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Nov 15 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
General Sessions Court
DeAndrea G. Benjamin, Circuit Court Judge

Case No. 2017-GS-40-07158
Case No. 2017-GS-40-07162
Case No. 2017-GS-40-07165
Case No. 2017-GS-40-07166
Appellate Case No. 2019-001981

The State,

Respondent,

v.

Charles Barham,

Appellant.

RECORD ON APPEAL
VOLUME II OF II

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1 leave Jessica out of it. It wasn't until that
2 point that you brought Brandon Barham's name into
3 this entire ordeal, was it?

4 A No, I told them from the start.

5 Q Well, we just talked about when the start was,
6 Mr. Owen. The start was back in September of 2015.
7 You didn't say anything about that then, did you?

8 A I didn't say nothing about me or him.

9 Q Exactly. So when you say the start, when is the
10 start?

11 A I guess whenever I gave my full statement.

12 Q So before you gave that statement, according to the
13 recorded interview, you told them to just please
14 leave Jessica James out of this, right?

15 A Uh-huh.

16 Q You did that, and then you started talking about
17 Brandon Barham's involvement, right?

18 A Uh-huh.

19 Q Because you knew you had to protect your
20 girlfriend, Jessica James, right?

21 A Sure.

22 Q Because she wasn't about that life, right? She
23 wasn't about the life that you were in, right?

24 A No.

25 Q So you knew that at all costs you needed to tell

1 law enforcement whatever you needed to tell them to
2 keep Jessica James out of this?

3 A I mean, telling them that I shot Charles was going
4 to be enough. I mean, I just told them the story
5 about how it happened. I can't help it that I lied
6 at the beginning. I was scared.

7 Q So --

8 A I didn't want to go down for it at first.

9 Q So -- and I want to go back, because you make it
10 sound as if you just had to get this off your
11 chest. September 9th, 2015, you lied, right?
12 Right?

13 A Correct.

14 Q Then the case goes cold. 2017, Investigator Reese
15 picks up the case, right?

16 A Yes, sir.

17 Q You're picked up for the armed robbery and the gun
18 charge, right?

19 A Right.

20 Q You were asked then what your involvement was,
21 right?

22 A Right.

23 Q You lied, right?

24 A Right.

25 Q It wasn't until Investigator Reese then came back

1 and got the warrants and served on you?

2 A I hadn't been served with the warrants yet.

3 Q And you still lied, right?

4 A What do you mean? No, I mean that was when I gave
5 my statement.

6 Q Yes, sir. When he went back and talked to Jenny
7 Baker and got her story, then he got the warrants
8 against you, right?

9 A Oh, I don't know how all that went.

10 Q But at some point, that's when you started bringing
11 Brandon's name into it, right?

12 A I was just telling the story.

13 Q Now, this route --

14 (Pause.)

15 BY MR. MYERS:

16 Q Now, Mr. Owen, in the initial statement -- before
17 we show this jury this -- in your initial statement
18 to law enforcement, we already know you lied to
19 them on two occasions, right?

20 A Right.

21 Q So then on the third occasion when you told them
22 what happened, and even when Mr. Eaton was
23 cross-examining you, you indicated that y'all had
24 come down Harrison and you made a right onto Budon,
25 right?

1 A Correct.

2 Q And then you also said in the statement to law
3 enforcement that Brandon parked in a parking lot,
4 right?

5 A He didn't -- I don't think he parked in a parking
6 lot.

7 Q Well, you said he parked, I guess along Budon,
8 right?

9 A Sure.

10 Q And you never mentioned anything about that truck
11 moving in your initial statement to law
12 enforcement?

13 A I don't think I was ever asked about it.

14 Q Right. In your statement to law enforcement, in
15 your initial statement, you just told them that
16 Brandon basically parked and the truck never moved,
17 right?

18 A Right.

19 Q Today, your testimony is that by the time you came
20 out after killing Mr. Kusko, the truck had moved,
21 right?

22 A Right.

23 Q Which is not true, right? Or which -- I don't know
24 what happened. But which one is true? Which one
25 do you want the jury to believe? Did it move or

1 did it not?

2 A The truck moved.

3 Q So your statement to law enforcement was a lie?

4 A I mean, I was really messed up that night. I mean,
5 bits and pieces have come back to me here and
6 there.

7 Q So your testimony --

8 A For the most part, I've told the truth.

9 Q Now, according to your story today, you told the
10 jury that Brandon was your lookout, right?

11 A Uh-huh.

12 Q Right?

13 A Right.

14 Q But then after Mr. Eaton and you couldn't get on
15 the same page, that has changed. Now the story is
16 that while you were in there killing him, Brandon's
17 out riding around. He's going from Harrison to
18 Bagnal.

19 A Uh-huh.

20 Q Is that your story now?

21 A I mean, I guess that's what happened.

22 Q Well, do you guess? Do you know?

23 A I mean, like I said, I was pretty messed up that
24 night. I know -- I know I got in the truck after
25 it was done.

1 Q Well, was he the lookout or was he driving?

2 A He was the lookout for a little while, but he
3 wasn't out there when I came out the house.

4 Q Was he standing next to the tree or was he driving?

5 A He wasn't -- he wasn't outside the house when I
6 came out.

7 Q So all this --

8 A To answer your question.

9 Q So all this talk about looking and seeing his eyes,
10 and all that stuff, is that true or not true?

11 A Yeah, when he was out front.

12 Q Now, in your statements to law enforcement, you
13 also never told them anything about the initial
14 plan was to get Mr. Kusko to the door, right?

15 A Yeah. I mean, I wasn't -- I don't think I was
16 questioned the same way that I was initially.

17 Q Well, let's talk about it.

18 A Okay.

19 Q Your initial statement to law enforcement, you
20 never talked when you were given an opportunity --

21 A When I talked to Reese --

22 Q -- to say what happened, right?

23 A When I talked to Reese from jail?

24 Q Right.

25 A Okay.

1 Q All right. When Reese came to you, he asked you,
2 according to the recording device, What happened,
3 tell me what happened, right?

4 A Uh-huh.

5 Q At no time did you tell him that, Well, the plan
6 was to get him to come to the door? You never told
7 him that, right?

8 A Yeah, I left it out.

9 Q You left that out?

10 A (Nods affirmatively.)

11 Q And now you're saying to this jury that the initial
12 plan was to get Mr. Kusko to the front door?

13 A No. It was to the back door.

14 Q Or to the back door?

15 A Yeah.

16 Q Right?

17 A To the back door. I just never went into that much
18 detail. I mean, I pretty much told him that I went
19 to his house and the way I went in. And that was
20 all -- that was all that was asked of me.

21 Q You never went into that much detail?

22 A Not on that part.

23 Q But you -- how many times have you met with the
24 Solicitor's Office before your testimony?

25 A Once.

1 Q And when you talked to them, they talked to you
2 about what you would say today?

3 A No. They just -- we went over the case again.

4 Q Sure. Who was in that meeting?

5 A The prosecutor.

6 Q Which one?

7 A The one that's been talking.

8 Q Mr. Eaton?

9 A Yes.

10 Q Who else?

11 A Detective Reese. Both of them two. I think his
12 name's Conrad.

13 Q These two guys right here?

14 A Yeah.

15 Q Who else?

16 A I don't see the other guy.

17 Q Does the name Wesley ring a bell, Ace Wesley?

18 A I think he's the investigator for the court.

19 Q So before you came in to tell this story, you had
20 one, two, three, four, five individuals? Was your
21 lawyer there too?

22 A My lawyer was present.

23 Q Are you aware that my office attempted to talk to
24 you and we were declined?

25 A I didn't know.

1 Q Now, this gun, you testified that this was a .45,
2 correct?

3 A Yes, sir.

4 Q A .45 without a safety?

5 A I mean, it might have had a safety on it. I didn't
6 check to see if the safety was on or off, so, I
7 mean, I wouldn't know.

8 Q Well, when Mr. Eaton asked you on direct
9 examination, he asked you two times. He asked you
10 if it had a safety.

11 A Uh-huh.

12 Q And then he asked if you were sure. And you said
13 that it did not have a safety.

14 A Okay.

15 Q So which one is it?

16 A It didn't have a safety.

17 Q Then you are saying that it could have had a
18 safety?

19 A I guess it could have.

20 Q Well, which one, could it or did it?

21 A I guess it could have.

22 Q So now it's could.

23 A All right.

24 Q Is that right?

25 A Yeah, that's right.

1 Q And your testimony or your statement to law
2 enforcement initially was that after this occurred
3 that you then threw the gun away, right?

4 A Yes.

5 Q You did that?

6 A I did.

7 Q Brandon took no part in throwing the gun away?

8 A No part.

9 Q And then later on you took law enforcement to the
10 location to try and find the gun?

11 A I did.

12 Q But never retrieved it?

13 A Never retrieved.

14 Q There was testimony that the gun was thrown into a
15 lake. Would that be true?

16 A No.

17 Q It certainly was not thrown into a lake?

18 A Certainly was not.

19 Q Thrown into the woods?

20 A It was thrown into the woods.

21 Q So if there was testimony that the gun was thrown
22 into a lake, that would be a lie?

23 A That would be a lie.

24 Q You also testified earlier that you never told
25 Andrew that you would ever kill Charlie, right?

1 A I did.

2 Q You also never told Andrew that Brandon would kill
3 Charlie?

4 A Yes.

5 Q And according to your testimony just a few moments
6 ago on direct examination, you testified that
7 Brandon did not know that Jenny Baker knew
8 anything, right?

9 A (Nods affirmatively.)

10 Q Right?

11 A Right.

12 Q So if Ms. Baker came in here and said that Brandon
13 knew, that would be a lie, right?

14 A Right.

15 Q Did you all -- now, you and Ms. Baker, y'all were
16 communicating a lot. You went through the
17 testimony that you are not like this, you're not
18 that kind of person. Do you remember that on
19 direct examination?

20 A Yes.

21 Q In fact, you and Ms. Baker, y'all were going back
22 and forth via text messages sometime after Charles
23 Kusko's death, right?

24 A Yeah. I'm sure, yeah. We lived together.

25 Q Do you remember a time when you -- when she tried

1 to accuse you of stealing from her?

2 A Which time?

3 Q So she's accused you multiple times?

4 A Yeah, and everybody around.

5 Q So she would always just bring up things on you?

6 A Well, I mean, she was always just high out of her
7 mind on meth.

8 Q High out of her mind. And at the time that she was
9 high out of her mind on meth, she accused you of
10 stealing from her, right?

11 A Yeah.

12 Q And there was an exchange. Do you recall telling
13 her that you were an animal and she needed to watch
14 her back?

15 A No.

16 Q So you never had that conversation with Jenny Baker
17 referring to yourself as an animal?

18 A No.

19 Q Now, you also testified -- well, you just testified
20 that y'all were living together, right?

21 A Uh-huh.

22 Q Those were your words?

23 A Yeah, we were living together.

24 Q If there was testimony that only Jessica James was
25 living with her, is that the truth or is that a

1 lie?

2 A That's a lie.

3 Q All right. Because y'all were all living together?

4 A All living together.

5 Q So, again, if there was testimony out there that
6 only Jessica James was living with Jennifer --
7 Jenny Baker, that would be a lie?

8 A True.

9 Q Mr. Owen, I know you say you can't really read
10 this, so I just want to make sure. Your telephone
11 number at the time, was it 580-3063?

12 A It might have been. I changed numbers a lot.

13 Q All right. I'm going to read this.

14 It's all good. I didn't do anything wrong and
15 neither did Brandon, but Brandon is a lover not a
16 fighter. I'm just an animal. So get ready. I
17 know y'all are all strapped up over there. All I
18 can say is I hope y'all got good aim. You don't
19 have control over anybody, and especially not me.
20 The only reason why you have people around you now
21 is because that you have something they want. If
22 it wasn't for you, that would have nobody because
23 you are a bitter and negative person. I told you
24 to leave me alone. How many times do you expect to
25 disrespect me?

1 A No, I --

2 Q Those are your words, aren't they?

3 A I don't remember that.

4 Q These are your text messages between you and Jenny
5 Baker?

6 A I wouldn't message her that. You know the reason
7 why I say that I wouldn't have? It is because --
8 I'm sure somebody can testify to it, I don't text
9 back. If I text back, it's like, Okay, something
10 real small. A lot of the reason is, is I can't
11 spell real well.

12 Q Well, I'm not saying this was a grammar paper.

13 A I'm just saying, I don't write no text messages
14 that long.

15 Q Okay.

16 A I mean, that should be pretty frank with you. If
17 you look back on me and Charles' tests, I was maybe
18 one sentence to his paragraph. I mean, I just
19 don't -- I don't argue over text messages.

20 Q I'm almost done. And there was this question about
21 the funeral. Do you remember that on direct
22 examination?

23 A I do.

24 Q You testified that you didn't know why Brandon
25 didn't make the funeral or he didn't talk to you

1 about it?

2 A I know why Brandon didn't make the funeral.

3 Q It's because when he went down to give his
4 statement, they locked him up, right?

5 A They locked him up on DNR charge, DNR warrant at
6 DHEC.

7 Q The Solicitor just asked you that and you told him
8 you didn't know?

9 A I told him that. He never asked any further. I
10 mean, I knew why.

11 Q When the Solicitor just asked you why Brandon
12 didn't go, you said you didn't know? So you lied
13 when he asked you --

14 A I don't remember saying I don't know.

15 Q But it's true that the only reason Brandon was
16 unable -- in fact, let's back up. When you went
17 down to law enforcement to give your statement on
18 September 9th, 2015, at that time Investigator
19 McCoy told you that they also wanted to talk to
20 Brandon, right?

21 A They did.

22 Q And you told them that, Look, man, he's afraid
23 y'all are going to lock him up because he's got
24 this outstanding bench warrant for DNR, right?

25 A I did.

1 Q They told you, Hey, we're not worried about a bench
2 warrant, we just want to know what happened, right?

3 A (Nods affirmatively.)

4 Q And, sure enough, Brandon goes down there, and what
5 happened?

6 A He gets locked up.

7 Q They lied to him to get him down there, right?

8 A They did.

9 MR. MYERS: No further questions.

10 THE COURT: Yes, sir?

11 REDIRECT EXAMINATION

12 BY MR. EATON:

13 Q All right, Mr. Owen, could I have made it any
14 clearer to you that the State is giving you nothing
15 in this case?

16 A Yeah, I pretty much get the gist of it. I hear it
17 from my lawyer too.

18 Q You think that if I told your lawyer that I had
19 some deal that I wasn't -- in this case, that he
20 wouldn't have told you?

21 A No, he would have told me.

22 Q Would your lawyer tell you if there was some kind
23 of deal for you?

24 A Yeah, he would have told me, or told my parents,
25 one.

1 Q Was the death penalty ever brought up in this case
2 in any way at all?

3 A No, sir. I mean, that's one of the reasons why I
4 never came forward at first because I thought -- I
5 mean, you know, you watch your crime shows, and
6 everything, you see what happens, you know.

7 Q But nobody is facing death, right?

8 A No, sir.

9 Q So at that guilty plea, Mr. Myers said some things
10 that I take exception to. Who pleads guilty, you
11 or the judge?

12 A Me.

13 Q So you enter a plea of guilty. What did I stand
14 right here and do when you pled guilty?

15 A Read off the description of what happened.

16 Q Did I read it or did I talk to the Court about it?

17 A Talked to the Court about it.

18 Q So I described to her what happened?

19 A Yeah.

20 Q Is you getting sentenced the same as pleading
21 guilty in your mind?

22 A No. Because I think sentencing is going to be
23 really, you know, the scary part of it, getting all
24 that time.

25 Q Who does the sentencing?

1 A I guess the judge.

2 Q And who does the pleading?

3 A Me.

4 Q Did I ever even bring up the armed robbery charge
5 to you?

6 A You did not.

7 Q So with you already facing 30 to life and 15 to
8 life and five and five --

9 A Yeah, I did the math.

10 Q -- does that armed robbery mean anything to you?

11 A I've already -- it looks like I'm already going to
12 get a gazillion years anyways, so now it doesn't
13 really matter anymore.

14 Q The night at Jenny Baker's -- well, I guess let's
15 ask this. Did you do meth back then?

16 A I did. I was messing around with it a little with
17 Charles.

18 Q Did Brandon do meth back then?

19 A He did. We did meth way back in the day too.

20 Q For you and Jenny Baker, in reference to any given
21 night of getting messed up, are y'all -- one say we
22 were doing coke and one say we were doing meth,
23 does that mean that one of you is necessarily
24 lying?

25 A No. That's what I tried to explain to him.

1 Q So you're saying it's possible --

2 A Yeah.

3 Q -- people were doing coke and meth?

4 A Uh-huh. Yeah, there was all kind of drugs around,
5 Molly and weed, pain pills. I mean, the lady
6 pretty much has everything.

7 Q So, about the money. If Brandon was saying that
8 there was -- if there was \$1,900, a couple of grand
9 from a Neal Lourie job, does that mean that Brandon
10 wasn't claiming to Charlie, or whoever, that
11 Charlie owed him \$5,000?

12 A Well, the story that I got --

13 MR. MYERS: Objection. Speculation.

14 THE WITNESS: The story I got --

15 THE COURT: Hold on one second.

16 Objection overruled.

17 THE WITNESS: The story I got was -- just
18 hearing it from both sides, from him and Charlie,
19 was it looked like Neal had cut Charles some checks
20 and Brandon wasn't getting his cut of it. So if
21 that number came from Neal, I could see where that
22 would be, you know, maybe right. I don't know.
23 Because that might be just what Neal -- what
24 Charles had told him, you know, Hey, I paid Brandon
25 this much and I kept this much. I know there was

1 money owed. I remember Charles talking about it
2 too.

3 BY MR. EATON:

4 Q But Brandon told you \$5,000?

5 A Close to it, I think.

6 Q Or something like that?

7 A Yeah.

8 Q So did Brandon drive you to Charlie's house that
9 night?

10 A He did.

11 Q Was he also the lookout?

12 A He did.

13 Q So he was both the driver and the lookout?

14 A Uh-huh.

15 Q It's not that he had to only be one or the other,
16 right?

17 A Uh-huh.

18 Q Could you have known what Brandon was doing while
19 you were inside the house killing Charlie?

20 A No.

21 Q Did -- when you first confessed to law enforcement,
22 did you intentionally hide the fact that you had
23 originally gone to the back door or that that was
24 the plan?

25 A No, I just don't think it ever came up. It was

1 just, more or less, they just wanted it in a
2 nutshell what happened. And that's what I gave
3 them.

4 Q So --

5 A I don't think I was questioned -- I don't think I
6 was really questioned in-depth. I mean, you can
7 ask Detective Reese, but I think he would agree.

8 Q So when Mr. Myers implied that you brought Brandon
9 up to keep Jessica out of trouble, does that make
10 any sense?

11 A It doesn't make any sense.

12 Q Why doesn't that make any sense?

13 A Just because I knew Jessica had already just made a
14 statement. I knew she wasn't really in any serious
15 trouble. I just wanted to make sure she stayed out
16 of it for the most part. But, no, that doesn't
17 make any sentence.

18 Q So when we say that the first time that Brandon
19 came up was after, you know, you brought up Jessica
20 not getting in trouble, is it also true that that's
21 the first time all of it came up to the police?

22 A Yeah.

23 Q As in, that's when you confessed?

24 A That's when I confessed.

25 Q Had you already talked about Brandon years prior to

1 other people?

2 A I had.

3 Q And back then did you have any reason to just throw
4 Brandon's name in it?

5 A No.

6 Q For that matter, when you talked to the police, was
7 the Brandon component of it something that you
8 thought was benefiting you or Jessica or anybody in
9 any way?

10 A I mean, it's not really benefiting me at all. I
11 mean, I'm -- like he said, I'm the killer. You
12 know, I'm the one that did it. He was just the gun
13 and the ride.

14 Q Now, are you lying about whether there was a safety
15 on the gun?

16 A I don't remember if there was a safety on the gun.

17 Q Did you, like, inspect that gun?

18 A Not really. I just looked at it, discharged the
19 clip, you know, put it back in.

20 Q What kind of state of mind is someone in when
21 they're heading to a house to break in in the night
22 and execute someone who's sleeping?

23 A I can't really describe it.

24 Q A state of mind where you're, like, inspecting
25 things?

1 A No.

2 Q Mr. Owen, if you were going to lie on Brandon, why
3 not say that he killed Charlie?

4 A Yeah.

5 MR. EATON: Thank you. No further questions.

6 RECROSS-EXAMINATION

7 BY MR. MYERS:

8 Q Mr. Owen, you knew you couldn't lie on him because
9 you were the one that broke the window, right?

10 A Right.

11 Q You knew that you were the one that went in there,
12 right?

13 A Yeah, I admitted to what I did.

14 Q You also knew that you were the one that touched
15 the doorknob, right?

16 A Right.

17 Q So you knew that you couldn't put it all on him
18 because the DNA would have connected you to it,
19 right?

20 A Right.

21 Q So you had to get Brandon in this ordeal some way,
22 somehow, which is why told him that he even drove
23 you there, right?

24 A I wouldn't just throw him into something like this.

25 Q Okay. Now, you talked about not inspecting this

1 weapon.

2 A If that's the case, I could have just thrown Andrew
3 into it.

4 Q Isn't it true, sir, when Mr. Eaton asked you about
5 inspecting this gun, you testified on your initial
6 direct examination that you actually cocked the
7 gun, you looked in it to see whether or not there
8 were any bullets in it, right?

9 A Uh-huh.

10 Q You said you even inspected the bullets, right?

11 A Yeah, I looked through it.

12 Q So you mean someone who inspected the bullets, knew
13 whether or not they were hollow point or not,
14 didn't perform an inspection to know whether or not
15 a safety was on or off?

16 A No. No, I didn't.

17 MR. MYERS: Thank you. No further questions,
18 Your Honor.

19 THE COURT: All right, sir, you may step down.
20 (Witness steps down.)

21 THE COURT: Let me see the lawyers, please.

22 (WHEREUPON, a bench conference was held
23 in the presence of the jury but out of
24 the hearing of the jury.)

25 THE COURT: All right. Ladies and gentlemen

1 of the jury, we were talking about the schedule and
2 tomorrow and what time we'll start.

3 We're not going to do any additional
4 witnesses. My concern is it may take us way past
5 7:00 or so. And I know it's been a very long day,
6 and you all have been stuck in the courthouse the
7 entire time and probably want some fresh air.

8 So I'm going to go ahead and release you all
9 for the evening. Please do not discuss the case.
10 Please do not do any independent research regarding
11 the case, no internet research, no driving by any
12 locations, nothing of the such.

13 Please have a restful evening. When you leave
14 the courtroom, think about something else other
15 than what's going on here in the courtroom.

16 So we'll see you tomorrow at 9:30. 9:30 in
17 the morning. All right. Have a restful evening.

18 (WHEREUPON, the jury is excused at 6:16
19 p.m.)

20 THE COURT: All right. So the jurors will be
21 here at 9:30. We'll start at -- Are y'all taking
22 them out? We'll start at 9:00. You have testimony
23 you need to proffer? And then what's the other
24 issue? There's another issue.

25 MR. BELL: Your Honor, we would likely object

1 to Jessica James' testimony. It's our
2 understanding it's going to be probably 90 percent
3 hearsay of Floyd Owen. So we can take that up as
4 well tomorrow.

5 THE COURT: How are you going to get it in?

6 MR. EATON: Your Honor, so 801(d)(1), prior
7 statement by witness. The declarant testifies at
8 the trial and is subject to cross about the
9 statement and the statement is inconsistent, that's
10 not the issue. (B), consistent with the
11 declarant's testimony and is offered to rebut an
12 express or implied charge against the declarant of
13 recent fabrication or improper influence or motive,
14 provided, however, the statement must have been
15 made before the alleged fabrication or before the
16 alleged improper influence or motive arose.

17 So we just watched Mr. Myers relentlessly
18 accuse Floyd Owen of lying and fabricating about
19 Mr. Barham's role in the murder. So the fact that
20 he told Jessica James way back then that Mr. Barham
21 was involved in the murder is a prior consistent
22 statement that couldn't fall any more squarely
23 within that exception, Your Honor.

24 THE COURT: 801 -- which one did you say?
25 801(d)(1)?

1 MR. EATON: 801(d)(1), Your Honor, Sub (B)
2 within that paragraph.

3 THE COURT: Yes, sir, Mr. Bell?

4 MR. BELL: Judge, I'm just trying to read the
5 rule real quick. Our statement, obviously, is that
6 there are portions of Jessica James' testimony
7 which would be largely inconsistent with what Floyd
8 Owen just testified to and what he told law
9 enforcement. So having her testify now essentially
10 limits our ability to cross-examine Floyd on those
11 inconsistencies. So that would be our objection.

12 THE COURT: And is that the testimony that you
13 want to proffer in the morning? Or you want to
14 proffer both of them?

15 MR. BELL: I guess if they're saying they
16 believe the testimony is consistent and we believe
17 it's inconsistent, then we would need to proffer
18 it. But that's going to be up to Your Honor. The
19 one we really want to make sure we proffer is
20 Ms. Huffstetler's testimony.

21 THE COURT: Okay. I'll take a look at it. If
22 we have to proffer the testimony to see if --
23 you're saying that her testimony is consistent with
24 his testimony.

25 MR. EATON: And that it arose before.

1 THE COURT: To rebut an express or implied
2 charge against the declarant of recent fabrication
3 and improper influence. I would love to have the
4 case law.

5 MR. CONRAD: We can look for some, Your Honor.

6 MR. BELL: Thank you, Your Honor.

7 THE COURT: All right. So I will see you all
8 at 9:00 o'clock in the morning.

9 (WHEREUPON, court adjourned for the
10 evening at 6:21 p.m.)

11 **AUGUST 29, 2019**

12 (WHEREUPON, the proceedings began at
13 9:22 a.m.)

14 THE COURT: All right. We're going to proffer
15 testimony, is that correct? Of both witnesses or
16 just one witness?

17 MR. EATON: I don't -- well, I'll let Mr. Bell
18 address whether it's necessary to proffer at this
19 point, at least on Laurin. I think there's just a
20 pretty straight up legal argument about Jessica.
21 So I'll let the Defense say what their position is
22 at this point.

23 THE COURT: I'll be glad to hear from you.

24 MR. BELL: Beg the Court's indulgence.

25 (Pause.)

1 MR. BELL: Judge, I'll sort of start
2 chronologically here with Jessica James. I agree
3 it's a legal argument, but their legal argument is
4 different from ours. We're obviously going to be
5 alleging it's an inconsistent prior statement.
6 They're trying to allege it's a consistent prior
7 statement. So, unfortunately, I think we would
8 have to proffer her testimony so that those
9 inconsistencies can be before the Court so we know
10 which proper rule would apply.

11 As it relates to Ms. Laurin Huffstetler, we do
12 need to proffer. We think it will be an
13 extraordinarily short proffer, a non-contentious
14 proffer. But we've never got any official report
15 or anything as to what she's going to say, so I
16 think we need an opportunity to examine that prior
17 testimony.

18 THE COURT: All right. Go ahead and call your
19 witness. It looks like a proffer of testimony, so.

20 MR. EATON: The State calls Laurin
21 Huffstetler.

22 (Witness approaches.)

23 THE BAILIFF: Place your left hand on the
24 Bible, raise your right hand, and face the clerk
25 for me.

1 (Witness complies.)

2 THE CLERK: State your full name, please.

3 THE WITNESS: Laurin Barnes.

4 THE CLERK: Spell your first name, please.

5 THE WITNESS: L-A-U-R-I-N.

6 THE CLERK: Do you solemnly swear to tell the
7 truth, the whole truth, and nothing but the truth,
8 so help you God?

9 THE WITNESS: I do.

10 THE CLERK: Thank you. Have a seat.

11 (Witness seated.)

12 THE COURT: All right. Yes, sir?

13 MR. EATON: Thank you, Your Honor.

14 LAURIN BARNES,
15 after being duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. EATON:

18 Q Good morning, Laurin. Did your father ever express
19 to you a fear of Floyd Owen?

20 A Yes.

21 Q And what kind of -- and what did he express?

22 A He sent me a text message a few months prior to his
23 death. And in it he said basically, I'm going to
24 this address. If I do not report back to you, I
25 have been killed, and the person who did it was

1 Floyd Owen.

2 Q And what was your dad's relationship with Brandon?

3 A Almost like one of those normal family
4 relationships. Sometimes they'd get along,
5 sometimes they didn't.

6 Q And, I mean, did they have particular disputes of
7 note?

8 A Yes. I remember, again, a few months prior to my
9 dad's death, we went and ate lunch together. And
10 we were in the restaurant -- and I just remember it
11 so vividly. He said, Brandon stole my tools and
12 he's going to bring them back to me. And he was so
13 heated in like the way he was talking to me because
14 he was so angry at Brandon. Literally, people in
15 the restaurant kind of thought my dad was being
16 angry towards me.

17 I was like, Dad, I said, Calm down. I said,
18 Sometimes you just have to cut your losses, because
19 you know what you're dealing with with a person
20 like him. And so I said, Just calm down. And we
21 just kind of left it at that. He was very, very,
22 very angry at Brandon.

23 Q And then were you aware of money disputes between
24 Brandon and your dad?

25 A Well, yes. In that conversation that we had at the

1 restaurant, he said, I'm not paying him until he
2 gives me my tools back.

3 Q Are you familiar with the disputes over Karin and
4 all her stuff?

5 A Yes.

6 Q Are you aware if Brandon was aware of all that? Or
7 do you know?

8 A I know at one point Brandon was a power of attorney
9 and then it went from brother to brother to
10 brother. I didn't have any direct knowledge of him
11 possibly knowing about what they say or what each
12 of them was doing.

13 Q And then I think one last thing. Who from the
14 funeral -- from Brandon's family was at the
15 funeral?

16 A His mother, his younger brother, and all his
17 uncles.

18 Q All his uncles. All right.

19 MR. EATON: Thank you.

20 MR. BELL: Very briefly, Judge.

21 CROSS-EXAMINATION

22 BY MR. BELL:

23 Q Ms. Huffstetler, you said this lunch that you had
24 with your father was, I think to quote you, was a
25 few months prior, is that right?

1 A Yes.

2 Q Can you narrow that down at all any more? Do you
3 remember what month, or anything like that?

4 A June.

5 Q June? And the context of that lunch that you
6 testified to is that your father told you that
7 Brandon had stole his tools and he was upset about
8 that?

9 A Yes, very upset.

10 Q Did you ever have any conversations with Brandon
11 where Brandon made any threats towards Charlie?

12 A I never had any conversations with Brandon because
13 at a certain point in time I no longer talked to
14 Brandon because of who he was and who I was.

15 Q And did your father ever insinuate any sort of fear
16 towards Brandon?

17 A No, but I feared for my dad because I knew who
18 Brandon was.

19 Q But that's not based on anything your father
20 expressed to you?

21 A I wouldn't say directly, no.

22 MR. BELL: Your Honor, no further cross. We
23 would like to argue on the point whenever
24 appropriate.

25 THE COURT: All right. You may step down.

1 (Witness steps down.)

2 MR. BELL: Were you addressing me?

3 THE COURT: No, I said she can step down.

4 All right. Yes, sir?

5 MR. BELL: Thank you, Judge. We have no
6 objection as to the relevance of her testifying
7 about a text message where her dad directly says, I
8 fear for my life of Floyd Owen. I don't think
9 there's any way to escape that's relevant in this
10 case, especially dealing with the testimony you've
11 already heard. However, I think bringing up this
12 conversation with her father that, by her own
13 admission, is a few months prior to when her father
14 passed and the only content of that conversation is
15 father saying, Brandon stole my tools. He never
16 says that he's afraid of Brandon, in a feud with
17 Brandon. It's just, Brandon stole my tools.
18 That's not relevant at all towards any sort of
19 motive that would insinuate Brandon might kill
20 Charlie. So not only is it improper 404, it's
21 irrelevant. So we would move the witness not be
22 allowed to testify as to those points.

23 THE COURT: It's improper under 404?

24 MR. BELL: I believe it would be 404(b), prior
25 bad acts, Your Honor.

1 THE COURT: The stealing of the tools is prior
2 bad act? Is that what you're saying?

3 MR. BELL: Yes, Your Honor. She's essentially
4 saying, He stole from my father. It's not relevant
5 to the murder case. It's also not relevant to
6 establishing motive, identity, and so forth.
7 Because, again, Brandon stole the tools, not that
8 Charlie stole something from Brandon that would
9 make Brandon want to retaliate.

10 THE COURT: All right. Yes, sir? Of course,
11 you know, 404 -- under 404, it says we cannot get
12 into character evidence of other crimes of bad acts
13 unless you can get it in through one of the
14 exceptions, so.

15 Yes, sir, I will be glad to hear from you.

16 MR. EATON: So I think under 404(b), I think
17 that -- first it sounds like there was a dispute
18 between the two of them. I mean, you know. And I
19 think that we've already heard lots of testimony
20 throughout this trial about, you know, who was mad
21 at who over money, and Brandon's name has come up a
22 lot in that context. I don't think it's really
23 that far outside of what we've already heard.

24 But, in any event, even assuming it is an
25 actual prior bad act, I think it does go directly

1 to motive, because it shows the existence of a
2 dispute, which has been testified to a lot
3 throughout this trial as to whether or not there
4 was a dispute. It goes directly in question in
5 this trial whether there was a dispute between
6 Brandon and her father. In fact, she said that he
7 said, I'm not going to pay him until I get my
8 tools, which has been throughout this trial and
9 goes directly to motive under 404(b), Your Honor.
10 So I think that she should be allowed to describe
11 that conversation.

12 THE COURT: All right. Yes, sir? He said
13 404(b). The next thing I have to determine is if
14 it's -- he's saying motive -- if it's -- the
15 prejudicial effect outweighs the probative value.

16 MR. BELL: Correct, Your Honor. And, again, I
17 think the phrasing that the witness just testified
18 to is extraordinarily important. Brandon stole my
19 tools. Again, not that he stole anything from
20 Brandon. Not that he was, you know, somehow in
21 some sort of ongoing feud with Brandon. It's just,
22 Brandon stole my tools.

23 Again, even if we accepted somehow this falls
24 under establishing motive, it's not only remote in
25 scale to the time that he was actually killed, but

1 it also -- again, if you want to just assume that
2 it falls under 404, it is inherently prejudicial
3 and it's not at all probative. Again, it's just an
4 accusation that he committed a separate crime.
5 It's not probative of the murder of this case. Of
6 course the prejudicial value outweighs the
7 probative value.

8 THE COURT: Anything else?

9 MR. EATON: I mean, I could just touch on
10 prejudicial versus probative. It's really not that
11 prejudicial given what we've already heard about
12 disputes in the case, that he allegedly stole the
13 tools. It's highly probative and has been one of
14 the hotly contested issues of this trial as to
15 whether Brandon had a motive to be involved in the
16 killing of Charles Kusko, Your Honor. So it should
17 come in.

18 THE COURT: All right. I'm going to allow the
19 testimony under 404(b) to show motive. In weighing
20 the prejudicial effect versus the probative value,
21 the Court does find that the issue has been brought
22 up regarding non-payment -- by the deceased victim
23 about non-payment for some work in the trial.

24 The Court further finds that the testimony has
25 already been -- there's been testimony admitted

1 throughout the trial that there was some dispute
2 going on -- that there's some dispute going on with
3 the Defendant and the victim regarding some money
4 or some payment.

5 And for that reason, the Court finds that the
6 prejudicial effect of that information being placed
7 in the record does not outweigh the probative
8 value.

9 All right. Thank you.

10 MR. BELL: Thank you, Your Honor. Your Honor,
11 we would also preserve an objection that it is
12 hearsay. It's not a dying declaration. It was a
13 few months prior to his passing. The statement,
14 "Brandon stole my tools" falls under no other
15 exception. So we would also object on hearsay
16 grounds, Your Honor.

17 THE COURT: I'll be glad to hear from you
18 regarding hearsay. How are you going to get it in
19 under the exception? Declarant is unavailable.
20 804.

21 MR. EATON: Well, I think a couple of things,
22 Your Honor. One, 801(15) states -- one second,
23 Your Honor.

24 (Pause.)

25 MR. EATON: One thing is his --

1 (Pause.)

2 MR. EATON: So, Your Honor, I think there's,
3 you know, a couple of things. I think it goes to
4 his then existing mental, emotional, or physical
5 condition, because he was angry at the time, under
6 801(3). I think that it also, under 80 --

7 THE COURT: 801?

8 MR. EATON: Yes, Your Honor.

9 THE COURT: (3)? Are you trying to say
10 excited utterance?

11 MR. EATON: No, that's (2), Your Honor. (3)
12 is then existing mental, emotional, or physical
13 condition, as she described he was so angry that,
14 you know, people in the restaurant were noticing
15 his anger. And so I think it would be admissible
16 under that, as well as under a statement against
17 interest under 803, because him saying that he was
18 going to withhold money from Brandon is a statement
19 that potentially exposes him to civil liability.
20 So I think under both of those exceptions that the
21 statement should be allowed to come in.

22 THE COURT: Yes, sir? So he's saying under
23 804, 804 (b)(3), statement against interest, and
24 803(3).

25 MR. BELL: Judge, I think starting with 804

1 (b)(3), I think that statements against interest
2 are largely intended to be -- to abort authority
3 figures. But in this case, stating Brandon stole
4 my tools does not necessarily open him up to
5 anything civil or criminal. And certainly not such
6 that it should be considered to go towards motive
7 under 803(3).

8 Again, the purpose of 803(3) is intent, plan,
9 motive, and design, mental feeling, pain, bodily
10 health. I don't think, again, that simply saying
11 that Brandon stole my tools and I'm angry at him is
12 at all relevant to the motive or any of those other
13 things as it pertains to a murder prosecution. So
14 I don't think it applies to 803(3) or 804(b)(3), I
15 think it was. I mean, I certainly, don't believe
16 it's relevant, Your Honor.

17 THE COURT: All right.

18 MR. BELL: Your Honor, also, just briefly,
19 under 804 (b)(3), I want to emphasize the language
20 said, A statement which was at the time of its
21 making is so far contrary to the declarant's
22 pecuniary or proprietary interest. Again, our
23 position is that one statement is not so far
24 contrary to pecuniary interest.

25 THE COURT: Well, and I think under 804(b)(3)

1 it is talking about subjecting the declarant -- the
2 declarant, which would be Mr. Kusko -- to civil or
3 criminal liability, or to render invalid a claim of
4 the declarant against another.

5 MR. EATON: Yes, ma'am.

6 THE COURT: I don't think it comes in under
7 804(3), but I will allow it because of his state of
8 mind and if the foundation is laid the way that it
9 is, that it was, I will allow it under 803(3) under
10 the hearsay exception, his mental, emotional,
11 because it does go into intent, plan, motive,
12 design, mental feeling, pain, and bodily health.
13 So I will allow it under 803(3).

14 And, as I stated before, I do not find that
15 the prejudicial effect outweighs the probative
16 value, primarily because the conversation -- it's
17 relevant because the conversation has regarding him
18 not paying and some issue regarding work has been
19 placed in the record by several witnesses over the
20 course of the last couple of days.

21 All right. Thank you.

22 All right. What's the next issue?

23 MR. BELL: Judge, the second issue will be
24 Jessica James' testimony. Based on the State's
25 statement to the Court yesterday before close, they

1 THE BAILIFF: Place your left hand on the
2 Bible, and raise your right hand, please.

3 (Witness complies.)

4 THE CLERK: State your full name.

5 THE WITNESS: Jessica Devin James.

6 THE CLERK: Do you swear to tell the truth,
7 the whole truth, and nothing but the truth, so help
8 you God?

9 THE WITNESS: Yes.

10 THE CLERK: Thank you. Have a seat.

11 (Witness seated.)

12 THE COURT: Yes, sir?

13 MR. EATON: Thank you, Your Honor.

14 JESSICA JAMES,
15 after being duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. EATON:

18 Q Good morning, Jessica.

19 A Good morning.

20 Q Jessica, how do you know Floyd Owen?

21 A We met initially at Time Warp on Augusta Highway.

22 Q At where?

23 A Time Warp.

24 Q Time Warp? What is Time Warp?

25 A It was a spice shop.

1 Q Spice?

2 A Like K2, synthetic weed.

3 THE COURT REPORTER: Like what, I'm sorry?

4 A K2, synthetic weed.

5 Q Whose shop was that?

6 A Jenny Baker.

7 Q And what was the nature of your relationship with
8 Floyd Owen?

9 A We were acquaintances at that time. We
10 reacquainted not -- maybe a couple of years later
11 and got together.

12 Q Got together meaning?

13 A We were in a relationship.

14 Q And around what time period was that?

15 A Like late July, early August of 2015.

16 Q And you said you -- were you working at Jenny's or
17 living there, or both?

18 A At that time, neither. I was living in Five
19 Points. A few months later I was living and
20 working for Jenny.

21 Q So when you were living at Five Points, where was
22 Floyd living?

23 A Off of Two Notch at his old house. He had just
24 recently split with his ex-wife, and he moved in
25 with me not too, too long after.

1 Q And did you and Floyd ever live together in Five
2 Points?

3 A Very briefly.

4 Q Did y'all spend time there?

5 A Yes.

6 Q At some point -- what was Floyd like back then?

7 A Back then? He was going through a lot. Like he
8 had just split up from a 10-year relationship with
9 his ex-wife and going through it with his kids.

10 And he was stressed out a lot. But when we were
11 together, he was happy. It was just easy to be
12 around him and be with him.

13 Q At some point, did Floyd tell you that he had
14 killed somebody?

15 A Yes.

16 Q When did that happen?

17 A Honestly, not too long after we started messing
18 around.

19 Q So, like, what month roughly?

20 A I want to say September sometime, but I'm not
21 certain. September, maybe early October.

22 Q Of what year?

23 A 2015.

24 Q And, I mean, what did you think when, The person
25 I'm dating told me this? Like, what went through

1 your mind?

2 A It really caught me off-guard, and it wasn't
3 something I was expecting to hear or really cared
4 to hear. And it didn't like all come out at once.
5 It came out over the course of a few more
6 conversations, over maybe like a month or so. It
7 just -- it is one of those things that you kind of
8 just hear and you are like, I really don't know
9 what to say to that.

10 Q Do you remember where y'all were when he first told
11 you?

12 A When he first told me, we were walking back to my
13 apartment in Five Points, I guess from like
14 Walgreens or Salsarita's, since both of them are
15 right there within walking distance. And when he
16 told me, it was just kind of like, All right. I
17 didn't really know what to do with that
18 information.

19 Q What did he say, to the best of your memory?

20 A To the best of my memory, he just looked at me and
21 was like, Can I tell you something? He said, I
22 just -- it is on my mind.

23 I was like, Of course.

24 And he said that he had killed somebody.

25 And I really don't think I said anything after

1 that.

2 Q You didn't like start asking questions?

3 A That is not something I really wanted to know
4 about.

5 Q But you kept seeing him?

6 A (Nods affirmatively.) I did.

7 Q Why?

8 A I was in love.

9 Q So after he gave you more details, what else did
10 you learn about what happened?

11 A He was having a lot of trouble sleeping at night
12 and kept saying he was seeing like the guy in his
13 dreams and it was like haunting him. And he was
14 telling me that he shot him and that he did --
15 like, he wasn't the only one involved with it.

16 Q Who else was involved?

17 A Brandon.

18 Q Did you know Brandon?

19 A I knew of Brandon, but I had only met him very
20 briefly.

21 Q Did you end up --

22 A I ended up knowing Brandon, yes, but, like, when he
23 told me, I really didn't know him like that.

24 Q But did you know who he was talking about?

25 A I knew who he was talking about, yes. They were

1 best friends.

2 Q Do you see Brandon in the courtroom today?

3 A Unfortunately.

4 Q Could you just point him out for the record?

5 A (Indicating.)

6 MR. EATON: Let the record reflect she is
7 pointing at the Defendant.

8 BY MR. EATON:

9 Q So please just tell the jury to the best of your
10 memory as many details as you can think of that
11 Floyd told you about what happened.

12 A I remember him telling me that Brandon drove him
13 there and that Brandon provided the gun and pretty
14 much served as lookout for him while it was done.
15 That Brandon was not the one that did the act, but
16 he did aid and made it possible. And -- I think
17 that is all I remember.

18 Q Do you want to be here today?

19 A Not at all.

20 Q So, do you remember details of what he said about
21 the gun?

22 A I remember him saying that Brandon gave him the
23 gun, whether the gun was actually Brandon's or -- I
24 do remember also -- I do not know who Midget is,
25 but there was a name Midget thrown in there. I do

1 know that Brandon acquired the gun. And I remember
2 Floyd telling me at one point that they cleaned the
3 gun and they broke it down and they got rid of it.
4 And I never asked him where. I didn't want to
5 know.

6 Q Now, did Brandon talk about this in front of you?

7 A Never. Floyd was always very, very insistent
8 Brandon did not want me to know, and it was much
9 better if Brandon was under the impression that I
10 knew nothing.

11 Q Did Floyd tell you how he got in the house?

12 A He did.

13 Q How was that?

14 A He said that he broke the window and went in
15 through his window.

16 Q Did he tell you how he got there?

17 A Brandon drove him.

18 Q In what vehicle?

19 A His truck.

20 Q Now, you talked to police?

21 A I did.

22 Q Did you initially tell them everything?

23 A I did not. I was scared.

24 Q Are you still in a relationship with Floyd?

25 A No.

1 Q When would you say that ended? Let me -- let me
2 withdraw that question. At the time that you first
3 talked to police, were you still in a relationship
4 with him?

5 A Yes.

6 Q And when would you say that relationship ended?

7 A Maybe two or three months after he was in. It has
8 been a while.

9 Q Thank you. Please answer any questions from the
10 Defense.

11 THE COURT: Yes, sir?

12 MR. BELL: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. BELL:

15 Q Good morning, Jessica. Jessica, you talked about
16 love. You loved Floyd, at least back then, right?

17 A (Nods affirmatively.)

18 THE COURT: You have to speak up, ma'am.

19 A Yes.

20 THE COURT: You have to say yes or no. She is
21 recording everything. Thank you.

22 BY MR. BELL:

23 Q And you told law enforcement that, That boy has my
24 heart, right?

25 A He did at one point.

1 Q At one point. And when you initially met with law
2 enforcement, you lied to them, right?

3 A Yes.

4 Q You told them you didn't know anything, right?

5 A Correct.

6 Q And you were doing that because you were trying to
7 protect Floyd, right?

8 A Floyd and myself.

9 Q And yourself? And you continued loving him for a
10 period of time even after all this came to light,
11 right?

12 A Correct.

13 Q You even helped provide some money for Floyd's
14 commissary fund at the jail, right?

15 A Correct.

16 Q That was by providing some money to your father to
17 put on his books?

18 A Correct.

19 Q And I think that handsome gentleman in the back
20 with the beard is actually your father, correct?

21 A Yes, sir.

22 Q And that is Mr. Robert James?

23 A Correct.

24 Q Okay. Now, other than having put the money on
25 Floyd's books, does he have anything to do with

1 this case as far as you are aware?

2 A No.

3 Q Does he hang out with any of the people involved?

4 A Absolutely not.

5 Q No. But are you aware that he received a subpoena
6 in the case from the Government?

7 A We received them at the same time, yes.

8 Q You received one and he received one?

9 A Yes.

10 Q And the reason that the Government subpoenaed your
11 dad was to influence you to come here and testify,
12 right?

13 A I'm aware.

14 Q You are aware? Have you ever heard of abuse of
15 process?

16 MR. EATON: Objection, Your Honor. He is
17 asking her to speculate about --

18 THE COURT: Sustained.

19 MR. EATON: Thank you.

20 THE COURT: Sustained.

21 MR. EATON: The statement.

22 THE COURT: Sustained.

23 MR. BELL: Withdrawn.

24 BY MR. BELL:

25 Q But your father is here with you, right?

1 A Correct.

2 Q Now, when you initially met with law enforcement,
3 you mentioned you didn't tell them anything, right?

4 A Correct.

5 Q And about 30 minutes into your interview, you
6 finally start to give them some information, right?

7 A Correct.

8 Q And before you started to give them information,
9 law enforcement was actually threatening you with
10 incarceration, right?

11 A Correct.

12 Q And they told you about something called misprision
13 of a felony, right?

14 A I don't remember exactly what they called it, but
15 they were threatening me with time, yes.

16 Q And through that conversation, you became aware
17 that misprision of a felony is when you know
18 something bad has occurred, but you don't tell law
19 enforcement, right?

20 A I don't remember.

21 Q They also asked you if you ever wanted to see Floyd
22 again, didn't they?

23 A I don't remember.

24 Q When you started talking to law enforcement, you
25 ended up telling them that you were telling them

1 everything, right?

2 A Correct.

3 Q But you weren't telling them everything, were you?

4 A I don't know the answer to that.

5 Q Okay. Let's flesh that out a little bit then. So
6 your statement is that Floyd Owen, your former
7 lover, confessed to you, right?

8 A Correct.

9 Q Did he confess to you all at once or was it over a
10 period of time?

11 A Over a period of time.

12 Q And during that period of time it was bits and
13 pieces he was giving you?

14 A Correct.

15 Q So you said he first made a confession roughly a
16 month out, I think you said, end of September,
17 maybe early October?

18 A Correct.

19 Q And that would be 2015?

20 A Correct.

21 Q And then there was a period of time even after that
22 where sort of bits and pieces are coming your way
23 from him?

24 A Correct.

25 Q So this wasn't one fluent story that he told you

1 all at once, right?

2 A No.

3 Q Now, your original statement to law enforcement was
4 that Floyd confessed to killing Charlie, right, or
5 killing the victim?

6 A Correct.

7 Q I mean, he simply said that Brandon was with him,
8 right?

9 A Repeat that?

10 Q You told law enforcement that what Floyd told you
11 was just that Brandon was with him, right?

12 A At the time, I guess.

13 Q And, again, that is the same statement to law
14 enforcement where you told them you were telling
15 them everything, right?

16 A Yes.

17 Q But then today your testimony to this jury is that
18 Floyd told you that Brandon was the lookout, is
19 that accurate?

20 A Yes.

21 Q Now, you also told law enforcement originally when
22 you met with them that the gun came from a guy
23 named Midget. Do you remember that?

24 A Yes.

25 Q Actually, law enforcement really wanted to clarify

1 that point with you, didn't they?

2 A Yes.

3 Q They followed up and asked you multiple questions
4 about that?

5 A Yes.

6 Q And you stood by, No, the gun that Floyd had came
7 from a guy named Midget, right?

8 A Yes.

9 Q Your testimony to this jury today, though, is that
10 the gun came from Brandon?

11 A Correct.

12 Q And both changing your story as to Brandon becoming
13 a lookout and Brandon providing the gun to Floyd,
14 those things never came to light until after you
15 met with the Solicitor's Office on two occasions,
16 right?

17 A Correct. Because I wasn't being threatened with
18 time, and now I'm trying to aid the case. I'm
19 trying to --

20 Q You said you weren't being threatened with time?

21 A I'm not being threatened with time. I'm not
22 scared. I'm battling, and I'm trying to do the
23 right thing.

24 Q So your testimony is that because law enforcement
25 was threatening you, that is what elicited your

1 original comments?

2 A I was scared.

3 Q So when you are scared, you withhold information or
4 lie?

5 A I was scared. I was trying to protect myself. I
6 was trying to protect Floyd. Listen back to my old
7 tapes. I can tell when I start coming out with
8 stuff that is actually is meaningful and when I'm
9 not. I'm trying to do the right thing. I am
10 trying to be helpful now. I'm not trying to
11 protect anybody anymore.

12 Q You said you were trying to protect Floyd, right?
13 But you had told law enforcement that Floyd did it,
14 right?

15 A Correct.

16 Q That wouldn't be protecting Floyd, right? That
17 would be telling law enforcement he did it?

18 A That is correct.

19 Q How many times have you met with the Solicitor's
20 Office?

21 A Twice.

22 Q And when were those meetings?

23 A I don't know the exact dates, but last week and the
24 week before last.

25 Q And you met with the gentleman sitting behind me?

1 A Correct.

2 Q And during those meetings you changed your story
3 and started saying that Brandon gave him the gun,
4 not Midget, and that Brandon was the lookout, not
5 just that Floyd told you Brandon was with him,
6 right?

7 A I told them what I know, yes.

8 Q And that is four years after the murder, two years
9 after your statement to law enforcement where you
10 told them you were telling them everything, right?

11 A Correct.

12 Q When is the last time you talked to Floyd?

13 A It has been over six months.

14 Q Over six months? So you kept up with him for three
15 and a half or so years after the murder?

16 A Correct.

17 Q Are you aware that Floyd knew that law enforcement
18 was threatening you?

19 A No.

20 Q Well, didn't y'all have a conversation while he was
21 incarcerated about how he didn't want you to get
22 involved in all this?

23 A I don't remember. I don't remember, but probably.

24 Q Probably? Now, you said you wanted to protect
25 Floyd. Would Floyd protect you?

1 A I hope.

2 Q Back then at least?

3 A I'm assuming he would.

4 Q Another thing you told law enforcement is that
5 Floyd told you that killing Charlie, him killing
6 Charlie was spur of the moment, right?

7 A Correct.

8 Q Are you familiar with that phrase?

9 A I mean, yes.

10 Q Spur of the moment means it is sort of in the
11 moment, it is spontaneous, right?

12 A I'm aware what it means.

13 Q Spur of the moment doesn't mean that you sat around
14 for an hour meticulously planning something, right?

15 A Yes.

16 Q So if someone said they planned it over the course
17 of an hour, that wouldn't be spur of the moment,
18 would it?

19 A No.

20 Q Did Floyd ever tell you about beating somebody up
21 to try to keep them quiet?

22 A No.

23 Q Did Floyd ever tell you about his sexual
24 relationship with Charlie, the victim?

25 A No.

1 Q Now, to be clear, you knew that he was bisexual or
2 homosexual, right?

3 A Yes.

4 Q But he just never told you about his relationship
5 with Charlie, right?

6 A He told me there wasn't one.

7 Q He also didn't tell you when he got back with his
8 ex-wife at one point, right?

9 A Not directly, no.

10 Q He also didn't tell you about dating other girls
11 when he was with you, right?

12 A No.

13 Q So Floyd wasn't afraid to withhold information from
14 you, right?

15 A You are going to have to ask him that. I can't
16 answer for him.

17 Q But you know that some of those things are true
18 now, right?

19 A Some of them, yes.

20 Q Yet he never told you about them?

21 A No. You are going to have to talk to him if that
22 is something pertaining to his thoughts. I can't
23 answer for him. You have to ask him.

24 Q Sure. So he would tell you what he wanted you to
25 know, right?

1 A You are going to have to ask him. I cannot answer
2 that.

3 Q So your testimony is that Floyd confessed to you I
4 guess a month after the murder and he continued to
5 feed you more information and I guess the next
6 month or so in bits and pieces, but you never told
7 law enforcement about that until roughly two years
8 after, right?

9 A Sure.

10 Q During that time, you were still in a relationship
11 with Floyd?

12 A Sure.

13 Q And you were still talking to Floyd even up to I
14 think you said six months ago, right?

15 A Sure.

16 Q You may not love him anymore, but you are still
17 fond of him?

18 A I do my best to block out that part of my life. I
19 don't want to think about it.

20 Q And you admitted to withholding multiple items of
21 information from law enforcement even after you
22 told them you told them everything. Is there
23 anything else that you have been withholding?

24 A No, sir.

25 Q You are just telling us what Floyd told you?

1 A Correct.

2 Q Have you ever heard anything from Brandon?

3 A No. He refused to talk about it in front of me.

4 Q And you can't talk about something that you know
5 nothing about, right?

6 A Sure.

7 MR. BELL: Nothing further, Your Honor.

8 THE COURT: Yes, sir?

9 REDIRECT EXAMINATION

10 BY MR. EATON:

11 Q Now, Ms. James, you obviously started out lying to
12 the police?

13 A Correct.

14 Q Why did you do that?

15 A I was terrified. I didn't want to go to jail. I
16 didn't want to ruin my life. I didn't want to see
17 the man I'm in love with go away forever. Like, it
18 is a lot of different factors, but it boils down
19 to, I was afraid.

20 Q I mean, it is fair to say that they broke you down?

21 A They did.

22 Q After they broke you down, did you start telling
23 the truth?

24 A Some.

25 Q I mean, well, let's talk about the gun. Were you

1 lying to them about the gun?

2 A I was afraid to tell everything, like, for some
3 reason I just didn't want -- I don't know why I
4 wanted to not directly relate it to Brandon either,
5 but, like, I don't know -- but I was not one
6 hundred percent with law enforcement the first time
7 around. I withheld certain things out of fear.

8 Q But did you tell them it was Brandon's gun?

9 A I honestly don't remember.

10 Q Would it refresh your memory to hear part of your
11 statement?

12 A Yes.

13 (Pause.)

14 MR. BELL: Your Honor, we would just like to
15 be sure it is properly entered into evidence.

16 THE COURT: Yes, sir.

17 MR. EATON: We can play the whole thing.

18 MR. BELL: I ask that it be published in its
19 entirety. It needs to be entered in evidence.

20 MR. EATON: And I'm not entering it. It is
21 just to clarify the point about the inconsistency
22 that has been made.

23 THE COURT: Are you going to play it? Publish
24 it to the jury?

25 MR. EATON: The part that he has impeached her

1 on and that there is a question about at this
2 point.

3 THE COURT: You have got to enter it.

4 BY MR. EATON:

5 Q Ms. James, do you remember giving your statement to
6 law enforcement?

7 A For the most part.

8 Q Where was it?

9 A Washington Street Police Department on one of the
10 upper floors in a really cold room. It kind of
11 overlooked Finlay Park.

12 Q Who all was there?

13 A Detective Reese. And I don't remember the other
14 ones. A bunch of cops.

15 Q And have you had a chance to listen to it since
16 then?

17 A I have.

18 Q If I played you just beginning of it, would you
19 recognize it?

20 A Yes.

21 MR. BELL: Judge, we will stipulate to the
22 authenticity if he wants to enter it in evidence.

23 MR. EATON: At this point I would offer
24 Jessica James' interview as State's 140.

25 MR. BELL: No objection.

1 THE COURT: All right, it will be entered.

2 (WHEREUPON, State's Exhibit No. 140 was
3 marked for identification and received
4 into evidence.)

5 (Exhibit played to jury.)

6 BY MR. EATON:

7 Q Okay, Ms. James, so, now, listening to that, it's
8 not like back then you said, Oh, the gun -- he got
9 the gun from Midget and that Brandon wasn't in it,
10 right?

11 A Correct.

12 Q You told police it was Brandon's gun?

13 A Correct.

14 Q And, if anything, it sounds like maybe you were
15 saying --

16 MR. BELL: Objection.

17 THE COURT: Sustained.

18 BY MR. EATON:

19 Q Did you hear yourself say that maybe Brandon got
20 the gun from Midget?

21 A Yes.

22 Q So, now, the jury will have this. Way before all
23 this, were you telling the truth at the beginning?

24 A No. There's -- when I thumbed through it in the
25 office the other day, there's at least a solid 30

1 minutes where I was just, to put it blankly, full
2 of shit.

3 Q And so when you started telling the truth, though,
4 did you give it up?

5 A From the excerpt I just heard, everything I said
6 was accurate.

7 Q And you said that Brandon was involved?

8 A Correct.

9 Q That Floyd told you that Brandon drove him there?

10 A Correct.

11 Q And that it was Brandon's gun?

12 A Correct.

13 MR. EATON: Thank you. No further questions.

14 THE COURT: Yes, sir?

15 RECROSS-EXAMINATION

16 BY MR. BELL:

17 Q You didn't tell them that Brandon was the lookout,
18 did you?

19 A I'm pretty sure I did.

20 Q What you're saying is what you just listened to,
21 you said Brandon was the lookout?

22 A Maybe not in those exact words, but Brandon drove
23 him there and sat around and waited for him.

24 Q So your statement is now you said that to law
25 enforcement?

1 A Whatever we all just listened to on that thing.

2 Q Okay. But the jury can actually listen to your
3 entire interview, start to finish, right?

4 A However y'all do the legal evidence thing, sure. I
5 don't know how that works.

6 Q Thank you, Jessica.

7 THE COURT: All right. You may step down.

8 Any objection to this witness being excused?

9 MR. EATON: Your Honor, we want her to stay
10 under subpoena.

11 THE COURT: You want her to stay under
12 subpoena?

13 MR. EATON: Yes, Your Honor.

14 THE COURT: All right, ma'am. You're still
15 under subpoena. Just follow him.

16 (Witness steps down.)

17 THE COURT: Call your next witness.

18 MR. EATON: The State calls Investigator
19 Reese.

20 (Witness approaches.)

21 THE BAILIFF: Place your left hand on the
22 Bible, and raise your right hand, please.

23 (Witness complies.)

24 THE CLERK: Would you state your full name,
25 please?

1 THE WITNESS: Kevin Reese.

2 THE CLERK: Do you solemnly swear to tell the
3 truth, the whole truth, and nothing but the truth,
4 so help you God?

5 THE WITNESS: I do.

6 THE CLERK: Thank you.

7 (Witness seated.)

8 THE WITNESS: Good morning.

9 THE COURT: Yes, sir?

10 MR. EATON: May it please the Court?

11 KEVIN REESE,
12 after being duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. EATON:

15 Q Investigator Reese, please introduce yourself to
16 the jury.

17 A My name is Kevin Reese. I'm a cold case homicide
18 investigator for the City of Columbia. I have a
19 career, a long career in law enforcement. I
20 started way back in 1978. I worked -- I have
21 worked for two different agencies. I started with
22 the State Law Enforcement Division, and then from
23 there I went on to City of Columbia. I worked
24 through different divisions within the City of
25 Columbia. I have an undergrad degree in criminal

1 justice and a master's degree in conflict
2 resolution. I have been a supervisor, sergeant
3 over the violent crimes and homicide unit for
4 Columbia Police Department. I've been a supervisor
5 for the police department gang unit, as well as the
6 victim's gang task force. I have worked homicide
7 cases for 20 years. I retired a couple of years
8 ago, and that didn't work for me. I sat around the
9 house for about three months and decided I was
10 going to go back and work cold cases. And that is
11 what brings us here today in a nutshell.

12 Q What does the cold case unit do with the
13 department?

14 A Basically, the cold case unit will investigate
15 cases that, for whatever reason, were not able to
16 get resolved or solved by the regular
17 investigators. It has to have some time to it.
18 But we're not mandated as to how much time it has.
19 I have worked cases from as far as back as 1962,
20 murder cases. And different cases over different
21 years. I'm currently working on some of those
22 cases. But along the way, this case came across my
23 desk, and my supervisor asked me to look into it.

24 Q And when was that?

25 A When was it?

1 Q Around when did you first get the case?

2 A I think March, '17. 2017, the year.

3 Q Investigator Reese, what would be some of your
4 first steps when you inherit a cold case?

5 A Every case is different. For instance, the 1962
6 case, there was a lot of people that is not alive
7 that was alive back then. And so when you open a
8 case that is that old, obviously you don't start
9 there, the same place you would start at a case
10 that is current. So every case is different.

11 With this case, I met with the person that is
12 the supervisor now over that unit that I used to be
13 over, and I met with some investigators that had
14 been working the case -- that case previously --
15 just to get a feel of it. And I think one of the
16 first persons I reached out to, if not the family
17 members, was -- in looking through the file, that's
18 how I decide on -- what I read in the file, that's
19 how I decide on how I'm going to approach the case.
20 And skipping a couple of people that I talked to
21 before approaching Andrew Kusko, that you may
22 recall that's one of the brothers of the victim,
23 but I thought it was important to reach out to him
24 first, and I did.

25 Q And so, at that point, I mean, was Andrew a

1 suspect, a person of interest? How would you
2 categorize him?

3 A In the beginning, Andrew was somebody that,
4 according to the file, may have information that
5 would help to move this case forward. But Andrew
6 Kusko was never -- and I've even had to explain
7 this to some of the family members that actually
8 thought he was, but he was never a suspect in my
9 mind. I don't -- I can't really even say that I
10 thought he was a person of interest based on the
11 information that I had read and the information
12 that I was finding out about him.

13 Now, his attitude towards law enforcement and
14 the case period left a lot more to be desired. But
15 that doesn't make him a killer. He was never a
16 suspect in my mind.

17 Q So you didn't ignore Andrew?

18 A No, I didn't.

19 Q You looked into him?

20 A I did.

21 Q Who else were you looking at when you first got the
22 case?

23 A The other two names were Floyd Owen and Brandon
24 Barham.

25 Q Had those names already come up?

1 A They were in the files and the original
2 investigators had in their notes that they had
3 talked to them. I think they explained in the
4 notes how -- the reasons why they would have been
5 talking to them, and so forth.

6 Q And when you say original investigator, who do you
7 mean?

8 A In -- every different case would demand a certain
9 amount of investigation. It depends on not who,
10 but the victims or the families of the case. It
11 depends on how much information they got. You got
12 to spread it -- investigators, you have got to
13 spread them out. But every case will have a lead
14 investigator, that lead investigator will have a
15 partner, and then there will be other investigators
16 that's doing residual work on that case.

17 But in this case, it would have been Andrew
18 Richbourg was the lead on it and Investigator
19 McKeller, I can't recall his first name right now.
20 Neither one of those guys are with the Police
21 Department right now. They've moved on to other
22 agencies.

23 Q Is there a definition, a timeframe of when a case
24 becomes cold?

25 A I don't know about other departments, whether

1 it's in their general orders, but there are none
2 with mine. I can select a case if I want to. I
3 can be directed to take a case. But we don't
4 have -- we don't have that.

5 Q So it's a little looser as to when --

6 A It is.

7 Q -- it's cold?

8 A Right.

9 Q So what were -- you said you had Floyd and Brandon
10 as suspects?

11 A Uh-huh.

12 Q What did you do to look into that?

13 A May I refer to my notes?

14 Q If it would refresh your memory.

15 A Yes. Of course, I already told you the beginning
16 of it. But, basically, I start out by talking to
17 the other guys, the other investigators, and
18 reading what they've got in their files. And I
19 would generally pick up from there wherever I think
20 I need to start at.

21 Q Investigator Reese, it's not that I need the jury
22 to know every single step you took along the way,
23 but, you know, broadly what sort of steps you took
24 to look into Floyd and Brandon?

25 A I also met with and/or had conversations with the

1 coroner's office. Obviously they played a part in
2 this case. The State Law Enforcement Division,
3 conversations with them. And I'm not exactly sure
4 what it is you're asking me to tell the jury.

5 Q I mean, did you just go run out and talk to Brandon
6 and Floyd?

7 A No. I gathered as much information as I could.
8 Also, there had been case notes and recordings of
9 interviews that the original investigators had
10 done, had conducted with those gentlemen. I looked
11 into them. I listened to them. And I made my own
12 notes on what was detailed in their notes. And
13 that would give me a direction, that would give me
14 a feel on exactly the route I needed to go and
15 where I should be in this case. Who I should be
16 focused on, who I should not be focused on, who
17 would their friends be that I think would -- I
18 should talk -- speak with.

19 And then, along the way, there was always --
20 from interviewing all these other folk, there was
21 always somewhere else to go, somebody else to talk
22 to. And that was based on either the evidence or
23 the information that I had gotten from other
24 people. That dictated the direction I was going to
25 go in and the people that I was supposed to talk

1 to.

2 Q And so who were some of the people you talked to?

3 A Andrew Kusko was one of them up front. Laurin
4 Barnes, one of the victim's daughters. I have in
5 my notes the best I could the order that I went in.
6 Daniel Paysinger --

7 THE COURT REPORTER: I'm sorry, what was that
8 name?

9 BY THE WITNESS:

10 A Daniel Paysinger, P-A-Y-S-I-N-G-E-R.

11 Jenny Baker's name came up. That was a friend
12 of both Barham and Owen. That led me to the young
13 lady that was just here a moment ago, Jessica
14 James. And then other people along the way.

15 Q So how long was it until you had some kind of break
16 in the case?

17 A You're going to have information along the way, you
18 just have to weigh the significance of the
19 information that you have. And sometimes it will
20 be prudent to go back through the case file again,
21 the original case file, just in case you missed
22 something or if you just want to refresh yourself.
23 And that's what I was doing one day when I came
24 across the name of Jenny Baker. And I was not
25 privy to as much information about her and on her

1 that I have now in this case. In the case notes of
2 the other the investigators, she was just a friend
3 of the both of them. And if you've been doing this
4 kind of stuff as long as I have, you pretty much
5 get a feel who is out there that you really need to
6 reach out to. And so I did our research on her and
7 I found her at the Lexington County Detention
8 Center. I had no idea that she was there or what
9 she was there for, I had no idea what kind of
10 information she was going to give me, once we -- if
11 we were successful in talking to her.

12 I found her at the jail. Went over there and
13 told her who we were, myself and the other
14 investigator you heard on the recording, that's
15 Matthew McCoy. And we sat down with her. We told
16 her what this is all about, and we wanted to talk
17 to her about it.

18 Q And from your conversation with her, was that
19 conversation -- we've already heard what she told
20 you here in the courtroom. Was that a break in the
21 case?

22 A That was one of the best breaks you could get in
23 terms of the information that she gave, right.

24 Q And did you arrest anybody at that point?

25 A Not exactly at that point. She turned me on to the

1 young lady that just left here. And so contrary to
2 what the Defense has said about me earlier, that we
3 jumped the gun and moved on this without a thought
4 or plan, that is not correct.

5 The information she gave led us to Jessica
6 James. And she basically said the same thing that
7 Jenny Baker had told me. And I think when you put
8 the information together that the two of them gave
9 you, that information from both of them coincide
10 and it fits, and so you go on from that point. And
11 I found that information very similar.

12 Q So it sounds like, after talking to Jenny, you
13 waited before you arrested anybody --

14 A I did.

15 Q -- and you took further steps?

16 A Yes. First of all, let me tell you this. So when
17 you -- it is not necessarily -- not necessary
18 unless that person who eventually is going to be
19 your primary person or persons of interest or it
20 turned out to be a suspect, it's not -- if that
21 person is not causing -- to your knowledge, causing
22 any danger to the community or anybody else out
23 there, it's not that important to move so swiftly
24 on it.

25 My philosophy is give that information and the

1 evidence time to find its position in court in the
2 case. And so, for instance, if both of these
3 ladies tells me about a gun and they describe a gun
4 in terms of its caliber, then you go and find
5 somebody that can give you information on whether
6 that person -- they have seen that person with a
7 gun before and, if so, what kind of gun it was. In
8 speaking with the people at SLED, they pretty much
9 confirmed, Yeah, it was a .45 caliber handgun. And
10 so those kinds of things. And you just go from
11 there. Go where the information and where the
12 evidence leads you.

13 Q You're saying -- it sounds like you're saying that
14 the information that you're learning from people
15 like Jenny Baker is consistent or corroborating
16 with the evidence? Is that what you're saying?

17 A Yes, that's exactly what I'm saying.

18 Q So after you interviewed Jenny Baker, what's your
19 next move?

20 A To locate Jessica James. She was the next person.
21 As a matter of fact, I think it was the next -- the
22 following day after we interviewed Jenny Baker.
23 And so what I -- and I think this too is important
24 for you to know because, again, counsel is, in my
25 opinion, trying to portray me to be --

1 MR. MYERS: Objection.

2 THE COURT: Sustained.

3 THE WITNESS: Okay.

4 BY MR. EATON:

5 Q Just make the point you were going to make.

6 A I got you. I reached out to the -- first, I had to
7 do my research on who the young lady was. And I
8 found that her father -- and one of the
9 investigators in our office, I think he was with
10 the Fugitive Task Force, was familiar with her
11 father. So I asked him to reach out to him for me
12 because we wanted to talk to his daughter. I
13 thought this was very important because, if I had a
14 daughter, I wouldn't want -- especially in a matter
15 like this, I wouldn't want the cops talking to her
16 without the benefit of having me there. And so I
17 took that in consideration.

18 So we reached out to him. I talked to him on
19 the phone. I explained to him, This is what we've
20 got. Can you bring your daughter down here, you
21 need to bring your daughter down here, can you do
22 that with us? And we'd like you to sit in on the
23 interview with us because we intend to interview
24 her. And that was fine with him. I think he was
25 very understanding.

1 We set it up for -- I believe we set it up for
2 the next day. Or it may have been where he was so
3 concerned about it -- I think that's the way it was
4 that, Okay, Investigator Reese, I'm dropping what
5 I'm doing now, I'm going to get her and bring her
6 down to the office. You good with that?

7 Yeah, we are good with that.

8 So when he brought her down, I understand what
9 kind of position she would have thought that she
10 was in. And there is several interview rooms. You
11 guys may call them interrogation rooms, I prefer to
12 call them interview rooms. Cameras all over the
13 place. And it really makes a person feel like they
14 are suspects in whatever you got going on. It
15 makes them uncomfortable. We didn't take her
16 there. That room she just described a moment ago
17 that was cold, I don't have anything to do with the
18 air conditioning. She was cold. I don't know if
19 anybody else was cold. But we brought her in. She
20 sat at this conference table that everybody use
21 when we have a conference or a meeting. And that's
22 where we interviewed her. And we tried to make her
23 as comfortable as possible.

24 Q So, now, let's kind of go back a little bit.

25 Leading up to this, had you looked at the entire

1 case file of Richbourg and the other investigators
2 helping him?

3 A I can't say I looked at the entire case file. I
4 skimmed through the important things, things that I
5 thought was important. But I also decided that it
6 would be just as easy for me to just start the case
7 all over from the beginning, which is what I did.

8 Q So even things that they had gone and looked at
9 you, you might redo and relook at, is that what
10 you're saying?

11 A A lot of things they did, I redone. A lot of
12 people they interviewed, I re-interviewed them. A
13 lot of people they hunted, I went out and hunt
14 those people. I just redid it.

15 Q Did you look at -- had you heard about Brandon's
16 white truck already?

17 A I did, yes.

18 Q That was in the original case?

19 A Right.

20 Q And had you seen the video from Zesto's?

21 A I did.

22 MR. EATON: If I could approach with what's
23 been marked for identification as State's 141.
24 Defense counsel has had a chance to look at that.

25 THE COURT: Yes, sir.

1 BY MR. EATON:

2 Q Investigator Reese, would you take a minute to look
3 at those and then tell me if you recognize them?

4 A You're asking me if I recognize this document?

5 Q What all did I just hand you? Whose do those
6 relate to?

7 A Charles Barham.

8 Q And what -- and take just a second and just kind of
9 flip through them and tell me generally what they
10 are, sir.

11 A These are documents, appear to be from the DMV.
12 Some of us know it as simply the Highway
13 Department.

14 Q The Highway Department is relating to --

15 A South Carolina Highway Department. Related to
16 vehicle --

17 Q I guess, first, relate -- to whom do they relate?

18 A Obviously, they relate to Charles Barham.

19 Q Any particular vehicle in there they relate to?
20 Right. It is a 2006 Chevrolet Silverado. It has
21 VIN number on it, and that kind of stuff.

22 MR. EATON: Your Honor, at this point I would
23 offer State's 141. And they are certifying their
24 authenticity, I believe, as a record used.

25 MR. MYERS: No objection, Your Honor.

1 THE COURT: Without objection.

2 (WHEREUPON, State's Exhibit No. 141 was
3 marked for identification and received
4 into evidence.)

5 BY MR. EATON:

6 Q If you would, read that VIN number, please?

7 A The VIN number is the identification number on
8 vehicles. It is -- and I'll give you the spelling
9 we always use, 3 G-Golf C-Charlie E-Edward
10 C-Charlie 14 X-X-ray 56 G-Golf 1 7 5 6 7 9.

11 Q If I can now approach with what has been marked for
12 identification as State's 142 to 156. If you
13 would, just flip through those, and take a closer
14 look at 150, and then tell us what those are.

15 A Okay. Okay, so it's a white -- appears to be a
16 white Chevrolet 2-door pickup truck.

17 Q State's 150 for identification, is the vehicle
18 identification number there the same as in the DMV
19 records?

20 A Yes. Would you like me to read this one out as
21 well?

22 Q You can just confirm it's the same number.

23 A It's confirmed. It's the same number.

24 MR. EATON: Your Honor, I'd offer State's 142
25 to 156.

1 MR. MYERS: No objection.

2 THE COURT: All right. Entered without
3 objection.

4 (WHEREUPON, State's Exhibit Nos. 142 -
5 156 were marked for identification and
6 received into evidence.)

7 BY MR. EATON:

8 Q Investigator Reese, so is this then -- is this
9 Brandon's truck?

10 A By all accounts, I've gotten -- all the information
11 I've gotten, yes, that would be fair to say. I've
12 never seen the truck. I hunted for the truck a
13 long time and never was able to find it until
14 recently it was found. But, yes, by the documents
15 that was his truck.

16 Q And what kind of -- I know there's a lot of
17 different kind of trucks in the world and different
18 kinds of Chevrolet trucks. What do you notice
19 about this truck? What kind of Chevy is it?

20 A The documents say it is a Silverado.

21 Q Sure. And what kind of bed does it have?

22 A Flatbed.

23 Q Is it a short bed or long bed? Or do you know?

24 A No, I can't tell by that -- by that picture. I
25 don't know what would be considered flat -- long

1 bed and what would be considered a short bed. I
2 can't answer that.

3 Q Now, did you see the video from Zesto's?

4 A I did.

5 Q Is that truck in the video consistent with this
6 truck?

7 A It is consistent, yes.

8 Q Had you already looked at that before you got to
9 Jenny Baker?

10 A The video?

11 Q The video.

12 A Right. Yeah.

13 Q Did you already know that Brandon had a white truck
14 at that time?

15 A I got that information in my meetings with the
16 original investigator, so I was aware of that.

17 Q So up until you talking to Jenny Baker, had you
18 attempted to reach out to Brandon or Floyd?

19 A I think I did. I can't give you the particulars on
20 it and be absolute about it, but I needed to -- my
21 position in this -- in investigating this case --
22 was that I needed to make sure everything was in
23 order before I get around to talking to these two,
24 and that way I would have more information that --
25 you know, more information would be available and I

1 would know what I'm talking about once I sit down
2 to talk with them.

3 Q And so there's some phones that have been talked
4 about and put into evidence in this case. Were you
5 familiar with those?

6 A I am.

7 Q So State's 137, can you just read that to the jury,
8 please?

9 A It has a phone number on it and it has Floyd Owen's
10 name on it. It's phone number (803)220-9024. Is
11 that what you're asking about?

12 Q Yes, sir. Just read -- can you read the whole
13 thing? I mean, so, there are a bunch of kind of
14 gobbledygook numbers, but tell the jury who's
15 talking and when and what they're saying.

16 A Okay. It has Brandon FB chat, Saturday, the 5th,
17 that's what it has. Looks like a text
18 conversation, maybe text conversation between Floyd
19 Owen and Brandon Barham on September 5th, 2015, at
20 8:15:48 a.m., morning time. And then it's got some
21 numbers.

22 Okay, it looks like the beginning of a
23 conversation starts out with, Yo. And then that
24 came from Floyd Owen.

25 Barham responds, it looks like, What up?

1 All these occurring on the 5th of September,
2 2015. It's all within that same time range.

3 When you leave. There's no question mark or
4 period behind it, it just says, When you leave. It
5 looks like that came from Floyd.

6 Barham responds, Bout 6:30 or so.

7 Next message is from Floyd. Hell, yeah. You
8 coming back?

9 Brandon responds, Yeah, I woke up on the floor
10 for some reason, LOL.

11 Floyd responds, I saw you rool -- R-O-O-L --
12 on the floor, LOL.

13 Then Brandon responds, LOL. I'm assuming that
14 means Laugh Out Loud. I'm not a texter, but I know
15 when I see LOL.

16 Brandon then said something else -- texted
17 something else about, Getting that good sleep, to
18 which Floyd Owen responds, Well, hit me up when
19 you're coming back. Let's do that job today. Need
20 some cash. And no question mark or period behind
21 that.

22 Brandon responds, Yes. And Brandon says
23 again, I will, Bro.

24 Floyd Owen responds, Yo, what up?

25 Q Are we still on the 5th?

1 A I'm sorry, we're at the 7th now of September, 2015.
2 This is 11:12 a.m.

3 Floyd Owen texts, Yo, what up?

4 And at 4:04 p.m., Brandon responds, What up?
5 And that's it.

6 Q So -- and did -- you had their phones back then,
7 right?

8 A Did I have their phones?

9 Q Yes, sir.

10 A Personally have them?

11 Q Did you have either of their phones back then?

12 A Are you meaning were the phones --

13 Q Floyd and Brandon?

14 A Yeah. I mean, are you asking were the phones in
15 evidence or did I personally have them, or what?

16 Q So Floyd's-- this is from Floyd's phone, right?

17 A Yeah. It's got Floyd's name on it, right.

18 Q Did you have that at the time you talked to Jenny
19 Baker?

20 A That what, the phone or --

21 Q Floyd's phone?

22 A No, I never had Floyd's phone. We just had
23 documents from the cell phone companies that, you
24 know, if you do a search warrant, it comes back
25 with information you asked for, and that's the

1 information that I had.

2 Q And I'm sorry, I'm not being clear. When
3 Investigator VanHouten testified about extracting
4 artifacts, he said, from cell phones --

5 A Okay.

6 Q -- and he testified about that, when did CPD get
7 Floyd's phone that that came off of?

8 A I don't -- I don't recall about this particular
9 phone, when we got it. I know there was a phone
10 where he -- when he was arrested, I think, by us on
11 this case, and I'm not sure if that's the same
12 phone here. I do remember this information, but I
13 don't recall ever having the phone in my
14 possession. And I may have and just don't recall.
15 There's a lot of things that goes on during these
16 investigations. Or whether another investigator
17 may have had this and did a search warrant -- a
18 search warrant for the information on the telephone
19 to be what we call dumped. Dumped. It's none
20 other than they're advising you -- they're giving
21 you the means to -- requesting for the legal means
22 to go into the phone and be able to look at the
23 contents on the phone. And that's all this is.
24 This is -- when the phone was dumped, this is the
25 information that was given to us through the agent

1 that actually went into the phone and extracted the
2 information. I think that's what you're asking
3 for.

4 Q And that's fine. Do you know if Richbourg and them
5 got a phone from Floyd back in 2015?

6 A I don't recall if they did or not.

7 Q That's fine. Now, were there some phones taken
8 from the victim's house, collected from the
9 victim's house?

10 A You're asking me?

11 Q Were there phones collected from the victim's
12 house?

13 A I would think if they were, it would have been the
14 right thing to do and it would be the victim's
15 phone. And I think they did, but, again, that
16 would be an item that I never had my hands on. I'm
17 being -- and I'm making myself privy to the
18 information that is already available to me because
19 it's like almost two years later that I start on
20 this case. So if they had the phone, that stuff
21 was in the evidence room. I'm not necessarily
22 interested in the phone, I'm interested in the
23 contents on the phone. I could read that. I don't
24 know anything about how you dump phones or how to
25 get the information, but I can read the information

1 that's been documented.

2 Q Do you remember when Investigator VanHouten was
3 talking about State's 138, one of the phones that
4 was dumped from the victim's house?

5 A You talking about yesterday?

6 Q Yesterday.

7 A Yes.

8 Q And on State's 138, he talked about artifacts or,
9 say, text messages, or whatever, that were taken
10 off a phone at the victim's house, do you recall
11 that?

12 A I recall him talking about that, yeah.

13 Q So on State's 138, looking right through here, what
14 activity do we see right through here that came off
15 of the victim's phone?

16 A Okay. I'm looking at the document that establishes
17 that. This information is a message from Brandon
18 to the victim. All right. And it's dated
19 May 28th, 2015. And then messages between Brandon
20 B. and, apparently, this is the victim. Am I
21 reading these messages out?

22 Q Just briefly, just what are the victim and Brandon
23 talking about at that point? Just hit them real
24 quick.

25 A All right. I have got to read it out to you,

1 otherwise it wouldn't be good.

2 From Brandon B: When do you think I can
3 expect to be paid?

4 From Neal: Question mark. It has been
5 months.

6 Then the next message is, looks like it's from
7 Brandon again, and it says: I know. And then
8 there's intact next to it, but it also appears in
9 the upper column here. I'm not sure what that
10 means.

11 The next message -- and the timeframe on that,
12 if I need to go back up, Vance, I'll give you the
13 timeframe on the other ones that I just did not do.
14 The date is May 28th, 2015. The time is 11:05,
15 that's generally a.m., and it has a.m.

16 It's to Brandon: I need the money also.

17 Next message, it's the same day, 11:10 a.m.
18 Brandon B: Even a little something would help with
19 my cash flow. I had to get this high dollar ass
20 workman's comp and the well is near dry.

21 Next message is 10:34. It looks like this is
22 from Neal Lourie. Go on?

23 Q Yes, sir. Just real quick, tell them.

24 A It looks like it's from Neal Lourie. And it says:
25 On my way to the office. Have a check for you.

1 And then the next time the information is,
2 looks like July 27th, 2015. You want that too?

3 Q Yes, please.

4 A All right. July 27th, 2015, from Brandon to
5 victim: I'm still waiting to get some money from
6 Neal. What is going on with the situation,
7 question mark. I am going to go down and talk to
8 him myself. It's almost been one year.

9 Q Okay. We'll stop right there for now. I promise
10 we're almost done talking about phones,
11 Investigator Reese.

12 So, in addition to these phone dumps that were
13 done from Floyd's phone and from the victim's
14 phone, there was also some cellular analysis done
15 of towers and stuff, right?

16 A That's right.

17 Q Just very briefly, even though we were all in here
18 for the testimony, but, you know, looking at
19 State's 136 and the presentation that Investigator
20 Bradshaw gave us, where it looked at the activity
21 on the phone from the 5th to the 6th, were you
22 already aware of all that in 2017?

23 A I have to see it first to see what you're talking
24 about.

25 Q Were you aware of, overall, the activities on the

1 phones of Brandon's number and Floyd's number in
2 2017? Did you know about that?

3 A I am aware of some information. I can't say that
4 I'm aware of every bit of information concerning
5 these phones. So I'd have to look at what he is
6 showing me in order for me to affirm that or be
7 able to explain it.

8 Q And that's fine. Let's -- we'll come back to the
9 phones in a minute, Investigator Reese. Tell me,
10 after you talked to Jenny and then you said you
11 went to Jessica?

12 A Right.

13 Q Was that the next step, or did you do anything
14 important before you went to Jessica?

15 A No, I think that would have been the -- in looking
16 at my case notes here, that was the next thing I
17 did. The reason for that, because I thought it was
18 very important to go and reach out to her and sort
19 of stay on the right track here.

20 Q So Jenny, Jessica. And then what's your next step
21 after talking to Jessica James, who we just heard
22 from?

23 A After we spoke with Jessica James, I sit down and
24 had a conference with myself and Investigator
25 McCoy, along with the supervisor of the violent

1 crimes and homicide unit, which cold case is a part
2 of that, that unit, the captain of the violent
3 crimes unit, discussed the case with them. We
4 agreed in the conference that it would be okay --
5 it's time to request an arrest warrant. And then
6 that's when we met with your office.

7 Q So at that point, what did -- what they told you,
8 how did that fit with the evidence, you know, the
9 things you already knew about the murder of
10 Mr. Kusko? Did it match up in terms of when it
11 happened?

12 A It did. Again, everything at this point is not
13 beginning to come together, but it has come
14 together. And that is the reason why we decided to
15 go on and ask for arrest warrants. Everything was
16 fitting. All the evidence, all the information
17 that was flowing in, all the statements had come
18 together. And in this case, there were no fingers
19 out there that was pointing in any other direction
20 other than if we -- if we talk about -- if I'm
21 allowed to use Andrew Kusko as an example. Based
22 on my investigation, none of these fingers right
23 here were pointing at Andrew. They were pointing
24 away from Andrew.

25 And that's important because, in considering

1 this case, and trying to determine who has a part
2 in this versus who does not have a part in this,
3 nothing was pointing at Andrew. Nobody was telling
4 me, I know Andrew did this. Nobody was telling me
5 that, Andrew told me he did this. Andrew himself
6 was giving me information about these two. And so
7 everything was pointing at these two.

8 Q So you already knew from when the body was found
9 and the pathologist, you, more or less, knew when
10 he died?

11 A Right.

12 Q Did what Jenny and Jessica tell you, did it
13 correspond with that? Was it the same?

14 A Yes.

15 Q Okay. Was what they told you, was it the same
16 place?

17 A The same place?

18 Q Right.

19 A You mean where the crime occurred?

20 Q Where it happened.

21 A Yeah. They didn't give an address, but they say at
22 somebody's house named Charles, and stuff like
23 that.

24 Q Was it done -- what they told you as far as how it
25 was done, was that the same?

1 A It was consistent.

2 Q And how did they tell you it was done compared to
3 what y'all had seen at the scene?

4 A They were at -- now, I was not at the scene. I was
5 never a part of the first part of the case. But in
6 all cases I get, even before I became a cold case
7 investigator, I know the importance of going back
8 to the crime scene. I even -- the case I just
9 briefly touched on, the murder of a female child
10 back in 1962, I even went to the crime scene back
11 there. It's always very important.

12 And so what I did in this case is I did go to
13 the crime scene. I went to the scene where this
14 happened at so I would be able to see, as much as I
15 can, as to what the other investigators seen and
16 what these other folk are trying to -- tried to
17 tell me.

18 So if they said Floyd says, Well, I went in
19 the window, well, I already knew that because from
20 looking in the case file. But if they said that,
21 then at the crime scene, I just made myself aware
22 that, Well, there is a window, there was a window
23 there, and, you know, and different things like
24 that.

25 And so after -- at some point, I went to the

1 crime scene. And after the meeting, I believe it
2 was at that point that there was more of a focus on
3 at least Floyd at that time. As far as I was
4 concerned, Floyd was first up at bat. He was the
5 first person I wanted to talk to. But you had to
6 find a way to get Floyd into the office. And so
7 all this is legal. I just researched the files to
8 see if this was any arrest warrants or anything out
9 for Floyd. There were none. But what I did find
10 in the computers is that there were somebody out
11 there that was accusing Floyd of a felony crime.

12 Q And, Investigator, I'm going to stop you real
13 quick. I want to get to that in just a second.
14 But let's hit a couple more quick things. Was the
15 way -- the method that these two women were telling
16 you that it was done, was that consistent with what
17 you already knew?

