

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

R. Markley Dennis, Jr., Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT,

V.

SIDNEY STCLAIR MOORER,

APPELLANT

APPELLATE CASE NO. 2017-001876

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA) TRANSCRIPT OF RECORD
2 COUNTY OF HORRY) CASE NO.:2017-GS-26-01320
3
4 -----

5 August 28-30, 2017

6 BEFORE: The Honorable Markley Dennis
7 -----

8 STATE OF SOUTH CAROLINA,

9 Plaintiff,

10 vs.

11 SIDNEY ST. CLAIR MOORER,

12 Defendant.
13 -----

14
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20 Kirk Truslow, Esq.
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22 Attorneys for the Defendant.
23

24 Official Court Reporter

25 Natalie Dahl, RPR

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OPENING STATEMENT - MR. HOLFORD

1 MR. HOLFORD: Thank you, Your Honor. May it
2 please the Court?

3 THE COURT: Yes, sir.

4 MR. HOLFORD: Good afternoon, ladies and
5 gentlemen of the jury. We've all seen TV, probably
6 heard of the First 48. Now, generally in this
7 courtroom I will tell you nothing is like it is on TV,
8 and that's true. But what that episode tells us is
9 the importance of the early stages of an
10 investigation. What do we have in this case? A
11 missing person. The early stages of the investigation
12 are the most important, the most crucial. Those
13 leads, that time has got to be honest, reliable,
14 direct for law enforcement to do their job, for us to
15 find the missing person.

16 Let me take you back to December 18, 2013.
17 Heather Elvis, a 20-year-old female, goes missing. At
18 this point, we don't know that she's necessarily
19 missing. All we know is that her car is at Peachtree
20 Landing on December the 18th. It is noticed by law
21 enforcement. It seems a little weird, nothing too out
22 of the ordinary.

23 December 19th, 2013, that same car is still
24 there at the Peachtree Landing. It raises a little
25 bit of concern. So what does law enforcement do?

OPENING STATEMENT - MR. HOLFORD

1 They go to the father, Terry Elvis. Hey, you are the
2 registered owner of this car. No, my daughter drives
3 that car. I haven't seen her or talked to her in two
4 days.

5 Now, we're getting a little bit alarmed. Why has
6 her car been there for two days? Where is Heather?
7 He goes to where Heather works, Tilted Kilt, talks to
8 the manager. The manager gives him a name, says,
9 Sidney Moorner, call his number. He's going to know
10 where Heather is. Officer calls Sidney Moorner on
11 December 19th, probably around 10 o'clock at night,
12 talks to him. He says, You know, we really haven't
13 had much conversation since October, maybe November.
14 He's dating himself about six weeks back. During that
15 phone conversation, Oh, actually, you know what, I
16 might have talked to her last night. Based on that,
17 Danny Furr with the Horry County Police Department
18 talks to another road officer and says, Hey, why don't
19 you talk to him. It seemed kind of weird that at
20 first he may not remember talking to her the day
21 before.

22 They go out there, and at this point, still a
23 missing person. Now, we're in the early morning hours
24 of December 20th. A little before 2:00 a.m., road
25 officers go out and talk to Sidney Moorner, the

OPENING STATEMENT - MR. HOLFORD

1 defendant. They have a conversation. It's caught on
2 camera. You'll hear that conversation. Again,
3 distancing himself. You know, we had some
4 conversations back in October, November. I don't
5 really know. Oh, yeah, and then she called me maybe a
6 day or two ago. I can't really remember.

7 Move forward later in the 20th, the police
8 investigating this whole time. Now, we have a
9 conversation with detectives and with Sidney Moorner.
10 There is more evidence. They have done a little more
11 homework. We found out there was a pay phone call.
12 They found out there is more than just one phone call.
13 They found phone records, and they confront the
14 defendant with this information. At this point, his
15 story starts to change. The web of lies start. He
16 has himself in this web that he's created for himself,
17 deceit, dishonesty.

18 He's still saying at this point, Most of my
19 conversation was back in October, early November, but,
20 yeah, you know, I think she called me that night.
21 What was it about? I told her to leave me alone.
22 What about the pay phone call? Did you call her? Um,
23 I don't know. Do they even make pay phones anymore?
24 Turns out he did.

25 Let's move to today. What do we know? We know

OPENING STATEMENT - MR. HOLFORD

1 that Heather Elvis had her last contact, whatsoever,
2 phone records, at about 3:41 a.m., December 18th.
3 She talked to Sidney Moorner in the early morning hours
4 from that same cell phone for a little over four
5 minutes. Does that sound like a
6 hey-just-leave-me-alone conversation?

7 What happened before that is even more
8 intriguing. Sometime after midnight, around 1:30,
9 1:35, the defendant, Sidney Moorner, went to a pay
10 phone. He had a working cell phone; we have his
11 records, making calls, receiving calls, sending
12 texts --

13 MR. TRUSLOW: Your Honor, object. Can we
14 approach, please?

15 THE COURT: Yes.

16 (Whereupon, a bench conference was had.)

17 THE COURT: Keep to the terms of the indictment.

18 MR. HOLFORD: The indictment alleges that Sidney
19 Moorner obstructed justice. The conversation he had
20 with detectives on the 20th, that conversation he
21 had with law enforcement in the early morning hours of
22 the 20th, mentions nothing about a pay phone call.
23 You'll hear, and evidence will show, that this
24 defendant did make a pay phone call to Heather Elvis.
25 He never brought that up. He never talked about that.

OPENING STATEMENT - MR. HOLFORD

1 Don't you think that is important in a missing person
2 investigation? Don't you think it is important if you
3 are the last person to have contact with someone that
4 goes missing, that you would be open, honest, that you
5 would disclose fully? Absolutely.

6 As law enforcement will tell you when they take
7 the stand, first couple of days, 24, 48, 72 hours of
8 an investigation is the most crucial time. What could
9 law enforcement have done if they had the correct
10 information early on? What direction would law
11 enforcement not have gone if the defendant had been
12 honest early on? Here we are August 28th, 2017,
13 Heather Elvis, 20-year-old female is still missing.
14 Could that have been changed if that defendant didn't
15 obstruct the investigation? Could law enforcement
16 have run down the proper leads? Realized that this
17 was a little more suspicious than they thought it was
18 in the beginning?

19 The State has charged Sidney Moorner with
20 obstructing justice in this case. That is exactly
21 what he did. His dishonesty, deceit, led
22 investigators down one path and they had to circle
23 back to a different investigation, more investigation.
24 Then they had to follow-up on the story he told.
25 You'll hear it. It doesn't make sense. Why wouldn't

OPENING STATEMENT - MR. GALMORE

1 he just be honest? He was the last person that talked
2 to her, twice. Once from a pay phone. Why? So law
3 enforcement would not find Heather Elvis? So that he
4 would obstruct the investigation to find a missing
5 person.

6 At the end of this trial, my co-counsel, Nancy
7 Livesay, she'll get up before you and ask you to find
8 him guilty. Thank you.

9 THE COURT: All right.

10 MR. GALMORE: May it please the Court?

11 THE COURT: Mr. Galmore.

12 MR. GALMORE: Good afternoon. I would like to
13 talk to you this afternoon about roles and
14 responsibilities, that is because everyone involved in
15 this case has a role and has a responsibility to this
16 case. You've already met some of your bailiffs and
17 deputies, and right now you've probably figured out
18 what their responsibilities are. They are here for
19 your security. They are here for your comfort and
20 needs while you are in the jury room and while you are
21 deliberating this case.

22 We have madam court reporter. Her job is to take
23 down a written transcript of everything that is said
24 in court today. She records what I am saying to you
25 now, and she will also record what the witnesses say

OPENING STATEMENT - MR. GALMORE

1 from this witness stand. Why is that important?
2 Because the judge alluded to it earlier, what I say is
3 not evidence. What the solicitors say is not
4 evidence. Evidence comes from the witness stand and
5 you will have an opportunity to hear that evidence,
6 and you will have an opportunity to evaluate that
7 evidence for yourself.

8 Madam clerk, her job is to keep a record of not
9 only this case, but everything that happens in the
10 Horry County courthouse, be it general sessions or,
11 like Judge Hyman said this morning, common pleas, be
12 it a deed or mortgage or will. These are all
13 different things that the clerk of court is
14 responsible for keeping records of. I have no doubt
15 that she will be able to perform her duty admirably
16 today.

17 You've met the attorneys. Mr. Truslow and I
18 represent the defendant, and the State represented by
19 Nancy Livesay and Josh Holford. They are the
20 prosecution; we're the defense. They are going to
21 advocate as zealously as they can for their position,
22 and so will we. That is their job, and that is our
23 job. Your Honor's job is to resolve any disputes
24 between the parties. So if, for whatever reason, the
25 prosecution and defense counsel cannot agree upon

OPENING STATEMENT - MR. GALMORE

1 something, one of us will stand up, just like you see
2 in television, and say object, and the Judge will
3 decide which way to go from there. That is his job,
4 to resolve the disputes between the parties.

5 He has several jobs, I don't profess to tell you
6 everything that a judge is supposed to do, but one of
7 his jobs also -- and he alluded to it earlier -- is
8 the judge of the law. So what does that mean? When
9 this case has concluded, you will have the facts, that
10 is the evidence, and the Court will give you the law.
11 Your job as jurors is to apply the law to the evidence
12 in order to figure out one simple thing, has the State
13 of South Carolina met its burden of proof?

14 The burden of proof is a very important standard,
15 because that is the standard of the law. That burden
16 of proof is the State has to prove the guilt of the
17 accused beyond a reasonable doubt. So we need to
18 figure out what that means exactly. You can have a
19 doubt about anything you want. You can have a doubt
20 that the sun will rise in the morning. You could have
21 a doubt that there are fish in the Waccamaw River. I
22 will submit to you that is probably an unreasonable
23 doubt. The sun has been coming out every day for
24 about 4.6 billion years, it probably will come up
25 again tomorrow. That is an example of an unreasonable

OPENING STATEMENT - MR. GALMORE

1 doubt.

2 But now when you are done with this case, you
3 will have to apply that standard to the evidence that
4 the State gives you, and you have to figure out
5 whether the State has met its burden of proof, whether
6 the State has proven the guilt of the accused beyond a
7 reasonable doubt. Different people say it different
8 ways. I say it like this. You have to be firmly
9 convinced of the guilt of the accused. Once you hear
10 the evidence, once you hear the law, once you go back
11 into the jury room and begin deliberating, keep that
12 phrase in mind. You have to be firmly convinced of
13 the guilt of the excused.

14 Now, I've talked about everyone's job in here
15 today except your own, and that is because you jurors
16 have the most important job in the courtroom today.
17 You have to listen to this evidence, and you have to
18 decide. So let me try to give you one or two pointers
19 to help you.

20 I'm not going to talk about evidence, because we
21 haven't presented any evidence yet, so I'll talk about
22 something that you can work with. As a juror, we ask
23 you to keep an open mind. That means don't make any
24 assumptions, don't jump to conclusions, don't rush to
25 judgment. This trial should not take very long. You

OPENING STATEMENT - MR. GALMORE

1 will be able to hear all of the evidence for yourself,
2 not just statements from counsel, but evidence from
3 witnesses. Listen to all the evidence. Listen to
4 what counsel has to say, but in the end, you can't
5 really truly make a decision until you have all of the
6 information at hand, so that is why I ask you not to
7 jump to any conclusions. That is why I ask you to
8 keep an open mind and listen to everything, because
9 this is the part of the case where that is what you
10 are supposed to do, listen to the evidence.

11 I'll tell you this. You have no friends to
12 reward and no enemies to punish. Each of you has been
13 asked have you heard about this case, the news, rumor,
14 gossip, all of that stuff. Each and every one of you
15 said that you could set aside all of that and you
16 could decide this case based solely on the evidence
17 presented from that witness stand. That is very
18 important, because right now all of you have heard
19 something about it, but that is not the point. The
20 point is that is not evidence, so that's not here
21 today, and you all have said that is not here today.
22 You are here to judge this case on what evidence comes
23 from that witness stand, and that alone.

24 Now, there is a case of obstruction of justice.
25 Basically the State is saying Sidney Moorner impeded,

OPENING STATEMENT - MR. GALMORE

1 hampered, prevented or obstructed this investigation
2 in some way. When you hear the evidence at the end of
3 this case, you will ask yourself what Kirk and I have
4 been asking ourselves for months, What are they
5 talking about? In what way was anything obstructed?
6 You will have an opportunity to listen to each
7 witness.

8 This case boils down to only two things: A
9 statement given at 2:00 a.m. on December the 20th,
10 and a follow-up statement given later on in the day.
11 When you listen to those two statements, and you
12 listen to the officers' questions, you will come away
13 with the same conclusion that I have come away with,
14 did Sidney Moorer obstruct this case? No. Did Sidney
15 Moorer prevent this case? No. Did Sidney Moorer
16 impede this investigation? No. Did Sidney Moorer
17 hamper this investigation? No.

18 Jury service is something that no one exactly
19 really wants to do, and we understand that and we
20 appreciate that. This is an important case. We have
21 46 counties in South Carolina, and all throughout the
22 State this Monday afternoon, in each of those other
23 counties, just like here, jury trials are starting up,
24 cases are being heard and decided, citizens by normal,
25 regular, average people. So on the one hand, you are

DANNY FURR - DIRECT EXAMINATION

1 special because we need you for this case. On the
2 other hand, this is a process that goes on everywhere
3 in all 46 counties in this state, all 50 states in
4 this union, jurors are deciding cases.

5 When you decide this case, you don't leave your
6 commonsense on the courthouse steps. Your common
7 sense comes with you. Your life experience, all of
8 that comes into play in deciding this case. I ask you
9 once again to listen to all of the evidence, to not
10 rush to any conclusions or judgments, to listen to
11 counsel, and at the end of the case I submit to you
12 that Sidney Moorner is not guilty of this offense.
13 Thank you.

14 THE COURT: Thank you. You may call your first
15 witness.

16 MR. HOLFORD: State calls Sergeant Danny Furr.

17 (DANNY FURR, having been duly sworn, testified
18 as follows:)

19 THE CLERK: State your full name and spell your
20 first and last name.

21 THE WITNESS: Danny Lamar Furr the Second,
22 D-A-N-N-Y, F-U-R-R.
23
24

25 DIRECT-EXAMINATION

DANNY FURR - DIRECT EXAMINATION

1 BY MR. HOLFORD:

2 Q Sergeant Furr, where are you currently employed?

3 A Horry County Police Department.

4 Q Am I correct in your rank at the moment?

5 A Yes, sergeant.

6 Q How long have you been employed at Horry County

7 PD?

8 A About 18 years.

9 Q Back in December of 2013, were you still employed
10 there?

11 A I was.

12 Q And what was your rank at that time?

13 A Corporal.

14 Q Walk me through just very briefly, what is the
15 difference in rank mean?

16 A At the time I was corporal, I was a
17 second-in-command shift supervisor. Now, as a
18 sergeant, I run a shift as primary command of that
19 shift.

20 Q And are you in investigations, are you on the
21 road?

22 A I'm in the patrol division, south precinct.

23 Q So you have a car?

24 A I do, yes, sir.

25 Q And you run a division of patrolmen?

DANNY FURR - DIRECT EXAMINATION

1 A Yes, I do.

2 Q Back in December of 2013, did you become involved
3 in this case with Sidney Moorner?

4 A I did.

5 Q And what date was that?

6 A I want to say the 19th of December.

7 Q Okay. And how did you become involved in the
8 case?

9 MR. TRUSLOW: Your Honor, I'm going to object to
10 any testimony of his involvement prior to
11 December 20th.

12 THE COURT: I'll allow this leeway. Overruled.

13 MR. HOLFORD: Thank you, Your Honor.

14 Q (MR. HOLFORD) How did you become involved in
15 this case?

16 A One of my officers notified me of the call, and
17 he responded, an officer that I was in charge of that
18 night.

19 Q What type of call was it?

20 A It was a suspicious vehicle at a landing in our
21 jurisdiction, Horry County.

22 Q So when you responded, what did you do?

23 A My officer actually was the one that actually
24 responded to the scene.

25 Q Okay. And so what did you do on the 19th?

DANNY FURR - DIRECT EXAMINATION

1 A After he responded and notified me of --

2 MR. TRUSLOW: Objection, anything the other
3 officer said or did.

4 THE COURT: Sustained.

5 Q (MR. HOLFORD) You can't talk about what the
6 other officer said or did, but what did you do as a
7 result of what he told you?

8 A I started investigating on my own and trying to
9 track down leads.

10 Q Who were you looking for?

11 A I was looking for Heather Elvis.

12 Q Where did you go to start?

13 A The first place I went was her place -- what I
14 was told to be her place of employment.

15 Q Where was that?

16 A Tilted Kilt, a bar and restaurant.

17 MR. TRUSLOW: Objection, Your Honor, irrelevant.

18 THE COURT: Overruled.

19 Q (MR. HOLFORD) You can't say what someone told
20 you, but were you led to anyone else?

21 A I was.

22 Q And who were you led to?

23 A Sidney Moorner.

24 Q And so did you -- is Sidney Moorner in the room?

25 A Yes, he is.

DANNY FURR - DIRECT EXAMINATION

1 Q Is he the defendant sitting at the table?

2 A Yes, he is.

3 Q Did you get his phone number?

4 A I did.

5 Q Not from him?

6 A No.

7 Q But did you --

8 MR. TRUSLOW: Objection, leading.

9 THE COURT: Overruled.

10 Q (MR. HOLFORD) Did you call him on the 19th?

11 A I did.

12 Q And did you have a conversation with him?

13 A I did.

14 MR. TRUSLOW: Objection, Your Honor, to any
15 conversation on the 19th.

16 THE COURT: I'll allow the question. Overruled.

17 Q (MR. HOLFORD) Did you have a conversation with
18 him on the 19th?

19 A I did.

20 Q How many times -- did you call him more than
21 once?

22 A I called him once.

23 Q And tell me how that went? Did he pick up?

24 A He did not. I left a message.

25 Q But did you actually talk to him?

DANNY FURR - DIRECT EXAMINATION

1 A I did.

2 Q And what did he tell you?

3 A Starting at the beginning of the conversation?

4 Q Well, what -- all right. What were you asking
5 him?

6 A I was asking him if he had any information on the
7 whereabouts of Heather Elvis.

8 Q What did he tell you?

9 A He said he hasn't spoken to her in approximately
10 six weeks.

11 MR. TRUSLOW: Objection, Your Honor, asked to be
12 stricken from the record. It's a statement of my
13 client. We're here for --

14 THE COURT: Overruled under 801.

15 Q (MR. HOLFORD) What did he tell you about this
16 conversation with Heather?

17 A He said that he hadn't spoken to her in six
18 weeks, and that he only spoke to her to tell her to
19 stop contacting him.

20 Q Did he later change his statement in the same
21 conversation?

22 A He did. He then stated that he had spoken to her
23 the night before.

24 Q And so what did you do as a result of that
25 conversation you had with him on the phone?

DANNY FURR - DIRECT EXAMINATION

1 A As a result of that conversation, I sent an
2 officer to him in person to speak with him in reference
3 to a follow-up.

4 Q And tell me, was it based on the conversation?
5 Why would you send an officer out there?

6 A I felt as if the story had changed and there was
7 going to be more questions and more follow-up to be
8 done with him.

9 Q Now, did you go out there yourself?

10 A I did not.

11 Q Why?

12 A I actually sent the original officer who went to
13 the landing that was -- that took the original call, I
14 sent him out there.

15 Q Did you call your supervisor or anyone else?

16 A No.

17 Q How were you proceeding at this point?

18 A I was proceeding in finding a possible missing
19 person.

20 Q Did he ever tell you about a pay phone call?

21 A No.

22 Q Did he ever mention that he talked to her twice
23 that night?

24 A No.

25 Q And so based on the information you had, you sent

DANNY FURR - CROSS-EXAMINATION

1 someone else to speak to him?

2 A I did.

3 Q If you had known about a pay phone call or that
4 he had talked to her twice after midnight, would you
5 have done anything different?

6 A I would have, yes.

7 Q First, tell me what you may have done different?

8 A One, I probably would have gone out there myself.
9 And, two, with the additional information, it would
10 have led me to contact Investigations.

11 Q And why would that make a difference?

12 A Because it would end up being a suspicious
13 missing person.

14 Q Because there is a difference, right?

15 A There is.

16 Q You have worked missing persons cases before,
17 haven't you?

18 A Absolutely.. Yes, sir.

19 Q And so you are telling the jury that when it is
20 suspicious, you might handle it a little differently?

21 A Yes. When it is suspicious, we contact our
22 investigations department.

23 MR. HOLFORD: No further questions at this time.

24 THE COURT: Cross-examination.

25 CROSS-EXAMINATION

DANNY FURR - CROSS-EXAMINATION

1 BY MR. TRUSLOW:

2 Q Do you have a recording of the phone call you had
3 with my client that you're talking about?

4 A I do not.

5 Q May I see the report that you made about that?

6 A The report that who made?

7 Q You. The police report, incident report, that
8 you all do to, you know, memorialize what you have done
9 on your job.

10 A I don't have a copy of that with me.

11 Q Do you know where a copy is?

12 A I don't.

13 Q Have you ever given the Solicitor's Office a
14 copy?

15 A I have not.

16 Q Okay. So you don't know where it is, correct?

17 A I don't.

18 Q Never have given it to the Solicitor's Office?

19 A I don't know. I don't know.

20 Q You don't know, or you didn't?

21 A I didn't.

22 Q You didn't give it to them? You didn't give it
23 to me, did you?

24 A No, sir.

25 Q And this is 2013?

DANNY FURR - CROSS-EXAMINATION

1 A Yes, sir.

2 Q How many years is that? Three-and-a-half?

3 A Almost four.

4 Q Almost four years. Okay. You never told anyone
5 this before?

6 A About the?

7 Q Your phone call.

8 A Yes.

9 Q Who did you tell?

10 A The Solicitor's Office.

11 Q When?

12 A It's --

13 Q Recently?

14 A It's indicated in the report, so whenever they
15 got the report.

16 Q What report? What report? You said you didn't
17 give them one?

18 A I didn't give them the report, specifically,
19 myself, no.

20 Q What report are you talking about now?

21 A The report in which another officer completed.

22 Q You gave him another person's report?

23 A I didn't give them a report.

24 Q Okay. How many reports did you give them?

25 A I personally did not give them any reports.

DANNY FURR - CROSS-EXAMINATION

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

3 A The report which the responding officer
4 completed.

5 Q About what he did?

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

8 Q So does it have information about you?

9 A Yes, it does.

10 Q Can I see it?

11 A I don't have a copy.

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

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

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

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

18 (Whereupon, a bench conference was had.)

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

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

25 THE COURT: We had a bench conference concerning

DANNY FURR - CROSS-EXAMINATION

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

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

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

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

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

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

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

DANNY FURR - CROSS-EXAMINATION

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

3 MR. HOLFORD: I do, Your Honor.

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

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

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

9 MR. HOLFORD: No, Your Honor.

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

14 MR. HOLFORD: Yes, sir.

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

17 MR. TRUSLOW: Two minutes, Your Honor.

18 THE COURT: All right.

19 (A brief pause in the proceedings.)

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

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

DANNY FURR - CROSS-EXAMINATION

1 established that he has given it to you, that's fine.

2 And I don't find there has been any failure to

3 disclose any reports. Thank you, Solicitor.

4 MR. HOLFORD: Thank you, Your Honor.

5 MR. TRUSLOW: Ready to proceed.

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

8 MR. HOLFORD: Yes, Your Honor.

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

10 MR. TRUSLOW: I do.

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

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

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

16 MR. HOLFORD: Yes, sir.

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

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

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

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

25 THE COURT: You may.

DANNY FURR - CROSS-EXAMINATION

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

3 A Yes, sir.

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

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

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

11 THE COURT: You want it admitted?

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

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

16 COURT REPORTER: 1.

17 THE COURT: 1. Thank you.

18 (Defendant's Exhibit 1 marked.)

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

23 A Yes, sir.

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

DANNY FURR - CROSS-EXAMINATION

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

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

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

9 A Yes.

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

13 A He did, yes.

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

16 A Yes, it is.

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

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

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

23 A Uh-huh.

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

DANNY FURR - CROSS-EXAMINATION

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

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

4 A It was written by my supporting officer.

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

6 A I did not.

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

10 A I didn't write that.

11 Q Do you write reports at all?

12 A I do.

13 Q How many a day?

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

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

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

21 Q What were you at this point?

22 A Corporal.

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

25 A I do.

DANNY FURR - REDIRECT EXAMINATION

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

3 A Yes.

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

5 A No, that officer did.

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

7 A Yes, sir.

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

10 A Yes.

11 Q -- or this document?

12 A Yes.

13 Q The only report we've got?

14 A Yes.

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

17 A It does state that.

18 Q Six weeks.

19 A Six weeks, excuse me.

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

21 Redirect?

22 REDIRECT-EXAMINATION

23 BY MR. HOLFORD:

24 Q Sergeant Furr.

25 A Yes, sir.

DANNY FURR - REDIRECT EXAMINATION

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

3 A I did not.

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

6 A Yes.

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

8 A Yes, sir.

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

10 A Yes, sir.

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

14 A That is. That is it, yes.

15 Q But you didn't make a report?

16 A I did not.

17 Q Why?

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

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

22 A It is, yes.

23 Q And is that what happened in this case?

24 A Yes.

25 Q Is that out of the ordinary?

DANNY FURR - RECROSS-EXAMINATION

1 A No.

2 Q Does that happen --

3 A All the time.

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

6 A Yes.

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

10 A Yes, it does.

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

13 A He did not.

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

16 A No.

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

19 A No.

20 Q In the past six weeks?

21 A No, sir.

22 MR. HOLFORD: Nothing further.

23 THE COURT: Recross?

24

25

DANNY FURR - RECROSS-EXAMINATION

RECROSS-EXAMINATION

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BY MR. TRUSLOW:

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

A I remember six weeks.

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

A Casey Canterbury.

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

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

Q Why do you make reports in the first place?

A To document the situation.

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

A They are relevant as we are doing them.

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

A At trial, yes.

Q And what is a trial?

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

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

A Uh-huh.

DANNY FURR - RECROSS-EXAMINATION

1 THE COURT: Is that a yes?

2 A Yes.

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

6 A Whether someone is guilty or innocent.

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

8 A The jury.

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

11 A Absolutely.

12 Q To assist them?

13 A Yes.

14 Q When we want to prosecute somebody?

15 A Yes.

16 Q And convict them?

17 A Yes.

18 Q And that is why we write reports?

19 A Yes, sir.

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

22 A Yes.

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

25 A Yes.

DANNY FURR - RECROSS-EXAMINATION

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

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

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

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

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

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

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

16 A I don't remember the weekend.

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

19 MR. HOLFORD: Objection, relevance.

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

22 MR. HOLFORD: Thank you.

23 MR. TRUSLOW: No further questions.

24 THE COURT: Thank you. You may come down, sir.

25 Call your next witness, please.

BRIAN SCALES - DIRECT EXAMINATION

1 MR. HOLFORD: State calls Brian Scales.

2 MR. HOLFORD: Your Honor, the State would ask
3 that Danny Furr be excused from his subpoena?

4 MR. TRUSLOW: No objection.

5 THE COURT: You are free to leave.

6 (BRIAN SCALES, having been duly sworn,
7 testified as follows:)

8 THE WITNESS: My name is Brian Scales,
9 S-C-A-L-E-S.

10 DIRECT-EXAMINATION

11 BY MR. HOLFORD:

12 Q Detective Scales, where are you currently
13 employed?

14 A I'm currently am employed at Horry County Police
15 Department.

16 Q And I know I just gave it away, but what is your
17 rank there?

18 A I'm a detective.

19 Q How long have in Horry County Police Department?

20 A A little over six years.

21 Q And have you always been a detective?

22 A No.

23 Q When were you -- when were you moved to criminal
24 investigations or to be a detective?

25 A August of last year.

BRIAN SCALES - DIRECT EXAMINATION

1 Q Okay. And so where were you on December 2013
2 within the department?

3 A I was a patrolman for the central precinct. I
4 was assigned to the uniform patrol division.

5 Q Does that mean you were a road officer?

6 A Yes.

7 Q You had a car?

8 A That's correct.

9 Q And you would respond out to places?

10 A That's correct.

11 Q And did you have a chance to respond somewhere on
12 December 2013 for this case?

13 A I did.

14 Q And tell me, what date was that?

15 A I believe it was December 20th.

16 Q Okay. During the day, at night?

17 A It was late at night.

18 Q And what was your involvement? What did you do?

19 A I was contacted by Officer Canterbury. He was
20 investigating a missing person's case. He asked me to
21 respond with him to this address in order to question
22 Mr. Moorer in reference to a missing person.

23 Q So you responded to question the defendant?

24 A That's correct.

25 Q Now, you said you were driving a vehicle. Is

BRIAN SCALES - DIRECT EXAMINATION

1 that vehicle equipped with audio and video recording?

2 A Yes, it is.

3 Q And did you happen to record that conversation?

4 A I did.

5 Q Who all was out there with you?

6 A Myself, Officer Cantebury and Officer Caulder.

7 Q At this point, December 20th, what did you
8 know? What were you doing? What were you
9 investigating?

10 A I knew very little about the case at the time.
11 All I knew is we were investigating a missing person,
12 and the person we were going to question, Mr. Moorner,
13 we believed to be the last person to have spoken to
14 her.

15 Q Did you, in fact, have a video or audio recording
16 of that conversation?

17 A We did.

18 Q How did you have that? What did it tape on?

19 A I'm not understanding the question.

20 Q Did you have a video camera with you, was it a
21 body camera?

22 A I'm sorry. No, it was our in-car video system.
23 There was a camera inside my vehicle and I had a
24 microphone on my person.

25 Q And so it would have picked up a conversation you

BRIAN SCALES - DIRECT EXAMINATION

1 had with someone and record it in the car?

2 A That's correct.

3 Q Tell me a little bit about that system. How does
4 it record, and how does someone get ahold of it?

5 A It is all digital. There is a hard drive that is
6 actually in the vehicle. And it -- as you activate the
7 camera, it will record onto the hard drive. And then
8 from there, to preserve the video, we take the hard
9 drive and download it onto the server at one of the
10 downloading stations at our precincts.

11 Q Now, at that point, did you have an arrest
12 warrant for the defendant?

13 A No, we did not.

14 Q When you showed up, did you knock on his door?

15 A No. He met us outside.

16 Q And so tell me about that interaction. Did you
17 handcuff him?

18 A No, we did not.

19 Q Did you put him in your car?

20 A No.

21 Q Did you say he was under arrest?

22 A No, we did not.

23 Q Why not?

24 A Because he was not under arrest.

25 Q What were you doing at this point?

BRIAN SCALES - DIRECT EXAMINATION

1 A At that point we were just investigating a
2 missing person, and we were trying to find out what Mr.
3 Moorer knew.

4 Q Did he have a right to refuse your questions?

5 A He did.

6 Q Did he have a right to walk away?

7 A Absolutely.

8 Q Did you arrest him at the end of the
9 conversation?

10 A No, we did not.

11 Q Did you ever put him in handcuffs?

12 A No.

13 Q Did he speak to you?

14 A He did.

15 Q Did he say he didn't want to speak?

16 A No. He was very willing to speak with us.

17 Q And tell me about the end of the conversation;
18 how did it end?

19 A He actually asked us to leave.

20 Q Did you leave?

21 A We did.

22 MR. HOLFORD: Your Honor, may I approach?

23 THE COURT: Sure.

24 MR. HOLFORD: I'll show defense counsel --

25 MR. TRUSLOW: No objection.

BRIAN SCALES - DIRECT EXAMINATION

1 MR. HOLFORD: -- a CD. May I approach the
2 witness?

3 THE COURT: Yes, you may.

4 Q (MR. HOLFORD) Detective Scales, I'm handing you
5 it is an envelope with a CD in it. Do you recognize
6 this?

7 A I do.

8 Q Do you know what is contained on that CD?

9 A This is a copy of the in-car camera of that
10 night.

11 Q And that is the interview you did?

12 A Yes, that's correct.

13 Q You were present?

14 A I was.

15 Q And it was your in-car video that recorded it?

16 A Yes, sir.

17 Q Now, how do you know that is what is on that DVD
18 or CD?

19 A It has my initials on it that I initialed.

20 Q Have you watched it prior to trial?

21 A I did.

22 Q So you are sure that that's the conversation you
23 had?

24 A Yes, sir.

25 Q And you initialed the CD saying that is what is

BRIAN SCALES - DIRECT EXAMINATION

1 on there?

2 A Yes, sir.

3 MR. HOLFORD: Your Honor, at this time the State
4 would seek to introduce in evidence Exhibit 1, State's
5 1.

6 THE COURT: Without objection State's 1 is
7 admitted. You may publish it, if you wish.

8 MR. HOLFORD: Thank you.

9 (State's Exhibit 1 admitted.)

10 THE COURT: Why don't we do this. Ladies and
11 gentlemen, when you stepped out a minute ago, we
12 didn't take a break, so we're going to let you --
13 while they get this geared up to play, I'll let you go
14 to your jury room. Do not begin your deliberations.
15 We'll be with you about ten minutes or so.

16 (The jury exits at 3:13 p.m., and the
17 following is heard out of the presence of the jury.)

18 THE COURT: We'll be at ease.

19 (A recess was taken.)

20 (The jury enters at 3:21 p.m., and the
21 following is heard in the presence of the jury.)

22 THE COURT: Can everyone see the screen okay?

23 All right. You may proceed, Solicitor.

24 Q (MR. HOLFORD) Detective Scales, can you see this
25 screen?

BRIAN SCALES - DIRECT EXAMINATION

1 A Yes, I can.

2 Q What is this recorded from?

3 A That's recorded from my vehicle.

4 Q So the car we see in it, is that you, or someone
5 in front of you?

6 A No. The shooting from the inside of my vehicle.

7 Q Right. So you are out there with someone else?

8 A That's correct.

9 Q Can you see the date and time stamp?

10 A I can.

11 Q What does it say?

12 A It says December 20, 2013, 2:11 a.m.

13 Q So would this be the early morning hours of
14 December 20th?

15 A Yes, sir, correct.

16 Q So it had just ticked over from December 19th,
17 into December 20th?

18 A That's correct.

19 (State's 1 published to the jury.)

20 Q It got quiet. What is going on right now?

21 A I deactivated my microphone.

22 Q Why is that?

23 A Mr. Moorer went inside and the other officers and
24 I were discussing.

25 Q Is the video still running?

BRIAN SCALES - DIRECT EXAMINATION

- 1 A Yes, it is.
- 2 Q It just went quiet general, why is that?
- 3 A I deactivated my microphone again.
- 4 Q And for what reason?
- 5 A Mr. Moorer walked away again.
- 6 Q Did you see the time stamp at the end of the
- 7 video?
- 8 A I believe it was around 2:30. I didn't note it
- 9 at the very end.
- 10 Q Was that the end of your conversation?
- 11 A Yes, it was.
- 12 Q What did we see on that video at the very end?
- 13 A Me driving away.
- 14 Q Did you write a report in this case?
- 15 A I did not, no.
- 16 Q Do you know who wrote a report?
- 17 A I do.
- 18 Q Who?
- 19 A Officer Canterbury.
- 20 Q Was he out there with you?
- 21 A He was.
- 22 Q Now, this video, how did we get it?
- 23 A Our department.
- 24 Q How did I get it?
- 25 A I'm not sure.

BRIAN SCALES - DIRECT EXAMINATION

1 Q What did you do with the video after --

2 A I'm sorry. Utilizing the removable hard drive, I
3 uploaded it to our server.

4 Q So you took the hard drive out of your car and
5 put it on the server?

6 A That's correct.

7 Q Could you change or alter it?

8 A No, I couldn't.

9 Q And was that interview we just heard, was that
10 the totality of that interview that night?

11 A That's correct.

12 Q And you put that on the hard drive, on the
13 server?

14 A Yes. I took the hard drive from my car and
15 personally downloaded it onto the server.

16 Q Okay. And then that audio and video was
17 transferred to the State?

18 A Yes.

19 Q And we just saw and watched and heard everything
20 that was said?

21 A That's correct.

22 Q But you didn't write a report about it?

23 A No, I did not.

24 Q If you would have written a report, would you
25 have just said you had an interview?

BRIAN SCALES - DIRECT EXAMINATION

- 1 A No.
- 2 Q What would you have said about that night?
- 3 A I would have detailed what was discussed in the
- 4 interview.
- 5 Q Can we all listen to it and hear what was said?
- 6 A Yes, sir.
- 7 Q During that interview -- let's just make sure --
- 8 that was with Sidney Moorer?
- 9 A Yes, sir.
- 10 Q Did he ever say that he called Heather Elvis that
- 11 night?
- 12 A No, he did not.
- 13 Q Did he say she called him?
- 14 A Yes, he did.
- 15 Q Did he say that she left him a voice mail?
- 16 A Yes, he did.
- 17 Q What did he say he did with that voice mail?
- 18 A I said he deleted it.
- 19 Q Did he ever mention a pay phone call?
- 20 A No, he did not.
- 21 Q When is the last time he said he had seen her?
- 22 A Seen her? It had been quite some time, several
- 23 weeks I believe he said.
- 24 Q He didn't say he saw her around his house the
- 25 week before?

BRIAN SCALES - DIRECT EXAMINATION

1 A No, he did not.

2 Q He didn't say he saw her anywhere else, did he?

3 A No, he did not.

4 Q Did you actually or -- you or the other officer
5 out there, did you warn him about lying?

6 A We did.

7 Q Why?

8 A If he lied in an ongoing investigation, he would
9 be putting himself at risk for criminal charges.

10 Q Why is it so important for you to get correct
11 information at that point, December 20th at 2:30 in
12 the morning?

13 A We were attempting to locate a missing person.

14 Q To your knowledge, at that point, how long had
15 she been missing?

16 A Roughly, two days.

17 Q Why is it necessary for you as an officer
18 investigating a missing person to have reliable and
19 correct information?

20 A Because lives matter on it.

21 Q When he talked about the phone call, he said she
22 called him, what did he say -- how did he portray that
23 conversation?

24 A My understanding was that she just left a voice
25 mail, there was no conversation.

BRIAN SCALES - DIRECT EXAMINATION

1 Q When he said the second time she called and he
2 answered, what did he say that he was talking about?

3 A I'm not sure I follow.

4 Q Did he say they had a long conversation?

5 A I don't remember him talking about a conversation
6 with her.

7 Q And he never mentioned anything about him calling
8 her earlier that night?

9 A No, he did not.

10 Q If he would have told you that he had called her
11 from a pay phone earlier that night, would you have
12 done anything different?

13 A We would have -- yes, we would have tried to
14 locate the pay phone and any surveillance video around
15 them.

16 Q Now, you are with investigations now, you are a
17 detective now, but you weren't at the time, right?

18 A That's correct.

19 Q Had you notified investigations or CID or
20 detectives before you went out and talked to him?

21 A I did not, no.

22 Q Did you after you talked to him?

23 A I did not personally, no.

24 Q To your knowledge, when did a detective become
25 involved in this case?

BRIAN SCALES - DIRECT EXAMINATION

1 A I believe the following morning.

2 Q So not until then?

3 A That's correct.

4 Q If he would have told you that night that he had
5 two longer conversations with her and he was the last
6 one to see her --

7 MR. TRUSLOW: Your Honor, I object. He is asking
8 questions that is not in --

9 THE COURT: First of all, under 602, there is no
10 way in the world he could answer that question. That
11 is just speculation, totally, for what we would have
12 done. Sustained.

13 MR. TRUSLOW: I would like to put on the record
14 and ask that they --

15 THE COURT: Just.

16 MR. TRUSLOW: I got it.

17 THE COURT: If you want to put something on the
18 record, we'll do it outside of the jury's presence.
19 I've ruled.

20 MR. TRUSLOW: Yes, sir.

21 Q (MR. HOLFORD) The defendant had his phone with
22 him that night, right?

23 A Yes, he did.

24 Q And he actually showed you that phone?

25 A Yes. He had it in his hands.

BRIAN SCALES - CROSS-EXAMINATION

1 Q And it had been working the two days before?

2 A As far as I know, yes.

3 Q Did he show you calls, incoming and outgoing?

4 A He didn't show them to me, he showed them to

5 Officer Canterbury.

6 Q Can we hear that audio on the video we just saw?

7 A Yeah, you can hear them talking about it.

8 Q Was his wife or anyone else out there with him at
9 this time?

10 A No, he was by himself.

11 Q So he was just talking to you alone?

12 A That's correct.

13 Q You and the other officer?

14 A That's correct.

15 MR. HOLFORD: No further questions at this time.

16 THE COURT: Cross-examination.

17 CROSS-EXAMINATION

18 BY MR. GALMORE:

19 Q Detective Scales, I think you said the date stamp
20 on the video was correct?

21 A Yes, as far as I know.

22 Q So what time did this interview begin?

23 A Approximately 2:11 a.m.

24 Q What time did the interview conclude?

25 A About 2:30, 2:35, somewhere in that time.

BRIAN SCALES - CROSS-EXAMINATION

1 Q So we're talking over a 20-minute interview?

2 A Roughly, yes, sir.

3 Q Now, it is my understanding that you were asked
4 by Officer Cantebury to go out to the Moorer house?

5 A That's correct.

6 Q Because he had difficulty finding it?

7 A It was a difficult address to locate, and also
8 given the nature of the investigation and the time of
9 day, it's not uncommon to take more than one officer.

10 Q Who asked you to accompany them? That was
11 Officer Cantebury?

12 A Yes, sir.

13 Q Was Sergeant Furr involved in that decision?

14 A I never spoke to Sergeant Furr. I don't know.

15 Q So when you go out to talk to him at 2:00 a.m. on
16 the 20th, the only reason you went is because you
17 were asked to?

18 A That's correct.

19 Q By Detective Cantebury -- excuse me, Officer
20 Cantebury?

21 A Yes, sir.

22 Q Now, once you got out to the house, Mr. Moorer
23 came out and spoke with you?

24 A Yes, sir.

25 Q Did he refuse to answer your questions?

BRIAN SCALES - CROSS-EXAMINATION

1 A No, he did not.

2 Q Was he under arrest?

3 A No, he was not.

4 Q Did he, in fact, answer the questions?

5 A He did.

6 Q Now, he would have had a right to remain silent;

7 is that correct?

8 A Everybody does, that's correct.

9 Q And if he had invoked that right, what would you
10 have done?

11 A We would have left.

12 Q You would have stopped questioning?

13 A That's correct.

14 Q Mr. Moorer also has the right to an attorney; is
15 that correct?

16 A That's correct.

17 Q And had he invoked his right to an attorney, what
18 would you have done?

19 A We would have left.

20 Q So there is a situation where he could have
21 invoked either of those Constitutional rights?

22 A That's correct.

23 Q But he did not?

24 A That's correct.

25 Q And he chose to answer your questions?

BRIAN SCALES - CROSS-EXAMINATION

1 A Yes, sir.

2 Q Now, I understand that Officer Canterbury was
3 asking most of the questions on the video; is that
4 correct?

5 A Yes, sir.

6 Q Now, what was your job while he was asking
7 questions?

8 A Mostly was just to make sure -- you know, ensure
9 safety and also to -- sometimes when questioning
10 someone you don't catch everything, so if you have two
11 sets of ears, it always help, so just there to assist
12 in the questioning.

13 Q But you weren't out there taking pictures or
14 collecting evidence or anything like that?

15 A No.

16 Q Your job was to support Officer Canterbury in his
17 questioning of Mr. Moorer?

18 A That's correct.

19 Q And you got there before Canterbury got there?

20 A We actually all arrived on scene at the same
21 time. We initially went to the wrong address, and I
22 was the last one pulling in when we got to the wrong
23 address. So when the video starts, it is us turning
24 around, which that put me the first one on scene with
25 Mr. Moorer.

BRIAN SCALES - CROSS-EXAMINATION

1 Q Did Mr. Moorer attempt to leave?

2 A He did leave actually, twice.

3 Q Okay. You mean when the tape went blank?

4 A Yeah. He went back inside his house on two
5 separate occasions.

6 Q Okay. Now, did he get in a car and try to leave
7 the house?

8 A No, he did not.

9 Q So he did not try to flee the scene?

10 A No.

11 Q Did Mr. Moorer show you his cell phone?

12 A He did.

13 Q Did you get to see the cell phone?

14 A I did not, no.

15 Q Officer Canterbury saw the cell phone?

16 A That's correct.

17 Q Do you know what was in the cell phone?

18 A I don't.

19 Q So very specifically he was asked when was the
20 last time he talked to Heather?

21 A Yes, I believe he was asked that.

22 Q And did Mr. Moorer answer that question?

23 A He did.

24 Q And I think he was also asked if he had any idea
25 where she could be?

BRIAN SCALES - CROSS-EXAMINATION

1 A That's correct.

2 Q Did he answer that question?

3 A He did.

4 Q And he was also asked what he did on Wednesday?

5 A That's correct.

6 Q And he answered that question?

7 A He did.

8 Q Did he refuse to answer any of the questions that
9 were put to him?

10 A No, he did not.

11 Q Now, in a missing person's case, would it be
12 routine to check that person's cell phone records?

13 A If we believe that it is pertinent to the case,
14 then, yes.

15 Q And would it be routine to talk with the people
16 that show up on those cell phone records?

17 A Yes, sir.

18 Q Now, Officer Canterbury made reference to 360 text
19 messages?

20 A Uh-huh.

21 THE COURT: Is that a yes?

22 A Yes. I'm sorry. Yes, he did.

23 Q (MR. GALMORE) Did you have those cell phone
24 records when you -- well, when you and he interviewed
25 Sidney?

BRIAN SCALES - CROSS-EXAMINATION

1 A I did not have them, no.

2 Q Do you know if Officer Canterbury had them?

3 A I don't know if he did or not.

4 Q But he's getting that from somewhere?

5 A Obviously.

6 Q You are not privy to where he got that
7 information?

8 A No, I'm not.

9 Q Now, other than participating in the interview at
10 2:00 a.m. on the 20th, what other role did you have
11 in this case?

12 A I didn't have any direct role. I did assist
13 other elements of the investigation as a uniform patrol
14 officer. I was asked to go for other investigative
15 purposes to the house.

16 Q So you went to the house again?

17 A I've been to the house several times.

18 Q Did you interview Sidney a second time, or was
19 that the only time you participated?

20 A That is the only time I ever participated in an
21 interview with Sidney.

22 Q You've had opportunities to work missing person's
23 cases before?

24 A Yes, that's correct.

25 Q Would it be fair to say that no two cases are the

BRIAN SCALES - CROSS-EXAMINATION

1 same?

2 A I'd say that's fair.

3 Q And some of the evidence that you have to collect
4 in some case -- in one case, might be different than
5 evidence collected in another case?

6 A That's correct.

7 Q Like, for example, if it was a five-year-old
8 missing, probably wouldn't look up bank records because
9 they probably don't have a bank account; would that be
10 a fair assessment?

11 A That is fair, unless they are with someone who
12 did.

13 Q But in this case officers found it necessary to
14 get a copy of Ms. Elvis' phone records?

15 A That's correct.

16 Q And they had that information when they talked to
17 Sidney on December 20th at 2:00 a.m.?

18 A I believe they did, yes.

19 Q Based on Officer Canterbury saying he had
20 reference to that information?

21 A Yes, that's correct.

22 Q Now, there was a point in this tape where Officer
23 Canterbury asked about other boyfriends. Let me be
24 clear. Was Sidney Moorner responding to Officer
25 Canterbury's questions?

BRIAN SCALES - CROSS-EXAMINATION

1 A Yes.

2 Q So it wasn't as though Sidney Moorer said, hey,
3 you need to go check some other boyfriends?

4 A I'm not sure. Is that a question?

5 Q Did Sidney Moorer tell Officer Canterbury to go
6 check other boyfriends, or did Officer Canterbury ask a
7 question about other boyfriends?

8 A Officer Canterbury asked him if there were any
9 other....

10 Q So the statement that Mr. Moorer made about other
11 boyfriends was in response to police questioning?

12 A That's correct.

13 Q It was not something he initiated on his own?

14 A No.

15 Q Now, I think I already asked you this, but you
16 said during the blank spots in the tape you cut it off
17 because he walked away?

18 A That's correct.

19 Q But you said he wasn't trying to flee the scene?

20 A No.

21 Q Because we don't get to see what is going on in
22 the tape, only hear it. Did Mr. Moorer do anything
23 that physically caused you concern for your safety?

24 A No.

25 MR. GALMORE: Court's indulgence.

BRIAN SCALES - CROSS-EXAMINATION

1 THE COURT: Yes, sir.

2 (A brief pause in the proceedings.)

3 Q (MR. GALMORE) Subsequent to this tape-recorded
4 interview that we just saw, did you submit a written
5 report?

6 A I did not, no.

7 Q So you submitted no reports as far as this case
8 is concerned?

9 A That's correct.

10 MR. GALMORE: Thank you, Detective Scales. No
11 further questions.

12 THE COURT: Redirect?

13 MR. HOLFORD: Nothing, Your Honor.

14 THE COURT: Thank you. You may come down. Do
15 you wish this witness to be excused?

16 MR. HOLFORD: Yes, Your Honor.

17 THE COURT: Any objection?

18 MR. GALMORE: No, Your Honor.

19 THE COURT: You are free to leave, sir. Thank
20 you.

21 Call your next witness.

22 MR. HOLFORD: Your Honor, may we approach?

23 (Whereupon, a bench conference was had.)

24 MR. HOLFORD: State calls Jonathan Martin.

25 (JONATHAN MARTIN, having been duly sworn,

JONATHAN MARTIN - DIRECT EXAMINATION

1 testified as follows:)

2 THE WITNESS: Jonathan Martin, M-A-R-T-I-N.

3 DIRECT-EXAMINATION

4 BY MR. HOLFORD:

5 Q Sergeant Martin, where are you presently
6 employed?

7 A Horry County Police Department.

8 Q How long have you been employed there?

9 A It will be 11 years in October.

10 Q And what is your role at this time?

11 A I'm the sergeant over the homicide unit.

12 Q And what was your position back in December of
13 2013?

14 A I was a detective in -- back then we called it
15 Violent Crimes Unit, but I was a detective.

16 Q And did you become involved with Sidney Moorer in
17 this case?

18 A I did.

19 Q And when did your involvement start?

20 A It was December 20th, early morning.

21 Q How did you become involved? Did you get a call?

22 A I was notified by Detective Cauble, he is the
23 case agent, that there was an investigation of a
24 missing person that seemed a little suspicious, and he
25 asked for some assistance with some phone records.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q Did you assist him in getting those phone
2 records?

3 A I did.

4 Q When did you get those phone records?

5 A Through the course of many days we did numerous
6 search warrants, but starting that morning I did
7 Heather Elvis' phone records and then records for
8 Sidney Moorer also that same day.

9 Q Can you tell the jury when did you get Heather
10 Elvis' phone records?

11 A First thing in the morning. In a normal missing
12 person case what we'll do is look to see if they have
13 any communication with people, because everyone uses
14 cell phones pretty much now, so we did her exigent
15 records, which is where we ask the phone company to
16 give us the records very quickly being there could be a
17 risk of danger to someone.

18 Q When you say early morning hours of
19 December 20th, you mean like 1:00 a.m., 3:00 a.m.?

20 A No. I mean like 8:30, 9:00 in the morning.

21 Q Is that about when you reported into the office
22 that day?

23 A I was probably there about 7:30, but, yes, about
24 8:30 is when we started working on this case.

25 Q And you talked about exigent circumstances. Did

JONATHAN MARTIN - DIRECT EXAMINATION

1 you fill out a search warrant?

2 A No.

3 Q How did you contact the phone company?

4 A The phone companies maintain a 24-hour line of
5 communication where you can call them and say, hey,
6 this is an emergency situation, I need these phone
7 records now. The person who has the phone, or if there
8 is evidence to believe that there is a risk of life or
9 danger, so we can get them a little quicker.

10 Q Did you get Heather Elvis' phone records?

11 A I did.

12 Q What was her phone company?

13 A She had T-Mobile.

14 Q And how does T-Mobile provide phone records to
15 you?

16 A What they'll do is they'll send like an Excel --
17 Microsoft Excel sheet that maintains the phone number,
18 how the communication was directed, if it was a phone
19 call or text, and then the tower information about what
20 tower they hit off of, usually starting and ending.

21 So if you start a phone call on one tower and end
22 on another, it will have both of that information on
23 there. Also, it maintains the time, so the duration
24 of the phone call from, you know, your start of the
25 call when you make it, to then end of the call when

JONATHAN MARTIN - DIRECT EXAMINATION

1 you hang-up.

2 Q After you retrieved these records, did you turn
3 them over to us?

4 A I did.

5 Q Does T-Mobile send you anything with the records?

6 A They do.

7 Q What do they send?

8 A You get a certification letter. It's provided by
9 the company that says I certify that these records are
10 clear and accurate of what we maintain.

11 (State's Exhibit 2 and 3 marked.)

12 Q (MR. HOLFORD) Did you turn over that
13 certification letter?

14 A I did.

15 Q Why do they give you a certification letter?

16 A They get it notarized and it's just assuring that
17 there is someone on the other side that created that
18 record and they are assuring that they are the ones
19 that did it.

20 MR. TRUSLOW: No objection.

21 Q (MR. HOLFORD) I'm showing you State's 3 and
22 State's 2. Can you identify State's 2 and State's 3?

23 A State's 2 is the phone records for Heather Elvis.
24 Her phone number was (843)997-8152, and that is a
25 T-Mobile phone number. State's Exhibit No. 3 is the

JONATHAN MARTIN - DIRECT EXAMINATION

1 T-Mobile certification letter, and it is drafted and
2 signed by Susan K. Johnson, who is a manager of law
3 enforcement relations with T-Mobile, and it is
4 notarized.

5 Q Is that what you received from T-Mobile?

6 A It is.

7 Q And those are Heather's cell phone records as
8 well as the certification?

9 A Yes, sir.

10 MR. HOLFORD: Your Honor, State moves State's 2
11 and 3 in evidence.

12 THE COURT: Without objection, State's 2 and 3
13 are admitted.

14 MR. TRUSLOW: No objection.

15 THE COURT: You said no objection.

16 MR. TRUSLOW: We said that before, Your Honor.

17 THE COURT: Yeah, that is why I said no
18 objection.

19 (State's Exhibits 2 and 3 admitted.)

20 Q (MR. HOLFORD) Approximately, how many pages are
21 included in those records?

22 A Maybe a hundred, 150.

23 Q A lot of pages?

24 A A lot of pages, yes.

25 Q Have you prepared a summary of the relevant time

JONATHAN MARTIN - DIRECT EXAMINATION

1 in this case?

2 A I have.

3 Q Is this something you prepared?

4 A It is.

5 Q How did you prepare it?

6 A I pretty much cut the areas that were -- of the
7 time frame we were looking at to make -- out of the 150
8 pages, just including the time frame of the day that
9 Heather went missing.

10 Q And what day was that?

11 A It was December -- I'm sorry. December 19 -- I'm
12 sorry 18th.

13 (State's Exhibit 4 marked.)

14 MR. TRUSLOW: Okay.

15 MR. HOLFORD: May I approach?

16 THE COURT: Yes, you may.

17 Q (MR. HOLFORD) Sergeant Martin, I'm handing you
18 what is marked as State's 4 for ID; do you recognize
19 this?

20 A I do.

21 Q And what is it? It is a blown-up version of
22 what?

23 A It's the phone records for Heather Elvis. It
24 includes December 18th, 2013 at 1:35 in the morning,
25 through December 18th at 3:41 in the morning.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q Now, you didn't include all of her records, the
2 hundred-some pages, right?

3 A No. This is mainly the -- only from the 1:00 in
4 the morning to 3:41 in the morning.

5 Q During the course of your investigation, did you
6 determine what numbers are included there?

7 A I did.

8 Q Does it have other call detail?

9 A With this one, this is all voice phone calls and
10 includes the direction of the call, who it connected to
11 and the duration.

12 Q Does this include text messages, or just phone
13 calls?

14 A Just voice phone calls.

15 Q Found on Heather's cell phone records?

16 A Yes, sir.

17 Q And this is a summary you've prepared?

18 A Yes, sir.

19 MR. HOLFORD: The State would ask that Sergeant
20 Martin come down and show this demonstrative to the
21 jury.

22 THE COURT: You wish to have it -- not admitted,
23 just simply for demonstrative purposes, ID only?

24 MR. HOLFORD: The State would ask that it is
25 admitted.

JONATHAN MARTIN - DIRECT EXAMINATION

1 MR. TRUSLOW: Objection, Your Honor. It's just a
2 portion of an entire document of phone records.

3 THE COURT: I appreciate it. You can use it as
4 you wish. It is admitted subject to the objection of
5 counsel.

6 MR. HOLFORD: Thank you, Your Honor.

7 (State's Exhibit 4 admitted.)

8 Q (MR. HOLFORD) Now, can you explain for the jury
9 what is this Column A here?

10 A Yes, ma'am. "A" is the phone number for Heather
11 Elvis, which is 1-843-997-8152. You see this is all
12 for the same person because it has the same phone
13 number.

14 Q And what is this event type?

15 A Event type is going to be your voice or your text
16 messaging. These are all voice on this list here, so
17 these are phone calls where you actually attempt to
18 call someone using your phone.

19 Q And what is Column C?

20 A "C" is your start time, that is going to be the
21 time at which the call was initiated, as here it is
22 1:35 a.m., and it goes through 3:41 a.m. That is the
23 start time.

24 Q And then this direction, Column D?

25 A If you are the one calling or the one receiving.

JONATHAN MARTIN - DIRECT EXAMINATION

1 So if you are calling, you are going to be doing the
2 "outgoing" call. If Heather would have been receiving
3 a call, it would have been "incoming."

4 Q And then Column E connected to?

5 A That is the party who actually communicated with
6 you. If Heather made an outgoing call to this person,
7 it would have been the person that she made the call
8 to. For this one, it is incoming, so the call would
9 have come from this person to Heather's phone.

10 Q And the last column, Column F?

11 A That last is duration, it kind of put the lines
12 down the side, but it is in minutes. So when you are
13 looking at this 4.83, it is going to be .83 of a
14 minute, which is about 50 seconds. So that first one
15 is probably about four minutes and 50 seconds.

16 Q And today you've done investigation into these
17 numbers?

18 A I have.

19 Q And have you determined who the numbers belong
20 to?

21 A Yes.

22 Q For this first line, tell us -- I know we're
23 going to go through this briefly again, but that is
24 Heather's number?

25 A Yes, sir.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q And tell me what the first line is indicating.

2 A First number is indicating that Heather Elvis
3 received a voice phone call from this phone number,
4 which is (843)444-2462, and it lasted four -- sorry,
5 4.83 minutes, which as I said is approximately four
6 minutes and 50 seconds.

7 Q And what is this number, 444-2462?

8 A We determined that that phone number was from a
9 Frontier Communication's phone number, which is a
10 landline pay phone.

11 Q Would you just write that on here?

12 A Sure. (Witness complied.)

13 Q So that is a call to Heather from a pay phone?

14 A Yes, sir.

15 Q What about the second line?

16 A Second line is an outgoing voice call, so Heather
17 calling out to a 609-412-3938, and that call lasted 2.2
18 minutes, so maybe two minutes and 15 seconds.

19 Q Do you know who this number belongs to?

20 A I do.

21 Q Who is that?

22 A Her friend, Bri.

23 Q How do you know that?

24 A Because we communicated with Bri. I don't
25 remember Bri's last name, sorry.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q How about the third line?

2 A Third line is an outgoing voice call from
3 Heather's phone to (843)444-2462, that lasted .2
4 minutes, so 10 seconds. If it is a short duration,
5 usually that indicates that phone call was not actually
6 connected. That is also a pay phone call.

7 Q So she's calling the pay phone?

8 A Yes, sir.

9 Q What time was that?

10 A That call is at 2:29 a.m. on the 18th.

11 Q How about the next one?

12 A The next one is an outgoing voice call from
13 Heather's phone number to the same pay phone at .08
14 seconds, so three seconds maybe.

15 Q What time was that?

16 A That one is at 2:30, approximately 30 seconds
17 after the last one.

18 Q How about the next line?

19 A Next line is another outgoing phone call at
20 2:32 a.m., which is maybe two minutes after -- about
21 two minutes after the last call, and it is an outgoing
22 call from Heather's phone to the pay phone at
23 (843)444-2462, once again .23 minutes, which maybe is
24 16 seconds, 17 seconds.

25 Q The next line?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A Next, 2:43, so we're going forward about 11
2 minutes. Another voice call going out from Heather's
3 phone to a pay phone at (843)444-2462, that one is .12
4 minutes, 18 seconds maybe, 15 seconds.

5 Q Next one?

6 A Next one is going to be 2:43 and 36 seconds, so
7 approximately 30 seconds after the last one. It is an
8 outgoing call from Heather's phone number to
9 (843)444-2462, pay phone, again at .13 minutes.

10 Q Next line?

11 A Next line, outgoing phone call from Heather's
12 phone to the pay phone. It is 2:45, about a
13 minute-and-a-half after the last one, and this one
14 lasts for .07 minutes.

15 Q And it is the pay phone?

16 A Pay phone again.

17 Q Next.

18 A Next one?

19 Q Yes.

20 A Okay. Is a voice outgoing phone call, 2:51 a.m.,
21 which is six minutes after the last call, to the pay
22 phone, same number, 444-2462, .08 minutes again.

23 Q Next one.

24 A Next one is another outgoing phone call from
25 Heather's phone at 3:04, which is about 14 minutes

JONATHAN MARTIN - DIRECT EXAMINATION

1 later to the pay phone at 444-2462, and this time a
2 very short duration, .03 minutes.

3 Q Next one?

4 A Is from Heather's phone. It is an outgoing phone
5 call at 3:05, which is one minute after the last phone
6 call to the pay phone at 444-2462, .15 minutes.

7 Q All right. How many calls is that from Heather
8 to a pay phone?

9 A Outgoing calls, there is one, two, three, four,
10 five, six, seven, eight, nine calls from Heather to the
11 pay phone.

12 Q In a row?

13 A That is from 2:29 to 3:05, and that is in a row.

14 Q So she's calling that pay phone nine times in a
15 row?

16 A Yes. Her phone contacted that phone number nine
17 times.

18 Q The next one the number changes. Tell me about
19 that line.

20 A That line is an outgoing phone call from
21 Heather's number, and that call is at 3:16 in the
22 morning, which is approximately 11 minutes after the
23 last outgoing phone call, and that number is to
24 (843)385-3175, and it is for .13 minutes,
25 approximately, again, 15 seconds, maybe 14 seconds.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q And who does this phone number belong to?

2 A That number was associated with Sidney Moorner.

3 Q How do you know that?

4 A He provided it to us, and he actually spoke to
5 detectives a couple days later off of that phone
6 number.

7 Q Did you eventually get his phone records for that
8 phone number?

9 A We did.

10 Q Would you write his name?

11 A (Witness complied.)

12 Q And so the next line.

13 A Next line is outgoing voice call from Heather
14 Elvis' number at 3:17, which is one minute after the
15 last outgoing call, and again it is to 385-3175, which
16 is Sidney Moorner's phone number, and this call lasts
17 for 4.15 minutes, so maybe four minutes and 13 seconds,
18 14 seconds.

19 Q All right. Next one.

20 A Next one is another outgoing phone call from
21 Heather Elvis' number, 3:38, which is 21 minutes after
22 the last call. It is an outgoing call to 385-3175,
23 which is Sidney Moorner's phone, and that call is a very
24 short duration, .03 minutes.

