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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lancaster County

Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BREANTE DEON STEVENS,

APPELLANT.

APPELLATE CASE NO. 2022-000019

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

JOSHUA A. EDWARDS
Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211
(803)734-2508

RANDY E. NEWMAN, JR.
Solicitor, Sixth Judicial Circuit
104 N. Main Street
Lancaster, SC 29720
(803)416-9367

ATTORNEYS FOR RESPONDENT

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**The following exhibits are on file with this Court:
State's Exhibit #13 and State's Exhibit #270**

STATE OF SOUTH CAROLINA)

GENERAL SESSIONS

County of Lancaster)

2020GS2900182
2020GS2900173
2020GS2900174
2020GS2900175
2020GS2900176
2020GS2900177
2020GS2900178
2020GS2900179
2020GS2900180
2020GS2900181

STATE OF SOUTH CAROLINA,)

vs.)

TRANSCRIPT OF RECORD

BREANTE STEVENS and ANTONIA)
CHAMPION,)

DEFENDANTS,)

October 13, 2021
Columbia, South Carolina

BEFORE:

THE HONORABLE BRIAN GIBBONS, JUDGE.

APPEARANCES:

LUCK CAMPBELL, ASSISTANT SOLICITOR
RANDY NEWMAN, ASSISTANT SOLICITOR
MELISSA MCINNIS, ASSISTANT SOLICITOR
Attorneys for the State

MONTREA BELTON, ESQ.
NATHAN SHELDON, ESQ.
Attorneys for the Defendants

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

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CERTIFICATE OF REPORTER 64

COURT'S EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	CD	44	
2	Champion statement	47	

1 THE COURT: All right. Everybody appears to be
2 ready.

3 Madam Solicitor, if you'll introduce the case.

4 MS. CAMPBELL: May it please the Court, Your Honor.
5 This is the State vs. Breante Stevens and Antonia
6 Champion.

7 We're here today for purposes of pretrial motions
8 made by defense counsel. And then at the end, the State
9 would like to clarify a few matters, as well. I have a
10 number of cases I'd like to hand up at some point, Your
11 Honor. Just let me know if you want me to do them as the
12 issue comes up or before.

13 THE COURT: Both sides can go ahead and hand up
14 whatever they want to hand up, then y'all can refer to it
15 when you're making your argument.

16 Before we proceed any further, I want to make sure
17 Mr. Sheldon, you and your client, as well as Mr. Belton,
18 you and your client, agree to having these matters heard
19 in Fairfield County.

20 This hearing is following up a status conference
21 hearing we had with Judge Griffith several weeks ago.
22 He's currently our Chief Administrative Judge. It's my
23 understanding this is going to be done without objection
24 in order to make maximum use of trial time starting next
25 week.

1 Mr. Sheldon, is that your understanding?

2 MR. SHELTON: It is, Judge.

3 THE COURT: All right. Thank you.

4 Mr. Belton?

5 MR. BELTON: Yes, Your Honor.

6 THE COURT: All right. Wonderful.

7 I see both your clients are present, as well, so
8 we're prepared to go forward today in Fairfield County
9 hearing this Lancaster County matter.

10 All right. Do y'all want to deal with the motion --
11 is there any -- well, why don't we just handle it -- the
12 motions in the way they were presented unless you wanted
13 to tell me something else, Madam Solicitor.

14 MS. CAMPBELL: No, that's good, Your Honor.

15 THE COURT: All right. So, first of all,
16 Mr. Sheldon, I don't have any written motions that I'm
17 aware of from you. Did you intend to join in the written
18 motions from Mr. Belton or just make motions orally?
19 Either way is fine.

20 MR. SHELTON: Yeah. And I think I've made the State
21 aware of anything I want to do, Judge. Assuming that
22 we're going to handle what we would call our standard
23 pretrial motions regarding sequestration, turning over
24 records, those types of things, I think State agreed that
25 we're on the same page on what the law is. I'll put that

1 stuff on the record, that will only take a minute.

2 The only other issue that I had, I do join in
3 Mr. Belton's motion to reveal the identity of the
4 confidential informant, and that the Jackson vs. Denno
5 hearing, which will be very brief as to my client.
6 There's a statement, but I don't think it's going to be a
7 long process. And, Judge, I think that's, essentially,
8 it.

9 Most of Mr. Belton's motions, in terms of the ones
10 that have any meat and substance to them, I neither join
11 in nor oppose simply because they don't apply to my
12 client. They aren't at issue with my client.

13 THE COURT: All right. You had filed a stand your
14 ground motion or indicated you were going to file one --

15 MR. SHELDON: And pursuant to my phone call with Ms.
16 Hineblock (phonetic) and speaking with my client and a
17 couple members of my team, we withdrew that motion. I
18 withdrew it over the phone. I was on the road to
19 Greenville. I had her email. Your law clerk has it.
20 But, formally, on the record, we have withdrawn that
21 motion for immunity pursuant to the Protection and
22 Property Act.

23 THE COURT: All right. That motion then is
24 withdrawn.

25 All right.

1 MS. CAMPBELL: The only other motion, I think, was
2 one that was brought up at the status conference we had
3 where they were asked if either party was asking for a
4 severance. And I believe they told you at that point that
5 neither party was moving for a severance at that point.
6 And I want to make sure that's still --

7 THE COURT: That's correct. And I indicated they
8 would need to let me know within days if they were going
9 to move for a severance.

10 So, gentlemen, I take it that y'all not seeking to
11 severe?

12 MR. SHELDON: That's right, Your Honor.

13 THE COURT: Is that correct, Mr. Belton?

14 MR. BELTON: That is correct, Your Honor.

15 THE COURT: Wonderful. That's on the record.

16 Do you want to go ahead and hand up your law?

17 MS. CAMPBELL: This is law on sequestration. I did
18 discuss it with Mr. Sheldon the other day and that this
19 was the case we were relying on. I just hand it to both
20 counsel.

21 THE COURT: So as far as sequestration, what's the
22 understanding of both sides?

23 MR. BELTON: Your Honor, my understanding is the
24 victim can be in the courtroom and the case agent.

25 THE COURT: All right. Hang on.

1 MS. CAMPBELL: Your Honor, I think it's in the
2 discretion of the court. Again, just a showing of the
3 probability that they might listen to testimony is not the
4 standard that's laid out in Carmack.

5 In that case, the judge ordered that the
6 investigators be allowed if they have reports to be in the
7 courtroom, as well as any witnesses who had given
8 statements were allowed to be in the courtroom. And that
9 any witness or officer who did not have a written report
10 of some sort was not allowed in. Of course, I believe
11 both sides agree experts are always allowed in on either
12 side and the designated lead investigators.

13 THE COURT: Any disagreement, Mr. Belton?

14 MR. BELTON: Your Honor, do I disagree with what the
15 law says in terms that the court has discretion --

16 THE COURT: No.

17 MR. BELTON: -- no, I don't disagree with that, but
18 what I do disagree with is having testifying witnesses in
19 the courtroom to hear the testimony of other witnesses.
20 And then, at that point, obviously, they can mirror change
21 their testimony, et cetera. Obviously, we've had no time
22 to put anybody on the depositions or anything.

23 If a man is facing murder, I think the court should
24 give as much deference as possible to ensuring that we
25 protect all of his due process and Constitutional Rights.

1 With a case this serious, having witnesses in the
2 courtroom, I think, is very detrimental to Mr. --

3 THE COURT: What witnesses are you talking about? I
4 think the investigators involved in the case can be in
5 there. The victim's family members can be in there. The
6 defendants, obviously, can be in there. Experts can be in
7 there. So what are you talking about?

8 MR. BELTON: Your Honor, I don't know who they wanted
9 in the courtroom. I wasn't a party to this conversation.
10 Obviously, if she's passing up the standard sequestration
11 of the people who are not testifying.

12 There's one case agent. Whomever is the lead case
13 agent can be in the courtroom, and then, obviously, the
14 victims can be in the courtroom. So I don't know who else
15 she wants in the courtroom.

16 THE COURT: Who else do you want in the courtroom?

17 MS. CAMPBELL: Just as I stated, Your Honor, as held
18 in Carmack, which is the case I just handed up and handed
19 to defense counsel, basically, any witness that had given
20 a statement before that could be impeached with that
21 statement could be in and out of the courtroom, be it a
22 lay witness, law enforcement, whatever. And that was the
23 actual issue in Carmack, which was addressed by the Court.

24 THE COURT: Okay.

25 MR. SHELDON: Judge, I mean, there's -- I -- the

1 Judge has that discretion, but the more unique
2 circumstance here is that -- now, it was relayed from
3 Mr. Belton to me because I wasn't able to be on the phone
4 call yesterday, that there's serious concerns over -- this
5 is a phone call with the clerk of court, over the amount
6 of people that are allowed in the courtroom in general
7 given the circumstances of the pandemic.

8 So, I mean, I think that needs to be taken into
9 consideration and that -- when we're dealing with it. So
10 I don't know what we're talking about.

11 I mean, it's obviously in the Court's discretion, but
12 that's -- without knowing the parameters of how many
13 people are allowed in the courtroom, I don't think one
14 should take precedence over my expert or my defendant's
15 family or anything like that. I also don't know the
16 maximum capacity we're even allowed to have at this point.

17 THE COURT: All right. Well, I don't either. All
18 right. Let's just handle it this way.

19 Madam Solicitor, if there's people who want to be in
20 the courtroom and you think should be allowed in the
21 courtroom on a particular given day, just have you or one
22 of your assistants jot down the names or whatever and hand
23 it to them and see if they have any objection to it.

24 MS. CAMPBELL: Okay.

25 THE COURT: If they have an objection to it, I can

1 deal with it then on a daily basis.

2 MS. CAMPBELL: Okay.

3 THE COURT: I can't really prognosticate what's going
4 to happen next week and the week thereafter, but I,
5 obviously, intend to go by what the law is. And, you
6 know, understanding that it is -- it's an open courtroom
7 where people have a right to know, but, certainly, I
8 understand the witness considerations of testimony and
9 hearing testimony and that kind of thing.

10 So we'll deal with it, but we'll deal with it kind of
11 like on a daily basis as the trial proceeds rather than a
12 blanket one size fits all starting today. Sound good?

13 MS. CAMPBELL: I understand.

14 THE COURT: All right. That deals with the
15 sequestration issue.

16 All right. What about the next issue?

17 MS. CAMPBELL: I believe I'll turn it over to
18 Mr. Belton.

19 THE COURT: Mr. Belton, let's deal with them in the
20 numbers.

21 MR. BELTON: Thank you, Your Honor. Your Honor, I
22 will deal with them as to number. I will tell you that I
23 did speak with Madam Solicitor in the rear prior to this
24 starting, and it does appear that maybe some of these we
25 don't have to spend any time on here today. And we have

1 it worked out.

2 THE COURT: Okay.

3 MR. BELTON: I think is -- so if you don't mind if I
4 just go down the table of contents first, and then we'll
5 come back --

6 THE COURT: Fine with me.

7 MR. BELTON: -- to tell you which ones I think we've
8 resolved. I think flight, we're going to have to vet that
9 one out.

10 THE COURT: Okay.

11 MR. BELTON: Suppress the book bag. I think the
12 State has agreed they're not going to bring in the book
13 bag. There is a card that was in the book bag that was a
14 promotional flier.

15 Quite frankly, Your Honor, I don't remember -- I
16 remember the promotional flier, I don't remember what's on
17 it. I think, in general, probably not going to have an
18 issue with it, but that would be something simple at that
19 time at trial. So that's not something we need to spend
20 time with.

21 MS. CAMPBELL: And the other things in the bag we
22 agreed are not coming in are the marijuana, I believe it
23 was Ecstasy, digital scales, anything like that, we would
24 agree would not be admissible. It was found in a bag in
25 the car that was left at the scene by the defendant.

1 THE COURT: Okay.

2 MR. BELTON: So I don't think that the prior
3 convictions if he were to testify -- I think they have
4 indicated there are no prior convictions if he were to
5 testify.

6 THE COURT: Okay. Hang on. Hang on. Let's stay on
7 track here.

8 MR. BELTON: All right.

9 THE COURT: I'll still on number two. So the motion
10 to suppress the book bag, the State concedes that the
11 State will not offer into evidence the book bag that was
12 seized by law enforcement?

13 MS. CAMPBELL: Yes, Your Honor. Everything we
14 concede is inadmissible -- unless they open the door to
15 something, but we do not think it's admissible in our case
16 in chief unless they open the door.

17 THE COURT: I'm writing on there granted by consent.

18 MS. CAMPBELL: Except for that one item that shows
19 that he's --

20 MR. BELTON: And if we want to object, that would be
21 more of a trial issue as we go along, Your Honor.

22 MS. CAMPBELL: But the drugs and all that, we agree
23 is not coming in.

24 THE COURT: The drugs will not come in?

25 MR. BELTON: Correct.

1 THE COURT: That's under 403. That's granted then by
2 consent.

3 Number three, settled prior conviction. What's that?

4 MR. BELTON: Your Honor, I think the State has
5 indicated there are no prior convictions to impeach him if
6 he were to testify.

7 THE COURT: All right. That's Mr. Stevens. Where is
8 Mr. Stevens? Where is Breante Stevens?

9 (Indicating).

10 That's you, okay.

11 MS. CAMPBELL: Your Honor, he has a large number of
12 prior convictions. We just don't think that they are
13 admissible for impeachment purposes, again, unless they
14 open the door. I don't want you to think there are no
15 prior convictions.

16 MR. BELTON: And that is correct, Your Honor.

17 MR. SHELDON: And, Judge, I would expect that
18 Ms. Campbell and I can also resolve that. I went through
19 my client's prior record. If there's anything --
20 particularly looking at crimes of dishonesty or something
21 like that, we can resolve that. The convictions are what
22 they are.

23 THE COURT: All right. Good. Again, I'll point out
24 to the lawyers, of course, y'all know this, motions in
25 limine, pretrial motions, whatever you want to call them,

1 you know, I kind of let you know what my gut is on certain
2 things. You have got to get to the flow of the trial
3 where you'll make contemporaneous objections, and that's
4 when I rule on situations.

5 So, you know, like this one, I don't know what the
6 prior convictions are. So whatever they are, you know,
7 I'll have to determine whether or not they're more
8 probative than prejudicial and whether or not they're --
9 you know, fall under 609(a) or whatever that thing is.

10 But at this point in time, the State doesn't think
11 there are any unless the defense possibly opens the door.

12 MS. CAMPBELL: Yes, sir. We'll be glad to provide
13 the Court a copy of both rap sheets just so they'll be
14 available.

15 THE COURT: So for my notes only, I'm writing
16 resolved on that issue.

17 MR. BELTON: Thank you, Your Honor. Number four,
18 that was filed simply out of an abundance of caution just
19 to make the record that I filed it. I have no reason to
20 believe the State has not completely complied with
21 discovery. I have no reason to believe that.

22 THE COURT: Okay, Mr. Sheldon, on that one?

23 MR. SHELDON: I sort of echo Mr. Belton. I agree
24 there's no reason to believe -- there's one phone issue
25 that Ms. McGinnis made me aware of. We're still having a

1 hard time finding it.

2 So I'm going to get up with her afterwards and make
3 sure that we have it and, if not, they're going to provide
4 it again. I mean, that has not been an issue in either of
5 her cases we've had in the last month.

6 THE COURT: Okay. I'm going to write resolved on
7 that.

8 MR. BELTON: I just ask whatever the phone record is
9 they're referencing is just send it to both of us.

10 THE COURT: Discovery is always a continuing thing.

11 MR. BELTON: Correct.

12 MS. CAMPBELL: And we will continue it.

13 MR. BELTON: Your Honor, we probably are going to
14 have to deal with number five, so if we can skip that one.
15 So right now, number one today and number five today.

16 MS. CAMPBELL: What is five?

17 MR. BELTON: Neil vs. Biggers.

18 THE COURT: Five is the Biggers identification.

19 MR. BELTON: Your Honor, number six, which is to
20 reveal the CI, we did resolve it. We just -- I don't
21 think we've come to a conclusion on what day. I think the
22 State acknowledges that they have to reveal the CI.

23 Obviously, I want the CI now because I think we
24 should have an opportunity for our investigators to go
25 out, try to find the CI, talk to the CI, do our own

1 investigation on the CI. I think the State may want to
2 delay revealing the CI.

3 THE COURT: So there's just a dispute as to -- what
4 is the -- all right.

5 And I guess you join in on that one?

6 MR. SHELDON: Yeah. And my understanding is the
7 State's position is, obviously, safety concerns, things
8 like that. Maybe -- even if the argument is we have to
9 turn it over later rather than sooner, Judge, we're at
10 later. There's no way you can say six days before trial
11 that we're not on the eve of trial.

12 THE COURT: Right. There's case law on that, Madam
13 Solicitor. I'm sure you have it. What was the name of
14 the -- I forget the name of the case.

15 MS. CAMPBELL: Material witness.

16 THE COURT: The timing of the disclosure of the CI.

17 MS. CAMPBELL: We'll be glad to give to it them
18 today.

19 THE COURT: Okay. You got it today.

20 MR. BELTON: Can't get it any quicker than that,
21 Judge.

22 THE COURT: I'm not going to say a specific time, but
23 it's today.

24 MR. BELTON: All right. I hear you. Thank you.

25 THE COURT: I'm going to say resolved CI, to be

1 disclosed 10/13/21. All right.

2 MR. BELTON: Thank you, Your Honor.

3 THE COURT: All right.

4 MR. BELTON: Your Honor, number seven deals with the
5 excluded rap lyrics. In the rear, the State and I talked
6 about the exclusion of rap lyrics. And I think the State
7 is -- again, I feel like I'm talking for the State, so
8 please correct me if I misunderstood, Madam Solicitor, but
9 they have no intentions on introducing any specific rap
10 lyrics into evidence unless, obviously, we open the door.

11 Now, I think there was a caveat to that and I'll let
12 the State explain what their caveat to that is.

13 THE COURT: Okay.

14 MS. CAMPBELL: Your Honor, at this point, we don't
15 think it's relevant. He is a rap artist. He has a number
16 of rap songs which are very --

17 THE COURT: Who is?

18 MS. CAMPBELL: His client.

19 THE COURT: All right. Breante, all right.

20 MS. CAMPBELL: He goes by Breezo Dolla is the name I
21 know the best. He's done a number of songs and there's
22 songs back and forth.

23 The State is going to present evidence that there was
24 ongoing bad blood between one of the victims in the case,
25 Mr. Coleman, and this defendant. It was witnessed by

1 several people that there was an altercation -- not a
2 physical altercation, but just some words were exchanged
3 right before this young man exited the club, went outside
4 and came back in and the shooting occurred.

5 There will be some mention of rap songs, but we do
6 not think that we can play them. They have guns in them.
7 They have these -- all kinds of hard lyrics in my opinion.

8 THE COURT: Okay.

9 MS. CAMPBELL: So we don't intend to go into the
10 substance of any songs, again, unless he opens the door.

11 THE COURT: Okay.

12 MR. BELTON: Your Honor, I think as a whole, now that
13 I've had time to process -- again, this was a two or three
14 minute impromptu conversation with the State in the rear.
15 So now that I've had an opportunity to process what she
16 said, I've heard it explained here, I think we're going to
17 be fine. I can't stop a witness from testifying.

18 Certainly, if she's admonishing her witness do not
19 mention the names of songs and do not mention specific
20 lyrics of song, I don't think we'll -- if the witness
21 testifies to what they saw in the club, they can testify
22 to what they saw in the club. And I think that's fair.

23 MS. CAMPBELL: They might be referencing the name of
24 the song, I don't know that that in and of itself is
25 offensive --

1 THE COURT: What's the name of the song?

2 MR. BELTON: I think Big Gangsta is probably --

3 MS. CAMPBELL: Big Gangsta is the one --

4 THE COURT: I mean, that's stuff overall. I mean, I
5 don't see how that is prejudicial at all anyway.

6 MR. BELTON: Well, Your Honor, when you got the word
7 gangsta, and you've got somebody who's accused of shooting
8 in a club --

9 THE COURT: There's a difference between gangsta and
10 gangster.

11 MR. BELTON: That's the difference between New York
12 and South Carolina. In South Carolina, it's gangsta. In
13 New York, it's gangster.

14 THE COURT: Well, let's say if that's the name, I
15 don't think that's prejudicial at all. I think that's
16 just a passing comment. I wouldn't exclude that is what
17 I'm saying. Again, that means -- you can make a
18 contemporaneous objection at that time, but I'm just
19 telling you from my gut, if that's the name of the song,
20 no.

21 MR. BELTON: Your Honor, again, I don't think we have
22 to spend any time. Again, I'll make a contemporaneous
23 objection. I think we agree that they're not going to try
24 to introduce any lyrics.

25 THE COURT: As far as any lyrics, you know, that may

1 be unduly suggestive and portray your client in a bad
2 light, obviously, yeah -- the State is saying they're not
3 seeking to introduce that unless, you know, the door is
4 opened. And y'all know what that means.

5 MS. CAMPBELL: Thank you.

6 MR. BELTON: Your Honor, the Jackson vs. Denno, my
7 client was arrested, so number seven, I guess, we --

8 THE COURT: That's resolved.

9 MR. BELTON: That's resolved.

10 Number eight, Your Honor, is the Jackson vs. Denno.
11 My client was arrested in Florida. My client did give
12 statements to law enforcement in Florida.

13 THE COURT: We'll have a hearing on that.

14 MR. BELTON: We'll have the hearing on that.

15 THE COURT: We will have a hearing on that.

16 MS. CAMPBELL: We have a video of that, so it might
17 make it easier if you review whenever --

18 THE COURT: We'll do that.

19 MS. CAMPBELL: He said that at a certain point, the
20 officer asked a question and he had not been Mirandized,
21 so from that point forward. We'll give you the time
22 periods on that, that we would not be able --

23 THE COURT: Okay. So we've got three we're dealing
24 with now.

25 Number nine.

1 MR. BELTON: Yes. Number nine is a motion to close
2 discovery. And I don't even know what the official motion
3 is, I just put close discovery. Because it is a massive
4 amount.

5 I know discovery is continuing, but some of the
6 things that, you know, the State -- if they've had the
7 things for two years, certainly, there's been enough time
8 to get it analyzed and do what they need to do to get it
9 over.

10 Certainly, I think they're operating in good faith
11 and I know some things are out of their control, but I
12 just don't want to get a massive dump of information over
13 the weekend with the trial starting on Monday. I just
14 don't think that's fair to Mr. Stevens and I don't think
15 that's fair to his defense team.

16 I don't know what the answer is because I don't think
17 they're doing it on purpose, but I also just need you to
18 understand that I think that will put us in a very bad
19 position if we walk in Monday and over the weekend, we've
20 gotten 50,000 phone calls or another ballistics dump or
21 something like that.

22 THE COURT: Madam Solicitor.

23 MS. CAMPBELL: There's no outstanding tests that I'm
24 aware of, Your Honor. The only thing I do need to do is
25 update any recent phone calls. We also agreed with

1 defense counsel, he asked us to go through the phone calls
2 that we might use during trial because his client makes a
3 lot of phone calls. So we agreed to turn that over to him
4 by tomorrow.

5 THE COURT: Okay.

6 MS. CAMPBELL: Is that correct?

7 MR. BELTON: Yes.

8 THE COURT: Sound like it's resolved.

9 MR. SHELDON: Judge, and I would like to weigh in. I
10 mean, everybody keeps talking about Monday. I am still
11 under an order of protection --

12 THE COURT: You're under an Order of Protection.

13 MR. SHELDON: We're going to start Tuesday.

14 THE COURT: Abuse and neglect proceedings take
15 priority over General Sessions cases under Rule 601. They
16 do, believe it or not. A lot of people didn't realize
17 that, but they do. So that means --

18 What are you going tell me?

19 MS. MCINNIS: Judge, just about that, I've gone over
20 with Mr. Belton that he believes he has everything. We've
21 had extended conversations going through lists and stuff
22 like that, but if he comes to me over the weekend and says
23 hey, I can't find X, Y or Z, I don't want to be precluded
24 from using that because we've had numerous lengthy
25 conversations in which he says -- we've gone over our

1 discovery list, he's gone over what he has and he's
2 indicated at this point that he has everything the State
3 is in possession of.

4 THE COURT: Okay.

5 MS. MCINNIS: I just want to make that clear. If
6 there's something that comes up, if he can't find and he
7 says send it to me again, I don't want there to be any
8 issue about that.

9 THE COURT: Okay.

10 MR. SHELDON: I have no intention of doing that. I
11 just want to make sure I have it. If it's something that
12 we just can't find, we're going to make sure we get it.

13 THE COURT: The State says they've given it all.

14 MR. BELTON: Your Honor, again, I have no reason to
15 believe it or not, but, obviously, as a defense counsel,
16 how am I supposed to know what all I'm supposed to have
17 unless they tell me the list. I do have what's on their
18 list, but if there's something that comes up that I'm not
19 aware of --

20 THE COURT: That wasn't on the list.

21 MR. BELTON: That wasn't on the list.

22 THE COURT: Then y'all might have an issue. But at
23 this point in time, the State is saying that's not going
24 to happen because they've handed everything over to you
25 except some more phone calls, but they've also indicated

1 to you which phone calls they intend to maybe do, to
2 explore, if there are any. I don't know.

3 MS. CAMPBELL: If there are any.

4 THE COURT: Yeah, if there are any, they've let you
5 know the ones that they're interested in.

6 All right. On the schedule thing, you're correct,
7 Mr. Sheldon, you're protected Monday. The trial of this
8 case will start Tuesday.

9 MR. BELTON: So we don't need to be there Monday?

10 THE COURT: Well, it depends on what we get done here
11 today. Mr. Sheldon won't be there Monday, but he may not
12 need to be present for your motions that we can deal with
13 on Monday. But we're going to jump into these motions,
14 the contested ones at this time.

15 So on number nine, close discovery, I'm going to say
16 resolved.

17 All right. Number ten.

18 MR. BELTON: Your Honor, Mr. Stevens, I don't see how
19 any of this is relevant, but, you know, I did talk to the
20 State about this, but he has picked up, at least, two
21 charges since he's been in jail for the last two years.
22 Both of them are dealing with the contraband in jail.

23 THE COURT: Let me stop you there.

24 MS. CAMPBELL: No.

25 THE COURT: All right. That's granted by consent.

1 Obviously, that will go into -- in the event he's
2 convicted, that could possibly go into what the sentence
3 would be, but I don't think that would be highly
4 prejudicial.

5 All right. So your motion to exclude pending
6 criminal charges is granted by consent.

7 MR. BELTON: Now, the other two that they did not
8 know about that we were asked about -- and I don't want to
9 blindsides them. Again, we can deal with them on Monday.
10 You know, lay witnesses that will testify -- not Monday,
11 Tuesday, lay witnesses that are testifying.

12 THE COURT: We're going to deal with them today.

13 MR. BELTON: Okay.

14 THE COURT: What were the other two?

15 MR. BELTON: One is dealing with lay witnesses that
16 are testifying, particularly, some of these victims'
17 criminal records, some of those. And then the last one is
18 any prior bad acts, any Lyle evidence they may try to
19 introduce.

20 THE COURT: Okay. So as far as lay witnesses who are
21 going -- you're talking about -- okay.

22 Have y'all disclosed your witness list?

23 MR. BELTON: No, Your Honor.

24 MS. CAMPBELL: We disclosed all the witnesses to
25 them, yes, in discovery.

1 THE COURT: Right.

2 MS. CAMPBELL: And our witness list includes every
3 name in discovery. But we requested and have started the
4 process of requesting rap sheets, so we'll try to provide
5 them to them over the weekend.

6 THE COURT: So you'll get rap sheets of every witness
7 who's going to be testifying by, when did you say?

8 MS. CAMPBELL: We'll try to do it by Friday.

9 INVESTIGATOR: That's what Keith Lewis does.

10 THE COURT: Can you get it to them Friday?

11 INVESTIGATOR: I put a request in yesterday with
12 Lancaster County to run them. I'm assuming they're
13 running them by today.

14 MS. CAMPBELL: We'll get them.

15 THE COURT: Okay. You get those.

16 MS. CAMPBELL: Some of them we're just having a
17 little trouble getting dates of birth and stuff together.

18 THE COURT: Right. You see that's stuff, once we get
19 into the meat of the trial, you know, when you call the
20 witness, if you think there's something that you think is
21 impeachable for that witness, that's when you let me know,
22 okay, and then we can deal with it while we're doing it.

23 MS. CAMPBELL: Perfect.

24 THE COURT: I don't know who the witnesses are going
25 to be. I don't know what their potential criminal records

1 are, if they have any. And number two, whether or not
2 they can come to try to impeach their credibility.

3 MR. BELTON: Your Honor, that's what I was asking
4 for, the rap sheets.

5 THE COURT: You're going to get them by Friday.

6 MR. BELTON: If we get them by Friday, that will --

7 THE COURT: Just tell the sheriff, Mr. Investigator,
8 that I ordered them by Friday.

9 INVESTIGATOR: Yes, sir.

10 MR. BELTON: Any Lyle that they intend to --

11 THE COURT: Do y'all intend on introducing any
12 character evidence?

13 MS. CAMPBELL: Not at this point.

14 MR. BELTON: It's resolved.

15 THE COURT: Unless, of course --

16 MS. CAMPBELL: If there's 404(b) evidence, I'll bring
17 it to the Court's attention.

18 THE COURT: Right. Unless, of course, the door is
19 opened, you know, unless the defense brings character into
20 display, then the State can possibly try rebut it. Y'all
21 know the law. But there is none at this time.

22 MR. BELTON: Thank you.

23 THE COURT: I'm just identifying the issues right
24 now. We're going to get into them in a moment.

25 Anything else you can think of, Mr. Belton, from your

1 end?

2 MR. BELTON: No, Your Honor.

3 THE COURT: And what's your client's name, Mr.
4 Sheldon?

5 MR. SHELTON: Mr. Champion, Antonia Champion.

6 THE COURT: Mr. Champion, okay.

7 MR. SHELTON: Thank you, Your Honor. May it please
8 the Court?

9 THE COURT: Yes, sir.

10 MR. SHELTON: I wanted to point out a few things. On
11 the Jackson vs. Denno, it's my understanding there are no
12 ID issues with my client, there's no Lyle or things.
13 There won't be -- no Biggers hearing necessary for my
14 client.

15 The only thing Mr. Belton and I discussed, and I
16 believe I also discussed with Ms. McGinnis, the order for
17 trial, Mr. Belton is essentially going to go first and me
18 second because of the nature of the facts.

19 We think it's going to be easier to get through this
20 trial with Ms. Belton presenting his case first and
21 crossing witnesses first as opposed to me doing it. I
22 think that's solely in the discretion of the trial court.
23 We were just hoping that the judge would be okay with
24 that.

25 THE COURT: She's good with that.

1 So Mr. Belton, you get to go first, then, as far as
2 cross-examination.

3 MR. BELTON: Yes, Your Honor.

4 THE COURT: You'll be first. And then, of course, if
5 the defense decides to put up a case, of course, y'all
6 will have to discuss that with your clients, I'm sure
7 you've already discussed it, at the appropriate time.
8 That means you also get to go first in putting up your
9 case.

10 MR. BELTON: Yes, Your Honor.

11 THE COURT: Sounds good. I understand that.

12 MR. SHELDON: I think that's the only one. There's
13 an issue I probably want to discuss with Ms. Campbell and
14 Ms. McGinnis regarding a felon in possession of a firearm
15 and how to handle that. We'll discuss that.

16 THE COURT: Is that a pending --

17 MR. BELTON: Yeah. So I mean, we're going to concede
18 that he's -- you know, essentially, at trial, whether we
19 pled to a prior -- we have to think it through, but how to
20 handle the fact because he's also being charged.

21 Whether they have to prove the underlying felony --
22 we're conceding that he is a felon in possession of a
23 firearm. That's something I think we can work through.

24 MS. CAMPBELL: I can pull the case law on that, Your
25 Honor. It's clear.

1 THE COURT: What's he charged with?

2 MS. CAMPBELL: A crime of violence versus a violent
3 crime. It's not the possession during the violent crime.

4 THE COURT: Okay.

5 MS. CAMPBELL: It's a crime of violence versus a
6 violent crime. They're separate. And the underlying has
7 to be like a burglary or robbery or something like that.
8 I don't remember what --

9 THE COURT: Hold on a second. Let me -- you lost me
10 there. So you're talking about he's currently charged
11 with possession of a weapon?

12 MR. SHELDON: Yeah, as part of this.

13 THE COURT: As part of this case.

14 MR. SHELDON: This is a murder, the evidence, that's
15 also outstanding.

16 THE COURT: Because you don't want the jury to hear
17 the word felon?

18 MR. SHELDON: Not necessarily -- it's not even
19 necessarily that I don't want to hear the word felon but
20 discuss the underlying felony. The fact they have to
21 prove that he was convicted of an underlying felony, that
22 may be something we're willing to concede to or even just
23 plead to the charge --

24 THE COURT: Oh, okay. I understand what you're
25 saying. I had an issue come up in another matter

1 involving an attempted murder and that charge. And the
2 defense moved to bifurcate the weapon charge from the
3 attempted murder charge because they didn't want that to
4 persuade the jury. You're not doing that here?

5 MR. BELTON: Can't, can't.

6 THE COURT: All right. Understood.

7 Yes, ma'am.

8 MS. CAMPBELL: I wasn't prepared to address that,
9 Your Honor, but I'll pull the case law and just email it
10 to everyone as to that issue.

11 THE COURT: Okay.

12 MS. CAMPBELL: I'll do that tomorrow.

13 MR. BELTON: Your Honor, I don't have the
14 indictments. Certainly, I should know what my client is
15 charged with. I don't have the indictments. I know Ms.
16 McGinnis and I have talked about that, so I may be joining
17 the same thing. I just want to see the indictments and see
18 exactly how he's charged.

19 MS. CAMPBELL: We'll handle it.

20 THE COURT: Does anybody have the indictments with
21 them?

22 MR. BELTON: We can deal with it next week. I mean,
23 it's not an issue.

24 MS. CAMPBELL: No, it's not a legal issue. And we
25 didn't bring the indictments, I'm sorry.

1 THE COURT: All right. So we can deal with that
2 prior to impanelment of the jury.

3 MR. SHELDON: That's right. There's not going to be
4 any issue about bifurcating or anything like that.

5 THE COURT: Okay. It's just going to be how to
6 phrase it, how to word it.

7 MR. BELTON: Same thing, Your Honor. I don't deny
8 that my client is a felon.

9 THE COURT: How to phrase it, how to word it, that's
10 how we're going to deal with it.

11 All right. So while we're talking about -- before we
12 start the gravamen of these motions that we're about to
13 hear, I want to make sure I understand all the e-mails
14 that my law clerk was going around with all of y'all
15 about. He kind of gave me the summary of it. As I
16 understand it, we're going to handle as many or,
17 hopefully, all the pretrial matters we can today.

18 Mr. Sheldon is protected, so we cannot start the
19 trial Monday, but we can start the trial Tuesday. When I
20 say start the trial, that means I intend on telling
21 Mr. Hammond, the Clerk of Court, to bring in the first
22 jury panel to be qualified and voir dire at 9:00 a.m.

23 Then the second panel come in at 10:30, and then I
24 think we're probably going to have to have just for space
25 concerns a third panel come in around noon, so it's going

1 to be a long morning, okay. Then we'll take a lunch
2 recess. And then we'll -- whatever numbers are picked
3 will come back.

4 We came up with the process. I forgot what the
5 process was, but I have it written down in my office in
6 Lancaster of how we're going to do the voir dire. So
7 we'll have -- all sides will not have to worry about not
8 having enough jurors.

9 Because from an impanelment standpoint of a jury,
10 each defendant is entitled to ten preemptory challenges,
11 so that's 20 on this side. The State would be entitled to
12 five per defendant, so that's a total of ten.

13 MS. CAMPBELL: Ten.

14 THE COURT: So there's 30 preemptory challenges
15 between, you know, everybody here, so that means we're
16 going to have to have, at least -- my intent is to have 14
17 jurors, 12 and two alternates, that's my intent just for
18 the spacing limitations with Mr. Hammond in Lancaster,
19 okay.

20 I'd like to have 15, but I just -- we'll see how it
21 goes. My intent right now is to go with 14. If we have
22 to do 15, we have to do 15, and then we'll go through that
23 way.

24 All right. Any -- and then, you know, my hope is to
25 have a jury picked, sworn and ready to roll until where

1 best case scenario, we can at least do opening statements
2 on Tuesday; worst case scenario, we do opening statements
3 first thing Wednesday and start calling witnesses.

4 Y'all are aware, I have a mandatory meeting in
5 Columbia Wednesday afternoon, so I'd like knock out as
6 much as we can until about 12 -- until about noon on
7 Wednesday.

8 So my intent would be to start at 9:00 a.m. Wednesday
9 morning. That gives you a good three hours to knock out
10 some things witness-wise, State, and then we'll just kind
11 of -- I have no other conflicts for Thursday or Friday or
12 the following week. Okay.

13 Yes, sir.

14 MR. NEWMAN: Your Honor, just with this being a more
15 drawn out trial going to last more than the standard week,
16 I would request that we do that 15 number as opposed to
17 that 14 number.

18 THE COURT: That's fine with me. My initial gut was
19 to go 15. I just want to see the layout of things. I
20 know -- yeah, that's fine. I don't have a problem with
21 it.

22 MR. NEWMAN: We've had issues before having to pull
23 all this up.

24 THE COURT: Right. And that means -- you know, each
25 alternate is one and two preemptory challenges, so that's

1 -- you know, y'all kind of do the math about how we're
2 going to have to figure all of this out.

3 Again, I have a process, we discussed it, I think,
4 briefly when we were on virtual court a couple of weeks
5 ago. I just can't think of it off the top of my head
6 right now.

7 All right. Let's jump into the motions then.

8 All right. The first motion would be to exclude
9 evidence of flight. So Mr. Belton, that's your motion.
10 I'll be glad to hear from you.

11 Madam Solicitor --

12 MS. CAMPBELL: I can hand up the law.

13 THE COURT: Yes, ma'am, if you'll hand up what law
14 you have.

15 MS. CAMPBELL: Thank you. I'll give copies to
16 defense counsel.

17 THE COURT: Yes, sir.

18 MR. BELTON: Your Honor, the first motion by the
19 defense here is to exclude flight. If I can just provide
20 the court with some context, I think it will help
21 understand where I'm going.

22 This shooting happened on a Saturday night --
23 actually, a Friday night going into Saturday morning, very
24 early Saturday morning, actually, in Lancaster. It's
25 about 2:30 in the morning.

1 The shooting happens, and Mr. Stevens is then
2 arrested a week or so later, a little more than a week
3 later, actually, in Broward County, Florida. So in the
4 Miami area is where he's arrested.

5 Let's start with the premise that I know our courts
6 have held that certainly flight evidence cannot be a jury
7 charge, so we understand that. But my assumption is, and
8 I'm assuming that the State is going to try to bolster the
9 fact that he was arrested in Florida and that he ran to
10 Florida to avoid capture, to go to his state of mind, that
11 I know I've just killed two people so I'm trying to avoid
12 capture, and that's why I'm in Florida.

13 So that's the whole premise of our motion is to keep
14 the State from going into the fact that he was eventually
15 captured in Florida.

16 So, Your Honor, when he's captured down in Florida,
17 obviously, there are body cams where the people who go in
18 to capture him and they all have on Broward County Florida
19 gear, sheriff's gear, U.S. Marshall gear, et cetera.

20 Your Honor, first of all, I don't think it's
21 relevant. I don't think it's relevant at all. I don't
22 think it's -- there's no reason to highlight to the jury,
23 and our courts have consistently said that they are
24 suspicious of flight evidence period because of the nature
25 of how prejudicial it is.

1 So even if the Court were to get to the point to find
2 it is relevant because there is a part of the video that I
3 assume that they are trying to introduce where Mr. Stevens
4 is actually talking to law enforcement where he's telling
5 them that he has contacted an attorney, his attorney is in
6 Chicago, and he's waiting on his attorney to come and at
7 that point, he's going to turn himself in.

8 So, Your Honor, I think that goes to his state of
9 mind is that maybe he does know that something is going on
10 back here in Lancaster, however, he needs to talk to his
11 attorney because of his fear of turning himself in. As a
12 matter of fact, when he's laying there on the ground when
13 they first encounter him, he says, I'm glad you all didn't
14 kill me.

15 But what's more important about this, Your Honor,
16 what's more important about this is within an hour,
17 hour-and-a-half after the shooting at Old School,
18 Mr. Stevens' residence was shot up, was sprayed down.
19 Fortunately, his girlfriend and his children got out of
20 that.

21 As a matter of fact, law enforcement arrested someone
22 and charged them with shooting up his house. And
23 consistently, Mr. Stevens has said and even said to law
24 enforcement in Florida, I was running because I was scared
25 for my life.

1 So we have two issues here that interplay and with
2 the Court's indulgence, I want to kind of explore. The
3 first issue is that I don't think it's relevant. And in
4 that relevant, even if the Court believes that it is
5 relevant, I think it's highly prejudicial that we have
6 someone who's in court, and we've got helicopters coming
7 in to get him.

8 We've got U.S. Marshals, all these guys in this camo
9 gear and SWAT team swarming in as if he was Osama bin
10 Laden somewhere, looking for him, Your Honor; that if the
11 jury sees that he actually -- they swarm in on him like
12 he's an animal, like he's a monster. And I think that
13 sends a very prejudicial message that this is a very
14 dangerous guy who's running from law enforcement.

15 Secondly, Mr. Stevens said when he there's on the
16 ground that, I'm glad you all didn't kill me. I know this
17 is a touchy subject that no one wants to address, but the
18 reality of it is -- and I think that Chief Justice Beatty
19 said it best in one of his dissents where he said, and I
20 quote, "Discussing the need to take in the personal
21 experiences of black Americans into account when assessing
22 the reasonableness of their actions during potential
23 police encounters." And, Your Honor, the cite for that is
24 State v. Spears, 426 S.C. 421.

25 And what Justice Beatty has said in that particular

1 case is that because of people, particularly black
2 American males life experiences, their interaction with
3 law enforcement is typically different than the majority
4 of America. Therefore, it's their natural instinct to run
5 when law enforcement is involved.

6 So we have a case here with a man who did leave, who
7 we have proof here speaking to Mr. O'Leary, who was his
8 attorney, that he had contacted an attorney. The
9 attorney, in fact, was in Illinois and he had, in fact,
10 went to retain an attorney, and he was simply in Florida
11 because he was scared for his life, not for his conscience
12 of guilt.

13 So, Your Honor, I believe based on that that the
14 Court should really consider not allowing the flight
15 evidence to come.

16 And just to recap, number one, I don't think it's
17 relevant. Two, if you get beyond the relevance prong, I
18 do think it's highly prejudicial. And four -- or three,
19 that I think we can -- that they can prove their case
20 without -- the State can present its case without having
21 to present the case regarding flight and why Mr. Breante
22 -- or where Mr. Breante was arrested. I don't know how
23 the arrest in Florida has anything to do with whether or
24 not he shot somebody at Old School Club.

25 THE COURT: All right.

1 You join in that motion? Where was your client
2 arrested?

3 MR. SHELDON: My client was arrested in Lancaster
4 County.

5 THE COURT: All right. Different situation.
6 All right. Madam Solicitor?

7 MS. CAMPBELL: Respectfully, Your Honor, the case in
8 which he quotes the dissent by Chief Justice Beatty was a
9 search issue. I tried that case, and it's a totally
10 different issue.

11 Your Honor, the courts have repeatedly held that,
12 although it can be charged to the jury, flight is an
13 inference of guilt and can be done. This has been
14 repeatedly mulled over and over, just that it can't be
15 charged to the jury, but the prosecution is free to argue
16 it if there is a nexus.

17 And what you have here is a young man who shot a
18 total of ten people, two of which died that night. He
19 fled on foot, left his car at the scene. He then
20 contacted his girlfriend, said we need to get out of town.
21 They then go and get a rental car the next morning.

22 They get the rental car and they then go to
23 Charleston, South Carolina where they stay for about two
24 to three days. And then, ultimately, SLED -- I don't know
25 what the name -- some part at SLED starts tracking him and

1 they were able to reach him down in Florida.

2 There are multiple helicopters and other things that
3 were involved in this, but the only part of this arrest
4 that we want to put in is the actual arrest part, in which
5 you see him being taken down.

6 At that point, he volunteers a number of statements.
7 We concede that at the point when one of the officers asks
8 him a question, like, you know, where are you from or
9 something to that effect, that, at that point, once he
10 asked that question, and we're not going to get into that.

11 But, of course, in this day and age, too, we have to
12 show that he was taken into custody in a very fair manner.
13 That he even thanked the officers because he did say,
14 Y'all didn't shoot me. And the officer was like, we
15 didn't have any reason to.

16 You know, you complied with us, everything's good.
17 And then he looked up at the officer at some point, I
18 don't know if it was before or after this, and said, "How
19 did y'all get me? Was it my phone?" Which means he knows
20 the officers were looking for him.

21 After that, too, and the part that may not be
22 admissible, he then says yes, he was in the process of not
23 being fearful for his life. My understanding, Judge, is
24 when you're fearful for your life, you go to the police
25 and get protection, not that you run from them. If people

1 are after you and trying to kill you, instead of running,
2 you go to the police and you report it so they can take
3 care of it. He left because he shot ten people.

4 This evidence in this case comes in, perhaps, more
5 than any other because simply he leaves not only the city
6 and goes to Charleston, but he believe the State and,
7 ultimately, is in contact at some point, according to him,
8 with a lawyer about turning himself in, which is in and of
9 itself knowledge that he's running from the police. And
10 his reaction when he's captured is, How did y'all get me?
11 It was the phone call.

12 Your Honor, I don't know of any case that would be
13 more relevant, and I've handed up a number of cases. And
14 I would know note, other than the Grant case, which,
15 basically just holds up the proposition that you can't
16 charge flight to the jury, the only other case he talks
17 about is Payday.

18 And that's a very unique case, Your Honor, in which
19 the defendant was charged with murder. He then was
20 arrested. He then made bond. And then some months or
21 days, I don't know the exact amount of time later, he ends
22 up in a police chase and is charged with failure to stop
23 for a blue light. And they said that came in under the
24 flight thing. Of course, that doesn't come because it
25 doesn't have anything to do with the initial charge.

1 Your Honor, in this case, this is completely
2 different. So even the defense in their whole motion has
3 not mentioned any other case that we just got from the
4 State's position.

5 Your Honor, in addition on this issue --

6 THE COURT: Obviously, you were holding in your hand
7 a CD. Is that --

8 MS. CAMPBELL: Yes, sir, I've got a CD. This is the
9 Florida body cam. The only part of it -- and I'll give
10 you the exact minute which we say one question we can't go
11 into as far as in front of the jury.

12 THE COURT: We don't have a player on our laptop. We
13 used to. We don't have one anymore. Do you have that
14 video?

15 INVESTIGATOR: I've got a laptop.

16 MS. CAMPBELL: The only other thing, Your Honor, I
17 would hand up Tonya Henderson's statement. That is the
18 defendant's girlfriend, and she talks about how she took
19 him to Charleston and what happened afterwards and
20 everything.

21 THE COURT: Is that what the State is seeking to
22 introduce -- what you're handing up here for the purpose
23 of this hearing, is that what the State seeks to introduce
24 if it were allowed to introduce it?

25 MS. CAMPBELL: The only thing we seek to introduce is

1 the Florida body cam to the point where we say it should
2 be cut off.

3 THE COURT: And that's contained in that?

4 MS. CAMPBELL: The second CD, I just want you to be
5 aware of what his own girlfriend says about his flight.

6 THE COURT: I'll get to that if I need to.

7 MS. CAMPBELL: Okay.

8 THE COURT: So just the one CD. Let's have that
9 marked then, just for this hearing, as Court's Exhibit 1.

10 And you've seen this?

11 (WHEREUPON, Court's Exhibit No. 1 was marked for
12 identification only.)

13 MR. BELTON: Your Honor, it was in the discovery. I
14 assume what they're going to play is the arrest. And,
15 Your Honor, I recognize there's no jury in here. We're
16 not following the strict Rules of Evidence here, but,
17 certainly, I would object to this if we were at trial.

18 THE COURT: Absolutely. I've got to see whether it's
19 relevant or not.

20 MR. BELTON: Your Honor, what I want you to just --
21 obviously, I made the argument not only about the
22 relevancy, but the prejudicial and I do want the court to
23 just know the helicopters and SWAT team and the camouflage
24 and how he was arrested.

25 THE COURT: I'll check all that out.

1 MR. BELTON: The nature of it despite the case law.

2 THE COURT: I'll check all that out.

3 Anything else before I look at it?

4 MS. CAMPBELL: The time period, Your Honor, that we
5 say should be cut off is 18:29:46.

6 THE COURT: So eighteen -- where should it start?

7 MS. MCINNIS: It should start at the very beginning,
8 Your Honor.

9 THE COURT: So beginning to 18:29.

10 MS. CAMPBELL: Just for the record, there were a
11 number of body cams that were sent out. This is the only
12 one we're offering.

13 THE COURT: All right.

14 MS. CAMPBELL: That we chose some of the other ones.

15 MS. MCINNIS: Judge, that time is going to be the
16 actual clock time at the top of the video, not the time
17 into the video.

18 THE COURT: Okay. All right. So what I'll do, then,
19 is I'll -- just so y'all won't look at me looking at this,
20 I'll go in the back and look at it. Y'all can take a
21 break while I'm looking at it.

22 Any other argument?

23 MS. CAMPBELL: The only other argument, obviously,
24 the defendant's girlfriend when she was interviewed by the
25 police, basically she talks about how she takes him to

1 Charleston the next day. They get a rental car, they go
2 to Charleston. When we asked her the question of did he
3 know he was wanted by the police, she said yes.

4 THE COURT: Do y'all plan on calling her as a
5 witness?

6 MS. CAMPBELL: Yes.

7 THE COURT: Okay. All right. So I'll just take that
8 at face value as to what that witness is going to say.

9 MR. BELTON: That witness can get on the stand and
10 say what she wants to say, and I can object to that.

11 THE COURT: All right. Perfect.

12 Hand me that exhibit then, Madam Court Reporter.

13 I'm going to go to the back. We're going to take a
14 recess. Y'all handle yourselves accordingly.

15 MR. BELTON: That's without objection.

16 MS. CAMPBELL: Judge, Mr. Sheldon's client also made
17 a statement to police.

18 MR. SHELDON: I would like you to take a look at it
19 while you've got the laptop, so we don't have to go
20 through the whole thing again.

21 THE COURT: Yeah, I'll do that.

22 MR. SHELDON: We can address that when you come back
23 out.

24 THE COURT: Okay. This is going to be -- this CD
25 handed to you right now --

1 MS. CAMPBELL: It's --

2 THE COURT: Do you have the piece of paper?

3 (Pause).

4 All right. That's going to be Court's Exhibit 2 for
5 the purpose of --

6 MR. SHELDON: Just for the sake of argument, you're
7 back there watching things.

8 THE COURT: Absolutely.

9 MR. BELTON: Your Honor, just --

10 THE COURT: Hang on. Hang on. Let's do one thing at
11 the time.

12 MS. CAMPBELL: I think just for the record.

13 THE COURT: That's Court's Exhibit 2, hand that to
14 her.

15 (WHEREUPON, Court's Exhibit No. 2 was marked for
16 identification only.)

17 THE COURT: That's Court Exhibit 2.
18 What were you saying?

19 MR. BELTON: Your Honor, again, I don't want to
20 belabor the issue. I want you to get to it if you've got
21 a lot to watch, but obviously, at no point in Florida is
22 he Mirandized, so our position is that none of this comes
23 in.

24 I know they're conceding they have to stop when he
25 starts -- the part where he's volunteering information

1 before questioning, but obviously, our position is nothing
2 comes in, and once he was in custody, he should have been
3 Mirandized. So that point, nothing comes in.

4 THE COURT: And that goes into your Jackson vs.
5 Denno?

6 MR. BELTON: Correct, correct.

7 THE COURT: So Court --

8 MR. BELTON: I want you to understand the interplay.

9 THE COURT: Sure. Court Exhibit 1 is being used by
10 me to analyze and decide defense motion number one as to
11 flight and defense motion, Defense Stevens' motion number
12 eight as to Jackson vs. Denno.

13 MR. BELTON: There you go.

14 THE COURT: And I'm also using defense -- excuse me,
15 Court's Exhibit No. 2 for the purposes of this hearing to
16 deal with Mr. Champion's Denno motion -- Jackson vs.
17 Denno.

18 MR. BELTON: That's correct, Your Honor.

19 THE COURT: All right. We understand each other.

20 All right. I'm taking a break, go look at all this
21 stuff. Come back, hear more argument, and I'll make a
22 decision.

23 (WHEREUPON, a short break was taken.)

24 THE COURT: All right. I've had the opportunity to
25 review the relevant portions of both Court's Exhibit 1 and

1 Court's Exhibit 2 for the purpose of this hearing.

2 All right. Now that I've viewed the videos and have
3 a better context of what y'all were talking about when you
4 were making your presentations, any further argument,
5 Mr. Belton, from you concerning what I should do and from
6 the State?

7 MR. BELTON: Your Honor, the only argument I have
8 that if the Court is inclined to allow flight to come in
9 as -- to allow the State to argue flight as consciousness
10 of guilt, then I would ask you to actually disallow the
11 State to introduce the actual body cam.

12 I think if the officer got on the stand and they can
13 testify about the arrest and how they arrested him and
14 where he was and those things, but to actually introduce
15 what -- the helicopters and SWAT gear and all of that I
16 think is highly prejudicial to my client.

17 It makes him look like some violent animal felon
18 there, Your Honor. So I ask if you're inclined to allow
19 it in, you don't allow in the actual body cam.

20 THE COURT: Now, the video I saw, the 18 minutes to
21 29 which I looked at, I saw the tactical gear and, you
22 know, that kind of stuff, but I didn't see any helicopter
23 or hear any helicopter or anything like that. I didn't
24 see any of that.

25 MS. CAMPBELL: We don't intend to offer those.

1 THE COURT: Okay.

2 MS. CAMPBELL: There is body cam with that stuff in
3 it, but we don't intend -- that's what we intend to offer.

4 THE COURT: All right. Well, then having heard that,
5 having viewed everything, I'm going to respectfully deny
6 the defense motion to exclude evidence of flight, as well
7 as deny the defense's motion to exclude the body cam video
8 of what I just saw.

9 I'll certainly -- of course, these are preliminary
10 rulings, and I'll let you make a contemporaneous
11 objection. If you forget to do so, you're protected on
12 the record, okay?

13 I am, however, going to grant the defense motion as
14 to a portion of the video and audio I heard, and I made a
15 note of it. That's contained at 18:21:14 to 19. There
16 was a snippet where one of the responding officers said we
17 need transport for a violent felon.

18 That is more prejudicial than probative and so I'm
19 not going to allow the jury to hear that. I'm just going
20 to instruct the State to exclude that audio portion of the
21 video.

22 So I'm going to deny the defense motion in chief to
23 exclude the evidence of flight, grant in part those five
24 seconds to protect the defendant's rights. I do find
25 based upon my review of everything and having heard

1 arguments of counsel that this evidence of flight is more
2 probative than prejudicial. Substantially, more probative
3 than prejudicial under a 403 analysis.

4 All right. As to the Jackson vs. Denno issues
5 presented first as to Mr. Stevens in the video I saw, it
6 clearly appears to me these were voluntary statements made
7 by Mr. Stevens.

8 There were lots of discussion about smoking a
9 cigarette and this and that. I didn't see any evidence of
10 that, so I'm going to allow the statements that were
11 contained in that --

12 There are no other statements, correct?

13 MS. CAMPBELL: That's correct.

14 THE COURT: I'm going to allow those statements of
15 Mr. Stevens to come into evidence over the objection of
16 the defense. You're, again, protected on the record. Of
17 course, I'll charge the jury if it goes that far at the
18 appropriate time what a statement is. It's up to them to
19 determine whether it's voluntary, but as the gatekeeper, I
20 will allow that statement to come in.

21 I've reviewed Court's Exhibit No. 2. As to
22 Mr. Champion, likewise, I find the statements appear to be
23 voluntary and not coerced. Therefore, I will allow those
24 statements to come for the jury to consider, give it any
25 weight they believe it deserves. Okay.

1 MR. BELTON: Your Honor, I want to make sure I have
2 my notes clear on here, the video that you allowed in, can
3 you give me just the timestamp in it? Do you have the
4 timestamp handy?

5 MS. CAMPBELL: I'll pull it up right after this
6 hearing.

7 MR. BELTON: Perfect.

8 THE COURT: It ends at 18:29. So from the beginning
9 to 18:29.

10 MS. MCINNIS: Forty-six seconds.

11 THE COURT: 18:29:46.

12 MR. BELTON: Thank you.

13 THE COURT: What's not come in is 18:21:14 to 19.
14 There's like five seconds that I'm not -- that I'm
15 excluding.

16 MR. BELTON: Thank you, Your Honor.

17 THE COURT: All right. So we've dealt with the
18 Jackson vs. Dennos for both defendants. We dealt with the
19 motion to exclude flight evidence. That leaves, from my
20 understanding, the Neil vs. Biggers motion.

21 MR. SHELTON: Judge, I just want to be clear, too,
22 because this is something I thought about -- having
23 thinking about that, I don't need the State to open the
24 door as to -- now that the Court is waiting on this ruling
25 from flight evidence, flight evidence is admissible

1 against the defendant whether I want to present it or not.
2 So now that you've allowed it, I'm also allowed to explore
3 that area because my client didn't flee.

4 So I just want to be clear that -- they don't need to
5 open the door for me to say wait a minute, he's in Miami
6 and I'm in Lancaster.

7 THE COURT: I understand where you getting with that,
8 no. That's correct.

9 MR. SHELDON: I just want to be clear.

10 THE COURT: The jury gets to hear evidence of flight
11 and give it any weight and credibility they believe it
12 deserves regardless of how it comes up.

13 MR. SHELDON: Okay. I just wanted to make that
14 absolutely certain for the record.

15 THE COURT: That's clear.

16 MR. SHELDON: Also, you're about to get -- we forgot
17 to put on the record, we agree by consent that their -- a
18 crime scene analyst or whomever it is will be allowed to
19 testify virtually given the nature of her autoimmune
20 disease and the treatment that she's receiving. And the
21 State is responsible for just sort of getting that
22 organized and making sure that we have as respectful a way
23 as possible to examine that witness at the appropriate
24 time.

25 THE COURT: All right. Is that correct, Madam

1 Solicitor?

2 MS. CAMPBELL: Yes, that would be Lieutenant Christie
3 Rogers.

4 THE COURT: Mr. Belton, is that correct?

5 MR. BELTON: No objection, Your Honor.

6 THE COURT: That's Rogers' testimony. And what --
7 just let me know when that's going to be, and I'll explain
8 it. So I can explain it to the jury, make sure we have
9 everything set up.

10 It probably would be better to do that either first
11 or after an extended break, you know what I mean, so we
12 can make sure all the details are worked out, but I'll
13 leave that up to y'all.

14 MS. CAMPBELL: Thank you.

15 THE COURT: Virtual allowed by consent. So the
16 defense -- both defendants through their counsel are
17 waiving any Sixth Amendment issues as it may relate to
18 virtual courtroom cross-examination?

19 MR. SHELDON: As to that one witness.

20 THE COURT: As to that one witness.

21 Correct, Mr. Belton?

22 MR. BELTON: As to that one witness.

23 MR. SHELDON: With the understanding we, obviously,
24 get to examine that witness.

25 THE COURT: Absolutely.

1 MR. SHELDON: So the Sixth Amendment is protected.
2 It's just modified.

3 THE COURT: You just have to do it virtually rather
4 than actually physically in court.

5 Okay. That takes us down to Neil V. Biggers issues,
6 out-of-court identification.

7 All right. Who's going to argue?

8 MR. BELTON: Your Honor, it's my motion, but I don't
9 see --

10 MS. CAMPBELL: Your Honor, I think we sent an email
11 earlier saying we were having a problem getting the
12 witness in this week. We did provide four witnesses with
13 the actual procedure itself, which is, in my opinion,
14 better than asking them about it.

