

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Dec 08 2022
SC Court of Appeals

Appeal from Fairfield County

Honorable R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JEFFERY TRUESDALE,

APPELLANT

APPELLATE CASE NO. 2022-000123

RECORD ON APPEAL

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Jury Selection:

THE COURT: Thank you, thank you. Good afternoon, Thank you. Please be seated. My name is Keith Kelly. I'm one of your circuit court judges, here in South Carolina. It's good to be with you here, in Winnsboro this week.

We've been here working this morning without you. We had some nonjury matters to attend to, we worked on those and we had a few more sprinkled in along the way. Now, we find ourselves in-need of your services. So thank you for being timely in your jury service this afternoon. I point out that we were working without you because we will not have you here if you are not needed. We understand jury service is an inconvenience in your personal and professional lives. I assure you we will not have you sitting here wasting time that you could be at work or other wise engaged.

Ladies and gentlemen, you have seen the bailiffs as you came in, also, uniformed law enforcement personnel. I point them out one more time, because if you have an issue at home or work, an emergency, a car will not start, a child is sick, an elderly parent has fallen, if you will contact one of those people or Madam Clerk and her fine staff, they will be happy to assist

1 you with that matter.

2 Our purpose is to determine your
3 qualifications and eligibility to serve as jurors. Jury
4 qualifications is done in several stages. And the first
5 stage of jury qualifications is generally referred to as
6 the roll call. Madam Clerk will call the roll of all
7 who have been called for duty. When your name is
8 called, we ask that you stand and in a clear audible,
9 outside voice, please tell us the following information.

10 Your occupation, if you are employed.

11 If you are self-employed, please tell us the
12 nature of your business.

13 If you are retired or disabled, please tell us
14 your former occupation.

15 If you are married or have a significant other
16 who is employed, please tell us the nature of his or her
17 employment.

18 And if you have no objection, please tell your
19 age.

20 As part of the roll call process and
21 qualification, it is necessary that you be sworn. So I
22 ask each of you to now, please, stand to be sworn.

23 Madam Clerk, please swear the panel.

24 MADAM CLERK: If you'll raise your right hands
25 please.

1 Do you swear or affirm that you will answer
2 truthfully all questions asked of you by the Court; you
3 will speak the truth, the whole truth and nothing but
4 the truth so help you God.

5 (Jurors all answered in the affirmative.)

6 THE COURT: Ladies and gentlemen, there are
7 certain questions that I am required to ask and these
8 questions determine your eligibility to serve. State
9 law requires that I ask these questions. And quite
10 frankly, some of them or two of them might be a little
11 personal in nature. Let me tell you what they are.

12 One of the questions asks, whether or not you
13 have a prior criminal history, a prior criminal record,
14 for which you could have received more than one year in
15 prison. Now, the key to the question is, "one year."
16 So if you have a driving under the influence first
17 offense, driving with a suspended license first offense,
18 something of that nature, that carries 30 days. You
19 don't have to tell me about that. But if you, at some
20 point in your life, were hanging out with some of your
21 friends and having a good time and you open the car
22 door, even though the car door was not locked. That is
23 breaking into a motor vehicle, and it carries up to five
24 years with it. You would not have received a five year
25 sentence for doing something foolish like that, but it

1 carries up to five years and you do have to tell me
2 about that. I will also tell you that the answers to
3 that question, I probably already know. I'm sure wrap
4 sheets were run, right solicitor? Wrap sheets have been
5 run. So the answer to that is already known, but the
6 lawyers don't know and they have to be told.

7 The next question that might be a little
8 personal in nature is, whether or not you, are under a
9 doctors care and receiving some treatment and you are
10 taking some medication and you're not supposed to be
11 driving or operating machinery, you're out of work and
12 as a result of that medical, you might not think
13 clearly. I have no way of knowing the answer to that.
14 So you have to tell me if that effects you and we could
15 make arrangements for you to serve another term of
16 court.

17 So there are a couple of questions that might
18 be a little personal in nature. At the end of my
19 question and answer period, I will come down and stand
20 next to my court reporter, where she can hear, the
21 lawyers will join me there, and if you need to answer a
22 question privately, you may have a chance to do that.
23 That is not an invitation for 56 people to come and
24 speak with me privately but, generally, I do have one or
25 sometimes two. Okay. Here are the questions that I'm

1 required to ask:

2 Is there any member of jury not a citizen of
3 the United States, if so please stand. You must be a
4 United States citizen to serve as a juror.

5 Is there a member of this jury panel who is
6 not a resident or citizen of Fairfield County, if so
7 please stand.

8 Is there a member of this jury panel who is
9 unable to read, write, speak or understand the English
10 language, if so please stand.

11 Is there any member of this jury panel who has
12 less than a sixth grade education or it's equivalent, if
13 so please stand -- and I was looking at the sheet so, I
14 didn't see anyone.

15 Here's one of the questions: Is there a
16 member of this panel, who is unable due to a mental or
17 physical infirmity, to render efficient jury service
18 this week.

19 For example, is there a member of the panel
20 who has a medical condition that would prevent you from
21 serving this week. Now, you will not be sitting in a
22 jury box for hours on end. About every 90 minutes,
23 every hour and-a-half we will take a break. So you're
24 not going to be asked to sit for hours and hours. If
25 that applies to you please, stand or see me privately.

1 Is there a member of the jury panel who has
2 been convicted by a guilty plea or trial in state or
3 federal court of record, of a crime punishable by
4 imprisonment for more than one year and your civil
5 rights have not been restored by a pardon or amnesty.
6 Punishable by more than one year means, you could have
7 received a sentence of more than one year regardless of
8 what sentence you actually received. If so, please
9 stand or see me privately.

10 Is there a member of this panel who is a
11 clerk, deputy clerk of court, constable, sheriff or
12 other commissioned law enforcement, probate judge,
13 county commissioner, magistrate, county officer or
14 employed within the walls of any courthouse, if so
15 please stand.

16 Is there a member of this panel who has
17 previously served on jury duty in circuit court during
18 this calendar year. Thus being circuit court, not
19 magistrate, municipal or federal. If you have served in
20 circuit court this calendar year, please stand.

21 Is there a member of this jury panel, who
22 served as a member of the Fairfield County grand jury
23 during the past several years, if so please stand.

24 We now move to jury exemptions. State law
25 provides several exemptions to jury service. Ladies and

1 gentlemen, an exemption means that you can choose not to
2 serve, you are not disqualified from serving.

3 Persons who are 65 years of age or older maybe
4 exempt if you choose to do so. Is there a member of
5 this jury panel who is 65 years of age or old and you
6 wish to be exempt, if so please stand.

7 Another exemption requires prior jury service.
8 No person is required to serve as a juror more often
9 than once every three calendar years. Is there a member
10 of this panel, who has served in circuit court jury duty
11 during the last two calendar years and wished to be
12 exempt, please stand.

13 Your number please?

14 JUROR 140: 140.

15 THE COURT: 140?

16 JUROR 140: Yes, sir.

17 THE COURT: You served at the circuit court?

18 JUROR 140: Yeah, in 2019.

19 THE COURT: In 2019?

20 Madam Clerk, do you have him?

21 MADAM CLERK: We'll have to check it.

22 THE COURT: She's gonna look for us right
23 quick. So go ahead and have a seat.

24 Is there a member of this jury panel, whose
25 served as a grand juror in the last five calendar years

1 and you wish to be exempt, please stand.

2 The next exemption concerns people who have
3 legal care, control and custody of young children. And
4 I ask that you listen carefully to all parts, because
5 there are four sub parts and all must apply.

6 You may be exempt if you have a child under
7 the age of 7 years and you have the legal care, control
8 and custody of the child or children and you are
9 principal caregiver for the child or children and you
10 are unable to make arrangements for adequate care while
11 serving on jury duty, if this applies to you and you
12 wish to be exempt, please stand.

13 If you are the primary caretaker of a person
14 65 years of age or old and you are unable to provide
15 adequate care for that person while serving, you maybe
16 exempt. If this exemption applies to you and you wish
17 to be exempt, please stand.

18 If you are the primary caretaker of a severely
19 disabled person, who is unable to care for himself or
20 herself and cannot be left unattended and you are unable
21 to provide adequate care while serving, you may be
22 exempt. If this applies to you and you wish to be
23 exempt, please stand.

24 The next exemption involves persons who may be
25 attending school or working in a school in some

1 capacity. And if this exemption applies, we will
2 transfer your service to another term of court.
3 Usually, spring break or summer, so it will not
4 interfere with school.

5 Is there a member of this panel, who's a
6 full-time student, teacher, crossing guard, bus driver
7 or who serves as some school related function, who is
8 unable to serve this week due to involvement with school
9 and wishes to be transferred to spring break or summer,
10 please stand.

11 Yes, ma'am. Your number please?

12 JUROR 72: Juror 72.

13 THE COURT: 72, you're a student?

14 JUROR 72: I'm a teacher at Richard Winn
15 Academy.

16 THE COURT: That's right, you're a teacher.
17 You wish to be transferred?

18 JUROR 72: Yes, sir.

19 THE COURT: 72, being transferred. See you in
20 the summer.

21 Is there a member of this jury panel who is
22 employed with the department of corrections at a prison
23 and you wish to be exempt, please stand.

24 Is there a juror who performs services for a
25 business, commercial or agricultural enterprise, which

1 are so essential to the business or enterprise that if
2 required to serve, the business would be closed and stop
3 functioning, please stand if you wish to be exempt.

4 Yes, sir. Your number?

5 JUROR 79: 79.

6 THE COURT: I think you're a self-employed
7 truck driver?

8 JUROR 79: Yes.

9 THE COURT: You wish to be exempt?

10 JUROR 79: Yes.

11 THE COURT: And the business is closed, you
12 have no employers?

13 JUROR 79: No. We're closed.

14 THE COURT: Your number again was?

15 JUROR 79: 79, sir.

16 THE COURT: You may be excused, sir.

17 Yes, ma'am?

18 JUROR 7: I'm a self-employed nail technician.
19 I'm the only one I work for.

20 THE COURT: Business is closed down?

21 JUROR 7: Yes, it would close down.

22 THE COURT: It is closed?

23 JUROR 7: It is now, yes.

24 THE COURT: And you wish to be exempt?

25 JUROR 7: Yes.

1 THE COURT: You may be exempt. Your number
2 again please?

3 JUROR 7: Seven.

4 THE COURT: Okay. Ladies and gentlemen, that
5 concludes the statutory list of qualifications and
6 exemptions for jury service. And it may be that no
7 exemptions or disqualifications apply to you, but
8 service this week would constitute extreme hardship.
9 What I mean by that is, money was paid, plans were made,
10 you did not know six months ago that you would be
11 summoned for jury duty, you planned to have business or
12 a recreational trip to Washington DC or Washington State
13 and plans were made and money has already been paid, it
14 just happens to be this week. If that applies to you
15 and you wish to be transferred, I can do that for you.
16 Is there any that apply to you.

17 Yes, ma'am. Your number?

18 JUROR 33: 33.

19 THE COURT: 33. You've got a trip?

20 JUROR 33: My fiance is having surgery on
21 Thursday.

22 THE COURT: If I protect you on Thursday, can
23 you serve the rest of the week?

24 JUROR 33: Yes, sir.

25 THE COURT: Okay. Stay with us. She's.

1 protected on Thursday.

2 MADAM CLERK: Mr. Smalls served in 2019.

3 THE COURT: Mr. Smalls did serve in 2019. Mr.
4 Smalls, do you wish to be exempt?

5 JUROR 140: Yes, sir.

6 THE COURT: You are excused.

7 Yes, ma'am. Your number please?

8 JUROR 128: I have a flight out of Charlotte
9 on the 1st.

10 THE COURT: The 1st. If I protect you --
11 well, she's got a flight leaving out on Wednesday and I
12 can't protect her the rest of the week. We'll have to
13 transfer her. January 10th -- I will transfer you to
14 January 10th. Is she going to get another -- you're
15 going to get another summons to be here January 10th. I
16 need your number please.

17 JUROR 128: 128.

18 THE COURT: 128 is transferred to January
19 10th.

20 As I told you earlier, I'm gonna leave the
21 bench and come down if there's one or two that need to
22 talk with me, we can do that privately. And I'll ask
23 the solicitor's office and defense counsel to meet me at
24 the court reporter.

25 Sir, your jury number is?

1 JUROR 113: Juror 113. I have had two neck
2 surgeries and I have a hard time sitting for a long
3 period of time and I'd like to be exempt if I could?

4 THE COURT: Well, we don't sit for long periods
5 of time. We take breaks about every 90 minutes.

6 JUROR 113: I'll try, but it hurts now. That's
7 what I'm saying.

8 THE COURT: If you want to stand, you can do
9 that by sitting in the back row.

10 JUROR 113: Okay.

11 THE COURT: I stand a lot. Stay with me.

12 JUROR 113: Yes, sir.

13 THE COURT: Your juror number?

14 JUROR 33: 33. I'm sorry to be a bother, but I
15 have a doctor's appointment that's already been
16 postponed because of work. So I have a doctor's
17 appointment Wednesday and also, my fiance's having
18 surgery on Thursday. I can bring an excuse for it.

19 THE COURT: You have an appointment Wednesday?

20 JUROR 33: Wednesday, I have two appointments.
21 I have an ob/gyn appointment and dentist appointment on
22 Wednesday and I have a surgery in Hartsville. My
23 fiance's having surgery in Hartsville.

24 THE COURT: What time are your appointments on
25 Wednesday?

1 JUROR 33: The first one's at 8:00 and my
2 dentist appointment's at 3:00.

3 THE COURT: Any objection from the State to
4 transfer her?

5 MS. HALL: No objection.

6 THE COURT: Any objection?

7 MR. LAUBSHIRE: No objection.

8 THE COURT: Number 33, January 10th.

9 JUROR 33: Yes, sir.

10 THE COURT: Your number please?

11 JUROR 135: 135.

12 THE COURT: 135?

13 JUROR 135: Uh-huh. I plead guilty of assault
14 and battery of a high and aggravated nature, does that
15 effect -- I don't know if that is still on my record.

16 THE COURT: You were found guilty of what?

17 JUROR 135: Assault and battery of a high and
18 aggravated nature.

19 MS. HALL: It wasn't a conviction.

20 THE COURT: No conviction. Okay. Stay with
21 us.

22 JUROR 175: Can I ask a question, your Honor?

23 THE COURT: Yes, sir. Your number, sir?

24 JUROR 175: 175.

25 THE COURT: 175.

1 JUROR 175: Probably, 20 years ago I was
2 arrested for a crime I didn't commit and I plea
3 bargained out of it. Can I still be on the jury or is
4 that --

5 MS. HALL: It was and out-of-state burglary
6 and it was dismissed.

7 THE COURT: It was dismissed. Stay with me.
8 Thank you.

9 Yes, sir. Your number?

10 JUROR 58: Juror 58.

11 THE COURT: 58?

12 JUROR 58: Yes, sir. My reading ain't too
13 good.

14 THE COURT: That's okay. You can stay with me.
15 You'll be okay.

16 Nobody else.

17 Okay, ladies and gentleman, the jury panel is
18 now qualified. A couple of housekeeping matters.
19 Cellphones, pagers, if you have a pager still, anything
20 that's electronic, a smart phone, a tablet, whatever
21 that device might be, they are not allowed. If they
22 have communication capabilities, they are not allowed in
23 a courtroom. That is by order of the Chief Justice of
24 the South Carolina Supreme Court. So they are not
25 allowed in a courtroom. If you have those items with

1 you today, please ensure that they are turned off, not
2 just silent, but turned off. And when you return to the
3 courthouse, do not bring those back. They are allowed
4 in a courthouse, but they are not allowed in courtrooms
5 and they're certainly, not allowed in a jury room during
6 deliberations. That is, a smart phone, any kind of
7 communication device, wrist watch that has communication
8 capabilities. If you have one of those, don't wear it.
9 My watch, right now, tells me the time and the day and
10 that's about it and the number of steps I walk, because
11 my daughter's gave it to me to count my steps. But
12 anyway, don't bring communication devices back to the
13 courthouse and into the courtroom or certainly, not into
14 the jury assembly room. Once again, that's a violate of
15 a supreme court order, not mine.

16 I see you wearing masks and I thank you in
17 advance for that. That is also an order of the Supreme
18 Court Chief Justice. You see I have mine. When I am
19 walking in the hallway, I will have my mask on, but I
20 don't have to wear it up here. And when you're
21 testifying, we'll probably ask you to take it off so the
22 court reporter can hear. We're far enough apart at that
23 point, but if someone is testifying and you're sitting
24 in the jury, you'd be far enough away from those people
25 at that point. It is important that you have no contact

1 with any other parties or the lawyers, people that you
2 see and know from one side or the other. An innocent
3 conversation about a child or football game or a
4 basketball game can be misunderstood. Someone might
5 think the fix is in if you're just having a chat about a
6 child or a grandchild and not about the case.

7 We thank you in advance for being prompt in
8 your jury service and hope that you'd be prompt this
9 week if you are serving. Remember that when we pick up
10 and begin court and we recess and we being again, we
11 have to have all 12 plus the alternates. We can't go
12 with ten or 11, we have to have all 12. So you will be
13 the person holding up your brothers and sisters.

14 Again, if an emergency occurs at home or at
15 work, please let one of the uniform law enforcement
16 personnel, one of the bailiffs or Madam Clerk and her
17 fine staff know, and they will be happy to assist you.

18 As a general guideline, I start court at 9:00
19 am, I am pretty punctual. I'm just that way. I got
20 here this morning at 8:05. The lawyers will be here,
21 I'll be here, we'll be ready to go. So if you're on the
22 jury be present and ready to work by 9:00 am.

23 You already have the magic number and the
24 reason you have that number, is not to waste your time.
25 If we don't need you here and we pick the jury and we're

1 still in trial, there will be a message on there after
2 6:00 p.m., that will tell you whether to report or not
3 report. Again, that's for your use and your
4 convenience. Anything from the State or defense?

5 MS. HALL: Nothing from is the State.

6 MR. LAUBSHIRE: Nothing from defense, your
7 Honor.

8 THE COURT: We ready to pick?

9 MS. HALL: Yes, sir.

10 THE COURT: Ladies and gentlemen, we are about
11 to being the trial of the matter of the *State of South*
12 *Carolina versus Jeffery Ross Truesdale, Sr.* It is
13 alleged that Mr. Truesdale, did in *indictment*
14 *2021-GS-20-0418*, commit the criminal offense of domestic
15 violence of a high and aggravated nature. Specifically
16 that, in Fairfield County, South Carolina on or about
17 June 18, 2021, he committed this offense against
18 Stephanie Truesdale, a member of his household.

19 Ladies and gentlemen, he has entered a plea of
20 not guilty to this indictment. And that plea puts the
21 burden on the State of South Carolina to prove his guilt
22 beyond a reasonable doubt. Under our system of justice
23 for well over two hundred years, he is presumed innocent
24 of the allegations contained in this indictment. I'll
25 tell you this and I'll say it more than once. This

1 indictment is a piece of paper, that brings him before
2 the court, it is not evidence against him.

3 They're some question that I am required to
4 ask regarding this matter. Mr. Truesdale, sir if you
5 would stand and lower your mask and just face the jury
6 and kind of turn, do that for about 15 seconds please.

7 Thank you, sir.

8 Ladies and gentleman, you were previously
9 sworn and you remain under oath.

10 Is there any member of this jury panel, who is
11 now or ever has been related by blood or marriage to
12 Jeffrey Ross Truesdale, Sr., please stand.

13 Your number please?

14 JUROR 149: 149

15 THE COURT: 149, family member, friend?

16 JUROR 149: Husband's family.

17 THE COURT: Okay. Would that interfere with
18 your ability to be fair and impartial?

19 JUROR 149: No.

20 THE COURT: Ma'am, you may stay.

21 Is there any member of this jury panel who has
22 a close, personal or social relationship with
23 Mr. Truesdale, if so please stand. You know him from
24 work, you know him from recreation, you just know him,
25 if so please stand.

1 Your number, sir?

2 JUROR 68: 68.

3 THE COURT: 68, do you just know him someway?

4 JUROR 68: Yes.

5 THE COURT: Would that interfere with your
6 ability to be fair and impartial?

7 JUROR 68: No.

8 THE COURT: Thank you, sir. You may stay.

9 The following is a list of potential witnesses
10 in this case: Stephanie Truesdale, Melissa Reynolds,
11 Bailey Reynolds, Tonya Branham, Kimberly Speaks Steele,
12 Jennifer Johnson, Robert Merriweather, Jr., Brad
13 Douglas, Chris Darner, Brad Truesdale, Brice Hinson,
14 Deputy Bryant Goodwin, Lt. Eric White, Beverly
15 Holdbrook. I say, "potential witness," because we never
16 know who will or will not testify.

17 Is there any member of the jury panel who is
18 now or ever has been related by blood or marriage to any
19 of the potential witnesses, if so please stand.

20 Is any member of the jury panel that has a
21 close, personal or social relationship with any of the
22 potential witness, if so please stand.

23 I'm going to ask the lawyers to introduce
24 themselves. As always, ladies first.

25 MS. HALL: My name is Julie Hall and I work

1 here, in Fairfield County, at the Solicitor's office as
2 Assistant Solicitor. I live in Columbia and I've never
3 been in private practice.

4 THE COURT: From the defense.

5 MR. LAUBSHIRE: Good afternoon, my name is
6 Michael Laubshire. I'm a private attorney based out of
7 Columbia. It's a very small law firm, two of us with a
8 very small support staff. I've been in magistrate
9 court, family court, general sessions. I also, like the
10 solicitor, spent some time on that side of the table. I
11 was a prosecutor in Anderson prosecuting things as well.
12 Now, I'm in private practice solely on defense. Thank
13 you.

14 THE COURT: Is there any member of this jury
15 panel related by blood or marriage or ever related by
16 blood or marriage to any of the lawyers in this case, if
17 so please stand.

18 Any member of the jury panel have a close,
19 personal, social relationship with any of the lawyers,
20 if so please stand.

21 Is there any member of the jury panel ever
22 sought legal advice from either of the lawyers, whether
23 or not you hired him or her, you just talked with them
24 about a case. Could have been a truck wreck case, could
25 have been a real estate transaction matter, whatever it

1 was, if so please stand.

2 Any member of the jury panel have a family
3 member or friend who is employed in the Sixth Judicial
4 Circuit Solicitors Office, if so please stand.

5 Any member of the jury panel have a family
6 member or friend employed in the law office of Mr.
7 Laubshire, please stand.

8 Any member of the jury panel ever been
9 subpoenaed as a witness to testify in a case by either
10 of these lawyers, if so please stand.

11 Any member of the jury panel know anything
12 about this case, if so please stand.

13 Any member of the jury panel, you, yourself
14 ever been a commissioned law enforcement officer and
15 that includes military police, state, federal or
16 municipal agency, you, yourself, please stand.

17 Any member of the jury panel have a family
18 member or a close friend, very close friend, who is
19 employed as a law enforcement officer for any agency
20 please stand.

21 Sir, your number please?

22 JUROR 106: 106.

23 THE COURT: 106. What agency?

24 JUROR 106: Fairfield County Sheriff.

25 THE COURT: Would that interfere with your

1 ability to be fair and impartial?

2 JUROR 106: No, sir.

3 THE COURT: Thank you, sir. You may stay.

4 Any member of the jury panel, either you,
5 yourself, or a family member or a very close friend --
6 and we will not ask for details -- you yourself, family
7 member or close friend ever been the victim of domestic
8 violence, if so please stand. We will not ask for
9 details.

10 Your number, please?

11 Juror 171: 171.

12 THE COURT: Would that interfere with your
13 ability to be fair and impartial?

14 JUROR 171: No, sir.

15 THE COURT: Thank you, you may stay.

16 Yes, ma'am your number?

17 JUROR 15: Number 15.

18 THE COURT: Would that interfere with your
19 ability to be fair and impartial?

20 JUROR 15: No, sir.

21 THE COURT: Thank you, you may stay.

22 Any member of your immediate family or a close
23 friend ever been accused of domestic violence -- and
24 again, we will not ask for details -- please stand.

25 Is there any member of this jury panel know of

1 any reason why he or she should not try this case, if so
2 please stand?

3 Anything from the State?

4 MS. HALL: No, sir.

5 THE COURT: From the defense?

6 MR. LAUBSHIRE: Nothing from the defence, your
7 Honor.

8 THE COURT: Are you ready to pick?

9 MS. HALL: Yes, your Honor.

10 MR. LAUBSHIRE: Yes, your Honor.

11 THE COURT: Madam Clerk, you may have the
12 jury.

13 MADAM CLERK: The State strikes first.

14 When I call your name if you'll just stand
15 stay where you are.

16 Number 17, Inez Boyd. What says the State?

17 MS. HALL: Please present this juror.

18 MADAM CLERK: What says the defense?

19 MR. LAUBSHIRE: Please swear the juror.

20 MADAM CLERK: You will be on our jury, Ms.
21 Boyd. You can just sit down right there for now.

22 Number 133, Katina Roseborough. What says the
23 State?

24 MS. HALL: Please present this juror.

25 MADAM CLERK: What says the defense?

1 MR. LAUBSHIRE: Please excuse the juror from
2 service of this case.

3 MADAM CLERK: You're excused from this case,
4 Ms. Roseborough.

5 Juror number 11, Jackie Bech. What says the
6 State?

7 MS. HALL: Please present this juror.

8 MADAM CLERK: What says the defense?

9 MR. LAUBSHIRE: Please excuse the juror from
10 service in this case.

11 MADAM CLERK: You're excused from this case,
12 Ms. Bech.

13 Number 166, Brandon Yarborough. What says the
14 State?

15 MS. HALL: Please present this juror.

16 MADAM CLERK: What says the defense?

17 MR. LAUBSHIRE: Please swear the juror.

18 MADAM CLERK: You'll be one of our jurors, Mr.
19 Yarborough.

20 Number 100, Laura McFadden. What says the
21 State?

22 MS. HALL: Please present this juror.

23 MADAM CLERK: What says the defense?

24 MR. LAUBSHIRE: Please excuse the juror from
25 service in this case.

1 MADAM CLERK: You're excused, Ms. McFadden.
2 Number 10, Michelle Beaufort. What says the
3 State?

4 MS. HALL: Please present this juror.

5 MADAM CLERK: What says the defense?

6 MR. LAUBSHIRE: Please swear the juror.

7 MADAM CLERK: You'll be one of our jurors,
8 Ms. Beaufort.

9 Jury 113, Ralph Noah. What says the State?

10 MS. HALL: Please excuse this juror.

11 MADAM CLERK: You're excuse from this case,
12 Mr. Noah.

13 Juror 107, Edwina Milton. What says the
14 State?

15 MS. HALL: Please present this juror.

16 MADAM CLERK: What says the defense?

17 MR. LAUBSHIRE: Please swear the juror.

18 MADAM CLERK: You'll be one of our juror Ms.
19 Milton.

20 Number 73, Robert Hollis. What says the
21 State?

22 MS. HALL: I beg the Court's indulgence.
23 Please present this juror.

24 MADAM CLERK: What says the defense?

25 MR. LAUBSHIRE: Please excuse the juror from

1 service in this case.

2 MADAM CLERK: You're excused, Mr. Hollis.

3 Number 127, Kenneth Ray. What says the State?

4 MS. HALL: Please excuse this juror.

5 MADAM CLERK: You're excused from this case,
6 Mr. Ray.

7 Number 2, Larry Alston. What says the State?

8 MS. HALL: Please excuse this juror.

9 MADAM CLERK: You're excused from this case,
10 Mr. Alston.

11 Number 126 Alan Ramey. What says the State?

12 MS. HALL: Please present this juror.

13 MADAM CLERK: What says the defense?

14 MR. LAUBSHIRE: Please swear the juror.

15 MADAM CLERK: You will be one of our jurors,
16 Mr. Ramey.

17 Number 156, Sarah Walker. What says the State?

18 MS. HALL: Please present the juror.

19 MADAM CLERK: What says the defense?

20 MR. LAUBSHIRE: Please excuse the juror.

21 MADAM CLERK: You're excused from this case,
22 Ms. Walker.

23 Number 96, William Martin. What says the
24 State?

25 MS. HALL: Please present this juror.

1 MADAM CLERK: Any challenge for cause by the
2 defense?

3 MR. LAUBSHIRE: Swear the juror.

4 MADAM CLERK: You'll be one of our jurors.

5 Number 103, Katie McLemore. What says the
6 State.

7 MS. HALL: Please present this juror.

8 MADAM CLERK: Any challenge for cause by the
9 defense?

10 MR. LAUBSHIRE: Swear the juror.

11 MADAM CLERK: You'll be one of our jurors, Ms.
12 McLemore.

13 Number 109, Tracy Mobley-White. What says the
14 State?

15 MS. HALL: Please present this juror.

16 MADAM CLERK: Any challenge for cause by the
17 defense?

18 MR. LAUBSHIRE: Swear the juror.

19 MADAM CLERK: You'll be of of our jurors, Ms.
20 Mobley-White.

21 Number 173 Sippie Young. What says the State?

22 MS. HALL: Please excuse this juror.

23 MADAM CLERK: You're excused from this, case
24 Mr. Young.

25 Number 15, Dina Boorda. What says the State?

1 MS. HALL: Please present this juror.

2 MADAM CLERK: Any challenge for cause by the
3 defense?

4 MR. LAUBSHIRE: Swear the juror.

5 MADAM CLERK: You'll be one of our jurors, Ms.
6 Boorda.

7 Number 60, Lisa Glisson. What says the State?

8 MS. HALL: Please present this juror.

9 MADAM CLERK: Any challenge for cause?

10 MR. LAUBSHIRE: Swear the juror.

11 MADAM CLERK: You'll be one of our jurors, Ms.
12 Glisson.

13 Number 116, Maurice Pauling. What says the
14 State?

15 MS. HALL: Please present this juror.

16 MADAM CLERK: Any challenge for cause by the
17 defense?

18 MR. LAUBSHIRE: Swear the juror.

19 MADAM CLERK: You'll be one of our jurors,
20 Mr. Pauling.

21 Juror number 137, Gladys Shamblin. What says
22 the State?

23 MS. HALL: Please present this juror.

24 MADAM CLERK: Any challenge?

25 MR. LAUBSHIRE: Swear the juror.

1 MADAM CLERK: You'll be one of our jurors, Ms.
2 Shamblin.

3 This is for our first alternate. Number 163,
4 La'sasha Woodard. What says the State?

5 MS. HALL: Your Honor, may we approach?
6 (Sidebar conference.)

7 THE COURT: She will be excused for cause.

8 MADAM CLERK: Number 171, Mary Young. What
9 says the State?

10 MS. HALL: Please present this juror.

11 MADAM CLERK: What says the defense?

12 MR. LAUBSHIRE: Please excuse the juror from
13 this case.

14 MADAM CLERK: You're excused from this case,
15 Ms. Young.

16 Number 64, Gregg Hamby. What says the State?

17 MS. HALL: Please present this juror.

18 MADAM CLERK: What says the defense?

19 MR. LAUBSHIRE: Swear the alternate.

20 MADAM CLERK: Number 68, Marlon Hemphill. What
21 says the State?

22 MS. HALL: Can we approach, your Honor.

23 (Sidebar conference.)

24 THE COURT: Strike for cause.

25 Number 76, Timothy Howard. What says the

1 State?

2 MS. HALL: Please present this juror.

3 MR. LAUBSHIRE: Swear the juror -- second
4 alternate.

5 THE COURT: Any matters from the State or
6 defense?

7 MS. HALL: No, your Honor.

8 MR. LAUBSHIRE: No, your Honor.

9 THE COURT: Ladies and gentlemen who were not
10 selected, there's still time to be selected in the next
11 case. We have our 14 or 12, plus the two alternates,
12 for the trial of this case, but the week is early. So
13 they'll be another chance for you yet. I know your
14 disappointed, I can tell.

15 Thank you so very much. I'm getting ready to
16 excuse you for the day. Please call that magic number
17 after 6 p.m. for your convenience, because if we're
18 going strong tomorrow morning, we don't need you,
19 there's zero reason for you to come here to the
20 courthouse. Having said that, because you were not
21 selected in this trial, this courthouse belongs to you
22 and this courtroom is open to you and everybody else. I
23 am inviting you to come back. If you want to bring a
24 child, grandchild. I often see jurors do that, day two
25 or day three they'll bring a child, especially, if it's

1 kindergarten or something like that or a five year old
2 maybe, and see a little bit of what goes on in the
3 courtroom. You're welcome to do that, but you're not
4 required to do that, but I'm happy to have you any time.

5 With that, please, I'm gonna ask you to go out
6 this door. What I'm going to do to practice social
7 distancing, and we do this in my courthouse in Cherokee
8 County, what we're gonna do is, unload the bus from the
9 back this way; so nobody get's rushed to the door. That
10 way we practice social distancing. With that, I will
11 excuse you. You're welcome to stay if you'd like to
12 stay. The 14 that have been selected, don't leave, I
13 need you.

14 Ladies and gentlemen, who have been selected
15 to try this case, I'm gonna excuse you for the evening.
16 I'm gonna ask you to be back here in the morning 9 a.m.
17 ready to work. I'll already be here, the lawyers will
18 be here, we'll be set up and ready to go. So as close to
19 9 a.m. as you can be here. You'll have a chance to get
20 a sip of water or cup of coffee. I usually take the
21 bench at 9:00, so we'll take it pretty quick after 9:00
22 once I get all of you here.

23 You and I must learn what we know about the
24 case in the courtroom. State law prevents you from
25 doing any kind of research. Don't try to do any

1 research, Google anything, talk about the case. I don't
2 know anything about it at all, other than what this
3 piece of paper says and that's the way it's supposed to
4 be and for you too. I'm gonna excuse you for the
5 evening. Have a good evening. Don't talk about case
6 because you don't know anything about it. See you
7 tomorrow morning at 9 a.m.

8 (Jury dismissed for the day.)
9

10 **Motions**

11 THE COURT: Anything from the State?

12 MS. HALL: No.

13 THE COURT: Anything from defense?

14 MR. LAUBSHIRE: Yes, your Honor. We have a
15 few motions we'd like to make pretrial in this case.

16 THE COURT: All right.

17 MR. LAUBSHIRE: First motion we have is a
18 motion to exclude and suppress their blind expert that
19 they have in this case. We got notice of this expert,
20 probably about ten days ago now your Honor. I'm not
21 exactly sure the timeframe, so I'll stand corrected if
22 it was longer. We received notice that they were going
23 to call an expert to testify about the psychological and
24 behavioral dynamics of victims in domestic violence
25 cases. That was the description we received from the

1 prosecution in this case. Subsequently, we received a
2 CV a few days later that just told us about the
3 education and employment and I suppose some
4 presentations that she made previously. The blind
5 expert's, Beverly Holbrook. It indicates she's out of
6 York County. We made a motion before Judge Griffith, it
7 was on November 15th. We had a WebEx motion and that
8 motion was for fees, for a transcript from the first
9 trial. We were asking for all of the testimony of all
10 the witnesses from the first trial. My client couldn't
11 afford a transcript, but we needed one going forward.
12 The Court granted that motion for a transcript and there
13 was an order circulated and sent to Judge Griffith for
14 signature. Since that time, we have received the
15 transcript.

16 We also made a motion at that same hearing for
17 an expert and for fees for the expert. At the time we
18 were making it a little bit in the abstract, because we
19 didn't have a motion pending to exclude or suppress the
20 expert. And the Judge, on the record indicated that
21 that motion would need to be made at trial before the
22 trial judge, not before him. So he was denying the
23 motion for fees at that point. Now, we're here at
24 trial, I think this motion is now properly before the
25 Court for a motion to suppress or exclude all the

1 testimony from this expert, who's a blind expert,
2 Beverly Holbrook, as to her testimony related to this
3 victim's behavior. We're asking for your Honor, to
4 suppress that. For one, it's not relevant to this case.
5 She has no information to present to this jury that
6 would be relevant. She hasn't met with the victim,
7 hasn't reviewed the case. Essentially, is just coming
8 here to testify, as they described themselves, a blind
9 expert. That's not relevant to this case.

10 Secondly, we're moving to suppress it because
11 this expert would be used primarily to either bolster
12 the testimony, one way or the other of the victim, as in
13 she's lying or she's not lying or if she is lying here's
14 why, and that's not proper before the Court. It
15 wouldn't be proper for us to do, it shouldn't be proper
16 for the State to do.

17 If your Honor is so inclined to allow this
18 expert to testify, my client is indigent. At this point
19 he's been in jail for several months. He's unemployed,
20 has no money. I talked to him before your Honor just
21 took the bench to make sure he still has no assets. He
22 tells me he has no assets and no way to obtain an expert
23 to defend himself. So, we're asking, if your Honor is
24 going to let an expert testify, that we also be allowed
25 to have fees to get us an expert, so we can have him

1 testify on his behalf.

2 Your Honor, I have a -- I apologize, if it's
3 not -- I do have some case law that is relevant to this
4 and I would like to present this and have it made part
5 of the record. It's a pretty short 8-page brief. It
6 goes over the case law as it relates to the experts in
7 these types of cases.

8 THE COURT: Okay. If you want to hand them up.
9 Thank you.

10 Yes, ma'am. Does the State want to be heard?

11 MS. HALL: Yes, sir. I'll just -- obviously,
12 as of this morning, we were under the impression there
13 were no motions. I just got this very short 8-page
14 brief that I've not had time to look at. I will tell
15 the Court a couple of things. One of which, this motion
16 -- first of all, Mr. Laubshire was told about the blind
17 expert on November 5th. I have an email that I sent to
18 him at that time. On November 15th we had this WebEx
19 conference with Judge Griffith, who's our chief
20 administrative judge, wherein, Mr. Laubshire made the
21 same motion that he's making now and it was denied then.
22 Judge Griffith, obviously, did tell Mr. Laubshire that
23 the motion to exclude the testimony of the blind expert
24 would be a matter for your Honor to hear during pretrial
25 motions, as we are here now. The next day, which was

1 11/16 Mr. Laubshire was provided with the CV of the
2 blind expert and he's had it since that time. It is
3 well settled in case law and I know -- *State v Jones* --
4 some of these off the top of my head. If I had more
5 time to respond to this obviously I could be a little
6 more thorough -- *Shumpert*. All of the cases, most of
7 which apply to sexual assault cases. Now, the same
8 analysis has been applied on domestic violence cases to
9 allow a blind expert to testify. The blind expert is
10 not testifying about -- nothing about the veracity, the
11 credibility, no bolstering. And the case law is very
12 clear that blind experts do not do that. They simply
13 explain to jurors the dynamics of domestic violence and
14 how victims -- it's cycle and there's tons of research
15 that's been done on it. These people come to court as
16 experts to explain to jurors who have, hopefully no
17 experience with domestic violence, about the dynamics of
18 this abuse so that jurors who would normally -- as a
19 normal person or a reasonable person would probably be
20 like.

21 Hey, why didn't she leave?

22 Hey, why is she letting him do this to her?

23 In doing so, they cast judgment on the victim.

24 In order for them to be well educated and understand why
25 things -- why the victim would be thinking the way she

1 does or why things -- just the behavior of victims. And
2 I think that in order for them to be able to completely
3 understand the dynamics of the case, it's extremely
4 important that they be able to do this or be able to
5 hear from this expert.

6 Secondly, Mr. Laubshire is asking for money
7 for an expert -- it's like -- but what he wants -- and
8 maybe I'm misunderstanding this, but my understanding of
9 what he wants is an expert who can actually interview
10 the victim, talk to the victim and that he wants to
11 bring that expert to court to testify about which...
12 Quite frankly, under those same cases that I just talked
13 about and that whole line of cases, would be
14 inadmissible.

15 MR. LAUBSHIRE: And Judge, we have a brief
16 objection to what we want to use an expert for or how we
17 want to use the expert. That's not what our intentions
18 are going to be. We're not planning on bolstering
19 testimony. We would like an expert to testify
20 essentially, exactly as they're trying to get an expert
21 to testify about generally how victims behave and how
22 this is not the situation. We're not trying to bolster
23 this victims testimony, that would be improper. So her
24 characterization of that is improper. And maybe she's
25 trying to help us or not, I'd ask that the State not

1 help the defense in presenting it's motion. That's not
2 why we intend to call, and it's not the kind of expert
3 we want.

4 MS. HALL: I am not trying to help them, your
5 Honor. I'm just trying to figure out what they're
6 doing. And the fact is, I feel like what he's trying to
7 achieve can be done with an expert in the dynamics of
8 domestic violence and could be done on cross-examination
9 if he's got questions for her or anything like that.
10 And again, this has been on the table for about three
11 weeks and he's had her CV for over two. And again, it's
12 been ruled once, obviously not the motion in limine,
13 which I haven't had the chance to go over. But I would
14 submit with *Shumpert, Jones*, all those cases where it's
15 well settled, that blind experts testimony is allowed,
16 that his motion to exclude her testimony should be
17 denied, thank you.

18 THE COURT: Okay. What's your second motion?
19 You have one to exclude and/or suppress.

20 MR. LAUBSHIRE: Judge, our second motion since
21 that one is properly before your Honor and I'd like to
22 briefly just respond to what she said regarding the
23 motion previously being heard.

24 That is correct, it was previously heard and
25 it was denied. But it also was heard, essentially in a

1 vacuum. There was no motion before the Court regarding
2 this expert being admissible. At that point, when the
3 motion was made, there would be no reason to give the
4 defense an expert because we haven't made a motion to
5 let the Court determine whether their experts even going
6 to be admissible or not. So that's why the Judge
7 pointed that out, it needs to be made before the trial
8 judge. I wanted to make sure your Honor was clear on
9 that. And the issue related to the expert wasn't heard
10 in that order. This is the first time this is being
11 heard. It's not the law of the case that she's trying
12 to present. That it's been ruled on, and that's the end
13 of it. That's not the issue.

14 The issue is new now, because we're making a
15 motion to suppress or exclude the testimony of the
16 expert. Once your Honor determines that motion, at that
17 point we can make our second motion as it relates to the
18 indigency issue. My client tells me he's indigent, he
19 has no funds. He can't afford an expert on his own.
20 That's why we're here asking the Court. I've also
21 included that as to the second part of my written
22 motion, all the case law relating to defense having
23 adequate defense and funds to present it's case and all
24 the tools necessary to do the same. Where their expert
25 is going to say A, our expert's going to say it's not

1 true, it's this way. We also have an issue that, if
2 they're going to call their expert and your Honor is
3 going to allow their expert to testify, she brought up a
4 very good point in presenting to you that she's going to
5 testify about generalities and literature and research.
6 We didn't get any of that information Judge. All we got
7 is the CV. So if she's gonna come testify and say, "The
8 literature says." We want the literature so we'll know
9 what she's referring to. Not just, "The literature
10 says." That doesn't help us any getting closer to where
11 we need to be. We're asking as part of this motion that
12 if she's going to be allowed to testify and she bring in
13 whatever she's going to be referring to during the trial
14 and allow us time to review it when she's testify or
15 prior to her testimony. And also Judge, it's probably
16 not a bad idea for us to proffer this testimony before
17 it's presented to the jury so we can find out regarding
18 the relevance or if it is in fact going to be a
19 situation where there's bolstering, which it very well
20 may be.

21 THE COURT: Yeah, I understand that. And I'm
22 familiar with these behavioral -- people who've been
23 qualified as an expert. Actually, I already written
24 myself a note, "This will be under advisement." Because
25 I haven't heard from what she is going to say. I don't

1 know if it's relevant or not at this point in time. So
2 the State's going to have to proffer that so I could
3 have a little more information so...

4 But you have a second motion?

5 MR. LAUBSHIRE: Yes, Judge. As to my client's
6 indigency. We have -- in order or us to request fees,
7 we're going to have to share with the Court that my
8 client doesn't have any fees or funds to pay for this.
9 So would like to call my client as a witness --

10 THE COURT: Yes, sir --

11 MR. LAUBSHIRE: -- for the Court to voir dire
12 him regarding his --

13 THE COURT: -- yes, sir --

14 MR. LAUBSHIRE: -- assets.

15 THE COURT: Sir, come on up here and be sworn.

16 MADAM CLERK: Please raise your right-hand,
17 put your left-hand on the bible.

18

19 J.E.F.F.R.E.Y. R.O.S.S. T.R.U.E.S.D.A.L.E., S.R., the
20 Witness herein, having been sworn by the Clerk of Court,
21 was examined and testified as follows:

22

23 THE COURT: Sir, the questions that you're
24 going to be asked by both of the lawyers and maybe the
25 Court too, is going to be limited to your allegations of

1 being indigent, you understand?

2 MR. TRUESDALE: Yes, sir.

3 THE COURT: They're not gonna talk to you about
4 any facts of the case, okay,

5 MR. TRUESDALE: Yes, sir.

6 THE COURT: Nobody's gonna ask you questions
7 about that. Tell me your name, sir.

8 MR. TRUESDALE: Jeffrey Truesdale.

9 THE COURT: All right. Mr. Truesdale, if you
10 don't mind, you can lower that mask just a little bit
11 there, it might help the court reporter to hear a little
12 better.

13 Yes, sir. Go ahead.

14

15 **VOIR DIRE**

16 **BY MR. LAUBSHIRE:**

17 Q. Mr. Truesdale, can you hear me?

18 A. Yes, sir.

19 Q. How long have you been in jail?

20 A. Five months.

21 Q. In that time, you didn't have any employment
22 or hopes of a job even if you were released today, do
23 you?

24 A. No, sir.

25 Q. Your income as of right now is how much?

1 A. Zero.

2 Q. As to assets, do you own your own home?

3 A. No, sir.

4 Q. Do you have any vehicles titled in your name?

5 A. No, sir.

6 Q. Do you have any other assets titled in your
7 name?

8 A. No, sir.

9 Q. Do you hold any bank accounts jointly or
10 together, that has any kind of money in them?

11 A. No, sir.

12 Q. Right now, as you're sitting here today in
13 Court, what would you say your net worth is?

14 A. Zero.

15 Q. Could you afford to hire an expert to help
16 defend you in this case?

17 A. No, sir.

18 Q. Do you believe it would be in your best
19 interest to have an expert to help defend you in this
20 case?

21 A. Yes, sir.

22 Q. Do you believe it would be prejudicial to not
23 have an expert in this case?

24 A. Yes, sir.

25 Q. Are you asking the Court today to grant you

1 funds to hirer an expert to help defend you in the case?

2 A. Yes, sir.

3 MR. LAUBSHIRE: Judge I have no further
4 questions for this witness.

5 THE COURT: Solicitor?

6 MS. HALL: Nothing from the State, your Honor.

7 THE COURT: Let me ask you, sir. Have you
8 worked?

9 MR. TRUESDALE: Yes, sir.

10 THE COURT: And where did you work?

11 MR. TRUESDALE: Self-employed.

12 THE COURT: Doing what?

13 MR. TRUESDALE: Carpentry.

14 THE COURT: All right. So self-employed doing
15 carpentry. What was your W2 for last year or your
16 income, 1099?

17 MR. TRUESDALE: Mine, personally?

18 THE COURT: Yes.

19 MR. TRUESDALE: Maybe twenty-six, twenty-seven.

20 THE COURT: Twenty-six or seven thousand
21 dollars?

22 MR. TRUESDALE: Yes, sir.

23 THE COURT: For a year?

24 MR. TRUESDALE: Yes, sir.

25 THE COURT: And that's a net --

1 MR. TRUESDALE: Yes, sir.

2 THE COURT: -- or gross?

3 MR. TRUESDALE: Gross.

4 THE COURT: Gross income?

5 MR. TRUESDALE: Yes, sir.

6 THE COURT: And what kind of carpentry did you
7 do?

8 MR. TRUESDALE: Building anything to a house,
9 additions to homes and stuff like that.

10 THE COURT: So you have a general contractors
11 license?

12 MR. TRUESDALE: Yes, sir -- had.

13 THE COURT: You had one?

14 MR. TRUESDALE: Yes, sir. It's actually running
15 out now.

16 THE COURT: But you still are a general
17 contractor?

18 MR. TRUESDALE: Yes, sir, subcontractor.

19 THE COURT: A subcontractor?

20 MR. TRUESDALE: Yes, sir.

21 THE COURT: And you also have an electrical
22 license?

23 MR. TRUESDALE: Yes, sir.

24 THE COURT: Plumbing?

25 MR. TRUESDALE: Yes, sir.

1 THE COURT: And you did that kind of work as
2 well?

3 MR. TRUESDALE: Yes, sir.

4 THE COURT: And that's what kind of work you
5 were doing up until the time of your incarceration?

6 MR. TRUESDALE: No, sir, because of the COVID
7 everything stopped.

8 THE COURT: Everything stopped?

9 MR. TRUESDALE: I probably done three jobs in
10 that year.

11 THE COURT: What about in 2021, up until June
12 when you were arrested?

13 MR. TRUESDALE: I'm just trying to -- what
14 you're saying, how much money I had made during that
15 time?

16 THE COURT: Yes, sir. Up until June 18, 2021.

17 MR. TRUESDALE: Shucks, I would say, no more
18 than \$5,000.

19 THE COURT: \$5,000?

20 MR. TRUESDALE: Yes.

21 THE COURT: And why is that?

22 MR. TRUESDALE: Nobody wants you in their home
23 because of the COVID or whatnot.

24 THE COURT: What about all the construction
25 that's going on right now?

1 MR. TRUESDALE: Yeah, I understand it's picked
2 back up.

3 THE COURT: Would you also understand it's
4 been back up for a long time?

5 MR. TRUESDALE: Yes, sir.

6 THE COURT: So why would you only earn \$5,000?

7 MR. TRUESDALE: I was working right before I
8 got locked up I worked for another guy, but I hadn't
9 been out there about two months.

10 THE COURT: And you have the tools to work
11 with?

12 MR. TRUESDALE: Yes, sir.

13 THE COURT: Okay. And they'd include saws?

14 MR. TRUESDALE: My understanding is my father
15 said when they locked me up, somebody went in my garage
16 and got most everything I had.

17 THE COURT: But you had saws and you had work
18 tools?

19 MR. TRUESDALE: Yes, sir.

20 THE COURT: And you had sawzalls and you had
21 table saws; right?

22 MR. TRUESDALE: Yes, sir.

23 THE COURT: Okay, and you also had plumbing
24 equipment?

25 MR. TRUESDALE: Yes, sir.

1 THE COURT: And electrical?

2 MR. TRUESDALE: Yes, sir.

3 THE COURT: Okay. Pipe benders?

4 MR. TRUESDALE: Yes, sir.

5 THE COURT: Stretch conduit; right?

6 MR. TRUESDALE: Uh-huh.

7 THE COURT: And that stuff is still there?

8 MR. TRUESDALE: Sir?

9 THE COURT: That stuff is still there?

10 MR. TRUESDALE: No, sir. It's gone.

11 THE COURT: It's gone. All of it?

12 MR. TRUESDALE: My father said it ain't but a
13 few things left.

14 THE COURT: Your father?

15 MR. TRUESDALE: Yes.

16 THE COURT: Is your father here?

17 MR. TRUESDALE: Yes, sir.

18 THE COURT: Where?

19 MR. TRUESDALE: In the back.

20 THE COURT: In the back?

21 MR. TRUESDALE: Yes, sir.

22 THE COURT: Okay. And so, was there a police
23 report made on that?

24 MR. TRUESDALE: Every time that they tried to
25 do something about it, they was told that they had to

1 wait until I was released to do something about it.

