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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Patrick C. Fant, III, Circuit Court Judge

Appellate Case No. 2025-000367

The State of South Carolina — Respondent,

v.

Zachary David Hughes — Appellant

MOTION TO STAY APPELLATE PROCEEDINGS AND FOR REMAND TO CIRCUIT COURT

Pursuant to S.C.R.Crim.P. 29(b), the Appellant respectfully moves this Court to stay further appellate proceedings, and to grant the Appellant leave to move for a new trial in the circuit court. The Appellant's counsel has consulted with the State, and the State is still considering its response.

Both before and during the Appellant's trial, the State repeatedly denied the existence of crucial, exculpatory evidence that would have aided the Appellant in asserting the defense of others as a legal justification to the offenses for which he stood trial. Then, thirteen months after the Appellant's trial concluded and Appellant was sentenced to life imprisonment, the State admitted to the existence of this evidence and, in essence, that the Appellant's characterization of the evidence in support of his defense of others was accurate and truthful. The drastic and irreconcilable change in the State's position vis-à-vis this crucial evidence can only be explained in one of two ways: either the State has become aware of newly discovered evidence that has

validated the Appellant's characterization of this evidence, or the State intentionally misrepresented to the trial court that this evidence did not exist. Under either circumstance, Appellant should obtain a new trial as a remedy, and, therefore, a stay of his appeal to allow him to pursue a new trial is warranted under the circumstances. See S.C.R.Crim.P. 29(b) ("A motion for a new trial based on after-discovered evidence may not be made while the case is on appeal unless the appellate court, upon motion, has suspended the appeal and granted leave to make the motion.").

FACTS

Christina Parcell, working with her boyfriend, Brad Post, sexually abused her young daughter, A.M., for years. Throughout pretrial litigation, the Appellant truthfully and accurately characterized to the trial court information the State had produced in discovery which proved that Parcell was abusing her own child. For example, the Appellant filed a Motion for Bond on October 30, 2024. In the Motion for Bond, Appellant said this, in pertinent part,

> After approximately five requests over approximately three years, the State finally provided the Defendant with access to the contents of Brad Post's' devices. The undersigned has begun the process of reviewing the contents of these devices. In addition to numerous nude images featuring the victim, Christina Parcell, and at least one minor child, the undersigned have seen one video, produced, directed, and participated in by Parcell, along with at least one other minor, that constitutes child pornography. . . . This evidence could prove to be extremely important. The Defendant has a right to assist the undersigned in his defense by reviewing the discovery, including the contents of Post's devices. Therefore, the Defendant's release on bond is essential to ensuring this right.

Exhibit 1, at 2.

The trial court held a hearing on the Appellant's Motion for Bond on November 21, 2024. Appellant argued, in part, that the Appellant needed to be released on bond to review the data collected from Post's devices to assist his counsel in preparing his defense. The trial court denied his bond, and the Solicitor made the following request at the conclusion of the hearing.

> The State does have serious concerns about saying things that are not true, or alleged, or unsubstantiated about the victim in public filings. And that if they need to file something related to allegations that she engaged in prior bad acts, then they need to either do that under seal or not do it at all. Because it is not fair to the State for them to allow -- knowing that we have motions to exclude all this evidence for a potential jury pool in our -- our community to be tainted by unsubstantiated acts. It's not fair to the State.

Exhibit 2, at 22-23. (Emphasis added). The trial court instructed the State to file a motion should it wish to attempt to gag the Appellant or his counsel. Exhibit 2, at 23.

Shortly thereafter, the State did file a Motion seeking to gag Appellant and his counsel from speaking about the facts of Parcell's abuse of her daughter. In its Motion, the State made this patently false statement.

> Defense counsel brazenly alleges that the victim of this murder, Parcell, "produced, directed, and participated…[in child pornography]. . . ." Not only is the allegation inadmissible, it cannot be proven by the defendant and is wholly unsubstantiated.

Exhibit 3, at 5.[1]

> Further, the State's motion claim(ed) that should defense counsel continue to litigate discovery issues related to the child pornography, they "would be releasing unfounded, salacious, and ultimately criminal accusations toward the victim. . . ." *Id* (Emphasis added). Also in its Motion for a Gag Order, the State refers to language in Mr. Hughes' Motion for bond, that "Parcell 'produced, directed, and participated [in child pornography]" as "conclusory allegations," "wholly unsubstantiated," "unfounded accusations," and "unfounded allegations" no less than seven times.

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1 Oddly, the State's Motion for Gag order still does not appear on the public record as being filed. See Greenville Public Index, https://www2.greenvillecounty.org/SCJD/PublicIndex/CaseDetails.aspx?County=23&CourtAgency=23001&Casenum=2021A2330210207&CaseType=C&HKey=651194771116845369979011975851187043736997556668107521071117467981078768508289106104688865875648 (visited on June 29, 2026.). At trial, the State acknowledged that it moved the trial court for a gag order related to Parcell's involvement in child pornography, tr., at 91. The trial court further noted that the State had instructed the clerk's office (improperly) to "hold" on the filing of it Motion for Gag Order, and the trial court ordered that the motions be filed on the public record. Tr., at 93. Then, inexplicably, the trial court said the State's Motion to Gag need not be filed. *Id.*. Therefore, the Appellant has enclosed his publicly filed response to the State's Motion for Gag order as evidence of the contents of the State's Motion for Gag Order.

Id. The State repeated these assertions in other motions before the trial court, and even at trial. See App.Br., at 22-23 n.7.

The State's position does a 180 degree turn thirteen months later.

At Brad Post's guilty plea thirteen months later, the State took a completely opposite position as it had done at the Appellant's trial, just a year earlier. In establishing the factual basis for Post's plea, Assistant Attorney General Guthrie said, in pertinent part,

> [L]aw enforcement seized a number of digital and computer related devices which were examined. The results of the examination revealed hundreds of images and videos of Mrs. Parcell and her daughter both posing nude and in lingerie. These images appear to be taken in multiple locations and they span years. In many of these videos, it is clear that Mrs. Parcell is setting up a video camera to film herself and her daughter doing nude exercises and posing as well as in various places in Mr. Post's home. . . . The State concedes that Mrs. Parcell appears to independently create so many of the videos and images in this case. . . .

Exhibit 4, at 13.

ARGUMENT

After repeatedly representing to the trial court, both in pleadings and orally, that the Appellant's accurate and truthful discussion of the evidence of Parcell's sexual abuse of her own child was "not true," "wholly unsubstantiated," and "could not be proven," the State "conceded (13 months after obtaining convictions against Appellant) that Mrs. Parcell" sexually abused her own daughter. Why did the State change its position so drastically on the existence of exculpatory evidence only after it obtained convictions against the Appellant?

Likely, the State has discovered some new evidence since the Appellant's trial that has caused it to completely change its position. Appellant believes this new evidence will likely form the basis for the granting of a new trial motion, a motion that only the trial court, and not this Court, can decide.

> A motion for a new trial based on after-discovered evidence is addressed to the sound discretion of the trial judge. The credibility of newly-discovered evidence is for the trial court to determine. *State v. Porter,* 269 S.C. 618, 621, 239 S.E.2d 641, 643 (1977). Only the trial court and not the appellate court has the power to weigh the evidence.

State v. Harris, 391 S.C. 539, 544–45, 706 S.E.2d 526, 529 (Ct. App. 2011) (internal quotation marks omitted).

In the unlikely and unbelievable circumstance that the State deliberately mispresented the existence and/or nature of this exculpatory evidence to the trial court to obtain its exclusion, a remand also would be appropriate. See *Simmons v. State*, 416 S.C. 584, 593, 788 S.E.2d 220, 225 (2016) (citing *Napue v. Illinois*, 360 U.S. 364, 369 (1959), remanding the case to the trial court based, in part, on a false and misleading argument advanced by the State, and stating "[i]n striking this difficult balance, we believe a remand is in the best interests of justice."). See also, *Miller v. Pate*, 386 U.S. 1, 6–7 (1967) (reversing Miller's convictions, and stating "[t]he prosecution deliberately misrepresented the truth."). "Due process also bars a prosecutor's knowing presentation of false or misleading argument. (See *Miller v. Pate* (1967) 386 U.S. 1, 6–7, 87 S.Ct. 785, 17 L.Ed.2d 690; *Brown v. Borg* (9th Cir.1991) 951 F.2d 1011, 1015)." *People v. Morrison*, 101 P.3d 568, 582 (Ca. 2004).

CONCLUSION

Both before and during the Appellant's trial, the State denied to the trial court the existence of exculpatory evidence the Appellant viewed as critical to asserting the defense of others defense. The trial court refused to allow Appellant's counsel to show it any of this evidence,[2] even in a

2 Appellant's counsel did attach to its trial brief sanitized versions of a couple of photos of Parcell and her child. However, these images sanitized did not convey the injury Parcell did to her child, and the trial court never was exposed to any videos Parcell created and which Appellant's counsel sought to introduce.

proffer setting outside the presence of the jury, to rebut the State's false assertions, see App. Br., at 22-23, n.7, and categorically excluded all of this evidence.

Only after obtaining its convictions against the Appellant did the State concede that the Appellant's lawyers were telling the truth and that Parcell had abused her daughter for years. The Appellant must be allowed to pursue and understand the reason for this stark and inexplicable change in position on exculpatory evidence he believed and believes was crucial to his innocence.

Respectfully submitted,

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s/Mark Moyer
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EXHIBIT 1

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	Warrant number(s): 2021A2330210207-08
State of South Carolina, *Plaintiff*	)	**MOTION TO SET BOND**
v.	)	
Zachary Hughes, *Defendant.*	)	

'24 OCT 30 AM 11:07
Brice Garrett COC GVL SC

COMES NOW the Defendant, Zachary Hughes, through his undersigned attorneys, who moves this Honorable Court for an Order setting bond on the above captioned warrants and indictment. In support of this Motion, the Defendant would show the following:

On April 6, 2022, the Court denied bond on warrants 2021A2330210207 (murder) and 2021A2330210208 (possession of a weapon during the commission of a violent crime), but it invited the Defendant to revisit the issue of bond should the Defendant be able to develop evidence that undermined the State's DNA evidence, which was central to its presentation in opposition to the Defendant's motion for bond. Using expert testimony in the form of affidavit(s), the Defendant will be prepared to show that the methods the Greenville County DNA lab used to test evidence in this case are suspect, conducive to contamination, and do not conform to recognized and appropriate standards for DNA analysis. Further, he is prepared to show, based on evidence the State has recently produced (years after the Defendant requested it) that at least one employee of the DNA lab who handled evidence in this case has possibly contaminated DNA evidence in other cases.

In addition, other material changes in circumstances since the Defendant's bond hearing two and one-half years ago require a new hearing, including but not limited to:

- After approximately five requests over approximately three years, the State finally provided the Defendant with access to the contents of Brad Post's[1] devices. The undersigned has begun the process of reviewing the contents of these devices. In addition to numerous nude images featuring the victim, Christina Parcell, and at least one minor child, the undersigned have seen one video, produced, directed, and participated in by Parcell, along with at least one other minor, that constitutes child pornography. An initial review of these devices also suggests that as many as 15,000 or more images and/or videos constituting child pornography are contained on these devices. Under federal law, these images/videos cannot be disseminated, so the only way the Defendant can view the contents of these devices is if he is allowed to go to where these images/videos are stored, the offices of the Greenville County Sheriff's Office ("GCSO"). This evidence could prove to be extremely important. The Defendant has a right to assist the undersigned in his defense by reviewing the discovery, including the contents of Post's devices. Therefore, the Defendant's release on bond is essential to ensuring this right.
- On September 14, 2023, the State served the Defendant with two additional warrants, warrant numbers 2023A2330208126 and 2023A2330208127. The Court set a secured bond on these charges at $5,000 each. By the State's own admission, these charges were closely connected to the Defendant's other pending charges. At the time the Court set bond, presumably it knew this, it knew that the Defendant had been charged with murder and possession of a weapon during the commission of a violent crime, and it knew that he had no bond on these charges.[2] Yet, it still determined that a low secured bond would represent an adequate application of the factors contained in S.C. Code

[1] Post was the boyfriend of the victim, Christina Parcell.

