

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

R. Knox McMahon, Circuit Court Judge

CASE NO: 2016-001831

Timothy Alan Oertel..... Appellant.

v.

The State of South Carolina, Respondent.

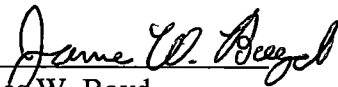
DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record of Appeal:

1. Transcript p. 48, line 10, p. 51 line 16;
2. Transcript p. 58, line 9, p. 87 line 5;
3. Transcript p. 89, line 16, p. 94 line 10;
4. Transcript p. 108, line 3, p. 116, line 2;
5. Transcript p. 124, line 5, p. 152, line 4;
6. Transcript p. 153, lines 15, p. 175, line 22;
7. Transcript p. 227, lines 24, p. 236, line 13;
8. Exhibit S-1;
9. Exhibit S-6;
10. Exhibit S-7;
11. Indictment 2016-GS-40-02104;
12. Indictment 2016-GS-40-02105;
13. Indictment 2016-GS-40-02106;
14. Indictment 2016-GS-40-02107;
15. Indictment 2016-GS-40-02108;
16. Indictment 2016-GS-40-02109;
17. Verdict Form;
18. Sentencing sheet 2016-GS-40-02104;
19. Sentencing sheet 2016-GS-40-02105;
20. Sentencing sheet 2016-GS-40-02106;

21. Sentencing sheet 2016-GS-40-02107;
22. Sentencing sheet 2016-GS-40-02108;
23. Sentencing sheet 2016-GS-40-02109;

I certify that this designation contains no matter that is irrelevant to this appeal.


James W. Boyd
Attorney for the Appellant
Post Office Box 36425
Rock Hill, SC 29732
(803) 328-2600

June 21 2017

File Edit View Favorites Tools Help

https://www.facebook.com/... (1) Tim Oertel - Messages

Find friends

New! Add multiple photos, message friends, friends and more

Inbox (1)

- Tim Oertel
- Lynn Neal
- Trey Edmonds
- Hampus Lindeskog Fridh

Tim Oertel

Emmy Robinson
I just posted some
yes rockabil is not too far

Tim Oertel
Where at? I just checked and didn't find any. Like pics of your beautiful face
Yes it's about an hour away

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Tim Oertel

- Tim Oertel
- Bi Zhang
- Devoniro Joseph
- Jasmine Sims
- Kinsey Forester
- Shannon Smith
- Bradton Comer
- Lana Heslop
- Casey Glick
- Taylor Bohrer
- Frances Anna Mc...
- Sarah Hudson
- Tamara Curry
- Daniel Amadio
- John Weiss
- Roscoe Burn-Moody
- David Williams
- Randy Sanders
- Aaron Harden

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Inbox (1)

- Tim Oertel
- Lynn Neal
- Trey Edmonds
- Hampus Lindeskog Fridh

Tim Oertel

Tim Oertel
What do u think?

Emmy Robinson
I like you look good

Tim Oertel
Thanks baby. U like my dick

Emmy Robinson
Yes it look very nice

Tim Oertel

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1 Like Page

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Tim Oertel

- Tim Oertel
- Bi Zhang
- Devoniro Joseph
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- Kinsey Forester
- Shannon Smith
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- Lana Heslop
- Casey Glick
- Taylor Bohrer
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- Sarah Hudson
- Tamara Curry
- Daniel Amadio
- John Weiss
- Roscoe Burn-Moody
- David Williams
- Randy Sanders
- Aaron Harden

Facebook Messenger interface showing a conversation with Tim Oertel. The interface includes a top navigation bar with 'File Edit View Favorites Tools Help', a search bar, and a 'Find Friends' button. The main content area is divided into three columns: an 'Inbox (1)' list on the left, a central chat window, and a 'Sponsored #' section on the right. The chat window shows a message from Tim Oertel with a photo of a person. The inbox list includes messages from Lynn Neal, Trey Edmonds, and Hampus Lindeskog Frith. The sponsored section features ads for 'Family Fun Park' and 'My Southern Outfit. Etsy Shop'. A right-hand sidebar displays a list of friends' names and profile pictures.

A second screenshot of the Facebook Messenger interface, showing a continuation of the conversation with Tim Oertel. The layout is similar to the first screenshot, with the central chat window now displaying a message from Tim Oertel with a photo of a person. The inbox list on the left shows messages from Lynn Neal, Trey Edmonds, and Hampus Lindeskog Frith. The sponsored section on the right includes ads for 'STERLING WEST Prep' and 'AP SAT subject test prep'. The right-hand sidebar shows a list of friends' names and profile pictures.

