

20659

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY

Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TYLER, LARRY JAMES,

APPELLANT

APPELLATE CASE NO. 2013-000466

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSION
 COUNTY OF DARLINGTON) 2013-GS-16-00603
) 2013-GS-16-00604
) 2013-GS-16-00605
) 2013-GS-16-00606
) 2013-GS-16-00608

STATE OF SOUTH CAROLINA)
) PLAINTIFF)
 vs.) TRANSCRIPT OF RECORD)
))
 LARRY TYLER)
) DEFENDANT)

February 25-27, 2013
 Darlington, South Carolina
 VOLUME 01 OF 03

B E F O R E:

THE HONORABLE PAUL M. BURCH, JUDGE; and a jury.

A P P E A R A N C E S:

JOHN W. HOLT, IV., ASSISTANT SOLICITOR
 Attorney for the State

PATTI MCKENZIE PARKER, ASSISTANT SOLICITOR
 Attorney for the State

RICHARD JONES, PUBLIC DEFENDER
 Attorney for the Defendant

DORIS BROWN,

Minor

Sister

TYQUAN BROWN,

GEORGITA BROWN,

ERIC HODGES,

SHAWN TUNSDALL,

RUSS HARRELL, Darl. Cty. Sheriff's Office

HATTIE O. GORDON
Circuit Court Reporter

1 fact I'm going to instruct you at this time don't
2 deliberate this case until you're asked to at the
3 conclusion. So should anybody try to approach and discuss
4 this case with you do not discuss it with them and
5 immediately let me know of that approach.

6 I think I've covered everything that I need to cover
7 now. I'll give you a full charge on the all the things
8 that I have briefly mentioned to you here about the burden
9 of proof. And also the actual statutes that are concerned
10 here in that charge of law.

11 All right. With that said the State has the burden
12 of proof. They get to start first here, so Solicitor, the
13 floor is yours.

14 OPENING STATEMENT BY MS. PARKER

15 MS. PARKER: Thank you, Your Honor. May it please
16 the Court. Mr. Jones. Ladies and gentlemen of the jury,
17 good morning. My name Patti McKenzie Parker, and I work
18 here at the Solicitor's Office here in Darlington County.
19 I work for Will Rogers. He's our elected Solicitor and we
20 have four counties that make up our circuit, and
21 Darlington being one of them.

22 I work primary here in Darlington, and I work with
23 John Holt who is seated at our table, and you will be
24 hearing a lot from him later today as well. And, ladies
25 and gentlemen, in this case we represent the State of

1 South Carolina, and it's our burden of proof to show you
2 the evidence and to convince you beyond a reasonable doubt
3 that the defendant has broken the law.

4 Now, the defendant has all sorts of charges, several
5 indictments, that we called for trial. And you will hear
6 a little bit more about those later. But as I woke up
7 early this morning and as I was thinking late last night
8 what I wanted to tell you here this morning the only thing
9 I could think to tell you is what happened. I just kind
10 of wanted to in simple terms tell you the facts as the
11 State intends to prove and tell you a series of events or
12 the story, if you will, that we intend to show here today.

13 The Defendant is seated with his defense attorney,
14 Rick Jones. Now, this case all started with an
15 infatuation the Defendant had with a ten year old girl. A
16 little ten year old girl named Minor . Minor and
17 her sister, Sister , go over to the Defendant's residence
18 where he stayed with his mother, with their grandmother.

19 So Miss Dorris, their grandmother, takes them over
20 there with her and she's visiting with Miss Ernestine, who
21 is the Defendant's mother. And they go there on occasion,
22 and Miss Dorris and Miss Ernestine go to church together.
23 And Miss Dorris takes her granddaughters over there from
24 time to time. And that's how this Defendant have had
25 access to them. That's how he has seen them and had

1 interaction with them. That's how he knows them.

2 And through that interaction over there at his
3 residence he has developed some odd infatuation with a ten
4 year old girl. Takes pictures of her. He's friendly with
5 her. You might say a little too friendly, and also with
6 her sister. But he doesn't pay her sister as much
7 attention as he has her.

8 In one of those visits over there at the house at
9 some point he gives Minor a cell phone. And he gives her
10 an old cell phone, and you will hear testimony from Minor
11 and her sister. They go through the phone and what they
12 see in the phone. There were some nude pictures of
13 himself saved in that phone. Pictures of him wearing
14 nothing but a Speedo.

15 Also in that phone you will hear about some text
16 messages that were saved drafts in the text message box
17 that read like a love letter to Minor. Dear Minor, so forth
18 and so forth. I won't tell you exactly the wording of the
19 letter, but there is mention of how he loves her, making
20 her his wife in bed with him and so forth. Very
21 inappropriate things in that phone that he gives Minor.

22 Her sister, Sister, can back that up. Her
23 grandmother, Miss Dorris, is made aware that he has given
24 her this phone. And when they tell her what's in it she
25 immediately takes it from them and she gives it back to

1 the Defendant. That's all they know about the phone for
2 some time; that some time during the summer of 2011 at one
3 of those visits where the girls where over at his house.

4 Now, somewhere in that timeframe, still in the summer
5 of 2011 he gives that same phone to Tyquan Brown, and you
6 will hear testimony from Tyquan. Tyquan is Sister e's and
7 Minor 's cousin. He's connected to the family. He's their
8 cousin. He's over at the Defendant's house. And the
9 Defendant is like, hey, you want a phone. He gives him
10 the phone. He says, "Okay," and he takes it and he's
11 going to clean it up. You know, clean it off. Buy some
12 minutes for it. It's one of those phones you can buy
13 minutes to add to it.

14 And he just got a new phone. When he goes in the
15 phone he sees these disturbing pictures. He starts to
16 look at them. He's just going the clean the phone up
17 because he's going to use it for himself. And then Tyquan
18 as he goes through the phone sees these text messages
19 talking about Minor in reference to loving Minor . Well, it
20 can be any other girl named Minor . Not necessarily my
21 little cousin.

22 And then as he continues to read he sees mention of
23 you're just a little girl and don't tell anybody
24 especially Sister . He knows that this Defendant is
25 talking about his little cousin. So he immediately takes

1 the phone. Well, immediately he calls their mother, the
2 little girl's mother. He calls their mother. Let's her
3 know what's going on. She comes over. She gets the phone
4 from Tyquan, and she immediately calls the police out of
5 concern for what she saw in that phone.

6 The police get involved and get search warrants.
7 Search warrants are executed at the residence. You will
8 hear testimony and you will see evidence of what they
9 found in the Defendant's bedroom. Particularly, bring
10 your attention to his computer in his bathroom and its
11 pictures and digital files, if you will, that were on his
12 hard drive. Because what was found on his computer leads
13 him to a whole another set of charges that he's also on
14 trial here for this week for possession and use of those
15 files that were on that computer. Files that contain nude
16 or partially nude pictures of minors.

17 I will go ahead and warn you that it's going to be
18 disgusting. You need to go ahead and brace yourself a
19 little bit. It's not something you see every day when we
20 show you that evidence. But all that will be at some
21 point in time later today. I want you to keep in mind the
22 two things I've already mentioned. Two things going on
23 here that I want to draw your attention to.

24 One, he gave a cell phone to a little girl. You will
25 hear testimony about that, and that testimony, from

1 several witnesses, so it will be corroborated testimony.
2 It will be backed up.

3 And, Two, he had in his possession he had those
4 digital files on that hard drive on that -- in a new
5 computer that he had at the residence. And they found
6 other hard drives, and they found an old computer. It's
7 the State's theory that this was a new computer that had
8 just been registered that he just set up, and all these
9 files were on this computer.

10 Now, I'm sure that the Defense is going to come up
11 here in a few minutes, and they're probably going to
12 concede that there are some things that are inappropriate
13 here; that you may not like some of the things that his
14 client has done. But he is probably going to try to
15 convince you that what we have going on here doesn't rise
16 to the level of criminal conduct. But the State is going
17 to contend throughout the course of this trial that it
18 does.

19 It does rise to the level of criminal conduct because
20 not every case that we try in this courtroom involves a
21 case where the child has been touched. Thank God this is
22 not a case where a child has been touched, but there are
23 some actions that the Defendant did; some thing that he
24 did that are in violation of the laws of South Carolina.

25 He stepped into violating the law when he gave that

1 girl the cell phone with what is defined as harmful
2 materials. And then you will hear about the computer that
3 was at his residence. And I'll go ahead and tell you, you
4 know, that we guess sometimes, and it's not exactly like
5 an episode on t.v, and I don't know if any of you have
6 ever served on juries before, but it doesn't exactly go
7 like Law and Order or Matlock.

8 And we don't do it like that, but it's not as
9 entertaining or exciting as even when you think we might
10 get to a point where the movement or excitement or we
11 might object or something might be overruled and we get to
12 rolling it still won't be as interesting as it is on t.v.
13 And I just want to go ahead and warn you. And this is a
14 case where a lot of the evidence you hear is going to come
15 from the witness stand.

16 And there is no complicated D.N.A. or highly
17 scientific things going on in this case. This is going to
18 be a case that is going to be composed of a lot of
19 testimony. And then, of course, we will have some
20 pictures for you to look at as well.

21 But I do ask for your attention throughout the trial;
22 that you pay close attention to what the witnesses are
23 saying as they testify, to keep in mind that you are the
24 judge of credibility. You are the judge of credibility.
25 Do you find that the witness is credible. Throughout the

1 course of this trial you will hear the Defendant's own
2 statement. What he said happened, and you ask yourselves
3 do I find him credible. Does what he says jibe with
4 everything that's going on.

5 And, ladies and gentlemen, I just ask you to consider
6 the chain of events, consider the facts as you will see
7 them as a whole, and use your common sense. You didn't
8 check your common sense in downstairs at the metal
9 detector. You brought it up here with you. Your life
10 experiences, your common sense, that's the greatest
11 strength of a jury. When you all come together, the
12 different paths of your life, the different educational
13 levels, your different experiences, and you really think
14 about what we're showing you here in this courtroom today.

15 And the Defense is probably going to urge you to
16 isolate things. To take this one little thing and it's
17 over here by itself. Or this little thing and it's over
18 here by itself. But I'm asking you to take the facts and
19 look at them as a whole, and use your common sense and
20 what is going on here. And then the Judge is going to
21 charge you the law.

22 And you will apply the facts to the law, and the
23 State is going to ask you, after you have heard all the
24 evidence, we're going to ask you at the closing of this
25 trial to find the Defendant; that man seated right over

1 there, guilty of disseminating harmful materials to a
2 minor, criminal solicitation of a minor, sexual
3 exploitation of a minor and contributing to the
4 delinquency of a minor.

5 And if I've missed an indictment I apologize, but he
6 has several charges and you will hear more about that
7 later. I thank you this morning for your attention, and
8 we look forward to working with you throughout the course
9 of this trial. Thank you.

10 THE COURT: Thank you, Solicitor. Mr. Jones.

11 MR. JONES: Thank you, Your Honor.

12 OPENING STATEMENT BY MR. JONES

13 MR. JONES: Madam Forelady and ladies and gentlemen
14 of the jury, my name is Rick Jones, and along with me
15 Julie Wooten who is in the back finishing up some work we
16 are here representing Mr. Larry Tyler who is seated at the
17 table with me. And I appreciate the Solicitor telling you
18 what I'm going to say, but I'm going to start off saying
19 it anyway, okay.

20 Several things I want you to pay close attention to:

21 Number One, the Judge told you in his opening remarks
22 several things. Three of them I want to emphasize before
23 I tell you anything else:

24 Number One, and all of them are bedrock principles of
25 the criminal justice system. Not only in Darlington

1 County, State of South Carolina, United States of America.
2 Three of them. You've heard them on book titles and
3 you've seen them on television and you just heard the
4 Judge say them.

5 Number One, Mr. Larry Tyler walked into this
6 courtroom today presumed to be innocent. He is innocent.
7 That presumption stays with him throughout the course of
8 the trial. There is only one way that presumption can be
9 taken away from him and that is if the State of South
10 Carolina, represented by the Solicitors who have the
11 principle, burden of proof.

12 They're the ones seated closest to you. They're the
13 ones who start. They're the ones to present things first
14 because they have the burden of proof. And they have to
15 meet that burden of proof as to each and every element of
16 each and every offense that the Defendant is charged with
17 before that presumption of innocence can be taken from
18 Mr. Tyler.

19 The other thing, Number Three, as the Judge told you,
20 is that the standard of proof that the State must -- that
21 they bear and must meet to the satisfaction of all of you
22 unanimously is that they must prove that Mr. Tyler is
23 guilty beyond a reasonable doubt. If you will remember
24 nothing other than those three principles Mr. Tyler is
25 presumed to be innocent. The State has the burden of

1 proof. And the standard that they bear in presenting that
2 proof to each and every one of you is beyond a reasonable
3 doubt.

4 You will remember those three things cause I'm going
5 to say them again when we finish this trial. I'm not
6 going to go back over what the Solicitor just said as to
7 the evidence. I also was trying to think last night and
8 this morning what I was going to say to you to open this
9 case. The only thing I could think about was the title of
10 a Shakespeare play, Much Adieu About Nothing. All right.

11 You've got the situation that the State has charged
12 Mr. Tyler with four separate crimes all beginning with
13 what they call an infatuation between Mr. Tyler and a
14 little girl. They are related. They are distantly
15 related. It began when the little girl's mother was
16 visiting her relative who is Mr. Tyler's mother.
17 Frequently. They're friends. They're relatives. They go
18 to church together. They visit regularly.

19 The children were over there. I believe there was
20 all kind of interaction. None of which was appropriate --
21 inappropriate. Excuse me. None of which was
22 inappropriate. Some time along that June or July of last
23 year -- no. Excuse me. 2011 a cell phone came into the
24 picture. An older cell phone, and that phone apparently
25 got into the hands of the little ten year old girl. And

1 as she's fooling with the phone she sees some pictures
2 which are not particularly appropriate. So we are told.

3 And I don't know if we'll hear, but I don't know if
4 she says, "Grandmother, look." Grandmother says, "Give
5 that phone back." That's the end of the situation. Two
6 or three months later here comes the phone again in the
7 hands of not the little girl but another relative. Some
8 pictures.

9 The pictures are deleted. We don't have those
10 pictures. They're not here. We have, obviously, we have
11 some testimony about that. No pictures. We then get to a
12 text message that appears to be inappropriate. And the
13 other child takes the phone to his cousin's mother and
14 says, "Look at here," and it all goes crazy from there.

15 All right. At that point in time then you have
16 searches. You have the police swooping in grabbing
17 everything that's electronic in Mr. Tyler's house. And
18 they find some pictures that they think are offensive.
19 Have nothing whatsoever to do with this little girl.
20 Nothing. And they grab the pictures. Like the computer
21 they grab it and analyze it and do all sorts of thing.
22 And they say, "These are bad. We need to arrest him. We
23 need to charge him with these crimes."

24 Most of the photographs that you will see -- we never
25 get to see the photographs which apparently were offensive

1 to the little girl which were handled very well earlier in
2 the situation when grandmother said, "Give that phone back
3 to him." What we will see are some pictures that came off
4 of his computer. And then there is another picture that's
5 not on the computer that's floating around in space. And
6 I'll be the first on to tell you that I do not understand
7 computers. I don't type very well, but I'm able to get
8 around in computers.

