

**South Carolina State Supreme Court**

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**Appellate case No: 2017-000710**

**Appeal of Lower Court Case No: 2016-CP-23-02641**

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**Travis Centell Abercrombie**

**SCDC No: 351630**

**Appellant**

**V.**

**The State Of South Carolina**

**Respondent**

**RECEIVED**

**APR 27 2017**

**S.C. SUPREME COURT<sup>1</sup>**

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STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )  
Travis Centell Abercrombie )  
SCDC# 351630 )  
Appellant, )  
VS )  
The State of South )  
Carolina )  
Respondent. )

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IN THE STATE SUPREME COURT  
THIRTEENTH JUDICIAL CIRCUIT

Appellate case No: 2017-000710

Appeal of Civil Case Judgment  
Honorable Brooks P. Goldsmith  
Case no: 2016CP23026416

Reason and Explanation of/for Appeal

May it please the court. Your Honor, during the Appellant's last hearing regarding the basis of his newly discovered evidence, the Appellant's counsel misspoke causing the Honorable Judge, Brooks P. Goldsmith, who presided over the hearing, to rule against the Appellant. It was stated by counsel that the basis of the Appellant's newly discovered evidence was, essentially that the appellant's trial counsel had been able to view all the evidence and the Appellant did not. (Emphasis mine) This was not the Appellant's claim of new evidence and counsel was reprimanded by the Appellant regarding statements made which brought upon the Appellant an undesirable result. After the said reprimand counsel was asked by Appellant if he (Appellant) could speak to the Judge and correct the statement, but the Appellant was directed by counsel to wait for an appeal instead of simply correcting the incorrect statements on February 22, 2017.

The following is the evidence that the Appellant expected counsel to present to the court during the hearing held on February 22, 2017, having been given all the needed information to win the said hearing more than twenty minutes before:

Newly Discovered Evidence Defined

According to South Carolina Code Ann. § 17-27-45(c): “If an applicant contends that there is evidence of material facts not previously presented and heard that requires vacation of the conviction or sentence, the applicant must be filed under this chapter within one year after the date of actual discovery of facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence.”

In light of this chapter my evidence is as follows:

1. The material evidence introduced was misrepresented to the court bringing an undesired end to the Appellant’s trial hearing. Such an action was allowed by Appellant’s counsel at the time, Randall Chambers, Esq. who in tandem with Solicitor Kristie Hodge concealed the existence of the said phone records.
2. The material evidence introduced was said to be nonexistent *before* and *during* the trial until the lunch break; after which it was introduced by Asst. Solicitor Kristie Hodge and allowed by Randall Chambers Esq. Because of the statements made by Solicitor Hodge (“that the text messages were sent to her office by Verizon wireless

during the trial lunch break via e-mail.”) the misrepresented evidence was called (by the Solicitor) and deemed (by the court) as “new evidence” that was neither seen or made aware to anyone involved in the ongoing criminal trial.

3. The identity of the text messages and/or the validity and admissibility of the messages was grossly distorted by the Solicitor’s testimony to the court. Solicitor Kristie Hodge’s and Randall Chamber’s misconduct was purposeful with the intent of gaining a guilty plea from the Appellant and was exercised in a manner that restrained the court’s force and effect of justice; bringing the courts and its officers into disrepute.
4. The contents of the Appellant’s Attorney-Client file received March, 2016 show that the text messages used to perjure the trial on July 18, 2012 were in fact received by the State in April, 2010.
5. Other Substantial and Material Evidence is presented as follows:
  - a. Two preservation orders dated April, 2010 showing that the State had the records preserved by way of court order. (These particular items have yet to be returned by Rodney Richey, Esq. even though I have requested their return at least 3 times since the February 2017 motion hearing; (b) shows their existence. Note they were presented as evidence at the February hearing and may be on the record.)

- b. Rule 5 cover letter addressed to Mr. Randall Chambers, Esq. dated July 5, 2012 from Asst. Solicitor Kristie Hodge shows that there existed, prior to the trial, a copy of cell phone records for both the Applicant's number and the alleged victim's number. (Note number 3 and 5; 4 and 7 of the two page document.)
- c. Greenville County sheriff's Office supplemental report page 2, the end of first paragraph where it states... "she (Mrs. Abercrombie) called Verizon but they would not give her any texts messages that the suspect made. She stated (to the present investigator) that she was told they (Verizon Wireless) only kept the messages for 5 days." Emphasis—Five days being the max; not the minimum.
- d. Greenville County Department of Public Safety Criminal Justice Support—Property Report dated April 22, 2010 @ 10:00 shows that, a "700MB Compact disc w/864-704-2809 (records) from Verizon wireless w/corresponding paperwork (preservation order/order of records/information sheets in envelope" was received by the state.
- e. Verizon Wireless Privacy Policy (bottom of page 16 -- top of page 17 first bullet point) shows the method by which the private information of customers is to be procured for legal purposes. (Note that this would be consistent with how the state came in

contact with the information in April, 2010, but unacceptably inconsistent with how the state came in contact with the same information allegedly through e-mails from Verizon Wireless on July 18<sup>th</sup>, 2012 during the Applicant's criminal trial.)

- f. Department of Justice: Retention Periods of Major Cellular Service Providers (data gathered by the Computer Crime and Intellectual Property Section, U.S. Department of Justice) Page 1 of 1; first column, fifth item labeled Text Message Content under Verizon reads...[retention period] "3-5 days." (Retention period records from the Department of Justice were acquired on or around March the 20<sup>th</sup>, 2017; after February motion hearing and clearly disprove the state's claim of new evidence during the trial hearing.)