25 Q And how about after that?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A Next one is an outgoing voice call from Heather
2 Elvis' number at 3:39, which is about 40 seconds after
3 the last call, and it is outgoing to Sidney Moorer's
4 number, 385-3175. That one is another short duration,
5 .03 minutes.

6 Q Next one.

7 MR. TRUSLOW: I have an objection to relevance,
8 and I would like to be heard.

9 THE COURT: Ladies and gentlemen, I'll let you go
10 to your jury room. Do not begin your deliberation or
11 discuss the case. Be with you as quickly as we can.

12 (The jury exits at 4:25 p.m., and the
13 following is heard out of the presence of the jury.)

14 THE COURT: What is the objection?

15 MR. TRUSLOW: If it please the Court, Your Honor.
16 My motion is based on 401 and 403, relevant
17 prejudicial. These records, and I'm going through
18 them with him, and I've got the indictment here as
19 well. This is about the two statements. He said I
20 didn't call her from a pay phone. They say we got you
21 on the pay phone. Okay, I did call her. That call --
22 there's one call; it is right here. What they are
23 doing, Judge, is they are going through all of these
24 calls, going way past the pay phone call, where she's
25 calling him, calling him and then the phone quits, no.

JONATHAN MARTIN - DIRECT EXAMINATION

1 more calls, right. They are trying the murder case
2 and kidnapping case, they are trying to do that to
3 him.

4 THE COURT: I appreciate that, Mr. Truslow. Mr.
5 Truslow, this is about obstruction of justice. They
6 have all of this information, don't they, on the
7 20th?

8 MR. TRUSLOW: But it is not relevant.

9 THE COURT: It is obstruction of justice by this
10 man.

11 MR. TRUSLOW: Which you said, Your Honor --

12 THE COURT: It is relevant to that in the sense
13 that it doesn't show any obstructions, so it is
14 relevant. Thank you.

15 MR. TRUSLOW: Can I put something on the record?

16 THE COURT: You just did.

17 MR. TRUSLOW: I had something else.

18 THE COURT: What else?

19 MR. TRUSLOW: At the hearing when I made the
20 motion to quash, and I have a transcript from the
21 hearing, Your Honor told and ruled on that in court
22 and said that the -- that night was merely defined to
23 involve whether this man obstructed justice by the
24 statement on the night before the statement and the
25 day of, and anything other than that was out or

JONATHAN MARTIN - DIRECT EXAMINATION

1 defective.

2 THE COURT: If you want me to exclude evidence
3 that supports that he didn't obstruct?

4 MR. TRUSLOW: I'm arguing, Your Honor, that based
5 on that ruling, that this is not relevant.

6 THE COURT: I appreciate it. It is relevant to
7 the point that it has gone right now, Mr. Truslow, and
8 your facial expression needs to change.

9 MR. TRUSLOW: I didn't mean any facial
10 expression.

11 THE COURT: Thank you, sir. Anything else?
12 Solicitor, I don't know how much further, but you
13 reached close to the end of it, is how far I'll allow.

14 MR. HOLFORD: Yes, sir.

15 THE COURT: Okay. Because of what we -- because
16 of the restrictions on the indictment.

17 MR. HOLFORD: Yes, sir.

18 THE COURT: All right. Okay. Bring in the jury,
19 please.

20 (State's Exhibit 5 marked.)

21 (The jury enters at 4:31 p.m., and the
22 following is heard in the presence of the jury.)

23 THE COURT: Thank you, ladies and gentlemen. I
24 appreciate that. Resume your examination.

25 Q (MR. HOLFORD) Sergeant Martin, would you please

JONATHAN MARTIN - DIRECT EXAMINATION

1 continue with this, second to last line, who is that
2 call made to?

3 A Last call is an outgoing phone call 40 seconds
4 after the last, which is 3:39 in the morning, again to
5 Sidney Moorers's phone number, and that is for .03
6 minutes.

7 Q And the final line on there?

8 A Final line is two minutes after that one. It is
9 another outgoing phone to Sidney Moorers's phone number
10 for, again, .03 minutes.

11 Q Do you have any records for Heather after that
12 time?

13 A The call that went out at 3:41 was the last time
14 the phone was ever used.

15 Q Now, back here at 1:35, this pay phone call, how
16 long was that?

17 A Approximately four minutes and 45 seconds.

18 Q What time was that made?

19 A 1:35 in the morning.

20 Q Do you know who made that phone call?

21 A I do.

22 Q Who made that?

23 A Sidney Moorers.

24 Q Now, you know that today, but did you know it at
25 the time you got her phone records?

JONATHAN MARTIN - DIRECT EXAMINATION

- 1 A No.
- 2 Q Did you know it the morning of the 20th?
- 3 A No, sir.
- 4 Q Did you know it the evening before, the 19th?
- 5 A No, sir.
- 6 Q Did you know it on December 18th?
- 7 A No, sir.
- 8 Q There is another phone call down here that has
- 9 length to it, that phone call was made to whose phone
- 10 number?
- 11 A Sidney Moorers.
- 12 Q How long did it last?
- 13 A Four minutes and maybe 13 seconds.
- 14 Q There is one other call with a little bit of
- 15 length, and you told us that was Bri?
- 16 A That is her roommate and friend, Bri.
- 17 Q So between 1:35 and 3:41, approximately how long
- 18 did she talk to Sidney Moorers?
- 19 A Nearly nine -- a little over nine minutes --
- 20 about nine minutes, I'm sorry.
- 21 Q Did you know that at the time, that morning?
- 22 A No, sir.
- 23 Q Did you also prepare a summary which includes
- 24 text messages?
- 25 A I did.

JONATHAN MARTIN - DIRECT EXAMINATION

1 MR. TRUSLOW: Without objection.

2 MR. HOLFORD: May I approach?

3 THE COURT: You may.

4 Q (MR. HOLFORD) Is all the information contained
5 in this summary found in those phone records?

6 A Yes, sir.

7 Q And how do you know all of that information is
8 contained in the phone records?

9 A Because I prepared it.

10 Q And you've prepared this?

11 A Yes, sir.

12 Q Is that a summary of that information?

13 A It is a summary of the context, voice and text
14 messaging, that went from 1:35 in the morning until
15 4:41 in the morning.

16 MR. HOLFORD: Your Honor, State seeks to
17 introduce 5 into evidence.

18 THE COURT: Without objection it is admitted.

19 (State's Exhibit 5 was admitted.)

20 MR. HOLFORD: May he step down one more time?

21 THE COURT: Yes.

22 Q (MR. HOLFORD) I don't want to belabor it the way
23 we did the last one. Would you write the names and
24 tell us how this is different from the last one?

25 A This one includes text message, contact between

JONATHAN MARTIN - DIRECT EXAMINATION

1 Heather Elvis' phone and other parties. The other one
2 only included voice calls. So this has it both
3 together. One thing that happened was T-Mobile
4 retained their text messages in Pacific time and their
5 calls are in Eastern time. So when they get put on one
6 sheet, it was actually -- text messages appeared three
7 hours different than the calls, so this is actually
8 corrected for Eastern/Standard time, along with the
9 text messages.

10 Q How do you know that T-Mobile kept text messages
11 in Pacific time?

12 A Because T-Mobile told us they do.

13 Q What is the difference in hours between Pacific
14 and Eastern/Standard time?

15 A Three hours back.

16 Q And does this chart that you made reflect the
17 actual chronological order in Eastern time?

18 A It does.

19 Q So it adjusts for the difference of Pacific and
20 Eastern?

21 A Yes, it does.

22 Q The records also sometimes show up in UTC time?

23 A They do, but this phone company doesn't have
24 their records in UTC, which is Universal Coordinated
25 Time.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q All right. Now, will you just -- you don't need
2 to go through all of the times. Will you just write
3 next to the numbers what the number is associated with?

4 A 444-2462 is the pay phone. I'll go through and
5 mark "pay" on these that are 444s.

6 THE COURT: These are the same voice things we --

7 MR. HOLFORD: Your Honor, it also includes text
8 messages.

9 THE COURT: I understand, but there is no text
10 messages to a pay phone, is there?

11 THE WITNESS: There are, yes.

12 THE COURT: There are? All right. I'm sorry, I
13 misunderstood.

14 Q (MR. HOLFORD) So you've listed the pay phones at
15 this point, right?

16 A Yes, sir.

17 Q How is this different from the last one? What do
18 we see on this chart?

19 A We see outgoing text messages from Heather's
20 phone number to the pay phone where it attempts to text
21 the pay phone.

22 Q When did she attempt to text the pay phone?

23 A First one was at 11 -- sorry. I'm sorry, it was
24 over here. It is at 2:21 a.m.

25 Q Okay. Now, the start time and this middle

JONATHAN MARTIN - DIRECT EXAMINATION

1 column, you added the records in Pacific time?

2 A Yes, sir.

3 Q So what is the start time actually showing?

4 A Showing 11:21 p.m., but that is a Pacific time,
5 so that is adjusted as 2:21 in the morning.

6 Q And when is that after she received the pay phone
7 call, how far out?

8 A That is -- let's see. Incoming pay phone call
9 happened at 1:35, so 15 minutes.

10 Q So she actually tried to text the pay phone after
11 she received a call?

12 A Yes, sir.

13 Q And the second number, can you tell me again who
14 the 3938 is?

15 A That is Bri's phone.

16 Q And the next set of text messages, who are those
17 to?

18 A That was to a boy she had gone on a date with
19 that night, Steven Gerardi.

20 Q How many are those?

21 A One, two, three, four -- there is five that
22 happened between 2:24 and 2:28, and then there is four
23 that happened between 2:34 and 2:42.

24 Q Will you write his name on there?

25 A Yes. (Witness complied.)

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q What happens after she texts Steven?

2 A The last text?

3 Q Yeah, after her last text message.

4 A After the last text, which is at 2:42, she
5 attempts phone calls to the pay phone.

6 Q So now we're back to the record we saw
7 previously?

8 A Yes..

9 Q And so that was her last text message, and then
10 after that, it is voice calls?

11 A Yes, sir. From 2:43 to 4:41, everything is
12 outgoing voice calls.

13 Q Those two numbers were for who?

14 A To the pay phone and then to Sidney Moorer.

15 (State's Exhibit 6 marked.)

16 Q (MR. HOLFORD) During the course of your
17 investigation, did you obtain records from Sidney
18 Moorer?

19 A I did.

20 Q When did you obtain those records?

21 A That day, later on in the day, and then we got
22 more detailed records later on also.

23 Q And who did you obtain those records from?

24 A He had Sprint.

25 Q And did Sprint send you a certification letter?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A They did.

2 Q And that letter says what to you?

3 A That they certify the records they provided were
4 a clear response to what they retained, which is their
5 phone records. Sometimes they retain a little more
6 information like your text messaging and stuff like
7 that.

8 Q You said "that day," let me be a little more
9 clear. What day are we talking about?

10 A We're talking about December 19th and
11 December 20 -- sorry, December 17th into 18th,
12 which is last time Heather had contact.

13 Q Now, when did you obtain Sidney Moorers's phone
14 records, though?

15 A The 20th.

16 Q Did you speak to Sidney Moorers later that day?

17 A We did.

18 Q Had you obtained his records before then?

19 A In the process. We got them probably around the
20 time we started talking. We had asked him to come in.

21 Q Did you obtain more detailed records after that
22 time?

23 A We did.

24 MR. HOLFORD: May I approach with State's 6?

25 THE COURT: Sure.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q (MR. HOLFORD) Sergeant Martin, I've handed you
2 State's 6 for ID. Can you identify what these
3 documents are?

4 A The top document is the certification letter sent
5 from Sprint, and a female named Amy Napier (phonetic)
6 certifying that the records for the Sidney Moorer
7 records are -- certify that the attached hereto were
8 made at or near the time of the occurrence or kept in
9 the course of regularly conducted business, and they
10 were made by the regularly conducted business activity
11 as regular practice, and then she signed it, Amy
12 Napier.

13 Q And these are the records that you've received
14 for Sidney Moorer's phone?

15 A They are.

16 MR. HOLFORD: We seek to introduce State's 6 into
17 evidence.

18 MR. TRUSLOW: No objection.

19 THE COURT: Without objection, State's 6 is
20 admitted.

21 (State's Exhibit 6 was admitted.)

22 Q (MR. HOLFORD) Can you tell me what you have for
23 Sidney Moorer?

24 A (843)385-3175.

25 Q So at this point the charts and the

JONATHAN MARTIN - DIRECT EXAMINATION

1 investigation, that is how you know whose number
2 belongs to who; is that correct?

3 A Yes, sir.

4 Q About what time did you meet with Sidney Moorer
5 that day?

6 A Approximately 3:30 in the afternoon.

7 Q And who were you with? Who were you
8 interviewing?

9 A I did the interview with Detective Jeff Cauble.

10 Q Did he come in on his own volition?

11 A Sidney did, yes.

12 Q Did you ask him to come in?

13 A One of the other detectives called him and asked
14 him to come in.

15 Q Did you have an arrest warrant for him at that
16 point?

17 A No, sir.

18 Q What was the nature of the investigation?

19 A The first -- I mean we only had been a couple
20 hours into this, so we were investigating a missing
21 person, which is very common. Sometimes people just
22 don't want to talk to their family or don't answer
23 their phone sometimes, so we're just trying to figure
24 out where she's at.

25 Q Is it important to get accurate information?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A It is. Any leads that lead you to a different
2 direction can be very time consuming.

3 Q How much information did you have at the point
4 where you started your conversation with him?

5 A Very early in the investigation. We only had
6 been working on it since -- about five hours.

7 Q Now, had you had information passed on to you
8 from other officers?

9 A We had.

10 Q And you knew that Sidney had spoken to other
11 officers before?

12 A I did.

13 Q And you started following up on the 20th?

14 MR. TRUSLOW: Objection, leading.

15 THE COURT: Sustained.

16 Q (MR. HOLFORD) Did you start following up on the
17 20th?

18 A Yes. That is when we began -- the investigative
19 division became involved in the case.

20 Q And by that time, how long had it been since
21 someone heard from Heather?

22 A The last contact would have been
23 December 18th approximately -- maybe 2:00 in the
24 morning when she last spoke to Steve Gerardi, and then
25 3:41, which I believe she spoke to Sidney Moorner, so

JONATHAN MARTIN - DIRECT EXAMINATION

1 less than 48 hours.

2 Q So based on her phone records, who is the last
3 person she had contact with?

4 MR. TRUSLOW: Objection, Your Honor.

5 THE COURT: Sustained. Speculation, 602, he
6 can't answer the question other than what the records
7 already reflect.

8 MR. HOLFORD: Yes, Your Honor.

9 Q (MR. HOLFORD) Did you -- was Sidney Moorner in
10 custody when he talked to you?

11 A No, sir.

12 Q Was he arrested?

13 A No, sir.

14 Q Was he placed in handcuffs?

15 A No, sir.

16 Q Did he have the right to leave when he wanted to?

17 A Yes, sir.

18 Q Did he speak to you freely?

19 A He did.

20 Q And he told you -- talked to you for awhile,
21 didn't he?

22 A He did. We talked about 45 minutes.

23 Q Did what he tell you, his story, did it match up
24 with the phone records you later received?

25 A His initial statements, no.

JONATHAN MARTIN - CROSS-EXAMINATION

1 Q And how was it different?

2 A He did not disclose the pay phone call initially.
3 It was only when we presented him with the belief that
4 he was the one that made the call that he admitted
5 that, yes, he made a pay phone call.

6 Q Did he say he had seen Heather the week before?

7 A No, he denied I think seeing her prior to
8 November.

9 Q What did you have to do as a result of what
10 Sidney Moorer told you on the 20th?

11 A Being that he was the last person that had any
12 known communication with her, the last phone record
13 showed he talked to her, and he actually admitted he
14 had talked to her, you know, his statements were very
15 important to us. So we had to corroborate the things
16 he was saying. When he identified that he is providing
17 us information that was less than true, we had to now
18 follow up on everything that had to do with his
19 statements.

20 Q And did you and other officers do that, did you
21 follow up?

22 A We did.

23 MR. HOLFORD: No further questions at this time.

24 THE COURT: Cross-examination.

25

JONATHAN MARTIN - CROSS-EXAMINATION

CROSS-EXAMINATION

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BY MR. TRUSLOW:

Q I'll start from the back from what you just said. Please tell me what you would not -- give me a list of what you wouldn't have followed up on, that you did follow up on. In other words, you did follow up on a bunch of other stuff, so what was it in this case?

A Things we followed up on?

Q That you would not have followed up on but for him not telling you about the pay phone immediately?

A I'm trying to think how to answer your question. You are asking for things that I wouldn't do under --

Q You testified to his question that -- what difference it made that he didn't tell you about the pay phone, and you said -- well, first you said before that happened, am I correct, that you said he was a suspect, so we wanted to follow up on his stuff, and his statements were very important to you, right?

A Yes, sir.

Q He asked you based on him not telling you about that pay phone call immediately, that you had to do even more following up on all of his stuff; that is what you said?

A Yes, sir.

Q I want a list of what those things are.

JONATHAN MARTIN - CROSS-EXAMINATION

1 A Things that I?

2 Q That you would not have done, that you did do
3 because of Sidney, my client.

4 A Well, we would be thorough in the complete
5 investigation.

6 Q You would be thorough, that is one. What is the
7 next one?

8 A The thing is when he provided a statement that
9 were less than true, we had to confirm everything that
10 he provided us that he is saying is now true, we would
11 have to confirm everything. Now --

12 Q Go ahead.

13 A I'm having a little trouble knowing what you --
14 you are asking for what I wouldn't have done if I would
15 have --

16 Q Well, what I'm asking --

17 A I don't know how to answer that.

18 Q I'll ask it again to clear it up.

19 A That's fine.

20 Q My client, you said, he was already a suspect.
21 You already had his phone records, right, incoming,
22 before he even got there?

23 A He wasn't a suspect at that time.

24 Q Okay. He wasn't a suspect. My client, before he
25 got there, you already had his phone records coming,

JONATHAN MARTIN - CROSS-EXAMINATION

1 right?

2 A Yes.

3 Q Already had some of them. They were incoming
4 before he got there, right?

5 A Yes, sir.

6 Q And you said that you had to follow up on all of
7 his stuff, and his statement to you was very important,
8 so you were happy he was coming in, right?

9 A Yes, sir.

10 Q When you learned that he wasn't initially
11 allegedly truthful about the pay phone, then you had to
12 follow up on a lot more, all of his stuff, right?

13 A Yes, sir.

14 Q You said that?

15 A Yes, sir.

16 Q And I asked you, well, what are those things,
17 what are the additional things you would have to do,
18 and you said, one, you would have to be more thorough,
19 that was the first one. What other things?

20 A If he would have told us initially, probably
21 contact with the first officers, that he had
22 communicated with her by pay phone, we probably would
23 have gone out to that pay phone the night of the
24 incident, maybe talked to witnesses when we know he was
25 out there, talk to maybe the person that worked the pay

JONATHAN MARTIN - CROSS-EXAMINATION

1 phone. He's providing a statement that he is out
2 there, so we don't have to do the phone records from
3 the pay phone.

4 Q So you are telling me you wouldn't get the pay
5 phones -- I mean the records to the pay phone if he
6 told you he made a pay phone call in this case?

7 A Well, if we were investigating a missing person?

8 Q Now you rely on it, so you don't need the pay
9 phone records because now he told you he made one call
10 from it, so now you are going to completely believe him
11 and not get the pay phone records?

12 A If we were investigating what type of case?

13 Q This case. I mean, whatever you were doing. I
14 mean -- let me ask you this. Did any of your officers
15 ask him if he made a pay phone call before he got
16 there?

17 A They asked him if he called her or if -- when he
18 communicated with her, yes.

19 Q That is your understanding of what he was asked,
20 right?

21 A I've seen the video, I know he was asked that.

22 Q Is it accurate for me to say to you he was asked
23 when is the last time you saw her, and he said I don't
24 know, last night or the night before; did you hear
25 that?

JONATHAN MARTIN - CROSS-EXAMINATION

1 A When he saw her?

2 Q Yeah -- I mean heard from her, talked to her.

3 Did you hear that on the dash cam?

4 A Initially, no, he didn't say that he had talked
5 to her the night or night before. After they asked him
6 when he last talked to her, yes, sir.

7 Q Right. Okay. Which is what you are saying to
8 me, he didn't flag the police down and say, hey, I
9 talked to her two days ago; you are saying that he
10 didn't volunteer information until he was asked a
11 question, right?

12 A Yes, sir. When he was asked it, he didn't
13 provide it.

14 Q He didn't provide it when he was asked?

15 A When they asked when was the last time he talked
16 to her.

17 Q What did he say?

18 A He said she called me a couple days ago.

19 Q Okay. Well....

20 A Which is different than what he --

21 Q I will ask you one more time. Is it not accurate
22 that his answer was I don't remember, either last night
23 or the night before?

24 A She called me.

25 Q Okay. Did they ask if he used a pay phone?

JONATHAN MARTIN - CROSS-EXAMINATION

1 A The patrol officers?

2 Q Yeah.

3 A No.

4 Q Anybody before he got to you?

5 A We had no clue about the pay phone until we began
6 investigating it, after we got her phone records. If
7 he would have told the patrolman that he used a -- pay
8 phone call, that probably would have furthered us, you
9 know, a couple of hours.

10 Q You knew before he walked in the building that he
11 made the pay phone call?

12 A No, we didn't.

13 Q Yes, you did.

14 A No, he didn't, not for certain.

15 Q You are certain? Not for sure? You are telling
16 me one of your officers had not been down and watched a
17 surveillance video before he got there and seen him on
18 video?

19 A We had watched video and saw a male figure, which
20 fit the description. We weren't sure it was him.

21 Q What did you tell him? We got you on video using
22 the pay phone, right?

23 A No. We told him, Are you sure about that, there
24 is video, and at that point he said, okay, maybe I made
25 a pay phone call.

JONATHAN MARTIN - CROSS-EXAMINATION

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

3 A Yes, sir.

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

6 A Sure.

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

9 (Defendant's Exhibit 2 marked.)

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

17 A (Witness examines document.)

18 (A brief pause in the proceedings.)

19 A Okay.

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

22 A Yes, sir.

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

JONATHAN MARTIN - CROSS-EXAMINATION

1 conversation and whatnot?

2 A Yes, sir.

3 Q And then you say, Did you make any calls? Did
4 you make one from a pay phone, something along those
5 lines?

6 A I asked, Had you used -- had you used any other
7 phones that night, your wife's phone -- and there is a
8 question mark there, but it was asked in a questioning
9 tone -- and he said, No. Then we asked, Did you make
10 any pay phone calls? And he said, Nope. They still
11 have pay phones? And then I asked, There was a phone
12 call made to Heather that night from a pay phone at a
13 gas station on 10th Ave. And he said, Okay. And I
14 said, And we have video from that. And he said, Okay.
15 And then we asked, Did you try calling her just a
16 minute? And he said, No. Okay.

17 Q Well, when does he says yes? Keep going.

18 A Or a second, are you sure? He said, Maybe. We
19 said, Okay, how about we start again.

20 Q All right. That covers what I wanted you to see.
21 So when he said he didn't make, yes, you asked him
22 specifically about a pay phone, correct?

23 A Yes.

24 Q He says, no, or he says he didn't, right?

25 A Yes.

JONATHAN MARTIN - CROSS-EXAMINATION

1 Q And then you tell him we've been down there,
2 whatever, we got a video, right?

3 A Yes.

4 Q What is the implication? What is your purpose in
5 saying we got video?

6 A To ID if whether he made that phone call.

7 Q Why are you telling him?

8 A Because his phone records, being the one
9 communicating with her so much around the last time we
10 know of her last phone call, it made sense to us that
11 his phone -- or he would have been the one to make that
12 phone call.

13 Q Right. Right. What is the importance of you
14 communicating to him that you have video? What is the
15 reason for telling him that?

16 A To try to influence him to tell us the truth.

17 Q Right. Right. And no doubt in your mind, before
18 he answered that question, is it, that he used a pay
19 phone? You knew he had, right, honestly?

20 A I believed he was the one that used the pay
21 phone, but I had no specific evidence to suggest it.

22 Q Right. Right. Okay. So he was not truthful,
23 right, about it at first, right?

24 A Yes, sir.

25 Q And then he was truthful about it. How much time

JONATHAN MARTIN - CROSS-EXAMINATION

1 elapsed between there?

2 A 10, 15 seconds.

3 Q 10, 15 seconds. We're on trial for obstruction
4 of justice, right? What -- how are you impeded in 10
5 seconds by that, or obstructed?

6 A For that?

7 Q Yeah. How did that impede your investigation?

8 A If he would have told that information to the
9 patrolman the night before.

10 Q I'm not asking if he went down and said I want to
11 confess to every crime committed this year, I'm asking
12 -- he's accused of making a false statement that
13 impeded your investigation, the statement being he
14 didn't use the pay phone. You only knew -- the lie was
15 only a lie for about 10 seconds; how did that impede
16 you?

17 A It's still a lie.

18 Q I know, and it is bad to lie, but he's charged
19 with a crime called obstruction of justice.

20 A Yes, sir.

21 Q And you don't want him convicted for lying,
22 right?

23 A I believe he --

24 Q Well, you would like him to be, right?

25 A Yes.

JONATHAN MARTIN - CROSS-EXAMINATION

1 Q Here's my question. It needs to impede your
2 investigation, was your investigation, sir, impeded or
3 obstructed at all by his statements that, no, he didn't
4 make a phone call right there in that interview, just
5 that statement, were you impeded at all?

6 A Yes.

7 Q Or obstructed?

8 A Yes.

9 Q How did that obstruct your investigation?

10 A If he was honest about making the pay phone
11 call then there would have been....

12 Q You would have had 10 more seconds for what?

13 A There would have been more belief that the
14 statements he is providing us were truthful, everything
15 was truthful, as opposed to -- a single lie can make
16 the entire statement be questioned.

17 Q Are you saying that -- you are saying that if he
18 would have told the truth, then basically -- I mean,
19 you are not going to be happy unless he confessed to a
20 crime maybe he didn't commit, that is the only thing he
21 could do to make you happy, right? I mean, if he said,
22 no, I didn't make the pay phone call, or, yes, I did, I
23 mean -- you see what I'm getting at?

24 A In reference to the obstruction, him being
25 honest, if you were to -- if he's a witness in our

JONATHAN MARTIN - CROSS-EXAMINATION

1 case, you would be sitting up and tearing him apart
2 because he lied one time during that interview. That
3 one lie would be enough for you tear every little piece
4 of what he said apart.

5 Q You weren't interviewing to be a witness for the
6 State, were you?

7 A We were interviewing him to find Heather Elvis.

8 Q And because you liked him for some other things,
9 other offense?

10 MR. HOLFORD: Objection.

11 THE COURT: Sustained.

12 Q I'll wrap it up. So he lied to you, right?

13 A Yes, sir.

14 Q And that's bad to lie, right?

15 A During a criminal investigation, it is against
16 the law.

17 Q Right. And he undid the lie within about 10
18 seconds, right?

19 A To undo the lie would not to have done it. By
20 doing the lie it created a string that we now had to
21 figure out everything we had to do with Sidney Moorner.

22 Q Okay. Okay. He undid the lie. You have to have
23 a lie to undo it, right? I mean, you have to have
24 something to undo, right?

25 THE COURT: That's argumentive, Mr. Truslow.

JONATHAN MARTIN - CROSS-EXAMINATION

1 MR. TRUSLOW: All right.

2 Q So we have that. How many interrogations have
3 you done as a detective?

4 A Probably hundreds.

5 Q Have you of interrogated someone you thought was
6 guilty of something and you cleared them?

7 A Yes.

8 Q And have you done the same thing and arrested
9 people, right?

10 A An interrogation?

11 Q And it wound up in an arrest?

12 A Well, an interrogation is when someone is in
13 custody, so it would be when someone is arrested.

14 Q Stick with your interviews.

15 A Okay.

16 Q How long have you done this?

17 A Policing or investigating?

18 Q Investigating.

19 A Investigating, five years.

20 Q How long have you -- whether as a field officer
21 or anything -- conducted interviews of people,
22 witnesses, suspects?

23 A Five years.

24 Q What did you do before the five years, I forgot?

25 A Patrol.

JONATHAN MARTIN - CROSS-EXAMINATION

1 Q You never interviewed anyone as a patrol officer?

2 A Yeah, that is why I asked you as detective or
3 patrol.

4 Q And I went back and said now regardless of what
5 job you have as a police officer.

6 A Okay. 11 years -- or back then it would have
7 been -- we're going back 2013 so, seven years of
8 investigating, interrogating and interviewing.

9 Q So in all of your interrogations and interviews,
10 do you just sit down and say, okay, give it to me, and
11 it just comes all out and you don't even have to ask a
12 question; is that how it works most of the time?

13 A When people are not hiding something, usually.

14 Q If they are not hiding something, that is how it
15 works? Okay.

16 MR. TRUSLOW: Court's indulgence, Your Honor.

17 THE COURT: Yes.

18 (A brief pause in the proceedings.)

19 Q Is there any way to give an average time of an
20 interview in the last five years as a detective when
21 you do it, say, maybe like a case in this court, I mean
22 just an average?

23 A You know, normal witnesses maybe --

24 MR. HOLFORD: Objection, relevant.

25 THE COURT: I'll sustain it.

JONATHAN MARTIN - CROSS-EXAMINATION

1 MR. HOLFORD: Thank you.

2 Q So the people who tell the truth, the
3 interrogation doesn't take long, or interview, right?
4 You said it just flows out, right, you don't even
5 really have to ask a question if they are going to tell
6 the truth?

7 A Just depends how much they have to tell us.

8 Q What about people who tell you something that you
9 don't think is the truth, how does that go? Do you
10 then ask questions and -- I mean, that is how
11 interrogation goes, right?

12 A Interviews, yes.

13 Q And interrogations?

14 A And interrogations, yes, sir.

15 Q And you, in fact, sometimes have two officers,
16 like here, in the room?

17 A Sometimes.

18 Q And you are trying to pull information from
19 someone, you ever have to do that?

20 A Yes. Yes.

21 Q Ever have to go back and say three hours ago you
22 say this, and now you just said this, something isn't
23 adding up with this issue, things like that?

24 A Yes, sir.

25 Q Kind of normal, right? That is how it goes. I

JONATHAN MARTIN - REDIRECT EXAMINATION

1 mean, isn't that pretty common?

2 A Depends what type of case it is, what type of
3 interview it is.

4 Q Would you say it is 50/50?

5 A It is not normally common for victims -- or
6 witnesses, I'm sorry, to give us statements and then
7 backtrack on them, because it brings a question into
8 what their honesty level is, if they are telling us the
9 truth or not truth.

10 MR. TRUSLOW: I'm done, Your Honor. No further
11 questions.

12 THE COURT: Very well. Redirect?

13 REDIRECT-EXAMINATION

14 BY MR. HOLFORD:

15 Q You were not the lead investigator in this case?

16 A No, sir.

17 Q But you did assist?

18 A I did assist, yes.

19 Q Mostly in getting cell phone records?

20 A Yes.

21 Q Now, you were asked about the video, if I could
22 clear that up briefly. Did you know for a fact when
23 you interviewed Sidney Moorer that was him on the
24 video?

25 A No, sir.

JONATHAN MARTIN - REDIRECT EXAMINATION

1 Q But you thought it might be?

2 A I thought --

3 MR. TRUSLOW: Objection.

4 THE COURT: What is the objection?

5 MR. TRUSLOW: Leading. He said you thought it
6 might be.

7 THE COURT: He is reiterating what he told you,
8 I'm sorry. He might be repeating it. He already said
9 it twice, I think.

10 Q (MR. HOLFORD) But Sidney Moorner was the one that
11 actually confirmed it with him?

12 A Yes.

13 Q And until then, you didn't know if he made a pay
14 phone call?

15 A No, sir.

16 Q Would it have helped the investigation had you
17 known it the night before or the day before or two days
18 before?

19 A Yes, sir.

20 Q Did he lie to you?

21 A Yes, sir.

22 Q Was the pay phone call the only lie he told you?

23 A No, sir.

24 MR. HOLFORD: Nothing further.

25 THE COURT: Recross?

JONATHAN MARTIN - RECROSS-EXAMINATION

1 MR. TRUSLOW: Court's indulgence.

2 (A brief pause in the proceedings.)

3 RECROSS-EXAMINATION

4 BY MR. TRUSLOW:

5 Q I'll be very brief. If you put aside all the
6 evidence that you are dealing with in your
7 investigation, that you had at that time and that you
8 subsequently gathered, and you had only the pay phone
9 video, the one that we're talking about, okay, of the
10 person at the pay phone --

11 A Yes, sir.

12 Q If you had only that, how do you know -- I mean,
13 could you tell from that today whether he made the
14 call?

15 A From the video?

16 Q Yeah.

17 A No.

18 Q So you wouldn't have even known unless he told
19 you?

20 A That he admitted that he made the phone call?

21 Q Yeah. Yeah. Yeah.

22 A No.

23 Q So he helped you? You would have had no other
24 way to know, right? I mean, you can't tell that's him
25 on there.

JONATHAN MARTIN - RECROSS-EXAMINATION

1 A We used other methods to show it was him, phone
2 records and stuff like that.

3 Q Yeah, okay, but you didn't have that at that
4 time. He actually assisted you.

5 MR. HOLFORD: Objection, outside of the scope.

6 THE COURT: Sir?

7 MR. HOLFORD: Outside of the scope.

8 THE COURT: Overruled, you asked the question.

9 Q (MR. TRUSLOW) He assisted you, did he not, in
10 that 10 seconds after he said that? In that
11 interview, post interview, you were in better shape
12 than you were before you started, right?

13 A Assisted us towards what?

14 Q Huh?

15 A Towards what did he assist?

16 Q In terms of who made that phone call from the pay
17 phone.

18 A He provided us information, yes.

19 Q Right. Helpful information?

20 A He told us the things that he had done, yes, sir.

21 Q That helped you, right? You are putting it
22 together, right?

23 A I guess you could say that helps, yes.

24 Q He didn't obstruct you, he helped you, right?

25 THE COURT: That's argumentive. Thank you.

AMANDA NIGRO - DIRECT EXAMINATION

1 MR. TRUSLOW: No further questions.

2 THE COURT: You may step down. All right. At
3 this point --

4 MS. LIVESAY: I have one quick witness, Judge.
5 She's from out of town. We could probably slip her
6 in, if you don't mind, this afternoon. She won't take
7 more than 10 minutes.

8 THE COURT: All right. Ladies and gentlemen, are
9 you willing to -- ten minutes?

10 MS. LIVESAY: If it don't offend anybody:

11 THE COURT: Thank you. Call your next witness.

12 MR. HOLFORD: Your Honor, can Sergeant Martin be
13 excused?

14 THE COURT: Any objection?

15 MR. TRUSLOW: No objection.

16 THE COURT: Thank you, sir. You are free to
17 leave.

18 MS. LIVESAY: I'll call Amanda Nigro to the
19 stand.

20 (AMANDA NIGRO, having been duly sworn,
21 testified as follows:)

22 THE WITNESS: Amanda Nigro, N-I-G-R-O.

23 DIRECT-EXAMINATION

24 BY MS. LIVESAY:

25 Q And, Ms. Nigro, if you don't mind, tell us where

AMANDA NIGRO - DIRECT EXAMINATION

1 you are employed.

2 A Frontier Communications.

3 Q What is Frontier Communications?

4 A Landline service provider.

5 Q And does it -- so it provides pay phones, cell
6 phones, any kind of phone service?

7 A Pay phone.

8 Q Just pay phone?

9 A Residential service and business as well.

10 Q Wonderful. How long have you been with Frontier
11 Communications?

12 A 23 years.

13 Q What are your current responsibilities?

14 A LEO compliance.

15 Q How much long do you got at Frontier?

16 A Quite awhile.

17 Q Now, do you keep records in the regular course of
18 business at Frontier Communications?

19 A Yes.

20 Q And do those records obtain or keep the ingoing
21 (sic) and outgoing calls from certain pay phones?

22 A Yes.

23 Q Okay. Now, do you recognize -- there's been a
24 lot of talk already about the number (843)444-2462; do
25 you recognize that phone number?

AMANDA NIGRO - DIRECT EXAMINATION

1 A Yes.

2 Q And does the phone number belong to a pay phone?

3 A Yes, sir.

4 Q Do you have records for that particular pay
5 phone?

6 A Yes.

7 Q And those records are kept in the ordinary course
8 of business?

9 A Yes.

10 Q And have they been tampered with in any form or
11 fashion?

12 A No.

13 Q And, in fact, you brought them from Frontier
14 today?

15 A Yes.

16 Q And can I see those records? Thank you.

17 (State's Exhibit 7 marked.)

18 Q (MS. LIVESAY) The first question I have for you,
19 Ms. Nigro, is are those the exact phone records kept
20 from that pay phone of (843)444-2462?

21 A Yes.

22 Q And in that time --

23 MS. LIVESAY: At this time I'll ask them to be
24 admitted into evidence.

25 MR. TRUSLOW: No objection.

AMANDA NIGRO - DIRECT EXAMINATION

1 THE COURT: State's 7 is admitted without
2 objection.

3 (State's Exhibit 7 was admitted.)

4 Q (MS. LIVESAY) First of all, Ms. Nigro, we have
5 established what the phone number is. Now, where is
6 that particular phone booth?

7 A You want the address?

8 Q Yes, please.

9 A 1929 Mr. Joe White Avenue in Myrtle Beach.

10 Q And so that is the location of the pay phone.
11 Now, let me ask you this. Do those records indicate
12 whether or not there was a pay phone call from that pay
13 phone to the phone No. (843)997-8152, which already has
14 been established to belong to a Heather Elvis?

15 A Yes.

16 Q And if you don't mind, tell these jurors when
17 that pay phone call is made?

18 A December 18th at 1:33 a.m.

19 Q And if you don't mind, tell this jury how long
20 that phone call lasted?

21 A Four minutes and 50 seconds.

22 Q And all of it is on the records?

23 A Correct.

24 Q Now, do those records indicate who made that pay
25 phone -- does it indicate who made that call?

AMANDA NIGRO - DIRECT EXAMINATION

1 A No.

2 Q Is there any way from the records to determine
3 who made that pay phone call at 1:33 a.m. from Joe
4 Avenue (sic) in Myrtle Beach?

5 A No.

6 Q So all we can get from that record is just the
7 fact that a pay phone call was made?

8 A Correct.

9 Q Now, by any chance, can we get from those records
10 the substance of the pay phone call, what was said on
11 that pay phone call?

12 A No.

13 Q Now, one more question. Do those records show
14 who calls the pay phone; is that record kept?

15 A Incoming telephone calls?

16 Q Yes. Yes, ma'am.

17 A No.

18 Q Okay.

19 A I'm going to backtrack and say yes, there are
20 some.

21 Q There are some?

22 A Yes.

23 Q But it doesn't indicate every call that is made
24 into the pay phone?

25 A No.

COURT TO THE JURY

1 MS. LIVESAY: No further questions, Your Honor.

2 MR. TRUSLOW: No questions, Your Honor.

3 THE COURT: Thank you. You may step down. Do
4 you wish this witness to be excused?

5 MS. LIVESAY: Yes, please, Your Honor.

6 THE COURT: Any objection?

7 MR. TRUSLOW: No objection.

8 THE COURT: You are free to leave. We are at a
9 stopping point, Solicitor?

10 MR. HOLFORD: Yes, sir.

11 THE COURT: Okay. Ladies and gentlemen, at this
12 point we'll recess for the evening. Please remember
13 that you are not at liberty to talk about this case
14 among yourselves, not at liberty to talk with anyone
15 outside of the courtroom, and tonight if you go home,
16 I imagine the first question that is going to be asked
17 is what did you do? What is the case about? I know
18 there will be a temptation to answer that question,
19 but if you do answer it, you will have commenced your
20 deliberations, so say I can't talk to you, that mean
21 judge won't let me talk to you. You can talk to them
22 tomorrow or the next day, if you choose to. Talk
23 about something else, but don't talk about that.

24 I would ask that you not watch -- there may be
25 some news coverage, don't watch any of that. There

COURT TO THE JURY

1 THE COURT: Any objection from the defendant?

2 MR. GALMORE: No, sir.

3 THE COURT: Very well. We'll mark that as
4 Court's 2, and I'll excuse her and wish her well.

5 (A recess was taken and Court's Exhibit 2
6 marked.)

7 THE COURT: Ready?

8 MS. LIVESAY: Yes, sir.

9 THE COURT: Defendant?

10 MR. TRUSLOW: Yes, Your Honor.

11 THE COURT: Bring them in, please.

12 (The jury enters at 9:57 a.m., and the
13 following is heard in the presence of the jury.)

14 THE COURT: We're going to have enough chairs.

15 Mr. Alford, you are now a part of the jury.

16 Ms. Hudson had a situation that arose, and that is
17 precisely one of the reasons why we have alternate
18 jurors. I excused her, and no need for you to
19 consider anything about that. We wish her well, and
20 you are now a part of the jury panel. Thank you.

21 Solicitor, call your next witness.

22 MS. LIVESAY: Thank you, Judge. At this time the
23 State will call Jeff Cauble to the stand.

24 (JEFF CAUBLE, having been duly sworn,
25 testified as follows:)

JEFF CAUBLE - DIRECT EXAMINATION

1 THE WITNESS: Jeff Cauble, C-A-U-B-L-E.

2 DIRECT-EXAMINATION

3 BY MS. LIVESAY:

4 Q Mr. Cauble, where are you from?

5 A I'm originally from Asheville, North Carolina.

6 Q How long have you lived in the Myrtle Beach area?

7 A Since 2001.

8 Q During the time you lived here, have you had
9 occasion to work for the Horry County Police

10 Department?

11 A Yes, ma'am. I started with the police department
12 in 2003, and worked until 2015.

13 Q If you don't mind, tell this jury a little bit
14 about the training you had to be a police officer with
15 the county.

16 A I had the training of the academy, and then I had
17 the years of training -- every year we go through
18 trainings to stay abreast on what we're supposed to do
19 out there, so that is my training.

20 Q If you don't mind, tell this jury what positions
21 you held during the time you were at the Horry County
22 Police Department?

23 A I was a road officer, then I became a corporal on
24 beach patrol. After becoming corporal on beach patrol,
25 I became a burglary detective, and then after that

JEFF CAUBLE - DIRECT EXAMINATION

1 major crime detective.

2 Q So you basically worked up the rank from being on
3 patrol to being able to wear a suit and investigate
4 different things?

5 A Yes, ma'am.

6 Q Now, were you working for the police department
7 in 2013?

8 A Yes, ma'am.

9 Q Now, you are not with the police department any
10 longer; is that right?

11 A No, ma'am.

12 Q Okay. What are you doing now, just in general?

13 A I manage a sporting health club.

14 Q You left 2015?

15 A Yes, ma'am.

16 Q Now, what was your position in 2013?

17 A In 2013, I was a detective with the major crime
18 division.

19 Q And were you working in that position in December
20 of 2013?

21 A Yes, ma'am.

22 Q Now, the defendant, Sidney Moorner, did you meet
23 him in December of 2013?

24 A Yes, ma'am.

25 Q And if you don't mind, tell this jury how that

JEFF CAUBLE - DIRECT EXAMINATION

1 came about.

2 A I was assigned the Heather Elvis case. One
3 morning when I went to talk to my sergeant, he had the
4 case on his desk and asked me to check into it, and
5 that is how I ended up with the case.

6 Q Okay. And as part of checking into it, did you
7 talk with this defendant?

8 A In the beginning?

9 Q Yes.

10 A Yes. I mean, we had to -- we had to talk to the
11 defendant.

12 Q Okay. And when you talked to the defendant, what
13 was the date; do you remember?

14 A When I talked to him -- with him, it was that
15 Friday, December 20th.

16 Q Okay. And about how long had this investigation
17 been going on before you talked with him?

18 A I believe it was December 18th, so a couple of
19 days, or at least a day-and-a-half.

20 Q Okay. And about how long had you been working on
21 it as the detective?

22 A We started early that morning, probably 8:30,
23 9 o'clock, so that was the day that we had started.

24 Q Okay. So you were very early on in the
25 investigative stage?

JEFF CAUBLE - DIRECT EXAMINATION

1 A Yes, ma'am.

2 Q Now, is that time period crucial to investigators
3 at the police department?

4 A Yes, ma'am, it's very crucial.

5 Q If you don't mind, tell these people why.

6 A It's crucial to get as much information as you
7 can in the beginning of an investigation. You don't
8 want anything to happen to evidence, and it is very
9 important that you get to that evidence as quick as you
10 can. Any time that lapses, the more chance that either
11 the suspect can destroy evidence, the weather can
12 destroy evidence, animals can destroy evidence, so it
13 is very important to get to that early on.

14 Q Okay. Now, in this particular case, how long did
15 you talk with the defendant on the 20th, that Friday?

16 A Approximately an hour.

17 Q Now, you told the jury that it's important to get
18 information early on; is that correct?

19 A Yes, ma'am.

20 Q Now are you looking for just any information, or
21 are you looking for correct information?

22 A We're looking for correct information that will
23 lead us to where Heather is, at that time.

24 Q Okay. Now, as a lead investigator, I want you to
25 tell this jury so they know, what exactly is your role

JEFF CAUBLE - DIRECT EXAMINATION

1 as the lead investigator?

2 A My role as lead investigator was to make sure
3 that, basically, everything was collected correctly,
4 anything that was coming into me, I wanted to make sure
5 it was packaged right, okay. I wanted to make sure it
6 got into evidence the way it should. I'm not
7 necessarily the one that goes out and collects evidence
8 or interviews everyone, but when the evidence does, and
9 the information does come in, then I'm part of the
10 committee, basically, to say, okay, since we have this,
11 let's go here and do this now.

12 Q Okay. But there are other people doing the
13 majority of the, what I would call --

14 MR. TRUSLOW: Objection, leading.

15 THE COURT: Sustained.

16 MS. LIVESAY: Thank you, Judge.

17 Q (MS. LIVESAY) What are the majority of the
18 people doing?

19 A They are going out and collecting the evidence.

20 Q Okay.

21 A And information.

22 Q And how long are -- yeah, how long did you
23 investigate this particular case?

24 A It was a couple of months, yes, ma'am.

25 Q Okay. Now, I want to go back. You said you

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1 talked to the defendant; is that correct?

2 A Yes, ma'am.

3 Q Now, and about what time did you talk with him on
4 that Friday, on the 20th?

5 A I think it was somewhere around 3:00, 3:30.

6 Q Okay. If you don't mind, tell these people why
7 you talked to him.

8 A It was -- we talked to him because we knew
9 through phone records -- or Heather's phone records --
10 that she had talked to him that day, and so it was very
11 important to us to -- to talk to everyone who could
12 have known something about her whereabouts. At that
13 time she was a missing person, so anyone who was with
14 her got talked to or interviewed at that time to make
15 sure that -- to see if they knew anything about her
16 whereabouts.

17 Q Okay. Now, if you don't mind, tell these people
18 so they can get an idea where was he interviewed when
19 you talked to him? Where did you talk to him?

20 A He was interviewed at the police department.

21 Q But was that the first time that he had been
22 talked to?

23 A No, ma'am.

24 Q Okay. Do you know the prior times he had been
25 talked to?

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1 A The exact times? I do not know the exact times,
2 but I know who he had talked to.

3 Q Okay. And had he been talked to at the police
4 department before then, as far as previous date or
5 time?

6 A No, ma'am.

7 Q Now, when you talked with him, was he restrained
8 in any form or fashion?

9 A No, he was not.

10 Q And did a policeman bring him to the police
11 department, or did he voluntarily come?

12 A He voluntarily came.

13 Q And during that time frame you were talking to
14 him, was he ever restrained at any point during that
15 time frame?

16 A No, ma'am, he was not.

17 Q Now, was he ever denied any right to leave the
18 room or to seek legal advice and any point?

19 A I'm sorry, again?

20 Q Did he ever ask or was he ever denied to leave or
21 stop talking to you?

22 A No, ma'am.

23 Q Now, at that time, was he a suspect?

24 A No, ma'am, he was not. He was just a person of
25 interest at that time that we needed to speak to.

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1 Q Okay. Now, when you got done talking to him, did
2 you lock him up?

3 A No, ma'am, we did not.

4 Q Did you let him go back home?

5 A Yes, we did.

6 Q Or go wherever he wanted to go?

7 A Yes.

8 Q So he was not restrained before during or after
9 the time you talked to him?

10 A No, ma'am, he was not.

11 Q Okay. Now, during that interview, did you ever
12 coerce him in any way or put your hands on him in any
13 way?

14 A No, ma'am.

15 Q Okay. And at any time did you get the feeling
16 that he no longer wanted to talk with you?

17 A No, ma'am.

18 Q Okay. And were his questions responsive to --
19 I'm sorry, were his answers responsive to your
20 questions?

21 A Yes, ma'am.

22 Q Okay. Now, when you talked to him, did you
23 record the conversation?

24 A Yes, we did.

25 Q And why do you record conversations?

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1 A Because we're human and there is no way we can
2 remember everything that is said, so we need to make
3 sure that it is recorded.

4 Q And that way there is no question about what was
5 said?

6 A Yes, ma'am.

7 Q Now, I'm going to show you --

8 MR. TRUSLOW: What is that?

9 MS. LIVESAY: The interview.

10 MR. TRUSLOW: Okay.

11 Q (MS. LIVESAY) I'll show you State's Exhibit 8.
12 Do you recognize that?

13 A I do.

14 Q And if you don't mind, tell this jury what it is.

15 A It's a disk of the tape-recorded interview.

16 Q And has it been tampered with in any form or
17 fashion?

18 A No, ma'am, not to my knowledge it has not.

19 Q Is there anything on this indicating that you've
20 heard it and this is, indeed, the interview?

21 A It has my initials on it.

22 MS. LIVESAY: Your Honor, at this time the State
23 wishes to place into evidence the interview and
24 publish it to the jury at the appropriate time.

25 THE COURT: Is there any objection?

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1 MR. TRUSLOW: Your Honor, there is. I didn't --
2 for clarity, I need to know which interview, because
3 he was engaged in two of the three interviews that
4 day. He had one with Detective Martin, who testified.
5 Which interview is it?

6 MS. LIVESAY: The interview we did the pretrial
7 hearing on that was ruled admissible.

8 THE COURT: I'm trying to understand, which one
9 is that?

10 MS. LIVESAY: The interview with Jeff Cauble.

11 MR. TRUSLOW: And no one else?

12 MS. LIVESAY: Jeff Cauble and Jon Martin were
13 present.

14 MR. TRUSLOW: Thank you. No objection.

15 THE COURT: Without objection State's 8 is
16 admitted me, and you may publish it.

17 (State's Exhibit 8 admitted.)

18 Q (MS. LIVESAY) Jeff, the interview that we're
19 about to listen to, is that the first time you talked
20 to him?

21 A That was the first time that I had spoke with
22 him, yes, ma'am. We did have him come to the police
23 department, and someone did sit with him at the police
24 department until Field Detective Martin and I actually
25 got there.

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1 Q But you had not spoken to him before this point?

2 A No, ma'am.

3 Q Were you present for any other interviews before
4 this one that you --

5 A No, I was not.

6 Q Okay.

7 MS. LIVESAY: Your Honor, at this time I'll
8 publish the interview with the defendant.

9 THE COURT: Very well.

10 (A pause in the proceedings.)

11 MR. HOLFORD: Could we request the Court's
12 indulgence for about five minutes to figure out the
13 technology?

14 THE COURT: We'll have the jury go to the jury
15 room. Do not discuss deliberations. We'll try to get
16 the equipment running.

17 (The jury exits at 10:12 a.m., and the
18 following is heard out of the presence of the jury.)

19 THE COURT: We'll be at ease. If you want to
20 step down, you can, just don't have any conversation
21 with the attorneys.

22 THE WITNESS: I'm fine, thank you.

23 (A recess was taken.)

24 THE COURT: Okay. Bring them back in.

25 (The jury enters at 10:21 a.m., and the

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1 following is heard in the presence of the jury.)

2 THE COURT: You can be seated, thank you. Kirk,
3 you can sit.

4 MR. TRUSLOW: Thank you.

5 THE COURT: Thank you. Are we ready to play,
6 Solicitor?

7 MS. LIVESAY: Thank you, Judge.

8 Q (MS. LIVESAY) Mr. Cauble, this interview is this
9 the first and only time you talked to the defendant?

10 A Yes, ma'am.

11 (State's 8 published to the jury.)

12 MR. TRUSLOW: I have an objection at this point.

13 THE COURT: What is your objection?

14 MR. TRUSLOW: Hearsay.

15 THE COURT: Overruled.

16 MR. TRUSLOW: Thank you.

17 Q (MS. LIVESAY) Was that your conversation with
18 the defendant?

19 A Mine and Jonathan Martin's, yes.

20 Q About how long was that conversation?

21 A Right at about 57 minutes to an hour, yes.

22 Q Would you say you all were talking the whole
23 time?

24 A Yes, ma'am.

25 Q So there was a lot of information given to you in

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1 that interview?

2 A Yes, ma'am.

3 Q Now, just because it is so long, I want to point
4 your attention to certain spots. Right in the
5 beginning, why are you asking him about where he had
6 been that night?

7 A Well, it was important to us because we knew that
8 he was in the vicinity of possibly where Heather could
9 have been.

10 Q Now, let me ask you this. What night -- I think
11 I was a little confused. What night are you asking
12 about? It is the 20th when you talked to him?

13 A Yes, ma'am.

14 Q So what is the time frame and kind of the night
15 that you were asking him about?

16 A It was -- it was the late night hours of the
17 17th and early morning hours of the 18th.

18 Q So just like a day before the interview?

19 A Yes, ma'am.

20 Q So it wasn't like last week?

21 A Right.

22 Q So now when you talked to him, were you able to
23 find out truthfully where he had been that late night
24 of the 17th and early morning on the 18th hours?

25 A No, ma'am, not truthfully. We were able to

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1 distinguish through phone records that he was telling
2 us the truth about certain things, but he was leaving
3 things out as well.

4 Q Now, let me ask you something. When you talked
5 to him, what were kind of the important places you were
6 looking to find out whether or not he had been in those
7 areas?

8 A Well, during the phone call that was made to
9 Heather, it set her, basically, at a whirlwind. She
10 really reacted to that phone call.

11 MR. TRUSLOW: Objection, this is pure
12 speculation.

13 MS. LIVESAY: Your Honor --

14 THE COURT: Sustained. If you want to be heard,
15 I'll excuse the jury. I sustained the objection. he
16 is testifying to his interpretation and, furthermore,
17 it is hearsay in addition.

18 MS. LIVESAY: Certainly.

19 Q (MS. LIVESAY) Now, let me show you something
20 that is already in evidence, it's already been shown
21 to the jury. I'm showing you now State's Evidence 4.
22 How many times did she call that pay phone after she
23 got the call?

24 A Looks like nine times.

25 Q Okay. Nine times?

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1 MR. TRUSLOW: Object to the relevance of the
2 number of times.

3 THE COURT: Sustained. It is cumulative. Move
4 on, please, Solicitor.

5 Q (MS. LIVESAY) Now, was that pay phone call and
6 that time material to your investigation?

7 A Yes, ma'am, it was.

8 Q And was his whereabouts material to the
9 investigation?

10 A Yes, ma'am.

11 Q And did you find out whether or not he had misled
12 you about where he had been during those hours?

13 A Yes.

14 Q What did you find?

15 A We found that he was actually near her residency
16 at one point, and that he was also at Long Beard's
17 which, is where Heather was actually as well, later on
18 in the evening.

19 Q But he never told you during that 57 minutes that
20 he was near Heather's residence that night?

21 A No, ma'am.

22 Q And, conveniently, he never told you that he was
23 near Long Beard's?

24 A Yes, that's true.

25 Q Now, for those two places, Heather had been just

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1 that same night?

2 A Yes, ma'am.

3 Q And was that material to your investigation?

4 A Yes, ma'am. It was very important, yes, ma'am.

5 Q And you didn't find that out until after you
6 talked to him?

7 A Yes, ma'am, that's true.

8 Q Now, you got -- showing you now State's Evidence
9 No. 2 -- sorry, State's Evidence No. 6, are these
10 Sidney Moorer's phone records?

11 A (No verbal response.)

12 Q Okay. And when you got those phone records, did
13 you also in that search warrant get the tower location
14 to know where the phone was?

15 A Yes, ma'am.

16 MR. TRUSLOW: Your Honor, object to relevance.

17 There never was an accusation about him lying where he
18 was.

19 THE COURT: Solicitor -- I mean, excuse me, Mr.
20 Truslow.

21 MR. TRUSLOW: Yes, sir.

22 THE COURT: At this point that is an admitted
23 document. He's merely testified to check the tower
24 location. What that means at this point, that is as
25 far as this witnesses will be able to testify unless

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1 he's qualified as an expert.

2 MR. TRUSLOW: Yes, sir.

3 MS. LIVESAY: Thank you, Judge.

4 Q (MS. LIVESAY) Now, he also talked to you about
5 the conversation he had with Heather Elvis around
6 3:17; do you remember that?

7 A Yes, ma'am.

8 Q And do you remember what he told you was the
9 content of that conversation?

10 A Yes, ma'am. He had stated at that time that he
11 wanted to make that phone call to her to tell her to
12 stop putting notes on his car.

13 Q And that's the pay phone call?

14 A That's the pay phone call, yes, ma'am.

15 Q Now, I want to ask you two more questions. My
16 first question is, did you ever find out how she knew
17 which car to leave the note on?

18 A Yes. We -- we -- we actually --

19 MR. TRUSLOW: Objection, Your Honor, elicits
20 based on hearsay.

21 THE COURT: Sustained.

22 Q (MS. LIVESAY) Go ahead.

23 THE COURT: No. Sustain the objection. It's
24 hearsay. The only way he can know it is to have asked
25 someone. It would have to be heard. Thank you.

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1 MS. LIVESAY: Sorry. I can rephrase, Your Honor.

2 THE COURT: Thank you.

3 Q (MS. LIVESAY) Did you get information about the
4 defendant's truck?

5 MR. TRUSLOW: Objection.

6 THE COURT: That was already testified to on the
7 statement. He already said that, Solicitor. This is
8 cumulative.

9 MS. LIVESAY: It's records, Your Honor, I'm
10 asking him about, not what someone said.

11 THE COURT: We just heard that he asked him a
12 question and it was identified as Ford truck in the
13 statement. You already played that, so ask a
14 question -- rephrase it.

15 Q (MS. LIVESAY) My question is, did the defendant
16 tell you that she had left notes on his truck?

17 A Yes.

18 Q Okay. And at that time, what kind of truck did
19 he have?

20 A Black F150.

21 Q And did you find out what kind of truck he had
22 while he was carrying on with Heather?

23 MR. TRUSLOW: Objection, unless it is from
24 personal knowledge, Your Honor.

25 THE COURT: Sustained. It would have to be

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1 hearsay.

2 MS. LIVESAY: Your Honor, I think I need to be
3 heard outside.

4 THE COURT: You surely can. Ladies and
5 gentlemen, go to your jury room. Do not begin your
6 deliberations. Do not discuss the case.

7 (The jury exits at 11:11 a.m., and the
8 following is heard out of the presence of the jury.)

9 THE COURT: Yes, ma'am. I'll be happy to hear
10 from you, Solicitor.

11 MS. LIVESAY: Thank you, Judge. My understanding
12 is that the obstruction of justice happened on --

13 THE COURT: Solicitor, hold on a second. I
14 appreciate how you do things. I sustained an
15 objection to a question you just asked him about what
16 truck he had during the time that they were seeing one
17 another. The objection was made to hearsay, let's
18 argue that. I don't really need to talk about
19 obstruction. Why is it not hearsay?

20 MS. LIVESAY: Okay. Your Honor, he didn't talk
21 to anyone about the truck. They went and did a search
22 warrant on Ford and found out he didn't have the black
23 truck when he and Heather were dating.

24 THE COURT: Someone has to testify to that.
25 Someone else has to provide that information.

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1 Anything that he found out is hearsay. Someone told
2 him, read it from something. You have to have some
3 documentation. It's hearsay.

4 MS. LIVESAY: Well, he is the lead investigator.

5 THE COURT: I don't know care if he's the only
6 investigator. He can testify -- every question I have
7 ever read and every issue I have ever read -- I'll be
8 happy to see the case that makes an exception here, if
9 you have it -- it says based on what you found, what
10 did you do. That is typically a back-door way of
11 getting hearsay in because it leads you to the next
12 statement. But to find out what truck he had has to
13 be established by someone other than him, because he
14 didn't know. Unless he says, I saw him driving that
15 truck, I know he drove that truck. That is my ruling,
16 Solicitor. So you are protected, and I sustain the
17 objection.

18 MS. LIVESAY: Thank you, Judge. If you don't
19 mind I just want to put this on for the record.

20 THE COURT: Put what on? You asked a question.

21 MS. LIVESAY: Certainly. What I would like to
22 ask him is did you learn what kind of truck he had
23 when he was dating Heather.

24 THE COURT: You can ask the question, but if you
25 are asking what truck it was, it won't be admitted.

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1 So if you want to ask him did you learn, yes.

2 MS. LIVESAY: Okay. Thank you, Judge.

3 THE COURT: But you are not going to ask him
4 anything else.

5 MS. LIVESAY: I'll ask him did he learn what
6 truck the defendant had when he was dating Heather.

7 THE COURT: That's fine. And that is as far as
8 it is going to go, because if you ask the next
9 question, you violated my ruling and I'll entertain a
10 motion for a mistrial.

11 MS. LIVESAY: Certainly, Your Honor.

12 THE COURT: Thank you. As long as we're not
13 playing games here, Solicitor.

14 MS. LIVESAY: I'm not.

15 THE COURT: I don't want to hear, And was that
16 the same truck.

17 MS. LIVESAY: I'm going to bring the Ford people.

18 THE COURT: That's fine. Then you don't need to
19 ask him that. So what? You can recall him if someone
20 challenges it, that was not the Ford people and not
21 correct -- that he didn't know that. There was no
22 challenge to that. You can ask the question did you
23 learn, that's fine.

24 MS. LIVESAY: Okay.

25 THE COURT: All right. Are we ready? Are we

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1 ready for the jury to come back?

2 MS. LIVESAY: I am, Judge.

3 MR. TRUSLOW: Yes, Your Honor.

4 THE COURT: Okay. Bring in the jury, please.

5 Before we bring in the jury, let me make an
6 observation -- close the door, please -- for the
7 record and for all of those present, and certainly the
8 television. I'm speaking louder. Ms. Livesay has a
9 hearing impairment, and that is the reason why I'm
10 speaking louder. I'm not speaking loud because I'm
11 angry with the Solicitor. I want that clearly
12 understood in the record. Thank you. Okay. You can
13 bring in the jury.

14 (Whereupon, the jury enters at 11:16 a.m., and
15 the following is had in the presence of the jury.)

16 THE COURT: Thank you, ladies and gentlemen.
17 We're ready to continue. You may continue your
18 examination, Solicitor.

19 MS. LIVESAY: Thank you, Judge.

20 Q (MS. LIVESAY) Now, Detective Cauble, you talked
21 earlier that you were the lead investigator; is that
22 correct?

23 A Yes, ma'am.

24 Q And how long did the investigation take to figure
25 out what part of the defendant's statement was true and

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1 which part was not?

