000003967	DAISY 05/28 13:21:32
10	L01	LOG	PER #10 40 ADV PT IS 10-7	TESSS 05/28 13:22:08
10	L01	LOG	SUBJ IS 10-7	TESSS 05/28 13:22:08
1912	F10	1017		CRAWF 05/28 13:22:15
10	L01	1017	TOWARD KOON AROUND 1938 KOOBN	TESSS 05/28 13:24:50
1906	F10	1017		CRAWF 05/28 13:25:24
10	L01	LOG	ADV LIFENET TO NOT LAND SCENE	TESSS 05/28 13:27:09
10	L01	LOG	IS NOT SECURE	TESSS 05/28 13:27:09
1906	F10	FIRE#	0000000088	CRAWF 05/28 13:27:50
1906	F10	LOG	LZ 2085 PORTES CROSS RDS	CRAWF 05/28 13:28:10
1906	F10	1023		CRAWF 05/28 13:28:33
10	L01	LOG	MAKE CONTACT WITH RICHLAND CO	TESSS 05/28 13:28:36
1906	F10	LOG	1914 HAS COMD 1912 HAS 601 COM	CRAWF 05/28 13:28:39
10	L01	1088	KOON RD	TESSS 05/28 13:29:03
10	L01	LOG	IN RICHLAND CO	TESSS 05/28 13:29:15
40	L01	LOG	IN RICHLAND CO	TESSS 05/28 13:29:15
47	L01	1067	SUBJ IN CUSTODY	TESSS 05/28 13:30:27
47	L01	1023		TESSS 05/28 13:30:35
10	L01	1023		TESSS 05/28 13:30:35
40	L01	1023		TESSS 05/28 13:30:36
10	L01	LOG	SUSPECT IN CUSTODY	TESSS 05/28 13:31:12 1314
3	L01	1023		TESSS 05/28 13:31:54
1912	F10	LOG	STAND DOWN EMS1 AND LIFENET	CRAWF 05/28 13:31:57
1912	F10	LOG	.	CRAWF 05/28 13:31:57
10	L01	LOG	NEED RICHLAND CO NEED	TESSS 05/28 13:31:57
10	L01	LOG	TO LOCK DOWN SCREAMING EAGLE	TESSS 05/28 13:31:57
10	L01	LOG	REF TO SUSPECT /NEED THEM TO	TESSS 05/28 13:31:57
10	L01	LOG	RESPOND	TESSS 05/28 13:31:57
16	L01	1023		TESSS 05/28 13:33:07
1901	F10	1023	LZ	CRAWF 05/28 13:33:26
1901	F10	1008		CRAWF 05/28 13:33:35
EMS5	E01	1023	13:25	DAISY 05/28 13:33:51
1906	F10	LOG	601 COMD SIG-09	CRAWF 05/28 13:33:59
10	L11	1017		CRAWF 05/28 13:35:01
	L01	LOG	LEFT MESSAGE	TESSS 05/28 13:36:43
	L01	LOG	CANCEL BIRD	TESSS 05/28 13:36:59
	L01	LOG	HAVE # 11 CALL ASAP FOR S& W	TESSS 05/28 13:36:59 1336
	L01	LOG	GREG SMITH 3-3-62	TESSS 05/28 13:37:35
85	E01	LOG	RELEASED BY #3	DAISY 05/28 13:37:38
06	F10	1008		CRAWF 05/28 13:38:14

1912	F10	1008		CRAWF	05/28 13:38:19
16	L01	LOG	LEFT MESSAGE CELL	BARBA	05/28 13:38:56
55	L01	1017	#40	TESSS	05/28 13:43:56
1	L01	1023		TESSS	05/28 13:45:49
500	L11	1023		TESSS	05/28 13:48:50
55	L01	1017	C7 TO SO	TESSS	05/28 13:51:15
ST19	F10	FIRE#	FOR LZ	TESSS	05/28 13:54:23
			0000000089		
44	L01	*OCA#	Del>>>>>>2782	TESSS	05/28 13:54:59
44	L01	*OCA#	Del>>>>>>2783 BREECH OF PEACE	TESSS	05/28 13:55:21
18	L01	1023		TESSS	05/28 13:57:45
EMS1	E05	1008		DAISY	05/28 13:59:50
EMS5	E01	1008		DAISY	05/28 14:00:02
10	L01	LOG	DHEC EMERGENCY	TESSS	05/28 14:00:06
10	L01	LOG	TX TO HIS CELL	TESSS	05/28 14:00:42
10	L01	LOG	METH LAB	TESSS	05/28 14:02:31
55	L01	1006	SO	TESSS	05/28 14:03:34
3	L01	LOG	CALLER ER ADVSIED OFFICER COMI	CRAWF	05/28 14:03:36
3	L01	LOG	IN BY METH LAB	CRAWF	05/28 14:03:36
583	L01	LOG	ER HAS BEEN NOTIFIED	CRAWF	05/28 14:05:12
3	L01	LOG	NEED THE ON CALL JUDGE TO BE	DAISY	05/28 14:06:20
3	L01	LOG	ON STAND BY FOR A S&W , #18	DAISY	05/28 14:06:20 2:06 PM
3	L01	LOG	WILL BE COMING OUT SHORTLY	DAISY	05/28 14:06:20
3	L01	LOG	WAS ADV JGD TODD ON CALL	DAISY	05/28 14:11:08
500	L11	LOG	LESS THAN 10 ETA	TESSS	05/28 14:11:58
90	L01	1017		TESSS	05/28 14:17:05
500	L11	1023	ER	DAISY	05/28 14:17:21
44	L01	1052	RESP ER ASAP / UNRESP	TESSS	05/28 14:18:34
44	L01	LOG	REF TO C7	TESSS	05/28 14:18:43
EMS1	E05	DSP	TO MEET THE DEPUTY AT THE JAIL	DAISY	05/28 14:19:10
EMS1	E05	LOG	COPY THE CALL	DAISY	05/28 14:19:48
3	L01	LOG	NEED 1052 TO STANDBY AT LOC	TESSS	05/28 14:20:01
3	L01	LOG	REF TO METH LAB	TESSS	05/28 14:20:01
EMS1	E05	1017	TO THE JAIL	DAISY	05/28 14:20:09
?	L01	1023		TESSS	05/28 14:20:33
?	L01	LOG	NEED EMS TO STANDBY AT LOC	TESSS	05/28 14:20:35
?	L01	LOG	REF TO METH LAB /	TESSS	05/28 14:20:35
	L01	LOG	WAS #2 THAT REQ NOT #3	TESSS	05/28 14:20:35
T19	F10	DSP	C-1 TAKE 1901 MEET LE	TINA	05/28 14:21:33
914	F10	1017		TINA	05/28 14:21:42
901	F10	1017		TINA	05/28 14:21:56
MS1	E05	EMS#	FOR PATIENT TAKEN TO JAIL	DAISY	05/28 14:22:10
			0000003969		
MS	E01	DSP	ADV.EMS5,BY REQ OF THE CHIEF	DAISY	05/28 14:22:48
MS	E01	LOG	THEY WANT A UNIT TO STAND BY	DAISY	05/28 14:23:07
MS	E01	LOG	ON THE SCENT DUE TO THE CHEMIC	DAISY	05/28 14:23:34 2:23 PM
901	F10	FIRE#	0000000090	TINA	05/28 14:23:43
MS	E01	DSP	ADV. EMS5 BY PHONE	DAISY	05/28 14:24:01
901	F10	1023	1912 HAS COMD	CRAWF	05/28 14:27:58
MS1	E05	1023	FULL CODE	DAISY	05/28 14:28:05
	L01	LOG	SUBJ IS IN FULL CODE	CRAWF	05/28 14:28:25

EMS2	E02	1017	PER EMS1	DAISY	05/28 14:28:44
EMS2	E02	EMS#	CARDIC ARREST PATIENT 0000003970	DAISY	05/28 14:29:15
EMS2	E02	1023		DAISY	05/28 14:30:04
16	L01	LOG	WAS ADV FIRE UNITS THERE	TINA	05/28 14:30:56
EMS5	E01	1017	BACK TO THE SCENE TO STAND BY	DAISY	05/28 14:31:55
1901	F10	LOG	TONE 19 ALL MEMBER GO TO ST	CRAWF	05/28 14:34:01
ST19	F10	DSP	FOR MEMBER TO RESPOND TO ST	CRAWF	05/28 14:35:24
1912	F10	LOG	PER LAW OFFICERS CALL RICHLAND	CRAWF	05/28 14:37:35
1912	F10	LOG	CO FOR EMS UNIT	CRAWF	05/28 14:37:38
44	L01	LOG	CALL JAIL BRADSHAW/ SUPER	BARBA	05/28 14:38:15
44	L01	LOG	THEY NEED TO GO GET CHECKED OU	BARBA	05/28 14:38:15
44	L01	LOG	T BECAUSE OF SITUATION	BARBA	05/28 14:38:15
44	L01	LOG	HE IS 10-17 TO ER TO GET CHECK	BARBA	05/28 14:38:15
EMS1	E05	1017	ER / EMERG, CARDIC ARREST	DAISY	05/28 14:39:11
EMS2	E02	1017	ER TO PICK UP PARTNER	DAISY	05/28 14:39:25
65	L01	1017	TO SO TO ASST INV	TINA	05/28 14:39:33
EMS5	E01	LOG	CLEAR FROM SCENE, THEY HAVE	DAISY	05/28 14:39:39
EMS5	E01	LOG	RICHLAND CO EMS ON SCENE	DAISY	05/28 14:39:39
EMS5	E01	1008		DAISY	05/28 14:40:06
44	L01	1006	ER	TESSS	05/28 14:40:40
40	L01	LOG	NEGATIVE ON PKING UP ANIMAL	TESSS	05/28 14:44:28
EMS1	E05	1007	ER	DAISY	05/28 14:44:58
EMS2	E02	1007	ER	DAISY	05/28 14:45:16
500	L11	LOG	Y=TRANS TO POISON CONTROL	CRAWF	05/28 14:45:58
583	L01	1008		CRAWF	05/28 14:50:21
1912	F10	LOG	ADVISE RICHLAND EMS HAVE SEVER	CRAWF	05/28 14:52:30
1912	F10	LOG	OFFICER	CRAWF	05/28 14:52:30
8	L01	1017	PK UP ANDY'S WIFE TAKE TO	BARBA	05/28 14:54:08
8	L01	LOG	HOSPITAL/ ADVISED WE NEED #	BARBA	05/28 14:54:13
8	L01	LOG	FOR HIS WIFE	BARBA	05/28 14:54:13
EMS2	E02	1008		CRAWF	05/28 14:54:45
500	L11	LOG	SUBJ IS 10-7	TESSS	05/28 14:59:29
10	L01	1028	GPT167	DAISY	05/28 15:02:16
65	L01	1006		TESSS	05/28 15:02:40
65	L01	1017	ER	TESSS	05/28 15:03:04
00	L11	LOG	TRANS TO PEGGY SPIVEY'S	DAISY	05/28 15:04:05
00	L11	LOG	CELL //	DAISY	05/28 15:04:05
00	L11	LOG	ADV ME TO TELL THE JAIL, HAVE	DAISY	05/28 15:04:05
00	L11	LOG	THEM DOUBLE BAG THE CLOTHES	DAISY	05/28 15:04:05
00	L11	LOG	AND PUT THEM IN A VENTED ARES	DAISY	05/28 15:04:05
0	L01	LOG	NEED HAZMAT 1 OUT OF RICHLAND	TESSS	05/28 15:04:48
0	L01	LOG	CO	TESSS	05/28 15:04:48
1	L01	1006	SO	TESSS	05/28 15:05:25
0	L01	LOG	REF TO RICHLAND CO EMS NOT RES	TESSS	05/28 15:05:29
0	L01	1017	ER TO GET CK OUT	TESSS	05/28 15:08:43
0	L01	1006	ER	TESSS	05/28 15:14:06
.	L01	1006	ER	TESSS	05/28 15:14:29
	L01	LOG	GAVE HIM 803-253-3441 FOR DEA	CRAWF	05/28 15:20:35
	L01	LOG	TX TO HAZMAT 1 / TO CPT DIRECT	TESSS	05/28 15:24:16
	L01	LOG	LINE 803-545-3720	TESSS	05/28 15:24:16