18 A That was con -- it was consistent with what I knew
19 from the file and talking to other investigators,
20 and it was consistent with what each other were
21 saying, yeah.

22 Q And so did you already know -- when you talked to
23 both of them, did you already know about disputes
24 between the victim and Brandon and the victim and
25 Floyd?

1 A I knew about those, yeah.

2 Q Okay. So, and in that sense, was that also
3 consistent with what you already knew?

4 A It was.

5 Q And just briefly on these text messages again, now
6 that we're back on that topic, from the victim's
7 phone -- and we don't need to read them all or
8 anything right now, the jury is going to have this.
9 We'll just kind of flip to the very end here. What
10 does Floyd say to the victim at 7:38 p.m. on
11 September 5th?

12 A According to this document on September 5th, 2015,
13 apparently Floyd and the victim are having a
14 conversation texting. And I knew about this, I
15 have read them.

16 In respect to what was just asked of me, Floyd
17 responded: Fuck you and her. Have fun looking
18 over your shoulder the rest of your life.

19 That was it.

20 Q And so when Floyd Owen comes up again out of these
21 people's mouths, is that consistent with what you
22 already knew in the case?

23 A Yes.

24 Q Were you surprised?

25 A No, I wasn't surprised. But, yeah, it was

1 consistent.

2 Q And you already knew before talking to them that
3 Brandon had a white truck, right? We may have
4 already covered that. I think we did.

5 A Yeah, that was information in the file that he had
6 a white truck. And also it verified that by
7 finding the person that Brandon actually bought the
8 truck from pretty much confirmed it, solidified the
9 information, in other words.

10 Q So, now let's get back to where you were with
11 your -- you're looking at Floyd at this point. And
12 --

13 A Okay. We found -- I found information where
14 Floyd's name was in a police report that he
15 committed -- had committed a felony crime. I
16 reached out to the investigator that that case had
17 been assigned to. He and I both went to the home
18 of the victims and talked to them.

19 At that point, there were a couple of people
20 there, but the primary victim wanted to go forward,
21 pursue the case. He always wanted to do it. He
22 just said --

23 Q What case are you talking about? Not the details,
24 but just the armed robbery, right?

25 A Yes, it was an armed robbery and a burglary, I

1 think, of one of their friends. They knew Floyd.
2 And he decided he wanted to pursue the case. And
3 so that investigator secured an arrest warrant for
4 Floyd.

5 We put the information out that there was an
6 arrest warrant for Floyd. And there was no
7 information put out to him about this case here.
8 So Floyd turned himself in shortly after. I think
9 he realized there was that warrant out for him.
10 And, at that point, we reached out to talk to him.

11 Q Did you have the murder warrant then?

12 A At that point, I don't think I did. I'm reasonably
13 sure saying that I did not. And I'm saying that
14 because it was just a matter of time before I was
15 going to secure that warrant for him anyway. And I
16 think I had done the warrant while he was
17 incarcerated. We just brought him up from the
18 Alvin S. Glenn Detention Center to interview him on
19 the burglary and the armed robbery charge. Another
20 investigator was going to do that.

21 At that time, I used that time to ask Floyd
22 about this case here. And then Floyd didn't want
23 to talk about it. He gave us some issues there, so
24 we shut it down. Sent him back down to Alvin S.
25 Glenn Detention Center. And later on that day, I

1 went on and secured the arrest warrants on him for
2 this case here.

3 Q And so we heard from Floyd. We know what happened.
4 But, just briefly, tell the jury how the first
5 interview went and then what happened in the second
6 interview.

7 A The first interview didn't go very well. We talked
8 to him. He said he didn't know anything about
9 this. He said he didn't know anything that we were
10 talking about. He didn't want to talk anymore. We
11 sent him on down, I think. It was shortly after
12 that that we interviewed -- either that, or we had
13 already interviewed her earlier that day, Jessica
14 James. And since he didn't cooperate, obviously we
15 sent him back.

16 The next day, in the evening time, we had
17 those warrants in our possession. We brought him
18 up. We were going to serve the warrants on him.
19 And I did anticipate going into the possibility of
20 talking to him again about this case, but I didn't
21 get around to it. When he came up, apparently he
22 thought -- apparently he knew that this is what it
23 was all about because we had already talked with
24 his girlfriend. They had communicated -- this is
25 the information I got from the both of them. They

1 had communicated over the jail phone and she had
2 told him that police had interviewed her and she
3 was worried.

4 And so when he came up, he came into the
5 interview room, the first thing he said was, Okay,
6 if y'all give me a cigarette, I'm going to tell you
7 everything about what y'all want to know about
8 this, about that case. Basically, that's what he
9 said.

10 And obviously we are going to jump on that and
11 take advantage of that moment, but he was advised
12 then, Well, you understand, you can talk about
13 this, but we're not giving you cigarettes in order
14 for you to talk. We will give you cigarettes --
15 and that's what we do with everybody -- we all keep
16 cigarettes in our desk. I do. I don't smoke. If
17 somebody asks me for a cigarette, I'm going to give
18 them a cigarette. So it was up to me, and I was
19 okay with that.

20 I had Investigator McCoy, along with somebody
21 from the Fugitive Task Force Unit, to take him on
22 downstairs. I asked him not to talk until he gets
23 back up here. But apparently he was anxious to get
24 this off his chest. And as soon as he stepped on
25 the elevator and they were going downstairs to take

1 him -- you can't smoke in the building, so they are
2 taking him out in the back. According to the body
3 cams, it was running, he just started talking about
4 it.

5 So I was made privy of this once they got back
6 upstairs. I looked at the body cam. Brought him
7 back in the room. Told him the same thing. He
8 wasn't worried about that. He said, I been
9 carrying this around basically on my heart for a
10 long time, I want to talk about it. And he started
11 talking about it.

12 Q And when he first started talking down there with
13 the cigarette, I mean, how was he? What was he
14 like?

15 A I wasn't there. And I'm looking at the video cam
16 footage, so I'm only seeing him. And I recall that
17 he was standing up against a wall, he was puffing
18 on his cigarette. And he appeared to be calm and
19 in total control of his faculties, and he just
20 started talking. And that information he was
21 giving was very valuable.

22 I cannot -- it's detrimental to him at that
23 point, but I cannot tell you right now exactly what
24 he was saying. I can't remember exactly.

25 Q You said he was with McCoy?

1 A He was with McCoy.

2 Q Where is McCoy today?

3 A McCoy has been out sick all this week.

4 Q So the things that Floyd told you, were they
5 consistent with when it happened?

6 A Yeah.

7 Q Were they consistent with who the characters were?

8 A Right.

9 Q Were they consistent with how it happened?

10 A Right.

11 Q Did he say that they went through a window?

12 A Yeah.

13 Q Or that he did --

14 A I'm asking questions, but there's a flow from him.
15 You know, we ask one question, we get some other
16 stuff, so it leads me to ask other questions. So
17 there was never anything about the back door.
18 Everything was -- I was focused on what I knew. I
19 didn't know anything about a back door. None of
20 that was in the original case file. But I knew the
21 window had been broken and I knew the screen had
22 been torn down.

23 And so I asked him, Okay, so how did you do
24 this, how did you do that?

25 And he described it to me. He said that

1 they -- you want me to go through exactly
2 everything from Jenny Baker's house?

3 Q No, we can just hit some of the high points of it.
4 I mean, did he tell you what kind of gun he used?

5 A He said a .45.

6 Q And was that what you already knew had been used?

7 A That's what I knew, yes.

8 Q How did you know that?

9 A It was in the SLED report, also the investigators'
10 report.

11 Q I mean, the SLED report, but like how did you know?
12 Like, what did the SLED report refer to?

13 A Are you talking about the bullets in the gun?

14 Q Yeah.

15 A The SLED report said it was consistent with a
16 .45 caliber bullet was cutter.

17 Q What was consistent with it?

18 A The bullets.

19 Q Which bullets?

20 A Okay. Let me make sure. I'm not really sure
21 exactly what he's asking because the way he's
22 asking it is not that clear to me. So I need to
23 explain this. What I read in the investigators'
24 reports and what I read in the police report, that
25 those bullets were was cutters, .45 caliber, and

1 they were consistent with being used in a
2 .45 caliber firearm.

3 Q Investigator Reese, I apologize, I'm sure this is
4 me, okay. We're talking about the bullets from the
5 victim's head, right?

6 A Right.

7 Q Okay. So that's why I want to make sure they're
8 able to understand the bullets from the victim's
9 head that SLED said were .45's, that's consistent
10 with Floyd saying, I used a .45, right?

11 A Right. I'm trying to explain this so, you know, we
12 can keep on an even kiln so you can understand what
13 I'm saying. But what you have, when the coroner
14 picked up Mr. Kusko's body, they take him and have
15 an autopsy. And during the autopsy, they removed
16 two slugs from his head. That's evidence. We send
17 it to SLED. SLED confirms that it is a .45, it was
18 fired from a .45 caliber weapon. Those were the
19 bullets that came -- that SLED analyzed, those were
20 the bullets that were taken from Mr. Kusko's body,
21 his head.

22 Q And was it consistent in terms of the pillow?

23 A In terms of the pillow?

24 Q The pillow that's in evidence. Was what Floyd told
25 you consistent with the pillow that's in evidence?

1 A Floyd -- we asked Floyd about the pillow. And that
2 question was because of what we saw in the crime
3 scene, the crime scene photos. Floyd told us, I
4 don't remember whether I used a pillow or not.
5 That's basically what he told us.

6 Q What did he tell you about the phones? Him and
7 Brandon's phone?

8 A Can you be a little more specific for me? What
9 about the phones?

10 Q Did he tell you they turned the phones off?

11 A Yeah. He said that they turned the phones off,
12 that it was the young man's there, Brandon's, idea
13 to turn the phones off. And that they did, in
14 fact, turn the phones off. It was my understanding
15 that they -- well, once they were at -- and this is
16 from Floyd -- once they were at Floyd's house after
17 leaving Jenny Baker's house, that is the point
18 where they turned the phones off. But according to
19 him, they both did turn their cell phones off.

20 Q And all that phone stuff that we heard from those
21 experts, is that consistent -- their phone data, is
22 it consistent with what he said, that we turned our
23 phones off?

24 A That was consistent with the phones being turned
25 off, according to the telephone expert, right. It

1 was consistent with Floyd saying it.

2 Q And so what -- how did Floyd tell y'all that they
3 got to the house?

4 A He said that they had left Jenny Baker's house,
5 drove back to his house, had a couple of beers.
6 From there, they left. Floyd said that Mr. Barham
7 was driving, was driving his truck. He was asked
8 about the direction. That was consistent with what
9 he told us yesterday. And they end up at Mr.
10 Kusko's house.

11 Q So let me break that down. The fact that they left
12 Jenny's together?

13 A Uh-huh.

14 Q Was that consistent with what Jenny had already
15 said that Floyd said?

16 A Right. Everything was consistent at this point.
17 From Point A to Point Z, everything is consistent.

18 Q And the fact that they were in Brandon's truck?

19 A Yeah.

20 Q That's consistent --

21 A Consistent.

22 Q -- with what Jenny said?

23 A Right.

24 Q With what Jessica said?

25 A Right.

1 Q With the Zesto's video?

2 A That's right.

3 Q And so now, at this point, everything you have in
4 this case -- I mean, is every single detail, every
5 single one consistent? Are there any discrepancies
6 at all?

7 A There may have been some minor little discrepancies
8 in what was said by every different person. It's
9 important to note that when you're interviewing
10 people and if they ain't sitting around together,
11 you're not going to get Person A to say exactly
12 what Person B say and Person C say. As long as the
13 information they are giving is consistent, that's
14 what you go with. But they may leave something out
15 or they may not answer it because it was not asked.
16 They may forget something.

17 Q So at this point, you've got a confession from
18 Floyd?

19 A Right.

20 Q I mean, did your investigation end at that point?

21 A No, it did not.

22 Q What other things did you do?

23 A Well, once we got that information from Floyd, I
24 think at that point we met with your office again
25 and discussed how we were going to proceed with the

1 case against Mr. Barham. Your office authorized
2 arrest warrants. And the case -- the investigation
3 still did not end with the arrest of this gentleman
4 here.

5 Q Oh, so you're saying that when Jenny gave y'all
6 this break, got the break from Jenny, and then when
7 Jessica confirmed everything that Jenny said, y'all
8 didn't run out and arrest Brandon?

9 A No, we didn't.

10 Q So you're saying you only arrested Brandon after
11 the murder -- murderer fully confessed to the
12 murder?

13 A That's right.

14 MR. MYERS: Objection. Leading.

15 THE COURT: Sustained.

16 BY MR. EATON:

17 Q Why did you arrest Brandon at that point?

18 A Well, we arrested Brandon after we interviewed
19 Floyd. And the information that Floyd gave us,
20 plus the information that was given to us about --
21 by Jenny Baker and those other folk, we used the
22 consistency of that information. And you've got to
23 ask for arrest warrants. And I did take into
24 consideration that while all this information was
25 consistent, there was still some work to be done.

1 But priority at that point was to go on and get
2 Mr. Barham into custody.

3 Q So to kind of wrap up your investigation, is there
4 anything from your investigation that's important
5 that I've left out, Investigator Reese?

6 A Not that I can think of.

7 Q Did you jump to conclusions when you arrested Mr.
8 Barham?

9 A No. Absolutely not. I spent a lot of man hours
10 investigating in this case. I spent a lot of time
11 from my family. A lot of dark nights on those
12 country roads trying to find people. I looked for
13 people even that were -- I considered that would
14 have been able to give me information to even clear
15 Mr. Barham, but I couldn't -- I couldn't find those
16 people. Everybody had either something derogatory
17 to say about him or they didn't say anything about
18 him at all.

19 One particular person, you know, I reached out
20 to him for a couple of months, supposed to be one
21 of his friends, for a couple of months, I thought
22 might have had some information, that he could
23 swing either way. How I found him --

24 MS. MEYERS: Your Honor, it's hearsay, but
25 it's also improper burden shifting.

1 MR. EATON: I withdraw it.

2 THE COURT: I'm going to sustain the objection
3 based on hearsay.

4 MR. EATON: Yes, ma'am.

5 BY MR. EATON:

6 Q I guess just to recap this, if you had gone and
7 arrested Brandon after you talked to Jenny, would
8 that maybe be jumping to a conclusion?

9 MR. MYERS: Objection. Leading.

10 THE COURT: Sustained. Please rephrase the
11 question.

12 BY MR. EATON:

13 Q Why didn't you arrest Brandon after you talked to
14 Jenny?

15 A I think that would have been a bit premature. I
16 didn't have enough to make me comfortable with
17 arresting him at that point.

18 Q So succinctly, then, why did you arrest him after
19 talking to Floyd? Just wrap it up for us.

20 A I found that Floyd and the other two people, that
21 they were very consistent. And I just could not
22 see a reason not to validate the information that
23 they gave me. I didn't see where they were lying.
24 I could not find a reason that they would lie on
25 him and at different times and not even knowing

1 what kind of information I had. It's the same
2 thing with Floyd. When he talked to me, he didn't
3 know what kind of information I had on him. He
4 didn't know about the DNA that belonged to him on
5 the doorknob. He didn't know about any of that
6 stuff. He just readily gave it up. I knew he was
7 telling the truth based on what I already had.

8 BY MR. EATON:

9 Q Thank you. Please answer any questions the Defense
10 has.

11 THE COURT: All right, ladies and gentlemen of
12 the jury, before we get started with the Defense
13 cross-examination, we will take -- let's take a
14 quick bathroom break. All right. We've been going
15 since about 10:00 o'clock.

16 (WHEREUPON, the jury retires to the jury
17 room at 12:34 p.m.)

18 THE COURT: You may step down.

19 THE WITNESS: I knew that I had to wait on
20 them.

21 THE COURT: Yes, sir.

22 THE WITNESS: I forgot.

23 (Witness steps down.)

24 THE COURT: So their lunch is here. I can let
25 them take 30 minutes to eat, or if Mr. Myers wants

1 to go ahead and cross-examine.

2 MR. MYERS: If the food is here, I don't want
3 it to get cold.

4 THE COURT: It's sandwiches. It's already
5 cold.

6 MS. MYERS: In all honesty, I really don't
7 anticipate cross being -- certainly not as long as
8 the direct. And having said that, I still don't
9 believe it will be very long. Maybe 30 minutes.

10 THE COURT: All right, let me check and see if
11 there is anybody that is like starving and wants
12 their food right away. And I'll let you all know.

13 (WHEREUPON, a short break was taken at
14 12:35 p.m.)

15 THE COURT: All right. They want to finish
16 with this witness, so we'll do cross.

17 Let's get Mr. Reese to have a seat back on the
18 witness stand.

19 (Witness resumes stand.)

20 THE COURT: Bring them on in.

21 (WHEREUPON, the jury came into open
22 court at 12:48 p.m.)

23 THE BAILIFF: The jury is seated, Your Honor.

24 THE COURT: All right. Ladies and gentlemen
25 of the jury, we will continue with the

1 cross-examination by the Defense.

2 MR. MYERS: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. MYERS:

5 Q Good afternoon, Investigator Reese.

6 A Good afternoon.

7 Q You've been on that stand for a while. I promise
8 you won't be here much longer.

9 A Thank you.

10 Q Investigator Reese, it's clear that you are now the
11 lead investigator on this case?

12 A Yes, sir.

13 Q You inherited this case as a cold case?

14 A Right.

15 Q Now, you are aware that a trial is a search for the
16 truth, right?

17 A That's right.

18 Q And no matter what the witness might tell you in an
19 interview room or interrogation room or what they
20 might put on paper, it's not evidence until it
21 comes from that stand, right?

22 A I agree.

23 Q And so no matter whether or not there might be
24 consistencies that led up to the ultimate arrest,
25 as the facts come down, some of the inconsistencies

1 may prove the investigation wrong or incorrect,
2 right?

3 A It happens that way sometimes.

4 Q You've been around since 1968, longer than I been
5 alive, nothing on you?

6 A Seventy-eight.

7 Q I'm sorry.

8 A You should live to be so old.

9 Q Having said that, there were times in which you
10 made cases and the jury has disagreed with your --

11 MR. EATON: Objection. Irrelevant.

12 THE COURT: What is the --

13 MR. EATON: Whether the jury disagrees with --

14 THE COURT: What's the relevance? Objection
15 is sustained.

16 BY MR. MYERS:

17 Q You haven't been right all the time?

18 A Oh, I'm sorry, are you waiting on me to answer
19 that?

20 Q Yes.

21 A Are you asking if I ever lost a case?

22 Q Yes, sir.

23 A No, I have never.

24 Q Never. Wow. Congratulations.

25 A Not a homicide case, no.

1 Q So it is about winning for you?

2 A Now, you went there with that. And it's not about
3 winning for me. It's about doing my job.

4 Q Yes, sir. I understand. Now, let's talk a little
5 bit about this case. You indicated that no fingers
6 pointed at Andrew Kusko, correct?

7 A That's right.

8 Q Now, you say that. Have you ever heard -- are you
9 familiar with a bitten dog will holler? You ever
10 heard of that?

11 A What?

12 Q A bitten dog will holler? You ever heard of that?

13 A Not until just now.

14 Q Basically, what that is, is that usually the
15 individual --

16 MR. EATON: I think he's testifying.

17 MR. MYERS: I'll withdraw that.

18 THE COURT: Sustained.

19 BY MR. MYERS:

20 Q When Andrew Kusko came to you, you said he was
21 feeding you information, correct?

22 A Right.

23 Q We now know that Andrew Kusko, his nickname is
24 Midget, right?

25 A I now know that, yeah.

1 Q If Jessica James' testimony is to be believed, it
2 was a Midget who gave Floyd Owen the gun that he
3 used to kill Charles Kusko, correct?

4 A Run that by me again?

5 Q Yes, sir. According to Jessica James', Floyd's
6 girlfriend, she said that Midget gave Floyd the gun
7 that killed Charles Kusko?

8 A She said that, I know the gun is Barham's. And
9 then at some point in there, she -- that's when she
10 said something about the Midget and he got the gun
11 from her -- the Midget. But I didn't get the sense
12 when she said that she was being emphatic about
13 that. I don't know whether she knew what she was
14 talking about or not or was just talking about some
15 stuff that she heard. I don't know that. That's
16 something I --

17 Q But she clearly said that the gun came from Midget?

18 A That's what she said also.

19 Q Based on your investigation, Brandon Barham has
20 never gone by the nickname Midget, right?

21 A No. It was clear to me -- I had information prior
22 to that that -- the name Midget had come up at some
23 point, I think, but I had to confirm whether the
24 Midget was, in fact, that guy.

25 Q And motive had been tossed around this courtroom a

1 lot. We also know that Midget, or Andrew, a/k/a,
2 Midget, had a dispute with his brother on the
3 Friday before he was killed, right?

4 A Right. You are talking about over the furniture?

5 Q Yes, sir.

6 A That's right.

7 Q That dispute was closer in time to any dispute that
8 Brandon Barham may have ever had with his uncle,
9 right?

10 A As far as I know during the investigation --

11 Q Regarding the money situation, and all that stuff?

12 A That would be accurate, yeah.

13 Q When you start talking about surveillance videos
14 and the vehicles used, we know also that through
15 your investigation, Midget, a/k/a, Andrew, was
16 driving a white Chevy Blazer at the time of Charles
17 Kusko's death, right?

18 A To be honest with you, I just found that out the
19 other day. I didn't focus on what kind of vehicle
20 --

21 Q Wow.

22 A -- he had.

23 Q So on Monday when Investigator Richbourg testified,
24 that was the first time you ever learned about the
25 white Chevrolet Blazer?

1 A I can say I do not remember anything about a white
2 Chevrolet Blazer. What I was focusing on is the
3 white pickup truck.

4 Q Yes, sir. Because a lot of discussion was made
5 about that white pickup truck, so apparently y'all
6 based a lot of y'all's investigation on the
7 vehicles that were shown in that surveillance
8 video, right?

9 A As it related to the information that we already
10 had, which was Mr. Barham owned a white Chevrolet
11 pickup truck. And I spent a lot of time trying to
12 confirm that. And we associated that
13 information -- well, that was already done before I
14 got the case. But that information itself was
15 associated with the fact that investigators saw
16 what they thought was a white pick -- a vehicle
17 that was consistent with a white Chevrolet pickup
18 that drove through the camera system that morning.

19 Q Yes, sir. But it was -- and that is all you really
20 have is just that it was a white Chevy truck,
21 right?

22 A That's right.

23 Q You heard Investigator Richbourg talk about on
24 Monday, or Tuesday, whenever he testified, time has
25 gone by pretty fast, whichever day he testified to,

1 he indicated that he could tell nothing other than
2 it was a white truck?

3 A That's what he said.

4 Q He couldn't tell how many individuals were in the
5 truck?

6 A No, you could not tell that, no.

7 Q In fact, the route in which that truck took on that
8 camera is inconsistent with even what Floyd Owen
9 said the route that they took?

10 A No, I don't -- I disagree with that.

11 Q The jury can rely on that.

12 Now, if the vehicles were so important, and we
13 know that Midget, a/k/a -- or Andrew, a/k/a,
14 Midget, was driving a white Chevy Blazer, this is a
15 white Chevy Blazer, is it not, that is in Defense
16 Exhibit Number 1?

17 A I can say that is consistent with what I know of a
18 white or a black, blue, yellow, orange Blazer to be
19 is some -- you know, one of those kind of vans, but
20 I don't think that had anything to do with this.
21 There were a number of cars going through that
22 camera system during the time period that we're
23 talking about. That right there just happened to
24 be one of those cars that went through the camera
25 system.

1 Q Yes, sir. But you also just testified that you
2 didn't even -- you weren't even aware that a white
3 Chevy Blazer was picked up on the camera until this
4 week, right?

5 A I thought you was talking about that I knew whether
6 the Midget --

7 Q Yes, sir.

8 A -- had a Blazer or not.

9 Q Yes, sir. Which one -- did you know there was a
10 white Blazer shown on the surveillance video?

11 A No. That right there, I was -- I didn't really
12 realize that there was a difference in the vehicles
13 that we're talking about. I'm focusing on the
14 truck. That right there just pops up all of a
15 sudden, so I'm not even paying attention to that,
16 not even throughout the investigation. That right
17 there just popped up.

18 Q Well, let me just tell you where this came from.

19 A Okay.

20 Q This came from the packet of information that your
21 office provided to the Solicitor's Office, who then
22 provided it to me. So this is not anything we
23 found. All we did was blow up photographs that
24 y'all gave to us.

25 A I understand.

1 Q So is it your testimony that throughout your
2 investigation, you never made the connection
3 between Andrew, a/k/a, Midget, and a white Chevy
4 Blazer?

5 A That would be my testimony. And the reason is
6 because I had no reason to focus on a white Blazer.
7 From what I see, I can't swear, and I don't know
8 whether you would be able to if you were up here,
9 that that is a Blazer. That could be some other
10 kind of truck. It could be a GMC, as far as I
11 know. I just don't know.

12 Q Whether it is GMC or Chevy, it's still a Blazer,
13 though, is it not? Are you trying -- well, what
14 else would it be?

15 A But you're saying Blazer.

16 Q Yes, sir. You understand what I mean by Blazer?

17 A Yes, I understand exactly what you mean.

18 Q Okay.

19 A But you also said Chevrolet.

20 Q Yes, sir.

21 A So I'm offering the jury this information. As far
22 as I'm concerned, I don't know what that is, but it
23 could be a GMC or some other kind of SUV. I just
24 don't know that.

25 Q If your theory is correct, what makes that white

1 truck a Chevy? That could very well be a Dodge
2 then, right?

3 A No. And I didn't say it was. I said it was
4 consistent with the white Chevy.

5 Q All right. So this then -- by your logic and your
6 rationale, this would be consistent with a white
7 Chevy Blazer, right?

8 A That's right.

9 Q And because this didn't come up until this week, no
10 one ever questioned anybody about that vehicle that
11 was on that surveillance video?

12 A I could assure you that if I had known about that
13 and it had come up sometime ago, even during the
14 investigation, and it warranted me looking into it,
15 it would have been looked into.

16 Q But you know right now it was not looked into
17 during the course of your investigation?

18 A Not my investigation.

19 Q Right.

20 A That's right.

21 Q We also know from Investigator Richbourg, he did
22 not look into it, right?

23 A That's what he said, right.

24 Q Now, the cell phone usage also came up. During the
25 course of your investigation, you are aware that

1 Andrew Kusko gave you a telephone number, correct?

2 A Gave me a telephone number?

3 Q Gave you and Investigator Richbourg a telephone
4 number? As representing his cell phone number?

5 A I got to say, I don't -- I don't -- it may have
6 been a number that was already in the file. But --
7 and if he did give a number, he would have given it
8 to somebody that was associated with the
9 investigation. He didn't physically give it to me,
10 so I don't know about that.

11 Q I don't mean to confuse you. By the time you had
12 gotten involved in this case, you knew the previous
13 investigators had talked to Andrew Kusko and gotten
14 cell phone numbers, right?

15 A Yeah.

16 Q That's how they got warrants for those cell phones
17 to find out whereabouts, and all that stuff, right?

18 A There you go.

19 Q You are aware through your investigation that the
20 number that Andrew gave as being his was (803)
21 361-7478, that was testified to?

22 A Well, I don't know what his number was, is now or
23 was back then, but I would sign off on that, yeah.

24 Q You remember Mr. Bell was asking questions from one
25 of the cell phone telemetry guys about family

1 plans? Do you remember that?

2 A I'm sorry, say that again.

3 Q Yes, sir. Do you remember -- you were here when
4 Mr. Bell was asking questions about -- to one of
5 the cell phone guys when they were talking about
6 the tracking and the towers, and all that stuff,
7 and brought up --

8 A Your partner there?

9 Q Yes, sir.

10 A Yeah.

11 Q I'm sorry, that's Mr. Bell.

12 A Okay.

13 Q So he was asking him questions about family plans,
14 right?

15 A Uh-huh.

16 Q Now, I'm going to hand to you what was provided to
17 us by way of a search warrant on the phone that
18 Andrew Kusko gave to law enforcement. The
19 reason -- now, the number that they are looking for
20 here, the warrant, the number that they searched
21 was a 451-5242. I'm sorry, that's wrong. Hang on.
22 Here we go. The number that they were looking for
23 was (803)479-3540, right? Do you see that?

24 A Uh-huh.

25 Q Now, when you look at the reason for the affiant's

1 belief that the property sought is on the subject
2 principle, they're saying the target number belongs
3 to Andrew Kusko?

4 A Right. I see that.

5 Q That's not Andrew Kusko's phone number, is it?

6 That's his wife's cell phone number, isn't it?

7 A Let me -- let me clear this one up for you. My
8 name is not on that search warrant, so -- and
9 that's just coming to my attention the other day
10 about the discrepancies in that phone number. I'm
11 probably the wrong person you want to try to clear
12 that up with.

13 Q I just want to talk to you because you're now the
14 lead investigator and you ultimately got the arrest
15 warrant. That arrest warrant would have been based
16 on your investigation, based on what you believed
17 to be probable cause for the arrest, right?

18 A The arrest warrant, right.

19 Q Yes, sir. So, having said that, if there was any
20 discrepancies or anything wrong, you would have had
21 an opportunity to correct it, right?

22 A Can you ask me that again, please?

23 Q Yes. As the lead -- I realize that you weren't the
24 primary or initial investigator.

25 A Right.

1 Q You were asked to come in as a cold case
2 investigator?

3 A Right.

4 Q But even as a cold case investigator, you relied on
5 what was done before you to develop your theory
6 about what happened, right?

7 A I relied on some of it.

8 Q One of the reasons that you talked about nothing
9 pointing to Andrew Kusko was because the search
10 warrant on his phone was done to verify where he
11 could have been, right?

12 A That's not the reason that I eliminated him.

13 Q No, sir, I understand. I understand that's not the
14 reason, I'm just saying a reason. But Andrew Kusko
15 gave y'all his wife's number as opposed to his
16 number, meaning that no proper search warrant was
17 ever done on his cell phone?

18 A Again, that search warrant -- and it just came up
19 to my attention in here the other day. I don't
20 have anything to do with that search warrant. My
21 decisions to seek arrest warrants on the other two
22 gentleman had nothing to do with that search
23 warrant. There's a lot of paperwork in their files
24 that have nothing to do with my investigation
25 itself.

1 Q I understand. But you ultimately decided to charge
2 Brandon Barham and connect him to a conspiracy.
3 And you did that based on what the previous
4 investigators had done?

5 A What you're doing, it sounds like to me, is asking
6 me to take a hit for that search warrant right
7 there.

8 Q No, sir, I'm not asking you to take a hit. I'm
9 just asking -- you told me that no fingers ever
10 pointed to Andrew Kusko?

11 A Right.

12 Q Does somebody need to take a hit? Who needs to
13 take a hit?

14 A What?

15 Q Who needs to take a hit for it then?

16 A Whoever signed off on that search warrant. I'm the
17 wrong person for you to be asking about how they
18 got Andrew's wife's phone number versus Andrew's
19 correct phone number. I don't know whether there
20 was any malicious intent in -- I don't know whose
21 fault that is.

22 Q Certainly no fault of Mr. Barham?

23 A No. I would say no.

24 Q Whoever needs to take that hit needs to come from
25 Columbia Police Department or the State?

1 A I would agree with that.

2 Q Now, you talked about Brandon Barham's cell phone
3 being turned off. I think Floyd gave some
4 conflicting stories. He told y'all that the phones
5 were turned off, right? Initially, right?

6 A Right.

7 Q On the stand he says they took the batteries out,
8 right?

9 A Right.

10 Q Now, Brandon's phone hadn't received or dialed out
11 any phone numbers since 2139 hours, 9:30, 9:39 on
12 September 5th, right? That was the last call to
13 and from that number?

14 A Right.

15 Q What evidence, or when is the jury going to see any
16 history of Brandon's cell phone?

17 A Whenever they submit -- the Prosecution team submit
18 all the evidence to or information to the jury.

19 Q So up to date or up to this point, we have not
20 gotten any evidence of any time outside of
21 September 5, September 6, 2015, that will show the
22 history of Brandon Barham's cell phone usage? Is
23 it your testimony that such evidence exists and it
24 hasn't come out yet? Do you understand the
25 question?

1 A Yeah, I think I understand the question. But I
2 can't answer that question. I'd have to look in
3 the files. But there's so many different search
4 warrants and phone numbers here, I'd have to be --

5 Q Are you trying to ask him? I see you looking, I
6 just wanted to make sure I wasn't in your way.

7 A No, I don't think that's what this is about. I'm
8 just looking, period.

9 Q So, once again, we've got this limited time from
10 September 5th to September 6th in which a search
11 warrant was done on Brandon Barham's phone, right?

12 A Uh-huh.

13 Q But we don't have any historical information
14 outside of those dates for that jury to say, Well,
15 hey, he always turns his phone off at 9:30, around
16 9:30 at night?

17 A The documents I recall seeing in reference to your
18 client's cell phone shows that, at that particular
19 time that you're talking about, there was no more
20 communications on that phone. No towers, no text
21 messages, or anything. I do remember seeing that.
22 It is, from what I understand or recall, it is on
23 disk that was submitted when the Solicitor's Office
24 asked for discovery. When they asked me for the
25 discovery, that's all the information we got

1 concerning this case. It was sent to the
2 Solicitor's Office.

3 Now, I don't -- I can't explain to you why it
4 never got to you, if that's what you're saying at
5 this point. I did what I was ordered to do by the
6 Solicitor's Office, submit to them the information.
7 And I assume through discovery, they would have
8 gotten it to your office.

9 Q Okay. But as it stands right now, this jury has
10 not gotten any information or any evidence from
11 that stand that would suggest Brandon's history of
12 cell phone usage?

13 A In respect to the search warrant you're asking me?
14 No.

15 Q Investigator Reese, I'm almost done here. You've
16 been around for a while. You've been around
17 individuals who have been charged with crimes for a
18 while?

19 A Yes, sir.

20 Q These folks make up stories on each other all the
21 time, don't they?

22 A They do a lot. I mean, not all the time, but,
23 yeah.

24 Q In fact, people like Floyd Owen, I believe it was
25 when you were talking to Andrew Kusko, you warned

1 Andrew Kusko about not giving Floyd Owen any
2 information because he will then use that and bring
3 him into this case?

4 A I warned Kusko?

5 Q Yes. I guess I'm not doing it any justice. Direct
6 quote from you to Andrew Kusko: A snake is going
7 to be a snake. A rat is going to be a rat. If you
8 tell Floyd or anybody else pertinent information
9 towards this case, they may use that against you
10 later on. If you think they won't flip it on you,
11 put your finger at the mouth of the snake and see
12 what happens. Especially if the police already
13 thought you had something to do with it anyway.
14 Why not make myself look good and you look bad.
15 End quote. That's what you told Andrew Kusko about
16 not dealing with a person like Floyd Owen because
17 you told him that Floyd Owen, if you give him
18 enough information, he'll bring you into it,
19 regardless of whether or not you did it?

20 A Right. I remember that, yeah.

21 Q That's exactly what Floyd Owen is doing to Brandon
22 Barham, do you realize that?

23 A I'm going to -- I can't tell you, yes, I realize
24 that. It is a possibility, yeah.

25 Q Yes, sir.

1 A Uh-huh.

2 Q In fact, other individuals have tried to throw
3 Brandon's name in this. You remember a gentleman
4 by the name of Michael Carter?

5 MR. EATON: Objection. Can we approach?

6 THE COURT: What's the objection?

7 MR. EATON: Can we approach, Your Honor?

8 (WHEREUPON, a bench conference was held
9 in the presence of the jury but outside
10 the hearing of the jury.)

11 THE COURT: Objection overruled.

12 MR. EATON: Thank you, Your Honor.

13 BY MR. MYERS:

14 Q We were talking about Michael Carter. We talked
15 about specifically to Brandon Barham, right? Just
16 so that this jury can get context, isn't it true
17 that Michael Carter -- back up. After you had
18 arrested Brandon Barham in 2017, June 2017, right?
19 Do you remember that?

20 A Uh-huh.

21 Q He went to the Alvin S. Glenn Detention Center --

22 A Michael Carter?

23 Q -- awaiting bond, right?

24 A Right.

25 Q When he came up for bond, he got a bond, bonded

1 out. Through the course of your investigation, a
2 gentleman by the name of Michael Carter, who was
3 also at the Alvin S. Glenn Detention Center, gave
4 you information that Brandon Barham had confessed
5 to him inside Alvin S. Glenn Detention Center,
6 right?

7 A Right. Right.

8 Q Your office got that information and y'all
9 investigated it, right?

10 A Right.

11 Q It later turned out that Michael Carter was telling
12 a complete lie, right?

13 A That's right.

14 Q He discredited his whole case because he made up
15 this whole story about Brandon Barham had confessed
16 to him at Alvin S. Glenn Detention Center, right?

17 A I did.

18 Q So, again, these individuals who are charged with
19 offenses, they lie all the time just to make
20 bargains on their cases, don't they?

21 A I'm uncomfortable with you saying all the time. I
22 can't attest to everybody lying every time they
23 open their mouths. I can tell y'all emphatically
24 that when that information came out, I did what I
25 was supposed to do. And I found that this guy was

1 a liar in respect to this situation right here. I
2 surmised that he was actually trying to get some
3 sort of brownie points to be used later on. But I
4 did investigate that. And he went absolutely
5 nowhere with that information.

6 Q Right. And that just further proves a point, that
7 these folks, if it's convenient for them, they'll
8 say whatever it is that you want to hear?

9 A Yeah, but let me -- let me put out another point.
10 Everybody is not like that. I have not run up on a
11 whole lot of people that will put themselves in
12 that kind of position. Have I run up on people
13 like that? Yes. Other investigators, you know,
14 they do it a lot. But I can't say everybody do it
15 all the time.

16 Q Yes, sir. And that's fair. Maybe not everybody,
17 but you certainly know Michael Carter did it,
18 right?

19 A I do.

20 Q According to what you told Andrew Kusko, Floyd is
21 also one of those individuals because he's a snake
22 and he's a rat?

23 A Run that -- say that again?

24 Q In addition to Michael Carter being that kind of
25 person, according to what you told Andrew Kusko,

1 Floyd Owen is also that kind of person?

2 A I described him as that, yeah.

3 Q Yes, sir. And this isn't the first time that Floyd
4 Owen has tried to bring Brandon's name into
5 something, is it?

6 A I don't know about his past. I know about what he
7 may have said to me, Floyd Owen, during his
8 interview.

9 Q In fact, back in 2007, 2008, Floyd got charged with
10 a burglary charge. You're familiar with that,
11 right?

12 A I don't know the entire case or the particulars of
13 it, but I do recall information like that, yes.

14 Q And at that point, he tried to bring Brandon's name
15 into it, and there was no credibility in that case
16 either?

17 A I don't know whether there was credibility or not.
18 It wasn't my case.

19 Q Lastly, you indicated even after you arrested
20 Brandon Barham that there was more work that needed
21 to be done?

22 A Right.

23 Q Since his arrest, what else has been done or shed
24 any light on where you were before you arrested
25 him?

1 A No, I didn't just stop just because Mr. Barham was
2 arrested. Like I said earlier, I even -- there
3 were no friends of Floyd that I reached out to. I
4 reached out to a lot of his associates and his
5 friends. None of them would give or were able to
6 give me any information that would help him. Now,
7 granted, they didn't give me any information that
8 would hurt him either, but they would not give me
9 any information to help him.

10 As I tried to explain earlier, Stanley, about
11 one guy that -- well, I can't say what he said, is
12 that right? He wouldn't give me -- he wouldn't
13 give me the information that would help his client
14 and not come forward. And I had a -- it took two
15 months pleading with him, give me an interview with
16 you, come to my office, let me come to your office.
17 I actually had -- myself and another investigator,
18 actually had to stake his office out, his job place
19 one morning and wait until he get to work just to
20 be able to sit down and interview him. That's the
21 kind of people I'm talking about. I'm telling
22 y'all what I went through to get information.

23 Q Now, Investigator Reese, I thought I was done.
24 Final question.

25 A Yes, sir.

1 Q You are aware -- since you've had this information
2 fed to you by Andrew Kusko, you are aware that one
3 other piece of information he fed to you was that
4 Floyd on two prior occasions had actually stolen
5 Brandon's white truck?

6 A I think he did say something about that, right.

7 MR. MYERS: Thank you. No further questions.

8 THE COURT: Yes, sir?

9 MR. EATON: Briefly, Your Honor.

10 REDIRECT EXAMINATION

11 BY MR. EATON:

12 Q So we got back on the topic of Jessica and Midget
13 and Brandon and the gun from that interview. Now,
14 we all heard that interview. Did she not make
15 clear it was Brandon's gun?

16 A I thought she made it very clear.

17 Q They can listen to it. But it was Brandon's gun.
18 And she might have said Midget had something to do
19 with it, right?

20 MR. MYERS: Objection. Leading.

21 BY MR. EATON:

22 Q What did she say about the gun?

23 A She said, I know it was Brandon's gun. That's what
24 she said.

25 Q Would it make sense to you for Midget to come to

1 the police headquarters to file a report on his
2 brother if had something to do with killing him?

3 A That guy, Midget, Andrew, he's not a person that is
4 easy to interview. He bounces off the walls. He
5 goes from here to there, there to here. He will
6 cooperate with you, then he will stop cooperating
7 with you. But that still to me does not mean that
8 everything he told me was a lie. And to me that
9 does not mean that I had enough to charge him with
10 this case. Make no mistake, if I did, he would
11 definitely have been arrested, no doubt about it.

12 Q I'll ask the question again, though. And I
13 appreciate your points. Would it have made any
14 sense -- let me ask another question and then I'll
15 ask it. Does Andrew like the police from what
16 you've seen?

17 A Not the impression I got. He doesn't -- he even
18 said it, I don't trust you. No, he doesn't like
19 law enforcement.

20 Q Would it have made any sense for him to come to the
21 Columbia Police Department headquarters two days
22 after having something to do with killing his
23 brother, does it make any sense for him to do that?

24 MR. MYERS: Objection. Asked and answered,
25 Judge.

1 MR. EATON: Well, he didn't answer the
2 question the first time.

3 MR. MYERS: Or the second.

4 THE COURT: Can you say yes or no? If you
5 can't answer, that's fine.

6 THE WITNESS: No, I --

7 THE COURT: I think it calls for speculation,
8 but --

9 MR. MYERS: Objection. Speculation.

10 THE COURT: And that's why you can't answer it
11 because you're asking him to speculate as to what
12 somebody else might be thinking.

13 MR. EATON: I think it calls for a reasonable
14 inference, Your Honor, but I can move on.

15 THE COURT: All right.

16 BY MR. EATON:

17 Q For Brandon's part, was he not asking Neal for
18 money right up to and right after Charlie's death?

19 A That's the information I got, yeah.

20 Q And didn't the drama with his mother, Karin,
21 continue right up to Charlie's death?

22 MR. MYERS: Objection. Leading.

23 THE COURT: Sustained. Rephrase the question.

24 BY MR. EATON:

25 Q What's your memory of the drama with Karin and this

1 timeframe in relation to Mr. Myers suggesting that
2 Brandon had no contemporary beef with the victim?

3 A It all happened -- you know, it culminated, it
4 appears, to that point. It was just one of those
5 kind of, from what I could gather, family
6 conflicts, disputes that just wasn't going to go
7 away. And then this happened. So it all stopped.

8 Q Investigator Reese, what do you do when someone
9 comes forward to you with information in a vacuum?
10 Do you always just take that information right off
11 the bat and accept it as true?

12 A No, I don't, huh-uh.

13 Q So when somebody like Michael Carter comes forth
14 from the jailhouse with information, do you just
15 accept that as the gospel?

16 A No, I did not, no.

17 Q So what did you do?

18 A Like I said a moment ago, I investigated. And I
19 think I did a real good job on it. I did not quit
20 on it. I interviewed him two times. One time here
21 and one time at the jail. And he did not -- he was
22 not totally forthcoming until he got jammed up,
23 which means he was caught up in so many lies, he
24 knew it was a ridiculous thing. And so he finally
25 committed to me what he said wasn't true, which was

1 I was at his bond hearing, Mr. Barham's bond
2 hearing. I heard everything going on. I used that
3 against him. It's as simple as that.

4 Q So you did exactly what you were supposed to do in
5 vetting the information?

6 A Right, I did.

7 Q Is that similar to what you did with other
8 information you got from other people in this case?

9 A I try to run down every single thing that I could
10 get.

11 Q Is that --

12 A That's similar, right.

13 Q Is that a basic practice of being an investigator?

14 A I would agree with that.

15 Q And that's what you did?

16 A That's what I did.

17 Q Now, State's Exhibits 118 and 119, what does 118
18 say?

19 A Barham's phone records.

20 Q So did we not submit all of his phone records?

21 A I submitted everything that I had.

22 Q And State's Exhibit 119, you want to look through
23 it, does that not appear to be complete records
24 from his carrier?

25 A These are all of the documents I know about other

1 than this disk that's on Mr. Barham's phone.

2 Q It's not like it's only some snapshot without
3 context of his phone records, right?

4 A Right.

5 Q Just a couple more quick questions. The truck on
6 the video, and the fact that it looks an awful lot
7 like -- an awful lot like Brandon's truck, is that
8 the whole case?

9 A No, that's not the whole case, no.

10 Q Would you have gone and arrested him based on that?

11 A On the truck?

12 Q Yes.

13 A No.

14 Q When Floyd confessed to you, and he told you that
15 he went there in Brandon's truck with Brandon
16 driving it, did he have any clue there was a
17 Zesto's video?

18 A No. I don't know how he could have. No, he
19 wouldn't.

20 MR. EATON: Thank you. No further questions.

21 RECROSS-EXAMINATION

22 BY MR. MYERS:

23 Q Investigator Reese, two points. One with regards
24 to Michael Carter. You indicated that you were
25 right there in the courtroom to hear the bond

1 hearing for Brandon Barham, right?

2 A Right.

3 Q You had personal knowledge of what was said at the
4 bond hearing, right?

5 A Yeah.

6 Q So you were a witness to know that anything that
7 Mr. Carter might have said wasn't true?

8 A Yeah, I would have known what he said if it was not
9 true. But he didn't -- he wasn't talking to me
10 until the end, of course, about being in the
11 courtroom at the bond hearing.

12 Q Yes, sir.

13 A He gave an entirely different scenario.

14 Q Yes, but because you were in the bond hearing, you
15 knew that that was a different scenario, right?

16 A Yes.

17 Q You weren't at 1710 Budon Court on September 6th,
18 2015, were you?

19 A No.

20 Q You weren't a personal witness to know what
21 happened, were you?

22 A Right.

23 Q And with regards to that truck, you can't say to
24 any degree of certainty whether or not that truck
25 belonged to Brandon Barham, can you?

1 A I can only say there is some consistency in it, but
2 I cannot emphatically say it, no.

3 MR. MYERS: Thank you. No further questions.

4 THE COURT: All right. Investigator Reese,
5 you may step down.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: Thank you.

8 (Witness steps down.)

9 MR. CONRAD: Your Honor, can we approach prior
10 to the next witness?

11 THE COURT: Yes, sir.

12 (WHEREUPON, a bench conference was held
13 in the presence of the jury but out of
14 the hearing of the jury.)

15 THE COURT: All right, ladies and gentlemen of
16 the jury, at this time we will go ahead and take
17 our lunch break. We will start back at
18 2:00 o'clock.

19 Please do not discuss the case. As you know,
20 your lunch is already back there. We wanted --
21 Mr. Conrad, I mean, they wanted to finish this
22 witness and then we will come back and call --

23 MR. CONRAD: Of course, Your Honor.

24 THE COURT: We'll come back and call the next
25 witness.

1 Enjoy your lunch. Please do not discuss the
2 case.

3 Thank you.

4 And before we do that, Juror Number 7 -- are
5 you Juror Number 7?

6 THE JUROR: Yes.

7 THE COURT: I got it right. I will ask you to
8 be our foreman. And the bailiff will tell you
9 exactly where you need to sit. I think they will.

10 All right. Thank you.

11 (WHEREUPON, the jury retires to the jury
12 room at 1:30 p.m.)

13 THE COURT: And that is Juror Number 7.

14 All right. I will see y'all at 2:00 o'clock.

15 How many more witnesses do y'all have?

16 MR. EATON: Well, Your Honor, after all the
17 third-party guilt came in, we decided we are going
18 to put Mr. Barham's statement in, so we're going to
19 recall Richbourg. Talking to Mr. Bell, I think
20 that they don't need a Denno. We know Laurin
21 Barnes is very short. Mr. Myers opened the door to
22 a prior incident with Floyd Owen, the Defendant, so
23 we're going to recall Floyd Owen to the stand as
24 well.

25 THE COURT: What prior incident?

1 MR. EATON: A burglary that they're involved
2 with.

3 THE COURT: Was the Defendant charged?

4 MR. EATON: Yes, ma'am. No -- yes, he was.
5 Yes, he was, Your Honor.

6 THE COURT: And convicted?

7 MR. EATON: It was dismissed.

8 THE COURT: I'll look at the rules over lunch.

9 MR. EATON: Yes, ma'am.

10 THE COURT: All right. Y'all do the same.

11 (WHEREUPON, a lunch break was taken at
12 1:32 p.m.)

13 (WHEREUPON, the proceedings resumed at
14 2:06 p.m.)

15 THE COURT: Y'all are going to get into a
16 conviction -- non-conviction prior bad act?

17 MR. EATON: I wasn't going to get into it, but
18 I think Mr. Myers opened the door wide open about
19 that. Now, the jury has heard that Floyd may have
20 had some motive to lie based on a burglary that was
21 involving Mr. Barham. He didn't do that with Floyd
22 on the stand, he did that with Investigator Reese
23 on the stand. It has been brought up and addressed
24 with only minimal information. And I think that
25 opens the door. We need to put Floyd back on the

1 stand.

2 THE COURT: And what exactly is he going to
3 say?

4 MR. EATON: What happened in the burglary and
5 whether he was lying then and how that relates to
6 whether he's lying now.

7 THE COURT: Was he convicted of the burglary?

8 MR. EATON: Yes.

9 THE COURT: So he's convicted of the burglary,
10 but --

11 MR. EATON: Brandon's not.

12 THE COURT: Yes, sir?

13 MR. BELL: Judge, first off, there's a way to
14 keep doors closed, and it's called objecting. The
15 State didn't object when that testimony was
16 elicited. They objected to the Michael Carter
17 portion, but not the portion about the burglary.
18 They can't sit back and not object and then
19 complain the door was opened and say they get to
20 walk through it too. 404 still applies and 403
21 still applies.

22 Under 404, to be admissible under the other
23 bad act rule, a bad act must logically relate to
24 the crime for which the Defendant has been charged.
25 Of course, in this case murder versus burglary.

1 And he does have a pending burglary as well. If
2 the Defendant was not convicted of the prior crime,
3 evidence of that bad act must be clear and
4 convincing. That case was dismissed against our
5 client. There's no possibility they can say it was
6 clear and convincing simply by putting Floyd Owen
7 on the stand.

8 Aside from that, we say that under 403, Your
9 Honor, it is so incredibly prejudicial and not at
10 all probative, Your Honor. So we say both 404 and
11 403 bar admission of the facts of that burglary.

12 THE COURT: Did you object to it at the time?

13 MR. EATON: Well, no, but whether I object and
14 whether the door is opened are two different
15 questions.

16 THE COURT: I understand. I was just asking
17 if you did object.

18 MR. EATON: No, ma'am. I mean, he had already
19 gotten the question out of his mouth. I couldn't
20 have unrung the bell anyway. It was
21 cross-examination, so they had already heard it.
22 It would have been a fairly fruitless objection.
23 But that's got nothing to do with whether there's
24 now questions in the jury's mind about this thing
25 that he has brought up that, you know, yes, he

1 should not have done that with Investigator Reese,
2 that should have been done with Floyd himself. He
3 didn't do it then. And so I think that gives me
4 the right to bring Floyd back and explore that,
5 clear that up.

6 MR. BELL: We pulled up State v. Gillian,
7 which is 373 S.C. 601, a 2007 --

8 THE COURT: One more time, I didn't hear the
9 cite.

10 MR. BELL: 373 S.C. 601, a Supreme Court case,
11 2007. I want to really stand on, even if Your
12 Honor believes it's somehow appropriate under 404,
13 there is still a 403 analysis that has to be done
14 regardless of whether a door may or may not be
15 open. In State v. Gillian they say even if prior
16 bad act evidence is clear and convincing, falls
17 within an exception, it must still be excluded if
18 the probative value is substantially outweighed by
19 the danger of unfair prejudice to the Defendant.

20 In this case, talking about the facts of a
21 burglary where our client is on trial for a
22 burglary and murder, would be, again, overtly
23 prejudicial, such that it should be suppressed
24 under 403.

25 THE COURT: Did he get into -- I'm trying to

1 remember what Mr. Myers asked. Did he get into the
2 facts of -- or allegations in that case? Or did he
3 just say there was a case in that -- there's a
4 difference. I mean, as you say, you want to -- I'm
5 trying to remember. I mean, our Supreme Court has
6 said we're not even supposed to bring it in even if
7 they -- you are talking about something he hasn't
8 been convicted of. It was dismissed against him.

9 MR. EATON: And, Your Honor --

10 THE COURT: I mean, what's the name of the
11 case that came out two years ago, about two or
12 three years ago? I'll find it. We can't even --
13 if it's a charge, something he's already charged
14 with -- if I see it, I'll -- so now we're talking
15 about something that --

16 MR. EATON: Was it State v. King, Your Honor,
17 2016?

18 THE COURT: No, it wasn't King, the one out of
19 Charleston. It's not King. It's --

20 MR. EATON: This would be the proper analysis.
21 If I had tried to get into this with Floyd on the
22 stand, I would agree that's what we should be doing
23 at that point. But for Mr. Myers to wait until --
24 to improperly ask an investigator on cross about it
25 after Floyd has already taken the stand, takes us

1 out of 404(b) territory. Because I didn't do it.
2 I didn't try -- it wasn't that I tried to get into
3 it. He got into it. And that is -- fundamentally,
4 what it means for the Defendant to open a door to
5 something is to talk about it and then not give me
6 the chance to also talk about it, especially when
7 it's done in a way like this, when it's not even
8 Floyd himself who's on the stand.

9 THE COURT: Give me some case law. Is the
10 Co-Defendant here?

11 MR. EATON: As soon as Mr. Myers said that, I
12 asked for him to be transported, and they said it
13 would be about one hour. So we can do Richbourg
14 and Ms. Barnes in the meantime.

15 THE COURT: Let's go ahead and do them. I'll
16 continue to research. I suggest you all do the
17 same.

18 MR. EATON: Yes, ma'am.

19 THE COURT: I just know our Supreme Court has
20 been really, really clear about getting -- I
21 understand what you're saying, but they have been
22 very clear about getting into records and criminal
23 records of Defendants. And this is not even a
24 conviction, so.

25 MR. EATON: Yes, ma'am. And I think we all

1 understand what's at issue, and I think the Court
2 understands my argument. Of course, I wouldn't
3 have sought this in opposition of what the Supreme
4 Court said about that if they hadn't --

5 THE COURT: I know you didn't put it in. I
6 know. I understand.

7 MR. MYERS: And, Judge, I want to say briefly,
8 there's a reason why the question. I didn't even
9 go into the facts of it. All I asked Investigator
10 Reese was that he also brought Brandon into
11 something else. Didn't talk about the allegations
12 of it. The way he's purporting to do it, we'll end
13 up trying a case within a case. That's what they
14 want to have happen, and that's not proper. They
15 should have objected when the testimony came out.
16 It was already done. He objected when Michael
17 Carter's offense came up, so now to say, Well, it
18 was already out, so I didn't object, that's
19 misleading. That's not correct. So he should have
20 just entered an objection on the record. To try
21 and bring Mr. Owen up now in the capacity in which
22 he's trying to bring it up, after the manner in
23 which I specifically asked Investigator Reese, is
24 improper. And I think the Supreme Court -- that's
25 the kind of evidence that Supreme Court would --

1 MR. EATON: If they don't want to talk about,
2 then they probably shouldn't have brought it up.
3 And he's trying to slip through the door and shut
4 it behind himself.

5 THE COURT: So he's going to come in and say
6 what, though? He's going to come in and say, I put
7 him in it and somebody -- apparently something
8 happened where he didn't get charged and --

9 MR. EATON: Yes, Your Honor.

10 THE COURT: He did get charged, and it got
11 dismissed. And the other guy got convicted of it.

12 MR. EATON: That's right.

13 THE COURT: Okay. And that's what you want to
14 put in?

15 MR. EATON: Yes, ma'am.

16 MR. BELL: Your Honor, that's something that
17 he could have easily redirected Reese on if that's
18 all he wanted to clear up. He had the opportunity
19 to elicit that information.

20 MR. MYERS: In fact, I'll be happy to
21 stipulate to that if that's what he wants to do,
22 Judge.

23 MR. EATON: Your Honor, I think because it has
24 to do with his bias --

25 THE COURT: But you want -- even if we put a

1 conviction in, we never go into the circumstances
2 of the facts of what happened. If you were to try
3 to put somebody's conviction in, right, all you can
4 put in is that they were convicted or they weren't
5 convicted, right? You can't even get into the
6 facts of it.

7 MR. EATON: And that's --

8 THE COURT: And now you say you want to get
9 into the facts of something that is -- and he did
10 not get into the facts. He didn't get into the
11 facts. He said there was something else that he
12 tried to put on him. And he said -- and then I
13 think you said he was -- it was -- your client --
14 it was dismissed against your client. I don't even
15 know if they said your -- that Owen was convicted
16 of it. I don't even know if that testimony came
17 out that he was convicted of it. It was just that
18 it was dismissed against him. But, so now, you're
19 saying you want to get into the allegations in that
20 case?

21 MR. EATON: I think it's important to
22 distinguish that this is not a situation which I'm
23 straight up impeaching someone with a conviction
24 and then saying, I need to get to the facts.

25 THE COURT: I understand that, but I'm just --

1 I understand -- I get that you did not bring this
2 up. I understand that you're not trying to
3 impeach. But what I'm trying to get you to
4 understand, under all theories, we don't allow that
5 type of testimony regarding if -- allowable, when
6 it is allowed in, you still can't get into the
7 facts of what happened, is what I'm trying to say.
8 Even if it was allowed and you could have brought
9 it up on your case in chief, you still couldn't get
10 into the facts of it. Right?

11 MR. EATON: Right. And that's why I just
12 pointed out that it's not about me impeaching
13 someone with a conviction. I'm not -- that's not
14 what is happening. What has happened is he has
15 suggested in front of the jury that Floyd Owen was
16 lying on Barham in some prior burglary and
17 therefore he's lying here. And the only way that I
18 can address that -- and he didn't do that with
19 Floyd on the stand.

20 THE COURT: I understand.

21 MR. EATON: So the only way I can address that
22 is put Floyd back on the stand.

23 THE COURT: Well, let me look at -- you all
24 need to find me some case law that supports your
25 position. And have him ready because we'll

1 probably have to proffer that testimony. I would
2 want to hear what he's going to say before he says
3 it.

4 All right, let's bring the jury back in so we
5 can get the other two witnesses.

6 MR. CONRAD: Your Honor, before we bring the
7 jury in, I apologize. The State's next witness
8 intends to call Chief Richbourg back to the stand.
9 The State at this point is intending to introduce
10 Brandon Barham's statement from 2015 that was
11 recorded. I think we have discussed this. It's my
12 understands that the Defense is willing to waive
13 the Denno, but I think at least on the hearing
14 outside the presence of the jury, I think the
15 Defense needs to waive the right to a Denno hearing
16 on the statement. We can obviously go ahead and do
17 it too.

18 THE COURT: Do y'all want to do a Denno
19 hearing on the statement?

20 MR. BELL: Judge, we'll waive the Denno
21 hearing as long as we establish that we still
22 observe the right to challenge the voluntariness
23 factually through witnesses if we wish.

24 MR. CONRAD: No question about that. No
25 argument for that.

1 THE COURT: Are we ready to bring them in?

2 MR. CONRAD: The State's ready.

3 (WHEREUPON, the jury came into open
4 court at 2:23 p.m.)

5 THE BAILIFF: The jury is seated, Your Honor.

6 THE COURT: All right, Madam Foreman and
7 ladies and gentlemen of the jury, we are ready to
8 continue with the State's case.

9 MR. CONRAD: Thank you, Your Honor. The State
10 recalls to the stand Investigator Chief Andrew
11 Richbourg.

12 (Witness approaches.)

13 THE CLERK: Raise your right hand, please.

14 (Witness complies.)

15 THE CLERK: State your name, please.

16 THE WITNESS: Andrew Richbourg,
17 R-I-C-H-B-O-U-R-G.

18 THE CLERK: Do you solemnly swear to tell the
19 truth, the whole truth, and nothing but the truth,
20 so help you God?

21 THE WITNESS: Yes, ma'am.

22 THE CLERK: Thank you. Have a seat.

23 (Witness seated.)

24 THE COURT: Yes, sir?

25 MR. CONRAD: May it please the Court?

1 ANDREW RICHBOURG,
2 after being duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. CONRAD:

5 Q Chief Richbourg, I think you did say you just
6 testified on Tuesday, correct?

7 A Yes, sir.

8 Q And you are still Chief of Police at Springdale,
9 South Carolina?

10 A Yes, sir.

11 Q And you originally testified to a number of
12 portions of your initial investigation in 2015
13 regarding this case?

14 A Yes, sir.

15 Q I want to redirect your attention back to 2015 when
16 you investigated the murder of Charles Kusko. You
17 had a chance to interview a number of subjects
18 through your investigation?

19 A Yes, sir, a number of people.

20 Q And you did, in fact, during that timeframe
21 interview the Defendant in this case, Mr. Barham,
22 is that correct?

23 A Yes, sir.

24 Q And where did this interview take place?

25 A At Columbia Police Department headquarters.

1 Q Okay. And how did Mr. Barham arrive to the --
2 first of all, what day did this interview take
3 place on?

4 A I believe it was the 10th of September. It was two
5 days after we found the body.

6 Q Okay. So on September 10th you interviewed
7 Mr. Barham. And at the police headquarters?

8 A Yes, sir.

9 Q And did you contact Mr. Barham and ask him to come
10 down? Did he call you? How did that contact take
11 place, the initial contact?

12 A We were reaching out to talk to everybody. I
13 believe his brother is the one that brought him
14 that day. But we had reached out to try to speak
15 to everybody, anybody, relatives, and all that.

16 Q So when he came to the police station, he came --
17 you said you think his brother drove him?

18 A I believe so.

19 Q But he didn't ride -- did a police officer go get
20 him and bring him to the police station?

21 A Not to my recollection. He was -- he did not come
22 by --

23 Q Was he in custody when he was taken to the --

24 A No, sir.

25 Q -- police station? Had anybody placed him under

1 arrest at that point, when he arrived at the police
2 station?

3 A When he arrived? No, sir.

4 Q Was he placed in handcuffs?

5 A No, sir.

6 Q Was he told he was under arrest?

7 A No, sir.

8 Q Was he told he was not free to leave once he got to
9 the police station?

10 A No, sir.

11 Q So, to your knowledge, Mr. Barham arrived
12 voluntarily, correct?

13 A Right.

14 Q And when he got to the police station, where did
15 you take him?

16 A The interview room on the second floor, which is
17 the investigations offices.

18 Q Okay. And this was September 10th, 2015. In 2015,
19 were these interview rooms equipped with video
20 recorders?

21 A No, sir.

22 Q Did -- was there any sort of recording device in
23 these --

24 A We had the little mini audio recorders that we
25 used.

1 Q Okay. And who was present at this interview?

2 A Myself and Investigator McKellar and Brandon.

3 Q Okay. And once you're inside the interview room,
4 was Mr. Barham told he was under arrest?

5 A No, sir.

6 Q Was he told he was not free to leave?

7 A No, sir.

8 Q Was he placed in handcuffs?

9 A No, sir.

10 Q Was he -- during the interview, did he any point
11 indicate he wished to leave?

12 A No, sir.

13 Q If he had indicated he wanted to leave, would you
14 have let him?

15 A At that point, I would have let him go, yes.

16 Q Okay. And that brings up the next thing. Were you
17 aware when Mr. Barham arrived at the police station
18 that he had an outstanding warrant for his arrest?

19 A His brother had mentioned it to me when I talked to
20 him over the phone. That's the reason that he
21 initially didn't want to come down and talk to us.

22 Q In your phone conversation to his brother, to the
23 best of your recollection, did you indicate
24 anything about what you were going to do with those
25 warrants?

1 A It was my intent -- of course, things happened
2 above my pay grade at the time, but it was my
3 intent to -- knowing the nature of what the warrant
4 was for, not to arrest him on that if he was coming
5 to talk to me about a murder.

6 Q And did those warrants have anything to do with
7 this investigation?

8 A No, sir.

9 Q And I believe there's been testimony they were --
10 what agency did they come from?

11 A DNR.

12 Q Okay. So that's certainly not a Columbia Police
13 Department warrant, correct?

14 A No, sir.

15 Q Now, did those warrants come up on your
16 conversation with Mr. Barham before you entered the
17 interview room?

18 A No, sir.

19 Q Did he bring them up to you?

20 A No, we didn't talk about it.

21 Q Okay. All right. And once you entered the
22 interview room, you said there was a recording
23 device. Did you turn that recording device on?

24 A Yes, sir.

25 Q And then you proceeded with the interview?

1 A Right.

2 Q I'm going to hand you what has been marked State's
3 Exhibit 157.

4 A Audio interview of Brandon.

5 Q Let's see, this is an audio video of Brandon that's
6 on this disk?

7 A Yes, sir.

8 Q And approximately how long is it? Do you recall?

9 A There's two segments. The first segment is 40 --
10 both of them are 40 something minutes. The reason
11 there's two segments is he writes a statement. I
12 leave while he's writing the statement and leave
13 him in there by himself and cut the recorder off.

14 Q So two forty minutes approximately, don't have to
15 be exact, but so about an hour and a half to two
16 hours is the --

17 A Yes, sir.

18 Q -- whole time he was there? And during the course
19 of this interview, at any point do you tell him
20 he's under arrest or not free to leave?

21 A Not during the interview.

22 Q Okay.

23 MR. CONRAD: At this point, the State moves to
24 enter into evidence State's Exhibit 157.

25 THE COURT: Any objection?

1 MR. MYERS: Your Honor, no objection without
2 waiving what was made on the record by Mr. Bell
3 regarding voluntariness.

4 THE COURT: All right. It will be entered
5 without objection.

6 MR. CONRAD: Thank you, Your Honor.

7 (WHEREUPON, State's Exhibit No. 157 was
8 marked for identification and received
9 into evidence.)

10 BY MR. CONRAD:

11 Q Okay. Before we start playing anything, after the
12 interview was over, and you were complete with your
13 interview, what happened to Mr. Barham?

14 A He was arrested on the warrant.

15 Q And was that at your direction?

16 A No, sir.

17 Q Was that at your request?

18 A No, sir.

19 Q And did you at any point during the interview,
20 either before or during what's recorded, tell
21 Mr. Barham he was going to be arrested after this
22 interview?

23 A No, sir. It was a surprise to me too.

24 Q Okay. It was a surprise to you too? And to the
25 best of your recollection, who made the decision to

1 arrest Mr. Barham?

2 A I believe it was my supervisor. We don't really --
3 his brother mentioned that, but I never ran him.
4 Now, of course, if he had come in there and he was
5 wanted --

6 Q Just to stop you, what do you mean by ran him?

7 A NCIC. It's the National Crime Information Center
8 database.

9 Q Is that where you find information on warrants?

10 A Correct.

11 Q If somebody tells you about a warrant, is that
12 sufficient for you to go out and arrest somebody?

13 A No. It would have to be confirmed.

14 Q Okay. Confirmed how?

15 A Through running it through NCIC.

16 Q And did you actually run that personally prior to
17 interviewing Mr. Barham?

18 A No, sir.

19 Q You said somebody ran it, is that correct?

20 A While we were in the interview.

21 Q Okay. Do you know who?

22 A No idea.

23 Q All right. Okay. We're going to go ahead and play
24 a few segments. The entire audio is in evidence at
25 this point. The State's only going to play a few

1 seconds to help speed things up -- or a few minutes
2 to speed things up. The jury is going to have the
3 rest.

4 (Video played in open court.)

5 BY MR. CONRAD:

6 Q Whose voice is that we just heard?

7 A That was me.

8 Q Whose voice is that?

9 A That's Brandon.

10 Q Mr. Barham?

11 A Yes, sir.

12 Q Is he present in this courtroom?

13 A Yes, sir.

14 Q And could you point him out?

15 A (Witness complied.)

16 Q What is he wearing?

17 A Blue suit.

18 Q And that's his voice you hear on this audio?

19 A Yes, sir.

20 Q And did you hear Mr. Barham say something to the
21 effect of he pissed a lot of people off. Who is he
22 referring to?

23 A Charles. He refers to him a lot. And you'll hear
24 in the audio, he called him Charlie, which is
25 Charles Kusko.

1 Q That's the victim in this case?

2 A Victim, yes, sir.

3 Q So when he says he pissed a lot of people off, he
4 means Charles pissed a lot of people off?

5 A Yes, sir.

6 (Video continued.)

7 BY MR. CONRAD:

8 Q And when he said project at Neal's house, do you
9 know which Neal he was referring to?

10 A The attorney.

11 Q Neal, would that be Neal Lourie?

12 A Yes.

13 Q I will fast-forward to 20 minutes, approximately 18
14 seconds on the video.

15 (Video continued.)

16 BY MR. CONRAD:

17 Q And when you say he left Friday from his house,
18 you're talking about Mr. Barham leaving the house
19 on the Friday evening, September 4th?

20 A Right.

21 Q Okay. Whose house was that?

22 A Charles, on Budon Court.

23 Q Okay. So earlier in this interview the Defendant
24 told you that he had been at Budon Court with
25 Charles on Friday night, September 4th, correct?

1 A Right.

2 Q And he's now telling you where he went after that
3 Friday night?

4 A Yes. I think he told us his weekend.
5 (Video continues.)

6 BY MR. CONRAD:

7 Q Before we get too much further in this, just so
8 it's clear to the jury, at any point in this
9 interview, did Mr. Barham admit any involvement in
10 the death of Charles Kusko?

11 A No, sir.

12 Q And if he had admitted to something, would he have
13 been arrested just on a DNR warrant?

14 A If he had admitted to having some part in it, he
15 would have been arrested on additional warrants by
16 me.

17 Q Okay. I'm going to fast-forward to 24 minutes and
18 15 seconds.
19 (Video continues.)

20 BY MR. CONRAD:

21 Q In context, which Saturday night are you referring
22 to on this?

23 A I believe it was the 5th.

24 Q September 5th? Saturday night?

25 A Right.

1 (Video continues.)

2 BY MR. CONRAD:

3 Q When he says Andrew called, can you just put in
4 context, which Andrew?

5 A Andrew Kusko.

6 (Video continued.)

7 BY MR. CONRAD:

8 Q Just so the jury understood that clearly, somebody
9 is asking a question. Who is that? Was that you?

10 A That was Investigator McKellar.

11 Q Investigator McKellar. Could you understand what
12 he just asked? Did you hear what he just asked?
13 Investigator McKellar, did you hear what he just
14 said?

15 A Yeah. Verbatim can you replay it?

16 Q Sure.

17 (Video continues.)

18 BY MR. CONRAD:

19 Q Did you understand that?

20 A Asked him how he got around that night, who was
21 driving.

22 (Video continues.)

23 MR. CONRAD: Court's indulgence for just a
24 moment.

25 (Pause.)

1 BY MR. CONRAD:

2 Q I'm going to fast-forward to about 34 minutes and
3 eight seconds.

4 (Video continues.)

5 BY MR. CONRAD:

6 Q When he said, Did he owe you money, who is he?

7 A Talking about Charles. Did Charles owe Brandon
8 money?

9 Q I'll open up the second file, which ends in 002R2,
10 which is on that disk. Actually, I'm going to go
11 back to the first 001. I'll go to 34:52.

12 (Video continues.)

13 BY MR. CONRAD:

14 Q Just so the jury understood, was that McKellar
15 again who asked the question? What did he ask?

16 A About him owing money.

17 Q And after that?

18 A If he killed Charles.

19 Q And what did he respond to that?

20 A He did not. No, I believe is --

21 Q At the end of this interview -- while you were
22 still conducting the interview, did you gather any
23 evidence, or anything like that, at the very end of
24 the interview?

25 A A statement.

1 Q You got a statement, a written statement?

2 A Yes, sir.

3 Q All right. And was that substantially the same as
4 what you discussed while this was recorded?

5 A Right.

6 Q And at the very end after the statement, did you
7 collect any other evidence?

8 A I questioned.

9 Q From the Defendant?

10 A Right.

11 Q After the questioning?

12 A Yes. You talking about my questioning -- I
13 questioned some stuff that we talked about, but
14 wasn't on paper.

15 Q Okay. At the end of the interview, after you
16 stopped asking questions, did you collect any
17 physical evidence?

18 A The crime scene investigator came in and collected
19 DNA.

20 Q Okay. And did he give that voluntarily?

21 A Yes.

22 Q And when was the Defendant informed that he was
23 going to be arrested, to the best of your memory?

24 A To the best of my knowledge, after we completed --
25 apparently he was ran through NCIC while we were in

1 the interview.

2 Q Did you arrest him on that warrant?

3 A Huh-uh. No, sir.

4 Q It was another officer at Columbia Police
5 Department?

6 A He had been run through the TRU, which is the --

7 Q I guess what I'm asking you is did you place him in
8 handcuffs and take him and place him in custody,
9 you personally?

10 A To the best of my knowledge, I didn't actually
11 place him in handcuffs. When we left the interview
12 room, I was done with him.

13 Q So another officer placed him under arrest?

14 A Right.

15 Q When you communicated with Mr. Barham and asked him
16 to come down and talk to you, I think I asked you
17 before, but did you communicate any knowledge about
18 that DNR arrest with him?

19 A No, I don't believe I communicated directly with
20 him when he came and talked. I think I talked to
21 his brother or somebody trying to get him to come
22 talk to me.

23 Q Did you tell his brother that you were going to
24 arrest Mr. Barham when he came to the police
25 station?

1 A No, sir.

2 Q And was it your intent to arrest him when you asked
3 him to come down?

4 A No, sir.

5 Q And that warrant was wanted by somebody else,
6 correct?

7 A DNR?

8 Q Somebody else at the police station ran him for
9 that warrant?

10 A Right. I can explain that if you would like as to
11 why.

12 Q Go ahead.

13 A As a major crimes investigator, you can always say
14 there's bigger fish to fry and, you know, I'm
15 working a homicide, a murder. So I believe it was
16 a -- it was like a seatbelt ticket, I believe it
17 was a --

18 THE COURT REPORTER: I'm sorry, can you speak
19 into that microphone.

20 A I believe it was like a seatbelt ticket, a
21 flotation device, I think that's what -- it was --
22 in my sense -- generally, the investigations I
23 have, if there's something I can work out and
24 somebody can turn themselves in later or pay the
25 ticket, you know, voluntarily come and talk to me,

1 I'm not going to arrest them after they've
2 volunteered to come and talk to me. That's not the
3 humane thing to do. So it was never my intent to
4 -- he was mad that he got arrested that night. I
5 was also mad, but I answered to higher people when
6 I was an investigator.

7 Q And we just played portions of this audio, correct?

8 A Yes, sir.

9 Q And to your recollection, the disk that you looked
10 at today includes the entire portion of the
11 interview?

12 A Those two, yes, sir.

13 Q Whole and completely?

14 A Yes, sir.

15 Q It's been submitted into evidence. So you
16 discussed other individuals with Mr. Barham,
17 including, obviously we heard Floyd Owen a few
18 times, we heard Jenny. And the Jenny he's talking
19 about in that audio is Jenny who?

20 A Jenny Baker.

21 Q Okay. And -- but there were other individuals that
22 came up in that interview, correct?

23 A Yes, sir.

24 Q That we didn't hear about, but it's in evidence if
25 anybody else wants to hear it. And who are some of

1 the other individuals that were brought up?

2 A Andrew.

3 Q Andrew Kusko?

4 A Kusko.

5 Q Okay.

6 A And, of course, they talked about the deceased.

7 THE COURT REPORTER: I'm sorry, I can't hear
8 you.

9 A Talked about the deceased. Floyd, Jenny, Mike
10 Campbell. And I believe at one point he referenced
11 somebody by the name of D that was the weed man for
12 Charles.

13 Q Okay. On September 10th, 2015, did you consider
14 anyone a suspect in the death of Charles Kusko?

15 A I was still early in investigation talking to
16 everybody. I didn't have a definite lead on
17 anybody at this point.

18 Q Okay.

19 A I didn't have one when I left either. That's why I
20 didn't make an arrest.

21 Q Did you consider Mr. Barham a suspect on this
22 particular day?

23 A No, not a -- I didn't have a reason at this point
24 to consider him a suspect.

25 Q Did you consider Andrew Kusko a suspect on

1 September 10th, 2015?

2 A No. There was more information I needed to gather
3 on everybody, but nobody a suspect.

4 Q Because -- and this is two days after discovery of
5 Mr. Kusko's body, correct?

6 A Correct.

7 Q And two days after discovery of a body, did you
8 have any good leads that you felt like pointed to a
9 suspect?

10 A No. There was some stuff for me to look at, but
11 nothing concrete.

12 Q Would you say at that phase of your investigation,
13 were you in an investigator mode?

14 A Yes, sir.

15 Q And I think you just used the term a second ago, in
16 investigator mode, what are you trying to do?

17 A Trying to gather all the evidence of what happened,
18 trying to figure out what happened and who did it.

19 Q So you testified that you did not have a strong
20 suspect on September 10. Would that mean that on
21 September 10th, 2015, you had an open mind as to
22 who a potential suspect could be?

23 A Yes, sir.

24 Q And of the individuals that we just talked about,
25 Floyd Owen, Mr. Kusko, you said something about a

1 guy named D, Mr. Barham, Andrew, had you ruled any
2 of them out of being a possible suspect?

3 A No. I hadn't ruled people out yet.

4 Q So nobody was ruled in yet as a definite suspect,
5 correct?

6 A No, sir.

7 Q And nobody was ruled out, correct, of those
8 individuals we talked about?

9 A Right.

10 Q Nothing further from the State. Please answer any
11 questions that the Defense might have. They're
12 obviously welcome to play whatever other portions
13 of the interview.

14 CROSS-EXAMINATION

15 BY MR. MYERS:

16 Q Investigator Richbourg, I don't care to play any
17 more of it because at the end of the day, you
18 didn't make an arrest as a result of that, did you?

19 A No, sir.

20 Q There was nothing that changed from what he told
21 you then to what he's saying now as far as you
22 know?

23 A No, I didn't.

24 Q There was a snippet that was played regarding
25 money. Mr. Conrad stopped it, but then it goes on

1 to say that Brandon told you that he did jobs with
2 Charles and he actually went to Neal for the money,
3 right?

4 A Well, I don't think it's -- he said that that -- I
5 think it did -- I think it did play, but, yeah, so
6 Charlie, I think what he was telling me was Charles
7 owed him money for a particular job. The job in
8 question, the big amount of money was, I believe;
9 what he referenced to it, was he was supposed to be
10 paid directly from Neal, not from Charlie.

11 Q Right.

12 A Not from the victim.

13 Q And isn't it true you are aware that he ultimately
14 went to Neal's office inquiring about the money?

15 A I know they did a lot of work together. I'm not
16 sure exactly when he went and talked to him or
17 when -- I know that they have communicated, yes.

18 Q Sure. But Neal was involved in the transaction?

19 A Correct.

20 Q In some form or fashion?

21 A For work they did apparently, I think, at his
22 house.

23 Q And so I guess I don't really know what the
24 relevance behind playing that particular portion
25 because he admitted to, Hey, I did some work for

1 Charles, Charles and Neal were together, and I did
2 go talk to Neal about being owed money, right?

3 A Right.

4 Q You've been away from us for two days. You come
5 any closer to finding out who owned that white
6 Blazer?

7 A The white Blazer? No, sir. I mean, it's the same
8 with the white Blazer. I couldn't make an arrest
9 off a white Blazer, just like I couldn't make an
10 arrest off the truck I saw either, or any other
11 car.

12 Q So you have been gone again for two days, you're no
13 closer, you can tell this jury nothing else about
14 this white Blazer?

15 A No, sir.

16 Q Now, Investigator Reese was on the stand. He
17 talked a little bit about cell phones. And I'm not
18 going to hold you here too long, but I do want to
19 know, and maybe you know, you interviewed Andrew
20 Kusko, right?

21 A Not initially, but, yeah, I did interview him at
22 some point. But the initial interview when it came
23 up the first time, I did not interview him.

24 Q Through the course of your investigation, he
25 provided a cell phone number to your department,

1 right?

2 A Yes, he would have provided to whoever -- we try to
3 get the basic information from them when we first
4 talk to them, so.

5 Q The cell phone number he provided was (803)
6 361-7478, correct?

7 A I can only rely on what McCoy put in his notes or
8 whoever talked to him.

9 Q Do you need to see McCoy's notes? Did you look at
10 them before?

11 A I haven't seen them since I've been up here. McCoy
12 put them in his notes. That's what I said, McCoy
13 did.

14 Q Yeah, me too.

15 A You're talking about --

16 Q Yes, sir, the number right here for Andrew Kusko.

17 A Yes, he wrote that. Then that's the number that we
18 had.

19 Q That was important -- it proves later important
20 because that's what was used to try and track that
21 cell phone number, right?

22 A With Smart Telemetry.

23 Q Right.

24 A Yes, sir.

25 Q Were you responsible for signing the search

1 warrants?

2 A We divvied it -- I can't remember exactly who was
3 on -- if I'm on the warrant, then I signed it, but
4 every morning we gather together and we divvy up
5 different tasks. It should be on the very front.
6 If I did it, it should have my name on it. So that
7 would have been Montgomery.

8 Q So Montgomery was involved too?

9 A Well --

10 Q You were the primary investigator at this time,
11 though?

12 A Until I left, yes, sir.

13 Q You would have been directing these folks to do all
14 these things, right?

15 A Right. Right. So what we would have done is
16 ask -- divvied separate tasks. There's so much
17 going on.

18 Q Right. Right. Right. But, now, I guess what the
19 crux of it is, read that part. They're saying --
20 they're trying to track whose cell phone based on
21 that search warrant?

22 A Kusko. Andrew Kusko.

23 Q What telephone number are they trying to track that
24 they say is associated with Andrew Kusko?

25 A 479-3540.

1 Q Which is different from the number that he had
2 given to Investigator McCoy?

3 A Different than what was on that paper, yes, sir.

4 Q So Andrew Kusko never gave y'all his telephone --
5 y'all never did a search warrant for his number?
6 He gave you the number for his wife. Are you aware
7 of that?

8 A If that's what that number is, then --

9 Q That's what this number is. This is his wife's
10 telephone number.

11 A Okay.

12 Q He gave y'all -- so y'all never actually tracked
13 his cell phone, y'all tracked his wife's cell
14 phone?

15 A No, I wasn't aware.

16 Q His wife was never a suspect in any documents,
17 right?

18 A No, sir.

19 Q Now, you talked about this bench warrant. And I
20 understand, you're major crime, you're looking for
21 murderers, you're not worried about some seatbelt
22 on DNR?

23 A There's been many a time somebody -- if I want to
24 talk to somebody, come and talk to me. And I've
25 called other agencies and say, Hey, look, I've got

1 a guy that's cooperating with me. What can we do
2 to work out where he can pay this ticket or turn
3 himself in later, or something like that?

4 Q But at the time Brandon came in to talk to you,
5 when he sat down to talk to you, that discussion
6 regarding the bench warrant didn't come up?

7 A Not until after -- I didn't discuss it with him
8 because it was not my intent to lock him up.

9 Q You knew at the time before he came in that that
10 was the only hesitancy he had about coming because
11 --

12 A That's what his brother told me.

13 Q But y'all told him, Hey, don't worry about it, come
14 on in and talk to us about this?

15 A That would have been my intent, to not lock him up.

16 Q But the individuals who ultimately arrested him
17 were from your department, right?

18 A That's accurate.

19 Q Y'all worked together, right?

20 A Supervisors work together, but he's above me. I
21 can't --

22 Q Comrades? Y'all knew each other, right?

23 A Uh-huh.

24 Q He knew that Brandon was coming in at the time?

25 A Uh-huh.

1 Q You told him, Look, I made promises to this guy
2 that he wouldn't go to jail over a seatbelt ticket,
3 right?

4 A Yeah. I voiced my -- strongly voiced my opinion
5 that he not go to jail that night.

6 Q Thank you, sir. No further questions.

7 MR. CONRAD: Just briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. CONRAD:

10 Q On the search warrant that Mr. Myers just showed
11 you, did you happen to see a date on it when you
12 were looking at it the first time?

13 A You talking about a date range of what they're
14 looking for or --

15 Q No, the date that the warrant was taken out?

16 A September 9th.

17 Q September 9th of what year?

18 A Yes, sir. '15. 2015, I'm sorry.

19 Q So that would have been the day prior to that
20 interview that we just heard, correct?

21 A Right.

22 Q This is very early on in the investigation,
23 correct?

24 A Yes. The day after we found the body.

25 Q Okay. And during that time period, say that first

1 two or three weeks of the investigation, how many
2 total investigators were working on this case would
3 you estimate?

4 A We typically try to -- I can't tell you an exact
5 number, but we typically try to pull everybody --
6 there's approximately ten of us in major crimes.

7 Q Uh-huh.

8 A When we have a homicide.

9 Q Yes, sir.

10 A People that are working. Of course, we have one
11 assigned to the night shift all the time. We
12 always rotate, so they wouldn't have been there,
13 but at least five or six with supervisors, it
14 should have been initially.

15 Q So five or six should have been working on this
16 case at the same time, right? Correct?

17 A Right.

18 Q And so there was a lot of people doing a lot of
19 different things, correct?

20 A Yes.

21 Q And this investigation encompassed a large amount
22 of work, correct?

23 A Right.

24 Q And these were all human beings that were
25 performing all these tasks, correct?

1 A Yes, sir.

2 MR. MYERS: Objection. Leading.

3 THE COURT: Let me hear the question one more
4 time.

5 BY MR. CONRAD:

6 Q All the investigators working on this case were
7 human beings, correct?

8 THE COURT: Overruled.

9 THE WITNESS: Yes, sir.

10 BY MR. CONRAD:

11 Q And mistakes happen, correct?

12 A Yes, sir.

13 Q Especially where there's a large amount of moving
14 parts at the same time, correct?

15 A Yes, sir.

16 MR. CONRAD: No further questions.

17 THE COURT: Anything else from the Defense?

18 All right, you may step down.

19 THE WITNESS: Thank you, Your Honor.

20 MR. CONRAD: The State asks that this witness
21 be excused.

22 THE COURT: Any objection to this witness
23 being excused?

24 MR. MYERS: No, ma'am, Your Honor.

25 (Witness steps down and is excused.)

1 THE COURT: Call your next witness.

2 MR. EATON: The State calls Laurin Barnes.

3 (Witness approaches.)

4 THE BAILIFF: Put your left hand on the Bible,
5 and raise your right.

6 (Witness complies.)

7 THE CLERK: State your full name, please.

8 THE WITNESS: Laurin Barnes.

9 THE CLERK: Spell your first name, please.

10 THE WITNESS: L-A-U-R-I-N.

11 THE CLERK: Do you solemnly swear the
12 testimony you are about to give in this case will
13 be the truth, the whole truth, and nothing but the
14 truth, so help you God?

15 THE WITNESS: I do.

16 THE CLERK: Thank you. Have a seat.

17 (Witness seated.)

18 MR. EATON: May it please the Court, Your
19 Honor?

20 THE COURT: Yes, sir.

21 LAURIN BARNES,
22 after being duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. EATON:

25 Q Good afternoon, Ms. Barnes.

1 A Hey.

2 Q May I call you Laurin?

3 A Yes.

4 Q Laurin, how do you fit into this family?

5 A I am Charles Kusko's oldest daughter.

6 Q How many daughters did he have?

7 A Two. He had two daughters, me and my sister,
8 Kaitlin.

9 Q And Kaitlin's here?

10 A Yes. She's right here.

11 Q Laurin, what did you know about your dad's
12 relationship with Brandon?

13 A It's one of those family relationships, you know,
14 there are goods times, there are bad times. It's
15 one of those things where they would get along and
16 sometimes they wouldn't get along. That was just
17 dad and Brandon's relationship.

18 Q And did you know much about your father's
19 relationship with Floyd?

20 A I didn't know much about his relationship with
21 Floyd, but I knew they were friends.

22 Q Did you know Floyd?

23 A Yes, I had met him.

24 Q And did you know if your father was ever afraid of
25 Floyd?

1 A I wouldn't say that he was, quote, afraid of Floyd,
2 but he did send me a text message that was odd.

3 Q And around when was that message sent?

4 A In May of 2015.

5 Q What did he express to you?

6 A He said to me, Laurin, I am going to this address.
7 If I don't report back to you, I have been killed,
8 and the person who killed me was Floyd Owen.

9 Q Did you share that with law enforcement after your
10 father's death?

11 A Yes.

12 Q And as to your dad's relationship with Brandon, did
13 you know of it getting -- of them having some
14 problems closer in time to your father's death?

15 A Yes.

16 Q Tell the jury about -- specifically about what you
17 know about their dispute.

18 A So in June of that year, I went to lunch with my
19 dad. And I just remember it vividly because it was
20 just an odd interaction that we had had. And we
21 went to eat lunch.

22 And my dad was talking to me, saying that,
23 Brandon stole my tools and he's going to bring me
24 my tools back. And he told me that -- my dad said,
25 I'm not paying him until he brings me my tools

1 back.

2 And my dad, the way he was talking to me,
3 other people in the restaurant kind of like noticed
4 and thought that, you know, my dad was mad at me.