2 A It took until mid-February I guess.

3 Q Okay. And as part of the investigation, did you
4 collect any paperwork from Ford Company?

5 A Yes, we did.

6 Q And was that relative to the defendant's truck?

7 A Yes, it was.

8 Q And was that relevant to your investigation?

9 A Yes.

10 Q And was it important to know when he had that
11 truck?

12 A Yes, ma'am.

13 Q And did that information tell you that?

14 A Yes, ma'am.

15 Q And was that relevant to finding out whether or
16 not he was misleading you about Heather Elvis leaving
17 notes on his vehicle?

18 A Yes, ma'am.

19 Q Okay. And someone from Ford can tell us about
20 those records, correct?

21 A Yes, ma'am.

22 Q And they can give us the information that you
23 just explained was misleading to you; is that correct?

24 A Yes, ma'am.

25 Q Okay. So that will clear that up.

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1 Now, I want to ask you a little bit -- these are
2 State's Evidence No. 2. Do you recognize these phone
3 records. Do you want to hold them?

4 A Yes, please. (Witness examines document.)
5 These would be Heather's phone records.

6 Q Okay. And he told you in that statement that he
7 had started talking to her about mid-September; is that
8 correct?

9 A Yes, ma'am.

10 Q Okay. And these records would show who she's
11 contacting and when; is that correct?

12 A Yes, ma'am.

13 Q So if he had really been contacting her numerous
14 times --

15 MR. TRUSLOW: Objection, leading.

16 THE COURT: Sustained.

17 Q (MS. LIVESAY) Did you find out -- or do these
18 records show the contact he had with her?

19 A Yes.

20 Q And when he told you that, was he misleading you
21 about how long --

22 MR. TRUSLOW: Objection, Your Honor.

23 THE COURT: Sustained. Sustained.

24 Q (MS. LIVESAY) Have you reviewed these records?

25 A Yes, ma'am, I did.

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1 Q And was he misleading you about how long he had
2 been having contact with her?

3 A Yes, ma'am.

4 Q And are these T-Mobile records?

5 A Yes, they are.

6 Q And did you meet the guy from T-Mobile this
7 morning?

8 A Yes, I did.

9 Q Okay. So he can tell us all about these records;
10 is that correct?

11 A Yes, ma'am.

12 Q You just collected them as part of being the lead
13 investigator?

14 A Yes, ma'am.

15 Q Now, not only do those records contain call
16 detail, but is there tower information on these
17 records?

18 A Yes, ma'am.

19 Q What does that tower information tell us?

20 A It gives us a general vicinity of where he is
21 during the phone calls.

22 Q So, basically, the location of her phone when --

23 A Or her phone, yes.

24 Q Now, do you remember him telling you that she was
25 riding by his house?

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1 A Yes.

2 Q And do you remember him telling you that she had
3 rode by four or five times that night?

4 A Yes, ma'am.

5 Q And as an investigator, could you use this tower
6 information to find out where she was that night?

7 A Yes, we could.

8 Q And was he misleading you on that information?

9 A Yes, he was.

10 Q And somebody from T-Mobile could tell us what
11 these records say, correct?

12 A Yes, ma'am.

13 Q And read the tower date?

14 A Yes, ma'am.

15 Q Read where her phone was during the evening
16 hours?

17 A Yes, ma'am.

18 Q But you are telling me from the information you
19 got that that statement was misleading?

20 A Yes, ma'am.

21 Q Now, she -- he told you eventually about that pay
22 phone; do you remember that?

23 A Yes, ma'am.

24 Q Okay. Now, when did he tell you about that?

25 A After we had told him that we had video of the

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1 pay phone itself.

2 Q Now, did he tell you about the conversation on
3 the pay phone?

4 A Yes.

5 Q And do you remember what he told you the
6 conversation was on the pay phone?

7 A He stated that he wanted her to leave him alone
8 and stop putting notes on his car.

9 Q Okay. Leave him alone?

10 A Uh-huh.

11 Q Is that basically what he told you?

12 A Yes, ma'am.

13 Q Okay. Now, did you interview anybody else about
14 what the contents of that conversation was?

15 A I didn't, but someone --

16 MR. TRUSLOW: Objection, Your Honor, hearsay.

17 THE COURT: Well, he just answered the question,
18 he didn't, so that is -- I overrule the objection.

19 Q (MS. LIVESAY) Did anyone talk to anybody
20 regarding the content of the conversation?

21 A Yes.

22 Q Okay. And did you learn whether or not he was
23 misleading you --

24 MR. TRUSLOW: Objection.

25 THE COURT: Sustained. Solicitor, hearsay. You

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1 can't ask that question. Now, I sustained the
2 objection. Solicitor, approach please.

3 (Whereupon, a bench conference was had.)

4 Q (MS. LIVESAY) Detective Cauble, was he
5 misleading you about what he told you about the
6 content of the conversation?

7 MR. TRUSLOW: Objection.

8 THE COURT: Sustained. You asked that over and
9 over and over again. He already answered it. Thank
10 you. Move on to your next question.

11 MS. LIVESAY: I must have missed the answer,
12 Judge, I'm sorry.

13 THE COURT: You must have, because I have heard
14 it about four times.

15 MS. LIVESAY: Okay.

16 Q (MS. LIVESAY) Now, I want to ask you a little
17 bit about what he told you regarding his phone. What
18 did he tell you about his phone?

19 A I believe he was telling us that his wife keeps
20 his phone, and the only time that he gets to use his
21 phone is if she allows him to and if someone calls, and
22 if it is about work, she'll let him know it is about
23 work.

24 Q Now, were you here for the video of the
25 conversation he had with the police that showed up to

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1 his house?

2 A Yes, ma'am.

3 Q Okay. Do you know whether or not he was able to
4 show the police his phone that night?

5 A According to them he did, yes.

6 Q Okay. Okay. Now, he told you or he mentioned
7 that he had cooked her potstickers that night; do you
8 remember that?

9 A Yes.

10 Q Do you remember what the time frame was that he
11 told you he was cooking those potstickers?

12 A I believe it was around 2:30.

13 Q Now, was his phone ever Cellebrited.

14 A Yes, it was.

15 Q Was that in an effort to confirm these things he
16 was telling you?

17 A Yes, ma'am.

18 Q Now, there was a lot being said about this pay
19 phone. After you catch him in this lie in the
20 interview --

21 MR. TRUSLOW: Objection.

22 THE COURT: Sustained. It is argumentive, so
23 rephrase your question.

24 Q (MS. LIVESAY) Did you arrest him right after
25 this conversation?

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1 A No, ma'am, I did not.

2 Q How long was it before he was charged with
3 obstruction?

4 A At least two months.

5 Q Okay. How many investigators worked on finding
6 evidence regarding what part of what he told you was
7 true, and what part was not?

8 A It was a lot. I mean, we had our investigators
9 on it. We had SLED on it. We had Myrtle Beach Police
10 Department on it. We had the Sheriff's Department on
11 it. All of these agencies came together.

12 Q Now, how many -- were you here yesterday?

13 A Yes.

14 Q Okay. And do you know how many officers
15 testified that he had -- they had talked to the
16 defendant before you?

17 A How many officers testified?

18 Q Yes.

19 A There were two yesterday.

20 Q Okay. And did he ever tell them anything about
21 her leaving notes?

22 MR. TRUSLOW: Objection, 611.

23 THE COURT: It's cumulative, Solicitor. Those
24 persons had testified. The jury has heard it. Let's
25 move on. The question is redundant and cumulative.

JEFF CAUBLE - DIRECT EXAMINATION

1 Q (MS. LIVESAY) Did you ever find when you were
2 talking to him that he changed what he had told the
3 police earlier?

4 A Yes.

5 Q Okay. And was there any way for him to fix that
6 he had told the police earlier that he had not seen
7 her, and then he told you she was riding by his house
8 four or five times?

9 A No, ma'am, that was up to us to figure that out.

10 Q But it certainly couldn't be both?

11 A Right.

12 Q Okay. And because of that, did you have to
13 follow up and find out for yourself which it was?

14 A Yes, ma'am.

15 Q If you had all of this information that you
16 eventually had, would you have done things different
17 when you got up from that interview room
18 December 20th?

19 A Yes, ma'am, we would have.

20 Q And if you don't mind, tell this jury what you
21 would have done different?

22 A We would have been able to start on this
23 investigation earlier than what we did. If the
24 information would have come out during the sergeant's
25 first phone call, you know, that we learned during our

JEFF CAUBLE - CROSS-EXAMINATION

1 interview, he would have had -- as he testified --
2 called us out, CID would have been called out. Would
3 we have been able to find more evidence or -- we
4 definitely would have been able to get to the evidence
5 quicker. We would have been able to get to an
6 interview with him quicker. Do I know exactly what we
7 would have found at that point? No, but I know that it
8 is always best to get the investigation started as fast
9 as possible.

10 Q And why is it so important to you to get to the
11 evidence so quickly?

12 A Because it helps the evidence from being tainted
13 or destroyed in any way.

14 Q Did the conversation overall that you had with
15 the defendant, did it help the investigation, or hinder
16 it?

17 MR. TRUSLOW: Objection, that is a legal
18 conclusion.

19 THE COURT: I'll allow the question.

20 A I believe it hindered the investigation.

21 MS. LIVESAY: No further questions.

22 THE COURT: Cross-examination.

23 CROSS-EXAMINATION

24 BY MR. TRUSLOW:

25 Q Is the investigation that we're discussing over?

JEFF CAUBLE - CROSS-EXAMINATION

1 A Is the investigation over?

2 Q Is it finished? Is it complete?

3 A Well, she's not found yet, so as far as her still
4 missing, yes, she's still missing.

5 Q All right. Let me back up, because I'm going to
6 be brief. You testified that you went to the
7 sergeant's office, he made you the lead investigator,
8 right?

9 A Yes, sir.

10 Q Did he call to tell you that, did you go by and
11 get a file, or he told you when you got there?

12 A He told me when I got there.

13 Q Who was it that called you to come?

14 A Well, the way it happened was another detective
15 came into my office and he was talking about another
16 case. He asked me at that time if I knew the defendant
17 that he was in the current case that he was working,
18 that was Detective Wilson. He had asked me at that
19 time will you go to the sergeant's office with me and
20 talk to him about what you know about my defendant.
21 Once we got done talking to him about his defendant,
22 the sergeant asked me at that time, hey, what are you
23 doing, are you busy, well, yeah, I'm busy, I was out
24 sick last week.

25 Q Yeah. Right.

JEFF CAUBLE - CROSS-EXAMINATION

1 A But he said take this and check on it for me.

2 Q And who was it that asked you to do that?

3 A Sergeant Troxell.

4 Q Troxell? When was that?

5 A That was the early morning of the 20th.

6 Q So can you give me a ballpark or range of early
7 morning?

8 A On time?

9 Q Yes.

10 A 8:30, something around there.

11 Q So you mean early morning, like 8:30 in the
12 morning?

13 A Yes, sir. Yes, sir.

14 Q When you were -- in the interview you went
15 through, right, you heard it?

16 A Yes, sir.

17 Q That day, how many interviews did Mr. Moorer
18 give?

19 A That day?

20 Q Yeah. Meaning separate interviews.

21 A I would say probably -- probably two.

22 Q Well, did he have one -- did he have one that was
23 with him and his wife at the same time?

24 A I believe so, yes.

25 Q That was one. Were you a part of that?

JEFF CAUBLE - CROSS-EXAMINATION

1 A No, sir, I wasn't.

2 Q And then he had one with you and Detective Martin
3 we heard, right?

4 A Yes, sir.

5 Q Do you recall if he had any other interviews?

6 A No, sir, I do not.

7 Q All right. When he voluntarily came down there,
8 who was the investigator you said that he sat with
9 before any interviews?

10 A It was Detective Large.

11 Q Detective Allen Large?

12 A Yes.

13 Q And how long did they sit?

14 A I'm not sure, sir. I can't answer that honestly.

15 Q Okay. So you have no idea how long it could have
16 been?

17 A No, I'm not sure at this time.

18 Q Do you have any idea what the substance of their
19 conversation was? Was that ever reported back to you
20 in any form?

21 A I had listened to it, yes, sir, but it was awhile
22 since I listened to it.

23 Q What do you mean you listened to it?

24 A I listened to his interview after the fact.

25 Q With Large? Was it Detective Allen Large?

JEFF CAUBLE - CROSS-EXAMINATION

1 MS. LIVESAY: Your Honor, I just have to object
2 because like what we talked about earlier, anything
3 that Mr. Cauble would say outside of his knowledge
4 would be hearsay.

5 THE COURT: Solicitor, just as I let you ask if
6 he's listened to anything, he's not asked him if --
7 what he said. The question is did he listen to an
8 interview. Overrule your objection.

9 Q (MR. TRUSLOW) Did you listen to an interview
10 between Detective Large and my client?

11 A Yes.

12 Q It was recorded?

13 A Yes, sir.

14 Q Do you know -- so, really, now we're talking
15 about three interviews, right; that one, you and Martin
16 and then my client and his wife together?

17 A I was under the impression that the client and
18 the wife together was the one prior.

19 Q So that is the one you believe to have been with
20 Large?

21 A Yes, sir.

22 Q Okay. Was that before or after yours?

23 A Before.

24 Q Was Detective Large sitting in the interview
25 during your interview?

JEFF CAUBLE - CROSS-EXAMINATION

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

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

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

6 THE COURT: Certainly.

7 (A brief pause in the proceedings.)

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

12 A Yes, sir.

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

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

17 Q Did he tell you that?

18 A I don't recall.

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

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

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

JEFF CAUBLE - CROSS-EXAMINATION

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

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

6 MR. TRUSLOW: Yes, sir.

7 (Defendant's Exhibit 3 marked.)

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

11 MR. TRUSLOW: Yes.

12 MS. LIVESAY: Which transcript is that?

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

15 MS. LIVESAY: Okay. Of the interview?

16 THE COURT: Of the interview.

17 MS. LIVESAY: Okay.

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

21 A (Witness examines document.) Okay.

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

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

JEFF CAUBLE - CROSS-EXAMINATION

1 Q Yeah. And am I correct the context of that
2 conversation is notes being left on his vehicle over a
3 period of time when he got back in town through being
4 there?

5 A Yes, sir.

6 Q Okay. Thank you. Now, you testified that he
7 misled you because he didn't tell you he was near her
8 residence or near Long Beard's, right?

9 A Yes, sir.

10 Q All right. Did you ever ask him to take you
11 through the whole night and tell you each road that he
12 drove on? Did he -- did you ask him that?

13 A Well, we have a missing person --

14 Q I understand that.

15 A -- and so if we ask him a question.

16 MR. TRUSLOW: Judge --

17 THE COURT: Excuse me. Excuse me. He's
18 answering your question. You asked him.

19 A If we have a missing person when we ask someone
20 that we feel like might have information for us, we
21 feel it is pertinent that he give us all of the
22 information. So that is where it was misleading to us
23 that he did not tell us that he was at or near her
24 residence or at Long Beard's.

25 Q (MR. TRUSLOW) Would you agree that in some cases

JEFF CAUBLE - CROSS-EXAMINATION

1 in your job, that's your problem?

2 A I'm sorry?

3 Q That's your problem, not his, right? I mean, it
4 would be nice to have everything, right, you testified?

5 A Uh-huh.

6 Q But you don't always have everything, right?

7 A Right.

8 Q He's under no obligation to tell you his life
9 story, is he?

10 A No, he's not under an obligation, but why would
11 he hold the information from us?

12 Q He's under no obligation to even talk to you, is
13 he?

14 A No, he's not, but he was there freely on his own
15 free will.

16 Q Right. And he was there about four hours?

17 A I'm not sure how long he was there. I know how
18 long he was there when we interviewed him.

19 Q How long?

20 A It was about 57 minutes, I think.

21 Q Did you hear in the statement that he told you he
22 didn't know where she lived?

23 A Yes. He said something about North Myrtle Beach.

24 Q Okay. Now, what you are talking about was her
25 question about being near the residence, that ain't the

JEFF CAUBLE - CROSS-EXAMINATION

1 residence we're talking about, North Myrtle Beach,
2 right?

3 A We knew where she lived at the time.

4 Q And that is not North Myrtle Beach, is it?

5 A No.

6 Q So it is where, Carolina Forest, Horry County,
7 somewhere in there, Myrtle Beach?

8 A Yes, River Oaks.

9 Q River Oaks. And that is like down 501 towards
10 Myrtle Beach off to the left?

11 A Yes, sir.

12 Q Nowhere near, really, North Myrtle Beach, right?

13 A True.

14 Q So how do -- why do you say he misled you, can
15 you....

16 A Yes, I can. If someone spits in my coffee, I'm
17 not going to try to drink around it. I'm going to
18 assume that all of the coffee is contaminated, so I'm
19 going to throw that coffee away and I'm going to get me
20 a new cup of coffee.

21 In this case, if someone lies to us in an
22 investigation, we're assuming that everything else is
23 a lie as well until we figure out if it's the truth or
24 not. So do I think that he knew where she was living
25 at the time? Yes, I do think he knew where she was

JEFF CAUBLE - CROSS-EXAMINATION

1 living at the time.

2 Q Because that is your job is to, you know, solve
3 this case, right?

4 A Yes, sir.

5 Q That is what you are tasked to do?

6 A Yes, sir.

7 Q What you believe is your opinion or your belief,
8 correct? Right?

9 A Yes, sir.

10 Q But what the jury might believe might be
11 different, right?

12 A That is true.

13 Q What I might believe might be different, right?

14 A Yes, sir.

15 Q So do you have evidence that he knew where she
16 lived when he made that statement?

17 A No, I do not.

18 Q Okay. He didn't tell you that he traveled near
19 Long Beard's, that was another one. Long Beard's is a
20 restaurant and bar, right?

21 A Yes, sir.

22 Q Where is that located?

23 A It's just -- it's off -- it's in Carolina Forest
24 not far from where Heather lives.

25 Q So if you go down certain roads, you are going to

JEFF CAUBLE - CROSS-EXAMINATION

1 be near both of them, right? Right?

2 A I'm sorry.

3 Q You are going to be near both of them if you are
4 near one, right?

5 A I'm not understanding the question.

6 Q He never told you he was near Long Beard's,
7 right?

8 A True.

9 Q Did you ever ask him if he was near Long Beard's?

10 A No, I did not.

11 Q Did you expect him to tell you how many times he
12 went to the bathroom that night?

13 THE COURT: Argumentive, move on.

14 Q (MR. TRUSLOW) Did you expect him to tell you
15 from 9:00, 9:30 until 4:00 in the morning every single
16 thing he did?

17 A Yes, sir.

18 Q Really? Why didn't you ask him to do that?

19 A Well, I thought we were. We were asking what his
20 whereabouts were.

21 Q Did you ever ask him, Let's get serious, what I
22 need you to do is map out for me and I want to know
23 where you turned right, what roads you were on from
24 here until 4:00 in the morning; did you ask him to do
25 that?

JEFF CAUBLE - CROSS-EXAMINATION

1 A No.

2 Q And he came down there to talk to you, right?

3 A Yes, sir.

4 Q I'm not even going to argue true or false, you
5 asked him a question, he answered it, right?

6 A Yes.

7 Q Any reason to believe if you would have asked him
8 that one, that he wouldn't have done it?

9 A To tell us to map out his entire --

10 Q Yeah.

11 A I'm sure he probably would have made a stab at
12 it, yes, sir.

13 Q And that would have saved a little bit of time,
14 right?

15 A It may or may not have.

16 Q You didn't do it, right?

17 A Right.

18 Q It ain't his fault, right, that you didn't ask
19 him, right?

20 A Right.

21 Q Do you know whether he knows where Long Beard's
22 is?

23 A No, I don't.

24 Q Okay. Did he ever say that he was not near Long
25 Beard's?

JEFF CAUBLE - CROSS-EXAMINATION

1 A No, he did not.

2 Q So when you say he misled you, what you are
3 saying, if I'm correct, is that he did not answer
4 things you never asked him, right?

5 A No. We're saying that he left parts of the story
6 out.

7 Q Parts of what story?

8 A The story that he actually said. He called it a
9 story himself.

10 Q What story and when -- what story did you ask him
11 to tell?

12 A I asked him -- we asked him to -- about his
13 whereabouts that night, to give us where he was that
14 night.

15 Q All right.

16 A And approximate times.

17 Q That was specifically -- okay. And he did some
18 of that, right?

19 A Yes.

20 Q Did you follow-up with him about routes or
21 anything like that?

22 A No. This was later, once we found out the
23 information.

24 Q Did you find -- did you ask him about any
25 landmarks or restaurants or bars that could have been

JEFF CAUBLE - CROSS-EXAMINATION

1 on any of the streets he was on? Hardee's, did you go
2 by a Hardee's? Did you ask him that? Get specific
3 like that?

4 A No, sir, we did not.

5 Q Okay. So is it unrealistic that he left out
6 driving by some place called Long Beard's? Is that
7 really a big deal in the scheme of things?

8 A Yeah, it was a big deal to us because we knew
9 that Heather had been there later on. She had been
10 there a couple of times.

11 Q So that is why it is a big deal?

12 A Yes.

13 Q Because you knew she was there?

14 A Yes.

15 Q When did you find out she was there?

16 A We found -- it was through her phone records.

17 Q After the interview?

18 A I'm not quite sure exactly when we knew.

19 Q So you may have known Heather was at Long Beard's
20 when you were interviewing him? You may have known
21 Heather that night was at Long Beard's, this place,
22 while you were interviewing him?

23 A Yes.

24 Q And you didn't ask him if he was there?

25 A No, we did not.

JEFF CAUBLE - CROSS-EXAMINATION

1 Q But it may be that you learned that she was at
2 Long Beard's later, after this interview?

3 A It could be possible, yes.

4 Q And in that case, it wasn't important, right, at
5 that point?

6 A It would have been important later.

7 Q Later, but not when he made -- didn't tell you
8 about Long Beard's?

9 A If he would have told us about Long Beard's, then
10 we also learned later that Heather also had been at
11 Long Beard's later on, and it probably might have
12 helped us with that conversation that was made from the
13 pay phone.

14 Q If he said I drove by Hardee's, I took a left and
15 drove by the post office on the left and some place
16 called Long Beard's on the right -- ding, ding, ding,
17 he says Long Beard's; how does that change anything
18 right on the spot in that interview? What changes?

19 A Heather had been to Long Beard's.

20 Q But you don't know whether you knew that or not,
21 right?

22 A I'm sorry?

23 Q You don't know whether you knew that at that
24 time?

25 A Not sure if we knew it at that time, no, sir.

JEFF CAUBLE - CROSS-EXAMINATION

1 Q Right. When did you get Heather's phone records
2 or --

3 A It was exigent, early on, okay. But we can't get
4 all of her records, you know, in one day. It takes a
5 couple of days to get them. I can't testify to how
6 long, I'm not an expert.

7 Q Is there anything I can give to you to help you
8 tell me whether or not you had evidence that she was at
9 Long Beard's during the time this interview took place,
10 anything you can look at?

11 A It will come out later on in the trial, I
12 believe, yes, sir.

13 Q When you would have learned?

14 A Yes, sir. Yes, sir.

15 Q Fair enough. Good. All right.

16 You say -- let me start here. I'm almost done
17 Mr. -- all right. The list, I want to go through with
18 you real briefly. Lies -- let me define this. What I
19 mean is the list of where he was asked a question and
20 he responded with a falsehood, okay. That's what I'm
21 interested in first. I'm going to start you off with
22 the pay phone, because that is the easy one. In
23 addition to that, give me the next time he was asked a
24 question by law enforcement and he lied?

25 A It's not a matter of lie, it is a matter of

JEFF CAUBLE - CROSS-EXAMINATION

1 misleading.

2 Q All right. We'll get to that. Are there any
3 more lies he told the police, meaning in response to a
4 question?

5 (A brief pause in the proceedings.)

6 A I can't think. I can't call it a lie, no, sir.

7 Q And you realize what we are here for today, this
8 trial, obstruction of justice, right?

9 A Yes, sir.

10 Q You came to testify for the State in this
11 prosecution, correct?

12 A Yes.

13 Q Now, let's move to misleading, and I want to ask
14 you first a question. In your mind, what is the
15 difference between misleading and omitting to tell you
16 something; is there any difference in your mind?

17 A Misleading?

18 Q And omission.

19 A And omission?

20 Q Not saying something.

21 A I think that is one in the same, really. If
22 someone doesn't tell us or -- or does not come out with
23 the whole truth on something, can you not see that that
24 is misleading to the police department?

25 THE COURT: No, sir. Don't ask a question for

JEFF CAUBLE - CROSS-EXAMINATION

1 the lawyers, please.

2 A We feel like that would be misleading to the
3 police department.

4 Q (MR. TRUSLOW) So if you were still with law
5 enforcement, you're interviewing me and I'm trying to
6 give you some information and I forget to --

7 MS. LIVESAY: Your Honor, I just have to object.
8 I believe this is speculation on Mr. Cauble's part.

9 THE COURT: Well, I don't know the question yet.
10 Let me hear it. Don't answer the question,
11 Mr. Cauble, until I hear the full question.

12 Q (MR. TRUSLOW) It's a hypothetical. You are
13 still with the police and there is a crime and you are
14 interviewing me, let's say as a witness, and we spend
15 three hours together -- 55 minutes together. If I get
16 home and I think, you know, I was telling you about
17 four or five hours during the night, I forgot to tell
18 you about two or three things, based upon experience
19 that has been set forth here already under oath, based
20 upon your ordinary course of conduct as a lead
21 detective in a case, right, would you arrest me for
22 obstruction of justice?

23 THE COURT: Objection is noted and overruled.
24 You can answer the question.

25 A I'm sorry, you want me to answer?

JEFF CAUBLE - CROSS-EXAMINATION

1 THE COURT: Yes, sir, you can answer if you can.

2 A You are telling me if --

3 Q (MR. TRUSLOW) Let me just say it. I will ask it
4 again. Hypothetically, if you were investigating a
5 case and I was a witness, me, Kirk Truslow, I sat down
6 with you for 55 minutes, answered questions, you know,
7 55 minutes I leave and I get home and I realize we
8 were talking about a four- or five-hour span, and I
9 forget a couple of things like driving by Long
10 Beard's, and before I can get to you and say or see if
11 you even need anything else, would you arrest me for
12 this charge?

13 THE COURT: Hypothetical is not conclusive.

14 Q (MR. TRUSLOW) Based upon the hypothetical, and
15 based upon your experience as a detective --

16 THE COURT: No, sir. Mr. Truslow, because that
17 is not consistent with the testimony of the witness.
18 You asked him would he arrest you immediately, that
19 didn't happen, so you have to phrase it further.

20 MR. TRUSLOW: Yes, sir.

21 Q (MR. TRUSLOW) Based upon that hypothetical,
22 based upon your experience, would I be suspected as
23 violating obstruction of justice, based upon that?

24 MS. LIVESAY: Again, Your Honor.

25 THE COURT: I would allow that question, because

JEFF CAUBLE - CROSS-EXAMINATION

1 that would be triggered with what his conduct and
2 actions were he's already testified to following the
3 conversation, so I'll allow it. Overruled.

4 Q (MR. TRUSLOW) Would I be a suspect for
5 obstruction of justice?

6 A If you were to come to me the next day and say,
7 hey, I forgot to tell you something, that's what you
8 are asking?

9 Q No. I haven't gotten back to you yet.

10 MS. LIVESAY: Your Honor, can he finish?

11 THE COURT: Well, he's clarifying.

12 A I was just trying to clarify.

13 THE COURT: I understand. That is why I'm
14 allowing the witness to -- allowing him to restate the
15 question.

16 A Yes, sir. If -- if -- if someone would come to
17 us, okay, and say, look, I forgot to tell you
18 something, okay. This is why I forgot to tell you
19 something, you know, and I didn't mean to mislead you
20 in any way, it just happened. I forgot to tell you,
21 but there is -- I feel like this could be important to
22 your case, and so I want to tell you that this is what
23 I left out, and this is why. No. Why would I arrest
24 someone at that point?

25 Q (MR. TRUSLOW) Fair. Thank you. What if it was

JEFF CAUBLE - CROSS-EXAMINATION

1 two days -- what if it was two days later?

2 THE COURT: That is argumentive. He's answered
3 your question.

4 Q (MR. TRUSLOW) All right. I was going to be
5 quick, and I am. I'm going to wrap it up.

6 A Yes, sir.

7 Q Okay. What I got -- okay, misleading stuff. He
8 misled you on how long the relationship was with
9 Heather Elvis. What did he tell you the length of his
10 relationship with her was?

11 A Sometime from the beginning of September until
12 late October or early November, I believe it was.

13 Q And did you then discover that he may have had a
14 relationship with her prior to that? How long was it
15 -- was it different than what he told you, the length
16 of this relationship?

17 A I'm not sure about that, sir.

18 Q Okay. So you don't have any evidence to
19 provide --

20 A No, sir, I do not.

21 Q -- on that? Okay. And we already agreed that he
22 didn't tell you that she drove by four or five times
23 that night, that specific night. He said -- it was
24 open-ended; is that fair enough?

25 A Yes. We don't know which night it could have

JEFF CAUBLE - CROSS-EXAMINATION

1 been.

2 Q You testified that you discovered that his wife
3 always -- most times kept his phone, or at least
4 controlling decision making?

5 A That is what he said, yes. Yes. I didn't --
6 yes.

7 Q Do you know from phone records whether Tammy
8 Moorer or Sidney Moorer is making a phone call based on
9 phone records with a phone number?

10 A Not with a phone number, no. It doesn't tell us
11 that.

12 Q Okay. You were asked the question -- well, let's
13 finish this. Okay. Here we go. She -- Ms. Livesay
14 asked you did you find anything that changed from what
15 he had told the police earlier, and you answered, yes.
16 Did you have to follow up on it? Yes. Those are the
17 things that I'm interested in. What things? I'm
18 following up on her question.

19 A Well, one of the things is that he had said that
20 he and his wife were in a good place, and he didn't
21 want to mess that up. He said that was the reason that
22 he wanted to -- one of the reasons that he wanted to
23 get in touch with Heather Elvis at 1:35 in the morning,
24 while they were out, to let her know, because he didn't
25 want that messed up.

JEFF CAUBLE - CROSS-EXAMINATION

1 Well, through Cellebrite we were able to find out
2 that, yes, she was indeed using his phone at that
3 time. She was actually talking or texting her
4 boyfriend at that time. So it didn't make a whole lot
5 of sense to us, you know, if you are in such a good
6 place with your wife, why is it okay for her to be
7 sexting on the phone at the same time that you are
8 going and making a phone call on the pay phone?

9 Q Okay.

10 A That doesn't put us in a good place.

11 Q Let me ask you this. I mean, in your mind is
12 this case about how good a place they were in and what
13 you would do in a situation for somebody else, or is it
14 about some real lies and falsehoods that took place
15 that he did that cost you time and money?

16 A Yes, that's what it is about. Yes, sir.

17 Q And it's because you say that if she had been
18 cheating, there is no way that he would not want to be
19 with Heather; is that what you are saying?

20 A I don't understand your question, I'm sorry.

21 Q Your answer was this. It doesn't make sense --
22 you said that he said he was in a good place with his
23 wife, but she was texting the boyfriend?

24 A Yes, sir.

25 Q Okay. And so how did you determine the falsity

JEFF CAUBLE - CROSS-EXAMINATION

1 of them being in a good place, but her still doing that
2 conduct? How do you prove that's false?

3 A That they are in a good place in their
4 relationship?

5 Q Yeah.

6 A Any reasonable person, I believe, would
7 understand that if she's still texting her boyfriend,
8 why are they in a good place? If that is the reason
9 that he wanted to make that phone call, is that the
10 truth? And in our eyes, that is not the truth.

11 Q So your evidence on that is your opinion?

12 A No. The evidence is that the Cellebrite shows
13 that she's on her phone -- on his phone actually, at
14 that time.

15 Q I'm talking about them being in a good place.
16 Your evidence on that is your opinion based on what you
17 have seen, whether they are in a good place or not,
18 correct?

19 A Yes.

20 Q And you are testifying that what he said he said
21 on the phone is false, because I don't think his wife
22 is in a good place; isn't that what is going on? That
23 is what you are saying?

24 A It is the totality of the circumstances that was
25 surrounding it.

JEFF CAUBLE - CROSS-EXAMINATION

1 Q Okay. Do you have any hard evidence outside of
2 your opinion what he told her on the pay phone that
3 night?

4 A No.

5 Q You have no idea what he told her, do you?

6 A We have someone that will testify that Heather
7 talked to, that she can say what was said on the phone.

8 Q Right. She can say what Samantha told her that
9 was said?

10 A What Heather told her.

11 Q I'm asking you. You are law enforcement.

12 A That is what we have to go by, yes, sir.

13 Q Well, then we're back to her. I mean, that's
14 coming from her, the young lady?

15 A From Heather.

16 Q No, the other young lady. That's coming from her
17 to you, right?

18 A Uh-huh.

19 Q You, on your own, any evidence besides that,
20 besides what you were told there?

21 A That is -- that's the -- that's the evidence.

22 Q So --

23 A That I have.

24 Q So, basically, you believe her instead of him?

25 A Yes, sir.

JEFF CAUBLE - CROSS-EXAMINATION

1 Q Now, how many officers did you assign in regards
2 to the belief that he on the pay phone did not say stop
3 leaving notes on my car? Based upon that --

4 A I'm sorry?

5 Q Based upon believing that he wasn't truthful
6 about what he said while on the pay phone, how many
7 officers did you assign to do work in regards to having
8 to do something because you think he said something
9 else? What had to be done after you don't believe
10 that?

11 A Well, it's like I said before, the rest of our
12 investigation is trying to figure out how much of his
13 statements to us are actually truth or lies at that
14 time.

15 Q Do you remember working in your office, a photos
16 of pictures all over your office; do you remember that?
17 Like a bunch of different photos.

18 A Oh, yeah. Yes, sir.

19 Q So at this point, he was not the only suspect,
20 was he?

21 A No. No, he wasn't.

22 Q So you are going to investigate and talk to
23 people and eliminate people, and are you going to not
24 investigate this case if he tells you he said on the
25 pay phone what you think he said? I mean, if you are

JEFF CAUBLE - CROSS-EXAMINATION

1 convinced that he's telling the truth about that, does
2 the investigation stop?

3 A If he tells us the truth?

4 Q About the pay phone call, about what he said.

5 A No, it's not going to stop.

6 Q Okay. Is there anything in the investigation
7 that was done because he said what I said was told her
8 to stop leaving notes?

9 A Everything thereafter was because of his lie.

10 Q So take away the lie, there is no investigation?

11 A When we were investigating him.

12 Q But you are investigating a number of people,
13 weren't you?

14 A Yes, we were.

15 Q Okay. Could you point to one thing you did
16 differently based upon it?

17 A Well.....

18 Q I mean, you are already investigating him, right?

19 A Yes.

20 Q So what did you do different?

21 A We had to get extensive phone records.

22 Q On who?

23 A We got his phone records, Tammy's phone records,
24 eventually got the kids' phone records on their phones.
25 We had to Cellebrite his phone because we needed to

JEFF CAUBLE - CROSS-EXAMINATION

1 know more information there. We needed to get video
2 from -- there is a couple of places on Highway 814 we
3 got video from, just -- MAIT was called out because of
4 that. I mean, there was several things that took place
5 after the fact.

6 Q So had he never had an interview with you, never
7 had one, based on what you already knew from people and
8 their relationship, cheating on his wife, you would not
9 have gotten his phone records?

10 A No. It was based on we knew he was the last
11 person that talked to her as well.

12 Q Would you have gotten his phone records?

13 A If?

14 Q If he never made a statement, if he never came to
15 interview with you voluntarily?

16 A Yes, we would have gotten his phone.

17 Q Would you have gotten his phone records?

18 A Uh-huh.

19 THE COURT: Is that a yes?

20 A Yes.

21 Q (MR. TRUSLOW) Would you have gotten Tammy's
22 phone records?

23 A Possibly, yes.

24 Q I have to assume you would have gotten Heather's
25 phone records?

JEFF CAUBLE - CROSS-EXAMINATION

1 A Yes.

2 Q Because you want to see where these people are
3 when they are calling, right? That is what you are
4 looking for, right?

5 A Yes.

6 Q And you would want to see that regardless of
7 whether you ever talked to him about it, whether you
8 sat down that day for 55 minutes or not, you want to
9 see this stuff?

10 A My answer to that is, if he would have come out
11 with this in the beginning --

12 Q It he confessed to something he didn't do?

13 THE COURT: You interrupted.

14 MR. TRUSLOW: Sorry.

15 A If he would have come out with this information
16 in the beginning, and I'm not talking about our
17 interview, I'm talking about in the beginning when the
18 first phone call was made to him by Detective Furr,
19 things could have been different in our investigation.
20 He decided not to bring that information forward. He
21 also had another opportunity when officers came out to
22 see him. He also decided at that time to stick with
23 his story and leave that part of it out.

24 Now, it wasn't until we -- or he felt trapped at
25 the time, okay, during our interview that we -- when

JEFF CAUBLE - CROSS-EXAMINATION

1 we told him we had a video, it appeared at that time
2 that he -- he felt like he needed to come clean to us,
3 at that point, and tell us that he actually made a
4 phone call. So, yes, things would have definitely
5 been different if -- if he hadn't withheld that
6 information.

7 Q (MR. TRUSLOW) Okay. Just a minute ago you said
8 "could have been different," now you say "would have
9 been different," which is it?

10 A It could have been different.

11 Q It could have been a different investigation?

12 A That's all I can testify to right there.

13 Q Thank you very much.

14 A Yes, sir.

15 Q Now, last thing -- and, I'm sorry, did I hear you
16 say, And that's all you can say about that, that it
17 could have been different, right?

18 A To my knowledge.

19 Q Okay.

20 A It's hard for me to say exactly what we would
21 have found if we got to it early enough.

22 Q Now, as lead detective you were tasked with
23 assigning people to do certain things?

24 A Yes.

25 Q Reviewing their reports and looking at evidence

JEFF CAUBLE - CROSS-EXAMINATION

1 they brought in, kind of an overseer, right?

2 A Yes, sir.

3 Q I want to have you look at something marked as
4 Defense 1 for identification, and look at page -- look
5 at this. Tell me if you recognize it.

6 A (Witness examines document.) Yes.

7 Q Okay. And is that a report that you received
8 from one of your officers working on this case?

9 A From Kenneth Canterbury, yes, sir.

10 Q Based upon reviewing that, did you learn that the
11 night that they came out with the dash cam video to go
12 see him, based upon reviewing that report, did you
13 learn whether or not they had the opportunity to look
14 at his phone?

15 A That the defendant had a chance to look at the
16 phone?

17 Q No. No. No. Your officers?

18 A Oh, yes. Yes. Yes.

19 Q Did you learn whether they did look at it?

20 A It says that he allowed them to look at it.

21 Q Did it say -- what did he do, the officer? What
22 does he say?

23 MS. LIVESAY: Your Honor, whatever is in that
24 report is going to be hearsay.

25 THE COURT: He's asking to review it.

JEFF CAUBLE - CROSS-EXAMINATION

1 MR. TRUSLOW: I can rephrase.

2 THE COURT: Rephrase your question.

3 Q (MR. TRUSLOW) Did you learn in reviewing
4 evidence, in particular that report, that the night
5 the two officers went to talk to him in the street
6 outside of his house, that he gave Officer Canterbury
7 his cell phone, Here, you can take a look, right?

8 A Yes.

9 Q Did you learn whether or not Officer Canterbury
10 went through his phone and saw anything he needed to
11 see, including all of the texts from Heather?

12 A It says that it showed that he had not sent a
13 text to the victim. It says that he actually looked at
14 the phone.

15 Q And that he saw the text from Heather, you know,
16 he went through it, right?

17 A Right.

18 Q Does it say it that?

19 A Yes, he says he goes through it.

20 Q So all of the phone records and boards we have of
21 these texts, he gave that information to the police
22 first time they came to his house, didn't he?

23 A His phone, yes.

24 Q And in doing so with the phone, he gave them this
25 information, right, the texts from Heather on his phone

JEFF CAUBLE - CROSS-EXAMINATION

1 down in here? Do you see what I'm looking at?

2 THE COURT: State's?

3 Q (MR. TRUSLOW) State's Exhibit 4. This has been
4 identified as the record of the text -- oh, I'm sorry,
5 State's Exhibit -- thank you, James -- 5, which has
6 been identified as number of parties' phones, towards
7 the end, the last contact with Heather's phone, on the
8 bottom, okay. Right here (indicates).

9 A Which one are you showing, sir?

10 Q I'm asking you about -- let's see, how can we do
11 this? You know what, you don't have to answer that.

12 So the officer went through his phone, saw the
13 text from Heather, went back, you assume, as far as he
14 wants to, played with it?

15 A I don't know that, how far he went back.

16 Q He wrote down the detailed information that he
17 saw in it, right? Doesn't it say that? Does it say he
18 looked through it and saw the texts from Heather,
19 right?

20 A Right, uh-huh.

21 Q Based upon that report, would you agree with me
22 that he gave them information of those calls, received,
23 whatever is in his phone, right?

24 A Yeah.

25 Q Wouldn't you think sometimes rather than trying

JEFF CAUBLE - CROSS-EXAMINATION

1 to rely on your memory, if you really want to know,
2 look at my phone, right?

3 A Yes. About what had been coming into his phone,
4 yes, sir.

5 Q You guys went and ordered his phone records, made
6 billboards and everything else, but very first time he
7 has police contact, he gave you the information that
8 you wound up getting through the records, right?

9 A Yeah. But the records --

10 Q He was the first one to give it to you, wasn't
11 he?

12 A He showed his phone, yes, sir.

13 Q And the phone numbers?

14 A But we don't know how far he was looking back at
15 the phone numbers. It looks like all that he looked at
16 was that night, the 20th.

17 Q So at least we know of all of the Heather Elvis
18 contact stuff at the end there, right?

19 A On his phone?

20 Q Yes.

21 A Yes.

22 Q And he gave you that before you got the phone
23 records?

24 A Yes.

25 Q Because that was very early on?

JEFF CAUBLE - CROSS-EXAMINATION

1 A That was early, yes, sir.

2 Q As a matter of fact -- all right. So....

3 MR. TRUSLOW: Court's indulgence, I'm about done.

4 (A brief pause in the proceedings.)

5 Q (MR. TRUSLOW) When you say that you got the case
6 as lead investigator, or looked into it, at 8:30 in
7 the morning, 8:00 or 8:30 in the morning?

8 A Yes, sir.

9 Q That was on the 20th, or the 19th?

10 A 20th, Friday.

11 Q Were you the one that sent the two officers out
12 to his house?

13 A No, sir.

14 Q They went out there before that, right?

15 A That was already stated by Sergeant Furr.

16 Q All right. Yeah. So roughly the day before they
17 went out there. You already looked at that. He was
18 asked some questions on the dash cam, gave his phone to
19 Officer Canterbury, right, and the -- the evidence is
20 what it is as to what time they were out there that
21 night. The next morning, on the 20th, 8:00 to
22 8:30 a.m., you were assigned as lead detective, or
23 given the case to look into?

24 A Yes, sir.

25 Q So first contact -- well, not the -- all right.

JEFF CAUBLE - CROSS-EXAMINATION

1 Oh, I'm done.

2 MR. TRUSLOW: Court's indulgence. One moment,
3 please.

4 THE COURT: Are you about at a point?

5 MR. TRUSLOW: I am.

6 THE COURT: Because I'm going to take a break
7 after that.

8 MR. TRUSLOW: I'm two, three minutes.

9 (A brief pause in the proceedings.)

10 MR. TRUSLOW: Two last questions.

11 Q (MR. TRUSLOW) The State asked you -- that you
12 were unable to arrest him for obstruction until
13 February; do you remember when she asked you that?

14 A No. We arrested him after -- or in February. It
15 wasn't that we weren't able?

16 Q It wasn't that you couldn't?

17 A Right.

18 Q It wasn't that you had to do three months of work
19 to put together an obstruction of justice case?

20 A It took us awhile to get through all that we
21 needed to, but I won't say it took three months, no,
22 sir.

23 Q Oh, man. Is there anything that you and I
24 haven't talked about or that you didn't say to the
25 State that was one of these things you had to do? I

JEFF CAUBLE - REDIRECT EXAMINATION

1 mean, anything else you can think of?

2 A No, sir.

3 Q And, again, you stand by that the investigation
4 could have been different, but you can't really say
5 how; is that fair?

6 A I don't know how anyone could, you know. We
7 don't know what would have happened early on.

8 Q Absolutely.

9 MR. TRUSLOW: No further questions.

10 THE COURT: I assume you have redirect?

11 MS. LIVESAY: Just two quick questions, Judge.

12 THE COURT: All right, if it is two. If it is
13 three, jury will get angry, and I will too because
14 they need a break.

15 MS. LIVESAY: I'm tired myself.

16 THE COURT: All right. Get your questions.

17 REDIRECT-EXAMINATION

18 BY MS. LIVESAY:

19 Q I got a question, and I think I'm confused. He
20 keeps showing you what is marked as Defendant's
21 Exhibit 1?

22 A Yes.

23 Q Okay. Okay. In talking to you about a
24 conversation with Casey Cantebury?

25 A Yes.

JEFF CAUBLE - REDIRECT EXAMINATION

1 Q So let me ask you something, did Casey Canterbury
2 and a couple other guys go out in the middle of the
3 night, around 2 o'clock, and talk to the defendant and
4 look at his phone?

5 A It appears so. 12:20.

6 Q Is that the video we saw earlier?

7 A That is the video we saw earlier, yes.

8 Q And that was the video of them talking to him in
9 the middle of the night and looking at his phone,
10 looking at the defendant's phone?

11 A Yes.

12 Q I'm confused, because I thought -- did I hear a
13 statement earlier that he was supposed to be chained to
14 the bed and his wife kept his phone?

15 A Yes, that is true.

16 Q Okay. Okay. But, apparently, this night he was
17 out talking to the police and had his phone?

18 A Yes.

19 Q Now, my second question is, we have talked to you
20 at length about whether or not all of these little
21 things misled the investigation, hindered the
22 investigation, possibly obstructed the investigation.
23 Are you the lead investigator?

24 A Yes, ma'am.

25 Q Did it obstruct your investigation? Did it

JEFF CAUBLE - RECROSS-EXAMINATION

1 hinder it? Did it impede it?

2 A Yes, it did.

3 MR. TRUSLOW: Objection.

4 THE COURT: What is the obstruction?

5 MR. TRUSLOW: Calls for a conclusion of law.

6 THE COURT: He was answering the question not
7 from a legal standpoint. She phrased it "his
8 investigation."

9 MR. TRULUCK: I see, yes, sir.

10 MS. LIVESAY: No further questions.

11 THE COURT: Recross?

12 RECROSS-EXAMINATION

13 BY MR. TRUSLOW:

14 Q In regards to -- do you still have that report?

15 A Uh-huh.

16 Q Just real quick. Based on the question about his
17 wife having his phone, do you think Officer Canterbury
18 is lying in that report about what he did with the
19 phone in getting the phone?

20 A No.

21 Q Okay. So you don't think that is untrue?

22 A This right here?

23 MS. LIVESAY: I'm going to have to object about
24 speculation as to whether or not he can --

25 THE COURT: You asked the question about the

JEFF CAUBLE - RECROSS-EXAMINATION

1 phone, I'll allow the answer. Thank you very much.

2 It is proper recross.

3 Q (MR. TRUSLOW) So based on Officer Canterbury as
4 one of your guys working, and his work ethic, do you
5 think that the phone was in the house with Tammy, or
6 Officer Canterbury took the phone from him and did just
7 what he said; which would you say is correct?

8 A I'm going to believe Officer Canterbury.

9 Q Thank you. Let me ask you real quick. That
10 document, you've identified it before?

11 A Yes, I've seen it before.

12 Q And those are the things as lead detective you
13 review throughout the case, correct?

14 A True.

15 Q And make decisions based upon them?

16 A Right.

17 Q And you keep those in the ordinary course of your
18 investigation and your business as a detective,
19 correct?

20 A Right.

21 MR. TRUSLOW: One second. No further questions.

22 THE COURT: Very well. You may come down. Thank
23 you, sir. I appreciate it. Thank you, sir.

24 Ladies and gentlemen, at this point we'll take
25 our recess for lunch. Please remember, you are not at

JEFF CAUBLE - RECROSS-EXAMINATION

1 liberty to discuss this case among yourselves or allow
2 anyone to talk with you about it, or talk with anyone
3 about the case. Have a good lunch. I ask you to
4 please be back in your jury room by 1:45, and we'll
5 resume the trial then. Thank you.

6 (The jury exits at 12:23 p.m., and the
7 following is heard out of the presence of the jury.)

8 THE COURT: Anything from the State before we
9 recess?

10 MS. LIVESAY: No, sir.

11 THE COURT: Anything from the defendant?

12 MR. TRUSLOW: No, sir.

13 THE COURT: We'll be at ease until 1:45.

14 (A lunch recess was taken.)

15 THE COURT: Let the record reflect Mr. Moorer is
16 present. Is the defendant ready to proceed?

17 MR. TRUSLOW: Yes, Your Honor.

18 THE COURT: State is ready?

19 MS. LIVESAY: We are.

20 THE COURT: Bring in our jury, please. Thank
21 you.

22 (Whereupon, the jury enters at 1:55 p.m., and
23 the following is had in the presence of the jury.)

24 THE COURT: Thank you, ladies and gentlemen. I
25 hope you had a good lunch.

RONALD WITT - DIRECT EXAMINATION

1 Solicitor, you may call your next witness.

2 MS. LIVESAY: Thank you, Judge. At this time the
3 State calls Ron Witt.

4 (RONALD WITT, having been duly sworn,
5 testified as follows:)

6 THE WITNESS: Ronald Witt, R-O-N-A-L-D, W-I-T-T.

7 DIRECT-EXAMINATION

8 BY MS. LIVESAY:

9 Q Where are you currently employed?

10 A I work for T-Mobile Metro.

11 Q How long have you been employed by T-Mobile?

12 A I'm in my 13th year.

13 Q Okay. And what are your responsibilities at
14 T-Mobile?

15 A I'm the senior testifier in the law portion of
16 the relations group.

17 Q Do you testify about the phone records that
18 T-Mobile produces?

19 A Yes.

20 Q And can you testify about the phone calls and
21 texts?

22 A Yes.

23 Q And how about the tower data?

24 A Yes.

25 Q I'm going to show you what is already in evidence

RONALD WITT - DIRECT EXAMINATION

1 as State's Evidence No. 2. Tell me if you recognize
2 these records -- hold on one second. Let me show the
3 defense what I'm showing you.

4 MR. TRUSLOW: Yes.

5 A Yes, I recognize them.

6 Q (MS. LIVESAY) And are they for the phone number
7 for (843) 997-8152?

8 A Yes.

9 Q Now, what is the date range on those records?

10 A The records start in July 2013 and go to the
11 18th of December 2013.

12 Q And have you looked at those records previously
13 before today?

14 A Yes.

15 Q And are you familiar how many phone calls
16 transpired between that number and the number that is
17 already put into evidence belonging to Sidney Moorner,
18 which is (843) 385-3175?

19 A I reviewed the information previously.

20 Q Okay. And do you know how many phone calls and
21 text transpired between them, between July and
22 December?

23 A I commit the total to memory, but it is on the --
24 part of the record.

25 MR. GALMORE: Objection, Your Honor. Relevance

RONALD WITT - DIRECT EXAMINATION

1 and beyond the scope of the indictment.

2 THE COURT: What is the relevance?

3 MS. LIVESAY: Certainly, Your Honor. The
4 statement was made by Mr. Moorer on
5 December 20th regarding his contact with Heather
6 Elvis starting in September and him riding by the
7 house, and so I asked Mr. Cauble if he --

8 THE COURT: I'll allow you to have
9 cross-examination. Thank you. Overruled.

10 MR. GALMORE: Yes, sir.

11 Q (MS. LIVESAY) Let me show you something, Mr.
12 Witt.

13 (State's Exhibit 9 marked.)

14 Q I'm showing you State's Exhibit No. 9. Do you
15 mind looking through it and tell me if you are familiar
16 with it?

17 A (Witness examines document.) Yes.

18 Q Is that a summary of the contact between Heather
19 Elvis' phone calls and Sidney Moorer?

20 A Yes.

21 Q And does it show that there is contact between
22 the two of them before mid-September of 2013?

23 A The summaries start through July and go into
24 December of 2013.

25 Q So there is actually contact between them in July

RONALD WITT - DIRECT EXAMINATION

1 of 2013?

2 A Yes.

3 MS. LIVESAY: Your Honor, at this time the State
4 wishes to publish this information as we're
5 questioning Mr. Witt so the jury can follow along.

6 THE COURT: I don't believe you moved the
7 introduction of State's 9. I don't have that as being
8 admitted. Is that admitted?

9 COURT REPORTER: (Shakes head.)

10 THE COURT: Okay. State's 9 is not admitted, so.

11 MS. LIVESAY: Sorry, Judge?

12 THE COURT: State 9 has not been admitted, he
13 just identified it.

14 MS. LIVESAY: I'm sorry. I'm sorry. I should
15 have done that earlier. At this time, Your Honor, the
16 State wishes to place into evidence the summary from
17 the phone records.

18 THE COURT: Any objection other than the
19 objection previously made to the relevance issue?

20 MR. GALMORE: It is cumulative, Your Honor, to
21 the other exhibits.

22 THE COURT: That's fine. I think the summary is
23 helpful as far as narrowing the scope of the jury's
24 review so, therefore, subject to that objection, it is
25 admitted. You may publish it.

RONALD WITT - DIRECT EXAMINATION

1 (State's Exhibit 9 admitted.)

2 MS. LIVESAY: Can we have one minute while they
3 are moving this? I have a couple more questions for
4 Mr. Witt.

5 Q (MS. LIVESAY) Does that summary separate out how
6 many times she contacted him?

7 A Yes.

8 Q And how many times he actually contacted her?

9 A Yes.

10 Q Now, I want to clear something else, too.
11 Looking at those phone records, what time zone are the
12 phone calls kept in?

13 A The voice calls will be in local time based on
14 where the handset is physically located, and any text
15 references, text messages, is in Pacific time.

16 Q So the text messages you would have to confer to
17 Eastern time?

18 A Yes.

19 Q When it was sent locally here?

20 A Yes.

21 Q And does your summary include the conversion of
22 the text messages?

23 A The call detail records that you see, you have to
24 add three hours to the time for text messages to
25 convert it to Eastern time.

RONALD WITT - DIRECT EXAMINATION

1 Q So if it says 11:21 p.m., a text message, it is
2 really 2:21 a.m. the next morning?

3 A Correct.

4 Q Okay.

5 MS. LIVESAY: Your Honor, at this time I'm going
6 to publish this summary while I'm asking Mr. Witt
7 these questions.

8 THE COURT: That's fine.

9 MS. LIVESAY: Thank you, Judge.

10 Q (MS. LIVESAY) If you don't mind, tell this jury
11 how many times there was contact total between the
12 defendant and Heather Elvis in July?

13 A In July, starting on the 17th of July until the
14 end of July, the total entries between two phone
15 numbers in question is 411 contacts.

16 Q And that was starting July what?

17 A 17th.

18 Q 17th?

19 A Yes.

20 Q Okay. And how many of those phone calls or texts
21 were from the defendant to Heather Elvis?

22 A These are just a total summary, not broken down
23 between voice and text, so we would have to go back to
24 the regular records to break out how many are texts.

25 MS. LIVESAY: Can we get to July?

RONALD WITT - DIRECT EXAMINATION

1 Q And how many were from Heather Elvis to Sidney
2 Moorer?

3 A Of the 411, 198 were out-going calls from 8152
4 number.

5 Q Now, did you also summarize the contact for
6 August?

7 A Yes.

8 Q And could you tell us total how many times there
9 was contact between the two of them?

10 A 564.

11 Q And how many times did she contact the defendant?

12 A 213.

13 Q And how many times was he contacting her phone?

14 A 351.

15 Q And did you do a summary for September?

16 A Yes.

17 Q And how many total times was there contact
18 between the defendant and the victim?

19 A 553.

20 Q How many times was that Heather Elvis contacting
21 the defendant?

22 A 208.

23 Q How many times was he reaching out to her that
24 month?

25 A 345.

RONALD WITT - DIRECT EXAMINATION

1 Q Did you do a summary for October?

2 A Yes.

3 Q And tell us total how many contacts was between
4 Heather Elvis and the defendant?

5 A 517.

6 Q And how many times was that her touching base
7 with him?

8 A 199.

9 Q And how many times was he contacting her phone?

10 A 318.

11 Q Okay. And how about for November?

12 A Yes.

13 Q And how much total contact was there that month?

14 A 64.

15 Q And how many times was she contacting him?

16 A 24.

17 Q And how many times was he contacting her?

18 A 40.

19 Q So he was contacting her almost twice as much in
20 the month of November?

21 A Approximately, yes.

22 Q Are you looking at a copy of what the phone
23 records actually look like? Does your summary include
24 what the phone records actually look like?

25 A Exhibit 9 has a small extract of records, from

RONALD WITT - DIRECT EXAMINATION

1 the complete records.

2 Q Now, does that page include the times converted
3 for the pay phone which -- I'm sorry, for text
4 messages?

5 A Well, the extract only has voice calls on it.

6 Q Okay. Okay. So this is not including the text
7 messages?

8 A Correct.

9 Q And that is because the text messages are in a
10 different time zone?

11 A For the particular date shown, any text messages
12 in early morning would have been shown, as you gave the
13 previous example, converting the time would be the day
14 before.

15 Q Okay. And did you convert the text messages?

16 A For the chart shown, no.

17 Q Yes. Were you able to for those ones that were
18 earlier in the evening that were the early morning
19 hours of the 18th?

20 A There is another chart that shows the text
21 messages, yes.

22 Q So now this shows when those text messages would
23 have come and been sent from her phone in Eastern local
24 time?

25 A Yes.

RONALD WITT - DIRECT EXAMINATION

1 Q And we've already established a pay phone call
2 at 44 -- sorry, a phone number 444-2462. Do you see
3 that on her phone records?

4 A Yes.

5 Q And do you see what time that came in?

6 A Yes.

7 Q And what time did it come in?

8 A 1:35 a.m. on the 18th of December, 2013.

9 Q And that phone call is already in Eastern local
10 time?

11 A Yes.

12 Q Did you ever see that phone number on her phone
13 records prior to that night?

14 A No.

15 Q And did you ever see her trying to contact that
16 phone prior to that 1:30 call?

17 A No.

18 Q And those are looking at a summary from July
19 until December?

20 A This one page only covers the 18th of December.

21 Q But did you look at the phone records from July
22 to December for that pay phone call?

23 A Yes.

24 Q And did you ever see it before 1:30 a.m. on
25 December 18th?

RONALD WITT - DIRECT EXAMINATION

1 A No.

2 Q Now, did you also review -- because you don't
3 just do call detail records, you are also knowledgeable
4 about the tower's location and tower data of T-Mobile;
5 is that correct?

6 A Yes.

7 Q Now, I have a question. Is there a T-Mobile
8 tower that services the defendant's home at [REDACTED]
9 Highway 814?

10 A Yes..

11 Q Did you ever see where Heather Elvis' phone
12 number, 997-8152, did you ever see where it used that
13 tower?

14 A No.

15 Q And about how many times did it hit a tower just
16 in December alone?

17 A Just in the month of December? I didn't count
18 the whole months, but I could see the 18th here how
19 many voice calls there are. 17 calls on the 18th of
20 December.

21 Q And how about for the whole entire month of
22 December, how many times did she use the tower?

23 A I would have to count from the actual records.

24 Q Would you say, just at a brief glance, numerous
25 times?

RONALD WITT - DIRECT EXAMINATION

1 A Yes.

2 Q But she never used that particular tower?

3 A No.

4 Q And, in fact, she never used that particular
5 tower from July until December?

6 A From the records we produced starting on the 17th
7 of July until the 18th of December, no, she did not
8 access that tower.

9 (State's Exhibit 10 marked.)

10 Q (MS. LIVESAY) I'm showing you now what's marked
11 as State's Exhibit No. 10; do you recognize what that
12 is?

13 A Yes.

14 Q And what is it?

15 A A CD that contains an electronic copy of some
16 charts that were made plotting various calls from our
17 records.

18 Q Is the information plotting those phone calls for
19 the month of December consistent with the T-Mobile
20 records that you have?

21 A Yes.

22 Q And is this a depiction of those records for the
23 month of December?

24 A I'm sorry, I didn't hear the first part of the
25 question.

RONALD WITT - CROSS-EXAMINATION

1 Q Is this a picture of the information showing what
2 is on those records for December?

3 A Yes. A depiction of cell towers for the time
4 frame listed.

5 Q Okay. So it is showing the towers that she was
6 using during the month of December?

7 A Yes.

8 Q And it is consistent with the records you have
9 from T-Mobile?

10 A Yes.

11 MS. LIVESAY: No further questions for this
12 witness, Your Honor.

13 THE COURT: Cross-examine.

14 CROSS-EXAMINATION

15 BY MR. GALMORE:

16 Q Very briefly, Mr. Witt. When you are talking
17 about contacts between these two telephone numbers,
18 what exactly are we talking about?

19 A A line entry on the record showing a voice call
20 either to or from, or a text message from one to the
21 other.

22 Q So that includes voice and text?

23 A Yes.

24 Q Does it include -- is it groups of texts, or
25 every individual text that is exchanged back and forth?

RONALD WITT - CROSS-EXAMINATION

1 A Each individual text.

2 Q Okay. So, for example, if I were to text you and
3 say, Hi, how are you, and you texted me back saying,
4 Fine, how are you, that would count as two texts?

5 A That would be two entries.

6 Q Two entries. Okay. So now I think you testified
7 that the last entry between these two telephone numbers
8 was December 18th of 2013?

9 A Correct.

10 Q And the earliest entry you could find between
11 these numbers was July of 2013; is that correct?

12 A That's what the initial request date was, on the
13 17th of July, that is when our records start.

14 Q That is when your records start, okay. So let's
15 go backwards. You have November, you've got October,
16 September and August and July is five. So would it be
17 fair to say that your information went back
18 approximately five months?

19 A Correct.

20 Q From July -- what was the date in July?

21 A July 17th.

22 Q Until December 18th?

23 A Correct.

24 Q You also indicated that Ms. Elvis' phone did not
25 pick up off of the tower that covered Highway 814; is

COURT AND ATTORNEYS

1 that correct?

2 A The address that she listed?

3 Q Yes.

4 A Yes. Correct.

5 Q Okay. Is that for the entire period, from July
6 to December?

7 A Correct.

8 Q So does that mean that phone was never at that
9 location?

10 A There were no -- towers only show for voice
11 calls, there was no voice calls in our records from
12 that tower.

13 Q Okay. All right.

14 MR. GALMORE: Thank you very much. No further
15 questions, Mr. Witt.

16 THE COURT: Redirect, Solicitor?

17 MS. LIVESAY: Nothing further, Your Honor.

18 THE COURT: Thank you. Do you wish this witness
19 to be excused?

20 MS. LIVESAY: Next witness is going to be Brianna
21 Warrelmann.

22 THE COURT: Do you wish this witness to be
23 excused?

24 MS. LIVESAY: Yes, please.

25 THE COURT: Any objection?

BRIANNA WARRELMANN - DIRECT EXAMINATION

1 the time was Warrelmann, W-A-R-R-E-L-M-A-N-N.

