

The State of South Carolina
in the Supreme Court
Appeal From South Carolina Appeal Court
CASE NO 2014-001554

the State Respondent

Jonathan Brown v Appellant

NOTICE OF APPEAL

Jonathan Brown Appeals the Decision made by
the South Carolina Court of Appeals on June 1 2016
This Appeal is being Filed by the Appellant

Jonathan Brown

RECEIVED

JUN 20 2016

S.C. SUPREME COURT

JUN 20 2016

Jonathan Brown
Appeal of ARREST CASE
2014-001554

S.C. SUPREME COURT

On June 1 2016 The South Carolina Court of Appeals dismissed Appellate Case No 2014-001554

An Anders brief Filed by Appellants Appointed Counsel Lara M Caudy and a Pro Se brief Filed by the Appellant Jonathan M Brown

The Court of Appeals dismissed the case stating:
"This opinion has no precedential value. It should not be cited or relied on as precedent in ANY proceeding except as provided BY Rule 268 (d) (2) SCACR

The Appellant Feels the Court erred and overlooked the violation of law that took place during the Arrest and Prosecution of the defendant

The Appellant Ask that the Court please keep in mind that it is the Appellant his Self Filing this Appeal and he has a minimal knowledge and understanding of the legal system and proceedings. With the shortness of STAFF at this institution and only a 10 day period to accomplish this Appeal. I begg the Court To please overlook technical and formality errors and to Focus on the issues of law

Thank You

For the information of the Court

The Appellant in this case Jonathan M. Brown

is referred to in this text as well as in the transcripts
As: Jon, Mr Brown, Appellant, dependent as well as I.

Appellants appointed Counsel Lara M Caudy, Prepared and Submitted an Anders brief. Claiming that the Trial Court Judge erred by denying motion to suppress photos and video alleged to have been found on Appellants Cell Phone. Where law enforcement seized the phone with out warrant of consent violating the Fourth Amendment

IT is the Appellants understanding that the Court has a copy of Ms Caudy's brief which the Appellant speaks for it's self

However there are other points in the testimony of the officers as well as in their paper work that were ignored

During Pretrial hearing June 3-4 2014 Officer Mosher testified that he and Sgt Jones knocked on the door of Mr Brown Residence Pg 80 L11-14

That the defendant opened the door with his cell phone in one hand and a sandwich in the other

Pg 81 L24-25 Mosher also claimed that "Mr Brown also had his wallet on him and asked that his cell phone and keys be taken with him and they were. When they got to the station the phone the officers took from the residence

"It happened to be the phone they were interested in" So it was seized. Another officer, Officer Gerbhardt secured the phone in a desk drawer

"because it was the weekend securing in a locker or obtaining an evidence tag was not possible" Pg 93 L25-34

Mosher testified that when a person is arrested all property is transferred to the holding center with them Pg 91 L4-14 You will notice on what I have labeled as (39 J) is a copy of the property form from the holding center. Showing a drivers license and clothing no wallet or keys Mosher testified that Mr Brown answered the door with a sandwich in one hand and his cell phone in the other. How could have Mr Brown opened the door and as if by some miracle the phone the officers took from Mr Browns residence to the station just "happened" to be the phone in question Sgt Jones did not testify at the pretrial hearing. He did testify at the trial July 14-16 2014. At which time Jones testified he pulled up to the house and Mr Brown came out of the house and met him in the yard Pg 281 L9-20. After Jones testified Mosher who was present in the court room in spite of a motion for sequestration Pg 269 L15-20 Mosher testified that he and Jones approached the residence "we were met by Mr Brown who was exiting the door" Pg 381 L6-9. This is significantly different from his original testimony of this event it is a lie it is perjury. At the pretrial hearing Pg 80 L13-14

OFFICER Gerbhardt was contacted by Mosher AFTER he spoke with the victim. Gerbhardt met Mosher at Sumnerville PD they road together to Mr Brown residence where the Arrest was made. According to Gerbhardt and Mosher Testimony at Pre Trial June 3-4 Gerbhardt went to the rear of the residence he WAS NOT Present when the Arrest was made
Pg 80 L 6-13 and Pg 95 L 19 - Pg 96 L 2

On July 29 2013 Gerbhardt swore a search warrant for a Black & Red Phone seized during Mr Browns Arrest (I have labeled this AS 61) Gerbhardt swears under oath that this black and Red phone was in Mr Browns Possession at the Arrest and as the victim described. Gerbhardt was not present when the Arrest was made and he never spoke to the victims. He swore to hear SAY that makes that warrant invalid.

OFFICER Jourdon who was the responding OFFICER claimed in his written report (Labeled 1) stated the victim claimed the phone was "multi color" and the room was dark. OFFICER Mosher also recorded the victim claiming the phone to be multi color (Labeled AS Pg 5) IN *Wong Sun v US*, Ct 1963 S. CT 407 * (See reverse of this Page)

Requires that Person or things to be seized be particular described so as not mistaken

Gerhardt claimed he secured the phone in a desk drawer Pg 97 L 18-25 Gerhardt written statement (labeled 8-9) he charged the phone and allowed APPS to load to the phone he testifies to this at the trial Pg 368 L 15-18 Gerhardt altered the evidence its integrity was changed from the time it was seized wrongfully as it was but that the officer altered that evidence by downloading things to it He actually searched the evidence twice

See reverse

* MINN v Gomez MINN APP 1986 392 N.W. 2d 308

"Generally search warrants may be executed only once after execution no additional search can be undertaken on same warrant.

Gerhardt search the phone did not find what he wanted than downloaded thing to the phone than searched again claiming to find these images

Appellant also claims there was a violation of chain of custody the purpose of an evidence locker is so there is integrity a record kept saying yes this item / items were here they were stored in such way you dont have that when an officer "puts it in his desk"

As Mosher claimed on Pg 93 L 25 - Pg 94 L 2 "because it was the weekend they were unable to place the phone in evidence and obtain a tag"

* Again my notes are a bit weak on this
I am unable to access the law library to clarify
this.

The Appellant also filed a Pro se brief raising the issue that the directed verdict should have been granted at least on the two charges pertaining to minor indictment # 2013 GS 18-1408 and 2013 GS 18-1410

The victim of these alleged crimes said she "could not remember what happened" Pg 193 L 7-Pg 197 L 24 the video statements were subdued as a result of that Pg 234 L 21-Pg 235 L 14 In State v Harrison 113 SF2d 783 the state ruled "if the prosecutrix does not testify to Rape evidence of that Rape is inadmissible" There was no evidence what so ever to support 2013 GS 18-1408 The images Gerhardt claimed to recover from the defendant's cell phone MAY prove the charges in relation to 2013-GS-18-1408 However the only connection between the defendant and those images is a shirt that is "similar" to one the defendant was photographed in Pg 386 L 11-25 This "similar" shirt does not positively identify the defendant IT ONLY CREATES A SUSPICION OF GUILT To say that "this shirt" is similar to one the defendant owns or even if they could say this is the exact same shirt does not prove it is the defendant in the image when that is all

That is SEEN it is only a suspicion and therefore in accordance with SC Rule of Court 19(2) The Trial Judge should grant a directed verdict motion when the evidence merely raises a suspicion that the Accused is guilty.

The Appellant also wishes to bring to the attention of the Court that in regards to charge 2013 GS18 1409 involving Minor 2 The State has the Burden of proving each element of the Crime beyond a reasonable doubt Physical exams Taken with hours of the Alleged Attack showed no trauma, no damage. Minor 2 was not able to identify the defendant at the trial and claimed he had long curly hair and a curly beard Pg 173 L 22-23 Pg 190 L 20-24 The defendant's hair is/was straight Dr Busch testified that there was no physical trauma Pg 252 L 15-17 She goes on to claim that oral touching even some genital to genital that does not go to the base of the tunnel and stay in the outside layers of skin Pg 253 L 14-20 The Allegation was that Mr Brown a Full grown man of 280 lbs sexually penetrated the minor vaginally and ANNUALLY with his penis, the statement by Dr Busch it's

Self brings suspicion to whether or not the events required to meet the charge of CSC-1 actually took place. Further the DNA Expert Amanda Webb testified that swabs taken from minor 2 within hours of the alleged attack did not give a full DNA profile only a partial YSTR profile that could have been the defendant or any male related to him Pg 342 L 14 - Pg 343 L 13 With the victim visiting the defendant's house some partial DNA transfer is to be expected. Partial DNA is not enough for a positive ID. The victim never gave a proper description of the defendant

The Appellant asks that the court take all these facts into consideration and rule in favor of the Appellant granting him a reversal of conviction and sentence

10
 AGENCY I.D.
 SC 0180200

SUPPLEMENTARY REPORT
 TOWN OF SUMMERVILLE POLICE DEPARTMENT

CASE NUMBER: 13-056168
 NCIC: INO ENTD

ORIGINAL REPORT
 MODIFIED ORIGINAL
 SUPPLEMENTAL REPORT
 CASE STATUS CHANGE
 ADDITIONAL VICTIMS
 ADDITIONAL OFFENDERS
 ADDITIONAL STOLEN PROPERTY
 ADDITIONAL RECOVERED PROPERTY
 PAGE 1 of 1 PAGES

On August 14, 2013, Sgt. Mosher spoke with Audrey Hagenow in reference to obtaining the white and pink shorts with a print similar to a zebra pattern Abigail Stimely was wearing during the time they were visiting at 111 Walnut Creek Road. The shorts were identified in photographs Audrey Hagenow had taken during their visit. The same shorts were seen in photographs obtained from Jonathan Brown's cell phone in where he had photographed the groin area and underwear of Abigail Stimely.