5 And I'm like, Dad, calm down. People in this
6 restaurant think you're mad at me.

7 He's like, I'm not mad at you, Laurin. He's
8 like, I'm mad at Brandon.

9 I was like, I know that, but people in this
10 restaurant don't know that, so calm down, calm down
11 a little.

12 That was it. My dad -- that just wasn't
13 normal.

14 Q And do you remember when your father's funeral was?

15 A Yes.

16 Q When was that?

17 A It was on September 13th.

18 Q Do you know when Brandon got out of jail?

19 A Yes.

20 Q When?

21 A September 12th.

22 Q Were there other people from his family there?

23 A Yes.

24 Q Who was there?

25 A His mom was there. His brother, his younger

1 brother was there. I mean, all the people who, you
2 know, were associated. All of his uncles were
3 there. And he was not there.

4 Q Thank you. Please answer any Defense questions.

5 CROSS-EXAMINATION

6 BY MR. BELL:

7 Q Hi, Ms. Barnes.

8 A Hey.

9 Q Ms. Barnes, I think it goes without saying that
10 everyone here is sorry for your loss. You
11 understand that?

12 A Yes.

13 Q I know that you've endured a lot in the last few
14 years, right?

15 A Uh-huh.

16 Q You certainly have endured a tremendous amount to
17 sit both through Floyd Owen's plea, guilty plea, as
18 well as sitting through this week, right?

19 A This week has been very long.

20 Q I know you've heard a lot of contentious
21 cross-examination from all the lawyers in this
22 room. And this is not going to be that, okay?

23 A Okay.

24 Q You have talked about this lunch that you had with
25 your father in June of 2015, is that right?

1 A Yes.

2 Q And he, at some point, became very upset about some
3 tools that he says that Brandon had?

4 A Yes, he was upset the whole lunch.

5 Q And you said that was roughly two months prior to
6 when your father was taken from you?

7 A Yeah, two or three months.

8 Q Two or three months? Did you have any further
9 discussion with your father about those tools?

10 A He mentioned them again to my mom, but that was
11 that he told her the same things.

12 Q But as far as you were concerned, three months
13 prior to his passing is the last he made any
14 mention to you of the tools and Brandon?

15 A Correct.

16 Q And you are aware that Brandon and your father
17 worked together?

18 A Yes.

19 Q And they did essentially contract, construction
20 style work?

21 A Yes.

22 Q And that in doing that line of work, they would
23 share a lot of the same tools?

24 A I wouldn't have direct knowledge of them sharing
25 tools. I mean, I know my dad had his own tools and

1 he said that Brandon stole his tools. That's all I
2 know.

3 Q Okay. Did he tell you when that alleged theft took
4 place?

5 A Not to my recollection.

6 Q The Solicitor asked you about the funeral.

7 A Uh-huh.

8 Q And the fact that Brandon wasn't there, right?

9 A Correct.

10 Q You're aware that he was incarcerated for a couple
11 of days leading up to the funeral, right?

12 A Correct.

13 Q You testified the funeral was on, I think, the
14 13th?

15 A Yes, sir.

16 Q Of September?

17 A Uh-huh.

18 Q And you believe that Brandon was released from
19 jail, I think, on the 12th?

20 A Yeah. Yeah. Well, because he posted something on
21 Facebook on the 12th.

22 Q About being released, is that what you're
23 indicating?

24 A Yeah. The verbatim was, Fresh out the box, got my
25 shades on.

1 Q Okay. And that's related to getting out from that
2 DNR ticket that you've heard about?

3 A Yes. I would assume that's --

4 Q Right. Now, was his brother at the funeral, Eddy?

5 A Eddy was not.

6 Q Eddy was not. Are you aware that Brandon had been
7 told after he got out of jail that the funeral had
8 actually been on the 12th?

9 A How -- I wouldn't know that. I wouldn't know that.

10 Q Okay. But to be clear, neither Eddy or Brandon
11 were at the funeral?

12 A Correct, which was odd.

13 Q Excuse me?

14 A Which was odd.

15 Q Did you ever ask Eddy why he wasn't at the funeral?

16 A Not that I recollect.

17 Q Did Eddy ever make you aware that he had the wrong
18 date?

19 A Eddy never made me aware of that. Eddy made me
20 aware of a lot of other things, but Eddy never made
21 me aware of that.

22 Q Okay. Laurin, again, you've been through a lot
23 this week, right?

24 A Yes.

25 Q At the end of the day, you just want the truth,

1 right?

2 A Absolutely.

3 Q And the truth is going to provide closure for you?

4 A I wouldn't say closure. This will never get our
5 dad back, but we want the truth and we want
6 justice.

7 Q Certainly. And you understand that the truth will
8 come from this jury box, right?

9 A I understand.

10 Q And whatever that truth is, you're going to be
11 happy with that decision?

12 A I'm going to be happy with the truth, and the
13 jury -- any decision the jury makes.

14 Q Thank you, Laurin.

15 A Uh-huh.

16 REDIRECT EXAMINATION

17 BY MR. EATON:

18 Q What do you think the truth is in this case?

19 MR. BELL: Objection. Speculation. May we
20 approach?

21 (WHEREUPON, a bench conference was held
22 in the presence of the jury but out of
23 the hearing of the jury.)

24 THE COURT: Objection sustained.

25 MR. EATON: Thank you, Your Honor. I don't

1 have any further questions.

2 (Witness steps down.)

3 THE COURT: All right, ladies and gentlemen of
4 the jury, there is a matter of law I need to take
5 up outside your presence. I am going to send you
6 all out for a brief moment. Please do not discuss
7 the case.

8 Thank you.

9 (WHEREUPON, the jury retires to the jury
10 room at 3:15 p.m.)

11 THE COURT: I sent them out because I'm
12 assuming your next witness will be Mr. Owen?

13 MR. EATON: Yes, Your Honor. Your Honor,
14 there is a number of cases on the opening the door
15 doctrine. Perhaps the most on point case of all of
16 those is uncannily similar to what we have here. I
17 did send it to your law clerk.

18 THE COURT: Yes, my law clerk had already
19 found it. State v. Young. She already has it.

20 MR. EATON: To her credit. I didn't mean to
21 assume that she didn't find it.

22 THE COURT: No, no, I didn't say that. I just
23 said we already had it.

24 MR. EATON: All right. State v. Stroman --

25 THE COURT: Stroman or Young? We have both.

1 MR. EATON: Stroman, Your Honor.

2 THE COURT: Because you sent us several
3 e-mails. Young was one of them also, right?

4 MR. EATON: Yes, ma'am. And State v. Young,
5 you know, goes through kind of more of a long
6 review list and discussion about the door opening
7 doctrine. I just -- it seems that out all of these
8 opening the door type cases, that Stroman is pretty
9 on point to what we have here.

10 But, of course, in all these cases, the idea
11 is that a Defendant cannot complain of evidence
12 that otherwise wouldn't come in when he's the one
13 responsible for it, he's opened the door to it.

14 So in Stroman, Mr. Stroman was on trial.
15 There's a McDowell on the stand who pled guilty and
16 then agreed to testify for the State. On cross,
17 they asked McDowell whether he broke into other
18 homes for money, and he said he had. Then the
19 State wanted to get into the specifics of those,
20 including two in which the Defendant had
21 participated. No one was convicted of anything in
22 those cases, Your Honor. The trial judge ruled the
23 door had been opened to inquiry into the
24 Defendant's participation in a crime that included
25 breaking into a building or armed robbery or

1 stealing.

2 So, much like in this case, then the trial
3 court correctly allowed this witness, McDowell, to
4 describe robberies in which the Defendant was part
5 of them.

6 And the Court explains: When one party
7 introduces evidence into a particular fact or
8 transaction, the other party is entitled to
9 introduce evidence in explanation or rebuttal
10 thereof, even though the latter matter would be
11 incompetent or irrelevant had it been offered
12 initially.

13 In that case, when the Defendant brought up
14 this prior act, the State then got to question him
15 about details of any prior crimes involving the
16 stealing of money. And that was proper, Your
17 Honor.

18 And that's almost identical to what's happened
19 here. I think that it is its own doctrine. You
20 know, the open the door doctrine is also very tied
21 to the doctrine of completeness. And the jury has
22 now gotten -- this jury now has the suggestion
23 that, you know, Floyd Owen lied on Brandon in some
24 burglary a long time ago, so he's lying on him now.
25 And I think that's got to be explored, that I can

1 go into it with Mr. Owen, that it should have been
2 done when he was on the stand.

3 But, again, my failure to object when he did,
4 it doesn't mean that the door is not open. The
5 door is, in fact, open, Your Honor.

6 So that is the State's position. I think the
7 law supports that.

8 THE COURT: All right. Yes, sir?

9 MR. BELL: Thank you, Judge. Now, we're at a
10 little bit of a disadvantage because apparently the
11 WiFi here blew out smoke signals. But from using
12 our cell phones trying to fact check these cases, I
13 do think there are some absolutely distinguishing
14 factors between the Stroman case and what we're
15 dealing with in this trial.

16 To begin with, in that case Defense counsel
17 cross-examined on specifics of, You broke into
18 homes for money. That is much different than
19 questioning someone about a conviction that they
20 have that would absolutely be impeachable under the
21 ordinary Rules of Evidence, which he had a burglary
22 conviction that would have carried in the 10-year
23 window. It wouldn't be relevant of dishonesty and
24 it wouldn't have been admissible anyway. To simply
25 indicate that he implicated Brandon does not go

1 into the facts such that open the door to all the
2 factual analysis of the case. That's just going to
3 convolute and confuse the jury.

4 Judge, Mr. Eaton also points out another
5 important fact, that nobody was convicted in those
6 armed robbery or those home break-in cases in
7 Stroman. In this case, someone was convicted:
8 Mr. Floyd Owen. So it is entirely relevant to
9 attack him with it. It would be entirely
10 irrelevant to attack someone that was not convicted
11 of it.

12 I think the reason the Court treated it the
13 way it did in Stroman is, again, because no one was
14 convicted. It was sort of fair game that since
15 police didn't charge, or at least convict anybody,
16 that everybody should be able to be analyzed about
17 it.

18 Third, Judge, the Court goes on to basically
19 say that the trial court admitted it at the initial
20 trial. They basically say it was properly
21 admitted, but then they reiterate, Such admissions
22 are in the discretion of the Court.

23 So Stroman, even if you take it at its face,
24 is not indicating or forcing this Court to have to
25 go with exactly what they did in Stroman. It is

1 still in the Court's discretion because of Rule
2 403. There still has to be an analysis done as to
3 whether prejudicial effect outweighs probativeness.
4 We 100 percent believe it does in this case.

5 As to the Young case that was sent by
6 Mr. Eaton, I point out that one of the points made
7 by that Court is that failure to object does
8 ordinarily act as a waiver.

9 And so one of our positions, again, is the
10 State failed to object to the issue, which waives
11 them now objecting that it came up earlier in the
12 trial.

13 So we do believe that their failure to object
14 is fatal and they can't try to bring it in now
15 through a witness when they didn't object earlier.

16 Finally, again, in the Young case, Mr. Eaton
17 points out there's a long list of open door
18 doctrine cases. I point out that almost every one
19 of those that I could read through on my phone has
20 to do with impeachment. Mr. Eaton made clear he
21 doesn't intend to use it for impeachment, which is
22 exactly what those open door cases deal with. And
23 I would agree, if we were somehow using it to
24 impeach Floyd Owen, then, sure, go ahead. That's
25 not what he was attempting to do, though. He's

1 trying to prejudice our client by going into what
2 an admitted liar on the stand is going to say about
3 our client in a prior non-convicted criminal
4 charge.

5 So, again, Your Honor, we believe this
6 absolutely should be suppressed.

7 THE COURT: Yes, sir?

8 MR. EATON: Your Honor, if this burglary
9 had -- I think it was actually brought up in the
10 direct of Floyd or, rather, the cross of Floyd.
11 And, of course, I did not see that as the correct
12 opportunity to then go into the details of it.
13 This is a different scenario than someone just
14 using it for impeachment or me arguing that the
15 fact that it's out there as an impeachable offense
16 allows us to go into the details. That's not what
17 it is. We have a much more complicated and deeper
18 use of this by the Defense, which is to say that --
19 by bringing up that Floyd lied on Brandon in a
20 burglary, not just that he has one, but that he
21 lied on Brandon in one, that creates a belief in
22 the jury's mind that I get the chance to address, I
23 think, under these open door doctrine cases.

24 The fact that no one was convicted in the
25 Stroman case, I mean, really makes that more

1 prejudicial to that Defendant than what we have
2 here. When Floyd was convicted and Brandon wasn't,
3 that makes it less prejudicial to him. And I think
4 the fact that they didn't do this as they should
5 have in front of Floyd is another factor that
6 should weigh in favor of me going into it.

7 When someone doesn't object and they waive the
8 issue -- I mean, this isn't about, No, I'm not
9 objecting because I think he opened the door. I
10 mean, precisely that. I don't have to object in
11 order for the door to be opened.

12 So, I mean, given all that, I think that --
13 and the Court does have discretion, I agree
14 wholeheartedly. I believe that I should be able to
15 fully explore this issue now that he's thrown it
16 out there in front of the jury because the jury
17 doesn't know everything about it at this point,
18 Your Honor.

19 MR. MYERS: Your Honor, I think just in all
20 candor with the Court, this may potentially be a
21 very dangerous road that the State travels down,
22 because we also know that there's an armed robbery
23 and possession of a firearm that's pending out
24 there. So if they want to, under their theory,
25 that he's going -- about to put Mr. Owen on the

1 stand and admit that he has a conviction, Mr. Owen,
2 that he has a conviction and Mr. Barham does not,
3 under the theory he just espoused to the Court, at
4 that point, then I think I should be allowed to go
5 into the allegations of that armed robbery and the
6 gun that's still pending, which suggests that he
7 had a firearm then, that he was driving a white
8 truck then.

9 So, again, I want to just be -- I'm sorry,
10 white Blazer. So I want to be very, very candid
11 with the Court that if he does take the stand, just
12 so we're not having another pretrial issue, that --
13 or in camera or however -- that I do plan on going
14 into that, which I didn't do it on purpose when
15 Floyd was on the stand.

16 THE COURT: So I'm guessing we probably would
17 have to proffer his testimony because I would
18 assume that you all don't know what he's going to
19 say, considering you cannot tell him what was said
20 in the courtroom.

21 MR. EATON: Well, we ended up pulling the
22 discovery before the trial. Mr. Myers asked for
23 it. And I pulled it and so we both have it.

24 THE COURT: No, no, no, I mean, Mr. Floyd --
25 Mr. Owen.

1 MR. EATON: Well, I didn't understand. Based
2 on the discovery, I guess we have an idea of what
3 he's going to say about it, based on the discovery
4 from that burglary. It happened to be here in
5 Richland County, so we were able to pull it.

6 THE COURT: So I don't know. So he was
7 convicted of the burglary?

8 MR. EATON: And I can give you some facts.

9 THE COURT: Yes. Because I --

10 MR. EATON: Yes, ma'am.

11 THE COURT: The best I can do is speculate.

12 MR. EATON: Yes, ma'am.

13 THE COURT: Is that he's going to get up there
14 and say that they were involved in this burglary
15 together, but somehow -- I don't know how his got
16 dismissed and his didn't.

17 MR. EATON: Yes, Your Honor. And I'm happy to
18 give you a brief --

19 THE COURT: He's going to say he took his
20 former --

21 MR. EATON: That's correct, Your Honor. And
22 so very briefly, what happened in that, and I don't
23 have it in front of me, but Brandon had lived at
24 someplace. I want to say he got like evicted and
25 the property manager there had his stuff. Floyd

1 and Brandon go back to that place and break in to
2 get his stuff back. While they're there, they take
3 some more stuff. Floyd's blood is left there.
4 That DNA hit comes back to Floyd. Floyd does say,
5 It was me and Brandon. They're both charged.
6 Floyd ends up getting convicted and Brandon's is
7 nol-prossed.

8 THE COURT: Why was it nol-prossed? Can he
9 testify to that?

10 MR. EATON: I mean, I don't think -- he
11 probably knows it was -- that Brandon wasn't
12 convicted, but whether he can testify to what Neal
13 argued to whatever Solicitor, I don't know about
14 that. You know, in that sense, though, it's not
15 even as prejudicial as Stroman because Floyd took
16 the hit. He got convicted, not Brandon.

17 THE COURT: So is he going to testify anything
18 else where -- okay, so he brought up the pending
19 armed robbery. How is that going to relate --

20 MR. EATON: It has nothing to do -- just
21 because he, you know, stumbled through a door that
22 he regrets going through now doesn't mean that he
23 gets to open my door. But I think -- I think that
24 --

25 THE COURT: He didn't say he regretted it.

1 MR. MYERS: Judge, just to be clear, I don't
2 regret it.

3 MR. EATON: But, I mean, I think the armed
4 robbery is already out there.

5 THE COURT: I just don't know. We can call
6 him. I just don't know what he's going to say. If
7 he says -- my concern is if he says, Yeah, we did
8 this and we did that and we did this one together,
9 then maybe he did open the door for him to ask. I
10 think y'all need to be really, really careful. If
11 you want to start asking him about prior --

12 (Pause.)

13 THE COURT: I'm sorry. I need to take a
14 break. I'm sorry. This is regarding something
15 else, I'm sorry, I have got to go take care of.
16 But I think y'all need to talk about it while I go
17 run and talk to these officers back in my office.
18 And then make a decision as to if that's what you
19 all want to do. You probably -- we don't know what
20 he's going to say. I will put him up here to
21 proffer, but once he says it, it's sworn testimony.
22 So I think everybody needs to have a conversation
23 about that and leave it at that.

24 But in reading those cases, Young and Stroman,
25 it does appear that Mr. Myers has opened the door

1 by bringing up the prior case. And I think in
2 reading Stroman and Young, that it is admissible.
3 I would like to hear what he's going to say before
4 he says it. And then I can do a balancing test on
5 it to see if the prejudicial effect outweighs the
6 probative value. But I do understand under the
7 doctrine of completeness, as we talked about
8 earlier in the week, can't just kind of throw
9 something out there and not allow them to be able
10 to respond to it.

11 So this should take about five minutes.

12 (WHEREUPON, a break was taken at 3:33 p.m.)

13 (WHEREUPON, the proceedings resumed at
14 3:46 p.m.)

15 THE COURT: All right. Are y'all ready?

16 MR. EATON: Yes, ma'am.

17 THE COURT: So you're going to proffer Mr.
18 Owen's testimony? All right. You can bring him on
19 out.

20 The jurors did send us a note. I guess I will
21 mark it.

22 Good afternoon. To whom it may concern. If
23 this process takes any longer, we, the jurors,
24 request these lunch menus: Jersey Mike's,
25 Chick-fil-A, Papa John's, California Dreaming. We,

1 the jurors, appreciate your consideration and
2 participation.

3 So we'll hold on to it. We will forward it to
4 the clerk.

5 (WHEREUPON, Court's Exhibit No. 2 was
6 marked for identification only.)

7 (Witness approaches.)

8 THE CLERK: Place your left hand on the Bible,
9 raise your right hand.

10 (Witness complies.)

11 THE CLERK: State your full name.

12 THE WITNESS: Floyd Gregory Owen.

13 THE CLERK: Do you solemnly swear to tell the
14 truth, the whole truth, and nothing but the truth,
15 so help you God?

16 THE WITNESS: Yes, ma'am.

17 THE CLERK: Thank you. Have a seat.

18 (Witness complies.)

19 THE COURT: Yes, sir?

20 MR. EATON: Thank you, Your Honor.

21 FLOYD OWEN,
22 after being duly sworn, testified as follows:

23 DIRECT EXAMINATION(PROFFER)

24 BY MR. EATON:

25 Q Mr. Owen?

1 A Yes, sir.

2 Q Were you involved in a burglary back in 2007?

3 A I believe so, yeah.

4 Q What happened?

5 A Brandon was moving out of his apartment and we had
6 left some things there: Compressor, I think a
7 couple of computer monitors. And we went back to
8 get them, and they had already changed the locks to
9 the apartment. So I busted the window and reached
10 in and unlocked the door. We went in the
11 apartment. None of the stuff was there. So
12 Brandon said that they might have it in the storage
13 area in the back of the office.

14 So we broke into the office, went in the back
15 storage room, and nothing was there. As we were
16 leaving, Brandon scooped up the computer that was
17 at I guess the secretary's desk, or whatever, at
18 the apartment complex, and we left.

19 Q And then what happened with -- I mean, how long did
20 it go before you --

21 A I pled guilty to some other charges and got
22 probation and my DNA popped in the system. And
23 that's how I initially got charged with burglary.

24 Q And so then you talked to the police?

25 A I did.

1 Q And what happened there?

2 A I just told them what happened.

3 Q Like what you just told us?

4 A Yeah, what I just told you y'all.

5 Q Did Brandon get charged?

6 A I believe so. I know the U.S. Marshals went and
7 picked him up. I don't think anything went any
8 further than that.

9 Q Do you know what happened to his case?

10 A No. I guess it got dismissed because he never got
11 charged like I did.

12 MR. EATON: We may go into some more depth,
13 but that's the gist of his --

14 THE COURT: Well, you need to ask what you
15 plan going into. That's the whole purpose of doing
16 the proffer.

17 MR. EATON: Yes, ma'am.

18 THE COURT: Other than, you know, laying the
19 foundation.

20 MR. EATON: Yes, Your Honor.

21 BY MR. EATON:

22 Q So where was this place?

23 A Creekside Apartments on Broad River Road.

24 Q And did you ever live there?

25 A No, I never lived there.

1 Q And did you -- but you were friends of Brandon at
2 the time?

3 A Yes, I was friends with Brandon at the time.

4 Q Familiar with the apartments?

5 A Yep.

6 Q And had you been over there?

7 A Yeah, I had been over there a couple of times.

8 Q How long had he lived there?

9 A I really don't know. That was around the time that
10 I first met Brandon.

11 Q Do you know why he left?

12 A I think his lease just went up.

13 Q So why was his stuff there?

14 A He was still -- he was moving stuff out and he had
15 left a few things there.

16 Q And so how did it come up that this turned into a
17 dispute that required breaking in?

18 A Because the locks had been changed.

19 Q So he left stuff in the apartment?

20 A Yes.

21 Q He was trying to move out. And in that process,
22 the locks get changed?

23 A Yeah. I guess, he didn't have enough time to get
24 everything out.

25 Q And so do you know how long it had been between

1 him -- you know, his lease being up and the -- when
2 y'all went in?

3 A I don't.

4 Q Did you have any things there?

5 A Huh-uh.

6 Q How did this all come up?

7 A Again, probably, just drinking some beer one night
8 and said we needed to go over there and get the
9 rest of his stuff. We had no intentions of
10 breaking in at the time before we got there. He
11 just -- he tried his keys, the keys didn't work,
12 so.

13 Q Did you know at that time that there was a problem
14 where, like, he couldn't get the stuff?

15 A Huh-uh.

16 Q So did you think, We're just going to get some
17 stuff, having no idea that there's -- that you're
18 about to burglarize something or that the property
19 managers have any problem with what you're about to
20 do?

21 A No, I didn't think -- we didn't think we were going
22 to have to do any of that stuff.

23 Q So, I mean, as far as you know, did it seem like
24 everything was fine between him and the property
25 managers?

1 A Yeah.

2 Q So did he seem surprised when y'all got there and
3 found that the door was locked?

4 A Yeah. I remember we tried to get in, but we
5 couldn't get in. His keys didn't work.

6 Q Okay. So it's not like, at least as far as you
7 knew, he had been like, Give me my stuff back, and
8 they're like, No, we're locking the door?

9 A No.

10 Q So you get there, and then what happens?

11 A Break the window. There's a window --

12 Q After some conversation?

13 A Well, yeah. He was like, I need to get my stuff.
14 My stuff's in there. I remember there was a
15 compressor that we used a lot on jobs, so we needed
16 it.

17 Q So, like, what kind of apartment is it? Are they
18 duplexes or are they on top of each other?

19 A On top of each other. It was an upstairs
20 apartment.

21 Q Do you remember what floor?

22 A The second. There was only two floors.

23 Q And was the window close enough to the door that
24 you were able to --

25 A Reach in.

1 Q Okay. What did you break it with?

2 A I don't remember. I don't remember what I used. I
3 just remember we broke the window.

4 Q What kind of lock was it?

5 A Deadbolt.

6 Q And so I think you said there was -- was there
7 nothing in the apartment?

8 A Yeah, there was nothing in there when we got in
9 there.

10 Q And so how did y'all get there that day?

11 A Brandon's truck.

12 Q Which truck?

13 A He had a Toyota Sequoia that he had bought from
14 Charles at the time.

15 Q And after you go in the apartment, find out there's
16 nothing there, whose idea is it to go look in this
17 other warehouse, or whatever?

18 A Brandon's. It's not a warehouse, it was the
19 office.

20 Q The office?

21 A Yeah, the rental office.

22 Q Could you, like, see it from where you were?

23 A Yeah. Yeah, you could see it from where we were.

24 Q Did he already know it was there?

25 A You talking about the stuff?

1 Q The office -- no, the office is there?

2 A I mean, I imagine he knew it was there. I mean, he
3 rented the apartment there.

4 Q Like, how did he say it, like, Let's go break into
5 the office, or, What's that over there, let's go
6 see?

7 A Let's go check the office and see if the stuff is
8 in there.

9 Q Okay. And then how you did get into the office?

10 A Broke the window. Same way.

11 Q With what?

12 A I really don't remember what we used.

13 Q And was it the same thing, the deadbolt again?

14 A Yeah. It was -- I think they turned one of the
15 apartments into an office, so it was set up the
16 same way. All the apartments were set up the same
17 way. There's windows right next to the door.

18 Q And how long were y'all in there?

19 A Not very long.

20 Q Other than the computer, did y'all take anything
21 else?

22 A No, we didn't take anything else.

23 Q And then where did y'all go from there?

24 A Went back to the house that Brandon had rented. It
25 was in Fox Run off of Lake Murray Boulevard.

1 Q About what time did all this happen?

2 A It was early morning hours.

3 MR. EATON: One moment, Your Honor.

4 (Pause.)

5 MR. EATON: I think that's it, Your Honor.

6 THE COURT: All right.

7 CROSS-EXAMINATION(PROFFER)

8 BY MR. MYERS:

9 Q Mr. Owen?

10 A Yeah.

11 Q So, let me just make sure I understand you
12 correctly. In 2007, your testimony is Brandon was
13 living in an apartment complex, right?

14 A Uh-huh.

15 Q You were not living there with him?

16 A No.

17 Q You were not his roommate, you didn't go over and
18 stay at all?

19 A I might have stayed there once, but I didn't live
20 there.

21 Q According to your testimony that the items that
22 Brandon told you he needed actually belonged to
23 him?

24 A Uh-huh.

25 Q Those were his items?

1 A Those were his items.

2 Q And it was a compressor?

3 A Uh-huh.

4 Q Specifically that y'all worked -- y'all had used to
5 work before?

6 A Uh-huh.

7 Q Prior to this, you never had any information about
8 his lease agreement, right?

9 A No.

10 Q Were you privy to any conversation he had with the
11 office staff?

12 A No.

13 Q Did you know anything about any conversation he
14 might have had with management regarding changing
15 of the locks?

16 A No.

17 Q Did you actually see him attempt to use the key to
18 open the door?

19 A I did.

20 Q What time of day did you say this happened?

21 A It was early morning. It was definitely after
22 midnight.

23 Q So you were ultimately charged, right?

24 A Yes, sir.

25 Q You then pled guilty and you got probation?

1 A I did.

2 Q Now, I'm going off memory here, but that's
3 something that you brought up during your
4 conversation the day you told law enforcement what
5 happened to Charles Kusko, right?

6 A I think, yeah. It might have came up, yeah.

7 Q During that time you told law enforcement that,
8 yeah, there was an incident in 2007, 2008 where
9 Brandon made you go into an apartment complex? Do
10 you remember that?

11 A Sure.

12 Q And on the video, you actually held up your arms
13 because you said you have still got the scars from
14 going in?

15 A Yes.

16 Q From you breaking in, right?

17 A Yeah, I went in.

18 Q You specifically told them that you were the one
19 who actually broke in?

20 A Yeah, I just told them I broke the window.

21 Q That you busted the window, right?

22 A Yeah.

23 Q And at the time, you told law enforcement that you
24 called Brandon, who was not in jail, and he just
25 simply said, Man, I don't know what you are talking

1 about? Do you remember that?

2 A Yeah. When I was in jail after they arrested me, I
3 called -- I actually called Charles' phone, and
4 Brandon had just gotten out of jail on a DUI. So
5 when they picked me up for the charges, Brandon was
6 actually just getting ready to bond out for a DUI
7 that he had caught the night before.

8 Q Right. And I don't want to mischaracterize what
9 you told law enforcement, but when he said, Hey, I
10 don't know what you are talking about, that upset
11 you, didn't it?

12 A Well, he was -- I guess he was acting like -- he
13 was pretty much acting like he didn't know what I
14 was talking about.

15 Q It made you mad?

16 A Sure. Yeah, it did.

17 Q You pled guilty to this charge, right?

18 A Uh-huh.

19 Q So a Solicitor had the case?

20 A I guess, yeah.

21 Q Someone in Richland County?

22 A Yeah.

23 Q So you went before a judge?

24 A Uh-huh.

25 Q Just like Mr. Eaton read the facts on what you pled

1 guilty to last week, there was a gentleman who read
2 the facts to the judge on that day, right?

3 A Uh-huh.

4 Q And you pled guilty to it?

5 A Sure.

6 Q Now, do you know any of the reasons why Brandon was
7 never arrested or charged for that?

8 A I have no clue.

9 Q Do you know anything about any sort of negotiations
10 or conversations he even had with the Solicitor's
11 Office?

12 A I have no clue.

13 Q Do you know whether or not they told him, Look,
14 man, we don't know -- we don't have any evidence,
15 we don't have any DNA, we don't know anything about
16 that?

17 MR. EATON: Your Honor, that calls for
18 speculation.

19 BY MR. MYERS:

20 Q Do you know?

21 A I don't understand your question.

22 Q Do you know whether or not there were any
23 conversations had between -- on Brandon's behalf
24 with the State of South Carolina concerning that
25 charge?

1 A I have no clue. Just the only thing I knew is that
2 marshals went out and picked him up in Myrtle
3 Beach.

4 Q But you got a conviction?

5 A Yeah, I got conviction.

6 Q You were convicted?

7 A Yeah.

8 Q Brandon was never convicted of that charge or that
9 incident?

10 A Yes, sir.

11 Q Have you ever driven a white Chevy Blazer before?

12 A A white Chevy Blazer?

13 Q Yeah, a white Blazer?

14 A (Nods negatively.)

15 Q Isn't it true that the unrelated armed robbery
16 charge that is still pending, that the allegation
17 is that you went into someone's home, right?

18 A Uh-huh.

19 Q And you took their shotgun and then pointed a
20 shotgun at that individual, right?

21 A No, I didn't do that.

22 Q But that's the allegation?

23 A That's the allegation.

24 Q You ran out --

25 A I don't think it is that I pointed a shotgun at

1 them.

2 Q All right. What did they say?

3 A They said I had a gun.

4 Q You had a gun. So you went in with a gun?

5 A They said I did.

6 Q All right. And you went out and you left in a
7 vehicle that was described as a white Chevy Blazer?

8 A Yeah.

9 Q And that charge is still pending against you?

10 A It is.

11 MR. MYERS: Thank you. No further questions,
12 Your Honor.

13 THE COURT: All right. Are you ready to bring
14 the jury in?

15 MR. EATON: Yes, ma'am.

16 THE COURT: All right, bring them in.

17 MR. MYERS: Judge, the only thing I would say
18 is that there should be no mention of the DUI
19 because obviously that's not admissible in any
20 scenario.

21 MR. EATON: I agree, except that depending on
22 how he's asking about whatever this conversation
23 was with Brandon at that time, it could --

24 THE COURT: I'm trying to think, is it
25 necessary -- is there a way for him to testify

1 that -- the question is, did Brandon deny -- when
2 he asked Brandon about it -- when he asked Brandon
3 about it, he -- I think what he said is when he
4 asked Brandon about it, he said, I don't know what
5 you are talking about.

6 MR. EATON: Right.

7 THE COURT: So, I mean, for context -- I think
8 he was providing context today as to the fact that
9 Brandon had just gotten out of jail for a DUI. I'm
10 not sure if that's necessary for purposes of
11 opening the door. Nobody opened the door to DUI.

12 MR. EATON: I guess that is all I'm saying is
13 that, depending on if there's other questions about
14 that or how that question is posed about that, it
15 could. But I agree that, as it currently stands,
16 it's probably not necessary for context.

17 THE COURT: All right. I'm trying to figure
18 out how to explain it to him.

19 Mr. Owen, if you could not bring up the --

20 THE WITNESS: This day that I talked to him?

21 THE COURT: The DUI, yeah. You can say that
22 when you mentioned it to him he said --

23 THE WITNESS: Yeah, that I called Charles'
24 phone and he was there. That's all.

25 THE COURT: Yes. All right.

1 THE WITNESS: Okay.

2 THE COURT: All right, let's bring them on in.

3 Do we need to -- I'll just remind you that
4 you're still under oath.

5 THE WITNESS: Yes, ma'am.

6 (WHEREUPON, the jury came into open
7 court at 4:04 p.m.)

8 THE BAILIFF: The jury is all present, Your
9 Honor.

10 THE COURT: All right. Ladies and gentlemen
11 of the jury, the State has recalled Mr. Owen.

12 Mr. Owen, I remind you that you are still
13 under oath. You were placed under oath earlier
14 yesterday I believe. You're still under oath.

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: Yes, sir?

17 MR. EATON: Thank you, Your Honor.

18 FLOYD OWEN,
19 after being duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. EATON:

22 Q Mr. Owen, the jury has heard something about a
23 burglary that you and Brandon's names were in?

24 A Uh-huh.

25 Q Were you involved in a burglary in 2007?

1 A I was.

2 Q What happened in that?

3 A Brandon was moving out an apartment. He had left a
4 few things there. And we went back to the
5 apartment, tried to use his key, couldn't get in.
6 They had changed the locks. I broke the window,
7 reached in, unlocked the door. Went in the
8 apartment. Didn't find any of the things that we
9 were looking for. Brandon said that they might be
10 in storage room in the office, so we went down to
11 the office. Broke another window, unlocked the
12 door, went in. We didn't find any of the stuff
13 that we were looking for. As we were leaving,
14 Brandon took the computer that was on the desk.
15 And then we left.

16 Q So whose place was this?

17 A Brandon's.

18 Q Where was it?

19 A Creekside Apartments off of Broad River.

20 Q Do you know how long he had lived there?

21 A I don't know how long he had lived there.

22 Q In 2007, how long had you been friends with
23 Brandon?

24 A Probably about a year.

25 Q And, as far as you knew, why were y'all going over

1 there in the first place?

2 A To get the stuff.

3 Q Did you know there was going to be a problem?

4 A No. We had no intentions of breaking in, or
5 anything like that, when we were heading over
6 there.

7 Q And so then how did it end up -- when you got
8 there, what did you find?

9 A Found that the locks had been changed.

10 Q And did that seem surprising to Brandon?

11 A Yeah.

12 Q So it didn't seem to you like there had been some
13 dispute before that? Like between him and the
14 property manager?

15 A I don't think I was really thinking about it that
16 night. You know, we had been drinking pretty
17 heavily.

18 Q So who said, Let's just break in?

19 A I don't remember if it was me or Brandon. I don't
20 remember which one.

21 Q Who broke the glass in the apartment?

22 A I did.

23 Q And you were able to reach the door?

24 A I was able to reach in and unlock the door.

25 Q About what time was it?

1 A Early morning hours, probably 2:00, 3:00 o'clock in
2 the morning.

3 Q And what was in there?

4 A Nothing. You're talking about in the apartment?

5 Q Uh-huh?

6 A Nothing was in there.

7 Q So then what's said next? What did y'all do then?

8 A I do remember we pulled his truck from in front of
9 the apartment up to the entrance and parked it
10 there. And we walked back to the apartment -- or
11 not the apartment, but the office.

12 Q And, I mean, whose idea was it to go to the office?

13 A I really don't remember. I think it was Brandon's,
14 because he mentioned that I think there was a
15 storage room in the back of the apartments.

16 Q Would you have known that?

17 A No.

18 Q Had you ever lived there?

19 A No.

20 Q Had you ever gone to that office before?

21 A I had never been to the office. I had been to
22 Brandon's apartment I think once.

23 Q And what happens when you get to the office?

24 A Break the window. I can't remember if it was me or
25 Brandon. I think it was me that broke the window.

1 But reached in. I think that's when I cut my arm
2 is when we were going into the office.

3 Q And so what happened inside the office?

4 A Didn't find any of the stuff that we were looking
5 for.

6 Q So what did y'all do?

7 A Got -- was getting ready to leave, and he snatched
8 up the computer. I remember we left pretty quickly
9 because it sounded like somebody was rustling
10 upstairs. Somebody had heard us. So we left out
11 of there pretty quickly.

12 Q And where did y'all go?

13 A Back to the house.

14 Q What were y'all riding in?

15 A A Toyota Sequoia.

16 Q Whose vehicle was that?

17 A Brandon's.

18 Q So how did you get caught?

19 A My DNA popped in the system.

20 Q When did that happen?

21 A After I was put on probation.

22 Q Like around when, timeframe?

23 A I can't remember.

24 Q A year later? Two years later?

25 A No, it wasn't that long.

1 Q Months later?

2 A It might have been a year later.

3 Q Were you surprised?

4 A Yeah. I didn't know what I was being arrested for.
5 I remember whenever they had told me about the
6 burglary, but when I talked to the investigator and
7 she was reading me the warrant, I knew exactly what
8 they arrested me for.

9 Q And did you decide to talk to the police about what
10 had happened?

11 A I did.

12 Q And what did you tell them?

13 A I told them exactly what I just told you.

14 Q And you told them that you did it with Brandon?

15 A I did.

16 Q And did Brandon get arrested?

17 A I think he did at some point.

18 Q And were y'all still friends at that point?

19 A He had moved to the beach, so, no, we weren't in
20 contact at that point while he lived in Myrtle
21 Beach.

22 Q Did you get convicted of the burglary?

23 A I did.

24 Q Do you know what happened, Brandon got charged?

25 A Yeah, I don't know what happened with Brandon.

1 Q Do you know if he got convicted of it?

2 A I don't know. I just kind of lost interest. After
3 that, I was ready to get it behind me, so I really
4 wasn't worried about -- you know, I gave my
5 statement, I figured that was enough.

6 Q Did y'all talk about it later?

7 A I called him -- I called Charles' phone when I got
8 locked up. Brandon was over at Charles' house.
9 And I was asking Charles -- you know, I was telling
10 him what had happened and what I was in jail for.
11 And when I found out Brandon was there, I just
12 wanted to talk to him, but he didn't want to talk
13 to me, so.

14 Q But, I mean, that was a long time ago. Y'all ended
15 up being pretty good buds, right?

16 A Uh-huh.

17 Q Did it come up later?

18 A I think we might have talked about it once, but I
19 just kind of let it, you know, just be done. You
20 know, it was over with.

21 Q Did he let it go?

22 A Yeah.

23 Q He wasn't mad at you?

24 A Huh-uh. I don't think so.

25 Q So you took the fall for it?

1 A I did.

2 Q And Brandon got away?

3 A He did.

4 Q Did you lie on Brandon in that burglary?

5 A No. I mean, I had no other reason to be at
6 Creekside Apartments. I mean, I never lived there.
7 And I didn't have anything there. What would I go
8 and break into an empty apartment for?

9 Q Did you lie on this case we're here for today?

10 A No.

11 MR. EATON: Thank you. No further questions.

12 CROSS-EXAMINATION

13 BY MR. MYERS:

14 Q Mr. Owen, to put context on this matter, so this is
15 2007, right?

16 A Yes.

17 Q Brandon was the sole occupant of this apartment,
18 right?

19 A Yeah.

20 Q Now, you did go over there maybe once or twice, but
21 you never lived there, right?

22 A Yeah, I never lived.

23 Q The person who negotiated the lease agreement and
24 the lease terms was Brandon, right?

25 A Yes, sir.

1 Q And everything -- you say that there was a
2 compressor that was there?

3 A Yes, sir.

4 Q If there was a compressor that was there, it
5 belonged to Brandon, right?

6 A Yeah.

7 Q Not you?

8 A Uh-huh.

9 Q Then you said there was another item that was there
10 that belonged to Brandon, right?

11 A Right.

12 Q Not you?

13 A Right.

14 Q Now, do you know whether or not Brandon -- do you
15 know of any conversations Brandon had with
16 management regarding retrieving those items?

17 A No.

18 Q Do you know whether or not management ever told
19 him, Hey, you can come get them on this day, or
20 anything like that?

21 A No.

22 Q So your story is that you just followed along
23 because Brandon told you to do it?

24 A I just was with him that night. I just figured we
25 were going to get his stuff. I didn't know it was

1 going to turn into a burglary, but it did.

2 Q But at some point, you said that you can't remember
3 whose idea was it, but you are sure that you're the
4 one who broke the window?

5 A Yeah, I know I broke the window and I know whose
6 idea -- it was his idea to go to the apartment. I
7 mean, I don't have any reason to want to go to
8 apartment.

9 Q Right. I understand that. But then you testified
10 that you can't remember whose idea it was once you
11 got there to actually break in. Do you remember
12 that on direct examination?

13 A No.

14 Q It was just a few minutes ago, which on direct
15 examination you said it was his idea to go there,
16 but you can't remember whose idea it was to
17 actually break into the apartment. But ultimately
18 you broke into the apartment?

19 A Uh-huh.

20 Q Which is how your DNA got on the window that
21 ultimately led to your arrest?

22 A Uh-huh.

23 Q Right?

24 A (Nods affirmatively.)

25 Q Now, later on -- again, you said these things to

1 law enforcement back on September 9th, 2017. Do
2 you recall that?

3 A Yeah, I recall telling them.

4 Q Because before you told them the story that we're
5 here this week about, you said -- you mentioned the
6 Creekside Apartment incident. And you told them
7 that you went to jail, you called Brandon and you
8 actually talked to Brandon and Brandon said, I
9 don't know what you're talking about?

10 A I could hear Brandon -- I could hear Brandon in the
11 background.

12 Q And he, in the background, said, Floyd, I don't
13 know what you're talking about, right?

14 A Sure.

15 Q And you told investigators that made you mad?

16 A Uh-huh.

17 Q Right?

18 A Yeah, sure.

19 Q Because no DNA ever connected Brandon to this?

20 A Uh-huh. Yeah, nothing connected him to it.

21 Q Nothing, right?

22 A Yeah.

23 Q Other than what you said?

24 A Other than what I said.

25 Q Prosecutors then prosecuted you, right?

1 A Uh-huh.

2 Q You pled guilty in front of a judge?

3 A Uh-huh.

4 Q You got a conviction as a result of that?

5 A I did.

6 Q Prosecutor -- you don't know whether or not Brandon
7 was charged? You say you don't know that, right?

8 A I don't know that.

9 Q Despite having a relationship with Brandon after
10 you pled guilty, you still didn't know?

11 A Never asked him about it. We just didn't really
12 never talk about it.

13 Q So it's a standard occurrence that Prosecutors
14 dismiss cases if there's no evidence or there's no
15 case at all?

16 A I guess.

17 Q Now, have you ever driven a white Chevy Blazer?

18 A I have not.

19 Q The armed robbery and the possession of the firearm
20 that's still pending against you?

21 A Uh-huh.

22 Q Isn't it true that the allegations surrounding that
23 is that you broke into someone's home, right?

24 A Uh-huh.

25 Q Just you?

1 A That I -- on the armed robbery?

2 Q Right.

3 A Yeah, I didn't break into anybody's house.

4 Q You took a gun -- or with a gun? You had a gun
5 when you went in?

6 A I went to that house, but it didn't happen the way
7 that they're saying it happened.

8 Q But the allegation is that you broke -- you went in
9 with a gun, right?

10 A Yeah.

11 Q You took some items at gunpoint and you left? And
12 the allegation is you left in a white Chevy Blazer?

13 A Yeah.

14 Q And, again, you were the individual that broke into
15 that house, according to these allegations, right?

16 A I didn't break into no house.

17 Q I understand. But the allegation is that you broke
18 into this house?

19 A That's not what I was being charged with. I'm not
20 being charged with a burglary or anything.

21 Q In fact, the person that says you broke in is
22 someone that you know?

23 A Uh-huh.

24 Q And that person would know what you look like?

25 A Uh-huh.

1 Q And they specifically said that you, Floyd Owen,
2 came in with a gun and left in a white Chevy
3 Blazer?

4 A Uh-huh.

5 Q And that's the allegation against you, right?

6 A Uh-huh.

7 MR. MYERS: No further questions.

8 REDIRECT EXAMINATION

9 BY MR. EATON:

10 Q This conversation, when you make a phone call and
11 Brandon's in the background, explain better the
12 context of this, not about Brandon, but about like,
13 who did you call?

14 A I called Charles.

15 Q So is Charles the one on the phone?

16 A Yeah, Charles is the one that was on the phone.

17 Q And do you know if he was at his house?

18 A I didn't at the moment until he told me Brandon was
19 there.

20 Q Well, I'm saying Charlie was at Charlie's own
21 house?

22 A Yeah.

23 Q And then you realized Brandon was there too?

24 A Uh-huh.

25 Q Was he on speaker phone?

1 A No, I don't think he was on speaker phone. I don't
2 think so.

3 Q So how did Brandon know what you and Charlie were
4 talking about?

5 A Charles was repeating it.

6 Q So you're saying stuff to Charles?

7 A He was saying, Floyd's in jail, you know. He said,
8 Y'all did some burglary, something like that, y'all
9 broke into some apartment. What's going on?

10 And I could hear Brandon in the background
11 saying, I don't know what he's talking about.

12 Q So he's denying it to Charlie?

13 A Uh-huh.

14 Q And why did that make you mad?

15 A I mean, because I'm getting locked up for, you
16 know, something that happened with me and him. I
17 figured he could at least come bond me out or, you
18 know, something like that. That's what was making
19 me mad.

20 Q And then on the pending armed robbery, I mean, do
21 you have any problem admitting the crimes that
22 you've done?

23 A No.

24 Q I mean, like how many crimes have you admitted to
25 in this courtroom?

1 A What, today and yesterday?

2 Q Sure.

3 A A few.

4 Q A lot?

5 A Yeah. Everything I've done, I've always taken
6 accountable for it. I've never denied it or, you
7 know, tried to lie around it. Say -- you know,
8 I've always pled guilty to everything I've been
9 charged with.

10 Q And that's why you're looking at -- what are you
11 looking at?

12 A A long, long time.

13 Q And I offered you no benefit, right?

14 A Yeah.

15 MR. EATON: Thank you. No further questions.

16 MR. MYERS: Nothing, Your Honor.

17 THE COURT: All right, sir, you may step down.
18 (Witness steps down.)

19 THE COURT: All right. Call your next
20 witness.

21 MR. EATON: The State rests, Your Honor.

22 THE COURT: All right. Ladies and gentlemen
23 of the jury, the State has rested. At this time,
24 there are matters of law that I need to take up
25 outside of your presence, so I'm going to send you

1 All right. Y'all have a good evening.

2 Officer Kelly, I do need to see you.

3 For the court staff, 9:30, because I have got
4 to do the plea. Everyone else, 10:30. So 9:30.

5 (WHEREUPON, court adjourned for the
6 evening at 5:04 p.m.)

7 AUGUST 30, 2019

8 (WHEREUPON, the proceedings began at
9 11:29 a.m.)

10 THE COURT: Good morning, almost afternoon.
11 Are you ready to get started?

12 MR. MYERS: Yes, ma'am, Your Honor.

13 THE COURT: Mr. Myers, on last evening I went
14 over your client's constitutional rights regarding
15 presenting evidence and regarding testifying, and
16 you all requested an opportunity for him to speak
17 overnight with his family members and also with
18 you. We are starting a little bit later than we
19 were supposed to, but has he made a decision as to
20 how he wishes to proceed?

21 MR. MYERS: Yes, ma'am, he has.

22 THE COURT: Yes, sir?

23 MR. MYERS: And he wishes to testify.

24 THE COURT: All right. Is that correct,
25 Mr. Barham?

1 THE DEFENDANT: Yes, Your Honor, it is.

2 THE COURT: And you wish to, based on
3 everything that we discussed, you wish to, I guess,
4 waive your right to remain silent and testify
5 today?

6 THE DEFENDANT: Yes, ma'am, Your Honor.

7 THE COURT: All right. Thank you, sir.

8 All right, you may have a seat.

9 So we will go ahead -- let me see the lawyers
10 for a second.

11 (WHEREUPON, a bench conference was
12 held.)

13 (WHEREUPON, the jury came into open
14 court at 11:34 a.m.)

15 THE COURT: Good morning, ladies and gentlemen
16 of the jury. I apologize for the delay. As I told
17 you all earlier yesterday, I had another matter
18 that was scheduled this morning that I had to do,
19 and so that took a little bit longer than I
20 anticipated, but we are ready to begin now.

21 All right. As you recall on yesterday
22 afternoon, the State rested. At this time I will
23 turn to the Defense to see -- although they do not
24 have to produce any evidence -- if they have any
25 witnesses that they wish to call.

1 Yes, sir?

2 MR. MYERS: Thank you, Your Honor. We call
3 Charles Brandon Barham.

4 THE COURT: Thank you.

5 (Witness approaches.)

6 THE BAILIFF: Place your left hand on the
7 Bible, raise your right, and face the clerk.

8 (Witness complies.)

9 THE CLERK: Do you swear or affirm the
10 testimony you shall give this court will be the
11 truth, the whole truth, and nothing but the truth,
12 so help you God?

13 THE DEFENDANT: Yes, sir, I do.

14 THE COURT: Please have a seat there, sir, and
15 state your full name for the record, and please
16 spell your last.

17 (Witness seated.)

18 THE DEFENDANT: Charles Brandon Barham,
19 B-A-R-H-A-M.

20 CHARLES BRANDON BARHAM,
21 after being duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. MYERS:

24 Q Good morning, Brandon.

25 A Hey.

1 Q Brandon, introduce yourself to the jury.

2 A My name is Charles Brandon Barham.

3 Q How old are you?

4 A I'm 32 years old.

5 Q Where do you live?

6 A I live in Ridgeway, South Carolina.

7 Q Where did you grow up?

8 A I grew up in Columbia, born and raised here. I
9 went to school in Blythewood.

10 Q Are you married?

11 A I am married.

12 Q What is your wife's name?

13 A My wife's name is Lindsey. She is right here in
14 the courtroom.

15 Q Wave at us real quick, Lindsey.

16 (Complies.)

17 Q How long have you and Lindsey been married?

18 A We have been married a year. We have known each
19 other for about four years and dated for about
20 three, so.

21 Q Any children?

22 A Yes. We have a 1-year-old daughter, and we also
23 have a 7-year-old stepson.

24 Q What are their names?

25 A Braley is my little girl, and Crawford is my little

1 boy.

2 Q What do you do for a living?

3 A I'm in construction.

4 Q How long have you been in construction?

5 A Approximately ten years. I started an LLC in 2014.

6 Q What is the name of your LLC?

7 A Upgrades Unlimited.

8 Q Tell the jury about the specialty work that your
9 LLC does. Give us a little bit of background about
10 your LLC.

11 A Mostly what we do is residential construction,
12 remodeling kitchens, bathrooms, small jobs, that
13 kind of thing.

14 Q And have you got any partners, or just you?

15 A Just me.

16 Q Any employees?

17 A I employ help from time to time.

18 Q Now, you have heard all the testimony today. Kind
19 of give the jury a little background of your
20 family. Tell them how you and Charles Kusko were
21 related.

22 A Charles is my mother's brother. So he would be my
23 uncle on my mother's side.

24 Q In addition to Charles, how many other uncles and
25 aunts did you have on your mom's side?

1 A I have three additional uncles and an aunt, and
2 then my mother.

3 Q What are their names?

4 A Christine is my aunt. I have Uncle Frank, Uncle
5 Stan, Uncle Andrew, Uncle Charles, and then of
6 course my mother Karin.

7 Q Now, there has been some testimony about your mom
8 having this accident which led to her having to get
9 a power of attorney. Explain that to the jury.

10 A She was in an accident probably 2003, 2004, a car
11 accident, and suffered a brain injury. So now, you
12 know, she is still all there, she is just disabled
13 and needs a power of attorney to control her
14 finances.

15 Q Now, kind of talk to us about the succession of the
16 powers of attorney. Who was the first power of
17 attorney and who is the current power of attorney?

18 A It started with myself. My father and my mother
19 were separated when the accident took place. So I
20 was first appointed power of attorney, yet my
21 mother was living with her sister Christine and her
22 dad. I went out there to pick her up for dinner
23 one night, and upon taking her back, you know, she
24 was balling crying and said that, you know, she
25 didn't want to stay there, they were mistreating

1 her.

2 So from that point, I rented an apartment for
3 her to live with me. So going to work every day, I
4 would stop back home at lunch, be sure that she had
5 lunch. You know, we had groceries, everything we
6 needed.

7 One day when I was at lunch, I believe it was
8 Andrew called me and said, Hey, I want to come over
9 and take your mom to lunch.

10 I said, Sure, no problem.

11 Well, they come over and took her down to the
12 Social Security office and revoked my power of
13 attorney and changed it to one of them.

14 Q How long ago was that, Brandon?

15 A That was 2007.

16 Q So a long time?

17 A Long time.

18 Q Who became the power of attorney after you?

19 A Frank did, her oldest brother.

20 Q How long did he serve?

21 A He served for probably six, seven years.

22 Q Who was the next power of attorney?

23 A Charles was.

24 Q When did Charles become the power -- so if I have
25 got my time right, 2007 is when the power of

1 attorney was revoked from you, right? Then you
2 said Frank was power of attorney for about six or
3 seven more years?

4 A Uh-huh. So that would put it at about 2013.

5 Q And your testimony is Charles became the power of
6 attorney after that?

7 A He did.

8 Q Tell us, where did Charles keep your mom? Where
9 was she living at the time? Was she still back in
10 the apartment you rented for her?

11 A No. The thing about it is, when Charles was the
12 power of attorney for my mother, he actually was
13 giving her care, unlike any of her other brothers.
14 When Frank was her power of attorney, all he wanted
15 was control of her money.

16 She lived with a friend of hers, Debbie. She
17 lived with -- back at her dad's again. Frank never
18 did any care for her, never -- just controlled the
19 money. That is very different from when Charles
20 was her power of attorney. When Charles was her
21 power of attorney, they rented a house in
22 Lexington, and I visited them, you know, Charles,
23 his boyfriend Craig, and my mother. She seemed
24 happy, so I had no problem.

25 Q Did your mom -- you said you were happy. Let's

1 kind of go into that. Did you have any reason
2 whatsoever to think that Charles was mistreating
3 your mom?

4 A Absolutely not.

5 Q Did you and Charles ever have any falling out about
6 his time as power of attorney for your mom?

7 A No, sir.

8 Q Any indication that Charles was doing anything
9 wrong with your mom's money?

10 A I had no indication.

11 Q Now, let's talk about this money. There has been
12 talk about money and power of attorney. Tell the
13 jury about any money that your mom might have been
14 receiving after her disability?

15 A Well, whenever Frank took power of attorney, the
16 divorce was filed, so there was some leftover
17 monies from selling our home that I grew up in in
18 the divorce. It was something to the tune of
19 \$50,000. And then also some back payment money
20 from when she wasn't drawing the social security.

21 Q All right. Now, where was that money? Was it in a
22 trust account, or was it in just an account?

23 A I really don't know. I mean, I know that Frank had
24 it.

25 Q All right. Now, did you ever accuse Charles of

1 doing anything with this money?

2 A I did not.

3 Q From the divorce? Or from anything associated with
4 any back pay for social security?

5 A I did not.

6 Q At this time, when did you start -- were you
7 working at the time? Well, let's go back. In
8 2007, what were you doing?

9 A Construction still.

10 Q Did you have your own business at the time?

11 A I did.

12 Q All right. Were you making your own money?

13 A Making my own money.

14 Q When Charles was her power of attorney, were you
15 making your own money?

16 A Absolutely.

17 Q Did you ever have to ask Charles to give you money
18 that belonged to your mom?

19 A Never. In the very beginning, my dad was still
20 assisting, you know, with funds to help out with
21 her living and well-being.

22 Q In essence, Brandon, did you approve of what
23 Charles was doing for your mom as power of
24 attorney?

25 A I did.

1 Q Did you and Charles get along?

2 A We did.

3 Q Did Charles -- tell the jury about your
4 relationship with Charles.

5 A I mean, we had a normal family relationship. You
6 are going to have some days you are going to have
7 agreements, some days you are going to have
8 disagreements. You know, some things were about
9 money. He may have said that I owed him money
10 sometimes. You know, it just -- typical family
11 relationship.

12 Q Did anything ever get violent between you and
13 Charles?

14 A Never.

15 Q Did you ever threaten him?

16 A Never.

17 Q Did you ever feel threatened by him?

18 A Not at all.

19 Q Did any third party ever come to you and make you
20 feel threatened by anything Charles may have did or
21 done?

22 A Not at all.

23 Q Now, there was talk about this job with Neal
24 Lourie. You were here when Neal Lourie testified,
25 right?

1 A Yes.

2 Q Tell the jury about that.

3 A There was a project that I helped Charles with at
4 Neal Lourie's house. We both know Neal Lourie.
5 Charles was getting draws from Neal and then paying
6 me.

7 Well, some time had went on and I hadn't
8 received any money, and I was kind of checking up
9 on it, so I went to Neal. And I asked Neal, I
10 said, Look, I'm just making sure that you are not
11 paying Charles and Charles is not paying me.

12 And that was not the case. Neal said, No, I
13 haven't paid him.

14 So, you know, it was only \$1,900 anyway. It
15 is not that that was some sort of beef that I had
16 with him over money.

17 Q Now, you mentioned the phrase "construction draws."
18 For those who are not familiar with how
19 construction works, talk to them about construction
20 draws.

21 A Construction draws work like, okay, so you will
22 have an estimated number on a project. Say it is
23 \$20,000. All right. You'll start with a material
24 draw that is normally about half, so \$10,000. And
25 then as you complete different phases in the

1 project, you'll get additional draws for your
2 payment.

3 Q So it is your testimony that Neal Lourie was paying
4 y'all draws? Who was responsible for getting the
5 money as a result of that job?

6 A Charles.

7 Q Outside of \$1,900, did Charles owe you any other
8 money or do you feel that you were owed any other
9 money?

10 A No.

11 Q Had he owed you money in the past?

12 A No.

13 Q Were you really worried about \$1,900?

14 A Not at all.

15 Q What prompted you, then, to contact Neal Lourie?

16 A I just was making sure that Neal -- because
17 normally I would be in the exchange with Neal. I
18 was just making sure that Charlie was being
19 truthful with me and not getting paid and then
20 withholding.

21 Q Now, there was a conversation or testimony about
22 conversation or text messages you and Charlie had
23 about the money. Tell the jury about that.

24 A Can you say that one more time?

25 Q There was testimony about text messages about you

1 needed some money because your cash flow was kind
2 of slow?

3 A Oh, yes, sir.

4 Q Tell the jury about that.

5 A Basically it was just me asking him, Hey, have you
6 got any money from Neal? I need some money.

7 And he would say, I haven't got any money from
8 Neal yet.

9 And that was verified true when I went to Neal
10 and Neal said, I haven't paid him.

11 Q So when you said "need," I mean, were you destitute
12 and desperate for this money?

13 A Not necessarily, no.

14 Q If anything had come about to harm Charles, would
15 you have gotten paid?

16 A No.

17 Q So did you have any incentive to hurt him?

18 A Absolutely not.

19 Q Now, I want to move on a little bit to Charles's
20 death. When did you learn about Charles's death?

21 A I learned about Charles's death on September the
22 8th.

23 Q You heard testimony that, according to the State,
24 he was killed on September 6th, right?

25 A Yes, sir.

1 Q I want to go -- walk us back before September 6th.
2 Prior to September 6th, had you had any
3 conversation, text messages, e-mail exchanges, with
4 Charles Kusko?

5 A Yes.

6 Q Tell the jury about those.

7 A I mean, we always talked. We talked on the phone
8 all the time. My shop for my business was, you
9 know, right up the street from his house. I would
10 stop by his house and have beers at the end of the
11 day just to talk about what we did during the day.
12 I mean, he was my friend. I had no reason to do
13 any harm to him.

14 Q Now, with regards to -- you heard your cousin,
15 Ms. Huffstetler, testify about the time in which
16 she said that Charles was upset about something.
17 Did Charles ever express being upset with you?

18 A Not at all.

19 Q And she also said he was upset because you had
20 stolen something from him. Did you ever steal from
21 Charles?

22 A I never stole from him. I don't recall that.

23 Q Now, prior to September 6th, did Charles leave you
24 a voicemail message of any sort? There was some
25 testimony about that.

1 A He did. He did. He left me a voicemail message,
2 asking if I --

3 Q Did you save that message?

4 A What's that?

5 Q Did you save that message?

6 A Yeah, all my messages are saved.

7 Q I am going to hand to you a disc, and we'll play it
8 momentarily, but I am going to have the court
9 reporter mark it.

10 A Can I have a little bit of water?

11 Q Yes.

12 MR. MYERS: Can I get this marked? This will
13 be Defendant's 5.

14 (WHEREUPON, Defendant's Exhibit No. 5
15 was marked for identification only.)

16 MR. EATON: I object on hearsay, Your Honor.

17 THE COURT: Lay the foundation, and then I'll
18 hear the objection.

19 BY MR. MYERS:

20 Q So, Brandon, what has been marked as Defense
21 Exhibit Number 5 -- I asked you whether or not
22 Charles had ever left you a voicemail message
23 before his death.

24 A He did.

25 Q When did he leave that message?

1 A He left that message Saturday, which would have
2 been the 6th.

3 Q All right. And are you familiar with Charles's
4 voice?

5 A I am.

6 Q Is this a recording that is from your cell phone?

7 A It is.

8 Q Was it saved to your cell phone voicemail messages?

9 A It was.

10 Q When law enforcement seized your phone, would they
11 have had access to this voicemail message?

12 A They did.

13 MR. MYERS: Your Honor, at this time I would
14 move into evidence what has previously been marked
15 as Defense Exhibit Number 5, which is his own
16 voicemail message, or from his own phone.

17 THE COURT: All right. Any objection now?

18 MR. EATON: Well, Your Honor, I guess the
19 problem is I have never heard the voicemail.

20 MR. MYERS: We need to approach on that,
21 Judge.

22 (WHEREUPON, a bench conference was held
23 in the presence of the jury but out of
24 the hearing of the jury.)

25 MR. EATON: We'll withdraw the objection.

1 (WHEREUPON, Defendant's Exhibit No. 5
2 was admitted into evidence.)

3 BY MR. MYERS:

4 Q Brandon?

5 A Yes, sir.

6 MR. MYERS: I'm sorry, Judge.

7 THE COURT: Go ahead.

8 BY MR. MYERS:

9 Q Brandon, before that, you were going into the
10 voicemail -- you heard the testimony from your
11 cousin, Ms. Huffstetler, that she had lunch with
12 her dad several weeks before, and he expressed that
13 he was upset with you, right?

14 A Yes, sir.

15 Q What is this voicemail going to say? Well, let's
16 listen.

17 (Plays video.)

18 BY MR. MYERS:

19 Q Now, whose voice is that?

20 A That is Charles Kusko's voice.

21 Q When did he leave that message?

22 A He left that message Saturday around noon.

23 Q You have known Charlie all your life?

24 A I have.

25 Q Could you tell when he was upset with someone?

1 A Absolutely.

2 Q Did he appear upset with you?

3 A Not at all.

4 Q So this Big Barbecue, had you ever gone there
5 before?

6 A I haven't. He was passing by it and asked my
7 opinion.

8 Q All right. Did you ever find out what that good
9 news was that he had for you?

10 A I did not.

11 Q Did you attempt to try to contact him?

12 A I did.

13 Q What happened?

14 A I was unable to reach him.

15 Q All right. So was that the last communication or
16 attempt at communication that you had with your
17 uncle?

18 A Yes.

19 Q Now, we were talking about how, or when, you
20 learned about Charles's death. Tell the jury about
21 that.

22 A Tuesday, the 8th, my roommate called me and said
23 that Andrew had just called him and said that
24 Charles was dead.

25 Q What happened after that? What did you do after

1 you got that phone call?

2 A I was shocked.

3 Q What happened after that?

4 A I mean, I really wanted to reach out to all the
5 family and see exactly what happened.

6 Q Now, walk the jury through your day on
7 September 5th, 2015, from the time you woke up
8 until the time you went to bed or went to sleep.

9 A September 5th, 2015, would have been that Friday.
10 Okay. Went to work like I normally do. I think I
11 was working downtown that day. Ended up towards
12 the end of the day stopping by Charles's house. We
13 drank a couple of beers. Talked about our day. As
14 I said, my shop was just up the street from it.
15 And then from there I went home.

16 Q What did you do when you got home? What time did
17 you get home?

18 A Probably around 8:00.

19 Q What did you do when you got home?

20 A Took a shower.

21 Q What did you do after that?

22 A Probably drank a few more beers.

23 Q What did you do then?

24 A Went to sleep.

25 Q Now, let's talk about the day that you and Floyd

1 linked up and went to Jenny Baker's house. Do you
2 remember that day?

3 A Yes.

4 Q Tell the jury about that.

5 A That was the following day, which was Saturday, the
6 6th. I was helping my father actually repair one
7 of his trailers at his shop, and then helped him
8 put a swing set together for my little sister for
9 her birthday. We finished doing that, it was just
10 about dark. I went over to Floyd's house. We
11 started drinking beer. And he said that he wanted
12 to go over to his friend Jenny Baker's house. So
13 we did. We went over to Jenny Baker's house.
14 Continued drinking beer. Jenny called in some
15 pizza. Floyd and I went and picked it up from
16 Domino's.

17 We came back to Jenny Baker's house. Drank a
18 little bit more. It got to be, I don't know, 1:00,
19 2:00 o'clock in the morning. I didn't know these
20 people, so I said, Hey, I'm not staying here.

21 Went back to Floyd's house. And I could have
22 went home from there, but at the time, I mean, I
23 was already tired from working all day. I said,
24 I'll just stay here. Went to sleep there at
25 Floyd's house, and woke up the next day.

1 Q Where did you sleep?

2 A On the couch.

3 Q Now, did you know Jenny Baker before that night?

4 A First time I ever met her.

5 Q You saw her subsequent to that, though?

6 A Yeah, I hadn't seen her. Floyd had talked about
7 her, but I never met her.

8 Q All right. Now, you heard testimony, Jenny Baker
9 says y'all were smoking meth, Floyd said that y'all
10 were doing cocaine. Were y'all doing any drugs?

11 A Jenny and them were doing drugs. I was not. Floyd
12 nor I were doing any drugs.

13 Q All right. Were you drinking?

14 A Drinking and eating pizza, yes, sir.

15 Q Now, who was driving to and from? Who was driving
16 around?

17 A I was.

18 Q What kind of truck did you have at the time?

19 A A white Chevrolet pickup truck, 1500.

20 Q You have seen the video that was shown to this
21 jury? Is that your truck?

22 A I don't believe so.

23 Q Why don't you think it was your truck?

24 A It has similarities, but I know where my truck was.
25 I know when I went to Floyd's house and parked, and

1 it was there the next morning when I woke up.

2 Q Brandon, now, obviously a truck needs keys in order
3 to operate.

4 A Yes.

5 Q Tell the jury, when you got to Floyd's house, do
6 you recall doing anything with your keys?

7 A Probably the same thing that I do with my keys, my
8 cigarettes, my lighter, you know, every time, my
9 phone all together, just set it on the counter, on
10 the floor, you know, and then lay down. I don't
11 have that stuff in my pocket when I sleep.

12 Q What time would you say y'all got to Floyd's house?

13 A I would say around 2:00 o'clock, maybe a little
14 later.

15 Q That was a.m.?

16 A Yes, sir.

17 Q So that would have been the 5th going into the
18 morning of the 6th?

19 A Yes, sir.

20 Q Now, what time do you recall waking up?

21 A About 7:30, 8:00 o'clock.

22 Q Did you see -- you were sleeping on the couch.
23 Where was Floyd sleeping?

24 A I didn't see where Floyd was sleeping.

25 Q Did you see Floyd when you woke up?

1 A I didn't see Floyd until I went outside.

2 Q Tell the jury about that.

3 A I walked outside to smoke a cigarette, as I always
4 do when I first wake up, sitting on his little
5 carport porch, and I saw Floyd coming from the
6 direction of his mailbox.

7 I asked him, you know, What are you doing?

8 He said, I'm checking the mail. It was kind
9 of weird that he didn't have any mail in his hand.

10 Q So it is your testimony -- I just want to make sure
11 I understand -- your testimony is that you went to
12 sleep, you woke up. Was the sun up at
13 7:00 o'clock?

14 A Yes, sir.

15 Q And your testimony is you went outside to smoke a
16 cigarette and you saw Floyd walking around?

17 A Yes, sir.

18 Q So I guess English translation, Floyd was already
19 up?

20 A Exactly.

21 Q Did y'all have a discussion about anything?

22 A No, not at all. I stayed there a little bit, while
23 longer, and then went home.

24 Q Did he give you any information regarding whether
25 or not he had gone to Charles Kusko's house?

1 A No.

2 Q Now, you heard testimony that Charles or Floyd
3 actually called Charles Kusko around 3:00 o'clock
4 that morning. That would have been the morning of
5 the 6th. Do you recall that testimony?

6 A I just -- I just heard that in this trial.

7 Q So prior to this trial you did not know that Floyd
8 attempted to call Charles?

9 A I did not.

10 Q Now, Floyd said that y'all went back to his house
11 where y'all drank beer and devised this plan to go
12 to Charles's house. Is that true?

13 A No.

14 Q With regards to the cell phone usage, did you make
15 any attempt to turn your cell phone off?

16 A My cell phone was already dead from well earlier in
17 the day, you know --

18 Q Did you do anything to try and take the battery out
19 of your cell phone?

20 A No.

21 Q Did you do anything related to your cell phone that
22 would disguise your route going to Charles Kusko's
23 house?

24 A Absolutely not.

25 Q When you left -- when you were at Floyd's house and

1 y'all were drinking, did you in any way get in your
2 truck to go to Charles Kusko's house?

3 A I did not.

4 Q Now, after you woke up, you smoked your cigarette,
5 how long were you at Floyd's house?

6 A Another, I don't know, hour or two.

7 Q What did y'all do?

8 A Nothing.

9 Q Did y'all talk about anything?

10 A Not really. I had a small job that I was going to
11 go take care of that day, and I was debating on
12 whether I was going to do that. I really was kind
13 of hungover.

14 Q All right. So tell the jury what you -- so you
15 left Floyd's house about what time?

16 A Probably around lunch.

17 Q Where did you go then?

18 A Went home.

19 Q Did you talk to anybody en route to home?

20 A I talked to Andrew.

21 Q What did you and Andrew talk about?

22 A Andrew wanted me to come over and help him hang
23 some lights in his shop. I had just previously
24 helped him build a building in his back yard, and
25 we were to the point of putting the lights on the

1 inside.

2 Q All right. How did that go?

3 A It went fine.

4 Q Now, there was testimony from Andrew that he was
5 wearing a neck brace around this time. Was he able
6 to help you hang those lights?

7 A No. He -- I mean, he wore the neck brace when he
8 wanted to.

9 Q What type of neck brace was it?

10 A Just one of those foam, you know, that kind of
11 restricts your neck movement.

12 Q Kind of like one of those velcro ones?

13 A Exactly.

14 Q All right. Was he wearing it all day?

15 A He wasn't wearing it at all.

16 Q All right. But he went to Lowe's with you?

17 A He did.

18 Q Was he able to get around?

19 A Just fine. He wanted me to go with him because I
20 had the truck, and the lights were 8-foot long.

21 Q So did y'all ride together?

22 A We did.

23 Q Now, Floyd Owen, you heard his testimony. He has
24 come into this courtroom and admitted to killing
25 your uncle. Did you have anything to do with

1 killing your uncle?

2 A Nothing.

3 Q He said that you were part of it. Now, what was
4 your relationship with Floyd like? Tell the jury
5 when you met Floyd and how that relationship went.

6 A I met Floyd probably 2006 through my Uncle Charles.
7 They were off-and-on lovers at times, and that is
8 how I met Floyd. I would hang out with Charles, so
9 Floyd would be there. And then we started hanging
10 out and, you know, he didn't have anything going on
11 for work, so I would use him as, you know, as a
12 hand on my construction job.

13 Q Were you paying him?

14 A Yes.

15 Q Now, he has admitted to be a cold-blooded killer.
16 Jenny Baker has said that you were around. Why did
17 you hang around with people like this?

18 A I really wish that I didn't.

19 Q What kind of worker was Floyd for you?

20 A He was an assistant to me on construction jobs,
21 basically just laborer.

22 Q Now, there was some testimony about two occasions
23 in which Floyd took your truck. Do you recall that
24 testimony?

25 A I do.

1 Q Tell the jury about those.

2 A It was actually more than just those two occasions.
3 Those were just the two that I actually got the
4 police involved with. But, you know, at times he
5 would take my truck without my permission and go
6 here or go wherever, you know. But the two that I
7 filed the report on, we were at a job in Irmo, and
8 my truck was in the back yard because I was loading
9 up a bunch of stuff, tools and whatnot, we had just
10 finished the project, and he pulled around the
11 house and just took off down the road, left, ended
12 up going to a hotel room where he was staying with
13 his girlfriend. So I filed a police report at that
14 point.

15 Q Now, with regards to you talking to law
16 enforcement, the testimony is you went in on
17 September 10th, 2015, to talk to law enforcement?

18 A That's correct.

19 Q There was also testimony there was a bench warrant
20 out for you at the time?

21 A That's correct.

22 Q Now, when did you know law enforcement wanted to
23 talk to you regarding Charles's death?

24 A I talked to them on the phone.

25 Q Who -- which specific investigator did you talk to?

1 A Investigator McCoy.

2 Q What -- did he tell you anything about having
3 knowledge of this bench warrant?

4 A He didn't -- he didn't have any knowledge of it. I
5 told him that I felt like that I had something
6 pending, and he said that I had nothing to worry
7 about, just to come on down and give my statement
8 and he would be sure that I wasn't locked up.

9 Q Did you actually go down based on what he told you?

10 A I did.

11 Q Did you give a statement?

12 A I did.

13 Q Was the statement consistent with what you are
14 saying today?

15 A Exactly.

16 Q Now, were you arrested after you went down to the
17 City of Columbia?

18 A I was.

19 Q Why were you arrested?

20 A I was arrested on a DNR ticket.

21 Q What kind of ticket was it?

22 A Failure to have a life jacket.

23 Q Now, there was some testimony about Charles's
24 funeral. When did you believe Charles's funeral
25 was?

1 A I was told by my brother that it was that Saturday
2 morning. My brother Eddy.

3 Q Now, when you got arrested, were you able to bond
4 out immediately?

5 A No, sir.

6 Q Tell the jury why not.

7 A I had a Richland County hold for another
8 disagreement that I had with a customer over a
9 roofing job. We had some materials that I
10 purchased, and then she wanted to back out of the
11 job and filed charges on me for not refunding the
12 money right away.

13 Q All right. Now, as a result of that bench warrant
14 and hold --

15 A Uh-huh.

16 Q -- how long were you in jail?

17 A I didn't get out of jail until that Saturday
18 afternoon. I thought I had already missed the
19 funeral.

20 Q All right. Did you attempt to contact -- did your
21 brother know when the funeral -- did he know the
22 funeral was another day?

23 A He did not.

24 Q Had you not been in jail, would you have gone to
25 the funeral?

1 A I would have.

2 Q There was some talk back in 2015, you told law
3 enforcement that you did not own a gun. Do you
4 remember that?

5 A I do.

6 Q Had you ever owned a gun, Brandon?

7 A Yes.

8 Q Tell the jury when you owned a gun. Let's do
9 before Charles's death.

10 A Okay, before Charles's death, I believe this was
11 2013, I purchased a gun on a Black Friday sale. It
12 was a 9-millimeter. I was then pulled over and had
13 the gun in the wrong place. It wasn't in the glove
14 box or under an extra lock, so I was charged with
15 unlawful carry. They took the weapon at that
16 point.

17 Q What timeframe was that?

18 A That was around Christmastime of 2013.

19 Q What kind of gun was it?

20 A It was a 9-millimeter.

21 Q Now, during Charles's death, or during the time of
22 Charles's death, it is your testimony that you did
23 not own a firearm?

24 A I did not.

25 Q Did you ever own a firearm after Charles's death?

1 A I did.

2 Q Tell the jury about that.

3 A After Charles's death -- this was probably the
4 first part of October -- Floyd actually called me
5 and said that he knew somebody with a really good
6 deal on a Springfield .45. So I went and looked at
7 it. And the guy wanted \$350. It was about a \$900
8 gun. So I bought it.

9 Q All right. How long have you had that gun?

10 A Not very long at all. I ended up getting into some
11 trouble. I got a DUI in Fairfield County and ended
12 up needing some extra money for the bond, so I sold
13 the gun to Jenny Baker.

14 Q All right. Now, there was also some talk about a
15 gun being exchanged for a bulldog. Do you remember
16 that?

17 A Yes, sir.

18 Q Tell the jury, who was selling bulldogs?

19 A Me.

20 Q When was this?

21 A I bred English bulldogs around the time of the end
22 of 2014.

23 Q All right. So tell the jury how this whole
24 evidence came about with you trading a bulldog for
25 a gun.

1 A The last dog that I sold was a little girl dog.
2 And I put an ad in the Carolina Trader, and a
3 gentleman called me and said that he was very
4 interested in the bulldog for his wife, but he
5 didn't have the \$2,300. And I told him, you know,
6 I wasn't really interested in any kind of trade, or
7 anything like that, that, you know, it was very
8 expensive in breeding these dogs with vet bills and
9 everything, and I just wanted the money.

10 Well, we reached an agreement. He came to my
11 house in Blythewood in January of 2015, and we
12 reached an agreement. He gave me \$1,800 and a .45
13 pistol.

14 Q Is that the first pistol that you are referring to?

15 A No, this is the second.

16 Q Second?

17 A Yes.

18 Q Now, there was some testimony you heard from Floyd
19 about this 2007, 2008 burglary.

20 A Yes, sir.

21 Q Do you know about that?

22 A I do.

23 Q Tell the jury about your knowledge concerning that
24 incident.

25 A Floyd is the type of person that if you give him a

1 little bit of information, you know, he is going to
2 use that somewhere. It was on the job one day, and
3 I just was talking casually with him and let him
4 know that when I moved out of the apartments --
5 because I just moved into a house in Irmo -- when I
6 moved out of the apartments, that I had left some
7 tools behind.

8 Well, little did I know, he went back there to
9 the place and broke into it, I guess trying to
10 retrieve the tools.

11 Q All right. Were you charged as a result?

12 A I was charged. I had already moved to the beach at
13 that point. And they sent U.S. Marshals and picked
14 me up, charged me on it. I got a PR bond. And the
15 case was nol-processed. I had absolutely nothing
16 to do with it.

17 Q All right. Was there any evidence connecting you
18 to that burglary?

19 A Nothing.

20 Q Now, Brandon, kind of tell the jury your feeling
21 about your Uncle Charles. Did you care about him?

22 A I did care about him.

23 Q Did you love him?

24 A Yes.

25 Q Was he a good uncle to you?

1 A He was a good uncle to me. You know, it has come
2 up many times in testimony already that I was
3 really one of the only ones on this side of the
4 family that got along with Charles, you know. He
5 actually lived with me when I was really young, you
6 know.

7 Q When was that? Do you remember?

8 A I barely remember it, but I know he did. He lived
9 with us for some time. And I was talking to my
10 father about it, and he said that, you know,
11 Charlie was always favored. My -- I was always
12 Charlie's favorite, you know. That we would go to
13 the grocery store. Charlie wanted pepperoncini
14 peppers, I wanted pepperoncini peppers, you know.

15 Q Brandon, let's just be direct. You were charged
16 with murder, which means that you, with malice
17 aforethought, killed Charles Kusko. Did you do
18 that?

19 A I did not.

20 Q You were charged with burglary, meaning that you
21 and Floyd Owen broke into Charles Kusko's house on
22 September 6, 2015. Did you do that?

23 A I did not.

24 Q It is alleged that you owned a firearm or possessed
25 a firearm. Did you do that?

1 A I did not.

2 Q It is alleged that you conspired and agreed with
3 Floyd Owen to kill your uncle. Did you do that?

4 A I did not.

5 Q Did you in any way attempt to coerce, aid, or abet
6 Floyd Owen in killing your uncle?

7 A Absolutely not.

8 Q Brandon, this matter has been pending for two
9 years. Is there anything else you want to tell
10 this jury?

11 A Yes.

12 Q Tell them.

13 A Over this past two years, friends, family, a lot of
14 people in this courtroom have made me out to be
15 some sort of monster that I'm not. You know, these
16 things that I'm charged with, I'm not even capable
17 of doing to anyone, much less my own family. I'm
18 on a \$250,000 bond. I'm on an ankle monitor. I am
19 stuck to my home. I can go to work and go home.

20 MR. EATON: That is irrelevant, Your Honor.

21 THE COURT: Is that an objection?

22 MR. EATON: Objection to relevance.

23 THE COURT: Overruled.

24 BY MR. MYERS:

25 Q Go ahead.

1 A I am basically being punished for a crime that I
2 had nothing to do with. I was promised this day in
3 court sometime the first part of this year. And
4 now here it is in August.

5 I please ask you jurors to look at this case,
6 and I just want to show everyone that I'm not
7 guilty.

8 Q You understand that you have the right not to
9 testify?

10 A Yes, sir.

11 Q You and I talked about that. You understand that
12 the judge would charge the jury that you are
13 presumed to be innocent. Was it important for you
14 to tell this jury that you had nothing to do with
15 it?

16 A I felt like them hearing from me would be better
17 than them just hearing evidence on the case.

18 Q Thank you.

19 MR. MYERS: Beg the Court's indulgence.

20 (Pause.)

21 BY MR. MYERS:

22 Q Brandon, I want to talk for a second about your
23 relationship with Andrew, your other uncle. Did
24 you ever have any animosity towards Andrew?

25 A Yes.

1 Q Tell the jury about that.

2 A Andrew is just kind of like a problem for the whole
3 family. He is always, you know, starting stuff,
4 you know, always owing everybody money, and just
5 not -- not really a likable guy.

6 Q Now, at some point regarding that, did Andrew ever
7 make any accusations or threats to you?

8 A No, sir.

9 Q Did he ever leave any threatening phone -- you
10 heard a voicemail from Charles, your Uncle Charles.
11 Did Andrew ever leave you any sort of voice
12 messages?

13 A Yes, sir.

14 Q What kind of messages has he left you?

15 A He is always leaving threatening messages and, you
16 know, talking about what he is going to do. Most
17 of the time I don't really read into it, but here,
18 with all this matter, I have learned to, you know,
19 look into it a little bit more seriously. He has
20 actually made threats during this trial, and all
21 kinds of stuff.

22 Q So, Brandon, I'm going to ask you about Defense
23 Exhibit Number 4. And it is marked as a voicemail
24 that Andrew left on your phone. Would you be able
25 to recognize Andrew's voice?

1 A I would.

2 Q Is this a recording that he left on your voicemail?

3 A It is.

4 MR. MYERS: Your Honor, at this time I would
5 move into evidence what has previously been marked
6 as Defense Exhibit 4.

7 THE COURT: Any objection?

8 MR. EATON: No objection, Your Honor.

9 (WHEREUPON, Defendant's Exhibit No. 4
10 was marked for identification and
11 received into evidence.)

12 (Plays voicemail.)

13 A It is the second one.

14 Q Who was that?

15 A Andrew.

16 Q What was he talking about a check?

17 A A check that I had given him.

18 Q Did it bounce? I guess he is saying did you take
19 it to the bank?

20 A No.

21 (Plays voicemail.)

22 Q Is this your Uncle Andrew?

23 A It is.

24 Q What is he talking -- who is this Mike?

25 A My roommate.

1 Q What is Mike's last name?

2 A Yarborough.

3 Q So what is he talking about Mike's case?

4 A Just a civil case that Mike was battling with his
5 Homeowners Association.

6 Q How did Andrew know about it?

7 A He knew about it from talking with Mike and I.

8 Q So you have been around your Uncle Andrew for a
9 long time. Did he appear upset to that?

10 A Yes.

11 Q Did you take it as a threat?

12 A Yes.

13 Q Was he capable of making threats to people?

14 A Yes.

15 Q Did he oftentimes make threats to people?

16 A He does.

17 Q And it appears that he actually not only threatened
18 you, but he threatened your family, is that right?

19 A As he has done again during this trial.

20 MR. MYERS: Court's indulgence.

21 (Pause.)

22 BY MR. MYERS:

23 Q Thank you, Brandon. No further questions.

24 MR. EATON: Judge, can I get just one minute
25 before I start, please?

1 THE COURT: Yes, sir.

2 (Pause.)

3 CROSS-EXAMINATION

4 BY MR. EATON:

5 Q Mr. Barham, you readily admit that that night you
6 were drinking with Floyd, right?

7 A Yep.

8 Q That y'all took your white truck, single bed --
9 long bed, single cab white Chevy 1500, right?

10 A Yes.

11 Q Y'all took it to Jenny Baker's house?

12 A Yes.

13 Q A drug dealer, right?

14 A I didn't know that at the time.

15 Q You didn't know she was a drug dealer?

16 A Just met her.

17 Q So you hadn't met her previous times?

18 A I had not.

19 Q So her saying that she had met you several times,
20 you were a nice young man, she just totally made
21 that up?

22 A She met me several times after that.

23 Q So she hadn't met you before that?

24 A Not at all.

25 Q So you had no idea she was dealing meth?

1 A I did not.

2 Q And so all the people coming and going that night,
3 there was no indication to you that you were in
4 some kind of shady place?

5 A Slightly.

6 Q But you are there with Floyd Owen. And only they
7 are doing drugs, right?

8 A The people that were there were -- they were doing
9 meth.

10 Q Were they doing coke?

11 A No.

12 Q So you are telling this jury that you didn't do any
13 meth and you didn't do any coke?

14 A Not that night, I did not.

15 Q Not that night. Other nights?

16 A I have done it before. I'm not going to say I
17 haven't done drugs.

18 Q And so are you sure that you told police that you
19 weren't doing cocaine that night?

20 A Yes.

21 Q Are you certain? Are you 100 percent certain that
22 you didn't tell the police that you had done some
23 cocaine that night?

24 A I don't know.

25 Q So is it possible you told them that?

1 A It is possible.

2 Q If you told them that, were you probably doing
3 cocaine that night?

4 A It is possible.

5 Q And so if you were doing cocaine that night, if it
6 was possible you were doing cocaine that night,
7 would it be possible that it would be hard to fall
8 asleep?

9 A No.

10 Q It wouldn't be possible that it would be hard to
11 fall asleep if you were doing cocaine?

12 A No.

13 Q So it is easy to fall asleep when you do cocaine?

14 A After drinking, yes.

15 Q How many times have you done cocaine?

16 A A few.

17 Q What is it like? Is it a depressant?

18 A No.

19 Q Is it a stimulant?

20 A Yes.

21 Q Does it generally keep you up? Does it
22 generally --

23 A Some people.

24 Q Does it keep you up?

25 A No.

1 Q You just fall asleep on cocaine?

2 A With drinking.

3 Q So you might do some cocaine, but then drink a
4 little bit, and you are good to go --

5 A Exactly.

6 Q -- to sleep, right?

7 A Right.

8 Q If you had already been drinking, possibly doing
9 cocaine, why would it be so necessary to tell the
10 police that you didn't want to drive when Omarest
11 and Floyd's house are opposite sides of town?

12 A I drove there -- I drove to Floyd's house because I
13 wasn't comfortable staying somewhere on somebody I
14 didn't know.

15 Q But yet you told police -- you made it very clear
16 to police, I stayed at Floyd's because I didn't
17 want to drive on Labor Day weekend, did you not?

18 A Exactly.

19 Q You were really clear about that?

20 A Exactly.

21 Q But yet --

22 A My house would be another 30 minutes from there.

23 Q Well, how far is Omarest to Floyd's house?

24 A I didn't want to stay there because I didn't know
25 those people.

1 Q Well, I understand that, but was driving a concern
2 at that point?

3 A Not at that point.

4 Q But you had been drinking and enough that it was a
5 concern later, right?

6 A I was tired by the time I got to Floyd's. I said,
7 I might as well just stay here.

8 Q So it wasn't that you were just drinking, it was
9 that you were tired?

10 A Exactly. It had been a long day.

11 Q And you might have been doing cocaine?

12 A I don't know.

13 Q So, your mom. You just said on direct -- you made
14 it sound on direct like, you know, Andrew -- you
15 had power of attorney, that Andrew takes your mom
16 out to lunch, suddenly he has got power of
17 attorney, right?

18 A Frank did.

19 Q Frank did. I'm sorry.

20 A Andrew took her, but Frank -- he took her to get
21 Frank the power of attorney.

22 Q Okay. And so the way it sounded to me when you
23 said that was they kind of just swept it out from
24 under you, suddenly they had the power of attorney
25 and not you, right?

1 A Right.

2 Q And so your mom was able to make that change
3 herself, right?

4 A Yes.

5 Q And so presumably it sounds like they took her to
6 lunch and they are like, Karin, you should give us
7 power of attorney, not Brandon, right?

8 A Right.

9 Q But did you not tell police that they accused you
10 of mismanaging your mom's money?

11 A Yeah, they did.

12 Q And that you just threw your hands up?

13 A Well, I was just tired of it, because I was
14 actually taking time from my day and caring for my
15 mother, and all they wanted was her money. You
16 know, besides Charles, any of her other brothers
17 that have had control of her power of attorney have
18 given her no care.

19 Q So is it that you threw your hands up, moved to the
20 beach with your dad, and wanted to take care of
21 your own life, or is it that they took the power of
22 attorney away from her?

23 A They came and they had -- and had the power of
24 attorney switched. And at that point, my lease was
25 up at that house anyway, so I moved to the beach.

1 Q So you told this jury on direct, Mr. Barham, that
2 there was really no dispute with the money with
3 Neal and your uncle, right?

