

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Sumter County

George C. James, Circuit Court Judge

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S.C. SUPREME COURT

NATHANIEL BRADLEY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-001121

APPENDIX

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
APPLICANT’S EXHIBIT #7 (MAP); APPLICANT’S EXHIBITS #8-23
(PHOTOGRAPHS)**

Ernest Finney-Cross by Kirkland

1 hearsay information, because he had received the
2 information from an entity, it was printout that he
3 doesn't keep his normal business records or
4 anything. You do agree that all of that was
5 hearsay. Do you agree with that?

6 A. No, sir. I believe that it was admissible
7 as a business record, and that he was able to review
8 the business records and testify as to time and
9 location of cell phone calls from Mr. Bradley's
10 phone.

11 Q. So his conversations, and you remember,
12 much of the time he said, a lot of this is based on
13 conversations I had over the phone with Mr. --
14 whoever It was at the cell phone company. Do you
15 believe that was hearsay when he testified to that?

16 A. Well it could have been.

17 Q. Let me ask you, nah, I'm not going to do
18 that, because that's just not appropriate. So you
19 don't think that the cell phone records, even though
20 they're not his business records and he does not
21 keep them in the normal course of the business, you
22 do not believe that those are hearsay.

23 THE COURT: Is that what the ground is,
24 Mr. Kirkland?

25 MR. KIRKLAND: It leads to the ground. I

Ernest Finney-Cross by Kirkland

1 promise it really does.

2 A. Mr. Kirkland, I would have to say that
3 once I reviewed the records and found they were
4 helpful to the defense, it wasn't my problem whether
5 they were hearsay or not, my problem was, how could
6 I get them, that information before the jury.

7 Q. Right.

8 A. She called the investigator and
9 questioned him about going to see the car. I don't
10 know that Ms. Fant, the prosecutor, I don't
11 remember, I didn't read it last night, whether she
12 asked him any questions about the cell phone.

13 Q. I don't believe that she did.

14 A. Okay.

15 Q. The transcript will speak for itself.

16 A. So I was the one who got Mr. McMillan on
17 the cell phone track and got him to testify clearly
18 that the cell phone records supported Mr. Bradley's
19 claim.

20 Q. You did. Now the two questions I have I
21 get to the issue itself is, you do not agree
22 apparently that those records and the conversations
23 with Verizon or whoever the cell phone company was,
24 you don't believe any of that was hearsay. Despite
25 they made an objection.

Ernest Finney-Cross by Kirkland

1 THE COURT: Let me for the interest of
2 moving along, is this a test?

3 MR. KIRKLAND: No, it's not.

4 THE COURT: What you're asking him, you're
5 quizzing him. Are you asking -- are you trying to
6 get at his basic knowledge of the hearsay rule? Or
7 are you trying to get at this case?

8 MR. KIRKLAND: This case. I'm talking
9 about these phone records.

10 THE COURT: Can you explain to me and
11 since I am the fact finder, what difference that
12 makes. The question is to me not whether or not he
13 thinks they were or were not hearsay, or if they
14 were hearsay that there is an exception. My
15 question to you is, if Mr. Finney wanted to get the
16 evidence in and it came in even if it was
17 inadmissible hearsay, if he got in what he wanted to
18 get in, and these towers were all over creation in
19 the northern part of Sumter County and the body was
20 found in Boyles pond, which I know for a fact that
21 those points are far, far away.

22 If he wanted to get that in, why wouldn't
23 your question be better to the prosecutor if they
24 were hearsay. Why would she want them to come in.
25 Mr. Finney wanted them in. So why do you care that

Ernest Finney-Cross by Kirkland

1 they were or weren't hearsay?

2 MR. KIRKLAND: I'm trying to establish a
3 pattern of behavior by Mr. Finney and the way that
4 he approached the case; that I think these mistakes
5 led to a conviction in a case that he has admitted
6 numerous times was an extremely weak case.

7 THE COURT: Well, no. He's not considered
8 wall to wall circumstantial. You're using the word
9 weak. We can all, that's a relative term, that's
10 not a legal term.

11 Q. Do you think that they had a strong case
12 or a weak case against your client?

13 A. I believe that they had a weak case. But
14 I believe that they had some circumstances that we
15 were unable to prevail against. Especially when
16 they brought in a man who testified independently.
17 He wasn't a police agent, a citizen that saw the car
18 there. And they had Ms. McDuffy who testified about
19 items taken from her house, and the relationship she
20 had with Mr. Bradley. And Sunday morning when
21 Mr. Bradley was supposedly waiting for Ms. McDuffy
22 to come from church, and he was like a half a block
23 from her house, he was also about a mile or so away
24 from the cemetery where the car had been found
25 burned.

Ernest Finney-Cross by Kirkland

1 So we did have some problems with the
2 case. It was not slam dunk case for us.

3 Q. Go ahead. I thought you were done, I'm
4 sorry. Go ahead.

5 A. So we did have problems with the case.
6 Not to mention the fact that Mr. Bradley and I
7 discussed the fact about his testifying. He chose
8 not to testify.

9 Q. Well we've already talked about the fact
10 that Investigator McMillan admitted he wasn't an
11 expert. Admitted that he did know exact addresses,
12 or exact locations of cell towers. He didn't
13 understand how cell towers worked. He admitted all
14 those things when he was on the stand, correct?

15 A. I don't know that for a fact. I would
16 agree that he was not an expert in cell phone
17 communications.

18 Q. Now if you were able to have called a cell
19 phone expert who actually has a data base and uses
20 that information as part of forming an expert
21 opinion, then it's clearly not hearsay. So there
22 would be no danger to that, correct?

23 A. Correct.

24 Q. And you wouldn't have had to try to force
25 this information out of him over 6 or 8 or 10 pages

Ernest Finney-Cross by Kirkland

1 of the transcript, with him saying all along, I'm
2 not an expert, I don't really know. Is that true?
3 I mean do you believe that that is true?

4 A. I believe that an expert could have been
5 helpful, but that the bottom line information given
6 to the jury would have been the same.

7 Q. Okay.

8 A. Mr. Bradley's phone records showed he was
9 in a place Sunday morning, which I think the
10 critical time here, that conflicted what the State
11 witness Koenig said.

12 Q. Fair enough. Now let's talk about the
13 car fire. You had testimony -- well let me back up.
14 It was -- it seemed to be your belief when I was
15 reading the transcript, it seemed to be your belief
16 that the car could not have possibly been burned
17 between 9:30 and one or two o'clock whenever it was
18 burned. They discussed---

19 A. Sunday morning?

20 Q. Correct.

21 A. Sunday morning.

22 Q. Yeah, Sunday morning.

23 A. Okay.

24 Q. Because Sunday morning at 9:30 to 10
25 o'clock that's when Mr. Koenig says he saw the car

Ernest Finney-Cross by Kirkland

1 driving around, correct?

2 A. Correct.

3 Q. So your belief was, and I'm reading a
4 little bit between the lines based on your question
5 was that, if the car been burned during that period
6 of time, it would have produced a tremendous amount
7 of smoke, and it was during the day, and it was on a
8 busy road, the church you mentioned, and when that
9 when the officers got there at 3:30 or so, I can't
10 remember.

11 A. 2:30 is what they said.

12 Q. Two-thirty or even earlier. That there
13 would be no way that car would have completely
14 cooled off, and even maybe not been smoldering still
15 a little bit. That was your theory, correct?

16 A. Correct.

17 Q. However you numerous times throughout the
18 trial attempted to talk the officers that were on
19 the scene, and you tried to get them to talk about
20 the car fires and how hot they get, and how long
21 they last, and things like that. And every time
22 there was an objection because they weren't experts,
23 correct?

24 A. If you say so, sir, I don't know remember
25 whether or not.

Ernest Finney-Cross by Kirkland

1 Q. That's fine. I mean, you know, going to
2 transcript every time really just---

3 A. Okay.

4 Q. ---really isn't the point. It's either in
5 there or it's not. It may be my recollection that's
6 poor. Do you remember that no one was able to
7 testify as to the cause of the fire, because they
8 didn't have any fire marshals or anything there that
9 were experts. So nobody could say how it was set.
10 Do you remember that?

11 A. I don't believe the cause of the fire was
12 put in the record. Although I thought that there
13 was a sled agent who was called by the State to
14 testify about the fire. I may be wrong about that,
15 but I thought there was somebody from sled called.

16 Q. Well they can get that on redirect. I am
17 sure they'll get it redirect. Nobody was able to
18 testify about how hot a car gets when it burns.

19 A. I don't remember that.

20 Q. Right. Or you don't them testifying about
21 that?

22 A. I don't remember that there was testimony
23 about the heat from a car fire.

24 Q. Because when you were asking those
25 questions they objected because these witnesses

Ernest Finney-Cross by Kirkland

1 weren't experts, right?

2 A. I don't think it mattered to me how hot
3 the car got. The fact of the matter was, the car
4 was burned. It was found in a field in the northern
5 part of the county on Sunday. And it was also seen
6 by Mr. Koenig on the southern part of the county on
7 Sunday morning.

8 Q. I am wondering how that would not be
9 important to you, because all of those questions
10 that limited the fire, how much smoke it produced,
11 how long the car would have stayed hot, would have
12 scientifically if an expert had been called,
13 discredited, in fact, destroyed in my opinion,
14 Mr. Koenig's testimony. Do you agree with that? If
15 physical science says it could not be in that
16 condition, then Mr. Koenig could not have been
17 telling the truth, correct?

18 A. That's correct.

19 Q. I'll move on to belt discharge. I'm not
20 going to make much of this is at all. I understand
21 how difficult the situation you are here on. But
22 the judge suggested three ways to address the
23 situation. Say nothing. That was one of the
24 suggestions. We'll just move on in the trial and
25 pretend it didn't happen. Declare a mistrial, or a

Ernest Finney-Cross by Kirkland

1 curative instruction, correct?

2 A. Those are the three options we were
3 working with, yes, sir.

4 Q. Right. Now you chose to go with the
5 curative instruction. And you said earlier, because
6 you liked the jury and your chances of how you were
7 doing, correct?

8 A. Yes, sir.

9 Q. Now let me ask you something just as a
10 general, just as an attorney.

11 A. All right.

12 Q. We've done criminal -- you and I have done
13 criminal defense our whole lives. Isn't it
14 generally recognized by criminal defense attorneys,
15 and do you yourself generally recognize as a
16 criminal defense attorney, that you do not want to
17 portray your client in any way, shape or form, as
18 being a convict, a prisoner or a criminal. You
19 would agree with that.

20 A. I agree with that.

21 Q. And it's one of the reasons that silly as
22 it seems, that when they do the perk locks that we
23 watch on TV, and some businessman throws a coat over
24 his handcuffs, because he doesn't want be found with
25 handcuffs on.

Ernest Finney-Cross by Kirkland

1 A. Right.

2 Q. So we don't our client being seen in jail
3 clothes, in chains. We don't want him to be seen in
4 anything like that because it portrays him as a
5 criminal, right?

6 A. Right.

7 Q. Additionally, chaining somebody, this is
8 another opinion some people have and I want to ask
9 if you share this. A lot of attorneys believe, and
10 I believe it myself, see if you believe it; that
11 seeing someone locked up with chains, things like
12 that, they're dehumanizing. That's how you treat
13 animals. Chained up animals. Do you agree that
14 that has a psychological affect on jurors when they
15 see somebody in chains, they're dangerous.

16 A. I could agree that that perception might
17 be shared by the members of the jury.

18 Q. Okay. So then would you also agree that
19 the fact that a person who is presumed to be
20 innocent, has to wear the equivalent of dog shock
21 collar to make sure clearly the implication is, that
22 they don't get up and harm somebody, is a negative
23 impression for a jury. You would agree that that is
24 not a positive impression is.

25 A. It could be perceived---

Ernest Finney-Cross by Kirkland

1 Q. Correct.

2 A. ---as a negative impression.

3 Q. Before the trial began, were you aware
4 that he was wearing a shock belt?

5 A. Yes, sir.

6 Q. Did you ever make any motions or put
7 anything on the record concerning that belt, and
8 asking why it was necessary, and could it be removed
9 during the trial?

10 A. No, sir. Standard procedure in General
11 Sessions Court for security purposes was that a
12 defendant would either be chained, or he would wear
13 the shock belt. And my client was dressed in street
14 clothes. A shock belt was under his shirt, and not
15 seen by the jury. And it was something that we had
16 done many, many times and never had a problem with
17 it.

18 Q. Right. It's just as you said. It's under
19 the shirt. Juries don't know about it. It doesn't
20 seem to be that big of a deal, but it became a big
21 deal in this case, did it not?

22 A. I don't think it became a big deal. It
23 was certainly in my opinion, an accident.

24 Q. Well I'm not challenging that. It very
25 well maybe an accident.

Ernest Finney-Cross by Kirkland

1 A. In 10 minutes, we had taken a recess,
2 discussed the matter on the record, and decided on
3 a, what we thought was an appropriate remedy, and we
4 went forward with the trial.

5 Q. So you don't that after the curative
6 instruction, you don't think that the jury held any
7 negative inferences that Nathaniel Bradley was a
8 dangerous person that had to actually be treated
9 like a dog with a shock collar.

10 A. No, sir.

11 THE COURT: Mr. Kirkland, is it your --
12 when you ask the questions let's stay away from the
13 statements about your beliefs.

14 MR. KIRKLAND: Yes, sir.

15 THE COURT: Because that's unless you
16 quote some case law saying the shock belts are
17 illegal and should never be used, your questions are
18 appropriate. But your comments about being treated
19 like a dog, are not.

20 MR. KIRKLAND: I respect your -- that
21 opinion, Your Honor. I would take exception with it
22 for the record.

23 THE COURT: All right.

24 MR. KIRKLAND: Because I do believe that I
25 can ask about actions taken by an attorney that may

Ernest Finney-Cross by Kirkland

1 reflect poorly on a jury. Or may cause the jury to
2 see their client, my client, in a different light.
3 But in your ruling---

4 THE COURT: All right.

5 MR. KIRKLAND: ---I made my exception, and
6 we'll move on.

7 Q. Issue 9. Let me talk to you about --
8 we're getting very close to the end here. Issue 9,
9 Paul Bradley. This is the one we talked about
10 earlier. I'm just going to remind you, Paul Bradley
11 was the one that was brother I believe of Nathaniel
12 Bradley. He's now deceased. And he was called to
13 help establish a timeline. And he stated that
14 Nathaniel told him about the murder prior to the
15 murder being discovered. Do you remember?

16 A. I remember the testimony.

17 Q. Just getting us on the same page first.
18 Did you speak with -- did you personally speak with
19 Paul Bradley before he testified?

20 A. I believe I did.

21 Q. Did he tell you that at one block, that's
22 when Nathaniel Bradley?

23 A. I don't believe that's the case. I
24 believe he talked to me about having a conversation
25 with his brother, and finding out from his brother

Ernest Finney-Cross by Kirkland

1 Nathaniel, that Mr. James had been killed.

2 Q. And you didn't ask him when that all
3 occurred?

4 A. In general terms we were talking about
5 Monday. The body was discovered Monday, the middle
6 of the day Monday. So the news went out in the
7 community, and that's when my client told me he
8 found out about it.

9 Q. Right.

10 A. Or somehow or another he found about it.

11 Q. So you were establishing a timeline that
12 was concerning in part a telephone call, but you
13 didn't ask him when the telephone call was.

14 A. I mean I don't have a clear recollection
15 of establishing a time.

16 Q. But that's why he was called, to help us
17 out with the time.

18 A. No, he was called also because of the
19 timeline where he was involved in helping my client
20 get the young lady to the prom, by giving my client
21 some money so they could buy a camera for the young
22 lady to take to the prom. And so he was important
23 to show the kind of things that Mr. Bradley was
24 involved with. I believe Mr. Bradley testified it
25 was on Saturday that the prom took place. I

Ernest Finney-Cross by Kirkland

1 didn't---

2 Q. I think that's right.

3 A. That's what he said today. I thought it
4 might have been Friday. But Anyway, I wanted to
5 show the jury that this family and this man, my
6 client, were involved in other things besides
7 revenge against Mr. James.

8 Q. Now on that day, on the day that you were
9 trying to establish the timeline, there were
10 several witnesses that you called. One of them was,
11 I think her name was Tina Leone, because he was
12 painting her house?

13 A. That's probably the last witness in the
14 timeline, because that would have been Monday
15 morning the day that the body was found.

16 Q. Right. And you also called and Monday was
17 the day you were talking about the brother,
18 Mr. Bradley's brother.

19 A. That's when Mr. Bradley found out that
20 Ernest James was---

21 Q. Right.

22 A. ---dead.

23 Q. Right.

24 A. And that's when Mr. Bradley told his
25 brother---

Ernest Finney-Cross by Kirkland

1 Q. Right.

2 A. ---that he had just found out that
3 Mr. James was dead.

4 Q. Well let's go back then kind of a step
5 before that. Concerning the prom, you said that the
6 only thing that Mr. Bradley's brother had to do with
7 it, is that Mr. Bradley went over there and asked
8 for some money to get the---

9 A. Camera.

10 Q. ---whatever it was. The camera.

11 A. Yes.

12 Q. Correct. Now you already had two
13 witnesses. You had the mother and you had the
14 daughter, that knew where Mr. Bradley was, correct?

15 A. You mean my client, yes. Where my client
16 was. Yeah, that's right.

17 Q. Nathaniel.

18 A. Yes.

19 Q. I'm going to call the other one
20 Mr. Bradley and then Nathaniel.

21 A. All right.

22 Q. So you had two witnesses, the mother and
23 the daughter going to the prom. That already can
24 establish where he was during these periods of time,
25 correct?

Ernest Finney-Cross by Kirkland

1 A. Correct.

2 Q. And the daughter was actually in the car
3 when he went over to get the money.

4 A. Yes.

5 Q. So Mr. Bradley, not Nathaniel, was just a
6 corroborating witness to two witnesses you already
7 had.

8 A. Correct.

9 Q. So it was not 100 percent necessary to
10 call him as a witness, is that correct?

11 A. Well as I said, his character being the
12 leader of the family, and being somebody who I think
13 people on the jury might have recognized as being a
14 good person, and the brother of the defendant, I
15 think that was important for me as well. I mean
16 it's not too many times that I as a lawyer have a
17 chance to call 8 or 9 live witnesses---

18 Q. Right.

19 A. ---in a murder case. And to show all of
20 the good things, innocent things, two of my
21 witnesses were police officers.

22 Q. But this---

23 A. They were corroborating each other also.

24 Q. And we're going to talk about that.

25 A. But the fact is, they were good witnesses,

Ernest Finney-Cross by Kirkland

1 and I wanted the jury to know that they were dealing
2 with Nathaniel on a regular basis in the painting
3 business.

4 Q. But this outstanding pillar of the
5 community, virtually destroyed your case when he
6 told the jury that Nathaniel had told him about the
7 murder, prior to anyone knowing about the murder,
8 correct?

9 A. I don't agree with that. I think it was
10 his estimation of the time. I mean obviously we
11 have a situation where Mr. Bradley, the brother, I
12 think his name was Paul, is that right?

13 Q. I think it is Paul.

14 A. Mr. Paul Bradley was testifying in 2008,
15 to events that had transpired I believe in 2005.

16 Q. Right. That sounds right.

17 A. And Mr. Bradley, Paul, as far as I know,
18 had never given a statement to law enforcement to
19 lock in the details.

20 Q. Right.

21 A. So in my investigations, and in
22 preparation of the case for Nathaniel, he told me
23 that he had seen his brother getting ready for the
24 prom.

25 Q. Saturday night.

Ernest Finney-Cross by Kirkland

1 A. And he had talked to his brother after he
2 learned the death of Mr. James.

3 Q. Monday.

4 A. Monday. And so it was important for us to
5 put those pieces before the jury.

6 Q. Now if you had talked to him extensively,
7 and he had told you that he remembered that his
8 brother told him about the murder prior to the
9 police discovering the murder, would you still have
10 called him as a witness?

11 A. No, I would not have.

12 Q. Now moving on to the deputies, if I
13 remember, and you're going to have to remind me,
14 because I don't want to get it mixed up. The only
15 thing that Paul Bradley talked about on Monday was
16 the phone call, correct? Is that what your
17 recollection is?

18 A. The only thing Paul Bradley talked about
19 on Monday?

20 Q. Yeah. Yes, sir.

21 A. Was the phone call, as far as I know.

22 Q. That actually helps, because I'd like to
23 cut down on a bunch of questions that I was going to
24 ask. I actually better ask a couple of them in case
25 you or I have a misunderstanding of the transcript.

Ernest Finney-Cross by Kirkland

1 I just want to make sure that we understand couple
2 of things. On Monday, you had three witnesses, I
3 mean, Paul Bradley, kind of jumped in there at one
4 point. But you had three witnesses that were pretty
5 good witnesses, correct?

6 A. I think so.

7 Q. I thought they were too. You called this
8 woman, Tina Leon that was getting a house painted.
9 The woman that her house painted.

10 A. Right.

11 Q. And she was getting her house painted from
12 10 to 4 on Monday. You remember that? The woman
13 that got her house painted?

14 A. That's correct.

15 THE COURT: House painted by the
16 defendant.

17 Q. By the defendant. And so she said that
18 the defendant was at her house from 10 to 4, and
19 that she payed him at the end of that. And he had a
20 helper with him.

21 A. That's correct.

22 Q. He also called the help, and she didn't
23 know him at all.

24 A. Right.

25 Q. In fact she was introduced to him through

Ernest Finney-Cross by Kirkland

1 a sheriff's deputy, correct? It was Mr. Rick
2 Nelson.

3 A. Rick Nelson was the deputy.

4 Q. Yeah.

5 A. I don't think, my recollection is,
6 Mr. Nathaniel Bradley told me how to find the young
7 man who was assisting him, and that's how we got him
8 in to court.

9 Q. Oh, yeah, okay. I got it. I see what you
10 misunderstood. So you called the woman that had the
11 house painted.

12 A. Correct.

13 Q. And said -- she said 10 to 4.

14 THE COURT: What was her name?

15 MR. KIRKLAND: What was her name?

16 A. Leon. L-E-O-N.

17 Q. Yeah, Ms. Leon. L-E-O-N. I thought I had
18 it. It's Tina Leon, I think. That does appear to be
19 correct.

20 THE COURT: She testified that---

21 MR. KIRKLAND: On Monday.

22 THE COURT: ---the defendant was painting
23 her house 10 to 4.

24 MR. KIRKLAND: On Monday, correct.

25 Q. Now you also called his helper. I don't

Ernest Finney-Cross by Kirkland

1 remember his helper's name, but it was right after
2 it in the transcript.

3 A. Terrell Johnson is---

4 Q. Terrell Johnson.

5 A. ---written in the transcript. Johnston,
6 J-O-H-N-S-T-O-N.

7 Q. And he recalled there being there from 10
8 to 4 or so. And then they went I think later and
9 got a beer or two or something that like. In
10 addition, is that correct?

11 A. That's correct.

12 Q. In addition to that, you called Robert
13 Jones and Rick Nelson, if you look at your table of
14 contents right in there.

15 A. They were called before Ms. Leon.

16 Q. Right. And they were talking, those were
17 two sheriff's deputies. One of them was having a
18 house built, and the other one was -- had a side
19 business of building houses.

20 A. That's correct.

21 Q. And they worked with Mr. Bradley.

22 A. Correct.

23 Q. And they said on that day they remember
24 from 3 to 5, or 3 to 6 that they saw him. Do you
25 remember that?

Ernest Finney-Cross by Kirkland

1 A. I don't time remember the times, but I
2 remember their testimony. Now I cannot confirm to
3 you today that that was Monday. It could have been
4 Sunday.

5 Q. I agree. And I don't want to get --
6 that's the only reason I'm asking these questions,
7 is because I'm looking back at the Bradley stuff,
8 and I just want to make sure that we don't have
9 anything mixed up.

10 A. Okay.

11 Q. So you remember that.

12 A. Yes.

13 Q. Now we'll move on. The Gloria Portee
14 letters. Let's talk about those for just a couple
15 of minutes. And the letters are in evidence. The
16 judge will be able to read them, and we can put them
17 in our order. So I'm not going to just go on and on
18 and on about this. If you look at one of these
19 letters, and I'll let you look at, let's just say,
20 Exhibit 26 first. And just briefly, just peruse
21 that first paragraph.

22 THE COURT: So we're issue No. 12 now?

23 MR. KIRKLAND: Yeah, the Gloria Portee
24 issue. That's 12. And I apologize when I'm
25 preparing cross, I'm not as careful with---

Ernest Finney-Cross by Kirkland

1 THE COURT: All right.

2 MR. KIRKLAND: ---lining up issues.

3 A. I think I've skimmed it.

4 Q. That's all you need to do. I'm not going
5 to ask you really specific questions about it. I
6 think that you and I can agree that, let's just say
7 the first page of 26, in which Mr. Bradley---

8 THE COURT: Let me get it straight. My
9 number 26 has the heading up top, Friday morning.
10 Do I have them backwards?

11 MR. KIRKLAND: I'll let you look at them.

12 THE COURT: I've got them backwards. So
13 the Friday morning is No. 25. And the one with
14 March 1, is 26. Is that right?

15 MR. KIRKLAND: That appears to be the case,
16 Your Honor.

17 Q. So the March 1st 2006, 26, the Friday
18 morning 25. Now there is discussion in these
19 letters, specifically related to the case. Talking
20 about why did you tell detectives about Ernest and
21 all that stuff. And Ernest was the victim in this
22 case, correct?

23 A. Correct.

24 Q. Now that's clearly admissible, correct?

25 A. Yes, sir.

Ernest Finney-Cross by Kirkland

1 Q. But then the letters and this is why I'm
2 asking you a general question, and then ask you to
3 read it carefully. Then the letters veer in to a
4 lot of other subject matter. Including, you mention
5 his infidelity, him being jealous, smoking stuff,
6 seeing spiders on the wall, spending a lot of money
7 on attorney's fees, visiting hours, which applies in
8 the jail, and where he says he's in jail.

9 Now all that stuff those different topics
10 that were discussed, that's purely character
11 evidence, isn't it?

12 A. Well I wouldn't say it's purely.

13 Q. Under what theory do you think it is not?

14 A. I mean I think it's -- some of these
15 things are factual statements. I don't remember the
16 part about the spiders. I don't know what that's
17 about. But the fact that he's in jail, and the fact
18 that he's seeing spiders, the fact that he is upset
19 with her or doesn't know why she would tell
20 investigators that he wanted Ernest dead.

21 Q. Right.

22 A. Those are things that Mr. Bradley wrote to
23 her asking questions and trying to assure her of,
24 you know, that she was wrong. I don't remember,
25 counselor, the other woman that's mentioned in the

Ernest Finney-Cross by Kirkland

1 letter, Barbara, is somebody Mr. Bradley had a
2 relationship with. But I don't know, there was
3 something about Ernest about trying to have a
4 relationship with her, and why would this be
5 important to Ms. -- whoever the---

6 Q. Right, Portee.

7 A. Portee.

8 Q. So in your opinion, and I know just
9 skimmed over it. But you looked at them in the
10 trial. There was nothing in there that needed to
11 be, in your opinion redacted, because it simply was
12 character evidence, or it wasn't relevant to the
13 case; such as, him smoking things, you know,
14 cheating on her, things like that, that don't go to
15 the issue of whether or any issue as to any element
16 of the crime.

17 A. I will have to tell you, Officer,
18 Counselor, that I thought that the letters that you
19 were referring to at this moment, were written to
20 Ms. McDuffy. Ms. Portee is a different woman, and
21 so it has my mind kind of trying to rearrange now
22 why these would have been important, because McDuffy
23 was the key witness in the case.

24 Q. Correct.

25 A. Not Portee.

Ernest Finney-Cross by Kirkland

1 Q. Correct.

2 A. I don't remember having a lot of
3 discussion about Ms. Portee or her involvement in
4 the case. My understanding and my reaction to the
5 case was, that McDuffy was a much more important
6 witness, and I was thinking these letters were
7 directed to her.

8 Q. And do you remember, and I understand
9 that. If you don't remember, you just don't, but
10 that's fine.

11 A. I don't remember Ms. Portee being a
12 central focus in the case.

13 Q. Now at the -- near the end of the
14 testimony, do you remember the prosecutor asking the
15 witness, what did you think of these letters, and
16 her answer was, and I'm paraphrasing, and I'm going
17 to use the word that she uses, I know she used this
18 word. I thought they were, bullshitting.

19 A. I remember that.

20 Q. Did you object to that?

21 A. I did not.

22 Q. Was there -- well that's fine. Now let's
23 talk about the testimony and you heard me talking
24 about to Mr. Bradley. When one his family members
25 went to meet him, and I had Mr. Bradley read it into

Ernest Finney-Cross by Kirkland

1 the record. I'm talking extensively about arming
2 himself, and basically getting ready for an
3 altercation It sounded like. Was that your
4 impression?

5 A. That's what I heard this morning.

6 Q. Did you object to any of that testimony?

7 A. No, sir. I did not object to it. And
8 based on what I heard this morning, Nathaniel was
9 the cool head in the picture that was being painted.
10 He was the one that was trying to calm the young man
11 down, and tell him he wasn't in any danger. And
12 that's what I took away from the transcript. So in
13 my opinion, sitting here today, I didn't think
14 anything---

15 Q. Well he didn't---

16 A. ---negative occurred.

17 Q. I'm not going to get deep into this at
18 all. But he didn't seem to be the cool headed one
19 until after the witness had already put all that
20 stuff into evidence. And you didn't think when that
21 started to go in, that you needed to object to that?

22 A. Well, no, sir, I didn't object. So I
23 didn't -- I feel like I am a well trained attorney,
24 and I would have objected if I felt like there was a
25 reason to object.

Ernest Finney-Cross by Kirkland

1 Q. You're a well trained attorney. There's
2 no doubt about that.

3 A. So once he testified, and I obviously
4 don't think had any strong indication that this was
5 coming from him, he testified that he armed himself
6 because he didn't feel comfortable having the
7 meeting with Mr. Bradley. When they had the
8 meeting, he testified that Bradley tried to calm him
9 down and cool him down, and tell him---

10 Q. Right.

11 A. ---there's no reason to worry.

12 Q. Right.

13 A. And Bradley didn't make any admissions to
14 him that he harmed Mr. James.

15 Q. Right. So you're looking at the second
16 prong of Strickland that even though some harmful
17 stuff may have been done, it didn't change---

18 A. Well it didn't---

19 Q. ---the outcome.

20 A. It didn't change what I thought was the
21 picture of Mr. Bradley.

22 Q. Now with all the testimony from a couple
23 of witnesses, I can't remember their names, but we
24 did meet them earlier. And those witnesses were
25 saying that they thought that even if he didn't do

Ernest Finney-Cross by Kirkland

1 it, he certainly had something to do with it. And
2 another witness maybe the same witness said, that
3 they thought that word on the street was, he had
4 something to do with. Do you recall reading that
5 testimony?

6 A. I remember hearing that this morning.

7 Q. Now you didn't object to either of those.

8 A. I probably did not if one of the
9 situations this morning was, it was the last
10 question that the prosecutor answered. And so I was
11 able to go right in to direct correct examination to
12 say to the witness, you're just speculating, you
13 don't -- what you heard is just, you don't have any
14 basis for that.

15 Q. Okay. But you didn't object and you
16 didn't ask that it stricken from the record.

17 A. Right, I did not.

18 Q. And this is just going to be a simple
19 question, it's the last one. And you were already
20 asked this on direct, but I just want to make sure
21 understood it. So Officer Wesley Gardner and
22 Clarence McMillan, they were asked specifically how
23 sure was Mr. Koenig about his identification, and
24 they said 100 percent.

25 A. Right.

Ernest Finney-Cross by Kirkland

1 Q. Now they are saying what another person
2 not a party to the case, said to them. Would you
3 agree that's hearsay.

4 A. I would, but I'm not sure that that's what
5 the transcript, because I haven't reviewed it.

6 Q. That's fine.

7 A. But it seems to me that that witness, the
8 law enforcement witness was saying in their opinion,
9 the Koenig's identification was 100 percent; that he
10 was sure of who he had picked out of the lineup.

11 Q. Correct.

12 A. I'm not saying that I understand this
13 clearly, but I don't think they were referring to
14 what Koenig says. They were testifying as to their
15 impression of what -- of how sure Koenig was.

16 Q. Isn't it normally the case though when,
17 because I have tried a bunch these cases just as you
18 have; that prosecutors asked when you showed him the
19 lineup, you laid it on the table, these sorts of
20 questions, and you laid it on table, what was your
21 process, when you laid it on the table and when we
22 walked away from it. Well how soon after you laid
23 it on table did the witness point to the person.
24 Oh, he pointed to it absolutely instantly. They
25 asked questions around this direct question of

Ernest Finney-Redirect by Coleman

1 bolstering.

2 A. Yes, sir.

3 Q. And but you chose not to object, which to
4 the bolstering of that witness and his
5 identification.

6 A. I chose not to do that. I thought there
7 was a better way to attack Koenig, and that was
8 with the big stuff, which was the cell phone records
9 and the fire of the car.

10 MR. KIRKLAND: Your Honor, I have no more
11 questions.

12 THE COURT: Redirect?

13 Redirect Examination by Ms. Coleman:

14 Q. Mr. Finney, would you please turn to Page
15 788 of your transcript?

16 A. Yes, ma'am.

17 Q. I am going to have you read a portion of
18 your transcript.

19 A. Yes, ma'am.

20 Q. I will have a read a portion aloud if you
21 don't mind.

22 THE COURT: Number what, please?

23 MS. COLEMAN: 788.

24 A. I've got it.

25 Q. Would you start at 11 and read to the top

Ernest Finney-Redirect by Coleman

1 of page 789 line 6?

2 THE COURT: Are you asking him to read out
3 loud?

4 Q. Yes, please, if you don't mind.

5 A. I asked the Question: As far as getting
6 out there physically going out there dealing with
7 these towers. No. That was his answer. Then I
8 asked, no, okay, I understand. Now would you agree
9 with me that if Mr. Bradley had a cell phone and he
10 was making calls from the Wasaki Road, Sunday
11 morning, between 9 and 11, that he couldn't be at
12 Boyles pond driving the car that Mr. Koenig saw.
13 And the witness said, could you repeat that. And I
14 said if Mr. Bradley was making phone calls according
15 to Defendant's Exhibit No. 1 from the Bishopville,
16 Wasaki Road area. Uh-huh. (affirmative.) On
17 Sunday morning. Uh-huh. (affirmative.) Between 9
18 and 11, he couldn't be at Boyles pond and
19 Cobblestone Drive -- he couldn't be at Boyles pond
20 and Cobblestone driving Mr. -- driving the Volvo
21 that Mr. Koenig saw. The answer: If you are
22 comparing it to the record and the time that the
23 call was made, I would say that the -- that if
24 Mr. Bradley was using the phone, if he was we don't
25 have any prove of that, I would say he couldn't be

Ernest Finney-Redirect by Coleman

1 in two places at one time.

2 Q. Thank you. Perfect. So this was about
3 the cell phone records, correct?

4 A. Yes, ma'am.

5 Q. And this testimony came from the State's
6 investigator?

7 A. Yes, ma'am.

8 Q. Were you able to elicit all of the
9 information about the cell phone records that you
10 wanted out of him?

11 A. I believe I was.

12 Q. So in your opinion, is it better to get
13 this information from the State's lead investigator
14 on a case rather than from a cell phone expert?

15 A. Yes, ma'am. Especially since he was the
16 only witness who had received the cell phone
17 records, and was supposed to be aware of what the
18 records contained.

19 Q. Perfect. Briefly, the arson issue, the
20 burning car, and I think I might have asked you this
21 earlier. Were you able to elicit on cross
22 examination testimony, that the car was cool to the
23 touch?

24 A. I was.

25 Q. From the State's witnesses.

Ernest Finney-Redirect by Coleman

1 A. Yes.

2 Q. Based on that, did you think that it was
3 necessary to bring in an arson expert to testify?

4 A. I did not think it was necessary to bring
5 in an expert. And I remember -- I remembered that
6 being a sled agent involved in the case, but I
7 don't -- I haven't reviewed that testimony, so I
8 don't know that agent's name or the summary of the
9 testimony that the agent gave. But I thought there
10 was somebody brought in to testify about the arson
11 of the car.

12 Q. Last issue, Paul Bradley. Would you
13 please turn to Page 935 of your transcript?

14 A. Yes, ma'am. I am there.

15 Q. Line 2 through line 8, and you can read
16 that out loud if you don't mind.

17 A. Line 2, when he came to me crying,
18 telling me that his friend got killed. All right.
19 Do you know what time that was Monday. Answer:
20 Around one o'clock in the afternoon. My question:
21 one o'clock. Now this happened two and a half years
22 ago. Yeah. You remember when he got arrested.
23 Well I don't know the exact time, but I know that
24 somebody called me and told me he was driving my
25 car.

Ernest Finney-Redirect by Coleman

1 Q. Thank you. So this was Paul Bradley's
2 paul you testimony, correct?

3 A. Correct.

4 Q. And this is Mr. Kirkland and the applicant
5 is alleging that this was prejudicial information.
6 Did you -- did you ask him, or you just read the
7 testimony where he brought up that it one o'clock in
8 the afternoon when he told him that. And you said
9 this was two and a half years ago, correct?

10 A. Yes.

11 Q. So that might have -- do you think a jury
12 might have implied that maybe his memory is a little
13 hazy from that? Is it possible?

14 A. It's possible, yes. That was what I was
15 saying that it was a family member testifying about
16 events that were not really fresh. And that he gave
17 the best, he said around one o'clock in the
18 afternoon. That was his answer.

19 Q. And would you -- did the solicitor bring
20 this up on cross examination?

21 A. I don't remember.

22 Q. Would you agree with me if I said, I don't
23 think that the record shows that the solicitor
24 brought it up on cross examination?

25 A. I would not disagree with that.

Ernest Finney-Recross by Kirkland

1 Q. So did you think at the time that this was
2 a big deal?

3 A. I did not think it was a big deal.

4 MS. COLEMAN: No further questions.

5 THE COURT: Anything else, Mr. Kirkland.

6 MR. KIRKLAND: Yeah, I just have one
7 question.

8 Recross Examination by Mr. Kirkland:

9 Q. You said that you had elicited from
10 people that the car was cool to the best of your
11 recollection, is that correct?

12 A. I had elicited?

13 Q. From witnesses that the car was cool.

14 A. Yes, sir.

15 Q. Were you able to establish through any
16 witness how hot a car burns, how long it stays hot,
17 how much smoke it produced from any witness?

18 A. No, sir. I did not elicit that from any
19 witness in a technical fashion, but I did elicit
20 from least two witnesses, maybe three, because the
21 sheriff of Lee County also was a witness; that
22 nobody had seen flames. Nobody had seen smoke.
23 Nobody saw the car smoldering when they discovered
24 it at 2:30 on Sunday. And I believe I also
25 elicited that the car had not been there on Saturday

Ernest Finney-Recross by Kirkland

1 the day before.

2 MR. KIRKLAND: You did do that. I know
3 that for certain. That's it, Your Honor.

4 THE COURT: Thank you, sir.

5 A. Thank you.

6 MS. COLEMAN: No further witnesses.

7 THE COURT: Any reply?

8 MR. KIRKLAND: No, sir, Your Honor.

9 THE COURT: Can Mr. Finney be excused, or
10 would you all like for him to stay?

11 MS. COLEMAN: Yes.

12 MR. KIRKLAND: Yes, sir.

13 THE COURT: You can stay or leave,
14 whatever you would like. Any argument you would
15 like to make this point, Mr. Kirkland? Or would you
16 like to?

17 MR. KIRKLAND: I would like to, if it's
18 okay with you, and I have talked to the Attorney
19 General's Office about it. We intend, I intend to
20 order this transcript and write a proposed order
21 that will contain all of our arguments.

22 THE COURT: All right.

23 MR. KIRKLAND: And then what I've done in
24 the past if it's okay with you, I'll send it to you
25 in word format. I think they'll send it to you in

1 word format. And you can pick and choose things out
2 of it that you like.

3 THE COURT: The transcript?

4 MR. KIRKLAND: No.

5 THE COURT: The order.

6 MR. KIRKLAND: The order. The proposed
7 order. And then you can pick and choose what you
8 want out of it. And you write your final order.
9 And then the losing party, what I normally do, this
10 is involving PCR's, I just file a Rule 59(e) and
11 preserve the argument that I made, rather than
12 making them on the record today. So if that's okay
13 with you, I'll order the transcript. Send it to
14 you. Send it to the U.S. Attorney's Office, excuse
15 me, the Attorney General's Office, and then we will
16 e-mail you word version of our orders, our proposed
17 orders, and let you decide at that point.

18 THE COURT: Does that suit you,
19 Ms. Coleman?

20 MS. COLEMAN: That's fine with me.

21 THE COURT: I know that the time frame for
22 the transcript is always up in the air. But I'll
23 let you deal with the court reporter on that. As
24 soon as you've been able to get a time frame in
25 which we will be doing this, I would appreciate it

1 if you would you let me know.

2 MR. KIRKLAND: Yes, sir, we will. And
3 we'll work with you do in doing that. I believe if
4 it's okay, one of the family members, if I can get
5 the information from the court reporter, I will hand
6 them that information.

7 THE COURT: Talk to Margaret about that.

8 MR. KIRKLAND: Thank you, Your Honor.

9 MS. COLEMAN: Thank you, Your Honor.

10

11 ----- End of Requested Transcript of Record-----

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1 C-E-R-T-I-F-I-C-A-T-E

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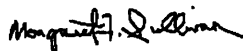
3 I, Margaret T. Sullivan, Court Reporter, do
4 hereby Certify that the foregoing is a true,
5 accurate and complete Transcript of Record of the
6 proceedings had and evidence introduced in Common
7 Plea Nonjury Court PCR on April 15 2015 and July 5,
8 2016, in Sumter County, Sumter, South Carolina.

9 I do further certify that I am neither kin,
10 counsel, nor interest to any party hereto.

11

12 10/9/18

DATE



COURT REPORTER

13

My Commission expires: 9/7/21

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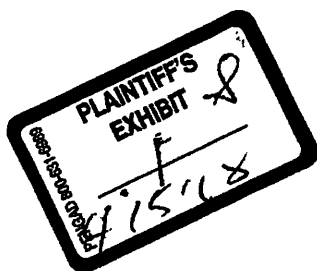
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SUMTER COUNTY SHERIFF'S DEPARTMENT
Sumter, South Carolina

WITNESS' LINE-UP IDENTIFICATION FORM

To Witness:

The positions of the persons in the line-up will be numbered left to right, beginning with one (1) on your left.

1. If you have previously seen one or more of the persons in the line-up, place an "X" in the appropriate circle corresponding to the number of the person in the line-up.
2. Then, sign your name and fill in the date and time.
3. When completed, hand this sheet to the officer.

1.	2.	3.	4.	5.	6.	7.
☐	☐	☒	☐	☐	☐	☐

James J. Koenig
Signature of Witness

5-26-05 15:43
Date and Time

James J. McMillan
Signature of Law Enforcement Officer

Wesley J. Gardner
Signature of Public Defender or
Attorney for Suspect



1



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6

SUMTER COUNTY SHERIFF'S OFFICE

VOLUNTARY STATEMENT

On May 25, 2005, I met with Darrell Koenig at 4200 Cobblestone Rd. in reference to his knowledge of suspicious activity near his property on May 22, 2005, between 9:00 Am-11:00 Am.

According to Koenig, around the above date he observed a blue/green box top Volvo driving up slowly on Cobblestone Dr. with two black male occupants pass by his property on Cobblestone while he was out working on the drive way. Koenig stated that the subjects went all the way to the end of Cobblestone, and a short time later came back down at very slow pace. Koenig stated that he made eye contact with the driver on both trips and possibly could identify the driver if he saw him again. Koenig stated that on the second pass that he observed a yellow 45 day tags on the rear of the Volvo as it was pulling away.

Koenig described the driver as a black male, dark skin, slim face, and light facial hair. Koenig also stated that the driver appeared to have on a dark colored t-shirt.

Koenig stated that the passenger had more of a stockier build than the driver and also believed the passenger was a black male.



Submitted by: *Raymond H. Barfield* Date: May 25, 2005
Inv. B.A. Barfield

BEN LEVITAN
TELECOMMUNICATIONS EXPERT



App-#3



Cell Phone Evidence Review

in the matter of
State of South Carolina v. Nathaniel Bradley



Witness - Ben Levitan
Wireless, Cellular Telephony Expert
(919) 420-0924

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1546

April 15, 2015

Cell Phone Evidence Agenda

Cell phone evidence can tell you about the location and movements of a phone during a given period.

To understand the evidence in this case you need to understand:

- 1) How Cell Phones Work**
- 2) How to figure out where a phone was**
- 3) What is the evidence in this case shows**



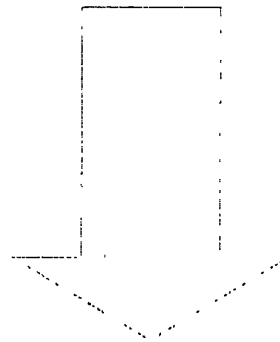
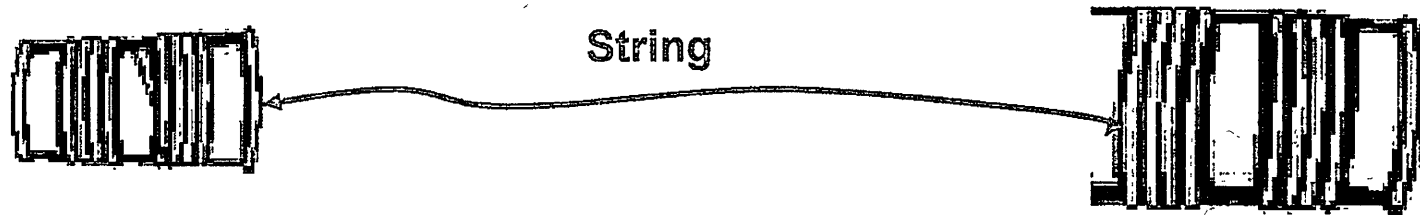


Step #1

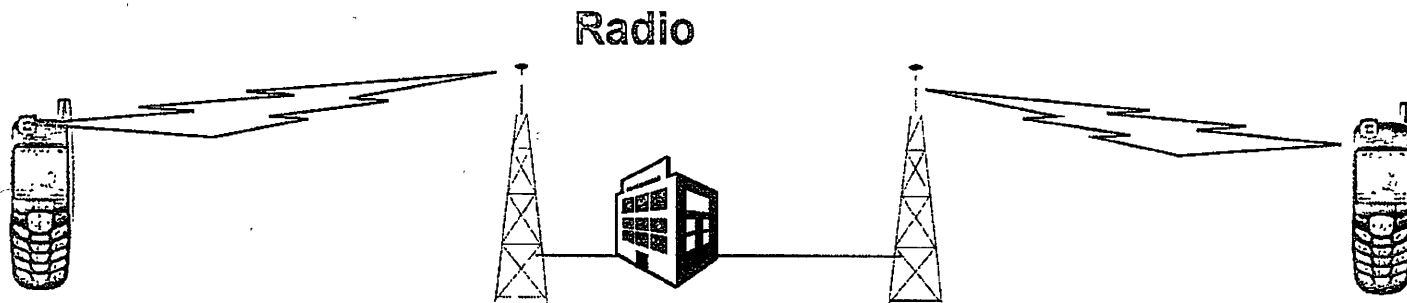
How Do Cell Phones Work?

Evolution of Telephones

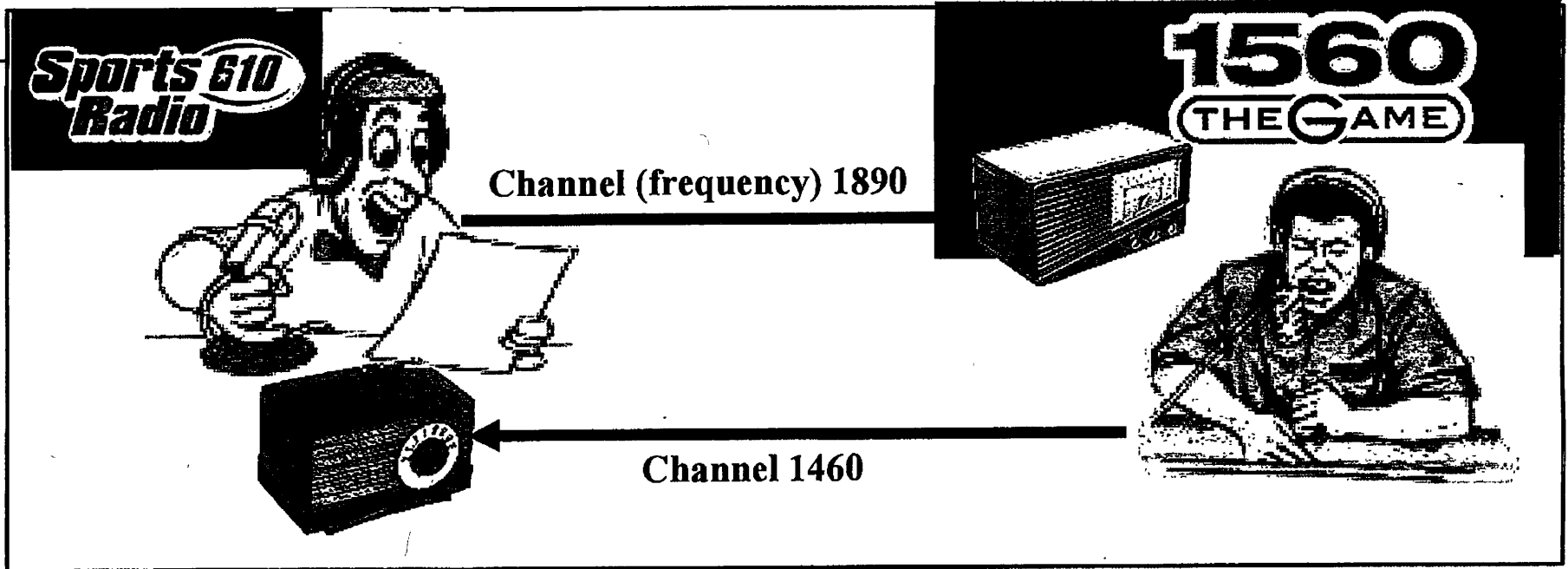
Telephony Evolved, but the principle has never changed... phones are still tin cans



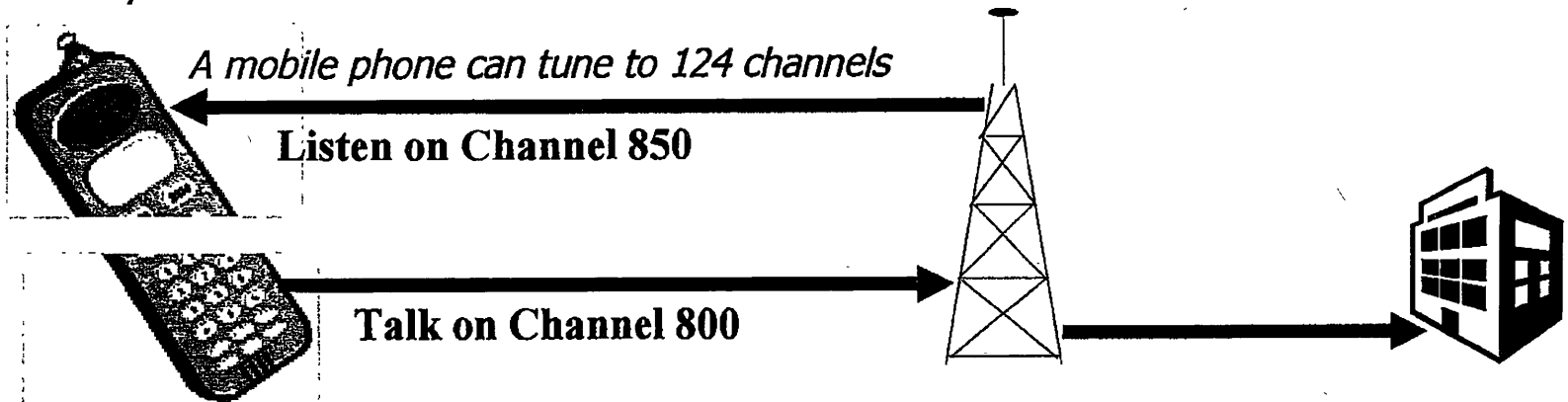
1946
(yes)



Cellular Telephone – Easy to Understand

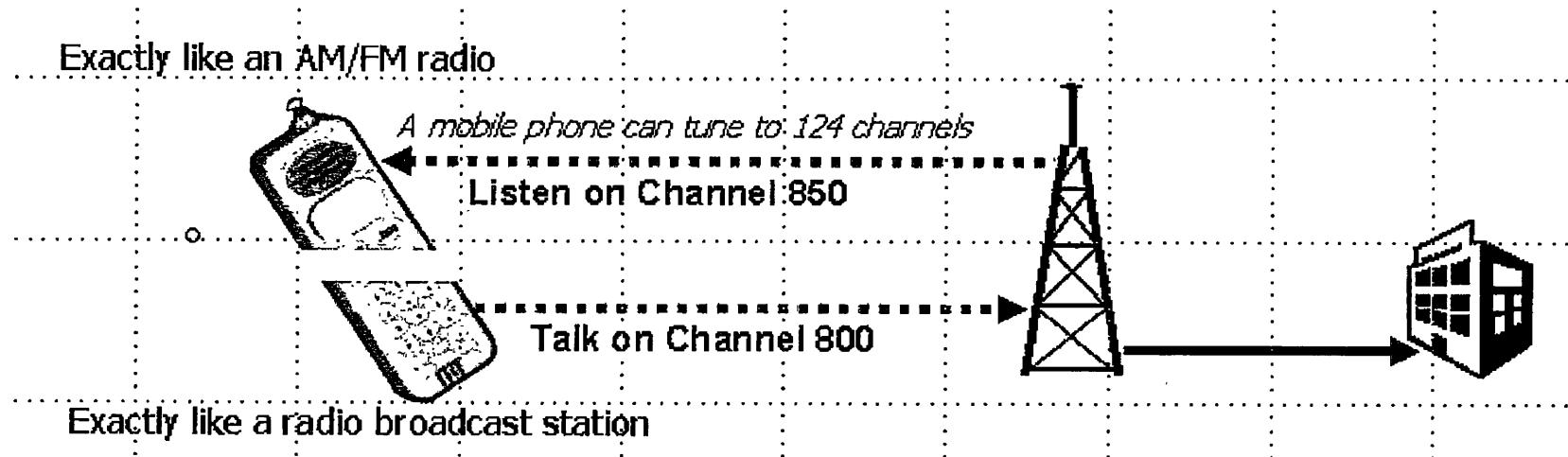


Exactly like an AM/FM radio



Exactly like a radio broadcast station

Basics of a Cell Phone



Mobile Phones

The 'string' is simply a radio channel

The technology has not changed

It's still basically tin cans and strings.

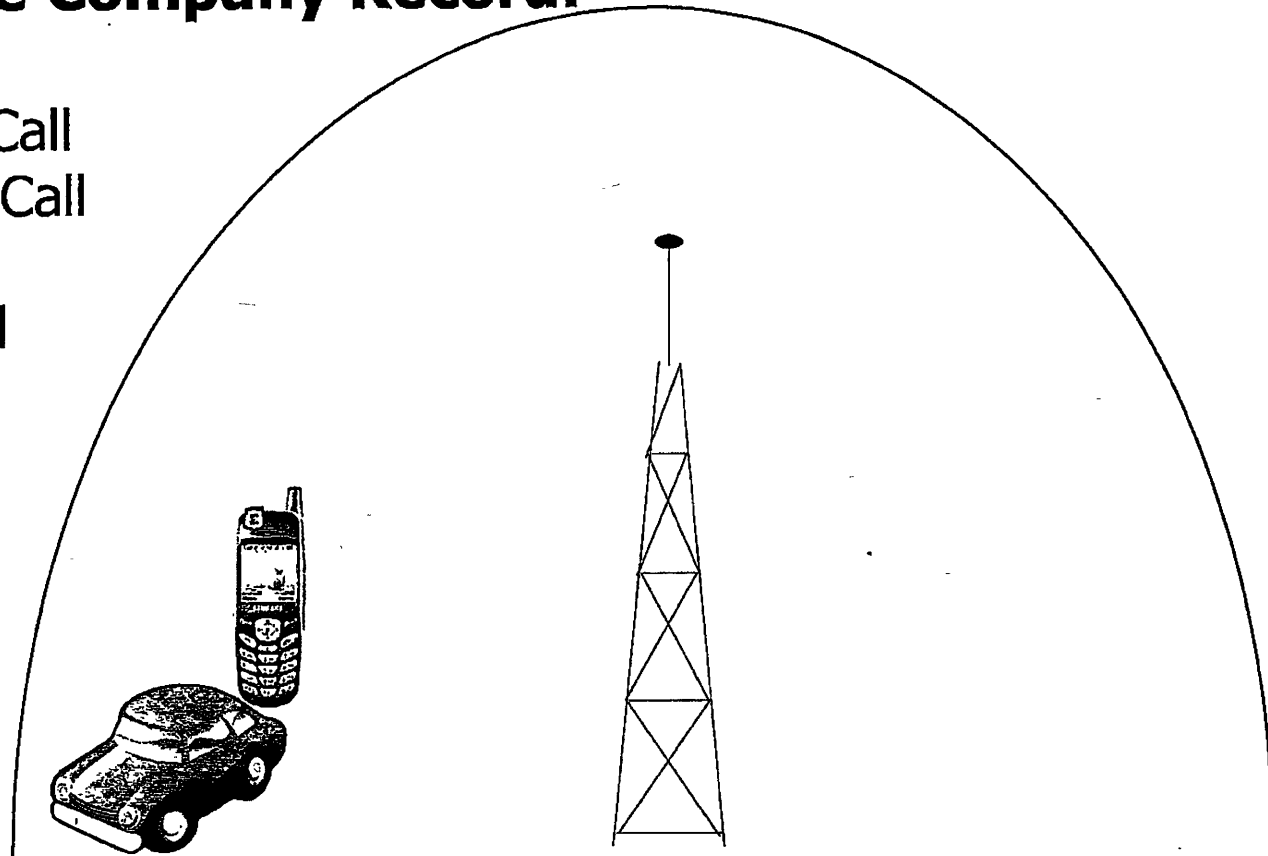
You listen to a simple radio receiver

You are a broadcaster when you speak

Information Kept About Phone Calls

The Cell Phone Company Record:

- Date / Time of Call
- Duration of the Call
- Parties to Call
- Cell Tower Used
- Results of Call

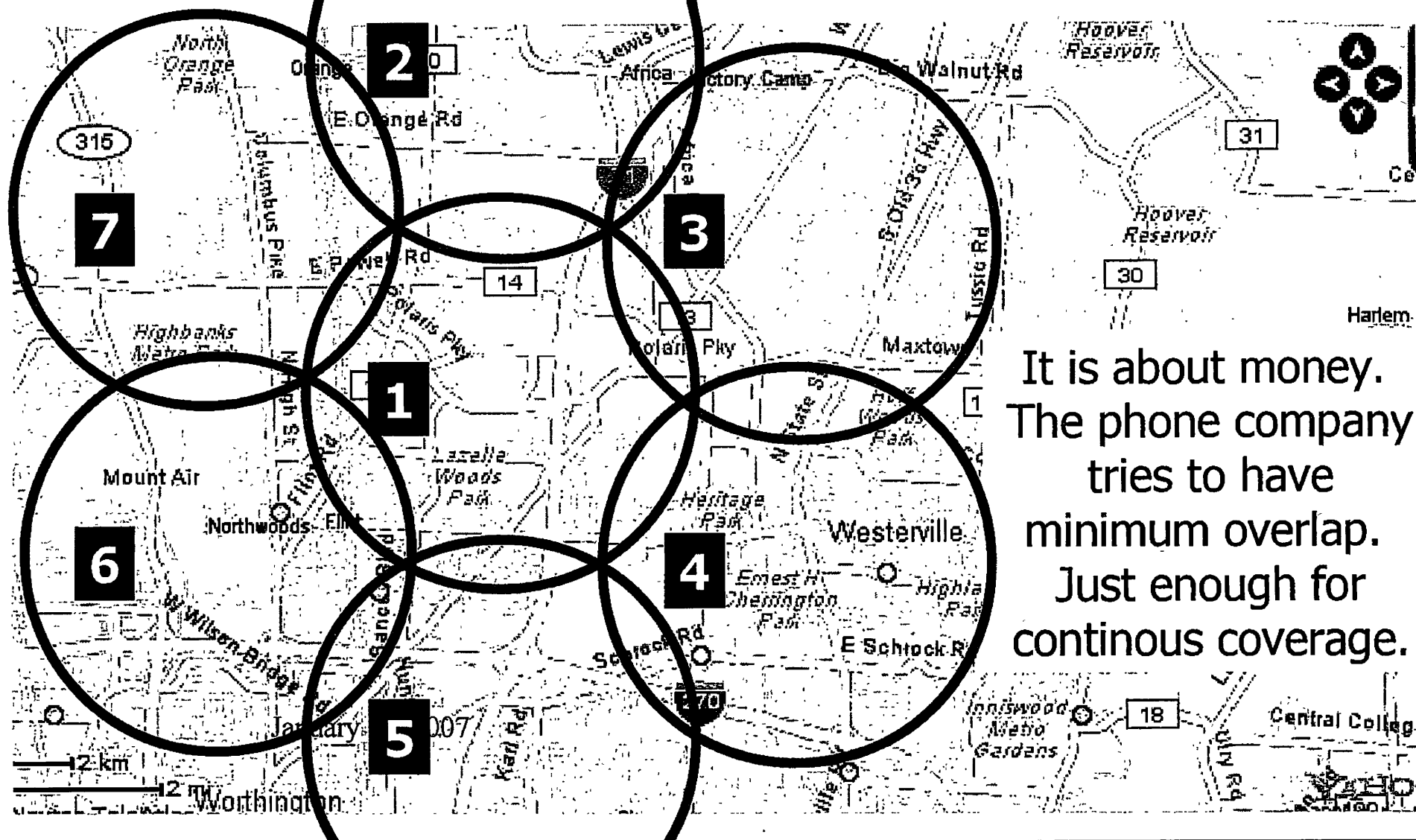


Tower #100 located at 100 Shelby St, Memphis, TN

"Cell Tower(s) Used" infers the location of the phone at the time of the call

Each Tower Has Specific Coverage

Goal – Fewest Towers & Most Coverage



It is about money.
The phone company
tries to have
minimum overlap.
Just enough for
continous coverage.

Cell Phone Records

- The phone company keep records of every call made, received or attempted. Same for Text and Data.
 - These are called “Call Detail Records”
 - These are kept in the normal course of business
 - They are reliable & best evidence
 - This is what is called “Meta Data” in news



Step #2

How to Figure Out Where a Phone Was

How Do You Figure Out Location?

- **You need to have:**
 - **The Phone Records** (CDRs)
 - **List of Cell Towers** (Base Stations Table)
 - **Coverage Map for Each Tower** (RF Plan)
 - You have to know where the towers are.
 - You have to know what area each tower covers
 - Each cell tower cover a single area exclusively

Steps to Analysis

Steps to Analyze a Phone's Location -

1. CDRs tell you the cell tower that was used for a call
2. Tower Map tells you where the cell tower is
3. RF plan tells you the general "area" of call.

Steps to Case Analysis -

1. Determine relevant case locations
2. Determine phones location in relation to those locations

Material Received

Phone Records

1. Defendant's Cell Phone Records (803) 236-6215 – 423 calls
2. Victim's Cell Phone Records (803) 236-4695 – 240 calls
3. Cell Tower Locations – 22 (Incomplete)

Case Locations -

1. Defendant's Notice of Alibi Evidence

BEN LEVITAN
TELECOMMUNICATIONS EXPERT



Location of Nathaniel Bradley's Phone

Saturday, May 21, 2005

To

Monday, May 23, 2005

Relevant Locations

SC v. Bradley Case Locations

All Locations (19 Found)



Main Menu

Location Name	Street Address	City, ST Zip	Select ⁺	Latitude	Longitude	Tag color	PIN # on Map
Victim Address	Spring Hill Road	Rembert, SC 29128	☒	34.1292140	-80.5321390	Red	
Boyle Pond	3605 Gatorbay Lane	Sumter, SC 29154	☒	33.8789500	-80.4372099	Red	
Hair Salon	5 West Liberty Street	Sumter, SC 29150	☒	33.9205920	-80.3423090	Green	
Pauls	Pearl Court	Sumter, SC 29154	☒	33.9405880	-80.4607330	Green	
Food Lion	5700 Broad St	Sumter, SC 29154	☒	33.9496216	-80.4983123	Green	
Grandma	Highway 261	Sumter, SC 29154	☒	33.9497057	-80.5289501	Green	
Work House	Oleander Drive	Sumter, SC 29154	☒	33.9662430	-80.4342360	Green	
Sheriffs House	Canvasback Cove	Sumter, SC 29150	☒	33.9283659	-80.3946940	Green	
Tina	Richland Street	Sumter, SC	☒	33.9165635	-80.4181614	Green	
Cody House	Farmer Road	Sumter, SC 29154	☒	33.8925670	-80.4519270	Green	
Cook Out	5150 Scenic Lake Drive	Rembert, SC 29128	☒	34.0366410	-80.4675130	Green	
Princes House	Chandler Street	Sumter, SC 29150	☒	33.9259289	-80.3332170	Green	
Farmers House	Belmont Street	Sumter, SC 29150	☒	33.8925250	-80.3310489	Green	
Cemetery	Big George Road	Bishopville, SC 29010	☒	34.139376	-80.227218	Red	
Paint Storage	2600 Violet Lane	Dalzell, SC 29040	☒	34.0273270	-80.3983410	Green	
Donna	Spann Road	Bishopville, SC 29010	☒	34.1598852	-80.2812019	Green	
Donnas Neighbor	Kelly Lane	Bishopville, SC 29010	☒	34.1560536	-80.2873581	Green	
Gas Station	3909 Old Camden Hwy	Dalzell, SC 29040	☒	34.0168212	-80.4300818	Green	
Volvo Witnessed	Cobblestone Road	Sumter, SC 29514	☒	33.882939	-80.451940	Red	

1560

1561

Victim Address

Donnas Neighbor

Cemetery

Relevant Locations

Cook Out

Paint Storage
Gas Station

Work House

Grandma and Lion

Pauls

Sheriffs House

Tina

Cody House
Volvo Witnessed
Buyer

Princes House
Hall Station

South Center

Farmers House

Cell Tower Locations

SC v. Bradley Case Locations

All Locations (24 Found)



Main Menu

Location Name	Street Address	City, ST Zip	Select	Latitude	Longitude	Tag color	PIN # on Map
Tower #5232	4621 Percival Road	Columbia, SC 29229	☐	34.0946890	-80.8437136	Blue	
Tower #5233	9710 1/2 Two Notch Road	Columbia, SC 29223	☐	34.0871522	-80.9358954	Blue	
Tower #5239	363 Sumter Highway	Camden, SC 29020	☐	34.2230248	-80.5995666	Blue	
Tower #5507	11660 Garners Ferry Road	Eastover, SC 29044	☐	33.9424522	-80.7279824	Blue	
Tower #6451	115 North Harvin	Sumter, SC 29150	☐	33.9224050	-80.3382029	Blue	
Tower #6452	855 Winkles Road	Sumter, SC 29153	☐	33.9454160	-80.3205940	Blue	
Tower #6453	12 Weatherly Drive	Sumter, SC 29150	☐	33.8905301	-80.3354072	Blue	
Tower #6454	50 Morgan Avenue	Sumter, SC 29150	☐	33.9362776	-80.3524140	Blue	
Tower #6455	3590 Tacoma Lane	Sumter, SC 29154	☐	33.9602570	-80.4314650	Blue	
Tower #6457	480 Builders Road	Sumter, SC 29154	☐	33.9071580	-80.4146360	Blue	
Tower #6458	540 Black Road	Sumter, SC 29150	☐	33.9081990	-80.3630790	Blue	
Tower #6459	180 University Drive	Sumter, SC 29150	☐	33.9358670	-80.3786710	Blue	
Tower #6460	5260 Clyde Drive	Sumter, SC 29040	☐	34.0035132	-80.4913815	Blue	
Tower #6461	465 Polifka Drive	Shaw AFB, SC 29152	☐	33.9697844	-80.4870799	Blue	
Tower #6462	2160 Communications Road	Sumter, SC 29153	☐	33.9204354	-80.3414693	Blue	
Tower #6463	975 American Road	Sumter, SC 29153	☐	33.9611550	-80.3722430	Blue	
Tower #6468	1743 Crossroads Church Road	Manning, SC 29102	☐	33.7139149	-80.2393147	Blue	
Tower #6471	969 Horse Pen Road	Camden, SC	☐	34.2465393	-80.6070237	Blue	
Tower #6472	1510 Sumter Highway	Bishopville, SC 29010	☐	34.1893890	-80.2849469	Blue	
Tower #6473	1480 Wisacky Highway	Bishopville, SC 29010	☐	34.1897765	-80.2126824	Blue	
Tower #6481	1021 Cockerill Road	Sumter, SC 29154	☐	33.8667210	-80.3745340	Blue	
Tower #6482	440 Kings Highway	Sumter, SC 29154	☐	33.9521880	-80.5363790	Blue	
Alltel Tower	5625 LeBlanc Road	Rembert, SC 29128	☐	34.0722900	-80.5121030	Blue	
FTC Tower	6769 Young Street	Rembert, SC 29128	☐	34.0995940	-80.5321280	Blue	

Lee State Park

Tower #6472

Tower #6473

Donnas Neighbor

Cemetery

Victim Address

FTC Tower

Alltel Tower

Cook Out

Paint Storage Gas Station

Tower #6460

Tower #646

Work House

Tower #6455

Tower #6463

Tower #6452

Tower #6459

Tower #6454

Sheriffs House

Princes House

Tina

Tower #645

Tower #6458

Cody House

Boyle Pond

Tuomey Wildlife

Tower #6481

Farmers House

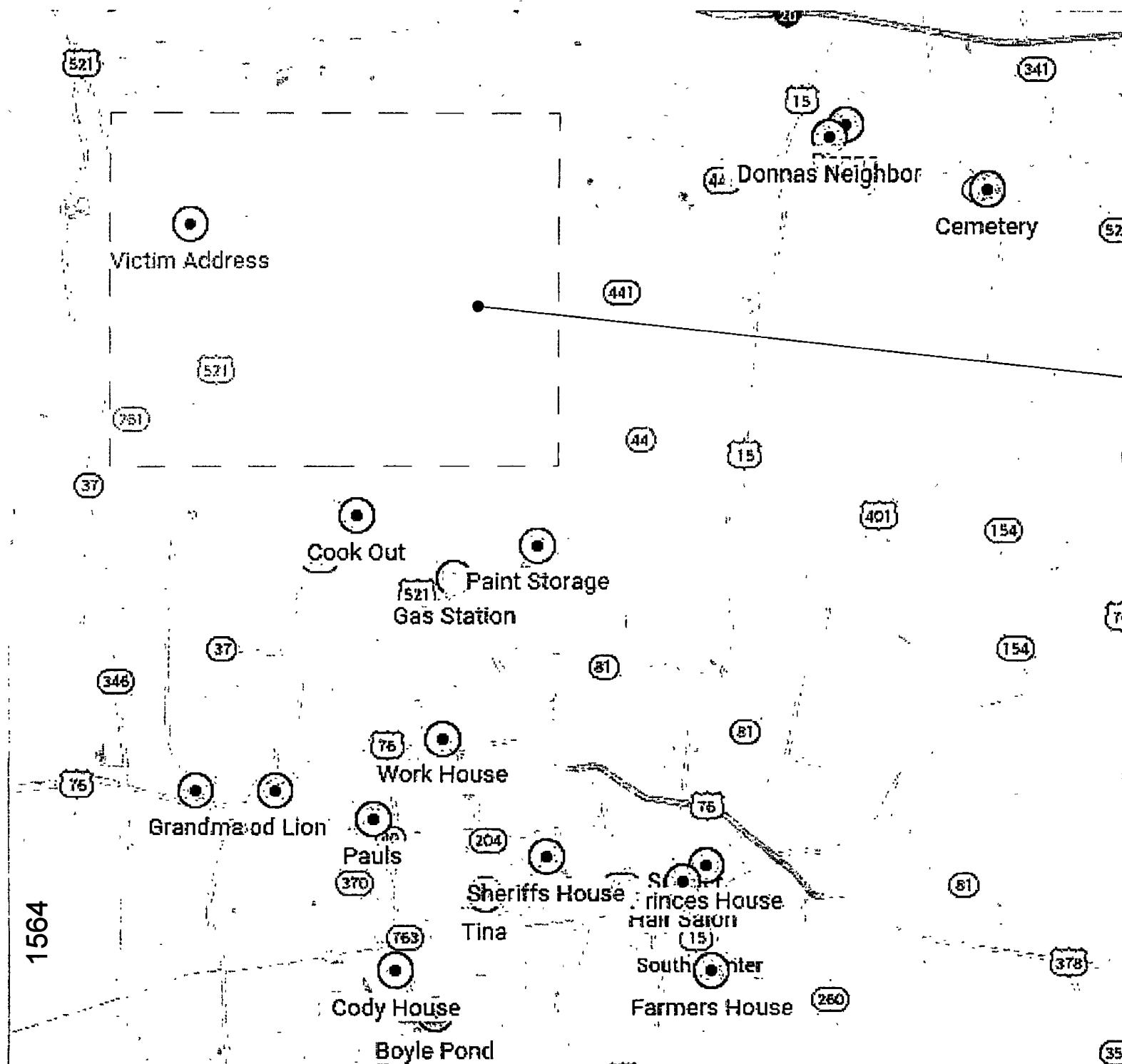
Grandma and Lion

Pauls

Relevant Locations & Cell Towers (Overview)