15 In addition, Your Honor, we can have the officers
16 available. We were wondering if maybe this is something
17 we could take up Monday or right before the witnesses take
18 the stand.

19 THE COURT: Hang on. Are there any Biggers issues
20 for your client?

21 MR. SHELDON: There are zero -- I think the State
22 agrees that there are zero ID issues with my client and
23 there are no ID or anything, so I wouldn't need to be
24 there.

25 THE COURT: Give me -- so we can do this Monday,

1 then, Mr. Belton. Tell me what the ID issues are, what
2 you believe they are as it relates to your client and then
3 I can look at what I need to look at and hear from what I
4 need to hear Monday.

5 MR. BELTON: Your Honor, there are, at least, two
6 witnesses who do a six-panel lineup. Although, one, I
7 think, was somewhat coerced by Officer Leonard. One, Your
8 Honor, is the witness comes in.

9 They say that they know Breezo from the community.
10 This is after all this has happened. It's all over social
11 media. It's everywhere that Breezo shot up the club. And
12 they bring him in and they identify him and they circle
13 him on the thing.

14 What's most important about that, Your Honor, is one
15 of these particular witnesses, Ms. Florence, was actually
16 shot at the club. And, of course, he's accused of
17 shooting her, and she says she's shot by Breezo. So she
18 identifies the person who shot her.

19 THE COURT: All right.

20 MS. CAMPBELL: Yes, Your Honor, I have law on that.

21 THE COURT: Go ahead and hand that up to me. I
22 believe because of the State witness issues, we're going
23 to hear this matter Monday, and the State will be able to
24 present whatever testimony it needs to present in camera.

25 MS. CAMPBELL: We're hoping.

1 Your Honor, I would just point out that in McLeod,
2 it's weight issues because four out of six of these people
3 actually knew him before, like, grew up with him, knew him
4 before coming into the club, things of that nature.

5 And that specifically was addressed in Liberman and
6 McLeod. We still have to have a hearing on it, but the
7 issues are more limited.

8 MR. BELTON: Your Honor, I wouldn't limit those cases
9 to that because those cases also say knowing him is not
10 enough.

11 THE COURT: Okay.

12 MR. BELTON: Simply knowing him is not enough, so
13 let's give the whole case.

14 THE COURT: We'll explore all this Monday.

15 Mr. Belton, you okay with 10:00 a.m. Monday?

16 MR. BELTON: I'm prepared at 10:00 a.m. Monday, Your
17 Honor.

18 THE COURT: All right. 10:00 a.m., 1018, can you get
19 whatever witness testimony then?

20 MS. CAMPBELL: Yes, sir, we'll have it.

21 MR. BELTON: All right.

22 THE COURT: What else can be heard today?

23 MR. BELTON: I think we're good, Your Honor, as far
24 as Mr. Stevens.

25 THE COURT: All right. Mr. Sheldon, anything?

1 MR. SHELDON: No, Judge, but if your law clerk -- if
2 you get the Lancaster few, it's one day. If y'all could
3 just try to give me -- I remember our pretrial, just some
4 idea of how the jury selection is going to work so I can
5 be prepared sort of.

6 I know it was kind of like we'll know in advance kind
7 of the list, and we can do our strikes that way. I just
8 want to make sure I understand exactly what I'm supposed
9 to be doing.

10 THE COURT: All right. As I recall -- thank you for
11 bringing that up because I -- let's talk about it out loud
12 and just one at a time, though, for the purpose of our
13 court reporter.

14 As I recall us all agreeing to do it when we had that
15 pretrial or that status conference from Judge Griffith
16 because he had done a trial like that previously. And,
17 Solicitor, correct me if I'm wrong. Each panel that comes
18 in will have, you know, 30 to 40 jurors in it and I'll go
19 through qualification. And then provided that they're
20 qualified, we'll voir dire them right then and there,
21 okay. and then I will have -- they'll be excused to come
22 back at a later time.

23 If they're -- yeah. And then at the end of each voir
24 dire for each panel, the Clerk will randomly collate the
25 names and what would it be --

1 What did we say, Randy, ten names or so per -- ten or
2 12.

3 That way y'all would know about it. We would have to
4 bring everybody back. Y'all would be given that list. Is
5 that what we talked about?

6 MR. SHELDON: Your Honor, I thought we decided once
7 we do all three packages, they will collate it, and we
8 will pick on paper. Like you give us the sheet of who is
9 up, and we've already seen everybody come through. I
10 can -- my understanding is we talk about --

11 MR. BELTON: And I agree. I think that's the only
12 fair way to do it. I would object to anything that
13 doesn't give me a cross-representation of the entire
14 panel.

15 But, basically, we find out who's showing up based on
16 who comes in in each one. Once we know who all has come
17 in the three different panels, put all the bingo balls in
18 or however we do it, and then we get a list, basically, of
19 the order they would be called up in person to say seat
20 them or reject them. Essentially, we're making paper
21 strikes based on the order that we know they would have
22 been called had they come in person.

23 THE COURT: Is that your understanding?

24 (Indicating in the affirmative).

25 All right. The State -- everybody is nodding their

1 heads.

2 Mr. Belton, is that your understanding?

3 MR. BELTON: That is my understanding.

4 THE COURT: All right. You refreshed my
5 recollection. I think that's the only way we can do it
6 given the limitation of the size -- of how many people we
7 can have in the courtroom.

8 MR. BELTON: And I think the difference is the jury
9 won't actually be in the room this time.

10 THE COURT: It's not a situation where --

11 MR. BELTON: They were in the room --

12 MR. SHELDON: But we're voir diring them clearly as
13 the panel --

14 THE COURT: In the room.

15 MR. SHELDON: So you're going to qualify the panel
16 and then we're going to immediately turn around and do the
17 voir dire, but not -- but just take notes, excuse them and
18 we'll have our notes and then get the list. The only
19 thing that I would object to is not putting the names all
20 at once in the hat.

21 THE COURT: In doing this process, the only part of
22 jury selection you're eliminating is the person's name
23 being called and they're standing up saying what saith the
24 State and what saith the defense, but everything else
25 is -- and the reason we're doing that is because of the

1 space limitations in the courtroom.

2 MR. SHELDON: And I'm okay with that. We're going to
3 have -- I don't see -- and I'm putting this on the record
4 and I've thought about it. There is absolutely no point
5 in this process where the -- the only thing -- well,
6 Judge, let me back up.

7 So the only thing, typically, defendants are not
8 present for the qualification stage. So I would ask that
9 we qualify the panel, then bring the defendants down and
10 do the voir dire. Because I think they have a right to
11 see the jury.

12 THE COURT: Absolutely.

13 MR. SHELDON: But I don't know that it's necessary or
14 proper when you do your general spiel to have the
15 defendant sitting there for the whole time. So you --
16 that normally wouldn't happen and I would ask that it not
17 happen here.

18 But at the appropriate time, whether we do that
19 downstairs or we bring them up to the courtroom to do the
20 voir dire that the defendants be allowed to be present.

21 THE COURT: What we'll do is I'll bring in the whole
22 panel. We'll qualify with just y'all in there. Then I'll
23 excuse the panel. They'll go outside. We'll bring your
24 clients in. They can be seated at the table.

25 We'll bring that panel back in and we'll do the voir

1 dire, okay. And y'all will make mental snapshots of the
2 people you don't want to be on the jury.

3 MR. BELTON: Your Honor, can I reserve my right to --

4 THE COURT: Yeah, I have some --

5 MR. BELTON: I wasn't prepared for this part of it,
6 that they won't be in the room when they're selecting.
7 There's something about the person standing right there
8 making a decision.

9 THE COURT: You don't care --

10 MR. SHELDON: If you're giving me a whole list so I
11 know who's coming up, like, I mean --

12 THE COURT: You're going to have the whole list.

13 MR. SHELDON: It's the first --

14 THE COURT: Yeah. Both sides will have the whole
15 list --

16 MR. SHELDON: Rock and roll.

17 THE COURT: Right. And I will give y'all -- you
18 know, if I do nine o'clock, 10:30 and twelve o'clock,
19 which should be sufficient based upon my history of doing
20 it this way, you know, y'all would get the collated list
21 before lunch. And I wouldn't require -- we wouldn't
22 impanel a jury until later Tuesday.

23 I mean, I'll give y'all an hour-and-a-half, two hours
24 to look over this. See what I mean? Y'all would have
25 plenty of time to look over the list and then we -- let me

1 tweak it.

2 MR. SHELDON: I would also say this, that's almost
3 going to make it impossible to start Tuesday. Because we
4 would, essentially, have to call those people back.

5 THE COURT: I understand.

6 MR. SHELDON: I'm in favor of -- with precautions, I
7 would not object to what we're talking about.

8 THE COURT: All right. I'll let y'all know how we're
9 going to do it. That kind of comes under my reign anyway.
10 We'll do what we've got to do.

11 Anything else to be dealt with today?

12 MR. SHELDON: No, Your Honor, not from Mr. Stevens.

13 THE COURT: From the State?

14 MS. CAMPBELL: No, sir.

15 THE COURT: All right. We'll see you Monday morning,
16 Mr. Belton, at 10:00 a.m.

17 MR. BELTON: Yes, Your Honor.

18 THE COURT: And by then, I'll have the answer and
19 we'll let you know exactly how we're going to do the jury.

20 MR. SHELDON: All right. Thank you.

21 THE COURT: All right.

22 (Whereupon, the proceedings were adjourned)

23 THE COURT: I'm handing my Court's Exhibits back to
24 you. Keep those stickers on them.

25 (Court's Exhibits were returned to Ms. McGinnis).
 (Whereupon, the proceedings were concluded.)

CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

I, Karen Ambroziak, Official Court Reporter for the
5th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of General Sessions for
Lancaster County, South Carolina, on the 13th day of
October, 2021.

December 13, 2022

Karen Ambroziak

Karen Ambroziak, RPR
Circuit Court Reporter

1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF LANCASTER
4 2020-GS-29-173, 175-182

5 State of South Carolina

6 Vs.

7 Breante Deon Stevens

8

9 Lancaster, South Carolina

10 October 18-29, 2021

11 Before the Honorable Brian M. Gibbons

12 APPEARANCES

13 For the State: Luck Campbell, Melissa McGinnis, Randy Newman

14 For the Defendant: Montrio Belton

15

16 Reported by: Michael C. Watkins

17 Official Court Reporter

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7 2 Disc of Pictures

8 3 Phone

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PRETRIAL MATTERS

1 THE COURT: All right. Let's go ahead and start the
2 hearing. Mike, this is indictment 20-GS-29-173 and 183,
3 State versus Breante Stevens. This matter was initially
4 heard last Wednesday down in Fairfield County by consent of
5 both the State and the defense on other motions. Then one
6 motion that was left to be heard today is a motion to
7 suppress identification -- out of court identification for
8 the defendant. And Mr. Belton, anything else I need to know
9 before the State proffers or puts up any factual witnesses?

10 MR. BELTON: Not regarding the Neil v. Biggers, Your
11 Honor. There are a couple of things that Mr. Sheldon asked
12 me to ask the Court but that's more housekeeping after the
13 hearing, nothing of substance.

14 THE COURT: All right. Well, let's go ahead and deal
15 with the substantive motion, then. This will be the motion
16 to suppress identification. You want to make a brief
17 argument, Mr. Belton?

18 MR. BELTON: Beg the Court's --

19 THE COURT: Yeah, y'all talk.

20 (Break in proceedings.)

21 MR. BELTON: So, Your Honor, we do have another
22 substantive issue that will have to come up in this hearing.

23 THE COURT: All right. What's that?

24 MR. BELTON: Mr. Stevens, as a matter of this, was also
25 charged with -- and I may have mispronounce it, but

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1 possession of a weapon by a felon. And so obviously during
2 the substance of the trial I do not want it to come out that
3 he was a felon in possession of a weapon, so I will at the
4 appropriate time make a -- and I'll need an opportunity. I
5 thought we had kind of settled it so I'll need an
6 opportunity to do a little research to either bifurcate it,
7 or what I'm going to ask is we just simply deal with that
8 after the trial. Certainly if he's convicted then we can
9 use the same jury and we can put up -- I'm not denying that
10 and certainly I don't have much to go with any witnesses
11 that the State put up and then we can deal with it at that
12 point.

13 THE COURT: So he's charged with possession of a weapon
14 by a person convicted of a felony, is -- what does the
15 indictment say.

16 MS. CAMPBELL: It's the crime of violence, Your Honor.

17 THE COURT: Okay. Crime of violence.

18 MS. CAMPBELL: If I may approach?

19 THE COURT: Yeah. We won't argue this right now. I
20 want to do the Biggers motion, but I want to see what the
21 indictment says. We'll argue that then after I make a
22 ruling on the Biggers issue.

23 MS. CAMPBELL: Yes, sir. We do have case law on that
24 point to hand up.

25 THE COURT: Sure. You can hand that up at the

PRETRIAL MATTERS

1 appropriate -- when we get to that. All right. Mr. Belton,
2 just give me basically -- certainly I'm going to let you
3 make a full argument to the Court, but give me -- tell me
4 why you -- before I hear from any evidence or consider any
5 evidence that the State wishes to offer -- that wish to
6 offer on the Biggers issue, give me a brief summary of why
7 you believe the Court should suppress the identification.

8 MR. BELTON: There were two, Your Honor. One is it was
9 a six panel lineup of Mr. Stevens. Obviously, they're in a
10 club, it's night and crowded, alcohol, et cetera, going on
11 in the club. And there are several people in the club who
12 says that they do not see Mr. Stevens shooting, and then
13 there were others who said that they did see Mr. Stevens
14 shooting. The second one, Your Honor, is that there was an
15 interview done by Officer Leonard. In that particular
16 interview there was a panel that was shown. That panel
17 was -- appeared to be in black and white from the body cam.
18 After several minutes the person is saying they don't know
19 who it is, at that point they come back and the person
20 identifies and circles Mr. Stevens as the person who was
21 shooting in the club.

22 THE COURT: Okay. Is the State ready to offer evidence
23 to rebut the defense argument?

24 MS. CAMPBELL: Yes, Your Honor. But could he tell me
25 specifically which witness he's talking about with the black

PRETRIAL MATTERS

1 and white lineup?

2 MR. BELTON: And again, it appeared to be black and
3 white from the -- I don't remember which witness it is
4 specifically, you know, who did the six panel lineup.

5 MS. CAMPBELL: And this was one that Investigator
6 Leonard showed.

7 MR. BELTON: Yes.

8 MS. CAMPBELL: Your Honor -- may it please the Court,
9 Your Honor? We did submit last week prior to the hearings
10 some video of the actual procedures that were done and four
11 out of the six lineups that were shown. I didn't know if
12 the Court had an opportunity to review those and if you
13 thought we needed to do additional testimony on those or if
14 that would be sufficient since actually shows the lineup
15 procedure that was done.

16 THE COURT: All right. Well, I don't remember seeing
17 that. I saw the two things. I saw the -- I looked at the
18 video of the actual arrest in Florida, and I looked at the
19 video of the Jackson versus Denno voluntariness statement by
20 the other codefendant. Those are the only two videos I had.

21 MS. MCGINNIS: I emailed a link to the lineups to your
22 law clerk but I can get that put on a disk if you would
23 rather have that.

24 THE COURT: All right. Well, let me pull that up real
25 quick.

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1 MS. CAMPBELL: We can just make it part of the record,
2 Your Honor, because it clearly shows the lineups.

3 THE COURT: Sure. Well, I have not looked at it yet
4 because, of course, I haven't approached the issue yet, but
5 I will look at it when I take everything under advisement
6 here momentarily. Any witnesses as today? I mean live
7 witnesses?

8 MS. CAMPBELL: I have the lay witnesses here as well as
9 the officers who showed the lineups, I guess I could put
10 them up briefly maybe just to make a record.

11 THE COURT: Sure.

12 MS. CAMPBELL: Your Honor, four out of six did know him
13 from prior interactions, which is the reason I handed up the
14 two cases I gave you last week.

15 THE COURT: Right. And I've got those cases up here,
16 that's McCloud and Liverman.

17 MS. CAMPBELL: Your Honor, at this time the only other
18 issue I have is Mr. Stevens is sitting there with a mask on
19 his face, so when it comes to purposes for this hearing if
20 we're going to do an in-court ID it's going to be -- I mean,
21 I'm just saying.

22 THE COURT: Yeah. I'll have him take the mask off.

23 MS. CAMPBELL: At this point we'll call Brenia Davis.

24 The witness, BRENIA DAVIS, was first duly sworn and

25 Testified as follows:

PRETRIAL MATTERS

1 THE COURT: Ma'am, you can take off your mask, you're
2 behind enclosures right now, that will be fine. Just make
3 sure you talk into that microphone. Okay?

4 THE WITNESS: Okay.

5 DIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q How old are you?

8 A Thirty-one.

9 Q And where do you live? What county?

10 A Lancaster.

11 Q And how long have you lived in Lancaster County?

12 A All my life.

13 Q And do you know a man that went by the nickname Breezo,
14 or Breante Stevens?

15 A Yes.

16 Q Can you tell the Judge how you knew Mr. Stevens?

17 A We grew up in the same neighborhood.

18 Q You grew up --

19 MR. BELTON: Your Honor, I'm sorry, I can't hear what
20 she's saying.

21 THE COURT: Yeah. Just try to speak as loud as you
22 can.

23 A We grew up in the same neighborhood.

24 Q I want to turn your attention back to the evening of
25 September 20th of 2019 in the early morning hours of the

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1 21st. Where were you that evening?

2 A I was with my sister.

3 Q You were with your sister?

4 A Uh-huh.

5 Q Did y'all end up going to a club that evening?

6 A Yes.

7 Q And do you know about what time it was when you got
8 there?

9 A A little after maybe 12:30 or 1:00.

10 Q And what kind of event was going on at that club that
11 night, do you remember?

12 A It was a party. I can't remember whose party it was.

13 Q Okay. That night the person that you've already said
14 that you knew growing up with him, Breante Stevens, did you
15 have an occasion to see him that night?

16 A Yes.

17 Q And can you tell the Judge about how you saw him that
18 night, when you saw him?

19 A What I witnessed at the club I seen -- he had something
20 going on in there, I don't know, and when he came back in
21 the club that's when he started shooting.

22 Q Okay. So you saw him the first time he came in the
23 club?

24 A Yeah, when I first came in the club.

25 Q Okay. You saw him.

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- 1 A Uh-huh.
- 2 Q And then you said he came back in the club?
- 3 A Uh-huh.
- 4 Q And you said that's when what happened?
- 5 A He started shooting.
- 6 Q And were you able to get a good look at that person's
- 7 face that night?
- 8 A Yes.
- 9 Q And what was the lighting like out there that night?
- 10 A The light -- you said --
- 11 Q Was it enough light inside the club so you could see
- 12 him?
- 13 A I mean, it was close enough where I could see him.
- 14 Q And how far away were you from him when you saw him
- 15 shooting?
- 16 A Not that far.
- 17 Q Is it as far as we are?
- 18 A Yeah.
- 19 Q Was it closer or further?
- 20 A It might have been a little farther.
- 21 Q A little farther? So if I'm standing back here by the
- 22 podium, is that about the right distance?
- 23 A Yeah.
- 24 Q And where was he standing when you saw him start
- 25 shooting?

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- 1 A Like towards the stage.
- 2 Q Towards the stage?
- 3 A Uh-huh.
- 4 Q Could you tell whether he was on the stage or beside
5 the stage?
- 6 A I don't remember.
- 7 Q You don't know?
- 8 A No.
- 9 Q But you got a good look at the person that was
10 shooting.
- 11 A Yes.
- 12 Q And when you looked at that person, did you recognize
13 him?
- 14 A Yes.
- 15 Q And who did you know him to be?
- 16 A Breante Stevens.
- 17 Q And what was his nickname?
- 18 A Breezo.
- 19 Q Did you get injured in any way that night?
- 20 A Yes. I got shot in the leg.
- 21 Q Let me ask you this, you saw Breante Stevens shooting.
22 Did you see anybody else shooting that night?
- 23 A No, I did not.
- 24 Q Okay. And you got shot in the leg?
- 25 A Uh-huh.

PRETRIAL MATTERS

1 Q And did you try to get any treatment after you got shot
2 in the leg?

3 A I went to the hospital.

4 Q And at some point did you make contact with the police
5 in this case? Did they come talk to you?

6 A Yes.

7 Q And where were you when they came to talk to you?

8 A Hospital.

9 Q And when they came to talk to you, did you tell them
10 what had happened?

11 A Yes. I told them everything I knew at the time.

12 Q Okay. And was that that same night?

13 A Yes.

14 Q Or early morning, I guess, at that point.

15 A It was like early in the morning, and he came like the
16 next morning, too.

17 Q And when they came and talked to you, did -- you told
18 them what happened?

19 A Yes.

20 Q And did you tell them who you saw shooting?

21 A Yes.

22 Q And at some point did they show you some pictures?

23 A Yes.

24 Q And I'm going to show you -- do you remember what, if
25 anything, they said to you before they showed you these

PRETRIAL MATTERS

1 pictures?

2 A No.

3 Q Did they tell you who to pick?

4 A No.

5 Q Did they influence you in any way?

6 A No.

7 Q And I'm going to show you this set of pictures and ask
8 you -- if I can find you -- do you recognize that?

9 A Yes.

10 Q And are those the pictures that were shown to you that
11 morning?

12 A Yes.

13 Q And did anyone tell you who to pick?

14 A No.

15 Q Did you recognize any of those individuals?

16 A Just that one.

17 Q And which one was that?

18 A The third one.

19 Q And after you recognized that, did you tell the police
20 who you recognized him to be?

21 A Yes.

22 Q And who was he?

23 A Breante Stevens.

24 Q And was that the person you saw shooting that night?

25 A Yes.

PRETRIAL MATTERS

1 Q Once you told them who you recognized, did they ask you
2 to circle it in any way or memorialize it?

3 A Told me to initial it and date it.

4 Q And you did that?

5 A Yes.

6 Q And --

7 A Well, I circled it.

8 Q What I showed you, is that the lineup?

9 A Yes.

10 Q And nobody told you who to pick.

11 A No.

12 Q And after that, did you also sign off?

13 A Yes.

14 Q And did they go through all of these rights as far as
15 what you were going to look at and everything?

16 A Yes.

17 Q And that's all memorialized on the camera they had with
18 them.

19 A Uh-huh.

20 MS. CAMPBELL: Your Honor, at this time we would mark
21 this as State's Exhibit Number 1 for ID purposes at this
22 point.

23 THE COURT: All right.

24 Q The person that you saw shooting in the club that
25 night, do you see him here in the courtroom?

PRETRIAL MATTERS

1 A Yes.

2 Q Can you point him out to the Judge? What's he wearing?

3 A Orange jumpsuit.

4 Q And is he seated next to his lawyer?

5 A Yes.

6 MS. CAMPBELL: Your Honor, may the record reflect she's
7 identified Breante Stevens?

8 THE COURT: So noted.

9 MS. CAMPBELL: Thank you. I don't have any further
10 questions.

11 THE COURT: All right. Mr. Belton, your witness.

12 MR. BELTON: Thank you, Your Honor. May it please the
13 Court?

14 THE COURT: Yeah.

15 CROSS EXAMINATION

16 BY MR. BELTON:

17 Q Ms. Davis, what time did you arrive at the club?

18 A 12:30 or 1:00.

19 Q Had you been drinking that night?

20 A I had a few drinks.

21 Q Had you been smoking marijuana that night?

22 A Maybe.

23 Q Yes or no, please.

24 A Yes.

25 Q All right. So you had been drinking and you had been

PRETRIAL MATTERS

1 smoking marijuana?

2 A And I wasn't driving if you was going to ask that
3 question.

4 Q You're not on trial for DUI so don't worry about that.
5 So you had been drinking and -- you had been smoking
6 marijuana and you had been drinking. Do you remember what
7 time you arrived? I'm sorry, I asked you that, I don't
8 remember your answer.

9 A I answered, it was 12:30 or 1:00.

10 Q What time did Mr. Stevens arrive at the club?

11 A I don't know. He was already there when I got there.

12 Q Okay. So you saw him when you arrived. How many
13 people were in the club approximately?

14 A I did not count the people in the club.

15 Q Was it crowded?

16 A Yes, it was real crowded.

17 Q Shoulder to shoulder?

18 A I wasn't shoulder to shoulder.

19 Q Okay. All right. So you were injured in the shooting
20 in the club, right?

21 A Yes.

22 Q Inside of this club -- it was dark in this club, was it
23 not?

24 A I mean, you could see who is in the club, though.

25 Q But when --

PRETRIAL MATTERS

- 1 A It got lights.
- 2 Q All right. But would you consider it dark in the club
- 3 or not dark in the club?
- 4 A I mean, it was dark but you've got lights.
- 5 Q All right. So it was crowded in the club, it's dark,
- 6 you've been drinking alcohol, you've been smoking marijuana,
- 7 and at this point, at this point you were injured in this
- 8 accident, correct? Or this incident. Not accident,
- 9 incident, correct?
- 10 A Uh-huh.
- 11 Q How did you get to the hospital?
- 12 A My sister.
- 13 Q And were you at the local hospital or the hospital in
- 14 Charlotte?
- 15 A Local hospital.
- 16 Q Did you ever go to the hospital in Charlotte?
- 17 A No.
- 18 Q So you're at the local hospital. Do you remember what
- 19 time this incident happened in the club?
- 20 A No, I cannot --
- 21 Q So if I were to tell you approximately 2:30 in the
- 22 morning, does that sound --
- 23 MS. CAMPBELL: Objection, Your Honor, he can't tell
- 24 her.
- 25 Q If I were to ask you --

PRETRIAL MATTERS

1 THE COURT: Hang on. Objection overruled.

2 Q If I were to say at approximately 2:30 in the morning,
3 would you have an objection to that? Does that sound about
4 right?

5 A I really can't remember.

6 Q I'm sorry?

7 A I can't remember.

8 Q Okay. Do you remember what time the officer came to
9 the hospital to see you?

10 A No, I don't.

11 Q Okay. All right.

12 A It's all on video, though.

13 Q Okay. All right. Do you remember whether it was an
14 hour later, three hours later?

15 A No. Actually he came as soon as I went to the
16 hospital.

17 Q Okay. All right. Did you leave the club immediately
18 after the incident and go directly to the hospital?

19 A Yes.

20 Q Okay. So let's then fast forward. Did a second
21 officer come and see you?

22 A Like that morning, around about 7:30 or 8:00 that
23 morning or something, I can't remember.

24 Q Okay. So it was the second officer that came to see
25 you and that you did what has been marked as State's Exhibit

PRETRIAL MATTERS

1 1, correct? Correct?

2 A Uh-huh.

3 Q Now, this is the six panel lineup that you were shown,
4 correct?

5 A Yes.

6 Q And you testified that that's your signature right
7 here?

8 A Yes.

9 Q Now, these six men -- I'm going to let you hold it
10 there for a second. There are six men there on that video,
11 correct? On that picture, correct?

12 A Uh-huh.

13 THE COURT: You've got to say yes or no.

14 A Yes.

15 MR. BELTON: Thank you, Your Honor.

16 Q All six are African-American, right?

17 A Yes.

18 Q What is unique about three of the men that are on that
19 six panel lineup?

20 A Because I knew him.

21 Q I said -- that's not my question. My question is
22 what's unique about three of the six that are on that
23 lineup?

24 A He's the shooter.

25 Q So three of them are the shooter? I mean, I'm not

PRETRIAL MATTERS

1 being --

2 A No, that one that I circled.

3 MR. BELTON: Your Honor ---

4 THE COURT: Yeah. Repeat your question.

5 Q All right.

6 MR. BELTON: Your Honor, will you just ask the witness
7 to please answer the question? I'm not being
8 confrontational.

9 THE COURT: Ma'am, you're not in trouble here, just
10 listen to his question, he's going to repeat it to you and
11 then answer the question the best you can. Go ahead.

12 Q Of the six people who are on that lineup, what's unique
13 about three of the six?

14 THE COURT: What's unique about three of the six photos
15 on that lineup is the question, if you know.

16 MS. CAMPBELL: Your Honor, if she doesn't know she
17 doesn't know.

18 THE COURT: Right. If she doesn't know she doesn't
19 know, but she's got to answer it.

20 Q So is the answer --

21 A Do I have to answer it?

22 THE COURT: Let me ask you this way for the purpose of
23 the hearing and moving it forward, do you recognize anything
24 unique about three of the photos in that lineup?

25 THE WITNESS: No.

PRETRIAL MATTERS

1 Q Okay. So you don't recognize that three of those men
2 have -- three of those men have a gold grill and three do
3 not have a gold grill?

4 A Yeah.

5 Q Okay. .And so you indicated that you know Mr. Stevens,
6 correct?

7 A Yes.

8 Q So you know that Mr. Stevens wears a gold grill, or
9 wore a gold grill, correct?

10 A Yes.

11 Q So technically you weren't picking from six, you were
12 only picking from three, correct?

13 A Actually I was picking from six.

14 Q So how were you picking from six?

15 A Just because three of them got a gold grill.

16 Q Okay. So just to make sure that I'm clear, you're in a
17 club, it's dark, correct? Drinking, smoking marijuana, been
18 injured, you're at the hospital, correct? You knew Mr.
19 Stevens because he's from Lancaster, correct? Is that a
20 yes?

21 A Yes.

22 Q You knew that he wore a gold grill, correct?

23 A Yes.

24 Q And only three of these six have a gold grill, correct?

25 A Uh-huh.

PRETRIAL MATTERS

1 MR. BELTON: Thank you.

2 THE COURT: All right. Any redirect?

3 MS. CAMPBELL: Just one question.

4 REDIRECT EXAMINATION

5 BY MS. CAMPBELL:

6 Q Of the other three, can you tell whether or not they
7 have gold grills, too?

8 A Well, the other three have their mouth closed.

9 MS. CAMPBELL: Can I have the lineup, please?

10 Q Because their mouths just aren't slightly open like
11 these.

12 A No.

13 Q So you can't tell if they have gold grills or not.

14 THE COURT: You've got to answer.

15 A No.

16 Q Okay. And the person that you identified in this, you
17 knew him.

18 A Yes.

19 Q So you recognized him as soon as you saw him.

20 A Yes.

21 MS. CAMPBELL: Thank you. I don't have anything
22 further.

23 THE COURT: All right. Thank you, ma'am, you can step
24 down. Let me go ahead and say this. Now, when I need to --
25 obviously when we have a jury impaneled y'all are not going

PRETRIAL MATTERS

1 to be able to move around as much as possible; Madam
2 Solicitor, Mr. Belton. Look, when I tried cases I like
3 walking around, I thought as I walked as well, but with the
4 limitations we have, our space here and with the covid
5 limitations I'm just asking that whenever we actually start
6 the trial, I don't mind if you don't have a mask, that's on
7 me. Okay? But I'm going to have to let them slide over to
8 the middle area so y'all can stay away as far as possible
9 from the witness. And if you need to approach a witness to
10 show them, you know, I hate to sound this way, but if you
11 could just be carrying the mask, all right, and try to keep
12 yourself covered, keep them away as much -- or keep away
13 from the jury as much as possible, I would appreciate it, I
14 know the Clerk of Court would appreciate it. Okay? And I
15 just wanted to say that. Right now I'm giving y'all some
16 leeway because we've got all of these barriers up here and
17 y'all are just going back and forth. Okay? Thank for
18 understanding. Yes, sir?

19 MR. BELTON: Your Honor, with that being said, the
20 three of us at this table have been together for the past
21 several weeks --

22 THE COURT: I don't care if you wear a mask or not.

23 MR. BELTON: Can we take this barrier down between us?

24 THE COURT: Yes.

25 MR. NEWMAN: Okay.

PRETRIAL MATTERS

1 THE COURT: And as long as you're sitting behind your
2 table, I mean, I don't see what the difference is between
3 the courtroom and a restaurant. Okay? If we're at a
4 restaurant y'all will be sitting at your table without
5 masks. Okay? So if you want to sit at your desk without
6 masks that's fine, but as long as you're walking near the
7 jury and everything, I think the jury out of abundance of
8 caution would appreciate it and I would appreciate it if you
9 wear your mask while you're in the immediate presence of the
10 jury. I mean, y'all understand. I mean, they're going to
11 be sitting there wearing masks the entire time and if y'all
12 are parading around without your masks, you know, I don't
13 want them to hold that against either side. Okay?

14 MS. CAMPBELL: But, Your Honor, today we're okay?

15 THE COURT: Oh, yeah, that's fine. It's just lawyers
16 in here today and we're fine. But I'm just reminded of that
17 as I look down at all of those chairs and stuff. Thank you.
18 All right. The State can call its next witness.

19 MS. CAMPBELL: State will call Investigator Dustin
20 Dailey.

21 The witness, DUSTIN DAILEY, was first duly sworn and
22 Testified as follows:

23 THE COURT: Just speak loudly into that microphone.

24 DIRECT EXAMINATION

25 BY MS. CAMPBELL:

PRETRIAL MATTERS

- 1 Q Agent Dailey, where are you employed?
- 2 A South Carolina Law Enforcement Division.
- 3 Q How long have you been there?
- 4 A Since March.
- 5 Q Of this year?
- 6 A This year, 2021.
- 7 Q And prior to that where did you work?
- 8 A Lancaster County Sheriff's Office.
- 9 Q In what capacity were you employed there?
- 10 A The last several years I completed my tenure there as
- 11 an investigator within the Criminal Investigations Division.
- 12 Q I'm going to turn your attention back to September of
- 13 2019. Did you become involved in the investigation of this
- 14 case?
- 15 A Yes, ma'am, I did.
- 16 Q And what was your role in this investigation?
- 17 A I was one of the lead investigators on the case.
- 18 Q Specifically the night that the shooting occurred, tell
- 19 the Court, were a number of people injured?
- 20 A There were several people injured that evening or early
- 21 morning.
- 22 Q Approximately how many were injured?
- 23 A I believe there were ten total, two victims that ended
- 24 up being deceased and eight others that were injured by
- 25 gunfire in one way, shape or form.

PRETRIAL MATTERS

1 Q And the eight victims that were injured, were they
2 taken to various hospitals in the area?

3 A Yes. Some were taken to an out of state medical
4 facility. A significant number of them originally went to
5 the local hospital before being transferred out.

6 Q That morning, did you have an occasion to make contact
7 with Brenia Davis who just testified?

8 A Yes, ma'am, I did.

9 Q Tell the Judge how that happened, what you were doing.

10 A Initially I responded to the hospital to identify some
11 of the victims and see if there was any information that we
12 could obtain. Ms. Davis is one of the individuals that I
13 spoke with at the hospital initially.

14 Q And at that point when you made contact with Ms. Davis,
15 had y'all become aware of Breante Stevens, or Breezo, being
16 involved in this case?

17 A I believe we had. As I was walking into the hospital I
18 talked to another individual who provided some information.

19 Q And during the course of talking with her -- or tell
20 the Judge basically how you talked to her and how you ended
21 up showing her a lineup.

22 A Ms. Davis?

23 Q Yes.

24 A So I initially met with Ms. Davis there at the
25 hospital, she gave me an account of basically knowing Mr.

PRETRIAL MATTERS

1 Stevens and what she had witnessed. I ended up leaving the
2 hospital, obtaining the photo lineup that was generated by
3 SLED and then met with her later that morning to show her
4 that lineup.

5 Q And you mentioned that the photo lineup was generated
6 by SLED?

7 A Yes, ma'am.

8 Q Is that a normal course of business for y'all to get
9 your lineups that way?

10 A Yes, ma'am.

11 Q And when they generate it basically -- do you know how
12 they do that?

13 A It's been a long time since I've been exposed to that.
14 I believe I provided them with his driver's license
15 information and that was what they used to generate that
16 lineup.

17 Q But you're aware they have a protocol in place in order
18 to generate a lineup.

19 A Yes, ma'am. I'm not intricately familiar with it.

20 Q Okay. But they to try to make it fair.

21 A Yes.

22 Q And that day, did you -- you said you went back to the
23 hospital and talked to her. About what time was that, do
24 you remember?

25 A I actually went back and met her at another location.

PRETRIAL MATTERS

- 1 She'd already been released.
- 2 Q After she'd been released.
- 3 A Yes, ma'am.
- 4 Q And was that that same day?
- 5 A It was later that same morning.
- 6 Q So this would be on the 21st?
- 7 A I don't recall the exact day. I think it was the -- it
- 8 was the 21st, I believe.
- 9 Q I'm going to show you what's been marked as State's
- 10 Exhibit Number 1. Do you recognize that?
- 11 A Yes, ma'am. That's the selection form that I completed
- 12 with Ms. Davis.
- 13 Q And tell the Judge just basically how you presented
- 14 this to her later that day on the 21st.
- 15 A So I met with her at this Thomas Lane address
- 16 approximately 7:30 that morning the 21st, explained to her
- 17 the process of the form. And see, we marked off these
- 18 different segments there, and then she completes the bottom
- 19 portion writing in how she actually knows or what she knows
- 20 that person to have been involved in.
- 21 Q And did you memorialize the showing of the lineup that
- 22 day?
- 23 A It was recorded on my body-worn camera.
- 24 Q So that shows exactly what you went through as far as
- 25 the steps with her?

PRETRIAL MATTERS

- 1 A Yes, ma'am.
- 2 Q And when you showed her the lineup, did you influence
- 3 her in any way?
- 4 A No, ma'am.
- 5 Q Did you tell her who to pick?
- 6 A No, ma'am.
- 7 Q Did anyone have an opportunity to coerce her or
- 8 influence her in any way?
- 9 A Not to my knowledge.
- 10 Q When she looked at the six pictures that were presented
- 11 to her, what was her reaction?
- 12 A She identified Mr. Stevens. I believe that she said
- 13 she had known him for a long period of time.
- 14 Q So she gave you that information as well.
- 15 A Yes, ma'am.
- 16 Q And at that point what, if anything, did you ask her to
- 17 do after she recognized -- and what number is that on the
- 18 lineup?
- 19 A Mr. Stevens is number three.
- 20 Q And did you ask her to memorialize that in any way?
- 21 A Yes, ma'am. I would have instructed her to circle the
- 22 picture or the number corresponding with the picture, and
- 23 then I generally ask people to initial and date that actual
- 24 lineup itself as well as completing this form.
- 25 Q And she did that?

PRETRIAL MATTERS

1 A Yes, ma'am, she did.

2 Q And again, that's on your body cam; is that correct?

3 A Yes, it is.

4 MS. CAMPBELL: Your Honor, at this time I would hand up
5 State's Exhibit Number 1 for your review.

6 Q The person that's Breante Stevens that she identified,
7 do you see him in the court?

8 A Yes, ma'am, I do.

9 Q Can you point him out for the Judge?

10 A The individual is wearing an orange jumpsuit sitting at
11 the defense table.

12 Q Sitting here?

13 A Yes, ma'am.

14 MS. CAMPBELL: Your Honor, let the record reflect he's
15 identified the defendant.

16 Q And is that the person depicted in number three on that
17 lineup?

18 A Yes, ma'am, it is.

19 MS. CAMPBELL: Your Honor, I don't have any further
20 questions.

21 THE COURT: All right, so noted. Mr. Belton?

22 MR. BELTON: Yes. Thank you, Your Honor.

23 CROSS EXAMINATION

24 BY MR. BELTON:

25 Q Agent Dailey, good morning.

PRETRIAL MATTERS

- 1 A Good morning, sir.
- 2 Q You had begun investigating this from the beginning,
3 correct?
- 4 A I was not the actual on-call investigator that night, I
5 came in to assist.
- 6 Q What time -- I'm sorry, finish your statement.
- 7 A I responded straight to the hospital.
- 8 Q Okay. What time did you respond to the hospital?
- 9 A I don't recall exactly.
- 10 Q Were you briefed on this matter prior to responding to
11 the hospital?
- 12 A Very briefly on a phone call.
- 13 Q Okay. And in that briefing, did the name Breante
14 Stevens come up in your briefing?
- 15 A I don't recall that name coming up until I was actually
16 at the hospital.
- 17 Q Did the name Breante Stevens come up with another
18 person that you interviewed prior to interviewing Ms. Davis?
- 19 A A lady that I met in the parking lot.
- 20 Q And Breante Stevens' name had begun surfacing on social
21 media at that time, correct?
- 22 A I was not aware of that.
- 23 Q Okay. You wasn't aware of that from your briefing or
24 from the lady from the parking lot that social media was
25 alive about the shooting and Breante Stevens being named as

PRETRIAL MATTERS

1 a shooter?

2 A I don't recall exactly what she said as far as the
3 individual I met with in the parking lot. She had mentioned
4 Breante or possibly his nickname, Breezo. I don't recall
5 any specific mention of social media.

6 Q Okay. And just to make sure that I'm clear in what
7 you're saying, no one had spoken to you about anything on
8 social media prior to your talking to Brenia Davis, that's
9 your testimony.

10 A I don't recall anything.

11 MR. BELTON: Okay. All right. Thank you, no further
12 questions.

13 THE COURT: All right.

14 MS. CAMPBELL: Nothing.

15 THE COURT: All right. Thank you, sir, you can step
16 down. All right.

17 MS. CAMPBELL: State would call Charles Mobley.

18 The witness, CHARLES MOBLEY, was first duly sworn and

19 Testified as follows:

20 THE COURT: Have a seat right there. And you can lower
21 your mask. Thank you, sir. Make sure you speak loud into
22 that microphone. Thank you.

23 DIRECT EXAMINATION

24 BY MS. CAMPBELL:

25 Q Good morning.

PRETRIAL MATTERS

- 1 A Good morning.
- 2 Q Mr. Mobley, how old are you?
- 3 A Thirty-three.
- 4 Q And where do you live, what county?
- 5 A Rock Hill, South Carolina.
- 6 Q I wanted to turn your attention back to September the
- 7 21st in the early morning hours. Where were you sometime
- 8 after midnight that day?
- 9 A I was at the club.
- 10 Q What club were you at?
- 11 A The one down the street in Lancaster.
- 12 Q The one down the street, it's called the Old Skool?
- 13 A Old Skool?
- 14 Q That's what it was called at the time.
- 15 MR. BELTON: Excuse me, Your Honor. Will you ask him
- 16 to speak in the mic?
- 17 THE COURT: Yeah. It's hard to hear with these panels
- 18 up but it's the best we can do.
- 19 Q And who had you gone to the Old Skool with that night?
- 20 A Me and a couple of friends.
- 21 Q And y'all come over from Rock Hill?
- 22 A Yes.
- 23 Q And when you got there, do you remember about what time
- 24 it was?
- 25 A No.

PRETRIAL MATTERS

1 Q Okay. At some point that night was there a DJ that
2 night?

3 A Yes, it was.

4 Q Did you come in contact with the defendant or did you
5 see him?

6 A Did I come -- no.

7 Q Did you see him at any point?

8 A Approximately I did see him eventually.

9 Q And tell the Court how you saw him.

10 A At the end of the night.

11 Q At the end of the night?

12 A At the end, coming towards the end of the club.

13 Q Okay. And what was he doing?

14 A Came in and walked out. As far as whatever went down I
15 don't know. They came in the club --

16 Q Did you witness him have a confrontation with someone?

17 A Yes.

18 Q And who did you see him having a confrontation with?

19 A Lee Colvin.

20 Q And did you know Lee?

21 A Yes, I did.

22 Q And did you recognize the person that was having the
23 conversation -- the initial confrontation with him?

24 A Yes, I did.

25 Q And how did you who him?

PRETRIAL MATTERS

- 1 A I don't know him, I just seen him around.
- 2 Q Seen him around? Did you know his nickname?
- 3 A That's all I know is his nickname.
- 4 Q And what was that nickname?
- 5 A Breezo.
- 6 Q And when you saw the two of them having a
- 7 confrontation, at that point was anybody shooting anybody?
- 8 A No.
- 9 Q And where did the confrontation take place?
- 10 A In front of the club near the stage.
- 11 Q Near the stage? And at that point the person that you
- 12 know as Breezo, what did he do after the -- was the
- 13 confrontation physical in any way?
- 14 A No, the conversation wasn't physical.
- 15 Q Did anybody shoot anybody at that point?
- 16 A Not at the time.
- 17 Q And then what did the person you know as Breezo do?
- 18 A Walks outside.
- 19 Q And did you see him anymore that night?
- 20 A Once he came back in that was it, after that I don't
- 21 know.
- 22 Q So did you actually see who shot?
- 23 A No.
- 24 Q Were you there when the shots were fired?
- 25 A Yes.

PRETRIAL MATTERS

1 Q Where were you standing?

2 A I was standing estimately (sic) --

3 Q If I back up. Was it this far from you?

4 A Yes. Probably a little further.

5 Q Okay. When you saw him in that initial confrontation
6 with Lee Colvin, how far away were you from them when you
7 saw them having this argument?

8 A I was on the stage.

9 Q So how far were they from you?

10 A I couldn't

11 Q Fairly close? And the lighting, what was it like there
12 at the end of the --

13 A It was dark with the disco lights flashing.

14 Q But were you able to see people's face if you were
15 close enough?

16 A Of course.

17 Q And were you able to see Lee Colvin's face?

18 A Yes.

19 Q And were you able to see the person he was arguing
20 with?

21 A Yes.

22 Q And nothing was obstructing your view?

23 A No.

24 Q And you were a matter of a number of feet from them?
25 When the shooting started, what did you do?

PRETRIAL MATTERS

- 1 A I tried to get out of the way.
- 2 Q Did you get out of the way?
- 3 A No. I still got shot three times.
- 4 Q And where did you got shot?
- 5 A Armpit, shoulder.
- 6 Q And who was standing around you when you got shot?
- 7 Where were y'all?
- 8 A I was off to the side.
- 9 Q Off to the side kind of in that corner?
- 10 A Yes. Once you go in, stage here, I was on the left
- 11 side.
- 12 Q On the left side of that kind of around that corner.
- 13 A Yes.
- 14 Q And who all was standing around you?
- 15 A Me and the lady named Shanika Johnson.
- 16 Q Did you notice any other people from Rock Hill or who
- 17 else was around you?
- 18 A No, ma'am.
- 19 Q Did you know where Lee Colvin was at that point?
- 20 A No, ma'am.
- 21 Q And you got shot three times?
- 22 A Yes, ma'am.
- 23 Q And how did you -- where did you get shot?
- 24 A I was shot in the armpit -- well, under the armpit, and
- 25 the arm.

PRETRIAL MATTERS

- 1 Q And after the shooting what did you do?
- 2 A I went to the hospital.
- 3 Q Which hospital did you go to?
- 4 A Lancaster County.
- 5 Q And once you got to the Lancaster County hospital what
- 6 happened?
- 7 A They put in a chest tube, after that they was telling
- 8 me I had to be airlifted to CMC.
- 9 Q And did they airlift you?
- 10 A Yes, ma'am.
- 11 Q And did you have to undergo surgery?
- 12 A No, no surgery.
- 13 Q But you had a chest tube.
- 14 A Yes. And I had deflated lungs.
- 15 Q Deflated lungs? So you had actually been hit in the
- 16 lungs?
- 17 A It was that close to it, yes.
- 18 Q Okay. And a couple of days later, did -- or over the
- 19 course of the next day or two, did the police from -- or the
- 20 sheriff's department from Lancaster County make contact with
- 21 you?
- 22 A Yes, they did.
- 23 Q And did they basically record what you told them you
- 24 remembered that night?
- 25 A Yes, they did.

PRETRIAL MATTERS

- 1 Q Is that basically what you're saying here today?
- 2 A Basically.
- 3 Q And at some point did one of the officers, Investigator
- 4 Leonard, show you some photographs?
- 5 A Yes, he did.
- 6 Q And where were you when that took place?
- 7 A I was still in the hospital.
- 8 Q And what was your condition?
- 9 A I was in pain, I was hurt.
- 10 Q So you were on some medication?
- 11 A Yes.
- 12 Q And I'm going to show you what's going to be marked in
- 13 a minute, some photographs. Do you recognize this?
- 14 A Yes, I do.
- 15 Q And is that the set of photographs that were shown to
- 16 you?
- 17 A Yes, ma'am.
- 18 Q And when these were shown to you did it have this
- 19 writing on it?
- 20 A No.
- 21 Q Okay. And when you looked at these six photographs,
- 22 did you recognize anyone?
- 23 A Yes.
- 24 Q And who did you recognize?
- 25 A Breezo.

PRETRIAL MATTERS

- 1 Q How did you know him again?
- 2 A I don't know him, I just know him around.
- 3 Q Seen him around?
- 4 A Seeing him around.
- 5 Q And you knew him as Breezo.
- 6 A Just know him as Breezo.
- 7 Q And once you recognized that person, did anybody tell
- 8 you who to pick?
- 9 A No.
- 10 Q Did anybody influence you in any way?
- 11 A No.
- 12 Q Once you saw that person, did you then circle it and
- 13 initial it?
- 14 A Yes.
- 15 Q And did Investigator Leonard do anything to influence
- 16 you?
- 17 A No.
- 18 MS. CAMPBELL: Your Honor, at this time I would mark
- 19 this as State's Exhibit 2.
- 20 THE COURT: State's Number 2 for ID for this hearing.
- 21 Q And once you identified him then you indicated that you
- 22 picked number three as State's Exhibit Number 2. And that's
- 23 your signature.
- 24 A Yes.
- 25 Q That night when you were in the club, had you been

PRETRIAL MATTERS

1 drinking?

2 A I don't drink.

3 Q Okay. Were you under the influence of any other drugs?

4 A Smoke.

5 Q Smoke? Weed? That was it?

6 A That's it.

7 Q And was anything obstructing your view of the person
8 that you saw having the argument with Mr. Colvin that night?

9 A No.

10 Q And there's no doubt in your mind that was the
11 defendant.

12 A Yes.

13 Q Can you point him out for the Judge? What's he
14 wearing?

15 A Orange jumpsuit.

16 MS. CAMPBELL: Your Honor, may the record reflect he
17 has identified the defendant?

18 THE COURT: So noted.

19 MS. CAMPBELL: Thank you.

20 THE COURT: Mr. Belton?

21 CROSS EXAMINATION

22 BY MR. BELTON:

23 Q Good morning, Mr. Mobley.

24 A Good morning.

25 Q Mr. Mobley, you say you had seen Mr. Stevens around?

PRETRIAL MATTERS

- 1 A Yes.
- 2 Q Okay. But you don't know him personally.
- 3 A No, I don't know him personally.
- 4 Q Mr. Mobley, do you remember how many days after the
5 incident that law enforcement came and talked to you?
- 6 A No, I don't remember.
- 7 Q Were you in the room alone when law enforcement came --
- 8 A Yes, I was.
- 9 Q -- when they came and talked to you?
- 10 A Yes, I was.
- 11 Q Do you know why Mr. Stevens is in court today?
- 12 A Do I know why?
- 13 Q Yes, sir.
- 14 A Of course I know. It was an accident that happened
15 inside the club.
- 16 Q Do you know what he's charged with? Let me ask it that
17 way.
- 18 A No, I don't.
- 19 Q But to make -- your testimony is you did not see him
20 shoot you or shoot anyone else; is that correct?
- 21 A I don't know who was shooting.
- 22 Q Okay. And that includes Mr. Stevens, correct?
- 23 A I'm not sure about all of that.
- 24 Q Okay. Let me ask it another way, you did not see Mr.
25 Stevens shoot a gun.

PRETRIAL MATTERS

1 A It was a lot of shooting going on. I wasn't trying to
2 sit there and watch who was shooting what.

3 Q Can I get a yes or a no?

4 A Yes.

5 Q Okay. Thank you.

6 THE COURT: All right. Any other questions from the
7 State?

8 MS. CAMPBELL: No, sir.

9 THE COURT: Thank you, sir, you can step down. All
10 right. Call your next witness.

11 MS. CAMPBELL: State calls Christopher Belton.

12 The witness, CHRISTOPHER BELTON, was first duly sworn

13 And testified as follows:

14 THE COURT: Thank you, sir, have a seat behind this
15 microphone, make sure you talk loud.

16 DIRECT EXAMINATION

17 BY MS. CAMPBELL:

18 Q Mr. Belton, how old are you?

19 A Thirty-one.

20 Q What county do you live in?

21 A In York County.

22 Q And have you always lived in Rock Hill?

23 A Yes, ma'am.

24 Q I want to turn your attention back to September the
25 21st in the early morning hours. Did you have a reason to

PRETRIAL MATTERS

1 come over to Lancaster that evening?

2 A We had -- it was a memorial for one friend and it was a
3 birthday party for another friend that stayed in the same
4 block, so we went to the club after that.

5 Q And what club did you go to, sir?

6 A Old Skool.

7 Q And who all were you with that night?

8 A It was me, Quay, Trey, and -- yeah, that was all that
9 was in our car. We was like three, maybe four cars.

10 Q Okay. So a good group of young men from Rock Hill were
11 coming over?

12 A Uh-huh.

13 Q And what kind of event was going on at Old Skool that
14 night?

15 A Just a regular club party I thought.

16 Q You thought.

17 A Yeah. Because I wasn't originally for going, it just
18 was like a last minute thing for me.

19 Q And do you know approximately what time it was when
20 y'all got to the club?

21 A No, ma'am. I was intoxicated.

22 Q You were intoxicated?

23 A Yes, ma'am.

24 Q And what were you drinking that night?

25 A Alcohol.

PRETRIAL MATTERS

- 1 Q Were you smoking anything?
- 2 A Yes, ma'am.
- 3 Q So you were intoxicated. Who was driving?
- 4 A Trey.
- 5 Q Trey? And once you got to the club, did y'all go in?
- 6 A Yes, ma'am.
- 7 Q And once you got inside the club, what happened?
- 8 A Partied for maybe a hour or two. And then I heard like
- 9 an incident went down with Lee and the name Breezo was
- 10 brought about, so I was trying to find my friends in the
- 11 process of like after that. I didn't see the incident, I
- 12 heard the incident so I'm trying to find my friends to see
- 13 what was going on.
- 14 Q Okay. And you said you heard the first incident with
- 15 Lee. Is that Lee Colvin?
- 16 A Uh-huh.
- 17 Q Is he one of the men that was shot and deceased?
- 18 A Yeah, he was one of the ones deceased.
- 19 Q And you said that you heard what went on that night,
- 20 you didn't see it. Who was the argument with?
- 21 A I heard it was with Breezo.
- 22 Q It was with Breezo?
- 23 A Uh-huh.
- 24 Q And once the altercation, the initial altercation,
- 25 there was no gunshots or any physical in that one, was

PRETRIAL MATTERS

- 1 there?
- 2 A No, ma'am.
- 3 Q And at that point, do you know where Breezo went?
- 4 A No, ma'am. I was looking for my friends, I wasn't
- 5 looking for Breezo.
- 6 Q At some point did Breezo come back over near where
- 7 Colvin was?
- 8 A I have no idea. I was looking for my friends, I wasn't
- 9 looking for Breezo.
- 10 Q And do you remember talking to the police after this
- 11 happened?
- 12 A Not really. It was like I had undergone two surgeries,
- 13 I was on a lot of medication so it was like in and out. I
- 14 had like a lot of people around. I couldn't -- I was
- 15 supposed to be unsedated (sic) but it was around -- a lot of
- 16 people around me talking, talking, talking. So it was like
- 17 blurs for me.
- 18 Q Well, let me back up for a minute. Did you get shot
- 19 that night?
- 20 A Yes, ma'am.
- 21 Q Do you remember where you were standing when you got
- 22 shot?
- 23 A Yes, ma'am.
- 24 Q Where were you?
- 25 A Right beside Lee.

PRETRIAL MATTERS

- 1 Q Right beside Lee?
- 2 A Yes, ma'am. I bumped into Lee, that's how I knew it
- 3 was Lee. Because, you know, if you bump in to someone in
- 4 the club you're going to look and say "excuse me" or see who
- 5 you bumped in to and that's when I noticed it was Lee, but
- 6 he wasn't looking at me to see who bumped in to him.
- 7 Q And did Lee go down as well as you?
- 8 A Yes, ma'am.
- 9 Q And you were right next to him.
- 10 A Yes, ma'am.
- 11 Q After you got shot, what did you do?
- 12 A I crawled through the club. I ran with the crowd the
- 13 wrong way, and then I ran to the front door and that's when
- 14 I collapsed.
- 15 Q Did you collapse there kind of like on the little area
- 16 right outside the front door?
- 17 A Uh-huh. That's when I realized I was shot.
- 18 Q So you were able to get up and get out even though you
- 19 had been shot. And where all were you shot?
- 20 A I was shot through and through the abdomen. It went
- 21 through my stomach, small intestine, large, hit my liver,
- 22 and I got shot in my buttocks twice.
- 23 Q Did you go to the hospital?
- 24 A Yes, ma'am.
- 25 Q What hospital did you initially go to?

PRETRIAL MATTERS

- 1 A The local hospital.
- 2 Q Okay. Where did you end up?
- 3 A CMC. I think I woke up at CMC.
- 4 Q Did you have to have surgery?
- 5 A Yes, ma'am, two.
- 6 Q Two surgeries?
- 7 A Yes, ma'am.
- 8 Q And at some point did police officers make contact with
- 9 you like two days later?
- 10 A I think it was like a day later or something, but I
- 11 really can't remember because they had me on a lot of
- 12 medication.
- 13 Q And were you shown some photographs when they made
- 14 contact with you?
- 15 A If I can remember correctly, yes.
- 16 Q And I'm going to show you what -- this set of pictures.
- 17 Do you recognize those?
- 18 A It looks familiar. Yes.
- 19 Q And when you were shown these photographs this writing
- 20 wasn't on here, right?
- 21 A No, ma'am.
- 22 Q And what, if anything, did the police say to you before
- 23 they showed you the lineup?
- 24 A They didn't say anything. They just came in with a
- 25 black and white, if I'm not mistaken, copy -- it might have

PRETRIAL MATTERS

1 been this one or it might have been black and white first, I
2 can't remember.

3 Q Did they influence you in any way, tell you who to pick
4 or anything like that?

5 A No, ma'am. Like I said, I had a lot of people already
6 talking around me, so it was like me being on medication and
7 I'm listening to my friends and what they was saying kind of
8 before the officer even came. Because like I said, I was on
9 a lot of medication.

10 Q Did you recognize anyone that was in the club that
11 night on those six photographs?

12 A That was in the club? No, ma'am.

13 Q Why did you circle number three?

14 A Because my friends and everybody was around was kind of
15 indicating and talking and saying that. His name was
16 brought up a lot and I remember him from pictures and
17 whatnot, so it was like --

18 Q Okay. You just testified here in court that you saw
19 him that night having a confrontation with Colvin.

20 A Yeah. No. I didn't see him, I heard the altercation,
21 so -- like I said before --

22 Q But you said it was Breezo and Colvin.

23 A They said -- my friends came and said that they had an
24 altercation so I looked for my friends.

25 Q Do you remember talking to the police about what you

PRETRIAL MATTERS

1 knew that night when you talked to the police about the
2 lineup?

3 A No, ma'am. Because like I said, I was shot, I was
4 under heavy pain medication.

5 Q Do you remember on September 23rd giving a statement to
6 Investigator Leonard?

7 A No, ma'am. I was under heavy medication.

8 Q Would you dispute what's recorded?

9 A Yes, ma'am. Because I was under heavy medication.

10 Q And when you talked to them you said that you described
11 the person Colvin was having an argument with as a light
12 skinned dude.

13 A Like I said, I was going by what everybody was saying
14 around me, because everybody was worried about me and I was
15 under heavy medication.

16 Q And you told them that this person came back and walked
17 upped on the stage?

18 A Like I said, I was going off what everybody else was
19 saying. I was under heavy medication, I had just been shot.

20 Q And that that person walked up and pushed Lee and then
21 you heard boom, boom, boom?

22 A I was going on what was being told to me.

23 Q So do you deny saying those statements or do you admit
24 it?

25 A Like I said, I was going off what was told to me.

PRETRIAL MATTERS

1 Q And then they initially showed you a black and white
2 lineup, right?

3 A I can't remember, I was under heavy medication.

4 Q And then you were shown this other lineup, this is the
5 one he showed you, and you were able to recognize -- is this
6 the person you've known a Breezo?