4 A No.

5 Q You didn't tell them that?

6 A There was no dispute.

7 Q Right. You are saying there was no dispute, right?
8 Is it your testimony today that there was no
9 dispute?

10 A I don't understand what you are asking.

11 Q Are you telling the jury that you and Charlie had
12 no dispute over Neal's money?

13 A We had a dispute. It was over \$1,900. And I
14 addressed it with Neal. That has already been
15 heard.

16 Q Okay. Right. So you addressed it with Neal. And
17 you told the jury that you learned that Neal wasn't
18 paying him, right?

19 A Right.

20 Q Everything was good, right?

21 A Right.

22 Q So why would Neal testify on this stand this week
23 that before, during, and after the death you were
24 hounding him about the money and saying, I'm not
25 getting my cut. Why would he say that?

1 A Because that is the truth. He had not paid
2 Charlie. Therefore, Charlie had not paid me.

3 Q Would it surprise you that there is text messages
4 that this jury is going to read where Neal is
5 paying Charlie money?

6 A I don't know that.

7 Q You just said that you did know that?

8 A No, I didn't. I --

9 Q You just said, sir -- you just said that Neal
10 wasn't paying Charlie.

11 A Okay. Text message between Charlie and me, I know
12 about those. I don't know about text messages
13 between Charlie and Neal. I didn't have his phone.

14 Q That's fine, Mr. Barham. Do you remember
15 Mr. Lourie saying on the stand that he was paying
16 Charlie? Do you remember that?

17 A No, I don't.

18 Q Okay. Do you remember Mr. Lourie saying on the
19 stand that he was going to get both of y'all in
20 there because one of y'all was lying to him?

21 A Yes.

22 Q Is that consistent with you saying there was no
23 dispute about the money?

24 A There was a dispute, if that is what you are
25 wanting.

1 Q You just told us there was a dispute, but then
2 there wasn't, right?

3 A It is the way that you are wording it.

4 Q Okay. Mr. Barham, did you earlier say there was a
5 dispute, but then there was not a dispute? Did you
6 say that?

7 A I went to Neal and found out that he was --

8 Q I'm not trying to be rude, but just answer that
9 question, please.

10 A I went to Neal and found out that he had not been
11 paying Charlie the \$1,900. The \$1,900 was no beef
12 with Charlie anyway.

13 Q Mr. Barham, did you tell the jury that at one point
14 there was a dispute, and then there was not a
15 dispute?

16 A Yes.

17 Q So what you are saying is that Mr. Lourie is
18 lying --

19 A No.

20 Q -- about the nature of the dispute?

21 A I didn't say that.

22 Q Did he not say that at the time of Charlie's death
23 he was about to get y'all in there to see who was
24 lying about it? Did he not say that?

25 A Yeah, he said that.

1 Q So when you are talking to police, you make it
2 sound like there is no money dispute over jobs,
3 right? Is that correct?

4 A It wasn't necessary to bring up. I mean, there is
5 always little disputes. Why would that be
6 necessary to bring up? I'm not pissed off at him
7 about anything.

8 Q I mean, y'all were talking about it, right? In the
9 interview y'all were talking about it?

10 A Yes.

11 Q And at the same time you are like, I don't know,
12 man, Andrew, he owes Andrew some money for a job,
13 right?

14 A Yes.

15 Q Did you say that?

16 A Uh-huh.

17 Q And you talked about your mother with police,
18 right?

19 A Uh-huh.

20 Q And so it is not a source of any contention with
21 you, right?

22 A It is not.

23 Q But in the same time you are saying, I don't know,
24 man, Andrew and Charlie are mad about my mom,
25 right?

1 A It has been an ongoing dispute between all of the
2 brothers about my mother's money.

3 Q But you are just cool with it all, right?

4 A I'm not cool with it all. I told you that I was
5 cool when Charlie had her power of attorney because
6 he is the only one that actually gave her care.

7 Q So if Charlie was using your mother's money to fund
8 the retaining wall at Neal's house, that wouldn't
9 bother you?

10 A I have no knowledge of that.

11 Q If it were true, would it bother you?

12 A I have no knowledge of it.

13 Q I'm asking you a hypothetical question, right? If
14 that were true, would that bother you?

15 MR. MYERS: Objection, Your Honor. At this
16 point speculation. He says he doesn't have any
17 knowledge of it. He can't put words in his mouth.

18 MR. EATON: I'm not asking him to speculate.
19 I'm asking how he would feel about something.

20 THE COURT: Objection overruled. He can
21 answer it.

22 BY MR. EATON:

23 Q Sir?

24 A Say it again?

25 Q If you knew that Charlie was using your mother's

1 money to fund the work on Neal's retaining wall,
2 would that bother you?

3 A Yes.

4 Q And you were, it sounds like, great with Charlie,
5 right?

6 A We were fine.

7 Q And apparently this was a big point of contention
8 with everybody, right?

9 A What was?

10 Q The money, the retaining wall, 50 grand?

11 A The money had nothing to do with the retaining
12 wall. The money was going from Frank to Charlie to
13 Andrew, and that is where their arguing was. So
14 the retaining wall is not in this.

15 Q So whoever testified earlier about their -- I think
16 it was Andrew himself who said that he thought the
17 money was going to the retaining wall?

18 A That may have been what he thought.

19 Q But you are saying nobody ever said that to you?

20 A No.

21 Q About your mom and her money?

22 A No.

23 Q Okay. It sounds like, despite what happened in
24 2007, I mean, you and Floyd were still boys, right?

25 A I mean, I didn't get charged with it. I didn't

1 really hold that against him.

2 Q So you didn't care then that he just threw your
3 name in something?

4 A I mean, I thought it was ridiculous, but.

5 Q But not so ridiculous that you wouldn't hang out
6 with him, right?

7 A Yeah.

8 Q And it sounds like really, despite whatever he did,
9 y'all were still hanging out, right?

10 A No.

11 Q So at some point did you not hang out with him?

12 A I mean, we didn't hang out that much. We hung out.
13 You know, he worked for me, and we would hang out
14 on the weekend sometimes.

15 Q But you are saying that just because he knew about
16 stuff at an apartment that you lived at, that was
17 enough for him to think, I'm going to go retrieve
18 Brandon's stuff for him?

19 A I can't speak for him.

20 Q I mean, was that just like a noble thing to do for
21 his friend?

22 A I don't know where you are going with this. I
23 can't -- I can't speak for him.

24 Q Was it your stuff?

25 A It was my stuff that I had just mentioned. I

1 didn't say, I need you to go steal this for me.

2 Q No, I understand what you are saying, but --

3 A Well, obviously you don't. I mean --

4 Q Well, then why do you think he did it?

5 A I have no idea. I knew nothing about it.

6 Q And so that is what I'm asking you, do you think
7 that it was just this thing he was wanting to do to
8 help you out?

9 A No.

10 Q You don't?

11 A (Nods negatively.)

12 Q So you said that your little brother Eddy is who
13 told you about the funeral, right?

14 A Yes.

15 Q But, yet, didn't we hear from Laurin that Eddy made
16 it to the funeral?

17 A No.

18 Q You are telling the jury that when she listed the
19 family members of your family, she didn't say that
20 Eddy was there?

21 A Eddy was not there.

22 Q So she is lying about --

23 A No. You don't have your information correct.

24 Q Did she not say that?

25 A She said that my little brother Kody made it to the

1 funeral. Eddy is my older brother. He did not.

2 Q She didn't say Eddy?

3 A She said Eddy did not make it.

4 Q Okay.

5 MR. EATON: I beg the Court's indulgence, Your
6 Honor.

7 (Pause.)

8 BY MR. EATON:

9 Q So, Mr. Barham, I think you said that on the 5th
10 your phone had died much earlier in the day, right?

11 A I believe so.

12 Q Did you know about when? Any idea?

13 A I don't remember. It was four years ago. I don't
14 remember.

15 Q And, I mean, would it surprise you that you were
16 still getting activity on your phone at almost
17 10:00 o'clock at night?

18 A It wouldn't surprise me.

19 Q Okay. So it wasn't that it was much earlier in the
20 day?

21 A Okay. So --

22 Q And so that's --

23 A I think I said 9:00 and you said 10:00, so, okay.

24 Q Okay. Maybe you said 9:00. I thought I heard you
25 say much earlier in the day, so if I'm wrong, I

1 apologize.

2 So with this voicemail you got from the
3 victim, he sounded like he was pretty good to go
4 with you, right?

5 A Yeah. I had just seen him Friday, talked to him
6 Saturday.

7 Q But you said that in y'all's family everything is
8 kind of always up and down, right?

9 A It is.

10 Q And so by the end of that night, he is already mad
11 at you again, right?

12 A No.

13 Q So his last messages to you were not at least some
14 degree of annoyance?

15 A No.

16 Q So his last message to you was, I thought you were
17 coming by with the compressor, to which you
18 respond, I got tied up, I'll bring it in the
19 morning, to which he says, Don't worry about it, I
20 will hand nail, tired of waiting on you to help and
21 you never do.

22 A Okay. So what are you trying to prove there? He
23 asked me earlier in the day if I would let him
24 borrow my air compressor and nail gun. I said,
25 Yes, I'll stop it by. I didn't make it to bring it

1 by, and he sent that message. Does that
2 necessarily mean that he is pissed off or -- he
3 said he will just hand nail it.

4 Q Well, I guess your answer to my previous question
5 about whether he at least seemed annoyed, you said
6 no. So that is why I wanted to read that message.
7 I mean, does it sound at least annoyed? At
8 least -- I mean, I'm not going to say it is rage,
9 right? Is it at least annoyance --

10 A Maybe a little annoyance.

11 Q -- fair to say? Mr. Barham, do you think -- you
12 told the jury that you don't think that your truck
13 was the one on the video, right?

14 A Right.

15 Q So you think that your truck never left the spot,
16 right?

17 A Right.

18 Q Do you think that Floyd Owen is a coward?

19 A I do.

20 Q Wouldn't a bigger coward be the person who wanted
21 someone dead but couldn't do it themselves? Would
22 that be a bigger coward?

23 A I don't know.

24 Q Would a bigger coward be the one who lurked in the
25 yard but couldn't go in?

1 A I don't know.

2 Q Would the bigger coward be the one who left the
3 scene but then came back to take his friend home?
4 Wouldn't that be the bigger coward?

5 A I don't know.

6 MR. EATON: Thank you. No further questions.

7 REDIRECT EXAMINATION

8 BY MR. MYERS:

9 Q Brandon, very briefly. I want to go back to 2007
10 when your mom had this horrible wreck. How old
11 were you? If my math is correct, you are 32, would
12 you have been 20 years old at the time?

13 A A little bit younger. I think I was about 18 or
14 19.

15 Q So you were taking care of your -- you were barely
16 able to take care of yourself?

17 A Exactly.

18 Q Now, there was some -- you had to ask Mr. Eaton to
19 go back and forth and repeat some things. Do you
20 remember when Investigator Weeks had to ask
21 Mr. Eaton to clarify his question as well?

22 A I did. It is like he wanted -- he was trying to
23 twist it up.

24 Q Now, let's talk about this funeral. There is a Big
25 Eddy and a Little Eddy, is it not?

1 A There is.

2 Q Do they oftentimes get confused when you talk about
3 the two?

4 A They do.

5 Q So is it possible that one of the Eddy's made it
6 and one of them didn't?

7 A Neither of the Eddy's made it. It was very clear
8 that Laurin said that Kody made it, and the State
9 is just incorrect.

10 Q Now, with regard to this phone guide, Mr. Eaton has
11 agreed that your last activity on your phone wasn't
12 almost 10:00, 9:39 p.m., on the 5th of September?
13 Do you remember that testimony?

14 A I do.

15 Q Is that a lot earlier than 5:00 o'clock the next
16 morning?

17 A That is a lot earlier.

18 Q The texts and e-mails, have you ever heard that
19 texts and e-mails can be taken out of context?
20 Have you ever heard that phrase?

21 A No.

22 Q Have you ever heard that it is better to
23 communicate in person rather than put something in
24 writing?

25 A Yes.

1 Q Now, with regard to the voicemail messages, did you
2 notice any inflection in the voicemail message from
3 Charlie that he was upset with you?

4 A No.

5 Q Did you want your uncle dead?

6 A Absolutely not.

7 Q Was it you lurking in the waves while Floyd was in
8 there killing your uncle?

9 A No.

10 Q Did you drive that truck?

11 A I did not.

12 Q Did you do anything that night to park that truck
13 to allow Floyd to go in and kill your uncle?

14 A I did not.

15 Q Thank you. No further questions.

16 RECROSS-EXAMINATION

17 BY MR. EATON:

18 Q Mr. Barham, Mr. Myers was asking about the truck.
19 You said that Floyd came out from where the mailbox
20 was and it seemed strange because he had no mail in
21 his hand. Why didn't you tell the police that?

22 A After reviewing this -- this has been going on for
23 two years now -- and trying to recollect everything
24 I could from that night, that came up. Other than
25 that, my statement hasn't changed. It is the

1 truth.

2 Q Except the part about whether you were doing
3 cocaine, right?

4 A I don't think so.

5 Q Did you not answer when they said, Were y'all doing
6 cocaine, did you not say, Yes?

7 A I don't know.

8 Q So your story has changed, and this jury can go
9 back and listen to it. Has your story changed,
10 sir?

11 A My story has not changed.

12 Q So they are not going to hear you answer yes to
13 that question?

14 A I don't remember. It is possible. But my story
15 has not changed.

16 Q So it is possible your story has changed?

17 A It is not possible.

18 Q Are you familiar with the hand of one is the hand
19 of all?

20 A Yes.

21 Q Are you -- do you understand that you didn't have
22 to kill Charlie with a gun in your hand to be
23 guilty of his murder, do you understand that?

24 A I understand that, but I --

25 MR. MYERS: Object. Outside the scope of

1 recross.

2 MR. EATON: I withdraw the question.

3 THE COURT: Sustained.

4 MR. EATON: I will withdraw the question. No
5 further questions.

6 MR. MYERS: Judge, we have no further
7 questions.

8 THE COURT: All right, sir, you may step down.
9 (Witness steps down.)

10 THE COURT: All right, call your next witness.

11 MR. MYERS: That's our case, Your Honor. We
12 rest.

13 THE COURT: All right, ladies and gentlemen of
14 the jury, there are some matters of law that I need
15 to take up outside your presence, so I am going to
16 send you out. This is a good time for a break, so
17 I am going to send you out for a break, and then we
18 will receive you back in.

19 (WHEREUPON, the jury retires to the jury
20 room at 12:44 p.m.)

21 THE COURT: All right. Any motions?

22 MR. MYERS: Yes, ma'am, Your Honor. May it
23 please the Court, Your Honor? At this time we
24 would renew our previously made motion for a
25 directed verdict. The Court is very familiar with

1 the elements of all the offenses charged. We
2 believe there is absolutely no evidence, even in
3 the light most favorable to the State, that Mr.
4 Barham is guilty of murder, burglary, possession of
5 a firearm, or criminal conspiracy.

6 I understand the Court is going to rely on
7 statements from individuals who have admitted to
8 basically not telling the truth on the stand, but
9 there is absolutely no credible evidence to go
10 forward to the jury to consider these charges.

11 Therefore, Your Honor, we respectfully renew
12 our previously made motions.

13 THE COURT: All right. Yes, sir?

14 MR. EATON: Your Honor, the State makes the
15 same argument that we made at the last juncture of
16 this, but those credibility issues, of course, are
17 issues for the jury. There is direct evidence from
18 Floyd himself. And there is circumstantial
19 evidence in the way of the consistencies, the
20 truck, and so forth.

21 So there is more than enough for this to go to
22 the jury, Your Honor.

23 THE COURT: All right. I do find that there
24 is evidence in the record that rises to the level
25 that it is a question of fact for the jury, the

1 fact finder, based on the testimony and the
2 evidence that has been entered into the record.

3 For those reasons, I do find -- I will
4 respectfully deny the motion of the Defense for a
5 directed verdict.

6 All right. Any rebuttal witnesses?

7 MR. EATON: No, Your Honor.

8 THE COURT: All right.

9 MR. BELL: Judge, before we move on, just to
10 cover the record, we also renew all other motions
11 and objections the Defense has raised throughout
12 the pendency of this trial.

13 THE COURT: All right.

14 MR. CONRAD: I don't know if the Court wants
15 to go over the jury charges right now.

16 THE COURT: Well, I guess we will talk about
17 from a timing standpoint.

18 So, as I told you all, I have to do a
19 sentencing at 2:00. Hopefully that won't last
20 longer than 30 minutes. I don't know. So I can
21 send the jurors to lunch until about 2:30-ish, is
22 what I'm thinking. And then I'm fine sitting here
23 working on the jury charges, and maybe come about
24 2:45, and do closing arguments and the charge on
25 the law?

1 MR. MYERS: That works for us, Your Honor.

2 MR. EATON: That sounds good, Your Honor.

3 THE COURT: It will probably still be about
4 4:00 o'clock before they get it, depending on how
5 long your closing arguments are.

6 MR. EATON: Why are you looking at me, Judge?

7 THE COURT: Well, I wasn't looking at you, I
8 was really looking at your office. I had one that
9 was three hours, but that prosecutor is not in
10 here, so. That is the only reason I was looking
11 that way, because I normally do not put time limits
12 on cases, but if y'all think it is going to be --
13 if anybody feels they are going to have a closing
14 that is three hours long, then I will put a time
15 limit on you to stay in the range of an hour or so.

16 Obviously, for purposes of closing, State v.
17 Beatty, there will be no opening on the law, open
18 in full. Then we will hear from the Defense. And
19 then you can rebut anything that they say.

20 All right. Y'all need to just take a break,
21 and get -- well, let me do this. Bring the jurors
22 in, and I am going to release them and ask them to
23 come back at 2:30, send them to lunch and ask them
24 to come back at 2:30. I will keep my fingers
25 crossed. I am going to try to start right at

1 2:00 o'clock on that sentencing. And then we'll be
2 ready to go straight into closing arguments,
3 closing arguments and the charge on the law. So
4 we'll work on -- we can work on the jury charges
5 while they are at lunch, and then you all can go to
6 lunch while I'm doing the sentencing, and we'll be
7 good. I will have to figure out the court staff.

8 All right. Can you bring them back in? I'll
9 put on the record, I will ask you if you have any
10 rebuttal, I will put that on the record, Mr. Eaton.

11 (WHEREUPON, the jury came into open
12 court at 12:48 p.m.)

13 THE BAILIFF: The jury is present, Your Honor.

14 THE COURT: All right. Ladies and gentlemen
15 of the jury, at this time I'll turn to the State.

16 Do you have any rebuttal witnesses?

17 MR. EATON: No, Your Honor.

18 THE COURT: All right. Ladies and gentlemen
19 of the jury, the State has rested, the Defendant
20 has rested, and there are no rebuttal witnesses.
21 So we are now at the point in this trial where we
22 are ready for closing arguments and the charge on
23 the law. Well, we are not quite ready because
24 there are some matters of law that I need to take
25 up with the lawyers in order to prepare for closing

1 arguments and the charge on the law. And while we
2 are doing that, we are going to allow you all to go
3 to lunch.

4 I am going to release you all to lunch, and we
5 will have you back around 2:30. Please, please,
6 please, at this time do not -- all of the evidence
7 is in the record, but you have not received the
8 law, you have not heard the closing arguments. So
9 please do not discuss the case with each other,
10 with anyone. Do not do any independent research.
11 Do not do anything regarding this case once you
12 walk out that door.

13 We will see you back at 2:30. Have a
14 wonderful lunch. And we will see you back around
15 2:30. All right.

16 (WHEREUPON, the jury is excused for
17 lunch at 12:53 p.m.)

18 THE COURT: All right. Do y'all need to take
19 a break before we start talking about the jury
20 charge? Let's take about ten minutes. I am going
21 to print the charge because it is easier for me to
22 look at it in print than the computer sometime and
23 catch what errors are there, so she is going to
24 print that.

25 We did receive your proposed jury charge, and

1 I think she has made that correction based on the
2 law regarding the circumstantial evidence.

3 MR. CONRAD: And the only addition the State
4 would ask -- well, I think there is a couple of
5 things we had a concern about, but the only
6 addition would be a voluntary intoxication charge
7 that we would ask to include.

8 THE COURT: Voluntary intoxication?

9 MR. CONRAD: We can get the language for you,
10 if you like.

11 THE COURT: There may be one in the desk book.

12 MR. BELL: Judge, the only assurance that we
13 would like to ask from the Court is that actual
14 headlines are not going to be read to the jury,
15 such as -- in this case, it doesn't really matter
16 anymore, but the Defendant's failure to testify.
17 If it is just the body of the language, that is
18 fine, but if it is the actual heading, we may ask
19 for some modifications.

20 THE COURT: What is wrong with the headline?

21 MR. BELL: I will have to go back through
22 them, but some of them, like hand of one I think is
23 traditionally called accomplice liability. So I
24 don't know if Your Honor intends to actually read
25 each headline. If so, I will --

1 THE COURT: Sometimes I do.

2 THE DEFENDANT: Okay. I'll take a look.

3 THE COURT: Just because it kind of breaks it
4 up and I'm not reading -- it is not like flowing
5 into each other.

6 MR. BELL: I'll take a look at it.

7 THE COURT: And I'll be honest with you, I do
8 send the jury charge back to the jury room.

9 MR. BELL: It's okay.

10 THE COURT: So if there is an issue that you
11 see, you want it to read something differently, let
12 me know, and I will -- because we will -- that is
13 why I kind of go over it a couple of times with a
14 hard copy -- we will send it back to the jury.

15 MR. BELL: Thank you, Your Honor.

16 MR. EATON: And, Your Honor, I think hopefully
17 it is just a minor issue, I guess if the Defense
18 intends to bring up the death penalty in any way in
19 their closing, then I would ask that we form some
20 sort of instruction given how, you know,
21 potentially distracting and inflammatory that could
22 be, we give some sort of instruction to clarify
23 that is not indicated in any way.

24 MR. MYERS: Judge, it is proper. It is a
25 charge on the law. The law is the law. It is fair

1 game. Those are the penalties. While they might
2 not do it here, the law is the law. I mean, there
3 is case law out there, and I do intend to tell the
4 jury about the death penalty that is involved with
5 Floyd Owen.

6 THE COURT: But he hasn't been served with a
7 notice of death penalty.

8 MR. MYERS: I understand, Judge, but the
9 penalty could have been death.

10 THE COURT: You will have to get me some case
11 law on that. I mean, I let you ask him the
12 question about it because that is -- because your
13 question was about what he could have been charged
14 with, but he is not charged with death penalty and
15 it is not an issue in this case. And there is no
16 chance of him getting the death penalty. I mean,
17 he has not been noticed for the death penalty.

18 MR. MYERS: And, Judge, that goes into our
19 theory and theme regarding bias and impeachment for
20 him. And I don't want to necessarily give my
21 closing argument right now, but --

22 THE COURT: You mean that -- well, you are
23 going to have to give me some -- you mean, you are
24 talking about, not your client, but Mr. Owen?

25 MR. MYERS: Mr. Owen.

1 MR. EATON: And I didn't think he was going to
2 say that it was his client, but, of course, juries
3 do not understand how this system works. You know,
4 I'm not going to reargue about the issue in the
5 first place, I'm just saying if he is going to
6 bring it up, there is already an instruction about
7 penalty. Most trials, as everyone knows, we don't
8 ever talk about and the jury never knows the
9 Defendant's possible penalty.

10 THE COURT: And that --

11 MR. EATON: They heard --

12 THE COURT: I understand. But when you put
13 Owen up on the stand --

14 MR. EATON: Yes, ma'am.

15 THE COURT: -- that took that off the table.

16 MR. EATON: And I understand and accept that,
17 of course, that he has the right to impeach about
18 bias.

19 The death penalty was never on the table. Of
20 course, that was never discussed. It would have
21 required whole other legal mechanisms that never
22 happened, were never contemplated. I think there
23 is a concern that when he starts talking about
24 death, that someone on the jury does not understand
25 the criminal justice system, which is probably all

1 of them, could somehow think that death could be
2 implicated in this case, maybe later, something
3 like that. So if he is going to talk about it, I
4 would ask that in the penalty language, that Your
5 Honor tell them that that is not ever going to
6 happen.

7 THE COURT: That this is not a death penalty
8 case?

9 MR. EATON: It is not a death penalties case.

10 MR. MYERS: I have got no problem with that.

11 THE COURT: So putting in the penalty,
12 punishment, somewhere in there, Ladies and
13 gentlemen of the jury, this case has not been
14 noticed for death.

15 MR. EATON: And it could not be.

16 THE COURT: No, I don't --

17 MR. EATON: Could not be. I mean, it is not
18 like we can turn around and seek death if we
19 convict him.

20 MR. MYERS: All it takes is a letter. That is
21 not true. I mean, all it takes is a letter to now
22 put him back on notice.

23 THE COURT: Well, it takes a little bit more
24 than that. Then you have to have -- I mean, you
25 have got to go through Court Administration to

1 assign it a death penalty case and then they have
2 to -- I mean, I don't think that they could seek
3 the death penalty at this point.

4 MR. EATON: No, you can't.

5 THE COURT: Because you have got to have two
6 phases of the trial.

7 MR. MYERS: Right.

8 MR. EATON: We cannot. Exactly, Your Honor.
9 I would ask that --

10 THE COURT: But my concern about saying could
11 not is, we just have to draft the language
12 appropriately. My concern about saying it could
13 not have been a death penalty case is that under
14 the statute, I think under aggravating
15 circumstances, what has been testified to, what I
16 heard, if the Solicitor gets and wanted to seek it,
17 he probably could have. But I haven't looked at
18 the death penalty statute, but there are some
19 aggravating circumstances, and all of that. But I
20 can't make that decision right now if he could or
21 he couldn't. But there are definitely some
22 aggravating circumstances based on what Mr. Owen
23 testified to. So I don't want to say that it could
24 not. We have just got to draft the language and
25 say, This is not a death penalty case and that you

1 should not consider that in your deliberations, or
2 something like that.

3 MR. EATON: And, Your Honor, maybe we can talk
4 and figure out something.

5 THE COURT: You should not consider this in
6 your deliberations, you should not discuss this in
7 your deliberations, that it is not one of the
8 penalties in the case, something like that.

9 Okay. So we already started arguing the
10 charge, but let's take about ten minutes. I will
11 go print it off. We will discuss that. And that
12 way, you all can -- we can get you all out of here
13 by 2:00 o'clock.

14 (WHEREUPON, a break was taken at
15 1:01 p.m.)

16 (WHEREUPON, the proceedings resumed at
17 1:27 p.m.)

18 THE COURT: Are you ready?

19 MR. CONRAD: We can argue the instructions,
20 Your Honor.

21 THE COURT: All right. Well, of course, I am
22 sure nobody has an objection. Page 1, she changed
23 and put the language in there that you all asked
24 for. I think there is a case that was cited.

25 MR. CONRAD: Are you talking about the State

1 v. Logan case, circumstantial evidence? I believe
2 that is language that comes out of the case. No
3 objection.

4 THE COURT: So that was a change. Credibility
5 of witnesses. Well, let me just do this. Any
6 objection, changes from the State?

7 MR. CONRAD: Your Honor, a couple of points
8 the State had concern with is, first of all, in the
9 malice section.

10 THE COURT: Give me page a page number.

11 MR. CONRAD: I'll find it, Your Honor.

12 MR. O'REILLY: It is Page 18, Your Honor.

13 THE COURT: Okay.

14 MR. CONRAD: I believe there is recent case
15 law where the Supreme Court strongly suggests that
16 the language about malice should be inferred
17 because a deadly weapon is used. I think that
18 language needs to be removed, Your Honor.

19 MR. O'REILLY: Your Honor, that is the case of
20 State v. Burdette.

21 THE COURT: You want to remove a deadly weapon
22 is an article or substance which --

23 MR. CONRAD: I'll find the exact language,
24 Your Honor.

25 THE COURT: You want to remove inferred malice

1 may also arise when the deed is done with a deadly
2 weapon?

3 MR. CONRAD: Yes, Your Honor.

4 THE COURT: So you want me to take all of that
5 out?

6 MR. CONRAD: I think so, Your Honor. Yes. I
7 think that is what the State v. Burdette case, it
8 is an appellate case, Supreme Court case, we have
9 the Westlaw cite, but it is so new we weren't able
10 to print it. It is 2019, this year, but it
11 specifically says that that language, while
12 obviously the State can argue to the jury that
13 because a deadly weapon was used that malice is
14 inferred, that that should be left out of the jury
15 instructions, jury charges.

16 MR. BELL: No objection.

17 THE COURT: All right. So the only thing I am
18 going to take -- so the only thing I am going to
19 say is malice may be inferred from conduct showing
20 a total disregard for human life. Inferred malice,
21 all about deadly weapon.

22 MR. CONRAD: Yes, all that language needs to
23 be removed.

24 THE COURT: That comes out. Then it goes to,
25 As jurors, it is for you to decide this case beyond

1 a reasonable doubt. We have got to take the stuff
2 out, An automobile can be used as a deadly weapon.

3 MR. CONRAD: Yes, Your Honor.

4 THE COURT: Okay.

5 MR. CONRAD: Mr. O'Reilly has the next thing.

6 MR. O'REILLY: Your Honor, on Page 22, it
7 looks like it is talking about domestic violence, a
8 high and aggravated nature, violent crime. The
9 State would ask that that say murder and burglary
10 in the first degree.

11 THE COURT: Where?

12 MR. O'REILLY: Page 22.

13 THE COURT: What section?

14 MR. O'REILLY: I guess the page I'm looking at
15 is the end of possession of a weapon during a
16 violent crime.

17 THE COURT: Yes. You have to take that out.
18 You have to put murder and --

19 MR. O'REILLY: Burglary in the first degree.

20 THE COURT: -- burglary in the first degree
21 there.

22 All right. Yes, sir?

23 MR. O'REILLY: And, Your Honor, on Page 27 it
24 says -- there is a section, individual opinion of
25 each juror. The State would ask that to be taken

1 out as it times like it is premature. It sounds
2 like an Allen change. I don't think it is
3 necessary just yet. I just don't -- I don't know
4 if you want it in there, but the State doesn't
5 believe it is necessary at this point.

6 MR. BELL: Is the State referring to the: If
7 guilty, say so; if not, say so?

8 MR. O'REILLY: Page 27, individual opinion of
9 each juror.

10 THE COURT: I was trying to find that. It is
11 in here.

12 MR. BELL: Judge, we prefer that remain in.
13 That actually goes towards one of our questions.

14 THE COURT: Page 25?

15 MR. O'REILLY: I don't know if it has been
16 updated since last night.

17 THE COURT: On mine it says, The State and the
18 Defendant are entitled to the individual opinion of
19 each juror on the issues of fact in the case. It
20 is the duty of each of you to consider and weigh
21 all the evidence in this case and from such
22 evidence determine, if you can, the question of
23 guilt or innocence.

24 I think that is appropriate.

25 MR. O'REILLY: Yes, Your Honor.

1 THE COURT: Because they each have to consider
2 it, and then they all have to collectively try to
3 see if they can come up with a decision.

4 MR. CONRAD: I'm sorry, Your Honor?

5 THE COURT: Oh, no. I said that is straight
6 from the judicial desk book, and also the
7 individual opinion of the jurors, each of them are
8 to have their individual --

9 MR. CONRAD: Understood, Your Honor.

10 THE COURT: They are entitled to have their
11 individual opinion. So that is correct under the
12 law.

13 MR. CONRAD: Understood, Your Honor.

14 The other thing that gives us some concern is
15 on, at least last night's copy we have, is Page 15,
16 labeled proximate cause.

17 MR. O'REILLY: It is after reasonable doubt,
18 or I guess, I'm sorry, intent.

19 THE COURT: Yes, sir?

20 MR. CONRAD: I guess the State's concern is
21 that this just does not seem to be an issue in this
22 trial. I mean, I don't think there is any
23 contention over the manner of Charles Kusko's
24 death, what caused his death, and really even, you
25 know, who pulled the trigger, on who actually

1 pulled the trigger that killed Charles Kusko.

2 So I am just a little concerned that might
3 cause -- has potential to cause some confusion to
4 the jury.

5 THE COURT: Any position?

6 MR. BELL: No, Your Honor. I also think it
7 would be confusing to the jury. We have no
8 objection to removing it.

9 THE COURT: No objection to removing it?

10 MR. BELL: Yes, Your Honor.

11 MR. CONRAD: And the final thing from the
12 State is, I did say earlier, I don't know if you
13 drafted it yet, but the voluntary intoxication
14 charge.

15 THE COURT: Is there one in the desk book? I
16 think there is. Give me a second.

17 (Pause.)

18 THE COURT: Basically you wanted: Voluntary
19 intoxication is not a defense to a crime. A person
20 who voluntarily becomes intoxicated is just as
21 responsible for the acts committed while
22 intoxicated as when a person is not intoxicated.

23 MR. CONRAD: That is what the State is
24 seeking, Your Honor.

25 MR. BELL: No objection.

1 THE COURT: All right. So we will add
2 voluntary intoxication.

3 Anything else from the State?

4 MR. EATON: I think we have agreed on the
5 death penalty issue. I think we are both okay with
6 if it says: The Defendant in this case is not and
7 will not face the death penalty.

8 THE COURT: All right.

9 MR. EATON: Is not facing and will not face,
10 is the proper sentence.

11 THE COURT: Let me find --

12 MR. EATON: It may be under the penalty
13 section or something.

14 THE COURT: Let me --

15 MR. EATON: Maybe you should say, The death
16 penalty was mentioned in this trial. The Defendant
17 in this case is not facing and will not face the
18 death penalty.

19 THE COURT: Any objection to that?

20 MR. BELL: I am just trying to play it back in
21 my head. That this Defendant is not and will not
22 face the death penalty, is that what you are
23 requesting?

24 MR. EATON: Yes, is not facing and will not
25 face.

1 MR. BELL: No objection to some clause that is
2 a close variation of that.

3 THE COURT: The Defendant in this case has not
4 and will not?

5 MR. EATON: I think -- well, probably is not
6 facing and will not face. Is that logical?

7 MR. BELL: No objection.

8 THE COURT: All right.

9 MR. BELL: Judge, just as primarily some
10 housekeeping issues with the charges. One we
11 mentioned earlier, on Page 10 of the draft we got
12 last night, it says hand of one. If you do intend
13 to submit these to the jury or read the headings
14 out loud, I just ask that you change it to a
15 traditional title, which is accomplice liability.
16 I think it just a little less ambiguous for the
17 jury.

18 THE COURT: But the substance of, it does say,
19 hand of one, hand of all.

20 MR. BELL: It does, Your Honor. It is -- I
21 think the actual language is, it is commonly
22 referred to or also known as, but the traditional
23 legal term is accomplice liability.

24 THE COURT: That's fine. Any objection?

25 MR. CONRAD: No, Your Honor.

1 MR. BELL: The other is, I think intent, the
2 intent section is actually duplicated on accident.
3 I think there is an intent section located on Page
4 14 and also an intent section located on 22. We
5 would ask that --

6 THE COURT: She said she caught that and
7 changed it. So it is on 14 --

8 MR. BELL: And 22.

9 THE COURT: So you took it out on Page 22?
10 Okay, she took it out on Page 22.

11 MR. BELL: Thank you, Judge. Finally, on
12 Page 28, the "if guilty, say so; if not, say so"
13 section, we just ask that both the first part and
14 the last part mirror each other so: If the accused
15 be proved guilty beyond a reasonable doubt, say so;
16 if the Defendant is not proved guilty beyond a
17 reasonable doubt, say so. I just want to make sure
18 that the language of beyond a reasonable doubt is
19 on both the proved guilty and proved not guilty
20 part, or not proved guilty part.

21 THE COURT: You want to say, If the accused
22 be -- if not so proved guilty beyond a reasonable
23 doubt, say so?

24 MR. BELL: Yes, Your Honor.

25 THE COURT: Any objection to that?

1 MR. EATON: No, Your Honor.

2 MR. BELL: That's all from Defense.

3 THE COURT: If not so proved guilty beyond a
4 reasonable doubt, say so. Right?

5 MR. BELL: Yes, Your Honor.

6 THE COURT: If the accused be proved guilty
7 beyond a reasonable doubt, say so; if not so proved
8 guilty beyond a reasonable doubt, say so.

9 MR. BELL: Yes, Your Honor.

10 THE COURT: All right. And that is
11 everything?

12 MR. BELL: From the Defense, yes, Your Honor.

13 THE COURT: And the verdict form? Did you
14 make extra copies? We'll get you all copies. It
15 reads: State of South Carolina, County of
16 Richland. And it has all the indictment numbers.
17 I'm not sure what the indictment numbers are. On
18 his witness list --

19 MR. O'REILLY: Yes, on our witness list, they
20 are the wrong numbers.

21 THE COURT: Yes. So it is 2017-GS-40- and
22 then you put 7158, and then next one is 7162.
23 Okay.

24 It reads: Please circle the appropriate
25 verdict below and the following accompanying

1 instructions.

2 As to the indictment alleging murder: We, the
3 jury, unanimously find the Defendant, and it is
4 guilty, not guilty right next to each other. So
5 one is before the other. They are right with each
6 other.

7 As to the indictment alleging burglary first
8 degree: We, the jury, unanimously find the
9 Defendant guilty, not guilty. They are right next
10 to each other.

11 As to the indictment alleging conspiracy: We,
12 the jury, unanimously find the Defendant guilty or
13 not guilty.

14 As to the indictment alleging possession of a
15 weapon during the commission of a violent crime:
16 We, the jury, unanimously find the Defendant guilty
17 or not guilty. And the presiding juror will sign
18 and date.

19 And we'll give you all a copy.

20 Anything else before we take a break?

21 MR. BELL: Judge, as to the verdict form, we
22 just want to make sure that there is some directive
23 language on there that should they find not guilty
24 as to murder, not guilty as to burglary, then they
25 do not have to consider the possession of a weapon

1 during a violent crime, so they don't feel like
2 they are sitting back there wondering about that.

3 THE COURT: Good point. So under -- normally
4 what I do under Number 3 -- I know that has been --
5 it should be in the jury charge. So that language
6 is in there. I read it to them. And I can add it
7 on here if you want me to, or I can just explain it
8 to them when I go over the verdict form, but I do
9 read it to them in the jury charge. It says: In
10 order to find the Defendant guilty, and so I can
11 say that to them, or if you all want me to print it
12 in there, I can do that too.

13 MR. BELL: Your Honor, we are good with just
14 the instruction in the jury charge.

15 THE COURT: Okay. And then I will remind them
16 of that when I give them the verdict form.

17 MR. BELL: Thank you.

18 THE COURT: Okay. All right, so we will see
19 you all around 2:30, 2:45.

20 (WHEREUPON, a break was taken at 1:48
21 p.m.)

22 (WHEREUPON, the proceedings resumed at
23 2:53 p.m.)

24 *****

25 (****PENNY?)

1 THE COURT: Are you ready?

2 MR. EATON: Yes, Your Honor.

3 THE COURT: Just by way of -- we -- once I
4 begin the jury charge, they will lock the doors and
5 you will not be able to leave. So if you feel like
6 you need to use the restroom or something, please
7 do it before we start the jury charge because you
8 will not be able to leave. Once the jury charge
9 starts, the bailiffs will lock the door.

10 All right. Bring them on in.

11 (WHEREUPON, the jury came into open
12 court at 2:54 p.m.)

13 THE BAILIFF: The jury is all present, Your
14 Honor.

15 THE COURT: All right, ladies and gentlemen of
16 the jury, I hope that you had a good lunch.

17 At this time, as I stated, we are ready for
18 closing arguments. First you will hear from
19 Mr. Eaton.

20 MR. EATON: Yes, Your Honor.

21 THE COURT: On behalf of the State. And then
22 you will hear from Mr. Myers, on behalf of the
23 Defendant. And then if there is any rebuttal, you
24 will hear from Mr. Conrad. And following that, you
25 will -- we will have the charge on the law from the

1 Court.

2 Please pay close attention to the attorneys
3 during their closing arguments, and then I will get
4 back with you all after that on the charge on the
5 law.

6 All right. Thank you.

7 MR. EATON: May it please the Court, Your
8 Honor?

9 THE COURT: Yes, sir.

10 **CLOSING ARGUMENT**

11 MR. EATON: Ladies and gentlemen, at the
12 beginning of this trial, Mr. O'Reilly told y'all
13 that the hands of two people came together to take
14 the life of Charlie Kusko. The hands of two people
15 combined to commit this act of betrayal, of evil,
16 and of cowardice. Brandon Barham and Floyd Owen
17 were the left hand and the right hand that took
18 Charlie Kusko's life. And in doing so, they took a
19 father from his daughters. They had the right to
20 have their father in their life for them to -- for
21 their father to watch them grow, watch their
22 successes and their setbacks, watch their families
23 grow.

24 And I don't care what anybody says about
25 Charlie Kusko, but he's not on trial here today.

1 And those ladies have the right to hold their dad
2 in highest esteem, when he was alive and in their
3 memory. All of us want our children to hold us in
4 that kind of esteem. And when they're little, they
5 look at us and think that we're perfect, then they
6 realize we're not. But then when we're older and
7 they realize we have faults, they still hold us in
8 that kind of esteem, as they should.

9 But Charlie Kusko is not on trial. Andrew is
10 not on trial. Brandon Barham is on trial. So at
11 the end of the day, ladies and gentlemen, this case
12 is fairly simple. It is fairly straightforward.
13 So if you feel like I have belabored this in any
14 way, I apologize, but I want to explain to you why
15 I have to do that.

16 I'd love it if I could just put the lead
17 investigator on the stand to say, Hey, man, were
18 there some bullets? Was there some DNA? Did y'all
19 do some phone records?

20 Well, first off, the Rules of Evidence don't
21 allow for that. They are very specific in making
22 sure that the things that come before the jury are
23 the things that should come before the jury. So I
24 have to go through all the steps as part of the
25 system and this process, as it should be. It can

1 take a long time, as you saw.

2 Secondly, it is very important that y'all know
3 that this case is not just about Floyd. You've got
4 to believe Floyd, but it's not just about Floyd.

5 Mr. Myers brought up Churchill in his opening,
6 and I'm glad he did, because Churchill said
7 something else. He said, A lie will make it
8 halfway around the world before the truth has a
9 chance to get its pants on.

10 But the truth was hard to come by in this
11 case. And Investigator Reese did what he was
12 supposed to do. Investigator Richbourg didn't jump
13 to conclusions. Investigator Reese didn't jump to
14 conclusions. Excuse me for pointing. They didn't
15 run out and arrest Brandon just because they heard
16 from James, just because he had a truck, just
17 because they had phones, just because they talked
18 to Jessica. It was only after talking to the
19 person himself who did it and was there. So there
20 was no wishing or imagining or wanting at that
21 point. At that point, it was a complete
22 investigation with a full confession.

23 So I'd like to talk about what law enforcement
24 does in that context. We talked about on the
25 stand -- Investigator Reese talked about on the

1 stand learning something and then going out to
2 check around to see if it adds up. Corroboration.
3 Consistency. Is all this stuff adding up? And I'd
4 like to talk to y'all about the consistencies in
5 this case.

6 So almost everything in this case that the
7 State relies on is confirmed and corroborated in
8 multiple ways. Brandon was owed money by Charlie.
9 Laurin said it. Floyd said it. Neal Lourie
10 definitely said it, y'all. Think back to what
11 Neal, Mr. Lourie, said on the stand about that
12 money. He said that up to and after Charlie's
13 death, they were still back and forth about the
14 money. And he said to them, One of y'all is lying.
15 I have got to get you both in here to talk to you.

16 Why did Brandon tell police he didn't owe any
17 money? Why is he still trying to make it sound
18 like on the stand like he didn't owe him money? At
19 least Andrew admitted to all this problems with the
20 victim. Why did Brandon do that?

21 Brandon, himself, says he was with Floyd the
22 night of the murder. Jenny said it. Jessica said
23 it. Floyd said it. And Brandon said it. That
24 they left Jenny's house that night together. They
25 all said that too. Floyd, Brandon, and Jenny were

1 doing hard drugs. Well, Brandon and Floyd said
2 they were doing coke, and Jenny said everybody was
3 doing meth. Everybody either doesn't remember what
4 drugs they were doing or denies it.

5 Why did Brandon first say -- he first said to
6 police, I wasn't doing drugs. Then they were like,
7 No, man, we're not narcs, we're homicide police.

8 He said, Okay.

9 They said, Were y'all doing cocaine?

10 He said, Yes.

11 Yet, he still got on the stand before y'all
12 and had the audacity to -- when asked by his
13 attorney if he were doing drugs, and he said, They
14 were. I guess he forgot that he told the police,
15 Yeah, we were.

16 Were y'all doing drugs? Yeah.

17 And then he sort of admitted it. I mean, in
18 and of itself, I'm not saying that that's, you
19 know, enough to convict him, but why is he lying
20 about that too? I submit to you that it's because
21 part of why they did this is because they were so
22 messed up. They were so out of their minds, like
23 Floyd said on the stand.

24 That Brandon own a white pickup truck with a
25 long bed single cab. He owned the truck and the

1 VIN matched the DMV records.

2 That Brandon and Floyd turned off their phones
3 or did not use them. Well, the Secret Service and
4 SLED told us that, yes, in fact, consistent with
5 what Floyd said, that we cut our phones off and
6 took the batteries out, their phone records stopped
7 having activity that night. Yes, there's other
8 possibilities, but it is consistent with what he
9 said.

10 That they left in Brandon's truck. Floyd
11 says -- and keep in mind, y'all, Floyd doesn't know
12 what the police know when he confesses. CPD is not
13 putting out press releases saying, There's DNA on
14 the doorknob, we have a video from Zesto's. He
15 doesn't know any of that. That he went in through
16 the porch. Confirmed by the scene. Corroborated
17 by the scene. Consistent. Through that screen.
18 Stated he broke the window. Consistent with the
19 scene. That he went out the front door.
20 Consistent with the DNA left on the front porch.

21 Let's talk about the DNA. Floyd doesn't know
22 that the police have his DNA on the door. He
23 doesn't know that. And if it were just about DNA,
24 Floyd would have been there, Brandon would have
25 been there. Even the victim's own DNA wasn't on

1 the doorknob. So DNA is hit or miss. He could
2 have still said Brandon did it at that point if he
3 was going to lie on Brandon.

4 That Floyd went to the back bedroom with a gun
5 and executed Charles with two shots. Confirmed.
6 We've got the bullets. The pathologist you heard
7 from. They used a pillow as a silencer. The
8 pillow is in evidence and consistent with what he
9 said.

10 That the gun was in the passenger side of
11 Brandon's truck. Lo and behold, both Andrew and
12 Floyd said that.

13 That the gun was a silver chrome handgun.
14 Andrew, Floyd, and Jessica.

15 And I'd like to talk about that for a brief
16 moment. Now, let's think about this. Was there
17 really a discrepancy in what Jessica said about
18 that? She said Andrew might have had something to
19 do with the gun. He might have said that he liked
20 it.

21 Well, didn't Andrew say that Brandon came over
22 with the gun, that it came out of this little
23 binder that he had, that he handled it? Isn't it
24 totally logical that that's precisely what
25 happened?

1 Let me tell y'all something about when people
2 make up stories, when people get together and make
3 up a story. What happens is everything is
4 identical. That is less realistic than that. Of
5 course, some things are going to be slightly
6 different. But they weren't all talking to try to
7 get this thing straight.

8 The white truck is moving slowly around the
9 victim's house at the time of the murder. Floyd,
10 who didn't know there was a video, and the video.
11 Now, let's think about that. If Floyd had actually
12 gone down there in the Blazer, here's what he would
13 have had to have thought at the time. And not just
14 at the time he talked to the police, but way back
15 when he talked to Jessica.

16 He would have had to thought to himself, Hum,
17 I went down there in the Blazer, but I'll tell them
18 that I went down there in a single cab long bed
19 Chevy 1500 and I'll just hope that there's a video
20 of a single cab long bed Chevy 1500 down there
21 around the time creeping around Mr. Kusko's house.

22 That doesn't make any sense. It doesn't make
23 any sense because Floyd and Brandon went there in
24 Brandon's truck. He was telling the truth to
25 Jessica, to James, and to the police.

1 That Brandon drove away in the truck and
2 waited. Floyd said Brandon was in the yard. That
3 he came out and Brandon wasn't there. That the
4 truck wasn't right where he left it.

5 Look at the video. You see the truck come out
6 of Budon, goes down that little side street, I
7 think it was Bagnol -- Bagnol -- gone for five
8 minutes, comes back, sits there for a full minute.
9 And then we see it go out of the sight of the
10 camera again. Completely consistent with what
11 Floyd said happened. He couldn't have been driving
12 that truck while he was in there killing Charlie.

13 That Floyd told Jenny about the murder. Jenny
14 Baker, y'all. I think we have got to put this in
15 context and understand that this is a case about a
16 conspiracy to commit murder and a murder itself.
17 So the day that conspiracies to commit murder and
18 murder are carried out in heaven will be the day
19 that I put angels on the stand to testify about it.
20 Of course these are shady people. Of course they
21 are. They are the ones who are involved with Floyd
22 and Brandon, who are in these circles.

23 So we heard from Jenny as well, and her story
24 was largely consistent.

25 Floyd told Jessica James that he and Brandon

1 killed Charles. So back then, in 2015, in Five
2 Points, when Floyd is talking to Jessica, he's
3 having nightmares. He's pouring his heart out to
4 his lover, pillow talk, I can't live with what I
5 have done. And the Defense would have you believe
6 that at that point, at that point, he was trying to
7 get some benefit by throwing Brandon into it. No,
8 he wasn't. He was telling the truth, just like he
9 told the truth up on the stand.

10 You know, Andrew is a red herring in this
11 case. And, you know, Mr. Myers brought up
12 something that his grandma said. And I'm going to
13 talk about my grandma too. I think if our
14 grandmas, all of our grandmas knew how many
15 appearances they have made in criminal court in
16 Richland County, I don't know what they would
17 think. My grandma was from rural Mississippi. No
18 word was safe from her adding extra syllables to
19 it. My name is Vance and she would call me
20 Vay-ance. It was somehow a two-syllable word all
21 of a sudden.

22 I remember going to her house when I was
23 little, and among the things that she had that I
24 was very interested in was a shelf that had these
25 little snow globes on it. And y'all know what

1 those are. They've got a glass orb and something
2 decorative in the middle and all this artificial
3 snow. And it was fun as a kid to pick up every
4 single one and shake them up and then watch it
5 settle.

6 When we talk about Andrew and that Blazer, the
7 Defense is taking that snow globe and just shaking
8 it up so that you can't see the truth, so that you
9 can't see what's in there.

10 Andrew didn't do this. And if we had evidence
11 that he had something to do with it, we'd charge
12 him with it.

13 Let's talk about the burglary of the
14 apartment. Brandon knew that he could get his
15 stupid, wild, and crazy friend to do this, just
16 like in the burglary. And he thought, like in the
17 burglary, he could get away with it. He got away
18 with the burglary. Floyd took the fall for it.
19 Really, all we know about the burglary is what the
20 two of them said. Does it make any sense for Floyd
21 to just, out of the goodness of his heart, go break
22 in and steal Brandon's stuff for him, a place he
23 had never lived? It doesn't make any sense.

24 Ladies and gentlemen, I want to go through a
25 few things about the law, and I will be wrapping up

1 soon. The judge is going to tell you about the
2 law, but I want to give you a preview of what
3 you're going to hear about. They are charged --
4 Brandon is charged with the conspiracy. This is
5 combining with another person for the purpose of
6 committing an unlawful act. When you say, Let's go
7 kill my uncle, that's criminal conspiracy.

8 Burglary in the first degree. And I'll
9 summarize that. You can read it if you want.
10 That's going in someone's dwelling in the nighttime
11 or when you end up hurting a person in that home.
12 And in here, we have both of those things. And
13 armed with a deadly weapon. We have all three of
14 them. That's burglary in the first degree.

15 Murder, the killing of another person with
16 malice afterthought, expressed or inferred.

17 Now, when Floyd's hand pulled that trigger,
18 Brandon might as well have pulled it under the law
19 of this state. And we're going to talk about that.
20 But the malice in Floyd's heart is Brandon's
21 malice. It's also his under the law. There's no
22 question that Floyd killed Charlie.

23 And, finally, of course he's charged with
24 possession of a weapon during the commission of a
25 violent crime. He, in fact, possessed it. He

1 handed it to Floyd. Burglary and murder are
2 violent crimes. So during the burglary, during the
3 murder, he possessed a weapon.

4 You're going to hear from the judge as well
5 that voluntary intoxication is no defense. And
6 what that means is, even if you're doing cocaine,
7 even if you're really drunk, that's not a defense
8 to a crime. So you're still responsible for what
9 you do when you're on drugs and drinking alcohol.

10 The State has the burden of proof. The State
11 has to prove to you beyond a reasonable doubt that
12 Brandon committed these crimes. Let me just say
13 that there's not one specific thing that amounts to
14 proof beyond a reasonable doubt. And, in theory,
15 Floyd's testimony alone could be that. If you
16 believe him, it's enough. It's enough to convict.
17 In fact, if you believe him, you must convict
18 Brandon.

19 The fact that there's burden of proof, though,
20 doesn't mean that everything has to be proved to
21 such degree that there's no doubt. The judge is
22 going to say there are few things we know with
23 absolute certainty. So not only do we have Floyd,
24 but we have all those consistencies with what he
25 said.

1 Mr. Myers talked about the oath y'all took as
2 jurors and the oath you took as an officer. I took
3 that same oath with Mr. Conrad. And as an Army
4 officer, I've been to Iraq. I've seen a couple
5 places where human life has less value, where
6 people can kill with impunity, commit murder and
7 get away with it. So in the trackings of this
8 system that we have here in this courthouse with
9 constitutional protections, attorneys, judges,
10 prosecutors, along with all that, we hope that at
11 the end of the day this system takes evil out of
12 the dark, that evil can't lurk in the yard, that
13 evil can't come in the house, that evil can't kill
14 you in your bed.

15 And so reasonable doubt doesn't mean that you
16 saw it, that it was captured on video. Reasonable
17 doubt means we believe Floyd and all the evidence
18 is consistent. And if that is the case, then you
19 must convict Brandon of the crimes.

20 Finally, y'all, is the hand of one. I would
21 respectfully ask y'all to listen very closely when
22 the judge reads this. Under our law, the hand of
23 one is the hand of all. A crime committed by two
24 or more persons acting together, the act of one is
25 the act of all. A person who joins with another to

1 commit an unlawful act is criminally responsible
2 for everything done by the other person which
3 happened as a probable or natural consequence of
4 the acts done in carrying out the plan.

5 So what that means is that the left hand --
6 when the left hand drives the truck and the left
7 hand provides the gun, when the left hand lurks in
8 the shadows in the front yard as the lookout, and
9 then the right hand pulls the trigger, both of
10 those hands under the law of this state are
11 responsible and are just as guilty, one as the
12 other. That's the law of South Carolina. That's
13 the law you are going to hear from the judge.

14 At the end of the day, y'all, you do have to
15 believe Floyd. Think back to why Floyd would ever
16 put Brandon in this back in 2015. Why would he
17 ever protect Andrew to this extent? Brandon is the
18 one that's his friend. They were still friends,
19 before, during, and after. Brandon happened to
20 have a .45 before and after the murder. Floyd had
21 no reason to lie on Brandon. And he sat there a
22 broken man. He sat there before y'all with no
23 fight left in him. It's coming to him no matter
24 what. No matter what, it's coming to Floyd. But
25 don't let Brandon get away with it. Don't let

1 Brandon get away with it.

2 After you consider all the evidence, I'd ask
3 you to find Brandon guilty of murder, burglary in
4 the first degree, conspiracy, and possession of a
5 weapon during the commission of a violent offense.

6 Thank you.

7 THE COURT: Thank you.

8 Yes, sir?

9 MR. MYERS: Thank you, Your Honor. May it
10 please the Court?

11 CLOSING ARGUMENT

12 MR. MYERS: Folks, there's one thing
13 Mr. Eaton, Mr. Conrad, Mr. O'Reilly and I can agree
14 on, and that is, evil lurks within our society.

15 Now, Mr. Eaton is right. He was in Iraq. I
16 was in Afghanistan. We have both seen some things.
17 I didn't leave anything over there, and I'm pretty
18 sure he didn't either. The problem we have is that
19 when you recognize evil, why do you then make a
20 deal with it? Why then do you turn around and give
21 evil a chance to come back into society? And
22 that's exactly what the State of South Carolina has
23 done in making a deal with Floyd Owen.

24 Now, I told you earlier that this case was
25 about several things. One thing that the State has

1 glossed over, one thing that I'll come back to is,
2 What happened to the dog? Think about that. And I
3 will come back to it.

4 Earlier this week, I asked you to have an open
5 mind. I told you that a trial was a search for the
6 truth. I told you that we would try to get to that
7 truth. I told you that you have to have an open
8 mind because throughout the trial, we lawyers are
9 trying to do all these things to make it real easy
10 for you to come up with all these themes and all
11 these theories.

12 And one of theories that impregnates this case
13 is confirmation bias. And I told you that what a
14 person wishes to be true, he or she ultimately
15 believes it to be true. What that means is that
16 sometimes when you look at things and your mind is
17 all made up, you don't want to clutter it with the
18 facts. No matter whether or not those facts are
19 staring you right in the face, you still don't want
20 to pay attention to it. And that's exactly what
21 happened here.

22 You had investigators, albeit -- listen, we
23 depend on our law enforcement officers to do a lot
24 of different things. We depend on them to come in
25 and go to places that we, ourselves, wouldn't want

1 to go to. We depend on them to do things we,
2 ourselves, wouldn't do. I'm not saying that
3 Investigator Reese's job was easy. I'm not saying
4 Investigator Richbourg's job was easy. But what I
5 am saying is that before you put a person on trial
6 for their life that you want to make sure that a
7 jury has enough evidence to convict him beyond all
8 doubt.

9 Now, I'm not going to spend too much time
10 going over it, but I think that it is important
11 that we highlight the facts and we just go very
12 briefly, because when you look at a case, you look
13 at the credibility of a case, you look at the
14 believability of witnesses, because a believable
15 witness is a credible witness. Therefore, what
16 makes most the most sense? Who told the most
17 credible story?

18 The first witness you heard from was James Jay
19 Jones. He was the first individual who called for
20 a welfare check in 2015. He was a former police
21 officer. He said, according to him, he couldn't
22 tell whether or not the crime was committed by one
23 or two individuals. He told law enforcement that,
24 Hey, I think Andrew Kusko is a suspect. He said
25 that because he knew Andrew and he knew Charles.

1 And he knew that Andrew and Charles had had a
2 dispute that Friday before.

3 The next set of witnesses were the First
4 Responders. They came in and they basically told
5 you that the house was not rummaged as if there was
6 a robbery. There's been this whole talk about
7 Brandon being owed money from Charles but yet there
8 was no allegation of any sort of robbery, that
9 things were flipped over, or money was sought
10 after.

11 They also told you that they had to call
12 animal control because of the aggressive dog. We
13 know now that the dog was a beagle, that the dog
14 was very defensive, it was very defiant to the
15 point that they had to contact animal control.

16 The last thing you got from the First
17 Responders was there was no forensic evidence
18 whatsoever that ever pointed to Charles Brandon
19 Barham.

20 Then you heard from Susan Cromer. She was a
21 firearms analyst, who basically said she identified
22 the projectiles from the victim as being semi-wad
23 cutters, which do not have a hole in the top. That
24 was important because it then contradicted Andrew's
25 statement of saying he described the bullets as

1 hollow points. And the difference between a wad
2 cutter and a hollow point is that the hollow points
3 do have a hole in the center of them.

4 Then you heard from the coroner. The coroner
5 basically told you that there's no such thing as a
6 time stamp of death. Law enforcement wants to put
7 this timeline on it to basically say, Hey, this is
8 when we know that Charles Kusko was killed. Well,
9 the coroner, through his scientific evidence, said
10 you really can't put a timestamp on it. There's a
11 12-hour window in which he could have been killed.

12 Now, we knew Charles Kusko was alive at around
13 3:00 o'clock because that's when he left the bar
14 and his truck was seen going to his house. But
15 other than that, there is no definitive timeline as
16 to when Charles Kusko died. The coroner also said
17 there were no signs of a struggle or defensive
18 wounds.

19 You heard from my cohort, Neal Lourie. He
20 said that he knew that there was a dispute between
21 Charles and Andrew.

22 If you remember, Mr. Eaton asked Mr. Lourie,
23 Are you aware of a dispute between Brandon and
24 Charlie?

25 He said, I knew there was a dispute over

1 \$1,900.

2 But then when I asked him, I said, They didn't
3 ask you a question about a dispute between Charlie
4 and Andrew.

5 And he said, Yeah, there was a dispute. That
6 Charlie was actually concerned because he had a
7 confrontation with Andrew, and that concerned him.

8 Now, what's more relevant, a dispute between
9 an uncle and a nephew over \$1,900 when they have a
10 relationship, that if he had killed the man, he
11 wouldn't have gotten money, that it was just common
12 practice that they basically just went back and
13 forth and did work, or the fact that Andrew Kusko
14 was so upset that he came to the man's house that
15 Friday and they had an altercation to the point
16 where Neal Lourie himself was even concerned about
17 it?

18 But he also said that Brandon was civilized in
19 which he was asking for money. People are owed
20 money all the time. That doesn't mean that they
21 have a motive to go out and kill an individual.
22 That doesn't mean that they develop a depraved
23 heart or malicious heart to try and hurt somebody.
24 It doesn't make sense.

25 Then you heard from the DNA analyst, who

1 described testing numerous swabs submitted by CSI
2 from locations both interior and exterior. And
3 their ultimate conclusion was nothing came back to
4 Brandon Barham.

5 The cell phone folks, nothing conclusive.
6 They said, Yeah, one thing is that they appeared to
7 have traveled in three different areas, but they
8 gave you no historical data. They basically just
9 gave you a snapshot of what Brandon did on one day.
10 That his cell phone was off at 9:39 p.m. and then
11 it didn't come back on or it had no activity until
12 later on. That wasn't information of saying he
13 turned his phone off. It definitely wasn't any
14 evidence that he took batteries out. They want to
15 try and bring that in to suggest to you that, Hey,
16 they tried to do this covert operation. But the
17 cell phone data gives you absolutely nothing. They
18 want you to believe that you know just because
19 where the phone is you also know where the person
20 is.

21 Folks, the problem is that there's one
22 individual that you don't even know where he was
23 because when he was asked to give his cell phone up
24 or his cell phone number, there's testimony that he
25 didn't even give that to them. He gave his wife's

1 telephone number. So we don't even know where
2 Andrew Kusko was.

3 And I want to make one thing clear, I am not
4 suggesting to you that Andrew Kusko was the other
5 individual -- that he was inside that house. I'm
6 not telling you that Floyd Owen is lying about that
7 part. We believe that Floyd Owen shot and killed
8 Charles Kusko in cold blood, but we believe that
9 the evidence -- if you're going to charge Brandon
10 Barham, there is certainly enough evidence to also
11 charged Andrew Kusko. Because, again, when you
12 talk about all the things that add up, it just
13 doesn't add up that you would charge Brandon and
14 just overlook Andrew Kusko.

15 Here he is. Andrew Kusko, a/k/a, Midget. You
16 heard the testimony from Jessica James as to where
17 she said that Floyd got the gun from. You've heard
18 all the testimony from Andrew Kusko. The other
19 thing is, in addition to the cell phone, you heard
20 the evidence of the white Chevy Blazer. And why
21 was that important? I know they don't want us to
22 talk about it, I know they don't want us to bring
23 it up, but this photograph was given to us by the
24 State at the time in which Investigators Reese and
25 Richbourg had already made up their mind and they

1 weren't even trying to keep an open mind as to who
2 else it could be or whether or not there were any
3 possible theories out there other than the one that
4 they tried to bring to you.

5 Because here in this exhibit, Defendant's
6 Exhibit Number 1, you clearly see at the time on
7 Sunday, 9/6/2015, at 4:53, you see a white Blazer
8 going towards Charles Kusko's house.

9 Now, I would think that that's pretty
10 important information from an investigator because
11 before they come to you and ask you to render a
12 verdict that is going to impact an individual's
13 life, they ought to resolve all doubt so they can
14 come to you and say, Look, we looked at that white
15 Blazer, here's what we looked at, here's what we
16 determined, and it wasn't Andrew Kusko, it wasn't
17 there, we don't know why it's even being brought
18 up.

19 But you heard Investigator Reese say that
20 until this week -- this case has been pending for
21 two years -- that until this week they never even
22 thought about this white Chevy Blazer.

23 Now, is that the kind of society we want to
24 live in? Is that the kind of burden that you want
25 to have? That law enforcement is supposed to have

1 the burden of proof, but they want to put their
2 lack of investigation on you to ultimately make the
3 decision?

4 Ms. Jessica James. She, herself, said her
5 story was full of shit. Basically said she didn't
6 tell the truth the first or the second time. And I
7 apologize if that offended you. But, again, it's
8 not from my lips, it's from her lips. But she says
9 herself that the gun belonged to Brandon, but that
10 Floyd got it from Midget, even after law
11 enforcement tried to clarify it. She didn't say it
12 was from Brandon until after meeting with the
13 Solicitor's Office on two occasions.

14 Third bullet, says that that boy has my heart.
15 Talking about Floyd Owen, that that boy has my
16 heart. You can interpret that however you want to.
17 All we know is that we know that Floyd didn't come
18 clean until he knew that they were coming after
19 Jessica James. And then she, in her protection of
20 Floyd, is going to believe the lies and the things
21 that he has to say. And Jessica never said Brandon
22 was the lookout until she met with the Solicitor's
23 Office.

24 The spice queen. Jenny Baker. Federal level
25 drug trafficker. I told you that she would come to

1 you in prison garb. Now, here's an individual who
2 has everything in the world to try and help
3 herself. You heard about the downward departures.
4 You heard about the cooperation level. And I will
5 tell you as I'm standing here right now, it
6 happens. When you come into court and you tell a
7 story, you're going to ask your lawyer to file a
8 motion to give you some type of a benefit. But
9 even her story is inconsistent with Floyd Owen's
10 story. Floyd Owen even called Jenny Baker a liar.

11 So if you're going to believe Jenny Baker,
12 then you can't believe Floyd. If you can't believe
13 Floyd, you can't believe Jenny Baker. So at the
14 end of the day, they've got two individuals that
15 are butting heads, telling untruths and flat out
16 lies, but they want you to believe it enough to
17 convict Brandon Barham.

18 She also said that Floyd said Brandon was
19 never there for the conversations. You heard what
20 Floyd said about that. She had every incentive to
21 lie or to cooperate because she wants a reduction
22 in her time.

23 Floyd Owen. Folks, Floyd Owen dug his grave
24 in the Garden of Gesthamane years ago. There's
25 some people that just want to watch the world burn.

1 No matter what you do, how much you try to
2 rehabilitate them, that's just what they do.
3 That's how they are. That no matter how you try
4 and help them, they're not going to help themselves
5 and they don't belong in society. Floyd Owen has
6 fed everybody lies.

7 And you might ask yourself well, why would he
8 come in and put this on Brandon? Because you heard
9 the quote from Investigator Reese that I'll show
10 you momentarily, Because he's a snake, he's a rat.
11 He's an individual that doesn't belong in society.
12 And the State can say whatever they want to about
13 deals and bargaining. If they wanted to resolve
14 any doubt in your mind as to whether or not they
15 cut a deal with Floyd Owen, they should have
16 brought him here, pled him guilty, and had him
17 sentenced. There's a difference between saying
18 that, You are looking to do a gazillion years, or
19 him coming in saying, Well, I got a gazillion
20 years. We don't know what he'd get because they
21 basically left that open. They're going to use his
22 testimony to come back and mitigate his
23 circumstances at sentencing and say he cooperated.
24 And because of that corporation, his life is now
25 spared.

1 And we don't know what he's going to get, but
2 the fact that he says he could get a gazillion
3 years, I'm not even so sure a gazillion years could
4 be put on the sentencing sheet, but that's what
5 they want you to believe. They want to say he's
6 going to get all this time, but why not just do it
7 the right way? Get rid of that evil that's in this
8 society and say, Hey, Floyd, you got a hundred
9 years, and he comes in and tells you that, not him
10 trying to say, I didn't work out a deal with them.
11 That's disingenuous, folks. That's not how we
12 ought to do and that's not the burden we ought to
13 put on you. Talked about his conviction for
14 burglary. Talked about he has a pending charge for
15 armed robbery. Floyd Owen is a bad man. I will
16 tell you that if Brandon Owen -- or if Brandon
17 Barham was the same type of individual, you would
18 have heard it from the State. If he had all these
19 convictions, if he had all this stuff that Floyd
20 Owen has got going on, you would have heard it.
21 You didn't hear it because he doesn't have them.

22 Investigators Richbourg and Reese, this
23 confirmation bias. Once I got my mind made up,
24 please, don't clutter it with facts. I don't have
25 time for facts. I got my mind made up.

1 They also said that criminals make up stuff
2 all the time. We had a Michael Carter, who made up
3 a story on Brandon Barham, and now we've got Floyd
4 Owen, who's making up the story on Brandon Barham.
5 Because, unfortunately, folks, that's just what
6 they do. It's the bad side of society. It's one
7 that we hope our kids never have to see. But,
8 unfortunately, those individuals are out there.

9 The burden of proof chart. Folks, there are
10 all kinds of analogies and all kinds of euphemisms
11 that an individual can come up with regarding
12 burden of proof. I like to keep it very, very
13 simple.

14 When you go up this chart, it's not until you
15 get to the very top where you can say that Brandon
16 Barham is guilty beyond a reasonable doubt. And
17 it's easy if you start at the bottom, but when you
18 start asking yourselves questions like, Well, it's
19 very highly unlikely that Brandon did anything,
20 it's less than likely, probably not, unlikely,
21 possibly not, may not be, perhaps, suspected,
22 possibly guilty, probably guilty, guilt likely,
23 guilt highly likely. Even if you say guilt is
24 highly likely, your oath says that your verdict
25 must be that Brandon Barham is not guilty. Because

1 it's not until you resolve yourself of all doubt
2 that you can lay your head on that pillow at night
3 and know that, Hey, there's absolutely no doubt
4 that Brandon Barham --

5 MR. EATON: Objection, Your Honor. He's said
6 this many times, and that's a misstatement of the
7 law. The standard is not no doubt, any doubt, the
8 standard is beyond a reasonable doubt.

9 THE COURT: All right. Objection sustained.
10 Yes, sir.

11 MR. MYERS: The next thing you'll hear from
12 the judge is there circumstantial evidence because,
13 again, in order to convict Brandon, the State has
14 to rely on circumstantial evidence. There are two
15 types of evidence: Direct evidence and
16 circumstantial evidence. Direct evidence is what
17 you actually can see. But in this type of case,
18 they're doing it by way of circumstantial evidence.
19 They got to link pieces together to try and build
20 their case. So you're going to hear the judge say
21 that when she charges you with circumstantial
22 evidence, she's going to say, To the extent the
23 State relies on circumstantial evidence, all the
24 circumstances must be consistent with each other
25 and when taken together point conclusively to the

1 guilt of the accused beyond a reasonable doubt.

2 If these circumstances merely portray the
3 Defendant's behavior as suspicious, the proof has
4 failed. They've got to prove by all the evidence
5 these elements of murder that the judge is going to
6 go through.

7 These are the elements of burglary in the
8 first degree. And I'm not going to step on the
9 judge's domain and read these to you because she is
10 going to give them to you momentarily.

11 Now, here's the thing. I want to go back now
12 to this dog. I grew up around animals all my life,
13 and I'm very fond of bulldogs because, you know, as
14 a kid, I am thinking a bulldog was a masculine dog,
15 we may walk around and say, Oh, man, he's
16 masculine, he's good. But now that I have got my
17 kids, my little daughter -- I told you about my
18 little son, but my little daughter convinced me to
19 buy a dog. One of the dogs we were researching,
20 because she's a Charlie Brown fan, is a Beagle.
21 But I didn't want a Beagle, I wasn't going to
22 settle on one. So we ended up getting this little
23 dog, I can't say I'm happy about, but a little
24 Shih-Poo, like the little dog is a mix between a
25 Shi Tzuh and a Poodle. And the thing about these

1 dogs, these small dogs, is that they bark all the
2 time. You can't shut them up. So the thing is, is
3 that I settled on the Shih-Poo because I knew the
4 Beagle barked too much. That's the dog that
5 Charles Kusko had, right?

6 Here's what Floyd Owen said. Floyd Owen
7 says -- and I'm not telling you any theory that the
8 facts don't support -- Floyd Owen said that the
9 original plan was to knock on the door. He said he
10 knocked on the back door, but there was no answer.
11 Then he says he broke the window. Then he says he
12 went in and cut the light on. Put the pillow over
13 Charles Kusko's head, pumped two in his brain, and
14 got out of the house.

15 The story doesn't make sense based on the
16 facts. What we believe happened is that Floyd Owen
17 called Charles Kusko about 3:00 o'clock that
18 morning. And that is supported by the evidence.
19 He went over there after he and Brandon had gone to
20 Floyd's house. Brandon went to sleep. Floyd Owen
21 got Brandon's keys, got into his truck and went to
22 Charles Kusko's house, knocked on the door. We
23 believe that Charles Kusko was up and let him in.
24 Because, again, the dog didn't bark. While they
25 might be former lovers, the thing is, is that when

1 it's 4:00, 5:00 o'clock in the morning, the dog
2 doesn't know who's knocking on the door. The dog
3 doesn't know who's breaking a window. So that
4 means that Charles Kusko had to let him in. He had
5 to have gotten comfortable because the evidence
6 then tells you that once he laid in that bed and
7 got comfortable, that's when -- after all the
8 comfort level had settled down, that's when Floyd
9 Owen in cold blood killed Charlie Kusko.

10 Because what happened to the brass. It's a
11 .45. So you're talking about a man who had the
12 wherewithal and enough time to go in, not to go
13 shake the dog, but turn on the light, shoot and
14 kill Charles Kusko, pick up the brass and leave.
15 That means he was in that house a lot longer than
16 he's telling us. That means that that dog that
17 they just glossed over, that they made no mention
18 of, that dog -- you have got to account for that
19 dog, particularly a Beagle.

20 And you might ask yourself, Well, why would he
21 then bring Brandon Barham into this? I can't say
22 it any better. Because a snake is a snake, a rat
23 is a rat. If you tell Floyd or anybody else
24 pertinent information towards this case, they may
25 use that against you later on. If you think they

1 won't flip on you, put your finger at the mouth of
2 the snake and see what happens, especially if the
3 police already thought you had something to do with
4 it anyway. Why not make myself look good and you
5 look bad?

6 Floyd Owen, according to Investigator Reese,
7 is that snake. If you feed him enough information,
8 he will take that information. We already knew he
9 was talking to Jenny Baker, we knew he was already
10 talking to Jessica James. And he used that
11 information to now implicate Brandon Barham because
12 he now knows that he's got to have something to
13 bargain with. No prosecutor in this state, I would
14 hope, would take an individual who shot and killed
15 someone in cold blood, would say, Hey, you deserve
16 something other than death. He had to have
17 something to bargain. This man has already been in
18 the system. He knows how to play the game. And
19 what's the best way to ensure that he at least gets
20 nothing other than maybe a life sentence or a
21 30-year sentence? It's to bargain with Brandon, to
22 bring somebody else into it. To say, Hey, look,
23 guys, here's somebody. Now, negotiate with me.
24 And the fact that the State didn't kill him, bingo.
25 Checkmate for Floyd Owen. Because now he still

1 gets to live and then try and bring Brandon in
2 because he had to have someone to bargain with.

3 No matter what they say or how they say it, I
4 don't know whether or not the fact that the dog
5 didn't bark fully supports my theory, but it's
6 something that's based on the facts. There's too
7 many theories out there that could happen. Too
8 many people out there that you could still
9 question. Too many things that you could still
10 talk about and do before you convict Brandon
11 Barham. Because at the end of the day, you have
12 once agreed to give Brandon a fair trial. Not a
13 perfect trial, but a fair trial.

14 We've been together for five days. I
15 appreciate your time. I appreciate your attention.
16 I hope that I didn't offend you. I hope that Mr.
17 Bell didn't offend you. Brandon Barham could have
18 sat in that chair and said absolutely nothing and
19 the judge would have given you a charge saying that
20 you are not even supposed to hold that against him.
21 But he had the courage to stand up here, to tell
22 you -- to look you in the eyes and tell you that he
23 did not kill his uncle. That we believe that he is
24 being truthful and that he is giving you the most
25 credible and believable story. And the only

1 verdict in this case is one of not guilty.

2 Thank you, ladies and gentlemen.

3 THE COURT: Thank you.

4 MR. CONRAD: May it please the Court?

5 THE COURT: Yes, sir.

6 CLOSING ARGUMENT

7 MR. CONRAD: Ladies and gentlemen, we heard
8 Stanley Myers question Floyd Owen's motive this
9 entire trial. He just spent a good bit of his
10 closing questioning Floyd Owen's motives.

11 The story of Floyd Owen reminds me of an old
12 story you might have read back in school. A
13 gentleman by the name of Edgar Allen Poe wrote a
14 story, and it's called the Tell Tale Heart. Some
15 of you might remember it, some of you don't. For
16 those of you who may not remember it, there was a
17 gentleman who committed a murder. He hid his body
18 under his floorboards. And throughout the rest of
19 the story, he hears this strange heartbeat
20 underneath those floorboards. And as the story
21 progresses, the heartbeat gets louder. And
22 obviously, in the story, the heartbeat isn't really
23 beating, that's a metaphor for that murderer's own
24 guilty heart. And at the end of the story, the
25 police show up even though -- the police show up to

1 question him, and that beating heart in that
2 murderer's mind beats louder and louder and louder
3 until he finally points at the floor and says, It
4 is the beating of his hideous heart, and the police
5 then find the body.

6 Now, that's an old story and it is fiction,
7 but there's truth in it. And in 2017, that truth
8 found Floyd Owen.

9 He initially got away with it in 2015, but it
10 stayed on his mind. And it stayed on his mind for
11 two long years. He would go to sleep. He'd dream
12 about it. Until finally, before he had ever talked
13 to Investigator Reese or anybody else, he told his
14 girlfriend. And that very first time he told his
15 girlfriend, he told her about Brandon Barham's
16 involvement. Long before he even knew he would get
17 caught, long before any supposed deal was put on
18 the table, he was telling his girlfriend that
19 Brandon Barham was involved.

20 She stood up on the stand. She told you she's
21 no longer with him. She's got no reason to lie for
22 him now. She told you that long before he ever
23 talked to Investigator Reese, he was telling her.

24 Now, let's be clear about one thing. Floyd
25 Owen -- Stanley said it best -- is a stone cold

1 killer. Nobody is saying he has been redeemed.
2 Nobody is saying he will be redeemed. When his day
3 comes, he will get his just desserts. And
4 Mr. Myers keeps talking about him getting this
5 great deal. Well, there has been no deal. He is
6 still going to get sentenced, and he is still
7 facing 30 to life. And it's not up to the State.
8 We do not sentence him, the judge sentences him.

9 And let's clear one other thing up about this
10 death penalty thing. You've heard no testimony
11 from Floyd or anybody else that anybody ever
12 threatened him with the death penalty. The death
13 penalty was never on the table for him, just like
14 it's not on the table for this Defendant. So that
15 was not some hypothetical -- that was no threat.
16 There was nobody who ever said to him, his own
17 lawyer, anybody from our office, not Investigator
18 Reese, nobody ever threatened him with any death
19 penalty. So that's just a red herring, ladies and
20 gentlemen. And there's a lot of other red herrings
21 we're going to talk about in a second that
22 Mr. Stanley Myers keeps bringing up.

23 All right. So let's talk about this dog. You
24 did hear testimony about how this dog when it was
25 found that Tuesday morning was snarling, it was

1 growling, he was angry. Well, this dog had been
2 stuck in the house with its owner for three days
3 and his owner was sitting there and rotting and
4 dying. Of course, it's going to be a little bit
5 upset when somebody else opens the door three days
6 later. Of course.

7 Mr. Myers keeps trying to tell you that the
8 dog didn't bark. We never heard testimony about
9 whether the dog did or did not bark that night. We
10 don't know whether that dog was asleep or what.
11 And criminals, when they go in a house, there's
12 ways to fool dogs. Was it elderly? Was it asleep?
13 Was it distracted? We don't know. We have no
14 evidence about that.

15 We certainly haven't heard anybody say, Well,
16 I never heard that dog bark. We didn't.

17 So to stand before you and tell you that this
18 dog was some evidence of Floyd going over there
19 alone, it just doesn't make sense. It just not
20 does make sense.

21 And Mr. Myers, you know, he is talking about
22 Brandon Barham's DNA is not in the house, it's not
23 here, it's not there. Well, of course, it isn't.
24 The testimony you heard said Brandon Barham never
25 went in the house. So why would we ever expect to

1 find DNA? Why are we talking about that? It's
2 because it's a red herring.

3 Speaking of red herrings, the other day my
4 wife got a voicemail and she forwarded it to me and
5 she's, you know, Is this real? What is this? And
6 I listened to it. And it's some company saying,
7 Please call us back, you're due a refund for the
8 computer you bought. Well, my wife and I haven't
9 bought a computer in a couple of years, at least.
10 There's no refund due to us out there. The call
11 wasn't legitimate. I think we all get calls like
12 that, but they keeping happening because there's
13 people out there who do call back.

14 And why do they call back? It's because at
15 the beginning of that phone call, they're dangling
16 a little carrot out here, so you think there's some
17 money out here for you. Call us back, talk to us.
18 And, of course, probably what they're after is my
19 account information, or who knows what, that they
20 can later use. We all get calls like that. And
21 human psychology tells us that sometimes that
22 subterfuge works. Sometimes when you dangle a
23 carrot out, people suspend disbelief and they fall
24 for it.

25 And I think that's what we've got going on

1 here. We've got all sorts of these carrots being
2 dangled out to distract you, to make you pay
3 attention to this. This dog, the Blazer. And
4 we're going to talk about the Blazer some more in a
5 second. These are just red herrings, ladies and
6 gentlemen.

7 And Mr. Myers is throwing a lot of theories
8 out there, but we still haven't really heard about
9 a why. You know, he can call Floyd Owen a snake
10 all he wants, and maybe you agree with him, maybe I
11 agree that Floyd Owen is a snake based off what he
12 did, but even snakes require a reason to do
13 something. I haven't heard one thing about why
14 Floyd Owen lied about Brandon Barham specifically.

15 We've heard Andrew Kusko a lot. We haven't
16 heard one reason about why, if Andrew Kusko was
17 involved, why Floyd Owen would lie to protect
18 Andrew. No reason. Why? In fact, if that's what
19 Floyd Owen were doing -- he knew about that
20 confrontation on Friday between Andrew and his
21 brother -- if he were looking to throw somebody
22 under the bus, wouldn't it make a lot more sense
23 for him to throw Andrew -- to lie on Andrew?

24 All right. Let's talk about Andrew for a
25 minute. Mr. Myers like to keep showing you this

1 photo of the Chevy Blazer, or what he says is a
2 Chevy Blazer. But you know what you haven't seen?
3 You haven't actually seen the video of it. There's
4 a reason for that. So let's take a look.

5 Let's take a look. Take a look at the time on
6 this time stamp. 4:53:27 a.m., 4:00 a.m., 4:53:27.

7 Can you get us to that location on the video?

8 (Video is played.)

9 MR. CONRAD: All right, there we go. 4:53:22.
10 So that's about five seconds before that picture.

11 Okay. There's that vehicle. Maybe it was a
12 Chevy Blazer, maybe it's not. It's a pretty grainy
13 photo. It's hard to tell colors. So for the sake
14 of argument, maybe it is, maybe it isn't. Let's
15 watch and see where it goes, what it does.

16 It seems to be moving at a normal speed. It
17 turns left on what looks like to be Budon Court.
18 But let's keep watching. Keep watching, ladies and
19 gentlemen. It goes about a minute, so don't think
20 I'm going to drag this out forever, but just keep
21 watching, please.

22 Keep watching.

23 Did you see it? Maybe you didn't. I didn't
24 see it probably the first dozen times I watched
25 this video.

1 Let's go back ten seconds, Peter.

2 Watch that same place that that Blazer went.

3 I'm sorry. Just keep watching right there. See

4 it? It's a vehicle coming out.

5 Pause it, Peter.

6 Look at the time. When you first see those
7 headlights, it's about eight seconds prior to this,

8 at 54 minutes and 50 seconds. That Blazer went in

9 about ten seconds after you see it on this picture.

10 53 minutes, 27 -- excuse me, 53 minutes and 27

11 seconds. So about 53 minutes and 37 seconds, which

12 is, if you do the math, about a minute and 13

13 seconds later, it comes out.

14 What was that Blazer doing? I don't know. It

15 could have been doing a lot of things. But I know

16 one thing it wasn't doing. I know one thing that

17 did not happen. In a minute and 13 seconds, the

18 murder you heard described did not occur. You

19 might think maybe that's Andrew Kusko with Floyd

20 Owen riding with him and they go back there and

21 they commit the murder. Not in a minute and 13

22 seconds, people -- ladies and gentlemen, excuse me.

23 Not in a minute and 13 seconds.

24 What you heard was a slow, calculated murder.

25 Floyd Owen got out of a car, walked up to Budon

1 Court, 1710, hole in a screen, climbed over a
2 railing, broke a window, lifted the window, crawled
3 in, walked all the way back to the bedroom where
4 the victim was sleeping and shot him twice, and
5 then came all the way back out. That did not
6 happen in a minute and 13 seconds, ladies and
7 gentlemen. Did not happen. This Blazer is a red
8 herring.

9 Now, let's go ahead and go forward five
10 minutes.

11 Now, you heard the testimony about the truck.
12 Let's take a quick look at the truck.

13 Play it.

14 MR. MYERS: Your Honor, I don't like
15 objections during closing arguments, but he's
16 giving a full nother closing argument. This is not
17 even addressing what I brought up. They just want
18 another attempt to talk to this jury because --
19 well, it's outside the scope of my closing.

20 THE COURT: All right. Let me see you all one
21 second.

22 (WHEREUPON, a bench conference was held
23 in the presence of the jury but outside
24 the hearing of the jury.)

25 THE COURT: The objection is sustained.

1 MR. CONRAD: One last thing I'll say, ladies
2 and gentlemen, is that video that you just saw is
3 in evidence. It is State's Exhibit 123. It's
4 there for you to look at while you are in there, if
5 you like.

6 Mr. Myers talked about the inconsistencies
7 with Floyd and Jenny, some of the inconsistencies
8 with their statements. And there are. But what
9 were they doing that night? They were doing drugs.
10 And were they focused on details about who did
11 what, who said what? No. They were partying. The
12 fact that they might have some different specific
13 memories does not mean that they're lying about the
14 important things. That Brandon Barham and Floyd
15 Owen were at Jenny Baker's house, they were doing
16 drugs prior to going home and concocting this
17 murder.

18 Ladies and gentlemen, I want you to ask
19 yourself a question. If Brandon Barham had not
20 been there to drive Floyd Owen to 1710 Budon Court
21 to commit that murder, would it have occurred? I
22 submit to you the answer is no.

23 Floyd Owen was talking about Brandon Barham's
24 involvement in 2017 -- or 2015, well prior to Floyd
25 Owen ever realizing he would be caught, that he

1 would be interrogated by Investigator Reese, or any
2 of that. He was talking about Brandon Barham long
3 before he had any reason to lie, or anything else.
4 To believe that Floyd Owen is making up Brandon
5 Barham's involvement would be to believe back in
6 2015, Floyd Owen had concocted this grand scheme to
7 get back at his friend, right? That's the
8 testimony from most people is that they were
9 friends. He was going to do that to get his
10 friend. No, ladies and gentlemen, that's not what
11 happened. That's not what happened.

12 Okay. Ladies and gentlemen, I want to thank
13 you for your time, your patience, and your
14 attention. I know it's been a long week. It's
15 been a long week for everyone. But I assure you
16 what's happened in this courtroom is vitally
17 important. It's vitally important to the
18 Defendant. It's vitally important to the Defense
19 counsel. It's vitally important to us at this
20 table. It's vitally important to Charles Kusko's
21 daughters. That's why we're here. That's why it
22 has taken all week.

23 Ladies and gentlemen, on behalf of myself,
24 Mr. Eaton, Mr. O'Reilly, Investigator Reese,
25 everyone else on our team, I want to thank you. I

1 want to thank you on behalf of our boss, Solicitor
2 Byron Gipson --

3 MR. BELL: Objection. Outside the scope, Your
4 Honor.

5 THE COURT: Overruled.

6 MR. CONRAD: And together, we ask you to
7 return a guilty verdict on Brandon Barham for all
8 charges.

9 THE COURT: All right. Ladies and gentlemen
10 of the jury, is there anyone that needs to use the
11 restroom before I give you the charge on the law --
12 charge as to the law. Everybody okay? Anybody
13 need to stretch? Okay.

14 JURY CHARGE

15 THE COURT: All right. Ladies and gentlemen
16 of the jury, you have heard all the evidence and
17 you have heard the arguments of counsel. And now
18 it is my responsibility to charge you as to the
19 law.

20 I remind you that during this trial you and I
21 have certain duties to perform. As the trial
22 judge, it is my responsibility to preside over the
23 trial of this case. And I also have the duty to
24 rule on the admissibility of evidence offered
25 during this trial.

1 You are to consider only the competent
2 evidence that is before you. If there was any
3 testimony ordered stricken from the record in this
4 case during this trial, you must disregard that
5 testimony. You are to consider only the testimony
6 which has been presented from this witness stand
7 and exhibits which have been made a part of the
8 record in this case and any stipulations of
9 counsel.

10 I have the additional duty to charge you the
11 law applicable to this case. As the presiding
12 judge, I am the sole judge of the law of this case,
13 and it is your duty as jurors to accept and apply
14 the law as I now state it to you. If you already
15 have any idea as to what the law is or what the law
16 ought to be and it does not agree with what I now
17 tell you the law is, you must abandon this idea,
18 because you are sworn to accept the law and apply
19 the law exactly as I state it to you.