## Statement and Summary

Everything previously stated and backed by evidence goes to show that the argument of *Newly Discovered Evidence* has been met since the true identity, validity and admissibility of the material evidence was not previously presented and heard. Had these facts been made aware to the Appellant and or the Judge in the criminal trial case—the evidence (Text messages) would have been barred from use in the criminal trial, Asst. Solicitor Kristie Hodge would have been held in contempt of court for defrauding the Appellant and the court of a fair and just hearing which is guaranteed by the U.S. Constitution, and the trial would have resulted in a mistrial/dismissal of the criminal charges brought against the Appellant. The State's whole case/desired results for the case were predicated upon the Asst. Solicitor's successful misrepresentation of the material evidence (Verizon text messages). The fact that the Asst. Solicitor concealed by artifice the true identity, validity and admissibility of the material evidence instead of simply presenting them in on the record with the other Verizon phones records (which were also misrepresented at their introduction because they were said to be nonexistent until a week before the trial hearing) shows the State's intent was to place in the way of the Appellant an unforeseeable obstacle that prejudiced the Appellant's trial hearing; being that Verizon only held the text messages for 3-5 days and not 2 years and three months as was presented to the court. That obstacle was used to force the Appellant to make an either/or choice of 10 years @ 85% or Life without parole; a

choice that was not going to be considered as an option by the Appellant seeing that he had already chosen a trial and turned down two prior pleas for 10 years @ 85%.

I ask that the court please keep in mind when ruling on this case/appeal that the above information was not acquired by the Appellant (Travis Centell Abercrombie) until March of 2016. (Cf. Original response to the State's Motion to Dismiss where a hearing was granted by a judge; he having considered what was presented by the Appellant) Immediately after this information was found the Appellant filed a PCR Application under "Discovery Rule" (before March 2017) which is in compliance with South Carolina Code Ann. § 17-27-45(c).

An Evidentiary hearing is requested so that all the facts of this case can be heard and the ill effects of the text messages' use during the trial hearing in question can be laid out before the court and ruled upon rightly.

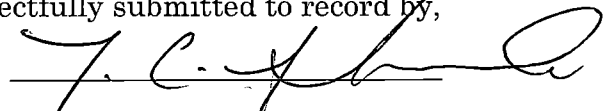
I ask that the court be mindful that the question is not whether or not the application is timely and/or successive (as was ruled by the Honorable Judge, Brooks P. Goldsmith) but whether or not the evidence hereby presented warrants "vacation of the conviction or sentence" with or without prejudice, or presents cause for an Evidentiary hearing to be granted to the Appellant on the above stated arguments.

Cc:

The Honorable Daniel E. Shearouse  
Clerk of The South Carolina Supreme Court

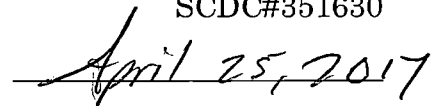
File//

Respectfully submitted to record by,



Travis Centell Abercrombie

SCDC#351630



Date

SWORN or affirmed to and subscribed  
before me this 25<sup>th</sup> day of April,  
2017.



Notary Public

My Commission Expires: December 22 2018

Appendix material:

The following has been pulled to show that the judge (The Honorable Frank R. Addy, Jr.) in the Appellant's trial was indeed misled by the misrepresentation of the phone records by Asst. Solicitor Kristie Hodge, and the allowance of said misrepresentation by Randall Chambers, Esq. on July 18-19, 2012:

The court: what was told to me at the bench was that, essentially, the State has now been able to obtain the actual content of the text messages which were exchanged, supposedly, between the Defendant and the victim in the case.

And prior to receiving this, it had been represented to me that the State was only able to get confirmation that e-mails had been exchanged. The actual content of those—or rather, texts had been exchanged. The actual contents of those texts, they could not—supposedly, the phone company couldn't locate. (Transcript of record page 141; line 20—page 142; line 5)

The court: I'd like to make a record of what was—what the occasion for the delay in the trial. I was approached at the bench conference before I dismissed the jury. I was approached by the Solicitor and Mr. Charles [sic] (*Chambers*). And I was informed by Ms. Hodge that, essentially, the State has, actually, been able to obtain the contents of the text messages which were exchanged between the Defendant and the purported victim in this particular case. The Solicitor, at that time, had not

even had an opportunity to review the text messages. So we took a break so that she and the Defense attorney might have the opportunity to do so.

They have now reviewed the text messages. I have seen some of them. And, certainly, there's evidence there which I'm inclined to believe the Defendant would have rather known about as opposed to not having known about.

From all representations to me, this does not appear to be any sort of situation where the prosecutor was attempting to sandbag the Defendant. It was explained to me by Ms. Hodge that her investigator had just now gotten the actual contents of those text messages. So this is not a situation in my mind—and we may need to make a record or take testimony to that effect. But this is not a situation where it's intentional prosecutorial misconduct in trying to sandbag the defense.

**(Transcript of record bottom of page 142; line 22—page 143; line 21)**

Ms. Hodge: thank you, your honor. As you, obviously, are aware, we were about mid-trial. We received some of the text messages that we had requested over a year ago, and that caused the continuance in the case.

This morning, the Defendant stated he would like to plead guilty and accept the state's offer of a recommendation of 10 years and a dismissal of his other set of charges. **(Transcript of record page 149; line 6—14)**

The Court: Again—and I think this is reflected in the record from yesterday. But it was quite a surprise to all concerned, I believe, that the investigator with the solicitor's office was, actually, able to obtain the contents of the text messages which were exchanged. And certainly, that was new information which had not been made privy to anyone involved in this particular case up until lunchtime yesterday.

**(Transcript of record page 153; line 9—16)**

The Court : The research that I conducted last night indicated that the court's options would have been precisely what you described, to offer a continuance. My options, essentially, would have been to bar the State from introducing the evidence at trial. I indicated to y'all I believe, privately that I did not think that that was entirely fair. Because, obviously, it is evidence which would aid the jury in determining the facts.

So an absolute bar—absent some evidence of prosecutorial misconduct which is non-existent in this case, an absolute bar of the use of the evidence would not be appropriate. In light of the procedural posture that we were in yesterday, the surprise nature of everything, continuance would not have aided your client. It would not have seemed to be terribly fair.