2 THE COURT: Okay. So you have a work truck?

3 MR. TRUESDALE: My wife sold it.

4 THE COURT: Your wife sold it?

5 MR. TRUESDALE: Uh-huh.

6 THE COURT: What happened to that money.

7 MR. TRUESDALE: I think that's what she's been
8 trying to living off of.

9 THE COURT: She doesn't work?

10 MR. TRUESDALE: No, sir.

11 THE COURT: Why not?

12 MR. TRUESDALE: She had actually, just went
13 back to work when this accident happened.

14 THE COURT: Well, she just went back, what
15 does she do now?

16 MR. TRUESDALE: Nothing at the moment.

17 THE COURT: Is there a reason for that?

18 MR. TRUESDALE: Because of the accident.

19 THE COURT: What accident?

20 MR. TRUESDALE: What I'm here on trial for.

21 THE COURT: See, I don't know anything about
22 this case. When you said, "accident" I didn't --

23 MR. TRUESDALE: I struck her with my truck.

24 THE COURT: Okay, all right.

25 MR. TRUESDALE: That's why they got me with

1 CDV.

2 THE COURT: That truck is gone?

3 MR. TRUESDALE: Yes, she sold it.

4 THE COURT: What about trailers or equipment?

5 MR. TRUESDALE: There's one trailer sitting in
6 the yard still I think,.

7 THE COURT: One trailer?

8 MR. TRUESDALE: Yes, sir.

9 THE COURT: What happened to the rest of it?

10 MR. TRUESDALE: My father had to take that.

11 THE COURT: Enclosed trailer?

12 MR. TRUESDALE: No, sir.

13 THE COURT: All open trailers?

14 MR. TRUESDALE: Yes, sir.

15 THE COURT: Tractor?

16 MR. TRUESDALE: No, sir.

17 THE COURT: Bulldozer?

18 MR. TRUESDALE: No, sir.

19 THE COURT: Bobcat?

20 MR. TRUESDALE: No, sir.

21 THE COURT: Any kind of skid steer?

22 MR. TRUESDALE: No, sir.

23 THE COURT: No other equipment?

24 MR. TRUESDALE: No, sir.

25 THE COURT: How do you dig trenches?

1 MR. TRUESDALE: By hand.

2 THE COURT: By hand.

3 Have you ever worked anywhere that has a 401K
4 or retirement plan?

5 MR. TRUESDALE: No, sir.

6 THE COURT: Do you have any bank account
7 anywhere?

8 MR. TRUESDALE: We did have, but I'm pretty
9 sure it's empty.

10 THE COURT: You know that or you're just
11 guessing?

12 MR. TRUESDALE: Guessing.

13 THE COURT: How much was in it, guessing,
14 before you got arrested in June?

15 MR. TRUESDALE: Not much. I wouldn't say much
16 at all.

17 THE COURT: All right. You have house
18 furniture?

19 MR. TRUESDALE: They got everything.

20 THE COURT: Who's "they?"

21 MR. TRUESDALE: Whoever broke in the house.

22 THE COURT: So somebody broke in and stole all
23 your equipment and stole all your furniture out the
24 house?

25 MR. TRUESDALE: They got -- they got everything

1 out of the garage. I'm pretty sure couches and maybe
2 two TVs left and a bed, other than that everything else
3 got gone.

4 THE COURT: I'm not going to ask you how much,
5 but you had to pay your lawyer.

6 MR. TRUESDALE: Uh-huh.

7 THE COURT: And you paid him, right?

8 MR. TRUESDALE: My parents did.

9 THE COURT: Your parents paid him?

10 MR. TRUESDALE: Uh-huh.

11 THE COURT: Your wife has assets in her name?

12 MR. TRUESDALE: No, sir.

13 THE COURT: No property?

14 MR. TRUESDALE: No, sir.

15 THE COURT: Motor vehicle?

16 MR. TRUESDALE: No, sir.

17 THE COURT: Retirement account?

18 MR. TRUESDALE: I'm sure she's got some money
19 in a 401K.

20 THE COURT: Okay. How much would that be?

21 MR. TRUESDALE: You'd have to ask her.

22 THE COURT: I'm going to. You don't have any
23 idea?

24 MR. TRUESDALE: No, sir. I don't know -- I
25 don't do with nothing that she has.

1 THE COURT: And how long did she work at that
2 place where she had 401K?

3 MR. TRUESDALE: Six years maybe.

4 THE COURT: Okay. And they had a 401k, did
5 they have a retire plan also?

6 MR. TRUESDALE: You'd have to ask her.

7 THE COURT: And you don't know if she's vested
8 in that retirement plan?

9 MR. TRUESDALE: No, sir. I sure don't.

10 THE COURT: What company was that?

11 MR. TRUESDALE: Blythwood Oil.

12 THE COURT: Cash value of life insurance
13 policy?

14 MR. TRUESDALE: No, sir.

15 THE COURT: Any stocks, bonds, certificates?

16 MR. TRUESDALE: No, sir.

17 THE COURT: Thank you, sir.

18 Any questions after that?

19 Sir, you may step down. Please go back over
20 and sit with your lawyer.

21 Anyone else?

22 MR. LAUBSHIRE: Yes, your Honor. We would
23 like to call Stephanie Truesdale, your Honor.

24 THE COURT: Okay.

25 MADAM CLERK: Please raise your right-hand and

1 put your left-hand on the bible.

2
3 S.T.E.P.H.A.N.I.E. T.R.U.E.S.D.A.L.E., the Witness
4 herein, having been sworn by the Clerk of Court, was
5 examined and testified as follows:

6
7 THE COURT: Ma'am, can you get up there or do
8 you need to sit there.

9 MS. TRUESDALE: Can I sit -- is it okay if I
10 just sit right here?

11 MS. TRUESDALE: Yes, ma'am. If you can keep
12 your voice up. We can move the chair up closer to this
13 microphone.

14 Ma'am, tell me your name?

15 MS. TRUESDALE: Stephanie Treusdale.

16 THE COURT: Thank you, Ms. Truesdale.
17 Counsel?

18
19 **VOIR DIRE**

20 **BY MS. LAUBSHIRE:**

21 Q. Ms. Truesdale, can you hear me okay?

22 A. Yeah. I hear you.

23 Q. You didn't have the benefit of being in here
24 for the first part of this motion. What I'm looking to
25 find out from you is what kind of assets you have to

1 help Mr. Truesdale pay for an expert in this case.

2 Since, y'all are married, your assets could be

3 considered joint assets.

4 A. Right.

5 Q. Do you have any property titled in your name
6 that has any value to it?

7 A. No.

8 Q. Do you have any motor vehicles titled in your
9 name that have value to it?

10 A. No.

11 Q. Do have you a 401K or any kind of financial
12 accounts that have any funds in it?

13 A. No, I don't have anything.

14 Q. Do you have a bank account joint with Jeff?

15 A. Yeah, but it's zero balance.

16 Q. Is it negative balance or just zero?

17 A. A negative balance. I struggle toO out here.

18 Q. He had a truck and it's our understanding the
19 truck was sold; is that correct?

20 A. Yes, it was.

21 Q. And the money from that truck, do you have any
22 of it?

23 A. Nope. I tried to pay bills. I'm without work
24 too.

25 Q. I was actually just going to ask you. Are you

1 currently employed right now?

2 A. No, I'm not.

3 Q. Do you have any prospects for employment?

4 A. I've tried, but I can't stand on my feet now.

5 Q. Are there any assets that you know of that can
6 be sold to get funds to help Mr. Truesdale?

7 A. No.

8 MR. LAUBSHIRE: I have no further questions
9 for this witness, your Honor.

10 THE COURT: Thank you.

11 Solicitor?

12 MS. HALL: Just briefly.

13

14 VOIR DIRE

15 BY MS. HALL:

16 Q. Ms. Truesdale, are you drawing disability?

17 A. I didn't hear you.

18 Q. I'm sorry. Are you drawing disability right
19 now?

20 A. No, I applied for it.

21 Q. Right. But you hadn't gotten it yet?

22 A. Uh-huh.

23 Q. What about unemployment, do you have --

24 A. Nope.

25 Q. And you're not able to work because of your

1 injuries; is that right?

2 A. No, I tried too and I can't, no.

3 MS. HALL: Thank you.

4 THE COURT: Ms. Truesdale, I got some
5 questions, if you don't mind.

6 You worked at an oil company for about six
7 years?

8 MS. TRUESDALE: Yes, sir.

9 THE COURT: And they had a 401K plan?

10 MS. TRUESDALE: Uh-huh, yes.

11 THE COURT: And you joined the 401K?

12 MS. TRUESDALE: No.

13 THE COURT: You did not?

14 MS. TRUESDALE: Uh-uh. No, we didn't have
15 anything. We had RA.

16 THE COURT: You had RA?

17 MS. TRUESDALE: Yeah, that one.

18 THE COURT: You didn't join that?

19 MS. TRUESDALE: No.

20 THE COURT: You didn't put any money away in
21 that?

22 MS. TRUESDALE: No.

23 THE COURT: Do you own any real estate at all?

24 MS. TRUESDALE: No, sir.

25 THE COURT: Even if you've inherited it, do

1 you have any real estate?

2 MS. TRUESDALE: No, sir.

3 THE COURT: What kind of vehicle do you drive?

4 MS. TRUESDALE: Nothing right now. I can't --
5 I can't even drive now anyway.

6 THE COURT: But you don't have any vehicle?

7 MS. TRUESDALE: No, sir.

8 THE COURT: What happened to your vehicle?

9 MS. TRUESDALE: Well, it was -- the truck that
10 we had, it was kind of both of ours I guess you could
11 say, martial property and I sold the truck.

12 THE COURT: What did you get for it?

13 MS. TRUESDALE: \$1,000.

14 THE COURT: What year model was it?

15 MS. TRUESDALE: '06.

16 THE COURT: It was a work truck?

17 MS. TRUESDALE: Basically.

18 THE COURT: Did it have the work truck bed on
19 it with the boxes that locked and so forth?

20 MS. TRUESDALE: Uh-uh. No, it was just a
21 truck. I don't how you explain --

22 THE COURT: Just a plain pick up truck?

23 MS. TRUESDALE: Yeah, just a plain pick up
24 truck.

25 THE COURT: And what about all the tools that

1 are at the house?

2 MS. TRUESDALE: There's none at my house.

3 THE COURT: What happened to them?

4 MS. TRUESDALE: I guess his father and all
5 that -- I don't know what actually happened to them.
6 His father moved most of that stuff out of there.

7 THE COURT: His father moved it out?

8 MS. TRUESDALE: Yeah, it was moved out of the
9 house. Yeah.

10 THE COURT: Is that because you-all were
11 separated?

12 MS. TRUESDALE: Well, I mean, yeah. I guess, at
13 the time we were separated. Yep, I mean...

14 THE COURT: So his father moved all his tools
15 and equipment?

16 MS. TRUESDALE: It really was only -- it was
17 just tools, there was no equipment.

18 THE COURT: Well, he said there were some
19 trailers.

20 MS. TRUESDALE: Well, yeah. They were in the
21 yard, I forgot about them.

22 THE COURT: Where are they?

23 MS. TRUESDALE: That, I couldn't tell you.

24 THE COURT: His dad move them too?

25 MS. TRUESDALE: I know one of them's been gone,

1 I don't think. The other ones sitting in the yard.

2 It's a piece of crap.

3 THE COURT: Well, there was a trailer, another
4 equipment trailer; right?

5 MS. TRUESDALE: Right.

6 THE COURT: What other -- there were saws,
7 plumbing equipment, electrical; right?

8 MS. TRUESDALE: Some, yeah. I can't tell you
9 what it was because I don't know anything about it. I
10 never went out to even look, I don't know what he had.

11 THE COURT: Ladders?

12 MS. TRUESDALE: I'm pretty sure that there were
13 some.

14 THE COURT: Yeah. I mean, he's an electrician
15 and a plumber and a carpenter; right?

16 MS. TRUESDALE: Right. Yes. A pretty good one.
17 All of it, yeah.

18 THE COURT: And when he was working, about
19 what did he earn every year?

20 MS. TRUESDALE: Maybe \$600 -- I don't know \$600
21 a week is what I'm guessing. It's usually what he
22 earned.

23 THE COURT: About \$600 a week.

24 MS. TRUESDALE: Uh-huh.

25 THE COURT: And that's what he was doing up

1 until the time of this incident; right?

2 MS. TRUESDALE: Right.

3 THE COURT: And he was paying for the
4 groceries?

5 MS. TRUESDALE: He was paying for everything.

6 THE COURT: You were working at that time as
7 well?

8 MS. TRUESDALE: Uh-huh.

9 THE COURT: And about what was your income?

10 MS. TRUESDALE: I probably made thirty-two,
11 thirty-three a year.

12 THE COURT: And he made \$600 a week, that's
13 what he brought home?

14 MS. TRUESDALE: That's about what I brought
15 home too, about six.

16 THE COURT: Y'all made about the same?

17 MS. TRUESDALE: Yeah, about the same.

18 THE COURT: Each of you?

19 MS. TRUESDALE: Each of us. Yeah, each of us.
20 Yes.

21 THE COURT: So when you filed your taxes you
22 had about \$60,000 in income?

23 MS. TRUESDALE: Well, I don't think it's that
24 much, but I mean...

25 THE COURT: Fifty?

1 MS. TRUESDALE: Probably about forty, something
2 like that.

3 THE COURT: Okay.

4 MS. TRUESDALE: And we file our taxes every
5 year so...

6 THE COURT: Okay. And who else lives in the
7 house with you?

8 MS. TRUESDALE: Just -- right, now? Nobody,
9 just me.

10 THE COURT: Just you?

11 MS. TRUESDALE: Uh-huh.

12 THE COURT: Okay. What does his dad do for a
13 living?

14 MS. TRUESDALE: His father, he's retired.

15 THE COURT: From?

16 MS. TRUESDALE: Winnsboro Petroleum.

17 THE COURT: But that's not where you worked?

18 MS. TRUESDALE: No. I worked for Blythwood Oil
19 for six years, almost seven years now. And right before
20 my accident I did work for Winnsboro Petroleum.

21 THE COURT: Has your husband ever worked
22 anywhere, where he had a 401K --

23 MS. TRUESDALE: -- no --

24 THE COURT: -- or retirement?

25 MS. TRUESDALE: No.

1 THE COURT: No?

2 MS. TRUESDALE: No, sir.

3 THE COURT: Okay. What about the furniture
4 and fixtures and so forth in the house that you live in.
5 Is it a house or is it a --

6 MS. TRUESDALE: It's a house.

7 THE COURT: Is it furnished?

8 MS. TRUESDALE: Uh-huh.

9 THE COURT: What would you value those assets?

10 MS. TRUESDALE: I wouldn't know. I mean not
11 much. It ain't worth that much.

12 THE COURT: What about firearms, do you own
13 any firearms?

14 MS. TRUESDALE: No, sir.

15 THE COURT: Boat?

16 MS. TRUESDALE: No.

17 THE COURT: Motorcycle?

18 MS. TRUESDALE: No.

19 THE COURT: Does he have another vehicle?

20 MS. TRUESDALE: No, sir. We only had the truck.

21 THE COURT: Only had the truck?

22 MS. TRUESDALE: Uh-huh.

23 THE COURT: So now, when you go somewhere
24 someone has to take you?

25 MS. TRUESDALE: Someone has to take me, yeah.

1 Most of the time, it's his parents.

2 THE COURT: Who paid for the lawyer?

3 MS. TRUESDALE: Who's lawyer, his? That right
4 there, I couldn't tell you.

5 THE COURT: You don't know who paid for
6 Mr. Truesdale's lawyer?

7 MS. TRUESDALE: No, cause I hadn't been knowing
8 what was going on with this right here. I don't know
9 how much he's charging or anything like that. I don't
10 know.

11 THE COURT: I'm not gonna ask that question.
12 I just want to know who paid the lawyer.

13 MS. TRUESDALE: Now, that I couldn't tell you.
14 I know I didn't, so...

15 THE COURT: Okay. Anything from the State or
16 defense?

17 MS. HALL: Nothing from the State.

18 MR. LAUBSHIRE: Nothing from defense, your
19 Honor.

20 THE COURT: Thank you.

21 Thank you, ma'am.

22 THE COURT: Anything from defense?

23 MR. LAUBSHIRE: Yes, your Honor. We'd like to
24 call the defendant's father, Harvey Truesdale. He's
25 here.

1 THE COURT: Yes, sir.

2 Do not ask leading questions.

3 MR. LAUBSHIRE: Yes, your Honor.

4 MADAM CLERK: Please raise your right-hand,
5 put your left-hand on the bible.

6

7 R.O.S.S. H.A.R.V.E.Y. T.R.U.E.S.D.A.L.E., the Witness
8 herein, having been sworn by the Clerk of Court, was
9 examined and testified as follows:

10

11 THE COURT: Sir, if you'll have a seat up
12 here. Mr. Truesdale, you may lower your mask if you
13 feel comfortable.

14 MR. TRUESDALE: Yes, sir. I do.

15 THE COURT: Thank you.

16 Mr. Truesdale, tell me who you are, sir?

17 MR. TRUESDALE: Ross Truesdale, Jeff's father.

18 THE COURT: Thank you, sir.

19 Counselor?

20

21 VOIR DIRE

22 BY MR. LAUBSHIRE:

23 Q. Mr. Truesdale, can you hear me?

24 A. No, I can hear you. But I have hearing aides
25 in both ears, so I have to be fairly close.

1 Q. How about now, can you hear me now?

2 A. Yes.

3 Q. Mr. Truesdale is your son; correct?

4 A. Right. My only son. He has sister and that's
5 it.

6 Q. Are you aware of any assets that he has that
7 he could use to help defend himself or hirer experts in
8 this case?

9 A. No. I got what was left at my house and most
10 of it got stolen. The only thing that he has is a
11 ladder, several ladders and a trailer that nobody wants.

12 Q. What would you assess the value of those items
13 to be?

14 A. If you sold all the ladders and the trailer,
15 around five or \$600 would be a good estimate, high end
16 estimate. You'd have to find someone that needed the
17 stuff that he has. He has some tools, but they've been
18 in storage under an aluminum tube in my backyard. So
19 they're probably not gonna be any good, you know,
20 electric drills. And one of the saws, which I told him
21 I would keep it, so it would still be here. A guy that
22 he works with got one of his sawsalls, give it away
23 really. I would have gladly given her the money,
24 because I know that the money was going to her.

25 Q. Other than those assets, you're not aware of

1 anything else?

2 A. Not to -- no. The truck has been sold. His
3 pick up that he worked out of. And she had car at one
4 time, that's been sold too. So, no, no savings that I
5 know of. When they needed anything -- I'll say this and
6 I shouldn't say it, either one of them if they ever
7 needed anything they'd come to us, myself and my wife.

8 Q. And do you help out?

9 A. Yeah, sure. I'm doing it today.

10 Q. Do you know who paid his attorney fees?

11 A. I don't know who paid all off it. But some of
12 the stuff that was sold went to you and I sent you a
13 check from the first time and told you, thank you for
14 what you've done to help. And I think I told you then,
15 until he gets out, there won't be any more. I'm
16 retired, been retired going on 14 years and I'm living
17 on a fixed income.

18 Q. Thank you, sir. The judge may have some
19 questions for you and so may the State.

20 A. All right. I don't know what else I can tell
21 you.

22 MS. HALL: I have nothing.

23 THE COURT: Mr. Truesdale, has he -- he, your
24 son, ever worked anywhere where he would have a 401k?

25 MR. TRUESDALE: No, sir.

1 THE COURT: What about --

2 MR. TRUESDALE: He worked at other jobs, but
3 not long enough to be enrolled in a 401K. He normally
4 worked for himself and he preferred that.

5 THE COURT: What about his wife?

6 MR. TRUESDALE: She's had odd jobs.

7 THE COURT: She worked for an oil company for
8 I think six or seven years?

9 MR. TRUESDALE: If I may, maybe I shouldn't say
10 this. I retired from that company and she worked there.
11 And even now, she works for department store right here.
12 When she needs a ride, I'll get up and get her when she
13 calls. She called me the other week, bad weather,
14 raining, I'll go get her. I do for her -- she's apart
15 of our family. I don't know what you think, but I'm
16 telling you.

17 I'm going to say this to you. You're talking
18 to an old boy scout. And I know you don't want to hear
19 that. I was in Troop 27, used to be right here all the
20 time. So I know a little bit about what goes on in
21 Winnsboro. I've worked here all my life.

22 THE COURT: I understand she's apart of your
23 family. I've got some son-in-laws too. So I
24 understand, they're apart of my family.

25 MR. TRUESDALE: Yeah, there you go.

1 THE COURT: But she works at the department
2 store?

3 MR. TRUESDALE: She works at Roses is the name.
4 I couldn't think of it off the top of my head.

5 THE COURT: Right up here?

6 MR. TRUESDALE: Yeah. It's a new store that's
7 been here for a while now, within two or three years.

8 THE COURT: Okay. And she works everyday or
9 five or four.

10 MR. TRUESDALE: Whenever she can. Yes, sir.
11 Whenever they call her. Yes. I'll say this on her
12 behalf, she will be a manager or assistant manager real
13 quick. She's good at what she does. She catches on so.
14 I'm not tooting her horn, but I'm telling you for her.

15 THE COURT: Well, you're proud of her.

16 MR. TRUESDALE: Yeah.

17 THE COURT: That's good. And she needs
18 transportation and so I guess, you or you and your
19 wife --

20 MR. TRUESDALE: Me and my wife are both
21 retired.

22 THE COURT: -- provide transportation.

23 MR. TRUESDALE: Yes. As a matter of fact if I
24 can find her a cheap, cheap car, I'm gonna go get it so
25 she'll have her own way, rather than me getting up, like

1 in the mornings or late in the afternoon.

2 THE COURT: How long she been working at Roses?

3 MR. TRUESDALE: Not long, since she got hurt.

4 Our company has been sold in the process and they let
5 her go.

6 THE COURT: I see. She didn't have any -- I
7 don't know if I asked you, she didn't have any 401K
8 there, did she?

9 MR. TRUESDALE: If she had stayed long enough
10 she would have. But you've got to stay there long enough
11 to get enrolled. And I don't know that it's 401K now.
12 When I was there it was profit sharing. Then later
13 before I retired, they rolled it into a 401K, so I
14 guess. I don't know that this company offers that, I
15 don't know. I know the company that bought our company,
16 but I don't know. I was just a delivery, that's all I
17 did.

18 THE COURT: I understand. But you don't know
19 whether or not she has any money?

20 MR. TRUESDALE: I'm sure she didn't because it
21 hadn't been long enough. Most companies you have to be
22 enroll quite a while. Even with our company, you have
23 to stay there a while.

24 THE COURT: Does she have to pay rent where
25 she lives?

1 MR. TRUESDALE: Yes, sir.

2 THE COURT: Do you know how much it is by
3 chance?

4 MR. TRUESDALE: No, sir.

5 THE COURT: Not to be too personal, but do you
6 and the wife have to pay for that or is she able to pay
7 for that?

8 MR. TRUESDALE: She's able to pay for it right
9 now.

10 THE COURT: Pretty much able to support
11 herself?

12 MR. TRUESDALE: I don't know about now, Judge.
13 I just -- we'll see how that goes in the future. I
14 don't know, I can't answer that.

15 THE COURT: I don't have anything further.

16 MS. HALL: Just one question.

17

18 VOIR DIRE

19 BY MS. HALL:

20 Q. Mr. Truesdale -- I'm sorry, I'm sorry --

21 A. If you're gonna address me, you've got to get
22 close enough where I can hear you.

23 Q. -- I will and I'll take this thing off so you
24 can hear --

25 A. Maybe you don't -- but you see that one and

1 that one.

2 Q. Yes, sir?

3 A. As a truck driver we drove pieces of equipment
4 that shouldn't have been on the road back years, hauling
5 logs and stuff, I'm hard of hearing from being in that
6 kind of truck.

7 Q. Well, I'm sorry for that --

8 A. I'm fine. I can survive as long as I get
9 close enough too. I'm gonna say this to you, if I'm in a
10 room with a crowd of people, I just get up and walk out.
11 And that's what I do because I cannot comprehend a
12 conversation, my ears won't do it, plus my age.

13 Q. I only have one question.

14 A. Yes, ma'am.

15 Q. If Mr. Truesdale, your son Mr. Truesdale --

16 A. Yeah, my first born son and I told you, I have
17 a daughter.

18 Q. And your only son.

19 A. Yes, ma'am.

20 Q. If he needed money to hire an expert witness,
21 would you be able to help him do that?

22 A. You gonna help me with mine? That's my answer.

23 Q. I'm just asking you a question. It's.

24 Yes or no?

25 A. Well, I'm asking you. If I come to you on the

1 street and ask you to help me pay my bills, you gonna
2 pay me -- you gonna help me?

3 Q. I can't answer that --

4 A. Well, that's gonna be my answer.

5 Q. Maybe.

6 A. Listen.

7 Q. Mr. Truesdale, it's just a, yes or no,
8 question.

9 A. It's a no question. And I've never asked for
10 help in my entire life. Thank you, ma'am. I don't
11 borrow money and don't beg people for money.

12 Q. Well, I understand that.

13 MS. HALL: But your Honor, can you just direct
14 him to answer the question.

15 MR. TRUESDALE: I answered, no.

16 THE COURT: Okay. So you wouldn't front some
17 money for him to have an expert, your son?

18 MR. TRUESDALE: Judge, punch up my social
19 security number and find out what I'm living on. And
20 you'll see how you're getting by. I've outlived my
21 retirement. Does that make any sense?

22 THE COURT: Yes.

23 MR. TRUESDALE: Okay.

24 THE COURT: We're just trying to figure out if
25 there's assets there to help him pay for an expert.

1 MR. TRUESDALE: How can I?

2 THE COURT: I don't know.

3 MR. TRUESDALE: Well, no.

4 THE COURT: Well, that's his answer. He says,
5 he can't.

6 MR. TRUESDALE: No. My medical bills eats up
7 what I got. And I'm on insulin and I can't afford it as
8 often as I should take it. Is that a good answer for
9 you?

10 THE COURT: That's a good answer. Thank you.
11 Anything further?

12 MR. TRUESDALE: You can call the drugstore,
13 they'll clarify that.

14 MR. LAUBSHIRE: I have no further questions,
15 your Honor.

16 THE COURT: Sir, you may step down. Thank
17 you.

18 MR. TRUESDALE: Thank you.

19 THE COURT: Anything from anybody else?

20 MR. LAUBSHIRE: Judge, defense has no further
21 witnesses.

22 MS. HALL: Nothing from the State.

23 THE COURT: Okay. Well, Sarah and I are gonna
24 go talk and read some. We'll get back with you in just
25 a little while. We are in recess until the morning.

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(Whereupon, Court was adjourned for the day.)

1 THE COURT: We're on the record.

2 MR. LAUBSHIRE: Is it possible to sequester
3 the witnesses?

4 THE COURT: Any objection?

5 MS. HALL: No objection.

6 THE COURT: None? All right. Everybody ready
7 for the jury?

8 MR. LAUBSHIRE: Defense is ready, your Honor.

9 MS. HALL: Yes, your Honor.

10 THE COURT: Bring in the jury.

11 MR. LAUBSHIRE: Your Honor, before we swear
12 the jury can we approach?

13 THE COURT: Sure.

14 (Whereupon, a brief discussion was held
15 off the record.)

16 THE COURT: Anything else?

17 MR. LAUBSHIRE: Nothing else, your Honor,
18 besides the sidebar.

19 THE COURT: Anything from the State?

20 MS. HALL: No, your Honor.

21 THE COURT: Madam Clerk, swear the jury of
22 this case.

23 MADAM CLERK: If you'll please stand and raise
24 your right hand:

25 Will you well and truly try, in true

1 deliverance make between the State of South Carolina and
2 the defendant, and give a true verdict according to the
3 law and evidence, so help you God.

4 ALL JURORS: Yes.

5 THE COURT: Thank you.

6 Ladies and gentlemen, you are now the jury in
7 this case and I will take a few moments to tell you
8 something about your duty as jurors and give some
9 instructions. At the close of trial, I will provide
10 more detailed instructions and those instructions will
11 control your deliberations. This criminal case has been
12 brought by the State of South Carolina. I will
13 sometimes refer to the State as the prosecution or the
14 government. The State is represented by a deputy
15 solicitor and the defendant is represented by his
16 attorney.

17 Now, the defendant has been charged by the
18 State with a crime known as domestic violence of a high
19 and aggravated nature. It is alleged in the indictment
20 that he did in Fairfield County, South Carolina on or
21 about June 18th of 2021, cause physical harm or injury
22 or offer or attempt to do so to his household member,
23 she, being Stephanie Truesdale, in violation of the
24 South Carolina Law. I've said this before and I'll say
25 it again, this indictment is not evidence made against

1 the defendant, Mr. Truesdale. It is the allegations
2 made against him. It is not evidence and he is presumed
3 innocent of the allegations contained in this
4 indictment.

5 MR. TRUESDALE: The indictment is a piece of
6 paper that brings him before the Court. South Carolina
7 Law makes you twelve, the finders of the facts. You
8 alone will finding the facts in this case and it will be
9 your duty to decide from the evidence what the facts
10 are. You will hear the evidence, decide what the facts
11 are and apply those facts to the law as I give it to you
12 at the close of this case. That's how you twelve will
13 reached a verdict. In doing so, you must follow the law
14 that I give you whether you agree with it or not.

15 Again, the evidence will consist of testimony
16 of witnesses, documents and other items received into
17 evidence as exhibits and any facts on which the lawyers
18 agree or stipulate. Now, ladies and gentlemen, the same
19 law that makes you finders of fact, make me the judge of
20 the law. Our rules of evidence control what can be
21 received into evidence. And when a lawyer asks a
22 question or offers an exhibit into evidence and the
23 lawyer on the other side believes it is not permitted by
24 our rules of evidence, that lawyer may object. This
25 simply means that the lawyer is requesting I make a

1 decision on a particular rule of evidence. State law
2 forbids a trial judge from making any comments to a jury
3 about the facts of the case. Therefore, because it
4 maybe necessary for me to comment on a fact in applying
5 our rules of evidence, it maybe necessary for me to
6 speak with the lawyers outside of your hearing by having
7 what is known as a, bench conference, while you are in
8 the court room or by excusing your from the court room.
9 The purpose of the conference is to decide how certain
10 evidence is to be treated under our rules of evidence
11 and avoid confusion and error.

12 Now, certain things are not evidence.
13 Statements, arguments, questions and comments by the
14 lawyers representing the parties are not evidence.
15 Objections are not evidence. Lawyers have a duty to
16 their client to object when they believe something is
17 improper under our rules. You should not be influenced
18 by an objection. If I sustain an objection, you must
19 ignore the question or the exhibit and not try to guess
20 what the answer might have been or what the exhibit may
21 have contained. If I overrule an objection, the
22 evidence will be admitted but do not give it special
23 attention because of the objected. Testimony that I
24 order stricken from the record or tell you to disregard
25 is not evidence and must not be considered by you. And

1 anything you see or hear about this case outside of this
2 courtroom is not evidence, unless I specifically tell
3 you otherwise during the trial.

4 Finally, some of you may have heard the terms
5 direct evidence and circumstantial evidence. Direct
6 evidence is testimony by a witness about what that
7 witness personally saw, heard or did. Circumstantial
8 evidence is indirect evidence. It is proof of one or
9 more facts from which one can find or infer another
10 fact. You may consider both direct and circumstantial
11 evidence. Our law permits you to give equal weight to
12 both, but it is for you to decide how much weight to
13 give any evidence. Now, in deciding what the facts are,
14 you may have to decide what testimony you believe and
15 what testimony you disbelieve. You may believe
16 everything a witness says or only part or none of it.

17 In deciding what to believe, you may consider
18 a number of factors including the witnesses ability to
19 see or hear the things about which the witness
20 testified. The quality of the witnesses memory. The
21 witnesses manner while testifying. Whether the witness
22 has any interest in the outcome of the case or any
23 motive, bias or prejudice. Whether the witness is
24 contradicted by anything a witness said or wrote before
25 the trial or other evidence and how reasonable the

1 witnesses testimony is when considered in the light of
2 other evidence which you believe.

3 Ladies and gentlemen, it is my responsibility
4 to rule as matter of law as to whether certain testimony
5 is admissible, but once testimony is admitted, whether
6 or not you believe it is solely for you twelve to
7 determine. To ensure fairness, you as jurors, must not
8 talk among yourselves about this case or about anyone
9 involved in the case until you go to the jury room to
10 decide your verdict.

11 Do not talk with anyone else about the case or
12 about anyone that has something to do with it until the
13 trial has ended and you have been discharged as jurors.
14 Anyone includes members of your family and friends. You
15 may tell them that you are a juror, but do not discuss
16 anything about the case until you have been discharged.
17 Do not let anyone talk to you about the case or anyone
18 who has something to do with it. And if someone should
19 try to speak with you, please report that to me
20 immediately. During the trial, do not talk with or
21 speak to the parties, lawyers or witnesses. You should
22 not even pass the time of day with them. It is
23 important not only that you do justice, that you also
24 give the appearance of doing justice. If a person from
25 one side of the case sees you talking from someone from

1 the other side, an unwarranted and unnecessary suspicion
2 about your fairness might be aroused. If any lawyer,
3 party or witness does not speak to you when passing in
4 the hallway, riding on the elevator or the like, it is
5 because they are not supposed to speak with you or talk
6 with you.

7 Ladies and gentlemen, do not read any news
8 stories or articles about the case or anyone involved
9 with it or listen to the radio or television reports
10 about the case if any. Do not do any research on the
11 internet about anything in the case. Do not consult
12 laws or dictionaries or other reference materials and do
13 not make any investigation about the case on your own.
14 Do not make up your mind about what the verdict should
15 be until after you have gone to the jury room to discuss
16 the case with fellow jurors. Please, keep an open mind
17 until then. I'm often asked about note taking. You are
18 not to take notes during the trial of this case. And
19 the reason is, we want you to pay close attention to
20 each witness as he or she testifies and not be fixated
21 on making copious notes.

22 Now, the first step of the trial would be
23 opening statements. The State, in opening, will tell
24 you about the evidence it intends to put before you so
25 that you will have an idea of what the case is going to

1 be about. And just as the indictment is not evidence,
2 neither is an opening statement. It's purpose is only
3 to help you understand what the evidence will be and
4 what the State will attempt to prove. After the State's
5 opening, the defendant's lawyer may, if he chooses, make
6 an opening statement. Next, the State will offer
7 evidence that they say supports the charge made against
8 this defendant. The State's evidence will consist of
9 testimony of witnesses and it may include documents or
10 other exhibits.

11 Once again, I remind you, the defendant is
12 presumed innocent and the State must prove his guilt
13 beyond a reasonable doubt. The defendant does not have
14 to prove his innocents and after you have heard all of
15 the evidence, the State and the defense will be given
16 time for a final argument. As I told you about opening
17 statement, the closing statements are also not evidence
18 in the case. But the closing statements or arguments by
19 the lawyers will attempt to summarize and help you
20 understand what was presented. And the final part of
21 the trial occurs when I instruct you about rules of law
22 that govern you in reaching your verdict after hearing
23 my instructions and you will then, leave the courtroom
24 to make your decision.

25 Now, Juror Number 15, is it Dina or Dina

1 Boarder, Ma'am?

2 JUROR NUMBER 15: Dina.

3 THE COURT: Ma'am, would you -- I'm not
4 requiring this, but would you serve as the forelady of
5 this jury?

6 JUROR NUMBER 15: I'll be glad to.

7 THE COURT: Thank you so very much.

8 Madam Forelady, you've become the spokesperson
9 for the jury. If a juror has an issue, a car won't
10 start, a child is sick and you're all together, that
11 person would pass that to you and you would convey that
12 to me, either by a note through the bailiff or you would
13 convey that to me in the courtroom on open record.

14 MADAM FORELADY: Yes.

15 THE COURT: So you've become the spokesperson.
16 And at the close of the case, of course, you become the
17 person who presides over the trial of the case.

18 Would you confiscate that phone for me please.
19 I'll deal with that later.

20 At the close, Madam Forelady, you would
21 preside over the trial of the case. Your vote doesn't
22 count anymore or any less than any other person, but we
23 do need someone to marshal the troops so to speak.

24 Anything from the State?

25 MS. HALL: No, sir.

1 THE COURT: Anything from the defense?

2 MR. LAUBSHIRE: Nothing from the defense, your
3 Honor.

4 THE COURT: If you'll -- ladies and gentleman,
5 Madam Forelady, if you'll kindly give your attention to
6 the State.

7 **Opening statements**

8
9 MS. HALL: Good morning, I talked with you
10 guys yesterday. My name's Julie Hall, and I'm a
11 prosecutor for Fairfield County. The defendant in this
12 case is charged, as you heard yesterday as well, with
13 domestic violence of a high and aggravated nature. His
14 Honor just told you, you are the judges of the fact and
15 he's going to tell you the law. I feel like it's
16 helpful for you to have the law or just have, you know,
17 an overview or understanding before you start hearing
18 testimony so you kind of have an outline of what you're
19 looking for. And again, if I misstate anything, his
20 Honor, obviously, is the one who is the authority on
21 that. So if I said anything differently then what he
22 says, you have to take what he says.

23 What this is, is a domestic violence. That's
24 what Mr. Truesdale is charged with here. It's when he
25 caused physical harm, which is a battery, at hitting or

1 with your hand, a fist, any kind of object, and causing
2 injury to a person who's a household member. And that's
3 defined as, in this case, a spouse. And you'll hear
4 from Stephanie Truesdale, they've been married for a
5 while. And other things, if you work with somebody or
6 you cohabitate or if you've had kids with them or
7 something like that, but in this case, it's his wife.
8 And that's the domestic violence, period. What takes it
9 to a high and aggravated nature is when he comments the
10 offense under circumstances manifesting extreme
11 indifference to the value of human life. And in this
12 instance, you'll see video of what happened in this
13 case. Thankfully, they were in a parking lot where
14 there were video cameras where he runs over her with his
15 truck. And I will submit to that that does manifest
16 extreme difference for the value of human life and that
17 great bodily injury occurred. The high and aggravated
18 part is two things. You have to have extreme
19 indifference and she's got to get hurt pretty badly.
20 And I would submit that that's exactly what happened.
21 You'll hear testimony from her about her injuries. And
22 you'll hear testimony from her sister who took care of
23 her after she was released from the hospital. Great
24 bodily injury is defined as injury which causes a
25 substantial risk of death or which causes serious

1 permanent disfigurement or protracted loss or impairment
2 of a bodily member. And again, you're going to hear
3 testimony from her about what happened here, when he ran
4 over her. And she had at least one surgery for her hip,
5 for her back and injury to her pelvis as well and even
6 six months later, she was still feeling the effects and
7 probably will for the rest of her life.

8 The reason that you were chosen is because you
9 have common sense and world experience and I ask you to
10 bring that, don't leave that at the door when you come
11 in here. This is what you have to apply. When you hear
12 people testify, you have to judge what -- like the judge
13 said, are they bias, what they have to gain or loose by
14 being here and telling you what they've seen or heard.

15 You're also going to hear from law enforcement
16 who responded and investigated this incident. You'll
17 hear from the people at the Behavioral Health Center,
18 which is where the videotape came from. You'll also
19 hear the 911 tape that was where the lady at the
20 Behavioral Health Center called 911 to respond, you'll
21 hear that as well. I simply ask that if -- verdict is a
22 Latin interm and it comes -- the definition of it in
23 English is -- veri dicto in Latin. It means speak the
24 truth -- is what it means in English.

25 And that's all we're asking for. Listen to

1 the testimony. Apply the law as the judge gives it to
2 you and just render a verdict that speaks the truth and
3 that's all we're asking here, is for the truth. And I
4 would submit to you, the truth is, the defendant's
5 guilty of this charge. Thank you.

6 THE COURT: Counselor?

7 MR. LAUBSHIRE: May it please the Court, your
8 Honor?

9 THE COURT: Yes, sir.

10 MR. LAUBSHIRE: Good morning ladies and
11 gentlemen. We just had an opportunity to hear what the
12 solicitor had to say about this case. We disagree with
13 all of that. And the reason we disagree with that is
14 because this was an accident. What's an accident? It's
15 an unfortunate incident that happens unexpectedly,
16 unintentional, typically resulting in damage, injury and
17 sometimes severe injury. The severity of the injury
18 doesn't change the fact that it's still an accident.
19 And that's what this was. It was very unfortunate this
20 was an accident. This is not a case of domestic
21 violence, even though that's what you've heard so far.
22 You've heard all about domestic violence and what makes
23 domestic violence. We disagree with all those facts.
24 I'm not an advocate coming here today to telling you
25 domestic violence is good, acceptable or should be

1 excused. Domestic violence is terrible, there's no
2 place for it. It's an absolute terrible, horrible, no
3 good, very bad thing, and has no place in the world.
4 But I can think of something much, much worse that's
5 going on here today, and that's having to sit through a
6 trial of something that you're accused of, that you
7 didn't do. And that's what we have going on right now,
8 right before your eyes with Jeffrey Truesdale. He's
9 being accused of domestic violence and he didn't do it.
10 There's a video of this event that you're going to see
11 later on in this trial and it will show you that this
12 was an accident. Mr. Truesdale sits here innocent of
13 these charges, presumed innocent. The judge will tell
14 you, he is presumed innocent throughout this trial and
15 it's up to State to prove he's guilty beyond a
16 reasonable doubt. And I'm going to talk more about
17 reasonable doubt at the end of this case, but for right
18 now I'm going to leave it there. Mr. Truesdale doesn't
19 have to prove anything in this case. It's not his job.
20 It's the State's job and the burden stays with them.
21 It's a very important principal in our legal system,
22 without it we can't have this process. There's a lot of
23 places in the world that don't have it, so these are
24 very important principals.

25 Now, on June 18th, Mr. Truesdale was taking

1 his wife Stephanie Truesdale to pick up her prescription
2 at the Fairfield Mental Health facility. They arrive at
3 the facility and you'll see a truck and it's parked.
4 And it appears that Mrs. Truesdale is trying to exit the
5 vehicle. You can't see on the other side of the car.
6 The assumption is that she get's tangled up getting out
7 of the seatbelt, the door or something, and she's not
8 completely out of the vehicle. Now, the prosecutor told
9 you he ran her over with his truck. And that sounds
10 terrible, unless you know the rest of the story.

11 One, he didn't just came after her and hit her
12 with the truck. She got hung up in the truck and when
13 he pulled off, she fell out. And that's how she got hit
14 with the truck. She was severely injured. When you see
15 this video it's shocking. It happens and it takes your
16 breath away, cause you see the truck move where she's
17 actually getting hit with this truck. And these
18 injuries as you heard, are significant, but it doesn't
19 change the facts. It's important to note if this was
20 intentional, and he meant to do this, he would have just
21 kept driving. That's not what happened. What happened
22 was, the truck stops immediately. He goes over to Mrs.
23 Truesdale, picks her up, carries her to the truck, puts
24 her in the passengers seat and goes back and collects
25 some items she was carrying, which is probably how she

1 got hung up in the door jam, seatbelt -- collects those
2 items and puts those in the truck and they drive off.
3 Unbeknownst to Mr. Truesdale and Mrs. Truesdale, someone
4 at the mental health facility called the police. So
5 when they arrived home, the police meet them. What you
6 won't see in this video is Mr. Truesdale hit, strike,
7 push, slap, do anything at all in the that realm. There
8 is no act of violence taken place on that video. What
9 you do see, as I just explained to you, is he rendered
10 aid to her as soon as he realizes what happened.

11 Throughout the course of this trial, I ask you
12 to pay very close attention to the few things -- there's
13 three things I'd like you to really look at. Number
14 one, is the statements made in this case, which is the
15 testimony of essentially the only real witness, which is
16 Mrs. Truesdale. I ask you to pay attention, close
17 attention to the bias and motives of all other witnesses
18 in this case. And lastly, I ask you to pay with the
19 utmost attention to how the police respond, react and
20 investigate this case. If you do that, I'm sure you
21 will reach the only conclusion that can be reached, and
22 that is, that Jeffrey Truesdale is not guilty of
23 domestic violence.

24 I thank you for your attention this morning
25 for my opening statement. And I also want to thank you

1 for something else, and that's your service on this
2 jury. I'm sure it's an inconvenience and I thank you
3 for doing that. It's a very very important, process
4 that doesn't work without you.

5 Then lastly, we had an opportunity yesterday
6 to select all of you. Jeffrey is stuck with me. If I
7 do anything that you don't like, whether it's my tone of
8 voice, the way I question witnesses, the color of my
9 tie, assess that only to me. Don't put that on Jeffrey,
10 it has nothing do with him. Thank you very much.

11 THE COURT: Solicitor?

12 MS. HALL: Thank you. The State calls
13 Stephanie Truesdale.

14
15 S.T.E.P.H.A.N.I.E. T.R.U.E.S.D.A.L.E., the Witness
16 herein, having been sworn by the Clerk of Court, was
17 examined and testified as follows:

18 THE COURT: Ma'am, if you'll situate yourself
19 there. If you'll tell us who you are and spell your
20 last name for my court reporter, please.

21 MS. TRUESDALE: Stephanie Truesdale
22 T-R-U-E-S-D-A-L-E.

23 THE COURT: Thank you. I'm gonna ask you use
24 your outside voice, okay? A little louder.

25 MS. TRUESDALE: Okay.

1 THE COURT: All right.

2 Solicitor?

3

4

DIRECT EXAMINATION

5

BY MS. HALL:

6

Q. Ms. Truesdale, do you also go by Stephanie --

7

8

MADAM FORELADY: Your Honor, excuse me. May I have a word, please?

9

10

11

THE COURT: Yes, ma'am. Let me get the lawyers. Let's do this, will you take the jury to the jury room please, and you return to the court room.

12

MADAM FORELADY: Yes, sir.

13

(Jury exited courtroom.)

14

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16

THE COURT: Yes, ma'am. We're going to speak privately. The court reporter's right here. So we can do it right here.

17

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MADAM FORELADY: So this morning when the jurors arrived at court, the witness was standing downstairs at the door and there was chitchat. She asked if we were jurors because we couldn't get in the building. She said they'll come get you, that kind of thing. But all of these jurors were standing there including myself.

24

25

THE COURT: Did she say anything other than that?

1 MADAM FORELADY: No. I just wanted to make
2 the Court aware that there was chitchat among all these
3 jurors with that witness.

4 THE COURT: Did she ask you to do anything,
5 not do anything?

6 MADAM FORELADY: No, sir. We did not know she
7 was a witness until we saw her walk up and we all went
8 like...

9 THE COURT: Anything from the State?

10 MS. HALL: No, I don't -- nothing.

11 MR. LAUBSHIRE: Based on that recollection of
12 what happened, I don't think there's any motion we can
13 make or need to make...

14 THE COURT: Okay. Let's make that a Court's
15 exhibit.

16 MADAM FORELADY: Oh, goodness.

17 THE COURT: She'll make --

18 MADAM FORELADY: Add 15 to it too, because
19 that's my number, it's 15.

20 THE COURT: You're Number 15, okay. We'll put
21 on the record that madam forelady has identified six
22 jurors who were asked if they were jurors by the
23 witness, but no other discussions were had.

24 And there's no objection from the defense or
25 the State?

1 MS. HALL: No.

2 MR. LAUBSHIRE: No.

3 THE COURT: Thank you so very much.

4 (Court's Exhibit 1, juror note, was
5 marked for Identification.)

6 THE COURT: Lets have the jury.

7 (Jury entered courtroom.)

8 THE COURT: Thank you, ladies and gentleman,
9 for your patience.

10 Solicitor?

11 MS. HALL: Thank you.

12

13 **CONTINUED DIRECT EXAMINATION**

14 **BY MS. HALL:**

15 Q. Mrs. Truesdale, did you also, at one point in
16 time, go by Stephanie Reader?

17 A. Yes, I did.

18 Q. What was that? Is that your maiden name?

19 A. My husband -- my ex-husband's name.

20 Q. Okay. And are you married to the defendant in
21 this case, Jeff Truesdale?

22 A. Yeah.

23 Q. And how long have you guys been married?

24 A. Since '14 -- 2014.

25 Q. Do you have any children together?

1 A. No.

2 Q. Did you have children prior to getting
3 married?

4 A. Yes.

5 Q. And did he?

6 A. Yeah.

7 Q. But you don't have any in common?

8 A. No.

9 Q. Did you -- were you working prior to this
10 incident?

11 A. Yes, ma'am.

12 Q. Where did you work?

13 A. Winnsboro Petroleum.

14 Q. How long did you work there?

15 A. About six months.

16 Q. Okay. And then did you work before that?

17 A. Uh-huh. Well, no. About a year I stayed home
18 and then I worked at another company.

19 Q. And about how long were you at that company?

20 A. Seven years.

21 Q. All right. And have you worked since June
22 18th, when this incident occurred?

23 A. For about a week.

24 Q. When was that?

25 A. Recently.

1 Q. And where?

2 A. At Roses.

3 Q. And are you still working at Roses?

4 A. No. I fell again, so I don't even -- I've
5 been out of work.

6 Q. You fell again?

7 A. Uh-huh.

8 Q. Does that -- again, was that because of your
9 injuries --

10 A. Yes.

11 Q. -- you sustained on June 18th?

12 A. Yes, ma'am.

13 Q. And since you guys were married, about -- you
14 said about 2014?

15 A. Uh-huh.

16 Q. Have you lived together since that time?

17 A. Except recently. Yeah, yes.

18 Q. Right. And where -- where did -- where was
19 your house? Where did you live?

20 A. On oak Street.

21 Q. Okay.

22 A. In Winnsboro.

23 Q. Are you still living there?

24 A. I am. Yes, ma'am.

25 Q. I'm going to -- let's talk about what happened

1 on June 18, 2021. I need you to explain to the jury,
2 starting that morning and just kind of floating through
3 the day, if you can describe what happened?

4 A. I got up at three and went to work. Worked
5 all day until, like, three -- almost three o'clock. He
6 picked me up --

7 Q. When you say, "he" you're --

8 A. My husband, Jeffrey.

9 Q. -- Jeffrey Truesdale?

10 A. Yep, yep. And he took me to my appointment.
11 I think I had to be there at three o'clock. So it's,
12 like, maybe 2:45 he picked me up.

13 Q. How far is it from where you are working to
14 the --

15 A. A couple miles.

16 Q. Okay. And what -- could you just describe
17 what was going on in the car while you guys were driving
18 to the Behavioral Health Center?

19 A. We -- we had a little disagreement. We pulled
20 in there, I can't -- I can't remember everything. It's
21 still kind of fuzzy to me. Anyway, we pulled in there
22 and I -- I -- I think I fell out of the car.

23 Q. I'm gonna stop -- I'm gonna stop you real
24 quick, cause chronologically, I want to go through kind
25 of slowly, so we make sure we cover everything.

1 A. Okay.

2 Q. In a prior -- under oath in a prior statement
3 that you gave, did you state that -- did you talk about
4 Mr. Truesdale having hit you on the way --

5 A. Yeah, we did. In the middle of the argument,
6 yes, he did.

7 Q. Could you describe that to the court please?

8 A. He just backhanded me.

9 Q. He backhanded?

10 A. Yes, right.

11 Q. All right. And so you pulled into Behavioral
12 Health and then what happens?

13 A. I had a pair of Crocs on instead of my tennis
14 shoes. I don't know why I had changed my shoes.

15 Q. Were you guys still arguing in the car once
16 you got to Behavioral Health?

17 A. Like I -- I don't -- I don't remember if we
18 were still arguing. I know that we had a prior argument
19 right before we pulled up. I don't know exactly if we
20 were arguing exactly then. But I was getting out of the
21 vehicle and I remember -- I thought maybe I fell out of
22 the vehicle. When I fell out of the vehicle, that's
23 when he pulled off.