File Edit View Favorites Tools Help

Tim Oertel - Messages

Find Friends

New! Add multiple photos, message friends, or friends and more

Inbox (1)

Tim Oertel

Emmy Robinson
ohhh wow, yea sure do

Tim Oertel
Maybe one day he will be all yours
So can i see what u look like

Emmy Robinson
I just have to get some pictures but yea and i hope so

Tim Oertel
What would u do if i was with you naked in front of u right now

Emmy Robinson
Probably start kissing you, after that i'm not sure not really experienced

Tim Oertel
Lol, i love to kiss by the way

Emmy Robinson
good, be i'm good at that lol

Tim Oertel
Well maybe this weekend we can hang out
Well i will be the judge of that

Emmy Robinson

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Devonore Joseph
Jasmine Sims
Kinsley Forester
Shannon Smith
Brandon Comer
Lana Heslop
Casey Glick
Taylor Bohne
Frances Anne Mc
Sarah Hudson
Tamika Curry
Demi Almida
John Weiss
Roscoe Burk-Moody
David Williams
Randy Sanders
Aaron Hansen

File Edit View Favorites Tools Help

Tim Oertel - Messages

Find Friends

New! Add multiple photos, message friends, or friends and more

Inbox (1)

Tim Oertel

Emmy Robinson

Tim Oertel
So what do u like to do to my dick baby

Emmy Robinson
hmm probably kiss around it again i'm not experienced i guess i would need help

Tim Oertel
Lol Well you know what i would do if you were in front of me naked?

Emmy Robinson
What would you do?

Tim Oertel
I would push your naked body against mine, as you feel my rock hard dick slide between your legs I slam you against the wall, holding your head kissing those soft wet lips. I run my hands down your body to your legs then to your beautiful butt to grab them and push you onto me
Something like that

Emmy Robinson
oh wow
what do you do?

Tim Oertel
i'm an engineer and u

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Taylor Bohne
Frances Anne Mc
Sarah Hudson
Tamika Curry
Demi Almida
John Weiss
Roscoe Burk-Moody
David Williams
Randy Sanders
Aaron Hansen

File Edit View Favorites Tools Help

Address Bar: (1) Tim Oertel - Messenger

Find friends

New! Add multiple photos, messages, share of friends and more

Inbox (1)

Tim Oertel
Cook. How old r u

Emmy Robinson
15 but I will be 16 in February :D
how old are you?

Tim Oertel
Really, I should have never sent u pics of me naked. I'm 25
Then y are you using someone else's pic

Emmy Robinson
I'm not that one people tell me I look older but I'm just 15

Tim Oertel
Really if that's u I wanna see more pics

Emmy Robinson
I will have to wait till I get home from school
but I will post some

Tim Oertel
Sure. That works. But seeing u have seen me naked I wanna see u
naked

Emmy Robinson
ok

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MOBILE NEWS 1/2

Tim Oertel

Facebook Messenger interface showing a conversation with Tim Oertel. The interface includes a top navigation bar with 'File Edit View Favorites Tools Help', a search bar for 'Find friends', and a 'New!' notification. The main content area shows an 'Inbox (1)' with messages from Lynn Neal, Trey Edmonds, and Hampus Lindeskog Frith. The active conversation with Tim Oertel includes messages from Emmy Robinson and Tim Oertel, with a large image of a person's face. On the right, there are sponsored ads for 'Family Fun Pack' and 'Lha Page', and a list of friends including Bill Zhang, Tim Oertel, Devonzo Joseph, Jaymie Sims, Kinsey Forster, Shannon Smith, Brandon Comer, Lana Hestop, Casey O'K, Taylor Bohlen, Frances Anne Mc, Sarah Hudson, Tamric Curry, Dimitri Antinea, John Weiss, Roscoe Burr-Moody, David Williams, Randy Sanders, and Aaron Harden.

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File Edit View Favorites Tools Help

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Tim Oertel

Emmy Robinson
ohh wow, yea sure do

Tim Oertel
Maybe one day he will be all yours
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Tim Oertel
What would u do if I was with you naked in front of u right now

Emmy Robinson
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Lol, I love to kiss by the way

Emmy Robinson
good, be I'm good at that lol

Tim Oertel
Well maybe this weekend we can hang out
Well I will be the judge of that

Emmy Robinson

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AP SAT subject test prep
merit-prep.com

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Sarah Huson
Tambie Curry
Dimitri Amida
John Weiss
Roscoe Bur-Moody
David Williams
Randy Sanders
Aaron Harston

Tim Oertel

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oh wow
what do you do?