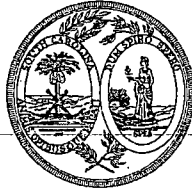
So even if you had moved to exclude the evidence, my inclination—and this was confirmed with the research that I did last night, and the research my clerk conducted, and our discussions this morning, I would not have barred the State

from using the evidence. A continuance would not necessarily assist you. But, certainly, going forward with this case based on the posture that we were in and the belief that these—that the contents of these messages did not exist, that would not have been fair to anyone concerned. **(Transcript of record page 155; line 10—page 156; line 9)**

End of excerpted record

State of South Carolina  
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647  
Telefax: 864-467-8610



Greenville County Courthouse  
305 E. North Street, Suite 325  
Greenville, SC 29601-2185

Solicitor  
W. Walter Wilkins

July 5, 2012

Randall Chambers, Esq.  
804 Laurens Road  
Greenville, SC 29607-1915

Re: STATE OF SOUTH CAROLINA vs. TRAVIS CENTELL ABERCROMBIE  
Warrant/Ticket # (s) I479552

Dear Mr. Chambers:

Pursuant to Rule 5 (C) South Carolina Rules of Criminal Procedure, Continuing Duty to Disclose, the State has recently received additional evidence or material previously requested or ordered, which is subject to discovery or inspection under this rule. The additional discovery is as follows:

1. Copy of a statement from Diamond Olandrea Bolling datd 4/13/2010, 6 pages. ✓
2. Copy of an Affidavit from Inv. Lorraine Henderson dated 4/13/2010, 1 page. ✓
3. Copy of the Order for Production of Records for Cellco (Verizon Wireless) 864-704-2809, 1 page. ✓
4. GCSO Preservation Order dated 4/14/2010, 1 page. ✓
5. Copy of the Order for Production of Records for Cellco (Verizon Wireless) 864-238-6296, 1 page. ✓
6. Copy of an Affidavit from Inv. Lorraine Henderson dated 4/14/2010, 1 page. ✓
7. GCSO Preservation Order, dated 4/14/2010, 1 page. ✓
8. GCSO Supplemental Report by Officer James Perry dated 12/17/2010, 1 page. ✓
9. GCSO Supplemental Report by Officer Lorraine Henderson dated 2/14/2011, 1 page. ✓

Please note that the State may introduce video recording(s) relevant to this case, which are also available for viewing and downloading on the internet, at [www.greenvillecounty.org](http://www.greenvillecounty.org), using the attorney log-in screen in the Solicitor's Department. Instructions for downloading and viewing video(s) can be found at the log-in screen. Please let me know if you have problems accessing this information, and I will assist you. (VIDEO AVAILABLE IN GREENVILLE COUNTY CASES ONLY AT THIS TIME). There may also be a 911 recording available in this case. Please provide a blank CD to receive a copy. Otherwise, you may contact my investigator to make an appointment to listen to the recording.

If you have any questions regarding this defendant's case(s) or need any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Hodge", written in a cursive style.

Kris Hodge

Assistant Solicitor

State of South Carolina  
Solicitor, Thirteenth Judicial Circuit

13th Circuit Public Defender

JUN 28 2012

Initials: JB

Telephone: 864-467-8647  
Telefax: 864-467-8610



Greenville County Courthouse  
305 E. North Street, Suite 325  
Greenville, SC 29601-2185

Solicitor  
W. Walter Wilkins

June 13, 2012

Randall Chambers, Esq.  
804 Laurens Road  
Greenville, SC 29607-1915

Re: STATE OF SOUTH CAROLINA vs. TRAVIS CENTELL ABERCROMBIE  
Criminal Sexual Conduct With Minor      Warrant/Ticket # (s) I479552

Dear Mr. Chambers:

Pursuant to Rule 5 (C) South Carolina Rules of Criminal Procedure, Continuing Duty to Disclose, the State has recently received additional evidence or material previously requested or ordered, which is subject to discovery or inspection under this rule. The additional discovery is copied as follows:

1. SLED Sexual Assault Examination Protocol, dated 4/13/10, 6 pages; ✓
2. GCSO P&E Report by Impounding Officer Henderson, dated 2/14/11, 1 page; ✓
3. GCSO P&E Report by Impounding Officer Henderson, dated 12/28/10, 1 page. ✓
4. CD containing photos of text messages on victim's phone.
- 5. Supplemental Report by Officer Gambel dated 6/13/2012, 1 page.

Please note that the State may introduce video recording(s) relevant to this case, which are also available for viewing and downloading on the internet, at [www.greenvillecounty.org](http://www.greenvillecounty.org), using the attorney log-in screen in the Solicitor's Department. Instructions for downloading and viewing video(s) can be found at the log-in screen. Please let me know if you have problems accessing this information, and I will assist you. (VIDEO AVAILABLE IN GREENVILLE COUNTY CASES ONLY AT THIS TIME). There may also be a 911 recording available in this case. Please provide a blank CD to receive a copy. Otherwise, you may contact my investigator to make an appointment to listen to the recording.

If you have any questions regarding this defendant's case(s) or need any further assistance, please do not hesitate to contact me.