24 Q. How tall are you?

25 A. Four, eleven.

1 Q. Okay. And what kind of car was it?

2 A. It was a truck.

3 Q. Like a full size truck?

4 A. Uh-huh. Yes, ma'am.

5 Q. So if you're four, eleven and you're getting
6 out of a full size truck, how do you normally get out?

7 A. Feet first and I kind of went down. I don't
8 exactly remember what happened. I remember being on the
9 ground.

10 Q. Okay.

11 A. And I though the truck ran over me.

12 Q. And this happened how soon after you got to
13 Behavioral Health?

14 A. Just a few minutes, few seconds, something
15 like that.

16 Q. Okay. So basically, from the time you leave
17 your job and he hits you in his truck, and you get to
18 Behavioral Health, what would you say, maybe that's a
19 whole -- all of that may be ten minutes, at the most?

20 A. Yeah, that's about right.

21 Q. And you said that he -- once you fell out --
22 once you got -- fell out of the truck and he ran over to
23 you, what happened after that?

24 A. He stopped the truck, I remember that. And he
25 got me up. I stood up to walk and I fell. He was

1 coming at me to get me up to put me in the truck. He
2 picked my stuff up, I remember that too. I remember my
3 stuff being put in the car, I mean the truck.

4 Q. Okay. Then do you know, where did he take
5 you?

6 A. Home.

7 Q. Home?

8 A. Home, uh-huh.

9 Q. Okay. What happened when you got to the
10 house?

11 A. We were probably there a few minutes maybe, we
12 was backing in. I think maybe the police was coming up
13 when I was -- he put my out the truck and I told him to
14 lay me on the ground. What for, I don't know, because I
15 couldn't move. I remember that. And it was hurting me
16 to even -- I was sitting up in the truck, I guess it was
17 kind of hurting me like that, so I laid down on the
18 ground. I remember that and the cops come up.

19 Q. And what happened between you and Mr.
20 Truesdale while you were laying on the ground waiting
21 for the cops?

22 A. He did came over there to me. He was back and
23 forth, I remember that. And I remember him going
24 towards the door, our front door to unlock it and he
25 come back over there to me...

1 Q. And?

2 A. And... What are you...

3 Q. I'm asking you, what did he do? Did he make
4 any gestures towards you?

5 A. He had got -- I don't even remember, exactly,
6 what he said to me now.

7 Q. Okay. And under oath approximately, one month
8 ago, did you testify that or tell -- under oath give a
9 statement that you -- that he came over to you, pulled
10 your hair and told you, if you told anybody what
11 happened, he would kill you?

12 A. I might -- I mean, I can't remember exactly
13 what he said to me now, because it's been so much going
14 on with this. I'm just ready to get it over with.

15 Q. And you -- you -- you love him; right?

16 A. I do.

17 Q. Yeah, and you -- you -- you've actually been
18 talking with him and you guys have reconciled recently;
19 is that true?

20 A. Pretty much, yeah.

21 Q. Okay. In a statement to law enforcement you
22 told them on June -- when they came to you at the
23 hospital, you told them that he had threatened to kill
24 you if you told anybody; is that correct?

25 A. Now, I don't remember talking to him at the

1 hospital now. I would -- they gave me so much
2 medication, I don't remember talking to him at the
3 hospital. I remember talking to him at my house. They
4 did come to my house. As far as the hospital, I was so
5 drugged up, I don't even remember anybody talking to me
6 there.

7 Q. Okay. Do you remember talking to them at your
8 house?

9 A. I remember talking to him at my house some,
10 yeah.

11 Q. Okay. And you gave a statement on June 12,
12 2021 to law enforcement, a written statement, while they
13 were there at your house; is that right?

14 A. Right.

15 Q. And do you remember telling them about him
16 threatening to kill you if you told law enforcement?

17 A. And I probably did tell them that, because, I
18 mean, like I said, I don't remember exactly all what
19 happened. A lot of stuff is still fuzzy to me.

20 Q. And I understand that and I'm sorry. I'm not
21 trying to -- I'm just asking you, do you remember on
22 July 12th given them the statement, that he would put a
23 bullet in your head if you told anybody about this, in a
24 written statement to law enforcement?

25 A. I remember the statement I gave by looking at

1 it. As far as telling you that that's what I said, no,
2 I don't remember that.

3 Q. On the statement, do you remember telling
4 them -- this is what we're talking about June 12th --
5 July 12th, when they came to your house. Do you
6 remember telling them again, you got up for work around
7 two o'clock in the morning, just like you testified here
8 today?

9 A. Uh-huh.

10 Q. And got ready for work. Do you remember that?

11 A. I remember getting ready for work.

12 Q. And you said, "My husband, Jeff Truesdale,
13 took me to work at 3:30 am, because he had to get new
14 tires put on the truck." Do you remember telling them
15 that?

16 A. Uh-huh.

17 Q. "I worked until 2:50 pm. I had an appointment
18 at Behavioral Health." Do you remember this part?

19 A. Yeah, I remember the behavioral part. Yeah, I
20 remember that.

21 Q. You stated that, "My husband picked me up at
22 2:50 pm."

23 A. Uh-huh. And that's about right.

24 Q. "Jeff and I started arguing about the fact
25 that I work too much and all I care about is Winnsboro

1 Petroleum." Do you remember that?

2 A. I do.

3 Q. Telling them this. "I disagreed with him,
4 saying somebody has to work because, like, tires and
5 other things we need."

6 Do you remember that? Telling them -- this is
7 the argument -- during the argument on the way there?

8 A. Right.

9 Q. Do you remember telling law enforcement this?

10 A. I remember some of the argument. I don't
11 remember exactly what we said to each other. It was
12 arguing.

13 Q. And do you remember telling him that, He
14 backhanded you across your face?

15 A. And I remember that on that day.

16 Q. And you remember that happening?

17 A. Uh-huh. Yeah, I do remember that happening.
18 As far as the accident, I don't remember everything that
19 happened in the accident, I don't.

20 Q. No, I understand. But we're just -- right now
21 I'm just talking about what's happening in the car on
22 the way to behavioral health.

23 A. Uh-huh.

24 Q. And that's what you were talking about when
25 you were writing your statement?

1 A. Uh-huh.

2 Q. Okay. And then you said, in the statement you
3 gave to law enforcement, do you remember telling them
4 that we -- "So we pulled up to Behavioral Health and I
5 opened the truck door and got out and the truck was
6 moving." Do you remember telling them that?

7 A. I remember getting out of the truck. I know I
8 fell, I knew that.

9 Q. And you fell -- and you said, you fell to the
10 pavement, but you got back up, right?

11 A. Right. But I don't think that's how that
12 happened.

13 Q. Okay. And I know you said, "it's fuzzy" and I
14 understand that. And you had been medicated when they
15 came to get -- because obviously, you had just gotten
16 out of surgery and out of the hospital; is that right?

17 A. Yes, ma'am.

18 Q. And you said, "I saw Jeff coming towards me
19 with the with truck." Is that what you told him?

20 A. That's what I put in the statement, yeah. I
21 read the statement, yeah.

22 Q. And this was the way that you remembered it at
23 the time?

24 A. Yep, yeah.

25 Q. And that he ran over you, the right-side of

1 you; is that right?

2 A. Right. Yes, right-side.

3 Q. You said, "I was standing when he hit me."

4 "He seen me clear as day." "I looked at him." Do you
5 remember that, telling them this?

6 A. Yeah, that's not exactly how that happened.

7 Q. And you've seen the video since this time --

8 A. Right.

9 Q. -- and you just saw it again?

10 A. And I still don't -- even looking at the video
11 that that still was not coming back to me, all of that.

12 Q. And you said, "Jeff Truesdale, then got out of
13 the truck and I was telling him, he ran over me."

14 Do you remember telling them that?

15 A. Yeah, I remember. I think he thought he
16 didn't hit me.

17 Q. Yeah, because the next line is. "Jeff told
18 me, no, he didn't hit me." "So he picked me up, after
19 telling me to get up and walk to the truck." Is that
20 right?

21 A. I know I got up and fell, I remember that too.

22 Q. And I'm just asking you if you remember
23 telling law enforcement this, and this is your statement
24 that I'm reading from.

25 A. Right.

1 Q. Okay. And that, he told you to get up and walk
2 to the truck, "And I couldn't walk, so he puts me in the
3 truck and takes me home to [REDACTED] Oak Street Extension."

4 Is that right?

5 A. Yeah, I remember him taking me to the house
6 too. Yeah.

7 Q. "He takes me out of passenger side and lays me
8 on the ground by the truck and tells me he's called the
9 ambulance." Do you remember telling law enforcement
10 that?

11 A. But he did tell me he called the ambulance.
12 Yes, he did.

13 Q. Okay. "He walks back into the house and comes
14 right back out and pulls my hair and tells me, he will
15 put bullet in my head if I don't shut up."

16 A. And I remember telling him that. I remember
17 writing that down. Yes, I do remember writing that
18 down.

19 Q. "And the cops pull up and the ambulance and I
20 was put in the ambulance and taken to Richland Memorial
21 Prisma Health for my trauma."

22 A. Uh-huh.

23 Q. Did you remember whether or not you gave any
24 statements to law enforcement while they were on the
25 scene?

1 A. I remember talking to the cop, yeah. And I
2 said, "he hit me." I knew that.

3 Q. Do you remember Mr. Truesdale being around
4 while the police were there and them talking to him or
5 anything?

6 A. Did I talk to him?

7 Q. No, no, no. No. Do you remember him being
8 present in the area, in the yard, while you were laying
9 on the ground?

10 A. I thought he was.

11 Q. And Mrs. Truesdale, how long were you in the
12 hospital?

13 A. Seven, eight -- eight days maybe. Seven or
14 eight days.

15 Q. Okay. And did you have surgery while you were
16 there?

17 A. Uh-huh.

18 Q. Was it more than one or just one?

19 A. Just one.

20 Q. And before you -- before June 18, 2021 what
21 was your physical condition, in terms of, I mean,
22 compared to previously?

23 A. Pretty good health.

24 Q. You were in pretty good health?

25 A. Uh-huh.

1 Q. You didn't have any trouble walking up on the
2 stairs or --

3 A. No, ma'am.

4 Q. -- and you didn't walk with a cane?

5 A. No, ma'am.

6 Q. And when you went home from the hospital, was
7 anybody -- did you go back to the [REDACTED] Oak Street
8 address?

9 A. Yes, ma'am.

10 Q. Was there anybody there to stay with you, to
11 live with you, to help take care of you at that time?

12 A. My sister.

13 Q. What's your sister's name?

14 A. Melissa Reynolds.

15 Q. And do you remember -- let me back up one
16 second.

17 When you were talking to the ambulance driver
18 or the EMS people, not the ambulance driver. When
19 actually treating you for emergency medical, people?

20 A. Uh-huh.

21 Q. Do you remember them -- hang on just one
22 second. Do you remember telling them -- giving some
23 statements to them about what had happened?

24 A. I remember -- I remember them asking to give
25 me some medicine for what -- for me hurting, I remember

1 that. As far as talking to him, I don't even remember
2 who he was.

3 Q. Okay.

4 A. I know there was two gentlemen.

5 Q. And do you remember telling them that your
6 husband suddenly, hit the gas pedal and caused you to
7 fall to the ground?

8 A. Like I said, I don't even remember talking to
9 them. I don't even remember who they were.

10 Q. Okay. And did -- did -- Melissa Reynolds, did
11 she live with you? Was it just Melissa living with or
12 was anybody else living with you?

13 A. No, my daughter in-law stayed too.

14 Q. And what's her name?

15 A. Rebecca Adams.

16 Q. Rebecca. And are they still living with you?

17 A. No, ma'am.

18 Q. What caused -- when did they move out?

19 A. A couple weeks ago, maybe two or three weeks
20 ago something like that.

21 Q. Why did they move out, if you know?

22 MR. LAUBSHIRE: Objection, your Honor.

23 THE COURT: What's the objection?

24 MR. LAUBSHIRE: Relevance. Relevance. I'm
25 not sure what someone moving out of a house has to do

1 with the case.

2 MS. HALL: I can ask it in a more direct
3 question.

4 THE COURT: All right.

5 Q. (BY MS. HALL:) Did they move out because you
6 reconciled with the defendant?

7 A. Well, no, actually -- well, that too, but also
8 because of the light bill, they didn't help out. That
9 was mostly what it was about.

10 MS. HALL: I don't think I have anything else.
11 Please, answer any questions Mr. Laubshire may have.

12

13 **CROSS EXAMINATION**

14 **BY MR LAUBSHIRE:**

15 Q. Morning, Mrs. Truesdale.

16 A. How are you.

17 Q. Why was it that you were going to Fairfield
18 Mental Health, what were you going there for?

19 MS. HALL: I'm going to object to this, in
20 terms of relevance.

21 THE COURT: What's the relevance?

22 MR. LAUBSHIRE: Relevance -- the question is
23 to determine why they were going to Fairfield Mental
24 Health.

25 THE COURT: Sidebar.

1 (A sidebar discussion was held.)

2 THE COURT: Back on the record.

3 Q. (BY MR. LAUBSHIRE:) Mrs. Truesdale, before we
4 stepped over to the side, I had asked you a question
5 about going to mental health and now, I'm going to ask
6 you a question related to that and it may sound a little
7 different. Were you going to the mental health facility
8 to pick up a prescription?

9 A. Yeah.

10 Q. Is that something that you commonly do?

11 A. No. It was --

12 MS. HALL: Objection. Again, relevance. She
13 was there that day, that's all that's relevant in this
14 case.

15 THE COURT: She answered the question though
16 so...

17 Q. (BY MR. LAUBSHIRE:) On this day, you also had
18 an opportunity to meet with some police officers, didn't
19 you

20 A. Ask me that again.

21 Q. Do you remember meeting with some police
22 officers on this day?

23 A. Yes, sir. Yes.

24 Q. Did you have an opportunity to speak with
25 them?

1 A. For a second, yeah, we did speak.

2 Q. Did you have an opportunity to speak with them
3 alone?

4 A. No. It really wasn't alone, I guess. It was
5 a couple of officers. He was somewhere -- Jeff, was
6 somewhere outside.

7 Q. But he wasn't near you, it was just you and
8 the officers at some point?

9 A. No. He wasn't near me that I know of. Like,
10 I think that they had him away from me.

11 Q. It was just you and the officers at some
12 point?

13 A. Right. It was a couple officers.

14 Q. When you first talked to the officers, was
15 your first statement to them that, everything was okay
16 and this was an accident?

17 A. I did yes, sir.

18 Q. And that you fell out of this truck?

19 A. Excuse me?

20 Q. You told them, you fell out of the truck?

21 A. Right.

22 Q. I'll move over hear. Can you hear me any
23 better from over here?

24 A. Yeah, I hear you better.

25 Q. Did you ever tell them that you didn't want to

1 press any charges, this was an accident?

2 A. I don't -- I don't remember that I did. I --
3 I -- I -- if I did, I don't remember saying that.

4 Q. Do you remember if the police arrested anyone
5 at the scene of your home when this first interaction
6 took place?

7 A. Not before I was taken away.

8 Q. Is it your testimony, today, that after having
9 sufficient time to reflect on what happened, that this
10 was an accident?

11 A. Yes, sir. I believe it was an accident. I
12 don't believe he intentionally ran me down, no.

13 Q. Did he push you out of the truck?

14 A. No, he didn't push me out of the truck. I
15 know I fell out of the truck. I know that. And I -- I
16 think maybe my Crocs might have made me fall, I'm not
17 sure.

18 Q. When the police arrived, did they take any
19 photographs of you?

20 A. No. No photographs, not that I know of.

21 Q. Did they ever advise you that they were going
22 to be recording you on a body camera or a police in-car
23 video camera?

24 A. No, sir.

25 Q. Did you see them take any photographs,

1 anything, on your property?

2 A. No.

3 Q. Did you ever recall them putting up any crime
4 scene tape around the vehicle or you or the home or
5 anything? Do you know what I'm talking about when I
6 say, "crime scene tape?" That yellow stuff that says,
7 "Sheriff's line, do not cross."

8 A. Yes, sir. No, no.

9 Q. Never saw that?

10 A. No.

11 Q. When you got back home after all this, did you
12 find any of that tape just kind of laying around in the
13 bushes like someone had knocked it down?

14 A. No, sir.

15 Q. Prosecutor asked you if you remember talking
16 to EMS personnel. Do you have any recollection of
17 talking to the EMS personnel?

18 A. I don't -- I don't -- I know I was telling
19 them I was hurt and my leg was killing me. I know that
20 my hip was killing me, I know that. But I don't even
21 know who they were. I couldn't tell you what they
22 looked like.

23 Q. Do you remember telling them that this was an
24 accident?

25 A. I don't remember conversations between them,

1 except I was hurting.

2 Q. That was on June 18th. Did you have a visit
3 with another officer later on sometime when you were in
4 the hospital or at home?

5 A. Now, at the hospital, I don't remember --
6 talking to me at the hospital now. I was so drugged up,
7 I don't remember any of that now. But I remember at
8 home, the cop coming to talk to me.

9 Q. Were you still on some pretty significant pain
10 medication for these injuries?

11 A. Yeah. Yes, sir.

12 Q. And those are all prescription medications
13 incase you needed them?

14 A. Right. Yes, sir.

15 Q. Did the officer know that you were taking
16 these pain medications?

17 A. I would think he would.

18 Q. It would be fairly obvious based on your
19 behavior probably?

20 A. Probably.

21 Q. But he took a statement from you at that
22 point?

23 A. Yes, he did.

24 Q. Was that the statement the prosecution was
25 asking you about?

1 A. Yeah. Yes.

2 Q. You pointed out that there's a lot of
3 inconsistencies in that statement. Do you believe that
4 was because of the drugs you were on?

5 A. Probably because I -- yeah, that didn't make
6 any sense to me after I read it, what I had wrote.

7 Q. And that's -- a part of that, I believe you
8 wrote in that statement that you were actually standing
9 when the truck backed over you?

10 A. Right.

11 Q. And that didn't happen; correct?

12 A. Right.

13 Q. And that's probably because of the
14 prescriptions?

15 A. I would think so, because I -- I don't even
16 know how he would even say he ran me -- like, he backed
17 over me again...

18 Q. Do you believe that statement is a fair and
19 accurate representation of what took place that day or
20 is that statement made under the influence and not
21 accurate?

22 A. It's not accurate.

23 Q. Did you ever get to meet with the prosecution
24 in this case?

25 A. Yes. Like, well -- like, a couple of days

1 before we went to trial the first time.

2 Q. Did you ever feel like you had to testify in
3 this case a certain way?

4 A. I don't know what you mean by that. Can you
5 explain that to me a little bit better.

6 Q. I guess, when you met with the prosecution,
7 did you go over your testimony with them?

8 A. I remember seeing the tape, the video. As far
9 as, what I was going to say, no, I don't remember us
10 talking about that.

11 Q. Okay. Now, those pain medications that you
12 were on, would they have an effect on your perception at
13 the time?

14 A. Pretty much.

15 Q. Would they have an effect on your
16 understanding?

17 A. Uh-huh. Yeah.

18 Q. Did they have a profound effect on your
19 memory?

20 A. Yeah. Yeah, because I mean, I -- well, still
21 -- still can't remember a lot of stuff anyway. Even
22 now, I can't remember a lot of what happened.

23 Q. But you've had sufficient time now, that you
24 don't take those pain pills --

25 A. Right --

1 Q. -- that you had too --

2 A. -- I don't take anything anymore.

3 Q. And now, you have a clear recollection and
4 understanding of this case?

5 A. Yes, sir.

6 Q. Had sufficient time to recollect what's going
7 on?

8 A. Right.

9 Q. Had you ever told the prosecutor in this case
10 that you believe this was an accident?

11 A. No, I didn't -- no, I didn't speak to her
12 about it until recently, like, in the past couple of
13 days.

14 Q. Now, your previous statement, while not
15 accurate, that wasn't intentional was it. You weren't
16 trying to make a statement to mislead anybody, were you?

17 A. No. No, sir. No, I wasn't.

18 Q. You're not trying to mislead anybody today,
19 are you?

20 A. No.

21 Q. Isn't it true, that after this accident,
22 Mr. Truesdale got out of the car and picked you up?

23 A. Yes. He picked me up.

24 Q. And he put you in the car?

25 A. Uh-huh.

1 Q. Did you tell him to go get the items that you
2 had dropped or did he go get that on his own?

3 A. I don't -- I don't remember if I told him too.
4 I can't tell you that either, because I don't remember
5 if I told him too. I know he picked them up.

6 Q. Did you have a cellphone with you at this
7 time?

8 A. I did. I -- I...

9 Q. Did you make any phone calls?

10 A. Not -- not at that time, no.

11 Q. Did you make any phone calls later on?

12 A. I did make one when I got to the -- my house.

13 Q. Did Mr. Truesdale ever try and take your
14 cellphone or tell you not to call anyone?

15 A. No.

16 Q. Neither one of those items happened?

17 A. No.

18 Q. He didn't take your phone?

19 A. No.

20 Q. He didn't tell you not to call anybody?

21 A. I had my phone.

22 Q. The prosecution asked you a question relating
23 to a statement that you made regarding Mr. Truesdale
24 threatening to kill you. Was that a statement that you
25 made that was true or was that a statement that was made

1 based on you being under the influence? Do you
2 recollect that actually happening?

3 A. I was hurting, I know that. I was in a lot of
4 pain. As far as, it happening, I don't know. I don't
5 know. I don't know half of what happened, to tell you
6 the truth. I do not know half of what happened. I
7 still can't remember a lot.

8 Q. It's also true, that you didn't tell the
9 police at the scene, when you first meet with them,
10 anything about him threatening to kill you?

11 A. No, I didn't.

12 Q. The police were standing right there?

13 A. Right. I didn't tell them -- no, I did not
14 tell them that.

15 Q. That wasn't until much later, until other
16 facts came?

17 A. Right.

18 Q. Now, you made mention on your testimony that
19 at some point during this trip, you were struck by Mr.
20 Truesdale. Did you tell the police that when they
21 arrived?

22 A. No. No, they never asked me anything except,
23 kind of what happened. I just said, "he hit me with the
24 truck." "He ran me over with the truck." That's all I
25 said to them, I remember that.

1 Q. Do you recall coming to my office and making a
2 statement about this case?

3 A. Yes, sir.

4 Q. Were you under the influence of any
5 prescription drugs or anything like that for pain?

6 A. No, sir.

7 Q. Did anybody coerce you or threaten you to come
8 to my office to do that?

9 A. No. No, sir.

10 Q. You never -- you never met with me at the
11 office?

12 A. No, sir.

13 Q. You met with a paralegal and an investigator;
14 correct?

15 A. Yeah. Yes, sir.

16 Q. Do you recall telling the investigator and the
17 paralegal that this fall was by accident and of no fault
18 the defendant, Mr. Truesdale?

19 A. I did.

20 Q. Do you recall telling those same people that,
21 you were struck by the car. That it wasn't intentional.
22 And the defendant immediately got out to render aid to
23 you?

24 A. Right.

25 Q. Do you recall telling those people you don't

1 want to prosecute this case and have no interest in
2 moving forward or even being a witness in this because
3 it was an accident?

4 A. Right.

5 Q. Were those statements to my office true?

6 A. Uh-huh.

7 Q. And is your testimony today true?

8 A. Yes, sir.

9 MR. LAUBSHIRE: I beg the Court's indulgence
10 for one moment, your Honor.

11 THE COURT: Yes.

12 MR. LAUBSHIRE: Your Honor, no further
13 questions for this witness.

14 Mrs. Truesdale, please answer any questions
15 the Solicitor may have you for.

16 THE COURT: Solicitor, do you have anything?

17 MS. HALL: Yes, sir. Some redirect, please.

18 THE COURT: Yes, briefly.

19 MS. HALL: Yes, thank you.

20
21 **REDIRECT EXAMINATION**

22 **BY MS. HALL:**

23 Q. And you talked about on June 18th, when the
24 police got there. He was asking you, was Jeff Truesdale
25 near you during the time that you were talking to the

1 officers. Do you know where he was?

2 A. No, not really.

3 Q. So he could have been there, you just know
4 where he was; right?

5 A. I don't know.

6 Q. But you know he was present on the property
7 because that's where --

8 A. He was on the property, yes.

9 Q. Mr. Laubshire asked you about you having your
10 cellphone on you during all this time. And he said,
11 "Did you call someone when you got to the house?" You
12 said, you did. Who did you call?

13 A. My niece.

14 Q. Who's your niece?

15 A. Bailey Reynolds.

16 Q. And who is her mother?

17 A. Melissa.

18 Q. What was the purpose of that phone call to
19 Bailey?

20 A. To tell them that I got hit with the truck.

21 Q. Were you trying to get in touch with Melissa,
22 your sister?

23 A. I always call my sister.

24 Q. With regards to what Mr. Laubshire was talking
25 about when you went to his office to talk with some

1 people up there; you said that was in the last couple of
2 weeks?

3 A. Right, Yeah.

4 Q. Okay. And has that been since you and Mr.
5 Truesdale have reconciled or become, you know --

6 A. We've been talking a while.

7 Q. You've been talking a while, before you went
8 to Mr. Laubshire's office to talk with the people that
9 you talked with up there?

10 A. Yes. Yeah a while.

11 MS. HALL: Thank you. I don't have anything
12 further.

13 THE COURT: Anything after those two or three
14 questions?

15 MR. LAUBSHIRE: Very briefly, your Honor.

16 THE COURT: Very brief.

17
18 **RECROSS EXAMINATION**

19 **BY MR. LAUBSHIRE:**

20 Q. Mrs. Truesdale, no one from my office reached
21 out to you to have you come to my office, did they?

22 A. No, they didn't.

23 Q. No one from my office asked you to do any of
24 this, did they?

25 A. No. I called them.

1 Q. Did anybody ask you to do this?

2 A. No, sir.

3 MR. LAUBSHIRE: No further questions.

4 THE COURT: Thank you.

5 Ma'am, you may step down. Please be careful.

6 THE COURT: Madam Forelady, ladies and
7 gentleman, true to my word, I told you we would run
8 about 90 minutes and we are just about on top of that
9 mark. It's almost eleven and we got started in here
10 about 9:30. Although, we've been running a little
11 longer than that. So we are going to take a morning
12 break. This is a 15 minute, 18 minute break, for you to
13 refresh yourselves, use the facilities, get some water,
14 get some coffee, whatever you might like and we'll
15 return to finish out the morning.

16 Let me ask you this and I hope the answer is
17 no. Is there any member of the jury who is a smoker and
18 would like to smoke? Sir, we will have to have an
19 officer or bailiff go with you outside of the building.
20 And they'll have to remain with you while you smoke and
21 then return you to the jury room. Okay. Anyone else?

22 (No response.)

23 Madam Forelady, if you'll take the jury out.

24 We will be in recess for 15, 18 minutes.

25 (A short recess was taken.)

1 THE COURT: Let's bring in the jury.

2 (Jury entered courtroom.)

3 THE COURT: Madam Forelady, the jury's good?

4 MADAM FORELADY: Yes, sir.

5 THE COURT: All right. Ready to work?

6 MADAM FORELADY: Yes, sir.

7 MS. HALL: The State calls Melissa Reynolds.

8 THE COURT: Ms. Reynolds, come down and be
9 sworn please.

10

11 M.E.L.I.S.S.A. R.E.Y.N.O.L.D.S., the Witness herein,
12 having been sworn by the Clerk of Court, was examined
13 and testified as follows:

14

15 THE COURT: Ms. Reynolds, if you feel
16 comfortable, you may lower your mask while testifying.

17 MS. REYNOLDS: Thank you.

18 THE COURT: Yes, ma'am. Will you tell us who
19 you are please, and spell your last name.

20 MS. REYNOLDS: Melissa Reynolds,
21 R-E-Y-N-O-L-D-S.

22 THE COURT: Thank you. I'm gonna ask you to
23 use your outside voice now, okay, so everybody can hear.

24 MS. REYNOLDS: Okay.

25 THE COURT: Thank you.

1 Solicitor?

2 MS. HALL: Thank you.

3

4

DIRECT EXAMINATION

5

BY MS. HALL:

6

7

Q. Melissa, what's your relationship with the victim in this case, Stephanie Truesdale?

8

A. Sister.

9

10

Q. So then, Mr. Truesdale, the defendant in this case, would be your brother-in-law; is that correct?

11

A. Yeah.

12

13

Q. Okay. On June 28th of this year, did you receive a call from your sister?

14

A. I did.

15

Q. Did you speak with her on the telephone?

16

A. I did.

17

18

Q. All right. What was her demeanor when you were talking to her --

19

MR. LAUBSHIRE: Objection, your Honor.

20

THE COURT: What's the objection.

21

22

23

24

25

MR. LAUBSHIRE: Objection is relevance and speculation. First, relevance, as this doesn't have anything to do with the incident on June 18th. The second, she's asking her to speculate as to what her demeanor is over the telephone.

1 THE COURT: She can testify to what her
2 impression of it is.

3 Overruled. Go ahead.

4 MS. HALL: Thank you.

5 Q. (BY MS. HALL:) Ms. Reynolds, cause she's your
6 sister and you've known her for a long time; right?

7 A. Thirty-nine years.

8 Q. So what was -- how did she seem when she
9 called, what was her demeanor?

10 A. She was very upset.

11 Q. How do you know this?

12 A. She was crying.

13 Q. Did she say anything to you during the course
14 of that phone call?

15 MR. LAUBSHIRE: Objection, your Honor.
16 Hearsay.

17 THE COURT: Yes. Solicitor?

18 MS. HALL: The State would say, it's an
19 exception to the hearsay rule, because it's an excited
20 utterance.

21 THE COURT: Excited utterance. Go ahead.

22 MR. LAUBSHIRE: Can I hear the question? The
23 excited utterance would imply to the date of the
24 incident. They're talking about a different day.

25 THE COURT: I'm sorry. I can't hear you.

1 MS. HALL: Yes, it's June 18th. It's the day
2 of the incident. She received a call from her sister.
3 It's on the day of the incident right after it occurred.

4 MR. LAUBSHIRE: Objection, your Honor as to
5 foundation of the conversation, the phone call.

6 THE COURT: Okay. Overruled. Go ahead.

7 MS. HALL: Thank you.

8 Q. (BY MS. HALL:) Ms. Reynolds, what did your
9 sister say to you on the phone?

10 A. Specifically, that her husband ran her over
11 with the truck.

12 Q. Did she -- did you -- did she ask you -- was
13 that the end of the conversation or did you guys
14 continue to talk?

15 A. She just asked me to come to the hospital
16 where she was or where she was going.

17 Q. And did you do that?

18 A. I did when I left the hospital myself.

19 Q. I don't understand that.

20 A. I was already at the hospital --

21 Q. For another reason not related to hers?

22 A. For another reason, yeah.

23 Q. And how long was it before -- just a second.

24 How long was it before you were able to get to
25 the hospital where Stephanie was?

1 A. About 45 minutes to an hour.

2 Q. That was at Richland Hospital in Columbia?

3 A. Yes.

4 Q. And did you see her when you got to the
5 hospital?

6 A. No, I did not.

7 Q. Why not?

8 A. She was in the hallway. I could not see her
9 until the next day because of COVID.

10 Q. Okay. And when you saw her the next day, can
11 you describe what you observed?

12 A. She was, of course, in pain. She was asleep
13 when I got there. They had her leg -- I don't know what
14 it's called, to keep it so she couldn't move it.

15 Q. Had she already had surgery at that point?

16 A. No.

17 Q. At some point did she wake up?

18 A. She did.

19 Q. Did you stay -- how long -- did you stay with
20 her for a long time that day?

21 A. I did.

22 Q. What did you do -- without talking about what
23 she said necessarily at that point in time. What did
24 you do for her if, anything, or what did you observe the
25 condition of her to be?

1 A. Just that day, I was talking to the nurses and
2 the doctors.

3 Q. At some point did you learn that she was going
4 to have to have an operation?

5 A. I did.

6 Q. Did you stay with her at the hospital that
7 night?

8 A. No.

9 Q. Did you go back the next day?

10 A. I did.

11 Q. And did you continue to go back?

12 A. Everyday.

13 Q. Everyday. And how long did she stay in the
14 hospital?

15 A. From June 18th until June the 25th.

16 Q. Did you -- where you with her in the hospital
17 -- you heard -- well, you weren't in here, but where you
18 in the hospital when law enforcement came to talk to
19 her?

20 A. I was.

21 Q. Were you sitting with your sister when she
22 gave a -- when she told them, without saying what she
23 said, when she told them what happened?

24 A. I was.

25 Q. Did she seem -- how did she seem while she was

1 talking to the law enforcement officers?

2 A. She was fine.

3 Q. Did she seem clear about --

4 A. She was.

5 Q. And obviously, she was on some pain
6 medications; is that correct?

7 A. She was.

8 Q. But having known her for a long time, your
9 opinion was that she was okay?

10 A. She was, okay.

11 Q. And could you understand what she was saying?

12 A. I did.

13 Q. And did it make sense to you?

14 A. It did.

15 Q. So you said she stayed in the hospital from
16 the 18th to the 25th, which I guess is seven days.

17 A. Uh-huh.

18 Q. Were you with her -- what time -- were you
19 with her when she went home from the hospital?

20 A. I was.

21 Q. Did you take her home from the hospital?

22 A. I did.

23 Q. Where did you take her?

24 A. The first night she stayed at my moms.

25 Q. Were you there with her or did you leave her

1 there?

2 A. No, I had work. She was with my mother.

3 Q. So your mom took care of her that night?

4 A. Uh-huh.

5 Q. And then what happened the next day?

6 A. I went there when I got off work at seven
7 o'clock that morning.

8 Q. Okay. So that next -- she stayed --

9 A. That next morning.

10 Q. I see. So when you got off work at 7:00 am,
11 you went and picked -- did you go and stay with her
12 there?

13 A. I did.

14 Q. Did you pick her up and take her somewhere
15 else?

16 A. Uh-uh, we stayed at my mom's for most of the
17 day.

18 Q. Okay. And at some point -- were you with your
19 sister when she was actually discharged from the
20 hospital?

21 A. I was.

22 Q. So did you receive, as a person who's going to
23 be a caregiver for her, did you receive instructions of
24 how to care for her injuries?

25 A. They didn't really give instructions, but I've

1 done home care, so I pretty much knew what had to be
2 done.

3 Q. Okay. Do you know what her injuries were?

4 A. I do.

5 Q. What were they?

6 A. She had -- the back of her pelvis was broken
7 in half. The front part by her groin was crushed. The
8 bones that grow off of your spine, all those were
9 fractured on both sides. At the last doctor's
10 appointment, I went with her, one of those fractures
11 were still there.

12 Q. And do you remember how long ago that was?

13 A. Had to be October.

14 Q. Okay. You said you stayed with her at your
15 mom's. And how long did you stay at your mom's house?

16 A. She stayed at my mom's that Friday and that
17 was it I believe. I believe we went back to the house,
18 it was either that Saturday or Sunday.

19 Q. When you say, "you went back to the house,"
20 which house did you go to?

21 A. Her house.

22 Q. Is that the [REDACTED] Oak Street address?

23 A. It is.

24 Q. And you stayed with her there?

25 A. I did.

1 Q. And who else stayed with you, if, anyone?

2 A. My niece in-law.

3 Q. And what is her name?

4 A. Lindsey Adams.

5 Q. Just the three of you lived there for a period
6 of time together?

7 A. Well, my youngest daughter stayed with us for
8 a month or so too.

9 Q. But those were really the only people who were
10 coming in and out of the house?

11 A. Oh, yeah.

12 Q. And prior to June 18th of 2021, when this
13 happened, how would you describe Stephanie's physical
14 capabilities?

15 A. She was fine.

16 Q. When you were taking care of her, did you have
17 to help her to the bathroom?

18 A. I did. Well, she couldn't even use the
19 regular bathroom. She had a bedside commode.

20 Q. She was unable to get up by herself?

21 A. Right.

22 Q. When she was discharged, were you instructed
23 or did you know to give her pain medication that was
24 prescribed to her by the doctor at the hospital?

25 A. I was.

1 Q. Do you recall what that was?

2 A. Gabapentin and Roxicodone.

3 Q. Were you present when law enforcement came to
4 the house at [REDACTED] Oak Street to talk with her on July
5 12, 2021?

6 A. I was.

7 Q. What was her demeanor at that time?

8 A. She was okay, as far as, I knew.

9 Q. Did you give her the pain medication or to
10 your knowledge had she taken it?

11 A. To my knowledge she had not taking it before.

12 Q. Before they came?

13 A. Right.

14 Q. But she could have, but you just don't know?

15 A. She could have.

16 Q. Did she seem pretty lucide, like, she
17 understood the questions and was able to talk a bit or
18 was she out of it?

19 A. No, she was -- she was talking fine.

20 Q. And how long did you stay there living with
21 her?

22 A. Until November the 3rd.

23 Q. And are you still living there?

24 A. No.

25 Q. Why not?

1 A. Cause I could not put myself, my niece in-law
2 or the baby in that type of harms way.

3 Q. I don't understand. I'm sorry.

4 A. Because she started talking to the defendant
5 again and I could not put us in that situation.

6 Q. Okay. And so did you and all -- you and your
7 niece --

8 A. We all left.

9 Q. Except for Stephanie?

10 A. Right.

11 Q. And to your knowledge, is still there?

12 A. Right.

13 MS. HALL: I don't have anything further.

14 THE COURT: Counselor?

15

16 **CROSS EXAMINATION**

17 **BY MR. LAUBSHIRE:**

18 Q. Isn't it true, that you moved out because the
19 bills came due and you didn't pay any of them?

20 A. No. I did.

21 Q. You did pay the bills?

22 A. I did.

23 Q. You moving out, had nothing to do with a light
24 bill?

25 A. Nothing at all.

1 Q. You were living in her house?
2 A. I was.
3 Q. Pay her any rent?
4 A. Sister Care paid her rent.
5 Q. So you lived there essentially for free?
6 A. No.
7 Q. You paid her?
8 A. The rent was paid by Sister Care.
9 Q. Sister Care paid the rent?
10 A. Right.
11 Q. Did you pay any portion of it?
12 A. No.
13 Q. So you were living there for free?
14 A. If that's what you want to say, yeah.
15 Q. It's not what I'm saying, it's fact.
16 A. Okay.
17 Q. You're either living there for free or you're
18 not?
19 A. No, it wasn't for free, but, okay.
20 Q. I mean, if you paid the rent, just tell us?
21 A. Sister Care paid the rent.
22 Q. What is your relationship to Jeff Truesdale?
23 A. I don't have one.
24 Q. Did you ever have a romantic relationship with
25 Mr. Truesdale?

1 A. Never.

2 Q. Did you ever receive any money from Mr.
3 Truesdale?

4 A. Maybe. I can't answer that for sure.

5 Q. You don't recall seeing any money --

6 A. If -- if, anything, I've asked my sister.

7 Q. You could have received some money from Mr.
8 Truesdale?

9 A. I mean, it's possible.

10 Q. On June 18th you weren't present in the truck,
11 were you?

12 A. No, I was not.

13 Q. You weren't in the parking lot, were you?

14 A. No, I was not.

15 Q. You weren't at their house, were you?

16 A. No.

17 Q. So you didn't observe any of this activity --

18 A. No, I didn't.

19 Q. -- at all, did you. So the only thing you
20 know is what people have told you?

21 A. I know what my sister told me.

22 Q. You didn't see her at the hospital for at
23 least an hour; is that right or it took you an hour to
24 get there?

25 A. I didn't see her until the next day.

1 Q. Okay. You described her injuries as being
2 pretty significant; is that correct?

3 A. Yes.

4 Q. And it's also your testimony that she just
5 didn't need pain medication for those significant
6 injuries?

7 A. I never said that.

8 Q. Did she take the pain medication?

9 A. She did.

10 Q. Did she take it regularly?

11 A. She took it as prescribed.

12 Q. Because she needed it?

13 A. Right.

14 Q. Did you give it to her?

15 A. I did.

16 Q. What were the dosages?

17 A. One Roxicodone and three Gabapentin.

18 Q. She took those as prescribed?

19 A. She did.

20 Q. And you were present when the police came to
21 visit her at home?

22 A. I was.

23 Q. And it's your testimony that you didn't know
24 she was under the influence when she was making her
25 statement?

1 A. At that time I had not given her any medicine
2 that I can recall.

3 Q. Did you keep any record of that?

4 A. No.

5 Q. How do you know that you didn't give it to her
6 or she didn't take it herself?

7 A. It wasn't in her possession.

8 Q. But you have no record of when you gave it to
9 her?

10 A. No, I do not know the exact time it was given
11 to her.

12 Q. How long does the effects last?

13 A. I can't answer that.

14 Q. Do you have any training to determine whether
15 someone's under the influence of alcohol or drugs or
16 anything like that?

17 A. No training.

18 Q. So the best person to make that determination
19 would be Mrs. Truesdale; wouldn't it?

20 A. I guess.

21 Q. Who would be in a better position, you or her,
22 if she's the one taking the medication, who's in the
23 best position to determine whether they're under the
24 influence?

25 A. I guess she would.

1 MR. LAUBSHIRE: I beg the Court's indulgence
2 for one moment, your Honor?

3 THE COURT: Yes.

4 Q. (BY MR. LAUBSHIRE:) You don't like Mr.
5 Truesdale, do you?

6 A. Never said that.

7 Q. I'm asking you now. Do you like Mr.
8 Truesdale?

9 A. I have issues with Mr. Truesdale with my
10 sister. Other than that, then I have no issues with Mr.
11 Truesdale.

12 Q. Other than the issues, you don't have any
13 problems with Mr. Truesdale?

14 A. No, I do not.

15 MR. LAUBSHIRE: No further questions, your
16 Honor.

17 THE COURT: All right.

18 Anything?

19 MS. HALL: Just briefly.

20

21 **REDIRECT EXAMINATION**

22 **BY MS. HALL:**

23 Q. Ms. Reynolds, Mr. Laubshire was talking about
24 you not paying rent. Did you -- were you -- during that
25 time, did you live somewhere prior to going to move in

1 to take care of your sister?

2 A. I had my own home.

3 Q. And were you paying rent on that house while
4 you were staying at your sister's house?

5 A. Yes, I did. Because I had two children that
6 were still there.

7 Q. Okay. But you're primarily responsible for
8 that residence; is that correct?

9 A. Correct.

10 Q. And you were staying with Ms. Truesdale or
11 were you staying with Ms. Truesdale, because she needed
12 your help?

13 A. Right.

14 MS. HALL Thank you.

15 THE COURT: Anything at all as to that?

16 MR. LAUBSHIRE: Judge, I don't have any
17 further questions.

18 THE COURT: Thank you.

19 Ma'am, you may step down. Please, be careful.

20 MS. HALL: Can we ask that she be released
21 from her subpoena?

22 THE COURT: Any objection to her being release
23 from her subpoena?

24 MR. LAUBSHIRE: No objection, your Honor.

25 THE COURT: Ma'am, you may stay or go,

1 whichever you choose.

2 MS. HALL: State calls Mr. Brad Douglas, your
3 Honor.

4
5 B.R.A.D. D.O.U.G.L.A.S., the Witness herein, having been
6 sworn by the Clerk of Court, was examined and testified
7 as follows:

8 THE COURT: Sir, if you feel comfortable, you
9 may remove your mask during testifying, other wise you
10 can wear it.

11 MR. DOUGLAS: Thank you.

12 Sir, if you'll tell us who you are and spell
13 your last name for Madam Court Reporter.

14 MR. DOUGLAS: My name is Brad Douglas. Last
15 name spelled, D-O-U-G-L-A-S.

16 THE COURT: Thank you.

17 Solicitor?

18

19 **DIRECT EXAMINATION**

20 **BY MS. HALL:**

21 Q. Where are you employed?

22 A. I am employed with the Fairfield County
23 Emergency Management Division and 911.

24 Q. In your employment, what do you do there?

25 A. I'm the director of that 911 call center and

1 emergency management.

2 Q. What do y'all -- what is that -- what is the
3 job that, I guess, that agency does?

4 A. Regarding the 911 call center, we have all our
5 dispatchers for 911. We maintain all the records and
6 recordings.

7 Q. Do have you access to all 911 calls that come
8 in?

9 A. We do. And we manage our -- we dispatch for
10 fire, EMS and Law Enforcement Rescue Squad. So all
11 emergency services in the county, we dispatch for.

12 Q. Do you also have are access to radio traffic?

13 A. We do have access to radio trafficking. We
14 can make recordings of any radio traffic that occurs.

15 Q. Can you explain to the jury what radio traffic
16 is?

17 A. Radio traffic is conversations between our
18 dispatchers and our first responders, such as law
19 enforcement, EMS and fire. And we also have recordings
20 of conversations between maybe, deputies or EMS, between
21 each other, they don't necessarily have to be talking to
22 us. Anything going over the radio, we record that.

23 Q. And are you able to pull 911 calls when
24 requested by the solicitor's office or law enforcement
25 or anybody for that matter?

1 A. Yes, we do have a recorder with the capability
2 to make recordings when requested.

3 (State's Exhibit 1, 911 CAD report, was
4 marked for Identification.)

5 (State's Exhibit 2, Disc of 911 Dispatch
6 call, was marked for Identification.)

7 Q. (BY MS. HALL:) I'm going to show you what's
8 marked as State's Exhibit 2 and ask if you recognize
9 this?

10 A. I do.

11 Q. What is it?

12 A. This is a recording that I made of a 911 call.

13 Q. Was it a 911 call of June 18, 2021?

14 A. That's correct. Let me double check my notes
15 here. Yes, June 18th.

16 Q. Who requested that you pull that file?

17 A. I believe you did, Ms. Hall.

18 Q. Is this something that's kept in the normal
19 course of business at the 911 center, emergency
20 management?

21 A. What do you mean by that?

22 Q. These are calls that are kept in the regular
23 course of business; is that right?

24 A. Yes, ma'am. We have the capability to pull up
25 any of these -- any of these calls for radio traffic.

1 Q. And does that CD -- you had an opportunity
2 before today, about a month ago, to listen to that prior
3 to coming to court today?

4 A. I did.

5 Q. Does it accurately depict the call that came
6 in that day and the recording that you made?

7 A. It does, yes.

8 MS. HALL: Your Honor, at this time the State
9 would move Exhibit 2 into evidence.

10 THE COURT: Any objection?

11 MR. LAUBSHIRE: Only objection I have, your
12 Honor, is as to foundation. I didn't hear him testify
13 that he received the call himself or in fact, somebody
14 else received the call.

15 THE COURT: He's the custodian of records. He
16 didn't receive the call himself. Ask him if he received
17 it.

18 Q. (BY MS. HALL:) You didn't receive the call
19 yourself; right?

20 A. I did not personally receive the call.

21 Q. Do you receive any calls?

22 A. I do not.

23 Q. But you have access to all the calls that come
24 in?

25 A. That's correct, I do.

1 THE COURT: Any objection?

2 MR. LAUBSHIRE: Judge, same objection. I
3 don't know how you would lay a foundation for whether it
4 accurately depicts a recording according to his
5 department as custodian of record.

6 THE COURT: The objection is overruled. He is
7 the custodian of the records of 911.

8 Go ahead. Submitted.

9 MS. HALL: Is that evidence in -- I'm moving
10 State's 2 into evidence.

11 THE COURT: It's in evidence.

12 (State's Exhibit 2, CD 911 Dispatch call,
13 was marked in evidence.)

14 MS. HALL: And I'm just gonna reserve the
15 right to play that in just a little bit, your Honor,
16 okay.

17 THE COURT: You may publish. Yes, ma'am.

18 Q. (BY MS. HALL:) I'm gonna do that in just a
19 little bit, but right now I'm going to show you what's
20 been marked as State's 1 and tell me if you recognize
21 this?

22 A. I do.

23 Q. What is it?

24 A. This is a Computer Aided Dispatch Report,
25 commonly referred to as a CAD report.

1 Q. What information does it contain?

2 A. Anytime we get a call for service through a
3 911 call or anything related to a first responder, then
4 it automatically -- our system automatically generates a
5 report and this is one of those reports.

6 Q. And is this a record that's kept in the normal
7 course of business at the Emergency Management Division?

8 A. It is.

9 Q. And this is something you have access to as
10 well?

11 A. That's correct.

12 Q. Did you pull this report?

13 A. I did pull this report.

14 Q. And that's the report from June 18, 2021?

15 A. That's correct.

16 Q. And does it pertain to the call that came in
17 in this case, State versus Jeff Truesdale?

18 A. It does.

19 MS. HALL: Your Honor, at this time the State
20 would move Exhibit 1 into evidence.

21 THE COURT: Any objection?

22 MR. LAUBSHIRE: No objection.

23 THE COURT: Without objection, it's submitted.

24 (State's Exhibit 1, CAD Report, was
25 admitted in evidence.)

1 Q. (BY MS. HALL:) Now, that it's in evidence, I
2 want to go through it and talk about it a little bit.
3 There are -- not necessarily line-by-line, but it has a
4 lot of stuff on it that's -- that you said, generates
5 every call or any radio traffic that goes on between?

6 A. Well, it doesn't -- this is separate than our
7 recorder. This is basically a recording of
8 automatically generated information or information that
9 could have been keyed-in by our dispatchers.

10 Q. So can you tell from looking at this CAD sheet
11 what time this call originally came in?

12 A. Yes. It says the call was at 6/18/2021 at
13 14:52:38.

14 Q. Would that be 2:52 pm?

15 A. That's correct. Yes, ma'am.

16 Q. And who made the call?

17 A. I says the caller was a Kimberly Steele.

18 Q. And where was she located?

19 A. It gave an address as 178 US Highway 321
20 Bypass North, Winnsboro.

21 Q. Do you know, is that Fairfield Behavioral
22 Health Center?

23 A. That is what it's showing on this location.
24 Yes, ma'am.

25 Q. And you said it came in around 2:52 that day?

1 A. That's correct.

2 Q. And was that the only call for service that
3 came out that day with regards to this incident?

4 A. Yes.

5 Q. And you can tell that from looking at this
6 report; is that correct?

7 A. Well, yes. That's the only 911 call that came
8 in.

9 Q. Did you look back in other areas through
10 different avenues, at my request, to make sure this was
11 the only call that came in?

12 A. Did I check? We have eight 911 lines coming
13 to our call center. We also have four administrative
14 lines, which are nonemergency numbers and I checked all
15 of those.

16 Q. And again, this was the only call you found?

17 A. That's correct.

18 Q. At the bottom it shows police units -- the
19 numbers at the bottom under unit, times and names. Like
20 down in this section right here.

21 A. Yes, ma'am.

22 Q. What does that tell you?

23 A. That's just the -- that's the times that,
24 whenever they dispatch different officers or EMS units,
25 that type of thing. It just gives a timeline on the

1 sequence of events with those -- with those dispatchers.

2 Q. So when you're -- on the left where it says,
3 "unit number" what do those numbers apply to?

4 A. The unit numbers start with 1 to 100s. Those
5 are sheriff's office personnel and the Unit 2s down
6 below, those are EMS units.

7 Q. Sometimes, there are additional officers that
8 go to scenes, but they don't end up on the report; is
9 that, to your knowledge, correct?

10 A. That's correct.

11 Q. And you worked in law enforcement for a long
12 time before you went to Emergency Management Division?

13 A. Yes, ma'am.

14 Q. And you understand, there can be officers that
15 don't go -- that do go that aren't listed on this?

16 A. That's correct.

17 Q. When is the first time on this date that EMS
18 is dispatched with regards to this incident?

19 A. The unit times are showing Unit 2 was
20 dispatched. That's an EMS unit and they were dispatched
21 at -- on 6/18/21, which would be -- then at 15:02:34,
22 which is a little after 3:02 pm.