Due to the evidence nature of the shorts, Sgt. Mosher requested the shorts to be surrendered. Audrey Hagenow notified Rebecca Tomich (Abigail Stimely's mother) who in return mailed the shorts to her sister Rachel Brown via USPS.

On August 20, 2013, Rachel Brown contacted Sgt. Mosher advising she obtained a package from Rebecca Tomich. Rachel Brown brought a sealed manila package to Sgt. Mosher. The package was opened by Sgt. Mosher and located the shorts identical to the ones located in the photographs.

Sgt. Mosher placed the manila package containing the white and pink shorts with a print similar to a zebra pattern into evidence at the Summerville Police Department.

August 21, 2013, Sgt. Mosher spoke with Emily with the Dorchester Children's Center in reference to the availability of the Forensic Interview Reports for Nicole Brown, Lindsey Brown and Abigail Stimely. Emily advised the reports were not ready at that time.

SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED	<input checked="" type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY				
REPORTING OFFICER(S) Det. Sgt. J. Mosher	DATE 8/21/13	UNIT NUMBER L-20	APPROVING OFFICER LT. J.L. PAYTON S.P.D.	DATE 08-21-2013
FOLLOW UP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			OFFICER J.M.	UNIT NUMBER L-8

JUVENILE

SCIBRS:

AGENCY I.D.
 1180200

SUPPLEMENTARY REPORT
 TOWN OF SUMMERVILLE POLICE DEPARTMENT

CASE NUMBER: 13-056168
 NCIC: INO ENTD

ORIGINAL REPORT
 MODIFIED ORIGINAL
 SUPPLEMENTAL REPORT
 CASE STATUS CHANGE
 ADDITIONAL VICTIMS
 ADDITIONAL OFFENDERS
 ADDITIONAL STOLEN PROPERTY
 ADDITIONAL RECOVERED PROPERTY
 PAGE 1 of 1 PAGES

In August 21, 2013, Sgt. Mosher obtained and executed Search Warrants on a Kodak Funsaver disposable camera and Canon Camcorder. The items were seized from a previous Search Warrant executed at 111 Walnut Creek Road. The items were removed from the evidence room located at the Summerville Police Department.

Sgt. Mosher took the disposable camera to Walgreens located at 1120 N. Main Street in the Town of Summerville. The photographs on the camera were developed while Sgt. Mosher waited. Once completed, Sgt. Mosher viewed the photographs and found no incriminating evidence.

Sgt. Mosher then conducted a search of the camcorder, "8" digital cassette tapes and a 8GB SD card. In reference to the SD card, it was removed from the camcorder and Det. Gebhardt assisted with the search. The search of the SD card had no incriminating evidence. Upon review of the "8" digital cassette tapes, Sgt. Mosher did not find any incriminating evidence. All items were returned with a copy of the Search Warrants, to the evidence custodian, Sgt. Olsen.

The Search Warrant Return for each item was completed and returned to the court on August 23, 2013

Sgt. Mosher contacted Rachel Brown who is the owner of the property, and advised her the items would be released to her. Rachel Brown met with Sgt. Mosher at the Summerville Police Department where a Property Release Form was completed and the items were given to Rachel Brown. The Property Release Form was placed with the case file.

SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED	<input checked="" type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY				
REPORTING OFFICER(S) Det. Sgt. J. Mosher	DATE 8/22/13	UNIT NUMBER L-20	APPROVING OFFICER LT. J.L. PAYTON S.P.D.	DATE 08-22-2013
FOLLOW UP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			OFFICER J.M.	UNIT NUMBER L-8

SCIBRS:

RECEIVED

9

AGENCY I.D. SC 0180200 SUPPLEMENTARY REPORT TOWN OF SUMMERVILLE POLICE DEPARTMENT

CASE NUMBER 13-056168 NOC INQ ENTD

ORIGINAL REPORT MODIFIES ORIGINAL SUPPLEMENTAL REPORT MODIFIES ORIGINAL ADDITIONAL VICTIMS ADDITIONAL OFFENDERS ADDITIONAL STOLEN PROPERTY ADDITIONAL RECOVERED PROPERTY PAGE 2 of 2 PAGES

First, I plugged the phone into the computer using a micro USB cable. I opened the "L" drive where the phone was connected and copied the device's mass storage to a folder dedicated to the phone. I then utilized the forensic utility Device Seizure by Paraben to conduct a forensic examination of the cell phone. The "Android Logical" image was selected and the program attempted to recover the following information: contacts, SMS history, MMS history, call history, media store, browser history, and calendar. Prior to the examination starting, I had to access the phone's settings and turn on "USB Debugging Mode" and "Allow Installation of Non Market Apps" for the examination to work. I completed this and the examination was conducted. The program finished and advised me it recovered all the aforementioned data except the contacts: Two reports were generated, both with the same data; one was in excel format and the other was in PDF format. I reviewed the reports and realized that there was no media in the reports. The reports were saved to a sub-folder labeled "Device Seizure" in the folder dedicated to this phone. I then utilized the forensic utility Secure View 3 by Susteen to conduct another examination. The utility was started and no further action needed to be taken due to the phone already being set into "USB Debugging Mode." I requested that the utility recover contacts, calendar, files, call history, messages, other data, and deleted data. The utility completed its examination, but could not root the device to recover the deleted data. A report was generated in PDF format and saved to a sub-folder in the folder dedicated for this device. I then placed the folder for the recovered information in the same sub-folder. I then took the battery out of the phone and removed the 8 GB SanDisk micro SD card. I placed the card in a card reader and plugged it into my department issued desktop computer (in the "L" drive). I then utilized the utility RescuePro Deluxe by SanDisk. I started the utility and requested that it recover all deleted photo files on the card. The program completed its examination and recovered a total of 984 deleted photo files. Upon viewing the files, some were duplicate. There were photographs of a young white female in a multi colored bathing suit bending over, with the photos being directed down the front of her suit and the groin area. There were other photos of a penis engaged in penetration with what appeared to be a juvenile vagina and anus. These photos were saved in a sub-folder in the folder dedicated to the phone. I then conducted another examination requesting the utility recover all deleted files. The program completed its examination and recovered 966 files, some of which were video files. Upon viewing the video files, there were several that showed juvenile females performing fellatio on what appeared to be an adult, as well as videos that showed a penis penetrating juvenile vaginas and rectums. The video labeled 0020 showed the penis ejaculating on a juvenile female's leg after sexual battery. On 07/31/2013, I met with Judge Whittington who signed the search warrant return. The original was left with the court and two copies were made: one was for Sgt Mosher's case file and the other was to be left with the phone. The files were placed on two CDs; one was given to Sgt Mosher for his case file and the other was logged into evidence at SPD. I placed the memory card back in the phone, kept the battery out, and logged the phone into SPD evidence as well. A copy of the search warrant and return were left with the phone in evidence. Nothing further.

Video not on phone original CPDA unable to Id

REPORTING OFFICER(S) Det Gebhardt DATE 08/02/2013 TIME 1:31 APPROVING OFFICER L.T. J.L. PAYTON S.P.O. DATE 08-20-2013 UNIT NUMBER 18

SPD Supplementary Report 1004

JUVENILE Gebhardt, report of search

AGENCY I.D. SC 0180200 SUPPLEMENTAL INCIDENT REPORT SUMMERVILLE POLICE DEPARTMENT

CASE NUMBER 13-056168 NOC INQ ENTD

ORIGINAL REPORT MODIFIES ORIGINAL SUPPLEMENTAL REPORT MODIFIES ORIGINAL ADDITIONAL VICTIMS ADDITIONAL OFFENDERS ADDITIONAL STOLEN PROPERTY ADDITIONAL RECOVERED PROPERTY PAGE 1 of 1 PAGES

On August 1, 2013 I assisted Sgt. Mosher with the execution of a search warrant against the subject, Jonathan Brown, while at the Summerville Police Department. Sgt. Mosher provided Brown with a copy of the search warrant and read it aloud to Brown. Sgt. Mosher collected one oral buccal swab from Brown's mouth. I completed the search warrant return and provided a copy to Brown. There is no further information at this time.

REPORTING OFFICER(S) Detective J. Hoff DATE 8/1/2013 TIME 35 APPROVING OFFICER L.T. J.L. PAYTON S.P.O. DATE 08-20-2013 UNIT NUMBER 18

SPD Supplementary Report 1004

JUVENILE

CASE NUMBER 13-056138 NCIC INQ ENTD

ORIGINAL REPORT MODIFIED ORIGINAL SUPPLEMENTAL REPORT CASE STATUS CHANGE ADDITIONAL VICTIMS ADDITIONAL OFFENDERS ADDITIONAL STOLEN PROPERTY ADDITIONAL RECOVERED PROPERTY PAGE 6 of 7 PAGES

Sgt. Mosher instructed Jonathan Brown to open his mouth. Sgt. Mosher placed the Buccal swab in between the teeth and cheeks. Sgt. Mosher swabbed both cheek regions and under his tongue. Sgt. Mosher then placed the Buccal swab in a new sealable pouch. The pouch was sealed, initialed and dated by Sgt. Mosher. The pouch was placed in a new manila envelope and entered into evidence at the Summerville Police Department. Det. Hoff completed the search warrant return. Jonathan Brown was provided a copy of the warrant and return.