EMS1	E05	1008		DAISY	05/28 15:25:05
8	L01	LOG	TRANSFERRED JACKIE WATTS	BARBA	05/28 15:27:07
8	L01	LOG	TO #10 CHRIS PHILLIPS CELL	BARBA	05/28 15:27:07
8	L01	LOG	FIXING TO PULL IN HOSPITAL	BARBA	05/28 15:28:04
8	L01	LOG	JACKIES CELL 243-1089	BARBA	05/28 15:28:04
3	L01	LOG	ADV OF ETA FOR HAZMAT 1	TESSS	05/28 15:32:55
65	L01	1017	1067 TO SO	TESSS	05/28 15:33:25
8	L01	1006	ER	TESSS	05/28 15:34:19
8	L01	1006	ER	TESSS	05/28 15:37:45
501	L11	1017	ER	TESSS	05/28 15:41:46
11	L01	1023		TESSS	05/28 15:42:58
10	L01	LOG	ADV 65 TO GET SUBJ TO ER	TESSS	05/28 15:43:40
65	L01	1006	ER	TESSS	05/28 15:44:14
10	L01	LOG	#65'S NUMBER 260-0852	TESSS	05/28 15:45:33
1912	F10	LOG	HAZMAT 1 AND RESQ 3 FROM RICHL	CRAWF	05/28 15:53:07
1912	F10	LOG	IS ON SCENE	CRAWF	05/28 15:53:07
47	L01	1006	ER	TESSS	05/28 15:55:12
15	L01	1017		TESSS	05/28 15:55:37
15	L01	1023		TESSS	05/28 15:55:39
EMS3	E03	DSP		DAISY	05/28 15:57:39
EMS5	E01	DSP		DAISY	05/28 15:57:40
1912	F10	LOG	1904 C-1 TO SCENE	CRAWF	05/28 15:58:21
EMS3	E03	1017		DAISY	05/28 15:58:31
EMS3	E03	EMS#	0000003975	DAISY	05/28 15:58:35
1912	F10	LOG	NEED EMS TO STANDBY REF TO	TESSS	05/28 15:59:13
1912	F10	LOG	HAZMAT CANNOT START TILL UNIT	TESSS	05/28 15:59:13
1912	F10	LOG	EMS IS ON SCENE	TESSS	05/28 15:59:13
1912	F10	LOG	THEY ALSO HAVE 3 DEPUTIES HAS	TESSS	05/28 15:59:13
1912	F10	LOG	BEEN CONTAMINATED	TESSS	05/28 15:59:13
1904	F10	DSP		CRAWF	05/28 15:59:20
501	L11	1006	ER	TESSS	05/28 16:00:11
1904	F10	1017		CRAWF	05/28 16:02:23
EMS5	E01	1017		DAISY	05/28 16:04:46
EMS5	E01	EMS#	0000003978	DAISY	05/28 16:04:53
1906	F10	1017		CRAWF	05/28 16:07:18
EMS3	E03	1023		DAISY	05/28 16:07:21
EMS3	E03	1023	ON SCENS 3-4 MINS.	BARBA	05/28 16:13:31
	L01	LOG	TOOK INFO FOR 8	CRAWF	05/28 16:18:08
EMS5	E01	1023		BARBA	05/28 16:22:46
	L01	1017	TO RESIDENCNE	CRAWF	05/28 16:22:57
01	L11	1017	JAIL	CRAWF	05/28 16:39:41
MS3	E03	1017	KH N/E TRANSPORT EXAM X3	BARBA	05/28 16:40:01
4	L01	OCA#	FOR NARCOTICS/ PER #1	TESSS	05/28 16:45:39
			0000002782		
1	L01	*OCA#	Del>>>>>>2783 FOR HOMICIDE /PE	DAISY	05/28 16:45:52
1	L01	LOG	SHOULD BE SPELLING FOR HOMICID	TESSS	05/28 16:46:47
01	L11	1006	JAIL	CRAWF	05/28 16:47:30
	L01	LOG	TRANSFERRED CHIEF CELL/ VOICE	BARBA	05/28 17:00:34
01	F10	LOG	REQUEST ST13 TO BE ON STAND BY	DAISY	05/28 17:00:45
13	F04	DSP	ADV TO BE ON STANDY BY	DAISY	05/28 17:03:19
S3	E03	1007	KHER	BARBA	05/28 17:04:38

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1311	F04	1017		DAISY	05/28 17:05:04
1311	F04	LOG	1315 RESP.ST13	DAISY	05/28 17:06:38
501	L11	1006	CORONER OFFICE	DAISY	05/28 17:07:08
500	L11	1008		TESSS	05/28 17:12:46
1	L01	LOG	NOTIFY ANIMAL CONTROL	CRAWF	05/28 17:13:11
500	L11	1023	ER	TESSS	05/28 17:13:36
320	L10	DSP	PAGED /TO PICK UP ANIMALS	TESSS	05/28 17:13:57
320	L10	LOG	PER #1 WILL NEED PICK UP 2 ANI	TESSS	05/28 17:17:37
44	L01	1017	SO	CRAWF	05/28 17:20:24
40	L01	1008	5:37 PM	CRAWF	05/28 17:20:33
55	L01	1008	DEEBO PICKED UP	CRAWF	05/28 17:20:39
56	L01	1017		CRAWF	05/28 17:23:28
11	L01	LOG	ADV THEY HAVE 3 DOGS TO PICK U	TESSS	05/28 17:27:00
11	L01	LOG	P	TESSS	05/28 17:27:00
320	L10	1017		TESSS	05/28 17:27:38
123	L02	1017		TESSS	05/28 17:27:48
44	L01	1006	SO	CRAWF	05/28 17:32:06
EMS3	E03	1008		BARBA	05/28 17:33:49
65	L01	1017	10-35 C-7	CRAWF	05/28 17:38:48
320	L10	1023		TESSS	05/28 17:42:20
123	L02	1008		TESSS	05/28 17:45:16
65	L01	1006	10-35	CRAWF	05/28 17:45:17
8	L01	1008		CRAWF	05/28 17:48:11
56	L01	1006	ER	CRAWF	05/28 18:02:54
56	L01	1008		CRAWF	05/28 18:16:14
500	L11	1017	BACK TO SCENE	DAISY	05/28 18:18:00
2	L01	1017	BACK TO SCENE	DAISY	05/28 18:18:01
3	L01	1017	BACK TO SCENE	DAISY	05/28 18:18:01
501	L11	1008		DAISY	05/28 18:18:04
EMS6	E01	1017	STAND BY RELIEVE A	BARBA	05/28 18:24:53
40	L01	1017	BACK TO THE SCENE	DAISY	05/28 18:25:23
40	L01	1023		CRAWF	05/28 18:35:23
EMS6	E01	EMS#	0000003984	BARBA	05/28 18:52:36
EMS6	E01	1023		BARBA	05/28 18:52:44
56	L01	1023		CRAWF	05/28 18:54:59
EMS5	E01	1008	ENROUTE TO HOSPITAL 1007	BARBA	05/28 18:55:51
311	F04	1008		CIERR	05/28 19:03:52
5	L01	1017		CRAWF	05/28 19:24:05
901	F10	LOG	STAND DOWN LFD ST16 UNDER CONT	CIERR	05/28 19:29:44
4	L01	1008		CIERR	05/28 19:34:42
5	L01	1023	WITH 10	CIERR	05/28 19:35:34
5	L01	1008		CRAWF	05/28 20:04:12
5	L01	1008		CRAWF	05/28 20:11:37
20	L10	1017	501	CIERR	05/28 20:20:30
	L01	LOG	HAVE ANIMAL CONTROL	DOLOR	05/28 20:36:15
	L01	LOG	COME BACK WE HAVE FOUND THE	DOLOR	05/28 20:36:15
	L01	LOG	DOG	DOLOR	05/28 20:36:15
IS6	E01	1008	1017 TO HOSPITAL FOR RESUPPLY	DOLOR	05/28 20:42:28
0	L11	1008		CRAWF	05/28 20:43:11
0	L10	1023	BACK AT HWY 601	DOLOR	05/28 20:43:32
0	L10	1017	501	CIERR	05/28 20:47:03

1901	F10	1008		CIERR 05/28 20:50:26
1904	F10	1008		CIERR 05/28 20:50:35
1906	F10	1008		CIERR 05/28 20:50:38
1914	F10	1008		CIERR 05/28 20:50:41
2	L01	1028	DPT167 FXF646 ARE IN IMPOUND A	CIERR 05/28 20:56:02
2	L01	LOG	AT SO	CIERR 05/28 20:56:17
16	L01	1008	8:56 PM	CRAWF 05/28 20:57:37
320	L10	1023	501	DOLOR 05/28 21:03:03
320	L10	1006	501 DAVID + DEBRAS	CIERR 05/28 21:17:37
15	L01	1008	CARS IMPOUNDED	CRAWF 05/28 21:24:13
10	L01	1008		CRAWF 05/28 21:25:52
11	L01	1017	SO	CRAWF 05/28 21:26:32
10	L01	1017	SO	CRAWF 05/28 21:26:46
90	L01	1027	NC 25255033	SONYA 05/28 21:36:46
10	L01	1006	SO	CRAWF 05/28 21:39:38
3	L01	LOG	ADV LFD THANKS FOR LTS AND WE	SONYA 05/28 21:49:08
3	L01	LOG	ARE ABOUT TO CLEAR UP SO THEY	SONYA 05/28 21:49:08
3	L01	LOG	CAN GO CLEAR	SONYA 05/28 21:49:08
1	L01	1008		CIERR 05/28 21:54:18
10	L01	1008		CIERR 05/28 21:54:19
56	L01	1008		CRAWF 05/28 22:01:09
3	L01	1008		CRAWF 05/28 22:03:57
7	L01	1008		SONYA 05/28 22:11:38
47	L01	1008		SONYA 05/28 22:22:05
500	L11	LOG	CALL FLORENCE CO SEE IF THEY	CRAWF 05/28 22:50:24
500	L11	LOG	HAVE A PHONE NUMBER TO A	CRAWF 05/28 22:50:27
500	L11	LOG	2065 GABLE RIDGE DR	CRAWF 05/28 22:50:27
500	L11	LOG	HEATHER TYLOR 206-7874	CRAWF 05/28 22:50:27
EMS6	E01	EMS#	SLED AGENT	CRAWF 05/28 22:53:03
			0000003990	
2	L01	1008		CRAWF 05/28 23:00:21
320	L10	1008		SONYA 05/28 23:01:13
11	L01	1008		SONYA 05/28 23:01:27
18	L01	1008		SONYA 05/28 23:01:30
40	L01	1008		SONYA 05/28 23:21:36
500	L11	LOG	HEATHERS # IS 843-229-1817	CRAWF 05/28 23:31:43
500	L11	1008		SONYA 05/28 23:38:15
10	L01	1006	SO	SONYA 05/28 23:39:04
90	L01	1008		SONYA 05/28 23:39:28
10	L01	1008		SONYA 05/28 23:40:17
1912	F10	1008		SONYA 05/28 23:40:26

DEPARTMENT REQUEST FOR TAPE FORM

Date of incident 5-28-2011

Requesting officer's name #10- Lt. Chris Phillips

Type of incident 10-75

Location of incident I-Hwy 601-S.

CAD or CASE number if known 2011-030738

Date of information request 5-29-2011 12:38

Comments:

#10 request copy of tape - 911 Can pick up Tuesday.

Communications use only

Date completed by communications 5-31-2011.

Completed by KJS

ATTACHMENT 9

DAVIDSON & LINDEMANN, P.A.

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October 12, 2012

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John V. Jervey, A.I.C.
South Carolina Association of Counties
Email: jjervey@scac.sc

RE: Gregory V. Smith v. P.E. Spivey, Jail Director, Individual and Official Capacity; and Chris Phillips, Detective, Individual and Official Capacity
Civil Action Number: 1:12-29-RBH-SVH
Claim Number: EV2011004861
Date of Incident: August 15, 2011
Our File Number: 290.8921

Dear John:

I writing with good news regarding the above-referenced matter. As you know I filed a motion for summary judgment in this case back in August. Yesterday, I received a Report and Recommendation (R&R) from the Magistrate Judge handling this case, which recommends that our motion for summary judgment be granted. The R&R does not end this case, and will have to be reviewed by the District Judge. The District Judge can adopt, modify, or reject the Magistrate's recommendations, but it is my experience that the District Judges rarely go against the recommendations of the Magistrate, and therefore I expect we will received a favorable Order in the near future.

I have enclosed a copy of the R&R for your records. After you have had the chance to review it, please do not hesitate to contact me with any questions or concerns.

Very truly yours,

DAVIDSON & LINDEMANN, P.A.

DANIEL C. PLYLER

Enclosure

bcc:

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Kershaw County Attorney
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Camden, South Carolina 29020

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Kershaw County Detention Center
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Camden,South Carolina 29020

Mr. Chris Phillips
Kershaw County Sheriff's Department
821 Ridgeway Road
Post Office Box 70
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Gregory V. Smith, Plaintiff, vs. P.E. Spivey, Jail Director, Individual and Official Capacity; and Chris Phillips, Detective, Individual and Official Capacity, Defendants.	)	C/A No.: 1:12-29-RBH-SVH REPORT AND RECOMMENDATION

Plaintiff, proceeding *pro se* and *in forma pauperis*, brought this action, which is construed as brought pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. Plaintiff is currently a pretrial detainee incarcerated at the Kershaw County Detention Center ("KCDC") on charges of murder, possession of marijuana, possession and manufacturing of methamphetamines, and manufacturing with intent to distribute mthamphetamines. [Entry #42-6]. Plaintiff sues KCDC director P.E. Spivey and Kershaw County Detective Chris Phillips as defendants (collectively "Defendants"). Before the court is Defendants' Motion for Summary Judgment [Entry #48]. All pretrial proceedings in this case were referred to the undersigned magistrate judge pursuant to the provisions of 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). Because the motion is dispositive, the undersigned submits this Report and Recommendation for the district judge's consideration.

I. Factual and Procedural History

Plaintiff alleges that on August 15, 2011, Detective Phillips conducted a cell search and confiscated all of his personal property, including legal documents, notes for his attorney, notes about Phillips' conduct during an interrogation, and hygiene items. [Entry #1 at 3]. He claims the property was never returned. *Id.* Additionally, Plaintiff alleges that after the cell search, he was taken to Nurse Hollis to give a urine sample for a liver function analysis. *Id.* According to the complaint, Phillips then informed him that he had failed a drug test for "pot, amphetamines and meth." *Id.* at 4. Phillips allegedly proceeded to question him about from the source of his meth and threatened to "lock [his friend] up." *Id.* Plaintiff claims that when he told Phillips he did not want to be questioned without his attorney, Phillips escorted him to solitary confinement and told him "maybe it would help [Plaintiff] remember." *Id.*

Plaintiff further alleges that later that evening, Nurse Hollis informed him that Phillips and Spivey had instructed her to tell him the urine test was for a liver function analysis, but it had actually been for a drug test. *Id.* Hollis allegedly told Plaintiff he had passed the drug test. *Id.* Plaintiff alleges that he was placed in solitary confinement for two weeks without many privileges, but he was never charged with anything. *Id.* at 4–5. Plaintiff alleges that his due process rights were violated, and he seeks damages and a return of his property. *Id.* at 5–7.

