

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable R. Knox McMahon, Circuit Court Judge

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JAN 29 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JUSTIN ANTONIO BUTLER,

APPELLANT

APPELLATE CASE NO. 2016-001269

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT (Dated June 6-9, 2016)	1
MOTION TO SUPPRESS	2
COURT'S RULING	16
OPENING STATEMENT BY MR. MCNAIR	19
OPENING STATEMENT BY MR. SNELL	25
TESTIMONY	
ROGER GILLAND	
Direct Examination by Mr. McNair	29
Cross Examination by Mr. Snell	52
Redirect Examination by Mr. McNair	57
ROY MEFFORD	
Direct Examination by Mr. Graham	59
Cross Examination by Mr. Snell	91
VONKEITH TOLAND	
Direct Examination by Mr. McNair	105
Cross Examination by Mr. Snell	144
Redirect Examination by Mr. McNair	155
JOSEPH TRAWICKI	
Direct Examination by Mr. Graham	158
JAMES EDWARD HOFFMAN, JR.	
Direct Examination by Mr. Graham	173
KAREN MILBRODT	
Direct Examination by Mr. Graham	180
RICHARD BAILEY	
Direct Examination by Mr. McNair	192
TODD GARRICK	
Direct Examination by Mr. McNair	195

Cross Examination by Mr. Snell	212
Redirect Examination by Mr. McNair	218
TYVONNE TOLAND	
Direct Examination by Mr. Graham	220
Cross Examination by Mr. Snell	234
CATHY ETHEREDGE	
Direct Examination by Mr. Graham	235
Cross Examination by Mr. Snell	239
ISHI TOLAND	
Direct Examination by Mr. McNair	240
Cross Examination by Mr. Snell	248
KEITH SPRINKLE	
Direct Examination by Mr. Graham	250
JAMES L. HICKMAN	
Direct Examination by Mr. Graham	257
Cross Examination by Mr. Snell	265
GLEN ROSS	
Direct Examination by Mr. Graham	266
LILLY GALLMAN	
Direct Examination by Mr. Graham	274
CRAIG RICKMAN	
Direct Examination by Mr. McNair	283
Cross Examination by Mr. Snell	292
Redirect Examination by Mr. McNair	293
CHAD SMITH	
Direct Examination by Mr. McNair	295
Cross Examination by Mr. Snell	304
MICHAEL PHIPPS	
Direct Examination by Mr. Graham	306
Cross Examination by Mr. Snell	374
JANICE EDWARDS ROSS	
Direct Examination by Mr. Graham	375

BRIAN ZWOLAK	
Direct Examination by Mr. Graham	386
Cross Examination by Mr. Snell.....	406
THE STATE RESTS	409
RENEWAL OF PREVIOUS MOTIONS	410
COURT'S RULING	411
TESTIMONY (Continued)	
JUSTIN BUTLER	
Direct Examination by Mr. Snell.....	417
Cross Examination by Mr. Graham	453
Redirect Examination by Mr. Snell	513
THE DEFENSE RESTS	517
RENEWAL OF PREVIOUS MOTIONS	518
COURT'S RULING	518
CLOSING ARGUMENT BY MR. SNELL	519
CLOSING ARGUMENT BY MR. GRAHAM.....	544
JURY CHARGE.....	563
VERDICT	589
RENEWAL OF PREVIOUS MOTIONS	591
COURT'S RULING	591
SENTENCING	591
COURT'S EXHIBIT NO. 1 (Search Warrants)	601
COURT'S EXHIBIT NO. 2 (Alabama Search Warrant).....	693
INDICTMENTS	698
SENTENCING SHEETS.....	706
CERTIFICATE OF COUNSEL	710

Justin Butler - Cross-Examination by Mr. Graham

1 You're looking around?

2 A Yes, sir.

3 Q And you don't have a gun?

4 A No, I did not.

5 Q Terry's your friend. Not just an artist for you,
6 he's your friend, right?

7 A I guess you can say that.

8 Q Like a brother to you?

9 A I guess you could say that.

10 Q You care about him?

11 A I do.

12 Q So gunshots are going off and people are running
13 and chasing each other and you got a friend out there that
14 might be in trouble and you sit in the car and do nothing,
15 correct?

16 A What can I do, correct. I'm not Superman, sir.

17 Q I didn't say you were. You didn't do anything, did
18 you?

19 A I did not, sir.

20 Q You didn't call the police?

21 A I did not, sir.

22 Q Your friend might be in trouble and you don't get
23 out to check? You don't call the police?

24 A No, I did not, sir.

25 Q You just sit in the car?

Justin Butler - Cross-Examination by Mr. Graham

1 A Basically, yes.

2 Q How long -- did you hear anymore gunshots back
3 here?

4 A Not that I recall, no.

5 Q Okay. So all the gunshots happened in the front?

6 A In the front yard, sir.

7 Q Do you have any explanation why the police only
8 found one shell casing in the front?

9 A I don't know, sir. I don't know why or how but
10 that's where I heard the gunshots in front of the house,
11 sir.

12 Q You heard three or four gunshots in the front,
13 correct; the first one and then two or three more?

14 A Possibly two or three more, yes.

15 Q So three or four total gunshots in the front?
16 Where are the other three shell casings?

17 A I don't know. I have no idea; I don't know. I
18 don't know, sir.

19 Q Well, you said that Vonkeith Toland didn't have a
20 gun. Tycus, you're not seeing him ever again because he's
21 down. So the only person with a gun in your story is your
22 friend, Terry McClure, right?

23 A Yes, sir.

24 Q He fired four times, three or four times in front,
25 but the police only found one shell; why is that?

Justin Butler - Cross-Examination by Mr. Graham

1 A I don't know, sir.

2 Q Because it didn't happen that way, right?

3 A It did happen that way, sir. The way that I see
4 it, the way that everything acted, sir, that's the way it
5 happened.

6 Q So they go -- they go around the side so you
7 can't -- you didn't hear anymore gunshots, so you have no
8 idea why they're three or four more shell casings in the
9 back that match -- three more in the back that match the
10 one up here in the front. You have no idea how that
11 happened?

12 A I have no idea.

13 Q Okay. So did the police move them?

14 A I don't know.

15 Q You don't know. You have no explanation for it?

16 A I have no explanation. I didn't witness --

17 Q Right and all the shooting you heard happened up
18 here while people were there?

19 A Correct, I believe so, yes, sir.

20 Q They run around to the side and you don't know that
21 anybody's shot, right?

22 A No. I hear gunshots, but I don't know anybody was
23 shot.

24 Q Okay. How long is Terry McClure out of your sight?

25 A Probably about a minute or two.

Justin Butler - Cross-Examination by Mr. Graham

1 Q Well, let's be very specific because we need to
2 specific with our answers. What's a minute or two; are you
3 talking 60 to a 120 seconds?

4 A I didn't keep a clock or a watch or anything to
5 that nature, sir, but a brief second; it wasn't long. It
6 wasn't 10, 15, 5 minutes; it wasn't nothing like that.

7 Q So how long?

8 A Three minutes at the most.

9 Q How long?

10 A Three minutes at the most.

11 Q Three minutes at the most, 180 seconds?

12 A Possibly, I couldn't put the exact time on it, sir.

13 Q So whatever happened while Mr. McClure, your
14 friend, L, while he's out of your sight, happens in three
15 minutes or less?

16 A Correct.

17 Q You were asked whether you had any indication that
18 Mr. McClure would do something like this, your attorney
19 asked you that; do you remember that question?

20 A He did.

21 Q You said no, is that correct?

22 A I did.

23 Q So you -- were you aware or not that he had a 2007
24 for a robbery conviction?

25 A I know he's been to prison. I don't know exactly

Justin Butler - Cross-Examination by Mr. Graham

1 for what, sir.

2 Q You didn't know whether he'd done robberies or home
3 invasions or shootings before; you had no knowledge of any
4 of that?

5 A No, sir.

6 Q So you're just back in the car, you're just sitting
7 there, gunshots going off, people are running around?

8 A I'm not just sitting there, like, you know, like
9 crouching taking cover, sir.

10 Q Three minutes later he gets back in the car?

11 A Correct. Like I said, I can't give the exact
12 number, but correct.

13 Q You drive or he drives?

14 A He drives. I didn't have the keys; he did, sir.

15 Q So you got out of the driver's seat and moved over
16 because you said you were in the driver's seat?

17 A Yes, I jumped over. I didn't get out the car and
18 run around the car, but I --

19 Q Jumped over?

20 A Correct.

21 Q How's he acting when he comes back in?

22 A Frantic.

23 Q You don't see a gun?

24 A No, sir.

25 Q You don't see a phone that was stolen from the

Justin Butler - Cross-Examination by Mr. Graham

1 victim?

2 A No, sir.

3 Q You don't see any blood on him?

4 A No, sir.

5 Q You don't see a DVR for a security system?

6 A No, sir.

7 Q And you have no idea about any of those things?

8 A I have no knowledge of -- of a cell phone or a DVR
9 or things of that nature, no, sir.

10 Q So he gets in the car and he's frantic; what do you
11 mean by frantic?

12 A You know --

13 Q He's what, I'm sorry?

14 A I can't -- like surprised like. You know I
15 can't -- I can't explain it exactly, but you know like
16 nervous type.

17 Q A friend of yours is in trouble, right?

18 A That is true.

19 Q Somebody like a brother to you?

20 A Correct.

21 Q But your testimony was you didn't even bother to
22 ask him what happened?

23 A I did not.

24 Q Because you don't care?

25 A Because I chose not to.

Justin Butler - Cross-Examination by Mr. Graham

1 Q Why?

2 A I just, like I said, I didn't want to be a part or
3 involved or have any knowledge of anything that's just
4 really happened.

5 Q Did you know whether he had shot somebody?

6 A I heard gunshots. I didn't witness him shoot
7 anybody.

8 Q Well, you told him that you had drugs because you
9 didn't want him to get in trouble; you wanted him to be
10 fully aware of the situation, right?

11 A That is correct.

12 Q You're traveling in a rental car with him after you
13 hear gunshots and people are disappearing and he's frantic
14 and you don't want to know what's going on?

15 A It's, I can't say common sense. I didn't see or
16 witness anybody get shot, once again, but shots did go off.
17 So we know when you put two and two together, somebody must
18 or may have been shot.

19 Q You didn't know whether he got shot or he did the
20 shooting though right?

21 A I didn't see any --

22 Q My question is, you didn't know under your
23 testimony whether he did the shooting or he got shot,
24 correct?

25 A That is correct.

Justin Butler - Cross-Examination by Mr. Graham

1 Q So why do you think he did anything wrong; he comes
2 in frantic, maybe he's been shot; you don't care to find
3 out?

4 A I would have seen blood or something of that
5 nature, sir.

6 Q But you don't want to know what's going on because
7 you don't want to be implicated?

8 A That is correct.

9 Q But yet you told him about the drugs so he would
10 have a full understanding of what was going on so in case
11 he got stopped, he took the risk?

12 A That -- yes, sir, that would me inform the next
13 individual -- I mean --

14 Q How about when the back door was busted out? When
15 you and Terry McClure went into the house, did you hear
16 that?

17 A Me and Terry McClure ain't -- I didn't enter any
18 house, sir, it was he entered the house, sir.

19 Q Did you hear the glass breaking when the door was
20 ripped out?

21 A No, I did not.

22 Q So why didn't you tell this story to the police
23 when you had a chance?

24 A I don't know, sir. I can't -- I can't give you an
25 explanation why I didn't. I should have, but I didn't.

Justin Butler - Cross-Examination by Mr. Graham

1 Q Instead you chose to lie to the police and say you
2 didn't know anything, right?

3 A Correct, I didn't want to be, like I said. Be in
4 whatever took place.

5 Q But yet you expect this jury to believe you now?

6 A I pray to God that you guys do, but I did not --

7 Q It would have been the right thing to tell the
8 police at the time, wouldn't it?

9 A That would have been.

10 Q But instead of doing the right thing, you did the
11 wrong thing, correct?

12 A We all make mistakes, yes, sir.

13 Q And you did it to protect yourself, correct?

14 A To not implicate myself, yes.

15 Q To stay out of trouble?

16 A In some sorts, yes.

17 Q But even after you were in trouble, you still
18 didn't tell the story, did you?

19 A Not to law enforcement, no, sir.

20 Q The reason you didn't tell it back in 2014 is
21 because it's not the truth; isn't that correct?

22 A That is not the truth, sir.

23 Q The truth is you got the number for Vonkeith Toland
24 to set him up for a robbery, isn't it?

25 A That is not the truth, sir.

Justin Butler - Cross-Examination by Mr. Graham

1 Q You used the phone that you needed to use to keep
2 secrets from the police, not your girlfriend, to do your
3 business. This is your business phone, isn't it?

4 A I had that phone particularly at that point in time
5 it was.

6 Q It was a business phone?

7 A Something to say -- something sort of like that,
8 sir.

9 Q I thought it was a phone to talk to girls on?

10 A And for business as well, sir.

11 Q Do you get paid for that?

12 A No, sir.

13 Q You used that phone -- you had an activated phone
14 and you didn't start using it until days before you came
15 because you were planning a robbery; isn't that correct?

16 A No, sir.

17 Q You called Terry McClure and brought him into it,
18 didn't you?

19 A No, sir.

20 Q You called Greenwood and told them you were coming
21 looking for a place to stay and started asking for guns,
22 didn't you?

23 A No, sir.

24 Q You met Terry McClure at the airport, you drove to
25 Greenwood and you got the guns, didn't you?

Justin Butler - Cross-Examination by Mr. Graham

1 A No, sir.

2 Q And then you contact Vonkeith Toland. There's not
3 talk about a car before you come down there, there's talk
4 about a car after you're down there and that's because you
5 were ready to do your robbery; isn't that right?

6 A No, sir.

7 Q Isn't that right?

8 A No, sir.

9 Q You don't have enough money to buy a car, you bring
10 drugs on the Greyhound Bus. Those are all lies, aren't
11 they?

12 A No, sir.

13 Q You and Terry McClure planned to do this and maybe
14 it went bad; isn't that true?

15 A No, sir.

16 Q Did you know that Terry McClure was going to bring
17 out a gun and shoot somebody in the back of the head?

18 A No, sir.

19 Q But you knew because you planned it that y'all were
20 going to rob them, didn't you?

21 A No, sir.

22 Q Vonkeith Toland was lying when he talks about you
23 having a gun, isn't he?

24 A He is, sir.

25 Q You got no reason why you'd lie about that, do you?

Justin Butler - Cross-Examination by Mr. Graham

1 A There's no reason I would lie about that.

2 Q You got no reason why he would lie about it; you
3 know of any reason he would lie about it?

4 A I don't know, sir. I don't know what peoples
5 motives are, I don't know.

6 Q You all planned a robbery, didn't you?

7 A No, sir.

8 Q Terry McClure shot him in the back of the head and
9 you went to the car and you came back and you had a gun,
10 didn't you?

11 A No, sir.

12 Q You helped chase Vonkeith Toland after he had been
13 shot around the house, didn't you?

14 A No, sir.

15 Q You put a gun in his face and threatened to kill
16 him, didn't you?

17 A No, sir.

18 Q You threatened him and said where's the money and
19 where's the drugs, isn't that true?

20 A No, sir.

21 Q And you went in that house and you trashed it
22 looking for money and looking for drugs and you and Terry
23 McClure stole a security camera out of there that would
24 have shown exactly what happened, didn't you?

25 A No, sir.

Justin Butler - Redirect Examination by Mr. James Snell

1 Q You're a liar, yes?

2 A I have lied.

3 Q You've lied about this, didn't you?

4 A Not in my testimony as of now, sir, no.

5 Q You're a thief, aren't you?

6 A No, sir.

7 Q And you and Terry McClure are killers, aren't you?

8 A No, sir.

9 MR. GRAHAM: That's all, Your Honor.

10 THE COURT: Redirect?

11 **REDIRECT EXAMINATION**

12 BY MR. JAMES SNELL:

13 Q Mr. Butler?

14 A Yes, sir.

15 MR. JAMES SNELL: If I may approach, Your Honor?

16 THE COURT: Of course.

17 BY MR. JAMES SNELL:

18 Q I'm going to show you just a printout and ask first
19 of all if you can look at this to help refresh your
20 recollection. As to the date that you formed your
21 corporation for your music business; what was the date?

22 A If I may look at it again, it was definitely 2013,
23 maybe May.

24 Q Okay.

25 A 2013.

Justin Butler - Redirect Examination by Mr. James Snell

1 Q Look at the document and tell us what it is?

2 THE COURT: Point it out to him.

3 MR. GRAHAM: Your Honor, I've never seen that
4 before. It wasn't provided in discovery.

5 THE COURT: Let him see it. Let him see it.

6 What's your objection, Solicitor? What's your
7 objection?

8 MR. GRAHAM: I haven't seen it. I just saw it
9 there, but I haven't ever seen it before.

10 THE COURT: All right. So you want to see it, is
11 that --

12 MR. GRAHAM: Yes, sir.

13 THE COURT: All right.

14 MR. GRAHAM: That's fine, Your Honor. It's okay.

15 THE COURT: All right. Well, just point it out
16 for him, just lead on that if you can.

17 MR. JAMES SNELL: Thank you, Your Honor.

18 THE COURT: Don't hold back, just because he can't
19 find the date on there if that's what you're trying to get
20 out. If the Solicitor doesn't object, show him the date.

21 BY MR. JAMES SNELL:

22 Q Well, first of all, what's the formation date of
23 your company?

24 A 5/9/2013.

25 Q Okay. And what state is incorporated in?

Justin Butler - Redirect Examination by Mr. James Snell

1 A Alabama.

2 Q All right. Who is the -- was the incorporator that
3 you used?

4 A Legalzoom.com.

5 Q And who is the director of the company?

6 A Justin Butler; that's me.

7 Q Okay. And what's the name of the company?

8 A LAR, Inc. Incorporation.

9 Q And what -- what agency maintains the records for
10 that company?

11 A The government records, Alabama.

12 Q All right. And is this printout, does that
13 fairly -- I mean is that a printout of the -- the records
14 maintained by the --

15 THE COURT: He doesn't know that. He doesn't know
16 anything about records maintained in a public office, not
17 unless you can qualify him as a custodian.

18 MR. JAMES SNELL: Yes, Your Honor.

19 THE COURT: All right.

20 MR. JAMES SNELL: Thank you very much.

21 THE COURT: All right.

22 BY MR. JAMES SNELL:

23 Q Mr. Butler, how many -- tell us about the shows,
24 how many people go see them.

25 THE COURT: Say that again?

1 BY MR. JAMES SNELL:

2 Q About the shows, how many people go see your
3 shows?

4 MR. GRAHAM: Objection, relevance.

5 THE COURT: What is the relevance?

6 MR. JAMES SNELL: I think there was a line of
7 inquiry about the shows, the money he made from the shows,
8 whether or not he has documentation about the shows.

9 THE COURT: Yes, sir. So why is the number of
10 people that goes see him relevant to that?

11 MR. JAMES SNELL: I wanted to --

12 THE COURT: I sustain the objection.

13 BY MR. JAMES SNELL:

14 Q How long have you been -- how long have you been in
15 the music business?

16 THE COURT: All of his background came out. I
17 overruled an objection to the solicitor about bringing out
18 his background. What -- what is the answer, go on and
19 answer the question.

20 THE WITNESS: I've been doing music since I was 15
21 years old, so...

22 THE COURT: Well, we know you're 24, so that's nine
23 years.

24 THE WITNESS: Correct.

25 THE COURT: Go right ahead with your next question.

1 MR. JAMES SNELL: Thank you, Judge. No other
2 questions, that's all I have.

3 THE COURT: Recross, Solicitor?

4 MR. GRAHAM: No, sir, Your Honor.

5 THE COURT: Thank you. Thank you very much. You
6 may step down, Mr. Butler.

7 All right. Your next witness, Mr. Snell.

8 MR. JAMES SNELL: That's our only witness, Your
9 Honor.

10 THE COURT: Does the defense rest?

11 MR. SNELL: The defense rests, Your Honor.

12 THE COURT: All right. Thank you. Thank you very
13 much.

14 Does the State intend to present any evidence or
15 testimony in reply.

16 MR. GRAHAM: No, Your Honor.

17 THE COURT: All right. Thank you. Ladies and
18 gentlemen of the jury panel, you've now heard all the
19 evidence and all the testimony you're going to hear in the
20 trial of this case from both the parties, from the State
21 and from the defense. We're at the stage of the closing
22 arguments by the attorneys. The procedure we follow as far
23 as closing arguments, the State opens first on the law
24 unless they waive that opening, followed by Mr. Snell on
25 behalf of his client, Mr. Butler; and thereafter followed

1 I decline to charge the acts agreed upon by the
2 defendant. That also is -- is a charge on the facts and
3 you're protected in that regard, Mr. -- Mr. Snell.

4 **POST-TRIAL MOTIONS**

5 THE COURT: Also, Mr. Snell, I didn't give you an
6 opportunity at the break. You to renew all your previous
7 motions including your motion for directed verdict at the
8 close of all the evidence?

9 MR. JAMES SNELL: We do renew all the prior motions
10 including the directed verdict.

11 THE COURT: And I would renew all my previous trial
12 rulings to include the denial of a mistrial and would
13 respectfully deny the motion for a directed verdict as to
14 all charges based on the standard which I placed in the
15 record at the close.

16 All right. Anything further.

17 MR. GRAHAM: No, Your Honor.

18 THE COURT: Mr. Snell?

19 MR. JAMES SNELL: No, Your Honor.

20 THE COURT: All right. Thank you very much.

21 How long y'all need to charge, I mean to argue?

22 MR. GRAHAM: I have no idea.

23 THE COURT: When you start to hearing this pin
24 tap -- that doesn't mean anything.

25 How about you, Mr. Snell, do you have an idea.

1 know that you will continue to do so.

2 With that being said, Mr. Snell, you may address ,
3 the jury.

4 **CLOSING ARGUMENTS**

5 MR. JAMES SNELL: Thank you very much. Good
6 afternoon. Again, I'm Jim Snell, whose been representing
7 Justin Butler during this trial along with John Snell.
8 This is not the trial of Terry McClure. Mr. McClure is the
9 one that all the evidence indicates shot and killed Tycus
10 Toland. It's also the one who shot Vonkeith Toland, his
11 brother. This trial is regarding Justin Butler and any
12 involvement he may or may not have had.

13 Mr. Butler has testified truthfully that he came to
14 South Carolina with Terry McClure, that he was at the
15 Toland household, that he went to the location on Bushberry
16 Road and he was there when Terry McClure shot both Tycus
17 and Vonkeith Toland and he told you that because that's the
18 truth; he was. But the law in South Carolina, the law that
19 the Judge will give you at the end of the trial is that and
20 those facts alone are not sufficient to convict Mr. Butler
21 of Mr. McClure's conduct and his actions. The fact that
22 Mr. Butler simply was there, simply was with Mr. McClure is
23 not enough. It's insufficient evidence and we believe we
24 contend and because it's the right thing to do, Mr. Butler
25 is entitled to a not guilty verdict.

1 We've heard a lot of evidence in this case over the
2 past, I think it's now three days. I think we started jury
3 selection on Monday; Tuesday, Wednesday and then through
4 today. What I would like to do is take this opportunity,
5 and this is my only opportunity, the only opportunity that
6 Justin Butler will ever have to have -- have the evidence
7 in the case on his behalf discussed, reviewed, and analyzed
8 and I kind of want to go through what we've -- what we've
9 heard.

10 At the beginning, it was back on Tuesday during
11 opening statements, I talked a little bit about the scene.
12 This was -- and you heard the testimony, this is a secluded
13 double-wide mobile home. I think it was the testimony that
14 the driveway is eight tenths of a mile. It has a six foot
15 high privacy fence. There are multiple dogs, there are
16 security cameras. It's not like a house, you know, in some
17 neighborhood on a cul-de-sac or kind of that type of
18 environment.

19 We heard the testimony from the police officers
20 that came on the scene including the crime scene officers,
21 investigators that there were -- there was one dog loose
22 who had moved some of the items around. I think there was
23 some testimony the dog had moved clothing, at least one
24 evidence marker and potentially that dog had been loose
25 from the time of the shooting up until, which is

1 approximately 4:20 based on the 911 call up until the crime
2 scene officers left at after 11:00 p.m. So there's, I
3 guess what turned into maybe potentially a seven hour,
4 approximately seven hour period.

5 There was nothing identified as being missing or
6 stolen from this residence at all other than potentially
7 part of the security system. There's no testimony or
8 evidence that there was household items gone, no evidence
9 there was money taken. In fact, there was some testimony
10 that Tycus Toland at his family's house had had a wad of
11 cash, but no testimony that wad disappeared or was gone and
12 the reason because there's -- we never heard it was
13 missing, the inference and, of course, what it means it was
14 the family got it back or it was recovered. There's no
15 like T.V., household things gone.

16 In fact, we know when the police went into the
17 actual mobile home, they found a gun that was Vonkeith
18 Toland's and they found a small amount of cash in there on
19 the floor. No evidence this was a robbery at all, anything
20 that would have been planned or orchestrated by Mr. Butler
21 and Mr. McClure. And, of course, Vonkeith Toland testified
22 that he is not involved in the drug business, there were
23 no -- other than small amount for personal use, no drugs
24 there and no drugs taken.

25 We've heard testimony from members of the Toland

1 family. I think Ishi Toland and some other relatives
2 testified about the events at the mother's house where
3 Justin Butler came with Terry McClure, about the family
4 card game, about how there was no argument, no aggression,
5 hard feelings; however you want to phrase it.

6 According to the State's theory in the case and
7 keep in mind, this house, they're, I think -- I don't think
8 we've got a precise number, but sounds like there might
9 have been eight people thereabouts, family members there.
10 Justin Butler was at that house this whole time getting
11 viewed up and down by all these family members. They not
12 only had an opportunity to look at him, to see his face, to
13 study him, to look at the car he drove in on; one witness
14 got to see the tag number and told what state the tag was
15 from.