2 DIRECT-EXAMINATION

3 BY MS. LIVESAY:

4 Q Brianna, if you don't mind, tell this jury where
5 you are currently living?

6 A New Jersey.

7 Q Is that where you are from?

8 A Yes.

9 Q And are you married?

10 A Yes.

11 Q And how long have you been in New Jersey?

12 A May of 2014.

13 Q At some point did you live here in Myrtle Beach?

14 A I did.

15 Q When did you live here?

16 A I moved down August of 2011.

17 Q When did you -- you told me 2014 is when you
18 moved back to New Jersey?

19 A Yes.

20 Q Now, while you were down here in 2013, where did
21 you work?

22 A Tilted Kilt.

23 Q And about how long had you worked there?

24 A Almost two years.

25 Q What were your responsibilities at Tilted Kilt?

BRIANNA WARRELMANN - DIRECT EXAMINATION

1 A I was a server.

2 Q And did you know Heather Elvis?

3 A I did.

4 Q How did you know her?

5 A We worked together and we were also best friends
6 and roommates.

7 Q Did you know the defendant?

8 A Yes, I did.

9 Q How did you know him?

10 A He did maintenance work around the restaurant.

11 Q And what was the relationship between the
12 defendant and Heather when you knew them?

13 A They were in a normal boyfriend/girlfriend
14 relationship, or that is the way it would come off to
15 those who worked there.

16 Q And did he ever come when he wasn't working?

17 A Yes.

18 Q And tell the jury about that.

19 A He would bring her food or bring her drinks to
20 work.

21 Q And about how long did this go on for?

22 A It started June of 2013.

23 Q When did the relationship end?

24 A End of October, beginning of November.

25 Q When did you and Heather become close, close

BRIANNA WARRELMANN - DIRECT EXAMINATION

1 friends?

2 A June of 2013 after some of the girls got to go to
3 a Pelicans baseball game through Tilted Kilt, and that
4 was really the night it all started.

5 Q So you were all good friends from June up until?

6 A Yes.

7 Q And eventually lived together?

8 A Yes.

9 Q Were you all living together in December of 2013?

10 A Yes.

11 Q Now, was there ever a time that during this time
12 when you were close friends, eventually lived together,
13 was there ever a time then when you couldn't get in
14 contact with her and nobody at Tilted Kilt could get in
15 contact with her?

16 A No. That girl was glued to her phone.

17 Q Did you know of her to date anyone else at Tilted
18 Kilt?

19 A No.

20 Q Did she ever date some beer guy that delivered
21 beer at Tilted Kilt?

22 A No.

23 Q Who did she date or in a relationship with most
24 of the time you knew her?

25 A Sidney.

BRIANNA WARRELMANN - DIRECT EXAMINATION

1 Q And that's the defendant?

2 A Yes.

3 Q Now, when you all lived together in December,
4 were you all the type of roommates that spent a lot of
5 time together, didn't spend a lot of time together;
6 what was that situation?

7 A We were together all the time. If we didn't work
8 together, then we were together.

9 Q So how was she after the breakup?

10 A In the beginning, it was really hard on her, but
11 towards the end she was doing fine.

12 Q And how was she in December?

13 A Happy. She was starting to get out there again,
14 talking to new men.

15 Q And was she talking to guys or going on dates by
16 that point?

17 A Yes.

18 Q Now, you worked -- after the breakup, did the
19 defendant continue to work at Tilted Kilt?

20 A I'm honestly not sure.

21 Q But you knew him until he stopped working at
22 Tilted Kilt?

23 A Yes.

24 Q Did you know what kind of vehicle he drove?

25 A I saw him in a white pickup truck.

BRIANNA WARRELMANN - DIRECT EXAMINATION

1 Q White pickup truck?

2 A Yes.

3 Q Did you ever see him in a black pickup truck?

4 A No.

5 Q And by December, that was at that time you were
6 living together?

7 MR. TRUSLOW: Objection, leading.

8 THE COURT: Sustained.

9 Q (MS. LIVESAY) During that time did you all ever
10 ride by the defendant's house?

11 A No.

12 Q Did you ever ride by where he worked?

13 A No.

14 MR. TRUSLOW: Objection, relevance.

15 THE COURT: Sustained.

16 Q (MS. LIVESAY) Now, during December getting
17 around the holidays, did you leave to go back to New
18 Jersey?

19 A I did.

20 Q And about when did you leave?

21 A I left the Monday beforehand, so technically, I
22 guess, almost two days before.

23 Q And was that the first time you ever left her
24 there at the apartment by herself?

25 A Yes.

BRIANNA WARRELMANN - DIRECT EXAMINATION

1 Q And tell this jury where you all lived?

2 A River Oaks, the golf course.

3 Q Now, when you left how was her demeanor?

4 MR. TRUSLOW: Objection, relevance.

5 THE COURT: Sustained.

6 Q (MS. LIVESAY) While you were out of town, did
7 she contact you?

8 A Yes.

9 Q How many times did she contact you?

10 A Like every half hour.

11 Q Now, did she ever call you while you were out of
12 town?

13 A Once or twice.

14 Q And how was she the last phone call that you
15 talked to her?

16 A Extremely emotional.

17 Q And when you say emotional, tell this jury what
18 you mean.

19 A She was crying hysterically. She couldn't get
20 her words out.

21 Q Had you ever heard her like that before?

22 A No.

23 Q And during that conversation, did she tell you
24 why she was so upset?

25 MR. TRUSLOW: Objection, hearsay.

BRIANNA WARRELMANN - DIRECT EXAMINATION

1 THE COURT: The question was did she tell you,
2 and I'll allow the question, but don't answer it any
3 further than that. You can answer that question.

4 Q (MS. LIVESAY) Do you need me to repeat the
5 question?

6 A Yes, please.

7 Q Did she tell you why she was so upset?

8 A Yes.

9 Q And tell this jury what she told you?

10 MR. TRUSLOW: Objection, hearsay.

11 THE COURT: Sustained.

12 MS. LIVESAY: Your Honor, at this time the State
13 is moving under the fact that this would be an excited
14 utterance.

15 THE COURT: Solicitor -- Solicitor, that is an
16 argument. I sustained the objection. If you want to
17 argue this, I'll ask the jury to be excused. I would
18 still sustain it on excited utterance. Thank you.
19 She's not present. She's not there observing, so I
20 sustain the objection.

21 MS. LIVESAY: Can we hear arguments outside of
22 the presence of the jury so I can put it on the
23 record, Your Honor?

24 THE COURT: I'll give you an opportunity later,
25 sure. You can proffer the line of questioning. You

BRIANNA WARRELMANN - DIRECT EXAMINATION

1 can go onto your next question right now while we have
2 the jury. Thank you.

3 MS. LIVESAY: Okay.

4 Q (MS. LIVESAY) Now, at the time, were you her
5 closest friend?

6 A Yes.

7 Q And how often did you all talk on the phone?

8 A We didn't really have to talk on the phone
9 because we were together all the time.

10 Q And could you tell at that point by her voice
11 whether or not she was upset?

12 A Yes.

13 Q And at that point did you know her well enough to
14 know just by her voice whether or not she was upset?

15 A Yes.

16 Q Did you need to see her to know she was
17 hysterical?

18 A No.

19 Q Had you ever, in all of this time of knowing her,
20 hear her ever that hysterical before that night?

21 A No.

22 Q During that conversation, did she tell you what
23 had her --

24 THE COURT: Solicitor, you already asked that
25 question. Move on. Under 611-A it is improper. You

BRIANNA WARRELMANN - DIRECT EXAMINATION (CONT)

1 gentlemen.

2 You may resume, Solicitor.

3 MS. LIVESAY: Thank you, Judge.

4 Q (MS. LIVESAY) Bri, if you don't mind, I'm
5 showing you now State's Evidence No. 5. Can you point
6 out your phone number that you had in December of 2013
7 on this for the jury.

8 A This second one from the top, (609)412-3938.

9 Q Okay. And is that your phone number that she
10 called at 1:44 a.m. on the 18th?

11 A Yes.

12 Q About how long did you talk to her?

13 A I think it was a little over two minutes.

14 Q And where were you at the time when you were
15 talking to her on the phone?

16 A Florida.

17 Q And what did you say to her in response to what
18 she was telling you?

19 A I got angry and I told her she needed to go to
20 sleep.

21 MR. TRUSLOW: Objection, Your Honor.

22 THE COURT: I'll allow the question.

23 A I told her she needed to go to sleep, and then I
24 asked her how her date went that night.

25 Q (MS. LIVESAY) Okay. Now, do you know what she

BRIANNA WARRELMANN - DIRECT EXAMINATION (CONT)

1 had planned for the next day or what she had done
2 earlier in the night?

3 A The next day she was supposed to go on another
4 date.

5 Q With who?

6 A Steven.

7 Q Okay. And what had she done earlier in the
8 night?

9 A She went for a job interview.

10 Q Okay. Now, that same night she called you, had
11 she been on a date that night as well?

12 A Yes.

13 Q Who with?

14 A Steven.

15 Q Is that the same guy she was going to meet the
16 next day?

17 A Yes.

18 Q Now, about, total, how many nights had you been
19 gone?

20 A One full night.

21 Q And had there ever been another night while you
22 were all living together that you had left town?

23 A Not all night, no.

24 Q And she calls you on the second night that you
25 had left town, you had been gone?

BRIANNA WARRELMANN - DIRECT EXAMINATION (CONT)

1 A Yes.

2 Q At that time, what kind of car did Heather drive?

3 A Blue-ish silver-ish Dodge Intrepid, I think it
4 was. It was a Dodge.

5 Q Is that the car she had when she was living in
6 River Oaks?

7 A Yes.

8 Q And about how long had you lived in River Oaks?

9 A I had lived there at River Oaks over a year.

10 Q And was she someone that parked that car every
11 time in the same spot?

12 A Yes.

13 Q And is your all's apartment building right off
14 the road of River Oaks?

15 A Right by one of the entrances, yes.

16 Q When you would be riding by, was her car
17 something you could see and look and say she's either
18 home or she's not home?

19 A Yes.

20 Q Did she call you back again that night?

21 A After the 1:44? No.

22 Q At that time did you know where Long Beard's
23 was?

24 A No.

25 Q Had you ever heard of it?

BRIANNA WALLERMANN - CROSS-EXAMINATION

1 A No.

2 Q Had you all ever hung out there?

3 A No.

4 MS. LIVESAY: No further questions, Your Honor.

5 THE COURT: Cross-examine.

6 CROSS-EXAMINATION

7 BY MR. TRUSLOW:

8 Q The gentleman that she was on a date with the
9 night that you talked to her on the phone, Steven; is
10 that correct?

11 A Yes.

12 Q Was his last name Steven Schiraldi; do you
13 recall?

14 A Yes.

15 Q And that is who she was on a date with, and the
16 next day she had a planned date with Steven Schiraldi?

17 A Yes.

18 MR. TRUSLOW: Nothing further.

19 THE COURT: Redirect, Solicitor.

20 MS. LIVESAY: No further questions, Your Honor.

21 THE COURT: You may come down. Thank you, ma'am.

22 You can call your next witness.

23 MS. LIVESAY: Can she be excused, Judge?

24 THE COURT: Any objection?

25 MR. TRUSLOW: No objection.

STEVEN SCHIRALDI - DIRECT EXAMINATION

1 THE COURT: You are also free to leave. Thank
2 you.

3 (STEVEN SCHIRALDI, having been duly sworn,
4 testified as follows:)

5 (State's Exhibit 11 marked.)

6 THE WITNESS: My name is Steven Schiraldi,
7 S-C-H-I-R-A-L-D-I.

8 DIRECT-EXAMINATION

9 BY MS. LIVESAY:

10 Q Mr. Schiraldi, where do you currently live?

11 A I live in Chicago.

12 Q How long have you lived there?

13 A About two years or so.

14 Q And have you ever lived in Myrtle Beach?

15 A Murrell's Inlet.

16 Q And where were you living in December of 2013?

17 A In Murrell's Inlet.

18 Q And where did you work?

19 A I worked at Wicked Tuna.

20 Q And did you know Heather Elvis?

21 A I did.

22 Q Did you have any contact with her in December of
23 2013?

24 A Yes.

25 Q If you don't mind, tell this jury about that.

STEVEN SCHIRALDI - DIRECT EXAMINATION

1 A In December of 2013, Heather and I started
2 talking on Instagram, which led to exchanging phone
3 numbers and we talked for a few days before deciding to
4 meet up for dinner.

5 Q And did you all ultimately end up going out?

6 A Yes, we did.

7 Q And do you remember about what time -- who drove?

8 A I drove.

9 Q And did you drop her back off at her house?

10 A At her apartment, yes.

11 Q And do you recall where her apartment is?

12 A For the most part, yeah. Kind of near the Bob
13 Evans off of 501. I'm not sure of the apartment
14 complex though.

15 Q And how was she that night?

16 A She seemed relaxed, content. Didn't seem
17 anything out of the ordinary.

18 Q Okay. And did she ever mention any previous
19 relationships or men?

20 A No, it didn't come up.

21 Q After you dropped her off, did you and she
22 exchange any texts?

23 A Briefly, yes. Before each of us fell asleep.

24 Q And what were those texts about?

25 A Initially she had asked me to let her know when I

STEVEN SCHIRALDI - DIRECT EXAMINATION

1 got back to where I was staying, so that is how it
2 started, and then just small talk, you know, what are
3 you doing.

4 Q And did you all have any plans to hang out the
5 following day?

6 A Yeah. We were supposed to meet up after I got
7 off of work.

8 Q Now, do you know this defendant?

9 A No.

10 Q I'm going to show you State's 11. Do you
11 recognize that?

12 A Yes, I do.

13 Q What is that?

14 A A photo I took of Heather learning to drive my
15 truck at the time.

16 Q Who took this photograph?

17 A I did.

18 Q And what are you really taking a picture of?

19 A Of Heather driving the truck.

20 Q And why were you all taking a picture of that?

21 A It was a manual transmission and she hadn't
22 driven one of those successfully before.

23 Q And how does she appear in the picture?

24 A She looks happy, like she's enjoying herself.

25 MS. LIVESAY: Your Honor, at this time the State

STEVEN SCHIRALDI - DIRECT EXAMINATION

1 wishes to put 11 into evidence.

2 THE COURT: Any objection?

3 MR. TRUSLOW: No objection.

4 THE COURT: Without objection State's 11 is
5 admitted.

6 (State's Exhibit 11 was admitted.)

7 Q (MS. LIVESAY) Did she get any phone calls?

8 A No.

9 Q Did she ever leave or step away to make any phone
10 calls?

11 A Not that she told me. She stepped away to use
12 the restroom one time, but it was pretty brief. I
13 wouldn't imagine she had time to use the phone.

14 Q And would you recognize your phone number at that
15 time?

16 A Yes.

17 Q I'm showing you State's Evidence No. 5. Do you
18 see your phone number up here?

19 A Yes, I do.

20 Q If you don't mind, just so the jury can see,
21 stand up and show -- or you can do it from sitting down
22 -- show which texts are between her -- you and her.

23 A (Indicates.)

24 THE COURT: Keep your voice elevated.

25 A There is a couple up at the top, four in a row --

STEVEN SCHIRALDI - DIRECT EXAMINATION

1 five in the row, and then there is also these four
2 here, and that's it for that on here.

3 Q (MS. LIVESAY) And beside your phone number, has
4 someone already documented "Steven"?

5 A Say that again.

6 Q Has someone already documented your name? Is
7 that your phone number?

8 A Yes, it is.

9 Q When was the last time you had contact?

10 A That evening after I dropped her off after
11 texting her when I got back home.

12 Q Do you see that text up here? Do you see that
13 last contact?

14 A Yes.

15 Q And if you don't mind, what time is that?

16 A 2:43 a.m. -- 2:42.

17 Q So at 2:43 a.m. you texted her, or she texted
18 you?

19 A She texted me.

20 Q And that was the last time you had contact with
21 her?

22 A That's correct.

23 Q Do you recognize any of these phone numbers after
24 2:43?

25 A No, I do not.

STEVEN SCHIRALDI - CROSS-EXAMINATION

1 Q Sorry about that. Thank you.

2 After texting her, did you all still have plans
3 to meet the next day?

4 A Yes.

5 Q Now, these records don't show the content of the
6 text between you and her. Did you ever give your phone
7 to the police so they could get that information?

8 A Yes, I did.

9 Q And there were no phone calls between you all
10 after you dropped her off, just texts?

11 A Correct, just texts.

12 Q So whatever it was, the police got?

13 A Yes.

14 Q Did you delete any of those texts?

15 A At the time I had, but they told me it wasn't an
16 issue because they could still view them through
17 whatever software they use.

18 MS. LIVESAY: Nothing further, Your Honor.

19 THE COURT: Cross-examination.

20 MR. TRUSLOW: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. TRUSLOW:

23 Q Mr. Schiraldi, do you know whether law
24 enforcement ever got your phone records?

25 A Phone call records?

STEVEN SCHIRALDI - CROSS-EXAMINATION

1 Q Yes.

2 A As far as I know, yes, they did.

3 Q You gave your phone to the police to look at,
4 correct?

5 A Correct.

6 Q When was your first contact with law enforcement?

7 A I would say two days after.

8 Q So would it be fair to say the 20th?

9 A I think that sounds right, yeah.

10 Q And were you interviewed?

11 A Yes, they came and saw me at my place of
12 employment.

13 Q So you were at work?

14 A I was.

15 Q Where were you working at the time?

16 A I was working at Wicked Tuna, a restaurant in
17 Murrell's Inlet.

18 Q Were you waiting tables, cooking?

19 A I'm a chef.

20 Q Okay. You're a chef. Where did the interview
21 take place?

22 A In a private part of the restaurant.

23 Q Can you give me an approximate duration of that
24 interview?

25 A Maybe about 15 to 20 minutes.

STEVEN SCHIRALDI - CROSS-EXAMINATION

1 Q Do you remember telling me that you acknowledge
2 that you were the last person ever with Heather?

3 A To my knowledge, I was the last person with
4 Heather.

5 Q And your interview was 15 minutes?

6 A To the best of my recollection.

7 Q On the -- any time on the 18th, 19th or 20th,
8 prior to law enforcement getting to you, did you go to
9 them?

10 A I did not.

11 Q So you never called them and said I was the last
12 person with her?

13 A To my knowledge, they were already aware of that
14 information.

15 Q Did you ever on the 19th, let's say, go to the
16 police and say, I've got a picture of us that night?

17 A No. To my knowledge, they were already in
18 possession of that picture.

19 Q When did you first talk with them? You said two
20 days later, right?

21 A When they interviewed me that is the first time I
22 spoke with law enforcement.

23 Q So in terms of your interaction verbally with the
24 police, correct, it was on the 20th?

25 A Yes.

STEVEN SCHIRALDI - CROSS-EXAMINATION

1 Q Any time prior to the 20th, two days after this
2 or more, did you ever go to them to talk to them about
3 anything?

4 A To the police?

5 Q Yes.

6 A No.

7 Q So you didn't volunteer any information you
8 thought might be helpful?

9 A Not until they came to me.

10 Q So you think that you, perhaps, should have done
11 that?

12 A I was pretty in the dark about the situation
13 until they came and saw me at work, so I wasn't aware
14 about how severe things were.

15 Q You don't think you have a duty to go do that?

16 A No.

17 Q You don't think that you are omitting to tell
18 them things in that two days?

19 A I wasn't purposely withholding information.

20 Q But you were withholding it?

21 A No.

22 Q You didn't go tell them, right?

23 A To my knowledge, they knew everything they needed
24 to know already until they interviewed me.

25 Q During the two days, you held that information to

STEVEN SCHIRALDI - CROSS-EXAMINATION

1 yours, you withheld it from them, right?

2 A I guess so, sure.

3 Q Were you charged with anything in this case?

4 A No.

5 Q You knew Heather from high school?

6 A Correct. We knew of each other.

7 Q And when you went on your date with her, it was a
8 couple of years out of high school, is the date we're
9 talking about?

10 A Correct.

11 Q And up until the date, you had not had any -- or
12 much contact with her since seeing her around high
13 school, right?

14 A Right.

15 Q In fact, isn't it true that you were following
16 her on social media for quite sometime?

17 A We followed each other.

18 Q You friended her, or however that works?

19 MS. LIVESAY: Your Honor, I'm going to have to
20 object as to the relevancy.

21 THE COURT: I'll allow some leeway here
22 concerning contacts. I'll overrule the objection.

23 Q (MR. TRUSLOW) How long were you connected on
24 social media before you actually spoke to her?

25 A I don't recall.

STEVEN SCHIRALDI - CROSS-EXAMINATION

1 Q Was it two years?

2 A I don't recall.

3 Q Do you remember telling me two years?

4 A I don't.

5 Q Could it have been two years?

6 A It could have been, but I don't remember.

7 Q And after the date, you took her home?

8 A That's correct.

9 Q But before that, you took her back to your house?

10 A Yes.

11 Q Watched some TV or a movie?

12 A I would consider that still a part of the date,

13 so after the date, I took her home.

14 Q Fair enough. And after that, you took her home?

15 A Right.

16 Q And you went back?

17 A Right.

18 Q And you never went out again?

19 A No, not until I left for work the next morning.

20 Q And we know that because your mom was there,

21 right?

22 A Right.

23 Q Who works until midnight, right?

24 A I don't off the top of my head remember what her

25 work schedule was.

STEVEN SCHIRALDI - CROSS-EXAMINATION

1 MR. TRUSLOW: I only have three questions left,
2 Judge.

3 Q I'll give you two pages to look at and ask you to
4 see if it refreshes your memory. If you would;
5 please -- it looks longer than it is. If you could
6 read it over real briefly.

7 A (Witness examines document.)

8 Q Does that help?

9 A Yes.

10 Q It's been awhile, hasn't it? So you recall your
11 mom worked until midnight, right?

12 A About that time.

13 Q And then this particular night you said she
14 uncharacteristically stayed up until 3:00 a.m.; do you
15 remember that?

16 A I don't remember that.

17 Q Did you just read your transcript?

18 A I stopped after the part where the last question
19 that you asked me was.

20 THE COURT: Have that marked Defendant's --

21 (Defendant's Exhibit 4 marked.)

22 Q (MR. TRUSLOW) Could you please review the rest
23 of it?

24 A (Witness examines document.) Okay.

25 Q Do you remember telling me your mom stayed until

STEVEN SCHIRALDI - CROSS-EXAMINATION

1 3:00 a.m.?

2 A On the sheet itself it says that she may have
3 stayed up. It is not uncharacteristic for her to stay
4 up late, but it depends on what she's doing.

5 Q Okay. I'm going to show you. I asked you: So
6 does your mom make a habit of staying up until 3:00
7 a.m.? Not usually, is what you said?

8 A Correct.

9 Q Do you agree with that?

10 A That is what the paper says.

11 Q So it is a little different than what you just
12 said?

13 A My words didn't match exactly what the paper
14 said, but I'm not saying that she didn't stay up, I
15 just don't remember.

16 Q I understand. I understand it's been awhile,
17 that's why we have this.

18 Now, last question. You told the police you did
19 not go back out anymore after you dropped Heather home
20 and you got back home, correct?

21 A Correct.

22 Q And you understand your alibi was your mom
23 because she was up at 3:00 a.m., which was not usual,
24 correct?

25 A Sure.

STEVEN SCHIRALDI - REDIRECT EXAMINATION

1 Q So your mom staying up all night, you couldn't
2 have left the house, right?

3 A Right.

4 Q Without being seen?

5 A Without her seeing me, no, I couldn't have left
6 if she was awake.

7 Q If she was awake? And she was awake at 3:00
8 a.m., right?

9 A As far as we know.

10 Q Which, as you say, is unusual?

11 A Uh-huh.

12 MR. TRUSLOW: No further questions.

13 REDIRECT-EXAMINATION

14 BY MS. LIVESAY:

15 Q How did they get your phone? How did the police
16 get your phone?

17 A After I got off of work, the day they came and
18 interviewed me, they asked if I minded driving to an
19 office here in Conway where I signed a form and
20 surrendered my phone to them.

21 Q So you took them the phone?

22 A Yes, I brought it to them.

23 Q So they could get whatever information they
24 wanted off of it?

25 A Exactly. They had my full permission.

STEVEN SCHIRALDI - REDIRECT EXAMINATION

1 Q During your conversation, did you ever deny that
2 you took her out that night?

3 A No, I never denied it.

4 Q Did you ever deny that you had texted her after
5 you went home?

6 A I never denied it.

7 Q Did you ever leave out anything that had happened
8 between the two of you?

9 A No, not purposely.

10 Q Were you ever dishonest about your contact with
11 her that night?

12 A No.

13 Q Now, is your number the last phone number on this
14 chart?

15 A It is not.

16 Q Okay. Now, did you know she had had all of this
17 other contact?

18 A No. Heather's phone conversations are not my
19 business.

20 Q So the only thing you know about is what you
21 talked about that night?

22 A Correct.

23 Q And that you told the police about?

24 A Right.

25 Q During that night, did you ever call her from a

JESSICA COOKE - DIRECT EXAMINATION

1 pay phone or any other phone other than the phone that
2 you used every day?

3 A I did not.

4 MS. LIVESAY: No further questions, Your Honor.

5 THE COURT: Recross?

6 MR. TRUSLOW: Just one.

7 RECROSS-EXAMINATION

8 BY MR. TRUSLOW:

9 Q You said that you had not -- you told them
10 everything you knew, and if you did not, it was not on
11 purpose, correct?

12 A Correct.

13 Q So there could have been things, details, that
14 you left out?

15 A By mistake, yes. We're all humans, no one
16 remembers everything.

17 Q Thank you. So it would have been unintentional,
18 correct?

19 A Correct, unintentional.

20 MR. TRUSLOW: No further questions.

21 THE COURT: You may come down. Do you wish the
22 witnesses to be excused?

23 MS. LIVESAY: At this time the State wishes to
24 call Jessica Cooke.

25 THE COURT: Any objection to him being excused?

JESSICA COOKE - DIRECT EXAMINATION

1 MS. LIVESAY: Oh, no objection, Your Honor, I'm
2 sorry. He's free to go. State calls Jessica Cooke.

3 (JESSICA COOKE, having been duly sworn,
4 testified as follows:)

5 THE WITNESS: Jessica Cooke, C-O-O-K-E.

6 DIRECT-EXAMINATION

7 BY MS. LIVESAY:

8 Q And, Ms. Cooke, how old are you?

9 A 38.

10 Q Where are you from?

11 A Originally Ohio.

12 Q And how long have you lived in Myrtle Beach?

13 A Almost eight years.

14 Q Where did you work in December of 2013?

15 A Tilted Kilt.

16 Q About how long had you worked there?

17 A Almost three years.

18 Q Did you know Heather Elvis?

19 A I did.

20 Q How did you know her?

21 A She was a hostess at the restaurant.

22 Q And about how long had she worked at Tilted Kilt?

23 A About a year.

24 Q Were you her manager?

25 A I was.

JESSICA COOKE - DIRECT EXAMINATION

1 Q Was there ever a time when you were looking for
2 her and she just didn't show up for work?

3 A No.

4 Q What kind of employee was she?

5 A She was a good employee.

6 Q Do you know Sidney Moorner?

7 A I do.

8 Q How do you know Sidney?

9 A He did work at the restaurant.

10 MR. TRUSLOW: Objection, relevance, Your Honor,
11 to the indictment. I don't see what it is relevant to
12 as to whether he told the truth or not.

13 THE COURT: This is cumulative. Move onto
14 something else. At this point, it really is not
15 relevant. Thank you.

16 Q (MS. LIVESAY) How long had Sidney worked there?

17 A It was about six months.

18 Q When did he stop working there?

19 A End of October.

20 Q Did you know what kind of truck he drove?

21 A Yes.

22 Q What kind of truck?

23 A White Ford truck.

24 Q White truck?

25 A Uh-huh.

JESSICA COOKE - DIRECT EXAMINATION

1 THE COURT: Is that a yes?

2 A Yes, I'm sorry.

3 Q And what kind of car did Heather drive?

4 A Intrepid, gray Intrepid.

5 Q Now, was she -- did she continue to work at the
6 Tilted Kilt until December?

7 A Yes, Uh-huh.

8 Q Now, to your knowledge, did you kind of keep up
9 with Heather as a friend, as well as a manager?

10 A For the most part, yes.

11 Q Were you all close friends at work?

12 A We got along. We joked. I got along with all of
13 the girls.

14 Q And did you know who Heather dated while she was
15 at Tilted Kilt?

16 A Yes.

17 Q Who did she date?

18 A Sidney Moorner.

19 Q Did she ever date some beer guy that delivered
20 beer or brought beer to the Tilted Kilt?

21 A Not that I was aware of, no.

22 Q Okay. If you don't mind, tell me a little bit
23 about -- do you know when they stopped dating, Heather
24 and this defendant?

25 A Yes.

JESSICA COOKE - DIRECT EXAMINATION

1 Q When was that?

2 A It was late October, early November.

3 Q Did he ever come back to Tilted Kilt after that?

4 A He came back to pick up checks, but didn't work
5 there, no.

6 Q How was she after they broke up?

7 A At the beginning, she took it pretty hard. After
8 awhile, she came back to being herself again.

9 Q And how was she by December of 2013?

10 A Back to being Heather.

11 Q And about how old was she at this time?

12 A 20.

13 Q Tell me a little bit about what it was like when
14 her and him dated?

15 A A normal relationship.

16 MR. TRUSLOW: Objection, relevance, Your Honor.

17 I don't know what this goes to.

18 THE COURT: Sustained. Sustained.

19 Q (MS. LIVESAY) Had you ever seen this defendant
20 driving a black truck?

21 A No, ma'am.

22 MS. LIVESAY: Your Honor, there is questions I
23 have for this witness, but I would like to bring them
24 up before I ask, because once it is asked, it is out
25 there, and the defense attorney may have some

JESSICA COOKE - DIRECT EXAMINATION

1 objection.

2 THE COURT: Approach, please.

3 (Whereupon, a bench conference was had.)

4 Q (MS. LIVESAY) When she would work, what were
5 normally her hours?

6 A It varied. Sometimes she opened. During the day
7 she would get there 10:00, 10:30 until 5:00 or 6:00, or
8 she would come in at 5:00 or 6:00 and close the
9 restaurant.

10 Q So she wasn't just during the day, she could be
11 working at night or during the day, just wherever you
12 needed her?

13 A Correct.

14 Q Okay. Now, when you all would close down, about
15 what time would it be?

16 A Depending what time of year it was, it could be
17 as late as 2:00 a.m., or as early as midnight.

18 Q Would you all walk out together?

19 A We always walked out as a group, yes.

20 Q Did you have a certain place you parked?

21 A Yes. We parked on the 21st Avenue side of
22 Broadway at the Beach.

23 Q And did this defendant park in that same area
24 where you all parked?

25 A Yes.

WILL LYNCH - DIRECT EXAMINATION

1 Q Is that the same area she parked for months and
2 months while she worked there?

3 A Yes.

4 Q And did the type of car she drive, did that ever
5 change from when you knew her?

6 A No, ma'am.

7 Q So the same car the entire time?

8 A Correct.

9 Q Did you ever see this defendant after October or
10 November?

11 A No, ma'am, not that I recall.

12 Q And did you ever see him in anything other than
13 that white truck?

14 A Nothing.

15 MS. LIVESAY: No further questions.

16 THE COURT: Cross-examine.

17 MR. TRUSLOW: No questions.

18 THE COURT: Thank you. You may step down,
19 Ms. Cooke. I'll ask you to remain for a few moments,
20 please. Call your next witness.

21 MR. HOLFORD: State calls Will Lynch.

22 (WILL LYNCH, having been duly sworn, testified
23 as follows:)

24 THE WITNESS: Will Lynch, L-Y-N-C-H.
25

WILL LYNCH - DIRECT EXAMINATION

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DIRECT-EXAMINATION

BY MR. HOLFORD:

Q Mr. Lynch, can you tell us where you are currently employed?

A Currently I am employed with the City of North Myrtle Beach.

Q And what is your title there, what's your rank?

A Detective.

Q Detective Lynch, how long have you been with North Myrtle Beach Police Department?

A 23 years.

Q And have you served in any other capacities while at North Myrtle Beach Police Department?

A Yes, I have. I was assigned to the 15th Circuit Solicitor's Drug Enforcement Unit from 2006 to 2015.

Q Tell us just briefly what is that drug enforcement unit?

A Basically it is a group of different officers from the agencies that make up Horry and Georgetown County, and our main responsibility was to investigate mid- to upper-level drug dealings in the Horry/Georgetown area.

Q You said it was a multidisciplinary unit?

WILL LYNCH - DIRECT EXAMINATION

1 A Yes, that's correct.

2 Q It was made up of different agencies?

3 A That's correct.

4 Q Were you technically with North Myrtle Beach, but
5 serving --

6 A I was still a North Myrtle Beach employee, still
7 getting paid by the city, but I was basically being
8 loaned out to the Solicitor's Office and the Drug
9 Enforcement Unit.

10 Q You did you tell us how long you have been a
11 detective?

12 A I've been a detective for 13 years.

13 Q But back in December of 2013, that would
14 encompass the time that you were with DEU; is that
15 correct?

16 A Yes. From 2006 to 2015 I was on the Drug
17 Enforcement Unit.

18 Q Now, tell us a little bit about the training and
19 experience you had gone through as a law enforcement
20 officer.

21 A Besides just basic law enforcement training, I've
22 been through numerous classes to include investigation
23 classes, drug recognition classes. I was periodically
24 assigned to a traffic division in North Myrtle Beach
25 where I had reconstruction -- traffic accident

WILL LYNCH - DIRECT EXAMINATION

1 reconstruction classes, and for this case in
2 particular, I went through a class to be certified in
3 the use of a device that is manufactured by a company
4 called Cellebrite.

5 Q What was that Cellebrite device?

6 A The Cellebrite device -- Cellebrite is a company
7 that makes devices for the public and for law
8 enforcement, and the one that specifically that I was
9 trained in was called the Ufed Touch. What the Ufed
10 Touch does, it basically takes someone's personal
11 device, such as a cell phone, tablet, GPS unit and it
12 will read the information off of that device and then
13 take it and put it into a readable format that can --
14 you and I can look at, you know, a piece of paper or
15 something like that.

16 Q And did you do that in this case?

17 A I did.

18 Q Now, tell me a little bit more about the
19 Cellebrite. You went through specific training for it?

20 A I did. I went through a class in 2011, August of
21 2011, in Virginia to teach me how to become a user of
22 this particular machine. This particular machine,
23 again, it will take devices, such as cell phones,
24 tablets, GPS devices and it can basically take the
25 information that is on that device and put it into --

WILL LYNCH - DIRECT EXAMINATION

1 on a storage device, and then at that point in time you
2 can take that information off of a storage device and
3 turn it into basically a piece of paper so you can read
4 it like a book.

5 Q Had you done that before with cell phones?

6 A Yes.

7 Q About how many times?

8 A Probably up until that point I had probably done,
9 you know, a hundred or more. Probably as of today, I
10 probably have done a couple hundred, still doing cell
11 phone extractions.

12 Q Have you testified in court about that before?

13 A Yes, I have.

14 Q Couple of times?

15 A Couple of times, yes.

16 Q Now, I know we talked about you being DEU, but in
17 this case your involvement was the Cellebrite, correct?

18 A That's correct, yes, it was just with Cellebrite
19 itself.

20 Q We haven't alleged there is drug involvement?

21 A No.

22 Q Even though you were working with the drug unit?

23 A That's correct.

24 Q Who came and asked you to run the Cellebrite
25 program?

WILL LYNCH - DIRECT EXAMINATION

1 A You know, I don't recall the exact officer, but I
2 was contacted by someone with the Horry County Police
3 Department, because it was on a holiday, it was
4 actually on Christmas Eve that I was contacted, and
5 they knew I was one of a few people that could actually
6 run this machine, so they called me on Christmas Eve
7 and said, hey, we need some help, do you mind assisting
8 us, and I told them I would be glad to help them out.

9 (State's Exhibits 12 and 13 marked.)

10 MR. HOLFORD: Sorry, I was just going to pause
11 for one moment. Sometimes I ask questions, court
12 reporter has to type and I ask her to do something
13 else for me.

14 Q (MR. HOLFORD) You said you did download a phone
15 in this case?

16 A I did, yes.

17 Q Further explain to me, when I say download a
18 phone, what did you actually do?

19 A Basically you will take the source device, which
20 in this case was a cell phone, you will connect a cable
21 to it, which is basically like the charging cable that
22 you would use on your phone --

23 MR. TRUSLOW: Judge, objection.

24 THE COURT: What's the objection?

25 MR. TRUSLOW: He's not an expert. The witness

WILL LYNCH - DIRECT EXAMINATION

1 has not been qualified as an expert witness and he's
2 testifying as an expert as to the Cellebrite machine.

3 THE COURT: All he is doing at this point is
4 telling what he did. So far as the expert, he hasn't
5 been asked to -- at this point I don't know what he's
6 going to be testifying to, so you can continue.

7 MR. HOLFORD: Thank you, Your Honor.

8 Q (MR. HOLFORD) What did you do specifically with
9 the phone in this case?

10 A Once I took possession of the phone, again, there
11 is a specific cable, depending on what kind of phone
12 you have, whether it is an Android or Apple device, you
13 will use that cable, you will connect the cable from
14 the phone to the actual Ufed machine by Cellebrite, and
15 then you also have a target in -- which typically would
16 be a thumb drive or some type of memory device, and the
17 Ufed itself machine will recognize which phone you've
18 connected to the machine, and then it will ask you,
19 hey, what kind of extraction do you want to do on this
20 particular device, what do you want us to do, what do
21 you want the machine to do, and then the machine itself
22 once you put -- input the right device and everything,
23 it will read the information off of that device.

24 Q So you are manually pulling things out of the
25 phone, or are you clicking buttons and selecting the

WILL LYNCH - DIRECT EXAMINATION

1 phone type and it downloads it for you?

2 A It does. It's a read-only device. You cannot
3 input any information onto the device itself, such as a
4 cell phone. You can't go in and change anything on the
5 cell phone, it just reads what is on that cell phone.

6 Q Did you print out a report from that download?

7 A I did.

8 Q Did you turn that report over to us, or who did
9 you return that report over to?

10 A More than likely I would have turned it over to
11 the Horry County Police with the phones, once I return
12 those.

13 MR. HOLFORD: May I approach?

14 THE COURT: You may.

15 Q I'm showing opposing counsel. I'll hand you
16 first what's been marked as State's Exhibit 12. This
17 is just for I.D at this point. Can you identify that
18 packet that I've handed you? Without telling us the
19 contents, what is that?

20 A This would be a copy of my report from one of the
21 phones that evening.

22 Q And so after you plugged the phone in and
23 downloaded a report, this is what it generated?

24 A That's correct.

25 Q And you did that?

WILL LYNCH - DIRECT EXAMINATION

1 A That's correct, I did.

2 MR. HOLFORD: Your Honor, at this point the State
3 seeks to introduce Exhibit 12 into evidence.

4 MR. TRUSLOW: Objection, 401 and 403. May we
5 approach?

6 THE COURT: Yes.

7 (Whereupon, a bench conference was had.)

8 A Ladies and gentlemen, you have to go to your jury
9 room, I have to put something on the record. Please
10 don't begin your deliberations, don't discuss the case,
11 and we'll take a break because we haven't been out yet,
12 so we'll probably take a break for everyone here.

13 Let's put it on the record you object that it is
14 not relevant and if it is reel ability under 403 the
15 prejudice outweighs the probative value and your
16 position is what.

17 (Whereupon, the jury exits the courtroom.)

18 THE COURT: And your position is what?

19 MR. TRUSLOW: That it is based upon what they
20 want to show, which they've already said, is that they
21 were in contact, when they were or weren't, and they
22 can do -- and they've already done that with phone
23 records and numbers. So they can already show what
24 they want to show. Now they are attempting to
25 introduce the actual conversations of each one of

WILL LYNCH - DIRECT EXAMINATION

1 those calls, and that is prejudicial, and they don't
2 need it provably because they've already shown what
3 they want. This is only --

4 THE COURT: Well, they've shown that there is
5 contact, but according to the defendant's statement,
6 all he was doing was saying leave me alone, just don't
7 talk to me. These are statements of whatever it was
8 that was being said, and the jury makes its
9 determination, is that consistent with the statements
10 or contradictory, so it is probative.

11 MR. TRUSLOW: May I, Your Honor?

12 THE COURT: Yes.

13 MR. TRUSLOW: You are talking about the one pay
14 phone call, what he said. This is calls for months
15 and texts.

16 THE COURT: No, it is from a period of time --
17 let's talk about months -- what I'm looking at is from
18 November through December, and that is the period when
19 they were supposedly -- as I understand it, that is
20 the only period that you are offering?

21 MR. HOLFORD: Yes, Your Honor.

22 THE COURT: And that is the period of time that
23 in his statements he said we weren't having any
24 contact, or any contact was simply I was telling her
25 to leave me alone, there was nothing. This says

WILL LYNCH - DIRECT EXAMINATION

1 whatever it says. I don't know what it means. It is
2 what it is. So it is probative from that standpoint,
3 and the probative value outweighs the prejudice
4 because it goes to show to say did you withhold
5 something during this period of time which would have
6 been pertinent and germane. So, thank you, your
7 objection is noted and overruled. Thank you, sir.

8 MR. TRUSLOW: Yes, sir.

9 THE COURT: So 13 is the summary -- are you
10 putting in --

11 MR. HOLFORD: 12 is the actual report, and 13 is
12 the summary.

13 THE COURT: Well, the report, do you need -- do
14 you object to the summary -- because they don't need
15 all of this. 12 will be for identification. This is
16 simply an extract of 12.

17 MR. HOLFORD: That's correct. Your Honor, the
18 reason the State wants to introduce 12 is to get to 13
19 because it is a summary, and as long as 12 is in
20 evidence then we can --

21 THE COURT: Well, if he doesn't have an objection
22 to this being an accurate copy, basically a redaction
23 of what 12 is, a summary of it, then we'll make 12 for
24 ID, it doesn't go to the jury, but 13 will, okay.

25 MR. HOLFORD: Yes, Your Honor.

WILL LYNCH - DIRECT EXAMINATION

1 THE COURT: So 12 -- you are not offering 12
2 other than for identification purposes.

3 MR. HOLFORD: Yes, Your Honor.

4 THE COURT: The summary will be admitted. The
5 report itself will not be admitted.

6 MR. HOLFORD: Yes, Your Honor.

7 MS. LIVESAY: Your Honor, the only issue -- and I
8 may can call another witness -- we had another
9 Cellebrite person, but the thing, just to be candid
10 with the Court that we're trying to hit on is -- and
11 of course in his statement he says I'm telling her
12 quit calling, leave me alone. This shows that that's
13 not accurate. It also shows that he didn't keep
14 calling, keep calling, keep calling. And it also
15 shows -- the content shows that she wouldn't have
16 known that he had a black truck at that time, and
17 we're calling someone from Ford to clarify.

18 THE COURT: That doesn't have a thing in the
19 world to do with 12. I'm admitting this, which is
20 exactly what you just said -- I just said that, Ms.
21 Livesay, insofar as my ruling is concerned. It is
22 pertinent to what you just said, and I think I made
23 that statement on the record.

24 12 does not do anything other than substantiate
25 13. They are not objecting to this being basically a

WILL LYNCH - DIRECT EXAMINATION

1 summary of 12. So we don't need 12 to go to the jury,
2 this is all that is necessary, but it is a part of the
3 record in this case for purposes of review, okay.

4 MR. HOLFORD: Yes, sir.

5 THE COURT: So 12 is for ID only, 13 is admitted
6 subject to the evidence.

7 (State's exhibit 13 admitted.)

8 THE COURT: We'll be at least for 10, 15 minutes.
9 Thank you. Let me put on the record also, Solicitor,
10 one other thing I was thinking about and I was doing
11 some research in addition to further the Crawford
12 issue that we talked about on that. One of the
13 distinctions also, to me, while the contact and the
14 content of the phone conversation with respect to the
15 charge of kidnapping may have had some bearing, but
16 this conversation really goes specifically to the
17 heart of what this case is about insofar as that
18 statement being accurate and true. I think the danger
19 of a confrontation issue is further compounded by
20 that, an essential element of this particular crime
21 where it had nothing really more than just the
22 kidnapping, that there was some contact and ongoing
23 discussions.

24 So this, as I stated earlier, you have what you
25 have, and especially with the witness that testified

WILL LYNCH - DIRECT EXAMINATION

1 subsequent to that, because now you have potential --
2 and that witness also gave me further support that it
3 may not have been an excited utterance because there
4 was conversation with him, texting after the
5 conversation with the defendant. So there is another
6 issue that gives me some concern, further supports
7 what I did with respect to saying it was not an
8 excited utterance. But you are protected in arguing
9 that burden. Thank you very much.

10 MS. LIVESAY: Thank you, Judge. And just for the
11 record, for the clarity, we did want to get into with
12 Jessica Cooke that issue. We don't need to proffer, I
13 was just going to put on the record that we did want
14 to get into the pregnancy issue, but we had a
15 side-bar, Mr. Truslow objected and you ruled and that
16 testimony was not admissible.

17 THE COURT: I thought the probative was
18 outweighed by the prejudice with respect to this. It
19 gets to the heart of a totally different issue here.
20 It's just not necessary for whether or not he was
21 misleading to the police. So, thank you. And that
22 would have concerned me about that objection, that we
23 not retry the kidnapping case.

24 MS. LIVESAY: I understand. All right.

25 THE COURT: All right. Thank you, we'll be at

WILL LYNCH - DIRECT EXAMINATION

1 ease.

2 (A recess was taken.)

3 THE COURT: Let the record reflect Mr. Moorer is
4 present.

5 State ready?

6 MR. HOLFORD: Yes, Your Honor.

7 THE COURT: Very well, let's bring in our jury.

8 (The jury enters at 4:07 p.m., and the
9 following is heard in the presence of the jury.)

10 THE COURT: Thank you, ladies and gentlemen.
11 We're ready to continue. You may continue your
12 examination.

13 MR. HOLFORD: Thank you, Your Honor. May I
14 approach?

15 THE COURT: Yes, sir, you may.

16 Q Detective Lynch, I'm going to hand you what's
17 been marked as State's 13.

18 MR. HOLFORD: Your Honor, the State would ask
19 that 13 be admitted into evidence.

20 THE COURT: It is admitted subject to the
21 objection of Counsel placed fully on the record during
22 our recess.

23 MR. HOLFORD: Thank you, Your Honor.

24 (State's Exhibit 13 was admitted.)

25 Q Now, Detective Lynch, State's 13, is this a

WILL LYNCH - DIRECT EXAMINATION

1 summary of State's 12?

2 A Yes, it is. It's an excerpt, is what it is.

3 Yes.

4 Q So you didn't summarize all of it, just pulled
5 bits and pieces?

6 A Well, yes, that's correct. What this is is
7 actually a timeline report from the original report.

8 Q And tell me the difference between a timeline
9 report and maybe the other types of reports you can get
10 through Cellebrite?

11 A When you do an extraction from a particular
12 device, such as a cell phone, it will take all of the
13 information off of that cell phone one of two ways. It
14 will take off information that you and I can see if we
15 went through the phone manually itself, you know,
16 reading the text messages, looking at whose made
17 incoming calls, out-going calls, going through the
18 photos and things like that. It will generate a report
19 with all of those things that you and I can see.

20 It also can do a report where it goes a little
21 bit deeper into the phone and extract information that
22 possibly has been deleted from the phone. It can also
23 do things such as put locations where pictures were
24 taken, things that we normally wouldn't see on the
25 cell phone itself. And then once you choose which

WILL LYNCH - DIRECT EXAMINATION

1 kind of report you want to do, it would generate a
2 report and it will put all of those different pieces
3 of information on the report, such as all of the
4 incoming calls, all of the out-going calls, all the
5 text messages, all the pictures and videos and things
6 like that. And then from that report, you can even do
7 what they call a "timeline report" where it shows what
8 the user of that phone did in chronological order, so
9 you don't have to jump back and forth for a phone call
10 made at this time or a text message done at this time.
11 It actually puts everything in chronological order so
12 you can see what the person was doing on that phone
13 step by step, basically.

14 Q So it can give you a report of all of the calls
15 made and group those together?

16 A Correct.

17 Q Or all of the calls received?

18 A Group those together. All of the text messages
19 that were sent, group those together. All the incoming
20 text messages received, things like that. But, again,
21 you can also do a timeline report as well.

22 Q And that is -- you did a timeline report that you
23 have right here?

24 A That's correct.

25 Q And that can group texts, calls and show them

WILL LYNCH - DIRECT EXAMINATION

1 kind of in order, right?

2 A Right. So if you were to text one of your
3 friends, and then after that conversation you called
4 someone, and then maybe after that you texted somebody
5 else, in the timeline report it would show that in
6 chronological, what you did.

7 Q And what is State's 13 then?

8 A This is the timeline report for certain dates and
9 times.

10 Q Did you create that report?

11 A Yes, I did.

12 Q Now, tell us whose phone is this a report from?

13 A On the original report, when I did the original
14 report, the phone itself had a name assigned to it. I
15 believe it is Sidney's iPhone or Sidney's phone,
16 something of that nature. It is on the first page of
17 my report.

18 Q And it had a phone number associated with it?

19 A It did have a phone number associated with it.

20 Q Do you remember that phone number?

21 A I don't remember it offhand.

22 MR. HOLFORD: May I approach, Your Honor?

23 THE COURT: You may.

24 Q I'll hand you what is marked as State's 12 for
25 ID.

WILL LYNCH - DIRECT EXAMINATION

1 A Okay.

2 Q Now, that is the reports that you generated?

3 A That's correct.

4 Q What is the phone number associated with this,
5 summary that you are about to talk about?

6 A The phone number associated with the summary is
7 area code (843)385-3175.

8 Q And you already told us, but that is associated
9 with who?

10 A The device name is labeled "Sidney's iPhone," and
11 there is also an Apple ID associated with this
12 particular phone, and it says SidneyMoorer76@gmail.com.

13 Q Let's talk about this report. You have it in
14 front of you, correct?

15 A Yes.

16 Q So same thing that the jury is looking at on
17 State's 13?

18 A Yes.

19 Q Let's talk first about this SMS. What is SMS?

20 A SMS is basically a text message.

21 Q Okay. And in the next column over, date and
22 time, that is when it was either sent or received?

23 A That's correct.

24 Q And then the next column we show a phone number
25 with "to" or "from"?

WILL LYNCH - DIRECT EXAMINATION

1 A That's correct.

2 Q And the next column, what would that be?

3 A The last column would show if this particular
4 message has been deleted or not, and it would say -- in
5 that particular column it would have a "yes" if that
6 particular message has been deleted.

7 Q Is that where a phone purges information, or
8 whether the user did?

9 A It will be if the user actually deleted that
10 particular piece of information.

11 Q Now, the first page we are looking at, there is
12 nothing in those columns, correct?

13 A That's correct.

14 Q What does that indicate?

15 A That none of the content has been deleted by the
16 user.

17 Q Now, I do have a question. It says, on the
18 bottom one let's say, 1810 SMS messages, 11-12-2013,
19 4:36 a.m., UTC plus zero; what does that "UTC" mean?

20 A UTC stands for Universal Time Coordinated, and it
21 is a time recognized around the world. It is a
22 universal time, and depending on where you are in the
23 world, you can use this UTC time to figure out what the
24 time is at that particular location in the world.

25 Q So the times on here, that is not Eastern

WILL LYNCH - DIRECT EXAMINATION

1 Standard Time?

2 A The times on here are not Eastern Standard Time.
3 That is in UTC time. Based on the time of the year
4 here on the east coast here, you would either subtract
5 four or five hours to get the time that would be UTC
6 time.

7 Q Now, you say four or five, why would that change
8 here?

9 A Daylight savings time. So whenever we move the
10 clocks back, then you actually would subtract five
11 hours.

12 Q So when you generate a Cellebrite report, will it
13 show up in UTC time?

14 A Yes.

15 Q So if someone was just reading this report, they
16 might think 4:38 p.m., but you have to convert for
17 Eastern Standard?

18 A That's correct.

19 Q How tell us about the first page, what is
20 important about the first page, the "to" and "from"
21 numbers?

22 A The first page, they are to and from the same
23 person, that is, you know, texting Sidney's iPhone.

24 Q And did you -- do you know who that number
25 belongs, that (843)997-8152?

WILL LYNCH - DIRECT EXAMINATION

1 A I do now, yes.

2 Q Who is that?

3 A That would be Heather Elvis.

4 Q Which direction are we going on this list from
5 earliest to latest on top, or top to bottom?

6 A Can I step around to see what you are -- do you
7 mind?

8 Q Yeah. Yeah. We should have the same screen as
9 what you have in your hand.

10 A Yep. You are going to be going from the top --
11 top -- from the bottom to the top.

12 Q Okay. So last in time to earliest would go
13 bottom to top?

14 A Correct.

15 Q So this first bottom text message, what does that
16 say?

17 A It says "Sidney."

18 Q Okay. And then as we move up, is that the
19 responses to and from?

20 A Correct.

21 Q And this is in evidence, so the jury is going to
22 have an opportunity to look at that and they can read
23 through and see the "to" and "from"?

24 A They can, yes.

25 Q Will you flip to the next page.

WILL LYNCH - DIRECT EXAMINATION

1 A Yes.

2 Q Tell me on the bottom again, where are we in
3 time, and then at the top where are we in time?

4 A On the bottom, we're on the 2nd of November.
5 Again, you are going to have to subtract five hours,
6 because I think this is after daylight savings time was
7 over with, so you're talking about -- you are going
8 from 12:37 p.m. to 7:37 a.m.

9 Q And this is still in November of 2013?

10 A Yes, that's correct.

11 THE COURT: Excuse me a second, Solicitor. Let
12 me reiterate something you said. Ladies and
13 gentlemen, anything that is introduced into evidence
14 will accompany you to your jury room, so you'll have
15 an opportunity to study this in greater detail and
16 have it close to you. So, please, be aware of that,
17 as well as we go forward. Excuse me for interrupting
18 you, Solicitor, I wanted to assure them that they
19 would have a chance to look at this much closer.

20 MR. HOLFORD: Thank you, Your Honor.

21 Q And now on the next page we see something a
22 little different from the first two. I think you
23 already talked about, but the top line, what does that
24 indicate?

25 A That indicates that the user of this particular

WILL LYNCH - DIRECT EXAMINATION

1 device would have deleted that particular text message.

2 Q So the line right before it, that line says SMS,
3 11-2-2013 at 1:58 p.m., UTC plus zero, two, which you
4 said is Heather Elvis, and then the next line above it,
5 that one has been deleted; is that correct? Is that
6 a -- I might have been confused, I apologize. This top
7 line is deleted, right?

8 A Yes.

9 Q And there is no number associated with it,
10 correct?

11 A That's correct.

12 Q But the line below it is a text message from
13 Sidney's phone to Heather's phone?

14 A That's correct.

15 Q And the text proceeding it are either to or from
16 Sidney to Heather, or vice-versa?

17 A That's correct.

18 Q Will you flip to the next page.

19 A Yes.

20 Q What date are we on now?

21 A The one I'm looking at at the bottom is
22 November 3rd, which if you look at 12:21 a.m., you're
23 going to have to go back, it is going to end up being
24 11:00 in the p.m., so you have to go back a day.

25 Q That bottom message, what does it say?

WILL LYNCH - DIRECT EXAMINATION

1 A So when does Sidney get his phone back.

2 Q And that is from who?

3 A That is from Heather Elvis.

4 Q But she's still texting Sidney's phone?

5 A That's correct, she's still texting Sidney's
6 phone.

7 Q What does it say about that?

8 A It says, This is him, but we can't talk anymore.

9 Q On the next page, is this a continuation?

10 A It is.

11 Q If you can, quickly go "from" or "to" and tell us
12 what the conversation is.

13 A Starting at the bottom?

14 Q Yes.

15 A Okay. There is a text message from Heather Elvis
16 saying, Ha, okay. And then there is a response to
17 Heather Elvis, Sorry, I made a mistake. And then there
18 was a response above that from Heather Elvis that says,
19 You knew what you were doing, it was no mistake. I
20 understand this can't go on anymore, I just want to
21 know that your wife isn't going to show up at my job.
22 There's also another text from Heather that says,
23 Because I lost hours today because they sent me home
24 after she kept calling. And then there is a text to
25 Heather Elvis that says, She doesn't care about you.

WILL LYNCH - DIRECT EXAMINATION

1 It's fine. She has a boyfriend. There is another text
2 to Heather Elvis that says, She was just mad at me for
3 lying, and then there was another text to Heather Elvis
4 that says, Wants me to take some test to make sure I
5 didn't catch anything from you, and then that
6 particular one shows it was deleted.

7 Q This was all back in November?

8 A That's correct.

9 Q Of 2013?

10 A That's correct.

11 Q And then the next page, does this appear to be
12 the conversation that is continued?

13 A Yes.

14 Q Some of the texts are deleted?

15 A That's correct.

16 Q And some are left there?

17 A That's correct.

18 Q Next page. Does this continue the conversation
19 as well?

20 A Yes, it does.

21 Q Tell us the date range on this one.

22 A We're on the -- from the 3rd of November up until
23 the 4th of November -- or actually the 3rd of November
24 if you subtract the time. It shows the 4th, but you
25 are going to subtract it is still going to be on the

WILL LYNCH - DIRECT EXAMINATION

1 3rd of November.

2 Q Now, that third line, 1-7-7-1, what does that --
3 or who is it to, who is to from and what does it say?

4 A It's from Heather Elvis. It says, Really? So
5 that's why you are still childishly texting me from
6 your cheating husband's phone.

7 Q Is that one deleted?

8 A Yes, it is.

9 Q Is there some conversation about who actually has
10 the phone at that point?

11 A Yes.

12 Q And then at the top, that eleven four, is that to
13 Heather?

14 A Yes, it is.

15 Q What does that say?

16 A It says, Stop stalking me you crazy fucking
17 whore.

18 Q And this is back in November?

19 A That's correct.

20 Q Okay. Now, the next page, what is this showing?

21 A It's showing that there was one more message sent
22 from Heather's phone.

23 Q And the date on this?

24 A It's going to be on the 5th of November.

25 Q And what's the content of the message?

WILL LYNCH - DIRECT EXAMINATION

1 A It's a period, just a dot.

2 Q The punctuation mark?

3 A Punctuation mark, that's correct.

4 Q Is there any contact after that up until December
5 the 18th of 2013?

6 A No.

7 Q So last contact back-and-forth from them seems to
8 be some kind of spat ending with a period on
9 November 5th?

10 A That's correct.

11 Q And what is the next contact on this phone
12 between him and Heather?

13 A It would have been on the 18th of December.

14 Q Okay.

15 A It's like a phone call.

16 Q You may or may not know, on the next sheet you
17 have, this number 1-862-596-2011; do you know who that
18 belongs to?

19 A I do not.

20 Q Do you know that to be Heather's number?

21 A Not that I'm aware of.

22 Q What are the times? It looks like you converted
23 it to Eastern Standard Time on the right?

24 A They have been converted, yes.

25 Q And so what are the times of those phone calls?

WILL LYNCH - DIRECT EXAMINATION

1 A So it looks like on the 18th there was a phone
2 call at 1:09 in the morning, 1:13 in the morning and
3 again at 1:13 in the morning.

4 Q And then is the phone receiving calls at 3:17 in
5 the morning?

6 A Yes, it is.

7 Q And then is it receiving calls again from
8 (843)997-8152, Heather's phone, at 3:38, 3:39, 3:40 and
9 3:41?

10 A That's correct, yes, it is.

11 Q Now, what is this last page? Are these text
12 messages or phone calls?

13 A They are basically text messages, instant
14 messages from an iPhone to an iPhone, is basically what
15 they are.

16 Q What is the number that they are from?

17 A (843)385-3175.

18 Q Now, dismissing information on the bottom two,
19 did you take that out?

20 A I did not.

21 Q It just did not appear?

22 A That's correct.

23 Q Have these been deleted?

24 A No -- oh, yes, they have. The messages have been
25 deleted, yes. -

WILL LYNCH - DIRECT EXAMINATION

1 Q But you were still able to retrieve them?

2 A That's correct.

3 Q When calls or messages are deleted, is

4 information lost from that sometimes?

5 A It can be, yes.

6 Q But you can still gleam some information?

7 A That is correct.

8 Q Do you know who the 3175 number is?

9 A I believe I do.

10 Q Who is that?

11 A I believe that is going to be Sidney's iPhone.

12 Q Okay. And he's texting someone back and forth,

13 Could you please bring me orange juice with

14 potstickers, thank you, yes, ma'am?

15 A That's correct.

16 Q What is time is that?

17 A Approximately 4:37, 4:38 in the morning.

18 Q Detective Lynch, did you also download another

19 phone in this case?

20 A I did.

21 Q Whose phone did you download?

22 A Tammy Moorers' phone.

23 Q And would it help to refresh your recollection if

24 I showed you a copy of that report?

25 A Absolutely.

WILL LYNCH - DIRECT EXAMINATION

1 (State's Exhibit 14 marked.)

2 MR. HOLFORD: May I approach?

3 THE COURT: You may.

4 Q I'm approaching you with what is marked as
5 State's 14 for ID. It is a portion of a report. Do
6 you recognize that report?

7 A I do.

8 Q And what phone number is that report associated
9 with?

10 A (843)385-3174.

11 Q Whose number do you know that to be?

12 A Tammy Moorers's.

13 Q Does that also, during this specific time period
14 that we were already talking about, does that include
15 the same text messages you were just testifying about?

16 A Yes, it does.

17 Q So now that you reviewed that portion of the
18 report, can you say who these text messages that we're
19 looking at, even though the date is not necessarily on
20 Sidney's phone, who they are to and from -- or what
21 phones they are to and from?

22 A They are between Sidney's phone and Tammy's
23 phone.

24 Q In all of those conversations between the
25 defendant and Heather, was there any conversation about

WILL LYNCH -CROSS-EXAMINATION

1 a truck, a black truck?

2 A Not that I recall.

3 Q Was there any conversation about notes on a car?

4 A Not that I recall.

5 Q There was conversation about, Leave me alone,
6 back in November, correct?

7 A That is correct.

8 Q And Heather didn't contact him again on that
9 phone until early morning hours of the 18th?

10 A That's correct.

11 MR. HOLFORD: No further questions at this time.

12 CROSS-EXAMINATION

13 BY MR. GALMORE:

14 Q Detective Lynch, when you downloaded this
15 information off of the Cellebrite machine, I understand
16 it gave you the dates, the times, the incoming,
17 outgoing, to and from and it gave you the actual text
18 message. Did the Cellebrite machine tell you who wrote
19 these texts?

20 A No, it did not.

21 Q Okay. So all of the texts coming from Sidney's
22 phone could be Sidney, or could be someone else?

23 A That's correct.

24 Q And, likewise, all of the texts that are coming
25 from Heather's phone could be Heather or someone else?

WILL LYNCH -CROSS-EXAMINATION

1 A That's correct.

2 Q What you have is that these two phones were in
3 communication with each other, but we don't know who
4 the individuals were that were making those texts?

5 A That's correct.

6 Q Now, the report that you just saw, were the dates
7 on those reports accurate?

8 A Yes.

9 Q So you had --

10 A You obviously have to subtract the hours because
11 it is in UTC time.

12 Q Right. I'm not talking about times..

13 A Yes, sir.

14 Q So we saw texting from November 2, 3, and
15 4th, and then -- between these two phone numbers that
16 belonged to Heather Elvis and Sidney Moorner?