Sincerely,

Kris Hodge  
Assistant Solicitor

**Greenville County Department of Public Safety  
Criminal Justice Support-Property Report**

- 1 - Greenville SO
- 2 - Greenville PD
- DPS - Detention
- Other \_\_\_\_\_

1. Status - Check one only:  Found  Safekeeping  
 GS Evidence  MM Evidence  Recovered  Seizure/FF  Other \_\_\_\_\_

2. Case No. **F-10-57780**

3. Date and Time Impounded **12-30-10 1400** **It is mandatory to submit a laboratory analysis request form for all articles requiring laboratory or forensic processing.** P & E use only **VC** 4. Case Type **Sex Crime**

5. Found or Recovered From  Location  Suspect  Complainant  Victim  
 Person reporting  AKA  Other \_\_\_\_\_

6. Where property was impounded (Give exact location - address)  
**301 University Ridge Suite 5200  
 Greenville S.C. 29607**

7. Owner's Name **James Perry** 8. Owner's Address \_\_\_\_\_ 9. Owner's Phone # \_\_\_\_\_

10. Item #	11. Quantity	12. Description (include make, model, serial numbers and drug weights)	13. NCIC Hit	
			Yes	No
LH-1	1	One CD-R imitation Cell phone report		

**Case #: 012010057780**

**Item #: LH-1**



Barcode #: 1010895

Type: COMPACT DISC (CD)

Desc: ONE CD-R CELL PHONE REPORT

UNLOADED FIREARM VERIFICATION:  UFCV (clerk verified) \_\_\_\_\_  UFOV (officer verified) \_\_\_\_\_

Initials \_\_\_\_\_ Date \_\_\_\_\_ Initials \_\_\_\_\_ Date \_\_\_\_\_

Drug weight/grams \_\_\_\_\_ Officer's initials \_\_\_\_\_ P & E Use only Gross weight \_\_\_\_\_ Evidence clerk's initials \_\_\_\_\_

14. I hereby acknowledge that the above lists represent all property taken from my possession and that I have received a copy of this report.

15. Impounding Officer (print full name) **L. Henderson** 16. Star No. **1166** 17. Unit No. **630**

18. Signature **L. Henderson** 19. Investigating Officer **L. Henderson**

20. Received by (print name)	21. Signature	22. Reason	23. Date and Time Received
<b>Norman Henderson</b>	<b>N. Henderson</b>	<b>Drop box</b>	<b>12-30-10 @ 6:30 PM</b>
<b>TFRICKS</b>	<b>TFRICKS</b>	<b>PE STORAGE</b>	<b>01-03-11 0931</b>

**AUTHORIZATION FOR DISPOSITION: It is the authorizing officer's responsibility to notify owners to claim property.**

**TYPE OF DISPOSITION:**  
 Cleared for destruction/auction Items \_\_\_\_\_  
 Release item #s \_\_\_\_\_ to: \_\_\_\_\_

**AUTHORIZED BY:**  
 Name (print) \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

Firearm Release verification: \_\_\_\_\_  
 NCIC/CCH check: \_\_\_\_\_

Original Report   
  Status Change   
  Additional Victims   
  Additional Stolen Property   
 Incident Type 0396 - Criminal Sexual Conduct W/Minr 2nd Degree  
 Supplemental Report   
  Other Report   
  Additional Defendants   
  Additional Recovered Property   
 Patrol District 03    Page 1 of 1 Pages

**I. D. OVERFLOW**

Complainant   
  Victim   
  Subject # 1   
  Runaway   
  Wanted   
  Arrest   
  Missing   
  Jail   
  Other

Subject's Name (Last, first, Middle) Abercrombie, Travis Centell  
 Address 4001 Pelham Rd 34  
 City Greer    State SC    Zip Code 29650    Patrol District 03A  
 Height 602    Weight 190    Hair Blk    Eyes Bro    Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

Victim Relationship To Subject \_\_\_\_\_    Ethnicity N    Resident J    Race B    Sex M    Age 22    Date of Birth 05/23/1987  
 Evening Phone \_\_\_\_\_

Victim No. \_\_\_\_\_    Visible Injury  Yes  No    Complaint of any Non-Visible Injuries  Yes  No    Victim Using Alcohol  Yes  No  Unk    Two-Man Veh  One Man Veh  ALONE   
 Explain: \_\_\_\_\_    Drugs  No  Yes    Type: \_\_\_\_\_    Detective  Other  ASSISTED

Subject No. 1    Using Alcohol  No  Yes  Unk     Arrested on Current Offense  
 Using Drugs  No  Yes    Type: \_\_\_\_\_     Unk     Cleared By Arrest on Prior Offense

Arrestee Armed  Yes  No    Weapon Type \_\_\_\_\_     On View Arrest     Summoned     Custody  
 Juvenile Disposition  Handled Released     Referred To Other Authority  
 Arrest Location \_\_\_\_\_    Gang Affiliation: NG - Not Gang Related

**NARRATIVE:**  
 On 17 December 2010, after having earlier received a Samsung model SCH-R451C cell phone from Investigator Henderson, along with a consent to search I began a data retrieval of the cell phone. I used the cell phone forensic tool Cellebrite. However, once the cell phone was connected to the Cellebrite machine it was determined that Cellebrite could not read and recognize this cell phone, which is not uncommon with the prepaid cell phone, like this one. Therefore, the only other alternative was to manually capture the information on the cell phone. Using a Sony digital camera with a macro setting I began photographing the text messages. I also photographed the contacts that were related to the names listed on the text messages. I also photographed some of the contacts in the contact list. One example is a text message that listed Shun as the sender I went to the cell phone contact list and photographed the corresponding phone number that was related to Shun. I did this for all the text messages that had person's names instead of listing the phone number. The digital photos were placed on a CD and placed into P & E. A working copy of the CD was given to Inv. Henderson for further investigation.

**NARRATIVE**

No further action by this Investigator at this time.....