20 In every case tried in this court before a
21 jury, the jury becomes the sole and exclusive judge
22 of the facts in a case. A trial judge cannot
23 comment on, state, or make any statement to a trial
24 jury about the facts in a case. Since you, the
25 jury, are the sole judges of the facts in this

1 case, you are not to infer from what I have said
2 during the progress of this trial in ruling upon
3 the admissibility of evidence, or otherwise, or
4 anything that I say now during the course of this
5 instruction to you that I have any opinion about
6 the facts in this case. The law does not allow me
7 to have an opinion about the facts in this case.
8 This is a matter solely for you, the jury, to
9 determine. As jurors, it is your duty to determine
10 the effect, value, weight, and truth of the
11 evidence presented during this trial.

12 Ladies and gentlemen of the jury, there are
13 two types of evidences which are generally
14 presented during a trial: Direct evidence and
15 circumstantial evidence.

16 Direct evidence directly proves the existence
17 of a fact and does not require deduction.

18 Circumstantial is a proof of a chain of facts
19 and circumstances indicating the existence of a
20 fact.

21 Crime may be proven by circumstantial
22 evidence. The law makes no distinction between the
23 weight or value to be given to either direct or
24 circumstantial evidence. However, to the extent
25 that the State relies on circumstantial evidence,

1 all of the circumstances must be consistent with
2 each other and, when taken together, point
3 conclusively to the guilt of the accused beyond a
4 reasonable doubt. If these circumstances merely
5 portray the Defendant's behavior as suspicious, the
6 proof has failed.

7 The State has the burden of proving the
8 Defendant guilty beyond a reasonable doubt. This
9 burden rests with the State's regardless of whether
10 the State relies on direct evidence, circumstantial
11 evidence, or some combination of the two.

12 Necessarily, you must determine the
13 credibility of witnesses who have testified in this
14 case. Credibility simply means believability. It
15 becomes your duty as jurors to analyze and to
16 evaluate the evidence and determine which evidence
17 convinces you of its truth.

18 In determining the believability of witnesses
19 who have testified in this case, you may believe
20 one witness over several witnesses or several
21 witnesses over one witness. You may believe a part
22 of the testimony of a witness, and reject the
23 remaining part of the testimony of that same
24 witness. You may believe the testimony of the
25 witness in its entirety, or reject the testimony of

1 a witness in its entirety. You may consider
2 whether any witness has exhibited to you any
3 interest, bias, prejudice, or other motive in this
4 case. You may also consider the appearance and
5 manner of the witness while on the witness stand.

6 In this trial, a person who has a past
7 criminal record has testified. A person who has a
8 past criminal record is competent to testify during
9 a trial. A past record does not affect the ability
10 of that witness to testify. The past record may
11 only be considered by you, if at all, in
12 determining the witness's believability. Remember,
13 you are the sole judges of the facts in the case
14 and of the believability of any and all of the
15 witnesses.

16 Expert witnesses. As I told you earlier in
17 the trial, the Rules of Evidence ordinarily do not
18 permit witnesses to testify to opinions or
19 conclusions. An exception to this rule exists for
20 witnesses we call expert witnesses. A witness who,
21 by education and experience, has become an expert
22 in some art, science, profession, or calling, may
23 state an opinion as to relevant and material
24 matters in which the witness claims to be an expert
25 and may also state the reason for the opinion.

1 You should consider an expert opinion received
2 in evidence in this case and, like any other
3 evidence, give it the weight you think it deserves.
4 If you decide that the opinion of an expert witness
5 is not based on sufficient education and experience
6 or if you conclude that the reasons given in
7 support of the opinion are not sound or that the
8 opinion is outweighed by other evidence, you may
9 disregard the opinion entirely. An expert
10 witness's testimony is to be given no greater
11 weight than that of other witnesses simply because
12 the witness is an expert. Further, you are not
13 required to accept an expert's opinion, even though
14 it is not contradicted.

15 Ladies and gentlemen of the jury, the
16 indictments in this case allege several different
17 offenses against the Defendant. The charges are:
18 The first indictment is an indictment for murder.
19 The second indictment is an indictment for burglary
20 first degree. The third indictment is an
21 indictment for conspiracy. And the fourth
22 indictment is an indictment for possession of a
23 weapon during the commission of a violent crime.
24 Each indictment charges a separate and distinct
25 offense. You must decide each indictment

1 separately on the evidence and the law applicable
2 to it, uninfluenced by your decision as to any
3 other indictments.

4 The Defendant may be convicted or acquitted on
5 any or all of the offenses charged. You will be
6 asked to write a separate verdict of guilty or not
7 guilty for each indictment. The indictments charge
8 the Defendant with murder, burglary first degree,
9 conspiracy, and possession of a weapon during the
10 commission of or attempt to commit a violent crime.

11 I remind you, the fact that the Defendant was
12 arrested, charged, and indicted in this case is not
13 evidence in this case and cannot be considered by
14 you as evidence of guilt in this case, nor does it
15 create any presumption or inference of guilt.

16 These documents -- or the indictments are
17 simply the formal written instruments which contain
18 the charges made against the Defendant. It is the
19 formal document by which this case, or these cases,
20 is brought -- these indictments and this case is
21 brought into this court.

22 The Defendant in this case has pled not guilty
23 to these indictments. And that plea puts the
24 burden on the State to prove the Defendant guilty.
25 A person charged with committing a criminal offense

1 in South Carolina is never required to prove
2 himself innocent. I charge you that it is an
3 important rule of the law that the Defendant in a
4 criminal trial, no matter what the seriousness of
5 the charge may be, will always be presumed to be
6 innocent of the crime for which the indictment was
7 issued unless guilt as been proven by evidence
8 satisfying you of that guilt beyond a reasonable
9 doubt.

10 This presumption of innocence does not end
11 when you begin your deliberations, but it
12 accompanies the Defendant throughout the trial
13 until you have reached a verdict of guilt based on
14 evidence satisfying you of that guilt beyond a
15 reasonable doubt.

16 The presumption of innocence is like a robe of
17 righteousness placed about the shoulders of the
18 Defendant, which remains with the Defendant until
19 it has been stripped from the Defendant by evidence
20 satisfying you of the Defendant's guilt beyond a
21 reasonable doubt.

22 The presumption of innocence is not a mere
23 legal theory. It is not just a legal phrase. It
24 is a substantial right to which every defendant is
25 entitled unless you, the jury, are satisfied from

1 the evidence of the Defendant's guilt beyond a
2 reasonable doubt.

3 Next, we'll talk about accomplice liability.
4 If a crime is committed by two or more people who
5 are acting together and committing a crime, the act
6 of one is the act of all. A person who joins with
7 another to commit an unlawful act is criminally
8 responsible for everything done by the other person
9 which happens as a probable or natural consequence
10 of the act done in carrying out the common plan and
11 purpose.

12 For example, two people can be guilty of
13 killing another person when only one of the two had
14 a gun, there was only one bullet, and only one of
15 the two fired the shot that caused the death. If
16 two or more people are together, acting together,
17 assisting each other in committing the offense, the
18 act of one is the act of all. Or, as it is
19 sometimes referred to, the hand of one is the hand
20 of all.

21 Prior knowledge that a crime is going to be
22 committed without more is not sufficient to make a
23 person guilty of that crime. Mere knowledge that
24 another person is going to commit a crime, even if
25 the Defendant is present when the crime is

1 committed is not sufficient to convict the
2 Defendant as a principal.

3 Guilt as a principal is shown by actual or
4 constructive presence at the scene as a result of a
5 prior arrangement. Therefore, a finding of a prior
6 arranged plan or common scheme is necessary for a
7 finding of guilt as a principal. The State must
8 prove beyond a reasonable doubt by competent
9 evidence the theory of "hand of one is the hand of
10 all".

11 A principal in a crime is one who either
12 actually commits the crime or who is present,
13 aiding, abetting, or assisting in committing the
14 crime. When a person does an act in the presence
15 of and with the assistance of another, the act is
16 done by both. When two or more acting with a
17 common plan or intent are present at the commission
18 of a crime, it does not matter who actually commits
19 the crime, all are guilty. The hand of one is the
20 hand of all.

21 Present at the commission of a crime means to
22 be sufficiently near to aid and abet and assist in
23 the commission of the crime. However, mere
24 presence at the scene of a crime is not sufficient
25 to convict one as a principal on the theory of

1 aiding and abetting. Intent is also a necessary
2 element. For there must have been a common design
3 or intent to commit the crime and the crime must
4 have been committed pursuant thereto with the
5 person aiding and abetting by some overt act.

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

13 Ladies and gentlemen of the jury, what is a
14 reasonable doubt in the law? A reasonable doubt is
15 the kind of doubt that would cause a reasonable
16 person to hesitate to act. The State has the
17 burden of proving the Defendant guilty beyond a
18 reasonable doubt. Some of you may have served as
19 jurors in civil cases where you were told that it
20 is only necessary to prove that a fact is more
21 likely true than not true, such as, by the greater
22 weight or preponderance of the evidence.

23 In criminal cases, the State's proof must be
24 more powerful than that. It must be beyond a
25 reasonable doubt. Proof beyond a reasonable doubt

1 is proof that leaves you firmly convinced of the
2 Defendant's guilt. There are very few things in
3 this world that we know with absolute certainty.
4 And in criminal cases, the law does not require
5 proof that overcomes every possible doubt.

6 If, based on your consideration of the
7 evidence, you are firmly convinced that the
8 Defendant is guilty of the crime charged, you must
9 find the Defendant guilty.

10 If, on the other hand, you think there is a
11 real possibility that the Defendant is not guilty,
12 you must give the Defendant the benefit of the
13 doubt and find him not guilty.

14 In order to establish criminal liability,
15 criminal intent is required. For example, the
16 mental state required to be proven by the State for
17 a particular crime might be purpose, intent,
18 knowledge, recklessness, or criminal negligence.
19 Criminal intent must be proven by the State beyond
20 a reasonable doubt. Criminal intent is always a
21 matter that must be determined by the jury from the
22 circumstances surrounding the situation.

23 There is no way to prove intent to a
24 mathematical certainty. There is no way medical
25 science can dissect a person's brain and determine

1 what the person had in mind. So the law says that
2 criminal intent may be inferred from the
3 circumstances shown to have existed.

4 This is how you make a determination of
5 whether or not the element requiring intent was
6 present. It is not necessary to establish intent
7 by direct and positive evidence. But intent may be
8 established by inference in the same way as any
9 other fact by taking into consideration the acts of
10 the parties and all the facts and circumstances of
11 the case.

12 Criminal intent is a mental state, a conscious
13 wrongdoing. It is up to you to determine what the
14 Defendant intended to do based on the circumstances
15 shown to have existed.

16 Criminal intent can arise from action or a
17 failure to act. It may arise from negligence,
18 recklessness, or an indifference to duty or the
19 consequences that is considered by the law to be
20 the equivalent of criminal intent.

21 Ladies and gentlemen of the jury, the
22 Defendant in this case is charged with murder. The
23 State must prove beyond a reasonable doubt that the
24 Defendant killed another person with malice
25 aforethought.

1 Malice is hatred, ill will, or hostility
2 towards another person. It is the intentional
3 doing of a wrongful act without just cause or
4 excuse, and with an intent to inflict an injury or
5 under circumstances that the law would infer an
6 evil intent.

7 Malice aforethought does not require that
8 malice exist for any particular time before the act
9 is committed. But malice must exist in the mind of
10 the Defendant just before and at the time of the
11 act at the time the act is committed. Therefore,
12 there must be a combination of the previous evil
13 intent and the act.

14 Malice aforethought may be expressed or
15 inferred. These terms expressed and inferred do
16 not mean different kinds of malice, but merely the
17 manner in which malice may be shown to exist. That
18 is either by direct evidence or by inference from
19 the facts and circumstances which are proven.
20 Express malice is shown when a person speaks words
21 which express hatred or ill will for another or
22 when the person prepared beforehand to do the act
23 which was later accomplished. For example, lying
24 in wait for a person or any other act of
25 preparation going to show that the deed was within

1 the Defendant's mind to be express malice. Malice
2 by inferred from conduct showing a total disregard
3 for human life.

4 Ladies and gentlemen of the jury, the
5 Defendant in this case is also charged with
6 burglary first degree. The State must first prove
7 beyond a reasonable doubt that the Defendant
8 entered a dwelling without consent. A dwelling is
9 a building or a portion of a building in which a
10 person ordinarily sleeps. A building constructed
11 as a dwelling that has never been occupied cannot
12 be considered a dwelling for purposes of burglary.
13 But a building is a dwelling even if the residents
14 are temporarily absent from the building.

15 In order to prove that the Defendant entered
16 the dwelling, the State does not have to show that
17 the Defendant's entire body entered the dwelling.
18 The smallest entry is sufficient. It may be any
19 part of the body, such as a hand or foot or even an
20 instrument, such as a hook or other instrument.

21 In addition, the State does not have to prove
22 that force was used to gain entry. If a person
23 enters a building by using deception, artifice,
24 trick, or misrepresentation to get consent to
25 enter, this is an entry without consent.

1 Next, the State must prove beyond a reasonable
2 doubt that the Defendant intended to commit a
3 crime, either a felony or a misdemeanor, at the
4 time of the entry. The mere entry into a dwelling
5 without consent is not burglary. If the intent to
6 commit a crime is formed after the entry, it is not
7 burglary. On the other hand, if the Defendant
8 intended to commit a crime at the time of the
9 entry, it is a burglary even if the intent was
10 abandoned after the entry. It does not matter that
11 the intended crime was not completed. Intent may
12 be shown by acts and conduct of the Defendant and
13 other circumstances from which you may naturally
14 and reasonably infer intent.

15 Finally, the State must prove beyond a
16 reasonable doubt that, one, when entering, while in
17 the dwelling or when fleeing, the Defendant or an
18 accomplice was armed with a deadly weapon or
19 explosive.

20 A deadly weapon is an article, instrument, or
21 substance which is likely to cause death or great
22 boldly harm. Whether an instrument has been used
23 as a deadly weapon depends on the facts and
24 circumstances of each case. The following are
25 examples of instruments which may be deadly

1 weapons: A pistol, a shotgun, a rifle, a dirk, a
2 dagger, a knife, a slingshot, metal knuckles, a
3 razor, gasoline, fire bomb, a Molotov cocktail and
4 lighter fluid. A gun may be a deadly weapon even
5 if it is not operating.

6 The Defendant in this case is charged also
7 with conspiracy. The State must prove beyond a
8 reasonable doubt that the Defendant combined with
9 one or more persons for the purpose of committing
10 an unlawful act or of committing a lawful act by
11 unlawful means. There must be a mutual
12 understanding, agreement, or common intention and
13 plan. Mere passive knowledge of or consent to the
14 criminal conduct of another is not enough to make a
15 person a conspirator. There must be guilty
16 knowledge and participation. Similarly, the mere
17 fact that the Defendant may have associated with
18 another person or met with another person and
19 discussed common aims and interests, that does not
20 necessarily establish proof of the existence of a
21 conspiracy or that the Defendant was involved in a
22 conspiracy.

23 On the other hand, it is not necessary that
24 the agreement be a formal one, that it be in
25 writing, that the person hold a meeting and

1 expressly state the terms of a common plan or that
2 the agreement be stated in the words between them.
3 The agreement of a criminal conspiracy may come
4 into being through an implied mutual understanding.
5 The willful, intentional, and knowing adoption by
6 two or more persons of a common plan is sufficient.

7 No overt acts need to be shown to establish a
8 conspiracy. A conspiracy may be shown by
9 circumstantial evidence and the conduct of the
10 parties.

11 In order to convict the Defendant of
12 conspiracy, the State must prove beyond a
13 reasonable doubt not only that the Defendant knew
14 of the unlawful conduct, but that the Defendant
15 agreed to combine with the other person for the
16 purposes of accomplishing the unlawful conduct.

17 Ladies and gentlemen of the jury, the
18 Defendant in this case is charged with possession
19 of a weapon during the commission of or attempt to
20 commit a violent crime. The State must prove
21 beyond a reasonable doubt that the Defendant was in
22 possession of a firearm or visibly displayed what
23 appeared to be a firearm during the commission of a
24 violent crime. A firearm means any machine gun,
25 automatic rifle, revolver, pistol, or any weapon

1 which will, is designed to, or may be readily
2 converted to expel a projectile.

3 In order to find the Defendant guilty of
4 possession of a weapon during the commission of a
5 violent crime, you must first find the Defendant
6 guilty of either committing a violent crime or
7 attempting to commit a violent crime. Murder and
8 burglary first degree are violent crimes.

9 Third-party guilt. The Defendant contends
10 that there is evidence before you indicating that
11 someone other than he may have committed the crime
12 or crimes. And that evidence raises a reasonable
13 doubt with respect to the Defendant's guilt. In
14 this regard, I charge you that a defendant in a
15 criminal case has the right to rely on any evidence
16 produced at trial that has a rational tendency to
17 raise a reasonable doubt with respect to his own
18 guilt.

19 I have previously charged you with regard to
20 the State's burden of proof, which never shifts to
21 the Defendant. The Defendant does not have to
22 produce evidence that proves the guilt of another,
23 but may rely on evidence that creates a reasonable
24 doubt. In other words, there's no requirement that
25 this evidence must prove or even raise a strong

1 probability that someone other than the Defendant
2 committed the crime. You must decide whether the
3 State has proven the Defendant's guilt beyond a
4 reasonable doubt, not whether the other person or
5 persons may have committed the crime.

6 Voluntary intoxication. Voluntary
7 intoxication is not a defense to a crime. A person
8 who voluntarily becomes intoxicated is just as
9 responsible for the acts committed while
10 intoxicated as when the person is not intoxicated.

11 Ladies and gentlemen of the jury, you have
12 heard testimony concerning the penalty a person can
13 serve for the crimes alleged in the indictment. In
14 determining the guilt or innocence of the
15 Defendant, you cannot consider any possible penalty
16 for any particular crime. The punishment for the
17 crimes are a matter for me to determine and should
18 never be considered by you in any way whatsoever in
19 arriving at a fair and impartial verdict as to the
20 guilt or innocence of the Defendant. The death
21 penalty has been mentioned in this trial. The
22 Defendant in this case is not facing and will not
23 face the death penalty.

24 Ladies and gentlemen of the jury, the State
25 and the Defendant are entitled to the individual

1 opinion of each juror on the issues of facts in
2 this case. It is the duty of each of you to
3 consider and weigh all of the evidence in this case
4 and from such evidence to determine, if you can,
5 the question of the guilt or innocence of the
6 Defendant. There is nothing peculiarly different
7 in the way a jury should consider the evidence in a
8 criminal case from that in which all reasonable
9 persons treat any question depending upon evidence
10 presented to them.

11 You are expected to use your good sense,
12 consider the evidence in the case for only the
13 purpose for which it has been admitted, and give it
14 a reasonable and fair construction in the light of
15 your common knowledge of the natural tendencies and
16 inclinations of human beings.

17 If the accused be proved guilty beyond a
18 reasonable doubt, say so. If not so proved guilty
19 beyond a reasonable doubt, say so.

20 Your verdict in this case will be one of two
21 forms.

22 If, from the evidence and the law, you find
23 that the Defendant is not guilty, you will circle
24 not guilty on the verdict form that I will give
25 you. And, Mr. Foreman, you will sign your name.

1 If, on the other hand, you find that the
2 Defendant is guilty based upon the evidence and the
3 lay which you have heard, you will circle guilty on
4 the verdict form. And the foreman will sign and
5 date it.

6 Your verdict must be unanimous. It must be
7 guilty or not guilty. The law requires that a jury
8 verdict be unanimous, which means that all the
9 jurors must agree. The only two forms of the
10 verdict are guilty or not guilty.

11 Mr. Foreman, once the jury reaches a verdict
12 of not guilty or guilty, circle the verdict on the
13 face of the verdict form and sign under the verdict
14 to signify that what you have circled is the
15 verdict of all jurors. Then notify us that you
16 have reached a verdict by knocking on the door.

17 Mr. Foreman, I will give you a copy of these
18 instructions in written form. During the
19 deliberations, you may refer to the instructions to
20 guide your decision making. You must consider the
21 instructions as a whole and not follow some and
22 ignore others. Please return the instructions to
23 the Court at the time your verdict is rendered.

24 Mr. Foreman, I have in my hand a verdict form.
25 It reads: The State of South Carolina, County of

1 Richland, In the Court of General Sessions of the
2 Fifth Judicial Circuit. Indictments
3 2017-GS-40-7158, 7162, 7165, 7166, The State of
4 South Carolina v. Charles Brandon Barham,
5 Defendant. Please circle the appropriate verdict
6 below and follow the accompanying instructions
7 carefully.

8 Number One: As to the indictment alleging
9 murder, we, the jury, unanimously find the
10 Defendant -- and you will see on the same line, it
11 says guilty and it says not guilty. You will
12 circle the verdict of the jury, the unanimous
13 verdict of the jury.

14 Number Two says: As to the indictment
15 alleging burglary first degree, we, the jury,
16 unanimously find the Defendant -- and it's guilty
17 or not guilty. And you would circle your verdict.

18 On Number Three it says: As to the indictment
19 alleging conspiracy, we, the jury, unanimously find
20 the Defendant guilty or not guilty. And once
21 again, you will circle your verdict.

22 And as to the indictment alleging possession
23 of a weapon during the commission of a violent
24 crime: We, the jury, unanimously find the
25 Defendant guilty or not guilty.

1 In order to find the Defendant, as to the last
2 indictment alleging possession of a weapon during
3 the commission of a violent crime, in order to find
4 the Defendant guilty of a possession of a weapon
5 during the commission of a violent crime, you must
6 first find the Defendant guilty of either
7 committing a violent crime or attempting to commit
8 a violent crime. As I stated to you in my
9 instruction, murder and burglary first degree are
10 violent crimes.

11 Mr. Foreman, you will then stop and end your
12 deliberations. You will sign your name and date
13 it. You will knock on the door and inform the
14 bailiff that you have reached a verdict.

15 But before you do that, I am going to send you
16 back into the jury room, but do not begin your
17 deliberations until you have received the verdict
18 form, the jury charge, and all of the evidence. It
19 may take a second before we send them all back. We
20 have to make sure we have every exhibit and send it
21 back to you. And I may -- if there's any
22 objections or exceptions, I may have to bring you
23 back in. So do not begin deliberating until you
24 receive all of the evidence, the verdict form, and
25 the instructions from the bailiff that you may

1 begin.

2 All right. Thank you.

3 (WHEREUPON, the jury retires to the jury
4 room at 4:38 p.m.)

5 THE COURT: All right. Any objections or
6 exceptions?

7 MR. EATON: Not from the State, Your Honor.

8 MR. MYERS: None from the Defendant.

9 THE COURT: All right. Y'all take a look at
10 the verdict form. I have a copy for you to look at
11 it. Multiple eyes. I will tell you, it says
12 verdict forms, I'll take forms off, it's just one
13 verdict form. Hand that to them so they can take a
14 look at it. Then you all can get with the court
15 reporter on the exhibits. And she is cleaning up
16 the jury charge.

17 Is there any objection to me releasing the
18 alternates at this time?

19 MR. MYERS: No, ma'am.

20 MR. EATON: No.

21 THE COURT: You can bring them on in.

22 (Alternates enter the courtroom.)

23 THE COURT: Is it Dever and Brice?

24 THE ALTERNATES: Yes.

25 THE COURT: All right. You all were selected

1 as our alternates. As you have noticed -- it's
2 been a long day, I can't talk -- as you notice, all
3 the jurors, 12 principal jurors, have remained.
4 And so we have not -- well, I'll say this. In the
5 words of my former boss, being an alternate is like
6 being invited to the dance, but not being asked to
7 dance. So we've kept you here all week, but you
8 cannot deliberate. But you can hang around if you
9 would like to see what your fellow jurors come back
10 with, or you are free to leave if you would like to
11 go home and start your weekend.

12 I do want to thank you on behalf of everyone
13 here for your service here this week. I know that
14 it has been a long week and long nights, but I do
15 want you to know that on behalf of everyone here,
16 the Court, the attorneys, the parties in this case,
17 we do appreciate your service here this week.

18 At this point, you are officially released.
19 You can talk to whoever you want to talk to, or you
20 don't have to speak to anyone if you choose not to
21 speak with anyone. But you are free to leave.

22 All right. Thank you.

23 (WHEREUPON, the alternates were excused
24 at 4:43 p.m.)

25 MR. O'REILLY: Judge, we are good with the

1 exhibits.

2 MR. BELL: Judge, no objection to the
3 exhibits.

4 THE COURT: So we will just send one of these
5 back. And she is going through the jury charge one
6 more time. And, Madam Court Reporter, we will mark
7 the jury charge as Court Exhibit 3.

8 (WHEREUPON, Court Exhibit No. 3 was
9 marked for identification only.)

10 (WHEREUPON, the jury was instructed to
11 begin deliberations at 4:55 p.m.)

12 (WHEREUPON, there was a question from
13 the jury at 7:16 p.m.)

14 THE COURT: We have a question. I don't think
15 I can answer it, but they do have one. It says:
16 Call detail report, September 5th to September 6th.
17 Who was the last call made by Brandon, 803-767-6448
18 to 803-361-7478 at 2129? I can't -- I mean, they
19 have got the records back there. I don't know. So
20 I'll bring them out and let them know that they
21 have all of the evidence, that we cannot answer any
22 specific questions. I don't even know if any if
23 that -- is that is in the record?

24 MR. EATON: Off the top of my head, I think
25 that might be Andrew's number, but I have to check.

1 THE COURT: No, is it in the record? If it is
2 not in the record, I mean, I could offer, but I
3 don't even know whose testimony it would have been.
4 I would need to know, if it is in the record, whose
5 testimony, and where it is.

6 MR. MYERS: I don't think that the identity of
7 the number was ever made, but the number, based on
8 the evidence presented, was Andrew's, belonged to
9 Andrew Kusko. But I don't -- the only mention of
10 that would have been the number that he gave to law
11 enforcement, specifically to Investigator McCoy,
12 but that would be Andrew Kusko's telephone number.

13 MR. EATON: If that is in the record and
14 identified as such and it is in the record.

15 THE COURT: But I can't tell them whose
16 testimony it was, they have to ask me for
17 testimony. I mean, that is like answering the
18 question.

19 MR. MYERS: I think they would have to be able
20 to say that came out through the testimony of
21 Investigator Richbourg.

22 THE COURT: 361-7478.

23 MR. EATON: I mean, couldn't their question be
24 construed as, Play us the part of the record that
25 identifies that number?

1 THE COURT: But is that the only time it is in
2 the record? Then you start specifically answering
3 the question, and we can't do that. I mean, I'm
4 assuming Andrew Kusko may have said what the phone
5 number was. I'm assuming -- somebody said -- you
6 said McCoy, he said Richbourg. They both might
7 have said it.

8 MR. MYERS: Judge, he did say it was 361-7478
9 in two places, so it would be in Investigator
10 Reese's examination, cross-examination. And it
11 will be in Investigator Richbourg's
12 cross-examination. It was when I asked him to
13 identify Andrew Kusko's telephone number based on
14 the records that he received that belonged to
15 Investigator McCoy.

16 THE COURT: So cross-examination for both of
17 them?

18 MR. MYERS: Yes, ma'am.

19 THE COURT: And what I have to tell them is I
20 cannot answer the question, that I have to play
21 back testimony. If you all consent and agree, but
22 normally I don't suggest which testimony they hear.

23 (Pause.)

24 THE COURT: If they want testimony played
25 back, that I can play testimony back. What

1 normally happens is I would ask the foreperson what
2 testimony to play back. But you all are
3 suggesting -- I guess if you all consent to it,
4 because I can't -- I don't think I can direct him
5 to which testimony to listen to. But if you all
6 consent to it and are agreeing to it, then --

7 MR. EATON: I'm fine with it.

8 THE COURT: Because I would have to say, I
9 believe the testimony that you are asking about,
10 which I am not supposed to comment on the facts, is
11 in Investigator McCoy's -- I mean, we are not
12 supposed to comment on the facts. So usually I
13 just tell them, I cannot answer your question
14 directly. I never answer the questions directly.
15 However, if there is testimony that you would like
16 to have played back, we can play that testimony
17 back. And then I explain to them that, you know,
18 there is no transcript, that Debbie -- we have to
19 bring them back in the courtroom if they want to
20 hear it, there is no transcript. They think
21 because she is up there typing there is a
22 transcript and we can hand them the transcript.
23 But we haven't gotten there yet.

24 MR. MYERS: Judge, perhaps -- I don't know if
25 this is proper, if I understand the question, they

1 want to know to who was the last call placed from
2 the Defendant's number. And we have got that
3 number. So maybe a way to handle it is that tell
4 them you can't handle it directly, but you can just
5 play that portion of the testimony where that
6 number appeared.

7 THE COURT: So I will bring them in and say I
8 cannot answer the question directly -- we cannot
9 answer the question directly, but --

10 MR. EATON: I mean, if we are in agreement, we
11 might not even -- I mean, we would only give them
12 the impression they can ask all the questions they
13 come up with.

14 THE COURT: Say that one more time, Mr. Myers,
15 how we should answer this.

16 MR. MYERS: Judge, my thought, off the top of
17 my head, would be, I can't answer your specific
18 question, but we can play back -- we can read out
19 the area of the transcript where the testimony
20 comes back to that number.

21 THE COURT: Reading the part of the testimony
22 where that number appears?

23 MR. MYERS: Yes, ma'am.

24 MR. EATON: I think I'm fine with it. I mean,
25 I'm definitely fine with them knowing that. You

1 know, I guess I understand where Your Honor's
2 concern is, it would open up a can of worms.

3 THE COURT: Well, he didn't open it, but, yes.
4 And I will explain to them that they have all the
5 evidence, that we cannot answer anything that is
6 not in evidence, the best thing we can do is play
7 back testimony if they wish to have it. I hesitate
8 to say that. Sometimes -- but I'll say it --
9 sometimes they want the testimony of this person,
10 that person, that person, and we end up trying the
11 whole case over again, playing it all over again.

12 But I will tell them that we can play back
13 testimony. And I will explain to them that Debbie
14 does not have a transcript for them just yet. That
15 we don't have a transcript. We are not there yet.
16 And our technology is not there where it spits out
17 a transcript as she types. So I will explain all
18 that to them and explain to them that we have to
19 play the testimony over, it is recorded, and they
20 can play it over, they have to let me know. But
21 for the purposes of this question, I can have her
22 read the part of the testimony where the 361-7478
23 appears. Does that work?

24 And, Debbie, can you read to us what you will
25 read to them?

1 (WHEREUPON, the court reporter complied.)

2 THE COURT: Are y'all okay? Okay, let's bring
3 them in.

4 Now, the only other part, 803-361-7478 at
5 2129. I don't know, what is the 2129?

6 MR. EATON: That is just coming from the
7 record itself that they do have in the record.

8 THE COURT: Because I don't have the records.
9 Okay, I see what you are saying.

10 MR. MYERS: Right. We are not answering the
11 question.

12 MR. BELL: That is a different number, Your
13 Honor, than what would be read in the record right
14 there.

15 THE COURT: What do you mean?

16 MR. BELL: The number that the jury is asking
17 about is different than --

18 THE COURT: 361-7478?

19 MR. BELL: No, they are saying at 2129.

20 THE COURT: At 2129. That is military time on
21 the --

22 MR. MYERS: I got it, Judge.

23 THE COURT: All right.

24 (WHEREUPON, the jury came into open
25 court at 7:41 p.m.)

1 THE BAILIFF: The jury is present.

2 THE COURT: We received your question. And it
3 reads: Call detail report, September 5th through
4 September 6th, who was the last call made by
5 767-6488 to 803-361-7478 at 2129.

6 THE FOREMAN: The log 2129, for the log 2129.

7 THE COURT: Log. That's what we thought.
8 Okay.

9 All right, ladies and gentlemen of the jury,
10 just a couple of things. Mr. Foreman, I will get
11 you to -- I assume you wrote this. I'll get you to
12 sign it and put your number on it because we have
13 to mark it for the record. So if you can do that
14 for us on any notes you send out.

15 All right, so a couple of things. Remember I
16 told you all that in the beginning -- in my jury
17 charge -- that I cannot, and in the beginning, I
18 cannot comment on the facts. So I cannot answer
19 your question directly because you are the fact
20 finders, and so I can't answer the question
21 directly. You have everything that is in evidence.
22 You have everything that is in evidence back there
23 with you. So I don't even have -- you have 2129.
24 I didn't know what you were talking about because I
25 don't have the calls, I don't have copies of any of

1 that. But what we can do, the only thing that I
2 can do is have the court reporter play back
3 testimony.

4 And let me explain that to you too. So lots
5 of times jurors think she is up there, busy the
6 whole trial, typing, typing away. So she is, but
7 she is typing in a format -- I don't know, is it
8 shorthand, I don't know what you call it --
9 shorthand or something, so you all would not be
10 able to read it, I would not be able to read it if
11 she tried to print it out. And she is probably the
12 only one that can read it because it is shorthand
13 and the way she is trained to type. So the best we
14 can do if you have any questions is to play back
15 testimony. And we can -- usually what happens is
16 the foreman will say, Can we hear testimony this
17 testimony of this witness, whether it is, you know,
18 and where, if it is direct, cross-examination,
19 redirect of the witness. And then we come back
20 out. She types and she is also recording
21 everything in the courtroom, so she comes back and
22 we set it up on the speakers and bring you back in
23 and play it in here.

24 Now, as to your question, after speaking with
25 the attorneys, as I said, I cannot answer your

1 question, but I can have the court reporter read
2 the part of the testimony where the number appears,
3 and I think the number that you are asking about is
4 the 803-361-7478?

5 ALL: Yes, sir.

6 THE COURT: That is the number you asked
7 about. I can have her read that portion if you
8 like. And I have to be quiet. Everything is
9 recorded, so when she starts reading, I won't say
10 anything.

11 Madam Court Reporter, if you will just
12 identify where the testimony is coming from and
13 then read it.

14 (WHEREUPON, the testimony was read back
15 on the record.)

16 THE COURT: We are back on the record. All
17 right. So I'm going to send you all back. We'll
18 hand this to the foreman so he can sign it. Here
19 is a pen. And sign it and put his number, and then
20 we'll mark that as Court Exhibit Number 4.

21 (WHEREUPON, Court Exhibit No. 4 was
22 marked for identification only.)

23 THE COURT: All right. We'll send you all
24 back in the jury room. You can continue your
25 deliberations.

1 MR. FOREMAN: Thank you.

2 (WHEREUPON, the jury retires to the jury
3 room at 7:47 p.m.)

4 THE COURT: Any objections from anyone?

5 MR. EATON: None from the State.

6 MR. MYERS: None from the Defense.

7 THE COURT: So it is 7:47. So I think we
8 broke, they broke for lunch around 1:00 o'clock. I
9 can ask them about dinner if you all want me to,
10 because it will take -- I mean, it is 7:45. It is
11 going to take probably how long to get here? About
12 an hour. I think the quickest place is Lizard's
13 Thicket. But it will probably take about an hour
14 or so to get here, so we are talking about
15 9:00 o'clock. I can ask if they want me to order.
16 Usually what I do is ask the jury if they want me
17 to order dinner.

18 MR. EATON: That sounds good, Your Honor.

19 THE COURT: If this was last night, I probably
20 would have said we will stop at a certain time and
21 go home and come back. My concern is that it is a
22 holiday weekend. That is three days. Three days.

23 MR. EATON: Yes, ma'am.

24 THE COURT: Three and-a-half, four days to
25 have them out. And so until they tell me they want

1 to stop and go home, I am just going to -- we will
2 all have to -- I mean, I thought about saying stop
3 at a certain time and come back on, you know -- if
4 it is Monday, you are talking about one thing, but
5 we are talking about Tuesday. Maybe not Tuesday,
6 depending on the storm, and all of those other
7 factors that are in place. So we'll try to hang in
8 here until they tell me that they want to stop or
9 they are tired. Then we will -- then at that point
10 I will have to stop.

11 All right, so I will go back and ask them
12 about dinner. I'll let you all know what they say.
13 They might not want to because the options are the
14 same tonight.

15 (Pause.)

16 THE COURT: They didn't say they want to order
17 food.

18 (WHEREUPON, the following occurred at
19 8:10 p.m.)

20 THE COURT: It is my understanding that they
21 have a verdict.

22 I will remind everyone in the courtroom that
23 you are not to have any outbursts. If you cannot
24 control your -- if you don't feel like you can
25 control your emotions, I will ask you to step

1 outside because we will not have any outbursts in
2 front of the jury.

3 All right, you can bring them in.

4 (WHEREUPON, the jury came into open
5 court at 8:11 p.m.)

6 VERDICT

7 THE BAILIFF: Thank you, Your Honor. The jury
8 is present, Your Honor.

9 THE COURT: All right, thank you.

10 Mr. Foreman, it is my understanding that the
11 jury has reached a verdict, is that correct?

12 MR. FOREMAN: Yes, ma'am.

13 THE COURT: All right. And is that verdict
14 unanimous?

15 MR. FOREMAN: Yes, ma'am.

16 THE COURT: If you can hand the verdict form
17 to the bailiff.

18 (Pause.)

19 THE COURT: I'll ask the clerk to publish the
20 verdict.

21 THE CLERK: May it please the Court? State of
22 South Carolina, County of Richland, In the Court of
23 General Sessions of the Fifth Judicial Circuit.

24 Indictment Numbers 2017-GS-40-7158,
25 2017-GS-40-07162, 2017-GS-40-07165,

1 2017-GS-40-07166.

2 State of South Carolina v. Charles Brandon
3 Barham, Defendant. Please circle the appropriate
4 verdict below and follow the accompanying
5 instructions carefully.

6 Number One: As to the indictment alleging
7 murder, we, the jury, unanimously find the
8 Defendant guilty.

9 Number Two: As to the indictment alleging
10 burglary first degree, we, the jury unanimously
11 find the Defendant guilty.

12 Number Three: As to the indictment alleging
13 conspiracy, we, the jury, unanimously find the
14 Defendant guilty.

15 Number Four: As to the indictment alleging
16 possession of a weapon during the commission of a
17 violent crime, we, the jury, unanimously find the
18 Defendant guilty.

19 Signed by Andrew Barbitta, Number 7,
20 Foreperson.

21 Is this your verdict, and the verdict of the
22 entire jury?

23 MR. FOREMAN: Yes, ma'am.

24 THE COURT: Thank you. Thank you, Mr.
25 Foreman.

1 Anything from the jurors before I release the
2 jurors? Do you wish me to poll the jury?

3 MR. MYERS: I would like for them to be
4 individually polled, Your Honor.

5 THE COURT: Madam Clerk, if you could poll the
6 jurors by number, please.

7 THE CLERK: Yes, ma'am.

8 Ladies and gentlemen of the jury, I am going
9 to ask you two questions relating to your verdict.
10 As I call your number, please answer yes or no to
11 both questions.

12 Number 7, was this your verdict?

13 THE JUROR: Yes.

14 THE CLERK: Is this still your verdict?

15 THE JUROR: Yes.

16 THE CLERK: Thank you. Number 138, was this
17 your verdict?

18 THE JUROR: Yes.

19 THE CLERK: Is this still your verdict?

20 THE JUROR: Yes.

21 THE CLERK: Thank you. Number 224, was this
22 your verdict?

23 THE JUROR: Yes.

24 THE CLERK: Is this still your verdict?

25 THE JUROR: Yes.

1 THE CLERK: Thank you. Number 244, was this
2 your verdict?

3 THE JUROR: Yes.

4 THE CLERK: Is this still your verdict?

5 THE JUROR: Yes.

6 THE CLERK: Thank you. Number 252, was this
7 your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Is this still your verdict?

10 THE JUROR: Yes.

11 THE CLERK: Thank you. Number 245, was this
12 your verdict?

13 THE JUROR: Yes.

14 THE CLERK: Is this still your verdict?

15 THE JUROR: Yes.

16 THE CLERK: Thank you. Number 102, was this
17 your verdict?

18 THE JUROR: Yes.

19 THE CLERK: Is this still your verdict?

20 THE JUROR: Yes.

21 THE CLERK: Thank you. Number 163, was this
22 your verdict?

23 THE JUROR: Yes.

24 THE CLERK: Is this still your verdict?

25 THE JUROR: Yes.

1 THE CLERK: Thank you. Number 185, was this
2 your verdict?

3 THE JUROR: Yes.

4 THE CLERK: Is this still your verdict?

5 THE JUROR: Yes.

6 THE CLERK: Thank you. Number 238, was this
7 your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Is this still your verdict?

10 THE JUROR: Yes.

11 THE CLERK: Thank you. Number 177, was this
12 your verdict?

13 THE JUROR: Yes.

14 THE CLERK: Is this still your verdict?

15 THE JUROR: Yes.

16 THE CLERK: Thank you. Number 237, was this
17 your verdict?

18 THE JUROR: Yes.

19 THE CLERK: Is this still your verdict?

20 THE JUROR: Yes.

21 THE CLERK: Thank you. The jury has been
22 polled.

23 THE COURT: All right, thank you.

24 Ladies and gentlemen of the jury, I do want to
25 thank you for your service here this week. I know

1 we have had some long days, and you all have been
2 attentive, perfect attitudes. It is not always
3 that way. And so I do want to -- I think one of
4 the bailiffs even, or maybe one of the clerks even
5 commented on the fact that you all were delightful
6 to work with this week. So I do want to thank you
7 for your service here this week.

8 I am going to release you. You can speak to
9 whoever you want to speak to. You can search for
10 anything you want to on the internet. Or if you
11 just don't want to talk about this case. Sometimes
12 lawyers will call just to get feedback, and if you
13 want to talk to them you can, if you don't want
14 to -- I don't think they will talk today, but, you
15 know, in the weeks coming they may call. If you
16 would like to give feedback, if you want to speak
17 to them you can. If you don't want to, you don't
18 have to.

19 I hope that you have a wonderful weekend. The
20 deputies will escort you to your cars. So we'll
21 send you back to the jury room.

22 Once again, on behalf of the court staff, the
23 attorneys, and everyone involved here, thank you
24 for your service. Oh, and work excuses.

25 (WHEREUPON, the jury was excused at 8:17

1 p.m.)

2 THE COURT: All right. Post-trial motions. I
3 know you want -- if you want to put your
4 preliminarily motions. If not -- if you want to
5 put your motions on the record, you can go ahead
6 and do that now to preserve the record.

7 MR. MYERS: Your Honor, just preliminarily, we
8 would actually move for a new trial, motion to set
9 aside the verdict based on the evidence in this
10 case. That is just preliminarily. I would ask the
11 Court for a little bit of relief if I can think of
12 any others. It has been a long week, a long
13 hard-fought battle on both sides. But at the
14 outset, that would be the two motions at this time.

15 THE COURT: Ten days?

16 MR. MYERS: Yes, ma'am.

17 THE COURT: So ten days, and five days to
18 respond to theirs?

19 MR. EATON: Yes, ma'am.

20 THE COURT: And you are renewing all your
21 other motions at this time?

22 MR. MYERS: Yes, ma'am.

23 THE COURT: All right. And as to sentencing,
24 what I'm going to do is -- obviously I am going to
25 take the Defendant into custody at this point, but

1 as to the sentencing, I've got to figure out the
2 sentencing. I need to sentence the Co-Defendant
3 first, and then I will sentence Mr. Barham.

4 All right. Anything else?

5 MR. EATON: Not from the State, Your Honor.

6 MR. MYERS: Not from the Defense, Your Honor.

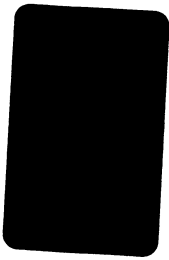
7 THE COURT: All right. Thank you all. Have a
8 good weekend.

9 (WHEREUPON, the trial adjourned at 8:20
10 p.m.)

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25 (END OF TRANSCRIPT)

**State's Exhibit 118 is a CD that is being transported
to the Court with the non-paper exhibits.**

Searched-\ Account Number 8.04E+09 542056646-1
Last Name First Name Middle Name Business N Addr Line1 FTH LLC 374 QUIET CREEK RD
Addr Line2 Addr Line3 City BLYTHEWOOD
State SC
Zip Code 2.9E+08 BARMAM BRANDON
Contact Last Name Contact First N Contact MI Phone No. 1E+10 H
Phone Typ Phone No. W 374 QUIET CREEK RD
Addr Line1 Addr Line2



Addr Line3	City	State	Zip Code	Country	mtm	MTN Effect Disconnect Type
	BLYTHEWC	SC	290167193	USA	8.04E+09	##### Postpay

Zip Code	Country	mtn	MTN Effect Disconnect Type
2.9E+08 USA		8.04E+09 #####	Postpay

Network Element Name	Mobile Directory Number	Dialed Digit Number	Call Direction	Seizure Dt Tm	Seizure Duration	First Serving Cell Site	First Serving Cell Face	Last Serving Cell Site	Last Serving Cell Face	Calling Party Number
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Columbia_MTX5	8037676448	8037676448	2	9/3/2015 10:51	141	542	3	542	3	8033617478
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Columbia_MTX5	8037676448	8032011061	2	9/7/2015 17:35	1064	506	1	1	506	1	8035872653
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 18:25	29	0	0	0	0	0	8035872653
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 19:01	28	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/7/2015 19:47	91	65	1	1	65	1	8033617478
Columbia_MTX5	8037676448	8037676448	2	9/7/2015 21:59	102	39	1	1	39	1	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 7:38	30	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	8032209024	1	9/8/2015 7:47	158	65	1	1	65	1	8037676448
Columbia_MTX5	8037676448	8032011061	2	9/8/2015 7:59	184	65	1	1	65	1	8037676448
Columbia_MTX5	8037676448	5872653	2	9/8/2015 8:06	171	65	1	1	65	1	8036081616
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 8:09	139	65	1	1	65	1	8037676448
Columbia_MTX5	8037676448	5872653	1	9/8/2015 8:13	29	65	2	2	65	2	8032011061
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 8:14	61	39	3	3	39	3	8035872653
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 8:16	85	39	3	3	39	3	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 8:47	6	539	2	2	539	2	8037676448
Columbia_MTX5	8037676448	8032209024	1	9/8/2015 8:48	171	539	2	2	539	2	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 9:32	146	548	2	2	548	2	8037676448
Columbia_MTX5	8037676448	18037888950	1	9/8/2015 9:35	261	539	2	2	539	2	8037676448
Columbia_MTX5	8037676448	8037761077	1	9/8/2015 9:59	235	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	18039399290	2	9/8/2015 10:03	21	510	1	1	510	1	8032011061
Columbia_MTX5	8037676448	8032011061	2	9/8/2015 10:20	201	510	1	1	510	1	8032011061
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 10:25	424	510	1	1	510	1	8033617478
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 10:45	213	510	1	1	510	1	8033617478
Columbia_MTX5	8037676448	8034615161	1	9/8/2015 11:14	11	510	2	2	510	2	8037676448

Columbia_MTX5	8037676448	8034615161	1	9/8/2015 11:14	11	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8035091521	2	9/8/2015 11:24	101	510	2	2	510	2	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 11:33	36	542	3	3	542	3	8032209024
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 11:36	550	510	2	2	510	2	8035872653
Columbia_MTX5	8037676448	8032011061	2	9/8/2015 11:47	378	542	3	3	542	3	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 11:50	35	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8033170087	1	9/8/2015 11:54	79	547	1	1	547	1	8037676448
Columbia_MTX5	8037676448	8033170087	1	9/8/2015 11:56	25	7	2	2	7	2	8037676448
Columbia_MTX5	8037676448	8032380474	1	9/8/2015 12:35	150	103	2	2	103	2	8037676448
Columbia_MTX5	8037676448	8036002274	1	9/8/2015 12:39	106	502	3	3	502	3	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 12:42	424	138	3	3	138	3	8035872653
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 13:27	28	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	2380474	1	9/8/2015 13:45	26	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8032209024	1	9/8/2015 13:54	30	510	1	1	510	1	8036002274
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 14:29	62	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8033170087	1	9/8/2015 14:33	221	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 14:57	84	510	1	1	510	1	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 15:07	19	510	1	1	510	1	8036002274
Columbia_MTX5	8037676448	8036228393	2	9/8/2015 15:19	8	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 15:28	27	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 15:33	21	542	3	3	542	3	8032209024
Columbia_MTX5	8037676448	8032011061	1	9/8/2015 15:39	35	510	2	2	510	2	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 15:47	180	138	3	3	138	3	8032011061
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 16:01	930	138	3	3	138	3	8032011061
Columbia_MTX5	8037676448	3617478	1	9/8/2015 16:23	35	138	3	3	138	3	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 16:37	35	510	1	1	510	1	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 16:41	33	0	0	0	0	0	8033617478
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 16:48	32	0	0	0	0	0	8033617478
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 16:53	30	0	0	0	0	0	8035872653
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 17:09	15	0	0	0	0	0	8032380474
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 17:26	14	510	2	2	510	2	8032209024
Columbia_MTX5	8037676448	8033617478	1	9/8/2015 17:12	26	0	0	0	0	0	8039606824
Columbia_MTX5	8037676448	8033617478	3	9/8/2015 17:26	1	542	3	3	542	3	8037676448
Columbia_MTX5	8037676448	8037676448	1	9/8/2015 17:31	71	510	1	1	510	1	8033617478
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 17:37	29	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 18:03	6	510	1	1	510	1	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 18:03	29	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 18:06	75	510	2	2	510	2	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 18:13	308	510	1	1	510	1	8032380474
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 18:42	28	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 19:07	34	0	0	0	0	0	8032011061
Columbia_MTX5	8037676448	5042330581	1	9/8/2015 19:08	38	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 19:09	92	510	1	1	510	1	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 19:19	26	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	18032209024	1	9/8/2015 19:19	99	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8032011061	1	9/8/2015 19:25	30	138	3	3	138	3	8037676448
Columbia_MTX5	8037676448	8033170087	1	9/8/2015 19:26	118	35	1	1	35	1	8033170087
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 19:37	140	517	1	1	517	1	8033617478
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 19:57	1008	89	3	3	89	3	8032011061
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 20:13	24	517	1	1	517	1	8033617478
Columbia_MTX5	8037676448	8033617478	2	9/8/2015 20:18	21	517	1	1	517	1	8037676448
Columbia_MTX5	8037676448	7676448	2	9/8/2015 20:19	840	517	1	1	517	1	8033949876

Columbia_MTX5	8037676448	2	9/8/2015 21:18	440	517	1	1	8032011061
Columbia_MTX5	8037676448	2	9/8/2015 21:37	1125	517	1	1	8033617478
Columbia_MTX5	8037676448	2	9/8/2015 21:56	310	530	2	2	8034675977
Columbia_MTX5	8037676448	0	9/8/2015 22:01	97	530	2	2	8035293044
Columbia_MTX5	8037676448	2	9/8/2015 22:02	23	530	2	2	8034675977
Columbia_MTX5	8033617478	2	9/8/2015 22:06	120	502	3	3	8037676448
Columbia_MTX5	8032380474	1	9/8/2015 22:11	553	520	3	3	8037676448
Columbia_MTX5	8037676448	2	9/8/2015 22:24	878	39	1	1	8033949876
Columbia_MTX5	7676448	2	9/8/2015 23:13	125	39	1	1	8033949876
Columbia_MTX5	7676448	F	9/8/2015 23:42	8	0	0	0	8033949876
Columbia_MTX5	7676448	2	9/8/2015 23:42	145	39	1	1	8033949876
Columbia_MTX5	8037676448	2	9/9/2015 7:58	819	39	1	1	8032011061
Columbia_MTX5	8037676448	0	9/9/2015 8:17	257	39	1	1	8033170087
Columbia_MTX5	5872653	1	9/9/2015 8:22	38	39	3	3	8037676448
Columbia_MTX5	8037676448	0	9/9/2015 8:29	321	39	3	3	8032209024
Columbia_MTX5	8032380474	1	9/9/2015 8:35	321	520	1	1	8037676448
Columbia_MTX5	8037676448	2	9/9/2015 9:02	91	510	2	2	8035879141
Columbia_MTX5	8037676448	F	9/9/2015 9:22	41	0	0	0	8035453594
Columbia_MTX5	8037676448	F	9/9/2015 9:22	32	0	0	0	8035453594
Columbia_MTX5	8037676448	F	9/9/2015 9:28	27	0	0	0	8776478552
Columbia_MTX5	5872653	1	9/9/2015 9:44	34	520	3	3	8037676448
Columbia_MTX5	8037676448	F	9/9/2015 9:56	42	0	0	0	8035872653
Columbia_MTX5	7676448	F	9/9/2015 10:01	67	0	0	0	8037307188
Columbia_MTX5	8035872653	2	9/9/2015 10:10	93	144	3	3	8033617478
Columbia_MTX5	8037676448	2	9/9/2015 10:11	294	144	3	3	8037676448
Columbia_MTX5	8037676448	F	9/9/2015 10:14	28	0	0	0	8035879141
Columbia_MTX5	8037676448	2	9/9/2015 10:17	115	39	1	1	8037676448
Columbia_MTX5	8035879141	2	9/9/2015 10:53	33	65	1	1	8033617478
Columbia_MTX5	8037676448	F	9/9/2015 11:27	33	0	0	0	8036228393
Columbia_MTX5	8037676448	F	9/9/2015 11:27	7	0	0	0	8033617478
Columbia_MTX5	8036228393	2	9/9/2015 11:38	125	65	3	3	8037676448
Columbia_MTX5	8037676448	0	9/9/2015 11:58	77	65	3	3	8032209024
Columbia_MTX5	7676448	2	9/9/2015 11:58	59	65	3	3	8033949876
Columbia_MTX5	8033617478	2	9/9/2015 12:54	295	65	3	3	8037676448
Columbia_MTX5	8037676448	F	9/9/2015 13:39	61	0	0	0	8035453594
Columbia_MTX5	8037676448	F	9/9/2015 13:55	32	0	0	0	8032209024
Columbia_MTX5	8037676448	0	9/9/2015 14:15	14	65	3	3	8776478552
Columbia_MTX5	8037676448	2	9/9/2015 14:23	54	65	3	3	8035872653
Columbia_MTX5	8037676448	0	9/9/2015 14:32	265	65	3	3	8032209024
Columbia_MTX5	8037676448	0	9/9/2015 15:01	17	65	1	1	8776478552
Columbia_MTX5	8037676448	F	9/9/2015 15:25	29	0	0	0	8032011061
Columbia_MTX5	8037676448	2	9/9/2015 15:36	93	65	1	1	8032011061
Columbia_MTX5	8037676448	F	9/9/2015 15:47	25	0	0	0	8776478552
Columbia_MTX5	8037676448	2	9/9/2015 16:18	141	65	1	1	8035872653
Columbia_MTX5	8037676448	F	9/9/2015 17:01	32	0	0	0	8035879141
Columbia_MTX5	8037676448	F	9/9/2015 17:06	29	0	0	0	8033170087
Columbia_MTX5	8037676448	F	9/9/2015 17:34	35	0	0	0	8032209024
Columbia_MTX5	8037676448	1	9/9/2015 17:36	76	65	1	1	8037676448
Columbia_MTX5	8037676448	F	9/9/2015 17:37	27	0	0	0	8033170087
Columbia_MTX5	8037676448	F	9/9/2015 17:45	29	0	0	0	8034146184
Columbia_MTX5	8037676448	2	9/9/2015 17:47	29	0	0	0	8035879141
Columbia_MTX5	8037676448	F	9/9/2015 18:07	84	11	2	2	8035872653
Columbia_MTX5	8037676448	F	9/9/2015 18:16	42	0	0	0	8032377898
Columbia_MTX5	8037676448	F	9/9/2015 18:23	31	0	0	0	8032011061
Columbia_MTX5	8037676448	2	9/9/2015 18:24	141	39	1	1	8037676448

Columbia_MTX5	8037676448	8036228393	2	9/9/2015 18:37	225	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/9/2015 18:42	100	39	1	1	39	1	8036228393
Columbia_MTX5	8037676448	8032011061	2	9/9/2015 18:46	206	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8033543224	2	9/9/2015 19:17	1296	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/9/2015 20:01	443	39	1	1	39	1	8032380474
Columbia_MTX5	8037676448	8037676448	F	9/9/2015 20:05	25	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8037676448	F	9/9/2015 20:14	49	0	0	0	0	0	8034383325
Columbia_MTX5	8037676448	8033170087	1	9/9/2015 20:24	121	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	7676448	2	9/9/2015 20:33	490	39	1	1	39	1	8033949876
Columbia_MTX5	8037676448	8037167891	1	9/9/2015 20:43	62	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8036081616	1	9/9/2015 20:44	20	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8032011061	2	9/9/2015 20:45	435	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8033949876	2	9/9/2015 20:53	19	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8033949876	2	9/9/2015 20:53	819	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	7676448	F	9/9/2015 22:05	6	0	0	0	0	0	8033949876
Columbia_MTX5	8037676448	7676448	F	9/9/2015 22:05	9	0	0	0	0	0	8033949876
Columbia_MTX5	8037676448	7676448	F	9/9/2015 22:06	6	0	0	0	0	0	8033949876
Columbia_MTX5	8037676448	8037676448	F	9/9/2015 22:10	6	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8037676448	F	9/9/2015 22:11	10	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8037676448	F	9/9/2015 22:12	5	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8037676448	2	9/9/2015 22:49	625	138	3	3	138	3	8035091521
Columbia_MTX5	8037676448	8037676448	0	9/9/2015 23:38	491	138	1	1	138	1	8037432060
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 0:05	157	31	3	3	31	3	8035872653
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 1:11	4154	39	1	1	39	1	8032408427
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 2:21	11	0	0	0	0	0	8032408427
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 2:22	8	0	0	0	0	0	8032408427
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 2:23	8	0	0	0	0	0	8032408427
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 2:28	7	0	0	0	0	0	8032408427
Columbia_MTX5	8037676448	8032408427	2	9/10/2015 2:50	156	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	6178710472	1	9/10/2015 2:50	28	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 7:08	29	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 7:25	28	0	0	0	0	0	8033543224
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 8:32	8	0	0	0	0	0	8432706572
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 8:32	6	0	0	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 8:35	23	0	0	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 8:38	7	0	0	0	0	0	8432706572
Columbia_MTX5	8037676448	8032011061	2	9/10/2015 9:07	95	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8432706572	1	9/10/2015 9:09	96	39	1	1	39	1	8037676448
Charleston_MTX4	8037676448	8432706572	5	9/10/2015 9:09	95	0	0	0	0	0	8035879141
Columbia_MTX5	8037676448	8037307188	1	9/10/2015 9:15	49	39	1	1	39	1	8037307188
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 9:16	20	0	0	0	0	0	8432706572
Columbia_MTX5	8037676448	8035453594	1	9/10/2015 9:16	44	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 9:17	32	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 9:19	42	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 9:19	108	39	1	1	39	1	8035879141
Columbia_MTX5	8037676448	8039177858	1	9/10/2015 9:22	21	39	1	1	39	1	8037307188
Columbia_MTX5	8037676448	8039179557	1	9/10/2015 9:23	42	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/10/2015 9:23	20	39	1	1	39	1	8033170087
Columbia_MTX5	8037676448	8037676448	0	9/10/2015 9:23	9	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	8037307188	2	9/10/2015 9:28	44	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 9:31	30	0	0	0	0	0	8776478552
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 9:33	378	39	1	1	39	1	8039177854
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 9:39	30	0	0	0	0	0	8432706572

Columbia_MTX5	8037676448	8432706572	1	9/10/2015 9:40	288	39	1	1	39	1	8037676448
Charleston_MTX4	8037676448	8432706572	5	9/10/2015 9:40	286	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 9:48	988	39	1	1	39	1	8033543224
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 9:59	27	0	0	0	0	0	8036228393
Columbia_MTX5	8037676448	8032011061	2	9/10/2015 10:05	365	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 10:06	30	0	0	0	0	0	8033543224
Columbia_MTX5	8037676448	8033543224	2	9/10/2015 10:12	105	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	3617478	1	9/10/2015 10:19	31	39	1	1	39	1	8039791217
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 10:33	32	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	3617478	1	9/10/2015 10:38	33	39	1	1	39	1	8033617478
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 10:57	139	39	1	1	39	1	8032011061
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 11:34	376	39	1	1	39	1	8033170087
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 12:21	58	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	8036228393	2	9/10/2015 12:28	57	510	2	2	510	2	8432706572
Columbia_MTX5	8037676448	8037676448	0	9/10/2015 12:39	597	510	1	1	510	1	8032011061
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 14:04	536	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8033543224	1	9/10/2015 14:16	34	542	3	3	542	3	8776478552
Columbia_MTX5	8037676448	8037676448	0	9/10/2015 14:44	24	510	1	1	510	1	8033125329
Columbia_MTX5	8037676448	8037676448	0	9/10/2015 14:58	106	542	1	1	542	1	8432706572
Columbia_MTX5	8037676448	8037676448	0	9/10/2015 15:26	480	510	1	1	510	1	8776478552
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 15:30	22	0	0	0	0	0	8036228393
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 15:50	57	510	1	1	510	1	2103993761
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 15:58	33	0	0	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 16:00	48	510	1	1	510	1	8432706572
Columbia_MTX5	8037676448	8037676448	0	9/10/2015 16:23	55	542	3	3	542	3	8037676448
Columbia_MTX5	8037676448	8036228393	2	9/10/2015 16:36	61	510	1	1	510	1	6175811051
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 17:40	25	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 17:47	31	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/10/2015 17:51	81	510	2	2	510	2	8037676448
Columbia_MTX5	8037676448	803707188	2	9/10/2015 18:22	127	510	1	1	510	1	8033170087
Columbia_MTX5	8037676448	7676448	F	9/10/2015 18:34	28	0	0	0	0	0	8036735029
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 18:49	66	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 19:00	28	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 20:08	30	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 20:14	31	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 20:15	29	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 20:15	28	0	0	0	0	0	8037167891
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 20:16	7	0	0	0	0	0	8032377898
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 20:16	5	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 20:44	9	0	0	0	0	0	8032011061
Columbia_MTX5	8037676448	8032011061	2	9/10/2015 21:40	209	37	2	2	37	2	8432706572
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 21:51	18	0	0	0	0	0	7048378342
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 21:52	7	0	0	0	0	0	8776478552
Columbia_MTX5	8037676448	8037676448	F	9/11/2015 7:18	7	0	0	0	0	0	9803217764
Columbia_MTX5	8037676448	8037676448	F	9/11/2015 9:24	1	0	0	0	0	0	8776478552
Columbia_MTX5	8037676448	8037676448	F	9/11/2015 10:01	12	0	0	0	0	0	8776478552
Columbia_MTX5	8037676448	8037676448	F	9/11/2015 12:37	2	0	0	0	0	0	7048378342
Columbia_MTX5	8037676448	8037676448	F	9/11/2015 13:01	15	0	0	0	0	0	8776478552
Columbia_MTX5	8037676448	8037676448	F	9/11/2015 14:03	2	0	0	0	0	0	8776478552
Columbia_MTX5	8037676448	8037676448	F	9/11/2015 14:48	25	0	0	0	0	0	2103993761
Columbia_MTX5	8037676448	8037676448	F	9/11/2015 16:01	13	0	0	0	0	0	8035879141
Columbia_MTX5	8037676448	8037676448	F	9/11/2015 16:57	7	0	0	0	0	0	6177140762
Columbia_MTX5	8037676448	8037676448	F	9/11/2015 17:56	7	0	0	0	0	0	
Columbia_MTX5	8037676448	8037676448	F	9/11/2015 18:10	13	0	0	0	0	0	

Columbia_MTX5	8037676448	F	9/11/2015 19:02	189	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	F	9/11/2015 21:35	4	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	F	9/12/2015 9:41	9	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	F	9/12/2015 10:02	13	0	0	0	0	0	7048378339
Columbia_MTX5	8037676448	F	9/12/2015 10:06	11	0	0	0	0	0	8037862315
Columbia_MTX5	8037676448	F	9/12/2015 13:02	12	0	0	0	0	0	9803217758
Columbia_MTX5	8037676448	F	9/12/2015 13:39	9	0	0	0	0	0	2103993761
Columbia_MTX5	8037676448	F	9/12/2015 14:51	13	0	0	0	0	0	8034146184
Columbia_MTX5	8037676448	0	9/12/2015 15:06	28	530	2	2	530	2	8032209024
Columbia_MTX5	8037676448	0	9/12/2015 15:07	33	516	2	2	516	2	8032209024
Columbia_MTX5	8032209024	1	9/12/2015 15:35	218	510	2	2	510	2	8037676448
Columbia_MTX5	8033543224	1	9/12/2015 15:42	34	542	3	3	542	3	8037676448
Columbia_MTX5	8033543224	1	9/12/2015 15:43	38	510	1	1	510	1	8037676448
Columbia_MTX5	8035872653	2	9/12/2015 15:55	85	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	F	9/12/2015 16:01	36	0	0	0	0	0	7048378339
Columbia_MTX5	8037676448	0	9/12/2015 16:17	85	510	1	1	510	1	8039204888
Columbia_MTX5	8037676448	0	9/12/2015 17:29	158	510	2	2	510	2	8032209024
Columbia_MTX5	8037676448	0	9/12/2015 18:10	25	138	3	3	138	3	9803217758
Columbia_MTX5	8037676448	F	9/12/2015 18:35	11	0	0	0	0	0	8035872653
Columbia_MTX5	8037676448	F	9/12/2015 18:39	9	0	0	0	0	0	8035872653
Columbia_MTX5	8037676448	2	9/12/2015 19:25	120	35	2	2	35	2	8033605677
Columbia_MTX5	5872653	2	9/12/2015 19:29	119	552	3	3	552	3	8037676448
Columbia_MTX5	8035872653	1	9/12/2015 19:50	37	1548	2	2	1548	2	8037676448
Columbia_MTX5	8037676448	2	9/12/2015 19:53	94	1049	1	1	1049	1	8035872653
Columbia_MTX5	8037676448	F	9/12/2015 20:15	28	0	0	0	0	0	8035872653
Columbia_MTX5	8037676448	2	9/12/2015 20:15	78	1518	3	3	1518	3	8032011061
Columbia_MTX5	8037676448	0	9/12/2015 20:25	650	1518	3	3	1518	3	8032377898
Columbia_MTX5	3134279332	F	9/12/2015 21:12	42	0	0	0	0	0	8032377898
Columbia_MTX5	8037676448	1	9/12/2015 21:24	322	1518	3	3	1518	3	8037676448
Columbia_MTX5	8037676448	0	9/12/2015 23:15	207	1518	3	3	1518	3	8032377898
Columbia_MTX5	8032209024	1	9/13/2015 0:51	42	1548	3	3	1548	3	8037676448
Columbia_MTX5	8037676448	F	9/13/2015 1:17	31	0	0	0	0	0	8039204888
Columbia_MTX5	8037676448	F	9/13/2015 1:19	6	0	0	0	0	0	8039204888
Columbia_MTX5	8037676448	F	9/13/2015 1:42	6	0	0	0	0	0	8039204888
Columbia_MTX5	8037676448	F	9/13/2015 1:49	5	0	0	0	0	0	8039204888
Columbia_MTX5	8037676448	F	9/13/2015 1:55	4	0	0	0	0	0	8039204888
Columbia_MTX5	8037676448	F	9/13/2015 2:00	5	0	0	0	0	0	8039204888
Columbia_MTX5	8037676448	F	9/13/2015 2:02	5	0	0	0	0	0	8039204888
Columbia_MTX5	8037676448	F	9/13/2015 2:06	4	0	0	0	0	0	8039204888
Columbia_MTX5	8037676448	F	9/13/2015 2:10	4	0	0	0	0	0	8039204888
Columbia_MTX5	8037676448	F	9/13/2015 2:16	7	0	0	0	0	0	8035872653
Columbia_MTX5	8037676448	F	9/13/2015 3:41	6	0	0	0	0	0	8039204888
Columbia_MTX5	8037676448	F	9/13/2015 4:16	5	0	0	0	0	0	8039204888
Columbia_MTX5	8037676448	F	9/13/2015 5:05	5	0	0	0	0	0	8039204888
Columbia_MTX5	8037676448	F	9/13/2015 6:06	5	0	0	0	0	0	8039204888
Columbia_MTX5	8037676448	F	9/13/2015 6:55	5	0	0	0	0	0	8039204888
Columbia_MTX5	8037676448	F	9/13/2015 7:25	24	0	0	0	0	0	8032011061
Columbia_MTX5	8037676448	F	9/13/2015 7:26	3	0	0	0	0	0	8032011061
Columbia_MTX5	8037676448	F	9/13/2015 7:40	6	0	0	0	0	0	8032011061
Columbia_MTX5	8037676448	F	9/13/2015 7:41	58	0	0	0	0	0	8032011061
Columbia_MTX5	8037676448	F	9/13/2015 8:03	116	138	3	3	138	3	8037676448
Columbia_MTX5	8032011061	2	9/13/2015 9:12	12	520	3	3	520	3	8037676448
Columbia_MTX5	8033543224	1	9/13/2015 9:12	311	138	3	3	138	3	8037676448
Columbia_MTX5	8033605677	2								

Columbia_MTX5	8037676448	8037862315	1	9/13/2015 9:17	32	138	3	3	138	8037676448	3
Columbia_MTX5	8037676448	8037676448	2	9/13/2015 9:32	104	138	3	3	138	8032011061	3
Columbia_MTX5	8037676448	8037862315	1	9/13/2015 10:06	30	542	2	2	542	8037676448	2
Columbia_MTX5	8037676448	8032377898	1	9/13/2015 10:07	58	542	3	3	542	8037676448	3
Columbia_MTX5	8037676448	8033949876	2	9/13/2015 10:13	61	510	1	1	510	8037676448	1
Columbia_MTX5	8037676448	8037676448	F	9/13/2015 10:33	38	0	0	0	0	8032011061	0
Columbia_MTX5	8037676448	8032011061	2	9/13/2015 11:02	264	510	2	2	510	8037676448	2
Columbia_MTX5	8037676448	8037862315	1	9/13/2015 11:54	30	510	1	1	510	8037676448	1
Columbia_MTX5	8035872653	8035872653	1	9/13/2015 11:54	32	510	2	2	510	8037676448	2
Columbia_MTX5	8033543224	8033543224	1	9/13/2015 12:11	43	510	1	1	510	8037676448	1
Columbia_MTX5	8037676448	8037676448	2	9/13/2015 12:37	681	510	1	1	510	8037676448	1
Columbia_MTX5	8037676448	5872653	2	9/13/2015 12:37	1108	510	2	2	510	8033949876	2
Columbia_MTX5	8037676448	7676448	2	9/13/2015 13:59	443	542	3	3	542	8032011061	3
Columbia_MTX5	8037676448	8037676448	0	9/13/2015 14:26	169	542	1	1	542	8037676448	1
Columbia_MTX5	8037676448	8034630917	2	9/13/2015 15:08	124	542	1	1	542	8032377898	1
Columbia_MTX5	8037676448	8037676448	F	9/13/2015 15:09	29	0	0	0	0	8037676448	0
Columbia_MTX5	8037676448	8032011061	1	9/13/2015 15:27	98	542	1	1	542	2103993761	1
Columbia_MTX5	8037676448	8037676448	1	9/13/2015 15:59	161	542	2	2	542	8037676448	2
Columbia_MTX5	8037676448	8035500996	1	9/13/2015 17:56	61	510	2	2	510	8032209024	2
Columbia_MTX5	8037676448	8037676448	2	9/13/2015 18:00	125	510	1	1	510	8037676448	1
Columbia_MTX5	8037676448	8035134380	2	9/13/2015 18:03	272	510	1	1	510	8034630917	1
Columbia_MTX5	8037676448	8037676448	0	9/13/2015 18:11	149	510	1	1	510	8037676448	1
Columbia_MTX5	8037676448	8037676448	0	9/13/2015 18:26	148	510	1	1	510	8035500996	1
Columbia_MTX5	8037676448	8032011061	1	9/13/2015 18:51	272	542	3	3	542	8032209024	3
Columbia_MTX5	8037676448	8037676448	2	9/13/2015 18:57	112	542	1	1	542	8037676448	1
Columbia_MTX5	8037676448	8037676448	2	9/13/2015 19:04	679	138	3	3	138	8034675977	3
Columbia_MTX5	8037676448	8037676448	F	9/13/2015 20:10	19	0	0	0	0	8037862315	0
Columbia_MTX5	8037676448	8037676448	F	9/13/2015 20:11	22	0	0	0	0	8037862315	0
Columbia_MTX5	8037676448	8033543224	2	9/13/2015 20:37	32	138	3	3	138	8037676448	3
Columbia_MTX5	8037676448	8037862315	1	9/13/2015 20:38	335	138	3	3	138	8037676448	3
Columbia_MTX5	8037676448	8037676448	0	9/13/2015 21:06	291	6	1	1	6	8032011061	1
Columbia_MTX5	8037676448	8037676448	0	9/13/2015 21:14	1181	6	1	1	6	8032377898	1
Columbia_MTX5	8037676448	8037676448	2	9/13/2015 22:35	13	6	1	1	6	8033543224	1
Columbia_MTX5	8037676448	8037676448	0	9/13/2015 23:02	149	39	1	1	39	8032209024	1
Columbia_MTX5	8037676448	8033949876	2	9/13/2015 23:25	44	39	1	1	39	8037676448	1
Columbia_MTX5	8037676448	8037676448	F	9/14/2015 0:58	7	0	0	0	0	8032209024	0
Columbia_MTX5	8037676448	8037676448	F	9/14/2015 0:59	6	0	0	0	0	8032209024	0
Columbia_MTX5	8037676448	8037676448	F	9/14/2015 8:09	15	0	0	0	0	8032011061	0
Columbia_MTX5	8037676448	8037676448	F	9/14/2015 8:29	47	0	0	0	0	8037676448	0
Columbia_MTX5	8033543224	8033543224	1	9/14/2015 8:30	5	39	2	2	39	8032011061	2
Columbia_MTX5	8037676448	8033543224	F	9/14/2015 8:43	35	0	0	0	0	8037676448	0
Columbia_MTX5	8037676448	8033605677	2	9/14/2015 8:46	118	542	3	3	542	8037676448	3
Columbia_MTX5	8032011061	8032011061	1	9/14/2015 8:46	167	138	3	3	138	8037862315	3
Columbia_MTX5	8037676448	8037676448	0	9/14/2015 9:10	43	138	3	3	138	8037676448	3
Columbia_MTX5	8037676448	8032209024	1	9/14/2015 9:11	40	138	3	3	138	8032209024	3
Columbia_MTX5	8037676448	8037676448	0	9/14/2015 9:41	74	542	3	3	542	8037676448	3
Columbia_MTX5	8037676448	8033543224	2	9/14/2015 9:58	13	510	1	1	510	8035134380	1
Columbia_MTX5	8037676448	8037676448	2	9/14/2015 10:16	51	510	2	2	510	8035134380	2
Columbia_MTX5	8037676448	8037676448	F	9/14/2015 11:01	57	0	0	0	0	8035134380	0
Columbia_MTX5	8037676448	8037676448	2	9/14/2015 11:08	48	510	1	1	510	8032380474	1
Columbia_MTX5	8037676448	8037676448	0	9/14/2015 11:40	131	542	3	3	542	8032380474	3
Columbia_MTX5	8037676448	8037676448	2	9/14/2015 12:57	78	542	3	3	542	8033949876	3
Columbia_MTX5	8037676448	8037676448	F	9/14/2015 13:56	33	0	0	0	0	7049002205	0

Columbia_MTX5	8037676448	F	9/14/2015 15:35	39	0	0	0	0	6019905520
Columbia_MTX5	8037676448	F	9/14/2015 16:21	71	0	0	0	0	2103993761
Columbia_MTX5	8033543224	2	9/14/2015 16:30	59	542	3	3	542	8037676448
Columbia_MTX5	8032011061	1	9/14/2015 16:32	33	520	3	3	520	8037676448
Columbia_MTX5	8037676448	F	9/14/2015 16:37	36	0	0	0	0	8035500996
Columbia_MTX5	8035500996	1	9/14/2015 16:38	96	138	3	3	138	8037676448
Columbia_MTX5	8037676448	0	9/14/2015 17:25	244	1577	2	2	1577	8032011061
Columbia_MTX5	8037676448	0	9/14/2015 17:46	39	1577	1	1	1577	8032209024
Columbia_MTX5	8037676448	F	9/14/2015 20:01	28	0	0	0	0	8032209024
Columbia_MTX5	8037676448	0	9/14/2015 20:48	22	1572	1	1	1572	8035491143
Columbia_MTX5	8033605677	2	9/14/2015 20:52	166	1572	1	1	1572	8037676448
Columbia_MTX5	8032011061	1	9/15/2015 9:23	306	510	1	1	510	8037676448
Columbia_MTX5	8037676448	F	9/15/2015 12:13	32	0	0	0	0	7049002205
Columbia_MTX5	8037676448	F	9/15/2015 12:20	33	0	0	0	0	8037862315
Columbia_MTX5	7676448	2	9/15/2015 13:07	412	510	1	1	510	8033949876
Columbia_MTX5	3949876	2	9/15/2015 13:49	81	510	1	1	510	8037676448
Columbia_MTX5	8037676448	F	9/15/2015 13:56	31	0	0	0	0	8776478552
Columbia_MTX5	8032011061	1	9/15/2015 14:33	40	510	1	1	510	8037676448
Columbia_MTX5	8037676448	2	9/15/2015 14:34	90	510	1	1	510	8033949876
Columbia_MTX5	8037676448	0	9/15/2015 15:08	410	510	1	1	510	8032209024
Columbia_MTX5	8037676448	F	9/15/2015 15:43	27	0	0	0	0	8035095555
Columbia_MTX5	8037676448	0	9/15/2015 15:45	84	510	1	1	510	8035095555
Columbia_MTX5	8037676448	0	9/15/2015 16:06	103	510	2	2	510	8032380474
Columbia_MTX5	8037676448	F	9/15/2015 16:18	34	0	0	0	0	2103993761
Columbia_MTX5	8037676448	0	9/15/2015 16:27	15	510	1	1	510	8776478552
Columbia_MTX5	8037676448	0	9/15/2015 16:57	90	510	1	1	510	8032209024
Columbia_MTX5	8037676448	0	9/15/2015 16:59	96	510	1	1	510	8035500996
Columbia_MTX5	8032380474	1	9/15/2015 18:53	37	138	3	3	138	8037676448
Columbia_MTX5	8032209024	1	9/15/2015 18:56	70	138	3	3	138	8037676448
Columbia_MTX5	8037676448	F	9/15/2015 18:56	28	0	0	0	0	8032380474
Columbia_MTX5	8037676448	0	9/15/2015 18:57	143	138	3	3	138	8032209024
Columbia_MTX5	8037676448	0	9/15/2015 19:03	29	138	3	3	138	8032380474
Columbia_MTX5	8037676448	0	9/15/2015 19:18	142	138	3	3	138	8032209024
Columbia_MTX5	3949876	2	9/15/2015 19:26	147	35	1	1	35	8037676448
Columbia_MTX5	5872653	1	9/15/2015 19:29	25	35	2	2	35	8037676448
Columbia_MTX5	2380474	1	9/15/2015 19:31	38	89	3	3	89	8037676448
Columbia_MTX5	8032209024	1	9/15/2015 19:43	148	552	1	1	552	8037676448
Columbia_MTX5	8037676448	F	9/15/2015 19:59	34	0	0	0	0	8032209024
Columbia_MTX5	7676448	2	9/15/2015 20:40	119	517	2	2	517	8033949876
Columbia_MTX5	8037676448	F	9/15/2015 21:21	212	0	0	0	0	8032209024
Columbia_MTX5	8037676448	0	9/15/2015 21:40	161	517	2	2	517	8032209024
Columbia_MTX5	18032209024	1	9/15/2015 21:43	12	517	1	1	517	8037676448
Columbia_MTX5	8033543224	1	9/15/2015 21:58	36	138	3	3	138	8037676448

Network Element Name	Mobile Directory Number	Dialed Digit Number	Call Direction	Seizure Dt Tm	Seizure Duration	First Serving Cell Site	First Serving Cell Face	Last Serving Cell Site	Last Serving Cell Face	Calling Party Number
Columbia_MTXS	8037676448	8037676448	F	9/3/2015 7:57	8	0	0	0	0	8033543224
Columbia_MTXS	8037676448	8037676448	2	9/3/2015 8:48	223	39	1	39	1	8033543224
Columbia_MTXS	8037676448	8037676448	F	9/3/2015 9:34	15	0	0	0	0	8776478552
Columbia_MTXS	8037676448	8033617478	1	9/3/2015 10:25	35	65	3	65	3	8037676448
Columbia_MTXS	8037676448	8037676448	2	9/3/2015 10:51	141	542	3	542	3	8033617478
Columbia_MTXS	8037676448	8037676448	0	9/3/2015 11:00	161	510	2	510	2	8034146184
Columbia_MTXS	8037676448	8037676448	F	9/3/2015 12:40	26	0	0	0	0	6175811051
Columbia_MTXS	8037676448	8037676448	0	9/3/2015 13:59	42	510	1	510	1	8037542911
Columbia_MTXS	8037676448	8037676448	F	9/3/2015 14:18	27	0	0	0	0	8776478552
Columbia_MTXS	8035872653	8037676448	2	9/3/2015 14:24	304	510	1	510	1	8037676448
Columbia_MTXS	8037676448	8037676448	F	9/3/2015 15:25	28	0	0	0	0	8776478552
Columbia_MTXS	8037676448	8037676448	2	9/3/2015 16:20	14	0	0	0	0	8776478552
Columbia_MTXS	8037676448	8037676448	F	9/3/2015 16:25	225	520	1	520	1	8032011061
Columbia_MTXS	8037676448	8037676448	F	9/3/2015 16:26	30	0	0	0	0	8033543224
Columbia_MTXS	8037676448	8037676448	F	9/3/2015 16:53	25	0	0	0	0	6175811051
Columbia_MTXS	8037676448	8037676448	2	9/3/2015 17:02	301	542	3	542	3	8034675977
Columbia_MTXS	8032011061	8037676448	1	9/3/2015 17:13	33	542	3	542	3	8037676448
Columbia_MTXS	8037676448	8037676448	2	9/3/2015 17:17	343	520	3	520	3	8032011061
Columbia_MTXS	8037676448	8033617478	F	9/3/2015 17:25	451	0	0	0	0	8033617478
Columbia_MTXS	8035872653	8037676448	2	9/3/2015 17:35	89	39	3	39	3	8037676448
Columbia_MTXS	8037676448	8037676448	F	9/3/2015 19:18	31	0	0	0	0	8033543224
Columbia_MTXS	803237898	8037676448	1	9/3/2015 21:26	51	39	1	39	1	8037676448
Columbia_MTXS	8033617478	8037676448	1	9/3/2015 22:09	37	39	1	39	1	8037676448
Columbia_MTXS	803209024	8037676448	2	9/3/2015 22:37	101	39	1	39	1	8033617478
Columbia_MTXS	8037676448	8037676448	0	9/4/2015 9:47	216	65	1	65	1	8448720867
Columbia_MTXS	8035879141	8037676448	2	9/4/2015 10:08	212	65	1	65	1	8776478552
Columbia_MTXS	8032011061	8037676448	2	9/4/2015 10:53	67	39	2	39	2	8037676448
Columbia_MTXS	8037676448	8037676448	0	9/4/2015 11:44	234	138	3	138	3	8032209024
Columbia_MTXS	8032380474	8037676448	1	9/4/2015 11:49	476	35	1	35	1	8037676448
Columbia_MTXS	8037676448	8037676448	0	9/4/2015 11:56	237	35	1	35	1	8032341799
Columbia_MTXS	8037676448	8037676448	0	9/4/2015 12:45	110	518	3	518	3	8032341799
Columbia_MTXS	8037676448	8037676448	0	9/4/2015 12:46	16	518	3	518	3	8776478552
Columbia_MTXS	8037676448	8037676448	2	9/4/2015 12:55	129	49	2	49	2	8033617478
Columbia_MTXS	8037676448	8037676448	2	9/4/2015 14:04	279	518	3	518	3	8032011061
Columbia_MTXS	8037676448	8037676448	0	9/4/2015 14:45	107	518	3	518	3	8032209024
Columbia_MTXS	8037676448	8037676448	0	9/4/2015 15:27	488	518	3	518	3	8032341799
Columbia_MTXS	8037676448	8037676448	0	9/4/2015 15:41	522	518	2	518	2	8032341799
Columbia_MTXS	8037676448	8037676448	0	9/4/2015 15:57	49	35	2	35	2	8037676448
Columbia_MTXS	803	8037676448	3	9/4/2015 15:58	1	103	2	103	2	8037676448
Columbia_MTXS	8032341799	8037676448	1	9/4/2015 15:58	877	35	2	35	2	8037676448
Columbia_MTXS	8032011061	8037676448	2	9/4/2015 16:19	50	510	1	510	1	8037676448
Columbia_MTXS	18035282713	8037676448	2	9/4/2015 16:44	73	510	1	510	1	8037676448
Columbia_MTXS	8037676448	8037676448	0	9/4/2015 17:15	156	510	1	510	1	803209024
Columbia_MTXS	8037676448	8037676448	0	9/4/2015 17:21	70	510	1	510	1	8032341799
Columbia_MTXS	8037676448	8037676448	F	9/4/2015 18:32	36	0	0	0	0	2103993761
Columbia_MTXS	8037676448	8037676448	F	9/4/2015 18:33	58	0	0	0	0	2103993761
Columbia_MTXS	8037676448	8037676448	2	9/4/2015 18:47	85	510	1	510	1	8032011061
Columbia_MTXS	8037676448	8037676448	2	9/4/2015 19:08	114	510	1	510	1	8035879141
Columbia_MTXS	8037676448	8037676448	F	9/4/2015 19:12	29	0	0	0	0	8032209024
Columbia_MTXS	8037676448	8037676448	2	9/4/2015 19:16	296	510	2	510	2	8032011061
Columbia_MTXS	8037676448	8037676448	0	9/4/2015 20:15	160	516	3	516	3	8032209024

Columbia_MTX5	8037676448	8032209024	1	9/4/2015 21:41	126	516	3	3	516	3	8037676448
Columbia_MTX5	8037676448	8032209024	1	9/4/2015 21:44	82	510	3	3	510	3	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/4/2015 22:17	33	0	0	0	0	0	8033617478
Columbia_MTX5	8037676448	8033617478	2	9/4/2015 23:04	982	138	3	3	138	3	8037676448
Columbia_MTX5	8037676448	18035872653	1	9/4/2015 23:21	36	138	3	3	138	3	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 7:51	30	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 8:38	33	0	0	0	0	0	8032341799
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 9:21	49	0	0	0	0	0	8032341799
Columbia_MTX5	8037676448	8037676448	0	9/5/2015 9:25	20	506	1	1	506	1	8776478552
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 9:39	37	0	0	0	0	0	8035872653
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 10:01	57	0	0	0	0	0	8032341799
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 10:28	30	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 10:28	2	0	0	0	0	0	8776478552
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 10:47	28	0	0	0	0	0	8329483103
Columbia_MTX5	8037676448	8037676448	0	9/5/2015 11:13	26	65	1	1	65	1	8776478552
Columbia_MTX5	8037676448	8037676448	2	9/5/2015 11:38	88	506	1	1	506	1	8035091521
Columbia_MTX5	8037676448	7676448	2	9/5/2015 11:57	84	65	1	1	65	1	8033949876
Columbia_MTX5	8037676448	8035872653	1	9/5/2015 12:08	51	65	1	1	65	1	8037676448
Columbia_MTX5	8037676448	8037676448	1	9/5/2015 12:09	216	65	1	1	65	1	8032011061
Columbia_MTX5	8037676448	8037676448	2	9/5/2015 12:12	85	65	1	1	65	1	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/5/2015 12:13	10	65	2	2	65	2	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 12:13	6	0	0	0	0	0	8032341799
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 12:33	34	0	0	0	0	0	8035872653
Columbia_MTX5	8037676448	8037676448	1	9/5/2015 12:36	1	516	3	3	516	3	8037676448
Columbia_MTX5	8035872653	2025564596	1	9/5/2015 12:36	65	516	3	3	516	3	8037676448
Columbia_MTX5	8037676448	6175289263	1	9/5/2015 13:56	137	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8032209024	1	9/5/2015 14:02	637	542	3	3	542	3	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/5/2015 15:02	97	510	2	2	510	2	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 15:05	33	0	0	0	0	0	8776478552
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 15:59	29	0	0	0	0	0	2103993761
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 16:05	28	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 16:09	29	0	0	0	0	0	8035095555
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 16:12	27	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 16:36	28	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 16:45	33	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/5/2015 17:25	317	510	2	2	510	2	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/5/2015 18:39	87	510	2	2	510	2	8032209024
Columbia_MTX5	8037676448	8037676448	2	9/5/2015 20:14	195	510	1	1	510	1	8033617478
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 20:26	30	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 20:43	29	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 21:01	29	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/5/2015 21:07	87	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8032209024	1	9/5/2015 21:18	167	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8033617478	2	9/5/2015 21:29	846	138	3	3	138	3	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/6/2015 12:36	34	0	0	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/6/2015 12:47	33	0	0	0	0	0	8033617478
Columbia_MTX5	8037676448	8037676448	2	9/6/2015 15:30	311	138	3	3	138	3	8033617478
Columbia_MTX5	8037676448	8037676448	2	9/6/2015 15:36	79	520	3	3	520	3	8037676448
Columbia_MTX5	8037676448	8032380474	1	9/6/2015 15:52	9	520	3	3	520	3	8037676448
Columbia_MTX5	8037676448	8032380474	1	9/6/2015 15:52	38	65	3	3	65	3	8037676448
Columbia_MTX5	8037676448	8033543224	F	9/6/2015 17:00	40	0	0	0	0	0	8032209024

