

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Greenville County
D. Garrison Hill, Circuit Court Judge

THE STATE,

Respondent,

v.

FURMAN EUGENE TAYLOR,

APPELLANT.

APPELLANT CASE NO. 2015-000066

WRITTEN MEMORANDUM OF LAW

FURMAN EUGENE TAYLOR #198161
Perry Correctional Institution
430 OAKLAWN ROAD
Pelzer, S.C. 29669
APPELLANT

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Federal Practice and Procedure § 5250

Statement of Issues on Appeal

- 1.) Did the trial court err by not quashing/dismissing indictments since the prosecution took 304 days to present them to the Grand Jury without ever seeking any extension?
- 2.) Was the accused denied a fair trial due to the excessive amount of time it the prosecution to bring it to court?
- 3.) Because of these undue delays was the accused prejudiced in his ability to obtain exculpatory evidence in his favor?
- 4.) Did these delays result from Bad faith actions by the prosecution?
- 5.) Was the State's witness, Amanda Caldwell, coerced, threatened, or intimidated to testify as she did?
- 6.) Does the Statute S.C. code Ann. § 16-11-311(A)
 - (a) Contravenen the well-established rule that evidence that an accused has committed other crimes is not admissible in the prosecution for the crime charged?
- 7.) Is Statute § 16-11-311(A)(2) Unconstitutional?

Statement of Issues on Appeal (cont.)

8.) Did the accused receive a fair trial after evidence of prior convictions of the same "Name" and "Nature" as the crime charged presented and published to the jury as exhibits?

9.) Was it improper and prejudicial to bring this evidence into play in the presents of the jury without any meaningful balancing test being performed first outside the presents of the jury?

10.) When the defense gave a stipulation to the prior crimes did it not trigger an obligation for the court to eliminate the "Name" and "Nature" of the prior offenses from the case?

11.) Was the accused prejudiced by a "Mug Shot" being produced and published to the jury as an exhibit?

Statement of Issues on Appeal (cont.)

12.) When the "Mug Shot" was produced by Captain Jinny Moran of the records division was it not highly prejudicial when she stated, "I pulled the most recent photo?"

13.) Would not a sophisticated juror have deduced by and/or inferred from such a statement as "Most recent photo" when referring to the "Mug Shot" that the accused had a prior record?

14.) Was it improper and prejudicial not to perform a meaningful balancing test prior to producing this evidence in the presents of the jury?

15.) Was the video a duplicate?

16.) Did the video include what was purported by the investigator who impounded it claimed?

17.) Was the duplicate video unfair to admit in lieu of the original?

Statement of Issues on Appeal (cont.:

18.) Why was the videos not produced at the first trial if they were so probative?

19.) Was exculpatory evidence intentionally withheld by way of duplicate being produced rather than the original with enough elapsed time to prevent the original from being obtained by the accused?

20.) Why was the video held for two weeks by the investigator?

21.) Why did the investigator take other actions than the ones he described as proper to the Chain of Custody?

22.) Why did the investigator take the video to his office prior to initiating the digital Chain of Custody?

23.) Why would the proponent claim to the court that this video was an original when the investigator whom impounded it said it was a copy from when he first got it?

Statement of Issues on Appeal (cont.)

24.) Why would the investigator claim the videos contained something they clearly did not?

25.) Was it an abuse of discretion to allow Ms. Bennick to testify to authenticate the videos without knowledge of what was on the videos or even how long Mashak had them before bringing them to property and evidence?

26.) What would be the use of any testimony from Ms. Bennick other than to confuse the jury and/or try to obtain a conviction based on an improper basis?

27.) Was it an abuse of discretion to admit a duplicate into evidence when it was clearly unfair to the accused in lieu of the original?

28.) Did the prosecution elicit false testimony at trial knowingly?

Statement of the Case

On June 04, 2012, appellant was arrested and charged for Burglary First degree; indictment no. 2012-GS-23-6511, and Petit Larceny; indictment no. 2012-GS-23-6513. A trial by jury was held on February 11th and 14th, 2014, before the Honorable R. Knox McMahon. Appellant was represented by Rob Januario, esq. Mark Mayer was the attorney for the State. Trial resulted in a hung jury. Appellant was again tried by jury before the Honorable D. Garrison Hill, on January 5th, 6th, and 7th. Alex Kornfeld (esq) represented appellant. Attorney for the State was Matthew Wallace. Appellant was found guilty of Burglary in the first degree and Petit Larceny and sentenced pursuant to 17-25-45 to life without the possibility of parole. Appellant's attorney perfected notice of appeal.

Question

Did the trial court error by not quashing/dismissing indictments and denying appellant a fair trial when undue delays by the prosecution impaired his ability to obtain and present favorable evidence at trial?

Discussion

At trial appellants attorney, Mr. Kornfeld, moved to have both indictments dismissed because the prosecution failed to get and/or request any extension before seeking to indict. (transcript pg. 5, Lines 18-25, all pg. 6, and pg. 7, Lines 1-4) Mr. Kornfeld cited, State v. Culbreth, and State v. Edwards, to distinguish the legislative intent of his argument. However, Kornfeld relied on current case authority of State v. Langford to support his argument.

The State position was that (S.C.R. Crim.P.) Rule 3(c) is purely administrative and that the States attorney, Mr. Wallace, was not the Solicitor at the time appellant was indicted and tried previously, it still was not enough to quash the indictments and dismiss the charges. (Trans. pg. 7, Line 7-25, and pg. 8, Lines 1-21)

The trial court denied Mr. Kornfeld's motion stating that he understood the basis for it but did not think the rule or case law cited would warrant quashing or dismissing the indictments at this stage. (Trans. pg 8, Lines 22-25)

LAW ANALYSIS

In Langford the S.C. Supreme Court reluctantly agreed that the prosecutor having exclusive control over the trial docket unconstitutional and violated the separation of powers doctrine S.C. Constitution Art. I § 8; S.C. Code Ann. § 14-1-80; S.C. Juris Const. Law § 31, and § 102; S.C. Jur Assembly § 2, Division of Branches of State Governments Separation of powers. 33 S.C.L. Rev. 25, August 1981. The degree to which a legislative body must specify its policies and standards in order that the administrative authority granted may not be an unconstitutional delegation of its own legislative power is not capable of precise definition. A statute which in effect reposes an absolute unregulated and undefined discretion in one administrative body bestows arbitrary powers and is an unlawful delegation of legislative powers. (Constitutional Law Key 2406)

Pursuant to the provisions of S.C. Const. Art. IV § 4, and in furtherance of the Supreme Court's decision in State v. Langford, an order was published on February 04, 2013, addressing how cases in General Sessions Court shall proceed. The point within this order directly related to this case reads in relevant part;

If the Solicitor has not filed a notice of Court docketing in accordance with paragraph (b) (1) above for any case more than (1) one year beyond its assigned track, it will automatically transfer to the judicial docket which the Clerk shall maintain separate and apart from the regular Court docket. The CJAP will administer and supervise the judicial docket. The Solicitor will notify the Clerk within (15) fifteen days after expiration of this period of time of all cases that are in this category and furnish the following information: (1) Indictment number; (2) Defendants names; (3) Date of arrest; (4) assigned assistant Solicitor; (5) Defense counsel; (6) Date of indictment; (7) Track expiration date; (8) prior request(s) for continuances. The Clerk will maintain (3)

the judicial docket which will include this information. (c)(1) February 4, 2013⁽⁴⁾

In this case the prosecution took approximately (304) three hundred and four days after Taylor was arrested to present his indictments to the Grand jury without seeking any extension pursuant to State procedural rule of criminal process 3(c). Even if Solicitor Wallace avers this issue is an administrative procedure, he failed to produce any waiver orders to meet this requirement. Instead Wallace relied on the Mistrial of February 14, 2014, and him not being the prosecuting attorney in the first trial to justify his position thereby giving the appearance of not having knowledge of the case until he was assigned. Yet the record is silent as to when he came on board with this case as well as whether or not he was within the solicitors office at the time

"Appellant will have this court know that Langford was pending in the State Supreme Court when he was arrested on June 04, 2012. And, appellant (indictments) was True Billed on April 23, 2013, 2 months after this order came into effect.

When the previous solicitor, Mr. Mark Mayer, handled the first case and/or trial. The U.S. Supreme Court has an established rule that the actions of one solicitor in office binds all solicitors in office. Santobello v. New York, 404 U.S. 257; 92 S.Ct 495.

Moreover, Taylor suffered substantial and actual prejudice of a denial of a fair trial due to pre-indictment delay because before the first trial request were made to obtain and inspect the copy of the MAY 19, 2012, videos) from the Cash America pawnshops that investigator MASHAK turned over to the chain of custody of property and evidence division some (14) fourteen days after obtaining /impounding it (Trans. pg. 209, Lines 1-3 and 21-23, pg. 211, Lines 4-13.)

There was a question as to the genuineness of the videos) authenticity and being what the proponent claimed it contained at trial. Investigator Mashak testified and stated that he got a copy of the videos) from the pawnshops depicting the co-defendant, Amanda Caldwell, from the time she entered the pawnshops) until the time she and Taylor exited the pawnshop.

(5)

(Trans. pg. 209, Lines 21-25, pg 210 thru pg 214, and pg 233)

The trial Courts interpretation of Kornfeld's argument concerning whether the genuineness of the video(s) is the original or a doctored-up version that excludes favorable evidence to help appellant rebut the States theory of the case was objectionably unreasonable in light of the whole record and the evidence before it. The record is clear that the video(s) introduced at trial given to Ms. Bennick a duplicate of the duplicated original. Without this video, Amanda Caldwell's testimony and Ms. Bennick's testimony without knowledge since she never even viewed the video to authenticate it, there is no witnesses or evidence linking appellant to the crime charged. Thus, despite appellants efforts to obtain the original video from the pawnshop before its destruction before the first trial and the duplicated video(s) that does not show her (Amanda Caldwell) entering the pawnshop, being the only evidence, and what was used at the second trial which was never mentioned at the first trial was

(6)

An intentional devise to gain a tactical advantage over the appellant and the unjustifiable reason for the pre-indictment delay which violates "fundamental conceptions of justice" or the Communities sense of fair play and decency. Howell V. Barker, 904 F.2d at 895 (4th Cir. 1990); Citing United States V. Automated Medical Laboratories, 770 F.2d 339 (4th Cir. 1985) Hence, the trial court made an error of law for not quashing/dismissing the indictments) pursuant to the State Supreme Court order in Langford V. State. The trial decision was made on an unreasonable application of State law and the Supreme Court's order without inquiry into the governments action after a substantial delay of more than (10) ten months before presentment of the indictments) and approximately (10) ten months before the first trial and another (11) eleven months delay before second trial. Thus, denying the appellant of a Constitutionally guaranteed right to a fast and Speedy trial.

Question

Did the trial court abuse its discretion for not performing a balancing test on three highly prejudicial pieces of evidence introduced by the government on an improper basis to give a tactical advantage over appellant and deny him due process of law and a fair trial?

I

During pre-trial, Hornfeld moved to exclude prior bad acts. (Trans. pg. 9, Lines 2-5) He avers that the statute itself circumvents the judge's ability to do a 403 analysis on whether or not it would be unduly prejudicial to appellant. (Trans. pg. 11, Lines 6-24) Hornfeld renewed his motion at the conclusion of the trial claiming the element of two prior burglary first being known by a jury at any time is in itself prejudicial and it handcuffs the court of its ability to do a 403 balancing test. (Trans. pg. 268, Lines 3-7; pg. 109 thru 116, Line 14; pg. 117 thru 118, Line 10) The State's position was pursuant to State v. James, S.C. Court of appeals decision that allowing prior burglary convictions into prove element of

First degree burglary. (Trans. pg. 9 Lines 7-25, and pg. 10 thru 11, Lines 1-3) The trial court ruled in favor of the States position relying on the case raised by the State. (Trans. pg. 12, Lines 9-13)

At the conclusion of the States presentation of its case in chief, Mr. Kornfeld moved to have both indictments dismissed because of no competent evidence. (Trans. pg. 256, Line 10 thru pg. 257, Line 20) The court performed a colloquy with the appellant to ensure he understood his right to testify and how his prior convictions may be used for impeachment purposes only. (Trans. pg. 259 thru pg. 266⁽¹⁾) Kornfeld objected to

¹⁾ The court expressed unease in relations to the statutory elements of two prior burglary first convictions probative value already stipulated to outweighing its prejudicial effect "not by much" because the jury had already heard about prior convictions without assessing appellants credibility which was highly prejudicial when no 403 analysis or balancing test was done. (Trans. pg. 265, Lines 6-25; pg. 266, Lines 1-3) or when the legislative intent of the statute infringes upon a constitutionally protected right to fundamental fairness. U.S. Const. V, XIV, and S.C. Constitution.

allowing any of appellants prior record to be known by the jury and to come into evidence.
(Trans. pg. 269 Lines 1-4)

Discussion

Is the Statute §16-11-31(A)(2) Constitutional?