[2] See S.C. Code Ann. § 17-15-30(C)(1)(c) ("Prior to or at the time of a hearing, the arresting law enforcement agency must provide the court with the following information: (a) a person's criminal record;(b) any charges pending against a person at the time release is requested; (c) all incident reports generated as a result of the offense charged; and (d) any other information that will assist the court in determining conditions of release to include, but not be limited to, notification of any existing bonds for another offense.").

Ann. § 17-15-30 and that the Defendant was neither a flight risk nor danger to the community; and

- Not only has the State repeatedly resisted the Defendant's legitimate and justified attempts to obtain discovery to which he is entitled, but it also has produced discovery slowly and incompletely. Since August of 2024, the State has disseminated multiple discovery productions that contain in excess of one terabyte of material, material it has likely had in its possession for years. As recently as October 29, 2024, the State produced police report(s) that acknowledged it has failed to process for DNA items it has had in its possession for years. These reports also indicate that the State is now in the process of conducting DNA analyses on these items. With a tentative trial date of January 13, 2025, the State's dilatory discovery practices and the specter of the Defendant receiving discovery productions on the eve of trial make it absolutely vital that the undersigned be able to effectively and efficiently share this discovery with the Defendant. The voluminous and sensitive nature of this discovery means it can only be effectively and efficiently shared with the Defendant if the Defendant is allowed to come to the undersigned's offices or the offices of the GCSO and have full (long) opportunities to review the discovery.

WHEREFORE, the Defendant, Zachary Hughes, hereby respectfully requests both that this Court schedule a hearing at the next available time to consider his Motion for Bond and that the Court grant him a bond on these charges.

Respectfully submitted,

s/ Andy Moorman

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Dated: 30th day of October, 2024
Greenville, South Carolina

EXHIBIT 2

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	2022-GS-23-02194
	)	
	)	
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
ZACHARY DAVID HUGHES,	)	
DEFENDANT.	)	
	)	

November 21, 2024
Greenville, South Carolina

B E F O R E:

THE HONORABLE PERRY H. GRAVELY, JUDGE.

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

W. WALTER WILKINS, III, ESQ.
Solicitor

L. MARK MOYER, ESQ.
Attorney for the Defendant

HOLLIE M. JENKINS
Circuit Court Reporter

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

PROCEEDINGS

THE COURT: All right. This is State of South Carolina vs. Zachary Hughes. This is a motion to set bond. I know there were other motions. But the only purpose for today was for this. Others were more pre-trial motions, and things, so.

All right. I'll be glad to hear from you, Mr. Moyer.

MR. MOYER: Thank you, Your Honor.

May it please the Court.

I would like to start off by just talking about the mechanism that brought us in court here today. We were kind of put in an unusual and awkward position at the initial bond hearing. And Your Honor, of course, did not preside at that hearing.

But in a sense, the burden was shifted a little bit to the Defendant to make a showing of the reliability of the -- to show that -- about the reliability of the DNA evidence in order for the -- the bond hearing to be revisited. And because of that, we submitted to you an affidavit, which I'm hopeful Your Honor received yesterday.

THE COURT: Right.

MR. MOYER: So as you can see in the -- in the affidavit that we sent you yesterday and copied to the solicitor's office, we have provided -- we have evidence

from a scientist with over 43 years experience total and 21 years as an expert in forensic DNA. And it was his opinion that the State's DNA results are defective and scientifically unreliable. And his opinion was based on the evidence having been processed by the Greenville County lab in a way that is entirely inappropriate.

Your Honor, as you are aware --

THE COURT: Before we --

MR. MOYER: Yes, sir.

THE COURT: -- let me just add one thing. Do you have the bond -- the original bond order?

MR. MOYER: I do.

THE COURT: Let me have that.

Do you need me to make a copy or is this your only other copy?

MR. MOYER: I -- I have other copies in my office.

THE COURT: I'll make a copy. That's no problem.

Yes.

MR. MOYER: And so, Your Honor, as you're aware, this is not the sort of fact that is, generally, gone into in any sort of detail at all at a bond hearing. We are not here to try the case, of course. We're not here to decide on the admissibility of the evidence. We are not here to have a battle of experts.

As -- as I see it, this is just a mechanism by way of

getting into court. Of course, there are reasons to be in court here today, too. Change of circumstance, under the law, allows a Defendant to be back and have his bond looked at again, as well as six months after the fact. And we, certainly, meet both of those as well.

So we would just submit that affidavit to the Court as a means of showing that we have met Judge -- the previous judge's requirement that we be here in front of you showing that the reliability of that evidence is going to be challenged. It is challenged.

So, Your Honor, I would like now to just talk a little bit about why Zach is deserving of a bond, in addition to what we have already shown you in the affidavit about the unreliability of that DNA evidence.

And, you know, as Your Honor has heard hundreds if not thousands of times, at this stage of the proceedings, people are presumed innocent and entitled to a bond. In all non-capital cases, a Defendant that -- the position under our law is that a Defendant is entitled to not just a bond, but, in fact, a recognizance bond. And it's up to the State -- they have the burden of showing why a person should not get a recognizance bond.

Your Honor, what I would like to tell you about Zach -- I would like to talk to you a little bit about Zachary Hughes. He is a 32-year-old man who has

absolutely no criminal record. He has a history in this case of having, actually, turned himself in. He did not flee when he was told that there was a murder warrant out for his arrest. He was, actually, in Detroit, Michigan. He was up there following a job lead that would have taken him overseas.

When he got word that the -- there was this warrant out for his arrest, he could have easily got on an airplane and flown to Europe. He could have walked across a bridge into Canada. But, instead, he got into a car -- he, actually, rented a car and drove back to Greenville. So he's not a flight risk.

Zach has now spent over three years in jail. He's coming up on his fourth Christmas. He has been in the -- he has been just a model inmate while he's been in jail. He has been in the good behavior dorm this entire time. This is the dorm that has the absolute lowest security level, despite the charges. This is an extremely rare situation.

While he's been in jail, he's been studying. He, actually, hooked up with one of his old professors at Juilliard where he graduated. And he's been studying advanced music theory. He's, actually, written some 24 preludes and fugues by -- just by memory without a keyboard, of course, without a computer, just with pencil

and paper, one of which has been, actually, premiered. He's, also, written some other music, including a classical song style.

But, Judge, one of the main reasons that we are here before you today is that we need help from Zach to help prepare for this trial. And we elaborated on this a little bit more in our motion to set bond.

We are now less than two months away from trial. And we have just been deluged with discovery that the State has had for years and -- just in recent weeks, and months, and, actually, days. I've been working through 19 body-worn cameras that I just got a couple weeks ago. We've had police reports, forensics officers reports, lab reports. Just yesterday, I received 500 more pages of discovery that we have gone through.

And, Your Honor, one specific piece of evidence I'd like to point out to this Court that is particularly problematic and important is the contents of some devices that were seized from the boyfriend -- or the fiance of the deceased, a man by the name of Bradly Post.

There was some nine different devices seized from him in different locations. And despite our having requested the -- you know, these devices -- or access to these devices from the beginning, this was just provided to us before the hurricane hit. And it was being held -- it was

being withheld until we filed a motion to compel and the State conceded.

And this was, also, despite the fact that it was turned over to a co-defendant in this case, apparently, without any fuss at all. And I believe his case was tried in front of you, a man by the name of Johns Mello, who was tried for custodial interference.

So, Your Honor, we have that now. And we are going through it with the aid -- with the assistance of -- of somebody. And it's just a massive amount of material. To give you an idea of it, it consists of a smartphone, a desktop computer that has a terabyte of data, eight different thumb drives ranging form 64 gigabytes to two terabytes.

And, Your Honor, what is on those devices is what's, particularly, problematic and poses the biggest challenge. Because what's on those devices is a great amount of child pornography. According to the sheriff's office, they contain over 16,000 images and 449 videos of child pornography. And it's my understanding that they got to that point and just stopped looking because there was so much.

Now, being child pornography, as Your Honor knows, this material cannot be dispensed. In other words, the solicitor's office cannot just turn that over to us as

they do other types of discovery that would allow us to take it down to the jail and go over it with our client. So we're at a disadvantage in that our client is unable to review discovery that's important to this case.

So Your Honor --

THE COURT: And, I guess, how does that become involved in -- in the case against him?

MR. MOYER: Excuse me, Your Honor.

THE COURT: Well, this was on this other person's device or was it on his device?

MR. MOYER: It was not on his device. It was on another person's device. But, Your Honor, this person is integral to this case. The -- this person, Bradly Post, presumedly is going to be a star witness in their case. He was the fiance of the victim, of the deceased. He was, supposedly, the first person at the scene. He was the first person in the house. He is going to be a star witness.

Your Honor, there are many reasons why this evidence will be important to this case. Some of which we can tell you about and some of which we can't, because it goes to our defense. But, for example, it shows motive for somebody to have done this. The -- the content on those devices is -- is astonishing what we have seen so far and alarming.

It involves, again, multiple children --

THE COURT: All right. I just --

MR. MOYER: I won't go into it.

THE COURT: That's good. I mean, that's sufficient.

MR. MOYER: So, Your Honor, it is important to this case.

So, basically, Your Honor, what we're trying to say is that we feel like our backs are up against the wall a little bit on discovery. And we're within two months of trial. We have a lot of discovery to review with our client, some of which we cannot take down to the law enforcement center to review with him in which we would like to have him in our office going over and preparing for this case.

Your Honor, in summary, Mr. Hughes is not a flight risk. Again, he is 32 years old. He has never been in any trouble whatsoever. He's very intelligent, highly educated. He went to the Juilliard School. He's been -- he's been in the military.

Your Honor, he grew up in a wonderful family. His -- his parents are seated back here behind him. They would be willing to take him into -- into their home where he could be under house arrest. Your Honor could impose an electronic monitor. Your Honor could impose any other conditions that Your Honor deems fit, a GPS monitor.

For all of these reasons, Your Honor, we believe that Mr. Hughes has not only a right under the law, but a very important reason to help and aid in his defense to be out on bond. And we would ask this Court to do so.

THE COURT: All right. State.

MR. WILKINS: Your Honor, may it please the Court.

I'll just start with the -- the DNA argument first that -- that sort of got us here. I have with me in the back here Tim Nafziger. He's the head of the DNA lab here in Greenville, along with his assistant. And they have read this -- they -- they did the DNA analysis in this particular case. And their testimony would be that not only has this DNA not been compromised in any way whatsoever, their -- their DNA lab has never produced a false result to -- to our office or to -- to this Court ever.

They're audited by a million oversight individuals every single year. They have -- they have things in place that when there is a -- that they -- there are compromising accounts where somebody's DNA does get an error. And it happens. But they have things in place that catch that. And they're resolved over and over. And they're all peer reviewed multiple, multiple times.

So the -- the DNA is -- is -- is absolutely a hundred percent -- is accurate as it has been for the last 20 or

so years with -- the DNA lab has been in compliance, and been licensed, and been audited, and been certified. And it's been certified every single year.