Columbia_MTX5	8037676448	3617478	1	9/6/2015 17:29	35	39	1	1	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/6/2015 18:03	30	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	0	9/6/2015 18:05	126	39	2	2	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/6/2015 19:12	36	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/6/2015 19:18	154	65	1	1	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/6/2015 21:27	29	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/6/2015 21:34	28	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/6/2015 22:22	22	506	1	1	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 8:29	36	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 9:07	51	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 9:09	31	0	0	0	8033543224
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 9:16	34	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 11:01	32	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/7/2015 12:08	106	65	1	1	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 12:49	52	0	0	0	8033617478
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 12:55	30	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 13:27	32	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 13:27	8	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 13:57	41	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 15:22	29	0	0	0	8035872653
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 15:26	33	0	0	0	8033617478
Columbia_MTX5	8037676448	2	3	9/7/2015 16:13	2	65	1	1	8037676448
Columbia_MTX5	8033617478	8033617478	2	9/7/2015 16:13	296	65	1	1	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/7/2015 17:04	184	65	1	1	8033617478
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 17:04	14	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	2	9/7/2015 17:04	4	65	1	1	8037676448
Columbia_MTX5	8032011061	8032011061	1	9/7/2015 17:27	6	506	1	1	8037676448
Columbia_MTX5	8032011061	8032011061	1	9/7/2015 17:27	7	65	1	1	8037676448
Columbia_MTX5	8032011061	8032011061	1	9/7/2015 17:28	30	65	1	1	8037676448
Columbia_MTX5	8032380474	8032380474	1	9/7/2015 17:33	18	65	1	1	8037676448
Columbia_MTX5	8032011061	8032011061	2	9/7/2015 17:34	2	506	1	1	8037676448
Columbia_MTX5	8032011061	8032011061	2	9/7/2015 17:35	1064	506	1	1	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 18:25	29	0	0	0	8035872653
Columbia_MTX5	8037676448	8037676448	F	9/7/2015 19:01	28	0	0	0	8035872653
Columbia_MTX5	8035872653	8035872653	2	9/7/2015 19:47	91	65	1	1	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/7/2015 21:59	102	39	1	1	8033617478
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 7:38	30	0	0	0	8032209024
Columbia_MTX5	8032209024	8032209024	1	9/8/2015 7:47	158	65	1	1	8037676448
Columbia_MTX5	8032011061	8032011061	2	9/8/2015 7:59	184	65	1	1	8037676448
Columbia_MTX5	5872653	5872653	2	9/8/2015 8:06	171	65	1	1	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 8:09	139	65	1	1	8036081616
Columbia_MTX5	8037676448	8037676448	1	9/8/2015 8:13	29	65	2	2	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 8:16	61	39	3	3	8035872653
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 8:47	6	539	2	2	8032209024
Columbia_MTX5	8032209024	8032209024	1	9/8/2015 8:48	20	539	2	2	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 9:32	146	548	2	2	8032209024
Columbia_MTX5	1803788950	1803788950	1	9/8/2015 9:35	235	539	2	2	8037676448
Columbia_MTX5	8037761077	8037761077	1	9/8/2015 9:59	261	539	2	2	8037676448
Columbia_MTX5	18039399290	18039399290	1	9/8/2015 10:03	21	510	1	1	8037676448
Columbia_MTX5	8032011061	8032011061	2	9/8/2015 10:20	201	510	1	1	8032011061
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 10:25	424	510	1	1	8032011061
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 10:45	213	510	1	1	8033617478
Columbia_MTX5	8034615161	8034615161	1	9/8/2015 11:14	11	510	2	2	8037676448

Columbia_MTX5	8037676448	8034615161	1	9/8/2015 11:14	11	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8035091521	2	9/8/2015 11:24	101	510	2	2	510	2	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 11:33	36	542	3	3	542	3	8032209024
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 11:36	550	510	2	2	510	2	8035872653
Columbia_MTX5	8037676448	8032011061	2	9/8/2015 11:47	378	542	3	3	542	3	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 11:50	35	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8033170087	1	9/8/2015 11:54	79	547	1	1	547	1	8037676448
Columbia_MTX5	8037676448	8033170087	1	9/8/2015 11:56	25	7	2	2	7	2	8037676448
Columbia_MTX5	8037676448	8032380474	1	9/8/2015 12:35	150	103	2	2	103	2	8037676448
Columbia_MTX5	8037676448	8036002274	1	9/8/2015 12:39	106	502	3	3	502	3	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 12:42	424	138	3	3	138	3	8035872653
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 13:27	28	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	2380474	1	9/8/2015 13:45	26	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8032209024	1	9/8/2015 13:54	30	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 14:29	62	510	1	1	510	1	8036002274
Columbia_MTX5	8037676448	8033170087	1	9/8/2015 14:33	221	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 14:57	84	510	1	1	510	1	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 15:07	19	510	1	1	510	1	8036002274
Columbia_MTX5	8037676448	8036228393	2	9/8/2015 15:19	8	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 15:28	27	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 15:33	21	542	3	3	542	3	8032209024
Columbia_MTX5	8032011061	8032011061	1	9/8/2015 15:39	180	138	3	3	138	3	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 15:47	35	138	3	3	138	3	8032011061
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 16:01	930	138	3	3	138	3	8037676448
Columbia_MTX5	8037676448	3617478	1	9/8/2015 16:23	35	510	1	1	510	1	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 16:37	33	0	0	0	0	0	8033617478
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 16:41	32	0	0	0	0	0	8033617478
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 16:53	30	0	0	0	0	0	8035872653
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 17:09	15	0	0	0	0	0	8032380474
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 17:09	14	510	2	2	510	2	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 17:12	26	0	0	0	0	0	8039606824
Columbia_MTX5	8037676448	8033617478	3	9/8/2015 17:13	34	510	2	2	510	2	8037676448
Columbia_MTX5	8037676448	9165384703	1	9/8/2015 17:26	1	542	3	3	542	3	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 17:31	71	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 17:37	29	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 18:03	6	510	1	1	510	1	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 18:03	29	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 18:06	75	510	2	2	510	2	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 18:13	308	510	1	1	510	1	8032380474
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 18:42	28	0	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 19:07	34	0	0	0	0	0	8032011061
Columbia_MTX5	8037676448	5042330581	1	9/8/2015 19:08	38	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 19:09	92	510	1	1	510	1	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/8/2015 19:09	26	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	18032209024	1	9/8/2015 19:19	99	510	1	1	510	1	8037676448
Columbia_MTX5	8037676448	8032011061	1	9/8/2015 19:25	30	138	3	3	138	3	8037676448
Columbia_MTX5	8037676448	8033170087	1	9/8/2015 19:26	118	35	1	1	517	1	8033170087
Columbia_MTX5	8037676448	8037676448	0	9/8/2015 19:37	140	517	1	1	517	1	8033617478
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 19:57	1008	89	3	3	89	3	8032011061
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 20:07	376	89	3	3	89	3	8033617478
Columbia_MTX5	8037676448	8037676448	2	9/8/2015 20:13	24	517	1	1	517	1	8037676448
Columbia_MTX5	8037676448	8033617478	2	9/8/2015 20:18	21	517	1	1	517	1	8037676448
Columbia_MTX5	8037676448	7676448	2	9/8/2015 20:19	840	517	1	1	517	1	8033949876

Columbia_MTX5	8037676448	2	9/8/2015 21:18	440	517	1	1	517	8032011061
Columbia_MTX5	8037676448	2	9/8/2015 21:37	1125	517	1	1	517	8033617478
Columbia_MTX5	8037676448	2	9/8/2015 21:56	310	530	2	2	530	8034675977
Columbia_MTX5	8037676448	0	9/8/2015 22:01	97	530	2	2	530	8035293044
Columbia_MTX5	8037676448	2	9/8/2015 22:02	23	530	2	2	530	8034675977
Columbia_MTX5	8033617478	2	9/8/2015 22:06	120	502	3	3	502	8037676448
Columbia_MTX5	8032380474	1	9/8/2015 22:11	553	520	1	1	39	8037676448
Columbia_MTX5	8037676448	2	9/8/2015 22:24	878	39	1	1	39	8033949876
Columbia_MTX5	7676448	2	9/8/2015 23:13	125	39	1	1	39	8033949876
Columbia_MTX5	7676448	F	9/8/2015 23:42	8	0	0	0	0	8033949876
Columbia_MTX5	7676448	2	9/8/2015 23:42	145	39	1	1	39	8033949876
Columbia_MTX5	8037676448	2	9/9/2015 7:58	819	39	1	1	39	8032011061
Columbia_MTX5	8037676448	0	9/9/2015 8:17	257	39	1	1	39	8033170087
Columbia_MTX5	5872653	1	9/9/2015 8:22	38	39	3	3	39	8037676448
Columbia_MTX5	8037676448	0	9/9/2015 8:29	321	39	3	3	39	8032209024
Columbia_MTX5	8032380474	1	9/9/2015 8:35	321	520	1	1	520	8037676448
Columbia_MTX5	8037676448	2	9/9/2015 9:02	91	510	2	2	510	8035879141
Columbia_MTX5	8037676448	F	9/9/2015 9:22	32	0	0	0	0	8035453594
Columbia_MTX5	8037676448	F	9/9/2015 9:22	41	0	0	0	0	8035453594
Columbia_MTX5	8037676448	F	9/9/2015 9:28	27	0	0	0	0	8776478552
Columbia_MTX5	5872653	1	9/9/2015 9:44	34	520	3	3	520	8037676448
Columbia_MTX5	8037676448	F	9/9/2015 9:56	42	0	0	0	0	8035872653
Columbia_MTX5	7676448	F	9/9/2015 10:01	67	0	0	0	0	8037307188
Columbia_MTX5	8035872653	2	9/9/2015 10:10	93	144	3	3	144	8037676448
Columbia_MTX5	8037676448	2	9/9/2015 10:11	294	144	3	3	144	8033617478
Columbia_MTX5	8037676448	F	9/9/2015 10:14	28	0	0	0	0	8035879141
Columbia_MTX5	8035879141	2	9/9/2015 10:17	115	39	1	1	39	8037676448
Columbia_MTX5	8037676448	2	9/9/2015 10:53	33	65	1	1	65	8033617478
Columbia_MTX5	8037676448	F	9/9/2015 11:27	33	0	0	0	0	8036228393
Columbia_MTX5	8037676448	F	9/9/2015 11:27	7	0	0	0	0	8033617478
Columbia_MTX5	8037676448	2	9/9/2015 11:32	125	65	3	3	65	8037676448
Columbia_MTX5	8037676448	0	9/9/2015 11:38	77	65	3	3	65	8032209024
Columbia_MTX5	7676448	2	9/9/2015 11:58	59	65	3	3	65	8033949876
Columbia_MTX5	8033617478	2	9/9/2015 12:54	295	65	3	3	65	8037676448
Columbia_MTX5	8037676448	F	9/9/2015 13:39	61	0	0	0	0	8035453594
Columbia_MTX5	8037676448	F	9/9/2015 13:55	32	0	0	0	0	8032209024
Columbia_MTX5	8037676448	0	9/9/2015 14:15	14	65	3	3	65	8776478552
Columbia_MTX5	8037676448	2	9/9/2015 14:23	54	65	3	3	65	8035872653
Columbia_MTX5	8037676448	0	9/9/2015 14:32	265	65	3	3	65	8032209024
Columbia_MTX5	8037676448	0	9/9/2015 15:01	17	65	1	1	65	8776478552
Columbia_MTX5	8037676448	F	9/9/2015 15:25	29	0	0	0	0	8032011061
Columbia_MTX5	8037676448	2	9/9/2015 15:36	93	65	1	1	65	8776478552
Columbia_MTX5	8037676448	F	9/9/2015 15:47	25	65	1	1	65	8035872653
Columbia_MTX5	8037676448	2	9/9/2015 16:18	141	65	1	1	65	8035879141
Columbia_MTX5	8037676448	F	9/9/2015 17:01	32	0	0	0	0	8033170087
Columbia_MTX5	8037676448	F	9/9/2015 17:06	29	0	0	0	0	8032209024
Columbia_MTX5	8037676448	F	9/9/2015 17:34	35	0	0	0	0	8037676448
Columbia_MTX5	8032209024	1	9/9/2015 17:36	76	65	1	1	65	8033170087
Columbia_MTX5	8037676448	F	9/9/2015 17:37	27	0	0	0	0	8034146184
Columbia_MTX5	8037676448	F	9/9/2015 17:45	29	0	0	0	0	8035879141
Columbia_MTX5	8037676448	F	9/9/2015 17:47	29	0	0	0	0	8035872653
Columbia_MTX5	8037676448	2	9/9/2015 18:07	84	11	2	2	11	8032377898
Columbia_MTX5	8037676448	F	9/9/2015 18:16	42	0	0	0	0	8032011061
Columbia_MTX5	8037676448	F	9/9/2015 18:23	31	0	0	0	0	8037676448
Columbia_MTX5	8032011061	2	9/9/2015 18:24	141	39	1	1	39	

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Columbia_MTX5	8037676448	8036228393	2	9/9/2015 18:37	225	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/9/2015 18:42	100	39	1	1	39	1	8036228393
Columbia_MTX5	8037676448	8032011061	2	9/9/2015 18:46	206	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8033543224	2	9/9/2015 19:17	1296	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/9/2015 20:01	443	39	1	1	39	1	8032380474
Columbia_MTX5	8037676448	8037676448	F	9/9/2015 20:05	25	0	0	0	0	0	80333170087
Columbia_MTX5	8037676448	8037676448	F	9/9/2015 20:14	49	0	0	0	0	0	8034383325
Columbia_MTX5	8037676448	8033170087	1	9/9/2015 20:24	121	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	7676448	2	9/9/2015 20:33	490	39	1	1	39	1	8033949876
Columbia_MTX5	8037676448	8037167891	1	9/9/2015 20:43	62	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8036081616	1	9/9/2015 20:44	20	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8032011061	2	9/9/2015 20:45	435	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8033949876	2	9/9/2015 20:53	19	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8033949876	2	9/9/2015 20:53	819	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	7676448	F	9/9/2015 22:05	6	0	0	0	0	0	8033949876
Columbia_MTX5	8037676448	7676448	F	9/9/2015 22:06	9	0	0	0	0	0	8033949876
Columbia_MTX5	8037676448	7676448	F	9/9/2015 22:06	6	0	0	0	0	0	8033949876
Columbia_MTX5	8037676448	8037676448	F	9/9/2015 22:10	6	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8037676448	F	9/9/2015 22:11	6	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8037676448	F	9/9/2015 22:12	5	0	0	0	0	0	8035091521
Columbia_MTX5	8037676448	8037676448	2	9/9/2015 22:49	625	138	3	3	138	3	8037432060
Columbia_MTX5	8037676448	8037676448	0	9/9/2015 23:38	491	138	1	1	39	1	8035872653
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 0:05	157	31	3	3	31	3	8032408427
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 1:11	4154	39	1	1	0	0	8032408427
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 2:21	11	0	0	0	0	0	8032408427
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 2:22	8	0	0	0	0	0	8032408427
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 2:23	8	0	0	0	0	0	8032408427
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 2:28	7	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	8032408427	2	9/10/2015 2:50	77	526	2	2	526	2	8033170087
Columbia_MTX5	8037676448	6178710472	1	9/10/2015 2:50	156	39	1	1	39	1	8033543224
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 7:08	29	0	0	0	0	0	8432706572
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 7:25	28	0	0	0	0	0	8432706572
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 8:32	8	0	0	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 8:32	6	0	0	0	0	0	8432706572
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 8:35	23	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 8:38	7	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	8032011061	2	9/10/2015 9:07	95	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8432706572	1	9/10/2015 9:09	96	39	1	1	39	1	8037676448
Charleston_MTX4	8037676448	8432706572	5	9/10/2015 9:09	95	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	8037307188	1	9/10/2015 9:15	49	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 9:16	20	0	0	0	0	0	8432706572
Columbia_MTX5	8037676448	8035453594	1	9/10/2015 9:16	44	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 9:17	32	0	0	0	0	0	8035879141
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 9:19	42	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 9:19	108	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	803917858	1	9/10/2015 9:22	21	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8039179557	1	9/10/2015 9:23	42	39	1	1	39	1	8033170087
Columbia_MTX5	8037676448	8037676448	0	9/10/2015 9:23	20	39	1	1	39	1	8033170087
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 9:23	9	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	8037307188	0	9/10/2015 9:28	44	39	1	1	39	1	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 9:31	30	0	0	0	0	0	8776478552
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 9:33	378	39	1	1	39	1	8039177854
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 9:39	30	0	0	0	0	0	8432706572

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Columbia_MTX5	8037676448	8432706572	1	9/10/2015 9:40	288	39	1	1	39	0	0	1	8037676448
Charleston_MTX4	8037676448	8432706572	5	9/10/2015 9:40	286	0	0	0	0	0	0	0	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 9:48	988	39	1	1	39	0	0	0	8033543224
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 9:59	27	0	0	0	0	0	0	0	8036228393
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 10:05	365	39	1	1	39	0	0	0	8037676448
Columbia_MTX5	8037676448	8032011061	F	9/10/2015 10:06	30	0	0	0	0	0	0	0	8033543224
Columbia_MTX5	8037676448	8033543224	2	9/10/2015 10:12	105	39	1	1	39	0	0	0	8037676448
Columbia_MTX5	8037676448	3617478	1	9/10/2015 10:19	31	39	1	1	39	0	0	0	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 10:33	32	0	0	0	0	0	0	0	8039791217
Columbia_MTX5	8037676448	3617478	1	9/10/2015 10:38	33	39	1	1	39	0	0	0	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 10:57	139	39	1	1	39	0	0	0	8033617478
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 11:34	376	39	1	1	39	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 12:21	58	0	0	0	0	0	0	0	8033170087
Columbia_MTX5	8037676448	8036228393	2	9/10/2015 12:28	57	510	2	2	510	0	0	0	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/10/2015 12:39	597	510	1	1	510	0	0	0	8432706572
Columbia_MTX5	8037676448	8037676448	2	9/10/2015 14:04	536	510	1	1	510	0	0	0	8032011061
Columbia_MTX5	8033543224	8033543224	1	9/10/2015 14:16	34	542	3	3	542	0	0	0	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/10/2015 14:58	106	542	1	1	510	0	0	0	8776478552
Columbia_MTX5	8037676448	8037676448	0	9/10/2015 15:26	480	510	1	1	510	0	0	0	8432706572
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 15:30	22	0	0	0	0	0	0	0	8776478552
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Columbia_MTX5	8037676448	8037676448	2	9/10/2015 16:00	48	510	1	1	510	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	0	9/10/2015 16:23	55	542	3	3	542	0	0	0	8432706572
Columbia_MTX5	8036228393	8036228393	2	9/10/2015 16:36	61	510	1	1	510	0	0	0	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 17:47	31	0	0	0	0	0	0	0	6175811051
Columbia_MTX5	8037676448	8037676448	F	9/10/2015 17:51	81	510	2	2	510	0	0	0	8033170087
Columbia_MTX5	8037676448	8037307188	2	9/10/2015 18:22	127	510	1	1	510	0	0	0	8037167891
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Columbia_MTX5	7676448	8037676448	F	9/10/2015 18:49	66	0	0	0	0	0	0	0	8033170087
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Columbia_MTX5	8037676448	8037676448	F	9/10/2015 20:08	30	0	0	0	0	0	0	0	8033170087
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Columbia_MTX5	8037676448	8037676448	F	9/10/2015 20:14	31	0	0	0	0	0	0	0	8033170087
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Columbia_MTX5	8037676448	8032011061	F	9/10/2015 21:51	18	0	0	0	0	0	0	0	8032011061
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Columbia_MTX5	8037676448	8037676448	F	9/11/2015 7:18	7	0	0	0	0	0	0	0	8432706572
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Columbia_MTX5	8037676448	8037676448	F	9/11/2015 14:48	25	0	0	0	0	0	0	0	8776478552
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Columbia_MTX5	8037676448	8037676448	F	9/11/2015 16:57	27	0	0	0	0	0	0	0	2103993761
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Columbia_MTX5	8037676448	8037676448	F	9/11/2015 18:10	13	0	0	0	0	0	0	0	6177140762

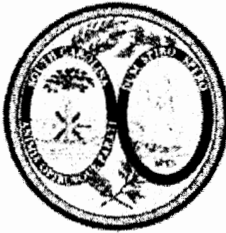
Columbia_MTX5	8037676448	8037676448	F	9/11/2015 19:02	189	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/11/2015 21:35	4	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/12/2015 9:41	9	0	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/12/2015 10:02	13	0	0	0	0	7048378339
Columbia_MTX5	8037676448	8037676448	F	9/12/2015 10:06	11	0	0	0	0	8037862315
Columbia_MTX5	8037676448	8037676448	F	9/12/2015 13:02	12	0	0	0	0	9803217758
Columbia_MTX5	8037676448	8037676448	F	9/12/2015 13:39	9	0	0	0	0	2103993761
Columbia_MTX5	8037676448	8037676448	F	9/12/2015 14:51	13	0	0	0	0	8034146184
Columbia_MTX5	8037676448	8037676448	0	9/12/2015 15:06	28	530	2	2	2	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/12/2015 15:07	33	516	2	2	2	8032209024
Columbia_MTX5	8032209024	8032209024	1	9/12/2015 15:35	218	510	2	2	2	8037676448
Columbia_MTX5	8033543224	8033543224	1	9/12/2015 15:42	34	542	3	3	3	8037676448
Columbia_MTX5	8033543224	8033543224	1	9/12/2015 15:43	38	510	1	1	1	8037676448
Columbia_MTX5	8035872653	8035872653	2	9/12/2015 15:55	85	510	1	1	1	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/12/2015 16:01	36	0	0	0	0	7048378339
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Columbia_MTX5	8037676448	8037676448	0	9/12/2015 18:10	25	138	3	3	3	9803217758
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Columbia_MTX5	8037676448	8037676448	2	9/12/2015 19:25	120	35	2	2	2	8033605677
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Columbia_MTX5	8035872653	8037676448	1	9/12/2015 19:50	37	1548	2	2	2	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/12/2015 19:53	94	1049	1	1	1	8035872653
Columbia_MTX5	8037676448	8037676448	F	9/12/2015 19:53	28	0	0	0	0	8039204888
Columbia_MTX5	8037676448	8037676448	2	9/12/2015 20:15	78	1518	3	3	3	8032011061
Columbia_MTX5	8037676448	8037676448	0	9/12/2015 20:25	650	1518	3	3	3	8032377898
Columbia_MTX5	8037676448	8037676448	F	9/12/2015 21:12	42	0	0	0	0	8032377898
Columbia_MTX5	3134279332	8037676448	1	9/12/2015 21:24	322	1518	3	3	3	8037676448
Columbia_MTX5	8037676448	8037676448	0	9/12/2015 23:15	207	1518	3	3	3	8032377898
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Columbia_MTX5	8037676448	8037676448	F	9/13/2015 0:51	31	0	0	0	0	8039204888
Columbia_MTX5	8037676448	8037676448	F	9/13/2015 1:17	6	0	0	0	0	8039204888
Columbia_MTX5	8037676448	8037676448	F	9/13/2015 1:19	6	0	0	0	0	8039204888
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Columbia_MTX5	8037676448	8037676448	F	9/13/2015 7:26	3	0	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/13/2015 7:41	58	0	0	0	0	8032011061
Columbia_MTX5	8037676448	8037676448	F	9/13/2015 7:41	12	0	0	0	0	8037676448
Columbia_MTX5	8032011061	8032011061	2	9/13/2015 8:03	116	138	3	3	3	8037676448
Columbia_MTX5	8033543224	8033543224	1	9/13/2015 9:12	12	520	3	3	3	8037676448
Columbia_MTX5	8033605677	8033605677	2	9/13/2015 9:12	311	138	3	3	3	8037676448

Columbia_MTXS	8037676448	8037862315	1	9/13/2015 9:17	32	138	3	138	3	8037676448
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Columbia_MTXS	8037676448	8033949876	2	9/13/2015 10:13	61	510	1	510	1	8037676448
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Columbia_MTXS	8037676448	8037862315	1	9/13/2015 11:54	30	510	1	510	1	8037676448
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Columbia_MTXS	8037676448	8033543224	1	9/13/2015 11:55	32	510	2	510	2	8037676448
Columbia_MTXS	8037676448	8037676448	2	9/13/2015 12:11	43	510	1	510	1	8035872653
Columbia_MTXS	8037676448	5872653	2	9/13/2015 12:37	681	510	1	510	1	8037676448
Columbia_MTXS	8037676448	7676448	2	9/13/2015 12:54	1108	510	2	510	2	8033949876
Columbia_MTXS	8037676448	8037676448	0	9/13/2015 13:59	443	542	3	542	3	8032011061
Columbia_MTXS	8037676448	8037676448	0	9/13/2015 14:26	169	542	1	542	1	8032377898
Columbia_MTXS	8037676448	8034630917	2	9/13/2015 15:08	124	542	1	542	1	8037676448
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Columbia_MTXS	8037676448	8032011061	1	9/13/2015 15:27	98	542	1	542	1	8037676448
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Columbia_MTXS	8037676448	8037676448	0	9/13/2015 18:26	148	510	1	510	1	8035500996
Columbia_MTXS	8037676448	8037676448	0	9/13/2015 20:10	19	0	0	0	0	8032209024
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Columbia_MTXS	8037676448	8037676448	2	9/13/2015 20:37	32	138	3	138	3	8037676448
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Columbia_MTXS	8037676448	8037676448	0	9/13/2015 21:06	291	6	1	6	1	8032011061
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Columbia_MTXS	8037676448	8037676448	2	9/13/2015 23:25	44	39	1	39	1	8037676448
Columbia_MTXS	8037676448	8033949876	F	9/14/2015 0:58	7	0	0	0	0	8032209024
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Columbia_MTXS	8037676448	8037676448	F	9/14/2015 8:09	15	0	0	0	0	8032011061
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Columbia_MTXS	8037676448	8037676448	2	9/14/2015 10:16	51	510	2	510	2	8035134380
Columbia_MTXS	8037676448	8037676448	F	9/14/2015 11:01	57	0	0	0	0	8035134380
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Columbia_MTXS	8037676448	8037676448	F	9/14/2015 13:56	33	0	0	0	0	

Columbia_MTX5	8037676448	8037676448	F	9/14/2015 15:35	39	0	0	0	6019905520
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Columbia_MTX5	8033543224	8033543224	2	9/14/2015 16:30	59	542	3	3	8037676448
Columbia_MTX5	8032011061	8032011061	1	9/14/2015 16:32	33	520	3	3	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/14/2015 16:37	36	0	0	0	8035500996
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Columbia_MTX5	8037676448	8037676448	0	9/14/2015 20:48	22	1572	1	1	8035491143
Columbia_MTX5	8033605677	8033605677	2	9/14/2015 20:52	166	1572	1	1	8037676448
Columbia_MTX5	8032011061	8032011061	1	9/15/2015 9:23	306	510	1	1	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/15/2015 12:13	32	0	0	0	7049002205
Columbia_MTX5	8037676448	8037676448	F	9/15/2015 12:20	33	0	0	0	8037862315
Columbia_MTX5	7676448	8037676448	2	9/15/2015 13:07	412	510	1	1	8033949876
Columbia_MTX5	3949876	8037676448	2	9/15/2015 13:49	81	510	1	1	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/15/2015 13:56	31	0	0	0	8776478552
Columbia_MTX5	8032011061	8032011061	1	9/15/2015 14:33	40	510	1	1	8037676448
Columbia_MTX5	8037676448	8037676448	2	9/15/2015 14:34	90	510	1	1	8033949876
Columbia_MTX5	8037676448	8037676448	0	9/15/2015 15:08	410	510	1	1	8032209024
Columbia_MTX5	8037676448	8037676448	F	9/15/2015 15:43	27	0	0	0	8035095555
Columbia_MTX5	8037676448	8037676448	0	9/15/2015 15:45	84	510	1	1	8035095555
Columbia_MTX5	8037676448	8037676448	0	9/15/2015 16:06	103	510	2	2	8032380474
Columbia_MTX5	8037676448	8037676448	F	9/15/2015 16:18	34	0	0	0	2103993761
Columbia_MTX5	8037676448	8037676448	0	9/15/2015 16:57	15	510	1	1	8776478552
Columbia_MTX5	8037676448	8037676448	0	9/15/2015 16:57	90	510	1	1	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/15/2015 16:59	96	510	1	1	8035500996
Columbia_MTX5	8032380474	8032380474	1	9/15/2015 18:53	37	138	3	3	8037676448
Columbia_MTX5	8032209024	8032209024	1	9/15/2015 18:56	70	138	3	3	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/15/2015 18:56	28	0	0	0	8032380474
Columbia_MTX5	8037676448	8037676448	0	9/15/2015 18:57	143	138	3	3	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/15/2015 19:03	29	138	3	3	8032380474
Columbia_MTX5	8037676448	8037676448	0	9/15/2015 19:18	142	138	3	3	8032209024
Columbia_MTX5	3949876	8037676448	2	9/15/2015 19:26	147	35	1	1	8037676448
Columbia_MTX5	5872653	8037676448	1	9/15/2015 19:29	25	35	2	2	8037676448
Columbia_MTX5	2380474	8037676448	1	9/15/2015 19:31	38	89	3	3	8037676448
Columbia_MTX5	8032209024	8037676448	1	9/15/2015 19:43	148	552	1	1	8037676448
Columbia_MTX5	8037676448	8037676448	F	9/15/2015 19:59	34	0	0	0	8032209024
Columbia_MTX5	7676448	8037676448	2	9/15/2015 20:40	119	517	2	2	8033949876
Columbia_MTX5	8037676448	8037676448	F	9/15/2015 21:21	212	0	0	0	8032209024
Columbia_MTX5	8037676448	8037676448	0	9/15/2015 21:40	161	517	2	2	8032209024
Columbia_MTX5	18032209024	8037676448	1	9/15/2015 21:43	12	517	1	1	8037676448
Columbia_MTX5	8033543224	8033543224	1	9/15/2015 21:58	36	138	3	3	8037676448

MELISSA QUESENBERRY

From: Vance Eaton
Sent: Sunday, August 25, 2019 5:09 PM
To: MELISSA QUESENBERRY
Subject: Kusko- Andrew phone data
Attachments: 8034793540mevdort_Columbia_2675564727128152576.xlsx;
8034793540rttm_columbia_1846966911347178108.xlsx; ActivationDeactivationDates_5169710_2015_09_09_14_31_35.552.csv; Andrew Kusko Cell Phone Records.xlsx; c0frac4.8034793540.20150904.home.pdf; c0frac4.8034793540.20150904.mate.pdf; c0frac4.8034793540.20150905.home.pdf; c0frac4.8034793540.20150905.mate.pdf; c0frac4.8034793540.20150906.home.pdf; c0frac4.8034793540.20150906.mate.pdf; c0frac4.8034793540.20150907.home.pdf; c0frac4.8034793540.20150907.mate.pdf; c0frac4.8034793540.20150908.home.pdf; c0frac4.8034793540.20150908.mate.pdf; Carolinas_Cell_Site.xlsx; Cell_Site_Incoming_Outgoing_8034793540_2015_09_09-14_35_50.439.csv; DeviceID_5169713_2015_09_09_14_31_35.604.csv; fax000455534.pdf; FeatureListInquiry_5169714_2015_09_09_14_31_35.592.csv; Historical-Call-Details-With-Cell-Sites-Explanation-Form.pdf; Historical-text-messaging-detail-report-explanation.pdf; OtherNumbersonAccount_5169715_2015_09_09_14_31_27.281.csv; SMSInvoiceForm.pdf; SubscriberInformation_5169717_2015_09_09_14_31_45.433.csv; Text_Message_Detail_8034793540_2015_09_09-14_35_56.444.csv; Verizon-Wireless-RTT-Report-Disclaimer.pdf



R. Vance Eaton

Assistant Solicitor
Fifth Judicial Circuit
1701 Main Street, Suite 302 • P.O. Box 192 (29202)
Columbia, South Carolina 29201

Phone: 803.576.1820 • Fax: 803.576.1718

ANDREW

KUSKO

DATA

```

Search Target      Duluth_MAS0
Log Written        09/04/2015 8:27:51 Number of attempts      3
Message arrival    09/04/2015 8:26:47 Last Cause Code         256
Final Disposition  09/04/2015 8:27:51 Message Final Status     Delivered
Message Source     AlphaPg      Input Label              AUX3
Source Protocol    SmpP      Output Protocol          SIP
Input Port         0      Output Port              7808
Operation Type     notification_arrival HLR Address              full_digits
Orig. MSC PC
sip:njbhpscsf2860.vzims.com:5090;lskpmc=SRM
Call Back number
Originating DN     900080000003 Termination DN          8034793540
Originating MSID
Originating COS    0      Terminating COS        1
Originating Num. Plan 0      Terminating Num. Plan  0
Originating Num. Type 0      Terminating Num. Type  0
Billing Id         815     Billable                 true
Delivery Init. Method IS41Req Broadcast message        false
Priority            0      Data Header Indicator    false
Subscriber Rating   0      Message Rating           0
Message ID          21534375686171 Message TeleService      4100
Length of text message 74    Data Coding              4
Message Text
[ 0 0 VZWDNEW 2015 09 04 08 26 47 AM 1557 5 D 6144 MB F Shared Data 25 ]

```

```

Attempt History
[Time ] [Operation] [Result] [End Point ]
09/04/2015 8:27:18 CC:399 6787588100
09/04/2015 8:27:49 ImsUdr CC:5003 VZIMS.COM
09/04/2015 8:27:49 IS41Req CC:2 8034793540
=====

```

```

Search Target      Duluth_MAS0
Log Written        09/04/2015 8:27:51 Number of attempts      0
Message arrival    09/04/2015 8:26:47 Last Cause Code         0
Final Disposition  09/04/2015 8:27:51 Message Final Status     Delivered
Message Source     AlphaPg      Input Label              UNDEF
Source Protocol    SmpP      Output Protocol          smpp
Input Port         0      Output Port              7410r
Operation Type     unknown_method HLR Address
Orig. MSC PC
Call Back number
Originating DN     8034793540 Termination DN          900080000003
Originating MSID
Originating COS    1      Terminating COS        0
Originating Num. Plan 0      Terminating Num. Plan  0
Originating Num. Type 0      Terminating Num. Type  0
Billing Id         0      Billable                 false
Delivery Init. Method Default Broadcast message        false
Priority            0      Data Header Indicator    false
Subscriber Rating   0      Message Rating           0
Message ID          21534375686171 Message TeleService      0
Length of text message 126    Data Coding              0
Message Text
[ id:21534375686171 sub:001 dlvr:001 submit date:1509040826 done date:1509040827
stat:DELIVRD err:000 Text:\0\000//VZWDNEW;20 ]
=====

```

```

Search Target      Duluth220_FDA
Log Written        09/04/2015 8:20:14 Number of attempts      1
Message arrival    09/04/2015 8:20:14 Last Cause Code         256
Final Disposition  09/04/2015 8:20:14 Message Final Status     Delivered
Message Source     MO_AlphaPg   Input Label              MOIMS
Source Protocol    SIPmo      Output Protocol          SIP
Input Port         0      Output Port              0
Operation Type     new_msg_arrival HLR Address              full_digits
Orig. MSC PC       000.000.000 Message Dest. Address
sip:njbhpscsf3020.vzims.com:5090;lskpmc=SP6
Call Back number
Originating DN     8034793540 Message MSID            8035698285
Originating MSID
Originating COS    1      Terminating DN          8035698285
Originating Num. Plan 0      Terminating MSID
Originating Num. Type 0      Terminating COS        1
Billing Id         0      Terminating Num. Plan  0
Delivery Init. Method Default Broadcast message        false
Priority            0      Terminating Num. Type  0
Subscriber Rating   0      Billable                 true
Message ID          15576046401245 Broadcast message        false
Length of text message 6      Data Header Indicator    false
Message Text       0      Message Rating           0
[ You up ]         0      Message TeleService      4098
=====

```

```

Search Target      Duluth220_FDA
Log Written        09/04/2015 8:32:14 Number of attempts      1
Message arrival    09/04/2015 8:32:13 Last Cause Code         256
Final Disposition  09/04/2015 8:32:14 Message Final Status     Delivered
Message Source     MO_AlphaPg   Input Label              MOIMS
Source Protocol    SIPmo      Output Protocol          SIP
Input Port         0      Output Port              0
Operation Type     new_msg_arrival HLR Address              full_digits

```

```

=====
Call Back number      Message MSID      8033186036
Originating DN        8034793540 Terminating DN    8033186036
Originating MSID      Terminating MSID
Originating COS        1 Terminating COS    1
Originating Num. Plan  0 Terminating Num. Plan  0
Originating Num. Type  0 Terminating Num. Type  0
Billing Id            0 Billable            true
Delivery Init. Method Default Broadcast message false
Priority              0 Data Header Indicator false
Subscriber Rating      0 Message Rating      0
Message ID            17464043203932 Message TeleService 4098
Length of text message 43 Data Coding          0
Message Text
[ He's a cutie! thanks you too see you Monday ]
=====

```

```

Search Target      Duluth220_FDA
Log Written        09/04/2015 10:41:56 Number of attempts 1
Message arrival    09/04/2015 10:41:54 Last Cause Code    256
Final Disposition  09/04/2015 10:41:56 Message Final Status Delivered
Message Source      MO_AlphaPg Input Label          MOIMS
Source Protocol     SIPmo Output Protocol     SIP
Input Port          0 Output Port          0
Operation Type      new_msg_arrival HLR Address          full_digits
Orig. MSC PC        000.000.000 Message Dest. Address
sip:txslhpscscf1970.vzims.com:5090;lskpmc=SIU
Call Back number      Message MSID      8035492143
Originating DN        8034793540 Terminating DN    8035492143
Originating MSID      Terminating MSID
Originating COS        1 Terminating COS    1
Originating Num. Plan  0 Terminating Num. Plan  0
Originating Num. Type  0 Terminating Num. Type  0
Billing Id            0 Billable            true
Delivery Init. Method Default Broadcast message false
Priority              0 Data Header Indicator false
Subscriber Rating      0 Message Rating      0
Message ID            16669043248324 Message TeleService 4098
Length of text message 129 Data Coding          0
Message Text
[ Guess I got to take him some places first if it not too late I'll call you but
we will get things done if not today then tomorrow ]
=====

```

```

Search Target      Duluth220_FDA
Log Written        09/04/2015 10:58:39 Number of attempts 1
Message arrival    09/04/2015 10:58:30 Last Cause Code    256
Final Disposition  09/04/2015 10:58:39 Message Final Status Delivered
Message Source      MO_AlphaPg Input Label          MOIMS
Source Protocol     SIPmo Output Protocol     SIP
Input Port          0 Output Port          0
Operation Type      new_msg_arrival HLR Address          full_digits
Orig. MSC PC        000.000.000 Message Dest. Address
sip:njbbhpscscf2860.vzims.com:5090;lskpmc=SRM
Call Back number      Message MSID      8034793540
Originating DN        8035698285 Terminating DN    8034793540
Originating MSID      Terminating MSID
Originating COS        1 Terminating COS    1
Originating Num. Plan  0 Terminating Num. Plan  0
Originating Num. Type  0 Terminating Num. Type  0
Billing Id            0 Billable            true
Delivery Init. Method Default Broadcast message false
Priority              0 Data Header Indicator false
Subscriber Rating      0 Message Rating      0
Message ID            16489044744155 Message TeleService 4098
Length of text message 12 Data Coding          0
Message Text
[ Ok thank you ]
=====

```

```

Search Target      Duluth220_FDA
Log Written        09/04/2015 12:32:56 Number of attempts 1
Message arrival    09/04/2015 12:32:56 Last Cause Code    0
Final Disposition  09/04/2015 12:32:56 Message Final Status Delivered
Message Source      MO_AlphaPg Input Label          MOIMS
Source Protocol     SIPmo Output Protocol     smpp
Input Port          0 Output Port          2731
Operation Type      unknown_method HLR Address
Orig. MSC PC        000.000.000 Message Dest. Address
Call Back number      Message MSID      8034636849
Originating DN        8034793540 Terminating DN    8034636849
Originating MSID      Terminating MSID
Originating COS        1 Terminating COS    1
Originating Num. Plan  0 Terminating Num. Plan  0
Originating Num. Type  0 Terminating Num. Type  0
Billing Id            0 Billable            true
Delivery Init. Method IS41Req Broadcast message false
Priority              0 Data Header Indicator false
Subscriber Rating      0 Message Rating      0
Message ID            15829404770731 Message TeleService 4098
Length of text message 58 Data Coding          0
Message Text

```

```

Attempt History
[Time ] [Operation] [Result] [End Point ]
09/04/2015 12:32:56 IS41Req CC:403 8034636849
=====

Search Target Duluth220_FDA
Log Written 09/04/2015 15:05:16 Number of attempts 1
Message arrival 09/04/2015 15:05:15 Last Cause Code 256
Final Disposition 09/04/2015 15:05:16 Message Final Status Delivered
Message Source MO_AlphaPg Input Label MOIMS
Source Protocol SIPmo Output Protocol SIP
Input Port 0 Output Port 0
Operation Type new_msg_arrival HLR Address full_digits
Orig. MSC PC 000.000.000 Message Dest. Address
sip:njbhpscscf3020.vzims.com:5090;lskpmc=SP6
Call Back number Message MSID 8035698285
Originating DN 8034793540 Terminating DN 8035698285
Originating MSID Terminating MSID
Originating COS 1 Terminating COS 1
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing Id 0 Billable true
Delivery Init. Method Default Broadcast message false
Priority 0 Data Header Indicator false
Subscriber Rating 0 Message Rating 0
Message ID 15568046421705 Message TeleService 4098
Length of text message 32 Data Coding 0
Message Text
[ Sorry I missed your call call me ]
=====

Search Target Duluth220_FDA
Log Written 09/04/2015 22:01:10 Number of attempts 1
Message arrival 09/04/2015 22:01:09 Last Cause Code 256
Final Disposition 09/04/2015 22:01:10 Message Final Status Delivered
Message Source MO_AlphaPg Input Label MOIMS
Source Protocol SIPmo Output Protocol SIP
Input Port 0 Output Port 0
Operation Type new_msg_arrival HLR Address full_digits
Orig. MSC PC 000.000.000 Message Dest. Address
sip:njbhpscscf3020.vzims.com:5090;lskpmc=SRM
Call Back number Message MSID 8034793540
Originating DN 8035492143 Terminating DN 8034793540
Originating MSID Terminating MSID
Originating COS 1 Terminating COS 1
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing Id 0 Billable true
Delivery Init. Method Default Broadcast message false
Priority 0 Data Header Indicator false
Subscriber Rating 0 Message Rating 0
Message ID 16476044948135 Message TeleService 4098
Length of text message 26 Data Coding 0
Message Text
[ Oh" ok!"!! How is pinknee? ]
=====

Search Target Duluth220_FDA
Log Written 09/04/2015 23:45:21 Number of attempts 1
Message arrival 09/04/2015 23:45:20 Last Cause Code 256
Final Disposition 09/04/2015 23:45:21 Message Final Status Delivered
Message Source MO_AlphaPg Input Label MOIMS
Source Protocol SIPmo Output Protocol SIP
Input Port 0 Output Port 0
Operation Type new_msg_arrival HLR Address full_digits
Orig. MSC PC 000.000.000 Message Dest. Address
sip:njbhpscscf3050.vzims.com:5090;lskpmc=S1Z
Call Back number Message MSID 8035492143
Originating DN 8034793540 Terminating DN 8035492143
Originating MSID Terminating MSID
Originating COS 1 Terminating COS 1
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing Id 0 Billable true
Delivery Init. Method Default Broadcast message false
Priority 0 Data Header Indicator false
Subscriber Rating 0 Message Rating 0
Message ID 16676043262580 Message TeleService 4098
Length of text message 32 Data Coding 0
Message Text
[ Good night love you :-* :-* :-* ]
=====

Search Target Duluth221_FDA
Log Written 09/04/2015 2:30:10 Number of attempts 1
Message arrival 09/04/2015 2:30:09 Last Cause Code 256
Final Disposition 09/04/2015 2:30:10 Message Final Status Delivered
Message Source AlphaPg Input Label AUX3
Source Protocol Smpp Output Protocol SIP
Input Port 2833 Output Port 7808
Operation Type new_msg_arrival HLR Address full_digits

```

```

sip:njbhpscscf3140.vzims.com:5090;lskpmc=SGV
Call Back number          Message MSID          8034793540
Originating DN            900080000002    Terminating DN      8034793540
Originating MSID          Terminating MSID
Originating COS            0          Terminating COS      1
Originating Num. Plan      0          Terminating Num. Plan 0
Originating Num. Type      0          Terminating Num. Type 0
Billing Id                 815        Billable              true
Delivery Init. Method      Default    Broadcast message     false
Priority                    0          Data Header Indicator false
Subscriber Rating          0          Message Rating        0
Message ID                 21534375660707    Message TeleService    4100
Length of text message     75        Data Coding           4
Message Text
[ 0 0      VZWDMNEW 2015 09 04 02 30 08 AM 1498 11 D 6144 MB F Shared Data 24 ]
=====

```

```

Search Target              Duluth221_FDA
Log Written                09/04/2015 2:30:10    Number of attempts    0
Message arrival            09/04/2015 2:30:09    Last Cause Code       0
Final Disposition          09/04/2015 2:30:10    Message Final Status   Delivered
Message Source              AlphaPg    Input Label            UNDEF
Source Protocol            Smpp      Output Protocol        smpp
Input Port                 2833     Output Port            2803r
Operation Type              unknown_method    HLR Address
Orig. MSC PC               Message Dest. Address
Call Back number           Message MSID
Originating DN              8034793540    Terminating DN      900080000002
Originating MSID            Terminating MSID
Originating COS              1          Terminating COS      0
Originating Num. Plan        0          Terminating Num. Plan 0
Originating Num. Type        0          Terminating Num. Type 0
Billing Id                  0          Billable              false
Delivery Init. Method        Default    Broadcast message     false
Priority                    0          Data Header Indicator false
Subscriber Rating            0          Message Rating        0
Message ID                  21534375660707    Message TeleService    0
Length of text message      126        Data Coding           0
Message Text
[ id:21534375660707 sub:001 dlvr:001 submit date:1509040230 done date:1509040230
stat:DELIVRD err:000 Text:\000/VZWDMNEW;20 ]
=====

```

```

Search Target              Duluth221_FDA
Log Written                09/04/2015 7:36:31    Number of attempts    1
Message arrival            09/04/2015 7:36:30    Last Cause Code       256
Final Disposition          09/04/2015 7:36:31    Message Final Status   Delivered
Message Source              AlphaPg    Input Label            AUX3
Source Protocol            Smpp      Output Protocol        SIP
Input Port                 2803     Output Port            7808
Operation Type              new_msg_arrival    HLR Address            full_digits
Orig. MSC PC               Message Dest. Address
sip:njbhpscscf3140.vzims.com:5090;lskpmc=SGV
Call Back number           Message MSID          8034793540
Originating DN            900080000003    Terminating DN      8034793540
Originating MSID            Terminating MSID
Originating COS              0          Terminating COS      1
Originating Num. Plan        0          Terminating Num. Plan 0
Originating Num. Type        0          Terminating Num. Type 0
Billing Id                 815        Billable              true
Delivery Init. Method        Default    Broadcast message     false
Priority                    0          Data Header Indicator false
Subscriber Rating            0          Message Rating        0
Message ID                 21534375675263    Message TeleService    4100
Length of text message      75        Data Coding           4
Message Text
[ 0 0      VZWDMNEW 2015 09 04 07 36 29 AM 1554 43 D 6144 MB F Shared Data 25 ]
=====

```

```

Search Target              Duluth221_FDA
Log Written                09/04/2015 7:36:31    Number of attempts    0
Message arrival            09/04/2015 7:36:30    Last Cause Code       0
Final Disposition          09/04/2015 7:36:31    Message Final Status   Delivered
Message Source              AlphaPg    Input Label            UNDEF
Source Protocol            Smpp      Output Protocol        smpp
Input Port                 2803     Output Port            2803r
Operation Type              unknown_method    HLR Address
Orig. MSC PC               Message Dest. Address
Call Back number           Message MSID
Originating DN              8034793540    Terminating DN      900080000003
Originating MSID            Terminating MSID
Originating COS              1          Terminating COS      0
Originating Num. Plan        0          Terminating Num. Plan 0
Originating Num. Type        0          Terminating Num. Type 0
Billing Id                  0          Billable              false
Delivery Init. Method        Default    Broadcast message     false
Priority                    0          Data Header Indicator false
Subscriber Rating            0          Message Rating        0
Message ID                 21534375675263    Message TeleService    0
Length of text message      126        Data Coding           0
Message Text
[ id:21534375675263 sub:001 dlvr:001 submit date:1509040736 done date:1509040736

```

```

-----
Search Target          Duluth221_FDA
Log Written            09/04/2015 8:23:33 Number of attempts      1
Message arrival        09/04/2015 8:23:32 Last Cause Code          0
Final Disposition      09/04/2015 8:23:33 Message Final Status      Delivered
Message Source          MO_AlphaPg Input Label              MOIMS
Source Protocol         SIPmo Output Protocol            smpp
Input Port              0 Output Port              2735
Operation Type          unknown_method HLR Address
Orig. MSC PC            000.000.000 Message Dest. Address
Call Back number        8034793540 Message MSID             8034636849
Originating DN          8034793540 Terminating DN          8034636849
Originating MSID        Terminating MSID
Originating COS          1 Terminating COS          1
Originating Num. Plan    0 Terminating Num. Plan    0
Originating Num. Type    0 Terminating Num. Type    0
Billing Id              0 Billable                  true
Delivery Init. Method    IS41Req Broadcast message        false
Priority                 0 Data Header Indicator     false
Subscriber Rating        0 Message Rating            0
Message ID               20867043488244 Message TeleService       4098
Length of text message   6 Data Coding              0
Message Text
[ You ok ]

```

```

Attempt History
[Time] [Operation] [Result] [End Point]
09/04/2015 8:23:33 IS41Req CC:403 8034636849
=====

```

```

Search Target          Duluth221_FDA
Log Written            09/04/2015 8:27:18 Number of attempts      4
Message arrival        09/04/2015 8:26:47 Last Cause Code          0
Final Disposition      09/04/2015 8:27:18 Message Final Status      Pending
Message Source          AlphaPg Input Label              AUX3
Source Protocol         Smpp Output Protocol            smpp
Input Port              2803 Output Port              7410
Operation Type          unknown_method HLR Address              full_digits
Orig. MSC PC            Message Dest. Address
Call Back number        900080000003 Message MSID             8034793540
Originating DN          900080000003 Terminating DN          8034793540
Originating MSID        Terminating MSID        3343624680
Originating COS          0 Terminating COS          1
Originating Num. Plan    0 Terminating Num. Plan    0
Originating Num. Type    0 Terminating Num. Type    0
Billing Id              815 Billable                  true
Delivery Init. Method    IS41Req Broadcast message        false
Priority                 0 Data Header Indicator     false
Subscriber Rating        0 Message Rating            0
Message ID               21534375686171 Message TeleService       4100
Length of text message   74 Data Coding              4
Message Text
[ 0 0 VZWMNEW 2015 09 04 08 26 47 AM 1557 5 D 6144 MB F Shared Data 25 ]

```

```

Attempt History
[Time] [Operation] [Result] [End Point]
09/04/2015 8:26:48 ImsUdr CC:5003 VZIMS.COM
09/04/2015 8:26:48 IS41Req CC:3 8034793540
09/04/2015 8:27:18 ImsUdr CC:5003 VZIMS.COM
09/04/2015 8:27:18 IS41Req CC:3 8034793540
=====

```

```

Search Target          Duluth221_FDA
Log Written            09/04/2015 8:27:51 Number of attempts      0
Message arrival        09/04/2015 8:26:47 Last Cause Code          0
Final Disposition      09/04/2015 8:27:51 Message Final Status      Delivered
Message Source          AlphaPg Input Label              UNDEF
Source Protocol         Smpp Output Protocol            smpp
Input Port              7410 Output Port              2803r
Operation Type          unknown_method HLR Address
Orig. MSC PC            Message Dest. Address
Call Back number        8034793540 Message MSID             900080000003
Originating DN          8034793540 Terminating DN          900080000003
Originating MSID        Terminating MSID
Originating COS          1 Terminating COS          0
Originating Num. Plan    0 Terminating Num. Plan    0
Originating Num. Type    0 Terminating Num. Type    0
Billing Id              0 Billable                  false
Delivery Init. Method    Default Broadcast message    false
Priority                 0 Data Header Indicator     false
Subscriber Rating        0 Message Rating            0
Message ID               21534375686171 Message TeleService       0
Length of text message   106 Data Coding            0
Message Text
[ id:21534375686171 sub:001 dlvr:001 submit date:1509040826 done date:1509040827
stat:DELIVRD err:000 Text: ]
=====

```

```

Search Target          Duluth221_FDA
Log Written            09/04/2015 8:30:22 Number of attempts      1
Message arrival        09/04/2015 8:30:22 Last Cause Code          256

```

Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbhpscscf2860.vzims.com:5090;lskpmc=SRM			
Call Back number		Message MSID	8034793540
Originating DN	8033186036	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	21542044998981	Message TeleService	4098
Length of text message	88	Data Coding	0
Message Text			
[Thanks girl! He's my boy.. He makes my heart melt, lol. I hope you have a great weekend!]			

Search Target	Duluth221_FDA		
Log Written	09/04/2015 8:33:05	Number of attempts	1
Message arrival	09/04/2015 8:33:05	Last Cause Code	256
Final Disposition	09/04/2015 8:33:05	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbhpscscf2860.vzims.com:5090;lskpmc=SRM			
Call Back number		Message MSID	8034793540
Originating DN	8033186036	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	21539044941804	Message TeleService	4098
Length of text message	13	Data Coding	0
Message Text			
[Okay, thanks!]			

Search Target	Duluth221_FDA		
Log Written	09/04/2015 10:42:23	Number of attempts	1
Message arrival	09/04/2015 10:42:22	Last Cause Code	256
Final Disposition	09/04/2015 10:42:23	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbhpscscf3020.vzims.com:5090;lskpmc=SP6			
Call Back number		Message MSID	8035698285
Originating DN	8034793540	Terminating DN	8035698285
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	20631046623311	Message TeleService	4098
Length of text message	19	Data Coding	0
Message Text			
[Did not see your w2]			

Search Target	Duluth221_FDA		
Log Written	09/04/2015 10:42:46	Number of attempts	1
Message arrival	09/04/2015 10:42:46	Last Cause Code	256
Final Disposition	09/04/2015 10:42:46	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbhpscscf2860.vzims.com:5090;lskpmc=SRM			
Call Back number		Message MSID	8034793540
Originating DN	8035492143	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true

Priority	0	Data Header Indicator	21550
Subscriber Rating	0	Message Rating	0
Message ID	21547045020207	Message TeleService	4098
Length of text message	3	Data Coding	0
Message Text	[OK"]		

Search Target	Duluth221_FDA		
Log Written	09/04/2015 10:43:07	Number of attempts	1
Message arrival	09/04/2015 10:43:06	Last Cause Code	256
Final Disposition	09/04/2015 10:43:07	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbbhpscscf2860.vzims.com:5090;lskpmc=SRM			
Call Back number	8035698285	Message MSID	8034793540
Originating DN	8035698285	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	21552045022246	Message TeleService	4098
Length of text message	7	Data Coding	0
Message Text	[Oh Lord]		

Search Target	Duluth221_FDA		
Log Written	09/04/2015 10:49:30	Number of attempts	1
Message arrival	09/04/2015 10:49:30	Last Cause Code	256
Final Disposition	09/04/2015 10:49:30	Message Final Status	Delivered
Message Source	AlphaPg	Input Label	AUX3
Source Protocol	Smpp	Output Protocol	SIP
Input Port	2705	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC		Message Dest. Address	
sip:njbbhpscscf2860.vzims.com:5090;lskpmc=SRM			
Call Back number		Message MSID	8034793540
Originating DN	8034636849	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	0	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	1
Originating Num. Type	0	Terminating Num. Type	1
Billing Id	9100	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	21534375731621	Message TeleService	4098
Length of text message	3	Data Coding	3
Message Text	[Yea]		

Search Target	Duluth221_FDA		
Log Written	09/04/2015 11:26:05	Number of attempts	1
Message arrival	09/04/2015 11:26:05	Last Cause Code	256
Final Disposition	09/04/2015 11:26:05	Message Final Status	Delivered
Message Source	AlphaPg	Input Label	AUX3
Source Protocol	Smpp	Output Protocol	SIP
Input Port	2803	Output Port	7808
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC		Message Dest. Address	
sip:njbbhpscscf2860.vzims.com:5090;lskpmc=SRM			
Call Back number		Message MSID	8034793540
Originating DN	900080000002	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	0	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	815	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	21534375746039	Message TeleService	4100
Length of text message	75	Data Coding	4
Message Text	[0 0 VZWMNEW 2015 09 04 11 26 04 AM 1585 15 D 6144 MB F Shared Data 26]		

Search Target	Duluth221_FDA		
Log Written	09/04/2015 11:26:05	Number of attempts	0
Message arrival	09/04/2015 11:26:05	Last Cause Code	0
Final Disposition	09/04/2015 11:26:05	Message Final Status	Delivered
Message Source	AlphaPg	Input Label	UNDEF
Source Protocol	Smpp	Output Protocol	smpp

```

Operation Type          UNKNOWN_METHOD      HLR Address
Orig. MSC PC
Call Back number
Originating DN          8034793540      Terminating DN          900080000002
Originating MSID
Originating COS          1      Terminating COS          0
Originating Num. Plan    0      Terminating Num. Plan    0
Originating Num. Type    0      Terminating Num. Type    0
Billing Id              0      Billable                  false
Delivery Init. Method    Default      Broadcast message         false
Priority                  0      Data Header Indicator      false
Subscriber Rating        0      Message Rating             0
Message ID               21534375746039      Message TeleService        0
Length of text message   126      Data Coding                0
Message Text
[ id:21534375746039 sub:001 dlvr:001 submit date:1509041126 done date:1509041126
stat:DELIVRD err:000 Text:\0\0##//VZWDMNEW;20 ]
=====

```

```

Search Target          Duluth221_FDA
Log Written            09/04/2015 16:38:27      Number of attempts        1
Message arrival        09/04/2015 16:38:26      Last Cause Code           256
Final Disposition      09/04/2015 16:38:27      Message Final Status       Delivered
Message Source          AlphaPg      Input Label                AUX3
Source Protocol         Smpp      Output Protocol            SIP
Input Port              2735      Output Port                0
Operation Type          new_msg_arrival      HLR Address                full_digits
Orig. MSC PC
sip:njbhpscscf2860.vzims.com:5090;lskpmc=SRM
Call Back number
Originating DN          8034469808      Message MSID              8034793540
Originating MSID
Originating COS          0      Terminating DN           8034793540
Originating Num. Plan    0      Terminating MSID
Originating Num. Type    0      Terminating COS          1
Billing Id              9100      Terminating Num. Plan    1
Delivery Init. Method    Default      Terminating Num. Type    1
Priority                  0      Billable                  true
Subscriber Rating        0      Broadcast message         false
Message ID               21534375871739      Data Header Indicator      false
Length of text message   32      Message Rating            0
Message Text
[ Just got off the phone with him. ]
=====

```

```

Search Target          Duluth221_FDA
Log Written            09/04/2015 21:59:39      Number of attempts        1
Message arrival        09/04/2015 21:59:34      Last Cause Code           256
Final Disposition      09/04/2015 21:59:39      Message Final Status       Delivered
Message Source          MO_AlphaPg      Input Label                MOIMS
Source Protocol         SIPmo      Output Protocol            SIP
Input Port              0      Output Port                0
Operation Type          new_msg_arrival      HLR Address                full_digits
Orig. MSC PC            000.000.000      Message Dest. Address
sip:njbhpscscf3050.vzims.com:5090;lskpmc=SLZ
Call Back number
Originating DN          8034793540      Message MSID              8035492143
Originating MSID
Originating COS          1      Terminating DN           8035492143
Originating Num. Plan    0      Terminating MSID
Originating Num. Type    0      Terminating COS          1
Billing Id              0      Terminating Num. Plan    0
Delivery Init. Method    Default      Terminating Num. Type    0
Priority                  0      Billable                  true
Subscriber Rating        0      Broadcast message         false
Message ID               21722043491542      Data Header Indicator      false
Length of text message   70      Message Rating            0
Message Text
[ Yes I got Frank to order you one not sure if it will be there tomorrow ]
=====

```

```

Search Target          Duluth221_FDA
Log Written            09/04/2015 22:04:21      Number of attempts        1
Message arrival        09/04/2015 22:04:16      Last Cause Code           256
Final Disposition      09/04/2015 22:04:21      Message Final Status       Delivered
Message Source          MO_AlphaPg      Input Label                MOIMS
Source Protocol         SIPmo      Output Protocol            SIP
Input Port              0      Output Port                0
Operation Type          new_msg_arrival      HLR Address                full_digits
Orig. MSC PC            000.000.000      Message Dest. Address
sip:njbhpscscf3050.vzims.com:5090;lskpmc=SLZ
Call Back number
Originating DN          8034793540      Message MSID              8035492143
Originating MSID
Originating COS          1      Terminating DN           8035492143
Originating Num. Plan    0      Terminating MSID
Originating Num. Type    0      Terminating COS          1
Billing Id              0      Terminating Num. Plan    0
Delivery Init. Method    Default      Terminating Num. Type    0
Priority                  0      Billable                  true
Subscriber Rating        0      Broadcast message         false
Message ID               21738043435288      Data Header Indicator      false
Length of text message   70      Message Rating            0
Message Text
[ Yes I got Frank to order you one not sure if it will be there tomorrow ]
=====

```

Message Text
[He is fine Andrew so dramatic about stuff looks like he may have run into
something he has a small mark on the ear]

```
=====
Search Target          Duluth222_FDA
Log Written            09/04/2015 10:46:48 Number of attempts      1
Message arrival        09/04/2015 10:46:48 Last Cause Code          256
Final Disposition      09/04/2015 10:46:48 Message Final Status      Delivered
Message Source          MO_AlphaPg      Input Label              MOIMS
Source Protocol         SIPmo           Output Protocol          SIP
Input Port              0             Output Port              0
Operation Type          new_msg_arrival HLR Address              full_digits
Orig. MSC PC            000.000.000 Message Dest. Address
sip:njbbhpscscf2860.vzims.com:5090;lskpmc=SRM
Call Back number        8035698285 Message MSID              8034793540
Originating DN          8035698285 Terminating DN          8034793540
Originating MSID
Originating COS         1             Terminating COS         1
Originating Num. Plan   0             Terminating Num. Plan   0
Originating Num. Type   0             Terminating Num. Type   0
Billing Id              0             Billable                 true
Delivery Init. Method   Default      Broadcast message        false
Priority                 0             Data Header Indicator    false
Subscriber Rating       0             Message Rating           0
Message ID              67107027833813 Message TeleService       4098
Length of text message  48             Data Coding              0
Message Text
[ I guess it could have fell out in Andrews blazer ]
=====
```

```
Search Target          Duluth222_FDA
Log Written            09/04/2015 11:24:32 Number of attempts      1
Message arrival        09/04/2015 11:24:32 Last Cause Code          256
Final Disposition      09/04/2015 11:24:32 Message Final Status      Delivered
Message Source          AlphaPg        Input Label              AUX3
Source Protocol         Smppt           Output Protocol          SIP
Input Port              2832           Output Port              7808
Operation Type          new_msg_arrival HLR Address              full_digits
Orig. MSC PC            000.000.000 Message Dest. Address
sip:njbbhpscscf2860.vzims.com:5090;lskpmc=SRM
Call Back number        9000800000002 Message MSID              8034793540
Originating DN          9000800000002 Terminating DN          8034793540
Originating MSID
Originating COS         0             Terminating COS         1
Originating Num. Plan   0             Terminating Num. Plan   0
Originating Num. Type   0             Terminating Num. Type   0
Billing Id              815           Billable                 true
Delivery Init. Method   Default      Broadcast message        false
Priority                 0             Data Header Indicator    false
Subscriber Rating       0             Message Rating           0
Message ID              67101160942616 Message TeleService       4100
Length of text message  75             Data Coding              4
Message Text
[ 0 0 VZWDNEW 2015 09 04 11 24 31 AM 1564 67 D 6144 MB F Shared Data 25 ]
=====
```

```
Search Target          Duluth222_FDA
Log Written            09/04/2015 11:24:32 Number of attempts      0
Message arrival        09/04/2015 11:24:32 Last Cause Code          0
Final Disposition      09/04/2015 11:24:32 Message Final Status      Delivered
Message Source          AlphaPg        Input Label              UNDEF
Source Protocol         Smppt           Output Protocol          smpp
Input Port              2832           Output Port              2802r
Operation Type          unknown_method HLR Address
Orig. MSC PC            000.000.000 Message Dest. Address
Call Back number        8034793540 Message MSID
Originating DN          8034793540 Terminating DN          9000800000002
Originating MSID
Originating COS         1             Terminating COS         0
Originating Num. Plan   0             Terminating Num. Plan   0
Originating Num. Type   0             Terminating Num. Type   0
Billing Id              0             Billable                 false
Delivery Init. Method   Default      Broadcast message        false
Priority                 0             Data Header Indicator    false
Subscriber Rating       0             Message Rating           0
Message ID              67101160942616 Message TeleService       0
Length of text message  126           Data Coding              0
Message Text
[ id:67101160942616 sub:001 dlvr:001 submit date:1509041124 done date:1509041124
stat:DELIVRD err:000 Text:\0\000/VZWDNEW;20 ]
=====
```

```
Search Target          Duluth222_FDA
Log Written            09/04/2015 15:11:17 Number of attempts      1
Message arrival        09/04/2015 15:11:17 Last Cause Code          0
Final Disposition      09/04/2015 15:11:17 Message Final Status      Delivered
Message Source          MO_AlphaPg      Input Label              MOIMS
Source Protocol         SIPmo           Output Protocol          smpp
Input Port              0             Output Port              2732
Operation Type          unknown_method HLR Address
Orig. MSC PC            000 000 000 Message Dest. Address
```

```

Originating DN          0004700000 Terminating DN          0004700000
Originating MSID
Originating COS          1 Terminating COS          1
Originating Num. Plan    0 Terminating Num. Plan    0
Originating Num. Type    0 Terminating Num. Type    0
Billing Id              0 Billable          true
Delivery Init. Method    IS41Req Broadcast message      false
Priority                0 Data Header Indicator    false
Subscriber Rating        0 Message Rating          0
Message ID              66383027317801 Message TeleService      4098
Length of text message   40 Data Coding          0
Message Text
[ Andrew needs to know where some tool is ]

```

```

Attempt History
[Time] [Operation][Result][End Point]
09/04/2015 15:11:17 IS41Req CC:403 8034469808
=====

```

```

Search Target          Duluth222_FDA
Log Written            09/04/2015 16:53:39 Number of attempts      1
Message arrival        09/04/2015 16:53:37 Last Cause Code        256
Final Disposition      09/04/2015 16:53:39 Message Final Status    Delivered
Message Source          MO_AlphaPg Input Label             MOIMS
Source Protocol         SIPmo Output Protocol         SIP
Input Port             0 Output Port             0
Operation Type          new_msg_arrival HLR Address            full_digits
Orig. MSC PC           000.000.000 Message Dest. Address
sip:njbhpscsf2860.vzims.com:5090;lskpmc=SRM
Call Back number
Originating DN          8035492143 Message MSID            8034793540
Originating MSID        Terminating DN          8034793540
Originating COS          1 Terminating COS        1
Originating Num. Plan    0 Terminating Num. Plan  0
Originating Num. Type    0 Terminating Num. Type  0
Billing Id              0 Billable          true
Delivery Init. Method    Default Broadcast message      false
Priority                0 Data Header Indicator    false
Subscriber Rating        0 Message Rating          0
Message ID              67123027851092 Message TeleService      4098
Length of text message   139 Data Coding          0
Message Text
[ U don't have to text me back now., but wounded if we could go by car quest
tomorrow & see about a flashlight? I need something to see with; ]
=====

```

```

Search Target          Duluth222_FDA
Log Written            09/04/2015 22:05:43 Number of attempts      1
Message arrival        09/04/2015 22:05:43 Last Cause Code        256
Final Disposition      09/04/2015 22:05:43 Message Final Status    Delivered
Message Source          MO_AlphaPg Input Label             MOIMS
Source Protocol         SIPmo Output Protocol         SIP
Input Port             0 Output Port             0
Operation Type          new_msg_arrival HLR Address            full_digits
Orig. MSC PC           000.000.000 Message Dest. Address
sip:njbhpscsf2860.vzims.com:5090;lskpmc=SRM
Call Back number
Originating DN          8035492143 Message MSID            8034793540
Originating MSID        Terminating DN          8034793540
Originating COS          1 Terminating COS        1
Originating Num. Plan    0 Terminating Num. Plan  0
Originating Num. Type    0 Terminating Num. Type  0
Billing Id              0 Billable          true
Delivery Init. Method    Default Broadcast message      false
Priority                0 Data Header Indicator    false
Subscriber Rating        0 Message Rating          0
Message ID              67126027970637 Message TeleService      4098
Length of text message   20 Data Coding          0
Message Text
[ Glad that was all!!! ]
=====

```

```

Search Target          Duluth222_FDA
Log Written            09/04/2015 22:08:42 Number of attempts      1
Message arrival        09/04/2015 22:08:41 Last Cause Code        256
Final Disposition      09/04/2015 22:08:42 Message Final Status    Delivered
Message Source          MO_AlphaPg Input Label             MOIMS
Source Protocol         SIPmo Output Protocol         SIP
Input Port             0 Output Port             0
Operation Type          new_msg_arrival HLR Address            full_digits
Orig. MSC PC           000.000.000 Message Dest. Address
sip:njbhpscsf3050.vzims.com:5090;lskpmc=SLZ
Call Back number
Originating DN          8034793540 Message MSID            8035492143
Originating MSID        Terminating DN          8035492143
Originating COS          1 Terminating COS        1
Originating Num. Plan    0 Terminating Num. Plan  0
Originating Num. Type    0 Terminating Num. Type  0
Billing Id              0 Billable          true
Delivery Init. Method    Default Broadcast message      false
Priority                0 Data Header Indicator    false
Subscriber Rating        0 Message Rating          0

```

```

Length of text message      75      Data Coding      4
Message Text
[ Yea its a little red Andrew says the turtle bite him yea right ]
=====

Search Target      Duluth222_FDA
Log Written      09/04/2015 22:27:21      Number of attempts      1
Message arrival      09/04/2015 22:27:20      Last Cause Code      256
Final Disposition      09/04/2015 22:27:21      Message Final Status      Delivered
Message Source      AlphaPg      Input Label      AUX3
Source Protocol      SmpP      Output Protocol      SIP
Input Port      2802      Output Port      7808
Operation Type      new_msg_arrival      HLR Address      full_digits
Orig. MSC PC      Message Dest. Address
sip:njbhpscscf2860.vzims.com:5090;lskpmc=SRM
Call Back number      Message MSID      8034793540
Originating DN      900080000003      Terminating DN      8034793540
Originating MSID      Terminating MSID
Originating COS      0      Terminating COS      1
Originating Num. Plan      0      Terminating Num. Plan      0
Originating Num. Type      0      Terminating Num. Type      0
Billing Id      815      Billable      true
Delivery Init. Method      Default      Broadcast message      false
Priority      0      Data Header Indicator      false
Subscriber Rating      0      Message Rating      0
Message ID      67101161050734      Message TeleService      4100
Length of text message      75      Data Coding      4
Message Text
[ 0 0      VZWDMNEW 2015 09 04 10 27 20 PM 1620 99 D 6144 MB F Shared Data 26 ]
=====

```

```

Search Target      Duluth222_FDA
Log Written      09/04/2015 22:27:21      Number of attempts      0
Message arrival      09/04/2015 22:27:20      Last Cause Code      0
Final Disposition      09/04/2015 22:27:21      Message Final Status      Delivered
Message Source      AlphaPg      Input Label      UNDEF
Source Protocol      SmpP      Output Protocol      smpp
Input Port      2802      Output Port      2832r
Operation Type      unknown_method      HLR Address
Orig. MSC PC      Message Dest. Address
Call Back number      Message MSID
Originating DN      8034793540      Terminating DN      900080000003
Originating MSID      Terminating MSID
Originating COS      1      Terminating COS      0
Originating Num. Plan      0      Terminating Num. Plan      0
Originating Num. Type      0      Terminating Num. Type      0
Billing Id      0      Billable      false
Delivery Init. Method      Default      Broadcast message      false
Priority      0      Data Header Indicator      false
Subscriber Rating      0      Message Rating      0
Message ID      67101161050734      Message TeleService      0
Length of text message      126      Data Coding      0
Message Text
[ id:67101161050734 sub:001 dlvr:001 submit date:1509042227 done date:1509042227
stat:DELIVRD err:000 Text:\000€€//VZWDMNEW;20 ]
=====

```

```

Search Target      Duluth223_FDA
Log Written      09/04/2015 8:23:01      Number of attempts      1
Message arrival      09/04/2015 8:22:56      Last Cause Code      256
Final Disposition      09/04/2015 8:23:01      Message Final Status      Delivered
Message Source      MO_AlphaPg      Input Label      MOIMS
Source Protocol      SIPmo      Output Protocol      SIP
Input Port      0      Output Port      0
Operation Type      new_msg_arrival      HLR Address      full_digits
Orig. MSC PC      000.000.000      Message Dest. Address
sip:njbhpscscf3090.vzims.com:5090;lskpmc=SDU
Call Back number      Message MSID      8033186036
Originating DN      8034793540      Terminating DN      8033186036
Originating MSID      Terminating MSID
Originating COS      1      Terminating COS      1
Originating Num. Plan      0      Terminating Num. Plan      0
Originating Num. Type      0      Terminating Num. Type      0
Billing Id      0      Billable      true
Delivery Init. Method      Default      Broadcast message      false
Priority      0      Data Header Indicator      false
Subscriber Rating      0      Message Rating      0
Message ID      73167029558984      Message TeleService      4098
Length of text message      63      Data Coding      0
Message Text
[ Finally got the pictures looks like a very happy dog! Adorable! ]
=====

```

```

Search Target      Duluth223_FDA
Log Written      09/04/2015 10:46:17      Number of attempts      1
Message arrival      09/04/2015 10:46:16      Last Cause Code      256
Final Disposition      09/04/2015 10:46:17      Message Final Status      Delivered
Message Source      MO_AlphaPg      Input Label      MOIMS
Source Protocol      SIPmo      Output Protocol      SIP
Input Port      0      Output Port      0
Operation Type      new_msg_arrival      HLR Address      full_digits
Orig. MSC PC      000.000.000      Message Dest. Address

```

Call Back Number	8034793540	Message MSID	8035698285
Originating DN		Terminating DN	8035698285
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	71265030828233	Message TeleService	4098
Length of text message	17	Data Coding	0
Message Text	[Where would it be]		

Search Target	Duluth223_FDA		
Log Written	09/04/2015 10:47:11	Number of attempts	1
Message arrival	09/04/2015 10:47:10	Last Cause Code	256
Final Disposition	09/04/2015 10:47:11	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbhpscsf3020.vzims.com:5090;lskpmc=SP6			
Call Back number		Message MSID	8035698285
Originating DN	8034793540	Terminating DN	8035698285
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	71276030876697	Message TeleService	4098
Length of text message	9	Data Coding	0
Message Text	[I'll look]		

Search Target	Duluth223_FDA		
Log Written	09/04/2015 11:53:17	Number of attempts	1
Message arrival	09/04/2015 11:53:16	Last Cause Code	256
Final Disposition	09/04/2015 11:53:17	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbhpscsf3020.vzims.com:5090;lskpmc=SP6			
Call Back number		Message MSID	8035698285
Originating DN	8034793540	Terminating DN	8035698285
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	71271030838260	Message TeleService	4098
Length of text message	37	Data Coding	0
Message Text	[I don't see it is there another place]		

Search Target	Duluth223_FDA		
Log Written	09/04/2015 12:03:39	Number of attempts	1
Message arrival	09/04/2015 12:03:39	Last Cause Code	256
Final Disposition	09/04/2015 12:03:39	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbhpscsf2860.vzims.com:5090;lskpmc=SRM			
Call Back number	8035698285	Message MSID	8034793540
Originating DN	8035698285	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	72192030912839	Message TeleService	4098
Length of text message	45	Data Coding	0
Message Text	[I really don't know that's all I can think of]		

```

Search Target          Duluth223_FDA
Log Written            09/04/2015 12:10:29 Number of attempts      1
Message arrival        09/04/2015 12:10:28 Last Cause Code         256
Final Disposition      09/04/2015 12:10:29 Message Final Status     Delivered
Message Source         MO_AlphaPg Input Label              MOIMS
Source Protocol        SIPmo Output Protocol             SIP
Input Port             0 Output Port                0
Operation Type         new_msg_arrival HLR Address              full_digits
Orig. MSC PC           000.000.000 Message Dest. Address
sip:njbhbpscscf3020.vzims.com:5090;lskpmc=SP6
Call Back number      Message MSID              8035698285
Originating DN        8034793540 Terminating DN          8035698285
Originating MSID      Terminating MSID
Originating COS        1 Terminating COS        1
Originating Num. Plan  0 Terminating Num. Plan  0
Originating Num. Type  0 Terminating Num. Type  0
Billing Id             0 Billable                 true
Delivery Init. Method  Default Broadcast message false
Priority               0 Data Header Indicator    false
Subscriber Rating      0 Message Rating           0
Message ID             71278028617379 Message TeleService      4098
Length of text message 24 Data Coding             0
Message Text
[ You get a chance call me ]
=====

```

```

Search Target          Duluth223_FDA
Log Written            09/04/2015 15:42:05 Number of attempts      1
Message arrival        09/04/2015 15:42:04 Last Cause Code         256
Final Disposition      09/04/2015 15:42:05 Message Final Status     Delivered
Message Source         AlphaPg Input Label              AUX3
Source Protocol        Smpp Output Protocol             SIP
Input Port             2804 Output Port               7808
Operation Type         new_msg_arrival HLR Address              full_digits
Orig. MSC PC           Message Dest. Address
sip:njbhbpscscf2860.vzims.com:5090;lskpmc=SRM
Call Back number      Message MSID              8034793540
Originating DN        900080000002 Terminating DN          8034793540
Originating MSID      Terminating MSID
Originating COS        0 Terminating COS        1
Originating Num. Plan  0 Terminating Num. Plan  0
Originating Num. Type  0 Terminating Num. Type  0
Billing Id             815 Billable                 true
Delivery Init. Method  Default Broadcast message false
Priority               0 Data Header Indicator    false
Subscriber Rating      0 Message Rating           0
Message ID             72164183704111 Message TeleService      4100
Length of text message 75 Data Coding             4
Message Text
[ 0 0 VZWDMNEW 2015 09 04 03 42 02 PM 1606 66 D 6144 MB F Shared Data 26 ]
=====

```

```

Search Target          Duluth223_FDA
Log Written            09/04/2015 15:42:05 Number of attempts      0
Message arrival        09/04/2015 15:42:04 Last Cause Code         0
Final Disposition      09/04/2015 15:42:05 Message Final Status     Delivered
Message Source         AlphaPg Input Label              UNDEF
Source Protocol        Smpp Output Protocol             smpp
Input Port             2804 Output Port               2834r
Operation Type         unknown_method HLR Address
Orig. MSC PC           Message Dest. Address
Call Back number      Message MSID
Originating DN        8034793540 Terminating DN          900080000002
Originating MSID      Terminating MSID
Originating COS        1 Terminating COS        0
Originating Num. Plan  0 Terminating Num. Plan  0
Originating Num. Type  0 Terminating Num. Type  0
Billing Id             0 Billable                 false
Delivery Init. Method  Default Broadcast message false
Priority               0 Data Header Indicator    false
Subscriber Rating      0 Message Rating           0
Message ID             72164183704111 Message TeleService      0
Length of text message 126 Data Coding             0
Message Text
[ id:72164183704111 sub:001 dlvr:001 submit date:1509041542 done date:1509041542
stat:DELIVRD err:000 Text:\0\000//VZWDMNEW;20 ]
=====

```

```

Search Target          Duluth223_FDA
Log Written            09/04/2015 17:32:10 Number of attempts      1
Message arrival        09/04/2015 17:32:10 Last Cause Code         0
Final Disposition      09/04/2015 17:32:10 Message Final Status     Delivered
Message Source         MO_AlphaPg Input Label              MOIMS
Source Protocol        SIPmo Output Protocol             smpp
Input Port             0 Output Port               2706
Operation Type         unknown_method HLR Address
Orig. MSC PC           000.000.000 Message Dest. Address
Call Back number      Message MSID              8035670447
Originating DN        8034793540 Terminating DN          8035670447
Originating MSID      Terminating MSID
Originating COS        1 Terminating COS        1

```

Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	IS41Req	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	71380029579570	Message TeleService	4098
Length of text message	25	Data Coding	0

Message Text
[This is Sonja call Andrew]

Attempt History

[Time	]	[Operation]	[Result]	[End Point	]
09/04/2015 17:32:10		IS41Req	CC:403	8035670447	

=====

Search Target	Duluth223_FDA		
Log Written	09/04/2015 23:07:03	Number of attempts	1
Message arrival	09/04/2015 23:07:02	Last Cause Code	256
Final Disposition	09/04/2015 23:07:03	Message Final Status	Delivered
Message Source	AlphaPg	Input Label	AUX3
Source Protocol	Smpp	Output Protocol	SIP
Input Port	2804	Output Port	7808
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC		Message Dest. Address	
sip:njbhpscsf2860.vzims.com:5090;lskpmc=SRM			
Call Back number		Message MSID	8034793540
Originating DN	900080000003	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	0	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	815	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	72164183775724	Message TeleService	4100
Length of text message	75	Data Coding	4

Message Text
[0 0 VZWMNEW 2015 09 04 11 07 01 PM 1622 02 D 6144 MB F Shared Data 26]

=====

Search Target	Duluth223_FDA		
Log Written	09/04/2015 23:07:03	Number of attempts	0
Message arrival	09/04/2015 23:07:02	Last Cause Code	0
Final Disposition	09/04/2015 23:07:03	Message Final Status	Delivered
Message Source	AlphaPg	Input Label	UNDEF
Source Protocol	Smpp	Output Protocol	smpp
Input Port	2804	Output Port	2834r
Operation Type	unknown_method	HLR Address	
Orig. MSC PC		Message Dest. Address	
Call Back number		Message MSID	
Originating DN	8034793540	Terminating DN	900080000003
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	0
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	false
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	72164183775724	Message TeleService	0
Length of text message	126	Data Coding	0

Message Text
[id:72164183775724 sub:001 dlvr:001 submit date:1509042307 done date:1509042307
stat:DELIVRD err:000 Text:\0\0000/VZWMNEW;20]

=====

Search Target	Duluth223_FDA		
Log Written	09/04/2015 23:29:48	Number of attempts	1
Message arrival	09/04/2015 23:29:48	Last Cause Code	256
Final Disposition	09/04/2015 23:29:48	Message Final Status	Delivered
Message Source	AlphaPg	Input Label	AUX3
Source Protocol	Smpp	Output Protocol	SIP
Input Port	2804	Output Port	7808
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC		Message Dest. Address	
sip:njbhpscsf2860.vzims.com:5090;lskpmc=SRM			
Call Back number		Message MSID	8034793540
Originating DN	900080000003	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	0	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	815	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	72164183778241	Message TeleService	4100
Length of text message	75	Data Coding	4

Message Text
[0 0 VZWMNEW 2015 09 04 11 29 47 PM 1653 76 D 6144 MB F Shared Data 27]


```

Search Target      Alpharetta321_FDA
Log Written        09/04/2015 9:00:47      Number of attempts      1
Message arrival    09/04/2015 9:00:45      Last Cause Code        256
Final Disposition  09/04/2015 9:00:47      Message Final Status    Delivered
Message Source     AlphaPg      Input Label             AUX3
Source Protocol    Smpp      Output Protocol         SIP
Input Port         2843      Output Port             7808
Operation Type     new_msg_arrival    HLR Address             full_digits
Orig. MSC PC
sip:njbhpscscf2860.vzims.com:5090;lskpmc=SRM
Call Back number
Originating DN     900080000002      Terminating DN        8034793540
Originating MSID
Originating COS    0      Terminating COS       1
Originating Num. Plan 0      Terminating Num. Plan 0
Originating Num. Type 0      Terminating Num. Type 0
Billing Id         815      Billable                true
Delivery Init. Method Default    Broadcast message       false
Priority           0      Data Header Indicator   false
Subscriber Rating  0      Message Rating          0
Message ID         31660894396248    Message TeleService     4100
Length of text message 75      Data Coding             4
Message Text
[ 0 0      VZWDNEW 2015 09 04 09 00 44 AM 1558 53 D 6144 MB F Shared Data 25 ]
=====

```

```

Search Target      Alpharetta321_FDA
Log Written        09/04/2015 9:00:47      Number of attempts      0
Message arrival    09/04/2015 9:00:45      Last Cause Code        0
Final Disposition  09/04/2015 9:00:47      Message Final Status    Delivered
Message Source     AlphaPg      Input Label             UNDEF
Source Protocol    Smpp      Output Protocol         smpp
Input Port         2843      Output Port             2843r
Operation Type     unknown_method    HLR Address
Orig. MSC PC
Call Back number
Originating DN     8034793540      Terminating DN        900080000002
Originating MSID
Originating COS    1      Terminating COS       0
Originating Num. Plan 0      Terminating Num. Plan 0
Originating Num. Type 0      Terminating Num. Type 0
Billing Id         0      Billable                false
Delivery Init. Method Default    Broadcast message       false
Priority           0      Data Header Indicator   false
Subscriber Rating  0      Message Rating          0
Message ID         31660894396248    Message TeleService     0
Length of text message 126      Data Coding             0
Message Text
[ id:31660894396248 sub:001 dlvr:001 submit date:1509040900 done date:1509040900
stat:DELIVRD err:000 Text:\0\000//VZWDNEW;20 ]
=====

```

```

Search Target      Alpharetta322_FDA
Log Written        09/04/2015 22:15:31      Number of attempts      1
Message arrival    09/04/2015 22:15:31      Last Cause Code        256
Final Disposition  09/04/2015 22:15:31      Message Final Status    Delivered
Message Source     AlphaPg      Input Label             AUX3
Source Protocol    Smpp      Output Protocol         SIP
Input Port         2812      Output Port             7808
Operation Type     new_msg_arrival    HLR Address             full_digits
Orig. MSC PC
sip:njbhpscscf2860.vzims.com:5090;lskpmc=SRM
Call Back number
Originating DN     900080000003      Terminating DN        8034793540
Originating MSID
Originating COS    0      Terminating COS       1
Originating Num. Plan 0      Terminating Num. Plan 0
Originating Num. Type 0      Terminating Num. Type 0
Billing Id         815      Billable                true
Delivery Init. Method Default    Broadcast message       false
Priority           0      Data Header Indicator   false
Subscriber Rating  0      Message Rating          0
Message ID         77227683941068    Message TeleService     4100
Length of text message 75      Data Coding             4
Message Text
[ 0 0      VZWDNEW 2015 09 04 10 15 30 PM 1620 99 D 6144 MB F Shared Data 26 ]
=====

```

```

Search Target      Alpharetta322_FDA
Log Written        09/04/2015 22:15:31      Number of attempts      0
Message arrival    09/04/2015 22:15:31      Last Cause Code        0
Final Disposition  09/04/2015 22:15:31      Message Final Status    Delivered
Message Source     AlphaPg      Input Label             UNDEF
Source Protocol    Smpp      Output Protocol         smpp
Input Port         2812      Output Port             2842r
Operation Type     unknown_method    HLR Address
Orig. MSC PC
Call Back number
Originating DN     8034793540      Terminating DN        900080000003
Originating MSID
Originating COS    1      Terminating COS       0
Originating Num. Plan 0      Terminating Num. Plan 0

```

Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	77227683941068	Message TeleService	0
Length of text message	126	Data Coding	0

Message Text
 [id:77227683941068 sub:001 dlvr:001 submit date:1509042215 done date:1509042215
 stat:DELIVRD err:000 Text:\0\000//VZWMNEW;20]
 =====

Search Target	Duluth220.FDA		
Log Written	09/05/2015 10:53:26	Number of attempts	1
Message arrival	09/05/2015 10:53:24	Last Cause Code	256
Final Disposition	09/05/2015 10:53:26	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbhbpscsf2860.vzims.new.vcom:5090;lskpmc=SRM			
Call Back number		Message MSID	8034793540
Originating DN	8035492143	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	16472044850164	Message TeleService	4098
Length of text message	18	Data Coding	0
Message Text			
[OK"about ready"!!!]			