Defendants filed their motion for summary judgment on August 6, 2012. [Entry #42]. Pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the court advised Plaintiff of the summary judgment procedures and the possible consequences if he failed

to respond adequately to Defendants' motion. [Entry #43]. Plaintiff filed a response to Defendants' motion on September 5, 2012 and July 23, 2012. [Entry #45]. Having carefully considered the parties' submissions and the record in this case, the undersigned recommends the district judge grant Defendants' motion for summary judgment.

II. Discussion

A. Standard of Review

The court shall grant summary judgment "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(a). The movant bears the initial burden of demonstrating that summary judgment is appropriate; if the movant carries its burden, then the burden shifts to the non-movant to set forth specific facts showing that there is a genuine issue for trial. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 322–23 (1986). If a movant asserts that a fact cannot be disputed, it must support that assertion either by "citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials; " or "showing . . . that an adverse party cannot produce admissible evidence to support the fact." Fed. R. Civ. P. 56(c)(1).

In considering a motion for summary judgment, the evidence of the non-moving party is to be believed and all justifiable inferences must be drawn in favor of the non-moving party. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). However, "[o]nly disputes over facts that might affect the outcome of the suit under the governing

law will properly preclude the entry of summary judgment. Factual disputes that are irrelevant or unnecessary will not be counted." *Id.* at 248. Further, while the federal court is charged with liberally construing a complaint filed by a pro se litigant to allow the development of a potentially meritorious case, *see, e.g., Cruz v. Beto*, 405 U.S. 319 (1972), the requirement of liberal construction does not mean that the court can ignore a clear failure in the pleadings to allege facts that set forth a federal claim, nor can the court assume the existence of a genuine issue of material fact when none exists. *Weller v. Dep't of Soc. Servs.*, 901 F.2d 387 (4th Cir. 1990).

B. Analysis

Defendants' motion lists several grounds for summary judgment, including Eleventh Amendment immunity, qualified immunity, and Plaintiff's failure to state constitutional claims. However, because the defense of Plaintiff's failure to exhaust his administrative remedies appears to be dispositive, the undersigned has not addressed each additional argument. For the following reasons, the undersigned recommends Defendants' motion be granted based on Plaintiff's failure to exhaust his administrative remedies.

The Prison Litigation Reform Act ("PLRA") requires that a prisoner exhaust his administrative remedies before filing a § 1983 action concerning his confinement. Specifically, 42 U.S.C.A. § 1997(e) states: "No action shall be brought with respect to prison conditions under Section 1983 of this title, or any other federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." In *Porter v. Nussle*, 534 U.S. 516 (2002), the

United States Supreme Court held that the exhaustion requirement applies to all inmate suits about prison life, whether they involve general circumstances or particular episodes. In *Woodford v. Ngo*, 548 U.S. 81, 90–91 (2006), the United States Supreme Court held that the PLRA exhaustion requirement requires "proper exhaustion." *Id.* The Court stated that "[a]dministrative law requires proper exhaustion of administrative remedies which means using all steps that the agency holds out, and doing so properly." *Id.* (internal quotations and citations omitted). Failure to exhaust all levels of administrative review is not "proper exhaustion" and will bar actions filed by inmates under any federal law, including § 1983. *Id.*

The purpose of the exhaustion requirement is twofold. First, it gives an administrative agency "an opportunity to correct its own mistakes with respect to the programs it administers before it is haled into federal court." *Woodford*, 548 U.S. 81, 89 (quoting *McCarthy v. Madigan*, 503 U.S. 140, 145 (1992)). Second, "[c]laims generally can be resolved much more quickly and economically in proceedings before an agency than in litigation in federal court." *Id.* Any consideration of administrative remedies pursued after the commencement of the litigation would only serve to frustrate both purposes of the PLRA's exhaustion requirement.

Here, Plaintiff has not properly exhausted his administrative remedies. According to Spivey's affidavit, KCDC has an established grievance policy that requires grievances to be filed within 48 hours of an incident. [Entry #42-6 at 3–4]. Additionally, the grievance policy indicates that inmates can appeal any grievance, provided they do so within 48 hours of a response to the grievance. *Id.* Plaintiff appears to have filed

grievances on September 24, 2011 and October 7, 2011 regarding the August 15, 2011 incident. [Entry #1-2]. Plaintiff claims he did not know grievances were to be filed within 48 hours and indicates that he believed inmates were supposed to first initiate an informal request for a resolution and responses to these requests may take a few days. [Entry #45 at 6]. However, there is no indication that Plaintiff even attempted informal resolution of his issues within 48 hours. [Entry #42-7 at 18]. Additionally, Plaintiff argues that Spivey's discovery responses do not contain documents indicating a grievance should be filed within 48 hours. However, Plaintiff does not indicate that he requested a copy of the grievance policy from Spivey in discovery or received a copy of the grievance policy that is inconsistent with Spivey's affidavit. Therefore, based on the record presented, the undersigned recommends that Defendants be granted summary judgment based on Plaintiff's failure to exhaust his administrative remedies.

III. Conclusion

For the foregoing reasons, the undersigned recommends Defendants' motion for summary judgment be granted.

IT IS SO RECOMMENDED.

Shiva V. Hodges

October 11, 2012
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge

The parties are directed to note the important information in the attached "Notice of Right to File Objections to Report and Recommendation."

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

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August 6, 2012

Gregory V. Smith
Kershaw County Detention Center
101 Bramblewood Plantation Road
Camden, South Carolina 29020

RE: Gregory V. Smith v. P.E. Spivey, Jail Director, Individual and Official Capacity; and Chris Phillips, Detective, Individual and Official Capacity
Civil Action Number: 1:12-29-RBH-SVH
Claim Number: EV2011004861
Date of Incident: August 15, 2011
Our File Number: 290.8921

Dear Mr. Smith:

Please find enclosed and hereby served upon you the **Notice of Motion and Motion for Summary Judgment; Supporting Memorandum of Law; Affidavit of Peggy Spivey, with Exhibits; Affidavit of Chris Phillips, with Exhibits;** and a **Certificate of Service** relative to the above-referenced matter, all of which were filed earlier today with the United States District Court for the District of South Carolina, via electronic filing.

Very truly yours,

DAVIDSON & LINDEMANN, P.A.

DANIEL C. PLYLER

Enclosures

bcc:

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Mr. Chris Phillips
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

Gregory V. Smith, Plaintiff, v. P.E. Spivey, Jail Director, Individual and Official Capacity; and Chris Phillips, Detective, Individual and Official Capacity, Defendants.	Civil Action No. 1:12-29-RBH-SVH **NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT ON BEHALF OF THE DEFENDANTS**

TO: GREGORY V. SMITH, *PRO SE* PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that the undersigned counsel for the Defendants, Spivey and Phillips, hereby moves before the United States District Court for the District of South Carolina, Columbia Division, for an order, pursuant to Fed.R.Civ.P. 56, granting summary judgment on behalf of the Defendants, and dismissing the Plaintiff's Complaint with prejudice. The grounds for said motion are set forth in detail in the accompanying Memorandum of Law, which is served contemporaneously herewith.

[The remainder of this page was intentionally left blank.]

This motion is based upon the pleadings filed in this case; the supporting memorandum; the Affidavit of Peggy Spivey, with Exhibits; the Affidavit of Chris Phillips, with Exhibits; the rules of court; the laws of the United States, and the State of South Carolina; and any other matters to be properly presented to the Court.

DAVIDSON & LINDEMANN, P.A.

BY: */s/ Daniel C. Plyler*

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Counsel for the Defendants

Columbia, South Carolina

August 6, 2012

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

Gregory V. Smith, Plaintiff, v. P.E. Spivey, Jail Director, Individual and Official Capacity; and Chris Phillips, Detective, Individual and Official Capacity, Defendants.	Civil Action No. 1:12-29-RBH-SVH **MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT ON BEHALF OF THE DEFENDANTS**

STATEMENT OF THE FACTS

The Plaintiff is currently incarcerated at the Kershaw County Detention Center (KCDC), awaiting trial on criminal charges of Murder, possession of marijuana, possession and manufacturing of methamphetamines, and manufacturing with intent to distribute methamphetamines. *See*, Affidavit of Spivey; *see also*, Exhibit A to Affidavit of Spivey. The Plaintiff filed the Complaint in the above captioned matter on, or about, January 4, 2012. *See*, ECF Entry No. 1. In his Complaint the Plaintiff alleges that his due process rights were violated, and that he was subjected to cruel and unusual punishment. *See generally*, Complaint. The Plaintiff alleges that Defendant Phillips confiscated "all [his] personal property," on, or about, August 15, 2011. *Id.* Specifically, the Plaintiff alleges that those items included,

> All of my motion of discovery that my attorney obtained from the State concerning my case. Also confiscated were my legal writings pertaining to my charges that were for my attorneys (sic) eyes only. Detailed information for my attorney that told the true

> events before and after of the incident I was arrested on. Also confiscated were all my notes [and] documentation, that I had, that listed misconduct and lies by Lt. Chris Phillips at my interrogation ... Also confiscated were my personal notes pertaining to my defense that Lt. Chris Phillips should not of taken, as he was my chief interrogator and accusser (sic).

See, Complaint, pg. 3.

The Plaintiff further alleges that a Nurse Hollis at KCDC administered a urine test on him following the room search. *Id.* The Plaintiff then alleges that Defendant Phillips questioned him following the room search and urine test, even though Defendant Phillips knew that the Plaintiff was represented by an attorney. *See*, Complaint, pg. 4. Lastly, the Plaintiff alleges he was placed into "solitary confinement" following these events, without any notice as to why. *See*, Complaint, pg. 4-5.

The Defendants have denied that any of the Plaintiff's constitutionally protected rights have been violated, and have moved for an Order, pursuant to Fed.R.Civ.P. 56, granting them summary judgment on the following grounds:

DISCUSSION

I. DEFENDANT PHILLIPS, IN HIS OFFICIAL CAPACITY, IS NOT A "PERSON" WITHIN THE MEANING OF 42 U.S.C. § 1983, AND IS THEREFORE IMMUNE FROM SUIT PURSUANT TO THE ELEVENTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

It is clear that the Plaintiff is attempting to sue the Defendants in their official capacities, as all of the actions or inactions complained of by the Plaintiff on the part of the Defendants involve their official duties. *See*, Complaint. To the extent that the Plaintiff has attempted to sue Defendant Phillips in his official capacity, those claims must be dismissed as Defendant Phillips, in his official capacity, is the alter-ego of the duly elected Sheriff of Kershaw County, South

Carolina, which is an arm-of-the-state of South Carolina, and is therefore entitled to immunity pursuant to the Eleventh Amendment of the Constitution of the United States.

The United States Supreme Court in *Kentucky v. Graham*, 473 U.S. 159 (1985) determined that "[o]fficial capacity suits . . . generally represent only another way of pleading an action against an entity of which the officer is an agent." *See also, Hughes v. Blankenship*, 672 F.2d 403 (4th Cir. 1982). In other words, a state official sued in his or her official capacity is the alter ego of the State, and as such, is not subject to suit pursuant to 42 U.S.C. § 1983, because the state is not a "person" amenable to suit for monetary damages under Section 1983. *Will v. Michigan State Police*, 109 S.Ct. 2304 (1989).

Furthermore, the Eleventh Amendment of the United States Constitution prohibits a federal court from entertaining an action where a defendant is a state or state agency. *Alabama v. Pugh*, 438 U.S. 781 (1978). *See also, Hans v. Louisiana*, 134 U.S. 1 (1890). Eleventh Amendment immunity "extends to 'arms of the State,'... including state agencies and state officers acting in their official capacity." *Cromer v. Brown*, 88 F.3d 1315, 1332 (4th Cir. 1996)(internal citations omitted). Eleventh Amendment immunity protects state officials, sued in their official capacity, from liability for monetary damages under 42 U.S.C.A. § 1983. *Cone v. Nettles*, 308 S.C. 109, 112, 417 S.E.2d 523, 525.

It is well settled, in both South Carolina law and Federal law, that a Sheriff in South Carolina is an arm of the State, and not a County employee, and therefore is entitled to Eleventh Amendment Immunity in his or her official capacity from suit in Federal Court. *See Cromer v. Brown*, 88 F.3d 1315 (4th Cir. 1996); *Cone v. Nettles*, 308 S.C. 109, 417 S.E.2d 523 (1992); *Gulledge v. Smart*, 691 F.Supp. 947 (D.S.C. 1988). Likewise, employees of the Sheriff are considered "arms of the State." *Cone v. Nettles, Supra.* Eleventh Amendment immunity applies

to the States and "arms of the states," including state agencies, divisions, departments and officials, for purposes of 42 U.S.C. § 1983 litigation. *Barrett v. Brooks*, 2001 WL 34684725 (D.S.C. 2001)(Unpublished), *citing Will v. Michigan State Police, Supra.*

Defendant Phillips has testified that he is, and was at all times relevant, an employee of the duly elected Sheriff of Kershaw County, South Carolina. *See*, Affidavit of Phillips. Therefore, Defendant Phillips asserts that he is entitled to immunity, pursuant to the Eleventh Amendment, in his official capacity for any claims for monetary damages alleged by the Plaintiff.