On August 2nd, 2013, Sgt. Mosher served another search warrant at 111 Walnut Creek Road. The warrant was signed by Judge Tucker and based on retrieving any additional evidence related to the allegation. The primary search was to recover any and all electronic items capable of but not limited to creating, storing, and/or viewing videos or pictures of sexual assaults described by the victims. The search also included locating a blue shirt with a butterfly insignia that Lindsey is seen wearing during a video where she is being sexually assaulted. Sgt. Mosher, Det. Gebhardt, and Det. Braga met with Rachael Brown where the search warrant was read aloud. During the search several electronic items were recovered, SD cards, phones, USB drives, computers and cameras. The blue shirt was located and taken as evidence. All items seized were noted on the search warrant return. Rachael Brown was provided with a copy of the warrant and return.

The items seized were brought to the Summerville Police Department for processing. Numerous electronic items were separated and an additional search warrant was obtained describing the items for the retrieval of any evidence pertaining to this case. A search warrant was obtained for a disposable Kodak film camera and a search warrant for a Canon camcorder and 8 cassette tapes. All electronic items in the first search warrant will be analyzed by the Charleston County Sheriff's Office. The disposable camera and Canon camcorder will be analyzed by Sgt. Mosher. Due to the time it will take to complete the analysis, the results of the aforementioned searches will be noted in a supplemental report.

On August 2nd, 2013, Sgt. Mosher spoke with Ms. Hagenow. The conversation was based on Sgt. Mosher seeing pictures of the female child wearing the white and pink shorts with zebra print. Sgt. Mosher observed photographs taken from Jonathan Brown's phone, of Abigail at the beach in a multi colored bathing suit. Several pictures taken were of Abigail sitting on the beach with her legs opened and being bent over. Sgt. Mosher asked Ms. Hagenow if they were at the beach during their visit. Ms. Hagenow confirmed they were and described the same bathing suit Abigail was wearing. Ms. Hagenow stated she did notice Jonathan with his cell phone but thought he was just texting. Sgt. Mosher asked Ms. Hagenow if Abigail wore any shorts during her visit. Ms. Hagenow stated she did wear a pair of white and pink shorts. Sgt. Mosher asked if they had a design on them. Ms. Hagenow stated she thought they had a leopard print, then quickly corrected herself and said they were a zebra pattern. Sgt. Mosher asked Ms. Hagenow if she had any pictures of Abigail wearing the shorts. Ms. Hagenow stated she did and she still had the shorts. Sgt. Mosher requested Ms. Hagenow to e-mail him a picture of the shorts and any pictures of Abigail wearing the pink shorts. Ms. Hagenow provided the pictures via email and also provided additional photographs of Abigail at the beach. The pictures of Abigail wearing the white and pink shorts matched the picture of the shorts the female was wearing on Jonathan Brown's cell phone. The pictures of Abigail wearing the multi colored bathing suit taken at the beach on July 27th by Ms. Hagenow, matched the photographs of Abigail on Jonathan Brown's cell phone. All the emails and photographs were printed and attached to the case file.

SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM CLOSED <input type="checkbox"/> UNFOUNDED	<input checked="" type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: <input type="checkbox"/> OFFENDER DEATH <input type="checkbox"/> NO PROSECUTION <input type="checkbox"/> EXTRADITION DENIED <input type="checkbox"/> VICTIM DECLINES COOPERATION <input type="checkbox"/> JUVENILE - NO CUSTODY		APPROVING OFFICER: LT. J.L. PAYNE S.P.O. DATE: 08-20-13 UNIT NUMBER: 18		
REPORTING OFFICER(S): Det. Sgt. J. Mosher	DATE: 8/13/13	UNIT NUMBER: L-20	FOLLOW-UP OFFICER: 08-20-13 LB	

JUVENILE

SCIBRS:

CASE NUMBER 13-056168 NCIC INQ ENTD

ORIGINAL REPORT MODIFIED ORIGINAL SUPPLEMENTAL REPORT CASE STATUS CHANGE ADDITIONAL VICTIMS ADDITIONAL OFFENDERS ADDITIONAL STOLEN PROPERTY ADDITIONAL RECOVERED PROPERTY PAGE 7 of 7 PAGES

On August 2nd, 2013, Sgt. Mosher obtained another arrest warrant (CSC w/Minors 1st Degree) for Jonathan Brown. The arrest warrant was obtained based on the allegation made by the victim, Lindsey Brown during the forensic interview and the video and photographic evidence obtained from his phone. The evidence showed sexual assaults occurring during the daytime hours which show the assault occurred prior to July 28th, 2013. Jonathan Brown was brought to the Summerville Police Department for booking and service of the warrant. As Sgt. Mosher finished reading the affidavit aloud and in the presence of Det. Gilbert, Jonathan Brown lowered his head and did not respond to the allegation and evidence outlined in the warrant as he did before during the DNA search warrant. Sgt. Mosher asked Jonathan Brown if he had any questions for Sgt. Mosher. Jonathan advised, "No". Sgt. Mosher completed the booking process and asked Jonathan if he had any question about the process and asked if he has been able to speak with the Public Defender's Office about obtaining counsel. Jonathan stated he did not have any questions, but he had spoken with the Public Defender's Office. Jonathan spontaneously uttered, when he gets an attorney he will provide a statement. Sgt. Mosher cautioned Jonathan Brown about speaking without an attorney. Jonathan stated "I need help" and once he gets an attorney he will provide Sgt. Mosher with a statement.

As of August 13, 2013, Sgt. Mosher is waiting on the analysis of the Sexual Assault Kits, analysis of the electronic devices, analysis of the DNA swab obtained from Jonathan Brown, the analysis of the swatches taken from the sofa and loveseat and the final reports from Dorchester Children's Center.

*why would I say I had space to a...
than say when I get 1. I'll give a statement*

SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM CLOSED <input type="checkbox"/> UNFOUNDED	<input checked="" type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: <input type="checkbox"/> OFFENDER DEATH <input type="checkbox"/> NO PROSECUTION <input type="checkbox"/> EXTRADITION DENIED <input type="checkbox"/> VICTIM DECLINES COOPERATION <input type="checkbox"/> JUVENILE - NO CUSTODY		APPROVING OFFICER: LT. J.L. PAYNE S.P.O. DATE: 08-20-13 UNIT NUMBER: 18		
REPORTING OFFICER(S): Det. Sgt. J. Mosher	DATE: 8/13/13	UNIT NUMBER: L-20	FOLLOW-UP OFFICER: 08-20-13 LB	

JUVENILE

SCIBRS:

CASE NUMBER 13-056168 NCIC INQ. ENTD.

ORIGINAL REPORT SUPPLEMENTAL REPORT MODIFIES ORIGINAL ADDITIONAL VICTIMS CASE STATUS CHANGE ADDITIONAL OFFENDERS ADDITIONAL STOLEN PROPERTY RECOVERED PROPERTY PAGE 1 of 1 PAGES.

On 08/02/2013 I assisted Sergeant Mosher and Corporal Gebhardt with the execution of a search warrant at 111 Walnut Creek Road, in the Scotts Mill subdivision. After a protective sweep of the house was performed, I photographed the residence beginning with the exterior front door. Every room was photographed from multiple angles prior to the search for items listed on the warrant. Once the residence was photographed, the search began and all items recovered were photographed in place. The photographs were taken using my Summerville Police Department issued Canon PowerShot SX40 HS digital camera. The photographs were downloaded from the camera to my desktop computer via the use of a USB cable. Once downloaded to my desktop computer, the files were copied to a CD-R, logged into Tab Fusion, and placed into evidence locker #26.

What happened to the phone 7/29 - 7/30

SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARRESTED UNDER 18 <input checked="" type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE 1 <input type="checkbox"/> OFFENDER DEATH 2 <input type="checkbox"/> NO PROSECUTION 3 <input type="checkbox"/> EXTRADITION DENIED 4 <input type="checkbox"/> VICTIM DECLINES COOPERATION 5 <input type="checkbox"/> JUVENILE - NO CUSTODY	REPORTING OFFICER(S) Det. Braga	DATE 08/02/13	UNIT NUMBER L-38	APPROVING OFFICER L.T. J.L. Payton S.P.D. OFFICER
FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DATE 08/20/2013	UNIT NUMBER L-8	SCIBRS:

JUVENILE

CASE NUMBER 13-056168 NCIC INQ. ENTD.

ORIGINAL REPORT SUPPLEMENTAL REPORT MODIFIES ORIGINAL ADDITIONAL VICTIMS CASE STATUS CHANGE ADDITIONAL OFFENDERS ADDITIONAL STOLEN PROPERTY RECOVERED PROPERTY PAGE 1 of 2 PAGES.

On 07/28/2013, Sgt Mosher contacted me via telephone in reference to this incident. I responded to SPD and met with him where he advised me he was obtaining arrest warrants for subject Brown for two counts of Criminal Sexual Conduct with a Minor in the 1st Degree. Sgt Mosher obtained the warrants and we met with Brown at his residence at 111 Walnut Creek Road in Scotts Mill. PFC Terranova and I went to the rear of the residence while Brown was arrested. I met with Sgt Mosher and Sgt Jones at the front of the residence where they were escorting Brown to PFC Terranova's vehicle. Brown asked that we "hurry up and get him out of there because he didn't want a scene."

Upon arriving at SPD, Brown was brought to the interview room where Sgt Mosher and I attempted to interview him about this incident. Brown was wearing a gray in color t-shirt, khaki colored shorts, black New Balance shoes, and a visor. Sgt Mosher advised Brown of his rights via the SPD advisement of rights form, which he acknowledged. Brown also signed the waiver, indicating he'd speak with us but emphasized the fact that he would stop the interview if he wanted.