17 A Yes.

18 Q And then we saw texts on December 18th between
19 Sidney and Tammy Moorner?

20 A Yes, that's correct.

21 Q Did you have any texts between Sidney's phone and
22 Heather's phone from November 4th to December 18th?

23 A Not that I recall seeing, no.

24 Q Now, you didn't event the cell phone?

25 A No, sir.

WILL LYNCH - REDIRECT EXAMINATION

1 Q You didn't event the Ufed touch machine?

2 A No, sir.

3 Q Your job is to download the information using the
4 Ufed touch machine?

5 A Yes, sir.

6 Q And that is what you did in this case?

7 A Yes, sir.

8 Q Is that something you routinely do when asked to
9 do so?

10 A Yes, sir.

11 Q So it's not that unusual for you, as the
12 Cellebrite officer, to download text messages on a
13 routine basis?

14 A That's correct, it is not unusual.

15 MR. GALMORE: Court's indulgence.

16 THE COURT: Certainly.

17 (A brief pause in the proceedings.)

18 MR. GALMORE: Thank you, Detective Lynch. No
19 further questions.

20 THE COURT: Redirect.

21 MR. HOLFORD: Yes, Your Honor.

22 REDIRECT-EXAMINATION

23 BY MR. HOLFORD:

24 Q Detective Lynch, what date did you do that
25 report?

DEVIN SOLES - DIRECT EXAMINATION

1 A December 24th, 2013.

2 MR. HOLFORD: No further questions.

3 THE COURT: Recross?

4 MR. GALMORE: No, sir.

5 THE COURT: Thank you. You may come down. Do
6 you wish this witness to be excused, Mr. Holford?

7 MR. HOLFORD: Yes, Your Honor, I apologize.

8 THE COURT: Any objection?

9 MR. TRUSLOW: No objection.

10 THE COURT: You are free to leave. Thank you
11 very much.

12 MR. HOLFORD: States calls Devin Soles.

13 (DEVIN SOLES, having been duly sworn, testified
14 as follows:) square swear.

15 THE WITNESS: Devin Soles, S-O-L-E-S.

16 DIRECT-EXAMINATION

17 BY MR. HOLFORD:

18 Q Mr. Soles, where are you currently employed?

19 A Beach Automotive Group.

20 Q How long have you been at Beach Automotive Group?

21 A Seven years now.

22 Q What specific -- let me think -- makes of
23 vehicles does that include, or models? Which one is
24 Ford, Chevy, GMC; what does that include?

25 A Our store?

DEVIN SOLES - DIRECT EXAMINATION

1 Q Beach automotive, What do you sell?

2 A Ford, Mazda, Volvo and Lincoln.

3 Q Were you contacted about this case regarding this
4 defendant?

5 A Yes.

6 Q And in what regard did we contact you or law
7 enforcement contact you?

8 A As far as?

9 Q What information do you have pertinent to --

10 A We sold the defendant a car -- or truck, I'm
11 sorry.

12 Q Do you have a record of when you sell vehicles?

13 A Yes.

14 Q And do you keep those records in the ordinary
15 course of business?

16 A We do.

17 Q Did you provide records or did Beach Automotive
18 provide records in this case?

19 A Yes, sir.

20 Q What types of records did you provide?

21 A It was the whole deal jacket.

22 Q What does the whole deal jacket include?

23 A Bill of sale, trade information, price, credit,
24 whole deal packet.

25 Q Does it show what kind of car?

DEVIN SOLES - DIRECT EXAMINATION

- 1 A It does.
- 2 Q Does it show what day it was purchased?
- 3 A It does.
- 4 Q Does it show who purchased it?
- 5 A It does.
- 6 Q Have you reviewed this information?
- 7 A I have.
- 8 Q Does it appear to be the business record you
- 9 keep?
- 10 A It is.
- 11 Q And I may not have asked you, what is your
- 12 position at Beach Automotive?
- 13 A Sales manager.
- 14 Q Did you say you've been there for a couple of
- 15 years?
- 16 A Seven years.
- 17 Q Were you there back in 2013?
- 18 A I was.
- 19 Q Do you have personal knowledge of the sale to
- 20 this defendant?
- 21 A I do.
- 22 Q How do you have personal knowledge of that sale?
- 23 A I was the manager that actually penciled the
- 24 deal.
- 25 MR. TRUSLOW: Objection, relevance.

DEVIN SOLES - DIRECT EXAMINATION

(State's Exhibit 15 marked.)

THE COURT: Overruled.

Q So when you said you were the one that penciled oiled the deal --

A I wrote it up, sale price, trade allowance, just the deal itself.

Q May I approach?

A You may.

Q I'll hand you what is marked as State's Exhibit No. 15, at this point it is for identification purposes. Can you identify what I've shown you?

A Yes. That is our deal jacket.

Q And so the deal jacket includes the sale and other relevant information pertinent to that sale?

MR. HOLFORD: Your Honor, the State seeks to introduce State's 15 into evidence.

THE COURT: Other than the objection of relevance, any other objection?

MR. TRUSLOW: No.

THE COURT: Admitted subject to the objection of counsel.

(State's Exhibit 15 admitted.)

Q When was there a sale of the vehicle to the defendant?

A November 8, 2013.

DEVIN SOLES - DIRECT EXAMINATION

- 1 Q November 8, 2013?
- 2 A Yeah.
- 3 Q Who was it sold to?
- 4 A Sidney and Tammy Moorer.
- 5 Q What type of vehicle was sold to Sidney Moorer?
- 6 A One F150.
- 7 Q What color was that vehicle?
- 8 A Black.
- 9 Q F150 is a truck?
- 10 A Yes.
- 11 Q Now did they pay cash outright? Did they trade
- 12 in a car?
- 13 A We have credit app services, so it was financed.
- 14 Q Was there a trade-in with this?
- 15 A There was, 2010 F150.
- 16 Q Okay. So the defendant traded a car for this
- 17 black F150?
- 18 A Yes.
- 19 Q What did he trade?
- 20 A 2010 F150.
- 21 Q What color was that trade?
- 22 A It was white.
- 23 Q So on November 8 he traded a white truck for a
- 24 black truck?
- 25 A Correct.

DEVIN SOLES - DIRECT EXAMINATION

1 Q Did he leave with both trucks?

2 A No.

3 Q I know that is a silly question.

4 A No, he left with the new truck.

5 Q Left with the new truck, and left the white one
6 with you?

7 A Correct.

8 Q Now was there anything special about the black
9 F150, any bells or whistles or packages included?

10 A I think it was a limited, which is....

11 Q What specifically would that limited truck have
12 had?

13 A A little different options, 21-inch wheels comes
14 standard on that instead of 20s or 18s, just the
15 equipment level, a little different interior, bells and
16 whistles.

17 Q Was there anything in the bed of the truck?

18 A It had a bed liner in it.

19 MR. TRUSLOW: Objection, relevance.

20 THE COURT: I sustain at this point.

21 Q What was the year of that white truck you traded
22 in?

23 A 2010.

24 Q What was the year of the new truck?

25 A 2013.

DEVIN SOLES - CROSS-EXAMINATION

1 MR. HOLFORD: Nothing further.

2 THE COURT: Cross-examination.

3 CROSS-EXAMINATION

4 BY MR. TRUSLOW:

5 Q So he bought this truck from you, right?

6 A Yes, sir.

7 Q Was it a nice truck?

8 A Yes, sir.

9 Q Did it have a warranty?

10 A Yes.

11 Q In your opinion, was it a good warranty?

12 A Sure.

13 Q All right. Do you have any evidence that he ever
14 lied about buying a truck?

15 A Not to my knowledge.

16 Q Did he lie to anyone about trading another truck?

17 A Not to my knowledge.

18 Q We are told that you are here to just testify
19 that he bought a truck.

20 A Yes, sir.

21 Q Nothing about lies?

22 A No, sir.

23 Q Did he withhold any information from you?

24 A Not to my knowledge.

25 Q Anyone you know?

ROXANNE LOVE - DIRECT EXAMINATION

1 A No, sir.

2 MR. TRUSLOW: Nothing further.

3 THE COURT: Redirect.

4 MR. HOLFORD: Nothing further, Your Honor.

5 THE COURT: You may step down, and you are free
6 to leave.

7 MR. HOLFORD: Your honor, the State calls Roxanne
8 Love.

9 (ROXANNE LOVE, having been duly sworn,
10 testified as follows:)

11 THE WITNESS: Roxanne Love, L-O-V-E.

12 DIRECT-EXAMINATION

13 BY MR. HOLFORD:

14 Q Ms. Love, where are you currently employed?

15 A South Carolina Law Enforcement Division.

16 Q That makes you an agent then?

17 A Yes. I'm actually a lieutenant with SLED.

18 Q Lieutenant with SLED. And how long have you been
19 a lieutenant?

20 A Approximately 12 years.

21 Q How long have you been in law enforcement?

22 A 29 years.

23 Q Where are you located with SLED, where is your
24 jurisdiction?

25 A I reside in Florence County, and we service 12

ROXANNE LOVE - DIRECT EXAMINATION

1 counties in the Pee Dee region.

2 Q What involvement do you have with the Sidney
3 Moorer case?

4 A SLED is an assisting agency, and back in January
5 of 2014 we were requested by the Horry County Police
6 Department to assist them with the Heather Elvis case.

7 Q So were you still working at SLED in 2013 and
8 2014?

9 A Yes, sir, I was.

10 Q And you just said Horry County requested that you
11 assist them?

12 A They did.

13 Q Is that normal protocol?

14 A It is. It is.

15 Q Do you do that in every case that Horry County
16 has?

17 A In most cases. We can get a citizen complaint.
18 Most of the time we are requested through local
19 jurisdictions to assist them in their cases if need be.

20 Q But they don't request you in every single case
21 they have?

22 A No, sir.

23 Q Where you, in fact, requested to assist Horry
24 County PD in this case?

25 A Yes, sir, we were.

ROXANNE LOVE - DIRECT EXAMINATION

1 Q What was the nature of your involvement? What
2 did they ask you to do?

3 A We assisted with some interviews and reviewed
4 some of the evidence, and also went to the Wal-Mart
5 where I obtained --

6 MR. TRUSLOW: Objection, Your Honor, irrelevant.
7 They are going into territory -- may we approach?

8 THE COURT: Yes.

9 (Whereupon, a bench conference was had.)

10 Q (MR. HOLFORD) What was your involvement in this
11 case in January of 2014?

12 A We were requested to help follow up on leads,
13 conduct interviews or, you know, review evidence and
14 things of that nature.

15 Q Did you retrieve a video in this case?

16 A I did.

17 Q What date did you retrieve that video?

18 A January 27th of 2014.

19 Q So you were still assisting in retrieving video
20 January 27th of 2014?

21 A Yes.

22 Q Where did you retrieve the video from?

23 A The Wal-Mart on Seaboard Avenue in Myrtle Beach,
24 South Carolina.

25 Q Have you reviewed that video?

ROXANNE LOVE - DIRECT EXAMINATION

1 A I have.

2 Q Would you recognize it if I showed it to you?

3 A Yes, sir, I would.

4 Q How would you recognize it?

5 A I have reviewed it in the past and recently.

6 (State's Exhibit 16 marked.)

7 Q (MR. HOLFORD) I'm handing you State's 16. How
8 can you identify that is the video you pulled?

9 A My initials are on the disk.

10 Q You have seen that disk, and that is the Wal-Mart
11 video?

12 A Yes, sir.

13 MR. HOLFORD: Your Honor, State would seek to
14 introduce 16 in evidence.

15 THE COURT: Any objection to the Wal-Mart video?

16 MR. TRUSLOW: Absolutely, Judge, the same
17 grounds.

18 THE COURT: I overrule the objection as to the
19 video --

20 MR. TRUSLOW: Your Honor, can we approach,
21 please?

22 THE COURT: Yes, sir.

23 MR. TRUSLOW: We withdraw that motion.

24 THE COURT: Thank you, sir. It is admitted
25 without objection.

ROXANNE LOVE - DIRECT EXAMINATION

(State's Exhibit 16 admitted.)

THE COURT: But let's be sure that is admitted subject to our earlier conversation concerning other -- but we'll admit that subject to.

MR. HOLFORD: Yes, sir.

Q (MR. HOLFORD) I don't want you to tell me anything that he bought in that store, but are you able to tell in this video when he arrives to Wal-Mart?

A Yes, I can.

Q And can you tell what time he leaves Wal-Mart?

A Yes, sir, I can.

Q Are you able to tell if he's the only one that gets in and out of the vehicle he arrives in?

A Yes, I can.

Q Was anyone else with him when he got out of the truck?

A Not that I can tell.

Q Did he go in the store with anyone else?

A No, sir.

Q Did he return to the truck with anyone else?

A No, sir.

Q I may have jumped ahead. Can you tell the vehicle he's driving?

A Yes, sir, black charcoaled color Ford F150.

ROXANNE LOVE - DIRECT EXAMINATION

1 Q Is that what we can see on the video?

2 A Yes, sir.

3 Q And can you see him inside the store?

4 A Yes, sir.

5 Q Do you remember --

6 MR. HOLFORD: Your Honor, may I publish the
7 video?

8 THE COURT: Sure.

9 Q (MR. HOLFORD) Do you remember what time he
10 arrived to that Wal-Mart?

11 A Approximately 1:12 a.m.

12 Q And what was the date?

13 A January -- December 18, 2013.

14 Q The date of the video is December the 18th, the
15 day you got it is back in January?

16 A Correct. I obtained the video January 27th,
17 but the footage is actually from December 18, 2013.

18 Q In the video we're watching now, is this the
19 video you reviewed at that Wal-Mart?

20 A Yes, sir.

21 Q Is this the video you retrieved?

22 A Yes, sir.

23 Q Who did you turn this video over to?

24 A Jeff Cauble with Horry County Police Department.

25 Q Did we just see a black Ford F150 pull up, or a

ROXANNE LOVE - DIRECT EXAMINATION

1 black truck at least?

2 THE COURT: If you need to step down, that is
3 fine, just keep your voice elevated, if you would
4 please, Lieutenant.

5 A Yes, sir, that is the black F150.

6 Q Are they switching camera angles on us?

7 A Yes, sir.

8 Q What just happened in the video?

9 A He's pulling into a handicapped parking space in
10 Wal-Mart.

11 Q What is the time?

12 A 1:13 a.m., December 18th, 2013.

13 Q For the record, what is happening now?

14 A Sidney Moorner is exiting his vehicle to walk
15 inside the Wal-Mart. Sidney Moorner entering the
16 Wal-Mart, and he has a Sticky Fingers T-shirt.

17 Q What's the time right now?

18 A 1:17 a.m.

19 Q Where is he?

20 A He's at the cash register checking out.

21 Q When you say "he," who are you referring to?

22 A Sidney Moorner. He is actually talking to a sales
23 associate, and then he checked out after that.

24 Q While we're watching that, where is this Wal-Mart
25 located?

ROXANNE LOVE - DIRECT EXAMINATION

1 A On Seaboard Avenue in Myrtle Beach, South
2 Carolina.

3 Q What's the time now?

4 A 1:20 a.m.

5 Q What is happening on the video?

6 A Sidney Moorner is exiting the Wal-Mart and walking
7 back towards his vehicle.

8 Q Does anyone appear to be with him?

9 A Not walking to the vehicle, no.

10 Q The video is almost over. What is happening
11 right now?

12 A Sidney Moorner is backing out of the parking place
13 and exiting the parking lot to Wal-Mart, and it is
14 approximately 1:21 a.m.

15 Q What is the time right now?

16 A 1:21 a.m.

17 Q Exactly?

18 A 1:21 and 40 seconds.

19 Q Thank you. Now, I want to be clear. Do not tell
20 me what he purchased, but how did he pay?

21 A He paid by cash.

22 Q And after you reviewed that video, did you
23 actually have to go to the Wal-Mart?

24 A I did.

25 Q After you reviewed that video, who did you turn

ROXANNE LOVE - CROSS-EXAMINATION

1 it over to?

2 A Jeff Cauble with Horry County Police Department.

3 MR. HOLFORD: No further questions at this time.

4 THE COURT: Cross-examine.

5 MR. TRUSLOW: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. TRUSLOW:

8 Q Agent, who asked you to go get this video?

9 A Horry County Police Department.

10 Q Anyone in particular?

11 A Jeff Cauble was there and there were several
12 others.

13 Q So one of them asked you to go get it?

14 A Yes. Yes, sir.

15 Q You don't remember who?

16 A I believe it was Jeff Cauble.

17 Q And what was the date?

18 A That I went to the Wal-Mart was January 27.

19 Q 27th of January?

20 A 2014.

21 Q Okay. And -- all right. So were you a part of
22 any of the early interviews? You did some interviews,
23 right?

24 A Yes, sir, but not early on.

25 Q Were you present at my client's interview when he

ROXANNE LOVE - CROSS-EXAMINATION

1 told them he went to Wal-Mart?

2 A No, sir, I was not.

3 Q You weren't there?

4 A No, sir.

5 Q Okay. Do you know why you were asked to go get
6 the video from Wal-Mart?

7 A Yes, sir. They had information that Sidney
8 Moorer had been to the Wal-Mart on Seaboard.

9 Q Isn't it true they got that information from him?

10 A Yes, sir.

11 Q So with that information, you went to Wal-Mart?

12 A Yes, sir.

13 Q And it was your decision, or someone's decision
14 to go get video of him where he said he was, correct?

15 A Correct.

16 Q You didn't have to go get it to prove he was
17 there, right, unless he changed, you know --

18 A Yes, sir, I did. I wasn't there on
19 December 18th for me to know he was.

20 Q Oh, you, individually, you mean?

21 A Well, I wouldn't know that unless I viewed it on
22 videotape.

23 Q You wouldn't believe Detective Cauble? He
24 interviewed him and he told Detective Cauble he went to
25 Wal-Mart that night.

ROXANNE LOVE - CROSS-EXAMINATION

1 A He said -- the information was that Sidney Moorer
2 had stated that he had been to the Wal-Mart on
3 Seaboard, so we went to verify that, yes, sir.

4 Q So you went to verify whether what he said was
5 true?

6 A Yes.

7 Q On the 27th of December?

8 A January.

9 Q January. I'm sorry, January 27th.

10 A Yes, sir.

11 Q So he parked, right?

12 A Yes, sir.

13 Q And then he walked in?

14 A Yes, sir.

15 Q At some point he walked out?

16 A Yes, sir.

17 Q And this was a Wal-Mart?

18 A This was a Wal-Mart, yes, sir.

19 Q Did he ever tell you he did not go to Wal-Mart?

20 A Who?

21 Q My client.

22 A I have not spoken to your client.

23 MR. TRUSLOW: Thank you. Nothing further.

24 THE COURT: Redirect, Solicitor.

25 MR. HOLFORD: No, Your Honor. State asks

BRIAN WILSON - DIRECT EXAMINATION

1 Lieutenant Love be excused.

2 THE COURT: Any objection?

3 MR. TRUSLOW: No, sir.

4 THE COURT: You are free to leave. Thank you.

5 What is the length of your next witness?

6 MR. HOLFORD: About the same length.

7 THE COURT: Call him.

8 MR. HOLFORD: State calls Detective Brian Wilson.

9 (BRIAN WILSON, having been duly sworn,
10 testified as follows:)

11 THE WITNESS: Brian Wilson, W-I-L-S-O-N.

12 DIRECT-EXAMINATION

13 BY MR. HOLFORD:

14 Q Where are you currently employed?

15 A Horry County Police Department.

16 Q How long have you been employed there?

17 A Almost 12 years.

18 Q Have you always been a detective?

19 A No. I was a patrolman before I got promoted.

20 Q When did you get promoted?

21 A July of 2008.

22 Q Okay. So were you a detective December of 2013?

23 A I was.

24 Q And did you have an opportunity to become

25 involved in this case with Sidney Moorer?

BRIAN WILSON - DIRECT EXAMINATION

1 A Yeah, I did.

2 Q And I know this is a basic question you probably
3 get asked a lot of, describe a little bit of your
4 training and experience with law enforcement.

5 A Well, after graduating from the Police Academy in
6 Columbia, I had specialized training with interviewing,
7 interrogation, some specialized classes with social
8 media and phone kind of stuff.

9 Q And what specifically was your involvement in
10 this case in early December or late December of 2013?

11 A In the beginning stages, when a lot of
12 information was being developed and coming in, we were
13 given specific tasks as they came in to go do or
14 investigate, and I was given the task of going to find
15 video of a pay phone at a gas station.

16 Q Did you find that video?

17 A I did.

18 Q Where was that video located -- or pay phone
19 located?

20 A On the side of the gas station at Mr. Joe White
21 and Seaboard Street, City of Myrtle Beach.

22 Q Do you remember when you obtained this video?

23 A It was close to the beginning of the
24 investigation or that weekend.

25 Q Would it have been before officers spoke to

BRIAN WILSON - DIRECT EXAMINATION

1 Sidney Moorer on December 20th?

2 A I believe so, yes.

3 Q Have you reviewed a copy of that video?

4 A I did.

5 Q Would you recognize it if I showed it to you?

6 A I would.

7 (State's Exhibit 17 marked.)

8 MR. HOLFORD: May I approach?

9 THE COURT: Yes, you may.

10 Q (MR. HOLFORD) I'm handing you what is marked as
11 State's 17 for identification purposes. Can you
12 identify that disk that I've handed you?

13 A Yeah. That is my initials on it.

14 Q Which means what?

15 A It was the video I collected and turned into
16 evidence.

17 Q Where did you collect that video from?

18 A I commit know if it was Circle K or Kangaroo at
19 Mr. Joe White and Seaboard Street.

20 Q Is it a surveillance video?

21 A Yes.

22 Q And you reviewed this specific video prior to
23 today?

24 A Yes.

25 Q And you know that is the video you collected

BRIAN WILSON - DIRECT EXAMINATION

1 because of your initials?

2 A Yes.

3 MR. HOLFORD: Your Honor, State seeks to
4 introduce State's 17 into evidence.

5 THE COURT: Any objection?

6 MR. GALMORE: No objection.

7 THE COURT: Without objection, State's 17
8 admitted.

9 (State's Exhibit 17 admitted.)

10 Q (MR. HOLFORD) Now, why would you have to run
11 down a pay phone?

12 A There was information that Heather's phone
13 received a call from that pay phone.

14 Q At that point did you know who was making the
15 phone call?

16 A No.

17 Q You just knew that a call was made to Heather's
18 phone?

19 A Yes.

20 MR. HOLFORD: Permission to publish?

21 THE COURT: You may 17.

22 (State's Exhibit 17 published to the jury.)

23 Q (MR. HOLFORD) Now, the jury can see what -- can
24 you describe, what is the quality of the video?

25 A It's poor.

BRIAN WILSON - DIRECT EXAMINATION

1 MR. HOLFORD: Your Honor, may Detective Wilson
2 come off the stand to assist the jury in viewing of
3 the video?

4 THE COURT: He can come off. They did see it.
5 What does he need to do?

6 Q (MR. HOLFORD) Detective Wilson, can you tell the
7 jury where the pay phone is on this video?

8 THE COURT: Yeah, you can step down, just keep
9 your voice elevated.

10 A This is looking -- this is Seaboard Street here,
11 these are the dumpsters, pay phone is on this wall
12 probably about where this car is (indicates).

13 Q (MR. HOLFORD) What was the date and time you
14 were looking at this video clip?

15 A I can't remember the date, but about 1:30 to 3:30
16 in the morning.

17 Q The video you collected, does it have a portion
18 of time where nothing is happening?

19 A Yes.

20 Q Is that what we're watching right now?

21 A Yeah.

22 Q Have you reviewed this video before?

23 A Yes.

24 Q And do you remember at what point the defendant
25 walks across the screen to the pay phone; is it several

BRIAN WILSON - DIRECT EXAMINATION

1 minutes into the video?

2 A Yeah, you'll see some headlights come up from
3 Seaboard and then you can see headlights turn, and then
4 shortly thereafter an image is walking from behind the
5 dumpsters towards the pay phone.

6 MR. TRUSLOW: Defense doesn't object to fast
7 forwarding, if it helps.

8 THE COURT: Okay. Please do that.

9 Q (MR. HOLFORD) All right. Now where is the
10 defendant going to come from on this screen?

11 A He'll been from where you see the dumpster.
12 There is like a little wall to the dumpster, and he'll
13 come walking right towards it.

14 Q On this bottom ticker here, 29 minute and 49
15 seconds, what time has elapsed?

16 A About 18 -- well, almost 19 minutes.

17 Q Now, is the defendant at the pay phone at this
18 point?

19 A Appears to be, yes.

20 Q Now, when you viewed this video on the 18th,
21 can you tell who that is?

22 A No.

23 Q You went to get this video for this specific time
24 for what purpose?

25 A To see who was on the pay phone at that point.

BRIAN WILSON - DIRECT EXAMINATION

1 Q And that pay phone -- the call from that pay
2 phone at that time relates to what?

3 A One of the phone calls made to Heather's phone.

4 Q So if we already talked about records and the
5 jury has records of this time, we know what time this
6 call is made?

7 A Yes.

8 Q Do you know approximately what time the call is
9 made?

10 A I don't recall.

11 Q Now, we don't need to belabor the point, the jury
12 can watch the rest of the video. About how long is he
13 at that pay phone?

14 A I can't recall. I want to say three minutes,
15 maybe a little longer.

16 Q And then where does he exit?

17 A The same way he came in.

18 Q And then, again, the phone records would
19 corroborate that?

20 A Yes.

21 Q Have you worked missing persons cases before?

22 A Yes.

23 Q How important is it for you to have -- as a
24 detective -- reliable and accurate information at a
25 beginning of an investigation?

BRIAN WILSON - CROSS-EXAMINATION

1 A It is essential. It dictates -- it dictates how
2 the rest of the investigation -- or the optimum.

3 Q Was that the end of your involvement regarding
4 this phone call on this pay phone?

5 A Yes.

6 MR. HOLFORD: No further questions at this time.

7 THE COURT: Cross-examine.

8 MR. TRUSLOW: Yes, sir.

9 CROSS-EXAMINATION

10 BY MR. TRUSLOW:

11 Q If you are working a missing person's case and
12 you find an unknown number in the missing person's
13 phone log, and you determine it is from a pay phone,
14 what are you going to do?

15 A Essentially what we did there.

16 Q So this would have been part of your
17 investigation whether Sidney Moorer had given an
18 interview or not, correct?

19 A Correct.

20 Q Thank you. And you are aware that he told
21 Detective Martin in his interview, late afternoon that
22 day, that he was the one at the pay phone?

23 A Yeah, I believe that is what happened.

24 Q He first told him he wasn't?

25 A Yes.

BRIAN WILSON - CROSS-EXAMINATION

1 Q Ten seconds or so later he said he was?

2 A Okay.

3 Q And so like I asked Detective Martin --let me ask
4 you this. I think you testified you cannot identify
5 who that is, can you?

6 A No.

7 Q How did you learn who that was?

8 A Through the interview.

9 Q And more specifically, what?

10 A And the phone records.

11 Q And?

12 A Mr. Moorers's own admission.

13 Q Okay. You wouldn't have been able to determine
14 that any other way, would you, other than him telling
15 you that's me?

16 A Through that video, no.

17 Q So he helps you to determine the identity of the
18 unknown person in this video?

19 A Correct.

20 Q Actually puts you a little ahead, didn't he, so
21 to speak?

22 A In identifying that video?

23 Q Yes.

24 A Yes.

25 Q And identifying who is in that video is part of

BRIAN WILSON - REDIRECT EXAMINATION

1 the investigation, isn't it?)

2 A Yes.

3 Q So he aided in the investigation, really, right?

4 A Uh-huh.

5 Q Is that a yes?

6 A Yes.

7 MR. TRUSLOW: No further questions.

8 THE COURT: Redirect?

9 REDIRECT-EXAMINATION

10 BY MR. HOLFORD:

11 Q Detective Wilson, you weren't present for the
12 interview with Sidney Moorer, were you?

13 A No, I wasn't.

14 THE COURT: Recross?

15 MR. TRUSLOW: No, sir.

16 THE COURT: Thank you. You may step down. You
17 wish him to be excused?

18 MR. HOLFORD: Yes, Your Honor.

19 THE COURT: Any objection?

20 MR. TRUSLOW: No objection.

21 THE COURT: You are free to leave, sir. Is this
22 a good breaking point?

23 MR. HOLFORD: Yes, sir.

24 THE COURT: Ladies and gentlemen, at this point

25 I'll recess for the evening. Please remember you are

MICHAEL MELSON - DIRECT EXAMINATION

1 (The jury enters at 9:54 a.m., and the
2 following is heard in the presence of the jury.)

3 THE COURT: Thank you, ladies and gentlemen, good
4 morning. I hope you had a good evening. We're ready
5 to continue, Solicitor, call your next witness.

6 MS. LIVESAY: Thank you. The State calls Mike
7 Melson to the stand.

8 (MICHAEL MELSON, having been duly sworn,
9 testified as follows:)

10 THE WITNESS: Michael, M-E-L-S-O-N.

11 DIRECT-EXAMINATION

12 BY MS. LIVESAY:

13 Q If you don't mind, tell this jury where you are
14 currently employed?

15 A I currently work for a company called Hawk
16 Analytics.

17 Q Who started the Hawk Analytics?

18 A I'm the founder of the company.

19 Q If you don't mind, tell this jury what that
20 company does.

21 A We're a software company. We provide software
22 that is used by investigators, both law enforcement and
23 private sector. The software analyzes the cell phone
24 records, such as involved in this case. We create
25 visual representations of that data so that the

MICHAEL MELSON - DIRECT EXAMINATION

1 investigators can better understand what they say.
2 They use that to either confirm whether the records
3 indicate testimony is guilty, or equally effectively
4 they can sometimes show that they are innocent as well.
5 We also see it by missing person's cases as well to
6 help locate people.

7 Q And how many customers, as far as law enforcement
8 agencies, does Hawk Analytics service?

9 A We have approximately 200 to 250 law enforcement
10 throughout the country using our software.

11 Q And how many actual users are using the software?

12 A Well over a thousand.

13 Q And currently do you also teach or lecture on
14 phone records, tower data, basically all of the
15 information on phone records?

16 A Yes, ma'am, I do.

17 Q Okay. And if you don't mind, tell this jury
18 about how many people you have taught or lectured to
19 just in the past year?

20 A In the last year we probably ran four or five
21 classes that have approximately 30 to 40 people in each
22 class.

23 Q Okay. And if you don't mind, tell this jury
24 where you have been the last couple of days?

25 A Sure. I came in last night from Kansas City

MICHAEL MELSON - DIRECT EXAMINATION

1 where I was teaching a class to law enforcement on cell
2 phone technology and how to properly interpret it.

3 Q And if you don't mind, do you assist law
4 enforcement agencies in certain investigations with
5 your software called Hawk Analytics?

6 A Yes, I do. We of course provide support. We
7 look at records all the time in these investigations
8 and I personally donate my time on missing person's
9 cases. We offer that service to anyone who needs it.

10 Q Okay. And how many -- and I know the numbers
11 will be probably astronomical, but just give me your
12 best estimate --

13 MR. TRUSLOW: Objection, leading.

14 THE COURT: State your question without
15 statements, please.

16 Q (MS. LIVESAY) How many times have you analyzed
17 phone records using Hawk Analytics?

18 A I've looked at probably in the neighborhood of at
19 least hundreds of different phone billings of records.

20 MS. LIVESAY: Your Honor, at this time the State
21 asks that the Court recognize Mr. Melson as an expert
22 in cellular technology and historical record analysis.

23 THE COURT: Do you care to examine for
24 qualifications?

25 MR. TRUSLOW: No, Your Honor.

MICHAEL MELSON - DIRECT EXAMINATION

1 THE COURT: You are permitted to render opinions
2 in that area.

3 MS. LIVESAY: Thank you, Your Honor.

4 Q (MS. LIVESAY) Let me ask you something a little
5 bit more about Hawk Analytics. Does the software in
6 any way tamper the records or alter the records in any
7 form or fashion?

8 A We do -- we do bring in the records. Again, the
9 raw data has a lot of issues, if you will, with it that
10 need to be corrected to do a proper analysis. One of
11 the biggest is time zones. So records may be in
12 different time zones, a phone here in the Eastern Time
13 zone may have records that are in Central Time zones.
14 So we'll address time zones and normalize certain
15 fields so that abbreviations are shown as incoming or
16 outgoing. Specific in this case, we also did adjust
17 time zones on one of the data sets so that they were
18 correct before we put it into the software.

19 Q Okay. And did you look at phone records for this
20 particular case?

21 A Yes, ma'am.

22 Q If you don't mind, I'll show you State's Evidence
23 No. 2 and 6. Tell me if you recognize these numbers
24 and these phone records. Sorry.

25 A Yes, ma'am. These would be Heather Elvis' phone

MICHAEL MELSON - DIRECT EXAMINATION

1 records that I analyzed, and these are Sprint records
2 that I believe are Mr. Moorers' phone.

3 Q Okay. And if you don't mind, tell us little bit
4 about how you analyzed the records for those two phone
5 numbers.

6 A What I was asked to do in this particular case
7 was focus on the location analysis of this phone. We
8 can do several different types of analysis connections,
9 who is talking to whom, but in this particular case I
10 was asked to look at the locations that these records
11 tell us about.

12 Q Okay. And in this case were you able to use Hawk
13 Analytics to analyze the data in the phone number for
14 385-3175 belonging to Mr. Moorers?

15 A Yes, I was.

16 Q And how about -- were you able to analyze the
17 data from Heather Elvis' phone ending in 8152?

18 A Yes.

19 Q And in both cases were you able to animate the
20 information on those two phone records?

21 A Yes, ma'am.

22 Q And would that animation assist you in explaining
23 the information on those phone records to this jury?

24 A Yes, it would.

25 Q And did you analyze the phone records separately?

MICHAEL MELSON - DIRECT EXAMINATION

1 A I did both separately, and then one analysis with
2 them together.

3 Q And did you also put the phone records together
4 for the dates of 17th and 18th?

5 A Yes, ma'am.

6 Q And when you put them together, does that show
7 what is going on with one phone at the same time of
8 what is going on with the other phone?

9 A That's correct.

10 MS. LIVESAY: One second, Mr. Melson.

11 (State's Exhibit 18 marked.)

12 Q (MS. LIVESAY) Can you tell me what I'm showing
13 you what is marked as State's Exhibit 18?

14 A Yes. This is the analysis I performed on Mr.
15 Moorer's phone.

16 Q And does it show an animation of the data from
17 the phone records on 3175?

18 A It shows statistic images on this particular
19 report for each of the calls.

20 Q Okay. And for what time frame?

21 A The records in this report are from the
22 17th and 18th of December 2013.

23 (State's Exhibit 19 marked.)

24 Q I'm showing you State's Exhibit No. 19.

25 A This is my report on the phone of Heather Elvis.

MICHAEL MELSON - DIRECT EXAMINATION

1 Q How much data did you analyze for Ms. Elvis?

2 A I looked at the entire month of December for all
3 of her records that were contained in her file.

4 Q Okay. And if you don't mind, tell this jury what
5 sometimes can be found when you look at historical data
6 for a month time period?

7 A One of the things that we look at, and why we
8 look at a month of records on a particular phone is to
9 establish what we call a "pattern of life." Most
10 everyone keeps their phone with them, so we can see,
11 for instance, if in the late morning hours and early
12 morning hours there is a consistent tower that is used
13 that indicates that that is probably the tower that
14 provides the best service at the location where they
15 sleep. So we look at their daily routine so we can see
16 if that routine changes or stays the same.

17 Q Okay. And when you looked at this phone number,
18 were you able to see a general pattern of life for
19 Heather Elvis?

20 A In the month of December, she has a fairly
21 typical pattern of life. We see a lot of activity
22 around her evidence.

23 MR. TRUSLOW: Objection.

24 THE COURT: What is the objection?

25 MR. TRUSLOW: We might want to approach.

MICHAEL MELSON - DIRECT EXAMINATION

1 THE COURT: What is the basis?

2 MR. TRULUCK: We're going into an area of -- the
3 terms he's using is outside the scope of this trial
4 based on the indictment.

5 THE COURT: Overruled. Thank you, sir. I note
6 your objection, it is overruled thus far. I mean,
7 we'll see where it goes.

8 Q (MS. LIVESAY) Thank you. Go ahead, Mr. Melson.

9 A Could you repeat the question?

10 Q When you analyzed the records for Heather Elvis
11 for the month of December, were you able to find any
12 sort of pattern of life in those records?

13 A Yes, we were. There were fairly consistent late
14 evening/early morning where we saw that her phone used
15 a tower near her residence. We saw frequent use near
16 the Tilted Kilt, where I believe she was employed. So
17 very typical of phone records I see where we see a
18 routine showing up.

19 Q And both of these presentations you put together
20 yourself; is that correct?

21 A That is correct.

22 MS. LIVESAY: Your Honor, at this time the State
23 wishes to put State's 18 and 19 into evidence and
24 publish to the jury at the appropriate time.

25 THE COURT: Any objection?

JURY OUT

1 MR. TRULUCK: Yes, sir, objection.

2 THE COURT: Okay.

3 MR. TRULUCK: Defense objection, Your Honor, is
4 based on a few things. First, 401, I do not know, and
5 I submit, that this evidence, first, does not meet the
6 existence of any fact of consequence to the
7 determination of this --

8 THE COURT: Hold on a second. I appreciate this.
9 Make your objection based on a word, and I can decide
10 whether I can rule. That is argument. I don't allow
11 argument in the jury's presence, as they've already
12 noticed.

13 MR. TRULUCK: Your Honor, this is irrelevant
14 because --

15 THE COURT: All right. You don't have to tell
16 me. Ladies and gentlemen, I need you to go to your
17 jury room. Do not begin your deliberations. We'll be
18 with you as quickly as we can.

19 (The jury exits at 10:06 a.m., and the
20 following is heard out of the presence of the jury.)

21 THE COURT: Now.

22 MR. TRULUCK: Your Honor, I want to add the
23 rest --

24 THE COURT: No. I want you to state your --
25 state is fully now. I just don't allow argument. I

JURY OUT

1 want a brief statement of why, and then I can make a
2 call whether I have to excuse the jury, Mr. Truslow.

3 MR. TRUSLOW: I object under 401 that this is
4 irrelevant because this now has moved us from the
5 phone calls, what was said, what she wants to go in
6 and go through a PowerPoint presentation, now we move
7 to location for December 17 all the way up -- no,
8 actually way back before that, the 13th, I think in
9 here --

10 THE COURT: I heard 17th and 18th, that is
11 what I heard, and if it is more than that --

12 MR. TRULUCK: Okay. So -- sorry.

13 THE COURT: Go ahead.

14 MR. TRULUCK: So the location of these two
15 parties during the 17th and 18th, I submit, Your
16 Honor, are irrelevant. Also the Power presentation.

17 THE COURT: Why are they irrelevant?

18 MR. TRULUCK: Because they do not intend to prove
19 anything of importance of this action is less or more
20 likely.

21 THE COURT: Let me ask you a question, Mr.
22 Truslow. He made a statement about contacts. He made
23 a statement about her driving around. He made a
24 statement about all of those things. Those types of
25 things are issues; would you agree with that? You

JURY OUT

1 don't have to agree with them, but you agree those
2 have been testified to?

3 MR. TRULUCK: Do I agree that he made those
4 statements?

5 THE COURT: Yes. He made the statements and he
6 put certain activity, which all of this case has been
7 about the statement and contradicting aspects of the
8 statement.

9 MR. TRULUCK: I agree he made a statement that he
10 thought he saw her around his road four or five times
11 during a period of time, yes, sir.

12 THE COURT: Okay.

13 MR. TRULUCK: Those times he is talking about,
14 clearly, in the evidence, are not on the 17th and
15 18th.

16 THE COURT: Well, I don't know what they are.

17 MR. TRULUCK: That is testified to.

18 THE COURT: No, sir. That is what has been
19 testified -- again, this evidence, I don't know what
20 it says. It may say that she was. I don't know what
21 it says. You know what it says, I don't know. But
22 the fact that it testifies as to her whereabouts, it
23 may be beneficial to you, it may not be. It may be
24 supportive, it may not be. I don't know what your
25 specific objection about the document itself, I mean

JURY OUT

1 other than the context of it. I understand your
2 general objection. Why is the document prejudicial to
3 you, more prejudicial than probative?

4 MR. TRUSLOW: I think it still is irrelevant.

5 THE COURT: No.

6 MR. TRUSLOW: Okay. I'll move on.

7 THE COURT: I've already addressed the issue of
8 relevance. I don't know what it says, so I can't rule
9 in a vacuum. So I'll tell you, based on this
10 statement, much of what we've been talking about,
11 phone activity, deals with things that he framed in
12 his two statements, so they become relevant. Now,
13 whether the probative value is outweighed by the
14 prejudice, I don't know. So that is what I'm asking
15 you to address.

16 MR. TRUSLOW: And I'll address it now.

17 THE COURT: Please. That is what I would like
18 you to say.

19 MR. TRUSLOW: I would like to correct something I
20 said real quick. I'm looking back at it again, and I
21 was right, this is going back to December 1st.

22 THE COURT: Again, that's fine. I heard the
23 17th and 18th is what I heard. So I don't know
24 what she's offering -- if she's offering from the 1st,
25 I'll agree with you, okay. So I don't -- what are you

JURY OUT

1 offering, Solicitor?

2 MS. LIVESAY: Your Honor, as to Mr. Moorer's
3 records I'm only offering the 17th and 18th,
4 because the statement was regarding his movements
5 during that time frame, the majority of the statement.
6 Now, in the statement he also made the statement that
7 she rode around by his house four or five times. Mr.
8 Truslow got up and said did he say that night she rode
9 by four or five times, so of course it wasn't that
10 night. He also made in his statement the comment that
11 she had not moved on with her normal life, she's
12 riding by my house leaving notes. This man can tell
13 us if --

14 THE COURT: We've already had testimony from
15 several witnesses that talk about her lifestyle, about
16 the change in her lifestyle. There is -- this doesn't
17 show anything that hasn't already been proven, been
18 proven by three or four witnesses, to be candid, the
19 one -- her roommate and her employer said, no, her
20 life changed and this is where she was most of the
21 time. So this doesn't -- it confirms that, but I
22 don't know that it is necessary. To me, the
23 cumulative aspect from the 1st forward, you can ask
24 the question did you ever find anywhere near as you've
25 done on the others, but there is no need to put the

JURY OUT

1 whole document in.

2 MS. LIVESAY: I think my issue, Judge, is we
3 started off and said their credibility is at issue,
4 and those witnesses have not one concrete thing other
5 than their word.

6 THE COURT: No one challenged that, per se.

7 MS. LIVESAY: It was challenged by Mr. Moorer's
8 very statement that we are here for.

9 THE COURT: You refuted that. You've refuted
10 that. So what more do you need? Again, you -- you
11 have to understand something. Solicitor, you have a
12 tendency sometimes, and we've talked about this, of
13 piling on. You don't need all of this evidence. This
14 part, to me, is absolutely nothing more than
15 cumulative.

16 Now, with respect to close proximity, I don't
17 know, it may have some bearing or it. But, again,
18 you're talking about something I've never seen. I
19 don't know what it says. The problems that I have,
20 and I don't know what you are going to ask this
21 witness, but we all know we've been cautioned and
22 there have been some decisions that talk about this
23 pinging business, about transfers to towers and what
24 that means. And law enforcement is on notice of this,
25 too. It is good, and it's bad. It is all rolled into

JURY OUT

1 one. It is not an absolute, so that is the problem I
2 have with this coming in without any kind of
3 explanation, but from the standpoint -- I still want
4 you to tell me why, other than the cumulative aspect,
5 why is it more prejudicial?

6 MR. TRUSLOW: Okay. Your Honor, because on its
7 face she wants to publish it, it also has written onto
8 not just where her movements were, but someone went in
9 and wrote several locations, one being Peachtree
10 Landing, where that was supposed to be where she was
11 abducted in this other matter, the Moorer residence,
12 Tilted Kilt where she worked, Long Beard's restaurant.
13 What this is doing is doing what we did the first
14 time. And by the way, Your Honor, this was just done.
15 We've only had this for about three weeks.

16 THE COURT: Mr. Truslow, you keep doing what we
17 did in the first trial. The statement makes us have
18 to try this. This has been a balancing act that we've
19 had to do of not crossing over, but by his statement
20 he puts in and makes issues of all of these things
21 that we're allowing right now. I mean, that is the
22 problem. He framed the issues by his statements. So
23 I appreciate you -- you keep referring to the prior
24 trial. We are in the prior trial because of his
25 statement.

JURY OUT

1 MR. TRUSLOW: Your Honor, I agree with you on
2 that. I want to move on from prejudice to one other
3 thing; however, I did want to say, Your Honor, that
4 his statement did do that, but I don't -- I want to
5 put for the record, I don't agree that it did it for a
6 trial on obstruction of justice. I don't, because --

7 THE COURT: Excuse me, Mr. Truslow. That is
8 where the obstruction of justice is, the statement.
9 So I don't understand your question.

10 MR. TRUSLOW: Right. What I'm saying is he made
11 a statement four years ago, almost, and that
12 statement, you are saying, is the basis of why we are
13 going to talk about the kidnapping and murder stuff.

14 THE COURT: I didn't say we're talking about the
15 kidnapping and murder. We're talking about where he
16 was, what his activities were. We're not talking
17 about a kidnapping and murder.

18 MR. TRUSLOW: Thank you. I understand. All
19 right. The next thing I would say, under the same
20 Rule 403, it's confusion and waste of time of the
21 Court, cumulative, as you were saying because
22 everything she wants to get in with this fellow, not
23 only did another witness testify, but she just doesn't
24 have their word. She put in an expert on the phone
25 records which show all the back and forth and all of

JURY OUT

1 that, and then I have a problem with the pinging issue
2 as well.

3 THE COURT: All right. That's cross-examination
4 material on that.

5 MR. TRUSLOW: All right, Your Honor. And I also
6 would move that the State be cautioned and prohibited
7 from using the term "pattern of life," because that is
8 going to -- she's going through the Power
9 presentation, I think, we get to the end of this, life
10 is over..

11 THE COURT: Well, I don't know about that. I
12 agree that is an argumentative statement best reserved
13 for closing argument, and, Solicitor, I'll ask you to
14 refrain from preferencing any of your questions about
15 argumentative statements. It has been called. I'll
16 caution you now, don't do that anymore, because I'll
17 do it myself. I'll sua sponte, okay. Because, again,
18 we're treading a very thin line that creates an issue
19 if this case has to be reviewed that, frankly, doesn't
20 need to be crossed. We're trying one thing,
21 obstruction of justice. That is all we're trying.

22 MR. TRUSLOW: All I'm left with, Your Honor, is
23 that -- a ruling on the issue of it being cumulative
24 and waste of time --

25 THE COURT: Again, Mr. Truslow, all you've told

JURY OUT

1 me is generalities. You haven't told me specificity.

2 MR. TRUSLOW: Well, the specificity, Your Honor,
3 is that she is -- she's seeking to admit these two
4 things.

5 THE COURT: Yes, I understand that.

6 MR. TRUSLOW: From December 2013 to
7 December 20th -- she's doing it now, that is why I'm
8 arguing it. I'm not saying it is coming. She's
9 putting it in evidence.

10 THE COURT: I understand that, but why is that
11 any more cumulative than anybody else who testifies
12 for the same facts?

13 MR. TRUSLOW: Well, Your Honor just said a minute
14 ago anything other than like 18, 19 and 20th.

15 THE COURT: I said unless there is something in
16 there, but one of the issues is what she was doing,
17 her trying to find him -- listen, I understand you
18 have -- you have evidence that says, no, there wasn't
19 contact, phone evidence. I don't know what the
20 purpose of this -- and I'm going to let the Solicitor
21 explain why this is necessary in addition to the phone
22 records. So, Solicitor, I'll be happy to hear from
23 you. Why is this -- what is significant about this
24 and differs from the phone records, which shows the
25 contacts?

JURY OUT

1 MS. LIVESAY: Your Honor, first of all, I want to
2 start by saying, this statement he laid out to the
3 police said, look --

4 THE COURT: Solicitor, I don't need you to talk
5 about what she said. I want you to tell me -- I asked
6 you something very specific. You have phone records
7 that shows contacts and what was said, and we have the
8 exchange between the two individuals, and we have
9 comments from several people that said contact was
10 broken off. He said it. You witnesses said it. What
11 is important for you that supplements the record and
12 is not merely cumulative about these --

13 MS. LIVESAY: Certainly, Your Honor. First of
14 all, yesterday we were not allowed to get into the
15 content of the phone call. So right now all the jury
16 has heard is Mr. Moorer's statement as to the content.

17 THE COURT: Hold. Hold. Hold. Wait a minute.
18 Not allowed to get into content of what phone calls?

19 MS. LIVESAY: From the pay phone, Your Honor.

20 THE COURT: You were not allowed because I ruled
21 as a matter of law so this -- he's prepared to tell
22 what she said in that conversation?

23 MS. LIVESAY: He's prepared to testify to
24 something that goes directly to circumstantial
25 evidence as to the content of that phone call.

JURY OUT

1 THE COURT: And what is that?

2 MS. LIVESAY: This man says he reached out to say
3 leave me alone --

4 THE COURT: No. No. He's going to testify for
5 what the phone call was?

6 MS. LIVESAY: He's going to testify to
7 circumstantial evidence that is going to infer --

8 THE COURT: I want to know what he's going to
9 testify to.

10 MS. LIVESAY: He's going to testify to her
11 pattern of life, to show that he was not --

12 THE COURT: No.

13 MS. LIVESAY: Can I finish, Your Honor?

14 THE COURT: Yeah, you can finish it. You already
15 said "pattern of life."

16 MS. LIVESAY: He's going to testify that this
17 statement that the defendant made that she had not
18 moved on with her normal life, that she was riding by
19 leaving notes, that she was riding by his house, that
20 it was so bad he had to call and say, look, please --
21 this is right from his words -- please, leave me
22 alone, just leave me alone.

23 This man is going to present circumstantial
24 evidence that shows none of that is true. This woman
25 was never by his house. Her pattern of life was

JURY OUT

1 normal. She was going to work. She was coming home.
2 She would go to her parents' house a couple of times,
3 go home, and most importantly, he is going to show the
4 majority of the pings at night are not by Mr. Moorer's
5 house, they are not by the mall like he told the jury,
6 they are at her house, either at her house or at work.

7 THE COURT: And, Solicitor, you already have
8 witnesses who testified to that.

9 MS. LIVESAY: I understand, Your Honor.

10 THE COURT: And as far as him testifying to
11 locations, that is fine. If you are think this
12 witness is going to offer a conclusion to offer
13 support for what you just said, that, I assume, would
14 be objected to and I would suggest he not answer the
15 question until I rule on it, because I won't allow it.

16 MS. LIVESAY: Can I finish, Your Honor, just for
17 the record?

18 THE COURT: What do you want to finish,
19 Solicitor. I'm allowing you to introduce the
20 evidence, but you are subject to the Rules of
21 Evidence.

22 MS. LIVESAY: Okay.

23 THE COURT: Okay. Overrule your objection.

24 MR. TRUSLOW: Your Honor, I need to impose one
25 more ground based upon what we heard. It will same

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 time in a minute, I promise. She said that she's
2 using this to discuss relevancy. She's using this to
3 show and go against the statement she's leaving notes
4 on his car and whatnot, and I get that in showing
5 locations. In his statement he never said notes were
6 left on his car at his residence, ever.

7 THE COURT: That is great cross-examination
8 questions, that is fine.

9 MR. TRUSLOW: Doesn't that go to relevance at
10 all?

11 THE COURT: No, it doesn't. Thank you, sir. The
12 relevance I've alluded to and the probative value
13 outweighs the prejudice. Thank you, sir.

14 MR. TRUSLOW: Yes, sir.

15 THE COURT: All right. Let's bring in our jury.

16 (State's Exhibit 20 marked.)

17 (The jury enters at 10:22 a.m., and the
18 following is heard in the presence of the jury.)

19 THE COURT: Thank you very much. You may
20 continue.

21 MS. LIVESAY: Thank you, Judge.

22 Q (MS. LIVESAY) Mr. Melson, did you put both the
23 information from both phones together for the night of
24 the 17th and the 18th?

25 A Yes.

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 Q And does that allow a person to see where one
2 person is using a phone and where the other person is
3 using a phone at the same time?

4 A It shows the locations of the devices and which
5 towers they connect to, yes.

6 Q Did you do that presentation yourself?

7 A Yes, I did.

8 Q Do you recognize what I'm showing you, State's
9 Exhibit 20?

10 A Yes. This is the animation I put together of the
11 two phones on the 17th and 18th.

12 Q And the only thing that is going to be is what
13 you already have shown us for those two days, just put
14 together so you can see it as one big picture?

15 A Correct.

16 Q Kind of put it in context, right?

17 MS. LIVESAY: Your Honor, at this time the State
18 wishes to admit State's Exhibit No. 20 into evidence
19 and publish it at the appropriate time.

20 MR. TRUSLOW: Objection, same objection.

21 THE COURT: 18 and 19 haven't been offered, 20
22 is.

23 MS. LIVESAY: Yes, sir, all into evidence.

24 MR. TRUSLOW: Objection that I made before.

25 THE COURT: Very well. Subject to the objection

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 previously argued on the record fully, State's
2 Exhibit 20 is admitted. You may publish.

3 (State's Exhibit 20 is admitted.)

4 Q (MS. LIVESAY) Will you be able to assist with
5 your testimony by showing this jury your presentation?

6 A Yes.

7 Q And are you comfortable with starting with 8152,
8 that phone number?

9 A Yes.

10 MS. LIVESAY: If I can clarify, I think -- did
11 you say they were not admitted into evidence?

12 THE COURT: You haven't offered them.

13 MS. LIVESAY: I'm sorry, I thought I did, and
14 there was an objection. At this time the State is
15 offering them into evidence and publishing them to the
16 jury.

17 THE COURT: Subject to the objection of counsel,
18 17 and 18 -- 18 19 and 20.

19 (State's Exhibit Nos. 18 and 19 admitted.)

20 Q (MS. LIVESAY) If you don't mind, show this jury
21 the information from 997-8152 for the month of
22 December.

23 A Certainly.

24 (A brief pause in the proceedings.)

25 A What we're looking at here is based on Heather

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 Elvis' phone number for all of the voice calls that has
2 location information -- and I'll explain what that
3 is -- for that for the month of December 2013. These
4 document the particular files that were looked at.
5 Most of these records are going to be displayed on this
6 map here. This is the Myrtle Beach area, to give you
7 some reference. We have these pushpins that provide
8 some frame of reference for you. Heather's residence
9 at the time is this pushpin here. The Tilted Kilt
10 restaurants is here. Mr. Moorer's residence here.
11 Peachtree Landing is here, and Long Beard's is up here.

12 At the time that Heather's phone used the
13 network, she used T-Mobile as her provider. T-Mobile
14 had cell towers located at all of the orange dots
15 throughout Myrtle Beach area. To understand location,
16 we'll look at which of those towers her phone used.
17 So each of these red symbols represents a cell tower
18 that she used. The reason she used that -- you can
19 think of these cell towers as broadcasting -- almost
20 like a sound signal, they focus the direction of the
21 signal. Think of a loud speaker, it goes into one
22 direction. And so this is the location of the antenna
23 that was used. The antenna broadcasted its signal in
24 that direction. One of the key things to understand
25 here is why did her phone pick one antenna versus

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 another.

2 If you have ever been in a department store and
3 you hear music playing, you walk from one end of the
4 store to the other, you hear your favorite song
5 playing all the way through. Well, it is coming from
6 one speaker, then the next, then the next. This
7 network works very similarly. A phone will pick the
8 tower that it can hear best, and that may or may not
9 be the closest tower, but it is the one that is able
10 to hear the loudest and the best. And, normally,
11 because it is directional and it is like a megaphone,
12 we'll expect a phone will find the best signal out in
13 front. Similar to, say, a rock concert, if you are in
14 front of the sound stage, it is a lot better sound
15 than if you are around back. So that is why we go to
16 the direction that the antennas pick. It helps us to
17 understand where that particular cell tower was
18 projecting its best signal.

19 When we look at each individual record, we're
20 going to show two facts that are in her records. We
21 know the location that the antenna is on the map, and
22 we simply know the direction it faces. We are not
23 saying that her phone was inside that shape. Her
24 phone can be anywhere where it is receiving the best
25 signal. So these simply show us where the antenna is

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 and which way it faces.

2 Starting on December 1st, 4:40 in the afternoon
3 we see her antenna -- or her phone select an antenna
4 here and then here. Those were both were active at
5 Tilted Kilt. This is a pattern that is consistent
6 with a phone that might be at the Tilted Kilt where it
7 is using the sound coming from two antennas very near
8 by that both provided about equal coverage. So that
9 would indicate something we would expect to see while
10 this phone was at the Tilted Kilt.

11 Later that evening, we still see the phone there
12 at 8:20 in the afternoon. That final call on the 1st
13 is over here. Now, the pushpin is in place here, but
14 her parents' residence is over here, so this is
15 consistent with a phone being in or around the
16 vicinity of her mom or dad.

17 The next day, the 2nd, we only have two phone
18 calls during the afternoon. This places her up here,
19 okay. So we have those two calls on the 2nd.

20 On the 3rd in the afternoon, her phone is using a
21 tower up the coast a ways, and then in the evening
22 we're back using one of the same towers near the
23 Tilted Kilt. That would put the phone in the vicinity
24 of the Tilted Kilt restaurant.

25 On the 4th, this is first time you see it, but

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 we'll see this throughout the month, she's using an
2 antenna closest to and facing right at her residence.
3 So if you think of these like a megaphone someone is
4 speaking through, that is the signal that is
5 projecting the strongest and best. So a phone that
6 would be at her residence would most likely be
7 connecting to that antenna as the one it is
8 communicating with.

9 We see regularly in the late evening hours and
10 early morning hours that this is the only antenna that
11 she uses. That is very consistent with when you would
12 expect the phone to be at home. So that is the
13 antenna that services her residence.

14 On the 5th, we have one call consistent with the
15 location of her parents' residence.

16 On the 6th, we have four calls in a 20-minute
17 period, all using an antenna that is down towards the
18 beach, in Myrtle Beach. On the 6th, we see the
19 antenna that is consistent with Tilted Kilt. Later on
20 in the 4:00 p.m., 7:30 p.m. range on the 6th, we have
21 the antenna consistent with being either at or near
22 the vicinity of her residence.

23 On the 7th, one call in the morning around Tilted
24 Kilt. 2:51 p.m., still in that same general area.
25 3:00 in the afternoon to 3:30, we have the phone using

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 the antenna that phases her residence.

2 On the 7th at 4:00 in the afternoon, she's back
3 up to the upper corner of the map up there, selecting
4 that antenna. We see a different antenna in that
5 area. And then the last call, 9:52 p.m., as well as
6 one a little bit earlier in the evening back near the
7 residence. So we tend to see this residence and
8 Tilted Kilt quite a bit.

9 On the 8th, we have no activity.

10 On the 9th, there was only one call that happened
11 to be using the tower that is immediately north and
12 facing the Long Beard's restaurant.

13 On the 10th in the afternoon, two calls around
14 2:19 and 3:02 p.m. near the residence. 4:21, slightly
15 later, an antenna just northwest of there, and then
16 after that we return back. This is consistent with
17 perhaps with a trip to a store. In the evening, just
18 before midnight on the 10th, using the antenna that
19 would provide service in the vicinity of the Tilted
20 Kilt restaurant.

21 5:09 a.m. on the 11th, Tilted Kilt. 2:59, same
22 area. 3:02, same area. Again, these are all on the
23 11th. 3:03, 3:10 a.m., same area. And then we see
24 the rest of the evening multiple calls only using the
25 antenna that is immediately in the vicinity of her

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 residence. So this would be consistent with someone
2 who returned home for the night, or at least for
3 dinner.

4 On the 12th, only two calls, both in the evening,
5 both with the antenna near the residence.

6 On the 13th, two calls. One in the very early
7 morning hours, 1:43 a.m., and then 1:18 p.m., so
8 almost 12 hours later, both using the antenna by her
9 business. 13th, by the Tilted Kilt in the evening.
10 Before later that evening, 10:42, returning back to
11 using that tower near the residence.

12 On the 14th, these are all early morning hours,
13 approximately 1:00 a.m. to 7:00 a.m., three voice call
14 activities. They could be incoming or outgoing, we
15 don't know. The records show it is not here. We're
16 just focused where the phone is, so we have her near
17 her residence. Slightly later that morning,
18 7:48 a.m., the phone is using the towers now over by
19 the Tilted Kilt. Again on the 14th we have about a
20 two-hour window where she's down here, probably not
21 around the Tilted Kilt, certainly not up at the
22 restaurant. This is around lunchtime, so perhaps, you
23 know, a restaurant, that type of thing, but certainly
24 down in that area. Then on the 14th after that, we
25 see the phone return back and use the tower at the

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 residence.

2 On the 15th, all of these are very early
3 morning hours that show the phone at the residence, so
4 this is consistent with someone who is at home at 3:00
5 in the morning. Later on the 15th in the afternoon,
6 back at the Tilted Kilt, still at the Tilted Kilt
7 around 4:00, just before 4:00 p.m. 6:38 p.m., still
8 at the Tilted Kilt or in that immediate vicinity using
9 those towers that are projecting their stronger signal
10 there. So this is consistent with a phone staying in
11 that general area. At 9:22, the last call we have is
12 still down in that area.

13 The 16th, three calls starting at approximately
14 6:00 in the evening until 8:30, all near the
15 residence. Now, this one is slightly different.
16 Notice that this is the evening of the 16th,
17 9:17 p.m. What we see here are two antennas used.
18 This call started on the antenna facing her residence,
19 but it was a four-, five-minute type of phone call.
20 It ended connected to this. We have never seen that
21 particular antenna used yet, so it is different, and
22 when things are different, we want to know why. This
23 is indicative of movement. So this says that the
24 phone is probably on the move during this call. This
25 was at 9:17. So not surprisingly, 20 minutes later we

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 see the phone using towers here. So that phone did
2 move. It started that movement during the initial
3 call, perhaps calling while leaving the residence, and
4 we have the phone on the evening of the 16th, 9:37,
5 using towers down here. The phone finishes up that
6 evening making one more voice connection at 9:52,
7 still down in that area.

8 On the 17th in the afternoon, 3:43, the phone
9 is using towers consistent with where her parents or
10 her mom lives. It stays there for a bit longer, 3:50,
11 3:53. And then we see 4:19 and through the next
12 slides, so the afternoon of the 17th a sequencing of
13 towers. Those actually were used one, two, three,
14 four. That's very consistent with a phone on the move
15 probably driving up to -- having left this area and
16 driving up to the vicinity of the Tilted Kilt. When
17 we see that sequencing, it is very consistent with the
18 phone being on the move. Those were the last records
19 on the 17th.