II. THE PLAINTIFF HAS FAILED TO ESTABLISH ANY THEORY OF LIABILITY ON THE PART OF DEFENDANT SPIVEY

The Plaintiff has named as a Defendant to this case Peggy Spivey, who is the Director of the Kershaw County Detention Center. *See*, Affidavit of Spivey; *see also*, Complaint. However, the Plaintiff has failed to allege, much less establish, any theory of liability as to Defendant Spivey, and therefore his claims fail as to Defendant Spivey.

In *Monell v. Department of Social Services*, 436 U.S. 658 (1978), the United States Supreme Court held that a claim based on the doctrine of *respondeat superior* does not give rise to a claim under 42 U.S.C § 1983. In other words, it is clear that the personal participation of a defendant is a necessary element of a § 1983 claim against a government official in his individual capacity. The Plaintiff has failed to allege or prove the direct participation on the part of any of these Defendants. *See*, Complaint.

A claim against Defendant Spivey, in her individual capacity, requires a showing of personal involvement. "[I]t is well-settled that '[i]n order for an individual to be liable under § 1983, it must be 'affirmatively shown that the official charged acted personally in the deprivation

of the plaintiff's rights.'" *Davis v. D.S.S. of Baltimore Cty.*, 941 F.2d 1206 (4th Cir. 1991) (unpublished opinion)(citations omitted); *see also, Wright v. Collins,* 766 F.2d 841, 850 (4th Cir. 1985); *see also, Vinnedge v. Gibbs,* 550 F.2d 926, 928 (4th Cir. 1977). Additionally, to state a § 1983 claim, a Plaintiff must show that he suffered a specific injury as a result of specific conduct of a defendant, and an affirmative link between the injury and that conduct. *See, Rizzo v. Goode,* 423 U.S. 362, 371-372, 96 S.Ct. 598, 604 (1976). The Plaintiff has not established any personal involvement on the part of Defendant Spivey individually. *See*, Complaint; *see also*, Affidavit of Spivey. Therefore, there can be no claim against Defendant Spivey in her individual capacity.

To the extent the Plaintiff is attempting to allege that Defendant Spivey is liable, because she held a supervisory position[1] at KCDC at the time of the incidents complained of by the Plaintiff, those claims must fail as a matter of law. Although supervisors may be held liable in certain circumstances for the constitutional injuries inflicted by their subordinates,[2] *Slakan v. Porter,* 737 F.2d 368, 372 (4th Cir.1984), for a supervisor to be held personally liable under 42 U.S.C. § 1983 requires allegations of more than simply "failure adequately to supervise or control any conduct that directly caused the specific deprivation charged." *Fisher v. Washington Metro. Area Transit Auth.*, 690 F.2d 1133, 1143 (4th Cir.1982). A plaintiff cannot prove supervisory liability by only pointing to a single and isolated incident. *Slakan,* 737 F.2d at 373.

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[1] For purposes of this section of the motion, this Defendant assumes that a claim for supervisory liability is still theoretically viable in light of the United States Supreme Court's ruling in *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S.Ct. 1937 (2009).

[2] It is also clear from the record before the Court that Defendant Phillips did not work at KCDC, and that Defendant Spivey held no supervisory role over Defendant Phillips. *See*, Affidavits of Spivey and Phillips.

The allegations in the complaint center on one incident in August of 2011, and do not even assert any widespread abuses or pervasive and unreasonable risks of harm. *See, Slakan v. Porter,* 737 F.2d 368, 373 (4th Cir.1984). Therefore, the Plaintiff has simply failed to state any claim against Defendant Spivey, under any theory of liability, and as such Defendant Spivey is entitled to summary judgment.

III. THE PLAINTIFF HAS FAILED TO ESTABLISH A CLAIM THAT ARISES TO THE LEVEL OF A CONSTITUTIONAL DEPRIVATION WITH REGARDS TO HIS CLAIMS FOR VIOLATION OF PRIVACY, DEPRIVAITON OF PERSONAL PROPERTY, AND VIOLATION OF HIS DUE PROCESS RIGHTS

In his Complaint, the Plaintiff essentially claims that his right to privacy was violated when his personal property was searched and allegedly confiscated from his cell during his incarceration at the Kershaw County Detention Center (KCDC). *See*, Complaint. Furthermore, the Plaintiff alleges that some of his property was not returned to him after it was confiscated. *Id.* Specifically,

The United States Supreme Court has held that "[m]any of the liberties and privileges enjoyed by other citizens must be surrendered by the prisoner. An inmate does not retain rights inconsistent with proper incarceration." *Overton v. Bazzetta*, 123 S.Ct. 2162, 2167 (2003). "[P]ersons lawfully arrested on probable cause and detained lose a right of privacy from routine searches of the cavities of their bodies and their jail cells, *see Bell v. Wolfish*, 441 U.S. 520, 559-60, 99 S.Ct. 1861, 1884-85, 60 L.Ed.2d 447 (1979), as do convicted felons, *see Hudson v. Palmer,* 468 U.S. 517, 530, 104 S.Ct. 3194, 3202, 82 L.Ed.2d 393 (1984)." *Jones v. Murray,* 962 F.2d 302 (4th Cir. 1992). "A detainee simply does not possess the full range of freedoms of an unincarcerated individual." *Bell*, 441 U.S. at 546.

The Plaintiff has essentially alleged that his "right to privacy" has been violated due to the search of his cell on, or about, August 15, 2011; the retention of items taken during that search; and being subjected to a urinalysis test following the search of his cell. The Defendants assert that such allegations fail to state a claim that arises to the level of a constitutional deprivation.

Although not specifically pled in his Complaint, the Plaintiff's claims arguably allege a Fourth Amendment violation. "The Fourth Amendment guarantees the 'right of the people to be secure in their persons [and] houses ... against unreasonable searches and seizures.'" *Mazuz v. Maryland,* 442 F.3d 217, 224 (4th Cir. 2006). "The Fourth Amendment does not proscribe all state-initiated searches and seizures; it merely proscribes those which are unreasonable." *Florida v. Jimeno*, 500 U.S. 248, 250, 111 S.Ct. 1801 (1991). The Fourth Circuit in *Mazuz* found that

> 'Whether a Fourth Amendment violation has occurred turns on an objective assessment of the officer's actions in light of the facts and circumstances confronting him at the time, and not on the officer's actual state of mind at the time the challenged action was taken.' ... This is a fact-specific inquiry. ... '[I]n order to satisfy the 'reasonableness' requirement of the Fourth Amendment, what is generally demanded of the many factual determinations that must regularly be made by agents of the government ... is not that they always be correct, but that they always be reasonable.

Mazuz, 442 F.3d at 224 (internal citations omitted).

The law is clear that a pretrial detainee loses his right to privacy from cell searches, and the Plaintiff was obviously a pretrial detainee at the time of the alleged incidents. However, even if the Plaintiff maintained some right to be free from such searches, the search at issue was conducted pursuant to a search warrant. *See*, Affidavits of Phillips and Spivey. Similarly, any items taken during the search conducted pursuant to the search warrant are part of an on-going criminal investigation. *See*, Affidavit of Phillips. Furthermore, the law is clear that the Plaintiff

has post-deprivation remedies that would suffice to protect his due process rights with regards to the allegedly missing items from the search at issue. *See generally*, *Hudson v. Palmer*, 468 U.S. 517, 104 S.Ct. 3194 (1984); *McIntyre v. Portee*, 784 F.2d 566 (4th Cir. 1986).

As for the alleged drug test via urinalysis, the Defendants assert the neither of the Defendants actually conducted a urinalysis test on the Plaintiff on the day in question. *See*, Complaint; *see also*, Affidavits of Spivey and Phillips. However, even if the Defendants had actually conducted the urinalysis test at issue, the test was performed upon a showing of reasonable suspicion, or at least for a special need of discovering and preventing the smuggling of narcotics into a detention center. *See generally, Bd. of Educ. of Independent Sch. Dist. No. 92 of Pottawatomie County v. Earls,* 536 U.S. 822, 122 S.Ct. 2559 (2002). Furthermore, there is not even an allegation by the Plaintiff, much less any evidence to establish, that the urinalysis conducted was done so without his consent. *See*, Complaint. Although the Defendants assert that they did not actually search the Plaintiff, and that even if the urinalysis test was considered a search it was a reasonable search, but additionally consent to a search alleviates any Fourth Amendment concerns. *See generally, Florida v. Jimeno*, 500 U.S. 248, 111 S.Ct. 1801 (1991).

Additionally, as a practical matter, the Defendants assert that the Plaintiff cannot maintain any claim for damages associated with the alleged urinalysis test. The Plaintiff was already in jail for serious crimes, and was being held there at the time of the alleged urinalysis test. He was not subjected to an arrest, nor was his time in jail prolonged by the alleged urinalysis test. He simply suffered no damage, and therefore cannot maintain a claim. In fact, his remedy, if any, would seem to be the exclusion of any evidence, if any, obtained from the purported urinalysis test that might be used against him at any subsequent criminal trial. *United States v. Janis*, 428 U.S. 433 (1976).

Therefore, the Plaintiff has failed to establish a claim for violation of privacy or deprivation of property, and the Defendants are entitled to summary judgment.

IV. THE PLAINTIFF HAS FAILED TO ESTABLISH A CLAIM FOR DENIAL OF ADEQUATE ACCESS TO THE COURTS THAT RISES TO A CONSTITUTIONAL DEPRIVATION

In his Complaint, the Plaintiff arguably alleges a claim for denial of adequate access to the courts, due to his allegation that some of his legal paperwork was taken from him and not returned to him during his incarceration at KCDC. *See*, Complaint. The Defendants assert that this claim fails as a matter of law, as the Plaintiff has not established the necessary showing of actual injury as a result of the alleged conduct, and therefore summary judgment is appropriate.

In order for an inmate to establish a claim for denial of access to the courts, the inmate must show that he has suffered an actual injury resulting from some official act of the institution. *See, Strickler v. Waters*, 989 F.2d 1375 (4th Cir. 1993). In the case of *Cochran v. Morris*, 73 F.3d 1310 (4th Cir. 1996), the Fourth Circuit, relying partly on the holding in *Strickler*, upheld the district courts dismissal of an inmate's "access to the courts" claim. The *Cochran* Court held that,

> [i]n making such a claim, a prisoner cannot rely on conclusory allegations. Specificity is necessary so that prison officials are not required to file unnecessary responses to speculative allegations. A prisoner must also identify an actual injury resulting from official conduct. A showing of injury is required in order to avoid adjudication of trivial claims of deprivation.

Cochran, 73 F.3d at 1317, (internal citations omitted). The *Cochran* Court went on to stress that, "[the Plaintiff's] complaint is primarily deficient, however, because he failed to assert any actual injury resulting from prison officials' conduct. " *Id*, citing *Strickler*, 989 F.2d at 1384.

In his Complaint the Plaintiff generally alleges, without specificity, that his motion for discovery was confiscated,[3] his "legal writings" were confiscated, and his "notes [and] documentation" regarding his interrogation were confiscated. *See*, Complaint, pg. 3.

The Defendants assert that the Plaintiff's claims, even if true, fail as he has not alleged any specific, actual injury as a result of the alleged deprivation. The law in this Circuit clearly requires the Plaintiff alleged and establish with specificity an actual injury that he sustained as a result of the alleged conduct, and the Plaintiff has not met this burden.

Therefore, the Defendants assert that, to the extent one has been pled, the Plaintiff's claim for denial of access to the courts fails as a matter of law, and that summary judgment is appropriate on said claim.

V. THE PLAINTIFF HAS FAILED TO STATE A CLAIM THAT ARISES TO THE LEVEL OF A CONSTITUTIONAL VIOLATION OF HIS SIXTH AMENDMENT RIGHTS.

Although not specifically pled in his Complaint, in an abundance of caution, the Defendants assert that the Plaintiff may be attempting to raise a claim for violations of the Sixth Amendment. *See*, Complaint. Specifically, the Plaintiff makes allegations in his Complaint that he was "questioned" even though the Defendants knew he had a lawyer, and that items that were for the Plaintiff's "attorneys (sic) eyes only" were confiscated from him. *See*, Complaint, pg. 3 and 4. To the extent the Plaintiff's claims could be construed as an alleged violation of the Sixth Amendment, the Defendants assert such claims fail.

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[3] The Defendants would note that specifically with regards to the alleged confiscation of his "motion for discovery," the Plaintiff's letter to SLED seems to contradict this claim. *See*, Exhibit C to Affidavit of Phillips. Specifically, in that letter, which was clearly written after the events at issue, shows that he had possession of the motion for discovery. *See*, 8921-Ex C Phillips-3.

The Sixth Amendment of the United States Constitution states that,

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence (sic).

U.S. CONST. VI AMEND.

To prevail against a governmental defendant on a § 1983 claim, a plaintiff has the burden of establishing that he was "deprived of a right secured by the Constitution or laws of the United States, and that the alleged deprivation was committed under color of state law." 42 U.S.C. § 1983. "Section 1983 itself creates no rights; rather it provides a method for vindicating federal rights elsewhere conferred." *Doe v. Broderick*, 225 F.3d 440, 447 (4th Cir. 2000).

To establish a claim under § 1983 for alleged violations of the Sixth Amendment, the Plaintiff would have to show that a state action prejudiced his right to a "fair trial" or prevented him from being represented by counsel. *See generally, Weatherford v. Bursey*, 429 U.S. 545, 97 S.Ct. 837 (1977); *see also, Jenkins v. Lexington County Sheriff's Dep't*, 112 Fed.Appx. 286 (4th Cir. 2004)(Unpublished).

In the case at bar, the Plaintiff has not even been charged with any crimes, as of yet, resulting from the drug smuggling scheme concocted by him and Steeprock. *See*, Affidavit of Phillips. As such, he cannot possibly show that his rights to a fair trial have been violated. Nor can the Plaintiff possibly show that he has been prevented from being represented by counsel. *See*, Complaint; *see also*, Exhibit C to Affidavit of Phillips.

