

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED  
DEC 06 2018

THE STATE,

RESPONDENT,

V.

SIDNEY STCLAIR MOORER,

APPELLANT

APPELLATE CASE NO. 2017-001876

RECEIVED

Appeal from Horry County

DEC 06 2018

R. Markley Dennis, Jr., Circuit Court Judge

SC Court of Appeals

RETURN TO MOTION TO STRIKE ITEMS FROM DESIGNATION OF MATTER, HOLD  
APPEAL IN ABEYANCE, AND REQUIRE AN AMENDED INITIAL BRIEF OF  
APPELLANT AND DESIGNATION OF MATTER

On December 4, 2018, counsel for Respondent moved to strike items from the designation of matter, hold the appeal in abeyance, and require an amended initial brief of appellant and designation of matter. Pursuant to Rule 240(e), SCACR, undersigned counsel files this return opposing all relief requested.

**Procedural posture**

On June 22, 2018, undersigned counsel filed and served an initial brief of appellant and designation of matter in the above-referenced case. On July 2, 2018, Deborah R.J. Shupe, sent a letter to undersigned indicating she would be representing the Respondent in this matter. On December 4, 2018, undersigned counsel was attending a post-conviction relief hearing in

Charleston, S.C., having been subpoenaed by the Office of the Attorney General as a witness. While undersigned counsel was away from the office, Respondent's office contacted undersigned counsel's office by phone asking for copies of the exhibits designated in Appellant's designation of matter. Those exhibits were sent using a file-sharing program due to the size of the exhibits. Subsequently, Respondent's office indicated the exhibits could not be accessed using the file-sharing program; therefore, undersigned's office sent four of the requested exhibits via email, but was unable to send State's Exhibit #1 (DVD) because of its size and the absence of information technology staff from the office to assist with another avenue. Thereafter, an agreement was reached for a physical copy of the DVD to be made on December 5, 2018, and provided to Respondent's office. As of this writing, a physical copy of the DVD was made and placed into the out-going mail to be hand-delivered to Respondent's office on December 5, 2018. Thus, any problems associated with the availability of the exhibit should be resolved.

#### **Legal analysis and discussion**

Undersigned counsel agrees that Defendant's Exhibits #1, #2, and #3 were marked for identification purposes only at the trial. Defendant's Exhibit #1 was an incident report that was used by defense counsel and the prosecutor to examine a police officer. See Exhibit #1 (Tr. 59-71); see Exhibit #2 (Defendant's Exhibit #1). Defendant's Exhibit #2 was a portion of a transcript of an interrogation of Appellant. See Exhibit #3 (Tr. 132); see Exhibit #4 (Defendant's Exhibit #2). Defendant's Exhibit #3 was another portion of the transcript of the interrogation of Appellant. See Exhibit #5 (Tr. 191-192); see Exhibit #6 (Defendant's Exhibit #3). The recording of the interrogation was admitted into evidence as State's Exhibit #1. The portions of the transcript were used to question police officers who testified on behalf of the state. There was no dispute that the transcript was accurate; however, it was not admitted into evidence.

Respondent argues that because the exhibits were not admitted into evidence, the exhibits “were not before the circuit court for consideration in ruling on Appellant’s directed verdict motion and may not be included in the Record on Appeal.” Although Respondent cites to Rule 210 (c), SCACR to support this argument, according to Rule 210(c), SCACR, “[t]he record shall not ... include matter which was not presented to the lower court or tribunal.” Without question, the exhibits were presented to the trial judge. Thus, it appears Respondent argues that under Rule 209(b), SCACR, the matter is not relevant to the appeal, and therefore, should not be included in the designation. Appellant included the exhibits because they are relevant to the resolution of the issue on appeal – whether the state presented any direct or substantial circumstantial evidence that Appellant obstructed justice when he was interrogated, the recording of which was admitted as State’s Exhibit #1.

Defendant’s Exhibits #2 and #3 were portions of the transcript of State’s Exhibit #1, an indisputably relevant exhibit, which assist in understanding the recording of the interrogation and in understanding the questioning of the officers when the exhibits were used during the trial. Likewise, Defendant’s Exhibit #1 assists in understanding the questioning of the officer regarding the police report.

While the exhibits, which were marked for identification purposes only, were not substantive evidence to be considered by the trial judge in deciding whether any direct or substantial circumstantial evidence tending to prove Appellant’s guilt had been produced, the exhibits were available to the trial judge in understanding the examinations of the witnesses when the exhibits were used and in reviewing the recorded interrogation of Appellant. Appellant’s inclusion of the exhibits, which were marked for identification purposes only, is not an attempt to ask this Court to review evidentiary matters that were not before the trial court or

are not relevant to the issue on appeal. Instead, Appellant included the exhibits to ensure this Court had all information necessary in order to render its opinion, including the exhibits marked for identification that bore on the ultimate issue in the case – whether the state presented any direct or substantial circumstantial evidence that Appellant obstructed justice when he was interrogated. Appellant is confident in this Court’s ability to distinguish between evidence admitted at trial and evidence marked for identification purposes only to be used for examinations of witness. To this point, Appellant is confident in this Court’s ability to use the information contained in the record on appeal accordingly.

It simply cannot be debated that ensuring the appellate court has all information necessary to render an opinion is critical to appellate review. See State v. Ladson, 373 S.C. 320, 644 S.E.2d 271 (Ct. App. 2007) (discussing the completeness of a record to enable meaningful appellate review); see also Koon v. State, 358 S.C. 359, 367, 595 S.E.2d 456, 460 (2004); Whitehead v. State, 352 S.C. 215, 221, 574 S.E.2d 200, 203 (2002); China v. Parrott, 251 S.C. 329, 162 S.E.2d 276 (1968); Adams v. H.R. Allen, Inc., 397 S.C. 652, 726 S.E.2d 9 (Ct. App. 2012); Dolive v. J.E.E. Developers, Inc., 308 S.C. 380, 418 S.E.2d 319 (Ct. App. 1992). Furthermore, the appellant has “the burden of providing a sufficient record.” Helms Realty, Inc. v. Gibson-Wall Co., 363 S.C. 334, 339, 611 S.E.2d 485, 487-488 (2005); see also Germain v. Nichol, 278 S.C. 508, 509, 299 S.E.2d 335, 336 (1983); State v. Knighton, 334 S.C. 125, 136-137, 512 S.E.2d 117, 123 (Ct. App. 1999); Hobgood v. Pennington, 300 S.C. 309, 314, 387 S.E.2d 690, 693 (Ct. App. 1989); Scruggs v. Quality Elec. Services, Inc., 282 S.C. 542, 545, 320 S.E.2d 49, 51 (Ct. App. 1984). Recently, this Court held an issue on appeal was abandoned where the appellant failed to include the challenged exhibits in his designation of matter to be

included in the record on appeal. State v. Hawes, 423 S.C. 118, 128, 813 S.E.2d 513, 518 (Ct. App. 2018).

Finally, “[w]hen the issue on appeal involves a motion for directed verdict or a question on the sufficiency of the evidence, it is not improper to include all of the trial testimony.” State v. Sumpter, 288 S.C. 574, 576, 344 S.E.2d 148, 149 (1986). As explained supra, while the exhibits designated were not part of the trial testimony itself, the exhibits were marked for identification as they were used during the examinations of the witnesses and the exhibits help to explain and give context to the examinations.

Appellant respectfully requests this Court deny Respondent’s motion to strike and require the filing of an amended initial brief of Appellant and designation of matter. Additionally, Appellant respectfully requests this Court deny Respondent’s motion to hold the appeal in abeyance.

Respectfully Submitted,



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SUSAN B. HACKETT  
Appellate Defender

This 6th day of December, 2018.