Tim Oertel
I'm an engineer and u

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Frances Anne Mc
Sarah Huson
Tambie Curry
Dimitri Amida
John Weiss
Roscoe Bur-Moody
David Williams
Randy Sanders
Aaron Harston

Tim Oertel

Facebook interface showing a message conversation between Tim Oertel and Emmy Robinson. The message history includes:

- Tim Oertel: Cool. How old r u
- Emmy Robinson: 15 but I will be 16 in February 1st how old are you?
- Tim Oertel: Really. I should have never sent u pics of me naked. I'm 26. Then y are you using someone else's pic
- Emmy Robinson: I'm not that one people tell me I look older but I'm just 15
- Tim Oertel: Really if that's u I wanna see more pics
- Emmy Robinson: I will have to wait till I get home from school but I will post some
- Tim Oertel: Sure That works. But seeing u have seen me naked I wanna see u naked
- Emmy Robinson: ok

The interface also features a right-hand sidebar with a list of friends including: Bill Zhang, Tim Oertel, Devondrea Joseph, Jasmine Sims, Krazy Forester, Shannon Smith, Braxton Carter, Lana Heston, Casey Glick, Taylor Bonvick, Frances Anne Mc, Sarah Hudson, Tansie Curry, Dmitri Armbros, John Weiss, Roscoe Burk-Moody, David Williams, Randy Sandus, Aaron Harton, and MONT 1418 110.

At the bottom of the page, there is a copyright notice: "Facebook © 2015 English (US) Privacy Terms Cookies Advertising Ad Choices More".

Statement of

Timothy Alan Oertel
279 S Herlong Ave. Apt. E Rock Hill, SC 29732
DOB: 12/30/88 SS#: 251-79-2478

Made at
Columbia, South Carolina, this September 03, 2015, at 1641 Hrs., in the
presence of Inv R. Carter of the Richland County Sheriff's Department.

I, Timothy Alan Oertel, understand that I have the right to remain silent. Anything I say can be used against me in court. I have the right to talk to a lawyer for advice before you ask me any questions, and to have a lawyer with me during any questioning. If I cannot afford a lawyer, one will be appointed for me before any questioning, if I wish. If I decide to answer questions now, without a lawyer present, I still have the right to stop answering at any time. I also have the right to stop answering at any time until I talk to a lawyer.

Do make the following statement:

Q: Inv Carter

A: Mr. Oertel

Q: Can you tell Inv Carter your highest level of education?

A: I was working towards an Associate's Degree in Mechanical Engineering and Graphic Engineering.

Q: Where are you currently employed?

A: Home Depot.

Q: What do you do at Home Depot?

A: I'm a Freight Associate.

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

Signed: X [Signature] Oertel

Witness: _____

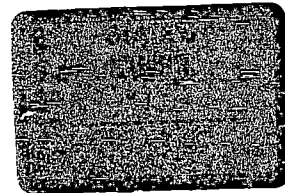
This is to certify that I have read or have read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this 03 day of September 2015

Sworn to and subscribed before me
This 03 day of September 2015

Signed: X [Signature] Oertel

[Signature]

Notary Public for South Carolina
My commission expires 10/16/17.



Q: Do you have a Facebook account?

A: Yes.

Q: What is your Facebook screen name?

A: Tim Oertel. It is my name.

Q: On or about August 28, 2015 did you send a friend request to a person named Emmy Robinson on Facebook?

A: I believe so if that's what you found out.

Q: Can you tell Inv Carter the reason you wanted to be friends with Emmy Robinson on Facebook?

A: She looked cute and I wanted to get to know her but I didn't realize she was that young.

Q: Did you find the Facebook profile picture of Emmy Robinson to be attractive?

A: A little bit.

Q: After you became friends with Emmy Robinson on Facebook did you send messages to her?

A: Yeah.

Q: Can you tell Inv Carter what the content of those messages were about?

A: At first it was just to get to know her and then I guess I sent her a dick picture.

Q: Did Emmy Robinson ask for you to send her a picture of your dick?

A: No.

Q: Why would you send a picture of your dick to a girl you did not know?

A: I just was not thinking at the time.

Q: Did you look at the pictures Emmy Robinson had posted on her Facebook account?

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

Signed: X Tim Oertel

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this 03 day of September 2015.

Sworn to and subscribed before me
This 03 day of September 2015

Signed: X Tim Oertel

[Signature]
Notary Public for South Carolina
My commission expires 10/16/17.

A: A couple of them.

Q: Which pictures did you look at?

A: The main profile picture and maybe a couple other ones. I can't tell you the details of the pictures.

Q: How many pictures did you send to Emmy Robinson?

A: I'm not sure.

Q: Did you send Emmy Robinson a picture of you naked in the shower with an erect penis?

A: I believe so.

Q: Did you send Emmy Robinson a picture of your erect penis with a measuring tape?

A: Yeah. To be honest I don't remember all that I sent to her.

Q: Did you tell Emmy Robinson, "I would push your naked body against mine, as you feel my rock hard dick slide between your legs I slam you against the wall, holding your head kissing those soft wet lips. I run my hands down your body to your legs then to your beautiful butt to grab them and pull you onto me."

A: Yes.