In State v. Hamilton, 486 SE.2d 512 (1997) The fourth circuit court of appeals held that the defendant's offer to stipulate to or admit to the prior convictions triggers an obligation of the court to eliminate the "name" and "nature" of the offense from the case. Citing: United States v. Poore, 594 F.2d 39, 40-43 (4th Cir.) The Hamilton court also said that a cogent argument can be made that the Statute §16-11-31(A)(2) contravenes the well established rule that an accused has committed other crimes is not admissible in the prosecution for the crime charged. Rule 404(b) S.C.R.E.; State v. Gregory, 191 S.C. 212; 4 SE 2d 1; State v. Williams, 31 S.C. 16 (Rich) 418.

The recognition that the prosecution with its burden of persuasion need evidentiary depth to tell a continuous story has however virtually no application in this case when the point

at issue is a defendant's Legal Status dependant on some judgement rendered wholly independant of concrete events of later criminal behavior charged against him. Merritt v. Grant, 285 S.E. 150; 328 SE2d 346.

For the purpose of determining whether challenged evidence is unduly prejudicial, prejudice that is unfair is distinguished from the legitimate impact all evidence has on the outcome of a case; Unfair prejudice does not mean the damage to a defendant's case that results from the legitimate probative force of the evidence but rather refers to evidence which tends to suggest a decision on an improper basis. Rule 403 SCRE; State v. Lee 319 S.C. 521; 732 SE2d 225. Like probative value unfair prejudice should be evaluated in the practical context of the issues at stake in the trial of the case. 403 SCRE. The Hamilton court did not address the constitutionality of S.C. code ann. §16-11-311(A)(2) as stated in State v. James, 583 SE2d 745. However, the statute is in direct conflict with rule 403 because proof of another substantive crime is never admissible unless there is some legal connection between the

two upon which it can be said that one tends to establish the other or some essential fact in issue. State v. Gregory, 191 SC. 212; 4 SE2d 1.

Finally, the trial judge has no discretion as to whether or not to engage in the balancing process since balancing under 403 is an inherent part of admissibility under 404(b) and his duty to weigh the countervailing factors is automatically invoked under rule 403. His refusal to engage in the balancing process because of State statutory language or requirement and/or the ambiguous interpretations thereof may subject his decision to reversal. Federal Practice and Procedure § 5250. Thus, § 16-11-311(a)(2) is unconstitutional.

Argument

There can be no escaping the prosecution's use of appellants prior "burglary" "first degree" conviction indictments to suggest a decision on an improper basis in this case because there is no legal connection between the prior convictions and the crime charged except the "name" and "nature" of the crime. Which surely may have confused the jury when the trial court

instructed them not to consider his prior convictions in determining guilt or innocence. When the jury had already seen evidence that may have excited improper inferences to find appellant guilty. Old Chief v. United States, 519 U.S. 172; 117 S.Ct. 644. It is quiet possible that a sophisticated juror who has above average knowledge of the legal process may have considered these indictments as positive evidence of appellants bad character and guilt. The sum of this and erroneous bolstering of the prior burglary "first" convictions under the guise of a statutory requirement that circumvents a well established procedural rule in a trial revolving essentially on the credibility of Amanda Caldwell who repeatedly changed her story and investigator Meshak who admitted to turning a duplicate video into property and evidence some (14) fourteen days after taking possession of it is highly prejudicial to the defendant requiring a new trial.

II

During trial the State introduced Ms. Jimmy Moran a public safety record manager who

Was subpoenaed to come to Court and supply a "Mug Shot" photograph of appellant. (Trans. pg. 139 thru 143, Lines 1-2.) Ms. Moran testified that she pulled appellants "most recent" photo explaining the process of how the forms are dated as well as certification procedure. (Trans. pg. 141, Lines 3 thru pg. 142, Line 21) There is no mention of this "Mug Shot" during any other part of the trial. However, this "Mug Shot" was introduced for identification. (Trans. pg. 142, Line 22 thru pg. 143, Line 2)

LAW ANALYSIS

Photographs pose a danger of unfair prejudice when they have an undue tendency to suggest a decision based on an improper basis, commonly though not necessarily an emotional one. Rule 403; State v. Lee, 319 SC 521; 732 SE 2d 225. The trial Court must exercise its discretion bearing in mind the purpose of the evidence to rebut improper motivation or bias because it is always possible that a jury might improperly infer from the evidence the guilt of the accused. Reversal is required because of improper characterization of the burden of proof. State v. Patrick, 345 SE 2d 481; also see State v. Tate.

288 S.C. 104; 341 S.E.2d 380. Applying test in determining the admissibility of a photograph of the accused.

In the instant case, the introduction of appellant's "Mug Shot" was improper because Ms. Moran made the suggestion that this "Mug Shot" was appellant's "Most recent", which likely excited the jury to infer that appellant had a criminal history and may have shifted the burden of proof on appellant to rebut this notion. This infringed upon his Constitutional right not to testify and risk losing his liberty without the trial court balancing the prejudicial effect of an unnecessary "Mug Shot" when the testimony of Amanda Caldwell and the video used by the State to prove that appellant was with Caldwell at the Cash America pawnshop could have satisfied the identification requirement without encouraging the jury to make improper inferences linking him to the crime. Especially when no other mention of this "Mug Shot" was made throughout the trial. This erroneous bolstering of Amanda Caldwell's and investigator Mashak's credibility in a

trial revolving essentially on credibility is prejudicial to the appellant requiring a new trial.

III

At pre-trial, Kornfeld moved to have the video(s) that was retrieved from Cash America pawnshops by investigator Mashak be excluded because there is footage beneficial to appellant that was not shown pursuant to Kyles v. Whitley (Trans. pg. 39 thru pg. 46, Line 21) A Spoliation (expand) Charge was also requested because appellant believed investigator Mashak intentionally narrowed the video down to exclude the fact that Amanda Caldwell called the appellant there to jump the car off for the man she had come to the pawnshop with.

The States position is that they provided all of the video that was turned over to property and evidence by investigator Mashak depicting co-defendant, Amanda Caldwell, just prior to her showing up at the counter to

pawn the goods and then her leaving which complied with that discovery request for the extended version. (Trans. pg. 40, Lines 15-25 thru pg. 42, Lines 1-15; pg. 45, Lines 14-25) Mr. Wallace also gave reference to the length of the videos in question to be approximately 16 minutes long. (Trans. pg. 44, Line 5) First Video 6 minutes (line 4)

The trial court denied Kornfeld's motion claiming that due to the discovery rule or cases, Kornfeld failed to prove that the State had evidence that is not available due to some bad faith on their part or other improper conduct and the State can not control the retention policy of a third party and ultimately that there is no proof that the State ever had the longer version of a video. (Trans. pg. 45, Lines 1-8) However, the trial court informed Kornfeld he could renew the motion if after questioning Mashak regarding the extended video something transpires. (Trans. pg. 46, Lines 12-21)

During trial, the State attempted to authenticate the chain of custody of the video stating that they were the original and not copies (Trans. pg. 232, Lines 9-14, pg. 229, Line 9 thru

pg 230, line 2)

Defense attorney Kornfeld's argument was that a three-prong test was appropriate pursuant to State v. Ivory and Rule 1003 SCRE, a genuine question was raised as to the authenticity of the original, or in the circumstance it would be unfair to submit the duplicate in lieu of the original. Kornfeld renewed his request for a spoliation charge because he felt that the complete story is not told due to the fact that what he would consider the video that would exonerate the appellant was not taken (Trans. pg 231, Lines 19-25 thru pg 232, Lines 1-8) Kornfeld further explains to the court his reasoning and belief that the video is a copy because there was not only video of Amanda Caldwell. The pawn shops had a video running the entire time. (Trans. pg 232, Lines 15-18) According to investigator Mashak's testimony, he made a copy of that particular part from the time Ms. Caldwell came in until the time she left. (Trans. pg 232, Lines 18-21.) And for these reasons it's been deduced down so you do not have three hours

of video. (Trans. pg. 232, Lines 22-24)

The trial court ruled that the issue is whether Ms. Bennick can testify given she was not on the witness list to which he ruled that the defense can demonstrate no prejudice completely overruling the rule and whether this video should be authenticated by Ms. Bennick after investigator Mashak's testimony and admission showed that the video was a copy and not the original.

(Trans. pg. 232, Line 25 thru pg. 233, Lines 1-7)

During the presentation of the video before the jury the following colloquy transpired:

Q. Ms. Caldwell, I've got here State's exhibit (NOs) 14 and 15, that are in -- that are admitted as identification items. These are video tapes and they involve your case.

A. Yes, sir.

Q. Have you viewed these videos?

A. Yes, sir.

Q. And do they accurately depict the pawn

Shops you went to that day?

A. Yes, sir.

Mr. Wallace: Your honor at this time I would like to admit these into evidence as State's exhibits nos) 14 and 15, along with the property and evidence sheets, which are State's exhibits nos) 12 and 13.

Court: Alright is there any objection?

Kornfeld: I object to one of the videos, not the other.

(Trans. pg. 242, Line 22 thru pg. 243, Line 20)

While the video is being played this colloquy transpires:

(Where upon State's exhibit no. 14 was played in open Court.)

Mr. Wallace:

Q. Ms. Caldwell, do you see yourself on the video?

A. Yes, sir. I'm standing right there.

Q. Can you stand up and just point out to the jury where you are on that screen?

A. Right there in the corner.

Q. The upper right corner.

A. Yes.

Q. What are you wearing in that picture?

A. A white tank top.

Q. Okay, Thank you.

A. There's Mr. Taylor

Q. Okay, We're going to keep playing it.

Witness: Okay, there's Mr. Taylor.

Mr. Wallace: Stop it.

By Mr. Wallace:

Q. Is that Mr. Taylor there?

A. Yes.

Q. What is he wearing?

A. A black hat. You can't really make out the symbol, but that's the black Taylor made hat, and a dark shirt with something on the front, and blue jeans.

Q. Okay Ms. Taylor: We're going to show you another video now so just hold on a second and we'll put it back up there.

(Where upon State exhibit no. 15 played in Open Court.)

Witness: Okay that's me at the desk.

By Mr. Wallace: (21)

Q. All right. Up there in the right hand corner?

A. Yes.

Q. Okay, wearing the same thing you had in the

A. Yes, a white tank top.

Q. What are you doing there at the camera?

A. I'm pawning a DVD player and some jewelry.

Q. Were they the same items that came from this burglary?

A. Yes

Q. Okay, were going to start again. This is going to take about twice as long. So please pay careful attention.

Witness; Okay, that's Mr. Taylor right there.

By Mr. Wallace;

Q. Do you recognize the clothing he's wearing?

A. Yeah. A green, if I'm not mistake John Deer hat, and then a reddish-orange shirt and blue jeans.

Q. Do you know why it's different clothing than before?

A. Because we got seen at the other - at the robberies, and we stopped - I don't know where

We stopped. But we stopped somewhere so he could change.

Q. Ms. Caldwell, have you ever testified to those videos before?

A. No, Sir.

Q. When was the first time you saw those videos?

A. Last Friday.

(Trans. pg. 248 thru 249, Line 20)

At the conclusion of trial, Hornfeld renewed his motion based on Rule 5 and 901. Citing: State v. Gregory Allen Ivory objecting to the video being admitted. (Trans pg. 268, Lines 1-25)

The trial court reaffirmed his rulings to all motions and objections, and conclusions of Law. (Trans. pg. 269, Lines 5-14)

LAW ANALYSIS

The ultimate goal of the chain of custody requirements for the admission of evidence is simply to ensure that the item is what it is purported to be. State v. Brockmeyer, 406

S.C. 324; 751 SE2d 645 (S.C. 2013): Crim. Law Key 40430;
Clark v. Contrell, 339 S.C. 369; 529 SE2d 528;
evidence key 150. With regard to disclosure
of exculpatory evidence it necessarily follows
that if the omitted evidence creates a reasonable
doubt that did not otherwise exist,
Constitutional error has been committed.

U.S. v. Agurs, 427 U.S. 97 at 112-113; 96 S.Ct. at
2402. The proper standard of materiality
must reflect the overriding concern with the
justice of the finding of guilt. Such a finding
is permissible only if supported by evidence
establishing guilt beyond a reasonable doubt.