20 Now, here we are on the 18th. We have four
21 voice calls to her phone, early morning hour of the
22 18th, 1:35 a.m. This is the call that came in from
23 the phone booth. When that call came in, it used the
24 antenna that we have seen her phone use consistent
25 with being at the residence. All four of those calls

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 at 1:44, 2:29 and 2:30, all four of those calls her
2 phone selected the antenna nearest her residence.
3 Last one there being 2:30. At 2:32, we see that
4 change. We've seen very consistent activity at the
5 residence, and now we see at 2:32 her phone has picked
6 an antenna a little further to the west. So it
7 indicates the phone is moving west, northwest. Then
8 we end up seeing six calls all come through in about a
9 20-minute time window, 2:43 to 3:05 p.m., all of them
10 exclusively using the antenna that is immediately
11 north and projecting its best signal directly south in
12 the vicinity of Long Beard's restaurant. So the phone
13 is clearly not at home at this point. It's clearly in
14 the vicinity of Long Beard's restaurant at this time.
15 The phone returns back to the tower nearest her
16 residence for two calls at 3:16 and 3:17 a.m., before
17 finally having our final four calls all connected to a
18 tower over here. I believe this tower is consistent
19 with providing coverage all throughout this area, but
20 certainly at the Peachtree Landing. Those last four
21 phone calls are the last of the records.

22 Q Can you turn that up one more time, just the map?
23 Did you -- is this the tower here that services the
24 Moorer residence?

25 A Yes, ma'am.

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 Q And during the entire time of December, did you
2 ever see her hit on that tower?

3 A No.

4 Q And did she mostly, for the most part, stay
5 around home, Tilted Kilt and a few places along the
6 beach?

7 A Yes, ma'am.

8 Q And did you see anything that ever even indicated
9 that she was anywhere in this area?

10 A I never saw anything that indicated her phone was
11 anywhere over here, no.

12 Q Okay. Now, did you also analyze the data for the
13 defendant's phone, 3175?

14 A Yes.

15 Q And is it a similar presentation as to what we
16 just saw for the 17th and 18th?

17 A Just for 17th and 18th, yes, ma'am.

18 Q And would that assist you in explaining to the
19 jury the information you found in those phone records?

20 A Yes.

21 THE COURT: What exhibit number is this?

22 MS. LIVESAY: I'm sorry, I think it is 19. Hold
23 on one second. We're showing now State's Evidence No.
24 19.

25 A All right. So these are the records that were

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 presented to me from Mr. Moorers's phone. In this case,
2 the network is Sprint. We do have -- in addition to
3 the same type of records we looked at as Heather's, we
4 have additional records. We have a little bit more
5 information in them. We analyze several different
6 types of records. The ones that are most similar to
7 Heather's we'll see in blue. It is the same icon that
8 shows the location of the antenna, which way it faces.
9 We have some engineering data called "Per Call
10 Measurement Data." Part of its original use was to
11 help detect dead spots in the network so that they
12 could fix dropped calls. As such, it helps to find
13 further insight into where a particular mobile device
14 was when that call was dropped. So we'll take a look
15 at those on this map as well.

16 Again, we have the same map, same locations of
17 interest. Mr. Moorers's residence, Heather's
18 residence, Long Beard's up here. Sprint didn't have
19 as many towers in the area, but this was Sprint's
20 network back in 2013. So we certainly see a tower up
21 here, and towers down here. These are the towers that
22 were used on Mr. Moorers's phone on just the 17th and
23 18th. The blue is the records that we saw. The
24 lighter blue and green are the other records that have
25 that additional location information, and I'll explain

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 those a little bit so you can understanding that.

2 So the blue records are going to be the same,
3 where the antenna was, which way the megaphone was
4 projecting the best signal. Although it is blue from
5 here, this is from our training course. These will be
6 the light blue and the green records. You will see
7 these curved lines. What is in these records are
8 locations of the antenna and the direction it faces
9 just like we have, but it also adds in a measured
10 distance, how far the mobile device was measured to be
11 from that antenna when the call was made. It works
12 like a sonar ping, it is based on timing.

13 So we draw a line on the map at the distance. If
14 the phone was recorded to be approximately 1 mile from
15 the tower, there is going to be a curved line. That
16 signals the phone somewhere out in that general area,
17 not down here, not down here, but somewhere
18 approximately in that measured distance. They also
19 put an actual lap long, a dot on the map where Sprint
20 thought his phone physically was, and so that is what
21 the dots on the map would be. The lines just kind of
22 tie it altogether here.

23 We start off -- and I've grouped most of the
24 activity for the 17th. 10:13 a.m. all the way to
25 9:15 p.m., so approximately 11 hours Mr. Moorer's

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 phone was very active. We have a couple dozen phone
2 call records through this time. Every single one of
3 those used the antenna nearest and facing his
4 residence. These are those distances, so we see a
5 very strong concentration of distance lines graphing
6 his residence. That says not only was the phone south
7 of that antenna, because that is where that projection
8 of stronger signal is, but they measured it to be
9 approximately that far from the antenna. So this is
10 very, very consistent with being near his residence.

11 Now, at 9:29 p.m. on the 17th that pattern
12 changes. When we see that change, it means the phone
13 is probably moving. We see the phone no longer uses
14 this antenna, but uses the antenna over here with a
15 distance and an estimated location to be up here.
16 This is consistent with a phone traveling down this
17 row. So we don't know where on this line it is, but
18 there are very few places the phone could get to
19 without being on a road, so it is probably at this
20 point traveling down the road at 9:29, 9:38, 9:40,
21 9:53. All of the activity is right around this area.
22 These are the same type of locations near the Tilted
23 Kilt, facing that way. Distances are putting it in
24 the vicinity of the Tilted Kilt restaurant or the
25 phone booth, in that general area.

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 At 10:12, the phone is using an antenna on the
2 west side of the airport, but it is saying that the
3 phone is probably to the northwest of the airport.
4 That is in the vicinity of the Sticky Fingers
5 restaurant near the mall.

6 We then from 10:25 until 10:51 have an abundance
7 of activity all saying pretty much that exact same
8 thing. All of it saying that the phone is over here
9 on this side of this antenna, and all of the distances
10 and the locations are putting it in the immediate
11 vicinity of the Sticky Fingers restaurant.

12 At 10:52, we see a change. The phone switched
13 from using that same antenna repeatedly to another
14 one, so the phone is on the move here. It has moved
15 around to the north side of that antenna. Their
16 distance is putting the phone up here somewhere. As
17 we step through these, we see the distance at 10:53 is
18 about the same. We now see that 10:54 is about the
19 same, but we're seeing that estimated location come
20 closer, and then at 10:55 still the same. This is
21 very consistent with what I would expect for a phone
22 that is driving around River Oaks, driving past the
23 River Oaks residence at 10:52, 10:53 in the evening.

24 We then no longer use that tower. It sequences
25 to the next one indicating that the phone is moving.

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 The only route of travel I could see that would
2 explain these sequence of events is most consistent
3 with being at River Oaks.

4 At 11:03, we now switch to an antenna clear down
5 here on the coast, but the distance in the lap long is
6 putting Mr. Moorers's phone in the immediate vicinity
7 of Long Beard's restaurant at 11:03.

8 11:04, we have records from a different tower,
9 but still stating the same thing. When we have two
10 different towers both saying the same thing, that
11 actually strengthens that position of that location.

12 To put these two slides together, all of these
13 together between 11:03 and 11:06, in a three-minute
14 window, we have multiple uses of these two towers all
15 saying that the phone is this distance and this
16 distance. This literally does an X on the map that
17 says that the phone was right here in the Long Beard's
18 area at this time. So at 11:03 to 11:06, the phone is
19 right in the immediate vicinity of Long Beard's. We
20 now have a small gap, about 15 minutes, where we don't
21 know where the phone is before it shows up using a
22 tower here, and it indicates that the phone is
23 consistent with traveling up 501.

24 After that, the phone ends up much further up
25 501, up here where the university is, and it spent an

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 hour very consistently pinging, very frequently, only
2 this antenna, which is a very strong indication that
3 the phone is now up in this area for about an hour,
4 between 11:30 p.m. and 12:30 a.m., between the
5 17th/18th evening.

6 These are the remainder of the ones on the
7 morning of the 18th, all up there. At 12:30, we see
8 that change. We pick a different tower, so this says
9 that we are expecting there is some movement, a change
10 of location. In fact, we see that because the phone
11 within the next 10 minutes starts sequencing and
12 showing progressively closer distances down towards
13 Myrtle Beach here.

14 It eventually switches from the antenna on this
15 side, to the antenna on this side, which indicates the
16 phone moves from one side of this tower to the other.
17 Those two megaphones are projecting their strongest
18 signal on the other side, so the phone is continuing
19 to progress down probably 501 at this time. 12:45 in
20 the morning. Between 12:56 and 1:10, 15-minute
21 window, we have multiple records to indicate that the
22 phone is in the immediate vicinity of Sticky Fingers
23 restaurant near the mall.

24 At 1:12 a.m., we see four rapid succession uses
25 of the network where all of these lap phones and

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 distances sequence towards the tower. The phone is
2 now on the move at 1:12 heading away from Sticky
3 Fingers to the northwest probably.

4 We then see it use a different a different
5 antenna and wrap around from 1:12 to 1:14, use the
6 antenna that is in the immediate vicinity of Wal-mart,
7 and the distances that the phone is being reported
8 from that tower are all identical distances from that
9 tower as Wal-mart is at 1:14.

10 The other data selected, we have multiple
11 records, they confirm each other here. This is the
12 third data set, it is saying very similar things. The
13 distances here are slightly further, but very
14 consistent with the phone being there.

15 At 1:29 and 1:30, we have two uses, still the
16 same antenna, but now further away. In fact, these
17 distances report almost the identical distance from a
18 tower that the phone booth where the phone call was
19 made. 1:29, 1:30 we have this phone in the vicinity
20 of the phone booth and reported to be the same
21 distance from the tower as the phone booth.

22 1:39 to 1:40, still there, still recording the
23 same activity in the immediate vicinity of the phone
24 booth. We then have no other activity for
25 approximately an hour and 40 minutes before we have

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 three calls back, consistent with the pattern you saw
2 during the presentation. We expect the phone to be
3 back at the residence at this point, and then we have
4 four calls ending the records all consistent with the
5 phone being at the residence.

6 One thing I'll point out, when I looked at these
7 four phone calls, I can tell from the records all four
8 phone calls were inbound. The phone range for about
9 25 seconds, and all four phone calls went to
10 voicemail. That is consistent with the phone being on
11 at the residence, but no hands on the keyboard.

12 Q And, Mr. Melson, I noticed there was steady pings
13 showing, but it looked like we jumped from about 1:40
14 to 3:15; why was that?

15 A I don't know why that was, but what I can say is
16 there is no evidence of what went on. There is no
17 records in data during that time. There is a gap in
18 the records for that time frame.

19 Q So that is why there was no information on your
20 analysis?

21 A Yes. Correct.

22 Q For whatever reason, there was nothing in the
23 phone records regarding any data for that time frame?

24 A Correct.

25 Q And just so I'm clear, for about how many hours

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 of working data did you have for the late night
2 17th and early morning 18th?

3 A I'm sorry, could you repeat the question?

4 Q About how many hours was the phone in use that
5 you mapped out?

6 A I started at about 10:00 in the morning on the
7 17th, all the way until 3:00 in the morning, so that
8 is about 21 hours.

9 Q And out of that time frame, do you know about how
10 long the phone was around this Sticky Finger area where
11 the defendant worked?

12 A We saw it there twice, when it left the residence
13 at 9:30, so we saw it come over to this area, and then
14 spend about 15 minutes here. Around 10:15, 10 o'clock,
15 I believe, before it left -- 10:00, 10:30 before it
16 left and spent that hour here then came back to spend
17 another 15 minute time around 1:00 a.m.

18 Q So for that entire time frame, the phone was only
19 around Sticky Fingers for about 45 minutes, at the
20 most?

21 A Most likely, yes, that's correct.

22 Q In your experience of analyzing historical phone
23 data, is there any reason why there is gap in the
24 records like that from 1:40 til 3:16?

25 A There is a lot of reasons why that could be. In

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 this case we do see consistent data usage, so we would
2 expect to see consistent data usage. The most common
3 event is that the phone was turned off during that
4 time, that would explain that. The records don't
5 indicate power usage events, but the gap is noticeable
6 on the records at this time.

7 Q Now, after analyzing both phone records separate,
8 were you able to put the information together to see
9 how the phones were in relationship to each other that
10 night?

11 A Yes, ma'am.

12 Q And would that assist you in explaining that
13 information to the jury today?

14 A Yes, it would.

15 Q I'm handing you what is State's Evidence No. 20.

16 A What I've done here is put together to understand
17 hopefully a little better for you is an animation of
18 the two presentations we just did, just for the
19 17th and 18th, putting these two records together.

20 We skip most of the day of the activity up here.
21 We start at 9:15, approximately, when we just begin
22 with those last records here, and we're going to play
23 all the way through until that 3:30, 3:45 set of data
24 here. Most of these records will be in a time lapse
25 where for one second on the clock here in the

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 courtroom we'll be looking at five minutes of the
2 records. So we'll go through them fairly quickly. At
3 some of the key points in time where there is a lot of
4 activity, the animation does slow down to where we are
5 looking at one minute of the records, and I'll do my
6 best to point that out. So we'll animate these and
7 watch the time lapse on it.

8 So here we are seeing those activities of usage
9 of the antenna up here. Now we see Mr. Moorers' phone
10 here. We see Mr. Moorers' phone using the antennas
11 near the Tilted Kilt restaurant. Heather, at this
12 point, her phone is down in Murrells Inlet, so she's
13 down to the south. We come back up at 10:25. We see
14 that grouping of activity consistent with Mr. Moorers' phone
15 being in the vicinity of the Sticky Fingers
16 restaurant. This has been slowed down at this point,
17 so we're coming up to that 11:00 p.m. time where we
18 see Mr. Moorers' phone pinging towers in a sequence
19 here. So here it starts pinging the towers using the
20 towers near Sticky Fingers restaurant. We start
21 seeing rapid activity, a change in distance, a change
22 of tower.

23 Now we're going to watch as the phone sequences
24 through those locations past the Elvis residence, then
25 hits this tower before we see that clustering of

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 activity that points near the Long Beard's restaurant.
2 I did a time and motion study of all possible routes
3 of travel to explain this, and I don't really see any
4 other possible route except driving down River Oaks
5 Drive at that point.

6 Now, we go up to that hour of activity. This is
7 sped back up to one second equals five minutes. The
8 phone is coming back up, and then for the hour we see,
9 it just consistently using the antennas up here near
10 the university.

11 We're at 12:10 right now on the clock. 12:25.
12 So 12:30 we start to see changes which indicates this
13 movement. You'll see that phone sequences right down
14 501. Back at this point now we're going to slow down
15 again here with the 1:00 a.m. activity, one second
16 equals one minute. Here we are at 12:59, 1 o'clock.
17 So we have the phone showing activity nearing Sticky
18 Fingers. At 1:12, coming up here is when we'll see
19 the phone -- that is 1:08. All of this is consistent
20 with the phone being around here. At 1:12, there is
21 that sequencing, that wrapping around, and now there
22 is repeated activity of the phone between 1:15 and
23 1:40 in the immediate vicinity of Wal-mart and the
24 phone booth.

25 1:25 on the clock right now. Activity near the

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 phone booth. That is the phone call to Heather from
2 the phone booth. Here are some of the subsequent
3 calls. She's back consistent with being at the
4 residence. Mr. Moorers' phone was still in the
5 vicinity of the Wal-mart and the phone booth.

6 Now, we speed up a little bit because we have
7 about 45 minutes of nothing going on here. 2:30, we
8 see Heather at her residence, using the antenna at her
9 residence. Then we see the sequencing also down Royal
10 Oaks towards Long Beard's where her phone consistently
11 uses that tower. That is a call between two phones at
12 3:15. So Heather's phone was near her residence at
13 3:15 calling Mr. Moorers' phone. Now these calls are
14 also connected. This is Heather's phone using this
15 antenna to connect to Mr. Moorers' phone through this
16 antenna where there is four calls that occurred at
17 3:45.

18 Q Now, Mr. Melson, about when did Heather's phone
19 start moving after receiving the phone call from the
20 pay phone at 1:30, 1:33?

21 A It started moving around 2:30.

22 Q So about an hour later?

23 A Yes, ma'am.

24 Q And, in your opinion, did it make a direct route
25 to a particular place, or was it just all over the

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 place?

2 A To sequence through those towers in that time
3 frame, the phone did not have much time to loiter
4 anywhere. It looks like it would have been a fairly
5 direct trip.

6 Q Then there is another phone call for several
7 minutes between Heather's phone and the defendant's
8 phone around 3:17?

9 A Yes, that's correct.

10 Q Okay. And when does her phone move again after
11 that?

12 A We only know that she was here using the antenna
13 near her resident at 3:17. There is nothing in the
14 data at that point to indicate when she arrived over
15 here. So certainly sometime between 3:17 and 3:41 her
16 phone had to have traveled over to this area from her
17 residence.

18 Q Now, that location that she is sitting at 3:38,
19 3:39, 3:40, 3:41, is that the red sector you have up
20 there now?

21 A Yes, ma'am.

22 Q And is that -- have you been to this area?

23 A I have.

24 Q Is that area down the road from the defendant's
25 house?

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 A I believe there is a route of travel from the
2 defendant's house down here to the landing, correct.

3 Q During the month of December, had you seen her
4 use that tower any day until the early morning hours of
5 December 18th?

6 A No.

7 Q Thank you, Mr. Melson. If you would just have a
8 seat, I have a few more questions.

9 So we're clear, the phone is used in a tower when
10 it is either making a phone call or receiving a phone
11 call?

12 A As well as text or data. In the location in
13 particular with Heather's phone, we only have the tower
14 locations on the voice usage.

15 Q Now, is it also registering on a tower if -- even
16 if I don't pick up my phone and I just let it ring, is
17 it still registering a tower?

18 A Yes, it does. If the phone is on and connects to
19 the network and receives the call.

20 Q The only evidence we have, as far as if the phone
21 is in a person's hand, is if there is actually
22 conversation or text; is that correct?

23 A That's correct. If it is an outbound call,
24 outbound activity, we know that someone touched it. If
25 it is just inbound and brings us to voicemail, there is

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 no evidence that someone actually had the phone and was
2 using it.

3 Q Now, all the data that we saw from Heather's
4 phone, were they all active incoming/outgoing phone
5 calls and text messages?

6 A Yes, there were.

7 Q So none of those was just a phone ringing out to
8 voicemail?

9 A I didn't see any of those, no.

10 Q And the defendant's phone that night was all his
11 data showing activity of him calling out and receiving
12 phone calls or texts?

13 A The blue records were. The light blue and green
14 were actually data connections, which would have
15 indicated that some type of application, Facebook,
16 maps, checking E-mail, something like that was running
17 on the phone that was causing data to be transferred
18 from the network.

19 Q Was there also -- along with the data being on
20 the phone doing something consistent with Facebook or
21 using some other app, was there also incoming and
22 outgoing calls and texts?

23 A On occasion, and we saw those in blue. We also
24 saw for instance those last four at 3:44, those were
25 incoming voice messages.

MICHAEL MELSON - DIRECT EXAMINATION (CONT.)

1 Q So the only data we saw as far as either phone
2 just ringing out, and no one actually touching it, was
3 the defendant's phone receiving those calls at 3:37,
4 3:38 and 3:39 in the morning?

5 A Correct.

6 MS. LIVESAY: No further questions.

7 THE COURT: Cross-examination.

8 MR. TRUSLOW: Yes. I asked Mr. Holford if I can
9 use this for one map, not to go through it, but just
10 reference points, so I don't just have a piece of
11 paper.

12 THE COURT: Do you have a map of it?

13 MR. TRUSLOW: I have a map, but mine is like
14 this. I just wanted for the jury for him --

15 THE COURT: Can you pull it up?

16 MR. HOLFORD: The State doesn't object if he
17 wants to.

18 THE COURT: That is what I'm saying. You have
19 the capability of bringing it up. I don't have it.
20 He doesn't have the capability, can you pull it up for
21 him?

22 MR. HOLFORD: I can. Which one?

23 MR. TRUSLOW: Just the -- whatever is easiest for
24 you, just one of the maps like this with the points.

25 MS. LIVESAY: We have a map over here without

MICHAEL MELSON - CROSS-EXAMINATION

1 looking that up, same thing on the board.

2 MR. TRUSLOW: Same side? That is fine. I'll use
3 the board.

4 THE COURT: Whatever is easiest. If it is there,
5 you can use it.

6 MS. LIVESAY: This might be easier for him to use
7 if he just wants to show that.

8 MR. TRUSLOW: Yeah, that's perfect.

9 CROSS-EXAMINATION

10 BY MR. TRUSLOW

11 Q Just a couple quick questions before I ask you
12 some questions about the map. You work for T-Mobile?

13 A No, sir. I work for my own company, Hawk
14 Analytics.

15 Q So you were hired -- now you checked -- first
16 question I have, this is what you do for a living,
17 right?

18 A I run a software company that analyzes these
19 records, yes.

20 Q Would you agree with me that the business of
21 T-Mobile would include making their customers happy and
22 having a really good network?

23 A Yes, sir.

24 Q Now, in pursuit of that, is it not true that if I
25 were to make a phone call on a cell and it pinged at

MICHAEL MELSON - CROSS-EXAMINATION

1 the one closest to me, but that was jammed up with
2 traffic, it would be sent to the next nearest tower?

3 A That can happen if that cell is overloaded.

4 Q What if the next one is overloaded, could it be
5 sent even to the next one, right?

6 A Possibly.

7 Q Possibly?

8 A It depends how the next tower is constructed.
9 These project a very discrete footprint, and so we
10 would have to be able to hear that tower that far away.
11 So as long as it is designed to cover that far,
12 possibly.

13 Q My point being that, isn't it true, that it is
14 possible that this is inaccurate in some areas if it
15 was sent to another tower?

16 A Well, what is not inaccurate is that these are
17 the exact towers that were used, and we do know that
18 they were selected simply because -- like those
19 speakers playing music in the store -- it was the one
20 that was the best. It is also true that you can't
21 probably be on one end of the store and still hear the
22 speakers all the way over at the other side. The
23 network wouldn't work if they all covered the entire
24 area.

25 Q Wouldn't you agree with me that at least some or

MICHAEL MELSON - CROSS-EXAMINATION

1 all of this information could be inaccurate in terms of
2 which tower was used based upon what we just talked
3 about?

4 A Well, those are -- excuse me. No, I don't know
5 that I would agree with that, because those are the
6 towers that are indicated in the data.

7 Q Okay. If a phone call is made and it goes to the
8 nearest pinging tower -- or tower, if it is jammed up
9 with traffic, it is sent to the next nearest tower,
10 correct?

11 A If it is jammed up with traffic. At 1:00 in the
12 morning, we would not expect these networks to be at
13 capacity. So although, in theory, it is true, it is
14 extremely unlikely to occur.

15 Q Not in theory. Is it true that that can happen?
16 That happens?

17 A Yes, sir.

18 Q Yes or no?

19 A Yes, sir.

20 Q So it's true, not in theory, in reality, where we
21 are, that a phone call could be made, it pings to a
22 tower that has traffic and sent to the next nearest
23 tower, right?

24 A Yes, sir.

25 Q So this could be inaccurate, right?

MICHAEL MELSON - CROSS-EXAMINATION

1 A I'm not sure I'm drawing that same conclusion,
2 sir.

3 Q Okay. The tower that you said that something
4 happened, you testified to, let's call it Tower A,
5 right?

6 A Uh-huh.

7 Q If it had too much traffic, it is sent to Tower
8 B. If your presentation to this jury says it was Tower
9 A, based on what you already told me, it could have
10 been Tower B, right?

11 A No, sir.

12 Q How is it not? How?

13 A The records record the actual tower used. That
14 is just --

15 Q No, sir. Okay.

16 A Whether or not that was the closest or next
17 closest, we do not know, but we do know it was Tower 5
18 or Tower 7.

19 Q I'll ask you this -- remind you, you are under
20 oath. I want to ask you a question that I asked you.
21 Is your testimony under oath that the towers that you
22 are talking about are 100 percent the towers that the
23 phone calls went to; is that what you are saying?

24 A I'm saying that the towers --

25 Q You want to say that?

MICHAEL MELSON - CROSS-EXAMINATION

1 THE COURT: Let him answer the question, please.

2 A The towers that I saw on the map are exactly what
3 is in the data from T-Mobile or Sprint as the towers
4 that were recorded by their network as the ones that
5 were providing the best signal when the calls were
6 made.

7 Q Okay. Let me ask you this question. I want to
8 ask you that question one more time. Are you willing
9 to answer me yes or no on that, just a yes or no?

10 THE COURT: Solicitor -- I mean, Mr. Truslow --

11 MR. TRUSLOW: I understand.

12 THE COURT: That's argumentive. Just ask your
13 question. You are both talking about two different
14 things, in my opinion. He's talking about a tower
15 that is actually shown as a tower that was actually
16 used, whether it is the nearest one to the person,
17 he's not saying --

18 MR. TRULUCK: I understand, and I was asking.

19 THE COURT: Okay. Go ahead and rephrase your
20 question.

21 Q You understand you are under oath?

22 A Yes, sir.

23 Q And you understand what that means?

24 A Yes, sir.

25 MS. LIVESAY: Your Honor, I'm not sure if he --

MICHAEL MELSON - CROSS-EXAMINATION

1 this is the second time he's made this comment about
2 I'm going to remind you, you are under oath. I'm not
3 sure if this is some sort of threat.

4 THE COURT: Solicitor, please, what is your
5 objection, please? I don't need a statement. What is
6 your objection?

7 MS. LIVESAY: The objection is argumentive, Your
8 Honor.

9 THE COURT: Thank you. Rephrase your question,
10 please.

11 MR. TRUSLOW: Yes, sir.

12 Q Are you telling this jury under oath that the
13 cell phones that are made, the towers that you point
14 out where they went to, that you are a hundred percent
15 sure that that is accurate in your whole presentation?
16 Is that accurate, a hundred percent?

17 A 100 percent I verify that those records are the
18 locations of the towers that Sprint or T-Mobile
19 recorded in their records.

20 Q So 100 percent, you are saying, that is what you
21 read on some records, correct?

22 A Yes.

23 Q So, basically, what we have here is you coming in
24 here and telling us what you read someone else wrote
25 down, correct?

MICHAEL MELSON - CROSS-EXAMINATION

1 A I've interpreted the records from AT&T -- I'm
2 sorry T-Mobile and Sprint, and created a graphical
3 representation of their data.

4 Q So the only way you know of what you said here
5 today is based upon information provided to you by who?

6 A Well, I certainly base my analysis on data
7 provided by T-Mobile or Sprint in this case. I
8 certainly contributed that analysis to having looked at
9 literally millions of these records in the last decade
10 on hundreds of cases.

11 Q But in this case, you relied on records provided
12 to you, correct?

13 A That is correct.

14 Q And they were provided to you by the prosecutor's
15 office?

16 A That's correct.

17 Q Okay. I want to ask you if -- if you would step
18 down --

19 MR. TRULUCK: If that is all right, Your Honor?

20 THE COURT: Sure.

21 MR. TRUSLOW: I think it would be easier.

22 THE COURT: All right.

23 Q Let me ask you this. Where is Sticky Fingers?

24 A Right here.

25 Q Okay. I'm going to go with that, all right.

MICHAEL MELSON - CROSS-EXAMINATION

1 This is a little different, but we can get through
2 this. So we're looking at the Sticky Fingers
3 restaurant is in here, right, in the parking lot,
4 correct?

5 A Yes, sir.

6 Q Where is the Sticky Fingers in North Myrtle
7 Beach?

8 A I'm not aware of Myrtle Beach to that level of
9 detail. I'm familiar with this one here.

10 Q So you don't see that on there, right?

11 A Correct.

12 Q Where is the Olive Garden on 501?

13 A I'm not aware.

14 Q Where is the Olive Garden on Highway 17, Myrtle
15 Beach?

16 A Not aware, sir.

17 Q Olive Garden in North Myrtle Beach?

18 A Not aware.

19 Q Red Lobster?

20 A Not aware.

21 Q And it's not on the map, right, those restaurants
22 I just mentioned, outside of we agree that Red Lobster
23 is here?

24 A I'm not sure if Red Lobster is here. I know
25 Sticky Fingers is there.

MICHAEL MELSON - CROSS-EXAMINATION

1 Q I'm sorry, Sticky Fingers. All right. You can
2 go back.

3 So when you were asked the question by the
4 State -- in a question she says Sticky Fingers where
5 the defendant worked. Do you assume he worked at
6 Sticky Fingers?

7 A I was provided that location as that, yes.

8 Q Were you provided information that he is
9 self-employed and does work at seven restaurants during
10 that time? When they close, he goes in and does the
11 maintenance work.

12 A I'm not aware of what he does for a living. I
13 don't know the restaurants, no.

14 Q Okay. So does anything that you went through
15 with this presentation, does anything -- is there
16 anything in there that precludes the possibility of
17 Heather going by any of those restaurants during this
18 period of time, from December 1st up? Is that
19 precluded?

20 A No, it would not.

21 Q In fact, I mean, you can't get a ping unless you
22 are using your phone, correct?

23 A That's correct.

24 Q So if she goes up to a restaurant, pulls in and
25 puts a note on a car somewhere, if she's not using her

MICHAEL MELSON - CROSS-EXAMINATION

1 phone, you won't have a location, are you?

2 A That's correct.

3 Q So all you are doing is laying out all of this
4 stuff where everyone is driving, and the best route
5 from here to there, that was it, this and that, that is
6 based on information from the records given to you, and
7 based on only information when somebody was using their
8 phone, right?

9 A Yes, that's correct. And on some of those, such
10 as these routes of travel, I will only indicate that in
11 an analysis when I believe that a phone could not have
12 gotten from Point A to Point B in the correct amount of
13 time without, for instance, being in a vehicle or that
14 type of thing, and then you have to look for the routes
15 of travel, so, yes.

16 Q So can you account for the whereabouts of these
17 folks at any point in time when they were not using
18 their phone?

19 A No, sir.

20 Q Do you -- what would you characterize, as you see
21 it, your role in this trial?

22 A To help better understand these spreadsheets.

23 Q In preparing for that, did you meet with the
24 prosecutor's office?

25 A Yes, sir.

MICHAEL MELSON - CROSS-EXAMINATION

1 Q Did they tell you about all the restaurants he
2 worked at?

3 A I don't recall.

4 Q When did you meet with them?

5 A We had occasional phone calls. I believe I made
6 one trip out here sometime this year.

7 Q When did you get in town?

8 A About 1:00 a.m. this morning.

9 Q You didn't talk to them today?

10 A Actually, no, sir.

11 Q Did they ever fax information to you or E-mail,
12 or always phone calls?

13 A The records.

14 Q And where did you even come up with Sticky
15 Fingers?

16 A It was one of the locations that I was given by
17 the prosecution.

18 Q Okay. What other locations, the ones we see on
19 the map, the residence --

20 A Yes, sir.

21 Q So any locations we talked about, they gave to
22 you, right?

23 A Yes, sir.

24 Q Because you wouldn't know about any other
25 locations there, right?

MICHAEL MELSON - CROSS-EXAMINATION

1 A Correct.

2 MR. TRUSLOW: Court's indulgence.

3 THE COURT: Certainly. Take your time, Mr.

4 Truslow.

5 (A brief pause in the proceedings.)

6 Q Have you been present for any of this trial?

7 A No, sir.

8 Q Have you received any E-mails, phone calls -- did
9 you learn that there was talk in this trial about notes
10 being left on someone's car?

11 A No, sir. I've been teaching that class in
12 Kansas, so I'm not aware of that.

13 Q So you are not aware of any of that, correct?

14 A Correct.

15 Q You are not aware of -- okay, that answers the
16 question.

17 So based on your presentation, based upon what we
18 just talked about in terms of not being account for
19 anybody unless they are using their phone, can you
20 tell me, or can you tell this jury, whether or not my
21 client had a note at any point in time put on his
22 vehicle at any place during that time period?

23 A Certainly the records would not indicate that.

24 Q Thank you. All right. And that three-hour dead
25 period, would that show if someone's battery died?

MICHAEL MELSON - REDIRECT EXAMINATION

1 A Are you talking about between 1:40 and 3:15?

2 Q Regardless of the time. If you have a gap in
3 time, could that be accounted for by a dead battery?

4 A It could be.

5 MR. TRUSLOW: No further questions.

6 THE COURT: Redirect, Solicitor?

7 REDIRECT-EXAMINATION

8 BY MS. LIVESAY:

9 Q I have just two quick questions, Mr. Melson.
10 Those records I handed to you, do you mind looking
11 through them and telling me if they look familiar?

12 A (Witness examines document.) These are the
13 Sprint records, yes.

14 Q Is that what our office provided you?

15 A Yes, ma'am.

16 Q And how about as to the T-Mobile records from
17 Heather Elvis?

18 THE COURT: Excuse me, Solicitor, could the
19 record reflect what exhibit number was that that you
20 showed him?

21 MS. LIVESAY: State's Exhibit No. 6, Judge. And
22 he's looking now through State's Evidence No. 2.

23 THE COURT: Thank you.

24 A Yes. These are the T-Mobile records.

25 Q (MS. LIVESAY) Now, let me ask you something.

MICHAEL MELSON - REDIRECT EXAMINATION

1 Did you actually come down here and ride around those
2 areas at the same time frame that we mapped out
3 tonight for the 17th and early morning hours of the
4 18th?

5 A Yes, ma'am, I did.

6 Q So you actually know about how much traffic is in
7 that area --

8 MR. TRUSLOW: Objection, leading.

9 THE COURT: Sustained. Rephrase your question.

10 Q (MS. LIVESAY) Have you been to Myrtle Beach?

11 A Yes, ma'am.

12 Q And did you ride around those areas we just went
13 over?

14 A Yes.

15 Q And did you actually ride around those areas
16 during that exact same time frame?

17 A Yes, I did.

18 Q And if you don't mind, tell the jury --

19 MR. TRULUCK: Objection. The framing of the
20 question "time period." What time period?

21 MS. LIVESAY: I'll clarify.

22 THE COURT: When he came down to analyze this. I
23 mean, agree, it is not December of 2013, so it is
24 whenever it was, okay. Thank you.

25 MS. LIVESAY: Thank you, Judge.

MICHAEL MELSON - REDIRECT EXAMINATION

1 Q (MS. LIVESAY) Did you ride around during late
2 hours of 9:00, 10:00, 11:00, 12 o'clock into the early
3 morning hours of 1:00 or 2:00?

4 A Yes, ma'am, I did.

5 Q Did you do that to have the information you would
6 need to make this presentation?

7 A Yes. To help understand what the activity, what
8 the environment was at the exact time of evening as
9 these records.

10 Q And tell this jury about the traffic that is on
11 the road during those hours?

12 MR. TRULUCK: Objection, Your Honor. He's -- she
13 asked him to give what it is like in the exact time
14 this happened four years later. The objection is --

15 THE COURT: Given what the traffic was like when
16 he came down. No objection?

17 MR. TRUSLOW: No, sir. No, sir.

18 THE COURT: Okay, then. Thank you, sir. No
19 objection?

20 MR. TRUSLOW: No, sir. No, sir.

21 THE COURT: Okay. All right.

22 Q (MS. LIVESAY) Describe what the traffic was
23 like?

24 A About what one would expect for 10:00, 11:00 and
25 1:00 a.m., there was very little traffic in the area at

MICHAEL MELSON - REDIRECT EXAMINATION

1 that time.

2 Q When you rode that route during the time frame,
3 did it affect your opinion about whether or not a tower
4 would be busy during those hours of the night?

5 A Certainly the carriers are in business to not
6 have poor service, and they do that by making sure that
7 there is adequate capacity. So I would expect these
8 networks to be built to be more than capable of
9 handling a normal load, which we would see during the
10 day. So certainly there was no traffic at these hours
11 in the area that would make me believe -- unless there
12 was a rock concert or those type of events -- that the
13 network would be overloaded in any way at that time.

14 Q Okay. And are you aware that December 17 and
15 early morning 18th was a Tuesday night and Wednesday
16 morning?

17 A No, I wasn't.

18 Q Now, did you ride that route or sequence of
19 towers for River Oaks to Long Beard's that we saw on
20 the Sprint phone?

21 A Yes, I did.

22 Q And when you actually rode the route, what
23 information did you gather from that?

24 A We did collect which towers were used.

25 MS. LIVESAY: No further questions, Your Honor.

MICHAEL MELSON - RECROSS-EXAMINATION

1 THE COURT: Recross?

2
3 RECROSS-EXAMINATION

4 BY MR. TRUSLOW:

5 Q When was it that you came down here?

6 A I don't have the exact dates. I believe it was
7 earlier this year.

8 Q 2017?

9 A I believe so, yes, sir.

10 Q And you rode the routes they gave you to ride?

11 A No, sir. They were routes of my choosing based
12 on the analysis that I had done preliminarily at that
13 point.

14 Q Which routes did you ride?

15 A We spent time in the area of the Tilted Kilt over
16 near the mall, as well as going past Heather's
17 residence, over to Long Beard's, up towards the
18 university, certainly over by the boat landing and
19 Mr. Moorer's residence. Pretty much all the areas
20 involved in the trial here.

21 Q So correct me if I'm wrong, what you are saying
22 is you didn't ride the routes you chose, you rode the
23 routes that they told you, right? You didn't know
24 anything about this until you got here, right, or until
25 you were hired?

MICHAEL MELSON - RECROSS-EXAMINATION

1 A As I said, I wanted to travel all of the area,
2 but certainly the routes I felt were indicated most
3 likely in the data to try to determine which routes may
4 have been the right routes.

5 Q Okay. And other than those -- who rode the
6 routes with you?

7 A I believe Ms. Ginger Pop was there, some other
8 law enforcement folks. I'm not sure who all was there
9 at that point.

10 Q So you come into town to do your work, to one day
11 render an opinion, correct?

12 A Yes, sir.

13 Q And you're escorted when you are riding the
14 routes by detectives and police officers?

15 A Yes, sir.

16 Q In the car with you?

17 A Yes, sir.

18 Q Who is driving, do you remember?

19 A I don't remember who was driving.

20 Q You don't remember who was driving?

21 A No, sir.

22 Q Do you remember what you were riding in? Were
23 you in a police car?

24 A I believe it was an unmarked car.

25 Q So you come down to pick out what routes you are

MICHAEL MELSON - RECROSS-EXAMINATION

1 going to ride, and you know which ones you want to see,
2 you are riding the routes in a police car with
3 detectives, investigators and/or police officers,
4 correct?

5 A That's correct.

6 Q Last question. After I talked to you the first
7 time, Ms. Livesay was permitted to do redirect, you
8 understand that?

9 A Yes.

10 Q Now I'm doing recross.

11 A Yes, sir.

12 Q Is there anything that you answered in redirect
13 with Ms. Livesay that changes anything that you and I
14 talked about?

15 A Perhaps. Clarify.

16 Q Huh?

17 A Perhaps. Clarify. I don't know that it changes
18 -- certainly doesn't change any of my earlier answers.

19 Q Okay. So there is no answers you want to change
20 with me from what you and I talked about?

21 A No, sir.

22 THE COURT: Thank you. You may step down. Do
23 you wish the witness to be excused?

24 MS. LIVESAY: Yes, please, Your Honor.

25 THE COURT: Any objection?

DONALD DEMARINO - PROFFER CROSS-EXAMINATION

1 so we wouldn't have to send you back, and that is what
2 we accomplished, so we appreciate your patience with
3 us.

4 Solicitor, call your next witness.

5 MS. LIVESAY: Thank you, Judge. At this time the
6 State calls Don Demarino to the stand.

7 THE COURT: I would remind you that you are still
8 under oath. Thank you.

9 DIRECT-EXAMINATION

10 BY MS. LIVESAY:

11 Q If you don't mind, spell your last name for the
12 court reporter.

13 A D-E-M-A-R-I-N-O.

14 Q And if you don't mind, tell this jury where you
15 are from?

16 A I'm from Myrtle Beach, South Carolina. I was
17 born and raised here.

18 Q Okay. And about how old are you?

19 A I'm 24 years old.

20 Q Do you have any kids?

21 A Yes, ma'am, I have one.

22 Q Now, have you lived in this area all your life?

23 A All my life.

24 Q Now, do you know the defendant, Sidney Moorner?

25 A Yes, I do.

DONALD DEMARINO - PROFFER CROSS-EXAMINATION

1 Q And how do you know him?

2 A He's married into my family. I've known him
3 basically my whole life.

4 Q And who is his wife?

5 A Tammy Moorner.

6 Q Is that who you are related to?

7 A Yes, ma'am.

8 Q And how long have you known the defendant?

9 A Sidney? Um, I can't remember exactly what year
10 they got married. I was just a youngin, but like I
11 said, ever since I can remember.

12 Q So you've known him most of your life?

13 A Yes, sir.

14 MR. TRUSLOW: Objection, Your Honor, leading.

15 THE COURT: I'll allow it. Overruled.

16 Q (MS. LIVESAY) Now, have you ever been over to
17 the defendant's house?

18 A Yes.

19 Q And where do they live?

20 A Off of 814.

21 Q Now, did you have an occasion to go over to his
22 house after Heather Elvis went missing?

23 A After Heather went missing? Yes, ma'am. Yes,
24 ma'am.

25 Q And was -- was anyone else over there?

DONALD DEMARINO - PROFFER CROSS-EXAMINATION

1 A A lot of the family was there.

2 Q So other people would have seen you there?

3 A Yes.

4 Q Now, was there ever an occasion when you and the
5 defendant were just talking?

6 A Yes. Yes, ma'am.

7 Q And where did that take place?

8 A It had taken place a couple of times that night.
9 I had times when I was around people, and then there
10 was -- before I left, I talked to him outside by
11 myself.

12 Q Okay. And when you were outside, was it just you
13 and him?

14 A Yes.

15 Q And did this discussion happen at night?

16 A Yes, ma'am, it was at night.

17 Q Okay. Now, while you were talking to him, did he
18 show you a phone?

19 A Yes, ma'am.

20 Q Okay. And what kind of phone was it?

21 A I am not exactly sure of the phone. It was a
22 flip phone, gray flip phone, and I want to say, if I
23 had to guess, Boost Mobile.

24 Q Okay. So you just remember it was a gray flip
25 phone?

DONALD DEMARINO - CROSS-EXAMINATION

1 A Yes, ma'am.

2 Q Now, did the defendant show you something on that
3 phone that showed you that he knows more about Heather
4 Elvis after she went missing?

5 A Can you say the question again for me?

6 Q Sure. Did he show you something on that phone
7 that showed you that he knew more about Heather Elvis
8 after she went missing?

9 A I want to say yes.

10 Q After you had this conversation with him, did you
11 stay at the party, or did you leave?

12 A I left right after. I was....

13 Q Thank you.

14 MS. LIVESAY: No further questions.

15 THE COURT: Very well. Cross-examination?

16 CROSS-EXAMINATION

17 BY MR. GALMORE:

18 Q Can you tell us the date that this meeting took
19 place?

20 A At the house?

21 Q Yes, the date.

22 A I couldn't tell you the date. The day that they
23 both got out of jail. One got out one day, and one got
24 out the other, and all the family met up and saw
25 everybody.

DONALD DEMARINO - CROSS-EXAMINATION

1 Q Okay. But you can't tell us a date?

2 A No, I could. I could go in my phone and figure
3 it out, but not right now, I could not.

4 Q And you say that Sidney showed you something on
5 the phone?

6 A Yes.

7 Q Okay. Did anyone else see what was on this
8 phone, or just you?

9 A Just me.

10 Q Okay. What did you do with that information?

11 A Nothing.

12 Q Okay. Did you call the police to say that Sidney
13 has information on his cell phone?

14 A No, I did not.

15 Q Do you know what happened to the cell phone?

16 A I have no idea.

17 Q How many times have you been in J. Reuben Long,
18 sir?

19 A I just answered that question. Ten, maybe 15
20 times.

21 Q Okay. And you've been convicted of burglary in
22 the past?

23 A Yes, sir, I have, when I was 17 years old. I've
24 came a long way from that. I have a child now, and I'm
25 living for my child and I'm living a better life.

DONALD DEMARINO - CROSS-EXAMINATION

1 Q But you have a pending case right now; is that --

2 A No, I do not.

3 Q No?

4 A No, sir.

5 MS. LIVESAY: Your Honor, I just want to make
6 sure we're all in agreement, if it doesn't go to his
7 credibility, it is not admissible.

8 THE COURT: If it is a pending case, that could
9 go to it, but he says he doesn't have one, I think is
10 what he said.

11 A I just took care of my last legal problems myself
12 back did June, so.

13 Q (MR. GALMORE) As in two months ago?

14 A Yeah, June.

15 Q Okay. So you had a pending case until June?

16 A Yeah.

17 Q Okay. Now, with this information that you had,
18 that I think your statement was that you didn't do
19 anything with it, and you definitely didn't take it to
20 the police?

21 A Yeah.

22 Q Were you arrested and charged with obstruction of
23 justice?

24 A No. I don't --

25 MR. GALMORE: Thank you, sir. No further

DONALD DEMARINO - CROSS-EXAMINATION

1 questions.

2 THE COURT: Wait just one second.

3 MR. TRUSLOW: Court's indulgence.

4 THE COURT: Yeah.

5 (A brief pause in the proceedings.)

6 Q (MR. GALMORE) You have information that you did
7 not do anything with? You didn't go to the police,
8 right?

9 A Yes, you're right. Can I say more on that?

10 THE COURT: You can explain.

11 A Yes, I can?

12 THE COURT: Yeah.

13 A Look, I was in a dark place at this time in my
14 life. I didn't know what to do, and I finally just
15 reached out for help. I don't know. I mean, that is
16 all I can say to you. Like I held it in for so long.

17 Q (MR. GALMORE) So you did contact the police with
18 this information?

19 A I talked to a detective one day, and that was
20 that.

21 Q Did the detective call you out of the blue, or
22 did you call the police department?

23 A I was locked up at the time.

24 Q Okay. And a detective came to see you?

25 A Yes, sir.

DONALD DEMARINO - CROSS-EXAMINATION

1 Q At the jail?

2 A Yes, sir.

3 Q So you didn't tell one of the guards, hey, can
4 you get a detective for me, I have information?

5 A No, that is not how it happened.

6 Q So you are locked up doing time, and some
7 detective just shows up and starts asking you
8 questions?

9 A Well, a detective had been asking questions even
10 before it happened, because I was a part of the family,
11 and like I said, I was just scared. I didn't know what
12 to do at the time, so I didn't say nothing.

13 Q Have you had a chance to meet with these
14 prosecutors here at this table?

15 A Right here in front of me?

16 Q Yes.

17 A Yes.

18 Q When was that?

19 A It all depends. On a couple of different
20 occasions.

21 Q Well, when was the first time you met with these
22 prosecutors?

23 A You have to give me a moment, I want to give you
24 a correct answer. Um, I think the first time I met
25 with Ginger was -- I want to say maybe January of --

DONALD DEMARINO - REDIRECT EXAMINATION

1 wait. Um, I'm not exactly sure. I don't want to put a
2 date out there and it be wrong.

3 Q If you don't remember, it's fine to say you don't
4 remember.

5 A Right.

6 Q Do you recall how many times you met with these
7 prosecutors?

8 A Two, three -- three times, maybe four.

9 Q And would that have been to clear up some other
10 case, or would that have been in relation to this case?

11 A This case.

12 MR. GALMORE: No further questions. Thank you.

13 THE COURT: Redirect?

14 MS. LIVESAY: Just a couple.

15 THE COURT: Sure.

16 REDIRECT-EXAMINATION

17 BY MS. LIVESAY:

18 Q Mr. Demarino, do you have any pending charges
19 now?

20 A No, I do not.

21 Q At the time we talked to you, did we ever promise
22 you anything in exchange for what you are telling this
23 jury?

24 A No, you have not.

25 Q And is what you are telling this jury the truth?

DONALD DEMARINO - RECROSS-EXAMINATION

1 A Yes, ma'am.

2 Q And why have you decided to come up and tell the
3 truth?

4 A I just said it, because I've dealt with so much
5 pain and I've held stuff in for so long, I had to let
6 it out.

7 MS. LIVESAY: No further questions.

8 THE COURT: Recross?

9 MR. GALMORE: One question, Your Honor.

10 RECROSS-EXAMINATION

11 BY MR. GALMORE:

12 Q Did you have pending charges the first time you
13 met with the prosecutors?

14 A I don't think I did. I was in there for, I do
15 believe, a failure to appear.

16 Q But this would have been in January when you said
17 I really don't know, I don't remember, and then you
18 testified that your charges were resolved in June of
19 this year?

20 A And them charges from January, I can't remember
21 if it was last January or the January before that, so
22 it is hard to say on that behalf.

23 Q You were in for failure to appear for what?

24 A Failure to appear for -- I had missed a court
25 date.

DONALD DEMARINO - RECROSS-EXAMINATION

1 Q For what charge?

2 A Like I said, I've been in a lot of trouble in the
3 past prior year or so, and I'm just getting myself back
4 together, so like I've been in and out a lot and I
5 can't tell you the dates exactly of each charge, I
6 can't do it. You can pull up my record.

7 Q You don't remember what you were in jail for at
8 the time?

9 A At the time, no. I've been in and out of jail.

10 Q I get that part. Thank you.

11 A Yep.

12 THE COURT: All right, sir. You may step down.
13 Call your next witness, Solicitor.

14 MS. LIVESAY: Can he be excused?

15 THE COURT: Any objection?

16 MR. TRULUCK: No objection.

17 THE COURT: You are free to leave, Mr. Demarino.
18 Thank you. Call your next witness, please.

19 MS. LIVESAY: At this time, the State rests.

20 THE COURT: Very well, ladies and gentlemen,
21 there is some matters of law now that I need to take
22 up outside of your presence. Good timing, because it
23 fits our lunchtime, so I'll let you go to lunch. Do
24 not begin deliberations. Do not discuss the case.
25 Since we're going to be here a little bit longer, I

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1 ask you to please return to your jury room by 2
2 o'clock. Have a good lunch. Thank you.

3 (The jury exits at 12:22 p.m., and the
4 following is heard out of the presence of the jury.)

5 THE COURT: Any matters from the State?

6 MS. LIVESAY: No, sir.

7 THE COURT: I'll hear from you.

8 MR. GALMORE: No, sir, no matters.

9 THE COURT: I think you do, don't you?

10 MR. GALMORE: I'm sorry, I thought --

11 THE COURT: Let me digress, and I won't mention a
12 name, but he was a lawyer that came from this locale.
13 I tried a case that he was hired in, a death penalty
14 case, I tried in Berkeley. We finished that stage and
15 I said, Do you have any motions? And the State said,
16 No. I looked at the lawyer and said, Do you have any
17 motions? And he said, No. I said, Um, I think you
18 might. And he said, No. I said, You don't have any
19 motions you want to make? He said, Oh, you mean that
20 motion that you all usually make? Yeah, I'll make
21 that motion. Needless to say, that case was referred
22 back and said it was ineffective assistance of
23 counsel, so it was probably self-evident. I'll tell
24 you this, being on this side and watching that unfold
25 and knowing what is going to happen, it is

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1 frustrating. I figured you would have a motion.

2 MR. GALMORE: Yes, sir, I do. I thought we were
3 going to lunch, I apologize.

4 THE COURT: No. We are, it won't take long.

5 MR. GALMORE: Yes, sir, Your Honor. We would
6 make a motion for a directed verdict at this time.
7 Just looking at the evidence in the light most
8 favorable to the State, this evidence does not add up
9 to an obstruction of justice. The first problem here
10 is that the obstruction law itself is kind of murky.

11 THE COURT: Amen.

12 MR. GALMORE: And if you go any further, the
13 obstruction law comes out of common law, and much of
14 the common law has been codified, but this particular
15 -- statute is the wrong word, it is not a statute.
16 This particular law has not been codified. The reason
17 why I say that is because everything that has been
18 testified to in this case really could have been
19 covered under false information to a police officer,
20 which is an actual statute.

21 In addition to the law itself being murky, once
22 we get into, well, what was the obstructive conduct,
23 then the statements from the officers get to be kind
24 of murky also. Judge, we heard first from Sergeant
25 Furr, and I think the gist of his testimony -- well,

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1 I'm not real sure why he was here, but one of the
2 things that Sergeant Furr testified to was that
3 Investigations was going to be assigned the case any
4 way. They would have conducted an investigation, and
5 I think that's true whether or not Mr. Moorner gave a
6 statement or not.

7 Your Honor, we also had Officers Scales that
8 testified. Officer Scales is the one that wore the
9 body mic on the dash-cam video. And I asked him very
10 specifically, What efforts did you have to do after
11 the statement was given by Mr. Moorner, and he didn't
12 have any further involvement in the case. He didn't
13 have to go prove a lie. He didn't have to prove that
14 Mr. Moorner in some way impeded the investigation.

15 Now, at that point I suppose the next witness
16 should have been Officer Canterbury. He's the one out
17 there with Scales. He is the one asking the
18 questions. If one witness should have been in this
19 courtroom, it should have been Officer Canterbury, but
20 it's a glaring omission that he is not here.

21 Now, Officer Canterbury's statement, his report,
22 has been referenced. It is entered for identification
23 purposes, and his report says that he looked through
24 the call log, he did not see any texts from Sidney
25 Moorner to Heather Elvis after November 3rd. The

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1 call log -- or the log also shows where there was a
2 phone call the day before, and that is consistent with
3 Mr. Moorers's statement on the dash-cam video, and it
4 is consistent with his statement the next day at the
5 police station. They asked on the dash-cam video,
6 Canterbury asked the question, When is the last time
7 you talked to Heather. His response was, Last night
8 or the night before. And the Court has the video and
9 you can review it at any time.

10 Thereafter, Canterbury says, Let me stop you, we
11 have 360 text messages. I fear that Officer Canterbury
12 did not comprehend Mr. Moorers's answer, because Mr.
13 Moorers's answer was correct.

14 THE COURT: Let me just -- let me -- I appreciate
15 everything that you have said, and I will assure you,
16 because -- and we all do this as lawyers. Since this
17 case has been set I've been -- I'm sure you all have
18 been too -- reading a lot of cases. I've read federal
19 cases where -- there is some definition, there is some
20 direction that flows. We know one of the reasons it
21 does is -- I never practiced it, I have always heard
22 this, that the statute -- that if you lie to an FBI
23 agent, that's a crime in and of itself. And that, to
24 me, would be just like if you and I walked into the
25 bank next door, robbed it, walked out the front door

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1 and say we don't want to do this, turn around and said
2 here it is. We committed robbery. We may have tried
3 to undo it, but we committed robbery.

4 We don't have any such statutes here. In fact,
5 the closest thing I found was an interesting case,
6 State versus Carson, 274 South Carolina 316. It is a
7 February 1980. And it was an interesting case in this
8 sense. It was a guy that basically went in and
9 confessed to committing a crime, and they investigated
10 it and went all the way through and found out that he
11 had not only information that he had not committed the
12 crime, but he had information that was exculpatory and
13 -- but he knew who did.

14 Well, interesting, I thought. Here we have --
15 this is what we have. There is a misstatement, and he
16 corrected it. They charged him not with obstruction,
17 they charged him with misimprison, which is precisely
18 what the crime would be. And I understand what you
19 just said. There is some cases, well, we got close to
20 it, but the problem I have is this. There are
21 probably a lot of other areas where logical
22 circumstantial evidence and logical conclusions are.

23 They could conclude -- the jury could conclude
24 from the testimony given of the change of -- no
25 question -- and question as to the time and whether or

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1 not that impeded an investigation. See, that is the
2 problem that I have. What does "impede" mean? Does
3 it mean throughout? Does it mean momentarily? Does
4 it mean two days? Does it mean a month? Does it mean
5 three months?

6 MR. GALMORE: In some states "impede" means you
7 have to actually physically stop an officer.

8 THE COURT: The term in a lot of federal cases
9 says "material".

10 MR. GALMORE: Yes, sir.

11 THE COURT: And we don't have any such language
12 that I can find. The case law in these federal cases
13 typically are dealing with -- the ones that I looked
14 at dealt with an FBI agent, which I threw that out
15 because that is clearly a statute.

16 There is also one that dealt with a probation
17 agent getting information on pre-sentencing, which I'm
18 guessing, and I didn't go further to look, but I'm
19 figuring there is probably some statute that allows
20 that as well.

21 But the issue here is -- the one big misleading
22 could be is if they conclude that Mr. Moorner in that
23 telephone call didn't tell her to stay away, but
24 wanted to renew his relationship. Now, would that be
25 misleading? Maybe. May not. It doesn't necessarily

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1 go, but it is an investigation of a missing person,
2 and that may change some things. Again, does it --
3 does the evidence say that categorically? No. Is it
4 something that the jury could conclude in the light
5 most favorable to the State? Yes, it is. And so that
6 is one of the areas that could be deemed misleading.

7 Now, did they ultimately determine that maybe
8 none of those things were true? Yeah. Maybe so.
9 But, again, what does "impede" mean? I really thought
10 -- I thought long and hard about this before I started
11 hearing this. You know what, I'm going to be thrown
12 into -- don't throw me into that fire, but I thought,
13 Judge, you are going to have to make a call, because
14 it is really not well defined.

15 MR. GALMORE: Can I put one more bullet?

16 THE COURT: Oh, yeah, I'll let you put anything,
17 but I'm stating that so it is clear why I'm going to
18 do what I'm going to do. Can't define -- I know what
19 I feel, but that's not pertinent. I think it is a
20 jury issue of what is "impede." Now, that is why I'm
21 putting that, because it is not defined, and if this
22 case becomes a case, I don't know whether it will or
23 won't, but if it makes some law, then we've done
24 something pretty good because they'll quickly say,
25 Judge, you should have directed a verdict as you are

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1 feeling that you should have. You should have made
2 the call. If they do that, then we've made law
3 because we created a factual situation that allows
4 them to articulate what it is that has to be done.

5 There is no question that the mistake about did
6 you make a call or not make a call, that is 10
7 seconds. I mean that's the best. I mean, to me, if
8 that was all I had, probably -- I probably would run a
9 risk and make a call, but I don't. There are other
10 things. So given that -- and then, quite frankly, if
11 they believe the last witness, they can believe that
12 he held back information. But, you know, all of the
13 rest of this -- all the rest of it, frankly, the --
14 the -- basically the last testimony showing where the
15 towers were, that was really very beneficial, as I
16 said, to both sides. I mean it really confirms a lot
17 of things. I thought it was pretty objective because
18 he's entitled -- any expert is entitled to reach
19 conclusions within the area of his expertise, and all
20 of his conclusions were clear, but what was good about
21 the exhibit is that it showed the possible variances,
22 which I thought was very probative in the sense that
23 now it allows the jury to consider his analysis and
24 make their own assessment.

25 So these are things that I think begins to say,

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1 for instance, how would they have had all of this
2 information but for the fact that he was given his
3 phone and doing all of that. That didn't impede. But
4 that is a jury issue that comes -- a jury has to say,
5 no, we don't think he impeded. And the intent,
6 because, clearly, that is an aspect of it. I will
7 charge intent, that it has to be an intent to mislead,
8 and that is what the charge will say.

9 So -- and I would like -- and I probably deal
10 with this one more than you have, but typically in a
11 civil trial, especially some of these what I call
12 fender-benders, minor impacts, and I have had so many
13 juries conclude -- find for the defendant even when
14 negligence was either as a matter of law determined or
15 they admitted it, because the jury looked at it and
16 said there is no way in the world that could have
17 possibly done that. But that is proximate cause.

18 I've been doing this for almost 24 years, and I
19 guarantee, because there have been tons of times I
20 wanted to take it from the jury so we wouldn't have to
21 wait around for them to wrestle with it, and I don't
22 think they should have to. There is not a case that
23 says proximate cause is not a jury issue. I don't
24 know how I can make that call on intent. That is the
25 other thing that is a part of really a jury issue.

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1 So would you please put anything else you want to
2 place on the record.

3 MR. GALMORE: Well, Your Honor mentioned
4 misrepresenting as being undefined, and that is the
5 problem in this case. Because it is undefined, it is
6 vague, and as such, this should not be an issue before
7 a jury.

8 I also would submit to the Court that in looking
9 at South Carolina case law --

10 THE COURT: So you think the statute is
11 un-Constitutional?

12 MR. GALMORE: Yes, sir.

13 THE COURT: You should make a motion to have it
14 declared that.

15 MR. GALMORE: That is what we're doing now.

16 THE COURT: I think you are a little late on that
17 one.

18 MR. GALMORE: I understand the Court's position
19 on that.

20 THE COURT: Unless solicitor wants to agree I
21 don't --

22 MR. HOLFORD: Your Honor, this is a common law,
23 not a statute.

24 THE COURT: Well, I understand that.

25 MR. GALMORE: I would likewise --

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1 THE COURT: You are declaring that common law, as
2 we incorporate common law, is un-Constitutional,
3 because that is how we get it?

4 MR. GALMORE: Well -- well -- well, the common
5 law has been codified. You know, most of those --

6 THE COURT: Some of it, but it didn't rule out
7 all of the --

8 MR. GALMORE: Right. And what's left is a vague
9 catch-all provision.

10 THE COURT: Thank you.

11 MR. GALMORE: Yes, sir.

12 THE COURT: You made your points.

13 MR. GALMORE: Yes, sir. The last thing I would
14 point out is that each of the cases involving
15 obstruction of justice under South Carolina law
16 involves a court official.

17 THE COURT: Absolutely.

18 MR. GALMORE: A police officer, a mayor.

19 THE COURT: But there is a reason for that. Most
20 of the cases we've seen -- maybe you have one, but I
21 didn't find one under common law that was recorded.

22 MR. GALMORE: Regarding an individual, a citizen?

23 THE COURT: Yes.

24 MR. GALMORE: No, I didn't either.

25 THE COURT: All right. The one we had was I

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1 think a Hess case where there was a common law
2 compartment. That one had some other issues in it,
3 but typically what you have -- most of the times we
4 see this is if someone is in a position of power or in
5 office and they misused their office and they are
6 hiding things and doing -- that is how that gets
7 involved in the impeding I think.

8 But we clearly -- I didn't find anything in South
9 Carolina law that deals with any type of
10 investigation. And I looked up, as I'm sure you did,
11 interrogation, investigating officers, and I find a
12 lot of things where they have misleading, but it
13 doesn't lead to an obstruction of justice. It may
14 lead to some other things, but not obstruction. So it
15 is undefined.

16 MR. GALMORE: And the reason why it is undefined
17 is because it goes back to the common law.

18 THE COURT: Yeah.

19 MR. GALMORE: And when we get to our common law,
20 obstruction comes from the administration of justice,
21 you know, hampering the administration of justice.
22 That has to do with the court officers.

23 THE COURT: I'm going to rule on that one as an
24 older lawyer did. I went down and I had, what I
25 thought, was a good theory. My father had a friend

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1 who was a renown -- just a great guy, Mr. Rosen, who
2 was an incredible attorney. He said, You need to go
3 talk to Mark. So I went down and talked to him, and
4 he said, That is really fascinating, did you find any
5 cases that support that? And I said, No, sir. He
6 said, And I know you think you created, but do you
7 think maybe someone else may have thought of that
8 before, and maybe the reason it is not there is the
9 Court hasn't agreed with that.

10 I would venture to say this probably isn't the
11 only case tried under this common law statute in this
12 state; do you think?

13 MR. GALMORE: I wasn't able to find one.

14 THE COURT: I wasn't either. So I think -- I
15 think -- I appreciate your position. You made your
16 record, and you are certainly entitled to rely to it,
17 but I'll respectfully deny it. Thank you, sir.

18 MR. GALMORE: Thank you, sir.

19 THE COURT: You bet. Solicitor.

20 MR. HOLFORD: Your Honor, if you deny the motion,
21 the State doesn't need to be heard.

22 THE COURT: I don't think you do, unless you want
23 to try to undo what I've done?

24 MR. HOLFORD: Certainly not, Your Honor.

25 THE COURT: Thank you, sir. We'll be at ease

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1 MR. TRUSLOW: Yes, Your Honor.