# **Exhibit #1**

## DANNY FURR - CROSS-EXAMINATION

1 Q Okay. Which report were you referring to a  
2 minute ago?

3 A The report which the responding officer  
4 completed.

5 Q About what he did?

6 A Yes. And it has information about the entirety  
7 of the case.

8 Q So does it have information about you?

9 A Yes, it does.

10 Q Can I see it?

11 A I don't have a copy.

12 MR. HOLFORD: Objection, Your Honor. He didn't  
13 bring up a report on the stand with him.

14 MR. TRUSLOW: Well, I can give him time to get  
15 it, Your Honor.

16 Q (MR. TRUSLOW) Can you locate the record?

17 THE COURT: First of all, if you will, approach.

18 (Whereupon, a bench conference was had.)

19 THE COURT: Ladies and gentlemen, you have to go  
20 to the jury room. There is a matter of law I have to  
21 take up out of your presence. Don't begin your  
22 deliberations, and don't discuss the case.

23 (The jury exits at 2:53 p.m., and the  
24 following is heard out of the presence of the jury.)

25 THE COURT: We had a bench conference concerning

## DANNY FURR - CROSS-EXAMINATION

1 this report. As I understand, Solicitor, from -- you  
2 say you have given the defendant counsel a copy of the  
3 report. When did you give it to him?

4 MR. HOLFORD: Your Honor, based on the testimony  
5 that is elicited --

6 THE COURT: I didn't ask you about that. I asked  
7 you when you gave them a copy of this report?

8 MR. HOLFORD: It is a report from Kenneth  
9 Canterbury that's been turned over in discovery when  
10 all the incident reports were turned over.

11 MS. LIVESAY: Your Honor, here's what happened.  
12 The report that we have, as far as the initial  
13 incident, is the one from Kenneth Canterbury. We have  
14 turned that over, and we actually went a step further.  
15 Mr. Furr did not do a report, so when we prepared for  
16 trial last time and spoke with him, Ms. Pop did a  
17 supplemental and handed that over to the defense  
18 attorney. Any time an officer gives us a statement of  
19 the defendant, we do a supplemental and hand it over.

20 THE COURT: Mr. Truslow, you say you don't have  
21 the report?

22 MR. TRUSLOW: I do not want to say that, Your  
23 Honor, because now we're talking Mr. Canterbury's  
24 report and I'm -- I don't know. I mean, can I ask  
25 what date?

## DANNY FURR - CROSS-EXAMINATION

1 THE COURT: Do you have a copy of the report  
2 we're talking about?

3 MR. HOLFORD: I do, Your Honor.

4 THE COURT: Well, just make it available to him.

5 MR. HOLFORD: He's had a copy of it.

6 THE COURT: Solicitor, do you have an objection  
7 to letting him see a copy of it now, since you already  
8 have given it to him?

9 MR. HOLFORD: No, Your Honor.

10 THE COURT: Okay. I don't know what you said  
11 that for. Thank you. I'm not suggesting he hadn't, I  
12 just asked you if you could give it to him. Thank  
13 you, sir.

14 MR. HOLFORD: Yes, sir.

15 THE COURT: How much time do you need to study  
16 that?

17 MR. TRUSLOW: Two minutes, Your Honor.

18 THE COURT: All right.

19 (A brief pause in the proceedings.)

20 MR. TRUSLOW: Your Honor, what I'm holding is a  
21 report, it has supplemental reports stapled to the  
22 back of it, later dates. The amount of discovery  
23 we've had, I'm not going to go out on a limb and tell  
24 you I never got this. I don't --

25 THE COURT: Then I would -- the Solicitor has

## DANNY FURR - CROSS-EXAMINATION

1 established that he has given it to you, that's fine.  
2 And I don't find there has been any failure to  
3 disclose any reports. Thank you, Solicitor.

4 MR. HOLFORD: Thank you, Your Honor.

5 MR. TRUSLOW: Ready to proceed.

6 THE COURT: May the jury return. Solicitor, do  
7 you need your report?

8 MR. HOLFORD: Yes, Your Honor.

9 THE COURT: Do you need the report any longer?

10 MR. TRUSLOW: I do.

11 THE COURT: Well, that's fine. I'll make sure he  
12 gives it back to you after the examination.

13 MR. HOLFORD: We can get him a copy, too.

14 THE COURT: That's fine, but he can use it right  
15 now so we don't have to delay any further. Thank you.

16 MR. HOLFORD: Yes, sir.

17 (The jury enters at 2:58 p.m., and the  
18 following is heard in the presence of the jury.)

19 THE COURT: Thank you very much. Ladies and  
20 gentlemen, we're ready to continue. Mr. Truslow, you  
21 may resume your examination.

22 Q (MR. TRUSLOW) Officer, I got the report that I'm  
23 told about.

24 MR. TRUSLOW: May I approach, Your Honor?

25 THE COURT: You may.

## DANNY FURR - CROSS-EXAMINATION

1 Q (MR. TRUSLOW) Is this the report you are talking  
2 about?

3 A Yes, sir.

4 Q And if I could hold it again, please -- actually,  
5 no.

6 THE COURT: Do you need to mark it as defense  
7 exhibit for identification only?

8 MR. TRUSLOW: Yes, Your Honor. We would like to  
9 move to enter it for identification, that would be  
10 Defense A, for identification only.

11 THE COURT: You want it admitted?

12 MR. TRUSLOW: No, sir. No, just for  
13 identification.

14 THE COURT: For identification only, Defense  
15 Exhibit --

16 COURT REPORTER: 1.

17 THE COURT: 1. Thank you.

18 (Defendant's Exhibit 1 marked.)

19 Q (MR. TRUSLOW) I'll hand you, Officer, Defense  
20 Exhibit 1 and let you review that, specifically  
21 Paragraph 4. Is that the report we've been talking  
22 about?

23 A Yes, sir.

24 Q And, really, I just have one question. The  
25 telephone conversation you had with my client, is it

## DANNY FURR - CROSS-EXAMINATION

1 accurate for me to say that you asked him if he had  
2 seen her, and he said he had not seen her in six  
3 months; is that what it says?

4 A Paragraph 3 states that, yes, he had not seen  
5 her.

6 Q And when you read that paragraph, do you take  
7 that paragraph as to what you were testifying to, your  
8 phone call?

9 A Yes.

10 Q That is the phone call you made; in fact, you  
11 left a message and he called you back, right? Remember  
12 that?

13 A He did, yes.

14 Q That is not in the report, but that's how it  
15 happened, right?

16 A Yes, it is.

17 Q Okay. So he called you back and said he had not  
18 seen her in six months?

19 A I remember the verbiage to be that he had not  
20 talked to her in six months.

21 Q You remember today, 2017, "not talked to her,"  
22 right?

23 A Uh-huh.

24 Q You didn't remember that when you wrote that  
25 report?

## DANNY FURR - CROSS-EXAMINATION

1 A I didn't write this report, sir.

2 Q Well, shouldn't you write a report so we don't do  
3 this?

4 A It was written by my supporting officer.

5 Q You didn't write it, did you?

6 A I did not.

7 Q So we're in court today for a man's life, and we  
8 have to go by what you remember, as opposed to what  
9 happened because you didn't write it?

10 A I didn't write that.

11 Q Do you write reports at all?

12 A I do.

13 Q How many a day?

14 A Average -- I don't know. As a supervisor, not as  
15 many as my guys do.

16 Q When you weren't a supervisor, something happens,  
17 do you jot it down, do you make a report, generally  
18 speaking?