23 Q. And who calls for EMS?

24 A. It says, Unit 113 requested EMS at 15:01 --
25 3:01 pm and 31 seconds.

1 Q. So Unit 113 would have been one of the law
2 enforcement officers?

3 A. That's correct and --

4 Q. That's okay if you don't know who it is.

5 A. Yeah, I'm not sure.

6 Q. But Unit 113 is a law enforcement officer?

7 A. That would have been the sheriff's office.
8 Specifically, the sheriff's office unit.

9 Q. And they asked for EMS to come to the scene?

10 A. That's correct.

11 Q. Are they're notes taken by the dispatcher --
12 you said, sometimes the dispatchers make notes on here
13 as the call comes in?

14 A. They do. Usually, the notes they put in here
15 are what they are putting out to whatever responding
16 unit.

17 Q. So they're telling law enforcement what it is
18 that's -- what they're getting into, what they're
19 looking for; correct?

20 A. Correct.

21 Q. And are there notes made on this CAD sheet?

22 A. There are some under the comment section.

23 Q. Okay. Could you read those to the jury
24 please?

25 A. Under the comments section it says: "Man

1 appeared to have attacked a women." "White" and it's
2 P-K, and that's going to be short for pick up. And it
3 gives a tag number, "PCG 761, possibly a Jeff
4 Truesdale." "Older white male, possibly 50s." "Female,
5 possibly 30 with him, possibly injured, left on 321
6 headed towards Dollar General."

7 Q. Okay. And are there any other notes?

8 A. Down below there, it's one of the dispatchers.
9 It says Dispatcher Shultz. At approximately -- on the
10 same date, at approximately 2:56 -- she put notes that
11 says, "Provided tag came back to an expired 2014 Honda
12 Accord." "It maybe incorrect."

13 Q. But she does describe it as a white pick up
14 truck headed out of dollar -- out of -- towards Dollar
15 General on 321, turning left out of Behavioral Health?

16 A. On those notes. Now, the comment section from
17 the original call, it says that there's -- it describes
18 a white pick up, left on 321 headed towards Dollar
19 General, which would have been a left.

20 Q. So they were just trying to alleviate any
21 confusion with regards to the tag. Is that what they
22 were trying to do there?

23 A. That's correct. It's pretty common, whenever
24 dispatchers get that information, they would run a tag.

25 MS. HALL: Thank you. Your Honor, at this

1 time the State would ask permission to publish it?

2 THE COURT: Yes, ma'am.

3 MS. HALL: Let me just ask him a couple more
4 things.

5 Q. (BY MS. HALL:) Where was EMS dispatched that
6 day or at that time?

7 A. It looks like -- let's see, it says they were
8 dispatched at 3:02 and 34 seconds. In route at 3:02:40
9 seconds. And then it says, they changed location to --
10 at 15:02:51 seconds, it says a change in location to
11 1000 Oak -- Oak Street Extension.

12 Q. 1000 or 1002 or 7?

13 A. On here it says, "1000 Oak Street Extension."
14 Now, the original up above there, that could be a typo.
15 Above there says, 1008 Oak Street Extension.

16 Q. So it's originally dispatched to one location,
17 but they called in the middle and said, don't go to this
18 other place cause...

19 A. That's what it appears to be, yes.

20 Q. Could you tell where the original dispatch,
21 was it Behavioral Health?

22 A. I'm sorry.

23 Q. Where was the original dispatch to?

24 A. Originally, it would have been Fairfield
25 Behavior Health. And then it looks like the sheriff's

1 office, from reading the unit times, they changed the
2 incident location to 1008 Oak Street Extension.

3 Q. Thank you.

4 MS. HALL: Your Honor, at this time the State
5 would like to publish the 911 call.

6 THE COURT: Yes, ma'am.

7 (Recording played for jury.)

8 Q. (BY MS. HALL:) Okay, Mr. Douglas, just one
9 more question. In your research, did you -- did any
10 other calls come out or was anybody else dispatched to
11 [REDACTED] Oak Street other than what you have on that CAD
12 sheet?

13 A. No, just what's on here is all we had.

14 Q. So no other calls came for help at [REDACTED] Oak
15 Street?

16 A. That's correct.

17 MS. HALL: Thank you. I don't have any
18 further questions. Please answer anything from
19 Mr. Laubshire.

20 THE COURT: Yes, sir.

21
22 **CROSS EXAMINATION**

23 **BY MR. LAUBSHIRE:**

24 Q. Sir, you weren't present, on the scene, on
25 June 18th, were you?

1 A. That's correct.

2 Q. By "scene" I mean let's first talk about the
3 mental health facility, you weren't there?

4 A. I was not, that's correct.

5 Q. And you weren't at the home address, I think
6 you said, it's [REDACTED] Oak Street?

7 A. On here it's -- there's two different numbers
8 1008 and 1000. I was not anywhere on Oak Street
9 Extension.

10 Q. When you checked to see calls that came in,
11 you only checked those two numbers?

12 A. What two numbers?

13 Q. The 1000 and 1008?

14 A. Oh, no. We don't check it that way for a
15 phone. We check our phone lines to see if any other
16 calls that came in at that time and there were no other
17 calls to any of our phone lines. That's eight 911 lines
18 and we have four administrative lines.

19 Q. Similarly to the mental health facility, you
20 weren't at the home?

21 A. That's correct.

22 MS. HALL: I want to make sure that we're
23 clear. It's a Behavioral Health facility, it's not a
24 mental health facility. Mr. Laubshire keeps referring
25 to it as a mental health facility. It is a behavior

1 health services.

2 MR. LAUBSHIRE: Sorry, your Honor, I -- I --

3 THE COURT: Call it by whatever it's proper
4 name is.

5 Q. (BY MR. LAUBSHIRE:) Does your call center
6 monitor nonemergency calls, record those?

7 A. Yes.

8 Q. Does it record the ones that go to the
9 hospital?

10 A. No, it does not.

11 Q. How about to a private doctor?

12 A. No, it would not.

13 Q. Urgent care?

14 A. No.

15 Q. How about a private ambulance company?

16 A. No.

17 Q. The nonemergency line that goes to the
18 sheriff's office, does it monitor those?

19 A. It does not.

20 Q. How soon was it from the time a call goes out
21 from the behavior health facility to the time the
22 officer calls EMS?

23 A. Are you asking me -- just so I'm clear with
24 you. How much time span between the original 911 call
25 and EMS being dispatched?

1 Q. Yes, sir.

2 A. The original 911 call was at 2:52:38 seconds
3 and EMS was dispatched at 3:02 pm and 34 seconds. So
4 that's --

5 Q. Ten minutes?

6 A. Right at ten -- just short of ten minutes,
7 correct.

8 Q. We heard the 911 call. And that's the only
9 information you received about this case, is what they
10 told you?

11 A. As far as through our call center, yes.

12 Q. So you have no independent information, other
13 than what the caller had expressed to you?

14 A. Yes.

15 Q. You don't know if that's true or not?

16 A. No. We just -- whatever information we get is
17 what's put in there.

18 Q. When you dispatch this call, correct me if I'm
19 wrong, I don't have the exact wording. It was
20 dispatched as, a man attacking a woman. Is that how it
21 was dispatched?

22 A. The comments were, "A man appeared to have
23 attacked a woman."

24 Q. That's what was told to the police officers
25 who responded to a location?

1 A. That's correct.

2 Q. It was told that the suspect in this case
3 could have been Mr. Truesdale?

4 A. Yes.

5 Q. And they changed the location on that call
6 from where they originally started to the home?

7 A. That's correct.

8 Q. So the police were aware this took place
9 somewhere else?

10 A. I'm not sure what the police were aware of.

11 Q. Did you tell them the original call location?

12 A. I didn't tell them anything. The dispatchers
13 would have given them the original caller, call
14 information.

15 Q. That was later changed on your CAD sheet?

16 A. It was and I'm not sure why that was changed.
17 I'm not sure what information was given to change that,
18 but it was changed, the location.

19 Q. So the police were aware of two locations?

20 A. That's correct.

21 MR. LAUBSHIRE: I have no further questions of
22 this witness, your Honor.

23 THE COURT: Thank you.

24 Anything at all?

25 MS. HALL: No, sir.

1 THE COURT: Thank you.

2 Sir, you may step down. Please be careful.

3 MS. HALL: Your Honor, may I ask if he could
4 be excused from the subpoena?

5 THE COURT: Any objection?

6 MR. LAUBSHIRE: No objection, your Honor.

7 THE COURT: Sir, you may stay or go, whichever
8 you choose.

9 MS. HALL: State calls Eric White.

10 THE COURT: Okay.

11

12 E.R.I.C. W.H.I.T.E., the Witness herein, having been
13 sworn by the Clerk of Court, was examined and testified
14 as follows:

15 THE COURT: Officer, if you'll adjust the
16 microphone and yes, you may remove your mask. If you'll
17 tell us who you are and spell your last name please?

18 LIEUTENANT WHITE: Lieutenant Eric White,
19 W-H-I-T-E.

20 THE COURT: Thank you.

21 Solicitor?

22 MS. HALL: Thank you.

23

24 **DIRECT EXAMINATION**

25 **BY MS. HALL:**

1 Q. Were you -- you're obviously employed by the
2 Fairfield County Sheriff's Office?

3 A. Yes, ma'am.

4 Q. Were you employed by them on June 18, 2021?

5 A. Yes, ma'am.

6 Q. Were you on patrol that day?

7 A. I was.

8 Q. Do you remember that day, were y'all
9 particularly busy?

10 A. Yes, ma'am and short.

11 Q. What do you mean, "and short?"

12 A. We were short-staffed.

13 Q. Short-staffed, what do you?

14 A. I had three people working, one got sick. So
15 I had two and I was waiting for a third to come back
16 out.

17 Q. When this call came in.

18 A. Yes, ma'am.

19 Q. And so you're Lieutenant White, right?

20 A. Yes, ma'am.

21 Q. So what does that mean in terms of rank. You
22 said you were waiting or you had people call-in. Do you
23 supervise people?

24 A. Yes, ma'am. I'm supervisor of day shift.

25 Q. On the shift that you were on -- the shift --

1 you supervise the shift deputies?

2 A. Yes, ma'am.

3 Q. Is that just for road deputies?

4 A. Yes, ma'am.

5 Q. And those are people who are in patrol cars,
6 patrolling?

7 A. Yes.

8 Q. Did you have body-cam on that day?

9 A. I had a body-cam on, yes.

10 Q. And do you wear that normally when you are
11 working?

12 A. Yes, ma'am.

13 Q. And do you have it on all the time that you're
14 working?

15 A. I do not.

16 Q. Why is that?

17 A. The battery will go dead.

18 Q. The battery will go dead?

19 A. Yes.

20 Q. Did you hear on June 18th around 2:45 in the
21 afternoon, did you hear a call go out on the radio?

22 A. I did.

23 Q. Could you describe to the jury what the call
24 came out as or what you heard?

25 A. I can't recall exactly, but it was some type

1 of domestic. I believe it started at behavior health
2 and ended somewhere on Oak Street Extension.

3 Q. Did you witness the event itself?

4 A. No, ma'am.

5 Q. What did you do when you heard the call come
6 out, how did you respond?

7 A. I was actually either in route to another call
8 or on a call, so I did not respond.

9 Q. Did you go to a location in response to this
10 call?

11 A. I did after I was done with my call.

12 Q. Okay. We're going to have to explain.

13 A. Okay.

14 Q. So you're on a call?

15 A. I'm on call.

16 Q. For something else having nothing to do with
17 this.

18 A. Nothing to do with this.

19 Q. So you're on a call and you hear this call
20 come out?

21 A. Yep.

22 Q. But you don't go because you're already on a
23 call?

24 A. Exactly.

25 Q. Do you know who, if, anyone went?

1 A. I know that the investigators went. I know
2 Investigator Hinson went and Investigator Darner.

3 Q. And how do you know this, because they were
4 talking to you on the radio and said, "We got this," or
5 do you know --

6 A. Yes.

7 Q. And did they know that you were short-staffed?

8 A. They did.

9 Q. They were helping you by going --

10 A. Yes.

11 Q. -- and helping you out?

12 A. Yes.

13 Q. When you finished your call, you said, you
14 went over to this incident. Where did you go?

15 A. I went to Oak Street Extension, I'm not sure
16 what the numbers was.

17 Q. Do you know who lives there?

18 A. Stephanie Truesdale and Jeff Truesdale.

19 Q. And when you got there, what did you observe?

20 A. When I pulled up, everybody was leaving.
21 Ambulance was still there. Mr. Hinson was still there.
22 So I got out and spoke with him while they loaded Ms.
23 Truesdale up in the ambulance.

24 Q. When you say "everybody had left," who would
25 have left?

1 A. The other officers on scene.

2 Q. And that was -- how long was it between the
3 time that you heard the call go out and you actually
4 arrived on the scene?

5 A. I'm not sure exactly, 20 minutes maybe. I'm
6 not sure.

7 Q. Not three hours?

8 A. No, no.

9 Q. When -- did you at any point in time turn your
10 body-cam on?

11 A. I did not.

12 Q. Why?

13 A. When everybody was leaving, the scene was
14 pretty much over. So I believed I didn't need -- I made
15 contact with Investigator Hinson, spoke with him and
16 left, shortly after.

17 Q. About how long would you say that was?

18 A. About five minutes, seven minutes at the most
19 maybe.

20 MS. HALL: Thank you, your Honor. Nothing
21 further.

22 Please, answer anything Mr. Laubshire has.

23 THE COURT: Anything at all, counselor?

24

25

CROSS EXAMINATION

1 BY MR. LAUBSHIRE:

2 Q. Lieutenant White, how would you prefer that I
3 address you, as lieutenant, officer, deputy. What would
4 you prefer?

5 A. Whatever you'd like, sir.

6 Q. You good with lieutenant?

7 A. That's fine.

8 Q. Makes me more comfortable.

9 The prosecution asked you about the shift that
10 day. And you said, you'd gotten very busy, you were
11 shorthanded?

12 A. Yes.

13 Q. Had you made any calls to officers that were
14 off to have them come in to assist?

15 A. I, personally, did not. I called my captain,
16 he made those calls.

17 Q. So the captain made some efforts to get other
18 officers out there on the streets?

19 A. Yes, sir.

20 Q. How many officers responded?

21 A. We got one in before the day was over.

22 Q. Was there any other calls made to any other
23 agencies such as highway patrol, transport police, to
24 give assistance?

25 A. I'm not sure. I did not make that call.

1 Q. How about any of the surrounding cities or
2 counties?

3 A. I didn't make the call.

4 Q. Didn't do any of that?

5 A. No, sir.

6 Q. But you notified your captain?

7 A. Yes, sir.

8 Q. You testified you weren't present when any of
9 this took place?

10 A. That's correct.

11 Q. But you heard it go out on the radio?

12 A. I did.

13 Q. Did it go out on the radio as, a man attacking
14 a woman?

15 A. I can't recall if it was a domestic or some
16 type of disturbance. I can't remember how it came out.

17 Q. Are you sure it came out as some kind of
18 alleged crime?

19 A. Yes.

20 Q. And you were on another call?

21 A. I was.

22 Q. What kind of call was that?

23 A. I don't recall which call it was on.

24 Q. Did you ever speak to Mrs. Truesdale,
25 Stephanie Truesdale, did you ever speak to her?

1 A. I may have said, "Hey" as I walked up. She
2 may have spoke to me.

3 Q. You had no conversations?

4 A. No, sir.

5 Q. Isn't it important, when you're responding to
6 a call where there's an alleged crime, for you to
7 collect all the evidence?

8 A. Yes.

9 Q. Isn't it true that the sheriff's office has a
10 policy about the collection and preservation of
11 evidence?

12 A. Yes, sir.

13 Q. Are you familiar with that policy?

14 A. I'd have to look over it.

15 Q. If I had a copy of the policy for your review,
16 would that refresh your memory?

17 A. It would.

18 Q. This is a copy of the sheriff's office policy
19 regarding the collection of evidence. Do you have a
20 copy of that or were you given a copy of that as a
21 sheriff's deputy?

22 A. Looks like our policy, yes.

23 Q. That's the accurate copy of your policy?

24 A. It looks to be. I would have to read through
25 it, but I mean it looks like our policy.

1 Q. Take as much time as you need to review it.

2 A. We've got several pages here. I'd say this is
3 our policy, yes.

4 Q. Thank you. Have you ever reviewed this policy
5 before today?

6 A. Yes.

7 Q. And you're not just a regular deputy, your a
8 lieutenant?

9 A. Yes.

10 Q. At some point, were you a sergeant?

11 A. Yes.

12 Q. Before that maybe, a corporal?

13 A. Yes.

14 Q. You've been promoted at least three times up
15 through the ranks?

16 A. Correct.

17 Q. You're in charge of enforcing this policy,
18 aren't you?

19 A. Correct.

20 Q. Is it true, the goal of preserving crime
21 scenes is to make sure all the physical evidence is
22 collected?

23 A. Correct.

24 Q. And you arrived on scene on June 18th;
25 correct?

1 A. Yes.

2 Q. What steps did you take to collect and
3 preserve any evidence?

4 A. It was not my scene, it was Investigator
5 Hinson's scene.

6 Q. But you're shift lieutenant, aren't you?

7 A. I am.

8 Q. It's your job to enforce policy?

9 A. Yes.

10 Q. Doesn't the policy say that on these scenes,
11 the person in charge is the investigator or a
12 supervisor?

13 A. "Or."

14 Q. Is that what the policy says?

15 A. Yes.

16 Q. You're a supervisor?

17 A. Yes.

18 Q. So I'll ask you again. What steps did you
19 take to collect and preserve the evidence --

20 A. It's Investigator Hinson's scene at that
21 point.

22 Q. Did you see him take any steps to collect and
23 preserve evidence?

24 A. I was on the scene for five to seven minutes.

25 Q. Do you know who the first officer was on the

1 scene?

2 A. I'm not sure, I believe it was Investigator
3 Hinson.

4 Q. And you're saying, it's his job to take care
5 of all this investigation. You have no responsibility
6 for it, even if you see him doing something that's not
7 right, it's not your job to correct it?

8 A. I didn't see anything he was doing not right
9 that day.

10 Q. Did you see him take any photographs?

11 A. No.

12 Q. Did you take photographs?

13 A. No. I was there five to seven minutes.

14 Q. Did you notice if anybody put up crime scene
15 tape around the home, around the truck?

16 A. I did not.

17 Q. Did you see anybody collect any evidence off
18 the truck?

19 A. I did not.

20 Q. So not seeing any of this and realizing that
21 this is supposed to be a crime scene, this doesn't
22 strike you as odd and you don't question Officer Hinson
23 or Investigator Hinson about...

24 Hey, why aren't we taking these photographs?

25 Where's the crime scene tape?

1 Have you called forensic ID out here?
2 Any conversation with Officer Hinson about
3 that?

4 A. Nope. People were leaving.

5 Q. Was Mr. Truesdale on scene?

6 A. I'm not sure if he was there or not. I didn't
7 see him.

8 Q. You didn't see Mr. Truesdale anywhere on the
9 scene?

10 A. I did not see him, no.

11 Q. Did you ask Officer Hinson where he was?

12 A. I don't think I did.

13 Q. You did receive a call indicating he was the
14 suspect; correct?

15 A. Correct.

16 Q. Now, prosecution asked you about your
17 body-cam?

18 A. Uh-huh.

19 Q. Doesn't the sheriff's office have a policy
20 about the body-cam?

21 A. They do.

22 Q. Are you familiar with the policy?

23 A. I am.

24 Q. Do you need to refresh your memory on it?

25 A. I'm good.

1 Q. Isn't it true, that the sheriff's office has a
2 policy on this body-camera that requires you to have
3 that body-camera on when you go to these scenes?

4 A. It does.

5 Q. Did you turn that body-camera on?

6 A. I did not.

7 Q. Why didn't you turn the body-camera on?

8 A. Cause when I showed up, everyone was leaving.
9 Ambulance was loading Ms. Truesdale up and I just talked
10 to Mr. Hinson to see if he needed anything and then I
11 moved on.

12 Q. What, if anything, did Mr. Hinson tell you he
13 needed, anything?

14 A. He didn't say he needed anything.

15 Q. Isn't it a violation of policy not to turn the
16 body-camera on when you arrive on a scene?

17 A. It is.

18 Q. So you violated policy?

19 A. I guess so.

20 Q. Did you report that?

21 A. No, I did not.

22 Q. Did Officer Hinson report that?

23 A. I'm not sure if he did or not.

24 Q. Were you disciplined for not turning on your
25 body-camera?

1 A. I was not.

2 Q. Do you know if anybody had a body-camera on
3 that day?

4 A. I'm not sure if anybody on scene had a
5 body-cam.

6 Q. After you left the scene, did you have any
7 connection or follow-up on this case at all?

8 A. I did not.

9 Q. Did you write a report about your involvement
10 in this case with the initial incident?

11 A. I did not.

12 Q. Are you aware that your name appears on the
13 police report?

14 A. Yes.

15 Q. So you didn't sign that report?

16 A. No, I did not.

17 Q. You didn't write that report?

18 A. I Did not.

19 Q. Did you even review the report?

20 A. I did not.

21 Q. Do you know who put your name on it?

22 A. I'm not sure, whoever wrote the report.

23 Q. Do you know why they would put your name on
24 there?

25 A. Because I was on scene at some point.

1 Q. Why didn't they list all the officers on the
2 scene in the signature block, then just you?

3 A. There's probably more in the computer system.
4 But I guess the report you get only has two -- if you go
5 on the computer portion, it will show more.

6 Q. So there's part of this police report that
7 wasn't turned over to the defense?

8 A. I'm not sure. I don't know how it prints out
9 in our system, but it shows more on the computer than it
10 does on the print out.

11 Q. How many officers were on the scene that you
12 could remember seeing?

13 A. Investigator Hinson, Investigator Truesdale,
14 Investigator Darner and myself, is all I know.

15 Q. So there were four officers on this scene?

16 A. When I pulled up Investigator Darner and
17 Truesdale were leaving.

18 Q. Darner and Truesdale were leaving, Hinson's
19 still there?

20 A. Yes.

21 Q. You're there?

22 A. Yes, just showed up.

23 Q. Anybody else?

24 A. Not that I'm aware of.

25 Q. Who took care of the crime scene log?

1 A. I don't know if there was one or who did it.

2 Q. So you came to a scene where there was an
3 allegation of, a man attacked a women, and you don't
4 know anything about the crime scene log?

5 A. No. That was Investigator Hinson's scene.

6 Q. Did you leave that scene and go over to the
7 Behavioral Health Center?

8 A. I did not.

9 Q. Who did you send over there to secure that
10 scene?

11 A. I didn't send anybody over there.

12 Q. Why not?

13 A. Cause that's Investigator Hinson's call. It's
14 his scene.

15 Q. You are a certified law enforcement officer,
16 are you not?

17 A. I am.

18 Q. You are in charge of the shift?

19 A. In charge of the shift, correct.

20 Q. The chain of command is the sheriff, isn't it?

21 A. It is.

22 Q. And then it goes down to chief deputy?

23 A. Yes.

24 Q. And in between chief deputy and you, there's
25 captain?

1 A. Correct.

2 Q. You're running the shift?

3 A. I was running the shift, yes.

4 Q. Was your captain out there?

5 A. No, he was not.

6 Q. Was he working that day?

7 A. Yes.

8 Q. Was he called to the scene?

9 A. He was not.

10 Q. Was he in the office?

11 A. I'm assuming so. I don't know where he was.

12 Q. Was he answering calls?

13 A. No, he was not.

14 Q. Was the Investigations Division captain

15 working?

16 A. I'm assuming so.

17 Q. Does he answer any calls?

18 A. I don't think so.

19 Q. Was there any investigator working for -- a

20 lieutenant that was an investigator working that day?

21 A. I imagine he was. I'm not sure, you know, if

22 he was off of work or not.

23 Q. But you're sure the two captains were?

24 A. I'm sure my captain was.

25 Q. It's your position today that it's Officer

1 Hinson's responsibility for this entire case and you
2 take no responsibility for this case; is that correct?

3 A. Responsibility that -- yes. Yes, it was not
4 my case. He was the first one there. He was on scene.
5 It becomes his investigation scene.

6 Q. So if he didn't do any of these items, would
7 he be violating policy? If he didn't collect the
8 evidence, take photographs, pull footage from
9 body-cameras, put up crime scene tape, call forensic ID,
10 would he'd be violating policy by not collecting these
11 things?

12 A. If he did not collect them, yes, I guess so.

13 Q. Are you aware, after having reviewed this
14 case, that he didn't do anything of those things?

15 A. You'd have to ask Mr. Hinson what he did. I
16 don't know what Mr. Hinson did.

17 Q. You were called as a witness in this case.
18 I'm sure you reviewed it. Have you reviewed the police
19 report in this case?

20 A. I've skimmed over it. Yes.

21 Q. Did you see in there where he indicates he did
22 any of these things?

23 A. I know there's another portion that the public
24 doesn't get. There's notes in there. I don't know
25 what's in his notes. I don't know if he did any of the

1 things or not, you'd have to ask him.

2 Q. You're the lieutenant, you have access, you're
3 not the general public. Did you look to see?

4 A. I did not.

5 Q. Did you ask his supervisor to review this
6 case?

7 A. I did not.

8 Q. Would you agree this is a serious matter?

9 A. Yes.

10 Q. You haven't brought this to nobody's
11 attention?

12 A. Nope.

13 MR. LAUBSHIRE: Court's indulgence for one
14 moment, your Honor.

15 THE COURT: Yes.

16 MR. LAUBSHIRE: Judge, I have no further
17 questions for this witness.

18 THE COURT: Solicitor?

19 MS. HALL: Thank you.
20

21 **REDIRECT EXAMINATION**

22 **BY MS. HALL:**

23 Q. Where was Deputy Truesdale when you got there?

24 A. He was leaning on the truck, by passenger side
25 door.

1 Q. If you had your body-cam on -- you said, you
2 just said hello to her and that was it?

3 A. She either spoke to me or I spoke her, I can't
4 remember.

5 Q. Did you ask her any questions?

6 A. I did not.

7 Q. And was there any -- were the EMS people
8 attending to her when you were there?

9 A. They were involved and yeah, they were coming
10 up to her, yes.

11 Q. If you had had your body-cam on, would there
12 have been anything to report?

13 A. There would not have been.

14 Q. Are you Investigator Hinson's supervisor?

15 A. I am not.

16 Q. You are the supervisor of the road patrol?

17 A. Road patrol, correct.

18 Q. And am I correct or incorrect in saying, that
19 usually, what would happen is a deputy would respond and
20 then call in an investigator if one was needed?

21 A. Correct.

22 Q. Once a deputy does that and calls in an
23 investigator when one is needed, does the deputy
24 continue to supervise that scene?

25 A. No, ma'am.

1 Q. So you were just completely out -- but that's
2 not what happened here. Investigator Hinson was
3 actually the first one; correct?

4 A. Exactly.

5 Q. So you never would have been supervising that
6 scene at all?

7 A. Exactly.

8 Q. And is it possible to collect evidence when
9 none exist?

10 A. No.

11 Q. And do you put your crime scene up in every
12 situation?

13 A. No, ma'am.

14 MS. HALL: I don't have anything further.

15 MR. LAUBSHIRE: Judge, if I can, just as to
16 those three questions?

17 THE COURT: Yes, please.

18
19 **RECROSS EXAMINATION**

20 **BY MR. LAUBSHIRE:**

21 Q. Had you turned on your body-cam, would you had
22 been able to collect all the images of what you were
23 looking at, the house, the vehicle, Mr. Truesdale having
24 been there. Would you have been able to capture all of
25 that image?

1 A. Possibly, yeah.

2 Q. Would you be able to capture Mrs. Truesdale
3 leaving to go into the ambulance?

4 A. Maybe. Depending on -- because we were
5 standing behind the truck, depending on whether the
6 truck blocked the view or not.

7 Q. You would have been able to capture these
8 images or at least some of it --

9 A. Possibly.

10 Q. -- the friendly exchange between and you Mrs.
11 Truesdale; right?

12 A. Possibly, yes.

13 Q. As to the crime scene tape the prosector asked
14 you about. She asked you if you put up crime scene tape
15 in all cases?

16 A. Uh-huh.

17 Q. Your answer was that, you don't?

18 A. Correct.

19 Q. My understanding was that you didn't do that
20 in this case?

21 A. I did not.

22 Q. What steps did you take to collect or preserve
23 any evidence in this case?

24 A. You would have to ask Mr. Hinson that, it's
25 his scene.

1 Q. The answer is, you did nothing?

2 A. I showed up at the end.

3 Q. She asked if you were the supervisor. Are you
4 familiar with the difference between senior supervisor
5 and general supervisor?

6 A. Yes.

7 Q. Who is the ranking officer on that scene by
8 the ranking file of the sheriff's office in the chain of
9 command?

10 I have a copy if you'd like to review?

11 A. On scene, I would have been the highest
12 ranking, yes.

13 Q. You're in charge?

14 A. No, I was not in charge. Investigator Hinson
15 was in charge.

16 Q. But you're the highest ranking officer?

17 A. When we call investigation, it becomes their
18 scene.

19 Q. Doesn't the policy say, investigator or
20 supervisor, doesn't it say that?

21 A. "Or."

22 Q. I see. You're a supervisor?

23 A. Yeah.

24 Q. If you had given him an order to collect
25 evidence, take photographs, draw a sketch, call forensic

1 ID, should he have done it?

2 A. Yeah, but I was there five minutes and showed
3 up at the end.

4 Q. My question is, if you gave him the order to
5 do it, would he have to do it?

6 A. I'm sure he would run it by his supervisor.

7 Q. Would he be in trouble if he didn't listen to
8 your direct order to do these things?

9 A. We would discuss it with his supervisor.

10 Q. Would you have reported that?

11 A. I would have talked it to his supervisor, yes.

12 Q. He would have been in trouble?

13 A. It depends. I don't know, never happened
14 before.

15 Q. You never had an officer not follow your
16 direct orders?

17 A. Not from investigations, no.

18 Q. In this case you didn't give any orders, did
19 you

20 A. No.

21 MR. LAUBSHIRE: Thank you. No further
22 questions.

23 MS. HALL: I don't have anything else.

24 THE COURT: Thank you officer. You may step
25 down. Anything -- is he released?

1 MS. HALL: Yes, please.

2 THE COURT: Any objection?

3 MR. LAUBSHIRE: No objection, your Honor.

4 THE COURT: Lieutenant, you may stay or go,
5 whichever you choose.

6 MS. HALL: The State calls Jennifer Johnson.

7

8 J.E.N.N.I.F.E.R. J.O.H.N.S.O.N, the Witness herein,
9 having been sworn by the Clerk of Court, was examined
10 and testified as follows:

11

12 THE COURT: Ma'am, if you feel comfortable you
13 may lower your mask, otherwise you can wear it while
14 you're testifying. But if you feel comfortable, you may
15 lower it

16 MS. JOHNSON: I'm good, thank you. I'm good.

17 THE COURT: All right, thank you.

18 Will you tell us your name and spell your last
19 name please?

20 MS. JOHNSON: Jennifer Johnson, J-O-H-N-S-O-N.

21 THE COURT: Thank you Ms. Johnson.

22 Solicitor?

23 (State's Exhibit 4, Surveillance video,
24 was marked for Identification.)

25

DIRECT EXAMINATION

BY MS. HALL:

Q. Ms. Johnson, are you employed at Behavioral Health Services?

A. I am.

Q. Is that located here in Fairfield County?

A. It is.

Q. What is your job there?

A. Officer manager.

Q. In your duties at behavior health as the office manager, do you have access to the surveillance video camera?

A. I do.

Q. And are you able to pull videos off of that and show them as requested?

A. I am.

Q. I am going to show you what's been marked as State's Exhibit 4 and I want you to tell me if you recognize this?

A. I do.

Q. And did you have the opportunity to review it before coming to court today?

A. Today, no.

Q. Have you had an opportunity to review this before, like, at some point in time before coming to

1 court?

2 A. Yes. Yes.

3 Q. Did you -- is this the -- what is it?

4 A. It's an incident that occurred in our parking
5 lot where a person was coming to the scene and they were
6 getting out of a vehicle and they ended up on the
7 ground.

8 Q. That was on June 18, 2021?

9 A. Yes.

10 Q. Were you requested by law enforcement to
11 provide the video to them?

12 A. I was.

13 Q. And did they come to your office and record it
14 on your computer screen there?

15 A. They did.

16 Q. And does this disc contain that recording?

17 A. Yes.

18 Q. And at some point in time, were you requested
19 to pull it off the actual system and provide a disc?

20 A. That's correct.

21 Q. And were you able to do so?

22 A. Not at that time because it had expired and
23 then deleted.

24 Q. But as I stated before and I asked you before,
25 you stated that this is an accurate recording of the

1 surveillance from June 18, 2020?

2 A. Correct.

3 MS. HALL: Your Honor, at this time State
4 moves 4 into evidence.

5 MR. LAUBSHIRE: Judge, can we approach?

6 THE COURT: Yeah.

7 (A brief discussion was held off the
8 record.)

9 MS. HALL: Your Honor, at this time the State
10 moves exhibit 4 into evidence.

11 THE COURT: State's 4 in evidence, over your
12 objection.

13 MR. LAUBSHIRE: Thank you, your Honor.

14 (State's Exhibit 4, surveillance disc,
15 was entered into evidence.)

16 MS. HALL: No further questions at this time.
17 I would reserve the right to publish this at a later
18 time, your Honor.

19 THE COURT: Yes, ma'am.

20 MS. HALL: Thank you.

21

22 **CROSS EXAMINATION**

23 **BY MR. LAUBSHIRE:**

24 Q. Did you watch this event on video?

25 A. I did.

1 Q. You didn't see it actually happen in realtime?

2 A. That's correct.

3 Q. Were you watching it simultaneously on the
4 video as it happened or did you have to go back and find
5 it?

6 A. Go back and find it.

7 Q. There's noway for you to determine whether
8 that actually is an accurate reflection of what
9 happened, because you didn't really actually see it,
10 only what the video shows you; right?

11 A. That's correct.

12 Q. So anything that happens on the other side of
13 the truck, you can't see any of that?

14 A. No.

15 Q. Were you the one that called 911?

16 A. I was not.

17 Q. Do you know who did?

18 A. I do.

19 Q. What call 911?

20 A. Counselor, Ms. Steele.

21 Q. Whatever happened to the actual video?

22 A. It was deleted.

23 Q. Did you take any steps to try to preserve it?

24 A. Not at the time, no. We didn't know we would
25 need it later.

1 Q. Did the police ask you to preserve it?

2 A. No.

3 Q. You were working that day when this happened?

4 A. Correct.

5 Q. Did the police come to your work and talk to
6 you?

7 A. That day?

8 Q. That very day.

9 A. No.

10 Q. Did any police go -- did you notice police out
11 in the parking lot?

12 A. That particular day they did come to the
13 office, yes, but not talked to me.

14 Q. They did come to the office?

15 A. Yes.

16 Q. Who did they talk to?

17 A. I don't remember.

18 Q. And this is on the date of the incident, June
19 18th?

20 A. Yes.

21 Q. Do you know which officers came?

22 A. I do not.

23 Q. And you don't know who they talked to?

24 A. I do not.

25 Q. How do you know they came to the office?

1 A. I saw the vehicles.

2 Q. How many vehicles did you see?

3 A. I don't recall.

4 Q. Did you see any officers?

5 A. Yes.

6 Q. How many?

7 A. I think two, if I'm not mistaken.

8 Q. Were they in uniform or plain clothes?

9 A. I don't remember.

10 Q. How'd you know they were officers?

11 A. They were in the car, in the vehicle.

12 Q. They were sitting in the car?

13 A. No. They came in and spoke with someone.

14 Q. Was the car marked or unmarked?

15 A. I don't remember that.

16 Q. How did you know it was the police car?

17 A. It was discussed. We do debrief when things

18 happen as the agency, so it was debriefed.

19 Q. So someone told you they were there?

20 A. I saw it on the camera afterwards, but I don't

21 remember if it was a marked or unmarked car.

22 Q. You saw officers come. You're not sure if the

23 car is marked or unmark, if they're in uniform or out of

24 uniform and you're not sure how many?

25 A. Correct.

1 Q. You're also not sure who they talked to?

2 A. I'm sure they spoke with the person at the
3 front. I don't know if they spoke with any counselor,
4 which I'm sure they did, since she was the one that
5 called, but to say for sure, no.

6 Q. Could they have been there for any other
7 reason?

8 A. No, not that particular time. No.

9 MR. LAUBSHIRE: No further questions for this
10 witness, your Honor.

11 THE COURT: Yes, sir.

12 MS. HALL: Nothing further. We'd ask if she
13 could be excused from her subpoena.

14 THE COURT: Any objection?

15 MR. LAUBSHIRE: No objection, your Honor.

16 THE COURT: Ma'am, you may stay or go, which
17 ever you choose. Be careful, please.

18 MS. HALL: We'd call Chris Darner.

19

20 C.H.R.I.S.T.O.P.H.E.R. D.A.R.N.E.R, the Witness herein,
21 having been sworn by the Clerk of Court, was examined
22 and testified as follows:

23 THE COURT: Sir, if you will adjust the
24 microphone and if you choose, you may lower your mask,
25 or otherwise you may wear it.

1 If you can tell us who you are and spell your
2 last name please.

3 MR. DARNER: Okay. My name is Chris Darner.
4 Fairfield County Sheriff's office, D-A-R-N-E-R.

5 THE COURT: Thank you.

6 Solicitor?

7 **DIRECT EXAMINATION**

8 **BY MS. HALL:**

9 Q. Investigator Darner, were you employed with
10 the sheriff's department back on June 18, 2021?

11 A. Yes, ma'am.

12 Q. In what capacity?

13 A. I was an investigator.

14 Q. How long had you been an investigator?

15 A. Not long. I had come from narcotics in March.

16 Q. So, just about three months?

17 A. Yes.

18 Q. And did you respond to this incident on June
19 18, 2021?

20 A. Yes, ma'am.

21 Q. Could you describe for the jury how you
22 responded and what you saw?

23 A. We heard the call go out, and myself and Brad
24 Truesdale were riding together. And we had went to the
25 scene on Oak Street, just behind Investigator Hinson.

1 So, we arrived, Hinson had already made it to the truck
2 and where she was, and we were coming up behind him just
3 a short time later.

4 Q. Were you and Investigator Brad Truesdale
5 riding together?

6 A. Yes, ma'am.

7 Q. So, you got there at the same time in the same
8 car?

9 A. Yes, ma'am.

10 Q. What, if anything, did you do once you arrived
11 on scene?

12 A. Once arrived on scene there was some
13 confrontation, just some arguing back and forth. I
14 think she was on the ground beside the truck.

15 Q. Just to make things real clear. When you say
16 "she" are you talking about Stephanie Truesdale?

17 A. Yes, Ms. Truesdale's on the ground.

18 Q. And when you say there was some arguing in
19 between, I mean, who was involved at this point?

20 A. She was -- Stephanie was -- I'm talking about,
21 she was hurt. She was holding her back and they were
22 trying to talk to her and Jeff was upset. So, I took
23 the position of separating. They teach us in the
24 academy to separation on like a domestic. So, I
25 separated them at that time and took Jeff down his

1 driveway and started talking to him, Mr. Truesdale.

2 Q. And do you remember -- you said that there was
3 arguing. Who was trying to talk to her, Ms. Truesdale?

4 A. Well, there was, at that time, I believe
5 Investigator Goodwin had gotten there and a couple other
6 officers, and they were talking to her. And I saw Jeff
7 was upset, so I took him off and down the driveway.

8 Q. When you say, "he's upset" how do you know?

9 A. He was just upset. I don't think -- he was
10 angry, but he was more, I guess, he's kind of agitated.
11 He was moving around a lot and that's why I decided he
12 needs to get away from this situation. And I can bring
13 him over here to where the driveway was and he could
14 talk to me, kind of get his mind off what's going on
15 over there, so that they can do their job. We were
16 waiting on EMS to -- so we had to called EMS to come
17 out.

18 Q. When you say, you took him around the
19 driveway, at this point in time approximately, how --
20 when you first got there, approximately, how far away
21 from him was she -- away from her was he. From
22 Stephanie to Jeff, like, how close together were they?

23 A. They weren't that close together maybe 10, 15
24 feet. When I addressed him, we were in front of his
25 truck in the driveway.

1 Q. And when you took him away, about how far away
2 were they at that point?

3 A. Probably about midway down his driveway, it's
4 not far. Maybe, we were -- maybe 20, 30 feet away from
5 where she was.

6 Q. So did he -- while you guys -- you said you
7 took him off and you talked with him?

8 A. Yes, just trying to -- so they can work.
9 Sometimes you can remove two people and things will calm
10 down. Deescalate is what it's called.

11 Q. He didn't make any statements to you?

12 A. No. Nothing about -- of course we talked, but
13 it was more like,.

14 "Jeff, what's going on?" "Are you all right?"

15 He's like, "Man, Chris, you know."

16 And I've known Jeff for a long time. He never
17 made any statements, as far as, what happened. I think
18 he stated they had been arguing earlier that day, but I
19 mean, couples argue. I think that's what we talked
20 about. And then, he was -- we were moving a lot and I
21 tried to stay in between him and her.

22 Q. Why were you moving lot?

23 A. I guess just agitation we moved, just moved
24 around.

25 Q. What?

1 A. When someone's agitated, we move around with
2 them.

3 Q. You walk him, kind of?

4 A. They walk. So just back and forth, you know.

5 Q. So, you were just walking with him as he
6 moved?

7 A. Yeah. We wouldn't walk far. We'd move and
8 then when the ambulance got there, I think -- when the
9 ambulance got there they started to address her and it
10 was a short time after that that she was taken out on
11 the EMS bus.

12 Q. And at some point in time did you leave the
13 scene?

14 A. Yeah, shortly after that.

15 Q. Where was Mr. Truesdale, Jeff Truesdale at
16 that time?

17 A. I believe he was talking back over at the scene
18 with Hinson by the truck. When we left, me and
19 Investigator Truesdale, went to another -- we went to
20 the office.

21 Q. Did you -- what made you decide that that
22 was -- like, at some point, you and Jeff Truesdale have
23 to separate from one another. What was the catalyst
24 behind that, what made that happen?

25 A. The victim was gone. Ms. Truesdale was gone.

1 Q. So, she was leaving?

2 A. Yeah.

3 MS. HALL: Please, answer any questions Mr.
4 Laubshire may have.

5 MR. DARNER: Thank you.

6 THE COURT: Yes, sir.

7

8 **CROSS EXAMINATION**

9 **BY MR. LAUBSHIRE:**

10 Q. How would you like me to address you
11 investigator or deputy?

12 A. You can call me either, deputy is fine.

13 Q. Were you present on June 18th when this
14 incident happened at the Behavioral Health facility?

15 A. No, sir. I was not.

16 Q. But you arrived at the --

17 A. Oak Street.

18 Q. -- home?

19 A. Yes, sir.

20 Q. You said you were riding with another officer.
21 Is that Officer Truesdale you were riding with?

22 A. Yes, sir.

23 Q. Why were you riding with him, were you guys
24 partners?

25 A. Sometimes investigators ride together.

1 Q. This particular date, do you recall there
2 being a heavy amount of radio traffic, people being very
3 busy?

4 A. Not to my knowledge. I don't remember a lot
5 of radio traffic.

6 Q. Anyone contact you or ask you to assist or
7 start answering some of these calls?

8 A. I don't remember that. I know we went to Oak
9 Street.

10 Q. Were there other calls that you need to go to
11 right after that, is that why you left?

12 A. No. We went back to the office.

13 Q. So this wasn't a particular busy day?

14 A. Not to my knowledge. We was probably doing
15 follow-ups.

16 Q. Ever receive a call from any captain or any
17 supervisor saying, we need you to go answer this call or
18 that call or any call?

19 A. No, sir. We took it upon ourselves to go.

20 Q. Do you recall how the call was given out at
21 dispatch?

22 A. No, I don't.

23 Q. When you get to the scene, is Lieutenant White
24 on the scene already or is he not there yet?

25 A. No, sir. He's not there yet. I believe he

1 came after us.

2 Q. And just moments ago you testified that you
3 had talked to Hinson who was talking to Officer White;
4 that correct?

5 A. No, I don't believe Officer White had got
6 there yet.

7 Q. I'm sorry, I jumped way ahead. My fault, I
8 apologize.

9 After the ambulance had left, you testified
10 that you had walked up and talked to Hinson who was
11 talking to Lieutenant White?

12 A. Yeah. Well, he was talking to whoever was
13 left the at truck. She was gone and I think -- I don't
14 know where Truesdale, he had went over to her. Excuse
15 me, where Hinson was, Investigator Hinson. And I asked
16 if Investigator Hinson if he needed us, and me and Brad
17 went to the office. I wasn't there very long.

18 Q. Did you go to the Behavioral Health facility?

19 A. No, sir. I did not.

20 Q. Do you know who went over there?

21 A. No, sir. Not at that time.

22 Q. Now, when Hinson was talking with White and
23 you?

24 A. Uh-huh.

25 Q. Truesdale was standing there as well?

1 A. I think he had walked through the house one
2 time. And I think he did come out and was, kind of,
3 around us while they were all talking to him I think.

4 Q. Did Hinson talk with Truesdale, Jeffrey
5 Truesdale, about what happened?

6 A. That, I don't recall. I know he had talked to
7 me. It was very short, me and Truesdale -- Investigator
8 Truesdale left.

9 Q. Did you see Lieutenant White talking to
10 Jeffrey Truesdale?

11 A. No. I didn't see him talking, but they were
12 in the area.

13 Q. They were on the scene together at some point?

14 A. I believe they were, yes.

15 Q. You are an investigator?

16 A. Yes, sir.

17 Q. You understand how important it is to collect
18 evidence --

19 A. Yes, sir.

20 Q. -- for a crime. You went to this house
21 because of an alleged crime; right?

22 A. Yes, to assist.

23 Q. What assistance did you give to Officer
24 Hinson?

25 A. When I got on the scene, Mr. Truesdale was

1 upset and angry and the deescalation -- I took the job
2 as the deescalating officer. I separated them so that
3 they ca work and that was my job. That's what I did.

4 Q. Did you take a statement from Mr. Truesdale
5 about what happened?

6 A. No.

7 Q. Did you ask him for a statement?

8 A. I don't believe I asked him for a statement.

9 Q. Did you write a report about your interactions
10 with Mr. Truesdale?

11 A. I wrote a supplement.

12 Q. You submitted the supplement to the sheriff's
13 office?

14 A. Yes, sir. It should be in the report.

15 Q. Do you have a copy of that with you today?

16 A. Yes, sir.

17 Q. Can I see that document?

18 A. Yes.

19 MR. LAUBSHIRE: May I approach, your Honor?

20 THE COURT: Yes, sir.

21 MR. DARNER: I don't have my glasses. I'm
22 sorry. 6/18/2021 - Investigator Darner.

23 Q. (BY MR. LAUBSHIRE) This section of the report
24 that talks about you responding to the scene where Ms.
25 Truesdale was.

1 A. Yes, sir.

2 Q. You wrote this part of the report?

3 A. Yes, sir.

4 Q. How come only Officer Hinson and Officer White
5 signed it?

6 A. I'm just attached to it.

7 Q. You're just attached to it?

8 A. Yes, sir. The investigating officer on the RMS
9 system, you can put in as many as you want, but we're
10 all attached to it when we do a supplement on it.
11 That's why you have to put the investigator who's
12 writing the supplement.

13 Q. And that's why these are all in the supplement
14 3, 4, 5, 6, 7?

15 A. Yes, sir.

16 Q. Other than that report, did you write any
17 other reports in this case?

18 A. No, sir.

19 Q. Take any photographs?

20 A. No, sir. I did not take any photographs.

21 Q. Did you participate or assist with the crime
22 scene log?

23 A. No, sir.

24 Q. Set up any crime scene tape?

25 A. No, sir.

1 Q. Call forensic ID?

2 A. No, sir.

3 Q. Start recording with any kind of recording
4 device whether it be audio or video --

5 A. No, sir.

6 Q. -- of anything on the scene?

7 A. No, sir.

8 Q. No statements were recorded either?

9 A. No, sir.

10 Q. Are you assigned a body-camera?

11 A. No, sir.

12 Q. You don't have one?

13 A. No, sir. We're not required to carry them.

14 Q. How far from the sheriff's office are you?

15 A. That address, we're not that far.

16 Q. Is it half a mile, quarter mile, can you see
17 it from the sheriff's office?

18 A. You can't see it. You can see the driveway up
19 to it. The road going to the -- the building, yeah, I
20 guess you can.

21 Q. Did you request anybody come down there with a
22 body-camera so they could start recording?

23 A. No, sir. Not at that time. No, sir.

24 Q. Did it strike you as odd that nobody was
25 collecting evidence in this case as an investigator?

1 A. Like I said, when I got there I took on the
2 role of deescalation and the separation. And that's
3 what I was concentrating, on Jeff.

4 Q. Who assigned you that task?

5 A. I took it upon myself. I told Investigator
6 Hinson on the scene, I can separate Jeff. He said, that
7 would be fine. I went ahead to do that, so he could work
8 on Ms. Truesdale.

9 Q. Did you ever question anybody, as in the other
10 officers or supervisors --

11 A. No, sir.

12 Q. -- as to why no evidence was being collected?

13 A. No, sir.

14 Q. And you're aware this call was about a man
15 attacking a women?

16 A. Yes, sir.

17 Q. And the person who supposedly did it is on
18 scene?

19 A. Uh-huh.

20 Q. I find it shocking nobody arrested anyone?

21 A. No, because at that time, we didn't know what
22 we had and I knew that there was some aggression there
23 and I took the job of separating and deescalation.

24 Q. Did you ever talk to Ms. Truesdale?

25 A. No, I never talked to Ms. Truesdale.

1 Q. So, it's possible that no one was doing any of
2 this because she told the officers it was an accident?

3 A. I didn't hear that.

4 Q. Is there any other reason why people wouldn't
5 be treating this as a crime scene?

6 A. Not to my knowledge.

7 Q. Is it typical for the sheriff's office to
8 respond to crime scenes --

9 A. Yes, sir.

10 Q. -- and not collect evidence?

11 A. Well, we had the evidence that there was
12 another crime scene. That's where it occurred, being at
13 that other place.

14 Q. So, you responded there to secure that crime
15 scene?

16 A. No.

17 Q. Who did?

18 A. Like I said, I don't know who took that role
19 at that time. I took the job with Jeff. The task at
20 hand was to calm -- somebody had to calm down Jeff and
21 talk to Jeff.

22 Q. So, the incident that happened at Behavioral
23 Health is crime scene one?

24 A. Yes.

25 Q. The secondary crime scene is at the home?

1 A. Right.

2 Q. That also is the crime scene?

3 A. Yes, sir.

4 Q. But no one took any initiative to treat it
5 like a crime scene; isn't that true?

6 A. I didn't take initiative because that wasn't,
7 in particular, what I needed to do, at the time. My job
8 was to get with Jeff and calm Jeff down and talk to
9 Jeff.

10 Q. Did you direct anybody to take that
11 initiative?

12 A. No, I did not.

13 MR. LAUBSHIRE: I have no further questions of
14 this witness, your Honor.

15 THE COURT: Thank you.

16 Solicitor, anything?

17 MS. HALL: No, sir.

18 THE COURT: Officer, you may step down.
19 Please be careful. Is he released?

20 MS. HALL: Yes, sir.

21 THE COURT: Any objection to him being
22 released?

23 MR. LAUBSHIRE: Judge, I do have one matter I
24 would like to take up with the Court outside the
25 presence of the jury, before he's released, if possible.