16 I mean he was out in the open. If this was a
17 planned robbery, murder, shooting, as the State contends;
18 something preplanned that Mr. Butler knew was going to
19 happen, which is the only way he can be convicted if he was
20 in with it, why in the world would he go to that house,
21 stay for so long, let everybody in the family see him. It
22 doesn't make sense if it's a planned robbery, planned
23 crime, planned murder. The reason he did it was because
24 there is no plan. None of this from Mr. Butler's
25 perspective, is going to happen or should happen. In fact,

1 the only evidence that I heard from the house, from any of
2 the witnesses prior to immediately before this shooting at
3 Bushberry Road, that there was anything suspicious was the
4 behavior from Mr. McClure and it's the only thing I heard,
5 was that his hand shook during a card game and that maybe
6 he asked to use the bathroom and didn't actually go.

7 I think that's what the family testified to that
8 stuck out to them. That's it. There are no facts or
9 circumstances, nothing, nothing, that Justin Butler would
10 be expected to pick up on, pay attention to, understands
11 that some shooting or some sort of crime is about to
12 happen.

13 Now one of the -- one of the things that really
14 stuck out to me about this case was at the -- at the onset
15 back April 26th, 2014, there was no motive whatsoever
16 provided. Of course, the initial reports that the police
17 got, we heard came through family and -- and of course, not
18 accurate was that it was a white guy was the shooter. We
19 heard that it was somebody from the police were told it was
20 from Craig's List, which wasn't correct. Okay. There was
21 no motive, no explanation. There's no evidence any kind of
22 bad blood or hostility between Justin Butler and either
23 Vonkeith or Tycus Toland.

24 So during this whole period of time from April
25 26th, 2014, going through the end of 2014 through 2015,

1 there's still nothing else. And we learned from the
2 investigators, they never went back out or never
3 re-interviewed or talked to Vonkeith Toland, who was the
4 living, breathing, eyewitness to this. Mr. Toland never
5 gave them any additional information, any story, any
6 statement until January 8th of 2016; and somehow just one
7 of the things that lawyers hear about the first time during
8 a trial and we heard it for the first time during opening
9 statement that Mr. Vonkeith Toland had said that -- that
10 Justin Butler had said, you know, I'm robbing you for your
11 drugs and your money; give those items up or however it was
12 phrased.

13 From an investigative standpoint, what we -- what
14 else we learned and I think this is uncontroverted from the
15 detectives and investigators, their testimony, they
16 believed this was a house break-in. They believed that it
17 was a burglary; that was the motive. Even though there was
18 nothing taken and other than the security system, even at
19 the preliminary hearing held in September of 2014, the lead
20 investigator, Investigator Garrick, testified ; he couldn't
21 identify anything else that was stolen and they were still
22 looking into it.

23 Of course, they were looking into without anybody
24 or talking to their witness, Vonkeith Toland, who at that
25 point had been in the hospital and we hope had made its

1 way, you know, with a progressing recovery.

2 What they did, what the investigators in this case
3 did, was they leaped to the conclusion that it was a
4 regular house break-in or some other circumstance. There
5 was no -- and there's been no evidence presented or
6 testimony that there was any kind of critical analysis by
7 the police about the motivations and intents of these
8 parties and these people, none whatsoever.

9 The shooter in this case, Terry McClure is in
10 government custody. Of course, he's not -- he's on his way
11 here, not here and this is not his trial. This is Justin
12 Butler's trial. No critical, skeptical, questioning by law
13 enforcement. Since the shooting, we think we know who was
14 there, let's stop; that's it and that's all we need.
15 Unfortunately for the police and very fortunately for
16 Justin Butler, in the State of South Carolina that is not
17 the law. That's not what's required. More is required,
18 more evidence, more proof, proving beyond a reasonable
19 doubt that Justin Butler was acting in concert, knew what's
20 going to happen and was a joint participant.

21 Now, we heard testimony from the officer from
22 Alabama, who testified that he got -- that he spoke on the
23 phone with Justin Butler and then met with Mr. Butler the
24 next day at the police station in Alabama. And Mr. Butler
25 says, I don't know anything about it, I was fishing. And

1 of course, that is not true. I think that Mr. Butler
2 admitted that on the witness stand when I was questioning
3 him and I do believe the solicitor's office could not have
4 done a better job on cross-examination on that point that
5 he lied about talking to the police.

6 What I would submit to you is and what I would tell
7 you, we heard, you know, that Mr. Butler, during the
8 initial phone call to the police, said something, made some
9 reference about a lawyer. We know he did not have a
10 lawyer. Of course, he goes down there by himself and as
11 when someone is not a lawyer and does not have legal
12 training experience, they don't always know how you should
13 invoke your right to remain silent or how exactly you
14 legally enforce your -- enforce your rights and deflect the
15 police. And so Justin Butler as a 22 year old young man,
16 scared, nervous, he knows he was there, came with the story
17 I was fishing. All he had to do was just, you know, you
18 have rights to remain silent, if you have the training or
19 know how to deal with the police, you just say I'm not
20 talking or -- and that's the end of it and the same thing
21 when he gets to South Carolina and -- and investigators or
22 officers meet with him. He doesn't say anything that
23 implicates himself in the crime. He doesn't say anything
24 which is a confession; doesn't say anything which is
25 evidence going along with the fact that he was aware or in

1 concert or acting in with Mr. McClure's part of this.

2 Now we heard from a lot of witnesses that were and
3 what I'll call specialized investigators, some of them
4 qualify as expert witnesses although the designation as an
5 expert, the fact that the police or the Solicitor's Office
6 or the State has experts, certainly doesn't mean that
7 they've got some sort of superior case or mean anything of
8 the sort, but one of the things they had a fingerprint
9 analysis analyst come. One of the things I got from it was
10 one print, I believe just one associated with Terry
11 McClure. Of course he was there.

12 Justin Butler was also there, but I don't believe
13 there's any testimony of any prints actually associated
14 with him although there certainly could have been. There
15 were. And just one of the things that just kind of stuck
16 out at me was Vonkeith Toland, during his testimony,
17 testified that Mr. Butler was over by the car and really
18 looking it up -- up and down. That's one of the areas
19 where their stories kind of diverge, where Vonkeith's story
20 goes one direction; Justin Butler's story goes the other.

21 Mr. Butler's testifying -- when he testified he
22 went back to the car, sat in the car to use his phone or
23 charge it to look up the -- the price for the car to figure
24 out what he was going to offer. My understanding, putting
25 both stories together kind of tracking chronologically

1 where they are, that's the time where Vonkeith testified he
2 was kind of really studying and looking over that car, when
3 he had the hood up or looking at all -- I think if he had
4 been studying, closely examining the car as Vonkeith said
5 he was rather than sitting in the car, which is what Mr.
6 Butler said, I think the fingerprint test may have been
7 more likely and certainly would have shown some sort of
8 threats.

9 It's not saying that Mr. Butler wasn't there; he of
10 course was there. It just goes to show you at that point
11 in time, is more or less likely that Vonkeith's version is
12 correct rather than Mr. Butler's story. We certainly think
13 that that evidence shows Mr. Butler was being truthful with
14 you.

15 We heard evidence from a DNA analysis that was.

16 Samples that was recovered from both the Toland,
17 the mother's house where the card game was as well as the
18 Bushberry Road address where the shooting was. Frankly,
19 none of that evidence goes to show one way or the other
20 what happened. It certainly doesn't show that Mr. Butler
21 is guilty of any crime at all.

22 We had a firearm expert. If you recall, a
23 gentleman came yesterday and was qualified as an expert and
24 talked about how guns are made, that the gun making
25 process, markings on a barrel, which is transferred to a

1 bullet. He analyzed the fragments from the bullets and was
2 able to come up with an opinion that there were two
3 separate firearms involved. One of the firearms, and I
4 don't know if you'll have the actual firearm back in the
5 jury room or not, but it's marked as State's Exhibit 36.
6 I'm not going to open up the box because I don't want to
7 make anybody uncomfortable. That's one gun. That's the
8 gun that was in the house, not involved in this case, not
9 involved in the shooting.

10 The other gun was the gun that Terry McClure had.
11 Okay. So the only evidence the firearm examiner had was
12 two guns; one involved in the crime and that gun there. So
13 there's no evidence of a third gun at least from a shooting
14 or bullets analysis and that goes along exactly with
15 Vonkeith Toland's testimony that Justin Butler never fired
16 any gun. He never shot Tycus Toland, never shot himself
17 either.

18 We heard a lot of evidence and seemed like, I don't
19 know, maybe I won't say half the trial, but it seemed like
20 it was an awful lot of evidence dealing with cell phones,
21 cell phone tracking, phone records, phone bills, who called
22 who, where they were, all that evidence shows is that
23 Justin Butler and Terry McClure traveled here together,
24 which Mr. Butler has admitted to doing. It does not have
25 anything to do as far as the placement of the phones or

1 the -- basically we saw the, if I may, just for example,
2 what's been marked State's Exhibit 74, just for example.

3 We see where they did a very good job at our
4 sheriff's department mapping the phones, showing where --
5 what towers signals were bouncing off of. That has nothing
6 to do with the incident occurring on April 26th on
7 Bushberry Road, has nothing to do with -- with that
8 shooting or whether Vonkeith Toland's story or Justin
9 Butler's story was correct or accurate. It simply shows
10 that Mr. Butler was here, which he's admitted to doing.

11 So really the only testimony and the only evidence
12 about what happened that we heard comes from Vonkeith
13 Toland and Justin Butler. That's it. We've heard all the
14 other police officers, the family, but it comes down to
15 Vonkeith and Justin Butler. Vonkeith Toland has a criminal
16 record. He's got a record for trafficking in, I believe
17 it's trafficking drugs, drug possession. Of course, that
18 does not mean at all that someone would -- is lying or not
19 telling the truth, but it certainly gives you a glimpse
20 potentially into background or character. Mr. Butler --
21 Mr. Toland is the one and the only one that testified to
22 anything that would make Justin Butler criminally
23 responsible.

24 But here's the thing, we know about the initial
25 report to the police not being accurate. We know about

1 there's nothing from Craig's List. We also know that he
2 gave -- he kind of flipped his story on knowing about this
3 gun. He -- he didn't -- he basically lied about it and it
4 wasn't until the prosecutor offered him immunity, which
5 means if you tell us the truth, you will not get in any
6 trouble. That's the only time that he actually changed his
7 story about this gun and told the truth. He waited until
8 he knew he wouldn't be in trouble.

9 Even though at that point, he remembered, told us
10 the whole story about how he had bought it then maybe gave
11 it to a girlfriend for protection, thought maybe she had
12 lost it. Whatever his story was, it wasn't accurate; he
13 flipped it and that's significant. Why in the world would
14 the man whose been shot, whose brother's been killed, lie
15 about any detail.

16 Second thing and I think this is extremely
17 significant. There's this red Dodge car that is reported
18 stolen. It's at the property. Tycus Toland had been using
19 it. Vonkeith Toland testified that he was suspicious about
20 whether or not that car was stolen and whether or not
21 somebody would get in trouble or his brother would get in
22 trouble for having it. And so what's the first thing he
23 does when discussing with the police? He lies about it and
24 says that Justin Butler and Terry McClure, they got there
25 in it and it was with them.

1 So here you have his brother killed, he's shot and
2 what he wants to do is throw -- is tell the police
3 something that's going to throw them off the case for no
4 good reason whatsoever. It's a lie and it makes absolutely
5 no sense for somebody to do so. Zero.

6 Now, Vonkeith testified that he is not in the drug
7 business, had no drugs on the property, is no longer buying
8 drugs, not selling drugs, maybe other than personal use,
9 that he'd been offered marijuana for a car, turned it down.
10 He said that's not his business. Assuming that's correct
11 and that's the only evidence we have and that's his story,
12 he was actually offered immunity regarding drug dealing and
13 he didn't change his story on that.

14 There's nothing suggesting, no evidence, nothing
15 suggesting the reason that Justin Butler has to come out
16 here and do this. There's absolutely no testimony
17 including after analysis of all the phone records, that
18 there was a plan between Justin Butler and Terry McClure to
19 rob, shoot, burglarize, do anything of the sort.

20 Now Justin Butler took the witness stand, which he
21 did not have to do, he voluntarily waived his right to
22 remain silent to testify and he told you a story which
23 doesn't, not all of it and a lot of it didn't cast him in
24 the best light. Here's a fellow coming in on trial for
25 murder no less, telling you about cheating on his fiance

1 that he lives with and has a young son with. That's
2 certainly not, doesn't cast him in the best light. It
3 doesn't make him sound like an honorable person, but it's
4 the truth and he told it.

5 Here's somebody telling you, Justin Butler told you
6 about traveling with the drugs that he sold for \$4500 to
7 somebody in Greenwood. It certainly doesn't make him sound
8 good, doesn't sound honorable, doesn't sound right, doesn't
9 cast him in the best light, but it's the truth and he told
10 it.

11 Justin Butler admitted to being here, he admitted
12 to being at the Toland house, he admitted going with Tycus
13 Toland, he admitted going with Vonkeith Toland and he
14 admitted to being with Terry McClure and certainly on April
15 26th, 2014, there's probably not a whole lot you could say
16 to put yourself, make yourself still sound bad and say I
17 was with Terry McClure, but he admitted it; he said it, he
18 owned it. And what did he say, he said he came out, hung
19 out with Toland at the family while Vonkeith ran his
20 errand. He went to the Bushberry Road address. He test
21 drove the car, went and got out of the car and went to sit
22 in his car to use his phone facing one direction with Terry
23 McClure and Vonkeith Toland and Tycus Toland outside and he
24 said he did not hear any shouting, fighting, anything, but
25 he heard the dogs start barking and then a few seconds

1 later, he heard the first shot. Of course, he said he
2 could hear it, but he didn't see it and the reason he
3 couldn't see it is because he's facing out the other
4 direction.

5 Now again we've had a lot of the forensic evidence
6 and the folks that come out from the sheriff's department
7 and other agencies and review the crime scene and there's
8 no evidence at all that his -- that what he testified to as
9 far as where that car is parked, where he was sitting, what
10 he could or could not have seen, none of that can
11 contradict Mr. Butler. All the evidence was collected, all
12 the analysis, none of it disproves what Mr. Butler said.

13 Vonkeith Toland, this is really significant.
14 Vonkeith Toland testified, told the police and then came in
15 here and testified, now at this point the stories had
16 diverged, but he testified that Justin Butler was surprised
17 by the shooting, that it was not something that he would
18 have expected, he was ready for, that he had a -- wasn't
19 really jumping and participating or doing anything like
20 that at all. So no matter which version of the story you
21 believe is true up to that point, what Vonkeith Toland has
22 said or what Justin Butler has said, there is no evidence
23 that Justin Butler, zero evidence, that Justin Butler at
24 that time was prepared for, planning for Tycus Toland to be
25 shot. He -- it was sudden, it was unexpected and something

1 that Justin Butler was ready or prepared for.

2 I will tell you if these folks had come, Justin
3 Butler had come all the way from Alabama with the intent to
4 rob Tycus Toland, Vonkeith Toland and burglarize that
5 property, what you think but at the time that Terry
6 McClure, they're in cahoots, is about to just shoot
7 somebody in the head, that's it about to all go down,
8 wouldn't he know? I mean you've been doing -- apparently
9 orchestrating this for days, weeks, months, however long it
10 is, would it take you by surprise or are you ready to go;
11 you've been planning it, you've been thinking about it,
12 you're pumped up, you're going to do it; it doesn't take
13 you by surprise and that's Vonkeith's version. We don't
14 know. We still don't know. Mr. Butler's testified he
15 didn't see what happened, he's not aware of any
16 conversations between Terry McClure and Vonkeith Toland,
17 Tycus Toland, or anyone else. He's not sure what happens,
18 why it happens, but he's simply -- he's there and he admits
19 it, but there's absolutely no evidence that he was
20 planning, conspiring or in cahoots with Terry McClure to
21 shoot Tycus Toland, to shoot Vonkeith Toland or go into the
22 house.

23 The other thing is we learned when the police
24 actually went into Justin Butler's house in Alabama and
25 they searched it, nothing associated with this Bushberry

1 Road mobile home or this incident was recovered. No -- no
2 recording, no recorder, no other gun, nothing and there's
3 been no other testimony other than Vonkeith saying Mr.
4 Butler had a gun. There's been no other testimony or
5 evidence, no one else saw him with a gun, nothing. None of
6 the forensics showed a third weapon on the scene.

7 So now Justin Butler tells the story, of course,
8 he's 22 years old at the time, he's out to look at this car
9 and imagine a 22 year old looking at a car with I think
10 they're called gull wing doors. That's something that
11 would be, for a lot of 20 year olds it would be kind of
12 captivating in a lot of ways, they're really interesting.
13 So you're really focused thinking about the car. It's got
14 a salvage title, it's not the regular car lot, you know
15 Carmax or at some dealership; it's in -- outside some
16 trailer, you know out of Pelion. I think they're all
17 mobile homes in Pelion, but it's not in a -- in a retail
18 setting, it's something he might be able to afford; however
19 he gets the money, his music business and maybe drugs and
20 he's interested. And the next thing he hears are gunshots.

21 The first shot is Tycus Toland. Then he hears
22 other shots where Vonkeith Toland got shot. He sits in the
23 car and Terry McClure, after several minutes, that sounds
24 like the time that Terry McClure would have gone into
25 the -- the mobile home as the evidence has shown, kicked in

1 the door. That we know from the police evidence that there
2 was evidence of blood looking like someone crawled under
3 the mobile home out in the back and so we believe that
4 that's the -- that at the time that Vonkeith Toland was
5 under the trailer after having been shot, we don't know
6 what his level of consciousness was or if there's any
7 evidence or testimony that he's been shot multiple times. I
8 think once in the neck. He at some point did crawl under
9 the trailer.

10 What we think is very likely, very possible because
11 Justin Butler definitely didn't go in the mobile home, that
12 Vonkeith, in his condition under the home, may have heard
13 the racket, may have heard the door kicked in and may have
14 just assumed, leapt to the conclusion that it was both of
15 them in the trailer, but it could not have been Mr. Butler
16 because he's outside in the car. But during that time
17 period that Mr. Butler testified up to three minutes, is
18 the opportunity that Terry McClure would have had to go in
19 the home. He comes out, Justin Butler said he didn't see
20 him have anything. The only thing that we know is missing
21 is the recording device potentially from the security
22 system. I don't think there's been any testimony that the
23 security system worked so we don't know actually what kind
24 of device it was or is not, how big it is. It could very
25 well have been something that Terry McClure could have

1 concealed if he had it, it could have been something he had
2 in a pocket that was not visible, but whatever happened to
3 it if -- if it even existed at all and if Terry McClure
4 even did have it, Justin Butler said he never saw it.

5 Now, of course, the big question is going to be why
6 in the world if you're Justin Butler would you ride out
7 here with Terry McClure, know the shooting happened, know
8 you are, I think his term, could be implicated and leave
9 with him, Well he -- he's just been taken by surprise at
10 the shooting. We know that Terry McClure is somebody
11 capable of point blank range basically pulling the trigger.

12 MR. GRAHAM: Objection, there is no testimony to
13 that, Your Honor.

14 THE COURT: All right. Ladies and gentlemen of the
15 jury, you ladies and gentlemen, are you the judges of the
16 facts in the case. It will be for you to determine based
17 on the evidence and testimony that you've heard from the
18 witness stand and the jurors -- excuse me, the witnesses
19 testifying before you under oath. Again, I repeat the
20 opening statements of the attorneys, the questioning by the
21 attorneys, the closing arguments by the attorneys is not
22 evidence. They, of course, may argue facts and law and how
23 the inferences to be drawn from the facts and how they play
24 the facts and the law with each other, but it's your
25 memory, it's your determination of what the facts are in

1 the case, ladies and gentlemen.

2 Thank you very much, Solicitor.

3 Thank you, Mr. Snell. You may continue.

4 MR. JAMES SNELL: Thank you so much.

5 After everything that had happened, after
6 everything that Justin Butler knew had happened, I think
7 Justin Butler made the decision, he is better off not
8 asking questions, not prying into details and leaving. Of
9 course at that time, he does not know the condition of
10 Vonkeith Toland. He does not know that Vonkeith is shot,
11 injured, doesn't know that Tycus Toland has been killed,
12 doesn't know the extent of any of it and again, made the
13 decision, I'm not going to ask questions.

14 Of course, it would be better, preferable, to step
15 out and use your phone and call 911, but Justin Butler, in
16 that situation, made a determination that that was not the
17 best move for him to make, not the best decision to do.

18 And after you evaluate and I know it's one of the
19 things that deliberations going to have to touch on and
20 consider and think about hard, think about how -- what the
21 decisions that Mr. Butler made in the moments in the period
22 of time after that shooting, how that could have affected
23 him and what would be going through his mind, what would be
24 expected to be going through his mind at that time and I
25 think after thinking about it, you will understand and see

1 that Mr. Butler and his choice to pry, not ask questions
2 isn't evidence of guilt for part of this -- being part of
3 this scheme or plan; it's simply that he found himself at
4 that location, found himself with Terry McClure and found
5 himself in the scene of what just happened.

6 Now in order for Mr. Butler to be convicted of any
7 crime, he's charged with four things here; murder, which is
8 for the death of Tycus Toland, attempted murder for the
9 shooting of Vonkeith Toland, first degree burglary for the
10 kicking in the backdoor and the entry into this mobile
11 home, and for possession of a firearm during the commission
12 of a violent offense, that's for the gun that you heard was
13 involved.

14 In order for him to be convicted of anything, the
15 evidence required has to be proof beyond a reasonable
16 doubt. The Judge is going to give you a legal instruction
17 called a jury charge or jury instructions telling you
18 exactly what reasonable doubt it, exactly what the law in
19 South Carolina is, but I want to take this opportunity to
20 sort of tell you how, give you some examples of what
21 reasonable doubt is.

22 First the Judge may tell you that reasonable doubt
23 is the kind of doubt which would cause a reasonable person
24 to hesitate to act. That's the hesitation you would have
25 after hearing all the evidence in a case to enter a verdict

1 of guilty. That hesitation is a reasonable doubt. It's
2 not a kind of doubt that is, you know, is basically it
3 doesn't have to be more than that. It -- it's just the --
4 it's that hesitation.

5 Now, some of you may be familiar with civil cases
6 or have been on a civil trial before maybe years previously
7 in this courtroom or other courtrooms. I'll talk to you
8 about that standard that applies in these kinds of cases.
9 I mean these are the cases which a lot of people are more
10 familiar with, maybe it comes up in family court or other
11 courts that people are more familiar with in their regular
12 lives and that's called preponderance of the evidence.

13 In a civil lawsuit where say somebody was suing
14 somebody else and say somebody was being sued for all the
15 money they had. It -- it's whatever the facts are, but
16 it's -- it's a lawsuit for a lot of money to buy somebody
17 out. That case comes to court and the jury hears the
18 evidence as to apply the burden of proof the judge gives
19 them to determine if the lawsuit against them for all the
20 money should be successful. That's preponderance of the
21 evidence. That means at the end of the case, it just has
22 to be ever so slightly in favor of the person suing to win.
23 Okay. That's a low standard compared to reasonable doubt.

24 Another example, this comes out of Family Court,
25 but if there ever was a situation where the government is

1 going to come in, allege that parents are unfit and take a
2 child into protective custody, go all through these
3 proceedings and finally adopt a child out to a new family
4 where the parents no longer have a right to know about
5 their child, don't have a right to know if he's in school,
6 if he's well, if he's sick, is he living or not living,
7 anything about that and just think about the standard of --
8 legal standard required to take the child permanently away
9 from his parents, the parents would be permanently
10 deprived. That is called clear and convincing. That's
11 here. It suits everybody down here, clear and convincing
12 is here.

13 Reasonable doubt, which is the doubt that applies
14 on every decision in this case as far as determining if Mr.
15 Butler is or is not guilty, is here. It's the absolute
16 highest standard that exists in our legal system. It's
17 absolutely higher than everything else including cases and
18 again involving children.

19 The law is simply -- the law is that just because
20 Justin Butler was there, just because he was with Terry
21 McClure, that alone doesn't make him guilty. That alone
22 comes nowhere close to meeting the reasonable doubt burden.

23 There's going to be a lot of evidence you've heard
24 about the text messages, maybe this is a gun, by what's a
25 hammy or what's a hamma or why do you have this many phones

1 or everything else. None of that proves or is evidence of
2 a conspiracy to rob, murder, burglarize or anything else
3 the Tolands.

4 All the inconsistencies that we've discussed are
5 indeed the evidence from the fingerprints, the firearm, the
6 911 call with the white man, Craig's List, the flipping on
7 the gun, the making up of the story about the Charger, the
8 fact that the family was all there to watch, look up and
9 down Justin Butler, the fact that even VonKeith's testimony
10 was that Justin Butler was surprised when this all
11 happened, any one of those are enough by themselves to
12 establish reasonable doubt taken in a whole.

13 Taken in a whole, you take the whole thing in,
14 there is absolutely unquestionably reasonable doubt in this
15 case. This is not the Toland family's opportunity to get
16 justice for Terry McClure's actions. He's the shooter,
17 everybody knows it. We've heard from the investigator that
18 he's on route or that might be being transported here and
19 not today, not this week, but later, he will have his day
20 in Court and his case will have to be dealt with. This
21 week, these days, this trial, your service, your
22 deliberations, the verdict forms you will take with you
23 into the deliberation room are only about Justin Butler and
24 whether or not the State's proved beyond a reasonable doubt
25 that he's guilty of murder, guilty of attempted murder,

1 guilty of burglary and guilty of possessing a weapon.