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

**ADMIN**

Subject Identified  Yes  No    Subject Located  Yes  No     Active     Admin Closed     Arrested Under 18     Ex-Cleared Under 18  
 Unfounded     Arrested 18 and Over     Ex-Cleared 18 and Over

Reason For Exceptional Clearance  Offender Death     No Prosecution     Victim Declines Cooperation     Extradition Denied     Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
PERRY, JAMES	12/17/2010	660 / 00384	SGT. SCOTT MATHENY	12/17/2010	603 / 00227
		/	Follow Up Investigation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    (Officer) HENDERSON, LORRAINE	12/17/2010	630 / 00166

① 17-11 E

ORIGINAL REPORT   
  STATUS CHANGE   
  ADDITIONAL VICTIMS   
  ADDITIONAL STOLEN PROPERTY   
 INCIDENT TYPE Criminal Sexual Conduct w/a Minor  
 SUPPLEMENTAL REPORT   
  OTHER   
  ADDITIONAL OFFENDERS   
  ADDITIONAL RECOVERED PROPERTY   
 PATROL DISTRICT 03A   
 PAGE 2 OF 4 PAGES

THIS R/O SPOKE WITH WITNESS AISHA ABERCROMBIE B/F [REDACTED], SHE WAS GIVING EXCITED UTTERING ON EVERYTHING. SHE WAS UPSET WITH THE SUSPECT. THIS R/O ASKED HER FOR HER PHONE NUMBER AND SHE GAVE THIS R/O [REDACTED] AND R/O THEN ASKED IF R/O COULD GET HIS TELEPHONE NUMBER AND SHE STATED THAT R/O COULD GET WHAT R/O NEEDED BECAUSE HE NEEDED TO BE PUNISHED. SHE STATED THE NUMBER WAS 704-2809. SHE WAS ASKED ABOUT HIS SERVICE. SHE STATED THAT HIS SERVICE WAS WITH VERIZON AND IT WAS IN TRAVIS C. ABERCROMBIE. SHE STATED THAT SHE HAD WENT TO VERIZON WEBSITE BUT SHE COULD NOT GET THE MESSAGE. SHE CALLED VERIZON BUT THEY WOULD NOT GIVE HER ANY TEXT MESSAGES THAT THE SUSPECT MADE. SHE STATED THAT SHE WAS TOLD THEY ONLY KEPT THE MESSAGES FOR 5 DAYS.

THE WITNESS STATED ON THE DAY IN QUESTION SHE WENT TO WORK AT 4:00 - 8:00 P.M. SHE STATED THAT SHE LEFT WORK ABOUT 8:30 P.M., HER SISTER HAD BORROWED HER CAR. SHE STATED THAT THE SUSPECT CALLED HER AND TOLD HER TO STOP BY THE WALMART AND GET MACARONI NOODLES BECAUSE HE WANTED A MACARONI PIE FOR DINNER. SHE STATED THAT SHE USUALLY TRY TO MAKE WHAT THEY WANT FOR DINNER. SHE STATED THAT SHE HAD WENT TO THE DOLLAR STORE AND GOT THE NOODLES BUT SHE TOLD HIM THAT SHE WOULD GO TO THE STORE. SHE STATED THAT SHE IS AFRAID OF BUGS AND A BEETLE BUG GOT IN HER CAR SO SHE HAD TO PULL OVER TO TRY AND KILL THE BUG. SHE STATED THAT HE GOT AWAY AND SHE HAD PULLED OVER THREE TIMES TO KILL THE BUT. SHE STATED THAT SHE FIRST CALLED HIM ABOUT 8:20 P.M. SHE STATED THAT HIS FIRST MESSAGE WAS 8:16 AND HIS LAST MESSAGE WAS 9:32 P.M. AND SHE GOT A TEXT ON THE WAY HOME AND IT WAS HIM ASKING WHAT WAS TAKING SO LONG. SHE STATED THAT SHE GOT HOME AND USUALLY WHEN SHE GOT GROCERIES THE SUSPECT WILL COME OUT AND HELP. SHE STATED THAT NO ONE CAME OUT OF THE HOUSE TO HELP HER GET THE GROCERIES. SHE STATED THAT SHE GOT THE GROCERIES OUT OF THE CAR AND SHE WENT AND KICKED ON THE DOOR. SHE STATED THAT THE VICTIM CAME TO THE DOOR AND THE SUSPECT WAS PUTTING A STROLLER TOGETHER. SHE STATED THAT SHE COOKED AND THEY ATE AROUND 11:15 THAT NIGHT.

THE WITNESS STATED THAT THE VICTIM STAYED ALL NIGHT DUE TO HER KEYS LOCKED IN THE HOUSE. SHE STATED THAT SHE HAD BEEN THERE SINCE SUNDAY. SHE STATED ON THAT MORNING SHE HAD GIVEN THE VICTIM CLOTHES TO PUT ON TO GO TO SCHOOL. SHE STATED THAT SHE CAME OUT TO TAKE THE VICTIM TO SCHOOL AND THIS LITTLE BOY KEPT CALLING HER AND SHE DID NOT ANSWER. SHE STATED THE VICTIM TOLD HER DON'T ANSWER IT WAS JUST SHUN, WHICH WAS THE VICTIM'S BOYFRIEND. SHE STATED THAT THE BOY CONTINUED TO CALL HER FROM 7:47 A.M. SHE STATED THAT THE HE CALLED HER 11 TIMES AND HE THEN ASKED HER WHY TRAVIS MESSING WITH [REDACTED] THROUGH A TEXT. SHE STATED THAT SHE THEN STARTED TO QUESTION THE VICTIM ABOUT WHAT WAS GOING ON. SHE STATED IN A LITTLE WHILE THE VICTIM TOLD HER WHAT HAD HAPPENED IN THE HOUSE WITH THEM. SHE STATED THAT THE VICTIM TOLD HER THEY CAME BACK FROM ANDERSON SOUTH CAROLINA AND HE WAS OUTSIDE TALKING WITH OFFICERS BOWERES, HE IS THE COURTESY OFFICER OUT THERE AND HE WAS TEXTING THE VICTIM. SHE STATED THAT THE SUSPECT CAME IN THE HOUSE AND HE WAS TEXTING HER AND TELLING HER TO COME TO THE BEDROOM. SHE WENT BACK THERE AND HE TOLD HER TO PULL HER PANTS DOWN. SHE STATED THE SUSPECT WAS OFF YESTERDAY WHICH WAS 4/12/10.