9 But people who know computers say that there were
10 certain pictures on there. Then these other pictures are
11 out in cyber space on an e-mail account. They're not
12 anywhere near that computer, but they're in an account over
13 here. That picture is also there, and it's not very nice.

14 One good thing the last time I looked at a coin it
15 has two sides to it. And I will ask you as triers of the
16 facts, of the facts. Y'all's job -- everybody's got a job
17 here today. His Honor is to make sure all the rules are
18 followed. To make sure we don't get out of line. To
19 do -- to be the judge of the law. Y'all's job equally if
20 not more important is to be the judges of the facts. You
21 got to figure out what happened. That's your job.

22 And then as the Solicitor did say at the end of all
23 of the evidence which is presented and you figure out what
24 happened the Judge will tell you what the law is. You put
25 the two of them together and come back with a verdict.

1 You were chose yesterday from a big group of people.
2 You were individually chosen, all right. We want you
3 here. We appreciate your presence. The Judge has said
4 this case is not going to be very long, but it is
5 extremely important to all parties here today. We're
6 happy that you're here. What I would ask you is, again,
7 something that the Judge said. Don't make up your minds
8 until we're finished with the case and the Judge has told
9 you to go back and make your deliberations. Thank you.

10 THE COURT: Thank you. You may proceed with your
11 witness.

12 MR. HOLT: Thank you very much, Your Honor. At this
13 time the State would like to call Miss Dorris Brown to the
14 stand.

15 THE COURT: Miss Brown, if you will come around and
16 be sworn please.

17 DORRIS BROWN, after being duly sworn, testified
18 as follows:

19 DIRECT EXAMINATION

20 BY MR. HOLT:

21 Q. Miss Brown, would you please give your whole name for
22 the jury?

23 A. Dorris Brown.

24 Q. And where do you live?

25 A. In Darlington.

- 1 Q. And, okay. How long have you lived in Darlington?
- 2 A. About 20 years.
- 3 Q. Okay. And you have a -- you got any nick names or
- 4 alias you go by especially at work?
- 5 A. Yeah. They call me Granny at B&B in Darlington.
- 6 Q. And, Granny, how many grandchildren do you have?
- 7 A. Seven.
- 8 Q. Okay. And do you often take them to visit other
- 9 people?
- 10 A. Yes.
- 11 Q. How about Minor and Sister , are they your
- 12 grandchildren?
- 13 A. Yes.
- 14 Q. And have you ever taken them to visit Mr. Tyler's
- 15 mother?
- 16 A. Yes.
- 17 Q. And what is her name?
- 18 A. Ernestine Witherspoon.
- 19 Q. And why are you and Ms. Ernestine Witherspoon?
- 20 A. Cause I met her through by another sister going to
- 21 her house.
- 22 Q. And what else do y'all do together? Anything?
- 23 A. We go to church and conventions.
- 24 Q. And right. And did you ever, when you were going to
- 25 visit Ms. Ernestine, did you ever take Minor and Sister

1 with you?

2 A. Yes. All the time.

3 Q. All right. And did they and you enjoy going
4 visiting?

5 A. Yes.

6 Q. All right. And at any time did anybody ever warn you
7 off or tell you not to visit Ms. Ernestine?

8 A. No.

9 Q. All right. And during any of those visits did the
10 Defendant ever talk to you in a -- I mean Mr. Larry Tyler
11 over there. Did he ever talk to you? Invite you
12 anywhere? Want you to go other places with him?

13 A. Well, once he asked me to go with -- me and the kids
14 go to the movie with him, but I wouldn't.

15 Q. Okay. And did any of those times you went over there
16 did Mr. Tyler ever give the children a gift?

17 A. Yes.

18 Q. And what did he give them?

19 A. A phone.

20 Q. And did you or did you not make the children give the
21 phone back or did you let them keep it? And if not why?

22 A. Well, when they got in the car they said, "Grandma,
23 he gave us a phone and Sister said naked men on there." And
24 she tried to show it to me, and I couldn't so I said, "I
25 don't see no naked pictures. Give that phone back to him.

1 Q. Okay. But did the children have the phone when they
2 entered the house?

3 A. No.

4 Q. Did they have the phone when they left the house?

5 A. Yeah.

6 Q. And what did make them do with that phone?

7 A. Give it to me, and I carry it back in the house.

8 Q. All right. And have you ever gone back and visit Ms.
9 Ernestine?

10 A. About three times with other people.

11 Q. Okay. And have you -- did you take the girls with
12 you after that?

13 A. No.

14 MR. HOLT: Beg the Court's indulgence, Your Honor.
15 Just one second.

16 BY MR. HOLT:

17 Q. Ms. Brown, please answer any questions the defense
18 counsel might have?

19 CROSS-EXAMINATION

20 BY MR. JONES:

21 Q. All right. Hi, Ms. Brown. I don't have but a few
22 questions. My name is Rick Jones, and I'm representing
23 Mr. Tyler. Aren't you related to Mr. Tyler's mother?

24 A. Yes. Through by paper adoption.

25 Q. Say that again?

1 A. By paper through adoption. Not blood.

2 Q. Okay. All right. And if you said it I apologize. I
3 didn't hear it. How many times do you think during the
4 summer of 2011 did you visit with Miss Witherspoon at her
5 house?

6 A. Well, a lot of times because I had the kids on my
7 days off from work. And we would go out there and I would
8 do things for her. Help her out.

9 Q. Once or twice a week maybe?

10 A. About twice a week.

11 Q. Okay. And during those visits how many times would
12 Ms. Minor and Ms. Sister go with you?

13 A. Just about every time.

14 Q. Okay. All right. And do you remember how many times
15 they had been visiting or y'all had been visiting with
16 Ms. Witherspoon before the telephone came up?

17 A. Good little bit.

18 Q. Okay. They had been over there quite a bit?

19 A. Yeah, with me.

20 Q. Okay. When y'all were over there what interactions
21 would you have with Mr. Larry Tyler?

22 A. Well, we sit down and talk and they let me know how
23 they was and how they got involved with me cause I didn't
24 even know them before.

25 Q. Okay.

- 1 A. So it was just like a family thing, you know.
- 2 Q. Nothing out of the ordinary?
- 3 A. No.
- 4 Q. Okay. Do you know what Mr. Tyler did -- does for a
5 living? Did he work?
- 6 A. He was a mechanic.
- 7 Q. Okay. And did you have any idea about any artistic
8 talent that he had?
- 9 A. He drew.
- 10 Q. Drew pictures?
- 11 A. Yes.
- 12 Q. Did he ever draw anything for you?
- 13 A. He draw one of Minor and gave it to me.
- 14 Q. Was anything wrong with that picture?
- 15 A. No.
- 16 Q. Okay. Did he ever take any pictures of any of y'all?
- 17 A. Yeah, he took pictures. A whole lot. Every time he
18 come out there on the cell phone.
- 19 Q. Okay. Now, the day that the cell phone came up when
20 is the first time that you heard that the children had a
21 cell phone?
- 22 A. When we left out the house and they got in the car
23 and they showed it to me?
- 24 Q. Okay. Now, you said that they said there was a
25 picture of a naked lady on the phone. Did you see that

1 picture?

2 A. Yeah, I glanced and quickly turned my head.

3 Q. And what you do?

4 A. Got the phone from them and carry it back in the
5 house.

6 Q. And that was the end of it?

7 A. Yeah.

8 Q. Okay. You didn't call the police?

9 A. No.

10 Q. Did either of the children say anything about a text
11 message to you?

12 A. No.

13 Q. Did you see anything about a text message on that
14 telephone?

15 A. No.

16 Q. How long do you think that phone was in the
17 children's actual possession?

18 A. About ten minutes while we were in the car.

19 Q. Okay. And during that time they popped it open and
20 saw a picture of a naked lady and said, "Grandma, oops."
21 You got the phone and took it back in the house?

22 A. Took it back in the house and put it back on the
23 table.

24 Q. Thank you.

25 MR. JONES: That's all I have.

REDIRECT EXAMINATION

1

2 BY MR. HOLT:

3 Q. Do you think the girls had the phone while they were
4 in the house?

5 A. No, I didn't see it.

6 Q. Okay. Did Larry give you permission or ask your
7 permission to give the girls the phone?

8 A. No.

9 Q. So an older adult just gave your grandbabies a phone?

10 A. Yeah.

11 Q. Without asking you?

12 A. Right.

13 Q. And he take pictures of you when you were just by
14 yourself with his cell phone?

15 A. No.

16 Q. When he took pictures of you who was with you?

17 A. Everybody in the house. Me and the kids and his
18 grandma -- his mother.

19 MR. HOLT: Thank you very much.

20 THE COURT: Nothing further.

21 MR. JONES: I have nothing further.

22 THE COURT: Thank you very much. You may step down.

23 MR. HOLT: If it please the Court, Your Honor, we'd
24 like to call Minor to the stand.

25 THE COURT: All right. Come around and be sworn,

1 please.

2 Minor , after being duly sworn,

3 testified as follows:

4 CLERK OF COURT: Speak up so everybody can hear you,
5 okay.

6 DIRECT EXAMINATION

7 BY MR. HOLT:

8 Q. Minor , what's your whole name?

9 A. Minor

10 Q. And how old are you?

11 A. Twelve.

12 Q. And who do you live with, Minor ?

13 A. My mom and my daddy.

14 Q. And how many brothers and sisters you got?

15 A. I got two brothers and two sisters.

16 Q. What are their names?

17 A. Frankie and Justice, Garrett and Sherell.

18 Q. All right. Now, Sister is that short for Sister ?

19 A. Yes, sir.

20 Q. And she's your sister?

21 A. Yes, sir.

22 Q. How old is she?

23 A. Ten.

24 Q. And how about your grandmother. Is she here today?

25 A. Yes.

- 1 Q. Was it her we just talked to on the stand?
- 2 A. Yes.
- 3 Q. Now, during the summertime do you go and visit a lot
- 4 with your grandmother?
- 5 A. Yes.
- 6 Q. You spend a lot of time with her?
- 7 A. Yes.
- 8 Q. Did she ever take you with her to Ms. Ernestine's
- 9 house?
- 10 A. Yes.
- 11 Q. About how many times do you think y'all went over
- 12 there?
- 13 A. A lot.
- 14 Q. All right. And if any of those times were you around
- 15 the Defendant in this case, Larry Tyler?
- 16 A. Yes.
- 17 Q. And what would Larry do when he was around with
- 18 y'all?
- 19 A. Take pictures.
- 20 Q. Would the grown ups be in the room when he was taking
- 21 those pictures?
- 22 A. Yeah.
- 23 Q. Were the grown ups in the room every time he took
- 24 pictures of you?
- 25 A. No.

1 Q. So sometimes he would take pictures of just you?

2 A. Me, him and my sister.

3 Q. All right. And did you ever talk with Larry?

4 A. Yes.

5 Q. And did he ever like to play games with y'all?

6 A. Yes.

7 Q. And what were some of the games that he would play we
8 y'all?

9 A. Racing.

10 Q. Well, how would you play racing?

11 A. He said that if he win he get a hug, and if we win we
12 get a dollar.

13 Q. Let me ask you something, Minor, did you ever win?

14 A. No.

15 Q. So you never got a dollar, did you?

16 A. No.

17 Q. But you got a lot of hugs, didn't you?

18 A. Yes.

19 Q. All right.

20 MR. HOLT: Permission to approach, Your Honor?

21 THE COURT: Sure.

22 BY MR. HOLT:

23 Q. Minor I want to show you what's been previously
24 marked as State's Exhibit Two. And I want to ask you do
25 you recognize that?

- 1 A. Yes.
- 2 Q. And without talking too much about what it is have
3 you ever seen it before?
- 4 A. Yes.
- 5 Q. Did somebody give it to you?
- 6 A. Yes.
- 7 Q. Who gave it to you?
- 8 A. Him.
- 9 Q. When you say 'him' -- look over there. Who do you
10 mean 'him'?
- 11 A. Larry.
- 12 Q. All right. And when he gave it to you what did he
13 say?
- 14 A. What he was like, 'this is a phone if y'all want it',
15 and we took it.
- 16 Q. And when you say, "we" who was with you?
- 17 A. Me and my sister.
- 18 Q. And were any adults around?
- 19 A. My aunt and my grandma.
- 20 Q. And were they in the same room?
- 21 A. Yeah.
- 22 Q. Okay. Now, when did y'all look in the phone?
- 23 A. After he gave it to us.
- 24 Q. And did you look at it when you were in the house?
- 25 A. Yes.

1 Q. About how long did you have it before you left?

2 A. About ten minutes.

3 Q. And then how long were y'all in the car looking at
4 it?

5 A. When we got in the car we told our grandma, and she
6 didn't really want to look at the pictures. And then she
7 took it and took it back in the house.

8 Q. Now, you say pictures like there were more than one.
9 What kind of pictures did you see on that phone?

10 A. Girl in bikinis and one of him.

11 Q. And when the picture was of Mr. Larry what did it
12 look like?

13 A. It was some blue underwear.

14 Q. Did he have a shirt on?

15 A. I don't remember.

16 Q. But you remember he was in blue underwear?

17 A. Yes.

18 Q. All right. Let me ask you this. You said you would
19 take your sister, Sister, over there?

20 A. Yes.

21 Q. And your grandmother. Between you and I mean your
22 sister, Sister. You've got me confused. Between the two
23 of y'all who do you think Mr. Larry liked more?

24 A. Me.

25 Q. And why would you say that?

1 A. Because he took more pictures of me.

2 MR. HOLT: Beg the Court's indulgence, Your Honor.

3 BY MR. HOLT:

4 Q. Minor, did Larry ever draw any pictures of you?

5 A. No. He had took a picture and he gave it to me on a
6 sheet of paper.

7 Q. All right. Minor, please answer any questions that
8 the other side has, okay.

9 CROSS-EXAMINATION

10 BY MR. JONES:

11 Q. Hey, Ms. Minor. I just want to ask you a couple of
12 questions, okay?

13 A. Okay.

14 Q. Okay. You said you went over to the house of
15 Miss Witherspoon and Mr. Tyler a lot? Did you ever go
16 over there by yourself?

17 A. No.

18 Q. Always with at least your grandmother and most of the
19 time with your sister?

20 A. Yes, sir.

21 Q. Okay. All right. And how big is that house?

22 A. It's not real big, but it's not small.

23 Q. Okay. Any idea how many rooms are in the house?

24 A. I think two bedrooms.

25 Q. When y'all were there where were you most of the

1 time?

2 A. Either outside or in the living room.

3 Q. Okay. And when the pictures were being taken you

4 said your mother and your aunt -- your aunt is

5 Miss Witherspoon?

6 A. No.

7 Q. Who is your aunt?

8 A. My Aunt Julian.

9 Q. Who?

10 A. My Aunt Julian.

11 Q. Joanne? Did she usually go with you, too?

12 A. Sometimes.

13 Q. Okay. So she doesn't live there?

14 A. No.

15 Q. Where does she live?

16 A. In Darlington.

17 Q. Okay. So when you were at this house there was at

18 least Ms. Witherspoon and your grandmother and sometimes

19 you Aunt Jolean. So there were at least three other

20 adults beside Mr. Tyler at the house; is that right?