**Activity
Starts
3:30 PM**

**Zoom
To
This Area**



1565

Saturday, May 21, 2005

3:30 PM To
3:50 PM

Tower #6472

⑤
5:48 PM To
5:56 PM

Victim Address

②
3:30 PM To
3:50 PM

General
Location
**Tower
6005**

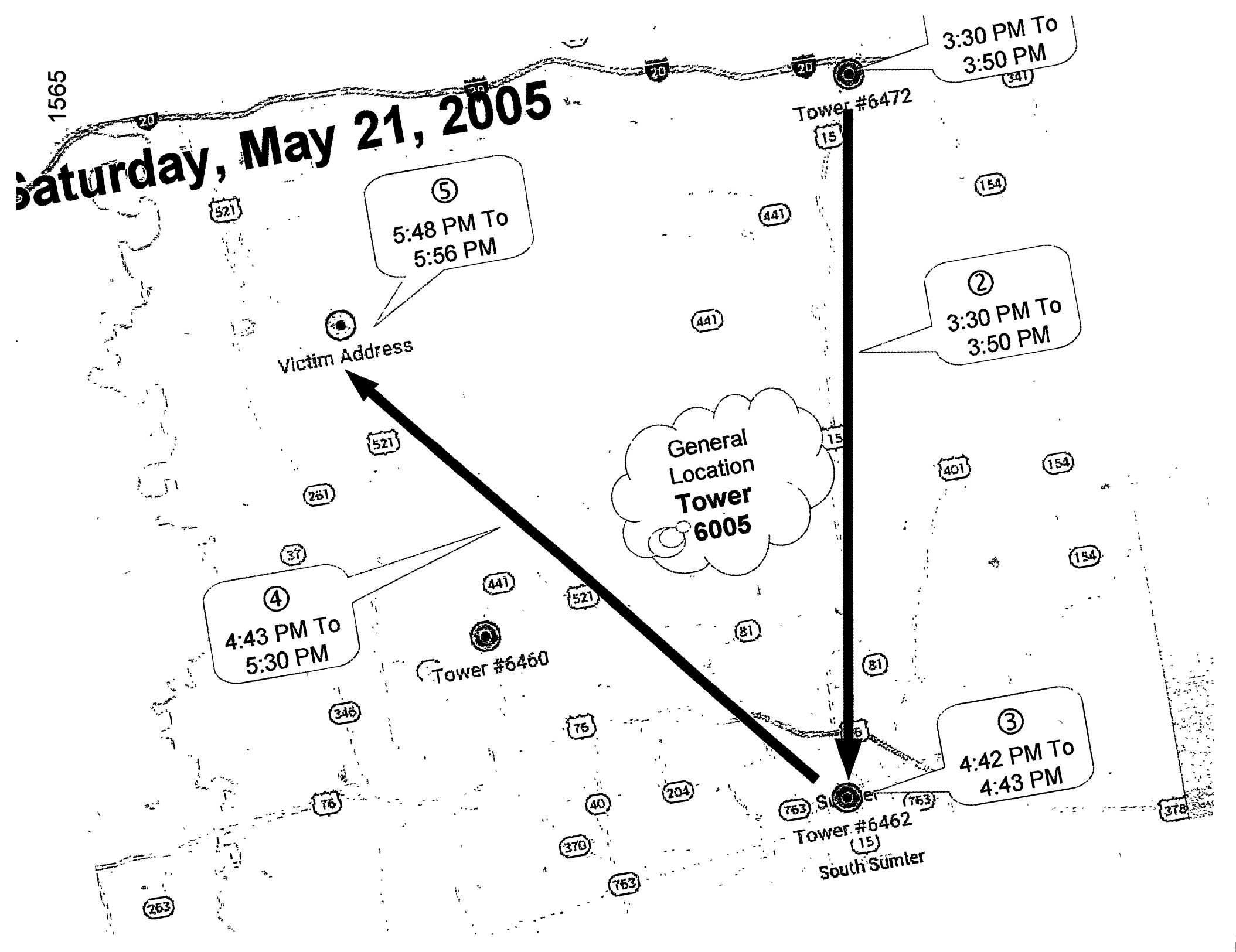
④
4:43 PM To
5:30 PM

Tower #6460

③
4:42 PM To
4:43 PM

Tower #6462

South Sumter



Saturday, May 21, 2005

Victim Address

Tower #6472

5:56 PM To
6:59 PM

Tower #6460

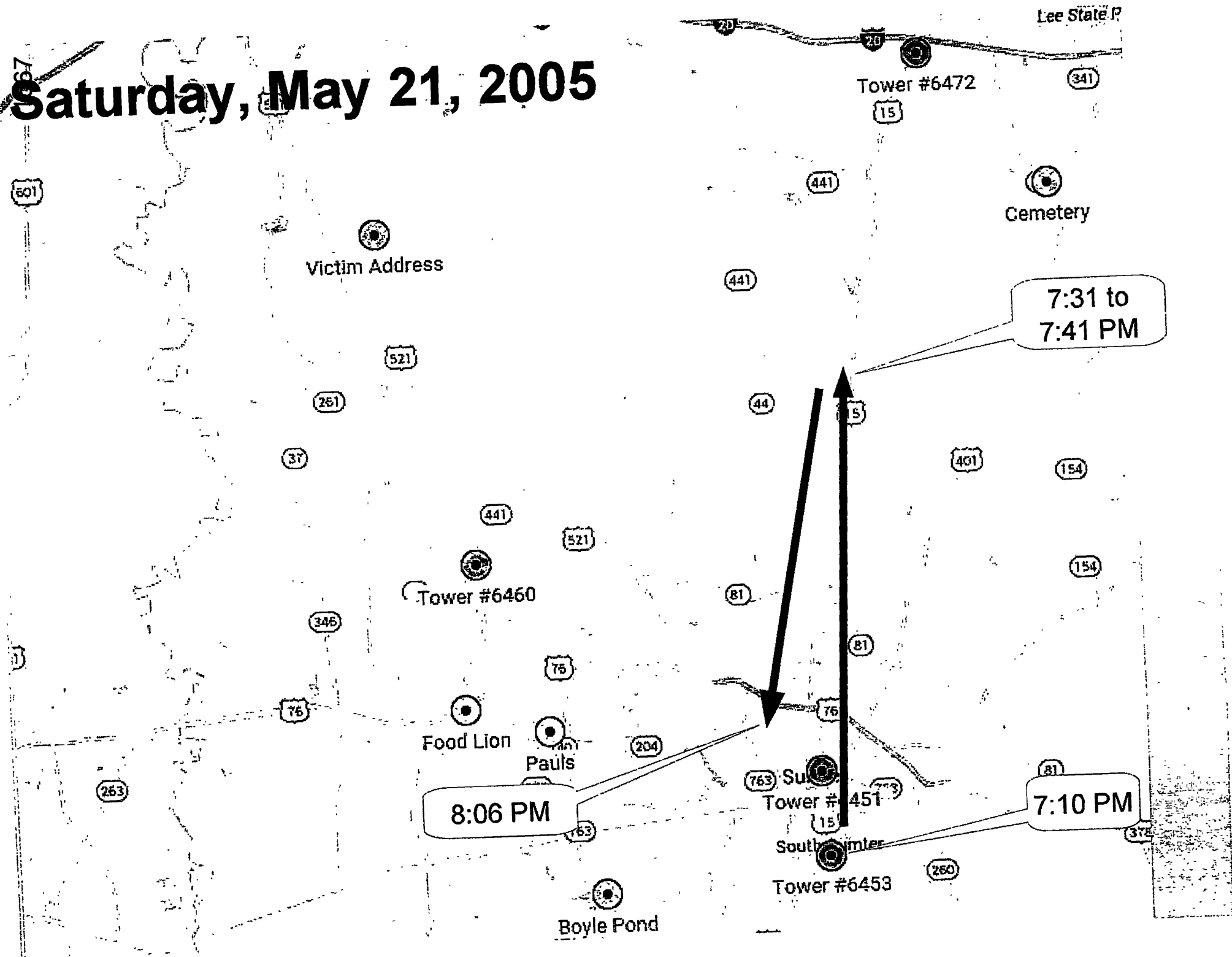
Hair Salon

South Center

Tower #6453

1566

Saturday, May 21, 2005



Sunday, May 22, 2005

Victim Address

Cemetery

Tower #6460

6:39 AM

Work House
Tower #6455

Grandma

Subur
Tower #6451

Southwiler

Tower #6453

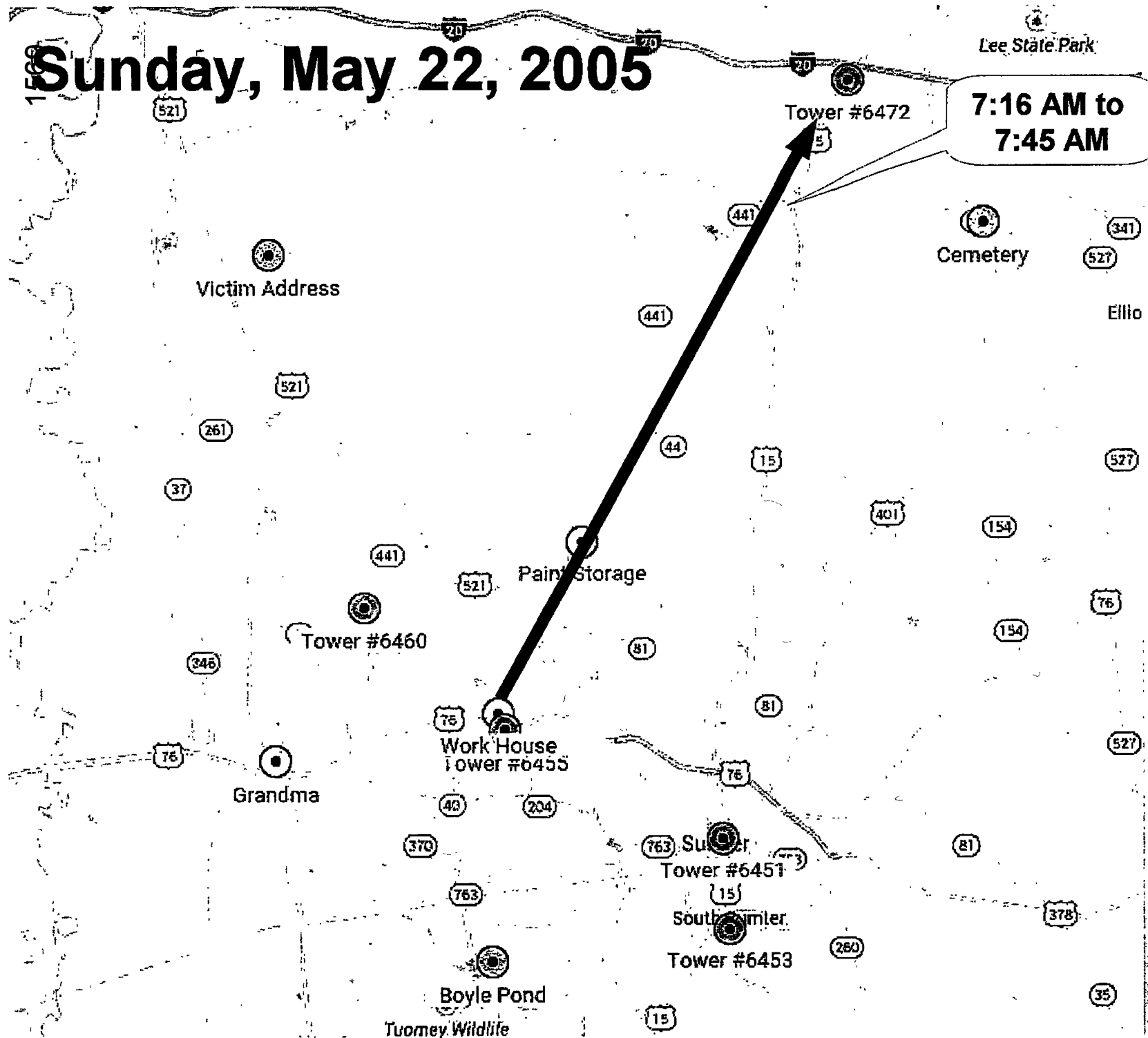
Boyle Pond

Tuomey Wildlife
Management Area

Lakewood

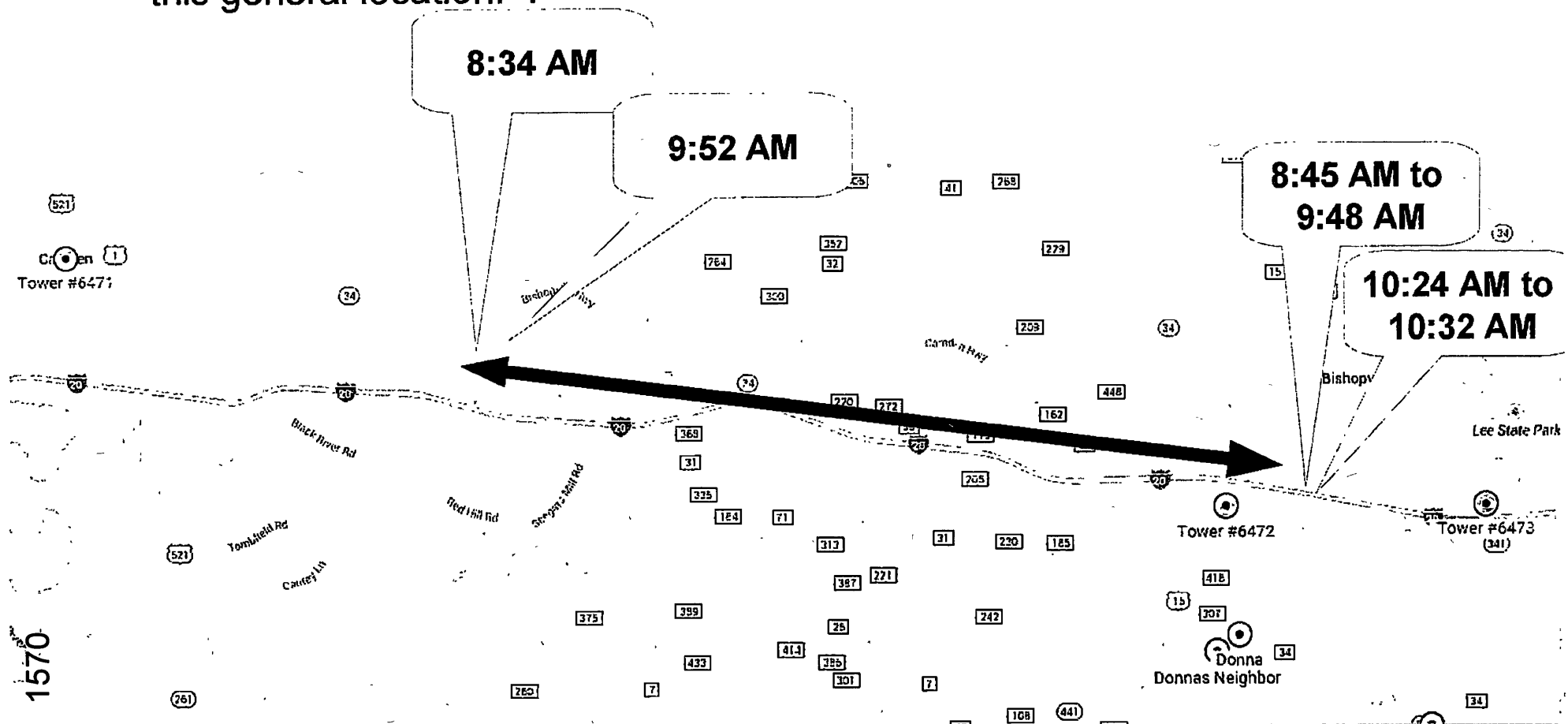
1568

Sunday, May 22, 2005

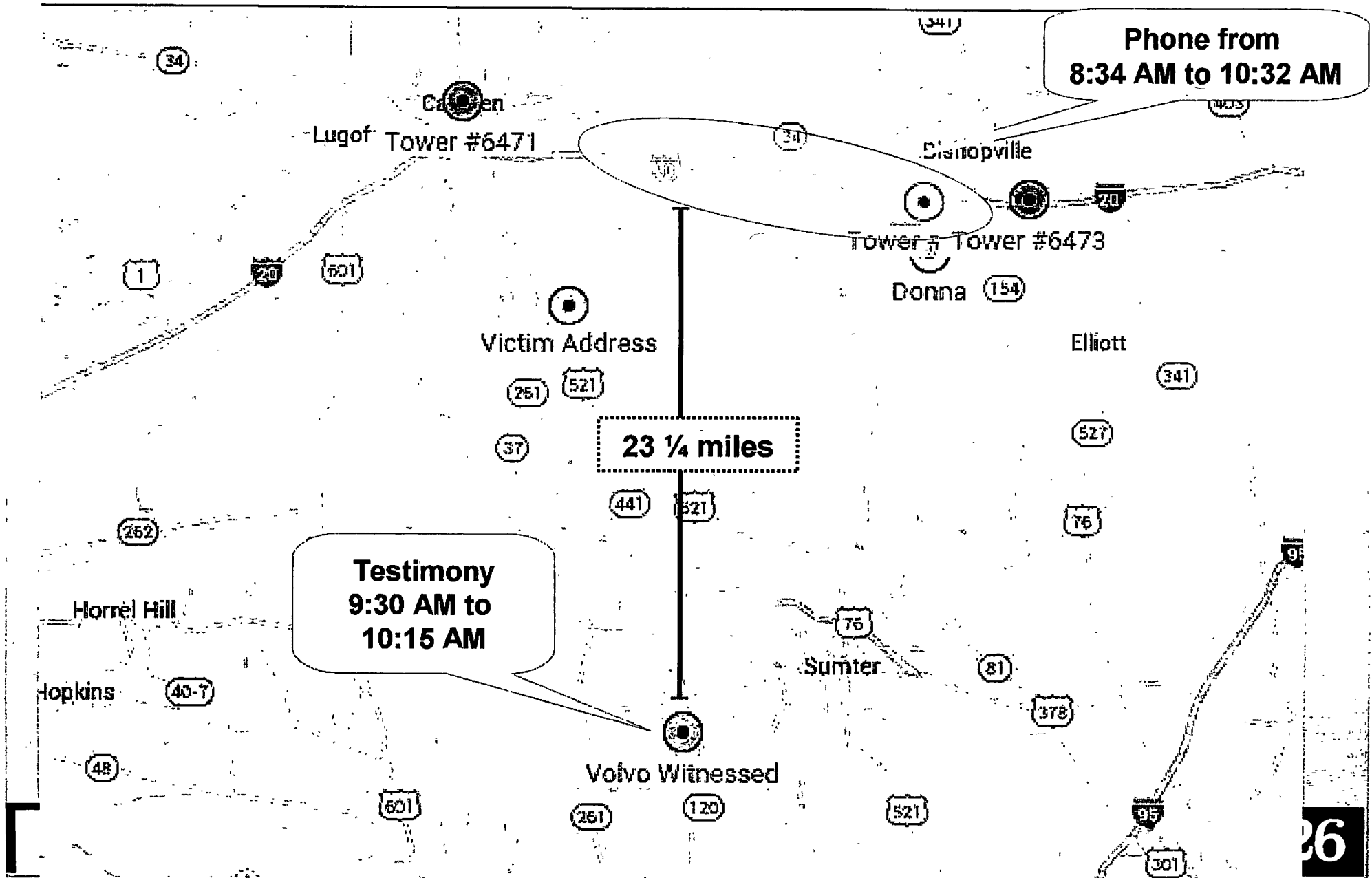


Sunday, May 22, 2005

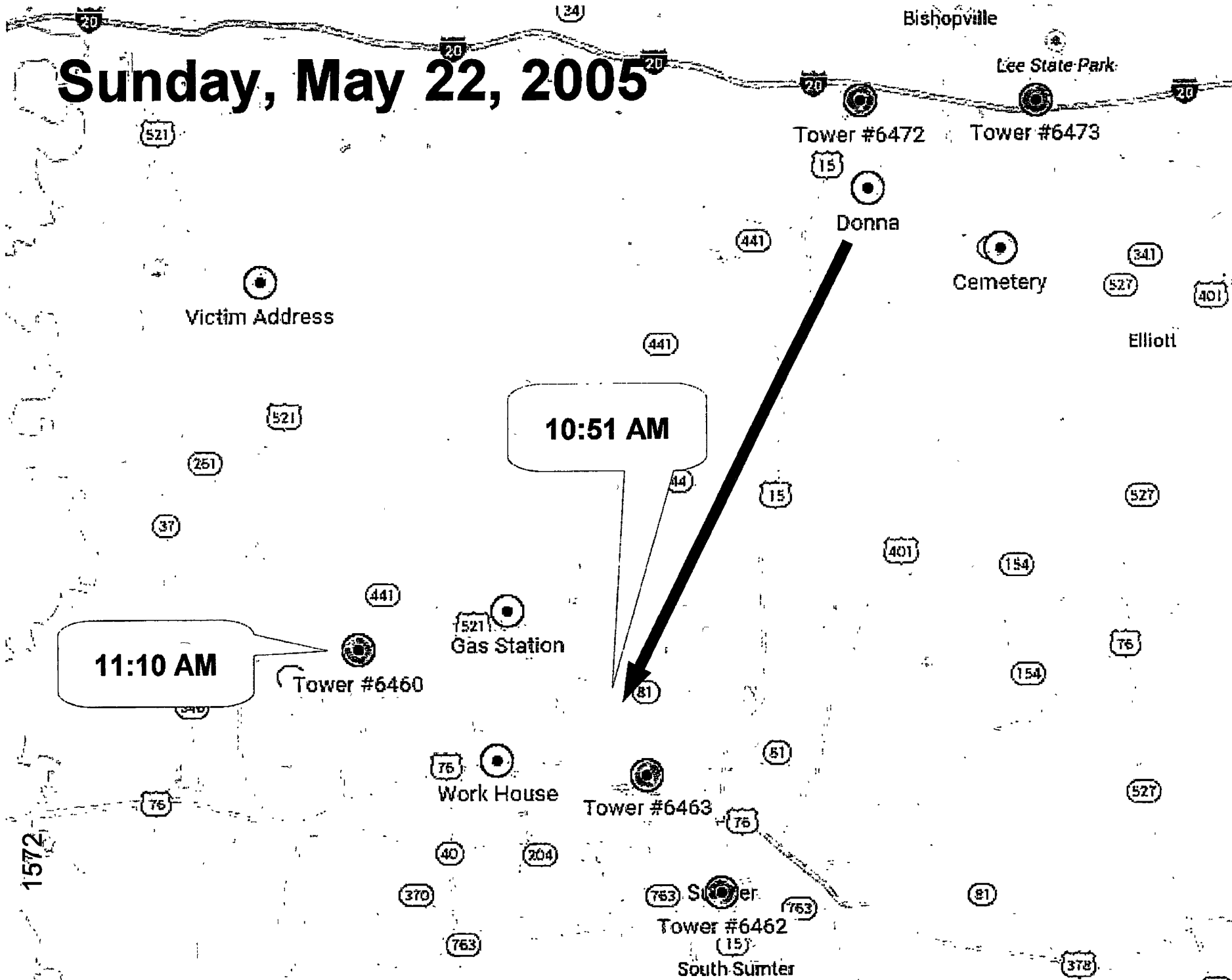
Between 8:34 AM and 10:32 AM Defendant's Phone is traveling between points on or near I-20. At 9:48 AM phone is moving west likely on I-20. At 9:52 AM it returns east bound arriving at 10:24 AM. At 10:32 AM still in this general location.



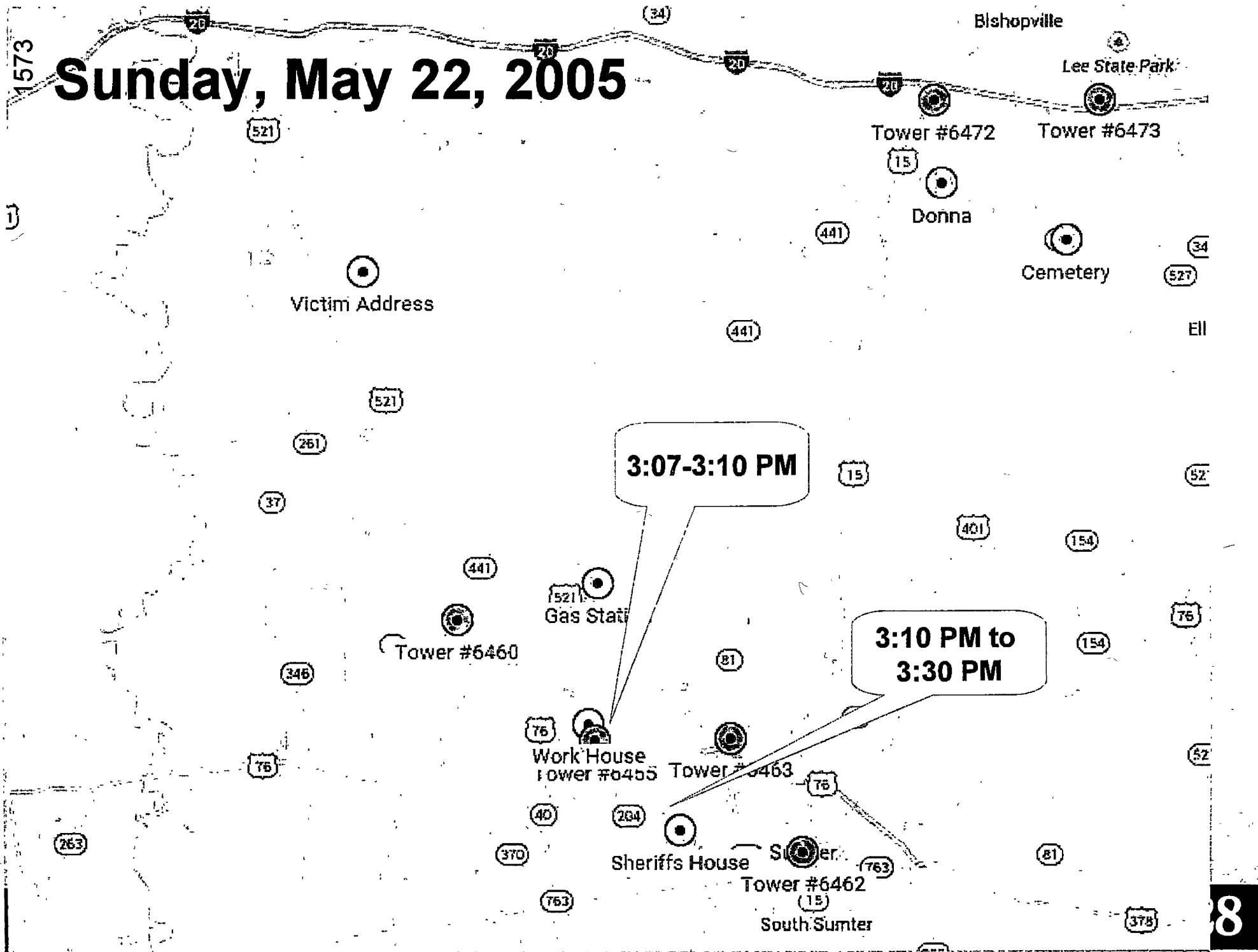
Koenig Testimony

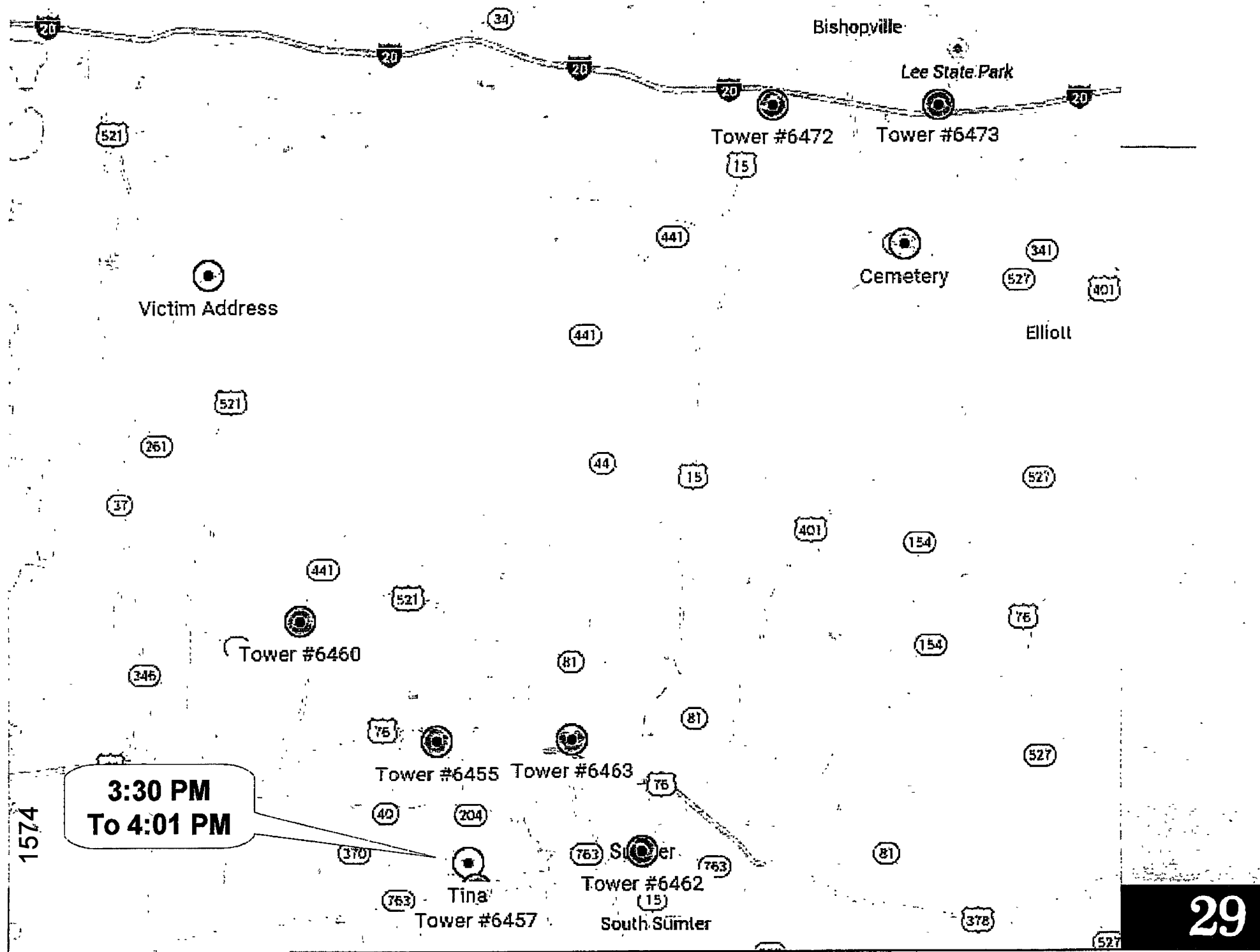


Sunday, May 22, 2005



Sunday, May 22, 2005

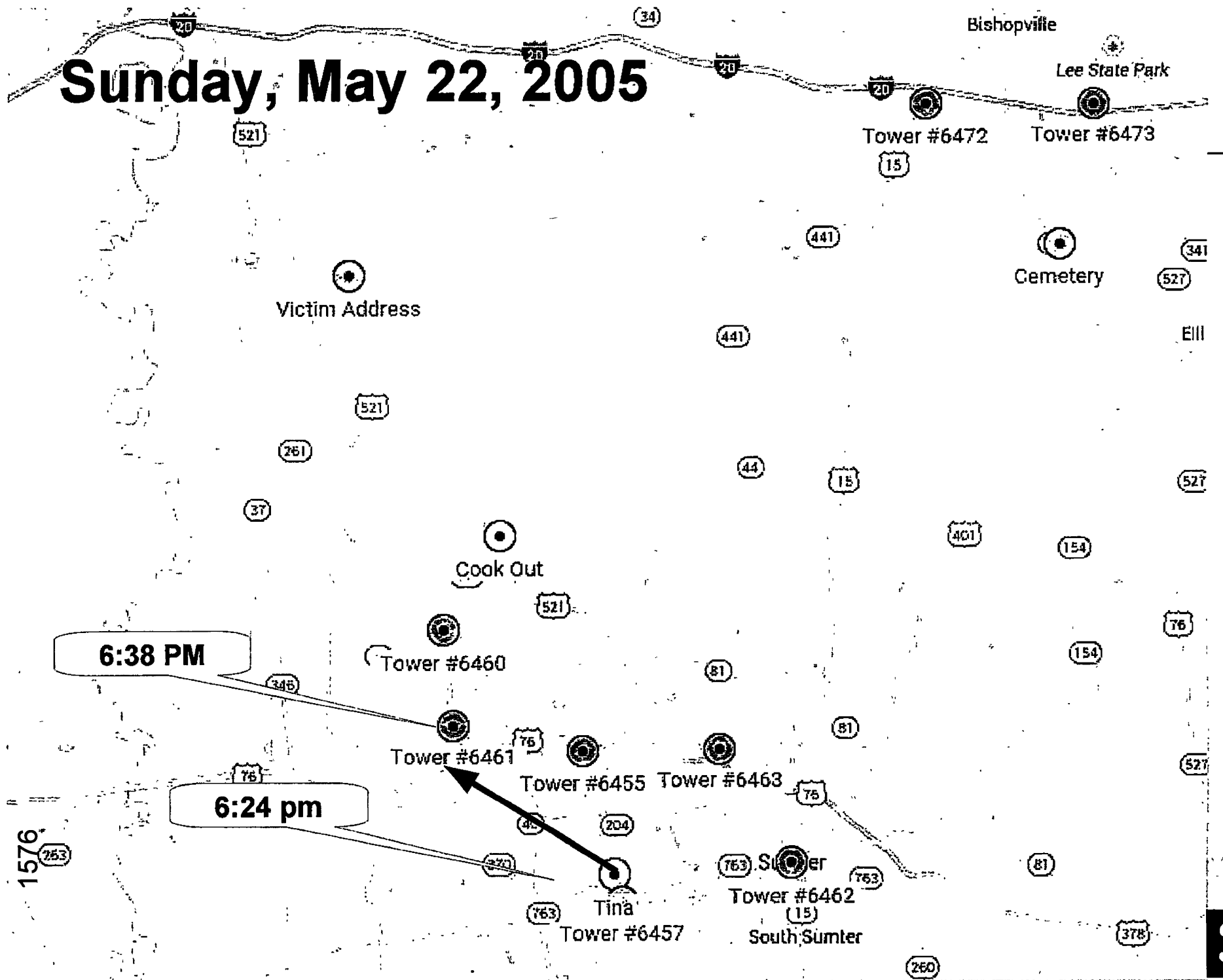




1575

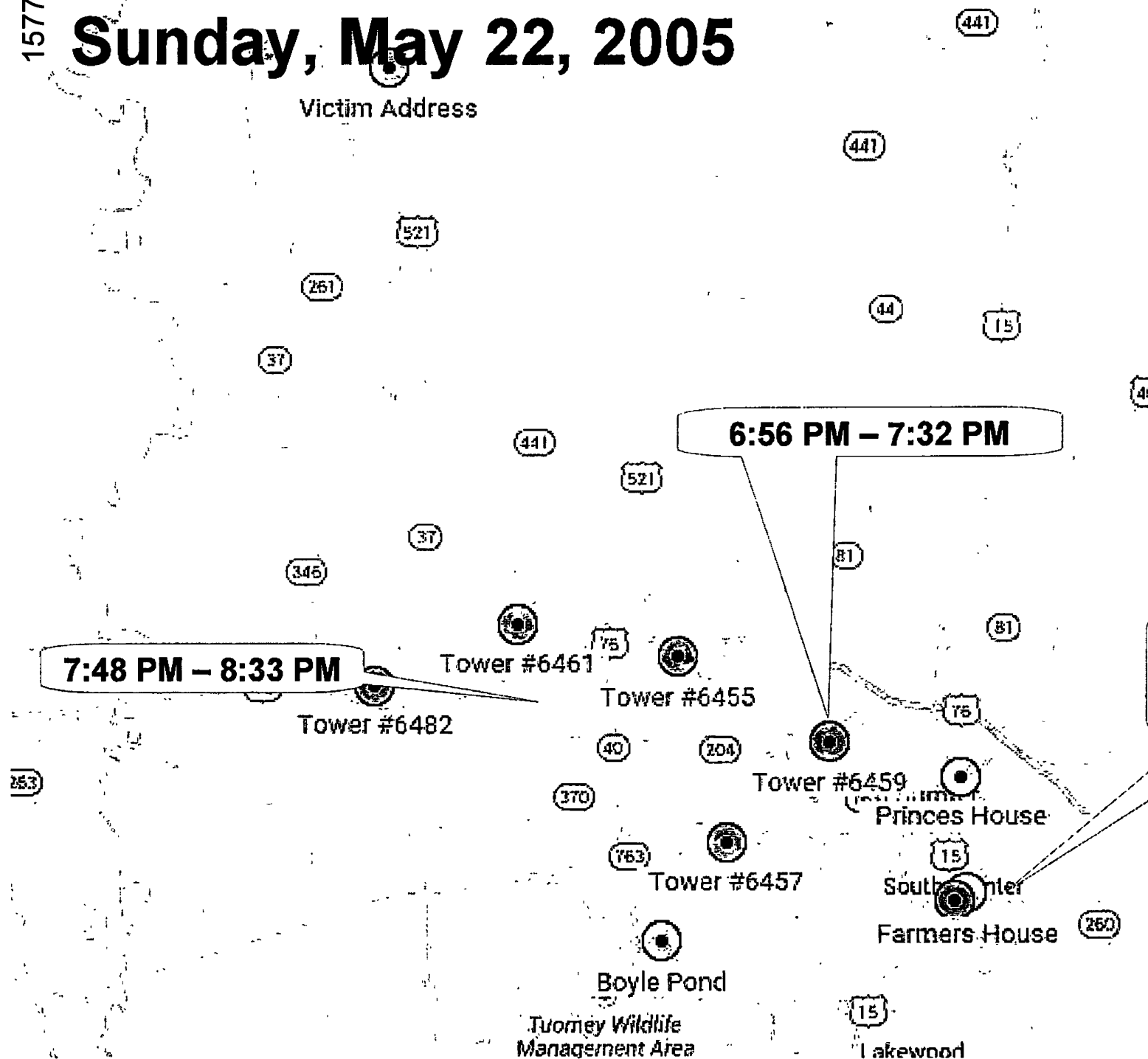


Sunday, May 22, 2005



1577
Sunday, May 22, 2005

Victim Address



7:48 PM – 8:33 PM

Tower #6461

Tower #6482

Tower #6455

Tower #6459

Tower #6457

Boyle Pond

Tuomey Wildlife
Management Area

Princes House

South Center

Farmers House

Lakewood

6:56 PM – 7:32 PM

**11:07 PM
Till 6:00 AM
Monday**

32

Monday, May 23, 2005

Lee State Park

6:26 AM to
6:36 AM

Tower #6472

Cemetery

Ell

Victim Address

7:33 AM

Tower #6455 Tower #6463

6:00 AM

6:53 AM

8:16 AM

1:03 PM

Tower #6457

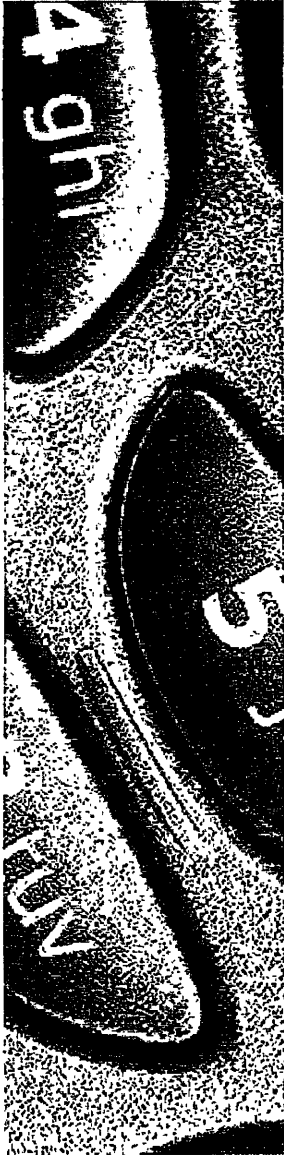
South Center
Farmers House

Boyle Pond

1578

39

Conclusions



1. Phone's movement's and location generally consistent with alibi.
2. On Saturday, May 21, 2005, at approximately 5:30, the defendant's phone is shown staying in the area of the victim's home till approximately 6:00 PM. He is not shown in the area again.
3. The Victim is shown out of the same area after 5:30 PM on May 21, 2005 Phone movement & uses till 11 PM
4. Phone is excluded from being in the area of Boyd's Pond / Cobblestone Road between 9:30 AM and 10:15 AM. Phone is 23 miles away.
5. Defendant and Victim's phone last communication was on Sunday, May 22, 2005 at 7:48 PM for 5 minutes and 2 seconds.
6. During the period, Defendant's phone is not found at the cell tower associated with the location of the abandoned and burnt Volvo. (Tower 6473)
7. During the period, from Saturday to Monday morning the defendant's phone is found using Cell Tower #6457 eight times. This cell tower is the closest to Boyd's Pond and provides phone coverage for Boyd's Pond, Cobblestone Road and the home of Ms. Tina Leon

Cell Phone
Records
Bradley & James



Fraud Manager for Telecommunications

Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)
241	clm01	6004 -	8032366215			May 21, 2005 9:32:48 AM	May 21, 2005 9:33:52 AM	1.07
242	clm01	6004 -	8039686367			May 20, 2005 9:17:00 PM	May 20, 2005 9:20:14 PM	3.25
243	clm01	6004 -	18032364695	8032438337	8032438337	May 20, 2005 8:42:19 PM	May 20, 2005 8:42:26 PM	0.13
244	clm01	6004 -	18032364695	8034180603	8034180603	May 20, 2005 8:39:36 PM	May 20, 2005 8:39:42 PM	0.12
245	clm01	6004 -	18032364695	8034180603	8034180603	May 20, 2005 8:38:52 PM	May 20, 2005 8:39:01 PM	0.15
246	clm01	6004 -	8036691790			May 20, 2005 7:36:49 PM	May 20, 2005 7:37:42 PM	0.9
247	clm01	6004 -	18032364695	8035491478	8035491478	May 20, 2005 6:39:06 PM	May 20, 2005 6:40:36 PM	1.5
248	clm01	6004 -	18032364695	8034279281	18034279281	May 20, 2005 6:32:39 PM	May 20, 2005 6:33:28 PM	0.82
249	clm01	6004 -	8035491478			May 20, 2005 6:30:45 PM	May 20, 2005 6:31:46 PM	1.03
250	clm01	6004 -	8036691790			May 20, 2005 5:54:58 PM	May 20, 2005 5:56:01 PM	1.07
251	clm01	6004 -	8034180603			May 20, 2005 5:49:01 PM	May 20, 2005 5:49:49 PM	0.8
252	clm01	6004 -	18032364695	8034180603	8034180603	May 20, 2005 5:28:49 PM	May 20, 2005 5:29:02 PM	0.23
253	clm01	6004 -	8034180603			May 20, 2005 5:26:38 PM	May 20, 2005 5:26:51 PM	0.23
254	clm01	6004 -	18032364695	2023886730	2023886730	May 20, 2005 5:14:49 PM	May 20, 2005 5:27:03 PM	12.23
255	clm01	6004 -	2024120197			May 20, 2005 5:10:37 PM	May 20, 2005 5:13:50 PM	3.22
256	clm01	6004 -	18032364695	8034271439	8034271439	May 20, 2005 4:54:44 PM	May 20, 2005 4:55:13 PM	0.5
257	clm01	6004 -	18032364695	8034324851	8034324851	May 20, 2005 4:14:07 PM	May 20, 2005 4:14:16 PM	0.17
258	clm01	6004 -	18032364695	8034325148	8034325148	May 20, 2005 4:13:23 PM	May 20, 2005 4:13:29 PM	0.1
259	clm01	6004 -	18032364695	8034279281	18034279281	May 20, 2005 4:06:26 PM	May 20, 2005 4:06:34 PM	0.13
260	clm01	6004 -	18032364695	8034256025	8034256025	May 20, 2005 3:46:00 PM	May 20, 2005 3:49:09 PM	3.17
261	clm01	6004 -	18032364695	8034256025	8034256025	May 20, 2005 3:43:39 PM	May 20, 2005 3:44:46 PM	1.13
262	clm01	6004 -	18032364695	8033163522	8033163522	May 20, 2005 3:40:12 PM	May 20, 2005 3:40:24 PM	0.2
263	clm01	6004 -	8034180603			May 20, 2005 3:01:38 PM	May 20, 2005 3:10:09 PM	8.52
264	clm01	6004 -	8032366215			May 20, 2005 2:53:55 PM	May 20, 2005 2:54:27 PM	0.55
265	clm01	6004 -	18032364695	8034279281	18034279281	May 20, 2005 2:42:27 PM	May 20, 2005 2:42:40 PM	0.22
266	clm01	6004 -	8032438337			May 20, 2005 2:18:58 PM	May 20, 2005 2:21:58 PM	3
267	clm01	6004 -	18032364695	8034279281	18034279281	May 20, 2005 1:39:46 PM	May 20, 2005 1:40:43 PM	0.97
268	grvgs	6463 -	8034180603			May 20, 2005 12:47:59 PM	May 20, 2005 12:48:31 PM	0.53
269	grvgs	6463 -	8039686367			May 20, 2005 12:46:25 PM	May 20, 2005 12:50:58 PM	4.55
270	grvgs	6463 -	8034180603			May 20, 2005 12:42:38 PM	May 20, 2005 12:43:02 PM	0.4
271	grvgs	6463 -	18032364695	8032366215	8032366215	May 20, 2005 12:30:37 PM	May 20, 2005 12:30:42 PM	0.08
272	grvgs	6463 -	18032364695	8032366215	8032366215	May 20, 2005 12:30:02 PM	May 20, 2005 12:30:06 PM	0.07
273	grvgs	6454 -	8032366215			May 20, 2005 12:14:11 PM	May 20, 2005 12:15:46 PM	1.6
274	grvgs	6451 -	8032366215			May 20, 2005 12:08:48 PM	May 20, 2005 12:09:54 PM	1.12
275	grvgs	6451 -	18032364695	8434883765	8434883765	May 20, 2005 11:54:28 AM	May 20, 2005 11:56:57 AM	2.5
276	grvgs	6451 -	18032364695	7168949926	7168949926	May 20, 2005 11:47:37 AM	May 20, 2005 11:53:02 AM	5.42
277	grvgs	6451 -	18032364695	8434554964	8434554964	May 20, 2005 11:45:00 AM	May 20, 2005 11:45:56 AM	0.93
278	grvgs	6451 -	18032364695	8434554964	8434554964	May 20, 2005 11:39:41 AM	May 20, 2005 11:44:15 AM	4.57
279	grvgs	6451 -	18434554964			May 20, 2005 11:32:15 AM	May 20, 2005 11:37:43 AM	5.48
280	grvgs	6451 -	18032364695	8434554964	8434554964	May 20, 2005 11:31:46 AM	May 20, 2005 11:31:48 AM	0.03

Page: 7 (24) Total: 930

Created by dproietti @ May 31, 2005 5:07:28 PM

Fraud Manager for Telecommunications

Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)
281	grvgs	6451 -	18032364695	7168949926	7168949926	May 20, 2005 11:30:43 AM	May 20, 2005 11:31:19 AM	0.6
282	grvgs	6458 -	18032364695	7168949926	7168949926	May 20, 2005 11:29:58 AM	May 20, 2005 11:30:06 AM	0.15
283	grvgs	6458 -	18032364695	8033160583	8033160583	May 20, 2005 11:28:15 AM	May 20, 2005 11:28:16 AM	0.03
284	grvgs	6454 -	8034180603			May 20, 2005 11:12:35 AM	May 20, 2005 11:14:07 AM	1.53
285	grvgs	6482 -	18032364695	8034948355	8034948355	May 20, 2005 9:43:11 AM	May 20, 2005 9:43:43 AM	0.55
286	grvgs	6482 -	18032364695	8037735531	8037735531	May 20, 2005 9:36:10 AM	May 20, 2005 9:37:47 AM	1.62
287	clm01	6004 -	8034948355			May 20, 2005 8:56:20 AM	May 20, 2005 8:57:17 AM	0.95
288	clm01	6004 -	18032364695	8037735531	8037735531	May 20, 2005 8:40:42 AM	May 20, 2005 8:43:28 AM	2.77
289	clm01	6004 -	18032364695	8033163522	8033163522	May 20, 2005 7:02:39 AM	May 20, 2005 7:02:50 AM	0.2
290	clm01	6004 -	18032364695	8035491478	8035491478	May 20, 2005 6:05:19 AM	May 20, 2005 6:06:33 AM	1.25
291	clm01	6004 -	8035491478			May 20, 2005 6:03:28 AM	May 20, 2005 6:03:51 AM	0.38
292	clm01	6004 -	8035491478			May 20, 2005 5:55:47 AM	May 20, 2005 5:57:56 AM	2.15
293	clm01	6004 -	18032364695	8032439412	8032439412	May 19, 2005 11:13:09 PM	May 19, 2005 11:13:48 PM	0.65
294	clm01	6004 -	18032364695	8032439412	8032439412	May 19, 2005 11:12:18 PM	May 19, 2005 11:12:28 PM	0.17
295	clm01	6004 -	8438550201			May 19, 2005 11:01:05 PM	May 19, 2005 11:01:27 PM	0.38
296	clm01	6004 -	18032364695	8034942529	8034942529	May 19, 2005 8:38:47 PM	May 19, 2005 9:01:45 PM	22.97
297	clm01	6004 -	8032366215			May 19, 2005 8:07:17 PM	May 19, 2005 8:09:11 PM	1.92
298	clm01	6004 -	8034995773			May 19, 2005 7:46:14 PM	May 19, 2005 7:48:26 PM	2.2
299	grvgs	5241 -	18032364695	8035491478	8035491478	May 19, 2005 6:38:05 PM	May 19, 2005 6:43:12 PM	5.13
300	clm01	6004 -	18032364695	8035491478	8035491478	May 19, 2005 5:19:29 PM	May 19, 2005 5:21:37 PM	2.15
301	clm01	6004 -	18032364695	8032438337	01118032438337	May 19, 2005 5:18:07 PM	May 19, 2005 5:19:04 PM	0.97
302	grvgs	6460 -	18032438337			May 19, 2005 2:25:35 PM	May 19, 2005 2:26:09 PM	0.58
303	grvgs	6460 -	8034272773			May 19, 2005 12:34:32 PM	May 19, 2005 12:36:43 PM	2.18
304	grvgs	6460 -	18032364695	8032366215	8032366215	May 19, 2005 12:17:49 PM	May 19, 2005 12:22:36 PM	4.78
305	grvgs	6460 -	18032364695	8034948355	8034948355	May 19, 2005 12:14:00 PM	May 19, 2005 12:17:13 PM	3.22
306	grvgs	6460 -	18032364695	8034992148	8034992148	May 19, 2005 10:18:16 AM	May 19, 2005 10:19:12 AM	0.93
307	grvgs	6460 -	18032364695	8034991137	8034991137	May 19, 2005 10:17:16 AM	May 19, 2005 10:17:43 AM	0.47
308	grvgs	6460 -	18032364695	8034997760	8034997760	May 19, 2005 10:16:45 AM	May 19, 2005 10:16:47 AM	0.05
309	grvgs	6460 -	18032364695	8032366215	8032366215	May 19, 2005 9:52:35 AM	May 19, 2005 9:52:38 AM	0.05
310	grvgs	6460 -	18032364695	8034997760	8034997760	May 19, 2005 9:52:19 AM	May 19, 2005 9:52:21 AM	0.05
311	clm01	6004 -	8032366215			May 19, 2005 8:11:47 AM	May 19, 2005 8:15:33 AM	3.77
312	clm01	6004 -	18032364695	8033163522	8033163522	May 19, 2005 5:59:26 AM	May 19, 2005 5:59:40 AM	0.25
313	clm01	6004 -	8035491478			May 19, 2005 5:42:55 AM	May 19, 2005 5:47:26 AM	4.52
314	clm01	6004 -	18032364695	8032364695	2364695	May 18, 2005 11:24:15 PM	May 18, 2005 11:25:08 PM	0.88
315	clm01	6004 -	18032364695	8032364695	8032364695	May 18, 2005 11:22:09 PM	May 18, 2005 11:23:08 PM	0.98
316	clm01	6004 -	8036693158			May 18, 2005 10:44:36 PM	May 18, 2005 10:45:36 PM	1.02
317	clm01	6004 -	18032364695	8034323651	8034323651	May 18, 2005 8:54:24 PM	May 18, 2005 8:54:53 PM	0.5
318	clm01	6004 -	18032364695	8034279281	18034279281	May 18, 2005 8:51:47 PM	May 18, 2005 8:51:51 PM	0.07
319	clm01	6004 -	18032364695	8034279281	8034279281	May 18, 2005 8:44:33 PM	May 18, 2005 8:45:05 PM	0.55
320	grvgs	5241 -	18032364695	8438550201	8438550201	May 18, 2005 8:08:33 PM	May 18, 2005 8:13:50 PM	5.28

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Created by dproietti @ May 31, 2005 5:07:40 PM

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Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)
321	grvgs	5241 -	8035491478			May 18, 2005 7:59:20 PM	May 18, 2005 8:08:04 PM	8.75
322	grvgs	6460 -	8035491478			May 18, 2005 4:32:42 PM	May 18, 2005 4:33:02 PM	0.33
323	grvgs	6462 -	8034992148			May 18, 2005 4:29:26 PM	May 18, 2005 4:31:44 PM	2.3
324	grvgs	6451 -	18032364695	8033160583	8033160583	May 18, 2005 4:07:42 PM	May 18, 2005 4:07:45 PM	0.05
325	grvgs	6463 -	18032364695	8033160583	8033160583	May 18, 2005 3:59:33 PM	May 18, 2005 3:59:37 PM	0.07
326	grvgs	6463 -	18032364695	8033160583	8033160583	May 18, 2005 3:59:15 PM	May 18, 2005 3:59:24 PM	0.15
327	grvgs	6463 -	18032364695	8039831909	8039831909	May 18, 2005 3:43:06 PM	May 18, 2005 3:43:19 PM	0.23
328	grvgs	6460 -	18032364695	8039831909	8039831909	May 18, 2005 3:27:10 PM	May 18, 2005 3:27:53 PM	0.72
329	grvgs	6460 -	18032364695	8033165335	8033165335	May 18, 2005 2:57:43 PM	May 18, 2005 2:58:02 PM	0.32
330	grvgs	6460 -	18032364695	8039831909	8039831909	May 18, 2005 2:45:58 PM	May 18, 2005 2:46:45 PM	0.78
331	grvgs	6460 -	18032364695	8037743279	8037743279	May 18, 2005 2:41:49 PM	May 18, 2005 2:42:05 PM	0.27
332	grvgs	6460 -	8034948355			May 18, 2005 1:17:59 PM	May 18, 2005 1:30:36 PM	12.62
333	grvgs	6460 -	18032366215			May 18, 2005 12:15:57 PM	May 18, 2005 12:19:40 PM	3.72
334	grvgs	6460 -	18032364695	8037743279	8037743279	May 18, 2005 12:07:13 PM	May 18, 2005 12:08:40 PM	1.45
335	grvgs	6460 -	18032364695	8039831909	8039831909	May 18, 2005 10:29:33 AM	May 18, 2005 10:29:57 AM	0.62
336	grvgs	6460 -	18032364695	8034995773	8034995773	May 18, 2005 8:58:52 AM	May 18, 2005 10:04:34 AM	65.7
337	grvgs	6460 -	18032364695	8034942626	8034942626	May 18, 2005 8:57:34 AM	May 18, 2005 8:58:29 AM	0.93
338	grvgs	6460 -	18032364695	8034992148	8034992148	May 18, 2005 8:52:10 AM	May 18, 2005 8:53:47 AM	1.62
339	grvgs	6460 -	18032364695	8034997760	8034997760	May 18, 2005 8:03:48 AM	May 18, 2005 8:17:27 AM	13.65
340	grvgs	6460 -	18032364695	8032366215	8032366215	May 18, 2005 7:25:06 AM	May 18, 2005 7:36:48 AM	11.72
341	grvgs	6460 -	18032364695	8032366215	8032366215	May 18, 2005 7:24:45 AM	May 18, 2005 7:24:49 AM	0.07
342	grvgs	6460 -	18032364695	8034995773	8034995773	May 18, 2005 7:13:56 AM	May 18, 2005 7:14:03 AM	0.13
343	clm01	6004 -	18032364695	8035492057	5492057	May 17, 2005 9:22:26 PM	May 17, 2005 9:28:15 PM	5.83
344	clm01	6004 -	18032364695	8034201535	8034201535	May 17, 2005 9:18:30 PM	May 17, 2005 9:22:01 PM	3.53
345	clm01	6004 -	8032366215			May 17, 2005 7:46:38 PM	May 17, 2005 7:47:50 PM	1.2
346	clm01	6004 -	18032364695	8035496398	8035496398	May 17, 2005 6:43:52 PM	May 17, 2005 6:44:39 PM	0.78
347	clm01	6004 -	18032364695	8039831909	8039831909	May 17, 2005 6:37:50 PM	May 17, 2005 6:38:09 PM	0.33
348	clm01	6004 -	18032364695	7168949926	7168949926	May 17, 2005 6:32:06 PM	May 17, 2005 6:33:31 PM	1.43
349	clm01	6004 -	18032364695	7044921964	17044921964	May 17, 2005 6:13:22 PM	May 17, 2005 6:31:21 PM	17.98
350	clm01	6004 -	18032364695	8039831909	8039831909	May 17, 2005 4:56:53 PM	May 17, 2005 4:57:34 PM	0.7
351	grvgs	6460 -	18032364695	8034995773	8034995773	May 17, 2005 4:46:40 PM	May 17, 2005 4:47:43 PM	1.05
352	grvgs	6460 -	18032364695	8433375990	8433375990	May 17, 2005 4:39:04 PM	May 17, 2005 4:46:23 PM	7.33
353	clm01	6004 -	18032364695	8039831909	8039831909	May 17, 2005 4:22:33 PM	May 17, 2005 4:22:34 PM	0.02
354	clm01	6004 -	8034258708			May 17, 2005 3:56:32 PM	May 17, 2005 3:58:26 PM	1.92
355	clm01	6004 -	8032366215			May 17, 2005 3:21:30 PM	May 17, 2005 3:24:50 PM	3.33
356	clm01	6004 -	18032364695	8032366215	8032366215	May 17, 2005 3:21:03 PM	May 17, 2005 3:21:05 PM	0.05
357	clm01	6004 -	18032364695	8039831909	8039831909	May 17, 2005 2:32:41 PM	May 17, 2005 2:33:10 PM	0.5
358	clm01	6004 -	18032364695	8032366215	8032366215	May 17, 2005 1:58:49 PM	May 17, 2005 1:58:51 PM	0.05
359	clm01	6004 -	18032364695	8032366215	8032366215	May 17, 2005 1:58:35 PM	May 17, 2005 1:58:38 PM	0.07
360	clm01	6004 -	18032364695	8034256025	8034256025	May 17, 2005 1:54:20 PM	May 17, 2005 1:57:26 PM	3.1

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Fraud Manager for Telecommunications

Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F S
361	clm01	6004 -	18032364695	8034948355	8034948355	May 17, 2005 1:33:25 PM	May 17, 2005 1:33:40 PM	0.27	1
362	clm01	6004 -	8034992148			May 17, 2005 1:16:18 PM	May 17, 2005 1:23:05 PM	6.78	1
363	clm01	6004 -	8033165335			May 17, 2005 1:04:12 PM	May 17, 2005 1:10:46 PM	6.58	1
364	clm01	6004 -	18032364695	8034258708	8034258708	May 17, 2005 12:49:39 PM	May 17, 2005 12:54:07 PM	4.47	1
365	clm01	6004 -	18032364695	8035491478	8035491478	May 17, 2005 12:45:48 PM	May 17, 2005 12:47:25 PM	1.62	1
366	clm01	6004 -	18032364695	8034256025	8034256025	May 17, 2005 12:32:45 PM	May 17, 2005 12:33:55 PM	1.17	1
367	clm01	6004 -	18032364695	8032366215	8032366215	May 17, 2005 12:31:29 PM	May 17, 2005 12:31:31 PM	0.05	1
368	clm01	6004 -	18032364695	8034256025	8034256025	May 17, 2005 12:27:05 PM	May 17, 2005 12:29:37 PM	2.53	1
369	clm01	6004 -	8433375990			May 17, 2005 12:26:11 PM	May 17, 2005 12:26:43 PM	0.55	1
370	clm01	6004 -	18032364695	8034251717	8034251717	May 17, 2005 12:25:39 PM	May 17, 2005 12:25:56 PM	0.28	1
371	clm01	6004 -	8032356215			May 17, 2005 12:17:28 PM	May 17, 2005 12:17:38 PM	0.18	1
372	clm01	6004 -	18032364695	8034942626	8034942626	May 17, 2005 12:09:08 PM	May 17, 2005 12:10:45 PM	1.62	1
373	clm01	6004 -	18032364695	8037743279	8037743279	May 17, 2005 11:58:34 AM	May 17, 2005 11:59:23 AM	0.82	1
374	grvgs	5239 -	18032364695	8032366215	8032366215	May 17, 2005 11:07:33 AM	May 17, 2005 11:12:57 AM	5.4	1
375	grvgs	5239 -	18032364695	8032356215	8032356215	May 17, 2005 11:06:53 AM	May 17, 2005 11:06:59 AM	0.12	1
376	grvgs	5239 -	18032364695	8034256025	8034256025	May 17, 2005 11:04:20 AM	May 17, 2005 11:05:15 AM	0.93	1
377	grvgs	5239 -	18032364695	8034251717	8034251717	May 17, 2005 11:02:26 AM	May 17, 2005 11:03:38 AM	1.2	1
378	grvgs	5239 -	18032364695	8034256025	8034256025	May 17, 2005 11:01:01 AM	May 17, 2005 11:02:00 AM	1	1
379	grvgs	5238 -	18032364695	8035491478	8035491478	May 17, 2005 10:48:39 AM	May 17, 2005 10:49:13 AM	0.58	1
380	grvgs	5241 -	18032364695	8032366215	8032366215	May 17, 2005 10:31:47 AM	May 17, 2005 10:33:03 AM	1.27	1
381	grvgs	5241 -	18032364695	8033876245	*86	May 17, 2005 9:39:53 AM	May 17, 2005 9:44:33 AM	4.67	1
382	grvgs	5241 -	18032364695	8035491748	8035491748	May 17, 2005 9:39:34 AM	May 17, 2005 9:39:42 AM	0.13	1
383	grvgs	5241 -	18032364695	8037130780	8037130780	May 15, 2005 1:51:06 PM	May 15, 2005 1:51:25 PM	0.33	1
384	grvgs	5241 -	18032364695	8034241821	8034241821	May 15, 2005 1:42:56 PM	May 15, 2005 1:43:33 PM	0.63	1
385	grvgs	5241 -	8033180731			May 15, 2005 1:33:32 PM	May 15, 2005 1:33:56 PM	0.4	1
386	grvgs	5239 -	18032364695	8034245285	8034245285	May 15, 2005 1:29:09 PM	May 15, 2005 1:29:16 PM	0.12	1
387	grvgs	5268 -	18032364695	8036692473	8036692473	May 15, 2005 1:28:27 PM	May 15, 2005 1:28:31 PM	0.08	1
388	clm01	2274 -	8433375990			May 15, 2005 1:21:44 PM	May 15, 2005 1:28:33 PM	6.83	1
389	clm01	6004 -	18032364695	8438550201	8438550201	May 15, 2005 12:52:29 PM	May 15, 2005 12:52:36 PM	0.13	1
390	clm01	6004 -	18032364695	8039831909	8039831909	May 15, 2005 12:43:56 PM	May 15, 2005 12:45:02 PM	1.1	1
391	clm01	6004 -	18032364695	8037755192	8037755192	May 15, 2005 12:41:16 PM	May 15, 2005 12:43:22 PM	2.1	1
392	clm01	6004 -	18032364695	8034200675	8034200675	May 15, 2005 12:30:28 PM	May 15, 2005 12:31:45 PM	1.28	1
393	clm01	6004 -	8034258708			May 15, 2005 12:22:36 PM	May 15, 2005 12:29:31 PM	6.92	1
394	grvgs	6455 -	8034200675			May 15, 2005 11:18:43 AM	May 15, 2005 11:20:24 AM	1.7	1
395	grvgs	6455 -	18032364695	8035491478	8035491478	May 15, 2005 10:55:18 AM	May 15, 2005 10:57:18 AM	2.02	1
396	grvgs	6461 -	8037755192			May 15, 2005 10:51:12 AM	May 15, 2005 10:52:05 AM	0.88	1
397	grvgs	6455 -	18032364695	8033160583	8033160583	May 14, 2005 11:03:55 PM	May 14, 2005 11:04:23 PM	0.47	1
398	grvgs	6455 -	18032364695	8035491478	8035491478	May 14, 2005 11:03:10 PM	May 14, 2005 11:03:15 PM	0.1	1
399	grvgs	6461 -	18032364695	8032366215	8032366215	May 14, 2005 6:08:28 PM	May 14, 2005 6:08:31 PM	0.05	1
400	grvgs	6455 -	18032364695	8439211825	8439211825	May 14, 2005 6:04:06 PM	May 14, 2005 6:07:40 PM	3.57	1

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Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F S
401	grvgs	6455 -	18032364695	8439211825	8439211825	May 14, 2005 6:03:43 PM	May 14, 2005 6:03:53 PM	0.17	1
402	grvgs	6455 -	18032364695	8433375990	8433375990	May 14, 2005 5:52:39 PM	May 14, 2005 5:53:34 PM	0.93	1
403	grvgs	6461 -	18032364695	8032366215	8032366215	May 14, 2005 4:45:57 PM	May 14, 2005 4:48:00 PM	0.07	1
404	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 2:44:50 PM	May 14, 2005 2:45:25 PM	0.6	1
405	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 2:39:18 PM	May 14, 2005 2:39:22 PM	0.07	1
406	grvgs	6460 -	18032364695	8034948355	8034948355	May 14, 2005 2:37:40 PM	May 14, 2005 2:38:06 PM	0.42	1
407	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 2:36:30 PM	May 14, 2005 2:36:37 PM	0.12	1
408	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 2:35:02 PM	May 14, 2005 2:35:12 PM	0.18	1
409	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 2:34:18 PM	May 14, 2005 2:34:18 PM	0.05	1
410	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 2:21:43 PM	May 14, 2005 2:24:08 PM	2.42	1
411	grvgs	6460 -	18032364695	8034948355	8034948355	May 14, 2005 1:37:01 PM	May 14, 2005 1:39:04 PM	2.05	1
412	grvgs	6460 -	18032364695	8032366215	8032366215	May 14, 2005 1:36:35 PM	May 14, 2005 1:36:37 PM	0.05	1
413	grvgs	6460 -	18032364695	8032366215	8032366215	May 14, 2005 1:35:48 PM	May 14, 2005 1:35:59 PM	0.2	1
414	grvgs	6460 -	8032366215			May 14, 2005 1:24:37 PM	May 14, 2005 1:27:18 PM	2.68	1
415	grvgs	6460 -	18032364695	8034942626	8034942626	May 14, 2005 1:17:51 PM	May 14, 2005 1:21:57 PM	4.12	1
416	grvgs	6460 -	8033160583			May 14, 2005 1:12:02 PM	May 14, 2005 1:12:19 PM	0.3	1
417	grvgs	6460 -	18032364695	8034942626	8034942626	May 14, 2005 1:11:10 PM	May 14, 2005 1:11:41 PM	0.53	1
418	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 1:10:12 PM	May 14, 2005 1:10:24 PM	0.2	1
419	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 1:06:23 PM	May 14, 2005 1:06:25 PM	0.05	1
420	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 1:05:41 PM	May 14, 2005 1:05:44 PM	0.07	1
421	grvgs	6460 -	8033160583			May 14, 2005 12:49:52 PM	May 14, 2005 12:50:16 PM	0.42	1
422	grvgs	6460 -	8035491478			May 14, 2005 12:47:01 PM	May 14, 2005 12:47:17 PM	0.28	1
423	grvgs	6460 -	18032364695	8034942626	8034942626	May 14, 2005 12:01:34 PM	May 14, 2005 12:06:02 PM	4.48	1
424	grvgs	6460 -	8034258708			May 14, 2005 11:59:29 AM	May 14, 2005 12:01:12 PM	1.72	1
425	grvgs	6460 -	18032364695	8034992510	8034992510	May 14, 2005 11:15:16 AM	May 14, 2005 11:15:47 AM	0.52	1
426	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 11:13:04 AM	May 14, 2005 11:13:28 AM	0.4	1
427	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 10:46:09 AM	May 14, 2005 10:46:37 AM	0.45	1
428	grvgs	6460 -	8034993807			May 14, 2005 10:40:10 AM	May 14, 2005 10:41:33 AM	1.38	1
429	grvgs	6460 -	8034942626			May 14, 2005 10:30:33 AM	May 14, 2005 10:33:43 AM	3.18	1
430	grvgs	6460 -	8034942626			May 14, 2005 10:18:25 AM	May 14, 2005 10:21:07 AM	2.7	1
431	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 10:05:12 AM	May 14, 2005 10:05:30 AM	0.3	1
432	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 10:04:15 AM	May 14, 2005 10:04:17 AM	0.05	1
433	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 10:03:55 AM	May 14, 2005 10:03:58 AM	0.05	1
434	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 10:03:39 AM	May 14, 2005 10:03:43 AM	0.07	1
435	grvgs	6460 -	8034942626			May 14, 2005 10:00:43 AM	May 14, 2005 10:03:29 AM	2.77	1
436	grvgs	6460 -	8033160583			May 14, 2005 9:59:41 AM	May 14, 2005 10:00:25 AM	0.73	1
437	grvgs	6460 -	18032364695	8034942626	8034942626	May 14, 2005 9:51:51 AM	May 14, 2005 9:58:32 AM	6.7	1
438	grvgs	6460 -	18032364695	8037743279	8037743279	May 14, 2005 9:48:13 AM	May 14, 2005 9:50:52 AM	2.67	1
439	clm01	6005 -	18032364695	8034992510	8034992510	May 14, 2005 9:32:59 AM	May 14, 2005 9:33:19 AM	0.35	1
440	clm01	6004 -	8034994187			May 14, 2005 9:29:17 AM	May 14, 2005 9:29:56 AM	0.65	1

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Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)
441	grvgs	6460 -	18032364695	8034994187	8034994187	May 14, 2005 9:21:25 AM	May 14, 2005 9:22:32 AM	1.12
442	grvgs	6460 -	18032364695	8034999612	8034999612	May 14, 2005 9:20:37 AM	May 14, 2005 9:21:00 AM	0.38
443	grvgs	6460 -	18032364695	8034992148	8034992148	May 14, 2005 9:12:26 AM	May 14, 2005 9:12:40 AM	0.25
444	grvgs	6460 -	18032364695	8034995773	8034995773	May 14, 2005 9:10:37 AM	May 14, 2005 9:10:44 AM	0.13
445	grvgs	6460 -	18032364695	8034995773	8034995773	May 14, 2005 9:09:29 AM	May 14, 2005 9:10:08 AM	0.85
446	grvgs	6460 -	18032364695	8033160583	8033160583	May 14, 2005 9:01:26 AM	May 14, 2005 9:02:29 AM	1.05
447	grvgs	6455 -	8037755192			May 14, 2005 8:24:29 AM	May 14, 2005 8:24:40 AM	0.18
448	grvgs	6458 -	8433375990			May 14, 2005 12:35:46 AM	May 14, 2005 12:41:08 AM	5.37
449	grvgs	6458 -	8433375990			May 14, 2005 12:34:20 AM	May 14, 2005 12:35:22 AM	1.03
450	grvgs	6455 -	18032364695	8033876245	*86	May 13, 2005 8:48:55 PM	May 13, 2005 8:49:38 PM	0.73
451	grvgs	6455 -	18032364695	8032366215	8032366215	May 13, 2005 8:48:30 PM	May 13, 2005 8:48:32 PM	0.05
452	grvgs	6455 -	18032364695	8035491478	8035491478	May 13, 2005 8:42:33 PM	May 13, 2005 8:42:54 PM	0.37
453	grvgs	6461 -	8035491225			May 13, 2005 8:17:57 PM	May 13, 2005 8:23:11 PM	5.25
454	grvgs	6461 -	18032364695	8032439412	8032439412	May 13, 2005 8:12:43 PM	May 13, 2005 8:16:45 PM	4.05
455	grvgs	6455 -	18032364695	8035491478	8035491478	May 13, 2005 8:10:22 PM	May 13, 2005 8:12:24 PM	2.03
456	grvgs	6462 -	18032364695	8034942626	8034942626	May 13, 2005 7:09:59 PM	May 13, 2005 7:10:24 PM	0.42
457	grvgs	6460 -	18032364695	8034942626	8034942626	May 13, 2005 6:33:55 PM	May 13, 2005 6:36:54 PM	3
458	grvgs	6460 -	18032364695	8034942626	8034942626	May 13, 2005 5:44:33 PM	May 13, 2005 5:45:34 PM	1.02
459	grvgs	6460 -	18032364695	8037743279	8037743279	May 13, 2005 5:39:59 PM	May 13, 2005 5:41:35 PM	1.6
460	grvgs	6460 -	8034942626			May 13, 2005 5:23:53 PM	May 13, 2005 5:25:09 PM	1.28
461	grvgs	6460 -	8438550201			May 13, 2005 4:45:31 PM	May 13, 2005 4:47:09 PM	1.63
462	grvgs	6460 -	8035491478			May 13, 2005 4:20:33 PM	May 13, 2005 4:20:56 PM	0.38
463	grvgs	6460 -	8034942626			May 13, 2005 4:16:17 PM	May 13, 2005 4:16:27 PM	1.18
464	grvgs	6460 -	8034948774			May 13, 2005 4:05:27 PM	May 13, 2005 4:09:18 PM	3.87
465	grvgs	6460 -	18032364695	8039839826	8039839826	May 13, 2005 3:32:05 PM	May 13, 2005 3:32:33 PM	0.48
466	grvgs	6460 -	8039839826			May 13, 2005 3:16:05 PM	May 13, 2005 3:17:23 PM	1.3
467	grvgs	6460 -	8034189238			May 13, 2005 3:01:26 PM	May 13, 2005 3:01:41 PM	0.25
468	grvgs	6460 -	18032364695	8034669520	8034669520	May 13, 2005 2:41:50 PM	May 13, 2005 2:41:56 PM	0.08
469	grvgs	6460 -	8034948355			May 13, 2005 12:59:08 PM	May 13, 2005 1:02:13 PM	3.08
470	grvgs	6460 -	8034189328			May 13, 2005 12:27:03 PM	May 13, 2005 12:27:40 PM	0.62
471	grvgs	6460 -	18032364695	8032366215	8032366215	May 13, 2005 12:12:44 PM	May 13, 2005 12:17:45 PM	5.03
472	grvgs	6455 -	18032364695	8034189328	8034189328	May 13, 2005 11:54:36 AM	May 13, 2005 11:55:07 AM	0.53
473	grvgs	6455 -	18032364695	8037743279	8037743279	May 13, 2005 11:53:45 AM	May 13, 2005 11:54:04 AM	0.32
474	grvgs	6455 -	18032364695	8034189238	8034189238	May 13, 2005 11:53:08 AM	May 13, 2005 11:53:15 AM	0.12
475	grvgs	6455 -	8037743279			May 13, 2005 11:51:47 AM	May 13, 2005 11:52:23 AM	0.6
476	grvgs	6455 -	8037743279			May 13, 2005 11:47:05 AM	May 13, 2005 11:49:08 AM	2.07
477	grvgs	6455 -	18032364695	8037743279	8037743279	May 13, 2005 10:51:49 AM	May 13, 2005 10:54:58 AM	3.17
478	grvgs	6455 -	18032364695	8034997760	8034997760	May 13, 2005 9:46:56 AM	May 13, 2005 9:46:59 AM	0.05
479	grvgs	6455 -	18032364695	8037743279	8037743279	May 13, 2005 9:34:48 AM	May 13, 2005 9:34:56 AM	0.13
480	grvgs	6455 -	18032364695	8032366215	01118032366215	May 13, 2005 9:31:06 AM	May 13, 2005 9:33:14 AM	2.15

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Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F S
481	grvgs	6461 -	18032364695	8033876245	*86	May 13, 2005 9:29:59 AM	May 13, 2005 9:30:21 AM	0.37	1
482	grvgs	6461 -	18032364695	2024120197	2024120197	May 13, 2005 9:28:30 AM	May 13, 2005 9:29:47 AM	1.28	1
483	grvgs	6455 -	18032364695	2024120197	2024120197	May 13, 2005 9:18:19 AM	May 13, 2005 9:27:48 AM	9.48	1
484	grvgs	6461 -	18032364695	8034997760	8034997760	May 13, 2005 9:16:58 AM	May 13, 2005 9:17:01 AM	0.05	1
485	grvgs	6455 -	18032364695	8037743279	8037743279	May 13, 2005 9:10:26 AM	May 13, 2005 9:14:19 AM	3.88	1
486	grvgs	6455 -	18032364695	8037743279	8037743279	May 13, 2005 8:35:42 AM	May 13, 2005 8:36:01 AM	0.33	1
487	grvgs	6461 -	18032364695	8035491478	8035491478	May 13, 2005 8:30:44 AM	May 13, 2005 8:33:30 AM	2.77	1
488	grvgs	6455 -	18032364695	8033876245	*86	May 13, 2005 8:29:37 AM	May 13, 2005 8:30:16 AM	0.65	1
489	grvgs	6461 -	18032364695	8033876245	*86	May 13, 2005 8:29:04 AM	May 13, 2005 8:29:21 AM	0.28	1
490	grvgs	6455 -	18032364695	8033876245	*86	May 13, 2005 8:28:08 AM	May 13, 2005 8:28:46 AM	0.63	1
491	grvgs	6461 -	18032364695	8033876245	*86	May 13, 2005 8:27:16 AM	May 13, 2005 8:27:56 AM	0.67	1
492	grvgs	6461 -	18032364695	8438550201	8438550201	May 13, 2005 8:09:37 AM	May 13, 2005 8:10:22 AM	0.77	1
493	grvgs	6455 -	18032364695	8033876245	*86	May 13, 2005 8:03:23 AM	May 13, 2005 8:04:40 AM	1.3	1
494	grvgs	6460 -	8034948774			May 12, 2005 5:16:22 PM	May 12, 2005 5:21:23 PM	5.03	1
495	grvgs	6460 -	18032364695	8037732474	8037732474	May 12, 2005 5:12:11 PM	May 12, 2005 5:13:19 PM	1.13	1
496	grvgs	6460 -	18032364695	8037743279	8037743279	May 12, 2005 5:10:02 PM	May 12, 2005 5:11:03 PM	1.02	1
497	grvgs	6460 -	18032364695	8037743279	8037743279	May 12, 2005 4:51:33 PM	May 12, 2005 4:52:41 PM	1.15	1
498	grvgs	6460 -	18032364695	8034942626	8034942626	May 12, 2005 4:47:05 PM	May 12, 2005 4:51:10 PM	4.1	1
499	grvgs	6460 -	2024120197			May 12, 2005 4:24:19 PM	May 12, 2005 4:24:34 PM	0.25	1
500	grvgs	6460 -	18032364695	8032366215	8032366215	May 12, 2005 3:26:59 PM	May 12, 2005 3:27:01 PM	0.05	1
501	grvgs	6460 -	18032364695	8032366215	8032366215	May 12, 2005 3:10:41 PM	May 12, 2005 3:10:44 PM	0.05	1
502	grvgs	6460 -	18032364695	8032366215	8032366215	May 12, 2005 2:45:58 PM	May 12, 2005 2:50:13 PM	4.25	1
503	grvgs	6460 -	8034942626			May 12, 2005 2:36:40 PM	May 12, 2005 2:36:54 PM	0.25	1
504	grvgs	6460 -	8034258708			May 12, 2005 2:35:15 PM	May 12, 2005 2:35:35 PM	0.35	1
505	grvgs	6460 -	18032364695	8034258708	8034258708	May 12, 2005 2:31:59 PM	May 12, 2005 2:33:04 PM	1.08	1
506	grvgs	6460 -	18032364695	8034942626	8034942626	May 12, 2005 2:29:44 PM	May 12, 2005 2:31:28 PM	1.73	1
507	grvgs	6460 -	8034242569			May 12, 2005 2:28:41 PM	May 12, 2005 2:29:09 PM	0.48	1
508	grvgs	6460 -	18032366215			May 12, 2005 1:42:15 PM	May 12, 2005 1:43:45 PM	1.52	1
509	grvgs	6460 -	18032364695	8032366215	8032366215	May 12, 2005 12:43:00 PM	May 12, 2005 12:43:02 PM	0.05	1
510	grvgs	6462 -	18032364695	8034942626	8034942626	May 12, 2005 12:28:39 PM	May 12, 2005 12:39:39 PM	11.02	1
511	grvgs	6460 -	8034948774			May 12, 2005 11:46:54 AM	May 12, 2005 11:52:09 AM	5.25	1
512	grvgs	6460 -	18032364695	8034942626	8034942626	May 12, 2005 11:34:35 AM	May 12, 2005 11:39:39 AM	5.07	1
513	grvgs	6460 -	18032364695	8032366215	8032366215	May 12, 2005 11:27:50 AM	May 12, 2005 11:27:53 AM	0.05	1
514	grvgs	6460 -	18032364695	8032366215	8032366215	May 12, 2005 10:52:24 AM	May 12, 2005 10:52:27 AM	0.07	1
515	grvgs	6460 -	18032364695	8032366215	8032366215	May 12, 2005 9:59:00 AM	May 12, 2005 9:59:22 AM	0.38	1
516	grvgs	6460 -	18032364695	8034995773	8034995773	May 12, 2005 9:26:25 AM	May 12, 2005 9:32:11 AM	5.77	1
517	grvgs	6460 -	18032364695	8034995773	8034995773	May 12, 2005 9:22:03 AM	May 12, 2005 9:23:13 AM	1.17	1
518	grvgs	6462 -	8034948355			May 12, 2005 9:14:30 AM	May 12, 2005 9:15:23 AM	0.88	1
519	grvgs	6455 -	18032364695	8032366215	8032366215	May 12, 2005 9:06:20 AM	May 12, 2005 9:06:27 AM	0.12	1
520	grvgs	6455 -	8036060056			May 12, 2005 9:04:34 AM	May 12, 2005 9:05:21 AM	0.78	1