19 A When I was a patrol officer, it could be 10, 15  
20 reports a day.

21 Q What were you at this point?

22 A Corporal.

23 Q When you are a corporal, do you generally make  
24 reports?

25 A I do.

## DANNY FURR - REDIRECT EXAMINATION

1 Q Okay. Do you generally, most particularly, do it  
2 when it is a missing lady?

3 A Yes.

4 Q But you didn't in this one, did you?

5 A No, that officer did.

6 Q This is what we have to go by, right?

7 A Yes, sir.

8 Q Either what you remember from almost four years  
9 ago, right --

10 A Yes.

11 Q -- or this document?

12 A Yes.

13 Q The only report we've got?

14 A Yes.

15 Q And it says that you talked to my client, he said  
16 he had not S-E-E-N, seen her, in six months, correct?

17 A It does state that.

18 Q Six weeks.

19 A Six weeks, excuse me.

20 THE COURT: The exhibit stays with -- thank you.

21 Redirect?

22 REDIRECT-EXAMINATION

23 BY MR. HOLFORD:

24 Q Sergeant Furr.

25 A Yes, sir.

## DANNY FURR - REDIRECT EXAMINATION

1 Q Just to be clear, you did not make a report in  
2 this case?

3 A I did not.

4 Q The person you sent to investigate did; is that  
5 correct?

6 A Yes.

7 Q And that is the report you were referring to?

8 A Yes, sir.

9 Q And that is the report that you have seen?

10 A Yes, sir.

11 Q And so when you are referring to your  
12 conversation being included in a report that had been  
13 turned over, is that the one?

14 A That is. That is it, yes.

15 Q But you didn't make a report?

16 A I did not.

17 Q Why?

18 A Because he is the responding officer, and he's  
19 responsible for doing the report.

20 Q Is that typical for the responding officer to  
21 make a report?

22 A It is, yes.

23 Q And is that what happened in this case?

24 A Yes.

25 Q Is that out of the ordinary?

## DANNY FURR - RE-CROSS-EXAMINATION

1 A No.

2 Q Does that happen --

3 A All the time.

4 Q Now, when you talked to him on the phone, it is  
5 your testimony that said he hadn't talked to her?

6 A Yes.

7 Q The report that has been brought up, done by the  
8 responding officer, notes your conversation as he  
9 hadn't seen her?

10 A Yes, it does.

11 Q Did he mention that he had seen her in the past  
12 six weeks?

13 A He did not.

14 Q So he didn't say he had seen her riding by his  
15 place leaving notes on his car?

16 A No.

17 Q So even by that report done by the responding  
18 officer, he never mentioned seeing Heather?

19 A No.

20 Q In the past six weeks?

21 A No, sir.

22 MR. HOLFORD: Nothing further.

23 THE COURT: Recross?

24

25

## DANNY FURR - RECROSS-EXAMINATION

1 RECROSS-EXAMINATION

2 BY MR. TRUSLOW:

3 Q Six weeks, or six-and-a-half weeks?

4 A I remember six weeks.

5 Q Okay. Six weeks. What officer was it that you  
6 sent out?

7 A Casey Canterbury.

8 Q And would you characterize what you are saying  
9 now as -- I mean when you testify that sometimes I  
10 don't do a report, can you see how I see that as an  
11 excuse for not having one; is that what it is?

12 A No, sir, I can't say that.

13 Q Why do you make reports in the first place?

14 A To document the situation.

15 Q Yeah. And then when do they become relevant down  
16 the road?

17 A They are relevant as we are doing them.

18 Q Right. And when do they become relevant again?  
19 At trial?

20 A At trial, yes.

21 Q And what is a trial?

22 A It's the fact-finding situation in which one side  
23 is apparently prosecuting the other.

24 Q Uh-huh. Fact-finding situation, right?

25 A Uh-huh.

## DANNY FURR - RECROSS-EXAMINATION

1 THE COURT: Is that a yes?

2 A Yes.

3 Q (MR. TRUSLOW) In this fact-finding process, what  
4 is it that is holding in the balance? What decision  
5 is being made?

6 A Whether someone is guilty or innocent.

7 Q Yes. Okay. And who has to decide that?

8 A The jury.

9 Q Right. And that is why we try to give them  
10 evidence, right?

11 A Absolutely.

12 Q To assist them?

13 A Yes.

14 Q When we want to prosecute somebody?

15 A Yes.

16 Q And convict them?

17 A Yes.

18 Q And that is why we write reports?

19 A Yes, sir.

20 Q So that we don't have to ask them to do that  
21 based on your memory four years ago, right?

22 A Yes.

23 Q As opposed to something that was written down  
24 almost four years ago?

25 A Yes.

## DANNY FURR - RE-CROSS-EXAMINATION

1 Q Because it could be argued, would you agree, that  
2 it could be convenient to do that, and four years later  
3 remember kind of what you want to remember, correct, if  
4 you were so inclined?

5 A I would be guessing, speculation on my part.

6 Q For you. For you. Would it be difficult for you  
7 to do?

8 A Difficult for me to do what? Say that again.

9 Q To remember it the way that fits this trial,  
10 meaning he hadn't talked to her versus hadn't seen her.  
11 Would it be more convenient for you to say that four  
12 years later?

13 A I remember it from the conversation we had, yes.

14 Q All right. And then after that conversation you  
15 took your wife to the movies that weekend, right?

16 A I don't remember the weekend.

17 Q Come on. You remember. The next weekend, you  
18 rented a DVD?

19 MR. HOLFORD: Objection, relevance.

20 THE COURT: Sustained. Beyond the scope of  
21 redirect as well.

22 MR. HOLFORD: Thank you.

23 MR. TRUSLOW: No further questions.

24 THE COURT: Thank you. You may come down, sir.  
25 Call your next witness, please.

# **Exhibit #2**

# Horry County Police Crime Report

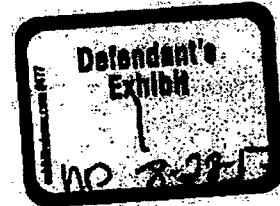
Horry County Police  
2560 N Main ST  
Conway, SC 29526  
843 915-5350

Case No. 13117285  
Report No. 13117285.1  
Report Date: 12/19/2013

JUNE 13<sup>th</sup>

Subject: Missing Person/ 8699 Peachtree Rd/ Myrtle Beach

Case Report Status Status Indicator	A - Approved C - Administratively Closed (Investigation is admin. closed until further leads)	Date Entered Entered By	12/19/2013 11:10:49 PM 7663 - Canterbury, Kenneth	Reporting Officer	7663 - Canterbury, Kenneth
Status Change Date Occurred On (and Entered) End Date End Time	12/17/2013 10:45:00 PM	Date Verified Verified By	12/20/2013 4:58:48 AM F245 - Furr, Darryl	Assisted By	
Location	6699 Peachtree Rd	Date Approved Approved By	12/20/2013 8:00:47 AM EC34 - Eckersley, Gwen		
Jurisdiction Grid	JJ - JURISDICTION	Connecting Cases Disposition	Admin Closed		
Sector Map	14 - Sector 14	Clearance Reason Date of Clearance			
Trac/Geo-Indicator Call Source		Reporting Agency Division Notified	Horry County Police South Precinct		
Vehicle Activity Vehicle Traveling Cross Street		Means Other Means Motive Other Motives			



Report Narrative

I responded to the above location, in reference to a suspicious vehicle that was parked at the Peachtree boat landing. Upon my arrival, I observed a vehicle, that was bearing SC registration CPC264, sitting in the parking lot of the boat landing. Upon running the SC license plate, I responded to entity 1's address (father of the victim), who stated that it was his car and that his daughter drives the vehicle all the time. Entity 1 stated that he last heard from his daughter on Tuesday, December 17, 2013 at approximately 2243 hours, via text message. Entity 1 stated that the victim text him a picture of her learning how to drive a manual drive vehicle. It was learned that the victim was to have a date with entity 2 on the evening of December 17th. Entity 1 spoke to Entity 2, who stated that he picked the victim up at her residence at approximately 1900 hours on that date. Entity 2 stated that they went to dinner, went looking at Christmas lights, and then to the parking lot of Inlet Square Mall, to teach her to drive a manual drive vehicle. Entity 2 stated that he then took the victim back to her residence at approximately 0200-0230 hours, and that she went inside the apartment and that her vehicle was in the driveway.