Search Target	Duluth220_FDA		
Log Written	09/05/2015 15:42:04	Number of attempts	0
Message arrival	09/05/2015 15:42:03	Last Cause Code	0
Final Disposition	09/05/2015 15:42:04	Message Final Status	Delivered
Message Source	AlphaPg	Input Label	UNDEF
Source Protocol	SmpP	Output Protocol	smpP
Input Port	2831	Output Port	2801r
Operation Type	unknown_method	HLR Address	
Orig. MSC PC		Message Dest. Address	
Call Back number		Message MSID	
Originating DN	8034793540	Terminating DN	900080000001
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	0
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	false
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	16471301099847	Message TeleService	0
Length of text message	126	Data Coding	0
Message Text	[id:16471301099847 sub:001 dlvr:001 submit date:1509051542 done date:1509051542 stat:DELIVRD err:000 Text:\0\0€€/VZWDNEW;20]		

-1052-

Search Target	Duluth221_FDA		
Log Written	09/05/2015 15:59:58	Number of attempts	1
Message arrival	09/05/2015 15:59:54	Last Cause Code	256
Final Disposition	09/05/2015 15:59:58	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbhhpscscf3050.vzims.com:5090;lskpmc=S1Z			
Call Back number		Message MSID	8035492143
Originating DN	8034793540	Terminating DN	8035492143
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	21744043409246	Message TeleService	4098
Length of text message	7	Data Coding	0
Message Text			
[Made it]			

Search Target	Duluth221_FDA		
Log Written	09/05/2015 17:30:50	Number of attempts	1
Message arrival	09/05/2015 17:30:49	Last Cause Code	256
Final Disposition	09/05/2015 17:30:50	Message Final Status	Delivered
Message Source	AlphaPg	Input Label	AUX3
Source Protocol	Smpp	Output Protocol	SIP
Input Port	2803	Output Port	7808
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC		Message Dest. Address	
sip:njbhhpscscf2860.vzims.com:5090;lskpmc=SRM			
Call Back number		Message MSID	8034793540
Originating DN	900080000003	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	0	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	815	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	21534376240946	Message TeleService	4100
Length of text message	74	Data Coding	4
Message Text			
[0 0 VZWDMNEW 2015 09 05 05 30 48 PM 1736 7 D 6144 MB F Shared Data 28]			

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Subscriber Rating 0 Message Rating 0
Message ID 21534376240946 Message TeleService 0
Length of text message 126 Data Coding 0
Message Text
[id:21534376240946 sub:001 dlvr:001 submit date:1509051730 done date:1509051730
stat:DELIVRD err:000 Text:\0\0\0//VZWDNEW;20]
=====

Search Target Duluth222_FDA
Log Written 09/05/2015 16:02:05 Number of attempts 1
Message arrival 09/05/2015 16:02:04 Last Cause Code 256
Final Disposition 09/05/2015 16:02:05 Message Final Status Delivered
Message Source MO_AlphaPg Input Label MOIMS
Source Protocol SIPmo Output Protocol SIP
Input Port 0 Output Port 0
Operation Type new_msg_arrival HLR Address full_digits
Orig. MSC PC 000.000.000 Message Dest. Address
sip:njbhpscf2860.vzims.com:5090;lskpmc=SRM
Call Back number Message MSID 8034793540
Originating DN 8035492143 Terminating DN 8034793540
Originating MSID Terminating MSID
Originating COS 1 Terminating COS 1
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing Id 0 Billable true
Delivery Init. Method Default Broadcast message false
Priority 0 Data Header Indicator false
Subscriber Rating 0 Message Rating 0
Message ID 67107027869990 Message TeleService 4098
Length of text message 32 Data Coding 0
Message Text
[Thanks" for letting me know,!!!]
=====

Search Target Duluth222_FDA
Log Written 09/05/2015 22:47:18 Number of attempts 1
Message arrival 09/05/2015 22:47:18 Last Cause Code 256
Final Disposition 09/05/2015 22:47:18 Message Final Status Delivered
Message Source MO_AlphaPg Input Label MOIMS
Source Protocol SIPmo Output Protocol SIP
Input Port 0 Output Port 0
Operation Type new_msg_arrival HLR Address full_digits
Orig. MSC PC 000.000.000 Message Dest. Address
sip:njbhpscf3050.vzims.com:5090;lskpmc=S1Z
Call Back number Message MSID 8035492143
Originating DN 8034793540 Terminating DN 8035492143
Originating MSID Terminating MSID
Originating COS 1 Terminating COS 1
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing Id 0 Billable true
Delivery Init. Method Default Broadcast message false
Priority 0 Data Header Indicator false
Subscriber Rating 0 Message Rating 0
Message ID 67297154887338 Message TeleService 4098
Length of text message 50 Data Coding 0
Message Text
[Good night love you call you tomorrow :-* :-* :-*]
=====

Search Target Duluth223_FDA
Log Written 09/05/2015 10:52:06 Number of attempts 1
Message arrival 09/05/2015 10:52:00 Last Cause Code 256
Final Disposition 09/05/2015 10:52:06 Message Final Status Delivered
Message Source MO_AlphaPg Input Label MOIMS
Source Protocol SIPmo Output Protocol SIP
Input Port 0 Output Port 0
Operation Type new_msg_arrival HLR Address full_digits
Orig. MSC PC 000.000.000 Message Dest. Address
sip:njbhpscf3050.vzims.com:5090;lskpmc=S1Z
Call Back number Message MSID 8035492143
Originating DN 8034793540 Terminating DN 8035492143
Originating MSID Terminating MSID
Originating COS 1 Terminating COS 1
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing Id 0 Billable true
Delivery Init. Method Default Broadcast message false
Priority 0 Data Header Indicator false
Subscriber Rating 0 Message Rating 0
Message ID 72350291270926 Message TeleService 4098
Length of text message 22 Data Coding 0
Message Text
[Fixin to head your way]
=====

Search Target Duluth223_FDA
Log Written 09/05/2015 23:44:30 Number of attempts 1
Message arrival 09/05/2015 23:44:28 Last Cause Code 256
Final Disposition 09/05/2015 23:44:30 Message Final Status Delivered
Message Source AlphaPg Input Label AUX3
Source Protocol Smpn Output Protocol STD

Operation Type	new_msg_arrival	HLR Address	orig_origins
Orig. MSC PC		Message Dest. Address	
Call Back number	900080000002	Message MSID	8034793540
Originating DN		Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	0	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	815	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	72164183914754	Message TeleService	4100
Length of text message	75	Data Coding	4
Message Text			
[0 0 VZWDMNEW 2015 09 05 11 44 26 PM 1806 34 D 6144 MB F Shared Data 29]			

Search Target	Duluth223_FDA	Number of attempts	0
Log Written	09/05/2015 23:44:30	Last Cause Code	0
Message arrival	09/05/2015 23:44:28	Message Final Status	Delivered
Final Disposition	09/05/2015 23:44:30	Input Label	UNDEF
Message Source	AlphaPg	Output Protocol	smpp
Source Protocol	Smpp	Output Port	2834r
Input Port	2834	HLR Address	
Operation Type	unknown_method	Message Dest. Address	
Orig. MSC PC		Message MSID	
Call Back number	8034793540	Terminating DN	900080000002
Originating DN		Terminating MSID	
Originating MSID		Terminating COS	0
Originating COS	1	Terminating Num. Plan	0
Originating Num. Plan	0	Terminating Num. Type	0
Originating Num. Type	0	Billable	false
Billing Id	0	Broadcast message	false
Delivery Init. Method	Default	Data Header Indicator	false
Priority	0	Message Rating	0
Subscriber Rating	0	Message TeleService	0
Message ID	72164183914754	Data Coding	0
Length of text message	126		
Message Text			
[id:72164183914754 sub:001 dlvr:001 submit date:1509052344 done date:1509052344			
stat:DELIVRD err:000 Text:\0\0@@//VZWDMNEW;20]			


```

Search Target      Alpharetta320_FDA
Log Written        09/05/2015 21:21:49 Number of attempts      1
Message arrival    09/05/2015 21:21:48 Last Cause Code         256
Final Disposition  09/05/2015 21:21:49 Message Final Status     Delivered
Message Source     AlphaPg      Input Label              AUX3
Source Protocol    Smpp        Output Protocol          SIP
Input Port        2811       Output Port              7808
Operation Type     new_msg_arrival HLR Address              full_digits
Orig. MSC PC
sip:njbhpscsf2860.vzims.com:5090;lskpmc=SRM
Call Back number
Originating DN     900080000003    Terminating DN         8034793540
Originating MSID
Originating COS    0               Terminating COS        1
Originating Num. Plan 0               Terminating Num. Plan  0
Originating Num. Type 0               Terminating Num. Type  0
Billing Id         815            Billable                 true
Delivery Init. Method Default        Broadcast message        false
Priority           0              Data Header Indicator    false
Subscriber Rating  0              Message Rating           0
Message ID         26597800444940 Message TeleService      4100
Length of text message 75           Data Coding              4
Message Text
[ 0 0      VZWDMNEW 2015 09 05 09 21 48 PM 1741 82 D 6144 MB F Shared Data 28 ]
=====

```

```

Search Target      Alpharetta320_FDA
Log Written        09/05/2015 21:21:49 Number of attempts      0
Message arrival    09/05/2015 21:21:48 Last Cause Code         0
Final Disposition  09/05/2015 21:21:49 Message Final Status     Delivered
Message Source     AlphaPg      Input Label              UNDEF
Source Protocol    Smpp        Output Protocol          smpp
Input Port        2811       Output Port              2841r
Operation Type     unknown_method HLR Address
Orig. MSC PC
Call Back number
Originating DN     8034793540    Terminating DN         900080000003
Originating MSID
Originating COS    1               Terminating COS        0
Originating Num. Plan 0               Terminating Num. Plan  0
Originating Num. Type 0               Terminating Num. Type  0
Billing Id         0              Billable                 false
Delivery Init. Method Default        Broadcast message        false
Priority           0              Data Header Indicator    false
Subscriber Rating  0              Message Rating           0
Message ID         26597800444940 Message TeleService      0
Length of text message 126          Data Coding              0
Message Text
[ id:26597800444940 sub:001 dlvr:001 submit date:1509052121 done date:1509052121
stat:DELIVRD err:000 Text:\0\000//VZWDMNEW;20 ]
=====

```

```

Search Target      Alpharetta321_FDA
Log Written        09/05/2015 3:42:05 Number of attempts      1
Message arrival    09/05/2015 3:42:03 Last Cause Code         256
Final Disposition  09/05/2015 3:42:05 Message Final Status     Delivered
Message Source     AlphaPg      Input Label              AUX3
Source Protocol    Smpp        Output Protocol          SIP
Input Port        2843       Output Port              7808
Operation Type     new_msg_arrival HLR Address              full_digits
Orig. MSC PC
sip:njbhpscsf2860.vzims.com:5090;lskpmc=SRM
Call Back number
Originating DN     900080000002    Terminating DN         8034793540
Originating MSID
Originating COS    0               Terminating COS        1
Originating Num. Plan 0               Terminating Num. Plan  0
Originating Num. Type 0               Terminating Num. Type  0
Billing Id         815            Billable                 true
Delivery Init. Method Default        Broadcast message        false
Priority           0              Data Header Indicator    false
Subscriber Rating  0              Message Rating           0
Message ID         31660894765064 Message TeleService      4100
Length of text message 75           Data Coding              4
Message Text
[ 0 0      VZWDMNEW 2015 09 05 03 42 02 AM 1692 67 D 6144 MB F Shared Data 28 ]
=====

```

```

Search Target      Alpharetta321_FDA
Log Written        09/05/2015 3:42:05 Number of attempts      0
Message arrival    09/05/2015 3:42:03 Last Cause Code         0
Final Disposition  09/05/2015 3:42:05 Message Final Status     Delivered
Message Source     AlphaPg      Input Label              UNDEF
Source Protocol    Smpp        Output Protocol          smpp
Input Port        2843       Output Port              2843r
Operation Type     unknown_method HLR Address
Orig. MSC PC
Call Back number
Originating DN     8034793540    Terminating DN         900080000002
Originating MSID
Originating COS    1               Terminating COS        0
Originating Num. Plan 0               Terminating Num. Plan  0

```

Search Target	Alpharetta323_FDA	
Log Written	09/05/2015 10:07:23	Number of attempts
Message arrival	09/05/2015 10:07:22	Last Cause Code

Message Source	Primary	Input Subnet	None
Source Protocol	Smpp	Output Protocol	SIP
Input Port	2844	Output Port	7808
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC		Message Dest. Address	
sip:njbbhpscscf2860.vzims.com:5090;lskpmc=SRM			
Call Back number		Message MSID	8034793540
Originating DN	900080000002	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	0	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	815	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	82290684003595	Message TeleService	4100
Length of text message	75	Data Coding	4
Message Text			
[0 0 VZWDMNEW 2015 09 05 10 07 22 AM 1694 72 D 6144 MB F Shared Data 28]			
=====			

```

Search Target      Duluth_MAS0
Log Written        09/06/2015 19:43:32 Number of attempts      3
Message arrival    09/06/2015 19:42:33 Last Cause Code         256
Final Disposition  09/06/2015 19:43:32 Message Final Status     Delivered
Message Source     AlphaPg      Input Label              AUX3
Source Protocol    Smpp        Output Protocol          SIP
Input Port         0          Output Port             7808
Operation Type     notification_arrival HLR Address              full_digits
Orig. MSC PC       sip:njbhpscscf2890.vzims.com:5090;lskpmc=S9R Message Dest. Address
Call Back number   9000800000002 Message MSID             8034793540
Originating DN     9000800000002 Terminating DN         8034793540
Originating MSID   0          Terminating MSID
Originating COS    0          Terminating COS       1
Originating Num. Plan 0          Terminating Num. Plan 0
Originating Num. Type 0          Terminating Num. Type 0
Billing Id         815       Billable                 true
Delivery Init. Method IS41Req    Broadcast message        false
Priority           0          Data Header Indicator    false
Subscriber Rating  0          Message Rating          0
Message ID         67101161285929 Message TeleService      4100
Length of text message 75       Data Coding              4
Message Text
[ 0 0 VZWDMNEW 2015 09 06 07 42 32 PM 1934 34 D 6144 MB F Shared Data 31 ]

```

Attempt History

```

[Time] [Operation] [Result] [End Point]
09/06/2015 19:42:56 CC:399 7866064780
09/06/2015 19:43:26 ImsUdr CC:5003 VZIMS.COM
09/06/2015 19:43:26 IS41Req CC:2 8034793540

```

```

Search Target      Duluth_MAS0
Log Written        09/06/2015 19:43:31 Number of attempts      2
Message arrival    09/06/2015 19:41:51 Last Cause Code         256
Final Disposition  09/06/2015 19:43:31 Message Final Status     Delivered
Message Source     MO_AlphaPg Input Label              MOIMS
Source Protocol    SIPmo      Output Protocol          SS7
Input Port         0          Output Port             0
Operation Type     tbr_arrival HLR Address              full_digits
Orig. MSC PC       000.000.000 Message Dest. Address    204.223.59
Call Back number   8034793540 Message MSID             8035698285
Originating DN     8034793540 Terminating DN         8035698285
Originating MSID   0          Terminating MSID       4029007363
Originating COS    1          Terminating COS       1
Originating Num. Plan 0          Terminating Num. Plan 0
Originating Num. Type 0          Terminating Num. Type 0
Billing Id         0          Billable                 true
Delivery Init. Method ImsSipSend Broadcast message        false
Priority           0          Data Header Indicator    false
Subscriber Rating  0          Message Rating          0
Message ID         20621046660201 Message TeleService      4098
Length of text message 51       Data Coding              0
Message Text
[ Please don't be drinking not worth the consequences ]

```

Attempt History

```

[Time] [Operation] [Result] [End Point]
09/06/2015 19:42:24 CC:399 VZIMS.COM
09/06/2015 19:43:26 CC:301 sip:njbhpscscf3020.vzims.com:5090;lskpmc=SP6

```

```

Search Target      Duluth_MAS0
Log Written        09/06/2015 19:43:32 Number of attempts      0
Message arrival    09/06/2015 19:42:33 Last Cause Code         0
Final Disposition  09/06/2015 19:43:32 Message Final Status     Delivered
Message Source     AlphaPg      Input Label              UNDEF
Source Protocol    Smpp        Output Protocol          smpp
Input Port         0          Output Port             7410r
Operation Type     unknown_method HLR Address
Orig. MSC PC       Message Dest. Address
Call Back number   8034793540 Message MSID             9000800000002
Originating DN     8034793540 Terminating DN
Originating MSID   1          Terminating MSID
Originating COS    0          Terminating COS       0
Originating Num. Plan 0          Terminating Num. Plan 0
Originating Num. Type 0          Terminating Num. Type 0
Billing Id         0          Billable                 false
Delivery Init. Method Default    Broadcast message        false
Priority           0          Data Header Indicator    false
Subscriber Rating  0          Message Rating          0
Message ID         67101161285929 Message TeleService      0
Length of text message 126       Data Coding              0
Message Text
[ id:67101161285929 sub:001 dlvr:001 submit date:1509061942 done date:1509061943
stat:DELIVRD err:000 Text:\0\0e#//VZWDMNEW;20 ]

```

```

Search Target      Duluth220_FDA
Log Written        09/06/2015 17:06:37 Number of attempts      1
Message arrival    09/06/2015 17:06:37 Last Cause Code         256
Final Disposition  09/06/2015 17:06:37 Message Final Status     Delivered

```

Input Port		Output Port	
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbhbpscscf2860.vzims.com:5090;lskpmc=SRM			
Call Back number		Message MSID	8034793540
Originating DN	8033617478	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	16482044853938	Message TeleService	4098
Length of text message	7	Data Coding	0
Message Text			
[Little]			

Search Target	Duluth220_FDA		
Log Written	09/06/2015 20:01:33	Number of attempts	1
Message arrival	09/06/2015 20:01:30	Last Cause Code	256
Final Disposition	09/06/2015 20:01:33	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbhbpscscf3020.vzims.com:5090;lskpmc=SP6			
Call Back number		Message MSID	8035698285
Originating DN	8034793540	Terminating DN	8035698285
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	15579049612790	Message TeleService	4098
Length of text message	22	Data Coding	8
Message Text			
[\00\0k\0 \0m\0y\0 \0b\0a\0d0=p8]			

Search Target	Duluth220_FDA		
Log Written	09/06/2015 20:26:20	Number of attempts	1
Message arrival	09/06/2015 20:26:20	Last Cause Code	256
Final Disposition	09/06/2015 20:26:20	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbhbpscscf2890.vzims.com:5090;lskpmc=S9R			
Call Back number		Message MSID	8034793540
Originating DN	8035492143	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	16494044821962	Message TeleService	4098
Length of text message	42	Data Coding	0
Message Text			
[As well as I've always been. What about u?]			

Search Target	Duluth220_FDA		
Log Written	09/06/2015 20:30:47	Number of attempts	1
Message arrival	09/06/2015 20:30:46	Last Cause Code	256
Final Disposition	09/06/2015 20:30:47	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbhbpscscf2890.vzims.com:5090;lskpmc=S9R			
Call Back number		Message MSID	8034793540
Originating DN	8035492143	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false

```

Length of text message      22 Data Coding
Message Text
[ I know what u mean.!!! ]
=====

Search Target      Duluth221_FDA
Log Written        09/06/2015 19:42:24 Number of attempts      2
Message arrival    09/06/2015 19:41:51 Last Cause Code         0
Final Disposition  09/06/2015 19:42:24 Message Final Status     Delivered
Message Source     MO_AlphaPg Input Label              MOIMS
Source Protocol    SIPmo Output Protocol          smpp
Input Port         0 Output Port              7410
Operation Type     unknown_method HLR Address              full_digits
Orig. MSC PC       000.000.000 Message Dest. Address
Call Back number   8034793540 Message MSID             8035698285
Originating DN     Terminating DN          8035698285
Originating MSID   Terminating MSID        4029007363
Originating COS    Terminating COS         1
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing Id         0 Billable               true
Delivery Init. Method IS41Dpp Broadcast message        false
Priority           0 Data Header Indicator   false
Subscriber Rating  0 Message Rating          0
Message ID         20621046660201 Message TeleService       4098
Length of text message 51 Data Coding              0
Message Text
[ Please don't be drinking not worth the consequences ]

Attempt History
[Time ] [Operation] [Result] [End Point ]
09/06/2015 19:42:23 CC:301 sip:njbbhpscscf3020.vzims.com:5090;lskpmc=SP6
09/06/2015 19:42:24 IS41Dpp CC:33 204.223.59 8
=====

Search Target      Duluth221_FDA
Log Written        09/06/2015 20:19:33 Number of attempts      1
Message arrival    09/06/2015 20:19:33 Last Cause Code         256
Final Disposition  09/06/2015 20:19:33 Message Final Status     Delivered
Message Source     MO_AlphaPg Input Label              MOIMS
Source Protocol    SIPmo Output Protocol          SIP
Input Port         0 Output Port              0
Operation Type     new_msg_arrival HLR Address              full_digits
Orig. MSC PC       000.000.000 Message Dest. Address
sip:njbbhpscscf3050.vzims.com:5090;lskpmc=SLZ
Call Back number   8034793540 Message MSID             8035492143
Originating DN     Terminating DN          8035492143
Originating MSID   Terminating MSID
Originating COS    Terminating COS         1
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing Id         0 Billable               true
Delivery Init. Method Default Broadcast message        false
Priority           0 Data Header Indicator   false
Subscriber Rating  0 Message Rating          0
Message ID         21742043514242 Message TeleService       4098
Length of text message 22 Data Coding              0
Message Text
[ You doing well tonight ]
=====

Search Target      Duluth221_FDA
Log Written        09/06/2015 20:20:45 Number of attempts      1
Message arrival    09/06/2015 20:20:44 Last Cause Code         256
Final Disposition  09/06/2015 20:20:45 Message Final Status     Delivered
Message Source     MO_AlphaPg Input Label              MOIMS
Source Protocol    SIPmo Output Protocol          SIP
Input Port         0 Output Port              0
Operation Type     new_msg_arrival HLR Address              full_digits
Orig. MSC PC       000.000.000 Message Dest. Address
sip:njbbhpscscf2890.vzims.com:5090;lskpmc=S9R
Call Back number   8035698285 Message MSID             8034793540
Originating DN     8035698285 Terminating DN          8034793540
Originating MSID   Terminating MSID
Originating COS    Terminating COS         1
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing Id         0 Billable               true
Delivery Init. Method Default Broadcast message        false
Priority           0 Data Header Indicator   false
Subscriber Rating  0 Message Rating          0
Message ID         21545045124200 Message TeleService       4098
Length of text message 21 Data Coding              0
Message Text
[ Do you need anything? ]
=====

Search Target      Duluth221_FDA
Log Written        09/06/2015 20:29:17 Number of attempts      1
Message arrival    09/06/2015 20:29:12 Last Cause Code         256
Final Disposition  09/06/2015 20:29:17 Message Final Status     Delivered

```

```

=====
Input File                                     Output File
Operation Type                               new_msg_arrival   HLR Address          full_digits
Orig. MSC PC                               000.000.000      Message Dest. Address
sip:njbhpscf3050.vzims.com:5090;lskpmc=S1Z
Call Back number                           8034793540        Message MSID         8035492143
Originating DN                             8034793540        Terminating DN      8035492143
Originating MSID                           0                Terminating MSID
Originating COS                             1                Terminating COS      1
Originating Num. Plan                       0                Terminating Num. Plan 0
Originating Num. Type                       0                Terminating Num. Type 0
Billing Id                                 0                Billable              true
Delivery Init. Method                       Default           Broadcast message     false
Priority                                    0                Data Header Indicator false
Subscriber Rating                           0                Message Rating        0
Message ID                                  21734043450095    Message TeleService   4098
Length of text message                      58                Data Coding           0
Message Text
[ Tired of course would love this rollercoaster ride to stop ]
=====

```

```

=====
Search Target                               Duluth221_FDA
Log Written                                09/06/2015 20:35:46 Number of attempts    1
Message arrival                            09/06/2015 20:35:45 Last Cause Code      256
Final Disposition                          09/06/2015 20:35:46 Message Final Status Delivered
Message Source                             MO_AlphaPg        Input Label          MOIMS
Source Protocol                            SIPmo             Output Protocol      SIP
Input Port                                 0                Output Port          0
Operation Type                             new_msg_arrival   HLR Address          full_digits
Orig. MSC PC                               000.000.000      Message Dest. Address
sip:njbhpscf3050.vzims.com:5090;lskpmc=S1Z
Call Back number                           8034793540        Message MSID         8035492143
Originating DN                             8034793540        Terminating DN      8035492143
Originating MSID                           0                Terminating MSID
Originating COS                             1                Terminating COS      1
Originating Num. Plan                       0                Terminating Num. Plan 0
Originating Num. Type                       0                Terminating Num. Type 0
Billing Id                                 0                Billable              true
Delivery Init. Method                       Default           Broadcast message     false
Priority                                    0                Data Header Indicator false
Subscriber Rating                           0                Message Rating        0
Message ID                                  21728043523905    Message TeleService   4098
Length of text message                      54                Data Coding           0
Message Text
[ Yep good night love you call you tomorrow :-* :-* :-* ]
=====

```

```

=====
Search Target                               Duluth221_FDA
Log Written                                09/06/2015 21:50:31 Number of attempts    1
Message arrival                            09/06/2015 21:50:29 Last Cause Code      256
Final Disposition                          09/06/2015 21:50:31 Message Final Status Delivered
Message Source                             AlphaPg           Input Label          AUX3
Source Protocol                            SmpP              Output Protocol      SIP
Input Port                                 2833              Output Port          7808
Operation Type                             new_msg_arrival   HLR Address          full_digits
Orig. MSC PC                               5090;lskpmc=S9R
sip:njbhpscf2890.vzims.com:5090;lskpmc=S9R
Call Back number                           8034793540        Message MSID         8034793540
Originating DN                             900080000002      Terminating DN      8034793540
Originating MSID                           0                Terminating MSID
Originating COS                             0                Terminating COS      1
Originating Num. Plan                       0                Terminating Num. Plan 0
Originating Num. Type                       0                Terminating Num. Type 0
Billing Id                                 815               Billable              true
Delivery Init. Method                       Default           Broadcast message     false
Priority                                    0                Data Header Indicator false
Subscriber Rating                           0                Message Rating        0
Message ID                                  21534376632257    Message TeleService   4100
Length of text message                      75                Data Coding           4
Message Text
[ 0 0      VZWDNEW 2015 09 06 09 50 28 PM 1935 36 D 6144 MB F Shared Data 32 ]
=====

```

```

=====
Search Target                               Duluth221_FDA
Log Written                                09/06/2015 21:50:31 Number of attempts    0
Message arrival                            09/06/2015 21:50:29 Last Cause Code      0
Final Disposition                          09/06/2015 21:50:31 Message Final Status Delivered
Message Source                             AlphaPg           Input Label          UNDEF
Source Protocol                            SmpP              Output Protocol      smpP
Input Port                                 2833              Output Port          2833r
Operation Type                             unknown_method     HLR Address
Orig. MSC PC                               8034793540        Message Dest. Address
Call Back number                           8034793540        Message MSID         900080000002
Originating DN                             8034793540        Terminating DN
Originating MSID                           1                Terminating MSID
Originating COS                             0                Terminating COS      0
Originating Num. Plan                       0                Terminating Num. Plan 0
Originating Num. Type                       0                Terminating Num. Type 0
Billing Id                                 0                Billable              false
Delivery Init. Method                       Default           Broadcast message     false
Priority                                    0                Data Header Indicator false
Subscriber Rating                           0                Message Rating        0

```

message text
[id:21534376632257 sub:001 dlvr:001 submit date:1509062150 done date:1509062150
stat:DELIVRD err:000 Text:\000//VZWMNEW;20]
=====

Search Target	Duluth222_FDA		
Log Written	09/06/2015 19:42:56	Number of attempts	2
Message arrival	09/06/2015 19:42:33	Last Cause Code	0
Final Disposition	09/06/2015 19:42:56	Message Final Status	Pending
Message Source	AlphaPg	Input Label	AUX3
Source Protocol	Smp	Output Protocol	smp
Input Port	2832	Output Port	7410
Operation Type	unknown_method	HLR Address	full_digits
Orig. MSC PC		Message Dest. Address	
Call Back number		Message MSID	8034793540
Originating DN	900080000002	Terminating DN	8034793540
Originating MSID		Terminating MSID	3343624680
Originating COS	0	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	815	Billable	true
Delivery Init. Method	IS41Dpp	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	67101161285929	Message TeleService	4100
Length of text message	75	Data Coding	4

Message Text
[0 0 VZWMNEW 2015 09 06 07 42 32 PM 1934 34 D 6144 MB F Shared Data 31]

Attempt History
[Time] [Operation] [Result] [End Point]
09/06/2015 19:42:33 ImsUdr CC:5003 VZIMS.COM
09/06/2015 19:42:56 IS41Dpp CC:37 204.223.59 8
=====

Search Target	Duluth222_FDA		
Log Written	09/06/2015 19:57:21	Number of attempts	1
Message arrival	09/06/2015 19:57:20	Last Cause Code	256
Final Disposition	09/06/2015 19:57:21	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbbhpscscf2890.vzims.com:5090;lskpmc=S9R			
Call Back number	8035698285	Message MSID	8034793540
Originating DN	8035698285	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	67120027900156	Message TeleService	4098
Length of text message	27	Data Coding	0

Message Text
[I'm not drinking, I had tea]
=====

Search Target	Duluth222_FDA		
Log Written	09/06/2015 20:22:30	Number of attempts	1
Message arrival	09/06/2015 20:22:08	Last Cause Code	256
Final Disposition	09/06/2015 20:22:30	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbbhpscscf3020.vzims.com:5090;lskpmc=SP6			
Call Back number		Message MSID	8035698285
Originating DN	8034793540	Terminating DN	8035698285
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	66193027836468	Message TeleService	4098
Length of text message	83	Data Coding	0

Message Text
[Not really I have a bam bam for the morning you have one at work so I'm good
thanks]
=====

Search Target	Duluth222_FDA		
Log Written	09/06/2015 20:23:22	Number of attempts	1
Message arrival	09/06/2015 20:23:22	Last Cause Code	256

Source Protocol	SIPmo	Output Protocol	0
Input Port	0	Output Port	full_digits
Operation Type	new_msg_arrival	HLR Address	0
Orig. MSC PC	000.000.000	Message Dest. Address	0
sip:njbhpscsf2890.vzims.com:5090;lskpmc=S9R			
Call Back number	8035698285	Message MSID	8034793540
Originating DN	8035698285	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	67125027836033	Message TeleService	4098
Length of text message	15	Data Coding	0
Message Text			
[Ok your welcome]			

Search Target	Duluth223_FDA	Number of attempts	1
Log Written	09/06/2015 0:20:37	Last Cause Code	256
Message arrival	09/06/2015 0:20:35	Message Final Status	Delivered
Final Disposition	09/06/2015 0:20:37	Input Label	MOIMS
Message Source	MO_AlphaPg	Output Protocol	SIP
Source Protocol	SIPmo	Output Port	0
Input Port	0	HLR Address	full_digits
Operation Type	new_msg_arrival	Message Dest. Address	0
Orig. MSC PC	000.000.000		
sip:njbhpscsf2860.vzims.com:5090;lskpmc=SRM			
Call Back number		Message MSID	8034793540
Originating DN	8035492143	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	72184184392473	Message TeleService	4098
Length of text message	27	Data Coding	0
Message Text			
[Good night", love u too"!!!]			

Search Target	Duluth223_FDA	Number of attempts	1
Log Written	09/06/2015 20:45:25	Last Cause Code	256
Message arrival	09/06/2015 20:45:24	Message Final Status	Delivered
Final Disposition	09/06/2015 20:45:25	Input Label	MOIMS
Message Source	MO_AlphaPg	Output Protocol	SIP
Source Protocol	SIPmo	Output Port	0
Input Port	0	HLR Address	full_digits
Operation Type	new_msg_arrival	Message Dest. Address	0
Orig. MSC PC	000.000.000		
sip:njbhpscsf2890.vzims.com:5090;lskpmc=S9R			
Call Back number		Message MSID	8034793540
Originating DN	8035492143	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	72188030854568	Message TeleService	4098
Length of text message	26	Data Coding	0
Message Text			
[Good night", love u too"!!!]			

```

Log Written          09/06/2015 11:29:49 Number of attempts          1
Message arrival      09/06/2015 11:29:49 Last Cause Code             256
Final Disposition    09/06/2015 11:29:49 Message Final Status        Delivered
Message Source       AlphaPg          Input Label                 AUX3
Source Protocol      Smpp           Output Protocol              SIP
Input Port           2811          Output Port                  7808
Operation Type       new_msg_arrival HLR Address                 full_digits
Orig. MSC PC         sip:njbbhpscscf2860.vzims.com:5090;lskpmc=SRM
Call Back number
Originating DN       900080000003 Termination DN              8034793540
Originating MSID
Originating COS      0           Terminating COS            1
Originating Num. Plan 0           Terminating Num. Plan      0
Originating Num. Type 0           Terminating Num. Type      0
Billing Id           815         Billable                     true
Delivery Init. Method Default      Broadcast message            false
Priority              0           Data Header Indicator        false
Subscriber Rating     0           Message Rating               0
Message ID            26597800496006 Message TeleService          4100
Length of text message 75          Data Coding                  4
Message Text
[ 0 0 VZWDNEW 2015 09 06 11 29 48 AM 1891 33 D 6144 MB F Shared Data 31 ]
=====

```

```

Search Target      Alpharetta320_FDA
Log Written        09/06/2015 11:29:49 Number of attempts          0
Message arrival    09/06/2015 11:29:49 Last Cause Code             0
Final Disposition  09/06/2015 11:29:49 Message Final Status        Delivered
Message Source     AlphaPg          Input Label                 UNDEF
Source Protocol    Smpp           Output Protocol              smpp
Input Port         2811          Output Port                  2811r
Operation Type     unknown_method HLR Address
Orig. MSC PC
Call Back number
Originating DN      8034793540 Termination DN              900080000003
Originating MSID
Originating COS     1           Terminating COS            0
Originating Num. Plan 0           Terminating Num. Plan      0
Originating Num. Type 0           Terminating Num. Type      0
Billing Id          0           Billable                     false
Delivery Init. Method Default      Broadcast message            false
Priority              0           Data Header Indicator        false
Subscriber Rating    0           Message Rating               0
Message ID           26597800496006 Message TeleService          0
Length of text message 126         Data Coding                  0
Message Text
[ id:26597800496006 sub:001 dlvr:001 submit date:1509061129 done date:1509061129
stat:DELIVRD err:000 Text:\0\000/VZWDNEW;20 ]
=====

```

```

Search Target      Alpharetta320_FDA
Log Written        09/06/2015 15:42:02 Number of attempts          1
Message arrival    09/06/2015 15:42:01 Last Cause Code             256
Final Disposition  09/06/2015 15:42:02 Message Final Status        Delivered
Message Source     AlphaPg          Input Label                 AUX3
Source Protocol    Smpp           Output Protocol              SIP
Input Port         2841          Output Port                  7808
Operation Type     new_msg_arrival HLR Address                 full_digits
Orig. MSC PC         sip:njbbhpscscf2860.vzims.com:5090;lskpmc=SRM
Call Back number
Originating DN      900080000002 Termination DN              8034793540
Originating MSID
Originating COS     0           Terminating COS            1
Originating Num. Plan 0           Terminating Num. Plan      0
Originating Num. Type 0           Terminating Num. Type      0
Billing Id          815         Billable                     true
Delivery Init. Method Default      Broadcast message            false
Priority              0           Data Header Indicator        false
Subscriber Rating    0           Message Rating               0
Message ID           26597800530669 Message TeleService          4100
Length of text message 74          Data Coding                  4
Message Text
[ 0 0 VZWDNEW 2015 09 06 03 42 00 PM 1894 4 D 6144 MB F Shared Data 31 ]
=====

```

```

Search Target      Alpharetta320_FDA
Log Written        09/06/2015 15:42:02 Number of attempts          0
Message arrival    09/06/2015 15:42:01 Last Cause Code             0
Final Disposition  09/06/2015 15:42:02 Message Final Status        Delivered
Message Source     AlphaPg          Input Label                 UNDEF
Source Protocol    Smpp           Output Protocol              smpp
Input Port         2841          Output Port                  2811r
Operation Type     unknown_method HLR Address
Orig. MSC PC
Call Back number
Originating DN      8034793540 Termination DN              900080000002
Originating MSID
Originating COS     1           Terminating COS            0
Originating Num. Plan 0           Terminating Num. Plan      0

```



```

-----
Input Port                2813      Output Port                2843r
Operation Type            unknown_method  HLR Address
Orig. MSC PC              Message Dest. Address
Call Back number          Message MSID
Originating DN            8034793540  Terminating DN            900080000003
Originating MSID          Terminating MSID
Originating COS           1          Terminating COS           0
Originating Num. Plan     0          Terminating Num. Plan     0
Originating Num. Type     0          Terminating Num. Type     0
Billing Id               0          Billable                   false
Delivery Init. Method     Default  Broadcast message          false
Priority                 0          Data Header Indicator       false
Subscriber Rating        0          Message Rating              0
Message ID               31660895318989  Message TeleService         0
Length of text message   126      Data Coding                 0
Message Text
[ id:31660895318989 sub:001 dlvr:001 submit date:1509061853 done date:1509061853
stat:DELIVRD err:000 Text:\000//VZWDMNEW;20 ]
=====

```

```

Search Target            Alpharetta322_FDA
Log Written              09/06/2015 19:43:32  Number of attempts         0
Message arrival          09/06/2015 19:42:33  Last Cause Code            0
Final Disposition        09/06/2015 19:43:32  Message Final Status        Delivered
Message Source           AlphaPg      Input Label                 UNDEF
Source Protocol          Smp        Output Protocol             smpp
Input Port              7410      Output Port                 2812r
Operation Type            unknown_method  HLR Address
Orig. MSC PC              Message Dest. Address
Call Back number          Message MSID
Originating DN            8034793540  Terminating DN            900080000002
Originating MSID          Terminating MSID
Originating COS           1          Terminating COS           0
Originating Num. Plan     0          Terminating Num. Plan     0
Originating Num. Type     0          Terminating Num. Type     0
Billing Id               0          Billable                   false
Delivery Init. Method     Default  Broadcast message          false
Priority                 0          Data Header Indicator       false
Subscriber Rating        0          Message Rating              0
Message ID               67101161285929  Message TeleService         0
Length of text message   106      Data Coding                 0
Message Text
[ id:67101161285929 sub:001 dlvr:001 submit date:1509061942 done date:1509061943
stat:DELIVRD err:000 Text: ]
=====

```

```

Search Target            Alpharetta323_FDA
Log Written              09/06/2015 9:51:47  Number of attempts         1
Message arrival          09/06/2015 9:51:46  Last Cause Code            256
Final Disposition        09/06/2015 9:51:47  Message Final Status        Delivered
Message Source           AlphaPg      Input Label                 AUX3
Source Protocol          Smp        Output Protocol             SIP
Input Port              2844      Output Port                 7808
Operation Type            new_msg_arrival  HLR Address                 full_digits
Orig. MSC PC              Message Dest. Address
sip:njbhpscsf2860.vzims.com:5090;lskpmc=SRM
Call Back number          Message MSID
Originating DN            9000800000001  Terminating DN            8034793540
Originating MSID          Terminating MSID
Originating COS           0          Terminating COS           1
Originating Num. Plan     0          Terminating Num. Plan     0
Originating Num. Type     0          Terminating Num. Type     0
Billing Id               815      Billable                   true
Delivery Init. Method     Default  Broadcast message          false
Priority                 0          Data Header Indicator       false
Subscriber Rating        0          Message Rating              0
Message ID               82290684137478  Message TeleService         4100
Length of text message   75      Data Coding                 4
Message Text
[ 0 0      VZWDMNEW 2015 09 06 09 51 45 AM 1886 21 D 6144 MB F Shared Data 31 ]
=====

```

```

Search Target            Alpharetta323_FDA
Log Written              09/06/2015 9:51:47  Number of attempts         0
Message arrival          09/06/2015 9:51:46  Last Cause Code            0
Final Disposition        09/06/2015 9:51:47  Message Final Status        Delivered
Message Source           AlphaPg      Input Label                 UNDEF
Source Protocol          Smp        Output Protocol             smpp
Input Port              2844      Output Port                 2844r
Operation Type            unknown_method  HLR Address
Orig. MSC PC              Message Dest. Address
Call Back number          Message MSID
Originating DN            8034793540  Terminating DN            900080000001
Originating MSID          Terminating MSID
Originating COS           1          Terminating COS           0
Originating Num. Plan     0          Terminating Num. Plan     0
Originating Num. Type     0          Terminating Num. Type     0
Billing Id               0          Billable                   false
Delivery Init. Method     Default  Broadcast message          false
Priority                 0          Data Header Indicator       false

```

```

Length of text message      126 Data Coding
Message Text
[ id:82290684137478 sub:001 dlvr:001 submit date:1509060951 done date:1509060951
stat:DELIVRD err:000 Text:\0\0000/VZWDMNEW;20 ]
=====

Search Target      Alpharetta323_FDA
Log Written        09/06/2015 19:40:42 Number of attempts      1
Message arrival    09/06/2015 19:40:42 Last Cause Code         256
Final Disposition  09/06/2015 19:40:42 Message Final Status     Delivered
Message Source     AlphaPg      Input Label              AUX3
Source Protocol    Smpp      Output Protocol          SIP
Input Port         2844      Output Port              7808
Operation Type     new_msg_arrival HLR Address              full_digits
Orig. MSC PC
Call Back number
sip:njbhpscsf2860.vzims.com:5090;lskpmc=SRM
Call Back number    Message MSID            8034793540
Originating DN      900080000001 Termination DN          8034793540
Originating MSID
Originating COS     0 Termination COS        1
Originating Num. Plan 0 Termination Num. Plan  0
Originating Num. Type 0 Termination Num. Type  0
Billing Id          815 Billable                 true
Delivery Init. Method Default Broadcast message   false
Priority            0 Data Header Indicator   false
Subscriber Rating   0 Message Rating         0
Message ID          82290684211270 Message TeleService      4100
Length of text message 72 Data Coding            4
Message Text
[ 0 0 VZWDMNEW 2015 09 06 07 40 40 PM 1920 D 6144 MB F Shared Data 31 ]
=====

```

```

Search Target      Alpharetta323_FDA
Log Written        09/06/2015 19:40:42 Number of attempts      0
Message arrival    09/06/2015 19:40:42 Last Cause Code         0
Final Disposition  09/06/2015 19:40:42 Message Final Status     Delivered
Message Source     AlphaPg      Input Label              UNDEF
Source Protocol    Smpp      Output Protocol          smpp
Input Port         2844      Output Port              2844r
Operation Type     unknown_method HLR Address
Orig. MSC PC
Call Back number
Originating DN      8034793540 Message MSID
Originating MSID
Originating COS     1 Termination DN          900080000001
Originating Num. Plan 0 Termination MSID
Originating Num. Type 0 Termination COS        0
Billing Id          0 Termination Num. Plan  0
Delivery Init. Method Default Broadcast message   false
Priority            0 Termination Num. Type  0
Subscriber Rating   0 Billable                 false
Message ID          82290684211270 Broadcast message        false
Length of text message 126 Data Header Indicator false
Message Text
[ id:82290684211270 sub:001 dlvr:001 submit date:1509061940 done date:1509061940
stat:DELIVRD err:000 Text:\0\0000/VZWDMNEW;20 ]
=====

```

```

=====
Log Written          09/07/2015 22:17:38      Number of attempts          1
Message arrival     09/07/2015 22:17:38      Last Cause Code            256
Final Disposition   09/07/2015 22:17:38      Message Final Status        Delivered
Message Source      MO_AlphaPg                Input Label                 MOIMS
Source Protocol     SIPmo                Output Protocol             SIP
Input Port          0                Output Port                 0
Operation Type      new_msg_arrival      HLR Address                 full_digits
Orig. MSC PC        000.000.000         Message Dest. Address
sip:njbhpscscf3050.vzims.com:5090;lskpmc=S1Z
Call Back number    8034793540          Message MSID                8035492143
Originating DN      8034793540          Terminating DN            8035492143
Originating MSID
Originating COS     1                Terminating MSID
Originating Num. Plan 0                Terminating COS           1
Originating Num. Type 0                Terminating Num. Plan     0
Billing Id          0                Terminating Num. Type     0
Delivery Init. Method Default          Broadcast message          false
Priority             0                Data Header Indicator      true
Subscriber Rating    0                Message Rating             0
Message ID           67284026744743     Message TeleService         4101
Length of text message 140             Data Coding                 8
Message Text
[ 0 0G 0o 0t 0 0y 0o 0u 0 0a 0 0l 0i 0g 0h 0t 0 0f 0o 0r 0 0y 0o 0u 0r
0 0c 0a 0r 0 0s 0h 0o 0u 0l 0d 0 0b 0e 0 0h 0e 0r 0e 0 0w 0e 0d 0n 0e 0s 0d
0a 0y 0 0a 0n 0d 0 0l 0 0s 0h 0o 0u 0l 0d 0 ]
=====

```

```

Search Target      Duluth_MAS0
Log Written        09/07/2015 22:17:41      Number of attempts          1
Message arrival     09/07/2015 22:17:38      Last Cause Code            256
Final Disposition   09/07/2015 22:17:41      Message Final Status        Delivered
Message Source      MO_AlphaPg                Input Label                 MOIMS
Source Protocol     SIPmo                Output Protocol             SIP
Input Port          0                Output Port                 0
Operation Type      new_msg_arrival      HLR Address                 full_digits
Orig. MSC PC        000.000.000         Message Dest. Address
sip:njbhpscscf3050.vzims.com:5090;lskpmc=S1Z
Call Back number    8034793540          Message MSID                8035492143
Originating DN      8034793540          Terminating DN            8035492143
Originating MSID
Originating COS     1                Terminating MSID
Originating Num. Plan 0                Terminating COS           1
Originating Num. Type 0                Terminating Num. Plan     0
Billing Id          0                Terminating Num. Type     0
Delivery Init. Method Default          Broadcast message          false
Priority             0                Data Header Indicator      true
Subscriber Rating    0                Message Rating             0
Message ID           16654043362379     Message TeleService         4101
Length of text message 140             Data Coding                 8
Message Text
[ 0 0h 0a 0v 0e 0 0y 0o 0u 0 0a 0n 0o 0t 0h 0e 0r 0 0s 0p 0o 0t 0 0l 0i
0g 0h 0t 0 0a 0l 0s 0o 0 0g 0o 0o 0d 0 0n 0i 0g 0h 0t 0 0l 0o 0v 0e 0 0y 0o
0u 0 0t 0a 0l 0k 0 0t 0o 0m 0o 0r 0r 0o 0w 0 ]
=====

```

```

Search Target      Duluth_MAS0
Log Written        09/07/2015 22:17:43      Number of attempts          1
Message arrival     09/07/2015 22:17:39      Last Cause Code            256
Final Disposition   09/07/2015 22:17:43      Message Final Status        Delivered
Message Source      MO_AlphaPg                Input Label                 MOIMS
Source Protocol     SIPmo                Output Protocol             SIP
Input Port          0                Output Port                 0
Operation Type      new_msg_arrival      HLR Address                 full_digits
Orig. MSC PC        000.000.000         Message Dest. Address
sip:njbhpscscf3050.vzims.com:5090;lskpmc=S1Z
Call Back number    8034793540          Message MSID                8035492143
Originating DN      8034793540          Terminating DN            8035492143
Originating MSID
Originating COS     1                Terminating MSID
Originating Num. Plan 0                Terminating COS           1
Originating Num. Type 0                Terminating Num. Plan     0
Billing Id          0                Terminating Num. Type     0
Delivery Init. Method Default          Broadcast message          false
Priority             0                Data Header Indicator      true
Subscriber Rating    0                Message Rating             0
Message ID           21717043547401     Message TeleService         4101
Length of text message 26             Data Coding                 8
Message Text
[ 0 0 0 0 0 0 0 0 0 0 M ]
=====

```

```

Search Target      Duluth220_FDA
Log Written        09/07/2015 22:17:38      Number of attempts          0
Message arrival     09/07/2015 22:17:38      Last Cause Code            0
Final Disposition   09/07/2015 22:17:38      Message Final Status        Delivered
Message Source      MO_AlphaPg                Input Label                 MOIMS
Source Protocol     SIPmo                Output Protocol             smpp
Input Port          0                Output Port                 7410
Operation Type      unknown_method        HLR Address                 full_digits
Orig. MSC PC        000.000.000         Message Dest. Address
Call Back number    8035492143          Message MSID

```

Originating COS	1	Terminating COS	-
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	false
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	true
Subscriber Rating	0	Message Rating	0
Message ID	16654043362379	Message TeleService	4101
Length of text message	140	Data Coding	8

Message Text
 [0 0h 0a 0v 0e 0 0y 0o 0u 0 0a 0n 0o 0t 0h 0e 0r 0 0s 0p 0o 0t 0 0l 0i
 0g 0h 0t 0 0a 0l 0s 0o 0 0g 0o 0o 0d 0 0n 0i 0g 0h 0t 0 0l 0o 0v 0e 0 0y 0o
 0u 0 0t 0a 0l 0k 0 0t 0o 0m 0o 0r 0r 0o 0w 0]

Search Target	Duluth221_FDA		
Log Written	09/07/2015 20:28:15	Number of attempts	1
Message arrival	09/07/2015 20:28:14	Last Cause Code	256
Final Disposition	09/07/2015 20:28:15	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbhpscsf2890.vzims.com:5090;lskpmc=S9R			
Call Back number		Message MSID	8034793540
Originating DN	8033617478	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	21549045091111	Message TeleService	4098
Length of text message	14	Data Coding	0

Message Text
 [Stake is done]

Search Target	Duluth221_FDA		
Log Written	09/07/2015 22:17:39	Number of attempts	0
Message arrival	09/07/2015 22:17:38	Last Cause Code	0
Final Disposition	09/07/2015 22:17:39	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	smpp
Input Port	0	Output Port	7410
Operation Type	unknown_method	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
Call Back number		Message MSID	8035492143
Originating DN	8034793540	Terminating DN	8035492143
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	false
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	true
Subscriber Rating	0	Message Rating	0
Message ID	21717043547401	Message TeleService	4101
Length of text message	26	Data Coding	8

Message Text
 [0 0 0 0 0 0 0 0 0 0 M]

Search Target	Duluth221_FDA		
Log Written	09/07/2015 22:20:13	Number of attempts	1
Message arrival	09/07/2015 22:20:13	Last Cause Code	256
Final Disposition	09/07/2015 22:20:13	Message Final Status	Delivered
Message Source	MO_AlphaPg	Input Label	MOIMS
Source Protocol	SIPmo	Output Protocol	SIP
Input Port	0	Output Port	0
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC	000.000.000	Message Dest. Address	
sip:njbhpscsf2890.vzims.com:5090;lskpmc=S9R			
Call Back number		Message MSID	8034793540
Originating DN	8035492143	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	21552045113552	Message TeleService	4098
Length of text message	51	Data Coding	0

Message Text
 [That's great", thanks"; good night", love u too.!!!]

```

Log Written          09/07/2015 19:40:43 Number of attempts      1
Message arrival      09/07/2015 19:40:43 Last Cause Code          256
Final Disposition    09/07/2015 19:40:48 Message Final Status      Delivered
Message Source       AlphaPg Input Label                AUX3
Source Protocol      Smpp Output Protocol              SIP
Input Port           2832 Output Port                7808
Operation Type       new_msg_arrival HLR Address              full_digits
Orig. MSC PC         sip:njbbhpscscf2890.vzims.com:5090;lskpmc=S9R Message Dest. Address
Call Back number     9000800000002 Message MSID              8034793540
Originating DN       9000800000002 Terminating DN           8034793540
Originating MSID     0 Terminating MSID
Originating COS       0 Terminating COS          1
Originating Num. Plan 0 Terminating Num. Plan    0
Originating Num. Type 0 Terminating Num. Type    0
Billing Id           815 Billable                  true
Delivery Init. Method Default Broadcast message      false
Priority              0 Data Header Indicator      false
Subscriber Rating     0 Message Rating            0
Message ID            67101161416612 Message TeleService        4100
Length of text message 74 Data Coding              4
Message Text
[ 0 0 VZWDNEW 2015 09 07 07 40 42 PM 2077 7 D 6144 MB F Shared Data 34 ]
=====

```

```

Search Target        Duluth222_FDA
Log Written          09/07/2015 19:40:48 Number of attempts      0
Message arrival      09/07/2015 19:40:43 Last Cause Code          0
Final Disposition    09/07/2015 19:40:48 Message Final Status      Delivered
Message Source       AlphaPg Input Label                UNDEF
Source Protocol      Smpp Output Protocol              smpp
Input Port           2832 Output Port                2832r
Operation Type       unknown_method HLR Address
Orig. MSC PC         Message Dest. Address
Call Back number     8034793540 Message MSID              9000800000002
Originating DN       8034793540 Terminating DN           9000800000002
Originating MSID     1 Terminating MSID
Originating COS       0 Terminating COS          0
Originating Num. Plan 0 Terminating Num. Plan    0
Originating Num. Type 0 Terminating Num. Type    0
Billing Id           0 Billable                  false
Delivery Init. Method Default Broadcast message      false
Priority              0 Data Header Indicator      false
Subscriber Rating     0 Message Rating            0
Message ID            67101161416612 Message TeleService        0
Length of text message 126 Data Coding              0
Message Text
[ id:67101161416612 sub:001 dlvr:001 submit date:1509071940 done date:1509071940
stat:DELIVRD err:000 Text:\0\0000/VZWDNEW;20 ]
=====

```

```

Search Target        Duluth222_FDA
Log Written          09/07/2015 22:17:38 Number of attempts      0
Message arrival      09/07/2015 22:17:37 Last Cause Code          0
Final Disposition    09/07/2015 22:17:38 Message Final Status      Delivered
Message Source       MO_AlphaPg Input Label                MOIMS
Source Protocol      SIPmo Output Protocol              smpp
Input Port           0 Output Port                7410
Operation Type       unknown_method HLR Address              full_digits
Orig. MSC PC         000.000.000 Message Dest. Address
Call Back number     8034793540 Message MSID              8035492143
Originating DN       8034793540 Terminating DN           8035492143
Originating MSID     1 Terminating MSID
Originating COS       0 Terminating COS          1
Originating Num. Plan 0 Terminating Num. Plan    0
Originating Num. Type 0 Terminating Num. Type    0
Billing Id           0 Billable                  true
Delivery Init. Method Default Broadcast message      false
Priority              0 Data Header Indicator      true
Subscriber Rating     0 Message Rating            0
Message ID            67284026744743 Message TeleService        4101
Length of text message 140 Data Coding              8
Message Text
[ 0 0G 0o 0t 0 0y 0o 0u 0 0a 0 0l 0i 0g 0h 0t 0 0f 0o 0r 0 0y 0o 0u 0r
0 0c 0a 0r 0 0s 0h 0o 0u 0l 0d 0 0b 0e 0 0h 0e 0r 0e 0 0w 0e 0d 0n 0e 0s 0d
0a 0y 0 0a 0n 0d 0 0i 0 0s 0h 0o 0u 0l 0d 0 ]
=====

```

```

Search Target        Duluth223_FDA
Log Written          09/07/2015 7:40:44 Number of attempts      0
Message arrival      09/07/2015 7:40:43 Last Cause Code          0
Final Disposition    09/07/2015 7:40:44 Message Final Status      Delivered
Message Source       AlphaPg Input Label                UNDEF
Source Protocol      Smpp Output Protocol              smpp
Input Port           2804 Output Port                2834r
Operation Type       unknown_method HLR Address
Orig. MSC PC         Message Dest. Address
Call Back number     8034793540 Message MSID              9000800000002
Originating DN       8034793540 Terminating DN           9000800000002
Originating MSID     1 Terminating MSID
Originating COS       1 Terminating COS          n

```



```

Billing ID          0
Delivery Init. Method Default Broadcast message false
Priority            0 Data Header Indicator false
Subscriber Rating   0 Message Rating 0
Message ID          72164184050087 Message TeleService 0
Length of text message 126 Data Coding 0
Message Text
[ id:72164184050087 sub:001 dlvr:001 submit date:1509070740 done date:1509070740
stat:DELIVRD err:000 Text:\000//VZWDNEW;20 ]
=====

```

```

Search Target          Duluth223_FDA
Log Written            09/07/2015 7:40:44 Number of attempts 1
Message arrival        09/07/2015 7:40:43 Last Cause Code 256
Final Disposition      09/07/2015 7:40:44 Message Final Status Delivered
Message Source         AlphaPg Input Label AUX3
Source Protocol        Smpp Output Protocol SIP
Input Port             2804 Output Port 7808
Operation Type         new_msg_arrival HLR Address full_digits
Orig. MSC PC           Message Dest. Address
sip:njbhpscscf2890.vzims.com:5090;lskpmc=S9R
Call Back number      900080000002 Message MSID 8034793540
Originating DN        900080000002 Terminating DN 8034793540
Originating MSID      Terminating MSID
Originating COS        0 Terminating COS 1
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing ID            815 Billable true
Delivery Init. Method Default Broadcast message false
Priority              0 Data Header Indicator false
Subscriber Rating     0 Message Rating 0
Message ID            72164184050087 Message TeleService 4100
Length of text message 75 Data Coding 4
Message Text
[ 0 0 VZWDNEW 2015 09 07 07 40 42 AM 1950 72 D 6144 MB F Shared Data 32 ]
=====

```

```

Search Target          Duluth223_FDA
Log Written            09/07/2015 22:42:20 Number of attempts 0
Message arrival        09/07/2015 22:42:20 Last Cause Code 0
Final Disposition      09/07/2015 22:42:20 Message Final Status Delivered
Message Source         AlphaPg Input Label UNDEF
Source Protocol        Smpp Output Protocol smpp
Input Port             2834 Output Port 2804r
Operation Type         unknown_method HLR Address
Orig. MSC PC           Message Dest. Address
Call Back number      8034793540 Message MSID 900080000001
Originating DN        8034793540 Terminating DN 900080000001
Originating MSID      Terminating MSID
Originating COS        1 Terminating COS 0
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing ID            0 Billable false
Delivery Init. Method Default Broadcast message false
Priority              0 Data Header Indicator false
Subscriber Rating     0 Message Rating 0
Message ID            72164184165946 Message TeleService 0
Length of text message 126 Data Coding 0
Message Text
[ id:72164184165946 sub:001 dlvr:001 submit date:1509072242 done date:1509072242
stat:DELIVRD err:000 Text:\000//VZWDNEW;20 ]
=====

```

```

Search Target          Duluth223_FDA
Log Written            09/07/2015 22:42:20 Number of attempts 1
Message arrival        09/07/2015 22:42:20 Last Cause Code 256
Final Disposition      09/07/2015 22:42:20 Message Final Status Delivered
Message Source         AlphaPg Input Label AUX3
Source Protocol        Smpp Output Protocol SIP
Input Port             2834 Output Port 7808
Operation Type         new_msg_arrival HLR Address full_digits
Orig. MSC PC           Message Dest. Address
sip:njbhpscscf2890.vzims.com:5090;lskpmc=S9R
Call Back number      900080000001 Message MSID 8034793540
Originating DN        900080000001 Terminating DN 8034793540
Originating MSID      Terminating MSID
Originating COS        0 Terminating COS 1
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing ID            815 Billable true
Delivery Init. Method Default Broadcast message false
Priority              0 Data Header Indicator false
Subscriber Rating     0 Message Rating 0
Message ID            72164184165946 Message TeleService 4100
Length of text message 75 Data Coding 4
Message Text
[ 0 0 VZWDNEW 2015 09 07 10 42 19 PM 2104 32 D 6144 MB F Shared Data 34 ]
=====

```

```

Log Written          09/07/2015 16:36:17 Number of attempts          1
Message arrival      09/07/2015 16:36:16 Last Cause Code              256
Final Disposition    09/07/2015 16:36:17 Message Final Status         Delivered
Message Source       AlphaPg          Input Label              AUX3
Source Protocol      Smpp          Output Protocol          SIP
Input Port           2841          Output Port              7808
Operation Type       new_msg_arrival HLR Address              full_digits
Orig. MSC PC         sip:njbhpscscf2890.vzims.com:5090;lskpmc=S9R
Call Back number     900080000002 Message MSID              8034793540
Originating DN       900080000002 Terminating DN          8034793540
Originating MSID     0 Terminating MSID
Originating COS      0 Terminating COS          1
Originating Num. Plan 0 Terminating Num. Plan    0
Originating Num. Type 0 Terminating Num. Type    0
Billing Id           815 Billable                true
Delivery Init. Method Default      Broadcast message         false
Priority              0 Data Header Indicator     false
Subscriber Rating     0 Message Rating            0
Message ID            26597800680146 Message TeleService        4100
Length of text message 75 Data Coding              4
Message Text
[ 0 0 VZWDNEW 2015 09 07 04 36 15 PM 2049 02 D 6144 MB F Shared Data 33 ]
=====

```

```

Search Target        Alpharetta320_FDA
Log Written          09/07/2015 16:36:17 Number of attempts          0
Message arrival      09/07/2015 16:36:16 Last Cause Code              0
Final Disposition    09/07/2015 16:36:17 Message Final Status         Delivered
Message Source       AlphaPg          Input Label              UNDEF
Source Protocol      Smpp          Output Protocol          smpp
Input Port           2841          Output Port              2841r
Operation Type       unknown_method HLR Address
Orig. MSC PC         Message Dest. Address
Call Back number     8034793540 Message MSID
Originating DN       8034793540 Terminating DN          900080000002
Originating MSID     1 Terminating MSID
Originating COS      0 Terminating COS          0
Originating Num. Plan 0 Terminating Num. Plan    0
Originating Num. Type 0 Terminating Num. Type    0
Billing Id           0 Billable                false
Delivery Init. Method Default      Broadcast message         false
Priority              0 Data Header Indicator     false
Subscriber Rating     0 Message Rating            0
Message ID            26597800680146 Message TeleService        0
Length of text message 126 Data Coding              0
Message Text
[ id:26597800680146 sub:001 dlvr:001 submit date:1509071636 done date:1509071636
stat:DELIVRD err:000 Text:\00€€/VZWDNEW;20 ]
=====

```

```

Search Target        Alpharetta320_FDA
Log Written          09/07/2015 19:43:36 Number of attempts          1
Message arrival      09/07/2015 19:43:35 Last Cause Code              256
Final Disposition    09/07/2015 19:43:36 Message Final Status         Delivered
Message Source       AlphaPg          Input Label              AUX3
Source Protocol      Smpp          Output Protocol          SIP
Input Port           2841          Output Port              7808
Operation Type       new_msg_arrival HLR Address              full_digits
Orig. MSC PC         sip:njbhpscscf2890.vzims.com:5090;lskpmc=S9R
Call Back number     900080000001 Message MSID              8034793540
Originating DN       900080000001 Terminating DN          8034793540
Originating MSID     0 Terminating MSID
Originating COS      0 Terminating COS          1
Originating Num. Plan 0 Terminating Num. Plan    0
Originating Num. Type 0 Terminating Num. Type    0
Billing Id           815 Billable                true
Delivery Init. Method Default      Broadcast message         false
Priority              0 Data Header Indicator     false
Subscriber Rating     0 Message Rating            0
Message ID            26597800708777 Message TeleService        4100
Length of text message 74 Data Coding              4
Message Text
[ 0 0 VZWDNEW 2015 09 07 07 43 33 PM 2103 3 D 6144 MB F Shared Data 34 ]
=====

```

```

Search Target        Alpharetta320_FDA
Log Written          09/07/2015 19:43:36 Number of attempts          0
Message arrival      09/07/2015 19:43:35 Last Cause Code              0
Final Disposition    09/07/2015 19:43:36 Message Final Status         Delivered
Message Source       AlphaPg          Input Label              UNDEF
Source Protocol      Smpp          Output Protocol          smpp
Input Port           2841          Output Port              2841r
Operation Type       unknown_method HLR Address
Orig. MSC PC         Message Dest. Address
Call Back number     8034793540 Message MSID
Originating DN       8034793540 Terminating DN          900080000001
Originating MSID     1 Terminating MSID
Originating COS      0 Terminating COS          0
Originating Num. Plan 0 Terminating Num. Plan    0

```

```

Delivery Init. Method      0      Broadcast message      false
Priority                  0      Data Header Indicator
Subscriber Rating         0      Message Rating      0
Message ID               26597800708777 Message TeleService 0
Length of text message    126    Data Coding         0
Message Text
[ id:1509071943 done date:1509071943
stat:DELIVRD err:000 Text:\0\000//VZWMNEW;20 ]
=====

```

```

Search Target      Alpharetta321_FDA
Log Written        09/07/2015 7:43:33 Number of attempts 0
Message arrival    09/07/2015 7:43:33 Last Cause Code   0
Final Disposition 09/07/2015 7:43:33 Message Final Status Delivered
Message Source     AlphaPg      Input Label        UNDEF
Source Protocol    Smpp        Output Protocol    smpp
Input Port         2813       Output Port        2813r
Operation Type     unknown_method HLR Address
Orig. MSC PC
Call Back number
Originating DN     8034793540 Terminating DN    900080000003
Originating MSID
Originating COS    1      Terminating COS   0
Originating Num. Plan 0      Terminating Num. Plan 0
Originating Num. Type 0      Terminating Num. Type 0
Billing Id         0      Billable           false
Delivery Init. Method Default Broadcast message false
Priority           0      Data Header Indicator false
Subscriber Rating  0      Message Rating      0
Message ID        31660895438079 Message TeleService 0
Length of text message 126 Data Coding         0
Message Text
[ id:1509070743 done date:1509070743
stat:DELIVRD err:000 Text:\0\000//VZWMNEW;20 ]
=====

```

```

Search Target      Alpharetta321_FDA
Log Written        09/07/2015 7:43:33 Number of attempts 1
Message arrival    09/07/2015 7:43:33 Last Cause Code   256
Final Disposition 09/07/2015 7:43:33 Message Final Status Delivered
Message Source     AlphaPg      Input Label        AUX3
Source Protocol    Smpp        Output Protocol    SIP
Input Port         2813       Output Port        7808
Operation Type     new_msg_arrival HLR Address        full_digits
Orig. MSC PC
sip:njbbhpscscf2890.vzims.com:5090;lskpmc=S9R
Call Back number
Originating DN     900080000003 Message MSID        8034793540
Originating MSID Terminating DN    8034793540
Originating COS    0      Terminating COS   1
Originating Num. Plan 0      Terminating Num. Plan 0
Originating Num. Type 0      Terminating Num. Type 0
Billing Id         815       Billable           true
Delivery Init. Method Default Broadcast message false
Priority           0      Data Header Indicator false
Subscriber Rating  0      Message Rating      0
Message ID        31660895438079 Message TeleService 4100
Length of text message 75 Data Coding         4
Message Text
[ 0 0 VZWMNEW 2015 09 07 07 43 31 AM 1999 87 D 6144 MB F Shared Data 33 ]
=====

```

```

Search Target      Alpharetta321_FDA
Log Written        09/07/2015 17:56:57 Number of attempts 1
Message arrival    09/07/2015 17:56:53 Last Cause Code   256
Final Disposition 09/07/2015 17:56:57 Message Final Status Delivered
Message Source     AlphaPg      Input Label        AUX3
Source Protocol    Smpp        Output Protocol    SIP
Input Port         2813       Output Port        7808
Operation Type     new_msg_arrival HLR Address        full_digits
Orig. MSC PC
sip:njbbhpscscf2890.vzims.com:5090;lskpmc=S9R
Call Back number
Originating DN     900080000002 Message MSID        8034793540
Originating MSID Terminating DN    8034793540
Originating COS    0      Terminating COS   1
Originating Num. Plan 0      Terminating Num. Plan 0
Originating Num. Type 0      Terminating Num. Type 0
Billing Id         815       Billable           true
Delivery Init. Method Default Broadcast message false
Priority           0      Data Header Indicator false
Subscriber Rating  0      Message Rating      0
Message ID        31660895626321 Message TeleService 4100
Length of text message 75 Data Coding         4
Message Text
[ 0 0 VZWMNEW 2015 09 07 05 56 52 PM 2050 05 D 6144 MB F Shared Data 33 ]
=====

```

```

Search Target      Alpharetta321_FDA
Log Written        09/07/2015 17:56:57 Number of attempts 0
Message arrival    09/07/2015 17:56:53 Last Cause Code   0

```

```

Source Protocol      Smp  Output Protocol      2813r
Input Port          2813 Output Port          2813r
Operation Type      unknown_method HLR Address
Orig. MSC PC
Call Back number    8034793540 Message Dest. Address
Originating DN      Terminating DN      900080000002
Originating MSID    Terminating MSID
Originating COS     1 Terminating COS      0
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing Id          0 Billable      false
Delivery Init. Method Default Broadcast message false
Priority            0 Data Header Indicator false
Subscriber Rating   0 Message Rating      0
Message ID          31660895626321 Message TeleService 0
Length of text message 126 Data Coding      0
Message Text
[ id:31660895626321 sub:001 dlvr:001 submit date:1509071756 done date:1509071756
stat:DELIVRD err:000 Text:\0\000//VZWDNEW;20 ]
=====

```

```

Search Target      Alpharetta323_FDA
Log Written        09/07/2015 12:59:52 Number of attempts      0
Message arrival    09/07/2015 12:59:51 Last Cause Code      0
Final Disposition  09/07/2015 12:59:52 Message Final Status  Delivered
Message Source     AlphaPg Input Label      UNDEF
Source Protocol    Smp  Output Protocol    smpp
Input Port         2844 Output Port        2814r
Operation Type     unknown_method HLR Address
Orig. MSC PC
Call Back number    8034793540 Message Dest. Address
Originating DN      Terminating DN      900080000001
Originating MSID    Terminating MSID
Originating COS     1 Terminating COS      0
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing Id          0 Billable      false
Delivery Init. Method Default Broadcast message false
Priority            0 Data Header Indicator false
Subscriber Rating   0 Message Rating      0
Message ID          82290684291023 Message TeleService 0
Length of text message 126 Data Coding      0
Message Text
[ id:82290684291023 sub:001 dlvr:001 submit date:1509071259 done date:1509071259
stat:DELIVRD err:000 Text:\0\000//VZWDNEW;20 ]
=====

```

```

Search Target      Alpharetta323_FDA
Log Written        09/07/2015 12:59:52 Number of attempts      1
Message arrival    09/07/2015 12:59:51 Last Cause Code      256
Final Disposition  09/07/2015 12:59:52 Message Final Status  Delivered
Message Source     AlphaPg Input Label      AUX3
Source Protocol    Smp  Output Protocol    SIP
Input Port         2844 Output Port        7808
Operation Type     new_msg_arrival HLR Address      full_digits
Orig. MSC PC
sip:njbbhpscscf2890.vzims.com:5090;lskpmc=S9R
Call Back number    900080000001 Message MSID      8034793540
Originating DN      Terminating DN      8034793540
Originating MSID    Terminating MSID
Originating COS     0 Terminating COS      1
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing Id          815 Billable      true
Delivery Init. Method Default Broadcast message false
Priority            0 Data Header Indicator false
Subscriber Rating   0 Message Rating      0
Message ID          82290684291023 Message TeleService 4100
Length of text message 75 Data Coding      4
Message Text
[ 0 0 VZWDNEW 2015 09 07 12 59 51 PM 2002 94 D 6144 MB F Shared Data 33 ]
=====

```

```

Log Written          09/08/2015 22:46:44 Number of attempts          1
Message arrival      09/08/2015 22:46:44 Last Cause Code             256
Final Disposition    09/08/2015 22:46:45 Message Final Status         Delivered
Message Source       MO_AlphaPg Input Label                   MOIMS
Source Protocol      SIPmo Output Protocol                  SIP
Input Port           0 Output Port                      0
Operation Type       new_msg_arrival HLR Address                 full_digits
Orig. MSC PC         000.000.000 Message Dest. Address
sip:txslhpscscf1710.vzims.com:5090;lskpmc=S9R
Call Back number
Originating DN       8034793540 Message MSID                 8035492143
Originating MSID
Originating COS      1 Terminating DN             8035492143
Originating Num. Plan 0 Terminating MSID
Originating Num. Type 0 Terminating COS          1
Billing Id           0 Terminating Num. Plan    0
Delivery Init. Method Default Broadcast message      false
Priority              0 Data Header Indicator     false
Subscriber Rating     0 Message Rating              0
Message ID            16661043369244 Message TeleService          4098
Length of text message 50 Data Coding                0
Message Text
[ Good night love you call you tomorrow :-* :-* :-* ]
=====

```

```

Search Target        Duluth221_FDA
Log Written          09/08/2015 23:02:20 Number of attempts          1
Message arrival      09/08/2015 23:02:20 Last Cause Code             256
Final Disposition    09/08/2015 23:02:20 Message Final Status         Delivered
Message Source       MO_AlphaPg Input Label                   MOIMS
Source Protocol      SIPmo Output Protocol                  SIP
Input Port           0 Output Port                      0
Operation Type       new_msg_arrival HLR Address                 full_digits
Orig. MSC PC         000.000.000 Message Dest. Address
sip:njbhpscscf2890.vzims.com:5090;lskpmc=S9R
Call Back number
Originating DN       8035492143 Message MSID                 8034793540
Originating MSID
Originating COS      1 Terminating DN             8034793540
Originating Num. Plan 0 Terminating MSID
Originating Num. Type 0 Terminating COS          1
Billing Id           0 Terminating Num. Plan    0
Delivery Init. Method Default Broadcast message      false
Priority              0 Data Header Indicator     false
Subscriber Rating     0 Message Rating              0
Message ID            21554381732738 Message TeleService          4098
Length of text message 32 Data Coding                0
Message Text
[ OK", good night", love u too.!!! ]
=====

```

```

Search Target        Duluth222_FDA
Log Written          09/08/2015 12:52:52 Number of attempts          1
Message arrival      09/08/2015 12:52:50 Last Cause Code             256
Final Disposition    09/08/2015 12:52:52 Message Final Status         Delivered
Message Source       AlphaPg Input Label                   AUX3
Source Protocol      Smpp Output Protocol                  SIP
Input Port           2722 Output Port                      0
Operation Type       new_msg_arrival HLR Address                 full_digits
Orig. MSC PC         000.000.000 Message Dest. Address
sip:njbhpscscf2890.vzims.com:5090;lskpmc=S9R
Call Back number
Originating DN       8032107626 Message MSID                 8034793540
Originating MSID
Originating COS      0 Terminating DN             8034793540
Originating Num. Plan 0 Terminating MSID
Originating Num. Type 0 Terminating COS          1
Billing Id           9100 Terminating Num. Plan    1
Delivery Init. Method Default Broadcast message      false
Priority              0 Data Header Indicator     false
Subscriber Rating     0 Message Rating              0
Message ID            67101161503723 Message TeleService          4098
Length of text message 22 Data Coding                3
Message Text
[ Yeah about to pull up ]
=====

```

```

Search Target        Duluth222_FDA
Log Written          09/08/2015 12:53:21 Number of attempts          1
Message arrival      09/08/2015 12:53:20 Last Cause Code             0
Final Disposition    09/08/2015 12:53:21 Message Final Status         Delivered
Message Source       MO_AlphaPg Input Label                   MOIMS
Source Protocol      SIPmo Output Protocol                  smpp
Input Port           0 Output Port                      2732
Operation Type       unknown_method HLR Address
Orig. MSC PC         000.000.000 Message Dest. Address
Call Back number
Originating DN       8034793540 Message MSID                 8032107626
Originating MSID
Originating COS      1 Terminating DN             8032107626
Originating Num. Plan 0 Terminating MSID
Originating Num. Plan 0 Terminating COS          1

```

Delivery Init. Method	IS41Req	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	67491026725067	Message TeleService	4098
Length of text message	2	Data Coding	0
Message Text			
[Ok]			

Attempt History			
[Time	][Operation]	[Result]	[End Point]
09/08/2015 12:53:21	IS41Req	CC:403	8032107626

Search Target	Duluth222_FDA		
Log Written	09/08/2015 15:08:47	Number of attempts	1
Message arrival	09/08/2015 15:08:47	Last Cause Code	256
Final Disposition	09/08/2015 15:08:47	Message Final Status	Delivered
Message Source	AlphaPg	Input Label	AUX3
Source Protocol	Smpp	Output Protocol	SIP
Input Port	2832	Output Port	7808
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC		Message Dest. Address	
sip:njbhpscscf2890.vzims.com:5090;lskpmc=S9R			
Call Back number		Message MSID	8034793540
Originating DN	900080000002	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	0	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	815	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	67101161524653	Message TeleService	4100
Length of text message	75	Data Coding	4
Message Text			
[0 0 VZWDNEW 2015 09 08 03 08 46 PM 2132 99 D 6144 MB F Shared Data 35]			

Search Target	Duluth222_FDA		
Log Written	09/08/2015 15:08:47	Number of attempts	0
Message arrival	09/08/2015 15:08:47	Last Cause Code	0
Final Disposition	09/08/2015 15:08:47	Message Final Status	Delivered
Message Source	AlphaPg	Input Label	UNDEF
Source Protocol	Smpp	Output Protocol	smpp
Input Port	2832	Output Port	2802r
Operation Type	unknown_method	HLR Address	
Orig. MSC PC		Message Dest. Address	
Call Back number		Message MSID	
Originating DN	8034793540	Terminating DN	900080000002
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	0
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	false
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	67101161524653	Message TeleService	0
Length of text message	126	Data Coding	0
Message Text			
[id:67101161524653 sub:001 dlvr:001 submit date:1509081508 done date:1509081508			
stat:DELIVRD err:000 Text:\0\0##//VZWDNEW;20]			

Search Target	Duluth222_FDA		
Log Written	09/08/2015 19:43:34	Number of attempts	1
Message arrival	09/08/2015 19:43:34	Last Cause Code	256
Final Disposition	09/08/2015 19:43:34	Message Final Status	Delivered
Message Source	AlphaPg	Input Label	AUX3
Source Protocol	Smpp	Output Protocol	SIP
Input Port	2832	Output Port	7808
Operation Type	new_msg_arrival	HLR Address	full_digits
Orig. MSC PC		Message Dest. Address	
sip:njbhpscscf2890.vzims.com:5090;lskpmc=S9R			
Call Back number		Message MSID	8034793540
Originating DN	900080000002	Terminating DN	8034793540
Originating MSID		Terminating MSID	
Originating COS	0	Terminating COS	1
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	815	Billable	true
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	67101161569718	Message TeleService	4100
Length of text message	75	Data Coding	4
Message Text			
[0 0 VZWDNEW 2015 09 08 07 43 32 PM 2161 66 D 6144 MB F Shared Data 35]			

```

Message arrival      09/08/2015 19:43:34 Last Cause Code      0
Final Disposition   09/08/2015 19:43:34 Message Final Status   Delivered
Message Source      AlphaPg Input Label             UNDEF
Source Protocol      Smp Output Protocol          smpp
Input Port          2832 Output Port            2802r
Operation Type       unknown_method HLR Address
Orig. MSC PC
Call Back number
Originating DN       8034793540 Terminating DN       900080000002
Originating MSID
Originating COS      1 Terminating COS      0
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing Id           0 Billable             false
Delivery Init. Method Default Broadcast message false
Priority              0 Data Header Indicator false
Subscriber Rating     0 Message Rating        0
Message ID            67101161569718 Message TeleService    0
Length of text message 126 Data Coding         0
Message Text
[ id:67101161569718 sub:001 dlvr:001 submit date:1509081943 done date:1509081943
stat:DELIVRD err:000 Text:\0\000//VZWDNEW;20 ]
=====

```

```

Search Target      Duluth223_FDA
Log Written        09/08/2015 12:35:32 Number of attempts    1
Message arrival    09/08/2015 12:35:32 Last Cause Code      0
Final Disposition  09/08/2015 12:35:32 Message Final Status   Delivered
Message Source      MO_AlphaPg Input Label           MOIMS
Source Protocol      SIPmo Output Protocol      smpp
Input Port          0 Output Port            2736
Operation Type       unknown_method HLR Address
Orig. MSC PC         000.000.000 Message Dest. Address
Call Back number
Originating DN       8034793540 Message MSID          8032107626
Originating MSID
Originating COS      1 Terminating MSID    8032107626
Originating Num. Plan 0 Terminating COS      1
Originating Num. Type 0 Terminating Num. Plan 0
Billing Id           0 Terminating Num. Type 0
Delivery Init. Method IS41Req Broadcast message    true
Priority              0 Billable             false
Subscriber Rating     0 Data Header Indicator false
Message ID            72534029719752 Message Rating        0
Length of text message 21 Message TeleService    4098
Message Text
[ Hey you still driving ]

```

```

Attempt History
[Time] [Operation] [Result] [End Point]
09/08/2015 12:35:32 IS41Req CC:403 8032107626
=====

```

```

Log Written          09/08/2015 7:43:34 Number of attempts          0
Message arrival      09/08/2015 7:43:33 Last Cause Code              0
Final Disposition    09/08/2015 7:43:34 Message Final Status         Delivered
Message Source       AlphaPg      Input Label                    UNDEF
Source Protocol      Smpp         Output Protocol              smpp
Input Port           2843         Output Port                  2843r
Operation Type       unknown_method HLR Address
Orig. MSC PC         Message Dest. Address
Call Back number     Message MSID
Originating DN       8034793540 Terminating DN             900080000001
Originating MSID     Terminating MSID
Originating COS      1 Terminating COS           0
Originating Num. Plan 0 Terminating Num. Plan    0
Originating Num. Type 0 Terminating Num. Type    0
Billing Id           0 Billable                   false
Delivery Init. Method Default Broadcast message    false
Priority              0 Data Header Indicator      false
Subscriber Rating     0 Message Rating             0
Message ID            31660895770926 Message TeleService          0
Length of text message 126 Data Coding                0
Message Text
[ id:31660895770926 sub:001 dlvr:001 submit date:1509080743 done date:1509080743
stat:DELIVRD err:000 Text:\0\000//VZWMNEW;20 ]
=====

```

```

Search Target        Alpharetta321_FDA
Log Written          09/08/2015 7:43:34 Number of attempts          1
Message arrival      09/08/2015 7:43:33 Last Cause Code             256
Final Disposition    09/08/2015 7:43:34 Message Final Status         Delivered
Message Source       AlphaPg      Input Label                    AUX3
Source Protocol      Smpp         Output Protocol              SIP
Input Port           2843         Output Port                  7808
Operation Type       new_msg_arrival HLR Address                  full_digits
Orig. MSC PC         Message Dest. Address
sip:njbhpscsf2890.vzims.com:5090;lskpmc=S9R
Call Back number     Message MSID                8034793540
Originating DN       900080000001 Terminating DN             8034793540
Originating MSID     Terminating MSID
Originating COS      0 Terminating COS           1
Originating Num. Plan 0 Terminating Num. Plan    0
Originating Num. Type 0 Terminating Num. Type    0
Billing Id           815 Billable                   true
Delivery Init. Method Default Broadcast message    false
Priority              0 Data Header Indicator      false
Subscriber Rating     0 Message Rating             0
Message ID            31660895770926 Message TeleService          4100
Length of text message 75 Data Coding                4
Message Text
[ 0 0 VZWMNEW 2015 09 08 07 43 32 AM 2119 68 D 6144 MB F Shared Data 35 ]
=====

```

```

Search Target        Alpharetta321_FDA
Log Written          09/08/2015 10:42:21 Number of attempts          1
Message arrival      09/08/2015 10:42:19 Last Cause Code             256
Final Disposition    09/08/2015 10:42:21 Message Final Status         Delivered
Message Source       AlphaPg      Input Label                    AUX3
Source Protocol      Smpp         Output Protocol              SIP
Input Port           2813         Output Port                  7808
Operation Type       new_msg_arrival HLR Address                  full_digits
Orig. MSC PC         Message Dest. Address
sip:njbhpscsf2890.vzims.com:5090;lskpmc=S9R
Call Back number     Message MSID                8034793540
Originating DN       900080000003 Terminating DN             8034793540
Originating MSID     Terminating MSID
Originating COS      0 Terminating COS           1
Originating Num. Plan 0 Terminating Num. Plan    0
Originating Num. Type 0 Terminating Num. Type    0
Billing Id           815 Billable                   true
Delivery Init. Method Default Broadcast message    false
Priority              0 Data Header Indicator      false
Subscriber Rating     0 Message Rating             0
Message ID            31660895820469 Message TeleService          4100
Length of text message 75 Data Coding                4
Message Text
[ 0 0 VZWMNEW 2015 09 08 10 42 18 AM 2129 92 D 6144 MB F Shared Data 35 ]
=====

```

```

Search Target        Alpharetta321_FDA
Log Written          09/08/2015 10:42:21 Number of attempts          0
Message arrival      09/08/2015 10:42:19 Last Cause Code              0
Final Disposition    09/08/2015 10:42:21 Message Final Status         Delivered
Message Source       AlphaPg      Input Label                    UNDEF
Source Protocol      Smpp         Output Protocol              smpp
Input Port           2813         Output Port                  2813r
Operation Type       unknown_method HLR Address
Orig. MSC PC         Message Dest. Address
Call Back number     Message MSID
Originating DN       8034793540 Terminating DN             900080000003
Originating MSID     Terminating MSID
Originating COS      1 Terminating COS           0
Originating Num. Plan 0 Terminating Num. Plan    0

```


Delivery Init. Method Default Broadcast message false
Priority 0 Data Header Indicator false
Subscriber Rating 0 Message Rating 0
Message ID 31660895820469 Message TeleService 0
Length of text message 126 Data Coding 0
Message Text
[id:31660895820469 sub:001 dlvr:001 submit date:1509081042 done date:1509081042
stat:DELIVRD err:000 Text:\0\000//VZWMNEW;20]
=====

Search Target Alpharetta322_FDA
Log Written 09/08/2015 7:40:46 Number of attempts 1
Message arrival 09/08/2015 7:40:44 Last Cause Code 256
Final Disposition 09/08/2015 7:40:46 Message Final Status Delivered
Message Source AlphaPg Input Label AUX3
Source Protocol Smpp Output Protocol SIP
Input Port 2842 Output Port 7808
Operation Type new_msg_arrival HLR Address full_digits
Orig. MSC PC Message Dest. Address
sip:njbbhpscscf2890.vzims.com:5090;lskpmc=S9R
Call Back number Message MSID 8034793540
Originating DN 900080000002 Terminating DN 8034793540
Originating MSID Terminating MSID
Originating COS 0 Terminating COS 1
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing Id 815 Billable true
Delivery Init. Method Default Broadcast message false
Priority 0 Data Header Indicator false
Subscriber Rating 0 Message Rating 0
Message ID 77227684368085 Message TeleService 4100
Length of text message 75 Data Coding 4
Message Text
[0 0 VZWMNEW 2015 09 08 07 40 43 AM 2106 37 D 6144 MB F Shared Data 34]
=====

Search Target Alpharetta322_FDA
Log Written 09/08/2015 7:40:46 Number of attempts 0
Message arrival 09/08/2015 7:40:44 Last Cause Code 0
Final Disposition 09/08/2015 7:40:46 Message Final Status Delivered
Message Source AlphaPg Input Label UNDEF
Source Protocol Smpp Output Protocol smpp
Input Port 2842 Output Port 2842r
Operation Type unknown_method HLR Address
Orig. MSC PC Message Dest. Address
Call Back number Message MSID
Originating DN 8034793540 Terminating DN 900080000002
Originating MSID Terminating MSID
Originating COS 1 Terminating COS 0
Originating Num. Plan 0 Terminating Num. Plan 0
Originating Num. Type 0 Terminating Num. Type 0
Billing Id 0 Billable false
Delivery Init. Method Default Broadcast message false
Priority 0 Data Header Indicator false
Subscriber Rating 0 Message Rating 0
Message ID 77227684368085 Message TeleService 0
Length of text message 126 Data Coding 0
Message Text
[id:77227684368085 sub:001 dlvr:001 submit date:1509080740 done date:1509080740
stat:DELIVRD err:000 Text:\0\000//VZWMNEW;20]
=====

Search Target Alpharetta322_FDA
Log Written 09/08/2015 12:57:12 Number of attempts 1
Message arrival 09/08/2015 12:57:10 Last Cause Code 256
Final Disposition 09/08/2015 12:57:12 Message Final Status Delivered
Message Source AlphaPg Input Label AUX3
Source Protocol Smpp Output Protocol SIP
Input Port 2752 Output Port 0
Operation Type new_msg_arrival HLR Address full_digits
Orig. MSC PC Message Dest. Address
sip:njbbhpscscf2890.vzims.com:5090;lskpmc=S9R
Call Back number Message MSID 8034793540
Originating DN 8032107626 Terminating DN 8034793540
Originating MSID Terminating MSID
Originating COS 0 Terminating COS 1
Originating Num. Plan 0 Terminating Num. Plan 1
Originating Num. Type 0 Terminating Num. Type 1
Billing Id 9100 Billable true
Delivery Init. Method Default Broadcast message false
Priority 0 Data Header Indicator false
Subscriber Rating 0 Message Rating 0
Message ID 77227684410108 Message TeleService 4098
Length of text message 23 Data Coding 3
Message Text
[Did you need something?]
=====

Search Target Alpharetta322_FDA
Log Written 09/08/2015 19:40:44 Number of attempts 1
Message arrival 09/08/2015 19:40:44 Last Cause Code 256

Search Target	Alpharetta322_FDA		
Log Written	09/08/2015 19:40:44	Number of attempts	0
Message arrival	09/08/2015 19:40:44	Last Cause Code	0
Final Disposition	09/08/2015 19:40:44	Message Final Status	Delivered
Message Source	AlphaPg	Input Label	UNDEF
Source Protocol	Smpp	Output Protocol	smpp
Input Port	2842	Output Port	2842r
Operation Type	unknown_method	HLR Address	
Orig. MSC PC		Message Dest. Address	
Call Back number		Message MSID	
Originating DN	8034793540	Terminating DN	900080000001
Originating MSID		Terminating MSID	
Originating COS	1	Terminating COS	0
Originating Num. Plan	0	Terminating Num. Plan	0
Originating Num. Type	0	Terminating Num. Type	0
Billing Id	0	Billable	false
Delivery Init. Method	Default	Broadcast message	false
Priority	0	Data Header Indicator	false
Subscriber Rating	0	Message Rating	0
Message ID	77227684476998	Message TeleService	0
Length of text message	126	Data Coding	0
Message Text	[id:77227684476998 sub:001 dlvr:001 submit date:1509081940 done date:1509081940 stat:DELIVRD err:000 Text:\0\0##//VZWDMNEW;20]		

STATE OF SOUTH CAROLINA

Search Warrant # 315-523

County of RICHLAND

ORIGINAL

SEARCH WARRANT

VERIZON WIRELESS / CELLCO PARTNERSHIP
180 WASHINGTON VALLEY ROAD
BEDMINSTER, NJ 07921
1 (800) 451 - 5242 PHONE
1 (888) 667 - 0028 FAX

Date SEPTEMBER 9, 2015

Officer INVESTIGATOR W. H. MONTGOMERY

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-13-160
March 16, 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF CITY OF COLUMBIA 811 WASHINGTON STREET COLUMBIA SC 29201

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

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

VERIZON WIRELESS CELLCO PARTNERSHIP

180 WASHINGTON VALLEY ROAD

BEDMINISTER, NJ 07921

(800) 451 - 5242 PHONE (888) 667 - 0028 FAX KEEPER OF RECORDS

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

DESCRIPTION OF PROPERTY

CONTACT SUBSCRIBER INFORMATION FOR THE LISTED TARGET CONTACT NUMBER (803) 479 - 3540. ANY TEXT
MESSAGE CONTENT, DIALED, MISSED, FORWARDED, AND RECEIVED CALLS FOR DATES BETWEEN SEPTEMBER 4,
2015 AND SEPTEMBER 08, 2015. ANY PRECISION LOCATION INFORMATION (CELL TOWER USAGE) AT THE TIME OF
THE CALLS TO INCLUDE TELEMETRY INFORMATION ON THE CELL PHONE.