7 A Yeah. I mean, from the pictures and videos I see him.
8 I don't know him personally.

9 Q You don't know him personally?

10 A No, don't know him personally at all.

11 MS. CAMPBELL: I would mark this as State's Exhibit
12 Number 3.

13 THE COURT: State's Exhibit for ID Number 3 for the
14 purpose of this hearing.

15 Q But this is the person, Breezo, that you saw in the
16 club that night.

17 A Like I said, I did not see him. I heard his name being
18 brought about in the club that night.

19 Q But this is the person you identified.

20 A Like I said, I heard his name being brought up in the
21 club that night and I was looking for my friends.

22 Q Do you recall exactly what you told the police when
23 they met with you?

24 A No, ma'am. I was under heavy medication. I had
25 undergone two surgeries.

PRETRIAL MATTERS

1 Q And the person that you knew as Breezo, even though you
2 didn't know him but you knew him by sight, do you see him in
3 the courtroom?

4 A From the pictures and stuff, yes, ma'am.

5 Q Where is he?

6 A He's sitting beside his lawyer.

7 MS. CAMPBELL: Your Honor, may the record reflect he's
8 identified the defendant.

9 THE COURT: All right. So noted. Mr. Belton, your
10 witness?

11 MR. BELTON: No questions, Your Honor.

12 THE COURT: All right. Thank you, sir, you may step
13 down.

14 MS. CAMPBELL: State would call Investigator Leonard.
15 The witness, SEAN LEONARD, was first duly sworn and
16 Testified as follows:

17 DIRECT EXAMINATION

18 BY MS. CAMPBELL:

19 Q Investigator Leonard, where are you employed?

20 A Ma'am?

21 Q Where are you employed?

22 A I'm not employed.

23 Q Before you were not employed where did you work?

24 A Lancaster County Sheriff's Office.

25 Q What did you do there, sir?

PRETRIAL MATTERS

- 1 A I was attached to CID, a criminal investigator.
- 2 Q I want to turn your attention back to September the
- 3 21st. Did you become involved in the investigation
- 4 involving the Old Skool shooting?
- 5 A I remember that, yes, ma'am.
- 6 Q And what was your role in that investigation?
- 7 A Assisting the lead investigators.
- 8 Q And at some point did you make contact with some of the
- 9 victims in the case that had been shot?
- 10 A I did.
- 11 Q And specifically two that have just testified?
- 12 A Yes, ma'am.
- 13 Q Mr. Mobley and then the young man that just stepped
- 14 down?
- 15 A Correct.
- 16 Q And where did you make contact with them?
- 17 A CMC or Atrium Health, I can't remember. It was in
- 18 Charlotte.
- 19 Q When did you talk to them?
- 20 A I believes it was a day or two after the incident at
- 21 Old Skool.
- 22 Q And what was the purpose of you making contact with
- 23 those victims?
- 24 A I understood them to be victims of gun violence at the
- 25 club and wanted to get their witness account.

PRETRIAL MATTERS

- 1 Q And did you do that?
- 2 A I did.
- 3 Q And was that memorialized by you in any way?
- 4 A Yes, ma'am. I had my issued body-worn camera.
- 5 Q And specifically, do you remember who you made contact
- 6 with first, Mr. Mobley or the other young man?
- 7 A I believes it was Mr. Mobley.
- 8 Q And when you made contact with Mr. Mobley, what was the
- 9 purpose of that visit? Why were you talking to him?
- 10 A To find out the extent of his injuries and get his
- 11 eyewitness account of what happened.
- 12 Q And I show you what's been marked as State's Exhibit
- 13 Number 2, which is a lineup of the attached selection form.
- 14 It's dated 9/23. Is that the form you used that day with
- 15 Mr. Mobley?
- 16 A It appears to be, yes, ma'am.
- 17 Q And when you presented that lineup to him, did you say
- 18 anything to influence him?
- 19 A No, ma'am.
- 20 Q Did you correct him in any way, influence him,
- 21 anything?
- 22 A No, ma'am.
- 23 Q And when he looked at the lineup, who did he identify?
- 24 A Breante Stevens, number three.
- 25 Q And that was memorialized on camera.

PRETRIAL MATTERS

1 A Yes, ma'am.

2 Q And I'm going to show you State's Exhibit Number 3,
3 which is Mr. Belton's lineup. That day did you also make
4 contact with Mr. Belton?

5 A Yes, ma'am.

6 Q And initially were you given his account of what
7 happened?

8 A Yes, ma'am.

9 Q As well as for the purpose of showing him a lineup if
10 he could identify anyone.

11 A Yes, ma'am.

12 Q Did you influence him in any way or tell him who to
13 pick?

14 A No, ma'am.

15 Q And was he able to recognize anyone based on what he
16 said then?

17 A Yes, ma'am.

18 Q And who did he pick out?

19 A Number three, Breante Stevens.

20 Q And when you showed these two lineups that day, were
21 these two people separately talked to or were they together?

22 A No. They were in separate hospital rooms.

23 Q And did anyone do anything to influence either one of
24 those lineup pics in your opinion?

25 A No, ma'am.

PRETRIAL MATTERS

1 MS. CAMPBELL: Your Honor, at this time I would hand up
2 State's Exhibit 2 and 3 for the Court.

3 Q The person that was identified by both of those young
4 men as number three, do you see him in the courtroom?

5 A Yes, ma'am.

6 Q And can you identify him?

7 A Yes, ma'am. He's sitting over there with his defense
8 attorney.

9 MS. CAMPBELL: Your Honor, may the record reflect he
10 has identified the defendant?

11 THE COURT: So noted. Mr. Belton?

12 MR. BELTON: Thank you. May it please the Court?

13 THE COURT: Yes, sir.

14 CROSS EXAMINATION

15 BY MR. BELTON:

16 Q I didn't recognize you, Detective Leonard. Your
17 Honor -- I'm sorry, Detective Leonard, you went to the
18 hospital. So they're at two separate hospitals, correct?

19 A No. They were at the same hospital.

20 Q Both were at Atrium Uptown?

21 A I can't remember if it was Atrium or CMC, but they were
22 both at the same hospital.

23 Q And you indicated you had on your body-worn camera?

24 A Yes, sir.

25 Q All right. And do you remember whether it was the next

PRETRIAL MATTERS

1 morning or that night that you went or some time after that?

2 I am just trying to get a context --

3 A I'm pretty sure it was the morning.

4 Q Okay. The next morning. So --

5 A I think.

6 Q So as an officer you're trained kind of doing the
7 investigation, correct?

8 A I don't understand.

9 Q As an officer you are trained -- as part of the CID
10 Unit you're trained in how to conduct an investigation,
11 correct?

12 A Yes, sir.

13 Q And part of that investigation includes sometimes photo
14 lineups, correct?

15 A Yes, sir.

16 Q At the time that you went to the hospital, were you
17 aware of the Facebook social media chatter that was going
18 on?

19 A I don't recall, it was two years ago.

20 Q Okay. Have you had an opportunity to review your file
21 before coming in here today?

22 A My account, yes, sir, and the body camera, I was able
23 to watch those.

24 Q Okay. So you've watched it in the last couple of days.

25 A Sir?

PRETRIAL MATTERS

1 Q You watched it here recently in preparation for this
2 trial?

3 A Yes, sir.

4 Q Fair enough. Thank you. So you recognize when you go
5 in -- let's talk about Mr. Belton first. When you go in to
6 see Mr. Belton he doesn't remember who shot him, or doesn't
7 know who was shooting in the club, does he?

8 A I remember speaking with -- I think, Mr. Belton, I
9 spoke with secondly, and he said it was a light skinned guy
10 that came in and out of the club and had a confrontation
11 with Mr. Colvin who was deceased.

12 Q But we can make an assumption that Mr. Stevens was not
13 the only light skinned person in that club, correct?

14 A I don't know, I wasn't in that club.

15 Q All right. But we can make an assumption. You've seen
16 the video like I did, we know at least one of them was in
17 there because he --

18 A I saw parts of the video, I never actually watched the
19 entire video.

20 Q Okay. But he didn't call Mr. Stevens by name, did he?

21 A He called him Breezo.

22 Q When you initially went in there -- we're going to get
23 to the part where he gets to Breezo, but when he (sic)
24 initially went in there and you were talking to him about
25 this, he did not call Breezo by name, or Breante Stevens,

PRETRIAL MATTERS

1 did he?

2 A No, sir. I think he referred to him as the light
3 skinned guy.

4 Q And at some point after a long -- or not a long, but
5 after a conversation at some point your body cam goes off,
6 doesn't it?

7 A Yes.

8 Q It goes off and we don't know what happened in that
9 period of time, do we?

10 A Well, I do.

11 Q I said we don't know what happened in that period of
12 time, not you. I know you know, but we don't know what
13 happens in that period of time, do we?

14 A I noted in my report that I had a black and white SLED
15 lineup and I realized that it was a black and white because
16 I had left the office quickly, so I had to get with
17 Investigator Dailey and have him resend me a color lineup
18 that I had to print off at the hospital.

19 Q And when you left the hospital room, did Mr. Belton
20 have contact with others?

21 A I have no idea. I know the nurses were probably in and
22 out.

23 Q But while you're doing this other -- so you're in the
24 middle of your investigation, you're in the middle of your
25 interview with him, your body cam -- and the gentleman, Mr.

PRETRIAL MATTERS

1 Belton, is indicating he doesn't know these people, doesn't
2 know them by name, et cetera, and then your body cam goes
3 off, correct?

4 A Yes, sir, because of the HIPPA law.

5 Q And then at some point -- but you were in the hospital
6 room.

7 A In a room, not --

8 Q Well, I'm not a HIPPA lawyer so we're not talking about
9 HIPPA. I'm not a HIPPA lawyer. But at some point your body
10 cam goes off and you come back into the room, correct?

11 A Yes, sir.

12 Q And when the body cam comes back on magically now Mr.
13 Belton at that point identified Mr. Breezo, correct?

14 A Yes, sir. He was agitated.

15 MR. BELTON: All right. No further questions.

16 THE COURT: All right. Any redirect?

17 REDIRECT EXAMINATION

18 BY MS. CAMPBELL:

19 Q Can you just tell the Judge why your body cam went off?

20 A I had to go to the nurse's station to print a colored
21 copy of the SLED lineup.

22 MS. CAMPBELL: Okay.

23 THE COURT: Thank you, sir, you can step down.

24 MS. CAMPBELL: State calls Myckel Neal.

25 The witness, MYCKEL NEAL, was first duly sworn and

PRETRIAL MATTERS

1 Testified as follows:

2 THE COURT: You can lower your mask once you're behind
3 the barricade. Thank you, sir. Your witness.

4 MS. CAMPBELL: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q Mr. Neal, where are you employed?

8 A With Elite One Protection Agency, and also with
9 Fresenius Kidney Care.

10 Q And what do you do there?

11 A I'm a dialysis technician.

12 Q And what do you do for the Elite Protection Service?

13 A Private security.

14 Q And how long have you been with Elite?

15 A A little bit over six years.

16 Q And as part of that employment, what do your duties
17 include?

18 A To provide security services to a designated client, I
19 guess.

20 Q And are you familiar with JoJo McGriff?

21 A Yes.

22 Q And how do you know Mr. McGriff?

23 A He was the owner of Old Skool Night Club.

24 Q And back in September of 2019 it was called Old Skool?

25 A Yes.

PRETRIAL MATTERS

- 1 Q And did you work there pretty regularly?
- 2 A Off and on, but I guess it was more regular.
- 3 Q Okay. And how long had you been working there?
- 4 A About two years.
- 5 Q And when you say off and on, would you work every
- 6 weekend, every other, or would it just depend?
- 7 A It would just depend.
- 8 Q And did you become during the course of that work
- 9 familiar with some of the more constant patrons?
- 10 A Yes.
- 11 Q What were your duties at Old Skool?
- 12 A To pat down, assess if there's a fight, secure the
- 13 parking lot.
- 14 Q Where would you be positioned?
- 15 A At the front entrance, or the main entrance.
- 16 Q And were you -- on September the 21st -- or the 20th
- 17 into the 21st, were you the only one working security that
- 18 night?
- 19 A No, I was not.
- 20 Q Who else was working security?
- 21 A Me and Benjamin.
- 22 Q Mr. Benjamin?
- 23 A Yes.
- 24 Q And were y'all both stationed out there in the front?
- 25 A Yes, we were.

PRETRIAL MATTERS

1 Q And tell the Judge basically what the routine was as
2 patrons came in and what your duties were.

3 A As they came in we were patting them down to see if
4 they had weapons on them and letting them on inside. We
5 would check ID's also. That was pretty much it.

6 Q Did you pat down all of them or just the men?

7 A We pat down the men and we would wand the women.

8 Q That evening -- what time was it when you got there on
9 the 20th approximately?

10 A Approximately -- I'm not sure.

11 Q Was it before midnight?

12 A Yes, it was before midnight.

13 Q And did your -- Mr. Benjamin also show up that night?

14 A Yes.

15 Q And what time was the party scheduled to start that
16 night, do you remember?

17 A I do not.

18 Q Would it have been shortly before midnight?

19 A It would be.

20 Q And how late was the party supposed to go, did you
21 know?

22 A I believe to 3:00 a.m.

23 Q And that night as part of your duties at the front
24 desk, did you know who the promoter was that night?

25 A I did.

PRETRIAL MATTERS

- 1 Q Who was that?
- 2 A Alonzo Sellers.
- 3 Q Would his name be Seegars? Alonzo?
- 4 A Yes, Alonzo.
- 5 Q And what was the crowd like that night? Was there a
- 6 lot of people?
- 7 A It was a very large crowd.
- 8 Q And as the night wore on people continued to come?
- 9 A Yes.
- 10 Q Where were you stationed?
- 11 A The main entrance.
- 12 Q The main entrance?
- 13 A Yes.
- 14 Q And is the main entrance the one that faces the road or
- 15 is it over there on the side?
- 16 A Over on the side.
- 17 Q And the entrance that faces the road, was that supposed
- 18 to be locked?
- 19 A It was. It's supposed to be a door that did not open.
- 20 Q At some point, did you come in contact -- do you know
- 21 who Breezo is?
- 22 A I do.
- 23 Q How did you know him?
- 24 A Just from seeing him at different events that I've
- 25 worked.

PRETRIAL MATTERS

- 1 Q And have you seen him on more than one occasion?
- 2 A I have.
- 3 Q And have you had interactions with him before?
- 4 A I have.
- 5 Q And what type of interaction had you had with him
- 6 before that was memorable to you?
- 7 A Not necessarily positive reactions. We would always
- 8 have to ask him to leave at the end of the night. And there
- 9 was one interaction that he had with Mr. Colvin, I'm not
- 10 sure what happened there, but as we were asked to come in to
- 11 ask them to leave he was having a verbal altercation with
- 12 him.
- 13 Q And that was on another day?
- 14 A Yes.
- 15 Q So you had seen him on multiple occasions.
- 16 A Yes.
- 17 Q Specifically as to that night, did you see him come to
- 18 the club?
- 19 A Yes.
- 20 Q And what, if anything -- was he by himself or was he
- 21 with other people, or do you know?
- 22 A He was with a group of people.
- 23 Q And once he came in initially, was he patted down?
- 24 A Yes.
- 25 Q And was he allowed to enter?

PRETRIAL MATTERS

- 1 A He was.
- 2 Q Once he got into the club, where were you?
- 3 A I was still at the main entrance.
- 4 Q And when you -- did you do the pat down or did Mr.
- 5 Benjamin? Was that his role?
- 6 A We both pat down.
- 7 Q Did you get a good look at him as he came into the
- 8 club?
- 9 A I did.
- 10 Q And how close did you get to him?
- 11 A It would have been inches.
- 12 Q And what was the lighting like that night? Were you
- 13 were able to see his face?
- 14 A I was.
- 15 Q Was anything obstructing your view of his face?
- 16 A No.
- 17 Q And did you recognize him?
- 18 A I did.
- 19 Q And did you know him by nickname or by real name?
- 20 A Nickname.
- 21 Q And what was that nickname?
- 22 A Breezo.
- 23 Q Once Breezo got into the club, did something else get
- 24 your attention that night?
- 25 A It did.

PRETRIAL MATTERS

1 Q What happened?

2 A A group of folks came out and said they were fighting
3 on the inside.

4 Q So what did y'all do at that point?

5 A So that's when we asked the lady at the door to shut
6 and lock the door as we were going to go in to see what was
7 going on. Upon doing that the promoter's father came to me
8 and I asked him to watch the door while we go and see what's
9 going on.

10 Q And at that point when y'all were going in, do you know
11 whether Breezo was inside or outside?

12 A I seen him run past me to go outside.

13 Q So he got out the door before the door was -- if the
14 door was locked.

15 A Yes.

16 Q So he was outside when you went inside to investigate?

17 A Yes.

18 Q And where did you go to investigate this fight that had
19 been reported to you?

20 A We went up the ramp and we walked around the dance
21 floor area and the stage area.

22 Q And were you able to discern whether or not there was
23 an ongoing fight at that point?

24 A I was not able to see anyone fighting or receive any
25 information as to what was going on in there.

PRETRIAL MATTERS

1 Q And did anyone, once you went inside and you went up to
2 the dance floor, tell you who was fighting or anything of
3 that sort?

4 A No.

5 Q Once y'all had determined -- or couldn't determine
6 whether or not there was a fight it wasn't ongoing at that
7 point --

8 A Correct.

9 Q -- what did you do?

10 A Then we proceeded to exit back to our post, and as I
11 was coming back I was headed towards the restroom --

12 Q You were heading towards the restroom?

13 A Yes.

14 Q And that was inside the club.

15 A Yes.

16 Q And where did Mr. Benjamin go?

17 A He was headed towards the door.

18 Q And do you know what, if anything, happened when he got
19 to the door?

20 A I do not know.

21 Q Because you were in the restroom?

22 A Yeah.

23 Q What's the next thing that caught your attention?

24 A As I'm in the restroom I heard some girls outside say:
25 They got guns, they got guns. I come out, say: Who has

PRETRIAL MATTERS

1 guns? One says: I don't know. Then the other girl says:

2 Breezo has a gun.

3 Q What was their demeanor like when they were talking to

4 you that night?

5 A Hysterical.

6 Q They were hysterical?

7 A Yes.

8 Q Upset?

9 A Very upset.

10 Q Scared?

11 A Very scared.

12 Q Once you got that information when you came out of the

13 bathroom, where did you go?

14 A I went towards the front entrance to get my partner,

15 and that's when the shots rang out.

16 Q So where were you when the shots rang out?

17 A Right next to the ramp.

18 Q Right next to the ramp?

19 A Yeah.

20 Q Were you in the lobby area or on the dance floor?

21 A The lobby area.

22 Q What did you do when the shots came out?

23 A When the shots rang out I ducked, of course, and I went

24 more to the left and I'm trying to escort people out.

25 Q So at that point what's going on in the club as the

PRETRIAL MATTERS

1 shots rang out?

2 A After the shots go off a lot of people were trying to
3 run out of the building.

4 Q And could you tell whether the shots were inside or
5 outside at that point?

6 A They appeared to be inside.

7 Q And why do you say that? Could you tell what area they
8 were coming from?

9 A I could tell just from it sounded like it's hitting the
10 wall behind me or in front of me.

11 Q And that would be the wall separating the lobby from
12 the dance floor?

13 A Correct.

14 Q And that's where the stage is.

15 A Yes.

16 Q And you said that at that point people are trying to
17 get out?

18 A Yes.

19 Q How would you describe the scene at that point?

20 A Chaotic. People stampeding over other people. We're
21 trying to get the second door open, or the double doors
22 there at that spot, and it's just people running over other
23 people.

24 Q And when you said you heard shots, was it just one or
25 two shots, or a lot?

PRETRIAL MATTERS

- 1 A Multiple shots.
- 2 Q Y'all are trying to get the door open. What did you
- 3 see next?
- 4 A As far as trying to -- what do you mean?
- 5 Q As far as the crowd. Did you ever see where Breezo was
- 6 after the shots?
- 7 A I did not.
- 8 Q And you didn't actually see the shooting.
- 9 A I did not.
- 10 Q Once y'all were able to open up the doors there were
- 11 people were just exiting in mass?
- 12 A Yes.
- 13 Q And what did you do?
- 14 A At that point we -- me and my partner were trying to
- 15 regroup in the parking lot and figure out what our next move
- 16 is.
- 17 Q Did you ever see Breezo anymore?
- 18 A I did not.
- 19 Q When Breezo came to the club, did you see what kind of
- 20 vehicle he had?
- 21 A I did.
- 22 Q And what kind of vehicle was he driving that night, do
- 23 you remember?
- 24 A A black four door sedan.
- 25 Q Do you know what name brand it was; Ford --

PRETRIAL MATTERS

- 1 A I want to say it was a Volkswagen.
- 2 Q And was he driving or do you know?
- 3 A I don't remember.
- 4 Q Had you seen him in that car before?
- 5 A I don't remember if I had.
- 6 Q After the shots were fired you didn't see him anymore?
- 7 A No, I did not.
- 8 Q And did the police respond?
- 9 A Yes, they did.
- 10 Q And did you talk to them that night as well as, I
- 11 believe, the next day?
- 12 A Correct.
- 13 Q And did you tell them what you knew?
- 14 A I did.
- 15 Q I want to show you -- at some point did they show you
- 16 some photographs?
- 17 A Yes.
- 18 Q And when they were showing you these photographs, did
- 19 they tell you who to pick?
- 20 A Did they tell me to who pick?
- 21 Q Yes.
- 22 A No.
- 23 Q Did they influence you in any way?
- 24 A No.
- 25 Q And I'm going to show you what's been marked -- it

PRETRIAL MATTERS

1 hasn't been marked yet -- this set of photographs. Do you
2 recognize that?

3 A I do.

4 Q And why do you recognize that?

5 A That's a photograph I circled and put my initials next
6 to it.

7 Q And I believe Investigator Lyons showed you this
8 photograph. At any point did he tell you who to pick or
9 anything of that nature?

10 A No.

11 Q And why did you recognize the one that's initialed as
12 number three?

13 A That's who I know to be Breezo.

14 Q And that's the person you saw that night?

15 A Yes.

16 Q One of the people.

17 A One.

18 Q And at that point you circled the number and then put
19 your initials next to it?

20 A Correct.

21 Q And then signed off on this page.

22 A Yes.

23 MS. CAMPBELL: Your Honor, we mark this as State's
24 Exhibit 5, I believe.

25

PRETRIAL MATTERS

1 THE COURT: 5 our 4?

2 MS. CAMPBELL: 4.

3 THE COURT: For the purpose of this hearing State's
4 Exhibit.

5 Q And the person that you circled as number three, did
6 you recognize him based on seeing him the day before, the
7 night before?

8 A Yes.

9 Q And there has been questions about social media or
10 everything of that -- did that influence you in any way?

11 A No.

12 Q Did you even see it before seeing that lineup?

13 A No.

14 Q And you weren't drinking that night.

15 A No.

16 Q The person that you saw come to the club that night and
17 that you testified to, do you see him here in the courtroom?

18 A Yes, I do.

19 Q Can you point him out for the Judge?

20 A He's right there with his attorney.

21 Q In the orange jumpsuit?

22 A In an orange jumpsuit.

23 MS. CAMPBELL: Your Honor, may the record reflect.

24 THE COURT: So noted. Mr. Belton, your witness.

25 MR. BELTON: Thank you. May it please the Court?

PRETRIAL MATTERS

1 CROSS EXAMINATION

2 BY MR. BELTON:

3 Q Is it Myckel or Myckel? I want to pronounce it
4 correctly.

5 A It's Myckel.

6 Q Mr. Myckel, do you have to have a special license to
7 carry the weapon that you carry that night at the club?

8 A Yes, you do.

9 Q So is that like a SLED training or something like that?

10 A SLED certified, yes.

11 Q Okay. And do you carry a weapon at all of the places
12 where you work?

13 A Yes.

14 Q Okay. And so this particular night you were also
15 carrying a weapon, right?

16 A Yes.

17 Q And you remember giving an interview to law enforcement
18 where you -- I think you've acknowledged and you've
19 testified here that you did not see the shooting, correct?

20 A Correct.

21 Q But you heard the shooting, correct?

22 A Yes.

23 Q And your testimony was that you heard a smaller caliber
24 before a larger caliber, correct?

25 A Correct.

PRETRIAL MATTERS

1 Q All right. And you also testified here today that you
2 all pat down everyone as they came in, correct?

3 A Correct.

4 Q Have you had an opportunity to see the video since this
5 incident happened?

6 A I have seen the video, yes.

7 Q You've seen the video? So you were hired by Elite
8 Security?

9 A Elite One Protection Agency.

10 Q Elite One Protection. And there were two of you
11 working that night --

12 A Correct.

13 Q -- with the responsibilities of protecting the safety
14 of the patrons who come inside?

15 A Correct.

16 Q But can you tell me how -- and so since you've seen the
17 video you know that there was at least five, six, seven guns
18 that got in there that night, correct?

19 A Correct.

20 Q All right. So it wasn't a very good job of patting
21 down, was it?

22 A I wouldn't say it was the patting down that caused the
23 guns to get in.

24 Q Searching people -- wandng the women and patting them
25 down, that was your testimony.

PRETRIAL MATTERS

- 1 A Correct.
- 2 Q And seven or eight guns got in there, correct?
- 3 A I don't know how many guns got in there.
- 4 Q You've seen the video.
- 5 A Right.
- 6 Q More than one got in there. We know at least two were
- 7 in there because one was found on the gentleman who died,
- 8 correct?
- 9 A Correct. I don't know.
- 10 Q Okay. So we know at least one was in there, correct?
- 11 A Yes.
- 12 Q And other shots were fired in there, correct? By your
- 13 testimony you heard it, right?
- 14 A Correct.
- 15 Q So we know at least some guns got in there, correct?
- 16 A Correct.
- 17 Q All right.
- 18 MR. BELTON: No further questions, Judge. Last
- 19 question.
- 20 Q And you didn't see Mr. Stevens shoot anybody, did you?
- 21 A I did not.
- 22 Q Thank you.
- 23 THE COURT: All right. Thank you, sir, you can step
- 24 down.
- 25 MS. CAMPBELL: State would call Kendal Benjamin.

PRETRIAL MATTERS

1 The witness, KENDAL BENJAMIN, was first duly sworn

2 And testified as follows:

3 THE COURT: Make sure you speak loudly into the
4 microphone. Thank you.

5 DIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q Mr. Benjamin, where are you employed?

8 A Currently I'm employed with the American Red Cross.

9 Q And what do you do there, sir?

10 A I'm a lead phlebotomist.

11 Q I want to turn your attention back to September of
12 2019. Did you work for the Elite One Protection Agency?

13 A Yes, ma'am.

14 Q And how long had you been working for them?

15 A Maybe a year.

16 Q And what kind of jobs would you do for them?

17 A Security. Private security.

18 Q Private security?

19 A Yes, ma'am.

20 Q I'm going to turn your attention to the evening of
21 September 20th into the early morning hours of the 21st.

22 Where were you working that night?

23 A Old Skool Bar.

24 Q And who else was working security with you that night?

25 A Mr. Neal. Officer Neal.

PRETRIAL MATTERS

1 Q And do you remember approximately what time it was that
2 you got there?

3 A I got there kind of later than expected.

4 Q Would it have been before midnight?

5 A Yes.

6 Q And when you got there, what kind of event was going on
7 that night, do you remember?

8 A It was some type of party.

9 Q And what were your duties there?

10 A To pat down and search and walk around the property.

11 Q Where were you stationed?

12 A The front door.

13 Q That night at some point -- well, let me ask you this:

14 Did you even know Breezo's name?

15 A No. I just know his stage name, rap name.

16 Q And what's that?

17 A Breezo.

18 Q So you knew him by that rap name.

19 A Yes.

20 Q And at some point that night did you come in contact
21 with him?

22 A Yes.

23 Q Can you tell the Judge how that happened?

24 A With his first time entering patting down.

25 Q And when you were patting down people, what are you

PRETRIAL MATTERS

1 searching for?

2 A Weapons and anything that can hurt or harm somebody
3 within the facility.

4 Q And when you patted him down the first time he went in
5 that night, did you find anything on him?

6 A No, ma'am.

7 Q Tell the Judge basically your account of what happened
8 after Breezo entered.

9 A I was -- after we went in into the fight I was coming
10 out, and I was trying to get people outside because they
11 were saying that, hey, there's a gun inside the club, so we
12 were trying to get people out. And as I'm coming out a
13 large amount of people come behind me because they keep
14 hearing there's a gun in the club, so I stepped out and I
15 started to look for my partner, I didn't know he was still
16 inside, I guess, using the restroom. I got on my phone and
17 I was trying to call 911, you know, to call them to help
18 assist since there's a gun in the club, but during that
19 that's when I heard shots rang out. That's when I
20 un-holstered my weapon and racked one in the chamber, a
21 bullet in the chamber. As that's happening you have people
22 running out and I seen Mr. Stevens with his hand in his
23 pants running out and down the ramp towards the back of the
24 club.

25 Q Did you see Mr. Stevens come out the first time?

PRETRIAL MATTERS

- 1 A No.
- 2 Q And did you see him come back in?
- 3 A No, I did not.
- 4 Q So you saw him initially in the pat down, and then you
- 5 saw him exiting after the shots.
- 6 A After the shots.
- 7 Q And when you saw him exiting after the shots, where was
- 8 he when you saw him, like you said, with his hands in his
- 9 pockets?
- 10 A He was coming out the front door going down the ramp.
- 11 Q And what did you think when you saw what he was doing?
- 12 A That's when I believed he had a gun.
- 13 Q Did you attempt to follow him?
- 14 A No.
- 15 Q Do you know which direction he ran in?
- 16 A Yes. Towards the back of the club where they usually
- 17 park at.
- 18 Q And did you know what kind of car he was driving that
- 19 night?
- 20 A I did see him come with a black Volkswagen, four door.
- 21 Q What was going on when he was running out the door?
- 22 A Once he ran out the door we had another victim coming
- 23 down the ramp. The victim was Ace, I believe, one of the
- 24 deceased, he ran over and fell and passed right there. And
- 25 then there were more shots starting to ring around the back

PRETRIAL MATTERS

1 of the club where he went.

2 Q Those were outside?

3 A Yes.

4 Q And did you see Breezo anymore that night?

5 A No, I did not.

6 Q But you recognized him when you patted him down.

7 A Yes, ma'am.

8 Q Did you make contact -- or did the police come and make
9 contact with you, I'm sorry, law enforcement?

10 A Yes, ma'am.

11 Q And at that point did they take down what you said, and
12 ultimately did someone show you a lineup?

13 A They did.

14 Q And where were you when you were shown a lineup, do you
15 remember?

16 A Still at the scene of the crime.

17 Q And I'm going to show you these photographs. Do you
18 recognize those?

19 A Yes, ma'am.

20 Q And is that the photo lineup that was shown to you?

21 A Yes, ma'am.

22 Q And when you were shown that lineup, did anyone tell
23 you who to pick?

24 A No, ma'am.

25 Q Did anybody influence you in any way?

PRETRIAL MATTERS

1 A No, ma'am.

2 Q Did you recognize anyone on those six pictures?

3 A I did, number three.

4 Q And why did you recognize him?

5 A Due to him running down the stairs with his hands up in
6 his pants like he had a gun.

7 Q And you'd seen him on prior occasions?

8 A I had.

9 MS. CAMPBELL: Your Honor, at this time we would mark
10 this as State's Exhibit 5.

11 THE COURT: All right. For the purposes of this
12 hearing.

13 Q When you saw him running out the door with what you
14 thought was putting a gun in his pants, how long after the
15 shooting was that?

16 A Like instantly.

17 Q The person that you saw putting his hands in his pants
18 like he had a gun, do you see him here in the courtroom?

19 A Yes, ma'am, I do.

20 Q Can you point him out for the Judge?

21 A Over in the orange jumpsuit.

22 MS. CAMPBELL: Your Honor, may the record reflect he's
23 identified the defendant?

24 THE COURT: So noted. Mr. Belton, your witness.

25 MR. BELTON: Thank you, Your Honor. May it please the

PRETRIAL MATTERS

1 Court?

2 THE COURT: Yes, sir.

3 CROSS EXAMINATION

4 BY MR. BELTON:

5 Q Mr. Benjamin, did you actually see a gun?

6 A No, sir.

7 Q Were you assigned all night on the duty of patting
8 people down?

9 A Yes, sir.

10 Q All right. So you were the sole person doing the pat
11 downs at the door. At points were there assistance or were
12 you the sole person doing the pat down?

13 A No. It was broken up between me and my partner.

14 Q Okay. But your testimony is you are the one who patted
15 down -- you're the one who patted down Mr. Stevens.

16 A When he initially first came in.

17 Q Okay. Did you pat him down the second time?

18 A I didn't see him the second time.

19 Q Okay. Did you pat down Mr. Lee Colvin?

20 A I don't remember.

21 Q All right. Did you pat down Jamarcus McIlwain?

22 A I don't remember.

23 Q Did you pat down Antonio Champion?

24 A I don't remember.

25 Q Did you pat down Brandon Lindsay?

PRETRIAL MATTERS

1 A I don't remember.

2 Q So all of the other people who we know had guns you
3 don't remember any of them, but you remember Mr. Stevens.

4 A I don't know them, I don't remember.

5 Q All right. So let's turn our attention to after this
6 incident happens. You indicate that Mr. Stevens runs out of
7 the club and runs -- when you say to the back, is that
8 toward where his car was parked?

9 A I believe so.

10 Q Okay. And at this point did he still have his hands in
11 his pants?

12 A I can't recall.

13 Q Do you remember which hand it was that was in his
14 pants?

15 A I can't remember.

16 Q Okay. All right. At Elite Training when a shooting
17 takes place or you all hear that a fight has taken place, is
18 it normal protocol to go to the restroom?

19 A I can't remember.

20 Q So you don't recall your training protocol. You don't
21 recall you had a gun. You only recall patting down one
22 person, correct, and that's Mr. Stevens.

23 A I can't remember.

24 MR. BELTON: Okay. All right. No further questions,
25 Your Honor.

PRETRIAL MATTERS

1 THE COURT: All right. Thank you, sir, you can step
2 down.

3 MS. CAMPBELL: State would call Investigator Paul
4 Lyons.

5 The witness, PAUL LYONS, was first duly sworn and
6 Testified as follows:

7 DIRECT EXAMINATION

8 BY MS. CAMPBELL:

9 Q Investigator Lyons, where are you employed?

10 A The Lancaster County Sheriff's Office.

11 Q What do you do there, sir?

12 A I work investigations, criminal investigations.

13 Q I want to turn your attention back to September the
14 21st of 2019. Did you become involved in the investigation
15 of the shooting that took place at Old Skool?

16 A I did.

17 Q And did you have an occasion to make contact with two
18 of the security people that were working there that night?

19 A I did, yes, ma'am.

20 Q And when did that take place?

21 A It was actually on two instances. When I first arrived
22 there I was trying to locate witnesses or victims that were
23 still on scene. Myself and Investigator Mahadeen initially
24 had made contact with Mr. Benjamin and Mr. Neal prior to
25 maybe the first half hour or 45 minutes we were there.

PRETRIAL MATTERS

1 Q And did you have further contact with them that day?

2 A I did, yes, ma'am.

3 Q And how did that happen?

4 A Later on in the morning I was contacted by Investigator
5 Dailey, he had assisted in the investigation. He had left
6 MUSC Hospital in Lancaster and I believe he had located some
7 witnesses and some victims who identified the shooter as
8 Breante Stevens. A SLED photo lineup was generated.
9 Investigator Dailey did meet me at the incident location of
10 Old Skool and he presented me with both the lineups and
11 asked for my assistance to present to the two security
12 guards working that evening.

13 MR. BELTON: Your Honor, I'm sorry, I can't hear him.
14 Please speak in the mic.

15 Q Where were you when you made contact with him again?

16 A I was at Old Skool.

17 Q And they were still there on scene?

18 A Yes, ma'am.

19 Q And what was the purpose of you making contact with
20 them later that morning?

21 A It was to present a SLED photo lineup.

22 Q And who did you make -- did you do it together or were
23 they separate, or how did that occur?

24 A So the first lineup was presented to Mr. Benjamin.

25 Both parties were separated. I did speak with Mr. Benjamin

PRETRIAL MATTERS

1 first. I did provide him with the affidavit for
2 identification. I did read each portion of the document to
3 him and he did sign that he did acknowledged it.

4 Q Okay. And that was Mr. Benjamin?

5 A Yes, ma'am.

6 Q And I show you State's Exhibit 5 for ID purposes. Is
7 that the document you went over with him first?

8 A It was.

9 Q And without going through every bit of it, does it just
10 basically explain their rights when they're viewing the
11 documents?

12 A Yes, ma'am.

13 Q And that's memorialized on State's Exhibit 5.

14 A Yes, ma'am.

15 Q Once you had gone through those points with him, did
16 you actually present the lineup?

17 A I did.

18 Q And what, if anything, did you tell him when presenting
19 the lineup other than what you'd already said?

20 A As I just -- we read the affidavit for photograph
21 identification and then we present the lineup, which
22 includes six pictures.

23 Q And specifically in the things you go over with them
24 you tell them that the person who committed the crime may or
25 may not be in the --

PRETRIAL MATTERS

- 1 A That's correct.
- 2 Q Or any person of interest?
- 3 A Yes, ma'am.
- 4 Q Once he was shown the photograph, did he recognize
- 5 anyone on that six --
- 6 A He did circle number three and also initialed it.
- 7 Q And did he indicate where he knew him from?
- 8 A From the incident inside the club.
- 9 Q From where he had seen him.
- 10 A Yes, ma'am.
- 11 Q And at that point did you have him memorialize that in
- 12 any way? He circled it I believe you said?
- 13 A Yes, ma'am, he did.
- 14 Q Okay. And did anyone have any influence or do anything
- 15 to tell him who to pick in any way?
- 16 A Not to my knowledge.
- 17 Q After you had met with Mr. Benjamin, did you then meet
- 18 with Mr. Neal separately?
- 19 A I did.
- 20 Q And did that also take place there at the club?
- 21 A Yes, ma'am, it did.
- 22 Q And again I'll show you State's Exhibit Number 4. Did
- 23 you go through the same process with him?
- 24 A I did.
- 25 Q And specifically was he told that a person may or may

PRETRIAL MATTERS

1 not be in there that he might recognize?

2 A Correct.

3 Q Once you'd gone through all of those criteria
4 beforehand, did you then present the lineup to him?

5 A I did.

6 Q And did he recognize anyone in the lineup?

7 A Yes, ma'am.

8 Q And which one did he indicate to you he recognized?

9 A Number three.

10 Q The same one as with Mr. Benjamin?

11 A Yes, ma'am.

12 Q And then he memorialized that by his initials and
13 circling?

14 A He did circle the number three and then initialed next
15 to it.

16 Q Once you presented the lineups, did you have anymore
17 contact with him?

18 A Not that I'm aware of, not afterwards.

19 Q And the person that they identified independently, each
20 of them as the person they'd seen at the club that night, do
21 you see him here in the courtroom?

22 A Yes, I do.

23 Q And where is he?

24 A He is sitting next to his attorney wearing an orange
25 jumpsuit.

PRETRIAL MATTERS

1 MS. CAMPBELL: Thank you. Your Honor, may the record
2 reflect he's identified the defendant?

3 THE COURT: All right. So noted.

4 MR. BELTON: May it please the Court?

5 CROSS EXAMINATION

6 BY MR. BELTON:

7 Q Officer, good morning.

8 A Morning.

9 Q Investigator Lyons, when Mr. Benjamin was identified on
10 the lineup he was very clear that he did not know -- he did
11 not see Mr. Stevens shooting, correct?

12 A That's correct.

13 Q He was just identifying that he knows who Mr. Stevens
14 is, correct?

15 A He did state that he did observe a bulge or a firearm
16 on his person.

17 Q Correct. But he didn't see the shooter.

18 A Correct.

19 Q Okay. So his identification was solely on this is the
20 person I know as Breezo and the person I saw running out of
21 the club.

22 A Yes. He identified him as Mr. Stevens and said that he
23 did have a gun on his person.

24 Q All right. Between your speaking with Mr. Benjamin and
25 your speaking with Mr. Myckel, did they have an opportunity

PRETRIAL MATTERS

1 to talk to each other?

2 A You're talking about when I presented the photo
3 lineups?

4 Q Correct.

5 A No, sir.

6 Q So in the interim you showed it to Mr. Benjamin first
7 and then you showed it to Mr. Neal, and there was no
8 opportunity for the two of them to collaborate.

9 A That's correct.

10 MR. BELTON: May I see State's Exhibit Number 5,
11 please?

12 THE COURT: Right here, all of them.

13 Q Now, I've had a difficult time reading this, mine is
14 about as bad. Tell me what -- I know the date says 9/21,
15 I've never been able to make out the time there. Can you
16 tell me what the time is there?

17 A It is 6:46 a.m.

18 Q Okay. So we're talking about maybe four hours after
19 the incident?

20 A I would say give or take.

21 MR. BELTON: Okay. No further questions. Thank you,
22 Investigator Lyons.

23 THE COURT: Thank you, sir, you can step down.

24 MS. CAMPBELL: Your Honor, we have one more witness
25 that was under subpoena, she has not shown up today, which

PRETRIAL MATTERS

1 is unusual, she has always shown up. We're checking to see
2 if she's sick or what's going on with her. I do have the
3 investigator here if you want to hear from her, and I
4 apologize.

5 THE COURT: Yeah. Let me go ahead and hear from the
6 investigator. Of course, I know I have those videos which
7 I'll with look at over the --

8 MS. CAMPBELL: She's on the video.

9 THE COURT: Okay. She is? I'll look at the video over
10 the lunch recess.

11 MS. CAMPBELL: State would call Investigator Fayall.

12 The witness, KEIRA FAYALL, was frist duly sworn and
13 Testified as follows:

14 THE COURT: Thank you very much. Make sure you talk
15 loud and into the microphone.

16 DIRECT EXAMINATION

17 BY MS. CAMPBELL:

18 Q Investigator Fayall, where are you employed?

19 A I'm currently employed with York Police Department in
20 York County.

21 Q And prior to working there where did you work?

22 A Lancaster County Sheriff's Office.

23 Q I want to turn your attention back to September of
24 2019. Did you become involved in the investigation of the
25 Old Skool shooting?

PRETRIAL MATTERS

1 A Yes, ma'am, I was.

2 Q And who did you make contact with to show a lineup?

3 A I was instructed by one of my superiors at that time to
4 meet with Ms. LaShonda Barnes at Atrium Health Carolina,
5 which is CMC Main.

6 Q And what day was it when you made contact with her?

7 A I made contact with her on September 21st of 2019.

8 Q So that would have been the same day just later in the
9 day?

10 A Yes, ma'am. It came in from that night into that
11 morning, so between the 20th and 21st.

12 Q Okay. And when you made contact with Ms. Barnes she
13 was obviously injured if she was in the hospital in North
14 Carolina?

15 A Correct.

16 Q And what was the purpose of you talking to her that
17 day?

18 A My understanding that Ms. Barnes was there present
19 during the incident and had suffered an injury to her lower
20 body, I believe it may have been a foot, and that we just
21 all needed to make contact with individuals involved in the
22 incident due to the large amount of people.

23 Q And you made contact with her. And did you have your
24 body cam on when you talked to her?

25 A Yes, ma'am. My body cam was present and initiated.

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1 Q And you've had an opportunity to review that?

2 A Correct.

3 Q Did that accurately present the conversation you had
4 about what she saw as well as the presentation of the
5 lineup?

6 A Correct.

7 Q And as you did in that lineup -- I'm going to show you
8 what's going to be marked as State's Exhibit 6. Did she,
9 for the purpose of the hearing, tell you that she saw the
10 person that was shooting that night?

11 A Ms. Barnes stated that -- she gave an account of
12 exactly what happened --

13 Q And that's recorded on the interview.

14 A Correct, yes.

15 Q So the Judge can review that.

16 A It is recorded on the interview. Basically a lot of
17 things was quoted in my supplement as well that she stated
18 verbatim.

19 Q Okay. And I'm going to show you State's Exhibit Number
20 6. Is this the lineup that was shown to her that day?

21 A Yes, ma'am.

22 Q Did you do anything to influence her or tell her who to
23 pick or anything of that nature when you showed her the
24 lineup?

25 A No, ma'am.

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1 Q And when you showed her the lineup, was she able to
2 recognize anyone?

3 A Yes, ma'am.

4 Q And who did she recognize?

5 A She circled number three who she referred to as Breezo
6 and initialed it.

7 Q Did she indicate whether or not she had known Breezo
8 before that incident occurred?

9 A Yes, ma'am.

10 Q And how had she known him?

11 A Ms. Barnes stated that she knew him around and that she
12 knew him to do music along with the other individuals.

13 Q And she's from Lancaster as well as this defendant?

14 A Correct, she is.

15 Q Once she had told you who she recognized as being in
16 the club that night and shooting, did she memorialize that?

17 A Yes, ma'am, she did.

18 Q And those are her initials?

19 A Yes, ma'am.

20 Q And I believe you had her fill out the affidavit form
21 as well.

22 A Correct.

23 Q And sign it.

24 A Yes, ma'am.

25 Q All right. And again, this is memorialized on the

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1 video, your body cam.

2 A Yes, ma'am.

3 Q The person that she identified, do you recognize him
4 here in the courtroom?

5 A Yes, ma'am, I do.

6 Q Can you point him out for the Court?

7 A It's going to be Mr. Stevens, Breante Stevens, known as
8 Breezo, in the orange jumpsuit.

9 MS. CAMPBELL: May the record reflect she's identified
10 the defendant? We don't have anything further, Your Honor.

11 THE COURT: Noted. Mr. Belton?

12 CROSS EXAMINATION

13 BY MR. BELTON:

14 Q Officer Fayall, good morning.

15 A Hey, how are you?

16 Q I'm good. Ms. Barnes just identifies she knows Breezo,
17 she doesn't identify him as a shooter, does she?

18 A Per the photo lineup she identifies him to say that he
19 was there.

20 Q And it's not in dispute he was at the club, is it?

21 A It's not in dispute that he was present at the club.

22 Q All right.

23 MR. BELTON: No further questions from this witness,
24 Your Honor.

25 THE COURT: Thank you, you can step down. Any other

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1 factual presentation by the State?

2 MS. CAMPBELL: No, Your Honor.

3 THE COURT: Other than my review of the various videos
4 and body camera footage that the four investigators -- I
5 believe I heard from four investigators interviewing each
6 one of these or their interactions with the six witnesses,
7 anything else?

8 MS. CAMPBELL: No, Your Honor.

9 THE COURT: So the only thing that the State didn't
10 produce this morning was the actual witness, Ms. Barnes.
11 Y'all are attempting to make contact with her?

12 MS. CAMPBELL: Yes, sir.

13 THE COURT: But you say the video --

14 MS. CAMPBELL: You've got the actual --

15 THE COURT: I've got the actual video of the
16 interaction.

17 MS. CAMPBELL: Or of the actual presentation of the
18 lineup.

19 THE COURT: Okay. To suggest whether or not it was
20 unduly suggestive to her or unnecessary. Okay. Mr. Belton?

21 MR. BELTON: Your Honor, the only thing I would say is
22 obviously I would object to the one regarding Ms. Barnes, I
23 haven't had an opportunity to cross examine and I think
24 that's a right that's clearly afforded to Mr. Stevens.
25 Certainly you have the video, but not --

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1 THE COURT: Well, you know, she's under subpoena, all
2 right? Law enforcement going to go get her? Y'all go get
3 her and when y'all have her here I'll hear her testimony
4 whenever that's going to be. I would like for it to be
5 today, if it can't be today then we'll just deal with it in
6 camera prior to -- it's not going jeopardize the seating of
7 the jury tomorrow, we're going to move forward with that.
8 All right. Anything further I need to hear -- well, let me
9 hear argument. Because here is what's going to happen.
10 Obviously I've taken notes here from everything I've heard
11 today and I've got the emails that were sent to me with the
12 videos, they total a little over two hours of videos that I
13 want to review, and I'm going to do that today over lunch
14 and the rest of the afternoon when I have the time back in
15 my office and we'll address it tomorrow or Wednesday,
16 probably tomorrow and I'll put my ruling on the record. But
17 for the purpose of argument, let me go ahead and hear that
18 now then. Mr. Belton?

19 MR. BELTON: Your Honor, thank you. May it please the
20 Court? Your Honor, I think we all in here understand what
21 the factors in Neil v. Biggers is, and whether the
22 identification process is unduly suggestive, and whether the
23 out-of-court identification was so -- nevertheless so
24 reliable that the substantial likelihood of
25 misidentification existed. What this trial is about is

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1 whether or not Breante Stevens, in fact, shot Lee Colvin,
2 whether, in fact, he shot Mr. Harris, who ultimately died on
3 the outside and eight other people in the inside of the
4 club.

5 THE COURT: Well, let me interrupt you there. The
6 first prong of Neil versus Biggers is whether or not law
7 enforcement's procedures was unreasonably and unduly
8 persuasive or unnecessary. So if I find that law
9 enforcement wasn't, do you even need to go into the second
10 prong?

11 MR. BELTON: We don't get to the second prong, Your
12 Honor, but if you'll hear me out.

13 THE COURT: I'll hear you me out, you make a record.

14 MR. BELTON: If you'll hear me out. Thank you, Your
15 Honor. So let's first deal with the first -- let's take
16 away the first person who came to the stand, let's deal with
17 the last four. All four of them -- all four of them
18 testified that they did not see Mr. Stevens shoot anybody.
19 The first person indicated that so I think we can deal with
20 her separately. But if we look at Mr. Mobley, Mr. Belton,
21 Officer Myckel, and Officer Benjamin, did not see him. And
22 we haven't heard from Ms. Barnes. So I'm not even
23 understanding why this photo lineup is important. It's not
24 in dispute that Mr. Stevens was at the club. We're not
25 denying it, he's never said he was not at the club and he's

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1 obviously on video there at the club. All right?

2 Secondly -- I'm sorry.

3 THE COURT: No, keep going.

4 MR. BELTON: Okay. Secondly, Your Honor, we have two
5 of -- three of these victims. The first one, Mr. Mobley,
6 who's at the hospital immediately after being shot. We have
7 Mr. Belton, who has undergone surgery heavily medicated
8 who's -- the body cam is turned off and then he comes back
9 on who clearly indicated that he was under medication,
10 doesn't have a clue what's going on. We have -- and then,
11 of course, we're with the two other officer who indicated
12 they don't see anything. They weren't in the room when the
13 shooting took place, they don't see anything. So we go back
14 now, Your Honor, to the first one in terms of being unduly
15 suggestive. I agree that with the first person I can see
16 that it was not unduly suggestive. But I also concede, Your
17 Honor, that we have -- or that I present, Your Honor, that
18 we have a young lady who admits that she had been drinking
19 alcohol, she had been smoking marijuana, and from another
20 witness testified that it's darks and it's -- lights are
21 flashing inside of the club and a lot is going on, Your
22 Honor. So I think we're talking about -- and the fact that
23 she says that she sees a gun. I'm unclear on whether or not
24 she sees him shoot Mr. ---

25 THE COURT: But hold on a second. How is that my role

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1 as the gatekeeper of the evidence? We're dealing with
2 admissibility of these identifications, not the credibility.
3 And the argument you're making to me, which I'm going to
4 allow you to make for the purpose of Mr. Stevens and this
5 record, is purely a credibility argument. You're absolutely
6 correct, the first lady that testified, she's been drinking,
7 been smoking weed and, you know, and disco lights going off,
8 the whole deal. That absolutely goes to the credibility of
9 her ID'g your client, but for my purposes I'm concerned with
10 admissibility.

11 MR. BELTON: Your Honor -- and I respect that. And the
12 point that I'm making is, I agree, I will concede that the
13 first person's identification comes in. What I'm arguing is
14 number two, number three, number four, and number five, who
15 got on -- well, number five, who got on the stand, Your
16 Honor. None of them actually saw Mister -- so all they're
17 identifying to is they saw him at the club.

18 THE COURT: That's Mobley, Belton, Neal and Benjamin.

19 MR. BELTON: Correct, that's all they identified him.

20 THE COURT: But if I find the procedure by law
21 enforcement was not unnecessary and not unduly suggestive I
22 don't even get to the five factors for the second prong,
23 right?

24 MR. BELTON: Yes, Your Honor.

25 THE COURT: Okay. Go ahead.

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1 MR. BELTON: According to the law, you're right. Yes,
2 Your Honor.

3 THE COURT: Okay.

4 MR. BELTON: But, Your Honor, before we can even get
5 there -- and I know I can make a 403 argument later and
6 that's later at another day, Your Honor. But what my
7 question is whether I'm not getting there, how do we get
8 when all they can identify -- what's the purpose of this
9 when, Your Honor, there is no -- they didn't see him
10 shooting. They didn't see him pull a gun out. They didn't
11 see him shoot anybody, so what's the purpose --

12 THE COURT: You believe it's unnecessary puffing by the
13 State.

14 MR. BELTON: Correct.

15 THE COURT: Okay. I see your point, understood. Madam
16 Solicitor?

17 MS. CAMPBELL: Just briefly, Your Honor. I think you
18 made my argument for me, but to go further, it's just a
19 piece of the puzzle on how he was developed. He was
20 identified in the club as being there and then basically it
21 just lead to other things. There is videotape that
22 corroborates everything that was said to some extent. Your
23 Honor, we've don't feel like it's just puffing by the State.
24 We feel like that we have to show -- and not that he would
25 ever suggest that the police didn't do their job, we have to

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1 show that the police did their job. They went through every
2 step. They started with the beginning starting with the two
3 security officers trying to get someone identified, that
4 they could see in the video that was exiting with the gun.
5 You see him fall with the guns in his hands, and basically
6 they did this by the book. It's very important that we be
7 able to get into the fact that the police did do their job.
8 They did this. They made sure they jumped through the hoops
9 to get him identified as the person that is seen in various
10 points on the video in the club.

11 THE COURT: All right.

12 MS. CAMPBELL: And I would just say, as you stated, his
13 argument goes to credibility, not to admissibility.

14 THE COURT: All right.

15 MR. BELTON: Your Honor, the last thing I'll say and
16 I'll be brief. Your Honor, when we read Neil v. Biggers and
17 we read the factors to consider and the totality of the
18 circumstances as to whether identification is admissible,
19 whether it's reliable, the first prong of that says
20 opportunity of witnesses to view criminal at time of crime,
21 that's the very first factor in the totality of the
22 circumstances. And we got these four of the five saying
23 that they did not see him at the time of the crime, and
24 that's straight from the Neil v. Biggers, I'm quoting it
25 verbatim.

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1 THE COURT: Yeah, I've got it right here.

2 MR. BELTON: Thank you, Your Honor.

3 THE COURT: All right. So here what's going to happen,
4 I'm going to take my ruling under advisement. I want to
5 look at the emails that were sent to me by the State with
6 the consent of the defense to look at -- that's the body cam
7 footage of the investigators, I'm going to look at that.
8 Okay? And I'm also holding off making a decision until I
9 hear from Ms. Barnes as to whatever her testimony is going
10 to be, and y'all are activity going to get her, right?
11 Okay, good. So, you know, Mr. Belton, I don't know if you
12 plan on being here the rest of the day or not. You don't?
13 Well --

14 MR. BELTON: No, sir. Unless you tell me I have to be,
15 Your Honor.

16 THE COURT: Well, I mean, y'all are going to look for
17 her right now.

18 MS. CAMPBELL: Yes, sir, we're going to look for her
19 right now, but --

20 THE COURT: I want to wrap this up.

21 MS. CAMPBELL: -- if we can.

22 THE COURT: You know, he's here already. You stay with
23 me.

24 MR. BELTON: I will, Your Honor.

25 THE COURT: And we'll get this done and hopefully get

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1 it done today. Okay? Then I'll let you know my decision
2 hopefully later on this evening. All right?

3 (Break in proceedings.)

4 THE COURT: We're in recess to resume this hearing with
5 the testimony of Ms. Barnes, at which time, again, Mr.
6 Belton, I'll let you make a record again if you need to.

7 MR. BELTON: Yes, sir. Your Honor, one more quick
8 thing, this is more for the defense. Obviously when we're
9 dealing with a case this serious we do have to make sure we
10 protect the record, and certainly, you know, if Mr. Stevens
11 is convicted all of the things that proceed after that. I
12 just want to put on the record that I have advised Mr.
13 Stevens at this point, and I would like to be corrected by
14 the State if I'm incorrect, that the only conversation we
15 have had regarding any type of plea has been to plead
16 straight up to murder with the option that he could plead
17 under Alford with Mr. Harris. That other than that I've
18 received no other plea to -- I've received no other plea
19 offer from the State, and certainly he's facing a life
20 sentence on both of the murder charges if he were to be
21 convicted. So I just want the record to reflect that I've
22 advised my client of what's in front of him and the decision
23 to go to trial.

24 THE COURT: Is that correct, Madam Solicitor?

25 MS. MCGINNIS: Yes, sir, Your Honor.

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1 THE COURT: All right. Thank you, that's noted in the
2 record. Let's deal with the -- before we take a recess --
3 before we take a recess let me hear your argument as to
4 possession of a handgun by a person convicted of a crime of
5 violence. What are you talking about on that?

6 MR. BELTON: Your Honor -- and again I think this is
7 probably more of a 403 argument that we can make. Of
8 course, my client is charged with possession of a handgun by
9 a person convicted of a crime of violence. I've gone back
10 and I do have all of those particular crime here, and I know
11 he's convicted of a strong armed robbery, and my assumption
12 is the State is -- because it's a robbery that's the
13 crime -- that is the crime of violence. Quite frankly I
14 need to look at that a little more closely. But for sake of
15 argument let's say that it is, Your Honor, I still think
16 that -- you know, I know that most jurors can't distinguish
17 between strong armed robbery and armed robbery. Robbery is
18 robbery, and certainly that could confuse the jury.
19 Certainly I think it's more prejudicial than probative. I
20 believe, Your Honor, that unquestionably he's appropriately
21 charged if, in fact, that robbery is a crime of violence,
22 and again, I'll have to research that to see. But I would
23 ask Your Honor to allow us to bifurcate the case and deal
24 with that particular charge after the major charge. I don't
25 see what the necessity of that -- other than to unfairly

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1 prejudice my client for a jury to hear that he's a convicted
2 felon in possession of a gun who's then charged with murder.
3 I believe that is as prejudicial as it comes. Certainly we
4 are willing to concede that he's a felon. And if Your Honor
5 on the back side of that disagrees with my argument and
6 decides to allow the State to proceed as they choose to
7 proceed, that they absolutely are not allowed to mention the
8 name of the crime or how he has become a felon. I mean, I
9 think that Cross speaks to that -- 427 SC 465, speaks to
10 that, and certainly -- and his progeny speaks to that.

11 THE COURT: All right. So it's a motion to bifurcate.

12 MR. BELTON: It's a motion to bifurcate, and in the
13 alternative -- bifurcate is where I am, but in the
14 alternative that they absolutely not be able to mention any
15 crime that he's been convicted of.

16 THE COURT: So motion to bifurcate or motion to
17 exclude. Okay. What's the State's position?

18 MS. CAMPBELL: Your Honor, I think in State versus
19 Benton as well as State versus James they addressed these
20 issues. I think we have the right -- it's an element. And
21 it's not a felon, Your Honor, it's a crime of violence is
22 what we're talking about. The robbery conviction would fall
23 within that parameter.

24 THE COURT: Under 16-20-13 --

25 MS. CAMPBELL: --- the indictment itself. Or we may be

PRETRIAL MATTERS

1 able to agree that, you know -- I can talk to my cocounsel
2 about possibly stipulating to that he's been convicted of a
3 crime of violence versus putting the actual underlying
4 crime.