I escorted Entity 1 to the boat landing, and he opened the vehicle (which is registered to him). I located two receipts inside the front passenger area of the vehicle, that were dated for December 17th. The first was a Kangaroo Express receipt from store # 3221, later learned to be located at 1929 10th Avenue North, that had a time stamp of 1618 hours. The second receipt was from McDonald's, which is located at Towne Center Parkway/ International Drive, that had a time stamp of 1634 hours. I had Horry County Dispatch to check with local hospitals and jails, in hopes of locating the victim. I learned that the victim had been a patient at Conway Hospital on December 17th, she was admitted to the hospital at 1504 hours and was released at 1612 hours. Cpl Furr spoke to an employee at the above mentioned McDonald's, who stated that they do have video surveillance of the drive-thru window that captures a facial picture of every driver that comes through the window, but are unable to retrieve said video tonight. McDonald's stated that a manager will be available at 0700 hours, in the morning, to retrieve said video. I spoke with Entity 3, victim's roommate, who stated that she last received a phone call from the victim at 0144 hours on December 18th. Entity 3 stated that the victim seemed like she was crying and upset, due to receiving a phone call from Entity 4, whom the victim has previously had a relationship. Entity 3 stated that victim stated that she received a phone call from Entity 4, who told her that he had left his wife and wanted to be with the victim.

Entity 1 stated that he contacted his cellular provider (T-Mobile), who provided him with call history for the victim's phone and he advised me that the last phone calls were at approximately 0600 hours on December 18th and the calls were back and forth between the victim and entity 4. Cpl Furr spoke with entity 4, via telephone, and stated that he has not seen the victim since October, and then admitted to have spoken to her on the phone last night. Entity 4 stated that he called her to tell her to quit calling him and that was it. Entity 4's statement contradicts what the victim supposedly told Entity 3.

In further conversation with entity 1, he stated that this is not like the victim, to just disappear and not call him or her mother. Entity 1 also stated that he is worried about the victim, due to entity 5, her ex boyfriend from approximately one-month ago, due to him possibly being abusive, and supposedly making a statement about "if she hides, he will find her." At time of this report, I have been unable to positively identify entities 2 and 5. According to the victim's employer, victim is supposed to work tomorrow, December 20th @ 1600. I will pass this information on to oncoming shifts, and have them follow-up to she if she shows up for work. At this time, Victim has been entered NCIC, listed as Missing, with corresponding NC # N141740921

Offense Detail: 9225 - HCPD MISSING PERSON

Offense Description: 9225 - HCPD MISSING PERSON

END  
4

# Horry County Police Crime Report

Case No. 13117285  
 Report No. 13117285-1  
 Report Date: 12/19/2013

Horry County Police  
 2560 N Main ST  
 Conway, SC 29526  
 843 815-5350

2

Offense Date: 12/19/2013  
 Location: 18 - Parking Lot/Parking Garage  
 2nd Location Type: 28 - Other/Unknown  
 Special Circumstances: Yes  
 Offense Completed: Yes  
 Harbored: 88 - None (No Bias)  
 Domestic Violence: No  
 Type Security: Type Used  
 Tools Used: Carj Theft  
 Weapons/Force: No

## Victim V1: Elvis, Heather Rachelle

Victim Code: V1  
 Victim Type: Individual

Name: Elvis, Heather Rachelle  
 AKA: None  
 Address: 641 White River DR APT 16C  
 Myrtle Beach, SC 29579  
 CSZ: Myrtle Beach, SC 29579

Home Phone: 843 997-9152  
 Work Phone: None  
 Email Address: None  
 Alias: Unknown  
 Circumstances: None

Law Enforcement Assigned: None  
 Other Killed or Activity: None  
 Type: None

## Other Entry: 01 - Elvis, Terry Lee

Entry Code: 01  
 Entry Type: C - Complaint

Name: Elvis, Terry Lee  
 AKA: None  
 Address: 106 Siv Fox TR  
 Myrtle Beach, SC 29588  
 CSZ: Myrtle Beach, SC 29588  
 Home Phone: 843 815-3287  
 Work Phone: 843 457-5747  
 Email Address: None

Entry Notes: Victim's father  
 Alias: None

DOB: 42  
 Age: 42  
 Sex: M - Male  
 Race: W - White  
 Ethnicity: N - Not of Hispanic Origin

Place of Birth: None  
 SSN: None  
 DLN: None  
 DLN State: None  
 DLN Country: None  
 Occupation/Grade: None  
 Employer/School: None  
 Employer Address: None  
 Employer CSZ: None  
 Res. Country: None  
 Res. State: None

Horry County, SC  
 USA - United States  
 J - This Jurisdiction

Justifiable Homicide Circumstances: None

Place of Birth: None  
 SSN: None  
 DLN: None  
 DLN State: SC - South Carolina  
 DLN Country: USA - United States of America  
 Occupation/Grade: Hostess  
 Employer/School: Titled RHR  
 Employer Address: 1317 Gateway Cir  
 Myrtle Beach, SC 29577  
 Home Phone: None  
 Work Phone: None  
 Email Address: None  
 Alias: None  
 Circumstances: None

Horry County, SC  
 USA - United States of America  
 J - This Jurisdiction

Justifiable Homicide Circumstances: None

# Horry County Police Crime Report

Horry County Police  
2560 N Main ST  
Conway, SC 29528  
843 815-5350

Case No. 13117285  
Report No. 13117285.1  
Report Date: 12/19/2013

**3**

## Other Entity: O2 - Shiraldi, Steve

Entity Code	O2	DOB		Place of Birth	
Entity Type	I - Information	Age	99	SSN	
Name	Shiraldi, Steve	Sex	M - Male	DLN	
AKA		Race	U - Unknown	DLN State	
Alert(s)		Ethnicity	U - Unknown	DLN Country	
Address	136 Molina DR	Ht.		Occupation/Grade	
CSZ	Murrells Inlet, SC 29576	Wt.		Employer/School	
Home Phone	443 624-6288	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. Country	Horry
		Complexion		Res. Country	USA - United States of America
				Resident Status	U - Unknown
Alerts					
Entity Notes					

## Other Entity: O4 - Warrelmann, Brianna

Entity Code	O4	DOB		Place of Birth	
Entity Type	I - Information	Age	22	SSN	
Name	Warrelmann, Brianna	Sex	F - Female	DLN	
AKA		Race	W - White	DLN State	
Alert(s)		Ethnicity	N - Not of Hispanic Origin	DLN Country	
Address	541 White River DR APT 16C	Ht.		Occupation/Grade	
CSZ	Myrtle Beach, SC 29579	Wt.		Employer/School	
Home Phone	803 412-3938	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. Country	Horry
		Complexion		Res. Country	USA - United States of America
Alerts				Resident Status	J - This Jurisdiction
Entity Notes	Victim's roommate				