So this has been in the lab for almost three years. It's been oversight for over three years. And they found no problem with the DNA whatsoever.

Judge Miller, when he set the bond, heard most of what Mr. Moyer said. And they were attacking the DNA because at that time when he was arrested, nobody knew who Zach Hughes was. Nobody knew his relationship to Christina Parcell, the victim in this particular case. They -- no one in this case on the victim's side had ever even heard of Zach Hughes, never met him, never even seen him. They didn't know who he was. And it wasn't until a full investigation that his nexus is through John Mello.

John Mello is the father of a child that's shared between Christina Parcell, the victim in this case, the deceased, and John. And John Mello is a very close associate of Zach Hughes. That is his nexus. At that point -- we didn't even know that much at that point in time until -- until further investigation and review of all the evidence.

So when Judge Miller said, Well, you can -- you can attack the DNA -- because their side at the original bond even said Zach Hughes doesn't even know these people.

He's never -- he's never -- he doesn't know anything about them. So Judge Miller said, Oh, well, just -- just -- if you can attack the DNA and show that it's not -- not the DNA, then you can come back here and revisit bond. It was almost in jest.

So that -- that's the basis which we're here. The DNA is a hundred percent solid. Again, Tim Nafziger is here if you want to hear from him, Your Honor, as well.

In regards to the amount of discovery and -- and what the Defense has alleged in their -- in their -- in their bond, let me address that. There's a lot of discovery in this case. But 90 percent of it is -- is irrelevant or not related to the Prosecution's case in chief.

Brad Post is an important character in this case. He's the one who found Christina Parcell. He was the deceased's fiance at the time. But they were not living together. He did find the body. He called 911.

And then weeks after this investigation and even before Zach Hughes was even arrested, they seized Bradley Post's phone in relation to this investigation. And upon -- upon downloading it, they did discover a -- a large amount of child pornography on his phone.

That phone was given over to the Defense within days of that, within -- within weeks. They've had that phone for three years. They've had it as long as I. They've

had Brad Post's phone for three years, just like I have, and a multitude of other discovery that -- that we have given them over -- along the way up until -- up until -- you know, at least, recently just making sure we've given everything over.

So then it gets us to a motion where they wanted -- they wanted all of Brad Post's devices. They have his phone. They did a search warrant into his house. And they found eight or nine more devices, thumb drives and a computer. And on those things, they're alleged to have been child pornography. Brad Post has been arrested. He's been sitting in jail this entire time for possession of that child pornography.

But the point that they're not telling Your Honor is that that particular case, number one, is being prosecuted by the Attorney General's Office. And then, two, is in no way, shape even remotely related to who killed Christina Parcell. And that's the case that we're here about. That's what Zach Hughes has been accused of.

And the pornography on Brad Post's phone has no bearing whatsoever on any of that. And no one even knew about it until after that phone was received before Zach Hughes was even arrested, before we even knew who Zach Hughes was. So -- so I'm not sure how they're -- they're making that jump.

Your Honor, we filed another motion in limine. And the reason I -- I requested to have that motion heard as well is because it's directly related to what they're asking for. They want the -- the Defendant to get out of jail.

And let me say this. There are photos of the deceased in a lascivious manner on -- in many of those photos. And they're alleging that they're also -- she was involved in -- in child pornography is what they're alleging. And they're alleging that based on what they saw that they -- that we allowed them go look at over my objection the entire time that they can go look at child pornography unrelated to this case.

And now, they're asking for this Defendant to get out of jail so he can go up to -- I -- and look at the person naked in lascivious ways and the person he's alleged to have killed. That is absolutely insane.

Number three, they have made no -- absolutely no nexus to this child pornography to this actual case. And there is none. Because they can't -- because they are two totally separate related cases. They have nothing to do with each other.

And, in fact, Your Honor, the most egregious thing that I've seen that bothers me the most that -- in their motion, they victim shamed Christina Parcell and are

making allegations that have been unsubstantiated.

Brad Post has been charged. He has not pled guilty. He has not been found guilty of possessing anything. He's only been charged. And, yes, he will be a witness in this trial because he was the one who found the body and he was dating Christina Parcell at the time.

He's, also, a victim of the harassment first charge that Zach Hughes has been charged with as well where -- where his name was used as -- as -- the allegation is that Zach Hughes and John Mello conspired to get naked pictures of Christina Parcell. And they mailed them to about six different locations. And they used Brad Post's name as the person who sent them out and -- as well as his return address. So he's, also, a victim of the harassment first charge because he was -- he was -- his name was put on the -- on the envelopes that were mailed out by Zach Hughes on -- on two -- two separate occasions.

But back to their motion. They are using the evidence that they've claimed to not have gotten that I objected that they get that is unrelated to this case, the child pornography, and they're using it to shame my victim, which is a violation of the Victim's Rights Act and a violation of an improper -- a defense they're [inaudible].

And they're, also, tainting a jury pool. If the

world knows before we pick a jury on January 13th of the allegations that they're making about Christina Parcell, it is an inappropriate defense. And it's tainting my jury pool by shaming this victim, which is improper and -- and inappropriate for them to do.

Because, number three, it's only based on what they saw. It's unsubstantiated allegations. And the only reason they got to see it is because I allowed them to see it so that we could get discovery out so we could move on and not have to have these arguments right here.

So, Your Honor, the Victim's Rights Act says, No one shall be treated with -- will be treated with fairness, and dignity, and the freedom from intimidation, harassment, and abuse throughout the criminal and juvenile justice process. Well, that's exactly what they've done to Christina Parcell. Even though she's not here with us, she still has the right to dignity and to not be intimidated. And they should not be able to put forth any kind of a false victim shaming defense that is inappropriately heard in this -- in this courtroom.

Finally, Your Honor, to the third allegation of whether he should get a bond. Your Honor, this is one of the most violent crimes we've seen in -- in Greenville County in a long time. It's an up close and personal breaking and entering premeditated, very, very

premeditated plan, a coverup, and stabbed Christina Parcell 35 times, severing her jugular vein and her carotid artery, and a very, very, very bloody crime scene. So this person is a very violent person and has no business being on the street. And they can prepare for -- for their defense any way they want to while he's in jail. He's right down -- he's right down the street.

So, Your Honor, the State absolutely opposes bond in this case.

THE COURT: Mr. Moyer.

MR. MOYER: Your Honor, just to -- yes, to respond briefly. First off, with the victim shaming allegations, Your Honor, it's not like we made this stuff up. This is in the discovery they provided to us. That's like saying in a murder case where you have a -- someone shooting a drug dealer, you can't bring up the fact that the victim was a drug dealer. We didn't -- again, we didn't make this stuff up.

And they talk about how, you know, we didn't see it until they gave it to us. That's exactly the point, Your Honor. We did not see it. And then they showed us these -- or they gave us access to these other eight devices after giving us access to the phone to begin with. And that's when we began seeing -- and, again, Your Honor doesn't want to hear us go into all the details, and I

won't. But that's when we began seeing some of the stuff that they're referring to. So it's not like we made this up. It is what it is.

So, Your Honor, the -- the Government says that some -- that the stuff on these phones and devices are not relative -- or not related -- relevant to this case. Well, they -- again, they don't know what our defense is. We don't have to tell them.

And it's, also -- it's relevant enough, again, that they turned this over to the co-defendant, John Mello, without any fuss whatsoever. What's different with us? Why didn't we get it?

THE COURT: Better attorneys?

MR. WILKINS: Your Honor, we didn't turn any of this stuff over to John Mello. This is not true. I don't know what -- I don't even know what Mr. Moyer's taking about.

MR. MOYER: To Marcelo Torricos, the attorney, yes.

MR. WILKINS: We didn't turn over child pornography.

THE COURT: All right.

MR. MOYER: Again, it wasn't turned over to him. He was given access to it, which is what we asked for and we were denied. And now, we -- we do have access. But it took -- again, it took us three years to get it.

So, Your Honor, again, we're not here to fight. It's been -- it's relevant. It's a witness in the case. It

goes to the motive of people. It goes to the bias of people.

THE COURT: We're not here for a motion to compel, a motion in limine.

MR. MOYER: Yes.

THE COURT: We're here just to set bond. I know y'all have gotten kind of far off the -- get back to that.

MR. MOYER: Okay. So -- so I'll just push away from that.

Again, our -- we need Mr. Hughes out so he can help prepare for his defense. There is no reason for him to be in jail at this point. He's been -- again, he's been a model inmate. His history is impeccable. He has never been in any trouble. He turned himself in, Your Honor.

He's not a flight risk. He was, literally, about to leave the country. He heard there was an arrest warrant against him. He got -- nobody knew where he was. Law enforcement didn't know where he was. He went and rented a car, drove back here to Greenville on November the 3rd, and turned himself in.

He's not a flight risk. Any -- any worry about him being a flight risk or danger to the community -- Your Honor has all of the tools to combat that and to -- to take that risk away. We could put him on a GPS monitor. We could put him in his parents house. They'll watch him

like a hawk. Again, they're seated right here and can vouch for all of that. They're wonderful people.

Your Honor, again, we're just two months away from trial. We want to be ready for this trial on January -- January the 13th.

THE COURT: All right. The way I look at this and the way I treat usually -- let me kind of go through my analysis here. A motion to reconsider bond, you know, you have to show a prima facie showing of material change, just -- just a general. I know Judge Miller added some additional conditions there. Normally -- and they, also, say that I can reconsider one after six months. And in that it says, "may." I've always -- I'm sure as you know and every other defense attorney knows that I -- six months is not a sufficient change of circumstance for me to even set those for a hearing.

So then I must look at the -- in Judge Miller's order back in April of 2022, he says that can -- can revisit if Defendant's DNA expert produces new evidence that contradicts current DNA. I think the way that this is set up in reviewing your affidavit that that's going to be one of the serious issues, I guess, at trial. But I don't think it's a -- a basis for setting a bond at this point.

As far as the discovery, I have checked with -- I didn't -- I didn't really know what -- all the issues

here. But I knew that there was an issue of substantial discovery that y'all had. So I have checked with the jail. They can make whatsoever accommodations that y'all want.

So I'm going to deny your motion for bond. If you -- I'm going to issue an order that says that the jail should accommodate you in whatever is necessary for you to consult with your client and review discovery. And if that -- if there's -- if that tends not to be the case, then you need to let me know so I can get involved in that.

But, otherwise, your motion to set bond is denied. I will issue an order accordingly and issue the conditions as far as accommodations by the jail.

MR. MOYER: Thank you, Your Honor.

MR. WILKINS: I've got one more -- one more thing, Your Honor. I apologize.

The State does have serious concerns about saying things that are not true, or alleged, or unsubstantiated about the victim in public filings. And that if they need to file something related to allegations that she engaged in prior bad acts, then they need to either do that under seal or not do it at all.

Because it is not fair to the State for them to allow -- knowing that we have motions to exclude all this

evidence for a potential jury pool in our -- our community to be tainted by unsubstantiated acts. It's not fair to the State.

THE COURT: I mean, I think that needs to be in the form of some motion. I'm the chief administrative judge. You can present it to me and we can address it. But I'm not going to just --

MR. WILKINS: Well, they -- they did in their bond motion, Your Honor.

THE COURT: Well, I mean, I've ruled on their bond motion.

And as far as -- you know, present a motion and I'll address it, I guess, in the form of a gag order or --

MR. WILKINS: It would be some form of a gag order, yes, sir, Your Honor.

THE COURT: All right.

**********END OF TRANSCRIPT OF RECORD**********

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 21st day of November, 2024.