This means that the omission must be
evaluated in the context of the entire record.
If there is no reasonable doubt about guilt
whether or not the additional evidence is
considered, there is no justification for a new
trial. On the other hand, if the verdict is
already of questionable validity, additional
evidence of relative minor importance might
be sufficient to create a reasonable doubt.
Reversal of a conviction is required only if

the undisclosed evidence is material and the omission deprived the defendant of a fair trial. U.S. v. Agurs, 427 U.S. 97; 96 S.Ct. 2401; State v. Gathers, 295 S.C. 476; 369 S.E.2d 140.

Obligation to guard and enforce every right secured by Federal Constitution rest on State equally with Federal Courts. Const. Art I § 5, Art VI § 4. U.S. Const. VI and XIV. Being subjected to a prosecution because an officer withheld exculpatory evidence from prosecution while urging that prosecution should go forward can work a deprivation of due process. 42 U.S.C.A. § 1983; U.S.C.A. Const. Amend. 5 and 14; Goodwin v. Melts, 885 F.2d 157; Jean v. Collins, 121 S.Ct 771; 119 S.Ct 2016; 221 F.3d 656; State v. Page, 750 S.E.2d 623.

The trial court must exercise its discretion bearing in mind the purpose of the evidence to rebut in appropriate circumstances, the appearance of special treatment and improper motivation or bias. It is always possible however, that the jury might improperly infer that the defendant is the source of the threats. So the possible inflammatory consequences of

of such evidence should be a primary concern. The court must consider whether such evidence was in its totality excessive and likely to excite the jury, encouraging them to make improper inferences linking the defendant to threats against the witness. U.S. v. Melia 691 F.2d 672.

Thus, viewing the dramatic testimony of investigator Mashak who claimed the Cash America pawnshop video of MAY 19, 2012, State's exhibit 14 and 15 that was played before the jury by prosecutor Wallace was the original video obtained by Mashak after he testified that it was from the time Caldwell entered the pawnshop until the time she left and that he made a copy of the video before turning it in to property and evidence was excessive - an abuse of discretion by the government of its privilege to utilize this potentially volatile video because Mashak also testified that when he secured the video he requested a specific segment to cut down the time and to get to the meat and potatoes

of what he was looking for, instead of three before hand or three hours afterward which is what he and prosecutor Wallace wanted to see (Trans. pg. 227, Lines 8-25 thru pg. 228, Lines 1-8)

Moreover, Wallace's theory of the case hinged exclusively on the video and the testimony of investigator Mashak and Amanda Caldwell to bolster both caldwells credibility because Caldwell gave different statements implicating people other than the appellant for this crime and due to her current charges of which she had already plead guilty to and in exchange for her testimony at appellant first trial and this trial to receive a lenient sentence and because of investigator Mashak's failure to perform his professional duties and his wilful neglect in retrieving the entire video and promptly turning it over to property and evidence, where other evidence in the record sheds light on Mashak's involvement on investigating Caldwell's other crimes before appellant's name surfaced (Trans. pg. 223, Line 6 thru 225, Line 13)

(27)

Prosecutor Wallace knew that Mr. David Perry originally stated that he did not see any male at the crime scene that his brother (Tandy Perry) had told him one was there. (§ Exhibit B-4; B-7; B-8) But he allowed Mr. David Perry to testify to known lies and even interacted with him on the stand to elicit false testimony from him (Trans. pg. 21 thru pg. 27, Lines 5) Furthermore, he never asked him about the first three digits that he claimed to have gotten off the suspect vehicle but earlier in the trial he did ask his brother, Tandy Perry, if he had gotten the tag number (Trans. pg. 95, Lines 16-18) to confuse and muck the water in order to prevent the defense counsel from asking this question of the correct witness. (see Exhibit A-3; A5)

Prosecutor Wallace also knew that the Department of Motor Vehicles report listed the vehicle Caldwell claimed to

have shared with the appellant as in fact white in color (see exhibit B-4) It had also been described as white in color by Russell Draughon, Amanda Caldwell's husband. (see exhibit B-1) Which was different from the description given to Frank Abella who's report depicts a white and blue 90's Aerostar Mini-Van that was in the driveway of Rena Taylor's residence. Where two eyewitness' individual identification neglected to positively identify the appellant. Yet Wallace allowed Caldwell through conflicting testimony to implicate the appellant and herself as the two people that was at Rena Taylor's house that committed the crimes charged.

Wallace also knew that the description given to Frank Abella of the two people that ran from Rena Taylor's residence did not match the appellant's description.

The original description of the male Subject was a full beard and grey hair. (Exhibit A-1; A-2; A-4) No mention of a ponytail or goatee. Only after talking to investigator Mashak did their description start changing.

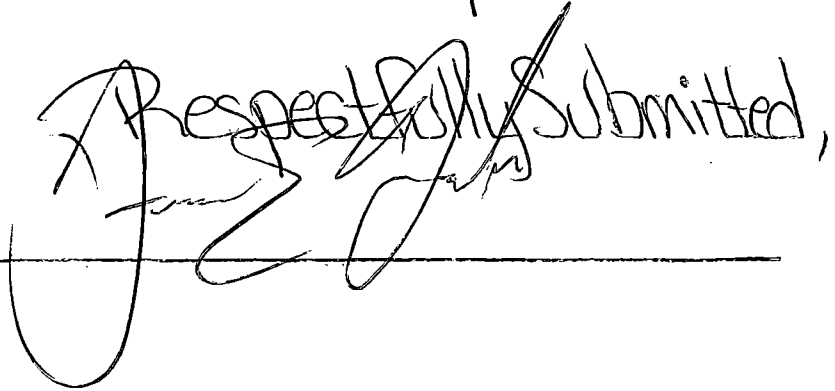
Wallace also knew that Amanda Caldwell previously gave inconsistent statements concerning the events of May 19, 2012, at Rena Taylor's residence by implicating Tyler Whitman and Katherine Sasser. (Trans. pg. 169, Lines 12-25) As well as her vastly different testimony from the first trial and this trial. Yet, used Caldwell's testimony and pending sentencing to motivate her to point the finger at the appellant who had prior convictions for similar offenses to bolster her credibility of truthfulness while denying any promises made for this testimony. (Transcript pg. 167, Lines 12-18, pg. 169, Lines 1-15)

Wallace also knew that the introduction of a "most recent" "Mug Shot" by Jimmy Moran to establish identity of appellant as the person who committed the crime charged was prejudicial and based on an improper motive to prove beyond a reasonable doubt appellant's guilt. It is quite possible that the jury considered these impressive testimonies as positive evidence of appellant's bad character and guilt. These various trial errors prejudiced appellant's ability to establish his case and present the missing video evidence that was vital to proving both his innocence and guarding against proof that the evidence is what it is purported to be and has not been altered in any material respect. U.S. v. Phillips 640 F. 2d 87 (1997), Hinkle v. City of Clarkburg W.VA. 81 F. 3d 416. The sum of this and the concededly erroneous bolstering of the credibility of investigator

Mashak and Amanda Caldwell in a trial revolving essentially on credibility without any balancing test is prejudicial to the appellant requiring a new trial

Conclusion

Appellant moves to have his conviction vacated/reversed and remanded back to trial court based upon the facts and evidence presented.

Respectfully Submitted,


Affidavit of Facts

I, FURMAN Taylor, hereby declare, depose and say under the penalty of perjury that the following is true and correct to the best of knowledge and belief that:

1.) That appellant was denied a fundamentally fair trial due to the unreasonable delay to indict and try his case which resulted in the loss of video evidence that would have exonerated him of these charges.

2.) That the trial court abused its discretion for failing to perform a 403 analysis to determine whether the introduction of two (2) prior "Burglary first" indictments to the jury in order to satisfy the statutory element's probative value outweighed its prejudicial effect to appellant's substantial right to a fair trial.

(B-1)

3.) That the statutory element of S.C. Code ann. § 16-11-311(A)(2) is unconstitutional, which is a constitutional question that needs to be addressed by this court.

4.) That the introduction of the "mug shot" was excessive and highly prejudicial without even so much as a 403 analysis being performed.

5.) That the trial court failed to perform a balancing test on the admissibility of State's exhibit nos) 14 and 15, videos obtained by investigator Mashak from Cash America pawnshops that was viewed, copied and tailored to the increments of time the State wanted to show - not what they claimed and/or purported to show - excluding the evidence that would exonerated appellant amounting to a denial of fundamental fairness and equal protection.

(B-2)

6.) That the prosecutor's use of conflicting testimony of Amanda Caldwell and conduct which contributed to the wilful negligence of investigator Mashak's failure to perform his official duties upon receiving the videos used in court against appellant constituted "foul play" by Wallace to obtain a victory rather than justice in the case.

7.) Prosecutor Wallace knowingly misrepresented fact or allowed the misrepresentation of facts to obtain a conviction.


8.) That appellant is merely a layman of the law and has inadequate access to legal materials to fully develop his claims because the institutional law library fails to give any case law outside this 4th circuit that hampers his ability to precisely present his claims.

(B-3)

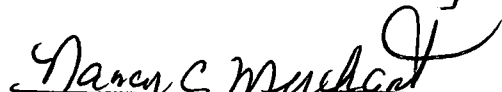
9.) The institution also refuses to make any copies of handwritten or inmate generated legal briefs and/or documentation that restricts their access to the court system.

10.) That each claim is ripe for review in this court.

Further Affiant sayeth not.


Furman Taylor #198161/Prose ✓

Sworn and Subscribed before me
this 21st day of September, 2015.


Nancy C. Muehler
notary Public

1-23-2023
my Commission expires:

(B-4)

RECEIVED

Certificate of Service

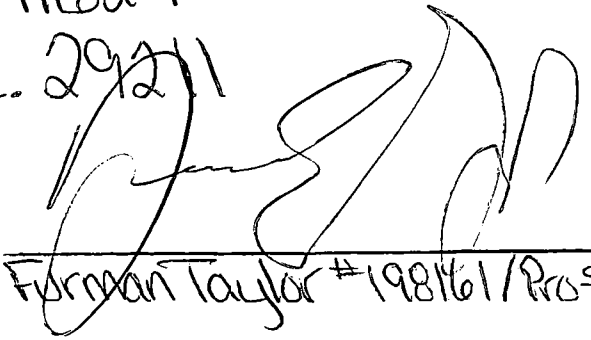
SEP 24 2015

SC Court of Appeals

I, FURMAN Taylor, hereby certify that on today's date that I placed a copy of initial Brief/Written memorandum of law, in appellate case no. 2015-000066, postage prepaid, in the hand of the United States Postmasters here at Perry Correctional institution, 430 OAKLawn Rd., Pelzer, S.C. 29669, and addressed to the following;

1) Mr. Alan Wilson (esq.)
S.C. Attorney General's Office
Post Office Box 11549
Columbia, S.C. 29221

2) Ms. Jenny Abbott Kitching, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, S.C. 29211


Furman Taylor #198161/Pro-Sc

(C-1)

RECEIVED

SEP 21 2015

PCI Mailroom

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

SEP 24 2015

SC Court of Appeals

Appeal from Greenville County
Court of General Sessions

D. Garrison Hill, Circuit Court Judge

APPELLANT CASE NO. 2015-000066

THE STATE RESPONDENT

V.

FURMAN EUGENE TAYLOR APPELLANT.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes that the following be included in the record on appeal;

- 1) VIDEO(S) / STATE Exhibit NO(S): S-14 and S-15 / reference no(s); 11273682, and 2012074249.