21 A. Yes.

22 Q. Is that a yes?

23 A. Yes.

24 Q. You've got to say yes so this lady can take it down.

25 Yes or no. Now, when you were racing was that inside or

1 outside?

2 A. Outside.

3 Q. Okay. All right. And when the pictures were being
4 taken you said that your grandmother and your -- Ms.
5 Witherspoon were always there?

6 A. Yes.

7 Q. Okay. All right. Now, how many times do you think
8 you went over there before this cell phone came up? How
9 many times did you go over there before this cell phone
10 came into your possession?

11 A. It was quite a bit.

12 Q. Okay. Now, I believe you said earlier that you had
13 the cell phone for about ten minutes, and I believe you
14 said that Mr. Tyler said -- that you said Mr. Tyler gave
15 it you and your sister; is that correct?

16 A. Yes.

17 Q. Did he tell you to look at the pictures on that
18 telephone?

19 A. No.

20 Q. Did he say anything about the pictures on the
21 telephone?

22 A. No.

23 Q. Did you pick a phone from a group of phones or did he
24 just say, "Here"?

25 A. He just gave that one to us.

1 Q. Okay. And I believe that when you were looking at
2 the pictures on the telephone you were in the presence of
3 your grandmother and at least Ms. Witherspoon. Did I hear
4 that correct?

5 A. Yes.

6 Q. Okay. Did you say anything about those pictures in
7 front of Miss Witherspoon and your grandmother at that
8 time?

9 A. No.

10 Q. All right. So after these ten minutes or so then
11 y'all walked out and got in the car?

12 A. Yes, sir.

13 Q. All right. Is that when you said something about the
14 pictures?

15 A. Yes.

16 Q. Okay. And what did your grandmother do?

17 A. She took it back in the house.

18 Q. All right. And that was the end of it?

19 A. Yes.

20 Q. Okay. Oh, was there a text message that you read on
21 that telephone that day?

22 A. I didn't read it.

23 Q. Okay. Thank you.

24 REDIRECT EXAMINATION

25 BY MR. HOLT:

1 Q. So you didn't read the text messages. Did you see
2 one?

3 A. I didn't. I didn't -- we just looked at the
4 pictures.

5 Q. So y'all didn't have it long enough to go through the
6 entire phone?

7 A. No.

8 Q. All right. Thank you very much, Minor.

9 THE COURT: You may step down. Thank you.

10 MS. PARKER: Your Honor, at this time the State calls
11 Sister

12 THE COURT: Come around and be sworn, please.

13 Sister, after being duly sworn,

14 testified as follows:

15 DIRECT EXAMINATION

16 BY MS. PARKER:

17 Q. Good morning?

18 A. Good morning.

19 Q. You okay?

20 A. Yes.

21 Q. Do you need some water?

22 A. No.

23 Q. Can you tell the Court your full name?

24 A. Sister

25 Q. Okay. And, you know, we may need to get you to speak

- 1 up or adjust the microphone. Can you slide your chair a
2 little bit closer to the rail. I don't think that's
3 moving. Okay. Can you tell us your full name?
- 4 A. Sister
- 5 Q. Now, that's better. Sister , how old are you?
- 6 A. Ten.
- 7 Q. Okay. And what grade are you in in school?
- 8 A. Fifth.
- 9 Q. Sister , where do you go to school?
- 10 A. Brockington.
- 11 Q. I think we're having a little difficulty hearing you.
12 I'm going to ask you that last question again, okay.
13 Where do you go to school?
- 14 A. Brockington.
- 15 Q. So your in the fifth grade at Brockington Elementary;
16 is that right?
- 17 A. Yes, ma'am.
- 18 Q. Is that here in Darlington?
- 19 A. Yes.
- 20 Q. And where do you live?
- 21 A. Darlington.
- 22 Q. And who do you live with?
- 23 A. My mommy and daddy.
- 24 Q. Okay. And do you have any brothers or sisters?
- 25 A. Yes.

- 1 Q. Tell us about that?
- 2 A. I've got two sisters and two brothers.
- 3 Q. Is one of your sisters here today?
- 4 A. Yes.
- 5 Q. What's her name?
- 6 A. Minor
- 7 Q. Okay. And is your grandmother here today?
- 8 A. Yes.
- 9 Q. And what's her name?
- 10 A. Dorris Brown.
- 11 Q. Okay. Sister , I want to talk to you a little bit
12 about the summer of 2011. Can you tell us about places
13 you used to go with your grandma?
- 14 A. Mr. Larry's house.
- 15 Q. Okay. You said, "Mr. Larry's house," and who are you
16 talking about? Who is Mr. Larry?
- 17 A. My grandmother said he was cousin on papers.
- 18 Q. He's your cousin on papers. Okay. Is Mr. Larry in
19 the courtroom today?
- 20 A. Yes.
- 21 Q. And do you -- could you point him out? Do you see
22 where he's sitting?
- 23 A. Yes.
- 24 Q. And please point him out.
- 25 A. (WHEREUPON, witness points).

- 1 Q. Seated over there at the Defense table?
- 2 A. Yes.
- 3 Q. Now, tell me about going to Mr. Larry's house. What
4 would y'all do over there?
- 5 A. We used to look at his drawings, and he would take
6 pictures. We used to race.
- 7 Q. Okay. You're going to have to slow down, sweetie,
8 cause I don't even think I understood the first thing you
9 said. You said three things kind of fast. Show down a
10 little bit. Tell me what y'all used to do?
- 11 A. We used to take pictures and race and look at his
12 drawings.
- 13 Q. Look at his drawings? Okay. Would y'all go over
14 there and eat Sunday dinner or stuff like that?
- 15 A. No, ma'am?
- 16 Q. So y'all would just go over and visit?
- 17 A. Yes.
- 18 Q. And your grandmother, Miss Dorris, is she friends
19 with Miss Ernestine?
- 20 A. Yes.
- 21 Q. And who is Miss Ernestine?
- 22 A. She goes to the Hall with my grandma.
- 23 Q. She goes to the what we your grandma?
- 24 A. Hall.
- 25 Q. To the Hall. Okay. Was that Ms. Ernestine's house

1 y'all were going to?

2 A. Yes.

3 Q. Okay. Now, let's talk about things you said you
4 would do other there. The Defendant, Mr. Larry, would
5 take pictures. Who would he take pictures of?

6 A. My Sister, Minor, and me.

7 Q. And who would you say -- did he take more pictures of
8 Minor than you or more of you than Minor or is it about
9 equal?

10 A. More of Minor.

11 Q. More of Minor. Tell me about some of the games y'all
12 used to play. Did Mr. Larry ever play with y'all?

13 A. Yes, we would race. He said if he win he get a hug,
14 and if we win we get a dollar.

15 Q. Did you ever get a dollar?

16 A. No.

17 Q. Sister, who is the more outgoing? Who talks more,
18 you or Minor?

19 A. Me.

20 Q. Okay. You're the talker in the family?

21 A. Yes.

22 Q. You a little nervous here today?

23 A. Yes.

24 Q. Now, I know to show you what's been marked as State's
25 Exhibit Two. And I'm just going to ask you do you

1 recognize that? Have you seen that item before?

2 A. Yes.

3 Q. And what is that item?

4 A. What Mr. Larry gave Minor and me.

5 Q. This is the phone that Mr. Larry gave you and Minor ?

6 A. Yes.

7 Q. And when did he give y'all that phone? You don't
8 have to know the precise date. Where were you when he
9 gave you that phone?

10 A. At his house.

11 Q. Okay. And what did he say when he gave you the
12 phone, if he said anything at all? What did he, if
13 anything, what did he say?

14 A. He just gave it to us.

15 Q. He just gave it to y'all. Did you -- do you know a
16 lot about cell phones?

17 A. Yes.

18 Q. So what did y'all first do with the cell phone?

19 A. Looking at pictures.

20 Q. You said, 'looking at pictures'. What kind of
21 pictures did you see on the phone?

22 A. Some girls with bathing suits on. One of them with
23 him with some blue drawers on.

24 Q. Okay. So some girls in bathing suits, and a picture
25 of him with some blue drawers on? Is that what you said?

- 1 A. Yes.
- 2 Q. How long did you -- how long did y'all have an
3 opportunity to look through the phone?
- 4 A. About ten minutes.
- 5 Q. And at any point did you let an adult know about the
6 phone or about the pictures?
- 7 A. I let my grandma know.
- 8 Q. How did those pictures make you feel?
- 9 A. Uncomfortable.
- 10 Q. Uncomfortable. And what did you tell your grandma?
- 11 A. I said, "Grandma, there are some naked pictures of
12 him."
- 13 Q. Okay. And when you told her that what happened to
14 the phone?
- 15 A. She said, "Give the phone back," and she took it and
16 she took it in the house.
- 17 Q. Was that the last time you saw the phone until just a
18 minute ago?
- 19 A. Then he give it to my cousin.
- 20 Q. Okay. But did you see the phone when he gave it to
21 your cousin?
- 22 A. After he gave it to him.
- 23 Q. Okay. Okay. I may have already asked you this, but,
24 Sister , who when y'all were over at the house and Mr.
25 Larry was over there who did he pay the most attention to?

1 A. Minor .

2 Q. Did you get a lot of hugs from him?

3 A. Not that much.

4 Q. How about Minor ?

5 A. Yes.

6 Q. Did you ever talk to your mom about that?

7 A. I told my daddy.

8 Q. What did you say?

9 A. Me and my sister. She said, "He keep on hugging us."

10 Q. Okay. So you did tell your daddy?

11 A. Yes.

12 Q. That's all the questions I have for you, Sister

13 And please answer any questions Mr. Jones may have.

14 MR. JONES: Can I have one second, Your Honor? Can I
15 have one second?

16 THE COURT: Yes, sir.

17 MR. JONES: I have no questions, Your Honor.

18 THE COURT: You may step down. Thank you.

19 MS. PARKER: Your Honor, at this time the State would
20 like to call Tyquan Brown.

21 THE COURT: Come around and be sworn, please.

22 TYQUAN BROWN, after being duly sworn, testified
23 as follows:

24 (WHEREUPON, State's Exhibit Nos. 10 AND 11 were
25 marked for identification only.)

1 he gave us the phone.

2 Q. Okay. And whose home is that? Do you know
3 Mrs. Ernestine?

4 A. No, ma'am.

5 Q. Okay. So you went out there with?

6 A. With my Aunt Dorris.

7 Q. Okay. And was the Defendant there the one time you
8 went out there?

9 A. Yes, ma'am.

10 Q. And I'm going to show you what's been marked as
11 Exhibit Two. Just tell me if you recognize it?

12 A. Yes. This is the phone.

13 Q. And what is that?

14 A. The cell phone that he gave me.

15 Q. Okay. You may have to speak up. Tell me one more
16 time what it is?

17 A. The cell phone he gave me.

18 Q. And tell me about him giving you the phone. What
19 was -- did you buy it from him?

20 A. No, ma'am. He just came and asked. He was like, 'do
21 y'all want a cell phone'. And my mom was like, 'yeah'.
22 So he gave it to us, and my mom gave it to me because she
23 already had one. So I didn't look in the phone until I
24 got home. When I got home I was going through the phone
25 cleaning it out and deleting the stuff that he had.

1 First thing I went through was the pictures; and then
2 after I deleted some of them out I was going through the
3 text messages and reading them and deleting them off the
4 phone.

5 Q. Okay. And I'm going to stop you right there. Let's
6 talk about the phone for a minute. Why did you want the
7 phone? Were you going to use it?

8 A. Yes. I wasn't going to use it, but then he giving it
9 to us. At the time I didn't have one.

10 Q. Okay. So you didn't have a phone?

11 A. No, ma'am.

12 Q. So you were going to clean this one out and get you
13 some minutes for it?

14 A. Yes, ma'am.

15 Q. Now, tell me about the picture in the phone that you
16 saw? And describe as best you can as much detail as you
17 can and just what you remember. Okay?

18 A. I know it was a picture with him in a blue Speedo.
19 Some pictures of some women. I think I scene a picture of
20 a kid, another kid, or something in there.

21 Q. So there were several pictures?

22 A. Yes, ma'am. But I deleted most of them because I
23 just thought it was just some -- that dude had just had a
24 whole bunch of crazy stuff on his phone. I just deleted
25 it.

1 Q. Okay. Just his pictures you were going to delete
2 them cause you were going to use the phone?

3 A. Yes, ma'am.

4 Q. Now, tell us about what you saw that was most -- of
5 most concern to you in the phone that prompted you to stop
6 what you were doing?

7 A. The messages that were saved as drafts was what
8 really caught my attention up cause like Minor , Minor One,
9 Minor Two, Minor Three. Cause I know that's my little
10 cousin's name. So I ---

11 Q. What's Minor One, Minor Two and Minor Three? How do
12 those appear?

13 A. It was like saved as like separate text messages and
14 drafts.

15 Q. In the drafts. When you say, 'drafts' is that a
16 folder?

17 A. Yeah, it was like a folder. Like a text message that
18 was typed up but it was never sent or nothing.

19 Q. Okay. And what about the text messages caught your
20 attention other than the name Minor ? If there was anything
21 else that caught your attention?

22 A. That was the only thing that really caught my
23 attention.

24 Q. Did you read -- did you read them?

25 A. Yeah, I went through and started reading them. At

1 the same time I'm thinking like maybe it's another Minor .
2 Maybe he's not talking about my cousin. Then I scene
3 where he was like, "I know this is wrong because you're a
4 little girl" and all type of stuff like that saying
5 that -- talking about he want her in his bed and that she
6 a kid. But what really stood out to me was when he was
7 like, "Don't tell Sister because you know she will tell"
8 or something like that.

9 Q. Okay.

10 A. And that's how I really know he was talking about my
11 cousin because he was saying a little girl and that -- she
12 might -- don't tell Sister because she will tell.

13 Q. And you knew the relationship between Minor and
14 Sister ?

15 A. Yes, ma'am.

16 Q. What did you do after you saw that?

17 A. I called my cousin, Georgita.

18 Q. And who is -- you called Georgita. And who -- what
19 is relation -- what is her relationship to Minor and
20 Sister ?

21 A. Their mother.

22 Q. That's their mother, okay. And why did you call her?

23 A. Because the -- I didn't think that was right because
24 like she is a little kid. And I felt that was wrongs, and
25 my cousin anyway. So I had to call and tell my aunt -- my

1 cousin that -- what I seen because I know if he put stuff
2 like that down sooner or later he was going to take a
3 chance on what he was plotting or whatever.

4 Q. Did you give the phone to Georgita.

5 A. Yes, ma'am.

6 Q. I'm going to show you what's been marked as State's
7 Exhibit 10 -- I'm no going to show you 10. Just State's
8 Exhibit 11, and look at that for a second and just tell me
9 if you recognize it?

10 A. This is exactly what I seen.

11 Q. Okay. What's that on that document?

12 A. Talking about Minor .

13 Q. Without reading it or anything just in general what's
14 on the document?

15 A. Basically he was saying that ---

16 Q. It is -- I don't want you to read it. Just -- are
17 those the text messages that you saw?

18 A. Oh, yes. Those are the text messages that I saw.

19 Q. Okay. Do they appear to be altered or changed in any
20 way other than being put in graft in this particular
21 format? They're not physically on the phone, but other
22 than has the text been changed or altered in any way?