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Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Diald Digits	v Call Start Time v	Call End Time	Duration (min.)	F S
521	grvgs	6460 -	8036060056	8032366215	8032366215	May 12, 2005 8:54:54 AM	May 12, 2005 8:55:13 AM	0.33	1
522	grvgs	6460 -	18032364695	8034948355	8034948355	May 12, 2005 8:53:35 AM	May 12, 2005 8:53:38 AM	0.05	1
523	grvgs	6460 -	18032364695	8034948355	8034948355	May 12, 2005 8:33:29 AM	May 12, 2005 8:34:05 AM	0.6	1
524	grvgs	6460 -	18032364695	8034948355	8034948355	May 12, 2005 8:29:16 AM	May 12, 2005 8:30:25 AM	1.15	1
525	grvgs	6460 -	18032364695	8032366215	8032366215	May 12, 2005 8:28:50 AM	May 12, 2005 8:28:53 AM	0.05	1
526	grvgs	6461 -	18032364695	8033876245	*86	May 12, 2005 7:46:49 AM	May 12, 2005 7:47:28 AM	0.65	1
527	grvgs	6461 -	18032364695	8033876245	*86	May 12, 2005 7:31:25 AM	May 12, 2005 7:32:31 AM	1.12	1
528	clm01	6005 -	18032364695	8034999612	8034999612	May 11, 2005 8:20:30 PM	May 11, 2005 8:21:02 PM	0.53	1
529	clm01	6005 -	18032364695	8034992148	8034992148	May 11, 2005 8:19:08 PM	May 11, 2005 8:19:32 PM	0.4	1
530	clm01	6004 -	18032364695	8036060056	8036060056	May 11, 2005 8:05:16 PM	May 11, 2005 8:05:47 PM	0.53	1
531	clm01	6004 -	18032364695	8032366215	8032366215	May 11, 2005 8:04:44 PM	May 11, 2005 8:04:46 PM	0.05	1
532	clm01	6004 -	18032364695	8435379026	8435379026	May 11, 2005 8:03:50 PM	May 11, 2005 8:03:55 PM	0.08	1
533	clm01	6005 -	8036060056			May 11, 2005 7:00:33 PM	May 11, 2005 7:01:08 PM	0.6	1
534	clm01	6005 -	18032364695	8036060056	8036060056	May 11, 2005 6:53:08 PM	May 11, 2005 6:53:19 PM	0.18	1
535	grvgs	6460 -	18032364695	8036060056	8036060056	May 11, 2005 6:44:50 PM	May 11, 2005 6:44:52 PM	0.05	1
536	grvgs	6460 -	18032364695	8032366215	8032366215	May 11, 2005 6:30:56 PM	May 11, 2005 6:30:58 PM	0.05	1
537	grvgs	6462 -	8036060056			May 11, 2005 5:33:21 PM	May 11, 2005 5:39:02 PM	5.68	1
538	grvgs	6455 -	18032364695	8032366215	8032366215	May 11, 2005 4:59:42 PM	May 11, 2005 4:59:45 PM	0.07	1
539	clm01	6005 -	8036060056			May 11, 2005 4:38:07 PM	May 11, 2005 4:39:23 PM	1.27	1
540	clm01	6005 -	8035491478			May 11, 2005 4:31:40 PM	May 11, 2005 4:39:48 PM	8.13	1
541	grvgs	6461 -	18032366215			May 11, 2005 1:05:59 PM	May 11, 2005 1:07:11 PM	1.2	1
542	grvgs	6455 -	18032364695	8034995773	8034995773	May 11, 2005 12:41:16 PM	May 11, 2005 12:42:27 PM	1.2	1
543	grvgs	6455 -	18032364695	8033876245	*86	May 11, 2005 12:33:42 PM	May 11, 2005 12:38:20 PM	4.63	1
544	grvgs	6461 -	18032364695	8032366215	8032366215	May 11, 2005 12:17:56 PM	May 11, 2005 12:18:48 PM	0.88	1
545	grvgs	6455 -	18032364695	8034995773	8034995773	May 11, 2005 11:29:16 AM	May 11, 2005 11:29:21 AM	0.1	1
546	grvgs	6455 -	18032364695	8032366215	8032366215	May 11, 2005 11:14:07 AM	May 11, 2005 11:14:15 AM	0.13	1
547	grvgs	6461 -	18032366215			May 11, 2005 10:25:46 AM	May 11, 2005 10:27:04 AM	1.32	1
548	grvgs	6462 -	18032364695	8034649610	8034649610	May 11, 2005 9:59:02 AM	May 11, 2005 9:59:08 AM	0.12	1
549	grvgs	6462 -	18032364695	8034949610	8034949610	May 11, 2005 9:58:23 AM	May 11, 2005 9:58:32 AM	0.15	1
550	grvgs	6455 -	18032364695	8034649610	8034649610	May 11, 2005 9:57:43 AM	May 11, 2005 9:57:48 AM	0.08	1
551	clm01	6005 -	18032364695	8034942626	8034942626	May 11, 2005 9:52:13 AM	May 11, 2005 9:57:26 AM	5.23	1
552	grvgs	6462 -	18032364695	8034997760	8034997760	May 11, 2005 9:42:24 AM	May 11, 2005 9:47:05 AM	4.7	1
553	grvgs	6460 -	18032364695	8034997760	8034997760	May 11, 2005 9:27:31 AM	May 11, 2005 9:28:25 AM	0.92	1
554	grvgs	6461 -	18032366215			May 11, 2005 5:59:49 AM	May 11, 2005 6:00:32 AM	0.72	1
555	grvgs	6455 -	8035491478			May 10, 2005 10:13:27 PM	May 10, 2005 10:16:56 PM	3.5	1
556	grvgs	6455 -	18032364695	8439211825	8439211825	May 10, 2005 8:43:16 PM	May 10, 2005 8:43:55 PM	0.65	1
557	grvgs	6455 -	18032364695	8435379026	8435379026	May 10, 2005 8:39:12 PM	May 10, 2005 8:42:18 PM	3.12	1
558	grvgs	6455 -	18032364695	8034324674	8034324674	May 10, 2005 6:42:39 PM	May 10, 2005 6:44:59 PM	2.33	1
559	grvgs	6461 -	18032364695	8032366215	8032366215	May 10, 2005 5:34:09 PM	May 10, 2005 5:34:12 PM	0.07	1
560	grvgs	6455 -	18032364695	8034948355	8034948355	May 10, 2005 5:32:36 PM	May 10, 2005 5:32:45 PM	0.17	1

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Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F S
561	grvgs	5276 -	18032364695	8032439412	8032439412	May 10, 2005 4:14:03 PM	May 10, 2005 4:14:37 PM	0.57	1
562	grvgs	5241 -	8034258708			May 10, 2005 4:03:37 PM	May 10, 2005 4:04:22 PM	0.77	1
563	grvgs	5241 -	18032364695	8032366215	8032366215	May 10, 2005 3:55:57 PM	May 10, 2005 3:56:31 PM	0.57	1
564	grvgs	5241 -	18032364695	8032366215	8032366215	May 10, 2005 3:48:54 PM	May 10, 2005 3:48:57 PM	0.05	1
565	grvgs	5240 -	18032364695	8032366215	8032366215	May 10, 2005 3:30:40 PM	May 10, 2005 3:30:43 PM	0.05	1
566	grvgs	5241 -	8034258708			May 10, 2005 3:16:26 PM	May 10, 2005 3:17:51 PM	1.43	1
567	grvgs	6455 -	8034258708			May 10, 2005 1:19:47 PM	May 10, 2005 1:25:37 PM	5.83	1
568	grvgs	6461 -	18032364695	8033167616	8033167616	May 10, 2005 1:08:07 PM	May 10, 2005 1:08:14 PM	0.12	1
569	grvgs	6455 -	18032364695	8037758799	8037758799	May 10, 2005 1:06:56 PM	May 10, 2005 1:07:47 PM	0.85	1
570	grvgs	6455 -	18032364695	8032366215	8032366215	May 10, 2005 12:00:55 PM	May 10, 2005 12:00:57 PM	0.05	1
571	grvgs	6455 -	18032364695	8032366215	8032366215	May 10, 2005 10:02:56 AM	May 10, 2005 10:02:59 AM	0.05	1
572	grvgs	6460 -	18032364695	8032366215	8032366215	May 10, 2005 9:29:19 AM	May 10, 2005 9:29:22 AM	0.07	1
573	grvgs	6462 -	18032364695	8032366215	8032366215	May 10, 2005 9:05:57 AM	May 10, 2005 9:06:00 AM	0.07	1
574	grvgs	6455 -	18032364695	8034997760	8034997760	May 10, 2005 8:46:18 AM	May 10, 2005 8:50:00 AM	3.72	1
575	grvgs	6455 -	18032364695	8032366215	8032366215	May 10, 2005 8:45:43 AM	May 10, 2005 8:45:48 AM	0.1	1
576	grvgs	6482 -	18032364695	8034948355	8034948355	May 10, 2005 8:10:12 AM	May 10, 2005 8:10:22 AM	0.18	1
577	grvgs	6455 -	18032364695	8032366215	8032366215	May 10, 2005 8:08:59 AM	May 10, 2005 8:09:03 AM	0.07	1
578	grvgs	6461 -	8035491478			May 10, 2005 5:33:56 AM	May 10, 2005 5:36:24 AM	2.48	1
579	grvgs	6455 -	18032364695	8035491478	8035491478	May 9, 2005 10:42:03 PM	May 9, 2005 10:47:44 PM	5.68	1
580	grvgs	6455 -	8035491478			May 9, 2005 10:41:33 PM	May 9, 2005 10:41:46 PM	0.23	1
581	grvgs	6455 -	18032364695	8034254832	8034254832	May 9, 2005 9:58:52 PM	May 9, 2005 9:59:22 PM	0.5	1
582	grvgs	6461 -	8438550201			May 9, 2005 9:24:54 PM	May 9, 2005 9:27:18 PM	2.4	1
583	clm01	6004 -	8034942626			May 9, 2005 9:07:23 PM	May 9, 2005 9:16:00 PM	8.63	1
584	grvgs	5241 -	8034942626			May 9, 2005 8:49:03 PM	May 9, 2005 8:56:14 PM	7.18	1
585	grvgs	5241 -	8034942626			May 9, 2005 8:09:57 PM	May 9, 2005 8:10:26 PM	0.48	1
586	grvgs	5241 -	18032364695	8034942626	8034942626	May 9, 2005 8:07:04 PM	May 9, 2005 8:07:46 PM	0.7	1
587	grvgs	5241 -	8034942626			May 9, 2005 8:05:28 PM	May 9, 2005 8:05:42 PM	0.23	1
588	grvgs	5276 -	18032364695	8034942626	8034942626	May 9, 2005 6:26:00 PM	May 9, 2005 6:27:32 PM	1.53	1
589	clm01	6004 -	18032364695	8034258708	8034258708	May 9, 2005 4:59:20 PM	May 9, 2005 4:59:55 PM	0.58	1
590	grvgs	6460 -	18032364695	8035491478	8035491478	May 9, 2005 4:21:05 PM	May 9, 2005 4:22:31 PM	1.43	1
591	grvgs	6461 -	18032364695	8034942626	8034942626	May 9, 2005 4:14:53 PM	May 9, 2005 4:15:43 PM	0.85	1
592	grvgs	6482 -	8037283697			May 9, 2005 4:11:31 PM	May 9, 2005 4:12:13 PM	0.72	1
593	grvgs	6463 -	18032364695	8032366215	8032366215	May 9, 2005 3:55:19 PM	May 9, 2005 3:55:22 PM	0.07	1
594	grvgs	6454 -	8034258708			May 9, 2005 3:43:36 PM	May 9, 2005 3:44:19 PM	0.72	1
595	grvgs	6455 -	18032364695	8032366215	8032366215	May 9, 2005 3:03:10 PM	May 9, 2005 3:03:14 PM	0.07	1
596	grvgs	6461 -	18032364695	8032366215	8032366215	May 9, 2005 3:02:04 PM	May 9, 2005 3:02:07 PM	0.07	1
597	grvgs	6461 -	8037283697			May 9, 2005 2:33:27 PM	May 9, 2005 2:34:21 PM	0.9	1
598	grvgs	6455 -	18032364695	8032366215	8032366215	May 9, 2005 1:28:26 PM	May 9, 2005 1:28:33 PM	0.12	1
599	grvgs	6455 -	8034258708			May 9, 2005 12:58:37 PM	May 9, 2005 1:01:10 PM	2.55	1
600	grvgs	6461 -	18032364695	8032366215	8032366215	May 9, 2005 12:27:19 PM	May 9, 2005 12:27:41 PM	0.37	1

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Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	Tec Fra Scc
601	grvgs	6455 -	18032364695	8032366215	8032366215	May 9, 2005 12:13:06 PM	May 9, 2005 12:13:16 PM	0.17	154
602	grvgs	6455 -	18032366215			May 9, 2005 10:37:41 AM	May 9, 2005 10:38:21 AM	0.67	153
603	grvgs	6455 -	8034997760			May 9, 2005 9:21:40 AM	May 9, 2005 9:32:45 AM	11.08	155
604	grvgs	6455 -	18032364695	8034997760	8034997760	May 9, 2005 9:12:47 AM	May 9, 2005 9:16:50 AM	4.07	155
605	grvgs	6455 -	18032364695	8034997760	8034997760	May 9, 2005 9:05:39 AM	May 9, 2005 9:05:48 AM	0.15	154
606	grvgs	6455 -	18032364695	8034997760	8034997760	May 9, 2005 9:00:59 AM	May 9, 2005 9:02:00 AM	1.03	154
607	grvgs	6460 -	18032364695	8037139202	8037139202	May 8, 2005 10:13:27 PM	May 8, 2005 10:14:44 PM	1.28	164
608	clm01	6004 -	18032364695	3014373729	3014373729	May 8, 2005 9:58:47 PM	May 8, 2005 10:09:58 PM	11.18	164
609	grvgs	6460 -	3014373729			May 8, 2005 9:54:52 PM	May 8, 2005 9:55:23 PM	0.52	161
610	grvgs	6460 -	8034200675			May 8, 2005 9:32:14 PM	May 8, 2005 9:33:16 PM	1.05	162
611	clm01	6004 -	18032364695	8034328193	8034328193	May 8, 2005 8:52:18 PM	May 8, 2005 9:01:26 PM	9.13	164
612	clm01	6004 -	18032364695	8435374234	8435374234	May 8, 2005 7:11:06 PM	May 8, 2005 7:20:01 PM	8.93	165
613	clm01	6004 -	8433375990			May 8, 2005 6:21:32 PM	May 8, 2005 6:23:07 PM	1.58	163
614	clm01	6004 -	18032364695	2024319646	2024319646	May 8, 2005 5:45:45 PM	May 8, 2005 5:46:15 PM	0.52	164
615	clm01	6004 -				May 8, 2005 5:39:27 PM	May 8, 2005 5:43:33 PM	4.1	163
616	clm01	6004 -	2024319646			May 8, 2005 5:33:52 PM	May 8, 2005 5:39:07 PM	5.25	163
617	clm01	6004 -	2024319646			May 8, 2005 5:32:22 PM	May 8, 2005 5:33:37 PM	1.25	163
618	clm01	6004 -	18032364695	8034250538	8034250538	May 8, 2005 5:13:56 PM	May 8, 2005 5:18:48 PM	4.88	163
619	clm01	6004 -	18032364695	8037130822	8037130822	May 8, 2005 5:11:10 PM	May 8, 2005 5:11:14 PM	0.07	161
620	clm01	6004 -	8034258708			May 8, 2005 5:04:53 PM	May 8, 2005 5:06:05 PM	1.22	160
621	clm01	6004 -	18032364695	8035491478	8035491478	May 8, 2005 4:22:15 PM	May 8, 2005 4:22:49 PM	0.58	161
622	clm01	6004 -	18032364695	8032366215	8032366215	May 8, 2005 4:15:54 PM	May 8, 2005 4:16:02 PM	0.13	161
623	clm01	6005 -	18032364695	8032439412	8032439412	May 8, 2005 4:11:11 PM	May 8, 2005 4:12:41 PM	1.5	200
624	clm01	6004 -	18032364695	8035491478	8035491478	May 8, 2005 4:09:43 PM	May 8, 2005 4:10:27 PM	0.75	161
625	grvgs	6460 -	8433375990			May 8, 2005 4:08:23 PM	May 8, 2005 4:08:26 PM	0.05	161
626	grvgs	6460 -	18032364695	8034250358	8034250358	May 8, 2005 4:03:43 PM	May 8, 2005 4:03:56 PM	0.22	199
627	clm01	6005 -	18032364695	8035491478	8035491478	May 8, 2005 3:59:05 PM	May 8, 2005 3:59:10 PM	0.08	161
628	grvgs	6462 -	18032364695	8433651901	8433651901	May 8, 2005 3:52:49 PM	May 8, 2005 3:53:30 PM	0.7	161
629	grvgs	6462 -	18032364695	8032439412	8032439412	May 8, 2005 3:48:31 PM	May 8, 2005 3:48:40 PM	0.15	161
630	grvgs	6462 -	18032364695	8433375990	8433375990	May 8, 2005 3:41:28 PM	May 8, 2005 3:42:16 PM	0.82	158
631	grvgs	6463 -	8034258708			May 8, 2005 3:03:30 PM	May 8, 2005 3:04:50 PM	1.33	158
632	grvgs	6463 -	8433375990			May 8, 2005 2:59:10 PM	May 8, 2005 2:59:35 PM	0.42	159
633	grvgs	6463 -	8035491478			May 8, 2005 2:40:10 PM	May 8, 2005 2:41:12 PM	1.05	159
634	grvgs	6463 -	8034200675			May 8, 2005 2:33:45 PM	May 8, 2005 2:34:20 PM	0.58	159
635	grvgs	6461 -	8035491478			May 8, 2005 2:20:38 PM	May 8, 2005 2:21:24 PM	0.78	160
636	grvgs	6455 -	18032364695	8035491478	8035491478	May 8, 2005 2:15:24 PM	May 8, 2005 2:16:24 PM	1.02	160
637	grvgs	6455 -	18032364695	8035491478	8035491478	May 8, 2005 2:14:51 PM	May 8, 2005 2:15:06 PM	0.27	160
638	grvgs	6455 -	9102295216			May 8, 2005 1:43:22 PM	May 8, 2005 1:45:34 PM	2.22	158
639	grvgs	6455 -	18032364695	9102295216	9102295216	May 8, 2005 1:42:57 PM	May 8, 2005 1:43:17 PM	0.35	158
640	grvgs	6455 -	18032364695	8032366215	8032366215	May 8, 2005 1:13:42 PM	May 8, 2005 1:14:03 PM	0.37	158

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Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	Ter Fra Scc
641	grvgs	6455 -	18032364695	8434554964	8434554964	May 8, 2005 1:11:50 PM	May 8, 2005 1:12:41 PM	0.85	158
642	grvgs	6461 -	18032364695	8435373346	8435373346	May 8, 2005 12:52:21 PM	May 8, 2005 1:02:40 PM	10.32	157
643	grvgs	6455 -	18032364695	8433375990	8433375990	May 8, 2005 12:51:03 PM	May 8, 2005 12:51:25 PM	0.38	156
644	grvgs	6455 -	18032364695	8433375990	8433375990	May 8, 2005 12:49:40 PM	May 8, 2005 12:50:15 PM	0.58	156
645	grvgs	6455 -	18032364695	8435379026	8435379026	May 8, 2005 12:48:00 PM	May 8, 2005 12:48:05 PM	0.08	156
646	grvgs	6455 -	18032364695	7708081451	7708081451	May 8, 2005 12:38:57 PM	May 8, 2005 12:46:17 PM	7.35	156
647	grvgs	6455 -	18032364695	8037130780	8037130780	May 8, 2005 12:34:39 PM	May 8, 2005 12:37:55 PM	3.28	153
648	grvgs	6455 -	18032364695	8034271439	8034271439	May 8, 2005 12:32:53 PM	May 8, 2005 12:33:11 PM	0.32	153
649	grvgs	6455 -	18032364695	8032366215	8032366215	May 8, 2005 12:30:29 PM	May 8, 2005 12:30:34 PM	0.1	153
650	grvgs	6455 -	8035491478			May 8, 2005 12:21:01 PM	May 8, 2005 12:22:47 PM	1.78	150
651	grvgs	6455 -	8035491478			May 8, 2005 12:18:15 PM	May 8, 2005 12:19:13 PM	0.97	150
652	grvgs	6461 -	8035491478			May 8, 2005 11:53:51 AM	May 8, 2005 11:55:47 AM	1.95	150
653	grvgs	6461 -	18032364695	8434554694	8434554694	May 8, 2005 11:35:23 AM	May 8, 2005 11:35:31 AM	0.15	151
654	grvgs	6455 -	18032364695	8434883496	8434883496	May 8, 2005 11:34:33 AM	May 8, 2005 11:34:46 AM	0.22	148
655	clm01	6004 -	8037283697			May 8, 2005 11:07:05 AM	May 8, 2005 11:08:33 AM	1.48	146
656	clm01	6004 -	8037283697			May 8, 2005 11:06:34 AM	May 8, 2005 11:06:52 AM	0.3	146
657	clm01	6004 -	18032364695	8034995773	8034995773	May 8, 2005 10:40:38 AM	May 8, 2005 10:40:51 AM	0.23	146
658	grvgs	6455 -	8034200675			May 8, 2005 9:18:50 AM	May 8, 2005 9:25:37 AM	6.78	182
659	clm01	6004 -	18032364695	8035491478	8035491478	May 8, 2005 1:12:39 AM	May 8, 2005 1:13:42 AM	1.07	152
660	clm01	6004 -	8035491478			May 8, 2005 12:28:59 AM	May 8, 2005 12:27:18 AM	0.32	151
661	clm01	6004 -	18032364695	8035491478	8035491478	May 8, 2005 12:25:36 AM	May 8, 2005 12:26:14 AM	0.65	186
662	clm01	6005 -	18032364695	8035491478	8035491478	May 8, 2005 12:16:55 AM	May 8, 2005 12:18:32 AM	1.62	183
663	grvgs	6232 -	8034814837			May 7, 2005 9:18:22 PM	May 7, 2005 9:18:54 PM	0.55	146
664	grvgs	6232 -	18032364695	8434883765	8434883765	May 7, 2005 8:39:53 PM	May 7, 2005 8:40:23 PM	0.52	147
665	grvgs	6261 -	8438550201			May 7, 2005 5:31:11 PM	May 7, 2005 5:33:14 PM	2.05	182
666	grvgs	6241 -	8438550201			May 7, 2005 5:18:13 PM	May 7, 2005 5:18:41 PM	0.47	146
667	grvgs	6239 -	18032364695	8034200675	8034200675	May 7, 2005 3:36:40 PM	May 7, 2005 3:37:24 PM	0.75	148
668	grvgs	6239 -	18032364695	8035491478	8035491478	May 7, 2005 3:35:07 PM	May 7, 2005 3:36:09 PM	1.05	147
669	grvgs	6232 -	8034942467			May 7, 2005 2:25:55 PM	May 7, 2005 2:26:27 PM	0.53	148
670	grvgs	6232 -	8034272773			May 7, 2005 12:00:04 PM	May 7, 2005 12:05:24 PM	5.35	185
671	grvgs	6286 -	18032364695	8432482726	8432482726	May 7, 2005 11:27:53 AM	May 7, 2005 11:29:03 AM	1.18	149
672	clm01	5160 -	18032364695	8438550201	8438550201	May 7, 2005 10:57:01 AM	May 7, 2005 10:57:32 AM	0.52	149
673	clm01	6156 -	18032364695	8438550201	8438550201	May 7, 2005 10:23:07 AM	May 7, 2005 10:24:25 AM	1.3	183
674	grvgs	6473 -	8032439412			May 7, 2005 9:30:55 AM	May 7, 2005 9:33:05 AM	2.18	147
675	grvgs	6472 -	18032364695	8434554964	8434554964	May 7, 2005 9:22:57 AM	May 7, 2005 9:23:34 AM	0.62	147
676	clm01	6118 -	18032364695	8034270480	8034270480	May 7, 2005 9:19:12 AM	May 7, 2005 9:20:44 AM	1.53	147
677	grvgs	6482 -	18032364695	8035491478	8035491478	May 7, 2005 8:18:44 AM	May 7, 2005 8:22:01 AM	3.28	183
678	grvgs	6461 -	8032439412			May 6, 2005 8:56:50 PM	May 6, 2005 8:58:20 PM	1.5	153
679	grvgs	6461 -	18032364695	8438550201	8438550201	May 6, 2005 8:47:26 PM	May 6, 2005 8:54:58 PM	7.55	154
680	grvgs	6461 -	18032364695	8032366215	8032366215	May 6, 2005 8:22:54 PM	May 6, 2005 8:22:57 PM	0.05	151

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Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)
681	grvgs	6461 -	18032364695	8032366215	8032366215	May 6, 2005 8:22:29 PM	May 6, 2005 8:22:32 PM	0.07
682	grvgs	6461 -	18032366215			May 6, 2005 8:20:07 PM	May 6, 2005 8:21:40 PM	1.57
683	grvgs	6455 -	18032364695	8034200675	8034200675	May 6, 2005 8:16:36 PM	May 6, 2005 8:18:53 PM	2.28
684	grvgs	6461 -	18032364695	8032366215	8032366215	May 6, 2005 8:15:26 PM	May 6, 2005 8:15:34 PM	0.15
685	grvgs	6461 -	8034200675			May 6, 2005 7:57:39 PM	May 6, 2005 7:58:17 PM	0.63
686	grvgs	6455 -	8035491378			May 6, 2005 7:55:34 PM	May 6, 2005 7:55:39 PM	0.08
687	grvgs	6455 -	18032364695	8032366215	8032366215	May 6, 2005 7:45:15 PM	May 6, 2005 7:45:18 PM	0.07
688	grvgs	6455 -	18032364695	8032366215	8032366215	May 6, 2005 7:43:38 PM	May 6, 2005 7:43:52 PM	0.23
689	grvgs	6455 -	18032364695	8032366215	8032366215	May 6, 2005 7:42:46 PM	May 6, 2005 7:42:50 PM	0.07
690	grvgs	5277 -	8034258708			May 6, 2005 6:03:13 PM	May 6, 2005 6:06:16 PM	3.07
691	clm01	6004 -	8035491478			May 6, 2005 5:30:05 PM	May 6, 2005 5:30:41 PM	0.62
692	clm01	6004 -	18032364695	8035491478	8035491478	May 6, 2005 5:28:11 PM	May 6, 2005 5:28:37 PM	0.45
693	clm01	6004 -	18032364695	8035491378	8035491378	May 6, 2005 5:25:15 PM	May 6, 2005 5:27:20 PM	2.08
694	clm01	6004 -	18032364695	8034948355	8034948355	May 6, 2005 5:05:10 PM	May 6, 2005 5:07:36 PM	2.45
695	clm01	6004 -	8034948355			May 6, 2005 4:57:14 PM	May 6, 2005 4:59:43 PM	2.48
696	clm01	6004 -	8034814837			May 6, 2005 4:51:22 PM	May 6, 2005 4:56:58 PM	5.62
697	clm01	6004 -	18032364695	8032439412	8032439412	May 6, 2005 4:26:06 PM	May 6, 2005 4:26:58 PM	0.87
698	clm01	6004 -	18032364695	8036691790	8036691790	May 6, 2005 2:11:37 PM	May 6, 2005 2:11:50 PM	0.23
699	clm01	6004 -	18032364695	8034245208	8034245208	May 6, 2005 2:09:25 PM	May 6, 2005 2:09:47 PM	0.38
700	clm01	6004 -	18032364695	8434883496	8434883496	May 6, 2005 1:00:58 PM	May 6, 2005 1:01:27 PM	0.48
701	grvgs	6460 -	18032364695	8032366215	01118032366215	May 6, 2005 12:45:32 PM	May 6, 2005 12:47:20 PM	1.82
702	clm01	6004 -	8034814837			May 6, 2005 12:36:27 PM	May 6, 2005 12:38:13 PM	1.78
703	clm01	6004 -	8034258708			May 6, 2005 12:19:48 PM	May 6, 2005 12:25:46 PM	5.97
704	clm01	6004 -	8034814837			May 6, 2005 12:18:50 PM	May 6, 2005 12:24:55 PM	6.1
705	grvgs	6455 -	8037139925			May 6, 2005 11:51:59 AM	May 6, 2005 11:53:02 AM	1.05
706	grvgs	6461 -	18032364695	8434883765	8434883765	May 6, 2005 11:36:44 AM	May 6, 2005 11:39:42 AM	2.97
707	grvgs	6461 -	18032364695	8034245285	8034245285	May 6, 2005 11:34:47 AM	May 6, 2005 11:35:06 AM	0.32
708	grvgs	6455 -	18032364695	8036692473	8036692473	May 6, 2005 11:33:42 AM	May 6, 2005 11:33:58 AM	0.27
709	grvgs	6455 -	18032364695	8032366215	01118032366215	May 6, 2005 10:53:36 AM	May 6, 2005 10:55:37 AM	2.03
710	grvgs	5241 -	18032364695	8034245285	8034245285	May 6, 2005 10:09:37 AM	May 6, 2005 10:09:49 AM	0.22
711	grvgs	5241 -	18032364695	8036692473	8036692473	May 6, 2005 10:08:40 AM	May 6, 2005 10:08:56 AM	0.27
712	clm01	6004 -	8034942626			May 6, 2005 9:47:42 AM	May 6, 2005 9:49:37 AM	1.93
713	grvgs	6462 -	8034942467			May 6, 2005 9:29:03 AM	May 6, 2005 9:37:38 AM	8.58
714	clm01	6005 -	8034258708			May 6, 2005 9:11:24 AM	May 6, 2005 9:12:08 AM	0.73
715	grvgs	6461 -	18032364695	8034991137	8034991137	May 6, 2005 8:56:14 AM	May 6, 2005 8:56:21 AM	0.13
716	grvgs	6461 -	18032364695	8034997760	8034997760	May 6, 2005 8:55:46 AM	May 6, 2005 8:55:49 AM	0.05
717	grvgs	6455 -	8036060056			May 6, 2005 8:26:16 AM	May 6, 2005 8:27:20 AM	1.08
718	grvgs	6455 -	18032364695	8034997760	8034997760	May 6, 2005 8:20:37 AM	May 6, 2005 8:45:22 AM	24.75
719	grvgs	6455 -	18032364695	8435379026	8435379026	May 6, 2005 7:28:28 AM	May 6, 2005 7:33:24 AM	4.95
720	grvgs	6455 -	18032364695	8438550201	8438550201	May 6, 2005 7:27:35 AM	May 6, 2005 7:27:39 AM	0.08

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Call Detail Records

NO.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F S
721	grvgs	6455 -	18032364695	8032366215	01118032366215	May 6, 2005 7:22:45 AM	May 6, 2005 7:25:22 AM	2.62	1
722	grvgs	6455 -	8036060056			May 5, 2005 8:53:29 PM	May 5, 2005 8:54:34 PM	1.08	1
723	grvgs	6461 -	8035491478			May 5, 2005 8:36:38 PM	May 5, 2005 8:38:21 PM	1.72	1
724	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 8:24:44 PM	May 5, 2005 8:26:13 PM	1.5	1
725	grvgs	6455 -	8036060056			May 5, 2005 7:56:50 PM	May 5, 2005 7:57:10 PM	0.33	1
726	grvgs	6461 -	8034942467			May 5, 2005 6:50:23 PM	May 5, 2005 6:50:36 PM	0.22	1
727	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 6:15:31 PM	May 5, 2005 6:17:17 PM	1.77	1
728	grvgs	6461 -	18032364695	8032366215	01118032366215	May 5, 2005 6:13:20 PM	May 5, 2005 6:13:24 PM	0.08	1
729	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 6:12:03 PM	May 5, 2005 6:12:06 PM	0.05	1
730	grvgs	6461 -	18032364695	8032366215	01118032366215	May 5, 2005 6:11:29 PM	May 5, 2005 6:11:32 PM	0.07	1
731	grvgs	6461 -	8036060056			May 5, 2005 6:02:52 PM	May 5, 2005 6:03:19 PM	0.47	1
732	grvgs	6461 -	8438550201			May 5, 2005 5:52:11 PM	May 5, 2005 6:02:07 PM	9.93	1
733	grvgs	6461 -	18032364695	8034948355	8034948355	May 5, 2005 5:44:46 PM	May 5, 2005 5:47:38 PM	2.88	1
734	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 5:40:21 PM	May 5, 2005 5:41:08 PM	0.78	1
735	grvgs	6455 -	18032366215			May 5, 2005 5:34:07 PM	May 5, 2005 5:36:14 PM	2.12	1
736	grvgs	6461 -	8035491478			May 5, 2005 5:03:14 PM	May 5, 2005 5:07:54 PM	4.68	1
737	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 4:21:27 PM	May 5, 2005 4:25:19 PM	3.88	1
738	grvgs	6461 -	8035491478			May 5, 2005 4:18:06 PM	May 5, 2005 4:20:45 PM	2.65	1
739	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 4:15:36 PM	May 5, 2005 4:18:01 PM	2.42	1
740	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 3:54:37 PM	May 5, 2005 4:15:17 PM	20.67	1
741	grvgs	6455 -	18032366215			May 5, 2005 3:42:20 PM	May 5, 2005 3:42:35 PM	0.25	1
742	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 3:35:06 PM	May 5, 2005 3:35:26 PM	0.35	1
743	grvgs	6455 -	18032366215			May 5, 2005 3:25:47 PM	May 5, 2005 3:26:31 PM	0.73	1
744	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 2:51:26 PM	May 5, 2005 2:51:34 PM	0.15	1
745	grvgs	6461 -	18032364695	8032366215	01118032366215	May 5, 2005 2:47:53 PM	May 5, 2005 2:48:09 PM	0.28	1
746	grvgs	6461 -	18032364695	8032366215	01118032366215	May 5, 2005 2:47:37 PM	May 5, 2005 2:47:45 PM	0.13	1
747	grvgs	6461 -	18032364695	8032366215	01118032366215	May 5, 2005 2:47:25 PM	May 5, 2005 2:47:28 PM	0.07	1
748	grvgs	6461 -	18032364695	8032366215	01118032366215	May 5, 2005 2:47:13 PM	May 5, 2005 2:47:17 PM	0.08	1
749	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 2:46:06 PM	May 5, 2005 2:46:47 PM	0.7	1
750	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 2:45:20 PM	May 5, 2005 2:45:48 PM	0.47	1
751	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 2:44:24 PM	May 5, 2005 2:44:49 PM	0.43	1
752	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 2:44:08 PM	May 5, 2005 2:44:11 PM	0.05	1
753	grvgs	6461 -	18032364695	8032366215	01118032366215	May 5, 2005 2:41:24 PM	May 5, 2005 2:43:06 PM	1.72	1
754	grvgs	6455 -	18032366215			May 5, 2005 2:37:42 PM	May 5, 2005 2:40:02 PM	2.35	1
755	grvgs	6461 -	18032364695	8034997090	8034997090	May 5, 2005 2:21:15 PM	May 5, 2005 2:21:57 PM	0.7	1
756	grvgs	6459 -	18032366215			May 5, 2005 1:59:04 PM	May 5, 2005 1:59:17 PM	0.22	1
757	grvgs	6451 -	8037755942			May 5, 2005 1:50:06 PM	May 5, 2005 1:52:17 PM	2.2	1
758	grvgs	6451 -	18032366215			May 5, 2005 1:31:32 PM	May 5, 2005 1:32:00 PM	0.47	1
759	grvgs	6451 -	18032364695	8034997090	8034997090	May 5, 2005 1:28:20 PM	May 5, 2005 1:30:07 PM	1.78	1
760	grvgs	6451 -	18032366215			May 5, 2005 1:25:47 PM	May 5, 2005 1:27:11 PM	1.42	1

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Call Detail Records

Nr	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)
761	grvgs	6451 -	18032366215			May 5, 2005 1:22:56 PM	May 5, 2005 1:23:45 PM	0.83
762	grvgs	6451 -	18032366215			May 5, 2005 1:17:54 PM	May 5, 2005 1:18:11 PM	0.28
763	grvgs	6451 -	18032364695	8032366215	01118032366215	May 5, 2005 1:15:31 PM	May 5, 2005 1:16:11 PM	0.68
764	grvgs	6452 -	18032364695	8034997090	8034997090	May 5, 2005 12:10:51 PM	May 5, 2005 12:12:02 PM	1.18
765	grvgs	6482 -	18032364695	8034948355	8034948355	May 5, 2005 11:26:31 AM	May 5, 2005 11:26:58 AM	0.45
766	grvgs	6460 -	8034948355			May 5, 2005 11:17:53 AM	May 5, 2005 11:18:25 AM	0.53
767	grvgs	6460 -	8034948355			May 5, 2005 11:12:00 AM	May 5, 2005 11:12:16 AM	0.28
768	grvgs	6460 -	8034948355			May 5, 2005 11:11:40 AM	May 5, 2005 11:11:44 AM	0.07
769	grvgs	6461 -	18032364695	8034948355	8034948355	May 5, 2005 10:55:45 AM	May 5, 2005 10:58:08 AM	2.4
770	grvgs	6460 -	18032364695	8032366215	01118032366215	May 5, 2005 10:52:46 AM	May 5, 2005 10:55:10 AM	2.42
771	grvgs	6459 -	18032364695	8034997090	8034997090	May 5, 2005 10:35:37 AM	May 5, 2005 10:36:44 AM	1.13
772	grvgs	6455 -	18032364695	8034948355	8034948355	May 5, 2005 10:17:04 AM	May 5, 2005 10:20:00 AM	2.93
773	grvgs	6455 -	18032366215			May 5, 2005 9:51:14 AM	May 5, 2005 9:51:34 AM	0.33
774	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 8:45:56 AM	May 5, 2005 8:46:05 AM	0.15
775	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 8:44:31 AM	May 5, 2005 8:44:35 AM	0.07
776	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 8:43:49 AM	May 5, 2005 8:43:52 AM	0.07
777	grvgs	6455 -	18032364695	8032366215	01118032366215	May 5, 2005 8:43:08 AM	May 5, 2005 8:43:18 AM	0.17
778	grvgs	6460 -	18032366215			May 5, 2005 8:24:21 AM	May 5, 2005 8:25:00 AM	0.67
779	grvgs	6455 -	18032364695	8034997760	8034997760	May 5, 2005 7:56:20 AM	May 5, 2005 7:56:24 AM	0.07
780	grvgs	6461 -	8034948355			May 4, 2005 11:40:25 PM	May 4, 2005 11:47:05 PM	6.68
781	grvgs	5239 -	8037755942			May 4, 2005 10:49:31 PM	May 4, 2005 10:53:19 PM	3.8
782	grvgs	5239 -	18032364695	8037755942	8037755942	May 4, 2005 10:48:55 PM	May 4, 2005 10:49:05 PM	0.17
783	grvgs	5241 -	18032366215			May 4, 2005 10:18:00 PM	May 4, 2005 10:20:49 PM	2.83
784	grvgs	5241 -	8037755942			May 4, 2005 10:13:26 PM	May 4, 2005 10:17:34 PM	4.15
785	grvgs	5241 -	18032366215			May 4, 2005 10:12:15 PM	May 4, 2005 10:15:00 PM	2.75
786	grvgs	5241 -	8034942467			May 4, 2005 9:11:19 PM	May 4, 2005 9:11:52 PM	0.57
787	grvgs	5241 -	8438550201			May 4, 2005 9:08:44 PM	May 4, 2005 9:09:06 PM	0.38
788	grvgs	5241 -	8035491894			May 4, 2005 8:39:30 PM	May 4, 2005 8:39:50 PM	0.33
789	clm01	6004 -	18032364695	8035491478	8035491478	May 4, 2005 7:16:02 PM	May 4, 2005 7:16:40 PM	0.83
790	grvgs	6461 -	8035491478			May 4, 2005 6:32:28 PM	May 4, 2005 6:36:29 PM	4.03
791	grvgs	6452 -	8035491894			May 4, 2005 3:57:29 PM	May 4, 2005 3:59:03 PM	1.57
792	grvgs	6452 -	8036060056			May 4, 2005 3:54:14 PM	May 4, 2005 3:55:44 PM	1.5
793	grvgs	6461 -	18032364695	8037743279	8037743279	May 4, 2005 3:16:30 PM	May 4, 2005 3:16:32 PM	0.05
794	grvgs	6455 -	18032364695	8037743279	8037743279	May 4, 2005 3:15:45 PM	May 4, 2005 3:15:54 PM	0.17
795	grvgs	6461 -	18032364695	8034389441	8034389441	May 4, 2005 3:12:58 PM	May 4, 2005 3:14:39 PM	1.68
796	grvgs	6455 -	18032364695	8438550201	8438550201	May 4, 2005 3:01:20 PM	May 4, 2005 3:05:49 PM	4.5
797	grvgs	6455 -	18032364695	8434550201	8434550201	May 4, 2005 3:00:26 PM	May 4, 2005 3:00:38 PM	0.22
798	grvgs	6461 -	18032364695	8034245285	8034245285	May 4, 2005 2:59:05 PM	May 4, 2005 2:59:12 PM	0.12
799	grvgs	6455 -	18032364695	8036692473	8036692473	May 4, 2005 2:57:51 PM	May 4, 2005 2:57:54 PM	0.07
800	grvgs	6455 -	18032366215			May 4, 2005 1:59:54 PM	May 4, 2005 2:00:21 PM	0.47

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Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)
801	grvgs	6455 -	18032364695	0	0	May 4, 2005 1:58:59 PM	May 4, 2005 1:59:15 PM	0.27
802	grvgs	6461 -	18032364695	0	0	May 4, 2005 1:58:26 PM	May 4, 2005 1:58:49 PM	0.4
803	grvgs	6455 -	18032364695	8034389441	8034389441	May 4, 2005 1:52:41 PM	May 4, 2005 1:53:59 PM	1.3
804	grvgs	6455 -	18032364695	8034389441	8034389441	May 4, 2005 1:07:04 PM	May 4, 2005 1:08:32 PM	1.48
805	grvgs	6461 -	18032364695	8032439412	8032439412	May 4, 2005 11:45:37 AM	May 4, 2005 11:45:55 AM	0.32
806	grvgs	6455 -	18032364695	8032439412	8032439412	May 4, 2005 11:37:18 AM	May 4, 2005 11:37:28 AM	0.17
807	grvgs	6461 -	18032364695	8032366215	8032366215	May 4, 2005 11:06:25 AM	May 4, 2005 11:06:42 AM	0.28
808	grvgs	6461 -	18032366215			May 4, 2005 11:06:02 AM	May 4, 2005 11:06:03 AM	0.02
809	grvgs	6461 -	8034942467			May 4, 2005 9:57:30 AM	May 4, 2005 10:02:39 AM	5.15
810	grvgs	6455 -	18032364695	8034997760	8034997760	May 4, 2005 9:27:24 AM	May 4, 2005 9:27:27 AM	0.07
811	grvgs	6455 -	18032364695	8037755942	8037755942	May 4, 2005 9:18:02 AM	May 4, 2005 9:26:44 AM	8.72
812	grvgs	6461 -	18032364695	8032366215	8032366215	May 4, 2005 9:07:30 AM	May 4, 2005 9:17:27 AM	9.95
813	grvgs	6461 -	8037755942			May 4, 2005 9:01:25 AM	May 4, 2005 9:05:37 AM	4.2
814	grvgs	6455 -	18032364695	8435379026	8435379026	May 4, 2005 8:27:14 AM	May 4, 2005 8:32:05 AM	4.85
815	grvgs	6455 -	18032364695	8033876245	*86	May 4, 2005 4:20:56 AM	May 4, 2005 4:21:22 AM	0.43
816	grvgs	6455 -	9152768601			May 3, 2005 10:18:24 PM	May 3, 2005 10:36:21 PM	17.97
817	grvgs	6455 -	18032364695	9152768601	9152768601	May 3, 2005 10:18:02 PM	May 3, 2005 10:18:10 PM	0.15
818	grvgs	6461 -	18032364695	8033876245	*86	May 3, 2005 10:15:06 PM	May 3, 2005 10:16:55 PM	1.82
819	grvgs	6455 -	18032364695	8435379026	8435379026	May 3, 2005 9:59:59 PM	May 3, 2005 10:09:41 PM	9.7
820	grvgs	6455 -	18032364695	8435379024	8435379024	May 3, 2005 9:57:26 PM	May 3, 2005 9:57:41 PM	0.25
821	grvgs	6461 -	18032364695	9152768601	9152768601	May 3, 2005 9:56:22 PM	May 3, 2005 9:56:50 PM	0.47
822	grvgs	6455 -	9152768601			May 3, 2005 9:49:57 PM	May 3, 2005 9:51:20 PM	1.38
823	grvgs	6455 -	18032364695	8438550201	8438550201	May 3, 2005 9:48:36 PM	May 3, 2005 9:53:23 PM	4.8
824	grvgs	6461 -	18032364695	8438550201	8438550201	May 3, 2005 9:48:04 PM	May 3, 2005 9:48:20 PM	0.27
825	grvgs	6455 -	18032364695	8438550201	8438550201	May 3, 2005 9:42:46 PM	May 3, 2005 9:42:51 PM	0.08
826	grvgs	6455 -	18032364695	9152768601	9152768601	May 3, 2005 9:38:06 PM	May 3, 2005 9:40:22 PM	2.28
827	grvgs	6461 -	7205879978			May 3, 2005 9:30:03 PM	May 3, 2005 9:35:41 PM	5.63
828	grvgs	6461 -	8438550201			May 3, 2005 9:04:23 PM	May 3, 2005 9:08:55 PM	4.55
829	grvgs	6461 -	18032364695	8032366215	01118032366215	May 3, 2005 9:01:19 PM	May 3, 2005 9:02:09 PM	0.83
830	grvgs	6455 -	18032364695	8032366215	01118032366215	May 3, 2005 9:00:57 PM	May 3, 2005 9:01:02 PM	0.08
831	grvgs	6461 -	18032364695	8037755942	8037755942	May 3, 2005 8:31:43 PM	May 3, 2005 8:33:36 PM	1.9
832	grvgs	6455 -	18032364695	8037755942	8037755942	May 3, 2005 8:30:58 PM	May 3, 2005 8:31:18 PM	0.33
833	grvgs	6461 -	18032364695	8035491478	8035491478	May 3, 2005 8:26:21 PM	May 3, 2005 8:30:26 PM	4.1
834	grvgs	6455 -	18032366215			May 3, 2005 7:56:55 PM	May 3, 2005 7:57:12 PM	0.3
835	grvgs	6455 -	18032366215			May 3, 2005 7:38:11 PM	May 3, 2005 7:38:46 PM	0.58
836	grvgs	6461 -	18032366215			May 3, 2005 7:29:07 PM	May 3, 2005 7:30:42 PM	1.58
837	grvgs	6461 -	18032364695	8032366215	8032366215	May 3, 2005 7:27:08 PM	May 3, 2005 7:27:12 PM	0.07
838	grvgs	6455 -	18032364695	8032366215	8032366215	May 3, 2005 6:53:44 PM	May 3, 2005 6:55:05 PM	1.37
839	clm01	6004 -	18032364695	8034245285	8034245285	May 3, 2005 6:18:18 PM	May 3, 2005 6:18:34 PM	0.27
840	clm01	6004 -	18032364695	8036692473	8036692473	May 3, 2005 6:17:01 PM	May 3, 2005 6:17:35 PM	0.57

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Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	Ti Fr Sc
841	clm01	6004 -	18032364695	8034946140	4946140	May 3, 2005 6:15:26 PM	May 3, 2005 6:15:33 PM	0.12	15
842	clm01	6004 -	18032364695	8034255454	4255454	May 3, 2005 6:13:42 PM	May 3, 2005 6:14:03 PM	0.37	15
843	clm01	6004 -	18032364695	8037299152	8037299152	May 3, 2005 6:12:46 PM	May 3, 2005 6:12:55 PM	0.15	15
844	grvgs	6451 -	18032364695	8032366215	8032366215	May 3, 2005 5:24:33 PM	May 3, 2005 5:26:33 PM	2	15
845	grvgs	6451 -	8035491478			May 3, 2005 5:04:29 PM	May 3, 2005 5:04:31 PM	0.05	15
846	grvgs	6451 -	18032364695	8032366215	8032366215	May 3, 2005 4:54:23 PM	May 3, 2005 4:54:26 PM	0.05	15
847	grvgs	6451 -	18032364695	8032366215	8032366215	May 3, 2005 4:53:03 PM	May 3, 2005 4:53:22 PM	0.33	15
848	grvgs	6451 -	18032364695	8032366215	8032366215	May 3, 2005 4:31:02 PM	May 3, 2005 4:31:39 PM	0.63	15
849	grvgs	6463 -	18032366215			May 3, 2005 3:41:28 PM	May 3, 2005 3:41:49 PM	0.35	19
850	grvgs	6451 -	18032364695	8032366215	8032366215	May 3, 2005 3:27:28 PM	May 3, 2005 3:28:12 PM	0.75	16
851	grvgs	6451 -	18032364695	8034997090	8034997090	May 3, 2005 3:03:02 PM	May 3, 2005 3:04:00 PM	0.97	16
852	grvgs	6451 -	18032366215			May 3, 2005 1:25:07 PM	May 3, 2005 1:26:04 PM	0.95	16
853	grvgs	6451 -	18032364695	8034997090	8034997090	May 3, 2005 1:21:34 PM	May 3, 2005 1:22:08 PM	0.57	16
854	grvgs	6451 -	18032366215			May 3, 2005 12:56:38 PM	May 3, 2005 12:58:16 PM	1.63	16
855	grvgs	6451 -	18032364695	8032366215	8032366215	May 3, 2005 12:38:49 PM	May 3, 2005 12:39:02 PM	0.23	16
856	grvgs	6451 -	18032366215			May 3, 2005 12:05:40 PM	May 3, 2005 12:06:00 PM	0.33	16
857	grvgs	6451 -	18032364695	8032366215	8032366215	May 3, 2005 12:01:48 PM	May 3, 2005 12:01:54 PM	0.1	16
858	grvgs	6451 -	18032364695	8032366215	8032366215	May 3, 2005 12:00:13 PM	May 3, 2005 12:00:17 PM	0.07	16
859	grvgs	6451 -	18032364695	8032366215	8032366215	May 3, 2005 11:31:39 AM	May 3, 2005 11:32:26 AM	0.78	16
860	grvgs	6451 -	18032364695	8032366215	8032366215	May 3, 2005 11:31:21 AM	May 3, 2005 11:31:24 AM	0.07	20
861	grvgs	6455 -	18032366215			May 3, 2005 9:35:33 AM	May 3, 2005 9:35:47 AM	0.25	16
862	grvgs	6455 -	18032364695	8034997090	8034997090	May 3, 2005 9:18:30 AM	May 3, 2005 9:19:26 AM	0.93	16
863	grvgs	6455 -	18032364695	8034255118	8034255118	May 3, 2005 9:14:28 AM	May 3, 2005 9:15:45 AM	1.28	16
864	grvgs	6455 -	18032364695	8034997760	8034997760	May 3, 2005 8:09:49 AM	May 3, 2005 8:09:53 AM	0.07	17
865	grvgs	6455 -	18032364695	8034948355	8034948355	May 3, 2005 7:52:38 AM	May 3, 2005 7:54:35 AM	1.95	17
866	grvgs	6455 -	18032364695	8032366215	8032366215	May 3, 2005 7:27:59 AM	May 3, 2005 7:28:34 AM	0.58	17
867	grvgs	6461 -	18032366215			May 3, 2005 7:10:07 AM	May 3, 2005 7:12:03 AM	1.93	16
868	grvgs	6455 -	18032364695	8035491478	8035491478	May 2, 2005 11:25:10 PM	May 2, 2005 11:25:48 PM	0.63	16
869	grvgs	6455 -	18032364695	8034948355	8034948355	May 2, 2005 10:34:46 PM	May 2, 2005 10:45:32 PM	10.78	20
870	grvgs	6461 -	18032364695	8032366215	8032366215	May 2, 2005 10:33:55 PM	May 2, 2005 10:33:59 PM	0.08	20
871	clm01	6004 -	18032364695	8034324674	4324674	May 2, 2005 9:46:09 PM	May 2, 2005 9:47:04 PM	0.92	20
872	clm01	6004 -	8034324674			May 2, 2005 9:44:30 PM	May 2, 2005 9:45:06 PM	0.62	20
873	clm01	6004 -	18032364695	8035491478	8035491478	May 2, 2005 9:10:35 PM	May 2, 2005 9:10:57 PM	0.37	20
874	clm01	6004 -	18032364695	7044921964	17044821964	May 2, 2005 8:56:26 PM	May 2, 2005 8:57:53 PM	1.47	20
875	clm01	6004 -	18032364695	8433651901	8433651901	May 2, 2005 8:54:50 PM	May 2, 2005 8:55:40 PM	0.85	20
876	clm01	6004 -	18032364695	8032366215	8032366215	May 2, 2005 8:47:25 PM	May 2, 2005 8:47:28 PM	0.05	20
877	clm01	6004 -	18032364695	8034200675	8034200675	May 2, 2005 7:50:49 PM	May 2, 2005 7:50:51 PM	0.05	17
878	clm01	6004 -	8035491478			May 2, 2005 7:48:28 PM	May 2, 2005 7:48:37 PM	0.15	17
879	clm01	6004 -	18032364695	8034258708	8034258708	May 2, 2005 7:44:39 PM	May 2, 2005 7:46:26 PM	1.78	17
880	clm01	6004 -	18032364695	8035491478	8035491478	May 2, 2005 7:39:24 PM	May 2, 2005 7:44:05 PM	4.68	16

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Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	Ti Fr Sc
881	clm01	6004	18032364695	8032366215	8032366215	May 2, 2005 7:33:25 PM	May 2, 2005 7:33:32 PM	0.12	16
882	clm01	6004	18032364695	8034948355	8034948355	May 2, 2005 7:32:25 PM	May 2, 2005 7:32:43 PM	0.3	16
883	grvgs	5276	18032364695	8034946140	8034946140	May 2, 2005 6:46:41 PM	May 2, 2005 6:48:20 PM	1.67	20
884	grvgs	5239	8033166685			May 2, 2005 6:31:46 PM	May 2, 2005 6:32:33 PM	0.78	16
885	grvgs	5241	18032364695	8032366215	8032366215	May 2, 2005 6:24:27 PM	May 2, 2005 6:24:31 PM	0.07	16
886	grvgs	5241	18032364695	8032366215	8032366215	May 2, 2005 5:52:26 PM	May 2, 2005 5:52:31 PM	0.1	16
887	clm01	6004	18032364695	8032367023	8032367023	May 2, 2005 5:10:31 PM	May 2, 2005 5:10:33 PM	0.03	16
888	clm01	6004	18032364695	8032366215	8032366215	May 2, 2005 4:44:01 PM	May 2, 2005 4:44:04 PM	0.07	17
889	clm01	6004	18032364695	8032366215	8032366215	May 2, 2005 4:43:20 PM	May 2, 2005 4:43:24 PM	0.07	17
890	clm01	6004	18032364695	8032366215	8032366215	May 2, 2005 4:38:51 PM	May 2, 2005 4:41:17 PM	2.43	17
891	clm01	6004	8032367023			May 2, 2005 4:06:47 PM	May 2, 2005 4:07:34 PM	0.78	17
892	grvgs	5239	18032364695	8032366215	8032366215	May 2, 2005 3:45:40 PM	May 2, 2005 3:45:44 PM	0.07	21
893	grvgs	5257	8034324674			May 2, 2005 3:37:27 PM	May 2, 2005 3:37:37 PM	0.18	17
894	grvgs	5268	18032364695	8032366215	8032366215	May 2, 2005 3:25:39 PM	May 2, 2005 3:25:42 PM	0.05	17
895	grvgs	5268	18032364695	8032366215	8032366215	May 2, 2005 3:20:27 PM	May 2, 2005 3:20:31 PM	0.08	17
896	grvgs	5268	18032364695	8032366215	8032366215	May 2, 2005 3:20:15 PM	May 2, 2005 3:20:18 PM	0.07	17
897	grvgs	5268	18032364695	8032367023	8032367023	May 2, 2005 3:18:24 PM	May 2, 2005 3:19:43 PM	1.32	17
898	grvgs	5268	18032364695	8034080040	8034080040	May 2, 2005 3:10:48 PM	May 2, 2005 3:10:59 PM	0.2	17
899	grvgs	5268	18032364695	8034250040	8034250040	May 2, 2005 3:10:08 PM	May 2, 2005 3:10:13 PM	0.1	17
900	grvgs	5241	18032364695	8032367023	8032367023	May 2, 2005 2:14:38 PM	May 2, 2005 2:15:42 PM	1.07	17
901	grvgs	5241	8034324674			May 2, 2005 2:10:16 PM	May 2, 2005 2:10:39 PM	0.4	17
902	grvgs	5241	18032364695	8032366215	8032366215	May 2, 2005 1:55:15 PM	May 2, 2005 2:00:36 PM	5.37	17
903	grvgs	5241	18032364695	8006898955	18006898955	May 2, 2005 1:41:45 PM	May 2, 2005 1:41:59 PM	0.23	17
904	grvgs	5241	18032364695	8006898955	18006898955	May 2, 2005 1:40:15 PM	May 2, 2005 1:41:27 PM	1.2	17
905	grvgs	5241	8034324674			May 2, 2005 1:35:17 PM	May 2, 2005 1:35:51 PM	0.57	16
906	clm01	6004	18032364695	8034329808	4329808	May 2, 2005 1:10:49 PM	May 2, 2005 1:11:12 PM	0.4	16
907	clm01	6004	18032364695	8432780365	8432780365	May 2, 2005 12:49:09 PM	May 2, 2005 12:49:21 PM	0.22	17
908	clm01	6004	18032364695	8034258708	8034258708	May 2, 2005 12:38:09 PM	May 2, 2005 12:38:37 PM	0.48	16
909	clm01	6004	18032364695	8034324674	8034324674	May 2, 2005 12:35:17 PM	May 2, 2005 12:36:56 PM	1.67	16
910	clm01	6004	8034258708			May 2, 2005 12:30:04 PM	May 2, 2005 12:31:47 PM	1.73	16
911	clm01	6004	18032364695	8433375990	8433375990	May 2, 2005 12:21:29 PM	May 2, 2005 12:22:30 PM	1.03	16
912	clm01	6004	18032364695	8034258708	4258708	May 2, 2005 12:12:26 PM	May 2, 2005 12:16:46 PM	4.35	16
913	clm01	6004	18032364695	8008291954	18008291954	May 2, 2005 12:06:05 PM	May 2, 2005 12:08:16 PM	2.18	16
914	clm01	6004	18032364695	8008293676	18008293676	May 2, 2005 12:04:21 PM	May 2, 2005 12:05:34 PM	1.22	16
915	clm01	6004	18032364695	8036060056	8036060056	May 2, 2005 11:18:09 AM	May 2, 2005 11:18:16 AM	0.12	15
916	clm01	6004	18032364695	8035491478	8035491478	May 2, 2005 11:16:19 AM	May 2, 2005 11:17:05 AM	0.78	15
917	grvgs	6455	18032364695	8032366215	8032366215	May 2, 2005 10:21:56 AM	May 2, 2005 10:21:59 AM	0.07	15
918	grvgs	6455	18032364695	8032366215	8032366215	May 2, 2005 10:15:41 AM	May 2, 2005 10:15:46 AM	0.1	15
919	grvgs	6455	18032364695	8032366215	8032366215	May 2, 2005 9:57:55 AM	May 2, 2005 9:57:58 AM	0.07	15
920	grvgs	6455	18032364695	8034997760	8034997760	May 2, 2005 9:36:01 AM	May 2, 2005 9:36:03 AM	0.05	15

Page: 23 (24) Total: 930

Created by dproietti @ May 31, 2005 5:10:14 PM

Fraud Manager for Telecommunications

Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	Tech Fraud Score
921	grvgs	6461	8035491478			May 2, 2005 9:21:56 AM	May 2, 2005 9:24:22 AM	2.45	158
922	grvgs	6455	18032364695	8035491478	8035491478	May 2, 2005 9:17:43 AM	May 2, 2005 9:17:49 AM	0.1	158
923	grvgs	6455	18032366215			May 2, 2005 9:05:46 AM	May 2, 2005 9:08:22 AM	2.6	159
924	grvgs	6455	18032364695	8034997760	8034997760	May 2, 2005 9:00:31 AM	May 2, 2005 9:00:34 AM	0.07	159
925	grvgs	6455	18032364695	8034997760	8034997760	May 2, 2005 8:12:18 AM	May 2, 2005 8:12:23 AM	0.1	160
926	grvgs	6455	18032364695	8034997760	8034997760	May 2, 2005 8:03:03 AM	May 2, 2005 8:03:07 AM	0.07	160
927	grvgs	6455	18032364695	8037283697	8037283697	May 2, 2005 7:21:15 AM	May 2, 2005 7:22:15 AM	1	158
928	grvgs	6455	18032364695	8033876245	*86	May 2, 2005 7:15:31 AM	May 2, 2005 7:15:52 AM	0.37	156
929	grvgs	6455	18032364695	8033876245	*86	May 2, 2005 7:09:00 AM	May 2, 2005 7:09:23 AM	0.4	154
930	grvgs	6455	18032366215			May 2, 2005 1:57:48 AM	May 2, 2005 1:59:05 AM	1.3	154

Page: 24 (24) Total: 930

Created by dproietti @ May 31, 2005 5:10:24 PM

Calls to Donna McDuffie's Cell Phone from Cell Phone Number (803) 236-6215Monday, May 16, 2005

call to DM house at 10:48:34 pm (7.12 minutes)
call to DM house at 11:16:16 pm (.33 minute)
call to DM house at 11:17:12 (.03 minute)

Tuesday, May 17, 2005 (out of 36 total calls)

call to DM cell at 12:07:17 pm (.6 minute)
call to DM cell at 12:08:36 pm (.7 minute)
call to DM cell at 10:35:31 pm (7.77 minutes)

Wednesday, May 18, 2005 (out of 39 total calls)

call to DM cell at 12:56:13 pm (.35 minute)
call to DM cell at 1:42:45 pm (.02 minute)
call to DM cell at 10:36:15 pm (.02 minute)

Thursday, May 19, 2005 (out of 68 total calls)

call to DM cell at 12:41:16 pm (.02 minute)
call to DM cell at 12:44:07 pm (.05 minute)
call to DM cell at 4:08:26 pm (.53 minute)
call to DM cell at 4:46:44 pm (2.07 minutes)
call to DM cell at 5:59:07 pm (.02 minute)
call to DM cell at 6:00:34 pm (.02 minute)
call to DM cell at 6:06:51 pm (.02 minute)
call to DM cell at 6:09:03 pm (.02 minute)
call to DM cell at 6:15:07 pm (.23 minute)
call to DM cell at 6:15:52 pm (.15 minute)
call to DM cell at 6:16:33 pm (.07 minute)
call to DM cell at 6:36:01 pm (.02 minute)
call to DM cell at 6:41:36 pm (.03 minute)
call to DM cell at 6:42:14 pm (.02 minute)
call to DM cell at 6:42:57 pm (.03 minute)
call to DM cell at 6:44:04 pm (.63 minute)
call to DM cell at 6:47:15 pm (.15 minute)
call to DM house at 8:02:07 pm (1.77 minutes)
call to DM house at 9:04:29 pm (.48 minute)
call to DM house at 9:06 38 pm (.1 minute)

Friday, May 20, 2005 (out of 86 total calls)

call to DM house at 4:52:09 pm (1.57 minutes)
call to DM house at 5:03:15 pm (4.28 minutes)
call to DM house at 5:43:31 pm (.4 minute)
call to DM house at 8:04:59 pm (5.25 minutes)

Saturday, May 21, 2005 (out of 99 total calls)

call to DM house at 1:32:47 am (.1 minute)
call to DM cell at 1:33:47 am (.05 minute)
call to DM cell at 1:35:16 am (.02 minute)
call to DM cell at 1:37:24 am (.02 minute)
call to DM cell at 1:38:35 am (.02 minute)
call to DM cell at 1:49:56 am (.17 minute)
call to DM house at 1:56:52 am (.03 minute)
call to DM house at 3:48:35 am (.43 minute)
call to DM cell at 3:49:28 am (.37 minute)
call to 411 at 3:52:43 am (.58 minute)
call to 411 at 3:53:38 am (1.43 minutes)
call to DM cell at 4:06:21 am (.02 minute)
call to DM house at 4:06:59 am (.03 minute)
call to DM house at 4:07:29 am (.02 minute)
call to DM house at 4:07:57 am (.02 minute)
call to DM house at 4:08:25 am (.02 minute)
call to DM house at 4:08:55 am (.03 minute)
call to DM house at 6:11:12 am (.03 minute)
call to DM cell at 6:56:32 am (5.52 minutes)
call to DM cell at 7:54:12 am (.03 minute)
call to DM cell at 7:57:47 am (.03 minute)
call to DM cell at 7:58:40 am (.03 minute)
call to DM cell at 9:35:43 am (10.75 minutes)
call to DM cell at 12:18:27 pm (.05 minute)
call to DM cell at 12:46:02 pm (1.45 minutes)
call to DM cell at 2:03:42 pm (.02 minute)
call to DM cell at 2:15:57 pm (.27 minute)
call to DM house at 2:17:12 pm (.47 minute)
call to DM house at 2:18:05 pm (.62 minute)
call to DM cell at 3:02:06 pm (1.18 minutes)
call to DM cell at 7:31:04 pm (.4 minutes)

Sunday, May 22, 2005 (out of 63 total calls)

call to DM house at 7:16:51 am (.05 minute)
call to DM cell at 7:17:24 am (.05 minute)
call to DM house at 7:20:09 am (.03 minute)
call to DM house at 8:34:24 am (.15 minute)
call to DM cell at 8:34:56 am (.03 minute)
call to DM cell at 8:45:22 am (.03 minute)
call to DM house at 8:45:59 am (.08 minute)
call to DM house at 9:35:14 am (.32 minute)
call to DM house at 10:25:44 am (.5 minute)
call to DM house at 12:03:58 pm (.03 minute)
call to DM cell at 3:23:14 pm (.17 minute)
call to DM cell at 3:23:34 pm (.05 minute)
call to DM house at 8:21:21 pm (2.37 minutes)
call to DM house at 8:26:26 pm (.05 minute)

Monday, May 23, 2005 (out of 9 total calls)

call to DM cell at 6:26:43 am (.13 minute)

Tuesday, May 24, 2005 (out of 8 total calls)

call to DM house at 9:00:48 pm (6.07 minutes)
call to DM house at 11:40:08 pm (.26 minute)

1602

21	22	23	24
SAT	Sun	Mon	Tue

236-6215 - 5/22
316 - 8540 - 5/22

Account Search

Account Information

Subscriptions - Active: 1, Expired: 0

Account Nbr: 1004548267
 (803) 236-6215 02/25/2005 NATHANIEL BRADLEY

Subscription Information

CSA: NTH_SUMTER

Type: RETAIL IND

Acc Nbr: (803) 236-6215

Channel Type: GSM

Activation: 02/25/2005

- Contract Info -

Contract length: 24 MONTH

SIM: 89014901101262299260

Anniversary: 4/23/2007

Sales 2503W

Protected

Personal Information

Account | Mailing | Telling | Auth User | Subscrip

Customer: NATHANIEL BRADLEY

230 HIGHWAY 261 AT SOUTHFORGE APT 65
 WEDGEVILLE, SC 29168-0000

Credit Class: L3

SSN: 248-94-3678

Contact Information

HOME: (803) 494-8355
 WORK: (803) 494-9771

Account: 1004548267

CSA: NTH_SUMTE Cycle: 23

Status: ACTIVE

Established: 02/25/2005

Type: RETAIL IND

Billing Information

Last Payment

04/23/2005: \$150.00

Receivables

Current bal: \$326.33

Configured Services

☒ Current ☐ Expired ☐ All [Configure Services](#)

- TIW ASURION COMBO (02/25/2005)

- SC UNPLN 2YR GSM ACT (04/23/2005)

- ACT FEE SC 1K-SCUNPL (02/25/2005)

- CR FLAT TAXES (02/25/2005)

- DEPOSIT (02/25/2005)

- GSM CALL FORWARDING (02/25/2005)

- GSM CALL WAITING (02/25/2005)

- GSM CALLER ID (02/25/2005)

- GSM CONFERENCE CALL (02/25/2005)

- GSM EQUIPMENT (02/25/2005)

- CCT

000000069516494 Account Spending Limit Limit Exceeded - Hotline 5/25/2005 11:01:19 AM Converys p2kblgrd

Activation

Account Maint

Subscrip Maint

Invoice

Customer Search

Collections

Fraud Manager for Telecommunications

Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F S
1	clm01	6116 -	18032366215	8034948355	8034948355	May 24, 2005 11:58:37 PM	May 24, 2005 11:59:45 PM	0.8	1
2	clm01	6116 -	8034286547			May 24, 2005 11:42:58 PM	May 24, 2005 11:47:26 PM	4.47	1
3	clm01	6116 -	18032366215	8034286547	8034286547	May 24, 2005 11:40:08 PM	May 24, 2005 11:40:25 PM	0.28	1
4	clm01	6116 -	18032366215	8032366215	8032366215	May 24, 2005 11:02:50 PM	May 24, 2005 11:07:52 PM	5.03	1
5	grvgs	6455 -	8037133486			May 24, 2005 10:17:24 PM	May 24, 2005 10:18:29 PM	1.08	1
6	grvgs	6481 -	18032366215	8034948355	8034948355	May 24, 2005 10:13:48 PM	May 24, 2005 10:16:01 PM	2.2	1
7	grvgs	6482 -	18032366215	8034082355	8034082355	May 24, 2005 9:55:24 PM	May 24, 2005 10:10:14 PM	14.83	1
8	grvgs	6481 -	18032366215	8034286547	8034286547	May 24, 2005 9:00:49 PM	May 24, 2005 9:06:51 PM	6.07	1
9	grvgs	6457 -	18032366215	8032366215	8032366215	May 23, 2005 1:03:10 PM	May 23, 2005 1:03:25 PM	0.27	1
10	grvgs	6457 -	18032366215	8032384695	8032384695	May 23, 2005 8:53:15 AM	May 23, 2005 8:53:48 AM	0.55	1
11	grvgs	6457 -	8034948771			May 23, 2005 8:16:45 AM	May 23, 2005 8:17:09 AM	0.42	1
12	grvgs	6455 -	18032366215	8034948355	8034948355	May 23, 2005 7:33:16 AM	May 23, 2005 7:34:23 AM	1.15	1
13	clm01	6005 -	18032366215	8032384695	8032384695	May 23, 2005 6:58:45 AM	May 23, 2005 6:59:28 AM	0.73	2
14	grvgs	6472 -	18032366215	8032384695	8032384695	May 23, 2005 6:36:49 AM	May 23, 2005 6:38:20 AM	1.52	1
15	grvgs	6472 -	18032366215	8034594375	8034594375	May 23, 2005 6:28:43 AM	May 23, 2005 6:28:51 AM	0.13	1
16	grvgs	6472 -	8034594375			May 23, 2005 6:28:15 AM	May 23, 2005 6:28:24 AM	0.15	1
17	grvgs	6453 -	8034594375			May 23, 2005 6:00:19 AM	May 23, 2005 6:00:58 AM	0.65	1
18	grvgs	6453 -	18032366215	8032384695	8032384695	May 22, 2005 11:14:59 PM	May 22, 2005 11:24:23 PM	9.4	1
19	grvgs	6453 -	18032366215	8032366215	8032366215	May 22, 2005 11:08:21 PM	May 22, 2005 11:10:24 PM	2.05	1
20	grvgs	6453 -	18032366215	8032366215	8032366215	May 22, 2005 11:07:17 PM	May 22, 2005 11:07:51 PM	0.67	2
21	grvgs	6455 -	18032366215	8038405048	8038405048	May 22, 2005 8:33:40 PM	May 22, 2005 8:34:17 PM	0.62	1
22	grvgs	6482 -	18032366215	8034286547	8034286547	May 22, 2005 8:26:26 PM	May 22, 2005 8:26:48 PM	0.95	2
23	grvgs	6455 -	18032366215	8034286547	8034286547	May 22, 2005 8:21:21 PM	May 22, 2005 8:23:42 PM	2.37	1
24	grvgs	6455 -	8034818699			May 22, 2005 8:12:24 PM	May 22, 2005 8:13:21 PM	0.97	1
25	grvgs	6455 -	18032366215	8032384695	8032384695	May 22, 2005 7:48:19 PM	May 22, 2005 7:53:20 PM	5.03	1
26	grvgs	6459 -	8033168540			May 22, 2005 7:32:42 PM	May 22, 2005 7:33:43 PM	1.03	1
27	grvgs	6459 -	8034680045			May 22, 2005 7:29:18 PM	May 22, 2005 7:30:35 PM	1.28	1
28	grvgs	6459 -	8033168335			May 22, 2005 6:56:55 PM	May 22, 2005 6:58:24 PM	1.5	2
29	grvgs	6461 -	18032366215	8032384695	8032384695	May 22, 2005 6:38:43 PM	May 22, 2005 6:39:32 PM	0.82	1
30	grvgs	6457 -	8034082355			May 22, 2005 6:24:57 PM	May 22, 2005 6:27:54 PM	2.95	1
31	grvgs	6460 -	8034594375			May 22, 2005 5:38:13 PM	May 22, 2005 5:39:09 PM	2.95	2
32	clm01	6005 -	18032366215	8039725270	8039725270	May 22, 2005 5:12:52 PM	May 22, 2005 5:17:08 PM	4.3	2
33	clm01	6005 -	18032366215	8039725270	8039725270	May 22, 2005 5:11:44 PM	May 22, 2005 5:12:09 PM	0.42	2
34	grvgs	6481 -	8039725270			May 22, 2005 4:10:08 PM	May 22, 2005 4:16:56 PM	6.8	2
35	grvgs	6457 -	18032366215	8032384695	8032384695	May 22, 2005 4:01:44 PM	May 22, 2005 4:03:46 PM	2.03	1
36	grvgs	6457 -	18032366215	8034898651	8034898651	May 22, 2005 3:54:03 PM	May 22, 2005 3:57:00 PM	2.95	1
37	grvgs	6457 -	18032366215	8033168540	8033168540	May 22, 2005 3:52:47 PM	May 22, 2005 3:53:26 PM	0.67	1
38	grvgs	6457 -	18032366215	8033168540	8033168540	May 22, 2005 3:52:04 PM	May 22, 2005 3:52:25 PM	0.35	1
39	grvgs	6457 -	18032366215	8033168540	8033168540	May 22, 2005 3:50:51 PM	May 22, 2005 3:51:13 PM	0.38	1
40	clm01	6111 -	18032366215	8039725270	8039725270	May 22, 2005 3:37:48 PM	May 22, 2005 3:37:51 PM	0.05	1

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Created by dide @ Jun 1, 2005 3:52:12 PM