2 We would contend that taking into account, he is
3 not guilty. This of course, is the most important thing in
4 Mr. Butler's entire life. Your service is incredibly
5 important to him. We'd ask you, we know you will, consider
6 all of the evidence. I will not have a chance to get back
7 up and talk to you after the solicitor gives his comments.
8 So this is my final opportunity.

9 Please consider all these points, critically
10 analyze the evidence, this is not -- don't make -- the
11 police made a mistake I think in the beginning jumping to a
12 conclusion which really caused no investigation from April
13 14 to January 16. This is not the kind of case where
14 jumping to conclusion is the best thing or the right thing
15 or the just thing or at least a correct verdict.

16 So we'd ask you to please return a verdict of not
17 guilty to Mr. Butler for all four charges. Thank you very
18 much.

19 THE COURT: Thank you. Solicitor?

20 MR. GRAHAM: Liar, thief, murderer, Justin Butler,
21 all three of those things. He admitted to lying on the
22 stand. He denied being a thief and he denied being a
23 murderer. Very essentially, everyone consider this, Mr.
24 Snell wants you to consider that some of the things that
25 Vonkeith Toland says are true when it helps his client.

1 Things that don't help his client, well he's a liar.

2 Well, let's just talk about Vonkeith Toland and
3 nothing else for a moment. His story was they were there
4 to buy a car. Things didn't go bad until they were at the
5 residence and Mr. McClure started saying bad things about a
6 friend of theirs, Zo from California. At that point, he
7 knew something was wrong. He said at that point, Terry
8 McClure pulls out the gun and shoots his brother in the
9 back of the head and this is where we get the comment about
10 being surprised.

11 If surprise helps Justin Butler, why would Vonkeith
12 Toland say it? He was surprised, he was startled. So is
13 he lying to help the man and then lying about what happens
14 to him; that doesn't make any sense, but it goes to
15 credibility because he is telling you the truth. Vonkeith
16 Toland is telling you the truth. He could have made that
17 story good.

18 Terry McClure pulled out a gun and shot my brother
19 in the back of the head, he turned a gun on me and then
20 Justin Butler pulled out a gun and he pointed it at me
21 right then and there. Wouldn't that have been a better
22 story? But he didn't tell it that way because that's not
23 the way it happened because he told you the truth, he was
24 surprised. Was he surprised that Mr. Toland was going to
25 get shot; I don't know. Maybe he was. Maybe it wasn't

1 supposed to happen at that time and that's why he was
2 surprised.

3 He knew there was a robbery. He missed -- maybe he
4 didn't know when it was going to happen, but he didn't have
5 to pull the trigger or know there was going to be a murder
6 for him to be guilty of murder. When you listen to the
7 Judge on the law and it doesn't say that.

8 So you've got to decide credibility. Justin
9 Butler, Vonkeith Toland, if you disregard everything else
10 in the world, everything else, any of the other evidence,
11 if you believe Vonkeith Toland, Mr. Butler is guilty of
12 burglary in the first degree without any other evidence.
13 It doesn't matter whether there was a plan before.
14 Vonkeith Toland tells you that Terry, excuse me. Terry
15 McClure shot his brother in the back of the head; Tycus
16 falls down. He's the wild card that had to be taken out in
17 that robbery. He had been at the house while they were
18 riding around. Who knew whether he had a gun or not? He
19 gets taken down.

20 He says then he gets shot, he goes running around
21 the house and he gets shot. He said at that point after
22 being surprised, he sees the defendant, Mr. Butler, with a
23 gun. So now both of them have guns, but Mr. Butler is
24 chasing him around the house as well. Mr. Butler puts a
25 gun in his face asking for money and drugs and they'd had

1 dealings before. Mr. Toland told you he had been a drug
2 dealer, he had gone to prison for drugs. He admitted he
3 carried thousands of dollars, he sold cars.

4 He had every reason in the world to believe he was
5 into drugs and money and this was an easy hit because
6 nobody knows this in South Carolina, we'll go there. We'll
7 come from Alabama; we'll go from California. We'll come to
8 little old South Carolina and nobody knows who we are. We
9 don't use real names. Hi, my name is Justin Butler, no,
10 it's Jonah. Well, whose Jonah; I don't know. We don't use
11 numbers where you can reach people at, we use burner phones
12 or fake numbers because we don't want them to be able to
13 track you down.

14 Vonkeith Toland said that he put the gun in his
15 face and both of them went into the house. There's no
16 testimony about him being delirious and bleeding out and
17 hanging under the house and thinking that maybe he saw both
18 of them go in the house. Both of them had guns, both of
19 them went in the house, both of them ransacked the house,
20 both of them stole the security camera. Guilty of burglary
21 in the first degree right then and there if you believe
22 Vonkeith Toland and if you don't believe him on that, then
23 find him not guilty on everything.

24 So knowing he's guilty of burglary in the first
25 degree, let's talk about the other stuff. Let's talk about

1 was there a plan and how we know that. That leads us to
2 the phone records and the phone calls. Well, let's go back
3 for a second, people from Alabama and people from
4 California coming in. One of them is dead; Tycus Toland is
5 dead. He lost his life, a single shot to the back of his
6 head. He was executed. He was never going to be able to
7 tell anything about what happened. Terry McClure made sure
8 of that. Vonkeith Toland is shot three times and left for
9 dead. They expected him to die.

10 He tells you they came back out afterward when he
11 crawled under the house and they were still looking for
12 him, but they left him. That was one mistake they made.
13 He was able to call 911 these are friends of Zo from Cali.
14 That's one way that they were tracked down is because his
15 sister went out and found Zo from Cali and said that's him,
16 that's one of the guys that was with them. That's Justin
17 Butler.

18 When asked, Justin Butler didn't say I was there,
19 did he? The police had to prove it. Once they prove it,
20 then he comes in and tells you what happened when
21 confronted with the proof, not given the opportunity.

22 What else do we have; we have good police work,
23 some of the best police work I've ever seen. Sergeant
24 Mefford taking phone records and tracking down from person
25 to person to person to figure out whose flying and whose

1 not flying, identifying Terry McClure, going back and
2 calling and finding out there's a star 67 number that
3 blocked it and figured out who that was and finally getting
4 to the 510 number that takes us to Mr. Butler.

5 There are two ways we go to Mr. Butler; when they
6 find him, he sure didn't say I was there, did he? He
7 denied it. He's a liar. So what do the phones tell us?
8 We have the 510 number, which I'm going to call his real
9 phone because it had been in service for a long time and
10 you heard Mr. Vonkeith tell you he had two phones; one was
11 personal for family, one was business for the car people
12 and I'd say this is exact the same thing that Mr. Butler
13 had two phones for; family and friends on the 510 number.

14 He's got L in there as a contact and you can go
15 back there and look at the extraction after this happens,
16 after Tycus Toland is dead and Vonkeith Toland is left for
17 dead. Look on there and see what they say. I love you
18 back and forth to each other. There's no fear in him.
19 There's no confusion about what happened. There's no I
20 don't know what happened or I'm worried about being
21 implicated, it's I love you. This was a plan and they were
22 brothers and they did it together.

23 The 404 number, a business phone, it was activated
24 March 14th or March 15th or something of 2014. Look at the
25 records and see what happens, it's just sitting there

1 turned on and not used. There's incoming calls that are
2 not answered. The first time that he calls out, he's
3 calling Terry McClure, not on a real number for Terry
4 McClure, not on the 510 number, not that phone because he
5 could have talked to him on that phone. He talked to him
6 all the time, he texted him. He chose to call him on his
7 404 number to another burner phone, another unregistered
8 phone, a 707 number out in California.

9 How did they end up with two burner phones; and get
10 together on it, I have no idea, but both of them had other
11 real phones they didn't talk to and they chose not to
12 because they were doing something illegal. They were doing
13 something wrong and they were planning, they didn't want
14 proof. So the calls are multiple and multiple to Terry
15 McClure and then they go to Greenwood. Not because they're
16 doing a concert, not because I'm bringing drugs for you to
17 sell, we need a place to stay, we need a gun; can you hook
18 us up?

19 All the calls that you see on there, most of them
20 are to Terry McClure. There's a lot to Greenwood. They
21 don't talk to VonKeith until afterwards. So the plan is
22 let's go do this robbery and then go do this. If you
23 believe the story that there was a rap concert and that's
24 why he was here and this is all an afterthought, then you
25 believe Mr. Butler when he testified and told you the

1 truth; y'all will let him go. You'll find him not guilty,
2 but you've got to look at his credibility. You look at his
3 motive to lie. You decide whether he's telling the truth
4 or not.

5 So we got a phone that's used primarily for
6 business, the business of robbery, the business of
7 burglary. They're making communication. He can bring a
8 nickel. A nickel can be a gun; a nickel could be money.
9 Mr. Butler says it's \$500. I don't know. You go down here
10 farther, I got a hammy with me. So Mr. Butler is telling
11 Mr. McClure I got a hammy with me. H-A-M-M-Y. And he
12 tells you that that is some acronym for five or six
13 different types of drugs. If you believe that, you give it
14 all the weight that you think it's worth. It could mean a
15 gun, couldn't it? He sure was talking about a gun later,
16 which he admitted because it makes sense to tell him -- he
17 said he told him on the phone. He told him he was bringing
18 everything but the mollies. Why do you send another text
19 to add I'm bringing mollies too? He wants to let his
20 friend know what's going on so that he rides with him, he
21 won't -- if he gets caught, he's taking on his own risk.

22 He said oh yeah, by the way, I got to tell you I
23 got mollies. When he had called him apparently according
24 to him, he told him he had everything else. So if it makes
25 sense, if you believe it, you give it what weight you think

1 it's worth.

2 He talks about them getting together and getting a
3 number. You get the address, the address where we're
4 supposed to meet up. The answer from an unknown number,
5 another burner phone up in Greenwood, my people ain't
6 answered, try to get another one. Why does he need another
7 address; what people are we talking about; does that make
8 sense? If you think it does, you give it the weight it
9 deserves. Could be I'm looking for a gun, that is
10 something I'm looking for, something for sale. The expert
11 told you that's what it could mean.

12 We go on and on and on down here, April 24th, 2014
13 6:44 p.m. unknown in Greenwood which he says is whatever
14 the person he was supposed to sell dope to to him, are you
15 going to need a hammer to fix it or not? Hammer, he agrees
16 that it's a gun. The expert says it's a gun. That's a
17 gun. Are you going to need a hammer to fix it or not and
18 then it says with the fix it or not, he said that's a typo.
19 That didn't make sense. Was it really a typo? When you
20 need a gun to do what you're going to do; do you need a gun
21 to do the robbery you're going to do. Yeah, they needed
22 two guns because Terry McClure didn't bring one on an
23 airplane. You got one gun with the hammy, I'm going to
24 have one here when I meet you. I'll have it. The second
25 gun is here; that's how they get two guns. They each get a

1 gun. He answers most likely and texts back immediately and
2 then he wants to say that there was a call in there or
3 there wasn't a call in there; I don't know.

4 You heard his testimony. If you think that makes
5 sense to his story, so be it, but it looks like are you
6 going to need a gun to take care of business or most likely
7 I do. The second gun. Now they both have guns. This
8 isn't a phone for cheating on your girl; it's a phone for a
9 robbery, it's a phone for a burglary.

10 He's a liar. Any question, he's a liar? Three
11 different times he had the opportunity to tell the story he
12 told you. Now, he's had two years to think about that
13 story and try to make it work. We'll come back to that.
14 Three opportunities to tell the story, he talked to
15 Detective Garrick on the phone. He tracked him down with
16 that 510 number and talked to him on the phone; did he say
17 anything about what you all heard today, no, and I think he
18 said that Detective Garrick is a liar. Detective Garrick,
19 if my memory says that he's on the stand, testified that
20 Mr. Butler said I don't know anything and I've never been
21 to South Carolina. I'm with my mom and with my brother. I
22 believe that's what he said and if you all heard different,
23 you can listen to the testimony again. You go with what
24 you heard. He says that's not even true.

25 Could he have told the story he told you all; he

1 , could have. Does his story implicate him, which is what he
2 wanted; he wants to use the word implicate. I won't tell
3 it because it might implicate me. His story didn't
4 implicate him in anything. His story says I was there and
5 I didn't do nothing, I don't know nothing, I may have heard
6 a little bit, didn't see nothing, I'm not guilty. He could
7 have told that story. That story doesn't even say that
8 Terry McClure did anything.

9 That story says I didn't see it and I don't know
10 what happened. I heard some gunshots. I left there not
11 knowing anybody was shot or anybody was dead. I don't know
12 who shot who or who did what. He could have told that
13 story and he chose not to and the reason he didn't, it's
14 not true.

15 The story is there was a plan that it was executed
16 and during the course of that execution, whether he knew it
17 or not, guns were taken and Tycus Toland was shot in the
18 head and Vonkeith Toland was shot and that house was
19 burglarized and Justin Butler was part of it. That's why
20 he didn't tell the story because that's the truth.

21 Detective Craig Rickman comes and talks to him on
22 the phone and says will you come in and talk to me; sure,
23 I'll come in. He wasn't in custody. He could have left at
24 any time; he didn't have to go. He did not have to go. He
25 did not have to go; he chose to go because he wanted to lie

1 again. He could have not gone and talked at all.

2 There was testimony or Mr. Snell -- not testimony.
3 Mr. Snell was talking about Mr. Butler being nervous and
4 scared. There was no testimony of that in the record,
5 nothing about him being nervous or scared during
6 interviews. He did not have to go. He didn't have to say
7 anything. He chose to go and lie to the police, but he
8 also said Detective Rickman is a liar.

9 Detective Rickman said he told me that Mr. Butler
10 said I don't know anything and I haven't been to South
11 Carolina in several years. There's no conversation about
12 going to Greenwood. I tell -- and Mr. Butler said I told
13 him that. I told him I went to Greenwood. I told the
14 Detective Garrick. I told Detective Rickman, but they're
15 lying. So what motive does Detective Rickman and Detective
16 Garrick have to lie to you all? I would say none.

17 What motive did Mr. Butler have to lie; he's got a
18 whole lot of reason to lie to you all. You think about
19 that when you're deciding whose telling the truth and whose
20 not. What reason does Vonkeith Toland have to lie to you;
21 none. None.

22 He talks to Detective Garrick in person; he's under
23 arrest and the warrants are read to him at this point. He
24 knows he's getting on the hook, he knows he's involved and
25 the police think he's involved. He's implicated at this

1 point. Using his own words, he's implicated when he's back
2 in Lexington, South Carolina. They Mirandized him. They
3 read him his rights. He agrees to talk. Does he tell that
4 story now that he's implicated, to tell you, Hey, I was
5 merely present. I don't know anything. No, that's not the
6 story he told because it's not the truth. That story says
7 I don't -- I'm not guilty. He didn't choose to tell the
8 I'm not guilty story. He chose -- and it is a story, he
9 chose to say, again, I don't know anything, never been to
10 South Carolina, never been to South Carolina. That's what
11 the detectives say he said.

12 So why is he lying; because he can't tell the
13 truth. His credibility, is for you all to decide. He
14 admitted on the stand and he was lying; he's got a reason
15 to lie now.

16 He's an artist. They have incorporation papers of
17 some company and he claims he's a rap artist. I don't
18 disagree. He's trying to play you; don't let him play you.
19 He gave a performance for you. See whether his story makes
20 sense. He had two years to come up with it. The two years
21 for him to say I didn't do anything. I didn't see
22 anything. I didn't hear anything. I don't know anything.
23 My buddy, Terry, I don't know what he did or didn't do.
24 And I didn't do anything. I stayed in the car which
25 doesn't match up with Vonkeith Toland at all.

1 He says when he came, hold for a second. Let's
2 talk about shell casings. Let's talk about what Mr. Butler
3 said happened. The little bit that he acknowledges that he
4 knows happened. He tells you that he was in a car
5 somewhere up here and he's faced toward the road and he's
6 in there charging his car (sic) -- I don't know whether he
7 had keys or didn't have keys. At one point I thought he
8 said he did; another point he said he didn't. But anyway
9 he's in that car. He's charging his phone with his back
10 here.

11 He hears a gunshot and he turns around and he says
12 he sees Vonkeith Toland coming this way. He does not see
13 Tycus Toland and he doesn't see Terry McClure. He's
14 nervous and scared at that point because he says he's
15 ducking a little bit and looking to see what's going on.
16 That's when he sees Vonkeith coming this way. He said he's
17 watching Vonkeith and he hears two or three more shots and
18 he turns and runs away. Where's that evidence that
19 supports that? There isn't any. Where are the shell
20 casings? There's one here, one. Tycus Toland back of the
21 head executed. Where are those two or three others; they
22 should be right here, right where Vonkeith turned around
23 and started going the other way. They're not here because
24 it didn't happen that way.

25 The shells are back here and if you think dogs

1 loose picked up three shells and carried them back, then
2 you give it that weight if that's what you think happened.
3 The three other shells back here out of these four, three
4 of those shells match that shell. Four shells, he tells
5 you he got shot, hit, Vonkeith says three times, I think
6 back here. But that's not the story Mr. Butler says. Mr.
7 Butler says all the shootings up here. He's running around
8 and doesn't know what happened.

9 Then you've got to decide whether Vonkeith is
10 telling you the truth or not because he tells you that Mr.
11 Butler came around, Mr. Butler had a gun, Mr. Butler shoves
12 it in his face and threatens to kill him. Mr. Butler went
13 into the house and he's gasping in pain while he's passed
14 out under the house; both of them went in the house, both
15 of them have guns and both of them are guilty of burglary.
16 Why do you jump in on a burglary if it's not planned to
17 start with? Why would you jump in on a burglary if it
18 wasn't planned to start with? He's sitting in a car,
19 shootings and burglaries happen, why would he jump in. The
20 only reason he jumped in, the only reason he would get a
21 gun and point it and follow in chase is because he knew
22 that was what was going to happen.

23 Was he surprised? Maybe at the timing, but now
24 what was going to happen. Maybe the shooting, but not that
25 a robbery was going to happen. So the question comes down

1 if you believe Vonkeith, he's guilty of burglary. The
2 question comes down how do we prove the plan? We use the
3 phones. Why are they using these phones? Because it's
4 business and they got to keep it secret. They're looking
5 for guns, they're talking about travel and neither one of
6 them are using their real phones. Did he tell the police
7 yes, I did go to South Carolina, no it wasn't only until he
8 was confronted with all those maps and all the phone
9 records showing the travel. Then he said oh, yeah, I -- I
10 went there. He talks about going to a concert. I asked
11 him if he had any handbills and he said no so you've got
12 his word that it happened, the word of somebody who
13 admitted lying to you. Both phones were recently
14 activated. His was activated on March the 15th and I think
15 Mr. McClure's was in February; both in 2014. The first
16 calls and texts were to each other. Who are the calls
17 from; him. Jonah the General, that's his Twitter name,
18 General, the one in charge, the one who plans, the one who
19 set this up, the one that made it happen, the one who
20 called Mr. McClure, the one who called Greenwood, the one
21 whose talking about getting the guns, the one who set up
22 the meeting with Vonkeith Toland, Jonah the General.

23 We buy Greyhound bus tickets before he talks to
24 Vonkeith because it's not about a car. The car is an
25 excuse to meet. They're going there to do a robbery.

1 Let's talk about buying the car and going there because I
2 got confused. Mr. Butler testified that he was going there
3 to buy a car that costs \$7,000. Vonkeith told you it was
4 \$10,000. At one point, Mr. Butler said I had six grand in
5 cash on me when I got on the bus; and then somehow it
6 changed I had \$700 and a bunch of drugs and then I was
7 going to take all these drugs on Greyhound and then hope,
8 hope the drug dogs didn't find me and I didn't get arrested
9 for carrying \$4500 worth of drugs to South Carolina because
10 I can sell them for more money. Could he have mailed them?
11 He said he could, but he chose to carry them.

12 So but anyway, he says that he had \$4500 worth of
13 drugs that he was selling to this person who was going to
14 give him a gun. He made \$1,000 in cash from the show, 5500
15 and he 700 on him; that's 62. He gave a nickel or \$500 to
16 Terry McClure who lost money on this one. So why does
17 Terry McClure come out here shooting anybody if it's not a
18 planned robbery? Why is he coming and buying tickets, why
19 is he coming out of pocket money? He admitted that he lost
20 money. Why would he do that? Because this wasn't about a
21 rob -- it wasn't about buying a car, it was about a
22 robbery. They knew somebody from Zo who was a drug dealer
23 or the thought was who had money, had cars, and maybe had
24 drugs and they were going to come to little old South
25 Carolina where nobody will know who we are.

1 So he's trying to buy a \$10,000 or a \$7,000 car
2 which he said was low mileage with \$5700 in cash at best.
3 If that makes sense to you, you give it the weight that it
4 deserves. If you think both of them came out here to buy a
5 car and both of them came out here for a rap concert, find
6 him not guilty. We looked at the text boards. They talked
7 about guns. Why do we need guns to buy a car? He said
8 most likely I'll need one, I'll need a second gun because I
9 only got one to start with.

10 Forced entry into the house. He said he didn't
11 hear the glass breaking. He can hear gunshots in the front
12 yard although the casings are in the back. He doesn't hear
13 the glass breaking out when he goes in the house. If you
14 don't think that's true, Mr. Toland told you he was right
15 there doing it. He heard it. The house was forced entry,
16 ransacked and the security camera was stolen because it
17 showed what happened. It showed this robbery. Mr. Butler
18 tells you he didn't see it. The police didn't find a
19 security camera. The testimony is it was there and then it
20 wasn't after they were there. The police looked all around
21 that area.

22 So in three minutes, how did Mr. McClure go around,
23 break into the house, ransack the house, steal the security
24 camera, steal the phone from Mr. Butler, get rid of the
25 phone and get rid of the security camera so the police

1 never found it; he didn't because that's not what happened.

2 Why didn't he ask what happened? Why didn't he
3 ask? This is a friend, he cared enough to tell him that he
4 was bringing extra drugs because he told you, Hey, I
5 already told you over the phone that I'm bringing this and
6 I want to add and I'm bringing the mollies, so you're okay
7 with it so you know what's going on. But yet he goes in
8 the house where three or four gunshots are fired, people
9 are chasing people, he's scared according to his testimony,
10 but he doesn't ask a single question when his friend comes
11 in; he doesn't ask.

12 He told you that he didn't want to know; he didn't
13 want to be involved. He didn't do anything to help. He
14 didn't go out to help his friend; maybe his friend was
15 getting shot; he didn't do anything. He sat in the car if
16 you believe the story. If you think it doesn't make sense;
17 you think he didn't ask; you think that makes sense? He
18 didn't ask because he didn't have to ask; he was part of it
19 and he knew what was going on. He had the opportunities
20 three different times to tell the police what happened and
21 he lied, he lied, and he lied. He lied because the truth
22 gets him convicted. Did he pull the trigger and kill Tycus
23 Toland, no. Did he shoot Vonkeith, no. If Vonkeith wanted
24 to lie, that would be a perfect place saying he shot me;
25 the other guy shot my brother. He didn't do that; he told

1 you the truth.

2 Did he -- did he have to; not if there was a plan
3 and that's what the Judge is going to tell you. It doesn't
4 have to be a plan to kill Tycus Toland, it doesn't have to
5 be a plan to shoot Vonkeith Toland. If there was a plan to
6 do a robbery, a burglary, people have guns and it's a
7 natural and probable likelihood and outcome of a robbery
8 that somebody's going to get shot, somebody's going to get
9 killed, he's guilty. That's what the Judge is going to
10 tell you.

11 He's a liar. He's a thief and he's guilty of
12 attempted murder and murder. Thank you.

13 **JURY CHARGE**

14 THE COURT: All right. Ladies and gentlemen, my
15 charge will be approximately 30 minutes or in excess. If
16 anybody needs a break, please let me know now; just raise
17 your hand, if not, I'm going to press on.

18 (There was no response.)

19 THE COURT: All right. Thank you very much.

20 The way I charge or instruct the jury is I begin by
21 charging the general criminal law that applies to all cases
22 in South Carolina. When I change from one subject matter
23 to the next I will give you the caption or the area I'm
24 fixing to cover throughout that general charge. After I
25 finish with the general charge, I will go to the specific

1 charges in the indictments, murder, attempted murder,
2 burglary in the first degree, and possession of a firearm
3 during the commission of a violent crime and then finally,
4 I will charge and instruct you on the form of the verdict.

5 The indictments charge the defendant with murder,
6 attempted murder, burglary in the first degree, and
7 possession of a weapon during the commission of a violent
8 crime. I remind you that the fact that the defendant was
9 arrested, charged and indicted in this case is not evidence
10 and cannot be considered by you as evidence of guilt in the
11 case, nor does it create any presumption or inference of
12 guilt.

13 Ladies and gentlemen, the indictments are the
14 formal charging documents by which the case is brought
15 before the Court and which places the defendant on notice
16 of the charges that have been brought against him.

17 Multiple charges. The indictments in this case
18 allege several different offenses against the defendant
19 Indictment one, murder; indictment two, attempted murder;
20 indictment three, burglary in the first degree; and
21 indictment four, possession of a weapon during the
22 commission of a violent crime. Each indictment charges a
23 separate and distinct offense. You must decide each
24 indictment separately on the evidence and the law
25 applicable to it, uninfluenced by your decision as to any

1 other indictment. The defendant may be convicted or
2 acquitted on any or all of the offenses charged with the
3 exception of possession with a weapon -- of a weapon during
4 the commission of a violent crime, he may only be found
5 guilty of that if he is also found guilty of a violent
6 crime and I will charge you further on that later in my
7 charge. So you will be asked to write a separate verdict
8 of guilty or not guilty as to each indictment.