5 THE COURT: All right. Let's do it this way. First of
6 all I'm going to deny the State's motion to bifurcate -- I
7 mean, the defense motion to bifurcate. Okay? I think, you
8 know, he was -- as you conceded he was appropriately
9 charged. That's the -- I mean, that's the definition of the
10 alleged crime, that's the way it was -- the statute reads
11 and that's the plain and ordinary meaning that the
12 legislature intended to have this crime called so that's the
13 appropriate charge. Now, whether or not it would be more
14 prejudice than probative, I find that it's more probative
15 than it would be prejudicial. Certainly, you know, the
16 classifying something as a violent crime or a crime of
17 violence, those are two different things, that's why it's
18 called a crime of violence. I agree with the defense,
19 however, so I'll grant your motion to exclude the exact that
20 constitutes the crime of violence. This charge, the
21 indictment, when the State calls the case tomorrow in front
22 of the jury pools that come in they can call this indictment
23 possession of a handgun by a person convicted of a crime of
24 violence. I don't see how that's more prejudicial than
25 probative. Okay? But I will not allow the rob -- go ahead,

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1 I'm listening.

2 MS. CAMPBELL: I think -- the easiest way, I think, is
3 just at some point we put in a stipulation that he's been
4 convicted of a crime of violence.

5 THE COURT: It's been stipulated -- and y'all can even
6 say -- Mr. Belton, you can say -- when I tell the jury what
7 a stipulation is I'll explain a stipulation is both sides
8 agree on a fact, and they agree that, you know, your client
9 was previously convicted of a crime of violence, which is
10 different from a violent crime under the laws of South
11 Carolina. Are you fine with that?

12 MR. BELTON: Are you going to say that last part?

13 THE COURT: I don't have a problem with that.

14 MR. BELTON: Thank you, Your Honor.

15 THE COURT: Do you have a problem with that? Okay.
16 Let me repeat again. I'll say -- this is what I plan on
17 saying: Ladies and gentlemen, the parties have stipulated,
18 that means they agree that this fact is correct, that you
19 can take this into consideration when you view everything,
20 that the -- Mr. Stevens has been convicted of a crime of
21 violence, which is different than what a violent crime is
22 under the laws of South Carolina.

23 MS. CAMPBELL: I don't know that -- the only thing I
24 would say is why would we put in differentiating that from
25 violent crimes?

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1 THE COURT: Because that's what he wants me to do.

2 MS. CAMPBELL: We would object to that part, Your
3 Honor, because we think that just confuses the issue for the
4 jury. They're only concerned with whether -- the
5 stipulation is he's been -- or in the alternative if you're
6 going to do that we would ask that we put the robbery in.

7 THE COURT: Right. I'm not going to allow the robbery
8 to come in. I agree with Mr. Belton's position on excluding
9 the actual robbery coming in letting the jury know that he
10 was convicted of a robbery, unless he takes the witness
11 stand, of course, which I'll have to consider at that time.
12 But no. I think by me differentiating that there is --
13 without going into the whole law between the difference of a
14 crime of violence and a violent crime I think that's exactly
15 what we stated. So you're position is protected in the
16 record. All right. What else?

17 (Break in proceedings.)

18 MS. CAMPBELL: The only other housekeeping matter is we
19 did provide rap sheets an all of the witnesses, and in my
20 review I can't think of anything that's really impeachable.
21 If they are going to plan on impeaching anyone I would just
22 ask that we address that before the witness takes the stand,
23 or if they could tell me -- give me a list I can go through
24 and we might be able to agree on it and we might not. But
25 that has been provided to the defense.

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1 MR. BELTON: Your Honor, I did scan them this weekend,
2 frankly I was working on all of this other stuff, nothing
3 jumped out at me that was impeachable, I agree with the
4 State. But I will -- I promise her I will not surprise her
5 with anything if a witness stakes the stand.

6 THE COURT: Thank you. All right. Anything else? So
7 we're all straight. The only thing -- I've already ruled on
8 the possession of a handgun by a person convicted of a crime
9 of violence. That indictment and that description will be
10 allowed to be made in the presence of the jury panel over
11 the defense objection, he's protected in the record on that.
12 But I am granting the defense motion to exclude the specific
13 crime of violence being published to the jury, that of
14 robbery, okay? And then -- when I describe what a
15 stipulation is I will explain, this is over the State's
16 objection, that Mr. Stevens has been -- the parties
17 stipulate that Mr. Steven has been convicted of a crime of
18 violence, which is different than a violent crime under
19 South Carolina law. I mean, I think it's just -- I don't
20 see how that would confuse the jury. Okay? It's already
21 prejudicial enough that that's being mentioned to the jury
22 and I think the way I'm describing it allows the probative
23 value to outweigh that prejudicial effect. All right. What
24 else?

25 MS. CAMPBELL: Finally, Your Honor, just to help law

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1 enforcement in getting Ms. Barnes, can we get a bench
2 warrant issued?

3 THE COURT: Bench warrant is issued, which I will
4 vacate, of course, upon her being taken into custody.

5 MR. BELTON: And, Your Honor, despite the fact that
6 this week will probably be a long week and half with me and
7 law enforcement, I have spoken to several of them and I just
8 want to say publicly and on the record that I don't expect
9 them to sit here through my subpoenas. Certainly if they
10 want to leave, I think I have a gentlemen's agreement with
11 most of them that they will come back if we need them, if
12 there is some we need that the State doesn't call. And I
13 will do my best to get -- to do all of my questioning of
14 them when the State calls them so --

15 THE COURT: All right. They understand that, they know
16 you like them. Okay.

17 MR. BELTON: Yeah. Just not this next week and a half.

18 THE COURT: All right. I understand. All right.
19 Anything else before we recess this hearing just for the
20 purpose of getting Ms. Barnes' testimony in the record?
21 I've ruled on all pretrial issues then except for the
22 Biggers, which I'm waiting on to look at the email and hear
23 Barnes. Anything else? All right. We're in recess on this
24 hearing then, we'll reconvene later this afternoon hopefully
25 once Ms. Barnes is in custody. Okay.

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1 (A lunch recess was taken.)

2 THE COURT: Let the record reflect we're resuming the
3 Neil versus Biggers hearing and the State versus Breante
4 Stevens matter. The State may present its final witness.

5 MS. CAMPBELL: State calls LaShonda Barnes.

6 THE COURT: Ms. Barnes, come on up here.

7 THE WITNESS: I don't want to go.

8 THE COURT: Mr. Deputy, escort her to the witness
9 stand, please. Mr. Deputy, I'm going to ask that you stand
10 beside her during her testimony, please.

11 The witness, LASHONDA BARNES, was first duly sworn and
12 Testified as follows:

13 THE COURT: Thank you, ma'am. If you don't mind
14 lowering your mask since you're behind the barricades. All
15 right. Just be as loud as you can. Ma'am, I'm going to
16 need you to be as loud as you can so put your voice into the
17 microphone. I'm okay with you looking at me but you have to
18 turn around. Go ahead and ask your questions and let's see
19 how this goes. Madam Deputy, if you will pull that
20 microphone down to her. Go ahead.

21 DIRECT EXAMINATION

22 BY MS. CAMPBELL:

23 Q Ms. Barnes, are you scared? Can you answer? Lashonda,
24 how old are you?

25 A Thirty-three.

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1 Q Thirty-three? And do you live here in Lancaster
2 County?

3 A Yes.

4 Q How long have you lived in Lancaster?

5 A All of my life.

6 MR. BELTON: Your Honor, do you mind if I just come
7 closer so I can hear what she says? Are you okay with that?

8 MS. CAMPBELL: Yeah, sure.

9 THE COURT: Just stand up here by my court reporter so
10 y'all can hear.

11 MR. BELTON: Okay.

12 BY MS. CAMPBELL:

13 Q Lashonda, you don't want to be here today, do you?

14 A No.

15 Q I want to turn your attention back to September -- the
16 early morning hours of September 21st of 2019. Were you at
17 the Old Skool Club that night?

18 A Yes.

19 Q And who were you there with?

20 A My cousins.

21 Q Your cousins? Do you recall seeing a confrontation
22 before the shooting?

23 THE COURT: Ma'am, you need to answer. Ma'am? The
24 question was do you recall seeing a confrontation before a
25 shooting.

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1 A Might have did, I don't remember.

2 Q You don't remember? Do you remember giving a statement
3 to Investigator Fayall?

4 A I think so.

5 Q And you talked to Investigator Fayall later that same
6 day. Do you remember talking to her? Were you in the
7 hospital?

8 A Somebody.

9 Q Okay. And do you remember telling her that prior to
10 the shots being fired you observed Stevenson (sic), a black
11 male with a balled head, that appeared to be arguing but
12 that they were laughing? Do you recall saying that?

13 A Yes.

14 Q Okay. Do you recall telling her that they were both
15 smiling during this altercation?

16 A Yes.

17 Q Do you recall that when the person you knew as Breante
18 Stevens walked off he made a gesture with his hand and you
19 showed her how he made it?

20 A I guess.

21 Q Is that yes or no?

22 A I guess.

23 Q So that's a yes.

24 THE COURT: She says I guess.

25 Q And do you recall telling them --

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1 MR. BELTON: Excuse me, Your Honor, did she say yes
2 or --

3 THE COURT: She said I guess.

4 MR. BELTON: I guess. Okay.

5 Q Do you recall then telling her that you watched Stevens
6 exit the club and come back in?

7 THE COURT: You need to answer, ma'am.

8 A I did.

9 Q Okay. Do you recall telling that investigator that he
10 wasn't gone more than five minutes?

11 THE COURT: Repeat your question.

12 A Yes.

13 THE COURT: She said yes.

14 Q And that then you saw Breezo or Breante on the stage
15 bobbing his head to a rap song and saw him shooting, or
16 observed a flash and observed Stevens to fire the weapon
17 multiple times.

18 A I seen him on the stage and I seen fire, I don't know
19 who shot. It was multiple shooting.

20 Q Do you recall telling them that Stevens was the one
21 firing the weapon?

22 A Yes.

23 Q And do you recall telling them how you knew Mr.
24 Stevens?

25 THE COURT: Ma'am, do you remember telling them how you

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1 knew Mr. Stevens?

2 A Yes.

3 Q That you grew up with him?

4 A Yes.

5 Q Did y'all live in the same area?

6 A Yes.

7 Q Do you remember the investigator showing you some
8 photographs? Is that yes or no?

9 A No.

10 Q Okay. Well, let me show you this, what's been marked
11 as State's Exhibit Number 6.

12 THE COURT: Hand it to the deputy, please. Madam
13 Deputy, if you'll show that to the witness on this side.
14 Ma'am, just look down at that piece of paper. Do you
15 recognize seeing that piece of paper?

16 THE WITNESS: No.

17 THE COURT: She says no.

18 Q So you don't remember showing -- do you recognize the
19 handwriting on that piece of paper?

20 THE COURT: Show her the handwriting. Show her the
21 other page.

22 Q Is that your signature?

23 A Yes.

24 Q And on that piece of paper, who did you recognize out
25 of those photos?

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1 THE COURT: The question was on that piece of paper who
2 did you recognize.

3 THE WITNESS: Him.

4 THE COURT: Him? And you're pointing to --

5 THE WITNESS: Three.

6 Q And finally, do you remember telling the investigator
7 about the conversation you'd had with your sister right when
8 you got to the hospital when you kept asking her --

9 A I don't remember, man. I wish y'all wasn't talking to
10 me while I was doped up.

11 Q Do you remember telling her that you kept asking your
12 sister, "Why would Breezo shoot me?"

13 A Yes, I did. Why? Just why?

14 Q And that's what you said before anybody showed up with
15 any lineup, right? Are you scared?

16 A I want to go. Like y'all don't have to deal with this,
17 I've got to deal with this.

18 Q And since this has happened to you you've been in
19 counseling, right?

20 A I've got to deal with this, y'all don't have to deal
21 with this.

22 Q I know.

23 MS. CAMPBELL: Thank you.

24 THE COURT: All right. Mr. Belton, your witness.

25 THE WITNESS: Can I go, please?

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1 THE COURT: Almost. You're almost done.

2 CROSS EXAMINATION

3 BY MR. BELTON:

4 Q Ms. Barnes, I promise I only have a few questions for
5 you. Ms. Barnes, have you seen or had any contact with Mr.
6 Stevens since this incident?

7 THE COURT: The question was have you seen or had any
8 contact with Breante Stevens since this happened two years
9 ago.

10 A No, sir.

11 Q Thank you. Ms. Barnes, in fact, you had an interview
12 with at least three different officers about this incident,
13 correct?

14 A I guess. I think so.

15 THE COURT: She said I guess, I think so.

16 Q The first Officer Dailey the night immediately after
17 that. Do you remember that encounter?

18 A No.

19 Q Do you remember someone coming into the room to speak
20 with you and you were in excruciating pain and you were
21 calling for your mother?

22 A Yes.

23 Q Okay. That was the first encounter; is that correct?
24 The first encounter with law enforcement.

25 THE COURT: Repeat the question again.

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1 Q I guess I said it as a statement but it is intended to
2 be a question. The first encounter was with Officer Dailey
3 when you were in excruciating pain in the hospital and you
4 were calling for your mother, that was your first encounter,
5 correct?

6 A I guess.

7 THE COURT: She says I guess.

8 Q Yes. Your second encounter was a little bit later that
9 evening, is that correct, with Officer Fayall? She was the
10 African-American female --

11 A That's the only one I remember talking to.

12 THE COURT: She said that's the only I remember talking
13 to.

14 Q Okay. Thank you. And you actually tell her when she
15 comes in that you were on medication at the time, correct?

16 A Correct.

17 Q And you also told her that you had seen an altercation
18 between Breante and Lee, correct?

19 A I don't know.

20 Q And you also told her that you were intoxicated at the
21 club that night, correct?

22 A Okay. I may be intoxicated and I may be at the club.

23 THE COURT: Ma'am? What did you just say?

24 A Yes.

25 THE COURT: She said yes.

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1 Q And you also told the officer that someone named Lil'
2 Baggy had a gun as well, correct?

3 A Oh, God. No.

4 THE COURT: She said no.

5 Q You did not tell the officer that?

6 A No.

7 Q Okay. Then at some point a few days later you had a
8 third interview with Officer Leonard, correct?

9 THE COURT: Do you remember speaking with Officer
10 Leonard after speaking with the lady detective?

11 THE WITNESS: I don't remember.

12 THE COURT: She doesn't remember that.

13 Q So you don't remember telling Officer Leonard that you
14 saw Lee pull a gun out?

15 A I just said I don't -- I seen that.

16 Q You saw what?

17 THE COURT: She just said I don't remember, I think
18 that.

19 THE WITNESS: No, I didn't, sir. I said I remember
20 that about Lee part.

21 Q So you do remember telling an officer that Lee pulled a
22 gun --

23 A He pulled it out on him and then he put it back.

24 Q I'm sorry, I was talking over you. Repeat it one more
25 time.

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1 THE COURT: Go ahead, say what you just said again.

2 A Yeah. He drawed out his gun first and then he put it
3 back up.

4 Q When you say he pulled out his gun, who are you
5 referring to?

6 A Who you just said.

7 Q Lee Colvin?

8 A I don't want to do this, I'm ready to go.

9 THE COURT: You've got to answer the question, ma'am.

10 THE WITNESS: I did answer the question.

11 THE COURT: All right. Well, you've got to repeat what
12 you just said. All right. Stop right there. Mr. Court
13 Reporter, can you pull back up what she said when that first
14 question was first asked.

15 (The court reporter read the questions and answers.)

16 THE COURT: Does that answer your question, Mr. Belton?

17 MR. BELTON: No further questions. Yes, sir.

18 THE COURT: Any further questions, Madam Solicitor?

19 MS. CAMPBELL: No, sir.

20 THE COURT: All right. Thank you, ma'am, you may
21 leave. She's still under subpoena, though, right?

22 MS. CAMPBELL: Yes, sir.

23 THE COURT: You're still under subpoena for the trial.
24 Y'all walk with her. Okay. Any other evidence or argument
25 to submit from the State?

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1 MS. CAMPBELL: No, sir.

2 THE COURT: All right. Mr. Belton, any other argument?

3 MR. BELTON: No, Your Honor.

4 THE COURT: All right. Thank you. I've had an
5 opportunity during our extended recess to review the
6 relevant portions of the body cameras of the four different
7 investigators and I am ready to rule on the defense motion
8 to exclude identification pursuant to Neil versus Biggers.
9 I respectfully deny the defense's motion to exclude the
10 out-of-court identifications and the subsequent in-court
11 identifications. I find that the procedures used by law
12 enforcement were not unnecessary and were not unduly
13 suggestive. All right? Extending the Court's finding for
14 the purpose of this record, even if the appellate court --
15 if there's an appeal, depending on what happens, disagrees
16 with my interpretation of that I take my finding further in
17 saying based upon the totality of the circumstances I
18 considered each factor under Neil versus Biggers, the IDer's
19 vision of the crime. Witness' level of attention. Witness'
20 prior knowledge of the alleged perpetrator. How certain a
21 witness is of any identification. The length of time
22 between the alleged crime and the ID or confrontation or
23 lineup. All of these were done within a day or two. The
24 witnesses -- each lay witness testified about how they
25 either knew or were familiar with Mr. Stevens from being in

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1 the Lancaster area. Mr. Neal and Mr. Benjamin testified
2 that they personally frisked him down, were there within
3 inches of his face, recognized him that way. And Mr. Neal
4 went on first to say that he had worked events where Mr.
5 Stevens was before and was familiar with him that way. And,
6 of course, the last witness, the Court takes notice of her
7 state here today, but she did testify she knew him from the
8 area, she's from Lancaster. And, of course, I viewed the
9 video anyway as part of what was emailed to everybody and
10 find that it satisfies the second prong of Biggers
11 considering the totality of the circumstances and those five
12 factors I just talked about. So based upon that I do find
13 that the State will be allowed to introduce the out-of-court
14 identifications and subsequent in-court identification.
15 Also, balancing that against Rule 403 I find that this
16 evidence sought to be offered by the State is more probative
17 than prejudicial. All right. That's the ruling of the
18 Court.

19 MS. CAMPBELL: Your Honor, would it be okay if we made
20 a Court's Exhibit out of the videos that you reviewed?

21 THE COURT: Yes.

22 MS. CAMPBELL: I'll have that done for tomorrow.

23 THE COURT: Yeah, that will be good. That will be
24 Court Exhibit then -- well, the exhibits we made last week,
25 they were Court Exhibit 1 and Court Exhibit 2.

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1 MS. CAMPBELL: So this will be 3.

2 THE COURT: So it will be Court Exhibit 3. Those
3 should be in the file. I handed those back to Melissa.
4 Okay. They're Court Exhibits. I made them Court Exhibits
5 so that the court reporter wouldn't have to keep them
6 because I knew we'd have a different court reporter here
7 this week. Okay. I handed them to her, so make sure
8 they're just with my court reporter. Anything else for the
9 purpose of the record on the identification issue, Mr.
10 Belton?

11 MR. BELTON: No, Your Honor.

12 THE COURT: Of course, your position is thoroughly
13 protected in the record. All right. Any other pretrial
14 issues -- oh, while we have time before we move on to other
15 matters today. Has the State had an opportunity to review
16 the proposed voir dire from the defense?

17 MS. CAMPBELL: No, Your Honor, but I can make that
18 happen right now.

19 THE COURT: Thank you. Take a moment to look through
20 it. And likewise, Mr. Belton, have you looked through --
21 the State is proposing four questions and they all look fine
22 to me, but I will give you an opportunity to object if you
23 want to. And likewise I've had the opportunity to look
24 through the 28 questions the defense wants me to ask and I
25 don't specifically have a problem with either one of them.

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1 MS. CAMPBELL: There are just some that I think could
2 be consolidated, Your Honor. Basically you're going to ask
3 if anybody has seen any exposure through social media, news,
4 those could all be consolidated. Additionally have you ever
5 been in a trial before. I mean, he goes down from served on
6 a jury, witness in a trial, witness in a criminal case
7 whether or not it went to trial.

8 THE COURT: Yeah, I'm gonna do that.

9 MS. CAMPBELL: We just think those could be
10 consolidated. And then he moved to bar us from going into
11 lyrics from rap music, but he wants to know if they have any
12 personal objections to lyrics of rap music.

13 THE COURT: Yeah. I'll reword certain things. I guess
14 what I'm asking is the substance of them, not the way
15 they're particularly phrased.

16 MS. CAMPBELL: Yes, Your Honor, number 27.
17 Specifically there's case law on point, and I think it's
18 State versus Adams, that that's inappropriate. It's not --

19 THE COURT: Yeah. I'm not going to charge that, Mr.
20 Belton. That's number 27 where the defense asks would any
21 of you give greater or lesser weight of the testimony of a
22 police officer versus a -- merely because of the status as a
23 police officer. I think that unfairly, you know, puts
24 emphasis on -- gets the Court too involved with the facts
25 and stuff and there's case law on that, I'm not going to

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1 request that.

2 MS. CAMPBELL: And number 28, Your Honor, your general
3 charge we request rather than the specific questions have
4 you any difficulty

5 THE COURT: Yeah. I always tell them if there's
6 anybody not willing to follow law of the State of South
7 Carolina. All right.

8 MS. CAMPBELL: And then, Your Honor, I think for
9 purposes now as far as Ms. Barnes, you issued a bench
10 warrant and we would just ask that that be lifted.

11 THE COURT: Bench warrant on the witness is lifted.
12 You know, having said that, I mean, you know, we may have to
13 revisit the issue whenever y'all decide to call her. You
14 know, I certainly don't want to -- and I'm glad you brought
15 that up so we can talk while we're on the record about it.
16 I certainly don't want to have her escorted up here again by
17 deputies.

18 MS. CAMPBELL: She actually came with her sister.

19 THE COURT: What's that?

20 MS. CAMPBELL: She actually showed up with her sister.

21 THE COURT: Okay.

22 MS. CAMPBELL: She heard we were looking for her and
23 she showed up.

24 THE COURT: Okay. What I'm saying, I don't want to
25 have to not - when I say drag her up here, she wasn't

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1 dragged up here but she was coerced into coming up here with
2 having two deputies with her. I'm hesitant to have that
3 happen in front of the jury both in fairness to the State
4 and the defense, but, I mean, we may have to do it if we
5 have to do it. Okay? But, you know -- so when y'all talk
6 to her again just, you know, we'll go from there. Okay.
7 Anything else?

8 MR. BELTON: Your Honor, I have no objection. I do
9 agree that case law probably prohibits that. I have no
10 objection with number -- I guess it was 27.

11 THE COURT: Yes, sir.

12 MR. BELTON: Your Honor, the one with 28, are you
13 indicating that you will ask that at the beginning of voir
14 dire?

15 THE COURT: I'm going to ask it in a different way.
16 Essentially what I would say is -- yes. I will charge them
17 that. The way I ask it typically when I start a trial --
18 this is voir dire. Yes. I ask it -- typically the way I've
19 asked it before is is there any juror who does not
20 understand that a person convicted of a crime, regardless of
21 the level of the crime, is presumed innocent until proven
22 guilty by the State on each and every element of a crime.

23 MR. BELTON: If that's the way you ask it --

24 THE COURT: That's kind of off the top of my head, but
25 I'll ask something similar to what you're asking, just

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1 phrased differently. All right. Anything else?

2 MR. BELTON: Your Honor, the other thing, on their
3 witness list, we just don't know and my client doesn't no
4 who Gloria Wiley is. It's not that important to me. I
5 assume that the Court may ask that for a reason we just
6 don't know who it is and we he doesn't know who it is.

7 MS. CAMPBELL: I believe that's a relative of the
8 codefendant.

9 MR. BELTON: Oh, okay.

10 THE COURT: Who is that?

11 MR. BELTON: One of the four questions is who is Gloria
12 Wiley. She indicated it may be a relative of the
13 codefendant and I forgot the codefendant is not here, so
14 that's fair.

15 THE COURT: Any issues -- thanks for bringing that up,
16 Mr. Belton. Any issues with either's witness list?

17 MR. BELTON: No, Your Honor.

18 MS. CAMPBELL: I haven't seen his witness list.

19 (Break in proceedings.)

20 THE COURT: Mr. Sheldon says okay. Anything else? All
21 right. Mr. Belton, anything else?

22 MR. BELTON: No, Your Honor.

23 THE COURT: All right. All pretrial matters for this
24 situation have been resolved one way or the other. Y'all be
25 ready at 9:00 sharp in the morning. We've got the first

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1 jury panel is going to be coming in.

2 (Court recessed for the day and resumed on Tuesday,
3 October 19, 2021, at 9:00 a.m.)

4 MS. CAMPBELL: Madam Solicitor, I'm going to ask that
5 you call the case for trial.

6 MS. MCGINNIS: Thank you, Judge. At this time the
7 State would call indictments 2020-GS-29-182, State versus
8 Breante Deon Stevens, count one, murder; count two,
9 possession of a firearm during the commission of a violent
10 crime. 2020-GS-29-183, State versus Breante Deon Stevens,
11 count one, murder; count two possession of a firearm during
12 the commission of a violent crime. 2020-GS-29-181, State
13 versus Breante Deon Stevens, count one, assault and battery
14 of a high and aggravated nature; count two, possession of a
15 firearm during the commission of a violent crime.
16 2020-GS-29-180, State versus Breante Deon Stevens, count
17 one, assault and battery of a high and aggravated nature;
18 count two, possession of a firearm during the commission of
19 a violent crime. 2020-GS-29-179, State versus Breante Deon
20 Stevens, count one, assault and battery of a high and
21 aggravated nature; count two, possession of a firearm during
22 the commission of a violent crime. 2020-GS-29-178, State
23 versus Breante Deon Stevens, count one, assault and battery
24 of a high and aggravated nature; count two, possession of a
25 firearm during the commission of a violent crime.

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1 2020-GS-29-177, State versus Breante Deon Stevens, count
2 one, assault and battery of a high and aggravated nature;
3 count two, possession of a firearm during the commission of
4 a violent crime. 2020-GS-29-176, State versus Breante Deon
5 Stevens, count one, assault and battery of a high and
6 aggravated nature; count two, possession of a firearm during
7 the commission of a violent crime. 2020-GS-29-175, State
8 versus Breante Deon Stevens, count one, assault and battery
9 of a high and aggravated nature; count two, possession of a
10 firearm during the commission of a violent crime.
11 2020-GS-29-174, State versus Breante Deon Stevens, count
12 one, assault and battery of a high and aggravated nature;
13 count two, possession of a firearm during the commission of
14 a violent crime. 2020-GS-29-173, State versus Breante Deon
15 Stevens, possession of a handgun by a person convicted of a
16 crime of violence.

17 2020-GS-29-1442, State versus Antonio Emmanuel
18 Champion, count one, murder; count two, possession of a
19 firearm during the commission of a violent crime.
20 2020-GS-29-1443, State versus Antonio Emmanuel Champion,
21 count one, murder; count two, possession of a firearm
22 during the commission of a violent crime. 2020-GS-29-1449,
23 State versus Antonio Emmanuel Champion, count one, assault
24 and battery of a high and aggravated nature; count two,
25 possession of a firearm during the commission of a violent

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1 crime. 2020-GS-29-1448, State versus Antonio Emmanuel
2 Champion, count one, assault and battery of a high and
3 aggravated nature; count two, possession of a firearm
4 during the commission of a violent crime. 2020-GS-29-1447,
5 State versus Antonio Emmanuel Champion, count one, assault
6 and battery of a high and aggravated nature; count two,
7 possession of a firearm during the commission of a violent
8 crime. 2020-GS-29-1446, State versus Antonio Emmanuel
9 Champion, count one, assault and battery of a high and
10 aggravated nature; count two, possession of a firearm
11 during the commission of a violent crime. 2020-GS-29-1445,
12 State versus Antonio Emmanuel Champion, count one, assault
13 and battery of a high and aggravated nature; count two,
14 possession of a firearm during the commission of a violent
15 crime. 2020-GS-29-1444, State versus Antonio Emmanuel
16 Champion, count one, assault and battery of a high and
17 aggravated nature; count two, possession of a firearm
18 during the commission of a violent crime. 2020-GS-29-1441,
19 State versus Antonio Emmanuel Champion, count one, assault
20 and battery of a high and aggravated nature; count two,
21 possession of a firearm during the commission of a violent
22 crime. And 2020-GS-29-1440, State versus Antonio Emmanuel
23 Champion, count one, assault and battery of a high and
24 aggravated nature; count two, possession of a firearm
25 during the commission of a violent crime.

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1 THE COURT: All right. Thank you, Madam Solicitor.
2 Ladies and gentlemen of the jury panel, we're about to begin
3 the trial of the case as you heard, the State of South
4 Carolina versus Breante Deon Stevens and Antonio Emmanuel
5 Champion. I would ask that both Mr. Stevens and Mr.
6 Champion please stand, and both -- so the jury can see who
7 you are, along with your lawyers. All right. Thank you.
8 That's Mr. Stevens there, and that's Mr. Champion there, so
9 some of the questions I have deal with that. Thank you very
10 much, y'all can be seated. All right. So what's going to
11 happen, ladies and gentlemen, is that you'll recall that
12 you're under oath. I'm going to ask some case specific
13 questions now, and just like we did during qualifications,
14 if a question applies to you please stand where you are and
15 I will get your response. Make sure it's in a loud clear
16 voice, and if you're okay with lowering your mask I would
17 ask that you do that so we can hear you and see you better.
18 Okay? Now, before I ask the questions, let me have each
19 side, of course, formally introduce themselves to you. We
20 call -- in South Carolina we call prosecutors solicitors.
21 They're called district attorneys elsewhere or state's
22 attorneys but we call them solicitors in South Carolina. So
23 I'm going to have the prosecutors or the solicitors
24 introduce themselves to you and anybody seated at their
25 table. Likewise, I'm going to have the defense lawyers

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1 introduce themselves to you and the people seated at their
2 table because some questions are going to deal with that.
3 All right, Solicitor?

4 MR. NEWMAN: Good morning. Again, I'm Randy Newman,
5 I'm your Elected Solicitor. I have with me Assistant
6 Solicitor Melissa McGinnis, Assistant Solicitor Luck
7 Campbell. Behind me is Agent Dustin Dailey with SLED,
8 Lieutenant Jennifer Rumbaugh with the Lancaster County
9 Sheriff's Office. Across the room, Investigator Keith Lewis
10 with the solicitor's office. Also Investigator Harlene
11 Carter with the solicitor's office.

12 THE COURT: All right. Thank you, Solicitor.
13 Mr. Belton?

14 MR. BELTON: Thank you, Your Honor. My name is Montrio
15 Belton. I am representing defense attorney for Breante
16 Stevens. Seated with me not today but will be here the rest
17 of the week is LaDaria (phonetically) Richardson and
18 Brittany Colton.

19 THE COURT: Thank you, sir. Mr. Sheldon?

20 MR. SHELDON: Thank you, Your Honor. May it please the
21 Court? My name is Nathan Sheldon, this is Mr. Champion.
22 I'm here with my investigators Candice Letnich and Jeremy
23 Whitesell. Jeremy will be here part of the week, Candice
24 will be here all week.

25 THE COURT: Thank you, sir. All right. So the first

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1 know and I promise I will take care of it. Okay? Ladies
2 and gentlemen, lastly, the last thing I say to you before
3 you hear from the lawyers is that it's very important that
4 you keep an open mind and not decide any issue in this case
5 until you've heard everything, until the parties have made
6 their closing arguments and until I've told you the law.
7 It's your solemn responsibility to determine the guilt or
8 innocence of the defendants, and your verdict must be based
9 solely on the evidence that is presented to you in this
10 trial and on the law that I instruct you at the close of the
11 trial. Thank you, again, very much. I ask that you give
12 the same courtesy of attentiveness to the lawyers. The
13 State may make its opening statement.

14 MR. NEWMAN: Thank you, Your Honor. May it please the
15 Court?

16 THE COURT: Yes, sir.

17 MR. NEWMAN: Good morning, ladies and gentlemen. I'm
18 going to back up because I'm not going to wear my mask as I
19 speak. Ladies and gentlemen, I want to thank you for your
20 service. I want to thank you for being here and for
21 fulfilling this most important duty. You have a very
22 important task and that is to give these two murderers a
23 fair trial, but most importantly, or just as importantly, to
24 seek justice for these ten victims. Henry Lee Colvin, age
25 29, lost his life, shot and killed. Aaron Harris, age 28,

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1 also lost his life, shot and killed. Antquavious Douglas,
2 he's shot, he's flown to Charlotte. Charles Mobley, also
3 shot, flown to Charlotte. Christopher Belton, shot, flown
4 to Charlotte. LaShonda Barnes, shot, flown to Charlotte.
5 Four medi-flights from one incident. Tony Dixon, shot,
6 treated here at MUSC. Brenia Davis, shot, treated here at
7 MUSC. Timothy McCain, shot, treated here at MUSC. And
8 lastly, Kjana Locke, shot, treated here at MUSC. All of
9 them shot by these two who are on trial here today. As
10 solicitor I represent the State of South Carolina, and I
11 must prove to you through evidence and testimony that these
12 two, in fact, committed the murders, and the assaults, and
13 the gun crimes that they're charged with, and I must prove
14 beyond a reasonable doubt. So that's why we're here. Now,
15 let's talk for a minute about how we got here. So it's
16 Friday, September 20th, 2019. It's a Friday night and it
17 probably starts out like any other. There's a party this
18 night at Old Skool Sports Bar here in Lancaster. There's
19 going to be a DJ, dancing, drinking. We're dressed up,
20 we're looking good, we're feeling good, we're going to have
21 fun. It cost \$20 to get in this night, but that's okay
22 because these party promoters, man, they've got a crowd
23 here, unprecedented crowd for this club, and we all came to
24 have fun. And unbeknownst to these partygoers their night
25 will end early Saturday morning in tragedy. Sheer mayhem

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1 will break out close to the end of the night. I'm talking
2 about a mass shooting, folks, a mass shooting that will
3 leave ten people shot, two dead, four flown out by
4 helicopter, four taken locally to MUSC. Several others
5 trampled in the mayhem in the stampeding crowd to try to get
6 out that door, all trying to avoid a hail of gunfire shot by
7 Breante Stevens and Antonio Champion. Twenty-nine year old
8 Henry Lee Colvin died of multiple gunshot wounds on the
9 dance floor. Twenty-eight year old Aaron Harris, shot on
10 the dance floor, manages to stagger outside where he will
11 collapse and ultimately die in the parking lot of that club.
12 Antquavious Douglas, Charles Mobley, Christopher Belton, and
13 LaShonda Barnes all flown out to CMC or Atrium with life
14 threatening injuries. Tony Dixon, Brenia Davis, Timothy
15 McCain, Kjana Locke, all treated locally for gunshot wounds.
16 Evidence will show that this mass shooting occurred just
17 after 2:30 a.m., and Breante, or Breezo Dolla, and Antonio
18 Champion jump up on the stage and start shooting. Through
19 witness statements and video surveillance from the club
20 we'll show that Breezo and Lee Colvin had a prior and maybe
21 an ongoing dispute, and Breezo and Mr. Colvin, in fact, have
22 words this night. There was a verbal altercation. Mr.
23 Dolla cowardly runs away, but he doesn't run far, he runs
24 outside to his car and he gets his gun. While he's doing
25 this, Mr. Champion is preparing his firearm by moving it

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1 from one pocket to another. Mr. Breezo reenters the club,
2 goes straight to the stage area where he and Mr. Champion
3 open fire on hundreds of innocent partygoers. Both men then
4 flee the scene, they flee the club amongst the stamped that
5 they've caused. Both are able to flee the scene completely
6 during the chaos that followed. When the dust settled law
7 enforcement found 16 fired shell casings in the club, two
8 dead bodies, eight people shot, and several others needing
9 medical attention. In the coming days both Breante Stevens
10 and Antonio Champion will be named by law enforcement as
11 suspects, as the shooters. When confronted with the video
12 of themself with a gun in the club, Mr. Champion tells law
13 enforcement where he hid his .380 automatic pistol. That
14 pistol was recovered by law enforcement and it will later be
15 matched to the .380 fire shells casings in that club.
16 Breezo Dolla is nowhere to be found. He will be tracked by
17 law enforcement down to Charleston, South Carolina, later
18 onto South Florida, where he was ultimately captured on
19 September 30th. Mr. Dolla and Mr. Champion are each charged
20 with two counts of murder, with the murder of Mr. Harris,
21 Mr. Colvin, eight counts of assault and battery of a high
22 and aggravated nature, ten counts of possession of a firearm
23 during the commission of a violent crime, because both
24 murder and assault and battery are both considered violent
25 crimes. Mr. Dolla additionally is charged with possession

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1 of a firearm by a person convicted of a crime of violence.
2 So you may wonder, can two be charged with the murder of
3 one? You have both folks charged with both murders, can
4 both folks be charged? Can both folks be convicted? The
5 answer is yes, and that's called the hand of one, hand of
6 all. Under South Carolina law if a crime is committed by
7 two or more persons acting together in the commission of a
8 crime then the act of one is the act of both, and that's the
9 hand of one, hand of all. You may say, well, if they were
10 arguing, is it self-defense? The answer is no. South
11 Carolina law of self-defense is very clear, it says among
12 other things that the defendant must be without fault in
13 bringing on the difficulty. Evidence will show that this is
14 not the case here. Also you have a duty to retreat. If you
15 have the ability to do so, you have a duty to retreat. In
16 other words, there's no probable means of avoiding the
17 danger. Folks, they're in a crowded nightclub, either one
18 could have left. In fact, one of them did to retrieve a gun
19 and come back, while the other is seen preparing his
20 firearm. The defendant's decision to exit the building and
21 retrieve his loaded guns after his confrontation with the
22 victim was all but over should be seen as an act -- a
23 calculated act to provoke a new altercation with the victim.
24 And you should know that this defendant intended to wreak
25 havoc and he didn't care who got in the way. They had no

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1 regard for human life that night. So no, folks, it is not
2 self-defense. Ladies and gentlemen, I'm going to echo some
3 of the same things the Judge said. I want you -- I'm going
4 to ask you to be patient with us, I'm going to ask you to be
5 reasonable with us. Our goal is to give these men a fair
6 trial and to seek justice for these ten victims. In order
7 to do that we need you to be patient, we need you to be
8 reasonable, and we need you to pay attention. I want you to
9 understand that this investigation didn't just take hours,
10 it took months, so we're not going to be done in hours.
11 We've watched TV shows and crime shows on TV, and in the
12 beginning of the show you see a crime committed, and within
13 a one hour time slot you see the perpetrator captured, you
14 may even see him tried and convicted in that same hour.
15 Folks, that don't happen. This ain't TV, this is real.
16 This is a real mass shooting with ten real victims, two of
17 which lost their lives, eight of which have lives that will
18 never be the same. So be patient, be reasonable, and
19 understand that beyond a reasonable doubt does not mean
20 without any doubt. It does not mean beyond any doubt, but
21 beyond a reasonable doubt, a reasonable doubt that would
22 make a reasonable person hesitate to act. Be patient.
23 You're going to see and hear a lot of evidence from
24 witnesses. Myself, Ms. Campbell, and Ms. McGinnis, we're
25 going to put -- ask folks to come to that stand and we're

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1 going to ask questions. Mr. Belton and Mr. Sheldon, they
2 going to ask questions as well. It's going to take some
3 time, folks. The judge told you yesterday we may not be
4 finished this week, so be patient. And lastly, I ask you to
5 pay attention. Nobody is going to get on that stand and
6 tell us the complete story from start to finish, rather
7 we're going to put folks on the stand and give you snippets
8 of what they saw and what they did, kind of like pieces of a
9 puzzle. And at the end you will see the whole horrible
10 picture that this puzzle puts together, this horrible mass
11 shooting that took the lives of Mr. Colvin and Mr. Harris,
12 and you will know beyond a reasonable doubt that Breante
13 Breezo Dolla Stevens and Antonio Champion are guilty as
14 charged. Thank you.

15 THE COURT: Thank you, Solicitor. Mr. Belton?

16 MR. BELTON: May it please the Court?

17 THE COURT: Yes, sir.

18 MR. BELTON: Ladies and gentlemen of the jury, good
19 morning. When I started this journey some 26 years ago that
20 ultimately -- or actually nearly 29 years ago now, that
21 ultimately ended up here in this courtroom was a journey
22 that had many different paths, could have gone many
23 different paths. It was a journey with my deciding what do
24 you want to do in life. And there were options I had and
25 options I considered. It's important for you to understand

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1 that journey so you understand what my role will be here
2 these next couple of days. The journey initially started
3 when I left the military as to whether or not I would be in
4 law enforcement. In fact, my mother had worked for the
5 Abbeville County Sheriff's Department. In fact, I spent
6 many days as a child inside a holding cell being tutored by
7 the inmates there and the trustees at the jail. In fact, in
8 elementary school nearly everyday of my elementary life I
9 was picked up by a squad car as I left school. And then I
10 got to high school and I was inspired by a high school
11 teacher, and one day he gave me a book of the Biography of
12 Thurgood Marshall. I read the book on Thurgood Marshall and
13 at that point I was inspired that maybe I wanted to be an
14 attorney. Then as I left basic training I ended up in -- I
15 ended up meeting a man who talked to me about being a school
16 teacher, and so I ended up for the first five years of my
17 career as a school teacher, as a school teacher who had the
18 fortunate opportunity to inspire many young people to learn
19 about this great country we live in. And I got to do pretty
20 much what I'm doing now, stand in front of a classroom of
21 young people and advocate for this great democracy that we
22 live in. So I was able to do it as a soldier, I was able to
23 do it as a school teacher, and now able to do it as an
24 attorney. While I was a school teacher some of my first
25 subjects, or one of my favorite subjects that I liked to

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1 teach was the American Revolution, and in the American
2 Revolution there was some events that ultimately led to the
3 American Revolution. And those of us who are students of
4 history, we realize that we had the Patriots, who were the
5 Americans, and we had the Red Coats, who were the British.
6 And there was a great American in our history and his name
7 is John Adams. John Adams eventually became President of
8 the United States. But prior to John Adams becoming
9 President of the United States he was a 34 year old lawyer
10 in Boston, Massachusetts, and as this 34 year old lawyer in
11 Boston, Massachusetts, he was confronted with a decision.
12 Because one night as some American Patriots were out in the
13 City of Boston the story has that they were throwing rocks
14 and throwing oyster shells and throwing snowballs onto some
15 British Red Coats, and those British Red Coats opened fire
16 and killed and hurt some of the America Patriots. And John
17 Adams, recognizing how fragile our democracy may be that we
18 were attempting to build, and this is prior to the American
19 Revolution and prior to the Declaration of Independence, but
20 he realized that if America was going to be America that the
21 fundamental principle of a man having the right to come to
22 court and face a jury of his peers cloaked in the
23 presumption of innocence, he had to be the one at that time
24 to stand between the government and the people. And today,
25 ladies and gentlemen, as John Adams stood 251 years ago, I

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1 stand today. I stand between the government and one of our
2 fellow American citizens, Breante Stevens, who sits there at
3 that table. And they're going to refer to him as Breezo
4 Dolla and Dolla as the stage name, but at the end of the day
5 Mr. Stevens, regardless of what the State refers to him as;
6 murderer; Breezo Dolla, Dolla, is an America citizen cloaked
7 in the presumption of innocence and protected by every word
8 of that constitution that we all hold dear. So Mr. Adams
9 decided despite the backlash that he would represent the
10 British Red Coats, that he would stand in the well of a
11 courtroom in Boston and represent these men. And just like,
12 just like those American Patriots who were killed and gave
13 him pressure, he said these British Red Coats deserve to
14 have this protection, and if our democracy is going to
15 survive, our constitution, which we ultimately will get to a
16 few years later, if it's going to mean anything then the
17 right to trial has to be preserved. And ladies and
18 gentlemen, just like 251 years ago when those Red Coats felt
19 like their lives were in danger and they're opening their
20 weapons, we submit to you and we believe the evidence will
21 show that Mr. Stevens was ultimately in fear of losing his
22 life that night in that club. Ladies and gentlemen, you
23 have been presented with some indictments. As the Judge has
24 indicated to you many times -- or you've been read
25 indictments, as the Judge has indicated to you many times

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1 they are pieces of paper. Let me go ahead and make some --
2 or help you understand where we're going with this. Mr.
3 Stevens does not deny shooting and killing Mr. Colvin.
4 You're going to find, or you will hear, the evidence will
5 show, that Mr. Colvin was killed ultimately by a .45 caliber
6 pistol. A .45 pistol is what Mr. Stevens was shooting.
7 Okay? He did shoot him, he did kill him. Unfortunately
8 Mr. Harris died of a gunshot wound but it was not, and we
9 believe the evidence will show, it was not at the hands of
10 Mr. Stevens. There were other people who were shot in the
11 club. We also believe the evidence will show that they were
12 not shot by the firearm that Mr. Stevens was shooting. What
13 the evidence also is going to show that immediately before
14 the shootout or the -- and I am calling it a shootout very
15 purposefully, they're going to refer to this place as the
16 Old Skool Sports Bar. What it really is is the Old Skool
17 O.K. Coral, where many people, the evidence will show, had
18 guns. Many people in that club, the evidence will show, was
19 shooting. Many different caliber weapons were found, and
20 even under the theory of this State's case. What we do know
21 Mr. Stevens, sitting here, is not only is he an American
22 citizen but he's also not an octopus. We know based on what
23 the evidence will show that it's absolutely humanly
24 impossible that he could have fired all the guns and the
25 shell casings that will be found at the Old Skool Coral

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1 September the 20th and September the 21st. Ladies and
2 gentlemen, we're in a club that night. It's dark, it is
3 chaotic, multiple shooter, multiple guns, multiple shots,
4 people running, people got hurt, some of them innocently got
5 hurt, we certainly don't deny that. But what we will
6 present -- intend to show you is that unfortunately Mr.
7 Colvin provoked an act that ultimately ended in his losing
8 his life. Ladies and gentlemen, in our great country of
9 ours and in this particular State of South Carolina I am not
10 the judge of the law, the gentleman sitting in the black
11 robe is the judge of the law. He will ultimately give you
12 the law at the end of this case. But we believe that the
13 evidence will show as part of the law reads, among other
14 things, that any man, any man, just like those Red Coats 251
15 years ago, who believes that his life, that believes he's in
16 imminent danger of losing his life has the right to take the
17 life of another man. And so just like John Adams, who stood
18 in a courtroom in Massachusetts 251 years ago and asked what
19 will become his citizens, his fellow brothers, and asked
20 them to find the American -- or the British Red Coats not
21 guilty, I will come back at the end of this trial and I will
22 ask each of you to find one of our citizens not guilty of
23 these crimes in which he is charged. Thank you.

24 THE COURT: Thank you, Mr. Belton. Mr. Sheldon.

25 MR. SHELDON: Solicitor, Ms. McGinnis, Ms. Campbell,

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1 Mr. Belton. May it please the Court, Your Honor?

2 THE COURT: Yes, sir.

3 MR. SHELDON: You've just heard two great stories from
4 two great narrators in this case, or lawyers. That's what
5 we are, we are trial lawyers. We are narrators to tell a
6 story during an opening statement. You've heard a story of
7 what the State thinks is going to happen, we've heard a
8 story of what Mr. Belton thinks is going to happen, but the
9 story, that's not evidence. As the Judge instructed you,
10 none of this is evidence. The only evidence you're going to
11 hear is going to come from that box right over there and
12 it's going to come from the witnesses in this case. Because
13 like in anything else, whether it's a Broadway show, whether
14 it's a book, whether it's a movie, the narrator guides the
15 story, but they don't get to tell the story. Only the
16 witnesses in this case are going to tell you a story. And I
17 just -- before I forget I want to let y'all know, if y'all
18 have got to wear a mask I'm going to wear a mask, too. If
19 you can't hear me just raise your hand and I'll take my mask
20 off. But getting back, that's where the story is going to
21 come from. This is all fine and dandy in that, you know,
22 you can call it a preview to a movie, but it's a preview to
23 a movie that hasn't even been written yet, because it's
24 going to be written during this trial. So I'm not going to
25 stand up here and tell you what the evidence is going to

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1 show. I'm not going to stand up here and say this is this
2 and this is that, because I don't know what the evidence is
3 going to show, it hadn't started yet. And none of these
4 lawyers in this room, none of these officers, no one in this
5 room knows what the evidence is going to show because that's
6 all going to come from there. And that's important. I'm
7 not going to say that, and frankly it doesn't matter what I
8 think the facts are, it only matters what y'all think the
9 facts are. You, as jurors, are the sole determinants of
10 what the facts in this case are. You are the sole fact
11 finders in this case. You are the sole people that get to
12 judge the credibility of the witnesses. You are the sole
13 people that get to determine the weight of the evidence.
14 You are the sole people that get to determine any of that.
15 And because of that, because you're the sole determinants,
16 because you're the sole fact finders, that makes you the
17 most powerful and most important people in this room. This
18 is my office. This is their office, they work upstairs.
19 This is Mr. Belton's office. This is where we work. This
20 is the Judge's office, this is where he works. But you are
21 the most important people here because you are the ones that
22 determine the facts. But because you're the most important
23 people here you have that great power, and with great power
24 always comes great responsibility, and your great
25 responsibility in this case is to take it seriously. I'm

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1 not going to thank you for being here, none of you want to
2 be here, it's your civic duty to be here. I appreciate the
3 fact that you're here but you must take this seriously.
4 Mr. Champion is charged with serious charges, there's no
5 doubt about it. This -- I want to get -- first get through
6 this notion that we're here to give them a fair trial and to
7 seek justice for the victims. That's not correct, I
8 disagree with the solicitor in that. We are here to seek
9 justice because this is the justice system, justice for the
10 State but also justice for the defendants. What is just is
11 what is right. It's not justice for anyone, it's justice
12 for all. Your job is to seek justice, and that's your job.
13 We are not delivering justice to any human being, we're not
14 delivering justice. This is a system, this is a justice
15 system. This is the system that works. But it's to seek
16 justice. Not to seek justice for any of the ten people
17 listed on there, not to seek justice for Mr. Stevens, not to
18 seek justice for my client, Mr. Champion, but to seek
19 justice period. That's why we are here. The fact that Mr.
20 Champion is charged with these serious crimes doesn't mean
21 anything. The State has issued indictments. You've heard
22 the Judge talk and he said these indictments aren't evidence
23 and he's right. They're simply pieces of paper. They are
24 charging documents that provide the catalyst to get where we
25 are today. The State indicts, the Judge has the

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1 indictments, those state the charges, that's all they are.
2 The charges themselves aren't evidence, none of that is
3 evidence. Again, the only evidence that you are to consider
4 is going to come from right over there. It's going to come
5 from people that stand up, they take an oath, they swear to
6 tell the truth, they sit down, they give testimony, exhibits
7 come into evidence and that's all you are to consider. I
8 cannot remind you enough, but the burden of proof in this
9 case rests solely with the government. This table right
10 here has the burden. We don't have to do anything. Mr.
11 Champion doesn't have to do anything. He doesn't have to do
12 a thing. The burden of proof in this country in this case
13 in this courtroom in this city rests solely with the
14 government, with these three individuals right here.
15 Mr. Champion is to be presumed innocent. Let me repeat
16 that. Mr. Champion is to be presumed innocent. Y'all have
17 to do that. That shroud of innocence carries with him
18 throughout the entire length of the trial. It carries with
19 him through all of the testimony that you're going to hear.
20 It carried with him through their opening, it carried with
21 him through his opening, through Mr. Belton's opening, it
22 certainly carries through my opening, it carries through
23 everything, it goes back to deliberation, he is still
24 shrouded in innocence. You have to do that, and that's hard
25 to do. Look, y'all, I'm married, I watch Dateline with my

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1 wife with all the time. You know, we sit in the bedroom and
2 watch Dateline. It doesn't matter. It doesn't matter what
3 the facts of the case are, she immediately turns to me and
4 says he or she is guilty, they got to be guilty. They were
5 arrested, they've got to be guilty. That's okay. It's
6 okay. We all do it. We do it when we're watching the news.
7 We do it when we read the newspaper, because somebody was
8 arrested they've got to be guilty, and that's okay. It's
9 okay that you think that out there. It's not okay in here.
10 It's not okay today. You cannot do that. You must actually
11 think the opposite. They are presumed innocent, and they're
12 presumed innocent up until the point the State tries to
13 prove them guilty beyond a reasonable doubt. What does that
14 mean? The Judge is going to instruct you on the law, but
15 it's simple, reasonable doubt is a doubt based on reason.
16 It's a doubt that would cause you to hesitate to act in the
17 more important affairs in your life. We're going to get
18 into more of that after the Judge instructs you on the law
19 in closing argument after you've heard everything, but it's
20 simple, it is a doubt based on reason, right, that would
21 cause an ordinary person, any reasonable person, which we
22 assume all of you are, to hesitate to act in the more
23 important affairs in your life. That's what reasonable
24 doubt is. That is the burden of proof in this case. Some
25 of you may have sat on a civil jury before, some of you may

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1 have been involved in a civil trial before, I don't really
2 know, but the burden in civil cases is different, and it's
3 important to understand the distinction. The burden in a
4 civil case is by a preponderance of the evidence, right?
5 Greater weight of the evidence, preponderance of the
6 evidence so everyone will say it, more likely than not. I
7 would like to use the analogy of a football game. We talked
8 about football earlier, the Judge did. Well, imagine a
9 football game in a civil case, the side that prevails only
10 needs to cross the 50-yard line to score. In a criminal
11 case, reasonable doubt, they've got to go a lot further than
12 that. Imagine a football game if you've only had to cross
13 the 50-yard line to score a touchdown. That's the
14 difference between a criminal case, reasonable doubt; civil
15 case, preponderance of the evidence. Preponderance of the
16 evidence, scale, that lady justice, we've all seen,
17 blindfolded and everything, that scale just has to tip
18 slightly and you win in a civil case. But this isn't a
19 civil case, this is a criminal case, the scale has got to
20 tilt, they've got to tilt significantly. They've got to go
21 past the 50-yard line. They've got to go significantly past
22 the 50-yard line, that's what we're talking about here. And
23 there are certainly facts that we do agree with. I
24 certainly agree that Mr. Champion was at the club, there's
25 no question. I certainly agree that Mr. Champion had a

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1 .380. He brought the .380 to the club, I'm telling y'all he
2 did. There's no question that he also he fired that .380
3 three times. Nobody got hit by a .380, no one, no one.
4 There's not a single shred of evidence that you're going to
5 hear today that says that anybody was hit by a .380. Keep
6 that in mind when you're going through this trial. There
7 are certain things that the government forgot to tell you
8 about. There's 9 millimeter shell casings. There's shell
9 casings found outside. We're going to hear about all of
10 that. You're going to hear about all of that. So that's
11 what I'm saying, there are stories here, but these stories
12 aren't painting the entire picture. They are not putting
13 together Mr. Newman's -- they're never going to be able to
14 put together Mr. Newman's puzzle. At the end of this case
15 that puzzle is going to have missing corners, missing edges
16 and a big hole in the middle of it because they're not going
17 to be able to do that. Guys, the role of the Judge in this
18 case is simple, too, I do want to touch on that. Y'all are
19 the sole determinant fact finders in this case, but the
20 Judge is the sole determinant of the law, and it's your job
21 at the end of this case -- he's going to instruct you on the
22 law and he's going to tell you what the law is, and I
23 really, really, really want y'all to listen to that, because
24 the law in case is important. It's important that you guys
25 understand it. But you have to apply that law to the facts,

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1 and in order to do that you have to know what the facts are,
2 you have to listen. And again, I'm imploring y'all, just
3 like everyone else, to listen. The Judge's responsibility
4 also, like he said, is to play referee between us. He's
5 going to call balls and strikes, you know. None of us does
6 anything intentionally to break rules but we have rules that
7 we operate under, and certainly the Judge is going to make
8 sure that the lawyers are fair to each other. And that's --
9 I'm going to tell you guys a story, because that's really
10 ultimately the one thing I want y'all to do. I went to the
11 Braves playoff game last week, I think, with my little five
12 year old son. Drove to Atlanta, went to the last game of
13 the ALDS where they beat the Brewers. Got there -- because
14 he's five we got there significantly early, I didn't how
15 long it was going to take to get there, and I didn't want to
16 do the ingress and egress with a little five year old with
17 40,000 other people we get, so we get to that baseball game
18 and we get there very, very early. We get there so early
19 that the grounds crew is actually working on the field.
20 They're raking the dirt, they're spraying the dirt to make
21 sure it's clean, right? They're are doing all of those
22 things. He looks at me and he says: Dad, why are they
23 doing that? I said: Well, they just want to make sure the
24 field is perfect. They want to make sure the field looks
25 good. And like a five year old he looks at me and says:

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1 Well, why do they want to do that? I thought about it and I
2 said: Harrison, it's a good question. They want to do that
3 because they want to make sure the surface is perfect, but
4 they want to make sure that the surface is perfect so that
5 both sides are treated equally, so that the surface is fair,
6 so that there's no interference with the game. If we have
7 an imperfect service then something else could determine the
8 outcome of the game other than the actual game being played.
9 That's all I want y'all to do is be fair. I want you to be
10 fair to the government, I want you to be fair to Mr.
11 Stevens, I certainly want you to be fair to Mr. Champion. I
12 am just asking y'all to be fair, and if you are fair, if you
13 take this job seriously, if you listen to the law that's
14 instructed, certainly if you listen to the testimony that's
15 presented, if you take all of those things, if you do all of
16 that, if you understand that the presumption of innocence
17 remains with our clients, if you do all of those things then
18 at the end of this trial I assure you, you will have no
19 other choice than to find Mr. Champion not guilty.

20 THE COURT: Thank you, Mr. Sheldon. All right. Ladies
21 and gentlemen of the jury, let's take a quick recess,
22 comfort recess, while the lawyers get ready and start
23 presenting the evidence in the case. Okay? Don't talk
24 about it, we'll get you out here momentarily, thank you very
25 much. Head on back to your room.

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1 (The jury left the courtroom.)

2 THE COURT: All right. About ten minutes and we'll get
3 started.

4 (A break was taken.)

5 MR. NEWMAN: I think the issue we just talked about is
6 a possible plea to this possession of a firearm by a person
7 convicted of a crime of violence. My issue with it is I
8 brought it up in my opening and I certainly don't want to be
9 discredited in any way by the jury because of something that
10 I brought up and it's just disappeared. So I --

11 THE COURT: Well, you don't have to allow him to plead
12 guilty. You're under no -- that's a decision that you make
13 on behalf of the State whether or not to allow a defendant
14 to plead guilty. If you don't want to allow him to plead
15 guilty you can still go forward on it, that's up to you. I
16 understand the defense wanting to do it, I understand the
17 strategy behind it, but, you know, just because somebody
18 wants to plead guilty doesn't mean you've got to take it. I
19 mean, do you want to allow him to plead guilty to it or not?

20 MR. NEWMAN: Give me just a second.

21 THE COURT: Okay. Y'all let me know.

22 MR. BELTON: May I speak, Your Honor, just for the
23 purposes of the record?

24 THE COURT: Yeah.

25 MR. BELTON: Your Honor, I think the case has been

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1 called and I would just submit that if the case has already
2 been called a defendant can plead straight up and plead
3 guilty whenever he wants to. People plead in the middle of
4 trials all the time. Secondly, actually I think I would
5 credit the solicitor, not discredit the solicitor, that he
6 said that my client was guilty of this, and my client is
7 acknowledging that he's guilty of it, so I actually think it
8 brings credibility to the solicitor, not discredit the
9 solicitor.

10 MR. NEWMAN: That's fine as long as they get to know
11 that it happened.

12 MR. BELTON: I'll say he pled guilty to it.

13 MR. NEWMAN: That's fine.

14 MR. BELTON: Or, Judge, if you want to issue just a
15 neutral that he's resolved this charge by guilty plea, it
16 coming from the bench instead of the lawyers, you know,
17 then --

18 THE COURT: If I say it for one I'm going to say it for
19 both, that's the thing. Well, your case wasn't called so --
20 I don't know. Let me look at it. Y'all keep talking, I'm
21 listening.