## Other Entity: O3 - Moorer, Sidney Stclair

Entity Code	O3	DOB	1/14/1976	Place of Birth	
Entity Type	I - Information	Age	37	SSN	
Name	Moorer, Sidney Stclair	Sex	M - Male	DLN	7281976
AKA		Race	W - White	DLN State	SC - South Carolina
Alert(s)		Ethnicity	N - Not of Hispanic Origin	DLN Country	USA - United States of America
Address	8788 814 HWY	Ht.	5'8"	Occupation/Grade	
CSZ	Myrtle Beach, SC 29588	Wt.	195	Employer/School	Palmetto Maintenance
Home Phone	843 238-7588	Eye Color	BRO - Brown	Employer Address	8788 814 HWY
Work Phone	843 386-3175	Hair Color	BRO - Brown	Employer CSZ	Myrtle Beach, SC 29588
Email Address		Facial Hair		Res. Country	Horry
		Complexion		Res. Country	USA - United States of America
Alerts				Resident Status	J - This Jurisdiction

# Horry County Police Crime Report

Horry County Police  
2560 N Main ST  
Conway, SC 29526  
843 915-6350

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Case No. 13117285  
Report No. 13117285.1  
Report Date: 12/19/2013

Entity Note:

Other Entity: 05 - Fleming, Jeremy

Entity Code: 05  
Entity Type: I - Information

Name: Fleming, Jeremy  
AKA:  
Alert(s):

Address: Hwy 90  
CSZ:

Home Phone:  
Work Phone:  
Email Address:

Alias:

DOB:  
Age: 88  
Sex: M - Male  
Race: U - Unknown  
Ethnicity: U - Unknown  
HT:  
WT:  
Eye Color:  
Hair Color:  
Facial Hair:  
Complexion:

Place of Birth:  
SSN:  
DLN:  
DLN State:  
DLN Country:  
Occupation/Grade:  
Employer/School:  
Employer Address:  
Employer CSZ:  
Res. Country:  
Res. Country:  
Resident Status:

Horry  
USA - United States  
of America  
U - Unknown

Entity Note: Former boyfriend of the victim, possibly violent. Possibly works at House of Blues in NMB

# Horry County Police Follow-Up Report

Horry County Police  
2560 N Main ST  
Conway, SC 29526  
843 915-6350

Case No. 13117285  
Report No. 13117285.2  
Report Date: 12/20/2013

1

**Subject:** Missing Person/ 6699 Peachtree Rd/ Myrtle Beach

<b>Case Report Status</b>	<b>A - Approved</b>	<b>Date Entered:</b> 12/20/2013 3:07:10 AM	<b>Reporting Officer:</b> 7863 - Canterbury, Kenneth
<b>Status Indicator</b>	<b>C - Administratively Closed</b> (Investigation is admin. closed until further leads)	<b>Entered By:</b> 7663 - Canterbury, Kenneth	
<b>Status Change Date</b>	12/17/2013 10:43:00 PM	<b>Date Verified:</b> 12/20/2013 4:56:12 AM	
<b>Occurred On</b>	(and Between)	<b>Verified By:</b> F246 - Furr, Barry	
<b>End Date</b>		<b>Date Approved:</b> 12/20/2013 8:01:35 AM	
<b>End Time</b>		<b>Approved By:</b> EC34 - Eckersley, Gwen	<b>Assisted By:</b>
<b>Location</b>	6899 Peachtree Rd	<b>Connecting Cases</b>	
<b>Jurisdiction</b>	JJ - JURISDICTION	<b>Disposition</b>	Admin Closed
<b>Grid</b>		<b>Clearance Reason</b>	
<b>Sector</b>	14 - Sector 14	<b>Date of Clearance</b>	
<b>Map</b>		<b>Reporting Agency</b>	Horry County Police
<b>Track/Geo-Indicator</b>		<b>Division</b>	South Precinct
<b>Call Source</b>		<b>Notified</b>	
<b>Vehicle Activity</b>		<b>Means:</b>	
<b>Vehicle Traveling</b>		<b>Other Means:</b>	
<b>Cross Street</b>		<b>Motive:</b>	
		<b>Other Motives:</b>	

**Report Narrative**  
I responded out to Entity 4's residence and conducted an interview. Entity 4 voluntarily showed me his cellular phone, which showed that he had not sent a text to the victim, since November 2nd. His phone also showed that the victim attempted to call him multiple times between 0300 and 0400 hours on the morning of December 18th, both from a blocked number and at least four times without blocking her number. At this time, I do not find reason to believe that Entity 4 knows the whereabouts of the victim.

## Offense Detail: 9225 - HCPD MISSING PERSON

<b>Offense Description:</b> 9225 - HCPD MISSING PERSON	<b>Offense Date:</b> 12/19/2013	<b>No. Prim. Entered:</b>
<b>IBR Code:</b> 90Z - All Other Offenses	<b>Location:</b> 18 - Parking Lot/Parking Garage	<b>Entry Method:</b>
<b>IBR Group:</b> B	<b>2<sup>nd</sup> Location Type:</b> 25 - Other/Unknown	
<b>Crime Against:</b> SO	<b>Special Circumstance:</b>	
<b>Using:</b> N - Not Applicable	<b>Offense Completed?:</b> Yes	
<b>Victim Use:</b> N - Not Applicable	<b>Hate/Bias:</b> 88 - None (No Bias)	
<b>Criminal Activity:</b>	<b>Domestic Violence:</b> No	<b>Type Security:</b>
<b>Weapons/Force:</b>		<b>Tools Used:</b>
		<b>Cargo Theft:</b>

# Horry County Police Follow-Up Report

Horry County Police  
2560 N Main ST  
Conway, SC 29526  
843 815-5350

Case No. 13117285  
Report No. 13117285.3  
Report Date: 12/20/2013

Subject: **Missing Person/ FOLLOW UP**

Case Report Status Status Indicator	A - Approved C - Administratively Closed (Investigation is admin. closed until further leads)	Date Entered Entered By	12/20/2013 4:18:17 PM 6893 - Massey, Todd	Reporting Officer	7663 - Canterbury, Kenneth
Status Change Date Occurred On (and Between)	12/17/2013 10:43:00 PM 12/17/2013 10:43:00 PM	Date Verified Verified By	12/22/2013 8:02:38 AM G235 - Graham, Larry	Assisted By	
End Date End Time		Date Approved Approved By	12/31/2013 12:48:39 PM 8820 - Vasquez, Erica		
Location	6699 Peachtree Rd	Connecting Cases			
Jurisdiction	JJ - JURISDICTION	Disposition	Admin Closed		
Grid		Clearance Reason			
Sector	14 - Sector 14	Date of Clearance			
Map		Reporting Agency	Horry County Police - South Precinct		
Track/Geo-Indicator		Division			
Call Source		Notified			
Vehicle Activity		Means			
Vehicle Traveling		Other Means			
Cross Street		Motive			
		Other Motives			

Report Narrative: I responded out to the McDonalds at the intersection of International Dr and Towne Centre Pkwy in reference to a follow up. Officer Canterbury made contact with me by cell phone and stated that the Manager at the McDonalds was suppose to have a copy of the stores security footage in reference to a missing persons case he was working. I made contact with the manager on duty and he give a DVD of the security. The manager stated that he had spoke to Det. Wilson already today in reference to this case. I will be turning the DVD into the HCPD evidence division for Det. Wilson. There is nothing further at this time.