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

December 16, 2024

_____

Hollie M. Jenkins, Court Reporter

EXHIBIT 3

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STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	)	IN THE COURT OF GENERAL SESSIONS THIRTEENTH JUDICIAL CIRCUIT
Plaintiff, vs. ZACHARY HUGHES Defendant.	)	WARRANT NO(S): 2021A2330210207-08 2023A2330208126-27 **ZACHARY HUGHES' RESPONSE IN OPPOSITION TO THE STATE'S MOTION FOR A GAG ORDER**

COMES NOW, the Defendant, Zachary Hughes, by and through undersigned counsel, in preparation for the hearing the Court has set for the morning of December 23, 2024, and in response to the State's Motion for a Gag Order, which seeks to decimate Mr. Hughes' First Amendment rights, defense counsel's First Amendment rights, the First Amendment rights of the Press, and the First Amendment rights of the people of the State of South Carolina. In an astonishingly unprecedented, improper, and clandestine manner, the State asks this Court not only to prohibit defense counsel's communications to third parties about this case, but the State also asks this Court to dictate to defense counsel what they can and cannot say both in written pleadings and in open court. See Mot. for Gag Order at 7 ("[D]efense should not be permitted to make mention of such evidence in any public filings or in any manner which would place such information in the public domain."). This Court should deny the motion summarily and without a hearing.

FACTS

At 11:08 A.M. on October 13, 2021, a deputy with the Greenville County Sheriff's Office (GCSO) arrived at a home on Canebrake Drive in Greenville County, South Carolina, after Bradly Post called 911 for help. A deputy arrived and saw Post outside the home talking on his cell phone. The deputy approached Post to try to determine what was happening. When the deputy began to

ask Post questions, Post instructed the deputy to wait as he continued to talk on his cell phone. According to the deputy, Post "was shaking a little but did not appear to be too upset."[1]

Post hung up the phone and told the deputy he decided to come to the residence after he attempted to call his fiancé, Christina Parcell, and she did not answer. According to Post, he entered the residence through the back door "as they always leave it unlocked," and he found Parcell lifeless on the floor in the front living room. Police did a sweep of the residence and found no one else inside.

The deputy who responded walked outside the residence and reestablished contact with Post for the purpose of continuing the investigation.[2] During the deputy's interview, "Post became nervous and asked if he needed to speak with his lawyer." Despite the fact the deputy was just "asking basic questions about the incident at the time, Post asked for his lawyer." Post then provided the deputy with the name of the person whom he believed killed his fiancé, a name that was not Zachary Hughes.

The police's investigation quickly uncovered why, in part, Post was acting nervously when the deputy responded. At the time of Parcell's death, Post and Parcell, working together, were producing and/or distributing child pornography involving multiple minor children. Post is currently incarcerated in the Greenville County Detention Center[3] awaiting trial on nine separate

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[1] Portions of this section in quotations come directly from police reports or other publicly available documents.

[2] Deputies also interviewed Post a few days after the incident. In this interview, Post refused to answer multiple questions and refused to provide the PIN number for Parcell's phone until he could get advice from a lawyer.

[3] See Greenville County Detention Center Inmate Search, visited on December 15, 2024. https://app.greenvillecounty.org/inmate_search.htm.

charges: seven counts of Sexual Exploitation of a Minor, one count of Criminal Sexual Conduct with a Minor, and one count of Buggery.

Despite Post's and Parcell's prolonged, calculated, and disgusting conspiracy to victimize and sexually abuse young children, the State has indicated, as recently as December 4, 2024, that Post "is a material fact witness" and is a potential prosecution witness.

The State's Persistent and Determined Attempts to Conceal this Evidence from Mr. Hughes and from the Public

On at least five separate occasions over three years both in writing and orally, Mr. Hughes requested access to the contents of eight devices owned by Bradly Post and seized by the GCSO in October of 2021. Although it already produced the contents of one of Post's cell phones in 2021, which contained child pornography, the State refused defense counsel access to any of the contents of the remaining devices until September of 2024.

Remarkably, the State also filed a motion in limine on September 12, 2024, which sought to exclude child pornography evidence from Post's devices in the trial before it even provided defense counsel access to this material. The State so vehemently wished to excise this evidence from the case that it did not want Mr. Hughes to be able to respond to the motion: how could he respond when he had not even seen the evidence that was the subject of the motion?

Also in September, the State put this case on the trial docket for the October 28th term, despite Mr. Hughes' request that it not because of the pending discovery disputes over the child pornography evidence. Ultimately, the parties reached an agreement wherein the State would provide access to the contents of all of Post's devices, the State would remove the case from the October 28th trial docket, and defense counsel would, in good faith, prepare for the trial to occur in January of 2025.

Defense counsel has met with personnel from the GCSO to review the contents of these devices, and Mr. Hughes has retained an expert who has forensically analyzed the contents of these devices. This review has caused defense counsel to conclude that the contents of these devices are even more material to the preparation of Mr.Hughes' defense than they initially believed, and defense counsel took steps to provide Hughes with access to this material, a right to which he is entitled under South Carolina law. See S.C.Crim.P. R. 5(A)(1)(c) ("Upon request of the defendant the prosecution shall permit the defendant to inspect and copy books, papers, documents, photographs, tangible objects. . . .") (Emphasis added).

On October 30, 2024, Mr. Hughes filed a Motion for Bond, predicated in large measure on the fact that he had a right to review the contents of Post's devices, and legal restrictions on the dissemination of child pornography prevented Mr. Hughes from viewing this material while he was in jail. Although the Court denied him bond, it said during the hearing, "So I've checked with the jail. They can make whatsoever accommodations y'all want." Bond hearing tr., at 22.

Defense counsel worked with members of the GCSO and the Greenville County Detention Center for the purpose of facilitating Mr. Hughes' viewing of this material. However, they were unable to have Mr. Hughes transported to view this material, and the State has notified defense counsel that it opposes Mr. Hughes' review of this material even though he is entitled to it.

ARGUMENT

Christina Parcell and Brad Post worked together to victimize young children, whether the State likes it or not. In the more than three years it has prosecuted this case, the State's attempt to purge the case of this fact has caused it to pursue courses of action that are internally inconsistent and contrary to State and Federal law. In addition to initially providing contents of one of Post's devices in discovery and then denying access to the rest; in addition to filing a motion in limine publicly and then filing two additional motions under seal, the State now has filed a motion under

seal which seeks an order from the Court that would prevent defense counsel from talking about Parcell's and Post's conspiracy at all, either in written pleadings or orally in hearings before the Court. The State makes this request of the Court without any legal authority that remotely supports it. The idea that a Court could or should dictate to lawyers what they can and cannot say in the defense of their clients during court proceedings and outside the presence of a jury runs counter both to the letter and spirit of our laws.

Soon, Mr. Hughes will address the misplaced arguments the State makes in support of its motions, but first he wishes to correct misstatements the State made in its motions and orally before the Court.

Defense counsel stand by comments they made in their Motion for Bond.

In its Motion for Gag Order, the State references language contained in Mr. Hughes' Motion for Bond, which was filed on October 30, 2024, and accuses defense counsel of making irresponsible and baseless allegations.

> Defense counsel brazenly alleges that the victim of this murder, Parcell, "produced, directed, and participated...[in child pornography]. . . ." Not only is the allegation inadmissible, it cannot be proven by the defendant and is wholly unsubstantiated.

See Mot. for Gag Order at 2 (emphasis added). Further, the State's motion claims that should defense counsel continue to litigate discovery issues related to the child pornography, they "would be releasing unfounded, salacious, and ultimately criminal accusations toward the victim. . . ." *Id* (Emphasis added). Also in its Motion for a Gag Order, the State refers to language in Mr. Hughes' Motion for bond, that "Parcell 'produced, directed, and participated [in child pornography]" as "conclusory allegations," "wholly unsubstantiated," "unfounded accusations," and "unfounded allegations" no less than seven times.

At Mr. Hughes' bond hearing on November 21, 2024, the State doubled-down on its "unfounded allegations" rhetoric. The State told the Court that it had "serious concerns" about

defense counsel "saying things that are not true, or alleged, or unsubstantiated about (Parcell) in public filings." Bond hearing tr., at 22 (emphasis added).

On September 25, 2024, defense counsel met with member(s) of the GCSO for the purpose of reviewing the contents of Post's devices, to which the State had denied Mr. Hughes access for more than three years. During the review, defense counsel viewed the contents of a thumb drive law enforcement seized from Post and labeled "SEM1A." The GCSO deputy opened a video file named "415.MOV," which was contained on SEM1A. The video begins with a minor child on a bed in the nude. Parcell emerges from behind the camera, nude, and climbs on the bed with the minor. Both then engage in sexually explicit and coordinated poses. This video appeared on a device not capable of capturing the image and in the custody of another person, Brad Post. Under these circumstances, Parcell not only "produced, directed, and participated in child pornography," she also distributed it. See 18 U.S.C. § 2256(3) (defining "producing" in the child pornography context as "producing, directing, manufacturing, issuing, publishing, or advertising.") 18 U.S.C. § 2256(8) (defining "child pornography" as "any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where-- (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; (B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct."); See *United States v. Stitz*, 877 F.3d 533, 538 (4th Cir. 2017) (citing and quoting with approval the Tenth Circuit Court of Appeals' decision in *United States v. Shaffer*, 472 F.3d 1219, 1223 (10th Cir. 2007)) (the defendant "distributed child pornography in the sense of having 'delivered,' 'transferred,' 'dispersed,' or 'dispensed' it to others.").

If the State had taken the time to carefully review the contents of Post's devices, it would have seen "415.MOV" and likely many other files that contain similar images. The State would have realized defense counsel's claims were well-grounded, supported in fact, and simply the truth. In determining how much weight to assign to the State's arguments in this Motion and in the Motion(s) in Limine to exclude child pornography, the Court should be mindful that the State apparently seeks to limit discussion of and introduction of evidence it has not even reviewed.

Gag orders are extremely disfavored and presumptively unconstitutional.

> Even among First Amendment claims, gag orders warrant a most rigorous form of review because they rest at the intersection of two disfavored forms of expressive limitations: prior restraints and content-based restrictions. Like all court orders that actually forbid speech activities, gag orders are prior restraints. Prior restraints bear a heavy presumption against [their] constitutional validity. Prior restraints upend core First Amendment principles because a free society prefers to punish the few who abuse rights of speech after they break the law [rather] than to throttle them and all others beforehand.

In re Murphy-Brown, LLC, 907 F.3d 788, 796–97 (4th Cir. 2018) (citations and internal quotation marks omitted).

Further,

> gag orders are presumptively unconstitutional because they are content based. Content-based restrictions target particular speech because of the topic discussed or the idea or message expressed. Gag orders inherently target speech relating to pending litigation, a topic right at the core of public and community life. But the government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.

Id. (Citations and internal quotation marks omitted). See also, *State-Rec. Co. v. State*, 332 S.C. 346, 350, 504 S.E.2d 592, 594 (1998) (stating that a defendant whose privileged conversation with his lawyer was illegally recorded and released to the Press bore "an extremely heavy burden" in his efforts to limit the (Press') speech.").

The Absurdity of the State's Request

The easiest way to conclude that the State's Motion should be denied summarily is to fully comprehend what it seeks. The State seeks an order preventing defense counsel from

"mention(ing) (child pornography) evidence in any public filings or in any manner which would place such information in the public domain." See Mot. for Gag Order at 7. (emphasis added). Think about that.