22 MR. NEWMAN: I guess I'm okay with it --

23 MR. BELTON: We can deal with it tomorrow. It's not
24 something we can deal with right now, Your Honor.

25 MR. NEWMAN: I think his position is he don't want us

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1 to be able to talk about it during the trial and I'm okay
2 with that as long as we can tell the jury that it happened.
3 I just don't want to be discredited by saying it in my
4 opening and now it just disappears.

5 THE COURT: Well, kind of briefly what we're talking
6 about in the hall, you know, simply let the jury know that
7 that matter has been resolved by a guilty plea, as simple as
8 that.

9 MR. BELTON: Your Honor, let's just move forward with
10 the trial.

11 THE COURT: That's fine. If it happens I'll tell them
12 that at the end, not now before everything starts because
13 that will take the entire proceedings. Do you understand
14 what I'm saying?

15 MR. NEWMAN: Yes, sir, Your Honor.

16 THE COURT: All right. Let's get everybody in here
17 before the jury comes in. I don't want people going in and
18 out as much as possible during the case, please. Are y'all
19 ready for the jury? All right. Bring them on down.

20 (The jury returned to the courtroom.)

21 THE COURT: Thank you, ladies and gentlemen. Sorry the
22 break took a little bit longer, things happen like that,
23 made sure all of the stuff is working. All right. Is the
24 State ready to call its first witness?

25 MR. NEWMAN: Yes, Your Honor.

ROBERT PURSER - DIRECT

1 THE COURT: All right. Call your witness.

2 MR. NEWMAN: State calls Robert Purser.

3 The witness, ROBERT PURSER, was first duly sworn and

4 Testified as follows:

5 THE COURT: Sir, you can remove your mask. Make sure
6 you speak loud and move into that microphone.

7 DIRECT EXAMINATION

8 BY MR. NEWMAN:

9 Q Please state your name for the record.

10 A Robert Purser.

11 Q Mr. Purser, where are you employed?

12 A I work at Lancaster County Public Safety
13 Communications, I'm the director.

14 Q What are your duties as director?

15 A To oversee all functions of Lancaster County's 911
16 system.

17 Q Okay. So when somebody calls 911, is that recorded?

18 A Yes, sir.

19 Q And it's saved somehow --

20 A It is, yes, sir.

21 Q -- after it's recorded? I'm going to show you what has
22 been marked as State's Exhibit 7. Do you recognize this?

23 A I do.

24 Q What is this?

25 A That is the requested recordings of the 911 calls.

ROBERT PURSER - DIRECT

1 Q So this is an actual recording of the calls that came
2 in on Saturday, September 21, in regards to the shooting at
3 Old Skool.

4 A It is.

5 Q Has it been altered in any way?

6 A No, sir.

7 Q And these are kept in the normal course of business?

8 A As far as --

9 Q As far as phone calls, they're recorded and stored in
10 the normal course of business?

11 A That's correct.

12 Q In other words, you didn't just record this call, you
13 record all of them.

14 A No, sir. We record everything.

15 MR. NEWMAN: Your Honor, at this time I would offer
16 State's 7 into evidence.

17 THE COURT: Any objection?

18 MR. BELTON: No, Your Honor.

19 MR. SHELDON: Without objection, Your Honor.

20 (State's 7 was received into evidence.)

21 THE COURT: All right. Without objection entered into
22 evidence.

23 MR. NEWMAN: Permission to publish, Your Honor?

24 THE COURT: Permission to publish granted. Ladies and
25 gentlemen, just listen carefully.

ROBERT PURSER - DIRECT

1 (The 911 recordings were played.)

2 Q Mr. Purser, you being the director you don't answer.

3 If I call 911 you don't answer, do you?

4 A No, sir.

5 Q You didn't take any of these calls, right?

6 A I did not.

7 MR. NEWMAN: I've got no further questions. Please
8 answer anything that Mr. Belton or Mr. Sheldon may have.

9 THE COURT: Mr. Belton or Mr. Sheldon?

10 MR. BELTON: Thank you.

11 CROSS EXAMINATION

12 BY MR. BELTON:

13 Q Mr. Purser, good morning. What time did the first call
14 come in?

15 A I'm actually not sure of the actual time that it came
16 in.

17 Q Okay. Do you know which officer arrived first?

18 A I do not. I'm assuming it would be someone from city
19 PD.

20 Q City PD? Lancaster City PD?

21 A Yes, sir.

22 Q And PD means police department.

23 A Police department, yes, sir.

24 Q And you have no idea which officer that is?

25 A No, sir.

ROBERT PURSER - CROSS

1 Q All right. Do you know what was the time between the
2 first call coming in and the officer arriving, do you know
3 that?

4 A I do not.

5 Q All right. And other than authenticating the records
6 here today, your testimony is you don't know anything about
7 this case other than these are the actual calls that came
8 in?

9 A That is correct, yes, sir.

10 MR. BELTON: Thank you. No further questions.

11 THE COURT: Mr. Sheldon?

12 MR. SHELDON: Judge, I don't have any questions for
13 this witness.

14 THE COURT: All right. Thank you.

15 MR. NEWMAN: I ask that he be released from his
16 subpoena.

17 THE COURT: Thank you, sir, you're free to leave. You
18 can step down. State can call its next witness.

19 MS. MCGINNIS: State calls Tim Ramsey.

20 The witness, TIM RAMSEY, was first duly sworn and
21 Testified as follows:

22 DIRECT EXAMINATION

23 BY MS. MCGINNIS:

24 Q Good morning, Officer. Can you state your name for the
25 record?

TIMOTHY RAMSEY - DIRECT

- 1 A Timothy Ramsey.
- 2 Q And where do you work right now?
- 3 A I'm currently employed by the Greenville County
- 4 Sheriff's Office.
- 5 Q Prior to that where did you work?
- 6 A I worked for Lancaster County Sheriff's Office.
- 7 Q Did you work for the Lancaster County Sheriff's Office
- 8 on September 21st of 2019?
- 9 A I did.
- 10 Q What was your title at that time?
- 11 A I was a Sergeant assigned to patrol.
- 12 Q And as a Patrol Sergeant on September 21st of 2019, did
- 13 you have an opportunity to respond to a call at the Old
- 14 Skool Night Club?
- 15 A I did.
- 16 Q And what did that call come out as originally?
- 17 A The initial call came out as a fight call, and dispatch
- 18 almost immediately advised after that they were receiving
- 19 multiple calls in reference to a shooting.
- 20 Q And do you know the address of the Old Skool club here
- 21 in
- 22 A Yes. It's in 1384 Old Charlotte Road, Lancaster, South
- 23 Carolina, which is in Lancaster County.
- 24 Q It is in Lancaster County.
- 25 A Yes.

TIMOTHY RAMSEY - DIRECT

- 1 Q About what time was that?
- 2 A It was around 2:43 a.m.
- 3 Q And you responded from where you were at on patrol?
- 4 A That's correct.
- 5 Q When you responded, were you wearing a body-worn
6 camera?
- 7 A I was.
- 8 Q Is that issued by the Lancaster County Sheriff's
9 Office?
- 10 A It is.
- 11 Q Did you activate that when you arrived on scene?
- 12 A I did.
- 13 Q Have you reviewed that body-worn camera footage?
- 14 A I have.
- 15 Q Does it fairly and accurately depict what happened that
16 night when you responded to that scene?
- 17 A It does.
- 18 Q I'm going to hand you what's been marked as State's
19 Exhibit 8. Have you reviewed this particular item?
- 20 A Yes, I have.
- 21 Q And what is on that?
- 22 A My body-worn camera footage from the incident.
- 23 Q And again, that's a fair and accurate depiction of what
24 happened that night?
- 25 A That is correct, it is.

TIMOTHY RAMSEY - DIRECT

1 Q It hasn't been altered in any way?

2 A No, ma'am.

3 MS. MCGINNIS: Judge, at this time we would offer
4 State's 8 into evidence.

5 THE COURT: Any objection?

6 MR. BELTON: I'm sorry, Your Honor. We were trying
7 to -- beg the Court's indulgence.

8 THE COURT: Okay. Sure.

9 (Break in proceedings.)

10 MR. BELTON: Your Honor, what we were discussing here
11 was -- may we approach, Your Honor?

12 THE COURT: Sure. Come on up here.

13 (A bench conference was held.)

14 THE COURT: Any objection to the introduction of the
15 body camera footage?

16 MR. BELTON: No, Your Honor.

17 THE COURT: Mr. Sheldon?

18 MR. SHELDON: No objection, Your Honor.

19 THE COURT: Without objection introduced into evidence.

20 (State's 8 was received.)

21 Q Officer Ramsey, can you tell the jury what you saw when
22 you arrived there on scene?

23 A When I arrived on scene the scene was extremely
24 chaotic. People were running, cars trying to leave, people
25 screaming that people had been shoot, and we were trying to

TIMOTHY RAMSEY - DIRECT

1 locate the victim.

2 Q Were you able to locate a victim?

3 A Yeah. We initially located one on the steps to the
4 club, and then there was another one outside on the edge of
5 the parking lot, and then I was later advised that there was
6 one inside.

7 Q So there was one on the steps of the club. Did that
8 person -- was that person conscious when you arrived?

9 A They were.

10 Q And how about the one on the edge of the parking lot?

11 A I didn't go over to that one. One of the city officers
12 that was on scene with me went to attend to that one.

13 Q And then you mentioned one more inside?

14 A That's correct, there was one inside.

15 Q And did you go inside to check on that victim as well?

16 A I did go check on that one. I attempted to locate a
17 pulse but couldn't locate one.

18 Q Was he alert, conscious?

19 A No, he was not.

20 Q You said you could not find a pulse on him?

21 A That's correct. I could not locate one on him.

22 Q What did you do next after you located that victim
23 inside?

24 A I began to attempt to get everyone out of the club as
25 best we could while waiting on officers and EMS to arrive on

TIMOTHY RAMSEY - DIRECT

1 scene.

2 Q Did EMS arrive on scene?

3 A Yes. They did arrive on scene, however at one point
4 they did back out due to the chaos of the scene.

5 Q And when you say the chaos of the scene, were there a
6 lot of people?

7 A Yes. There were still a very large crowd, especially
8 outside once we pushed everybody out of the club into the
9 parking lot area.

10 Q Were you ultimately able to secure the scene?

11 A As best we could, yes, eventually. Once we were able
12 to get victims out of there we were able to secure the
13 scene.

14 Q And did EMS return?

15 A Yes, they did.

16 Q Were you ultimately able to identify the -- some of the
17 victims that were there?

18 A Yes.

19 Q Who did you identify?

20 A The victim that was inside was Henry Colvin, and the
21 one outside on the parking lot was Aaron Harris.

22 Q Without saying who, were you able to get information
23 from witnesses about a suspect?

24 A I was.

25 Q Did you pass that information on to anybody?

TIMOTHY RAMSEY - DIRECT

1 A Yes. I passed the information on to the investigators
2 who were responding to the scene.

3 Q So it was not just patrol officers handling the scene.

4 A That's correct. Once I arrived on scene and was able
5 to confirm what had actually occurred, notified on-call
6 investigator as well as on-call (inaudible) staff and they
7 contacted other folks who to respond.

8 Q So what was your primary role there that night?

9 A My primary role was to secure the scene and to render
10 aide to the victims and get EMS in there to render aide.

11 Q Did you speak to anybody else outside the club?

12 A Yes. I did speak to a subject who had been taking
13 pictures.

14 Q And what did you -- without saying what he said to you,
15 what did you do after your conversation with him?

16 A Based on our conversation I asked him if he would be
17 willing to turn over the SD card in his camera for us to
18 have the photos.

19 Q And did you ultimately take custody of that SD card?

20 A I did.

21 Q And was that put into evidence?

22 A It was.

23 Q Tell me about what officers do to create and maintain a
24 crime scene.

25 A In a scene like that we try to calm the situation down,

TIMOTHY RAMSEY - DIRECT

1 try to get the victims out of there, render aide to them,
2 and then once the scene is under control and the victims
3 have been rendered aid we set up crime scene tape, secure
4 the scene and wait for the investigators and crime scene to
5 arrive.

6 Q Do you do a crime scene log?

7 A Yes.

8 Q And did you personally do that?

9 A I did not.

10 Q But are you aware that one was done?

11 A Yes.

12 Q How long approximately did you stay at the scene?

13 A Approximately hour and a half until day shift. We
14 switch shifts at 4:00 a.m. Once the day sergeant arrived on
15 scene the scene was released to him.

16 Q And by that time had investigators arrived?

17 A Yes. Investigators and command staff members had
18 arrived on scene.

19 Q And how about, does the Lancaster Sheriff's Office have
20 a Crime Scene Investigations Unit?

21 A We did.

22 Q And did they arrive before you left that night, or that
23 early morning?

24 A Yes, ma'am, they did.

25 Q Was that the extent of your involvement that night in

TIMOTHY RAMSEY - DIRECT

1 this case?

2 A That night, yes, ma'am, it was.

3 Q Did you have any further involvement in the case?

4 A I did. I can't remember exactly how many days it was,
5 but I believe it was about a week or two later, possibly
6 longer, I responded to MUSC-Lancaster in reference to one of
7 the victims from that night returning to the hospital and
8 having some sort of projectile removed from her foot.

9 Q Do you remember the name of that victim?

10 A LaShonda Barnes.

11 Q Were you familiar with the fact that she was one of the
12 victims that had been shot on that September 21st early
13 morning?

14 A I had never received her name prior that, but upon
15 speaking with her, yes.

16 Q When you returned to -- when you went to the hospital,
17 what did you do when you were there?

18 A I met with the nurse and she had placed the projectile
19 that had been removed from Ms. Barnes' foot into a
20 container. I seized the container; took it into custody and
21 then it was turned into evidence.

22 Q I'm going to hand you what's been marked as State's 9
23 for ID purposes. Can you take a look at that? What is that
24 item?

25 A That's the projectile that I was given at MUSC that had

TIMOTHY RAMSEY - DIRECT

1 been removed from Ms. Barnes' clothing.

2 Q Okay. Is that the container that you mentioned the
3 nurse had put it in?

4 A That's correct.

5 Q Is it in the same condition as when you recovered it
6 from the nurse at the hospital?

7 A It is.

8 Q And you said you took it and put it into evidence at
9 the sheriff's office?

10 A That's correct.

11 Q During the time it was in your custody, did you tamper
12 with it or alter it in any way?

13 A I did not.

14 Q And was that putting into evidence the end of your
15 involvement with this particular piece of evidence?

16 A It was.

17 MS. MCGINNIS: Judge, at this time we would offer
18 State's 9 into evidence.

19 MR. BELTON: Without objection.

20 MR. SHELDON: Without objection, Your Honor.

21 THE COURT: All right. Introduced into evidence.

22 (State's 9 was received.)

23 MS. MCGINNIS: Judge, at this time we request
24 permission to publish State's Exhibit 8, Mr. Ramsey's body
25 cam video.

TIMOTHY RAMSEY - DIRECT

1 THE COURT: All right. Permission granted.

2 (At this time the body cam video was played.)

3 MS. MCGINNIS: Judge, may we approach about a
4 scheduling matter?

5 THE COURT: Yeah.

6 (A bench conference was held.)

7 THE COURT: All right. Any further questions from the
8 this witness by the State?

9 MS. MCGINNIS: Not from the State, Your Honor.

10 THE COURT: Ladies and gentlemen of the jury, what
11 we're going to do is go ahead and recess for the day.
12 Remember, I told you I have a mandatory meeting down in
13 Columbia that I need to get to, plus the lawyers for the
14 defense indicate their cross examination may be somewhat
15 more lengthy than when I needed to leave, an absolute noon
16 deadline. So for that reason, don't get mad at the lawyers,
17 get mad at me, I'm sorry I have to go. Okay? So what we'll
18 do is we'll reconvene tomorrow morning promptly at 9:00 just
19 like y'all did this morning. Remember, when you're away
20 from this courthouse don't talk to anybody about the case,
21 don't read anything about the case. Your decision must be
22 based solely from the evidence in this courtroom. Have a
23 great evening, we'll see you tomorrow morning at 9:00 a.m.
24 Thank you very much.

25 (The jury left the courtroom.)

TIMOTHY RAMSEY - DIRECT

1 THE COURT: All right. Mr. Witness, you're under oath
2 still, you will be under oath tomorrow and you're not
3 allowed to talk to anybody about your testimony because you
4 haven't been cross examined yet. Okay? Also I need you to
5 disclose to the defense what you've been looking at while
6 you've been up there, just let them look at in in
7 preparation for whatever -- it looks like your notes, which
8 is, I'm sure, what it was but. If they have any questions
9 about that just be prepared for that. Anything else?

10 MS. MCGINNIS: Nothing from the State, Your Honor.

11 THE COURT: All right. Anything else?

12 MR. BELTON: No, Your Honor.

13 THE COURT: All right. We will see y'all tomorrow
14 morning at 9:00 a.m. Thank you very much. Court is in
15 recess.

16 (Court recessed for the day and resumed on Thursday,
17 October 21, 2021, at 9:00 a.m.)

18 THE COURT: Are y'all ready?

19 MS. MCGINNIS: Yes, Your Honor.

20 THE COURT: Are y'all ready? Yes? Okay. Bring the
21 jury down.

22 (The jury returned to the courtroom.)

23 THE COURT: Ladies and gentlemen, I know those seats
24 are uncomfortable in the front, we're going to try to find
25 some alternate seating with more cushion for you. Okay?

TIMOTHY RAMSEY - DIRECT

1 And we'll do that just as soon as we can. All right. And
2 the clerk's office is doing that. All jurors are present.
3 I hope you had a wonderful evening. We'll jump right into
4 it this morning. All right. I believe the State rested
5 with this witness. All right. Mr. Belton, I assume you're
6 going first?

7 MR. BELTON: Yes, Your Honor.

8 THE COURT: All right. Your witness.

9 MR. BELTON: May it please the Court?

10 THE COURT: Yes, sir.

11 MR. BELTON: Thank you. Good morning, ladies and
12 gentlemen.

13 CROSS EXAMINATION

14 BY MR. BELTON:

15 Q Good morning, Officer Ramsey.

16 A Good morning, sir.

17 Q All right. Officer Ramsey, we kind of left off
18 yesterday, and I don't want to rehash everything you did
19 yesterday, we kind of left off with the State playing your
20 body cam video when you got there. I assume you remember
21 that?

22 A Yes, sir.

23 Q And I think we watched about 30 minutes of it
24 yesterday, is that correct? A little more than 30 minutes
25 of it yesterday, or thereabouts.

TIMOTHY RAMSEY - CROSS

- 1 A Yes, sir.
- 2 Q And Officer Ramsey, I do want to go through the video
3 with you this morning. Okay? And so we -- Officer Ramsey,
4 how long had you been with the sheriff's department prior to
5 this call that night?
- 6 A Prior to that call I had been with the agency about a
7 little over seven years, almost seven and a half years.
- 8 Q All right. So that wasn't your first call.
- 9 A My first call ever? No, sir.
- 10 Q All right. Do you remember what time that night you
11 arrived on scene?
- 12 A I'm not sure exactly of the time of arrival. I know
13 what time the call came in and I want to say it was just a
14 couple of minutes for my response time.
- 15 Q Okay. And you just don't remember what time?
- 16 A Don't remember the exact time I arrived on scene, no,
17 sir.
- 18 Q Okay. All right. Officer Ramsey, how long that night
19 were you on the crime scene total?
- 20 A I was on scene from the time I arrived until probably
21 an hour and a half give or take a little while.
- 22 Q So this 30 minutes that we saw yesterday, is that the
23 totality of your body cam?
- 24 A I believe there was another short video of my body cam,
25 which shows the day shift sergeant arriving on scene, I

TIMOTHY RAMSEY - CROSS

1 turned the scene over to him. I stayed on scene but was in
2 my car completing my report.

3 Q Okay. All right. So you do acknowledge that at some
4 point you turned your body cam off?

5 A Yes, sir.

6 Q And you did testify yesterday to -- Ms. McGinnis asked
7 you that this is your actual body cam, this is actually what
8 you saw.

9 A That's correct, yes, sir.

10 Q It hasn't been altered at all, this is in its
11 authenticity.

12 A Yes, sir.

13 Q All right. And so when you arrived there on scene, I
14 think we all can agree, and I think your words were, pretty
15 chaotic, correct?

16 A Yes, sir.

17 Q And I think we all can agree that's correct, right?

18 A Yes, sir.

19 Q When you first arrived on the scene there's a male
20 officer that's walking in with you. Who was that male
21 officer that's walking in with you?

22 A That was Captain Hall from the Lancaster City Police
23 Department.

24 Q City police department.

25 A Yes, sir.

TIMOTHY RAMSEY - CROSS

1 Q Okay. All right. And then at some point once you got
2 in there's another female officer in with you. Who is that
3 female officer?

4 A That was Deputy Geisler of the sheriff's office.

5 Q Lancaster County Sheriff's Office?

6 A Yes, sir.

7 Q So in the initial moments of this incident there were
8 three officers on scene?

9 A I'm not too sure how many had got there. I know me and
10 Captain Hall got there first and then other units started
11 arising but most of them stayed outside dealing with the
12 crowd. So I'm not exactly sure if anymore units were
13 outside at that time.

14 Q Because I -- and again, we'll watch the video, and
15 certainly if you don't remember something just let me know
16 and we'll play the video and we'll watch it. Okay?

17 A Yes, sir.

18 Q With Captain Hall, does he ever go inside with you or
19 does he remain outside?

20 A Initially he stayed outside. He did come inside to
21 check, because he knew I went in there by myself. He does
22 come in, I remember seeing him in the video, to pass some
23 information to me, and then he went back outside.

24 Q And Officer Geisler. From the time you arrived on got
25 inside, do you remember how long it was before she actually

TIMOTHY RAMSEY - CROSS

1 came through the door?

2 A I don't recall the timeframe, no.

3 Q Okay. All right. Fair enough. Let's move a little
4 further. Once you got inside, would you agree that inside
5 was just as chaotic as outside?

6 A Yes, sir.

7 Q Would you also agree that by the time you got inside of
8 this club there were lots of people milling around?

9 A Yes, sir.

10 Q Would you guess there were between 50 and 100 people
11 still inside of the club?

12 A I'm not sure of the exact number. I would say at least
13 that many.

14 Q Okay. At least that many.

15 A Yes, sir.

16 Q All right. Fair. And so once you get inside of the
17 club and it's just as chaotic inside as outside, you
18 testified that you have two responsibilities.

19 A Yes, sir.

20 Q Will you remind the jury what those two
21 responsibilities are?

22 A My initial responsibilities in that situation were to
23 render aide, if possible, and then to attempt to secure the
24 crime.

25 Q Secure the crime scene. Good. And that's basically

TIMOTHY RAMSEY - CROSS

1 the training you got as a law enforcement officer, right?

2 A That's correct.

3 Q From basic training and just your seven years of
4 experience of being on the road as an officer, correct?

5 A That's correct, yes, sir.

6 Q All right. So once you get there you are told pretty
7 quickly that there's at least a body inside, correct?

8 A Correct.

9 Q And I think it's fair to say that you were getting --
10 it's so chaotic you're getting mixed information regarding
11 how many total victims you have, how many people have been
12 shot, et cetera, correct?

13 A That's correct.

14 Q All right. And so -- because at one point, you know,
15 you're not sure, the numbers change, just part of the chaos,
16 correct?

17 A Correct.

18 Q All right. But one thing that becomes pretty clear is
19 that you do have a -- you do have a -- you were told pretty
20 quickly there's a body in the inside, correct?

21 A Yes, sir.

22 Q And so once you get it the inside -- and I am going to
23 have to pause for a second because the computer has timed
24 out and I don't have the password to the computer, so I am
25 going to have to ask for the assistance of the solicitor.

TIMOTHY RAMSEY - CROSS

1 And if it times out again we'll call him up again, all
2 right? We'll call him up again. All right. So -- and I'll
3 try to remember to hit the pad here so it doesn't time out.
4 So back -- so -- but pretty quickly when you get on the
5 scene you're told -- almost immediately you're told that
6 there's somebody in the inside that needs pretty immediate
7 assistance, right?

8 A Yes, sir.

9 Q All right. And so you go on inside, and then you --
10 and I think you testified that you find -- and we saw on the
11 video, you find a man that's laying there on the floor; is
12 that correct?

13 A Yes, sir.

14 Q All right. And so you also check his pulse pretty
15 quickly at that point, right?

16 A Yes, sir.

17 Q And what did you determine once you checked his pulse?

18 A I couldn't find a pulse, he didn't appear to be
19 breathing. So at that point due to the chaos and the nature
20 of his injuries I didn't have the medical expertise to
21 render any type of aid.

22 Q And so in checking his pulse the assumption was it was
23 beyond -- or you made the assumption that it was beyond your
24 ability, or your medical ability to try to do anything
25 further other than secure the scene and get EMS there,

TIMOTHY RAMSEY - CROSS

1 correct?

2 A That's correct, yes, sir.

3 Q And securing the scene really has two purposes,

4 correct?

5 A Yes, sir.

6 Q And one is to be able to get EMS in there safely,

7 correct?

8 A Correct.

9 Q And the second is to preserve the crime scene, correct?

10 A Correct.

11 Q Because at this point you've been told there's a
12 shooting. As a matter of fact, you're told that in the car
13 on the way over there, correct?

14 A Yes, sir.

15 Q So now you know that this is not someone who died of
16 natural causes in the inside, correct? So you recognize
17 that at some point an investigation has to be done.

18 A That's correct.

19 Q And so the person is deceased, let's secure the crime
20 scene.

21 A Correct.

22 Q And so -- and by this time once you've checked the
23 pulse and kind of gotten your bearings, another officer --
24 at least one other officer is in there with you, correct?

25 A Initially, yes, sir.

TIMOTHY RAMSEY - CROSS

1 Q And that's Officer -- I don't want to mispronounce her
2 name -- Geisler?

3 A Geisler, yes.

4 Q That's Officer Geisler. All right. So let's take a
5 look here. So when we first -- and you're going to have to
6 bear with me because obviously I don't want to watch the
7 entire 30 minutes. Is that okay with you?

8 A Yes, sir.

9 Q All right. So once we get in here --

10 (Break in proceedings.)

11 Q I assume you can see it from your position?

12 A Yes, sir.

13 Q So once you get in here, and at this point here I'm
14 going to start it, which is about -- you've already checked
15 the pulse, and at this point you're at -- we're talking
16 about securing the crime scene. And in securing the crime
17 scene the purpose is to try to maintain it as close as
18 possible to the integrity of when the crime actually ended
19 if there is an assumption a crime has taken place; is that
20 correct?

21 A That's correct.

22 Q And so that includes not touching evidence, not doing
23 anything as best as possible, correct?

24 A Correct.

25 Q All right. And so we can agree, or can we agree, that

TIMOTHY RAMSEY - CROSS

1 if things moved that that could somewhat violate the crime
2 scene, or contaminate the crime scene I think is the term
3 that is used in law enforcement.

4 A That's correct.

5 Q All right. So we're going to watch here about two or
6 three minutes of this.

7 (The video was played.)

8 Q So in this interaction here this is a young man who is
9 coming in, he's down on the floor and he's basically turning
10 and hugging the victim, correct?

11 A Correct.

12 Q All right. And he's moving him over and moving
13 everything that's with him and all else that's going on,
14 correct?

15 A Yes, sir.

16 Q He's moving him, turning him over, flipping him over,
17 those type of things. And you're doing your best to try to
18 stop him, correct?

19 A Correct.

20 Q All right. But more importantly what we see in the
21 background is we still see a lot of people milling around at
22 this point the entire club, correct?

23 A That's correct.

24 Q Now, I failed to ask you something when I first started
25 so I want to make sure that I'm clear. Obviously we have

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1 the timestamp that's on your body cam, and this timestamp
2 here says 3:08. Can you help orient me to that? You
3 started your body cam, I know -- is that three minutes after
4 you started your body cam? Tell me what that 3:08 means.

5 A Yes. That would be the -- it would be three minutes
6 and eight seconds after my body cam activated.

7 Q Okay. And so -- and you started your body cam right
8 when we see it when you are coming up. You're already on
9 the scene and you're kind of walking up to the door. That's
10 when you activated it?

11 A That's correct. I activated it as I got out of my car,
12 and it usually takes about a half second or a second to
13 fully come on, so that's why I was already walking.

14 Q So for the purposes of my education, we can assume that
15 this -- well, this is three minutes after you've arrived on
16 the scene.

17 A Correct.

18 Q All right. So we have that here, and then I'm going to
19 play it on about a minute and a half.

20 (The video was played.)

21 Q Now, at this point we're three minutes in, we've
22 checked his pulse and we're still in just pretty much chaos
23 in this place, right?

24 A That's correct, yes, sir.

25 Q And people still are just moving around the place.

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1 Let's fast forward some. I'm sorry, the hand is not moving
2 with me so I can't see exactly where I am unless I'm playing
3 it. Let's start again.

4 (The video was played.)

5 Q Now, is that Officer Geisler that just walked by with
6 the flashlight?

7 A Yes, sir, that's correct.

8 Q All right. Let's stop over in this area here. And as
9 difficult as it is to see I'm going to go back here just a
10 hair. I want you to pay close attention. I am trying to
11 stop it at 4.01.

12 (The video was played.)

13 Q Now, at some point did you ever orient yourself to this
14 club once you got in there? Did you orient yourself to the
15 club? Like where is the dance floor, where is the front
16 door, where is the restroom, those things.

17 A Yes, sir.

18 Q And so to what would now be, I guess if I'm standing
19 here with your body cam on, would be to your left, was that
20 the area that's been called the stage?

21 A I believe it was, yes, sir.

22 Q Now, in fairness stage is probably exaggerated, isn't
23 it?

24 A Yes, sir.

25 Q All right. It was more of a pedestal, isn't it? Not a

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1 stage that we would think of in a concert stage.

2 A Correct.

3 Q It's more of a stand, a pedestal.

4 A Right.

5 Q I know it's been referred to as a stage, but in all
6 actuality it wasn't a huge performing stage, was it?

7 A Right. I get what you're saying.

8 Q And over here to the left is what would be considered
9 the stage area or the pedestal area; is that correct?

10 A Yes, sir.

11 Q And those are actually people over there that's on that
12 stage area or near that stage area; is that correct?

13 A Yes, sir.

14 Q There's even one person standing there right in view
15 with a bag in their hand, correct? Right there in front of
16 you on the screen.

17 A Yeah. I -- yes, sir.

18 Q It's a person there with a bag, there's an officer
19 there and then you've still got people moving around the
20 place. And at this point they're picking up things, they're
21 moving things, they're trying to just figure out if they
22 have lost things, pick up phones. Could you hear the
23 conversation in there? I don't --

24 A Could I hear the conversation?

25 Q Could you hear what some of the people were saying?

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1 A I don't recall hearing what was going on. There was a
2 lot of noise in there.

3 Q A lot of noise. All right. So as people are walking
4 through -- and then let's move on a little further.

5 (The video was played.)

6 Q Now, this person right here that has no shirt on, that
7 person picks up a box and walks out, doesn't he?

8 A Yes, sir.

9 Q All right. To the best of your remembrance, again,
10 this has been two years ago, was anything collected out of
11 that box?

12 A To my knowledge, no.

13 Q Okay. Just one more question about that. And at this
14 point here you have not identified a suspect in what has
15 happened in here, right?

16 A At this point, no, sir.

17 Q No. At this point no suspect has been identified. At
18 this point it has been deemed a crime scene. At this point
19 you have -- and I know I'm saying it as a statement but
20 obviously I'm asking you questions. Okay? So at this point
21 it has been deemed a crime scene.

22 A Correct.

23 Q At this point your ultimate goal -- you have two goals,
24 one was for -- to render aid, which you've determined is
25 beyond your expertise to render.

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- 1 A Correct.
- 2 Q And so at this point now it's a crime scene and you are
3 focused on securing the crime scene.
- 4 A That's correct.
- 5 Q Okay. All right. So then at some point you encounter
6 the people who identified themselves as the owners of the
7 club.
- 8 A Correct.
- 9 Q All right. Do you remember what they -- did they ever
10 tell you what their names were?
- 11 A I don't recall.
- 12 (The video was played.)
- 13 Q Do you remember your encounter with this gentleman here
14 that has on the white shirt?
- 15 A Based on the body cam footage I do.
- 16 Q Okay. Do you remember this person identifying himself
17 as the owner at some point?
- 18 A Yes, sir.
- 19 Q Okay. Do you remember asking the owner -- do you
20 remember asking the owner what happened?
- 21 A Yes, sir.
- 22 Q And do you remember his telling you he didn't see it?
- 23 A Yes, sir.
- 24 Q And then saying let me find somebody else who does?
- 25 A Yes, sir.

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1 (The video was played.)

2 Q Now, this person who is behind the counter there, what
3 is that person doing?

4 A I have no idea.

5 Q And so do you remember encountering, or did you
6 encounter the owner's wife at some point who --

7 A Yes, sir.

8 Q Do you remember what she -- did she ever identify her
9 name to you?

10 A I don't recall if she did give me her name or not.

11 (The video was played.)

12 Q Now, these two gentlemen -- so let's back up for a
13 second so I don't have to replay it. The lady who had on
14 the white t-shirt, is that the lady who was identifying
15 herself as the owner?

16 A As the owner's wife and the owner, yes, sir.

17 Q Okay. Now, as a police officer, not a trick question,
18 at this point you don't know who the suspects are, do you?

19 A No, sir.

20 Q You don't know what has happened.

21 A No, sir.

22 Q All you know is a man is laying in the floor that has
23 been shot, correct?

24 A Correct. There's a man in the floor been shot and
25 several victims outside.

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1 Q So anybody at this point could be a suspect at this
2 point?

3 A Correct.

4 Q All right. Who are these two gentlemen right here?

5 A I'm not sure who they are.

6 Q And at least in the 34 minutes that's on this video
7 they never leave the club, do they?

8 A I don't know if they do or not.

9 Q And that's fair. So if I were to tell you they don't
10 leave you don't deny it.

11 A Like I said, I don't know if they did or not.

12 Q Okay.

13 (The video was played.)

14 Q Now, these gentlemen who have on security badges or
15 security shirts, and just for clarification they're not part
16 of your investigative team, are they?

17 A No, sir.

18 Q They're not part of the Lancaster City Police
19 Department.

20 A No, sir.

21 Q They're not part of the Lancaster County Sheriff's
22 Department.

23 A No, sir.

24 Q And not part of SLED.

25 A No, sir.

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1 Q Okay. And to your knowledge, are those the three
2 agencies that investigated this matter?

3 A To my knowledge, yes.

4 Q To your knowledge. Okay. And so technically based
5 upon your training, should they be allowed into the crime
6 scene?

7 A Trying to secure it, no. Due to the chaos they were
8 trying to assist us with clearing the club at one point.

9 Q But they are not part of any type of certified law
10 enforcement unit.

11 A Not that I'm aware of, no.

12 Q Okay. Now, the last thing I have in this line of
13 questioning.

14 (The video was played.)

15 Q So at this point you tell these guys that there are a
16 bunch of police out there, and I don't need to repeat what
17 they just said, I think we all can hear them, and they just
18 flat refuse to leave out, right?

19 A Yes, sir.

20 Q And you couldn't watch them the entire time that they
21 were in there, right?

22 A No, sir.

23 Q And you've testified you don't know who they are or
24 what's going on.

25 A Correct.

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1 Q And you tell them that police officers are outside,
2 correct?

3 A Yes, sir.

4 Q And from the time you pulled up on the scene you
5 didn't -- at least on your body cam there are no audible
6 gunshots or anything outside, correct?

7 A On my body cam? No.

8 Q Okay.

9 A I was advised by other deputies that they thought they
10 heard something, but --

11 Q Certainly. And that is absolutely true, all right?
12 But on your body cam when you arrived on scene you didn't
13 hear any gunshots outside.

14 A No, sir, I did not.

15 Q Hear or see any gunshots outside.

16 A I did not, no.

17 Q And by this time you've been on the scene at least ten
18 minutes and backup has gotten there by this time, or some
19 backup has gotten there --

20 A Some backup has arrived.

21 Q -- and they're outside. Okay. Let's go a little --
22 I'm going to let this play about a minute.

23 (The video was played.)

24 Q Now, certainly you didn't let the gentleman at the door
25 in who was insisting on coming in with his aunt, did you?

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1 A No, sir.

2 Q But the owner you allowed to come back in once she had
3 gotten out. Does being the owner of the club exempt her
4 from having to stay out of the crime scene?

5 A No, sir, it does not.

6 (The video was played.)

7 Q And now, the two gentlemen -- and I hate to keep
8 stopping it. Now, the two gentlemen have been joined by a
9 female in there, right, that came from somewhere. Did I go
10 by it too fast?

11 (The video was played.)

12 Q Now, something I failed to ask you at the beginning,
13 were you a part of this investigation anytime beyond what
14 you've already testified to? First officer on the scene,
15 retrieving one of the shells from the hospital, did you have
16 any other role in this investigation?

17 A Not that I recall. The only other time would have
18 been, which I don't recall doing, was as a member of the
19 SWAT Team for the warrant if we needed to serve it.

20 (The video was played.)

21 Q Listen carefully to this phone call.

22 (The video was played.)

23 Q So as you were having this telephone call at this point
24 it's not as chaotic inside anymore, is it?

25 A At this moment, no, sir.

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1 Q At matter of fact I think your words are we good in
2 here. So at this point here we can secure the inside,
3 correct? And there's backup on the outside.

4 A That was the plan, yes, sir.

5 Q All right. But yet we still have the owners and at
6 least five or six other people moving around what
7 eventually, or what has become, or what is known at this
8 time as a crime scene.

9 A That's correct.

10 Q All right. So at some point then we encounter another
11 lady who is inside --

12 (The video was played.)

13 Q Look at 13:03 on your meter if you can see it now.

14 Sorry.

15 (The video was played.)

16 Q All right. Before we get to her, this gentleman on the
17 left that has that bag, that's someone else who has shown
18 up. Who is that gentleman?

19 A If I recall correctly that is the guy that was taking
20 pictures that I ended up getting his SD card from.

21 Q Okay. Mr. Coonce (phonetically)?

22 A I believe that was his name, yes, sir.

23 (The video was shown.)

24 Q The reason I want to show that, because throughout --
25 there were several times on the video that -- I didn't stop

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1 to be redundant, but there are several times on the video
2 where you actually tell people there that you can't bring in
3 EMS until you -- because they are not armed, are they?

4 A That's correct.

5 Q And so in order for EMS to come in you have to have
6 some assurance that it's safe for them to come in, correct?

7 A That's correct.

8 Q And so at this point here is it safe -- that we all can
9 assume that it's safe for EMS to come in?

10 A At that exact moment, yes.

11 Q All right. Now, at some point did you encounter a
12 young lady that has a white shirt on that has Polaroid
13 across the shirt? Do you remember encountering her?

14 A I believe so. I honestly can't recall.

15 Q Okay. All right. So let's show you -- I'm trying to
16 get here until about 15:20.

17 (The video was played.)

18 Q So did you see her initially behind the bar and then
19 walking kind of toward you? Do you remember encountering
20 her now?

21 A I don't remember the encounter, no.

22 Q But I think we all can acknowledge that we still have
23 people milling around inside, we at least have this lady
24 with the Polaroid shirt on, and we've got an un-number (sic)
25 of other people in there. EMS is in there, correct?

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1 A Correct.

2 Q And then we have now this other person who we can see
3 there clearly in our screen who is standing back there by
4 the pool table, correct?

5 A Correct.

6 Q All right. And so at this point here things start
7 to --

8 MR. BELTON: I think we're done with the video.

9 Q At this point things have started to calm down and you
10 start to get a sense; is that correct?

11 A Inside, yes, sir.

12 Q All right. And then at some point you exit the
13 building --

14 A Correct.

15 Q -- is that correct? And once you exited the building
16 you had several conversations, and we don't -- I mean, the
17 video speaks for itself, but one of those conversations in
18 particular was with Mr. Joseph Coonce (phonetically),
19 correct?

20 A Correct.

21 Q And you got the video from Joseph Coonce -- and I may
22 be out of order here. But at some point you talked to Mr.
23 Coonce and he was very compliant, correct?

24 A Correct.

25 Q And you got a SD card from him that had pictures that

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1 he had taken throughout the night.

2 A Correct.

3 Q All right. And then at some point you have another
4 conversation with a person who has a cell phone, and they
5 bring you what appears to be a Facebook posting, correct?

6 A Correct.

7 Q And that Facebook posting, the person who's speaking
8 says this is the person who was doing the shooting, and they
9 identify him as Breante Stevens, correct?

10 A Correct.

11 Q And then you relayed that information as best you could
12 to your superiors, correct?

13 A That's correct.

14 Q Then at some point you had a conversation with a
15 gentleman who also had on one of the security shirts, right?

16 A Correct.

17 Q And I do have one more piece of video, I apologize that
18 I didn't -- two more pieces of video. And you also had a
19 conversation with one of the city police officers who also
20 was on the scene, right?

21 A I spoke with several of the city officers.

22 Q Okay. Do you remember the particular city officer who
23 asked you are they going to shut this place down?

24 A I believe that was Captain Hall, yes.

25 Q And do you remember what your response to him was?

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1 A I believe it was I hope so.

2 Q Okay. All right. And so at that point you then have a
3 conversation with one of the security guards. And so let's
4 look at that encounter with the security guard.

5 (The video was played.)

6 Q So this lady here in the Polaroid, we get a good
7 picture of her, and we see she has two bottles of water in
8 her hand, right?

9 A Correct.

10 Q That she's bringing out to someone, so -- which she's
11 still moving back and forth between the club and the
12 outside, correct?

13 A I know she came from around the corner, yes, sir.

14 Q Around where the entrance of the club is.

15 A Correct.

16 Q And we agree that just prior to this we see her on
17 video behind the bar, correct?

18 A Correct.

19 Q All right. And is the inside a crime scene and the
20 outside, or just the inside?

21 A The entire area.

22 Q Yeah. Because at some point you actually asked someone
23 to get tape and rope it all off, right?

24 A That's correct.

25 Q And I think we've got pictures to show that eventually

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1 it was roped off.

2 A Correct.

3 Q And so you have this conversation, and let's watch this
4 so I'm not fumbling through. We're going to try to get to
5 32 minutes and 40 seconds to --

6 (The video was played.)

7 Q Now, these people who are moving around, would that be
8 considered inside of the crime scene?

9 A Yes, sir.

10 Q Thank you.

11 (The video was played.)

12 Q All right. Now, when you're out talking to this
13 gentleman -- and again, this speaks for itself, but you
14 asked him what kind of car he got in, and the security guard
15 said I didn't see him get in a car, right?

16 A Correct.

17 Q And I think you had gotten some information, and I
18 can't quite figure it out on here, but you had gotten some
19 information that this security guard here saw the actual
20 person who was shooting, right?

21 A I don't recall. All I recall is that he was the one
22 that provided the information to the person who provided it
23 to me.

24 Q Okay. But somehow you got the information.

25 A Which information?

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1 Q That one of the security guards knew who the shooter
2 was.

3 A Knew who the shooter was, yes, sir.

4 Q And so as you're standing there, as you all are
5 standing here the door is to your right, correct?

6 A It's actually behind me.

7 Q Okay. So the door is behind you.

8 A Correct.

9 Q So when he's pointing, he's pointing -- so if the door
10 is behind you and -- can we pretend this is the door? So
11 we've got covid here so let's me do it this way. So if the
12 door is behind you, is Mr. Stevens' car to your right or to
13 your left?

14 A That would be -- he was pointing to my left.

15 Q All right. So if he's pointing to your left -- and
16 again, I know you were there that night, there was, in fact,
17 a car that was identified as the car that Mr. Stevens came
18 to the club in, correct?

19 A Correct.

20 Q And what color and kind of car was that?

21 A If I recall correctly it was a white Volkswagen.

22 Q White Volkswagen? If I were to tell you -- it was a
23 Volkswagen, but if I were to tell you it was a black
24 Volkswagen, would you disagree with that?

25 A I can't exactly recall. I know I was told about it, I

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1 don't think I ever saw it.

2 Q Okay. But it was a Volkswagen. All right. So if he's
3 here -- so he's pointing up towards the Volkswagen, but then
4 he says something else very critical there at the end. He
5 points toward the way that he saw the gentleman run, did he
6 not?

7 A That's correct.

8 Q And then he pointed in the opposite direction of where
9 he heard other shots coming from, correct?

10 A That's correct.

11 Q All right. And last couple of questions. And so also
12 when you were there on the scene and you went inside, Mr.
13 McGriff, the lady in the Polaroid shirt, the other security
14 guards who were there, are any of the other people who
15 talked to you, at some point did you -- did any of them ever
16 tell you that -- the lady in the Polaroid shirt, did she
17 ever tell you that they had -- that someone had picked up --
18 that she had seen Mr. Colvin with a gun earlier that night?

19 A I don't recall that, no.

20 Q Okay. Did anyone ever tell you that Mr. Colvin, once
21 he hit the ground and died, that somebody picked up a gun
22 off the floor laying right there beside him?

23 A I don't recall that either.

24 Q So the only person anyone, all of these witnesses that
25 you saw that night, said they saw with a gun was Breante

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1 Stevens.

2 A That's the only person I recall.

3 MR. BELTON: No further questions. Thank you, Officer.

4 THE COURT: All right. Mr. Sheldon, your witness.

5 MR. SHELDON: Thank you, Your Honor. May it please the
6 Court?

7 CROSS EXAMINATION

8 BY MR. SHELDON:

9 Q Good morning, Mr. Ramsey. I appreciate you coming back
10 this morning. I'm going to start this tape from the
11 beginning, and I'm going to try not to be too redundant.
12 It's certainly understandable, we want to try to move
13 through this. First of all if there's anything about this
14 video -- because I'm going to stop it just like Mr. Belton
15 did, if there's anything that you believe is not being
16 represented fairly or is a snippet, please just let me know
17 and I'll play as much of that to put it into context as
18 possible without trying to just play the entire 35 minute
19 video.

20 A Yes, sir.

21 Q And so I believe you testified that you -- when you get
22 to -- when you first arrive -- and let's try -- I know -- I
23 understand that you don't know exactly what time of day it
24 is, but would it be fair to say that the calls come in
25 shortly after the incident occurs?

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1 A Yes.

2 Q And is it fair to say that you arrive, I think you
3 said, a few minutes -- and I don't know how many minutes
4 that is, a few minutes after that call goes out to you,
5 after the call comes in; is that right?

6 A That's correct.

7 Q So -- and again, I don't want to put an exact
8 timeframe, but five, ten minutes, somewhere in that range
9 after the incident, would that be fair to say?

10 A I would say that would be a fair assessment, maybe 15.

11 Q Okay. But not hours or anything like that.

12 A Correct.

13 Q It's pretty clear when you arrive on scene that this
14 had happened recently.

15 A That's correct.

16 Q And I believe you testified that when you show up at a
17 crime scene your first, of course, job is to render aid; is
18 that correct?

19 A That is one of my first, yes. The first in this
20 situation was actually to determine if the shooter was still
21 on scene if we could or not.

22 Q And so after that then it would be to render aid, and
23 then ultimately to secure the crime scene; is that right?

24 A That's correct.

25 Q And rendering aid is important because we're trying to

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1 help people, right? And first and foremost we want to help
2 anybody we can, correct?

3 A Correct.

4 Q And securing the crime scene is important, and correct
5 me if I'm wrong, because we want to preserve as best we can
6 what the crime looked like at the time that the incident
7 happened, right?

8 A That's correct.

9 Q Because solving a crime takes effort from law
10 enforcement, right?

11 A That's correct.

12 Q It starts out as a mystery that we try to put together,
13 right? Is that fair?

14 A That's fair.

15 Q And it is like putting together a puzzle basically, we
16 need those pieces to fit, right?

17 A Correct.

18 Q And the more that a crime scene is disturbed or
19 contaminated, I believe, the harder it becomes for law
20 enforcement to put those pieces together potentially, right?

21 A Potentially, yes, sir.

22 Q And another thing that I just want to start out as just
23 a basic sort of principle of police work is this notion that
24 the owner of the club, or the owners of the club just by
25 nature of owning the club doesn't give them the right to be

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1 in what I think you defined as your crime scene, correct?

2 A That's correct.

3 Q I think you said this is my club now or this is my
4 scene now, something along those lines, right?

5 A That's correct.

6 Q But yet the owners of the club certainly, at least
7 while you're in the club it appears, remain in the club the
8 entire time, don't they?

9 A It appears so, yes, sir.

10 Q And so why?

11 A Like I think we've all agreed, the chaos, the rendering
12 aid didn't actually stop until all of the victims were
13 cleared from both indoors and outdoors, and so the majority
14 of our manpower was outside dealing with the crowd and
15 rendering aid outside. That's the only answer I have for
16 that.

17 Q And we've discussed obviously, and I think it's
18 universally accepted from looking at the video, that this is
19 a chaotic scene when you arrived; is that right?

20 A That's correct.

21 Q And that may even be understated. How many crime
22 scenes like this had you been to in the seven years at the
23 time, or seven and a half years, whatever it was, that you
24 had been working in Lancaster?

25 A Prior to this one?

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1 Q Yes.

2 A That was the first of that magnitude.

3 Q And so let's actually -- is it important for law
4 enforcement when you first arrive on scene to sort of define
5 what the crime scene is?

6 A That's correct.

7 Q And in this case, would it be fair to say that the
8 crime scene, at least initially -- well, you tell me.
9 Initially does the crime scene consist of the entire inside
10 of the night club?

11 A Initially the crime scene would have consisted of the
12 entire property.

13 Q The entire property. And that includes inside the
14 club; is that right?

15 A Yes, sir.

16 Q So there's no dispute from you that when you arrive on
17 scene the entire inside of the club is a crime scene.

18 A That's correct.

19 Q A crime scene that needs to be secured.

20 A Correct.

21 Q I want to go through some of this video, and I'm going
22 to try to not duplicate anything that we needed that we
23 don't need to.

24 (The video was played.)

25 Q Can we agree here that certainly -- well, let's back

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1 up. When you first walk in you notice, and I don't know
2 that you knew who he was, but what you now know is Mr.
3 Colvin lying on the floor with gunshot wounds; is that
4 right?

5 A That's correct.

6 Q And almost instantly you checked for a pulse; is that
7 right?

8 A Correct.

9 Q So that happens very quickly. Is that the beginning of
10 how you would render aid?

11 A In a situation like that, yes, sir.

12 Q And if you were able to do something certainly you
13 would have done something, is that right, to help Mr.
14 Colvin?

15 A If I felt that I could have, yes, sir.

16 Q And you believe that you couldn't help him; is that
17 right?

18 A That's correct.

19 Q Certainly part of a crime scene is the victim of the
20 crime, right, of the alleged crime.

21 A That's correct.

22 Q And here we have -- we certainly have somebody that for
23 whatever reason is disturbing the crime scene, right?

24 A That's correct.

25 Q So let's talk about this picture right here. So you're

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1 still up -- would it be fair to say that you're still up
2 sort of in the dance floor area near the victim?

3 A Yes.

4 Q Who are all of these other people in this area? And I
5 don't know. Let me see -- if you can see this pointer, sort
6 of these people over here.

7 A Those were the people who were at the club.

8 Q But we don't know who they are.

9 A I don't.

10 Q Okay.

11 (The video was played.)

12 Q And so this gives us a pretty good idea here. I want
13 you to keep your eyes sort of on this guy right here. So
14 this I think you've identified is the owner right here, is
15 that right, where this arrow is pointing with this gentleman
16 in the white shirt?

17 A I believe so.

18 Q Okay. And then you're talking to somebody here. What
19 about this guy? Where is -- if the victim -- the victim at
20 this point, would it be fair to say is he's sort of behind
21 you on the ground? Mr. Colvin is behind you on the ground.
22 And so just for reference, if he is behind you then the
23 dance floor is essentially -- the majority of the dance
24 floor would be sort of behind you to your left; is that
25 right?

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- 1 A Yeah. It's off to my left side, yes, sir.
- 2 Q And when I'm saying your left I'm talking about on the
3 body cam, not where you're sitting today.
- 4 A Yes, sir.
- 5 Q And so connected to the dance floor would be sort of a
6 DJ stand; is that right?
- 7 A I don't recall.
- 8 Q Okay. But you said you did recall the platform, stage,
9 the pedestal, whatever they want to call it, you recall
10 that, right?
- 11 A Yes, sir.
- 12 Q And that would be behind you to your left; is that
13 right?
- 14 A It would be in that general area, yes, sir.
- 15 Q And we agree that the whole club is a crime scene,
16 right?
- 17 A Yes, sir.
- 18 Q And certainly this is the general area where the
19 alleged crime was committed, right?
- 20 A It ultimately came out that that's where it was, yes,
21 sir.
- 22 Q And there's also somebody that's been shot on the
23 floor; is that right?
- 24 A Yes.
- 25 Q Okay. So at this point you're facing these people, is

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1 that right? Is it fair to say that -- your body cam is worn
2 on the front; is that right?

3 A Yes, sir.

4 Q So you would be facing the individuals that's in this
5 frame; is that correct?

6 A That's correct.

7 (The video was played.)

8 Q So if you're facing the individuals in this frame, why
9 are there individuals walking towards the dance floor? What
10 effort is being made to secure that area of the club?

11 A At that exact moment?

12 Q Yes, sir.

13 A Nothing. I was the only person inside with all of
14 those people. I couldn't track everybody.

15 (The video was played.)

16 Q Stop here. Who is this individual here?

17 A I have no idea.

18 Q Who are these individuals here?

19 A I don't know.

20 Q And you agree that these individuals would be
21 standing -- now, you're sort of facing -- if you were facing
22 this way before kind of facing out away from the victim, now
23 you would be facing this way; is that right?

24 A In that general area, yes, sir.

25 Q So now we're getting a better picture of sort of the

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1 dance floor vicinity here, right? Or it would be down here
2 about in this area, right?

3 A Correct.

4 Q And I counted in this frame at least -- behind these
5 two individuals here at least three or four other people
6 here; is that right?

7 A I can't tell from that how many people are back there.
8 I can make out three.

9 Q One here, right? Do you agree that's a person?

10 A Correct.

11 Q Certainly this is a person here, right?

12 A Correct.

13 Q And at least one probably right here, right?

14 A Correct.

15 Q Can you see that individual? This would be a shoulder
16 right here that I'm kind of pointing at, do you agree?

17 A Correct.

18 Q Okay. And then these two individuals here, right?

19 A Correct.

20 Q So at this time -- so we are now three minutes and 45
21 seconds into your body cam footage, which would be sometime,
22 you -- know, whether it's sometime between ten and 20
23 minutes after the alleged crime occurs, after the shooting
24 occurs, and we still have this many individuals kind of
25 milling around the dance floor; is that right?

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1 A That's correct.

2 MR. SHELDON: If I could fast forward just a little
3 bit.

4 (The video was played.)

5 Q I apologize. There's no good kind of way for me to
6 kind of land on the spot, right.

7 (The video was played.)

8 Q All right. So -- and I believe you testified -- and is
9 it Officer Geiser?

10 A Deputy Geisler.

11 Q Deputy Geisler. And that's the female deputy that
12 arrives on scene after you; is that right?

13 A Correct.

14 Q And is this Deputy Geisler here?

15 A That's correct.

16 Q So -- and when Deputy Geisler arrives on scene, do you
17 agree or disagree that now you have at least some help
18 that's shown up, right?

19 A That's correct.

20 Q And would her job also be to render aid and help secure
21 the crime scene?

22 A That's correct.

23 Q Okay. So in this frame here Deputy Geisler is sort of
24 walking in between this area here and the dance floor over
25 here, right?

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- 1 A That's correct.
- 2 Q And this would be the area where the platform is; is
- 3 that right?
- 4 A Correct.
- 5 Q And here you could see kind of speakers up against the
- 6 wall, right?
- 7 A I see something --
- 8 Q Fair enough. And she seems to be walking in that
- 9 direction, right?
- 10 A Yes, sir.
- 11 Q But there's obviously individuals standing to her left,
- 12 right?
- 13 A Correct.
- 14 (The video was played.)
- 15 Q And she just walks right by him, doesn't she?
- 16 A That's correct.
- 17 Q And so not only now are we four minutes into the video,
- 18 but we have two deputies on scene, we have someone who has
- 19 been shot behind you, and you're sort of remained by that
- 20 body for at least the first four minutes, right? You were
- 21 there right now. Or not the first four minutes, but once
- 22 you get up there you remain relatively stationary near the
- 23 person that's been shot; is that right?
- 24 A That's correct.
- 25 Q But Deputy Geisler, she walks by and walks by other

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1 individuals, right?

2 A Based on the video, yes.

3 Q And so if her job is also to help secure the crime
4 scene, is it fair to say that that's not what she's doing in
5 that frame at least.

6 A I can't testify to what she was doing.

7 Q Okay.

8 (The video was played.)

9 Q And here she's walking back; is that right?

10 A That's her, yes, sir.

11 Q But yet there's still individuals in the area of the
12 dance floor, right?

13 A That's correct.

14 Q So at this point you've been standing there. Deputy
15 Geisler walks through the frame, and we don't know where
16 she's going, right? Then she walks back out of the frame
17 presumably back towards the front of the club; is that
18 right?

19 A That's correct.

20 Q Yet the individuals still remain near the dance floor,
21 right?

22 A That's correct.

23 (The video was played.)

24 Q Here, in fact -- and tell me if you can see. Would you
25 agree there's actually an individual standing or sitting

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1 very near the platform at this point, right?

2 A The only person in that frame that I can make out is
3 the person with the red shirt on.

4 MR. SHELDON: Judge, if I can -- the screen that I'm
5 looking at is much lighter than the one on the computer, I
6 may need to try to figure out how to approach or bring him
7 down to sort of look at this.

8 THE COURT: All right. Well, go look at the screen.
9 Put your mask on.

10 (The video was played.)

11 Q Can you see that individual right there? And I can
12 help you watch this in realtime. Do you agree that's a
13 person right there?

14 A I could say there's something there.

15 Q Let's see if we can launch the video again.

16 (The video was played.)

17 Q Do you agree the individual is there, right? You agree
18 that's a person.

19 A Yes.

20 Q And that is a person that is actually sitting on the
21 platform, right?

22 A That's correct.

23 MR. SHELDON: Judge -- and I don't know which -- how --
24 the clarity of the jurors' videos, but I would also at some
25 point like -- and I could probably clean this up and make it

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1 a little easier -- like them to see what he just looked at.

2 THE COURT: I mean, make a still photo of it and you
3 can publish it to them, but I'm not going to let each juror
4 come down there and look at that screen. They've got
5 screens already.

6 Q So it's clear four minutes and 15 seconds after this
7 body camera footage is turned on by you that there is an
8 individual sitting on the platform at this club.

9 A Correct.

10 (The video was played.)

11 Q The owner just walked by again. Did you see that or
12 no? Do I need to rewind that? Where is he going?

13 A I don't know.

14 Q But you agree at this point you're sort of now turned
15 back out towards the crowd in that general direction, or
16 back out towards the front of the club, right?

17 A It's back towards the bar area.

18 Q Back towards the bar area, which would be facing kind
19 of away from where the victim is lying behind you.

20 A Correct.

21 Q And yet the owner walks by you again, right?

22 A Correct.

23 Q Let's move forward a little bit. Do you agree that
24 there is now -- this is now five minutes and 38 seconds into
25 when you get there and there is still a person here to what

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1 would be sort of in front of you to your left; is that
2 right?

3 A All I can see is a shadow. Maybe if you back it up and
4 play it I can watch that area.

5 (The video was played.)

6 A That's correct.

7 Q Several people, right?

8 A That's correct.

9 Q And now they're walking back in front of you. Again,
10 we are over towards the dance floor, right?

11 A That's correct.

12 Q Now, five minutes and 38 seconds into this -- into your
13 body cam and there are more individuals at this point still
14 by the dance floor, including the woman wearing -- that Mr.
15 Belton identified wearing the Polaroid shirt; is that right?