## Offense Detail: 9225 - HCPD MISSING PERSON

Offense Description	9225 - HCPD MISSING PERSON	Offense Date	12/19/2013	No. Prem. Entered	
IBR Code	90Z - All Other Offenses	Location	18 - Parking Lot/Parking Garage	Entry Method	
IBR Group	B	2 <sup>nd</sup> Location Type	26 - Other/Unknown	Type Security	
Crime Against	SO	Special Circumstance		Tools Used	
Using	N - Not Applicable	Offense Completed?	Yes	Cargo Theft	
Victim Use	N - Not Applicable	Hate/Bias	88 - None (No Bias)		
Criminal Activity		Domestic Violence	No		
Weapons/Force					

## Property Description Item 1: 9999 - Other - DVD OF SECURITY FOOTAGE

Item No	1
Property Category	9999 - Other
IBR Type	77 - Other
LCR Type	K - Miscellaneous
Status	I - Information Only
Count	1
Value	
Manufacturer	
Model	
Serial No	
License No	
Color	
Description	DVD OF SECURITY FOOTAGE
Vehicle Year	
License Year	
State	
Body Style	

# Horry County Police Follow-Up Report

Case No. 13117285  
Report No. 13117285.3  
Report Date: 12/20/2013

Horry County Police  
2560 N Main ST  
Conway, SC 29526  
843 915-5350

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Page 2 of 2

Recovered Date  
Recovery ORI  
Owner  
Disposition  
Evidence Tag  
Alert(s)  
  
Drug Type  
Drug Quantity  
Drug Measure  
  
Property Notes

# Horry County Police Follow-Up Report

Case No: 13117285  
 Report No: 13117285.4  
 Report Date: 12/28/2013

Horry County Police  
 2560 N Main ST  
 Conway, SC 29526  
 843 915-6350

1

**Subject:** Missing Person/ 6699 Peachtree Rd/ Myrtle Beach

<b>Case Report Status:</b> Status Indicator:	A - Approved C - Administratively Closed (Investigation is admin. closed until further leads)	<b>Date Entered:</b> Entered By:	12/28/2013 6:11:48 AM 8233 - Ridgeway, Jodi	<b>Reporting Officer:</b>	7663 - Canterbury, Kenneth
<b>Status Change Date:</b> Occurred On (and Between): End Date End Time:	12/17/2013 10:43:00 PM 12/17/2013 10:43:00 PM	<b>Date Verified:</b> Verified By:	12/29/2013 4:29:08 AM D233 - Donald, Kent	<b>Assisted By:</b>	
<b>Location:</b> Jurisdiction: Grid: Sector: Map: Tract/Geo-Indicator: Call Source:	6699 Peachtree Rd JJ - JURISDICTION  14 - Sector 14	<b>Connecting Cases:</b> Disposition: Clearance Reason: Date of Clearance: Reporting Agency: Division: Notified:	 Admin Closed   Horry County Police South Precinct		
<b>Vehicle Activity:</b> Vehicle Traveling: Cross Street:		<b>Means:</b> Other Means: Motive: Other Motives:			

**Report Narrative:** On 12/27/13 a gentleman went to Surfside PD and took one of the flyers that was posted about the victim. The individual advised Surfside Police that his children found the flyer laying in the parking lot at the library on Surfside Drive. The flyer had a note written on it that read, "Perhaps maybe Duane Lee Proctor kidnapped her his license is SC EFY 727 green mini van. He's one of the surfside dog walkers weirdo." A copy of the flyer will be attached to this report. There is no further information at this time.

**Offense Detail: 9225 - HCPD MISSING PERSON**

<b>Offense Description:</b> IBR Code: IBR Group: Crime Against: Using: Victim Use:	9225 - HCPD MISSING PERSON 90Z - All Other Offenses B SO N - Not Applicable N - Not Applicable	<b>Offense Date:</b> Location: 2 <sup>nd</sup> Location Type: Special Circumstance: Offense Completed? Hate/Bias:	12/19/2013 18 - Parking Lot/Parking Garage 25 - Other/Unknown  Yes 88 - None (No Bias)	<b>No. Prim. Entered:</b> Entry Method:	
<b>Criminal Activity:</b> Weapons/Force:		<b>Domestic Violence:</b>	No	<b>Type Security:</b> Tools Used: Cargo Theft:	

**Other Entity: 06 - Davenport, William**

<b>Entity Code:</b> Entity Type:	06 I - Information	<b>DOB:</b> Age: Sex:		<b>Place of Birth:</b> SSN:	
<b>Name:</b> AKA: Alert(s):	Davenport, William	<b>Race:</b> Ethnicity:		<b>DLN State:</b> DLN Country:	
<b>Address:</b> CSZ:	617 3rd AVE N Surfside Beach, SC 29576	<b>HT:</b> WT:		<b>Occupation/Grade:</b> Employer/School:	
<b>Home Phone:</b> Work Phone: Email Address:	843 238-9030 843 222-7492	<b>Eye Color:</b> Hair Color: Facial Hair: Complexion:		<b>Employer Address:</b> Employer CSZ: Res. Country: Res. Country:	Horry- USA - United States of America
<b>Attire:</b>				<b>Resident Status:</b>	
<b>Entity Notes:</b>					

# Horry County Police Follow-Up Report

Horry County Police  
2560 N Main ST  
Conway, SC 29526  
843 815-5350

Case No. 13117285  
Report No. 13117285.4  
Report Date: 12/28/2013

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# Horry County Police Arrest Report

Horry County Police  
2560 N Main ST  
Conway, SC 29526  
843 915-5350

**2**

Page 2 of 4

Case No. 13117285  
Report No. 13117285.5  
Report Date: 2/27/2014

IBR Group Crime Against Using Victim Use	B SO N - Not Applicable N - Not Applicable	Location 2 <sup>nd</sup> Location Type Special Circumstance Offense Completed? Hate/Bias Domestic Violence	11 - Government/Public Building    Yes 88 - None (No Bias) No	No. Prim. Entered Entry Method  Type Security Tools Used Cargo Theft
Criminal Activity Weapons/Force				

**Offense Detail: 6948 - Kidnapping / Kidnapping, if sentenced for murder**

Offense Description IBR Code IBR Group Crime Against Using Victim Use	6948 - Kidnapping / Kidnapping, if sentenced for murder 100 - Kidnaping/Abduction A PE N - Not Applicable N - Not Applicable	Offense Date Location 2 <sup>nd</sup> Location Type Special Circumstance Offense Completed? Hate/Bias Domestic Violence	12/18/2013 18 - Parking Lot/Parking Garage 25 - Other/Unknown  Yes 88 - None (No Bias) No	No. Prim. Entered Entry Method  Type Security Tools Used Cargo Theft
Criminal Activity Weapons/Force	N - None/Unknown 86 - Unknown			

**Offense Detail: 0116 - Murder / Murder**

Offense Description IBR Code IBR Group Crime Against Using Victim Use	0116 - Murder / Murder 09A - Murder and Nonnegligent Manslaughter A PE N - Not Applicable N - Not Applicable	Offense Date Location 2 <sup>nd</sup> Location Type Special Circumstance Offense Completed? Hate/Bias Domestic Violence	12/18/2013 18 - Parking Lot/Parking Garage 25 - Other/Unknown  Yes 88 - None (No Bias) No	No. Prim. Entered Entry Method  Type Security Tools Used Cargo Theft
Criminal Activity Weapons/Force	N - None/Unknown 85 - Unknown			

**Arrestee A1: Moorer, Sidney Stclair**

Arrestee Number Name AKA Alias(s)	A1 Moorer, Sidney Stclair	DOB Age Sex Race Ethnicity	1/14/1978 37 M - Male W - White N - Not of Hispanic Origin	Place of Birth SSN DLN DLN State DLN Country	248-31-8473 007261976 SC - South Carolina USA - United States of America
Address CSZ	8786 B14 HWY Myrtle Beach, SC	Ht. Wt. Eye Color Hair Color Hair Style Hair Length	5' 8" 195 BLN - Blond	Occupation/Grade Employer/School Employer Address Employer CSZ Res. County Res. Country	Horry USA - United States of America
Home Phone Work Phone Email Address		Facial Hair Complexion Build Teeth		Resident Status	J - This Jurisdiction
Scars/Marks/Tattoos Modus Operandi Other MO A/C/O Habitual Offender Status					

# Horry County Police Arrest Report

Horry County Police  
2560 N Main ST  
Conway, SC 29526  
843 915-5350

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Case No. 13117285  
Report No. 13117285.5  
Report Date: 2/27/2014

Arrest No. 1	Arrested For 0948 - Kidnapping / Kidnapping, if sentenced for murder 0118 - Murder / Murder 0091 - Sex / Indecent exposure 0118 - Obstructing / Obstructing Justice 9225 - HCPD MISSING PERSON	Arrested On 2/21/2014 7:30:00 AM Arrest Location 8788 Hwy 814 Myrtle Beach SC
Arrest Type FBI No. O - On-view	Fingerprints Photos	Booked On Booked Location Released Location Released On
State No. Armed With Multi. Clearance Multi. Clearance Offense Prev. Support No. Notified 01 - Unarmed N - Not Applicable	Miranda Read Miranda Waived Number of Warrants	Released By Release Reason Hold For
Type Criminal Activity Drug Type	Juvenile Disposition Adult Present	
Arrest Notes 2014A2611000022 24 25		

## Arrestee A2: Moorer, Tammy Calson

Arrestee Number Name AKA Alert(s) A2 Moorer, Tammy Calson	DOB Age Sex Race Ethnicity 3/8/1972 41 F - Female W - White N - Not of Hispanic Origin	Place of Birth SSN DLN DLN State DLN Country 250-85-5213 008928843 SC - South Carolina USA - United States of America
Address CSZ 8788 814 HWY Myrtle Beach, SC	Ht. Wt. 8' 9" 235	Occupation/Grade Employer/School Employer Address Employer CSZ Res. County Res. Country Horry USA - United States of America
Home Phone Work Phone Email Address	Eye Color Hair Color Hair Style Hair Length	Resident Status J - This Jurisdiction
Scars/Heals/Tattoos Moles/Openings Other MO Attire Habitual Offender Status	Facial Hair Complexion Build Teeth	
Arrest No. 2	Arrested For 0948 - Kidnapping / Kidnapping, if sentenced for murder 0118 - Murder / Murder 0091 - Sex / Indecent exposure 0118 - Obstructing / Obstructing Justice 9225 - HCPD MISSING PERSON	Arrested On 2/21/2014 7:30:00 AM Arrest Location 8788 Hwy 814 Myrtle Beach SC
Arrest Type FBI No. O - On-view	Fingerprints Photos	Booked On Booked Location
State No. Armed With 01 - Unarmed	Miranda Read Miranda Waived	

# **Exhibit #3**

## JONATHAN MARTIN - CROSS-EXAMINATION

1 Q You realize your interview is recorded, right, I  
2 mean word for word what you said?

3 A Yes, sir.

4 Q I have a transcript, would you like to look at it  
5 to refresh your memory what you said?

6 A Sure.

7 THE COURT: Let's mark it Defendant's.  
8 Identification only.

9 (Defendant's Exhibit 2 marked.)

10 Q (MR. TRUSLOW) Officer, I'm going to approach and  
11 hand you what is marked Defense Exhibit 2 and ask you  
12 to look -- and I'll save you time, but you can look  
13 through the whole thing, but I'll ask you to go to  
14 Page 20 and 21 and review it. All right. Around 20,  
15 21. That is a transcript of your recorded interview  
16 of Sidney. Tell me when you are done.

17 A (Witness examines document.)

18 (A brief pause in the proceedings.)

19 A Okay.

20 Q (MR. TRUSLOW) Page 20 is where the pay phone  
21 issue comes up, right?

22 A Yes, sir.

23 Q Okay. And so you asked him -- first he told you  
24 he's talked to her before this, I mean before you get  
25 to the pay phone stuff, right, talking about the

# **Exhibit #4**

**INTERVIEW OF  
SIDNEY MOORER**  
Audio Disc File # 264905

Defendant's  
Exhibit  
no 2

**ORIGINAL**

(pg. 20)

**ADVANTAGE COURT REPORTING  
OF MYRTLE BEACH**  
7201 Enterprise Road, Myrtle Beach, SC 29588  
843-421-4589

**TRANSCRIPTIONIST'S NOTE:**

1  
2  
3 The following is a transcript of a file on an audio  
4 disk obtained by me from the law offices of T. Kirk  
5 Truslow. The disk is labeled "13117285 Sydney Moorer  
6 Interviews Disc Copy" and the file number on the disk is  
7 264905.

8 I was not present during the recording of this disk.

9 The names of those speaking are written throughout  
10 the transcript as they have been indicated verbally by the  
11 parties on the recording, and by information received from  
12 Mr. Truslow's office. No date nor time for the interview  
13 was reported on the disk.

14 All names mentioned throughout the recording are  
15 spelled with usual or phonetic spellings.

16 The first two persons conducting the interview did  
17 not identify themselves, and so are identified as  
18 "INVESTIGATOR 1" and "INVESTIGATOR 2". A third  
19 investigator who appeared later in the interview was  
20 identified as Detective Rayburn.

21 The transcript is verbatim, as I understood it. Where  
22 background noise or poor recording quality renders a word  
23 or phrase unintelligible, (INAUDIBLE) is used to indicate  
24 such.  
25

1 (RECORDING BEGAN)

2 MR. MOORER: (STARTS IN MIDDLE OF  
3 SENTENCE) time I didn't, because I didn't know who it  
4 was.

5 INVESTIGATOR 1: What cell phone number --  
6 what's your cell phone number?

7 MR. MOORER: Eight four three three eight five  
8 three one seven five (843-385-3175).

9 INVESTIGATOR 1: Three one seven five. So she  
10 calls your cell phone a couple times, finally gets ahold of  
11 you.

12 MR. MOORER: And ...

13 INVESTIGATOR 1: Where were you at when you  
14 got the call?

15 MR. MOORER: Actually, I think I was sitting in the  
16 bed.

17 INVESTIGATOR 1: Sitting in bed?

18 MR. MOORER: Yeah. And ...

19 INVESTIGATOR 1: Were you up still?

20 MR. MOORER: Yeah, because we -- it hadn't been  
21 long we had gotten we had gotten in from work.

22 INVESTIGATOR 1: Okay. Where do you work at?

23 MR. MOORER: All over the place.

24 INVESTIGATOR 1: Where ...

25 MR. MOORER: That night, I'm almost a hundred

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percent sure -- I know I worked at Longhorn that night. I know I worked at Sticky Fingers that night.

INVESTIGATOR 1: What do you do at those places?

MR. MOORER: Restaurant maintenance.

INVESTIGATOR 1: Okay.

MR. MOORER: Fix broken stuff, you know.

INVESTIGATOR 1: So you go into the places when they're closed?

MR. MOORER: Yes.

INVESTIGATOR 1: Do you work with anybody?

MR. MOORER: My wife.

INVESTIGATOR 1: Just your wife?

MR. MOORER: Yeah.

INVESTIGATOR 1: Okay.

INVESTIGATOR 2: Was she with you that night?

MR. MOORER: Yes. Ever since me and Heather ended our relationship -- well, I ended it. Ever since that was ended, my wife found out, and all of that went on, my wife's been -- she goes to work with me. We do everything together. We don't split up.

INVESTIGATOR 1: More on her choice, like she doesn't trust you, or ...

MR. MOORER: No, it's probably -- well, that, too. But no, we're trying to work out our differences and get all

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that straight.

INVESTIGATOR 1: What's her name?