1 THE COURT: Okay. Stay with us then. You may
2 step down, just stay with us.

3 Is there another witness?

4 MS. HALL: There are other witnesses. I think
5 we had discussed scheduling earlier and I'm not going to
6 be able to get through it in 20 minutes.

7 THE COURT: Okay. I didn't know if it was
8 another short one.

9 MS. HALL: I have -- I plan on putting up
10 another witness. I don't have confidence that -- it may
11 take 15 minutes but...

12 THE COURT: Okay. Madam Forelady, and ladies
13 and gentlemen, we're going to break for lunch until
14 2:15. Please be in place at 2:15. That gives you a
15 good hour and almost 20 minutes or so. And don't talk
16 about the case. You're going to lunch and you're
17 working and the last thing you want to talk about is
18 work when you go to lunch.

19 (Jury exited the courtroom.)

20 THE COURT: Counselor, you have something?

21 MR. LAUBSHIRE: Yes, Judge, I do. Earlier this
22 morning, Investigator -- I'm sorry, Lieutenant White,
23 that's the investigator I'm talking about. Investigator
24 White indicated that there were documents that weren't
25 available to the public that were supplemental. We

1 haven't received any notice of anything like that in
2 this case. But he indicated that they exists. At that
3 point, I didn't have anything to go on to make a motion
4 before the Court for the violation of Brady, Rule 5.
5 But when I interviewed or cross examined, I'm sorry.
6 The other investigator in this case. And I asked him if
7 he wrote a report, the reason I asked him that is
8 because I didn't have any indication he wrote a report.

9 Judge, I have a police report here, in this
10 case. That says page 1 of 3, 2 of 3, 3 of 3. It's the
11 official police report in this case. When I asked the
12 investigator to provide me a copy of that report and I'd
13 ask him now, to provide me a copy of that report that he
14 has in this case. Matter of fact, may I see that, sir?

15 Judge, this report is 5 pages long and does
16 not end where mine ends. It continues on and has 9
17 supplemental entries into it. We were never provided a
18 copy of it including drugs that were seized at the
19 scene. We never heard anything about drugs being seized
20 at the scene, marijuana, methamphetamine. This was
21 never told to us pretrial.

22 We made a Brady motion, we made a Kyles
23 motion, we made a Rule 5 motion in this case. There is
24 a ton of information that existed in this case that was
25 never provided to the defense. How are we supposed to

1 have a fair trial if they're keeping evidence from us.
2 This is their copy, nine pages with tons of information,
3 nine supplementals and here's our copy. And I submit to
4 you that not only are they longer, they're different.
5 They're flat out different. I would like, your Honor to
6 examine them.

7 THE COURT: I'm gonna look at them.

8 Solicitor?

9 MS. HALL: Yes, sir. I have a 3 page report.
10 That's what I have. I don't have any idea about what
11 he's talking about. I never received that either. I
12 have -- and I've had no indication that there was
13 anything longer, because it says page 1 of 3, page 2 of
14 3 and page 3 of 3, this is all I have. And it ends with
15 Investigator Darner's statement. I mean, I don't -- I
16 could look at that. I don't have any idea what he's
17 talking about.

18 MR. LAUBSHIRE: It even had a second entry for
19 drug violations.

20 MS. HALL: Can I get a copy?

21 THE COURT: Yeah, we're going to get some
22 copies.

23 MS. HALL: Thank you. And I believe -- to
24 further speak to this, and I've been told and I don't
25 have a copy of it. I've been told what it is. And I

1 don't know this, but what I've been told is, the
2 supplements that go past the third page, which is when
3 Investigator Darner talks about the deescalation
4 conversation. That at some point -- Mr. Truesdale --
5 there was a warrant for his arrest that was issued and
6 I'm trying to remember exactly what day it was, but
7 regardless, I think about the 21st. And about five days
8 -- they were looking for him. And actually, at some
9 point in time, I had a conversation with Mr. Laubshire
10 about this on the phone while the situation was going on
11 because he was representing Mr. Truesdale on other
12 things. And it's my understanding that the supplements
13 go -- Mr. Truesdale kind of barricaded himself in his
14 house and the officer's went to get him out of the house
15 and that's when the drugs were found in the house, which
16 again, is five or six days after -- well, it's probably
17 like eight days after the actual incident occurred. So
18 it would not be material to this case at all.

19 THE COURT: Can I get a copy of this please.
20 Actually, a couple of copies.

21 Let me ask this, I know there's some other
22 matters that don't pertain to this, and you represent
23 him on both. Does that address those, and I don't know?

24 MR. LAUBSHIRE: Judge, I don't believe that is
25 the case. I represent him on cases that occurred prior

1 to this --

2 THE COURT: Prior to this.

3 MR. LAUBSHIRE: -- nothing after. And there's
4 some cases in between those first incidents and this
5 that I don't represent him on, but nothing after the
6 fact.

7 THE COURT: Okay. Is he represented on those
8 charges, when they went back and found the pills?

9 MS. HALL: My understanding is, he was never
10 charged.

11 THE COURT: He was not charged.

12 MS. HALL: He was never charged. It was seized
13 when they went to get him out of the house.

14 THE COURT: But they went -- I know, but they
15 went and searched the house later and got pills.

16 MS. HALL: He was never charged. They just
17 took the drugs and didn't do anything with that. He was
18 already in custody. They didn't assign any warrants or
19 file any warrants or charge him with anything with
20 regards to those pills or drugs or whatever they were.

21 THE COURT: Okay.

22 MS. HALL: I will tell the Court, that was --
23 I've talked with Investigator Hinson and what
24 Investigator Darner has, was never a part of
25 Investigator Hinson's file. That is all -- he was not

1 involved with that part of it. In my understanding in
2 talking with him, and the Court can ask him, but I'm
3 just trying to tell you the information that's out
4 there.

5 THE COURT: Okay. Anything further so I can
6 release this witness and then we're gonna talk off the
7 record.

8 MR. LAUBSHIRE: Nothing further from this
9 witness, your Honor.

10 THE COURT: Sir, you may stay or go, whichever
11 you choose. Thank you.

12 We will be in recess until 2:15. Let me see
13 the lawyers.

14 (Whereupon, Court was in lunch recess.)
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1 THE COURT: We're back on the record in the
2 State versus Jeffrey Ross Truesdale, Sr., and before we
3 broke we had an issue.

4 Defense counsel?

5 MR. LAUBSHIRE: Yes, your Honor. The last
6 issue we had was the police report. We were provided a
7 copy with a 3 page police report, when in fact, it was a
8 5 page police report. We addressed it on the record and
9 then a short sidebar. And at this time, we're moving to
10 suppress the remaining pages of the police report that
11 were not turned over or in the alternative dismiss the
12 case for violation of Brady, Rule 5 and Kyles.

13 THE COURT: Solicitor?

14 MS. HALL: The State has no objection as to
15 the suppression of those pages.

16 THE COURT: Yes. We talked about that in
17 chambers and at sidebar and in chamber too. The Court
18 indicated and I will now, do it. Anything that is past
19 -- what defense counsel had, I think it's item 3, is
20 hereby suppressed and will not been used in the trial of
21 this case.

22 Also, my law clerk looked this up, a true
23 violation of Brady occurs and three things are required.

24 "The evidence at issue must be favorable to
25 the accused, either because it is exculpatory or

1 impeaching." And it's not this anyway.

2 "The evidence must have been suppressed by the
3 State either willfully or inadvertently and prejudice
4 must have ensued." That's *Strickler versus Green* at,
5 527-US-263 of our Supreme Court. But nonetheless, it's
6 my objection everything pasted what defense counsel has
7 is hereby suppressed and will not be used. I understand
8 there are no charges pending on that anyway, but if
9 there were, I would suppress that in those cases as
10 well.

11 Also, I'll put on the record, I've cautioned
12 -- not cautioned the solicitor's office, I've told the
13 solicitor's office, to caution everyone who is providing
14 information, to ensure that they get that information to
15 the solicitor's office in a very timely manner, so the
16 solicitor can turn that information over to defense
17 counsel, because you're entitled to it.

18 MR. LAUBSHIRE: Thank you, your Honor.
19 Another motion we made before --

20 THE COURT: Photographs?

21 MR. LAUBSHIRE: Was as to the foundation of
22 the video in this case. We'd move to suppress the video
23 on the basis of foundation. The person who saw it was
24 -- only saw it on video, never saw it in real life and
25 can't authenticate it. She has no idea if it's an

1 accurate reflection of what occurred. The person who
2 should lay that foundation should have been
3 Mrs. Truesdale, because she was the one who was there
4 and can view that video and tell us, it's an accurate
5 reflection.

6 So we'd move to suppress that video for lack
7 of foundation.

8 THE COURT: Solicitor?

9 MS. HALL: Thanks, your Honor. The lady who
10 came to testify, she's keeps, in just the normal course
11 of business, the records, and has access to the
12 surveillance videos, and various videos at Fairfield
13 Behavioral Health Clinic. She came to testify in that
14 capacity. She testified that she had seen -- she had
15 shown it to law enforcement and she had seen it at that
16 time. And the video that we put into evidence,
17 accurately depicts the scene as she saw it on the video.
18 She's never claimed it ever accurately depicted what
19 happened, she didn't know. All she knows is what was on
20 the video and that the video that she saw that day with
21 law enforcement, is the video that was then put into
22 evidence. She was here under Rule -- I believe it's
23 1000 --

24 THE COURT: 1000.1.

25 MS. HALL: One.

1 THE COURT: Four.

2 MS. HALL: Four. It's 1001.4.

3 THE COURT: I'm sorry. It's 1001.4.

4 MS. HALL: In that she was the person who was,
5 in fact, in the best position to lay the proper
6 foundation. She was the person who had control and
7 access to that video -- surveillance video.

8 THE COURT: She testified she was the business
9 -- office manager. And therefore, that would be a
10 record kept in the ordinary course of business and Under
11 Rule 1001, Subparagraph 4 a "duplicate is a counter part
12 produced by the same impression as the original and will
13 be introduce."

14 Also, there seem to be no -- under Rule 1003,
15 under, Admissibility of Duplicates. "There is no
16 question as to it's genuineness -- of the authenticity
17 of the genuineness of the original or circumstances to
18 where it would be unfair to admit a duplicate in lieu of
19 the original."

20 As we talked at sidebar, even if it were on
21 the cloud itself, the original, any download of that
22 would necessarily have to be a duplicate to be
23 introduced in the court, it represented whatever was on
24 that. The jury can believe it or disbelieve it, however
25 they choose.

1 MR. LAUBSHIRE: Thank you, your Honor.

2 THE COURT: Seems like you had something else,
3 maybe not?

4 MS. HALL: We talked about an expert and I
5 don't know if that's even something --

6 THE COURT: No, you're right. That resolved
7 itself.

8 MR. LAUBSHIRE: Yes, your Honor.

9 THE COURT: Anything else?

10 MS. HALL: The thing about the possibility of
11 what happened with the defendant coming up the elevator.
12 That was the only other thing.

13 THE COURT: We've already put that on the
14 record, but if you want to be heard on that, we can do
15 that.

16 MS. HALL: No, no. I didn't realize we put it
17 on the record. I forgot.

18 THE COURT: Yes, we moved over so it would be
19 on the record.

20 MS. HALL: Thank you.

21 THE COURT: The --

22 MR. LAUBSHIRE: I thought the stuff we put on
23 the record was, who talked to the witness, Ms.
24 Truesdale.

25 I think the prosecution is actually correct. I

1 don't recall putting the issue on the record. For the
2 record, the jury pool saw the defendant in --

3 THE COURT: Okay, that's what we're talking
4 about. That was Ms. Truesdale. Okay. You want to be
5 heard on that?

6 MR. LAUBSHIRE: Yes, your Honor. At the start
7 of this trial, we did a sidebar as the issue related to
8 Mr. Truesdale being observed by the jury pool in
9 handcuffs in a belly chain and ankle chain. Although,
10 he wasn't in jail uniform, he was in the clothes he's
11 wearing now. It would be unfair and prejudicial for the
12 jury to see him in that light prior to the trial. It is
13 almost like they can presume that he's; one, dangerous
14 and two, probably guilty as to being restrained and
15 ushered into the courtroom or a holding facility in
16 those restraints. So I asked, your Honor to, at that
17 point before the jury this morning, I asked your Honor
18 to excuse the jury because of that issue.

19 THE COURT: Solicitor?

20 MS. HALL: Unless we do a little further
21 investigation. I know we spoke to Officer Pauling. Who
22 said that he has seen the defendant come up the
23 elevator, he brought him up the elevator or somebody
24 did, and he wasn't sure if the jury -- there were no
25 jurors in the hallway. He was unclear if the door was

1 open or not and the bailiff who sits out -- Ms. Arleen,
2 I don't know -- Smith is her last name, I think. She
3 came in and she talked to the Court and explained to the
4 courtroom that, the jurors were all in the room and that
5 the door might have been opened but they were all in
6 there. And spoke -- I did -- actually Karen, she's one
7 of the security officers, deputies. She came and gave
8 me a little bit more information, which I'll pass on as
9 well. When Mr. Truesdale got to the Courthouse today,
10 he was complaining of neuropathy in his feet. He had to
11 come up a few steps to get into the courthouse and she
12 was afraid to bring him up the stairs, which is what
13 they normally do to avoid that door. In order to get
14 him here safely, since he was having problems walking,
15 she asked Pauling to bring him up the elevator and
16 that's the reason he was in that elevator to begin with.
17 I just wanted the Court to know that. It doesn't seem
18 any jurors were commingling with him from what I've been
19 told, that's the...

20 THE COURT: Yes. Well, the Court inquired
21 about that from the officers, as well as, a couple of
22 bailiffs and understand that the door may have been
23 open, but there were no commingling and he passed by the
24 door, but there were no commingling, no conversations
25 had and he did not linger in the hallway whatsoever.

1 And he was not then and he is not now, dressed out in an
2 orange jumpsuit or something of that nature.

3 So, the Court finds no violation of a show of
4 force or any other right.

5 MR. LAUBSHIRE: Judge, as part of this motion,
6 I think it's -- I think I need to swear my client in and
7 have him testify about what he did when he got off the
8 elevator and what interactions he had with this jury.

9 His recollection and their recollection, is a little bit
10 different. In that, he tells me and of course, I think
11 we will hear this stuff from him, but just a general
12 overview is that. Not only did they see him wearing
13 those things, but the jury watched him have those items
14 removed from him. When they took the handcuffs off and
15 the ankle chains off, they were actually able to watch
16 him having those items being removed from him.

17 THE COURT: Come on up, sir. We'll let you
18 get sworn-in.

19 VOIR DIRE

20
21 J.E.F.F.R.E.Y. T.R.U.E.S.D.A.L.E, the Witness herein,
22 having been sworn by the Clerk of Court, was examined
23 and testified as follows:

24
25 THE COURT: All right, sir. Tell me your name

1 please.

2 MR. TRUESDALE: Jeffrey Truesdale.

3 THE COURT: All right, Mr. Truesdale, what do
4 you want to tell me about the --

5 MR. TRUESDALE: They did bring me up on the
6 elevator because of the ankle things hurting my feet or
7 whatnot. They stopped me right here, behind this door,
8 which if you look from that door, where the jury was
9 sitting was straight in the room. Only reason I seen
10 the jury is when they were taking the leggings off my
11 legs and I looked back, I was looking. And I could tell
12 you the jurors, and I know they seen me and they were
13 looking dead at me when they took all the restraints off
14 of me. But they were in the room with the door open
15 right there, behind this straight back.

16 THE COURT: Did you have any interactions with
17 them whatsoever?

18 MR. TRUESDALE: Other than them just observing
19 it.

20 THE COURT: And about how long did that take?

21 MR. TRUESDALE: Two, three minutes.

22 THE COURT: Two or three minutes to take the
23 shackles off?

24 MR. TRUESDALE: Where they bring me off the
25 elevator into the hallway here, they observed all of

1 that.

2 THE COURT: Okay. But they were in the room;
3 correct?

4 MR. TRUESDALE: Yes, sir.

5 THE COURT: They wouldn't see you walking up
6 the hallway; right?

7 MR. TRUESDALE: When I got off the elevator
8 coming into the hall, right here behind that door, as
9 you come through that metal detector. Yes, sir, they
10 observed all of that.

11 THE COURT: Okay. Any questions?

12 MR. LAUBSHIRE: No questions, Judge.

13 THE COURT: Any questions?

14 MS. HALL: No questions.

15 THE COURT: All right. Thank you, sir. You
16 may step down.

17 MS. HALL: Arleen Smith is here. She's the
18 person who sits with the jury and observes them. She
19 would have the most information in terms of that and
20 maybe people taking chains off.

21 THE COURT: Bailiff, you want to come over
22 here and be sworn, please.

23
24 VOIR DIRE
25

1 A.R.L.E.E.N. S.M.I.T.H, the Witness herein, having been
2 sworn by the Clerk of Court, was examined and testified
3 as follows:

4

5 THE COURT: Tell me your name, please, for the
6 record.

7 MS. SMITH: Arleen Smith.

8 THE COURT: All right. Ms. Smith -- Ms. Smith,
9 the incident this morning about the shackles, can you
10 tell us what happened?

11 MS. SMITH: The shackles?

12 THE COURT: He says that the jury saw him with
13 some shackles or leggings or something this morning.

14 MS. SMITH: I saw him come in, but I didn't
15 see him take it off.

16 THE COURT: And you sit right out here in the
17 hallway right by the jury?

18 MS. SMITH: Yeah.

19 THE COURT: Okay.

20 MS. SMITH: And when he comes in -- and he's
21 not in view where I'm -- I mean, I didn't see him.

22 THE COURT: Right.

23 MS. SMITH: I saw him come in off the
24 elevator.

25 THE COURT: Right.

1 MS. SMITH: Yeah.

2 THE COURT: But you didn't see him --

3 MS. SMITH: I didn't see nobody take the
4 shackles off. I couldn't tell you who took them off.

5 THE COURT: And you sit right in front of the
6 jury door?

7 MS. SMITH: The side.

8 THE COURT: Right beside. I'm sorry, yes,
9 right beside the jury door.

10 MS. SMITH: Yes, sir.

11 THE COURT: Okay. Where you were sitting you
12 couldn't see him?

13 MS. SMITH: I didn't see him.

14 THE COURT: Okay. All right. Any questions
15 from defense?

16 MR. LAUBSHIRE: Yes, your Honor. Just
17 briefly.

18 **VOIR DIRE**

19 **BY MR. LAUBSHIRE:**

20 Q. You're sitting on the side, which side of the
21 door were you sitting on, right side or --

22 A. On the right.

23 Q. You wouldn't see them take the shackles off?

24 A. I didn't pay no attention. When he come off
25 the elevator and went on in the door, I didn't pay no

1 more attention to him.

2 Q. You saw him come off the elevator?

3 A. I saw him come off the elevator.

4 Q. And you didn't see them take the shackles --
5 take any chains off of him?

6 A. I saw him with the chains, but I didn't see
7 him when they took them off. When he went through that
8 door, I didn't pay no attention to him.

9

10 **VOIR DIRE**

11 **BY MS. HALL:**

12 Q. Is there a corner -- I'm sorry. When you come
13 down that hallway is there a corner that he turns or do
14 you know?

15 A. Who turns?

16 Q. Mr. Truesdale.

17 A. When he got off the elevator he walks up to
18 that door and goes in and I didn't pay no attention no
19 more after that.

20 MS. HALL: That's all --

21 MS. SMITH: I couldn't tell you who took them
22 off.

23 THE COURT: And were there any jurors in the
24 hallway?

25 MS. SMITH: No. Not in the jury -- No. No.

1 They were in the room.

2 THE COURT: Okay, thank you. Be careful.

3 MS. SMITH: Yes, sir.

4 THE COURT: Anybody else?

5 MR. LAUBSHIRE: Judge, I think Lt. Gilford is
6 the one who took the chains off and he's not here.

7 THE COURT: Is there anybody else that saw it?

8 MR. LAUBSHIRE: Judge, Lt. Gilford is the only
9 one --

10 MS. HALL: He took the chains off. He works in
11 the jail. He just brings him up here and leaves him and
12 comes back to get him. We can come back to this at
13 another time.

14 THE COURT: We can take it under advisement.
15 I don't have to rule right now. We can get a chance to
16 get him here and put it on the record.

17 We'll finish the hearing later.

18 MS. HALL: Thank you.

19 THE COURT: Is there anything else, I think
20 that's all I remember.

21 MR. LAUBSHIRE: That's it Judge.

22 THE COURT: Are we ready for the next witness?

23 MR. LAUBSHIRE: Yes, Judge.

24 MS. HALL: I am.

25 THE COURT: Can we have the jury.

1 (Jury entered courtroom.)

2 THE COURT: Solicitor?

3 MS. HALL: The State calls Brad Truesdale.

4

5 B.R.A.D. T.R.U.E.S.D.A.L.E., the Witness herein, having
6 been sworn by the Clerk of Court, was examined and
7 testified as follows:

8

9 THE COURT: Sir, tell us your name and spell
10 your last name for Madam Court Reporter.

11 THE WITNESS: Brad Truesdale,
12 T-R-U-E-S-D-A-L-E.

13 THE COURT: Thank you.
14 Solicitor.

15

16 **DIRECT EXAMINATION**

17 **BY MS. HALL:**

18 Q. Are you relate to Jeff Truesdale?

19 A. I am.

20 Q. How are y'all related?

21 A. Cousins.

22 Q. Were you on scene on June 18, 2021 when this
23 incident occurred?

24 A. I did arrive on scene.

25 Q. When you say "on scene," which scene did you

1 arrive on?

2 A. I arrived at the home where -- at Jeff and
3 Stephanie's home.

4 Q. That's on?

5 A. On Oak Street Extension.

6 Q. And that's in Fairfield County?

7 A. That's correct.

8 Q. Did you -- what was your involvement on scene?

9 A. I had no involvement on scene. Dealing with
10 who the defendant is, when I got there I seen it was
11 Jeff, which my father and his father, our family's been
12 pretty close since I was born. I basically fell back
13 into what we call, "a cover position" and just observed
14 both deputies that were dealing with Jeff and
15 Investigator Hinson was dealing with Stephanie. I stood
16 in between them, kind of like a triangle, just so I can
17 keep my eye on the both of them, but I didn't talk to
18 anyone or interact with anyone.

19 Q. And that's just for safety reasons?

20 A. That's correct. That's the only reason I just
21 stood there. If there was a third one there, I would
22 have stayed in the vehicle.

23 Q. Did you talk to anybody?

24 A. No.

25 Q. How long were you there?

1 A. Probably on scene in total, I'd say 15 minutes
2 max.

3 Q. And at what point did you decide it was okay
4 to depart?

5 A. Once, when Stephanie was loaded into the
6 ambulance, the other deputy, I think it was Lt. White
7 did come on scene right before that. At that point, I
8 exited the scene and went back to the vehicle, because
9 we had other deputies on scene.

10 Q. And do you recall what day of the week that
11 was?

12 A. That was on a Friday.

13 Q. That was Friday afternoon?

14 A. Correct. I believe we got on scene, it was
15 right before four o'clock in the afternoon and we left
16 probably about 4:15.

17 Q. Where did you go when you left?

18 A. Myself and Investigator Darner, I can't -- we
19 were out following up on calls, so I'm not sure if we
20 went somewhere else or went back to the department. I'm
21 not sure exactly when -- I was back at the department by
22 a quarter to.

23 Q. Y'all don't do road duty, right, you're just
24 strictly investigation?

25 A. That's correct.

1 Q. That afternoon, did you do anything else with
2 regards to case?

3 A. No, ma'am.

4 Q. At some point in time, later on, did you do
5 anything else with regards to this case?

6 A. The following Monday.

7 Q. Tell us about that?

8 A. The following Monday I came in -- Investigator
9 Hinson had an appointment that morning. They needed
10 someone to go down to Behavioral Health on the Bypass to
11 retrieve video of the incident. I told them that I
12 could run down and pick it up and bring it back, which I
13 did. Turned it in to evidence and that's all I did.

14 Q. Did you have occasion to watch that video with
15 the lady at the behavioral health place?

16 A. Yes, I did.

17 Q. Did y'all video it?

18 A. Yes.

19 Q. You said you turned it back into Investigator
20 Hinson?

21 A. That's correct.

22 Q. And have you had any involvement with this cas
23 since then?

24 A. No, ma'am.

25 MS. HALL: I don't have anything further.

1 Please answer anything Mr. Laubshire might have for you.

2 THE COURT: Counselor?

3

4

CROSS EXAMINATION

5

BY MR. LAUBSHIRE:

6

7

Q. Investigator Truesdale, did you say you were
in a cover position while you were on scene?

8

A. Correct.

9

Q. At the residents?

10

A. Correct.

11

12

Q. While you were on that cover position, had you
had an opportunity to observe Mr. Truesdale, Jeff
Truesdale?

13

14

A. Correct.

15

Q. He was on scene.

16

17

18

A. He was on scene. He was off to my right with
Investigator Darner and Investigator Hinson was off to
my left with Ms. Truesdale.

19

Q. When did Lt. White show up?

20

21

22

23

24

25

A. It was right -- it was either as they were
loading Ms. Stephanie or right before that. I can't
remember exactly when he walked on scene, because there
was a lot going on. I didn't see everybody as they
pulled up. I know it was right as either she was
getting loaded up or right -- right before she gets

1 loaded up.

2 Q. And you observed Jeff Truesdale speaking with
3 Officer Darner -- Investigator Darner?

4 A. Yeah. He was over there with him. I assume
5 they were talking.

6 Q. And at some point did you see Lt. White
7 talking to Investigator Hinson?

8 A. I seen him walking over to where Investigator
9 Hinson was at. What they said, I don't know.

10 Q. Did you observe Mr. Truesdale, Jeffrey
11 Truesdale, interact with Lt. White and Officer Hinson?

12 A. I think he interacted with Mr. Hinson. I'm
13 not sure if White was there or not.

14 Q. Well, Mr. Hinson was there and Mr. White was
15 there, Mr. Truesdale was also there?

16 A. Correct.

17 Q. He was outside?

18 A. He was outside with everyone.

19 Q. While you were there, did you observe any of
20 the officers treating this like a crime scene. When I
21 say that I mean, did you see someone taking photographs?

22 A. I don't remember any photographs being taken
23 at the time. I don't know, from what I was to gather
24 from later on talking, they were unsure if it was
25 actually an intentional act or not. So it was not

1 really a crime scene.

2 Q. Isn't one of the biggest things taught in the
3 academy is to collect all of the evidence because you
4 rather have it and not need it, then need it and not
5 have it?

6 A. It is.

7 Q. Isn't that repeated over and over again in the
8 academy?

9 A. It is, if there's evidence there, yes.

10 Q. And you have significant injuries to someone
11 who is supposedly involved in this situation. No one
12 took any initiative to document those injuries?

13 A. Well, the document -- that's something that
14 medical. I mean, I'm sure they documented that she was
15 injured. As far as what injuries she had, we don't
16 know. That's for a medical examiner to examiner her and
17 tell us what the injuries are.

18 Q. Isn't it typical for officers to take
19 photographs in domestic violence cases?

20 A. Typically.

21 Q. Did you take any in this case?

22 A. Like I said, I didn't. I didn't see anybody,
23 but I couldn't tell you.

24 Q. How about the truck. Did you see anybody take
25 any photographs of the truck, look for any kind of

1 damage on the vehicle?

2 A. That day, I don't think so.

3 Q. Did you see anybody examine the truck?

4 A. Like I said, I don't -- I didn't see anyone.

5 But like I said, once the other officer got there, I
6 kind of backed out of the way too, so...

7 Q. At the time you were under the impression this
8 could be an act?

9 A. Well, at the time I didn't know what it was.
10 It was later on that I heard, just as people talk, that
11 they didn't have what you would consider evidence to
12 move forward as a crime at the time. It was still going
13 to be investigated, but at the time it was not a crime.

14 Q. Did you ever respond, that day, June 18th, not
15 later on. Did you go that day to the Behavioral Health
16 Center?

17 A. No, I did not.

18 Q. Do you know who did?

19 A. On the day of?

20 Q. Yes.

21 A. I don't know if anyone did that day. I'm not
22 sure what time everybody left the scene and it was close
23 to five o'clock so...

24 Q. As far as you know, you didn't go and nobody
25 you know went --

1 A. Correct.

2 Q. -- to that location?

3 A. That's correct.

4 MR. LAUBSHIRE: Thank you very much. Please
5 any questions the Solicitor may have for you.

6 THE COURT: Anything solicitor?

7 MS. HALL: No, sir. We just ask that he be
8 excused.

9 THE COURT: Is there any objection to him being
10 excused?

11 MR. LAUBSHIRE: No, objection at all your
12 Honor.

13 THE COURT: Investigator, you may stay or go,
14 whichever you choose.

15 MR. TRUESDALE: Thank you, your Honor.

16 THE COURT: Please, be careful.

17 MS. HALL: Your Honor, the State calls Brice
18 Hinson.

19 MADAM CLERK: Please, raise your right-hand
20 and place your left-hand on the bible.

21

22 B.R.I.C.E. H.I.N.S.O.N., the Witness herein, having been
23 sworn by the Clerk of Court, was examined and testified
24 as follows:

25 THE COURT: Investigator, tell us who you are and

1 spell your name for Madam Court Reporter, please.

2 MR. HINSON: Yes. I'm Investigator Hinson with
3 the Fairfield County Sheriff's Office. Last name is
4 H-I-N-S-O-N.

5 THE COURT: Thank you.

6 Solicitor?

7

8 **DIRECT EXAMINATION**

9 **BY MS. HALL:**

10 Q. Are you employed with the Fairfield County
11 Sheriff's office?

12 A. That's correct. Yes, ma'am.

13 Q. How long have you been there?

14 A. Probably four to five years, give or take.

15 Q. And how long have you been an investigator?

16 A. One year will be February.

17 Q. So, on June 18th you were just working as an
18 investigator?

19 A. Yes, ma'am.

20 Q. And can you -- were you on duty on June 18,
21 2021?

22 A. Yes, ma'am.

23 Q. What did you do in relation to this call or to
24 this case?

25 A. Basically, as I was walking out of the

1 sheriff's office, which is just down the street from Ms.
2 Truesdale's resident, I heard the call come out at
3 behavior health and they gave his name as -- on the call
4 that you listen to.

5 Q. When you say, "his name" you're referring to
6 who?

7 A. Mr. Truesdale, the defendant. I was familiar
8 with where he resides at. So I decided to go down Oak
9 Street, where I noticed the white colored pick up truck
10 backing into the driveway. As I approached the
11 residents, I see Ms. Truesdale on the ground outside of
12 the white pick up truck backed up against the garage on
13 the passenger side with Mr. Truesdale standing over her.
14 As I get out of the vehicle, that's when I confront Ms.
15 Truesdale, asking what happened. Other officers arrive
16 on scene, I split the two up and I go from there.

17 Q. When you say, "he was standing over her" what
18 did that -- can you describe that a little bit more.
19 Did you see anything?

20 A. I didn't see anything. I couldn't tell. It
21 just looked like he was standing on top of her talking.

22 Q. When you approached, where did he go?

23 A. He went with -- initially, when I approached
24 he tried to go back inside. I told him to come here.
25 And at that point in time, Investigator Darner arrived

1 on scene. Investigator Darner took him and talked to
2 him. I talked to Stephanie.

3 Q. Can you describe Stephanie's demeanor when you
4 were talking to her?

5 A. She was in pain, a lot of pain.

6 Q. Did she seem upset to you or was she just
7 hurting?

8 A. Very.

9 Q. "Very" what?

10 A. Upset.

11 Q. How could you tell?

12 A. Just from her being in agonizing pain, she was
13 crying.

14 Q. Did she make any statements to you while on
15 the scene?

16 A. Yes. When I first got there she initially
17 told me she fell out the truck. As I separated the two,
18 that's when she decides to tell me that Mr. Truesdale
19 ran her over with the vehicle.

20 Q. What -- did she tell you anything else?

21 A. Not to my recollection.

22 Q. At any point in time, did she tell you she did
23 not want to press charges against him?

24 A. No, ma'am.

25 Q. Didn't she tell you that she wished to press

1 charges?

2 A. Yes, ma'am.

3 Q. Regardless of what she wanted or didn't want,
4 you would have done what you needed to do as a law
5 enforcement officer anyway; is that correct?

6 A. Correct. Yes, ma'am.

7 Q. Did you have any -- what was the further
8 interaction with her on scene?

9 A. There wasn't much, just besides her telling me
10 that Mr. Truesdale ran her over with the vehicle and
11 that they got into an argument prior to them arriving at
12 behavioral health. My main focus was to get her help
13 and get her out of there.

14 Q. In trying to get her help, what actions did
15 you take?

16 A. I immediately called for an ambulance to meet
17 us at the residence so we could get her loaded up and
18 transported to the hospital where she could have medical
19 attention.

20 Q. Did you -- that day, who was your supervising
21 officer?

22 A. That would be Lt. Dove.

23 Q. He's the lieutenant over investigations?

24 A. Yes, ma'am.

25 Q. And you've been in here the whole time. So you

1 heard Brad Truesdale talk about the fact that this was a
2 Friday, it was a Friday afternoon.

3 A. Yes, ma'am, it was.

4 Q. What hours do you guys typically work if
5 you're not on-call?

6 A. Monday through Friday, nine to five.

7 Q. And if you're on-call you work obviously
8 weekends and later at night?

9 A. It various. As long as you make your hours.

10 Q. If you need to go during that time if a crime
11 occurred, then you would get called out?

12 A. Correct, absolutely.

13 Q. Since you weren't on-call, you got off at five
14 that day and went back to work on Monday morning?

15 A. Yes, ma'am. Well, after I got back from my
16 appointment that I had.

17 Q. So you went to an appointment first thing
18 Monday --

19 A. Monday morning. And then first thing I did,
20 yes, ma'am.

21 Q. At any time, did you make a request to Brad
22 Truesdale to go pick up a video from Fairfield
23 Behavioral Health?

24 A. I did.

25 Q. What caused you to make that request to Brad

1 Truesdale?

2 A. Due to the fact that I wasn't able to go on my
3 own and get it.

4 Q. What made you think it existed?

5 A. The fact that it happened in the parking lot.

6 Q. Did you know that they had a video camera
7 there?

8 A. Yes.

9 Q. So you sent him over there to take care of
10 that while you were at your appointment. And when you
11 got back from your appointment, did he, indeed, return
12 with that video?

13 A. Yes, ma'am, he did.

14 MS. HALL: Your Honor, at this time the State
15 would ask to publish, I think it's our Number 4, which
16 is the video. It might take me a second to get the TV
17 setup, I apologize.

18 THE COURT: Permission to publish the State's
19 Exhibit 4.

20 Solicitor, does it play on your monitor?

21 MS. HALL: Yes, it does.

22 THE COURT: Cause we can't see.

23 (Video played for jury.)

24 Q. (By Ms. Hall:) Mr. Hinson, after you saw that
25 video what did you do?

1 A. That's why I issued a warrant out for
2 Mr. Truesdale's arrest.

3 Q. And that was on the 21st of June?

4 A. I believe so.

5 Q. Or the 22nd?

6 A. Maybe. I don't know the exact -- let me refer
7 back to my notes please.

8 Q. Thank you.

9 A. I think I may have left part of it right
10 there. Thank you.

11 Q. While you're looking for that. Did -- before
12 you saw this video, did you go to the hospital to see
13 Ms. Truesdale?

14 A. Yes, ma'am.

15 Q. When did that happen?

16 A. Let's see. On the 22nd of that month.

17 Q. What day of the week was that?

18 A. Either a Monday or Tuesday.

19 Q. If the 18th was a Friday, what day did you go
20 to see her?

21 A. Monday.

22 Q. Did you go to see her before or after seeing
23 the video?

24 A. I went and saw her after the fact.

25 Q. Did she talk with you at that point in time?

1 A. Briefly.

2 Q. Was her sister with her?

3 A. Yes, she was.

4 Q. And did she tell you anything different then
5 you already knew about what the situation at that time
6 was?

7 A. I'm sorry, can you ask that again.

8 Q. I said, what did you -- did you learn anything
9 knew from her that helped in your investigation?

10 A. No, ma'am, not really. Just the fact that
11 what she told me. The only thing I -- I knew was what
12 she stated about him intentionally running her over.

13 MR. LAUBSHIRE: Objection, your Honor.
14 Objection, your Honor. Anything at the hospital would
15 be hearsay.

16 THE COURT: Rephrase that, Solicitor.

17 MS. HALL: Okay. Thank you.

18 Q. (BY MS. HALL:) You went and met with her and
19 did you -- did you -- when you went back to the office
20 you saw the video.

21 A. Right.

22 Q. What did you do after you saw the video?

23 A. That's when I typed up an warrant for Mr.
24 Truesdale's arrest.

25 Q. And that was done on the 22nd as well;

1 correct?

2 A. Yes.

3 Q. And I want to go back to the scene for a
4 second. No arrests were made there that day --

5 A. No.

6 Q. -- is that right?

7 A. No, ma'am.

8 Q. On domestic cases, do you typically arrest the
9 perp?

10 A. Sometimes. It varies. Sometimes domestic
11 violence -- with domestic violence arrests, usually it
12 happens on scene. Other times, people like to gather
13 more evidence and wait like a 48-hour timeframe to look
14 at the extent of the injuries.

15 Q. If you were going to a scene where domestic
16 violence had occurred and both parties were still in the
17 house, would someone be removed?

18 A. Correct.

19 Q. And in this case someone was removed, weren't
20 they?

21 A. Correct.

22 Q. Because Ms. Truesdale went to the hospital?

23 A. Yes, ma'am.

24 Q. Okay. So it was safe to leave Mr. Truesdale at
25 the house and to do more of an investigation?

1 A. I felt comfortable doing so, yes.

2 Q. Was he allowed to go to the hospital to see
3 her?

4 A. I did not let that happen. Not until I knew
5 the extent of what had occurred.

6 Q. So you prevented that from happening?

7 A. I did.

8 Q. How did you do that?

9 A. I advised him to go inside and not to have any
10 contact with her until further notice.

11 Q. And what is your call number?

12 A. 113.

13 Q. Is that the way that it shows -- you're
14 familiar with a CAD sheet?

15 A. Yes, ma'am.

16 Q. Would your number show as 113 on a CAD sheet?

17 A. Yes, ma'am.

18 Q. After you went back to the -- you go and you
19 had applied for the warrant for domestic violence of a
20 high and aggravated. Why did you do that, what caused
21 you to select that charge?

22 A. Due to the circumstances of what took place in
23 the parking lot.

24 Q. And on what date did you serve that warrant or
25 what day was that, when Mr. Truesdale was arrested on

1 that charge, was it a few days later?

2 A. It was. I don't have an exact date in front
3 of me. I'm sorry.

4 Q. But he was arrested on it a few days later?

5 A. Yes, ma'am.

6 Q. On July 12, 2021. Did you go back to the
7 house at some point in time and speak with Ms. Truesdale
8 again?

9 A. I did.

10 Q. Who was there with her?

11 A. It was Ms. Truesdale and her sister Stephanie.
12 I'm sorry, Melissa.

13 Q. How did she seem to you when you went over to
14 see her?

15 A. She seemed pretty normal.

16 Q. Normal, how. Could you tell --

17 A. There was no slurred speech. She just seemed
18 pretty -- like an average person, I guess, just talking.

19 Q. Can you specify what, in the video, made you
20 think there was probable cause to ask for a warrant,
21 specifically in the video?

22 A. Well, there's a couple things. One, the fact
23 that there was no aid administered. He picked her up,
24 placed her inside the vehicle. Then the fact that,
25 after he placed her inside the vehicle, he walked to

1 grab her things and he threw the things inside the truck
2 like there was force behind it.

3 Q. Was there anything else with regard to the way
4 he was driving or anything that caused you to do that or
5 was that...

6 A. That was it.

7 Q. And is there a residence on Oak Street in
8 Fairfield?

9 A. Yes, ma'am.

10 Q. And is Fairfield Behavioral Health also in
11 Fairfield?

12 A. Yes, ma'am.

13 MS. HALL: I don't have any further questions.
14 Please, answer anything Mr. Laubshire may have.

15 THE COURT: Counselor?

16

17 **CROSS EXAMINATION**

18 **BY MR. LAUBSHIRE:**

19 Q. Investigator Hinson, do prefer investigator or
20 deputy?

21 A. You can call me either or.

22 Q. Doesn't matter, it's interchangeably?

23 A. Yeah, it doesn't matter.

24 Q. You started your testimony on direct with the
25 prosecution asking you what you saw when you first got

1 there.

2 Correct me if I'm wrong, you stated you saw
3 him standing over her?

4 A. Yes, sir.

5 Q. Did you see him strike her?

6 A. No, sir.

7 Q. Hit her?

8 A. No, sir.

9 Q. Punch her?

10 A. No, sir.

11 Q. Was he actively engaged and screaming at her?

12 A. No, sir. I couldn't tell, I was inside the car
13 whenever I saw him standing over her. When I got out of
14 the vehicle is when he proceeded to walk away.

15 Q. The prosecution asked you, regardless of what
16 the victim's wishes were, you were going to do what you
17 needed to do; is that right?

18 A. Correct.

19 Q. I want to come back that, for now, I'll move
20 on. Do you know if there's a video surveillance system
21 in Mr. Truesdale's home?

22 A. Yes, there is.

23 Q. Did you collect that video?

24 A. I inquired about it, but I wasn't able to.

25 Q. Why weren't you able to?

1 A. Well, I asked Ms. -- I believe it was Melissa,
2 about that video and she told me it wasn't hooked up.

3 Q. Other than asking Melissa about video, did you
4 do anything else?

5 A. No, sir.

6 Q. Did you secure a search warrant for that item?

7 A. No, sir.

8 Q. The video, did you get a search warrant for
9 it?

10 A. Well, I don't know if there's a video. She
11 said it wasn't working so...

12 Q. So you didn't get a search warrant to examine
13 it?

14 A. Uh-uh.

15 Q. Did you get a search warrant for any home
16 security company to see if they had actually video of
17 this event?

18 A. No, sir.

19 Q. You're able to get search warrants in the
20 regular course of business, aren't you?

21 A. Yes, sir.

22 Q. If you can apply for one with these facts, you
23 certainly would have gotten one, wouldn't you?

24 A. Maybe.

25 Q. But you didn't try to get one?

1 A. No, sir. Not at that time.

2 Q. Did you ever get one?

3 A. No, sir.

4 Q. You went to the hospital and you had a brief
5 encounter with Ms. Truesdale; is that correct?

6 A. That's correct.

7 Q. Was that the same day or the day after, when
8 was that?

9 A. That was on Monday.

10 Q. You knew she was in the hospital?

11 A. Yes, sir.

12 Q. You went to the hospital?

13 A. I did.

14 Q. Did you bring a body-cam with you or any
15 recording device to record this interaction or
16 statement?

17 A. No, sir.

18 Q. Does the sheriff's office have body-cameras
19 available?

20 A. They do, but they're assigned to deputies on
21 the road.

22 Q. Did you ask a deputy to go with you so you
23 could use his body-camera?

24 A. No, sir. I didn't want to tie a deputy up,
25 we're already short-staffed as it is.

1 Q. You didn't think it was important to record
2 any interactions or statements made by Ms. Truesdale?

3 A. No, sir.

4 Q. Not important enough to call a deputy off the
5 road?

6 A. No, sir, not that important.

7 Q. You arrived at the Truesdale's home?

8 A. Yes, sir.

9 Q. You're the first one there?

10 A. Yes, sir.

11 Q. And you've been in here most of the day and
12 you've heard at least three officers indicate, this is
13 your crime scene, you're responsible --

14 A. It's my case.

15 Q. -- for this case?

16 A. My case, yes.

17 Q. You weren't there when this happened?

18 A. No, sir.

19 Q. And this film is silent?

20 A. What's that? I'm sorry.

21 Q. The film, itself, is silent. You can't hear
22 anything, you can only see.

23 A. No. Yeah, just going off the facts I was
24 given.

25 Q. So you can't hear anything anybody says?

1 A. Not on video.

2 Q. And you have no idea what was said on video?

3 A. No, not on video. But I did receive a 911
4 call from a lady, saying that there was a fight outside
5 in the parking lot.

6 Q. Right. I think the video is a pretty good
7 interpretation of what happened. And the caller told
8 you there was a man attacking a woman?

9 A. Right.

10 Q. You didn't see a fistfight on that video, did
11 you?

12 A. No, I didn't see a fistfight. No, sir.

13 Q. And you didn't see anybody in the video strike
14 anyone?

15 A. No, sir, besides with a vehicle.

16 Q. And I think the -- well, I've said anyone, not
17 with hands I meant. And it didn't appear to me in the
18 video that the caller indicates she went unwillingly.
19 Did you see her flailing her arms trying to get away
20 from Mr. Truesdale?

21 A. No, sir.

22 Q. So that wasn't accurate either?

23 A. No, sir.

24 Q. So the caller has this a little backwards. I
25 mean, nobody has really stricken anybody. No man's

1 attacked a women --

2 MS. HALL: Your Honor, he's testifying.

3 MR. LAUBSHIRE: I'm asking him what's on the
4 video.

5 THE COURT: Okay. Ask your questions then.

6 Q. (BY MR. LAUBSHIRE:) Did you see that on the
7 video?

8 A. I'm sorry, can you...

9 Q. Did you see on the video a man attack a woman?

10 A. With his hands, no.

11 Q. Did you see on the video, a woman leaving and
12 being taken unwillingly?

13 A. I don't know. I couldn't hear it.

14 Q. Now, this call came out to you. They told you
15 that information. That's the information you have when
16 you get to this house.

17 A. Yes, sir.

18 Q. There's a man attacking a woman -- a women
19 caller -- and a woman who looks like she didn't go
20 willingly?

21 A. Yes, sir.

22 Q. And when you get there, who's there, just the
23 Truesdale's?

24 A. Yep.

25 Q. And you didn't take any photographs of her

1 injuries?

2 A. They weren't visual injuries, just her
3 screaming on the ground in agonizing pain. Nothing that
4 I could see physically see, right then and there. All
5 her injuries were internal from what I gathered.

6 Q. Did you go to the hospital to take any
7 photographs of the injuries?

8 A. I did not take photographs. I got a copy of
9 her medical records.

10 Q. But you didn't take photographs that day?

11 A. No, sir.

12 Q. That day or any other day?

13 A. No, sir.

14 Q. And did you investigate this truck for
15 possible damage?

16 A. I did look around it, I didn't see any damage
17 to the truck.

18 Q. And you didn't -- did you photograph it?

19 A. I didn't photograph it. There wasn't anything
20 to photograph.

21 Q. In fact, if there was damage, it would be good
22 to have, wouldn't it? I mean, you're supposed to
23 collect all the evidence, just not the evidence you
24 thinks is good --

25 A. Yes, sir.

1 Q. -- you're supposed to collect all of it.
2 Are you collecting all the evidence in this
3 case?

4 A. I did not take pictures of the truck.

5 Q. Did you have an opportunity to talk with
6 Mr. Truesdale?

7 A. I made an attempt to, I wasn't able to do so.

8 Q. Why weren't you able to do so?

9 A. Every time we arrived at this house to talk to
10 him, he would not come to the door. The only time I'd
11 be able to talk to him was after he was incarcerated.

12 Q. So you made these attempts to go to his house
13 and he didn't come to the door?

14 A. No, sir.

15 Q. Did you write a report in this case?

16 A. In case of what?

17 Q. In this case, did you write a police report?

18 A. Yes, this is my police report.

19 Q. Just like this one?

20 A. Yes, sir.

21 Q. Can you show me on this police report where
22 you indicated to went to Mr. Truesdale's home?

23 A. I didn't document that.

24 Q. You didn't document that?

25 A. No, sir.

1 Q. Why not?

2 A. I didn't get anything out of it. I wasn't able
3 to talk to him.

4 Q. You don't think it's important evidence to
5 have in this report, that you went to talk to a
6 potential suspect who refused to talk to you?

7 A. If that were the case, I would be
8 supplementing it all day.

9 Q. You didn't make any supplements?

10 A. Correct. I didn't get the chance to talk to
11 him.

12 Q. You didn't notate when you went?

13 A. No, sir.

14 Q. So there's no way for us to verify how many
15 times?

16 A. No, sir.

17 Q. And you're making these attempts to go to his
18 house and it's undocumented?

19 Let me ask you this, he's over at the jail.
20 The jail has a pretty good lock. How many times did you
21 go over to the jail to interview Mr. Truesdale?

22 A. I didn't go to the jail to interview him.

23 Q. Why wouldn't you go to the jail to interview
24 Mr. Truesdale and get his side of the story?

25 A. I probably should have.

1 Q. But you didn't do that?

2 A. No, sir.

3 Q. On the scene, there's been some officers
4 testify they were there. Officer Hinson testified he
5 was there. You're Hinson, I mean Officer Truedale --

6 A. Truesdale.

7 Q. -- testified he was there. Lt. White, there
8 was another investigator -- all these officers were
9 there, who was in charge of the crime scene log to let
10 them know who's coming in and out of their scene?

11 A. Well, at the time we didn't know it was a
12 crime scene.

13 Q. Is that because she told you it was an
14 accident?

15 A. Originally, yes, sir.

16 Q. And that's the first thing she told you?

17 A. That's the first thing out of her mouth. Yes,
18 sir. Her exact words were, "She had fallen out of the
19 truck."

20 Q. And you didn't have any reason to disbelieve
21 her?

22 A. No, sir.

23 Q. Did you ask Lt. White when he showed up, to
24 use his body-camera so you could start recording some of
25 these things, especially, since Jeffrey Truesdale is

1 still on the scene?

2 A. I was under the impression he had his body-cam
3 on.

4 Q. And Jeffry Truesdale was still on the scene
5 when Lt. White got there, wasn't he?

6 A. I believe so. Either that or he may have been
7 inside.

8 Q. And when he got there, did you ask Lt. White
9 to come with you so you could interview Mr. Truesdale
10 right there on the scene?

11 A. No, sir, I did not, Lt. White left.

12 Q. Did you make any attempt to go interview
13 Jeffrey Truesdale?

14 A. I spoke with him briefly. I didn't get a
15 chance to sit down and interview him in reference to
16 what happened. And the only thing he told me was, she
17 fell out of the vehicle.

18 Q. Is this at the point where you tell him --
19 well, you ordered him, I think, by the way you described
20 it -- is, he's supposed to go in the house and have no
21 contact with the victim?

22 A. Actually, how that went was, he asked if he
23 could ride in the ambulance. And I advised him that's
24 probably not a good idea until we could figure out
25 what's going on. So he went back inside.

1 Q. So you didn't tell him not go?

2 A. I didn't tell him not to go. No.

3 Q. So he could have went right to the hospital as
4 soon as you left?

5 A. He could have. It probably wouldn't have been
6 a good idea, but yeah, he could have.

7 Q. You don't know that he didn't go, do you?

8 A. I don't, uh-uh.

9 Q. So it's possible he could have went and sat
10 with her for a while, talked to the doctors, discuss
11 things with her?

12 A. It's possible.

13 Q. And you have no idea?

14 A. No, sir.

15 Q. Does that appear in the report anywhere that
16 you took this effort to see that he didn't have no
17 contact with Stephanie?

18 A. No, sir.

19 Q. You could have went and got an order of
20 protection, a petition for order of protection couldn't
21 you or had her file one?