16 A Correct.

17 Q And this continues to go on for some time, doesn't it?
18 For at least another minute or two, right?

19 A That would be accurate.

20 Q And so there are people coming and going all over what
21 you have already determined to be the crime scene.

22 A That's correct.

23 Q But not only what you determined to be the crime scene
24 but the area where the individual that got shot is lying,
25 right, in that general vicinity.

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- 1 A Correct.
- 2 Q The club is broken up into sort of different parts,
3 right? There's the entrance and then you've got to kind of
4 go up a ramp, right?
- 5 A Correct.
- 6 Q And then there's a dance floor and there's half a wall
7 there, right?
- 8 A Correct.
- 9 Q And then there's sort of the bar area over here.
- 10 A Correct.
- 11 Q And Mr. Colvin is lying in the area that I've just sort
12 of defined as the dance floor, right?
- 13 A That's correct.
- 14 Q And these individuals are also in the dance floor.
- 15 A They're in that area.
- 16 Q At some point in time, and I'm not going to go over it
17 again because Mr. Belton saw it, but at 15 minutes and five
18 seconds in this video we see the owner still in the club
19 grab a broom, don't we?
- 20 A Yes, sir.
- 21 Q And he grabs that broom out of the closet and walks it
22 upstairs, doesn't he?
- 23 A Yes, sir.
- 24 Q And he says -- and you tell him that he can't do that
25 obviously.

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- 1 A That's correct.
- 2 Q And just to be clear, he can't do that because that's
- 3 cleaning up a crime scene, right?
- 4 A That's correct.
- 5 Q And obviously that's problematic for all sorts of
- 6 reasons, isn't it?
- 7 A That's correct.
- 8 Q And so -- and he tells you basically that well, I don't
- 9 want you taking pictures of a dirty club, right, for lack of
- 10 a better term. Is that the gist of it?
- 11 A That's accurate to what he said, yeah.
- 12 Q And then even after that, after you leave Mr. Belton
- 13 mentioned that you're provided information about a potential
- 14 suspect; is that right?
- 15 A Once I was outside, yes, sir.
- 16 Q And that potential suspect was Breante Stevens, Breezo,
- 17 right?
- 18 A That's correct.
- 19 Q And I think you provided another officer a picture on
- 20 your -- or a link on your phone of his Facebook page; is
- 21 that right?
- 22 A I know he brought a phone to me.
- 23 Q So at some point you -- or -- but you're looking at
- 24 Breante Stevens' Facebook page; is that right?
- 25 A That's correct.

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1 Q Okay. And so you have -- you personally have
2 information on the shooter, a potential suspect in this case
3 approximately 15 minutes into your body cam; is that right?

4 A I don't recall the exact timeframe where that was at.

5 Q I'm sorry, and I'm wrong. Twenty-seven minutes into
6 that video, would that be fair to say?

7 A Correct.

8 Q So approximately 37 to 47 minutes, somewhere in there,
9 after the shooting takes place.

10 A I would say within the first hour, yes, sir.

11 Q And that information was provided to you and you even
12 had his Facebook page.

13 A I was shown his Facebook page, yes, sir.

14 Q And you were able to look at that and you were able to
15 see all of that, correct?

16 A Correct.

17 Q And you gain the information -- and the -- whoever
18 gained the information that this was the potential shooter
19 from investigating with witnesses; is that right?

20 A Yes. They were advised that by somebody else, yes.

21 Q At what point on this in this 34 minute video does
22 anybody bring the name of Antonio Champion to your
23 attention?

24 A In the 34 minute video it was not brought to my
25 attention.

TIMOTHY RAMSEY - REDIRECT

1 MR. SHELDON: I don't have anymore questions, Judge.

2 Thank you.

3 THE COURT: Redirect.

4 REDIRECT EXAMINATION

5 BY MS. MCGINNIS:

6 Q Sergeant Ramsey, they've made a lot about the chaos of
7 this scene.

8 A Correct.

9 Q This was far from an ideal a way to handle a crime
10 scene; is that correct?

11 A That's correct.

12 Q Are you able to come in there and make all of these
13 people disappear from the scene immediately?

14 A No.

15 Q In fact, you come in and try to render aid to the
16 victim, Mr. Colvin; is that correct?

17 A Correct.

18 Q And you're kind of standing with his body to try to
19 protect at the very least his body, whatever evidence could
20 be on his body; is that right?

21 A That's correct.

22 Q And, in fact, we see on the video you physically remove
23 someone from his body and physically remove another --

24 MR. BELTON: Objection, Your Honor. She's leading.

25 THE COURT: I'm going to overrule that objection. You

TIMOTHY RAMSEY - REDIRECT

1 are leading but we need to move this on.

2 MS. MCGINNIS: Yes, sir.

3 Q You physically removed another person from touching his
4 body; is that right?

5 A That's correct.

6 Q Are you doing the best you can with your limited
7 resources?

8 A I was.

9 Q Were you made aware by other officers that there had
10 been some shots fired outside?

11 A I was later on, yes.

12 Q And is part of rendering aid making sure more people
13 don't get hurt?

14 A That's correct.

15 Q Did that contribute to your decision to not shew
16 (phonetically) everyone out as quickly as you could?

17 A That played a part of it. And the other part was the
18 fact that the -- there was already a large crowd outside and
19 they were trying to render aid outside and I didn't want to
20 pull more resource inside to help me -- to take away from
21 them trying to help somebody else.

22 Q And so did you identify Mr. Colvin's body as kind of
23 the immediate first thing you're trying to protect?

24 A That's correct.

25 Q And then as more people come in, as has been pointed

TIMOTHY RAMSEY - REDIRECT

1 out on the video by the defense attorneys, they're then
2 removing people towards the entrance of the club.

3 A Correct.

4 Q And then they're getting them out of the club.

5 A Correct.

6 Q So this is done in kind of in stages.

7 A Correct.

8 Q To the best of your ability.

9 A That's correct.

10 Q With limited resource that night.

11 A That is correct.

12 MS. MCGINNIS: I don't have anything further.

13 THE COURT: Any additional cross based upon that
14 limited redirect?

15 MR. BELTON: No, Your Honor.

16 MR. SHELDON: No, sir, Your Honor.

17 THE COURT: All right. Thank you, sir, you may step
18 down. All right. Ladies and gentlemen of the jury, let's
19 go ahead take a break. We're trying to get some more
20 comfortable chairs in here for those of you -- remember, we
21 don't have any assigned seats right now, so y'all try to
22 think of your other jurors and kind of mix and match, you
23 know, as we kind of go through the trial. Y'all head on
24 back to your jury room. Don't talk about the case, I'll get
25 you back out here momentarily.

DOMINIQUE DAVIS - DIRECT

1 (The jury left the courtroom.)

2 MS. MCGINNIS: Judge, I would ask that Officer Ramsey
3 be excused from his subpoena at this time?

4 THE COURT: Any objection?

5 MR. BELTON: No, Your Honor, not from --

6 THE COURT: All right. Thank you, sir. You are free
7 to leave. Anything before we take a break?

8 MS. MCGINNIS: No, sir.

9 THE COURT: All right. Let's take a brief recess,
10 let's reconvene in about ten minutes. Okay?

11 (The break was taken.)

12 THE COURT: Are y'all ready? All right. Bring in the
13 jury.

14 (The jury returned to the courtroom.)

15 THE COURT: All right. Thank you, ladies and
16 gentlemen. Y'all notice -- I hope those chairs are more
17 comfortable, those that have been seated down here. Are
18 y'all still good with the seating arrangement? Everybody
19 good? All right. Thank you very much. All right. The
20 State can call its next witness.

21 MS. CAMPBELL: The State will call Dominique Davis.

22 The witness, DOMINIQUE DAVIS, was first duly sworn and
23 Testified as follows:

24 THE COURT: Thank you, ma'am. You can lower your mask
25 once you are behind the barricade. And just make sure you

DOMINIQUE DAVIS - DIRECT

1 speak loud and into that microphone. Okay? Turn around and
2 face the witness -- or the lawyer. Thank you.

3 DIRECT EXAMINATION

4 BY MS. CAMPBELL:

5 Q Ms. Davis, how old are you?

6 A Thirty-three.

7 Q And where are you from?

8 A Lancaster.

9 Q How long have you lived here?

10 A All my life.

11 Q And do you know a young man named -- that goes by the
12 name of Breezo?

13 A Yes.

14 Q Do you know his real name?

15 A Yes.

16 Q What is it?

17 A Breante Stevens.

18 Q And tell this jury how you know Breante Stevens.

19 A We grew up together, went to school together.

20 Q Where did y'all go grow up?

21 A At Pardue.

22 Q At Pardue? So you've been knowing him most of your
23 life?

24 A Yes.

25 THE COURT: Ma'am, lower that microphone a little bit.

DOMINIQUE DAVIS - DIRECT

1 And you don't have to keep going up and down, you just talk
2 as you normally -- you can lean back in your chair even, you
3 seem to be pretty loud so that would be good. Thank you.

4 BY MS. CAMPBELL:

5 Q Are you a little nervous here today?

6 A Yeah.

7 Q I want to turn your attention back to September of
8 2021. Did you end up going to the Old Skool Bar one night?

9 A Yes.

10 Q And was that on September the 20th into the early
11 morning hours of the 21st?

12 A Yes. I don't remember.

13 Q Well, who did you go with?

14 A My and me sister.

15 Q What's your sister name?

16 A Brenia Davis.

17 Q Brenia Davis?

18 A Yes.

19 Q And do you remember about what time it was when y'all
20 got there?

21 A It was kind of late a little bit.

22 Q It was later?

23 A Yeah.

24 Q When you say --

25 A Midnight maybe.

DOMINIQUE DAVIS - DIRECT

- 1 Q Okay. Around midnight.
- 2 A Uh-huh.
- 3 Q Or maybe a little later?
- 4 A Yeah.
- 5 Q And when y'all got there, what did you do?
- 6 A We walked to the dance floor.
- 7 Q Were you drinking that night?
- 8 A Yes.
- 9 Q Was your sister having something to drink, too?
- 10 A Yes.
- 11 Q And once you got inside, did you know some of the
- 12 people inside?
- 13 A Yes.
- 14 Q At some point that night, did you see Breezo, or
- 15 Breante Stevens?
- 16 A Yes.
- 17 Q And when did you first see him?
- 18 A After I got in the club I think, yeah.
- 19 Q And what did you see him doing when you first saw him?
- 20 A Arguing with Lee.
- 21 Q Arguing with Lee?
- 22 A Yes.
- 23 Q And when you're talking about Lee, did you know who Lee
- 24 was, what his name was back then?
- 25 A I just know Lee. I didn't know him like that, but --

DOMINIQUE DAVIS - DIRECT

- 1 Q But you knew his name was Lee.
- 2 A Yeah.
- 3 Q And you saw who arguing with Lee?
- 4 A Breante.
- 5 Q And do you remember where there were in the bar that
- 6 night when they were arguing?
- 7 A Just like -- I think like the -- Lee was standing like
- 8 by the I guess you could say the stage, or whatever, and --
- 9 Q Who walked up to who, do you remember?
- 10 A No.
- 11 Q But when you looked up you said you saw them arguing.
- 12 How did you know they were arguing?
- 13 A Exchanging words. You could tell by their hands and
- 14 stuff.
- 15 Q Who was doing the hands?
- 16 A Both.
- 17 Q Did the argument end?
- 18 A I guess, yes. Somebody came and took Breante out of
- 19 the club.
- 20 Q So Breante went out of the club after arguing initially
- 21 with Lee.
- 22 A Yeah.
- 23 Q And do you know how long he was gone out of the club?
- 24 A No, I didn't -- no.
- 25 Q At some point did you see him again that night in the

DOMINIQUE DAVIS - DIRECT

- 1 club?
- 2 A No.
- 3 Q You didn't see him come back in?
- 4 A No. I didn't see him come back in.
- 5 Q Okay. At some point about five or ten minutes after he
- 6 left the club, did you hear something that caught your
- 7 attention and made you do something?
- 8 A I heard gunshots.
- 9 Q Before you heard gunshots, did you hear anybody saying
- 10 anything?
- 11 A No.
- 12 Q Do you remember giving a statement -- well, let me back
- 13 up. After the shooting -- did you get shot that night?
- 14 A No, I didn't.
- 15 Q Did anybody you know get shot that night?
- 16 A Yes.
- 17 Q Who got shot?
- 18 A My sister and my cousin.
- 19 Q And what's your cousin's name?
- 20 A LaShonda.
- 21 Q Barnes?
- 22 A Yes.
- 23 Q And your sister, Brenia?
- 24 A Yes.
- 25 Q Did y'all end up at the hospital that night?

DOMINIQUE DAVIS - DIRECT

- 1 A Yeah. I drove my sister to the hospital.
- 2 Q You actually drove her?
- 3 A Yes.
- 4 Q And after you had been there for awhile, do you
- 5 remember coming in contact with an investigator?
- 6 A I don't even remember talking to him.
- 7 Q Do you remember Investigator Dailey?
- 8 A No.
- 9 Q Do you remember talking to him that night and telling
- 10 him what you knew?
- 11 A No. I don't know.
- 12 Q And that would have been on September the 21st. And
- 13 y'all would have been in Room 10 at the Springs Hospital,
- 14 does that sound right?
- 15 A I remember being at the hospital but I really don't
- 16 remember talking to nobody.
- 17 Q Do you remember telling him that Breezo left and came
- 18 right back in right before the shooting started?
- 19 A No.
- 20 Q Do you remember showing him anything on your phone?
- 21 A No.
- 22 Q A Facebook profile for Breezo Dolla?
- 23 A No.
- 24 Q And if I told you -- said the name Breezo Dolla, who
- 25 would that be to you?

DOMINIQUE DAVIS - DIRECT

1 A Breante.

2 Q Breante?

3 A Breante.

4 Q So you didn't actually see the shooting itself.

5 A No, I didn't. My sister was like: Breante got a gun,
6 and I was like --

7 MR. SHELDON: Judge, objection, hearsay.

8 MR. BELTON: Objection, hearsay.

9 THE COURT: Hang on. Repeat your question again.

10 MS. CAMPBELL: Your Honor, as far as what she was
11 saying it's an 803.1 exception.

12 THE COURT: Repeat your question and I'll hear her
13 answer again. Go ahead.

14 Q You didn't see the actual shooting?

15 A No.

16 Q What did your sister say?

17 A Breante got a gun.

18 MR. BELTON: Objection, Your Honor.

19 THE COURT: Overruled.

20 MS. CAMPBELL: Present sense impression, excited
21 utterance.

22 THE COURT: Overruled.

23 MS. CAMPBELL: Thank you.

24 Q And the person that you know as Breezo Dolla or Breante
25 Stevens, do you see him in the courtroom?

DOMINIQUE DAVIS - DIRECT

- 1 A Yes.
- 2 Q Can you point him out for the jury?
- 3 A He's right there.
- 4 Q What is he wearing?
- 5 A I can't see.
- 6 Q You can stand up if you have to.
- 7 A He's got the burgundy shirt on.
- 8 Q The burgundy shirt with a tie?
- 9 A Yes.
- 10 Q Sitting next to his lawyers?
- 11 A Yes.
- 12 MS. CAMPBELL: Your Honor, may the record reflect she
- 13 has identified the defendant?
- 14 THE COURT: All right. So noted.
- 15 MR. BELTON: No questions for this witness, Your Honor.
- 16 THE COURT: All right. Any questions, Mr. Sheldon?
- 17 MR. SHELDON: Yes, Your Honor.
- 18 CROSS EXAMINATION
- 19 BY MR. SHELDON:
- 20 Q Thank you, Ms. Davis, just very briefly. So you were
- 21 at the club I think you said with your sister that night; is
- 22 that right?
- 23 A Yes.
- 24 Q And you saw an initial altercation between who you
- 25 identified as Lee and Breezo; is that right?

DOMINIQUE DAVIS - CROSS

1 A Yes.

2 Q And then at some point shortly thereafter you're close
3 to the platform or the stage in the club?

4 A Yes.

5 Q And you hear shots?

6 A Yes, I did.

7 Q And your sister says to you Breezo has got a gun, or
8 something along those lines?

9 A Yes.

10 Q But you didn't see who was shooting.

11 A No, sir.

12 Q And then you give a statement to law enforcement at
13 some point after that; is that right?

14 A Yes, sir, I guess so.

15 Q And at no point in time in any of the statements that
16 you gave in this case did you mention Antonio Champion's
17 name; is that right?

18 A No.

19 MR. SHELDON: No more questions, Judge.

20 MS. CAMPBELL: Just one thing I want to clarify.

21 REDIRECT EXAMINATION

22 BY MS. CAMPBELL:

23 Q I think I misstated. This event took place about two
24 years ago, so it would have been in 2019; is that correct?

25 A Yes.

JALISSA BARNES - DIRECT

1 Q And that's when you took your sister to the hospital
2 after she had been shot.

3 A Yes.

4 Q Thank you.

5 THE COURT: Anything else based on that, Mr. Sheldon?

6 MR. SHELDON: No, Judge.

7 THE COURT: All right. Thank you, ma'am, you may step
8 down. State can call its next witness.

9 The witness, JALISSA BARNES, was first duly sworn and
10 Testified as follows:

11 THE COURT: Thank you, ma'am. You can lower your mask
12 since you're behind the barricade. Just make sure you speak
13 into that microphone as loud as you can. Okay? Thank you.

14 DIRECT EXAMINATION

15 BY MS. MCGINNIS:

16 Q Good morning, Ms. Barnes. Can you state your name for
17 the record?

18 A My name is Jalissa Barnes.

19 Q And where do you live, Ms. Barnes?

20 A [REDACTED] Carolina Court.

21 Q Is that here in Lancaster?

22 A Yes, ma'am.

23 Q Did you grow up here in Lancaster?

24 A Yes, ma'am.

25 Q Lived here all of your life?

JALISSA BARNES - DIRECT

- 1 A Yes.
- 2 Q Do you know a gentleman by the name of Breante Stevens,
3 or Breezo?
- 4 A Yes.
- 5 Q How do you know him?
- 6 A That was one of my kid's cousin.
- 7 Q Have you known him for a pretty significant amount of
8 time?
- 9 A Uh-huh.
- 10 Q About how long?
- 11 A It's been awhile I've been knowing him.
- 12 Q I want to turn your attention back to September of
13 2019. Did you go to a party at the Old Skool Club on
14 September 20th into the early morning hours of the 21st of
15 2019?
- 16 A Yes, ma'am.
- 17 Q Who did you go to that party with?
- 18 A My cousin, LaShonda Barnes.
- 19 Q Anybody else?
- 20 A And my friend, Talasha (phonetically) Foster.
- 21 Q About what time did y'all get there?
- 22 A I don't really know.
- 23 Q Was it early in the night, like 9:00 r 10:00, or later?
- 24 A It was probably late.
- 25 Q Midnight to 1:00 a.m.?

JALISSA BARNES - DIRECT

- 1 A Probably so.
- 2 Q What did you do when y'all got there?
- 3 A We went to the bar and got a drink.
- 4 Q You and your cousin and your friend all had a drink or
- 5 a couple drinks that night?
- 6 A Uh-huh.
- 7 Q Then what did you do when you got your drinks?
- 8 A Started dancing around and stuff.
- 9 Q Went to the dance floor?
- 10 A Uh-huh.
- 11 Q At some point that night did you see Mr. Breante
- 12 Stevens?
- 13 A Yes, I did one time.
- 14 Q And do you know him by Breante Stevens or does he go by
- 15 a nickname?
- 16 A I know him by Breante.
- 17 Q Breante? Okay. When you saw Breante that night, what
- 18 was he doing?
- 19 A I don't know.
- 20 Q About where was he in the club?
- 21 A I think he was by the DJ booth.
- 22 Q What else was by the DJ booth in the club there?
- 23 A Nothing but a bunch of people.
- 24 Q Was there like a little raised area, like a mini stage?
- 25 A I don't know. I can't remember.

JALISSA BARNES - DIRECT

- 1 Q All right. When you saw Breante, did you see him
2 talking to anybody?
- 3 A No.
- 4 Q Did you see him holding anything?
- 5 A No.
- 6 Q Did you hear anything while you were there?
- 7 A No.
- 8 Q Did you hear any shots being fired?
- 9 A I heard shots, yes, ma'am.
- 10 Q Did you see anything when you heard those shots?
- 11 A All I heard was my cousin, LaShonda, call my name. I
12 didn't hear nothing else.
- 13 Q Your cousin, LaShonda, did she get shot?
- 14 A Yes.
- 15 Q Did you, in fact, take her to the hospital?
- 16 A Yes, I did.
- 17 Q Which hospital did you take her to?
- 18 A Springs.
- 19 Q Is that now MUSC-Lancaster?
- 20 A Yes, ma'am.
- 21 Q Did you go into the hospital with LaShonda?
- 22 A Yes.
- 23 Q Were you able to stay there in the hospital with her?
- 24 A No. They put me out of the hospital.
- 25 Q Okay. Did you leave the hospital immediately after

JALISSA BARNES - DIRECT

- 1 they put you out?
- 2 A No, I didn't.
- 3 Q You stayed in the parking lot?
- 4 A Uh-huh.
- 5 Q Do you remember talking to an officer in the parking
- 6 lot?
- 7 A No, I don't.
- 8 Q If I have Investigator Dailey here stand up, do you
- 9 remember talking to this man?
- 10 A No.
- 11 Q You don't remember getting into Mr. Dailey's vehicle
- 12 and giving him a statement?
- 13 A No, I don't.
- 14 Q You don't remember saying that you were --
- 15 MR. BELTON: Asked and answered, Your Honor.
- 16 THE COURT: Objection overruled.
- 17 Q You don't remember saying you saw Breezo pointing the
- 18 gun?
- 19 A No.
- 20 Q You don't remember telling Investigator Dailey you're
- 21 not sure who he was shooting at?
- 22 A No.
- 23 Q You don't remember telling Investigator Dailey Breante
- 24 Stevens shot all them people.
- 25 A I didn't tell no police officer that.

JALISSA BARNES - DIRECT

1 MR. BELTON: Again, Your Honor, objection, leading.

2 THE COURT: Objection noted, objection overruled.

3 Repeat your question.

4 Q You don't recall saying to Investigator Dailey Breante
5 Stevens shot all of them people.

6 A No, I did not.

7 Q Do you recall Investigator Dailey telling you that he
8 had his body cam activated when y'all were talking in the
9 car that night?

10 A No. I don't even remember talking to him.

11 MS. MCGINNIS: Beg the Court's indulgence.

12 THE COURT: All right.

13 (Break in proceedings.)

14 MR. BELTON: Your Honor, may we approach?

15 THE COURT: Yes.

16 (A bench conference was held.)

17 Q Ms. Barnes, do you see the name man you know as Breante
18 Stevens in the courtroom today?

19 A You're saying do I see him?

20 Q Do you see him in the courtroom today?

21 THE COURT: Ma'am? What did you say? I couldn't hear
22 you.

23 A I said no, I don't.

24 Q You don't see Breante Stevens in the courtroom today?

25 A No.

JALISSA BARNES - CROSS

1 MS. MCGINNIS: I don't have anything further, Your
2 Honor.

3 THE COURT: What did you say?

4 MS. MCGINNIS: I don't have anything further.

5 THE COURT: Okay. Any questions?

6 MR. BELTON: Your Honor, I have no questions for this
7 witness.

8 THE COURT: All right. Mr. Sheldon?

9 MR. SHELDON: Beg the Court's indulgence for one
10 minute.

11 (Break in proceedings.)

12 MR. BELTON: Your Honor, I take that back, I do have
13 two or three questions if the Court will.

14 THE COURT: Okay.

15 CROSS EXAMINATION

16 BY MR. BELTON:

17 Q Ms. Barnes, was it extremely crowded in the club that
18 night?

19 A Yes, it was.

20 Q Was it dark?

21 A Yeah.

22 Q Were people dancing and drinking and having a good
23 time?

24 A Yes, sir.

25 Q Okay. And we can honestly say it was like any typical

JALISSA BARNES - CROSS

1 club on a Friday night, correct?

2 A Yeah.

3 Q And it's fair to say that people were moving around the
4 club in different spots, no one is staying in the same
5 place. Is that fair to say?

6 A Right.

7 MR. BELTON: Thank you. No further questions, Your
8 Honor.

9 THE COURT: Mr. Sheldon?

10 MR. SHELDON: Yes, Your Honor. May it please the
11 Court?

12 CROSS EXAMINATION

13 BY MR. SHELDON:

14 Q So, Ms. Davis, you don't see -- you don't recognize
15 Breezo in the courtroom at all. Is that what you're saying?

16 A I don't see him. I know how he look but I don't see
17 him.

18 Q Okay. Can you see everybody in the courtroom?

19 A Yeah, I see people.

20 Q Okay. And you didn't say to law enforcement that you
21 saw some altercation between Breezo and some other
22 individual?

23 A I saw something on Facebook but I didn't see nothing at
24 the club.

25 Q I'm asking you, did you say that to law enforcement?

JALISSA BARNES - CROSS/REDIRECT

1 A I remember talking to somebody two weeks ago.

2 Q This would have been on September 21st of 2019 at
3 MUSC-Lancaster. You don't remember any of that conversation
4 at all.

5 A No, I do not. I was intoxicated, I do not remember
6 that.

7 Q You didn't say that you saw Breezo with a pistol start
8 firing in the direction, anything like that?

9 MR. BELTON: Objection, Your Honor. Again, asked and
10 answered.

11 THE COURT: Objection noted, objection overruled.

12 A No, sir.

13 MR. SHELDON: Judge, I don't have anymore questions
14 either.

15 THE COURT: All right. All right anything else?

16 REDIRECT EXAMINATION

17 BY MS. MCGINNIS:

18 Q You said you're related to Mr. Breante Stevens?

19 A No, I'm not.

20 Q Your kids are related to him?

21 A Yes.

22 MS. MCGINNIS: I don't have anything further.

23 THE COURT: Thank you, ma'am, you can step down.

24 MR. BELTON: Your Honor, can I get a recross on the
25 last question?

JALISSA BARNES - RECROSS

1 THE COURT: I thought we were done. Ma'am, come back
2 here, have a seat.

3 MR. BELTON: Just one question.

4 RECROSS EXAMINATION

5 BY MR. BELTON:

6 Q Ms. Barnes, is the fact that your children are related
7 to Mr. Stevens, does that impact your testimony in here
8 today?

9 A No, I do not.

10 MR. BELTON: Thank you.

11 THE COURT: Mr. Sheldon?

12 MR. SHELDON: No, sir, Your Honor.

13 THE COURT: All right. Thank you. Now you can step
14 down. Call your next witness.

15 MS. CAMPBELL: The State would call Myckel Neal.

16 THE COURT: All right.

17 The witness, MYCKEL NEAL, was first duly sworn and
18 Testified as follows:

19 DIRECT EXAMINATION

20 BY MS. CAMPBELL:

21 Q Mr. Neal, where are you employed?

22 A With Elite One Protection Agency, and also --

23 Q And what -- excuse me, I didn't mean to interrupt. Go
24 ahead.

25 A Fresenius Kidney Care Dialysis.

MYCKEL NEAL - DIRECT

1 Q Okay. So you actually are employed by two different
2 people?

3 A Yes.

4 Q And what do you do in the kidney care dialysis job?

5 A I'm a dialysis tech.

6 Q And you mentioned that you were also employed by Elite
7 One Securities?

8 A Yes, protection agency.

9 Q And what do you do for them?

10 A I provide security services.

11 Q Does that include also security that may be say in the
12 night club or things of that nature?

13 A Yes.

14 Q And do you have any training or certification as far as
15 becoming a security officer for a night club?

16 A I am registered through SLED for my security license.

17 Q And did you have to do actual training to get that
18 security license?

19 A Yes.

20 Q And as part of that training and in order to get that
21 security license, are you actually able to carry a weapon?

22 A Yes.

23 Q And you were certified by SLED?

24 A Yes.

25 Q And that's a process you have to go through to get

MYCKEL NEAL - DIRECT

1 certified; is that correct?

2 A Correct.

3 Q And once you're certified, do they issue you any kind
4 of identification that you are given as a result of that?

5 A Yes. You're given a SLED card with your picture and
6 other information on it.

7 Q And do you also have a badge that indicates you're a
8 security officer?

9 A Correct.

10 Q How long have you been in the security business doing
11 this?

12 A A total of about eight years.

13 Q About eight years?

14 A Yes.

15 Q And the Elite One Company, is that located here or in a
16 different part of the state?

17 A In Columbia.

18 Q Columbia, South Carolina?

19 A Yes.

20 Q I want to turn your attention back to September of
21 2019, and let me back up for a minute. Are you familiar
22 with a club that back in 2019 was with called Old Skool?

23 A Yes.

24 Q And had you done security work prior to September of
25 2019 there?

MYCKEL NEAL - DIRECT

1 A Yes.

2 Q And how often would you typically go up and provide
3 security services for that club?

4 A On an as-needed basis.

5 Q And if you had to estimate prior to the night of the
6 shooting how many times you provided security there, can
7 you even -- do you know approximately how many times you had
8 been there?

9 A I do not know the exact number.

10 Q During -- would it be safe to say it would be more than
11 ten? Less than ten?

12 A More than ten.

13 Q And during the course of providing security there, did
14 you become familiar with some of the regulars?

15 A Yes.

16 Q And did you know a man, or have occasion to run into a
17 man named Breezo, or Breezo Dolla?

18 A Yes.

19 Q Did you know his real name?

20 A Not before that night, no.

21 Q And tell the jury how you would come in contact with
22 Breezo Dolla before that night on September of 2019?

23 A I would just see him at different events either coming
24 to perform or enjoy the night.

25 Q So he was a performer?

MYCKEL NEAL - DIRECT

1 A Yes.

2 Q And when you say you saw him at different events, in
3 addition to seeing him at Old Skool, had you see him at
4 other clubs you provided security for?

5 A Yes.

6 Q And had you ever had any face to face contact with him?

7 A I had.

8 Q We'll get back to that. I want to turn your attention
9 to September 21st of 2019. What kind of event was going on
10 that night that you were providing security for?

11 A Alonzo was having a party of some sort that night.

12 Q A party of sort?

13 A Yes.

14 Q And when you say Alonzo, who was he?

15 A He was the promoter for the night.

16 Q And what does a promoter do in one of these clubs at
17 one of these parties?

18 A I guess they bring the entertainment and their select
19 crowd to whatever venue they're at.

20 Q And is it typical for them to like issue a flier and
21 have people's faces and names on it saying they're going to
22 attend the event?

23 A Yes.

24 Q And that night you mentioned entertainment. Was there
25 any kind of DJ or band or any kind --

MYCKEL NEAL - DIRECT

- 1 A There was a DJ.
- 2 Q It was a DJ that night?
- 3 A Yes.
- 4 Q So there were no individual performers actually doing
- 5 rap that night?
- 6 A Not that I was aware of.
- 7 Q Were you the only one that was providing security that
- 8 night?
- 9 A I was not.
- 10 Q Who was with you?
- 11 A My partner, Benjamin.
- 12 Q Mr. Benjamin?
- 13 A Yes.
- 14 Q In providing security, tell the jury what your duties
- 15 would include there at the club once you got there?
- 16 A What we would do is check the people coming into the
- 17 club for drugs or weapons, and check the ID if we suspect
- 18 that they may be under age.
- 19 Q And when you say you checked them for guns or weapons,
- 20 how did that occur? And was it different from men to women?
- 21 Just explain that to the jury.
- 22 A For males we would do a physical pat down with our
- 23 hands, and females we would use wand scanners to scan them.
- 24 Q And that night, was there a fee for getting in that
- 25 party? Do you know?

MYCKEL NEAL - DIRECT

- 1 A I do believe so.
- 2 Q But that wasn't part of your duty.
- 3 A No.
- 4 Q What time was it when you got there that night? Do you
- 5 remember?
- 6 A I do not remember the exact time, 10:45 or 11:00.
- 7 Q Around 11:00 or something like that?
- 8 A Yes.
- 9 Q And had the party started at that point?
- 10 A Yeah. There was already people there when we arrived.
- 11 Q There were other people there?
- 12 A Yes.
- 13 Q And do you know if they were searched or anything prior
- 14 to you getting there?
- 15 A I do not, no.
- 16 Q As part of your duties that night, you and Mr.
- 17 Benjamin, where would y'all be stationed?
- 18 A At the main entrance.
- 19 Q The main entrance?
- 20 A Yes.
- 21 Q And when you were looking at this club from the road
- 22 that runs in front of it, is there a door that's right there
- 23 on the side of the road? Is that the main entrance, or the
- 24 side entrance actually?
- 25 A The side entrance is the main entrance.

MYCKEL NEAL - DIRECT

1 Q Okay. Once you got there, did Mr. Benjamin show up
2 shortly after you got there?

3 A Yes.

4 Q As the night progressed y'all were basically doing what
5 your job was, which was to check for ID's if you suspected
6 them for being too young and to basically pat them down.

7 A Correct.

8 Q And y'all did that to the best of your ability that
9 night?

10 A Yes.

11 Q Were there any other doors to that club?

12 A Yes. There's that front door that I was told couldn't
13 be opened, and then there's a back door in the back of the
14 kitchen area.

15 Q The kitchen area? That night -- are you familiar with
16 a young man whose name was Lee Colvin?

17 A Yes.

18 Q Did he come to the club that night?

19 A Yes, he did.

20 Q And did you know what he was there to do that night at
21 the club?

22 A I did not. But I did see him with a box of camera
23 equipment.

24 Q A box of camera equipment.

25 A Yes.

MYCKEL NEAL - DIRECT

1 Q And that night as the evening progressed, did the man
2 you know as Breezo Dolla, did he show up that night?

3 A Yes, he did.

4 Q And when he showed up was he by himself?

5 A He was not.

6 Q And do you know how he got there to the club that
7 night?

8 A In a black Volkswagen Jetta.

9 Q And once he got there to the club, do you remember
10 about what time that was?

11 A About 2:45.

12 Q So some time after 2:00?

13 A Some time after 2:00.

14 Q And when he got there, did he come into the club that
15 night?

16 A Yes, he did.

17 Q And when came into the club the first time that night,
18 was he patted down?

19 A Yes, he was.

20 Q Was anyone with him coming into the club?

21 A Yes. He was accompanied by three other gentlemen, I
22 believe.

23 Q Once he got inside the club, did you go in with him or
24 were you still out front?

25 A I was still out front.

MYCKEL NEAL - DIRECT

1 Q And at some point did you and your partner feel it was
2 necessary to go inside the club after he had gotten there?

3 A Yes.

4 Q And tell the jury why you all left your post at the
5 security and go inside the club?

6 A Shortly after he arrived a crowd of people came out and
7 said they were fighting inside, but they did not tell us who
8 was fighting inside.

9 Q So some people came out and basically you were informed
10 there was a fight inside?

11 A Yes.

12 Q And as a result of that getting that information, where
13 did you go?

14 A Then we went inside the club and walked up the ramp
15 where the stage and dance floor area is, and I flashed my
16 flashlight to see what was going on.

17 Q Uh-huh. And what were you able to determine once you
18 got inside?

19 A That there was no fight. There were people putting
20 their shirts on, nobody giving us any information about
21 what's going on.

22 Q And were y'all trying to get information about what was
23 going on?

24 A Yes, we were.

25 Q Was anybody cooperating with you about where this fight

MYCKEL NEAL - DIRECT

1 was?

2 A No.

3 Q And you said people were putting their shirts back on
4 because nothing was going on.

5 A They said nothing was going on.

6 Q And this area -- when you walk in the front entrance
7 there's kind of a foyer area?

8 A Yes.

9 Q And can you describe to the jury then when you said the
10 dance floor area, how do you get there?

11 A Roughly ten to 20 feet there's a ramp to the left.

12 Q So if you're coming in the front door there's a ramp to
13 the left about ten or 20 feet?

14 A Yes.

15 Q And then you go up that ramp, and what's there?

16 A And then that's the dance area, the stage area is to
17 the left.

18 Q Is to the left?

19 A Yes.

20 Q And where is the DJ?

21 A The DJ is sort of to the left and up on that back wall.

22 Q On the back wall?

23 A Yes.

24 Q Is it near a corner or not?

25 A Yes.

MYCKEL NEAL - DIRECT

- 1 Q And next to the DJ, was there anything there?
- 2 A As far as --
- 3 Q A platform of some sort?
- 4 A Yes, they're on a platform.
- 5 Q So that's what's to the left when you come up the ramp.
- 6 What was to the right when you come up the ramp?
- 7 A That's where the bar and some sitting areas are.
- 8 Q Okay. What areas did you check that night trying to
- 9 make sure that there was no fight going on that needed your
- 10 attention?
- 11 A Came in and checked the bar area, and then there's a
- 12 little area on the side of the bar where a lot of picture
- 13 people set up to take the pictures, I checked that area
- 14 walking around the dance floor area, and I flashed my light
- 15 from that side to the bar side where the stage and more of a
- 16 dance floor area.
- 17 Q And at that point -- were you carrying a weapon that
- 18 night?
- 19 A Yes.
- 20 Q What weapon do you have?
- 21 A A Glock .22.
- 22 Q That's a handgun?
- 23 A Yes.
- 24 Q And at that point had you pulled out your weapon?
- 25 A I had not.

MYCKEL NEAL - DIRECT

1 Q So you said you went to the whole area to the left of
2 the ramp and to the right looking, and was Mr. Benjamin with
3 you?

4 A Yes.

5 Q And prior to going into the -- going up a ramp after
6 you got back in the club, did you ask anybody to do anything
7 about the front door while you were weren't there?

8 A Yes. I asked the lady that was at the register to lock
9 the front door and not let anybody in until we come back.

10 Q And do you know if she did that?

11 A Well, in that process the promoter's father came up to
12 me and said: What do you need? What do you need? Then I
13 asked him the same thing.

14 Q So you were asking them to basically lock the front
15 door until you could get back to it?

16 A Correct.

17 Q Once you had shut the whole area where the bar was and
18 where the dance floor was -- how crowded was it that night?

19 A It was very crowded.

20 Q Where did you go then?

21 A As I finished my scan I'm going back out, and as I'm
22 going towards the door I go towards the restroom, which is
23 the left of the end of that ramp.

24 Q Okay. So if you're coming down the rap from the dance
25 floor or the bar area, if you go to the right what's there?

MYCKEL NEAL - DIRECT

- 1 A The right is headed towards the entrance.
- 2 Q And then you said you went to the left.
- 3 A Correct.
- 4 Q And where were you going?
- 5 A I was going up another ramp where the two bathrooms
- 6 are.
- 7 Q And what happened once you got to the bathroom?
- 8 A As I'm preparing to use the restroom I hear people
- 9 screaming outside, and two girls say: Where is security?
- 10 They got a gun, they got a gun. That's when I go out and I
- 11 say: Who has a gun? And the first girl says: I don't know
- 12 but they have a gun. And the second girl says: Breezo has
- 13 a gun. I don't know --
- 14 MR. BELTON: Objection, Your Honor, hearsay.
- 15 THE COURT: Objection overruled.
- 16 Q What was their demeanor like?
- 17 A They were hysterical, scared.
- 18 Q Scared? Upset?
- 19 A Yes, upset.
- 20 Q And that's when one said they had a gun, and what did
- 21 the other one say?
- 22 A Breezo has a gun and I don't want to get shot.
- 23 Q Let me ask you this: Prior to you going into the club
- 24 to check for the fight, had you seen Breezo again?
- 25 A As we're going in I do see him running out of the front

MYCKEL NEAL - DIRECT

1 entrance.

2 Q So before you went in to check about the fight you see
3 him running out the front door.

4 A Correct.

5 Q Once those girls had told you that information, what
6 did you do?

7 A That's when I drew my weapon and I'm going back to get
8 my partner and update him on the information I received.

9 Q And what happened next?

10 A Before I could make it to him shots rang out and I felt
11 as if the bullets were going over my head or around me and I
12 went down.

13 Q And where were you when this happened?

14 A Next to the ramp going to the -- onto the dance floor
15 area.

16 Q Okay. But were you in the lobby area or the dance
17 floor area or the ramp? Where were you approximately?

18 A I was in the lobby area.

19 Q And you said you felt what going by your head?

20 A I felt as if the bullets were going by my head.

21 Q Do you remember how many shots do you know there were?

22 A I don't recall an exact number, but more than ten.

23 Q And you said at that point you went down.

24 A Yes.

25 Q Why did you go down?

MYCKEL NEAL - DIRECT

- 1 A Just -- it must have been out of instinct, but bullets
2 were passing me.
- 3 Q At that point once the shots had been fired, could you
4 tell where they were coming from?
- 5 A Not initially, but --
- 6 Q Could you tell if they were inside or outside?
- 7 A I could tell that they were inside.
- 8 Q What happened then?
- 9 A And then I calm down, I'm tried to collect myself, and
10 then I start ushering people out the door. And we're trying
11 to get the second double door to open because it had like it
12 was a locking mechanism on the top, and as I'm trying to
13 unlock the first door I believe Benjamin is trying to unlock
14 that second door so we can get both of those doors open.
- 15 Q Where was Mr. Benjamin when the shots were actually
16 fired? Was he inside or outside?
- 17 A He was outside.
- 18 Q So at this point, what is everybody in the club doing
19 as y'all are trying to unlock those doors?
- 20 A They're scrambling to get out of the building, running
21 over each other and somewhat running over me to get past to
22 get out of the building.
- 23 Q Did you observe -- were you able to see some of the
24 people as they came out of the club?
- 25 A Yes.

MYCKEL NEAL - DIRECT

1 Q Did you actually see Breezo exit the club?

2 A I did not.

3 Q Were you able to see --- are you familiar with the young
4 man that went by the name of Ace Harris?

5 A Yes.

6 Q And did you see him leaving the club?

7 A I did see him.

8 Q And where were you when you saw him leaving the club?

9 A I was over next to the line of cars as he was stumbling
10 down the ramp.

11 Q And what did you immediately notice about him as he was
12 stumbling down the ramp?

13 A That he had blood on his shirt and he couldn't walk
14 very well.

15 Q So as he's coming down the ramp from the entrance -- so
16 would he have been shot inside or outside?

17 A Inside.

18 Q And you said he was stumbling?

19 A Yes.

20 Q And how far did he go?

21 A He made it to the end of the ramp and I guess maybe
22 five feet before he collapsed on the ground, and then he
23 crawled to me where I was next to a car.

24 Q And what did you do then?

25 A He was asking me what happened and I didn't have any

MYCKEL NEAL - DIRECT

1 words for him. I didn't know. I asked him who shot him, he
2 didn't say anymore after that. So I covered him -- well,
3 tried to cover him until paramedics arrived.

4 Q Did other people try to give him aid as well?

5 A Yes.

6 Q In fact, at some point was somebody trying to give him
7 CPR?

8 A Yes.

9 Q And did he make it?

10 A He did not.

11 Q Did you remain on the scene and try to help the police?

12 A I did.

13 Q And after Ace went down and all of that within a minute
14 or two was there additional alarming events?

15 A Yes. There was more gunfire in the parking lot.

16 Q In the parking lot?

17 A Yes.

18 Q So at this point it was outside.

19 A Yes.

20 Q Did you remain on scene pretty much that whole night?

21 A Yes.

22 Q Did you become aware that there were additional people
23 who had been shot besides the one you saw stumbling down the
24 ramp?

25 A Yes. I was informed that there was somebody on the

MYCKEL NEAL - DIRECT

1 inside that was shot, and also other people that came out
2 said that they were shot.

3 Q Because of the shots inside and then the shots outside,
4 how would you describe the scene as far as when police
5 arrived and trying to just take charge of the scene?

6 A It was chaotic. No one wanted to leave and it was
7 mayhem everywhere.

8 Q The man that you know as Breezo Dolla, had he had a
9 confrontation with Lee Colvin that you with witnessed
10 earlier?

11 A Yes.

12 Q And when was that, sir?

13 A It was on October 31st. It was a different --

14 Q Would it have been August the 31st? This happened
15 September 21st.

16 A No. This was October 31st of the previous year.

17 Q Of the previous year?

18 A Yes.

19 Q And after that, had they had another confrontation just
20 several weeks before this that you witnessed?

21 A Not that I can recall that I witnessed.

22 Q At some point had you ever heard the two of them
23 exchange words on a previous occasion?

24 A Yeah. It was on that October 31st event.

25 Q Okay. And do you recall specifically anyone

MYCKEL NEAL - DIRECT

1 threatening the other one?

2 A Yes. Breezo was threatening Lee that he was going to
3 kill him.

4 MR. BELTON: Objection, Your Honor.

5 THE COURT: Overruled.

6 Q And do you remember giving a statement later that
7 morning to the police officers the day this happened, I
8 believe later that day?

9 A Yes.

10 Q Because this happened in the early morning hours. And
11 do you remember saying that occurred on August the 31st of
12 2019?

13 A I don't recall saying that date, but --

14 Q And that would be -- Breante is the one that made the
15 threat?

16 A Correct.

17 Q And what was the threat?

18 A That he was going to kill him.

19 Q And that was towards Mr. Colvin?

20 A Yes.

21 Q That next morning after you gave the police the
22 information about what you knew, because you didn't actually
23 see the inside shooting, did you?

24 A No, I did not.

25 Q And you didn't actually see who shot outside.

MYCKEL NEAL - DIRECT

1 A No, I did not.

2 Q But you were able to give them information about who
3 was coming and going.

4 A Correct.

5 Q Did they ask you to look at some photographs?

6 A Yes.

7 Q And I want to show you what's been marked for pretrial
8 as State's Exhibit Number 4. I'll hand this up to you and
9 just ask you first if you recognize this.

10 MS. CAMPBELL: Your Honor, is it okay if I approach?

11 Q I want to show you what's been marked as State's
12 Exhibit Number 4. Do you recognize that?

13 A Yes.

14 Q And what does this depict?

15 A A picture lineup they gave me.

16 Q A lineup?

17 MR. BELTON: Objection, Your Honor, subject to my
18 pretrial argument.

19 THE COURT: Objection noted, objection overruled.

20 MS. CAMPBELL: Thank you, Your Honor.

21 Q What does this show? How many pictures are there?

22 A Six pictures.

23 Q And when they showed you this photo lineup, did they
24 tell you who to pick?

25 A No.

MYCKEL NEAL - DIRECT

1 Q Did they influence your decision in any way to see if
2 you recognized someone in this photo lineup?

3 A No.

4 Q And when you looked at this photo lineup, did you, in
5 fact, recognize someone?

6 A Yes, I did.

7 Q And which one did you recognize? What number?

8 A Number three.

9 Q And who did you recognize that to be?

10 A Breezo Dolla.

11 Q And once you indicated that to law enforcement, did
12 they then ask you to memorialize that in any way?

13 A Yes. They asked me to circle it and put my initials.

14 Q And you did that.

15 A Correct.

16 Q So when you were shown this photo lineup there was no
17 writing on it, that's your writing that was put on it.

18 A Yes.

19 Q And then did they also ask you and advise you to go
20 through these rights about the person may not be in there or
21 anything like that that's on this front page?

22 A Yes.

23 Q And did you sign and agree to that?

24 A Yes.

25 MS. CAMPBELL: Your Honor, at this time we offer

MYCKEL NEAL - DIRECT

1 State's Exhibit 4 into evidence.

2 THE COURT: All right. Admitted over objection.

3 (State's 4 was received.)

4 Q The person that you knew as Breezo Dolla that made the
5 threat to kill him and then ultimately was in the club that
6 night, do you see him here in the courtroom?

7 A Yes.

8 Q Can you point him out to the jury?

9 A He's sitting right there.

10 Q And what's he wearing just so they know?

11 A I'm sorry?

12 Q What's he wearing?

13 A A maroon shirt, blue mask and glasses.

14 MS. CAMPBELL: Your Honor, may the record reflect he
15 has identified the defendant, Breante Stevens?

16 THE COURT: All right. So noted.

17 MR. BELTON: Your Honor, I obviously object in court
18 and out of court.

19 THE COURT: Yep. You are protected in the record.

20 MR. BELTON: Thank you.

21 MR. SHELDON: And Judge, just before he even gets
22 started, State 's 4 is in? I would like to keep it up where
23 it's accessible.

24 THE COURT: Okay.

25 MR. BELTON: Beg the Court's indulgence.

MYCKEL NEAL - CROSS

1 THE COURT: Yes, sir.

2 (Break in proceedings.)

3 CROSS EXAMINATION

4 BY MR. BELTON:

5 Q Good morning, again, Mr. Myckel.

6 A Good morning.

7 Q You at some point interviewed with law enforcement,
8 -didn't you?

9 A Yes.

10 Q And you told law enforcement you heard a lower caliber
11 prior to a higher caliber, correct?

12 A Correct.

13 Q You also told law enforcement you heard more than ten
14 shots, correct?

15 A Correct.

16 Q All right. In fact, when Mr. Harris came out of the
17 door he actually jumped off of the porch, did he not?

18 A No, he did not.

19 Q So your testimony is he did not jump off the porch?

20 A No.

21 Q And during this entire incident you did not actually
22 see the actual shooting, correct?

23 A Correct.

24 Q Your statement to Officer Lyons is that you were in the
25 restroom, correct?

MYCKEL NEAL - CROSS

- 1 A When the shooting occurred?
- 2 Q Yes.
- 3 A Incorrect.
- 4 Q Okay. You did not tell Officer Lyons that?
- 5 A That I was in the restroom? No.
- 6 Q Okay. All right. So you told Officer Lyons you were
- 7 checking on a toilet or near a toilet?
- 8 A No. I didn't say any of that.
- 9 Q Okay. So you indicate that you all do a pat down there
- 10 at the -- do a pat down there at the club, correct?
- 11 A Correct.
- 12 Q And you pat down -- do you differentiate between women
- 13 and men as they come in?
- 14 A We pat down men with our hands and use the wand for the
- 15 females.
- 16 Q And so you -- have you seen the video of what happened
- 17 in this club since the incident?
- 18 A Inside?
- 19 Q Yes.
- 20 A Yes.
- 21 Q Okay. And so inside -- let me back up. When you all
- 22 are patting down, are you patting down with your hands?
- 23 A Yes.
- 24 Q And you're patting the men down, and you have
- 25 electronic wands, kind of the standard wands we all have

MYCKEL NEAL - CROSS

1 probably experienced, correct?

2 A Correct.

3 Q All right. And you have seen the video of the incident
4 after. So you are aware that that night there were multiple
5 guns inside of this club?

6 A Yes, I'm aware of that.

7 Q All right. Were you the one responsible for patting
8 down Mr. Stevens?

9 A We both were responsible for patting him down.

10 Q Did you pat down Mr. Stevens that night as he came in
11 the club? You?

12 A No, I did not.

13 Q You were actually -- your testimony is you were outside
14 when Mr. Stevens got there, when he arrived, correct?

15 A Correct.

16 Q All right. And so did you actually see the car that he
17 pulled up in?

18 A I did.

19 Q Okay. So you saw him come out of the car.

20 A I seen the car pull up, I didn't see him come out of
21 the car.

22 Q So you never saw him walk to the door.

23 A Yeah. I seen him when he was walking towards the door.

24 Q Okay. Did you see him walk in the door?

25 A Yes.

MYCKEL NEAL - CROSS

1 Q Okay. But you were not the one responsible for patting
2 him down?

3 A I did not pat him down.

4 Q All right. Thank you. All right. Throughout the
5 night is it fair to say that you were back and forth on
6 video? We can see you back and forth throughout the club,
7 that you leave the front door often and walk through the
8 club with a flashlight?

9 A Occasionally.

10 Q Checking on things, looking for things. Okay. That
11 particular night you had a sidearm.

12 A Yes.

13 Q All right. And after the shooting took place you
14 actually pulled that firearm, correct?

15 A Correct.

16 Q Was that firearm ever taken from you from law
17 enforcement?

18 A Yes.

19 Q When was that firearm returned to you?

20 A Same night.

21 Q Same night?

22 A Yes.

23 Q So that firearm was not collected and put into
24 evidence.

25 A No.

MYCKEL NEAL - CROSS

1 Q All right. As you all are patting down people, do you
2 all have an exclusion for who can bring a gun in and who
3 can't bring a gun in?

4 A We don't allow anyone to bring a gun in.

5 Q So nobody should have had a gun in that club that night
6 except for you and your partner.

7 A Correct.

8 MR. BELTON: No further questions, Your Honor.

9 THE COURT: Mr. Sheldon.

10 MR. SHELDON: Thank you, Your Honor. May it please the
11 Court?

12 CROSS EXAMINATION

13 Q Mr. Neal, you gave a statement to law enforcement in
14 this case; is that correct?

15 A I'm sorry?

16 Q You gave a statement to law enforcement in this case;
17 is that correct? You spoke to law enforcement.

18 A Yes.

19 Q And you identified Mr. Stevens as the shooter, right?

20 A Correct.

21 Q Okay. Well, let's back up. So you said you saw that
22 Mr. Stevens come -- and I'm going to say Mr. Stevens, I mean
23 Breezo. You saw Breezo walk in the door with a couple of
24 other individuals; is that right?

25 A Yes.

MYCKEL NEAL - CROSS

1 Q And was one of those individuals -- do you know who any
2 of them were?

3 A I know one of the guys that's Too Cool but I don't know
4 his real name.

5 Q I'm sorry, you said one of the guys is Too Cool?

6 A Yes.

7 Q That's what he goes by? That's his nickname, Too Cool?

8 A Correct.

9 Q But you don't know his real name.

10 A No.

11 Q What time was that?

12 A Approximately 2:40 or 2:45. I don't know the exact
13 time.

14 Q Okay. Well, if the shooting occurred sometime around
15 2:30, would it have been before that?

16 A Yes.

17 Q And how long before that?

18 A How long --

19 Q Yeah. I mean, 15? 20 minutes? 30 minutes? Three
20 hours? Do you have any idea? Do you remember?

21 A Less than 15 minutes.

22 Q Okay. So if the shooting occurs at 2:30, sometime
23 around 2:15, is that fair to say?

24 A Can you repeat that? I don't understand.

25 Q You agree that it was about -- roughly 15 minutes that

MYCKEL NEAL - CROSS

1 Breezo arrives prior to the shooting happening; is that
2 right?

3 A Right, maybe less.

4 Q Okay. So if the shooting happens around 2:30 then it's
5 roughly around 2:15 when he arrives.

6 A Okay.

7 Q I'm asking. Is that fair to say?

8 A Yes.

9 Q And so -- but it wasn't -- at no point in time before
10 that did you see Breezo arrive at the club at all, right?
11 He wasn't there and left for two hours and then came back,
12 right?

13 A No, I didn't see that.

14 Q He got there about 15 minutes prior to the incident
15 occurring.

16 A Correct.

17 Q Okay. And so -- and you also indicated to law
18 enforcement that you knew that he was the shooter; is that
19 right?

20 A Yes.

21 Q If you didn't see the shooting, how did you know that?

22 A Because of the people that were running out they told
23 me and told me his name, which I didn't know before that
24 night.

25 Q You didn't know who Breezo was before that night.

MYCKEL NEAL - CROSS

1 A I knew -- I had seen his face and I knew his nickname
2 but I didn't know his legal name.

3 Q And so -- and there were people running out telling you
4 that; is that right?

5 A Yes.

6 Q Okay. I'm going --

7 MR. SHELDON: Judge, can I approach the witness?

8 THE COURT: Yeah.

9 Q I show you what's marked as State's 4. This is the
10 lineup when you picked Breezo out of the crowd -- out of a
11 lineup; is that right?

12 A Yes.

13 Q Just saw that. Who were the other five individuals in
14 that picture? Do you know them?

15 A I do not know them.

16 Q Okay. So the only individual in this picture you know
17 is Breezo, Breante Stevens; is that right?

18 A Correct.

19 Q And is that the man that you identified as being the
20 shooter?

21 A Yes.

22 Q Based on what people -- based on people telling you
23 that he was the shooter.

24 A Correct.

25 Q Is Antonio Champion in that picture?

MYCKEL NEAL - CROSS

- 1 A I don't know.
- 2 Q Okay. You don't mention Antonio Champion's name to law
3 enforcement at all that night, right?
- 4 A Can you repeat that?
- 5 Q You don't mention Antonio Champion's name to law
6 enforcement at all that night, do you?
- 7 A No, I do not.
- 8 Q Do you know who Antonio Champion is?
- 9 A I do now.
- 10 Q Did you at the time?
- 11 A No, I did not.
- 12 Q The incident that law enforcement -- so you didn't even
13 know who he was.
- 14 A I mean, I had seen him, but, no, I didn't know him.
- 15 Q Where had you seen him?
- 16 A At different events at the night club.
- 17 Q Okay. So you had seen him at different night clubs,
18 right?
- 19 A Yes, I had seen him before.
- 20 Q And you mentioned, whether it was October 31st of 2018,
21 there was an incident involving Mr. Stevens and Mr. Colvin;
22 is that right?
- 23 A Correct.
- 24 Q And you know who Mr. Stevens is, right?
- 25 A Yes.

MYCKEL NEAL - CROSS

1 Q And you knew that he had threatened to kill somebody.

2 A Correct.

3 Q And you had seen him at places before, right?

4 A Mr. Stevens? Yes.

5 Q And so you knew his tendency that at least that there
6 had been altercations in the past.

7 MR. BELTON: Objection, Your Honor. Objection.

8 THE COURT: Objection sustained.

9 Q Mr. Champion had never been involved in an altercation
10 in the past that you knew of, had he?

11 A No, he had not.

12 MR. SHELTON: I don't have anymore questions, Judge.

13 THE COURT: All right. Any redirect?

14 MS. CAMPBELL: No, sir.

15 THE COURT: All right. Thank you, sir, you may step
16 down.

17 MS. CAMPBELL: Your Honor, may he be excused?

18 THE COURT: Any objection?

19 MR. BELTON: Your Honor, we do have him under subpoena
20 but no objection for him being excused now.

21 THE COURT: Thank you, sir, you can step down. All
22 right. The State can call its next witness.

23 MS. MCGINNIS: State calls Kendal Benjamin.

24 The witness, KENDAL BENJAMIN, was first duly sworn

25 And testified as follows:

KENDAL BENJAMIN - DIRECT

1 THE COURT: Thank you, sir. You can take your mask
2 off. All right, Madam Solicitor.

3 DIRECT EXAMINATION

4 BY MS. MCGINNIS:

5 Q Mr. Benjamin, can you state your full name for the
6 record?

7 A Full name is Kendal Harold Benjamin.

8 Q And where are you employed, Mr. Benjamin?

9 A The American Red Cross.

10 Q And do you have another job that you work from time to
11 time?

12 A Yes, ma'am, private security.

13 Q And for what company is that?

14 A That will be for Executive Protection Agency.

15 Q Okay. Have you previously worked for Elite One
16 Protection Agency?

17 A Yes, ma'am.

18 Q And in what time period was that?

19 A I want to say 2017 and 2018.

20 Q How about 2019?

21 A Yes, ma'am.

22 Q Are you familiar with an incident that took place in
23 September of 2019 at the Old Skool Bar here in Lancaster?

24 A Yes, ma'am.

25 Q Were you employed with Elite One at that time?

KENDAL BENJAMIN - DIRECT

- 1 A Yes, ma'am.
- 2 Q And for that employment as private security what kind
3 of training do you have to do?
- 4 A We do classroom training for four hours and we do range
5 training for four hours.
- 6 Q What agency is that training through?
- 7 A Through the security company.
- 8 Q And then do you have to register with SLED?
- 9 A Yes, ma'am.
- 10 Q As part of that registration do you get any type of
11 credentials?
- 12 A Yes, ma'am, you do.
- 13 Q And at the time that this incident took place you were
14 trained and had those credentials?
- 15 A Yes, ma'am.
- 16 Q Okay. So this evening at Old Skool, why were you up
17 here at the Old Skool Bar and Grill?
- 18 A I was there to -- for a regular club event as private
19 security.
- 20 Q Okay. Were you there alone?
- 21 A No, ma'am.
- 22 Q Who was there with you that night?
- 23 A I had my partner, Officer Neal.
- 24 Q Okay. And had you been to that Old Skool Bar before?
- 25 A Yes, ma'am.