The State wants the Court to order defense counsel not to "mention" the child pornography evidence orally or in writing in any context in which it "would be placed in the public domain." Therefore, defense counsel could not reference this evidence in any pleading submitted to the Court or in any hearing before the Court unless this Court were to close from the public every proceeding in this case and seal every pleading in this case.[4] Practically, the State asks this Court to prevent Mr. Hughes from even arguing that the child pornography is admissible. A few examples are instructive.

On September 12, 2024, the State moved in limine to exclude child pornography evidence from the trial. This is a publicly filed document. If the Court grants the State's Motion, defense counsel could be threatened with imprisonment or monetary penalties if they responded with a filed pleading disagreeing with the State's position on the child pornography: such a response could be republished by the Press, putting the response in the "public domain."

One more example. The trial has begun. A witness for the State testifies that he or she is certain that Christina Parcell never sexually abused children. If the courtroom were full with observers and the Press, the order would prevent defense counsel from cross-examining the witness on the existence of Parcell's production and distribution of and participation in child pornography to impeach the witness' credibility. However, if the courtroom were completely empty could defense counsel cross-examine the witness with the child pornography evidence

[4] Mr. Hughes' discusses sealing pleadings later in his response. See *infa*, at pp. 17-18.

because, under these circumstances, the possibility that the child pornography evidence "would be placed in the public domain" would be low?

Last example, defense counsel go to a restaurant for dinner after a long day of trial preparation. Staff at the restaurant seat defense counsel at a table in the center of the restaurant, and the restaurant is crowded. Defense counsel continue to discuss the case, and another patron hears the conversation and reports it to the Press. The contents of the conversation appear on a news channel website. Did defense counsel violate the order because they should have known that having a conversation about the case in a crowded restaurant would likely result in the child pornography entering "the public domain?" What if defense counsel are the only patrons in the restaurant, and a staff member of the restaurant reports the conversation to the Press? Are defense counsel still in trouble?

There are endless, ridiculous examples that illustrate the impropriety of the State's request: the State's Motion patently violates Mr. Hughes', defense counsel's and the Press' First Amendment Rights, and the citizens' of South Carolina right to know what its government does and what happens in *our* courtrooms.

The law does not support the State's request.
In fact, it violates the U.S. and S.C. Constitutions.

The State's request, that this Court conceal any mention of the child pornography evidence from the public (even though the State already has mentioned it in a public filing), is not supported by the South Carolina jurisprudence the State cites and neither violates the South Carolina Rules of Professional Conduct nor the Victim's Rights Act.

State-Record Co., Inc. v. State, 332 S.C. 346, 347, 504 S.E.2d 592, 593 (1998)

The only gag order case the State cites in its Motion is *State-Record Co.*, and this case provides no support for the State. In *State-Record*, the defendant, B.J. Quattlebaum, not the State,

moved for a gag order after the Press came into possession of a non-consensual recording of a privileged conversation Quattlebaum had with his lawyer. Quattlebaum asked the trial court to order the Press not to publish the recording. The defendant's request in no way sought an order from the trial court to limit the State's speech in any way. Ultimately, the trial court granted the request for a gag order, but the order was narrowly tailored.

> The circuit court's order specifically note(d) that it d(id) not "prohibit the reporting of the invasion of the attorney client privilege;" nor d(id) it "restrain or prohibit [publication of] the identity of the individuals involved or the nature of the charges in the case." It simply prohibit(ed) the "dissemination of the contents of the communication or the characterization of its contents."

State-Record. Co, Inc., 332 S.C. at 348, 504 S.E.2d at 593.

On appeal, the South Carolina Supreme Court affirmed the trial court's gag order. The *State-Record* court recognized the tension between a defendant's right to a fair trial and the Press' free speech rights, especially when the speech that is the subject of the gag order is privileged.

> This Court is faced with a profound dilemma: whether to uphold a prior restraint upon the media's First Amendment right of free speech, a task which carries with it an extremely heavy burden upon the party seeking to limit the speech; or whether to invalidate the prior restraint placing in jeopardy the fundamental right of a defendant to a fair trial pursuant to the Sixth Amendment. We are faced with the added quandary that the information sought to be disseminated by the media is a privileged communication between a criminal defendant and his attorney.

State-Record. Co, Inc., 332 S.C. at 350, 504 S.E.2d at 594 (citations omitted). The *State-Record* court then applied the three-prong test the U.S. Supreme Court articulated in *Nebraska Press*[5] to determine that the gag order was appropriate.

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[5] "*Nebraska Press* established a three-prong balancing test to determine whether a prior restraint is justified:
1. The nature and extent of pretrial publicity;
2. Whether other measures would be likely to mitigate the effects of unrestrained pretrial publicity; and
3. How effectively a restraining order would operate to prevent the threatened danger."

State-Record. Co, Inc, 332 S.C. at 353, 504 S.E.2d at 595–96.

In affirming the trial court, the *State-Record* Court quoted *Nebraska Press* for the proposition that "[t]he precise terms of the restraining order are . . . important," *State-Record. Co, Inc.* 332 S.C. at 353, 504 S.E.2d at 596 (citation omitted), and concluded that "the egregious circumstances of this case (were) sufficient to warrant imposition of the extremely limited temporary restraining order imposed by the circuit court." *State-Record. Co, Inc*, 332 S.C. at 359, 504 S.E.2d at 599.

The State cites *State-Record* for the proposition that Courts have authority to enter "protective orders barring statements by trial participants." Mot. for Gag Order at 1. *State-Record* does not say one word about trial participants' statements nor did it bar trial participants from making statements. Instead, it prevented the Press from publishing a non-consensual recording of a privileged conversation Quattlebaum had with his lawyer in the jail.

Further, the State makes no attempt to apply to this case the three-pronged *Nebraska Press* test the *State-Record* court used, likely because the U.S. Supreme Court fashioned the test for the purpose of protecting a defendant's right to a fair trial, not the State's. See *Nebraska Press Ass'n v. Stuart,* 427 U.S. 539, 551 (1976) (discussing the tension "between the right of the accused to trial by an impartial jury and the rights guaranteed others by the First Amendment.") (Emphasis added).

In fact, the State fails to cite even one case wherein a court in this State or any other jurisdiction entered a gag order at the request of the prosecutor.

For some reason, the State thinks that the admissibility of evidence has an impact on whether a court should stifle free speech. The State cites *State v. Sobers* and *State v. Stokes*. *Sobers* and *Stokes* do not even have the words "First Amendment" or "speech" in them, and have nothing

to do with gag orders. The State fails to cite to any case wherein the possible admissibility or inadmissibility of evidence implicated a court's entry of a gag order.

Even if this court were to consider the admissibility of evidence that would be the subject of the gag order in determining whether to impose the gag order, this consideration would tip in favor of Mr. Hughes, not the State. The child pornography evidence is most probably and most likely admissible evidence which the jury will consider at the trial, and the State knows it. Otherwise, why is the State so desperately and capriciously trying to lock it down? Why did it move to exclude the child pornography four months before the January 13th trial date? Why is the State seeking an order that prevents defense counsel from even discussing it in a judicial proceeding? Why has the State concealed its motion for this gag order and its amended motion in limine by filing them under seal? If the State truly believed that the child pornography evidence was patently inadmissible, it would put the Court on notice the day the trial began of the evidence's inadmissibility, it would object at trial the first time it was mentioned, the Court would sustain its objection and this issue would be resolved. No, this evidence is coming in the trial, and the State knows it.

Rule 3.6 of the Rules of Professional Conduct has no relationship to the State's Motion.

Apparently, the State's Motion to Gag defense counsel is "rooted" in Rule 3.6 of the South Carolina Rules of Professional Conduct. Mot. for Gag Order, at 3. The State cites Rule 3.6 and states "a lawyer shall not make an extra-judicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter." *Id.* (Emphasis added).

Rule 3.6 does not apply to the State's Motion: the State seeks to prevent defense counsel from making judicial statements, statements before the Court in written pleadings and orally in

hearings and trials before the Court, not extra-judicial statements. See generally, cf., *Pond Place Partners, Inc. v. Poole,* 351 S.C. 1, 22, 567 S.E.2d 881, 892 (Ct. App. 2002) (applying an absolute privilege in a slander of title context to statements made for the purpose of obtaining a lis pendens on property and stating that "[t]he [absolute] privilege covers anything that may be said in relation to the matter at issue, whether it be in the pleadings, in affidavits, or in open court.") (Citation omitted).

In fact, Rule 3.6 explicitly authorizes extra-judicial statements when they are required to rebut pretrial publicity if the lawyer reasonably believes the extra-judicial statements are required to protect the client's interests.

> Notwithstanding paragraph (a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.

Rule 3.6 - Trial Publicity, S.C. App. Ct. R. 3.6(c).

Moreover, Rule 3.6 actually emphasizes the need the public has to be informed on judicial proceedings occurring in the courts of this State.

> [T]here are vital social interests served by the free dissemination of information about events having legal consequences and about legal proceedings themselves. The public has a right to know about threats to its safety and measures aimed at assuring its security. It also has a legitimate interest in the conduct of judicial proceedings, particularly in matters of general public concern. Furthermore, the subject matter of legal proceedings is often of direct significance in debate and deliberation over questions of public policy.

Rule 3.6 - Trial Publicity, S.C. App. Ct. R. 3.6 cmt. 1.

Finally, the State's assertion of Rule 3.6 in support of its Motion for Gag Order is yet another example of the hopelessly and internally inconsistent methods it has used to investigate and prosecute Mr. Hughes. The State claims it is concerned about pretrial publicity affecting a potential jury panel, yet, the State is the only party in this case whose agents have held a press

conference. At the press conference, these agent(s) characterized the crime as "very intentional," and "it was obvious that Mr. Hughes intended to kill (Parcell)," and characterized the crime scene as "very brutal."[6] The State is not concerned about all pretrial publicity. It is only concerned about pretrial publicity that will hurt its case.

Rule 3.6 has nothing to do with the State's Motion for a Gag Order.

The Victims' Rights Act hurts, not helps, the State's cause.

The State argues that "allowing the Defense to mention child pornography in conjunction with their unfounded assertions in public filings would directly violate the rights of the victim's."[7] Mot. for Gag Order, at 5 (emphasis added). The State goes on to say that "[a]llowing these unfounded assertions to be placed in filings available to the public violate the victim's right to be treated with fairness, respect, and dignity." *Id.* (Emphasis added). Finally, the State concludes its argument on this issue by stating "[d]efense counsel should be prohibited from putting in the public domain such material in the form of accusations and unfounded conclusions." Mot. for Gag Order, at 6.

The State's Victims' Rights Act (VRA) argument seems to be predicated on the notion that defense counsel's discussion of Parcell's criminal conduct amounts to "unfounded assertions," and, because these "assertions" are "unfounded," including them in pleadings and statements to the Court amounts to harassment of Parcell and her family. This argument has no merit.

First, the State has not and cannot cite to any authority for the proposition that the VRA can be used to stifle or restrain truthful speech of a lawyer contained in pleadings or in arguments orally made before the Court. Parcell produced, directed, participated in, and distributed child

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[6] https://www.wyff4.com/article/canebrake-murder-pianist-charged-trial/62921394. Visited on December 15, 2024.

[7] The quote directly comes from the State's Motion for Gag Order.

pornography, and the State should know it is true: the evidence that supports this statement comes directly from the evidence the State currently possesses and finally made available to defense counsel almost three years after it charged Mr. Hughes. See *supra*, at p. 6. Defense counsel is merely telling the truth, and any negative consequence that flows therefrom is not defense counsel's fault, however unfortunate or tragic it may be.