9 Presumption of innocence: The defendant has pled
10 not guilty to these indictments and that plea puts the
11 burden on the State to prove the defendant guilty. A
12 person charged with committing a criminal offense in South
13 Carolina is never required to prove himself innocent. I
14 charge you that it is an important rule of the law that the
15 defendant in a criminal trial, no matter what the
16 seriousness of the charges may be, will always be presumed
17 to be innocent of the crimes for which the indictments were
18 issued unless guilt has been proven by evidence satisfying
19 you of that guilt beyond a reasonable doubt.

20 This presumption of innocence does not end when you
21 begin your deliberations. It follows and accompanies the
22 defendant throughout the trial until you reach verdicts on
23 guilt based on evidence satisfying you of that guilt beyond
24 a reasonable doubt.

25 The presumption of innocence has been said to be

1 like a robe of righteousness placed about the shoulders of
2 the defendant which remains with the defendant until it has
3 been stripped from the defendant by evidence satisfying you
4 of the defendant's guilt beyond a reasonable doubt.

5 The presumption of innocence is not a mere legal
6 theory, it is not just a legal phrase, it is a substantial
7 right to which every defendant is entitled unless you the
8 jury are satisfied from the evidence of the defendant's
9 guilt beyond a reasonable doubt.

10 What is a reasonable doubt in the law? A
11 reasonable doubt is the kind of doubt that would cause a
12 reasonable person to hesitate to act. The State has the
13 burden of proving the defendant guilty beyond a reasonable
14 doubt. Some of you may have served as jurors in the past
15 in civil cases where you were told that it is only
16 necessary to prove that a fact is more likely true than not
17 true such as by the greater weight or the preponderance of
18 the evidence. In criminal cases, the State's proof must be
19 more powerful than that; it must be beyond a reasonable
20 doubt.

21 Proof beyond a reasonable doubt is proof that
22 leaves you firmly convinced of the defendant's guilt.
23 There are very few things in this world that we know with
24 absolute certainty and in criminal cases, the law does not
25 require proof that overcomes every possible doubt. If

1 based on your consideration of the evidence, you are firmly
2 convinced that the defendant is guilty of the crime or
3 crimes charged, you must find the defendant guilty. If on
4 the other hand, you think there is a real possibility that
5 the defendant is not guilty, you must give the defendant
6 the benefit of that reasonable doubt and find him not
7 guilty.

8 Duties of Trial Jury and Trial Judge: I remind you
9 that you and I, during this trial, have certain distinct
10 specific duties to perform. As the trial judge, it is my
11 responsibility to preside over the trial of this case and I
12 also have the duty to rule on the admissibility of the
13 evidence offered during the trial. You are to consider
14 only the competent evidence before you. If there was any
15 testimony ordered stricken from the record during this
16 trial, you must disregard that testimony. You are to
17 consider only the testimony which has been presented from
18 the witness stand and any exhibits which have been made
19 part of the record in this case.

20 I have the additional duty to instruct you the law
21 applicable to this case. As the presiding judge, I am the
22 sole judge of the law of this case and it is your duty as
23 jurors to accept and apply the law as I now state it to
24 you. If you already have any idea as to what the law is or
25 what the law ought to be and it does not agree with what I

1 now tell you the law is, you must disregard, you must
2 abandon your idea because you are sworn to accept the law
3 and apply the law exactly as I state it to you.

4 In every case tried in this court before a jury,
5 the jury becomes the sole and exclusive judge of the facts
6 in a case. A trial judge cannot intimate, state, comment
7 on, or make any statement to a trial jury about the facts
8 in the case. Since you, the jury, are the sole judge of
9 the facts, you're not to infer from what I have said during
10 the progress of this trial in ruling upon the admissibility
11 of evidence or otherwise or anything that I now say during
12 the course of instruction to you that I have any opinion
13 about the facts of this case.

14 The law does not allow me to have an opinion about
15 the facts in this case. That is a matter solely for you,
16 the jury, to determine. As jurors, it is your duty to
17 determine the effect, the value, the weight, and the truth
18 of the evidence presented during the trial.

19 Direct and circumstantial evidence. There are two
20 types of evidence which are generally presented during a
21 trial; direct evidence and circumstantial evidence. Direct
22 evidence is the testimony of a person who claims to have
23 actual knowledge of a fact, such as an eyewitness, an ear
24 witness, any of that which immediately establishes the main
25 fact to be proven.

1 Circumstantial evidence is proof of a chain of
2 facts and circumstances indicating the existence of a fact.
3 It is evidence which immediately establishes a collateral
4 fact from which the main fact may be inferred.
5 Circumstantial evidence is based on inference and not on
6 personal knowledge or observation. The law makes
7 absolutely no distinction between the weight or the value
8 to be given to either direct or circumstantial evidence,
9 nor is there a greater degree of certainty required of
10 circumstantial evidence than direct evidence.

11 You should weigh all of the evidence in this case.
12 After weighing all of the evidence, if you are not
13 convinced of the guilt of the defendant beyond a reasonable
14 doubt, you must find the defendant not guilty. If after
15 weighing all of the evidence, you are convinced of the
16 guilt of the defendant beyond a reasonable doubt, you must
17 find the defendant guilty.

18 Credibility of witnesses. Necessarily you must
19 determine the credibility of the witnesses who have
20 testified in this case. Obviously, as you all know,
21 credibility simply means believability. Who are you going
22 to believe? It becomes your duty as jurors to analyze and
23 to evaluate the evidence and determine which evidence
24 convinces you of its truth. In determining the
25 believability of witnesses who have testified in this case,

1 in using your individual and your collective good judgments
2 and sense, you may believe one witness over several or,
3 several over one.

4 You may believe a part of the testimony of a
5 witness and reject the remaining part of the testimony of
6 that same witness. You may believe the testimony of a
7 witness in its entirety or reject the testimony of a
8 witness in its entirety. You may consider whether any
9 witness has exhibited to you any interest, any bias, any
10 prejudice or other motive in this case. You also may
11 consider the appearance, the demeanor, the manner of a
12 witness while on the witness stand.

13 Expert Witness: And you heard a shortened version
14 of this during the trial. The Rules of Evidence ordinarily
15 do not permit witnesses to testify to opinions or
16 conclusions. An exception to this rule exists for
17 witnesses we call expert witnesses. A witness who by
18 education and experience has become an expert in some art,
19 science, profession, or calling may state an opinion as to
20 relevant and material matter in which the witness claims to
21 be an expert and may also state the reasons for the
22 opinions. You should consider any expert opinion received
23 in evidence in this case and like any other evidence, give
24 it the weight you think it deserves. If you decide that
25 the opinion of an expert is not based on sufficient

1 education and experience or if you conclude that the
2 reasons given in support of the opinion are not sound or
3 that the opinion is outweighed by other evidence, you may
4 disregard the opinion entirely. Expert witnesses testimony
5 is to be given no greater weight than that of other
6 witnesses simply because the witness is an expert.
7 Further, you are not required to accept an experts opinion
8 even though it is not contradicted.

9 The credibility of all witnesses is a matter for
10 you, the jury to determine. In making this determination
11 you may consider a particular witness has a motive to
12 testify favorably for one party or another. You have no
13 friends to reward; no enemy to punish. Unless you may
14 consider whether a particular witness testifies under grant
15 of immunity; that is with a promise from the government
16 that he will not -- he or she will not be prosecuted.
17 After any such consideration, you may give the testimony of
18 any immunized witness such weight, such value, such effect
19 that you feel it deserves.

20 Prior record of defendant limited for impeachment:
21 You have heard evidence that the defendant in this case was
22 convicted of a crime or crimes other than the one for which
23 the defendant is now on trial. This evidence may be
24 considered by you if you conclude it is true only in
25 deciding whether the defendant's testimony is believable

1 and for no other purpose whatsoever. You must not consider
2 the defendant's prior record as any evidence of the
3 defendant's guilt of the charge we are trying today.

4 Evidence admitted for a limited purpose: Certain
5 evidence was allowed into this trial for particular and
6 limited purposes. When you consider this evidence, you
7 must limit your consideration to that purpose. Note, a
8 photograph was introduced into evidence that the witness
9 identified as the defendant and another individual was.
10 This photograph was introduced solely for the limited
11 purpose of identification and for no other reason at all.
12 No other inference should be drawn from this photograph.

13 Further as to the limited instruction as to the
14 expert as to street language and lingo, please remember my
15 instructions to you as to the background as to gang or gang
16 activity. The defendant is not alleged to be a member of a
17 gang or associated with any gang members. That is not for
18 your consideration. That should not even be discussed in
19 the jury room, Mr. Foreperson.

20 Police possession of a photograph: Certain
21 witnesses in this trial identified or testified that they
22 viewed a photograph of the defendant as shown to them by
23 police. Pictures of people are available from many
24 different sources and for many different purposes. The
25 fact that the police were able to get a copy of the

1 defendant's picture does not mean that he committed this or
2 any other crime or that he was a bad person.

3 Prior record of witness. A person who has a past
4 criminal record is competent to testify during a trial. A
5 past record does not affect the ability of that witness to
6 testify. That record may only be considered by you if at
7 all in determining the witness's believability. Remember,
8 you are the sole judges of the facts in the case and of the
9 believability of any and all witnesses.

10 Identification: An issue in this case is the
11 identification of the defendant as the person who committed
12 the crimes charged. The State has the burden of proving
13 identity beyond a reasonable doubt. You must be satisfied
14 beyond a reasonable doubt of the accuracy of the
15 identification of the defendant before you may convict the
16 defendant. Identification testimony is an expression of or
17 belief or impression by a witness. You must determine the
18 accuracy of the identification of the defendant, you must
19 consider the believability of each identification witness
20 in the same way as you would any other witness. You may
21 consider whether the witness had an ample opportunity to
22 observe the offender at the time of the offense. This may
23 be affected by things like how long or short of time was
24 available, how far or close the witness was, the lighting
25 conditions, and whether the witness had the chance to see

1 and know the person in the past.

2 Once again I instruct you the burden of proof on
3 the State extends to every element of the crimes charged
4 and this specifically includes the burden of proving beyond
5 a reasonable doubt the identity of the defendant as the
6 person who committed the crime or crimes. If after
7 examining the testimony, you have a reasonable doubt as to
8 the accuracy of the identification, you must find the
9 defendant not guilty.

10 Statement of Defendant: Statements alleged to have
11 been made by the defendant have been admitted into
12 evidence. While the Court has determined that the
13 statements are admissible, I would instruct you make the
14 ultimate decision of whether or not the statements made
15 were made by the defendant voluntarily and of his own free
16 will and accord. This means that the statement was not
17 caused by pressure, force, fear, threats, intimidation or
18 by hope, promises of leniency or reward of any kind. In
19 determining whether the statements were voluntary, you
20 should consider both the characteristics of the defendant
21 and the details of the question. You may consider the
22 defendant's age, education, mental ability, IQ, background,
23 environment, place and length of detention.

24 The State has the burden of proving beyond a
25 reasonable doubt that any alleged statement was voluntary.

1 If you determine the statement was not -- if you determine
2 that the statement was voluntary, you may give the
3 statement any further consideration that you deem proper.
4 You must decide what weight, if any, should be given to any
5 alleged statement. If you determine that any alleged
6 statement was not the freely and voluntary statement of the
7 defendant, you should not consider any statement
8 whatsoever.

9 Intent: In order to establish criminal liability,
10 criminal intent is required. For example, the mental state
11 required to be proven by the State for a particular crime
12 might be purpose, intent, knowledge, recklessness or
13 criminal negligence. Criminal intent must be proven by the
14 State beyond a reasonable doubt. Criminal intent is always
15 a matter that must be determined by the jury from the
16 circumstances surrounding the situation. There is no way
17 to prove intent to a mathematical certainty. There is no
18 way medical science can dissect a persons brain and
19 determine what the person had in mind. So our law says
20 criminal intent may be inferred from the circumstances
21 shown to have existed. That is how you make a
22 determination of whether or not the element for a
23 particular crime requiring intent was present. It is not
24 necessary to establish intent by direct and positive
25 evidence, but intent may be established by inference in the

1 same way as any other fact, by taking into consideration
2 the acts of the parties and all the facts and circumstances
3 of the case.

4 Criminal intent is a mental state, a conscious
5 wrongdoing. It is up to you to determine what the
6 defendant intended to do based on the circumstances shown
7 to have existed. Criminal intent can arise from actions or
8 a failure to act. It may arise from negligence,
9 recklessness, or an indifference to duty or consciousness
10 or to consequences that is considered by the law to be
11 equivalent of criminal intent.

12 That is the general law that applies to all
13 criminal cases in South Carolina. I will now charge the
14 specific offenses in the indictments.

15 Murder: The defendant is charged with murder. The
16 State must prove beyond a reasonable doubt that the
17 defendant killed another person with malice aforethought.
18 Malice is hatred, ill will, or hostility towards another
19 person. It is the intentional doing of a wrongful act
20 without just cause or excuse and with an intent to inflict
21 an injury or under circumstances that the law would infer
22 an evil intent.

23 Malice aforethought does not require that the
24 malice exists for any particular period of time before the
25 act was committed. Malice must exist in the mind of the

1 defendant just before and at the time of the act is
2 committed. Therefore, there must be that combination of
3 the previous evil intent and the act. Malice aforethought
4 may be expressed or inferred. These terms express and
5 infer do not mean different kinds of malice, but merely the
6 manner in which malice may be shown to exist. That is
7 either by direct evidence or by inference from the facts
8 and circumstances which are proven.

9 Express malice is shown when a person speaks words
10 which express hatred or ill will or when the person
11 prepared beforehand to do the act which was later
12 accomplished. For example, lying in wait for a person or
13 any other acts of preparation going to show the deed was
14 done was in the defendant's mind would be express malice.
15 Malice may be inferred by conduct showing the total
16 disregard to human life. Inferred malice may also arise
17 when the deed is done with a deadly weapon. A deadly
18 weapon is any article, instrument, or substance which is
19 likely to cause death or great bodily harm. Whether an
20 instrument has been used as a deadly weapon depends on the
21 facts and the circumstances of each case.

22 The following are examples of instruments which may
23 be deadly weapons: A pistol, shotgun, rifle, dagger,
24 knife, slingshot, metal knuckles, razor, gasoline. A gun
25 may be a deadly weapon even if it is not operating.

1 Further, ladies and gentlemen, under the felony
2 murder doctrine, if two or more combine together to commit
3 an unlawful act such as robbery and the execution of that
4 criminal act, a homicide is committed by one of the acts as
5 the probable and natural consequences of the acts done in
6 pursuant to the common design, all persons present,
7 participating in the unlawful undertaking are as guilty as
8 the one who committed the fatal act. The common purpose
9 may not have been to kill and murder, but if it was
10 unlawful as for instance to commit a robbery and the
11 execution of this common purpose a homicide is committed by
12 one as a probable and natural consequence of the acts done
13 and pursuant of that common design, then all present,
14 participating in the unlawful common design are as guilty
15 as the slayer.

16 Next, attempted murder. The defendant is charged
17 with attempted murder. In order to prove this crime, the
18 State must prove the defendant attempted to kill another
19 person with malice aforethought either expressed or
20 implied. Again, malice, hatred, ill will, hostility
21 towards another person, the intentional doing of a wrongful
22 act without just cause or excuse and with an intent to
23 inflict an injury or in the circumstances that the law
24 would infer that criminal intent. Again, malice
25 aforethought is not required if malice exists for any

1 particular period of time before the act is committed, but
2 malice must exist in the mind of the defendant just before
3 and at the time the act is committed. There must be again
4 that combination of that previous evil intent and the act.
5 As to the remainder of that charge, it is both expressed
6 and inferred malice and further inferred malice may also
7 arise when the deed is done with a deadly weapon.

8 If facts are proven beyond a reasonable doubt
9 sufficient to raise an inference of malice to your
10 satisfaction, this inference would be simply and
11 evidentiary fact to be considered by you, the jury, along
12 with the other evidence in the case and you may give it the
13 weight you decide it should receive.

14 As to attempted murder, a specific intent to kill
15 is not an element of attempted murder, but there must be a
16 general intent to commit serious bodily injury. Again
17 intent means intending the result which actually occurs,
18 not accidentally, not involuntary. Intent may be shown by
19 the acts and conduct of the defendant and other
20 circumstances from which you may naturally and reasonably
21 infer intent.

22 Evidence of the Character of the Act. The
23 Character of the instrument used, the manner in which it
24 was used, the purpose to be accomplished and the resulting
25 wound or injuries may be considered in determining the

1 intent with which the act was committed. Intent may also
2 be inferred when it is demonstrated that the defendant
3 voluntarily and willfully commits an act a natural tendency
4 of which is to destroy another's life.

5 Burglary First Degree. The defendant is charged
6 with first degree burglary. The State must prove beyond a
7 reasonable doubt that the defendant intended, entered a
8 dwelling without consent. A dwelling is defined as any
9 building or portion of a building in which a person
10 ordinarily sleeps. A building -- in order to prove the
11 defendant entered the dwelling, the State does not have to
12 show that the defendant's entire body entered the smallest
13 entry is sufficient. Further, the State does not have to
14 prove that force was used to gain entry.

15 The State must next prove beyond a reasonable doubt
16 that the defendant intended to commit a crime either a
17 felony or a misdemeanor at the time of the entry. The mere
18 entry into the dwelling of another without consent is not
19 burglary. If the intent to commit a crime is formed after
20 entry, it is not burglary. On the other hand, if the
21 defendant intended to commit a crime at the time of the
22 entry, it is a burglary even if the intent was abandoned
23 after entry. It does not matter that the intended crime
24 was not committed. Intent may be shown by act and conduct
25 of the defendant in other circumstances from which you may

1 naturally and reasonably infer intent.

2 Finally, the State must prove beyond a reasonable
3 doubt when an injury while in the dwelling or when fleeing
4 therefrom, the defendant or an accomplice is armed with a
5 deadly weapon, I have previously instructed you on deadly
6 weapons, or when entering while in the dwelling or when
7 fleeing, the defendant or accomplice cause physical injury
8 to anyone not participating in the crime, or when
9 entering, while in the dwelling or fleeing, the defendant
10 or an accomplice used or threatened to use a dangerous
11 weapon or when entering while in the dwelling or when
12 fleeing the defendant or an accomplice displayed what was
13 or appeared to be a knife, pistol, revolver, rifle,
14 shotgun, machine gun or other firearms.

15 Finally, ladies and gentlemen, the defendant is
16 charged with possession of a weapon during the commission
17 of a violent crime. The State must prove beyond a
18 reasonable doubt that the defendant was in possession of a
19 firearm or visibly displayed what appeared to be a firearm
20 during the commission of a violent crime.

21 A firearm under this statute means any machine gun,
22 automatic rifle, revolver, pistol, or other weapon which is
23 designed to maybe readily converted to expel a projectile.
24 In order to find the defendant guilty of possession of a
25 weapon during the commission of a violent crime, you must

1 first find the defendant guilty of either committing a
2 violent crime or attempting to commit a violent crime. I'd
3 instruct you that murder, attempted murder and the burglary
4 first degree are violent crimes under the laws of the State
5 of South Carolina. The State must prove also beyond a
6 reasonable doubt that the weapon further advanced or helped
7 in the commission of a violent crime.

8 If you'd please continue to give me your complete
9 and undivided attention, I assure you the end of you having
10 to listen to me is in sight.

11 Hand of one. If a crime is committed by two or
12 more people who are acting together in committing a crime,
13 the act of one is the act of all. A person who joins with
14 another to commit an unlawful act is criminally responsible
15 for everything done by the other person, which happens as a
16 probable or natural consequence of the acts done in
17 carrying out the common plan and purpose. For example, two
18 people can be guilty of killing another when only one of
19 the two had a knife. There was only one knife and only one
20 of the two thrust the knife that caused the death. If two
21 or more people are together, acting together, assisting
22 each other in committing the offense or offenses, the act
23 of one is the act of all or as it is sometimes said, the
24 hand of one is the hand of all.

25 Prior knowledge that a crime is going to be

1 committed without more is not sufficient to make a person
2 guilty of the crime. Mere knowledge that another person is
3 going to commit a crime, even if the defendant is present
4 when the crime is committed, is not sufficient to convict
5 the defendant as a principal. Guilt as a principal is
6 shown by actual or constructive presence at the scene as a
7 result of prior arrangements. Therefore, a finding of a
8 prior arranged plan or common scheme is necessary for a
9 finding of guilt as a principal. The State must prove
10 beyond a reasonable doubt by competent evidence the theory
11 of the hand of one is the hand of all. A principal in a
12 crime is one who either actually commits the crime, or who
13 is present, aiding, abetting, or assisting in the
14 committing of the crime.

15 When a person does an act in the presence of and
16 with the assistance of another, the act is done by both.
17 Where two or more people acting with a common plan or
18 intent are present at the commission of a crime, it does
19 not matter who actually commits the crime, all are guilty.
20 The hand of one is the hand of all. Present at the
21 commission of a crime means to be sufficiently near to aid
22 and abet and assist in the commission of the crime.
23 However, mere presence at the scene of the crime is not
24 sufficient to convict one as a principal on the theory of
25 aiding and abetting. Intent is also a necessary element,

1 but there must have been a common design or intent to
2 commit the crime and the crime must have been committed
3 pursuant thereto with the person aiding and abetting by
4 some overt act.

5 Intent means intending the result which actually
6 occurred, not accidentally or involuntary. Intent may be
7 shown by acts and conduct of the defendant and other
8 circumstances from which you may naturally and reasonably
9 infer intent. The State must prove these elements beyond a
10 reasonable doubt.

11 Although I charged the hand of one hand of all, at
12 the end of my charge before I get to the form of verdict,
13 the hand of one hand of all would independently apply
14 separately and distinctly as to each of the other charges
15 based on the facts you find. The theory would apply if the
16 State proves it beyond a reasonable doubt as to murder
17 and/or to attempted murder or burglary in the first degree
18 or any one or two or three of them. Any or all that theory
19 would apply if the State has proved that beyond a
20 reasonable doubt.

21 And finally, ladies and gentlemen, the jury
22 verdict. There are two possible verdicts which you may
23 find in this case; guilty or not guilty. The order which I
24 stated them and the order they're on your form of verdict
25 has no significance whatsoever; it's only that one must be,

1 one must be stated first.

2 Ladies and gentlemen, your verdict must be a
3 unanimous verdict. All twelve of you must agree. Your
4 verdict may not be based on passion, prejudice, emotion or
5 any other bias not in evidence in this case.

6 You have, Mr. Foreman, this form of the verdict.
7 It's simple to follow. It's got the indictment numbers, as
8 to the indictment on murder, if that's your determination
9 of the facts in the case, applying those facts to the law
10 as I told you, if you find that the State has not met it's
11 burden of proving its case beyond a reasonable doubt, your
12 verdict would be not guilty and I would ask you to check to
13 the left of the two words not guilty and circle both the
14 check mark and the two words not guilty.

15 If you find based on your determination of the
16 facts as to the offense of murder, you find the State has
17 proved its case beyond a reasonable doubt, your verdict
18 would be guilty. I would ask you to check to the left of
19 the word guilty, circle both your checkmark and guilty.

20 That same procedure applies to attempted murder,
21 burglary in the first degree. And you may find as I say,
22 guilty or not guilty as to separately and distinctly as to
23 each and not -- as to the charge of possession of a weapon
24 during the commission of a violent crime, you may only find
25 the defendant guilty of that charge if you have found him

1 guilty of at least one violent crime and as I told you
2 previously, murder, attempted murder, burglary -- burglary
3 first degree, all three of those are violent crimes under
4 the law of the State of South Carolina.

5 Mr. Foreman, once the jury has agreed on those
6 unanimous verdicts, you have properly executed the form,
7 you will then knock on the jury room door, inform the
8 bailiff you have reached a verdict and we will then receive
9 you back into the courtroom.

10 If you have any questions during the course of your
11 deliberations, I would ask you to please write out a note,
12 knock on the jury room door, give it to the bailiff, he
13 will deliver it to me and I will respond to it timely.

14 All right. Do not -- I'm going to ask you
15 momentarily to step to your jury room. The law requires me
16 to meet one final time outside of your presence with the
17 attorneys. If I do not have to bring you back out here for
18 further instructions, what will happen is everybody looks
19 great, so we'll take our two alternates come out. The
20 evidence would be delivered to you and you will be
21 instructed to begin your deliberations. As I say, do not
22 begin your deliberations until you are instructed to do so.

23 Thank you very much. You may now go to your jury
24 room.

25 (The jury left the courtroom at 4:31 p.m.)

1 THE COURT: Anything objection, Solicitor?

2 MR. GRAHAM: No, Your Honor.

3 THE COURT: Mr. Snell?

4 MR. JAMES SNELL: Your Honor, just -- just for the
5 record, proposed charges I handed up, I think in written
6 form yesterday that were not charged. Are they -- are they
7 part of the record.

8 THE COURT: I can have them marked. I spoke about
9 them on the record, but I don't -- I don't mark them. If
10 you want to provide them, I think to the court reporter,
11 she will certainly be delighted to mark them, but my -- my
12 statements concerning them are certainly on the record and
13 I want say I gave the caption to all of them, Mr. Snell.
14 But are there any exceptions to my charge?

15 MR. JAMES SNELL: No -- no exceptions. I would
16 like to take the opportunity to...

17 THE COURT: If y'all would -- if y'all would please
18 get the evidence straight. I've got -- I need to step out
19 just a moment and then I'll be back. All right.

20 But if y'all would get with the court reporter and
21 get that straight and I'll come right back.

22 (The attorneys were going through the evidence with
23 the court reporter.)

24 THE COURT: All right. Solicitor, y'all checked
25 the evidence and the State satisfied?

1 MR. GRAHAM: We are, Your Honor.

2 THE COURT: Mr. Snell?

3 MR. JAMES: Yes, Your Honor.

4 THE COURT: And did y'all -- did you pull out those
5 discs?

6 MR. GRAHAM: Yes, sir, they're separate.

7 THE COURT: All right. Thank you. And do you
8 concur with that, pulling those discs out, If y'all would
9 please deliver the evidence to the jury, bring the
10 alternates out and tell the jury to begin their
11 deliberations.