Furthermore, even if the Plaintiff's allegations were construed to be alleged violations of the attorney-client privilege, such claims would also fall short of a constitutional violation under

§ 1983. The attorney-client privilege is a common law evidentiary privilege, created to exclude the content of conversations between a client and that client's attorney, when such conversations qualify as legal in nature and were intended to be confidential. *See generally Hanson v. U.S. Agency for Intern. Development*, 372 F.3d 286 (4th Cir. 2004). The attorney-client privilege is not even an absolute privilege, much less a constitutionally protected right.

Therefore, the Plaintiff has simply failed to state a claim under § 1983 that arises to a Constitutional violation of his Sixth Amendment rights, and, therefore, the Defendants are entitled to summary judgment on these issues.

VI. THE PLAINTIFF'S PURPORTED CONSPIRACY CLAIM MUST BE DISMISSED

It appears from the Plaintiff's pleadings that he has attempted to bring a claim for "Conspiracy." *See*, Complaint, pg. 5. The Defendants assert that the Plaintiff's purported claim for Conspiracy must be dismissed for failure to comply with the pleading requirements of Fed.R.Civ.P. 8. *See generally, Ashcroft v. Iqbal*, 129 S.Ct. 1937 (2009).

In *Iqbal*, the United States Supreme Court specifically addressed the requirements of Fed.R.Civ.P. 8, and the manner in which federal courts should consider a motion asking for dismissal of claims for failure to comply with that rule. The Supreme Court set forth a two-prong test to be used by federal courts, stating that,

> a court considering a motion to dismiss can choose to begin by identifying pleadings that, because they are no more than conclusions, are not entitled to the assumption of truth. While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations. When there are well-pleaded factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement of relief.

Iqbal, 129 S.Ct. at 1950.

In coming to the formulation of this two-prong test, the Supreme Court briefly analyzed the requirements of Fed.R.Civ.P. 8. The *Iqbal* Court found Rule 8 requires that "a pleading must contain a 'short and plain statement of the claim showing that the pleader is entitled to relief.'" *Iqbal*, 129 S.Ct. at 1949, quoting Fed.R.Civ.P. 8(a)(2). The Court further reasoned that Rule 8, "demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation." *Id.* The high Court then found that,

> Rule 8 marks a notable and generous departure from the hyper-technical, code-pleading regime of a prior era, but it does not unlock the doors of discovery for a plaintiff armed with nothing more than conclusions. Second, only a complaint that states a plausible claim for relief survives a motion to dismiss. ... Determining whether a complaint states a plausible claim for relief will ... be a context-specific task that requires the reviewing court to draw on its judicial experience and common sense. ... But where the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged – but it has not 'show[n]' – 'that the pleader is entitled to relief.'"

Iqbal, 129 S.Ct. at 1950 (internal citations omitted).

The Defendants assert that the Plaintiff's purported claim of "Conspiracy" does not meet the plausibility requirements set forth in *Iqbal*, and furthermore that purported claim is no more than a conclusory statement made by the Plaintiff. The Plaintiff has provided no factual support, or non-conclusory allegation, to support the purported cause of action. Therefore, the Defendants assert that the purported "Conspiracy" claim must be dismissed for failure to meet the pleading requirements of Fed.R.Civ.P. 8.

Furthermore, with regards to the purported "Conspiracy" claim, this very Court has held that, "[w]here a complaint makes only conclusory allegations of a conspiracy and fails to demonstrate any agreement or meeting of the minds among the defendants, the court may properly dismiss the complaint." *Owens v. SCDC, et al*, 2009 WL 4807005 (D.S.C.)(Slip Copy),

citing, Woodrum v. Woodward County, Okla., 866 F.2d 1121, 1126-27 (9th Cir. 1989); *Cole v. Gray,* 638 F.2d 804, 811-12 (5th Cir. 1981). Therefore, dismissal of the Plaintiff's purported Conspiracy claim would be appropriate due to his failure to plead, or establish with any evidence, any specific agreement or meeting of the minds by the Defendants, not to mention that the Plaintiff has failed to plead how this alleged "Conspiracy" lead to any special damages that would be in excess to the damages alleged through his other purported claims.

Therefore, to the extent the Plaintiff has attempted to allege a claim for "Conspiracy," that purported claim fails as a matter of law, and the Defendants are entitled to summary judgment.

VII. THE PLAINTIFF HAS FAILED TO EXHAUST HIS ADMINISTRATIVE REMEDIES, AND, THEREFORE, HIS CLAIMS MUST BE DISMISSED PURSUANT TO THE PRISON LITIGATION REFORM ACT

The Plaintiff brought this lawsuit under 42 U.S.C. § 1983 for the Defendants' alleged violations of his constitutional rights. However, this suit is also governed by the provisions of the Prison Litigation Reform Act, codified as 42 U.S.C. § 1997(e). The Act states "no action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." PLRA, 42 U.S.C. § 1997(e)(a).

The United States Supreme Court has recently examined the exhaustion requirement of the PLRA and noted that the provision is mandatory. *Porter v. Nussle*, 122 S.Ct. 983, 534 U.S. 516, 152 L.Ed.2d 12 (2002). "All 'available' remedies must now be exhausted; those remedies need not meet federal standards, nor must they be 'plain, speedy, and effective.'" *Id.* at 987 quoting *Booth v. Churner*, 532 U.S. 731, 740 n. 5, 121 S.Ct. 1819, 149 L.Ed.2d 958 (2001). This requirement applies regardless of the relief sought or its availability in the grievance setting. *Id.*

Additionally, the United States Supreme Court has recently held that not only must a prisoner avail himself of the available grievance procedures at the institution he is housed, but that he must do so properly according to the grievance procedure available. *See, Woodford v. Ngo*, 126 S.Ct. 2378 (2006). Finally, the Court determined that the exhaustion requirement is "required for all 'actions[s] ... brought with respect to prison conditions,' whether under § 1983 or 'any other Federal law.'" *Nussle, Supra.*

In the instant case, it is clear that KCDC has an established inmate grievance procedure in place, through which an inmate at KCDC can voice their grievances related to their detention. *See*, Affidavit of Spivey. The Plaintiff did not properly avail himself of that grievance procedure with regards to any claim alleged in his Complaint. *Id*; *see also*, Exhibit A to Affidavit of Spivey. In order to utilize the KCDC inmate grievance procedure, an inmate must file the grievance within 48 hours of the alleged incident. *Id.* The Plaintiff did not comply with that requirement. Such a failure is fatal to his claims. *See*, *Woodford, supra.*

Furthermore, even if he had complied with the filing requirements, the Plaintiff failed to appeal any of his grievances. *See*, Affidavit of Spivey; *see also*, Exhibit A to Affidavit of Spivey. The appeals process of the KCDC inmate grievance process must be complied with in order for the Plaintiff to have exhausted his administrative remedies. *Id.*

Therefore, the Plaintiff's claims must be dismissed, pursuant to the Prison Litigation Reform Act, for failure to exhaust his administrative remedies, and the Defendants are entitled to summary judgment.

VIII. EVEN IF THE PLAINTIFF HAD EXHAUSTED HIS ADMINISTRATIVE REMEDIES, THE PLAINTIFF HAS FAILED TO ESTABLISH A VIOLATION OF HIS CONSTITUTIONAL RIGHTS WITH REGARDS TO HIS PLACEMENT IN ADMINISTRATIVE SEGREGATION

Although the Plaintiff has not specifically stated so in his Complaint, the Defendants assume that the Plaintiff has brought these allegations under 42 U.S.C. § 1983 alleging violations of his Fourteenth Amendment rights.

Allegations by pretrial detainees that their constitutional rights have been violated during their pretrial detention are analyzed under the Due Process Clause of the Fourteenth Amendment. "[U]nder the Due Process Clause, a detainee may not be punished prior to an adjudication of guilt in accordance with due process of law." *Bell v. Wolfish*, 441 U.S. 520, 535 (1979).

"Not every disability imposed during pretrial detention amounts to 'punishment' in the constitutional sense, however." *Id.* "A detainee simply does not possess the full range of freedoms of an unincarcerated individual." *Bell*, 441 U.S. at 546. "[I]f a particular condition or restriction of pretrial detention is reasonably related to a legitimate governmental objective, it does not, without more, amount to 'punishment.'" *Bell*, 441 U.S. at 539. As the *Bell* Court noted, "'[C]entral to all other corrections goals is the institutional consideration of internal security within the corrections facilities themselves.'" *Bell*, 441 U.S. at 546-547, *quoting*, *Pell v. Procunier*, 417 U.S. 817, 823 (1974).

The Fourth Circuit has found, in applying *Bell*, that

> To establish that a particular condition or restriction of his confinement is constitutionally impermissible "punishment," the pretrial detainee must show either that it was (1) imposed with an expressed intent to punish or (2) not reasonably related to a legitimate nonpunitive governmental objective, in which case an intent to punish may be inferred.

Martin v. Gentile, 849 F.2d 863, 870 (4th Cir. 1988).

The United States District Court for the District of South Carolina has further stated that, "[f]or the punishment, *i.e.*, the alleged unconstitutional condition of confinement, to be sufficiently serious, it must fail to meet the minimal civilized measure of life's necessities." *Majors v. Thompson*, ___ F.Supp.2d ___, 2006 WL 91569 (D.S.C. January 13, 2006)(Unpublished). It should also be noted that "[t]here is, of course, a *de minimis* level of imposition with which the Constitution is not concerned." *Ingraham v. Wright*, 430 U.S. 651, 674 (1977).

As the Fourth Circuit pointed out in *Martin*, "[t]he due process rights of a pretrial detainee are at least as great as the eighth amendment protections available to the convicted prisoner... ." *Martin*, 849 F.2d at 870. In order to make out a *prima facie* case that prison conditions violate the Eighth Amendment, a plaintiff must show both "(1) a serious deprivation of a basic human need and (2) deliberate indifference to prison conditions on the part of prison officials." *Williams v. Griffin*, 952 F.2d 820, 824 (4th Cir. 1991) (internal citations omitted). The Plaintiff must establish that "the deprivation of [a] basic human need was objectively 'sufficiently serious,' " and that "subjectively 'the officials act[ed] with a sufficiently culpable state of mind.' " *Strickler v. Waters*, 989 F.2d 1375, 1379 (4th Cir. 1993) (citations omitted). The United States Supreme Court has determined that only extreme deprivations are sufficient to satisfy the objective component of a claim regarding conditions of confinement. *Hudson v. McMillian*, 503 U.S. 1 (1992). In order to demonstrate such an extreme deprivation, a prisoner must allege "a serious or significant physical or emotional injury resulting from the challenged conditions." *Strickler*, 989 F.2d at 1381.

In his Complaint the Plaintiff does not set forth any serious injury that he suffered as a result of any of the allegedly unconstitutional conditions of his confinement, much less a

significant or serious physical or emotional injury as required under the applicable law. Furthermore, it is clear from the record before this Court that the placement of the Plaintiff into administrative segregation was for a legitimate penological purpose. *See*, Affidavit of Spivey. The Plaintiff was being investigated for the very serious crime of smuggling narcotics into a jail. *Id*; *see also*, Affidavit of Phillips; *see also*, Exhibit B to Affidavit of Phillips. Under the policies of KCDC, an inmate can be placed into administrative segregation, to preserve security and maintain order of the facility, while a pending investigation for criminal activity was on-going. *See*, Affidavit of Spivey.

The Plaintiff was not placed into administrative segregation as a form of punishment, but instead was placed there to protect the integrity of an on-going criminal investigation, and to maintain the security and order of KCDC. Clearly the Plaintiff's actions, undertaken with the assistance of Steeprock, constituted a very real threat to the security and order of KCDC. *See*, Exhibit B to Affidavit of Phillips. By the Plaintiff's own letters, in his own handwriting and words, he admitted to the scheme. *Id*; *see also*, Affidavit of Phillips. Placement in administrative segregation for two weeks, a setting which is not punishment and does not constitute an extreme deprivation, was a reasonable response on the part of the administration at KCDC, and was done for legitimate penological reasons.

Therefore, the Plaintiff's claims fail as a matter of law, and the Defendants are entitled to summary judgment.

IX. EVEN IF PLAINTIFF COULD ESTABLISH A CLAIM AGAINST THE DEFENDANTS IN THEIR INDIVIDUAL CAPACITIES THAT AROSE TO THE LEVEL OF A CONSTITUTIONAL DEPRIVATION, THE DEFENDANTS WOULD STILL BE ENTITLED TO QUALIFIED IMMUNITY

Although the Defendants maintain, as is set forth above, that the Plaintiff has failed to establish any claim against them, the Defendants assert that even if the Court were to construe a claim against them, they would be entitled to qualified immunity.

The United States Supreme Court in *Harlow v. Fitzgerald*, 457 U.S. 800 (1982), set forth objective standards for the utilization of the qualified immunity defense, and gave specific bench marks to the judiciary to determine when to protect public officials from undue interference in the exercise of their official duties. In setting forth its guidelines, the Supreme Court ruled, "government officials performing discretionary functions are shielded from liability for civil damages insofar as their conduct does not violate a clearly established statutory or constitutional right of which a reasonable person should have known." 457 U.S. at 818. The Court further held that "[r]eliance on the objective reasonableness of an official's conduct is measured by reference to clearly established law, and should avoid excessive disruption of government and permit the resolution of many insubstantial claims on summary judgment." *Id.*

Subsequently, the Supreme Court held in *Anderson v. Creighton*, 483 U.S. 635 (1987), that a court must look for the " 'objective legal reasonableness' of the action assessed in light of the legal rules that were 'clearly established' at the time it was taken." 483 U.S. at 639. "The contours of the right must be sufficiently clear that a reasonable official would understand that what he is doing violates that right. ... [This] is to say that in the light of preexisting law the unlawfulness must be apparent." *Id.* at 640.