Further, are the lawyers in civil court who represent the beautiful, precious children who Parcell and Post sexually abused violating the VRA? One lawyer who represents one of the minor victims wrote in a publicly filed pleading,

> Upon information and belief, during the course of the law enforcement investigation of Christina Parcell's murder, law enforcement discovered numerous photographs and videos of various minor children, including minor Jane Doe,[8] in various stages of undress and in sexually explicit and nude positions, which had been taken over the course of several years. Upon information and belief, the videos and photographs of Jane Doe graphically depict her genitals and breasts. Further, Petitioner is informed and believes that the photographs and videos of Jane Doe were taken by, with, and/or in the presence of Defendant Post and Defendant Parcell. Upon information and belief, Defendant Post aided, abetted and conspired with Defendant Parcell to obtain the inappropriate photographs and videos of Jane Doe.[9]

Is this lawyer violating the VRA and engaging in "harassment" by vigorously and truthfully representing this child against Parcell and Post, the perpetrators of an awful crime? Obviously not.

Is the State even properly implementing the VRA in this case? The VRA defines "victim," in part, as "any individual who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a criminal offense, as defined in this section." S.C. Code Ann. § 16-3-1510(1). The statute defines "criminal offense," in part, as "an offense against the person of an individual when physical or psychological harm occurs. . . ."

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[8] "Jane Doe" is a common name assigned to minor victims of crime used to protect their privacy.

[9] See Complaint filed on August 15, 2022, Case Number 2022-CP-23-4382, at 3.

S.C. Code Ann. § 16-3-1510(3). As the State mentioned repeatedly in its Motion for Gag Order, "victims of a crime have the right to. . . be treated with fairness, respect, and dignity. . . ." Mot. for Gag Order, at 5. Does the State treat the beautiful children whom Parcell and Post abused with "fairness, respect, and dignity," when it tries to pretend they do not exist? Does it treat these children and their families with "fairness, respect, and dignity" when it seeks to prevent Mr. Hughes and his defense counsel from mentioning the tragedy these children have suffered and, by implication, accuses their own lawyers of violating the VRA?

This case is so tragic for so many people on so many levels. In the lead up to trial, Mr. Hughes and his defense counsel have diligently sought to minimize the harm to those involved in this case and their families. Defense counsel (1) have not held one press conference; (2) filed under seal (after initially filing publicly) its Motion for Bond in response to the State's request that they do so, in part, to protect the privacy of those involved (a request which now appears to be disingenuous on some levels); and (3) defense counsel have requested that the State's Motions for a Gag Order and to Exclude evidence be heard when the trial begins in January, in part, to spare those involved needless anguish by reducing the amount of opportunities the Press would have to report on this case. However, the State seems persistent and determined to engage in conduct that requires Mr. Hughes and defense counsel to respond. By (1) falsely characterizing defense counsel's truthful statements as "unfounded assertions," (2) by improvidently seeking from the Court an unprecedented order that would eviscerate the First Amendment Rights of Mr. Hughes and defense counsel without any legal authority that remotely supports the request; (3) by refusing to acknowledge the existence of Post's and Parcell's minor child victims; (4) by insisting that these issues be heard weeks before trial instead of at trial, when pretrial motions are most commonly heard, and (5) by engaging in numerous other actions that may require further response by defense

counsel, the State's actions have clumsily and prematurely brought the child pornography evidence to the fore.

A Word on Sealing of Documents

In South Carolina, "[j]udicial proceedings ... are presumptively open to the public ...." *State v. Price*, 441 S.C. 423, 443, 895 S.E.2d 633, 643 (2023) (citation omitted). Until recently, the parties have observed this foundational and core principle of our criminal justice system: defense counsel filed publicly their Motions for Bond, Motion to Suppress Evidence, Motion for Ex Parte Review, and responses to the State's Motions. To its credit, the State also filed, by defense counsel's estimation, all of its Motions publicly, including its Motion in Limine to Exclude Child Pornography, through September 12, 2024.

However, starting in October 2024 with its request that defense counsel file Mr. Hughes' second motion for bond under seal, the State appears now to have a penchant for hiding the proceedings from the public. On November 6, 2024, the State filed under seal an Amended Motion in Limine to Exclude Child Pornography, a Motion which seeks to amend a Motion the State filed publicly almost a month earlier. Then, on December 2, 2024, the State filed its Motion for Gag Order under seal, the Motion to which this pleading responds. Neither of these Motions contains any cognizable, legal basis that would warrant the sealing of these documents, and no court has authorized the sealing of these documents. See *Price*, 441 S.C. at 442, 895 S.E.2d at 643 ("[N]o South Carolina court—not this Court, the court of appeals, nor any trial court—may seal any portion of a court record from public view unless there is a specific provision of law permitting it.").

Mr. Hughes asks the Court to unseal all of the pleadings in this case. Further, defense counsel asks the State to follow the procedure defense counsel have used when they seek to file a document not on the public record: publicly file a pleading that explains the basis for request to

seal, wait for the court to rule, and then file the pleading under seal should the Court grant the motion and should the State wish to do so. See e.g., Def. Mot. for Ex Parte Relief. See also, *Price* 441 S.C. at 442, 895 S.E.2d at 643 (citation omitted) (stating that "lawful authority and specific findings of fact that justify the sealing," are required prior to the sealing of a document.).

CONCLUSION

In the United States and the State of South Carolina, parties to litigation and their lawyers have a right to free speech, and lawyers have the right to use this speech to zealously advocate for their clients. The public and the Press have a right to access open proceedings that occur in the courtroom and/or in connection with the trials. The State seeks to infringe upon these basic and treasured rights Mr. Hughes, defense counsel, and the public hold dear because it does not like what defense counsel will say.

The State's displeasure with defense counsel's advocacy is exactly why our Founding Fathers saw fit to include these precious rights in the Constitution: these guarantees serve to check the tyranny of the Government. Mr. Hughes and defense counsel merely ask this Court to check the tyranny of the State by denying its unprecedented, improper, and clandestined attempt to violate the rights we all hold dear.

Respectfully submitted,

s/ Andrew B. Moorman
s/ L. Mark Moyer
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December 19, 2024.

CERTIFICATE OF SERVICE

I certify that on this, the 19th day of December, 2024, Defendant Zachary Hughes' Response to the State's Motion for Gag Order was served on the Thirteenth Circuit Solicitor's Office by hand delivery.

Mark Moyer (S.C. Bar # 64155)
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December 19, 2024
Greenville, South Carolina

EXHIBIT 4

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2025-GS-23-3520A
COUNTY OF GREENVILLE	)	2026-GS-23-1776A
	)	
	)	
	)	
	)	
	)	
STATE OF SOUTH CAROLINA, PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
BRADLY E. POST, DEFENDANT.	)	
	)	

March 12, 2026
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE

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

CAMILLE EVERHART GUTHRIE, ESQ.
Attorney for the Plaintiff

LUCAS CRAIG MARCHANT, ESQ.
ROBERT MILLS ARIAIL, ESQ.
JOSHUA SNOW KENDRICK, ESQ.
Attorneys for the Defendant

CHERYL A. SMITH
Circuit Court Reporter

INDEX

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness
(IC) - Denotes In Camera

PAGE

There were no witnesses called.

EXHIBITS

NO	DESCRIPTION	ID	EVD

There were no exhibits introduced.

P R O C E E D I N G S

(WHEREUPON, proceedings convened at 3:59 PM.)

THE CLERK: The first case is 2024-GS-23-629, the State vs. Devin Harding, indicted for sexual exploitation of a minor first degree, pleading to sexual exploitation of a minor in the second degree, and this is a true bill, and there is a consent order for forfeiture attached. The next case is 2024-GS-23-630, State vs. Devin Harding, indicted for criminal solicitation of a minor, pleading to criminal solicitation of a minor, this is a true bill and there is a permanent restraining order attached.

Next case is 2024-GS-23-2856, the State vs. Anthony Henderson, indicted for possession of a handgun by a person convicted of a crime, pleading to the same and this is a waiver; Case 2026-GS-23-1736, the State vs. Anthony Henderson, indicted for assault and battery of a high and aggravated nature, pleading to assault and battery in the second degree and this is a waiver; Case 2026-GS-23-1737, the State vs. Anthony Henderson, indicted for possession of a controlled substance with intent to distribute, pleading to the same and this is a waiver.

Next case is 2025-GS-23-3520A, the State vs. Bradly Post, indictment for sexual exploitation of a minor in the third degree, pleading to the same and this is a true

bill; next case is 2026-GS-23-1776A, the State vs. Bradly Post, indictment for sexual exploitation of a minor in the second degree, pleading to the same and this is a waiver. There is also a consent order for forfeiture and two restraining orders attached.

Next case is 2026-GS-23-1791, the State vs. Paul Gedosch, indicted for sexual exploitation of a minor in the first degree, pleading to the same and there is a restraining order attached; Case Number 2026-GS-23-1792, the State vs. Paul Gedosch, indictment for criminal sexual conduct with a minor in the third degree, pleading to the same and this is a waiver.

If y'all would please raise your right hand and I'll swear you in.

WHEREUPON,

DEVIN ALLEN HARDING, ANTHONY TYREE HENDERSON, BRADLY E. POST and PAUL DAVID GEDOSCH

After having been duly sworn, testified as follows:

THE COURT: Okay. In the last 24 hours, have you had any drugs, alcohol or medication, Harding?

DEFENDANT HARDING: No, sir.

THE COURT: Henderson?

DEFENDANT HENDERSON: No, sir.

THE COURT: Post?

DEFENDANT POST: No, sir.

THE COURT: Gedosch?

DEFENDANT GEDOSCH: (Unintelligible.)

THE COURT: Speak up just a little bit. I couldn't hear you.

DEFENDANT GEDOSCH: Oh, I'm sorry. Yes, Your Honor.

THE COURT: You have. Okay. What have you had?

DEFENDANT GEDOSCH: My mental health medications.

THE COURT: Okay.

DEFENDANT GEDOSCH: Depakote, Prilosec. I really can't remember everything.

THE COURT: Okay. But in the last three days, have you had the right amount?

DEFENDANT GEDOSCH: Yes, Your Honor.

THE COURT: And does that limit your ability in any way to understand what you're doing?

DEFENDANT GEDOSCH: No, Your Honor.

THE COURT: Okay. All right. Have you ever been treated for substance abuse or mental illness, Harding?

DEFENDANT HARDING: No, sir.

THE COURT: Henderson?

DEFENDANT HENDERSON: No, sir.

THE COURT: Post?

DEFENDANT POST: No, Your Honor.

THE COURT: Gedosch, who treats you?

DEFENDANT GEDOSCH: Yes, Your Honor.

THE COURT: Okay. Give me a little background, Counselor.

MS. TOMLINSON: Your Honor, he has autism, OCD and major depressive disorder. He's been in therapy and worked with psychiatrists for an extensive amount of his life, Your Honor. He's competent to stand trial today.

THE COURT: Okay. Has he been evaluated?

MS. TOMLINSON: He's been evaluated twice, Your Honor. Both psychologists found that he was competent to stand trial and we can do it today, Your Honor.

THE COURT: Okay. Are you good with that?

DEFENDANT GEDOSCH: Yes, Your Honor.

THE COURT: If you have any trouble, you just let us know, okay?

DEFENDANT GEDOSCH: Yes, Your Honor.

THE COURT: All right. So Harding, your indictment alleges you did in Greenville County, January 12, 2023, commit the crime of sexual exploitation of a minor first degree. You induced or encouraged a minor to engage in sexual activity, and you are tendering a plea to sexual exploitation in the second degree. It carries from two to ten years. It's a violent offense which impacts parole eligibility. Do you understand?

DEFENDANT HARDING: Yes, sir.

THE COURT: And the next one alleges you did here in

Greenville County, on or about January 12, 2023, commit the crime of criminal solicitation of a minor in that you being over 18, you contacted, communicated with a person you believed to be under the age of 18 and tried to persuade, induce or entice them to engage in a sexual activity. And this one carries up to ten years. It's a nonviolent offense. Do you understand that?

DEFENDANT HARDING: Yes, sir.

THE COURT: Okay. All right. Henderson, your first one alleges you did, Greenville County, March 14, 2024, possess or acquire a handgun having been convicted of strong-armed robbery. And this carries up to five years. Do you understand?

DEFENDANT HENDERSON: Yes, sir.

THE COURT: The next one, Mr. Henderson, alleges you did in Greenville County, December 13, 2024, unlawfully injure Tamillah [phonetic] Hill Jones, and she suffered great bodily injury, pleading to a three-year assault and battery. You understand?

DEFENDANT HENDERSON: Yes, sir.

THE COURT: Okay. The next one alleges you did, Greenville County, March 14, 2024, possess with intent to distribute marijuana and tendering a plea to the same. That carries up to five years. You understand?

DEFENDANT HENDERSON: Yes, sir.

THE COURT: Mr. Post, yours alleges you did on or about October 19, 2021, commit the crime of sexual exploitation of a minor third degree, that you, knowing the character or content of material, possessed material in a file that contained visual representation of a minor engaged in some sort of sexual explicit nudity. And this carries up to ten years. You understand?

DEFENDANT POST: Yes, Your Honor.

THE COURT: Mr. Post, the next one alleges you did, on or before October 1, 2020, commit the crime of sexual exploitation of a minor second degree, knowing the character or content of the material you distributed or exhibited a file containing visual representation of a minor involved in nudity or sexual activity. And this carries from two to ten years. This is a violent offense which impacts parole eligibility. You understand that?

DEFENDANT POST: Yes, Your Honor.

THE COURT: Gedosch, your indictment alleges you did here in Greenville County, November 6, 2021, employ, induced, encouraged, coerced or facilitated a minor to appear in a state of sexually explicit nudity. And this carries from three to 20 years in prison. It is a violent offense which impacts parole eligibility. Do you understand that?

DEFENDANT GEDOSCH: Yes, Your Honor.

THE COURT: Okay. And finally, the last one alleges you did in Greenville County, over the age of 14, you willfully and lewdly committed a lewd and lascivious act upon a minor under the age of 16, and this one carries up to 15 years in prison. It's violent, it's most serious. Violent impacts parole eligibility, and most serious means that if you get convicted of two or more most-serious offenses, you're eligible for life in prison without parole. Do you understand?

DEFENDANT GEDOSCH: Yes, Your Honor.

THE COURT: Okay. How do you want to plead to your charges, Harding?

DEFENDANT HARDING: Guilty.

THE COURT: Henderson?

DEFENDANT HENDERSON: Guilty, sir.

THE COURT: Post?

DEFENDANT POST: Guilty, sir.

THE COURT: Gedosch?

DEFENDANT GEDOSCH: Guilty, sir.

THE COURT: Is that your free and voluntary decision, Harding?

DEFENDANT HARDING: Yes, sir.

THE COURT: Henderson?

DEFENDANT HENDERSON: Yes, sir.

THE COURT: Post?

DEFENDANT POST: Yes, Your Honor.

THE COURT: Gedosch?

DEFENDANT GEDOSCH: Yes, sir.

THE COURT: Do you understand all of your rights at a trial by jury, Harding?

DEFENDANT HARDING: Yes, sir.

THE COURT: Henderson?

DEFENDANT HENDERSON: Yes, sir.

THE COURT: Post?

DEFENDANT POST: Yes, Your Honor.

THE COURT: Gedosch?

DEFENDANT GEDOSCH: Yes, Your Honor.

THE COURT: Are you guilty, Harding?

DEFENDANT HARDING: Yes, sir.

THE COURT: Henderson?

DEFENDANT HENDERSON: Yes, sir.

THE COURT: Post?

DEFENDANT POST: Yes, Your Honor.

THE COURT: Gedosch?

DEFENDANT GEDOSCH: Yes, sir.

THE COURT: Are you totally satisfied with your attorney, Harding?

DEFENDANT HARDING: Yes, sir.

THE COURT: Henderson?

DEFENDANT HENDERSON: Yes, sir.

THE COURT: Post?

DEFENDANT POST: Yes, Your Honor.

THE COURT: Gedosch?

DEFENDANT GEDOSCH: Yes, sir.

THE COURT: And do you know what the evidence is the State has against you, Harding?

DEFENDANT HARDING: Yes, sir.

THE COURT: Henderson?

DEFENDANT HENDERSON: Yes, sir.

THE COURT: Post?

DEFENDANT POST: Yes, Your Honor.

THE COURT: And Gedosch?

DEFENDANT GEDOSCH: Yes, Your Honor.

THE COURT: Okay. Please listen while the State tells us about your case.

(Guilty pleas and sentencing of the Court held regarding Devin Harding and Anthony Henderson were not transcribed.)

MS. GUTHRIE: Thank you, Your Honor. May it please the Court.

THE COURT: Yes, ma'am.

MS. GUTHRIE: Your Honor, in addition to the two sentencing sheets, the State has handed up a forfeiture order for items that were seized in this case and also two permanent restraining orders for two of the victims

in this case.

Your Honor, Mr. Post was arrested October 20, 2021, during the course of a murder investigation into the death of Mr. Post's girlfriend, Christina Parcell, which took place in Greenville County. The Greenville County Sheriff's Office examined Mr. Post's cell phone and found images of child sexual abuse material on the device. In addition to commonly traded child sexual abuse material, law enforcement found images of Mrs. Parcell's minor daughter nude and in various stages of undress. As a result, law enforcement ultimately obtained a search warrant for Mr. Post's home which was executed October 19th.

During the search warrant, law enforcement seized a number of digital and computer related devices which were examined. The results of the examination revealed hundreds of images and videos of Mrs. Parcell and her daughter both posing nude and in lingerie. These images appear to be taken in multiple locations and they span years. In many of these videos, it is clear that Mrs. Parcell is setting up a video camera to film herself and her daughter doing nude exercises and posing as well as in various places in Mr. Post's home.

In addition to images and videos of Mrs. Parcell's daughter, law enforcement also found images of the same

minor child with another minor female who was later identified as a friend of the family. These images do not contain sexual activity, but both minors are undressed in these images. It appears that these images were taken by Mrs. Parcell and later provided to Mr. Post.

In addition to the two victims, at least one additional image of child sexual abuse material that was located in the items was identified as another child in Greenville County. Your Honor, this was a child that was the victim in a case where her father had manufactured child sexual abuse material of her. There is no known connection between Mr. Post and the girl's father, but he did have an image of the minor.

Your Honor, the State does want to put on the record that Mr. Post has a number of charges related to making child sexual abuse material that we are dismissing in exchange for this plea. The State believes that there is evidence to suggest that Mr. Post engaged in the manufacture of some of these images of Mrs. Parcell and her daughter; however, the State is dismissing these charges in exchange for the plea. The State concedes that Mrs. Parcell appears to independently create so many of the videos and images in this case it would be difficult for the State to prove at trial that Mr. Post

was the one who was making some of these images. Additionally, Mr. Post does not actually appear in any of the videos or images. They are taken in his home.

Your Honor, we do have law enforcement here today in support of the plea. And I believe Investigator Bryant will want to address the Court. We also have one of the victim's family is here and victim impact statements from the two other victims in the case.

Thank you, Your Honor.

THE COURT: Okay. Is what they told me factually about the case substantially true and correct?

DEFENDANT POST: Yes, Your Honor.

THE COURT: Does he have a criminal history?

MS. GUTHRIE: No prior record, Your Honor.

THE COURT: Okay. All right. Yes, sir.

INVESTIGATOR BRYANT: Yes, sir. Investigator Michael Bryant with the ICAC Unit. I've been before you for the last decade.

And the message that Investigator Bevill who is the primary on this case wanted me to relay to the Court is that this is an excellent case that's a reminder that these images are not just images, that there are actual children involved in it. And in this case, we're able to identify three Greenville County victims in this case. And so even though the charges that were ultimately

pleading to would suggest that they are -- it's an image type case, they're absolutely tied to a real child and a real child that's victimized and will have to continue to work through that for the remainder of their life.

THE COURT: All right. Thank you very much.

Yes, ma'am?

MS. SAVAADRA: Your Honor, I was asked if I wanted to give a victim impact statement for this case. There are a million different things I want to say.

THE COURT: Wait. Before you go any further, who are you?

MS. SAVAADRA: I'm sorry. Juana Savaadra, victim advocate with the Attorney General's Office.

THE COURT: Okay. And whose ---

MS. SAVAADRA: This statement is from Katherine Preston.

THE COURT: Okay. Thank you.

MS. SAVAADRA: I was asked if I wanted to give a victim impact statement for this case. There are a million different things I want to say, but this is not the time to express some of those emotions. I do want to say that Bradly Post, a man I have never met, is one of the most dangerous people in our community. I know this to be true because he is the same type of man as my ex-husband who is currently in federal prison serving a

12-year sentence having pled guilty to possession of child pornography. The victim of that case was our daughter. My ex-husband took photos of her and uploaded them on the Internet for the gratification of himself and others like him. Mr. Post sought out those photos. He saved them on his computer. He did not see the innocence of a child. He saw a thing, an object he could use to satisfy his disgusting urges. I cannot fathom how anyone would choose to abuse a child, but I have been shown a side of inhumanity I thought was only real in nightmares.

My daughter does not know that she is yet again a victim. She has struggled over the years trying to understand why people choose to hurt children who cannot protect themselves. While she continues to work through those thoughts, she is living her life. She is and will always be a survivor.

Bradly Eugene Post is a predator and a danger to every child. While I think he should receive the maximum sentence allowed by the plea deal, I am respectfully requesting that you sentence him to as much time as you deem appropriate.

Thank you for your time.

This next statement is from Landrum and Erin Randolph. Your Honor, we are Erin and Landrum Randolph, the parents of Aida Mello. Aida is 13 years old and has

lived with us since March 19, 2025. Although she has been a part of our life since she was 2 years old, we submit this statement to help the Court understand how the defendant's actions have affected our daughter and the lasting impact that they have had on our family.

Aida is a bright and resilient child who deserves the opportunity to grow up feeling safe and protected. Unfortunately, the actions of Bradly Post have caused significant emotional harm that has yet to be fully understood or measured. Since these events, Aida has struggled with fear and anxiety. She is fearful of strangers, does not like to be left alone and has become easily startled by loud noises or sudden surprises. Many of these emotions are internalized and she often copes in ways that make the depth of her distress difficult for outsiders to recognize.

Aida is currently in counseling to help her process what happened and begin healing from the trauma she experienced. During this time, there were periods when she struggled significantly and was failing many of the activities and expectations in her life. These changes reflected the emotional burden she was carrying. As parents, we now live with the constant sense of vigilance. Our priority is to protect Aida and provide her with a stable and secure environment she deserves.

This experience has changed the way our entire family approaches trust and safety. We are far more cautious about the people and situations we allow into our lives because our first responsibility is ensuring that Aida is safe.

We have made the decision to shield Aida from many of the legal details of this case.

She copes by compartmentalizing and prefers to focus on the life she has now. She wants to act as though we have always been her parents and that the difficult parts of her past are simply behind her. We believe protecting her from the ongoing legal process is in her best interest and help her continue to heal.

The defendant was engaged to Aida's biological mother who was later murdered. Because of this relationship, he occupied a position of proximity and trust in Aida's life. Instead of protecting a vulnerable child connected him -- through that relationship, he exploited her. That betrayal is something no child should ever experience.

We believe the seriousness of these crimes warrants the strongest possible response from the Court. We respectfully ask that the Court impose the maximum sentence allowed under the law, and if possible, that the sentences be served consecutively. Doing so would not

only protect our daughter, but would also help protect other children from being harmed in the future.

We also believe it is essential that the defendant remain a registered sex offender so that communities are aware of the danger he poses and children can be better protected. No child should have to carry the consequences of an adult's exploitation, and we respectfully ask the Court to ensure that our daughter and other children are protected.

Respectfully, Landrum and Erin Randolph.

EDEN: My name's Eden. I'm the mom of one of the victims. Thanks for the opportunity to speak to you today on behalf of my daughter and my family.

Yesterday I was made aware that this would be happening and was asked if I was okay with the plea deal. I'm uncomfortable. I understand. I'm uncomfortable, though it feels uncomfortable that such a predator would get any kind of deal or mercy from the Court. To offer grace to someone who committed these specific crimes is not a concept that I can fathom.

I believe that I'm a kind, forgiving and understanding person, but I can't even begin to muster any amount of understanding or forgiveness for Brad Post. I don't think that you have to be a parent or a person that has been victimized by someone like Brad Post to

understand the depth of the pain, trauma and irreversible damages that his crimes have caused. But as a parent and someone that has been victimized by someone like him as a child, I feel pretty confident in my ability to speak on the gravity of the decision that's going to be made today.

What he did can't be undone. Nobody ever completely heals from this sort of damage. The amount of pain and trauma that we feel is the same as if it happened yesterday.

I'm tired of seeing predators taking a slap on the wrist and being able to live the rest of their lives in society. We can do better because victims deserve better. The victims and their families will never be rid of the pain and trauma that he has caused. Our lives will never get to be the same again.

We can't go back to life as we knew it before this happened. My daughter is going to have to carry this with her for her entire life. Her future partner is going to be affected by this. Her children are going to be affected by this. Her siblings are affected by this. And we her parents have been affected by this. None of us are ever going to be the same. It makes me sick to think about Brad getting to go on with his life free to lay eyes on anyone he passes.

Being on the registry is not enough. Can you stop him from looking at children in public places? Is there a single parent in our community that would be okay with sharing a space with him? We already have to wake up every morning knowing that explicit images of our daughter as a young child live in his brain rent free. Those visuals do not belong to him, but as long as he is living, he will keep them.

Can we please do -- no. I need to do this. I'm sorry. Can we please do these victims the bare minimum and at least try to give them as much peace as we can? Every day that he's locked up is a day that they don't have to wonder if they are going to run into him unexpectedly in the community or feel re-victimized. Every day that he is locked up guarantees the victims, our families and every child in our community that he does not have the privilege of laying his eyes on them.

When considering sentencing, please consider the victims as the only people that need to benefit from your decision. The one thing that you and only you, Your Honor, can do at this point to help everyone that he has hurt is to give us the gift of peace. Please issue the maximum sentence allowed by the Court for each charge, served consecutively.

Thank you.

THE COURT: All right. Thank you.

Is that it?

MS. GUTHRIE: Yes. Thank you, Your Honor.

THE COURT: Okay. What do you all want to tell me?

MR. MARCHANT: Thank you, Your Honor. May it please the Court. Lucas Marchant on behalf of Mr. Post along with Josh Kendrick and Bob Ariail.

This case started out, as you I'm sure are aware, with the homicide of Mr. Post's fiancee, Christina Parcell. He arrived at her house in October of '21 because he could not get her to respond to him. He knew that she had gone for a job interview that morning, and she never responded after him. Subsequently, of course, I think everybody is aware that Zach Hughes was eventually charged in the murder of that case, and Mr. Post, in relation to that case, has cooperated fully with the 13th Circuit Solicitor's Office. One of the solicitors that tried the case, Mr. Hofferth, happens to be sitting in the jury box. And I think I'm accurately representing what his office would say about Mr. Post's level of cooperation with their office in the murder trial.

As I said from the beginning, he's cooperated. He did not have anything to do with the death of Ms. Parcell. This is the most unfortunate event that

occurred. I'm not sure that we may ever know really why that occurred. Of course, we've heard from Mr. Hughes on the stand and Mr. Mello is set to be prosecuted at some point in time presumably this year, first part of next year, whenever Mr. Hofferth puts that upon the trial docket.

Mr. Post finds himself in this position because he in part was with Ms. Parcell. I'm not here to dispute what his involvement was in the possession of these photographs. But for Ms. Parcell, I don't know that he would be standing here.

As you've heard from the attorney general, they initially charged him with first degree because they believed, at least on a probable-cause basis, that they could prove the charges that he captured. Myself, Mr. Ariail went over to the ICAC Unit to review those images along with one of our digital experts. After discussions with our digital expert and the ICAC Unit, I think the testimony would be that they, the State, cannot prove 100 percent that the images of Ms. Parcell's daughter and the other victim that's present here were captured on Mr. Post's device. The similarities, similar iPhones, but to 100 percent, that's not provable, in our opinion. And really, that's more so also based on what the forensic interviews yielded.

Ms. Parcell's daughter was interviewed. And I'm just paraphrasing from the Julie Valentine Center forensic, she denied anyone took pictures of her without her clothes on, denied anyone ever made her take her clothes off, denied ever seeing other kids get sexual touches.

The same goes for the other victim which was the second lady that you heard from. That child was a friend of Ms. Parcell's child. They frequented each other's house, spent the night with each other. That child was also given a forensic interview. She does say she knew my client, Mr. Post, and had been at similar places, but absolutely denies that anybody took pictures of her, made her dress up or any states of undress or being unclothed and denied that Mr. Post had anything to do with her, ever asked to touch her or touch him or anything like that.

So I bring that up at the beginning of this, Judge, because that has been the rub between us and the AG from the beginning is this first-degree charge. We've never disputed possession and that there were other devices that the material had been duplicated to. The whole dispute is whether or not we're going to go to trial on a first degree.

So I feel like we are in an accurate position about

what his involvement was. There is no information to support from any victim that he took any of these pictures.

Again, you've heard about this other victim whose father was prosecuted across the street in Federal Court. He's the one that was capturing those images and sending them out. And how they got onto Mr. Post's device, I don't think he knows. I don't think anybody can really tell us. But he's not in any relationship with whoever the father is that was prosecuted across the street. Has nothing to do with him. We have, from the beginning, acknowledged that we are in possession of child pornography, and that is exactly what the State can prove and that's what we're here standing for today acknowledging our responsibility.

Throughout the investigation of the homicide case, Mr. Post was requested to meet with law enforcement on multiple occasions and myself, went down and met with Investigator Sparkman who was the lead investigator from Greenville County Sheriff's Office. We provided access to Mr. Post's car. We let them take it off on a roll back. They didn't need a search warrant. We never required them or asked of them, you know, to get a search warrant. At the beginning of this case, Judge, we gave them -- we gave law enforcement the phone that some of

these images came off of so that they could prove that he was not the one that had anything to do with Ms. Parcell's death.

But we are here because of what we were involved in and what we are possessing. But what I'm trying to convey to the Court is that we didn't capture these images. We didn't have them be in certain states of undress or do anything such that neither of these children who have been interviewed have said anything that he did bad to them.

I'm trying to dance around it, Judge, but I don't know any other way to say it than Ms. Parcell is at the root of this. It's unfortunate that she's not here and it is challenging for me to convey to the Court in a manner that is soft because I know that Lutina Parcell is sitting out in the gallery, and that is Christina's sister. She has been in my office to collect some personal effects that we went and got from Mr. Post's house so that she could get a guardian in place and other things like that.

During the course of all of this, Mr. Post has been sued civilly by Ms. Parcell's child. I think what was represented is that they're the parents now. I don't know where that sits in Family Court. But as well as the other victim that you've heard.

Mr. Kendrick was hired by Mr. Post to work on those. Both of those civil suits have been resolved and have been placed on the record. The settlements are done and transactions have been made.

Mr. Post has no prior record.

At the outset of this case when I was retained, I employed Dr. Geoff McKee to do an evaluation. I've passed that evaluation up. As you can see from the evaluation, which is what I gave Judge Verdin, now Justice Verdin, at the bond hearing, he is a low risk. He is going to be on the sex offender registry for the rest of his life. There is no ifs, ands or buts about it.

The question is what is the appropriate sentence here to hold him accountable for what he's done and impose a just sentence. In doing that and what my ask, Mr. Ariail and Mr. Kendrick's ask of you is to have you consider what else could he have done after the fact, Judge. Obviously, if we hadn't done anything in the first place, we wouldn't be here. But what else could he have done to make this right? He's cooperated with law enforcement. We have trial prep with the solicitor's office. We've given law enforcement access to whatever they want at any time they want it and made him available multiple times for interview. The civil suits have been

resolved. He has no prior record. None. He turned 70 years old in January of this year. He has been in custody of the Greenville County Detention Center since October 20, 2021, as you've heard, 1,602 days.

He does have health issues. He was born with spina bifida. He's got congestive heart failure. He's lived in the medical unit down at the detention center for the past four and a half years.

My ask of you is a concurrent sentence on both charges. And I don't believe the State is taking any position on sentence whatsoever. There's no input from them of whether concurrent, consecutive or any number. And what I'm going to ask you for is a sentence of seven years concurrent on both charges. And here's why I'm doing that, Your Honor.

I went back through the public index, and I've provided the attorney general this information for the last five years. And I ran down every disposition on second degree and third degree. And from 2021 through 2025, there were 19 charges of second degree that were entered or disposed of in this court. I didn't go to Pickens or Richland County. I'm talking about Greenville County. So for the past five years, 19 second degrees have pled guilty. The average sentence imposed, some got, I'm sure, two years, which is the minimum, some got

ten years, and that's reflected in the data, is 7.9 years.

The same goes for third degree. There were 57 people over the past five years here in the county that pled guilty to third degree, and the average sentence is 8.05 years.

It's our position, based off of all of the factors that have been presented to you, no prior record, fully cooperated with the State, resolved any civil suits, the evidence shows and presents and we acknowledge possession and duplication onto another device but never enticed, solicited, there's no data where he tried to communicate with them in any other way. They know him, but that's it, and they -- in their forensic interviews, the fact they say he did not take these pictures of them. Does he have them? Yes. Did he fail to report to law enforcement and tell law enforcement what was going on? Yes. Was he in love with his fiancee that got killed five years ago? Yes. Would he be standing here if he had never met her? I don't believe he would, Judge. But the fact is he is.

Given that the data reflects the average length of sentence, but the consideration that I believe and Mr. Ariail and Mr. Kendrick believe he should be entitled to based off the totality of the case, we're asking you

to impose a concurrent sentence on both charges of seven years.

THE COURT: Okay. Anything else?

MS. GUTHRIE: Nothing further from the State, Your Honor.

THE COURT: Anything you want to tell me?

DEFENDANT POST: No, Your Honor.

THE COURT: All right. I think it's a reasonable request. Seven years on each, concurrent.

MR. MARCHANT: Thank you, Your Honor.

MR. ARIAIL: Thank you, Your Honor.

(Guilty plea and sentencing of the Court held regarding Paul Gedosch was not transcribed.)

(WHEREUPON, proceedings concluded at 5:15 PM.)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 12th day of March, 2026.

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

March 25, 2026

Cheryl A. Smith

Cheryl A. Smith, CVR-M
Court Reporter