THIS R/O ASKED THE WITNESS DID SHE BELIEVE THAT HER HUSBAND DONE THIS TO THE VICTIM AND SHE STATED THAT SHE TOLD R/O ONE TIME THAT HE DONE IT. SHE STATED IT WAS NOT THE FIRST TIME THAT HE HAD CHEATED ON HER, SHE STATED THAT HE STAYS ON THE COMPUTER AND HE LOOKS AT PORN SITES, SHE WAS ASKED WHAT TYPE OF PORN. SHE STATED THAT CHILD PORN POPPED UP ONE TIME BUT NOTHING WAS THERE. SHE STATED THAT SHE HAS ASKED THE SUSPECT WHY DOES HE NEED TO LOOK AT THOSE SITES WHEN HE HAS HERE THERE. SHE STATED THAT SHE TELLS HIM THAT SHE DOES NOT LIKE THAT AND HE BETTER STOP. SHE STATED THAT SHE IS FOUR MONTHS PREGNANT WITH THEIR SECOND CHILD AND HE DOES NOT NEED TO BE LOOKING AT THOSE THING. SHE STATED THAT SHE IS USUALLY NOT ON THE COMPUTER BECAUSE SHE DOES NOT KNOW TOO MUCH ABOUT IT. SHE STATED THAT IT WAS HIS COMPUTER. SHE STATED THAT SHE CALLED THE SUSPECT AND TOLD HIM NOT TO COME HOME. SHE STATED THAT SHE KNEW THAT THEY COULD NOT STAY THERE TOGETHER IF THE SUSPECT CAME BACK. THE WITNESS WAS OFFERED A SAFE HAVEN TO GO TO AND SHE DECLINED. SHE STATED THAT SHE WOULD PROBABLY GOT TO HER NANNY'S HOUSE AND HER NUMBER WAS [REDACTED], SHE STATED THAT WAS THE LADY THAT WAS INSIDE OF HER APARTMENT AT THIS TIME WITH HER CHILD. SHE STATED THAT HER NAME WAS SHELBY HAMMOND AND SHE LIVED AT [REDACTED]. THE WITNESS WAS STILL VERY ANGRY BUT SHE STATED THAT SHE WOULD BE ALL RIGHT. THIS R/O LEFT TO GO TO THE HOSPITAL TO SEE THE VICTIM.

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 type="checkbox"/> NO	<input type="checkbox"/> YES <input 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/DECLINED COOPERATION <input type="checkbox"/> EXTRADITION DENIED <input type="checkbox"/> JUVENILE-NO ARREST	
REPORTING OFFICER(S)	DATE	UNIT NO. / STAR #	APPROVING OFFICER	DATE	UNIT NO. / STAR #	
HENDERSON, LORRAINE 1663	4/13/10	630	MD. C. CROMARTIE	4/13/10	634/48	
FOLLOW-UP INVESTIGATION		<input type="checkbox"/> YES <input type="checkbox"/> NO (OFFICER)				



ORIGINAL REPORT   
  STATUS CHANGE   
  ADDITIONAL VICTIMS   
  ADDITIONAL STOLEN PROPERTY   
 INCIDENT TYPE CSC 2ND DEGREE WITH A MINOR.  
 SUPPLEMENTAL REPORT   
  OTHER   
  ADDITIONAL OFFENDERS   
  ADDITIONAL RECOVERED PROPERTY   
 PATROL DISTRICT 02B   
 PAGE 1 OF 1 PAGES.

VICTIM: [REDACTED] B/F [REDACTED]  
 SUSPECT: ABERCROMBIE, TRAVIS CENTELL B/M DOB 5/23/87 4001 PELHAM RD. APT. 34 GREER, S.C. 29650

ON 4/13/10 THIS R/O ACQUIRED A COURT ORDER FOR THE PHONE RECORD BELONGING TO THE SUSPECT. THE PHONE RECORDS BELONGED TO VERIZON WIRELESS.

ON 4/14/10 THIS R/O SIGNED A COURT ORDER FOR THE PHONE RECORDS BELONGING TO THE VICTIM IN THIS CASE. THE RECORDS BELONGED TO VERIZON WIRELESS.

ON 4/14/10 R/O SEND THE ABOVE ORDERS TO VERIZON FOR THOSE RECORDS. ALSO ON THIS DATE R/O SENT A LETTERS OF PRESERVATION ORDERS TO VERIZON FOR TEXT MESSAGES ON THE ABOVE PHONE RECORDS.

★ ON 4/19/10 R/O RECEIVED CONFIRMATIONS OF TEXT MESSAGE PRESERVATION. AND R/O CONFIRMED THAT INFORMATION.

ON 4/19/10 THIS R/O GOT A CONSENT TO SEARCH FOR THE VICTIM'S CELL PHONE FROM THE MOTHER OF THE VICTIM AND ALSO THE VICTIM.

★ ON THE WEEK OF THE 19TH OF APRIL THIS R/O RECEIVED INFORMATION BACK ON THE PHONE SERVICES FOR 864-704-2809. THIS R/O PLACED THE COMPACT DISC WITH THE RECORDS ON IT IN PROPERTY AND EVIDENCE ON 4/22/10.

ON 4/27/10 THIS R/O SIGNED WARRANT #I-479552 ON THE ABOVE SUSPECT. THE WARRANT WAS SIGNED BY MAG. HUDSON. THIS R/O PLACED THE WARRANT ON THE FRONT DESK FOR SERVICE. BEFORE SIGNING THE WARRANT AT 11:00 A.M. THIS R/O CALLED MR. HISKER, HE IS THE ATTORNEY FOR THE SUSPECT AND HE WAS TOLD THAT R/O WAS SIGNING THE WARRANT IF HE WANTED TO TURN HIS CLIENT IN. R/O LEFT A MESSAGE ON THE PHONE FOR HIM.

ON 4/28/10 THE ABOVE WARRANT WAS SERVED BY OFFICER ROSIER. THE SUSPECT WAS PLACED INTO DETENTION PER OFFICER ROSIER. THERE WAS A BOND SET FOR THE SUSPECT AT 50,000.00 BY MAG. GIBSON. THE PARENTS OF THE VICTIM WAS NOTIFIED AND THEY ATTENDED THE BOND HEARING.