In determining whether an individual defendant is entitled to qualified immunity, the courts have employed a two-step process. *Saucier v. Katz*, 533 U.S. 194 (2001). The Fourth Circuit has stated that the *Saucier* test requires that

> First, we must decide whether a constitutional right would have been violated on the facts alleged. Next, assuming that the violation of the right is established, courts must consider whether the right was clearly established at the time such that it would be clear to an objectively reasonable officer that his conduct violated that right.

Bailey v. Kennedy, 349 F.3d 731, 739 (4th Cir. 2003)(internal citations omitted).

> However, that a constitutional right is "clearly established" means more than that it is well-known or easily articulated. ... The contours of the right must be sufficiently clear that a reasonable official would understand that what he is doing violates that right. The relevant, dispositive inquiry in determining whether a right is clearly established is whether it would be clear to a reasonable officer that his conduct was unlawful in the situation he confronted.

Cloaninger ex rel. Estate of Cloaninger v. McDevitt, 555 F.3d 324, 331 (4th Cir. 2009).

The *Cloaninger* Court then reasoned that

> The procedural framework for evaluating a claim of qualified immunity is therefore clear: when the defendant in a [42 U.S.C.] § 1983 action raises a qualified immunity defense, the court ordinarily assesses whether the plaintiff's complaint states sufficient factual allegations that, if true, show a violation of clearly established constitutional rights. To do so, the plaintiff's complaint must allege conduct a reasonable officer would know to be unlawful.

Cloaninger, 555 F.3d at 331. The Defendants allege that the allegations in the Plaintiff's Complaint do not establish a claim of a violation of a clearly established constitutional right, and therefore the Defendants are entitled to summary judgment. However, even if the Plaintiff has alleged a violation of a constitutional right, the inquiry continues.

If the analyzing Court determines that the Plaintiff has at least alleged a violation of a clearly established constitutional right, then "[t]he only remaining question is whether that conduct was objectively reasonable, which is a question of law, not fact." *Cloaninger*, 555 F.3d at 333. "Next, assuming that the violation of the right is established, courts must consider whether the right was clearly established at the time such that it would be clear to an objectively reasonable officer that his conduct violated that right." *Bailey v. Kennedy*, 349 F.3d 731, 739 (4th Cir. 2003). The second prong of the qualified immunity analysis requires this Court to determine "whether the conduct alleged by the plaintiff violates clearly established statutory or constitutional rights of which a reasonable person would have known." *Owens v. Lott*, 372 F.3d 267, 279 (4th Cir. 2004) ("The determination [of this prong] is an objective one").

In *Gould v. Davis*, 165 F.3d 265 (4th Cir. 1998), the Fourth Circuit explained as follows:

> Under our court's precedent, the right must be defined with some specificity: In determining whether the specific right allegedly violated was 'clearly established,' the proper focus is not upon the right at its most general or abstract level, but at the level of its application to the specific conduct being challenged.

165 F.3d at 269, citing *Pritchett v. Alford*, 973 F.2d 307 (4th Cir. 1992).

"The second prong of the qualified immunity analysis must take into account the specific facts and context of the alleged violation." *Id.* at 269-270. In *Edwards v. City of Goldsboro*, 178 F.3d 231 (4th Cir. 1999), the Court further explained that "[i]n analyzing the applicability of a qualified immunity defense, we must first identify the specific right that the plaintiff asserts was infringed by the challenged conduct at a high level of particularity." *Id.* at 250-251.

"In determining whether the right violated was 'clearly established,' we define the right in light of the specific context of the case, not as a broad general proposition." *Parrish v. Cleveland*, 372 F.3d at 301 (4th Cir. 2004). "If the right was not 'clearly established' in the

specific context of the case -- that is, if it was not clear to a reasonable officer that the conduct in which he allegedly engaged was unlawful in the situation he confronted -- then the law affords immunity from suit." *Id.* As the Fourth Circuit has observed, "officials are not liable for bad guesses in gray areas, they are liable for transgressing bright lines." *Maciariello v. Sumner*, 973 F.2d 295, 298 (4th Cir. 1992).

Clearly in this case, even if this Court were to find that the Plaintiff has established a claim that rises to the level of a constitutional deprivation as to the Defendants, any such claim could not be found to be clearly established. Defendant Phillips had obtained evidence that the Plaintiff was involved in a scheme, along with his girlfriend Samantha Steeprock, to smuggle narcotics into KCDC. *See*, Affidavit of Phillips. He then approached the administrators of KCDC regarding that scheme. *Id.* He secured a search warrant, and then executed that search warrant on the Plaintiff's cell finding additional evidence linking the Plaintiff to the narcotics smuggling scheme. *Id.* The items taken pursuant to the search warrant are being held as part of an on-going criminal investigation, but are not in the possession of Defendant Phillips or Spivey. *See*, Affidavits of Spivey and Phillips.

Defendant Phillips then took the evidence he had compiled, and a search warrant was obtained for the residence of the Plaintiff's co-conspirator, Samantha Steeprock. *See*, Affidavit of Phillips; *see also*, Exhibit B to Affidavit of Phillips. When the search warrant was executed, more evidence was obtained linking the Plaintiff and Steeprock to the narcotics smuggling scheme. *See*, Affidavit of Phillips; *see also*, Exhibit B to Affidavit of Phillips.

To suggest that anything done by the Defendants in this matter was unreasonable or unconstitutional seems to go against the established case law. Even the alleged urinalysis test, assuming it was conducted for criminal prosecution purposes, does not violate any clearly

established right showing that the Plaintiff is entitled to any relief. The record indicates that he consented to the urinalysis test, that it was not actually conducted by the Defendants, and that he cannot establish any damage that was proximately caused by the purported test.

Therefore, even if this Court were to find that the Plaintiff had established a claim against the Defendants, the Defendants would still be entitled to qualified immunity.

CONCLUSION

Based on the foregoing, the Defendant respectfully request that this Court grant summary judgment on their behalves, dismissing with prejudice the Plaintiff's action in its entirety, and for such other relief as the Court may deem appropriate.

DAVIDSON & LINDEMANN, P.A.

BY: */s/ Daniel C. Plyler*

JAMES M. DAVIS, JR., Fed. ID. # 6333
DANIEL C. PLYLER, Fed. ID # 9762
1611 Devonshire Drive, 2nd Floor
Post Office Box 8568
Columbia, South Carolina 29202
wdavidson@dml-law.com
dplyler@dml-law.com
(803) 806-8222
(803) 806-8855

Counsel for the Defendants

Columbia, South Carolina

August 6, 2012

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

Gregory V. Smith, Plaintiff, v. P.E. Spivey, Jail Director, Individual and Official Capacity; and Chris Phillips, Detective, Individual and Official Capacity, Defendants.	)	Civil Action No. 1:12-29-RBH-SVH **AFFIDAVIT OF CHRIS PHILLIPS**

PERSONALLY APPEARED BEFORE ME, CHRIS PHILLIPS, who first being duly sworn deposes and states the following:

1. My name is Chris Phillips. I am over the age of eighteen and competent to give this testimony.

2. I am currently, and was at all time relevant, employed by the duly elected Sheriff of Kershaw County, South Carolina.

3. I am familiar with the Plaintiff, and have been made aware of the allegations set forth by the Plaintiff in the Complaint in the above-captioned matter.

4. I was informed, by a confidential informant, that the Plaintiff, Gregory V. Smith, was having his girlfriend, Samantha Steeprock, smuggle in narcotics to the Kershaw County Detention Center (KCDC).

5. Specifically, Steeprock was mailing the Plaintiff stamps and envelopes laced with methamphetamines (meth).

6. I then had conversations with the administration of KCDC about the information I had received, and continued my investigation into that matter.

7. I then obtained a search warrant for the search of the Plaintiff's cell, and went to KCDC, on, or about, August 15, 2011 to execute that warrant.

8. Upon executing the warrant I found numerous letters from Steeprock to the Plaintiff. In those letters Steeprock advised the Plaintiff to look at the stamp on the letters. Additionally, those letters also mentioned the meth smuggling arrangement.

9. I also found letters written by the Plaintiff to Steeprock that detailed how to send in larger quantities of meth into the jail.

10. Pursuant to the search warrant, I took all mail and envelopes I found in the cell, because it all had to be tested. This was caused by the nature of the smuggling scheme devised by the Plaintiff and Steeprock.

11. I then prepared my return to the search warrant.

12. Additionally, while I was at KCDC the Plaintiff was given a urinalysis test, or field test for narcotics by the medical staff at the KCDC. The field test had a positive result for meth, and I took a photocopy of that positive test.

13. I had a file with the search warrant, return, and photograph of the field test in it, that I turned over to the narcotics division within the Sheriff's Department.

14. I have subsequently taken a different position within the Sheriff's Department and have been unable to locate the file I compiled on the Plaintiff.

15. After August 15, 2011, a search warrant was obtained for Steeprock's residence. *See*, Exhibit A (relevant portions of Steeprock's criminal file).

16. The search of Steeprock's residence revealed letters from the Plaintiff that referenced the smuggling scheme. *See*, Exhibit B.

17. As is seen in the letters, the Plaintiff makes veiled references to the drug smuggling scheme. *Id.* For instance, he says on the page dated "8-1-11" that "I get a painkiller and a seraquil (sic) each night but it's not a real buzz on. I'm so hoping this water soak thingy flies, talk about good to me!" *Id.* Upon information and belief, the "water soak thingy" is reference to the scheme to soak the envelopes in a solution containing the drugs, so that they can be smuggled in.

18. Further down on that same page, the Plaintiff says "Been ready to get the main since we talked Saturday, this is one of the longest times I been sober." *Id.* Upon information and belief, the Plaintiff means that he is ready to get a letter from her so he can get the drugs and no longer be sober.

19. On the page dated "Aug. 2, 11" the Plaintiff states the following, "Well tomorrows (sic) Wensday (sic) I hope to get a letter from you! That would be fuckin great if you got a bump to me. I'm bettin (sic) you can do it." *Id.* A "bump" is slang for meth, so it is clear that the Plaintiff was referring to Steeprock smuggling in drugs to him.

20. Another example on that same page can be found in the Plaintiff's closing of the letter. There he states "Peace Pot and Microdot." *Id.* "Pot" is slang for marijuana and "microdot" is slang for LSD.

21. An arrest warrant was obtained for the arrest of Steeprock, and she was arrested. *See*, Exhibit A. Upon being questioned, she admitted to the drug smuggling scheme between her and the Plaintiff.

22. Steeprock was charged with furnishing contraband to a prisoner, and that charge was True Bill indicted by the Kershaw County Grand Jury on December 12, 2011. *See*, Exhibit A.

23. My involvement in the investigation of the Plaintiff was limited to the actions described above, and I have had no direct involvement in the investigation and/or prosecution of the Plaintiff for any criminal charges associated with the drug smuggling scheme since I transferred positions within the Sheriff's Department. However, my understanding is that the investigation against the Plaintiff is on-going.

24. I have been made aware that the Plaintiff has written to SLED about these allegations. *See*, Exhibit C. However, I have not violated any of the Plaintiff's rights, nor am I aware of anyone having violated the Plaintiff's rights.

FURTHER AFFIANT SAYETH NOT.

Chris Phillips

SWORN TO BEFORE ME THIS 16th
DAY OF August, 2012.

Sheila A. Roberts (SEAL)
NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: Aug. 16, 2016

Exhibit A to Affidavit of Phillips

WITNESSES

(S) Christopher Phillips – Kershaw County Sheriff

ARREST WARRANT NUMBER

M099834

ACTION OF GRAND JURY

TRUE BILL

Judy D. Bakley

Foreperson of Grand Jury

Date: DEC 12 2011

VERDICT

Foreperson of Petit Jury

Date:

8921-Ex A Phillips-1

DOCKET NO. 2011-GS-28-1115

The State of South Carolina

County of

Kershaw

COURT OF GENERAL SESSIONS

DECEMBER TERM 2011

K96

THE STATE
vs.

Samantha Girl Steeprock

Indictment for
CONTRABAND FURNISH/ATT TO FURNISH

SC Code: 24-07-0155
CDR Code: 0437

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
2011 DEC 12 PM 4:16
JOYCE MCDONALD
CLERK OF COURT
KERSHAW COUNTY, S.C.