Fraud Manager for Telecommunications

Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F
41	grvgs	6457	18032366215	8034944130	8034944130	May 22, 2005 3:35:00 PM	May 22, 2005 3:35:16 PM	0.28	1
42	grvgs	6457	18032366215	8034944130	8034944130	May 22, 2005 3:33:00 PM	May 22, 2005 3:34:16 PM	1.28	2
43	clm01	6111	18032366215	8039725270	8039725270	May 22, 2005 3:30:49 PM	May 22, 2005 3:32:31 PM	1.7	1
44	clm01	6111	18032366215	8033168540	8033168540	May 22, 2005 3:28:50 PM	May 22, 2005 3:29:18 PM	0.47	1
45	clm01	6117	18032366215	8034948355	8034948355	May 22, 2005 3:25:53 PM	May 22, 2005 3:28:41 PM	0.8	1
46	clm01	6117	18032366215	8034594375	8034594375	May 22, 2005 3:23:34 PM	May 22, 2005 3:23:36 PM	0.05	1
47	clm01	6117	18032366215	8034594375	8034594375	May 22, 2005 3:23:14 PM	May 22, 2005 3:23:24 PM	0.17	1
48	grvgs	6455	18032366215	8034948355	8034948355	May 22, 2005 3:10:04 PM	May 22, 2005 3:11:10 PM	1.15	1
49	grvgs	6455	18032366215	8033188540	8033188540	May 22, 2005 3:07:16 PM	May 22, 2005 3:09:13 PM	1.97	2
50	grvgs	6462	18032366215	8032364895	8032364895	May 22, 2005 1:40:11 PM	May 22, 2005 1:41:02 PM	0.85	1
51	grvgs	6462	8034948355			May 22, 2005 1:38:49 PM	May 22, 2005 1:39:22 PM	0.57	1
52	grvgs	6463	18032366215	8034948355	8034948355	May 22, 2005 1:34:48 PM	May 22, 2005 1:35:19 PM	0.52	1
53	clm01	6005	8039725270			May 22, 2005 12:30:21 PM	May 22, 2005 12:30:50 PM	0.48	2
54	grvgs	6472	18032366215	8034286547	8034286547	May 22, 2005 12:03:58 PM	May 22, 2005 12:03:59 PM	0.03	1
55	grvgs	6462	18032366215	8034948355	8034948355	May 22, 2005 11:20:03 AM	May 22, 2005 11:20:18 AM	0.27	2
56	grvgs	6460	18032366215	8032366215	8032366215	May 22, 2005 11:10:10 AM	May 22, 2005 11:10:52 AM	0.7	1
57	clm01	6005	8039728589			May 22, 2005 11:08:05 AM	May 22, 2005 11:09:00 AM	0.92	1
58	clm01	6005	18032366215	8032366215	8032366215	May 22, 2005 11:07:24 AM	May 22, 2005 11:09:10 AM	1.77	1
59	clm01	6005	18032366215	8032364895	8032364895	May 22, 2005 11:02:49 AM	May 22, 2005 11:04:58 AM	2.15	1
60	grvgs	6463	8032364895			May 22, 2005 10:51:46 AM	May 22, 2005 10:52:12 AM	0.43	1
61	grvgs	6463	8034082355			May 22, 2005 10:51:10 AM	May 22, 2005 10:51:20 AM	0.18	2
62	grvgs	6472	18032366215	8032366215	8032366215	May 22, 2005 10:32:22 AM	May 22, 2005 10:33:57 AM	1.58	1
63	grvgs	6472	18032366215	8034286547	8034286547	May 22, 2005 10:25:44 AM	May 22, 2005 10:26:14 AM	0.5	1
64	grvgs	6472	18032366215	8032366215	8032366215	May 22, 2005 10:24:25 AM	May 22, 2005 10:24:58 AM	0.57	1
65	grvgs	6471	18032366215	8033168540	8033168540	May 22, 2005 9:52:29 AM	May 22, 2005 9:53:58 AM	1.48	1
66	grvgs	6472	18032366215	8034647738	8034647738	May 22, 2005 9:48:03 AM	May 22, 2005 9:50:45 AM	2.7	1
67	grvgs	6472	18032366215	8034647738	8034647738	May 22, 2005 9:47:33 AM	May 22, 2005 9:47:35 AM	0.05	1
68	grvgs	6472	18032366215	8034647738	8034647738	May 22, 2005 9:46:50 AM	May 22, 2005 9:47:18 AM	0.47	1
69	grvgs	6472	18032366215	8034647738	8034647738	May 22, 2005 9:46:06 AM	May 22, 2005 9:46:22 AM	0.28	1
70	grvgs	6472	18032366215	8034286547	8034286547	May 22, 2005 9:35:14 AM	May 22, 2005 9:35:33 AM	0.32	1
71	grvgs	6472	18032366215	8032366215	8032366215	May 22, 2005 9:34:10 AM	May 22, 2005 9:34:24 AM	0.23	1
72	grvgs	6472	18032366215	8034286547	8034286547	May 22, 2005 8:45:59 AM	May 22, 2005 8:46:04 AM	0.08	1
73	grvgs	6472	18032366215	8034594375	8034594375	May 22, 2005 8:45:22 AM	May 22, 2005 8:45:23 AM	0.03	1
74	grvgs	6471	18032366215	8034594375	8034594375	May 22, 2005 8:34:58 AM	May 22, 2005 8:34:58 AM	0.03	1
75	grvgs	6471	18032366215	8034286547	8034286547	May 22, 2005 8:34:24 AM	May 22, 2005 8:34:32 AM	0.15	2
76	grvgs	6472	8032367023			May 22, 2005 7:45:57 AM	May 22, 2005 7:46:44 AM	0.78	1
77	grvgs	6473	18032366215	8034286547	8034286547	May 22, 2005 7:20:09 AM	May 22, 2005 7:20:11 AM	0.03	1
78	grvgs	6472	18032366215	8034594375	8034594375	May 22, 2005 7:17:24 AM	May 22, 2005 7:17:28 AM	0.06	1
79	grvgs	6472	18032366215	8034286547	8034286547	May 22, 2005 7:16:51 AM	May 22, 2005 7:16:54 AM	0.05	1
80	grvgs	6455	18032366215	8032366215	8032366215	May 22, 2005 6:39:50 AM	May 22, 2005 6:40:35 AM	0.75	2

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Created by dide @ Jun 1, 2005 3:52:20 PM

Fraud Manager for Telecommunications

Call Detail Records

No.	Serving Switch ID	Init Call ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F S
81	grvgs	6451	18032366215	8034949771	8034949771	May 21, 2005 8:06:10 PM	May 21, 2005 8:06:37 PM	0.47	2
82	clm01	6118	18032366215	8039725270	8039725270	May 21, 2005 7:45:34 PM	May 21, 2005 7:45:55 PM	0.35	2
83	grvgs	6472	8039725270			May 21, 2005 7:41:06 PM	May 21, 2005 7:43:33 PM	2.45	1
84	grvgs	6472	8037758244			May 21, 2005 7:37:08 PM	May 21, 2005 7:37:48 PM	0.68	1
85	grvgs	6472	18032366215	8034594375	8034594375	May 21, 2005 7:31:04 PM	May 21, 2005 7:31:28 PM	0.4	1
86	grvgs	6453	8039725270			May 21, 2005 7:10:38 PM	May 21, 2005 7:16:32 PM	5.96	1
87	grvgs	6453	18032366215	8034948355	8034948355	May 21, 2005 6:59:19 PM	May 21, 2005 6:59:37 PM	0.32	1
88	clm01	6004	8033165335			May 21, 2005 5:56:59 PM	May 21, 2005 5:57:53 PM	0.9	2
89	clm01	6004	8034594375			May 21, 2005 5:48:16 PM	May 21, 2005 5:49:57 PM	1.68	2
90	clm01	6005	18032366215	8032364695	8032364695	May 21, 2005 5:28:11 PM	May 21, 2005 5:28:23 PM	0.2	2
91	clm01	6005	18032366215	8032364695	8032364695	May 21, 2005 5:25:44 PM	May 21, 2005 5:28:17 PM	0.55	2
92	grvgs	6482	8039725270			May 21, 2005 4:43:45 PM	May 21, 2005 4:44:22 PM	0.63	2
93	grvgs	6462	8039725270			May 21, 2005 4:42:48 PM	May 21, 2005 4:43:07 PM	0.35	2
94	clm01	6005	18032366215	8039725270	8039725270	May 21, 2005 4:38:00 PM	May 21, 2005 4:38:00 PM	0.02	1
95	clm01	6005	18032366215	8032366215	8032366215	May 21, 2005 4:31:12 PM	May 21, 2005 4:31:17 PM	0.08	1
96	clm01	6005	18032366215	8032366215	8032366215	May 21, 2005 4:30:05 PM	May 21, 2005 4:30:44 PM	0.65	1
97	grvgs	6460	8033165335			May 21, 2005 4:26:42 PM	May 21, 2005 4:28:22 PM	1.68	2
98	grvgs	6472	18032366215	8034647738	8034647738	May 21, 2005 3:50:49 PM	May 21, 2005 3:53:25 PM	2.62	2
99	grvgs	6472	18032366215	8037138291	8037138291	May 21, 2005 3:50:08 PM	May 21, 2005 3:50:12 PM	0.08	2
100	grvgs	6472	18032366215	8037138291	8037138291	May 21, 2005 3:48:30 PM	May 21, 2005 3:48:41 PM	0.2	2
101	grvgs	6472	18032366215	8037138291	8037138291	May 21, 2005 3:32:56 PM	May 21, 2005 3:33:06 PM	0.17	2
102	grvgs	6460	18032366215	8034992148	8034992148	May 21, 2005 3:12:43 PM	May 21, 2005 3:13:11 PM	0.47	2
103	grvgs	6461	18032366215	8033165335	8033165335	May 21, 2005 3:07:41 PM	May 21, 2005 3:07:43 PM	0.03	2
104	grvgs	6482	18032366215	8034594375	8034594375	May 21, 2005 3:02:08 PM	May 21, 2005 3:03:17 PM	1.18	1
105	grvgs	6452	18032366215	8034948355	8034948355	May 21, 2005 2:28:28 PM	May 21, 2005 2:28:46 PM	2.32	2
106	grvgs	6452	18032366215	8033165335	8033165335	May 21, 2005 2:26:05 PM	May 21, 2005 2:26:07 PM	0.03	2
107	grvgs	6452	18032366215	8033165335	8033165335	May 21, 2005 2:23:06 PM	May 21, 2005 2:23:35 PM	0.48	2
108	grvgs	6454	8034948355			May 21, 2005 2:20:11 PM	May 21, 2005 2:21:23 PM	1.2	1
109	grvgs	6454	18032366215	8034286547	8034286547	May 21, 2005 2:18:05 PM	May 21, 2005 2:18:42 PM	0.62	1
110	grvgs	6454	18032366215	8034286547	8034286547	May 21, 2005 2:17:12 PM	May 21, 2005 2:17:40 PM	0.47	1
111	grvgs	6454	18032366215	8034594375	8034594375	May 21, 2005 2:15:57 PM	May 21, 2005 2:18:12 PM	0.27	1
112	grvgs	6453	18032366215	8034948355	8034948355	May 21, 2005 2:06:50 PM	May 21, 2005 2:08:26 PM	1.62	1
113	grvgs	6453	18032366215	8034286547	8034286547	May 21, 2005 2:04:14 PM	May 21, 2005 2:04:58 PM	0.75	1
114	grvgs	6453	18032366215	8034594375	8034594375	May 21, 2005 2:03:42 PM	May 21, 2005 2:03:43 PM	0.02	1
115	grvgs	6453	8039725270			May 21, 2005 1:58:01 PM	May 21, 2005 2:00:31 PM	2.5	1
116	grvgs	6453	18032366215	8039725270	8039725270	May 21, 2005 1:51:47 PM	May 21, 2005 1:52:18 PM	0.32	1
117	grvgs	6453	8034948355			May 21, 2005 1:40:14 PM	May 21, 2005 1:41:14 PM	1.02	1
118	grvgs	6453	18032366215	8034948355	8034948355	May 21, 2005 1:39:04 PM	May 21, 2005 1:39:28 PM	0.4	1
119	grvgs	6454	18032366215	8034647738	8034647738	May 21, 2005 1:18:08 PM	May 21, 2005 1:18:43 PM	0.6	1
120	grvgs	6455	8034949546			May 21, 2005 12:52:48 PM	May 21, 2005 12:53:22 PM	0.62	1

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Created by dide @ Jun 1, 2005 3:52:29 PM

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Call Detail Records

No.	Serving Switch ID	Init Call ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)
121	grvgs	6455	18032366215	8034594375	8034594375	May 21, 2005 12:46:02 PM	May 21, 2005 12:47:28 PM	1.45
122	grvgs	6460	18032366215	8034594375	8034594375	May 21, 2005 12:18:27 PM	May 21, 2005 12:18:30 PM	0.05
123	grvgs	6460	18032366215	8034948355	8034948355	May 21, 2005 12:11:24 PM	May 21, 2005 12:11:59 PM	0.58
124	grvgs	6460	18032366215	8034948355	8034948355	May 21, 2005 11:59:24 AM	May 21, 2005 11:59:51 AM	0.47
125	clm01	6005	18032366215	8008418842	18008418842	May 21, 2005 11:43:20 AM	May 21, 2005 11:59:07 AM	15.8
126	clm01	6005	8039728598			May 21, 2005 11:39:49 AM	May 21, 2005 11:40:28 AM	0.65
127	clm01	6005	18032366215	8034948355	8034948355	May 21, 2005 11:38:05 AM	May 21, 2005 11:41:08 AM	3.07
128	clm01	6005	18032366215	8008418842	18008418842	May 21, 2005 11:35:35 AM	May 21, 2005 11:38:35 AM	1
129	clm01	6005	18032366215	8034948355	8034948355	May 21, 2005 11:32:58 AM	May 21, 2005 11:36:51 AM	3.88
130	clm01	8005	8034948355			May 21, 2005 11:22:37 AM	May 21, 2005 11:22:59 AM	0.37
131	clm01	6005	8032367023	*		May 21, 2005 11:18:27 AM	May 21, 2005 11:21:30 AM	3.07 *
132	clm01	6005	8039728598			May 21, 2005 11:15:35 AM	May 21, 2005 11:20:46 AM	5.2
133	clm01	6005	8032364895			May 21, 2005 11:07:46 AM	May 21, 2005 11:08:24 AM	0.85
134	clm01	8005	18032366215	8034945805	8034945805	May 21, 2005 10:52:46 AM	May 21, 2005 10:54:14 AM	1.48
135	clm01	6005	18032366215	8034948355	8034948355	May 21, 2005 10:52:07 AM	May 21, 2005 10:52:22 AM	0.27
138	grvgs	6460	18032366215	8034945805	8034945805	May 21, 2005 10:45:04 AM	May 21, 2005 10:45:33 AM	0.5
137	grvgs	6460	18032366215	8034944130	8034944130	May 21, 2005 10:43:03 AM	May 21, 2005 10:44:40 AM	1.62
138	grvgs	6460	18032366215	8034945805	8034945805	May 21, 2005 10:40:25 AM	May 21, 2005 10:41:41 AM	1.27
139	grvgs	6480	18032366215	8034948355	8034948355	May 21, 2005 10:38:30 AM	May 21, 2005 10:39:07 AM	0.69
140	grvgs	6460	18032366215	8034944130	8034944130	May 21, 2005 10:36:20 AM	May 21, 2005 10:36:27 AM	0.12
141	grvgs	6460	8034945805			May 21, 2005 10:34:23 AM	May 21, 2005 10:35:03 AM	0.68
142	grvgs	6464	18032366215	8034948355	8034948355	May 21, 2005 10:21:17 AM	May 21, 2005 10:22:02 AM	0.75
143	grvgs	6453	18032366215	8034949280	8034949280	May 21, 2005 10:14:53 AM	May 21, 2005 10:18:46 AM	3.9
144	grvgs	6453	18032366215	8033165335	8033165335	May 21, 2005 10:03:16 AM	May 21, 2005 10:03:18 AM	0.03
145	grvgs	6453	8032368399			May 21, 2005 9:58:54 AM	May 21, 2005 10:02:33 AM	3.85
146	grvgs	6463	18032366215	8034594375	8034594375	May 21, 2005 9:35:43 AM	May 21, 2005 9:46:27 AM	10.75
147	grvgs	6462	18032366215	8032364695	8032364695	May 21, 2005 9:32:07 AM	May 21, 2005 9:33:10 AM	1.05
148	grvgs	6460	18032366215	8034948355	8034948355	May 21, 2005 9:28:25 AM	May 21, 2005 9:29:51 AM	1.43
149	grvgs	6460	8034594375			May 21, 2005 8:00:18 AM	May 21, 2005 8:07:52 AM	7.58
150	grvgs	6462	18032366215	8034594375	8034594375	May 21, 2005 7:58:40 AM	May 21, 2005 7:58:42 AM	0.03
151	grvgs	6460	18032366215	8034594375	8034594375	May 21, 2005 7:57:47 AM	May 21, 2005 7:57:48 AM	0.03
152	grvgs	6460	8034594375			May 21, 2005 7:56:59 AM	May 21, 2005 7:57:13 AM	0.25
153	clm01	8005	18032366215	8032364695	8032364695	May 21, 2005 7:56:49 AM	May 21, 2005 7:56:52 AM	0.05
154	clm01	6005	18032366215	8034594375	8034594375	May 21, 2005 7:54:12 AM	May 21, 2005 7:54:14 AM	0.03
155	grvgs	6460	18032366215	8034594375	8034594375	May 21, 2005 6:58:32 AM	May 21, 2005 7:02:02 AM	5.52
156	grvgs	6460	8032367023	*		May 21, 2005 6:54:48 AM	May 21, 2005 6:56:04 AM	1.27 *
157	grvgs	6460	8034594375			May 21, 2005 6:51:36 AM	May 21, 2005 6:54:51 AM	3.25
158	clm01	6005	18032366215	8034992148	8034992148	May 21, 2005 6:31:20 AM	May 21, 2005 6:31:38 AM	0.32
159	clm01	8005	18032366215	8034994187	8034994187	May 21, 2005 6:30:29 AM	May 21, 2005 6:30:48 AM	0.32
160	grvgs	6455	18032366215	8034948355	8034948355	May 21, 2005 6:12:24 AM	May 21, 2005 6:12:25 AM	0.03

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Call Detail Records

No.	Serving Switch ID	Init Call ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F S
161	grvgs	6455 -	18032366215	8034286547	8034286547	May 21, 2005 6:11:12 AM	May 21, 2005 6:11:13 AM	0.03	1
162	grvgs	6482 -	18032366215	8034286547	8034286547	May 21, 2005 4:08:55 AM	May 21, 2005 4:08:57 AM	0.03	1
163	grvgs	6482 -	18032366215	8034286547	8034286547	May 21, 2005 4:08:25 AM	May 21, 2005 4:08:26 AM	0.02	1
164	grvgs	6482 -	18032366215	8034286547	8034286547	May 21, 2005 4:07:57 AM	May 21, 2005 4:07:58 AM	0.02	1
165	grvgs	6482 -	18032366215	8034286547	8034286547	May 21, 2005 4:07:29 AM	May 21, 2005 4:07:30 AM	0.02	1
166	grvgs	6482 -	18032366215	8034286547	8034286547	May 21, 2005 4:08:59 AM	May 21, 2005 4:07:00 AM	0.03	1
167	grvgs	6482 -	18032366215	8034594375	8034594375	May 21, 2005 4:06:21 AM	May 21, 2005 4:06:21 AM	0.02	1
168	grvgs	6482 -	18032366215	411	411	May 21, 2005 3:53:38 AM	May 21, 2005 3:55:04 AM	1.43	1
169	grvgs	6482 -	18032366215	411	411	May 21, 2005 3:52:43 AM	May 21, 2005 3:53:18 AM	0.58	1
170	grvgs	6482 -	18032366215	8034594375	8034594375	May 21, 2005 3:49:28 AM	May 21, 2005 3:48:50 AM	0.37	1
171	grvgs	6482 -	18032366215	8034286547	8034286547	May 21, 2005 3:48:36 AM	May 21, 2005 3:49:01 AM	0.49	1
172	grvgs	6482 -	18032366215	8034286547	8034286547	May 21, 2005 1:56:52 AM	May 21, 2005 1:56:53 AM	0.03	1
173	grvgs	6482 -	18032366215	8034594375	8034594375	May 21, 2005 1:49:56 AM	May 21, 2005 1:50:05 AM	0.17	1
174	grvgs	6455 -	18032366215	8034948355	8034948355	May 21, 2005 1:39:44 AM	May 21, 2005 1:40:02 AM	0.32	1
175	grvgs	6455 -	18032366215	8034594375	8034594375	May 21, 2005 1:38:35 AM	May 21, 2005 1:38:35 AM	0.02	1
176	grvgs	6452 -	18032366215	8034594375	8034594375	May 21, 2005 1:37:24 AM	May 21, 2005 1:37:25 AM	0.02	1
177	grvgs	6482 -	18032366215	8034594375	8034594375	May 21, 2005 1:35:16 AM	May 21, 2005 1:35:16 AM	0.02	2
178	clm01	6005 -	18032366215	8034594375	8034594375	May 21, 2005 1:33:47 AM	May 21, 2005 1:33:49 AM	0.05	1
179	clm01	6005 -	18032366215	8034286547	8034286547	May 21, 2005 1:32:47 AM	May 21, 2005 1:32:52 AM	0.1	1
180	clm01	6004 -	18032366215	8033168540	8033168540	May 21, 2005 12:48:29 AM	May 21, 2005 12:50:39 AM	2.18	1
181	clm01	6005 -	18032366215	8032366215	8032366215	May 20, 2005 11:54:50 PM	May 20, 2005 11:55:04 PM	0.23	1
182	clm01	6005 -	18032366215	8033165335	8033165335	May 20, 2005 11:42:45 PM	May 20, 2005 11:42:50 PM	0.1	1
183	clm01	6005 -	18032366215	8032366215	8032366215	May 20, 2005 11:14:47 PM	May 20, 2005 11:16:28 PM	1.87	1
184	clm01	6005 -	18032366215	8032366215	8032366215	May 20, 2005 11:12:34 PM	May 20, 2005 11:14:30 PM	1.93	1
185	grvgs	6460 -	18032366215	8034948355	8034948355	May 20, 2005 10:50:34 PM	May 20, 2005 10:50:44 PM	0.18	1
186	clm01	6005 -	18032366215	8034647738	8034647738	May 20, 2005 9:57:31 PM	May 20, 2005 9:57:34 PM	0.07	1
187	clm01	6005 -	18032366215	8034647738	8034647738	May 20, 2005 9:57:00 PM	May 20, 2005 9:57:07 PM	0.12	1
188	grvgs	6460 -	18032366215	8034948355	8034948355	May 20, 2005 9:54:40 PM	May 20, 2005 9:54:50 PM	0.17	1
189	grvgs	6482 -	18032366215	8034647738	8034647738	May 20, 2005 9:23:26 PM	May 20, 2005 9:24:18 PM	0.9	1
190	grvgs	6455 -	18032366215	8034647738	8034647738	May 20, 2005 9:15:41 PM	May 20, 2005 9:22:35 PM	6.92	1
191	grvgs	6461 -	8036997858			May 20, 2005 9:09:45 PM	May 20, 2005 9:15:02 PM	5.3	1
192	grvgs	6460 -	18032367023			May 20, 2005 9:05:05 PM	May 20, 2005 9:06:38 PM	1.57	1
193	grvgs	6460 -	18032366215	8034647738	8034647738	May 20, 2005 9:00:51 PM	May 20, 2005 9:02:37 PM	1.77	1
194	grvgs	6460 -	18032366215	8034647738	8034647738	May 20, 2005 8:57:08 PM	May 20, 2005 8:57:22 PM	0.25	1
195	grvgs	6461 -	18032366215	8034647738	8034647738	May 20, 2005 8:52:39 PM	May 20, 2005 8:55:39 PM	3.02	1
196	grvgs	6460 -	18032366215	8033168540	8033168540	May 20, 2005 8:48:42 PM	May 20, 2005 8:47:31 PM	0.82	1
197	grvgs	6460 -	18032366215	8034948355	8034948355	May 20, 2005 8:38:57 PM	May 20, 2005 8:39:46 PM	0.83	1
198	clm01	6004 -	18032366215	8034647738	8034647738	May 20, 2005 8:36:10 PM	May 20, 2005 8:38:25 PM	2.25	1
199	clm01	2178 -	18032366215	8034647738	8034647738	May 20, 2005 8:33:17 PM	May 20, 2005 8:33:17 PM	0.02	1
200	clm01	6004 -	18032366215	8033165335	8033165335	May 20, 2005 8:28:33 PM	May 20, 2005 8:27:03 PM	0.52	1

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Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	Call Start Time	Call End Time	Duration (min.)
201	clm01	6004	18032366215	8034286547	8034286547	May 20, 2005 8:04:59 PM	May 20, 2005 8:10:13 PM	5.25
202	clm01	6004	18032366215	8034647738	8034647738	May 20, 2005 7:55:14 PM	May 20, 2005 8:03:52 PM	8.65
203	clm01	6004	18032366215	8034949260	8034949260	May 20, 2005 7:54:27 PM	May 20, 2005 7:54:44 PM	0.3
204	clm01	6004	8034948355			May 20, 2005 7:49:17 PM	May 20, 2005 7:51:51 PM	2.58
205	grvgs	5507	18032366215	8033165335	8033165335	May 20, 2005 7:45:42 PM	May 20, 2005 7:46:10 PM	0.47
206	clm01	6004	18032366215	8034948355	8034948355	May 20, 2005 7:38:13 PM	May 20, 2005 7:38:33 PM	0.33
207	clm01	6004	18032366215	8032366215	8032366215	May 20, 2005 6:31:06 PM	May 20, 2005 6:32:06 PM	1.02
208	clm01	6004	8034697371			May 20, 2005 6:03:25 PM	May 20, 2005 6:03:54 PM	0.5
209	clm01	6004	18032366215	8034948355	8034948355	May 20, 2005 6:02:40 PM	May 20, 2005 6:03:40 PM	1.02
210	clm01	6004	18032366215	8033165335	8033165335	May 20, 2005 5:48:31 PM	May 20, 2005 5:48:34 PM	0.05
211	clm01	6005	18032366215	8034286547	8034286547	May 20, 2005 5:43:31 PM	May 20, 2005 5:43:54 PM	0.4
212	grvgs	6455	18032366215	8034286547	8034286547	May 20, 2005 5:03:15 PM	May 20, 2005 5:07:31 PM	4.28
213	grvgs	6455	8034594375			May 20, 2005 4:58:43 PM	May 20, 2005 5:02:49 PM	3.12
214	grvgs	6461	18032366215	8034286547	8034286547	May 20, 2005 4:52:09 PM	May 20, 2005 4:53:43 PM	1.57
215	grvgs	6460	18032366215	8034948355	8034948355	May 20, 2005 4:40:04 PM	May 20, 2005 4:40:45 PM	0.68
216	grvgs	6460	18032366215	8034994187	8034994187	May 20, 2005 4:34:58 PM	May 20, 2005 4:35:16 PM	0.3
217	clm01	6005	18032366215	8037754323	8037754323	May 20, 2005 4:13:48 PM	May 20, 2005 4:15:46 PM	1.97
218	clm01	6004	8037754323			May 20, 2005 3:59:36 PM	May 20, 2005 4:02:48 PM	3.2
219	clm01	6004	18032366215	8034948355	8034948355	May 20, 2005 3:54:28 PM	May 20, 2005 3:54:31 PM	0.05
220	clm01	6004	18032366215	8034994288	8034994288	May 20, 2005 3:39:20 PM	May 20, 2005 3:39:59 PM	0.65
221	clm01	6004	18032366215	8034949260	8034949260	May 20, 2005 3:35:40 PM	May 20, 2005 3:38:50 PM	3.17
222	grvgs	6461	18032366215	8034992146	8034992146	May 20, 2005 3:03:59 PM	May 20, 2005 3:05:44 PM	1.75
223	grvgs	6462	18032366215	8034949363	8034949363	May 20, 2005 2:55:32 PM	May 20, 2005 2:58:08 PM	0.6
224	grvgs	6462	18032366215	8032364695	8032364695	May 20, 2005 2:53:14 PM	May 20, 2005 2:53:45 PM	0.53
225	grvgs	6457	18032366215	8033168540	8033168540	May 20, 2005 2:34:24 PM	May 20, 2005 2:34:34 PM	0.18
226	grvgs	6458	18032366215	8034948355	8034948355	May 20, 2005 2:00:44 PM	May 20, 2005 2:02:48 PM	2.08
227	grvgs	6458	18032366215	8037138518	8037138518	May 20, 2005 1:52:27 PM	May 20, 2005 1:57:58 PM	5.53
228	grvgs	6451	18032366215	8034138518	8034138518	May 20, 2005 1:51:45 PM	May 20, 2005 1:51:54 PM	0.17
229	grvgs	6451	18032366215	8034948355	8034948355	May 20, 2005 1:39:19 PM	May 20, 2005 1:40:11 PM	0.88
230	grvgs	6451	18032366215	8034948355	8034948355	May 20, 2005 1:39:11 PM	May 20, 2005 1:39:00 PM	0.82
231	grvgs	6451	18032366215	8008418842	18008418842	May 20, 2005 1:24:39 PM	May 20, 2005 1:33:33 PM	8.9
232	grvgs	6451	18032366215	8034948355	8034948355	May 20, 2005 1:23:13 PM	May 20, 2005 1:23:54 PM	0.68
233	grvgs	6451	18032366215	8008418842	18008418842	May 20, 2005 1:21:53 PM	May 20, 2005 1:22:18 PM	0.43
234	grvgs	6458	18032366215	8034948355	8034948355	May 20, 2005 1:12:35 PM	May 20, 2005 1:18:58 PM	6.4
235	grvgs	6465	8034999812			May 20, 2005 12:44:24 PM	May 20, 2005 12:48:21 PM	1.97
236	grvgs	6462	18032366215	8034948355	8034948355	May 20, 2005 12:34:57 PM	May 20, 2005 12:35:22 PM	0.42
237	clm01	6005	18032366215	8034992146	8034992146	May 20, 2005 12:17:45 PM	May 20, 2005 12:17:57 PM	0.2
238	clm01	6005	18032366215	8032364695	8032364695	May 20, 2005 12:14:53 PM	May 20, 2005 12:16:27 PM	1.58
239	clm01	6005	18032366215	8032364695	8032364695	May 20, 2005 12:09:30 PM	May 20, 2005 12:10:35 PM	1.08
240	grvgs	6462	18032366215	8038407127	8038407127	May 20, 2005 11:55:34 AM	May 20, 2005 11:55:58 AM	0.4

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Created by cide @ Jun 1, 2005 3:52:58 PM

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Call Detail Records

No.	Serving Switch ID	Init Call ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F	S
241	grvgs	6462	18032366215	8034189457	8034189457	May 20, 2005 11:50:53 AM	May 20, 2005 11:51:15 AM	0.37	1	1
242	grvgs	6463	18032366215	8037138291	8037138291	May 20, 2005 11:45:48 AM	May 20, 2005 11:45:53 AM	0.1	1	1
243	grvgs	6483	18032366215	8033168540	8033168540	May 20, 2005 11:44:00 AM	May 20, 2005 11:44:45 AM	0.75	1	1
244	grvgs	6454	18032366215	8038400526	8038400526	May 20, 2005 11:42:51 AM	May 20, 2005 11:42:53 AM	0.03	1	1
245	grvgs	6451	18032366215	8034358884	8034358884	May 20, 2005 11:38:21 AM	May 20, 2005 11:39:10 AM	0.83	1	1
246	grvgs	6458	8034949546			May 20, 2005 11:28:48 AM	May 20, 2005 11:31:58 AM	3.18	1	1
247	grvgs	6458	18032366215	8032364695	8032364695	May 20, 2005 11:25:36 AM	May 20, 2005 11:25:57 AM	0.37	1	1
248	grvgs	6463	18032366215	8032364695	8032364695	May 20, 2005 11:06:38 AM	May 20, 2005 11:06:39 AM	0.05	1	1
249	grvgs	6462	8034949546			May 20, 2005 11:01:04 AM	May 20, 2005 11:02:22 AM	1.32	1	1
250	clm01	6005	18032366215	8034992148	8034992148	May 20, 2005 10:55:10 AM	May 20, 2005 10:56:50 AM	1.68	1	1
251	clm01	8005	18032366215	8034942148	8034942148	May 20, 2005 10:54:29 AM	May 20, 2005 10:54:34 AM	0.08	1	1
252	grvgs	6460	8034949546			May 20, 2005 10:52:31 AM	May 20, 2005 10:52:52 AM	0.35	1	1
253	clm01	6004	18032366215	8034948355	8034948355	May 20, 2005 10:51:09 AM	May 20, 2005 10:52:25 AM	1.27	1	1
254	clm01	6004	18032366215	8033165335	8033165335	May 20, 2005 10:47:54 AM	May 20, 2005 10:50:21 AM	2.45	1	1
255	clm01	6004	18032366215	8032364695	8032364695	May 20, 2005 10:44:12 AM	May 20, 2005 10:44:42 AM	0.5	1	1
256	clm01	6004	18032366215	8032364695	8032364695	May 20, 2005 10:42:01 AM	May 20, 2005 10:42:32 AM	0.52	1	1
257	clm01	6004	8034690653			May 20, 2005 10:32:53 AM	May 20, 2005 10:33:42 AM	0.83	1	1
258	grvgs	6483	18032366215	8034948355	8034948355	May 20, 2005 10:14:56 AM	May 20, 2005 10:15:21 AM	0.43	1	1
259	grvgs	6455	18032366215	8032364695	8032364695	May 20, 2005 10:00:23 AM	May 20, 2005 10:00:42 AM	0.32	1	1
260	grvgs	6455	18032366215	8032364695	8032364695	May 20, 2005 9:48:37 AM	May 20, 2005 9:48:53 AM	0.28	1	1
261	grvgs	6455	8034690653			May 20, 2005 9:43:50 AM	May 20, 2005 9:44:08 AM	0.3	1	1
262	grvgs	6455	18032366215	8032364695	8032364695	May 20, 2005 9:41:19 AM	May 20, 2005 9:41:37 AM	0.3	1	1
263	grvgs	6455	8034948355			May 20, 2005 9:39:20 AM	May 20, 2005 9:40:25 AM	1.08	1	1
264	grvgs	6455	18032366215	8032366215	8032366215	May 20, 2005 9:02:14 AM	May 20, 2005 9:03:08 AM	0.9	1	1
265	grvgs	6455	18032366215	8034253124	8034253124	May 20, 2005 1:13:38 AM	May 20, 2005 1:18:01 AM	1.43	1	1
266	clm01	6004	18032366215	8034948355	8034948355	May 20, 2005 12:21:00 AM	May 20, 2005 12:21:11 AM	0.18	1	1
267	clm01	6004	18032366215	8037138518	8037138518	May 19, 2005 10:41:38 PM	May 19, 2005 10:41:49 PM	0.18	1	1
268	clm01	6004	18032366215	8037138518	8037138518	May 19, 2005 10:40:33 PM	May 19, 2005 10:41:15 PM	0.72	1	1
269	grvgs	6453	18032366215	8034948355	8034948355	May 19, 2005 10:07:19 PM	May 19, 2005 10:08:17 PM	0.97	1	1
270	grvgs	6453	18032366215	8037138518	8037138518	May 19, 2005 10:02:28 PM	May 19, 2005 10:02:50 PM	0.38	1	1
271	grvgs	6467	8034594375			May 19, 2005 9:46:16 PM	May 19, 2005 9:50:38 PM	4.38	1	1
272	grvgs	6461	8034594375			May 19, 2005 9:19:21 PM	May 19, 2005 9:20:46 PM	1.43	1	1
273	grvgs	6460	8034943089			May 19, 2005 9:17:07 PM	May 19, 2005 9:20:48 PM	3.65	1	1
274	clm01	6004	18032366215	8037138518	8037138518	May 19, 2005 9:09:42 PM	May 19, 2005 9:10:33 PM	0.85	1	1
275	clm01	6005	18032366215	8034594375	8034594375	May 19, 2005 9:08:38 PM	May 19, 2005 9:08:43 PM	0.1	1	1
276	clm01	6004	18032366215	8034286547	8034286547	May 19, 2005 9:04:29 PM	May 19, 2005 9:04:58 PM	0.48	1	1
277	clm01	6004	18032366215	8034948355	8034948355	May 19, 2005 9:00:48 PM	May 19, 2005 9:01:32 PM	0.73	1	1
278	clm01	6004	18032366215	8034647738	8034647738	May 19, 2005 8:34:37 PM	May 19, 2005 8:38:13 PM	3.6	1	1
279	clm01	8004	18032366215	8034949260	8034949260	May 19, 2005 8:33:30 PM	May 19, 2005 8:34:10 PM	0.87	1	1
280	clm01	6004	18032366215	8034949261	8034949261	May 19, 2005 8:32:50 PM	May 19, 2005 8:33:02 PM	0.22	1	1

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Call Detail Records

No.	Serving Switch ID	Init Call ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F
281	clm01	6004 -	18032366215	8037138518	8037138518	May 19, 2005 8:28:23 PM	May 19, 2005 8:30:39 PM	2.28	1
282	clm01	6004 -	8034240434			May 19, 2005 8:28:43 PM	May 19, 2005 8:28:54 PM	0.18	1
283	clm01	6004 -	8034948355			May 19, 2005 8:22:25 PM	May 19, 2005 8:24:13 PM	1.82	1
284	clm01	6004 -	18032366215	8034948355	8034948355	May 19, 2005 8:18:43 PM	May 19, 2005 8:19:32 PM	0.83	1
285	grvgs	6460 -	18032366215	8034948355	8034948355	May 19, 2005 8:09:11 PM	May 19, 2005 8:09:17 PM	0.1	1
286	grvgs	6460 -	18032366215	8032384695	8032384695	May 19, 2005 8:08:35 PM	May 19, 2005 8:08:29 PM	1.9	2
287	grvgs	6455 -	18032366215	8034288547	8034288547	May 19, 2005 8:02:07 PM	May 19, 2005 8:03:52 PM	1.77	1
288	grvgs	6482 -	18032366215	8034948355	8034948355	May 19, 2005 7:59:44 PM	May 19, 2005 8:00:26 PM	0.7	1
289	grvgs	6482 -	18032366215	8039349761	8039349761	May 19, 2005 7:17:03 PM	May 19, 2005 7:17:27 PM	0.4	1
290	grvgs	6482 -	18032366215	8034948355	8034948355	May 19, 2005 6:54:39 PM	May 19, 2005 6:54:45 PM	0.1	1
291	grvgs	6455 -	18032366215	8034594375	8034594375	May 19, 2005 6:47:15 PM	May 19, 2005 6:47:24 PM	0.15	1
292	grvgs	6455 -	18032366215	8034594375	8034594375	May 19, 2005 6:44:04 PM	May 19, 2005 6:44:42 PM	0.63	1
293	grvgs	6482 -	18032366215	8034594375	8034594375	May 19, 2005 6:42:57 PM	May 19, 2005 6:42:58 PM	0.03	1
294	grvgs	6461 -	18032366215	8034594375	8034594375	May 19, 2005 6:42:14 PM	May 19, 2005 6:42:14 PM	0.02	1
295	grvgs	6461 -	18032366215	8034594375	8034594375	May 19, 2005 6:41:38 PM	May 19, 2005 6:41:37 PM	0.03	1
296	grvgs	6482 -	18032366215	8034594375	8034594375	May 19, 2005 6:38:01 PM	May 19, 2005 6:38:01 PM	0.02	2
297	grvgs	6461 -	8038405046			May 19, 2005 6:21:47 PM	May 19, 2005 6:23:58 PM	2.17	1
298	grvgs	6457 -	18032366215	8034594375	8034594375	May 19, 2005 6:16:33 PM	May 19, 2005 6:16:37 PM	0.07	2
299	grvgs	6455 -	18032366215	8034594375	8034594375	May 19, 2005 6:15:52 PM	May 19, 2005 6:16:00 PM	0.15	1
300	grvgs	6455 -	18032366215	8034594375	8034594375	May 19, 2005 6:15:07 PM	May 19, 2005 6:15:21 PM	0.23	1
301	grvgs	6463 -	18032366215	8034594375	8034594375	May 19, 2005 6:09:03 PM	May 19, 2005 6:09:03 PM	0.02	1
302	grvgs	6463 -	18032366215	8034594375	8034594375	May 19, 2005 6:08:51 PM	May 19, 2005 6:08:54 PM	0.02	1
303	grvgs	6463 -	18032366215	8034594375	8034594375	May 19, 2005 6:00:34 PM	May 19, 2005 6:00:35 PM	0.02	1
304	grvgs	6463 -	18032366215	8034594375	8034594375	May 19, 2005 5:59:07 PM	May 19, 2005 5:59:08 PM	0.02	1
305	grvgs	6461 -	18032366215	8033165335	8033165335	May 19, 2005 4:57:43 PM	May 19, 2005 4:58:02 PM	0.33	1
306	grvgs	6461 -	18032366215	8034594375	8034594375	May 19, 2005 4:48:44 PM	May 19, 2005 4:48:48 PM	2.07	2
307	grvgs	6458 -	18032366215	8034645662	8034645662	May 19, 2005 4:18:40 PM	May 19, 2005 4:18:41 PM	0.02	1
308	grvgs	6458 -	18032366215	8034948355	8034948355	May 19, 2005 4:13:53 PM	May 19, 2005 4:15:01 PM	1.13	1
309	grvgs	6458 -	8033165335			May 19, 2005 4:11:36 PM	May 19, 2005 4:12:52 PM	1.27	1
310	grvgs	6458 -	8034948355			May 19, 2005 4:11:03 PM	May 19, 2005 4:13:05 PM	2.03	1
311	grvgs	6459 -	18032366215	8034594375	8034594375	May 19, 2005 4:08:28 PM	May 19, 2005 4:08:58 PM	0.53	1
312	grvgs	6458 -	18032366215	8032386215	8032386215	May 19, 2005 2:58:16 PM	May 19, 2005 2:58:41 PM	0.42	2
313	grvgs	6471 -	8034948355			May 19, 2005 1:49:56 PM	May 19, 2005 1:50:14 PM	0.3	2
314	clm01	6005 -	18032366215	8034949260	8034949260	May 19, 2005 1:06:33 PM	May 19, 2005 1:11:34 PM	5.02	2
315	grvgs	6455 -	18032366215	8034594375	8034594375	May 19, 2005 12:44:07 PM	May 19, 2005 12:44:10 PM	0.05	1
316	grvgs	6455 -	18032366215	8034594375	8034594375	May 19, 2005 12:41:16 PM	May 19, 2005 12:41:18 PM	0.02	1
317	grvgs	6482 -	18032364695			May 19, 2005 12:17:49 PM	May 19, 2005 12:22:36 PM	4.78	2
318	grvgs	6452 -	18032366215	8037734844	8037734844	May 19, 2005 11:35:28 AM	May 19, 2005 11:35:31 AM	0.05	1
319	grvgs	6452 -	18032366215	8037734844	8037734844	May 19, 2005 11:33:16 AM	May 19, 2005 11:33:20 AM	0.08	1
320	grvgs	6452 -	18032366215	8037734844	8037734844	May 19, 2005 11:31:52 AM	May 19, 2005 11:32:02 AM	0.17	1

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Call Detail Records

No.	Serving Switch ID	Init Call ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F
321	grvgs	6452	18032367023			May 19, 2005 11:22:02 AM	May 19, 2005 11:22:39 AM	0.62	2
322	grvgs	6458	8034680045			May 19, 2005 10:46:04 AM	May 19, 2005 10:58:54 AM	12.85	1
323	grvgs	6458	18032366215	8034948355	8034948355	May 19, 2005 10:40:52 AM	May 19, 2005 10:42:26 AM	1.57	1
324	grvgs	6458	18032366215	8034240919	8034240919	May 19, 2005 9:06:08 AM	May 19, 2005 9:09:38 AM	3.48	1
325	grvgs	6458	18032366215	8034645662	8034645662	May 19, 2005 9:04:34 AM	May 19, 2005 9:04:36 AM	0.03	1
326	grvgs	6458	18032366215	8037758178	8037758178	May 19, 2005 9:02:41 AM	May 19, 2005 9:02:54 AM	0.22	1
327	grvgs	6458	18032366215	411	411	May 19, 2005 8:57:11 AM	May 19, 2005 8:59:24 AM	2.22	1
328	grvgs	6458	18032366215	8038400526	8038400526	May 19, 2005 8:52:43 AM	May 19, 2005 8:52:45 AM	0.05	1
329	grvgs	6458	18032366215	8034812751	8034812751	May 19, 2005 8:52:14 AM	May 19, 2005 8:52:16 AM	0.05	1
330	grvgs	6458	18032366215	8034949260	8034949260	May 19, 2005 8:48:21 AM	May 19, 2005 8:49:01 AM	0.68	1
331	grvgs	6458	18032366215	8037138518	8037138518	May 19, 2005 8:45:01 AM	May 19, 2005 8:47:10 AM	2.17	1
332	grvgs	6458	18032366215	8032366215	8032366215	May 19, 2005 8:38:54 AM	May 19, 2005 8:39:48 AM	0.92	1
333	grvgs	6453	18032367023			May 19, 2005 8:16:19 AM	May 19, 2005 8:16:44 AM	0.42	1
334	grvgs	6451	18032366215	8032364685	8032364685	May 18, 2005 8:11:09 AM	May 19, 2005 8:14:51 AM	3.77	1
335	grvgs	6472	18032366215	8034594375	8034594375	May 18, 2005 10:36:15 PM	May 18, 2005 10:36:15 PM	0.02	1
336	clm01	6005	8034584375			May 18, 2005 10:01:57 PM	May 18, 2005 10:04:36 PM	2.65	1
337	grvgs	6460	18032366215	8037138518	8037138518	May 18, 2005 9:54:54 PM	May 18, 2005 9:55:03 PM	0.15	1
338	grvgs	6455	18032366215	8039725270	8039725270	May 18, 2005 9:42:28 PM	May 18, 2005 9:42:47 PM	0.32	1
339	grvgs	6455	8033164753			May 18, 2005 9:41:00 PM	May 18, 2005 9:41:54 PM	0.9	2
340	clm01	6005	8033164753			May 18, 2005 9:13:19 PM	May 18, 2005 9:16:49 PM	3.52	1
341	clm01	6005	18032366215	8034948355	8034948355	May 18, 2005 9:11:19 PM	May 18, 2005 9:12:06 PM	0.78	1
342	clm01	6005	18032366215	8032364685	8032364685	May 18, 2005 9:09:58 PM	May 18, 2005 9:10:18 PM	0.35	1
343	clm01	6118	18032366215	8032364685	8032364685	May 18, 2005 9:04:15 PM	May 18, 2005 9:04:20 PM	0.1	1
344	grvgs	6471	18032366215	8033165335	8033165335	May 18, 2005 5:36:44 PM	May 18, 2005 5:39:36 PM	2.88	1
345	grvgs	6472	8033165335			May 18, 2005 5:27:03 PM	May 18, 2005 5:30:32 PM	3.5	2
346	grvgs	6462	18032366215	8032367023	8032367023	May 18, 2005 4:52:55 PM	May 18, 2005 4:53:09 PM	0.23	1
347	grvgs	6462	18032366215	8032367023	8032367023	May 18, 2005 4:52:38 PM	May 18, 2005 4:52:39 PM	0.03	1
348	grvgs	6462	18032366215	8032367023	8032367023	May 18, 2005 4:52:03 PM	May 18, 2005 4:52:05 PM	0.05	1
349	grvgs	6462	8034594375			May 18, 2005 4:36:04 PM	May 18, 2005 4:37:09 PM	1.08	1
350	grvgs	6451	18032366215	8032367023	8032367023	May 18, 2005 4:20:57 PM	May 18, 2005 4:21:36 PM	0.65	1
351	grvgs	6451	18032366215	8037138518	8037138518	May 18, 2005 4:15:59 PM	May 18, 2005 4:17:02 PM	1.05	1
352	grvgs	6458	18032366215	8037138518	8037138518	May 18, 2005 4:14:07 PM	May 18, 2005 4:15:09 PM	1.03	1
353	grvgs	6457	8034594375			May 18, 2005 4:07:47 PM	May 18, 2005 4:10:54 PM	3.13	1
354	grvgs	6457	8034594375			May 18, 2005 3:57:06 PM	May 18, 2005 3:58:42 PM	1.62	1
355	grvgs	6452	18032366215	8034948355	8034948355	May 18, 2005 2:41:44 PM	May 18, 2005 2:42:00 PM	0.27	1
356	grvgs	6452	18032366215	8034948355	8034948355	May 18, 2005 2:35:28 PM	May 18, 2005 2:37:27 PM	1.97	1
357	grvgs	6452	8034942957			May 18, 2005 2:15:29 PM	May 18, 2005 2:16:47 PM	1.32	1
358	grvgs	6462	18032366215	8032367023	8032367023	May 18, 2005 2:05:32 PM	May 18, 2005 2:08:15 PM	0.73	1
359	grvgs	6457	18032366215	8034594375	8034594375	May 18, 2005 1:42:45 PM	May 18, 2005 1:42:46 PM	0.02	2
360	grvgs	6462	18032366215	8034594375	8034594375	May 18, 2005 12:56:13 PM	May 18, 2005 12:58:33 PM	0.35	1

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Created by dide @ Jun 1, 2005 3:53:24 PM

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Call Detail Records

No.	Serving Switch ID	Init Call ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)
361	grvgs	6462	18032366215	8034845662	8034645662	May 18, 2005 12:34:24 PM	May 18, 2005 12:34:26 PM	0.05
362	grvgs	6463	18032366215	8038400526	8038400526	May 18, 2005 12:27:13 PM	May 18, 2005 12:27:14 PM	0.03
363	grvgs	6463	18032366215	8032364895	8032364695	May 18, 2005 12:15:57 PM	May 18, 2005 12:19:40 PM	3.72
364	grvgs	6458	18032366215	8037880222	8037880222	May 18, 2005 11:02:55 AM	May 18, 2005 11:04:17 AM	1.37
365	grvgs	6458	18032366215	8037550222	8037550222	May 18, 2005 11:02:05 AM	May 18, 2005 11:02:27 AM	0.38
366	grvgs	6458	18032366215	8032366215	8032366215	May 18, 2005 10:59:01 AM	May 18, 2005 11:00:38 AM	1.62
367	grvgs	6462	18032366215	8034812751	8034812751	May 18, 2005 10:06:20 AM	May 18, 2005 10:19:49 AM	13.5
368	grvgs	6452	18032366215	8038400526	8038400526	May 18, 2005 10:02:27 AM	May 18, 2005 10:03:03 AM	0.62
369	grvgs	6455	18032366215	8037138291	8037138291	May 18, 2005 9:16:17 AM	May 18, 2005 9:21:11 AM	4.9
370	grvgs	6462	18032366215	8034692124	8034692124	May 18, 2005 8:53:32 AM	May 18, 2005 8:54:18 AM	0.75
371	grvgs	6455	18032364695			May 18, 2005 7:25:06 AM	May 18, 2005 7:36:48 AM	11.72
372	grvgs	6455	8034594375			May 18, 2005 6:40:38 AM	May 18, 2005 6:44:31 AM	3.9
373	grvgs	6455	8034594375			May 18, 2005 6:09:58 AM	May 18, 2005 6:24:34 AM	14.6
374	grvgs	6455	18032366215	8034594375	8034594375	May 17, 2005 10:35:51 PM	May 17, 2005 10:43:37 PM	7.77
375	grvgs	6455	18032366215	8034948355	8034948355	May 17, 2005 10:34:06 PM	May 17, 2005 10:34:42 PM	0.62
376	grvgs	6455	8032762258			May 17, 2005 10:18:58 PM	May 17, 2005 10:22:38 PM	2.67
377	grvgs	6455	18032366215	8032366215	8032366215	May 17, 2005 10:17:31 PM	May 17, 2005 10:19:27 PM	1.95
378	grvgs	6461	18032367023			May 17, 2005 10:02:54 PM	May 17, 2005 10:05:42 PM	2.82
379	clm01	6005	8034594375			May 17, 2005 9:33:35 PM	May 17, 2005 9:34:25 PM	0.83
380	clm01	6118	8034949771			May 17, 2005 9:24:42 PM	May 17, 2005 9:27:28 PM	2.75
381	clm01	6118	8034897371			May 17, 2005 9:22:21 PM	May 17, 2005 9:24:13 PM	1.87
382	grvgs	6472	18032366215	8032366215	8032366215	May 17, 2005 9:17:19 PM	May 17, 2005 9:18:48 PM	1.5
383	grvgs	6472	18032367023			May 17, 2005 9:06:12 PM	May 17, 2005 9:08:35 PM	0.38
384	grvgs	6472	18032366215	8032364695	8032364695	May 17, 2005 7:45:57 PM	May 17, 2005 7:47:08 PM	1.18
385	grvgs	6472	18032367023			May 17, 2005 7:41:12 PM	May 17, 2005 7:41:58 PM	0.78
386	grvgs	6472	18032366215	8036997859	8036997859	May 17, 2005 6:44:22 PM	May 17, 2005 6:46:28 PM	2.12
387	grvgs	6472	18032366215	8034784662	8034784662	May 17, 2005 6:43:47 PM	May 17, 2005 6:44:00 PM	0.22
388	grvgs	6472	18032366215	8034784662	8034784662	May 17, 2005 5:12:32 PM	May 17, 2005 5:15:14 PM	2.7
389	grvgs	6472	8034697371			May 17, 2005 4:58:49 PM	May 17, 2005 5:01:55 PM	3.1
390	grvgs	5239	18032366215	8039725270	8039725270	May 17, 2005 4:38:04 PM	May 17, 2005 4:38:27 PM	0.38
391	grvgs	5232	18032366215	8034082355	8034082355	May 17, 2005 4:24:11 PM	May 17, 2005 4:31:35 PM	7.4
392	grvgs	5233	8034594375			May 17, 2005 4:01:38 PM	May 17, 2005 4:10:29 PM	8.63
393	grvgs	5232	18032366215	8037751225	8037751225	May 17, 2005 3:28:29 PM	May 17, 2005 3:28:22 PM	1.88
394	clm01	5004	18032366215	8037880222	8037880222	May 17, 2005 3:00:11 PM	May 17, 2005 3:02:58 PM	2.8
395	grvgs	6462	18032366215	8034848355	8034848355	May 17, 2005 2:53:54 PM	May 17, 2005 2:54:42 PM	0.8
396	clm01	8005	18032366215	8032367023	01118032367023	May 17, 2005 1:59:05 PM	May 17, 2005 2:00:39 PM	1.58
397	grvgs	6452	18032366215	8034645662	8034645662	May 17, 2005 12:23:23 PM	May 17, 2005 12:23:52 PM	0.5
398	grvgs	6453	18032366215	8034692124	8034692124	May 17, 2005 12:10:06 PM	May 17, 2005 12:14:06 PM	4.03
399	clm01	6180	18032366215	8034594375	8034594375	May 17, 2005 12:08:36 PM	May 17, 2005 12:09:18 PM	0.7
400	clm01	6180	8034358854			May 17, 2005 12:07:28 PM	May 17, 2005 12:07:53 PM	0.42

Page: 10 (33) Total: 1311

Created by dida @ Jun 1, 2005 3:53:32 PM

Fraud Manager for Telecommunications

Call Detail Records

No.	Serving Switch ID	Init Call ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F S
401	clm01	6190	18032366215	8034594375	8034594375	May 17, 2005 12:07:17 PM	May 17, 2005 12:07:53 PM	0.8	2
402	clm01	6195	18032366215	8033165335	8033165335	May 17, 2005 12:03:40 PM	May 17, 2005 12:04:53 PM	1.23	2
403	grvgs	6453	8033183808			May 17, 2005 11:02:07 AM	May 17, 2005 11:04:14 AM	2.13	2
404	grvgs	6462	18032366215	8034189457	8034189457	May 17, 2005 10:48:06 AM	May 17, 2005 10:48:29 AM	0.38	1
405	clm01	6005	8032364885			May 17, 2005 10:32:28 AM	May 17, 2005 10:33:45 AM	1.28	1
406	grvgs	6462	18032366215	8034948355	8034948355	May 17, 2005 10:17:49 AM	May 17, 2005 10:17:58 AM	0.15	1
407	grvgs	6462	8034358894			May 17, 2005 10:04:58 AM	May 17, 2005 10:05:18 AM	0.38	1
408	clm01	8005	18032366215	8032366215	8032366215	May 17, 2005 9:38:50 AM	May 17, 2005 9:39:31 AM	0.68	1
409	grvgs	6472	18032366215	8032366215	8032366215	May 17, 2005 8:48:39 AM	May 17, 2005 8:50:28 AM	0.82	1
410	clm01	6118	8032367023			May 16, 2005 11:42:47 PM	May 16, 2005 11:43:21 PM	0.58	1
411	clm01	6005	18032366215	8032366215	8032366215	May 16, 2005 11:35:48 PM	May 16, 2005 11:36:04 PM	0.27	2
412	clm01	6004	8034594375			May 16, 2005 11:17:51 PM	May 16, 2005 11:20:27 PM	2.6	1
413	clm01	6004	18032366215	8034286547	8034286547	May 16, 2005 11:17:12 PM	May 16, 2005 11:17:14 PM	0.03	1
414	clm01	6004	18032366215	8034286547	8034286547	May 16, 2005 11:16:16 PM	May 16, 2005 11:16:36 PM	0.33	1
415	clm01	6004	18032366215	8034286547	8034286547	May 16, 2005 10:48:34 PM	May 16, 2005 10:55:40 PM	7.12	1
416	clm01	8004	18032366215	8034594375	8034594375	May 16, 2005 10:48:04 PM	May 16, 2005 10:48:07 PM	0.07	2
417	grvgs	6455	18032366215	8034251516	8034251516	May 16, 2005 10:06:54 PM	May 16, 2005 10:08:48 PM	1.9	1
418	grvgs	6455	18032366215	8032366215	8032366215	May 16, 2005 9:59:51 PM	May 16, 2005 10:02:13 PM	2.37	2
419	grvgs	6462	8034942628			May 16, 2005 9:49:01 PM	May 16, 2005 9:51:53 PM	2.87	1
420	clm01	6005	18032366215	8032366215	8032366215	May 16, 2005 9:27:53 PM	May 16, 2005 9:28:54 PM	0.98	1
421	grvgs	6462	18032366215	8034251516	8034251516	May 16, 2005 8:48:36 PM	May 16, 2005 8:47:25 PM	0.83	1
422	grvgs	6462	18032366215	8034251516	8034251516	May 16, 2005 8:44:43 PM	May 16, 2005 8:45:49 PM	1.1	1
423	grvgs	6462	18032366215	8032366215	8032366215	May 16, 2005 8:39:21 PM	May 16, 2005 8:40:57 PM	1.6	1
						May 16, 2005 8:34:03 PM		2.85	1

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

SEARCH WARRANT

CASE # 05054419

**Date:
05/24/05**

Inv. Clarence Mcmillian

05/24/05 3:20 p.m.

1616

Form Approved by
S. C. Attorney General
Section 17-13-160
March 15, 1978

CASE # 05054419

STATE OF SOUTH CAROLINA

SEARCH WARRANT

COUNTY OF SUMTER

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

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

A SUNCOM CELLULAR PHONE ACCOUNT UNDER CELL PHONE NUMBER 803-236-4695.

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 SOUGHT
(SECTION B)

THE NAME OF THE PERSON OR PERSONS WHO OPENED A SUNCOM CELLULAR PHONE ACCOUNT WITH CELL PHONE NUMBER 803-236-4695, INCLUDING ALL OF THE SUBSCRIBER(S) INFORMATION INCLUDING MAILING ADDRESS, HOME AND /OR WORK TELEPHONE NUMBER, DATE THE SAID ACCOUNT WAS OPENED WITH SUNCOM, AND ANY OTHER NAMES THAT EXIST ON SAID SUNCOM ACCOUNT. ANY AND/OR ALL INCOMING AND OUTGOING CALLS MADE ON SAID ACCOUNT DURING THE TIME PERIOD OF 12:00 A.M. JANUARY 1ST, 2005 THROUGH 12:00 A.M. MAY 25TH, 2005 IS SUBJECT TO SEARCH AND SEIZURE. ANY EVIDENCE OF CONTRABAND OR ILLEGAL ACTIVITY ON THE SAID SUNCOM ACCOUNT IS ALSO SUBJECT TO SEARCH AND SEIZURE.

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

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

Issuing Judge

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 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 identify 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 prominent place on such premises.

Sumter, S.C.
May 25, 2005

Lee A. Linda (L.S.)
Signature of Judge
12:07 PM
05/24/05 3:20 p.m.

SCCA/513
(3-78)

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF SUMTER

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

DESCRIPTION OF PROPERTY SOUGHT

THE NAME OF THE PERSON OR PERSONS WHO OPENED A SUNCOM CELLULAR PHONE ACCOUNT WITH CELL PHONE NUMBER 803-236-4695, INCLUDING ALL OF THE SUBSCRIBER(S) INFORMATION INCLUDING MAILING ADDRESS, HOME AND /OR WORK TELEPHONE NUMBER, DATE THE SAID ACCOUNT WAS OPENED WITH SUNCOM, AND ANY OTHER NAMES THAT EXIST ON SAID SUNCOM ACCOUNT. ANY AND/OR ALL INCOMING AND OUTGOING CALLS MADE ON SAID ACCOUNT DURING THE TIME PERIOD OF 12:00 A.M. JANUARY 1ST, 2005 THROUGH 12:00 A.M. MAY 25TH, 2005 IS SUBJECT TO SEARCH AND SEIZURE. ANY EVIDENCE OF CONTRABAND OR ILLEGAL ACTIVITY ON THE SAID SUNCOM ACCOUNT IS ALSO SUBJECT TO SEARCH AND SEIZURE.

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

A SUNCOM CELLULAR PHONE ACCOUNT UNDER CELL PHONE NUMBER 803-236-4695.

**REASON FOR AFFIANTS BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES**

THE SUMTER COUNTY SHERIFF'S OFFICE IS WORKING A HOMICIDE CASE THAT OCCURRED IN SUMTER COUNTY AND IS SEEKING THE ABOVE INFORMATION TO ASSIST IN DETERMINING WHO MAY HAVE COMMITTED THE CRIME OF HOMICIDE.

Sworn to and Subscribed before me

This 25 day of, May 2005

Frederick J. Linder (L.S.)
Signature of Judge
12:07 PM

Inv. Clarence L. McMillian
Affiant

Address 107 EAST HAMPTON AVENUE

SUMTER, SC 29150

Phone (803) 436-2000

05/24/05 3:20 p.m.

LT

CASE # 05054419

RETURN

I received the attached Search Warrant May 25th, 2005, and have executed it as follows:

On May 25th, 2005 at 12:25 o'clock p.M, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with Victim (Deceased) No copy kept
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

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

A list of all incoming and outgoing calls to include personal account information 803-236-4695. (Suncom wireless)
Nothing follows

This inventory was made in the presence of David Ido

AND _____

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

SWORN to before me this the 3rd

day of June, 2005

David Ido (L.S.)

3:45PM

Shirley A. McMill
(Signature of Officer Executing Warrant)

05/24/05 3:20 p.m.

24

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

SEARCH WARRANT

CASE # 05054419

**Date:
05/24/05**

Inv. Clarence McMillian

05/24/05 3:40 P.M.

1620

Form Approved by
S. C. Attorney General
Section 17-13-160
March 15, 1978

CASE # 05054419

STATE OF SOUTH CAROLINA

SEARCH WARRANT

COUNTY OF SUMTER

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

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

A SUNCOM CELLULAR PHONE ACCOUNT UNDER CELL PHONE NUMBER 803-236-6215

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 SOUGHT
(SECTION B)

THE NAME OF THE PERSON OR PERSONS WHO OPENED A SUNCOM CELLULAR PHONE ACCOUNT WITH CELL PHONE NUMBER 803-236-6215, INCLUDING ALL OF THE SUBSCRIBER(S) INFORMATION INCLUDING MAILING ADDRESS, HOME AND/OR WORK TELEPHONE NUMBER, DATE THE SAID ACCOUNT WAS OPENED WITH SUNCOM, AND ANY OTHER NAMES THAT EXIST ON SAID SUNCOM ACCOUNT. ANY AND/OR ALL INCOMING AND OUTGOING CALLS MADE ON SAID ACCOUNT DURING THE TIME PERIOD OF 12:00 A.M. JANUARY 1ST, 2005 THROUGH 12:00 A.M. MAY 25TH, 2005 IS SUBJECT TO SEARCH AND SEIZURE. ANY EVIDENCE OF CONTRABAND OR ILLEGAL ACTIVITY ON THE SAID SUNCOM ACCOUNT IS ALSO SUBJECT TO SEARCH AND SEIZURE.

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

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

Issuing Judge

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 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 identify 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 prominent place on such premises.

Sumter, S.C.
May 25, 2005
12:02 PM

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

05/24/05 3:40 P.M.

SCCA/513
(3-78)

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF SUMTER

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

DESCRIPTION OF PROPERTY SOUGHT

THE NAME OF THE PERSON OR PERSONS WHO OPENED A SUNCOM CELLULAR PHONE ACCOUNT WITH CELL PHONE NUMBER 803-236-6215, INCLUDING ALL OF THE SUBSCRIBER(S) INFORMATION INCLUDING MAILING ADDRESS, HOME AND/OR WORK TELEPHONE NUMBER, DATE THE SAID ACCOUNT WAS OPENED WITH SUNCOM, AND ANY OTHER NAMES THAT EXIST ON SAID SUNCOM ACCOUNT. ANY AND/OR ALL INCOMING AND OUTGOING CALLS MADE ON SAID ACCOUNT DURING THE TIME PERIOD OF 12:00 A.M. JANUARY 1ST, 2005 THROUGH 12:00 A.M. MAY 25TH, 2005 IS SUBJECT TO SEARCH AND SEIZURE. ANY EVIDENCE OF CONTRABAND OR ILLEGAL ACTIVITY ON THE SAID SUNCOM ACCOUNT IS ALSO SUBJECT TO SEARCH AND SEIZURE.

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

A SUNCOM CELLULAR PHONE ACCOUNT UNDER CELL PHONE NUMBER 803-236-6215

**REASON FOR AFFIANTS BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES**

THE SUMTER COUNTY SHERIFF'S OFFICE IS WORKING A HOMICIDE CASE THAT OCCURRED IN SUMTER COUNTY AND IS SEEKING THE ABOVE INFORMATION TO ASSIST IN DETERMINING WHO MAY HAVE COMMITTED THE CRIME OF HOMICIDE.

Sworn to and Subscribed before me

This 25 day of, 2005

Frederick L. Smith (L.S.)
Signature of Judge
12:02 PM

Mr. Clarence L. McMillian
Affiant

Address 107 EAST HAMPTON AVENUE

SUMTER, SC 29150

Phone (803) 436-2000

05/24/05 3:40 P.M.

LT

I received the attached Search Warrant 5-25-05, 2005, and have executed it as follows:

On May 25, 2005 at 12:30 o'clock P M, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with Nathanio! Noel Bracklog
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant: Detailed list of
incoming and out going calls for phone Number 803-236-62
And all personal information on account, Sun com wireless
Nothing follows

This inventory was made in the presence of David Idolo

AND _____

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

SWORN to before me this the 3rd

day of June, 2005

Lawrence L. McPherson
(Signature of Officer Executing Warrant)

Frederick Lindal (L.S.)
3:45 PM

05/24/05 3:40 P.M.

alt

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

SEARCH WARRANT

CASE #05054419

Date: 5/25/05

INVESTIGATOR C.L. MCMILLAN

05/25/05 10:31 A.M.



1624

Form Approved by
S. C. Attorney General
Section 17-13-160
March 15, 1978

CASE #05054419

STATE OF SOUTH CAROLINA

SEARCH WARRANT

COUNTY OF SUMTER

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

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

A 1992 CHEVY BERETTA 2 DOOR BLUE IN COLOR BEARING S.C. TAG 690-TKP AND VIN#1G1LW13T6NY107949
REGISTERED TO ONE BARBRA JEAN WILLIAMS OF 230 HIGHWAY 261 SOUTH APPARTMENT #65
WEDGEFIELD, SC 29168.

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 SOUGHT
(SECTION B)

ANY HANDGUNS/RIFLES, AMMUNITIONS, CLOTHING, BLOOD, HAIR FIBERS, LETTERS, DOCUMENTS AND
ANY PERSONAL EFFECTS THAT MAY BELONG TO ONE NATHANIEL NOEL BRADLEY AND THE VICTIM
ERNEST JAMES.

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

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

ISSUING JUDGE

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 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 identify 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 prominent place on such premises.

Sumter, S.C.
May 25, 2005

Frederick J. Indal (L.S.)
Signature of Judge

12:02 PM

(ST)

SCCA/513
(3-78)

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF SUMTER

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

DESCRIPTION OF PROPERTY SOUGHT

ANY HAND GUN/ RIFLE AND AMMUNITION, BLOOD, HAIR FIBERS, CLOTHING, LETTERS, DOCUMENTS, AND PERSONAL EFFECTS BELONGING TO NATHANIEL NOEL BRADLEY AND THE VICTIM ERNEST JAMES.

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

A 1992 CHEVY BERETTA 2 DOOR BLUE IN COLOR BEARING S.C. TAG 690-TKP AND VIN# 1G1LW13T6NY107949. REGISTERED TO ONE BARBRA JEAN WILLIAMS OF 230 HIGHWAY 261 SOUTH APPARTMENT 65 WEDGEFIELD, SC 29168.

**REASON FOR AFFIANTS BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES**

THE SUMTER COUNTY SHERIFF'S OFFICE IS CONDUCTING A HOMICIDE INVESTIGATION OF ONE ERNEST JAMES. THE ABOVE MENTIONED VEHICLE WAS DRIVEN BY ONE NATHANIEL NOEL BRADLEY WHOM WAS THE LAST PERSON SEEN WITH THE VICTIM . AND THAT SAID VICTIM MAY HAVE BEEN IN LISTED VEHICLE.

Sworn to and Subscribed before me

This 25 day of, 2005

(L.S.)

Signature of Judge

Affiant

Address 107 EAST HAMPTON AVENUE

SUMTER, SC 20150

Phone (803) 436-2000

12:02 PM

(Signature)

CASE #
RETURN

I received the attached Search Warrant May 25th, 2005, and have executed it as follows:

On May 25th, 2005 at 4:00 o'clock P M, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with Banba Williams
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant: @DunCom Customer

Service agreement books (1) uniform Traffic ticket # C105481

(2) 1st Cellular forms. Nothing follows

This inventory was made in the presence of Tru C. L. McMillan, Agent Bruce Grant.

AND _____

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

SWORN to before me this the 3rd

day of June, 2005

Richard L. Sinal (L.S.)

Clarence L. McMillan

(Signature of Officer Executing Warrant)

3:45 PM

St

St

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

SEARCH WARRANT

CASE #05054419

Date: 06-22-05

INVESTIGATOR C.L. MCMILLAN

6/22/05
06-22-05 08:30 a.m.

1628

Form Approved by
S. C. Attorney General
Section 17-13-160
March 15, 1978

CASE # 05054419

STATE OF SOUTH CAROLINA

SEARCH WARRANT

COUNTY OF SUMTER

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

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

A SunCom cellular phone account under cellphone number 803-236-7023

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 SOUGHT
(SECTION B)

The name of the person or persons who opened a SunCom cellular phone account with cellphone number 803-236-7023. Including all subscriber(s) information including mailing address, home and/ or work telephone number. Date the said account was opened with SunCom, and any other names that that exist on saidSunCom account. Any and/ or all incoming and outgoing calls to include text messages and voice mail made on said account during the time period of 12:00 a.m. May 16th .2005 through 12:00 a.m. June 21st .2005 is subject to search and seizure. Any evidence of contraband or illegal activity on the said SunCom account is also subject to search and seizure.

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

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

Issuing Judge

within ten days form 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 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 identify 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 prominent place on such premises.

Sumter, S.C.

June 22, 2005

06-22-05 8:30 a.m.

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

CASE # 05054419

RETURN

I received the attached Search Warrant June 22nd, 2005, and have executed it as follows:

On June 22nd, 2005 at 4:40 o'clock P M, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with David IDE
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

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

Copies of Suncom
cellular incoming and outgoing calls for Account #10049821.
Cellphone # 803-236-7023. Copy of form who Account
is assigned to. List of calls made between May
19th 2005 - June 17th 2005.

This inventory was made in the presence of SunCom Business Security
AND David IDE

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

SWORN to before me this the

day of

(L.S.)

06-22-05 8:30 a.m.

(Signature of Officer Executing Warrant)

11:02 AM

SCCA/513
(3-78)

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF SUMTER

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

DESCRIPTION OF PROPERTY SOUGHT

The name of the person or person(s) who opened a SunCom cellular phone account with cell phone number 803-236-7023. Including all of the subscriber(s) information including mailing address, home and/ or work telephone number. Date the said account was opened with SunCom, and any other names that exist on said SunCom account. Any and/ all incoming and out going calls to include text messages and voice mail made on said account during the time period of 12:00 a.m. May 16th, 2005 through 12:00 a.m. June 21st, 2005 is subject to search and seizure. Any evidence of contraband or illegal activity on the said SunCom account is also subject to search and seizure.

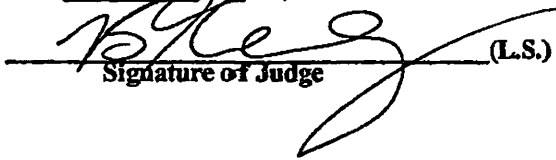
DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

A SunCom cellular phone account under cell phone number 803-236-7023.

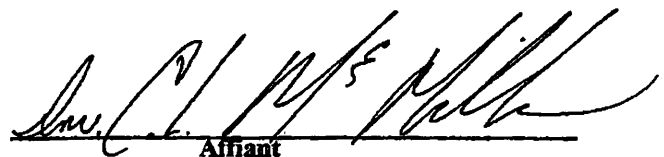
REASON FOR AFFIANTS BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

The Sumter County Sheriff's Office is working a homicide case that occurred in Sumter County and is seeking the above information to assist in determining who may have committed the crime of homicide. The investigation has revealed that this number may be vital in assisting with the investigation of this case. The suspect that is in custody and this number made contact 16 times during the week leading up to the victims murder. (May 16th - 22nd 2005) Witnesses also stated that this subject resembles the sketch of the second suspect law enforcement is attempting to locate.

Sworn to and Subscribed before me

This 22nd day of June, 2005
Signature of Judge

(L.S.)


AffiantAddress 107 EAST HAMPTON AVENUESUMTER, SC 20150Phone (803) 436-2000

06-22-05 8:30 a.m.

cell phone
Records



1632



BUSINESS SECURITY DEPARTMENT
1100 CASSATT ROAD
BERWYN, PA 19312

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Catherine Fant	David Ide
COMPANY:	DATE:
	1/4/08
PHONE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
FAX NUMBER:	SENDER'S REFERENCE NUMBER:
803-436-2236	Fax (610) 993-3114
RE:	YOUR REFERENCE NUMBER:
	Toll Free (877) 372-8300
☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE	

NOTES/COMMENTS:

NOTICE: The information contained in this fax transmission is intended by SunCom Wireless for the use of the named individual or entity to which it is directed and may contain information that is privileged or otherwise confidential.

SUBPOENA IN A CRIMINAL CASE

SOUTH CAROLINA <u>GENERAL SESSIONS</u> COURT		COUNTY SUMTER
THE STATE V. NATHANIEL NOEL BRADLEY		CASE NO. 2007-GS-43-390
		SUBPOENA FOR ☒ PERSON ☐ DOCUMENT(S) OR OBJECT(S)
TO: SUNCOM WIRELESS BUSINESS SECURITY DEPARTMENT 1100 CASSATT ROAD BERWYN, PA 19312 VIA FAX: (610) 993-3114		
YOU ARE HEREBY COMMANDED to appear in the above named court at the place, date, and time specified below to testify in the above-entitled case.		
PLACE SUMTER COUNTY COURTHOUSE 141 North Main Street Sumter, South Carolina	COURTROOM # 1 DATE AND TIME AS SOON AS POSSIBLE	
YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s).		
LIST DOCUMENT (S) OR OBJECT (S) PLEASE PROVIDE LOCATION ADDRESSES ASSOCIATED WITH THE FOLLOWING CELL TOWER ID NUMBERS: 2175, 2176, 2178, 5232, 5233, 5239, 5507, 6004, 6005, 6111, 6116, 6117, 6118, 6190, 6195, 6451, 6452, 6453, 6454, 6455, 6457, 6458, 6459, 6460, 6461, 6462, 6463, 6468, 6471, 6472, 6473, 6481, 6482 TO: CATHERINE FANT FAX NUMBER (803) 436-2236		
THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED LEAVE TO DEPART BY THE COURT OR BY AN OFFICER ACTING ON BEHALF OF THE COURT		
CLERK OF COURT <i>James C. Campbell</i>	DATE: JANUARY 3, 2008	
(BY) DEPUTY CLERK		
THIS SUBPOENA IS ISSUED UPON APPLICATION OF THE ☒ SOLICITOR ☐ DEFENDANT CATHERINE FANT (803) 436-2185		ATTORNEY'S NAME AND ADDRESS C. KELLY JACKSON, SOLICITOR Third JUDICIAL CIRCUIT Sumter County Courthouse, Room 201 141 North Main Street SUMTER, SOUTH CAROLINA 29150

Cell Site Address
Site

5232 - 4621 Percival Road Columbia, SC
5233 - 9710 1/2 Two Notch Road Columbia, SC
5239 - 363 Sumter Highway Camden, SC
5507 - 11660 Garners Ferry Road Eastover, SC
6451 - 115 North Harvin Sumter, SC
6452 - 855 Winkles Road Sumter, SC
6453 - 12 Weatherly Drive Sumter, SC
6454 - 50 Morgan Avenue Sumter, SC
6455 - 3590 Tacoma Lane Sumter, SC
6457 - 480 Builders Road Sumter, SC
6458 - 540 Black Road Sumter, SC
6459 - 180 University Drive Sumter, SC
6460 - 5260 Clyde Drive Sumter, SC
6461 - 465 Polifka Drive Shaw AFB, SC
6462 - 2160 Communications Road Sumter, SC
6463 - 975 American Road Sumter, SC
6468 - 1743 Crossroads Church Road Manning, SC
6471 - 969 Horse Pen Road Camden, SC
6472 - 1510 Sumter Highway Bishopville, SC
6473 - 1480 Wisacky Highway Bishopville, SC
6481 - 1021 Cockerill Road Sumter, SC
6482 - 440 Kings Highway Sumter, SC

Catherine B. Fant

From: Grilo, Lynette [LG2044@att.com]
Sent: Thursday, January 10, 2008 4:52 PM
To: Catherine B. Fant
Subject: NCC FILE 384056 SC V NATHANIEL NOEL BRADLEY 2007-GS-43-390
Attachments: 384056.zip

The addresses and mapped location of the sites you provided have been attached. There was one site that we could not identify as it is not ours and that was site # 2178.

After you have a chance to look over the addresses please let us know at your earliest convenience if a personal appearance will be required.

Thanks very much for your assistance.