Brown stated that on 07/27/2013, he was at a friend's residence down the street from his where he had consumed approximately 240 ounce beers plus a 12 pack of beer. He stated he started drinking the beer around 1600 hours and spaced it out throughout the evening. He stated he returned to the residence around 2300-2330 hours where he watched television with Abigail and Lindsey in the living room. He stated his wife was up but went to bed and he was alone with the two children in the living room. At this time, Brown started to perspire and stroke his beard. He was fidgeting in his seat and seemed very uneasy. He stated he let them pick a "quirky kids movie" and stated, "we, they fell asleep. I was half in it half out of it." He stated he wanted to "hang out, cuddle with the kids" and they were "chilling out, lying around the house watching the movie." He stated they were on the couch, with him being on one end, Lindsey on the other, and Abigail in the middle. He stated they all fell asleep and he woke up sometime later. He stated he went to bed and he believed that Abigail got up at the same time and went to Lindsey's bed. Brown stated it was a normal occurrence for him to stay up late and watch movies with the kids. At that time, Sgt Mosher asked him about the allegations made against him and Brown stated he did not want to talk anymore without an attorney. The interview was stopped and Brown was provided with a copy of his advisement of rights form. During the interview, Brown continuously made comments like, "My life is over," and "My marriage is over."

Sgt Mosher advised me that one of the victims stated Brown was taking pictures of the incident with his cell phone. When Brown was arrested, he had in his possession a black and red in color Casio G'zOne Commando cell phone. This was seized as evidence and Brown was given a receipt for the item. The phone was placed in "Airplane Mode" to prohibit any data from going to or coming from the device. Brown was served with his warrants and booked. During the booking process, Brown stated that the allegations were "spoon fed" to the victims by his mother in law. He stated Abigail told him while they (Abigail and him) were fishing at the neighborhood pond on 07/27/2013 that grandma told her she wanted Brown's wife and kids to live with her. Sgt Mosher advised Brown that he requested an attorney and we could not speak with him and Brown quit talking about the subject. After he was booked, he was placed in a holding cell to await a transport.

On 07/29/2013, I met with Judge Tucker and obtained a search warrant for Brown's phone, all storage devices within the phone, and any program that synchronizes data to the device. The original was left with the court and two copies were made.

I responded back to SPD where I attempted to process the cell phone (Casio G'zOne Commando C771) with my department issued laptop computer. The laptop computer appeared to be incompatible with the phone. I charged the phone and attempted to process the phone again (on 07/30/2013) on my department issued desktop computer.

SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARRESTED UNDER 18 <input checked="" type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE 1 <input type="checkbox"/> OFFENDER DEATH 2 <input type="checkbox"/> NO PROSECUTION 3 <input type="checkbox"/> EXTRADITION DENIED 4 <input type="checkbox"/> VICTIM DECLINES COOPERATION 5 <input type="checkbox"/> JUVENILE - NO CUSTODY	REPORTING OFFICER(S) Det Gebhardt	DATE 08/02/2013	UNIT NUMBER L-31	APPROVING OFFICER L.T. J.L. Payton S.P.D. OFFICER
FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DATE 08/20/2013	UNIT NUMBER L-8	SCIBRS:

JUVENILE

CASE NUMBER 13-056168

ORIGINAL REPORT MODIFIED ORIGINAL SUPPLEMENTAL REPORT CASE STATUS CHANGE ADDITIONAL VICTIMS ADDITIONAL OFFENDERS ADDITIONAL STOLEN PROPERTY ADDITIONAL RECOVERED PROPERTY PAGE 4 OF 7 PAGES

rs. Hagenow, Rachael Brown, Abigail Stimley, Lindsey Brown, and Nicole Brown were escorted to the Medical University South Carolina by Pfc. Jordan and Pfc. Carpenter for a Sexual Assault Examination. Attached to this case is a copy of the South Carolina Law Enforcement Division Sexual Assault Examination Protocol Form for each of the children. On July 31st, 2013, Pfc. Tipton met with MUSC Public Safety Officer, A. Cook, where he retrieved "3" Sexual Assault Kits. Pfc. Tipton placed the kits into evidence at the Summerville Police Department.

According to the statement made by Abigail that Jon utilized his cell phone to take pictures of her genitalia; the phone was seized from Jonathan Brown during his arrest. Det. Gebhardt obtained a search warrant on July 29, 2013 for Jonathan Brown's Samsung Galaxy S2 One Commando C771 Cell Phone. Refer to Det. Gebhardt's supplemental report for the processes used during the search of the cell phone. Between July 29th and July 30th, Det. Gebhardt recovered data from the phone and copied it onto a Compact Disc. Sgt. Mosher was advised by Det. Gebhardt, some of the video files that were marked for deletion could not be reviewed but the videos that were viewable may be distorted in some areas due to being marked for deletion. Upon review of the files, Sgt. Mosher and Det. Gebhardt saw pictures of female child's vaginas, videos of a female child (identified to be Lindsey Brown) naked and a male penis penetrating her anus and video of Lindsey Brown performing fellatio on a man's penis while in the living room of 111 Walnut Creek Road. Within the videos, Sgt. Mosher could see Lindsey Brown wearing a blue shirt with a butterfly insignia. Lindsey Brown can be seen in several videos wearing the same shirt. Several videos show Lindsey Brown lying on her back with her vagina exposed and a man's penis rubbing her vagina and penetrating her anus. In one video you can see the man ejaculating on Lindsey Brown's leg and stomach. Pictures of a female child wearing white and pink shorts with a zebra pattern were seen. The photos taken were isolated to the groin area and one picture a man's hand can be seen pulling the shorts to the side to expose the child's greenish color underwear. These photos were followed by two photographs of a female child's exposed vagina. Det. Gebhardt placed a Compact Disc containing all files recovered from Jonathan Brown's cell phone into evidence.

On July 29th, 2013, at approximately 1:35 pm, Forensic Interviewer, Helen Usher who is employed with the Dorchester Children Center, began a forensic interview with Abigail Stimley. Sgt. Mosher watched the interview via video surveillance as Ms. Usher and Abigail spoke. During the interview, Abigail reiterated what she had stated previously. Abigail did provide additional details about the assault. Abigail stated during the assault her clothes were taken off, at one point she was on the rug in the living room where she was bent over and on her knees. She stated Jon was behind her placing his penis in her vagina and anus. She stated at another time during the same incident, she was back on the couch where the sexual act continued. Ms. Usher asked if anything came from Jon's penis. Abigail stated yes and there was a clear liquid that ran down her leg. Abigail indicated this happened while they on the rug and couch in the living room. Abigail stated Jon took out a "Bible" and made her and Lindsey swear not to tell anyone. Refer to the interview video and Ms. Usher's report for additional details. Lindsey Kemper supplied Sgt. Mosher with a copy of the recorded interview which was then entered into evidence at the Summerville Police Department.

Based on Abigail's statement of a fluid running down her leg during the sexual assault and indicating it came from Jonathan Brown's penis; Sgt. Mosher obtained a search warrant for the residence for bodily fluids, primarily in the living room area. The search warrant was signed by Judge Tucker. On July 29th, 2013 at approximately 4:15 pm, Sgt. Mosher, Det. Gebhardt and Sgt. Olsen (Crimes Scene Technician) arrived at the residence and spoke with Rachael Brown. Sgt. Mosher read Rachael the search warrant and advised her of the area they wanted to search. Sgt. Olsen utilized an Omnicrome, FLS 5000 to search for possible semen deposits. The search encompassed the living room floor, sofa, and loveseat. Located on the sofa were pillows and blankets. Sgt. Olsen advised he located on the face of the sofa cushion a possible semen deposit. A second possible deposit was located on the top front corner of the loveseat cushion. Sgt. Mosher asked Rachael if they could cut the section of the cushion with the possible evidence. Rachael gave consent to cut a swatch of fabric from the cushions. Rachael spontaneously uttered, "To let you know, Jon and I have never had sex on the furniture". Sgt. Olsen collected the swatches and placed them into evidence at the Summerville Police Department. Sgt. Mosher left a copy of the Search Warrant and Return with Rachael Brown. Det. Gebhardt photographed the residence during the search warrant with Sgt. Mosher's department issued Nikon Coolpix P50 digital camera.