ATTEST True, Correct & Certified Copy of Original on File in this Court

Clerk of Court Kershaw County

STATE OF SOUTH CAROLINA)
)
COUNTY OF KERSHAW)

INDICTMENT

At a Court of General Sessions, convened on DECEMBER 12, 2011, the Grand Jurors of Kershaw County present upon their oath:

FURNISH OR ATTEMPT TO FURNISH CONTRABAND

That Samantha Girl Steeprock did in Kershaw County between June 1, 2011 and August 15, 2011, furnish or attempt to furnish a prisoner in a county or municipal jail, prison, work camp or overnight lockup facility, with any matter declared as contraband by the Commissioner of the S. C. Department of Corrections, to wit: the defendant did furnish METHAMPHETAMINES by use of the mail system to the KERSHAW COUNTY DETENTION CENTER for inmate Gregory Smith, in violation of Section 24-07-0155, S. C. Code of Laws, 1976, as amended

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

DAN JOHNSON, SOLICITOR

ARREST WARRANT

M-099834

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Kershaw

THE STATE 2011-4074

against

Samantha Girl Steeprock

Address: [redacted]

Lugoff, SC [redacted]

Phone: SSN: [redacted]

Sex: F Race: W Height: 5 7 Weight: 130

DL State: SC DL #: [redacted]

DOB: [redacted] Agency ORI #: SC0280000

Prosecuting Agency: Kershaw County Sheriff

Prosecuting Officer: Christopher Phillips - 7216

Offense: Prisoners / Contraband, furnish. or poss., county or municipal prisons prohibited

Offense Code: 0437

Code/Ordinance Sec: 24-07-0155

This warrant is CERTIFIED FOR SERVICE in the

[ ] County/ [ ] Municipality of

. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant

on 17 August 2011

Dep. D.L. Hardy #45

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
1121 Broad Street
Camden, SC 29020

8921-Ex A Phillips-3

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Kershaw)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Christopher Phillips who being duly sworn deposes and says that defendant Samantha Girl Steeprock did within this county and state on or about 08/15/2011 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Kershaw) in the following particulars:

DESCRIPTION OF OFFENSE Prisoners / Contraband, furnish. or poss., county or municipal prisons prohibited

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

Tha between June 1, 2011and August 15, 2011 the defendant Samantha Girl Steeprock has been furnishing Gregory Smith illegal drugs while he has been imprisoned for murder.The defendant is the self proclaimed girlfriend of Mr. Smith . A C gave information that Mr. Smith was being furnished Methamphetamines by Samantha Streeprock by use of the mail system. The defendant has been soaking the envelopes and or stamps in a liquid and mailing to Mr. Smith for consumption. On August 15, 2011, a drug screen was issued on Mr. Smith and tested postive for Methamphetamines. Asearch warrant was executed on the property of Mr. Smith and letters were found by the defendant stating that she has indeed sent drugs through the mail and making sure he looks at the stamps.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Kershaw)

Affiant's Address 821 Ridgeway Rd.
Lugoff, SC 29078-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 8/15/2011 defendant Samantha Girl Steeprock did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Kershaw) as set forth below:

DESCRIPTION OF OFFENSE: Prisoners / Contraband, furnish. or poss., county or municipal prisons prohibited

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution or as soon thereafter as is practicable.

Sworn to and subscribed before me on 08/15/2011 (L.S.)

Signature of Issuing Judge

K. Eugene Hartis

Judge Code: 5562

Judge's Address Post Office Box 1528
Camden, SC 29020-1528

Judge's Telephone (803)425-1500

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ATrue Copy of Original on File in this Court
Kershaw County
Clerk of Court

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

975

BAIL set by

Judge 25

on 8-17-11

Type and Amount: ~~OR~~ $ 15,000 c/c

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

CODEFENDANTS

8921-Ex A Phillips-4

ARREST WARRANT

2012A2810100019

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Kershaw

FILED FOR RECORD
2012 JUL 23 PM 12:41
JOYCE MCDONALD
CLERK OF COURT
KERSHAW COUNTY, S.C.

2011-2782

THE STATE
against

Samantha Girl Steeprock

Address: [redacted]

Lugoff, SC [redacted]

Phone: (803)767-0086 SSN: [redacted]

Sex: F Race: W Height: 5 5 Weight: 105

DL State: SC DL #: [redacted]

DOB: [redacted] Agency ORI #: SC0280000

Prosecuting Agency: Kershaw County Sheriff

Prosecuting Officer: Dexter Handy - 7064

Offense: Accessory / Accessory after the fact to Felony A, B, C or Murder

Offense Code: 2413

Code/Ordinance Sec: 16-01-0055

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of _____. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Samantha Steeprock on 07/19/2012

Cpl. J.B. Hinson #61
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
General Sessions
1121 Broad Street
Camden, SC 29020

8921-Ex A Phillips-5

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Kershaw)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Dexter Handy who being duly sworn deposes and says that defendant Samantha Girl Steeprock did within this county and state on or about 5/27/2011 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Kershaw) in the following particulars:

DESCRIPTION OF OFFENSE: Accessory / Accessory after the fact to Felony A, B, C or Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on May 27, 2011 the defendant Samantha Girl Steeprock knowing that a murder had been committed did render assistance to the defendant (Gregory Vincent Smith) by affirmatively misleading law enforcement. The defendant Samantha Girl Steeprock was present during the commission of the felony. This incident took place at 1995 Highway 601 South, Lugoff, Kershaw County, South Carolina.

ATTEST True Correct & Certified Copy of Original on File in this Court
Kershaw County
Clerk of Court

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Kershaw)

Affiant's Address 821 Ridgeway Rd.
Lugoff, SC 29078-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 5/27/2011 defendant Samantha Girl Steeprock did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Kershaw) as set forth below:

DESCRIPTION OF OFFENSE: Accessory / Accessory after the fact to Felony A, B, C or Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 7/19/2012

(L.S.)

Signature of Issuing Judge

William D. Corbett

Judge Code: 5029 5562

Judge's Address Post Office Box 1528
Camden, SC 29090-

Judge's Telephone (803)425-1500

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

977

Bail set by

Judge [illegible]

on 7-19-18

Type and Amount: PR $25,000

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
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Telephone:

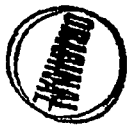
CODEFENDANTS

978

8921-Ex A Phillips-6

STATE OF SOUTH CAROLINA

County of Kershaw



SEARCH WARRANT

Date: 08-15-2011
Officer: SGT. B. ELLIOTT

980

STATE OF SOUTH CAROLINA }
}
COUNTY OF KERSHAW }

SEARCH WARRANT

Form approved by SC Attorney General - Section 17-13-160
March 15, 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF Kershaw:

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

The premise to be searched is a tan single wide trailer located at [redacted] Lugoff SC [redacted]. The trailer has a rust color roof and has a white underpinning around the trailer. The residence has a white front door with a wooden porch. The residence also has a black mailbox in front of the residence with the number [redacted] on it. The residence has a dirt driveway on the left side. There is an old camper with a brown strip down the side of it that is on the left side of the residence. The search includes all structures, curtiledge and all vehicles on property. This is in Lugoff South Carolina in Kershaw.

DESCRIPTION OF PROPERTY SOUGHT

1 METHAMPHETAMINE AND OTHER RELATED ILLEGAL DRUGS/ NARCOTICS
2. PACKAGING MATERIALS, SCALES, AND DISTRIBUTION MATERIALS
3. U.S. CURRENCY AND PROCEEDS FROM THE SALE OF ILLEGAL DRUGS
4. DOCUMENTATION RELATED TO OCCUPANTS AND OWNERSHIP INTREST
5. STOLEN GOODS OR STOLEN PROPERTY TRADED FOR DRUGS OR NARCOTICS
6. ILLEGAL WEAPONS OR WEAPONS USED TO PROTECT THE INTREST OF THE ILLEGAL DRUG TRADE

ORIGINAL

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

---

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.

Camden, S.C.

August 15th, 2011

R. Eugene Hood (LS)
Signature of Judge

SCCA/513
(3-78)

STATE OF SOUTH CAROLINA }
}
COUNTY OF KERSHAW }

AFFIDAVIT

Personally appeared before me, one SGT. B. ELLIOTT 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

1. METHAMPHETAMINE AND OTHER RELATED ILLEGAL DRUGS/ NARCOTICS
2. PACKAGING MATERIALS, SCALES, AND DISTRIBUTION MATERIALS
3. U.S. CURRENCY AND PROCEEDS FROM THE SALE OF ILLEGAL DRUGS
4. DOCUMENTATION RELATED TO OCCUPANTS AND OWNERSHIP INTREST
5. STOLEN GOODS OR STOLEN PROPERTY TRADED FOR DRUGS OR NARCOTICS
6. ILLEGAL WEAPONS OR WEAPONS USED TO PROTECT THE INTEREST OF THE ILLEGAL DRUG TRADE

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

The premise to be searched is a tan single wide trailer located at [redacted] Lugoff SC [redacted]. The trailer has a rust color roof and has a white underpinning around the trailer. The residence has a white front door with a wooden porch. The residence also has a black mailbox in front of the residence with the number [redacted] on it. The residence has a dirt driveway on the left side. There is an old camper with a brown strip down the side of it that is on the left side of the residence. The search includes all structures, curtiledge and all vehicles on property. This is in Lugoff South Carolina in Kershaw.

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISE

On August 12, 2011 a confidential informant gave Kershaw County Sheriff's Office information about one Samantha G. Steeprock (D.O.B. [redacted]) was cooking Methamphetamine at her residence and sending it through the U.S. Mail behind stamps that are on the envelop to one Gregory V. Smith (D.O.B. [redacted]). On August 15, 2011 Lt. Phillips went to the detention center and made contact with the jail and explains to them of what was going on. At that time the jail gave Mr. Smith a drug screening test which he tested positive for Methamphetamine. Mr. Smith was arrest on May 28, 2011 for Manufacturing Methamphetamine, Possession of Methamphetamine and other criminal charges. Mr. Smith was incarcerated since then and had no contact with any illegal narcotics. Lt. Phillips went and made contact with Mr. Smith and advised him of his Miranda Rights. After

Sworn to and Subscribed before me

this 15th day of August, 2011

K. Eugene Hurley (LS)
Signature of Judge

Brian L Elliott
Affiant

Address Kershaw County Sheriff's Department
821 Ridgeway Rd. Lugoff S.C. 29078

ORIGINAL

STATE OF SOUTH CAROLINA }
}
COUNTY OF KERSHAW }

AFFIDAVIT

his Miranda Rights were read Lt. Phillips ask Mr. Smith about Ms. Steeprock sending Methamphetamine through U.S. Mail. Mr. Smith stated that he did not know anything about nothing. Lt. Phillips then retrieved a Search Warrant for his cell and recovered numerous of letters from one Ms. Steeprock on August 9, 2011 telling Mr. Smith to check behind the letters with the stamps on them for Methamphetamine. One of the letters from Ms. Steeprock stated that she admitted putting Methamphetamine behind the flower stamps. Lt. Phillips also recovered letters from Mr. Smith to Ms. Steeprock telling Ms. Steeprock how to make Methamphetamine and betters ways to get it inside of the detention center. Mr. Smith also drew Ms. Steeprock a diagrams of how to conceal the Methamphetamine inside of paper. Mr. Smith was received numerous of letters a day from Ms. Steeprcock with flower stamps. Base on the totality of the above circumstance of this activity and observation lead one to believe that narcotics are being made and are present at the property described above.

Sworn to and Subscribed before me

this 15TH day of ~~August~~, 20 11

R. Eugene Hall (LS) B. L. Elliott

Signature of Judge Affiant

Address Kershaw County Sheriff's Department
821 Ridgeway Rd. Lugoff S.C. 29078

ORIGINAL

RETURN PG 1 OF 3

RETURN

I received the attached Search Warrant AUGUST 15, 2011, and have executed it as follows:

On AUGUST 15, 2011 at 1815 o'clock P M, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with HOYT ROGER WILLIAMS
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:

FRONT YARD
#1) YELLOW MOPED "MAGNUM 150 RL" (LBXTBK50X90002272) MOPED SC TAG # 128141 – DEVORS
#2) COILED CLEAR TUBING FROM UNDER SEAT OF MOPED – DEVORS
#3) CVS 16 OZ ALCOHOL BOTTLE WITH APPROX 1" OF LIQUID FROM UNDER SEAT OF MOPED – DEVORS
#4) APPROX TWENTY COFFEE FILTERS FROM UNDER SEAT OF MOPED – DEVORS
#5) SHELL CASINGS (TWO .357 MAG AND .22 SHORT) FROM UNDER SEAT OF MOPED – DEVORS
#6) ONE GREEN EMPTY PLASTIC BOTTLE FROM UNDER SEAT OF MOPED – DEVORS
#7) FIVE "KROGER" IODINE BOTTLES (FULL) FROM UNDER SEAT OF MOPED – DEVORS
#8) APPROX FIFTY "DIAMOND" MATCH BOOKS OF RED PHOSPHOROUS MATCHES FROM UNDER SEAT OF MOPED – DEVORS
MASTER BEDROOM
#9) SYRINGE END – TOP OF NIGHTSTAND – LYONS
#10) BOX OF ENVELOPES "OFFICE MAX" – TOP OF NIGHTSTAND – LYONS
SEE PG # 2

This inventory was made in the presence of ELLIOTT, DEVORS, LYONS, WILLIS

AND COREY, BROWN, BRANHAM, PHILLIPS, HANDY

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 16TH day of August, 2011

R. Eugene Pearson (L.S.)
Signature of Judge

B. L. Elliott
(Signature of Officer Executing Warrant)

ORIGINAL

RETURN PG 2 OF 3

RETURN

I received the attached Search Warrant AUGUST 15, 2011, and have executed it as follows:

On AUGUST 15, 2011 at 1815 o'clock P M, I searched

(The person) described in the warrant and (the premises)

I left a copy of the warrant with HOYT ROGER WILLIAMS

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:

#11) TWO BOXES OF "EQUATE" SUPHEDRINE WITH 20 CAPLETS EACH (120mg) FROM MASTER BEDROOM DRESSER DRAWER – LYONS

#12) PLASTIC BAG WITH SIX BOXES OF "EQUATE" SUPHEDRINE WITH 20 CAPLETS EACH (120 MG) FROM MASTER BEDROOM FLOOR – LYONS

#13) SMOKING DEVICE WITH BURNT GPM FROM TOP OF NIGHTSTAND – ELLIOTT

#14) LOOSE GPM (MARIJUANA) FROM TOP OF NIGHTSTAND – ELLIOTT

#15) HANDWRITTEN LETTER ADDRESSED TO SAMANTHA STEEPROCK FROM MASTER BEDROOM FLOOR – BROWN KITCHEN

#16) LETTER FROM EMPIRE BUILDERS ADDRESSED TO SAMANTHA STEEPROCK FROM ON TOP OF KITCHEN TABLE – ELLIOTT

#17) LETTER FROM GRAPHIX SOFTECH ADDRESSED TO SAMANTHA STEEPROCK FROM ON TOP OF KITCHEN TABLE – ELLIOTT

SEE P# 3

This inventory was made in the presence of ELLIOTT, DEVONS, LYONS, WILLS, COREY, BROWN, AND BRANHAM, PHILLIPS, HANDY

I swear that this Inventory is a true and detailed account of all property taken by me on the warrant.