Lynnette Grilo
Appearance Coordinator
AT&T Legal Compliance Analyst
National Compliance Center
Phone 1-800-635-6840 opt 1
Fax 1-888-938-4715



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1/11/2008

1636

CELL SITE ID 2176

Site Information

Sub Market: Columbia

Site ID: 091P0176

Latitude: 34.20122

Longitude: -80.67993

Structure Type: Self Support

Site Type:

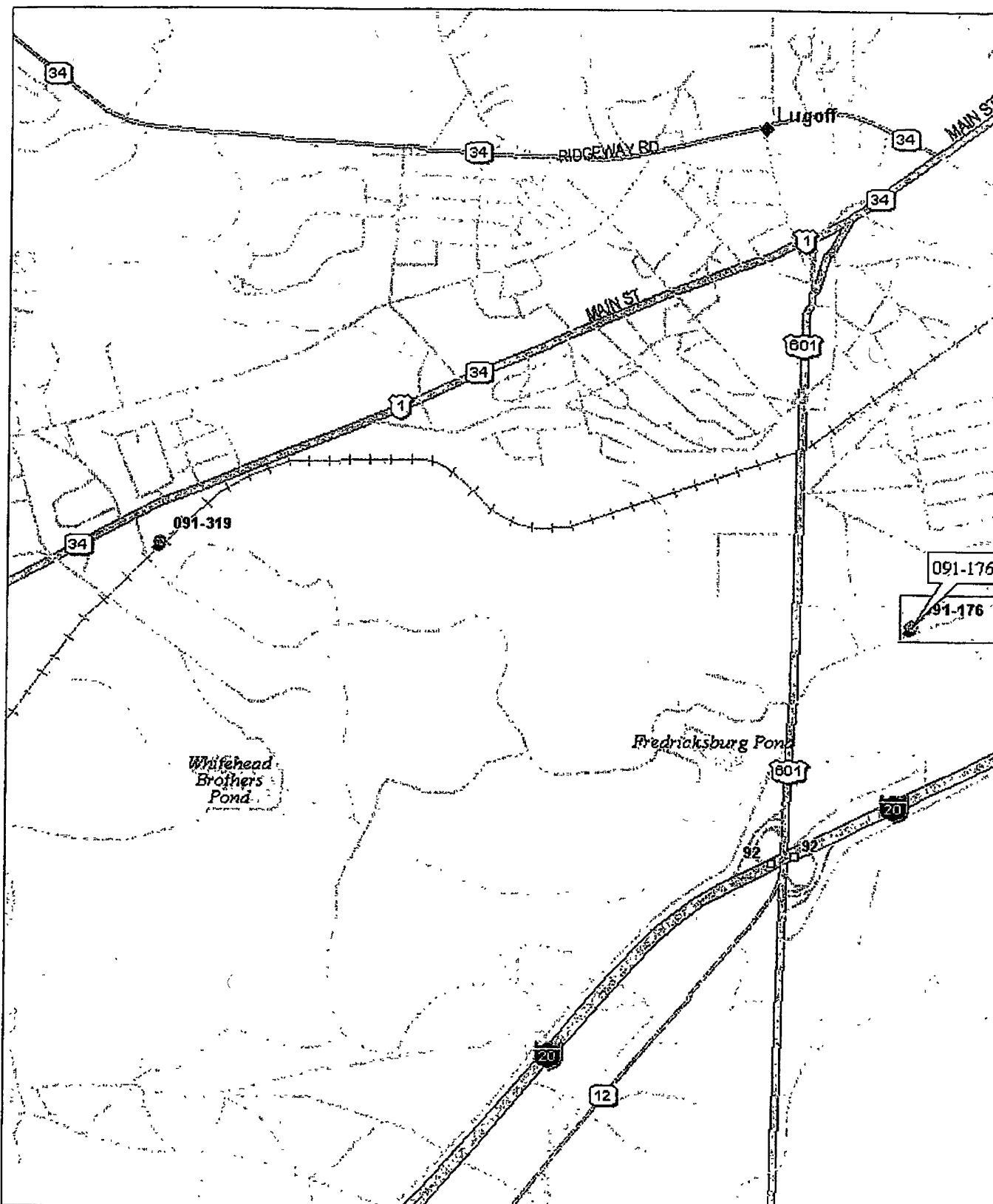
Address: 603 LACHICOTTE RD

City: LUGOFF

County: KERSHAW

State: SC

Zip:

**DELORME**

Data use subject to license.

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www.delorme.com

MN (7.0° W)

FTC Site (Farmers Telephone Company) **6005****Site Information**

Sub Market: Columbia

Site ID: 436P0005

Latitude: 34.03431

Longitude: -80.46231

Structure Type:

Site Type:

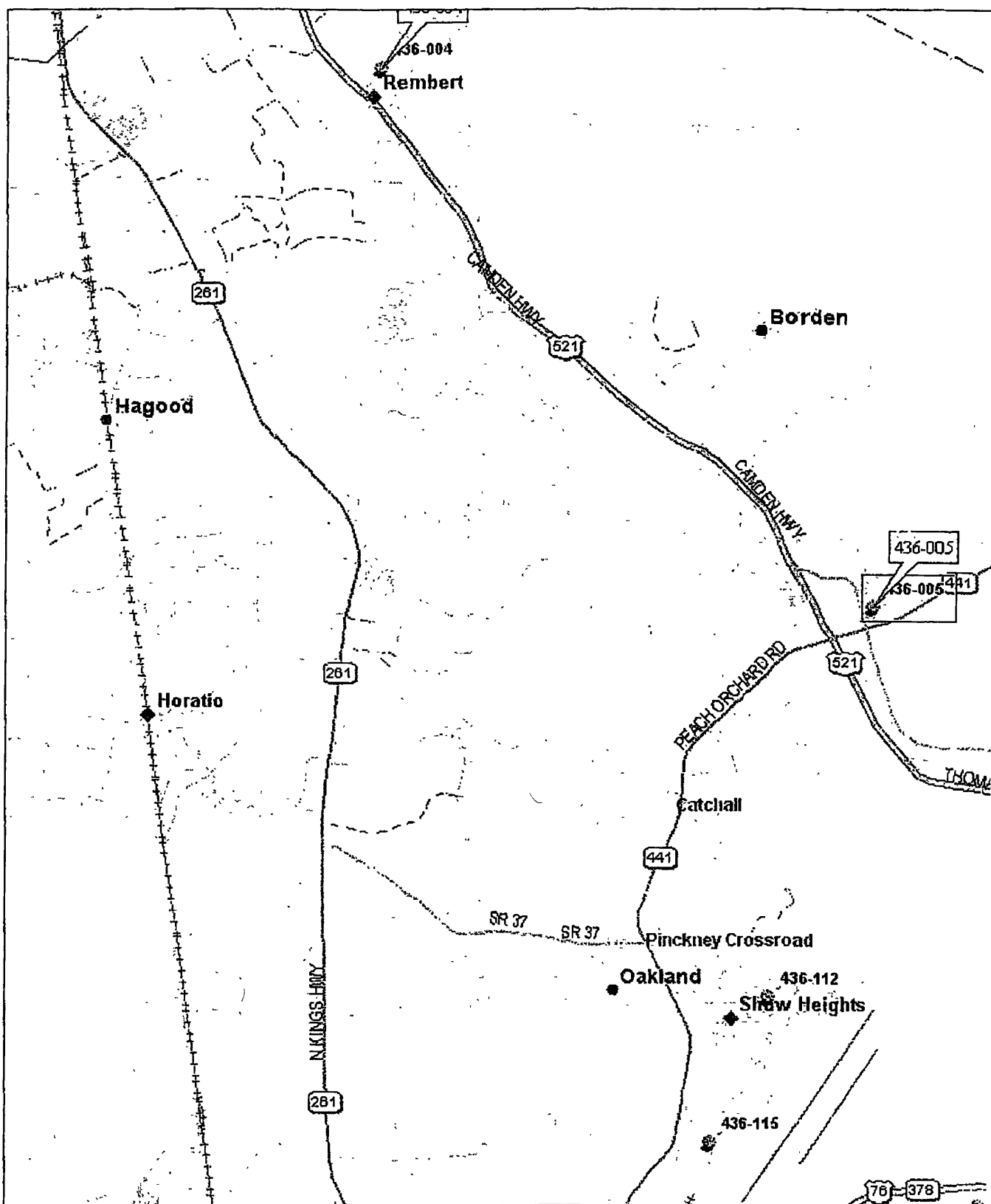
Address: 5125 CAMDEN HWY

City: SUMTER

County: SUMTER

State: SC

Zip:



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★
MN (7.1" VV)

1640

6116

FTC again

Site Information

Sub Market: Columbia

Site ID: 436P0116

Latitude: 33.99001

Longitude: -80.31426

Structure Type: Tower

Site Type:

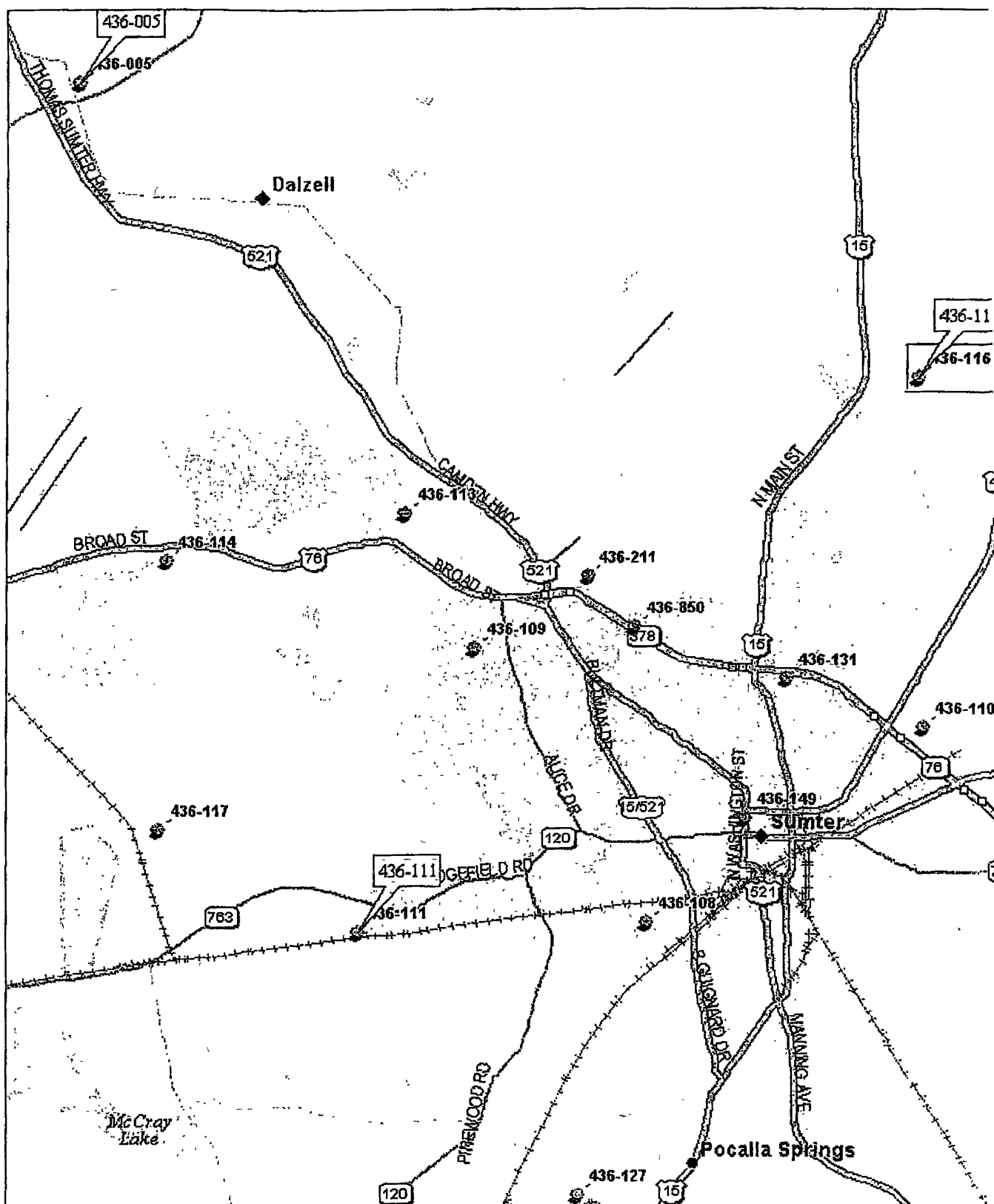
Address: 595 BELL RD

City: SUMTER

County: SUMTER

State: SC

Zip:



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★
MN (7.2" W)

Cell 6004

Farmers Telecom Area

Site Information

Sub Market: Columbia

Site ID: 436P0004

Latitude: 34.09917

Longitude: -80.5322

Structure Type:

Site Type:

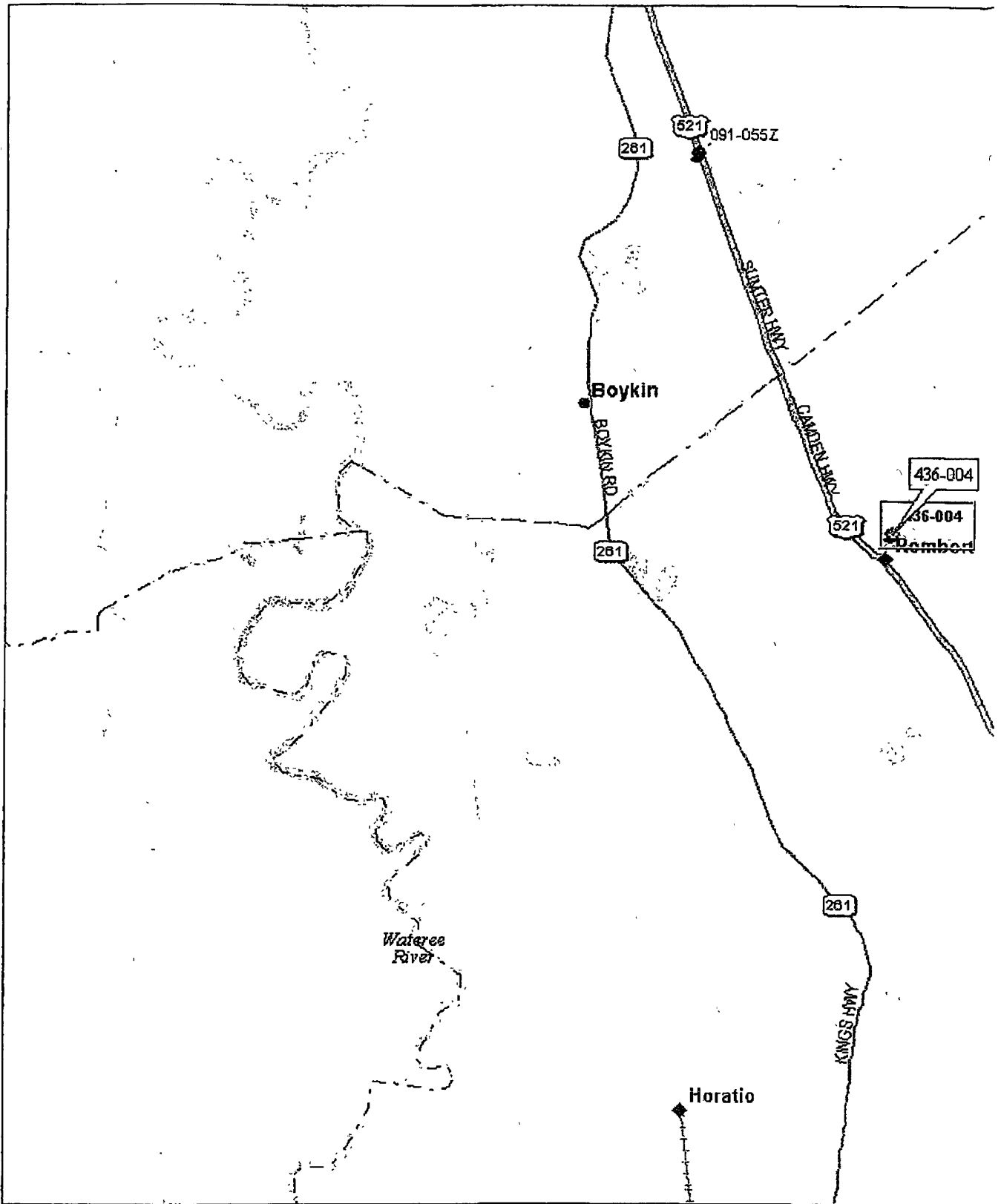
Address: 6769 YOUNG ST

City: REMBERT

County: SUMTER

State: SC

Zip:



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Cell 6111

FTC Cell

Site Information

Sub Market: Columbia

Site ID: 436P0111

Latitude: 33.90632

Longitude: -80.4133

Structure Type: Guyed Tower

Site Type:

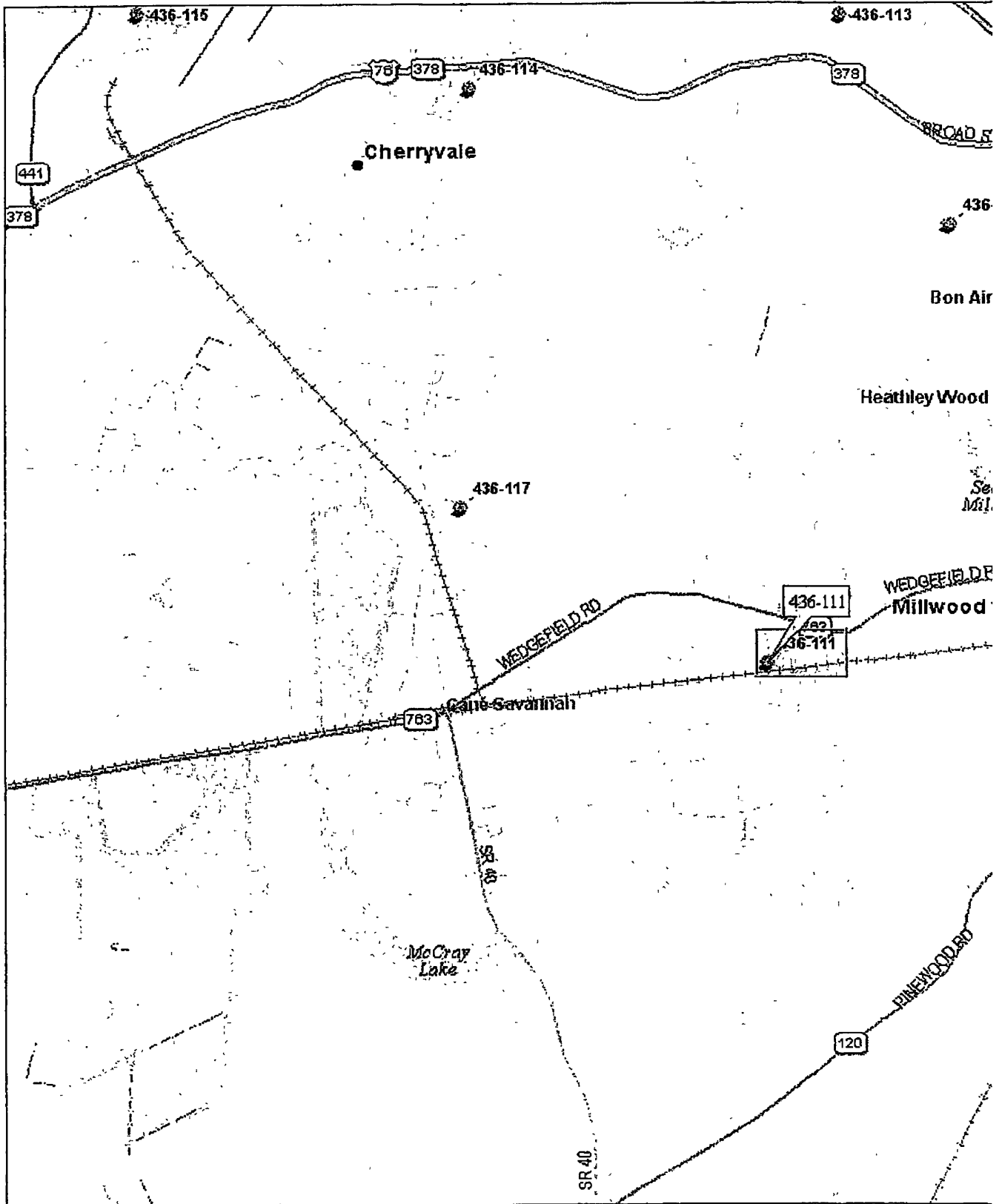
Address: 480 BUILDERS RD

City: SUMTER

County: SUMTER

State: SC

Zip:



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1646

Cell 6195, FTC also

Site Information

Sub Market: Columbia

Site ID: 436P0195

Latitude: 33.7797

Longitude: -80.25019

Structure Type:

Site Type:

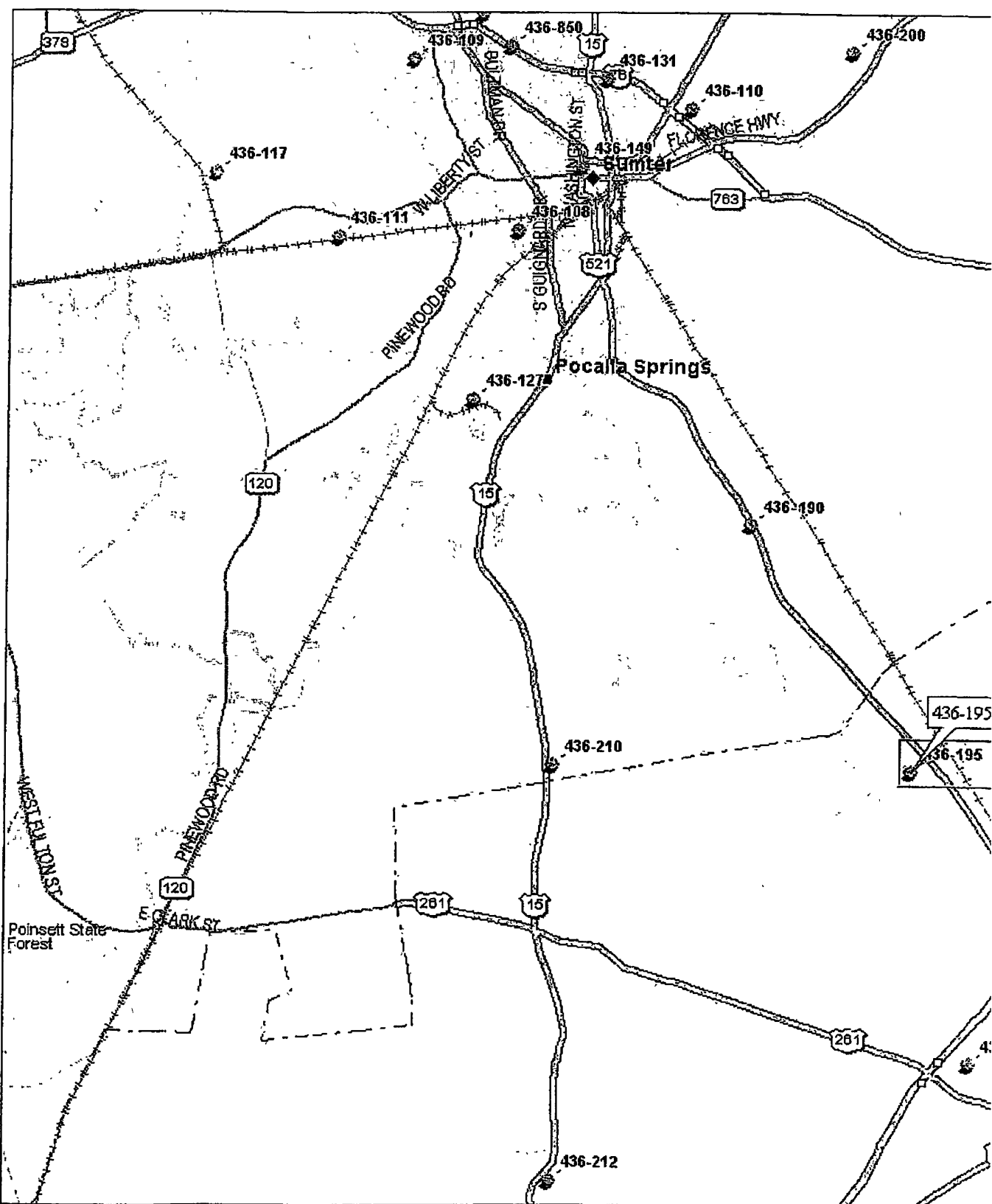
Address: 7916 SUMTER HWY

City: MANNING

County: CLARENDON

State: SC

Zip:



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★
MN (7.2° W)

FTC cell 6117

Site Information

Sub Market: Columbia

Site ID: 436P0117

Latitude: 33.9218

Longitude: -80.44859

Structure Type:

Site Type:

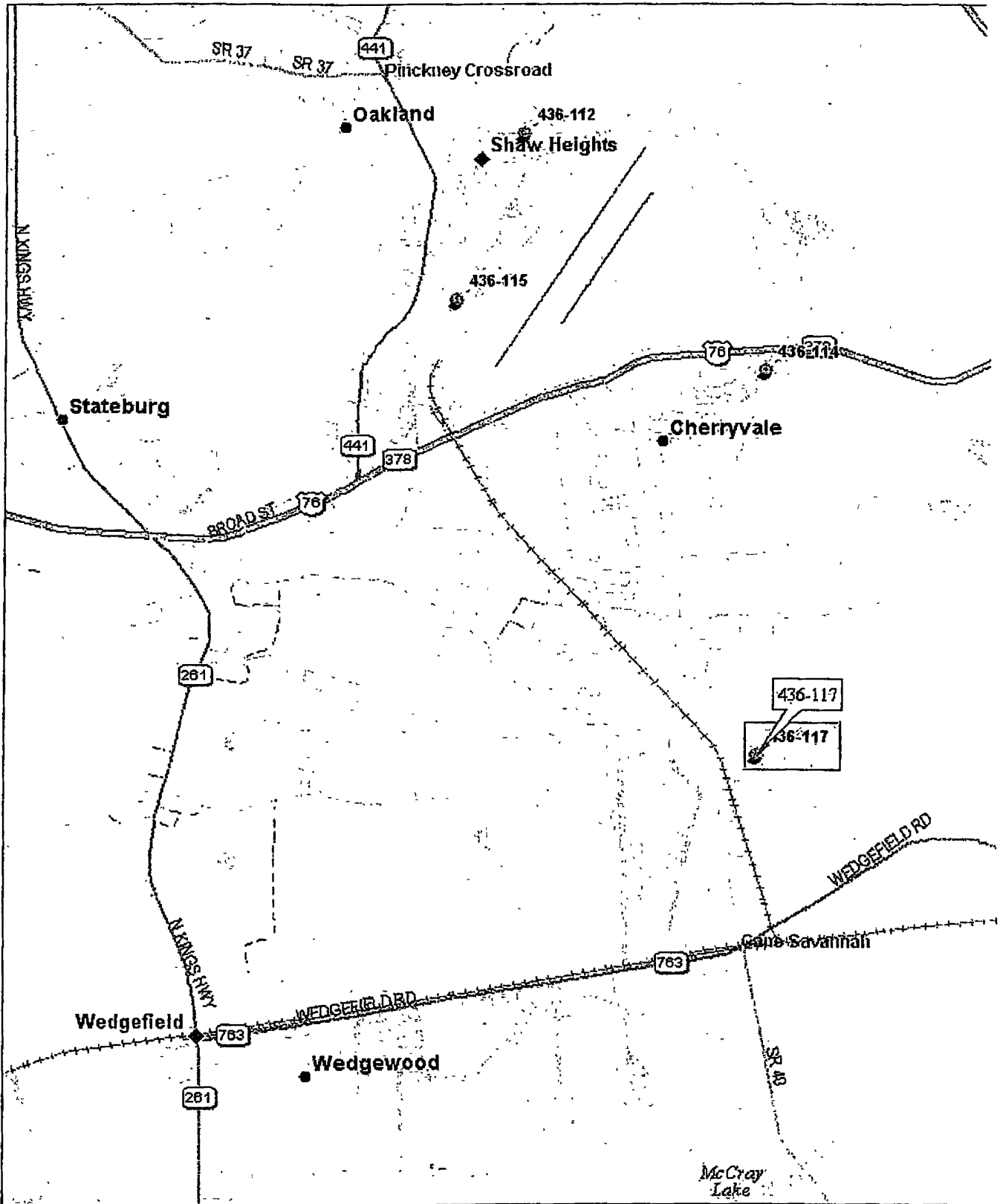
Address: 3940 Horsetrail Ln

City: SUMTER

County: SUMTER

State: SC

Zip:



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1650

FTC cell 6118

Site Information

Sub Market: Columbia

Site ID: 436P0118

Latitude: 34.10913

Longitude: -80.30728

Structure Type: Tower

Site Type:

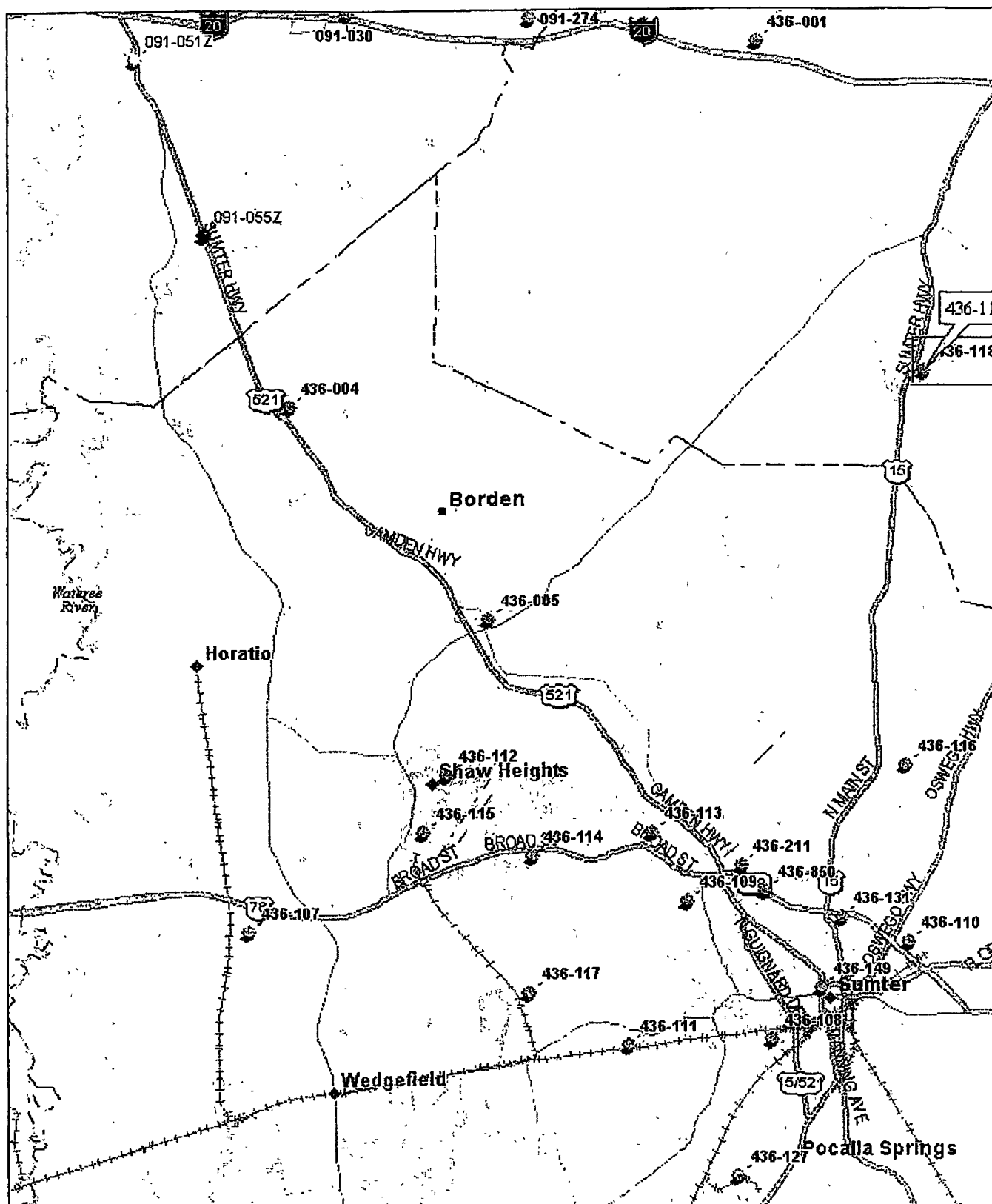
Address: 933 HAWKINS RD

City: BISHOPVILLE

County: LEE

State: SC

Zip:



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★
MN (7.2° W)

FTC cell 6190

Site Information

Sub Market: Columbia

Site ID: 436P0190

Latitude: -79.7086

Longitude:

Structure Type:

Site Type:

Address: 2900 HOOFBEAT RD

City: SUMTER

County: SUMTER

State: SC

Zip:

www.delorme.com



MIN (7 2° W)

Trail
Calls to Ernest James' Cell Phone from Cell Phone Number (803) 236-6215

Tuesday, May 17, 2005 (out of 36 total calls)
call to EJ cell at 7:45:57 pm (1.18 minutes)

Wednesday, May 18, 2005 (out of 39 total calls)
call to EJ cell at 12:15:57 pm (3.72 minutes)
call to EJ cell at 9:04:15 pm (.1 minute)
call to EJ cell at 9:09:58 pm (.35 minute)

Thursday, May 19, 2005 (out of 68 total calls)
call to EJ cell 8:11:06 am (3.77 minute)
call to EJ cell at 8:06:35 pm (1.9 minute)

Friday, May 20, 2005 (out of 86 total calls)
call to EJ cell at 9:41:19 am (.3 minute)
call to EJ cell at 9:48:37 am (.28 minute)
call to EJ cell at 10:00:23 am (.32 minute)
call to EJ cell at 10:42:01 am (.52 minute)
call to EJ cell at 10:44:12 am (.5 minute)
call to EJ cell at 11:06:36 am (.05 minute)
call to EJ cell at 11:25:36 am (.37 minute)
call to EJ cell at 12:09:30 pm (1.08 minutes)
call to EJ cell at 12:14:53 pm (1.58 minutes)
call to EJ cell at 2:53:14 pm (.53 minute)

Saturday, May 21, 2005 (out of 99 total calls)
call to EJ cell at 7:56:49 am (.03 minute)
call to EJ cell at 9:32:07 am (1.05 minutes)
call to EJ cell at 5:25:44 pm (.55 minute)
call to EJ cell at 5:28:11 pm (.2 minute)

Sunday, May 22, 2005 (out of 63 total calls)
call to EJ cell at 11:02:49 am (2.15 minutes)
call to EJ cell at 1:40:11 pm (.85 minute)
call to EJ cell at 4:01:44 pm (2.03 minutes)
call to EJ cell at 6:38:43 pm (.82 minute)
call to EJ cell at 7:48:19 pm (5.03 minutes)
call to EJ cell at 11:14:59 pm (9.4 minutes)

Monday, May 23, 2005 (out of 9 total calls)
call to EJ cell at 6:36:49 am (1.52 minutes)
call to EJ cell at 6:58:45 am (.73 minute)
call to EJ cell at 8:53:18 am (.55 minute)

10:51 pm minutes

Calls to Donna McDuffie's Cell Phone from Cell Phone Number (803) 236-6215Monday, May 16, 2005

call to DM house at 10:48:34 pm (7.12 minutes)
call to DM house at 11:16:16 pm (.33 minute)
call to DM house at 11:17:12 (.03 minute)

Tuesday, May 17, 2005 (out of 36 total calls)

call to DM cell at 12:07:17 pm (.6 minute)
call to DM cell at 12:08:36 pm (.7 minute)
call to DM cell at 10:35:31 pm (7.77 minutes)

Wednesday, May 18, 2005 (out of 39 total calls)

call to DM cell at 12:56:13 pm (.35 minute)
call to DM cell at 1:42:45 pm (.02 minute)
call to DM cell at 10:36:15 pm (.02 minute)

Thursday, May 19, 2005 (out of 68 total calls)

call to DM cell at 12:41:16 pm (.02 minute)
call to DM cell at 12:44:07 pm (.05 minute)
call to DM cell at 4:08:26 pm (.53 minute)
call to DM cell at 4:46:44 pm (2.07 minutes)
call to DM cell at 5:59:07 pm (.02 minute)
call to DM cell at 6:00:34 pm (.02 minute)
call to DM cell at 6:06:51 pm (.02 minute)
call to DM cell at 6:09:03 pm (.02 minute)
call to DM cell at 6:15:07 pm (.23 minute)
call to DM cell at 6:15:52 pm (.15 minute)
call to DM cell at 6:16:33 pm (.07 minute)
call to DM cell at 6:36:01 pm (.02 minute)
call to DM cell at 6:41:36 pm (.03 minute)
call to DM cell at 6:42:14 pm (.02 minute)
call to DM cell at 6:42:57 pm (.03 minute)
call to DM cell at 6:44:04 pm (.63 minute)
call to DM cell at 6:47:15 pm (.15 minute)
call to DM house at 8:02:07 pm (1.77 minutes)
call to DM house at 9:04:29 pm (.48 minute)
call to DM house at 9:06 38 pm (.1 minute)



Friday, May 20, 2005 (out of 86 total calls)

call to DM house at 4:52:09 pm (1.57 minutes)
call to DM house at 5:03:15 pm (4.28 minutes)
call to DM house at 5:43:31 pm (.4 minute)
call to DM house at 8:04:59 pm (5.25 minutes)

Saturday, May 21, 2005 (out of 99 total calls)

call to DM house at 1:32:47 am (.1 minute)
call to DM cell at 1:33:47 am (.05 minute)
call to DM cell at 1:35:16 am (.02 minute)
call to DM cell at 1:37:24 am (.02 minute)
call to DM cell at 1:38:35 am (.02 minute)
call to DM cell at 1:49:56 am (.17 minute)
call to DM house at 1:56:52 am (.03 minute)
call to DM house at 3:48:35 am (.43 minute)
call to DM cell at 3:49:28 am (.37 minute)
call to 411 at 3:52:43 am (.58 minute)
call to 411 at 3:53:38 am (1.43 minutes)
call to DM cell at 4:06:21 am (.02 minute)
call to DM house at 4:06:59 am (.03 minute)
call to DM house at 4:07:29 am (.02 minute)
call to DM house at 4:07:57 am (.02 minute)
call to DM house at 4:08:25 am (.02 minute)
call to DM house at 4:08:55 am (.03 minute)
call to DM house at 6:11:12 am (.03 minute)
call to DM cell at 6:56:32 am (5.52 minutes)
call to DM cell at 7:54:12 am (.03 minute)
call to DM cell at 7:57:47 am (.03 minute)
call to DM cell at 7:58:40 am (.03 minute)
call to DM cell at 9:35:43 am (10.75 minutes)
call to DM cell at 12:18:27 pm (.05 minute)
call to DM cell at 12:46:02 pm (1.45 minutes)
call to DM cell at 2:03:42 pm (.02 minute)
call to DM cell at 2:15:57 pm (.27 minute)
call to DM house at 2:17:12 pm (.47 minute)
call to DM house at 2:18:05 pm (.62 minute)
call to DM cell at 3:02:06 pm (1.18 minutes)
call to DM cell at 7:31:04 pm (.4 minutes)

Sunday, May 22, 2005 (out of 63 total calls)
call to DM house at 7:16:51 am (.05 minute)
call to DM cell at 7:17:24 am (.05 minute)
call to DM house at 7:20:09 am (.03 minute)
call to DM house at 8:34:24 am (.15 minute)
call to DM cell at 8:34:56 am (.03 minute)
call to DM cell at 8:45:22 am (.03 minute)
call to DM house at 8:45:59 am (.08 minute)
call to DM house at 9:35:14 am (.32 minute)
call to DM house at 10:25:44 am (.5 minute)
call to DM house at 12:03:58 pm (.03 minute)
call to DM cell at 3:23:14 pm (.17 minute)
call to DM cell at 3:23:34 pm (.05 minute)
call to DM house at 8:21:21 pm (2.37 minutes)
call to DM house at 8:26:26 pm (.05 minute)

Monday, May 23, 2005 (out of 9 total calls)
call to DM cell at 6:26:43 am (.13 minute)

Tuesday, May 24, 2005 (out of 8 total calls)
call to DM house at 9:00:48 pm (6.07 minutes)
call to DM house at 11:40:08 pm (.26 minute)

Calls to Ernest James' Cell Phone from Cell Phone Number (803) 236-6215

Tuesday, May 17, 2005 (out of 36 total calls)
call to EJ cell at 7:45:57 pm (1.18 minutes)

Wednesday, May 18, 2005 (out of 39 total calls)
call to EJ cell at 12:15:57 pm (3.72 minutes)
call to EJ cell at 9:04:15 pm (.1 minute)
call to EJ cell at 9:09:58 pm (.35 minute)

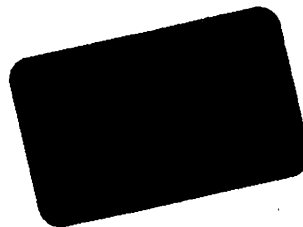
Thursday, May 19, 2005 (out of 68 total calls)
call to EJ cell 8:11:06 am (3.77 minute)
call to EJ cell at 8:06:35 pm (1.9 minute)

Friday, May 20, 2005 (out of 86 total calls)
call to EJ cell at 9:41:19 am (.3 minute)
call to EJ cell at 9:48:37 am (.28 minute)
call to EJ cell at 10:00:23 am (.32 minute)
call to EJ cell at 10:42:01 am (.52 minute)
call to EJ cell at 10:44:12 am (.5 minute)
call to EJ cell at 11:06:36 am (.05 minute)
call to EJ cell at 11:25:36 am (.37 minute)
call to EJ cell at 12:09:30 pm (1.08 minutes)
call to EJ cell at 12:14:53 pm (1.58 minutes)
call to EJ cell at 2:53:14 pm (.53 minute)

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call to EJ cell at 9:32:07 am (1.05 minutes)
call to EJ cell at 5:25:44 pm (.55 minute)
call to EJ cell at 5:28:11 pm (.2 minute)

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call to EJ cell at 1:40:11 pm (.85 minute)
call to EJ cell at 4:01:44 pm (2.03 minutes)
call to EJ cell at 6:38:43 pm (.82 minute)
call to EJ cell at 7:48:19 pm (5.03 minutes)
call to EJ cell at 11:14:59 pm (9.4 minutes)

Monday, May 23, 2005 (out of 9 total calls)
call to EJ cell at 6:36:49 am (1.52 minutes)
call to EJ cell at 6:58:45 am (.73 minute)
call to EJ cell at 8:53:18 am (.55 minute)



Multi-Year Calendar 2005

2005	JAN	FEB	MAR	APR	MAY	JUN
	SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS
	1	1 2 3 4 5	1 2 3 4 5	1 2	1 2 3 4 5 6 7	1 2 3 4
	2 3 4 5 6 7 8	6 7 8 9 10 11 12	6 7 8 9 10 11 12	3 4 5 6 7 8 9	8 9 10 11 12 13 14	5 6 7 8 9 10 11
	9 10 11 12 13 14 15	13 14 15 16 17 18 19	13 14 15 16 17 18 19	10 11 12 13 14 15 16	15 16 17 18 19 20 21	12 13 14 15 16 17 18
2006	16 17 18 19 20 21 22	20 21 22 23 24 25 26	20 21 22 23 24 25 26	17 18 19 20 21 22 23	22 23 24 25 26 27 28	19 20 21 22 23 24 25
	23 24 25 26 27 28 29	27 28	27 28 29 30 31	24 25 26 27 28 29 30	29 30 31	26 27 28 29 30
	30 31					
	JUL	AUG	SEP	OCT	NOV	DEC
	SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS
	1 2	1 2 3 4 5 6	1 2 3	1	1 2 3 4 5	1 2 3
2007	3 4 5 6 7 8 9	7 8 9 10 11 12 13	4 5 6 7 8 9 10	2 3 4 5 6 7 8	6 7 8 9 10 11 12	4 5 6 7 8 9 10
	10 11 12 13 14 15 16	14 15 16 17 18 19 20	11 12 13 14 15 16 17	9 10 11 12 13 14 15	13 14 15 16 17 18 19	11 12 13 14 15 16 17
	17 18 19 20 21 22 23	21 22 23 24 25 26 27	18 19 20 21 22 23 24	16 17 18 19 20 21 22	20 21 22 23 24 25 26	18 19 20 21 22 23 24
	24 25 26 27 28 29 30	28 29 30 31	25 26 27 28 29 30	23 24 25 26 27 28 29	27 28 29 30	25 26 27 28 29 30 31
	31			30 31		

21	22	23
Sat	Sun	Mon

E.J. - cell

$$5/22 \quad 236 - 6215 =$$

$$5/21 \quad 420 - 6030 =$$

$$427 - 8480 =$$

Fraud Manager for Telecommunications

Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	~~Called Number~~	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)
1	clm01	6004 -	18032364695	8438550201	8438550201	May 25, 2005 11:55:36 PM	May 25, 2005 11:55:41 PM	0.08
2	grvgs	5276 -	8438550201			May 25, 2005 11:50:45 PM	May 25, 2005 11:51:58 PM	1.22
3	clm01	6004 -	18032364695	7034921964	17034921964	May 25, 2005 10:48:37 PM	May 25, 2005 10:48:50 PM	0.23
4	clm01	6004 -	8035491478			May 25, 2005 8:52:44 PM	May 25, 2005 8:55:44 PM	3.02
5	clm01	6004 -	18032364695	8035491478	8035491478	May 25, 2005 8:46:07 PM	May 25, 2005 8:47:58 PM	1.87
6	clm01	6004 -	9152768601			May 25, 2005 8:00:49 PM	May 25, 2005 8:02:52 PM	2.07
7	clm01	6004 -	18032364695	411	411	May 25, 2005 7:53:08 PM	May 25, 2005 7:54:53 PM	1.75
8	clm01	6004 -	18032364695	8034323651	8034323651	May 25, 2005 7:52:35 PM	May 25, 2005 7:53:00 PM	0.43
9	clm01	6004 -	18032364695	8034323651	8034323651	May 25, 2005 7:50:51 PM	May 25, 2005 7:51:19 PM	0.48
10	clm01	6004 -	8033167202			May 25, 2005 4:50:33 PM	May 25, 2005 4:51:12 PM	0.65
11	clm01	6004 -	18032364695	8033167202	8033167202	May 25, 2005 4:14:09 PM	May 25, 2005 4:15:01 PM	0.88
12	clm01	6004 -	18032364695	8039680314	8039680314	May 25, 2005 4:11:31 PM	May 25, 2005 4:13:01 PM	1.52
13	clm01	6004 -	8432223887			May 25, 2005 4:03:55 PM	May 25, 2005 4:04:34 PM	0.65
14	clm01	6004 -	18032364695	8037737341	8037737341	May 25, 2005 4:01:40 PM	May 25, 2005 4:03:37 PM	1.95
15	clm01	6004 -	8432223887			May 25, 2005 3:58:23 PM	May 25, 2005 4:01:24 PM	3.02
16	clm01	6004 -	18032364695	8034270480	8034270480	May 25, 2005 3:47:17 PM	May 25, 2005 3:47:56 PM	0.65
17	clm01	6004 -	18032364695	8034203618	8034203618	May 25, 2005 3:35:26 PM	May 25, 2005 3:37:35 PM	2.15
18	clm01	6004 -	8438550200			May 25, 2005 3:30:01 PM	May 25, 2005 3:30:16 PM	0.25
19	clm01	6004 -	8034258708			May 25, 2005 3:16:46 PM	May 25, 2005 3:21:45 PM	4.98
20	clm01	6004 -	18032364695	8035491478	5491478	May 25, 2005 3:10:18 PM	May 25, 2005 3:11:02 PM	0.73
21	grvgs	5277 -	18032364695	8033160583	8033160583	May 25, 2005 3:06:44 PM	May 25, 2005 3:06:51 PM	0.12
22	clm01	6004 -	18032364695	8032439019	2439019	May 25, 2005 1:37:17 PM	May 25, 2005 1:38:17 PM	1
23	clm01	6004 -	8039686367			May 25, 2005 1:26:52 PM	May 25, 2005 1:28:47 PM	1.92
24	clm01	6004 -	18032364695	8035491225	8035491225	May 25, 2005 12:59:11 PM	May 25, 2005 12:59:20 PM	0.17
25	clm01	6004 -	8035491478			May 25, 2005 12:43:18 PM	May 25, 2005 12:45:20 PM	2.03
26	clm01	6004 -	8035491225			May 25, 2005 12:12:11 PM	May 25, 2005 12:14:36 PM	2.43
27	clm01	6004 -	8432870093			May 25, 2005 11:38:27 AM	May 25, 2005 11:40:43 AM	2.27
28	grvgs	6462 -	8036997859			May 25, 2005 11:25:30 AM	May 25, 2005 11:31:48 AM	6.32
29	grvgs	6455 -	18032364695	8034203618	8034203618	May 25, 2005 11:20:44 AM	May 25, 2005 11:21:12 AM	0.48
30	grvgs	6455 -	18032364695	8036997859	8036997859	May 25, 2005 11:04:15 AM	May 25, 2005 11:08:39 AM	4.42
31	grvgs	6455 -	9152768601			May 25, 2005 10:59:35 AM	May 25, 2005 11:01:59 AM	2.4
32	grvgs	6455 -	9152768601			May 25, 2005 10:50:46 AM	May 25, 2005 10:52:07 AM	1.35
33	grvgs	6463 -	9152768601			May 25, 2005 10:44:39 AM	May 25, 2005 10:48:02 AM	3.38
34	grvgs	6451 -	18032364695	8032439412	8032439412	May 25, 2005 10:33:29 AM	May 25, 2005 10:34:38 AM	1.17
35	clm01	6004 -	18032364695	8034323331	8034323331	May 25, 2005 8:05:02 AM	May 25, 2005 8:08:01 AM	2.98
36	clm01	6004 -	8035491478			May 25, 2005 5:41:24 AM	May 25, 2005 5:43:49 AM	2.42
37	clm01	6004 -	18032364695	8035491478	8035491478	May 25, 2005 5:40:50 AM	May 25, 2005 5:41:01 AM	0.2
38	clm01	6004 -	18032364695	8034258708	8034258708	May 24, 2005 11:54:58 PM	May 25, 2005 12:42:03 AM	47.1
39	clm01	6004 -	18032364695	8036691790	8036691790	May 24, 2005 11:50:07 PM	May 24, 2005 11:52:45 PM	2.63
40	clm01	6004 -	18032364695	8036691790	8036691790	May 24, 2005 11:47:01 PM	May 24, 2005 11:47:52 PM	0.85

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Fraud Manager for Telecommunications

Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F S
41	clm01	6004 -	18032364695	8032364695	2364695	May 24, 2005 10:35:39 PM	May 24, 2005 10:36:30 PM	0.87	1
42	clm01	6004 -	18032364695	8034665960	8034665960	May 24, 2005 10:28:34 PM	May 24, 2005 10:28:49 PM	0.27	1
43	clm01	6004 -	18032364695	8036997859	8036997859	May 24, 2005 10:28:09 PM	May 24, 2005 10:28:15 PM	0.1	1
44	clm01	6004 -	8034203618			May 24, 2005 10:09:00 PM	May 24, 2005 10:21:39 PM	12.65	1
45	clm01	6004 -	2028894450			May 24, 2005 9:35:21 PM	May 24, 2005 9:50:31 PM	15.17	1
46	clm01	6004 -	18032364695	2028894450	2028894450	May 24, 2005 9:32:59 PM	May 24, 2005 9:33:08 PM	0.15	1
47	clm01	6004 -	18032364695	8035491478	8035491478	May 24, 2005 9:26:12 PM	May 24, 2005 9:27:16 PM	1.07	1
48	clm01	6004 -	18032364695	8035491478	8035491478	May 24, 2005 8:51:34 PM	May 24, 2005 8:52:29 PM	0.93	1
49	clm01	6004 -	18032364695	9152768601	9152768601	May 24, 2005 8:39:42 PM	May 24, 2005 8:40:20 PM	0.65	1
50	clm01	6004 -	8039686367			May 24, 2005 8:30:51 PM	May 24, 2005 8:32:04 PM	1.22	1
51	clm01	6004 -	18032364695	8039686367	8039686367	May 24, 2005 8:22:12 PM	May 24, 2005 8:26:16 PM	4.08	1
52	clm01	6004 -	18032364695	8034942626	8034942626	May 24, 2005 7:59:35 PM	May 24, 2005 8:04:22 PM	4.78	1
53	clm01	6004 -	18032364695	8034995773	8034995773	May 24, 2005 7:53:51 PM	May 24, 2005 7:58:40 PM	4.83	1
54	clm01	6004 -	9152768601			May 24, 2005 7:51:13 PM	May 24, 2005 7:53:05 PM	1.88	1
55	clm01	6004 -	18032364695	8034326683	4326683	May 24, 2005 7:45:57 PM	May 24, 2005 7:47:48 PM	1.85	1
56	clm01	6004 -	18032364695	8036691790	8036691790	May 24, 2005 7:45:23 PM	May 24, 2005 7:45:25 PM	0.05	1
57	clm01	6004 -	8034240796			May 24, 2005 7:38:37 PM	May 24, 2005 7:43:43 PM	5.1	1
58	clm01	6004 -	18032364695	9152768601	9152768601	May 24, 2005 6:30:10 PM	May 24, 2005 6:34:32 PM	4.37	1
59	clm01	6004 -	18032364695	8035491478	8035491478	May 24, 2005 6:29:26 PM	May 24, 2005 6:29:32 PM	0.12	1
60	grvgs	5276 -	9152768601			May 24, 2005 6:24:16 PM	May 24, 2005 6:26:52 PM	2.62	1
61	grvgs	5276 -	9152768601			May 24, 2005 6:24:16 PM	May 24, 2005 6:26:52 PM	2.62	1
62	grvgs	5241 -	8035491478			May 24, 2005 6:03:16 PM	May 24, 2005 6:03:29 PM	0.22	1
63	grvgs	5241 -	8035491478			May 24, 2005 6:03:16 PM	May 24, 2005 6:03:29 PM	0.22	1
64	grvgs	5241 -	8034258708			May 24, 2005 6:01:33 PM	May 24, 2005 6:06:23 PM	4.83	1
65	grvgs	5241 -	8034258708			May 24, 2005 6:01:33 PM	May 24, 2005 6:06:23 PM	4.83	1
66	grvgs	5241 -	8035491478			May 24, 2005 5:53:15 PM	May 24, 2005 5:55:19 PM	2.08	1
67	grvgs	5241 -	8035491478			May 24, 2005 5:53:15 PM	May 24, 2005 5:55:19 PM	2.08	1
68	grvgs	5241 -	18032364695	8034323651	8034323651	May 24, 2005 5:43:24 PM	May 24, 2005 5:44:42 PM	1.3	1
69	grvgs	5241 -	18032364695	8034323651	8034323651	May 24, 2005 5:43:24 PM	May 24, 2005 5:44:42 PM	1.3	1
70	grvgs	5241 -	18434554964			May 24, 2005 5:27:57 PM	May 24, 2005 5:30:40 PM	2.73	1
71	grvgs	5241 -	18434554964			May 24, 2005 5:27:57 PM	May 24, 2005 5:30:40 PM	2.73	1
72	grvgs	5239 -	8438550201			May 24, 2005 5:14:40 PM	May 24, 2005 5:18:49 PM	4.17	1
73	grvgs	5239 -	8438550201			May 24, 2005 5:14:40 PM	May 24, 2005 5:18:49 PM	4.17	1
74	clm01	6004 -	8034258708			May 24, 2005 3:35:47 PM	May 24, 2005 3:38:50 PM	3.07	1
75	clm01	6004 -	18032364695	8037732474	8037732474	May 24, 2005 3:30:19 PM	May 24, 2005 3:31:00 PM	0.88	1
76	clm01	6004 -	8034362051			May 24, 2005 2:46:57 PM	May 24, 2005 2:51:38 PM	4.68	1
77	clm01	6004 -	8034324674			May 24, 2005 2:18:18 PM	May 24, 2005 2:19:08 PM	0.83	1
78	clm01	6004 -	18032364695	8434883463	8434883463	May 24, 2005 2:17:53 PM	May 24, 2005 2:17:56 PM	0.07	1
79	clm01	6004 -	18032364695	8034995773	8034995773	May 24, 2005 1:41:37 PM	May 24, 2005 1:52:07 PM	10.5	1
80	clm01	6004 -	8034270786			May 24, 2005 1:36:53 PM	May 24, 2005 1:37:56 PM	1.05	1

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Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F S
81	clm01	6004 -	18032364695	8432870093	8432870093	May 24, 2005 1:32:21 PM	May 24, 2005 1:33:01 PM	0.68	1
82	clm01	6004 -	18032364695	8438550201	8438550201	May 24, 2005 1:23:28 PM	May 24, 2005 1:28:21 PM	4.88	1
83	clm01	6004 -	18032364695	8033180731	8033180731	May 24, 2005 1:21:41 PM	May 24, 2005 1:21:47 PM	0.1	1
84	clm01	6004 -	8034270480			May 24, 2005 1:07:14 PM	May 24, 2005 1:10:19 PM	3.1	1
85	clm01	6004 -	18032364695	8034270480	8034270480	May 24, 2005 1:05:00 PM	May 24, 2005 1:06:44 PM	1.73	1
86	clm01	6004 -	18032364695	8032439412	8032439412	May 24, 2005 1:03:10 PM	May 24, 2005 1:03:44 PM	0.58	1
87	clm01	6004 -	8033607364			May 24, 2005 12:34:36 PM	May 24, 2005 12:36:23 PM	1.8	1
88	clm01	6004 -	8034258708			May 24, 2005 12:25:57 PM	May 24, 2005 12:34:39 PM	8.72	1
89	clm01	6004 -	18032364695	8034324674	8034324674	May 24, 2005 10:27:20 AM	May 24, 2005 10:29:34 AM	2.23	1
90	clm01	6004 -	8034362011			May 24, 2005 9:47:59 AM	May 24, 2005 9:51:44 AM	3.77	1
91	clm01	6004 -	18032364695	8433375990	8433375990	May 24, 2005 9:45:23 AM	May 24, 2005 9:53:19 AM	7.95	1
92	clm01	6004 -	9152768601			May 24, 2005 9:32:43 AM	May 24, 2005 9:37:30 AM	4.78	1
93	grvgs	5240 -	8035492428			May 24, 2005 7:28:11 AM	May 24, 2005 7:29:36 AM	1.43	1
94	grvgs	5240 -	8035492428			May 24, 2005 7:28:11 AM	May 24, 2005 7:29:36 AM	1.43	1
95	clm01	6004 -	18032364695	8034272338	8034272338	May 24, 2005 7:12:51 AM	May 24, 2005 7:13:46 AM	0.92	1
96	clm01	6004 -	18032364695	8034670411	8034670411	May 24, 2005 6:49:59 AM	May 24, 2005 6:50:57 AM	0.98	1
97	clm01	6004 -	18032364695	8033607364	8033607364	May 24, 2005 6:41:29 AM	May 24, 2005 6:46:55 AM	5.45	1
98	clm01	6004 -	8035491894			May 24, 2005 5:39:25 AM	May 24, 2005 5:41:39 AM	2.23	1
99	clm01	6004 -	18032364695	8032439412	8032439412	May 24, 2005 1:36:37 AM	May 24, 2005 1:38:49 AM	2.22	1
100	clm01	6004 -	8034240796			May 24, 2005 12:49:24 AM	May 24, 2005 12:59:00 AM	9.8	1
101	grvgs	5240 -	18032364695	8034197521	8034197521	May 23, 2005 11:31:12 PM	May 23, 2005 11:39:50 PM	8.65	1
102	clm01	6004 -	8039725270			May 23, 2005 10:00:16 PM	May 23, 2005 10:02:02 PM	1.77	1
103	grvgs	5239 -	8037886776			May 23, 2005 9:40:34 PM	May 23, 2005 9:45:30 PM	4.93	2
104	clm01	6004 -	18032364695	8035491478	8035491478	May 23, 2005 8:56:30 PM	May 23, 2005 8:56:32 PM	0.05	1
105	clm01	6004 -	18032364695	8034996678	8034996678	May 23, 2005 8:49:52 PM	May 23, 2005 8:56:04 PM	6.2	1
106	clm01	6004 -	18032364695	8034996678	8034996678	May 23, 2005 8:49:16 PM	May 23, 2005 8:49:31 PM	0.25	1
107	clm01	6004 -	8037886776			May 23, 2005 8:04:02 PM	May 23, 2005 8:06:34 PM	2.53	1
108	clm01	6004 -	8432482726			May 23, 2005 7:43:39 PM	May 23, 2005 7:56:19 PM	12.67	1
109	clm01	6004 -	18032364695	8438550201	8438550201	May 23, 2005 7:43:18 PM	May 23, 2005 7:43:23 PM	0.08	1
110	clm01	6004 -	8438550201			May 23, 2005 7:41:26 PM	May 23, 2005 7:42:27 PM	1.02	1
111	clm01	6004 -	8034203124			May 23, 2005 7:41:06 PM	May 23, 2005 7:41:20 PM	0.23	1
112	clm01	6004 -	8037886776			May 23, 2005 7:39:43 PM	May 23, 2005 7:41:22 PM	1.65	1
113	clm01	6004 -	8037886776			May 23, 2005 7:34:03 PM	May 23, 2005 7:34:49 PM	0.78	2
114	grvgs	6460 -	8035491478			May 23, 2005 7:21:26 PM	May 23, 2005 7:22:02 PM	0.6	1
115	clm01	6004 -	8438550201			May 23, 2005 7:08:25 PM	May 23, 2005 7:10:55 PM	2.5	2
116	clm01	6004 -	18032364695	8434883765	8434883765	May 23, 2005 7:03:42 PM	May 23, 2005 7:06:36 PM	2.92	2
117	clm01	6004 -	18032364695	8438550201	8438550201	May 23, 2005 7:02:10 PM	May 23, 2005 7:02:52 PM	0.72	2
118	clm01	6004 -	18032364695	8438550201	8438550201	May 23, 2005 6:51:58 PM	May 23, 2005 6:54:14 PM	2.27	2
119	clm01	6004 -	8432870093			May 23, 2005 6:48:59 PM	May 23, 2005 6:49:50 PM	0.87	2
120	clm01	6004 -	18032364695	8033180731	8033180731	May 23, 2005 6:48:44 PM	May 23, 2005 6:51:02 PM	2.3	2

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Call Detail Records

Seq	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F S
121	clm01	6004 -	18032364695	8033180721	8033180721	May 23, 2005 6:48:00 PM	May 23, 2005 6:48:04 PM	0.08	2
122	clm01	6004 -	18032364695	8432870093	8432870093	May 23, 2005 6:36:59 PM	May 23, 2005 6:40:24 PM	3.42	2
123	clm01	6004 -	8035659061			May 23, 2005 6:30:47 PM	May 23, 2005 6:30:54 PM	0.13	2
124	clm01	6004 -	18032364695	8034273700	8034273700	May 23, 2005 6:11:21 PM	May 23, 2005 6:12:16 PM	0.92	2
125	clm01	6004 -	8034273700			May 23, 2005 5:43:27 PM	May 23, 2005 5:44:56 PM	1.48	2
126	clm01	6004 -	8034992148			May 23, 2005 5:31:01 PM	May 23, 2005 5:34:52 PM	3.87	1
127	clm01	6004 -	8034270480			May 23, 2005 5:18:43 PM	May 23, 2005 5:23:04 PM	4.35	1
128	clm01	6004 -	9152768601			May 23, 2005 5:14:02 PM	May 23, 2005 5:16:42 PM	2.68	1
129	clm01	6004 -	8432870093			May 23, 2005 5:04:51 PM	May 23, 2005 5:05:04 PM	0.22	1
130	clm01	6004 -	8032439412			May 23, 2005 5:04:23 PM	May 23, 2005 5:04:53 PM	0.5	1
131	clm01	6004 -	18032364695	8432870093	8432870093	May 23, 2005 4:42:13 PM	May 23, 2005 4:42:52 PM	0.65	1
132	clm01	6004 -	18032364695	8034245208	8034245208	May 23, 2005 4:38:24 PM	May 23, 2005 4:40:22 PM	1.98	1
133	clm01	6004 -	8034948355			May 23, 2005 4:19:15 PM	May 23, 2005 4:19:37 PM	0.37	1
134	clm01	6004 -	8034995773			May 23, 2005 4:08:32 PM	May 23, 2005 4:09:05 PM	0.55	1
135	clm01	6004 -	8034995773			May 23, 2005 4:05:12 PM	May 23, 2005 4:05:31 PM	0.32	1
136	clm01	6004 -	8034995773			May 23, 2005 3:52:17 PM	May 23, 2005 3:54:55 PM	2.63	1
137	clm01	6004 -	18032364695	8034255118	8034255118	May 23, 2005 3:27:57 PM	May 23, 2005 3:28:06 PM	0.17	1
138	clm01	6004 -	8034270480			May 23, 2005 3:23:51 PM	May 23, 2005 3:25:19 PM	1.48	1
139	clm01	6004 -	18032364695	8034270480	8034270480	May 23, 2005 3:23:30 PM	May 23, 2005 3:23:30 PM	0.02	1
140	clm01	6004 -	18032364695	8037743279	8037743279	May 23, 2005 3:21:32 PM	May 23, 2005 3:22:36 PM	1.07	1
141	clm01	6004 -	18032364695	8037743279	8037743279	May 23, 2005 3:01:28 PM	May 23, 2005 3:02:21 PM	0.88	1
142	clm01	6004 -	18032364695	8034948355	8034948355	May 23, 2005 2:48:45 PM	May 23, 2005 3:00:52 PM	12.13	1
143	clm01	6004 -	18032364695	8037789000	8037789000	May 23, 2005 2:46:15 PM	May 23, 2005 2:47:00 PM	0.75	1
144	clm01	6004 -	18032364695	8034362053	8034362053	May 23, 2005 2:42:17 PM	May 23, 2005 2:43:02 PM	0.77	1
145	clm01	6004 -	18032364695	8034245208	8034245208	May 23, 2005 2:26:15 PM	May 23, 2005 2:27:30 PM	1.27	1
146	clm01	6004 -	8032438337			May 23, 2005 1:36:33 PM	May 23, 2005 1:37:31 PM	0.97	1
147	clm01	6004 -	8034995773			May 23, 2005 1:26:15 PM	May 23, 2005 1:30:04 PM	3.83	1
148	clm01	6004 -	18032364695	8032439412	8032439412	May 23, 2005 11:41:42 AM	May 23, 2005 11:43:07 AM	1.43	1
149	clm01	6004 -	8433375990			May 23, 2005 10:57:39 AM	May 23, 2005 10:59:25 AM	1.78	1
150	clm01	6004 -	18032364695	8034323651	8034323651	May 23, 2005 10:43:36 AM	May 23, 2005 10:44:27 AM	0.85	1
151	clm01	6004 -	18032364695	8034323966	8034323966	May 23, 2005 10:38:56 AM	May 23, 2005 10:42:24 AM	3.47	1
152	clm01	6004 -	18032364695	8034325153	8034325153	May 23, 2005 10:38:01 AM	May 23, 2005 10:38:18 AM	0.3	1
153	clm01	6004 -	18032364695	8037737359	8037737359	May 23, 2005 10:36:27 AM	May 23, 2005 10:37:21 AM	0.9	1
154	clm01	6004 -	8432870093			May 23, 2005 10:13:20 AM	May 23, 2005 10:15:22 AM	2.03	1
155	clm01	6004 -	18032364695	8034948355	8034948355	May 23, 2005 8:58:12 AM	May 23, 2005 9:02:29 AM	4.28	1
156	clm01	6004 -	8032366215			May 23, 2005 8:53:56 AM	May 23, 2005 8:54:29 AM	0.57	1
157	clm01	6004 -	8433375990			May 23, 2005 8:18:03 AM	May 23, 2005 8:18:33 AM	0.5	1
158	clm01	6004 -	18032364695	8032438337	8032438337	May 23, 2005 8:03:35 AM	May 23, 2005 8:04:14 AM	0.65	1
159	clm01	6004 -	8034995773			May 23, 2005 7:32:56 AM	May 23, 2005 7:38:57 AM	6.02	1
160	clm01	6004 -	8034992148			May 23, 2005 7:28:43 AM	May 23, 2005 7:29:23 AM	0.68	1

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Call Detail Records

No.	Serving Switch ID	Init Cell ID	Originating Number	Called Number	Dialed Digits	v Call Start Time v	Call End Time	Duration (min.)	F S
161	clm01	6004 -	8032366215			May 23, 2005 6:58:44 AM	May 23, 2005 6:59:28 AM	0.75	1
162	clm01	6004 -	8032366215			May 23, 2005 6:37:30 AM	May 23, 2005 6:39:01 AM	1.53	1
163	clm01	6004 -	8032366215			May 22, 2005 11:15:40 PM	May 22, 2005 11:25:04 PM	9.4	1
164	clm01	6004 -	18032364695	8032364695	8032364695	May 22, 2005 11:12:45 PM	May 22, 2005 11:13:48 PM	1.05	1
165	clm01	6004 -	18032364695	8035491478	8035491478	May 22, 2005 11:10:57 PM	May 22, 2005 11:12:07 PM	1.17	1
166	grvgs	6460 -	18032364695	8034245208	8034245208	May 22, 2005 10:22:02 PM	May 22, 2005 10:23:06 PM	1.07	1
167	grvgs	6460 -	18032364695	8034245208	8034245208	May 22, 2005 9:14:33 PM	May 22, 2005 9:16:09 PM	1.6	2
168	clm01	6004 -	8034326562			May 22, 2005 7:57:53 PM	May 22, 2005 7:58:05 PM	0.2	2
169	clm01	6004 -	8034326562			May 22, 2005 7:56:03 PM	May 22, 2005 7:57:09 PM	1.1	2
170	clm01	6004 -	8032366215			May 22, 2005 7:49:00 PM	May 22, 2005 7:54:02 PM	5.05	2
171	clm01	6004 -	18032364695	8034995773	8034995773	May 22, 2005 6:41:41 PM	May 22, 2005 7:49:46 PM	68.08	2
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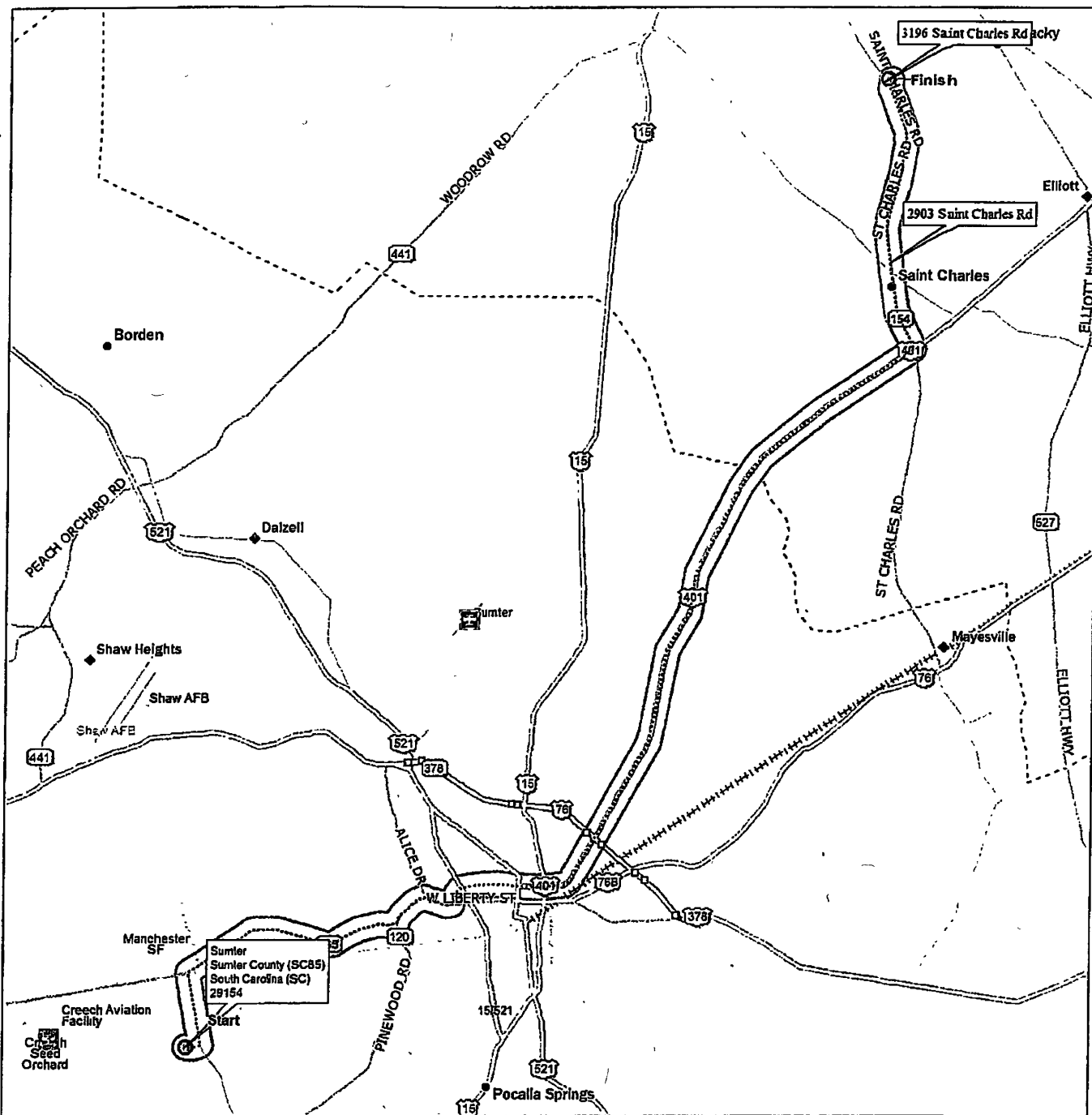
Fraud Manager for Telecommunications

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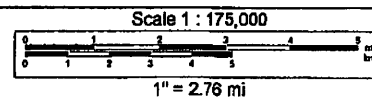
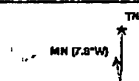
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ARREST WARRANT 5/18/25/05

H- 907240

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

SUMTER

THE STATE

JAMES C. CAMPBELL
CLERK OF COURT

NATHANIEL NOEL BRADLEY

ESS: 230 HWY 261-S APT 65

WEDGEFIELD, SC 29168

ie: 494-8355

SSN: [REDACTED]

M Race: B Height: 603 Weight: 180

State: DL#:

Agency ORI#: SC0430000

cutting Agency: 00

cutting Officer: MCMILLAN

nse: MURDER

Offense Code: 0116

a/Ordinance Sec. 16-03-0010

warrant is CERTIFIED FOR SERVICE in the

County/ ☐ Municipality ofThe accused
to be arrested and brought before me to be
t with according to law.

Signature of Judge

(L.S.)

RETURN

copy of this arrest warrant was delivered to
ndant Nathaniel Noel Bradley

5-27-05

Signature of Constable/Law Enforcement Officer

CO
10
WARRANT TO:Equal Service
7-25-05

300

STATE OF SOUTH CAROLINA)

☐ County/ ☐ Municipality of)

X SUMTER)

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618Personally appeared before me the affiant INV CL MCMILLAN who
being duly sworn deposes and says that defendant NATHANIEL NOEL BRADLEY
did within this county and state on 5/22/05 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of SUMTER)

In the following particulars:

DESCRIPTION OF OFFENSE:

INCIDENT # 05054419

MURDER (16-03-0010)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:THAT THE DEFENDANT DID COMMIT THE ABOVE STATED OFFENSE IN THAT HE DID WITH MALICE, AND
AFORETHOUGHT, SHOOT AND KILL ONE ERNEST JAMES, WITH AN UNKNOWN HANDGUN, STRIKING THE VICTIM/
DECEASED IN THE HEAD, AND ARM AND THEN DID BIND HIS ANKLES WITH A METAL CLOTHES HANGER ATTACHED TO
A CEMENT BLOCK AND DID THROW HIS BODY OVER THE BRIDGE LOCATED AT BOYLES POND ON ST PAUL CHURCH
RD, IN THE COUNTY OF SUMTER, STATE OF SC.
PROBABLE CAUSE: LAW ENFORCEMENT HAS A STATEMENT FROM A WITNESS WHO PLACED THE DEFENDANT AT THE
CRIME SCENE. LAW ENFORCEMENT WILL ATTEST TO THE SAME.

Signature of Affiant

Affiant's Address INV CL MCMILLAN/107 E HAMPTON
SUMTER, SC 29150
Affiant's Telephone 436-2790

STATE OF SOUTH CAROLINA)

☒ County/ ☐ Municipality of)

SUMTER)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 05/22/05 defendant NATHANIEL NOEL BRADLEY
did violate the criminal laws of the State of South Carolina (or ordinance of☒ County/ ☐ Municipality of SUMTER) as set forth below:

DESCRIPTION OF OFFENSE:

MURDER (16-03-0010)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me)

on 5-26-05)

Signature of Issuing Judge

Judge Code:

(L.S.)

Judge's Address 115 N HARVIN ST/PO BOX 1428

SUMTER, SC 29151

Judge's Telephone 803-436-2280

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL



791

Friday Morning

Hello Maria,

I need to tell you how much I do love you over these long and lonely miles. I know you may be shaking your head right now, but I need for you to hear this. All my life, I've heard people say, when you meet the right person, you'll know right away, and you won't have to ask yourself whether you're in love or not, and I think that is very true. Well, I know it is because that's how I felt in love with you. I'm not saying it was love at first sight, because it wasn't. It did take time something happen the day I fallen in love with you. You became beautiful every second of every minute of every hour, just a pure, perfect knockout of a ~~beauty~~ beauty. There's no way that you could be as beautiful to any man than as you look to me, because I'm in love with you and when a man is in love as I am, he can only see the beauty that is within. I have been gone from you for 10 months, and a great emptiness is inside of me. I need to see you, to renew myself, and I only can do that by seeing your beautiful face. When I first got back up, I thought I've lost every thing. I mean I'd lost you. When I say that is because you knowing that I was back up.