22 A. Well, I didn't know the extent of what was
23 going on until the following day when I could have a
24 good chance to speak with her.

25 Q. And that was at the hospital?

1 A. That was not at the hospital. That was at her
2 house the following day.

3 Q. You went and talked to her the following day
4 after the event?

5 A. Well, after I saw the video is what sold me on
6 that one. The video -- the extent of the video is what
7 lead me to believe there was some sort of malice to it.

8 Q. So you went to her home to talk to her?

9 A. I did. I went to the hospital first and then
10 I went to her house to follow up with her and talk to
11 her again.

12 Q. The hospital. That's the one where we don't
13 have any recording or anything like that?

14 A. No, sir.

15 Q. Then you go to her house to get a statement
16 and this is after the hospital, after some surgeries,
17 when she's sent home with some pain meds?

18 A. Yes, sir. I don't know what she was
19 prescribed, I just know she was home from the hospital.

20 Q. And she gave you a handwritten statement?

21 A. She did.

22 Q. When she gave that statement and told you the
23 story about what -- without telling what she said -- did
24 you notice that what she was saying didn't actually
25 appear in your video?

1 A. I did. Some of it was off.

2 Q. Significantly off; correct?

3 A. Uh-huh.

4 Q. Because the truck actually never backs up at
5 all?

6 A. Correct.

7 Q. And it doesn't strike her like that at all --

8 A. Correct. You're right, correct.

9 Q. Her story was that he backed over her and that
10 wasn't the case. And she also indicates that she got up
11 and that didn't occur on the video either, did it?

12 A. That's correct.

13 Q. There are some stark differences between what
14 she's telling you and what's on that video?

15 A. Yes, sir.

16 Q. Is that any kind of indication to you that
17 maybe she was under the influence of these pain pills
18 and not dealing with all her faculties at the moment?

19 A. It's not my job to forge a statement.

20 Q. I'm not asking you to change the statement.
21 I'm asking you, as an investigator, did you notice these
22 big differences?

23 A. I did notice those two differences. Yes, sir.

24 Q. And those are very different between someone
25 falling out of a truck and someone being backed over,

1 isn't that a very big difference?

2 A. Yes, sir.

3 Q. Did you note that in your report, that she
4 gave you a statement that didn't look anything like this
5 video?

6 A. No, sir. I don't believe so.

7 Q. You didn't make any documentation,
8 supplemental report or other wise?

9 A. No, sir.

10 Q. Did you tell the judge when you went to get
11 that warrant. "I got this video and the victim says
12 something completely different happened, Judge." "I
13 think you need to look at this." Did you show this to
14 the judge?

15 A. The video?

16 Q. The video and the statement?

17 A. No, sir. I did not.

18 Q. You didn't do that. Did you go -- the day
19 this happened, June 18th, from the Truesdale's home to
20 the Behavior Health Center?

21 A. The same day it happened?

22 Q. The same day.

23 A. No, sir. I did not.

24 Q. Do you know who went there?

25 A. I believe Deputy Goodwin did or Sergeant

1 Goodwin. I think by the time we finished up they were
2 closing. So we went back that following Monday. I'm not
3 a hundred percent on Sergeant Goodwin though. I believe
4 somebody did go.

5 Q. So someone went, but you don't know who it is?

6 A. No, sir.

7 Q. Do you know why they went?

8 A. They originally responded to it, because
9 that's where the call had originated from. But with me
10 being familiar with where he resides, stating that it
11 was possibly him headed back towards his house, I
12 figured he'd end up back at his house.

13 Q. This is, as everyone has indicated, your crime
14 scene, your case, your everything?

15 A. My case. Yes, sir.

16 Q. Who did you direct to go to that first
17 location at Behavior Health Center?

18 A. That would be Investigator Truesdale.

19 Q. That's who you -- on June --

20 A. To retrieve the video that following Monday.

21 Q. I'm not there yet. I'm still on June 18th.

22 A. Okay.

23 Q. As this is happening, she's gone to the
24 hospital and you told Truesdale to go back into the
25 house.

1 Who did you direct to go over to that
2 location, the Behavioral Health Center, to collect any
3 evidence that was available, either a video, interview
4 witnesses, anybody who might have heard something
5 outside. Who did you send over there?

6 A. Due to the fact it was almost five o'clock, I
7 didn't send anybody over there. There wouldn't be
8 anybody over there to get a hold of.

9 Q. The sheriff's office is a 24-hour operation?

10 A. Yeah, but they are not.

11 Q. Are you aware that someone went to that
12 location and spoke to people in that facility?

13 A. I am.

14 Q. Are those the officers you sent over there?

15 A. I know I was one of the officers that went
16 over there to go speak, but not that day.

17 Q. I'm asking only about that day.

18 A. No, I don't know who -- what officer went over
19 there. I'm not aware of any officer -- I know an
20 officer responded there, but I don't recall him actually
21 getting out and speaking with anybody.

22 Q. He was over there at your direction?

23 A. Not at my direction, no. Just how the call
24 came out.

25 Q. And since it's five o'clock, you're done, you

1 go home?

2 A. No, sir. I did not go home.

3 Q. Where did you go?

4 A. I went back to the office to type up the
5 paperwork and figure out what my next move would be.

6 Q. And you didn't think to send someone over
7 there or go yourself to the primary location?

8 A. They were closed.

9 Q. Outside? This didn't happen inside, it
10 happened outside.

11 A. Outside, yes. But there was no evidence
12 collected outside.

13 Q. Since you didn't go, how do you know they were
14 closed and no one was behind doing just what you were
15 doing, finishing up some paperwork waiting inside, that
16 you could have spoke to?

17 A. Because that's what I was instructed to do by
18 my lieutenant.

19 Q. Your lieutenant told you not to go to the
20 first location, but to go file paperwork?

21 A. To file the paperwork. Yes, sir.

22 Q. And not do any further investigation?

23 A. No, sir. I did do a further investigation,
24 just not that day.

25 Q. I'm asking -- I'm still on that day. I

1 haven't left that day yet.

2 A. Gotcha.

3 Q. I'm asking just about that day. Your
4 lieutenant, that day --

5 A. Yes, sir.

6 Q. -- told you to go back to the office, because
7 it's five o'clock and do the paperwork and don't worry
8 about what happened at the Behavioral Health Center.
9 You don't need to go over there and take any
10 measurements, take any photos of tire marks, see if
11 there's any blood on the floor. You didn't do anything?

12 A. Correct, because we didn't know if it was a
13 crime scene or not.

14 Q. Isn't there a big saying at the academy they
15 teach you, I remember. It starts at week one and it
16 ends when you graduate. Collect all the evidence in the
17 case because you rather have it and not need it, then
18 need it and not have it?

19 A. That's correct.

20 Q. Isn't that how it goes and they tell you that
21 over and over and over.

22 A. Correct.

23 Q. So what steps did you take to collect all the
24 evidence in this case, that could be necessary the day
25 it happened, not next Monday, right when it happened?

1 Crime don't stop at five o'clock, it keeps going.

2 A. I didn't know it was a crime to begin with.

3 The only thing on my mind that day was getting her

4 medical attention and getting her to the hospital.

5 Q. Which happened instantaneously when you called
6 the ambulance and they picked her up and left.

7 A. But it didn't happen instantaneously, but yes.

8 Q. Now that your mind is eased because she left
9 in an ambulance --

10 A. Yes, sir.

11 Q. -- you're back to being an investigator.
12 Please tell me, what steps you took to collect any
13 evidence in this case, either at the Truesdale's
14 residence or the initial place, Behavioral Health
15 Center?

16 A. Yes, sir. There wasn't any evidence to
17 collect.

18 Q. There's no statements to collect, no
19 photographs to be taken, no crime scene log to take, no
20 one to see if they saw anything. None of that stuff
21 happened, none of that stuff existed?

22 A. No, sir.

23 Q. It doesn't exist because you didn't collect
24 it; isn't that right?

25 A. Sure.

1 Q. Isn't it true, vehicle collisions happen all
2 the time?

3 A. I'd assume so.

4 Q. Those aren't all crimes, are they?

5 A. No, sir.

6 Q. Just because someone's injured doesn't mean
7 they're a victim of a crime?

8 A. Correct.

9 Q. People get injured all the time?

10 A. Yes, sir.

11 Q. Because of an accident?

12 A. Yes, sir.

13 Q. Just so the jury is clear, the first statement
14 out of her mouth when you showed up was that this was an
15 accident. And when I say, "her" I mean Ms. Truesdale?

16 A. It was, "She fell out of the truck."

17 MR. LAUBSHIRE: No further questions for this
18 witness, your Honor. Please answer any questions the
19 prosecutor may ask you.

20 THE COURT: Thank you.

21 Anything Solicitor?

22 MS. HALL: Just really quickly.

23
24 **REDIRECT EXAMINATION**

25 **BY MS. HALL:**

1 Q. Mr. Laubshire brought up about, what is the
2 distance between Behavioral Health Center and their
3 house?

4 A. I think it's .7 miles.

5 Q. And was that -- do you pass her -- if you're
6 going from Behavioral Health Center to the hospital, do
7 you pass the house?

8 A. The hospital is closer than her house. You do
9 pass -- you pass her house -- you pass Ninth Street
10 instead of taking 321.

11 Q. For people who don't know the geography of
12 this place, what does that mean? Like, do you pass the
13 house on the way to the hospital or do you pass the
14 hospital --

15 A. Yes, you pass the house on the way to the
16 hospital.

17 Q. But the hospital is closer to --

18 A. The hospital is closer, yeah.

19 Q. -- to the Behavioral Health Center than the
20 house is to the hospital?

21 A. Correct, it's a straight shot. Yes, ma'am.

22 Q. And you did collect evidence, didn't you?

23 A. I did.

24 Q. What evidence did you collect?

25 A. I collected statements, video footage, and her

1 medical -- her medical records showing the extent of her
2 injuries.

3 Q. And you said you attempted to go to Mr.
4 Truesdale's house and talk to him; is that correct?

5 A. I did.

6 Q. Did you do this after the 22nd?

7 A. I did. Yes, ma'am.

8 Q. He had a pending warrant for him at that point
9 in time, didn't he?

10 A. He did.

11 Q. But he wouldn't come to the door?

12 A. No.

13 MS. HALL: I don't have anything further.

14 THE COURT: Anything?

15 MR. LAUBSHIRE: Just about the distance.

16
17 **RECROSS EXAMINATION**

18 **BY MR. LAUBSHIRE:**

19 Q. How far is the behavioral health place from
20 the Truesdale's residence?

21 A. I believe it's .7, seven-tenths of a mile.

22 Q. Seven-tenths of a mile?

23 A. .7 miles, yeah.

24 Q. I believe you said that she left to go with
25 the ambulance at 3:30?

1 A. I believe so. I don't know the exact time.

2 Q. You couldn't go the seven-tenths of a mile in
3 an hour to go to Behavioral Health Center to see if
4 there was anybody who was still there?

5 A. I don't know exactly what time she left the
6 residence in the ambulance.

7 Q. Have you ever seen the ambulance report or EMS
8 report?

9 A. No, sir. I did not.

10 Q. They say they are at the scene at 3:15 and
11 leave at 3:45 -- 3:25. What would have happened between
12 3:25 and 4:25?

13 A. Just because she left at that time, doesn't
14 mean we cleared. I believe we cleared the latter part
15 of 4:00, 4:30ish, somewhere in that ballpark.

16 Q. So you stood in his yard for about an hour?

17 A. I don't recall. I know we were talking to
18 him.

19 Q. You stood there for an hour between 3:30 and
20 4:30, what were you doing? You weren't taking
21 photographs?

22 A. No, sir.

23 Q. What did you do for an hour?

24 A. Probably, went back to our office.

25 Q. You didn't go the .7 miles to Behavioral

1 Health that you could have?

2 A. No, sir.

3 Q. You couldn't do that .7 miles to Behavioral
4 Health?

5 A. No, I could have.

6 Q. You had a whole hour. You could have done
7 that and gone back to the office.

8 A. I believe we cleared around 4:30. I don't
9 know the exact time, I don't want to lie to you.

10 Q. We know for sure the ambulance left 3:30.

11 A. Correct.

12 Q. And you think you cleared at 4:30, but you
13 can't tell us what you did from 3:30 to 4:30?

14 A. I'm not sure.

15 Q. For an hour you stood in the yard and didn't
16 take a statement from Mr. Truesdale or do anything else
17 or see about that video camera that is sitting on the
18 house that you can tell there's video camera?

19 A. Yes, sir. I did inquire about the video
20 camera. I just wasn't able to get access to it.

21 MR. LAUBSHIRE: No further questions your
22 Honor.

23 THE COURT: Officer, you may step --

24 MS. HALL: Just one -- I'm sorry.

25 THE COURT: Okay.

RE-REDIRECT EXAMINATION**BY MS. HALL:**

Q. What time did you clear the scene? And not what time you believe you cleared the scene, but what time did you clear the scene?

A. The let me refer back to my report.

Q. Thank you.

A. It says here we cleared at 4:24 pm.

Q. Thank you.

THE COURT: Anything after that one question?

MR. LAUBSHIRE: One question.

THE COURT: Thank you. Sir, you may step down.

MR. LAUBSHIRE: I want to ask about that time on the report. She asked about the time on the report and I have one question, your Honor.

THE COURT: One question.

RE-RECROSS EXAMINATION**BY MR. LAUBSHIRE:**

Q. That time on the report, who puts that time in there?

A. Dispatch does.

Q. They entered this time on your report?

A. Whenever we clear from a call, we let central know we're 10-8 and that's when she marks it down.

1 Q. On this police report they indicate, these
2 numbers here, you don't fill that out yourself?

3 A. We can -- we can fill that out ourselves. Yes,
4 sir. But Central and their CAD notes, writes down the
5 time we cleared from a call.

6 MR. LAUBSHIRE: No further questions, your
7 Honor.

8 THE COURT: Thank you. Sir, you may step
9 down. Please be careful.

10 MS. HALL: Your Honor, the State has one more
11 witness to call and that witness is unavailable until
12 tomorrow morning. So we'd ask that we'd adjourn this
13 case until then, where we'd have that one last witness.

14 THE COURT: Okay. Let's have a sidebar.

15 (A brief discussion was held off the
16 record.)

17 THE COURT: I was conferring with the lawyers
18 about a timeline so I can tell you this afternoon what
19 to expect tomorrow. I was made aware, earlier, that
20 there was a witness unavailable until tomorrow morning.
21 So I was already aware of that. We just didn't know how
22 far we would get today and we're getting -- it's about
23 3:45 or so. That witness you can expect to be the last
24 witness. Again, you can expect that to be the last
25 witness. Which means, after that witness testifies, the

1 lawyers will probably take a short break, then the
2 lawyers will give their closing statements to you.
3 After which, I will charge you on the law tomorrow
4 morning. All this should take place in the morning. I
5 understand that witness is not an extremely long
6 witness. So you should expect for this case to come to
7 you tomorrow and tomorrow morning. So some time before
8 lunchtime or very close there too, this case will come
9 to you for your consideration. That's the timeline in
10 play.

11 Also, we're talking with the lawyers about the
12 next case up. Because once you go out, I can bring your
13 brothers and sisters in and pick for the next case while
14 you're deliberating. But we're gonna talk about that.
15 That doesn't concern you, you won't be on that case.
16 Because of that, we have to recess on this case early, a
17 little bit early today. I need you back tomorrow at
18 9:30 -- tomorrow morning. I have a couple things to
19 take care of first thing in the morning. I don't want
20 you sitting back there waiting for 30 minutes on
21 anybody. Please be here at 9:30 in the morning. I hope
22 it's not as cold tomorrow morning as it was this
23 morning. Anyway, I'm a South Carolina boy, but anyway.

24 Don't talk about the case. Don't try to learn
25 anything about the case. Don't do any research. I

1 haven't seen any news media here, but if there happens
2 to be something on the radio, newspaper, whatever news,
3 please, disregard that. Don't pay attention to it until
4 after the case has ended, after which time you can talk
5 about it and do what you want to with the case, read
6 anything, talk about it, tell people about it and do
7 whatever you choose to do, it's your decision.

8 With that, Madam Forelady, I'll let you take
9 your jurors out and be excused for the evening. I hope
10 everyone has a good evening.

11 (Jury exited courtroom.)

12 THE COURT: We can take up what you want to
13 take up. Going back to the hearing.

14 On the motion for whether or not the defendant
15 was seen by jurors in shackles.

16 MS. HALL: They're gonna bring -- the man who
17 was here with the shackle issue, that's the man who's
18 gonna do the transport, so he will be available to talk
19 if we need to hear from him.

20 THE COURT: Very good. Do you want to take up
21 the issue about testifying or not testifying while we
22 got some time?

23 MR. LAUBSHIRE: Sure Judge, that sounds like a
24 great idea.

25 THE COURT: Okay. Mr. Truesdale, if you'll

1 stand to be sworn.

2 Madam Clerk?

3 MADAM CLERK: If you'll raise your right hand
4 Mr. Truesdale.

5 Do you solemnly swear to tell the truth, the
6 whole truth and nothing but the truth, so help you God.

7 MR. TRUESDALE: Yes, ma'am.

8 THE COURT: Sir, you may lower your hand.

9 At this time I'm gonna explain some rights
10 that you have regarding your decision to testify or not
11 testify. We will reach the stage in this trial tomorrow
12 morning, very quickly, where you may present your
13 defense. You have the right to claim the protections
14 given to you by the Fifth Amendment to the Constitution
15 of the United States, which states in part: "No person
16 shall be compelled in any criminal case to be a witness
17 against himself."

18 Additionally, you have the right to claim the
19 protections give to you by Article 1, Section 12 of the
20 South Carolina Constitution which states in part, "No
21 person shall be compelled in any criminal case to be a
22 witness against himself."

23 Sir, this means you cannot be required to
24 testify. You have the right to do so, but no one can
25 make you do so. This is a personal right and no person

1 can waive this right, except you. If you decide to
2 testify, you will be subject to the same rules that
3 govern other witnesses and you may be examined and cross
4 examined on relevant issues in the case. Additionally,
5 if you have any convictions involving dishonestly or
6 false statements or for crimes punishable by
7 imprisonment by more than one year and this Court
8 determines the probative value of admitting the evidence
9 outweighs the prejudicial effect, the Solicitor will be
10 able to introduce your record to attack your
11 credibility.

12 If you decide to testify, the decision on your
13 part must be freely, intelligently, and voluntarily made
14 with knowledge of the protections given to you by the
15 constitutions of our country and state and consequences
16 of your decision.

17 If you decide not to testify, I will instruct
18 jurors they cannot give the fact that you did not
19 testify any consideration whatsoever. And there's no
20 prejudice to you because you did not testify. It is
21 entirely up to you as to whether or not you decide to
22 testify. You may talk with your lawyer, a family
23 member, a friend or anyone else, but the decision must
24 be yours.

25 Do you understand what I tell you?

1 MR. TRUESDALE: Yes, sir.

2 THE COURT: Sir, do you understand what I've
3 explained?

4 MR. TRUESDALE: Yes, sir.

5 THE COURT: Do you have any questions about
6 what I have explained?

7 MR. TRUESDALE: No, sir.

8 THE COURT: Have you discussed this matter
9 with your lawyer as to whether you should or should not
10 testify?

11 MR. TRUESDALE: Yes, sir.

12 THE COURT: And do you wish to talk to him any
13 more?

14 MR. TRUESDALE: No, sir.

15 THE COURT: And do you wish to testify?

16 MR. TRUESDALE: No, sir.

17 THE COURT: Thank you, sir.

18 MR. TRUESDALE: Yes, sir.

19 THE COURT: That's what your lawyer told me.
20 I just wanted to get that on the record that you knew
21 what your rights were.

22 Anything else we can take up before in the
23 morning on this?

24 MS. HALL: With the transport officer.

25 THE COURT: Yeah, we are going to finish out

1 the hearing on transport officer.

2 MS. HALL: And charging conference if you want
3 to do that.

4 THE COURT: Let's take 15 minutes or so while
5 we wait and have our afternoon break, refresh ourselves,
6 and we'll be ready to finish up.

7 (Whereupon, a short recess was taken.)

8 THE COURT: Back on the record with Ms.
9 Truesdale.

10 Ma'am, you need a chair?

11 MS. TRUESDALE: No, I can stand.

12 THE COURT: You may lower your mask. Now, Ms.
13 Truesdale, I confiscated that phone because it went off
14 in my courtroom and two things. Number one, you're not
15 supposed to have that phone in here. And I'm sure
16 there's a sign out there that says, "No cellphones
17 allowed in this courtroom."

18 MS. TRUESDALE: I come up the back end and I
19 didn't see a sign.

20 THE COURT: You had to come through an
21 entrance to this courthouse and I assure you there's a
22 notice out there that says, "No cellphones." And I
23 didn't sign that order, but I'll tell you who did. His
24 name is Donald Betty and beside his name it says, Chief
25 Justice of the South Carolina Supreme Court. He is,

1 "The man," you understand?

2 MS. TRUESDALE: Yes, sir.

3 THE COURT: And he issued that order a long
4 time ago. There are no cellphones in a courtroom
5 period. No communication devices, period. That
6 includes, tablets, smart phones, smart tablets, wrist
7 watches that have communication capabilities, they are
8 not allowed in this courtroom. They are allowed,
9 sometimes in a courthouse depending on Madam Clerk of
10 Court, but not in a courtroom per the Chief Justice of
11 Supreme Court. That includes this courtroom, family
12 court, municipal court, magistrate court, in every
13 courtroom there is, they are not allowed, you
14 understand?

15 MS. TRUESDALE: Yes, sir.

16 THE COURT: Now, my thought was initially when
17 I took the phone was that actually I was going to send
18 the phone or deliver it myself, because the Chief
19 Justice's chambers is about as far as from me to that
20 blue chair in the Spartanburg Courthouse when he's not
21 in Columbia. And my thought was, I would just take it
22 down and give it to him and let him deal with it because
23 he can hold you in contempt of the Supreme Court of
24 South Carolina.

25 MS. TRUESDALE: Wow, I'm sorry. I did not know

1 that. I did not know that. I am sorry. I did not
2 realize that I didn't turn it off. And I usually leave
3 it in the car and I didn't realize I stuck it in my
4 pocket.

5 THE COURT: It's not supposed to be in here.

6 MS. TRUESDALE: Okay.

7 THE COURT: Now, I don't know what Madam
8 Clerk's policy is. Do you allow them in the courthouse
9 at all?

10 MADAM CLERK: Yes, sir.

11 THE COURT: You do. Okay. The Seventh Circuit,
12 at least in Cherokee County by order of the Clerk of
13 Court, they're not allowed to be in the courthouse
14 period.

15 I'm gonna return her phone to her, whoever,
16 wherever it is, I don't have it.

17 MS. HALL: It's in a lockbox.

18 THE COURT: We will return that phone to you.
19 When you come back to this courthouse --

20 MS. TRUESDALE: I wont' bring it back, I
21 promise.

22 THE COURT: -- do not bring it in this
23 courtroom. Madam Clerk says you can bring them in the
24 hallway and other places. They are not allowed in any
25 courtroom in this State.

1 MS. TRUESDALE: Yes, sir. Thank you.

2 THE COURT: You're welcome. Next time I will
3 send the phone, if there is a next time, I'm gonna send
4 the phone straight to the Chief.

5 MS. TRUESDALE: There won't be a next time,
6 promise. There won't be a next time.

7 THE COURT: All right, she can have the phone
8 back.

9 MS. TRUESDALE: Thank you.

10 MS. HALL: Your Honor, I've tried to figure
11 out a good way to do this. And I think the best way --
12 Gilbert is here from the detention center and Ms. Smith
13 is still here who is the bailiff or juror coordinator or
14 whatever you want to call it. I think the easiest way
15 for us to do this is, for you to be able to come back in
16 the back with us and let them show you the positioning
17 of the door where Mr. Truesdale was. I just don't see
18 there's any other way to describe it.

19 THE COURT: That's fine.

20 MS. HALL: And for anyone to know for sure
21 what the view of the jury would have been based on just
22 talking about it.

23 THE COURT: Okay. We'll walk back there.
24 We'll take the lawyers, cause I don't know myself. This
25 is not my courthouse.

1 (A brief discussion was held off the
2 record.)

3 THE COURT: Does anybody want anything on the
4 record other than to tell what we just did?

5 MR. LAUBSHIRE: Judge, just for purposes of
6 the record. We went to the back and had everyone show
7 us what they observed when they got off the elevator.
8 The officer saw into the jury room. He made eye contact
9 and saw people in there and people in there can
10 obviously, can see out the door. My client came off the
11 elevator and walked passed them, and walked down the
12 hall where they can directly see him where he was being
13 restrained and having restraints taken off.

14 MS. HALL: And just to be clear about the
15 positioning of the door. It was at an angle -- it was
16 definitely more than a 45 degree angle. And it was
17 opened and closed, there was like a 45 degree angle.

18 THE COURT: And the officer said he could see
19 at least one juror sitting towards the back. A black
20 female sitting toward the back and the defendant said he
21 saw an young man or two of them sitting up toward the
22 front. As you come through this hallway right here, as
23 you get off the elevator and come through, which would
24 be directly behind me at six o'clock. There's a little
25 short hallway and that's where the officer was standing

1 behind the defendant and the defendant was being
2 unshackled on the ankles; is that right?

3 MR. LAUBSHIRE: And handcuffs.

4 THE COURT: And handcuffs. But from that
5 standpoint, I'm not sure anybody can see anybody except
6 for the back of the officer at that point and it's dark
7 in there. Defendant says he saw -- looked like he saw
8 two individuals.

9 Okay. Anything further on that?

10 MR. LAUBSHIRE: Just same issue we had and we
11 raised, that it's prejudicial that the jury saw him.
12 That you may clearly see very easily to establish this
13 is someone who is very dangerous and two, is possibly
14 guilty, because he's being restrained and he maybe be in
15 jail for something else because he's in custody.

16 THE COURT: Okay. Tell everybody about *State*
17 *versus Castle*, which is also cited *State versus Moore*.
18 That is at 257-SC-147, again, from our Supreme Court
19 citing in *State Versus Castel*. Court said, "We think
20 that when a jury or members thereof, see an accused
21 outside the courtroom in chains or handcuffs, the
22 situation is psychologically different and less likely
23 to create prejudice in the minds of jurors. Whether an
24 accused should be in chains and handcuffs outside the
25 courtroom is a matter for the sheriff or the police

1 department to determine since such custodian is
2 responsible for the safekeeping and safe transportation
3 of the accused." For the record, "Need not show
4 restraints were warranted before and after the accused
5 appearance in a courtroom. People normally expect to
6 see a prisoner with some restraints in situations
7 whereas, able to escape if not in restraints." The
8 Court went on to say, "Apart of from statement of the
9 counsel, the record contains no proof that the incident
10 prejudice the minds of a jurors against it."

11 Further, and I've asked my law clerk to put
12 this in my charge. "The trial judge did instruct the
13 jury, it's your duty as jurors to decide this case
14 solely on the basis of the sworn testimony in the
15 courtroom." And that's been added to my proposed jury
16 charge. Okay.

17 Anything from the State?

18 MS. HALL: No, sir.

19 THE COURT: From the defense?

20 MR. LAUBSHIRE: No, your Honor.

21 THE COURT: We will adjourn the trial for
22 general sessions matters.

23 (Whereupon, trial was concluded for the day.)

24 THE COURT: Back on the record.

25 Counselor's are we ready?

1 MS. HALL: Yes, sir.

2 MR. LAUBSHIRE: Yes, your Honor, we're ready.

3 THE COURT: I understand the jury is here. We
4 will have the jury.

5 (Jury entering courtroom.)

6 THE COURT: Ladies and gentlemen, good
7 morning. Everybody ready to work?

8 MADAM FORELADY: Yes, sir, your Honor.

9 THE COURT: Thank you.

10 Solicitor?

11 MS. HALL: Thanks, your Honor. The State
12 calls Robert Merriweather.

13
14 R.O.B.E.R.T. M.E.R.R.I.W.E.A.T.H.E.R., the Witness
15 herein, having been sworn by the Clerk of Court, was
16 examined and testified as follows:

17

18 THE COURT: Good morning, sir.

19 MR. MERRIWEATHER: Good morning.

20 THE COURT: Sir, tell us who you are and spell
21 your last name for the Court Reporter, please.

22 MR. MERRIWEATHER: My name is Robert
23 Merriweather Jr,. I am a paramedic with Fairfield
24 County EMS. My last name is spelled
25 M-e-r-r-i-w-e-a-t-h-e-r.

1 (State's Exhibit 3, EMS Report, was
2 marked for Identification.)

3 THE COURT: Thank you, sir.

4 Solicitor?

5 MS. HALL: Thanks, your Honor.

6

7

DIRECT EXAMINATION

8

BY MS. HALL:

9 Q. Mr. Merriweather, you stated that you're
10 employed with the Fairfield County EMS?

11 A. That's correct.

12 Q. What are your duties in that position?

13 A. Responding to all 911 calls for service.

14 Q. Are you an EMT?

15 A. I'm a paramedic.

16 Q. Paramedic.

17 A. Uh-huh.

18 Q. How long have you been doing this job?

19 A. Thirty-four years.

20 Q. Where you doing it on June 18, 2021?

21 A. Yes, ma'am.

22 Q. And did you respond to 2005 Oak Street on that
23 day?

24 A. Yes, ma'am.

25 Q. Describe for the jury, what you encountered or

1 what you saw when you got there?

2 A. Actually, the location that we responded to
3 had changed to another location. So we actually
4 responded to the home of the call.

5 Q. Did you ever go to Behavioral Health first or
6 did you go straight --

7 A. We went there and then we were told by the
8 dispatcher they were gone.

9 Q. And then you were told to go 2005 Oak Street?

10 A. That's correct.

11 Q. So you responded to house?

12 A. Correct.

13 Q. If you can just describe the scene when you
14 there?

15 A. I believe she was laying on -- or sitting up
16 on the porch and she was talking to the sheriff
17 deputies.

18 Q. I'm going to show you what's been marked as
19 State's Exhibit 3 and tell me if you recognize this
20 document?

21 A. Yes, this is a Fairfield County EMS RUN sheet
22 report.

23 Q. Will you tell the jury what a Fairfield County
24 RUN sheet report is?

25 A. This is basically the detailed account of the

1 persons vital signs and everything that, you know,
2 happened with the call, which is what we call DHEC.
3 It's a state form to document everything that went on on
4 our call.

5 Q. Who completes this form?

6 A. The paramedic completes the form.

7 Q. Did you complete this form --

8 A. Yes.

9 Q. -- since you were the paramedic?

10 A. Uh-huh.

11 Q. You stated already that you responded to the
12 house on June 18, 2021. What time did you arrive there?

13 A. Okay. I see the scene time would be 15:14.
14 That would be three o'clock, 3:14.

15 Q. Let's talk about the document again, real
16 quick. You said that you were the person who completes
17 this document?

18 A. Correct.

19 Q. And do you do this for every call that you go
20 on?

21 A. Yes, ma'am.

22 Q. Are those records kept at the Fairfield County
23 EMS office?

24 A. Actually, they have computerized copies so,
25 yes.

1 Q. And so when the state or defense or anyone
2 asks you or ask's the people at the office or you,
3 yourself, to generate a copy for that person, are you
4 able to do so?

5 A. Administration would be able to do so.

6 Q. Is this the form that you actually completed
7 and filled out regarding the June 18th incident?

8 A. Yes, ma'am.

9 MS. HALL: Your Honor, at this time the State
10 would move 3 into evidence.

11 MR. LAUBSHIRE: No objection.

12 THE COURT: No objection. It's admitted.

13 (State's Exhibit 3, EMS Report, was
14 marked in evidence.)

15 Q. (BY MS. HALL:) Do you take notes about what
16 happens when you get to the scene?

17 A. Correct.

18 Q. And is that on the second page, in the middle,
19 in an area called the, "narrative?"

20 A. Yes, ma'am.

21 Q. Could you tell the jury, as you described the
22 scene, if you could just read what you observed when you
23 got there?

24 A. Okay. You want me to read the narrative?

25 Q. Yes, please.

1 A. Okay. Let's see here. "EMS arrived to find a
2 45 year old female sitting on the ground next to a pick
3 up truck talking with Fairfield County Sheriff Deputies.
4 Patient stated she was being dropped off at the
5 Fairfield County Behavioral Center by her husband to see
6 her doctor for drug addition recovery. She stated that
7 they were involved in an argument causing her husband to
8 become irate. The patient stated that she was exiting
9 the passengers seat of the pick up truck, when her
10 husband suddenly hit the gas pedal causing her to fall
11 to the ground. She stated that the trucks right rear
12 tire ran over her right leg. The patient stated her
13 husband then placed her back into the vehicle and drove
14 her home, where she was found by EMS. The patient was
15 found complaining of right lower extremity pain and
16 also, pain in her right hip."

17 "During the initial patient survey: The
18 patient expressed pain in those areas only. Patient
19 denied injury to head, back or neck and no signs of
20 injury to those areas were found. However, the patient
21 had an abrasion to her left elbow. The patient had
22 perrrla pupils with no signs of any neurological
23 deficits. The patient had clear and equal breath sounds
24 with 100 percent RA SP-02. The patient's abdomen was
25 soft and not painful to palpitation, her pelvis was

1 stable. The patient was placed on a cot in a
2 semi-fowler position and transported to Richland
3 Hospital, while in route an INT was established in her
4 left hand to keep vein open."

5 Q. Just out of curiosity, what is a semi-fowler
6 position?

7 A. A semi-fowler position would a -- a fowler
8 position would be sitting straight up. A semi-fowler
9 would be reclined. So she would be completely supine.
10 So she would be in between a fowler and supine position.

11 Q. And when you're asking her those questions or
12 you're getting the narrative, from whom are you getting
13 it?

14 A. I'm getting it from the patient.

15 Q. In this case, was that Stephanie Truesdale?

16 A. Yes, ma'am.

17 Q. And you're getting it from her and her alone
18 or do you getting it from other people too?

19 A. I normally document what the patient says
20 verbatim, what they tell me --

21 Q. Okay. And are you -- I'm sorry. Go ahead.

22 A. Yes. Normally what they tell me, I'll put it
23 in my narrative if that's what the patient stated.

24 Q. And in this case, she's the one who gave you
25 this information, no one else?

1 A. Correct.

2 Q. Do you document this information for purposes
3 of medical treatment?

4 A. For medical treatment, as well as, for legal
5 reasons.

6 Q. Is that to make sure that she is safe to move?

7 A. Correct.

8 Q. And that would be the legal reason that
9 you're --

10 A. Correct.

11 Q. -- collecting it, to make sure that you are
12 not going to further injure her?

13 A. Correct.

14 MS. HALL: No further questions. Please
15 answer any questions Mr. Laubshire may have.

16 THE COURT: Counselor?

17

18 **CROSS EXAMINATION**

19 **BY MR. LAUBSHIRE:**

20 Q. Do you prefer Robert or Mr. Merriweather?

21 A. Don't matter, Mr. Merriweather is fine.

22 Q. Mr. Merriweather, on June 18th you went to the
23 location of the home; correct?

24 A. Correct.

25 Q. So you didn't see any of these events

1 transpire yourself?

2 A. No, sir.

3 Q. So the only thing you know about it is what
4 people told you?

5 A. Correct.

6 Q. In that report, you wrote that report
7 yourself?

8 A. Correct.

9 Q. No input from anybody else?

10 A. No, sir.

11 Q. You noted in your report that Stephanie
12 Truesdale is the patient --

13 A. Correct.

14 Q. -- didn't have any injuries to her head, back
15 or neck?

16 A. Correct.

17 Q. And you also noted that you didn't observe
18 any?

19 A. Correct.

20 Q. If there had been some injury there and she
21 complained, you certainly would have notated that in
22 your report, wouldn't you?

23 A. Yes, sir.

24 Q. She told you that she had been run over by a
25 truck. Did she tell you that it was on purpose?

1 A. She did not.

2 Q. Did she tell you that she was the victim and
3 needed the police to ride with her to the hospital?

4 A. Can you rephrase the question?

5 Q. Sure. Did she tell you she needed the police
6 to ride with her to the hospital?

7 A. No.

8 Q. Did a deputy ask you to ride with you in the
9 ambulance?

10 A. No

11 Q. Did she ever tell you she was in fear for her
12 safety?

13 A. No.

14 Q. Did she ever ask you for, other than medical
15 help, did she ever ask you for any other kind of help?

16 A. No.

17 Q. Did she tell you anybody threatened to kill
18 her?

19 A. No, sir.

20 Q. And Mr. Truesdale, Jeffrey Truesdale, who you
21 saw at the scene, he wasn't in that ambulance with you,
22 was he?

23 A. I don't recall seeing him at the scene.

24 Q. Did you see him in the ambulance?

25 A. No, sir.

1 Q. He didn't ride with you to the hospital?

2 A. No, sir.

3 Q. Who was in the back of the ambulance with you
4 and her; anybody?

5 A. No, just me and her.

6 Q. So she could have told you anything she
7 wanted. There was no one to hover over her or change her
8 statement or put pressure on her to coerce her or
9 anything; it was just you and her?

10 A. That's correct.

11 MR. LAUBSHIRE: Thank you very much. That's
12 all my questions.

13 THE COURT: Solicitor anything?

14 MS. HALL: No.

15 THE COURT: Thank you. Sir, you may step down.
16 Please, be careful.

17 Is he released?

18 MS. HALL: Yes, please.

19 THE COURT: Any objection?

20 MR. LAUBSHIRE: No objection.

21 THE COURT: Sir, you may stay or go, whichever
22 you choose.

23 MS. HALL: At this time the State rests.

24 THE COURT: State rests.

25 Ladies and gentlemen, as I told you yesterday,

1 that witness was unavailable until this morning, but now
2 the State has rested. Which means, the State does not
3 intend to call any other witnesses. They do not intend
4 to put any other documents or pictures into evidence.
5 As far as they're concerned, they've done everything
6 they intend to do with this case.

7 Now, that brings us to a point where I'm going
8 to ask you to go back, and this is going to be your
9 morning break, because when we return the lawyers are
10 going to make their closing statements to you. After
11 which time, I will charge you on the law and give you
12 the verdict form to go to the jury room and begin your
13 deliberations.

14 So as you go out or when you go out, they're
15 going to set up a TV for viewing a video, maybe some
16 other things and we'll give them a few minutes to do
17 that. While they do that, refresh yourselves, because
18 when we come back, the next time you go out, you will
19 have the case in your hands, okay, Madam Forelady.

20 (Jury exited courtroom.)

21 THE COURT: Matters from the State?

22 MS. HALL: Nothing from the State.

23 THE COURT: Matters from the defense?

24 MR. LAUBSHIRE: Judge, I'd like to make a
25 motion for directed verdict. In this case looking at,

1 your Honor's jury charge that was presented to us this
2 morning, domestic violence high and aggravated has a
3 number of elements. One of these important elements in
4 this case is going to require that this happened, this
5 offense happened under circumstances manifesting extreme
6 indifference to the value of human life and reasonably
7 caused a person to fear, great bodily injury, or death.
8 All the evidence in this case came essentially,
9 secondhand from the police officer or witnesses who
10 didn't hear or really see anything. The only witness in
11 this case that can tell us any firsthand account of what
12 happened is Stephanie Truesdale. Stephanie Truesdale's
13 testimony is that this was an accident, nothing more.
14 He didn't intend to hurt her. He didn't intend to harm
15 her. As a matter of fact, she testified even after the
16 accident, he rendered aid. So taking all the evidence
17 in the light most favorable to the State, no reasonable
18 jury could find the defendant guilty. So we're asking
19 that this case be dismissed as a matter of law.

20 THE COURT: Solicitor?

21 MS. HALL: Thank you, your Honor. I believe
22 the jury charge of the law in regards to the State,
23 prove one of the following, not both. "Defendant
24 committed the offense manifesting extreme indifference
25 to the value of human life." The State would submit

1 that we have provided evidence of that and in a way that
2 he accelerated when she had the door open and hit her
3 with the truck, pulling off while she was trying to get
4 out, and that he continued to -- that was the act
5 itself. There were circumstances that surround that
6 also manifest extreme indifference to the value of human
7 life. There's been testimony that great bodily injury
8 did occur. There's be testimony that was given by Ms.
9 Truesdale, it was given by her sister who was her
10 caregiver after the accident and it was also given by
11 Mr. Merriweather, whom we just heard.

12 THE COURT: The motion for directed verdict is
13 denied. Looking at *State versus Kenneth G. Butler, Sr.*
14 "In ruling on a direct verdict motion, the Court is
15 concerned with the existence of evidence not it's
16 weight," citing *State V Weston* and there is evidence of
17 conflicting testimony in this case.

18 So the motion for directed verdict is denied.

19 MR. LAUBSHIRE: Thank you, your Honor.

20 THE COURT: Anything else? Hearing none.

21 We'll put on the record that we had a charge
22 conference in this matter. That my law clerk emailed
23 the proposed jury charge and verdict form to the
24 Solicitor's office. They were kind enough to print that
25 for me and also gave defense counsel a copy. And we

1 met, the defense lawyer, the solicitor, and myself and
2 my law clerk, in chambers this morning. And I
3 understand that there are no objections. And if anyone
4 has any additions or deletions thereto.

5 I'm going to recognize the Solicitor,
6 anything?

7 MS. HALL: Nothing from the State.

8 THE COURT: Defense?

9 MR. LAUBSHIRE: Nothing from the defense, your
10 Honor.

11 THE COURT: Anything else we need to put on the
12 record?

13 MS. HALL: Not from the State.

14 MR. LAUBSHIRE: Nothing from defense, your
15 Honor.

16 THE COURT: Okay. Both of you have requested a
17 few minutes and that is granted, to collect your
18 thoughts, set up TV and so forth. So twenty past the
19 hour?

20 MS. HALL: That's plenty of time.

21 I have a question?

22 THE COURT: Yes, ma'am.

23 MS. HALL: It's kind of for Mr. Laubshire, just
24 to streamline things and I can do it either way. The
25 discs are in evidence, the 911 call and the surveillance

1 video. They're also downloaded on my computer in the
2 same form -- I actually put them on disc from my
3 computer. And I'm happy to let Mr. Laubshire see those
4 if he needs too. But for ease of the movement and
5 throughout this closing, it's going to be much simpler
6 to do it, just from the computer, rather than using the
7 discs themselves and I would just ask the Court's
8 permission to do that.

9 MR. LAUBSHIRE: I have no objection, your
10 Honor.

11 THE COURT: Whatever the lawyers agree to is
12 fine with me. Let's return at twenty minutes past the
13 hour, That will give you time to set up everything and
14 collect your thoughts.

15 (Whereupon, a short recess was taken.)

16 THE COURT: We're back on the record, in the
17 State Versus Jeffrey Ross Truesdale, Sr.

18 Counselor?

19 MR. LAUBSHIRE: Your Honor, the defense rests.

20 THE COURT: Defense rests at this time.

21 Anything from the State?

22 MS. HALL: No, sir.

23 THE COURT: Anything from the defense?

24 MR. LAUBSHIRE: Nothing, your Honor.

25 THE COURT: You renew your motions?

1 MR. LAUBSHIRE: Renew our motion for directed
2 verdict, your Honor. Yes.

3 THE COURT: Yes, sir. Anything from the State
4 on that?

5 MS. HALL: Nothing that hasn't already been
6 said.

7 THE COURT: Motions are denied once again on
8 the same rulings that's appeared before us as stated by
9 the Court.

10 Anything further?

11 MR. LAUBSHIRE: Nothing from defense, your
12 Honor.

13 THE COURT: Very good. We'll have the jury.

14 (Jury entered courtroom.)

15 THE COURT: Counsel.

16 MR. LAUBSHIRE: Your Honor, defense rests.

17 THE COURT: Defense rests?

18 MR. LAUBSHIRE: Yes, your Honor.

19 THE COURT: Ladies and gentlemen that means the
20 defense does not intend to offer any evidence in this
21 case. They have now rested their case.

22 At this point, we will hear from the lawyers
23 in closing statements. After which time I will read the
24 jury charge to you and send you to the jury room to
25 deliberate.

1 Solicitor?

2 MS. HALL: Thank you.

3

4

CLOSING ARGUMENTS

5 MS. HALL: Good morning. I talked with you
6 in the beginning of the trial about -- when I did my
7 opening statement, about the elements of this crime. I
8 sort of written it out over here. And I'm gonna remind
9 you again and I'm going to refer back as we go through
10 this.

11 Domestic violence itself and I wrote over to
12 the side, "the base offense" and I'm gonna come back to
13 that in a second, requires the defendant cause physical
14 harm or injury, which is a battery to his own household
15 member, which, in this case, is his wife. What takes us
16 to a high and aggravated nature level, is that the
17 defendant -- it requires the defendant commit that base
18 offense of domestic violence -- under circumstance
19 manifesting extreme indifference to the value of human
20 life, which I submit happened here. And I'm gonna talk
21 about that some more as we go through this -- and great
22 bodily injury occurred. And great bodily injury, and
23 there's definitions of that. There's substantial risk
24 of death that comes from it. I would submit to you,
25 that could have happened. But more -- and you don't have

1 to find all of these, you can find one or the other --
2 or serious permanent disfigurement or protractive loss
3 or impairment to a bodily member, such as a leg. Your
4 bodily member is a limb. And I would submit to you,
5 that Ms. Truesdale, definitely, has serious protractive
6 loss or impairment to her lower extremity as a result of
7 this incident, especially to her right leg and it is
8 going to be permanent, as she told you when she
9 testified.

10 You guys are the judges of the facts. Again,
11 that's the law, the Judge is going to give it to you.
12 You just have to take the facts as you find them to be
13 and apply the law as he gives it to you and render a
14 verdict based on those two things.

15 I want to talk real quick about the testimony,
16 because that's what you have in terms -- you have four
17 exhibits, the video, the 911 call, the CAD sheet with
18 the radio traffic and what Brad Truesdale testified
19 about and you've got the EMS report as well. You're
20 going to take that EMS report and the CAD sheet back to
21 the jury room with you. If you need to listen to the
22 911 call or watch the video again, you're certainly
23 welcomed to do so. You would have to come back into the
24 courtroom to do that, but that is available to you.

25 I want to talk -- the State -- everything that

1 came from the witness stand too. Everything that
2 everybody said, that's also evidence. So that's what I
3 want to go through with you.

4 You heard from the victim in this case about
5 the events of the day. She got up and went to work
6 around three o'clock in the morning. She worked
7 approximately, 12 hours before Mr. Truesdale, the
8 defendant in this case, her husband, comes to pick her
9 up from work. He picks her up -- it's only two miles to
10 Fairfield Behavioral Health where she's going to get a
11 prescription filled. An argument ensues, he backhands
12 her in the face. They keep arguing and when they get to
13 the -- it's only two miles, I'll submit to you this
14 argument continues. They get to the parking lot of the
15 Fairfield Behavioral Health Center, still arguing, she
16 opens the door to get out of the car to go inside to get
17 a prescription. You'll see on the video. And I'm gonna
18 play it, probably three times while we do this. And
19 you'll see that the doors open and again, we talked
20 about when she was on the stand, she talked about:

21 "I'm four, eleven."

22 "How do you get out?"

23 "I slide."

24 She wants to blame it on her shoes. I'll
25 submit to you, that the she fell, even if she -- even if

1 she fell on her own, that has nothing to do with this.
2 The fact that the defendant acted with reckless
3 indifference to extreme indifference to human life when
4 he gunned the engine, turned the wheel and ran over her.
5 That is the action that he's on trial for. There are
6 other circumstances that surround that, that I'm gonna
7 go through that further indicate he was acting with
8 extreme indifference to human life. And I'm gonna talk
9 about that some more in just a little bit. Then she
10 doesn't really or a least she says, doesn't really
11 remember what happened. And she does give -- and
12 Mr. Laubshire, I'm sure, is going to toot his horn, but
13 she gives them statements as -- law enforcement talks to
14 her, she gives one statement. Later on he goes back and
15 maybe she's under the influence of pain pills, I don't
16 know. She does give another series of facts, but the
17 core issues remain the same.

18 "My husband ran over me."

19 And she's injured, and she says that, and she
20 says, consistently too:

21 "He threatened to kill me if I -- if I told
22 law enforcement." "He told me, he'd put a bullet in my
23 head."

24 This is control ladies and gentleman. This is
25 power and this is control. He's attempting to control

1 the situation. He's messed up. He knows he's messed
2 up. He's acted with extreme indifference for human
3 life. He's injured her and now he's trying to deal with
4 the aftermath of what he's done. He gets her by the
5 hair when they get to the house. Let's talk about going
6 to the house too, because he doesn't go the to
7 hospital. He doesn't call 911 when she's lying in the
8 parking lot. He picks her up and we're gonna go through
9 the video in just a minute and I want you to pay close
10 attention to how he puts her in the car. The defense
11 would have you believe that he renders aid to this lady.
12 And I would submit to you, he's doing anything but that.
13 He's not rendering aid. He's covering his tracks and
14 he's trying to control the situation. He picks her up,
15 tries to stand her on her feet. Once he realizes that
16 she can't, he hoists her and that's fine, he hoisted --
17 I get that, he has to carry her. I understand that.
18 But I want you to pay close attention to how he puts her
19 in the car. He flings her. And I understand that maybe
20 the weight pulls him forward, maybe that's the way she
21 lands in the car and that's fine too. But he leaves her
22 there like that, lying in the car, injured, can't walk,
23 run over. Never tries to render aid by helping her
24 pivot her legs around or do anything comforting or kind
25 or shows compassion or concern or anything else of her

1 wellbeing. Then after that, and you'll hear it on the
2 911 tape, which I'm also going to play for you -- this
3 is not my characterization of it. I would submit that
4 that is the characterization of it, but the 911 caller
5 tells you. He walks off in a tuff. And he walks back
6 to get her stuff and he's angry. He's still angry. He
7 was angry when he pushed that gas pedal. He was angry
8 when they got in the parking lot. He was angry when he
9 backhanded her and he's still mad. He goes over there,
10 he picks all her stuff up. He brings it back to the
11 truck. Now, I want you to watch this very carefully
12 too. He flings it on her. He doesn't gently set it
13 down. He doesn't put it in the backseat. He throws it
14 on top of her. Again, extreme indifference to the value
15 of human life. No concern for her. No compassion for
16 her. No care for her. Simply concerned with getting
17 the heck out of dodge before the cops get there. And he
18 takes her home. He doesn't go -- and you've heard
19 testimony, a hospital is much closer to where the
20 Fairfield Behavioral Health Clinic is than their house.
21 He doesn't take her to the hospital. He tells her he
22 called 911, but you heard Brad Douglas. They looked
23 high and low to find any record on their eight lines
24 that they have -- I guess it's 12, four administrative
25 and eight emergency lines -- to find any call that came

1 from anywhere besides Behavior Health, there wasn't one.
2 This was the only call to 911 to those eight emergency
3 lines and those four administrative lines that came in.
4 And I don't know what Mr. Laubshire's gonna say, but I
5 would venture to guess, that he's probably going to say:

6 What if he just called the sheriff's
7 department or what if he just called the hospital?

8 Who does that? When somebody's lying on the
9 ground, you call 911. I mean, you're thought when
10 you're a kid to call 911 if there's an emergency, that's
11 what you do. You don't look up the number for the
12 hospital. You might go to the hospital, which is very
13 close by. But you don't look up the number for a
14 nonemergency line for the hospital -- you call 911. If
15 you really truly care, and you're really truly concerned
16 and you want to get some help for somebody, that's what
17 you do.