SWORN to before me this 16TH day of AUGUST, 2011

R. Eugene Pauley (LS)

Signature of Judge

ORIGINAL

B. L. Elliott

(Signature of Officer Executing Warrant)

RETURN PG3 OF 3

RETURN

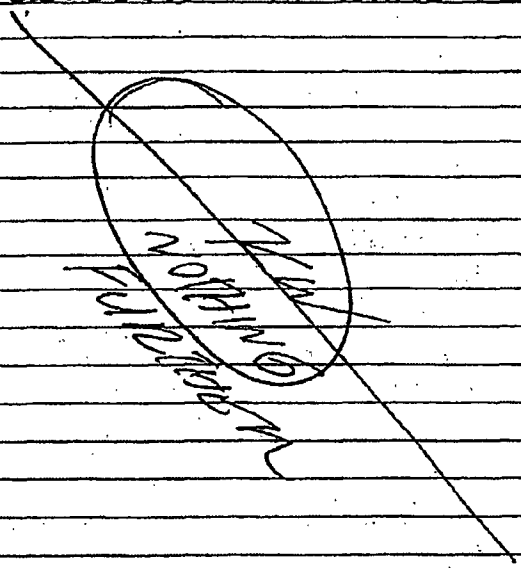
I received the attached Search Warrant AUGUST 15, 2011, and have executed it as follows:

On AUGUST 15, 2011 at 1815 o'clock P M, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with HOYT ROGER WILLIAMS
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:

CAMPER AT LEFT OF HOME
#18) SMOKING PIPE WITH BURNT GPM ON FLOOR BY BED-LYONS
#19) CLEAR FREEZER BAG WITH WHITE POWDER AND SPOON ON FLOOR BY BED - LYONS
#20) CLEAR GLASS WITH WHITE POWDER IN TOP CABINET - ELLIOTT



This inventory was made in the presence of ELLIOTT, DEVORE, LYONS, WILLIS AND CONLEY, BROWN, BRANHAM, PHILLIPS, HANDY

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 16TH day of AUGUST, 2011

Signature of Judge (L.S.)

(Signature of Officer Executing Warrant)

ORIGINAL

Exhibit B to Affidavit of Phillips

8-1-11 ①

Please put this in the mail!!

Dear Sam,

Me again. I don't have a lot of things to do so... Man we had some rough weather today (Sunday) I hope your trip to GA. went well. Can't wait to get your next letter, getting fat in here. I get a painkiller and a seraquib each night but it's not a real buzz on. I'm so hoping this water soak thingy flies, talk about good to me! I got a picture of Deebo over my bed, he watchs over me and reminds me to quit being stupid. You looked so much chappier and made me way more happier too! I'd like to go to my old place and get my stuff. You gonna bring Ceddy with you this week I hope, not that I'm not exstatic to see you. Once I understand the way the court system work's around here I'm gonna kick some ass! What Brian was explaining to me was as long as we keep the check's under #6000.00 the IRS wont fuck with us. We can grab 1000's easily. Well it's monday now and the seraquib is kicken my ass. I would like the lyrics to "welcome home from rehab if you go to look up "constant sorrow" from the soggy bottom boys. Been ready to get the mail since we talked saturday, this is one of the longest times I been sober. →

(2)

Aug. 2. 11

That's too long I think, been getting dumber. Straights Drop went into lock-up today for cussing the CO's out. He made me laugh alot and kept me on my toes. Well tomorrow wensday I hope to get a letter from you! That would be fucken great if you got a bump to me. I'm better you can do it. I wish my room dog would shut up I'm gettin sick of his shit. I got a couple shanks, OK three. Man I figure if I have to spend the next 700 days in here I should be able to pass the SC Bar exam. I work on my case everyday and what they got for evidence is pathetic. Hey if you go back do Goat's house grab his 12 gauge shotgun. I sent that envelope for brian so we can get the tax scheme set up for the next tax season. He's made off with 1000's of dollars when he was in the pen. Well enough about my boring shit. I hope you are doin better you sure looked it. I did a noron in and a sea quill, getting tired now. Peace Pot and Microdot

Love Gregory (G)

Aug. 11, 11 ①

Dear Sam,

How are you? I hope your doing well. I've got a couple letters that I have to hold back because of lack of envelopes. I have two pages, thats called what Samantha means to me. I also have notes for the girls and Ced. I realized last night what the hell is going on. You are the only person that has had my back all these years. Ok straight up, when I confessed I told them you was in the trailer with me and Debra. You made two statements, both said we were outside. You are the states top witness. I'm recanting my confession and like always you are standing beside me like the rock you are. Thank you! Now Mr. Tetterton wants to see how strong you are. He is not on my side, the sheriffs dept. has hired him because I wasn't going to talk to them or give up the gun. When I told him Speedy would cost $50,000, he told me he would do it for $5,000. WTF? I guess he's not really going to do nothing but show his friends I'm an idiot. Too late because I gave →

(2)

have already got the sheriffs dept. working for me. Major Hodges has sent my lawyer my letter for getting my law books. He is legally responsible to provide me with them. He has asked the judge for no bond. He waived my preliminary hearing. He told me if I go to a jury trial he will quit. When he wanted to speak to you he wants to see how to get you to say you was inside and saw me and the gun. Thats what they have got to have to keep my confession. If you do that I will have to motion to suppress all your testimony due to inconsistancies. I realize you may not understand. It's not about the crime now it's about the laws they're breaking to build a case do fry the only living person they can pin the lab and weed on. With Sheriff Matthews being the last one to wrestle David in the back of the cruiser the heat is on all the deputy's to keep the attention off thier boss and keep thier jobs. I told you thank-you →

(3)

for making your statements, I meant it. Tetterton wants you to change your statement or see what he can do to make you look like a liar. I would ask you to not go and talk to him please. One of the C/O's here went to the decontamination unit that day. He can't discuss anything with me, but I showed him one piece of evidence that Dexter Hendy has made up to use against me and he shook his head. I told him what I'm going to do and knowing I would put him on the spot I simply asked him do you think I'm crazy he looked right at me and shook his head no. When we was down stairs he told me off the record the decontamination unit was unnessesary. They evacuated all the neighbors too. I would hope you come visit me soon so we can talk about a few necessary things I'm going do send you this asap so I'm done writing

PS I know your with me on this, you're my rock.

G

Exhibit C to Affidavit of Phillips

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor

MARK A. KEEL
Chief

November 30, 2011

Sheriff Jim Matthews
Kershaw County Sheriff's Office
P. O. Box 70
Lugoff, SC 29078

RE: Gregory V. Smith

Dear Sheriff Matthews:

I am taking the liberty of forwarding to you for your information and whatever action you deem another letter that I have received from Gregory V. Smith. As you will recall, Mr. Gregory sent a letter to me, dated September 29, 2011, which I forwarded to you.

Please do not hesitate to contact me if I can assistance to you for it is our desire to work with you in all matters of mutual interest.

Yours very truly,

Mark A. Keel, Chief
South Carolina Law Enforcement Division

MAK/dwh
cc: Mr. Gregory V. Smith
101 Bramblewood Plantation Road
Camden, SC 29020

P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7588

Dear Mr. Keel,

First I would like to thank you for your response reguarding David Tyler's death. Have you gotten any response from K.C.S.O?

Since I wrote you last I have caught my lawyer, a depoty and the jail directer in a conspiracy to fabricate a fiction against me.

I fired my lawyer and Im putting a federal civil law suit on the others. Now Ive really ticked the K.C.S.O off, they in fact have broken the law to gain malicious false evidense to use against me at a jury trial.

Would you please tell me who to get ahold of when law officials go bad?

Im having a heck of a time trying to understand how they can break the laws and enter the evidense in a court of law under oath to tell the truth. I now have until March to gather information needed because they upped my trial date. I refused to take a 15 year deal so now the solicitor wants to [illegible] life / death. →

Im seeking Mental Health for help dealing with this situation. I could use the ballistic reports on the gun that may have been used. My case #2011-2782. The motion of discovery that the lawyer replaced the original with is missing some forensic reports.

I now have gone single handedly up against K.C.S.O. I think that they killed David Tyler, also my chances of a fair trial. Im praying you can please give me someone who can and will hold person or people responsible for thier wrong doing and irresponsibility's.

Im being charged with the exact same crime that my accusers have done themselves.

My life/death is hanging in the balance with a trial Im gathering evidense for myself.

Thank you again for your rapid responce and I sure would love to get same legal advice to remedy these issues.

(PS Im 50 yrs old) Respectfully yours

Gregory V. Smith

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

Gregory V. Smith, Plaintiff, v. P.E. Spivey, Jail Director, Individual and Official Capacity; and Chris Phillips, Detective, Individual and Official Capacity, Defendants.	)	Civil Action No. 1:12-29-RBH-SVH **AFFIDAVIT OF PEGGY SPIVEY**

PERSONALLY APPEARED BEFORE ME, PEGGY SPIVEY, who first being duly sworn deposes and states the following:

1. My name is Peggy Spivey. I am over the age of eighteen and competent to give this testimony.

2. I am currently, and was at all time relevant, employed as the Director for the Kershaw County Detention Center (KCDC).

3. KCDC is owned and operated by the administrators of Kershaw County, South Carolina.

4. I am familiar with the Plaintiff, and have been made aware of the allegations set forth by the Plaintiff in the Complaint in the above-captioned matter.

5. The Plaintiff was originally booked into KCDC on May 28, 2011, following his arrest for charges of murder, possession of marijuana, possession and manufacturing of

methamphetamines, and manufacturing with intent to distribute methamphetamines. *See*, Exhibit A (relevant portions of Plaintiff's KCDC Inmate File).

6. Immediately after being booked, the Plaintiff had to be transported to the hospital for decontamination protocols. *Id.*

7. He subsequently returned to KCDC, where he remains to this day, to await trial on his pending criminal charges. *Id.*

8. During his incarceration at KCDC, the staff at KCDC received information that the Plaintiff was involved in a scheme to smuggle in narcotics to our facility. We then turned that information over the Kershaw County Sheriff's Office (KCSO), so that it could be investigated.

9. Detective Chris Phillips with KCSO began investigating the issue.

10. Detective Phillips linked the smuggling of the narcotics to a Samantha Steeprock, who had sent letters to the Plaintiff about the narcotics scheme.

11. Detective Phillips secured a search warrant that allowed him to search the Plaintiff's cell and confiscate materials that might be related to the narcotics scheme.

12. Detective Phillips came to KCDC on, or about, August 15, 2011 and executed the search warrant.

13. I am aware that the Plaintiff alleges that he was required to submit to a urinalysis test on August 15, 2011.

14. A review of the Plaintiff's medical records does show that a urinalysis was performed on the Plaintiff on, or about, August 15, 2011, but again I took no part in performing that procedure, or directing that it be performed. *See*, Exhibit B (relevant portions of Plaintiff's KCDC medical records).

15. After Detective Phillips executed the search warrant on, or about, August 15, 2011, I am aware that the Plaintiff alleges he was placed into administrative segregation at KCDC for approximately two weeks.

16. The Plaintiff further alleges that he was not provided any notice as to why he was being held in administrative segregation during that time period.

17. At KCDC administrative segregation is not used as punishment, but instead is designed to preserve security and maintain order of the facility.

18. One of the legitimate penological reasons for placing an inmate in administrative segregation at KCDC is when there is a pending investigation for criminal activity involving the inmate in question.

19. In the Plaintiff's case there was a pending investigation into the Plaintiff's alleged involvement in the smuggling of narcotics into KCDC. Additionally, there was a pending investigation into the involvement of Samantha Steeprock for that same reason.

20. Administrative segregation is appropriate, under KCDC policies and for legitimate penological purposes, under those circumstances.

21. To allow the subject of such a criminal investigation to remain in the general population, especially after his cell had just been searched pursuant to a search warrant, would have compromised the on-going criminal investigation.

22. Such a placement into administrative segregation was not for any punitive reason, but instead was for the legitimate penological objective of preserving security and maintaining order within the facility.

23. Furthermore, KCDC has an established inmate grievance procedure.

24. That grievance procedure allows for inmates at KCDC to file grievances on essentially any issue associated with their confinement.

25. Under that grievance procedure the inmate must file the grievance within 48 hours of the alleged incident. The failure to timely file the grievance is against policy.

26. Additionally, under our grievance procedure inmates can appeal any response to a grievance, provided that they do so within 48 hours of receiving the response at issue.

27. I have reviewed the Plaintiff's grievances, and it is clear that he did not timely file any grievance related to the allegations set forth in his Complaint. *See*, Exhibit A.

28. Furthermore, there is no evidence that he ever appealed any response to any of his grievances in accordance with KCDC's inmate grievance procedure.

29. As such, the Plaintiff did not exhaust the administrative remedies available to him at KCDC.

30. I have not violated any of the Plaintiff's rights, nor am I aware of any employee at KCDC having violated any of the Plaintiff's rights.

FURTHER AFFIANT SAYETH NOT.

Peggy Spivey

SWORN TO BEFORE ME THIS 3
DAY OF August, 2012.

(SEAL)
NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: 26 July 2014