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

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

CITY OF COLUMBIA 811 WASHINGTON STREET COLUMBIA SC 29201

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

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

COLUMBIA

S. C.

Search Warrant #

515-523

SEPTEMBER 9

, 20 15

Signature of Judge

(L.S.)

SCCA/513
(3-78)

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

AFFIDAVIT

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

DESCRIPTION OF PROPERTY SOUGHT

CONTACT SUBSCRIBER INFORMATION FOR THE LISTED TARGET CONTACT NUMBER (803) 479 - 3540. ANY TEXT MESSAGE CONTENT, DIALED, MISSED, FORWARDED, AND RECEIVED CALLS FOR DATES BETWEEN SEPTEMBER 4, 2015 AND SEPTEMBER 08, 2015. ANY PRECISION LOCATION INFORMATION (CELL TOWER USAGE) AT THE TIME OF THE CALLS TO INCLUDE TELEMETRY INFORMATION ON THE CELL PHONE.

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

VERIZON WIRELESS CELLCO PARTNERSHIP

180 WASHINGTON VALLEY ROAD

BEDMINISTER, NJ 07921

(800) 451 - 5242 PHONE (888) 667 - 0028 FAX KEEPER OF RECORDS

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

ON SEPTEMBER 8, 2015 THE COLUMBIA POLICE DEPARTMENT RESPONDED TO 1710 BUDON COURT LOCATED WITH IN THE CITY LIMITS OF COLUMBIA COUNTY OF RICHLAND REGARDING A WELFARE CHECK ON THE OCCUPANT CHARLES KUSKO. UPON ENTRY INTO THE RESIDENCE OFFICERS OF THE COLUMBIA POLICE DEPARTMENT DISCOVERED THE BODY OF A MALE WHO WAS LATER IDENTIFIED AS CHARLES KUSKO. DURING THE INVESTIGATION INFORMATION WAS DISCOVERED THAT THE DECEDENT DEATH WAS DETERMINED TO BE SUSPICIOUS DUE TO BEING SHOT MULTIPLE TIMES. THE DECEDENT'S BROTHER WAS ALSO A PERSON WHOM THE DECEDENT HAD MULTIPLE AND RECENT CONFRONTATIONS WITH OVER FINANCIAL ISSUES AND THE CARE OF THEIR VULNERABLE ADULT SISTER (KARIN BARHAM). THE DECEDENT HAS BEEN ON RECORD TELLING A WITNESS THAT HE WAS AFRAID OF HIS BROTHER. THE TARGET NUMBER BELONGS TO HIS BROTHER (ANDREW KUSKO) AND MAY YIELD EVIDENCE IN THE HOMICIDE INVESTIGATION INTO THE DEATH OF CHARLES KUSKO. RESULTS CAN BE E-MAILED TO WHMONTGOMERY@COLUMBIASC.NET

Sworn to and Subscribed before me
this 9th day of Sept, 2015

Signature of Judge

(L. S.)

Search Warrant # 315-523



Affiant

Address 1 JUSTICE SQUARE

COLUMBIA, SC 29201

Phone (803) 545 - 3500

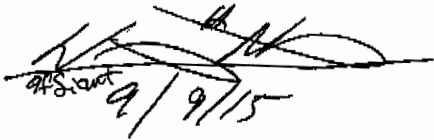
09/09/2015 12:01 PM 0000000000

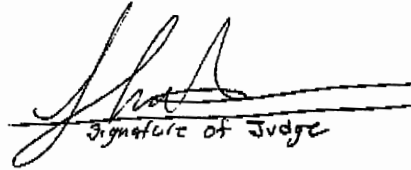
SEARCH WARRANT CONTINUATION

SI5-523

DESCRIPTION OF PROPERTY SOUGHT

The following information related to customer number(s) (803) 479 - 3540 or changed telephone number(s) subsequently assigned to an instrument bearing the same IMSI, MSID, MIN or ESN as a Target Telephone, or any changed IMSI, MSID, MIN or ESN subsequently assigned to the same telephone number as the Target Telephone, or any additional changed telephone number(s) and/or IMSI, MSID, MIN or ESN, whether the changes occur consecutively or simultaneously, listed to the same subscriber and wireless telephone account number as the target, from 09/04/2015 (0001 HR EDT) to 09/08/2015 where service is provided by "VERIZON" a subsidiary or reseller. Complete subscriber information, to include all names, authorized users, personal identifiers, addresses, alternate phone numbers or additional phone numbers shared on an account, dates and types of services subscribed to along with any account or billing notes that may aid in identifying users. Also, Call Detail Records for target number(s) for said time-frame, to include incoming and outgoing calls, blocked numbers, dialed digits, length/duration of calls. Also, direct connect or push-to-talk records, if applicable. Also any and all location related information such as cell site, sector, range, telemetry or GPS data. Also, any call detail into a main voice mail system for a target number. This should be provided in an electronic format.

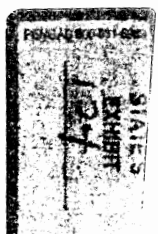

9/9/15


Signature of Judge

**State's Exhibit 121 is a CD that is being transported
to the Court with the non-paper exhibits.**

**State's Exhibit 122 is a DVD that is being transported
to the Court with the non-paper exhibits.**

**State's Exhibit 123 is a DVD that is being transported
to the Court with the non-paper exhibits.**



State's Exhibit 125 is photo that is being transported to the Court with non-paper exhibits.

State's Exhibit 132 is photo that is being transported to the Court with non-paper exhibits.

State's Exhibit 133 is photo that is being transported to the Court with non-paper exhibits.

State's Exhibit 135 is a DVD that is being transported to the Court with other non-paper exhibits.

SOUTH CAROLINA
Information and Intelligence Center

**Cellular Analysis
8/27/2019**

**S/A Lawton Bradshaw
South Carolina Law Enforcement Division
Columbia, SC**

1. Background

The South Carolina Law Enforcement Division (SLED) Information and Intelligence Center (SCIIC) was requested by 5th Circuit Solicitor R. Vance Eaton to analyze cell phone records for (803) 767-6448 ("target cell phone"). The target cell phone is believed to be associated with a ongoing Homicide Investigation occurring in the month of September 2015. The time frame to be analyzed is September 5th, 2015 at 1700 hrs through September 6th, 2015 at 2222 hrs.

2. Methodology

An analysis was performed on the call detail records obtained for the target cell phone. The call detail records documented the interaction of the network to and from the target cell phone. In addition, the records documented the cell tower and cell sector ("cell site") which served the cell phone during this activity. Used in conjunction, the call detail records and a list of cell site locations illustrate an approximate location of the target cell phone when they initiated contact with the network.

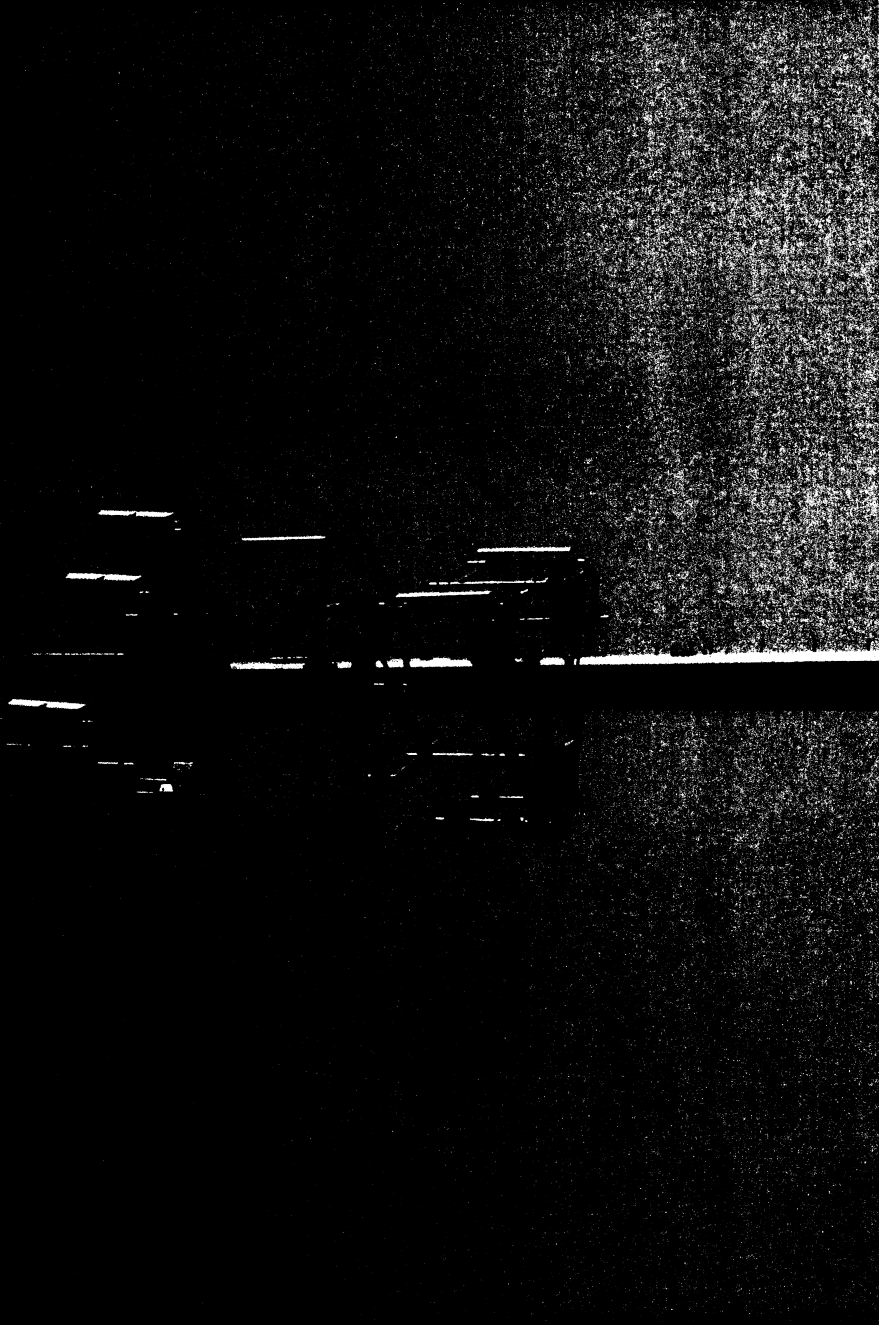
2.1 Cell Site Locations

Cell sites in existence during the time of the incident were input into mapping software using latitude/longitude coordinates of the cell sites provided by the service provider(s). The cell sites associated with the target cell phone(s), were located utilizing the mapping software and the plotted cell site data.

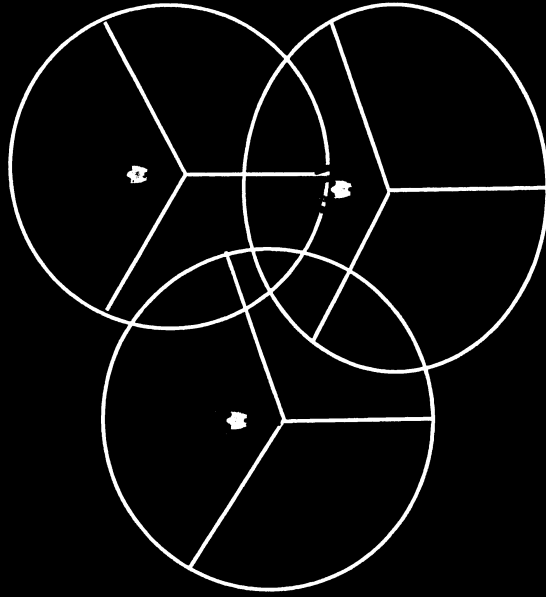
3. Conclusions

A historical cell site analysis was performed on the call detail records for the target cell phone. The methods detailed in Sections 2 and 2.1 were used to produce the attached historical cell site analysis maps.

Sample Three Sector Tower



Sample Network of Three Sector Towers



Verizon Records Explanation

Network Element Name	Mobile Directory Number	Dialed Digit Number	Call Direction	Seizure On Tin	Seizure Duration	First Serving Cell Site	First Serving Cell Face	Last Serving Cell Site	Last Serving Cell Face	Calling Party Number
This is the switching equipment that transacted the call. A switch is named by the basic geographic area it covers. Switches route calls for hundreds of cell sites.	This is your target #	This is the number dialed to initiate the call. For inbound calls this number will be the same as the Mobile Directory Number column and for outbound calls this is the number your target dialed.	This is the type of call, e.g. inbound, outbound, or voicemail. Inbound calls: 0 & 6. Voicemail or mobile forwarded calls display the letter "F." Outbound calls: 1 & 3 Mobile to Mobile display the number 2. Any other letter or number is a routing or unknown call type and does not detail actual transactional data for a completed call.	This is the exact date and time of the start of each call	This is the duration of the call in seconds	This is the cell site that the target phone was hitting off of when the call initiated.	This is the cell site sector of the initiated call. This information denotes the direction the target was facing the tower at the time of this call. Each cell face is approximately 120 degrees. Check cell site key for each sector's Azimuth.	This is the cell site that the target phone was hitting off of when the call terminated.	This is the cell site sector of the terminating call. This information denotes the direction the target was facing the tower at the time of this call. Each cell face is approximately 120 degrees. Check cell site key for each sector's Azimuth.	This is the calling party that initiated the call. If the call is outbound this column will be the same as the Mobile Directory Number. If the call is inbound, this is the number that dialed your target.

The information contained in this attachment from Verizon Wireless is proprietary and confidential and thus protected from disclosure. You are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.

Verizon Records Explanation Continued

When the #s in the Mobile Directory Number column, Dialed Digit column and the Calling Party Number column are all different, then you are looking at a routing #. The Routing # will appear in the Dialed Digit column. (All three numbers are different) If you see your target # in the Mobile Directory Number column, the Dialed Digit column and the Calling Party Number column, then you are looking at your target checking his/her voicemail. (All three numbers are the same) The azimuth listed is the center compass degree facing of the identified sector of the tower. Generally, the coverage of a tower is circular and divided in three equal pieces (each 120 degrees wide). Due north is 0, due south is 180. However, not every tower is aligned with the first sector starting at 0. Using the listed azimuth, rough direction from the tower can be calculated for a call. The center degree of the sector's facing is indicated in this field. For example, if a facing has a listed orientation of 90, the center of the coverage is pointed at 90 degrees but the sector will cover traffic from roughly 60 degrees on either side (thus 30 to 150 degrees in this example).

- *86 is voicemail retrieval
- #225 is checking account balance
- #646 is checking minutes
- #777 is data/web services
- #738 is prepaid voicemail retrieval
- #729 is adding minutes for prepaid
- *67 Activates Selective Caller ID Block
- *82 Deactivates Selective Caller ID Blocking

Verizon RTT Disclaimer

Verizon Wireless RTT Report and Round Trip Delay Disclaimer:

The latitude and longitude measurements on the Real Time Tool “RTT” report are derived solely from the Round Trip Delay measurement. They are best estimates and are not related to any GPS measurement. Measurements with a high confidence factor may be more accurate than measurements with a low confidence factor, but all measurements contained on this report are the best estimates available rather than precise location.

(803) 767-6448

Service Provider: Verizon

Time Frame Analyzed:

September 5, 2015 at 1700 hrs through September 6, 2015 at 2200 hrs

(803) 767-6448

Service Provider: Verizon

Locations of Interest:

1348 Omarest Dr Columbia, SC 29210

1710 Budon Ct Columbia, SC 29204

1557 Daulton Dr Columbia, SC 29223

215

331

[illegible]

Survey 378

Call Detail Report for September 5th through September 6th 2015

Network Element Name	Mobile Directory Number	Dialed Digit Number	Call Direction	Seizure Dt Tm	Seizure Duration	First Serving Cell Site	First Serving Cell Face	Last Serving Cell Site	Last Serving Cell Face	Calling Party Number
Columbia MTX5	8037676448	8037676448	F	0 9/5/2015 17:25	317	510	2	510	2	8032209024
Columbia MTX5	8037676448	8037676448	F	0 9/5/2015 18:39	87	510	2	510	2	8032209024
Columbia MTX5	8037676448	8037676448	F	2 9/5/2015 20:14	195	510	1	510	1	8033617478
Columbia MTX5	8037676448	8037676448	F	9/5/2015 20:26	30	0	0	0	0	8032209024
Columbia MTX5	8037676448	8037676448	F	9/5/2015 20:43	29	0	0	0	0	8032209024
Columbia MTX5	8037676448	8037676448	F	9/5/2015 21:01	29	0	0	0	0	8032209024
Columbia MTX5	8037676448	8037676448	F	9/5/2015 21:07	87	0	0	0	0	8032209024
Columbia MTX5	8037676448	8032209024	F	1 9/5/2015 21:18	167	510	1	510	1	8037676448
Columbia MTX5	8037676448	8033617478	F	2 9/5/2015 21:29	846	138	3	138	3	8037676448
Columbia MTX5	8037676448	8037676448	F	9/6/2015 12:30	107	0	0	0	0	8032011061
Columbia MTX5	8037676448	8037676448	F	9/6/2015 12:36	34	0	0	0	0	8032011061
Columbia MTX5	8037676448	8037676448	F	9/6/2015 12:47	33	0	0	0	0	8032011061
Columbia MTX5	8037676448	8037676448	F	2 9/6/2015 15:30	311	138	3	138	3	8033617478
Columbia MTX5	8037676448	8037676448	F	2 9/6/2015 15:36	79	520	3	520	3	8033617478
Columbia MTX5	8037676448	8032380474	F	1 9/6/2015 15:52	9	520	3	520	3	8037676448
Columbia MTX5	8037676448	8032380474	F	1 9/6/2015 15:52	7	520	3	520	3	8037676448
Columbia MTX5	8033543224	8033543224	F	1 9/6/2015 16:01	38	65	3	65	3	8037676448
Columbia MTX5	8037676448	8037676448	F	9/6/2015 17:00	40	0	0	0	0	8032209024
Columbia MTX5	8037676448	3617478	F	1 9/6/2015 17:29	35	39	1	39	1	8037676448
Columbia MTX5	8037676448	8037676448	F	9/6/2015 18:03	30	0	0	0	0	8032011061
Columbia MTX5	8037676448	8037676448	F	0 9/6/2015 18:05	126	39	2	39	2	8032209024
Columbia MTX5	8037676448	8037676448	F	9/6/2015 19:12	36	0	0	0	0	8032209024
Columbia MTX5	8037676448	8037676448	F	0 9/6/2015 19:18	154	65	1	65	1	8032209024
Columbia MTX5	8037676448	8037676448	F	9/6/2015 21:27	29	0	0	0	0	8032209024
Columbia MTX5	8037676448	8037676448	F	9/6/2015 21:34	28	0	0	0	0	8032209024
Columbia MTX5	8037676448	8037676448	F	0 9/6/2015 22:22	22	506	1	506	1	8032209024

Transactions on Tower 510-2

9/5/15 at 17:25:27 (EDT)
9/5/15 at 18:39:55 (EDT)



Transactions on Tower 510-1

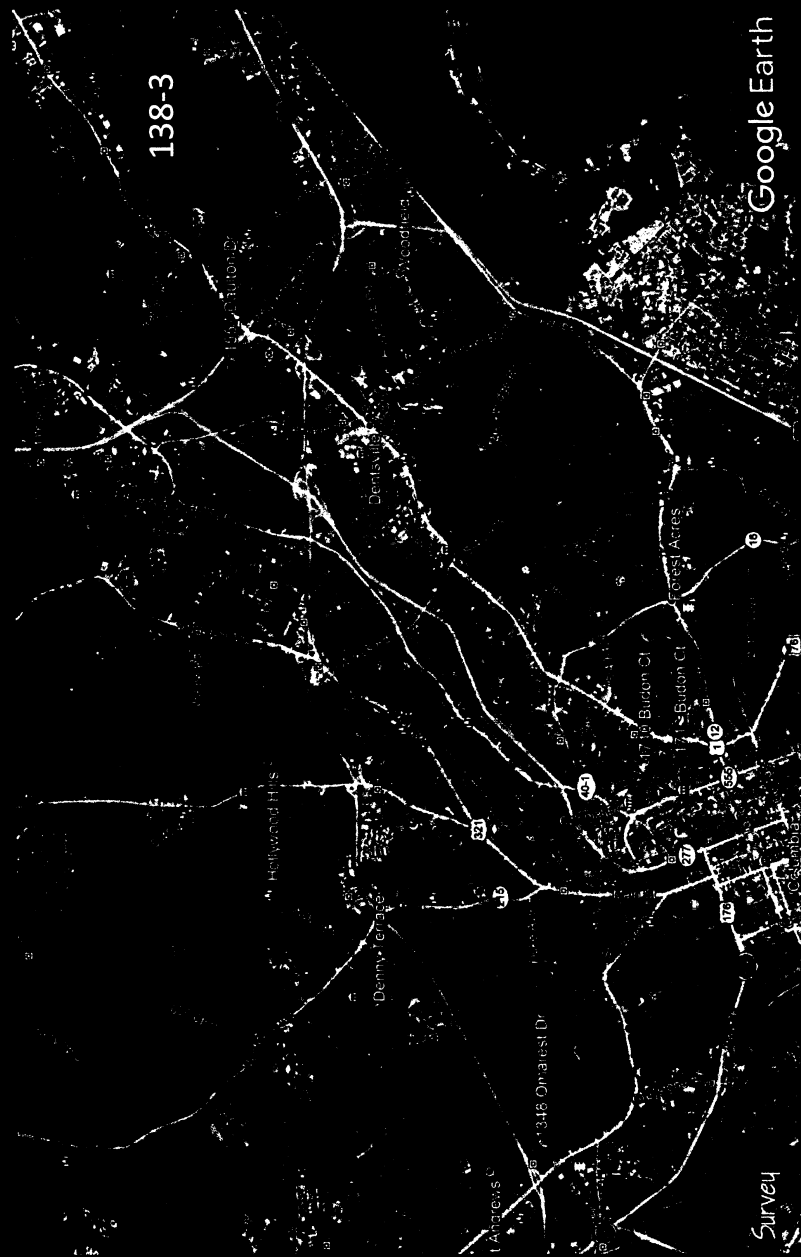
Transactions on Tower 510-1

Transactions on Tower 510-1

Transactions on Tower 510-1

Transactions on Tower 138-3

9/5/15 at 21:29:57 (EDT)
9/6/18 at 15:30:01 (EDT)



Google Earth

Survey

Transactions on Tower 520-3

520-3

9/6/15 at 15:52:31 (EDT)
9/6/15 at 15:52:46 (EDT)
9/6/15 at 15:52:47 (EDT)

Google Earth

Survey

Transactions on Tower 65-3

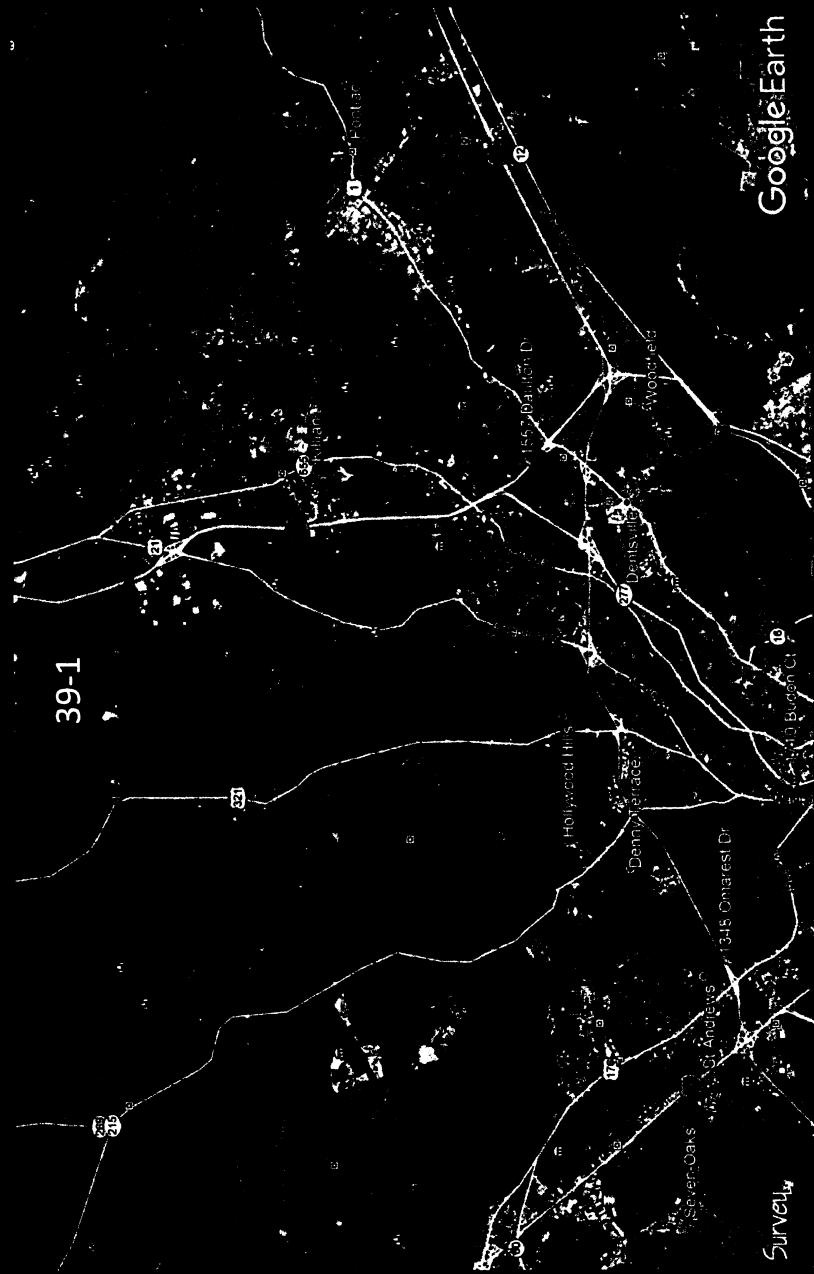
Transactions on Tower 65-3

Transactions on Tower 65-3

Transactions on Tower 65-3

Transactions on Tower 39-1

9/6/15 at 17:29:47 (EDT)



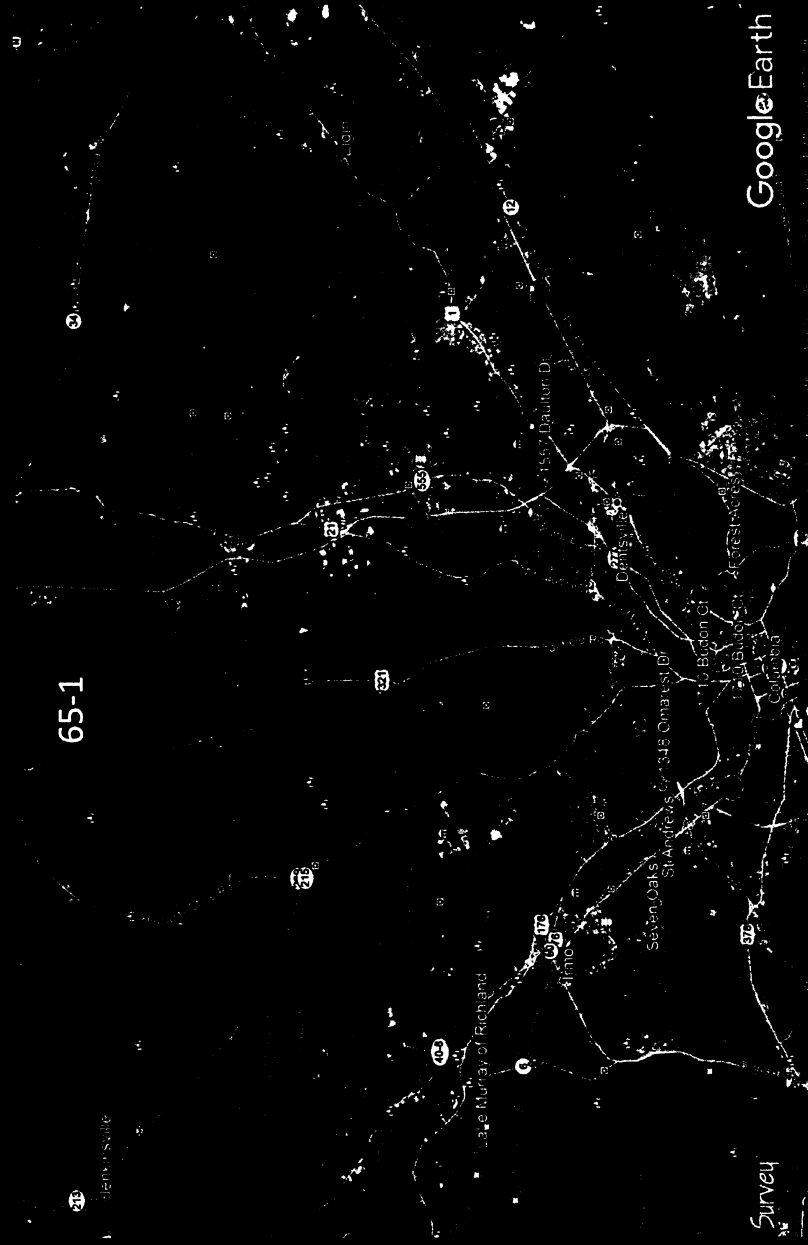
Transactions on Tower 39-2

Transactions on Tower 39-2

Transactions on Tower 39-2

Transactions on Tower 39-2

Transactions on Tower 65-1



9/6/15 at 19:18:24 (EDT)

3

9

Survival

Floyd Owen- Alcatel- 803-220-9024

Brandon FB chat- Saturday the 5th:

9/5/2015 8:15:48 AM(UTC-4), 100005363988195 (Floyd Owen)

Yo

9/5/2015 8:16:01 AM(UTC-4), 1543183165 (Brandon Barham)

What up

9/5/2015 8:16:16 AM(UTC-4), 100005363988195 (Floyd Owen)

When you leave

9/5/2015 8:17:06 AM(UTC-4), 1543183165 (Brandon Barham)

Bout 630 or so

9/5/2015 8:17:38 AM(UTC-4), 100005363988195 (Floyd Owen)

Hell yeah you coming back

9/5/2015 8:18:22 AM(UTC-4), 1543183165 (Brandon Barham)

Yeah. I woke up on the floor for sum reason. Lol

9/5/2015 8:19:08 AM(UTC-4), 100005363988195 (Floyd Owen)

I saw you rool on the floor. Lol

9/5/2015 8:19:26 AM(UTC-4), 1543183165 (Brandon Barham)

Lol

9/5/2015 8:19:40 AM(UTC-4), 1543183165 (Brandon Barham)

Getting that good sleep

9/5/2015 8:21:24 AM(UTC-4), 100005363988195 (Floyd Owen)

Well hit me up when your coming back lets do that job today. Need some cash

9/5/2015 8:21:48 AM(UTC-4), 1543183165 (Brandon Barham)

Yes

9/5/2015 8:21:56 AM(UTC-4), 1543183165 (Brandon Barham)

I will bro

9/7/2015 11:12:08 AM(UTC-4), 100005363988195 (Floyd Owen)

Yo what up

9/7/2015 4:04:11 PM(UTC-4), 1543183165 (Brandon Barham)

What up

“ Victim phone: Samsung SPH- L710T: 803 234 1799
4/22/2015 message from Brandon to victim:

I need you to contact Neal about pay. The last money I
got was the Friday before last

5/28/2015 messages between them:

378
9
SMS
Messages
From 5/28/2015
10:46:08 AM(UTC-4)
From: 8037676448
Brandon B
When do you think I can expect to be paid from Neil? It
has been months.
Intact
379
0
SMS
Messages
To 5/28/2015
10:57:32 AM(UTC-4)
To: 8037676448
Brandon B
I know. . . Intact
379
1
SMS
Messages
To 5/28/2015
11:05:42 AM(UTC-4)
To: 8037676448
Brandon B
I need the money also... Intact
379
2
SMS
Messages
From 5/28/2015
11:10:56 AM(UTC-4)
From: 8037676448
Brandon B
Even a Lil something would help with my cash flow. I
had to get this high dollar ass workman's comp and the
well is near dry
Intact

748
8
SMS
Messages
From 7/24/2015
10:34:16 AM(UTC-4)
From: 8036081616 Neal
Lourie
On way to office. Have check for u Intact

7/27/15 from Brandon to victim:

I'm still waiting to get some money from Neil. What is
going on with this situation? Am I going to go down and
talk to him myself. It's almost been 1 yr

984
9
SMS
Messages
To 8/28/2015
1:14:07 PM(UTC-4)
To: 8036081616 Neal
Lourie
Hi Neal! May I get a check? Intact
985
0
SMS
Messages
From 8/28/2015
1:20:58 PM(UTC-4)
From: 8036081616 Neal
Lourie
Yes. Come by 1415 Park st. I'm on first floor Intact

9/1/15

104
68
SMS
Messages
From 9/1/2015
8:17:52 PM(UTC-4)
From: 8032209024 Dont
Respond Floyd
Let me know when I can come by and get my bow Intact
104
69
SMS
Messages
From 9/1/2015
8:36:27 PM(UTC-4)
From: 8032209024 Dont
Respond Floyd
So I guess you're going to keep the bow that my buddy
gave me when Mason was born well that's typical
Charles thanks man
Intact

104
79
SMS
Messages
To 9/2/2015
12:56:02 AM(UTC-4)
To: 8032209024 Dont
Respond Floyd
I don't want your bow. However you think I could get the
table and chairs? Since we are giving things back and
terminating the friendship...I just saw the messages you
wrote. You a little impatient when you want a response
to the text messages. However you dont respond
quickly to anything that you dont want to respond too...

105
02
SMS
Messages
To 9/2/2015
10:37:20 AM(UTC-4)
To: 8032209024 Dont
Respond Floyd
So when I didn't respond in 9 minutes yesterday you
drew your conclusions about the situation.. Do you
want to bring table and chairs back or whats your
Thought??? You are the one who is afraid to talk to me.
However I find it really funny that on one hand you are
afraid to talk but on other hand you say you don't care

what I have said. Like you think i am trying to hurt you.
You said your piece the other day. If you dont respond
in a timely fashion I will assume you made the decision
to keep table and chairs and I will keep bow..take
care..btw. I am everything but "typical"..

Intact

105

03

SMS

Messages

To 9/2/2015

10:41:43 AM(UTC-4)

To: 8032209024 Dont

Respond Floyd

Dee is is waiting on his money. ..You dont have follow
thru and you tell untruths...

Intact

105

04

SMS

Messages

From 9/2/2015

10:43:23 AM(UTC-4)

From: 8032209024 Dont

Respond Floyd

I will be at your house when I leave belk Intact

105

05

SMS

Messages

From 9/2/2015

10:49:09 AM(UTC-4)

From: 8032209024 Dont

Respond Floyd

Leaving now Intact

105

06

SMS

Messages

To 9/2/2015

10:50:41 AM(UTC-4)

To: 8032209024 Dont

Respond Floyd

Which Belk. You have table and chairs? Intact

105

07

SMS

Messages

To 9/2/2015

10:52:35 AM(UTC-4)

To: 8032209024 Dont

Respond Floyd

? Intact

105

14

SMS

Messages

To 9/2/2015

1:09:21 PM(UTC-4)

To: 8032209024 Dont

Respond Floyd

U home Intact

1646

105

15

SMS

Messages

From 9/2/2015

1:13:19 PM(UTC-4)

From: 8032209024 Dont

Respond Floyd

No heading to Jessica's house Intact

105

16
SMS
Messages
To 9/2/2015
1:33:55 PM(UTC-4)
To: 8032209024 Dont
Respond Floyd
Ok don't worry bout the bow. I really want you to get
back asap.

Intact
105
17
SMS
Messages
From 9/2/2015
1:34:35 PM(UTC-4)
From: 8032209024 Dont
Respond Floyd
What do you mean Intact

105
18
SMS
Messages
To 9/2/2015
1:44:26 PM(UTC-4)
To: 8032209024 Dont
Respond Floyd
I am not keeping it. Its yours sir. Intact

105
19
SMS
Messages
From 9/2/2015
1:46:06 PM(UTC-4)
From: 8032209024 Dont
Respond Floyd
Oh ok well thanks man Intact

17
SMS
Messages
To 9/5/2015
10:28:43 AM(UTC-4)
To: 8032209024 Dont
Respond Floyd
don't ever contact me again or ever come over to my
home I will have you Dealt with

Intact
112
18
Call Log To 9/5/2015
10:29:11 AM(UTC-4)

35
SMS
Messages
To 9/5/2015
11:29:59 AM(UTC-4)
To: 8032209024 Dont
Respond Floyd
I realize you are the same as you were years ago. Lies
will never hold up. This short time we have hung out i
have found that you lie about the simplest things that
you should just speak the truth. I will be sending dss to
your home and Tiffanys mothers also....

Intact
112
36
SMS
Messages
To 9/5/2015
11:31:00 AM(UTC-4)
To: 8032209024 Dont
Respond Floyd

You can let miget know i will be sending dss to karins
and his house...

To: 8032209024 Dont

Respond Floyd

Intact

112

19

SMS

Messages

To 9/5/2015

10:30:48 AM(UTC-4)

To: 8032209024 Dont

Respond Floyd

You kept telling Brandon that I was going to have him
arrested and he and I laughed about it because it's
funny how you or so to face

This is on page 1709:

112

82

SMS

Messages

From 9/5/2015

7:38:41 PM(UTC-4)

From: 8032209024 Dont

Respond Floyd

Fuck you and her have fun looking over your shoulder
the rest of your life

Intact

112

83

SMS

Messages

From 9/5/2015

9:10:34 PM(UTC-4)

From: 8032209024 Dont

Respond Floyd

Damn your running out of options to fuck with people
but that's cool I have a few up my sleeve too have a
good life

Intact

112

84

SMS

Messages

To 9/5/2015

9:58:18 PM(UTC-4)

To: 8037676448

Brandon B

Thought you were coming by with compressor? Intact

112

85

SMS

Messages

From 9/5/2015

9:59:32 PM(UTC-4)

From: 8037676448

Brandon B

I got tied up. I will bring in morning Intact

112

86

SMS

Messages

To 9/5/2015

10:00:56 PM(UTC-4)

To: 8037676448

Brandon B

Dont worry about it i will hand nail. Tried of waiting on
you to help and you never do.

Intact

112

87

SMS

Messages

From 9/5/2015
10:01:49 PM(UTC-4)
From: 8037676448
Brandon B
Ok Intact

112
88
SMS
Messages
From 9/5/2015
10:26:28 PM(UTC-4)
From: 8032209024 Dont
Respond Floyd
Im showing richland county these messages Intact

State's Exhibit 157 is a CD that is being transported to the Court with other non-paper exhibits.

**Defendant's Exhibit 1 is an enlargement of a photo
that is being transported to the Court with other non-paper exhibits.**

Defendant's Exhibit 4 is a CD that is being transported to the Court with other non-paper exhibits.

Defendant's Exhibit 5 is a CD that is being transported to the Court with other non-paper exhibits.

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

State of South Carolina

Plaintiff,

vs.

Charles Brandon Barham,

Defendant.

IN THE COURT OF GENERAL SESSIONS

2017A4021601416, 1417, 1418, 1419

2017GS4007158, 2017GS4007162,
2017GS4007165, 2017GS4007166

NOTICE OF MOTION
MOTION FOR NEW TRIAL

2019 SEP -9 PM 2:37

RICHLAND COUNTY

TO: HONORABLE DEANDREA BENJAMIN AND VANCE EATON, ESQUIRE

YOU WILL PLEASE TAKE NOTICE that on the tenth day after service hereof or as soon thereafter as counsel can be heard, the undersigned as counsel for the Defendant, will move before the Court for a new trial.

This Motion shall be based upon, but not limited to, the fact that the Defendant was deprived of due process and a fair trial related to admission of substantive evidence regarding a 2007 burglary that was committed by co-defendant, Floyd Owen. Floyd Owen was convicted of said charge. The Defendant was charged based upon the word of Floyd Owen but the case was dismissed after review by a prosecutor. The admission of such substantive evidence forced the Defendant to disregard his right to remain silent in order to testify and attempt to defend himself not only of the charge at trial but also of a charge that was dismissed against him over a decade ago. If this evidence had not been allowed, the Defendant would not have testified and the State's case would have failed.

As the Court is aware, during cross examination of the co-defendant, Floyd Owen, the Defense questioned Mr. Owen about his arrest and conviction in the 2007 burglary. He admitted. The Defense also asked if he implicated the Defendant, Mr. Barham, in that burglary as well. He

SCANNED

admitted. That was the extent of that particular line of questioning. The State did not object. The State also did not redirect on the issue. After the Mr. Owen's testimony was complete, the trial proceeded normally. At a later juncture, the State indicated they wanted to recall Mr. Owen in order to testify about the details of the 2007 burglary.

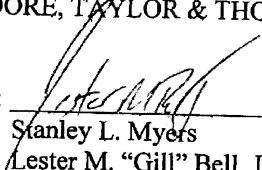
The Defense objected *in limine* based upon it being improper under Rule 403 and Rule 404 of the South Carolina Rules of Evidence. The State relied primarily upon *State v. Stroman*, 316 S.E.2d 395 (1984). In this case, Defense counsel questions a testifying co-defendant about prior times he had "broken into other homes for money." *Stroman* specifically points out the co-defendant nor Stroman were never charged with such conduct. The State then elicited additional testimony on redirect about the specific facts of those incidents. Stroman objected but the Court allowed it saying that if one party introduced evidence as to a fact, the opposing party may also introduce evidence to explain or rebut that fact, even if it would have originally been irrelevant.

This is the crux of the issue in the present case. In *Stroman*, the Defendant "opened the door" by questioning the witness about an incident he was never charged with and therefore was not subject to SCRE 609 or otherwise admissible. However, *Stroman* is entirely distinguishable from the present case because Mr. Owen had been convicted of the 2007 burglary and therefore it was properly admissible under SCRE 609. The State sought to retaliate against the Defense for impeaching their witness within the bounds of the rules by seeking to introduce the substantive facts of a case that was dismissed against Barham. The Court mistakenly allowed this evidence under the Open Door Doctrine. The door was only open in this case because the rules allowed it under SCRE 609. The door was open in *Stroman* because the Defense introduced evidence of uncharged conduct that was not otherwise admissible under the South Carolina Rules of Evidence.

As a result of this ruling, the Defense felt it was necessary for Mr. Barham to testify because now he was facing not only the allegations of murder and burglary but also of a second burglary from nearly a decade ago that was already dismissed against him. In conversing with the jurors post-verdict, it was clear that many of them felt Mr. Barham was not guilty at the rest of the State's case. It was only after Mr. Barham testified that they changed their mind. Mr. Barham should never have been put in a position to feel it necessary to give up his right to remain silent and testify to defend himself against a decade old charge that had already been dismissed.

Respectfully, Mr. Barham was deprived of due process and a fair trial. In light of the underwhelming and almost entirely circumstantial evidence of the Defendant's guilt, this Court should invoke its vote as the 13th juror and grant a new trial.

MOORE, TAYLOR & THOMAS, P.A.

BY: 

Stanley L. Myers

Lester M. "Gill" Bell, Jr.

1700 Sunset Boulevard

P. O. Box 5709

West Columbia, SC 29171

(803) 796-9160

ATTORNEYS FOR THE DEFENDANT

West Columbia, South Carolina
September 9, 2019

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND	)	
	)	
The State of South Carolina	)	RESPONSE TO DEFENSE'S MOTION
	)	FOR NEW TRIAL
-vs-	)	2017A402/201416, 1417, 1418, 1419
	)	INDICTMENTS: 2017GS4007158, 162, 163, 166
Charles Brandon Barham,	)	
	)	CHARGES: Murder, Conspiracy, Burglary 1
	)	degree, Possession of a weapon during the
	)	commission of a violent crime
<u>Defendant.</u>	)	

REC-11
 2017 SEP 13 PM 4:48
 11

The Court should deny the Defendant's motion for a new trial because the Court was correct in allowing Floyd Owen to retake the stand to testify about the prior burglary. The Court correctly ruled that the Defense opened to the door to specifics of the prior burglary when defense counsel questioned the lead investigator about that burglary. "A trial court's determination that a party has opened the door to the introduction of otherwise inadmissible evidence is within the sound discretion of the trial judge." *State v. Heyward*, 426 S.C. 630, 636, 828 S.E.2d 592, 594 (2019), reh'g denied (June 28, 2019).

Defense counsel first raised the prior burglary during cross-examination of Floyd Owen. This impeachment of Mr. Owen was proper under Rule 609. Pursuant to Rule 609(a)(1), SCRE, evidence that an accused has been convicted of a crime, which is punishable by death or imprisonment in excess of one year, is admissible for impeachment if the court determines that the probative value of admitting this evidence outweighs its prejudicial effect to the accused. The party attempting to introduce the prior conviction for impeachment purposes has the initial burden of establishing the basis for its admission. *See, United States v. Cunningham*, 638 F.2d 696 (4th Cir.1981). Defense counsel did not inquire into specifics of the burglary during cross-examination of Owen. As such, the door to specifics about the prior burglary did not open during

SCANNED

the cross of Owen. It would have been improper for the State to redirect at that point on specifics of the prior burglary, especially because those specifics may have implicated Mr. Barham.

However, defense counsel did open the door to specifics about the prior burglary during cross of the lead investigator. Defense counsel asked Investigator Reese if Mr. Owen implicated Mr. Barham in the 2007 burglary to which Reese replied in the affirmative. Specifically, that exchange went as follows:

Q: And this isn't the first time that Floyd Owen has tried to bring Brandon's name into something, is it?

A: I don't know about his past. I know about what he may have said to me, Floyd Owen, during his interview.

Q: In fact, back in 2007, 2008, Floyd got charged with a burglary charge. You are familiar with that, right?

A: I don't know the entire case or the particulars of it, but I do recall information like that, yes.

Q: And at that point he tried to bring Brandon's name into it, and there was no credibility in that case either?

A: I don't know whether there was credibility or not. It wasn't my case.

The Defense's cross-examination of Investigator Reese on this point was not impeachment regarding the mere existence of the burglary conviction but appeared to be an attempt show bias by Mr. Owen against the defendant. Therefore, the State was entitled to introduce evidence to rebut or explain that fact. Like in *Stroman*, Defense counsel opened the door in the present case by questioning Investigator Reese about the 2007 burglary, of which he lacked personal knowledge and was never involved. As a result, the State properly chose to introduce substantive evidence in the form of Mr. Owen's testimony regarding circumstances surrounding the 2007 burglary in order to give the jury a more complete understanding of the

facts. Had defense counsel asked Floyd Owen about implicating Barham in the prior burglary, the door would have been open at that point, and the State would have gone into specifics then. By opening the door to Owen's prior incident with Reese on the stand, defense counsel made it proper for the State to recall Owen.

At the crux of the "open door" rule of evidence is the notion that otherwise impermissible evidence may come through that open door. Defense counsel's line of questioning to Reese opened the door to the State's ability to introduce evidence that explained the facts in connection with the 2007 burglary, even though the inquiry would have originally been irrelevant and potentially prejudicial. *State v. Stroman*, 281 S.C. 508, 316 S.E. 2d 395 (1984). A party "cannot complain of an error which his own conduct has induced." *State v. Worthy*, 239 S.C. 449, 465, 123 S.E.2d 835 (1962). By opening the door to this evidence, Mr. Barham waives any objection based on its prejudice. "Since appellant opened the door to this evidence, he cannot complain of prejudice from its admission." *State v. Robinson*, 305 S.C. 469, 474, 409 S.E.2d 404, 408 (1991).

As to the Defendant's choice to testify, the Court warned the Defendant in detail about his 5th Amendment right against self-incrimination. He had time to consult with counsel. In fact, the Court gave him overnight to consider whether to testify. After receiving information regarding his rights, the Defendant voluntarily and knowingly took the stand in his own defense.

Regarding the jurors, their post-trial statements to defense counsel described in his motion seem to indicate that they did not find Owen's testimony about the burglary determinative to the state's case. Taking their statements at face value, there was no tactical advantage for Mr. Barham take the stand to explain the prior burglary. Mr. Barham's apparent miscalculation of the effect of the specifics of the burglary on the jury does nothing to change the

opening of the door with Reese on the stand or Mr. Barham's knowing and intelligent waiver of his right to silence.

Throughout this trial, the Court afforded the Defendant due process and made well-reasoned rulings in accordance with the rules of evidence and common law of this state. The law and facts support the jury's unanimous guilty verdict against Mr. Barham. As such, the State respectfully asks the Court to deny his motion for a new trial.

A handwritten signature in black ink, appearing to read 'Vance Eaton', written over a horizontal line.

Vance Eaton
Assistant Solicitor
Fifth Judicial Circuit

September 13, 2019
Columbia, South Carolina

Cc: The Honorable DeAndrea Benjamin, Chief Administrative Judge

Stanley Myers
1700 Sunset Blvd.
PO Box 5709
West Columbia, 29171

STATE OF SOUTH CAROLINA

GENERAL SESSIONS

COUNTY OF RICHLAND

-----x

STATE OF SOUTH CAROLINA,)

)

Plaintiff,)

)

vs.)

Transcript of Record

)

2017-GS-40-7158

)

2017-GS-40-7162

)

2017-GS-40-7165

)

2017-GS-40-7166

CHARLES BARHAM,)

)

Defendant.)

-----x

October 14, 2019

B E F O R E:

The Honorable DeAndrea G. Benjamin, Presiding Judge

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

R. Vance Eaton, Esq.

Assistant Solicitor for the State

Stanley L. Myers, Esq.

Attorney for the Defendant

COURT REPORTER: Bonnie Kelly

Transcribed by Bobbi Fisher, RPR, CET

I N D E X

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E X H I B I T S

(No exhibits.)

P R O C E E D I N G S

(Whereupon, the following proceedings commenced as follows:)

THE COURT: All right. So these are -- I have the defense has filed motions -- post-trial motions looks like on September 9th. I'm sorry, madame court reporter.

This is the case of State of South Carolina versus Charles Brandon Barham.

COURT REPORTER: I'm sorry; Charles who?

THE COURT: Brandon Barham.

COURT REPORTER: How do you spell the last name?

THE COURT: B-a-r-h-a-m.

And these are post-trial motions filed by the defense. They were filed on September the 9th. And then there was a response filed by the State on September 13th.

And so I'll be glad to hear from the defense on their motion for a new trial, and then I'll hear a response, and then you can reply.

MR. MYERS: Thank you, Your Honor. May it please the Court. Your Honor, in the courtroom, Mr. Barham has just been brought in. He's in the box. I think he should remain in while I'm arguing the motion.

THE COURT: You're saying you what now?

MR. MYERS: Sorry?

THE COURT: You say you don't think he should or --

MR. MYERS: No, no, I'm fine with him --

1 THE COURT: Oh, okay.

2 MR. MYERS: He needs to be over here.

3 THE COURT: That's up to you.

4 MR. MYERS: Your Honor, I guess technically, the way our
5 motion should be characterized is to set aside the verdict of
6 guilty and/or a new trial. We base these motions on what I'm
7 about to inform the Court, but also, I want to stand and rely
8 on our file of written motion.

9 Your Honor, as the Court knows, the five days we
10 approximately litigated this case on behalf of Mr. Barham, he
11 was charged with murder, conspiracy, burglary, and possession
12 of a weapon. At the end of the day, a number of witnesses
13 testified for the State, but ultimately, the main witness was
14 Mr. Floyd Owens, who testified that he, along with Mr. Barham,
15 murdered Charles Cusco back in September of 2016.

16 COURT REPORTER: Excuse me; Floyd who?

17 MR. MYERS: Floyd Owens. O-w-e-n-s.

18 COURT REPORTER: Thank you.

19 MR. MYERS: Outside of that, Judge, there was no
20 corroborating evidence, there was no forensic evidence, no
21 scientific evidence that would tie Mr. Barham to the actual
22 incident location, and, therefore, the murder.

23 As we tried the case, Mr. Floyd Owens testified, and on
24 cross-examination, I asked him about a burglary from
25 2007-2008. That was the extent of what I cross-examined him

1 on. The State then interpreted that as if I opened the door,
2 and we then proceeded into what we believed to be some
3 inadmissible 403 and 404 testimony, testimony that was not
4 used for the purposes but testimony that was used to
5 essentially bolster Mr. Owens' story for his testimony.

6 The reason we believe that it was admitted in error in
7 addition to 403 and 404 is because we then had to make a
8 decision as to whether or not we were going to litigate
9 something in 2007-2008 that was irrelevant to the 2016 murder
10 of Charles Cusco. That ultimately led to the discussion
11 between Mr. Barham and myself about whether or not he needed
12 to testify. If the Court there (indiscernible) anyone in this
13 courtroom that the defendant did not have -- he has a
14 constitutional right not to testify, he is to sit there, he's
15 cloaked in innocence and doesn't have to say anything. But
16 the discussion about waiving any sort of attorney-client
17 privilege came down to his word versus Mr. Owens' word.

18 And, again, we believe that, in talking to the jury and
19 understanding what of course happened, we believe they
20 ultimately made the decision not based on any fact but perhaps
21 based on the meaning, which could have been avoided had
22 Mr. Barham not been subjected to testify.

23 So we believe that that testimony and that evidence
24 caused a shifting of the burden. We, at that point, believe
25 that it was improper because we ultimately got into trying a

1 2007-2008 burglary case as opposed to the actual murder.
2 Again, the State argued that we opened the door. We cited the
3 case that the State argued at the time of the case. We
4 interpreted that case to mean that, unless it's to be used as
5 impeachment, that they can't just bring Mr. Floyd Owens back
6 on the stand just to bolster previous testimony. And that's
7 essentially what they did.

8 I'm going to rely on the record as opposed to my own
9 memory of it, but essentially, they just put him back on the
10 stand to just bolster his testimony. We then went into the
11 facts of the case. If they had simply said, you know, was
12 Brandon involved and he said yes then we stopped it there, I
13 think it would be a whole different issue. But in this
14 particular case, we actually went into the fact of what
15 happened, how it happened, how it implicated Brandon, how
16 Brandon was ultimately not charged and he was charged, and it
17 gave what he believe the jury just a crack at something that
18 they never should have listened to and never should have
19 heard.

20 We don't believe we opened the door. We don't believe
21 that it was any sort of opening the door at all. We don't
22 believe the State used it for impeachment purposes. They just
23 used it to bolster Mr. Owens' testimony.

24 And, Judge, even if it is admissible under 609-404, it
25 still is not relevant under 403.

1 THE COURT: All right. Yes, sir.

2 MR. EATON: Your Honor, the first important distinction
3 is that -- that I need to make about what was just described
4 is that we didn't interpret his cross of Floyd Owens as
5 opening the door. So when he -- initially when we had Floyd
6 Owens on the stand and he impeached Floyd Owens about the
7 existence of that prior burglary with nothing more than just
8 the existence of the conviction, that was proper impeachment.
9 And so we didn't go into it at that point because the door
10 wasn't open at that point.

11 The door was open when, later, when Mr. -- Investigator
12 Reece on the stand, Mr. Meyers asked Investigator Reece, there
13 was this prior burglary in which Floyd Owens threw my client's
14 name in it. And there was no truth to that allegation either,
15 was there?

16 So it was only at that point that the door was open.
17 This is sort of the classic door-opening event in a trial.
18 And at the crux of that doctrine is the idea that, when one
19 party brings up an issue or brings an issue into question, the
20 other party then gets the right to go into that and explain it
21 and not just leave it out there unexplained. And that's what
22 we see in Strowman (ph), which is very, very similar, which we
23 cited in our reply brief to the Court.

24 At the, you know, foundation of the door-opening doctrine
25 is that, when you open a door to something, you can't then

1 complain of its prejudice. And so when that door was open,
2 Mr. Barham didn't wage any right to complain about prejudice
3 of the State in explaining it. So it was totally proper. I
4 mean, really, you cross into details of the burglary should
5 have been done while Mr. Owens was on the stand in the first
6 place. Investigator Reece, it wasn't his case, didn't know
7 anything about it. So it was proper to put Mr. Owens back on
8 the stand to explain it.

9 We proffered his testimony. The Court -- we all knew
10 what he was going to say before he testified, so I don't think
11 there was another contemporaneous objection to the scope of
12 how he was going to explain that prior burglary.

13 And this wasn't bolstering of Mr. Owens' testimony
14 because it wasn't him talking about something that he already
15 talked about to then make it stronger, and it wasn't about
16 this case either. So it's not like we put him back on the
17 stand just to recap everything that happened in the murder of
18 Mr. Cusco. We put him on the stand only because the door was
19 open to the burglary with Mr. Barham and only to elaborate and
20 explain that fact which they brought into question before the
21 jury, which we had the right to do under the open-door
22 doctrine and specifically under Strowman.

23 So, you know, his decision to take the stand was
24 knowingly and intelligently made, and we know that because
25 Your Honor warned him about his rights, advised him of his

1 rights here in the courtroom, and, in fact, gave him overnight
2 to think about whether he was going to take the stand.

3 So, you know, whatever his motivations were really have
4 nothing to do with whether it was a knowing, intelligent,
5 voluntary waiver of his right of silence when he took the
6 stand. So those were correct holdings, and I ask that you
7 deny the motion, Your Honor.

8 THE COURT: Yes, sir?

9 MR. MYERS: Just very briefly, Your Honor. I want to
10 kind of highlight what I meant regarding 403 and why we
11 believe that that testimony was prejudicial and not probative.

12 Again, when you go back to what Mr. Owens testified to,
13 he painted Mr. Barham as the mastermind in the 2007-2008, that
14 it was his idea, that he was basically this tag-along, follow
15 along to everything that Mr. Barham told him to do. That's
16 exactly what he ultimately claimed happened in 2016 with the
17 murder of Charles Cusco.

18 So, again, when you start talking about what Mr. Owens
19 testified to, how he said Mr. Barham wasn't involved,
20 Mr. Barham's role in 2007-2008, it came out the same way. So
21 we believe that that testimony was highly prejudicial and not
22 probative at all.

23 In Strowman, the distinguishing factor in Strowman is
24 that no one in that case had been convicted of anything at
25 all. Here, you have Mr. Owens, who was convicted of the

1 2007-2008 burglary. Mr. Barham was not.

2 Finally, when we talk about knowingly and intelligently
3 agreeing or deciding to testify, that was only after the Court
4 had ruled that evidence regarding the 2007-2008 incident comes
5 in. Other than that, Mr. Barham, once the State rested its
6 case, he certainly could have enjoyed the protections that the
7 Constitution afforded to him, which was to remain silent.

8 So that inquiry did not occur until the State rested and
9 after Mr. Owens had already testified, of course, and then he
10 was basically subjected to take the stand to testify and
11 basically to rebut any and everything that Mr. Owens had put
12 in about him being this mastermind, about him being the
13 individual that basically just told him to do it because he
14 needed to do it.

15 But other than that, Judge, we believe that, even if you
16 find, as I said, under 609 and 404 that it comes in, it should
17 not come in under 403 because it was not probative and it was
18 highly prejudicial.

19 THE COURT: All right. Thank you.

20 All right. I have had an opportunity to read the cases
21 and review the motion of the defense and motion of the
22 response of the State. In reviewing the evidence and the
23 testimony in the case, it is this Court's conclusion that the
24 defense opened the door when they questioned Investigator
25 Reece about the prior burglary.

1 If I remember correctly, the defense went -- had the
2 defense just asked about the burglary -- prior burglary
3 conviction, I think that would have been proper, but the
4 defense's question went further than that and discussed the
5 parameters around the incident that led to the conviction for
6 the burglary. I believe it was "isn't it correct that you
7 tried to frame" or I don't know if the word "frame" was used,
8 but "you tried to frame Mr. Barham previously in this prior
9 burglary," and the Court finds that, under the doctrine of
10 completeness, that it was appropriate for the State to come
11 back and give Mr. Owens an opportunity to explain the entire
12 incident.

13 I further find that the defendant was advised of his
14 rights, given overnight to consider testifying, and that the
15 next morning, that he, after consultation with his -- I
16 believe his wife and his attorneys -- decided that he would --
17 he wished to testify that day and was given the opportunity to
18 do so.

19 For those reasons, I am going to respectfully deny the
20 motions -- motion for a new trial. All right?

21 MR. MYERS: Your Honor, if I -- just one exemption. I
22 accept the Court's ruling; I just want to make sure the
23 record's clear. The Court indicated that he opened the door
24 when Investigator Reece testified on cross-examination. I
25 just want to make sure the record is clear that Investigator

1 Reece testified after Mr. Owens did and after the Court had
2 made its ruling on whether or not that evidence would be
3 admissible. So, again, that led me to call Mr. Reece up.

4 THE COURT: You're correct. You're correct. You're
5 correct. I -- it was Investigator Reece that was questioned,
6 not Owens, regarding the prior burglary and the specifics
7 of -- the specifics of that prior incident.

8 All right. Thank you.

9 MR. MYERS: Thank you, Your Honor.

10 (The above hearing concluded.)

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1 CERTIFICATE OF TRANSCRIBER

2 CASE/NO.: State vs. Charles Barham

3 2017-GS-40-7158, et al.

4 DATE OF PROCEEDING: October 14, 2019

5 COURT REPORTER: Bonnie Kelly

6

7 I, Bobbi J. Fisher, do hereby certify that the
8 foregoing transcript is a true and correct record of the
9 recorded proceedings; that said proceedings were transcribed
10 to the best of my ability from the audio recording and
11 supporting information; and that I am neither counsel for,
12 related to, nor employed by any of the parties to this case,
13 and I have no interest, financial or otherwise, in its
14 outcome.

15

16



18

19 Bobbi J. Fisher, RPR, CET

20 NCRA Registered Professional Reporter (RPR)

21 AAERT Certified Electronic Transcriber No. CET-1148

22 Prepared: December 14, 2020

23

24

25

State of South Carolina) In the Court of General Sessions
County of Richland) Fifth Judicial Circuit
2017-GS-40-07158
2017-GS-40-07162
2017-GS-40-07165
2017-GS-40-07166

State of South Carolina,)
vs.) Transcript of Record
Charles Brandon Barham,)
Defendant.)
_____)

November 18, 2019
Columbia, South Carolina

B E F O R E:

The Honorable DeAndrea Gist Benjamin, Judge

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

R. Vance Eaton, Assistant Solicitor
Attorney for State of South Carolina

Stanley L. Myers, Sr., Esquire
Attorney for Defendant

Maryann S. Nevers, CVR-M-CM, RVR
Circuit Court Reporter
Certified Verbatim Reporter - Master
Certificate of Merit
Realtime Verbatim Reporter

TRANSCRIPT OF RECORD

(Whereupon, the proceeding commenced at 10:10 a.m.)

THE COURT: We're ready.

MR. EATON: The state's ready, Your Honor.

THE COURT: All right. Yes, sir.

MR. EATON: And, Your Honor, I would still -- leaving it up to the Court which one goes first, I guess we're going to go ahead and do Mr. Barham, then.

THE COURT: Well, he's here.

MR. EATON: Okay.

THE COURT: All right.

MR. EATON: Brandon Barham.

MR. MYERS: Okay.

(Whereupon, the defendant came forward.)

THE COURT: All right. Yes, sir.

MR. EATON: If it pleases the Court, Your Honor: Vance Eaton for the state. Before you, as Your Honor well knows, is Brandon Barham and his attorney, Stanley Myers. Your Honor obviously presided over Mr. Barham's trial. I don't need to, unless the Court would like me to, recap anything factual about that trial. I know it's been a long journey for the family of Charlie Kusko and his daughters. And -- and it's my hope that today's going to be some kind of closure.

I think I will -- they'll speak, of course -- without

1 that this is certainly an emotionally charged case. I
2 understand that. You know, the victims talk about Brandon
3 not showing any remorse at all for the loss of Charles
4 Barham [sic]. And it's because of the fact that I've told
5 him not to have any conversations with them, not to have
6 any communications.

7 But Brandon lost an uncle. And while we understand
8 that a jury of his supposed peers heard the facts of this
9 case and decided that he was guilty, you know, we all know
10 that we asked for a fair trial, but we don't often get a
11 perfect trial.

12 I've had a lot of time to reflect on this case. I've
13 talked with his family; talked to Brandon. And I'm not
14 here to question our justice system at all. You know,
15 obviously, we have it imposed for the right reasons. We're
16 certainly far better than any other country that I've
17 visited in my military career and just in pleasure.

18 But, Judge, in talking to several of the jurors after
19 their verdict -- and I want to be careful what I say here,
20 because I'm not trying to chastise or criticize anything
21 that the jury did. But I will say that I believe that they
22 decided the fate in this case based on emotion, rather than
23 fact.

24 From talking to several of the jurors, they indicated
25 that: "Well, he didn't show any remorse. He was up there;

1 he didn't cry. He didn't do this; he didn't do that."

2 But when you look at the facts of the case and you had
3 the -- the -- the -- in my opinion, the cold-blooded
4 killer, Floyd Owens, who came in and admitted to it,
5 Brandon did not squeeze the trigger on this -- in this
6 case. And we would believe -- and he has asked this Court
7 to believe -- that he didn't play any part in the planning
8 of killing of Charles Kusko.

9 But again, we would ask that the Court, as opposed to
10 following in line what the jury said was no emotion, it was
11 confidence. And I think that the jury misinterpreted any
12 confidence for arrogance, and that certainly wasn't the
13 intent.

14 Brandon is 32 years old. Since this incident, it is
15 true that he got married to Lindsey and they have a minor
16 daughter together. We respectfully ask that the Court
17 impose the minimum sentence in this case, which is 30
18 years. For a 32-year-old man in the Department of
19 Corrections, that is essentially going to be the rest of
20 his life either way.

21 But I have folks here who are prepared to say certain
22 things for him, to include his dad. His dad was not in the
23 courtroom on the day of the trial or those days in trial,
24 only because he was on the witness list for large part. So
25 he has a few words that he'd like to say to the Court;

1 then, to be followed by Lindsey. And then, I think several
2 other individuals would like to address.

3 And in the meantime, if I could get some assistance in
4 bringing this forward, I would like for the Court to see
5 the presentation that we put together on the SMART Board.

6 THE COURT: All right.

7 MR. MYERS: So Eddie?

8 (Whereupon, a speaker came forward.)

9 MR. EDDIE BARHAM: You want me to go first?

10 THE COURT: Yes, sir. State your name for the record,
11 please.

12 MR. EDDIE BARHAM: My name is Eddie Barham. I'm
13 Brandon's father. I'd first like to thank the Court for
14 allowing me to speak on behalf of my son today. And I feel
15 it's important for everyone here to know truly who Brandon
16 is.

17 Brandon started out his working career as a teen --
18 before his teen -- in elementary school, selling pencils,
19 erasers, paper, just anything that he could do to make
20 money to have things he wanted to have. This led to, later
21 on in his -- in his high school years, selling the -- the
22 newest and latest shoes, clothing, and jewelry that he
23 would sometimes finance for kids that wasn't able to buy it
24 for themselves.

25 He's always been a worker. He's always been somebody

1 who wanted to better himself. Brandon developed these --
2 these -- he developed this ethic and mind-set from two
3 people that he looked up to and admired: I am humbled but
4 proud to say that I'm one of them. I've been self-employed
5 for all of Brandon's life. And Brandon's either worked by
6 my side or worked for himself throughout his life.

7 He was always a good kid. I'm not saying he never got
8 in any trouble. Very minor trouble, I will say. He always
9 had a good spirit, a spirit of giving, a heart of gold,
10 willing to help anybody that he could.

11 He has two children now: a stepson who looks up to
12 him, and a baby girl who is my first grandchild. He's a
13 good father, a loving husband, and would be a wonderful
14 provider for his family.

15 Brandon's been portrayed in this courtroom to be a
16 person of -- of no concern for life or a person that's
17 never worked and always been in trouble. And this is so
18 far from true. And the fact is, it's been spoken by people
19 that don't even know him.

20 And I find that -- I -- I -- I understand anger. I --
21 and I -- and I sympathize with -- with that. But there's
22 truth. Truth needs to be the truth.

23 Brandon has many family and friends that support him
24 in this matter. And we were all confident in the facts of
25 the case that he would prevail.

1 Now I'd like to get back to that second person that
2 Brandon looked up to: my -- my ex-wife, Karen, Brandon's
3 mother and Brandon were the two -- other than his two
4 daughters, only people that Charlie called family. He was
5 an outcast to his very own family.

6 Charles lived with us for a while. And in the time
7 that he lived with us, Brandon was his favorite between my
8 two oldest boys. He always did more for Brandon. I mean,
9 it was -- it was just a very special bond between the two.

10 And, of course, Brandon looked up to him and admired
11 him. Charles was a -- a worker. He was a go-getter; made
12 things happen; always had the nice clothes and cars and
13 stuff. Brandon admired that. Brandon looked up to
14 Charles.

15 And I say that to inform you that Brandon and Charles
16 were very close. And there's people here, besides myself,
17 that know that today and are not acknowledging that fact
18 that they were very close. When this happened to Charles,
19 Brandon grieved. He was hurt. He was truly hurt. I know
20 this. I'm his father.

21 Brandon and I worked side by side for the last two
22 years. He's struggled to deal with this. And all he
23 wanted was his day in court to prove his innocence. He was
24 very confident, very confident that he would prevail.

25 I'd like to say that I'm very sorry for the loss that

1 the daughters have incurred. I wouldn't wish that on
2 anybody. I hope they accept that.

3 I don't know them. They didn't know me. They don't
4 know my family. It -- it just wasn't like that.

5 And, Your Honor, I ask that -- that you would consider
6 my words and the words of the others that will speak today
7 on truly who Brandon is. He's a good person. And I thank
8 you for your time.

9 THE COURT: Thank you, sir.

10 (Whereupon, a speaker came forward.)

11 MS. LINDSEY BARHAM: Hi. I'm Lindsey Barham. I'm
12 Brandon Barham's wife. Thank you for allowing me the
13 opportunity to talk today.

14 And not only did Brandon lose his uncle and his
15 friend, but I know Charles lost a lot more than that with
16 his two daughters. I can't even imagine what that's like
17 to lose their dad. My heart goes out to them, and I'm very
18 sorry for their loss.

19 I know that Brandon had no involvement or knowledge of
20 that, considering how much he loved and cared for Charles.
21 Charles was taken from his family. And now my husband is
22 being taken from mine.

23 My husband and me were actually supposed to get
24 married the July after he got arrested. We had plane
25 tickets. So we were together and planned to be married

1 long before this had ever come up, just so that the Court
2 knows.

3 My husband is a caring and loving and hard-working and
4 most amazing man I've ever met. He's my best friend and
5 soul mate. He helps anyone he can. He stops to help
6 homeless people and give them money. He goes through the
7 drive-through and gets an extra biscuit for them.

8 No matter how many hours he puts in at work, he comes
9 home and gets on the floor and he plays with his daughter.
10 And he rocks her to sleep. And he'll rock her for hours,
11 just so he can hold her a few more minutes.

12 He loves every minute that he can spend with her.
13 He's been the best stepfather that my son could ever ask
14 for. He works on school projects and studies for tests and
15 plays darts and builds Legos. And they love to watch Gold
16 Rush.

17 He leaves me notes to have a good day and how much he
18 loves me. I made a comment once that I would like a few
19 lights, and he lit up our house like the National Lampoon's
20 Family Vacation. At the end of the Undercover Boss TV
21 show, when a boss grants his workers gifts for their
22 dedication and hard work, he cries.

23 My husband cries to me on the phone almost every day,
24 asking why is he being punished for something he didn't do.
25 Sadly, good and innocent people get wrongly convicted. And

1 I'm sad that my husband is one of them.

2 Every day our kids ask, "When is Daddy coming home?"
3 They deserve the have a father for them growing up. I need
4 and love him more than I could ever put into words.

5 He is such a loving and wonderful man. I pray that
6 you take all of this into consideration, Your Honor, with
7 his sentencing.

8 THE COURT: Thank you, ma'am.

9 (Whereupon, a speaker came forward.)

10 MS. STENSON: My name is Kathy Stenson. I'm Lindsey's
11 mom.

12 Brandon is a warm, kind person. He makes my daughter
13 happy. He's a good husband. He's a good father. And to a
14 mom, that means everything.

15 Children tell it like it is. My 8-year-old grandson
16 came to me one day and said, "I'm not going to call
17 Brandon, Brandon anymore. I'm going to call him Stepdad."

18 And I said, "Okay."

19 Time passed. And he came to me one day and said, "I'm
20 not going to call him Stepdad anymore. I'm going to call
21 him Dad."

22 He said, "My real dad has a house, and I go visit my
23 real dad. But at Mom and Brandon's, he's my dad."

24 They do a lot of things together, and he admires him
25 so much. And to me this makes sense. Shortly after my

1 grandson told me this, I saw Brandon.

2 And I said, "I hear Coffer's going to call you Dad."

3 And I told him that I thought this was something that was
4 very special.

5 Brandon looked at me and smiled and said, "It is, and
6 he's a great kid."

7 I've watched him talking to his baby girl. And I know
8 my -- how much he loves her. He was so proud when one of
9 the first things she said was "Dada."

10 I know it probably doesn't mean anything to anybody in
11 this courtroom. But every time I see Brandon, whether I'm
12 out in public, at my house, there -- whatever -- when I get
13 ready to leave, I get a hug. My children love me, but I
14 don't get a hug every time. Brandon always gives me a hug.
15 And to me that means the world. And I know it means a lot
16 to him.

17 On a professional note, I also knew Brandon as a
18 person who did renovations and repair work. And I usually
19 have a list of two to three people that I recommend to my
20 clients. The people who used him always enjoyed having him
21 do the work, how great a job he did. He went out of his
22 way to not overcharge people. He was reliable. He was
23 dependable. He was trustworthy.

24 Once I had a client who Brandon built a garage for.
25 After closing, when he was about finished, the client said

1 to him, "I'm really going to have to figure out a way to
2 get you back over here. Because I have so many things
3 wrong with this house that the seller refused to do."

4 Brandon asked her what they were. Brandon got them
5 done. Brandon did not charge her. And he said to me, "It
6 was the right thing to do."

7 Your Honor, I hope you will consider everything that's
8 been said today. Thank you.

9 THE COURT: Thank you, ma'am.

10 (Off the record briefly.)

11 THE COURT: All right. Yes, sir.

12 THE DEFENDANT: Your Honor, I would first like to
13 express my condolences to Laurin and Kaitlin, Charles's
14 daughters. I cannot imagine losing my father at such a
15 young age. I also lost an uncle and a friend.

16 I did not have any involvement or knowledge in the
17 murder of Charles Kusko. I have been falsely accused and
18 now wrongfully convicted. I hope that an actual
19 investigation takes place at some point to bring those
20 involved to justice. This is not justice.

21 I ask Your Honor for the minimum sentence that you can
22 give, as my family and I continue to fight to prove my
23 innocence. Thank you.

24 MR. MYERS: Your Honor, the final document I'll hand
25 up is a letter from Brandon's brother, Cody Barham, who

1 couldn't be present. But, you know, Judge, I -- I -- I
2 know one of the things that the Court looks for in
3 sentencing is whether or not an individual is remorseful
4 and whether or not and individual is contrite.

5 And I opened up this presentation talking a little bit
6 about the jury and the imperfections that come along with
7 taking the chance at a jury trial. And the Court had been
8 in these shoes before; certainly understand how it is to
9 talk to a client about the facts of the investigation and
10 the uncertainties that come along with going forward to
11 trial.

12 All you can do is the best you can do. And I'm not
13 here, again, to criticize the jury trial. I think that
14 it's the best in the -- in the world, in light of what
15 other countries experience. But in this case, it's in my
16 heart of hearts that I do think that the jury got this one
17 wrong.

18 We have an individual -- and I don't want to -- I
19 don't want to concentrate on the codefendant because,
20 again, the codefendant has already done -- he's already
21 made his -- his grade. But you had a gentleman who came in
22 and just cold-bloodedly just said, "Hey, I'm the one who
23 did the killing. I'm the one who put the pillow over
24 Charles Kusko's head and squeezed the rounds."

25 And we know what happened in 2007. We objected to

1 that evidence coming in. But we also know what he did in
2 2007 and the things that he had been involved in.

3 The codefendant is an individual who did that in 2007
4 and then but for an incident that occurred in an armed
5 robbery, the light -- the facts would not have even come
6 out on what he did. But when you look at Brandon's
7 criminal record, there's nothing in his criminal record
8 that speaks of violence. Sure, you got a breach of trust,
9 but that comes along with him renting something from a U-
10 Haul that he just didn't turn in, in time, but he made it
11 right when he was arrested. Made it right immediately.

12 But all of the other things -- the public disorderly
13 conduct, the DUI -- certainly doesn't speak to the violence
14 that would say that, hey, he's a murderer or he's a robber
15 or he's a burglar.

16 Judge, I think we have some technical difficulties, as
17 I wanted to -- well, Judge, I would like the Court to
18 actually take a look at what Lindsey has put together.

19 (Off the record briefly.)

20 MR. MYERS: Judge, as Lindsey testified to earlier,
21 she and Brandon had made the decision to marry long before
22 these charges ever came about. Here is Brandon holding his
23 child, his only child, who was born on July 31st, 2018. As
24 can see, the -- when you look at his face, Judge, when you
25 look at the way that he's looking at his daughter's eyes

1 and her face, certainly doesn't speak to be an individual
2 that would murder someone or do something in cold blood.

3 When you see this man holding his daughter who is able
4 to open her eyes for the very first time, again, it's not
5 an individual that does not look or depict himself to be
6 someone who can go into a home or even plan to go into the
7 home. Judge, all of these photographs are just photographs
8 of Brandon with his child, Brandon with his family, and
9 other things as I scroll down.

10 But one of the things that I wanted to highlight to
11 the Court is that -- why it was important for Brandon to
12 actually testify. We made the decision; we talked about
13 it. We knew where we were going with the case. He made
14 the decision to testify in light of what Floyd Owens had
15 testified to.

16 But if you recall, Judge, there was a -- a voice mail
17 that was left on Brandon's phone from Charles Kusko that
18 basically just said: "Give me a call."

19 It was a joyous phone call. It was a happy phone
20 call. It wasn't one in which you would think that there
21 was a reason that Brandon had to go over and commit some
22 type of murder.

23 It wasn't one in -- that you would even say that, hey,
24 they had some tension between or among each other. It was
25 actually a very pleasant message that indicated that he had

1 a good relationship.

2 Big Eddie talked about the relationship that Brandon
3 had with Charles when he was a young child, the things that
4 he and Charles did because Charles was an outcast to his
5 own family. So this man lost an uncle at the hands of
6 Floyd Owens. He didn't plan. He didn't coordinate. He
7 didn't do anything.

8 But again, I understand that the jury has spoken. And
9 that's what we've got to deal with right now. But for
10 purposes of sentencing, Judge, I would ask that you
11 recognize that this man has a loving family as well. He
12 had a loving relationship. And he's going to miss out on
13 being able to walk his daughter down the aisle. He's going
14 to miss out on her first steps, on her first opportunity to
15 say a few words or even call him Daddy.

16 I understand the victims got a different portrayal of
17 this. But this is our portrayal. And we ask that a a
18 minimum sentence here will reflect any and everything under
19 the statute.

20 We throw ourselves on the mercy of the Court, and we
21 ask that the Court consider that. Even when you look at
22 the facts of this case, you've got the individual who
23 walked into this man's house; put a pillow over his head;
24 squeezed off two rounds. That's individual that needs to
25 go to jail for the rest of his life and not Brandon Barham.

1 Thank you, Your Honor. And if I may?

2 (Off the record briefly.)

3 THE COURT: All right. Yes, sir. Anything else from
4 the state?

5 MR. EATON: May I ---

6 MR. SIMONSON: Yes. I ---

7 MR. EATON: --- Your Honor, very briefly respond ---

8 MR. SIMONSON: May I ---

9 MR. EATON: --- to a couple things?

10 THE COURT: Hold on one second.

11 MR. EATON: Yes, ma'am.

12 THE COURT: He wants ---

13 MR. MYERS: Yes, ma'am. We do have one gentleman who
14 has -- come up to the microphone, sir.

15 MR. SIMONSON: All right. Thank you very much, Judge
16 and everybody here. This is very difficult situation.
17 I've known Brandon for about 15 years.

18 THE COURT: Let me get your ---

19 MR. MYERS: State your ---

20 THE COURT: --- name for ---

21 MR. MYERS: --- name, sir.

22 THE COURT: --- the record.

23 MR. SIMONSON: Oh. My name is George Simonson.

24 THE COURT: Okay.

25 MR. SIMONSON: And I ---

1 THE COURT: Yes, sir.

2 MR. SIMONSON: --- live in Blythewood, South Carolina,
3 from Long Island. I just wanted to give you my background
4 because I have opinion I'd like to make at the end of it.

5 I've had a very, very nice background. I've been --
6 started out very young age being president of 4-H Club in
7 East Hampton, Long Island, New York. I did Red Cross work,
8 March of Dimes work, and all kinds of volunteer service.

9 In my later years I got commendations and
10 proclamations from President Bush -- Bush, Governor Eliot
11 Spencer -- Spitzer, rather -- excuse me -- Suffolk County,
12 Southampton, East Hampton town supervisors, Sag Harbor
13 person of the year in 2007; Suffolk County district
14 volunteer of the year twice; Sag Harbor Village board
15 member; Sag Harbor ZVA assistant chairman; volunteer
16 fireman, 35 years; retired captain.

17 I have been president of the Benevolent Association
18 for the fire department. It's in New York. It was 14 of
19 them. And also have worked 45 major golf tournaments.
20 I've done everything from the Olympics to the Masters and
21 whatever.

22 And I just want to say that my credentials are pretty
23 good. I've also volunteered coaching. I've coached
24 basketball for 43 years in New York and -- mostly there.
25 And I was two years the assistant golf coach at Heathwood

1 Hall. I'm nationally certified as a basketball coach and
2 as a golf coach for high school sports.

3 It's that that has led me to wear this tie today.
4 This tie is to Save the Children. It's a tie that was
5 given to me by a team on Long Island because I volunteered.
6 And at the end of two years, my stint there, they gave me
7 this tie as payment for coaching those kids. I may have
8 things in my closet that are worth more money, but not
9 worth more than this to me.

10 I met Brandon about 15 years ago. Let me say this to
11 you: I've had every job and been around everything. And
12 the kid is extremely talented. I've talked to him about
13 different things in life. I have talked to him about, you
14 know, his marriage and his baby.

15 And I want to tell you: He's been very, very
16 enthusiastic. He's a very good, professional person. I'm
17 really sorry for what's happened here amongst this family.
18 I'm very sorry.

19 But I can tell you one thing: In all the years I've
20 had to coach basketball in New York, when I moved up from
21 the Biddy league to the varsity levels, I had to take
22 child-psychology courses. And I had to take six of them.
23 And I can tell you right now, after knowing Brandon as well
24 as I do and after taking those courses and coaching
25 literally thousands and thousands of kids who have been

1 successful, I can tell you it's not in his DNA to commit a
2 murder.

3 And that's my own personal opinion. I don't know what
4 it's worth. But I think the world of the kid. I'm very --
5 a -- a young man, I should say. I'm very sorry for what
6 has happened here. But I really do know this kid -- this --
7 - I call my kids "kids," whether they coached me or not,
8 but -- or played for me or not.

9 But the thing is that he's a wonderful person. And
10 I'd ask you to consider that when you do that.

11 Locally here, I've served on the School of Music at
12 the University of South Carolina. And I've worked at Rice
13 Music House and -- just part-time with filling in to just
14 help out. And I don't think you get to the places I've
15 been to or around the people I've been around without being
16 a decent character and being able to tell the difference
17 between good and bad.

18 I thank you for your time. I wish Brandon the best of
19 luck. I -- I don't know what to say to the other side of
20 the family, except I hope that you somehow or another can
21 get past this, as other people have, and just move on.

22 Thank you very much, Judge.

23 THE COURT: All right. Thank you, sir.

24 MR. MYERS: That concludes our presentation, Your
25 Honor.

1 THE COURT: All right. Thank you.

2 (Whereupon, a speaker witness came forward.)

3 THE COURT: Yes?

4 MR. MYERS: Did anybody else -- state your name, sir.

5 MR. WADEN: My name is Samuel Waden. I'm the minister
6 that married Brandon and Lindsey. I've been knowing him
7 ever since, I could say, before conception. I been knowing
8 him all his life. And he's never been that kind of person
9 to -- to me to commit murder.

10 I hate this kind of stuff came between the family.
11 Because I knew both sides of the family. I kept them to be
12 very good people. He and Charlie were pretty close.

13 So Judge, you know, if you can find in your heart to
14 give him a light sentence, I -- I would highly appreciate
15 it. Thank you.

16 THE COURT: Thank you, sir.

17 MR. MYERS: Thank you, Your Honor.

18 THE COURT: All right. Anything else?

19 MR. MYERS: May I just very briefly, Your Honor?

20 THE COURT: Yes, sir.

21 MR. EATON: I mean, apparently, Mr. Barham has
22 convinced some people that he's innocent. And frankly, I
23 feel kind of bad for some of them. But the jury spoke.

24 And so Mr. Barham stands here a convicted murderer,
25 because the system worked the way it was supposed to.

1 Because in the walls of this courtroom, the truth was
2 revealed. And so, Your Honor, he is -- he's guilty of
3 murder, not just in the eyes of the jury, but in the eyes
4 of the Court.

5 As Your Honor instructed the jury before they
6 deliberated, coincidentally, the instructions for the "hand
7 of one" in the bench book says the example of what we have
8 in this case, which is that it does not matter when two
9 people combine to do a crime, that it does not matter which
10 one pulls the trigger. And that's -- and the jury heard
11 that, just like they heard the facts and -- and just like
12 they saw the truth.

13 So Brandon Barham is guilty of murdering his uncle,
14 Your Honor.

15 THE COURT: All right. All right. On Indictment No.
16 2017-GS-40-7162 and -7158, that is -- I'm sorry -- -7158 is
17 the indictment for murder; the -7162 is a burglary first-
18 degree. Both of those carry up to life in prison. On
19 those indictments, sir, you'll be sentenced to state
20 department of corrections for 40 years.

21 On Indictments 2017-GS-40-7165 and -7166, those
22 maximums are 5 years. All sentences will run concurrent.
23 And your attorney will explain to you the amount of time on
24 the -- on the sentences. And I have -- I'm not sure how
25 much time you served thus far.

1 Because he was out, right?

2 MR. MYERS: He was out, Your Honor. I think the
3 calculation was 110 -- what -- approximately 110.

4 MR. EATON: June 13, 2017.

5 MR. MYERS: Right.

6 THE COURT: All right. All right. Thank you for all
7 who have spoken today. Once again, I believe I said this
8 at the murder -- at the trial that I am sorry for your loss
9 to the daughters who have spoken here and all who are here
10 today. Thank you.

11 MR. EATON: Thank you, Your Honor.

12 MR. MYERS: Okay. Thank you, Your Honor. asserted
13 something at the trial that I'm sorry for your loss to the
14 daughters who spoken and all are here today. Thank you.

15 MR. EATON: Thank you, Your Honor.

16 MR. MYERS: Thank you, Your Honor.

17 (Whereupon, the proceeding concluded at 10:52 a.m.)

18 **--- END OF TRANSCRIPT OF RECORD ---**

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STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
State of South Carolina,)
)
vs.)
)
Charles Brandon Barham,)
)
Defendant.)

IN THE COURT OF GENERAL SESSIONS

Indictment No. 2017GS4007162, 158, 165, 201744021601417, 1416

MOTION FOR RECONSIDERATION 1418, 1419

2019 NOV 19 AM 11:54
FILED
RICHLAND COUNTY

TO: THE HONORABLE DEANDREA BENJAMIN, GENERAL SESSIONS JUDGE FOR THE FIFTH JUDICIAL CIRCUIT, AND VANCE EATON, ESQUIRE, RICHLAND COUNTY SOLICITOR'S OFFICE

YOU WILL PLEASE TAKE NOTICE that the above-named Defendant, by and through his undersigned counsel, will move before this Honorable Court respectfully requesting it to reconsider the sentence imposed on Monday, November 18, 2019.

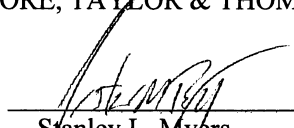
The Defendant was charged with murder, criminal conspiracy, possession of a weapon during a violent crime, and burglary. The Defendant was tried and found guilty of all counts on August 30, 2019. After considering the facts and arguments made on behalf of the Defendant, this Honorable Court imposed a sentence of forty (40) years and given credit for 120 days, time served.

Based on the length of the sentence and the mitigating facts presented by the Defendant, the Defendant hereby respectfully requests this Court consider a lesser sentence. This motion shall be based upon the statutory and decisional law of the State of South Carolina

A memorandum in support of this request will be forthcoming.

Respectfully submitted,

MOORE, TAYLOR & THOMAS, P.A.

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Attorneys for Defendant

West Columbia, South Carolina
November 18, 2019

STATE OF SOUTH CAROLINA)
vs.)
)
Charles Brandon Barham)
Defendant.)

This matter came before the Court on written motion by and through Counsel for the above-referenced Defendant. The Defendant was charged with murder, criminal conspiracy, possession of a weapon during a violent crime, and burglary. The Defendant was tried and found guilty on all counts on August 30, 2019. This Court imposed a sentence of forty (40) years and credit for 120 days, time served.

The Defendant now moves before this Court requesting reconsideration of the imposed sentence. After review, this Court has determined the Motion to Reconsider the sentence imposed on the Defendant is denied.

IT IS SO ORDERED.

The Honorable DeAndrea G. Benjamin,
Presiding Judge
Fifth Circuit Court

Columbia, SC
May 26, 2020

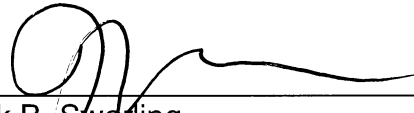
Nov 15 2021

CERTIFICATE OF COUNSEL

SC Court of Appeals

Pursuant to Rule 210(g) of the South Carolina Appellate Court Rules, counsel for appellant certifies that this record on appeal contains all material proposed to be included by any of the parties and not any other material.

Counsel further certifies that this record on appeal complies with the Order of the Supreme Court of South Carolina entitled *Re: Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings*, 407 S.C. 607, 757 S.E.2d 421 (April 15, 2014).



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