18 You're going to have, in evidence, the EMS
19 report and Mr. Laubshire -- again, all I can do is
20 guess, is gonna talk about the inconsistencies of her
21 statements. That she comes to Court and she -- she
22 loves him. Okay. You want to talk about credibility
23 and bias? That's part of it. You've got to judge the
24 bias and credibility of the witnesses. She still cares
25 about him. She wants to reconcile with him. There's

1 some bias there. She's trying to soft-sell this, but
2 what is done, is done. And she has given statements
3 throughout the course of this and while -- and she says:

4 The facts of the actual incident are so fuzzy
5 to me. I fell. Maybe he -- I don't know, maybe I was
6 trying to get out of the car and he gunned the engine.

7 Which is, what she tells the EMS person when
8 she's trying to get help. This is the only person who's
9 giving these statements. Not law enforcement, not
10 anybody. This is Mr. Merriweather, who you saw on the
11 witness stand just a little bit ago, having a one-on-one
12 conversation with a lady who is hurt. And I believe
13 Mr. Laubshire's going to make a big deal of the fact
14 that.

15 Well, you didn't see any injuries to her head?

16 I mean, wasn't she backhanded?

17 She's not concerned about that. That is water
18 under the bridge at this point. She is in excruciating
19 pain, can't walk and the only thing she's worried about
20 is trying to get help for her injuries. She's lying --
21 he's pulled her out of the truck. He's laid her in the
22 yard, gone inside and she's lying on the ground. Well,
23 first, when Brice Hinson pulled up and he tells you
24 this, she tells law enforcement in a statement that was
25 written and I talked about this with her.

1 "He told me if I tell, that I better shut up
2 or he's gonna put a bullet in my head, and pulled my
3 hair."

4 And Brice Hinson get's there and he sees --
5 and this is corroborated for what she's telling you in
6 the statement. Hinson get's there and he sees Truesdale
7 standing over her. And I will submit to you, that
8 actually happened. Again, he's trying to control the
9 situation.

10 "Don't talk about it."

11 So he's inside -- I want to go back to talking
12 about Merriweather too. When she says:

13 "I was getting dropped off." "I was exiting
14 the rear -- the passengers seat" -- I'm sorry, not the
15 rear. "The passenger seat to the pick up truck, my
16 husband suddenly hit the gas pedal," which we're gonna
17 go over in the video in just a second. "Causing me to
18 fall to the ground and the truck's right rear-wheel ran
19 over my leg." He placed her back into the truck and
20 drove her home. That's the statement that she gives,
21 right there, on the scene, while she's trying to get
22 help. And I believe Mr. Laubshire's gonna make a big
23 deal out of the fact that, you know, well, she didn't
24 really tell law enforcement what happen when they are on
25 the scene.

1 Again, how do you exercise power and control
2 over somebody? You stay on top of them. You stay 20 to
3 30 feet away from them. He's already told her:

4 "I'm gonna shoot you." "I'm gonna kill you if
5 you don't shut your mouth."

6 And you heard testimony from Chris Darner,
7 Brad Truesdale, all the police who went there. He was
8 never any further away from her than 30 feet. I would
9 submit to you, that is -- that's a controlling position
10 to be in. And she's scared. She's not gonna talk.
11 She's not gonna say anything about, "this was on
12 purpose" or anything like that. And I don't want y'all
13 to get hung up on that, because Mr. Laubshire's coming
14 up here and --

15 Oh, it was an accident.

16 Oh, he didn't do it on purpose.

17 When you are a child, you are taught that
18 there are consequences to your actions. That is the way
19 the world works. Just because you don't mean to run
20 over somebody, that's not the standard here. It's
21 acting with extreme indifference to the value of human
22 life. When you are in a car and you gun the gas,
23 knowing that the door is open and your wife is trying to
24 get out, you take responsibility for the consequences
25 after that. You've gunned the engine, you've pulled off

1 -- you've sped off and you run over her.

2 I have three sons and one of them was six at
3 the time. This was the oldest one and this is an
4 example of this and I'm gonna give you a couple more,
5 but not about my kids. He, my four year old, was trying
6 to learn to ride a scooter and they were on a gavel
7 road. The six year old thinks it's he's gonna be cute,
8 he sticks out his foot and his brother falls over to the
9 ground, scrapes his hands all up, bloody, everything,
10 face all messed up. That is -- he had to take -- he has
11 to deal with the consequences of his actions. That's
12 what he has to deal with, because he caused -- if his
13 foot had not -- maybe if his brother hadn't hit his foot
14 when he was rolling by, maybe he wouldn't have fallen
15 and gotten hurt. The fact is, he stuck his foot out.
16 The fact is that Jeff Truesdale gunned the gas knowing
17 the door was opened and his wife got run over. It
18 doesn't matter if he intended to run over her. What
19 matters is that he acted with extreme indifference to
20 the value of human life.

21 Back to Ms. Truesdale for just a little bit,
22 and I want to talk about control some. He doesn't have
23 -- he's controlled the situation or trying to control
24 the situation, but the fact is, at this point, he can't
25 because other people have seen what has happened.

1 You've -- I'm gonna play the 911 tape for you.

2 (Playing audio recording.)

3 MS. HALL: I want to talk about what would a
4 reasonable person do in that situation. I would submit,
5 what a reasonable person would do, is that they would
6 leave her lying on the ground -- at the best case
7 scenario is, that you would leave her lying on the
8 ground and call EMS to come help her. The second
9 situation, that you would take her to the hospital
10 immediately. That's not what he does. And again, we'd
11 go back to extreme indifference. But what he does
12 instead is, he stays angry. And I'm gonna play the
13 surveillance video again real quick while we talk about
14 this. Again, I'm gonna ask you to pay close attention
15 to the fact the doors open. How he speeds off and the
16 way he acts towards her with regards to putting her back
17 back in the car and with regard to her belongings.

18 (Playing surveillance video.)

19 MS. HALL: On cross-examination there was, I
20 believe, some mention about the fact that Kimberley
21 Steele, she calls it in. She doesn't see the actual
22 incident where he runs over her and she says that. She
23 sees the aftermath of it. She hears a commotion, she
24 goes to the window and sees what she sees with him. And
25 she characterizes that it looks like he's attacking her

1 when he does back to get her. She doesn't really
2 understand what's happened, but she says:

3 'He's picking her up and she's not going
4 willingly.'

5 I would submit to you, that is just testimony
6 to the fact that he's in a huff, he's irate. He's still
7 angry, even after now she's severely injured. And a
8 reasonable person in this circumstance would jump out of
9 their car, not slump her over in an angry manner and in
10 a huff, as she characterizes it. Would rush over:

11 Oh my gosh, I've run over you. What can I do
12 to help you?

13 That's not what he's doing. He's still trying
14 to exercise control and acting with extreme
15 indifference, even after he knows that she's seriously
16 injured and cannot stand.

17 You heard from Stephanie's sister, Melissa
18 Reynolds. This is the woman who went to the hospital
19 and took care of her sister and stayed with her for a
20 long period of time until she decided to reconcile with
21 the defendant or start talking with him again and she
22 said, I'm out. And this is the first person,
23 interestingly, that Stephanie calls when this happens.
24 She's got her phone. She doesn't need to call 911
25 because Jeff's already told her he's done it, which is

1 not true, but she calls her sister. Maybe she's calling
2 her sister because she's afraid of the consequences of
3 what he would do if she did call 911. Again, he's there
4 on the scene, control and power. Maybe she's afraid to
5 call 911, because again --

6 "Don't tell, you better shut up or I'm gonna
7 put a bullet in your head."

8 But she has -- her sister is safe, her sister
9 will protect you.

10 She says, "I always call my sister when
11 something goes on." This is the person I go to. This
12 is my go to safe person. She's known her for 39 years
13 and her sister characterizes her demeanor. She's up
14 set, she's crying.

15 "Jeff ran over me."

16 Not, Jeff accidently ran over me and he's
17 taking me to the hospital.

18 Not, I'm in an ambulance Jeff accidently --
19 and again, don't get hung up on the accident. That is
20 not an element of this crime. That is not a part of
21 this law, it is extreme indifference. She says:

22 "Jeff ran over me."

23 And Melissa goes to her sister as soon as she
24 possibly can. Stays with her through the duration,
25 going everyday and moves in with her from June 30th

1 until about, I think she said November 2nd, which is
2 approximately four months. And the defense is trying to
3 throw red herrings to confuse that situation.

4 "But didn't you have a romantic relationship
5 with Jeff Truesdale?"

6 "Well, no."

7 "Don't you have issues with him?"

8 "Generally, no, I don't, but I do have issues
9 with him as it applies to my sister."

10 "Didn't you live there for free?"

11 "Yeah, while I was paying rent on my other
12 house that I'm supposed to be living in, but I'm over
13 here caring for her because she can't even get up and go
14 to the bathroom by herself and somebody's got to do it."

15 And then, Mr. Laubshire wants to move on to
16 blaming the police. And we're gonna go through this
17 real quick. He's got to blame anybody, except the
18 defendant. Eric White shows up on the scene. He's
19 there for five minutes.

20 "It's not my scene," he said that and must
21 have said that 30 times.

22 "It's not my scene."

23 They're shorthand, thankfully, Brice Hinson is
24 able to respond immediately. And White tells you,
25 typically what happens is, a deputy responds to a scene

1 and if we need an investigator, we call them in. But
2 this time the investigator just goes straight to it. So
3 the deputy doesn't have to do anything. But he does
4 show up. He stays there for about 5 minutes. He said,
5 I've got battery issues with my body-cam. I don't turn
6 it on. There's nothing to see, everybody's -- and he
7 said, everybody -- he said, they're gone and maybe she
8 was still there in the ambulance. And he says he talks
9 to Stephanie Truesdale, I think, for a second. Again,
10 all of that is extraneous stuff.

11 And then:

12 "Did you take crime scene photos?"

13 "Did you put up crime scene tape?"

14 "Did you collect evidence?"

15 And I want you guys to think about the
16 credibility and bias of the police. They don't have a
17 dog in this fight. They're just reporting the facts
18 that happen.

19 "We show up."

20 We do our job -- and Brice Hinson told you
21 when he was on the stand:

22 ""I didn't know what had happened yet. She
23 said, "I fell out of the truck." That's what she said
24 to me.""

25 "That's not what she told the EMS worker when

1 she was with him and away from Truesdale in the
2 ambulance."

3 "I didn't know what was going on. She was
4 saying, she was going to the hospital. I told him not
5 to go there."

6 There was really no pressing reason for him to
7 take him away at that moment. He said, let me backup
8 for a second and do my due diligence and try to
9 investigate this, since I'm an investigator and that's
10 what I'm supposed to do, and he does that. He says he
11 stays there until 4:30. And what he was doing or not
12 doing, we would submit to you, it's just really not
13 important. That he was on scene until 4:24. His
14 lieutenant, who is not Eric White. He's the lieutenant
15 of the shift people and the deputies and the people who
16 are in uniform. His lieutenant, Bill Dove, who is the
17 lieutenant of the investigators. That is his boss,
18 tells him go back to the office and do the paperwork
19 now. I would submit to you, because it was fresh on his
20 mind. he goes back to the office, stays past five.
21 Does the paperwork. Comes back Monday morning. Has an
22 appointment, before he gets to work. Says, can you guys
23 please go pick up this video or see if they have it. Go
24 do it, because it's important, and that's what they do.

25 You heard about Chris Darner being over there.

1 He just shows up. Again, he's another investigator
2 riding around with Brad Truesdale, and they're in the
3 area. And again, this is right next to the sheriff's
4 department, a couple of blocks away. They're all kind
5 of just stirring around. So they show up in the same
6 car and he said:

7 "All I did was deescalate, because Jeff
8 Truesdale is still irate."

9 Now, it's been -- I don't know how long, since
10 the first fight with the backhanding and the running
11 over and the argument and being angry in the parking
12 lot, he's still mad. Now, he's at his house. He's
13 pacing around the yard. Darner's known him. He said
14 I've known him all my life, I think is what he said or
15 that they go way back, something to the effect. And he
16 said he was angry. He's pacing, he's angry.

17 "So my job was to get him away from her so the
18 investigators who were on the scene could try to deal
19 with her and the ambulance people could do their job."

20 So he takes him 30 feet away and walks with
21 him while he's pacing. Again, he's not -- again,
22 Truesdale is not concerned for Stephanie at all. He's
23 angry, he's concerned for himself and he's still trying
24 to control the situation. Brad Truesdale's with Chris
25 Darner when they pull up. This is the defendant's

1 cousin.

2 "I can't get involved."

3 "This is my family. All I'm doing here is to
4 provide security."

5 And he goes on Monday morning and gets the
6 video like Investigator Hinson asked him to do. And
7 Brice Hinson, was the investigator in this case. It was
8 his scene, his case. And the defense is going to focus
9 on what he didn't do and I'm going to come back to that
10 in a minute. But I want to talk about what he did do.
11 He looked at the truck. There was no damage to the
12 truck. Would anybody expect there to be damage to the
13 truck after seeing that video, after he just runs over
14 her with the tires. There's no damage to the truck.
15 Don't take any pictures, nothing to show.

16 What he did do, he didn't rush to judgment.
17 He heard the victim say, "I fell." And he said, she's
18 fearful. She's hurt. I'm gonna let her get to a safe
19 space. And that's what he does and when she gets to a
20 safe space with the ambulance man, she spills the beans.
21 She knows now, she's gonna be taken away and she's gonna
22 go to the hospital and she's going to be in a safe
23 space. So she doesn't have to worry. The victim told
24 him on the scene, without telling him what happened for
25 fear of retribution.

1 She says, "I want to press charges."

2 He responded to the scene. He took time to
3 investigate. The victim was safe at the hospital. He
4 got the video. He watched it. He saw everything that
5 I've already pointed out in the video, I'm not going to
6 belabor the point at this moment. He saw the defendant
7 as the aggressor. He saw him accelerate. He saw him
8 run over her. And he saw the way that he acted in the
9 aftermath, not only at the Fairfield Behavioral Health,
10 but on scene at the house. And he made, after doing his
11 due diligence on that Monday going to the hospital to
12 talk with her, she says, she doesn't remember. And
13 that's understandable if you're in the hospital and
14 you're about to have surgery and on medication, maybe
15 you don't remember. But also, again, think about her
16 bias and she's still in love with him. Hinson says,
17 that lead me to believe that I needed to get a
18 warrant for domestic violence of a high and aggravated
19 nature. And that's exactly what he did after watching
20 the video. I'm gonna play it again. And this was the
21 crucial point in which he decides that this is something
22 that he needs to take care of and get a warrant for.

23 (Playing surveillance video).

24 MS. HALL: So Hinson goes to the scene. He's
25 actually the one who calls EMS, because he's actually

1 worried about the victim. He takes statements from the
2 victim on the 22nd, where the defendant was threatening
3 her while standing over her -- he saw the defendant --
4 I'm sorry -- standing -- it corroborates what she had
5 told him later on in her statement on July 12th. He
6 told -- on the 18th, he told the defendant not to go to
7 the hospital. On the 22nd he sent Brad Truesdale to get
8 the video. He watched the video. He spoke with the
9 victim at the hospital and he sought warrants for DV
10 Hand. Between June 22nd to June 26th is when the
11 defendant was actually arrested. He went to the
12 defendant's house several times to speak with him, but
13 the defendant wouldn't come to the door. He didn't
14 document this. He didn't document what color tie he was
15 wearing that day. He didn't document what he had for
16 breakfast, because it was insignificant.

17 "I went to the house."

18 He's under oath. He's sworn to tell the
19 truth. He has no reason to say I did it, if he didn't
20 do it. He went to the house, tried to talk to him,
21 wouldn't come to the door. After -- then, Mr. Truesdale
22 was actually arrested on June 26th. And on July 12th,
23 he goes back to the house, now at Stephanie's home. And
24 Melissa's there, said she didn't seem messed up to me.
25 Then he followed up with the victim and got a written

1 statement from her. When they went -- Mr. Laubshire
2 made a big deal about.

3 Well, it was 4:24, didn't you have time to go
4 to Behavioral Health -- didn't you have time...

5 I'll submit to you, it doesn't matter.
6 They've got a video. A video doesn't change from Friday
7 to Monday, to Wednesday, to next month. That's what
8 they got from Behavioral Health. He was following the
9 orders of his lieutenant when he went back to office to
10 do his paperwork. While I submit that they did not --
11 let's just give it to them and just say, the police
12 botched the whole thing. What do we have at that point?
13 We still have the victims statements, we have that. We
14 have the statement on the scene. We have the statements
15 when she talked to law enforcement. We have Brice
16 Hinson seeing the defendant standing over her. We have
17 the EMS report with the statements she gave to the
18 paramedics. We have the statement that Brice Hinson
19 took from her on the 12th. We have the evidence that
20 she gave to him on the 22nd when he went to the hospital
21 to talk to her, which in combination with this video is
22 hearsay. So we can't talk about it. So in combination
23 with whatever she said to him and this video, that's
24 what prompted him to go and get the warrants, after he
25 had done the investigation.

1 We have the 911 call and this gives an
2 excellent picture of what actually happened. All of
3 these things in combination with one another, give an
4 excellent picture of what happened. Even if the police
5 botched the whole thing, you still got good excellent
6 evidence to consider. You heard the EMS worker who
7 comes up, he takes statements from the patient. She
8 told him -- it was just the two of them -- she told him.
9 And Mr. Laubshire --

10 Did he do this on purpose?

11 It's not necessary to find that he did this on
12 purpose. It's necessary to find that he acted with
13 extreme indifference to human life in the way that he
14 conducted himself. Look at her statement, I mean, look
15 at the statement on the EMS report. I'm sorry, if I'm
16 repeating myself. She stated they were involved in an
17 argument.

18 "He became irate." "I was exiting the car,
19 when he suddenly hit the gas pedal causing me to fall to
20 the ground and the right rear wheel ran over my leg."

21 He's got no reason to make anything up.
22 Credibility and bias, none. He's got -- he's very
23 credible, not any bias. He has no reason to tell you
24 lies. He, again, no dog in this fight, he was just
25 doing his job.

1 I want to talk real quick about presumption of
2 innocence and the defendant is presumed innocent. And
3 the State takes that very, very seriously. We have to
4 prove the elements beyond a reasonable doubt. Beyond a
5 reasonable doubt is not beyond any doubt, because you
6 can never know anything beyond any doubt at all. It's
7 beyond a reasonable doubt, common sense, reasonable
8 people. Beyond a reasonable doubt, we have to prove
9 that the defendant caused physical harm to his wife,
10 which I would submit to you, she was obviously very
11 harmed. And she stated -- she testified she, is his
12 wife and there's never been any discrepancy about that
13 or any argument about that. The defendant did so under
14 circumstances manifesting extreme indifference to the
15 value of human life, which I would submit to you, that
16 is exactly what happened. Moving forward, angry,
17 punching the gas, doors opened, she falls. Whether it's
18 because she's sliding out and she accidentally falls or
19 whatever, that part is insignificant. He guns the gas
20 and he runs over her. It's like waiting for the school
21 bus. Go and walk in front of the school bus, guys. The
22 school bus doesn't pull off while you're standing
23 outside and the doors open, because they care about the
24 kids -- and great bodily injury occurred. Protracted
25 loss or impairment to her leg. It's going to go on for

1 a long time. A bodily member, her lower extremity.

2 While the State takes presumption of innocents
3 very seriously, we also take the burden very seriously.
4 And again, you can't know anything beyond any doubt
5 whatsoever because it's beyond a reasonable doubt. And
6 you heard me talk with Investigator Hinson and this is
7 where we're gonna get to the nitty gritty of this. You
8 heard me talk with Investigator Hinson about the victims
9 wish to press charges. He stated that she told him on
10 the scene that she did. And it's not her choice, about
11 whether charges are pressed. It's the State's choice.
12 It's whether -- if an officer wants to seek a warrant,
13 that's up to the officer. Had she told him she didn't
14 want to press charges, I would submit he would have gone
15 ahead and charged him anyway, because he's got the
16 evidence to do so. It's not up to her. So the State
17 finds itself in a position of trying to advocate and
18 sometimes protect victims, even when they're unwilling
19 or unable to do so themselves, because they can't see
20 clearly. This is a task that the State is obligated to
21 assume. And I would submit, that's what's happening
22 here today and yesterday and the day before. Look at
23 the defendant's actions as you go back, talk about it.
24 Come back, see the video. Listen to the
25 characterization by the 911 caller. Read

1 Mr. Merriweather's narrative. Look at who called 911
2 and didn't call 911. The defendant, again, all he's
3 trying to do is exercise control and power and dominion
4 over the situation, over the victim. That's all he's
5 trying to do, is exercise control over her, to get out
6 of this, to get away. He's irate. He has no concern
7 for her. He's threatening her if she tells police,
8 because he's angry and he's nervous about getting
9 caught. He's pulling her hair. He's threatened to kill
10 her. She calls her sister. On the scene, again, the
11 proximity, to the defendant, is so close that she still
12 feels like she's under his dominion and control.

13 In this courtroom, I would submit to you that,
14 he still has control over her. They're arguing. He
15 backhands her. He hits her. He's angry. He's so angry
16 and so mad, that he punches the gas and it results in
17 her being run over. He has no concern for her when he
18 gets out of the car. He's not consolatory. He doesn't
19 show any remorse. He picks her up, drops her in the car
20 and goes back and throws her stuff on top of her when
21 she's already got a pelvic injury and can't walk. In
22 his anger, he created the danger that caused her injury.
23 He has acted with extreme indifference. She's getting
24 out, the doors open. She tells EMS, he suddenly hit the
25 gas pedal. The 911 caller may not have seen him run

1 over her, but she thought he was attacking her by the
2 way he was acting after he did run over her.

3 Going back to, consequences of actions, and
4 dealing with whatever you do. You pull the trigger --
5 and the people who hunt know this and people who are
6 taught to shoot on a range know this. You pull that
7 trigger, you are responsible for everything behind the
8 target. You see a flash of white and you shoot
9 something and it's not a deer, you are responsible for
10 your actions. You may not have intended to hurt
11 somebody, but you are responsible. When you act with
12 extreme indifference, you are responsible for what
13 happens. Everyone else looked after her, but not him.
14 Kimberly Steele looked after her when she called 911.
15 EMS looked after her when they went to pick her up. The
16 police looked after her when they investigated this
17 case. And her sister looked after her, along with her
18 daughter-in-law and her other family members looked
19 after her for four months trying to help her get better.
20 Defendant never once looked after her.

21 You heard Merriweather, he wasn't even out
22 there when he -- he never saw the defendant when he came
23 to render aid to her and put her in the ambulance. He
24 wasn't fawning over her. He wasn't asking questions.
25 He was not even participating in anything having to do

1 with her care. He's just concerned with control and
2 power and getting out of this.

3 When I talked with you a couple of days ago, I
4 asked that your verdict -- you render a verdict that
5 speaks the truth. That is all that the State asks.
6 That you review the evidence, that you comb over it.
7 That you watch the video. You listen to the 911 tape if
8 you need too. You'll have these documents back in the
9 back and I ask that you hold Jeff Truesdale responsible
10 for his actions and find him guilty of this offense,
11 thank you.

12 THE COURT: Thank you.

13 Counselor?

14 MR. LAUBSHIRE: Thank you, your Honor.

15 May it please the Court?

16 THE COURT: Yes, sir.

17 MR. LAUBSHIRE: Good morning ladies and
18 gentlemen. I apologize ahead of time and sometimes I
19 get on track and I look in different areas. I'm not
20 speaking to any particular person. I'm probably just
21 going to forget because this is a big wide area and I
22 apologize for that ahead of time.

23 This is the part of the case, the Judge told
24 you, was called the closing argument. Well, I'm not
25 here to argue with anybody. The facts in this case, are

1 the facts of this case. And I told you from the
2 beginning, the fact is, and this always was a very
3 unfortunate accident. We don't know that because, I
4 made it up or it's a great theory to go with. We know
5 that because the victim, Stephanie Truesdale, who also
6 told us she wasn't a victim, because this was actually
7 an accident she told us. She told us so on the witness
8 stand. She came to court to tell you that, this was an
9 accident. She told you she didn't want to prosecute.
10 This was a very unfortunate accident. She came to my
11 office and told me the same thing. She told the officer
12 that the first time they meet, at the first interaction
13 in this case. If this wasn't an accident and this was
14 totally intentional and he really was trying to harm her
15 or kill her, when it happened, we wouldn't have a video
16 of a truck stopping. We wouldn't have a video of her
17 getting hit with this truck and him keeping on going
18 down the road. He would have kept on hitting it. If
19 he's that angry about this situation, he's got no reason
20 to stop and do anything. If it wasn't an accident, he
21 wouldn't have gotten out of the car to go pick her up.
22 The State pointed out, he didn't do it the way they
23 would have done it. We all know that there's good ways
24 to do things, better ways to do things, and there's best
25 ways to do things. We can always do things better. We

1 don't always do them exactly like someone else would
2 think we should do them. And we certainly, don't do
3 them in emergency type situations like that as precise
4 as we'd like. It doesn't always happen that way. Also,
5 he wouldn't have gone back and gotten those items off
6 the ground. That wouldn't have happened. If it wasn't
7 an unfortunate accident, he wouldn't have went and tried
8 to provide any assistance at all. These injuries are
9 severe. If it wasn't an accident, Mrs. Truesdale
10 wouldn't tell you it's an accident. If it wasn't an
11 accident, the police wouldn't have treated it like it
12 was just an accident right from the very beginning, when
13 they didn't do anything to investigate this case.
14 Nothing. You heard it. They didn't create a crime
15 scene log. They didn't create a crime scene, secondary
16 scene or primary scene. They didn't do any of that.
17 They didn't take any sketches, call forensic ID, have a
18 supervisor respond, nothing. None of these things ever
19 happened. There's no video taken, body-cam, in-car
20 camera, there's even a home surveillance camera. They
21 take no effort to go get that item. Nothing. Even if
22 they told him it wasn't working, there's a video camera
23 in the house. The officer could have gotten a search
24 warrant for the video camera or even the security
25 company that keeps these videos on site, didn't do any

1 of that.

2 This was an accident and we knew it from the
3 start and that's why this case is in the posture that it
4 is. I can't go over the entire case with you because
5 that would take a whole day and it would be impossible.
6 But I would like to go over with you the facts of this
7 case that I find to be very, very important. The ones
8 I'd like you to think about in the jury room when you
9 deliberate this case.

10 This case essentially starts, where all these
11 kinds of cases start, with a 911 call. The 911 call on
12 June 18th. And we had a 911 director come here and tell
13 us that they received this call and they played the
14 call. And you heard the call again this morning. And
15 Jennifer Johnson who works there came here to tell you
16 that that wasn't her, that was Mrs. Kimberly Steele.
17 Now, you may not -- we're throwing a lot of names out
18 here. Jennifer Johnson was the witness who came to tell
19 us that the police showed up at Behavior Health Center.
20 But she couldn't tell us if they were in plain clothes
21 or police uniforms. Couldn't tell us what they looked
22 like. Couldn't tell us if their car was marked or
23 unmarked. Couldn't tell us any of these things about
24 what they were doing there. But they were there to talk
25 to someone in her office. I don't know who, but that's

1 what they were doing. Yet, every officer they paraded
2 up here told us that they didn't go there. They didn't
3 do any investigation and they didn't send anyone there
4 on their behalf. That's who identified Kimberly Steele
5 as the caller. And you've heard the 911 call and you've
6 heard it again this morning. Said she saw a man beating
7 and attacking a women. You saw the video and that's
8 just not true. Nowhere on that video is there a man
9 beating a women or a man attacking a women. The caller
10 also tells us this person grabs the women and is taking
11 her and she's going unwillingly. We've seen the video,
12 saw it again this morning. That didn't happen either.
13 You're probably wondering like I am:

14 Where is Kimberly Steele? Why isn't she here?
15 Why didn't they call her as a witness? Why didn't we
16 get to cross-examine her on what she says she saw
17 compared to the video? She's on the witness list. The
18 State has this witness, they could have called her to
19 come testify, but we don't have that. But we do have
20 these statements that don't match the video at all. And
21 I want you to remember that because that's important,
22 and I will come back to that in a few minutes.

23 This information about this attack on a woman
24 in a parking lot where she's being taken unwillingly, is
25 then conveyed to the police, via radio. Brad Douglas

1 told us that. Officer Hinson told us that's the call he
2 received. He goes to this scene. He's the first
3 officer on the scene, Investigator Hinson. They get
4 there and Mrs. Truesdale is severely injured. Somehow,
5 after getting that call and now arriving on this scene,
6 this turns into a non-investigation of any kind. How is
7 that possible that that could have happened? The only
8 way that's possible is if, Mrs. Truesdale told the
9 police.

10 I fell out of this truck. He ran me over.
11 This was an accident. It's not what happened. I wasn't
12 kidnapped. No one's beating me. This is what happened.

13 She tells them what happened. That's why
14 Officer Hinson, who's an investigator doesn't bother to
15 take photographs, run video, collect statements, find
16 witnesses, do sketches, notify a supervisor, any of
17 these things. He does what any officer would do, makes
18 sure an ambulance is coming, because that's what we need
19 now. We need an ambulance. She's injured because of an
20 accident. I asked every single officer on this stand:

21 "Who was in charge of collecting evidence in
22 this case?"

23 They all deferred to Officer Hinson, who made
24 essentially the executive decision, that is even above a
25 lieutenant, we don't really need to do anything here.

1 She's gone into the ambulance, we're done. No one snaps
2 a single picture. No one takes a single recording or
3 statement or anything, nothing happens.

4 Now, I know you're probably tired of hearing
5 it. I got to be honest, I was tire of asking. I had to
6 ask everybody about it, because we had to find out
7 what's going on and why no one, four or five officers
8 aren't doing anything. It's miraculous. If you think
9 about it, it's not because officers don't really
10 investigate things that are unfortunate accidents. They
11 investigate crimes. We don't have a crime here. There
12 is no crime. We know that because the only witness who
13 was there, testified about what happen was Mrs.
14 Truesdale, and she told you what it was and it is, what
15 it is. I even provided a copy of the sheriff's office
16 policy to their lieutenant to look at regarding the
17 collection of evidence and what you're supposed to do at
18 a crime scene. He reviewed it. I asked him questions
19 about it. He had no issues. He didn't report the
20 non-collection of evidence to any supervisors above him,
21 investigations, nothing, he didn't do any of that. No
22 one even bothered to go to the primary location where
23 this happened to see if there was anything to collect,
24 the video, any witnesses. To talk to Mrs. Steele, talk
25 to Mrs. Johnson, nobody does any of that. Nobody even

1 went to the hospital to see about Mrs. Truesdale. It's
2 seven-tenths of a mile to Behavioral Health. No one
3 went over there. Lieutenant White, who, I submit to
4 you, started out as a deputy, worked his way up and been
5 promoted at least four or five times and is now in
6 charge of an entire shift, gets out on a scene like this
7 and doesn't find it important enough to turn on a
8 body-cam that he's been issued. He proceeds to tell us
9 that they're so busy and backed up that they don't have
10 time to get these calls caught up. Yet, we have two
11 officers riding together. And when I asked Officer
12 Darnier about, how busy they were. He said, they weren't
13 busy at all. Investigator Truesdale points out that
14 while on scene, he took a triangulated position with
15 Lieutenant White being next to Hinson. Mr. Truesdale
16 being on the scene and these folks are all interacting.
17 This is all stuff that could have been captured on this
18 body-cam. You're probably thinking, why is that
19 important. Well, it's important because they give us a
20 description of Mr. Jeffrey Truesdale as being agitated.
21 Yet, they don't give us any reason why he's agitated or
22 angry or anything that he says that makes him agitated
23 or angry. Wouldn't it be fantastic to have a video to
24 see what they're talking about? Isn't that the whole
25 reason behind having these body-cameras. So we don't

1 have this, he said, she said.

2 He was here.

3 No, he wasn't.

4 I didn't see him, but there he was.

5 One officer says he was on the scene. Another
6 officer says he wasn't. These body-cameras solve that
7 problem. We don't have it. The whole reason behind
8 having these body-cameras is lost in this case. We're
9 told that the ambulance leaves at 3:30 and Brice Hinson
10 leaves this property at 4:30. Can't tell us what he was
11 doing for an hour. An hour is a long time to have just
12 some unaccounted for time. Especially, when we have
13 such a busy shift where the lieutenant's telling us,
14 we're very strapped and can't spend too much time on
15 these things. We have to get going and get these calls
16 answered. We have an officer who is just standing
17 around for an hour. Don't know what he was doing, but I
18 know what he wasn't doing. He wasn't investigating this
19 case.

20 This morning we heard from Mr. Merriweather.
21 He's a very important witness in this case, because it
22 goes directly to one of the major theories in the
23 State's case on this control thing they're talking
24 about. If that were true and this was about control,
25 there's no way Mrs. Truesdale wouldn't have told

1 Mr. Merriweather what happened in this case. She told
2 him exactly what it was. She told him it was an
3 accident. She told him she got hit by a truck. And he
4 told you himself, she never said she was the victim of a
5 crime or needed the police or feared for her safety. As
6 a matter of fact, he noted that she didn't even have any
7 marks on her at all on her head, neck, or back area,
8 nothing. He is there as a third-party. And they're
9 right, a third-party witness has no bias, no nothing.
10 He's gonna do a full head to toe body scan to mark down
11 what's wrong with this victim, because he's got to note
12 any injuries that could have been related to this
13 incident. He's not just going to note the major
14 injuries, he's gonna notate all of them and there aren't
15 any.

16 Now, this is the point in the case where the
17 investigation becomes extremely one-sided. Hinson goes
18 to see Stephanie Truesdale in the hospital. He doesn't
19 do anything to record these statements or make any real
20 record of what happened during this visit. Didn't get
21 an official statement from her, just went to the
22 hospital. If she had said something that was
23 detrimental about the defendant, you betcha they would
24 have gotten that statement. He must have not liked what
25 she was telling him or we'd have a record of it, but we

1 don't. We just know he went to the hospital. Hinsons
2 sends Investigator Truesdale to Behavior Health Center
3 to get the video. Hinson never makes an attempt to get
4 a statement from Mr. Truesdale. Yet, he came in here to
5 testify to you that he tried time and time and time
6 again, but could not make contact with Mr. Truesdale.
7 But the reason I find that so unbelievable is because
8 when Mr. Truesdale was arrested and is in the care and
9 control of the detention center, Investigator Hinson has
10 unfettered access, 24-hours a day, seven days a week,
11 doesn't matter when it is. Two o'clock in the morning,
12 he can stroll down to the detention center and tell
13 them. I want to talk to Mr. Truesdale. Can you get Mr.
14 Truesdale up and put him the interview room. That never
15 happens. Never goes down there to get a statement from
16 Mr. Truesdale, not once. Doesn't even call him on the
17 phone, nothing. They don't care what Mr. Truesdale has
18 to say about this.

19 And at this point in the case, we're far away
20 from the incident of June 18th. We're about 20 days in.
21 At this time, Mrs. Truesdale's had surgery, is home on
22 medication for the pain. And this is where I submit to
23 you this investigation goes from one-sided to
24 essentially lop-sided. Hinson goes to meet with
25 Stephanie Truesdale and gets a written statement from

1 her at home during a time when she's still in
2 significant pain, post-surgery and taking pretty
3 significant pain meds to control the pain. We don't
4 know that because we just guessed. We know that because
5 she told us that. She told us that on the stand. She
6 hardly even remembers this interview with Hinson and
7 that she understands that after reading the statement,
8 how inaccurate it is. And she blames the medicine,
9 that's probably true. I've had some surgery, I've taken
10 some pain meds, probably we all have. It does mess with
11 your memory and your ability to recall things.
12 Especially, if you're on that level of medicine to
13 control that kind of an injury. And we watched the
14 video and we know that that statement that she gave, as
15 she admitted, doesn't match the video. Mrs. Truesdale
16 tells us in that statement, the written one that she
17 gave, that she got out of the car and fell down and
18 stood up. And that Mr. Truesdale backed over her. He
19 came directly at her with the truck and backed over her.
20 That didn't happen, we know it didn't happen. She told
21 us it didn't happen. She also mentions this thing about
22 this hair pulling that happened later on and tells us,
23 again, that didn't happen that way, she's not sure why
24 she said that. And Hinson arrived at the home about the
25 same time that they did. As a matter of fact, I think

1 his testimony was that they were backing up, he was
2 pulling in. So he saw everything that happened. And
3 his testimony was, he was standing near her. Didn't see
4 him hit her. Didn't see any hair pulling, didn't see
5 anything like that. Didn't even appear to be yelling at
6 her. But they characterize his behavior as angry, but
7 yet, they can't tell us what he's saying that's making
8 him angry. Just -- he's just angry. Nothing about what
9 is descriptive about the anger, just general things just
10 to make him look terrible in front of him. Oh, he's
11 just angry. He's terribly angry, pacing even. But
12 nothing about what he's saying. When someone's angry
13 they say all kinds of things. They cuss, they yell at
14 people, they call people names, they yell at the
15 officers. No, he's just angry. Nothing to
16 substantiate, nothing at all. She wrote this statement
17 with Officer Hinson.

18 As I look over here at the statement they put
19 in. They put in Merriweather's statement. They put in
20 the statement from 911. You have a handwritten
21 statement from Mrs. Truesdale. She read it to her on
22 the stand, parts of it. Why didn't they put that in
23 evidence? Why don't you have a copy of that statement
24 to look at? Because it's not an accurate representation
25 of what happened and they know it. So they don't want

1 you to waste time or get distracted with that, but it
2 exist and it's important to this case. Just like that
3 911 call that's not accurate.

4 At this point, Hinson has watched this video.
5 He knows this statement that she makes in writing isn't
6 even close. He knows this 911 call isn't accurate, it's
7 not even close. What does he do next? He's got the
8 statement. He's got this 911 call and he's got this
9 video. And none of them match. What does he do? He
10 goes to a judge and gets an arrest warrant. But as he
11 told you, he didn't tell the judge about the 911 call.
12 He didn't tell the judge about the statement and he
13 didn't show him the video. He didn't show him any of
14 these stark, outstanding problems with this case; didn't
15 tell him anything about that. Just, hit by a truck.
16 She's injured. I need a warrant. These glaring
17 inconsistencies, if they were shown to the Court, I
18 submit to you, we may not even be here today. I don't
19 even know if a judge would have gave him a warrant to
20 start with.

21 One of the most important parts of this case
22 and I understand that the State is trying to give you --
23 distract you from the fact of what she's saying and put
24 behind you why they think she's saying it. Truthfully,
25 the person who said these things is the only person who

1 can say and that's Stephanie Truesdale. She's the one
2 that this case is about. She's the one who fell out of
3 the truck and was injured. Those are her injuries. And
4 she came here and told you this was an unintentional
5 act. She told you how heavily medicated she was and
6 yet, the State brought you her sister to tell you she
7 wasn't medicated. She's been medicated all this time,
8 been treating all this time. Taking her medicine every
9 day, but the one day I have the officer come, she didn't
10 take her medicine that day. That one day, we didn't do
11 it that day. Yet, Mrs. Truesdale tells you, she was
12 under the influence when she made that statement and
13 that's the only time that she told us it wasn't an
14 accident. And she's got a real good reason for having
15 some confusion and misunderstanding that day. She's the
16 one who is in the best position to tell us what's going
17 on with her that day, no one else. She wasn't trying to
18 be dishonest or deceitful. She just was taking the
19 medicine and it effected her ability to understand
20 things.

21 There's no distraction in this case about Ms.
22 Reynolds as the State would like you to believe. I
23 think the only thing that we need to know about
24 Ms. Reynolds was based off of her demeanor on that stand
25 and how she reacted to the questions I asked. I'm sure

1 you remember them. I'm sure you remember the answers,
2 So I don't see any reason to go over them because I
3 don't think she offered anything to this case, except to
4 tell us in opposite of what Mrs. Truesdale did. Was
5 that she moved out because she didn't like Jeff
6 Truesdale, but yet the persons whose home she lived out
7 of tells us she moved out because she wouldn't pay the
8 bills, that's what Mrs. Truesdale says.

9 Of all the stuff the State said today, there
10 is one thing I agree with them about. That is, this is
11 their case and this is there case to prove beyond a
12 reasonable doubt and that is a very high standard. It's
13 tough to put a finger on what it actually is. What is
14 beyond a reasonable doubt. What is any doubt that would
15 cause a reasonable person to hesitate to act. What does
16 that really mean? Well, I don't know what that really
17 means to myself. I'm not the scholar in law school or
18 anything like that. I have to figure out what this is.
19 So the best way for me to describe this to you is to
20 give you an example of what I believe would help me try
21 to determine when I had reasonable doubt in a case. And
22 I do that -- I brought this small bottle of tic-tacs.
23 We're gonna imagine that these are pills, but they're
24 just tic-tacs.

25 Now, this bottle is about half full. And I'm

1 gonna tell you -- it's going to be a little make-believe
2 game. I'm not a doctor or anything like that, I have no
3 medical training. I'm gonna make-believe and I want you
4 to play along with me. These pills are health pills and
5 anything that you need -- levels, cholesterol levels,
6 anything to go down, this stuff brings them down.
7 Anything you need to be in the high levels, is good and
8 it's just an overall good pill. It's been approved by
9 the FDA, fully tested, plenty of research, no side
10 effects. And these are perfectly good pills and they do
11 nothing to improve your health. All these pills, they
12 all look exactly the same. Now, if we take out a few of
13 these pills. These are the good pills. These pills
14 that I'm keeping in my hand look just like those pills
15 except these pills are cyanide. They'll kill you on
16 contact. And I'll tell you up front, I'm not big on
17 medicine. I'm not big on taking the flu shot every
18 year. Not big on even taking anything. I really
19 struggle with that some times, but I would take this
20 pill, no reason not too. It's going to be giving you
21 good stuff, all the research is there. I would not
22 touch these pills, they're very dangerous. No
23 hesitation in taking these. Now, with no hesitation on
24 taking these, let's consider the facts of this case.
25 Let's put one of these pills in the bottle because Mrs.

1 Truesdale told the police when they showed up; "Hey, I
2 fell out of the truck when he ran over me. It was an
3 accident."

4 Let's put that pull in there. Now, they all
5 look the same. I'm pretty hesitant to take one of these
6 pills at this point. I very well might not take one of
7 these pills, but if I'm brave maybe I will. Let's put
8 one of these pills in the bottle with a complete
9 non-investigation, I'm gonna lump it all together.

10 Everything the police didn't do, which is everything
11 because they did nothing. Let's put that in the bottle.

12 I'm a little less hesitant now to take one of these
13 pills. Let's put one of these pills in for the complete
14 one-sided investigation into this case. By one-sided, I
15 mean, we didn't get any statement with Mr. Truesdale,
16 even though he's in the jail. Which also brings me to
17 something else important that I forgot to mention. The
18 State said the police cared for her, Mrs. Truesdale.

19 The EMS cared for Mrs. Truesdale. Her sister cared for
20 Mrs. Truesdale, everybody but Jeffrey Truesdale. Well,
21 I hope you caught on to the fact that he was in jail.
22 He couldn't help Mrs. Truesdale do anything. But they
23 tried to play that little trick on you, that he's not
24 helping her do anything. He's only caring about
25 himself. Well, he can't do anything. They put him in

1 jail. Let's put another one of these in the bottle for
2 the 911 call that doesn't match the video at all and the
3 fact that they didn't bring this witness to come
4 testify. Let's add another one for the statement Mrs.
5 Truesdale makes under the influence. She told us she
6 was under the influence when she made it. It was
7 completely inaccurate, it doesn't match at all.

8 Let's put another one in here because they
9 didn't even bother to put the statement she made into
10 evidence.

11 MS. HALL: Objection, your Honor. What he's
12 stated is improper.

13 THE COURT: Let me see the lawyers.

14 (Whereupon, a brief discussion was held
15 off the record.)

16 MR. LAUBSHIRE: I wish I could -- as a matter
17 of fact, I'm gonna put the rest of them in the bottle
18 because this is the most important one of all.
19 Forgetting everything else in this case for just a
20 moment, the most important piece of this case was the
21 statement of Stephanie Truesdale from the witness stand.
22 When she came in here and told all of you, she fell out
23 of the truck, it was accidental. There was no crime. I
24 don't want to prosecute.

25 Now, there's a whole bunch of other ones. We

1 can do this all day, but I'm gonna end it there. And I'm
2 gonna ask you, would you consider taking one of these
3 pills. If you won't and you shouldn't, I don't think
4 anybody would at this point. You need to find Mr.
5 Truesdale not guilty, because he's, in fact, not guilty.

6 He is guilty of being a human, having some
7 human error. Guilty of having an accident. Inattentive
8 driving, poor judgment, which caused a very serious and
9 unfortunate accident, there's no way to deny it. This
10 isn't domestic violence just because the accidents
11 severe. Severe accidents happen all the time. Motor
12 vehicles are one of the most dangerous things we
13 interact with. They're so common we don't think about
14 it that much, but they are. There's even signs on the
15 highway that you see all the time on those billboards.
16 The death count that happens on these highways, cars are
17 inherently dangerous. Because all of those people died
18 from cars, we don't have a jailhouse full of people
19 because they had accidents. It's not how that works and
20 it shouldn't work that way, and shouldn't work that way
21 in this case.

22 In just a few seconds, I'm gonna wrap this up
23 and go sit down. That will be the last opportunity I'll
24 have to talk to you. I'm asking you to look at this
25 case and look at it for what it is. Look at these

1 glaring inconsistencies and pay closest attention to
2 what Mrs. Truesdale was saying and what she's telling
3 you. And I'm asking you to go back there and find Mr.
4 Truesdale not guilty.

5 I want to remind you, and one of the things I
6 told you from the beginning, anything I did you don't
7 like, it's on me. Please attach it to me. Give me a
8 bad Google review. Tell your friends, never go to that
9 lawyer, just put it on me. Don't attach that to Mr.
10 Truesdale. Please, don't do that to him.

11 And lastly, I know this was a long case, a
12 little bit, three-days into this thing. Thank you for
13 your time and attention in this case, and for your
14 service as jurors, thank you very much.

15

16 **JURY CHARGE**

17 THE COURT: Madam forelady and ladies and
18 gentlemen of the jury, let's all stand and do one of
19 those seventh inning stretches, we've been sitting for
20 quite a bit.

21 Madam Forelady and ladies and gentlemen of the
22 jury, you have seen and heard the evidence, as well as,
23 the arguments of the lawyers and it is now, my duty and
24 my obligation, to instruct you on the law. And it will
25 then be your duty and your obligation to begin your

1 deliberations through which process you will decide
2 facts, apply the law as I now instruct it and render a
3 fair and impartial verdict. It is your exclusive duty
4 to determine what the facts are. You will do that based
5 on your common sense, evaluation, and examination of the
6 testimony and the evidence received during the trial of
7 this case. You 12 alone, will decide what effect, value
8 and weight, is to be given to any particular testimony
9 or evidence received. Quiet simply, your obligation is
10 to give both the State and this defendant, a fair and
11 impartial trial based on the evidence presented and the
12 law as I charge it to you. I remind you that during
13 this trial, you and I have certain duties to perform.
14 As the trial judge, it is my responsibility to preside
15 over the case and additionally, I have the duty to rule
16 on admissibility of evidence. You are to consider only
17 the evidence before you. If any evidence were stricken
18 from the record in this case, you must disregard them.
19 You are to consider only the testimony presented from
20 the witnesses, the exhibits received and any
21 stipulations by the lawyers. I also have the duty to
22 charge you the law in this case. As the trial judge, I
23 am the sole judge of the law and it is your duty as
24 jurors to accept it and apply it as I now state it to
25 you.

1 Ladies and gentlemen, if you have any idea as
2 to what the law is or ought to be or should be or might
3 be, and it does not agree with what I tell you the law
4 is, you must abandon your idea, because you are sworn to
5 accept it and apply it as I state it to you. In every
6 case tried in this courtroom before a jury, you 12
7 become the sole and exclusive judge of the facts. I
8 tell you and I charge you, that a trial judge cannot
9 make a comment or statement to a jury about a fact in a
10 case. You are the sole judges of the facts and you are
11 not to infer from anything I have said during the
12 progress of this trial in ruling on admissibility of
13 evidence or otherwise, that I have an opinion about a
14 fact in this case. The law of South Carolina prevents
15 me from having an opinion about a fact in this case.
16 This matter is solely for you to determine.

17 There are two types of evidence, generally, in
18 a trial, and they are known as direct evidence and
19 circumstantial evidence. Direct evidence is testimony
20 of a person who asserts or claims to have actual
21 knowledge of a fact, such as an eyewitness.
22 Circumstantial evidence is proof of a chain of facts and
23 circumstances indicating the existence of a fact. No
24 distinction is made between the weight or value to be
25 either direct or circumstantial evidence, nor is a

1 greater degree of certainty required of circumstantial
2 evidence than direct evidence. You 12 should weigh all
3 the evidence and after doing so, if you are not
4 convinced of the guilt of this defendant beyond a
5 reasonable doubt, you must find him not guilty.

6 Now, the Indictment Number 2021-GS-20-418,
7 charges this defendant with the offense of domestic
8 violence high and aggravated nature. Specifically, that
9 the defendant, Jeffrey Ross Truesdale, Sr., did, in
10 Fairfield County, South Carolina, on or about June 18,
11 2021 cause physical harm or injury or offer or attempt
12 to cause physical harm or injury with apparent present
13 ability under circumstances reasonably creating fear of
14 imminent peril to Stephanie Truesdale, the defendant's
15 household member under circumstances manifesting extreme
16 indifference to the value of human life and great bodily
17 injury to her resulted in violation of state law. The
18 defendant is charged with domestic violence of high and
19 aggravated nature and the State must prove beyond a
20 reasonable doubt, that this defendant caused physical
21 harm or injury to this household member or that the
22 defendant offered or attempted to cause physical harm or
23 injury to a household member with the apparent present
24 ability to cause harm or injury under circumstances
25 reasonably creating fear of imminent danger. A

1 household member is defined in our law as a spouse, a
2 former spouse, a person with whom the defendant has a
3 child in common or has lived with in the past. And the
4 State also must prove one of the following:

5 That the defendant committed the offense under
6 circumstances manifesting extreme indifference to the
7 value of human life and great bodily results. Great
8 bodily injury is defined by our state law as bodily
9 injury, which causes as substantial risk of death or
10 which causes serious permanent disfigurement or
11 protracted loss or impairment of the function of a
12 bodily member or organ.

13 The defendant committed the offense with or
14 without an accompanied battery and under circumstances
15 manifesting extreme indifference to the value of human
16 life and would reasonably cause a person to fear
17 imminent great bodily injury or death.

18 Now, criminal intent is a necessary element of
19 a the crime that must be proven by the State beyond a
20 reasonable doubt. Criminal intent is a matter that must
21 be determined by you 12 from the circumstances
22 surrounding the situation. I tell you and I charge you,
23 there's no way to prove intent to a mathematical
24 certainty. Medical science cannot dissect a person
25 brain and determine what he had in mind. Our state law

1 says that, criminal intent maybe inferred from the
2 circumstances shown to have existed.

3 Ladies and gentlemen, criminal intent is a
4 state of mind, which when operated jointly with an act
5 is the commission of a crime. It is a mental state. It
6 is a conscious wrongdoing. So it is up to you 12 to
7 determine what this defendant intended to do based on
8 the circumstances shown to have existed. I tell you
9 that State must prove criminal intent beyond a
10 reasonable doubt, just as it must prove every element
11 beyond a reasonable doubt. It is not necessary for the
12 State to establish the intend by direct and positive
13 evidence. It maybe established by inference the same
14 way as any other fact, by taking into account and
15 consideration of the acts of the parties and the
16 circumstances of the case. While the State may prove a
17 motive, it is unnecessary for the State to do so, but
18 they must prove criminal intent.