SUBJECT IDENTIFIED	SUBJECT LOCATED	<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM CLOSED	<input type="checkbox"/> ARRESTED UNDER 18	<input type="checkbox"/> EX-CLEAR 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-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY		APPROVING OFFICER		
REPORTING OFFICER(S)	DATE	UNIT NUMBER	DATE	UNIT NUMBER
Det. Sgt. J. Mosher	8/13/13	L-20	LT. J.L. Payer S.P.O.	08/20/2013 LB
FOLLOW UP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		OFFICER		
		08/20/2013 LB		

JUVENILE

CASE NUMBER 13-056168

ORIGINAL REPORT MODIFIED ORIGINAL SUPPLEMENTAL REPORT CASE STATUS CHANGE ADDITIONAL VICTIMS ADDITIONAL OFFENDERS ADDITIONAL STOLEN PROPERTY ADDITIONAL RECOVERED PROPERTY PAGE 5 OF 7 PAGES

July 30th and 31st, 2013, at approximately 1:45 pm, Forensic Interviewer, Danielle Nickles who is employed with the Dorchester Children's Center began a forensic interview with Lindsey Brown. Sgt. Mosher watched the interview via video surveillance as Ms. Usher and Lindsey spoke. During the interview, Lindsey stated; her daddy "Jon" got them up to watch Eloise. Jon gives her kisses on her "pee-pee", "lips" and "chest". Jon made her lick his "pee-pee" in her bedroom. Lindsey referred to the incident on July 28, 2013 stated Jon was touching Abigail's "pee-pee". Lindsey stated she demonstrated for Abigail by putting Jon's "pee-pee" in her mouth. Jon made them swear on a "Bible". Jon's "pee-pee" squirted "white juice" in Abigail's butt and in Lindsey's throat. Lindsey referred to how many times Jon has touched her in a sexual manner to be "100 times". Mom was out on the boat so she couldn't tell her. Rachael is employed by the United States Coast Guard. Lindsey stated Jon takes off his pants, takes off her shirt, panties, has put his finger in her "pee-pee", and has put his "pee-pee" in her butt. Jon has put soap on his finger and rubbed her "pee-pee". Lindsey described how Jon moves his "pee-pee" in and out, it was hard and yellow stuff came from his "pee-pee". Lindsey demonstrated how she touched Jon's penis by cupping one hand and making a back and forth motion. She then said she licks it like ice cream. She stated "Daddy made me pull down my pant and took pictures of my pee-pee". Lindsey stated Jon has taken pictures of his "pee-pee" more than one time. She stated Jon has made movies and taken pictures of her licking her "pee-pee". Lindsey stated Jon has used his phone to take pictures and videos along with other cameras. Lindsey stated, "Daddy makes me take off my clothes when he wants to do it with me". Lindsey defined "Do it" to be "Put his pee-pee in my butt". Lindsey stated she seen Jon in his bedroom with the cat "Skittles". Lindsey stated she saw her "Daddy's pee-pee" in Skittles' butt. Lindsey indicated since the age of "4" Jon has touched her in a sexual manner. Sgt. Mosher has evidence from Jon's phone to support the sexual assaults that occurred prior to July 28th, 2013. Numerous videos and picture taken in the day time hour support the allegations prior to July 28th, 2013. During one of the breaks, Lindsey was provided with markers and paper. Lindsey drew a picture of a large man with a big stomach and a smaller figure with long hair lying in front of the big man. Lindsey drew a penis on the man figure and the figure lying in front had the penis in the figures mouth. The drawing was maintained by Ms. Nickles' placed into her file. The aforementioned statements are only segments of the interview. Refer to the interview video and Ms. Nickles' report for additional details. Lindsey Kemper supplied Sgt. Mosher with a copy of the recorded interview which was then entered into evidence at the Summerville Police Department. *hand held photos*

July 30th, 2013, a Forensic interview was conducted on Nicole Brown by Danielle Nickles. Sgt. Mosher not present during the interview but was advised the interview was not very detailed due to the age of Nicole. Sgt. Mosher was supplied with a copy of the interview which was entered into evidence at the Summerville Police Department.

August 1st, 2013, Sgt. Mosher had Jonathan Brown brought to the Summerville Police Department for service of a Search Warrant for saliva. The search warrant signed by Judge Tucker was granted and based on the allegations set forth by the victims and by obtaining Jonathan Brown's DNA for comparison which would aid in the investigation. Sgt. Mosher and Det. Hoff met with Jonathan in the Booking Cell area of the Police Department. Sgt. Mosher read the search warrant to him aloud. Sgt. Mosher gave instruction on how the sample would be obtained. Jonathan Brown did not resist the request and spontaneously uttered the allegations within the warrant were not true. Sgt. Mosher advised Jonathan Brown he invoked his rights to counsel and the matter could not be discussed. Sgt. Mosher put on a new pair of latex gloves, and opened a new Buccal swab in front of Jonathan Brown.

SUBJECT IDENTIFIED	SUBJECT LOCATED	<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM CLOSED	<input type="checkbox"/> ARRESTED UNDER 18	<input type="checkbox"/> EX-CLEAR 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-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY		APPROVING OFFICER		
REPORTING OFFICER(S)	DATE	UNIT NUMBER	DATE	UNIT NUMBER
Det. Sgt. J. Mosher	8/13/13	L-20	LT. J.L. Payer S.P.O.	08/20/2013 LB
FOLLOW UP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		OFFICER		
		08/20/2013 LB		

JUVENILE

A. Evidence obtained prior to Lindsey disclosure which she clearly said in the "Play Room" in NC and I did things to her "here" is Summerville. She likes it.

5

AGENCY I.D. 0180200 SUPPLEMENTARY REPORT TOWN OF SUMMERVILLE POLICE DEPARTMENT

CASE NUMBER 13-056168 NCIC INQ. ENTD

ORIGINAL REPORT, SUPPLEMENTAL REPORT, ADDITIONAL VICTIMS, ADDITIONAL STOLEN PROPERTY, ADDITIONAL RECOVERED PROPERTY, PAGE 2 of 7 PAGES.

Abigail stated Jon licked his hand several times followed by wiping it on her private area. Abigail then stated Jon put his finger in her private area. Sgt. Mosher asked Abigail if anything else happened. Abigail stated Jon put his man part (referring to a Penis) in her butt and private area. Sgt. Mosher asked where they were when this happened. Abigail stated on the rug and couch. Abigail stated Jon then wanted Lindsey to lick his man part (referring to a Penis). Abigail stated she did not want to do that. When she refused, Abigail stated Jon told Lindsey, who was in the living room at the time, to demonstrate for her. Abigail stated Lindsey put Jon's man part in her mouth and began to suck on it. Abigail stated after the demonstration, Jon touched her some more. Abigail stated Jon took a picture of her privates with his phone. Sgt. Mosher asked Abigail to describe what Jon looked like when he had his clothes off. Abigail's response, "he's fat and hairy". Sgt. Mosher began limiting his questioning due to visibly noticing Abigail becoming uneasy. Sgt. Mosher did ask Abigail, how long was she being touched by Jon. Abigail stated about two hours. Sgt. Mosher stopped the questioning at that time. Sgt. Mosher allowed Abigail to speak about the incident in the manner she perceived the acts to take place and the time frames associated with the acts. Sgt. Mosher asked limited questions pertaining to the sequence of events other than the beginning and how long. During the interview, Abigail stated Jon took a picture of her private area with his phone during the sexual assault. Abigail described the phone to be rectangle shape and was multi colored on the back. Additional questioning will be completed by a Child Forensic Interviewer.

Sgt. Mosher went to room #12 where he met with Rachael Brown, Lindsey and Nicole. Sgt. Mosher introduced himself to Rachael and Lindsey. Sgt. Mosher requested permission from Rachael to speak with Lindsey. Rachael gave permission. Sgt. Mosher gave Rachael the option to stay in the room during questioning. The option was given due to the nature of the allegations. Rachael wished to be present during the interview. Sgt. Mosher began speaking with Lindsey who was also watching cartoons. Sgt. Mosher asked basic questions about family members, school, cartoons, etc. Sgt. Mosher found Lindsey to speak very well and articulate for a 6 year old. Sgt. Mosher asked Lindsey about what she did earlier that morning. Lindsey stated she watched "Eloise in the Summer Time". Sgt. Mosher asked if she saw anything happen to Abigail while watching the movie. Lindsey became quiet, covered her mouth and eyes with her hands and began snuggling into her mother's arms. Sgt. Mosher assured Lindsey she would not get into trouble for anything she said. Lindsey continued to grasp hold of her mother, who also assured Lindsey. Sgt. Mosher asked Lindsey if she wanted to whisper something to her mother. Lindsey shook her head yes. Lindsey started with she did not want to get her daddy in trouble or him to go to jail. Sgt. Mosher and Rachael assured Lindsey she would not get in trouble. Lindsey then whispered to Rachael who could be heard by Sgt. Mosher who was sitting approximately 4 feet from them, "daddy had his pants down and touched Abby's pee-pee". Sgt. Mosher asked Lindsey where they were when that happened. Lindsey stated in the living room. Sgt. Mosher asked Lindsey if anything else happened. Lindsey became quiet again and clung to her mother. Lindsey wanted to talk about other things in the room. Sgt. Mosher allowed her to talk and then repeated the question. Lindsey began whispering to her mother, "I demonstrate for Abby". Sgt. Mosher asked Lindsey what she demonstrated. Lindsey stated, "Rubbing his pee-pee". Lindsey then took both of her hands, interlocked her fingers and made a back and forth motion. Sgt. Mosher asked Lindsey if she did anything else. Lindsey stated she licked his pee-pee. Before concluding the interview with Lindsey, she stated Jon also licked Abby's pee-pee. Additional questioning will be completed by a Child Forensic Interviewer.

Abby never said that!

Form with fields: SUBJECT IDENTIFIED, SUBJECT LOCATED, ACTIVE, ADM. CLOSED, ARRESTED UNDER 18, EX-CLEAR UNDER 18, REASON FOR EXCEPTIONAL CLEARANCE, REPORTING OFFICER(S), DATE, UNIT NUMBER, APPROVING OFFICER, DATE, UNIT NUMBER, FOLLOW-UP INVESTIGATION.

JUVENILE

AGENCY I.D. 0180200 SUPPLEMENTARY REPORT TOWN OF SUMMERVILLE POLICE DEPARTMENT

CASE NUMBER 13-056138 NCIC INQ. ENTD

ORIGINAL REPORT, SUPPLEMENTAL REPORT, ADDITIONAL VICTIMS, ADDITIONAL STOLEN PROPERTY, ADDITIONAL RECOVERED PROPERTY, PAGE 3 of 7 PAGES.

Due to the allegation, corroborating several explicit acts described by Abigail and Lindsey, Sgt. Mosher found the allegation to have validity. Sgt. Mosher returned to the Summerville Police Department where he obtained two arrest warrants (Criminal Sexual Conduct w/ minors 1st Degree). The warrants were presented to Judge Tucker who signed the warrants. Sgt. Mosher, Sgt. Jones, Det. Gebhardt and Pfc. Terrenova arrived at 111 Walnut Creek Road in reference to locating and arresting Jonathan Brown. Sgt. Mosher and Sgt. Jones walked to the front door where they were met by Jonathan Brown. Jonathan Brown invited officers into the residence. Jonathan was handcuffed (Double locked and checked for fit) behind his back by Sgt. Jones. Sgt. Mosher read Jonathan Brown his Miranda Warnings to which he stated he understood. Jonathan Brown, his cell phone, key ring and identification were escorted to Pfc. Terrenova's patrol car. Jonathan Brown was transported to the Summerville Police Department for questioning and booking.

Jonathan Brown was brought to interview room #1, located at the Summerville Police Department. Sgt. Mosher and Det. Gebhart conducted the interview. Prior to the interview, Jonathan was offered something to drink. Jonathan declined stating he just wanted to get it behind him. Sgt. Mosher read Jonathan his Miranda Warning in written form. Sgt. Mosher read each line, followed by Jonathan initialing each section indicating he understood his rights. When Sgt. Mosher read section #5, (If I decide to answer questions or give a statement without having a lawyer present representing me, I have the absolute right during this interview to stop answering questions and to remain silent) to Jonathan, he paused and asked if it meant he could stop answering questions if he chose. Sgt. Mosher explained to him, he could stop the interview at any point if he chose too. Jonathan initialed the sections. He then signed advising he understood his rights that were read to him and also signed waiving his rights.

Sgt. Mosher asked where he was during the night of July 27th, 2013. Jonathan stated he was down the street at a friend's house where he consumed a few beers. Jonathan stated he returned home around 11:00-11:30 pm. Jonathan stated his wife (Rachael), Abigail and Lindsey were awake when he returned home but his wife went to bed shortly after. Sgt. Mosher asked who was in the living room with him. He stated he was alone with Abigail and Lindsey in the living room while they watched a "quirky kids show". Jonathan stated, "we, they fell asleep. I was half in it half out of it". Jonathan then stated he wanted to, "hang out, cuddle with the kids" and they were, "chilling out, lying around the house watching the movie". Jonathan stated they were on the couch with him being at one end, Lindsey on the other end and Abigail in the middle. Jonathan stated they fell asleep and sometime later he woke up and went to bed and believed Abigail did the same. Sgt. Mosher then asked Jonathan about the allegation being made towards him and he stated he did not want to talk anymore without an attorney. Sgt. Mosher stopped the interview, provided Jonathan with a copy of his Advisement of Rights Form. During the interview, Jonathan made comments about his life and marriage being over.

Sgt. Mosher found several similarities with Jonathan's statement and the statements of Abigail and Lindsey. All three were alone in the living room around the time of the incident, and they were watching a movie. Jonathan stated Abigail and he went to bed around the same time. In a statement provided by Mrs. Hagenow, Abigail disclosed to her that Jonathan sent her to bed after the sexual assault.

Form with fields: SUBJECT IDENTIFIED, SUBJECT LOCATED, ACTIVE, ADM. CLOSED, ARRESTED UNDER 18, EX-CLEAR UNDER 18, REASON FOR EXCEPTIONAL CLEARANCE, REPORTING OFFICER(S), DATE, UNIT NUMBER, APPROVING OFFICER, DATE, UNIT NUMBER, FOLLOW-UP INVESTIGATION.

JUVENILE

ICY I.D.
180200

SUPPLEMENTAL INCIDENT REPORT
SUMMERVILLE POLICE DEPARTMENT

CASE NUMBER
13-056168

ICY I.D.
180200

SUPPLEMENTAL INCIDENT REPORT
SUMMERVILLE POLICE DEPARTMENT

CASE NUMBER
13-056168

ORIGINAL REPORT SUPPLEMENTAL REPORT MODIFIES ORIGINAL ADDITIONAL VICTIMS ADDITIONAL OFFENDERS ADDITIONAL STOLEN PROPERTY ADDITIONAL RECOVERED PROPERTY PAGE 3 OF 5 PAGES

COMPLAINANT: **Brown, Lindsey Michelle**
 VICTIM #1: **32** (DOB: 02-03-81, ETH: N)
 SUBJECT #1: **507** (HEIGHT: 190, WEIGHT: 190, HAIR: Brn, EYES: Brn)
 ADDRESS: **111 Walnut Creek Road, Summerville, SC 29483**
 WANTED: WARRANT: ARREST: JAIL: SUMMONS:

COMPLAINANT: **Brown, Nicole Elizabeth**
 VICTIM #2: **4** (DOB: 07-29-09, ETH: N)
 SUBJECT #2: **304** (HEIGHT: 40, WEIGHT: 40, HAIR: Brn, EYES: Brn)
 ADDRESS: **111 Walnut Creek Road, Summerville, SC 29483**
 WANTED: WARRANT: ARREST: JAIL: SUMMONS:

R/O met with Hagenow, who provided the same description of the incident that Stimley provided. Hagenow stated, she and Stimley came into town on 07-24-2013 for the birthday parties of Lindsey and Nicole. R/O met with Stimley, Hagenow, and Cumbee in room #13 at SMC ER. R/O was advised by Stimley, the incident took place in the living room of Brown's residence. Stimley described the incident in detail while crying and holding Hagenow's hand. Stimley stated Brown, Lindsey and her were inside the living room with the lights off inside the residence watching a movie called "Eloise in the springtime" while sitting on the couch in the living room. Stimley stated, she believed Brown had been drinking alcohol because she could smell the alcohol on his breath but she did not see him drinking anything. Stimley stated, Brown told her and Lindsey that he wanted them to put something down, but she did not understand what he meant by that. Stimley stated Brown then began touching her around her breast area; Stimley demonstrated how Brown touched her by running her hand across her chest.

PHOTOGRAPHS TAKEN: YES NO

STATUS: STOLEN RECOVERED FOUND TOWED SUBJECT VICTIM

TYPE (GROUP): STOLEN DAMAGED BURIED RECOVERED

REASON FOR EXCEPTIONAL CLEARANCE: OFFENDER DEATH NO PROSECUTION EXTRAJURISDICTION VICTIM DECLINES COOPERATION JUVENILE IN CUSTODY

REPORTING OFFICER(S): **Pfc J. Jourdan** DATE: **07-28-13** UNIT NUMBER: **L-62**

APPROVING OFFICER: **[Signature]** DATE: **07-29-2013** UNIT NUMBER: **L-8**

JUVENILE

SFD-Supplemental 10404

ORIGINAL REPORT SUPPLEMENTAL REPORT MODIFIES ORIGINAL ADDITIONAL VICTIMS ADDITIONAL OFFENDERS ADDITIONAL STOLEN PROPERTY ADDITIONAL RECOVERED PROPERTY PAGE 4 OF 5 PAGES

COMPLAINANT: **Walters, Serona**
 VICTIM #1: **32** (DOB: 02-03-81, ETH: N)
 SUBJECT #1: **507** (HEIGHT: 190, WEIGHT: 190, HAIR: Brn, EYES: Brn)
 ADDRESS: **216 Orangeburg Road, Summerville, SC 29483**
 WANTED: WARRANT: ARREST: JAIL: SUMMONS:

COMPLAINANT: **JSS**
 VICTIM #2: **4** (DOB: 07-29-09, ETH: N)
 SUBJECT #2: **304** (HEIGHT: 40, WEIGHT: 40, HAIR: Brn, EYES: Brn)
 ADDRESS: **111 Walnut Creek Road, Summerville, SC 29483**
 WANTED: WARRANT: ARREST: JAIL: SUMMONS:

Stimley stated, Brown then began telling her to remove her clothing while Lindsey watched from the couch. Stimley stated, she did not want to remove her clothing and she asked him to not make her, but Brown insisted she remove all of her clothes and he then removed her underwear. Stimley stated, she attempted to run from Brown and he chased after her and grabbed a hold of her and did not let her go. Stimley stated, she began crying and Brown took her back to the couch. Stimley stated, after they returned to the couch, Brown began touching her butt and vagina area and he inserted his finger into her vagina. Stimley stated, Brown then asked her to do something but she would not disclose what he wanted her to do. R/O observed Stimley crying and continuing to hold Hagenow's hand. Stimley stated, Brown told

PHOTOGRAPHS TAKEN: YES NO

STATUS: STOLEN RECOVERED FOUND TOWED SUBJECT VICTIM

TYPE (GROUP): STOLEN DAMAGED BURIED RECOVERED

REASON FOR EXCEPTIONAL CLEARANCE: OFFENDER DEATH NO PROSECUTION EXTRAJURISDICTION VICTIM DECLINES COOPERATION JUVENILE IN CUSTODY

REPORTING OFFICER(S): **Pfc J. Jourdan** DATE: **07-28-13** UNIT NUMBER: **L-62**

APPROVING OFFICER: **[Signature]** DATE: **07-29-2013** UNIT NUMBER: **L-8**

JUVENILE

SFD-Supplemental 10404

INCIDENT TYPE: CSC with a Minor (36B)
 COMPLETED: YES NO FORCED ENTRY: YES NO PREMISE TYPE: 20- Residence
 UNITS ENTERED: [] TYPE VICTIM: Individual Business Financial Inst Government Relig. Orgn Soc. Public Other Unknown Police Off