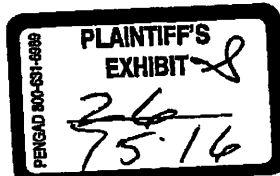
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it would have been impossible to have that life with you, and I would had lost the chance to do whatever I was put here to do. lately all I could think of is you. I miss you, I miss you right now. I'm feeling awful empty, you know what I could have done when I was around you? I could have stand near you, didn't even have to touch you, and there was a special something that passed out of you and into me, and it's something I need to keep me going. I can't say exactly what it is but I could have felt it. No, wait it's a warm feeling, and a tingling, and it goes straight into my soul, all up and down me, and make me feel good. it's not even what you'd call a romantic thing. I tell you it's a damn necessity, like a transfusion, how long I could go without it. I'm not sure but I'm getting pretty low right now. I tell you that.

P. A. until pen meet paper again I'll. Out

Love you for life. Note

786



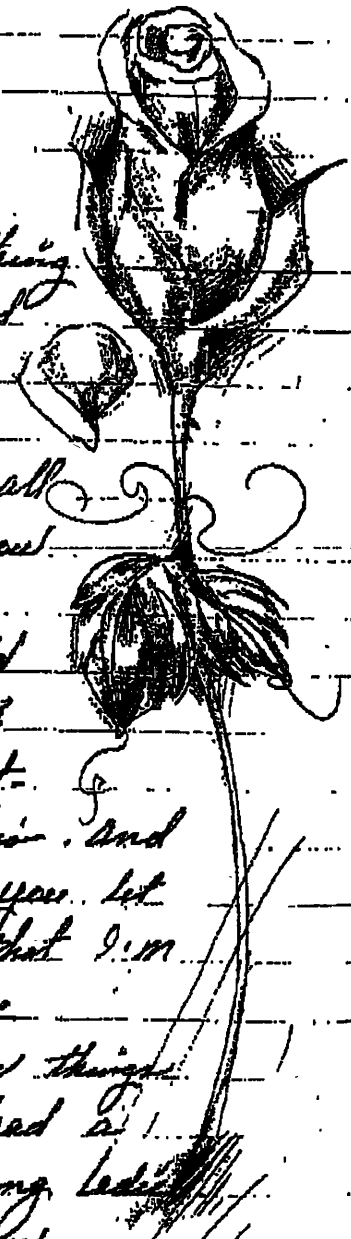
JAMES C. CAMPBELL

CLERK OF COURT

March 1, 2006
Courthouse Room 308
Sumter, South Carolina 29150

Well Hello Mrs. Porter

How are you doing? fine
I truly hope for me I'm do as
good as can be expect, do to what
going on in my life at this time 1st thing
1st Gloria, I did not kill Ernest, and
I did not told you that I was going
to kill Ernest, I loved Ernest, just
like one of my brother's and you of all
people know this. you and Betty know
how close Ernest, and I was. So how
could you tell that investigators that I told
you that I was going to kill Ernest?
you are wrong for lying to that invest-
igator on me about something like this. and
its all about those few dollar that you let
me have and the idea you think that I'm
still involve with Barbara, but let me
take a few minute to tell you a few things
about Barbara and myself. Barbara, had a
boyfriend and I was seeing a young lady
by the name of Early Lawson, from New
York. she was with me the night Felix and
Doris, had that party. I know you saw when we
leave. when you came I know it was time to go



page (2)

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I wanted to stay until Felix got home from work but I said to myself, you would start drinking and would be all up in those men face trying make me jealous and I didn't know how I would handle it because I was still in love with you and still in love with you until this day. I just can't deal with your attitude. If only you would change it a little. Every time I make up my mind that I want to get close to you, your nasty attitude get between us and drive us back. You can be one of the lovely woman in the world some time. I know you act like that because you want and need someone to love you and not just make love to you. I love you Gloria, and I had made it up in my mind to make this relationship work but this shit happen but it will be over soon. and when it do. I want us to be together forever. You Gloria, I love you just that much. I have had time to really look back over my life and some of the things that you have said to me. And you was so right about so many things concerning my relationship with Barbara. I was just too blind to see and I'm sorry for that and for hurting you. it made me mad with you when that investigator said that you told him that I told you that I was going to kill

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page 37

Ernest, I knew that you was only trying to hurt me back for hurting you and "Baby Girl" I'm truly sorry for not listening to you and your love for me. I want to take a few minutes and take you back to when we first meet, it was so beautiful you remember that weekend we went to Myrtle Beach and I got you to smoke that joint with me and you start seeing things and I said I love you Gloria. I was a fool the first time I had you into my life but I want to be a fool this time around. Whoever you are talking with, I don't care because I know deep down in my heart that it's me that you truly love. I know that it's me that you want to be your son step father. Gloria and I'm about to ask you a question and I need to know your answer. Will you married me when this is all over which will be soon.

Now Changing the subject for a few minutes you once told me how much you loved me. I'm finding that hard to believe. If your love for me was true like you said it was then you would know me you would know that I didn't kill my best friend and it hurt me for these people to have me lock up like this for that. All Ernest friends are my friends and all my friends was his friends it had to be here like this and it's costing

me a lot of Money that I really don't have, but I have to do what it takes to Clear my name from this Mess. I had to hire a private Investigator to prove that I didn't Kill Ernest, and he is doing a dam good job. I will be home in a few week's if not before. (Now Changing the subject one more time.

Gloria, I know it's been a while since we last seen each other or talked and I'm truly sorry it took so long for me to build up the courage to write you. I could have wrote Paul and ask him to give you the letter, but I needed to do a little soul search. Now I just want you to know that I really do miss you, and still love you with all my heart even though we're had our ups and downs in life I believe deep down just as well as you do that we can still have and rekindle that fire that we once had there. Not a day that goes by that you are not on my mind. it's hard for me to explain how I feel for you on paper, this is something I'll have to do by seeing you. I know that I have brought a lot of pain and hurt and sadness in your heart so let me be the one to cure it for you and I promise you and I both will never part again I love you Gloria.

I want you to come visit me when you get this letter I talk to our son a few ~~and~~ minutes the

Other day Gloria; Visiting hours are 9 to 11 and
and 2:30 to 4:30 Monday through Saturday. My
sister always come on Saturday because that
the only day that she have off. I know you
will get this letter Friday and if I'm right
you are on long weekend. if so come visit me
Monday. I really want to see you. Tell Felix, I'm
truly sorry to hear about his brother. "Baby Girl"
if you don't love me enough to come then I will
understand and I will also know that we can't
have a future together.

P.S. until pen meet paper again I'm

"Out"

Write Back And Come

Love you Nate

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County

Ralph F. Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

NATHANIEL NOEL BRADLEY,

APPELLANT

INITIAL BRIEF OF APPELLANT

JOSEPH L. SAVITZ, III
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1343

ATTORNEY FOR APPELLANT



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STATEMENT OF ISSUE ON APPEAL

The trial judge erred by denying Bradley a directed verdict, as there was no direct evidence or substantial circumstantial evidence reasonably tending to prove that he had killed Ernest James.

STATEMENT OF THE CASE

On January 14 through 18, 2008, Nathaniel N. Bradley stood trial in Sumter County, before Judge R. Ferrell Cothran, Jr., and a jury, on an indictment charging him with the murder of his close friend, Ernest James, and possession of a firearm during the commission of a violent crime. James was shot three times and his body was dumped in a pond. The State's case against Bradley was purely circumstantial. Although Bradley himself did not testify, defense witnesses established his alibi. There was also testimony of a mysterious third party "from New York or New Jersey," who was seen with Bradley and may have actually been the killer. The jury found Bradley guilty of murder, but not the firearm charge and the judge sentenced him to imprisonment for thirty years, noting that "he's fifty- six years old now and ... a thirty year sentence is in fact probably a life sentence for him."

ARGUMENT

The trial judge erred by denying Bradley a directed verdict, as there was no direct evidence or substantial circumstantial evidence reasonably tending to prove that he had killed Ernest James.

Witnesses described Nathaniel Bradley and Ernest James as “very close friends” and “close as brothers... couldn’t have been no closer.” Tr. p. 154 lines 23-25; tr. p. 563 lines 11-15. They had been working together as painters for close to a decade at the time of James’ death. Tr. p. 155 lines 1-2.

Shortly before, James had been arrested and the work van he and Bradley owned together impounded. Tr. p. 215 lines 16-20; tr. p. 234 line 15- tr. p. 235 line 18. Several witnesses testified Bradley and James were “having some words... arguing with each other” a couple of days before James was killed. Tr. p. 158 line 21- tr. p. 159 line 6; tr. p. 235 lines 19-23; tr. p. 372 line 19- tr. p. 373 line 7. Bradley and the unidentified stranger from the North were the last people seen with James prior to his death. Tr. p. 184 line 7- tr. p. 185 line 3. Bradley and his passenger and James drove off in separate cars. Tr. p. 186 lines 1-5. (The existence of this third party is not in doubt, as several witnesses saw him with Bradley around this time. Tr. p. 156 line 15- tr. 157 line 15; tr. p. 526 line 10- tr. p. 528 line 2; tr. p. 626 line 18- tr. p. 628 line 20; tr. p. 638 line 21- p. 639 line 8.)

James’ body had been wired to a cement block and dumped in a pond. Tr. p. 670 lines 4-20. A gun and a cement block were found to be missing from a residence where Bradley and James had been working. Tr. p. 284 line 8- tr. p. 288 line 12; tr. p. 291 line 21- tr. p. 292 line 22. One witness testified that, presumably after James’ death but before his

body was discovered, James and the third party had driven slowly past where the body would be discovered. Tr. p. 627 line 3- tr. p. 628 line 20; tr. p. 638 line 21- tr. p. 639 line 8.

Bradley told James' girlfriend and his brother that "the guy that was in the car with him got out [of] the car and got in the car with Ernest and they left and he... didn't see Ernest anymore." Tr. p. 210 lines 6-15; tr. p. 574 lines 14-16. This is what he also told the police. Tr. p. 594 line 23- tr. p. 595 line 12; tr. p. 683 line 25 -tr. p. 686 line 17.

Defense counsel unsuccessfully moved for a directed verdict both after the State had rested and after the defense had finished presenting the evidence of alibi. Tr. p. 822 line 5- tr. p. 831 line 8; tr. p. 950 line 20 -tr. p. 953 line 3.

A defendant is entitled to a directed verdict when the state fails to present evidence of the offense charged. *State v. Hernandez*, __ S.C., 677 S.E.2d . 603 (2009). A case may not be submitted to the jury when there is no direct evidence or substantial circumstantial evidence reasonably tending to prove the guilt of the accused. *Id.* A mere suspicion will not support a guilty verdict. *Id.*

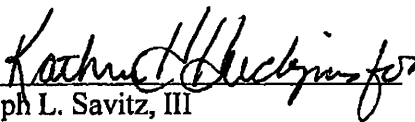
Since there was no direct evidence Bradley killed James, the State was required to introduce substantial circumstantial evidence reasonably tending to prove his guilt. The State failed to meet its burden of proving either that Bradley killed James or his mysterious friend killed James aided and abetted by Bradley. *Hernandez* points out that, while "the traditional substantial evidence charge" has been abandoned, it is nonetheless relevant to measure the adequacy of the State's evidence:

Every circumstance relied upon by the State must be proven beyond a reasonable doubt; and ... all of the circumstances so proven be consistent with each other and, taken together, point conclusively to the guilt of the accused to the exclusion of every other reasonable hypothesis.

677 S.E.2d at 605, footnote 2. The State simply failed to prove that Bradley killed Jarnes. ^{5/11/09}

For this reason, the Court of Appeals should direct a verdict acquitting Nathaniel Bradley of the murder of Ernest James.

Respectfully submitted,


Joseph L. Savitz, III
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 10th day of July, 2009.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County

Ralph F. Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

NATHANIEL NOEL BRADLEY,

APPELLANT

**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) Transcript pages 103-119
Tr. p. 152-159
Tr. p. 169-179
Tr. p. 181-201
Tr. p. 206-251
Tr. p. 283-346
Tr. p. 359-397
Tr. p. 510-517
Tr. p. 522-580
Tr. p. 592-603
Tr. p. 623-660
Tr. p. 666-706
Tr. p. 709-831
Tr. p. 835-939
Tr. p. 950-953

- (2) True-billed indictment(s);

I certify that this designation contains no matter which is irrelevant to this appeal.

July 10th, 2009



Joseph L. Savitz, III
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1343

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County

Ralph F. Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

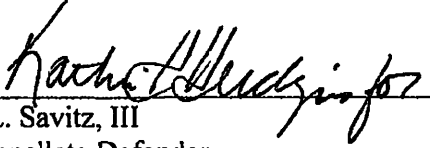
V.

NATHANIEL NOEL BRADLEY,

APPELLANT

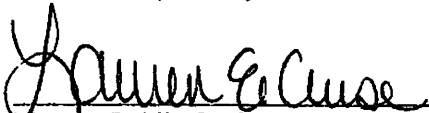
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Initial Brief of Appellant and Designation of Matter in the above referenced case has been served upon Donald J. Zelenka, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 10th day of July, 2009.


Joseph L. Savitz, III
Chief Appellate Defender

ATTORNEY FOR APPELLANT.

SUBSCRIBED AND SWORN TO before me
this 10th day of July, 2009.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: August 23, 2014.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER	)	FOR THE THIRD JUDICIAL CIRCUIT
Nathaniel Bradley, #262526,	)	Case No. 2012-CP-43-01519
	)	
Applicant,	)	
	)	
v.	)	
	)	ORDER GRANTING
	)	POST CONVICTION
State of South Carolina,	)	RELIEF APPLICATION
	)	
Respondent.	)	
	)	

This matter comes before the Court by way of a post-conviction relief application filed on July 27, 2012. The Respondent made its Return on February 12, 2013. An evidentiary hearing into the matter was convened on April 15, 2015, and on July 5, 2016, at the Sumter County Courthouse. The Applicant was present at the hearings and was represented by Bradley M. Kirkland. The Respondent was represented by Assistant Attorney General Daniel Gourley and Assistant Attorney General Julie Coleman.

PROCEDURAL HISTORY

The records before this Court indicate that Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. The Applicant was true bill indicted at the May 2007 Term of the Sumter County Grand Jury for Murder and Possession of a Firearm During the Commission of a violent Crime (2007-GS-43-390). Ernest A. Finney, III, Esquire, represented him. On January 14-18, 2008, Applicant proceeded to a jury trial before the Honorable R. Ferrell Cothran, Jr. On January 18, 2008, Applicant was found guilty of Murder and not guilty of Possession of a Firearm During the Commission of a Violent Crime. Judge Cothran sentenced the Applicant to

thirty years imprisonment for Murder.

Applicant appealed his conviction and an appeal was perfected. The South Carolina Court of Appeals affirmed the conviction. State v. Nathaniel Noel Bradley, 2010-UP-494 (filed November 8, 2010). A Petition for Rehearing was filed on November 23, 2010. In a written order, filed December 30, 2010, the South Carolina Court of Appeals denied the Petition for Rehearing. Counsel for the Applicant filed a Petition for Writ of Certiorari on April 1, 2011. The State made its Return to Petition for Writ of Certiorari on July 12, 2011. In a written Order, the South Carolina Supreme Court denied the petition for Writ of Certiorari on June 21, 2012. The Remittitur was sent July 5, 2012.

In his original Application, the Applicant alleged that he was being held in custody unlawfully for the following reasons:

1. Ineffective assistance of Counsel

- a. "Counsel was ineffective for failing to investigate this case by failing to interview potential witnesses. Counsel has a duty to investigate, See Ard v. Catoe, 642 S.E.2d 590, 597 (2007)."

On April 9, 2015, through PCR counsel Bradley M. Kirkland, the Applicant amended his application to include the following grounds:

1. Trial Counsel erred when he failed to move to quash the arrest warrant on the basis that the information in the warrant was demonstrably false and therefore the magistrate issued the warrant based on false information. The warrant claimed that Mr. Bradley committed the murder in Sumter County and an eyewitness placed Mr. Bradley at the scene of the crime. However, at trial, Investigator McMillan admitted that he had no evidence that the victim was killed in Sumter County. (Tr. p. 729-730).
2. Trial counsel erred when he failed to argue in his directed verdict motion that the state had failed to place him at the scene of the crime or show any evidence of his participation in the murder of the victim. (Tr. p. 820-831).
3. Trial counsel erred when he waived the *Neil v. Biggers* hearing and allowed in testimony concerning the identification of Mr. Bradley by the state's witness, Darrell Koenig. Additionally trial counsel failed to object to the line-up introduced through Mr. Koenig and Mr. Koenig's in court identification of Mr. Bradley. (Tr. p. 583-585; Koenig Testimony p. 621-661).
4. Trial counsel failed to investigate Easy Auto to see if they in fact used yellow temporary

tags on their vehicles and if other cars, similar to the blue Volvo, had been sold near the time of the murder. Additionally, trial counsel failed to object to hearsay testimony by an employee of Easy Auto during trial. (Tr. p. 522-524; p. 628, l. 12-18; p. 680-681)

5. Trial counsel failed to object to the prosecutor referring to Mr. Bradley as a liar in her closing argument while arguing that her witnesses were credible. (Tr. p. 1009, l. 3-5; p. 1016, l. 23-25; p. 1017, l. 1-6; p. 1024, l. 3-18; p. 1025, l. 19-24).
6. Failure to call expert witnesses to challenge the testimony of prosecution witnesses. Furthermore trial counsel informed Mr. Bradley that experts would be at the trial to introduce phone records and give an expert opinion as to the location of the phone. Additionally witnesses that were familiar with the condition of the car at the time of the recovery were not called to testify as to the condition of the car.
 - a. Arson Expert: An arson expert could have testified that a burning car would have produced an immense amount of smoke and would have been easily visible for a long distance during the day. Furthermore, the expert could have testified that the car would have still retained some heat at the time it was discovered if it had in fact been burned after 10:30 am on the day the car was discovered. Mr. Bradley's position is that it is impossible for the car to have been burned after 10:30 am on Sunday morning (when he was allegedly seen by Mr. Koenig driving the car). Therefore, Mr. Koenig's identification of Mr. Bradley was in error and, in fact, impossible.
 - b. Telecommunications Expert: This expert could have testified that Mr. Bradley's phone was in use during the time frame when Darrell Koenig allegedly saw Mr. Bradley driving the victim's car. The phone records would indicate that Mr. Bradley's phone was miles away from the location that Mr. Koenig allegedly saw Mr. Bradley driving the victim's car and during the time frame in which the car was allegedly burned by Mr. Bradley. Furthermore, the phone records would have corroborated Mr. Bradley's alibi witnesses.
 - c. Eyewitness Identification Expert: This expert could have testified to the inherent unreliability of eyewitness identifications.
7. Trial counsel failed to properly investigate Mr. Bradley's alibi witnesses. Although trial counsel did call Calvin Davis as an alibi witness (Tr. p. 864-884) he failed to call Glenn Moses (and others) who were also present and would have corroborated Mr. Davis' testimony.
8. Trial counsel failed to move for a mistrial when the security belt worn by Mr. Bradley accidentally discharged and caused Mr. Bradley to fall out of his chair. (Tr. p. 201-206).
9. Trial counsel erred when he called the defendant's brother, Paul Bradley, to testify that the defendant told him that the victim was deceased prior to police finding the body. (Tr. p. 934-935).
10. Trial counsel failed to object to hearsay testimony entered by Mr. Koenig. Mr. Koenig testified that his neighbors told him that the police were looking for a blue Volvo with temporary tags. (Tr. p. 634-635).
11. Trial counsel failed to object to the prosecutor asserting that she did not have to prove when or where the victim was murdered. (Tr. p. 93).
12. Trial counsel erred when he failed to object to two letters introduced by Gloria Portee into evidence. The letters were primarily character evidence and had little to no relevance at trial. (Tr. p. 378-386)

13. Trial counsel erred in allowing Wayne Johnson to say that he had an altercation with Bradley and armed himself (Tr. p. 560).
14. Trial counsel failed to object to Bobby Lee Hughes saying that he thought the Defendant might have had something to do with the death. (Tr. p. 570, 580)
15. Trial counsel failed to object to hearsay of Officer Wesley Gardner and Clarence McMillan when saying Koenig said he was 100% sure of his identification. (Tr. p. 613, 715).
16. Appellate counsel erred by not appealing the decision by the trial Judge to give a jury charge on accomplice liability (hand of one is the hand of all). Additionally, appellate counsel did not include relevant case law in her brief that would have likely resulted in a reversal of the conviction. (Tr. p. 972-974; p. 979).

SUMMARY OF APPLICABLE LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). Applicant must overcome

this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. Below are this Court's findings in regards to each of Applicant's allegations of ineffective assistance of counsel.

ISSUE 1: Applicant's trial counsel failed to move to quash the arrest warrant on the basis the information in the warrant was demonstrably false and therefore the magistrate issued the warrant based on false information.

A. Summary of Testimony

The Applicant testified that the arrest warrant for his Murder charge contained demonstrably false statements that resulted in his arrest and prosecution. PCR Tr., July 5, 2016, p. 11. The warrant specifically stated, "PROBABLE CAUSE: LAW ENFORCEMENT HAS A STATEMENT FROM A WITNESS WHO PLACED THE DEFENDANT AT THE CRIME SCENE. LAW ENFORCEMENT WILL ATTEST TO THE SAME." Exhibit 24. However at the trial no witness placed the defendant at the crime scene. In fact, Officer McMillan testified at the trial that he had no witnesses that saw the murder and he did not know the date of the murder or the county in which the murder occurred. Trial Tr. p. 729-730.

B. Findings of Fact and Conclusions of Law

"In Franks v. Delaware, the United States Supreme Court held that the Fourth

[790 S.E.2d 444]

and Fourteenth Amendments gave a defendant the right in certain circumstances to challenge the veracity of a warrant affidavit after the warrant had been issued and executed.” *State v. Missouri*, 337 S.C. 548, 553, 524 S.E.2d 394, 396 (1999). The Franks test applies in cases when officers include false information in a warrant affidavit and cases when officers omit potentially exculpatory information. *Missouri*, 337 S.C. at 554, 524 S.E.2d at 397. Although the Franks case concerned a search warrant, this right has been applied to arrest warrant affidavits in South Carolina. *State v. Porch*, 417 S.C. 619, 790 S.E.2d 440 (S.C. App., 2016).

Where the defendant makes a substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit, and if the allegedly false statement is necessary to the finding of probable cause, the Fourth Amendment requires that a hearing be held at the defendant’s request. In the event that at that hearing the allegation of perjury or reckless disregard is established by the defendant by a preponderance of the evidence, and, with the affidavit’s false material set to one side, the affidavit’s remaining content is insufficient to establish probable cause, the search warrant must be voided and the fruits of the search excluded to the same extent as if probable cause was lacking on the face of the affidavit. *Franks v. Delaware*, 438 U.S. 154, 155–56, 98 S.Ct. 2674, 57 L.Ed.2d 667 (1978).

In the present case it is clear that Officer McMillan made a demonstrably false statement in the arrest warrant. There was simply no witness that placed the defendant at the crime scene of the murder. In fact, Officer McMillan offered no evidence as to where or when the murder occurred. Pursuant to the mandate of Franks, if the “PROBABLE CAUSE” portion of the

warrant is excised then we are left with the conclusory statement that Mr. Bradley committed the offense with no explanation whatsoever as to why he was considered connected to the crime.

This court finds that by not challenging the arrest warrant the Applicant's attorney's conduct was deficient. Had the Applicant's attorney challenged the arrest warrant it would have likely been dismissed and therefore this Court finds that the outcome of the trial would have likely been different and the Applicant's petition for PCR is granted.

ISSUE 2: Trial Counsel Erred when he failed to argue in his directed verdict motion that the state had failed to place him at the scene of the crime or show any evidence of his participation in the murder of the victim.

A. Summary of Testimony

At the PCR hearing Mr. Bradley testified that his attorney had incorrectly argued the directed verdict motion during his trial. He alleged that there is very clear case law that requires the prosecution to place the defendant at the scene of the crime. PCR Tr., July 5, 2016, p. 14. A review of the trial transcript does indicate that trial counsel did in fact argue that the State had not submitted any evidence of the defendant's connection to the crime but he did not specifically argue that the State failed to place the defendant at the scene of the crime. Additionally he did not present any case law in support of his position. Trial Tr. pp. 822-823.

B. Findings of Fact and Conclusions of Law

The trial court has a duty to submit the case to the jury where the evidence is circumstantial if there is substantial circumstantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced. *State v. Martin*, 340 S.C. 597, 533 S.E.2d 572 (2000); *State v. Williams*, 321 S.C. 327, 468 S.E.2d 626 (1996). Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial

judge to direct a verdict of acquittal is not error. *State v. Irvin*, 270 S.C. 539, 243 S.E.2d 195 (1978). The trial judge should grant a directed verdict, however, when the evidence merely raises a suspicion that the accused is guilty. *State v. Martin*, supra. By bringing the case, the State assumes the burden of proving that the accused was at the scene of the crime when it happened and that he committed the criminal act. *State v. Schrock*, 283 S.C. 129, 322 S.E.2d 450 (S.C., 1984).

In the present case, after reviewing the trial transcript, it appears that there was no direct evidence linking Mr. Bradley to the murder. The prosecution admitted that they had to prove their case by the use of circumstantial evidence. Trial Tr. p. 1010, 4-19. It was further admitted that they did not know the time of death or the location of the death. Trial Tr. p. 729-730.

After a review of the trial transcript this Court finds that the prosecution did in fact rely entirely on circumstantial evidence to prove their case. Furthermore this court finds that trial counsel failed to properly argue his directed verdict motion. Had trial counsel properly researched and presented this issue to the trial court the motion for directed verdict would have been likely granted. Therefore, this Court grants the Applicant's petition for a new trial.

ISSUE 3 and 6(c): Trial counsel erred when he waived the Neil v. Biggers hearing and allowed in testimony concerning the identification of Mr. Bradley by the State's witness, Darrell Koenig. Additionally trial counsel failed to object to the line-up introduced through Mr. Koenig and Mr. Koenig's in court identification of Mr. Bradley. Finally Counsel failed to call an identification expert.

A. Summary of Testimony

The Applicant testified that he was never informed of his right to challenge the eye witness identification of Darrell Koenig. He further testified that trial counsel waived the Biggers hearing without his consent at trial. PCR Tr., July 5, 2016; Trial Tr. 584-585.

At the trial Darrell Koenig was a particularly important witness for the prosecution as he

claimed to see the Applicant driving the victim's car shortly before the car was found burned in a field. Officer McMillan admitted that his "theory of the case" revolved around Mr. Koenig's testimony. Trial Tr. p. 730. Mr. Koenig testified that he was "working right along the edge of the road in the ditch leveling out soil." At that time he saw a "blue Volvo sedan" drive past him twice. Trial Tr. pp. 627-628. Mr. Koenig initially testified that he was sitting down in the ditch looking up when the Volvo passed. Trial Tr. 637. However, on cross examination Mr. Koenig testified that he was "back in the woods" when he saw the car. Trial Tr. p. 659. Based on this brief view of the car and the person in the car Mr. Koenig picked the Applicant out of a photo line-up. Trial Tr. pp. 638-639.

At the PCR hearing identification expert Lori Van Wallendael was called by the Applicant. Initially Ms. Wallendael testified that in studies that she has participated in and relied on in her research, the standard "six-pack" style line-up was less reliable than showing a potential eye witness one photo at a time and asking them if they recognize the person. PCR Tr., April 15, 2016, p. 13-14. She further testified that she had reviewed the testimony of Darrell Koenig, the testimony of the two officers that administered the line-up to Mr. Koenig as well as a black and white copy of the photo line-up that was shown to Mr. Koenig. PCR Tr., April 15, 2015, p. 20. She also explained the currently accepted theory of the model of memory. PCR. Tr., April 15, 2015, pp. 21-25.

As to the current case, she explained that there are many decades of studies that indicate that cross racial identifications are not as accurate as same race identifications and in this case Mr. Koenig is a white male and the applicant is a black male. PCR Tr., April 15, 2015, pp. 25-26. Furthermore she noted that law enforcement used a standard "six-pack" style of line-up rather than the more reliable sequential line-up. PCR Tr., April 15, 2015, p. 28. She noted that

Mr. Bradley's photo in the line-up was slightly different than the other photos as he was looking to the side and his mouth was slightly open whereas the others were not. PCR Tr., April 15, 2015, p. 29. She commented that she was concerned that the witness expressed that he was 100% sure of his identification despite the fact that he testified that, at the time of the identification, he didn't think too much of it. PCR Tr., April 15, 2015, p. 35-36. She also was concerned about false memories being created because prior to his identification of the car he was told by a neighbor that the police were looking for a blue Volvo with temporary tags. PCR Tr., April 15, 2015, pp. 35-36. She testified that although the witness had relied almost entirely on identification of the Applicant's mouth, he did not mention the feature in his voluntary statement. PCR Tr., April 15, 2015, p. 38. She further explained that although the witness stated he locked eyes with the Applicant for 15 seconds it was likely between 5-10 seconds based on the fact people tend to overestimate time when recalling an event. PCR Tr., April 15, 2015, pp. 39-40. Finally she was also concerned that despite his apparent perfect memory of the diver and the car he could not recall specific details concerning the passenger of the car. PCR Tr., April 15, 2015, pp. 40-41.

B. Findings of Fact and Conclusions of Law

In *Neil v. Biggers*, the United States Supreme Court set forth a two-pronged inquiry to determine whether due process requires suppression of an eyewitness identification. Due process requires courts to assess, on a case-by-case basis, whether the identification resulted from unnecessary and unduly suggestive police procedures, and if so, whether the out-of-court identification was nevertheless so reliable that no substantial likelihood of misidentification existed. *Biggers*, 409 U.S. at 198. Under the totality of the circumstances, the factors to be considered in assessing the reliability of an otherwise unduly suggestive identification procedure

are: (1) the witness's opportunity to view the perpetrator at the time of the crime, (2) the witness's degree of attention, (3) the accuracy of the witness's prior description of the perpetrator, (4) the level of certainty demonstrated by the witness at the confrontation, and (5) the length of time between the crime and the confrontation. *Manson v. Brathwaite*, 432 U.S. 98, 114 (1977) (citing *Biggers*, 409 U.S. at 199-200).

In the present case the Court finds that the Applicant appeared credible when he insisted that he did not waive his *Biggers* hearing. Furthermore this Court finds that based on the testimony of Mr. Koenig, the two officers that administered the line-up as well as the testimony of Ms. Wallendael that it was deficient performance to not to challenge the line-up and the in court identification of the Applicant. Furthermore, based on inconsistencies of Mr. Koenig's testimony as well as the expert testimony of Ms. Wallendael that had trial counsel challenged the identification during a *Biggers* hearing as well as during trial that the outcome would have been different and, therefore, the Applicant is entitled to a new trial.

ISSUE 4: Trial counsel failed to investigate Easy Auto to see if they in fact used yellow temporary tags on their vehicles and if other cars, similar to the blue Volvo, had been sold near the time of the murder. Additionally, trial counsel failed to object to hearsay testimony by an employee of Easy Auto during trial.

A. Summary of Testimony

Martha Ransom, the owner of the blue Volvo, testified at trial that the car was in fact light blue and was purchased at Easy Credit Auto. However, when asked if there were temporary tags on the car at the time of the murder she initially testified that she thought they had regular tags on the car. She then stated that temporary tags might have been on the car and she thought they might be red. Trial Tr. pp. 522-524. It is important to note that Ms. Ransom was recalled by the prosecution as a witness because the prosecution had not put into evidence a

description of the vehicle by someone that was familiar with the Volvo. Trial Tr. p. 522. Darrell Koenig was absolutely certain the he saw a yellow paper tag on the vehicle. Trial Tr. p. 628.

Officer McMillan testified at trial that spoke to the car dealer that sold the car to Ms. Ransom. He testified that he was told what the VIN number of the car was, a description of the vehicle and that the vehicle had bright yellow paper tags on it when sold. He further testified that the dealer told him that the car had GPS tracking installed on it but that the GPS would not work if the vehicle was destroyed. Trial Tr. pp. 680-681. No objection was made as to this testimony by trial counsel.

B. Findings of Fact and Conclusions of Law

The S.C. Rules of Evidence provide in Rule 802 that hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court of this State or by statute. Heresay is defined in Rule 801(c) as a statement, other than one made by the declarant while testify at the trial or hearing, offered in evidence to prove the truth of the matter asserted. Rules 803 and 804 list various exceptions to Rule 802.

In the present case it is absolutely clear that all of Officer McMillan's testimony concerning what he was told by Easy Auto was hearsay and does not fit under any exception to Rule 802. It is further evident that trial counsel did not object to the testimony during the trial. Additionally, after a review of the full record there appears to be no other witness that was familiar with the car that was able to describe the car as having a yellow paper tag on the day of the sale of the car or on the day of the murder. The prosecution attempted to have Ms. Ransom testify that the car had a yellow paper tag but she was unable to do so. Therefore, the hearsay testimony of Officer McMillan was the only testimony admitted concerning the appearance of the car. This testimony was critical to the prosecution because the car was specifically described

as having a yellow paper tag by Mr. Koenig. Without the hearsay testimony there would have been no testimony as to the condition of the specific car owned by Ms. Ransom and driven by the victim rendering Mr. Koenig's testimony far less useful as the paper tag would not have been confirmed to have been on the vehicle.

This Court finds that trial counsel's performance was deficient as the testimony was particularly harmful to the defendant and not admissible under the Rules of Evidence. Furthermore, this Court finds that had the testimony been excluded then there would have been absolutely no corroborating evidence introduced at trial that the car driven by the victim had a yellow paper tag which would have likely changed the outcome of the trial. Therefore, the Applicant is entitled to a new trial.

Issue 5: Trial counsel failed to object to the prosecutor referring to Mr. Bradley as a liar in her closing argument while arguing that her witnesses were credible.

A. Summary of Testimony

During closing arguments the Assistant Solicitor argued that the Applicant's own lies, his own inability to tell the truth created a trap in which he now finds himself. Trial Tr. p. 1009, l. 3-5. She further argued that one of her witnesses, Donna McDuffie was telling the "obvious truth" and the jury could believe what was in her original statement. Trial Tr. pp. 1024, l. 3-18; p. 1025, l. 19-24. The Assistant Solicitor also argued that witness Gloria Portee was obviously telling the truth because the Applicant was staring at her and trying to intimidate her. Trial Tr. p. 1027.

B. Findings of Fact and Conclusions of Law

A solicitor's closing argument must not appeal to the personal biases of the jurors nor be calculated to arouse the jurors' passions or prejudices, and its content should stay within the

record and reasonable inferences thereto. *State v. Cooper*, 334 S.C. 540, 514 S.E.2d 584 (1999).

A solicitor has a right to state his version of the testimony and to comment on the weight to be given such testimony. *Id.* Improper comments do not require reversal if they are not prejudicial to the defendant, and the appellant has the burden of proving he did not receive a fair trial because of the alleged improper argument. The relevant question is whether the solicitor's comments so infected the trial with unfairness as to make the resulting conviction a denial of due process. *Humphries v. State*, 351 S.C. 362, 570 S.E.2d 160 (2002).

A solicitor may argue the credibility of the State's witnesses if the argument is based on the record and its reasonable inferences. *State v. Caldwell*, 300 S.C. 494, 388 S.E.2d 816 (1990).

A solicitor may not vouch for the credibility of a State's witness based on personal knowledge or other information outside the record. *State v. Kelly*, 343 S.C. 350, 540 S.E.2d 851 (2001).

Vouching for a witness based on outside material conveys the impression to the jury that the solicitor has evidence not presented to the jury but known by the prosecution which supports conviction. *Id.* It is inappropriate for the State to assure the jury of a witness' credibility, because the jury is charged with assessing the credibility of witnesses based on evidence in the record. *Id.*

In the present case the Solicitor clearly commented on the fact that she believed that the Applicant had lied and her witnesses were credible. This Court finds that those arguments were improper and it was deficient performance for trial counsel not to object. By failing to object to these statements made by the prosecutor it is likely that the jury was improperly influenced by the opinions of the prosecutor and the Applicant was denied due process. Therefore, the Applicant is granted a new trial.

ISSUE 6(b) and 6(c): Failure to call expert witnesses to challenge the testimony of prosecution witnesses. Furthermore trial counsel informed Mr. Bradley that experts would be at the trial to introduce phone records and give an expert opinion as to the location of the phone. Additionally witnesses that were familiar with the condition of the car at the

time of the recovery were not called to testify as to the condition of the car.

A. Summary of Testimony

A review of the trial testimony indicates that the Applicant's trial counsel did not call any expert witnesses during the Applicant's trial. According to the Applicant, trial counsel indicated that he would be able to cross examine the state's expert to testify as to the cell tower locations that the Applicant's phone was connected to at various times during the weekend of the murder. PCR Tr., July 5, 2016, p. 32. Trial counsel, however, indicated that he did not ever consider getting an expert in the Applicant's case. PCR Tr., July 5, 2016, p. 95-96. Instead trial counsel cross examined Investigator McMillian concerning the location of the phone throughout the weekend. However, trial counsel admitted that McMillian was not particularly prepared and he had not reviewed the records carefully. Nevertheless, trial counsel insisted that he was able to get into evidence the location of the phone relative to the cell towers during cross examination. PCR Tr., July 5, 2016, pp. 96-97.

It is also clear from the trial transcript that an arson expert was not called to discuss how long it takes for a car to burn, the amount of smoke the car would produce, and how long the car would retain heat had it been burned. Trial Tr. pp. 738-742. During the Applicant's trial, trial counsel attempted on several occasions to question witnesses about the amount of heat coming from the car and how long it would take for a car to cool off after being completely burned out. Trial Tr. pp. 738-74. However, every attempt by trial counsel to elicit an opinion of how hot the car was or when it was burned was met by an objection by the state that the witness was not qualified to give an opinion on the matter because they were not an expert. Trial Tr. pp. 353-354, 368-369.

During the PCR hearing the Applicant called Daniel Olson, an expert qualified in the

origin and cause of automobile and machinery fires. PCR Tr., July 5, 2016, p. 141. He testified that there was a clear timeline according to trial testimony that the car was seen intact between 9:30 am and 10:15 am and that the car was found burned at around 2:30 pm the same day. Trial Tr. p. 143, 145. He further testified that the burned car, based on the testimony of when it was seen on cobblestone road and the distance to the cemetery where the car was found burned was approximately a 47 minute drive. That would mean that the earliest the car could have been burned would have been 10:17 am. Trial Tr. pp. 150-153. The car in this case was completely burned out. Trial Tr. pp. 183-184.

Mr. Olson testified that these type of car fires produce tremendous flame and smoke when burning. Trial Tr. pp. 158-160, See Exhibits 8-10. He testified that the car would have burned for approximately 45 minutes and the earliest the fire could have ignited was 10:17 am according to testimony. Trial Tr. 162-163. He believed the fire would have been burning at 1800 degrees or more based on the fact that aluminum parts appeared to be melted. Trial Tr. p. 169. He testified that the tires could smolder "for a very long time". Trial Tr. pp. 170-171. His opinion was that if the car finished burning at around 11:30 or so it would have still been hot at the time of the discovery and he believed that parts, particularly the tires, would still be smoking. Trial Tr. pp. 171-174. He further testified that there was absolutely no arson or burn investigation performed on the vehicle and it left many questions unanswered that would have helped a jury. Trial Tr. 176-178. He testified that his opinion was that the car that was seen at 9:30 am was not the car that was found at 2:30 burned in the cemetery. Trial Tr. 181-182.

However, he found the testimony of Matt Bramlet interesting. Matt Bramlett lived directly across the street from the cemetery in which the burned car was found.¹ Trial Tr. pp.

¹ Mr. Olson mistakenly testified that Mr. Bramlet lived a quarter mile from the cemetery. Trial Tr. p. 185. However, Mr. Bramlet clearly testified at trial that he lived across the street from the cemetery. Trial Tr. pp. 453-454.

453-454. Mr. Bramlet testified that at 1:30 am he heard his dogs barking for approximately 25 minutes. This, according to Mr. Olson, would have been much more consistent with when the car would have been burned considering the condition in which it was found. Trial Tr. pp. 185-187. In support of Mr. Olson's testimony PCR counsel called Derrick Slater, the tow truck driver that removed the car. He arrived around 5:30 to 6:00 pm and testified that he did not notice any heat whatsoever emanating from the vehicle. Trial Tr. pp. 73-76.

The Applicant called historical cell phone analysis expert Ben Levitan. Mr. Levitan used the cell phone data that was provided to trial counsel by the Solicitor's office to compare the testimony of the witnesses to the location of the mobile phone from the point that the victim was last seen to the moment the body and the burned out car were located. He noted that the phone appeared to be in locations consistent with the defendant's alibi witnesses and other trial testimony.

Initially he testified that the Applicant's phone was likely at the victim's address the last time the victim was seen. PCR Tr., April 15, 2015. The Applicant's phone was at the correct location of alibi witnesses Tenisha Williams and Eloise Sinkler. PCR Tr., April 15, 2015, pp. 94-97. The phone also appeared to be at the proper location for alibi witness Calvin Davis and Donna McDuffy. PCR Tr. pp. 100-101, 103. He also testified that the Applicant's phone was approximately 23 miles from where eye witness Koenig claimed to see Mr. Bradley driving the blue Volvo the morning the burned vehicle was discovered and he was near Donna McDuffy's house. PCR Tr, April 15, 2015, pp. 104-105, 108-109. The phone's location was consistent with Rick Nelson's testimony that he spoke with the Applicant between 3:00 and 5:00 pm on Sunday. PCR Tr., April 14, 2015, p. 113. The phone location was also consistent with the testimony of Loubbertha Bradley that said the Applicant was at her house at a cookout on Sunday. PCR Tr.,

April 14, 2015, pp. 116-117. He further testified that he was in the area of alibi witness Tina Leon between the hours of 10:00 am and 4:00 pm. PCR Tr., April 14, 2015, pp. 121-122. Most importantly, the expert stated that the Applicant's phone was 23 miles from Cobblestone Road at the time that Mr. Koenig claims to have seen the Applicant. PCR Tr., April 14, 2015, pp. 123-124.

B. Findings of Fact and Conclusions of Law

“[C]ounsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary.” Strickland, 466 U.S. at 691, 104 S.Ct. 2052.

“[A]t a minimum, counsel has the duty to interview potential witnesses and to make an independent investigation of the facts and circumstances of the case.” *Ard v. Catoe*, 372 S.C. 318, 331, 642 S.E.2d 590, 597 (2007) (emphasis omitted) (citation omitted). “[A] particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to counsel's judgments.” Strickland, 466 U.S. at 691, 104 S.Ct. 2052. “[S]trategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation.” *Id.* at 690–91, 104 S.Ct. 2052. “[C]ounsel's conversations with the defendant may be critical to a proper assessment of counsel's investigation decisions [.]” *Id.* at 691, 104 S.Ct. 2052.

“[T]he United States Supreme Court has held that the defendant must have ‘a fair opportunity to present his defense,’ thereby requiring the State to provide the ‘basic tools’ for an adequate defense to an indigent defendant.” *Bailey v. State*, 309 S.C. 455, 459, 424 S.E.2d 503, 506 (1992) (quoting *Ake v. Oklahoma*, 470 U.S. 68, 105 S.Ct. 1087, 84 L.Ed.2d 53 (1985)). “Thus, although the State is not required to provide the indigent defendant with unlimited

funding, it must ensure that the defendant has competent counsel and the services of experts necessary to a meaningful defense[.]” Id.

South Carolina Code section 17-3-50(B) (2003) provides in pertinent part:

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonably necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall order the payment, from funds available to the Office of Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate.

An applicant is only entitled to fees to pay for expert witnesses if the applicant shows a need for the expert testimony. *Thames v. State*, 325 S.C. 9, 11, 478 S.E.2d 682, 683 (1996). The mere possibility the applicant could find a witness somewhere to support an allegation is insufficient to warrant authorization of funds. Id. Where counsel articulates a valid trial strategy for failing to call an expert witness to testify at trial, such conduct will not be deemed ineffective. *Legare v. State*, 333 S.C. 275, 281, 509 S.E.2d 472, 475 (1998).

As to the origin and cause of automobile and machinery fires expert, at the PCR hearing the trial counsel admitted that he had not formed a theory of when the car burned but did think that it would still be smoking and burning for hours. Trial Tr. pp. 97-99. He offered no strategic reason for failing to call an expert. He admitted that he did not think it mattered how hot the car got, only that it was found in a particular location. However, he did admit that if the science of burning cars indicated that the car could not have possibly been cool at the time it was found then it would have discredited Mr. Koenig's testimony. PCR Tr., July 5, 2016 pp. 143-144.

This Court finds that trial counsel was deficient for failing to call an origin and cause of automobile and machinery fires. The issue of when the car was burned was of paramount importance because Mr. Koenig stated he saw the car intact at 9:30 am. If, in fact, the car could not have been burned around this time and been cool to the touch will no smoldering at 2:30 pm

then it would scientifically impossible for Mr. Koenig to have seen the car. Furthermore this testimony would have likely changed the outcome of the trial as Mr. Koenig's testimony simply could not be true if the jury believed the origin and cause of automobile and machinery fires expert. Therefore, on this issue the Applicant's petition for PCR is granted.

This Court also finds trial counsel's performance deficient by failing to call a historical cell phone expert. According to the expert, the Applicant's phone appeared to be with him during the 3 days that this case revolved around. The locations of the phone matched both the State's witnesses as well as alibi witnesses called by the defense. This combined with the fact that the phone was located 23 miles from the location that the Applicant was seen driving the car makes it clear that this issue was of particular importance to the prosecution and the defense. It is interesting to also note that the State did not call an expert because, it appears, the testimony of the cell phone location would damage their case. This Court further finds that this testimony would have likely changed the outcome of the trial as it appeared from the expert testimony that the Applicant very likely did have his mobile phone with him over the 3 day period the trial covered. Therefore, this Court grants the Applicant's petition for PCR and orders a new trial.

ISSUE 7: Abandoned by Applicant

Issue 8: Trial counsel failed to move for a mistrial when the security belt worn by Mr. Bradley accidentally discharged and caused Mr. Bradley to fall out of his chair. (Tr. p. 201-206).

A. Summary of Testimony

During the trial the Applicant was required by the Sheriff's Department to wear a security taser belt. During the trial the belt discharged and caused the Applicant to receive an electric shock that knocked him out of his chair. Trial counsel as well as the prosecutor discussed the issue with the trial judge and all decided a curative instruction was appropriate. When the jury

returned to the courtroom the Judge gave the following instruction:

Thank you ladies and gentlemen. I apologize about the delay. I need to explain to you that the defendants in this court are required to wear a security belt. The security belt in this case malfunctioned and the defendant received an electrical shock. We have cured that problem and we're ready to proceed with the trial.

At that point the trial continued. Trial Tr. pp. 201-206.

However, the Applicant testified that he believed a mistrial was in order. His reasoning was that he did not believe that the jury could simply erase the event from their mind and would potentially consider him a dangerous felon because of the requirement of security. PCR, July 5, 2016, pp. 41-42.

B. Findings of Fact and Conclusions of Law

The use of physical restraints, such as a stun belt, during trial and the sentencing phase implicates a defendant's right to due process. *Deck v. Missouri*, 544 U.S. 622, 629, 125 S.Ct. 2007, 161 L.Ed.2d 953 (2005). *Deck*, and the bulk of federal cases discussing the use of physical restraints during trial and sentencing, involved traditional methods of securing the accused, such as handcuffs and shackles. The "same fundamental issues are implicated in the decision of the district court" to restrain a defendant through the use of a stun belt. *United States v. Waagner*, 104 Fed.Appx. 521, 526 (6th Cir.2004). A decision to use a stun belt must be subjected to at least the same close judicial scrutiny required for the imposition of other physical restraints. *Id.* (quoting *Gonzalez v. Pliler*, 341 F.3d 897, 901 (9th Cir.2003)). Further, such "physical restraints should be used as rarely as possible." *United States v. Durham*, 287 F.3d 1297, 1304 (11th Cir.2002). In *U.S. v. Miller*, 531 F.3d 340 (6th Cir., 2008), the Court determined that it is an abuse of discretion to fail to hold a hearing to determine if restraints are necessary for a particular defendant during trial.

In the present case the jury was clearly aware that the Applicant was wearing a security belt because they were specifically told that was the case. Although trial counsel has claimed that it was a strategy decision to continue the trial it is difficult to imagine that a jury could simply set aside the fact that the Court or the Sheriff's Department found the Applicant to be so dangerous that he was required to wear a stun belt. Therefore, this Court finds that trial counsel was ineffective for failing to move for a mistrial as a result of the discharge of the security belt. Further the court finds that it is highly likely that the jury took this fact into consideration when considering the Applicant's case and the result would have likely been different had they not been exposed to the discharge of the belt. Therefore the Applicant's petition for a new trial is granted.

Issue 9: Trial counsel erred when he called the defendant's brother, Paul Bradley, to testify that the defendant told him that the victim was deceased prior to police finding the body.

A Summary of Testimony

Captain James Turner testified at the trial that he was the command of the Criminal Investigations Division. On May 23, 2005, he received a call that a body had been found in Boyle's Pond. He recalled receiving the call around 1:30 pm to 2:00 pm. Trial Tr. 109-110. Trial counsel, in his case in chief, called Tina Leon. Ms. Leon stated that on May 23, 2005, that the Applicant was at her house painting from 10:00 am until 4:00 pm. She stated that he did not leave the house on that day and she picked up lunch for him and another man assisting the Applicant from Sonic. Trial Tr. pp. 902-907. Subsequent to calling Ms. Leon trial counsel called the Applicant's brother, Paul Bradley. Mr. Bradley recalled that on Monday, May 23, 2005, that he saw the Applicant at approximately 1:00 pm crying because his friend had been murdered.

B. Findings of Fact and Conclusions of Law

It is clear from the testimony that trial counsel called a witness that directly contradicted the testimony of alibi witness Tina Leon. In fact, Mr. Bradley's testimony suggested that the Applicant was aware the victim was deceased prior to the body being recovered and identified by law enforcement. This testimony did not go unnoticed by the prosecutor. In her closing argument the prosecutor noted that Paul Bradley, the Applicant's own brother, "provided one of the most important pieces of evidence in this case . . ." She further noted that he gave this testimony after being called by trial counsel. Trial Tr. pp. 1035-1036.

This testimony was extremely damaging to the defense and was elicited by trial counsel after he had already established Mr. Bradley's location on the day the body was recovered. It is clear from the record that trial counsel did not thoroughly investigate Paul Bradley and did not realize that his testimony would be one of the major pieces of evidence the prosecution would rely on in its closing argument. Therefore this Court finds that trial counsel's performance was deficient. The Court further finds that the testimony was particularly damaging to the Applicant's defense and the outcome of the trial would likely have been different had Paul Bradley not been called as a witness. Therefore the Court grants the Applicant's petition for a new trial.

Issue 10: Trial counsel failed to object to hearsay testimony entered by Mr. Koenig. Mr. Koenig testified that his neighbors told him that the police were looking for a blue Volvo with temporary tags.

A. Summary of Testimony

Darrell Koenig testified that the day after he saw the blue Volvo he spoke to his neighbors and he was told "that on the news that they were looking for a blue 1990 Volvo with a temporary tag on it." He said he immediately knew that was the car he saw on the previous day.

Trial Tr. pp. 634-635.

B. Findings of Fact and Conclusions of Law

The S.C. Rules of Evidence provide in Rule 802 that hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court of this State or by statute. Hearsay is defined in Rule 801(c) as a statement, other than one made by the declarant while testify at the trial or hearing, offered in evidence to prove the truth of the matter asserted. Rules 803 and 804 list various exceptions to Rule 802.

It is clear that the statement by the neighbors was hearsay and trial counsel did not object to the introduction of that evidence. It is also clear that the testimony of Mr. Koenig appeared to be bolstered by the hearsay. This Court finds that trial counsel's performance was deficient by failing to object to the testimony of Mr. Koenig. Further this court finds that the Applicant was prejudiced by this testimony as it tended to bolster the credibility of Mr. Koenig. Therefore, this Court grants the Applicant's petition for a new trial.

Issue 11: Trial counsel failed to object to the prosecutor asserting that she did not have to prove when or where the victim was murdered. (Tr. p. 93).

A. Summary of Testimony

The prosecution admitted that they had to prove their case by the use of circumstantial evidence. Trial Tr. p. 1010, 4-19. It was further admitted that they did not know the time of death or the location of the death. Trial Tr. p. 729-730. During closing arguments the prosecutor argued to the jury that she did not have to prove where the victim was murdered. Trial Tr. p. 1012.

B. Findings of Fact and Conclusions of Law

In South Carolina there have been numerous cases discussing circumstantial evidence

and what must be proven in order to submit a case to the jury. Initially, the trial court has a duty to submit the case to the jury where the evidence is circumstantial if there is substantial circumstantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced. *State v. Martin*, 340 S.C. 597, 533 S.E.2d 572 (2000); *State v. Williams*, 321 S.C. 327, 468 S.E.2d 626 (1996). Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error. *State v. Irvin*, 270 S.C. 539, 243 S.E.2d 195 (1978). The trial judge should grant a directed verdict, however, when the evidence merely raises a suspicion that the accused is guilty. *State v. Martin*, supra. On appeal of the denial of a directed verdict of acquittal, the Court must look at the evidence in the light most favorable to the State. *State v. Martin*, supra; *State v. Williams*, supra.

Among the cases discussing when a directed verdict is appropriate are several that indicate that the State must submit sufficient circumstantial evidence to indicate that the defendant was at the scene of the crime. See *State v. Arnold*, 361 S.C. 386, 605 S.E.2d 529 (S.C., 2004), "The fact that the BMW was found abandoned in Tennessee, the same state where respondent was located after his stay in Savannah, raises a suspicion of guilt but is not evidence that respondent killed Dr. Cox. Further, there is no evidence respondent was at the scene of the crime, which according to the State's theory was in Colleton County."; *State v. Schrock*, 283 S.C. 129, 322 S.E.2d 450 (S.C., 1984), "By bringing the case, the State assumes the burden of proving that the accused was at the scene of the crime when it happened and that he committed the criminal act."

In the present case the State admitted that they were unable to prove where the murder occurred. They could only provide evidence of where the body was recovered. They could not

prove when the murder occurred but did submit into evidence the last time the victim was seen and when the body was recovered. The trial Judge instructed the jury that, "The burden is on the state to prove beyond a reasonable doubt that the defendant was actually present at the scene of the crime, actually participated in it and . . . was not somewhere else." Trial Tr. pp. 1058-1059. It is the position of the Applicant that the State must produce sufficient circumstantial evidence of where and when a murder occurred in order to present the case to the jury and the prosecutor's statement that they do not have to prove either is an incorrect statement of the law. This Court concurs with the Applicant's position and finds that trial counsel's performance was deficient as he did not object to the prosecutor's incorrect statement of the law. Further this Court finds that the failure to object prejudiced the defendant by suggesting that they did not have to prove where the crime occurred was not in compliance with the instructions given to them by the trial court. Therefore, this Court grants the Applicant's petition for a new trial.

Issue 12: Trial counsel erred when he failed to object to two letters introduced by Gloria Portee into evidence. The letters were primarily character evidence and had little to no relevance at trial.

A. Summary of Testimony

During the trial of the Applicant, two letters were introduced that were written by the Applicant to a former girlfriend, Gloria Portee. Trial Tr. 378-386. Portions of the letter directly discuss the case and Ms. Portee's statements made to police. Trial Tr. 378, ll. 14-24. However the rest of the letters were simply of a romantic nature and discussed the Applicant's transgressions in their relationship and professed his undying love for Ms. Portee. Trial Tr. pp. 379-386. See PCR, Exhibits 25, 26. No objection was made by trial counsel to the introduction of these letters. Trial Tr. 384, l. 3.

B. Findings of Fact and Conclusions of Law

The S.C. Supreme Court has defined the term "character," as "a generalized description of a person's disposition or a general trait such as honesty, temperance, or peacefulness." . *State v. Nelson*, 331 S.C. 1, at 7. In a criminal case, the State cannot attack the character of the defendant unless the defendant first places his character in issue. *Mitchell v. State*, 298 S.C. 186, 379 S.E.2d 123 (1989) (per curiam). In a similar vein, evidence of other crimes or bad acts is generally inadmissible to prove the crime charged unless the evidence tends to establish (1) motive, (2) intent, (3) absence of mistake or accident, (4) a common scheme or plan, or (5) identity. *State v. Stokes*, 279 S.C. 191, 304 S.E.2d 814 (1983); *State v. Lyle*, 125 S.C. 406, 118 S.E. 803 (1923). Both rules are grounded on the policy that character evidence is not admissible "for purposes of proving that the accused possesses a criminal character or has a propensity to commit the crime with which he is charged." *State v. Peake*, 302 S.C. 378, 380, 396 S.E.2d 362, 363 (1990). These rules have been codified in SCRE 404.

In the present case this court finds that portions of the Gloria Portee letters were admissible. The portions in which the Applicant directly discusses his case and asks Ms. Portee why she told the police a particular story is clearly admissible. Trial Tr. p. 378, ll. 14-21. However, the rest of the letters are purely character evidence. Even the prosecutor, in her closing argument, commented on the character of the defendant, as revealed by the letters, in her closing argument:

And finally, the letters. I'm going to to say I had to laugh when I read that. Here's a man, he's got three women going on at the same time, juggling them in the air. They're talking about breaking up, talking about getting together. Trial Tr. p. 1027, ll. 18-22.

Additionally, the prosecutor asked Ms. Portee what she thought of the letters professing his love for her and Ms. Portee replied, "Bull shit." Trial Tr. 383, l. 10.

It is clear from the record that the prosecution used the letters, in part, to impugn the

character of the Applicant. She specifically commented on his character in her closing argument accusing him of “juggling” three women at the same time. This Court finds that the character evidence contained in the letters is not admissible and trial counsel was deficient for not objecting to the letters being placed into evidence without redaction. This Court further finds that this was a significant piece of evidence that was specifically referred to by the prosecutor in her closing argument and that it unfairly prejudiced the Applicant. Therefore, this Court grants the Applicant’s petition for a new trial.

Issue 13, 14: Trial counsel erred in allowing Wayne Johnson to say that he had an altercation with Bradley and armed himself. Trial counsel failed to object to Bobby Lee Hughes saying that he thought the Defendant might have had something to do with the death.

B. Summary of Testimony

During the Applicant’s trial Wayne Johnson was asked by the prosecution about an “incident” with the Applicant. Mr. Johnson stated that the Applicant had called him one night after the death of the victim and asked for help moving his girlfriend’s car. In response to the call Mr. Johnson commented that he was afraid of the Applicant and didn’t have a gun so he armed himself with steak knives and commented to the jury that he was not afraid of the Applicant and was not afraid to die. There was no indication during this testimony that the Applicant mentioned the murder at all. Trial Tr. pp. 559-561.

Bobby Hughes was also called by the prosecution. During his direct examination by the prosecution Mr. Hughes was asked if he thought the murder “had anything to do with the defendant?” Hughes responded that he kind of did and kind of didn’t think the Applicant was involved but he did think that the Applicant knew more than he told anyone. On cross examination trial counsel for the Applicant addressed the issue again by asking exactly what he

said concerning the Applicant's involvement with the murder. Mr. Hughes responded, I said somewhere or another if he didn't commit the murder himself, he knows something about it and he got something to do with it. If he actually didn't do the killing, he know something about it, he's involved some kind of way." Trial Tr. p. 580.

B. Findings of Fact and Conclusions of Law

The S.C. Supreme Court has defined the term "character," as "a generalized description of a person's disposition or a general trait such as honesty, temperance, or peacefulness." . *State v. Nelson*, 331 S.C. 1, at 7. In a criminal case, the State cannot attack the character of the defendant unless the defendant first places his character in issue. *Mitchell v. State*, 298 S.C. 186, 379 S.E.2d 123 (1989) (per curiam). In a similar vein, evidence of other crimes or bad acts is generally inadmissible to prove the crime charged unless the evidence tends to establish (1) motive, (2) intent, (3) absence of mistake or accident, (4) a common scheme or plan, or (5) identity. *State v. Stokes*, 279 S.C. 191, 304 S.E.2d 814 (1983); *State v. Lyle*, 125 S.C. 406, 118 S.E. 803 (1923). Both rules are grounded on the policy that character evidence is not admissible "for purposes of proving that the accused possesses a criminal character or has a propensity to commit the crime with which he is charged." *State v. Peake*, 302 S.C. 378, 380, 396 S.E.2d 362, 363 (1990). These rules have been codified in SCRE 404.

In the present case both statements made by Mr. Johnson and Mr. Hughes were certainly character evidence and not relevant as to whether or not the Applicant had murdered the victim. They do not comply with the case law concerning character evidence or SCRE 404. The statements were not admitted to show (1) motive, (2) intent, (3) absence of mistake or accident, (4) a common scheme or plan, or (5) identity. They were admitted to simply impugn the character of the defendant and were not related to the elements of the offense. Trial counsel was

deficient for failing to object to both statements and further deficient for asking for clarity as to whether or not Mr. Hughes thought the Applicant was involved in the crime. The statements were speculation at best and both were recalling interactions with the Applicant after they had been led to believe that the Applicant was involved with the crime. These statements were highly prejudicial to the Applicant as they portrayed him as a dangerous person by those close to him. Therefore, this Court finds that the Applicant is entitled to a new trial.

Issue 15: Trial counsel failed to object to hearsay of Officer Wesley Gardner and Clarence McMillan when saying Koenig said he was 100% sure of his identification.

A. Summary of Testimony

Both Officer Wesley Gardner and Officer Clarence McMillan were asked by the prosecution how certain Mr. Koenig was of his identification of the Applicant as being the driver of the blue Volvo. In both instances the officers indicated that Mr. Koenig stated he was 100 percent certain of his identification of the Applicant.

B. Findings of Fact and Conclusions of Law

The S.C. Rules of Evidence provide in Rule 802 that hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court of this State or by statute. Hearsay is defined in Rule 801(c) as a statement, other than one made by the declarant while testify at the trial or hearing, offered in evidence to prove the truth of the matter asserted. Rules 803 and 804 list various exceptions to Rule 802.

SCRE Rule 608(a) states in relevant part, "The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, but subject to these limitations: (1) the evidence may refer only to character for truthfulness or untruthfulness, and (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been

attacked by opinion or reputation evidence or otherwise.”

Initially, pursuant to rule 801(c), the officers’ testimony concerning statements made by Mr. Koenig was hearsay and should have been objected to by trial counsel. Furthermore, officer Wesley Garner clearly improperly bolstered the testimony of Darrell Koenig as Mr. Koenig had not testified at the time he was asked how certain Mr. Koenig was of his identification. Therefore there was no possibility that Mr. Koenig’s credibility had been attacked as required by SCORE 608.

This Court finds that trial counsel’s performance was deficient for failing to object to both officer’s testimony both on the basis it was bolstering and hearsay. Furthermore, Mr. Koenig’s testimony was of critical importance to the prosecution’s case and, therefore, the Applicant was prejudiced by the improper evidence. This Court grants the Applicant’s petition for a new trial.

Issue 16: Appellate counsel erred by not appealing the decision by the trial Judge to give a jury charge on accomplice liability (hand of one is the hand of all). Additionally, appellate counsel did not include relevant case law in her brief that would have likely resulted in a reversal of the conviction.

A. Summary of Testimony

At the Applicant’s trial, trial counsel made an objection to the Judge charging the jury concerning the “hand of one is the hand of all”. Trial Tr. 973. However, the trial court ruled against trial counsel and charged “the hand of one is the hand of all.” Trial Tr. p. 979, ll. 10-14.

Appellate counsel for the Applicant filed a final brief on behalf of the Applicant and argued that there was no direct or substantial circumstantial evidence reasonably tending to prove that the Applicant had murdered the victim. PCR Exhibit 27.

B. Findings of Fact and Conclusions of Law

The trial court is required to charge only the current and correct law of South Carolina. *Sheppard v. State*, 357 S.C. 646, 665, 594 S.E.2d 462, 472-73 (2004). "The law to be charged must be determined from the evidence presented at trial." *State v. Knoten*, 347 S.C. 296, 302, 555 S.E.2d 391, 394 (2001). If any evidence supports a requested jury charge, the trial court should grant the request. *State v. Brown*, 362 S.C. 258, 262, 607 S.E.2d 93, 95 (Ct.App.2004).

Under "the hand of one is the hand of all" theory, "one who joins with another to accomplish an illegal purpose is liable criminally for everything done by his confederate incidental to the execution of the common design and purpose." *State v. Langley*, 334 S.C. 643, 648, 515 S.E.2d 98, 101 (1999).

When ruling on a directed verdict motion, the trial court is concerned with the existence or nonexistence of evidence, not its weight. *State v. Gaster*, 349 S.C. 545, 564 S.E.2d 87 (2002). "A defendant is entitled to a directed verdict when the State fails to produce evidence of the offense charged." *Padgett*, 354 S.C. at 271, 580 S.E.2d at 161. "However, if there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, [the appellate court] must find the case was properly submitted to the jury." *Id.*

The trial court has a duty to submit the case to the jury where the evidence is circumstantial if there is substantial circumstantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced. *State v. Martin*, 340 S.C. 597, 533 S.E.2d 572 (2000); *State v. Williams*, 321 S.C. 327, 468 S.E.2d 626 (1996). Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error. *State v. Irvin*, 270 S.C. 539, 243 S.E.2d 195 (1978). The trial judge should grant a directed verdict, however, when the evidence merely raises a suspicion that the accused is guilty. *State v. Martin*, *supra*. By bringing the case, the State

assumes the burden of proving that the accused was at the scene of the crime when it happened and that he committed the criminal act. *State v. Schrock*, 283 S.C. 129, 322 S.E.2d 450 (S.C., 1984).

In the present case the Applicant argues that his Appellate counsel should have argued the “hand of one” should not have been charged to the jury. The Court agrees with the Applicant. There was no direct or sufficient circumstantial evidence that the murder was carried out by two people. A second person was only mentioned twice during trial testimony. Initially, the victim was seen leaving with the Applicant and another, unidentified man, the last time the victim was seen alive. Then an unidentified man was seen in the blue Volvo with the Applicant. The Court finds that the evidence was insufficient circumstantial evidence that a second person was involved in the murder and therefore the trial court should not have charged “the hand of one”. This also prejudiced the defendant in that the charge suggested that the state’s case was stronger than it actually was. There simply was no sufficient evidence to suggest another person was involved with the murder and therefore the Applicant is entitled to a new trial.

The second issue that the Applicant raises is that his Appellate counsel failed to argue the correct case law when raising the directed verdict issue. See Exhibit 27. The Applicant argues that if appellate counsel had raised the case law that he raised in his PCR hearing then he would have had his appeal granted and remanded for a new trial. This Court agrees with the Applicant. It is apparent when reviewing the case law that the Applicant raised at his PCR hearing that a more clear argument, citing relevant case law would have likely resulted in the Court of Appeals remanding his case for a new trial. Therefore this Court finds that the Applicant is entitled to a new trial.

ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds Applicant abandoned such allegations and failed to meet his burden of proof regarding them. Therefore, they are hereby denied and dismissed.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that the Applicant has established constitutional violations or deprivations that require this court to grant his application. Therefore, this application for post-conviction relief must be affirmed.

This Court notes that that Respondent must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance should a notice of appeal be filed by the Respondent.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief is granted; and
2. The Applicant's case is remanded to the Circuit Court for a new trial.

AND IT IS SO ORDERED this ____ day of _____, 2015.

Presiding Judge
Third Judicial Circuit

_____, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER	)	THIRD JUDICIAL CIRCUIT
	)	
Nathaniel Noel Bradley, #262526,	)	2012-CP-43-01519
	)	
Applicant,	)	
	)	
v.	)	
	)	ORDER OF DISMISSAL
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on July 27, 2012. Respondent submitted its Return on February 12, 2013. An evidentiary hearing was convened on April 15, 2015, at the Sumter County Courthouse. Applicant was present at the hearing and was represented by Bradley M. Kirkland, Esquire. Respondent was represented by Assistant Attorney General Daniel F. Gourley of the South Carolina Attorney General's Office. Following the hearing, the record was left open, and another evidentiary hearing was convened on July 5, 2016 at the Sumter County Courthouse, at which Respondent was represented by Assistant Attorney General Julie A. Coleman.

I. PROCEDURAL HISTORY

The records before this Court indicate that Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. Applicant was true bill indicted at the May 2007 term of the Sumter County Grand Jury for Murder and Possession of Firearm During the Commission of a Violent Crime (2007-GS-43-390). Ernest A. Finney, III, Esquire, represented him. On January 14-18, 2008, Applicant proceeded to a jury trial before the Honorable R. Ferrell Cothran, Jr. On January 18, 2008, Applicant was found guilty of Murder and not guilty of Possession of a Firearm During the

Commission of a Violent Crime. Judge Cothran sentenced Applicant to thirty years' imprisonment for Murder.

Applicant appealed his convictions and an appeal was perfected. The South Carolina Court of Appeals affirmed the conviction. State v. Nathaniel Noel Bradley, 2010-UP-494 (filed November 8, 2010). A Petition for Rehearing was filed on November 23, 2010. In a written order filed December 30, 2010, the South Carolina Court of Appeals denied the Petition for Rehearing. Counsel for Applicant filed a Petition for Writ of Certiorari on April 1, 2011. The State made its Return to Petition for Writ of Certiorari on April 1, 2011. The State made its Return to Petition for Writ of Certiorari on July 12, 2011. In a written Order, the South Carolina Supreme Court denied the Petition for Writ of Certiorari on June 21, 2012. The Remittitur was sent July 5, 2012.

II. ALLEGATIONS

In his current application, Applicant alleges that he is being held in custody unlawfully based on the following allegations:

1. Ineffective Assistance of Counsel
 - a. "Counsel was ineffective for failing to investigate this case by failing to interview potential witnesses."

Applicant filed an amended application on September 19, 2013, alleging the following additional allegations:

1. Ineffective assistance of trial counsel for failure to properly prepare and investigate, specifically, but not limited to the following claims:
 - a. Failure to review and explain the complete discovery materials to Applicant prior to trial.
 - b. Failure to conduct an independent investigation into the evidence and witnesses that formed the State's case against Applicant.
 - c. Failure to call witnesses whose testimony was vital to client's defense. Specifically, failure to obtain expert witnesses to analyze the cell phone information and the wreckage of the burnt car.

Applicant filed a second amended application on April 9, 2015, alleging the following additional allegations:

1. Trial Counsel erred when he failed to move to quash the arrest warrant on the basis that the information in the warrant was demonstrably false and therefore the magistrate issued the warrant based on false information. The warrant claimed that Mr. Bradley committed the murder in Sumter County and an eyewitness placed Mr. Bradley at the scene of the crime. However, at trial, Investigator McMillan admitted that he had no evidence that the victim was killed in Sumter County. (Tr. p. 729-730).
2. Trial counsel erred when he failed to argue in his directed verdict motion that the state had failed to place him at the scene of the crime or show any evidence of his participation in the murder of the victim. (Tr. p. 820-831).
3. Trial counsel erred when he waived the *Neil v. Biggers* hearing and allowed testimony concerning the identification of Mr. Bradley by the states witness, Darrell Koenig. Additionally trial counsel failed to object to the line-up introduced through Mr. Koenig and Mr. Koenig's in court identification of Mr. Bradley. (Tr. p. 583-585; Koenig Testimony p. 621-661).
4. Trial counsel failed to investigate Easy Auto to see if they in fact used yellow temporary tags on their vehicles and if other cars, similar to the blue Volvo, had been sold near the time of the murder. Additionally, trial counsel failed to object to hearsay testimony by an employee of Easy Auto during trial. (Tr. p. 522-524; p. 628, l. 12-18; p. 680-681)
5. Trial counsel failed to object to the prosecutor referring to Mr. Bradley as a liar in her closing argument while arguing that her witnesses were credible. (Tr. p. 1009, l. 3-5; p. 1016, l. 23-25; p. 1017, l. 1-6; p. 1024, l. 3-18; p. 1025, l. 19-24).
6. Failure to call expert witness to challenge the testimony of prosecution witnesses. Furthermore trial counsel informed Mr. Bradley that experts would be at the trial to introduce phone records and give an expert opinion as to the location of the phone. Additionally witnesses that were familiar with the condition of the car at the time of the recovery were not called to testify as to the condition of the car.
 - a. Arson Expert: an arson expert could have testified that a burning car would have produced an immense amount of smoke and would have been easily visible for a long distance during the day. Furthermore, the expert could have testified that the car would have still retained some heat at the time it was discovered if it had in fact been burned after 10:30 am on the day the car was discovered. Mr. Bradley's position is that it is impossible for the car to have been burned after 10:30 am on Sunday morning (when he was allegedly seen by Mr. Koenig driving the car). Therefore, Mr. Koenig's identification of Mr. Bradley was in error and, in fact, impossible.

b. Telecommunications Expert: This expert could have testified that Mr. Bradley's phone was in use during the time frame when Darrell Koenig allegedly saw Mr. Bradley driving the victim's car. The phone records would indicate that Mr. Bradley's phone was miles away from the location that Mr. Koenig allegedly saw Mr. Bradley driving the victim's car and during the time frame in which the car was allegedly burned by Mr. Bradley. Furthermore, the phone records would have corroborated Mr. Bradley's alibi witnesses.

c. Eyewitness Identification Expert: This expert could have testified to the inherent unreliability of eyewitness identifications.

7. Trial counsel failed to properly investigate Mr. Bradley's alibi witnesses. Although trial counsel did call Calvin Davis as an alibi witness (Tr. p. 864-884) he failed to call Glenn Moses (and others) who were also present and would have corroborated Mr. Davis' testimony.
8. Trial counsel failed to move for a mistrial when the security belt worn by Mr. Bradley accidentally discharged and caused Mr. Bradley to fall out of his chair (Tr. p. 201-206).
9. Trial counsel erred when he called the defendant's brother, Paul Bradley, to testify that the defendant told him that the victim was deceased prior to police finding the body. (Tr. 934-935).
10. Trial counsel failed to object to hearsay testimony entered by Mr. Koenig. Mr. Koenig testified that his neighbors told him that police were looking for a blue Volvo with temporary tags (Tr. p. 634-635).
11. Trial counsel failed to object to the prosecutor asserting that she did not have to prove when or where the victim was murdered (Tr. p. 93).
12. Trial counsel erred when he failed to object to two letters introduced by Gloria Portee into evidence. The letters were primarily character evidence and had little to no relevance at trial. (Tr. p. 378-386)
13. Trial counsel erred in allowing Wayne Johnson to say that he had an altercation with Bradley and armed himself (Tr. p. 560).
14. Trial counsel failed to object to Bobby Lee Hughes saying that he thought the Defendant might have had something to do with the death. (Tr. p. 570, 580)
15. Trial counsel failed to object to hearsay of Officer Wesley Gardner and Clarence McMillan when saying Koenig said he was 100% sure of his identification. (Tr. p. 613, 715).
16. Appellate counsel erred by not appealing the decision by the trial Judge to give a jury charge on accomplice liability (hand of one hand of all). Additionally, appellate counsel did not include relevant case law in her brief that would have likely resulted in a reversal of the conviction. (Tr. p. 972-974; p. 979).

At the evidentiary hearing, Applicant informed this Court that he was abandoning issue number 7 regarding the failure to investigate alibi witnesses. Applicant proceeded on all other allegations presented in the most recent amendment, but abandoned all previous amendments.

III. APPLICABLE LAW

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625. With respect to guilty pleas, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366 (1985).

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V. SUMMARY OF RELEVANT TESTIMONY

At the evidentiary hearings, Applicant testified on his own behalf and presented testimony from Lori Van Wallendael, Ben Levitan, Daniel N. Olson, and Derrick Slater. Respondent presented testimony from Trial Counsel Ernest A. Finney, III.

Lori Van Wallendael testified that she has Ph. D. in Experimental psychology and she currently works at the University of North Carolina in Charlotte. Dr. Van Wallendael stated that her work involves experimental studies of the accuracy of simultaneous photo lineups compared to sequential photo lineups. This Court found that Dr. Wallendael was qualified as an expert witness in the field of psychology of eyewitness identification.

Dr. Van Wallendael testified that there were multiple problems with the photo lineup identification in this case, starting with the fact that it was a cross-racial identification. She stated that the eye witness Daryl Koenig was white and he was identifying a black male. She stated there are many decades of studies that show that people in general are not very good at identifying people of other races, and the percentage of false identifications in these situations go up by around fifty percent. She further testified that the photographs chosen for the lineup were chosen from a description that was not very detailed but was generic.

Dr. Van Wallendael testified that Daryl Koenig was a very confident witness and told the jury that he was 100 percent confident in his identification. She stated that, statistically, juries tend to believe confident witnesses, but witnesses who are completely certain of their choices are sometimes incorrect. She stated that Daryl Koenig testified that he held eye contact with the driver of the car for fifteen seconds, but based on the way human memory works, she estimated that in reality it was really more like five to ten seconds of eye contact.

Dr. Van Wallendael testified that in 2008, when the trial was held, the current studies on eye witness identification did not exist and the beliefs of experts in this field might have been different at that time. She agreed that Daryl Koenig saw the person driving the car two separate times in good lighting, in stress-free conditions, in an area where there were no other people around, all of which would make his identification more accurate.

Ben Levitan testified that he was from Raleigh, North Carolina, and he is an electrical engineer who specializes in cell phone networks and design of cell phone networks, which he has done for 25 years. This Court found that he was qualified as an expert witness in the historical analysis of cell phone records. Mr. Levitan testified that the list of cell phone towers used at trial was not a complete list and was missing some of the cell phone towers in the Sumter area.