2 THE COURT: Very good. Let's bring in our jury.

3 MR. HOLFORD: I do have one question. Do we have
4 to do DV motions again after the defense rests?

5 MR. TRUSLOW: We can preserve it, but not argue
6 it again. We renew our directed verdict motion.

7 THE COURT: Technically, no, to answer your
8 question. They renewed it, and denied. So that's
9 fine. I'll put that on the record. Thank you,
10 Solicitor. I appreciate you bringing it up. We
11 needed to close that door, too.

12 (The jury enters at 2:25 p.m., and the
13 following is heard in the presence of the jury.)

14 THE COURT: Thank you. Ladies and gentlemen,
15 we've taken care of some matters, and we're now ready
16 to continue. When we took our recess for lunch, the
17 State had rested, and as you recall, when we began
18 this process I indicated to you that the State of
19 South Carolina -- and only the State of South
20 Carolina -- had any burden of proof in this
21 proceeding, and that the defendant was not required to
22 introduce any evidence, not required to say a word,
23 not required to present anything because the sole
24 burden rests upon the State. But if they wanted to
25 add anything else, this is would be the time, and they

CLOSING STATEMENT - MS. LIVESAY

1 would have that opportunity. So, Mr. Truslow, does
2 the defendant wish to present any additional
3 testimony?

4 MR. TRUSLOW: Defense rests, Your Honor.

5 THE COURT: Very well. That concludes the
6 evidentiary portion of the proceeding. That means
7 there is no more evidence, but it still would be
8 inappropriate for you to begin that process
9 individually of deciding why because we're now at what
10 I mentioned earlier, the second opportunity for the
11 attorneys to speak.

12 Now, they will speak, and unlike opening
13 statement, you have heard the evidence and will take
14 that evidence that you will ultimately be instructed
15 to analyze and apply the law that I will give to you
16 following the closing arguments. Please give the
17 attorneys your attention, but remember now that during
18 both of these parts, be it the closing arguments or
19 the instruction on the law, neither contains any
20 evidence for your consideration. Solicitor, you may
21 proceed.

22 MS. LIVESAY: Thank you, Judge.

23 Ladies and gentlemen of the jury, you were here
24 today and you heard a lot about obstruction of
25 justice, that is what this defendant is charged with.

CLOSING STATEMENT - MS. LIVESAY

1 Now, what does that mean? I'm going to ask you to use
2 your commonsense. I know we are in a courtroom, there
3 is cameras going, everyone is dressed up, but all this
4 is about commonsense. Don't check it at the door just
5 because we're in this courtroom and everyone is
6 dressed up.

7 Obstruction of justice is just what you would
8 think it would be, it is hindering the police. It is
9 misleading. It is doing anything to obstruct justice
10 being served. Now, what did Sidney Moorer do to
11 obstruct justice? That is the first question. Did he
12 obstruct justice? Was this an intentional act? I
13 have to prove to you that this was an intentional act
14 on his part.

15 Now, I want to review a little bit of evidence in
16 this case to hit on the highlights, the reasons I
17 believe he intentionally did any act -- any act to
18 obstruct justice. Now, this trial is extremely
19 important. Every trial that we're up here for is
20 extremely important. There is no doubt about it.
21 What we are doing in this courtroom today is
22 administering justice. So everything we do up here is
23 important.

24 Now, my closing is going to be about 30 minutes,
25 so I'm going to hold your attention for 30 minutes.

CLOSING STATEMENT - MS. LIVESAY

1 My dad told me a long time ago that Billy Graham was
2 about the only person that could hold someone's
3 attention more than 30 minutes, and he looked at me
4 and he said, You are a far stretch from Billy Graham,
5 so keep it short. So that is what I'll do today.
6 I'll ask Ms. Miller to come hold this so I can make
7 notes while we go through this. I feel like it will
8 help us stay on track.

9 The first witness you heard from was Danny Furr.
10 Now, when Danny called Sidney Moorner right off the
11 bat, evening hours, he calls and says, hey, we're
12 looking for this girl, this 20-year-old girl, have you
13 talked to her? Have you seen her? Now, he didn't
14 have to say anything. He didn't have to pick up the
15 phone. He didn't have to call back, but he did. And
16 what did he tell Danny first? At first he was like,
17 no. No. Well, I haven't seen her, but I think she
18 called me a couple days ago. I haven't seen her, but
19 I think she called me a couple days ago. He never
20 mentioned one time anything about calling her first.
21 He never mentioned one thing about her driving by his
22 house. He never mentioned one thing about notes.

23 Now, he knew Danny was calling and looking for a
24 young woman, and his first go-to move was to be
25 deceptive, mislead the police. Now why is it

CLOSING STATEMENT - MS. LIVESAY

1 important that this man is misleading the police?
2 Because the phone records show us he was the only
3 person -- you'll be able to take all of this back here
4 with you -- he was the only person that talked to her,
5 that lasts about 10 minutes.

6 When you look at these phone records, you see
7 there is nobody with more information about this woman
8 than Sidney Moorner, this defendant. Nobody. That was
9 the person that she talked to last. That was the
10 person she talked to for about 10 minutes longer than
11 anyone else, including her roommate. So he was
12 important. He was key, and his first go-to move was
13 to story to the police to hinder the investigation,
14 obstruct, not tell vital information; not only not
15 tell it, but mislead.

16 Now, that was the just the beginning. The second
17 person he talked to was Brian Scales. Brian Scales
18 was the guy on the video. Now, to me, that was the
19 turning point. When he comes out, the police are now
20 up at your house. So we know this is a serious
21 matter. They are at your house at 2 o'clock in the
22 morning. They are asking you, Have you seen this
23 girl? Do you know anything? When is the last time
24 you talked to her? What did he say? Oh, oh, there
25 has been this huge gap, this huge gap, and then all of

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1 a sudden she started blowing up my phone. She started
2 blowing up my phone. Do you know why? No. No. No.
3 She wanted us to meet, wanted us to meet. Then he
4 takes out his phone. That had to be a turning moment
5 for me. Here, look at my phone. Look at where she's
6 blowing my phone up. Such a deliberate act to hinder
7 and mislead them. Look at my phone, I haven't called
8 her. I haven't had any contact with her, look at it.

9 That was an intentional, deliberate act to hinder
10 this investigation and mislead the police. He knew
11 that the phone didn't show evidence from that pay
12 phone. He knew that phone didn't have those deleted
13 text messages on it. He showed them that, leading
14 them in the wrong direction. Look, I'm nobody with
15 any information. I haven't reached out to her. I
16 haven't talked to her in months. Look, literally
17 taking out the phone. He's showing the police what he
18 wants to show them. He is showing them what he needs
19 to show them to throw them off, to mislead this
20 investigation, to obstruct this investigation. That
21 is what that was about, deliberately showing them
22 information he knew was part of the story. He knew it
23 was, and it was only his part of the story.

24 Well, what about this voice mail? Let's hear
25 something from her. She's missing. What is she

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1 saying? What is going on? I deleted that. So what
2 she was saying is deleted, but these phone calls, you
3 left them up here? Deliberately, intentionally
4 misleading the police. Now, why? Why was he doing
5 this? Why was he showing the phone? Because he knew
6 just what the police knew. This -- this thing right
7 here (indicates), it is ticking the whole time.
8 Seconds matter. Minutes matter. So he's telling
9 them, Look over here. Look over there. I don't have
10 anything information. This clock is going the whole
11 time, it doesn't stop. It never stops.

12 Now, in that same conversation -- of course at
13 2 o'clock in the morning, ironically, this night he is
14 not chained to the bed, and ironically he has his own
15 phone. Before, it was, Look, I'm chained to a bed. I
16 don't even have my own phone. Don't come to me for
17 information. I've got nothing. Ironically, he's not
18 chained to a bed, and he has his phone texting out of
19 his pocket. The best part is not that he shows the
20 phone, but he goes inside. The conversation has
21 ended. This is how you know he is intentionally
22 trying to hinder the investigation. I'm helpful. I'm
23 helpful. I'm helpful.

24 He comes back outside and reinitiates the
25 conversation with the police. Listen to the tape. It

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1 is in there. What does he deliberately come out and
2 tell them? Misinformation. You don't have to talk to
3 the police. No one is making you talk. He makes a
4 deliberate effort after he's inside, all of it is
5 over, he walks back out, hey, this is really bothering
6 me, this guy says there has been 300 text messages
7 between me and her in the last 30 days, and I know
8 that ain't true.

9 So he comes out to further -- deliberately
10 further the story of this -- there has been no contact
11 between us, no contact. You don't have to talk to the
12 police, but guess what, you don't have to walk back
13 out of your house, This is what is bothering me, this
14 misinformation, there hadn't been 300 calls between us
15 for 30 days. That is what he came out and told the
16 police. He didn't come out and say, Look, I don't
17 want my wife to know, I did call her, this is what
18 happened. I have seen her. I get the gravity of this
19 situation, she's missing.

20 No. No. No. He comes out and says, Look, these
21 300 texts have not happened. Don't look over here.
22 That really bothers me, I'll pull my phone records. I
23 can go inside and pull my phone records up. Of course
24 you can, the phone records won't show the pay phone,
25 so why wouldn't you. He's deliberately trying to

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1 mislead them.

2 When I ask myself about giving information to the
3 police, in that conversation, if you listen close,
4 listen close, he says, look, he feels threatened by
5 something, and I've got a gun in there and I've got
6 three kids in there, so you better tell whoever they
7 come in there, I have three kids and I'll do whatever
8 I have to to protect my kids. So in the same breath,
9 you're lying about information you have about these
10 people's kids, but you are worried about your own
11 kids. So you know the importance of family. You know
12 the importance of protecting your children, keeping
13 them safe, wanting to know where they are.

14 He's in there, yeah, if anyone comes in there,
15 they ain't coming out. So he understands the
16 importance of his children, keeping them safe, wanting
17 to know where they are, and in that same breath, he's
18 lying and misleading the police about these people's
19 kid. That girl was someone else's child he was
20 sitting there misleading the police about. That girl
21 was 20 years old, and that is the first thing that
22 comes to your mind, is to lie, misleading, look at
23 this phone? She's someone's child too, and he knew
24 someone was looking for her. He knew her parents were
25 looking for her, and that was the first thing, lies

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1 and deception? Look over here. Look at my phone. It
2 ain't me. The deliberateness in that shows he was
3 hindering the investigation.

4 He didn't have to talk to the police, but he did.
5 Why did he talk to the police? Why? Because his
6 intention was to mislead them that's why he talked to
7 the police, to mislead them, to send them in the wrong
8 direction. And why do that? Because this is ticking
9 the whole time (indicates). So as long as you are
10 running down over here in the wrong direction, this is
11 ticking. This is ticking. Seconds matter. Minutes
12 matter. That's why. He had the intent to mislead
13 them, point them in the wrong direction, because
14 seconds and minutes matter.

15 Now, the next person you heard from was Jeff
16 Cauble. All of these videos I'm telling you about is
17 in evidence, please go back and listen to them. I
18 know this one was very difficult to hear. I've heard
19 it several times, but if you need to listen to it
20 again, please do. Jeff Cauble is the third person he
21 talked to. Now, by then, this is the third guy you
22 bump into him. Not only you have bumped into him now,
23 but now he's at the police department. These guys
24 already told him, If you're lying, you are hindering
25 an investigation. They told him that night, If you

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1 are lying, you are hindering an investigation.

2 Now, he comes in and talks to Jeff Cauble. If
3 you don't know by then, by the third cop you talked to
4 and sitting at the M.L. Brown, that it just got real,
5 that is the time to figure out this thing just got
6 real. This is not no speeding ticket. This is not no
7 traffic ticket. This is important. She's obviously
8 still not been found, because now we have gone from
9 early morning hours to late afternoon on the 20th,
10 and she's still missing, still hasn't been found. No
11 one has learned anything. So if you were wondering if
12 it was real the first couple of calls, he knew by that
13 time this is getting real. This is serious. Now is
14 the time to tell what I know. This little girl is
15 still missing, so I need to tell whatever I can.

16 Now -- again, he didn't have to come to the
17 police station. The police didn't go pick him up.
18 Jeff Cauble told you that. He came. His wife came,
19 and then he left, and somebody picked him up. He
20 didn't have to go come to the police station, he is
21 absolutely right about that, but he did. He came.
22 Ask yourself, why did he come? Why? Because he came
23 to hinder and obstruct the police and mislead them,
24 that's why. He came to give a false story and lead
25 them in the wrong direction. Why? Why do that?

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1 Because this is ticking the whole time. They are
2 trying to figure out his story. This is ticking.
3 They are trying to collect evidence. They don't even
4 know where to turn at this point. They are just
5 talking to people that she talked to last. They don't
6 even know which direction to take off in. They are
7 just trying to gather what they can, gather this
8 information and then let's figure out which direction
9 to go. They don't even know which direction to go.
10 They are looking to him to point them in some
11 direction, and what is he doing? A girl is missing.
12 She's 20 years old. Someone's child is missing, and
13 he's saying look over here. At these critical hours,
14 he's misleading the police, look over here.

15 The first thing he goes into with Jeff Cauble is
16 what he did that night, where he was. That's the
17 first thing, and I'll go back over it. I'll hit it on
18 kind of the one that breaks it all to pieces. He
19 talks about where he had been, where he had been, but
20 then what gets me is they ask him straight up, Did you
21 reach out to her? No. Did you use another phone?
22 No. Then it got so to the point it was like, Um, did
23 you call her from a pay phone? This is the money
24 moment. No. They still make pay phones? If you have
25 any doubt at that time that he's trying to mislead or

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1 obstruct or hinder the police's investigation, that's
2 it. That's it. Not only "no," but "they still make
3 pay phones?" Yeah, you were at one two days ago. But
4 that comment, it shows you his intent. Not just "no,"
5 but "they still got pay phones?" Yes, they still got
6 them. But that shows his intent to mislead them. I
7 don't know nothing about a pay phone. The whole time,
8 look over here. Look over here. Don't look at me.
9 It was an intentional act. That statement alone shows
10 his intent to mislead and obstruct that investigation.

11 He only admitted because they said, Yes, look, we
12 got video. Okay, then I called her from a pay phone.
13 Only then did he admit it. And then when they hit on
14 that it was kind of like when you crack an egg and it
15 splinters or hit a windshield and then it splinters.
16 You hit that one spot, and it breaks loose. That is
17 what happened with the pay phone. When they hit it,
18 everything else started to spatter out, break loose.

19 Then, what he told these people, I haven't seen
20 her. I don't know anything about it. All of the
21 sudden, completely 180. It was there has been this
22 big gap of time, now it is a complete 180. Yes, I've
23 seen her, she's been riding down my road. Yes, I've
24 seen her, she's been leaving notes on my vehicle.
25 Yes. A complete 180 from what he had been telling two

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1 other cops for about 24 hours at this point. Now it's
2 she's stalking me. Please, leave me alone. Please,
3 just leave me alone, that is what he told her. And
4 then I had to call her from the pay phone and say,
5 please, please, just leave me alone.

6 Now, what is so telling about that? The story
7 completely changed, because when you lie, you have to
8 keep lying to cover up the last lie. So now it is
9 basically -- she was basically stalking me again, and
10 I was like, no, I didn't want nothing to do with you,
11 please, please, leave me alone, please. And then we
12 get to the phone records, because then we have to have
13 the phone records. What the hell is going on? No one
14 knows. It can't be both. It can't be I haven't seen
15 her and she's riding down my road and leaving notes.
16 It can't be both, so now we have to fetch these
17 stories and this question of did this hinder the
18 investigation. When he -- Jeffrey Cauble said it is
19 like when someone spits in your coffee. He didn't
20 spit in it once. He didn't just spit once. He spit
21 when he told Danny Furr, I haven't talked to her. He
22 spit in the coffee. Then again when Scales came out
23 and, Look at my phone. Lies. Another spit in the
24 coffee. Then when Cauble came out, No. They still
25 had pay phones? Another spit in the coffee. They are

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1 asking -- what is the big deal about all of this?
2 What is the big deal? And then the stuff about, She's
3 stalking me. She's stalking me. So let's get the
4 phone records and get it cleared up.

5 What do we find out from the phone records? I
6 had this guy here you met, Mike Melson, do every day
7 of December -- every day. You know why? Because I
8 have been working on this case, and the first thing I
9 realize is every time you catch that defendant in one
10 story, then it is something else. So I already knew
11 if I did only the 17th and 18th then it would be, We
12 didn't say that day, we said she was riding by on the
13 14th. I already knew that was coming. We didn't say
14 that day, we said the 15th. So I decided we'll get
15 it straight and do the whole month, that way we don't
16 have to worry about it. And what did he tell you?
17 She was never even by his house -- not one time --
18 during the entire time of December. You're talking
19 about a 20-year-old girl always on the phone, and not
20 one time did she hit a tower by his house. She
21 doesn't even go on his side of town. So we know she
22 ain't riding by his house. The tower she used at the
23 boat landing down the road, first time she ever used
24 that tower and after she talked to him twice -- after,
25 never before. Not one time before was she even in his

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1 neighborhood.

2 Okay. Okay. Maybe she was leaving notes. You
3 heard Mr. Truslow say, Would you know if she got out
4 of the car and left a note? Well, big shocker about
5 that is when you look at this -- the reason we brought
6 this up is because we are going to show the Cellebrite
7 -- the last time he had contact with her was on
8 November either the 4th or 5th, okay. November 4th or
9 5th, and at that time we heard two people say he had a
10 white Ford truck. At that time he had a 2010 Ford
11 truck that was white. Then he bought after that --
12 days after that -- on the 8th -- there had been no
13 contact, and we know from the phone records and from
14 the Cellebrite then he goes out and buys a tuxedo
15 black truck. So the question is not only would Mike
16 Melson not know that, but how would she know which
17 truck to leave a note on? We downloaded his phone.
18 No contact, no conversations about a new truck. So
19 how when she's riding through Olive Garden and Sticky
20 Fingers would she even know this was his truck? He
21 wasn't even driving the same truck he was driving
22 while they were dating.

23 So not only would Mike Melson not know, but
24 Heather Elvis would not know which truck to leave a
25 note on either. You heard both of these people tell

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1 you that as long as they knew he had a white truck. I
2 get it. He had an affair probably in that truck, so
3 now it's time to get a new truck. I'm okay with that.
4 But it is hard to get a new truck and then claim this
5 woman you haven't talked to knew you bought a brand
6 new black Ford truck. So she wouldn't have even known
7 what truck to leave the note on, that is why these
8 were important.

9 Now, she wouldn't have known what truck to leave
10 it on and the -- well, there is no evidence that she
11 rode by his house for a month or knew what truck to
12 leave it on. No one. There is not one shred of
13 evidence. Her best friend and roommate had no idea he
14 didn't have his white truck. Nobody did. Jessica
15 didn't know he had a black truck. So those are
16 discounted.

17 Then he comes back with, well, I don't know that
18 she moved on with her normal life because after I told
19 her to quit calling, she kept calling. She just would
20 not leave me alone, this little girl was so obsessed.
21 Well, let's go back and look at the text messages when
22 you are telling her to quit calling. Now, once we
23 look back, what do we see? We see that his phone is
24 texting her, 997-8152, on November 3rd at 7 o'clock.
25 Call the number, it's me. Someone is texting from his

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1 phone to Heather\Elvis' phone, Call me. Call this
2 number, it's me. Not only is it "call me," it's "call
3 this number." And he's telling the police, oh, I told
4 her to quit calling me.

5 I guess he didn't think we would see it, because
6 when you look beside it, it shows that he deleted it.
7 So I guess that is why when he was telling the police
8 all of this stuff, he thought we would never find out.
9 He didn't know that Cellebrite is also capable of
10 recovering deleted messages. So he got called out on
11 that one.

12 There is other messages in here. Another one to
13 her, If you want to speak to me, call me now. Another
14 one. Another one. Oh, and that one is deleted, too.
15 Ironically, that one is deleted. When you look at the
16 phone, you don't see the deleted messages. You can't
17 get them without Cellebrite. So when he is sitting
18 there showing the police, he knew what he was showing.
19 He knew he deleted these messages, and we recovered
20 them. Two of them, Call me, call this phone, that he
21 sent her. He sent her. Then she's the one that teed
22 him and said, Look, I think you are obsessed with me.
23 That is what she teed him back, I think you're a
24 little obsessed with me. Here it is, November 3,
25 2013.

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1 Now, this is the only information we have from
2 her. If you look it says, I think you are a little
3 obsessed with me. Shockingly, that one was deleted
4 too. Anything she had to say that would give us any
5 guidance about what was going on, he deleted. He
6 either deleted it or tried to hide it. We recovered
7 it, thank God. We can't recover the content of the
8 conversation, but we did recover this, and it shows
9 him talking about, Call me. Call me.

10 Then, when you scratch a little further -- and
11 something else, when he says she wouldn't quit calling
12 me, this relationship started in September, that is
13 why I brought this up. These are the calls back and
14 forth between the two of them. By July, they are
15 already contacting each other 411 times. You look
16 through this every single month, he is texting her
17 twice as much as she's texting him. Twice as much.
18 So one of them is a little obsessed, but it is not
19 Heather Elvis.

20 In the month of November -- and I pointed this
21 out -- when he said, I told her to quit calling, she
22 wouldn't quit calling, he reached out to her 40 times.
23 She reached out to him 24. So does that sound like
24 she wouldn't quit calling him? He reached out twice
25 as much as she reached out to him. So we've already

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1 discounted that idea that you are trying to tell us
2 she wouldn't leave you alone, she's obsessed with you.
3 It's just not true, simply not true.

4 So why did he call from a pay phone? I do not
5 know. I can only speculate at this time, but what I
6 can tell you is there is not one shred of evidence to
7 show that he called to say stop calling me. There's
8 not one shred of evidence to say that. She has no
9 reason to call, she was on a date. Does it even make
10 sense that you are calling her in the darkness of
11 night from a pay phone to say leave me alone. At the
12 same time that her date is dropping her off, she left
13 you alone. She's long past that. So that doesn't
14 even make sense.

15 Now, when you start looking, you find a lot of
16 times when people are being untruthful, especially in
17 situations like this, they try to switch the role.
18 They try to blame the victim, and they basically try
19 to say the victim is doing everything that, in
20 reality, they are doing. When you scratch the surface
21 in this case, you find the same thing.

22 When you look at his stuff from Hawk Analytics --
23 and you are going to be able to take this back there.
24 When you look at this stuff from Hawk Analytics, what
25 do you find? When you scratch the surface a little

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1 more where he was, you find that he is at Tilted Kilt
2 that night where she was. That is where he's hanging
3 out, Tilted Kilt at Broadway at the Beach where she
4 was. You know there was probably a hundred other
5 places to go in Myrtle Beach besides Broadway at the
6 Beach. Honestly, I don't even know that people over
7 30 should go to Broadway at the Beach, but that is
8 beside the point. But he's hanging where she works.

9 Then her car wasn't there because she wasn't
10 working that night. She was on a date. So if you
11 look at it, after that, where does he go? Rolls right
12 down River Oaks, right by her house. Now, Mr. Truslow
13 asked Jeff Cauble, well, do you know that she lived in
14 River Oaks? Do you know that? Do you know that
15 Sidney knew she lived in River Oaks? Yes. Yes. How
16 do we know that? Because when he talked to the
17 police, you noticed he didn't say a dang word about
18 going down River Oaks that night, that is how you knew
19 he knew she lived there.

20 He is being questioned about a missing girl, and
21 he rode by her house that very night, and he left that
22 part out. That is how you know. He left out the pay
23 phone, and he left out he drove by her house. What
24 else did he leave out? That he had been down by Long
25 Beard's, he also left that out. Why? Why leave that

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1 out? Ironically, shortly after the pay phone call,
2 she makes that same route right down River Oaks, right
3 to Long Beard's. If you are wondering if he knew she
4 lived there, the fact that he didn't tell the police
5 that he had been by that house tells me he knew she
6 lived there. That is why he didn't tell the police he
7 was riding by earlier that same time, because he knew
8 she lived there. He was the one riding by her work.
9 He was the one riding by her house that night. He was
10 out there for four hours. Four hours. He was only at
11 Sticky Fingers where he worked for 45 minutes, the
12 rest of the time he's out everywhere -- but his job
13 place -- riding by the house, riding by the house,
14 riding by Long Beard's. He actually goes back to
15 Conway. What goes on then? Don't know. He goes back
16 to Conway. Then you look at the phone records. As
17 soon as he goes back, he goes around Sticky Fingers
18 about 10 minutes, and then right over there by
19 Wal-Mart, and then right over there by the pay phone,
20 and then no data after that.

21 Now, what does that tell us? That tells us he
22 was misleading the police in a very deliberate way
23 that night with his story of where he had been. He
24 goes straight to the Wal-Mart, then he goes straight
25 to the pay phone. Now, there are a lot of other

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1 things that are misleading that I don't want to get
2 caught into. First of all, you are telling me that
3 your wife chains you to the bed and won't let you have
4 your phone, but you can get out of the vehicle and get
5 out and run to a pay phone and you are -- this is
6 someone being chained to the bed, can't have their own
7 phone, but you can get out at 1:30 in the morning and
8 then run across the street to a pay phone? There is
9 no way. There is no way that makes any sense, none at
10 all.

11 He called her. What he said, I don't know, but I
12 will tell you it wasn't "leave me alone." It was not
13 "leave me alone." Now, something else about this I
14 find very interesting. Last set of texts on 12/18
15 eastern time around 4:37, 4:38. Now, when the police
16 were asking him -- and I want you to listen to the
17 statement because he is so specific about something, I
18 got off work at 1 o'clock, 12:30. When I first heard
19 it, I didn't know why it was important, but I feel
20 like whenever you are specific about something and
21 trying to hide something from the police, you are
22 trying to create, for some reason, some kind of lie of
23 this is where I was, when you knew that ain't where
24 you were. You are trying to already mislead or cover
25 up this very specific time frame.

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1 Then, once I looked at the records, obviously it
2 became clear. He said I worked until 1:30, 1 o'clock
3 to hide the fact that he rode by her house earlier.
4 So, again, it wasn't I couldn't ride by her house, I
5 worked til 12:30 or 1:00, but he was very specific
6 about those times.

7 He was also very specific about another time I
8 want you to go back and listen to. I got home and I
9 was cooking for my wife. What were you cooking?
10 Potstickers or chicken. Then what you do? I
11 basically lay down, take my position, get chained to
12 the bed. He was very specific about that time frame.

13 Now, when we looked at the Cellebrite, we find at
14 4:37, 4:38, 4:38, could you please bring me an orange
15 juice with the potstickers, thank you. And then a
16 reply back from him, Yes, ma'am. So now you are
17 telling me he just got off the phone with a woman he
18 had been seeing at 3:17. It was a 3:17 call between
19 the two of them, and you are telling me that after
20 this phone call, this woman called you, this
21 20-year-old woman, that your wife overheard the phone
22 call, is what he said, she just let me talk and then
23 hang-up. And now you are telling me this phone call
24 is taking place, and now, about 45 minutes later, you
25 are texting your wife from your phone in the same

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1 house? In the same house, Can you bring me an orange
2 juice, thank you. And he writes back, Yes, ma'am.

3 So now not only does he have his phone, but he
4 has it in the same house one room over. Now all of a
5 sudden it has gone from I can't have my phone, to I'm
6 chained to the bed. You are telling me 45 minutes
7 after you get off the phone with a 20-year-old girl
8 that you've been having an affair with, you are going
9 to pick up that phone and walk into another room and
10 your wife is okay with that, and she's texting that
11 phone? That doesn't make sense. That doesn't make
12 sense.

13 Now, it does make sense if he's trying to tell
14 the police that that is where he was at 3:45. It does
15 make sense that he's trying to create a place where he
16 was during that critical time frame. I'll tell you
17 what doesn't make sense is that he gets off the phone
18 45 minutes later, he picked up the phone and says,
19 hey, I'm going into the kitchen in the middle of the
20 night, and I need the phone to walk over in the
21 kitchen with. I can tell you that don't make no
22 sense. That does not make sense to me.

23 So there is something misleading about that time,
24 and there is something misleading about the fact that
25 they are texting back and forth in the same house.

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1 Forty-five minutes after he gets off the phone with
2 his girlfriend, he is going to pick up that phone and
3 go into another room. Everything he told the police
4 was misleading.

5 On the very night that he knew they were looking
6 for this woman, a 20-year-old girl -- this picture is
7 from when she was on a date with another guy. While
8 he's riding around looking for her at her house, at
9 her job, this woman is smiling on a date driving
10 another man's truck. He knows this girl right here is
11 missing. This ain't no traffic ticket. This ain't no
12 speeding ticket. He knows some little girl,
13 somebody's little girl is missing at 20 years old. He
14 knows that, and you are telling me on the first day
15 all he can do -- all he can do is twist his lips to
16 mislead the police and hinder an investigation when
17 they are looking for an innocent, young woman that has
18 gone missing.

19 Kirk is right, he didn't have to talk to the
20 police. He didn't, but he did. He did because he had
21 every intention of misleading them, misguiding them,
22 obstructing that investigation and pointing them down
23 the wrong path in the very first 48 hours, that is why
24 he went in to talk to them, because his whole intent
25 was to mislead them. He knew it was serious. He knew

CLOSING STATEMENT - MS. LIVESAY

1 it was, and everything that came out his mouth almost
2 was some twisted version of the truth.

3 Now, I suggest to you that the defense is going
4 to get up here and try to tell you that it never
5 hindered the investigation. All of this misleading,
6 all the things he said that we had to get search
7 warrants for, had to contact Mike Melson for, that
8 didn't hurt the investigation. He wants you to
9 believe it helped the investigation, when the last
10 person that talks to her walks in and lies to them.
11 That is helpful. That is assisting the police in a
12 case where seconds and minutes matter and a young girl
13 has gone missing. He wants you to believe -- he wants
14 to trick you into thinking, look, that didn't hinder
15 the investigation, that didn't obstruct the
16 investigation. They had to do all of this anyway.
17 Anyway.

18 For one, as soon as he told the lie the first
19 thing that John Martin said was, well, we have to
20 start all over now. This woman is out there missing,
21 and instead of being able to go, getting in the car,
22 get some good information, go find her, in the very
23 interview he says, well, we have to start over now.
24 Let's start this back over. Seconds and minutes
25 matter. In that very interview they had to start the

CLOSING ARGUMENTS - MR. TRUSLOW

1 interview back over when they should have been out on
2 good information looking for this woman that was
3 missing. In that very interview you hear them say, We
4 have to start back over now. That is 20 more, 30 more
5 minutes lost. Lost.

6 Now, if you don't believe the police and that it
7 didn't hinder the investigation, his own family member
8 got up here and told you that this man was misleading
9 this investigation. His cousin, no pending charges,
10 no pending charges, no reason to come up here and tell
11 anything, and he told you he has not told everything.
12 He has more information to give, and he hasn't.

13 After they talked to him on the 20th, you never
14 heard another interview because Sidney never came back
15 in and corrected any of those mistakes, ever. She was
16 missing during that time frame. If you don't believe
17 the police, look at the fact his own family member
18 came in here and told you he hadn't been honest, he
19 has misled the police.

20 I'm going to ask you today to find him guilty of
21 obstruction of justice, because that is exactly what
22 he did. I appreciate your time.

23 MR. TRUSLOW: May it please the Court, your
24 Honor?

25 THE COURT: Yes, sir.

CLOSING ARGUMENTS - MR. TRUSLOW

1 MR. TRUSLOW: Wow, I remember an old saying about
2 telling the truth, and it kind of goes: Liar, liar
3 pants on fire. Somebody's pants should be on fire.
4 I'm offended. I have never ever seen since an
5 atrocious prosecution of someone. I've never seen a
6 state officer of the court be so dishonest and
7 slippery. It is unbelievable. You've been here this
8 whole time with me here, right? We've all been in
9 this same room. How does she have the nerve to get in
10 front of you and say what she just said?

11 Now, I don't want to presume I'm smarter than
12 you; I'm not. This is my job. You wouldn't believe
13 how much other stuff I can't do. I'm wearing a suit,
14 that doesn't make you smart. But this, I do. You
15 know, you guys know. You are reasonable people,
16 right? Look, please, for starters, do not in this
17 state, in this country convict somebody because the
18 prosecutor stands up in front of you and says he
19 misled them, he misled them, he misled them, over and
20 over and over. Don't go just with that, please. It's
21 more than that, you know.

22 James told you in the opening statement there is
23 trials all over the country, right? It is not just
24 us. Sometimes we take that for granted. We don't
25 really see -- we're talking about how important a jury

CLOSING ARGUMENTS - MR. TRUSLOW

1 is, but we don't really get it. Even me sometimes,
2 because I'm not doing this every day. I couldn't do
3 this every week, I'm telling you. But, you know, it's
4 the truth. Because you know what you are. I mean,
5 this is out of my hands, out of her hands. You are
6 the backstop, okay. There is nowhere to go after you.
7 The power is with you, so please, for the love of
8 everything, please, it's the only thing that works
9 from keeping someone innocent from being found guilty.

10 Please, let's go through the evidence, not
11 suspicion, not hammering away, not coming up and
12 giving testimony to be misled. What did he do? Let's
13 make a list. Give me the lies. Give me the stuff.
14 Well, we would have done a more thorough
15 investigation. What? What? So you didn't do a
16 thorough investigation? BS. Come on. Come on. That
17 is why they have such a hard time telling you what he
18 did wrong and how that hurt them.

19 Now, you see what is happening here? You see
20 what is happening here? They've bumbled this thing
21 for four years in ways you and I can't imagine. That
22 is causing trouble. It's causing pain. So they have
23 resorted, at this point, to put anybody in jail for
24 anything associated with this. And I'm telling you,
25 you find him not guilty -- you get a year or

CLOSING ARGUMENTS - MR. TRUSLOW

1 three-year exemption -- you won't be here, but someone
2 else will probably be sitting in here for obstruction
3 of justice. He's first. I wouldn't be surprised if
4 Steve Schiraldi gets dragged from Chicago and charged
5 with obstruction. Someone is going to pay. They
6 don't care who. And if that sounds harsh, and you
7 don't want to believe it, believe it. I've seen it.
8 I'm seeing it now. It is easy not to believe it
9 because you don't want to believe it. I don't. Let's
10 look at it. Let's look at it.

11 First thing I want to do is I want to tell you I
12 had to go through just a couple of things about what
13 the State just did with you. Client -- I mean Furr,
14 first phone call. My client calls him back at 1:00
15 a.m. He says, look -- he doesn't know how big this
16 thing is yet, Furr. He's not interviewing him. He
17 asked him, okay, when -- have you talked to her? He
18 told them he talked to her, okay. What they are doing
19 now is now they're coming in and saying -- he's saying
20 he didn't tell me he'd seen her, I asked had he seen
21 her. That's a lie. That's a lie. I have the report
22 from that day in 2013 that was written down. He asked
23 if he had talked to her. And I asked him -- if your
24 sitting over here and we're talking about a man's
25 life, you have to make this decision regarding this

CLOSING ARGUMENTS - MR. TRUSLOW

1 issue, am I going to go by what's written in the Horry
2 County Police Department report typed out and signed
3 by people almost four years ago, done when it
4 happened; or are you, who is coming in here testifying
5 this is wrong, I asked him something else, I remember
6 four years ago? Come on. Come on.

7 And then Ms. Livesay said when he was on the
8 phone with Furr -- that is all we had with Furr. Here
9 is when we started getting crazy, and I'll show you
10 before it is over how crazy it is. I mean, what a web
11 this is that we do not want to start going down this
12 path. She told you with Furr, not only that -- which
13 I just showed you what you should believe on that one.
14 She goes further, he didn't tell Furr that he made a
15 pay phone call. He didn't tell Furr this or that. My
16 God, who would? I mean, I swear to God, if I got a
17 call and he asked me a question and I answer it, I
18 would not feel compelled to just start throwing all
19 kinds of stuff out. I might feel like I wasted his
20 time. He is in control, not me. Not me. The cop.
21 I'm going to listen. He's asking me a question, I'm
22 going to answer it, okay.

23 Just think about it, am I going to start -- am I
24 going to start controlling the telephone call? Oh,
25 oh, hold on, stop for a minute, I have a whole bunch

CLOSING ARGUMENTS - MR. TRUSLOW

1 of stuff to say. That is not reality. Come on. You
2 know why she's saying that, because they have no
3 obstruction of justice so everything -- everything
4 that has come in and come out is obstruction to the
5 point of absurdity. Absurdity. Not only that, we
6 haven't even gotten there yet, obstruction of justice
7 is intentionally doing things that hinders, obstructs,
8 prevents law enforcement. That doesn't mean that you
9 say something different ten seconds later. That is
10 not what it means. Impeding an investigation,
11 obstructing an investigation, preventing an
12 investigation does not mean that the officer got upset
13 and had a stomach ache because you didn't confess to
14 something you did or didn't. Tell me every single
15 thing. Neither did Steven Shiraldi. He's not
16 arrested and charged with obstruction of justice yet.
17 Last person seen with her. They didn't go talk to him
18 for two-and-a-half days. The last human being with
19 her. They waited two-and-a-half days to talk to him.
20 When they talked to him, they interviewed him in the
21 restaurant for 15 to 20 minutes where he was working.
22 Does that make any sense? They obstructed themselves.
23 Did he have anything to do with them waiting
24 two-and-a-half days to go see Steven? No. Nothing.
25 Nothing. They impeded themselves.

CLOSING ARGUMENTS - MR. TRUSLOW

1 It gets better -- and I'm not going to be as long
2 I promise, but I got to believe -- I got to believe --
3 I got to believe that you get -- that you see what is
4 going on, but I don't know. I have to tell you some
5 things, and that is my job, and I believe in this.

6 So, again, that video when they come out to his
7 house, not only did he stand out there, not only did
8 he talk with them -- and by the way, let me back up.
9 The first contact they had was at 1:00 a.m. with the
10 officer I was just talking about, 1:00 a.m., 1:30
11 a.m., he testified he is brought in and assigned lead
12 detective 8:00 to 8:30 a.m. the next morning. That is
13 seven hours after the very first contact with my
14 client. Seven hours later.

15 They said they would start an investigation
16 early. It's already an investigation. There is no
17 special magic thing, okay, but seven hours later
18 they've assigned a lead investigator to this case.
19 And those seven hours are sleep hours. I mean, that
20 is like 1:00 a.m. to 8:00, right? Do you think that
21 they would do anything different? Wouldn't have had
22 to check Sidney out? Come on. They already -- look,
23 when he said he didn't make the pay phone call, they
24 already ordered his phone records and had some. They
25 were already coming in. They already had video from

CLOSING ARGUMENTS - MR. TRUSLOW

1 the pay phone. They already had that before he got
2 there.

3 What did he stop? What? He doesn't come out
4 there -- they don't get his phone records? Why would
5 they tell you that? Why would they do that to you?
6 Why would they put you in that position? I don't
7 understand it.

8 So the dash-cam video, stands out there. You
9 want to watch it again? I would. I mean, you saw it.
10 Because I want to go home. Okay. I'm telling you
11 what's on there, he's standing there and they ask
12 him -- any question they asked him, he answered.
13 Honestly. They said when was the last time you talked
14 to her, I don't know, last night or the night before,
15 which is exactly true. Exactly true. We're right
16 back to what I told you a minute ago. Here she comes.
17 That is all that video is. That, and the fact that he
18 gave his phone to the officer, and he went through it
19 and went through it. They make a lot of stuff about
20 texts being deleted. I delete text, you know. But
21 think about the ones she was reading. Think about the
22 wording of that. Think of the other stuff you heard
23 in here, and think about who sent the text.

24 We already had a officer testify. He said his
25 wife was texting her pretending to be him, right? I

CLOSING ARGUMENTS - MR. TRUSLOW

1 know you didn't miss that. But she also says despite
2 the fact they asked him, he answered, he gave him his
3 phone, you know, this girl is missing so he's got
4 texts with her in the early morning hours. If he's
5 guilty, nervous or hiding something, why does he give
6 them the phone? I mean, he doesn't know about the
7 phone records and videos. This is in the very
8 beginning. He gives the officer his phone to look at,
9 which knowingly has texts with the young lady from the
10 night before. Why? Why would you do that if you are
11 trying to direct them in another direction? Why? Or
12 if you have anything to hide or you are worried that
13 you did something, why in God's name would you
14 volunteer that? But she said he obstructed justice,
15 because when he is doing all of that on the dash-cam
16 video, he did not, you know, tell them a whole bunch
17 of other stuff.

18 All I can say -- because we'll speed along what I
19 said about the phone call the night before, he did
20 tell them. I don't want to go back through that. I
21 mean, think about it, right? Why would he? Why would
22 he? It's enough that he's standing out there with
23 them. He's answering whatever questions they have. I
24 don't think anyone at that time in the morning would
25 think this is my one opportunity to tell everything I

CLOSING ARGUMENTS - MR. TRUSLOW

1 know about anything, mind you, not being proven that
2 he even knows really what is going on yet, right?
3 What they even want to hear versus what they not want
4 to hear. Who is going to do that? No one.

5 So, interview, comes in all by himself. They
6 already got everything. They've already got all of
7 that. Did he lie? Yeah. Do you know why? I talked
8 to the detectives, interview, sat for awhile with one
9 officer, Large -- and he's later in that interview, he
10 was in the room, but they didn't bring him. All
11 right. He's gone. Anyway, he sat with him for a long
12 time.

13 Next interview, interview with he and his wife,
14 correct? Next interview, she walks out, she's in the
15 hall, they carry on with him, Detective Cauble gets
16 there, comes in. Did you make a pay phone call to
17 her? No. All right. That is not true. That's not
18 true. Guess who is in the hall? I mean this stuff is
19 getting crazy now. He was just sitting there with his
20 wife doing this, and now he's by himself, she's right
21 outside. So he didn't do anything. But God forbid,
22 why do they need to know that? Because they know
23 that. Before I leave here, my wife is going to know I
24 called her on a pay phone, right? I mean, think about
25 it.

CLOSING ARGUMENTS - MR. TRUSLOW

1 Notwithstanding that, he admitted to it maybe
2 less than ten seconds later. We'll talk about serious
3 business. We'll talk about felony crimes, you know,
4 obstruction of justice. You have to go back and
5 figure out what was obstructed and prevented, hindered
6 everything in ten seconds? Nothing. My opinion.

7 So to move along quickly, Cauble comes in and
8 talks about if someone spits in his coffee he gets
9 another cup of coffee, because the whole coffee is
10 contaminated. Guess what? I have news, he doesn't
11 need that because he already knows it. That's called
12 police work. It's called police work. I mean, that's
13 all that they do, talk to people and interview people.
14 Something doesn't add up, then say, well, what about
15 this, what about that. Oh, oh, oh, you know. And
16 guess what? Either he's innocent or not or whatever,
17 but that is what is going on, this is what is going
18 on. The doing of it is not illegal. They go back and
19 check it out, whatever, come back, you know, why
20 whatever? Now guess what? You are suspect in a big,
21 big case, right? Now you don't have any time. They
22 are not going to come back to you and clean things up,
23 why did you leave that out, my wife was in the
24 hallway. You're not going to say that. Now you have
25 a lawyer because you are looking at the big time,

CLOSING ARGUMENTS - MR. TRUSLOW

1 jammed up with charges, and you are wondering why.
2 The last thing you are going to do is go back and talk
3 some more. The last thing your lawyer is going to let
4 you do. He never got that shot. They never did
5 anything that they weren't going to do. Anything.

6 You know, Ms. Livesay told you that -- let me get
7 ahead of myself, but it tickled me to death. She said
8 they are all standing around scratching their heads
9 wondering which direction to go in, waiting for Sidney
10 to tell them. Gee, they just made him lead
11 investigator. Are we losing our minds? That is what
12 she just said. This is crazy. You have to see that.
13 I mean, I don't know what else I can do. I mean, what
14 I'm telling you -- you were here -- this is what you
15 are doing. This is your evidence that you can take
16 live with and find beyond a reasonable doubt, meaning
17 be firmly convinced he intentionally obstructed
18 justice, the investigation. So you can sleep well,
19 that is the evidence that they give you.

20 Look, you don't give anyone reward. You need to
21 find him not guilty. I mean, really. I'm not going
22 to go through all the rest of the evidence, you know,
23 I'm just not. We know where we are. The only thing I
24 ask you is, look, I promise you, a lie is about
25 95 percent in what the State told you in closing is

CLOSING ARGUMENTS - MR. TRUSLOW

1 hyperbole, speculation, what she thinks, a theory, a
2 story. You know, that is like if I were to tell you
3 what happened was that man -- he didn't say it to him
4 on the pay phone, we know that. Talk to her, she was
5 upset. Man, oh, man, all she's doing is telling what
6 she thinks. I don't even know if she really thinks
7 it, because I can't. Based on everything I know, I
8 can't. That is your job.

9 But remember this, please -- I don't want to take
10 the time to go through everything she said that was
11 false. Let me tell you, if she tells you something
12 false, and she has to know it is false when she says
13 it, it is a lie. So do this, please, if nothing else,
14 if anyone goes back and starts talking about
15 convicting this guy -- and I stopped talking as soon
16 as I thought -- you know, I thought I should have gone
17 through some more stuff, I'm going to pass out, all
18 right. If anyone starts talking about guilty, please.
19 I'm going to make this real for you. I mean, this is
20 the system. You are the people. This is our country.
21 This whole thing means squat. It means nothing. It's
22 a joke.

23 I mean, you know, if we don't do this right and
24 go by the rules and meaningfully stick to what it
25 takes to convict somebody, meaning being firmly

CLOSING ARGUMENTS - MR. TRUSLOW

1 convinced, you know, beyond a reasonable doubt of
2 every element of intent of obstruction, impeding the
3 investigation. You know, it's doing the stuff
4 intentionally, doesn't even matter, it's obstruction.
5 And then how did he impede or obstruct? Does any of
6 this matter, or are we just trying to put somebody
7 away so we can say we put somebody away? You can't do
8 it that way. Can't do it. You know, it would be
9 convenient. It would be convenient. It would be nice
10 for the police officers, for the State if we did it
11 that way. It would be real easy. We wouldn't need
12 trials. If it was that way, charged with something
13 you didn't do, looking at 20 years, you're going to
14 take ten years on a plea before you go to trial. I
15 mean if this is what awaits for you, right? I mean if
16 the system is not strong and I'm looking at 15 years,
17 and I didn't do anything, and they offer me a year,
18 I'm doing a year, I think. I mean, really, I'm going
19 to give it a lot of thought to it before I have a jury
20 trial.

21 Now, you all can make it real. You all can make
22 it strong. You don't have to do anything that you
23 shouldn't do. All you have to do is look at the
24 evidence, and when I say "evidence," not what is
25 coming out of my mouth, and not what is coming out of

CLOSING ARGUMENTS - MR. TRUSLOW

1 her mouth. What came out of their mouth, and not what
2 they said only she asked them, but when I asked them.

3 All right. Look at the Wal-mart video. He told
4 them, and the first one to tell them the day after he
5 went to Wal-mart. Why do we have to sit through that?
6 Why did we look at the pay phone video when he told
7 them? They already had it when he got there, but
8 nonetheless, he told them he made the call. He was at
9 a pay phone.

10 And, again, it may sound silly -- and I'll tell
11 you another thing that offends me. She said I want to
12 get up here and trick you. Is anyone here hearing
13 anything that sounds like me trying to trick you?
14 I've talked about nothing but what was said in this
15 court. I'm not trying to trick anybody. I mean, you
16 heard what I thought the system should be. I'm not
17 bastardizing the system by trying to trick anybody.
18 That is the last thing I would do.

19 Why did we watch that pay phone video? It was
20 like another hour, you know. He said he did that.
21 What did that add to anything, you know? I'll tell
22 you why. Because they think that they can do this,
23 you know, had other videos before and then also take
24 videos and play them, then take this video. The
25 longer we stay here, the more he has to be guilty,

CLOSING ARGUMENTS - MR. TRUSLOW

1 right? Because there is a whole bunch of stuff here.
2 How many people talked about the same thing? How many
3 times did we have to go through the phone records and
4 texts? Right? But guess what. There is power in
5 numbers. And they think if they keep doing it and
6 doing it and doing it, same thing, same thing --
7 watching videos for hours means nothing. He already
8 told you about that. You know, if they keep you here
9 long enough, they do that, there is a whole bunch of
10 stuff, my God, he must be guilty. You know what it
11 is? A whole bunch of crap, you know.

12 My favorite line -- I promise I'll sit down --
13 one of my favorite lines was from a movie, and I hope
14 someone has seen it, because if you have, you can tell
15 the others about it, and if nobody has heard it, it is
16 a waste of time and stupid. But the movie Tommy Boy.
17 He was a salesman. He's trying to learn to be better,
18 and he starts being good. And the guy tells him, I
19 don't know if I'll buy from your outfit because I'm
20 getting -- it costs me a little more here, but I'm
21 getting a guarantee. He said, Let me tell you
22 something, you know, I could give you a guarantee, I
23 could take a box, have a dog crap in it, slap a
24 guarantee on it and you would have a guaranteed box of
25 crap, okay. Just because it came out of a courtroom

CLOSING ARGUMENTS - MR. TRUSLOW

1 doesn't mean nothing until you say it does.

2 People will come in here and say whatever they
3 have to say. If you think there is a magic buzzer
4 under this seat that goes off and shocks somebody when
5 they exaggerate, when they change things conveniently,
6 bend them a little bit or they outright lie, there is
7 no buzzer up there. No buzzer. Only thing I can do
8 is tell you, he's saying something different than what
9 you wrote in a report four years ago. You have
10 nothing with you today. You remember four years ago a
11 little bit differently. You know why? Because it
12 don't fit. It has to be, you know. You have to find
13 him not guilty just for that. It is offensive. I
14 would be insulted, you know. But that's me. That's
15 me. It may be that I'm way off, and the joke will be
16 on me.

17 That is the way that I chose to do my closing
18 arguments. I'm not going to go through everything. I
19 did that when I cross-examined the witnesses. You
20 heard what they said. Even Cauble said -- you know, I
21 said, It would have changed the investigation, or
22 could have? You know, you said both, give me the one.
23 It could have changed the investigation, could have.
24 I can't say that it would.

25 Now, if I got him there, what else do you need on

CLOSING ARGUMENTS - MR. TRUSLOW

1 that part of the case? I mean, could have. That is
2 all he could give. Well, ladies and gentlemen,
3 anything could be anything. All right. It is not
4 evidence to convict someone in a criminal court in our
5 country. For the last time, that is up to you all
6 what that means and what happens in here. I'm telling
7 you, like I said, this could be it for a lot of people
8 until someone else is sitting there. You know, I
9 can't tell you how many people have told me,
10 clients -- and I never thought about this before, what
11 am I doing here? It's all right going to trial, you
12 know. I'm good at it. I can do anything. Well, let
13 me talk to you about that. You have to make it
14 strong, you know. You never know who is going to be
15 sitting there. If it is not strong for him, it is not
16 strong for anybody. All I'm asking is you do your
17 job. I tried to do mine. That's it. You get the law
18 from the judge, take the facts and, please, remember
19 the facts and evidence. Look at it and apply it to
20 the law, and if it fits, or if you are firmly
21 convinced that he did something and it just messed up
22 any of that, and it matters, and what is going on is
23 not what I said is really going on, and you haven't
24 seen through that yet, this man needs to go to jail
25 for something, just for something said two-and-a-half

CLOSING ARGUMENTS - MR. TRUSLOW

1 days later. That just shows you what they're saying
2 about him. Doesn't matter. They did it right there,
3 had nothing to do with it, and a bunch of that stuff.
4 It's in there. Please, what you collectively
5 remember, if you need to, go look at it. And, please,
6 respect one another's opinion. And, you know, if you
7 have a disagreement about what was said, all you do is
8 come out and ask for a certain thing and, you know,
9 you don't sit through another trial, they just bring
10 it to that part and play that part back. Okay. I
11 thought he said this, he said this. You know, it's
12 simple. Please, don't just go back and not do that
13 work and not hold it to that standard, please.

14 Anyway, it's been a pleasure, and I'll sit down
15 now. I could think of 2500 others things I wanted to
16 say and I forgot, but, hey, that is how you do it.
17 That is how the system works. I trust you are sitting
18 here. I'm not going to give you my commentary like a
19 sports announcer. You are here. You heard. You saw
20 the demeanor. You saw how they changed the answer and
21 I had to come back and question. We trust you. Thank
22 you.

23 THE COURT: Ladies and gentlemen, at this point
24 I'm going to let you go to your jury room, take about
25 a ten-minute break. We have been here almost two

CLOSING ARGUMENTS - MR. TRUSLOW

1 (A recess was taken.)

2 THE COURT: Let the record reflect that Mr.
3 Moorer is present.

4 MR. GALMORE: May we approach?

5 MR. HOLFORD: And, Your Honor, as we're
6 approaching, I think we can address the matter of the
7 laptop. We've agreed there is no Internet on it,
8 nothing else..

9 THE COURT: They already told me that.

10 MR. HOLFORD: Okay. I didn't know.

11 (The jury enters at 3:54 p.m., and the
12 following is heard in the presence of the jury.)

13 THE COURT: Thank you. Ladies and gentlemen, I
14 appreciate it very much, appreciate your attention
15 throughout this matter and appreciate your indulgence
16 with the process. It may have been somewhat
17 cumbersome from time to time, but it is great, as I
18 said when we qualified the jury. I won't go on the
19 limb and say it is the best in the world, but beats
20 the second best without any question. You are a
21 shining example of why I believe that, and I have that
22 reinforce every time I have the joy and pleasure of
23 working with jurors like you, and I appreciate you
24 resolving this dispute.

25 We've been through three portions of this

CLOSING ARGUMENTS - MR. TRUSLOW

1 process, and now it becomes my responsibility as a
2 judge of the law to give you the law, which you
3 promised you would accept and apply fairly and
4 impartially to those facts you have to determine.

5 In just a few moments, each one of you will do
6 what the State and Mr. Moorer would expect you to do,
7 and that is that you will consciously consider and
8 evaluate the evidence in this case, decide what you
9 believe to be true, and then once deciding the true
10 facts, take the law as I apply it, as I give it to
11 you, and apply that fairly and impartially to those
12 facts. And that "fairly and impartially" means
13 exactly what you think it means. It means that you
14 are not motivated by anything other than your
15 commonsense, sense of logic and reasoning, your
16 knowledge in deciding what you believe to be true and
17 then deciding the facts -- I mean then applying the
18 law and report your decision. Once you have done
19 that, you would have done the commitment you made.

20 During this instruction, from time to time, you
21 may hear me refer -- use a term "defendant." As I
22 mentioned to you when we started this case, that's a
23 term of art, really, that we use in the legal
24 profession. It designates the party against who a
25 claim is made, and that term is synonymous with Mr.

CLOSING ARGUMENTS - MR. TRUSLOW

1 Moorer, but it means nothing more -- just another way
2 of identifying Mr. Moorer.

3 As I told you also, what I'm holding in my hand
4 that document I called the indictment, and it merely
5 contains the charges, the charges that have been
6 placed against him that brings us to this courtroom,
7 and frames those charges. I've shared with you it
8 accuses him of committing the offense of obstruction
9 of justice. And to that indictment, Mr. Moorer
10 rendered a plea of not guilty, which as I also
11 indicated to you, is basically what every person
12 accused of a criminal offense in this country is never
13 required to prove or disprove anything, come in and
14 say, wait a minute, that's not correct, let me show
15 you why. No. The law says simply this: The burden
16 rests upon the State, because the law in this case --
17 and as far as I know every state in the United
18 States -- says that anyone accused of committing a
19 criminal offense, such as Mr. Moorer, is presumed
20 innocent.

21 Now those are not just words. That is an active
22 presumption. That is what you have to maintain, and
23 that presumption can only be set aside when through
24 your deliberations you are firmly convinced that the
25 State has met each element required of it before you

CLOSING ARGUMENTS - MR. TRUSLOW

1 can set it aside. If at the conclusion you haven't
2 been firmly convinced, that presumption of innocence
3 carries today. It doesn't go away. It is what would
4 warrant a verdict of not guilty, and that is true of
5 Mr. Moorer and everyone else.

6 Now, the State, as I told you, has to bring in
7 evidence that persuades you -- and, obviously, ladies
8 and gentlemen, it would further follow that persons
9 accuse of criminal offenses, as I stated at the start,
10 are never required to present any type of evidence,
11 never required to explain anything or prove their
12 innocence. In fact, a person so accused doesn't even
13 have to testify in a matter, and you, as a juror,
14 cannot in any way consider that. I would instruct you
15 that the defendant has the Constitutional right to
16 remain silent, and the assertion of that right cannot,
17 and must not, be considered in your deliberations
18 under your oath. You are not even to discuss it. If
19 it comes out and anyone discusses it, or you think of
20 that and apply any significance of that, then I would
21 tell you that you have violated the oath that you took
22 both to the State and to this defendant.

23 This duty and responsibility rests upon the State
24 to prove the case to the standard we've been talking
25 about, "reasonable doubt." What is a reasonable

CLOSING ARGUMENTS - MR. TRUSLOW

1 doubt? A reasonable doubt is a doubt that would make
2 an honest, sincere, conscientious juror searching for
3 the true facts in a case to hesitate to act. Proof
4 beyond a reasonable doubt is proof that leaves you
5 firmly convinced of Mr. Moorers's guilt.

6 Now, I would instruct you that there are very few
7 things in this world and in this life that we know
8 with absolute certainty, and in criminal disputes such
9 as this, our law does not require proof that overcomes
10 every possible doubt. If based on your consideration
11 of the evidence you are firmly convinced that Mr.
12 Moorers is guilty of this crime, then you must return a
13 verdict of guilty. If on the other hand you think
14 there is a real possibility that he's not guilty, then
15 you must give him the benefit of that doubt and return
16 a verdict of not guilty.

17 I would instruct you that a reasonable doubt may
18 arise from the evidence in a case, or from the lack or
19 absence of evidence in a case. It is up to you to
20 determine whether or not a reasonable doubt exists as
21 to the guilt of this defendant. And I charge you in
22 that regard that he's entitled to every reasonable
23 doubt arising in the whole case. What does that mean?
24 Simply this. If upon any issue of fact which would be
25 essential for you returning a verdict of guilty, you

CLOSING ARGUMENTS - MR. TRUSLOW

1 should have a reasonable doubt as to how that issue
2 will be resolved, and you are instructed to resolve
3 that in his favor.

4 Now, the evidence which you are to consider
5 consists of testimony of witnesses and the exhibits
6 that were introduced through their testimony, and
7 nothing else. As you recall, and I mentioned this to
8 you during the trial, from time to time there were
9 times when we excused you to deal with matters of law,
10 and that was very proper. As I mentioned to you,
11 those were for my consideration, not for yours. And
12 it is not anything sacred or secret about it, it is
13 just simply easier if you haven't heard it, then you
14 don't have to say, wait a minute we're not supposed to
15 consider that. As human beings, we can just not worry
16 about that.

17 There is an occasion, however, and during this
18 proceeding we've had these come up, and we've heard
19 the attorneys say "objection," and what that is saying
20 is that it typically deals with a rule of evidence
21 that I have to apply, and it is very proper for the
22 attorneys to raise those objections. They are
23 supposed to do that as officers of the court, as
24 advocates to their clients. My ruling is not to be
25 considered by you at all, and the fact that the

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1 attorney made an objection is not to be considered by
2 you at all. If you do, then you kind of stepped into
3 my area of responsibility.

4 On the other hand, if I, for instance, sustain an
5 objection, you shouldn't be thinking about, well, I
6 wonder what the witness would have said, or, I wonder
7 why they did that. That is a human thing to do, but
8 don't let yourself fall into that trap. But, also,
9 when I overruled the objection, I said, yes, under the
10 rules I'm going to permit the question and the answer.
11 Now it shifts to you. Don't think, well, he let it
12 in, I guess I have to accept it and believe that to be
13 a true fact. If you do, you kind of let me step into
14 your area of responsibility. Quite honestly, that's
15 the best example I can give a jury of how we work
16 together.

17 I made a decision as a matter of law whether
18 under our Rules of Evidence it is a proper question
19 and the answer is proper, and that shifts and you have
20 to make a decision, do I believe this, and if so, how
21 strong? And that is what you will be doing when you
22 go through the process of analyzing the evidence.

23 Please remember something else. If at any point
24 you have heard something that I said and you took that
25 or considered that to be a comment on the evidence,

CLOSING ARGUMENTS - MR. TRUSLOW

1 you are instructed to disregard that, because I have
2 nothing to do with that. Likewise, while the
3 attorneys' remarks, as I stated throughout, are very
4 important and very helpful, please remember that their
5 remarks are certainly beneficial and will be helpful
6 when you begin processing and analyzing this case, but
7 their remarks, likewise, are not evidence. I would
8 instruct you that if during their remarks they said
9 something that you collectively don't agree with,
10 either the witness said something or didn't say
11 something, you are instructed to disregard their
12 remarks, because their remarks are not evidence, and
13 take your conclusions of that.

14 Likewise, if in their arguments or statements
15 they discuss some legal principle with you, and it
16 differs from what I told you, just as you are the sole
17 judges of the facts for purposes of this case, today
18 I'm the sole judge of the law, and you must accept the
19 law as I give it to you and apply it fairly and
20 impartially to the facts.

21 How does one or how does an entity prove
22 something when they are required to have the burden of
23 proof? They prove it by presenting evidence.
24 Evidence, generally there are two types. One is
25 called "direct evidence," and the other "indirect

CLOSING ARGUMENTS - MR. TRUSLOW

1 evidence," or the more popular name for "indirect
2 evidence" is "circumstantial evidence."

3 Direct evidence, as the name would imply,
4 generally deals with sensory perception. I saw
5 something. I heard something. Felt something, or the
6 like. And if you, in considering that testimony, are
7 firmly convinced of the reliability and the
8 creditability of that testimony, then it establishes
9 that particular fact of circumstances.

10 Circumstantial evidence is when you basically --
11 they prove, again, to that standard, you are firmly
12 convinced of the circumstance, and through either
13 induct or deduct reasoning, it leads you to another
14 conclusion, a logical conclusion, and you are firmly
15 convinced of that logical conclusion, then it would
16 establish that particular fact or circumstance, but
17 through circumstantial evidence. I would tell you
18 that the law makes absolutely no distinction between
19 the weight or the value to be given to either direct
20 or circumstantial evidence; in fact, I instruct you to
21 consider all of the evidence and evaluate it and make
22 the decision based on what you find to be the true
23 facts. I would also state that there is no greater
24 degree of certainty required for circumstantial
25 evidence than direct evidence.

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1 The law says, however, that to the extent that
2 the State does rely on circumstantial evidence, it has
3 to meet a certain test. First, the State, as to each
4 one of those events and circumstances upon which they
5 are relying, the State has to prove each one of those
6 facts or circumstances beyond a reasonable doubt, as I
7 told you, you are firmly convinced of that particular
8 fact. Furthermore, these facts must point
9 conclusively to the guilt of Mr. Moorer, and they must
10 be wholly perfectly consistent with each in every
11 particular respect.

12 I would further instruct you in that regard that
13 the mere fact that circumstances brought out in a case
14 are strongly suspicious of guilt, or the circumstances
15 are such that even lead you to the conclusion of the
16 defendant's guilt is probable, that that is not
17 sufficient. As I told you when we started, it has to
18 be more than someone probably guilty or could be
19 guilty. It has to be proof and more than suspicion.
20 It has to be proof that leaves you firmly convinced,
21 that is proof beyond a reasonable doubt.