Q: Did Emmy Robinson tell you she was 15 years of age?

A: Yes after I asked her.

Q: Can you tell Inv Carter the reason you then asked Emmy Robinson to send you naked pictures of her?

A: Just because I was horny. I was not thinking at the time.

Q: Did Emmy Robinson arouse you?

A: No.

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

Signed: X [Signature]

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this 03 day of September 2015

Sworn to and subscribed before me
This 03 day of September 2015

Signed: X [Signature]

[Signature]
Notary Public for South Carolina
My commission expires 10/16/17

Q: Can you tell Inv Carter what did arouse you about Emmy Robinson?

A: Just that she was cute and adorable and she was in my age group between 20 and 26.

Q: Do you understand that it is against the law to send pictures of your erect penis to a person who is under the age of 18?

A: I do now.

Q: Are you guilty of sending (4) pictures of your erect penis to Emmy Robinson?

A: Yes.

Q: Do you understand it is against the law to solicit sex from a minor?

A: Yes.

Q: Are you guilty of soliciting sex from Emmy Robinson?

A: I guess so. I wasn't meaning too. I didn't know she was so young.

Q: Would you agree that a reasonable person would know Emmy Robinson was 15 years of age because her date of birth was clearly posted on her profile page along with the name of the school Emmy Robinson attended?

A: I honestly did not check that. I just checked out her pictures.

Q: Would you agree that it does not look good when you sent pictures of your erect penis to Emmy Robinson when she did not ask for you to do so?

A: Yes. I doesn't look good.

Q: Are you sorry for sending pictures of your erect penis to Emmy Robinson?

A: Yes.

Q: If you could tell Emmy Robinson something right now what would you tell her?

A: To tell you the truth I would write her a letter to apologize to her.

Q: Is there anything else you would like to add that Inv Carter has not asked you?

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

Signed: X Fin Auto

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this 03 day of September 2015

Sworn to and subscribed before me
This 03 day of September 2015

Signed: X Fin Auto

[Signature]
Notary Public for South Carolina
My commission expires 10/16/17.

A: I sincerely apologize and after I found out her age I should have stopped. I wasn't thinking at the time. When I cleared my mind that's when I deleted her.

Q: Have you told Inv Carter the truth?

A: Yes. A hundred percent.

End of statement: 1715 Hrs. 09/03/15

End of Statement

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

Signed: X Fu. Carter

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this 03 day of September 2015

Sworn to and subscribed before me
This 03 day of September 2015

Signed: X Fu. Carter

[Signature]
Notary Public for South Carolina
My commission expires 10/16/17

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

R. Knox McMahon, Circuit Court Judge

CASE NO: 2016-001831

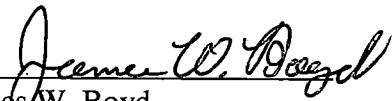
Timothy Alan Oertel..... Appellant.

v.

The State of South Carolina, Respondent.

PROOF OF SERVICE

I, James W. Boyd, certify that I served June ____, 2017, the within Initial Brief of Appellant and Designation of Matter to be included in the Record of Appeal on Respondent by depositing a copies of the same in the United States mail, postage prepaid, addressed to its attorney of record, South Carolina Attorney General's Office - John Benjamin Aplin, Jr., Rembert C. Dennis Building, PO BOX 11549, Columbia, SC 29211-1549. I further certify that all parties required by Rule 208 to be served have been served.


James W. Boyd
1544 Ebenezer Road
Post Office Box 36425
Rock Hill, SC 29732
(803) 328-2600
Attorney for Appellant

June 21, 2017

JAMES W. BOYD

Attorney at Law
1544 Ebenezer Road
Post Office Box 36425
Rock Hill, SC 29732

(803) 328-2600 Telephone

(803) 328-5747 fax

June 21, 2017

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
PO Box 11629
Columbia, South Carolina 29211

RECEIVED

Re: State v. Timothy Alan Oertel
CASE NO; 2016-001831

JUN 23 2017

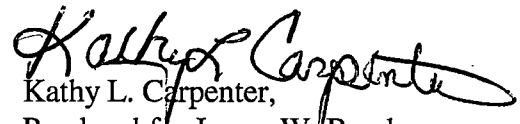
SC Court of Appeals

Dear Ms. Kitchings:

Enclose you will find the Appellant's Initial Brief, Designation of Matter and Proof of Service for the above title and matter. Thank you for your attention to this matter.

With kind regards, I am

Sincerely,


Kathy L. Carpenter,
Paralegal for James W. Boyd
Attorney for Appellant

JWB/klc

Enclosures

cc: South Carolina Attorney General's Office



James W. Boyd
Attorney At Law
PO Box 36425
Rock Hill, SC 29732

RECEIVED

JUN 23 2017

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
PO Box 11629
Columbia, South Carolina 29211