23 A. That's exactly what I saw.

24 Q. Exactly what you saw?

25 A. Um hum.

1 Q. Please answer any questions the Defense may have.

2 CROSS-EXAMINATION

3 BY MR. JONES:

4 Q. Mr. Brown, you're 21 years olds; is that correct?

5 A. Yes, sir.

6 Q. And you went, according to your testimony, you went
7 over to Ms. Witherspoon's house one time?

8 A. Yes, sir.

9 Q. Who were you with?

10 A. My Aunt Dorris.

11 Q. All right. And is that Dorris Brown that just
12 testified?

13 A. Yes, sir.

14 Q. Okay. And what was your purpose in going over there?

15 A. I was just riding with her. She asked me to ride
16 with her so I said, yeah.

17 Q. And how long do you think you were there?

18 A. No more than an hour or so.

19 Q. Okay. Just visiting?

20 A. Yes, sir.

21 Q. All right. During the visit did the subject of a
22 cell phone come up?

23 A. We wasn't talking about it. He just came out of
24 nowhere and just asked if we wanted one.

25 Q. All right. Okay. And you said 'us' twice and 'we'

- 1 one time. Did he give the cell phone to Dorris?
- 2 A. No, sir.
- 3 Q. Who did he give the phone to?
- 4 A. He was really just asking in general me and my
5 mother.
- 6 Q. All right. Stop a minute. Was your mother there?
- 7 A. Yeah, she was there, but she didn't get the cell
8 phone or nothing.
- 9 Q. All right. I'm going to ask you some more questions.
10 What is your mother's name?
- 11 A. Debra Brown.
- 12 Q. Say it again?
- 13 A. Debra Brown.
- 14 Q. Debra Brown. All right. So it's you, Dorris Brown,
15 and Debra Brown at Ms. Witherspoon's house that one time?
- 16 A. Yes, sir.
- 17 Q. Very good. Now, was she there when the talk about
18 the cell phone was going on?
- 19 A. Yes. She was sitting right there beside me.
- 20 Q. Okay. And you said a little while ago that your mom
21 gave you the phone?
- 22 A. Yeah, she acted like -- she gave it to me like soon
23 as he gave it to her. She handed it right to me, and she
24 was like, "You want this phone."
- 25 Q. Mr. Tyler gave your mother, Debra Brown, that

1 telephone?

2 A. Yes.

3 Q. Okay. How old is your mother.

4 A. Thirty-eight.

5 Q. Thirty-eight years old. You mother gave you that
6 telephone?

7 A. Yeah. It was basically like he handed it to her and
8 she gave it to me, like, 'hold this. You can have this.
9 I ain't want this'.

10 Q. Okay. All right. Did you start fooling with it
11 right then or did you ---

12 A. I ain't look in the phone until I got home.

13 Q. Okay.

14 A. The phone I think -- the phone wasn't on and I think
15 it was dead. It was still in the box and all. Same as
16 that box he gave us and all.

17 Q. Very good. And Mr. Tyler brought the box out and
18 said, "Here"?

19 A. Yes, sir.

20 Q. Mother took possession, and she said, "Here" and she
21 gave it to you?

22 A. Yes, sir.

23 Q. All right. Did Mr. Tyler tell you to deliver that
24 phone to Dorris Brown, Minor or anybody?

25 A. No, sir.

1 Q. Did he say anything about the telephone other than
2 here?

3 A. No, sir.

4 Q. Okay. Thank you. When you got to looking at the
5 pictures and saw there were some women and a picture of
6 him in a blue Speedo you deleted them; is that right?

7 A. Yeah. Well, I don't think I deleted the picture with
8 the Speedo. I think that was still in there.

9 Q. Okay.

10 A. Because I think I leave the text messages and other
11 stuff in there.

12 Q. All right. Let's talk about the text messages a
13 minute. You called it a draft. You know what a draft is?

14 A. Yes, sir.

15 Q. Tell me again?

16 A. A text saved in the phone but not sent.

17 Q. Not sent to anybody?

18 A. Not sent. It's just sitting there under the draft
19 like miss, miss and it had Minor One, Minor Two Minor Three
20 or something like that.

21 Q. Did Mr. Tyler tell you, "Hey, Tyquan, when your
22 mother gives you this telephone take it over and let
23 either Minor or Sister or somebody like at this text
24 message?

25 A. No, sir.

1 Q. Okay. You saw the text and decided you better
2 deliver that text message to her mother?

3 A. I didn't sent it. I called her and gave her the
4 phone.

5 Q. Okay. So it never get sent to anybody?

6 A. No, sir.

7 Q. Thanks.

8 MS. PARKER: No further questions for this witness.

9 JUROR: Your Honor, may we be excused for a second?

10 THE COURT: Yes, sir. You may step down, and we will
11 take about 10, 12 minutes.

12 (WHEREUPON, the jury panel was excused from the
13 courtroom at 11:26 a.m.)

14 (WHEREUPON, Court is in recess at 11:26 a.m. and
15 reconvenes at 11:43 a.m.)

16 THE COURT: All right. Ready to go?

17 MR. HOLT: Yes, sir, Your Honor. I was just trying
18 to get be this thing to print. I was in the middle of
19 that. I'm sorry I'm late.

20 THE COURT: No, you're all right. I think we're a
21 little bit early. You ready for the jury?

22 MR. HOLT: Yes, sir.

23 THE COURT: Bring them on.

24 (WHEREUPON, the jury panel enters the courtroom at
25 11:47 a.m.)

1 THE COURT: All right. Got everybody?

2 MR. HOLT: Thank you very much, Your Honor. Please
3 the Court. State would like to call Ms. Georgita Brown to
4 the stand.

5 THE COURT:

6 GEORGITA BROWN, after being duly sworn,
7 testified as follows:

8 CLERK OF COURT: Have a seat.

9 DIRECT EXAMINATION

10 BY MR. HOLT:

11 Q. Would you please give your whole name for the jury?

12 A. Georgita Brown.

13 Q. How old are you, Mr. Brown.

14 A. Thirty-seven.

15 Q. Who is your momma?

16 A. Dorris Brown.

17 Q. And who are you married to?

18 A. Jesse McCullough.

19 Q. And how many children do you have?

20 A. Four?

21 Q. And what were their names?

22 A. Quintel, Justice, Minor and Sister

23 Q. And who are the two youngest daughters?

24 A. Minor and Sister

25 Q. And were you here earlier today when they testified?

1 A. Yes.

2 Q. All right, and do you know the Defendant in this
3 case, Larry Tyler?

4 A. No.

5 Q. All right. How did you come to know about the
6 Defendant?

7 A. This was a Saturday morning. I was off, and I sleep
8 on Saturday cause I'm not working. And the phone was
9 ringing, ringing, ringing, and I finally answered the
10 phone and it was my cousin, Ty. And he called, and Ty
11 kind of talks like he mumbling, so I didn't really
12 understand what he was saying. But he was like something
13 with a cell phone.

14 And I was like, 'what is it,' and he was like
15 something about Minor. So I said I'm going to get the cell
16 phone see what you're talking about. So when I get over
17 there I -- he showed me the pictures, and it was like a
18 couple of pictures -- which I didn't really realize what
19 it was cause I never, ever met the defendant.

20 And it was like pictures of him with just a blue like
21 Speedo on, and he didn't have on any over clothes. And
22 then he said, "And then there are some drafts in the
23 phone." So as I was reading the drafts I was getting
24 very, very disturbed because I was like I'm getting ready
25 to call the police.

1 Q. All right. And let me stop you right there.

2 MR. HOLT: Permission to approach, Your Honor?

3 THE COURT: Sure.

4 BY MR. HOLT:

5 Q. If I can show you what's been previously marked as
6 State's Exhibits Two and Four and just ask you do you
7 recognize those?

8 A. Yes. Those are the phones they gave him.

9 Q. Okay. And if I could ask you to look at State's
10 Exhibit 11. And if you could just tell me for the sake of
11 the jury do you recognize those text messages?

12 A. These are the drafts that were in the phone.

13 Q. All right. And then after you saw the drafts did you
14 become upset or aggravated? What happened next?

15 A. Very angry.

16 Q. And what did you do then.

17 A. Call the police immediately.

18 Q. All right. And where did you meet the police?

19 A. In the parking way of Roses.

20 Q. And what did you tell the police?

21 A. I told them I didn't really understand. I knew it
22 wasn't right as I saw, but I didn't know the laws of how
23 it would work. But this was about my daughter, and she's
24 only ten years old. And I told them I never, ever met the
25 guy because they were going out there with my mother.

1 And I told them, I said this is something that we try
2 to pre-vent because we don't let them go places like that
3 so we thought they were safe with my mother. And then
4 when I got that phone I was just very -- I lost it.

5 Q. All right. And who specifically in the police
6 department did you speak to?

7 A. Mr. Hodges.

8 Q. And what did you see done?

9 A. Say it again?

10 Q. What did you see done? Like what happened next?

11 A. He was -- I could tell he was a little disturbed
12 about it as well cause he said, "Don't feel bad about what
13 you did. You know you did the right thing by calling me,"
14 and he told me to go get the box for the phone. And then
15 that's when I saw the man, which I never saw him. My
16 auntie was in the car with me, and she told me, "There he
17 is right there ---"

18 Q. Okay, and who is her son?

19 A. Her son is not here. Tyquan is her grandson.

20 Q. Tyquan, okay. So your auntie is with you?

21 A. Yeah.

22 Q. And you said when I rudely interrupted you you said
23 that she had spotted Larry Brown?

24 A. Mr. Larry Tyler.

25 Q. Larry Tyler. I apologize. Who did you get the phone

1 from?

2 A. I got the phone from Tyquan.

3 Q. So then you had the phone, right?

4 A. Yes.

5 Q. Physically in your possession?

6 A. Yes.

7 Q. And that's the phone. And who did you give the phone
8 to?

9 A. In Eric Hodges.

10 Q. Okay. And what happened after you saw Larry Tyler?

11 A. When I saw Larry Tyler I went back to the parking lot
12 where Mr. Hodges was waiting and told him that I saw the
13 man around the corner at the garage.

14 Q. And what did you see Eric Hodges do after that?

15 A. I saw him talking to him, and I saw him looking that
16 the guy's phone. And I just saw the guy holding his head
17 down and just like -- he just -- I don't know.

18 Q. All right. And after reading the text messages and
19 looking at the pictures would you have felt comfortable
20 sending Minor back over there?

21 A. No.

22 Q. And would you have allowed Minor to go with your momma
23 back over to that man's house?

24 A. Never, ever begin.

25 Q. All right. Thank you very much. Ms. Georgita,

1 please answer any questions that Mr. Jones and them might
2 have.

3 A. All right.

4 CROSS-EXAMINATION

5 BY MR. JONES:

6 Q. Ms. Brown, I might have heard something different,
7 but you said, 'telephones'. Are we talking about more
8 than one phone?

9 A. No, one telephone.

10 Q. That one right there?

11 A. Yes.

12 Q. And your relationship with Tyquan Brown and you is
13 what again?

14 A. He's my cousin.

15 Q. Okay. And the other person you mentioned was Joanne?

16 A. Yes, that's my aunt. That's my mother's sister.

17 Q. And what is her last name?

18 A. Brown.

19 Q. She's Brown too, okay. And to your knowledge was she
20 ever at Ms. Witherspoon's house? Did she have anything to
21 do with this other than what you're talking about right
22 now?

23 A. Yes, she was. She was over there.

24 Q. Okay. So she went on occasion also?

25 A. Yes.

1 Q. All right. And when is this event that you're
2 describing? When did it happen?

3 A. I'm not sure as far as -- what do you mean? When did
4 I get the phone?

5 Q. Yes, ma'am.

6 A. It was in September, but I'm not sure exactly what
7 the specific date was.

8 Q. And that's September of not last year ---

9 A. Of 2011.

10 Q. --- but the year before. Okay. Thank you.

11 MR. JONES: That's all I have.

12 MR. HOLT: No redirect, Your Honor.

13 THE COURT: You may step down. Thank you.

14 MR. HOLT: At this time the State would like to call
15 Deputy Eric Hodges to the stand.

16 THE COURT: Come around and be sworn, please.

17 ERIC HODGES, after being duly sworn, testified
18 as follows:

19 DIRECT EXAMINATION

20 BY MR. HOLT:

21 Q. Deputy, would you give your whole name for the jury,
22 please?

23 A. Eric Anthony Hodges.

24 Q. And where are you currently employed.

25 A. The Darlington County Sheriff's Office.

1 Q. And how long have you been employed there?

2 A. Probably about -- off and on probably about 16 and a
3 half years.

4 Q. Okay. And before that where were you employed?

5 A. I worked at Darlington Police Department for about
6 six and a half years.

7 Q. Probably about how long have you been in law
8 enforcement.

9 A. This July it will be 24 years.

10 Q. And what's your current rank?

11 A. I'm lieutenant over the Criminal Investigation
12 Division.

13 Q. And explain what that job is and then explain the
14 difference between a responding officer and an
15 investigating officer?

16 A. Okay. My job description, I supervise the officers
17 in the Criminal Investigation Division. We have 11
18 criminal investigators. We also have I think 10 narcotic
19 investigators. There is a lieutenant over criminal and
20 there is a lieutenant over narcotics. And then we have a
21 division commander which is a captain.

22 Q. And who is your captain?

23 A. Captain John McLeod.

24 Q. Okay. And as an investigator how is that job
25 different from a deputy that one might see in his uniform

1 and out on the street?

2 A. Most of the times when the individual calls for a law
3 enforcement the first responder is usually a uniformed
4 deputy on patrol.

5 Q. And then later on they call investigators in?

6 A. Yes, sir.

7 Q. Specifically, how did you become involved in the
8 case at hand here today?

9 A. On September the 24th of 2011 I was actually filling
10 in as a supervisor on the shift. And dispatch dispatched
11 me to the old Roses -- well, it's the Roses Express right
12 there off of Pearl Street in Darlington in reference to me
13 meeting with a Ms. Georgita Brown.

14 Q. And when -- you were in the courtroom when Ms.
15 Georgita Brown was telling her story, right?

16 A. Yes, sir.

17 Q. All right. So pick us up where she left off. She
18 calls you. And I'd like to direct your attention to
19 what's been marked as State's Exhibits Two and Four. And
20 I'd like to ask you do you recognize them. And then I'd
21 like to ask you what you did after you saw them?

22 A. Okay. Yes, I recognize -- State's Exhibit Two is the
23 cell phone, and State's Exhibit Four is the box that the
24 cell phone had come in.

25 Q. All right. After you spoke with Georgita Brown what

1 did you do then?

2 A. Well, while speaking with Miss Brown and getting the
3 information from her I went on the internet to get some
4 information on Mr. Larry Tyler. And what I did was go
5 through the South Carolina Department of Motor Vehicles
6 website, and right then I learned that his driver's
7 license for South Carolina was suspended.

8 I asked Ms. Brown about the charger for the cell
9 phone. She stated it, the charger and the box, was at
10 Tyquan's house. They went and picked the cell phone up,
11 and I'm still at Roses parking lot. And whenever
12 Miss Brown came back she said that she just saw Larry
13 Brown near some garage off of Lucas Street which is right
14 around the corner from where we were at.