22 How do you decide the factual issues? As I told
23 you when we started, you brought everything that you
24 are going to need. You've used it before, and you'll
25 use it again, and you'll use it again very shortly.

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1 You have read something or heard something, and you
2 made a decision in your life. I mean that is exactly
3 what you are going to do when you evaluate this
4 evidence, applying your commonsense, sense of logic
5 and reason and life experiences. There are many, many
6 factors that we consider to assist us in making these
7 types of decisions. I'm going to discuss some of them
8 with you now, but if I don't mention a fact or method
9 that you used in your life and you found it to be
10 reliable, please employ it when you begin your
11 deliberations in this case.

12 Some of the factors you might want to consider
13 would be the appearance of the witness. How did they
14 appear to you? Straightforward or hesitant in
15 answering the questions? Was the testimony of a
16 witness consistent, or inconsistent? Was it
17 strengthened or weakened by other evidence in the case?
18 How did the witness come to know the facts that he or
19 she testified to, and what was the ability of the
20 witness to know those particular facts and
21 circumstances? Is there a reason for a witness to
22 give testimony which may be helpful or detrimental to
23 one side or the another? In other words, was a
24 witness biased or prejudiced in any fashion?

25 In determining the creditability and

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1 believability of witnesses, our law gives you very
2 broad discretions. You have the right to believe many
3 witnesses against one, one witness against many. You
4 have a right to believe all of the witness' testimony,
5 parts of a witness' testimony, or none of a witness'
6 testimony.

7 Now, you don't make these decisions arbitrarily,
8 but if there is a reason in the record, that is the
9 evidence of the case, for taking that position, you
10 have that prerogative, because your objective has been
11 determined the true facts regarding the source of the
12 evidence. Now, when it comes to the law, you don't go
13 with the same discretions. You have taken an oath to
14 take the law as I give it to you.

15 We live in a wonderful country. We are very
16 blessed even with all of the problems we face every
17 day, we're still very blessed. And we can change
18 laws, you and I can be involved in that, if we choose
19 to. I respect your right to do that. We have -- we
20 are a country and we have access to a wealth of
21 knowledge, all of us do. You may have in your life
22 read some law, may have done some research on it from
23 time to time, and I respect your right to do that.
24 But what you promised to do in this proceeding is set
25 aside what you believe the law was, or what you

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1 believe the law should be, because you are not at --
2 that is not what we are in the process of doing. Laws
3 may change, but today you must take the law as I give
4 it to you and accept that law and apply it fairly and
5 impartially to those facts that you will determine.

6 The fact that I give you an instruction of a
7 certain issue is not to be considered by you as my
8 stating how you are to resolve that factual issue.
9 The order of my instructions means nothing. I had to
10 put it in any order. Please, consider the charge as a
11 whole, don't focus on any one aspect of the charge,
12 but rather apply the charge as a whole.

13 As I mentioned to you, the defendant in this case
14 is charged with the offense of obstruction of justice.
15 In order to receive a verdict of guilty, the State
16 must prove beyond a reasonable doubt that Mr. Moorner
17 committed an act which prevented, obstructed, impeded
18 or hindered the administration of justice. The
19 defendant does not need to succeed in the efforts to
20 obstruct justice. It is enough if some act is done in
21 furtherance of the attempt to obstruct justice.

22 The State must also prove beyond a reasonable
23 doubt that the defendant did this act with the intent
24 to obstruct justice. Now, criminal intent is a
25 necessary element of this crime, and it has to be

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1 established just as all other aspects beyond a
2 reasonable doubt. Criminal intent is always a matter
3 that must be determined from the circumstances
4 surrounding the situation, so when the law states that
5 the criminal intent may be inferred from circumstances
6 that have been shown to exist. Criminal intent is a
7 state of mind that operates jointly with an act in the
8 commission of a crime. Intent would include those
9 consequences which represent the very purpose for
10 which an act is done or to be -- known to be
11 substantially certain to result regardless of one's
12 design.

13 Criminal intent is a mental state of a conscious
14 wrongdoing. So it is up to you to determine, ladies
15 and gentlemen, you must determine before you can
16 return a verdict of what the intent of Mr. Moorer was,
17 and that has to be established that -- criminal intent
18 has to be established beyond a reasonable doubt.

19 Ladies and gentlemen, one thing is for sure, you
20 and I as judges have been selected not to be advocates
21 for either side. We don't have any friends to reward,
22 nor do we have any enemies to punish. We don't -- we
23 really have to do something, and I'll confess to you
24 that I remind myself of this every time I put on the
25 this robe and preside in a trial, and it is worthy of

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1 reminding myself of this, because I'm human and you
2 are too. We are all motivated by human emotion, but I
3 can assure you, it has no place in performing the task
4 that we have of making judgments in a situation like
5 this. You have promised the parties, promised the
6 Court that you will set aside all of your human
7 emotion and decide this case logically and apply your
8 commonsense in determining the facts and reporting a
9 decision. Whatever that is, consistent with the law,
10 it is. And that is -- once you have done that, you
11 will have honored, in every respect, the oath that you
12 took.

13 As a presiding juror to assist you in reporting
14 that verdict, I prepared a verdict form which I will
15 be sending back with the evidence, and I would like to
16 go over it with you and the other jurors. There are
17 two choices. The order of choice means absolutely
18 nothing. I had to put them in some order. There are
19 two choices, and it says, basically, we the jury by
20 unanimous consent find the defendant Sidney St. Clair
21 Moorner on the charge of obstruction of justice,
22 guilty, or not guilty. Then there is a place for you
23 to sign where it says "presiding juror" and the date.
24 Whichever your choice, I ask you to place a check or
25 "X" on the block and circle it, we'll know that is

CLOSING ARGUMENTS - MR. TRUSLOW

1 your verdict.

2 What will you be saying if it is guilty? You
3 will be saying that you have analyzed the evidence and
4 you unanimously agree that the State has met the
5 burden of proof in establishing each element of the
6 crime of obstruction of justice and, therefore, you,
7 as I instructed, are returning a verdict of guilty.

8 On the other hand, not guilty, what will you be
9 saying? You are not convinced that the State met its
10 burden of proof as to one or more. If they fail on
11 one, you must return a verdict of not guilty.
12 Whatever it is, it has to be unanimous, as I stated,
13 and that means 12 to zero has to be the vote.

14 I know you are anxious to get started, and we're
15 almost there. Is there any one of the first 12 jurors
16 that does not feel that they can continue; if so,
17 please raise your hand?

18 Mr. Burns, we've reached the point where we've
19 now determined that the first 12 are going to be able
20 to continue, and so I would ask that my alternate not
21 join the jury when we return -- when you return to the
22 jury room. I'll be in very shortly to let you know
23 how long you need to remain, but you can't go back.
24 When you retire, I know you are ready to start, and I
25 mentioned it would be the last instruction I'll give

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1 you, I need to discuss with the attorneys my charge,
2 and it may be necessary to return you to the courtroom
3 to give you some clarification or correction. If it
4 is, we'll return the alternate and the jury back and
5 give you that instruction. If there aren't, we'll
6 gather the exhibits and deliver them to you.

7 When you receive those exhibits, then you may
8 commence your deliberations, but not before. The only
9 restriction, ladies and gentlemen, on the
10 deliberations is simply if any juror has to leave the
11 table for any reason, you have to stop deliberating
12 until all 12 of you are together. Other than that,
13 you can proceed as you deem fit and proper.

14 Thank you very much for your attention. Please
15 retire to your jury room and await your exhibits
16 before commencing your deliberations. Thank you.

17 (The jury exits at 4:17 p.m., and the
18 following is heard out of the presence of the jury.)

19 THE COURT: Exceptions or additions from the
20 State?

21 MR. HOLFORD: None, Your Honor.

22 THE COURT: Exceptions or additions from the
23 defendant?

24 MR. TRUSLOW: None, Your Honor.

25 THE COURT: Thank you very much. We'll be at

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1 ease. Thank you all. We have the exhibits already
2 checked, and that is good.

3 (Whereupon, the jury starts deliberations at
4 4:19 p.m.)

5 (Court's Exhibit 3 marked.)

6 THE COURT: They want the obstruction of justice,
7 what it is. I can bring them out and recharge, or
8 send them the portion of obstruction of justice.

9 MR. TRUSLOW: Just obstruction of justice? Not
10 reasonable doubt (laughing)?

11 THE COURT: No. No (laughing). So you all okay
12 with --

13 MR. GALMORE: Yes, sir. Yes, sir.

14 (Off the record.)

15 THE COURT: Let the record reflect Mr. Moorer is
16 present. Is everyone here who needs to be here?

17 MR. HOLFORD: Yes, Your Honor.

18 THE COURT: Okay. That's good. Thank you. Let
19 me begin by an observation that I made last time, and
20 I sincerely mean this, this has been a very trying
21 time for lots of people, and certainly both sides, and
22 I'm well aware of that. It is a tough thing to have
23 to revisit certain things in life, and I just want to
24 thank you all for the respect that you've shown to
25 this process and dignify the process, and I thank you

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1 very for it, very, very much.

2 I know what we will hear now is as a result of
3 some effort folks made as a sacrifice for each one of
4 us, and I want to respect that process, so I would
5 appreciate that we have no outbursts when they publish
6 the verdict. If anyone feels they cannot do that, I
7 certainly understand that, and I would just ask you to
8 leave, but if you stay I'll assume you'll mind that.
9 Thank you.

10 Bring in the jury, please.

11 (The jury enters at 5:13 p.m., and the
12 following is heard in the presence of the jury.)

13 THE COURT: Thank you very much, ladies and
14 gentlemen. As I understand, the jury reached a
15 verdict?

16 FOREPERSON: Yes, we have, Your Honor.

17 THE COURT: If you could hand it to me, I'm sorry
18 to make you walk.

19 BAILIFF: That's fine, I need the exercise.

20 THE COURT: Thank you so much. Verdict form has
21 been properly completed. I would ask the defendant to
22 please rise, and, Heather, if you could publish the
23 verdict for me, please.

24 THE CLERK: Indictment 2017-GS-26-01320, State of
25 South Carolina, County of Horry versus Sidney St.

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1 Clair Moorner. We, the jury, my unanimous consent find
2 the defendant, Sidney St. Clair Moorner, on the charge
3 of obstruction of justice guilty. Dated
4 August 30th, 2017. Signed by foreperson,
5 Christopher Rooks.

6 Ladies and gentlemen of the jury, if this is your
7 verdict, so signify by raising your right hand.

8 Thank you.

9 THE COURT: Please let the record reflect that
10 each juror raised his or her right hand in response to
11 the question.

12 Anything further from for the jury from the
13 State?

14 MS. LIVESAY: No, sir.

15 THE COURT: Anything further for the jury from
16 the defendant? Gentlemen, do you have anything for
17 the jury?

18 MR. GALMORE: We request that jury be polled.

19 THE COURT: Ladies and gentlemen, at this point,
20 while there has been sort of an indirect polling, the
21 clerk will call your number and asking you two
22 questions, is it your verdict, is it still your
23 verdict. If you will respond to the clerk's question,
24 please, we would appreciate it. If you would assist
25 me, please. Thank you.

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1 JUROR: Yes.

2 THE CLERK: Is this still your verdict?

3 JUROR: Yes.

4 THE CLERK: Juror No. 3. Is this your verdict?

5 JUROR: Yes.

6 THE CLERK: Is this still your verdict?

7 JUROR: Yes.

8 THE CLERK: Thank you.

9 THE COURT: Jury has been polled and the verdict
10 stands. Anything further?

11 MR. GALMORE: No, sir.

12 THE COURT: Ladies and gentlemen, thank you very
13 much. I appreciate your participation and assistance
14 in this. Thank you for the service you rendered.
15 I'll ask you to retire to your jury room. I'll be
16 with you in just a moment.

17 (The jury exits at 5:17 p.m., and the
18 following is heard out of the presence of the jury.)

19 THE COURT: Any matters from the State at this
20 point? Any motions from the State, Solicitor?

21 MR. HOLFORD: No, Your Honor.

22 THE COURT: Very well. From the defendant, any
23 motions?

24 MR. GALMORE: Yes, Your Honor. We would renew
25 our motion for directed verdict we made at the end of

SENTENCING

1 the State's case. And, again, of all testimony. It
2 is our belief that looking at the evidence in the
3 light most favorable to the non-moving party, the
4 State has not met their burden of proof. We believe
5 that they have not met the elements of obstruction of
6 justice, and I understand the Court previously ruled
7 on it.

8 THE COURT: Thank you, sir. Your motion for a
9 new trial is denied. Thank you.

10 MR. GALMORE: Your Honor, we would also make a
11 motion for a new trial and motion in arrest of
12 judgment based on the insufficiency of the indictment
13 and on the insufficiency --

14 THE COURT: Any case law on that? I can give
15 you -- it has to be verdict withstanding --

16 MR. GALMORE: Yes sir.

17 THE COURT: We don't have that in the criminal
18 side, I don't think, at least I don't think we do, but
19 you made your motion, and we'll agree to disagree.

20 MR. GALMORE: Yes, sir. Thank you, sir.

21 THE COURT: But I would deny it if you are
22 arguing that.

23 Are we going to have sentencing?

24 MR. HOLFORD: Yes, Your Honor. State is
25 prepared.

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1 THE COURT: We'll take a few moments. I want to
2 go speak to the jury and dismiss them, so we'll be at
3 ease. Thank you.

4 (A recess was taken.)

5 THE COURT: Do you have a sentencing sheet?

6 MR. HOLFORD: Yes, Your Honor.

7 THE COURT: Do you want to pass it up?

8 MR. HOLFORD: Yes, Your Honor. This is the State
9 of South Carolina versus Sidney St. Clair Moorner, Case
10 No. 2017-GS-26-01320 for common law obstruction of
11 justice, an offense that carries up to 10 years,
12 and/or a fine in the Court's discretion. He has been
13 convicted of that offense.

14 THE COURT: Yes, sir. Thank you very much,
15 Solicitor. All right. Is there anything from the
16 State before I hear from the defendant?

17 MR. HOLFORD: Yes, Your Honor. Josh Holford on
18 behalf of the State. Your Honor, obviously there are
19 a number of family members and friends from the
20 victim's family. While this is an obstruction of
21 justice charge case and conviction, there are still
22 loved ones of Heather Elvis here in support. They
23 strongly urge Your Honor to give the defendant the
24 maximum sentence that you can, that being ten years.

25 As far as the State is concerned, Your Honor,

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1 also he has one prior shoplifting. Prior record is a
2 prior shoplifting offense. He does not have a lengthy
3 criminal history; however, as the defense noted, we
4 weren't talking about a speeding ticket in this case.
5 We're not talking about obstructing justice for
6 something small. We're talking about a missing
7 person, a young 20-year-old female who is missing, the
8 defendant had knowledge of based on the jury's verdict
9 and the evidence that was presented in this case. It
10 is an extremely serious matter where the direct and
11 honest communication of information was absolutely
12 crucial at those early stages.

13 Your Honor, based on the jury's verdict, what
14 they've said what, what Your Honor has heard in the
15 court, this defendant failed to do that. He misled
16 the police, and in doing so, here we are today four
17 years later and this young, young girl still has not
18 been found. Your Honor, it is an extremely serious
19 matter. This is not an obstruction of a light matter
20 or something small. This is obstruction for a missing
21 girl.

22 Your Honor, the State would urge the Court to
23 please sentence him to the maximum, the ten years.
24 Our records show that he was in jail from February 21,
25 2014 to February 2, 2015. And as I understand it, the

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1 law of this state is that he's entitled to credit for
2 that, and I certainly would not argue otherwise,
3 because I believe that's the law. It's not a serious
4 offense. It is a common law misdemeanor. It's a
5 parolable offense. It is a non-violent offense. He
6 will be parole eligible in a quarter of whatever time
7 he gets, and most likely max out at 51 to 55 percent.
8 I understand that that is not --

9 THE COURT: Solicitor, you are preaching to the
10 choir. I dealt with that a few times in my career,
11 but I understand and I appreciate that.

12 MR. HOLFORD: Yes. The only other thing I would
13 ask the Court for, although the defendant has been on
14 home detention, he's been allowed to be in Florida, it
15 is within the discretion of the Court to give credit
16 for time served while on home detention. I would ask
17 the Court not to do so in this case.

18 THE COURT: Okay. Thank you very much, and I
19 appreciate that.

20 MR. TRUSLOW: If it please the Court?

21 THE COURT: Mr. Truslow.

22 MR. TRUSLOW: This is not typical sentencing like
23 at a guilty plea. Your Honor has been with this case
24 for close to four years. There is a lot about my
25 client that you already know, where he's from, his

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1 parents, father is a retired engineer, mother and
2 brother in Charleston or around Charleston in the
3 county. He grew up with his parents and his brother.
4 He's been married for a long time. He has three
5 children that have been with him pretty much -- I've
6 never seen quite a tight family. They go everywhere
7 together. As a father, I've seen him over the year go
8 out of the way for the education of his children. He
9 has taken -- whenever they are going through a subject
10 matter of schooling, not so much since this has been
11 going on, but in the past he would line up a trip to
12 the Grand Canyon or whatever they were studying so
13 they could see it. He's always been a very hands-on
14 father and husband.

15 He is also, as you may know, the sole provider
16 for this family, and based upon being arrested years
17 ago and up through this, that is not always that easy;
18 nonetheless, he has done it, Your Honor. I has -- and
19 you permitted him to go to Florida for work. It was
20 impossible to do it here, and it was a good decision.
21 It got difficult there, but at no time did his kids
22 not eat. At no time did they not go to school. At no
23 time did they not have appropriate clothes to wear,
24 and that is because he went out every day, even when
25 he didn't have a contract for something to do,

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1 whatever he had to do that day, and work that day and
2 brought money home to buy groceries.

3 Your Honor, I would point out that this is
4 non-violent -- for purposes of what we're doing here,
5 a non-violent offense. The shoplifting on his record
6 is very, very old. It came up before in our
7 proceedings, and testimony was had about the facts of
8 it. Kind of a silly thing, and it was more in line
9 with the buddy doing something and a joint thing,
10 getting sucked into that. It was a shoplifting, very
11 minor, summary court level thing. Outside of that,
12 nothing. Nothing.

13 Up until being arrested in 2013, he worked,
14 raised his kids, doing great. And then and -- now,
15 like I said, no criminal record. He does not have a
16 lengthy criminal record, just shoplifting. So when we
17 talk about -- the last thing I want to tell you about
18 is the ankle monitor time. As opposed -- as the
19 prosecutor aptly set forth, that is now allowed. I
20 don't know if it is three, four years now, and it is
21 in your discretion, of the Court. We're asking you to
22 give that, and the reason for that is that a lot of
23 other people get it for offenses, and he's being
24 sentenced for obstruction of justice, a non-violent
25 offense. On home detention, in his particular case,

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1 it has not been -- I think it's been way more
2 difficult on him than many other people on home
3 detention in the sense that he has had to relocate to
4 Florida just to get money to survive to give -- you
5 know, feed his kids and raise children and family.

6 When he got to Florida, the information there was
7 not bad enough he couldn't get some work. He had to
8 deal with that. He had to pay more than -- well, he's
9 had to check in. If he goes to certain places to
10 work, the ankle bracelet don't help. So the kind of
11 work he's been doing has been pretty tough work. When
12 he got down there, he got a pretty good job off the
13 bat. Anonymously this company was notified of the
14 pending charges, and he was terminated. So, you know,
15 he hasn't been at J. Reuben Long, he's been on home
16 detention.

17 I don't know what the parameters are. I don't
18 think there are any of what the analysis is, I guess
19 it is different for each judge, and each case is
20 different as to when you would grant that, and when
21 you wouldn't. I just think given the offense of the
22 conviction and all I told you about, and the
23 legislature providing for that, for some reason and
24 for some people, we would ask for it.

25 In terms of the sentences itself, our legislature

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1 put it between zero and ten. Their main intention was
2 probation to ten years. So as I said, and this is it,
3 he's a family man, married one time, raised kids,
4 still raising them. He's a hard worker, and he
5 virtually has no record. And obstruction of justice,
6 it is non-violent felony, so where he falls on that
7 range, Judge, based on the factors of this case and
8 him, we would ask you for a sentence on the low end
9 and credit for time served. There may even be future
10 issues, but for this case, and while we're here on
11 this one, we think that is appropriate.

12 THE COURT: Thank you, sir. Do you have a total
13 of number of days he served before bonding out?

14 MR. GALMORE: Yes, Your Honor. From February 21
15 of 2014 to February 1 of 2015 is 345 days. The total
16 from February 21, 2014 to today is 1,286 days.

17 THE COURT: That includes what?

18 MR. GALMORE: The would include the home
19 detention time.

20 MR. TRULUCK: Separate.

21 THE COURT: So how many days without home
22 detention?

23 MR. GALMORE: 345.

24 THE COURT: Thank you. Mr. Moorner, anything you
25 want to tell me?

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1 MR. TRUSLOW: No, Your Honor. And I want to make
2 a statement on that real quick. That is partially
3 based upon the fact he's concerned that he's still
4 facing serious charges, and no disrespect, just wishes
5 to not make a statement.

6 THE COURT: Mr. Truslow, again, I appreciate
7 that. As we've said, and I said, I've been where you
8 are standing, and I've been doing this awhile. I
9 understand the multiple things here, and I understand
10 it very well. I'm not offended by that, and not
11 insulted by that. I respect that.

12 MR. TRUSLOW: Thank you.

13 THE COURT: And, frankly, one of the things I
14 hear you, and I understand that, Solicitor, when I
15 interrupted you, that is probably in Charleston they
16 probably hear me comment about this at least two,
17 three times a week. I'm doing a project down there
18 that put me in general sessions court pretty much a
19 hundred percent of the time now, and I do a lot of
20 pleas. For some reason, I ask the bailiffs and the
21 security who gets more pleas done, and unfortunately
22 they said I was one of those judges, so I take that
23 upon myself. But one of the things that has bothered
24 me, and still bothers me, and I'm an advocate of this,
25 and I do know the legislature doesn't like this, but I

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1 think -- you can sit down, thank you, sir -- the
2 greatest thing in my career has been to let us have --
3 in certain offenses, non-parolable offenses, they
4 differ in a time, 85 percent. Frankly, I carry a
5 calculator with me, and I make a calculation. I
6 compute the number of years a person will have to
7 serve. It allows me to say what's an appropriate
8 punishment, and I am not suggesting I have great
9 wisdom in that, but I try to do the best I can. But
10 when you are dealing with a non-violent offense, which
11 this is, and of course I understand why this one is
12 classified as non-violent. I dealt with some, and
13 railed about this last week, strong arm robbery which
14 requires you to threaten somebody, to put them in fear
15 of their life when you steal, that is non-violent.
16 Assault and battery first, second and third degree is
17 non-violent. What in that world does that term mean?
18 It means nothing. The only thing it means is it is a
19 cue bid, for those bridge players, that if you are in
20 the Department of Probation and Parole, it means you
21 can say this, but this is what we're going to do. If
22 anyone can predict what the actual sentence is, I'd
23 like to meet them, because you can't. It varies from
24 case to case, so I understand that.

25 The one thing about this case itself, though, is

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1 the uniqueness of it in this sentence. First of all,
2 I'm not going to give him credit for monitoring for
3 two reasons. Number one, it allowed him to get out of
4 jail, number one, and go to work for the charges still
5 pending, so therefore it's not -- if those charges are
6 acquitted or disappear, he still would have been out
7 of jail, not incarcerated. So it is a benefit for
8 him. It is part of the bond condition, so I decline
9 to give him any credit for that.

10 This is a charge that is kind of what you see
11 from time to time, and this is clearly one of those
12 instances, there are many factors, Mr. Moorer, in
13 fashioning a sentence. One is deterrence, and frankly
14 what I've heard, I don't know that that is --
15 obviously your life is doing what you should have been
16 doing and should have been doing a long time ago, but
17 we won't go there. We all make mistakes in our lives.
18 The part I'm talking about is not what you have been
19 convicted so much as your life had something to do
20 with why you are here in the first place. But that
21 having been said, we have some -- another part that is
22 to say to the community at large you deter others and
23 you make a statement. Some of these cases that we
24 have, and this is one of them, where we have to get
25 the public to understand what we heard over and over,

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1 every minute counts, and it does. It makes a
2 difference. And when you have stopped two minutes,
3 who knows. I agree with the answer, who knew what the
4 difference could have been. I don't know. No one
5 does. None of us is clairvoyant, but we know it was
6 not there because, as the jury has found, because you
7 delayed the process. You hindered the process, and we
8 can't have that going on in our community, be it a
9 serious offense, as this is one is, a serious
10 investigation, or a non-serious one. It doesn't
11 matter, it still is the same. But in this one, we're
12 talking about an individual, a human being, and that
13 is very critical, and I understand that. And because
14 I know you are not -- when I first started this job,
15 people said, well, you really gave a harsh sentence in
16 that one. But when I first started, you could
17 sentence someone to a hundred years, and the maximum
18 they'll serve is ten years. That is just the way it
19 was set up. So it was really a sham, it was a joke
20 when people put that in the paper. I think, really,
21 that is not what that says.

22 So this -- what I think you should probably do by
23 way of punishment is what really will be resulting
24 from what I'm about to do. I think it is fair
25 punishment for what has been done, but in order to do

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1 that, the sentence of the Court is ten years. I give
2 you credit for 345 days. Good luck to you, sir.
3 Thank you.

4 MR. HOLFORD: Thank you, Your Honor.

5 THE COURT: All right. Thank you all. We're
6 adjourned.

7 (The case of State of South Carolina versus
8 Sidney St. Clair Moorer concluded.)
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MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
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MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
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MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	7/18/2013 07:08:47 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 08:06:37 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 08:06:38 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 08:07:48 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 08:08:52 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 08:09:06 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 10:25:42 AM	Incoming	15082728013	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	Voice	7/18/2013 11:05:38 AM	Outgoing	18056377243	31236	62291	33.607785	-78.990203	31236	62291	2G	33.607785	-78.990203	CRMSS32	0.97
18439978152	SMS	7/18/2013 11:12:58 AM	Incoming	18439576792	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 11:13:26 AM	Incoming	18439576792	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 01:27:21 PM	Incoming	14014501241	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 01:57:55 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 03:10:46 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 03:41:39 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 04:07:12 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 04:17:06 PM	Incoming	18439574959	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	Voice	7/18/2013 04:33:16 PM	Outgoing	18432225403	31293	56528	33.711201	-78.879998	31293	56528	3G - HSPA+ Enable	33.711201	-78.879998	CRMSS32	2.17
18439978152	SMS	7/18/2013 04:39:53 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 05:16:00 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 07:45:18 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 08:15:24 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 08:22:32 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 08:23:14 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 08:30:48 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 08:31:36 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 08:32:21 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 09:00:41 PM	Outgoing	14106109532	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 09:01:15 PM	Incoming	14106109532	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 09:36:15 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 09:37:49 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 09:46:54 PM	Outgoing	13046380116	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 09:47:37 PM	Incoming	13046380116	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 09:54:12 PM	Outgoing	13046380116	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 09:54:15 PM	Outgoing	13046380116	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 10:05:53 PM	Incoming	13046380116	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/18/2013 10:09:12 PM	Outgoing	13046380116	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	MMS	7/18/2013 10:53:12 PM	Outgoing	18433853175/TYPE=PLMN@icmnsl.sun5.lightsurf.net	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	Voice	7/18/2013 11:13:46 PM	Outgoing	18433853175	31293	56727	33.726487	-78.879104	31293	56526	3G - HSPA+ Enable	33.711201	-78.879998	CRMSS32	0.03
18439978152	Voice	7/18/2013 11:14:30 PM	Outgoing	18433853175	31293	56528	33.711201	-78.879998	31293	56727	3G - HSPA+ Enable	33.726487	-78.879104	CRMSS32	0.02
18439978152	Voice	7/18/2013 11:50:04 PM	Incoming	18433853175	31293	56523	33.71120095	-78.8799979	31293	56523	3G - HSPA+ Enable	33.71120095	-78.8799979	CRMSS32	5.03
18439978152	Voice	7/18/2013 11:56:54 PM	Outgoing	15082728013	31293	56526	33.711201	-78.879998	31293	56528	3G - HSPA+ Enable	33.711201	-78.879998	CRMSS32	0.05
18439978152	Voice	7/19/2013 01:16:34 AM	Incoming	18433853175	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS32	20.90

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	7/19/2013 11:16:30 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 11:16:32 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 11:17:38 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 12:30:53 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 03:40:40 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 06:12:01 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 07:14:59 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 07:49:09 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 07:51:43 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 07:51:54 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 07:56:11 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 08:00:51 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 08:00:59 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 08:01:27 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 08:06:43 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 08:07:31 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 08:12:29 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 08:13:49 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 08:25:57 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 08:26:05 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 08:27:25 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	Voice	7/19/2013 08:32:16 PM	Outgoing	18433853175	31293	56526	33.711201	-78.879996	31293	56727	3G - HSPA+ Enable	33.726487	-78.879104	CRM55328	0.05
18439978152	SMS	7/19/2013 08:43:21 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 09:03:03 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 09:24:25 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 09:27:46 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 09:29:31 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 09:30:12 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 09:30:31 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 09:31:18 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 09:32:13 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 09:32:18 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 09:33:49 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 09:44:48 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 10:16:44 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	Voice	7/19/2013 10:36:37 PM	Outgoing	18433853175	31293	56722	33.726487	-78.879104	31293	56722	3G - HSPA+ Enable	33.726487	-78.879104	CRM55328	0.02
18439978152	Voice	7/19/2013 10:40:55 PM	Incoming	18433853175	31293	56523	33.71120095	-78.8799979	31293	56523	3G - HSPA+ Enable	33.71120095	-78.8799979	CRM55328	1.90
18439978152	SMS	7/19/2013 10:50:39 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 10:52:32 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 11:02:43 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/19/2013 11:13:00 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	Voice	7/19/2013 11:26:31 PM	Outgoing	18433853175	31293	56526	33.711201	-78.879998	31293	56526	3G - HSPA+ Enable	33.711201	-78.879998	CRM55328	0.02

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	7/19/2013 11:31:12 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/19/2013 11:31:33 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/19/2013 11:32:36 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/19/2013 11:33:41 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/19/2013 11:36:05 PM	Outgoing	18433853175	31293	56528	33.711201	-78.879998	31293	56528	3G + HSPA+ Enable	33.711201	-78.879998	CRMSS32 8	0.05
18439978152	SMS	7/19/2013 11:41:20 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/19/2013 11:41:22 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/19/2013 11:43:09 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/19/2013 11:45:09 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/19/2013 11:46:02 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/19/2013 11:46:34 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/19/2013 11:51:03 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/19/2013 11:53:07 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/19/2013 11:55:55 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/19/2013 11:55:59 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/19/2013 11:56:19 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/19/2013 11:56:41 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/19/2013 11:57:05 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 12:00:12 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 12:00:50 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/20/2013 12:09:07 AM	Incoming	18433853175	31293	56528	33.711201	-78.879998	31293	56528	3G + HSPA+ Enable	33.711201	-78.879998	CRMSS32 8	0.82
18439978152	SMS	7/20/2013 12:09:46 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 12:09:59 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 12:10:15 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/20/2013 12:10:17 AM	Incoming	18433853175	31293	56006	33.697699	-78.902498	31293	56528	3G + HSPA+ Enable	33.711201	-78.879998	CRMSS32 8	6.62
18439978152	SMS	7/20/2013 12:10:23 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 12:10:31 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 12:10:47 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 12:11:06 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 12:11:23 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 12:11:48 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/20/2013 01:14:03 AM	Outgoing	18434675007	31293	56528	33.711201	-78.879998	31293	56528	3G + HSPA+ Enable	33.711201	-78.879998	CRMSS32 8	1.53
18439978152	Voice	7/20/2013 03:12:01 AM	Incoming	18433853175	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS32 8	4.57
18439978152	SMS	7/20/2013 07:20:58 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 07:42:54 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 07:43:37 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 07:46:10 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/20/2013 10:56:14 AM	Outgoing	18437122670	31293	56001	33.697699	-78.902498	31293	56722	3G + HSPA+ Enable	33.726487	-78.879104	CRMSS32 7	0.18
18439978152	SMS	7/20/2013 02:07:24 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 02:07:33 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 03:44:30 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 03:44:30 PM	Outgoing	122	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	7/20/2013 03:46:19 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/20/2013 05:12:43 PM	Outgoing	18433853175	31293	56526	33.711201	-78.879996	31293	56727	3G - HSPA+ Enable	33.728497	-78.879104	CRMSS32 8 CRMSS32	0.02
18439978152	Voice	7/20/2013 05:14:07 PM	Incoming	18433853175	31293	56727	33.726487	-78.879104	31236	62523	2G	33.71120105	-78.8799981	CRMSS32 8 CRMSS32	5.38
18439978152	SMS	7/20/2013 05:45:34 PM	Incoming	18038005573	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 06:01:57 PM	Incoming	18439576792	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 06:04:42 PM	Incoming	18439576792	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 07:44:08 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 07:44:40 PM	Outgoing	122	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 07:44:41 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 07:44:54 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 07:50:22 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 07:51:50 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 07:56:28 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 07:56:29 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 07:57:03 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 07:58:25 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 08:00:03 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 08:00:30 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 08:00:37 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 08:13:42 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 08:14:03 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 08:15:50 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 08:22:30 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 08:22:55 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 08:26:33 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 08:27:57 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 08:28:29 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 08:31:30 PM	Incoming	18038005573	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 08:38:05 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 08:46:39 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 08:48:44 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 09:16:53 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 09:28:18 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 09:56:19 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 09:57:06 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 11:40:28 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 11:45:48 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/20/2013 11:53:59 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/21/2013 12:30:38 AM	Outgoing	18433853175	31293	56523	33.71120095	-78.8799979	31293	56521	3G - HSPA+ Enable	33.711201	-78.879998	CRMSS32 8 CRMSS32	0.02
18439978152	Voice	7/21/2013 12:31:24 AM	Incoming	18433853175	31293	56521	33.711201	-78.879998	31293	56523	3G - HSPA+ Enable	33.71120095	-78.8799979	CRMSS32 8 CRMSS32	7.20
18439978152	Voice	7/21/2013 12:50:43 AM	Incoming	18433853175	31293	56523	33.71120095	-78.8799979	31293	56523	3G - HSPA+ Enable	33.71120095	-78.8799979	CRMSS32 8 CRMSS32	2.90
18439978152	Voice	7/21/2013 12:59:54 AM	Incoming	18433853175	31293	56528	33.711201	-78.879998	31293	56528	3G - HSPA+ Enable	33.711201	-78.879998	CRMSS32 8 CRMSS32	3.37

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	Voice	7/21/2013 01:06:24 AM	Incoming	18433853175	31293	56528	33.711201	-78.879998	31293	56528	3G - HSPA+ Enable	33.711201	-78.879998	CRMSS328	4.97
18439978152	Voice	7/21/2013 08:14:52 AM	Outgoing	18439133746	31236	2122	33.695603	-79.005782	31236	2122	3G	33.695603	-79.005782	CRMSS328	0.88
18439978152	SMS	7/21/2013 12:25:59 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 12:31:32 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 12:37:50 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 12:44:40 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 01:10:25 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 01:10:29 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 01:40:46 PM	Incoming	18434500572	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 05:37:10 PM	Incoming	18432225403	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 06:14:49 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 06:19:19 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 06:25:48 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 06:27:02 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 06:29:45 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 06:33:03 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 06:50:11 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 08:01:04 PM	Incoming	18436854149	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 08:10:16 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 08:21:52 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 08:22:33 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 08:25:22 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 08:29:04 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 08:35:15 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 08:48:54 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/21/2013 08:57:34 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/22/2013 12:00:11 AM	Incoming	18433853175	31293	56722	33.726487	-78.879104	31293	56683	3G - HSPA+ Enable	33.755	-78.8216667	CRMSS328	4.93
18439978152	Voice	7/22/2013 12:16:53 AM	Incoming	18433853175	31293	56031	33.7907	-78.735296	31293	56032	3G - HSPA+ Enable	33.7907	-78.735296	CRMSS328	2.02
18439978152	SMS	7/22/2013 03:10:25 AM	Outgoing	18438331257	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 04:39:59 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:46:06 AM	Incoming	18438331257	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 07:31:53 AM	Outgoing	18438331257	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 07:38:35 AM	Incoming	18438331257	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 08:31:29 AM	Outgoing	18438331257	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 08:38:22 AM	Incoming	18438331257	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 08:38:52 AM	Incoming	18438331257	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 09:02:36 AM	Outgoing	18438331257	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 09:03:49 AM	Incoming	18438331257	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 09:17:13 AM	Incoming	18439576792	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 10:47:28 AM	Outgoing	18432225403	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 10:54:01 AM	Incoming	18432225403	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 10:57:14 AM	Outgoing	18432225403	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	7/22/2013 10:58:19 AM	Incoming	18432225403	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 10:59:48 AM	Outgoing	18432225403	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 02:18:43 PM	Outgoing	18439574959	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 02:19:36 PM	Incoming	18439574959	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 02:24:43 PM	Incoming	18439574959	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 03:11:52 PM	Outgoing	18439574959	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 03:21:58 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/22/2013 03:22:01 PM	Incoming	15082728013	31293	56033	33.7907	-78.735296	31293	56033	3G - HSPA+ Enable	33.7907	-78.735296	CRM55328	1.28
18439978152	SMS	7/22/2013 03:29:10 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 03:29:36 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 03:59:18 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 04:02:17 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 04:04:56 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 04:05:29 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 04:05:56 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 04:07:33 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 04:08:06 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 04:10:32 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 04:10:34 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 04:18:41 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 04:30:11 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 04:30:14 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 04:43:34 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 04:49:05 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 04:50:07 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:03:46 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:05:20 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:06:48 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:08:10 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:08:37 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:09:34 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:10:23 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:11:25 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:14:13 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:14:44 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:15:41 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:16:36 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:21:03 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:22:24 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:23:09 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:40:17 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 05:41:02 PM	Incoming	18435574959	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	7/22/2013 05:50:11 PM	Outgoing	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/22/2013 08:56:40 PM	Incoming	18434462895	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	Carroll	1.95
18439978152	Voice	7/22/2013 09:02:33 PM	Incoming	1843225403	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	Carroll	1.78
18439978152	SMS	7/22/2013 11:11:50 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 11:22:09 PM	Outgoing	122	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 11:22:11 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/22/2013 11:22:33 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 04:45:52 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 07:02:21 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 07:02:22 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 07:02:36 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 07:17:33 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 07:28:03 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 07:30:04 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:22:00 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:39:40 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 11:56:21 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 12:46:04 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 01:20:02 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 01:27:22 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 01:24:17 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 01:24:42 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 01:24:55 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 01:28:33 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 01:29:44 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 01:30:02 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 01:31:17 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 01:32:10 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 01:32:33 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 01:33:44 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 01:54:29 PM	Incoming	19107706872	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 07:05:49 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:07:20 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:08:30 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:08:37 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:12:43 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:18:46 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:20:38 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:21:36 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:21:40 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:22:04 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:23:42 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:24:23 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	7/23/2013 06:29:00 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:28:55 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:33:34 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:34:30 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:34:53 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:40:35 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/23/2013 08:49:03 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 11:52:36 AM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 12:38:43 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 12:41:14 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 12:41:18 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 12:42:00 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 12:42:19 PM	Outgoing	18432225403	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 01:25:53 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 01:25:54 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 01:27:18 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 01:28:33 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 02:27:05 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 02:27:06 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 02:35:40 PM	Incoming	18432225403	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 02:37:44 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/24/2013 04:19:52 PM	Outgoing	17248166593	31236	62033	33.79069099	-78.7352962	31236	62033	2G	33.75069099	-78.7352962	UNIVERSITY	2.53
18439978152	SMS	7/24/2013 07:14:08 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 08:03:26 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 08:38:11 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 08:57:37 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 09:18:36 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 09:19:36 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 09:38:58 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 09:46:07 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 09:48:15 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 09:51:24 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:07:39 PM	Incoming	18439574959	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:27:04 PM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:27:35 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:28:25 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:29:28 PM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:29:33 PM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:29:50 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:30:52 PM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:31:02 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:32:27 PM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	7/24/2013 10:32:54 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:33:45 PM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:34:46 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:37:32 PM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:37:56 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:38:02 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:38:06 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:38:59 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:40:02 PM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:40:28 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:40:55 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:41:16 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:41:34 PM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:41:57 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:42:01 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:42:31 PM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:43:25 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:44:35 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:45:09 PM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:49:53 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:57:13 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:57:45 PM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:58:26 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:59:14 PM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 10:59:41 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 11:02:03 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/24/2013 11:21:39 PM	Outgoing	18433853175	31293	56526	33.711201	-78.879998	31293	56526	3G - HSPA+ Enable	33.711201	-78.879998	CRMS532	0.07
18439978152	SMS	7/24/2013 11:25:16 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 11:20:15 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 11:37:43 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/24/2013 11:43:03 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/24/2013 11:58:15 PM	Outgoing	18433853175	31236	2122	33.695803	-79.005782	31236	62125	2G	33.695803	-79.005782	CRMS532	1.35
18439978152	SMS	7/25/2013 12:48:06 AM	Incoming	18433318724	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 12:50:25 AM	Outgoing	18433318724	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 12:51:02 AM	Incoming	18433318724	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 12:53:07 AM	Outgoing	18433318724	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 12:53:28 AM	Incoming	18433318724	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 12:55:34 AM	Outgoing	18433318724	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 12:56:02 AM	Incoming	18433318724	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 12:56:38 AM	Outgoing	18433318724	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 12:57:13 AM	Incoming	18433318724	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 01:07:49 AM	Outgoing	18433318724	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	7/25/2013 01:09:25 AM	Incoming	18433318724	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 01:10:08 AM	Outgoing	18433318724	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/25/2013 01:27:28 AM	Outgoing	18433853175	31293	56528	33.711201	-78.879998	31293	56528	3G - HSPA+ Enable	33.711201	-78.879998	CRMSS327	0.05
18439978152	Voice	7/25/2013 01:43:35 AM	Outgoing	18433853175	31293	56528	33.711201	-78.879998	31293	56528	3G - HSPA+ Enable	33.711201	-78.879998	CRMSS327	0.02
18439978152	Voice	7/25/2013 02:04:38 AM	Outgoing	18438604211	31293	56581	33.639496	-79.0326	31293	56581	3G - HSPA+ Enable	33.639496	-79.0326	CRMSS327	0.73
18439978152	Voice	7/25/2013 02:05:37 AM	Incoming	18433853175	31293	56581	33.639496	-79.0326	31293	56581	3G - HSPA+ Enable	33.639496	-79.0326	CRMSS327	0.65
18439978152	Voice	7/25/2013 03:09:08 AM	Outgoing	18433853175	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS327	45.63
18439978152	SMS	7/25/2013 07:44:33 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 07:44:34 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 07:44:53 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 01:42:35 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 02:00:08 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 02:05:31 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 02:05:32 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 02:08:52 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 02:12:17 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 02:12:29 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 02:12:50 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 02:14:22 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 02:19:43 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 02:45:57 PM	Incoming	18433318724	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/25/2013 03:16:51 PM	Outgoing	18433853175	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS327	1.17
18439978152	SMS	7/25/2013 03:18:18 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 03:49:03 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/25/2013 04:00:21 PM	Incoming	18433853175	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS327	4.77
18439978152	Voice	7/25/2013 04:36:23 PM	Outgoing	18433853175	31293	56523	33.71120095	-78.8799979	31293	56523	3G - HSPA+ Enable	33.71120095	-78.8799979	CRMSS327	0.07
18439978152	Voice	7/25/2013 04:38:09 PM	Outgoing	18433853175	31293	56521	33.711201	-78.879998	31293	56723	3G - HSPA+ Enable	33.726487	-78.879104	CRMSS327	0.10
18439978152	Voice	7/25/2013 04:44:42 PM	Incoming	18433853175	31293	56727	33.726487	-78.879104	31293	56727	3G - HSPA+ Enable	33.726487	-78.879104	CRMSS327	0.50
18439978152	Voice	7/25/2013 04:49:30 PM	Incoming	18433853175	31293	56727	33.726487	-78.879104	31293	56727	3G - HSPA+ Enable	33.726487	-78.879104	CRMSS327	0.18
18439978152	SMS	7/25/2013 05:05:46 PM	Incoming	18439576792	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 07:30:53 PM	Incoming	18433318724	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 08:17:25 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 08:17:58 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 08:44:35 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 08:46:37 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 08:47:08 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 08:47:23 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 08:59:22 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 09:00:08 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 10:40:49 PM	Incoming	18432138547	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/25/2013 10:40:49 PM	Incoming	18432138547	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	MMS	7/25/2013 10:50:02 PM	Outgoing	18432138547/TY PE=PLMN@icomm s1.suns.lightsurf .net	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	7/26/2013 06:17:38 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 06:21:53 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 06:25:55 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 06:26:40 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 06:27:55 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 06:29:13 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 06:30:20 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 07:30:30 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	Voice	7/26/2013 07:38:14 PM	Outgoing	18433853175	31236	62723	33.726487	-78.879104	31236	62723	2G	33.726487	-78.879104	UMPS004	0.02
18439978152	SMS	7/26/2013 07:45:30 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 07:46:35 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 07:53:11 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 07:54:09 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 07:57:20 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 07:58:07 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 08:00:38 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 08:04:51 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 08:10:41 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	Voice	7/26/2013 09:31:06 PM	Outgoing	18433853175	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	UMPS004	0.38
18439978152	Voice	7/26/2013 09:37:59 PM	Incoming	18433853175	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	UMPS004	4.10
18439978152	SMS	7/26/2013 09:51:29 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 09:52:55 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 09:53:36 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 09:55:31 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 09:57:25 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 09:57:48 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 09:58:10 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 09:58:26 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 09:58:35 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 09:59:14 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 09:59:51 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 10:00:04 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 10:00:22 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 10:00:39 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 10:01:07 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 10:10:54 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 10:16:56 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 10:17:39 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 10:20:15 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 10:27:02 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 10:51:39 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 10:52:12 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/26/2013 10:53:03 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	7/27/2013 04:22:35 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/27/2013 04:30:27 PM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/27/2013 04:33:31 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/27/2013 05:49:14 PM	Outgoing	18433853175	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS32	0.03
18439978152	Voice	7/27/2013 06:27:35 PM	Incoming	18433853175	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS32	1.38
18439978152	SMS	7/27/2013 06:51:59 PM	Incoming	18434579273	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/27/2013 06:56:59 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/27/2013 07:33:06 PM	Incoming	18433853175	31293	56128	33.695803	-79.005782	31236	62304	2G	33.738364	-78.951901	CRMSS32	9.85
18439978152	Voice	7/27/2013 08:48:58 PM	Outgoing	18433853175	31206	62532	33.778803	-78.9795	31236	62304	2G	33.738364	-78.951901	CRMSS32	10.42
18439978152	SMS	7/27/2013 08:53:56 PM	Incoming	18434462895	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/27/2013 08:59:44 PM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/27/2013 09:06:41 PM	Outgoing	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/27/2013 09:09:13 PM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/27/2013 09:14:21 PM	Outgoing	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/27/2013 09:16:08 PM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/27/2013 09:23:29 PM	Outgoing	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/27/2013 09:25:57 PM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/27/2013 09:33:42 PM	Outgoing	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/27/2013 09:36:06 PM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/27/2013 09:56:38 PM	Incoming	18433853175	31293	55306	33.738364	-78.951901	31293	56307	3G - HSPA+ Enable	33.738364	-78.951901	CRMSS32	0.20
18439978152	SMS	7/27/2013 10:34:52 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/27/2013 10:41:52 PM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/27/2013 10:42:25 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/27/2013 11:48:06 PM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/28/2013 03:24:32 AM	Outgoing	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/28/2013 05:04:35 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/28/2013 09:00:04 AM	Incoming	18438604211	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/28/2013 11:29:36 AM	Incoming	18435163267	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS32	0.97
18439978152	Voice	7/28/2013 01:37:32 PM	Outgoing	18432225403	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS32	0.12
18439978152	Voice	7/28/2013 01:40:57 PM	Outgoing	18432225403	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS32	0.07
18439978152	Voice	7/28/2013 01:49:27 PM	Outgoing	18432225403	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS32	0.07
18439978152	Voice	7/28/2013 01:54:11 PM	Incoming	18432225403	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS32	0.77
18439978152	Voice	7/28/2013 01:57:20 PM	Outgoing	18435163267	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS32	0.22
18439978152	Voice	7/28/2013 01:58:14 PM	Outgoing	18432225403	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS32	0.78
18439978152	Voice	7/28/2013 02:15:49 PM	Outgoing	18432225403	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS32	1.15
18439978152	Voice	7/28/2013 02:29:48 PM	Incoming	18434575747	31293	56027	33.757784	-78.863339	31293	56088	3G - HSPA+ Enable	33.755	-78.8216667	CRMSS32	0.88
18439978152	Voice	7/28/2013 05:38:03 PM	Outgoing	17064669555	31236	62033	33.79069099	-78.7352962	31236	62033	2G	33.79069099	-78.7352962	CRMSS32	0.03
18439978152	SMS	7/28/2013 06:23:00 PM	Outgoing	18434575747	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/28/2013 06:55:28 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/28/2013 06:58:17 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/28/2013 07:08:19 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/28/2013 07:08:51 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/28/2013 08:24:47 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/28/2013 09:33:36 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/28/2013 09:48:29 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/28/2013 09:49:24 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/28/2013 09:55:19 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	7/29/2013 06:26:37 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/29/2013 06:30:13 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/29/2013 06:31:21 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/29/2013 06:39:41 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/29/2013 07:51:41 PM	Outgoing	18432225403	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRMSS33	4.40
18439978152	SMS	7/29/2013 08:43:48 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/29/2013 08:44:07 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/29/2013 08:44:54 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 02:38:43 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 03:05:34 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 03:17:07 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 03:24:15 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 03:24:32 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 07:18:41 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 07:18:53 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 07:33:55 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 08:20:11 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 08:20:33 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 09:24:29 AM	Incoming	18432225403	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/30/2013 10:39:58 AM	Outgoing	18433853175	31293	56526	33.711201	-78.879998	31293	56526	3G - HSPA+ Enable	33.711201	-78.879998	CRMSS33	1.27
18439978152	SMS	7/30/2013 02:11:30 PM	Outgoing	19107706872	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 02:50:12 PM	Incoming	19107706872	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/30/2013 04:14:52 PM	Outgoing	18437121563	31293	56006	33.697699	-78.902498	31293	56727	3G - HSPA+ Enable	33.726487	-78.679104	CRMSS33	1.82
18439978152	SMS	7/30/2013 04:23:37 PM	Incoming	19107706872	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/30/2013 04:37:08 PM	Outgoing	18432225403	31293	56526	33.711201	-78.879998	31293	56526	3G - HSPA+ Enable	33.711201	-78.879998	CRMSS33	1.57
18439978152	SMS	7/30/2013 05:44:21 PM	Incoming	16319606159	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 06:05:17 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 06:44:54 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 06:45:29 PM	Outgoing	16319606159	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 06:46:28 PM	Outgoing	19107706872	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 06:47:20 PM	Incoming	19107706872	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 06:47:25 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 06:48:09 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 06:49:46 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 07:11:52 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 07:14:07 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 07:15:14 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 07:15:44 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 07:35:05 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 07:37:25 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 07:38:02 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/30/2013 07:45:01 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	7/31/2013 02:14:29 PM	Incoming	12402910652	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 02:16:16 PM	Outgoing	122	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 02:16:17 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 02:19:23 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 02:45:49 PM	Outgoing	12402910652	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 02:46:05 PM	Outgoing	12402910652	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 03:15:22 PM	Incoming	12402910652	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 03:54:38 PM	Outgoing	12402910652	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 04:05:37 PM	Incoming	12402910652	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 04:08:55 PM	Outgoing	12402910652	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 04:45:38 PM	Incoming	18434575747	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 05:10:50 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 05:10:51 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 05:12:01 PM	Incoming	18435163267	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 05:13:12 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 05:23:50 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 05:32:44 PM	Incoming	17046506027	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 05:33:46 PM	Incoming	18436858299	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 05:34:32 PM	Incoming	17046506027	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 05:34:38 PM	Incoming	17046506027	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 06:07:05 PM	Incoming	18434575747	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 06:07:08 PM	Incoming	18434575747	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 06:16:49 PM	Incoming	18432518514	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 06:17:32 PM	Outgoing	18434575747	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 06:17:58 PM	Outgoing	17046506027	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 06:18:07 PM	Incoming	18434575747	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 06:18:18 PM	Incoming	18434575747	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 06:19:57 PM	Incoming	18434575747	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 06:20:06 PM	Incoming	17046506027	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 06:34:37 PM	Incoming	18434575747	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 06:35:13 PM	Outgoing	18434575747	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 06:37:03 PM	Incoming	18434575747	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 06:39:07 PM	Outgoing	18434575747	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 07:16:29 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 07:50:48 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 08:06:30 PM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 08:37:49 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 09:19:27 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	Voice	7/31/2013 09:19:58 PM	Outgoing	18432225403	31293	56713	33.809693	-78.70479	31293	56713	3G - HSPA4 Enable	33.809693	-78.70479	CRM55321	1.72
18439978152	SMS	7/31/2013 09:21:03 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 09:24:21 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	7/31/2013 09:25:51 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	7/31/2013 09:34:32 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/31/2013 09:36:34 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/31/2013 09:37:58 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/31/2013 10:58:04 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/31/2013 11:07:32 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/31/2013 11:22:44 PM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/31/2013 11:23:38 PM	Outgoing	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/31/2013 11:24:58 PM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/31/2013 11:28:21 PM	Outgoing	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/31/2013 11:29:58 PM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/31/2013 11:30:54 PM	Outgoing	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/31/2013 11:31:05 PM	Outgoing	18433853175	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRM5553	0.02
18439978152	Voice	7/31/2013 11:32:26 PM	Outgoing	18433853175	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRM5553	0.02
18439978152	SMS	7/31/2013 11:33:41 PM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	7/31/2013 11:38:35 PM	Outgoing	18433853175	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRM5553	14.73
18439978152	SMS	7/31/2013 11:47:51 PM	Outgoing	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/31/2013 11:48:35 PM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/31/2013 11:51:29 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/31/2013 11:57:52 PM	Outgoing	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	7/31/2013 11:53:29 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	8/1/2013 12:03:35 AM	Outgoing	18432518514	31236	2122	33.695803	-79.005782	31236	2122	2G	33.695803	-79.005782	CRM5553	0.02
18439978152	SMS	8/1/2013 12:11:53 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 12:13:01 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 12:13:08 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 12:13:46 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 12:13:52 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 12:16:44 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 12:16:47 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 12:24:12 AM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 12:27:45 AM	Outgoing	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 12:29:07 AM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 12:48:44 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 12:49:11 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 12:51:13 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 04:48:20 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 08:46:26 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 08:46:27 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 08:46:45 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 09:07:52 AM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 09:17:59 AM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 09:34:07 AM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 09:34:49 AM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 09:44:26 AM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	8/1/2013 09:47:56 AM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 09:56:27 AM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 09:57:51 AM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 10:03:51 AM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 10:04:21 AM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 10:34:46 AM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 10:42:10 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 10:43:08 AM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 10:59:22 AM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 11:02:14 AM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 11:03:02 AM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 01:09:46 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 01:29:00 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 01:29:33 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 01:30:21 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 01:33:57 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 01:34:49 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 01:35:18 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 01:35:57 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 01:36:23 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 01:37:01 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 01:37:33 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 01:37:57 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 01:38:07 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 04:31:15 PM	Incoming	16319606159	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 06:08:07 PM	Outgoing	16319606159	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 06:54:16 PM	Incoming	16319606159	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 08:18:59 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 08:25:13 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 08:27:22 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 08:32:57 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 08:33:05 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 08:33:49 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 08:37:57 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 08:39:26 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 08:39:58 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 09:21:19 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 10:13:24 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 10:14:25 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 10:18:04 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 10:31:48 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 10:32:17 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	8/1/2013 10:37:42 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 10:38:11 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/1/2013 11:58:17 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 12:02:21 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 12:04:30 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 12:04:59 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 12:05:44 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 12:09:25 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 12:12:31 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 12:16:26 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 12:19:53 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 12:25:08 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 12:25:22 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 05:04:26 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 07:36:18 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 07:43:44 AM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 07:46:29 AM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 07:48:00 AM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	8/2/2013 10:18:05 AM	Incoming	18433853175	31236	2122	33.695803	-79.065782	31236	2122	2G	33.695803	-79.065782	CRM5533	1.38
18439978152	Voice	8/2/2013 10:32:37 AM	Outgoing	18437122670	31293	56383	33.684804	-78.963916	31293	56381	3G - HSPA+ Enable	33.684804	-78.963916	CRM5533	2.43
18439978152	SMS	8/2/2013 11:10:41 AM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 01:44:34 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 01:57:04 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 03:21:51 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 04:04:48 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 04:10:31 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 04:11:12 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 04:11:49 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 04:15:02 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 04:15:32 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 04:16:51 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	Voice	8/2/2013 04:31:48 PM	Outgoing	18437121563	31293	56727	33.726487	-78.879104	31293	56727	3G - HSPA+ Enable	33.726487	-78.879104	CRM5532 7	0.68
18439978152	Voice	8/2/2013 04:40:56 PM	Outgoing	18433853175	31293	56521	33.711201	-78.879998	31293	56521	3G - HSPA+ Enable	33.711201	-78.879998	CRM5532 7	0.13
18439978152	SMS	8/2/2013 06:55:21 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 08:13:32 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 08:13:45 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 08:49:18 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 10:01:29 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 10:45:53 PM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 10:52:59 PM	Outgoing	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 10:54:46 PM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00
18439978152	SMS	8/2/2013 10:57:52 PM	Outgoing	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	SMS	8/2/2013 10:59:26 PM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:00:29 PM	Outgoing	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:02:43 PM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	Voice	8/2/2013 11:06:59 PM	Incoming	18433853175	31236	62701	33.78691301	-78.7713988	31236	62402	2G	33.82019919	-78.7762168	LAM5332	0.57
18439978152	SMS	8/2/2013 11:07:10 PM	Outgoing	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:11:25 PM	Incoming	18434559145	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:18:05 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:19:04 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:23:58 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:24:35 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:25:22 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:26:21 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:29:13 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:30:05 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:35:28 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:36:23 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:46:42 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:48:02 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/2/2013 11:48:34 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 12:00:05 AM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	MMS	8/3/2013 01:20:55 AM	Outgoing	18433853175/YY PE=PLMN@icmm s1.sun5.rightsurf.net	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	Voice	8/3/2013 01:40:17 AM	Outgoing	18433853175	31293	56033	33.7907	-78.735296	31236	62721	2G	33.726457	-78.879104	LAM5332	11.30
18439978152	SMS	8/3/2013 04:54:40 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 05:20:18 AM	Outgoing	122	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 05:20:19 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 05:22:40 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 07:11:45 AM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 04:07:57 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 04:08:37 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 04:09:29 PM	Incoming	16094123938	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 04:21:15 PM	Outgoing	18432225403	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 04:48:39 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 04:52:07 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 05:03:30 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 05:03:41 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 05:12:51 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	Voice	8/3/2013 05:25:18 PM	Outgoing	18432225403	31293	56001	33.697699	-78.902498	31236	62523	2G	33.71120105	-78.8799981	LAM5332	1.37
18439978152	SMS	8/3/2013 05:27:05 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 05:28:47 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 05:49:01 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 05:49:09 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00
18439978152	SMS	8/3/2013 05:51:56 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA		0.00

MSISDN	Event Type	Start Time	Direction	Connected To	First Tower LAC / ENodeB_ID	First Tower Cell ID / ECGI_Cell	First Tower Latitude	First Tower Longitude	Last Tower LAC / ENodeB_ID	Last Tower Cell ID / ECGI_Cell	Last Tower Tech	Last Tower Latitude	Last Tower Longitude	MSC Name	Duration (Minutes)
18439978152	Voice	8/3/2013 05:55:20 PM	Outgoing	18432225403	31293	56001	33.697699	-78.902498	31293	56001	3G - HSPA+ Enable	33.697699	-78.902498	CRMSS327	0.92
18439978152	SMS	8/3/2013 05:57:22 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/3/2013 06:54:42 PM	Incoming	18436854149	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	Voice	8/3/2013 06:57:26 PM	Outgoing	18432225403	31293	56722	33.726487	-78.879104	31293	56001	3G - HSPA+ Enable	33.697699	-78.902498	CRMSS327	0.18
18439978152	Voice	8/3/2013 07:01:22 PM	Outgoing	18432225403	31293	56722	33.726487	-78.879104	31293	56001	3G - HSPA+ Enable	33.697699	-78.902498	CRMSS327	0.07
18439978152	SMS	8/3/2013 07:23:46 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/3/2013 07:24:56 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/3/2013 07:28:17 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/3/2013 07:30:56 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	Voice	8/3/2013 07:42:36 PM	Incoming	18432225403	31293	56528	33.711201	-78.875998	31293	56528	3G - HSPA+ Enable	33.711201	-78.875998	CRMSS327	2.02
18439978152	SMS	8/3/2013 08:01:39 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/3/2013 08:24:04 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/3/2013 08:36:20 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/3/2013 08:42:25 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/3/2013 09:18:34 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/3/2013 09:19:54 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/3/2013 09:27:59 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/4/2013 05:11:07 AM	Incoming	129	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/4/2013 07:44:09 AM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/4/2013 07:45:41 AM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/4/2013 10:38:35 AM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/4/2013 10:40:42 AM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/4/2013 10:54:40 AM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/4/2013 10:58:58 AM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/4/2013 01:29:00 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	SMS	8/4/2013 01:49:16 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS327	0.00
18439978152	Voice	8/4/2013 02:14:59 PM	Outgoing	19105408196	31293	56038	33.7907	-78.735296	31293	56038	3G - HSPA+ Enable	33.7907	-78.735296	CRMSS330	0.28
18439978152	SMS	8/4/2013 03:43:50 PM	Outgoing	18439574959	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS330	0.00
18439978152	SMS	8/4/2013 06:33:14 PM	Outgoing	18439574959	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS330	0.00
18439978152	SMS	8/4/2013 06:37:53 PM	Outgoing	18439574959	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS330	0.00
18439978152	SMS	8/4/2013 06:54:45 PM	Incoming	18439574959	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS330	0.00
18439978152	SMS	8/4/2013 06:56:54 PM	Outgoing	18439574959	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS330	0.00
18439978152	SMS	8/4/2013 06:57:29 PM	Incoming	18439574959	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS330	0.00
18439978152	SMS	8/4/2013 07:04:43 PM	Outgoing	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS330	0.00
18439978152	SMS	8/4/2013 07:06:09 PM	Incoming	19105408196	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS330	0.00
18439978152	SMS	8/4/2013 08:39:17 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS330	0.00
18439978152	SMS	8/4/2013 08:39:26 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS330	0.00
18439978152	SMS	8/4/2013 08:39:26 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS330	0.00
18439978152	SMS	8/4/2013 08:53:29 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS330	0.00
18439978152	SMS	8/4/2013 09:01:48 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS330	0.00
18439978152	SMS	8/4/2013 09:22:10 PM	Incoming	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS330	0.00
18439978152	SMS	8/4/2013 09:26:30 PM	Outgoing	18433853175	NA	NA	NA	NA	NA	NA	NA	NA	NA	CRMSS330	0.00