12 (The exhibits were sent to the jury and the jury
13 began their deliberations at 4:39 p.m.)

14 (Court was in recess awaiting word from the jury.)

15 **NOTE FROM JURY**

16 THE COURT: All right. I got a note from the jury
17 that says three words, Vonkeith testimony.

18 All right. Bring us our jury please.

19 (Jury entered the courtroom at 5:21 p.m.)

20 THE COURT: All right. Ladies and gentlemen of the
21 jury panel, I received a note, Vonkeith testimony. I take
22 that as a request that you want to rehear that testimony?

23 THE FOREPERSON: Yes, sir.

24 THE COURT: All right. And how long is it, Madam
25 Court Reporter?

1 MR. JAMES SNELL: No recross, Your Honor.

2 THE COURT: Thank you. Thank you very much, Mr.
3 Toland, you may step down.

4 (The testimony concluded.)

5 THE COURT: All right. Ladies and gentlemen, that
6 concludes the playing of the testimony of Vonkeith Toland
7 and now you may return to your jury room and resume your
8 deliberations.

9 (The jury left the courtroom to continue
10 deliberations at 6:12 p.m.)

11 THE COURT: All right. We'll be awaiting our jury
12 verdict.

13 (It was reported to the Court that the jury had a
14 verdict at 6:24 p.m.)

15 THE COURT: All right.

16 (The jury entered the courtroom at 6:33 p.m.)

17 THE COURT: All right. Madam Clerk?

18 **VERDICT**

19 THE CLERK: Mr. Foreman, have you reached your
20 verdicts?

21 THE FOREPERSON: We have.

22 THE CLERK: Please pass them up by the bailiff.

23 THE COURT: All right. Madam Clerk, would you
24 please publish our verdicts.

25 THE CLERK: Indictment 2015-GS-32-01308, the State

1 versus Justin Antonio Butler as to the charge of attempted
2 murder, we, the jury, unanimously find the defendant
3 guilty.

4 As to Indictment 2015-GS-32-01309, the State versus
5 Justin Antonio Butler as to the charge of burglary in the
6 first degree, we, the jury, unanimously find the defendant
7 guilty.

8 As to Indictment 2015-GS-32-01310, the charge of
9 possession of a weapon during the commission of a violent
10 crime, we, the jury, unanimously find the defendant guilty.
11 So signed by the foreperson June the 9th, 2016.

12 As to Indictment 2015-GS-32-01307, the charge
13 murder, we, the jury, unanimously find the defendant
14 guilty. So signed foreperson June 9th, 2016.

15 Mr. Foreman, ladies and gentlemen of the jury, if
16 these are your verdicts please indicate, each of you, by
17 raising your right hand.

18 All hands raised, Your Honor.

19 THE COURT: Thank you, Madam Clerk.

20 Anything additional for the jury from the State?

21 MR. GRAHAM: No, Your Honor.

22 THE COURT: From the defense?

23 MR. JAMES SNELL: No, Your Honor.

24 THE COURT: All right. Thank you. Thank you very
25 much.

POST-TRIAL MOTIONS

1 THE COURT: All right. Motions, Mr. Snell?

2 MR. JAMES SNELL: We'd renew all prior -- all
3 motions previously made including our motion for mistrial.

4 Additionally, at this time, including we'd also --
5 at this time we'd also make a motion for a new trial
6 including under all available doctrine, including the
7 Thirteenth Juror Doctrine.
8

9 THE COURT: All right. Thank you. Thank you very
10 much.

11 I would reaffirm all my previous trial rulings both
12 as to the mistrial, directed verdict motions and
13 evidentiary rulings. I would respectfully deny the motion
14 for a new trial. The Thirteen Juror Doctrine, I think
15 there was sufficient, if not overwhelming evidence both
16 direct and circumstantial of the guilt of the defendant for
17 each of the charges in the indictments given the law in
18 South Carolina.

19 Any reason sentencing cannot be imposed at this
20 time, Mr. Snell.

21 MR. JAMES SNELL: No, Your Honor.

SENTENCE

22 THE COURT: All right. If you'd have Mr. Butler,
23 if you'd please come around to the podium.
24

25 MR. JAMES SNELL: Your Honor, I have some materials

1 to hand up if I may.

2 THE COURT: Have what?

3 MR. JAMES SNELL: Some materials to hand up, just
4 letters if I may?

5 THE COURT: Oh, of course, yes, I'm going to --
6 any -- I'm going to the State and then I'll go to you as if
7 I was taking a guilty plea.

8 I'm going to allow you to present whatever you
9 want.

10 MR. JAMES SNELL: Thank you, Your Honor.

11 THE COURT: All right. Solicitor, anything from
12 the State before imposition of sentence?

13 MR. GRAHAM: Briefly, Your Honor. As Your Honor is
14 aware there are two confirmed convictions that we are sure
15 of. One is the 2007 possession with intent to sell cocaine
16 and the '09 felony conviction was for possession of a
17 firearm by a convicted felon.

18 The victim's family, the two victim's family have
19 asked me to speak on their behalf for them. They jotted
20 down some notes for me.

21 THE COURT: Let me ask you -- let me ask you -- let
22 me ask you before you get to that, Solicitor. As to -- as
23 to his record, there's the 2007 possession of cocaine for
24 sale, correct?

25 MR. GRAHAM: Correct.

1 THE COURT: And as to the '08, the 2008, has that
2 been confirmed?

3 MR. MCNAIR: It was discharged, they said the case
4 was compromised, whatever that means; we're not counting
5 that, Your Honor.

6 THE COURT: All right. And you have a 2009 is
7 possession of a firearm by a convicted felon?

8 MR. MCNAIR: Yes, sir.

9 THE COURT: Okay. Thank you. Thank you,
10 Solicitor.

11 You may continue, Solicitor?

12 MR. GRAHAM: Thank you, Your Honor.

13 In regards to Tycus, they wanted me to share with
14 you that he has one child, a son, Tycus, Jr., who was 8
15 months old at the time this happened. He was thrilled to
16 be a father. He had been diagnosed with a heart condition
17 as a teenager, but it never slowed him down and to his
18 family, he was always the dependable one and he won't be
19 there for the son.

20 For Vonkeith, Your Honor, we talked on the stand.
21 You heard about him being in ICU, but we didn't actually go
22 into his injuries. He was unconscious for two weeks. He
23 spent three weeks in the Intensive Care Unit and two months
24 in the hospital. His entire large intestine was removed
25 and part of his small intestine was removed. He lives

1 today with a colostomy bag. He has high risk surgery, I
2 believe -- he had high risk surgery. He had a 50/50 chance
3 of survival because of a laceration to the liver. His gall
4 bladder had to be removed, his pancreas was damaged and now
5 he's high risk for diabetes. He had permanent nerve damage
6 to his right arm with limited use.

7 They have not asked for a sentence, Your Honor.
8 You have heard the case and the facts of the case and on
9 behalf of them, we would just ask that you sentence him
10 appropriately for what you heard for what was done to Tycus
11 Toland and what was done to Vonkeith Toland.

12 The only other thing I would make Your Honor aware
13 of is that when Mr. Butler is done in the State of South
14 Carolina, he has a pending capital murder charge in the
15 State of Alabama.

16 THE COURT: Was that pending at the time of this
17 event?

18 MR. GRAHAM: I believe the -- no, the event I
19 believe occurred before our event, but the arrest was not
20 made until after our arrest.

21 THE COURT: All right. Thank you. Thank you,
22 Solicitor.

23 All right. Mr. Snell, I'd be glad to hear from
24 you.

25 MR. JAMES SNELL: Yes, Your Honor, if I -- Your

1 Honor, if I may approach.

2 THE COURT: Yes, sir.

3 MR. JAMES SNELL: I hand up a collection of support
4 letters from Mr. Butler's family including his mother and
5 brother. Just to give Your Honor some insight into Mr.
6 Butler other than the circumstances of this case. They
7 report him being a loyal family member, concerned about the
8 wellbeing of his mother, his brother, others in the
9 community as well as his fiance reports that he has taken
10 an active interest in their son in raising him and keeping
11 him.

12 Your Honor, he has been in continuance custody on
13 this charge since I believe May 9th, 2014, and as I
14 calculated that today, as June 9th; that's a total of 752
15 days. With regard to his -- any consideration for his
16 prior record, we would object to consideration of a
17 juvenile record.

18 For sentencing purpose, I think the first drug
19 conviction was when he was approximately 15 or 16 years
20 old. We would also, of course it certainly could be
21 relevant for the Court that as soon as he finishes any
22 sentence imposed, or the sentence imposed here, he would be
23 going to Alabama. That charge is -- I -- at this point, I
24 think it's just a hold. There haven't been -- we haven't
25 seen warrants. No confirmation that that's anything that

1 would be or is substantiated. So we'd ask that that be
2 considered a factor and Mr. Butler has always been --
3 maintained certainly been sympathetic for what the Toland
4 family has gone through. He's always been very respectful
5 with us and throughout the court process, I believe he's
6 maintained a good record at the detention center.

7 As far as I know he hasn't had any problems or
8 difficulties and so we would ask you to consider all those
9 factors in addition to the evidence and the circumstances
10 you heard during the trial where the jury determined that
11 he was culpable under the theory of hand of one hand of all
12 and he was not the shooter. Thank you very much.

13 THE COURT: All right. Anything you'd like to say,
14 Mr. Butler?

15 MR. BUTLER: Yes, Your Honor.

16 THE COURT: Speak up. Speak up where I can hear
17 you please.

18 MR. BUTLER: If I could, could I address the family
19 or is that something that you wouldn't allow me to do.

20 THE COURT: I typically don't allow that. If you
21 speak loud enough the family can hear you.

22 MR. BUTLER: To the Tolands behind me, I really
23 apologize for the incident that occurred, which I actually
24 had no control over and I would just ask that you forgive
25 me, that I'll try to become a better person, individual, as

1 well and don't count things that I've done in my past
2 towards me or against me, but forgive me. That will give
3 me some closure as well and I'm going to continue to pray
4 for your family as I've been doing in spite of all of this.

5 I just want to ask that you forgive me for my part
6 of, you know being there, but I humbly apologize. Your
7 Honor, I would definitely ask for you to be lenient and
8 merciful or whatever your verdict is upon the sentence.

9 THE COURT: Thank you. Thank you, Mr. Butler.

10 As long as I've sat on the bench, Mr. Butler, I'm
11 getting a little bit like an old car. The tread is wearing
12 thin. I see a young man like yourself that is so
13 intelligent and so poised and so respectful, presents
14 himself well. I read a quote today that said follow the
15 people that always tell the truth because they think other
16 people do the same thing. You wasted so many gifts and
17 talents.

18 I'm not -- I'm usually not the judge to preach to
19 people; I preach through my sentencing, but you have no
20 credibility for this Court. You may feel sorrow in your
21 heart, you may pray for the Tolands, which is good, but you
22 and Mr. McClure just deceived and concocted a plan that
23 started sometime towards the end of March, first part of
24 April. Tycus was already dead; they just hadn't had to
25 take him to the funeral home yet. You got somebody coming

1 from clear across country in one form or mode of
2 transportation and another coming from two states away
3 meeting up in Atlanta, rent a car.

4 Like the Solicitor said, we know or we hope Mr.
5 McClure didn't have a gun; he was on a plane. There would
6 be security enough there for that to be a reasonable
7 assumption to make. I don't know, I noticed on that text
8 when you was asking about a hamma; you weren't asking for
9 two of them, so I don't know if one of them came in your
10 backpack along with your drugs or not. But to sit around
11 with those two young men, Tycus and Vonkeith, in their
12 family's home, their mother's home with their family,
13 extended family there; around their mother that is a mother
14 to those children is just knowing what y'all had planned?

15 MR. BUTLER: I didn't plan anything, sir.

16 THE COURT: Don't interrupt me.

17 What y'all planned, that's about as malicious and
18 cold and evil hearted of a scheme that I've heard in the
19 courtroom. You know you took a -- you -- you have taken
20 that young man's life, regardless if it was the hand of one
21 hand of all, that's stealing a life, that's stealing a son,
22 that's stealing a father. It's turning a living human
23 being into a corpse.

24 What is burglary first, 15 years to life?

25 MR. GRAHAM: Yes, Your Honor.

1 THE COURT: Attempted murder carries up to 30?

2 MR. GRAHAM: Yes, Your Honor.

3 THE COURT: Possession of a weapon during the
4 commission of a violent crime is up to 5?

5 MR. GRAHAM: Yes, sir.

6 THE COURT: All right. In sentencing Mr. Butler, I
7 do not take into account his prior criminal history. I do
8 not take into account that he has pending charges or a
9 hold, whichever -- whichever way you want to describe it, I
10 will not take that into account. I take into account the
11 totality of all the facts and circumstances in the case and
12 I am going to sentence you to a number as opposed to life
13 without parole and I'll tell you straight up, the only
14 reason I don't sentence you to life without parole is
15 because it's the theory of the hand of one hand of all.
16 That's the only reason I don't.

17 2015-GS-32-01307, Justin Antonio Butler, having
18 been convicted of the crime of murder, the defendant is
19 committed to the State Department of Corrections for a
20 determinate term of 50 years.

21 2015-GS-32-01308, Justin Antonio Butler, having
22 been convicted by the jury in the crime of attempted
23 murder, defendant's committed to the State Department of
24 Corrections to a determinate term of 30 years. That is
25 concurrent.

1 2015-GS-32-01309, Justin Antonio Butler, defendant
2 having been convicted of a crime of burglary first degree,
3 defendant's committed to the State Department of
4 Corrections for a determinate term of 30 years. That is
5 concurrent.

6 And 2015-GS-32-01310, Justin Antonio Butler,
7 Defendant having been convicted of a crime of possession of
8 a weapon during the commission of a violent crime, the
9 defendant is committed to the State Department of
10 Corrections for a determinate term of 5 years and that is
11 consecutive.

12 Good luck to you, Mr. Butler.

13 Mr. Butler, I'll be praying for you too.

14 MR. BUTLER: Thank you.

15 THE COURT: I promise.

16 All right. Anything further, Mr. Snell?

17 MR. JAMES SNELL: Nothing further, Your Honor.

18 THE COURT: Anything from the State?

19 MR. GRAHAM: Nothing further, Your Honor.

20 THE COURT: Solicitor.

21 MR. GRAHAM: No, Your Honor.

22 THE COURT: Thank you. Thank y'all very much.

23 Court will be in recess.

24 * * * * * END OF TRANSCRIPT * * * * *

25

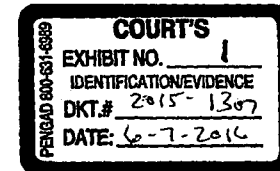
STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

Date 5/29/14

Officer Det. Todd Garrick



I received the attached Search Warrant 5-29, 16 2014, and have executed it as follows:

I left a copy of the warrant with FAVED COPY TO SPRINT SUBPOENA COMPLIANCE DEPARTMENT
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: PHONE RECORDS

This inventory was made in the presence of _____
AND _____

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

SWORN to before me this 2
day of June 2014

(L. S.)
Signature of Judge

B. J. O'Neil
(Signature of Officer Executing Warrant)

STATE OF SOUTH CAROLINA

SEARCH WARRANT

COUNTY OF LexingtonForm Approved by
S.C. Attorney General
Section 17-6-180
March 16, 1918

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

The subpoena compliance and records center of Sprint located at 6480 Sprint Parkway Overland Park, KS 66251

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

The following historical data captured and stored by Sprint for telephone number 678-338-0838 for the dates of April 1, 2014 through May 29, 2014 to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also sought is any and all cell site locations on incoming and outgoing calls will cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging. This is to include but not limited to include date, time, and location of purchase or retailers name. The historical payment information to include payment dates, times, amounts, and payment methods.

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

T. Raw

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

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

LEXINGTON
MAY 29

, S.C.

, 20 14

Signature of Judge

(L.S.)

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Lexington

Personally appeared before me, one Det. Todd Garrick
 who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
 of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The following historical data captured and stored by Sprint for telephone number 678-338-0838 for the dates of April 1, 2014 through May 29, 2014 to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages
 and content. Also sought is any and all cell site locations on incoming and outgoing calls with cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging. This is to include but not limited to include date, time, and location
 of purchase or return name. The historical payment information to include payment dates, times, amounts, and payment methods.

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

The subpoena compliance and records center of Sprint located at 6480 Sprint Parkway Overland Park, KS 66251

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

The Lexington County Sheriff's Department is investigating the homicide of Tycus Toland and the shooting of Vonkeith Toland, that occurred on
 4-26-2014. During the course of the investigation it was discovered that Vonkeith Toland lives at Bushberry Rd., and had a vehicle for sale there.
 He and his brother, Tycus Toland, were going there with Justin Butler and Terry McClure to show them the vehicle for sale. These individuals are
 believed to have committed the shooting. Phone records of the Subject, Terry McClure indicate he had conversations with an individual at phone
 number 678-338-0838 in the days leading up to the murder. There are conversations between McClure and the co-defendant, Butler regarding the
 renting of a vehicle. During these conversations McClure has conversations with and refers to in text messages to Butler, an individual named Kia,
 who we believe to be the sister of McClure. These records are needed to identify the individual associated with the phone number to be searched,
 their location at the time of and around when McClure and Butler arrive in Atlanta, GA, and their possible involvement in the renting of a vehicle that
 we believe was used to transport Butler and McClure to the incident location.

Sworn to and Subscribed before me

this 29th day of May 20 14

Signature of Judge

(L. S.)

Affiant

Address 521 Gibson Rd
Lexington, SC 29072

Phone 7852450



FAX TRANSMITTAL

Lexington County Sheriff's Department

P.O. Box 639

Lexington, SC 29071

803.785.2400

FAX 803.785.1162

TO: Sprint Subpoena Compliance Department

ATTENTION:

FAX:

FROM: Det. Todd Garrick

DATE: 5-29-2014

PAGES:5

REFERENCE: Urgent Phone Records for 678-338-0838. Please email the requested information to tgarrick@lcsd.sc.gov and fax to 803-785-162 attn. Det. Garrick. If you have any questions please contact me at 803-223-3006.

TX Result Report

P 1

05/29/2014 13:35

Serial No. A2WU011002528

TC: 267614

Addressee	Start Time	Time	Prints	Result	Note
918166003111	05-29 13:32	00:02:37	005/005	OK	

Note THR: Timer TX, POL: Polling, ORS: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
 BND: Double-Sided Binding Direction, SD: Special original, FCODE: F-Code, RTX: Re-TX,
 SLV: Relay, NS: Confidential, BUL: Bulletin, SIP: SIP Fax, IPAOR: IP Address Fax,
 I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
 Refuse: Receipt Refused, Busy: Busy, H-Full: Memory Full, LVR: Receiving length over,
 PWR: Receiving page over, FIC: File Error, DC: Decode Error, MDN: MDN Response Error,
 DSN: DSN Response Error, PRINT: Compulsory Memory Document Print,
 DEL: Compulsory Memory Document Delete, SEND: Compulsory Memory Document Send.



FAX TRANSMITTAL

Lexington County Sheriff's Department

P.O. Box 639

Lexington, SC 29071

803.785.2400

FAX 803.785.1162

TO: Sprint Subpoena Compliance Department

ATTENTION:

FAX:

FROM: Det. Todd Garrick

DATE: 5-29-2014

PAGES:5

REFERENCE: Urgent Phone Records for 678-338-0838. Please email the requested information to tgarrick@lcsd.sc.gov and fax to 803-785-162 attn. Det. Garrick. If you have any questions please contact me at 803-223-3006.

STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

ALM
5/8/14
2:56 PMDate 5/8/14Officer Det. Todd Garrick

I received the attached Search Warrant _____, 19_____, and have executed it as follows:
On _____ 20_____ at _____ o'clock _____, M, I searched
(the person) described in the warrant and (the premises)

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

AND

SWORN to before me this _____)
day of _____ 20 _____

Signature of Judge (L.S.)

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Revised 12-3-10
March 16, 2010

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

United Airlines 1600 Smith Street Houston, TX, 77002 Custodian of Records

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

Flight information for any and all United Airlines flights departing Sacramento International Airport, CA after 0730hrs on 04-24-2014
and arriving at Atlanta International Airport after 1820hrs on 04-24-2014 with a connecting flight at Dulles International Airport, DC.
This is to include but not limited to flight passenger names or manifest, flight times, and flight numbers. Also sought is any and all
information pertaining to a passenger on these flights associated with the telephone number of 0402 cr 1-5512.

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

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

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

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

Lexington S.C.
May 8 2014 GT (L.S.)
Signature of Judge

SCCA/S13 (2-78), LCSD 010, 04/01

I received the attached Search Warrant 4-30, 10 2017 and have executed it as follows:

I left a copy of the warrant with FAN COPY TO VERIZON WIRELESS
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper.

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

(Signature of Officer Executing Warrant)

Signature of Judge

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-0-160
March 15, 1918

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

The subpoena compliance and records center of Verizon Wireless located at PO box 1001, San Angelo, TX. 76092.

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

The following historical data captured and stored by Verizon for telephone number -5436 to include but not limited to original purchase information to include date, time, and location of purchase or retailers name. The historical payment information to include payment dates, times, amounts, and payment methods.

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

T. D. AWC

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

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

Lexington, S.C.
April 30, 2014

Signature of Judge

(L.S.)

August 22, 2014 Page 180 of 972

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Lexington

Personally appeared before me, one Det. Todd Garrick
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The following historical data captured and stored by Verizon for telephone number 404-695-5436 to include but not limited to original
purchase information to include date, time, and location of purchase or retailers name. The historical payment information to include
payment dates, times, amounts, and payment methods.

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

The subpoena compliance and records center of Verizon Wireless located at PO box 1001, San Angelo, TX. 76092.

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

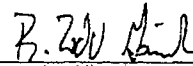
On 04-26-2014 at 1624hrs the Lexington County Communications Center received a 911 call in reference to a shooting incident at
Bush Beny Rd, Pelion, SC. Upon arrival, deputies found Tycus Toland deceased, with an apparent gunshot wound in the front yard of
the residence. Vonkeith Toland was also located at that residence and transported by EMS with gunshot wounds. During the course of
the investigation it was discovered the V. Toland lives at this address and had a vehicle for sale there. He and his brother, T. Toland,
were going there with two unidentified subjects to show them the vehicle for sale. These individuals are believed to have committed
the shooting. Witnesses indicate that V. Toland had telephone contact with the suspect(s) prior to them arriving. Phone records of the
victim, V. Toland, indicate he had several conversations with an individual at phone number -5436. This number is believed to
be associated with Justin Antonio Butler. These records are needed to verify Butler's association to this phone by purchase and
payment information.

Sworn to and Subscribed before me

this 30th day of April 20 14

Signature of Judge

(L. S.)



Affiant

Address 521 Gibson Rd
Lexington, SC 29072Phone 7852450



FAX TRANSMITTAL
Lexington County Sheriff's Department
Major Crimes Unit
PO Box 639
Lexington, SC 29071
803.785.8230
FAX 803.785.1162

To: Verizon Wireless Subpoena Compliance Center

From: Det. Todd Garrick

Date: 04-28-14

Reference: Urgent phone records for -5436

Please email the requested information to bgarrick@lcsd.sc.gov
fax to 803-785-1162 attn. Det. Garrick. If you have any questions
please contact me at 803-223-3006.

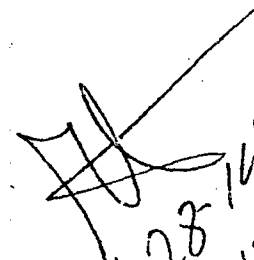
STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

Date 4/28/14

Officer Det. Todd Garrick


4-28-14
1:43 AM

RETURN

I received the attached Search Warrant 4-28, 16 2014, and have executed it as follows:
On 4-28 20 14 at 11:13 o'clock A M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with FBI copy to Verizon
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: PHONE RECORDS

This inventory was made in the presence of _____

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 28

day of April 20 14

Signature of Judge

(L. S.)

B. Todd New
(Signature of Officer Executing Warrant)

August 22, 2014 Page 184 of 972

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-0-160
March 15, 1918

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington County

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

The place to be searched is the Verizon Legan Compliance Center. The Custodian of Records is responsible for maintenance and the upkeep of phone records. The subpoena Compliance Center, TXD01613 is located at P. O. Box 1001, San Angelo, TX 76092.

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

The following historical data captured and stored by Verizon for the telephone number (-5436 between the dates of March 26, 2014 and April 26, 2014. Subscriber information to include name, address, phone number, types of service utilized by the subscriber E.S.N. Also, detailed call records to include dialed digits, incoming and outgoing calls, text messages, content of text messages, digital images, internet browsing activity, any data contained in third party messaging and texting applications, and stored contact phone numbers, date, time and duration period. Also, incoming and outgoing call cell, sector, telemetry, and tower location.

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

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

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

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

Lexington, S.C.
Apr. 22, 2014


Signature of Judge (L.S.)

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

AFFIDAVIT

Personally appeared before me, one _____
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The following historical data captured and stored by Verizon for the telephone number _____ -5436 between the dates of March 26, 2014 and April 26, 2014. Subscriber information to include name, address, phone
number, types of service utilized by the subscriber E.S.N. Also, detailed call records to include dialed digits, incoming and outgoing calls, text messages, content of text messages, digital images, internet browsing activity,
any data contained in third party messaging and texting applications, and stored contact phone numbers, date, time and duration period. Also, incoming and outgoing call call, sector, telemetry, and tower location.

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

The place to be searched is the Verizon LeganCompliance Center. The Custodian of Records is responsible for maintenance and the
upkeep of phone records. The subpoena Compliance Center, TXD01613 is located at P. O. Box 1001, San Angelo, TX 76092.