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER): **Scotts Mill, 111 Walnut Creek Road**
 ZIP CODE: 29483 WEAPON TYPE: []

INCIDENT DATE: 07-28-13 24 HR CLOCK: 0100 TO: 0230 DATE: 07-28-13 24 HR CLOCK: 0817 TO: 0822 DEPART TIME: 1700 LOCATION: NWSL

COMPLAINANT NAME (LAST, FIRST, MIDDLE): **Cumbee, Rhonda** DATE OF BIRTH: 05-05-73 RELATIONSHIP TO SUBJECT: #1 OK #2 [] #3 [] RESIDENT: J S O U W F AGE: 40 ETH: N DAYTIME PHONE: 832-5160 EVENING PHONE: []

ADDRESS: 295 Midland Parkway City: Summerville STATE: SC ZIP CODE: 29485 LOCATION: SESL

VICTIMS NAME (LAST, FIRST, MIDDLE): **Stimley, Abigail Grace** RELATIONSHIP TO SUBJECT: #1 OF #2 [] #3 [] RESIDENT: J S O U W F AGE: 8 ETH: N DAYTIME PHONE: [] EVENING PHONE: []

HEIGHT: 307 WEIGHT: 45 HAIR: Blnd EYES: Blu DATE OF BIRTH: 10-16-04 FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC: []

ADDRESS: 696 West Nowak Drive City: Laporte STATE: IN ZIP CODE: 46350 LOCATION: OUT

VISIBLE INJURY: YES NO EXPLAIN: [] COMPLAINT OF ANY VISIBLE INJURIES: YES NO

VICTIM # 1 USING ALCOHOL: YES NO UNK. DRUGS: YES NO UNK. TYPE: []

SUSPECT: **Brown, Jonathan Michael** RACE: W SEX: M AGE: 31 ETH: N DATE OF BIRTH: 04-15-82 HEIGHT: 510 WEIGHT: 270 HAIR: Brn EYES: Grn

PHONE OR DRIVER'S LICENSE NUMBER: SC007904874/ 219-8774529 FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC: []

ADDRESS: 111 Walnut Creek Road City: Summerville STATE: SC ZIP CODE: 29483 LOCATION: NWSL

SUBJECT #1 USING ALCOHOL: YES NO UNK. ARRESTED NEAR OFFENSE SCENE: YES NO DATE TIME OF OFFENSE: [] DATE TIME OF ARREST: []

R/O (Reporting Officer) responded to Summerville Medical Center ER in reference to a sexual assault. R/O met with the complainant, Rhonda Cumbee, who is an on duty ER nurse. Cumbee stated, victim #1 who was later identified as Abigail Stimley (DOB 10-16-2004), was brought to the ER by her grandmother. Cumbee stated, Stimley's grandmother, Audrey Hagenow, advised Stimley disclosed to her in the vehicle that her uncle (Brown) had sexually assaulted her in the living room of his residence during the hours of 0100-0230 on 07-28-2013. Cumbee stated, Stimley advised her that Brown touched her private parts while inside the residence. Cumbee stated, Stimley advised her during the initial triage, Brown told her to keep her incident a secret and not to tell because he will lose his wife and kids. Cumbee stated, during Stimley's statements she was visibly crying and tearful holding her grandmother's hand. Cumbee stated, Stimley advised her that it hurt when she sees and Brown touched her butt and private parts.

ADMINISTRATIVE INFORMATION	PHOTOGRAPHS TAKEN	GPS Location (If Not Taken)	LATITUDE	LONGITUDE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	TOTAL VALUE
TYPE/GROUP	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>						
STOLEN							
DAMAGED							
UNTILTED							
RECOVERED							
SEIZED							

SUBJECT IDENTIFIED: YES NO SUBJECT LOCATED: YES NO ACTIVE: ADM CLOSED: ARRESTED UNDER 18: EX-CLEAR UNDER 18 AND OVER:

REPORTING OFFICER(S): Pfc J. Jourdan DATE: 07-28-13 UNIT NUMBER: L-62 APPROVING OFFICER: [Signature] DATE: 07-29-2013 UNIT NUMBER: L-8

SCIBRS: [Signature] 07-29-2013 L-8
 JUVENILE
 s → o.c.

ORIGINAL REPORT: YES MODIFIED ORIGINAL: SUPPLEMENTAL REPORT: CASE STATUS CHANGE: ADDITIONAL VICTIMS: ADDITIONAL OFFENDERS: ADDITIONAL STOLEN PROPERTY: ADDITIONAL RECOVERED PROPERTY: PAGE: 2 OF 5 PAGES

COMPLAINANT NAME (LAST, FIRST, MIDDLE): **Brown, Lindsey Rene** VICTIM RELATIONSHIP TO SUBJECT: #1 CH #2 [] #3 [] RESIDENT: J S O U W F AGE: 6 D.O.B.: 07-25-07 ETH: N

HEIGHT: 311 WEIGHT: 40 HAIR: Blnd EYES: Blu FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC: []

ADDRESS: 111 Walnut Creek Road City: Summerville STATE: SC ZIP CODE: 29483 LOCATION: NWSL DAY PHONE: [] EVENING PHONE: []

VICTIM NO 2: **Hagenow, Audrey** VISIBLE INJURY: YES NO COMPLAINT OF NON-VISIBLE INJURIES: YES NO VICTIM USING ALCOHOL: YES NO UNK. DRUGS: YES NO UNK. TYPE: []

ADDRESS: 509 180 1st Brn City: Laporte STATE: IN ZIP CODE: 46350 LOCATION: OUT DAY PHONE: 312-343-6111 EVENING PHONE: []

HEIGHT: 509 WEIGHT: 180 HAIR: Brn EYES: Brn FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC: []

ADDRESS: 3501 South 400 East Drive City: Laporte STATE: IN ZIP CODE: 46350 LOCATION: OUT DAY PHONE: 312-343-6111 EVENING PHONE: []

VICTIM NO 1: **Hagenow, Audrey** VISIBLE INJURY: YES NO COMPLAINT OF NON-VISIBLE INJURIES: YES NO VICTIM USING ALCOHOL: YES NO UNK. DRUGS: YES NO UNK. TYPE: []

ADDRESS: 3501 South 400 East Drive City: Laporte STATE: IN ZIP CODE: 46350 LOCATION: OUT DAY PHONE: 312-343-6111 EVENING PHONE: []

HEIGHT: 509 WEIGHT: 180 HAIR: Brn EYES: Brn FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC: []

ADDRESS: 3501 South 400 East Drive City: Laporte STATE: IN ZIP CODE: 46350 LOCATION: OUT DAY PHONE: 312-343-6111 EVENING PHONE: []

VICTIM NO 2: **Grandmother** VISIBLE INJURY: YES NO COMPLAINT OF NON-VISIBLE INJURIES: YES NO VICTIM USING ALCOHOL: YES NO UNK. DRUGS: YES NO UNK. TYPE: []

During the triage, Cumbee was advised by Hagenow that Stimley told her in the vehicle that the incident took place at Brown's residence and Stimley disclosed there was a second victim of the assault. Stimley advised Cumbee that her cousin, Victim #2 Lindsey Brown (DOB 07-25-2007), the daughter of Brown, was also assaulted during the same time period and on previous incidents. Cumbee stated, she completed the triage process and notified Dr. Carruther and SPD. Cumbee stated, she returned to the room with Stimley and Hagenow and Stimley advised her that she forgot to tell her something. Stimley stated to Cumbee, Brown took pictures of her private parts while using his cell phone. Stimley later described the cell phone as a multi colored case and that it was possibly a smartphone.

PHOTOGRAPHS TAKEN: YES NO GPS Location (If Not Taken): [] LATITUDE: [] LONGITUDE: [] JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY: [] JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY: []

STATUS / TYPE	TYPE	VIN AND/OR LICENSE NO	BOAT HULL NO AND/OR REG NO
STOLEN	VEHICLE		
RECOVERED	VEHICLE		
FOUND	VEHICLE		
SUSPECT	VEHICLE		
VICTIM	VEHICLE		

TYPE (GROUP)	TOTAL VALUE
STOLEN	
DAMAGED	
BURNED	
RECOVERED	
SEIZED	

SUBJECT IDENTIFIED: YES NO SUBJECT LOCATED: YES NO ACTIVE: ADM CLOSED: ARRESTED UNDER 18: EX-CLEAR UNDER 18 AND OVER:

REPORTING OFFICER(S): Pfc J. Jourdan DATE: 07-28-13 UNIT NUMBER: L-62 APPROVING OFFICER: [Signature] DATE: 07-29-2013 UNIT NUMBER: L-8

SCIBRS: [Signature] 07-29-2013 L-8
 JUVENILE

00

RETURN

I received the attached Search Warrant July 29th, 2013, and have executed it as follows:

On July 29th, 2013 at 11:15 o'clock AM, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with the phone Name of person searched or "at the place of search" with. Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

Copy of memory card contents; copy of contacts, calendar, files, call history, messages, and other data as described by forensic utility Secure View 3 by Susteen; SMS history, MMS history, call history, media store, browser history, and calendar as described by forensic utility Device Seizure by Paraben; deleted photo files and "all deleted files" from the micro SD card as described by file recovery utility RescuePRO Deluxe by SanDisk ///LAST ITEM//-----

This inventory was made in the presence of Det Gebhardt and

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this 31st day of July, 2013

[Signature] (L.S.)
Signature of Judge

9:34 AM

[Signature]
(Signature of Officer Executing Warrant)