R/O HAD NO FURTHER INFORMATION AT THIS TIME. THIS CASE WAS CLEARED BY ARREST.

-3 MAY 2010 14

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 type="checkbox"/> YES <input type="checkbox"/> NO		<input 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 NO. / STAR #	APPROVING OFFICER	DATE	UNIT NO. / STAR #		
HENDERSON, LORRAINE *166	4/28/10	630	MD C. CROMARTE <i>[Signature]</i>	4/28/10	634/0086		

*[Handwritten initials]*

**Information we share**

Information shared within the Verizon family of companies:

Verizon shares customer information within our family of companies for a variety of purposes, including, for example, providing you with the latest information about our products and services and offering you our latest promotions. You can limit the sharing of certain types of customer information, known as Customer Proprietary Network Information, or CPNI, within the Verizon family of companies for marketing services to you other than your current services.

Customer Proprietary Network Information (CPNI) is information that relates to the type, quantity, destination, technical configuration, location, amount of use and related billing information of your telecommunications or interconnected Voice over Internet Protocol (VoIP) services. Federal law governs our use and sharing of CPNI.

\* Information shared outside the Verizon family of companies: ←

Except as explained in this Privacy Policy, in privacy policies for specific services, or in agreements with our customers, Verizon does not sell, license or share information that individually identifies our customers, people using our networks, or website visitors with others outside the Verizon family of companies that are not performing work on Verizon's behalf without the consent of the person whose information will be shared.

Verizon uses vendors and partners for a variety of business purposes such as to help us offer, provide, repair, restore and bill for services we provide. We share information with those vendors and partners when it is necessary for them to perform work on our behalf. For example, we may provide your credit card information and billing address to our payment processing company solely for the purpose of processing payment for a transaction you have requested. We require that these vendors and partners protect the customer information we provide to them and limit their use of Verizon customer data to the purposes for which it was provided. We do not permit these types of vendors and partners to use this information for their own marketing purposes.

As described in more detail in other sections of this policy, Verizon also may share certain information with outside companies, for example, to assist with the delivery of advertising campaigns ([http://www.verizon.com/about/privacy/full-privacy-policy#advertising\\_campaigns](http://www.verizon.com/about/privacy/full-privacy-policy#advertising_campaigns)), or preparing and sharing aggregate reports. This information does not identify Verizon customers individually.

Verizon provides the names, addresses and telephone numbers of wireline telephone customers to directory publishers and directory assistance services unless a non-published or non-listed phone number has been requested.

We may disclose information that individually identifies our customers or identifies customer devices in certain circumstances, such as: *cf. 17 1st point*

*Right here*

*Privacy Policy from 2010*

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Relevant  
Online  
Advertising

The Relevant Online Advertising program helps make online ads you see more interesting and useful using your postal address; certain information about your Verizon products and services – such as service packages, Fios tv purchases and viewership categories; demographic and interest information we obtain from other companies – such as gender, age-range, sports fan, frequent diner or pet owner. This information is used to predict whether you fit within an audience an advertiser is trying to reach. We do not share information that identifies you personally as part of these programs other than with vendors and partners who do work for us. We require that these vendors and partner protect the information and use it only for the services they are providing us. You have choice about participating in this program.

([https://www.verizon.com/foryourhome/MyAccount/ngen/upr/signin.aspx?goto=https://www.verizon.com:443/foryourhome/myaccount/ngen/pr/svcs/internet.myvzmd%3Dfios\\_internet%26ddm%3Dy](https://www.verizon.com/foryourhome/MyAccount/ngen/upr/signin.aspx?goto=https://www.verizon.com:443/foryourhome/myaccount/ngen/pr/svcs/internet.myvzmd%3Dfios_internet%26ddm%3Dy))

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Relevant  
TV  
Advertising

Verizon's Relevant TV Advertising program helps make Fios tv ads you see more interesting and useful using your postal address; certain information about your Verizon products and services (such as service packages purchased, video on-demand purchase and program viewing data; and demographic and interest information you provide or that we obtain from other companies - such as gender, family size, and luxury car owner. These ads may appear on a variety of platforms where Fios television customers can access video content. We do not share information that identifies you personally as part of these programs other than with vendors and partners who do work for us. We require that these vendors and partners protect the information and use it only for the services they are providing us. You have a choice about receiving this type of advertising and you can control it online (<http://www.verizon.com/tvads>).

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Additional information for AOL services

AOL products and services include online services such as AOL.com, The Huffington Post and TechCrunch; AOL Mail and AIM; and advertising services, including ONE by AOL and Advertising.com. Many of AOL's free services are supported by the ads displayed on those services. AOL also provides a variety of online advertising services to other companies that place ads on our services and elsewhere.

The AOL Privacy Policy (<http://privacy.aol.com/>) provides additional information about the collection and use of information from any devices you use to access or connect to AOL branded websites, services and software as well as many websites owned by or affiliated with AOL and operating under different names. It also describes the collection and use of information by AOL Advertising and your related choices. In the event of a conflict between this Privacy Policy and the AOL Privacy Policy, the AOL Privacy Policy will control when you are on an AOL site or using an AOL product or service.

- ✱ • to comply with valid legal process including subpoenas, court orders or search warrants, and as otherwise authorized by law; in cases involving danger of death or serious physical injury to any person or other emergencies;
- to protect our rights or property, or the safety of our customers or employees;
- to protect against fraudulent, malicious, abusive, unauthorized or unlawful use of or subscription to our products and services and to protect our network, services, devices and users from such use;
- to advance or defend against complaints or legal claims in court, administrative proceedings and elsewhere;
- to credit bureaus or collection agencies to determine credit risk, for reporting purposes or to obtain payment for Verizon-billed products and services;
- to a third-party that you have authorized to verify your account information;
- to outside auditors and regulators; or
- with your consent.