MR. MOORER: Tammy. T-A-M-M-Y.

INVESTIGATOR 1: What's her last name?

MR. MOORER: Moorer.

INVESTIGATOR 1: Same as yours?

MR. MOORER: Yep.

INVESTIGATOR 1: What's her phone number?

MR. MOORER: Eight four three three eight five  
three one seven four (843-385-3174).

INVESTIGATOR 1: Oh, you've got them right next  
to each other.

MR. MOORER: Yep.

INVESTIGATOR 1: Okay. So you guys -- you were  
together all night. Do you work -- like, what's she do?  
Does she just help you out?

MR. MOORER: Basically, a gofer-type, yeah.

INVESTIGATOR 1: Okay. She's not getting paid by  
the company.

MR. MOORER: Oh, no.

INVESTIGATOR 1: She just follows you around.

MR. MOORER: Yeah.

INVESTIGATOR 1: Well, do you have a company  
that you ...

MR. MOORER: Yeah.

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INVESTIGATOR 1: ... personally own?

MR. MOORER: I have a maintenance company.

INVESTIGATOR 1: You have your own maintenance company?

MR. MOORER: Yes.

INVESTIGATOR 1: Okay. So these places, you have like a pass code or something to sign into?

MR. MOORER: Olive Garden, no, because ...

INVESTIGATOR 1: So a manager will let you in, or

...

MR. MOORER: Yes.

INVESTIGATOR 1: Because I know they set passwords at most of these places.

MR. MOORER: Yeah. The way all the Darden restaurants work is, there can be no less than three people in the building at a time, unless there's a security guard there at the time. Which I know in the past week, I worked one night with a security guard, and I don't remember what night it was. It don't think it was -- I don't think we were there ...

INVESTIGATOR 1: Does Olive Garden have security guards?

MR. MOORER: Yeah. If I want to set up ahead of time, they'll have a guy come in.

INVESTIGATOR 1: Okay. So you think that there

# **Exhibit #5**

## JEFF CAUBLE - CROSS-EXAMINATION

1 A To be totally honest with you, I cannot remember  
2 if he was or not.

3 Q You don't remember? Okay. All right.

4 MR. TRUSLOW: Court's indulgence, and I'll wrap  
5 it up.

6 THE COURT: Certainly.

7 (A brief pause in the proceedings.)

8 Q (MR. TRUSLOW) The Solicitor asked you about  
9 whether you believed she -- Heather Elvis had been on  
10 his road four or five times that night; do you  
11 remember that question?

12 A Yes, sir.

13 Q Okay. When did -- do you know when my client  
14 ever said that she was on that road five times that  
15 night?

16 A No, sir, I don't recall.

17 Q Did he tell you that?

18 A I don't recall.

19 Q In fact, didn't he tell you that -- you asked him  
20 why he wanted to call her, he started explaining I'd  
21 seen her on my road, oh, I don't know, four or five  
22 times, but he wasn't necessarily talking about that  
23 night, right?

24 A I'm not sure what he was meaning at that time.

25 MR. TRUSLOW: I would like for you to look at.

## JEFF CAUBLE - CROSS-EXAMINATION

1 Your Honor, I need to mark for identification  
2 Defendant's 3. It is two different pages. This is  
3 Page 29 and 30.

4 THE COURT: All right. And if you would, mark it  
5 together as Defendant's 3.

6 MR. TRUSLOW: Yes, sir.

7 (Defendant's Exhibit 3 marked.)

8 THE COURT: Very well, Defendant's 3 for  
9 identification only. I assume they are portions of  
10 the transcript -- of the interview?

11 MR. TRUSLOW: Yes.

12 MS. LIVESAY: Which transcript is that?

13 THE COURT: That's the transcript that we talked  
14 about yesterday.

15 MS. LIVESAY: Okay. Of the interview?

16 THE COURT: Of the interview.

17 MS. LIVESAY: Okay.

18 Q (MR. TRUSLOW) I'll show you -- let you look over  
19 29 and 30, more specifically Line 17 up through where  
20 he talks about her being on the road -- his road.

21 A (Witness examines document.) Okay.

22 Q Now, after reviewing that document, did he tell  
23 you in any way, shape or fashion that on the night in  
24 question that she was on his road that night?

25 A No. He just says at least four or five times.

# **Exhibit #6**

1 MR. MOORER: "Leave me alone. Please just  
2 leave me alone."

3 INVESTIGATOR 1: Okay. So where did you go  
4 from then? Because we got a little mixed up there,  
5 because you said you had ...

6 MR. MOORER: No, no, that was just ...

7 INVESTIGATOR 1: And I'd like to get back on  
8 track for ...

9 MR. MOORER: And that was a pass-through. If  
10 I'm not mistaken, I think that's when I was going back to --  
11 I can't remember if that was when I was going to  
12 Broadway.

13 INVESTIGATOR 1: With your wife?

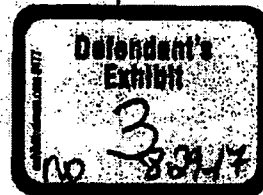
14 MR. MOORER: Right.

15 INVESTIGATOR 1: And you met her, and you guys  
16 had sex in the car?

17 MR. MOORER: Right. I can't remember why we  
18 were going down Seaboard Street. I can't remember.

19 INVESTIGATOR 2: What made you think about  
20 calling her at that point?

21 MR. MOORER: Because I had been thinking about  
22 notes and shit, and I know -- I'm almost a hundred percent  
23 I had seen her on my road. And I'll explain it the same  
24 way I explained it to him. There's a substation like by my  
25 house. And it's a dead end. It's a private road. And the



1 man that does security for them, he's, I guess, like a cop,  
2 and works for them at some -- I don't know how that  
3 works. He had told me before, "If you see anybody in  
4 there, please call me and let me know." And I had called  
5 him a couple times, so -- and I've had stuff stolen out of  
6 the driveway, out of the back of my truck. So anybody  
7 that comes down the road, I look to see who it is, almost  
8 any time, day or night. And I wouldn't bet my life on it,  
9 but I'm almost positive at least four or five times, I've seen  
10 her on my road. Like I would see her going back out.  
11 Because I would see a car come in, and before I could get  
12 outside to see, they're either leaving or they're gone.

13 INVESTIGATOR 1: Were you concerned like she  
14 would say something to your wife? Like things are back  
15 up or ..

16 MR. MOORER: Well, it wasn't that. It was just  
17 kind of weird.

18 INVESTIGATOR 1: Because obviously your wife  
19 probably has a trust issue with you.

20 MR. MOORER: Yeah, and I mean ...

21 INVESTIGATOR 1: You -- you've established she  
22 doesn't trust you that much. Which I can imagine ...

23 MR. MOORER: Right. I mean, like ...

24 INVESTIGATOR 2: (INAUDIBLE) justified ...

25 INVESTIGATOR 1: ... if you like you ...

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Horry County

R. Markley Dennis, Jr., Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**  
DEC 06 2018  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

SIDNEY STCLAIR MOORER,

APPELLANT

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

The undersigned attorney hereby certifies that a copy of the return to motion to strike items from designation of matter, hold appeal in abeyance, and require an amended initial brief of appellant and designation of matter in the above-entitled case has been served upon Deborah R.J. Shupe, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and Sidney Stclair Moorner, #373721, at Lee Correctional Institution, 990 Wisacky Hwy., Bishopville, SC 29010, this 6th day of December, 2018.

Susan B. Hackett

Susan B. Hackett  
Appellate Defender  
ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO BEFORE  
ME this 6th day of December 2018.

Anthony Powers (L.S)

Notary Public for South Carolina  
My Commission Expires: May 2, 2027