Summerville Police Department
Evidence and Chain of Custody Report

OCA# 13-C54162

Date/Time (Recovered): 7/29/13 1354

Complainant: _____

Recovered By: Gebhardt

Suspect: Brown, Jonathan Address 111134th Ave D PH# 217-877 4527

Offense(s) charged or incident type: CSC MISC 1st

DESCRIPTION OF EVIDENCE/PROPERTY

1. Black & Red in color cell phone branded for Verizon Service

LATENT PROCESSING: Y HOLD FOR COURT: Y HOLD FOR SLED: Y DRUG PROCESSING: Y

Other Disposition _____

Chain of Custody

RECEIVED FROM: Brown

BY: Gebhardt

DATE: 7/29/13 TIME: 1354

REASON: Evidence

RECEIVED FROM: _____

BY: _____

DATE: _____ TIME: _____

REASON: _____

RECEIVED FROM: _____

BY: _____

DATE: _____ TIME: _____

REASON: _____

RECEIVED FROM: _____

BY: _____

DATE: _____ TIME: _____

REASON: _____

61

STATE OF SOUTH CAROLINA

AFFIDAVIT

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

CASE # 13-056168
SEARCH WARRANT

COUNTY OF DORCHESTER

ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF
THE MUNICIPALITY OF SUMMERVILLE :

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-23-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE, OR THING)
TO BE SEARCHED

SEE AFFIDAVIT

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

SEE AFFIDAVIT

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

ISSUING MAGISTRATE

Within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such persons as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

200 SOUTH MAIN STREET, SUMMERVILLE, S.C.

29 / 7

2013
9:54 AM

[Signature]
SIGNATURE OF JUDGE

(L.S.)

Sworn to and Subscribed before me
this 29 day of July, 2013
[Signature] (L.S.)

Affiant: *[Signature]*
Address: 300 West 2nd North St.
Summerville, SC 29483
Phone: 843-851-4100

DESCRIPTION OF PROPERTY SOUGHT

ANY AND ALL CELLULAR WIRELESS PHONE SYSTEMS, INCLUDING ANY ELECTRONIC, MAGNETIC, OPTICAL, OR OTHER DATA PROCESSING DEVICES PERFORMING LOGICAL, ARITHMETIC, OR ANY STORAGE FUNCTIONS OR DATA STORAGE FACILITIES. AS A RESULT OF THE EXECUTION OF THIS SEARCH WARRANT, A SEARCH FOR ANY AND ALL INFORMATION AND/OR DATA STORED ON ANY OF THE STORAGE SYSTEMS OR DEVICES WITHIN THE CELLULAR PHONE, A SEARCH OF ANY AND ALL STORED ELECTRONIC AND WIRE COMMUNICATIONS AND INFORMATION IN MEMORY WITHIN THE MOBILE DEVICE, INCLUDING, BUT NOT LIMITED TO, EMAIL, INSTANT MESSAGING, OR OTHER COMMUNICATIONS, AND INCLUDING ANY CONTENT THAT MAY BE SYNCHRONIZED TO OR ON THE DEVICE FROM ANY SERVICE OR APPLICATION UTILIZED BY THE SUBJECT AS OF THE DATE OF THE EXECUTION OF WARRANT.

DESCRIPTION OF PREMISES (PERSON, PLACE, OR THING)
TO BE SEARCHED

ONE BLACK AND RED IN COLOR CASIO GZONE COMMANDO CELL PHONE, MEID A100000AF30B7F.

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

THAT ON JULY 28th, 2013, OFFICERS WITH THE SUMMERVILLE POLICE DEPARTMENT MET WITH TWO JUVENILE VICTIMS AND THEIR GUARDIANS IN REFERENCE TO A SEXUAL ASSAULT THE VICTIMS STATED THAT SUSPECT BROWN SEXUALLY ASSAULTED THEM HOURS BEFORE IN THE LIVING ROOM OF 111 WALNUT CREEK DR IN THE TOWN OF SUMMERVILLE. ONE VICTIM STATED THAT BROWN ATTEMPTED TO PENETRATE HER VAGINA AND ANUS WITH HIS PENIS AND THE OTHER STATED BROWN MADE HER PERFORM FELLATIO ON HIM. BOTH VICTIMS' STATEMENTS WERE CORROBORATED BY THE OTHER. ONE OF THE VICTIMS STATED THAT BROWN WAS TAKING PICTURES WITH A CELL PHONE DURING THE INCIDENT. THE DEFENDANT WAS IN POSSESSION OF THE PHONE AT THE TIME OF HIS ARREST. DUE TO THE USE OF THE PHONE DURING THIS INCIDENT, IT IS THE AFFIANT'S BELIEF THAT ABOVE DESCRIBED MOBILE TELEPHONE MAY CONTAIN THE ABOVE INFORMATION SOUGHT AND IT IS VITAL TO THIS INVESTIGATION.

*Gebhardt never spoke to the victim!
He was NOT present at the Arrest
It's not what the 1 victim described*

40 J

VICTIMS: LINDSAY BROWN
1986 STEADY

DORCHESTER COUNTY DETENTION CENTER

DORCHESTER COUNTY DETENTION CENTER VISITATION LIST

VISITATION LIST

Inmate Name: BROWN, JONATHAN D.O.B.: 4/15/1982 Date: 2/5/2014

Inmate Name: BROWN, JONATHAN Date: 07/30/2013

This list will be used for your initial Visitation Form. Although you must be here seven (7) days before you will be eligible to receive a visit. You may submit changes once a month, at the end of the month, on a Request Form. Each visit will be 30 minutes long and two visitors per day. Give first and last name, phone number at relationship.

This list will be used for your initial Visitation Form. Although you must be here seven (7) days before you will be eligible to receive a visit. You may submit changes once a month, at the end of the month, on a Request Form. Each visit will be 30 minutes long and two visitors per day and two visits per week. Give first and last name, phone number and relationship.

1. First Name: <u>M. Chel</u> Last Name: <u>Brown</u> Relationship: <u>DAD</u> Phone Number: _____ DL#: _____	Copy of I.D. has been taken and is on file YES NO Officers Initials: _____
2. First Name: <u>JUSTIN</u> Last Name: <u>LORD</u> Relationship: <u>FATHER</u> Phone Number: _____ DL#: _____	Copy of I.D. has been taken and is on file YES NO Officers Initials: _____
3. First Name: <u>Rachel</u> Last Name: <u>Brown</u> Relationship: <u>WIFE</u> Phone Number: _____ DL#: _____	Copy of I.D. has been taken and is on file YES NO Officers Initials: _____
4. First Name: <u>Rebecca</u> Last Name: <u>Brown</u> Relationship: <u>STEP MOM</u> Phone Number: _____ DL#: _____	Copy of I.D. has been taken and is on file YES NO Officers Initials: _____
5. First Name: _____ Last Name: _____ Relationship: _____ Phone Number: _____ DL#: _____	Copy of I.D. has been taken and is on file YES NO Officers Initials: _____
6. First Name: _____ Last Name: _____ Relationship: _____ Phone Number: _____ DL#: _____	Copy of I.D. has been taken and is on file YES NO Officers Initials: _____

1. First Name: <u>Justin Lord</u> Last Name: <u>LORD</u> Relationship: <u>FATHER</u> Phone Number: _____ DL#: _____	Copy of I.D. has been taken and is on file YES NO Officers Initials: _____
2. First Name: <u>Rachel Brown</u> Last Name: <u>Brown</u> Relationship: <u>WIFE</u> Phone Number: <u>203-977-4502</u> DL#: _____	Copy of I.D. has been taken and is on file YES NO Officers Initials: _____
3. First Name: <u>Michael</u> Last Name: <u>Brown</u> Relationship: <u>SON</u> Phone Number: _____ DL#: _____	Copy of I.D. has been taken and is on file YES NO Officers Initials: _____
4. First Name: _____ Last Name: _____ Relationship: _____ Phone Number: _____ DL#: _____	Copy of I.D. has been taken and is on file YES NO Officers Initials: _____
5. First Name: _____ Last Name: _____ Relationship: _____ Phone Number: _____ DL#: _____	Copy of I.D. has been taken and is on file YES NO Officers Initials: _____
6. First Name: _____ Last Name: _____ Relationship: _____ Phone Number: _____ DL#: _____	Copy of I.D. has been taken and is on file YES NO Officers Initials: _____

PASTORAL VISITATION: Members of the clergy must show credentials, ordination papers, or some official ID depicting their position. Pastoral Visits will be conducted during regular visiting hours.

PASTORAL VISITATION: Each pastor/priest requesting to see an inmate should do so by calling the Team Leader to schedule a visit. Members of the clergy must show credentials, ordination papers, or some official ID depicting their position. The inmate may refuse a pastoral visit request. Note: Neither tobacco products nor cell phones are allowed in visitation area with inmates. Pastors must open all brief cases for visual check for contraband items.

7. First Name: _____ Last Name: _____ Phone Number: _____ DL#: _____	Copy of I.D. has been taken and is on file YES NO Officers Initials: _____
--	--

7. First Name: _____ Last Name: _____ Relationship: _____ Phone Number: _____ DL#: _____	Copy of I.D. has been taken and is on file YES NO Officers Initials: _____
---	--

Jonathan M. Brown 360660
430 Oak Lawn Rd
Pelzer SC 29909

AMS

South Carolina Supreme Court
PO Box 11330
Columbia SC 29201

RECEIVED

JUN 14 2016

P.C.I. MAILROOM

LEGAL MAIL