15 I then got in my vehicle and went to Lucas Street. I
16 observed Mr. Tyler pulling into this garage off of Lucas
17 Street. I activated my blue lights, identified myself,
18 and told him that I had an investigation. I asked for his
19 driver's license. He then presented me with a Florida
20 driver's license. I then asked him where was his South
21 Carolina Driver's license, and he told me he didn't have
22 one.

23 Well, at that time I had dispatch do a name and date
24 of birth check through D.M.V. system. And after I did
25 that, of course, his driver's license for South Carolina

1 came back suspended.

2 Q. He had told you he didn't even have one for South
3 Carolina?

4 A. Yes, sir. Okay. At that time I told him that he was
5 being placed under arrest for driving under suspension. I
6 then advised him of his Miranda rights, and I told him
7 there was another investigation i was working on. Also he
8 stated that he understood his rights and he would be
9 willing to answer some questions.

10 Q. All right.

11 (WHEREUPON, State's Exhibit No. 12 was marked for
12 identification only.)

13 MR. HOLT: And permission to approach, Your Honor.

14 BY MR. HOLT:

15 Q. I want to show you what's before previously marked as
16 State's Exhibit 12, and I'm going to ask you have you ever
17 seen that before?

18 A. Yes, sir.

19 Q. And without telling me what it is, since the last
20 time you've seen it have there been any changes,
21 alterations, deletions occurred to it?

22 A. Only thing State's Exhibit sticker on it.

23 Q. And there is label on there, correct.

24 A. Yes, sir.

25 Q. Who put that label on there?

1 A. Okay. I did.

2 Q. Did you create that?

3 A. Yes, sir.

4 Q. All right.

5 MR. HOLT: And, Your Honor, at this time the State
6 would ask to public that to the jury or show it to Deputy
7 Hodges before we move it into evidence.

8 MR. JONES: I've got no objection.

9 THE COURT: Let me make sure that screen is turned
10 where everybody can see it.

11 MR. HOLT: Yes, sir, Your Honor.

12 THE COURT: Probably going to need to move that
13 podium, too.

14 (WHEREUPON, State's Exhibit Number 12 played in open
15 court for the Jury.)

16 BY MR. HOLT:

17 Q. Deputy Hodges, after the investigation did you have a
18 chance to do anything else pertaining to this case?

19 A. We got -- had a search warrant done for Mr. Tyler's
20 residence and I think also his -- the vehicle that he had
21 driven.

22 Q. What else did you find? Anything else? A note?

23 A. There were pictures that were found off the computer
24 and off -- I think off some other phones.

25 Q. All right. And then that part in there in the story

1 where you were asking him is he telling you the whole
2 truth. Is it your belief he was not?

3 A. No, sir.

4 Q. All right.

5 MR. HOLT: Your Honor, at this time the State would
6 State's Exhibit 12 in evidence?

7 MR. JONES: No objection.

8 THE COURT: Without objection.

9 (WHEREUPON, State's Exhibit No. 12 was admitted into
10 evidence.)

11 BY MR. HOLT:

12 Q. All right and then -- Deputy Hodges, I don't have any
13 further questions at this time. Please answer any the
14 Defense might have.

15 A. Okay.

16 CROSS-EXAMINATION

17 BY MR. JONES:

18 Q. Lieutenant, I've got a couple of questions about the
19 date of that statement was in September, correct?

20 A. Yes, sir.

21 Q. All right. And was it the same day or maybe a day
22 after your contact with Mr. Georgita Brown?

23 A. The same day.

24 Q. Okay. So that's September?

25 A. Um hum.

1 Q. In this statement I believe that you said the date of
2 the text message was 2000 -- was August of 2011; do you
3 recall that.

4 A. We have an introduction of Video Recorded Statement
5 Form and on the form I stated the statement is in
6 reference to a lewd act case. Case Number 201109-0597
7 which occurred in Darlington County on August through
8 September 2011.

9 Q. Okay. Does that include the time period that the
10 young ladies talked about this morning; that August
11 through September period?

12 A. No, sir. When I actually did this recorded statement
13 I put August but it should have been through July. From
14 July to August.

15 Q. So you found out that what the young ladies were
16 talking about this morning actually happened in July of
17 2011?

18 A. It happened sometime -- we did the incident time from
19 between July and September the 21st when we actually got
20 the phone because they could not give us a specific date
21 when this incident occurred. They said it happened
22 sometime between July and August.

23 Q. Okay. Do you have an opinion as to when the incident
24 that the young ladies were talking about happened?

25 A. It happened before September the 21st.

1 Q. Okay. Now, the other -- I have a couple things. You
2 said that when you first made contact with Mr. Tyler he
3 was at a garage. Is that where he worked as a mechanic?

4 A. No, sir.

5 Q. Where was that?

6 A. That's -- it's on a street called Lucas Street which
7 is -- I think that's in the city limits of Darlington.

8 Q. Okay. But that was not where he was at work?

9 A. I don't think he was working there. He was just
10 pulling in a van.

11 Q. All right. Did you later find out that that cousin
12 he was talking about whose name his did not know, did you
13 find out that that was in fact Debra Brown who was Tyquan
14 Brown's mother?

15 A. I found that out later. Yes, sir.

16 Q. Okay. And according to that statement Ms. Debra
17 Brown, Ms. Dorris Brown and Mr. Tyquan Brown all visited
18 Larry Tyler's mother, Ms. Witherspoon, when this phone was
19 exchanges; is that correct?

20 A. I found that out later.

21 Q. Okay.

22 A. Usually, when we spoke to Tyquan is that he got the
23 phone.

24 Q. But in fact Ms. Brown got it?

25 A. Well, they were there together.

1 Q. Okay. And do you have a date when that occurred?

2 A. Can I look at my notes?

3 Q. Oh, absolutely.

4 A. Okay. No I don't think I have the specific date in
5 my report, but it was sometimes the week of -- leading up
6 to that Saturday.

7 Q. All happened sometime between July ---

8 A. No.

9 Q. --- and September?

10 A. No. No.

11 Q. Okay.

12 A. When I spoke to Georgita Brown about the phone she
13 has spoke with Tyquan earlier that day, and the
14 information I got was that Tyquan got this phone that
15 week -- that week there.

16 Q. So all of that happened pretty close to when you
17 spoke that Georgita Brown?

18 A. Yes.

19 Q. Okay. But the other event happened prior to that
20 time?

21 A. Yes, sir.

22 Q. Sometime prior to that time?

23 A. Yes, sir.

24 Q. Between July and September?

25 A. Yes, sir.

1 Q. Okay.

2 MR. JONES: One second, please, Your Honor. That's
3 all I have. Thank you.

4 MR. HOLT: No further questions, Your Honor. At this
5 time the State would request if we could have one more
6 witness who is going to take about eight minutes before we
7 break for lunch.

8 THE COURT: You may step down. Thank you very much.

9 MR. HOLT: The State would like to call Shawn
10 Tunsdall to the stand.

11 SHAWN TUNSDALL, after being duly sworn,
12 testified as follows:

13 DIRECT EXAMINATION

14 MR. HOLT: All right. And, Deputy, if you could just
15 give us your name, your rank and number of years in law
16 enforcement, who you currently work with, and what kind of
17 task force you're on?

18 A. Okay. I'm Sergeant Shawn Tunsdall. I'm a narcotics
19 investigator with the Darlington County Sheriff's Office.
20 Been in law enforcement this June will be 18² years. The
21 last two and half years I've been assigned to the U.S,
22 Department of Justice Drug Enforcement Administrative Task
23 Force. I'm a Federal Task Force Officer, and I am tasked
24 to essentially do narcotics investigations on a federal
25 level.

1 Q. Okay. And what is one of the perks of being on that
2 federal task force?

3 A. The D.E.A. does have some real nice forensic
4 equipment and what not, and every now and then again the
5 Sheriff's Office asks for -- requests to borrow some of
6 that equipment. One piece of that equipment is actually
7 is called a Cell Bright with is a universal forensic
8 extraction device.

9 I am asked from time to time to come over and extract
10 cell phone data for a criminal case.

11 Q. And do you recognize what has been marked as State's
12 Exhibits Two and Four?

13 A. Yes, sir.

14 Q. And did you use what you call your Cell Bright on
15 that phone?

16 A. Yes, sir.

17 Q. And the information that you uncover what did you do
18 with it?

19 A. The actual data, the machine itself, it's real
20 simple. Anybody that has a Verizon phone that's ever
21 taken their phone to the phone store and had a new phone
22 purchased and you need to get your old stuff off your old
23 phone and put it on your new one they have the exact same
24 equipment. The same machine. You plug the phone into
25 this box. It extracts the data onto a thumb drive and at

1 that point in time I just placed it inside my laptop
2 computer and burned a disk of it and gave it into
3 evidence.

4 Q. All right.

5 A. And what it is it's essentially -- it's just anything
6 that's on the actual phone.

7 Q. And just to be clear did you do that for the phone in
8 question here, State's Exhibit Two?

9 A. Yes, sir.

10 Q. And you turned the evidence over to evidence with the
11 Darlington County Sheriff's Office?

12 A. Yes, sir.

13 Q. All right?

14 MR. HOLT: No further questions, Your Honor.

15 MR. JONES: I have none.

16 THE COURT: You may step down.

17 THE WITNESS: Thank you, Your Honor.

18 COLLOQUY

19 THE COURT: All right, ladies and gentlemen, we will
20 break for lunch. I've got a little matter I've got to fit
21 in. So I'm going to ask you to be back here at 2:10.
22 Give you a little over an hour. Lots of places to eat
23 around close by and as well out on the Bypass. So we'll
24 see you back here at 2:10. You will report back to the
25 room back here.

1 (WHEREUPON, the jury panel was excused from the
2 courtroom 12:48 p.m.)

3 THE COURT: All right. Court in recess until 2:00.

4 (WHEREUPON, Court was in recess at 12:50 p.m.)

5 (WHEREUPON, State's Exhibit No. 13 was marked for
6 identification only.)

7 THE COURT: Everybody coming in needs to get on in
8 here.

9 (WHEREUPON, the jury panel enters the courtroom at
10 2:07 p.m.)

11 THE COURT: Welcome everybody back. I remind you now
12 if you need to take a break let me know cause I know after
13 lunch some of you may take naps and it's going to be
14 tempting. Don't fall asleep on us. Solicitor.

15 MR. HOLT: Thank you very much, Your Honor. At this
16 time the State would like to call Deputy Russ Harrell to
17 the stand.

18 RUSS HARRELL, after being duly sworn, testified
19 as follows:

20 DIRECT EXAMINATION

21 BY MR. HOLT:

22 Q. Deputy, could you please give your whole name for the
23 jury?

24 A. Russell Roger Harrell.

25 Q. And where are you currently employed?

1 A. The Darlington County Sheriff's Office.

2 Q. And what's your current occupation within the
3 Sheriff's Office?

4 A. I'm a forensic investigator and work in evidence.

5 Q. As well as what?

6 A. I'm over evidence, too.

7 Q. Okay. All right. And how did you become involved in
8 the case at hand today?

9 A. I was called -- I was working that day for a little
10 extra, for overtime. Lieutenant Hodges was working on
11 this case, and me, being the forensic person and having
12 knowledge of computers and digital items, he notified me
13 to assist him with it.

14 Q. All right. And how did you provide assistance?

15 A. I went to -- a search warrant was obtained, and
16 myself and some fellow investigators went to the residence
17 of Mr. Larry Tyler.

18 Q. All right. And at the residence what did you
19 collect? What did you leave with?

20 A. I left with numerous thing. I left with a computer,
21 hard drive, cell phones, various other digital items and
22 some paperwork.

23 Q. And how many cell phones?

24 A. There were three that were -- well, it was a bag of
25 them. I can't recall exactly.

1 Q. Three to four or four to five?

2 A. About three to four.

3 Q. Three to four. All right. I want to show you what's
4 been previously marked as State's Exhibits Four and
5 State's Exhibit Two. And I want you to tell me have you
6 ever seen those objects before, and that's all I want you
7 to tell me?

8 A. Yes, I have seen State's Exhibit Three.

9 Q. Since the last time that you have seen them have they
10 been changed or altered in any way?

11 A. They have not.

12 Q. All right. And could you tell the jury what they
13 are?

14 A. State's Exhibit Three is the charger for the phone.
15 And State's Exhibit Four is the box for the phone that was
16 delivered to evidence in. And State's Exhibit Two is the
17 phone itself.

18 Q. All right.

19 MR. HOLT: And, Your Honor, at this time the State
20 would ask for those to be placed into evidence.

21 MR. JONES: No objection.

22 THE COURT: In without objection.

23 MR. HOLT: That's Two, Three and Four.

24 (WHEREUPON, State's Exhibit Nos. 2 through 4 were
25 admitted into evidence.)

1 BY MR. HOLT:

2 Q. And were you able to recover any data off of State's
3 Exhibit Two?

4 A. Yes, with the assistance of Sergeant Shawn Tunsdall
5 data was obtained off of this particular phone.

6 Q. Were you able to get photographs?

7 A. No photographs.

8 Q. Okay. But were you able to get saved text message
9 drafts?

10 A. Yes, sir.

11 Q. All right. And I'd like to show you what have
12 previously been marked as State's Exhibit 11, and I'd
13 like you to look at it, and I'd like you to tell me as
14 well as the jury if you recognize it?

15 A. Yes, I recognize State's Exhibit 11.

16 Q. And have you ever seen it before?

17 A. Yes, I have.

18 Q. And has it been changed or altered or any deletions
19 made since last you saw it?

20 A. It's the exact same format as what was on the data
21 disk that was obtained from the phone other than for the
22 purpose of Court it has been made larger.

23 Q. Okay.

24 MR. HOLT: And, Your Honor, at this time the State
25 would ask to move State's Exhibit 11 into evidence.

1 MR. JONES: I don't have any objection.

2 THE COURT: In without objection.

3 (WHEREUPON, State's Exhibit No. 11 was admitted into
4 evidence.)

5 BY MR. JONES:

6 Q. Deputy Harrell, could you read to the jury State's
7 Exhibit 11, please, and then tell us one more time what it
8 is, where it came from, how you got it, and then read it
9 to the jury.

10 A. State's Exhibit 11 is retrieved data from a phone of
11 Minor that was given to me by Lieutenant Eric
12 Hodges into evidence. And the texts are as follows:

13 Number One: It was in the status folder is sent.
14 Folder is sent. Type is outgoing. Text reads as follows:
15 "Minor Two, to fall in love with a little girl as young as
16 you are, but I can't stop my heart from loving you, girl.
17 I wish I had another hour alone with you and nobody knew."

18 Number Two: Says it's unsent in the drafts folder.
19 Type is outgoing. Reads J5, "Me in trouble. Please,
20 Minor, especially don't tell Sister. She will surely tell
21 someone. This is just between you and me, my love."

22 Number Three: Unsent status. Drafts folder. Type
23 is outgoing. J4: "Never want to be apart from each other
24 ever again. I love you, little angle. Wish I could make
25 you my wife. If I could you -- if I could you would be in

1 my bed tonight. Don't get me.

2 Number Four says it's unsent. Folder is draft. Type
3 is outgoing. J3: "Where we were. I would how you how
4 much I love you, Minor, by holding you close to me and
5 plant a kiss on your lovely lips so powerful that we both
6 would never."