Mr. Levita testified that upon his analyzation of the cell phone records, Applicant's phone was being used by signals from a cell phone tower that was 23.25 miles from where witness Daryl Koenig testified that he saw Applicant on Sunday morning driving a blue Volvo. He stated that this would contradict Mr. Koenig's story but was consistent with the testimony of Calvin Davis, who said that he saw Applicant with his phone one mile from Donna McDuffy's house at the time. He stated that the cell phone tower pings were consistent in the timeline with Applicant's alibi testimony, including a voicemail that he was said to have left, his presence at Tina's house, where he was said to be painting, and at the cookout on Sunday afternoon.

Mr. Levita concluded that (1) Applicant's cell phone's movements and locations are generally consistent with the testimony presented on his behalf at trial; (2) this evidence was absolutely conclusive that the phone was excluded from being in the area of Boyle's Pond and Cobblestone Road between 9:30 A.M. and 10:15, where Daryl Koenig placed him; and (3) the

evidence shows that Applicant's phone was never used during this period of time by the cell phone tower near the cemetery, where the burned car was found.

Daniel N. Olson testified that he lives in Chapin, South Carolina, and he works for a company called Warren that does engineering consulting for forensic purposes. He stated that he is certified as a fire and explosion investigator. This Court found that he was qualified as an expert witness in the area of mechanical engineering and the origin and cause of machinery and automobile fires. Mr. Olson testified that, in his opinion, if the Volvo had been set on fire by 10:17 A.M., when the State suggested in their timeline that it was burned, it still would have been smoldering when it was discovered at 2:30 P.M. He stated that, in his opinion, witnesses did not see this car burning because the timeline for how long it would take this car to burn is not consistent with the short amount of time that elapsed in the State's timeline.

Following his testimony, the record was held open and a second evidentiary was convened. Applicant took the stand and testified that Trial Counsel should have moved to quash the indictment based on the fact that none of the witnesses could place him at the scene of the crime. He stated that Trial Counsel did not properly argue the motion for a directed verdict because he did not cite any case law in his argument, and he did not argue that the State failed to place him at the scene of the crime.

Applicant testified that Trial Counsel erred by waiving the Neil v. Biggers hearing because the eye witness who identified Applicant was a white male identifying a black male, and he only got a seven second glimpse of him. He stated that he did not understand what they were waiving at the time, that it was Trial Counsel's decision to waive the hearing because the judge wanted to go deer hunting on Saturday and did not want the trial to extend into the weekend. He

stated that Trial Counsel should have objected to and challenged the photo lineup used to identify him because his photograph stuck out from the other photos.

Applicant testified that Trial Counsel should have investigated the case more by checking to see if Easy Auto really sold cars with yellow temporary paper tags on them, because the eyewitness Daryl Koenig testified that the blue Volvo that Applicant was driving had yellow temporary tags. He stated that the owner of the car, Martha Ransom, testified at trial that her car had a red tag on it. Applicant testified that during the trial, one of the officers pushed a button that caused his electric shock belt to go off, which shocked him and knocked him to the floor in front of the jury. He stated that, even though the record showed that the belt malfunctioned, he saw the officer press the button with his own eyes. He stated that Trial Counsel should have asked for a mistrial in response to this shock instead of just asking for a curative instruction, which was given by the Court.

Applicant testified that Trial Counsel put up witness Paul Bradley, Applicant's brother, and this witness expressed to the jury that Applicant knew about the death before the police did. Applicant testified that the Gloria Portee letters were introduced at trial, and while they were admissible, they were primarily used as character evidence against him, and those parts of the letter should have been redacted before being introduced to the jury. Applicant testified that Appellate Counsel was ineffective for failing to brief the issue of "hand of one hand of all" which was charged to the jury and objected to by Trial Counsel.

Following his testimony, Derrick Slater testified that he works for Pilgrim's Pride towing service. He stated that he is the person that towed the burned Volvo that was discovered in this case. He testified that he went out to tow the car around 5:30 or 6:00 P.M. that evening and two officers were at the scene. Mr. Slater stated that he touched the hood of the car to hook it up to

his tow truck, and the car was not hot when he touched it. He stated that if the car were hot, it would have burned through his glove and he would have felt heat coming off of it. He stated that the car smelled burnt, but it was not hot. He stated that he always wears gloves when he tows cars.

Trial Counsel then took the stand. Trial Counsel testified that he was retained in this case and he met with Applicant about two dozen times before his trial. He stated that this was a circumstantial evidence case and the State presented evidence at trial that Applicant and the Victim knew each other and had a prior dispute about a work van being impounded. He stated that the evidence showed that Applicant and Victim were at Victim's house at 5:30 P.M. on Friday evening, and they were both seen leaving the house in two separate vehicles. He stated that Victim left the house in the blue Volvo that his girlfriend owned, and Applicant got into a different car with an unknown man and left. Victim was never seen again until his body was found floating in Boyle's Pond the following Monday.

Trial Counsel testified that the unknown man in Applicant's car was an issue throughout the case; multiple witnesses testified that they had seen Applicant with this unknown man at several times through the weekend, but he was never identified at trial. He stated that his investigation involved finding alibi witnesses, and they presented nine witnesses at the trial to account for Applicant's whereabouts during every moment of the entire weekend timeline.

Trial Counsel testified that his trial strategy was to cast reasonable doubt on the State's case by emphasizing to the jury that there was no direct evidence in this case and they had no proof that Applicant took the life of Victim. He stated that they argued that the State did not know concretely which county the crime was committed in. He stated that they argued that there was no motive for Applicant to kill his friend and business partner.

Trial Counsel testified that the indictment in this case was true billed, and even if it had been quashed, the State could have direct presented the indictment. He stated that he moved to quash the indictment based on the argument that the State did not have evidence to prove which county in which the crime was committed. He stated that during the trial he moved for a directed verdict based on the same argument, but his motion was not successful. Trial Counsel testified that the record indicates that he consulted with his client about waiving the Neil v. Biggers hearing and Applicant did not have an objection to that. He stated that in his opinion, there was no sufficient basis to challenge the admissibility of the photo lineup, but he argued to the jury that the witness, Daryl Koenig, did not have much time to see the man driving the car and that it was a cross-racial identification. He stated that he elicited the inconsistencies of the identification during cross-examination before the jury.

Trial Counsel testified that the color of the paper tag on the Volvo was not something that they focused on in their strategy, because he believed that the discrepancies in the story weren't going to match up. He stated that there was no question that the burned Volvo was Martha Ransom's car and it was found burned. He stated that, at the time, he did not think it was necessary to object to the hearsay testimony by the Easy Auto employee because Ms. Ransom had testified at trial and she was available to talk about what she had done with the car. He stated that he did not think it was technically hearsay or that it was harmful to their case because it was cumulative.

Trial Counsel testified that he did not see any reason to object to the Solicitor's closing argument because he did not think she did anything improper or unconstitutional, and at the time, he did not think her comments were harmful to their case. He stated that he thoroughly cross-examined the State's expert witness on the location of the cell phone towers that Applicant's

phone was connected to on Sunday morning, which were on the north side of town when he was alleged to have been over by Boyle's Pond. He stated that he used that witness to demonstrate to the jury that the cell phone records supported Applicant's story that he was doing work at Ms. McDuffy's house all morning. He stated that he cross-examined the State's arson expert about the heat of the burned Volvo and that the family that discovered the car at 2:30 on Sunday afternoon did not see any smoke or feel heat coming from the car.

Trial Counsel testified that when Applicant's electric shock belt went off during the trial, he told the trial judge that if he could not give a reasonable curative instruction to the jury, he would request a mistrial. He stated the court did give a curative instruction. He stated that the reason he did not move for a mistrial is because he thought at the time that they were doing very well and he did not want a small technical issue to stop their trial. He stated that, during the recess while they were calming Applicant down after his shock, he discussed Applicant their options and explained that if they requested a mistrial, they would have to pick a new jury and wait a month or two longer. He stated that Applicant agreed with him not to move for a mistrial. '

Trial Counsel testified that he called Paul Bradley as a witness because he was the leader of the family and he was a very good witness to show that the Bradley family was a solid family. He stated he was also on the timeline of Applicant's story because he met Applicant on the night of the prom to give him some money to buy a camera. He stated that when Paul Bradley testified to the jury that Applicant told him the Victim was dead at 1:00 P.M. on Monday, he was just estimating the time and did not recall the exact time when he spoke to Applicant.

Trial Counsel testified that he did not find Daryl Koenig's hearsay testimony about his neighbors to be objectionable at the time. He stated that he argued in a pre-trial motion that the venue and jurisdiction were not proper because of the State's lack of evidence that the crime took

place in Sumter County. He stated that the trial judge told them in his decision that there was evidence presented that would allow a reasonable jury to conclude that it occurred in Sumter County—the dead body was located in Sumter County, the burned car was found in Sumter County, and the Victim was last seen at his house in Sumter County.

Trial Counsel stated that he would not have been able to keep the Gloria Portee letters out of evidence even if he had objected to them. He stated that he did not feel the need to object to Wayne Johnson's testimony about arming himself to meet with Applicant because it did not make Applicant look dangerous, but it made Mr. Johnson look "skitterish." He stated that he did not believe Bobby Lee Hughes's testimony was very important or that he needed to object to it because he showed that Applicant and the Victim were close friends. Trial Counsel stated that he did not believe he could have objected to Officer Wesley Gardner's testimony about Mr. Koenig's 100 percent confidence in his identification, because his testimony was a recollection of his identification.

VI. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

As a matter of general impression, this Court finds Applicant's testimony and assertions to be not credible. In contrast, this Court finds Counsel's testimony to be credible and persuasive. These credibility findings have been applied to the Court's findings and conclusions set forth below.

INEFFECTIVE ASSISTANCE OF COUNSEL

Applicant has asserted several allegations of ineffective assistance of counsel. This Court finds these claims to be meritless and they should be denied and dismissed with prejudice. Each allegation presented at the evidentiary hearing is addressed below.

Failure to move to quash arrest warrants

Applicant alleges that Trial Counsel was ineffective for failing to move to quash the arrest warrants. This allegation is meritless. Trial Counsel testified that there were no legal grounds on which to challenge the arrest warrant. This Court finds that the arrest warrants were properly issued and any challenge to their issuance would have been unsuccessful. Therefore, Trial Counsel cannot be deficient for failing to object. Furthermore, Applicant was not prejudiced by this failure to object because it would not have changed the outcome of the proceeding. Applicant has failed to prove either prong of the Strickland standard, and this allegation is denied and dismissed with prejudice.

Improper directed verdict motion

Applicant alleges that Trial Counsel was ineffective for failing to argue in his directed verdict motion that the State failed to place him at the scene of the crime or show any evidence of his participation in the murder. This allegation is meritless.

At the close of the State's case, Trial Counsel made a motion for a directed verdict.

MR. FINNEY: Your Honor, please. On behalf of Mr. Bradley, the defense would move at this time for a directed verdict of not guilty as to the charge of murder and possession of a handgun during a violent crime.

The State has failed to show in the light most favorable to the defendant that Mr. Bradley had anything to do with the death of Mr. James.

Tr. at 822. Trial Counsel did argue to the trial court that the State failed to place Applicant at the scene of the crime, and he went on further to argue that the State failed to prove that the crime

was committed in Sumter County. The trial court denied the motion, finding that, according to South Carolina case law, there was enough evidence presented in this case to allow a jury to find Applicant guilty.

This Court finds that Trial Counsel properly argued his motion for a directed verdict and was not deficient in his argument. Furthermore, this Court finds that, based on the trial court's indications within the record, the argument Applicant asserts Trial Counsel should have made would not have been successful. Therefore, Applicant has failed to show both deficiency and prejudice, and this allegation is denied and dismissed with prejudice.

Inappropriate waiver of Neil v. Biggers hearing

Applicant alleges that Trial Counsel was ineffective for waiving the Neil v. Biggers hearing before the trial. This allegation is meritless.

Trial Counsel testified at the evidentiary hearing that he consulted with Applicant about their decision to waive the hearing, and Applicant consented to the waiver. Trial Counsel testified that there was no legal reason to challenge the admissibility of the photo lineup, and even if he had argued against it in a hearing, he would not have been successful. Finally, he stated that he brought out the inconsistencies of the photo lineup to the jury and he cross-examined the eyewitness, Daryl Koenig about the cross-racial identification. Therefore, this Court finds that Trial Counsel acted within reasonable professional norms, and Applicant has failed to show that he was prejudiced by Trial Counsel's actions. This allegation is denied and dismissed with prejudice.

Failure to investigate Easy Auto tags

This Court finds that Trial Counsel was not ineffective in his representation regarding the investigation of Easy Auto temporary tags. There was some discrepancy based on the testimony

of whether the temporary tags on the Volvo that Applicant was seen driving on the morning in question were colored yellow or red. Applicant alleges that Trial Counsel should have investigated Easy Auto car sales to see what color their tags really were. While the eyewitness, Daryl Koenig claims that he spotted the car with a yellow tag, there was also testimony in evidence at trial by the owner of the vehicle that she could not remember the color, but they may have been red. Tr. at 522-524. While Daryl Koenig did describe the tags as yellow, as Applicant argued at the hearing, the trial transcript indicated that he described the tags as yellow with red writing on it, which corroborates the testimony of Martha Ransom, the car's owner. These descriptions do not contradict each other. Trial Counsel credibly testified that in his opinion the temporary tags were not an important issue and this evidence was cumulative.

This Court finds that Trial Counsel was not deficient in failing to investigate the actual color of the temporary tags. Furthermore, Applicant has failed to prove that he was prejudiced by this inaction. He not only has not shown that the tag was actually a different color, but he has also failed to prove that the jury would choose not to believe Daryl Koenig's testimony based solely on this detail, thus changing the outcome of the proceeding. Therefore, this allegation is denied and dismissed with prejudice.

Failure to object to prosecutor's closing argument

Applicant alleges Trial Counsel was ineffective for failing to object to Solicitor's closing argument remarks about his credibility. This allegation is meritless.

Trial Counsel credibly testified that he did not see any reason to object to the Solicitor's closing argument because he did not think she did anything improper or unconstitutional, and at the time, he did not think her comments were harmful to their case. He stated that his general strategy for objections during closing arguments is to allow the prosecution to make their

argument without interrupting unless there is an obviously objectionable statement that will harm his client.

Strickland requires that trial counsel must be given leeway to make reasonable strategic decisions. No particular set of detailed rules for counsel's conduct can satisfactorily take account of the variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how best to represent a criminal defendant. Strickland v. Washington, 466 U.S. 668, 688-689 (1984). "Representation is an art, and an act or omission that is unprofessional in one case may be sound or even brilliant in another." Id. at 691. Therefore, judicial scrutiny of counsel's performance must be highly deferential. Id. at 689. Where counsel articulates a valid strategic reason for his action or inaction, counsel's performance should not be found ineffective. Roseboro v. State, 317 S.C. 292, 454 S.E.2d 312 (1996); Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992); Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992). Courts must be wary of second guessing counsel's trial tactics; and where counsel articulates a valid reason for employing such strategy, such conduct is not ineffective assistance of counsel. Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992).

Because Trial Counsel offered a reasonable strategy for choosing not to object, and because the statements the Solicitor made were not improper or prejudicial, this allegation is denied and dismissed.

Failure to present expert witnesses

This Court finds that Trial Counsel was not ineffective for failing to present testimony from expert witnesses in any of the three areas Applicant alleged he should have—arson, eyewitness identification, and cell phone records. The trial transcript indicates that Trial Counsel clearly cross-examined the State's witnesses on all three of these topics and had them show to the

jury the same weaknesses in the State's evidence that a defense expert witness could. Trial Counsel testified at the evidentiary hearing that he believed it was more persuasive for the jury to hear evidence supporting Applicant coming from the State's lead investigators and experts than to have it presented by a witness for the defense, and this Court agrees. Because the information was presented to the jury through the State's witnesses, this Court finds that there can be no prejudice to Applicant's case, and the outcome of the case would not have been different.

Since Applicant has failed to show any deficiency or prejudice for failing to present these witnesses, this allegation is denied and dismissed with prejudice.

Failure to move for a mistrial

Applicant alleges that Trial Counsel should have moved for a mistrial after Applicant was given an electric shock during the trial and fell out of his chair in front of the jury. Trial Counsel credibly testified that he considered asking for a mistrial but chose not to because he believed the trial was going well for them at that point in the proceeding and he believed that starting over at a later date would risk losing the progress they had made. This strategy is valid and Trial Counsel was not deficient for this choice. The transcript indicates that the trial court gave a curative instruction, which was more beneficial to the defense than to the prosecution. Therefore, there is no prejudice to the Applicant. Since Applicant has failed to meet his burden of proving either prong of the Strickland test, this allegation is denied and dismissed with prejudice.

Inappropriately calling witness Paul Bradley

Applicant alleges that Trial Counsel was ineffective for calling a witness who testified that Applicant called him and told him the Victim was dead two hours before law enforcement found the Victim's body.

Trial Counsel articulated valid strategical reasons for calling witness Paul Bradley, including using his testimony to fill the gaps in Applicant's timeline to show that he was taking his step-daughter to the prom that evening instead of participating in the murder, and to show the jury that Applicant came from a strong family with a good, solid family leader. This strategy will not be questioned by this Court using the benefit of hindsight.

Moreover, Applicant has failed to meet his burden of proving that Applicant was prejudiced by this inadvertent piece of testimony alone. Paul Bradley did not specifically state that Applicant told him about the death before law enforcement knew about it; he was only estimating a general time that afternoon that he spoke to Applicant. Even without this testimony, the jury likely would have considered the rest of the State's evidence against Applicant and found him guilty of this crime. Therefore, this allegation is denied and dismissed with prejudice.

Failure to object to hearsay testimony by Mr. Koenig

This Court finds that Trial Counsel was not deficient in failing to object to the hearsay testimony by Mr. Koenig regarding his neighbors. Trial Counsel credibly testified that he did not find the testimony to be objectionable at the time. Any objection might have drawn even more attention to the testimony before the jury. Furthermore, this piece of testimony alone would not have changed the outcome of the case. Therefore, this allegation is denied and dismissed with prejudice.

Failure to object to lack of proof of time or location of crime

This Court finds that Applicant has failed to prove that Trial Counsel was ineffective for any reason in this regard. Trial Counsel did in fact make several arguments to the trial court about the fact that the State had not placed Applicant at the scene of the crime or given an exact time or location for the murder. Trial Counsel argued in a pre-trial motion that the charges

should be dismissed based on these grounds, but his motions were denied and the trial court found that, based on South Carolina law, the Solicitor did not have to prove exactly when and where the crime happened as long as a reasonable jury could conclude convict Applicant on the evidence presented. Applicant has failed to show that Trial Counsel did not make this argument, and that making this argument again would have changed the outcome of the trial court's ruling or the jury's verdict. Therefore, this allegation is denied and dismissed with prejudice.

Failure to object to Gloria Portee letters

Trial Counsel credibly testified that the letters written by Applicant to Gloria Portee which were admitted as evidence at trial were admissible and he saw no legal reason he would be able to keep them out of evidence. This Court agrees. Therefore, Trial Counsel cannot be ineffective for making an argument that would not have been successful or changed the outcome of the trial. This allegation is denied and dismissed with prejudice.

Wayne Johnson's testimony

This Court finds that Wayne Johnson's testimony was not harmful enough to Applicant to change the outcome of the trial. Wayne Johnson never testified that there was an altercation between himself and Applicant, and Applicant alleges. Trial Counsel credibly testified that he believed his testimony made himself look worse than it made Applicant look to the jury. Mr. Johnson did not testify about Applicant arming himself or harming anyone else. His testimony only concerned his actions which were based on his own suspicions. Therefore, Trial Counsel was not ineffective for this reason and this allegation is denied and dismissed with prejudice.

Failure to object to testimony of Bobby Lee Hughes

Trial Counsel testified that he did not believe Bobby Lee Hughes's testimony was very important or that he needed to object to it because he showed that Applicant and the Victim were close friends. His strategical decision not to object to this testimony was valid and was not deficient. Furthermore, this testimony alone did not change the outcome of the case. This allegation is denied and dismissed with prejudice.

Failed to object to hearsay testimony by Officer Wesley Gardner and Clarence McMillan

Trial Counsel credibly testified that he could not have objected to the testimony by the investigating officers about the recollections of a witness they identified. Their testimony was admissible as evidence they gathered over the course of the investigation. Furthermore, the testimony they presented was about the eyewitness identification by Daryl Koenig. Mr. Koenig testified at trial about his identification, and the jury had the opportunity to hear him testify and weigh his credibility themselves. This testimony was not prejudicial. Therefore, this allegation is denied and dismissed with prejudice.

Failure of Appellate Counsel to brief accomplice liability issue

Applicant alleges ineffective assistance of appellate counsel for failing to brief the accomplice liability issue. A defendant is entitled to effective assistance of appellate counsel. Southerland v. State, 337 S.C. 610, 615, 524 S.E.2d 833, 836 (1999). Although appellate counsel is required to provide effective assistance of counsel, "appellate counsel is *not* required to raise every non-frivolous issue that is presented by the record." Thrift v. State, 302 S.C. 535, 539, 397 S.E.2d 523, 526 (1990) citing Jones v. Barnes, 463 U.S. 745, 103 S.Ct. 3308, 77 L.Ed.2d 987 (1983). "For judges to second-guess reasonable professional judgments and impose on ... counsel

a duty to raise every 'colorable' claim suggested by a client would disserve the very goal of vigorous and effective advocacy..." Jones, 463 U.S. at 754, 103 S.Ct. 3308.

Generally, in analyzing a claim of ineffective assistance of appellate counsel, the Court applies the Strickland test just as it would when analyzing a claim of ineffective assistance of trial counsel. See Southerland v. State, 337 S.C. 610, 616, 524 S.E.2d 833, 836 (1999). Thus, in this case, we ask 1) whether appellate counsel's performance was deficient, and 2) whether Respondent was prejudiced by appellate counsel's deficient performance. Bennett v. State, 383 S.C. 303, 309, 680 S.E.2d 273, 276 (2009). To prove prejudice, the applicant must show that, but for counsel's errors, there is a reasonable probability he would have prevailed on appeal. Anderson v. State, 354 S.C. 431, 434, 581 S.E.2d 834, 835 (2003).

This Court finds that Appellate Counsel's choice of which issues which would be most successful to brief was not deficient. Furthermore, Applicant has failed to prove that the accomplice liability issue would have prevailed on appeal, and there can be no prejudice. Therefore, this allegation is denied and dismissed with prejudice.

ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds the Applicant has abandoned any such allegations.

VII. CONCLUSION

Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this ____ day of _____, 2017.

GEORGE C. JAMES JR.
Presiding Judge
Third Judicial Circuit

_____, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED

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IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Nathaniel Bradley, #262526,

JAMES C. DUMPLELL
CLERK OF COURT
SUMTER COUNTY, S.C.

Case No. 2012-CP-43-01519

Applicant,

v.

State of South Carolina,

Respondent.

CERTIFIED TRUE COPY
OF ORIGINAL FILED

DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

**ORDER DENYING
POST CONVICTION
RELIEF APPLICATION**

This matter comes before the Court by way of a post-conviction relief application filed on July 27, 2012. The Respondent made its Return on February 12, 2013. An evidentiary hearing into the matter was convened on April 15, 2015, and on July 5, 2016, at the Sumter County Courthouse. The Applicant was present at the hearings and was represented by Bradley M. Kirkland. The Respondent was represented by Assistant Attorney General Daniel Gourley and Assistant Attorney General Julie Coleman. After the July 5, 2016 hearing, the Court granted the Applicant's request for leave to obtain the transcripts of the two PCR hearings, and after the transcripts were delivered, the parties submitted proposed orders to the Court on March 20, 2017. The Court has undertaken an exhaustive review of the trial transcript, the PCR transcripts, the evidence submitted, and the arguments of counsel. The Court concludes the application for relief must be denied.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. He was indicted in May 2007 by the Sumter County Grand Jury for murder and possession of a firearm during the

commission of a violent crime (2007-GS-43-390). Ernest A. Finney, III, Esquire (trial counsel), represented him. On January 14-18, 2008, the Applicant proceeded to a jury trial before the Honorable R. Ferrell Cothran, Jr. On January 18, 2008, Applicant was found guilty of murder and not guilty of possession of a firearm during the commission of a violent crime. The trial judge sentenced the Applicant to thirty years imprisonment for murder.

The Applicant appealed, and the South Carolina Court of Appeals affirmed the conviction. *State v. Nathaniel Noel Bradley*, 2010-UP-494 (filed November 8, 2010). The Court of Appeals denied the Applicant's Petition for Rehearing. The Applicant filed a Petition for Writ of Certiorari on April 1, 2011. The State submitted its Return to Petition for Writ of Certiorari on July 12, 2011. The Supreme Court of South Carolina denied the petition on June 21, 2012. The Remittitur was sent July 5, 2012.

In his original Application, the Applicant alleged that he was being held in custody unlawfully for the following reasons:

1. Ineffective assistance of Counsel

- a. "Counsel was ineffective for failing to investigate this case by failing to interview potential witnesses. Counsel has a duty to investigate, See *Ard v. Catoe*, 642 S.E.2d 590, 597 (2007)."

On April 9, 2015, through PCR counsel Bradley M. Kirkland, the Applicant amended his application to include the following grounds:

1. Trial Counsel erred when he failed to move to quash the arrest warrant on the basis that the information in the warrant was demonstrably false and therefore the magistrate issued the warrant based on false information. The warrant claimed that Mr. Bradley committed the murder in Sumter County and an eyewitness placed Mr. Bradley at the scene of the crime. However, at trial, Investigator McMillan admitted that he had no evidence that the victim was killed in Sumter County. (Tr. p. 729-730).
2. Trial counsel erred when he failed to argue in his directed verdict motion that the state had failed to place him at the scene of the crime or show any evidence of his participation in the murder of the victim. (Tr. p. 820-831).
3. Trial counsel erred when he waived the *Neil v. Biggers* hearing and allowed in testimony concerning the identification of Mr. Bradley by the states witness, Darrell Koenig.



Additionally trial counsel failed to object to the line-up introduced through Mr. Koenig and Mr. Koenig's in court identification of Mr. Bradley. (Tr. p. 583-585; Koenig Testimony p. 621-661).

4. Trial counsel failed to investigate Easy Auto to see if they in fact used yellow temporary tags on their vehicles and if other cars, similar to the blue Volvo, had been sold near the time of the murder. Additionally, trial counsel failed to object to hearsay testimony by an employee of Easy Auto during trial. (Tr. p. 522-524; p. 628, l. 12-18; p. 680-681)
5. Trial counsel failed to object to the prosecutor referring to Mr. Bradley as a liar in her closing argument while arguing that her witnesses were credible. (Tr. p. 1009, l. 3-5; p. 1016, l. 23-25; p. 1017, l. 1-6; p. 1024, l. 3-18; p. 1025, l. 19-24).
6. Failure to call expert witnesses to challenge the testimony of prosecution witnesses. Furthermore trial counsel informed Mr. Bradley that experts would be at the trial to introduce phone records and give an expert opinion as to the location of the phone. Additionally witnesses that were familiar with the condition of the car at the time of the recovery were not called to testify as to the condition of the car.
 - a. Arson Expert: An arson expert could have testified that a burning car would have produced an immense amount of smoke and would have been easily visible for a long distance during the day. Furthermore, the expert could have testified that the car would have still retained some heat at the time it was discovered if it had in fact been burned after 10:30 am on the day the car was discovered. Mr. Bradley's position is that it is impossible for the car to have been burned after 10:30 am on Sunday morning (when he was allegedly seen by Mr. Koenig driving the car 30 miles away). Therefore, Mr. Koenig's identification of Mr. Bradley was in error and, in fact, impossible.
 - b. Telecommunications Expert: This expert could have testified that Mr. Bradley's phone was in use during the time frame when Darrell Koenig allegedly saw Mr. Bradley driving the victim's car. The phone records would indicate that Mr. Bradley's phone was miles away from the location that Mr. Koenig allegedly saw Mr. Bradley driving the victim's car and during the time frame in which the car was allegedly burned by Mr. Bradley. Furthermore, the phone records would have corroborated Mr. Bradley's alibi witnesses.
 - c. Eyewitness Identification Expert: This expert could have testified to the inherent unreliability of eyewitness identifications.
7. Trial counsel failed to properly investigate Mr. Bradley's alibi witnesses. Although trial counsel did call Calvin Davis as an alibi witness (Tr. p. 864-884) he failed to call Glenn Moses (and others) who were also present and would have corroborated Mr. Davis' testimony. (ISSUE ABANDONED).
8. Trial counsel failed to move for a mistrial when the security belt worn by Mr. Bradley accidentally discharged and caused Mr. Bradley to fall out of his chair. (Tr. p. 201-206).
9. Trial counsel erred when he called the defendant's brother, Paul Bradley, to testify that the defendant told him that the victim was deceased prior to police finding the body. (Tr. p. 934-935).
10. Trial counsel failed to object to hearsay testimony entered by Mr. Koenig. Mr. Koenig testified that his neighbors told him that the police were looking for a blue Volvo with temporary tags. (Tr. p. 634-635).
11. Trial counsel failed to object to the prosecutor asserting that she did not have to prove

- when or where the victim was murdered. (Tr. p. 93).
12. Trial counsel erred when he failed to object to two letters introduced by Gloria Portee into evidence. The letters were primarily character evidence and had little to no relevance at trial. (Tr. p. 378-386)
 13. Trial counsel erred in allowing Wayne Johnson to say that he had an altercation with Bradley and armed himself (Tr. p. 560).
 14. Trial counsel failed to object to Bobby Lee Hughes saying that he thought the Defendant might have had something to do with the death. (Tr. p. 570, 580)
 15. Trial counsel failed to object to hearsay of Officer Wesley Gardner and Clarence McMillan when saying Koenig said he was 100% sure of his identification. (Tr. p. 613, 715).
 16. Appellate counsel erred by not appealing the decision by the trial Judge to give a jury charge on accomplice liability (hand of one is the hand of all). Additionally, appellate counsel did not include relevant case law in her brief that would have likely resulted in a reversal of the conviction. (Tr. p. 972-974; p. 979).

FACTUAL BACKGROUND

On Monday, May 23, 2005, the victim was found dead floating in Boyle's Pond in Sumter County. He had been shot dead. A coat hanger was wrapped around his ankle and around a cement block in an unsuccessful effort to keep him submerged. He was last seen by his girlfriend, Martha Ransom, driving out of her driveway in Rembert the immediately preceding Saturday, May 21, at around 5:30 p.m. The Applicant was seen driving his own vehicle, a Chevrolet Beretta, with an unknown black male passenger. According to Ransom, the victim was outside talking with the Applicant and came inside the house in an unsettled state, got the keys to her blue Volvo, went outside, and drove it off, with the Applicant and the unknown man following behind in the Applicant's vehicle. The Applicant gave a statement to law enforcement that when he and the unknown man drove off in front of the victim, they stopped at the end of the driveway, and the unknown man exited his vehicle and got in the Volvo with the victim. The Applicant stated he never saw the victim again.

Trial witness Darrell Koenig testified he owned a vacant six-acre residential lot on Cobblestone Road in Sumter County. Cobblestone Road is across Sumter County from Martha

Ransom's residence in Rembert. Koenig testified he went to his lot early Sunday morning, May 22, to run a backhoe to remove some trees and do other work. He recalled it being a Sunday because he skipped church to go to his lot. He testified that at approximately 9:30 a.m., he saw the Applicant slowly driving a blue Volvo with a bright yellow paper tag with red letters on Cobblestone Road. The victim's body was found the next day—Monday, May 23—in Boyle's Pond, less than a mile from Cobblestone Road.

The blue Volvo was found in Lee County by local resident pedestrians on Sunday, May 22, between 2:30 and 3:30 p.m., the same day Mr. Koenig testified he saw the Applicant driving the vehicle. The Volvo had been totally burned. The Lee County pedestrians testified they had walked in this area the afternoon before, but the vehicle was not there. The location at which the vehicle was found is 20-30 miles away from Cobblestone Road and Boyle's Pond.

SUMMARY OF APPLICABLE LAW

This Court has reviewed the record in its entirety and has considered the testimony and other evidence presented at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, pass upon their credibility, and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 104 S. Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); *Butler*, 286 S.C. 441, 334 S.E.2d 813



(1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. *Butler*, 286 S.C. 441, 334 S.E.2d 813 (1985). The Applicant must overcome this presumption to receive relief. *Cherry v. State*, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." *Cherry*, 300 S.C. at 117, 385 S.E.2d at 625 (citing *Strickland*). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. Below are this Court's findings as to each of the Applicant's allegations of ineffective assistance of counsel.

ISSUE 1: Is the Applicant entitled to a new trial on the ground trial counsel failed to move to quash the arrest warrant on the basis the information in the warrant was demonstrably false and therefore the magistrate issued the warrant based on false information?

A. Summary of Testimony

The Applicant claims the arrest warrant for his murder charge contained demonstrably false statements that resulted in his arrest and prosecution. PCR Tr., July 5, 2016, p. 11. Investigator Clarence McMillan was the affiant. The sole statement in the arrest warrant under the heading of "PROBABLE CAUSE" was "LAW ENFORCEMENT HAS A STATEMENT FROM A WITNESS WHO PLACED THE DEFENDANT AT THE CRIME SCENE. LAW ENFORCEMENT WILL ATTEST TO THE SAME." Applicant's PCR Exhibit 24. The only

witness to whom McMillan could have been referring was Darrell Koenig, who identified the Applicant as the driver of the blue Volvo on Sunday morning, May 22, within one-half mile of where the victim's body was found the following day floating in Boyle's Pond with a cement block tied around his ankle with a coat hanger. There is no evidence in the trial record or the PCR record of any witness placing the Applicant at the scene of the crime. This is obviously because it has never been established *where* the victim was killed, only that his body was found in Boyle's Pond, again, within one-half mile of where Mr. Koenig testified he saw the Applicant driving the blue Volvo the day before the body was found. Indeed, McMillan testified on cross-examination by trial counsel that he had identified no witnesses who saw the murder, that he did not know the date of the murder or the county in which the murder occurred, and that Mr. Koenig only saw the Applicant driving the blue Volvo "in the area where the body was located". Trial Tr. p. 729-730.

B. Findings of Fact and Conclusions of Law

"In *Franks v. Delaware*, the United States Supreme Court held that the Fourth and Fourteenth Amendments gave a defendant the right in certain circumstances to challenge the veracity of a warrant affidavit after the warrant had been issued and executed." *State v. Missouri*, 337 S.C. 548, 553, 524 S.E.2d 394, 396 (1999). The *Franks* test, used primarily with regard to search warrant affidavits, applies in cases in which officers include demonstrably false information in a search warrant affidavit and in which officers omit potentially exculpatory information. *Missouri*, 337 S.C. at 554, 524 S.E.2d at 397. Although *Franks* concerned a search warrant affidavit, the *Franks* rationale has been applied to an arrest warrant affidavit in South Carolina. *State v. Porch*, 417 S.C. 619, 790 S.E.2d 440 (Ct. App. 2016).

Under *Franks*, when the defendant makes a substantial preliminary showing that a false

statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit, and if the allegedly false statement is necessary to the finding of probable cause, the Fourth Amendment requires a hearing be held at the defendant's request. If, at that hearing, the allegation of perjury or reckless disregard is established by the defendant by a preponderance of the evidence, and, with the affidavit's false material set to one side, the affidavit's remaining content is insufficient to establish probable cause, the search warrant must be voided and the fruits of the search excluded to the same extent as if probable cause was lacking on the face of the affidavit. *Franks v. Delaware*, 438 U.S. 154, 155-56 (1978).

The Applicant claims Investigator McMillan knowingly and intentionally, or with reckless disregard for the truth, made a demonstrably false statement in the arrest warrant affidavit, as there was no witness who placed the Applicant at the scene of the murder. The Applicant correctly submits that neither McMillan nor any other witness offered evidence as to where or when the murder occurred. The Applicant claims pursuant to the mandate of *Franks*, if the "PROBABLE CAUSE" portion of the arrest warrant is excised, all that is left is the conclusory statement that Mr. Bradley committed the offense with no explanation whatsoever as to why he was considered connected to the crime. The Applicant claims that by not challenging the arrest warrant, trial counsel's performance was deficient, and that had trial counsel challenged the arrest warrant, the charges against the Applicant would have likely been dismissed.

In *Franks*, the United States Supreme Court held the Fourth and Fourteenth Amendments gave a defendant the right in certain circumstances to challenge the veracity of a warrant affidavit after the warrant had been issued and executed. The Court provided the following two-part test: (1) to mandate an evidentiary hearing, the challengers' attack must be more than conclusory and must be supported by more than a mere desire to cross-examine. There must be

allegations of deliberate falsehood or of reckless disregard for the truth, and those allegations must be accompanied by an offer of proof; and (2) if these requirements are met, and if, when material that is subject of the alleged falsity or recklessness disregard is set to one side, there remains sufficient content in the warrant affidavit to support a finding of probable cause, no hearing is required. *Franks*, 438 U.S. at 171-72, 98 S.Ct. at 2684, 57 L.Ed.2d at 682.

The Court agrees the Applicant could have satisfied the first prong above and an evidentiary hearing would have been required. The Court agrees that if the false portion of the affidavit had been set aside, there would have been no probable cause to arrest the Applicant, and charges would more than likely have been dismissed; however, the Court concludes the Applicant is not entitled to relief on this ground. Trial counsel testified that had the arrest warrant been challenged before indictment and had the warrant been quashed at that time, the solicitor would have simply obtained an indictment through direct presentment to the grand jury, and the case would have proceeded as it did. Therein lies one practical fallacy of applying the *Franks* test to arrest warrant affidavits. With a *search* warrant affidavit, the impact of a finding of a lack of probable cause due to a defective warrant is clear—the evidence may well be excluded at trial and never become admissible. With a defective *arrest* warrant affidavit, the arrest warrant may be voided and the defendant freed, but there remains the likelihood of an indictment obtained by direct presentment to the grand jury. The Court concludes that even if a proper objection would have caused the arrest warrant to have been quashed prior to indictment or trial, the solicitor would have simply obtained an indictment through direct presentment to the Sumter County Grand Jury, and the case would have proceeded to trial exactly as it did, though perhaps at a later date. Therefore, even assuming there was deficient performance by trial counsel in not making a pre-trial motion to quash the warrant before indictment, the Applicant

has not established prejudice, as the Applicant has not established the outcome of his trial would have been different; instead, he has established that his trial would have been held at a different time. The Applicant is therefore not entitled to relief on this ground.

ISSUE 2: Did Trial counsel err when he failed to argue in his directed verdict motion that the state had failed to place him at the scene of the crime or show any evidence of his participation in the murder of the victim?

A. Summary of Issue

The Applicant testified at the PCR hearing that his attorney incorrectly argued the directed verdict motion during his trial. He alleges there is very clear case law requiring the prosecution to place the defendant at the scene of the crime. PCR Tr., July 5, 2016, p. 14. The Applicant argues that while trial counsel did argue the State had not submitted any evidence of the defendant's connection to the crime, he did not specifically argue the State failed to place the Applicant at the scene of the crime. The Applicant also argues trial counsel did not present any case law in support of his position. See Trial Tr. pp. 822-823 and p. 951 for directed verdict motions made by trial counsel after the State rested and at the close of all the evidence.

B. Findings of Fact and Conclusions of Law

The trial court has a duty to submit the case to the jury when the evidence is circumstantial if there is substantial circumstantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced. *State v. Martin*, 340 S.C. 597, 533 S.E.2d 572 (2000); *State v. Williams*, 321 S.C. 327, 468 S.E.2d 626 (1996). Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error. *State v. Irvin*, 270 S.C. 539, 243 S.E.2d 195 (1978). The trial judge should grant a directed verdict, however, when the evidence merely raises a suspicion that the accused is guilty. *State v. Martin*. By bringing the case, the State assumes

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the burden of proving the accused is guilty beyond a reasonable doubt. *State v. Schrock*, 283 S.C. 129, 322 S.E.2d 450 (1984). In a murder case, the State may meet this burden by establishing the defendant committed the murder himself or by proving the defendant is guilty under the accomplice liability theory.

There was no direct physical evidence linking Mr. Bradley to the murder. The prosecution admitted it had to prove its case by the use of circumstantial evidence. Trial Tr. p. 1010, 4-19. The State admitted it did not know the time of death or the location of the death. Trial Tr. p. 729-730. Direct physical evidence established only that the victim was shot and his body placed in Boyle's Pond.

The Court respectfully rejects the Applicant's claim that trial counsel failed to properly argue the directed verdict motion. At the close of the State's case, trial counsel argued in his directed motion that the State had failed to show the Applicant "had anything to do with the death of Mr. James." He further argued "[t]he best evidence is that there's no connection to Mr. Bradley to that death. The best evidence is that there's --no assistance was given to or by Mr. Bradley to anyone who caused Mr. James' death."

At the close of all the evidence, trial counsel renewed his directed verdict motion by stating, "there has been no evidence showing that the defendant committed the crime of murder, that he even circumstantially was around the victim at the time of death, and that he had no way of causing this death through the evidence that's been submitted to this Court."

The trial record clearly refutes the Applicant's claim that trial counsel did not argue the State had not placed him at the scene of the crime or show any evidence of his participation in the murder. That is precisely what trial counsel argued.

ISSUE 3 and Issue 6 (c): Was trial counsel deficient in waiving a *Neil v. Biggers* hearing, thus allowing testimony concerning the identification of Mr. Bradley by the State's witness,

Darrell Koenig? Additionally, did trial counsel deficiently fail to object to the line-up introduced through Mr. Koenig and Mr. Koenig's in court identification of Mr. Bradley? Finally, should trial counsel have called an identification expert?

A. Summary of Testimony

The Applicant testified trial counsel never informed him of his right to challenge the eyewitness identification of Darrell Koenig. He claims trial counsel waived the *Neil v. Biggers* hearing without his consent at trial. PCR Tr., July 5, 2016; Trial Tr. 584-585.

Darrell Koenig, a trial witness for the prosecution, claimed to have seen the Applicant driving the victim's car approximately five hours before the car was found burned in Lee County 20 or 30 miles away but very near to where the victim's body was found the next day. Officer McMillan conceded his "theory of the case" revolved around Mr. Koenig's testimony. Trial Tr. p. 730. Mr. Koenig testified he owned a vacant residential lot on Cobblestone Road near where the victim's body was found. He testified that on Sunday, the day before the body was found, he was working along the edge of the road in a ditch leveling out soil. He testified he saw a blue Volvo sedan drive past him twice. Trial Tr. pp. 627-628. Mr. Koenig initially testified he was sitting down in the ditch looking up when the Volvo passed. Trial Tr. 637. The transcript of trial counsel's cross-examination reflects Mr. Koenig stating he was "back in the woods" when he saw the Volvo. Trial Tr. p. 659. The Court concludes this is a clerical error in the transcript and that the transcript should have reflected that some *equipment* he had rented was "back in the woods". The Court so concludes because Koenig testified several times that when the Volvo passed him, he was at the edge of the street and was only several feet away from the Volvo; this would make it impossible for him to have been back in the woods. Whatever the case, Koenig picked the Applicant out of a six-person photo lineup. Trial Tr. pp. 638-639.

At the PCR hearing, Lori Van Wallendael was called by the Applicant and was qualified

as an expert in the field of the psychology of eyewitness identification. Initially Ms. Van Wallendael testified that in studies in which she has participated and relied upon in her research, the standard "six-pack" style line-up was less reliable than showing a potential eye witness one photo at a time and asking them if they recognize the person. PCR Tr., April 15, 2016, p. 13-14. She further testified she reviewed the testimony of Darrell Koenig, the testimony of the two officers who administered the line-up to Mr. Koenig, and a black and white copy of the photo line-up that was shown to Mr. Koenig. PCR Tr., April 15, 2015, p. 20. She also explained the currently accepted theory of the model of memory. PCR. Tr., April 15, 2015, pp. 21-25.

Ms. Van Wallendael explained there are many decades of studies indicating cross-racial identifications are not as accurate as same-race identifications and that in this case Mr. Koenig is a white male and the Applicant is a black male. PCR Tr., April 15, 2015, pp. 25-26. Furthermore she noted law enforcement used a standard "six-pack" style line-up rather than the more reliable sequential line-up. PCR Tr., April 15, 2015, p. 28. She explained a sequential lineup is when a witness is shown photographs one at a time instead of placing the photos on one page for the witness to view at the same time, which is a "non-sequential" or "simultaneous" lineup. She noted Mr. Bradley's photo in the line-up was slightly different than the other photos as he was looking to the side and his mouth was slightly open whereas the others in the lineup were not looking to the side and did not have their mouths open. PCR Tr., April 15, 2015, p. 29. She testified she was concerned Koenig expressed he was 100% sure of his identification even though he testified that at the time he saw the Applicant drive by, he didn't think too much of it. PCR Tr., April 15, 2015, p. 35-36. She also was concerned about false memories being created because prior to Koenig's identification of the car, he was told by a neighbor the police were looking for a blue Volvo with temporary tags. PCR Tr., April 15, 2015, pp. 35-36. She testified

that although at trial Koenig had relied almost entirely on identification of the Applicant's mouth, he did not mention the Applicant's mouth in his voluntary statement. PCR Tr., April 15, 2015, p. 38. She further explained that although Koenig stated he looked eyes with the Applicant for 15 seconds, it was likely between 5 and 10 seconds based on the fact people tend to overestimate time when recalling an event. PCR Tr., April 15, 2015, pp. 39-40. Finally she was also concerned that despite Koenig's apparent perfect memory of the driver and the car, he could not recall specific details concerning the passenger of the car. PCR Tr., April 15, 2015, pp. 40-41.

On cross-examination, Ms. Van Wallandael admitted that at the time of the Applicant's trial, no field studies had been conducted on the difference in accuracy between sequential and non-sequential lineups. She also agreed there are some factors that lead to reliable identification, such as good opportunity to view, good lighting, the witness being reasonably close to the suspect, and the witness not being under a great deal of stress. She agreed all of these factors applied in favor of an accurate identification by Koenig. She also agreed the fact Koenig was surprised to see a strange car in his isolated neighborhood occupied by two black males he did not know would have caused Koenig to look more closely at the vehicle and its occupants as they rode by.

B. Findings of Fact and Conclusions of Law

In *Neil v. Biggers*, 409 U.S. 188, 93 S.Ct. 385 (1972), the United States Supreme Court set forth a two-pronged inquiry to determine whether due process requires suppression of an eyewitness identification. Due process requires courts to assess, on a case-by-case basis, whether the identification resulted from unnecessary and unduly suggestive police procedures, and if so, whether the out-of-court identification was nevertheless so reliable that no substantial likelihood

of misidentification existed. *Biggers*, 409 U.S. at 198. The factors to be considered in assessing the reliability of an otherwise unduly suggestive identification procedure are: (1) the witness's opportunity to view the perpetrator at the time of the crime, (2) the witness's degree of attention, (3) the accuracy of the witness's prior description of the perpetrator, (4) the level of certainty demonstrated by the witness at the confrontation, and (5) the length of time between the crime and the confrontation. *Manson v. Brathwaite*, 432 U.S. 98, 114 (1977) (citing *Biggers*, 409 U.S. at 199-200).

The trial transcript reflects that when the identification issue came up at trial, trial counsel had a private conference with the Applicant. Trial counsel testified his recollection was not as strong as he would like it to be, but testified he consulted with the Applicant as to whether the Applicant wanted to waive an *in camera* hearing to challenge Koenig's identification of the Applicant as the driver of the Volvo; trial counsel claims the Applicant agreed to waive the hearing. The Applicant denies he waived the hearing. Whether the Applicant agreed to waive the hearing is of no consequence, as he would have agreed to waive the hearing only upon the advice of trial counsel. Therefore, the question is whether trial counsel was deficient in so advising the Applicant or in choosing on his own to waive the hearing.

Trial counsel testified at the PCR hearing that in his judgment, there was enough evidence to allow the identification to survive a *Neil v. Biggers* hearing. He testified his approach was to challenge the reliability of Koenig's identification on cross-examination in front of the jury on the following grounds: (1) it was a cross-racial identification, (2) Koenig did not have time to make a convincing identification, and (3) when Koenig supposedly saw the Applicant driving the Volvo near where the body was found, the car was already sitting in a field

burned in Lee County 20 or 30 miles away.¹ PCR Tr., July 5, 2016, pp. 88-89.

The Court first concludes a *Neil v. Biggers* challenge to the identification would have undoubtedly been unsuccessful. Analysis of the *Biggers* factors would have led the trial judge to allow the lineup into evidence. Koenig claimed he and the Applicant "locked eyes" for several seconds and that he had a good view of the Applicant both times the Volvo drove by. Koenig claimed he was several feet away from the Applicant. He expressed a high level of certainty as to the identification. He formerly flew C-141s in the Air Force and was trained in aircraft and equipment recognition from both the air and ground, which he claimed made him able to look at an object for just a moment and be able to identify what it was. He testified his eyesight was "very good". He testified he was concentrating on the Volvo and the driver because it was a vehicle he did not recognize in his isolated neighborhood. Based on the entirety of the lineup testimony, the Court concludes that any motion to suppress the identification would have been denied.

As for the Applicant's claim that he is entitled to relief for trial counsel's failure to call an eyewitness identification expert, the Court denies relief on that ground as well. First, to the extent the Applicant maintains such an expert could have testified at trial in January 2008 that sequential lineups were more reliable than the six-pack lineup that was used, the Court must deny that claim because Ms. Van Wallandael admitted research on that particular issue was in its early stages in 2008, and she testified no field studies had been conducted by the time of trial. Therefore, one theory she espouses had not been fully developed at the time of trial, and trial counsel could not be faulted for failing to present evidence of such a theory. Second, the Court concludes that even if trial counsel were deficient in not retaining an identification expert, and

¹ The timing of the burning of the vehicle is discussed in great detail in this order.

had the expert testified as Ms. Van Wallandael did, the Applicant has not proven there is a reasonable probability the outcome of the trial would have been different. As noted above, Ms. Van Wallandael agreed the factors important to an accurate identification by Mr. Koenig were present in this case. The Court concludes the Applicant has failed to establish an identification expert would likely have altered the outcome of the trial.

ISSUE 4: Was trial counsel deficient in failing to investigate Easy Auto to see if that car business used yellow temporary tags on their vehicles and if other cars similar to the blue Volvo had been sold near the time of the murder? Additionally, was trial counsel deficient in failing to object to hearsay testimony regarding an out-of-court statement made by an employee of Easy Auto?

A. Summary of Testimony

Martha Ransom, the owner of the blue Volvo, testified at trial that her Volvo, which the victim was last seen driving, was in fact light blue and was purchased at Easy Auto. She initially testified she thought there were regular, not temporary, tags on the car. She then stated temporary tags might have been on the car and she thought they might have been red. Trial Tr. pp. 522-524. Darrell Koenig was certain that when he saw the Applicant driving the Volvo, it had a bright yellow paper tag with red letters. Trial Tr. p. 628.

The dealership from which Martha Ransom purchased the Volvo was referred to at trial as Easy Auto and alternatively as Boyle Buy-Here Pay-Here. Apparently, the dealership was actually the latter. Investigator McMillan testified at trial that he spoke to James Fields at Boyle Buy-Here Pay-Here on May 24, one day after the victim's body was found. McMillan testified Fields told him, among other things, the Volvo had a bright yellow Easy Auto paper tag on it when Ransom purchased it. Trial Tr. pp. 680-681. Trial counsel did not object to this testimony. The Applicant claims trial counsel's failure to object to this hearsay testimony allowed the State to introduce evidence corroborating Koenig's testimony that the vehicle he saw had bright yellow

paper tags.

B. Findings of Fact and Conclusions of Law

Rule 802, SCRE, provides hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court of this State or by statute. Hearsay is defined in Rule 801(c) as a statement, other than one made by the declarant while testifying at the trial or hearing, offered to prove the truth of the matter asserted. Rules 803 and 804 list various exceptions to Rule 802.

Investigator McMillan's testimony of what he was told by Mr. Fields was hearsay and does not fit under any exception. Other than McMillan's hearsay testimony, no witness who was familiar with the car was able to describe the car as having a yellow paper tag on the day of the sale of the car or on the day of the murder. Ms. Ransom first testified she thought the vehicle had a permanent tag but then said that if there were a paper tag on the vehicle, she thought it might have been red. The Applicant claims that without this hearsay testimony, there would have been no testimony as to the color of the tag on the Volvo owned by Ms. Ransom and driven by the victim. The Applicant claims this would have rendered Mr. Koenig's testimony far less convincing as to the color of the paper tag. The Applicant claims that had the testimony been excluded, there would have been no corroborating evidence the car driven by the victim had a yellow paper tag; he claims this would have likely changed the outcome of the trial. The Court disagrees.

Again, the subject testimony was hearsay and no exception applied. Trial counsel perhaps should have objected,² even though his explanation for not objecting to

² Trial counsel testified he believed the testimony was not objectionable because it was information acquired by McMillan in the course of his investigation of a crime. PCR Tr. p. 130.

everything possible makes complete sense in the practical world of trial advocacy.

Trial counsel testified:

I'm in charge of winning the war when I'm trying a case, not every battle. And so this battle about Mr. McMillian (sic) verifying what Mr. Fields has said to him, that is not going to win me the war. Because the Volvo was the car that was found burned. It is the car that [the victim] was seen driving away on Saturday evening.

PCR Tr., July 5, 2016, p. 126.

Trial counsel further testified:

I'm thinking that if I'm going to try to make this jury believe that I'm not trying to hide anything, or I'm not trying to berate a man who is a citizen -- who lived a mile from where the body was found, who says 100 percent to the officers, I know who that driver was, I've got to win that argument on more than just the fact that he might have described the color of the tag incorrectly.

PCR Tr., July 5, 2016, p. 128.

Trial counsel also explained that if he had objected to McMillan's testimony of what Mr. Fields told him, the solicitor would have simply called Mr. Fields to testify to the same information. PCR Tr., July 5, 2016, p. 126.

Even though trial counsel was perhaps technically deficient in not objecting to this hearsay testimony, the Applicant has not established there is a reasonable probability the outcome of the trial would have been different if an objection had been made and the testimony excluded. The crucial evidence pertaining to the automobile was (1) the victim had been last seen on Saturday driving Ms. Ransom's blue Volvo, (2) Koenig saw a man he identified as the Applicant driving a blue Volvo the next morning—Sunday— at 9:30, and (3) Ms. Ransom's blue Volvo was found burned on Sunday at 2:30 p.m., 20-30 miles away from where Koenig had seen the vehicle earlier that day. If the testimony about the color of the tag had never come into evidence, Koenig's testimony would have been no

Perhaps this is a reference to Rule 803 (8), SCRE; however, the Court concludes this exception does not apply.

more and no less credible. Though it is apparent the State thought it was important to introduce evidence about the color of the tag, that does not mean the Applicant has established prejudice. The Applicant's claim for relief on this ground is denied.

Issue 5: Was trial counsel deficient in failing to object to the prosecutor, in closing argument, referring to Mr. Bradley as a liar and arguing that her witnesses were credible?

A. Summary of Testimony

During closing arguments the assistant solicitor argued the Applicant's "own lies, his own inability to tell the truth created a trap in which he now finds himself." Trial Tr. p. 1009, l. 3-5. She further argued that one of her witnesses, Donna McDuffie, was telling the "obvious truth" and the jury could believe what was in her original statement to law enforcement. Trial Tr. pp. 1024, l. 3-18; p. 1025, l. 19-24. The assistant solicitor also argued witness Gloria Portee was obviously telling the truth because the Applicant was staring at her and trying to intimidate her. Trial Tr. p. 1027.

B. Findings of Fact and Conclusions of Law

A solicitor's closing argument must neither appeal to the personal biases of the jurors nor be calculated to arouse the jurors' passions or prejudices, and its content should stay within the record and reasonable inferences thereto. *State v. Cooper*, 334 S.C. 540, 514 S.E.2d 584 (1999). A solicitor has a right to state her version of the testimony and to comment on the weight to be given such testimony. *Id.* Improper comments do not require reversal if they are not prejudicial to the defendant, and the appellant has the burden of proving he did not receive a fair trial because of the alleged improper argument. The relevant question is whether the solicitor's comments so infected the trial with unfairness as to make the resulting conviction a denial of due process. *Humphries v. State*, 351 S.C. 362, 570 S.E.2d 160 (2002).

A solicitor may argue the credibility of the State's witnesses if the argument is based on the record and its reasonable inferences. *State v. Caldwell*, 300 S.C. 494, 388 S.E.2d 816 (1990). A solicitor may not vouch for the credibility of a State's witness based on personal knowledge or other information outside the record. *State v. Kelly*, 343 S.C. 350, 540 S.E.2d 851 (2001). Vouching for a witness based on outside material conveys the impression to the jury that the solicitor has evidence not presented to the jury but known by the prosecution which supports conviction. *Id.* It is inappropriate for the State to assure the jury of a witness' credibility, because the jury is charged with assessing the credibility of witnesses based on evidence in the record. *Id.* None of these circumstances were present. In this case, the Solicitor's comments were appropriate and within the parameters the law permits. Trial counsel was not deficient in objecting. Even if the solicitor's comment about the Applicant staring at witness McDuffie was improper, the comment did not so infect the trial with unfairness that the Applicant's due process rights were violated. Relief is denied on this ground.

ISSUE 6(a) and 6(b): Was trial counsel deficient in failing to call telecommunications and arson expert witnesses to challenge the testimony of prosecution witnesses?

A. Summary of Evidence

The Applicant claims he is entitled to relief because trial counsel did not call any expert witnesses during the Applicant's trial. The Applicant claims trial counsel should have retained and called an identification expert (discussed above), a cell phone tower expert, and an arson expert. Trial counsel testified he did not consider retaining any experts in the Applicant's case. PCR Tr., July 5, 2016, pp. 95-96.

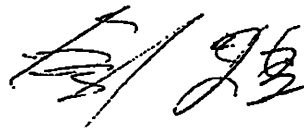
The Applicant testified trial counsel told him he would be able to cross-examine the state's cell tower expert—Investigator McMillan—as to the cell tower locations off which the

Applicant's phone pinged at various times during the weekend of the murder. PCR Tr., July 5, 2016, p. 32. Trial counsel testified at the PCR hearing that he believed "the cell phone records were probably the strongest factor that we had in proving that Mr. Bradley was innocent." PCR Tr., July 5, 2016, p. 96. Trial counsel cross-examined Investigator McMillan concerning the location of the Applicant's phone throughout the weekend. Trial counsel testified McMillan was not particularly prepared and had not reviewed the records carefully, but trial counsel was able to establish the locations of the Applicant's phone relative to the cell towers during cross-examination. PCR Tr., July 5, 2016, pp. 96-97. Trial counsel's cross-examination of McMillan established the Applicant's cell phone was used to make eighteen calls on Sunday, May 22, 2005 between 7:16 a.m. until 10:32 a.m. McMillan acknowledged at trial that all eighteen of these calls pinged off towers in the Bishopville (Lee County), Wisacky Road (Lee County), and Camden (Kershaw County) areas. McMillan confirmed none of these towers was close to where the Applicant was allegedly seen by Mr. Koenig driving the Volvo at 9:30 that morning. McMillan acknowledged during cross-examination that if the Applicant had been using his phone in the Bishopville, Wisacky, and Camden areas from 9:00 until 11:00 on Sunday morning, Mr. Koenig could not have seen him driving the blue Volvo on Cobblestone Road within one-half mile of where the victim's body was found.

The Applicant called Ben Levitan to testify at the PCR hearing. Levitan was qualified as an expert in historical cell phone analysis. Levitan used the cell phone data provided to trial counsel by the solicitor and compared the testimony of the trial witnesses to the locations of the mobile phone from the point the victim was last seen to the moments the body and the burned-out car were located. He noted the phone appeared to be in locations consistent with the defendant's alibi witnesses and other trial testimony. Levitan's testimony confirmed Investigator

McMillan's testimony as to the locations of the phone at the times the calls were made Sunday morning between 7:16 and 10:32.

Levitan testified the Applicant's phone was likely at the victim's address the last time the victim was seen. PCR Tr., April 15, 2015. This confirmed Martha Ransom's trial testimony and places the phone with the Applicant the day before the victim's body was found. Levitan testified the Applicant's phone was at the locations testified to by alibi witnesses Tenisha Williams and Eloise Sinkler. PCR Tr., April 15, 2015, pp. 94-97. This tends to confirm the Applicant's PCR testimony and places the phone in his hands. Levitan testified the phone also appeared to be at the locations of alibi witnesses Calvin Davis and Donna McDuffie. PCR Tr. pp. 100-101, 103. This again places the phone in the Applicant's hands. Levitan also testified the Applicant's phone was approximately 23 miles from where eyewitness Koenig claimed to have seen the Applicant driving the blue Volvo the morning the burned vehicle was discovered and he was near Donna McDuffie's house. PCR Tr., April 15, 2015, pp. 104-105, 108-109. Levitan testified the phone's location was consistent with Rick Nelson's testimony that he spoke with the Applicant between 3:00 and 5:00 pm on Sunday (again placing the phone in the Applicant's hands). PCR Tr., April 14, 2015, p. 113. Levitan stated the phone location was also consistent with the testimony of Loubbertha Bradley that the Applicant was at her house at a cookout on Sunday, again placing the phone in the Applicant's hands. PCR Tr., April 14, 2015, pp. 116-117. Levitan further testified the Applicant's phone was in the area of alibi witness Tina Leon between the hours of 10:00 am and 4:00 pm on Sunday, again placing the phone in the Applicant's hands. PCR Tr., April 14, 2015, pp. 121-122. Levitan testified the Applicant's phone was 23 miles from Cobblestone Road at the time Mr. Koenig claims to have seen the Applicant. PCR Tr., April 14, 2015, pp. 123-124.

A handwritten signature in black ink, appearing to be 'L. J. B.' or similar, written in a cursive style.

The foregoing testimony was also elicited by trial counsel from Investigator McMillan on cross-examination at trial, as noted above. Trial counsel cross-examined Investigator McMillan as to the timeline leading up to the point when the Volvo was discovered burned in Lee County. Through McMillan, trial counsel established Koenig claimed to have seen the vehicle between 9:00 a.m. and 11:00 a.m. During trial, trial counsel cross-examined Investigator McMillan about the amount of heat coming from the car and how long it would take for a car to cool off after being completely burned out. Trial Tr. pp. 738-74. McMillan was not able to effectively answer these questions.

During the PCR hearing, the Applicant called Daniel Olson, an expert qualified in the origin and cause of automobile and machinery fires. PCR Tr., April 15, 2015, p. 141. He testified there was a clear timeline according to trial testimony that the car was seen intact between 9:30 am and 10:15 am and that the car was found burned at around 2:30 p.m. (or later) the same day. PCR Tr., April 15, 2015, p. 143, 145. Olson further testified the burned car was 26.66 miles away from Cobblestone Road, approximately a 47 minute drive. According to Mr. Olson, the earliest the car could have been set on fire would have been 10:17 am. PCR Tr., April 15, 2015, pp. 150-153.

Olson testified the Volvo was completely burned out. PCR Tr., April 15, 2015, pp. 183-184. Mr. Olson testified this type of car fire produces tremendous flame and smoke. PCR Tr., April 15, 2015, pp. 158-160; see Applicant's PCR Exhibits 8-10. He testified the car would have burned for approximately 45 minutes and the earliest the fire could have ignited was 10:17 a.m. PCR Tr., April 15, 2015, 162-163. He believed the fire would have been burning at 1800 degrees or more based on the fact that aluminum parts appeared to be melted. PCR Tr., April 15, 2015, p. 169. He testified the tires could smolder "for a very long time". PCR Tr., April 15,

2015, pp. 170-171. He opined that if the car finished burning at around 11:30 a.m. or so, it would have still been hot at the time it was discovered. He testified parts of the car, particularly the tires, would have still been smoking at the time of discovery. (Pp. 171-174) He further testified there was absolutely no arson or burn investigation performed on the vehicle and it left many questions unanswered that would have helped a jury. (Pp. 176-178). He opined the car that was seen at 9:30 a.m. on Cobblestone Road was not the car found at 2:30 or 3:00 burned in the cemetery many miles away. PCR Tr., April 15, 2015, pp.181-182.

Mr. Olson considered the trial testimony of Matt Bramlett. Mr. Bramlett lived directly across the street from the cemetery in which the burned car was found.³ Trial Tr. pp. 453-454. Mr. Bramlett testified at trial that between midnight and 1:30 a.m. on Sunday, May 21, he heard his dog barking for approximately 25 minutes. This, according to Mr. Olson, would have been much more consistent with when the car would have been burned considering the condition in which it was found. PCR Tr., April 15, 2015, pp. 185-187. Trial counsel elicited similar testimony from Investigator McMillan during trial. Trial Tr., pp. 736-738. Also, Bramlett's trial testimony aided the Applicant by establishing the scenario in which the Volvo was left in Lee County and burned during the early morning hours of Sunday, thereby making it impossible for Koenig to have seen it in his neighborhood between 9:00 and 11:00 a.m.

Derrick Slater, the tow truck driver who removed the car from the scene, was called by the Applicant to testify at the PCR hearing. He testified he arrived at the burn scene around 5:30 or 6:00 p.m. the day the Volvo was found burned, and he testified he did not notice any heat whatsoever emanating from the vehicle. PCR Tr., July 5, 2016, pp. 73-76. Slater arrived at least

³ Mr. Olson mistakenly testified Mr. Bramlett lived a quarter mile from the cemetery. PCR Tr., April 15, 2015, p. 185. However, Mr. Bramlett clearly testified at trial he lived across the street from the cemetery. Trial Tr. pp. 453-454.

two hours after the vehicle was found, so his testimony as to whether the vehicle was hot and/or smoldering is of less significance than the testimony of Mr. Bramlett, Mr. McCutchen, and Mrs. McCutchen, who were all present when the vehicle was found. None of the latter three witnesses noticed any smoldering or heat emanating from the vehicle.

B. Findings of Fact and Conclusions of Law

"[C]ounsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." *Strickland*, 466 U.S. at 691, 104 S.Ct. 2052. "[A]t a minimum, counsel has the duty to interview potential witnesses and to make an independent investigation of the facts and circumstances of the case." *Ard v. Catoe*, 372 S.C. 318, 331, 642 S.E.2d 590, 597 (2007) (emphasis omitted) (citation omitted). "[A] particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to counsel's judgments." *Strickland*, 466 U.S. at 691, 104 S.Ct. 2052. "[S]trategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation." *Id.* at 690-91, 104 S.Ct. 2052. "[C]ounsel's conversations with the defendant may be critical to a proper assessment of counsel's investigation decisions [.]" *Id.* at 691, 104 S.Ct. 2052.

"[T]he United States Supreme Court has held that the defendant must have 'a fair opportunity to present his defense,' thereby requiring the State to provide the 'basic tools' for an adequate defense to an indigent defendant." *Bailey v. State*, 309 S.C. 455, 459, 424 S.E.2d 503, 506 (1992) (quoting *Ake v. Oklahoma*, 470 U.S. 68, 105 S.Ct. 1087, 84 L.Ed.2d 53 (1985)). "Thus, although the State is not required to provide the indigent defendant with unlimited funding, it must ensure that the defendant has competent counsel and the services of experts

necessary to a meaningful defense[.]” Id.

South Carolina Code section 17-3-50(B) (2003) provides in pertinent part:

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonably necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall order the payment, from funds available to the Office of Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate.

An applicant is entitled to fees to pay for expert witnesses if the applicant shows a need for the expert testimony. *Thames v. State*, 325 S.C. 9, 11, 478 S.E.2d 682, 683 (1996). The mere possibility the applicant could find a witness somewhere to support an allegation is insufficient to warrant authorization of funds. *Id.* Where counsel articulates a valid trial strategy for failing to call an expert witness to testify at trial, such conduct will not be deemed ineffective. *Legare v. State*, 333 S.C. 275, 281, 509 S.E.2d 472, 475 (1998).

The Applicant claims he is entitled to relief because trial counsel did not employ an expert such as Mr. Levitan to establish that certain calls made by the Applicant pinged off cell towers in locations that confirmed his whereabouts at certain times and that confirmed his cell phone was being used 23 miles away at the time the Applicant was allegedly seen driving the blue Volvo. The Court respectfully disagrees. Trial counsel's cross-examination of Investigator McMillan was thorough and created a substantial question as to whether the Applicant was in the area where Mr. Koenig claims to have seen him driving the Volvo on Sunday morning. Trial counsel thoroughly addressed the cell tower issues in his closing argument, referring not only to the inconsistency between the Applicant's phone being used 24 miles away from where Koenig claims he saw the Applicant, but also to the fact that the cell tower records confirmed the Applicant's phone was being used in areas where the Applicant and other witnesses claimed they

saw the Applicant at certain relevant times. As trial counsel argued to the jury in his closing:

All of the calls were made from the north area of [Sumter] county, from Bishopville or in Camden. How could [the Applicant] be driving around on Cobblestone? He's making phone calls 24 miles away?

(Trial Tr. p. 997)

As for the origin and cause evidence presented at the PCR hearing by expert Olson, trial counsel testified at the PCR hearing he had not formed a theory of when the car burned but did think it would still be smoking and burning for hours. PCR Tr., July 5, 2016, pp. 97-99. He offered no reason for failing to call an expert and admitted he did not think it mattered how hot the car got, only that it was found in a particular location. However, he testified that if expert testimony established the car could not have possibly been cool and not smoking at the time it was found, such evidence would have discredited Mr. Koenig's testimony. PCR Tr., July 5, 2016, pp. 143-144.

Whether trial counsel was deficient in not calling an origin and cause expert such as Mr. Olson, and whether the failure to call such an expert prejudiced the Applicant is a closer question. The Applicant maintains the issue of when the car was burned was of paramount importance because Mr. Koenig claimed he saw the car being driven at 9:30 a.m., 20-30 miles away from where it was found burned five hours later. The Applicant claims the car could not have been driven at 9:30, burned at 10:17, and be cool to the touch and not smoldering at 2:30 p.m.; he therefore claims it would have been impossible for Mr. Koenig to have seen the car at 9:30.

While the Court agrees that Koenig's testimony may have been discredited in the jury's eyes by Olson's testimony, that does not necessarily lead to the conclusion the outcome of the trial would likely have been different if the testimony had been presented to the jury. One aspect

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of Olson's testimony emphasized by the Applicant is that Olson's testimony, if believed, would make it more likely than not the vehicle was set on fire in Lee County some hours before it was allegedly seen by Koenig at 9:30. Removing Koenig's account from of the evidentiary equation would leave remaining Olson's expert testimony that the fire was set in the early morning hours of Sunday. As referenced above, the cell tower testimony from both McMillan and Levitan tended to establish two things. First, the Applicant had his cell phone with him during the day on Saturday (the day the victim was last seen) and during Saturday night. Second, the Applicant's phone was used to participate in 18 calls between 7:16 a.m. until 10:32 a.m. in Lee County and Kershaw County. Employing the testimony of Olson to establish the fire was set much earlier than 10:17 a.m. would have perhaps incriminated the Applicant even more, because if the Volvo was burned in Lee County hours before 10:17, the Applicant was in *Lee County* using his phone as early as 7:16 a.m. As Investigator McMillan (at trial) and Levitan (at the PCR hearing) testified, all eighteen of the calls to or from the Applicant's phone pinged off towers in the Bishopville (Lee County), Wisacky Road (Lee County), and Camden (Kershaw County) areas. While Levitan confirmed these cell towers were 20-30 miles from where the Applicant was allegedly seen by Mr. Koenig driving the Volvo at approximately 9:30 that morning, McMillan's and Levitan's testimony tended to place the Applicant in Lee County several hours before 10:17 a.m., within the time frame Olson opines the fire was set. Calling expert witnesses such as Olson and Levitan "sounds good on paper", but their testimony casts the Applicant in an incriminating light as well. The Court concludes the Applicant has not met his burden that trial counsel was deficient in not calling these two experts, but even he were deficient, the Applicant has not proven the outcome of the trial would likely have been different had the witnesses testified at trial.

ISSUE 7: Abandoned by Applicant

Issue 8: Was trial counsel deficient in failing to move for a mistrial when the security belt worn by Mr. Bradley accidentally discharged and caused Mr. Bradley to fall out of his chair? (Trial Tr. p. 201-206).

A. Summary of Testimony

During the trial the Applicant was required by the Sheriff's Department to wear a security Taser belt. During trial the belt discharged in front of the jury and caused the Applicant to receive an electric shock that knocked him out of his chair and caused him to holler. Trial counsel and the prosecutor discussed the issue with the trial judge and all decided a curative instruction was appropriate. When the jury returned to the courtroom the trial judge gave the following instruction:

Thank you ladies and gentlemen. I apologize about the delay. I need to explain to you that the defendants in this court are required to wear a security belt. The security belt in this case malfunctioned and the defendant received an electrical shock. We have cured that problem and we're ready to proceed with the trial.

At that point the trial continued. Trial Tr. pp. 201-206.

The Applicant argues a mistrial would have been in order. He maintains the jury could not simply erase the event from its mind and would potentially consider him a dangerous felon because of the requirement of security. PCR, July 5, 2016, pp. 41-42. Trial counsel testified at the PCR hearing that he believed the curative instruction was appropriate; he also stated he did not want a mistrial at that stage because he thought the trial was going "very well" for the Applicant and he thought he had a good jury. PCR Tr. pp. 100-101. Trial counsel credibly testified that he discussed the issue with the Applicant and they decided to go forward.

B. Findings of Fact and Conclusions of Law

The use of physical restraints, such as a stun belt, during trial and the sentencing phase

implicates a defendant's right to due process. *Deck v. Missouri*, 544 U.S. 622, 629, 125 S.Ct. 2007, 161 L.Ed.2d 953 (2005). *Deck* and the bulk of federal cases discussing the use of physical restraints during trial and sentencing, involved traditional methods of securing the accused, such as handcuffs and shackles. The Applicant correctly submits a trial judge's decision to use a stun belt must be subjected to at least the same close judicial scrutiny required for the imposition of other physical restraints. Citing *United States v. Durham*, 287 F.3d 1297, 1304 (11th Cir.2002), the Applicant correctly claims "physical restraints should be used as rarely as possible." The Applicant points to *U.S. v. Miller*, 531 F.3d 340 (6th Cir. 2008) for the proposition that it is an abuse of discretion for the trial court to fail to hold a hearing to determine if restraints are necessary for a particular defendant during trial. However, the issue here is not whether the belt should have been used in the first instance. The issue is two-fold—whether trial counsel should have moved for a mistrial, and whether a mistrial would have been required as a matter of law.

The jurors were certainly aware the Applicant was wearing a security belt because they were told he was. The Applicant claims that although trial counsel claims he thought it was more appropriate to continue with the trial, the jury could not simply set aside the fact that the trial judge and/or law enforcement considered the Applicant to be so dangerous that he was required to wear a stun belt. The Court concludes trial counsel's decision to go forward was not deficient performance. The Court further concludes a mistrial would not have been mandated as a matter of law.

Issue 9: Was trial counsel deficient in calling the Applicant's brother, Paul Bradley, to testify the defendant told him the victim was deceased prior to police finding the body?

A. Summary of Testimony

Sheriff's Captain James Turner testified at trial that he commanded the Criminal

Investigations Division. On Monday, May 23, 2005, he received a call that a body had been found in Boyle's Pond. He recalled receiving the call around 1:30 pm to 2:00 p.m. Trial Tr. 109-110. Trial counsel called Tina Leon to testify at trial. Ms. Leon stated that on May 23, 2005, the Applicant was at her house painting from 10:00 am until 4:00 pm. She stated the Applicant did not leave the house during that time and that she picked up lunch from Sonic for the Applicant and another man assisting him. Trial Tr. pp. 902-907. Subsequent to calling Ms. Leon, trial counsel called the Applicant's older brother, Paul Bradley. Mr. Bradley testified he saw the Applicant in his blue Beretta with Tanisha the Saturday night of her prom, and confirmed the Applicant came to his house to borrow \$20 to buy a camera. He testified he saw the Applicant on Monday the 23rd "around 1:00" and the Applicant was crying and said his friend had been killed. Trial Tr. p. 935.

B. Findings of Fact and Conclusions of Law

The Applicant claims trial counsel was deficient in calling Paul Bradley, as he directly contradicted the testimony of alibi witness Tina Leon, who testified the Applicant was at her house and did not leave between 1:00 and 4:00 p.m. on Monday May 23. The Applicant also claims Mr. Bradley's testimony suggested the Applicant was aware the victim was deceased before the body had been recovered and identified by law enforcement. The Applicant points to the solicitor's closing argument, wherein she referenced Mr. Bradley's testimony concerning the 1:00 time frame and stated Mr. Bradley "provided one of the most important pieces of evidence in this case . . ." Trial Tr. pp. 1035-1036.

The Applicant claims this testimony was extremely damaging to the defense and was elicited by trial counsel after he had already established through other witnesses the Applicant's location on the day the body was recovered. The Applicant claims trial counsel did not

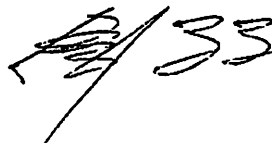
thoroughly investigate Paul Bradley and therefore did not realize his testimony would be one of the major pieces of evidence the prosecution would rely on in its closing argument. Trial counsel testified at the PCR hearing he would not have called Paul Bradley to testify had Mr. Bradley told him the Applicant told him, before law enforcement identified the body, his friend had been killed. The Applicant maintains this is proof trial counsel's performance was deficient and that Paul Bradley's testimony was particularly damaging to the Applicant's defense and the outcome of the trial would likely have been different had he not been called as a witness. The Court disagrees. The trial transcript clearly reflects Mr. Bradley testified at trial he saw the Applicant "around 1:00". The Applicant ignores the reality that time-of-day estimates are just that—estimates. Trial counsel explained he called Paul Bradley to testify primarily because he was the leader of the Applicant's family and would tend to cast the Applicant in a good light. The Court concludes trial counsel's performance relative to the calling of Mr. Bradley's testimony was not deficient. Even if it were deficient, the content of Mr. Bradley's testimony did not likely play an important part in the jury finding the Applicant guilty, and absent his testimony, it is not likely the outcome of the trial would have been different.