KENDAL BENJAMIN - DIRECT

1 Q About how many times?

2 A Maybe ten.

3 Q Okay. Did you carry a firearm when you worked private
4 security?

5 A Yes, ma'am.

6 Q How about any type of personal protection, a vest or
7 anything like that?

8 A Yes, ma'am.

9 Q Do you have both your firearm and your vest that night?

10 A I did.

11 Q Having worked you at the Old Skool before, were you
12 familiar with people that came on a regular basis to that
13 club?

14 A Somewhat.

15 Q Were you familiar with someone by the nickname of
16 Breezo?

17 A Yes, ma'am.

18 Q And had you seen him at Old Skool before?

19 A I have.

20 Q So that night, do you know what kind of event was going
21 on?

22 A No, ma'am. It was planned to be a regular Friday
23 night.

24 Q Okay. Just a regular club night?

25 A Yes, ma'am.

KENDAL BENJAMIN - DIRECT

1 Q Okay. Do you know about any sort of entertainment that
2 was going to be at the club? Was there live performances, a
3 DJ, a band?

4 A No, ma'am.

5 Q What were your duties as the security guard there that
6 night?

7 A To search people at the door and walk the parking lot.

8 Q Okay. When you say search people, can you describe
9 what that means?

10 A Searches mainly of just a frisk, maybe reach into the
11 pockets just to see if they have anything on them that they
12 shouldn't have.

13 Q And did you do that for males and females?

14 A We only searched the males like that, and we wand the
15 females.

16 Q Like with a metal detecting wand?

17 A Yes, ma'am.

18 Q Okay. And so that was what you did that night.

19 A Yes, ma'am.

20 Q About what time did you get there that night?

21 A A little later than expected, right around maybe 11:30,
22 11:20ish approximately.

23 Q And had the parties started by the time you arrived?

24 A Yes, ma'am. There were people there already inside.

25 Q People inside the club already.

KENDAL BENJAMIN - DIRECT

- 1 A Yes, ma'am.
- 2 Q Was Mr. Neal already there as well?
- 3 A I think he had since pulled up when I came.
- 4 Q Okay. When you worked at the club, where did y'all
- 5 work? Were you inside? Outside?
- 6 A We were outside at the front door.
- 7 Q And when you say front door, is that the door that
- 8 faces the road on that building or is it actually --
- 9 A No ma'am.
- 10 Q Is it on the side of the building?
- 11 A It's on the side of the building.
- 12 Q That was on the main entrance?
- 13 A That's correct.
- 14 Q To the best of your knowledge, were there any other
- 15 doors?
- 16 A Yes. There was one facing the road and I want to say
- 17 one behind the building.
- 18 Q Was the one facing the road open and usable as an
- 19 entrance?
- 20 A It wasn't supposed to.
- 21 Q Was not supposed to.
- 22 A Yes.
- 23 Q So they were only supposed to be coming in through you.
- 24 A That's correct.
- 25 Q When you were there that night, did you perform what

KENDAL BENJAMIN - DIRECT

1 your duties were? You patted people there, wanded the
2 females?

3 A That's correct.

4 Q At some point did you notice Breezo come -- arrive at
5 the club?

6 A I did.

7 Q Do you remember about what time that was?

8 A No, ma'am.

9 Q Okay. After Breezo arrived, did you have an occasion
10 to go inside the club?

11 A I'm sorry, explain again.

12 Q Did you have a reason to go inside the club?

13 A Yeah. We got words of a fight that happened but they
14 didn't say who it was.

15 Q Okay. So when someone came out and said there was a
16 fight, what did you do next?

17 A There was a fight so we went inside. You had a large
18 group rushing outside trying to get away, and we came and we
19 told whoever was taking the money that night to watch the
20 door and lock the door. We went up around the ramp to see
21 what was going on but there was no fight at the time. It
22 seemed to stop when we got there.

23 Q Okay. And can you describe where you went to check for
24 the fight? Like when you go in the club kind of lay it out
25 a little bit.

KENDAL BENJAMIN - DIRECT

1 A You go in there's a foyer area, to your left it's like
2 a little ramp you go up, and it was just like a crowd of
3 people. It was really dark.

4 Q And is that where the dance floor would be?

5 A Yes.

6 Q What else was located over in that area?

7 A I believe a DJ booth.

8 Q Anything else that you can recall?

9 A We stayed there for about maybe 30 seconds to kind of
10 flashed the light to see around but there was no activity.

11 Q Didn't appear to be a fight.

12 A Yes.

13 Q Okay. What did you do next?

14 A We proceeded to go outside, and my partner used the
15 restroom real quick, and that's when I had a crowd of ladies
16 telling us hey, somebody has got a gun. So we're trying to
17 unlock the door to get everybody outside. Once we get them
18 outside I tried to use my phone to Lancaster County, but
19 before I could that's when the shots started to rang out
20 inside the club.

21 Q Okay. When you say call Lancaster County --

22 A The sheriff's department to come help and, you know,
23 shut the party down.

24 Q Okay. And that was based on the allegation that
25 somebody had a gun?

KENDAL BENJAMIN - DIRECT

- 1 A That's correct, and a previous fight.
- 2 Q Okay. And before you were able to do that you said
- 3 what happened?
- 4 A The shots started to -- they were shooting inside the
- 5 club.
- 6 Q And you say that was inside the club?
- 7 A Yes.
- 8 Q What happened next? You say people were coming out.
- 9 A Yeah. So people started to rush out. I un-holstered
- 10 my weapon and I put one round in the chamber and tried to
- 11 see who was coming outside, rushing outside -- see if we
- 12 seen anybody with a weapon rushing outside.
- 13 Q Okay. Did you see Breezo exit the club?
- 14 A I did.
- 15 Q Can you describe how he was running?
- 16 A He was running with his hands in his pants tucking and
- 17 running down towards the back of the club.
- 18 Q Based on your training and your experience as a
- 19 security guard, what did that suggest to you?
- 20 A That he had a weapon.
- 21 Q Did you see a weapon?
- 22 A No.
- 23 Q But again, you saw him holding the front of his pants.
- 24 A Yes. Holding like inside and running down.
- 25 Q To which direction did he run?

KENDAL BENJAMIN - DIRECT

- 1 A He ran towards the back of the club.
- 2 Q Okay. And what was at the back of club?
- 3 A I believe his car.
- 4 Q Was it a parking lot?
- 5 A Yes. It was the parking lot.
- 6 Q Did you try to go after Breezo?
- 7 A No, ma'am.
- 8 Q Okay. What happened after you saw him run?
- 9 A More shots rang out in the back of the club. More
- 10 shots were fire in the back of the club.
- 11 Q Okay. As you were watching the crowd come out, did you
- 12 see an individual known as Ace, or Aaron Harris, exit the
- 13 club?
- 14 A Yes, ma'am.
- 15 Q What did you se Aaron do?
- 16 A As he was coming out I seen him get trampled, and he
- 17 ran over towards my partner and was asking for help and he
- 18 passed away right there at his feet.
- 19 Q Okay. And can you describe where that was in relation
- 20 to the front door, or the main door of the club?
- 21 A It's pretty much coming down approximately maybe not
- 22 even 15 feet away.
- 23 Q And what did -- when he fell down, where was he in
- 24 relation to some other objects?
- 25 A He was in between two cars.

KENDAL BENJAMIN - DIRECT

- 1 Q Okay. So there's some parking?
- 2 A Yes. There's parking on one side.
- 3 Q Would you describe it almost as parallel parking?
- 4 A Yes, ma'am.
- 5 Q And he was in between two cars?
- 6 A Yes.
- 7 Q Did you see anyone try to render aid to Mr. Harris?
- 8 A Yes, ma'am.
- 9 Q And who was that and what were they doing?
- 10 A I don't know the relation, but I believe it was two
- 11 females and a male. And I then proceeded to get them some
- 12 gloves to help render aid to them, but --
- 13 Q And were they attempting CPR?
- 14 A They were.
- 15 Q Did you see any other people come out with wounds that
- 16 night?
- 17 A Yes.
- 18 Q What did you see those people do? Did any of them stay
- 19 on scene?
- 20 A Some stayed on scene, some got in their car. I had one
- 21 gentleman fell at the front door, he had a wound to his side
- 22 and his partner was trying to get him to the hospital.
- 23 Q Okay. How would you describe the scene as people are
- 24 coming out?
- 25 A Very chaotic and frantic.

KENDAL BENJAMIN - DIRECT

1 Q Okay. Was there more gunshots that you heard as people
2 were exiting the club?

3 A Yes.

4 Q When you heard those gunshots where was Mr. Harris?
5 Was he already out and down or was he still inside the club?

6 A I want to say he was already out and down.

7 Q Okay. Did you speak with law enforcement sometime in
8 the days after this shooting happened?

9 A Yes, ma'am.

10 Q And who was that and where was that?

11 A It was in Columbia, I spoke with SLED officers.

12 Q Did they show you and -- and I take that back. Did you
13 see a photo lineup that evening at the club?

14 A Yes, I did.

15 Q Okay. And who showed you that lineup?

16 A The investigators.

17 Q Okay. Someone that came out to the scene that night?

18 A Yes.

19 MS. MCGINNIS: May I approach, Your Honor?

20 THE COURT: Yes.

21 Q I'm going to show you what's been marked for
22 identification as State's Exhibit Number 5. Do you
23 recognize this?

24 A Yes, ma'am.

25 Q And the second page as well?

KENDAL BENJAMIN - DIRECT

- 1 A Yes, ma'am.
- 2 Q Okay. And what is that document?
- 3 A It's a photo lineup.
- 4 Q And if you would look at it, does it appear to be the
- 5 photo lineup that they showed you that night?
- 6 A Yes, ma'am.
- 7 Q How can you tell that it's the photo lineup they showed
- 8 you?
- 9 A It has my initials and where I circled.
- 10 Q And who did you circle on that page?
- 11 A Mr. Breante.
- 12 Q And he's someone who you knew as Breezo?
- 13 A Yes.
- 14 Q And why did you circle that photo?
- 15 A Because he's the one I seen coming out tugging his
- 16 pants after the shooting.
- 17 Q Is that what you relayed to law enforcement that night
- 18 on scene?
- 19 A Yes.
- 20 Q And when you spoke with the officers from SLED, did you
- 21 tell them pretty much the same thing that you're testifying
- 22 to today?
- 23 A Yes, ma'am.
- 24 Q Okay. And you testified you had seen Breezo prior at
- 25 the club on previous occasions?

KENDAL BENJAMIN - CROSS

1 A I have.

2 Q Had you ever witnessed any prior altercations or
3 anything like that?

4 A Me and him had somewhat of a prior incident, it wasn't
5 nothing too bad. It's just I was patting him down one day
6 and I guess he didn't like it and broke his bottle he was
7 trying to sneak in, but nothing else.

8 MS. MCGINNIS: Beg the Court's indulgence one second.

9 THE COURT: All right.

10 (Break in proceedings.)

11 MS. MCGINNIS: I'm sorry, Judge. I would offer the
12 photo lineup into evidence, State's 5.

13 THE COURT: Objection noted, objection overruled.

14 (State's 5 was received.)

15 Q And finally --

16 MR. BELTON: In and out.

17 THE COURT: Yeah. Correct. Hang on. You're protected
18 in the record on both. Thank you.

19 Q Do you see the gentleman you know as Breezo in the
20 courtroom today?

21 A Yes, ma'am.

22 Q Can you point him out to the jury?

23 A He's right over here.

24 Q Can you describe what he's wearing for the record?

25 A He has on a burgundy shirt and a tie and a mask on with

KENDAL BENJAMIN - CROSS

1 glasses, short haircut.

2 MS. MCGINNIS: Let the record reflect he identified the
3 defendant.

4 THE COURT: So noted. Objection noted as well,
5 objection overruled.

6 MS. MCGINNIS: Thank you, Your Honor.

7 THE COURT: Mr. Belton, your witness.

8 MR. BELTON: May it please the Court, Your Honor?

9 CROSS EXAMINATION

10 BY MR. BELTON:

11 Q Good morning, again, Officer Benjamin.

12 A How are you doing, sir?

13 Q Officer Benjamin, that night, do you remember having a
14 conversation with Officer Ramsey of the Lancaster County
15 Police Department, or Lancaster County Sheriff's Office?

16 A I don't recall who is Officer Ramsey.

17 Q All right. You don't remember a statement that you
18 gave to law enforcement that night? You may not remember
19 his name so let me ask it a different way. Do you remember
20 talking to a police officer outside that night?

21 A Yes, sir.

22 Q Do you remember telling the police officer, or the
23 sheriff's deputy -- sorry, I'm using the terms
24 interchangeably -- do you remember telling the law
25 enforcement officer that you saw Mr. Stevens leaving the

KENDAL BENJAMIN - CROSS

1 club?

2 A No.

3 Q Okay.

4 (Break in proceedings.)

5 Q So let me kind of -- your testimony -- I just want to
6 make sure I'm sure, you do remember talking to law
7 enforcement but you do not remember a statement outside?

8 A No, sir, it was two years ago.

9 Q Okay. You don't remember telling them how Mr. Stevens
10 left the club.

11 A I don't remember.

12 Q You don't remember telling him which way he went and
13 which way you heard shots?

14 A No, sir, I don't remember.

15 Q But you testified in here earlier today that -- you
16 indicated that you heard shots fired in the direction that
17 Mr. Stevens went, correct?

18 A Yes.

19 Q And that's inconsistent with what you said that night,
20 correct?

21 A I don't remember.

22 Q If I were to show this video, would that help you?

23 (The video was played.)

24 Q 32:40 is when you're going to come up in the video.

25 (The video was played.)

KENDAL BENJAMIN - CROSS

1 Q Mr. Benjamin, isn't that statement that you gave
2 immediately after that incident inconsistent with what
3 you've said in court here today.

4 A I can't remember, it was two years ago.

5 Q You don't remember what you said in court five minutes
6 ago?

7 A I remember what I said in court five minutes ago.

8 Q And is the statement that I reminded you of, it's a yes
9 or no question, inconsistent with what you said in court
10 today?

11 A I don't know.

12 Q All right. You also gave a statement to law
13 enforcement that you were running out -- that you saw him
14 running out, correct?

15 A That's correct.

16 Q You saw his hand down in his pants.

17 A That's correct.

18 Q But you did not see him with a gun.

19 A That's correct.

20 Q All right. You also indicated that you were
21 responsible for patting people down, correct?

22 A That's correct.

23 Q Now, that particular night you've given a statement
24 that you patted down Mr. Stevens, right?

25 A Yes.

KENDAL BENJAMIN - CROSS

1 Q And you patted down others who presumably came in the
2 club, correct?

3 A Correct.

4 Q Or we can presume that you patted down others who came
5 in the club.

6 A That's correct.

7 Q So if you patted down these others who came in the
8 club, tell the Court and tell this jury how five or six guns
9 got in the club.

10 A That I don't know. Before we got there you already had
11 a large amount in the club, so before we got there the party
12 was already started so we couldn't tell who was in the club.
13 There was a large amount already in the club.

14 Q So is it your testimony then that anybody who got a gun
15 in the club got there before you got there?

16 A I don't know.

17 Q So your answer is you don't know how these other guns
18 got in the club despite your patting down.

19 A That's correct.

20 Q Is it safe for us to assume that maybe Elite Security
21 didn't do its job that night?

22 A I don't know about that.

23 MR. BELTON: All right. No further questions.

24 THE COURT: All right. Mr. Sheldon?

25 MR. SHELDON: Beg the Court's indulgence one second.

KENDAL BENJAMIN - CROSS

1 THE COURT: Okay.

2 (Break in proceedings.)

3 MR. SHELDON: Just very briefly, thank you. May it
4 please the Court?

5 THE COURT: Yes.

6 CROSS EXAMINATION

7 BY MR. SHELDON:

8 Q So you were working security that night; is that right?

9 A That's correct.

10 Q And did you see Breezo come into the club or no?

11 A His initial first time.

12 Q Say that again.

13 A The first time.

14 Q You did? Was Mr. Champion with him?

15 A I don't believe so.

16 Q Okay. Do you know Mr. Champion?

17 A I do not know Mr. Champion.

18 Q Do you have some idea who did walk into the club with
19 Mr. Stevens?

20 A Say that again.

21 Q Do you know who did walk into the club with Mr.
22 Stevens?

23 A No.

24 Q Okay. So you didn't know those individuals?

25 A No.

KENDAL BENJAMIN - REDIRECT

1 MR. SHELDON: Judge, I don't have anymore questions.

2 THE COURT: All right. Any redirect?

3 MR. NEWMAN: Beg the Court's indulgence.

4 (Break in proceedings.)

5 REDIRECT EXAMINATION

6 BY MS. MCGINNIS:

7 Q You just testified that you saw Breezo come in the
8 first time. Did you see Breezo exit the club?

9 A No, I did not.

10 Q Did you see him come back in a second time?

11 A I did not.

12 Q So you didn't pat him down. You only patted Breezo
13 down one time.

14 A That's correct.

15 Q When he first entered the club?

16 A Yes.

17 Q So if he exited and reentered, which you don't know
18 about, you did not pat him down that time.

19 A I'm sorry. Say that again.

20 Q So you patted him down the first time.

21 A That's correct.

22 Q But if he let left the club and came back in he was not
23 patted down again by you?

24 A Yeah, that's correct.

25 Q When y'all came in to look for the fight, did y'all ask

KENDAL BENJAMIN - REDIRECT

1 anybody to do anything with the front door?

2 A We did. We asked them to lock it and watch the front
3 door.

4 Q So lock and watch the front door?

5 A Yes.

6 Q And when you came back out, was there a lot of people
7 trying to get out?

8 A There were.

9 Q A fairly large crowd went out with you when you went
10 back outside?

11 A That is correct.

12 Q Would it be fair to say someone could have slipped back
13 in in the midst of that crowd and you may not have noticed?

14 A That could have happened.

15 MS. MCGINNIS: Nothing further, Judge.

16 THE COURT: Mr. Belton.

17 RECROSS EXAMINATION

18 BY MR. BELTON:

19 Q Mr. Benjamin --

20 A Yes, sir.

21 Q -- did you pat down Lee Colvin that night?

22 A I don't remember. I can't remember everybody I patted
23 down.

24 Q But you remember Mr. Stevens.

25 A I do.

KENDAL BENJAMIN - RECROSS

1 Q All of the other people who had guns, you don't
2 remember them.

3 A I don't.

4 Q Okay.

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

6 THE COURT: All right. Mr. Sheldon?

7 MR. SHELDON: Very briefly.

8 RECROSS EXAMINATION

9 BY MR. SHELDON:

10 Q I'm just trying to understand this, too. So Mr.
11 Stevens -- is it your testimony that Mr. Stevens after he
12 left he wasn't patted down on reentry; is that right?

13 A Well, I didn't see him leave or come back in.

14 Q Okay. But you do remember patting him down the first
15 time; is that right?

16 A That's correct.

17 Q And in general you patted down everybody that came in
18 the club the first time, right?

19 A That's correct.

20 MR. SHELDON: I don't have any further questions.

21 THE COURT: All right. Thank you, sir, you can step
22 down. I think you're still under subpoena?

23 MR. BELTON: He is under subpoena, Your Honor, if he
24 will just let my office have a telephone number he doesn't
25 have to sit here.

1 THE COURT: Just give him your number, that way you
2 don't have to stick around the courthouse until they need
3 you. Okay. You can step down. Let me have the lawyers
4 come up here for scheduling purpose. Ladies and gentlemen,
5 just give me a quick break, I think we're about to take a
6 lunch break but I want to find out when they want to start
7 back. Just give me a moment.

8 (A bench conference was held.)

9 THE COURT: Ladies and gentlemen, we'll go ahead and
10 take a lunch recess. While you're away from the courthouse,
11 remember, don't discuss this case with anybody. Don't look
12 up any news reports about anything on your mobile device or
13 on any computer or anything like that. Remember, you're
14 judging the evidence just from what you see in this
15 courtroom. I want you back in your jury room at 1:45.
16 We'll take about an hour and a half for lunch, that gives
17 those of you who live kind of further away time -- hopefully
18 time to go home and eat at home if you want to rather than
19 just having to stick around this area, but be back at 1:45.
20 Remember, don't talk to anybody about the case. Lancaster
21 still is a fairly small community and you may notice one
22 another at a restaurant or notice some of the lawyers or
23 anybody at a restaurant eating, or either me or my law clerk
24 or whoever, you can't talk to anybody about the case. And
25 if anybody tries to talk to you about the case let me know

1 or let the bailiffs know and we'll take care of it. Okay?

2 Y'all have a good break, see you back at 1:45.

3 (The jury left the courtroom.)

4 (A lunch break was taken.)

5 THE COURT: All right. Anything before we bring the
6 jury back down?

7 MS. MCGINNIS: Not from the State, Judge.

8 MR. BELTON: No, Your Honor.

9 THE COURT: The jury returned to the courtroom.

10 (The jury returned to the courtroom.)

11 THE COURT: All right. All members of the jury are
12 present. The State can call its next witness.

13 MR. NEWMAN: State calls Deja Hinson.

14 The witness, DEJA HINSON, was first duly sworn and
15 Testified as follows:

16 THE COURT: You can take your mask off or lower it
17 since you're behind that barricades. Just speak loudly and
18 into that microphone. Thank you. All right.

19 DIRECT EXAMINATION

20 BY MR. NEWMAN:

21 Q Good afternoon, Ms. Hinson. How are you doing?

22 A Good.

23 Q Can state your name for the record?

24 A Deja Hinson.

25 Q And where do you live, Ms. Hinson? Here in Lancaster?

DEJA HINSON - DIRECT

- 1 A Yes.
- 2 Q How long have you lived in Lancaster?
- 3 A All my life.
- 4 Q All of your life?
- 5 A Yes.
- 6 Q Do you know a gentleman that goes by the nickname of
- 7 Breezo Dolla, or Breezo?
- 8 A Yeah.
- 9 Q How do you know him?
- 10 A I know of him. I've never been like close to him or
- 11 anything, but I know of him like rapping and stuff. He's
- 12 related to people who you know.
- 13 Q So just from kind of being around Lancaster you're
- 14 familiar with who that is?
- 15 A Yeah.
- 16 Q Okay. I want to take you back to September 20th into
- 17 the early morning of the 21st of 2019. Did you go to Old
- 18 Skool bar that night?
- 19 A Yes.
- 20 Q Who did you go there with?
- 21 A My cousin.
- 22 Q Your cousin? What's your cousin's name?
- 23 A Garneshia (phonetically) Hinson.
- 24 Q And when y'all got there about what time was it, do you
- 25 remember?

DEJA HINSON - DIRECT

- 1 A No.
- 2 Q Was it like early in the night, like nine or 10 or was
- 3 it --
- 4 A No. It was probably late, maybe 11:00, 12:00, 1:00,
- 5 somewhere in there.
- 6 Q So somewhere a little bit later in the evening?
- 7 A Yeah.
- 8 Q And when you got there with Ms. Hinson, what did y'all
- 9 do?
- 10 A It was real packed so I guess we just stood up at the
- 11 top for a little bit, and then we eventually went down to
- 12 the bottom because it was really packed.
- 13 Q And when you say up at the top, can you kind of orient
- 14 the jury when you come in the club?
- 15 A Yeah. When you first walk in the club it's like the
- 16 cashier area, and it's pool tables at the bottom, they go on
- 17 down go straight to the back, that's the bathrooms. To the
- 18 left it will be steps where you can go on, you will see the
- 19 bar, like the dance floor and stuff.
- 20 Q So you go up to the left and that's where the dance
- 21 floor is kind of near the front of the building?
- 22 A Yeah.
- 23 Q And then the bar towards the back?
- 24 A Yeah.
- 25 Q And did y'all go to the bar and get a drink --

DEJA HINSON - DIRECT

1 A Yeah.

2 Q -- at some point while you were there?

3 A Yeah.

4 Q And then did y'all go to the dance floor at some point?

5 A Yeah.

6 Q Okay. While you were there that night, did you see

7 Breezo?

8 A I saw him, yeah.

9 Q Okay. What was he doing when you saw him?

10 A When I did see him when they was at the top I saw him

11 like in the left-hand corner. It looked like I saw

12 something going on but I really don't know what was going

13 on, but it looked like he might have been upset and then

14 that's when I went down to the bottom, we went to the

15 bottom.

16 Q Okay. And when you say in the left-hand corner, are

17 you talking about kind of on the dance floor area, that back

18 hand corner?

19 A Yes.

20 Q What else is up there? Is there a stage or DJ booth

21 or --

22 A They said it was a stage in there that night, but I

23 didn't remember seeing a stage. But it is a DJ booth. It

24 was so packed in there.

25 Q But you saw just kind of in that general area top left.

DEJA HINSON - DIRECT

1 A Yeah.

2 Q And did you see him speaking with a specific person?

3 A I don't -- I didn't see the person he was speaking
4 with, I didn't know the person, but he was talking with
5 somebody.

6 Q Okay. What was his demeanor like?

7 A It looked like he was upset about something. I don't
8 know whether they was having a regular conversation or he
9 was upset. But looking at it to me it looked like he was
10 upset.

11 Q Okay. So at that point after you saw that, what did
12 you do?

13 A I said: Girl, look, let's go on down to the bottom
14 before something go down. And then we went on down to the
15 bottom.

16 Q Okay. And were y'all going to hang out at the bottom
17 or were you --

18 A Yeah. We was just standing around at the bottom by
19 like the pool table then.

20 Q Okay. And is that kind of to the right when you come
21 in the door?

22 A Yeah.

23 Q Okay. Okay. Did you see Breezo again after you saw
24 him in that --

25 A I saw him go out the door.

DEJA HINSON - DIRECT

- 1 Q Go out the door?
- 2 A Yeah.
- 3 Q Did you see him come back in?
- 4 A Yeah.
- 5 Q Where did he go when he come back in?
- 6 A Back up to the top and I was still at the bottom.
- 7 Q So up like that little ramp like --
- 8 A Yeah. Up to the dance floor and stuff.
- 9 Q Okay. After he came back in, did you hear anything?
- 10 A I heard gunshots.
- 11 Q Did you see anybody shoot?
- 12 A No.
- 13 Q Okay. What did you do when you heard the gunshots?
- 14 A Got under a pool table.
- 15 Q Got down to try to protect yourself?
- 16 A Yeah. I got under a pool table.
- 17 Q How many shots did you hear? Like a couple --
- 18 A A bunch.
- 19 Q Would you say more than ten?
- 20 A I don't know.
- 21 Q Did the shooting stop at some point?
- 22 A Yeah.
- 23 Q Okay. And what did you do once the shooting stopped?
- 24 A Ran outside and left.
- 25 Q Okay. Did you see anybody else injured when you were

DEJA HINSON - DIRECT

1 there in the club?

2 A No. Well, I saw this girl right across from me. She
3 had got shot in her leg. That was right before I ran out I
4 saw her.

5 Q Okay. Was she heading out the door as well?

6 A No. She was on the ground, she couldn't get up.

7 Q Okay. Once you got out where was your car parked?

8 A My car was parked where the new restaurant is. What's
9 the restaurant?

10 Q How about describe it to the jury. If you come out
11 that entrance to the club, which is on the side of the
12 building.

13 A I was right across from the building. My car was on
14 that side in the parking lot of the new restaurant that's
15 right there. I can't think of what the name is.

16 Q Was it closer to 521 or towards the back of Old Skool?

17 A It was closer towards 521. It was that parking lot
18 side over there.

19 Q Okay. So you were parked in that parking lot. You got
20 in your car and drove away that night?

21 A Yes.

22 Q Okay. Did you make any phone calls on the way?

23 A I called 911 and I had called my mama.

24 Q Okay. Just to let them know, hey, something is going
25 down?

DEJA HINSON - DIRECT

1 A Yeah. They said the police was already -- when I
2 called 911, I can't remember if I was in the inside or what,
3 but I remember they said the police was already in route and
4 they got a whole bunch of phone calls.

5 Q Okay. So when you got out a couple of days later, did
6 you have a chance to kind of look at your car a little bit
7 closer?

8 A Yeah. I had a bullet hole in my trunk.

9 Q What did you do when you noticed that bullet hole?

10 A I called the police. The police came, they took the
11 pictures, they got the shell casing and everything out of
12 the trunk, and then I put my car in the shop.

13 Q Okay. And did you get it fixed?

14 A Yeah.

15 Q Okay. But just to recap, you heard shots but you
16 didn't see anybody shooting.

17 A No. I didn't see anybody shoot.

18 Q But prior to the shots you saw someone you knew as
19 Breezo in what you described as kind of an upset state,
20 would that be fair to say?

21 A Yeah.

22 Q Okay. Seem kind of agitated?

23 A Yeah.

24 Q And then you saw him do what after you saw him in that
25 little --

DEJA HINSON - DIRECT

1 A I saw him walking out to leave the building and then he
2 came back in the building.

3 Q And then he went back up towards the dance floor?

4 A Yeah.

5 Q And about how long after that were the shots fired?

6 A Seconds later.

7 Q Okay. Do you see the person you know as Breezo in the
8 courtroom today? I'm going to direct you over my shoulder
9 here at the defense table. Do you see anybody over there
10 that looks like Breezo?

11 MR. BELTON: I object to that, Your Honor.

12 A I can't recognize him.

13 THE COURT: Objection overruled.

14 MR. BELTON: Your Honor --

15 MR. NEWMAN: Beg the Court's indulgence.

16 THE COURT: Yes.

17 MR. BELTON: May we approach?

18 THE COURT: Yeah.

19 (A bench conference was held.)

20 THE COURT: All right. The State --

21 A I'm sorry, I do see him now. The computer was blocking
22 him.

23 Q Okay. Can you point him out and describe what he's
24 wearing?

25 A Mask and glasses.

DEJA HINSON - CROSS

1 Q What color shirt does he have?

2 A Burgundy.

3 MR. NEWMAN: Thank you. I don't have anything further.

4 THE COURT: All right. Mr. Belton, your witness.

5 MR. BELTON: Yes.

6 CROSS EXAMINATION

7 BY MR. BELTON:

8 Q Ms. Hinson, you did not have a bullet hole in your car
9 prior to going to the club?

10 A I did. I never had a bullet in my drunk until I went
11 to the club.

12 Q So you are 100 percent certain that bullet hole got in
13 your car at the club.

14 A Yeah.

15 Q While your car is parked across the street from the
16 entrance to the club.

17 A Yeah. It don't matter where the car was, it happened
18 at the club because I don't go nowhere.

19 Q I not disagreeing with you, I'm just clarifying.

20 A Yeah.

21 Q All right. So your car is parked across the street in
22 what at that time was a vacant restaurant.

23 A Yeah. It's a whole bunch of cars parked out there, and
24 I heard a whole bunch of cars got hit also. But my car
25 wasn't the only one parked over there.

DEJA HINSON - CROSS

1 Q So how many cars did you hear got hit?

2 A I heard this other girl car got hit. I heard one and I
3 heard there was a couple of others. I know for a fact that
4 one got hit because I knew this person. I don't know the
5 other one.

6 Q And then you're indicating there were several more that
7 got hit?

8 A I know two, mine and the other person's for a fact.

9 Q Okay. All right. And you did not see the altercation
10 inside of the club between Mr. Stevens and Mr. Colvin.

11 A I didn't know -- I don't know who he was up there
12 talking to, but I saw some kind of altercation going on up
13 there where he looked like he may have been upset.

14 Q Okay. And this is the first time. But when he came
15 back in you didn't see the actual shooting.

16 A No.

17 Q Okay.

18 A I didn't see him with a gun.

19 MR. BELTON: All right. Thank you, ma'am.

20 THE COURT: All right.

21 MR. SHELDON: Thank you, Your Honor. May it please the
22 Court?

23 THE COURT: Yes, sir.

24 CROSS EXAMINATION

25 BY MR. SHELDON:

DEJA HINSON - CROSS

1 Q Ms. Hinson, thank you. So the -- your car was struck
2 with a bullet across the street while it was parked at the
3 club; is that right?

4 A Yes.

5 Q And a day or two later -- you noticed it I guess a day
6 or two later; is that right?

7 A Yes.

8 Q And then at that point you called law enforcement to
9 come look at it.

10 A Yeah.

11 Q And you made it known to law enforcement that, hey,
12 there's a bullet hole in my trunk.

13 A Uh-huh.

14 Q At that time did you know that the bullet was in the
15 trunk? Had you opened the trunk lid to see if it was still
16 there?

17 A I didn't touch it. The officers came and did
18 everything.

19 Q So it wasn't -- the bullet that was pulled from your
20 trunk, or from the car near the trunk, however they pulled
21 that out, you hadn't changed that at all; is that right?

22 A I didn't mess with it.

23 Q Wonderful.

24 MR. SHELDON: Thank you.

25 THE COURT: Any redirect?

STANLEY SEEGARS - DIRECT

1 MS. MCGINNIS: No, sir, Your Honor.

2 THE COURT: All right. Thank you, ma'am.

3 MR. NEWMAN: Judge, we would just ask if Ms. Hinson can
4 be excused in from her subpoena.

5 THE COURT: You can step down. Thank you, ma'am. The
6 State can call its next witness.

7 MR. NEWMAN: Beg the Court's indulgence.

8 (Break in proceedings.)

9 MR. NEWMAN: State calls Stanley Seegars.
10 The witness, STANLEY SEEGARS, was first duly sworn and
11 Testified as follows:

12 THE COURT: You can take your mask off, sir. Thank
13 you, sir. All right. Solicitor?

14 DIRECT EXAMINATION

15 BY MR. NEWMAN:

16 Q Please state your name for the record.

17 A Stanley Seegars.

18 Q Mr. Segars, are you from Lancaster?

19 A Yes, sir.

20 Q Do you still live in Lancaster?

21 A No, sir.

22 Q Do you live close by?

23 A Charlotte is not too far.

24 Q Okay. Mr. Seegars, were you present -- are you
25 familiar with the Old Skool Night Club here in Lancaster?

STANLEY SEEGARS - DIRECT

- 1 A Yes, sir.
- 2 Q Were you present at that shooting -- I mean, I'm sorry,
- 3 at that night club on September 20th late, or early on the
- 4 21st, were you present at a party that night club?
- 5 A Yes, sir.
- 6 Q Now, were you drinking that night?
- 7 A Say it again?
- 8 Q Were you drinking that night?
- 9 A No, sir.
- 10 Q What are you doing there if you're not drinking?
- 11 A What am I doing there? Because my son was the promoter
- 12 of that party.
- 13 Q Your son was the promoter?
- 14 A Yes.
- 15 MR. NEWMAN: Permission to approach, Your Honor.
- 16 THE COURT: Yes, sir.
- 17 MR. NEWMAN: I'm going to ask that this be marked as
- 18 State's 10, I believe it is.
- 19 Q Mr. Seegars, do you recognize this?
- 20 A Yes, sir.
- 21 Q Who is that in the middle of that picture?
- 22 A That's my son.
- 23 Q Okay. So is that -- tell me what that is.
- 24 A It's a flier.
- 25 Q And what is it advertising?

STANLEY SEEGARS - DIRECT

1 A It was about him throwing a party at Old Skool.

2 Q Is this for the party the night of -- that you were at
3 when we had a shooting?

4 A Yes, sir.

5 Q Okay.

6 MR. NEWMAN: Your Honor, at this time I move State's 10
7 into evidence.

8 THE COURT: Any objection?

9 MR. BELTON: Without objection.

10 THE COURT: All right. Without objection introduced
11 into evidence.

12 (State's 10 was received.)

13 Q Now, Mr. Seegars, you're in the club, you're not
14 drinking, you're just hanging out, went to check on your
15 son. What area of the club are you in?

16 A I'm right as you come in the door to the right there
17 where they take up money, I was standing in that area.

18 Q Were you taking up money?

19 A No.

20 Q Okay. Mr. Seegars, do you know Breante Stevens?

21 A I don't know him/know him like that, but I know him,
22 you know what I'm saying, by his name and people saying his
23 name.

24 Q You know him when you see him.

25 A Yeah. I know him when I see him.

STANLEY SEEGARS - DIRECT

1 Q Tell me about, were you -- was there a commotion in the
2 club where the security guard asked you to do something?

3 A Yes.

4 Q Tell me about that.

5 A You want me to give you the whole story?

6 Q I want you to tell me about it.

7 A Okay. I'm going to tell the story the way I know it.

8 So me and my wife was coming through from Charlotte to check
9 on my son, he asked for us and I said I'll go check and see
10 how everything was going. So everything was going good. So
11 we stopped in there. I was in there probably about, I don't
12 know, about ten or 15 or 20 minutes maybe. So I walked like
13 in front of where they're taking the money, went on around
14 to the side right there where JoJo was sitting down, the
15 owner of the club. It was my niece, Shamia (phonetically)
16 and Courtney Bunks (phonetically) were taking up the money,
17 so me and my wife kind of moved to the side of them and me
18 and JoJo was standing there talking. And a few minutes
19 later his phone went off, he tapped me on the leg and said:
20 I'm going to go see what Lisa want. I said: Okay, that's
21 fine. He keep an eye and the girls. I said: You know I've
22 got them like that, which is cool, you know. So we were
23 standing there. A few minutes later a lot of commotion
24 started and I was like what is all of this? People started
25 running towards the door saying he going to get a gun.

STANLEY SEEGARS - DIRECT

1 MR. BELTON: Objection, Your Honor.

2 A I'm saying to myself who?

3 MR. BELTON: Objection, Your Honor.

4 THE COURT: Objection overruled.

5 A Do I keep going?

6 Q Keep going.

7 A Okay. So people started running saying he going to get
8 a gun. I said okay. So by that time I open the door and
9 try to tell them, security, they say somebody is going to
10 get a gun and they said Breante, they said his name. I
11 said: Oh, okay.

12 MR. BELTON: Your Honor, may we approach, please?

13 THE COURT: Yes.

14 (A bench conference was held.)

15 THE COURT: Objection overruled. Presence sense
16 impression as well as excited utterance.

17 MR. NEWMAN: Thank you, Your Honor.

18 MR. BELTON: Thank you, Judge.

19 Q Keep going.

20 A May I continue? I'm new to this, I don't know what's
21 going on. Y'all tell me. Okay. By that time when they
22 said Breante like that, right. So the security guard coming
23 at me --

24 Q They said Breante?

25 A Yeah. Whatever his name is. I called him Breante.

STANLEY SEEGARS - DIRECT

1 All I know he is a rapper so that's all I know. So when the
2 security guard coming he walked up to me and he said: Lock
3 the door. I said: Okay. So I locked the door like he
4 said. I was standing there talking and some people trying
5 to come out the door, I said: I can't let nobody in. So I
6 turned back around. He comes up -- Breante or whatever
7 y'all -- he comes to the door, he said: Hey, Stanley, open
8 the door. I said: Man, I can't let nobody in. Just like
9 that to be honest. And he said: Man, you know me. I said:
10 We cool but I can't let nobody in. I didn't ever say you, I
11 just said nobody. So by that time I turned back around, had
12 my back to the door and security was coming back to me. And
13 I said: Listen, that's the guy they said going to get a
14 gun. Because everybody had just called his name. He said:
15 Okay. He said: Don't worry about it, we got it. I said:
16 Okay. When he said we got it, I said: You open the door
17 that's you. I moved to the side back over there. You see
18 on the camera I move back to the side. And all I do when I
19 moved to the side, when he opened that door Breante
20 walked -- right on in there somebody said: Come on, I got
21 you. Somebody else voice said that. I don't know who the
22 person voice was, I don't know. He was moving fast, I mean
23 real fast, went through there. And all I know couple of
24 seconds later all hell -- I grabbed the wife, we ran out the
25 door, ran across the road. Everybody was running right

STANLEY SEEGARS - DIRECT

1 there. All you could hear was shooting. The ambulance was
2 coming down the road on the front street. The police was
3 putting on their vest. They was still shooting when the
4 police was putting on their vest, the shooting was coming
5 from across the road. We're all running, everybody duck,
6 hiding. So after all of that got clear I asked him, I said:
7 Oh, I need to go check on my son. So the one security
8 guards out there, I said: Man, why did you do that? He
9 said: What? I said: Man, I just told y'all that's the guy
10 they said -- about that time he said: You think I done
11 something wrong? Y'all excuse me, I said: Hell yeah, I
12 told y'all. If you see on the film they never checked him,
13 they let him walk on in, so it was out of my hands. I'm
14 being honest.

15 Q Did you see Breante go out of the club?

16 A No. I never did see him go out. I just seen him
17 whenever he was trying to come in.

18 Q Did you see him come in the first time?

19 A Well, he probably was already in there when I got to
20 the club. The club was crowded. I was just right there at
21 the door. I didn't go back to the back, you know what I'm
22 saying? So I never went back there.

23 Q Now, you said you were at the door, Breante comes in
24 and somebody says: Let's go.

25 A Somebody was on my -- if I turn my body to the door

STANLEY SEEGARS - DIRECT

1 right here, somebody was on my left-hand side said: Come
2 on, I got you.

3 Q Now, you have had a chance to review the footage
4 earlier.

5 A Uh-huh.

6 Q I'm going to show --

7 MR. NEWMAN: Permission to approach, Your Honor?

8 THE COURT: Yeah.

9 MR. NEWMAN: I'm going to have this marked as State's
10 11 for ID purposes.

11 Q Can you recognize that photo?

12 A Yeah, I sure do.

13 Q I'm going to hand you a pen. Can you circle who you
14 believed to have said let's go?

15 MR. BELTON: Judge, can I approach --

16 THE COURT: Yeah, y'all come look.

17 Q Now Mr. Seegars, can you put your initials on that
18 sheet just anywhere?

19 A Yeah.

20 Q Okay. Mr. Seegars, you said you don't know anything
21 about any prior altercation or anything like that?

22 A No.

23 Q All you know is what happened when you were standing at
24 the door and all the commotion started.

25 A That's right.

STANLEY SEEGARS - DIRECT

1 MR. NEWMAN: Beg the Court's indulgence.

2 THE COURT: Yes, sir.

3 (Break in proceedings.)

4 Q Mr. Seegars, do you see Breante Stevens in the
5 courtroom?

6 A Is that him over there?

7 Q I can't tell you.

8 A He got glasses. I ain't seen him in so long since
9 then. I don't know him personally or anything like that,
10 you know what I'm saying?

11 Q Fair enough. I'm going to show you State's 11 again.

12 A Okay.

13 Q I'm going to give you my pen. Will you just place B on
14 the person you believe to be Breante Stevens?

15 A (Witness complies.)

16 MR. NEWMAN: Mr. Seegars, I don't have any further
17 questions. If you will, answer anything Mr. Belton and
18 Mr. Sheldon has. Thank you.

19 THE COURT: All right. Mr. Belton?

20 MR. SHELDON: And, Judge, before we start, can you
21 please leave the exhibits up there? Thank you.

22 THE COURT: Yeah. Mr. Belton, your witness.

23 MR. BELTON: Thank you. May it please the Court?

24 THE COURT: Yes, sir.

25 CROSS EXAMINATION

STANLEY SEEGARS - CROSS

1 BY MR. BELTON:

2 Q Mr. Seegars, do you know the name Lieutenant Rumbaugh?

3 A Who?

4 Q Lieutenant Rumbaugh?

5 A I didn't hear the last name, Rumbaugh, something like
6 that.

7 Q Do you remember talking to a member of the Lancaster
8 County Sheriff's Office?

9 A When?

10 Q Immediately after this incident happened.

11 A She called me, I talked to her, I remember.

12 Q Okay. Let's talk about when she called you. Do you
13 remember a statement that you gave to her?

14 A I know everything I said.

15 Q Okay. And so in that statement that you gave to her,
16 which was the first time you talked to her, was the day
17 after the incident, wasn't it? The day of the incident,
18 right?

19 A I don't know. I left there and went to Columbia. I
20 had to go to a wedding. My aunt got married. I can't tell
21 you everything that was said word by word.

22 Q So you do remember everything you said or you don't
23 remember everything --

24 A I said I can't tell you everything that I said word by
25 word because I don't know, I went to Columbia.

STANLEY SEEGARS - CROSS

1 Q All right. But you acknowledge that you had at least
2 two conversations with Lieutenant Rumbaugh?

3 A To be honest I don't remember a name, the last. I said
4 I don't remember Rumbaugh. I don't remember when I talked
5 to her.

6 Q All right. So in one of these conversations that you
7 had with a member of the Lancaster County Sheriff's Office,
8 Lieutenant Rumbaugh, have you ever mentioned a conversation
9 between Mr. Stevens or anybody else that's coming into that
10 club, particularly a conversation between Mr. Stevens and
11 Mr. Champion?

12 A I don't even know Champion anyway, whoever is Champion.

13 Q In fact, you just circled a picture --

14 A I circled because they asked me did I think that was
15 the person that said something to me, that's what I circled.

16 Q So I'm going to ask my question again and I would
17 appreciate a yes or no.

18 A Well, I'm telling you what I know. Don't try to make
19 me say something you want me to say.

20 THE COURT: Just let him ask the question and then you
21 answer.

22 A I never been in court. I'm just telling the truth.

23 THE COURT: I understand.

24 Q What I'm asking, and I'll slow down and ask it slowly,
25 in the two years since this incident happened and in the

STANLEY SEEGARS - CROSS

1 multiple conversations that you have had with law
2 enforcement, have you ever told the solicitor's office, law
3 enforcement, or anybody else that you heard Mr. Champion
4 tell Mr. Stevens let's go.

5 A I didn't tell him his name. All I remember hearing is
6 somebody say come on when he come in the door, let's go, I
7 can say that much. That's all. I didn't know his name
8 until today.

9 Q Okay. Let's back up again because -- if you'll just
10 answer my question I'll move on.

11 A Well, I just answered it. I told you I didn't tell
12 nobody, I just heard somebody say it.

13 Q Let's not talk about today, I will get to today. Okay?
14 Let's get to two years ago when you had a conversation with
15 law enforcement, did you tell law enforcement that Mr.
16 Stevens had a conversation with anybody and said let's go?
17 Have you ever told law enforcement that?

18 A No. Not Mr. Stevens, no.

19 Q And, in fact, you never told them that until today ten
20 minutes before you walked in here, right?

21 A Well, that's correct. Because I didn't -- I didn't
22 know this guy's name, the other guy you're talking about. I
23 only thought it was one person. Yeah, I didn't know that.
24 I never told that, never told it.

25 Q You've established that you don't know the name. I'm

STANLEY SEEGARS - CROSS

1 done with the name question. Okay?

2 A Yes, sir.

3 Q What my question is, until ten minutes before you
4 walked in this courtroom today -- let me back up. Are you
5 under subpoena to be here today?

6 A Yes. I just got the paper today when I was in there.

7 Q You got the paper today?

8 A Uh-huh.

9 Q You know who is on trial here today, correct?

10 A Not by name.

11 Q Okay. You are friends with Mr. Joe McGriff, aren't
12 you?

13 A Sure.

14 Q And you were there when the club was shot up, correct?

15 A Sure.

16 Q You were there when Mr. Stevens was developed as a
17 suspect, correct?

18 A I was there during the shooting.

19 Q And you're aware that Mr. Stevens was charged with the
20 shooting, correct?

21 A That's what they said. I don't know, I wasn't back
22 there. I didn't see him shoot nobody.

23 Q My last question to you. Until ten minutes before
24 today, had you ever told anybody that somebody said let's
25 go? That's your statement today, not your statement two

STANLEY SEEGARS - CROSS

1 years ago.

2 A No. I heard it but I just remembered the person on my
3 side saying it. I didn't know who it was to be honest with
4 you. I don't know the person.

5 Q But it's two years ago you didn't have a problem
6 calling the police. You called the officer, the officer
7 didn't call you.

8 A They called me if you want to know the truth.

9 Q So you're saying that the officer is not being
10 truthful?

11 A No, I didn't say. If they called me I am going to
12 answer. Just like they asked me to come today, I told them
13 sure, why not.

14 Q So is it your statement then you have never called law
15 enforcement about this --

16 A I ain't going to say I called them back and said -- I
17 told them I'll be here when y'all want me.

18 Q Let me ask you --

19 A You're trying to make me say something I don't
20 remember. You're talking about two years ago. Look, I
21 ain't on trial, I didn't shoot nobody. I'm going to say
22 that to you. I'm trying to be honest with you and you
23 should let me tell you the truth and leave it the way it is.
24 Don't try to force me to say something that I didn't say.

25 MR. BELTON: Your Honor, I would ask him to -- he's not

STANLEY SEEGARS - CROSS

1 been asked a question.

2 (The witness is touching the microphone trying to put

3 The cover back on and it is hard to hear.)

4 THE COURT: Yeah, don't touch that.

5 A I was trying to put it back.

6 Q This is my last question.

7 A Thank you.

8 Q My question to you is you called the police officer in
9 the past -- my question is when you called that police
10 officer you never mentioned that you heard a person say
11 let's go.

12 A I don't remember. I don't remember if I said that.

13 MR. BELTON: Thank you.

14 THE COURT: All right. Mr. Sheldon, your witness.

15 MR. SHELDON: May it please the Court? May I approach
16 the witness?

17 THE COURT: Yes, sir.

18 CROSS EXAMINATION

19 BY MR. SHELDON:

20 Q I'm showing you what's marked States 11 is for ID
21 purposes. Hold this for me. Here, I'm going to hand you a
22 pen. This is a red pen I'm handing you. You wrote in
23 orange when the solicitor asked you to write on this, didn't
24 you?

25 A Yes, sir.

STANLEY SEEGARS - CROSS

1 Q I'm going to hand you that. Please circle yourself in
2 red, please.

3 A (Witness complies.)

4 Q Okay. And if you could just write S next to that,
5 please, so we know what we're doing.

6 A (Witness complies.)

7 Q If I could have that back. Thank you. If I can have
8 that pen, please. So Mr. Seegars, you agree you were
9 standing by the door in that picture; is that right?

10 A That's what I said.

11 Q And when you were just testifying you said that you
12 heard somebody to the left of you say let's go, or come on,
13 it's time, whatever you said; is that right?

14 A What are you asking me?

15 Q I'm asking you what you just talked about. No, no.
16 Sir, listen --

17 (Both Mr. Sheldon and witness are yelling over each
18 Other.)

19 THE COURT: Wait. Stop. Both of you.

20 A I'm sorry, but --

21 THE COURT: You be quiet, don't say another word. You
22 ask the question, you answer the question --

23 A I'm trying to answer --

24 THE COURT: Don't talk until the question is asked.

25 Ask the question, you answer and that's how we do it. Mr.

STANLEY SEEGARS - CROSS

1 Sheldon.

2 MR. SHELDON: Thank you, Your Honor. May it please the
3 Court?

4 BY MR. SHELDON:

5 Q Mr. Seegars, a moment ago you testified that you
6 were -- that you were standing at the door and somebody to
7 the left of you said that, didn't you?

8 A Yes, sir.

9 Q Okay. To the left of you.

10 A Uh-huh.

11 Q That's what you heard.

12 A Yes, sir.

13 Q You agree or disagree that you gave two statements to
14 law enforcement in this case?

15 A Wait a minute. Repeat again and make sure I understand
16 exactly.

17 Q If I need to take my mask I will, I'm trying to avoid
18 that. Do you agree or disagree that you gave two different
19 statements to law enforcement in this case?

20 A What different statements may I ask? I mean, I don't
21 remember saying two different, I just remember telling what
22 I know. I don't know how y'all took it but I'm being honest
23 with y'all in I'm right.

24 Q Do you agree or disagree that on September 21st you
25 spoke with Lieutenant Rumbaugh?

STANLEY SEEGARS - CROSS

1 A I probably did. Like I said, I don't remember. Did
2 she call me like -- if they said I talked to her that's
3 fine. Yes.

4 Q Do you agree or disagree --

5 A I agree. If they called me I talked to them.

6 MR. SHELDON: Judge, I would ask that I just be allowed
7 to ask the question.

8 A Well, I'm trying to answer, sir.

9 THE WITNESS: Your Honor, may I say something? I don't
10 understand, only thing I'm saying --

11 THE COURT: I'm going to ask the question. Okay? Do
12 you agree that you talked to law enforcement twice?

13 THE WITNESS: Yes, sir.

14 THE COURT: Okay.

15 Q Once on September 21st, right?

16 A Yes.

17 Q And once on September 24th.

18 A Yes.

19 Q Do you agree or -- of 2019?

20 A I agree, that's fine.

21 Q Do you agree or disagree that that was 758 days ago?

22 A I didn't count the days, sir, I don't know how many
23 days it was.

24 Q Over two years ago.

25 A Okay. That's fine. If you say it that's fine, I don't

STANLEY SEEGARS - CROSS

1 have a problem.

2 Q And I'm not saying anything, I'm asking you, was
3 this --

4 A If they said they called me I spoke with them. I never
5 denied a call from nobody. I promised y'all I would tell
6 the truth.

7 Q Did you tell everything you know to law enforcement
8 back in 2019?

9 A Yes.

10 Q Because you just said if they asked you you'll tell the
11 truth.

12 A Yeah. I ain't lying now, I'm still telling the truth.

13 Q So everything you said was the truth in 2019 --

14 A Same thing, nothing changed.

15 Q But you also agree that in 2019 up until today you
16 never mentioned any other statement?

17 A Well, you're right. You're talking about when the guy
18 that I thought was on my left? You're right, I might have
19 didn't tell them that then. Okay. That's fine.

20 MR. SHELDON: Judge, I don't have anymore questions.

21 THE COURT: Thank you, Mr. Sheldon. All right. Any
22 redirect, Solicitor?

23 MR. NEWMAN: Briefly.

24 REDIRECT EXAMINATION

25

STANLEY SEEGARS - REDIRECT/RECROSS

1 BY MR. NEWMAN:

2 Q Have you ever met with the prosecutors on this case
3 before today?

4 A No.

5 MR. NEWMAN: Okay. That's all I've got.

6 THE COURT: All right.

7 MR. BELTON: Limited to what he said?

8 THE COURT: Yes, sir.

9 MR. BELTON: Okay. No questions, Your Honor.

10 MR. SHELDON: I do. I have one.

11 THE COURT: Yes, sir.

12 RECROSS EXAMINATION

13 BY MR. SHELDON:

14 Q Had they asked you to meet before today, would you have
15 met with them?

16 A Well, at the time they did ask me to meet one day but I
17 was working, I told them they would have to -- and then my
18 mother is in the hospital been sick. I told them as soon as
19 I can I will come down there. When Jennifer called me and
20 told them they needed me I told them I would be here, I gave
21 them my work. I said I will come, I don't mind.

22 Q Jennifer who?

23 A I don't know -- what y'all -- yeah, that is her name,
24 Lumbar (sic.) Yeah. I didn't know her last name. Now that
25 I'm thinking about it, yes.

STANLEY SEEGARS - REDIRECT/RECROSS

1 MR. SHELDON: I don't have anymore questions.

2 THE COURT: All right. Thank you, sir, you may step
3 down.

4 THE WITNESS: Thank you, sir.

5 MR. NEWMAN: Your Honor, we would ask that he be
6 released from his subpoena.

7 THE COURT: Any objection?

8 MR. BELTON: Your Honor, we have him under subpoena so
9 as long as he's available for us to call him back.

10 THE COURT: Just be available for them to call you if
11 they need you.

12 (Break in proceedings.)

13 THE COURT: Let's take a break, all right? Don't talk
14 about the case.

15 (The jury left the courtroom.)

16 (A break was taken.)

17 THE COURT: Bring the jury in.

18 (The jury returned to the courtroom.)

19 THE COURT: Thank you, ladies and gentlemen. Everybody
20 is present. The State can call its next witness.

21 MS. CAMPBELL: May it please the Court?

22 THE COURT: All right.

23 MS. CAMPBELL: State would call LaShonda Barnes.

24 THE COURT: All right. Ms. Barnes.

25 The witness, LASHONDA BARNES, was first duly sworn and

LASHONDA BARNES - DIRECT

1 Testified as follows:

2 THE COURT: Thank you, ma'am. You can just have a seat
3 there. You can lower your mask since you're behind the
4 barricades. Thank you. All right.

5 MS. CAMPBELL: Thank you, Your Honor.

6 THE COURT: Madam Solicitor.

7 DIRECT EXAMINATION

8 BY MS. CAMPBELL:

9 Q Ms. Barnes, how old are you?

10 A Thirty-three.

11 Q And I'm sorry, you're going to have to speak in the
12 microphone, I apologize. It's hard to hear in here.

13 A Thirty-three.

14 Q Thirty-three? And do you live here in Lancaster?

15 A I do.

16 Q How long have you lived in Lancaster?

17 A All my life.

18 Q And you're under subpoena to be here today, aren't you?

19 A Yes.

20 Q And you don't want to be here.

21 A No.

22 MR. SHELDON: And, Judge, I'm sorry, I really just
23 can't hear her.

24 THE COURT: Y'all come on up here so y'all can hear if
25 you want to. The problem is we have plexiglass, plexiglass,

LASHONDA BARNES - DIRECT

1 plexiglass, plexiglass, and it's hard for me to hear and I'm
2 ride beside her. If y'all want to --

3 MS. CAMPBELL: If the jury can't hear if they would
4 raise their hand.

5 THE COURT: Right. If y'all can't hear raise your hand
6 and we'll have her repeat the answer. So, ma'am, try to be
7 as loud as you can. Okay? I appreciate you.

8 Q Ms. Barnes, do you know someone named Breante Stevens?

9 A Yes.

10 Q What was that? Yes?

11 A Yes.

12 Q And how do you know Mr. Stevens?

13 A Childhood friend.

14 Q Childhood friend? Did y'all live in the same
15 neighborhood?

16 A Yes.

17 Q What neighborhood was that?

18 A Pardue.

19 Q Pardue? I want to turn your attention to
20 September 21st of 2019, the evening of the 20th into the
21 21st into the early morning hours. Were you out with some
22 friends that evening?

23 A Yes.

24 Q Can you talk into the microphone, please?

25 THE COURT: Just slide the microphone over to you.

LASHONDA BARNES - DIRECT

- 1 Q Who were you out with that evening?
- 2 A Family.
- 3 Q Family? And at some point did you take one family
- 4 member home?
- 5 A No.
- 6 Q Did you take her somewhere before going to the club?
- 7 A My sister, I took her home.
- 8 Q You took her home? And why did you take her home that
- 9 evening?
- 10 A Because she didn't want to attend the club.
- 11 Q Okay. And then did you and your other family members
- 12 go somewhere?
- 13 A We went back.
- 14 Q Where did you go?
- 15 A Old Skool.
- 16 Q Old Skool Bar?
- 17 A Yes.
- 18 Q And do you know about what time it was when y'all got
- 19 there?
- 20 A About like almost closing time.
- 21 Q Close to closing time? And once you got in where did
- 22 y'all go?
- 23 A To the bar.
- 24 Q Okay. Did you get a drink?
- 25 A Yeah.

LASHONDA BARNES - DIRECT

- 1 Q Did your family members get a drink?
- 2 A Yes.
- 3 Q What is your family member's last name?
- 4 A Barnes.
- 5 Q Do you know the Davis'?
- 6 A Yes.
- 7 Q And are they related to you?
- 8 A Yes.
- 9 Q Okay. Were they out there that night, too?
- 10 A Yes.
- 11 Q And so you were drinking that night.
- 12 A Yes.
- 13 Q And after you had been there a little bit, did you see
- 14 the person you know as Breante Stevens, or Breezo?
- 15 A Yes.
- 16 Q And when did you first see him?
- 17 A I don't remember.
- 18 Q Where were you in the club?
- 19 A On the left.
- 20 Q If you go up the ramp to the left?
- 21 A To the left.
- 22 Q On the dance floor kind of near the seating around it?
- 23 A Yes.
- 24 Q And at some point did you see Breante Stevens having a
- 25 conversation with someone?