7 Q. All right. Now, the phone that you took those off,
8 State's Exhibit Two -- I apologize.

9 A. Number Five -- excuse me. It's unsent, drafts and
10 also outgoing: "Minor, you were so beautiful. Please
11 don't tell anyone what I am telling you. First time I
12 ever saw you, Minor I fell for you. I know a man should
13 not suppose."

14 Q. All right. Now, the phone that you took those off of
15 was it hooked up? Would he -- would Mr. Tyler have been
16 able to send those messages?

17 A. If the phone was operational at the time you could
18 send it.

19 Q. So if it was not operational how would you be able to
20 deliver those type of messages to another individual?

21 A. Simply have it charged up and turned on. That's like
22 handing somebody a letter.

23 Q. All right. Now, if I could show you --

24 MR. HOLT: Or, Your Honor, if the witness can come
25 down and look at what's been marked as State's Exhibit

1 One. And if you could tell the jury have you ever seen
2 State's Exhibit One before?

3 A. Yes, I have seen State's Exhibit One before.

4 Q. And since the last time you've seen it what's
5 happened with it?

6 A. It's been analyzed for forensic analysis.

7 Q. All right. And have there been any changes,
8 alterations, or deletions made to the machine or the
9 information?

10 A. No.

11 Q. All right.

12 MR. HOLT: Your Honor, at this time we would like to
13 put State's Exhibit One into evidence?

14 MR. JONES: May I look at it? I don't have any
15 objection.

16 THE COURT: In without objection.

17 (WHEREUPON, State's Exhibit No. 1 was admitted into
18 evidence.)

19 BY MR. HOLT:

20 Q. All right. And, now, I'm going to show you what's
21 been marked as State's Exhibit 13. Can you tell the jury
22 what State's Exhibit 13 is, what size they are, and have
23 there been any changes made since the last time you've
24 seen it?

25 A. State's Exhibit 13 are photos obtained from this

1 lap -- this desk top. And they are -- typically thumb
2 nails are small, and they have not been changed in any
3 way. They're a little smaller on this thing for the
4 purposes of testimony.

5 Q. All right. And before you get into that let me show
6 you one more thing. State's Exhibit Nine, did you create
7 this document?

8 A. State's Exhibit Nine is a letter from Yahoo as a --
9 from the e-mail section that is response back to me that
10 comes with a disk whenever you request information from a
11 given Yahoo account.

12 Q. And did you request information?

13 A. I did.

14 Q. On whose account?

15 A. On the Defendant, Larry Tyler.

16 Q. And did they send you information?

17 A. That did.

18 Q. And has that paperwork been changed or altered by
19 anyone other than yourself since last you've seen it?

20 A. This is the original copy.

21 THE COURT: Your Honor, at this time the State would
22 ask to put State's Exhibit Nine into evidence.

23 MR. JONES: Without objection.

24 THE COURT: In without objection.

25 BY MR. JONES:

1 Q. All right. Let's got back to State's Exhibit 13.
2 The photographs represented in those thumb nails are they
3 entirely from the computer or are some of them also from
4 the e-mail?

5 A. The majority of them appear on the computer. Some
6 are in both places.

7 MR. HOLT: Your Honor, at this time the State would
8 ask to place State's Exhibit 13 into evidence?

9 MR. JONES: Your Honor, I'm not sure if I understood
10 what he said. The majority are on the computer, and some
11 are in both places. What are both places?

12 THE WITNESS: I'll clarify. Some are in the e-mail
13 and the computer. They're in both places.

14 BY MR. HOLT:

15 Q. But to be clear everything on State's Exhibit 13 is
16 off the computer save for one that was off the e-mail?

17 A. Correct.

18 MR. JONES: No objection.

19 BY THE COURT: In without objection.

20 (WHEREUPON, State's Exhibit No. 13 was admitted into
21 evidence.)

22 MR. HOLT: Thank you very much.

23 BY MR. HOLT:

24 Q. Now, State's Exhibit 13, how did you find it? What
25 is it? And why is it significant?

1 A. It was found through forensic analysis of the
2 computer, and that was conducted and saved on to a disk
3 that contains all the information of where it came from,
4 what part of the computer, and all the things like that.
5 And it was obtained in Columbia at Secret Service.

6 Q. And when you noticed those pictures what did you
7 think you needed to do?

8 A. I felt that it was proper that -- to proceed with
9 legal proceedings on this matter because they, in my
10 opinion and having worked past cases, what shouldn't be on
11 a grown man's computer.

12 Q. All right. And what are the images of if you were to
13 describe them to the jury?

14 A. They're of -- they're predominantly of girls that are
15 below the age of ten.

16 Q. And in what kind of positions are the females in?

17 A. They're posed in unnatural position, and scantily
18 clad. Some with bare butts.

19 Q. One photo is not. What is going on in that other
20 photo?

21 A. It's a young girl in a kneeling position, and anal
22 sex is being performed.

23 Q. Okay. All right. Thank you very much.

24 MR. HOLT: Your Honor, at this time the State --
25 well, I want to ask some more questions before we publish

1 it to the jury.

2 BY MR. HOLT:

3 Q. If I could get you to look at State's Exhibit Six,
4 State's Exhibit Seven, State's Exhibit Five, 10. Without
5 getting into directly what they are can you tell me if
6 you've ever seen them before?

7 A. Yes.

8 Q. All right. And have there been any changes,
9 alterations or deletions made since the last time you've
10 seen them?

11 A. They have not been.

12 Q. And what is Number Six?

13 A. Number Six is a letter that I drafted to send to
14 Yahoo requesting information from their servers.

15 MR. HOLT: I'd like to put Six in evidence, please,
16 Your Honor.

17 MR. JONES: I don't have any objection action.

18 THE COURT: In without objection.

19 (WHEREUPON, State's Exhibit No. 6 is admitted into
20 evidence.)

21 BY MR. HOLT:

22 Q. And the next?

23 A. State's Exhibit Ten is the phone's information that
24 belongs to this -- classified on this thing as the
25 victim's phone, and it gives the phone's information such

1 as the model and I.D. numbers and various other things.

2 Q. And just by way of asking you a question. Interrupt
3 right here. Did you ever look at a phone that the
4 Defendant had on his person?

5 A. I did. During the course of this search warrant I
6 did.

7 Q. And off the top of your head can you tell me what the
8 screen saver was on that?

9 A. We, after we went to the house, we checked the
10 vehicle. It's kind of standard because he was driving it
11 and located some additional phones. And on the screen
12 saver of that phone was a photo of Minor

13 Q. All right.

14 MR. HOLT: Now, I'd like to put -- place Seven into
15 evidence, Your Honor.

16 BY MR. HOLT:

17 Q. What number are you reading from? I'm sorry.

18 A. Ten.

19 MR. HOLT: Number Ten into evidence.

20 MR. JONES: Ten was what? Let me see. Okay, while
21 I'm here let me look at Seven. These are the search
22 warrants. Thank you. I don't have no objection.

23 THE COURT: In without objection.

24 (WHEREUPON, State's Exhibit No. 10 was admitted into
25 evidence.)

1 BY MR. HOLT:

2 Q. And the next one.

3 A. State's Exhibit Five is the evidence property report
4 that Lieutenant Hodges filled out whenever he submitted
5 this phone to evidence.

6 MR. HOLT: And I'd like to place that into evidence,
7 Your Honor.

8 MR. JONES: Again without objection.

9 THE COURT: It's in.

10 (WHEREUPON, State's Exhibit No. 5 was admitted into
11 evidence.)

12 BY MR. HOLT:

13 Q. And then in your hand is Number Seven. Can you just
14 tell me what that is?

15 A. State's Exhibit Seven is the search warrant that I
16 drafter to send to Yahoo to obtain information.

17 MR. HOLT: And, Your Honor, at this time I'd like to
18 place that into evidence.

19 MR. JONES: No objection.

20 THE COURT: In without objection.

21 (WHEREUPON, State's Exhibit No. 7 was admitted into
22 evidence.)

23 BY MR. HOLT:

24 Q. Deputy Harrell, were the pictures you say are off the
25 computer, some of them shared on the internet, and one of

1 them was strictly from an e-mail. Were there other places
2 you also gained access to photographs by the Defendant?

3 A. That were other phones that has assorted photos, but
4 not necessarily questionable in nature.

5 Q. Okay. How about photos of the Defendant himself?

6 A. Yes.

7 Q. While looking through the computer were you privy to
8 any of those photographs?

9 A. There were Defendant photos in there, yes?

10 Q. And how did you look in those photo? What was he
11 wearing?

12 A. There were some of him in men's underwear, and some
13 with no clothing.

14 Q. Okay.

15 MR. HOLT: Now, I want to approach the witness, Your
16 Honor.

17 BY MR. HOLT:

18 Q. Hand you State's Exhibit Nine, and can you tell me
19 did you collect that and have you seen it before?

20 A. State's Exhibit Nine is an item that I collected,
21 yes.

22 Q. All right. And have there been any changes made to
23 it since last you saw it?

24 A. There have been no changes. Sealed it.

25 Q. All right. Now, what is the significance of State's

1 Exhibit Nine and why did you collect that?

2 A. State's Exhibit Nine is a pair of men's bikini
3 underwear. Normally, you would not necessarily pick that
4 item, but I had information based on the photos from
5 Lieutenant Hodges that this is what he was supposed to be
6 wearing. So it's an identifying -- possibly identifying
7 thing to him.

8 MR. HOLT: And, Your Honor, at this time we would
9 like to place State's Exhibit Nine into evidence?

10 MR. JONES: No objection.

11 THE COURT: In.

12 (WHEREUPON, State's Exhibit No. 9 was admitted into
13 evidence.)

14 BY MR. HOLT:

15 Q. What else did you collect from the scene, Deputy
16 Harrell?

17 A. I had hard drives and various other paperwork that
18 may have ---

19 Q. So there was paper there?

20 A. Yes.

21 Q. Were there pens there as well?

22 A. Drawing pens?

23 Q. Well, if the Defendant had wanted to write something
24 down he could have used any amount of paper at his house?

25 A. That is correct.

1 Q. Okay. What else did you see?

2 A. He had drawings and various newspaper, magazine
3 clippings. I think in some cases he had actually drawn
4 the clipping on to use as something to copy off of.

5 Q. So you could tell he was interested in art work?

6 A. Well, giving credit, he was very good at it.

7 Q. All right?

8 MR. HOLT: Beg the Court's indulgence, Your Honor.

9 BY MR. HOLT:

10 Q. Deputy Harrell, please answer any questions the
11 Defense may have.

12 MR. JONES: Thank you. Judge, if you can -- if we
13 can have a minute to hook something up?

14 CROSS-EXAMINATION

15 BY MR. JONES:

16 Q. All right. Now, and I'm sorry, Deputy Harrell, you
17 rank is?

18 A. Sergeant.

19 Q. Sergeant. Sergeant, back in August, September of
20 2011 you were both a forensic investigator and in charge
21 of evidence?

22 A. Correct.

23 Q. Okay. And in that position you came into possession
24 of the items that we're talking about here today? Some of
25 the items that we're talking about today?

1 A. That is correct.

2 Q. Okay. Specifically, the bag of cell phones, where
3 was the bag of cell phones? Do you know? Did you collect
4 it or did someone ---

5 A. I collected everything that was there.

6 Q. Where was it when you collected it?

7 A. I have to reference my notes. I believe it was in
8 the closet.

9 Q. Okay. And do you recall whether or not some of the
10 phones were in a box or just laying out by themselves?

11 A. It was a phone in the box, which I believe that phone
12 was actually in the vehicle which I had collected that box
13 as well cause I didn't know which -- I didn't know -- I
14 hadn't seen this phone yet, so I didn't know if that was
15 the box that they were looking for.

16 Q. But the three to four phones include that phone?

17 A. No. Those are phones that were in our possession --
18 we couldn't get to work.

19 Q. Very good.

20 A. They were just kind of scattered about.

21 Q. Just old phones?

22 A. Just old phones.

23 Q. All right. Where did you get that from?

24 A. This phone came from Lieutenant Hodges.

25 Q. Okay. and when Lieutenant Hodges gave you that

1 telephone I believe he labeled it, did he not? When you
2 described it you described it as Minor 's phone. Where did
3 that description come from?

4 A. It was on his -- it was described as the victim's
5 phone, and I later learned that's what her name was.

6 Q. Okay. All right. Now, you were present this morning
7 during the testimony?

8 A. I was.

9 Q. Did you hear any time from the time that Mr. Tyquan
10 Brown said that he got possession of that telephone until
11 Lieutenant Hodges got possession of that telephone. Did
12 you hear at any time when Miss Minor had
13 possession of that telephone?

14 A. During those two time periods, no.

15 Q. Okay. So the phone actually came from I believe Ms.
16 Brown, Ms. Georgita Brown, did not?

17 A. I believe that's what I heard this morning.

18 Q. Okay. All right. Just wanted to make clear because
19 I did not understand why it was labeled as Ms. Minor
20 s phone when she didn't have it. Okay.

21 Now, you also said that you got some photos from this
22 computer hard drive. Is that -- was the hard drive where
23 there is a missing piece in this computer?

24 A. The hard drive is actually inside the computer.

25 Q. Is it still there? Has it been replaced?

1 A. It's not been replaced. It's the original hard
2 drive.

3 Q. I'm sorry. Was it taken out in order to be examined?

4 A. Yes. Yes. Cause you have to remove it and then put
5 it back in.

6 Q. Did you do all that?

7 A. I was there when it was completed.

8 Q. All right. Very good. So that computer is pretty
9 much just like it was whenever it came from Mr. Tyler's
10 house?

11 A. That is correct.

12 Q. And Item Number -- all right, and specifically
13 referring to Exhibit -- State's Exhibit Number 13 which
14 are the pictures. I believe you said that some were on
15 the computer and some were someplace else?

16 A. Correct.

17 Q. Tell me again where the someplace else is?

18 A. It was in e-mail.

19 Q. Okay. And I think there is one picture on this that
20 I heard Solicitor Holt say came from the e-mail; is that
21 correct?

22 A. That is correct.

23 Q. And everything else came from that computer?

24 A. That is correct.

25 Q. Okay. Now, in looking at -- you just examined those

1 pictures that are on State's Exhibit 13; is that correct?

2 A. That is correct.

3 Q. All right. And if you had to pick the worse picture
4 on that page which one would you pick?

5 A. The worse one would be the girl being -- having anal
6 sex, I suppose.

7 Q. All right. And where did that picture come from?

8 A. That was collected from his e-mail.

9 Q. Okay. So it was not on that computer?

10 A. No. It was under a password protect -- under his
11 password with his name and his registration.

12 Q. But, again, it does not come from that computer?

13 A. No.

14 Q. Okay. And you came into possession of that photo as
15 a result of your subpoena sent to Yahoo; is that correct?

16 A. That is correct.

17 Q. Okay. But everything else came from this computer?

18 A. Physically from the hard drive. Yes.

19 Q. Excellent. All right. Now, you said that you were
20 the one who made the determination that it was proper to
21 proceed with legal proceedings concerning those pictures;
22 is that correct?

23 A. That is correct. Well, I consulted with Lieutenant
24 Hodges who is the case -- lead investigator in the case,
25 naturally.