Designation of Matter (continued)

2.) Officer Frank Abella's Incident report 5/19/12,
(Exhibit A-1)

3.) Officer Frank Abella's Supplemental report,
page 1 of 2; 5/19/12, (Exhibit A-2)

4.) Officer Frank Abella's Supplemental report,
page 2 of 2; 5/19/12, (Exhibit A-3)

5.) Officer Frank Abella's Sworn testimony
from the first trial, February 11, 2014; (Exhibits
A-4 and A-5)

6.) Investigator Brady Mashak's Supplemental
report; page 4 of 7; 5/24/12, (Exhibit B-1)

7.) Investigator Brady Mashak's Supplemental
report; page 5 of 7; 5/24/12, (Exhibit B-2)

8.) Investigator Brady Mashak's Supplemental
report; page 6 of 7; 5/24/12, (Exhibit B-3)

9.) Investigator Brady Mashak's Supplemental
report; page 2 of 7; 6/04/12, (Exhibit B-4)

10.) Investigator Brady Mashak's Supplemental
report; page 5 of 7; 6/04/12, (Exhibit B-5)

11.) Investigator Brady Mashak's Supplemental
report; page 6 of 7; 6/04/12, (Exhibit B-6)

(A-2)

Designation of Matter (continued)

12.) Investigator Brady Mashak's Sworn testimony from first trial; February 11, 2014, (Exhibits B-7; B-8; and B-9)

13.) Testimony of Amanda Caldwell from first trial, February 11, 2014, (Exhibit C-1)

14.) Rule 3(c), S.C.R. Crim. P., (Exhibit D-1)

15.) Written Statement by Tandy Perry, (Exhibit E-1)

Exhibit A-1

Ent: elinen 05/26/2012 19:12:23 **GREENVILLE COUNTY SHERIFF'S OFFICE**

EC5 05/25/2012-09:24:04

Incident Report

Agency I.D. **RTA** **220C,**
SC0230000

Case Number
12000072917

Adult/Juv
[]

EVENT	INCIDENT TYPE		OFFENSE COMPLETED	FORCED ENTRY	PREMISE TYPE		UNITS ENTERED	TYPE VICTIM		
	S011 - Burglary		Y	Y	20 - Residence/Home		0	<input checked="" type="checkbox"/> Individual		
	0480 - Larceny: Petit		Y	Y	20 - Residence/Home		0	<input type="checkbox"/> Business		
	Incident Location (Subdivision, Mill Village, Apartment & Number, Street Name & Number)		Closest Intersection		Zip Code		<input type="checkbox"/> Financial Inst. <input type="checkbox"/> Government <input type="checkbox"/> Religious Org. <input type="checkbox"/> Sec / Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Officer			
10706 Old White Horse Rd Travelers Rest SC						29690				
Incident Date		Time	To	Date	Time	Weapon Type	Time Arrived	Time Completed	Patrol District	
05/19/2012		13:00		05/19/2012	15:00	95	16:09	17:34	10	
Complainants Name (Last, first, Middle)				Resident	Race	Sex	Age	Primary Phone	Business Phone	
Perry, Tandy Rice				J	W	M	37	(864)434-7027		
VICTIM	Victim Name (Last, first, Middle)		Victim Relationship To Subject		Resident	Security	Race	Sex	Age	
	Taylor, Renna		RU		J	N	W	F	66	
Visible Injury (Vict 1)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Explain:		Complaint of any Non-Visible Injuries <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Victim (No.1) Using Alcohol		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unk		Drugs		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unk		Type:		
Two-Man Veh <input type="checkbox"/>		One Man Veh <input type="checkbox"/>		Detective/SPLASMT <input type="checkbox"/>		Other <input type="checkbox"/>		ALONE <input type="checkbox"/> ASSISTED <input type="checkbox"/>		
Jurisdiction:		-								
SUBJECT	<input checked="" type="checkbox"/> Suspect		Subject's Name (Last, first, Middle)		Ethnicity	Race	Sex	Age	Date of Birth	
	<input type="checkbox"/> Runaway		UNKNOWN		N	W	M	40 to 50		
	<input type="checkbox"/> Wanted		Address		SSN					
	<input type="checkbox"/> Warrant		Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical Peculiarities, Etc.		City		State	Zip Code	Patrol District	
	<input type="checkbox"/> Arrest		SHIRT:Black, TROUSERS:Blue Jeans							
	<input type="checkbox"/> Missing		Subject (No.1) Using Alcohol <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unk		Arrested Near Offense Scene <input type="checkbox"/> Yes <input type="checkbox"/> No		Date/Time of Offense		Date of Arrest	
			Drugs <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unk		Total Arrested 0		05/19/2012 15:00			
	Arrestee Armed <input type="checkbox"/> Yes <input type="checkbox"/> No		Weapon Type		<input type="checkbox"/> Arrested on Current Offense		<input type="checkbox"/> Cleared By Arrest on Prior Offense			
Juvenile Disposition <input type="checkbox"/> Handled Released <input type="checkbox"/> Referred To Other Authority				<input type="checkbox"/> On View Arrest <input type="checkbox"/> Summoned <input type="checkbox"/> Custody						
Charge		Warrant Number		Ticket Number						
Arrest Location		Gang Affiliation: NG - Not Gang Related								
NARRATIVE	I arrived at the incident location in response to a theft.									
	Jurisdiction of Theft: Primary Jurisdiction				Jurisdiction of Recovery:					
VEHICLE	<input type="checkbox"/> Towed		Tag Number	State	Year	VIN			Year	
	<input type="checkbox"/> Stolen		Year	Make	Model	Style	Color			
<input type="checkbox"/> Recovered		Additional Vehicle Description								
<input type="checkbox"/> Suspect		Tag Only <input type="checkbox"/>								
<input type="checkbox"/> Victim										
PROPERTY	Status	Property Type	Quantity	Property Make	Color	Description	Serial # / CAN	Value		
	Stol		1	Hewlett Packard		Laptop		500		
	Stol	26 - Radios/TV/SVCRs	1	Sony		DVD Player		100		
	Stol	13 - Firearms	1	Colt		.38 revolver		500		
	Stol	17 - Jewelry/Precious Metals	1	Toy		Watch		350		
ADMIN	Subject Identified		Subject Located		<input checked="" type="checkbox"/> Active <input type="checkbox"/> Admin Closed		<input type="checkbox"/> Arrested Under 18		<input type="checkbox"/> Ex-Cleared Under 18	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Unfounded		<input type="checkbox"/> Arrested 18 and Over		<input type="checkbox"/> Ex-Cleared 18 and Over	
	Reason For Exceptional Clearance		<input type="checkbox"/> Offender Death <input type="checkbox"/> No Prosecution		<input type="checkbox"/> Victim Declines Cooperation		<input type="checkbox"/> Extradition Denied		<input type="checkbox"/> Juvenile No Arrest	
	Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#				
ABELLA, FRANK	05/19/2012	B20 / 01259	RHEA, STEVEN	05/19/2012	B03 / 00712					
Follow Up Investigation		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		CSD - Property Crim		/CG000				

Exhibit A-2

Agency I.D.
SC0230000

GREENVILLE COUNTY SHERIFF'S OFFICE

Case Number

EC5 05/25/2012-09:24:04

Supplemental Report Ent: ellinen 05/26/2012 19:12:23

12000072917

Original Report
 Status Change
 Additional Victims
 Additional Stolen Property
 Incident Type S011 - Burglary

Supplemental Report
 Other Report
 Additional Defendants
 Additional Recovered Property
 Patrol District 10 Page 1 of 2 Pages

I.D. OVERFLOW	<input type="checkbox"/> Complainant	Subject's Name (Last, first, Middle)		Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth		
	<input type="checkbox"/> Victim	UNKNOWN			N	U	W	F	20 to 30			
	<input checked="" type="checkbox"/> Subject # 2	Address		City	State	Zip Code	Patrol District	Day Phone	Evening Phone			
	<input type="checkbox"/> Runaway	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.						
<input type="checkbox"/> Wanted	502 to 505	130 to 150	Bro	XXX	SHIRT: White, TROUSERS: Gray/Blue							
<input type="checkbox"/> Arrest	<input type="checkbox"/> Victim No.	Visible Injury		Complaint of any Non-Visible Injuries		Victim Using Alcohol		Two-Man Veh			One Man Veh	ALONE
<input type="checkbox"/> Missing	Explain:	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk		Detective		Other		ASSISTED
<input type="checkbox"/> Jail	Subject No. <u>2</u>	Using Alcohol		Using Drugs		Type:		<input checked="" type="checkbox"/> Unk		<input type="checkbox"/> Cleared By Arrest on Prior Offense		
<input type="checkbox"/> Other			<input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Unk						<input type="checkbox"/> Arrested on Current Offense			
Arrestee Armed <input type="checkbox"/> Yes <input type="checkbox"/> No Weapon Type _____ <input type="checkbox"/> On View Arrest <input type="checkbox"/> Summoned <input type="checkbox"/> Custody												
Juvenile Disposition <input type="checkbox"/> Handled Released <input type="checkbox"/> Referred To Other Authority												
Arrest Location												

Overflow:

Burglary Information
 ENTRY POINT: Side Door, ENTRY METHOD: Break Glass, Forced Door, INSTRUMENT USED: other/unknown, VICTIM LOCATION: out of town, SUSPECT ACTIONS: Ransacks

Perry Tandy Rice: Complainant 1
 [REDACTED]

Taylor Renna: Victim 1
 [REDACTED]

UNKNOWN: Subject 1
 Subject Types: Suspect

Physical Description
 FACIAL HAIR: Full Beard

PECULIARITIES: Black baseball cap

Narrative:
 Point of Entry: Side door
 Method of Entry: Broken glass to access lock

Items Stolen:

- Hewitt Packard Laptop, Red \$500
- Sony DVD Player, Black \$100
- Colt .38 cal Revolver, Black \$500
- Glass jewelry box, Glass \$50
- Toy brand wrist watch, Pink, \$350
- Pillow case white, \$20

Total Value: \$1520

	Status	Property Type	Quantity	Property Make	Color	Description	Serial #/OAN	Value

ADMIN	Subject Identified		Subject Located		<input checked="" type="checkbox"/> Active <input type="checkbox"/> Admin Closed	<input type="checkbox"/> Arrested Under 18	<input type="checkbox"/> Ex-Cleared Under 18
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Unfounded	<input type="checkbox"/> Arrested 18 and Over	<input type="checkbox"/> Ex-Cleared 18 and Over
	Reason For Exceptional Clearance <input type="checkbox"/> Offender Death <input type="checkbox"/> No Prosecution <input type="checkbox"/> Victim Declines Cooperation <input type="checkbox"/> Extradition Denied <input type="checkbox"/> Juvenile No Arrest						
	Reporting Officer(s)		Date	Unit#/Star#	Approving Officer		Date
ABELLA, FRANK		05/13/2012	B20 / 01259	RHEA, STEVEN		05/19/2012	B03 / 00712
				Follow Up Investigation		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	CSO - Property Cri
							/0000

Exhibit A-3

Agency I.D.

SC0230000

EC5 05/25/2012-09:24:04

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report

Ent: ellnen 05/26/2012 19:12:23

Case Number

12000072917

<input type="checkbox"/> Original Report	<input type="checkbox"/> Status Change	<input type="checkbox"/> Additional Victims	<input type="checkbox"/> Additional Stolen Property	Incident Type <u>S011 - Burglary</u>
<input checked="" type="checkbox"/> Supplemental Report	<input type="checkbox"/> Other Report	<input type="checkbox"/> Additional Defendants	<input type="checkbox"/> Additional Recovered Property	Patrol District <u>10</u> Page <u>2</u> of <u>2</u> Pages

I. D. OVERFLOW	<input type="checkbox"/> Complainant	Subject's Name (Last, first, Middle)		Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth	
	<input type="checkbox"/> Victim	Address		City	State	Zip Code	Patrol District	Day Phone	Evening Phone		
	<input type="checkbox"/> Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.					
	<input type="checkbox"/> Runaway	<input type="checkbox"/> Victim No. _____	Visible Injury <input type="checkbox"/> Yes <input type="checkbox"/> No	Complaint of any Non-Visible Injuries <input type="checkbox"/> Yes <input type="checkbox"/> No	Victim Using Alcohol <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk	Two-Man Veh <input type="checkbox"/> One Man Veh <input type="checkbox"/> ALONE <input type="checkbox"/>	Explain:				

Arrestee Armed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Weapon Type	<input type="checkbox"/> On View Arrest <input type="checkbox"/> Summoned <input type="checkbox"/> Custody
Juvenile Disposition <input type="checkbox"/> Handled Released <input type="checkbox"/> Referred To Other Authority		

Arrest Location

NARRATIVE

On my arrival I was met by the listed complainant who advised that he works for the victim. He stated that the victim called him and asked him to take out her trash since she was in North Carolina visiting family. The complainant advised that when he arrived he saw a two-tone white/blue 90's Aerostar mini van parked next to the house. He states that he thought the van may have belonged to one of the victims friends. The complainants daughter Kayley Perry and his brother David Perry were with him. Kayley went to the front door and rang the doorbell. The complainants states that shortly after the two subjects rapidly walked out the side door with there heads down and went straight to their vehicle and left at a high rate of speed down south on Old White Horse Rd towards Greenville. He also stated that the male subject was carrying a white bag.

The complainants brother David states that he remembers the first three of the subjects tag. He said that is either EZI or E2I.

on the side of the house their is a screen door, that leads to a laundry room. Beyond that door is a door with glass windows that leads to the house. One of the door glass sections was broken and the door was open. The front door was also open but did not appear to be damaged. I observed several drawers open and a pillow sitting on a bed without a pillow case. There was a small drawer taken out of a end table and placed on the bed that had two .38 cal bullets inside. The firearm was in that drawer.

I had contacted the victim and she was on her way back from North Carolina. When she arrived she stated that she left at 1300. She stated that her house was burglarized in 2007 with the same method of entry. The victim says that she should be able to locate the model and serial number for the laptop and the firearm. she will provide them on follow up.

Forensics Unit 928 Kretschmar responded and processed to scene for latents. I furnished the victim with a victims assistance form.

	Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value
PROPERTY								

ADMIN	Subject Identified		Subject Located		<input checked="" type="checkbox"/> Active <input type="checkbox"/> Admin Closed	<input type="checkbox"/> Arrested Under 18	<input type="checkbox"/> Ex-Cleared Under 18	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<input type="checkbox"/> Unfounded	<input type="checkbox"/> Arrested 18 and Over	<input type="checkbox"/> Ex-Cleared 18 and Over	
	Reason For Exceptional Clearance <input type="checkbox"/> Offender Death <input type="checkbox"/> No Prosecution <input type="checkbox"/> Victim Declines Cooperation <input type="checkbox"/> Extradition Denied <input type="checkbox"/> Juvenile No Arrest							
	Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#		

ABELLA, FRANK	05/19/2012	B20 / 01259	RHEA, STEVEN	05/19/2012	B03 / 00712	/ 00000
			Follow Up Investigation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	CSD - Property Cri		

Exhibit B-1

Agency I.D.
SC0230000

EC5 06/03/2012-10:04:41

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report Ent: dsanders 06/05/2012
11:08:45

Case Number

12000071214

<input type="checkbox"/> Original Report	<input type="checkbox"/> Status Change	<input type="checkbox"/> Additional Victims	<input type="checkbox"/> Additional Stolen Property	Incident Type <u>S011 - Burglary</u>								
<input checked="" type="checkbox"/> Supplemental Report	<input type="checkbox"/> Other Report	<input type="checkbox"/> Additional Defendants	<input type="checkbox"/> Additional Recovered Property	Patrol District <u>07</u> Page <u>4</u> of <u>7</u> Pages								
I.D. OVERFLOW	<input type="checkbox"/> Complainant	Subject's Name (Last, First, Middle)			Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth	
	<input type="checkbox"/> Victim	Address			City	State	Zip Code	Patrol District	Day Phone	Evening Phone		
	<input type="checkbox"/> Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.						
	<input type="checkbox"/> Runaway	<input type="checkbox"/> Victim No.	Visible Injury <input type="checkbox"/> Yes <input type="checkbox"/> No	Complaint of any Non-Visible Injuries <input type="checkbox"/> Yes <input type="checkbox"/> No	Victim Using Alcohol <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk	Drugs <input type="checkbox"/> No <input type="checkbox"/> Yes Type:	Two-Man Veh <input type="checkbox"/> One Man Veh <input type="checkbox"/> ALONE <input type="checkbox"/>	Detective <input type="checkbox"/> Other <input type="checkbox"/> ASSISTED <input type="checkbox"/>				
	<input type="checkbox"/> Wanted	Explain:	Subject No. <u> </u> Using Alcohol <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Unk			<input type="checkbox"/> Arrested on Current Offense						
<input type="checkbox"/> Arrest	Using Drugs <input type="checkbox"/> No <input type="checkbox"/> Yes Type:			<input type="checkbox"/> Unk <input type="checkbox"/> Cleared By Arrest on Prior Offense								
<input type="checkbox"/> Missing	Arrestee Armed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			Weapon Type		<input type="checkbox"/> On View Arrest <input type="checkbox"/> Summoned <input type="checkbox"/> Custody						
<input type="checkbox"/> Jail	Juvenile Disposition <input type="checkbox"/> Handled Released <input type="checkbox"/> Referred To Other Authority											
<input type="checkbox"/> Other	Arrest Location			Gang Affiliation: NG - Not Gang Related								

NARRATIVE

AT 1545 HOURS I RESPONDED TO THE INCIDENT LOCATION AND ADVISED MCCORMICK OF THE SITUATION.

ON 5/21/12 AT 0856 HOURS I RECEIVED AN EMAIL FROM LEADS-ON-LINE ADVISING THAT I HAD "HITS" IN REFERENCE TO MY SAVED SEARCHES. I PULLED THESE UP AND OBSERVED THAT THE SERIAL NUMBER OF THE CAMERA THAT WAS STOLEN WAS PAWNED BY SUBJECT CALDWELL ON 5/19/12 AT 1159 HOURS. THIS WAS SOLD AT CASH AMERICA PAWN OF GREENVILLE #1 LOCATED AT 3 FARRS BRIDGE ROAD. I THEN SEARCHED CALDWELL'S NAME AND OBSERVED OTHER ITEMS WHICH SHE HAS SOLD. ONE ITEM IN PARTICULAR WAS A GOLD SEIKO WATCH WHICH WAS SOLD ON 5/16/12 AT 1411 HOURS. THIS WAS DURING THE INCIDENT DATE AND TIMES. I ALSO RECEIVED A "HIT" FOR RILEY. I PULLED THIS INFORMATION UP AND OBSERVED SHE HAD SOLD 3 RINGS AT FIRST CASH PAWN #107 LOCATED AT 3235 AUGUSTA STREET ON 5/19/12.

I THEN PULLED UP CALDWELL ON AS400 AND FOUND THAT SHE IS WANTED OUT OF THIS AGENCY FOR A BURGLARY. I PULLED THIS CASE UP (GREENVILLE COUNTY CASE #12-067962) AND FOUND THAT THE VICTIM IN THIS CASE WAS HER EX-HUSBAND (RUSSELL DRAUGHON 434-0539). I THEN CONTACTED DRAUGHON AND ADVISED HIM WHO I WAS. HE WAS ASKED IF HE KNEW WHO CALDWELL WAS WITH AND HE STATED A FURMAN EUGENE TAYLOR (W/M 1/27/67). I ASKED HIM TO DESCRIBE TAYLOR AND HE STATED THAT HE HAS LONG HAIR THAT IS USUALLY IN A PONY TAIL. HE WAS ASKED ABOUT VEHICLES THAT HE DROVE AND HE STATED THAT HE DRIVES A FORD AEROSTAR AND A FORD EXPLORER. I ASKED HIM IF HE KNEW THE COLOR OF THE FORD EXPLORER AND HE STATED THAT HE BELIEVES THEY ARE BOTH WHITE. HE WAS ASKED THE WHEREABOUTS OF CALDWELL AND HE STATED THAT HE DID NOT KNOW.

I THEN SEARCHED TAYLOR LEADS-ON-LINE WITH NEGATIVE RESULTS. THIS SEARCH WAS SAVED.

AT 1035 HOURS I RESPONDED TO 3 FARRS BRIDGE ROAD WHERE I CONFIRMED THE SERIAL NUMBER OF THE CAMERA. I THEN TOOK PHOTOGRAPHS OF THE CAMERA AND THE SEIKO WATCH THAT CALDWELL SOLD. THESE ITEMS WERE THEN PLACED ON HOLD.

AT 1113 HOURS I RESPONDED TO 3235 AUGUSTA STREET WHERE I TOOK PHOTOGRAPHS OF THE 3 RINGS RILEY SOLD. THESE ITEMS WERE PLACED ON HOLD.

AT 1150 HOURS I RESPONDED TO 2516 E. NORTH STREET WHERE I TOOK PHOTOGRAPHS OF THE DVD PLAYER, NECKLACE WITH HEART PENDANT, AND "R" CHARM THAT CALDWELL SOLD. THESE ITEMS WERE PLACED ON HOLD.

ON 5/22/12 AT 1230 HOURS I RESPONDED TO THE INCIDENT LOCATION AND MET WITH MCCORMICK. I

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial #/ OAN	Value

ADMIN

Subject Identified <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Subject Located <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Active <input type="checkbox"/> Admin Closed	<input type="checkbox"/> Arrested Under 18	<input type="checkbox"/> Ex-Cleared Under 18		
		<input type="checkbox"/> Unfounded	<input type="checkbox"/> Arrested 18 and Over	<input type="checkbox"/> Ex-Cleared 18 and Over		
Reason For Exceptional Clearance <input type="checkbox"/> Offender Death <input type="checkbox"/> No Prosecution <input type="checkbox"/> Victim Declines Cooperation <input type="checkbox"/> Extradition Denied <input type="checkbox"/> Juvenile No Arrest						
Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#	
MASHAK, BRADY	05/24/2012	450 / 01025	SGT SMITH, O.B.	05/24/2012	402 / 00313	
			Follow Up Investigation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	(Officer) MASHAK, BRADY	05/24/2012	450 / 01025

Exhibit B-2

Agency I.D.
SC0230000

EC5 06/03/2012-10:04:41

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report Ent: dsaunder 06/05/2012
11:08:45

Case Number

12000071214

<input type="checkbox"/> Original Report	<input type="checkbox"/> Status Change	<input type="checkbox"/> Additional Victims	<input type="checkbox"/> Additional Stolen Property	Incident Type <u>S011 - Burglary</u>
<input checked="" type="checkbox"/> Supplemental Report	<input type="checkbox"/> Other Report	<input type="checkbox"/> Additional Defendants	<input type="checkbox"/> Additional Recovered Property	Patrol District <u>07</u> Page <u>5</u> of <u>7</u> Pages

I. D. OVERFLOW	<input type="checkbox"/> Complainant	Subject's Name (Last, first, Middle)		Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth	
	<input type="checkbox"/> Victim	Address		City	State	Zip Code	Patrol District	Day Phone	Evening Phone		
	<input type="checkbox"/> Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.					
	<input type="checkbox"/> Runaway	<input type="checkbox"/> Victim No. _____	Visible Injury <input type="checkbox"/> Yes <input type="checkbox"/> No	Complaint of any Non-Visible Injuries <input type="checkbox"/> Yes <input type="checkbox"/> No	Victim Using Alcohol <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk	Two-Man Veh <input type="checkbox"/> One Man Veh <input type="checkbox"/> ALONE <input type="checkbox"/>	Drugs <input type="checkbox"/> No <input type="checkbox"/> Yes Type: _____				
	<input type="checkbox"/> Wanted	Explain:		Subject No. _____		Using Alcohol <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Unk	Arrested on Current Offense <input type="checkbox"/>				

Arrestee Armed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Weapon Type _____	<input type="checkbox"/> On View Arrest	<input type="checkbox"/> Summoned	<input type="checkbox"/> Custody
Juvenile Disposition <input type="checkbox"/> Handled Released <input type="checkbox"/> Referred To Other Authority	Gang Affiliation: NG - Not Gang Related			
Arrest Location _____				

ADVISED HER THAT I MIGHT HAVE PHOTOGRAPHS OF SOME OF HER STOLEN JEWELRY. I ADVISED HER THAT SHE NEEDED TO BE 100% SURE THAT THE ITEMS WERE HERS IF SHE CLAIMED THEM. SHE STATED THAT SHE UNDERSTOOD. I THEN ASKED HER IF SHE KNEW WHAT THE NAME BRAND OF THE GOLD NUGGET WATCH SHE ORIGINALLY REPORTED STOLEN. SHE STATED THAT HER DAUGHTER HAS ONE JUST LIKE IT AND STATED THAT IT WAS A SEIKO. I THEN SHOWED HER THE PHOTOGRAPHS AND SHE POSITIVELY IDENTIFIED THE SEIKO WATCH, CAMERA, AND GOLD NECKLACE WITH HEART PENDANT AS HERS. SHE ADVISED THAT SHE DID NOT EVEN KNOW THE NECKLACE WAS STOLEN. I THEN SHOWED HER A PHOTOGRAPH OF CALDWELL AND ASKED HER IF SHE KNEW THIS PERSON. SHE ADVISED THAT SHE DOES NOT NOR HAS EVER SEEN HER BEFORE. MCCORMICK THEN GAVE ME A WRITTEN STATEMENT WHICH IS AS FOLLOWS:

On 5/16/12 at around 1 p.m I left my house and went to the Home Depot. I was only gone for about an hour and went back home. When I got home I found one of my doors had been forced open. I then went to my neighbors house and contacted the Sheriff's office. I went inside my house with the deputies and found my jewelry box was stolen with a lot of my jewelry. I then made a report of this.

On 5/22/12 Inv Mashak showed me several pictures. I positively identified my Gold Seiko watch, Nikon camera, and gold necklace w/ heart pendant. Inv Mashak asked me if I am sure and I told him that I was positive. Inv Mashak showed me a picture of a white female and asked me if I knew her. I told him that I have never seen her before nor had given permission to take or sell my jewelry.---End of Statement

AFTER OBTAINING THIS STATEMENT MCCORMICK INITIALED AND SIGNED IT AS BEING TRUE. INV PERRON AND I THEN SIGNED AS WITNESSES. SHE WAS THEN GIVEN A COPY OF HER STATEMENT.

AT 1310 HOURS I WENT TO 3 FARRS BRIDGE ROAD WHERE I OBTAINED THE VIDEO SURVEILLANCE. VANA MCCLARY SIGNED A PROPERTY AND EVIDENCE FORM TURNING THEM OVER TO ME.

ONCE AT NORTHERN COMMAND I RESEARCHED FURMAN TAYLOR AND FOUND THAT HE DID INDEED OWN A FORD EXPLORER. THIS IS A 1994 FORD EXPLORER WITH SC TAG OF HPG540.

I THEN VIEWED THE VIDEO SURVEILLANCE AND OBSERVED THE FOLLOWING:

ON 5/16/12 CALDWELL SELLS THE WATCH AND RECEIVES MONEY. SHE WAS BY HERSELF WEARING A BROWN SHIRT.

PROPERTY	Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value	

ADMIN	Subject Identified <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Subject Located <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Active <input type="checkbox"/> Admin Closed <input type="checkbox"/> Unfounded	<input type="checkbox"/> Arrested Under 18 <input type="checkbox"/> Arrested 18 and Over	<input type="checkbox"/> Ex-Cleared Under 18 <input type="checkbox"/> Ex-Cleared 18 and Over
	Reason For Exceptional Clearance <input type="checkbox"/> Offender Death <input type="checkbox"/> No Prosecution <input type="checkbox"/> Victim Declines Cooperation <input type="checkbox"/> Extradition Denied <input type="checkbox"/> Juvenile No Arrest				
	Reporting Officer(s)	Date	Unit#Star#	Approving Officer	Date

MASHAK, BRADY	05/24/2012	450 / 01025	SGT SMITH, O.B.	05/24/2012	402 / 00313
		/	Follow Up Investigation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	(Officer) MASHAK, BRADY	05/24/2012 450 / 01025

Exhibit B-3

Agency I.D.
SC0230000

EC5 06/03/2012-10:04:41

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report Ent: dsaunder 06/05/2012
11:08:45

Case Number

12000071214

<input type="checkbox"/> Original Report	<input type="checkbox"/> Status Change	<input type="checkbox"/> Additional Victims	<input type="checkbox"/> Additional Stolen Property	Incident Type <u>S011 - Burglary</u>
<input checked="" type="checkbox"/> Supplemental Report	<input type="checkbox"/> Other Report	<input type="checkbox"/> Additional Defendants	<input type="checkbox"/> Additional Recovered Property	Patrol District <u>07</u> Page <u>6</u> of <u>7</u> Pages

I.D. OVERFLOW	<input type="checkbox"/> Complainant	Subject's Name (Last, first, Middle)		Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth		
	<input type="checkbox"/> Victim	Address		City	State	Zip Code	Patrol District	Day Phone	Evening Phone			
	<input type="checkbox"/> Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.						
	<input type="checkbox"/> Runaway	<input type="checkbox"/> Victim No.	Visible Injury <input type="checkbox"/> Yes <input type="checkbox"/> No	Complaint of any Non-Visible Injuries <input type="checkbox"/> Yes <input type="checkbox"/> No	Victim Using Alcohol <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk	Drugs <input type="checkbox"/> No <input type="checkbox"/> Yes Type:	Two-Man Veh <input type="checkbox"/> One Man Veh <input type="checkbox"/> ALONE <input type="checkbox"/>	Detective <input type="checkbox"/> Other <input type="checkbox"/> ASSISTED <input type="checkbox"/>				
	<input type="checkbox"/> Wanted	Subject No.	Using Alcohol <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Unk	Using Drugs <input type="checkbox"/> No <input type="checkbox"/> Yes Type:			<input type="checkbox"/> Arrested on Current Offense					

Arrestee Armed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Weapon Type	<input type="checkbox"/> On View Arrest	<input type="checkbox"/> Summoned	<input type="checkbox"/> Custody
Juvenile Disposition <input type="checkbox"/> Handled Released <input type="checkbox"/> Referred To Other Authority	Gang Affiliation: NG - Not Gang Related			

ARREST LOCATION

ON 5/19/12 CALDWELL SELLS THE CAMERA. WHEN WALKING OUT OF THE STORE TAYLOR IS WITH HER WALKING OUT.

I THEN MADE COPIES OF THE VIDEO SURVEILLANCE AND THEY WERE THEN TURNED OVER TO PROPERTY AND EVIDENCE.

ON 5/23/12 AT 0930 HOURS I CONTACTED FULBRIGHT. I ASKED HIM IF THE DRIVER OF THE SUSPECT VEHICLE WAS MALE OR FEMALE. HE STATED THAT HE ASSUMED HE WAS MALE DO TO THE LONG HAIR JUST LIKE THE SUSPECT HE SAW. FULBRIGHT STATED THAT HE DID NOT SEE THE PERSON'S FACE AND DID NOT KNOW. I ASKED HIM WHAT THAT SUSPECT WAS WEARING IN THE VEHICLE AND HE STATED EITHER TAN OR BROWN. I THEN ASKED HIM ABOUT THE SUSPECT THAT HE OBSERVED OUTSIDE OF THE VEHICLE. HE WAS ASKED IF THE SUSPECT HAD A BEARD OR GOATEE AND HE STATED THAT HE DID NOT REMEMBER. I ASKED HIM IF HE WOULD BE ABLE TO PICK HIM OUT OF A PHOTO LINE-UP AND HE STATED THAT HE WOULD TRY.

AT 0935 HOURS I EMAILED SLED TO OBTAIN A PHOTO LINE-UP OF TAYLOR.

AT 1005 HOURS I RECEIVED AN EMAIL BACK FROM SLED SENDING THE PHOTO LINE-UP.

AT 1100 HOURS I RESPONDED TO 800 S. WELCOME ROAD AND MET WITH FULBRIGHT. I SHOWED HIM THE PHOTO LINE-UP AND HE STATED THAT HE DID NOT RECOGNIZE ANYONE BUT THE MALE HE SAW COULD POSSIBLY BE ON THE PHOTO LINE-UP. I THEN OBTAINED A WRITTEN STATEMENT FROM FULBRIGHT OF WHAT HE OBSERVED ON THE INCIDENT DATE. HIS STATEMENT IS AS FOLLOWS:

On 5/16/12 at around 1:30 p.m I was sitting on my couch watching t.v. I saw a white Ford Explorer pull into my neighbors house at 705 S. Welcome Rd. The driver had dirty blonde hair and I couldn't tell if it was a male or female. The person was wearing a brown shirt though. A white male passenger had a long light colored shirt and long dark or black hair. The male went to the front door and knocked. I then saw him look inside the window next to the door. He then went back to the explorer and said something to the driver. The white male then went to the left side of my neighbor's house to the back. The explorer then left up S. Welcome Rd towards White Horse Rd. That was the last time I saw the explorer or the white male. About 30 minutes later my neighbor Barbara McCormick came to my house and said that she was broken into.

On 5/23/12 Inv Mashak showed me a six photo line-up. I told Inv Mashak that I didn't recognize anyone but the white male could be on it.--End of Statement

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN	Subject Identified <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Subject Located <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Active <input type="checkbox"/> Admin Closed <input type="checkbox"/> Unfounded	<input type="checkbox"/> Arrested Under 18 <input type="checkbox"/> Arrested 18 and Over	<input type="checkbox"/> Ex-Cleared Under 18 <input type="checkbox"/> Ex-Cleared 18 and Over
	Reason For Exceptional Clearance <input type="checkbox"/> Offender Death <input type="checkbox"/> No Prosecution <input type="checkbox"/> Victim Declines Cooperation <input type="checkbox"/> Extradition Denied <input type="checkbox"/> Juvenile No Arrest				
	Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date
MASHAK, BRADY	05/24/2012	450 / 01025	SGT SMITH, O.B.	05/24/2012	402 / 00313
		/	Follow Up Investigation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>(officer)</small> MASHAK, BRADY	05/24/2012	450 / 01025

Exhibit B-4

Agency I.D.
SC0230000

EC5 06/05/2012-09:10:07

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report Ent: grobertson 06/14/2012
15:11:13

Case Number

12000072917

<input type="checkbox"/>	Original Report	<input checked="" type="checkbox"/>	Status Change	<input type="checkbox"/>	Additional Victims	<input type="checkbox"/>	Additional Stolen Property	Incident Type <u>S011 - Burglary</u>
<input checked="" type="checkbox"/>	Supplemental Report	<input type="checkbox"/>	Other Report	<input type="checkbox"/>	Additional Defendants	<input type="checkbox"/>	Additional Recovered Property	Patrol District <u>10</u> Page <u>2</u> of <u>7</u> Pages

I.D. OVERFLOW	<input type="checkbox"/>	Complainant	Subject's Name (Last, first, Middle)		Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth	
	<input type="checkbox"/>	Victim	Address		City	State	Zip Code	Patrol District	Day Phone	Evening Phone		
	<input type="checkbox"/>	Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.					
	<input type="checkbox"/>	Runaway	<input type="checkbox"/>	Victim No. _____	<input type="checkbox"/> Visible Injury <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Complaint of any Non-Visible Injuries <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Victim Using Alcohol Drugs <input type="checkbox"/> No <input type="checkbox"/> Yes Type:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk	Two-Man Veh <input type="checkbox"/>	One Man Veh <input type="checkbox"/>	ALONE <input type="checkbox"/>	<input type="checkbox"/> Detective <input type="checkbox"/> Other <input type="checkbox"/> ASSISTED <input type="checkbox"/>

<input type="checkbox"/>	Arrest	<input type="checkbox"/>	Missing	<input type="checkbox"/>	Jail	<input type="checkbox"/>	Other	<input type="checkbox"/>	Arrested on Current Offense
<input type="checkbox"/>	Arrestee Armed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Weapon Type		<input type="checkbox"/>	On View Arrest	<input type="checkbox"/>	Summoned	<input type="checkbox"/>	Custody
<input type="checkbox"/> Juvenile Disposition <input type="checkbox"/> Handled Released <input type="checkbox"/> Referred To Other Authority								Gang Affiliation: NG - Not Gang Related	

INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, ARREST ON CURRENT OFFENSE, ON VIEW ARREST, ARREST LOCATION: SPARTANBURG COUNTY

Charges
CHARGE 1: BURGLARY-1ST DEGREE WARRANT #: N-201214
CHARGE 2: PETIT LARCENY-3RD OR ABOVE WARRANT #: N-201215

Vehicles
Vehicle #1
COLOR: White, MAKE: Ford, MODEL: AEROSTAR, MAKE: Van-Mini, VEHICLE YEAR: 1993, TAG #: HZQ185, TAG STATE: SC, TAG YEAR: 2013, PROPERTY LOSS CODES: Suspect, VIN NUMBER: 1FMDA31X7PZB31407

Narrative:
ON 5/30/12 I PICKED UP THIS CASE DUE TO INV PHILLIPS BEING OUT ON LEAVE.

AT 1527 HOURS I ATTEMPTED TO CONTACT THE LISTED WITNESS (TANDY PERRY) WITH NEGATIVE RESULTS. I LEFT A MESSAGE FOR HIM TO CONTACT ME.

AT 1532 HOURS I RECEIVED A CALL FROM JENNIFER PERRY (TANDY PERRY'S WIFE) WHO STATED THAT MR. PERRY WAS AT WORK AND DID NOT KNOW WHEN HE COULD VIEW THE PHOTO LINE-UPS. I ADVISED HER THAT I WOULD MEET HIM ANYWHERE IF HE WOULD GIVE ME A TIME. SHE STATED THAT SHE WOULD HAVE HIM CONTACT ME. MRS. PERRY STATED THAT DAVID PERRY (417-2059) ALSO WAS THERE AND POSSIBLY MIGHT BE ABLE TO PICK THEM OUT.

AT 1535 HOURS I CONTACTED DAVID PERRY AND ASKED HIM ABOUT THE INCIDENT. HE STATED THAT HE RODE WITH HIS BROTHER AND WHEN THERE THEY OBSERVED A WHITE AND BLUE FORD AEROSTAR VAN. PERRY STATED THAT HE THEN OBSERVED A WHITE FEMALE GO INTO THE VAN AND THEN OBSERVED IT LEAVE AT A HIGH RATE OF SPEED. HE STATED THAT HIS BROTHER TOLD HIM THAT THERE WAS A MALE AS WELL, BUT HE DID NOT OBSERVE HIM. I ASKED HIM IF HE WOULD BE ABLE TO PICK THE FEMALE OUT OF A PHOTO LINE-UP AND HE STATED THAT HE MIGHT BE ABLE TO. HE WAS ADVISED THAT I WOULD CONTACT HIM AT A LATER DATE TO SHOW IT TO HIM. HE STATED THAT HE UNDERSTOOD.

ON 6/1/12 AT 0830 I OBSERVED SUBJECT #1 (CALDWELL) HAD BEEN ARRESTED.

AT 1045 HOURS I RESPONDED TO THE DETENTION CENTER WHERE INV PERRON AND I SPOKE WITH CALDWELL. I ADVISED HER WHO I WAS AND ASKED HER IF SHE WANTED TO SPEAK WITH ME ABOUT THE

PROPERTY	Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN	Subject Identified	Subject Located	<input type="checkbox"/> Active	<input type="checkbox"/> Admin Closed	<input type="checkbox"/> Arrested Under 18	<input type="checkbox"/> Ex-Cleared Under 18
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Unfounded	<input checked="" type="checkbox"/> Arrested 18 and Over	<input type="checkbox"/> Ex-Cleared 18 and Over	
	Reason For Exceptional Clearance <input type="checkbox"/> Offender Death <input type="checkbox"/> No Prosecution <input type="checkbox"/> Victim Declines Cooperation <input type="checkbox"/> Extradition Denied <input type="checkbox"/> Juvenile No Arrest					
Reporting Officer(s)	Date	Unit#/Star#	Approving Officer		Date	Unit#/Star#
MASHAK BRADY	06/04/2012	450 / 01025	SGT SMITH, O.B		06/04/2012	402 / 0C313
			Follow Up Investigation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		06/04/2012	450 / 01025

EXHIBIT B-5

Agency I.D.
SC0230000

EC5 06/05/2012-09:10:07

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report Ent: grobertson 06/14/2012
15:11:13

Case Number
12000072917

<input type="checkbox"/>	Original Report	<input checked="" type="checkbox"/>	Status Change	<input type="checkbox"/>	Additional Victims	<input type="checkbox"/>	Additional Stolen Property	Incident Type <u>S011 - Burglary</u>
<input checked="" type="checkbox"/>	Supplemental Report	<input type="checkbox"/>	Other Report	<input type="checkbox"/>	Additional Defendants	<input type="checkbox"/>	Additional Recovered Property	Patrol District <u>10</u> Page <u>5</u> of <u>7</u> Pages

I.D. OVERFLOW	<input type="checkbox"/>	Complainant	Subject's Name (Last, first, Middle)		Victim Relationship To Subject	Ethnicity	Residence	Race	Sex	Age	Date of Birth																	
	<input type="checkbox"/>	Victim	Address		City	State	Zip Code	Patrol District	Day Phone	Evening Phone																		
	<input type="checkbox"/>	Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.																					
	<input type="checkbox"/>	Runaway	<input type="checkbox"/>	Victim No.	<input type="checkbox"/>	Visible Injury	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Complaint of any Non-Visible Injuries	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Victim Using Alcohol	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Unk	Two-Man Veh	<input type="checkbox"/>	One Man Veh	<input type="checkbox"/>	ALONE

PHOTO #3: SASSER, KATHERINE (BOOKING #33001110); PHOTO #4: SNIDER, RHONDA (BOOKING #32005828); PHOTO #5: MCCONELL, CARRIE (BOOKING #32007105); PHOTO #6: HAYNES, LAURA (BOOKING #32010316)

AT 1500 HOURS I RESPONDED TO 6 BUBBLING CREEK DRIVE AND MET WITH DAVID PERRY. I SHOWED HIM THE PHOTO LINE-UPS CONTAINING CALDWELL AND SASSER. HE STATED THAT HE DID NOT GET A GOOD LOOK AT THE FEMALE DUE TO HER TURNING HER FACE WHEN SHE WALKED TO THE AEROSTAR. PERRY THEN STATED THAT HE WAS UNABLE TO IDENTIFY THE FEMALE HE SAW THAT DAY AND PUT THIS ON THE LINE-UP. WHILE SPEAKING WITH PERRY TANDY PERRY CONTACTED HIM. I ASKED HIM IF HE WOULD BE ABLE TO VIEW THE PHOTO LINE-UPS AND HE STATED THAT HE WOULD. HE THEN STATED THAT HE WAS AT "GRAYTHORNE" SUBDIVISION OFF OF W. GEORGIA ROAD. I THEN ADVISED HIM THAT I WOULD MEET WITH HIM THERE.

AT 1600 HOURS I MET WITH TANDY PERRY. HE WAS SHOWN ALL THREE PHOTO LINE-UPS AND STATED THAT HE COULD NOT PICK THE MALE OR FEMALE THAT HE OBSERVED THAT DAY. PERRY STATED THAT BOTH SUBJECTS TURNED THEIR FACES AWAY AND HE REALLY DID NOT SEE THEM. I THEN ASKED HIM ABOUT A CLOTHING DESCRIPTION AND HE THEN GAVE IT IN THE FOLLOWING WRITTEN STATEMENT:

On 5/19/12 I received a call from my friend Renna Taylor. She asked me if I would go to her house and take her garbage out. My brother, David Perry, my daughter, and I then went to Renna's house. Once there I saw a white and blue Ford Aerostar Van in her driveway. I called Renna and asked her about the van and she said that it shouldn't be there. I then saw a white female wearing blue jeans that looked rolled up. She also had brown hair. She walked really fast to the van and got in the driver's side. I then saw a white male wearing a black shirt and black hat. He had black hair that was in a ponytail and a goatee. He was carrying a bag and went into the passenger's side. I didn't get a good look at either of them because they were looking away. I then called the sheriff's office.

On 6/1/12 I met with Inv Mashak and he showed me 3 photo line-ups. I couldn't pick anyone out but the people that broke into Renna's house could be on them. I also told Inv Mashak that I think the female had a white shirt on--End of Statement

AFTER OBTAINING THIS STATEMENT PERRY INITIALED AND SIGNED IT AS BEING TRUE. I THEN SIGNED AS A WITNESS AND HE WAS THEN GIVEN A COPY OF HIS STATEMENT.

ON 6/4/12 AT 0830 HOURS I RECEIVED A CALL FROM CALDWELL. SHE ASKED ME IF I WOULD COME AND

PROPERTY	Status	Property Type	Quantity	Property Make	Color	Description	Serial #/OAN	Value

ADMIN	<input checked="" type="checkbox"/>	Subject Identified	<input checked="" type="checkbox"/>	Subject Located	<input type="checkbox"/>	Active	<input type="checkbox"/>	Admin Closed	<input type="checkbox"/>	Arrested Under 18	<input type="checkbox"/>	Ex-Cleared Under 18		
	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Unfounded	<input checked="" type="checkbox"/>	Arrested 18 and Over	<input type="checkbox"/>	Ex-Cleared 18 and Over
	Reason For Exceptional Clearance <input type="checkbox"/> Offender Death <input type="checkbox"/> No Prosecution <input type="checkbox"/> Victim Declines Cooperation <input type="checkbox"/> Extradition Denied <input type="checkbox"/> Juvenile No Arrest													
	Reporting Officer(s)	Date	Unit#/Star#	Approving Officer		Date	Unit#/Star#							
	MASHAK, BRADY	06/04/2012	450 / 01025	SGT SMITH, O.B.		03/04/2012	402 / 00313							
				Follow Up Investigation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		MASHAK, BRADY		06/04/2012	450 / 01025					

Exhibit B-6

Agency I.D.
SC0230000

EC5 06/05/2012-09:10:07

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report Ent: grobertson 06/14/2012
15:11:13

Case Number
12000072917

<input type="checkbox"/> Original Report	<input checked="" type="checkbox"/> Status Change	<input type="checkbox"/> Additional Victims	<input type="checkbox"/> Additional Stolen Property	Incident Type <u>S011 - Burglary</u>							
<input checked="" type="checkbox"/> Supplemental Report	<input type="checkbox"/> Other Report	<input type="checkbox"/> Additional Defendants	<input type="checkbox"/> Additional Recovered Property	Patrol District <u>10</u>	Page <u>6</u> of <u>7</u> Pages						
I. D. OVERFLOW	<input type="checkbox"/> Complainant	Subject's Name (Last, First, Middle)		Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth	
	<input type="checkbox"/> Victim	Address		City	State	Zip Code	Patrol District	Day Phone	Evening Phone		
	<input type="checkbox"/> Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.					
	<input type="checkbox"/> Runaway	<input type="checkbox"/> Victim No. _____	Visible Injury <input type="checkbox"/> Yes <input type="checkbox"/> No	Complaint of any Non-Visible Injuries <input type="checkbox"/> Yes <input type="checkbox"/> No	Victim Using Alcohol <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk	Two-Man Veh <input type="checkbox"/> One Man Veh <input type="checkbox"/> ALONE <input type="checkbox"/>					
	<input type="checkbox"/> Wanted	Explain:		Drugs <input type="checkbox"/> No <input type="checkbox"/> Yes Type:	Detective <input type="checkbox"/> Other <input type="checkbox"/> ASSISTED <input type="checkbox"/>						

Arrestee Armed Yes No Weapon Type _____ On View Arrest Summoned Custody

Juvenile Disposition Handled Released Referred To Other Authority Gang Affiliation: NG - Not Gang Related

Arrest Location _____

NARRATIVE

TALK WITH HER. I ADVISED HER THAT I WOULD HAVE HER PULLED OUT.

AT 1000 HOURS I PULLED OUT CALDWELL AND BROUGHT HER TO THE LAW ENFORCEMENT CENTER. I READ HER A WAIVER OF RIGHTS FORM AND SHE STATED THAT SHE UNDERSTOOD IT. SHE WAS ASKED IF SHE UNDERSTOOD WHAT THE WORD COERCION MEANT AND SHE STATED THAT SHE DID. CALDWELL THEN ADVISED ME WHAT IT MEANT. SHE THEN INITIALED AND SIGNED THE FORM. CALDWELL THEN STATED THAT SHE HAD LIED TO ME ABOUT THIS INCIDENT AND STATED THAT SHE WANTED TO TELL ME THE TRUTH. SHE THEN GAVE ME THE FOLLOWING WRITTEN STATEMENT:

On today's date I contacted Inv Mashak on his office phone and told him that I wanted to speak with him. Inv Mashak came to the jail and I told him that I wanted to be completely honest to him because I had told him some lies. He then took me to the Law Enforcement Center where he read me a Waiver of Rights form. Inv Mashak asked me if I understood the form and I told him that I did. He then asked me if I understood what the word coercion meant and I told him that I did. I then explained the word to him. I then initialed and signed the form. I am not under the influence of any drugs/alcohol. I have allowed Inv Mashak to type my statement.

On 6/1/12 I had given Inv Mashak a false statement about a burglary that happened on Old White Horse Road. I was afraid of getting more charges and after thinking about it all I wanted to be honest and to cooperate with the investigation.

I don't know what the date or day was but Furman Taylor and I were riding around in his white and blue Ford Aerostar van. We past a house and he told me to turn around and stop. I turned the car around and pulled into the driveway. Furman went and broke one of the back doors down. He was in there for about 15 minutes and I finally went inside and told him to come on. All of a sudden a black truck pulled up and I then went straight to the driver's seat. He then came out carrying a pillowcase and went straight to the passenger side. We then took off. A little bit later in the day we went to the Cash America Pawn on E. North Street where I pawned a DVD player, necklace with a heart shape pendant, and a pendant with an "R" on it. I think I got around \$30-\$40 for the stuff and handed it to Furman outside. Furman then took me to McDonalds and got something to eat. He then took me to White Horse Road and dropped me off.

I am very sorry for what I did and apologize to all the people that I affected. I know I shouldn't have done it and would like to make it up to them. I am willing to cooperate by

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

<input checked="" type="checkbox"/> Subject Identified	<input checked="" type="checkbox"/> Subject Located	<input type="checkbox"/> Active	<input type="checkbox"/> Admn Closed	<input type="checkbox"/> Arrested Under 18	<input type="checkbox"/> Ex-Cleared Under 18	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Unfounded		<input checked="" type="checkbox"/> Arrested 18 and Over	<input type="checkbox"/> Ex-Cleared 18 and Over	
Reason For Exceptional Clearance		<input type="checkbox"/> Offender Death	<input type="checkbox"/> No Prosecution	<input type="checkbox"/> Victim Declines Cooperation	<input type="checkbox"/> Extradition Denied	<input type="checkbox"/> Juvenile No Arrest
Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#	
MASHAK, BRADY	06/04/2012	450 / 01025	SGT SMITH, O B	06/04/2012	402 / 00313	
			Follow Up Investigation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	06/04/2012	450 / 01025	

Exhibit A-4

State of South Carolina -vs- Furman Eugene Taylor (2012-GS-23-6511 and 6513)
Deputy Frank Abella - Cross Examination by Mr. Ianuario

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1 first appeared at the scene of the suspects?