When you purchase services offered jointly by Verizon and one of our partners, customer information may be received by both Verizon and our partner that is providing your service. For these jointly offered services, you should also review the partner company's privacy policy which may include practices that are different from the practices described here.

If Verizon enters into a merger, acquisition or sale of all or a portion of its assets or business, customer information will also be transferred as part of or in connection with the transaction.

Information provided to or used by advertising entities or social networks

You may see third-party advertisements on some Verizon websites, services, apps and devices. Some advertisements are chosen by companies that operate on our sites and other sites (for example, ad servers, ad networks, or technology platforms) to place ads on behalf of advertisers. These companies may place and access cookies on your device to collect information about your visit on websites and may collect device advertising identifiers from your mobile operating system to learn about your use of apps, including ours. The information they collect from our sites and apps is in a form that does not identify you personally and may be combined with similar data they obtain from other websites and apps to help advertisers better reach audiences they wish to target. Targeting may be accomplished by tailoring advertising to interests that they infer from your interactions on our sites and apps and your interaction with other sites and services where these companies also are present. AOL also provides these types of services to advertisers; more information is described in the AOL privacy policy. (<http://privacy.aol.com/>)

If you choose to interact with specific advertisers who advertise on our apps sites or services, the information you provide to them is subject to the conditions of their specific privacy policies.

Advertising that is customized based on predictions generated from your visits over time and across different websites is sometimes called "online behavioral" or "interest-based" advertising. In accordance with industry self-regulatory principles (<http://www.aboutads.info/>), we require that companies disclose when they are using online behavioral advertising programs to deliver third-party ads on our sites or collecting information about your visit to our sites for these purposes and give consumers the ability to opt out of this use of their information. You will see an icon  in or around third-party advertisements that are delivered on our sites using behavioral advertising programs. Clicking on this icon will provide additional information about the companies and data practices that were used to deliver the ad as well as information on how you may opt out of these advertising programs. Additional information about your options regarding the use of your information for advertising purposes can be found below. View additional information about online behavioral advertising (<http://www.aboutads.info/>). Please note that Verizon does not have control over or access to information contained in the cookies that are set on your computer by ad servers, ad networks or third-party advertisers.

Similarly, advertising may be customized based on predictions developed from your use of applications and industry self-regulatory principles also apply. This type of advertising involves the use of device advertising identifiers. View information about opting out of this use of your device advertising identifier. (<http://privacy.aol.com/mobile-choices/>)

View information about "cookies" and related technologies (</about/privacy/cookies>)

We also may permit advertisers on our sites, apps and services to place ads based on certain information we have about your Verizon products and services as well as geographic and demographic data. Information used for this purpose does not identify you individually.

Verizon websites and services may include social network or other third-party plug-ins and widgets that may provide information to their associated social networks or third-parties about your interactions with Verizon pages you visit or services you use, even if you do not click on or otherwise interact with the plug-in or widget. View information about "cookies" and related technologies (<http://www.verizon.com/about/privacy/cookies>)

### **How to limit the sharing and use of your information.**

You have choices about how Verizon shares and uses information.

#### Customer Proprietary Network Information (CPNI)

Customers of Verizon telecommunications and VoIP services may choose to limit the use and sharing of CPNI for Verizon's marketing services outside of services you currently have. Notice about our use and sharing of CPNI and the choices you have may be provided on your monthly bill, over the phone, via text, in contracts or in other ways.



## Retention Periods of Major Cellular Service Provide

Data gathered by the Computer Crime and Intellectual Property Section, U.S. Department of Justice

	<u>Verizon</u>	<u>T-Mobile</u>	<u>AT&amp;T/Cingular</u>	<u>Sprint</u>	<u>Nextel</u>	<u>Virgin M</u>
<b>Subscriber Information</b>	Post-paid: 3-5 years*	5 years	Depends on length of service	Unlimited	Unlimited	Unlimited
<b>Call detail records</b>	1 rolling year	Pre-paid: 2 years Post-paid: 5 years	Pre-paid: varies Post-paid: 5-7 years	18-24 months	18-24 months	2 years
<b>Cell towers used by phone</b>	1 rolling year	Officially 4-6 months; really a year or more	From July 2008	18-24 months	18-24 months	Not retain obtain thru Sprint
<b>Text message detail</b>	1 rolling year	Pre-paid: 2 years Post-paid: 5 years	Post paid: 5-7 years	18 months (depends on device)	18 months (depends on device)	60-90 day
* <b>Text message content</b>	<u>3-5 days</u>	Not retained	Not retained	Not retained	Not retained	90 days (warrant request)
<b>Pictures</b>	Only if uploaded to website (customer can add or delete pictures any time)	Can be stored online and are retained until deleted or service is canceled	Not retained	Contact provider	Contact provider	Not retain
<b>IP session information</b>	1 rolling year	Not retained	Only retained on non-public IPs for 72 hours. If public IP, not retained.	60 days	60 days	Not retain
<b>IP destination information</b>	90 days	Not retained	Only retained on non-public IPs for 72 hours. If public IP, not retained.	60 days	60 days	Not retain
<b>Bill copies (post-paid only)</b>	3-5 years, but only last 12 months readily available	Not retained	5-7 years	7 years	7 years	n/a <sup>‡</sup>
<b>Payment history (post-paid only)</b>	3-5 years; check copies for 6 months*	5 years	Depends on length of service	Unlimited	Unlimited	n/a <sup>‡</sup>
<b>Store Surveillance Videos</b>	Typically 30 days	2 weeks	Depends. Most stores carry for 1-2 months	Depends	Depends	n/a
<b>Service Applications</b>	Post-paid: 3-5 years*	Not retained	Not retained	Depends	Depends	Not retain

\* May vary by former company

\*\* For records older than mid-Nov. 2007, Sprint can only provide bill reprints with outgoing info

‡ No bill copies, but list of credit card transactions does not expire

1 Virgin Mobile is now owned by Sprint. Since companies have separate compliance offices, for now they are listed