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

On April 26, 2014 at 1624 hours, the Lexington County Communication Center received a 911 call in reference to a shooting incident
at the residence of _____ Bush Berry Road, Pelion, SC. Upon arrival, Deputies found Tycus Toland a deceased Black male with an
apparent gunshot wound in front of a vehicle, in the front yard of the residence. Also in the yard, was Vonkeith Toland who was
transported by EMS with gunshot wounds as well. Tycus Toland and Vonkeith Toland, the two Black males that suffered gunshot
wounds, were said to be selling a vehicle and were meeting the unknown individuals when the shooting occurred. In the initial
securing of the residence, Deputies observed video cameras affixed to and around the residence. It is known that calls were made to
the victim from this number leading up to the incident. This Search Warrant is to locate any and all evidence surrounding the
circumstances of the shooting. LCSD Case #14007290.

Sworn to and Subscribed before me
this _____ day of _____ 2014

Signature of Judge

(L. S.)

Affiant

Address 521 Gibson Road
Lexington, SC 29072

Phone (803) 785-2450

**LEXINGTON COUNTY SHERIFF'S DEPARTMENT**

April 27, 2014

The Records of Cellco Partnership DBA Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921
(800) 451-5242

Dear Custodian of Records:

Our agency, Lexington County Sheriff's Department, is currently conducting an ongoing Murder Investigation. The target telephone number is a Verizon cell phone user and is possibly related to this investigation. We are requesting that information related to Verizon telephone number -5436 be preserved. We are also requesting that you preserve all subscriber information, incoming and outgoing text messages, detailed calling information, both incoming and outgoing.

TARGET NUMBER: 5436

We are requesting that you preserve any and all text messages, to include the content of both incoming and outgoing for -5436 during the period of April 21, 2014 through April 26, 2014.

We are expecting to obtain formal legal process in the next 90 days. We also acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request an extension, the preserved information may no longer be available.

If you have any questions in reference to our request, please contact me Detective Todd Garrick at (803) 785-2450.

Thank you in advance for your assistance in this matter.

Respectfully,

Detective Todd Garrick
Major Crimes Investigator
Lexington County Sheriff's Department
521 Gibson Road
Lexington, SC 29072



A Nationally Accredited Law Enforcement Agency
P.O. Box 639 Lexington, South Carolina 29071 (803) 785-8230 Fax # (803) 785-1162

STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

ALM
5/8/14
2:56 PM

Date 5/8/14

Officer Det. Todd Garrick

I received the attached Search Warrant _____, 19____ and have executed it as follows:

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

LE Report: 8-1-14

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-2-760
March 18, 1916

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

United Airlines 1600 Smith Street Houston, TX, 77002 Custodian of Records.

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

Flight information for any and all United Airlines flights departing Sacramento International Airport, CA after 0730hrs on 04-24-2014
and arriving at Atlanta International Airport after 1820hrs on 04-24-2014 with a connecting flight at Dulles International Airport, DC.
This is to include but not limited to flight passenger names or manifest, flight times, and flight numbers. Also sought is any and all
information pertaining to a passenger on these flights associated with the telephone number of 1-0402 or -5512.

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

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

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

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

Lexington, S.C.
May 8, 20 14 G (L.S.)
Signature of Judge

SCCA/513 (3-78), LCSD 010, 04/01

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Lexington

Personally appeared before me, one Det. Todd Garrick who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Flight information for any and all United Airlines flights departing Sacramento International Airport, CA after 0730hrs on 04-24-2014 and arriving at Atlanta International Airport after 1820hrs on 04-24-2014 with a connecting flight at Dulles International Airport, DC. This is to include but not limited to flight passenger names or manifest, flight times, and flight numbers. Also sought is any and all information pertaining to a passenger on these flights associated with the telephone number of 0402 or 5512.

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

United Airlines 1600 Smith Street Houston, TX, 77002 Custodian of Records

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

The Lexington County Sheriff's Department in investigating the homicide of Tyus Toland and the shooting of Voncish Toland, that occurred at 688 Bush Berry Rd, Polina, on 042614. During the course of the investigation it was discovered that V. Toland, and his brother T. Toland, were going to the residence with two unidentified subjects to show them a vehicle V. Toland had for sale. These individuals are believed to have committed the shooting. Witnesses indicate that V. Toland had telephone contact with the suspect(s) prior to them meeting in North then traveling to Polina. Phone records of V. Toland, indicate he had several conversations with an individual at phone number 404-693-5436. This number is believed to be associated with the suspect, Justin Butler, and according to cell phone tower records this phone, and an additional phone associated with Butler were in the area at the time of the incident. It was later discovered through text messages that an individual associated with 707-392-0402 appears to have met with Butler in Atlanta, GA on 04-24-2014 then traveled to South Carolina with him and according to cell phone tower information was also around the area at the time of the incident. Cell phone tower information also indicates the person associated with phone number 707-392-0402 traveled from Sacramento CA, to Dulles Airport DC, then to Atlanta, GA via airplane on 04-24-2014. United Airlines utilizes the route taken on 04-24-2014 and the location to be searched because the records for the flights on the date of travel. This search warrant is needed to obtain these records to identify the person associated with phone number 707-392-0402.

Sworn to and Subscribed before me

this 8th day of May 20 14
[Signature] (L. S.)
Signature of Judge

B. [Signature]
Affiant

Address 521 Gibson Rd
Lexington, SC 29072

Phone 785-2470



FAX TRANSMITTAL
Lexington County Sheriff's Department
Major Crimes Unit
PO Box 639
Lexington, SC 29071
803.785.8230
FAX 803.785.1162

To: Cellco Partnership dba Verizon Wireless 908-306-7491

From: Det. Traci Barr

Date: 05-02-14

Reference: URGENT- Any and all information for the attached
Search Warrant

Please email the requested information to tbarr@lcsd.sc.gov
fax to 803-785-1162 attn. Det. Barr. If you have any questions
please contact me at 803-223-1547.

05/02/14
Sent @ 1020 AM


STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

ALM
5/2/14
10:09 AM

Date 5/2/14

Officer Det. Traci Barr

CRIMINAL

F14-01774

LE Report: 8-1-14

625

RETURN

I received the attached Search Warrant 05/02, 2014, and have executed it as follows:
On 05/02 20 14 at 10:25 o'clock A M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with KAREN OF RECORDS
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: RECORDS

This inventory was made in the presence of DET. T. BARN - LCSD

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 2nd
day of MAY 20

CA (L. S.)
Signature of Judge

T. BARN
(Signature of Officer Executing Warrant)

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Lexington

Personally appeared before me, one Det. Traci Barr
 who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
 of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The following historical data captured and stored by Verizon Wireless for telephone number 404-780-9703 for the past 30 days to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also

sought is any and all cell site locations on incoming and outgoing calls with cell sector and telemetry data. Any and all browsing activity and data consumed in third party messaging. This is to include, but not limited to original purchase information to include date, time,

and location of purchase or reseller name. The historical payment information also to include payment dates, times, amounts, and payment method.

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

The subpoena compliance and records center of Verizon Wireless located at 180 Washington Valley Rd Bedminster, NJ 07921.

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

The Lexington County Sheriff's Department in investigating the Homicide of Tycus Toland and the shooting of Vonkeith Toland, that occurred on
 042614. During the course of the investigation it was discovered the V. Toland lives at this address and had a vehicle for sale there. He and his
 brother, T. Toland, were going there with two unidentified subjects to show them the vehicle for sale. These individuals are believed to have
 committed the shooting. Witnesses indicate that V. Toland had telephone contact with the suspect(s) prior to them arriving. Phone records of the
 victim, V. Toland, indicate he had several conversations with an individual at phone number -5436. This number is believed to be associated
 with the suspect(s) and according to phone records was located in the area at the time of the incident. The -5436 number had communication
 with the number to be searched several times in the days leading up to the incident and according to text messages they discussed meeting in what is
 believed to be the Atlanta Area in text messages. These records are needed to identify the individual associated with the phone to number be searched
 and their knowledge of the individual associated with -5436, who is believed to be involved in the shooting.

Sworn to and Subscribed before me

this 2nd day of May 20 14

Signature of Judge

(L. S.)

DETECTIVE TRACI BARR - LSCD

Affiant

Address 521 Gibson Rd
Lexington, SC 29072Phone 7852450

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-0-160
March 16, 1918

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

The subpoena compliance and records center of Verizon Wireless located at 180 Washington Valley Rd Bedminster, NJ 07921.

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

The following historical data captured and stored by Verizon Wireless for telephone number 1-9703 for the past 30 days to
include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also
sought is any and all cell site locations on incoming and outgoing calls will cell sector and telemetry data. Any and all browsing
activity and data contained in third party messaging. This is to include but not limited to original purchase information to include date,
time, and location of purchase or retailers name. The historical payment information to include payment dates, times, amounts, and
payment methods.

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

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

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

Lexington, S.C.
May 2, 2014

GT 1

Signature of Judge

(L.S.)



FAX TRANSMITTAL
Lexington County Sheriff's Department
Major Crimes Unit
PO Box 639
Lexington, SC 29071
803.785.8230
FAX 803.785.1162

To: Sprint Subpoena Compliance Center

From: Sgt. Roy Mefford

Date: 05-12-14

Reference: Urgent phone records for -5512

Please email the requested information to rmefford@lcsd.sc.gov
If you have any questions please contact me at 803-223-1346.

888-877-7330
816-600-3111

STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

Date 5/12/14

Officer Sgt. Roy Mefford

F14-01774

LE Report: 8-1-14

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-0-160
March 16, 1918

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

The subpoena compliance and records center of Sprint 6480 Sprint Parkway Overland Park, KS 66251

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

The following historical data captured and stored by Sprint for telephone number -5512 for the past 30 days to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also sought is any and all cell site locations on incoming and outgoing calls will cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging. This is to include but not limited to original purchase information to include date, time, and location of purchase or retailers name. The historical payment information to include payment dates, times, amounts, and payment methods. This is also to include any new number this phone number may have been changes to.

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

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

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

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

Wesley
May 12, 2014, S.F.

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

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

AFFIDAVIT

Personally appeared before me, one Sgt. Roy Mefford who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The following historic data captured and stored by Sprint for telephone number 5512 for the past 90 days to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also sought is any and all cell site locations on incoming and outgoing calls with cell sector and telemetry data, any and all browsing activity and data contained in third party monitoring. This is to include but not limited to original purchase information to include date, time, and location of purchase or retailer name. The historical payment information to include payment dates, times, amounts, and payment methods. This is also to include any new number this phone number may have been changed to.

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

The subpoena compliance and records center of Sprint 6480 Sprint Parkway Overland Park, KS 66251

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

The Lexington County Sheriff's Department is investigating the Homicide of Tyus Toland and the shooting of Vonkeith Toland, that occurred at 1 Bush Berry Rd, Pelion, on 04/26/14. During the course of the investigation it was discovered that V. Toland, and his brother T. Toland, were going to the residence with two unidentified subjects to show them a vehicle V. Toland had for sale. These individuals are believed to have committed the shooting. It was later discovered through the investigation that Terry Renee McClure was one of the suspects along with Justin Butler. McClure was identified as being in associated with cell phone number 707-392-0402. Cell phone tower information on his phone and airline records indicate that McClure traveled via plane from Sacramento, CA to Atlanta GA with a stop in Washing DC on 04/24/14. He then appears to have met with Butler in Atlanta, GA on 04-24-2014. They then traveled to South Carolina and according to cell phone tower information, phones associated with McClure and Butler, are in the Pelion area at the time of the shooting incident on 04-26-2014. McClure, according to cell phone tower information and airline records, travels by plane from Atlanta, Ga to Sacramento, CA with a stop in Charlotte, NC the day after the shooting on 04-27-2014. McClure and Butler were both identified by the victim, Vonkeith Toland, and subsequently charged with the shootings. During the course of the investigation it was discovered that McClure has a second cell phone with the number of 1-5512 and these records are needed to identify this as a phone belonging to McClure, to ascertain any and all communication between he and the codefendant leading up to the shooting, identify any other participants, and to determine McClure's location based on cell tower information. The place to be searched maintains the records for this phone.

Sworn to and Subscribed before me

this 12th day of May 20 14

(L. S.)
Signature of Judge

Affiant

Address 521 Gibson Rd
Lexington, SC 29072

Phone _____

RETURN

I received the attached Search Warrant 12th May, 19 2014 and have executed it as follows:
On 12 May 20 14 at 2:00 o'clock P. M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with Faked to Sprint
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: Records only

This inventory was made in the presence of _____
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 22nd)
day of May 20 14

Gt (L.S.)
Signature of Judge

[Signature]
(Signature of Officer Executing Warrant)



FAX TRANSMITTAL
Lexington County Sheriff's Department
Major Crimes Unit
PO Box 639
Lexington, SC 29071
803.785.8230
FAX 803.785.1162

To: T-Mobile -Subpoena Compliance and Keeper of Records

From: Det. Traci Barr

Date: 05-01-14

Reference: Urgent- Request for documentation in reference to a
homicide investigation. SEE ATTACHED SEARCH WARRANT

Please email the requested information to tbarr@lcsd.sc.gov
fax to 803-785-1162 attn. Det. Barr. If you have any questions
please contact me at 803-223-1547.

Sent 05/01/14
A handwritten signature, possibly "Det. Barr", enclosed in a circle.

STATE OF SOUTH CAROLINA

05/01/14
RECEIVED DOCUMENTS
T. MURPHY

RANT

ALM
5/1/14
10:07 AM

Date 5/1/14

Officer Det. Traci Barr

Case # 973 292869

2

F14-01774

LE Report: 8-1-14

0816141311

RETURN

I received the attached Search Warrant May 01 2014 and have executed it as follows:
On May 01 20 14 at 1100 o'clock A M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with Keeper of Records
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: Records

[Inventory section crossed out with a large diagonal line]

This inventory was made in the presence of DET. TRAC BARN - LSO
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 1st
day of May 20 14
[Signature] (L. S.)
Signature of Judge

[Signature] T. BARN - LSO
(Signature of Officer Executing Warrant)

August 22, 2014 Page 746 of 972

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-0-160
March 16, 1918

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

The subpoena compliance and records center of T-Mobile located at 4 Sylvan Parsippany, NJ 07054.

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

The following historical data captured and stored by T-Mobile for telephone number 916-514-2961 for the past 30 days to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also sought is any and all cell site locations on incoming and outgoing calls will cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging. This is to include but not limited to original purchase information to include date, time, and location of purchase or retailers name. The historical payment information to include payment dates, times, amounts, and payment methods.

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

Juicee

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

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

Lexington, S.C.
May 1, 20 14

Gl

Signature of Judge

(L.S.)

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Lexington

Personally appeared before me, one Det. Traci Barr
 who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
 of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The following historical data captured and stored by T-Mobile for telephone number 916-514-2961 for the past 30 days to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls,
 text messages and content. Also sought is any and all cell site locations on incoming and outgoing calls with cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging. This is to
 include but not limited to original purchase information to include date, time, and location of purchase or retailers name. The historical payment information to include payment dates, times, amounts, and payment methods.

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

The subpoena compliance and records center of T-Mobile located at 4 Sylvan Parsippany, NJ 07054.

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

The Lexington County Sheriff's Department in investigating the Homicide of Tycus Toland and the shooting of Vonkeith Toland, that
 occurred on 042614. During the course of the investigation it was discovered the V. Toland lives at this address and had a vehicle for
 sale there. He and his brother, T. Toland, were going there with two unidentified subjects to show them the vehicle for sale. These
 individuals are believed to have committed the shooting. Witnesses indicate that V. Toland had telephone contact with the suspect(s)
 prior to them arriving. While on the phone with 911 dispatchers V. Toland advised that he met the individuals that shot him and his
 brother through his friend "Zo from Cali". "Zo from Cali" was identified as Alonzo Walker and is associated with the number to be
 searched. These records are needed to show any communication between Alonzo Walker and the individuals involved in the shooting
 to assist in identifying them.

Sworn to and Subscribed before me

this 1st day of May 20 14
(Signature) (L. S.)
 Signature of Judge

DET. TRACI BARR - LCSO
 Affiant

Address 521 Gibson Rd
Lexington, SC 29072

Phone 7852450



FAX TRANSMITTAL
Lexington County Sheriff's Department
Major Crimes Unit
PO Box 639
Lexington, SC 29071
803.785.8230
FAX 803.785.1162

To: T-Mobile Subpoena Compliance Center

From: Det. Todd Garrick

Date: 04-28-14

Reference: Urgent phone records for -8946

Please email the requested information to bgarrick@lcsd.sc.gov
fax to 803-785-1162 attn. Det. Garrick. If you have any questions
please contact me at 803-223-3006.

PHONE
RECORDS
FOR
EARL IN Santee

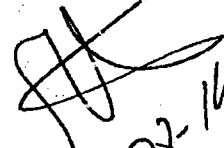
STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

Date 4/28/14

Officer Det. Todd Garrick


4-28-14
9:42 AM

F14-01774

LE Report: 8-1-14

RETURN

I received the attached Search Warrant 4-28, 16 2014 and have executed it as follows:
On 4-28 20 14 at 11:15 o'clock A M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with FM copy to T-Mobile
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: PHONE RECORDS

This inventory was made in the presence of _____
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 28
day of Apr 2014

Signature of Judge

(L.S.)

B. Todd [Signature]
(Signature of Officer Executing Warrant)

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-0-100
March 16, 1918

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

The subpoena compliance and records center of T-Mobile USA located at 4 Sylvan Parsippany, NJ 07054.

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

The following historical data captured and stored by T-Mobile for telephone number -8946 for the past 30 days to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also sought is any and all cell site locations on incoming and outgoing calls will cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging.

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

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

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

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

Lexington, S.C.
April 21, 2014

Signature of Judge

(L.S.)

August 22, 2014 Page 752 of 972

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

AFFIDAVIT

Personally appeared before me, one Det. Todd Garrick
 who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
 of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The following historical data captured and stored by T-Mobile for telephone number -8946 for the past 30 days to include but not limited to
subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also sought is any and all cell site locations
on incoming and outgoing calls will cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging.

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

The subpoena compliance and records center of T-Mobile USA located at 4 Sylvan Parsippany, NJ 07054.

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

On 04-26-2014 at 1624hrs the Lexington County Communications Center received a 911 call in reference to a shooting incident at Bush Berry
Rd, Pelion, SC. Upon arrival, deputies found Tycus Toland deceased, with an apparent gunshot wound in the front yard of the residence. Vonkeith
Toland was also located at that residence and transported by EMS with gunshot wounds. During the course of the investigation it was discovered the
V. Toland lives at this address and had a vehicle for sale there. He and his brother, T. Toland, were going there with two unidentified subjects to show
them the vehicle for sale. After arriving at the residence one or both of the subjects were armed with firearm(s) and opened fire killing T. Toland, and
critically wounding V. Toland. The residence then appears to have been burglarized and ransacked. Witnesses indicate that V. Toland had telephone
contact with the suspect(s) prior to them arriving. According to V. Toland's phone records he had contact with the number to be searched several
times leading up to the incident. This search warrant is needed to identify the individual using the phone associated with the number to be searched
and the records are maintained by T-Mobile.

Sworn to and Subscribed before me

this 28 day of April 20 14
(L.S.)
 Signature of Judge

B. Todd Garrick
 Affiant

Address 521 Gibson Rd
Lexington, SC 29072

Phone 7852450

4.27-14
1213

FAX TRANSMITTAL
Lexington County Sheriff's Department
Major Crimes Unit
PO Box 639
Lexington, SC 29071
803.785.8230
FAX 803.785.1162

To: Cingular Subpoena Compliance Center

From: Det. Todd Garrick

Date: 04-27-14

Reference: Urgent phone records for -3016

Please email the requested information to bgarrick@lcsd.sc.gov
fax to 803-785-1162 attn. Det..Garrick. If you have any questions
please contact me at 803-223-3006.

PHONE
RECORDS
FOR
803-614-3016
Gail Flanders
of
Vanderbilt
myers

STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

ALM
4/27/14
9:48 AM

Date April 27, 2014

Officer Detective Todd Garrick

F14-01774

LE Report: 8-1-14

645

RETURN

I received the attached Search Warrant 4-27, 10 2014 and have executed it as follows:
On 4-27 20 14 at 12:13 o'clock P M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with FAY copy TO Lingulair
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: PHONE RECORDS

This inventory was made in the presence of _____
AND _____

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

SWORN to before me this 2
day of May 20 14

Ct 1 (L. S.)
Signature of Judge

B. 20 14
(Signature of Officer Executing Warrant)

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-0-160
March 16, 1918

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

The place to be searched is the Cingular Legal Compliance Center. The Custodian of Records is responsible for maintenance and the upkeep of phone records. The subpoena Compliance Center is located at 11760 U. S. Highway 1, West Palm Beach, FL 33408.

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

The following historical data captured and stored by Cingular for the telephone number 3016 between the dates of March 26, 2014 and April 26, 2014. Subscriber information to include name, address, phone number, types of service utilized by the subscriber E.S.N. Also, detailed call records to include dialed digits, incoming and outgoing calls, text messages, contents of text messages, digital images, internet browsing activity, any data contained in third party messaging and texting applications, and stored contact phone numbers, date, time and duration period. Also, incoming and outgoing call cell, sector, telemetry, and tower location.

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

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

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

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

Lexington, S.C.
April 27, 2014 GA (L.S.)
Signature of Judge

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Lexington

Personally appeared before me, one _____
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The following historical data captured and stored by Cingular for the telephone number 3016 between the dates of March 26, 2014 and April 26, 2014. Subscriber information to include name, address, phone
number, types of service utilized by the subscriber E.S.N. Also, detailed call records to include dated digits, incoming and outgoing calls, text messages, contents of text messages, digital images, Internet browsing activity,
any data contained in third party messaging and texting applications, and stored contact phone numbers, date, time and duration period. Also, incoming and outgoing call cell, sector, telemetry, and tower location.

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

The place to be searched is the Cingular Legal Compliance Center. The Custodian of Records is responsible for maintenance and the
upkeep of phone records. The subpoena Compliance Center is located at 11760 U. S. Highway 1, West Palm Beach, FL 33408

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

On April 26, 2014 at 1624 hours, the Lexington County Communication Center received a 911 call in reference to a shooting incident
at the residence of Bush Berry Road, Pelion, SC. Upon arrival, Deputies found Tycus Toland a deceased Black male with an
apparent gunshot wound in front of a vehicle, in the front yard of the residence. Also in the yard, was Vonkeith Toland who was
transported by EMS with gunshot wounds as well. Tycus Toland and Vonkeith Toland, the two Black males that suffered gunshot
wounds, were said to be selling a vehicle and were meeting the unknown individuals when the shooting occurred. In the initial
securing of the residence, Deputies observed blood and a broken door at the rear of the residence, smelled a strong odor of marijuana
inside the residence, observed video cameras affixed to and around the residence. This Search Warrant is to locate any and all
evidence surrounding the circumstances of the shooting. LCSD Case # 14007290.

Sworn to and Subscribed before me

this 27 day of April 20 14
GA (L. S.)

Signature of Judge

B. Toland

Affiant

Address 521 Gibson Rd.Lex, SC 29072Phone 803-785-2450

TX Result Report

P 1
04/27/2014 11:16
Serial No. A2H0011002528
TC: 252659

Addressee	Start Time	Time	Prints	Result	Note
918889384715	04-27 11:13	00:02:47	005/005	OK	

Note TXR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MIX: Mixed Original TX, CML: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
SND: Double-Sided Banding Direction, SP: Special Original, FCODE: F-code, RTX: Re-TX,
RLV: Relay, MAX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
TEL: RX from TEL, NS: Other Error, CONT: Continue, NO ANS: No Answer,
REFUSE: Receipt Refused, BUSY: Busy, N-FULL: Memory Full, LON: Receiving length over,
DURING: Receiving page over, FIL: File Error, DCID: Decode Error, MDR: MDR Response Error,
DENIOSN: Response Error, PRINT: Compulsory Memory Document Print,
DEL: Compulsory Memory Document Delete, SEND: Compulsory Memory Document Send.



FAX TRANSMITTAL
Lexington County Sheriff's Department
Major Crimes Unit
PO Box 639
Lexington, SC 29071
803.785.8230
FAX 803.785.1162

To: Cingular Subpoena Compliance Center

From: Det. Todd Garrick

Date: 04-27-14

Reference: Urgent phone records for -3016

Please email the requested information to bgarrick@lcsd.sc.gov
fax to 803-785-1162 attn. Det. Garrick. If you have any questions
please contact me at 803-223-3006.

STATE OF SOUTH CAROLINA

County of Lexington

PA 77058
14-007290

SEARCH WARRANT

ALM
4/27/14
9:43AM

Date 4/27/14

Officer Det. Todd Garrick

F14-01774

LE Report: 8-1-14

August 22, 2014 Page 760 of 972

STATE OF SOUTH CAROLINA

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-4-160
March 16, 1918

COUNTY OF Lexington

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

Black and Gray in color Apple I-Phone IC: 579C-E2430A with phone number -5725 belonging to Tycus Toland. Located in
the Lexington County Sheriff's Department Evidence Room located at 521 Gibson Rd. Lexington, SC 29072

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

DESCRIPTION OF PROPERTY

Any data stored and detailed call records on the phone to be searched to include but not limited to dialed digits, incoming and out
going calls, text messages and content, digital images, IP addresses, and data contained in third party messaging or texting
applications, internet browsing activity, stored contact numbers, date time and duration of incoming and outgoing calls, and any
deleted files or data.

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

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

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

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

Lexington, S.C.
April 27, 2014 GA (L.S.)
Signature of Judge

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Lexington

Personally appeared before me, one Det. Todd Garrick
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Any data stored and detailed call records on the phone to be searched to include but not limited to dialed digits, incoming and out going calls, text
messages and content, digital images, IP addresses, and data contained in third party messaging or texting applications, internet browsing activity,
stored contact numbers, date time and duration of incoming and outgoing calls, and any deleted files or data.