Issue 10: Was trial counsel deficient in failing to object to hearsay testimony from Mr. Koenig, who testified his neighbors told him the police were looking for a blue Volvo with temporary tags?

A. Summary of Testimony

Darrell Koenig testified that the day after he saw the blue Volvo, he spoke to his neighbors and was told by them "that on the news that they were looking for a blue 1990 Volvo with a temporary tag on it." He testified he immediately knew that was the car he saw the previous day. Trial Tr. pp. 634-635.

B. Findings of Fact and Conclusions of Law



Rule 802, SCRE, provides hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court of this State or by statute. Hearsay is defined in Rule 801(c) as a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted. Rules 803 and 804 list various exceptions to Rule 802.

It is clear the statement by the neighbors was hearsay and trial counsel did not object to the introduction of that evidence. Mr. Koenig's credibility could well have been bolstered by this inadmissible evidence. This Court finds trial counsel was deficient in failing to object to the testimony of Mr. Koenig. However, the Court concludes the Applicant has not established this deficiency resulted in prejudice to the Applicant. Any bolstering of Koenig's credibility through the hearsay statements of his neighbors was minimal at best and cannot reasonably be considered to have made a difference in the outcome of the trial.

Issue 11: Trial counsel failed to object to the prosecutor asserting she did not have to prove when or where the victim was murdered. (Tr. p. 93).

A. Summary of Testimony

The solicitor admitted in her closing argument she had to prove her case by the use of circumstantial evidence. Trial Tr. p. 1010, 4-19. The State conceded at trial it did not know the time of death or the location of the death. Trial Tr. p. 729-730. In both her opening statement and her closing argument, the solicitor argued to the jury she did not have to prove where or when the victim was murdered. Trial Tr. pp. 93 and 1012. The Applicant claims trial counsel was deficient in failing to object to these statements.

B. Findings of Fact and Conclusions of Law

The Applicant cites South Carolina cases discussing circumstantial evidence and what

must be proven in order for a trial judge to submit a circumstantial evidence case to the jury. As argued by the Applicant, at the time of the Applicant's trial, the trial court had a duty to submit the case to the jury if there was substantial circumstantial evidence which reasonably tended to prove the guilt of the accused or from which his guilt may have been fairly and logically deduced. *State v. Martin*, 340 S.C. 597, 533 S.E.2d 572 (2000); *State v. Williams*, 321 S.C. 327, 468 S.E.2d 626 (1996). The Applicant correctly submits that unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error. *State v. Irvin*, 270 S.C. 539, 243 S.E.2d 195 (1978). The trial judge should grant a directed verdict, however, when the evidence merely raises a suspicion that the accused is guilty. *State v. Martin*.

The Applicant submits the State must submit sufficient circumstantial evidence to prove the defendant was at the scene of the crime. See *State v. Arnold*, 361 S.C. 386, 605 S.E.2d 529 (2004) ("The fact that the BMW was found abandoned in Tennessee, the same state where respondent was located after his stay in Savannah, raises a suspicion of guilt but is not evidence that respondent killed[the victim]. Further, there is no evidence respondent was at the scene of the crime, which according to the State's theory was in Colleton County."). *State v. Schrock*, 283 S.C. 129, 322 S.E.2d 450 (1984) ("By bringing the case, the State assumes the burden of proving that the accused was at the scene of the crime when it happened and that he committed the criminal act.").

It is apparent the Applicant has conflated the issue of what must be proven in a circumstantial evidence case with the issue of whether the State must prove where and when a murder occurred. The cases relied upon by the Applicant address only the level of proof that must be presented by the State in a circumstantial evidence case, not whether the State must

prove where and/or when the murder occurred. The solicitor admitted the State could not prove where or when the murder occurred but argued the State was not required to do so. The Court concludes trial counsel was not deficient in not objecting to the solicitor's statement because her statement was a correct statement of the law.

Issue 12: Was trial counsel deficient in failing to object to two letters (written by the Applicant to Gloria Portee) into evidence on the ground the letters were primarily character evidence and had little to no relevance at trial?

A. Summary of Testimony

During trial, two letters written by the Applicant to a former girlfriend, Gloria Portee, were introduced into evidence through Ms. Portee without objection. Trial Tr. 378-386. In portions of the letters, the Applicant directly discussed the charges against him. The Applicant expressed his displeasure with Ms. Portee's statement to law enforcement that the Applicant told her he was going to kill the victim. Trial Tr. 378, ll. 14-24. However, in the remaining portions of the letters, the Applicant discussed his transgressions in their relationship and professed his undying love for Ms. Portee. Trial Tr. pp. 379-386. See Applicant's PCR Exhibits 25, 26. No objection was made by trial counsel to the introduction of these letters. Trial Tr. 384, l. 3.

B. Findings of Fact and Conclusions of Law

The S.C. Supreme Court has defined the term "character," as "a generalized description of a person's disposition or a general trait such as honesty, temperance, or peacefulness." *State v. Nelson*, 331 S.C. 1, 7, 501 S.E. 2d 716, 719(1998). In a criminal case, the State cannot attack the character of the defendant unless the defendant first places his character in issue. *Mitchell v. State*, 298 S.C. 186, 379 S.E.2d 123 (1989). Evidence of other crimes or bad acts is generally inadmissible to prove the crime charged unless the evidence tends to establish (1) motive, (2) intent, (3) absence of mistake or accident, (4) a common scheme or plan, or (5) identity. *State v.*

Stokes, 279 S.C. 191, 304 S.E.2d 814 (1983); *State v. Lyle*, 125 S.C. 406, 118 S.E. 803 (1923). These rules are grounded on the policy that character evidence is not admissible "for purposes of proving that the accused possesses a criminal character or has a propensity to commit the crime with which he is charged." *State v. Peake*, 302 S.C. 378, 380, 396 S.E.2d 362, 363 (1990). These rules have been codified in Rule 404, SCRE.

The Applicant concedes portions of the Gloria Portee letters were admissible, specifically those portions in which the Applicant directly discusses his case and asks Ms. Portee why she told law enforcement he was going to kill the victim were admissible. Trial Tr. p. 378, ll. 14-21. However, the Applicant claims the rest of the letters are inadmissible character evidence. The Applicant submits that even the prosecutor, in her closing argument, commented on the character of the defendant, as revealed by the letters:

And finally, the letters. I'm going to say I had to laugh when I read that. Here's a man, he's got three women going on at the same time, juggling them in the air. They're talking about breaking up, talking about getting together. Trial Tr. p. 1027, ll. 18-22.

Additionally, the prosecutor asked Ms. Portee what she thought of the letters professing his love for her and Ms. Portee replied, "Bull shit." Trial Tr. p. 383.

The Applicant claims it is clear from the record the solicitor used the letters, in part, to impugn the character of the Applicant. The solicitor specifically commented on his character in her closing argument, accusing him of "juggling" three women at the same time. The Applicant argues the character evidence contained in the letters was not admissible and trial counsel was deficient for not objecting to the letters being placed into evidence without redaction, and the Applicant further argues the evidence unfairly prejudiced the Applicant by painting him in a poor light in front of the jury. The Court disagrees. The portions of the letters addressing the number

of women with whom the Applicant had relationships tended to establish that the Applicant's attempts to have Ms. Portee give positive information to law enforcement, and that he loved her very much were empty gestures and an effort to sway her to give more beneficial information to the police, as they had not had a relationship for quite some time. This is evidenced by Ms. Portee's testimony that she thought the Applicant's romantic overtures, as expressed in the letters, were "Bull shit". Trial Tr. p. 383. The Court concludes trial counsel had no valid ground to object to these letters, so trial counsel was not deficient in not objecting.

Issues 13 and 14: Was trial counsel deficient in allowing Wayne Johnson to say he had an altercation with Bradley and armed himself? Was trial counsel deficient in failing to object to Bobby Lee Hughes testifying he thought the Defendant might have had something to do with the murder?

A. Summary of Testimony

Trial witness Wayne Johnson—the Applicant's son-in-law—was asked by the solicitor about a phone conversation the Applicant had with the victim when Johnson was with the Applicant, some three weeks to two months before the murder. Johnson testified the Applicant was upset with the victim about something and phoned the victim and told the victim he was "going to send some boys at [him]". Trial Tr., p. 542. Johnson testified he never told law enforcement he heard the Applicant say he was going to kill the victim, and he testified he did not think the Applicant was upset with the victim to the point where he would do the victim bodily harm. Trial Tr. p. 544. Johnson also testified that after the murder, there "was talk" the Applicant had committed the murder and that one night the Applicant called him and asked him to help the Applicant move his girlfriend's car. Johnson testified he did not know what to expect, so he armed himself with several knives. Johnson testified that as he and the Applicant were riding in the car, the Applicant saw the knives and said, "[b]oy, what's wrong with you?" and that

the Applicant said, "I would never do anything to hurt you man." Trial Tr. pp. 559-561.

Bobby Lee Hughes, the victim's older brother, was also called to testify by the prosecution. During direct examination by the solicitor, Mr. Hughes testified he met the Applicant several years before the murder and that his brother and the Applicant were best of friends and as close as brothers. Hughes testified that after the murder, he saw the Applicant at the home of one of the victim's old girlfriends and that the Applicant asked to talk to him privately. Hughes testified it appeared the Applicant was "playing crying" and not truly upset. Hughes testified the Applicant told him that the Saturday before the victim's body was found, he drove up to the victim's house and saw an unknown man with the victim. Hughes testified the Applicant told him "[the three of them] were supposed to go do a deal", but that the Applicant couldn't go because he had to take his daughter or step-daughter to the hairdresser. Trial Tr. p. 567. Hughes testified the Applicant told him the victim and the unknown man rode off together. Hughes testified he told law enforcement he thought the Applicant was involved in the murder "in some kind of way" and that if the Applicant didn't commit the murder, he knew something about it. The solicitor asked him if he thought the murder "had anything to do with the defendant," and Hughes responded he kind of did and kind of didn't think the Applicant was involved but he did think the Applicant knew more than he told anyone because the Applicant and the victim were so close. Trial Tr. p. 570. On re-direct, the solicitor addressed the issue again by asking Hughes exactly what he said to law enforcement concerning the Applicant's involvement with the murder. Mr. Hughes responded, "I said somewhere or another if he didn't commit the murder himself, he knows something about it and he got something to do with it. If he actually didn't do the killing, he know something about it, he's involved some kind of way." Trial Tr. p. 580.

B. Findings of Fact and Conclusions of Law

The Applicant claims the foregoing testimony of Johnson and Hughes were improper attacks on the Applicant's character. Our Supreme Court has defined the term "character" as "a generalized description of a person's disposition or a general trait such as honesty, temperance, or peacefulness." *State v. Nelson*, 331 S.C. 1, at 7. In a criminal case, the State cannot attack the character of the defendant unless the defendant first places his character in issue. *Mitchell v. State*, 298 S.C. 186, 379 S.E.2d 123 (1989) (per curiam). In a similar vein, evidence of other crimes or bad acts is generally inadmissible to prove the crime charged unless the evidence tends to establish (1) motive, (2) intent, (3) absence of mistake or accident, (4) a common scheme or plan, or (5) identity. *State v. Stokes*, 279 S.C. 191, 304 S.E.2d 814 (1983); *State v. Lyle*, 125 S.C. 406, 118 S.E. 803 (1923). Both rules are grounded on the policy that character evidence is not admissible "for purposes of proving that the accused possesses a criminal character or has a propensity to commit the crime with which he is charged." *State v. Peake*, 302 S.C. 378, 380, 396 S.E.2d 362, 363 (1990). As noted above, these rules have been codified in Rule 404, SCRE.

The Applicant argues the foregoing testimony of Mr. Johnson and Mr. Hughes was inadmissible character evidence and not relevant to the issue of whether the Applicant murdered the victim. The Applicant argues the testimony did not establish (1) motive, (2) intent, (3) absence of mistake or accident, (4) a common scheme or plan, or (5) identity, and served only to impugn the character of the defendant. The Applicant claims trial counsel was deficient in failing to object to this testimony and further deficient for himself asking Mr. Hughes if he thought the Applicant was involved in the crime. The Applicant claims the statements were speculation at best, as both witnesses were recalling interactions with the Applicant after they had been led to believe the Applicant was involved with the crime. The Applicant claims these

statements were highly prejudicial to the Applicant as they portrayed him as a dangerous person in the eyes of those close to him.

As for the testimony of Mr. Johnson, the Applicant's son-in-law, the Court concludes counsel was not deficient in failing to object but even if he were, no prejudice resulted to the Applicant. Trial counsel testified he decided not to object because Johnson's account tended to establish the Applicant "was the cool head in the picture" and "was trying to calm [Johnson] down. The Court concludes that was a valid reason not to object.

As for Mr. Hughes' testimony, the Court concludes that some of it was certainly objectionable. Trial counsel should have objected to the solicitor's question as to whether Hughes thought the Applicant had anything to do with the murder, because such testimony was irrelevant. Trial counsel should have also objected to Hughes' testimony that he sort of did and sort of did not believe the Applicant was involved in the murder, and trial counsel should have objected to Hughes' testimony that if the Applicant did not commit the murder himself, he knew something about the murder and was involved in some way. The Court concludes trial counsel was deficient in not objecting; however, the Court concludes that had counsel objected and the testimony not given, there is not a reasonable probability the outcome of the trial would have been different.

Based on the foregoing, relief is denied on this issue.

Issue 15: Was trial counsel deficient in failing to object to Officer Wesley Gardner's and Investigator McMillan's hearsay testimony that Mr. Koenig said he was 100% sure of his identification?

A. Summary of Testimony

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Both Investigator Wesley Gardner and Investigator McMillan were asked by the solicitor how certain Mr. Koenig was of his identification of the Applicant as being the driver of the blue Volvo. Both officers indicated Mr. Koenig stated he was 100 percent certain of his identification of the Applicant.

B. Findings of Fact and Conclusions of Law

Again, Rule 802, SCRE provides that hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court or by statute. Hearsay is defined in Rule 801(c) as a statement, other than one made by the declarant while testify at the trial or hearing, offered in evidence to prove the truth of the matter asserted. Rules 803 and 804 list various exceptions to Rule 802.

The Applicant points to SCRE Rule 608(a), which states in relevant part:

The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, but subject to these limitations: (1) the evidence may refer only to character for truthfulness or untruthfulness, and (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence or otherwise.

Initially, the Applicant argues pursuant to rule 801(c), the officers' testimony concerning the statement made by Mr. Koenig was hearsay and should have been objected to by trial counsel. The Applicant claims Mr. Gardner improperly bolstered the testimony of Darrell Koenig as Mr. Koenig had not testified at the time he was asked how certain Mr. Koenig was of his identification. Therefore, the Applicant claims, there was no possibility Mr. Koenig's credibility had been attacked as contemplated by SCRE 608.

The Court concludes the testimony from Gardner and McMillan of Mr. Koenig's 100 percent certainty of his identification of the Applicant was indeed hearsay and no exception to the rule against hearsay applied. Trial counsel should have objected. However, the Applicant's

contention that this entitles him to a new trial ignores the fact that Mr. Koenig himself testified he was absolutely sure of his identification; he was clearly a confident witness and any bolstering by Gardner and McMillan was of no significance. The Court concludes there is no possibility the outcome of the trial would have been different if a proper objection had been made.

Issue 16: Was appellate counsel deficient in not appealing the decision by the trial judge to give a jury charge on accomplice liability? Additionally, was appellate counsel deficient in not including relevant case law in the appellate brief relative to trial counsel's directed verdict motion that would have likely resulted in a reversal of the conviction?

A. Summary of Evidence

At the Applicant's trial, trial counsel made an objection to the trial judge charging the jury concerning the "hand of one is the hand of all", or accomplice liability. Trial Tr. 973. The trial judge ruled against trial counsel and charged accomplice liability. Trial Tr. p. 979, ll. 10-14.

Appellate counsel for the Applicant filed a final brief on behalf of the Applicant and argued there was no direct or substantial circumstantial evidence reasonably tending to prove the Applicant had murdered the victim. Applicant's PCR Exhibit 27.

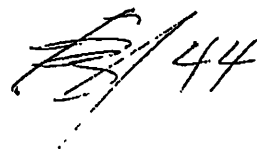
B. Findings of Fact and Conclusions of Law

The trial court is required to charge only the current and correct law. *Sheppard v. State*, 357 S.C. 646, 665, 594 S.E.2d 462, 472-73 (2004). "The law to be charged must be determined from the evidence presented at trial." *State v. Knoten*, 347 S.C. at 302, 555 S.E.2d at 394 (2001). If any evidence supports a requested jury charge, the trial court should grant the request. *State v. Brown*, 362 S.C. 258, 262, 607 S.E.2d 93, 95 (Ct. App. 2004).

Under the accomplice liability theory, "one who joins with another to accomplish an illegal purpose is liable criminally for everything done by his confederate incidental to the execution of the common design and purpose." *State v. Langley*, 334 S.C. 643, 648, 515 S.E.2d

98, 101 (1999). Trial counsel objected to an accomplice liability charge. Appellate counsel did not raise this issue on appeal. The Applicant argues appellate counsel should have raised the accomplice liability issue because there was no direct or sufficient circumstantial evidence the murder was carried out by more than one person. The Applicant submits a second person was mentioned only twice during trial testimony, but the Court recalls a second person was mentioned three times, at least. The first time a second person was mentioned was during testimony that the victim was last seen alive leaving Martha Ransom's house with the Applicant and an unidentified man. The second time a second person was mentioned was in Koenig's testimony that he saw an unidentified man in the blue Volvo with the Applicant. The third time a second person was mentioned was in the testimony of the victim's brother, Bobby Lee Hughes. The Applicant claims this evidence was not enough to support an accomplice liability charge. The Applicant claims the Applicant was prejudiced in that the accomplice liability charge suggested the state's case was stronger than it actually was, while there simply was no sufficient evidence to suggest another person was involved with the murder.

When ruling on a directed verdict motion, the trial court is concerned with the existence or nonexistence of evidence, not its weight. *State v. Gaster*, 349 S.C. 545, 564 S.E.2d 87 (2002). The trial court has a duty to submit the case to the jury where the evidence is circumstantial if there is substantial circumstantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced. *State v. Martin*, 340 S.C. 597, 533 S.E.2d 572 (2000); *State v. Williams*, 321 S.C. 327, 468 S.E.2d 626 (1996). Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error. *State v. Irvin*, 270 S.C. 539, 243 S.E.2d 195 (1978). The trial judge should grant a directed verdict, however, when the evidence merely raises a



suspicion that the accused is guilty. *State v. Martin*, supra. The Applicant cites *State v. Schrock*, 283 S.C. 129, 322 S.E.2d 450 (S.C. 1984) for the proposition that by bringing the case, the State assumes the burden of proving that the accused was at the scene of the crime when it happened and that he committed the criminal act. However, *Schrock* provides no authority for what evidentiary standard is to be employed when there has been no proof of the location of the murder scene. Also, as was the case in *State v. Frazier*, 386 S.C. 526, 689 S.E. 2d 610 (2010), the Court concludes the Applicant has overstated the holding in *Schrock*.

This Court is frankly of the view that the Applicant's quarrel is not with the trial judge's decision to charge the accomplice liability theory. The Applicant's quarrel is as ably stated in trial counsel's closing argument to the jury, i.e., that there was significant reasonable doubt that the Applicant committed the murder. Unfortunately for the Applicant, the jury considered all the evidence and concluded beyond a reasonable doubt that he committed the murder. Whether accomplice liability was charged had no impact upon the jury's verdict, as there was sufficient evidence to allow the jury to conclude the Applicant committed the crime alone.

The Applicant also claims appellate counsel failed to argue correct case law in his brief on the directed verdict issue. The Applicant argues that if appellate counsel had cited the case law that the Applicant raised in his PCR hearing, the conviction would have been reversed and the case remanded for a new trial. The Court disagrees. The brief filed on behalf of the Applicant with the court of appeals and the petition for a writ of certiorari filed with the Supreme Court adequately cover the directed verdict issue.

ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds Applicant failed to present

any evidence regarding such allegations. Accordingly, this Court finds Applicant abandoned such allegations and failed to meet his burden of proof regarding them. Therefore, they are denied and dismissed.

CONCLUSION

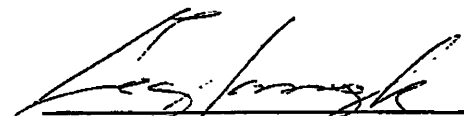
The Court has exhaustively reviewed the record and concludes trial counsel zealously and ably represented the Applicant. The Court also notes PCR counsel has zealously and ably represented the Applicant. Trial counsel's performance was deficient in some respects, as noted herein. However, it is a practical impossibility for any trial lawyer to perfectly address every issue that arises during a complex trial. Trial counsel's deficiencies in this case did not result in prejudice to the Applicant. The Applicant has not established "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 104 S. Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984). Finally, appellate counsel's performance was not deficient.

Based upon the foregoing, the Court concludes the Applicant has not established constitutional violations or deprivations that require this court to grant his application. Therefore, this application for post-conviction relief must be denied.

The Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance should a notice of appeal be filed.

IT IS SO ORDERED.

August 31, 2017
Sumter, S.C.


George C. James, Jr., Presiding Judge

ORIGINALSTATE OF SOUTH CAROLINA
COUNTY OF SUMTERIN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Nathaniel Bradley, #262526

Case No. 2012-CP-43-01519

Applicant,
SUMTER COUNTY, S.C.

v.

State of South Carolina,

Respondent.

**NOTICE OF MOTION AND
MOTION FOR AMENDMENT
AND RECONSIDERATION
PURSUANT TO RULES 52(a),
52(b) AND 59(e), SCRCP**

Please take notice that on the eleventh day after the service hereof upon you, or as soon thereafter as counsel may be heard, at a time and place to be fixed by Justice George C. James, Jr., Applicant, Nathaniel Bradley, shall move the Court pursuant to Rules 52(a), 52(b) and 59(e), SCRCP, for an Order to alter or amend the Final Order filed on September 5, 2017, a copy of which received in the U.S. Mail by Bradley M. Kirkland, LLC, on September 18, 2017, having been served by mail upon Applicant by the Sumter County Clerk of Court. This Motion is timely, having been served within 10 days after receiving written notice of entry of the Order and pursuant to Rule 6, SCRCP.

Defendant is moving for a reconsideration and alteration and amendment of the Final Order on the following grounds and concerning the following errors and omissions:

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. The Applicant was true bill indicted at the May 2007 Term of the Sumter County Grand Jury for Murder and Possession of a Firearm During the Commission of a violent Crime (2007-GS-43-390). Ernest A. Finney,

III, Esquire, represented him. On January 14-18, 2008, Applicant proceeded to a jury trial before the Honorable R. Ferrell Cothran, Jr. On January 18, 2008, Applicant was found guilty of Murder and not guilty of Possession of a Firearm During the Commission of a Violent Crime. Judge Cothran sentenced the Applicant to thirty years imprisonment for Murder.

Applicant appealed his conviction and an appeal was perfected. The South Carolina Court of Appeals affirmed the conviction. State v. Nathaniel Noel Bradley, 2010-UP-494 (filed November 8, 2010). A Petition for Rehearing was filed on November 23, 2010. In a written order, filed December 30, 2010, the South Carolina Court of Appeals denied the Petition for Rehearing. Counsel for the Applicant filed a Petition for Writ of Certiorari on April 1, 2011. The State made its Return to Petition for Writ of Certiorari on July 12, 2011. In a written Order, the South Carolina Supreme Court denied the petition for Writ of Certiorari on June 21, 2012. The Remittitur was sent July 5, 2012.

In his original Application, the Applicant alleged that he was being held in custody unlawfully for the following reasons:

I. Ineffective assistance of Counsel

- a. "Counsel was ineffective for failing to investigate this case by failing to interview potential witnesses. Counsel has a duty to investigate, See Ard v. Catoe, 642 S.E.2d 590, 597 (2007)."

On April 9, 2015, through PCR counsel Bradley M. Kirkland, the Applicant amended his application to include the following grounds:

1. Trial Counsel erred when he failed to move to quash the arrest warrant on the basis that the information in the warrant was demonstrably false and therefore the magistrate issued the warrant based on false information. The warrant claimed that Mr. Bradley committed the murder in Sumter County and an eyewitness placed Mr. Bradley at the scene of the crime. However, at trial, Investigator McMillan admitted that he had no evidence that the victim was killed in Sumter County. (Tr. p. 729-730).
2. Trial counsel erred when he failed to argue in his directed verdict motion that the state had failed to place him at the scene of the crime or show any evidence of his participation in the murder of the victim. (Tr. p. 820-831).

3. Trial counsel erred when he waived the *Neil v. Biggers* hearing and allowed in testimony concerning the identification of Mr. Bradley by the states witness, Darrell Koenig. Additionally trial counsel failed to object to the line-up introduced through Mr. Koenig and Mr. Koenig's in court identification of Mr. Bradley. (Tr. p. 583-585; Koenig Testimony p. 621-661).
4. Trial counsel failed to investigate Easy Auto to see if they in fact used yellow temporary tags on their vehicles and if other cars, similar to the blue Volvo, had been sold near the time of the murder. Additionally, trial counsel failed to object to hearsay testimony by an employee of Easy Auto during trial. (Tr. p. 522-524; p. 628, l. 12-18; p. 680-681)
5. Trial counsel failed to object to the prosecutor referring to Mr. Bradley as a liar in her closing argument while arguing that her witnesses were credible. (Tr. p. 1009, l. 3-5; p. 1016, l. 23-25; p. 1017, l. 1-6; p. 1024, l. 3-18; p. 1025, l. 19-24).
6. Failure to call expert witnesses to challenge the testimony of prosecution witnesses. Furthermore trial counsel informed Mr. Bradley that experts would be at the trial to introduce phone records and give an expert opinion as to the location of the phone. Additionally witnesses that were familiar with the condition of the car at the time of the recovery were not called to testify as to the condition of the car.
 - a. Arson Expert: An arson expert could have testified that a burning car would have produced an immense amount of smoke and would have been easily visible for a long distance during the day. Furthermore, the expert could have testified that the car would have still retained some heat at the time it was discovered if it had in fact been burned after 10:30 am on the day the car was discovered. Mr. Bradley's position is that it is impossible for the car to have been burned after 10:30 am on Sunday morning (when he was allegedly seen by Mr. Koenig driving the car). Therefore, Mr. Koenig's identification of Mr. Bradley was in error and, in fact, impossible.
 - b. Telecommunications Expert: This expert could have testified that Mr. Bradley's phone was in use during the time frame when Darrell Koenig allegedly saw Mr. Bradley driving the victim's car. The phone records would indicate that Mr. Bradley's phone was miles away from the location that Mr. Koenig allegedly saw Mr. Bradley driving the victim's car and during the time frame in which the car was allegedly burned by Mr. Bradley. Furthermore, the phone records would have corroborated Mr. Bradley's alibi witnesses.
 - c. Eyewitness Identification Expert: This expert could have testified to the inherent unreliability of eyewitness identifications.
7. Trial counsel failed to properly investigate Mr. Bradley's alibi witnesses. Although trial counsel did call Calvin Davis as an alibi witness (Tr. p. 864-884) he failed to call Glenn Moses (and others) who were also present and would have corroborated Mr. Davis' testimony.
8. Trial counsel failed to move for a mistrial when the security belt worn by Mr. Bradley accidentally discharged and caused Mr. Bradley to fall out of his chair. (Tr. p. 201-206).
9. Trial counsel erred when he called the defendant's brother, Paul Bradley, to testify that the defendant told him that the victim was deceased prior to police finding the body. (Tr. p. 934-935).
10. Trial counsel failed to object to hearsay testimony entered by Mr. Koenig. Mr. Koenig testified that his neighbors told him that the police were looking for a blue Volvo with

temporary tags. (Tr. p. 634-635).

11. Trial counsel failed to object to the prosecutor asserting that she did not have to prove when or where the victim was murdered. (Tr. p. 93).
12. Trial counsel erred when he failed to object to two letters introduced by Gloria Portee into evidence. The letters were primarily character evidence and had little to no relevance at trial. (Tr. p. 378-386)
13. Trial counsel erred in allowing Wayne Johnson to say that he had an altercation with Bradley and armed himself (Tr. p. 560).
14. Trial counsel failed to object to Bobby Lee Hughes saying that he thought the Defendant might have had something to do with the death. (Tr. p. 570, 580)
15. Trial counsel failed to object to hearsay of Officer Wesley Gardner and Clarence McMillan when saying Koenig said he was 100% sure of his identification. (Tr. p. 613, 715).
16. Appellate counsel erred by not appealing the decision by the trial Judge to give a jury charge on accomplice liability (hand of one is the hand of all). Additionally, appellate counsel did not include relevant case law in her brief that would have likely resulted in a reversal of the conviction. (Tr. p. 972-974; p. 979).

SUMMARY OF APPLICABLE LAW

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of

counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness" under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

ISSUE 1: Applicant's trial counsel failed to move to quash the arrest warrant on the basis the information in the warrant was demonstrably false and therefore the magistrate issued the warrant based on false information.

A. Summary of Testimony

The Applicant testified that the arrest warrant for his Murder charge contained demonstrably false statements that resulted in his arrest and prosecution. PCR Tr., July 5, 2016, p. 11. The warrant specifically stated, "PROBABLE CAUSE: LAW ENFORCEMENT HAS A STATEMENT FROM A WITNESS WHO PLACED THE DEFENDANT AT THE CRIME SCENE. LAW ENFORCEMENT WILL ATTEST TO THE SAME." Exhibit 24. However at the trial no witness placed the defendant at the crime scene. In fact, Officer McMillan testified at the trial that he had no witnesses that saw the murder and he did not know the date of the murder or the county in which the murder occurred. Trial Tr. p. 729-730.

B. Findings of Fact and Conclusions of Law

"In Franks v. Delaware, the United States Supreme Court held that the Fourth and Fourteenth Amendments gave a defendant the right in certain circumstances to challenge the veracity of a warrant affidavit after the warrant had been issued and executed." State v. Missouri, 337 S.C. 548, 553, 524 S.E.2d 394, 396 (1999). The Franks test applies in cases when officers include false information in a warrant affidavit and cases when officers omit potentially

exculpatory information. Missouri , 337 S.C. at 554, 524 S.E.2d at 397. Although the Franks case concerned a search warrant, this right has been applied to arrest warrant affidavits in South Carolina. State v. Porch, 417 S.C. 619, 790 S.E.2d 440 (S.C. App., 2016).

Where the defendant makes a substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit, and if the allegedly false statement is necessary to the finding of probable cause, the Fourth Amendment requires that a hearing be held at the defendant's request. In the event that at that hearing the allegation of perjury or reckless disregard is established by the defendant by a preponderance of the evidence, and, with the affidavit's false material set to one side, the affidavit's remaining content is insufficient to establish probable cause, the search warrant must be voided and the fruits of the search excluded to the same extent as if probable cause was lacking on the face of the affidavit. Franks v. Delaware, 438 U.S. 154, 155–56, 98 S.Ct. 2674, 57 L.Ed.2d 667 (1978).

In the present case it is clear that Officer McMillan made a demonstrably false statement in the arrest warrant. There was simply no witness that placed the defendant at the crime scene of the murder. In fact, Officer McMillan offered no evidence as to where or when the murder occurred. Pursuant to the mandate of Franks, if the "PROBABLE CAUSE" portion of the warrant is excised then we are left with the conclusory statement that Mr. Bradley committed the offense with no explanation whatsoever as to why he was considered connected to the crime.

Based on the this testimony this Court should have found that by not challenging the arrest warrant the Applicant's attorney's conduct was deficient. Had the Applicant's attorney challenged the arrest warrant it would have likely been dismissed and therefore this Court should have determined that the outcome of the trial would have likely been different and the

Applicant's petition for PCR should be granted.

ISSUE 2: Trial Counsel Erred when he failed to argue in his directed verdict motion that the state had failed to place him at the scene of the crime or show any evidence of his participation in the murder of the victim.

A. Summary of Testimony

At the PCR hearing Mr. Bradley testified that his attorney had incorrectly argued the directed verdict motion during his trial. He alleged that there is very clear case law that requires the prosecution to place the defendant at the scene of the crime. PCR Tr., July 5, 2016, p. 14. A review of the trial transcript does indicate that trial counsel did in fact argue that the State had not submitted any evidence of the defendant's connection to the crime but he did not specifically argue that the State failed to place the defendant at the scene of the crime. Additionally he did not present any case law in support of his position. Trial Tr. pp. 822-823.

B. Findings of Fact and Conclusions of Law

The trial court has a duty to submit the case to the jury where the evidence is circumstantial if there is substantial circumstantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced. *State v. Martin*, 340 S.C. 597, 533 S.E.2d 572 (2000); *State v. Williams*, 321 S.C. 327, 468 S.E.2d 626 (1996). Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error. *State v. Irvin*, 270 S.C. 539, 243 S.E.2d 195 (1978). The trial judge should grant a directed verdict, however, when the evidence merely raises a suspicion that the accused is guilty. *State v. Martin*, supra. By bringing the case, the State assumes the burden of proving that the accused was at the scene of the crime when it happened and that he committed the criminal act. *State v. Schrock*, 283 S.C. 129, 322 S.E.2d 450 (S.C.,

1984).

In the present case, after reviewing the trial transcript, it appears that there was no direct evidence linking Mr. Bradley to the murder. The prosecution admitted that they had to prove their case by the use of circumstantial evidence. Trial Tr. p. 1010, 4-19. It was further admitted that they did not know the time of death or the location of the death. Trial Tr. p. 729-730.

After a review of the trial transcript this Court should have found that the prosecution did in fact rely entirely on circumstantial evidence to prove their case. Furthermore the Court should have found that trial counsel failed to properly argue his directed verdict motion. Had trial counsel properly researched and presented this issue to the trial court the motion for directed verdict would have been likely granted. Therefore, this Court should grant the Applicant's petition for a new trial.

ISSUE 3 and 6(c): Trial counsel erred when he waived the Neil v. Biggers hearing and allowed in testimony concerning the identification of Mr. Bradley by the State's witness, Darrell Koenig. Additionally trial counsel failed to object to the line-up introduced through Mr. Koenig and Mr. Koenig's in court identification of Mr. Bradley. Finally Counsel failed to call an identification expert.

A. Summary of Testimony

The Applicant testified that he was never informed of his right to challenge the eye witness identification of Darrell Koenig. He further testified that trial counsel waived the Biggers hearing without his consent at trial. PCR Tr., July 5, 2016; Trial Tr. 584-585.

At the trial Darrell Koenig was a particularly important witness for the prosecution as he claimed to see the Applicant driving the victim's car shortly before the car was found burned in a field. Officer McMillan admitted that his "theory of the case" revolved around Mr. Koenig's testimony. Trial Tr. p. 730. Mr. Koenig testified that he was "working right along the edge of the road in the ditch leveling out soil." At that time he saw a "blue Volvo sedan" drive past him

twice. Trial Tr. pp. 627-628. Mr. Koenig initially testified that he was sitting down in the ditch looking up when the Volvo passed. Trial Tr. 637. However, on cross examination Mr. Koenig testified that he was "back in the woods" when he saw the car. Trial Tr. p. 659. Based on this brief view of the car and the person in the car Mr. Koenig picked the Applicant out of a photo line-up. Trial Tr. pp. 638-639.

At the PCR hearing identification expert Lori Van Wallendael was called by the Applicant. Initially Ms. Wallendael testified that in studies that she has participated in and relied on in her research, the standard "six-pack" style line-up was less reliable than showing a potential eye witness one photo at a time and asking them if they recognize the person. PCR Tr., April 15, 2016, p. 13-14. She further testified that she had reviewed the testimony of Darrell Koenig, the testimony of the two officers that administered the line-up to Mr. Koenig as well as a black and white copy of the photo line-up that was shown to Mr. Koenig. PCR Tr., April 15, 2015, p. 20. She also explained the currently accepted theory of the model of memory. PCR. Tr., April 15, 2015, pp. 21-25.

As to the current case, she explained that there are many decades of studies that indicate that cross racial identifications are not as accurate as same race identifications and in this case Mr. Koenig is a white male and the applicant is a black male. PCR Tr., April 15, 2015, pp. 25-26. Furthermore she noted that law enforcement used a standard "six-pack" style of line-up rather than the more reliable sequential line-up. PCR Tr., April 15, 2015, p. 28. She noted that Mr. Bradley's photo in the line-up was slightly different than the other photos as he was looking to the side and his mouth was slightly open whereas the others were not. PCR Tr., April 15, 2015, p. 29. She commented that she was concerned that the witness expressed that he was 100% sure of his identification despite the fact that he testified that, at the time of the

identification, he didn't think too much of it. PCR Tr., April 15, 2015, p. 35-36. She also was concerned about false memories being created because prior to his identification of the car he was told by a neighbor that the police were looking for a blue Volvo with temporary tags. PCR Tr., April 15, 2015, pp. 35-36. She testified that although the witness had relied almost entirely on identification of the Applicant's mouth, he did not mention the feature in his voluntary statement. PCR Tr., April 15, 2015, p. 38. She further explained that although the witness stated he locked eyes with the Applicant for 15 seconds it was likely between 5-10 seconds based on the fact people tend to overestimate time when recalling an event. PCR Tr., April 15, 2015, pp. 39-40. Finally she was also concerned that despite his apparent perfect memory of the diver and the car he could not recall specific details concerning the passenger of the car. PCR Tr., April 15, 2015, pp. 40-41.

B. Findings of Fact and Conclusions of Law

In *Neil v. Biggers*, the United States Supreme Court set forth a two-pronged inquiry to determine whether due process requires suppression of an eyewitness identification. Due process requires courts to assess, on a case-by-case basis, whether the identification resulted from unnecessary and unduly suggestive police procedures, and if so, whether the out-of-court identification was nevertheless so reliable that no substantial likelihood of misidentification existed. *Biggers*, 409 U.S. at 198. Under the totality of the circumstances, the factors to be considered in assessing the reliability of an otherwise unduly suggestive identification procedure are: (1) the witness's opportunity to view the perpetrator at the time of the crime, (2) the witness's degree of attention, (3) the accuracy of the witness's prior description of the perpetrator, (4) the level of certainty demonstrated by the witness at the confrontation, and (5) the length of time between the crime and the confrontation. *Manson v. Brathwaite*, 432 U.S. 98, 114 (1977) (citing

Biggers, 409 U.S. at 199-200).

In the present case the Court should have found that the Applicant appeared credible when he insisted that he did not waive his Biggers hearing. Furthermore this Court should have found that based on the testimony of Mr. Koenig, the two officers that administered the line-up as well as the testimony of Ms. Wallendael that it was deficient performance to not to challenge the line-up and the in court identification of the Applicant. Furthermore, based on inconsistencies of Mr. Koenig's testimony as well as the expert testimony of Ms. Wallendael that had trial counsel challenged the identification during a Biggers hearing as well as during trial that the outcome would have been different and, therefore, the Applicant should be entitled to a new trial.

ISSUE 4: Trial counsel failed to investigate Easy Auto to see if they in fact used yellow temporary tags on their vehicles and if other cars, similar to the blue Volvo, had been sold near the time of the murder. Additionally, trial counsel failed to object to hearsay testimony by an employee of Easy Auto during trial.

A. Summary of Testimony

Martha Ransom, the owner of the blue Volvo, testified at trial that the car was in fact light blue and was purchased at Easy Credit Auto. However, when asked if there were temporary tags on the car at the time of the murder she initially testified that she thought they had regular tags on the car. She then stated that temporary tags might have been on the car and she thought they might be red. Trial Tr. pp. 522-524. It is important to note that Ms. Ransom was recalled by the prosecution as a witness because the prosecution had not put into evidence a description of the vehicle by someone that was familiar with the Volvo. Trial Tr. p. 522. Darrell Koenig was absolutely certain the he saw a yellow paper tag on the vehicle. Trial Tr. p. 628.

Officer McMillan testified at trial that spoke to the car dealer that sold the car to Ms.

Ransom. He testified that he was told what the VIN number of the car was, a description of the vehicle and that the vehicle had bright yellow paper tags on it when sold. He further testified that the dealer told him that the car had GPS tracking installed on it but that the GPS would not work if the vehicle was destroyed. Trial Tr. pp. 680-681. No objection was made as to this testimony by trial counsel.

B. Findings of Fact and Conclusions of Law

The S.C. Rules of Evidence provide in Rule 802 that hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court of this State or by statute. Hearsay is defined in Rule 801(c) as a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted. Rules 803 and 804 list various exceptions to Rule 802.

In the present case it is absolutely clear that all of Officer McMillan's testimony concerning what he was told by Easy Auto was hearsay and does not fit under any exception to Rule 802. It is further evident that trial counsel did not object to the testimony during the trial. Additionally, after a review of the full record there appears to be no other witness that was familiar with the car that was able to describe the car as having a yellow paper tag on the day of the sale of the car or on the day of the murder. The prosecution attempted to have Ms. Ransom testify that the car had a yellow paper tag but she was unable to do so. Therefore, the hearsay testimony of Officer McMillan was the only testimony admitted concerning the appearance of the car. This testimony was critical to the prosecution because the car was specifically described as having a yellow paper tag by Mr. Koenig. Without the hearsay testimony there would have been no testimony as to the condition of the specific car owned by Ms. Ransom and driven by the victim rendering Mr. Koenig's testimony far less useful as the paper tag would not have been

confirmed to have been on the vehicle.

The Court should have found that trial counsel's performance was deficient as the testimony was particularly harmful to the defendant and not admissible under the Rules of Evidence. Furthermore, the Court should have found that had the testimony been excluded then there would have been absolutely no corroborating evidence introduced at trial that the car driven by the victim had a yellow paper tag which would have likely changed the outcome of the trial. Therefore, the Applicant should be entitled to a new trial.

Issue 5: Trial counsel failed to object to the prosecutor referring to Mr. Bradley as a liar in her closing argument while arguing that her witnesses were credible.

A. Summary of Testimony

During closing arguments the Assistant Solicitor argued that the Applicant's own lies, his own inability to tell the truth created a trap in which he now finds himself. Trial Tr. p. 1009, l. 3-5. She further argued that one of her witnesses, Donna McDuffie was telling the "obvious truth" and the jury could believe what was in her original statement. Trial Tr. pp. 1024, l. 3-18; p. 1025, l. 19-24. The Assistant Solicitor also argued that witness Gloria Portee was obviously telling the truth because the Applicant was staring at her and trying to intimidate her. Trial Tr. p. 1027.

B. Findings of Fact and Conclusions of Law

A solicitor's closing argument must not appeal to the personal biases of the jurors nor be calculated to arouse the jurors' passions or prejudices, and its content should stay within the record and reasonable inferences thereto. *State v. Cooper*, 334 S.C. 540, 514 S.E.2d 584 (1999). A solicitor has a right to state his version of the testimony and to comment on the weight to be given such testimony. *Id.* Improper comments do not require reversal if they are not prejudicial

to the defendant, and the appellant has the burden of proving he did not receive a fair trial because of the alleged improper argument. The relevant question is whether the solicitor's comments so infected the trial with unfairness as to make the resulting conviction a denial of due process. *Humphries v. State*, 351 S.C. 362, 570 S.E.2d 160 (2002).

A solicitor may argue the credibility of the State's witnesses if the argument is based on the record and its reasonable inferences. *State v. Caldwell*, 300 S.C. 494, 388 S.E.2d 816 (1990). A solicitor may not vouch for the credibility of a State's witness based on personal knowledge or other information outside the record. *State v. Kelly*, 343 S.C. 350, 540 S.E.2d 851 (2001). Vouching for a witness based on outside material conveys the impression to the jury that the solicitor has evidence not presented to the jury but known by the prosecution which supports conviction. *Id.* It is inappropriate for the State to assure the jury of a witness' credibility, because the jury is charged with assessing the credibility of witnesses based on evidence in the record. *Id.*

In the present case the Solicitor clearly commented on the fact that she believed that the Applicant had lied and her witnesses were credible. This court should have found that those arguments were improper and it was deficient performance for trial counsel not to object. By failing to object to these statements made by the prosecutor it is likely that the jury was improperly influenced by the opinions of the prosecutor and the Applicant was denied due process. Therefore, the Applicant should be granted a new trial.

ISSUE 6(b) and 6(c): Failure to call expert witnesses to challenge the testimony of prosecution witnesses. Furthermore trial counsel informed Mr. Bradley that experts would be at the trial to introduce phone records and give an expert opinion as to the location of the phone. Additionally witnesses that were familiar with the condition of the car at the time of the recovery were not called to testify as to the condition of the car.

A. Summary of Testimony

A review of the trial testimony indicates that the Applicant's trial counsel did not call any

expert witnesses during the Applicant's trial. According to the Applicant, trial counsel indicated that he would be able to cross examine the state's expert to testify as to the cell tower locations that the Applicant's phone was connected to at various times during the weekend of the murder. PCR Tr., July 5, 2016, p. 32. Trial counsel, however, indicated that he did not ever consider getting an expert in the Applicant's case. PCR Tr., July 5, 2016, p. 95-96. Instead trial counsel cross examined Investigator McMillian concerning the location of the phone throughout the weekend. However, trial counsel admitted that McMillian was not particularly prepared and he had not reviewed the records carefully. Nevertheless, trial counsel insisted that he was able to get into evidence the location of the phone relative to the cell towers during cross examination. PCR Tr., July 5, 2016, pp. 96-97.

It is also clear from the trial transcript that an arson expert was not called to discuss how long it takes for a car to burn, the amount of smoke the car would produce, and how long the car would retain heat had it been burned. Trial Tr. pp. 738-742. During the Applicant's trial, trial counsel attempted on several occasions to question witnesses about the amount of heat coming from the car and how long it would take for a car to cool off after being completely burned out. Trial Tr. pp. 738-74. However, every attempt by trial counsel to elicit an opinion of how hot the car was or when it was burned was met by an objection by the state that the witness was not qualified to give an opinion on the matter because they were not an expert. Trial Tr. pp. 353-354, 368-369.

During the PCR hearing the Applicant called Daniel Olson, an expert qualified in the origin and cause of automobile and machinery fires. PCR Tr., July 5, 2016, p. 141. He testified that there was a clear timeline according to trial testimony that the car was seen intact between 9:30 am and 10:15 am and that the car was found burned at around 2:30 pm the same day. Trial

Tr. p. 143, 145. He further testified that the burned car, based on the testimony of when it was seen on cobblestone road and the distance to the cemetery where the car was found burned was approximately a 47 minute drive. That would mean that the earliest the car could have been burned would have been 10:17 am. Trial Tr. pp. 150-153. The car in this case was completely burned out. Trial Tr. pp. 183-184.

Mr. Olson testified that these type of car fires produce tremendous flame and smoke when burning. Trial Tr. pp. 158-160, See Exhibits 8-10. He testified that the car would have burned for approximately 45 minutes and the earliest the fire could have ignited was 10:17 am according to testimony. Trial Tr. 162-163. He believed the fire would have been burning at 1800 degrees or more based on the fact that aluminum parts appeared to be melted. Trial Tr. p. 169. He testified that the tires could smolder "for a very long time". Trial Tr. pp. 170-171. His opinion was that if the car finished burning at around 11:30 or so it would have still been hot at the time of the discovery and he believed that parts, particularly the tires, would still be smoking. Trial Tr. pp. 171-174. He further testified that there was absolutely no arson or burn investigation performed on the vehicle and it left many questions unanswered that would have helped a jury. Trial Tr. 176-178. He testified that his opinion was that the car that was seen at 9:30 am was not the car that was found at 2:30 burned in the cemetery. Trial Tr. 181-182.

However, he found the testimony of Matt Bramlet interesting. Matt Bramlett lived directly across the street from the cemetery in which the burned car was found.¹ Trial Tr. pp. 453-454. Mr. Bramlet testified that at 1:30 am he heard his dogs barking for approximately 25 minutes. This, according to Mr. Olson, would have been much more consistent with when the car would have been burned considering the condition in which it was found. Trial Tr. pp. 185-

¹ Mr. Olson mistakenly testified that Mr. Bramlet lived a quarter mile from the cemetery. Trial Tr. p. 185. However, Mr. Bramlet clearly testified at trial that he lived across the street from the cemetery. Trial Tr. pp. 453-454.

187. In support of Mr. Olson's testimony PCR counsel called Derrick Slater, the tow truck driver that removed the car. He arrived around 5:30 to 6:00 pm and testified that he did not notice any heat whatsoever emanating from the vehicle. Trial Tr. pp. 73-76.

The Applicant called historical cell phone analysis expert Ben Levitan. Mr. Levitan used the cell phone data that was provided to trial counsel by the Solicitor's office to compare the testimony of the witnesses to the location of the mobile phone from the point that the victim was last seen to the moment the body and the burned out car were located. He noted that the phone appeared to be in locations consistent with the defendant's alibi witnesses and other trial testimony.

Initially he testified that the Applicant's phone was likely at the victim's address the last time the victim was seen. PCR Tr., April 15, 2015. The Applicant's phone was at the correct location of alibi witnesses Tenisha Williams and Eloise Sinkler. PCR Tr., April 15, 2015, pp. 94-97. The phone also appeared to be at the proper location for alibi witness Calvin Davis and Donna McDuffy. PCR Tr. pp. 100-101, 103. He also testified that the Applicant's phone was approximately 23 miles from where eye witness Koenig claimed to see Mr. Bradley driving the blue Volvo the morning the burned vehicle was discovered and he was near Donna McDuffy's house. PCR Tr, April 15, 2015, pp. 104-105, 108-109. The phone's location was consistent with Rick Nelson's testimony that he spoke with the Applicant between 3:00 and 5:00 pm on Sunday. PCR Tr., April 14, 2015, p. 113. The phone location was also consistent with the testimony of Loubbertha Bradley that said the Applicant was at her house at a cookout on Sunday. PCR Tr., April 14, 2015, pp. 116-117. He further testified that he was in the area of alibi witness Tina Leon between the hours of 10:00 am and 4:00 pm. PCR Tr., April 14, 2015, pp. 121-122. Most importantly, the expert stated that the Applicant's phone was 23 miles from Cobblestone Road at

the time that Mr. Koenig claims to have seen the Applicant. PCR Tr., April 14, 2015, pp. 123-124.

B. Findings of Fact and Conclusions of Law

“[C]ounsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary.” Strickland, 466 U.S. at 691, 104 S.Ct. 2052. “[A]t a minimum, counsel has the duty to interview potential witnesses and to make an independent investigation of the facts and circumstances of the case.” *Ard v. Catoe*, 372 S.C. 318, 331, 642 S.E.2d 590, 597 (2007) (emphasis omitted) (citation omitted). “[A] particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to counsel’s judgments.” Strickland, 466 U.S. at 691, 104 S.Ct. 2052. “[S]trategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation.” *Id.* at 690–91, 104 S.Ct. 2052. “[C]ounsel’s conversations with the defendant may be critical to a proper assessment of counsel’s investigation decisions [.]” *Id.* at 691, 104 S.Ct. 2052.

“[T]he United States Supreme Court has held that the defendant must have ‘a fair opportunity to present his defense,’ thereby requiring the State to provide the ‘basic tools’ for an adequate defense to an indigent defendant.” *Bailey v. State*, 309 S.C. 455, 459, 424 S.E.2d 503, 506 (1992) (quoting *Ake v. Oklahoma*, 470 U.S. 68, 105 S.Ct. 1087, 84 L.Ed.2d 53 (1985)). “Thus, although the State is not required to provide the indigent defendant with unlimited funding, it must ensure that the defendant has competent counsel and the services of experts necessary to a meaningful defense[.]” *Id.*

South Carolina Code section 17–3–50(B) (2003) provides in pertinent part:

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonably necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall order the payment, from funds available to the Office of Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate.

An applicant is only entitled to fees to pay for expert witnesses if the applicant shows a need for the expert testimony. *Thames v. State*, 325 S.C. 9, 11, 478 S.E.2d 682, 683 (1996). The mere possibility the applicant could find a witness somewhere to support an allegation is insufficient to warrant authorization of funds. *Id.* Where counsel articulates a valid trial strategy for failing to call an expert witness to testify at trial, such conduct will not be deemed ineffective. *Legare v. State*, 333 S.C. 275, 281, 509 S.E.2d 472, 475 (1998).

As to the origin and cause of automobile and machinery fires expert, at the PCR hearing the trial counsel admitted that he had not formed a theory of when the car burned but did think that it would still be smoking and burning for hours. Trial Tr. pp. 97-99. He offered no strategic reason for failing to call an expert. He admitted that he did not think it mattered how hot the car got, only that it was found in a particular location. However, he did admit that if the science of burning cars indicated that the car could not have possibly been cool at the time it was found then it would have discredited Mr. Koenig's testimony. PCR Tr., July 5, 2016 pp. 143-144.

This Court should have found that trial counsel was deficient for failing to call an origin and cause of automobile and machinery fires. The issue of when the car was burned was of paramount importance because Mr. Koenig stated he saw the car intact at 9:30 am. If, in fact, the car could not have been burned around this time and been cool to the touch will no smoldering at 2:30 pm then it would scientifically impossible for Mr. Koenig to have seen the car. Furthermore this testimony would have likely changed the outcome of the trial as Mr. Koenig's testimony simply could not be true if the jury believed the origin and cause of automobile and

machinery fires expert. Therefore, the Court should have found on this issue the Applicant is entitled to a new trial.

This Court should also have found that trial counsel's performance was deficient by failing to call a historical cell phone expert. According to the expert, the Applicant's phone appeared to be with him during the 3 days that this case revolved around. The locations of the phone matched both the State's witnesses as well as alibi witnesses called by the defense. This combined with the fact that the phone was located 23 miles from the location that the Applicant was seen driving the car makes it clear that this issue was of particular importance to the prosecution and the defense. It is interesting to also note that the State did not call an expert because, it appears, the testimony of the cell phone location would damage their case. This Court have further found that this testimony would have likely changed the outcome of the trial as it appeared from the expert testimony that the Applicant very likely did have his mobile phone with him over the 3 day period the trial covered. Therefore, this Court should have granted the Applicant's petition for PCR and orders a new trial.

ISSUE 7: Abandoned by Applicant

Issue 8: Trial counsel failed to move for a mistrial when the security belt worn by Mr. Bradley accidentally discharged and caused Mr. Bradley to fall out of his chair. (Tr. p. 201-206).

A. Summary of Testimony

During the trial the Applicant was required by the Sheriff's Department to wear a security taser belt. During the trial the belt discharged and caused the Applicant to receive an electric shock that knocked him out of his chair. Trial counsel as well as the prosecutor discussed the issue with the trial judge and all decided a curative instruction was appropriate. When the jury returned to the courtroom the Judge gave the following instruction:

Thank you ladies and gentlemen. I apologize about the delay. I need to explain to you that the defendants in this court are required to wear a security belt. The security belt in this case malfunctioned and the defendant received an electrical shock. We have cured that problem and we're ready to proceed with the trial.

At that point the trial continued. Trial Tr. pp. 201-206.

However, the Applicant testified that he believed a mistrial was in order. His reasoning was that he did not believe that the jury could simply erase the event from their mind and would potentially consider him a dangerous felon because of the requirement of security. PCR, July 5, 2016, pp. 41-42.

B. Findings of Fact and Conclusions of Law

The use of physical restraints, such as a stun belt, during trial and the sentencing phase implicates a defendant's right to due process. *Deck v. Missouri*, 544 U.S. 622, 629, 125 S.Ct. 2007, 161 L.Ed.2d 953 (2005). *Deck*, and the bulk of federal cases discussing the use of physical restraints during trial and sentencing, involved traditional methods of securing the accused, such as handcuffs and shackles. The "same fundamental issues are implicated in the decision of the district court" to restrain a defendant through the use of a stun belt. *United States v. Waagner*, 104 Fed.Appx. 521, 526 (6th Cir.2004). A decision to use a stun belt must be subjected to at least the same close judicial scrutiny required for the imposition of other physical restraints. *Id.* (quoting *Gonzalez v. Piller*, 341 F.3d 897, 901 (9th Cir.2003)). Further, such "physical restraints should be used as rarely as possible." *United States v. Durham*, 287 F.3d 1297, 1304 (11th Cir.2002). In *U.S. v. Miller*, 531 F.3d 340 (6th Cir., 2008), the Court determined that it is an abuse of discretion to fail to hold a hearing to determine if restraints are necessary for a particular defendant during trial.

In the present case the jury was clearly aware that the Applicant was wearing a security

belt because they were specifically told that was the case. Although trial counsel has claimed that it was a strategy decision to continue the trial it is difficult to imagine that a jury could simply set aside the fact that the Court or the Sheriff's Department found the Applicant to be so dangerous that he was required to wear a stun belt. Therefore, the Court should have found that trial counsel was ineffective for failing to move for a mistrial as a result of the discharge of the security belt. Further the Court should have found that it is highly likely that the jury took this fact into consideration when considering the Applicant's case and the result would have likely been different had they not been exposed to the discharge of the belt. Therefore the Applicant's petition for a new trial should have been granted.

Issue 9: Trial counsel erred when he called the defendant's brother, Paul Bradley, to testify that the defendant told him that the victim was deceased prior to police finding the body.

A Summary of Testimony

Captain James Turner testified at the trial that he was the command of the Criminal Investigations Division. On May 23, 2005, he received a call that a body had been found in Boyle's Pond. He recalled receiving the call around 1:30 pm to 2:00 pm. Trial Tr. 109-110. Trial counsel, in his case in chief, called Tina Leon. Ms. Leon stated that on May 23, 2005, that the Applicant was at her house painting from 10:00 am until 4:00 pm. She stated that he did not leave the house on that day and she picked up lunch for him and another man assisting the Applicant from Sonic. Trial Tr. pp. 902-907. Subsequent to calling Ms. Leon trial counsel called the Applicant's brother, Paul Bradley. Mr. Bradley recalled that on Monday, May 23, 2005, that he saw the Applicant at approximately 1:00 pm crying because his friend had been murdered.

B. Findings of Fact and Conclusions of Law

It is clear from the testimony that trial counsel called a witness that directly contradicted the testimony of alibi witness Tina Leon. In fact, Mr. Bradley's testimony suggested that the Applicant was aware the victim was deceased prior to the body being recovered and identified by law enforcement. This testimony did not go unnoticed by the prosecutor. In her closing argument the prosecutor noted that Paul Bradley, the Applicant's own brother, "provided one of the most important pieces of evidence in this case . . ." She further noted that he gave this testimony after being called by trial counsel. Trial Tr. pp. 1035-1036.

This testimony was extremely damaging to the defense and was elicited by trial counsel after he had already established Mr. Bradley's location on the day the body was recovered. It is clear from the record that trial counsel did not thoroughly investigate Paul Bradley and did not realize that his testimony would be one of the major pieces of evidence the prosecution would rely on in its closing argument. Therefore the Court should have found that trial counsel's performance was deficient. The Court should have further found that the testimony was particularly damaging to the Applicant's defense and the outcome of the trial would likely have been different had Paul Bradley not been called as a witness. Therefore the Court should have granted the Applicant's petition for a new trial.

Issue 10: Trial counsel failed to object to hearsay testimony entered by Mr. Koenig. Mr. Koenig testified that his neighbors told him that the police were looking for a blue Volvo with temporary tags.

A. Summary of Testimony

Darrell Koenig testified that the day after he saw the blue Volvo he spoke to his neighbors and he was told "that on the news that they were looking for a blue 1990 Volvo with a temporary tag on it." He said he immediately knew that was the car he saw on the previous day. Trial Tr. pp. 634-635.

B. Findings of Fact and Conclusions of Law

The S.C. Rules of Evidence provide in Rule 802 that hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court of this State or by statute. Hearsay is defined in Rule 801(c) as a statement, other than one made by the declarant while testify at the trial or hearing, offered in evidence to prove the truth of the matter asserted. Rules 803 and 804 list various exceptions to Rule 802.

It is clear that the statement by the neighbors was hearsay and trial counsel did not object to the introduction of that evidence. It is also clear that the testimony of Mr. Koenig appeared to be bolstered by the hearsay. The Court should have found that trial counsel's performance was deficient by failing to object to the testimony of Mr. Koenig. Further the Court should have found that the Applicant was prejudiced by this testimony as it tended to bolster the credibility of Mr. Koenig. Therefore, the Court should have granted the Applicant's petition for a new trial.

Issue 11: Trial counsel failed to object to the prosecutor asserting that she did not have to prove when or where the victim was murdered. (Tr. p. 93).

A. Summary of Testimony

The prosecution admitted that they had to prove their case by the use of circumstantial evidence. Trial Tr. p. 1010, 4-19. It was further admitted that they did not know the time of death or the location of the death. Trial Tr. p. 729-730. During closing arguments the prosecutor argued to the jury that she did not have to prove where the victim was murdered. Trial Tr. p. 1012.

B. Findings of Fact and Conclusions of Law

In South Carolina there have been numerous cases discussing circumstantial evidence and what must be proven in order to submit a case to the jury. Initially, the trial court has a duty

to submit the case to the jury where the evidence is circumstantial if there is substantial circumstantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced. *State v. Martin*, 340 S.C. 597, 533 S.E.2d 572 (2000); *State v. Williams*, 321 S.C. 327, 468 S.E.2d 626 (1996). Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error. *State v. Irvin*, 270 S.C. 539, 243 S.E.2d 195 (1978). The trial judge should grant a directed verdict, however, when the evidence merely raises a suspicion that the accused is guilty. *State v. Martin*, supra. On appeal of the denial of a directed verdict of acquittal, the Court must look at the evidence in the light most favorable to the State. *State v. Martin*, supra; *State v. Williams*, supra.

Among the cases discussing when a directed verdict is appropriate are several that indicate that the State must submit sufficient circumstantial evidence to indicate that the defendant was at the scene of the crime. See *State v. Arnold*, 361 S.C. 386, 605 S.E.2d 529 (S.C., 2004), "The fact that the BMW was found abandoned in Tennessee, the same state where respondent was located after his stay in Savannah, raises a suspicion of guilt but is not evidence that respondent killed Dr. Cox. Further, there is no evidence respondent was at the scene of the crime, which according to the State's theory was in Colleton County."; *State v. Schrock*, 283 S.C. 129, 322 S.E.2d 450 (S.C., 1984), "By bringing the case, the State assumes the burden of proving that the accused was at the scene of the crime when it happened and that he committed the criminal act."

In the present case the State admitted that they were unable to prove where the murder occurred. They could only provide evidence of where the body was recovered. They could not prove when the murder occurred but did submit into evidence the last time the victim was seen

and when the body was recovered. The trial Judge instructed the jury that, "The burden is on the state to prove beyond a reasonable doubt that the defendant was actually present at the scene of the crime, actually participated in it and . . . was not somewhere else." Trial Tr. pp. 1058-1059. It is the position of the Applicant that the State must produce sufficient circumstantial evidence of where and when a murder occurred in order to present the case to the jury and the prosecutor's statement that they do not have to prove either is an incorrect statement of the law. This Court should have found that trial counsel's performance was deficient as he did not object to the prosecutor's incorrect statement of the law. Further this Court should have found that the failure to object prejudiced the defendant by suggesting that they did not have to prove where the crime occurred was not in compliance with the instructions given to them by the trial court. Therefore, this Court should have granted the Applicant's petition for a new trial.

Issue 12: Trial counsel erred when he failed to object to two letters introduced by Gloria Portee into evidence. The letters were primarily character evidence and had little to no relevance at trial.

A. Summary of Testimony

During the trial of the Applicant, two letters were introduced that were written by the Applicant to a former girlfriend, Gloria Portee. Trial Tr. 378-386. Portions of the letter directly discuss the case and Ms. Portee's statements made to police. Trial Tr. 378, ll. 14-24. However the rest of the letters were simply of a romantic nature and discussed the Applicant's transgressions in their relationship and professed his undying love for Ms. Portee. Trial Tr. pp. 379-386. See PCR, Exhibits 25, 26. No objection was made by trial counsel to the introduction of these letters. Trial Tr. 384, l. 3.

B. Findings of Fact and Conclusions of Law

The S.C. Supreme Court has defined the term "character," as "a generalized description

of a person's disposition or a general trait such as honesty, temperance, or peacefulness." . State v. Nelson, 331 S.C. 1, at 7. In a criminal case, the State cannot attack the character of the defendant unless the defendant first places his character in issue. Mitchell v. State, 298 S.C. 186, 379 S.E.2d 123 (1989) (per curiam). In a similar vein, evidence of other crimes or bad acts is generally inadmissible to prove the crime charged unless the evidence tends to establish (1) motive, (2) intent, (3) absence of mistake or accident, (4) a common scheme or plan, or (5) identity. State v. Stokes, 279 S.C. 191, 304 S.E.2d 814 (1983); State v. Lyle, 125 S.C. 406, 118 S.E. 803 (1923). Both rules are grounded on the policy that character evidence is not admissible "for purposes of proving that the accused possesses a criminal character or has a propensity to commit the crime with which he is charged." State v. Peake, 302 S.C. 378, 380, 396 S.E.2d 362, 363 (1990). These rules have been codified in SCORE 404.

In the present case this Court should have found that portions of the Gloria Portee letters were admissible. The portions in which the Applicant directly discusses his case and asks Ms. Portee why she told the police a particular story is clearly admissible. Trial Tr. p. 378, ll. 14-21. However, the rest of the letters are purely character evidence. Even the prosecutor, in her closing argument, commented on the character of the defendant, as revealed by the letters, in her closing argument:

And finally, the letters. I'm going to to say I had to laugh when I read that. Here's a man, he's got three women going on at the same time, juggling them in the air. They're talking about breaking up, talking about getting together. Trial Tr. p. 1027, ll. 18-22.

Additionally, the prosecutor asked Ms. Portec what she thought of the letters professing his love for her and Ms. Portee replied, "Bull shit." Trial Tr. 383, l. 10.

It is clear from the record that the prosecution used the letters, in part, to impugn the character of the Applicant. She specifically commented on his character in her closing argument

accusing him of "juggling" three women at the same time. This Court should have found that the character evidence contained in the letters is not admissible and trial counsel was deficient for not objecting to the letters being placed into evidence without redaction. This Court should further find that this was a significant piece of evidence that was specifically referred to by the prosecutor in her closing argument and that it unfairly prejudiced the Applicant. Therefore, this Court should grant the Applicant's petition for a new trial.

Issue 13, 14: Trial counsel erred in allowing Wayne Johnson to say that he had an altercation with Bradley and armed himself. Trial counsel failed to object to Bobby Lee Hughes saying that he thought the Defendant might have had something to do with the death.

B. Summary of Testimony

During the Applicant's trial Wayne Johnson was asked by the prosecution about an "incident" with the Applicant. Mr. Johnson stated that the Applicant had called him one night after the death of the victim and asked for help moving his girlfriend's car. In response to the call Mr. Johnson commented that he was afraid of the Applicant and didn't have a gun so he armed himself with steak knives and commented to the jury that he was not afraid of the Applicant and was not afraid to die. There was no indication during this testimony that the Applicant mentioned the murder at all. Trial Tr. pp. 559-561.

Bobby Hughes was also called by the prosecution. During his direct examination by the prosecution Mr. Hughes was asked if he thought the murder "had anything to do with the defendant?" Hughes responded that he kind of did and kind of didn't think the Applicant was involved but he did think that the Applicant knew more than he told anyone. On cross examination trial counsel for the Applicant addressed the issue again by asking exactly what he said concerning the Applicant's involvement with the murder. Mr. Hughes responded, I said

somewhere or another if he didn't commit the murder himself, he knows something about it and he got something to do with it. If he actually didn't do the killing, he know something about it, he's involved some kind of way." Trial Tr. p. 580.

B. Findings of Fact and Conclusions of Law

The S.C. Supreme Court has defined the term "character," as "a generalized description of a person's disposition or a general trait such as honesty, temperance, or peacefulness." . State v. Nelson, 331 S.C. 1, at 7. In a criminal case, the State cannot attack the character of the defendant unless the defendant first places his character in issue. Mitchell v. State, 298 S.C. 186, 379 S.E.2d 123 (1989) (per curiam). In a similar vein, evidence of other crimes or bad acts is generally inadmissible to prove the crime charged unless the evidence tends to establish (1) motive, (2) intent, (3) absence of mistake or accident, (4) a common scheme or plan, or (5) identity. State v. Stokes, 279 S.C. 191, 304 S.E.2d 814 (1983); State v. Lyle, 125 S.C. 406, 118 S.E. 803 (1923). Both rules are grounded on the policy that character evidence is not admissible "for purposes of proving that the accused possesses a criminal character or has a propensity to commit the crime with which he is charged." State v. Peake, 302 S.C. 378, 380, 396 S.E.2d 362, 363 (1990). These rules have been codified in SCRE 404.

In the present case both statements made by Mr. Johnson and Mr. Hughes were certainly character evidence and not relevant as to whether or not the Applicant had murdered the victim. They do not comply with the case law concerning character evidence or SCRE 404. The statements were not admitted to show (1) motive, (2) intent, (3) absence of mistake or accident, (4) a common scheme or plan, or (5) identity. They were admitted to simply impugn the character of the defendant and were not related to the elements of the offense. Trial counsel was deficient for failing to object to both statements and further deficient for asking for clarity as to

whether or not Mr. Hughes thought the Applicant was involved in the crime. The statements were speculation at best and both were recalling interactions with the Applicant after they had been led to believe that the Applicant was involved with the crime. These statements were highly prejudicial to the Applicant as they portrayed him as a dangerous person by those close to him. Therefore, this Court should find that the Applicant is entitled to a new trial.

Issue 15: Trial counsel failed to object to hearsay of Officer Wesley Gardner and Clarence McMillan when saying Koenig said he was 100% sure of his identification.

A. Summary of Testimony

Both Officer Wesley Gardner and Officer Clarence McMillan were asked by the prosecution how certain Mr. Koenig was of his identification of the Applicant as being the driver of the blue Volvo. In both instances the officers indicated that Mr. Koenig stated he was 100 percent certain of his identification of the Applicant.

B. Findings of Fact and Conclusions of Law

The S.C. Rules of Evidence provide in Rule 802 that hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court of this State or by statute. Hearsay is defined in Rule 801(c) as a statement, other than one made by the declarant while testify at the trial or hearing, offered in evidence to prove the truth of the matter asserted. Rules 803 and 804 list various exceptions to Rule 802.

SCRE Rule 608(a) states in relevant part, "The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, but subject to these limitations: (1) the evidence may refer only to character for truthfulness or untruthfulness, and (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence or otherwise."

Initially, pursuant to rule 801(c), the officers' testimony concerning statements made by Mr. Koenig was hearsay and should have been objected to by trial counsel. Furthermore, officer Wesley Garner clearly improperly bolstered the testimony of Darrell Koenig as Mr. Koenig had not testified at the time he was asked how certain Mr. Koenig was of his identification. Therefore there was no possibility that Mr. Koenig's credibility had been attacked as required by SCRE 608.

This Court should find that trial counsel's performance was deficient for failing to object to both officer's testimony both on the basis it was bolstering and hearsay. Furthermore, Mr. Koenig's testimony was of critical importance to the prosecution's case and, therefore, the Applicant was prejudiced by the improper evidence. This Court should grant the Applicant's petition for a new trial.

Issue 16: Appellate counsel erred by not appealing the decision by the trial Judge to give a jury charge on accomplice liability (hand of one is the hand of all). Additionally, appellate counsel did not include relevant case law in her brief that would have likely resulted in a reversal of the conviction.

A. Summary of Testimony

At the Applicant's trial, trial counsel made an objection to the Judge charging the jury concerning the "hand of one is the hand of all". Trial Tr. 973. However, the trial court ruled against trial counsel and charged "the hand of one is the hand of all." Trial Tr. p. 979, ll. 10-14.

Appellate counsel for the Applicant filed a final brief on behalf of the Applicant and argued that there was no direct or substantial circumstantial evidence reasonably tending to prove that the Applicant had murdered the victim. PCR Exhibit 27.

B. Findings of Fact and Conclusions of Law

The trial court is required to charge only the current and correct law of South Carolina.

Sheppard v. State, 357 S.C. 646, 665, 594 S.E.2d 462, 472-73 (2004). "The law to be charged must be determined from the evidence presented at trial." State v. Knoten, 347 S.C. 296, 302, 555 S.E.2d 391, 394 (2001). If any evidence supports a requested jury charge, the trial court should grant the request. State v. Brown, 362 S.C. 258, 262, 607 S.E.2d 93, 95 (Ct.App.2004).

Under "the hand of one is the hand of all" theory, "one who joins with another to accomplish an illegal purpose is liable criminally for everything done by his confederate incidental to the execution of the common design and purpose." State v. Langley, 334 S.C. 643, 648, 515 S.E.2d 98, 101 (1999).

When ruling on a directed verdict motion, the trial court is concerned with the existence or nonexistence of evidence, not its weight. State v. Gaster, 349 S.C. 545, 564 S.E.2d 87 (2002). "A defendant is entitled to a directed verdict when the State fails to produce evidence of the offense charged." Padgett, 354 S.C. at 271, 580 S.E.2d at 161. "However, if there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, [the appellate court] must find the case was properly submitted to the jury." Id.

The trial court has a duty to submit the case to the jury where the evidence is circumstantial if there is substantial circumstantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced. State v. Martin, 340 S.C. 597, 533 S.E.2d 572 (2000); State v. Williams, 321 S.C. 327, 468 S.E.2d 626 (1996). Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error. State v. Irvin, 270 S.C. 539, 243 S.E.2d 195 (1978). The trial judge should grant a directed verdict, however, when the evidence merely raises a suspicion that the accused is guilty. State v. Martin, supra. By bringing the case, the State assumes the burden of proving that the accused was at the scene of the crime when it happened

and that he committed the criminal act. *State v. Schrock*, 283 S.C. 129, 322 S.E.2d 450 (S.C., 1984).

In the present case the Applicant argues that his Appellate counsel should have argued the "hand of one" should not have been charged to the jury. There was no direct or sufficient circumstantial evidence that the murder was carried out by two people. A second person was only mentioned twice during trial testimony. Initially, the victim was seen leaving with the Applicant and another, unidentified man, the last time the victim was seen alive. Then an unidentified man was seen in the blue Volvo with the Applicant. The Court should find that the evidence was insufficient circumstantial evidence that a second person was involved in the murder and therefore the trial court should not have charged "the hand of one". This also prejudiced the defendant in that the charge suggested that the state's case was stronger than it actually was. There simply was no sufficient evidence to suggest another person was involved with the murder and therefore the Applicant should be entitled to a new trial.

The second issue that the Applicant raises is that his Appellate counsel failed to argue the correct case law when raising the directed verdict issue. See Exhibit 27. The Applicant argues that if appellate counsel had raised the case law that he raised in his PCR hearing then he would have had his appeal granted and remanded for a new trial. This Court agrees with the Applicant. It is apparent when reviewing the case law that the Applicant raised at his PCR hearing that a more clear argument, citing relevant case law would have likely resulted in the Court of Appeals remanding his case for a new trial. Therefore this Court should find that the Applicant is entitled to a new trial.

CONCLUSION

Based on all the foregoing, this Court should find and conclude that the Applicant has

established constitutional violations or deprivations that require this court to grant his application. Therefore, this application for post-conviction relief should be affirmed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Bradley M. Kirkland", written over a horizontal line.

Bradley M Kirkland
Attorney for Petitioner
2007 Lincoln Street
Columbia SC 29201
803-386-1116
bkirkland@gmail.com

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER) 2018 MAY 16) PM 2:21
RECORDED IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Nathaniel Bradley, #262526,

JAMES G. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

Case No. 2012-CP-43-01519

Applicant,

v.

State of South Carolina,

Respondent.

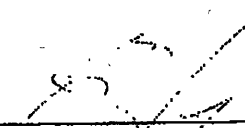
**ORDER DENYING APPLICANT'S
POST-HEARING MOTIONS**

DEPUTY CLERK OF COURT
SUMTER COUNTY, S.C.

By order filed September 5, 2018, this court denied Applicant's claims for post-conviction relief. Applicant timely filed his motion for amendment and reconsideration pursuant to Rules 52(a), 52(b), and 59(e), SCRCP on September 22, 2017. However, the motion was not transmitted to the court until March 2018.

The court has carefully reviewed the issues raised in the motion. The motion is denied.
AND IT IS SO ORDERED.

May 15, 2018


George C. James, Jr., Presiding Judge

WITNESSES

SUMTER CO SO

McMillan

ARREST WARRANT NUMBER

H-907240

H-907240

D/A: 05/27/05

ACTION OF GRAND JURY

True Bill

William Arlew

Foreperson of Grand Jury

Date: 1/3/2008

VERDICT

AMENDED
DOCKET NO. 2007-GS-43- 390

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

JANUARY TERM 2008

THE STATE

vs.

NATHANIEL NOEL BRADLEY

Indictment for

MURDER, POSSESSION OF FIREARM
DURING THE COMMISSION OF A
VIOLENT CRIME

C. KELLY JACKSON, SOLICITOR

1826

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

INDICTMENT FOR

MURDER, POSSESSION OF FIREARM DURING
THE COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on January 3, 2008, the Grand Jurors

of SUMTER County present upon their oath:

COUNT ONE – MURDER

That NATHANIEL NOEL BRADLEY did in Sumter County between May 21, 2005 and May 23, 2005, feloniously, wilfully and with malice aforethought, either expressed or implied, kill one Ernest James by means of a firearm, and that the said Ernest James did die as a proximate result thereof.

COUNT TWO – POSSESSION OF A FIREARM DURING THE COMMISSION OF A
VIOLENT CRIME

That NATHANIEL NOEL BRADLEY did in Sumter County between May 21, 2005 and May 23, 2005, possess a firearm during the commission of a violent crime as defined in Section 16-1-60, to wit: murder, in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

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

C. Kelly Jackson
SOLICITOR