19 The defendant has entered a plea of not guilty
20 to the indictment and that plea puts the burden squarely
21 on the State of South Carolina to prove his guilt beyond
22 a reasonable doubt. A person charged with committing a
23 criminal offense in South Carolina is never required to
24 prove himself innocent. I charge you it is cardinal,
25 important, and vital rule of law, that no matter the

1 seriousness of the charge may be for which he stands
2 charged, the defendant is always presumed to be innocent
3 of the crime for which the indictment was issued, unless
4 guilt has been proven by evidence satisfying you of his
5 guilt beyond a reasonable doubt.

6 The presumption of innocence does not end when
7 you begin your deliberations. It accompanies him
8 throughout this trial until you reach a verdict of guilt
9 based on evidence satisfying you of guilt beyond a
10 reasonable doubt.

11 Now, the presumption of innocence is not a
12 legal theory and it is not a legal phrase. It is a
13 substantial right to which every defendant is entitled,
14 unless you 12 are satisfied from the evidence of his
15 guilt beyond a reasonable doubt. The State of South
16 Carolina has the burden of proving his guilt beyond a
17 reasonable doubt. And proof beyond a reasonable doubt
18 is proof that leaves you firmly convinced of his guilt.
19 There are very few things in this world that we know
20 with absolute certainty. And in criminal cases, the law
21 does not require proof that overcomes every possible
22 doubt. Reasonable doubt may be described as the kind of
23 doubt that would cause a reasonable person to hesitate
24 to act. Reasonable doubt may arise from evidence in a
25 case or from the absence or lack of evidence in a case.

1 If you think there's a real possibility this defendant
2 is not guilty, you must give the defendant the benefit
3 of the doubt. If you have such a doubt as to the guilt
4 of this defendant, then say so and return a verdict of
5 not guilty. Based on your considerations of the
6 evidence, if you are firmly convinced beyond a
7 reasonable doubt this defendant is guilty of the crime
8 charged, then say so and find him guilty. You 12 alone
9 must determine whether or not reasonable doubt exist as
10 to the guilt of this defendant.

11 Under our constitution, you 12, are the
12 finders of facts and necessarily you must determine the
13 credibility of the witnesses who have testified.
14 Credibility means believability. It is your duty to
15 analyze and evaluate the evidence and determine which
16 evidence is convincing to you. In determining the
17 believability of witnesses, you may believe one witness
18 over several or several over one. You may believe part
19 of a witnesses testimony and you may reject the
20 remainder of that testimony. You may believe the
21 testimony of a witness in its entirety or you may reject
22 the testimony of a witness in it's entirety. You may
23 consider whether any witness has an interest, bias,
24 prejudice or motive in this case. And you also may
25 consider the appearance and manner of a witness while he

1 or she testified. Simply put, ladies and gentlemen,
2 whatever your good judgment and common sense tells you
3 is most believable, is the testimony you should accept,
4 and reject testimony which you find not to be credible
5 or believable.

6 I instruct you and emphasis the facts that
7 this defendant did not testify is not a factor to be
8 considered by you in your deliberations and in your
9 consideration of the question of guilt or innocence. It
10 must not be considered and it must not be talked about
11 in the jury room. A defendant has a constitutional
12 right to remain silent and the assertion of his right
13 must not be considered by you. You are to draw no
14 conclusions whatsoever from the fact that he did not
15 testify. The defendant is not required to prove his
16 innocence in this State and the burden remains on the
17 State to prove his guilt, beyond a reasonable doubt.

18 You 12 have been selected as fair and
19 impartial jurors, sworn to impartially try and determine
20 facts and you are to decide the case according to the
21 testimony you have heard from the witnesses along with
22 the evidence introduced.

23 Ladies and gentlemen, I sometimes am asked for
24 additional evidence. I tell you and I charge you, there
25 is nothing else in evidence that will -- that I can give

1 to you. All evidence you will have is before you and
2 nothing else can be added to the record.

3 Ladies and gentleman, your verdict must be
4 unanimous. Madam Forelady, when the jury agrees on a
5 verdict, you will indicate your verdict in the space
6 provided on the verdict form that I'm going to explain
7 momentarily. Knock on the jury room door -- sign it
8 first, knock on the jury room door. Advised the bailiff
9 that the jury has reached it's verdict. At which time,
10 we will return the 12 to the courtroom receive the
11 verdict. Madam Forelady, during deliberations you may
12 only discuss the case in the jury room with your fellow
13 jurors, because they have seen the same and heard the
14 evidence you have, but do not discuss it with anyone
15 else. Madam Forelady, if the juror needs to refresh
16 themselves, jury deliberations must cease. All 12 must
17 remain together during the deliberation process. So if
18 someone has to excuse themselves, refresh themselves, go
19 drink some water, whatever it might be, cease
20 deliberations until all 12 are in the negotiations.
21 That doesn't mean you can't drink something or eat
22 something during your deliberations, but if someone
23 leaves the room, all 12 have to be together at that
24 time.

25 Madam Forelady, this is the verdict form of

1 which I speak. My law clerk, who has been with me all
2 week, prepares this in every case that I try. It has
3 the caption of the case. It has a number here, that
4 only matches up with this particular indictment, that's
5 all it means. It matches up to the indictment. And it
6 says:

7 "We, the juror, unanimously find the
8 defendant, Jeffrey Ross Truesdale, Sr., on the charge of
9 domestic violence high and aggravated nature not guilty
10 or guilty."

11 I tell you there is no significance to whether
12 not guilty is first or guilty is second. It simply has
13 to be in one order or the other, and I put them in this
14 order in every case that I try. Whatever the verdict of
15 this jury is, Madam Forelady, if you would check it.
16 Put an X mark, put a check mark, put an initial, matters
17 not to me. I only ask that it be unambiguous and very
18 clear as to what the verdict of this jury is.

19 Thereafter, it says:

20 "I certify the decision was the unanimous
21 decision of the jury."

22 Is has foreperson here, and ma'am, if you
23 would sign that and it has a date -- a place to put a
24 date right here and it already has Fairfield, South
25 Carolina underneath it.

1 I'm gonna ask all 14 of you to go with Madam
2 Forelady in about 30 seconds here. When you go back
3 there, do not begin your deliberations. There's not
4 that many exhibits to account for. Some cases, murder
5 case we might have 200 pieces of evidence, it is so easy
6 because I've practiced law many years before coming up
7 here. It's so easy, to be that lawyer making a talk
8 over there, speaking to you at closing and pick up a
9 piece of evidence and walk around and hold it in my hand
10 and walk back over to the table and lay it down and now
11 your evidence is missing. I'm gonna ask the lawyers,
12 when you leave the room, to come up and get with Madam
13 Court Reporter, she puts a label on each one. We're
14 gonna make sure it's all there. When the lawyers verify
15 that it's all there, nothing is missing, Madam Bailiff
16 is going to bring the evidence to you, along with this
17 form.

18 Madam Forelady, when the bailiff brings this
19 to you along with the evidence, the two alternates, that
20 would be Jurors Number 64 and 76. Where are you? The
21 two alternates will come back with the bailiff. You'll
22 return to my courtroom and I'll release you from here.
23 Okay. It would not be proper for you to be with the
24 jury anymore, only the 12. So when you receive this,
25 the alternates will leave with the bailiff to return

1 here, I will release you. That will be your signal to
2 begin your deliberations.

3 Now, it's a couple minutes after twelve.
4 Usually lunch breaks around one. If the jury needs a
5 lunch break, if you would send a note to me. I will
6 return all 12 to the courtroom and I'll give you
7 instructions for a lunch break and we'll resume at
8 whatever time we come up with at that point.

9 Madam Forelady, if you'll take all 14 with
10 you.

11 (Jury exited courtroom.)

12 THE COURT: Anything from State?

13 MS. HALL: No, sir.

14 THE COURT: From defense?

15 MR. LAUBSHIRE: We'd just renew our motion for
16 directed verdict, your Honor.

17 THE COURT: Sir?

18 MR. LAUBSHIRE: Renewing our motion for
19 directed verdict in this case.

20 THE COURT: Okay. You did that earlier --

21 MR. LAUBSHIRE: I just want to do it one more
22 time, your Honor. I know your ruling, but I think I
23 just need to do it one more time.

24 THE COURT: Anything as to the jury charge?

25 MR. LAUBSHIRE: Nothing as to the jury charge.

1 Let's do this, we can get them busy and then
2 I'll do your motion. Gather up over here and make sure
3 the exhibits are there so I can get the alternates in
4 here, release them and get the jury working.

5 (Whereupon, a short recess was taken and
6 jury began deliberations at 12:09 pm.)

7 THE COURT: Gentleman, thank you so much for
8 your help. We're not going to pick another jury. I'm
9 going to be working this afternoon without a jury and
10 tomorrow they have nonjury matters, as well as it's
11 Friday. So we're not going to pick another and your
12 brothers and sisters have a phone message, not to
13 report, your service has now ended, thank you so much.

14 I will say this, and sometimes, I have
15 alternates who want to know what the outcome is, and if
16 you desire to stay, you are not required too. If you
17 desire to stay, you're more than welcomed to stay with
18 us and if you have other things to do, you're free to
19 go.

20 As soon as they leave we will have your
21 motion.

22 Counselor?

23 MR. LAUBSHIRE: Just briefly, Judge, we renew
24 our motion for directed verdict in this case. I
25 understand the Court's ruling and I would like to renew

1 the motion.

2 THE COURT: Yes. Yes, ma'am, anything?

3 MS. HALL: Nothing I haven't already said. I
4 can repeat it if you want me to though.

5 THE COURT: The evidence is in controversy from
6 the statements of Mrs. Truesdale herself -- there's
7 evidence in controversy, there's a question of fact and
8 the Court, once again, denies your motion. But you are
9 protected on the record, sir.

10 MR. LAUBSHIRE: Thank you, your Honor.

11 THE COURT: All right we'll be in recess.

12 (Whereupon, a short recess was taken.)

13 (Court's Exhibit 2, Jury note, was marked
14 for Identification.)

15 THE COURT: We are back on the record. The
16 jury has asked to see the video again and to stand near
17 the front of the TV. That is now made available and the
18 jury's in the room standing close.

19 The jury has also asked to hear the 911 tape.
20 After the video, we'll play the 911 tape. The jury has
21 asked:

22 "Is there any more video that the jury did not
23 see?"

24 Ladies and gentlemen, you have all of the
25 evidence in this case. As I previously told you there's

1 nothing else that can be added or subtracted from the
2 case. You have everything that there is.

3 (Video and 911 call played for jury.)

4 THE COURT: Madam Forelady, did that answer
5 the juries question?

6 MADAM FORELAYD: Yes, sir.

7 THE COURT: Thank you. Resume your
8 deliberations.

9 (Jury continued deliberations.)

10 (Court's Exhibit 3, Jury note, was marked
11 for Identification.)

12 THE COURT: Anything else Madam Forelady?

13 MADAM FORELADY: Not at this time, your Honor.

14 (Court's Exhibit 4, jury note, was marked
15 for Identification.)

16 THE COURT: Jury note on instructions of the
17 law.

18 THE COURT: Fifth jury note about lunch.

19 (Court's Exhibit 5, Jury note, was marked
20 for Identification.)

21 (Jury was provided lunch.)

22 (Court's Exhibit 6, Jury note, was marked
23 for Identification.)

24 (Court's Exhibit 7, Jury note, was marked
25 for Identification.)

1 THE COURT: I'm told the jury has reached a
2 verdict.

3 I know we have interested folks in the
4 courtroom. I will say this before we start, if you
5 cannot control your emotions, please leave quietly now
6 and someone can tell you what the verdict is. Nobody's
7 gonna celebrate and nobody's gonna jump up and make a
8 scene whatsoever. This is a Court of Law and we're
9 gonna treat it like a Court of Law. So if anybody has
10 to leave now, please leave now or you will be in
11 custody.

12 We will have the jury.

13 (Jury entered courtroom 4:41 pm.)

14

15 **VERDICT**

16
17 THE COURT: Madam forelady, has the jury
18 reached it's verdict?

19 MADAM FORELADY: Yes, your Honor, it has.

20 THE COURT: And is it indicate on the verdict
21 form provided to me?

22 MADAM FORELADY: Yes, sir, it is.

23 THE COURT: Madam clerk will publish it.

24 MADAM CLERK: The State of South Carolina
25 versus Jeffrey Ross Truesdale, Sr., case number

1 2021-GS-20-418. We, the jury, unanimously find the
2 defendant, Jeffrey Ross Truesdale, Sr., on the charge of
3 domestic violence high and aggravated nature, guilty.

4 I certify this decision was a unanimous
5 decision of the jury, signed by the foreperson, December
6 1, 2021, Fairfield, South Carolina.

7 THE COURT: Polling of the jury, by the State?

8 MS. HALL: Not requested by the State.

9 THE COURT: Polling by the defendant?

10 MR. LAUBSHIRE: Yes, your Honor.

11 THE COURT: Madam Clerk will poll.

12 MADAM CLERK: Ladies and gentleman of the jury,
13 if this was your verdict and is still your verdict,
14 please indicate by raising your right hand.

15 Let the record reflect all jurors raise their
16 right hand. Verdict stands as read.

17 THE COURT: Madam Clerk, poll the jury
18 one-by-one.

19 MADAM CLERK: Juror number 17, was this your
20 verdict?

21 JUROR 17: Yes.

22 MADAM CLERK: Is it still your verdict?

23 JUROR 17: Yes.

24 MADAM CLERK: Juror number 166, was this your
25 verdict?

1 JUROR 166: Yes.

2 MADAM CLERK: Is it still your verdict?

3 JUROR 166: Yes, ma'am.

4 MADAM CLERK: Juror number 10.

5 JUROR 10: Yes.

6 MADAM CLERK: Was this your verdict?

7 JUROR 10: Yes, ma'am.

8 MADAM CLERK: Is it still your verdict?

9 JUROR 10: Yes, ma'am.

10 MADAM CLERK: Juror 107.

11 JUROR 107: Yes.

12 MADAM CLERK: Was this your verdict?

13 JUROR 107: Yes.

14 MADAM CLERK: Is it still your verdict?

15 JUROR 107: Yes.

16 MADAM CLERK: Juror 126, was this your verdict?

17 JUROR 126: Yep.

18 MADAM CLERK: Is it still your verdict?

19 JUROR 126: Yes.

20 MADAM CLERK: Juror 96, was this your verdict?

21 JUROR 96: Yes, ma'am.

22 MADAM CLERK: Is it still your verdict?

23 JUROR 96: Yes, ma'am.

24 MADAM CLERK: Juror 103, was this your

25 verdict?

1 JUROR 103: Yes, ma'am.
2 MADAM CLERK: Is it still your verdict?
3 JUROR 103: Yes.
4 MADAM CLERK: Juror 109, was this your verdict?
5 JUROR 109: Yes.
6 MADAM CLERK: Is it still your verdict?
7 JUROR 109: Yes.
8 MADAM CLERK: Juror 15, was this your verdict?
9 JUROR 15: Yes, ma'am.
10 MADAM CLERK: Is it still your verdict?
11 JUROR 15: Yes, ma'am.
12 MADAM CLERK: Juror number 60, was this your
13 verdict?
14 JUROR 60: Yes, ma'am.
15 MADAM CLERK: Is it still your verdict?
16 JUROR 60: Yes, ma'am.
17 MADAM CLERK: Juror 116, was this your
18 verdict?
19 JUROR 116: Yes.
20 MADAM CLERK: Is it still your verdict?
21 JUROR 116: Yes.
22 MADAM CLERK: Juror 137, was this your
23 verdict?
24 JUROR 137: Yes.
25 MADAM CLERK: Is it still your verdict?

1 JUROR 137: Yes.

2 MADAM CLERK: Juror 64, was this your verdict?

3 Juror 64? I'm sorry, that was the alternate.

4 THE COURT: Thank you. Ladies and gentlemen
5 and Madam forelady, thank you so much for your service
6 this week. This will conclude your service on a jury
7 this week. We are moving to nonjury matters tomorrow
8 and Friday, so we will not need your brothers and
9 sisters or you, on the jury for the rest of the week.

10 Again, thank you so very much, we could not do
11 what we do without you. I have been asked in the past
12 about jurors remaining in the courtroom, you certainly
13 are welcomed to do so. Always remember this is your
14 courthouse and this is your courtroom and it's open to
15 all. So if you wish to remain, because we will proceed
16 to some other matters with this case, specifically
17 sentencing, if you wished to remain, all I would ask you
18 to do is move to the galley, so that you would be there
19 and not here. If you wish to leave, you may do that as
20 well, you are no longer required to be here.

21 Again, you're always welcomed in this
22 courtroom and all the courtrooms in this state, any time
23 especially in my courtroom.

24 Madam Forelady, if you will -- I need for you
25 to come forward to Madam Clerk and sign the indictment.

1 (All jurors were dismissed.)

2

3

SENTENCING

4

5

THE COURT: Matters from the State?

6

MS. HALL: Nothing.

7

THE COURT: Matters from defense?

8

MR. LAUBSHIRE: Nothing, your Honor.

9

THE COURT: Do we have a sentencing sheet
10 prepared?

11

MS. HALL: Yes, sir.

12

THE COURT: Come on up for sentencing.

13

Solicitor?

14

MS. HALL: I want to talk about -- I'm gonna
15 read off the defendant's criminal history first and then
16 I'm gonna come back and talk about sentencing. He's
17 been -- he has a record that goes back to 1986, assault
18 and battery in 1986. Driving under suspension,
19 operating a vehicle. He had a drug conviction and a DUS
20 second, in 1991. Petit larceny, petit larceny, I think
21 there are two counts of that -- or convictions for that
22 in 1999. In 2000 he was convicted of, I think it was 13
23 counts of uttering fraudulent checks, forgeries in 2001,
24 two of those. And then, several more, 26 counts in
25 2001, public disorderly conduct. In 2002 he was

1 convicted of criminal domestic violence. I don't know
2 if this was on this victim or if it was on a different
3 victim, I believe that was on his ex-wife. In 2005 he
4 had a grand larceny value, \$1000 to \$5000. He was
5 convicted and receive six months in the Department of
6 Corrections. In 2006 he was again, convicted of
7 criminal domestic violence, second offense, and he was
8 convicted and received six months in the Department of
9 Corrections, concurrent with that other sentence that I
10 just told you about. Public disorderly conduct. In
11 2007 he was convicted of criminal domestic violence,
12 third offense within ten years, and he received one year
13 in the Department of Corrections. In 2009 another
14 fraudulent check conviction. Three more drug
15 convictions in 2010. Possession of meth or cocaine base
16 and received three years on that. In addition, two
17 malicious injury to personal property and simple assault
18 and battery, that was in 2009. That was plead down from
19 an AB hand. He managed to stay out of trouble until
20 about five years ago.

21 Not that this matters -- I'm not going to talk
22 about what he's been charged with. He has other pending
23 charges and this recently came up. And I have worked
24 with Ms. Truesdale throughout the course of this case. I
25 know early on she was very cooperative. As your Honor,

1 knows, this resulted in a hung jury last time and last
2 term. And we've retried the case now and she's changed
3 her demeanor and her incant, I guess, since that time.
4 I don't know how she feels now and quiet frankly -- and
5 I know how her sister feels. Her sister wants him to
6 get the maximum sentence. He has a history of this.
7 It's been going on for a long, long, time with different
8 women throughout the course of his life. And the State
9 feels very strongly, the same way that her sister does,
10 that he does deserve the maximum sentence for this.

11 Your Honor saw the video. He acted with
12 extreme reckless indifference and the acts that he took
13 after she was injured so severely. I don't know how you
14 can get much -- I think of these crimes in terms of 0 to
15 20, and with his criminal history for these types of
16 offenses and the way that he treated her after this
17 occurred, the State's of the position that this is worth
18 the maximum. That's all I have. Thank you.

19 THE COURT: Thank you.

20 Counsel?

21 MR. LAUBSHIRE: Judge, Mr. Truesdale is 56
22 years old. He has five children. They're all grown. I
23 think his youngest child is 21 years old. He recently
24 lost a daughter, who's 31, unexpectedly to some medical
25 problem. It just happened in between these two trials.

1 He was incarcerated when that happened. Couldn't go to
2 the funeral. Couldn't be with his family when it
3 happened. He couldn't be with anybody. He kind of had
4 to ride that alone. It was very difficult. His entire
5 life, essentially, he tells me he's been a carpenter and
6 word on the street, essentially, is he is one of the
7 best carpenters in this area. I believe that during
8 that time, as we heard from the solicitor, he was pretty
9 clean and out of trouble for a while. During that time
10 he was working as a carpenter and he's recently come
11 back into some trouble with the law and that's why we
12 find ourself here today. His family has been here the
13 entire time. He is here supported by his father, son,
14 and his sister and also the victim is here, Stephanie
15 Truesdale. I believe they all would like to address the
16 Court if, your Honor, would be hear from them regarding
17 sentencing in this case.

18 I understand the State is asking for the
19 maximum, but we're obviously asking for the minimum in
20 this case. And I think Mrs. Truesdale would like to
21 address the Court on the sentencing issue as well. And I
22 ask the Court to consider that she is the victim in this
23 case.

24 THE COURT: Okay. I will hear from everyone
25 except Mr. Truesdale, Sr., I'll hear from him last.

1 Whoever you want to speak, one at a time.

2 Ma'am, if you would tell me your name. Before
3 we start, if everyone who speaks, please use your
4 outside voice, we have to be able to -- she has to
5 record it.

6 MS. TRUESDALE: Yes, sir.

7 THE COURT: Tell me who you are, please?

8 MS. TRUESDALE: My name is Wendy Christine
9 Truesdale. I am Jeff's sister.

10 THE COURT: Yes, ma'am. Go ahead.

11 MS. TRUESDALE: I would ask the Court for
12 leniency. This all stems from drugs, both of them. And
13 he's got -- both of them have our family for support,
14 even her. But we just lost his only daughter and our
15 family does need some healing. My parents are in their
16 70's, they're not going to be here too much longer. And
17 they did good for a while. I don't know what caused the
18 drug issue with their relationship, but they been
19 together for over ten years. The first five or six
20 years you couldn't ask -- they did good together. I'm
21 nervous, I'm sorry.

22 THE COURT: You're fine.

23 MS. TRUESDALE: I would ask for leniency.
24 I'll always be here for you. No matter what my brother
25 does or anybody in my family. I love my family and I

1 will be there to help them move forward and do the right
2 thing any time I can. And I'm asking for mercy or
3 leniency or the least sentence he could get.

4 THE COURT: Thank you, ma'am.

5 MS. TRUESDALE: Thank you.

6 THE COURT: Ma'am, I know who you are. Tell
7 us on the record for my court reporter.

8 MS. TRUESDALE: Stephanie Truesdale.

9 THE COURT: Ma'am, you have such a soft voice.

10 MS. TRUESDALE: Stephanie Truesdale.

11 THE COURT: Thank you. Speak loudly please.

12 MS. TRUESDALE: Your Honor, I'm asking for
13 leniency too. I know he did not mean to do that to me.
14 I love him. He is my husband. I will stand by him.

15 THE COURT: Thank you, ma'am.

16 MR. LAUBSHIRE: I don't believe his father
17 wishes to address the Court.

18 THE COURT: Sir, would you like to speak?

19 MR. TRUESDALE: I can't.

20 THE COURT: Okay. That's fine.

21 MS. HALL: Your Honor, I have one more thing I
22 wanted to tell you. I didn't tell you this before. At
23 the time of this event, he was out on bond on two
24 domestic violence charges against the same victim and he
25 was in violation of his bond order by having contact

1 with her at all.

2 THE COURT: Okay.

3 Mr. Truesdale, I hope you appreciate the fine
4 job your lawyer has done for you, but he is not a
5 magician. I don't say that lightly, because I was a
6 criminal defense lawyer for 25 years. I'm gonna tell
7 you something, and I'm gonna look at you when I tell you
8 this. For 35 years with your criminal history, you have
9 been trying to go to the Department of Corrections and
10 congratulations sir, you graduate today.

11 2021-GS-20-00418, maximum sentence of 20 years
12 in the Department of Corrections, credit for any time
13 you're entitled. Very best of luck to you.

14 MR. LAUBSHIRE: Thank you, your Honor.

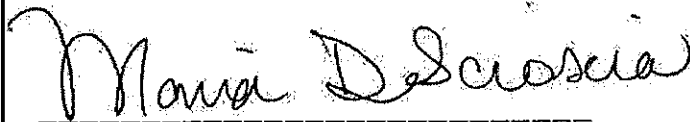
15 MS. HALL: Thank you.

16 (Whereupon, this jury trial was concluded.)
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, the undersigned Maria DiScioscia, Official Court Reporter for the Sixth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the record of all the proceedings in the captioned case, in the Circuit Court for Fairfield, South Carolina, on the 29th day of November, 2021.

I do further certify that I am not related, either by blood or marriage, to any of the parties in this action; and that I am in no way interested in the outcome of this matter.



Maria DiScioscia
Official Court Reporter

DOCKET NO. 2021-GS-20-418

The State of South Carolina

County of Fairfield

COURT OF GENERAL SESSIONS

OCTOBER TERM 2021

**THE STATE
vs.****JEFFERY ROSS TRUESDALE SR.**

2021 OCT -5 PM 1:13

FAIRFIELD COUNTY
CLERK OF COURT
JUDY M BONDS**WITNESSES**

HINSON-FCSO

Dove

ARREST WARRANT NUMBER/DOA

2021A2010100114 (DOA-06/26/2021)

ACTION OF GRAND JURY**TRUE BILL**Foreperson of Grand Jury
Date: 10/5/21**VERDICT**Guilty
Jenna A. Board

Foreperson of Petit Jury

Date: 12/1/2021

Indictment for

**Domestic Violence of a
High and Aggravated Nature**

SC Code: 16-25-0065(A)

CDR Code: 3814

Class: Felony C

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

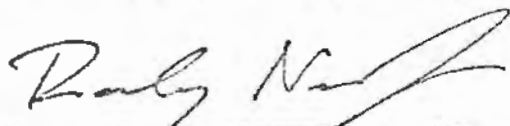
INDICTMENT

At a Court of General Sessions, convened on October 05, 2021, the Grand Jurors of Fairfield County present upon their oath:

DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE

That Jeffery Ross Truesdale, Sr. did in Fairfield County on or about June 18, 2021, cause physical harm or injury or offer or attempt to cause physical harm or injury with apparent present ability under circumstances reasonably creating fear of imminent peril to Stephanie Truesdale, the defendant's own household member, under circumstances manifesting extreme indifference to the value of human life and great bodily injury to the victim resulted, in violation of Section 16-25-65 of the *Code of Laws of South Carolina*.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Randy E. Newman, Jr., SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF FAIRFIELD

STATE

VS.

Jeffery Ross Truesdale Sr

AKA:

Race: WHITE Sex: M Age: 56

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED] Oak Street Ext

City, State, Zip: Winnsboro, SC 29180-1926

DL#: 008443063 SID#:

IN THE COURT OF GENERAL SESSION **391** ✓

INDICTMENT/CASE#: 2021GS2000418

AW#: 2021A2010100114

Date of Offense: 6/18/2021

S.C. Code § : 16-25-0065(A)

CDR Code #: 3814

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Domestic / Domestic Violence of a high and aggravated nature

in violation of § 16-25-0065(A) of the S.C. Code of Laws, bearing CDR Code # 3814

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

79078

Hall, Julie Gamburg

SC Bar#

Defendant

Laubshire, Michael
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

for a determinate term of 20 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years
and/or to pay a fine of \$ provided that upon the service of days/months/years/Time Served and or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65
(Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Jeffery Ross Truesdale Sr INDICTMENT/CASE#: 2021GS2000418

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning : _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$
§14-1-206 (Assessments 107.5 %)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§56-5-2995 (DUI Assessment)	\$12 \$
§56-1-286 (DUI Breath Test)	\$25 \$
§14-1-212 (Law Enforce. Funding)	\$25 \$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150 \$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$
§50-21-114(BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	TBD \$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500 \$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$
TOTAL	\$ 128.75

Clerk of Court/ Deputy Clerk: Judy In BondsCourt Reporter: Monica DiSciosciaPresiding Judge: R. Keith KellyJudge Code: 2165Sentence Date: 1 December 2021

S-1

11/30/21 - MI

Fairfield Co 911
350 Columbia RD Winnsboro , SC 29180

Call Taker
00 ESHULTS

CFS Report
CFS # - 2021-005285

Base Information

Call When 06/18/2021 14:52:38 Create When 06/18/2021 14:54:52 Close When 06/18/2021 16:24:52 Disposition CLEAR

Priority Call Disciplines L Assigned Disciplines E,L Assigned Disciplines NP E,L
 EMS Code Fire Code Law Code Primary Unit 131

Location of Occurrence

Address 178 US HIGHWAY 321 BYP N, WINNSBORO Zip 29180 County FAIRFIELD
 Landmark FAIRFIELD COUNTY BEHAVIORAL HEALTH ESN 634 Map Grid

EMS/Rescue WINNSBORO	Fire COMMUNITY (S-1)	Law	FAIRFIELD COUNTY SHERIFF
Area	District	EMS Tract	Fire Tract
Grid	Law Tract	Report Tract	Work Area

Cross Street High US HIGHWAY 321 BYP N Cross Street Low US HIGHWAY 321 BYP N
 From-To Directions

Location of Caller

Address 178 US HIGHWAY 321 BYP N FL, WINNSBORO Landmark
 Caller Name STEEL, KIMBERLY Caller Phone 8036352335 How Received 911

OCA Numbers

Department	OCA Number	Unit	Note	Department	OCA Number	Unit	Note
SHERIFF	21-003582	131		EMS	21-02347	UNIT 2	

Dispositions

Disposition	Assigned When	User	InActive	While Closed
CLEAR	06/18/2021 16:24:52	TRAMSEY	☐	☐

Call Types

Call Type	Assigned When	User	Assigned While Closed	InActive
DOMESTIC DISPUTE - 10-82 10-82	06/18/2021 14:55:30	ESHULTS	☐	☐

Unit Times

Unit	Department	Unit Type	When	Status Notes	User
131 (GOODWIN, BRYANT)	SHERIFF	SHERIFF	06/18/2021 14:55:31	DISPATCHED	LWILLIAMS
131 (GOODWIN, BRYANT)	SHERIFF	SHERIFF	06/18/2021 14:55:34	ENROUTE	LWILLIAMS
113	SHERIFF	SHERIFF	06/18/2021 14:59:14	DISPATCHED	LWILLIAMS
113	SHERIFF	SHERIFF	06/18/2021 14:59:28	CHANGED LOCATION 1008 OAK ST EXT	LWILLIAMS
112	SHERIFF	SHERIFF	06/18/2021 15:01:51	DISPATCHED	LWILLIAMS
112	SHERIFF	SHERIFF	06/18/2021 15:02:01	CHANGED LOCATION 1008 OAK ST EXT	LWILLIAMS
UNIT 2	EMS	EMS	06/18/2021 15:02:34	DISPATCHED	LWILLIAMS
UNIT 2	EMS	EMS	06/18/2021 15:02:40	ENROUTE	LWILLIAMS
UNIT 2	EMS	EMS	06/18/2021 15:02:51	CHANGED LOCATION 1000 OAK	LWILLIAMS

Call Taker
00 ESHULTS

CFS Report
CFS # - 2021-005285

UNIT	Agency	Agency	Time	Status	Officer
UNIT 2	EMS	EMS	06/18/2021 15:03:55	CLEAR	LWILLIAMS
UNIT 2	EMS	EMS	06/18/2021 15:04:00	DISPATCHED	LWILLIAMS
UNIT 2	EMS	EMS	06/18/2021 15:04:13	CHANGED LOCATION 1008 OAK ST EXT	LWILLIAMS
131 (GOODWIN, BRYANT)	SHERIFF	SHERIFF	06/18/2021 15:09:42	CLEAR	TRAMSEY
UNIT 2	EMS	EMS	06/18/2021 15:14:44	ON SCENE	SCASON
UNIT 2	EMS	EMS	06/18/2021 15:25:07	LEFT SCENE RMH CD1	TRAMSEY
UNIT 2	EMS	EMS	06/18/2021 15:59:13	ARRIVE DESTINATION RMH	TRAMSEY
UNIT 2	EMS	EMS	06/18/2021 16:24:52	CLEAR	TRAMSEY
112	SHERIFF	SHERIFF	06/18/2021 16:24:52	CLEAR	TRAMSEY
113	SHERIFF	SHERIFF	06/18/2021 16:24:52	CLEAR	TRAMSEY

Incident Locations

Address: FAIRFIELD COUNTY BEHAVIORAL HEALTH | 178 US HIGHWAY 321 BYP N, WINNSBORO

User: ESHULTS

When: 06/18/2021 14:54:52 Latitude: 34.3735136907172 Longitude: -81.1009915347463 Source: Landmark InActive: ☐

Caller Phones

Caller Phone	When	User	Caller Phone	When	User
8036352335	06/18/2021 14:54:52	ESHULTS			

Caller Names

Caller Name	When	User	Caller Name	When	User
STEEL, KIMBERLY	06/18/2021 14:54:52	ESHULTS			

Comment

MAN APPEARED TO HAVE ATTACKED A WOMAN, WHITE PK DCG761, POSSIBLY A JEFF TRUESDALE. OLDER WHITE MALE POSS IN 50S. FEMALE POSSIBLY IN 30S WITH HIM. POSSIBLY INJURED. LEFT ON 321 HEADED TOWARDS DOLLAR GENERAL

Notes

ESHULTS 06/18/2021 14:56:51 E,F,L,R,O,

THE PROVIDED TAG CAME BACK TO AN EXPIRED 2014 HONDA ACCORD, AND MAY BE INCORRECT.

LWILLIAMS 06/18/2021 15:01:31 E,F,L,R,O,

113 REQ EMS



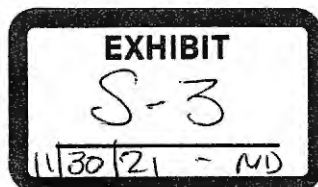
Patient Information				Clinical Impression	
Last	REEDER	Address	██████ Oak ST EXT	Primary Impression	Injury of Hip
First	STEPHANNIE	Address 2		Secondary Impression	
Middle	TRUESDALE	City	Winnboro	Protocol Used	Other
Gender	Female	State	SC	Anatomic Position	Extremity-Lower
DOB	██████	Zip	29180	Onset Time	
Age	45 Yrs. ██████	Country	US	Last Known Well	
Weight	210.0lbs - 95.3kg	Tel	8034027480	Chief Complaint	Leg Trauma
Pedi Color		Physician		Duration	Units
SSN	██████	Ethnicity	Not Hispanic or Latino	Secondary Complaint	
Race	White			Duration	Units
Advance Directives				Patient's Level of Distress	
Resident Status				Signs & Symptoms	Pain - Hip pain
Patient Resides in Service Area				Injury	Pedestrian - Vehicle Accident - Car/pick-up truck/van collision injures pedestrian - Doctor's office - 06/18/2021
Temporary Residence Type				Additional Injury	
				Mechanism of Injury	Blunt
				Medical/Trauma	Trauma
				Barriers of Care	None Noted
				Alcohol/Drugs	Unknown
				Pregnancy	
				Initial Patient Acuity	
				Final Patient Acuity	
				Patient Activity	

Medication/Allergies/History	
Medications	Suboxone
Allergies	Penicillin allergy
History	IV Drug Use/Abuse
Last Oral Intake	

Vital Signs															
Time	AVPU	Side	POS	BP	Pulse	RR	SPO2	ETCO2	CO	BG	Temp	Pain	GCS(E+V+M)/Qualifiers	RTS	PTS
15:21	Alert	R	Lay	117/80 A	99	22 R	99			223		6	15=4-5-6	12	
15:21					99										
15:22				103/67 A	101	16	98								
15:30				125/81 A	74	44	98								
15:40					85	12	99								
15:42				107/65 A	84	15	99								

Flow Chart				Provider
Time	Treatment	Description		
15:20	Stretcher	Patient Response: Unchanged; Complication: None; Medical Control: Protocol (Standing Order);		MERRIWEATHER JR, ROBERT
15:35	IV Therapy	18 ga; Hand-Left: Saline Lock; Total Fluid: 10 ml; Patient Response: Unchanged; Successful: Complication: None; Medical Control: Protocol (Standing Order);		MERRIWEATHER JR, ROBERT

Initial Assessment			
Category	Comments	Subcategory	
Mental Status		Mental Status	+ Event Oriented, Person Oriented, Place Oriented, Time Oriented
Skin		Skin	No Abnormalities
HEENT		Head/Face	No Abnormalities
		Eyes	Left: Blind, Left: Constricted, Left: Dilated, Left: Non-Reactive, Right: Blind, Right: Constricted, Right: Dilated, Right: Non-Reactive
		Neck/Airway	No Abnormalities



Initial Assessment			
Category	Comments	Subcategory	
Chest		Chest	No Abnormalities
		Heart Sounds	No Abnormalities
		Lung Sounds	+ LL: Clear, LU: Clear, RL: Clear, RU: Clear
			- LL: Absent, LL: Decreased, LL: Rales, LL: Rhonchi, LL: Wheezing, LU: Absent, LU: Decreased, LU: Rales, LU: Rhonchi, LU: Wheezing, RL: Absent, RL: Decreased, RL: Rales, RL: Rhonchi, RL: Wheezing, RU: Absent, RU: Decreased, RU: Rales, RU: Wheezing, RU: Rhonchi
Abdomen		General	No Abnormalities
		Left Upper	No Abnormalities
		Right Upper	No Abnormalities
		Left Lower	No Abnormalities
		Right Lower	No Abnormalities
Back		Cervical	No Abnormalities
		Thoracic	No Abnormalities
		Lumbar/Sacral	+ Pain on ROM
Pelvis/GU/GI		Pelvis/GU/GI	No Abnormalities
Extremities		Left Arm	No Abnormalities
		Right Arm	No Abnormalities
		Left Leg	No Abnormalities
		Right Leg	+ Other
		Pulse	+ Pedal: 2+ Normal
		Capillary Refill	Not Assessed
Neurological		Neurological	No Abnormalities

Assessment Time: 06/18/2021 15:16:00

Narrative	
EMS arrived to find a 45 y/o female sitting on the ground next to a pick-up truck, talking with Fairfield County Sheriff Deputies. The Pt stated that she was being dropped off at the Fairfield Behavioral Center by her husband, to see her doctor for drug addiction recovery. She stated that they were involved in an argument causing her husband to become irate. The Pt stated that she was exiting the passenger seat of the pick-up truck, when her husband suddenly hit the gas peddle causing her to fall to the ground, she stated that the trucks right rear wheel ran over her right leg. The Pt stated that her husband then placed her back into the vehicle and drove her home where she was found by EMS. The Pt was found c/o right lower extremity pain, and also pain in her right hip. During the IPS the Pts expressed pain in those area's only. The Pt denied injury to her head, back or neck, no signs of injury to those area's were found, however she had an abrasion to her left elbow. The Pt had PERRLA pupil's with no sign's of any neurological deficit's, the Pt had clear and equal breath sounds with a 100% RA SPO2. The Pts abdomen was soft and non-painful to palpation, her pelvis was stable. The Pt was placed on the cot in a semi-fowler position and was transported to Richland Hospital, while enroute a INT was established in her left hand TKVO.	

Specialty Patient - CDC 2011 Trauma Criteria			
Vital Signs	None	Trauma Activation	
Anatomy of Injury	None	Time	
Mechanism of Injury	None	Date	
Special Considerations	None	Trauma level	
		Reason Not Activated	

Incident Details		Destination Details		Incident Times	
Location Type	Home/Residence	Disposition	Transported No Lights/Siren	PSAP Call	14:52:38
Location	FAIRFIELD COUNTY BEHAVIORAL HEALTH	Transport Due To	Protocol	Dispatch Notified	
Address	178 US HIGHWAY 321 BYP N	Transported To	Palmetto Health Richland	Call Received	14:52:38
Address 2		Requested By	Patient	Dispatched	15:02:34
Mile Marker		Destination	Hospital	En Route	15:02:40
City	WINNSBORO	Department	Emergency Room	Staged	
County	FAIRFIELD	Address	5 Richland Medical Park Drive	Resp on Scene	
State	SC	Address 2		On Scene	15:14:44
Zip	29180	City	Columbia	At Patient	15:15:00
Country	US	County	Richland	Care Transferred	
Medic Unit	Unit 2	State	SC	Depart Scene	15:25:00
Medic Vehicle	Medic 2	Zip	29203	At Destination	15:59:13
Run Type	911 Response	Country	US	Pt. Transferred	16:11:00
Response Mode	Emergent	Zone		Call Closed	16:24:52
Shift	B Shift	Condition at Destination	Unchanged	In District	
Zone		Destination Record #		At Landing Area	

Name: REEDER, STEPHANNIE

Incident #: 21-02347

Date: 06/18/2021

397

Patient 1 of 1

Incident Details		Destination Details		Incident Times
Level of Service	Advanced Life Support	Trauma Registry ID		
EMD Complaint	Traumatic Injury	STEMI Registry ID		
EMD Card Number		Stroke Registry ID		
Dispatch Priority				

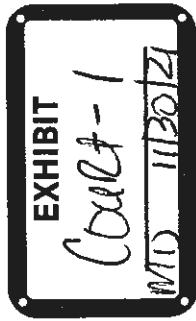
Crew Members		
Personnel	Role	Certification Level
MERRIWEATHER JR, ROBERT	Lead	NREMT-Paramedic (NREMT-P) - M5048289; EMT-Paramedic - SC038523
MCINTYRE, JR, EUGENE	Driver	NREMT-Paramedic (NREMT-P) - M8017816; EMT-Paramedic - SC010684

Insurance Details				
Insured's Name	STEPHANIE TRUESDALE	Primary Payer	Self Pay	Dispatch Nature
Relationship	Self	Medicare		Response Urgency
Insured SSN		Medicaid		Job Related Injury
Insured DOB		Primary Insurance		Employer
Address1	Oak ST EXT	Policy #		Contact
Address2		Primary Insurance Group Name		Phone
Address3		Group #		Mileage to Closest Hospital
City	Winnsboro	Secondary Ins		
State	SC	Policy #		
Zip	29180	Secondary Insurance Group Name		
Country	US	Group #		

Mileage		Delays		Additional Agencies
Scene	1.0	Category	Delays	
Destination	26.5			
Loaded Miles	25.5	geo-verified		
Start				
End				
Total Miles				

Personal Items		
Item	Given To	Comment
Cell Phone/Pager		
Other		
Purse/Wallet		

Patient Transport Details			
How was Patient Moved to Ambulance		How was Patient Moved From Ambulance	
Patient Position During Transport		Condition of Patient at Destination	Unchanged



107

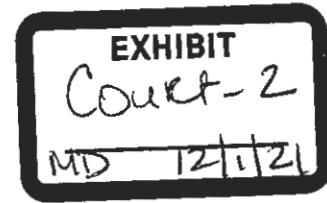
10

126

60

137

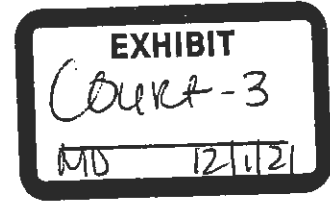
15



Jury Requests

1. Video - Jurors would like to see ~~it~~ again & stand in front of TV for closer view
2. 911 Tape - would like to hear again
3. Is there more video the jury did not see? You have all the evidence in this case.

Dina S. Borden
Foreperson

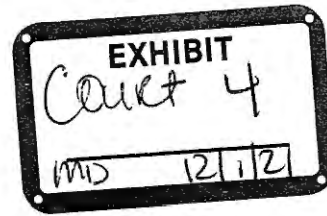


Jury Requests

1. Jury would like to see the video again → twice, back to back.

2.

Wm. S. Bord
Jury Foreperson



Jury Request

Please provide a written copy
of the ^{definition of the} ~~crime~~ alleged crime:

Domestic Violence

High and Aggravated Nature

(Solicitor's Closing Statement
poster will suffice)

need the elements of the crime

Dina L. Goode
Jury Foreperson

DOMESTIC VIOLENCE HIGH AND AGGRAVATED NATURE

THE DEFENDANT IS CHARGED WITH DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE. THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT CAUSED PHYSICAL HARM OR INJURY TO A MEMBER OF THE DEFENDANT'S OWN HOUSEHOLD OR THAT THE DEFENDANT OFFERED OR ATTEMPTED TO CAUSE PHYSICAL HARM OR INJURY TO A MEMBER OF THE DEFENDANT'S OWN HOUSEHOLD WITH THE APPARENT PRESENT ABILITY TO CAUSE HARM OR INJURY UNDER CIRCUMSTANCES REASONABLY CREATING A FEAR OF IMMINENT DANGER.

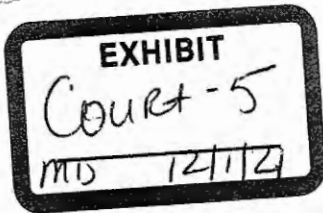
A HOUSEHOLD MEMBER IS A SPOUSE, A FORMER SPOUSE, A PERSON WITH WHOM THE DEFENDANT HAS A CHILD IN COMMON, OR A PERSON OF THE OPPOSITE SEX WITH WHOM THE DEFENDANT IS LIVING OR HAS LIVED IN THE PAST.

THE STATE MUST ALSO PROVE ONE OF THE FOLLOWING:

(1) THE DEFENDANT COMMITTED THE OFFENSE UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO THE VALUE OF HUMAN LIFE **AND** GREAT BODILY INJURY TO THE VICTIM RESULTS;

[GREAT BODILY INJURY MEANS BODILY INJURY WHICH CAUSES A SUBSTANTIAL RISK OF DEATH OR WHICH CAUSES SERIOUS, PERMANENT DISFIGUREMENT OR PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION OF A BODILY MEMBER OR ORGAN.

(2) THE DEFENDANT COMMITTED THE OFFENSE, WITH OR WITHOUT AN ACCOMPANYING BATTERY AND UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO THE VALUE OF HUMAN LIFE, AND WOULD REASONABLY CAUSE A PERSON TO FEAR IMMINENT GREAT BODILY INJURY OR DEATH;

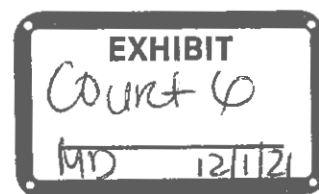


Jurors need a 10 minute break and would like to have lunch in the jury room to continue deliberating.

Dina L. Boorde
juror foreperson

Take a 10 minute break.
The Clerk of Court will order lunch for you. She hopes the food will arrive in 30-40 minutes.

Jury Request



Please define:

"manifesting extreme indifference"

Rina L. Boorda
Jury Foreperson

man·i·fest¹

/ˈmaneˌfest/

See definitions in:

All Medicine Nautical

verb

gerund or present participle: **manifesting**

display or show (a quality or feeling) by one's acts or appearance; demonstrate.
"Ray manifested signs of severe depression"

Similar: display show exhibit demonstrate betray present evince ✓

- be evidence of; prove.
"bad industrial relations are often manifested in disputes and strikes"

Similar: be evidence of betray indicate show attest reflect ✓

- (of an ailment) become apparent through the appearance of symptoms.
"a disorder that usually manifests in middle age"
- (of a ghost or spirit) appear.
"one deity manifested in the form of a bird"

Origin

LATIN OLD FRENCH

ex·treme

/ɪk'striːm/

See definitions in:

All Politics Logic

adjective

adjective: **extreme**

1. reaching a high or the highest degree; very great.
"extreme cold"

Similar: utmost uttermost *very great* greatest

- not usual; exceptional.
"in extreme cases the soldier may be discharged"
- very severe or serious.
"expulsion is an extreme sanction"

Similar: drastic serious forceful desperate dire radical

- (of a person or their opinions) advocating severe or drastic measures; far from moderate, especially politically.
"the party has expelled some of its more extreme members"

Similar: radical extremist immoderate exaggerated intemperate

- denoting or relating to a sport performed in a hazardous environment and involving great physical risk, such as parachuting or whitewater rafting.
"extreme sports like snowboarding"

Similar: dangerous hazardous risky high-risk reckless foolhardy

2. furthest from the center or a given point; outermost.
"the extreme northwest of Scotland"

Similar: furthest farthest furthestmost farthestmost

noun

noun: **extreme**; plural noun: **extremes**

Dictionary

Search for a word

 **in·dif·fer·ence**

/inˈdif(ə)rəns/

noun

lack of interest, concern, or sympathy.
"she shrugged, feigning indifference"

Similar: lack of concern about unconcern about

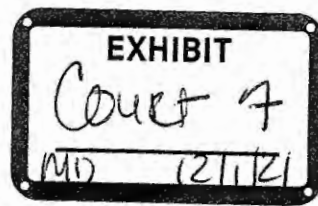
apathetic about



- **unimportance.**

"it cannot be regarded as a matter of indifference"

Definitions from Oxford Languages



Jury Request

Jurors need a 10 minute break.

Thank you for lunch.

Take breaks as needed. No note required.

Dina Y Board
Jury Foreperson

STATE OF SOUTH CAROLINA

)

IN THE COURT OF COMMON PLEAS

)

FOR THE SIXTH JUDICIAL CIRCUIT

COUNTY OF FAIRFIELD

)

THE STATE,

)

)

)

)

)

v.

)

Indictment No.: 2021GS2000418

)

Warrant No(s): 2021A2010100114

)

)

Jeffery Ross Truesdale Sr.,

)

Defendant.

)

NOTICE OF MOTION AND MOTION

)

FOR DIRECTED VERDICT AND

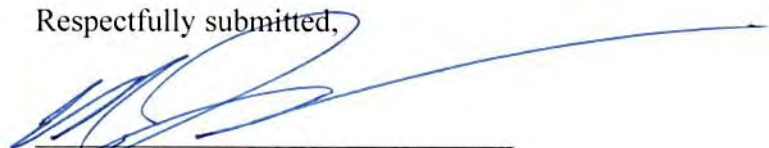
)

MOTION FOR A NEW TRIAL

)

Defendant, Jeffery Ross Truesdale Sr., by and through the undersigned, pursuant to Rule 4 of the South Carolina Rules of Criminal Procedure hereby gives notice of motion and moves before this honorable court to renew his motion for directed verdict. Pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure, Defendant also moves before the honorable court for a new trial, conviction, and sentences in this case. The sentence was imposed by the Honorable The Honorable R. Keith Kelly, Circuit Judge in the Fairfield County General Sessions Court, issued on December 1, 2021. The Defendant received notice of the Court's ruling on December 1, 2021.

Respectfully submitted,



Michael Laubshire, Esq.

The Laubshire Law Firm, LLC

SC Bar No.: 79078

455 St. Andrews Road, Suite E-1

Columbia, SC 29210

michael@laubshirelaw.com

(803)708-4755 (Phone)

(803)708-4888 (Fax)

Attorney for Jeffery Truesdale

Columbia, SC
December 10, 2021

2021 DEC 10 PM 11:08
FAIRFIELD COUNTY
CLERK OF COURT
JUDY M. BONDS

Dec 08 2022

CERTIFICATE OF COUNSEL FOR APPELLANT

SC Court of Appeals

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 8th day of December, 2022.

RECEIVED

Dec 08 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Fairfield County

Honorable R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JEFFERY TRUESDALE,

APPELLANT

APPELLATE CASE NO. 2022-000123

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Jeffery Truesdale, #296062, at Kershaw Correctional Institution, 4848 Gold Mine Highway, Kershaw, SC 29067-8069, this 8th day of December, 2022.


Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT