STATE OF NORTH CAROLINA COUNTY OF PENDER	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 22CR050143-700
STATE OF NORTH CAROLINA v. David Wesley Prevatte. Defendant.	**STATE'S RESPONSE TO DEFENDANT'S FIRST SUPPLEMENTAL REQUEST FOR DISCOVERY AND MOTION TO COMPEL**

NOW COMES THE STATE OF NORTH CAROLINA by and through the undersigned Assistant District Attorney, Shirley Smircic, and responds to the Defendant's First Supplemental Request for Discovery and Motion to Compel with the following upon information and belief:

1) Discovery known regarding communication with the FBI has been previously provided in a hard drive under First Discovery-Original Case File.
2) Detective Short reached out to the FBI on October 23, 2025 to inquire as to the existence of any discovery the State does not have.
3) Detective Short reached out to the FBI on October 23, 2025 to inquire as to the existence of any discovery the State does not have.
4) Disclosed to the Defense on October 23, 2025 through Axon.
5) Photographs have been disclosed in the hard drive previously provided under First Discovery-Original Case File-Book 3- book 3 photographs pdf. An email from Captain Sanders regarding this incident was released in Axon on October 23, 2025. Upon Detective Short speaking with Detective Leatherwood it was confirmed that there was

not an OCA associated with the case and the incident occurred in close proximity to a trailer the Defendant was living in.

6) In a hard drive previously provided refer to Case Activity Log and Master Synopsis word documents; First Discovery-Detective Short Emails During Cold Case; and Second Discovery-Additional Emails.

7) Detective Short reached out to the FBI on October 23, 2025 to inquire as to the existence of any discovery the State does not have.

8) In a hard drive previously provided, refer to First Discovery-Original Case File-Book 3-Mis Documents-Book 3 Notes. To the State's knowledge, officer notes that exist have been disclosed.

9) There is no relevance, the State believes it was accidentally added to the file.

10) The State requested this information from PCSO on October 23, 2025 and followed up on November 21, 2025.

11) In a hard drive previously provided, located in First Discovery- Original Case File-OCA 2017-04211 Fields vs. unknow 11-13-2017 Sexual Assault-David Prevatte burned camper pdf. The State also disclosed an arson report in Axon on October 23, 2025.

12) SBI Reports were provided in discovery Bates 267-464.

13) State had a clone made of Item 32, which was the video footage collected, and the State will provide the USB to Counsel at the December 12, 2025 Motions Hearing. The State believes all this video has previously been disclosed. Detective Leatherwood spoke with Detective Short and stated he requested all relevant video.

14) A response to this request was disclosed in an email from Captain Sanders released in Axon on October 23, 2025. The State can provide the current policy if needed.

15) In a previously provided hard drive, refer to Detective Short's notes in the Case Activity Log word document.

16) In a previously provided hard drive, refer to First Discovery-Detective Short Emails During Cold Case.

17) Full report provided in previously provided hard drive.

18) In a previously provided hard drive, refer to First Discovery-Detective Short Emails During Cold Case.

19) In a hard drive previously provided, refer to First Discovery-Detective Short Emails During Cold Case and Case Activity Log word document.

This the 24th day of November, 2025.

Shirley Smircic
Assistant District Attorney

CERTIFICATE OF SERVICE

I, Shirley Smircic, hereby certify that a copy of the instant RESPONSE was provided to counsel for Defendant, Johnson Britt and Christine Malumphy, by emailing a copy of the instant RESPONSE to Johnson Britt and Christine Malumphy.

This the 24th day of November, 2025.

Shirley Smircic
Assistant District Attorney