1 Q. Okay. And just tell me briefly how was the
2 determination made? What, I guess maybe I would ask do
3 you have training or do you have other experience in
4 determining what is or is not actionable as far as
5 pictures such as that?

6 A. I worked other cases in the past. I have had 200
7 hours of computer training that involves some of this. And
8 based on some of the legal standards that I've read it fit
9 the criteria.

10 Q. Okay, and, again, I'm not trying to trick you. I'm
11 just want to know how the determination was made?

12 A. Right.

13 Q. And what I heard is that you kind of made that
14 determination based on past experience?

15 A. Right.

16 Q. All right. Now, you also said that several of the
17 pictures on Item 13 are children under ten. How do you
18 know that?

19 A. To me it's visible in some cases. I have a daughter
20 myself. I know what a young child looks like. It's just
21 they're young children.

22 Q. Okay. And under ten is just something -- that's a
23 determination that you put on?

24 A. It is.

25 Q. Okay. Didn't come from the computer? Didn't come

1 from any place else that you know of? It's just your
2 opinion that some of those pictures are children who are
3 under the age of ten?

4 A. That's correct. Under the age of ten.

5 Q. All right. And that they are actionable? In other
6 words they are deemed worthy of legal proceedings?

7 A. Correct.

8 Q. Okay. How many other cases do you think that you
9 have made such a determination during your career?

10 A. I would say in the past few years at least seven or
11 eight.

12 Q. All right. If I can in your opinion is this an
13 actionable picture? And you can get down if you need.
14 Come over here and look at it?

15 A. It can be questionable or it could be argued as being
16 art.

17 Q. Okay. And if I told you that that was 12 year-old
18 Brooke Shields in the movie Pretty Baby which is available
19 on Netflix would you argue with me?

20 A. I would not.

21 Q. Okay. All right. Could I have Number One, please.
22 Is that actionable?

23 A. No.

24 Q. Why?

25 A. Because it's not a live person. It's art work.

1 Q. All right. Even though it's a very young girl with a
2 bare butt?

3 A. Correct.

4 Q. Art is the reason it's not.

5 CLERK OF COURT: I think you've got some that can't
6 see.

7 THE WITNESS: Oh, I'm sorry.

8 BY MR. JONES:

9 Q. Could you flip back to the first one. All right. So
10 that has artistic value as well as perhaps the first
11 picture. All right. How about Number 27. How about
12 that? Anything wrong with that?

13 A. No, sir.

14 Q. All right. And you may want to stay right there
15 cause I'm going to show you a couple more?

16 A. Okay.

17 Q. How about 28, 29, 30, 31 and 32. Anything wrong with
18 that?

19 A. No, sir. No, sir.

20 Q. Okay.

21 A. No, sir. Doesn't have a shirt on, but doesn't show
22 anything.

23 Q. Do you have a picture -- I mean an opinion as to her
24 age?

25 A. She's younger than 18.

1 Q. If I told you she was ten year old model appearing in
2 Vogue Magazine would you have an objection to that?

3 A. I haven't seen the magazine.

4 Q. But would you disagree?

5 A. I don't disagree.

6 Q. All right. How about 17 through 26? You have
7 trouble with that one?

8 A. No, I don't.

9 Q. Any of those?

10 A. No, sir.

11 Q. That one?

12 A. No, sir.

13 Q. That one?

14 A. I got a problem with it.

15 Q. Okay?

16 A. It's a little disturbing.

17 Q. How about that one?

18 A. No, sir.

19 Q. How about that one dressed as a hooker?

20 A. Not for -- no, sir.

21 Q. Okay. That's the one you had a little problem with.

22 A. I wouldn't necessarily dress my child that way, but
23 it's not -- and I wouldn't pursue anything for it. It's
24 not right in my opinion, but ...

25 Q. All right. How about Number -- oh, excuse me. How

1 about that one?

2 A. Same thing applies. No. No.

3 Q. All right. How about Numbers Three through Eight.

4 No problem?

5 A. No problem.

6 Q. Okay.

7 A. No. Pretty standard in today's society.

8 Q. How about him?

9 A. No problem.

10 Q. Okay?

11 A. No. No. No.

12 Q. Little naked kid flying around there?

13 A. No, sir.

14 Q. Okay. Artistic value? Is that -- would that be your

15 opinion on that?

16 A. That would be correct. Yes, sir.

17 Q. And how about Number Ten. Problem with those guys?

18 A. No, sir.

19 Q. All right. Have any trouble with him?

20 A. No, sir.

21 Q. Got underwear on?

22 A. He's also a grown fellow.

23 Q. All right. Thank you. Now, the actionable photos

24 that came from that computer excluding and let me get you

25 to describe what road and what picture you said did not

1 come from the computer or the camera on Exhibit 13?

2 A. It's count, I guess.

3 Q. Please.

4 A. Would be number 12 from the top. There are five
5 across each direction and then one has -- the one after
6 that would be Number 13.

7 Q. And we're going left to right?

8 A. As you read.

9 Q. So it's Number 12. Photo Number 12 on Exhibit?

10 A. Thirteen.

11 Q. Thirteen, okay. All right. With the exception of
12 that picture everything else came from the computer. And
13 do you have an idea on the Photo Number 12 that came as a
14 result of your subpoena how that photo got on to e-mail?

15 A. If I remember correctly it was sent from Verizon if I
16 remember correctly.

17 Q. Is that in a report somewhere?

18 A. It's actually on the e-mail, but it was sent from
19 some other location.

20 Q. Okay.

21 A. I can say that for certain.

22 Q. All right. And can you tell how it was received?

23 Was I received as -- here is my point. Was it received,
24 and I don't know much about this so. When I get an e-mail
25 if it comes to me it just -- it appears, right. If it's

1 something that I'm not supposed to know about it comes on
2 S.P.A.M. Can you tell if that one went to S.P.A.M. or
3 went to his regular e-mail or do you have an opinion about
4 that?

5 A. At this point I don't believe -- it was not in SPAM.
6 Those were -- a lot of these things were in folders. He
7 had folders with Minor 's name in his e-mail and various
8 other folders that were separated by his different topics.

9 Q. Okay. And in those folders were any of the other
10 pictures or just Item Number 12?

11 A. I ran across -- on State's Exhibit 13, Number Six was
12 also replicated there to an e-mail.

13 Q. On a separate e-mail?

14 A. Separate e-mail.

15 Q. Okay. And do you know where that came from?

16 A. I'm certain of the origin.

17 Q. Okay. All right. Another question or two. When you
18 were talking earlier about the decision to take action on
19 certain photos. Did you have all of those photos at that
20 time?

21 A. Yes.

22 Q. Okay. Even the one that was not on the computer?

23 A. Correct.

24 Q. You had all of them when that decision was made?

25 A. Yes, sir.

1 Q. Okay?

2 MR. JONES: Your Honor, if I can have one second,
3 please. I do have one or two more questions.

4 BY MR. JONES:

5 Q. When you said you actually commented on his ability
6 as an artist; is that correct?

7 A. I did.

8 Q. Was there anything inappropriate about any of the
9 drawings that he made?

10 A. The drawings that I ran across there were not.

11 Q. Were not, okay. But he has some artistic talent?

12 A. He is -- I will admit that, yes.

13 Q. Thank you?

14 MR. JONES: Nothing further, Your Honor. Thank you.

15 MR. HOLT: Just briefly, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. HOLT:

18 Q. Deputy, there was some talk from the Public Defender
19 on cross about those e-mails indicating that they could
20 have come from anywhere. But earlier when you were
21 talking about how some e-mail photographs were shared with
22 some of the hard copy photographs are you implying that
23 there were some I his e-mail that were later saved to his
24 computer?

25 A. They were either saved in his computer or came from

1 another source, but they were ---

2 Q. The same pictures?

3 A. Same pictures, but different file sizes.

4 Q. So if somebody has e-mails of a picture and also has
5 those same exact pictures hard wired onto their computer
6 what's logic tell you they do with their e-mail pictures?

7 A. Save them.

8 Q. Okay.

9 MR. HOLT: Now, if I can approach, Your Honor.

10 BY MR. HOLT:

11 Q. And I want to look -- there is a lot of talk about
12 this anal sex picture, and that was an e-mail picture,
13 right?

14 A. That's correct.

15 Q. But all of these pictures were either safed on his
16 computer or from an e-mail?

17 A. That's correct.

18 Q. All right. And?

19 MR. HOLT: I guess that would be it, Your Honor. If
20 I could just publish this to the jury. No further
21 questions.

22 MR. JONES: I have nothing, Your Honor. No recross.

23 COLLOQUY

24 THE COURT: You may step down. Ladies and gentlemen
25 of the jury, I'm going to let y'all view that. As soon as

1 you are through if you will individually step back to your
2 room. We're going to take about ten minutes. All right.
3 Court's in recess, but remember the jury is present until
4 they step back.

5 (WHEREUPON, the jury panel was excused from the
6 courtroom at 2:51 p.m.)

7 (WHEREUPON, Court was in recess at 2:51 p.m. and
8 reconvened at 3:05 p.m.)

9 THE COURT: We're ready.

10 (WHEREUPON, the jury panel enters the courtroom at
11 3:05 p.m.)

12 THE COURT: Ladies and gentlemen of the jury, bare
13 with me just a minute. You rest?

14 MS. PARKER: Yes. I'm pretty confident that as long
15 as we have all of our exhibits in. I'm pretty confident
16 we have. The State rests.

17 THE COURT: Okay. With that said we're going to stop
18 now and let y'all go on cause I've got to put some matters
19 of law on the record. And we will resume in the morning,
20 okay. We'll stick with ten o'clock since the weather is
21 still pretty iffy cause I know everybody had to take their
22 time getting here this morning. We'll go with 10:00
23 instead of 9:30. I don't know when this system is going
24 to move out. So with that said y'all have a good
25 afternoon. Be careful driving home, and we'll see you at

1 10:00 in the morning and we'll finish the case up then.
2 Remember don't talk to anybody.

3 (WHEREUPON, the jury panel was excused from the
4 courtroom 3:07 p.m.)

5 MR. JONES: Your Honor, at this time the Defense
6 would make a motion for a directed verdict as to all
7 charges. Specifically, as to Indictment 2013-GS-16-0604
8 which is sexual exploitation of a minor second degree.

9 Your Honor, we would submit the State has failed to
10 present any evidence, any competent evidence, leading to
11 the guilt of this defendant. If only evidence is actually
12 the pictures themselves and the opinion evidence of
13 Sergeant Russ Harrell.

14 As to contributing to the delinquency of a minor,
15 Your Honor, specifically, that indictment which is
16 2013-16-0605. It alleges the act of the defendant in
17 giving the minor, Minor , a cell phone causing
18 her to become incorrigible.

19 Your Honor, the only testimony that was in -- that
20 was presented today from either Ms. Minor or
21 Ms. Sister was that for about ten minutes they
22 had possession of the red cell phone which contained, I
23 believe both of them said, a picture of the Defendant in
24 bikini underwear and a lady in a bathing suit.

25 And for that reason we fail -- we feel that the State

1 as failed in its burden to move that the Defendant is
2 guilty of contributing to the delinquency of a minor.

3 Your Honor, as to Indictment 2013-GS-16-0603,
4 criminal solicitation, Your Honor, that specifically says
5 that the Defendant communicate with Miss Minor
6 for the purpose of or with the intent of persuading,
7 inducing, inticing or coercing a person to engage or
8 participate in a sexual activity.

9 The only testimony that even hints of that is the
10 text message which Miss Minor specifically said
11 on the stand she never saw. I don't think, and again,
12 Tyquan Brown and Sergeant Harrell all confirmed that the
13 text message was contained as a draft and had never been
14 sent to anyone. And again, there is no proof at all that
15 the youngster saw that text or read that text.

16 I think the only person that got communicated to was
17 Tyquan Brown when he was erasing things. And then his
18 testimony was he gave it to Miss Minor's mother
19 who read it. Never sent directly to Miss McCullough or
20 given to her by way of giving her the telephone.

21 And last, Judge, 2013-GS-16-0606 is disiminating
22 harmful material to a minor specifically alleges that the
23 Defendant on or about July through September knowing the
24 character or content of the material cell phones presented
25 or distribute to the minor, Minor, material that

1 is harmful. Or that the Defendant did allow the minor to
2 review or peruse the material that is harmful to the
3 minor; specifically did knowingly give a cell phone to a
4 juvenile female which contained nudity. Particularly
5 photographs of himself.

6 And there is absolutely no testimony -- I think the
7 only mention of nudity that I recall was in the
8 interrogation of the Defendant. I believe Lieutenant
9 Hodges said nude pictures, but the child specifically says
10 bikini underwear and a lady in the bathing suit. That's
11 the only evidence was presented that she may have had
12 something in her hand that could potentially possess a nude
13 picture of the Defendant.

14 No evidence whatsoever to that charge. For all those
15 reasons we would ask that Your Honor direct a verdict in
16 favor of the Defendant on all four charges. Thank you.

17 THE COURT: Solicitor.

18 MR. HOLT: Judge, I've got to be honest with you. I
19 don't know how I can respond. I don't remember all the
20 objections from the start to respond first. So what I'm
21 going to do is just go through each indictment and explain
22 to you what evidence there is in my favor. And why I --
23 contributing to the delinquency of a minor, when gave the
24 young lady the cell phone with text messages and pictures
25 of himself in the bikini briefs he did so to propart.

1 himself or to herself as to willingly injure or endanger
2 the morals or healths of the minor, Judge. It's clear as
3 day.

4 And the statute and if you look at the bottom right
5 here in the indictment, "Or so deport himself to willingly
6 injure or endanger her morals or her health or the morals
7 and health of others." I guess that what I'm saying is
8 that common sense tells us is that the letter that was
9 saved in the drafts in the cell phone was meant for the
10 young lady.

11 You know, there is testimony that there were six or
12 seven cell phones in that house; that there was pen and
13 paper there; and that there was numerous e-mails. So this
14 Defendant clearly had every ability to write down his
15 feelings or beliefs in any other way. Common sense says
16 putting it in a text message in a phone that don't work
17 and keeping it under your pillow is crazy.

18 You know, and the fact that this one girl out of six
19 phones gets that phone he was pitching woo, and I think
20 that's been the State's position from the very beginning.
21 and the fact that he sent to a ten year old girl pictures
22 of himself in bikini briefs and a letter explaining his
23 love and his desire to kiss her so that she would never
24 again know anything more powerful I believe were the
25 words. I'm not quite so sure. He was definitely willing

1 to comport her morals in that one. That's contributing to
2 the delinquency of a minor. I believe it's correctly
3 indicted.

4 Criminal solicitation of a minor, again, for the
5 text, Judge. He is definitely asking her to engage in
6 activities with him. I mean why else would he talk about
7 taking her to the bed, laying her down. And I think, you
8 know, my -- what I have to meet here is I've got a
9 scintilla of evidence in that proports to show this is
10 true. And I say that not only do I have more than a
11 scintilla, but I've enought to get past reasonable doubt
12 in the mind of any jury with common sense.

13 Sexual exloitation of a minor. Judge, I think you're
14 looking at 41 photographs. Mr. Jones had a very
15 compelling slide show of a lot of nice looking stuff. But
16 if Your Honor, as the jury has, makes himself available to
17 look at those photographs they are clearly a girls under
18 the age of ten in what I would call pornographic poses
19 with the clothes on. Does that in itself meet this? No.
20 Does the fact that one of these girls is having anal sex
21 meet this? And I would say above and beyond.

22 You know, all I would need would be one photograph to
23 get past this. I put all of those photographs, named
24 them, and I have them in the indictment. And I certainly
25 have more than a scintilla of evidence here.

1 Desiminating harmful material to minors, Judge, if
2 the child's grandmother, Ms. Dorris, so believed that that
3 phone from the brief glimpse she saw of it needed to go
4 back into that house. Those two girls had that phone, and
5 there was something on there that they didn't need -- so
6 much so that the child's guardian got up and gave the
7 phone back to the people that had just given it to them.

8 I've got that in evidence. I've got the fact that he
9 wore those bikini briefs in photos into evidence, and I've
10 got the fact that he wrote a ten year old girl a love
11 letter all in that phone. All under that one activity,
12 and then he desiminated it to the children. And I might
13 add out of the presence of the grandmother. Grandma
14 wasn't aware of it until they were on their way out of the
15 house.

16 So, certainly, I hope I'd answered the objections.
17 It was like I said, I did not think to make notes on each
18 objection as he worked his way down the four indictments.
19 I did not believe that I have the fifth indictment, and
20 when Miss Whooten spoke with me I gladly threw it away,
21 desiminating obscene materials. But I do believe that I
22 have diseminating harmful materials, Your Honor.

23 THE COURT: All right. Y'all let me think about it.
24 I may have some questions for you in the morning.

25 MR. HOLT: Yes, sir.

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THE COURT: All right. We're adjourned until 10:00
in the morning. Or we're in recess. Excuse me.

MR. HOLT: Thank you, Judge.

END OF TRANSCRIPT OF RECORD

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSION
 COUNTY OF DARLINGTON) 2013-GS-16-00603
) 2013-GS-16-00604
) 2013-GS-16-00605
) 2013-GS-16-00606
) 2013-GS-16-00608

STATE OF SOUTH CAROLINA)
) PLAINTIFF)
 vs.) TRANSCRIPT OF RECORD
)
 LARRY TYLER)
) DEFENDANT)

February 25-27, 2013
 Darlington, South Carolina
 VOLUME 03 OF 03

B E F O R E:

THE HONORABLE PAUL M. BURCH, JUDGE; and a jury.

A P P E A R A N C E S:

JOHN W. HOLT, IV., ASSISTANT SOLICITOR
 Attorney for the State

PATTI MCKENZIE PARKER, ASSISTANT SOLICITOR
 Attorney for the State

RICHARD JONES, PUBLIC DEFENDER
 Attorney for the Defendant

DORIS BROWN,

Minor

Sister

TYQUAN BROWN,

GEORGITA BROWN,

ERIC HODGES,

SHAWN TUNSDALL,

RUSS HARRELL, Darl. Cty. Sheriff's Office

HATTIE O. GORDON
Circuit Court Reporter

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COLLOQUY

THE COURT: In regards to your motion for directed verdict, Mr. Jones, I do have some concerns. However, why there is a choak on some of these alleged offenses. The way that those particular statutes are worded. What I'm going to do at this time I'm going to deny your motion for directed verdict. But I am going to reserve the right to step back in at any time even after the jury verdict to review your motions. I'm not slamming the door on it right now. I'm going to let the jury take a look at it.

MR. JONES: Yes, sir.

THE COURT: And first of all I apologize to everyone for getting started a little bit tardy this morning, but I had inventory that I had to sign off on before I left the office. Couldn't help it. Wasn't my fault. All right. ready?

MR. JONES: Yes, Your Honor.

MR. HOLT: Yes, sir, Your Honor.

THE COURT: All right.

MR. JONES: Judge, did you want to talk to Mr. Tyler about testifying?

THE COURT: Yeah. Hold up just a minute. Okay, Mr. Jones.

MR. JONES: Yes, sir.

THE COURT: Have you discussed with Mr. Tyler his

1 Carolina v. Larry James Tyler for obscene criminal
2 solicitation of a minor. We the jury unanimously find the
3 Defendant guilty. Signed, Foreperson, Patricia Winburn.
4 February 27th 2013. If this is your verdict please so
5 signify by raising your right hand, please. All 12 jurors
6 have raised their right hand.

7 Your Honor, this is Case Number 2013-GS-16-0605, the
8 State of South Carolina v. Larry James Tyler. Indicted
9 for contributing to the delinquency of a minor. We the
10 jury unanimously find the Defendant guilty. Signed,
11 Foreperson, Patricia Winburn. February 27th 2013. If
12 this is your verdict would you so signify by raising your
13 right hand, please. All 12 jurors have raised their right
14 hand.

15 Case Number 2013-GS-16-0606, the State of South
16 Carolina v. Larry James Tyler. Indicted for disseminating
17 harmful materials to minors. We the jury unanimously find
18 the Defendant guilty. Signed, Patricia Winburn.
19 February 27th 2013. If this is your verdict would you
20 please so signify by raising your right hand, please. All
21 12 jurors have raised their right hand.

22 THE COURT: Thank you, Mr. Clerk. Thank you, ladies
23 and gentlemen of the jury for your service. Thank you
24 once again for your patience and helping us get this case
25 disposed of. Anything before the jury?

1 doing or intending to do. It was not. And I'm sorry that
2 all of this ever had to come to this.

3 THE COURT: Okay. Just looking so we will all be on
4 the same page here. Contributing can carry up to ten
5 years. All the rest carry up to ten years. 405, there is
6 no suspension on number two, and potential fines up to
7 \$5,000. On contributing that's up to \$3,000.

8 2013-603, 604, 606, the sentence of the Court is you
9 be confined in the State Department of Corrections for a
10 period of eight years. Those are concurrent sentences,
11 and get credit for 523 days.

12 On the contributing, the 605 indictment, the sentence
13 is three years. Concurrent. Same credit.

14 MR. JONES: Thank you, sir.

15 MR. HOLT: Thank you, Judge.

16 END OF TRANSCRIPT OF RECORD

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Ag. O. O. D. D.
WITNESSES

Eric Hodges

Darlington County Sheriff

Law Enforcement Case #:

495

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

**ARREST WARRANT NUMBER
DAR0940**

ARRESTED ON: Direct Presentment

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

J. B. ...

Date

FEB 21 2013

VERDICT

All Guilty

Petit Jury Foreperson

Peterson A. ...

Date

2/27/13

**DOCKET NUMBER:
2013-GS-16-0606**

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
February 2013

THE STATE

vs.

Larry James Tyler

INDICTMENT FOR

Obscene / Disseminating harmful material to minors

§16-15-0385(A)(B); 16-15-0

CDR Code: 0378

TRUE CERTIFIED COPY

Scott B. ...
**CLERK OF COURT/IMC
DARLINGTON COUNTY, S.C.**

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)

INDICTMENT FOR

Obscene / Disseminating harmful material to minors

§16-15-0385(A)(B); 16-15-0

At a Court of General Sessions, convened on February 21, 2013, the Grand Jurors of Darlington County present upon their oath:

DISSEMINATING HARMFUL MATERIAL TO MINORS

CDR: 0378 16-15-0385(A)(B),(D)

That Larry James Tyler did in Darlington County on or about July 1, 2011 to September 24, 2011, knowing the character or content of the material, sell, furnish, present or distribute to a minor, Minor _____, material that is harmful to minors, or that the defendant did allow the minor to review or peruse material that is harmful to minors, to wit: did knowingly give a cell phone to a juvenile female which contained nudity, particularly photographs of himself, in violation of Section 16-15-0385(A)(B)(D), S. C. Code of Laws, 1976, as amended.

TRUE CERTIFIED COPY,
Scott B. Jagger
CLERK OF COURT/PMC
DARLINGTON COUNTY, S.C.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

William B. Rogers, Jr.
WILLIAM B. ROGERS, JR.
SOLICITOR

120029
WITNESSES

Eric Hodges

Darlington County Sheriff

Law Enforcement Case #:

495

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
DAR0937

ARRESTED ON: Direct Presentment

ACTION OF GRAND JURY

True Bill

Grand Jury Foreperson *J. Bullock*

Date FEB 21 2013

VERDICT

All Guilty

Petit Jury Foreperson *Patricia H. Winham*

Date *2/27/13*

DOCKET NUMBER:
2013-GS-16-0603

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
February 2013

THE STATE

vs.

Larry James Tyler

INDICTMENT FOR

Obscene / Criminal solitation of a minor

§16-15-0342

CDR Code: 3129

TRUE CERTIFIED COPY
Scott B. Sugar
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

INDICTMENT FOR

Obscene / Criminal solitation of a minor

§16-15-0342

At a Court of General Sessions, convened on February 21, 2013, the Grand Jurors of Darlington County present upon their oath:

CRIMINAL SOLICITATION OF A MINOR

CDR: 3129 16-15-342(A)(E)

That Larry James Tyler, a person eighteen years of age or older, did in Darlington County, on or about July 1, 2011 to September 24, 2011, knowingly contact or communicate with or attempt to contact or communicate with Minor _____, a person who is under the age of eighteen, or a person reasonably believed to be under the age of eighteen, for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in a sexual activity as defined in Section 16-15-375(5), or with the intent to perform a sexual activity in the presence of that person, in violation of Section 16-15-342, S. C. Code of Laws, 1976, as amended.

TRUE CERTIFIED COPY
Est. B. J...
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

William B. Rogers, Jr.
WILLIAM B. ROGERS, JR.
SOLICITOR

M. D. D.
WITNESSES

Eric Hodges

Darlington County Sheriff

Law Enforcement Case #:

495

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
DAR0938

ARRBSTED ON: Direct Presentment

ACTION OF GRAND JURY

~~True Bill~~

Grand Jury Foreperson

B. B. Jones

Date

FEB 21 2013

VERDICT

All Guilty

Petitioner Foreperson

Patricia A. Williams

Date

2/27/13

DOCKET NUMBER:
2013-GS-16-0604

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
February 2013

THE STATE

vs.

Larry James Tyler

INDICTMENT FOR

Sex / Sexual exploitation of a minor, Second degree

§16-15-0405(A)

CDR Code: 0380

TRUE CERTIFIED COPY

B. B. Jones
CLERK OF COURT/PMC
DARLINGTON COUNTY, S.C.

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)

INDICTMENT FOR

Sex / Sexual exploitation of a minor, Second degree

§16-15-0405(A)

At a Court of General Sessions, convened on February 21, 2013, the Grand Jurors of Darlington County present upon their oath:

SEXUAL EXPLOITATION OF A MINOR, SECOND DEGREE

CDR: 0380 16-15-0405(D)

That Larry James Tyler did in Darlington County on or about July 1, 2011 to September 24, 2011, knowing the character or content of the material, did distribute, transport, exhibit, receive, sell, purchase, exchange, or solicit material that contains a visual representation of a minor engaged in sexual activity, or he did record, photograph, film, develop, duplicate, produce, or create digital electronic file material that contains a visual representation of a minor engaged in sexual activity, to include image number(s):

448595.jpg (Russian Website); 549632, Z51G3mh4YO; Z5163mh4YO (image file #2); wcfYVtY4N; WcfY1VtY4N (image 2); tn85972_61_2205; #1-005.jpg; #2-006.jpg; #5-20.jpg.jpeg; #6-216.jpg; #7-22.jpg.jpeg; #8-221.jpg; #9-Copy-231.jpg; #12-47.jpg.jpeg; #13-68.jpg.jpeg; #14-82.jpg.jpeg; #15-02.jpg.jpeg; #16-03.jpg.jpeg; #17-Cherish006.jpg; #18-cutie.jpg.jpeg; #19-stella0012.jpg; #20-sugar.jpeg; #21-sugar0013.jpg; #22-sugar0018.jpg; #26-tn32.jpg.jpeg; #27-tncherish010.jpg.jpeg; #28-tndarling0017.jpg.jpeg; #29-tndarling0018.jpg.jpeg; #30-tnliliana0007.jpg.jpeg; #31-tnliliana0017.jpg.jpeg; #32-tnliliana0025.jpg.jpeg; #33-tnlolly0002.jpg.jpeg; #34-tnlolly0003.jpg.jpeg; #35-tnlolly0017.jpg.jpeg; #36-tnlolly0028.jpg.jpeg; #37-tnpeach0016.jpg.jpeg; #38-tnpcach0026.jpg.jpeg; #39-tnpeach0027.jpg.jpeg; #40-tnstella0031.jpg; #11-416c85285a.jpg.jpeg, in violation of Section 16-15-0405, S. C. 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.

TRUE CERTIFIED COPY,

Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

William B. Rogers, Jr.
WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Eric Hodges
Darlington County Sheriff
Law Enforcement Case #:

495

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
DAR0939

ARRESTED ON: Direct Presentment

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

S. Bullock

Date

FEB 21 2013

VERDICT

All Guilty

Perit Jury Foreperson

Patricia J. Winburn

Date

2/27/13

DOCKET NUMBER:
2013-GS-16-0605

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
February 2013

THE STATE

vs.

Larry James Tyler

INDICTMENT FOR

Minor / Contributing to the delinquency of a minor

§16-17-0490

CDR Code: 0048

TRUE CERTIFIED COPY

Scott B. Sugar
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

INDICTMENT FOR

Minor / Contributing to the delinquency of a minor

§16-17-0490

At a Court of General Sessions, convened on February 21, 2013, the Grand Jurors of Darlington County present upon their oath:

CONTRIBUTING TO DELINQUENCY OF MINOR

CDR: 0048 16-17-0490

That Larry James Tyler, being over eighteen (18) years of age, did in Darlington County, on or about July 1, 2011 to September 24, 2011, knowingly and willfully encourage, aid, or cause or influence one Minor, a minor, to violate a law or municipal ordinance; or to become incorrigible or ungovernable and beyond the control of her parents or guardian; or to become habitually truant, or to without just cause and without consent of her parent or guardian to repeatedly desert her home; or to engage in an occupation which is in violation of the law; or to associate with immoral or vicious persons, or to frequent a place the existence of which is in violation of law; or to habitually use obscene or profane language; or to beg or solicit alms in a public place under pretence; or to so deport herself to willfully injure or endanger her morals or health or the morals or health of others, in violation of Section 16-17-490, S. C. Code of Laws, 1976, as amended.

TRUE CERTIFIED COPY,
Scott B. Jeger
CLERK OF COURT/RMD
DARLINGTON COUNTY, S.C.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


William B. Rogers, Jr.

WILLIAM B. ROGERS, JR.
SOLICITOR

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

October 14th, 2013



Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

October 14th, 2013



Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA /
IN THE COURT OF APPEALS

Appeal from Darlington County
Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

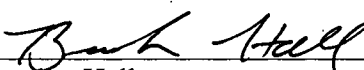
LARRY TYLER,

APPELLANT

APPELLATE CASE NO. 2013-000466

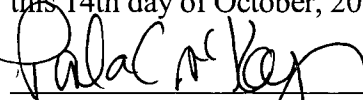
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Jennifer Ellis Roberts, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 14th day of October, 2013.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 14th day of October, 2013.



(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.

RECEIVED

OCT 14 2013

SC Court of Appeals