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

Black and Gray in color Apple I-Phone IC: 579C-E2430A with phone number -5725 belonging to Tycus Toland. Located in
the Lexington County Sheriff's Department Evidence Room located at 521 Gibson Rd. Lexington, SC 29072

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

On 04-26-2014 at 1624hrs the Lexington County Communications Center received a 911 call in reference to a shooting incident at
Bush Berry Rd, Pelion, SC. Upon arrival, deputies found Tycus Toland deceased, with an apparent gunshot wound in the front
yard of the residence. Vonkeith Toland was also located at that residence and transported by EMS with gunshot wounds. During the
course of the investigation it was discovered the Vonkeith Toland lives at this address and had a vehicle for sale there. He and his
brother, Tycus Toland, were going there with two unidentified subjects to show them the vehicle for sale. After arriving at the
residence one or both of the subjects were armed with firearm(s) and opened fire killing Tycus Toland, and critically wounding
Vonkeith Toland. The residence then appears to have been burglarized and ransacked. The phone to be searched belongs to Tycus
Toland and this search warrant is needed to locate any contact information, or communications between he and one or both of the
subjects involved in this incident located within the phone.

Sworn to and Subscribed before me

this 27 day of April 20 14
[Signature] (L. S.)
Signature of Judge

[Signature]
Affiant

Address 521 Gibson Rd
Lexington, SC 29072

Phone 7852450

RETURN

I received the attached Search Warrant 4.28, 192014, and have executed it as follows:

On 4.28 20 14 at 0840 o'clock A M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with LCSD Evidence Unit
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: An advanced logical
extraction was made using a Cellebrite UFED and Software

This inventory was made in the presence of _____

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 1st
day of May 20 14

ct (L.S.)
Signature of Judge

[Signature]
(Signature of Officer Executing Warrant)

4-27-14
1214

FAX TRANSMITTAL
Lexington County Sheriff's Department
Major Crimes Unit
PO Box 639
Lexington, SC 29071
803.785.8230
FAX 803.785.1162

To: Sprint Subpoena Compliance Center

From: Det. Todd Garrick

Date: 04-27-14

Reference: Urgent phone records for -5725

Please email the requested information to bgarrick@lcsd.sc.gov
fax to 803-785-1162 attn. Det. Garrick. If you have any questions
please contact me at 803-223-3006.

PHONE
RECORDS
FOR

803-369-5725

TYCUS

PHONE

STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

ALM
4/27/14
9:41 AM

Date April 27, 2014

Officer Detective Todd Garrick

F14-01774

LE Report: 8-1-14

655

RETURN

I received the attached Search Warrant 4-27, 10 2014, and have executed it as follows:
On 4-27 20 14 at 12:14 o'clock P. M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with Fax copy to Sprint
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: PHONE RECORDS

This inventory was made in the presence of _____

AND _____

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

SWORN to before me this 2
day of May 20 14
GA (L.S.)
Signature of Judge

B. [Signature]
(Signature of Officer Executing Warrant)

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-9-160
March 16, 1916

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

The place to be searched is the Sprint Compliance Center. The Custodian of Records is responsible for maintenance and the upkeep of phone records. The subpoena Compliance Center is located at 6480 Sprint Parkway, Overland Park, KS 66251.

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

The following historical data captured and stored by Sprint for the telephone number 5725 between the dates of March 26, 2014 and April 26, 2014. Subscriber information to include name, address, phone number, types of service utilized by the subscriber E.S.N. Also, detailed call records to include dialed digits, incoming and outgoing calls, text messages, contents of text messages, digital images, internet browsing activity, any data contained in third party messaging and texting applications, and stored contact phone numbers, date, time and duration period. Also, incoming and outgoing call cell, sector, telemetry, and tower location.

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

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

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

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

Lexington, S.C.
April 27, 2014

GA

Signature of Judge

(L.S.)

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Lexington

Personally appeared before me, one _____
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The place to be searched is the Sprint Compliance Center. The Custodian of Records is responsible for maintenance and the upkeep of
phone records. The subpoena Compliance Center is located at 6480 Sprint Parkway, Overland Park, KS 66251.

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

The following historical data captured and stored by Sprint for the telephone number -5725 between the dates of March 26, 2014 and April 26, 2014.

Subscriber information to include name, address, phone number, types of service utilized by the subscriber E.S.N. Also, detailed call records to include dialed digits,
incoming and outgoing calls, text messages, contents of text messages, digital images, internet browsing activity, any data contained in third party messaging and texting
applications, and stored contact phone numbers, date, time and duration period. Also, incoming and outgoing call cell, sector, telemetry, and tower location.

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

On April 26, 2014 at 1624 hours, the Lexington County Communication Center received a 911 call in reference to a shooting incident
at the residence of Bush Berry Road, Pelion, SC. Upon arrival, Deputies found Tycus Toland a deceased Black male with an
apparent gunshot wound in front of a vehicle, in the front yard of the residence. Also in the yard, was Vonkeith Toland who was
transported by EMS with gunshot wounds as well. Tycus Toland and Vonkeith Toland, the two Black males that suffered gunshot
wounds, were said to be selling a vehicle and were meeting the unknown individuals when the shooting occurred. In the initial
securing of the residence, Deputies observed blood and a broken door at the rear of the residence, smelled a strong odor of marijuana
inside the residence, observed video cameras affixed to and around the residence. This Search Warrant is to locate any and all
evidence surrounding the circumstances of the shooting. LCSD Case # 14007290.

Sworn to and Subscribed before me

this 27 day of April 20 14
[Signature] (L. S.)
Signature of Judge

Affiant

Address

521 Gibson Rd.
Law, SC 29072

Phone

803-785-2450

TX Result Report

P 1
04/27/2014 11:19
Serial No. A2WJ011002528
TC: 252654

Addressee	Start Time	Time	Prints	Result	Note
918166003111	04-27 11:16	00:02:48	005/005	OK	

Note TX: Timer TX, POL: Polling, ORS: Original Size Setting, FNE: Frame Erase TX,
TEL: Mixed Original TX, CCL: Manual TX, CSCL: CSCL Two: Forward, PL: PC-Fax,
END: Double-Sided Binding Direction, SR: Special Original, FCODE: F-code, RTX: Re-TX,
RLV: Relay, MEX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
TEL: RX from TEL, NS: Other Error, CONT: Continuous, No Ans: No Answer
Refuse: Receipt Refused, Busy: Busy, H-Full: Memory Full, LOVR: Receiving length over,
RWR: Receiving page over, FIE: File Error, DCID: Decode Error, MDN: MDN Response Error,
DSN: DSN Response Error, PRINT: Compulsory Memory Document Print,
DEL: Compulsory Memory Document Delete, SEND: Compulsory Memory Document Send.



FAX TRANSMITTAL
Lexington County Sheriff's Department
Major Crimes Unit
PO Box 639
Lexington, SC 29071
803.785.8230
FAX 803.785.1162

To: Sprint Subpoena Compliance Center

From: Det. Todd Garrick

Date: 04-27-14

Reference: Urgent phone records for -5725

Please email the requested information to tgarrick@lcsd.sc.gov
fax to 803-785-1162 attn. Det. Garrick. If you have any questions
please contact me at 803-223-3006.

STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

ALM
4/27/14
9:47 AM

Date 4/27/14

Officer Det. Todd Garrick

14-007292

August 22, 2014 Page 770 of 972

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-9-160
March 16, 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

Black and Gray in color Apple I-Phone IMEI: 013336001494783 with phone number -5730 belonging to Vonkeith Toland.

Located in the Lexington County Sheriff's Department Evidence Room located at 521 Gibson Rd. Lexington, SC 29072

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

DESCRIPTION OF PROPERTY

Any data stored and detailed call records on the phone to be searched to include but not limited to dialed digits, incoming and out going calls, text messages and content, digital images, IP addresses, and data contained in third party messaging or texting applications, internet browsing activity, stored contact numbers, date time and duration of incoming and outgoing calls, and any deleted files or data.

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

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

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

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

Lexington, S.C.
April 27, 2014 GT (L.S.)
Signature of Judge

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Lexington

Personally appeared before me, one Det. Todd Garrick
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Any data stored and detailed call records on the phone to be searched to include but not limited to dialed digits, incoming and out going calls, text
messages and content, digital images, IP addresses, and data contained in third party messaging or texting applications, internet browsing activity,
stored contact numbers, date time and duration of incoming and outgoing calls, and any deleted files or data.

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

Black and Gray in color Apple I-Phone IMEI: 013336001494783 with phone number -5730 belonging to Vonkeith Toland.

Located in the Lexington County Sheriff's Department Evidence Room located at 521 Gibson Rd. Lexington, SC 29072

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

On 04-26-2014 at 1624hrs the Lexington County Communications Center received a 911 call in reference to a shooting incident at
Bush Berry Rd, Pelion, SC. Upon arrival, deputies found Tycus Toland deceased, with an apparent gunshot wound in the front
yard of the residence. Vonkeith Toland was also located at that residence and transported by EMS with gunshot wounds. During the
course of the investigation it was discovered the Vonkeith Toland lives at this address and had a vehicle for sale there. He and his
brother, Tycus Toland, were going there with two unidentified subjects to show them the vehicle for sale. After arriving at the
residence one or both of the subjects were armed with firearm(s) and opened fire killing Tycus Toland, and critically wounding
Vonkeith Toland. The residence then appears to have been burglarized and ransacked. The phone to be searched belongs to Vonkeith
Toland who indicated to responding deputies that contact information, or communications between he and one or both of the subjects
involved in this incident is located within the phone.

Sworn to and Subscribed before me

this 27 day of April 20 14
[Signature] (L. S.)
Signature of Judge

[Signature]
Affiant

Address 521 Gibson Rd
Lexington, SC 29072

Phone 7852450

RETURN

I received the attached Search Warrant 4-28, 20 14, and have executed it as follows:

On 4-28, 20 14, at 1015 o'clock A m.,

I searched (the person) described in the warrant and (the premises).

I left a copy of the warrant with LCS D Evidence Unit
Name of person searched or "at the place of search" together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant: Due to the exhaustive amount of information that may be stored in the device(s) seized and the necessary amount of time required to complete the search of these device(s), the results of any forensic analysis will be maintained by law enforcement for any subsequent legal proceedings.

This inventory was made in the presence of _____

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 1st

Day of May, 20 14

Ct

Signature of Judge

(L. S.)

[Signature]
(Signature of Officer Executing Warrant)

12715-1
4.27-14

FAX TRANSMITTAL
Lexington County Sheriff's Department
Major Crimes Unit
PO Box 639
Lexington, SC 29071
803.785.8230
FAX 803.785.1162

To: T-Mobile Subpoena Compliance Center

From: Det. Todd Garrick

Date: 04-27-14

Reference: Urgent phone records for -5730

Please email the requested information to bgarrick@lcsd.sc.gov
fax to 803-785-1162 attn. Det. Garrick. If you have any questions
please contact me at 803-223-3006.

myers
PHONE
RECORDS
FOR
803-221-5730
Van Myers's phone

STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

ALM
4/27/14
9:54 AM

Date April 27, 2014

Officer Detective Todd Garrick

LE Report: 8-1-14

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-0-160
March 18, 1918

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

The place to be searched is the Records Section of the T-Mobile Compliance Center. The custodian of records is responsible for maintenance and the upkeep of phone records. The subpoena Compliance Center is located at 4 Sylvan Way, Parsippany, New Jersey 07054.

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

The following historical data captured and stored by T-Mobile for the telephone number -5730 between the dates of March 26, 2014 and April 26, 2014. Subscriber information to include name, address, phone number, types of service utilized by the subscriber E.S.N. Also, detailed call records to include dialed digits, incoming and outgoing calls, text messages, contents of text messages, digital images, internet browsing activity, any data contained in third party messaging and texting applications, and stored contact phone numbers, date, time and duration period. Also, incoming and outgoing call cell, sector, telemetry, and tower location.

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

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

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

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

Lexington, S.C.
April 27, 2014 GT (I.S.)
Signature of Judge

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Lexington

Personally appeared before me, one _____
 who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
 of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The following historical data captured and stored by T-Mobile for the telephone number (_____) -5730 between the dates of March 26, 2014 and April 26, 2014. Subscriber information to include name, address, phone
 number, types of service utilized by the subscriber E.S.N. Also, detailed call records to include dialed digits, incoming and outgoing calls, text messages, contents of text messages, digital images, internet browsing activity,
 any data contained in third party messaging and texting applications, and stored contact phone numbers, date, time and duration period. Also, incoming and outgoing call cell, sector, telemetry, and tower location.

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

The place to be searched is the Records Section of the T-Mobile Compliance Center. The custodian of records is responsible for
 maintenance and the upkeep of phone records. The subpoena Compliance Center is located at 4 Sylvan Way, Parsippany, New Jersey
 07054.

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

On April 26, 2014 at 1624 hours, the Lexington County Communication Center received a 911 call in reference to a shooting incident
 at the residence of Bush Berry Road, Pelion, SC. Upon arrival, Deputies found Tycus Toland a deceased Black male with an
 apparent gunshot wound in front of a vehicle, in the front yard of the residence. Also in the yard, was Vonkeith Toland who was
 transported by EMS with gunshot wounds as well. Tycus Toland and Vonkeith Toland, the two Black males that suffered gunshot
 wounds, were said to be selling a vehicle and were meeting the unknown individuals when the shooting occurred. In the initial
 securing of the residence, Deputies observed blood and a broken door at the rear of the residence, smelled a strong odor of marijuana
 inside the residence, observed video cameras affixed to and around the residence. This Search Warrant is to locate any and all
 evidence surrounding the circumstances of the shooting. LCSD Case # 14007290.

Sworn to and Subscribed before me

this 27 day of Apr. 20 14
[Signature] (L. S.)
 Signature of Judge

Affiant

Address

521 Gibson Rd.Way, SC 29012

Phone

803-785-2450

August 22, 2014 Page 807 of 972

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-0-160
March 16, 1918

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

The place to be searched is the records section of the Verizon-Cellco Partnership DBA Verizon Wireless Compliance. The custodian of records is responsible for maintenance and upkeep of phone records. The subpoena Compliance Center is located at 180 Washington Valley Road Bedminster, NJ 07921.

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

The following historical data captured and stored by Verizon-Cellco Partnership DBA Verizon Wireless Compliance for telephone number -5558 for the past 30 days to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also sought is any and all cell site locations on incoming and outgoing calls will cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging.

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

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

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

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

Wynn , S.E.
29 , 20 14 [Signature] (L.S.)
Signature of Judge

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

AFFIDAVIT

Personally appeared before me, one Sgt. Robby Lint 927 Det. Todd Martin
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The following historical data captured and stored by Verizon-Cellco Partnership DBA Verizon Wireless Compliance for telephone number -5558 for the past 30 days to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also sought is any and all cell site locations on incoming and outgoing calls will cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging. 1.

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

The place to be searched is the records section of the Verizon-Cellco Partnership DBA Verizon Wireless Compliance. The custodian of records is responsible for maintenance and upkeep of phone records. The subpoena Compliance Center is located at 180 Washington Valley Road Bedminster, NJ 07921.

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

On 04-26-2014 at 1624hrs the Lexington County Communications Center received a 911 call in reference to a shooting incident at Bush Berry Rd, Pelion, SC. Upon arrival, deputies found Tycus Toland deceased, with an apparent gunshot wound in the front yard of the residence. Vonkeith Toland was also located at that residence and transported by EMS with gunshot wounds. During the course of the investigation it was discovered the V. Toland lives at this address and had a vehicle for sale there. He and his brother, T. Toland, were going there with two unidentified subjects to show them the vehicle for sale. After arriving at the residence one or both of the subjects were armed with firearm(s) and opened fire killing T. Toland, and critically wounding V. Toland. The residence then appears to have been burglarized and ransacked. Witnesses indicate that V. Toland had telephone contact with the suspect(s) prior to them arriving. The phone number to be searched is needed to help identify possible suspect(s) involved in the shooting death of the victim and critically wounding the other victims.

Sworn to and Subscribed before me

this 28 day of April 20 14

Signature of Judge

(L. S.)

Affiant

Address 521 Gibson Rd
Lexington, SC 29072

Phone 7852450



FAX TRANSMITTAL

Lexington County Sheriff's Department

P.O. Box 639

Lexington, SC 29071

803.785.2400

FAX 803.785.1162

AT&T
TO: ~~Cingular~~ Subpoena Compliance Center

ATTENTION:

FAX:

FROM: Det. Todd Garrick

DATE: 4-29-2014

PAGES:5

REFERENCE: Urgent phone records for -6404

TELECOM

04 GUY'S
BAD PHONE

STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

Date 4/29/14

Officer Det. Todd Garrick

RETURN

I received the attached Search Warrant 4-28 10 2014, and have executed it as follows:
 On 4-29 2014 at 3:55 o'clock P. M, I searched
 (the person) described in the warrant and (the premises)

I left a copy of the warrant with FAKED COPY TO AT+T (Cingular) WIRELESS
 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: PHONE RECORDS

This inventory was made in the presence of _____
 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 9
 day of MAY 2014

 Signature of Judge (L. S.)

B. Z. [Signature]
 (Signature of Officer Executing Warrant)

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-0-180
March 16, 1918

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

The place to searched is the records section of AT&T Mobility (Cingular). The keeper of records is responsible for maintenance and upkeep of cellular phone records. The National Subpoena Compliance Center is located at P.O. Box 24679 West Palm Beach, FL 33416.

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

The following historical data captured and stored by AT&T Mobility (Cingular) for telephone number -6404 for the past 30 days to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also sought is any and all cell site locations on incoming and outgoing calls with cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging.

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

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

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

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

Cecil
Carl 29 . 20 if hw (L.S.)
Signature of Judge

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

AFFIDAVIT

Personally appeared before me, one Sgt. Bobby Lint Det. B. Zed who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The following historical data captured and stored by AT&T Mobility (Cingular) for telephone number -6404 for the past 30 days to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also sought is any and all cell site locations on incoming and outgoing calls with cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging.

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

The place to be searched is the records section of AT&T Mobility (Cingular). The keeper of records is responsible for maintenance and upkeep of cellular phone records. The National Subpoena Compliance Center is located at P.O. Box 24679 West Palm Beach, FL 33416.

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

On 04-26-2014 at 1624hrs the Lexington County Communications Center received a 911 call in reference to a shooting incident at Bush Berry Rd, Pelion, SC. Upon arrival, deputies found Tycus Toland deceased, with an apparent gunshot wound in the front yard of the residence. Vonkeith Toland was also located at that residence and transported by EMS with gunshot wounds. During the course of the investigation it was discovered the V. Toland lives at this address and had a vehicle for sale there. He and his brother, T. Toland, were going there with two unidentified subjects to show them the vehicle for sale. After arriving at the residence one or both of the subjects were armed with firearm(s) and opened fire killing T. Toland, and critically wounding V. Toland. The residence then appears to have been burglarized and ransacked. Witnesses indicate that V. Toland had telephone contact with the suspect(s) prior to them arriving. The phone number to be searched is needed to help identify possible suspect(s) involved in the shooting death of the victim critically wounding the other victim.

Sworn to and Subscribed before me

this 28 day of April 20 14

Signature of Judge

(L.S.)

Affiant

Address 521 Gibson Rd
Lexington, SC 29072

Phone 7852450

TX Result Report

P 1
04/29/2014 15:58
Serial No. A2WU011002528
TC: 253962

Addressee	Start Time	Time	Prints	Result	Note
916889384715	04-29 15:55	00:02:39	005/005	OK	

Note TXM: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MEX: Mired Original TX, CAL: Manual TX, CASC: CASC, FWD: Forward, PE: PC Fax,
BND: Double-Sided Binding Direction, SP: Special Original, FCODE: F-code, RTX: R-TX,
RLV: Relay, MEX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PS-OFF: Power Switch OFF,
TEL: RX from TEL, NB: Other Error, CONT: Continue, No Ans: No Answer,
Refused: Receipt Refused, Busy: Busy, H-Full: Memory Full, LOUR: Receiving length over,
PDR: Receiving page over, FIL: File Error, DC: Decode Error, MDN: MDN Response Error,
DEN: DSN Response Error, PRINT: Compulsory Memory Document Print,
DEL: Compulsory Memory Document Delete, SEND: Compulsory Memory Document Send.



FAX TRANSMITTAL

Lexington County Sheriff's Department

P.O. Box 639

Lexington, SC 29071

803.785.2400

FAX 803.785.1162

ATTN
TO: Engistar Subpoena Compliance Center

ATTENTION:

FAX:

FROM: Det. Todd Garrick

DATE: 4-29-2014

PAGES:5

REFERENCE: Urgent phone records for

-6404



FAX TRANSMITTAL
Lexington County Sheriff's Department
Major Crimes Unit
PO Box 639
Lexington, SC 29071
803.785.8230
FAX 803.785.1162

To: AT&T Subpoena Compliance Center

From: Det. Todd Garrick

Date: 04-28-14

Reference: Urgent phone records for -8366

Please email the requested information to bgarrick@lcsd.sc.gov
fax to 803-785-1162 attn. Det. Garrick. If you have any questions
please contact me at 803-223-3006.

Von Keith's
PHONE

REINHART

Return
For
Judge Reinhardt

STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

[Handwritten signature]
4-28-14
2:41 PM

Date 4/28/14

Officer Det. Todd Garrick

I received the attached Search Warrant 4-28, 192014 and have executed it as follows:

I left a copy of the warrant with FAY Copy TO ATJT Wire less
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

Blank lined page for notes.

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

day of

20

(Signature of Officer Executing Warrant)

Signature of Judge

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-0-180
March 15, 1918

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

The subpoena compliance and records center of AT&T located at P.O. Box 24679 West Palm Beach, FL 33416.

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

The following historical data captured and stored by AT&T for telephone number -8366 for the past 30 days to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also sought is any and all cell site locations on incoming and outgoing calls will cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging.

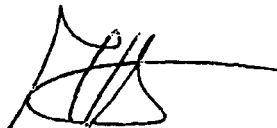
This Search Warrant shall not be valid for more than ten days from the date of issuance.

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

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

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

Lexington, S.C.
April 28, 2014



Signature of Judge

(L.S.)

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Lexington

Personally appeared before me, one Det. Todd Garrick
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The following historical data captured and stored by AT&T for telephone number -8366 for the past 30 days to include but not limited to
subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also sought is any and all cell site locations
on incoming and outgoing calls will cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging.

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

The subpoena compliance and records center of AT&T located at P.O. Box 24679 West Palm Beach, FL 33416.

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

On 04-26-2014 at 1624hrs the Lexington County Communications Center received a 911 call in reference to a shooting incident at
Bush Berry Rd, Pelion, SC. Upon arrival, deputies found Tycus Toland deceased, with an apparent gunshot wound in the front
yard of the residence. Vonkeith Toland was also located at that residence and transported by EMS with gunshot wounds. During the
course of the investigation it was discovered the V. Toland lives at this address and had a vehicle for sale there. He and his brother, T.
Toland, were going there with two unidentified subjects to show them the vehicle for sale. After arriving at the residence one or both
of the subjects were armed with firearm(s) and opened fire killing T. Toland, and critically wounding V. Toland. The residence then
appears to have been burglarized and ransacked. Witnesses indicate that V. Toland had telephone contact with the suspect(s) prior to
them arriving. The phone number to be searched belongs to V. Toland who indicated to responding deputies that contact information,
or communications between he and one or both of the subjects involved in this incident is located within the phone or records.

Sworn to and Subscribed before me

this 28 day of April 20 14
(L. S.)

Signature of Judge

Affiant

Address 521 Gibson Rd
Lexington, SC 29072

Phone 7852450

TX Result Report

P 1
04/28/2014 13:55
Serial No. A2WU011002528
TC: 253067

Addressee	Start Time	Time	Prints	Result	Note
918889384715	04-28 13:52	00:02:46	005/005	OK	

Note TMR: Timer TX, POL: Polling, ORS: Original Size Setting, FME: Frame Erase TX,
MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FDD: Forward, DE: PC Fax,
BND: Double-Sided Binding Direction, SP: Special Original, FCODE: F-code, RTX: Re-TX,
RLV: Relay, MBR: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
TEL: RX from TEL, NS: Other Error, CONC: Continue, No Ans: No Answer,
Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full, LOVR: Receiving length over,
DNR: Receiving page over, FILL: Fill Error, DC: Decode Error, MDN: MDN Response Error,
DEN: DEN Response Error, PRINT: Compulsory Memory Document Print,
DEL: Compulsory Memory Document Delete, SEND: Compulsory Memory Document Send.



FAX TRANSMITTAL
Lexington County Sheriff's Department
Major Crimes Unit
PO Box 639
Lexington, SC 29071
803.785.8230
FAX 803.785.1162

To: AT&T Subpoena Compliance Center

From: Det. Todd Garrick

Date: 04-28-14

Reference: Urgent phone records for -8366

Please email the requested information to tgarrick@lcsd.sc.gov
fax to 803-785-1162 attn. Det. Garrick. If you have any questions
please contact me at 803-223-3006.



FAX TRANSMITTAL
Lexington County Sheriff's Department
Major Crimes Unit
PO Box 639
Lexington, SC 29071
803.785.8230
FAX 803.785.1162

To: Verizon Wireless Subpoena Compliance Center

From: Det. Todd Garrick

Date: 04-30-14

Reference: Urgent phone records for -5436
URGENT phone records for -3791

Please email the requested information to bgarrick@lcsd.sc.gov
fax to 803-785-1162 attn. Det. Garrick. If you have any questions
please contact me at 803-223-3006.

GREENVILLE
H
ON
BAD Guy's
PHONE

RETURNS
FOR
Judge
R. J. W.

STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

Date 4/30/14

Officer Det. Todd Garrick

F14-01774

LE Report: 8-1-14

RETURN

I received the attached Search Warrant 4-30, 19 2014, and have executed it as follows:
On 5-1 20 14 at 9:25 o'clock PM, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with For Copy of the Verizon Wireless
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: Phone Records

This inventory was made in the presence of _____
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 5th
day of May 20 14

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

[Signature]
(Signature of Officer Executing Warrant)

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-6-160
March 16, 1918

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

The subpoena compliance and records center of Verizon Wireless located at PO box 1001, San Angelo, TX. 76092.

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

The following historical data captured and stored by Verizon for telephone number 3791 for the past 30 days to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also sought is any and all cell site locations on incoming and outgoing calls will cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging. This is to include but not limited to original purchase information to include date, time, and location of purchase or retailers name. The historical payment information to include payment dates, times, amounts, and payment methods.

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

T. Pace

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

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

Lee J. T... S.C.
April 30, 2014
[Signature] (L.S.)
Signature of Judge

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Lexington

Personally appeared before me, one Det. Todd Garrick who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The following historical data captured and stored by Verizon for telephone number 7791 for the past 30 days to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and e-mails. Also sought is any and all cell site locations on incoming and outgoing calls will cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging. This is to include but not limited to original purchase information to include date, time, and location of purchase or retailers name. The historical payment information to include payment dates, times, amounts, and payment methods.

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

The subpoena compliance and records center of Verizon Wireless located at PO box 1001, San Angelo, TX 76092.

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

The Lexington County Sheriff's Department in investigating the Homicide of Tycus Toland and the shooting of Vonkeith Toland, that occurred on 042614. During the course of the investigation it was discovered the V. Toland lives at this address and had a vehicle for sale there. He and his brother, T. Toland, were going there with two unidentified subjects to show them the vehicle for sale. These individuals are believed to have committed the shooting. Witnesses indicate that V. Toland had telephone contact with the suspect(s) prior to them arriving. Phone records of the victim, V. Toland, indicate he had several conversations with an individual at phone number -5436. This number is believed to be associated with Justin Antonio Butler from Alabama. The -5436 number has communication with the number to be searched indicating plans to meet the day before the incident. The number to be searched is associated with Greenville, SC. A witness indicate the individuals fitting the description of the suspects involved were previously in the Gaston area, and indicated they were from Greenville and Alabama. These records are needed to identify the individual associated with the phone to number be searched, their location at the time of and around the incident, and their possible involvement in the incident.

Sworn to and Subscribed before me

this 30th day of April 20 14
[Signature] (L. S.)
 Signature of Judge

[Signature]
 Affiant

Address 521 Gibson Rd
Lexington, SC 29072

Phone 7852450



FAX TRANSMITTAL
Lexington County Sheriff's Department
Major Crimes Unit
PO Box 639
Lexington, SC 29071
803.785.8230
FAX 803.785.1162

To: Subpoena Compliance and Keeper of Records of Metro PC
Wireless, Inc.

From: Det. Traci Barr

Date: 05-01-14

Reference: Urgent- Request for documentation in reference to a
homicide investigation. SEE ATTACHED SEARCH WARRANT

Please email the requested information to tbarr@lcsd.sc.gov
fax to 803-785-1162 attn. Det. Barr. If you have any questions
please contact me at 803-223-1547.

05/01/14
sent

STATE OF SOUTH CAROLINA

County of Lexington

05/01/14
TBA
SCARBY
ALM
5/1/14
10:37 AM
REMANU DOCUMENTS
METRO PC
WILKINS

Date

Officer Det. Traci Barr

972 860 2635

OP161W4 (BLUE)

LE Report: 8-1-14

RETURN

I received the attached Search Warrant May 01 2014 and have executed it as follows:
On May 01 2014 at 1100 o'clock A M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with keeper of records
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:

Records

This inventory was made in the presence of DETECTIVE TAMI BARR - LCSO
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 1st
day of May 2014
GT (L.S.)
Signature of Judge

T. BARR - LCSO
(Signature of Officer Executing Warrant)

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Lexington

Personally appeared before me, one Det. Traci Barr
 who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
 of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The following historical data captured and stored by Metro PCS for telephone number 925-444-6670 for the past 30 days to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also sought is
 any and all cell site locations, on incoming and outgoing calls with cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging. This is to include but not limited to original purchase information to include date, time, and
 location of purchase or reseller name. The historical payment information to include payment dates, times, amounts, and payment methods.

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

The subpoena compliance and records center of Metro PCS Wireless, Inc located at 2250 Lakeside Blvd. Richardson, TX 75082.

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

The Lexington County Sheriff's Department in investigating the Homicide of Tycus Toland and the shooting of Vonkeith Toland, that occurred on
 042614. During the course of the investigation it was discovered the V. Toland lives at this address and had a vehicle for sale there. He and his
 brother, T. Toland, were going there with two unidentified subjects to show them the vehicle for sale. These individuals are believed to have
 committed the shooting. Witnesses indicate that V. Toland had telephone contact with the suspect(s) prior to them arriving. Phone records of the
 victim, V. Toland, indicate he had several conversations with an individual at phone number -5436. This number is believed to be associated
 with the suspect(s) and according to phone records was located in the area at the time of the incident. The -5436 number had communication
 with the number to be searched several times in the days leading up to the incident and according to text messages they discussed the payment of a
 utility bill. These records are needed to identify the individual associated with the phone to number be searched and their knowledge of the individual
 associated with -5436, who is believed to be involved in the shooting.

Sworn to and Subscribed before me

this 1st day of May 20 14

GT (L.S.)
 Signature of Judge

Det. Traci Barr - LSC
 Affiant

Address 521 Gibson Rd
Lexington, SC 29072

Phone 7852450

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-0-180
March 16, 1918

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

The subpoena compliance and records center of Metro PCS Wireless, Inc located at 2250 Lakeside Blvd, Richardson, TX 75082.

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

The following historical data captured and stored by Metro PCs for telephone number 925-848-6070 for the past 30 days to include but not limited to subscriber information, dialed digits, all incoming and outgoing phone calls, text messages and content. Also sought is any and all cell site locations on incoming and outgoing calls will cell sector and telemetry data. Any and all browsing activity and data contained in third party messaging. This is to include but not limited to original purchase information to include date, time, and location of purchase or retailers name. The historical payment information to include payment dates, times, amounts, and payment methods.

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

Juice

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, arid, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Lexington, S.C.
May 1, 2014 St (L.S.)
Signature of Judge

STATE OF ALABAMA

)(

COLBERT COUNTY

)(

AFFIDAVIT FOR SEARCH WARRANT

Before me, Chad D. Coker, Judge, District Court, in and for said County and State, personally appeared Brad Holmes, of the Florence Police Department, Florence, Alabama, who being by me first duly sworn, deposes and says:

My name is Brad Holmes. I am an investigator for the Florence Police Department, Florence, Alabama. I have been in law enforcement for ten (10) years.

The Lexington County Sheriff's Department is currently investigating the Homicide of Tycus Toland and the shooting of Vonkeith Toland, that occurred at Bush Berry Rd, Pelion, South Carolina on 04-26-14. During the course of the investigation it was discovered that V. Toland, and his brother T. Toland, were going to the residence with two unidentified subjects to show them a vehicle V. Toland had for sale. These individuals are believed to have committed the shooting.

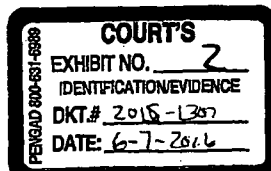
Witnesses indicate that V. Toland had telephone contact with the suspect(s) prior to them meeting in North, South Carolina then traveling to Pelion, South Carolina. Phone records of V. Toland, indicate he had several conversations with an individual at phone number -5436. This number is believed to be associated with the suspect, Justin Butler, and according to cell phone tower records, obtained by Lexington County Sheriff's department, this phone, and an additional phone associated with Butler were in the area at the time of the incident.

It was later discovered through text messages that an individual associated with -0402 appears to have met with Butler in Atlanta, GA on 04-24-2014 then traveled to South Carolina with him and according to cell phone tower information was also around the area at the time of the incident.

Cell phone tower information also indicates the person associated with phone number -0402 traveled from Atlanta GA, to Charlotte NC, then to Sacramento CA via airplane the day after the shooting on 04-27-2014.

On or about 05/09/14 Detective B. Todd Garrick, Lexington County Sheriff's Department, contacted

F14-01774



LE Report: 8-1-14

Inv. Craig Rickman, Muscle Shoals Police Department, and informed him that his agency had issued felony murder warrants for the arrest of Justin Antonio Butler, /91, Dearborn Ave., Apartment , Muscle Shoals, Alabama.

Officers with the Muscle Shoals Police Department SWAT team served the warrant on Mr. Butler late in the day, on 05/09/14.

Mr. Butler was taken into custody and is currently being housed in the Colbert County Jail awaiting extradition proceeds to South Carolina to face charges in that state.

On 05/12/14, Sgt. Dennis Patterson, Florence Police Department contacted Sgt. Roy Mefford, Major Crimes Unit, Lexington County Sheriff's Office regarding his case against Butler. In speaking with Sgt. Mefford it was found that the circumstances, style of activity, and evidentiary findings were similar in nature to a murder that occurred Florence, Alabama in November of 2013. In this case, Mr. Eric M. Watkins was shot multiple times inside his vehicle with a .40 caliber hand gun. Shell casing at the scene revealed that the rounds fired were from varying brands of ammunition. Mr. Justin Butler was a person of interest in that case and our agency believed that our background information might assist investigators in South Carolina with their homicide case.

Sgt. Mefford stated that evidence in their case shows that Mr. Justin Butler and Mr. Terry Renee McClure, 03/06/1988, 1006 Johnson Street, Fairfield, CA met in Atlanta, Georgia and traveled to South Carolina on or about 04-24-14. Once in South Carolina, Mr. Butler and Mr. McClure met with both Mr. Toland's about purchasing a vehicle. During that contact Mr. Butler and Mr. McClure shot and killed Mr. Tycus M. Toland and serious wounded Mr. Vonkeith Toland. Evidence at the scene and witness statements revealed that upon killing and injuring the Tolands, Mr. Butler and Mr. McClure forced entry into the residence of Mr. Vonkeith Toland and caused damage to the exterior of the residence. Evidence at the scene also found that a DVR (Digital Video Recorder) was taken from within the residence. Mr. Butler and Mr. McClure then fled the area.

Evidence located at the scene of the murder also show that a .40 (forty) caliber handgun was used to affect the murder of Mr. Tycus Toland and serious injure Mr. Vonkeith Toland. Five (5) .40 caliber shell

casing were located at the scene of the murder. These casings displayed different brand names, indicating that multiple brands of ammunition were used in this crime.

Records obtained by investigators in South Carolina show that Mr. McClure traveled from Atlanta GA, to Charlotte NC, then to Sacramento CA via airplane the day after the shooting on 04-27-2014.

Mr. Butler, who arrived in Atlanta by personal vehicle is believed to have traveled from Atlanta, Georgia, to Muscle Shoals, Alabama by personal vehicle.

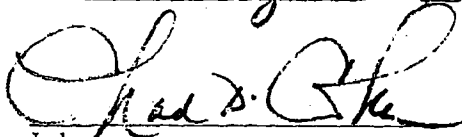
Investigators with the Lexington County Sheriff's Department have not located the firearm used in this murder. Additionally, the cellular telephones used in this crime and referenced above have not been located.

Evidence in this case shows that Mr. McClure fled the area of Atlanta Georgia by means of a commercial airplane which do not allow firearms. Therefore, there is probable cause to believe that Mr. Butler took possession of the firearm(s) used in this case and transported them to his residence in Muscle Shoals, AL. There is also probable cause to believe that Mr. Butler's cellular telephone is currently located at his residence and contains evidence of the murder of Mr. Tycus Toland.

I, therefore, request a search warrant for the Dearborn Ave, Apt. , Muscle Shoals, AL 35631 for the collection of evidence related to this crime, namely; .40 caliber firearm(s), Ammunition, Cellular Telephones, Digital Video Records, Receipts and/or paperwork evidencing travel from the Muscle Shoals Alabama Area to and from Atlanta Georgia and to and from Lexington County South Carolina.


Detective Brad Holmes
Florence Police Department

Sworn to and subscribed before me this the 12 day of May, 2014.


Judge

SEARCH WARRANT

THE STATE OF ALABAMA
COLBERT COUNTY

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF ALABAMA:

Affidavit in support of application for a search warrant having been made before me, and the Court's finding the grounds for the issuance of said search warrant exist or that there is probable cause to believe that they exist, pursuant to Rule 3.8, Ala. R. Crim. P., you are hereby ordered and authorized to forthwith search:

THE FOLLOWING PLACE: Dearborn Ave, Apt Muscle Shoals, AL 356361

FOR THE FOLLOWING PROPERTY: .40 caliber firearm(s), Ammunition, Cellular Telephones, Digital Video Records, Receipts and/or paperwork evidencing travel from the Muscle Shoals Alabama Area to and from Atlanta Georgia and to and from Lexington County South Carolina.

And make return of this warrant and an inventory of all property seized thereunder before me within ____ days (and to exceed 10 days) as required by law.

() This warrant may only be executed in the daytime between the hours of

_____. m., and

_____. m.

(☒) The Court finds probable cause to believe that a nighttime search is necessary, and this warrant may be executed any time of the day or night.

ISSUED TO: Brian Holman, FLORENCE POLICE DEPARTMENT, FLORENCE,
ALABAMA at 3:49 o'clock, P.m, this 12th day of
May, 2014.

Charles R. Smith
JUDGE



CITY OF FLORENCE, ALABAMA

Police Department

RETURN AND INVENTORY

I certify that I executed the foregoing Search Warrant as directed therein by searching the person or place therein described at 1658 o'clock M.T MAY 12, 2014, and:

() Did not find and seize any property located thereon.

Or:

☒ Found and seized the following described property and made return of same to the Court at _____ o'clock _____ M. _____, 20__:

1- SAMSUNG GALAXY S-3 PHONE 99000439426316
 1- iPad
 2- USPS SERVICE TICKET / 1 LAPTOP TOSHIBA
 1- DELTA BOARDING
 2- USPS RECEIPT
 3- TICKET STUBS MEMPHIS GAZZLES
 1- RENT RECEIPT

☒ Copy of warrant and endorsed copy of inventory left in accordance with Rule 3.11 (a), Ala. Rules of Crim. Pro.

Date

Signature of Law Enforcement

DETECTIVE FLORENCE POLICE
 Title and Agency

RECEIPT

I acknowledge receipt of return of the foregoing Search Warrant and all items, if any, noted on the foregoing inventory, at the date and time noted above.

Date

JUDGE/MAGISTRATE

Revised 06/12/06

701 SOUTH COURT STREET ✚ FLORENCE, AL 35630-6112
 PHONE (256) 760-6500 ✚ www.florencepd.org ✚ FAX (256) 760-6318

WITNESSES

Lexington County Sheriffs Department

Bryan Todd Garrick

Law Enforcement Case #: 14007290

SRH

ARREST WARRANT NUMBER

2014A3210200768

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

6/1/15

VERDICT

Guilty

Foreperson of Petit Jury

Date: 6-9-16

DOCKET NO. 2015GS3201309

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2015

THE STATE

vs.

Justin Antonio Butler

CDR #: 0079

Indictment for

BURGLARY 1ST DEGREE

§ 16-11-0311

DONALD V. MYERS, SOLICITOR

RECEIVED
JUN 14 2016
SC Court of Appeals

869

A TRUE COPY

Lex. Co. C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

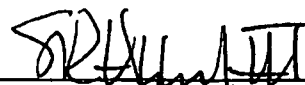
INDICTMENT FOR
 BURGLARY 1ST DEGREE

§ 16-11-0311

At a Court of General Sessions, convened on JUNE 2015, the Grand Jurors of Lexington County present upon their oath:

That Justin Antonio Butler, together with Terry R. McClure, did in Lexington County, South Carolina on or about April 26, 2014, willfully and unlawfully enter the dwelling of Vonkeith Toland at Bushberry Road, without consent and with the intent to commit a crime therein, and when in effecting entry or while in the dwelling or in immediate flight thereof, he was armed with a deadly weapon, and/or caused physical injury to a person who was not a participant in the crime, and/or used or threatened the use of a dangerous instrument, and/or displayed what was or what appeared to be a pistol, revolver, or other firearm, in violation of Section 16-11-311 (A)(1)(a)(b)(c)(d) of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Bryan Todd Garrick

Law Enforcement Case #: 14007290

SRH

ARREST WARRANT NUMBER

2014A3210200766

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

6/1/15

VERDICT

Guilty

Foreperson of Petit Jury

Date: 6-9-16

DOCKET NO. 2015GS3201310

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2015

THE STATE

vs.

Justin Antonio Butler

CDR #: 0549

Indictment for

**POSSESSION OF A FIREARM OR KNIFE
DURING THE COMMISSION OF A
VIOLENT CRIME**

§ 16-23-0490

DONALD V. MYERS, SOLICITOR

A TRUE COPY

Lex. Co. C.O.P., G.S. & F.C.

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

)
)
)

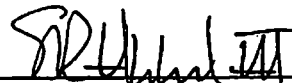
INDICTMENT FOR
POSSESSION OF A FIREARM OR KNIFE
DURING THE COMMISSION OF A VIOLENT
CRIME

§ 16-23-0490

At a Court of General Sessions, convened on JUNE 2015, the Grand Jurors of Lexington County present upon their oath:

That **Justin Antonio Butler** did in Lexington County, South Carolina on or about April 26, 2014 knowingly and willfully possess a firearm or visibly display what appeared to be a firearm or visibly display a knife during the commission or attempted commission of a violent crime, to wit: murder, attempted murder, and/or burglary first degree, in violation of Section 16-23-490 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Bryan Todd Garrick

Law Enforcement Case #: 14007290

SRH

ARREST WARRANT NUMBER

2014A3210200765

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 6/11/15

VERDICT

Guilty

Foreperson of Petit Jury
Date: 6-9-16

DOCKET NO. 2015GS3201307

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 20215

THE STATE

vs.

Justin Antonio Butler

CDR #: 0116

Indictment for

MURDER

§ 16-03-0010

DONALD V. MYERS, SOLICITOR

A TRUE COPY

Lex. Co. C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR
MURDER

§ 16-03-0010

At a Court of General Sessions, convened on JUNE 2015, the Grand Jurors of Lexington County present upon their oath:

That **Justin Antonio Butler**, together with **Terry R. McClure**, did in Lexington County, South Carolina on or about April 26, 2014, unlawfully, willfully, feloniously, and with malice aforethought kill the victim, **Tycus Metricus Toland**, by shooting the victim in the head with a pistol, and the victim died on or about April 26, 2014, in Lexington County as a proximate result thereof, in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Bryan Todd Garrick

Law Enforcement Case #: 14007290

SRH

ARREST WARRANT NUMBER

2014A3210200767

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 6/1/15

VERDICT

Guilty

Foreperson of Petit Jury
Date: 6-9-16

DOCKET NO. 2015GS3201308

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2015

**THE STATE
vs.**

Justin Antonio Butler

CDR #: 3410

Indictment for

ATTEMPTED MURDER

§ 16-03-0029

DONALD V. MYERS, SOLICITOR

A TRUE COPY

Lex. Co. C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

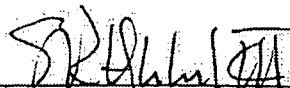
INDICTMENT FOR
ATTEMPTED MURDER

§ 16-03-0029

At a Court of General Sessions, convened on JUNE 2015, the Grand Jurors of Lexington County present upon their oath:

That Justin Antonio Butler, together with Terry R. McClure, did in Lexington County, South Carolina, on or about April 26, 2014, with the intent to kill the victim, Vonkeith Toland, willfully, feloniously, and with malice aforethought shoot the victim in the torso with a pistol, seriously wounding the victim, such act constituting the crime of attempted murder in violation of Section 16-3-29 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Justin Antonio Butler

AKA:

Race: Black Sex: M Age: 24

DOB: SS#:

Address:

City, State, Zip: Muscle Shoals, AL 35661

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Burglary / Burglary (After June 20, 1985) - First degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS3201309

A/W#: 2014A3210200768

Date of Offense: 4/26/2014

S.C. Code § : 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Paul S. Gribble 11650
Solicitor SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:		\$
4-1-200 (Assessments 107.5 %)		\$
4-1-211(1) (Conv. Surcharge)	\$100	\$100
4-1-211(2) (DUI Surcharge)	\$100	\$
56-5-299 (DUI Assessment)	\$12	\$
56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47-97 Public Def/Prob)	\$500	\$
4-1-212 (Law Enforce. Funding)	\$25	\$25
4-1-213 (Drug Court Surcharge)	\$150	\$
50-21-14 (BUI Breath Test Fee)	\$50	\$
56-5-294(1) (Vehicle Assessment)	\$40/ea	\$
Proviso 50-13 (SCCA Surcharge)	\$5	\$5
9% to County (if paid in installments)		\$
TOTAL		\$130

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

JUN 14 2016

SC Court of Appeals

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 2145

Sentence Date: 9 June 16

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS.

Justin Antonio Butler

AKA:

Race: Black Sex: M Age: 24

DOB: 01-01-90 SS#: 000-00-0000

Address: 1000 E. 1st St. S. Muscle Shoals, AL 35661

City, State, Zip: Muscle Shoals, AL 35661

DL#: E SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Dani S. G...
Solicitor

11650
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed 1 years
and/or to pay a fine of \$ 0; provided that upon the service of 0 days/months/years and/or payment
of \$ 0; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ 0 plus 20% fee: \$ 0

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2955 (DUI Assessment)	\$12	\$
§ 56-5-2955 (DUI Breath Test)	\$25	\$
§ 56-5-2955 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 56-5-2955 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2955 (Vehicle Assessment)	\$40/ea	\$
§ 9-5-50 (SCCJA Surcharge)	\$5	\$ <u>5</u>
§ 9-5-50 (if paid in installments)	\$	\$
TOTAL		\$ <u>130</u>

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

INDICTMENT/CASE#: 2015GS3201310

A/W#: 2014A3210200766

Date of Offense: 4/26/2014

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

Solicitor 11650
SC Bar#
Defendant
Attorney for Defendant
SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed 1 years
and/or to pay a fine of \$ 0; provided that upon the service of 0 days/months/years and/or payment
of \$ 0; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ 0 plus 20% fee: \$ 0

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2955 (DUI Assessment)	\$12	\$
§ 56-5-2955 (DUI Breath Test)	\$25	\$
§ 56-5-2955 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 56-5-2955 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2955 (Vehicle Assessment)	\$40/ea	\$
§ 9-5-50 (SCCJA Surcharge)	\$5	\$ <u>5</u>
§ 9-5-50 (if paid in installments)	\$	\$
TOTAL		\$ <u>130</u>

Presiding Judge

Judge Code:

Sentence Date:

9 June 16

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
 STATE VS.
Justin Antonio Butler

AKA: _____
 Race: Black Sex: M Age: 24
 DOB: _____ SS#: _____

Address: _____
 City, State, Zip: Muscle Shoals, AL 35661
 DL#: E2 SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Murder / Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS3201307

A/W#: 2014A3210200765

Date of Offense: 4/26/2014

S.C. Code § : 16-03-0010

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 11650
 Solicitor SC Bar# _____ Defendant Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 50 days/months/years or ☐ under the Youthful Offender Act not to exceed — years
 and/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or payment
 of \$ —; plus costs and assessments as applicable*; the balance is suspended with probation for —

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$ _____

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-5-288 (DUI Breath Test) \$25 \$

§ 14-1-212 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-2-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

§ 56-5-2942(J) (Vehicle Assessment) \$5 \$ 5

§ 3% to County (if paid in installments) \$

PTAB \$ 130

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: [Signature]

SCCA/217 (03/2011)

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

§ 47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge [Signature]

Judge Code: 2145

Sentence Date: 9 JUL 14

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
 STATE VS.
Justin Antonio Butler
 AKA: _____
 Race: Black Sex: M Age: 24
 DOB: _____ SS#: _____
 Address: _____
 City, State, Zip: Muscle Shoals, AL 35661
 DL#: _____ SID#: _____
 *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
 In disposition of the said indictment comes now the Defendant who was
 TO: Murder / Attempted Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS3201308
 A/W#: 2014A3210200767
 Date of Offense: 4/26/2014
 S.C. Code § : 16-03-0029
 CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Daniel S. Grubbs 11650
 Solicitor SC Bar# _____ Defendant Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$
 § 14-1-206 (Assessments 107.5 %) _____ \$
 § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100
 § 14-1-211(A)(2) (DUI Surcharge) \$100 \$
 § 56-5-2995 (DUI Assessment) \$12 \$
 § 56-1-206 (DUI Breath Test) \$25 \$
 § 56-1-206 (Public Def/Prob) \$500 \$
 § 14-1-212 (Law Enforce. Funding) \$25 \$ 25
 § 14-1-212 (Drug Court Surcharge) \$150 \$
 § 56-2-110 (DUI Breath Test Fee) \$50 \$
 § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 § 14-1-212 (SCCJA Surcharge) \$5 \$ 5
 3% to County (if paid in installments) \$
 TOTAL \$ 130

Clerk of Court/ Deputy Clerk

Court Reporter: B. Sigwald

SCCA/217 (03/2011)

PTUP. _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Presiding Judge

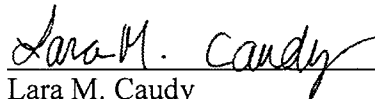
Judge Code: 2145

Sentence Date: 9/3/16

/
CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, S.C. 29211-1589

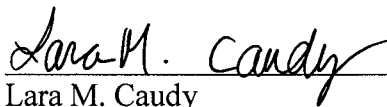
ATTORNEY FOR APPELLANT

This 29th day of January, 2018.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 29th day of January, 2018.

RECEIVED

JAN 29 2018

SC Court of Appeals