2 A. Female or male or both?

3 Q. Let's start with the female.

4 A. All right. Female, white female, twenty to thirty
5 years old, five two to five five, a hundred thirty to a
6 hundred fifty pounds, brown hair, white shirt, gray or
7 blue pants.

8 Q. Okay. And what was the description that you had
9 for the male?

10 A. The male was white male, forty to fifty years old,
11 five ten to six feet, one ninety to two fifteen and gray
12 hair, black shirt, blue jeans.

13 Q. Okay. And then in your report you also note a full
14 beard; is that correct?

15 A. Let me -- yes. In that section that shows the
16 drop-down portions of our report. It shows a physical
17 description and facial hair, full beard and then black
18 baseball cap.

19 Q. Okay. And what other information did you receive
20 about the suspects and/or their vehicle?

21 A. As far as the suspects, he said they were in a
22 hurry; they walked out quickly out of the residence.
23 Mentioned he had a bag with him. They got in the vehicle
24 and left abruptly. And they also said about the vehicle
25 that there was -- they believed they knew the first three

Exhibit A-5

State of South Carolina -vs- Furman Eugene Taylor (2012-GS-23-6511 and 6513)
Deputy Frank Abella - Cross Examination by Mr. Ianuario

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1 of the tag, and this was -- I believe it was David, he
2 remembered the first three and it was either EZI or E2I,
3 the first three of the tag.

4 Q. Okay. And did they indicate that was a South
5 Carolina license plate?

6 A. I think they were unsure.

7 Q. Okay. And did you observe anything unusual in the
8 perimeter of the residence, footprints in a flower bed,
9 anything --

10 A. Not that I recall.

11 Q. Nothing further.

12 THE COURT: Redirect?

13 MR. MOYER: No redirect, Your Honor.

14 THE COURT: Thank you very much, Officer. You
15 may step down.

16 MR. MOYER: State calls Dustin Kretschmar to
17 the stand.

18 THE COURT: All right. If you'll come around
19 and be sworn for us, please.

20 THE CLERK: Please place your left hand on the
21 bible and raise your right.

22 Do you swear or affirm the testimony you're about to
23 give is the truth, the whole truth and nothing but the
24 truth, so help you God?

25 THE WITNESS: I do.

Exhibit B-7

State of South Carolina -vs- Furman Eugene Taylor (2012-GS-23-6511 and 6513)
Brady Mashak - Direct Examination by Mr. Moyer

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1 get in touch with him. Talked to his wife. She said he
2 was at work. So I said I'd, you know, get in touch with
3 him later. Talked to David Perry and talked to him for a
4 little bit. Asked him what he saw. He said he just saw
5 a female and didn't see the male. And said they were in
6 a white and blue Ford Aerostar van.

7 Q. Okay. And then did you at any point decide to show
8 photo ---

9 A. I did. It was ---

10 Q. What led to that?

11 A. I'm sorry?

12 Q. What led to you doing that and when did you do it?

13 A. Whenever I got involved with the other -- I believe
14 it was after I got this, I talked to Russell Droughten
15 (phonics), her ex-husband or you know, I guess it was
16 future ex-husband. I talked to him and said, hey, can
17 you tell me where Amanda is? And he said, I have no
18 idea. I said, can you tell me who she's with? And he
19 said, yeah, Furman Taylor. I said, well, can you
20 describe him? Because in the report they said something
21 about a goatee and long hair. And I said, well, can you
22 describe him? He said, yeah, he has a goatee and long
23 hair. I said, well any chance you can tell me about the
24 vehicle because they obviously saw the Ford Aerostar.
25 And he said, he drives a Ford Explorer and a Ford

Exhibit B-8

1 Aerostar van. So that's what, you know, matched the
2 description vehicle-wise and suspect-wise.

3 Q. Okay. And did you take and -- who did you make
4 photo line-ups of? How many different photo line-ups and
5 ---

6 A. I did three, because the first time when Ms.
7 Caldwell said about Catherine, I found out about her.
8 She said that was the other person that she was talking
9 with -- or about. So I did three different line-ups.

10 Q. Okay. And who did you show these line-ups to?

11 A. David and T.R.

12 Q. Now, did you show the male -- the photo line-ups of
13 Furman ---

14 A. No. Because he said he never even saw a male.
15 T.R. did.

16 Q. So you just showed the -- of the two females to
17 David then?

18 A. Yes, because he never even saw a male.

19 Q. And he wasn't able to ---

20 A. They both weren't. They both pretty much gave the
21 same description of the van and stuff they saw. Besides
22 David saying he didn't see the male, they said they sort
23 of turned their heads so they couldn't see. So basically
24 the photo line-up wasn't good because they hadn't seen a
25 face.

Exhibit B-9

State of South Carolina -vs- Furman Eugene Taylor (2012-GS-23-6511 and 6513)
Brady Mashak - Direct Examination by Mr. Moyer

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1 A. It says, I then saw a white male wearing a black
2 shirt and black hat. He had black hair that was in a
3 ponytail and a goatee. He was carrying a bag and went
4 into the passenger side. And it says, so I didn't get a
5 good look at either of them. They were looking away.

6 Q. Okay. But he did describe him with black ponytail
7 and ---

8 A. And goatee.

9 Q. Now, is it generally the case when there's a case
10 like this when a uniform officer goes to the scene that
11 the detailed statement is taken later by an investigator
12 like you?

13 A. Unless we catch them on scene, I mean, that's
14 really the only time as far as a statement from uniform
15 patrol or that night if someone's arrested, you know, in
16 the house or something like that. But usually it's later
17 on.

18 Q. And it's left with a follow-up?

19 A. Yes, sir.

20 Q. So the uniform officer, what's his job as far as
21 identity goes?

22 A. Basically get the descriptions and give it to our
23 dispatch, so if you're my B partner, if I'm on this, they
24 know, hey, I'm looking for a black and blue Ford Aerostar
25 van. They BOLO it and you know what to look for.

Exhibit C-1

*State of South Carolina -vs- Furman Eugene Taylor (2012-GS-23-6511 and 6513)
Amanda Caldwell- Direct Examination by Mr. Moyer*

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1 **BY MR. MOYER:**

2 Q. Ms. Caldwell, how old are you?

3 A. I'm twenty-four.

4 Q. Okay. Now, let me ask you this question. You were
5 charged also in the case that's currently before the
6 court; isn't that right?

7 A. Yes, sir.

8 Q. And you pled guilty to a burglary, a charge of
9 burglary second degree?

10 A. Yes, sir.

11 Q. And you also pled guilty to another related
12 burglary second degree; isn't that correct?

13 A. Yes, sir.

14 Q. And also obtaining money by false pretenses for
15 pawning the stolen property; isn't that correct?

16 A. Yes, sir.

17 Q. Have you been sentenced yet?

18 A. No, sir.

19 Q. Did anyone promise you anything about what your
20 sentence would be?

21 A. No, sir.

22 Q. So you received no promises from the prosecutor's
23 office or from law enforcement?

24 A. No, sir.

25 Q. Have you been asked to do anything with regard to

Exhibit D-1

RULE 3 DISPOSITION OF ARREST WARRANTS

(a) Transmittal to Clerk. Magistrates, municipal judges, and other officials authorized to issue warrants shall in all cases within the jurisdiction of the Court of General Sessions, forward to the Clerk of the Court of General Sessions all documents pertaining to the case including, but not limited to, the arrest warrant and bond, within fifteen (15) days from the date of arrest in the case of an arrest warrant and date of issuance in the case of other documents. Transmittal shall be pursuant to procedures now or hereafter promulgated by the Office of South Carolina Court Administration.

(b) Transmittal to Solicitor. The Clerk of the Court of General Sessions shall forward a copy of any arrest warrant received pursuant to paragraph (a) above to the solicitor within two (2) business days from date of receipt from the issuing official.

(c) Action on Warrant. Within ninety (90) days after receipt of an arrest warrant from the Clerk of Court, the solicitor shall take action on the warrant by (1) preparing an indictment for presentment to the grand jury, which indictment shall be filed with the Clerk of Court, assigned a criminal case number, and presented to the Grand Jury; (2) formally dismissing the warrant, noting on the face of the warrant the action taken; or (3) making other affirmative disposition in writing and filing such action with the Clerk of Court.

(d) Extensions of Time. The solicitor may petition the circuit court for an order delaying action on the warrant as set forth above, for successive ninety (90) day periods if the circuit court specifically finds good cause for such delay for each successive ninety day period.

(e) Record of Proceedings. Any action taken pursuant to paragraphs (a), (b), and (c) above shall be entered in the records of the Clerk of Court pursuant to procedures now or hereafter promulgated by the Office of South Carolina Court Administration.

Whit

Rule 3 is the language of Criminal Practice Rule 6.

Note:

Rule 5 (Discovery Materials)
S.C. rules of Criminal procedure

Sub M. Project

Exhibit E-1

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Field Statement

Case Number 12-072917

Date 6/1/12

I, Tandy Rice Perry, do hereby give freely and voluntarily this statement to Inv. Mashak #1045/450 and _____ who have identified themselves to me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

TRP I am 37 years old and I reside at _____
On 5/19/12 I received a call from my friend Renna Taylor. She asked me if I would go to her house and take her garbage out. My brother, David Perry, my daughter, and I then went to Renna's house. Once there I saw a white and blue Ford Astar van in her driveway. I called Renna and asked her about the van and she said that it shouldn't be there. I then saw a white female wearing blue jeans that looked rolled up. ~~I think I saw~~ She she also had brown hair. She walked really fast to the van and got to the driver's side. I then saw a white male wearing a black shirt and black hat. He had black hair that was in a ponytail and a goatee. He was carrying a bag and went into the passenger's side. I didn't get a good look at either of them because they were looking away. I then called the Sheriff's Office. TRP

TRP On 6/1/12 I met with Inv Mashak and he showed me 3 photo line-ups. I couldn't pick anyone out but the people that were in Renna's house, could be on them. I also told Inv Mashak that I think the female had a white shirt on. -- End of Statement TRP

I have read the above statement of 6/1 pages and it is true and correct as best as I recall.

WITNESS:
[Signature]

Tandy Rice Perry
I have received a copy of this statement.

Tandy Rice Perry

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

-6
2012
08 11

Ms. Jenny A. Kitchings, Clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Furman Taylor; SCDC #198161
Perry Corr. Inst. 104A
430 Oaklawn Road
Pelzer, S.C. 29669

(Page 1 of 2) RECEIVED

SEP 24 2015

September 21, 2015 SC Court of Appeals

In Re; State v. Taylor, Indict. Nos: 2012-GS-23-6511
and 6513 / Initial Brief of Appellant.

Dear Ms. Kitchings,

I am writing in concern of the
above referenced matter.

In which, please find enclosed
one (1) original copy appellant initial brief
with affidavit in the above case. Due to time
restraints and the administration of SCDC and
their policy and procedure, GA O. 03, sec. 13, I
am unable to provide the specified number of
copies required by rule 240 S.C.A.C.R. (Please
see affidavit of facts). If these reasons cause
me to be time barred or prohibit my claims
from being heard let the record include these
reason in the order.

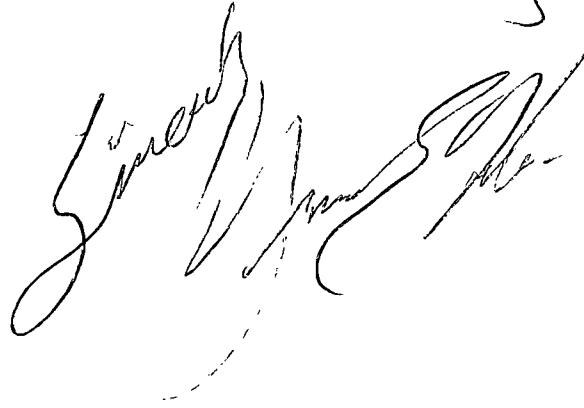
I have served the Attorney
General a copy of this brief.

(cont.)

(Page 2 of 2)

Further more, I would like for you to know that all of your time help, and consideration in my behalf is greatly appreciated by me!

I look forward to hearing from you soon!

A handwritten signature in cursive script, appearing to read "Garrett". The signature is written in black ink and is positioned below the main text of the letter.

Herman Taylor; S.L.D.C. # 198161
Perry Corr. Inst. / 04A-123
430 Oaklawn Road
Pelzer, S.C. 29669

RECEIVED

SEP 24 2015
SC Court of Appeals

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SEP 21 2015
PCI Mailroom

Ms. Jenny A. Kitching,
South Carolina Court of Ap
Post Office Box 11629
Columbia, S.C. 29211