LASHONDA BARNES - DIRECT

- 1 A With somebody, yeah.
- 2 Q Excuse me? I didn't hear you.
- 3 A Yeah.
- 4 Q That's a yes?
- 5 A Uh-huh.
- 6 Q And where was that taking place?
- 7 A On the floor.
- 8 Q On the floor? And can you describe for the jury what
- 9 you saw?
- 10 A No.
- 11 Q You won't describe it? Is that a yes or a no?
- 12 A No.
- 13 Q Do you remember it?
- 14 A A little.
- 15 Q Do you remember giving a statement to police officers
- 16 when you were in the hospital up in Charlotte?
- 17 A As I said, y'all was talking to me as I was doped up.
- 18 Q Do you remember Investigator Fayall talking to you?
- 19 A I don't know. Who is that?
- 20 Q She was the police officer that came and talked to you
- 21 while you were in the hospital the first time.
- 22 A Faye. I'm talking about Faye.
- 23 Q Okay. Investigator Fayall.
- 24 A I don't know who Faile, I know a Faye.
- 25 Q Do you remember giving a statement to the sheriff's

LASHONDA BARNES - DIRECT

1 department while you were in a hospital bed?

2 A I don't remember.

3 Q Okay. Do you remember telling them that you saw
4 Stevens and a black male with a balled head and what
5 appeared to be kind of a slight mohawk style haircut, it
6 appeared they were arguing?

7 A Correct.

8 Q So you did say that? Do you remember telling them
9 that it was serious --

10 MR. SHELDON: Hold on. Judge, if she could just answer
11 the first question. There was two questions there.

12 THE COURT: Right. She said correct.

13 A I did answer it.

14 Q Okay. Thank you, Ms. Barnes. Do you remember what
15 else you told them? Ms. Barnes, are you scared to be here?

16 A I don't want to be here.

17 Q Okay. And do you remember telling the police that it
18 looks serious but that at the end they're both smiling?

19 A I don't remember saying it didn't look serious.

20 Q You did not say that? I'm sorry, Ms. Barnes, do you
21 need some kleenex?

22 THE COURT: We've got a whole box up here. We're good.

23 Q Ms. Barnes, do you want to answer my question or do you
24 want me to ask another one? And I'm sorry --

25 THE COURT: Go ahead, repeat your question, Madam

LASHONDA BARNES - DIRECT

1 Solicitor.

2 MS. CAMPBELL: Thank you, Your Honor.

3 Q Do you remember that it looked serious but in the end
4 they were smiling?

5 A Yes.

6 Q And did they exchange some words?

7 A I don't know.

8 Q You don't remember those words? That's okay. Do you
9 remember telling the police that Stevens made a hand
10 gesture, and you even showed the police officer how that
11 happened?

12 A Yeah. He was vibing with music.

13 Q Do you remember telling them specifically a hand
14 gesture and showing it to the police? Do you remember
15 saying that he was going like this? You've got to look at
16 me to see this.

17 THE COURT: Ms. Barnes, can you look up real quick at
18 the lawyer? Come on around here, Madam Solicitor. Why
19 don't you just stand behind her and ask her the questions.

20 MS. CAMPBELL: That's a great idea.

21 THE COURT: Okay.

22 Q Are you okay?

23 THE COURT: All right. Go ahead and ask that question
24 again.

25 Q Ms. Barnes, do you remember him making a hand gesture

LASHONDA BARNES - DIRECT

- 1 like this, that you told the police that he did that?
- 2 A Like dancing, like pointing, yeah.
- 3 Q Do you remember then telling the police that you
- 4 watched him leave the club?
- 5 A Yeah.
- 6 Q And that then the police asked you how long he was gone
- 7 and you told them?
- 8 A Uh-huh.
- 9 Q And how long did you tell them he was gone?
- 10 A Not long.
- 11 Q Do you remember telling them he was gone for five
- 12 minutes?
- 13 A Not long, yeah.
- 14 THE COURT: She said not long, yeah.
- 15 MS. CAMPBELL: Thank you.
- 16 Q Do you remember telling them that he came back in?
- 17 A Uh-huh.
- 18 Q And what did he do when came back in?
- 19 A (Inaudible.)
- 20 Q Ms. Barnes, I'm almost through. Okay?
- 21 A Can you repeat that?
- 22 Q Do you remember what he did when he came back in on the
- 23 dance floor after he left out and came back in?
- 24 A They played his song.
- 25 Q They played a song. And then what did he do?

LASHONDA BARNES - DIRECT

- 1 A He got on the stage and started dancing to it.
- 2 Q And then what did he do while he was on the stage
- 3 dancing to it?
- 4 A Shit. Next thing you know I seen fire.
- 5 Q Then next thing you know you seen fire?
- 6 A Fire.
- 7 Q And when you say you seen fire, what does that mean?
- 8 A Gunshots.
- 9 Q And who was shooting the gun?
- 10 A And I panicked. I just stood there.
- 11 Q I know, and I'll get to that in a minute. Who was
- 12 shooting the gun?
- 13 A Him.
- 14 Q Him is?
- 15 A Breezo.
- 16 Q Okay. In what direction was he shooting?
- 17 A I don't know which direction he was shooting.
- 18 Q Did you get shot?
- 19 A Yes.
- 20 Q Where did you get shot?
- 21 A In my leg and in my feet.
- 22 Q Did you talk to police officers again two days later
- 23 while you were still in the hospital?
- 24 A I think so.
- 25 Q And do you remember saying that you saw Lee, the other

LASHONDA BARNES - DIRECT

1 guy that he was arguing with, with a pistol but that he
2 didn't shoot?

3 A He pulled something out, yes.

4 Q But you didn't see him shoot.

5 THE COURT: She shook her head no.

6 MS. CAMPBELL: Thank you, Your Honor.

7 Q Once you got shot, what happened? Once you got shot
8 what happened?

9 A They still was shooting and I tried to stand up.

10 Q And what happened when you tried to stand up?

11 A I fell down.

12 Q And when the shooting started, did somebody try to help
13 you?

14 A I tried to get some help but I was calling my cousin.

15 Q Okay. And did you get out of the club immediately?

16 A No.

17 Q Where did you go?

18 A Behind the pool table.

19 Q Do you remember how many shots there were? Was it more
20 than one?

21 THE COURT: The witness shook her head no both times.

22 Q It was more than one or not more than one?

23 A I don't know how many shots it was.

24 THE COURT: She does not know how many shots there was.

25 Q And finally, do you remember telling them that you saw

LASHONDA BARNES - DIRECT

1 Breezo with a gun and you saw him shooting? After you got
2 to the pool table, did you eventually get out of the parking
3 lot?

4 A Somebody carried me out.

5 Q And then where did you go?

6 THE COURT: Somebody carried me out.

7 MR. BELTON: What was her -- the last question, what
8 was her response to the left question?

9 MS. CAMPBELL: I just asked where did you go after that
10 and she hadn't answered yet.

11 A Yes, I did. I said behind the pool table.

12 Q That was before. Okay. And then you went outside,
13 right, into the parking lot?

14 A Somebody carried me out to my cousin's car.

15 Q Thank you. Then where did y'all go?

16 A To the emergency room.

17 Q And once you got to the emergency room, did they have
18 to transfer you somewhere else?

19 A Yes.

20 Q And where was that?

21 A Because I was losing too much blood.

22 Q And where did you go?

23 A CMC.

24 Q And were you hospitalized there?

25 A Yes.

LASHONDA BARNES - DIRECT

1 Q And did you have to have any kind of treatment or any
2 kind of surgery for your gunshot wounds?

3 A Yes.

4 Q And what did they operate on?

5 A My leg.

6 Q And what happened to your toe?

7 A Half got shot off.

8 Q Your toe got shot off?

9 A Yes.

10 Q And then you had another gunshot wound where?

11 A My leg. One big one on -- in the front and a small one
12 on the side, beside it.

13 Q And that's your left leg?

14 A My left leg.

15 Q You got a big one and a small one?

16 A Yes.

17 Q And they had to do surgery for that.

18 A Yes.

19 Q And what did they have to do during the surgery?

20 A They put rods and screws in my leg.

21 THE COURT: Rods and screws in her leg.

22 Q And did you stay in the hospital for several days?

23 A Yes.

24 Q The night when you got to the hospital, do you remember
25 saying something to your sister?

LASHONDA BARNES - DIRECT

1 A I know I called her.

2 Q Well, when you called her what did you tell her? What
3 were you upset about? Do you remember telling her that you
4 were upset that Breezo would shoot you?

5 A That he had shot me, but I know it wasn't intentional.

6 Q Okay. Finally when you met with that police officer --
7 and this will be it. Okay? I'm going to show you what's
8 marked as State's Exhibit Number 6. Do you remember looking
9 at these pictures? And when they showed you these pictures,
10 did they tell you who to pick out or anything like that?

11 A No.

12 Q And did you recognize somebody in these six
13 photographs?

14 A Yes.

15 Q And which one was that?

16 A Three.

17 Q Number three? And then after you indicated that, did
18 you put a circle around it and put your initials right here?

19 A I did.

20 THE COURT: All right. Objection --

21 MR. BELTON: Objection, Your Honor, based on the --

22 THE COURT: Objection noted, objection overruled.

23 MR. BELTON: In and out of court.

24 THE COURT: In and out. Thank you, sir.

25 MS. CAMPBELL: Thank you, Your Honor.

LASHONDA BARNES - DIRECT

1 Q And then they had you sign this affidavit on the front
2 that that was the person you recognized? And who was that
3 person?

4 A Breante.

5 Q Breante? And is that the person you saw shooting?

6 A Yes.

7 MS. CAMPBELL: Your Honor, at this time we would offer
8 State's Exhibit 6 into evidence.

9 THE COURT: All right. Over objection admitted into
10 evidence.

11 (State's 6 was received.)

12 Q And how long have you known him? I will move on.

13 MS. CAMPBELL: Thank you. Please answer any questions
14 that the defense may have.

15 THE COURT: All right. Thank you, Madam solicitor.
16 All right. Now, Ms. Barnes, Mr. Belton is going to ask you
17 some questions followed by Mr. Sheldon. Just keep on
18 answering the best you can and try to be as loud as you can.
19 Okay? Thank you very much. And, Mr. Belton, if you would
20 like to come up here like the solicitor did, it may be
21 easier to get her testimony.

22 MR. BELTON: Your Honor, did you say you want me to
23 come around?

24 THE COURT: It's up to you. I will let you do what you
25 want to do.

LASHONDA BARNES - CROSS

1 MR. BELTON: It will probably be better.

2 THE COURT: Yeah.

3 CROSS EXAMINATION

4 BY MR. BELTON:

5 Q Ms. Barnes, I only have a few questions for you. Okay?

6 MS. CAMPBELL: Your Honor, if he could speak up.

7 MR. BELTON: I'm sorry, I apologize for that.

8 MS. CAMPBELL: I just want to make sure they can hear.

9 Q Ms. Barnes, I only have a few questions for you. Okay?

10 All right. Ms. Barnes, we talked a lot in here about your
11 encounter with Officer Fayall. But at that time you also
12 identified someone else in the club with a gun as well,
13 didn't you?

14 A No.

15 Q Okay. You don't remember telling Officer Fayall about
16 Lil' Baggy having a gun?

17 A No.

18 Q Ms. Barnes, you actually talked to three different
19 police officers; is that correct?

20 A I don't know.

21 Q You don't remember talking to three different officers?

22 A No. People was talking to me while I was doped up.

23 Q Would Officer Leonard, what we just testified for, do
24 you remember his coming to the hospital?

25 A I don't know.

LASHONDA BARNES - CROSS

1 Q Do you remember telling Officer Leonard that Lee pulled
2 out a gun on Bre?

3 A Uh-huh.

4 Q Is that a yes? So is it your testimony here today that
5 you also saw Lee with a gun?

6 A He pulled something out.

7 Q Okay. And you also indicated that you were shot in
8 this club that night, correct?

9 A Correct.

10 Q But you weren't having an issue with anyone in the club
11 that night, correct?

12 A Correct.

13 Q And you didn't believe that any of the bullets that hit
14 you were intended for you, correct?

15 A Correct.

16 Q And when you initially talked to Officer Dailey at
17 3:49 a.m. on the night of this incident, or the morning of
18 this incident, you, in fact, did not identify Breante as the
19 shooter, did you? Ms. Barnes, immediately after you were
20 shot and you encountered the first officer at the hospital,
21 did you identify Breante Stevens, the person you had known
22 your entire life, did you indicate that --

23 A No.

24 Q I'm sorry.

25 THE COURT: She said no.

LASHONDA BARNES - CROSS

1 Q Now, you were shown two photo lineups by Officer
2 Fayall, weren't you?

3 A I think she (inaudible.)

4 Q But one photo lineup you have seen in court today,
5 correct?

6 A Yeah.

7 Q You have acknowledged that you did see that one,
8 correct? I'm almost done. You have acknowledged that that
9 one was yours, correct?

10 THE COURT: She said yes.

11 Q She said yes. The second one, do you remember
12 identifying someone else -- identifying someone else in the
13 club with a second photo lineup?

14 A No.

15 MR. BELTON: Beg the Court's indulgence.

16 THE COURT: Okay.

17 (Break in proceedings.)

18 MR. BELTON: Last question, Your Honor.

19 THE COURT: Okay.

20 BY MR. BELTON:

21 Q Ms. Barnes, my last question for you. Is it your
22 testimony here today that you saw Lee with a gun and Breante
23 with a gun? Both of them had guns?

24 MR. BELTON: Your Honor --

25 THE COURT: She said --

LASHONDA BARNES - CROSS

1 MR. BELTON: -- correct?

2 THE COURT: Yeah. That's what I heard.

3 MR. BELTON: Thank you.

4 THE COURT: Thank you, ma'am. All right, Mr. Sheldon?

5 MR. SHELDON: Thank you, Your Honor. May it please the
6 Court?

7 THE COURT: Yes, sir.

8 CROSS EXAMINATION

9 BY MR. SHELDON:

10 Q Ms. Barnes, would you prefer I stand back here or you
11 would prefer I come up there and ask you questions? And
12 it's not going to take very long.

13 THE COURT: Come on up here.

14 MR. SHELDON: Okay.

15 THE COURT: All right. Just keep answering as loud as
16 you can. Okay? About done.

17 Q Thank you for being here, Ms. Barnes, and I'm sorry
18 that you have to be here. I just have just a couple of
19 questions for you. You indicated -- do you remember giving
20 those statements to law enforcement that Ms. Campbell talked
21 to you about earlier?

22 THE COURT: Ma'am, the question was do you remember
23 talking to law enforcement earlier?

24 A Yes.

25 THE COURT: She said yes.

LASHONDA BARNES - CROSS

1 Q And when you spoke with law enforcement you've
2 indicated that potentially there was another -- that there
3 was an altercation between Mr. Stevens, Breezo, and another
4 individual; is that right?

5 A Nuh-uh.

6 THE COURT: She said no.

7 Q What about when Breezo was arguing with somebody else
8 that night?

9 A No.

10 Q Prior to coming back in, no, he wasn't?

11 A No.

12 Q So when Ms. Campbell asked you questions about the
13 statement you gave to law enforcement, I mean, wasn't that
14 one of the questions that she had asked you?

15 A I don't know.

16 Q What about the hand gesture and things like that?
17 Didn't you indicate that you did, in fact, say those things
18 to law enforcement?

19 A I did say that but that don't mean that he was pointing
20 at him. He was just hand gesturing with the song.

21 MR. BELTON: Your Honor, will you repeat what she said,
22 please?

23 A You're asking me the questions over and over because
24 they're aggravating me.

25 THE COURT: All right. Stop right there. Mr. Court

LASHONDA BARNES - CROSS

1 Reporter, can you read back what she just said?

2 (Court reporter reads back the answer of the witness.)

3 Q And so did you see anybody else in the club that night
4 with a firearm, with a gun?

5 THE COURT: She shakes her head no.

6 Q Did Lee have a gun?

7 THE COURT: Ma'am, you need to answer yes or no or I
8 don't remember. The question was did Lee have a gun.

9 A Yes.

10 THE COURT: She says yes.

11 MR. SHELDON: Beg the Court's indulgence, Your Honor.

12 THE COURT: All right.

13 (Break in proceedings.)

14 MR. SHELDON: And Judge, I just have one more question.

15 Q I'm sorry, Ms. Barnes, you're almost out of here. But
16 did you -- at any point in time did you see Mr. Champion
17 that night?

18 A No.

19 MR. SHELDON: All right. Thank you. Thank you for
20 being here, Ms. Barnes.

21 THE COURT: She said no to that last question. All
22 right. Madam Solicitor?

23 MS. CAMPBELL: Just one or two.

24 THE COURT: All right.

25 REDIRECT EXAMINATION

LASHONDA BARNES - REDIRECT

1 BY MS. CAMPBELL:

2 Q When you met with the investigator at the hospital he
3 asked you to tell him what happened and you said that Breezo
4 and Lee had an altercation but Breezo pushed Lee off the
5 stage and Lee produced a pistol but did not fire the gun; is
6 that right.

7 THE COURT: Is that what you told law enforcement,
8 ma'am?

9 A Correct.

10 THE COURT: She said correct.

11 Q But then later, approximately five minutes later,
12 Breezo got on the stage and you saw the gunshots.

13 A Why y'all keep asking me the same thing over and over?
14 That do something to me. Please.

15 Q Okay. This is it. Okay? Is that correct. Just yes
16 or no and I will go.

17 THE COURT: Repeat your question again.

18 Q And you said that approximately five minutes later
19 Breezo got off the stage and you saw the gunshots and Breezo
20 was shooting.

21 THE COURT: Is that what you're asking her, if that's
22 what she told her?

23 A I said I seen fire, yes.

24 THE COURT: She said yes. All right. Mr. Belton?

25 MR. BELTON: No redirect, Your Honor.

BRENIA DAVIS - DIRECT

1 THE COURT: Mr. Sheldon?

2 MR. SHELDON: Yeah, one question.

3 THE COURT: Okay.

4 RECROSS EXAMINATION

5 BY MR. SHELDON:

6 Q I'm sorry, Ms. Barnes.

7 THE COURT: Last question, ma'am.

8 Q This is the absolute last question.

9 THE COURT: Uh-huh.

10 Q From what you remember and what you saw, did Mr.

11 Stevens have one gun or two?

12 A I don't know.

13 THE COURT: I don't know. All right. Thank you,

14 ma'am, you may step down.

15 MS. CAMPBELL: Your Honor, may she be excused?

16 THE COURT: Yep. Thank you, ma'am, you can leave. All

17 right. The State can call its next witness.

18 MR. NEWMAN: State calls Brenia Davis.

19 The witness, BRENIA DAVIS, was first duly sworn and

20 Testified as follows:

21 THE COURT: Thank you, ma'am, you can lower your mask

22 or remove it. Just speak loudly into that microphone,

23 please.

24 DIRECT EXAMINATION

25 BY MR. NEWMAN:

BRENIA DAVIS - DIRECT

- 1 Q Good afternoon, Ms. Davis.
- 2 A Good afternoon.
- 3 Q How old are you, Ms. Davis?
- 4 A Thirty-one.
- 5 Q Now, were you at the party at Old Skool on
- 6 September 20, 2019?
- 7 A Yes.
- 8 Q Now, what time did you get there?
- 9 A Like 12:30 or 1:00.
- 10 Q Were you by yourself?
- 11 A No, me and my sister.
- 12 Q Your sister. Who is your sister?
- 13 A Dominique.
- 14 Q Okay. Were did y'all go when you got there?
- 15 A To the dance floor.
- 16 Q Were you drinking?
- 17 A Yes.
- 18 Q Okay. Dancing?
- 19 A I ain't no dancer.
- 20 Q Okay. You were just listening to music and watching
- 21 people dance?
- 22 A Uh-huh.
- 23 Q Now, at some point that night -- well first of all, do
- 24 you know Breante Stevens?
- 25 A Yes.

BRENIA DAVIS - DIRECT

1 Q At some point that night did you see Breante Stevens
2 have an altercation with a patron in the bar?

3 A Yes.

4 Q Do you know who that person was?

5 A Lee.

6 Q Now, tell me what happened during this altercation.

7 A I mean -- well, I was just coming into the club. I
8 just seen them going back and forth, and that's when I seen
9 Breezo leave out the club, then he came back in the club and
10 that's when he start shooting.

11 Q And what happened after he started shooting? Did you
12 get shot?

13 A Yes.

14 Q Where did you get shot?

15 A In my leg.

16 Q Were you able to walk out of the club?

17 A Yes.

18 Q Where did you go when you left?

19 A To the hospital.

20 Q Did you see where Breezo went after he shot?

21 A No, I did not.

22 Q Did you see anybody else shoot?

23 A To be honest I didn't. I just seen him shooting.

24 Q Okay. This Lee that he had the altercation with before
25 he goes out and comes back in, did you see him with a gun?

BRENIA DAVIS - DIRECT

- 1 A No, I didn't.
- 2 MR. NEWMAN: Beg the Court's indulgence.
- 3 THE COURT: Yes, sir.
- 4 (Break in proceedings.)
- 5 Q Ms. Davis, you got to the ER. How long did you have to
- 6 stay at the ER?
- 7 A Not long.
- 8 Q So you were released that same morning?
- 9 A Uh-huh.
- 10 Q Well, it was morning when you got there.
- 11 A Yeah.
- 12 Q You got released that same morning. Did you talk to
- 13 law enforcement in the hospital?
- 14 A Yes.
- 15 Q And did you tell -- what you just told me about the
- 16 shooting, did you tell that to law enforcement in the
- 17 hospital?
- 18 A No, I did not.
- 19 Q Okay. When did you tell that to law enforcement?
- 20 A I think the next morning.
- 21 Q The next morning?
- 22 A Uh-huh.
- 23 Q Okay. But you remember talking to law enforcement in
- 24 the hospital.
- 25 A Yes.

BRENIA DAVIS - DIRECT

1 Q Now, do you remember meeting with Officer Dustin Dailey
2 and him showing you photos?

3 A Yes.

4 Q I'm going to show you what has been marked as State's
5 1. Do you remember seeing that?

6 A Yes.

7 Q Now, you picked somebody out of that, correct?

8 A Yes.

9 Q Who did you pick?

10 A Breezo.

11 Q Is he number three?

12 A Yes.

13 Q Is that your initials?

14 A Yes.

15 THE COURT: Objection noted, objection overruled.

16 Thank you, sir.

17 MR. BELTON: In and out.

18 THE COURT: Yes, sir.

19 Q Did anybody tell you who to pick, Ms. Davis?

20 A No.

21 Q Is that your handwriting right here?

22 A Yes.

23 Q What does that say?

24 A The shooter at the club at Old Skool.

25 Q Okay.

BRENIA DAVIS - DIRECT

1 MR. NEWMAN: Your Honor, at this time I'm going to
2 offer State's 1 into evidence.

3 THE COURT: All right. Over objection admitted.

4 MR. SHELDON: I didn't hear, what number was it? 1?

5 (State's 1 was received.)

6 Q Ms. Davis, can you tell me about where inside the club
7 you were standing when the shooting started when you got
8 shot?

9 A I was on the dance floor.

10 Q Okay. When I walk in I walk up the ramp, the bar is on
11 my right --

12 A It's to the left.

13 Q -- to the left.

14 A Uh-huh.

15 Q Were you near the seats or --

16 A Yeah. It was -- I was right there.

17 Q There's seats all along that wall.

18 A Uh-huh.

19 Q Okay. Did somebody close to you get shot as well?

20 A Yes.

21 Q Who was that?

22 A LaShonda. And Lee was beside LaShonda.

23 Q You were standing near Lee when he got shot?

24 A Uh-huh.

25 Q Ms. Davis, I'm going to ask you if you will stand up

BRENIA DAVIS - DIRECT

1 and walk around to the side of the witness stand, and I want
2 you to see if you can see in the courtroom, can you see --
3 or do you see Breante Stevens?

4 A I ain't got to do all that. He's sitting over there
5 beside his lawyer with the burgundy shirt on with glasses
6 on.

7 Q Thank you.

8 MR. NEWMAN: Your Honor, let the record reflect she's
9 pointing to Defendant Stevens.

10 THE COURT: All right. So noted.

11 MR. NEWMAN: Beg the Court's indulgence.

12 THE COURT: Yes, sir.

13 (Break in proceedings.)

14 Q I may have asked this, if I did I apologize. Lee was
15 standing near you when he got shot. Did you see him with a
16 gun in his hand?

17 A Not that I recall.

18 Q You don't --

19 A No, I didn't see him.

20 Q You don't recall seeing him with a gun at all?

21 A No.

22 MR. NEWMAN: Thank you.

23 THE COURT: All right. Mr. Belton, your witness.

24 MR. BELTON: Thank you, Your Honor.

25 CROSS EXAMINATION

BRENIA DAVIS - CROSS

- 1 BY MR. BELTON:
- 2 Q Hello again, Ms. Davis. Hello, Ms. Davis.
- 3 A Hey.
- 4 Q All right. Ms. Davis, I only have a few questions for
- 5 you. Okay?
- 6 A Okay.
- 7 Q Ms. Davis, did you see Mr. Colvin when he hit the floor
- 8 after he was shot?
- 9 A No, because I fell to the floor.
- 10 Q You fell to the floor?
- 11 A Uh-huh.
- 12 Q Did you leave the club immediately or --
- 13 A I -- oh. Go ahead, my bad.
- 14 Q At any point did you see Mr. Colvin on the floor?
- 15 A After the shooting.
- 16 Q Yes, ma'am. So that's a yes, you saw him lying on the
- 17 floor?
- 18 A Yes.
- 19 Q At any point did you see the gun being removed from
- 20 him?
- 21 A No, I didn't.
- 22 Q Okay. Did you see anyone else remove property from Mr.
- 23 Colvin?
- 24 A No, I didn't see that.
- 25 Q Did you see anyone else pick up a gun off of the floor?

BRENIA DAVIS - CROSS

- 1 A No.
- 2 Q Okay. Did you know Mr. Colvin before that night?
- 3 A No, I did not.
- 4 Q Had never seen him before?
- 5 A No.
- 6 Q Okay. You had a conversation with Officer Dustin
- 7 Dailey about 7:00 that morning. Is that yes?
- 8 A Yes.
- 9 Q Do you remember having a conversation with Officer
- 10 Dailey, or Investigator Dailey about that club and that
- 11 club's security?
- 12 A No.
- 13 Q You don't remember telling Officer Dailey that the
- 14 security guards weren't checking everyone coming in?
- 15 A No. I don't remember telling them that.
- 16 Q I'm sorry?
- 17 A No.
- 18 Q No, you didn't say it or you don't remember saying it?
- 19 A I don't remember telling him that.
- 20 Q Okay. All right. Do you remember Officer Dailey
- 21 saying to you that he could help you clear your name in the
- 22 future if you got in trouble?
- 23 A No.
- 24 Q Are you saying he didn't say it or you don't remember
- 25 him saying it?

BRENIA DAVIS - CROSS

1 A I don't remember him saying it.

2 Q Okay. All right. So your testimony -- just to be
3 clear, your testimony here today is that you don't remember
4 Officer Dailey as he's interviewing you about this crime say
5 to you and I quote: I can help you clear your name in the
6 future if you have any issues. You don't remember him
7 saying that, the police telling you that?

8 A No, I don't. I don't remember.

9 MR. BELTON: Thank you. No further questions.

10 THE COURT: All right. Mr. Sheldon?

11 MR. SHELDON: Beg the Court's indulgence, Judge, just
12 one second.

13 THE COURT: Okay.

14 (Break in proceedings.)

15 MR. SHELDON: Thank you, Your Honor. May it please the
16 Court?

17 THE COURT: Yes, sir.

18 CROSS EXAMINATION

19 BY MR. SHELDON:

20 Q Ms. Davis, you do remember giving a statement to law
21 enforcement, though; is that right?

22 A Yes.

23 Q And, I'm sorry, you're just going to have to speak up
24 because I'm having a hard time hearing you.

25 A Yes.

BRENIA DAVIS - CROSS

1 Q Thank you. And in that statement you indicated that --
2 did you see the initial altercation between Mr. Stevens and
3 Mr. Colvin that night?

4 A Yes, as soon as I came inside the club.

5 Q Where was that altercation at?

6 A It was like by the stage, on the dance floor, whatever.

7 Q So sort of up the ramp to the left, is that right, as
8 you're walking up the ramp?

9 A Yes.

10 Q And then did you see Mr. Stevens leave?

11 A I seen him leave out of the club, then I seen him come
12 back in the club.

13 Q And then I think you indicated that you saw him on the
14 stage shooting; is that right?

15 A Yes.

16 Q And you were standing -- and we call it a stage. I
17 mean, just to help the jury, how far off the ground are we
18 talking?

19 A I don't remember.

20 Q Is it real small off the ground or --

21 A It ain't that high, I mean, it ain't that low either,
22 so --

23 Q That was very helpful. Thank you. And so -- and you
24 saw Mr. Stevens firing shots in the direction of Mr. Colvin;
25 is that right?

CHRISTOPHER BELTON - DIRECT

1 A Yes.

2 MR. SHELDON: Thank you, Judge. I don't have anymore
3 questions.

4 THE COURT: All right. Any redirect?

5 MR. NEWMAN: No, Your Honor. Ask that she be released
6 from her subpoena.

7 THE COURT: All right. Thank you very much. You can
8 step down, ma'am. Are y'all ready for another witness or
9 you want take a quick break? All right. Keep going.

10 MS. CAMPBELL: State would call Charles Mobley.

11 MR. SHELDON: Judge, can we take five minutes?

12 THE COURT: Yeah, that's fine. Let's take a quick
13 comfort recess.

14 (About a break was taken.)

15 THE COURT: All right. Thank you, ladies and gentlemen
16 of the trial jury. You can call your next witness.

17 MS. CAMPBELL: Thank you, Your Honor. The State will
18 call Christopher Belton.

19 The witness, CHRISTOPHER BELTON, was first duly sworn

20 And testified as follows:

21 THE COURT: Sir, you can lower your mask or take it
22 off. Thank you.

23 DIRECT EXAMINATION

24 BY MS. CAMPBELL:

25 Q Mr. Belton, can you speak into that microphone? It's

CHRISTOPHER BELTON - DIRECT

- 1 just hard to hear in here.
- 2 A Yes, ma'am.
- 3 Q Oh yeah, you're loud. Good.
- 4 THE COURT: You can back off from the microphone,
- 5 you're really loud and that's good.
- 6 Q Mr. Belton, how old are you?
- 7 A Thirty-one.
- 8 Q And do you live here in the Upstate area?
- 9 A I live in Rock Hill.
- 10 Q And do you know a guy named Lee Colvin?
- 11 A Yes, ma'am.
- 12 Q How did you know Lee?
- 13 A We went -- I've been knowing him since second grade.
- 14 Q Did you know a guy named Breezo Dolla?
- 15 A From Facebook.
- 16 Q But prior to this happening back in September of 2019
- 17 you've seen his face before?
- 18 A Only on Facebook.
- 19 Q On Facebook?
- 20 A Uh-huh.
- 21 Q That night, September 21st of 2019, what did y'all do?
- 22 A We went to a memorial for one person and a birthday
- 23 celebration of the next, and then we went to the Old Skool.
- 24 Q Old Skool here in Lancaster?
- 25 A Yes, ma'am.

CHRISTOPHER BELTON - DIRECT

- 1 Q And about what time was it when you got there?
- 2 A I can't remember exactly.
- 3 Q Do you remember who you were with, though?
- 4 A I remember when I was with my friends, Quay and Trey.
- 5 Trey was driving.
- 6 Q Quay and Trey? Once you got to the club, what did you
- 7 do?
- 8 A Got more drinks.
- 9 Q Had you been drinking that night?
- 10 A Yes, ma'am.
- 11 Q And once you were in the club, what, if anything, did
- 12 you notice about an altercation between two people?
- 13 A I didn't notice an altercation. I heard of an
- 14 altercation, so I went looking for my friends.
- 15 Q I'm sorry. I didn't hear the last part.
- 16 A I went looking for my friends.
- 17 Q Do you remember giving a statement to police officers
- 18 when you were in the hospital?
- 19 A No, ma'am. I had just undergone two surgeries so I was
- 20 like heavily medicated.
- 21 Q Okay. But you were at the club that night.
- 22 A Yes, ma'am.
- 23 Q Did you get shot in the club that night?
- 24 A Yes, ma'am.
- 25 Q After you got shot in the club, where did you go?

CHRISTOPHER BELTON - DIRECT

- 1 A If I'm not mistaken Springs Memorial.
- 2 Q Springs Memorial first?
- 3 A Uh-huh.
- 4 Q Did you have to go somewhere else after that?
- 5 A Yeah, because I woke up at CMC.
- 6 Q CMC?
- 7 A Uh-huh.
- 8 Q Is that in North Carolina?
- 9 A Yes, ma'am.
- 10 Q In Charlotte?
- 11 A Yes, ma'am.
- 12 Q Did you have to have any procedures done as a result of
- 13 being shot that night?
- 14 A Yes, ma'am. I had to have two surgeries back to back.
- 15 They took out half of my small intestine, half of my large,
- 16 fixed my colon, spleen and my liver.
- 17 Q Where were you exactly shot?
- 18 A In my abdomen through and through.
- 19 Q How many times?
- 20 A Once. And I got shot in my buttocks twice.
- 21 Q Do you remember two days after you got to that hospital
- 22 meeting with Investigator Leonard from the sheriff's
- 23 department?
- 24 A No, ma'am. I was heavily intoxicated on medicine.
- 25 Q Do you remember referring to someone that you later

CHRISTOPHER BELTON - DIRECT

1 identified as Breezo, I think?

2 A No, ma'am. I was heavily intoxicated on the medicine
3 from having surgery.

4 Q Do you remember -- I'm sorry, I didn't mean to
5 interrupt you. Go ahead and finish.

6 A I was intoxicated off the medicine from the surgery.

7 Q And you gave a statement about what you saw that night?

8 A No, ma'am, I do not recall.

9 Q Do you remember telling them that the light skinned
10 fellow walked up on this stage where Lee was already
11 standing?

12 A No, ma'am.

13 Q And that that light skinned fellow bumped into Lee?

14 A No, ma'am.

15 Q That the two had words?

16 A No, ma'am.

17 Q And that you then saw Lee with a gun?

18 A No, ma'am.

19 Q And at that point the two separated.

20 A No, ma'am.

21 Q You didn't say any of that to the police back then.

22 A I do not recall.

23 Q You then said that the same person then exited Old
24 Skool? You don't -- you did say that.

25 A No, ma'am, I do not recall.

CHRISTOPHER BELTON - DIRECT

1 Q And that you and Lee were standing beside the stage
2 when you saw the light skinned dude back in in a hurry with
3 two more individuals?

4 A I was never standing besides Lee until I bumped into
5 him, that's how I noticed I was bumping into someone.

6 Q Okay. So you deny saying that.

7 A Yes, ma'am. I said I don't remember. I remember
8 bumping into Lee and looking to see who I bumped into and I
9 realized it was Lee before I got shot.

10 Q Okay. So you deny saying what I just asked you. To be
11 clear for the record.

12 A I do not recall, ma'am.

13 Q Okay.

14 MR. SHELDON: Judge, I'm going to object to the fact
15 that she's classifying this as deny. He's saying he doesn't
16 recall, I don't think he's denying anything.

17 THE COURT: All right. Objection sustained, just --

18 MS. CAMPBELL: I'll do it.

19 THE COURT: Thank you.

20 Q Do you remember stating that one of the males with him
21 had dreadlocks?

22 A No, ma'am. There's a lot of people in the club so how
23 could I know who was who?

24 Q Do you remember telling them that the light skinned
25 dude walked up on stage and approached Lee and Lee jumped

CHRISTOPHER BELTON - DIRECT

1 off the stage next to Christopher and then you heard
2 gunshots?

3 A No, ma'am.

4 Q That you then fell to the floor and realized you had
5 been shot?

6 A After I bumped into Lee, yes, that's when I realized I
7 was shot.

8 Q And that you started to the crawl to the door to try to
9 get help.

10 A Uh-huh.

11 Q And that a female in a Dodge Charger stopped once you
12 got out of the club and actually took you to the hospital.

13 A I have no idea who took me, I just know I got in the
14 car.

15 Q You also told them that the guy with dreadlocks and a
16 hooded sweatshirt came back to where they were in the club
17 with the light skinned guy?

18 A No, ma'am, I do not recall that.

19 Q When she asked you who else had a gun you indicated
20 that the black male with dreadlocks with a hooded sweatshirt
21 also had a gun?

22 A No, ma'am, I do not recall that.

23 Q But you didn't know whether he shot or not?

24 A No, ma'am. I do not remember seeing anyone with guns.

25 Q Do you remember them showing you some photographs?

CHRISTOPHER BELTON - DIRECT

1 A From that day I can't remember until the last time I
2 seen them, but I guess.

3 Q Because you were here on Monday.

4 A Yeah. That's when I remember them.

5 Q And that's when what you remembered them?

6 A Uh-huh.

7 Q And I'm going to show you what's been marked as State's
8 Exhibit Number 3. Do you recognize those photographs?

9 A Yes, ma'am, from Monday.

10 Q Okay. And this paper that you signed on the front of
11 State's Exhibit 3 indicates this is shown to you on
12 September 23rd of 2019. Would you disagree with that?

13 A I can't remember because I was intoxicated from the
14 medicine.

15 Q Okay. And when you were shown this lineup back then
16 you recognized one person.

17 A Yes. Like I said Monday, that's from my friends and
18 family talking around.

19 Q And you indicated to the police officers then that this
20 was the person you saw shooting?

21 A No, ma'am. I did not see anyone shooting, I was
22 looking for my friends.

23 Q And then you signed the front indicating that.

24 A I do not remember that.

25 MS. CAMPBELL: Your Honor, at this time we offer

CHRISTOPHER BELTON - DIRECT

1 State's Exhibit Number 3 into evidence.

2 THE COURT: Any objection?

3 MR. BELTON: Standard objection.

4 THE COURT: All right.

5 MR. BELTON: In and out.

6 THE COURT: Okay. Objection overruled, noted for the
7 record.

8 (State's 3 was received.)

9 Q And you're under subpoena here today?

10 A Yes, ma'am.

11 Q And you've told us that you didn't want to participate
12 and don't want to be involved in this in any way.

13 A Yes, ma'am.

14 MS. CAMPBELL: Thank you. I have nothing further.

15 THE COURT: Thank you. Mr. Belton?

16 MR. BELTON: No questions.

17 THE COURT: Mr. Sheldon?

18 MR. SHELDON: I don't have any questions, Your Honor.

19 THE COURT: All right. Thank you, sir, you can step
20 down. All right. Call your next witness.

21 MS. MCGINNIS: Judge, may Mr. Belton be excused from
22 his subpoena?

23 THE COURT: Sure.

24 MS. MCGINNIS: Mr. Belton, you're free to go.

25 THE COURT: Yep. Thank you.

CHARLES MOBLEY - DIRECT

1 MS. CAMPBELL: The State would call Charles Mobley.

2 The witness, CHARLES MOBLEY, was first duly sworn and

3 Testified as follows:

4 THE COURT: All right, sir. Just speak loud. You can

5 keep your mask lowered, speak into the microphone.

6 DIRECT EXAMINATION

7 BY MS. CAMPBELL:

8 Q Mr. Mobley, how old are you?

9 A Thirty-three.

10 Q And you live here in the Upstate area?

11 A Rock Hill.

12 Q Rock Hill? You lived there all of your life?

13 A Yes.

14 Q Did you know Lee Colvin?

15 A Yes.

16 Q And how did you know him?

17 A I've been knowing him all my life.

18 Q Breezo Dolla, do you know who that is?

19 A Don't know him.

20 Q Have you ever seen him perform?

21 A No. Seen him around a couple of times, but other than
22 that, no.

23 Q So you've seen him before but you didn't know him. I
24 want to turn your attention back to September the 21st of
25 2019. Did you and your friends end up coming here to

CHARLES MOBLEY - DIRECT

- 1 Lancaster?
- 2 A Yes.
- 3 Q And why are y'all coming here?
- 4 A We were celebrating a birthday and a memorial.
- 5 Q And was -- who all were you riding with that night?
- 6 A I was riding with Shameka Johnson.
- 7 Q Shameka Johnson?
- 8 A Yes.
- 9 Q Once you got to the club, were some of your other
- 10 friends there when you got there?
- 11 A Yes.
- 12 Q Like Mr. Belton?
- 13 A Yes.
- 14 Q And Lee Colvin?
- 15 A Yes. We all went together.
- 16 Q But in different cars.
- 17 A Yes.
- 18 Q What time was it when y'all got there, do you remember?
- 19 A I don't remember.
- 20 Q When you got to the club, what did y'all do?
- 21 A We went inside, we partied like normal partying people
- 22 do.
- 23 Q So you were drinking that night.
- 24 A I don't drink.
- 25 Q Oh, you don't drink? Okay. But you were partying?

CHARLES MOBLEY - DIRECT

- 1 A Yes.
- 2 Q Dancing?
- 3 A Yes.
- 4 Q Things of that nature. And where were you in the club
- 5 when all this was going on?
- 6 A I honestly can't remember. I was off to the side.
- 7 Q On the main dance floor part?
- 8 A Yes, but to the left of it.
- 9 Q So if you come up to the ramp, that little ramp to the
- 10 dance floor, you were off to the left I think you said?
- 11 A Uh-huh.
- 12 Q And did you -- when did you first notice the
- 13 altercation?
- 14 A I never noticed the altercation. Once I seen what was
- 15 going on, that was about it. I don't remember no
- 16 altercation.
- 17 Q Okay. So you don't remember that now? Did you get
- 18 shot that night?
- 19 A Yes.
- 20 Q Where did you get shot, sir?
- 21 A I got shot in the arm, up under the armpit, and I had a
- 22 pierced lung.
- 23 Q Had a pierced lung?
- 24 A Yes.
- 25 Q Did once you got shot -- where were you standing when

CHARLES MOBLEY - DIRECT

1 you got shot?

2 A What was I saying?

3 Q Where were you standing? I'm sorry.

4 A In the same spot where I was closer off to the ramp.

5 Q To the left off the ramp. Were you closer to the wall

6 over there or closer to that little stage in the middle?

7 A I was closer to the wall.

8 Q And who was standing near you?

9 A Me and Shareka Johnson.

10 Q Was Mr. Belton near you?

11 A No.

12 Q Was Mr. Colvin near you?

13 A No.

14 Q When did you realize you'd been shot?

15 A Once I felt the pain.

16 Q Did you fall to the floor?

17 A Yes.

18 Q Did other people fall to the floor?

19 A Of course.

20 Q And were you on the top or the bottom of the pile?

21 Because it was kind of a pile up.

22 A I'm not sure.

23 Q Were you able to get out of the club?

24 A Yes. Once all of the shooting and stuff got going, was

25 finished.

CHARLES MOBLEY - DIRECT

- 1 Q Do you remember how many shots were fired?
- 2 A No, I don't.
- 3 Q And did somebody have to help you out of the club or
- 4 were you able to get out of there on your own?
- 5 A I was able to get out on my own.
- 6 Q Once you got out of the club what happened?
- 7 A I went to the hospital.
- 8 Q And once you got to the hospital what happened?
- 9 A I was admitted into a room, they put me a chest tube.
- 10 After that the next thing -- maybe a hour or two later I was
- 11 airlifted.
- 12 Q And where did you get airlifted to?
- 13 A CMC.
- 14 Q And that's up in Charlotte?
- 15 A Yes.
- 16 Q And how long were you in the hospital there, do you
- 17 remember?
- 18 A Probably three, four weeks to a month.
- 19 Q Did you have to have surgery?
- 20 A No, they couldn't do surgery.
- 21 Q Because of the nature of what your injury was?
- 22 A Uh-huh.
- 23 Q But it was a collapsed lung?
- 24 A Yes.
- 25 Q Do you remember, turning your attention back to

CHARLES MOBLEY - DIRECT

1 September the 23rd of 2019, meeting with Investigator
2 Leonard from the Lancaster Sheriff's Department?

3 A Yes.

4 Q And did he come see you in your room, I believe it was
5 room 11125 on the 11A wing of the hospital?

6 A I don't remember if that was the room number, but yes.

7 Q Okay. But he came to see you.

8 A Yes.

9 Q And at that point you told him what you remembered?

10 A Yes.

11 Q And do you remember describing the person a light
12 skinned guy in an argument with Lee?

13 A Yes.

14 Q And you told them about that.

15 A That's about it.

16 Q And then you said that the light skinned guy ran out of
17 Old Skool?

18 A Yes. I never seen him again.

19 Q But then you told them that the light skinned guy --

20 MR. SHELDON: Judge, this is -- at this point it's
21 leading. This witness is not hostile, she needs to ask
22 questions about this interview first. I don't think he's
23 denied anything yet.

24 THE COURT: Objection overruled.

25 Q That's all you remember at this point. Do you remember

CHARLES MOBLEY - DIRECT

1 telling them that the light skinned guy then came back into
2 the Old Skool with two other black males and they surrounded
3 Lee?

4 A I don't know if they was -- they came in together, but
5 I know they came in, it was an altercation. After that
6 altercation things went down too fast too soon, I was --

7 Q So you don't remember.

8 A Don't remember.

9 Q Do you remember telling them that it was the light
10 skinned guy along with the tall black male and a medium
11 colored skin black male?

12 A No, I don't remember none of that. Not no talk black
13 male, slim, no.

14 Q Do you remember telling them that you were standing
15 about three feet from Lee during the shooting?

16 A Three feet? No.

17 Q Do you remember telling them that the two people were
18 around the light skinned guys had dreadlocks?

19 A No.

20 Q Do you remember Investigator Leonard leaving the room,
21 then coming back and talking to you some more?

22 A No.

23 Q And at that point you admitted that when Breezo came
24 back in from leaving the club that then he had a gun?

25 A I'm guessing, that's when the shots started flying.

CHARLES MOBLEY - DIRECT

1 Q Do you remember telling him that you witnessed Breezo
2 pull out a gun, line it up and point it at Lee and then pull
3 the trigger shooting Lee?

4 A No.

5 Q Do you remember telling him after witnessing Breezo
6 shooting Lee you tried to run away?

7 A Of course, I tried to get out of there. I tried to get
8 out of Dodge. I'm pretty sure everyone tried to get out of
9 Dodge who was there.

10 Q And you identified the person, the light skinned guy
11 that you described, as Breezo Dolla.

12 A Yes.

13 Q Do you remember them also showing you some photographs?

14 A Yes.

15 Q And I'm going to show you what has been marked as
16 State's Exhibit Number 2 for ID at this point. Do you
17 recognize these photographs?

18 A Yes, I do.

19 Q And are those the photographs that were shown to you
20 back on September the 23rd?

21 A Yes, it was.

22 Q And when you looked at those photographs did you
23 recognize one person?

24 A Yes.

25 Q And which person did you recognize?

CHARLES MOBLEY - CROSS

1 A Number three.

2 Q And why did you recognize him?

3 A That was what everyone else screamed at, the name that
4 was known that was the altercation with the guy.

5 Q Do you remember telling the police officer at the time
6 that this was the person you saw shooting?

7 A Yes.

8 Q Okay. And then you circled it and initialed it, and
9 then you signed this selection form.

10 A Yes.

11 MS. CAMPBELL: Your Honor, at this time we would offer
12 State's Exhibit Number 2 into evidence.

13 THE COURT: All right. Objection noted, objection
14 overruled.

15 MR. BELTON: In and out.

16 THE COURT: Both out of court identification and in
17 court identification.

18 Q And to clear, you're under subpoena here today and
19 you've indicated you don't want to be here.

20 A No, I don't.

21 Q Thank you.

22 THE COURT: All right.

23 CROSS EXAMINATION

24 BY MR. BELTON:

25 Q Mr. Mobley, good afternoon. It's your testimony today

CHARLES MOBLEY - CROSS

1 you don't know who shot you or shot anybody else in the
2 club?

3 A No, I don't know who shot. There were so many shots
4 going on I don't know.

5 Q So you're saying there were multiple people shooting in
6 the club?

7 A I'm guessing there had to be.

8 MR. BELTON: No further questions.

9 THE COURT: All right. Mr. Sheldon?

10 MR. SHELDON: Thank you. May it please the Court,
11 Judge?

12 THE COURT: Yes, sir.

13 CROSS EXAMINATION

14 BY MR. SHELDON:

15 Q Do you remember if you saw Mr. Colvin with a gun?

16 A No.

17 Q You don't remember? Did you tell -- just answer yes or
18 no so this court reporter can take it down. You don't
19 remember that?

20 A No.

21 Q And did you tell law enforcement that he had a gun?

22 A No.

23 Q Where were you standing?

24 A Like he say, I was at least three or four feet I'm
25 guessing, I don't know, estimate.

CHARLES MOBLEY - CROSS

1 Q So if I'm staring at the platform of the stage or
2 whatever, if the stage is right in front of me, were you to
3 the left of that, to the right of that?

4 A Yes. I'm probably from here to this guy over here.

5 Q Okay. And do you have any idea where Mr. Belton or Mr.
6 Colvin or anybody else is at that time?

7 A No idea.

8 Q So they weren't next to you.

9 A No.

10 Q So you're over there and you don't know where they were
11 but you know they're not over there.

12 A I know they're not over here.

13 MR. SHELDON: No more questions, Judge. Thank you.

14 THE COURT: All right. Any redirect?

15 MS. CAMPBELL: No, sir.

16 THE COURT: Thank you, sir, you may step down.

17 MS. CAMPBELL: Your Honor, may he be excused?

18 THE COURT: Yeah. You're excused from your State
19 subpoena. All right. Call your next witness.

20 MS. MCGINNIS: State would call Bradley Benson.

21 THE COURT: If y'all need to stand up and stretch,
22 ladies and gentlemen of the jury, please, that's fine. If
23 you need a break at anytime just raise your hand and let me
24 know. Let me take this opportunity while we're in between
25 witnesses -- juror Number 239, Mr. Wheeler. I'm appointing

CHARLES MOBLEY - CROSS

1 you to be the foreman of the trial jury. Okay? As foreman
2 you'll be the official spokesperson for the trial jury in
3 the court, you'll also have a seat right there. And you
4 will be the presiding juror in your room whenever y'all
5 start to begin deliberations, and you and only you can sign
6 the verdict form and fill it out. I'll go over all of that
7 at the end. You can't fill out the verdict form, ladies and
8 gentlemen. Whatever verdict you reach, if you reach a
9 verdict, must be unanimous, and I'll go over all of that
10 when I give you instructions at the end of this trial
11 whenever it is. Okay? But you will serve as the foreman.
12 I always appoint it, thank you for volunteering, I know you
13 didn't but that's the way I do it. Okay? Thank you. All
14 right.

15 The witness, BRADLEY BENSON, was first duly sworn and
16 Testified as follows:

17 THE COURT: You can lower your mask, please, sir, and
18 take it off. Thank you.

19 DIRECT EXAMINATION

20 BY MS. MCGINNIS:

21 Q Good afternoon, Mr. Benson. Can you state your name
22 for the record?

23 A Bradley Benson.

24 Q And where do you live, Mr. Benson?

25 A In Greenwood, South Carolina.

BRADLEY BENSON - DIRECT

- 1 Q Are you from Greenwood?
- 2 A No, ma'am.
- 3 Q Where are you from?
- 4 A Lancaster.
- 5 Q Okay. And if you'll just lean into that mic for me,
- 6 we've got jurors all of the way back here, I want to make
- 7 sure they can hear you. You're from Lancaster?
- 8 A Yes.
- 9 Q What kind of work do you do?
- 10 A I'm a supply chain technician.
- 11 Q Do you have another job that you do on the side on
- 12 nights and weekends?
- 13 A I DJ from time to time.
- 14 Q Okay. When you DJ, do you do like private parties or
- 15 at clubs or bars, or what kind of places do you DJ at?
- 16 A Really all of them.
- 17 Q All of them?
- 18 A Yes, ma'am.
- 19 Q Okay. Do you remember September 20th of 2019 into the
- 20 morning hours of September 21st, DJ'g at a club called Old
- 21 Skool here in Lancaster?
- 22 A Yes, ma'am.
- 23 Q How do you get to DJ at a place like that? What's the
- 24 procedure?
- 25 A Usually I'll be booked. They'll book me to DJ.

BRADLEY BENSON - DIRECT

- 1 Q Okay. And when you say they, is it a club?
- 2 A Whoever would need my services.
- 3 Q Okay. Do you remember who booked you at this
- 4 particular party?
- 5 A Yes.
- 6 Q Who was that?
- 7 A His name was Alonzo.
- 8 Q And does he own the club?
- 9 A No.
- 10 Q What's his role?
- 11 A I guess just a promoter.
- 12 Q A promoter?
- 13 A I guess so.
- 14 Q Okay. And what does a promoter do?
- 15 A They just promote the party, whatever party they're
- 16 having.
- 17 Q Okay. So trying to publicize it trying to get people
- 18 to come handle the entertainment? Handle the entertainment?
- 19 A Yes.
- 20 Q Okay. And that night you were booked as the
- 21 entertainment.
- 22 A Yes.
- 23 Q Okay. Do you recall if there was supposed to be any
- 24 other entertainment, any type of live performances, anything
- 25 like that?

BRADLEY BENSON - DIRECT

- 1 A Not really.
- 2 Q Okay. So to the best of your recollection it was just
3 you DJ's that night?
- 4 A Yes.
- 5 Q Okay. What time did you get to the club that night?
- 6 A To be honest with you I can't really remember. Maybe
7 like 9:00 or 10:00.
- 8 Q Okay. So do you come before things get started to set
9 up?
- 10 A Yes.
- 11 Q Okay. And is that what you did that night as well?
- 12 A Yes.
- 13 Q Then people start arriving?
- 14 A Yes.
- 15 Q Okay. And you just -- you're in what kind of -- do you
16 have a table? A booth?
- 17 A Just a booth, yes.
- 18 Q Okay. And in that booth what do you do?
- 19 A I just play music.
- 20 Q Okay. Do you play kind of a mix of stuff unless you're
21 requested to play something specific?
- 22 A Yes, just all music, anything popular.
- 23 Q Okay. Do you remember that particular night getting
24 any requests for a song?
- 25 A Yes.

BRADLEY BENSON - DIRECT

- 1 Q Do you remember the person who requested it?
- 2 A Lee.
- 3 Q And how did you know Lee?
- 4 A Just -- I have a Facebook social media, I don't really
- 5 know too much about him. I just had heard his name, know
- 6 his face.
- 7 Q Okay. So you just recognized him and you knew him as
- 8 Lee?
- 9 A Yes.
- 10 Q He came and asked you for a song.
- 11 A Yes.
- 12 Q Do you remember what he said?
- 13 A Just asking me to play a popular song by an artist.
- 14 Q Okay. Did he say why?
- 15 A No.
- 16 Q Okay. When that song was playing, did you notice
- 17 anything else going on?
- 18 A No, ma'am.
- 19 Q Okay. Do you remember talking with law enforcement a
- 20 couple of days after this incident at Old Skool that night?
- 21 A Yes.
- 22 Q And do you remember telling them you saw a commotion
- 23 while that song was playing?
- 24 A No.
- 25 Q Okay. After that song, did you hear anything else

BRADLEY BENSON - DIRECT

1 unusual in the club?

2 A No.

3 Q Did you hear shots being fired?

4 A I did hear shots.

5 Q Heard shots fired. Okay. What happened when you heard
6 the shots?

7 A I just ducked.

8 Q Okay. How many -- did you hear multiple shots, more
9 than one?

10 A To be honest with you I can't recall. I really don't
11 remember.

12 Q Okay. Do you remember telling law enforcement when you
13 met with them on September 24th that you heard two guns?

14 A No.

15 Q That one was louder than the other?

16 A It's been so long I can't really recollect.

17 Q Okay. Did you see anybody shooting that night?

18 A No, ma'am.

19 Q Did you see anybody in the club with a gun that night?

20 A No, ma'am.

21 MS. MCGINNIS: Beg the Court's indulgence.

22 THE COURT: Okay.

23 (Break in proceedings.)

24 MS. MCGINNIS: Please answer anything that the defense
25 attorneys have for you.

BRADLEY BENSON - DIRECT

1 THE COURT: All right. Mr. Belton?

2 MR. BELTON: No questions, Your Honor.

3 THE COURT: Mr. Sheldon?

4 MR. SHELDON: No, sir, Your Honor.

5 THE COURT: All right. Thank you, sir, you may step
6 down.

7 MS. MCGINNIS: May Mr. Benson be released, please, Your
8 Honor?

9 THE COURT: Yeah, free to leave. Thank you, sir.

10 MS. MCGINNIS: Judge, if we can take a short recess
11 before our next witness.

12 THE COURT: Okay. Thank you very much. Ladies and
13 gentlemen of the jury, don't talk about the case, we'll get
14 you back in here momentarily. Ladies and gentlemen, we're
15 trying to get through a lot of witnesses today to make
16 things go a lot more smooth, so I'm anticipating us running
17 until about 6:00 today. Okay? Again, thank you for your
18 patience. We want to try to get as much done as possible.
19 Thank you.

20 (A break was taken.)

21 THE COURT: All right. Thank you, ladies and
22 gentlemen. The State can call its next witness.

23 MS. MCGINNIS: State would call Timothy McCain.

24 THE COURT: All right. And this is Mr. McCain here?

25 MS. MCGINNIS: It is, Your Honor.

TIMOTHY MCCAIN - DIRECT

1 The witness, TIMOTHY MCCAIN, was first duly sworn and
2 Testified as follows:

3 THE COURT: You can lower your mask if you want to.
4 Thank you, sir.

5 DIRECT EXAMINATION

6 BY MS. MCGINNIS:

7 Q Mr. McCain, can you state your name for the record?

8 A Timothy McCain.

9 Q And are you from Lancaster?

10 A No, ma'am.

11 Q Where are you from?

12 A Kershaw.

13 Q Kershaw, South Carolina? And are you familiar with the
14 club called Old Skool up here in Lancaster?

15 A Yes, ma'am.

16 Q Were you at the Old Skool Club on September 20th of
17 2019 into the early morning hours of the 21st?

18 A Yes, ma'am.

19 Q And what were you doing there at the club?

20 A Going to the club to go party.

21 Q Just to go party?

22 A Uh-huh.

23 Q Were you drinking that night?

24 A No, ma'am.

25 Q Doing a little dancing?

TIMOTHY MCCAIN - DIRECT

- 1 A Yeah, we did dance.
- 2 Q Okay. At some point in the night did you witness any
- 3 type of altercation?
- 4 A No, ma'am.
- 5 Q Did you hear any sort of something that was unusual for
- 6 a night in the club?
- 7 A No, ma'am.
- 8 Q Did you hear gunshots?
- 9 A Well, yeah. I got shot, yeah.
- 10 Q Okay. Where were you in the club when you heard the
- 11 gunshots?
- 12 A I was right there beside the stage.
- 13 Q So when you come to the front door to the club you go
- 14 up the ramp to the left?
- 15 A Yes.
- 16 Q And then to your left, again, would be the dance floor,
- 17 and then the stage against the wall?
- 18 A Yes.
- 19 Q So you were kind of near the stage?
- 20 A Yes, ma'am.
- 21 Q Did you see who was shooting?
- 22 A No, ma'am.
- 23 Q But you said you got shot.
- 24 A Yes, ma'am.
- 25 Q What happened after you got shot?

TIMOTHY MCCAIN - DIRECT

- 1 A I went to the hospital.
- 2 Q Did you hit the floor in the club first or were you
- 3 able to get out?
- 4 A Yeah. I was able to get out.
- 5 Q Okay. Where on your body were you shot?
- 6 A Right above my kneecap.
- 7 Q Right above your kneecap? Which leg was that?
- 8 A The left.
- 9 Q Left leg? Did you go by ambulance to the hospital?
- 10 A No, I drove.
- 11 Q You drive yourself?
- 12 A Uh-huh.
- 13 Q Okay. Which hospital did you go to?
- 14 A Lancaster.
- 15 Q Right here, MUSC-Lancaster?
- 16 A Yes, ma'am.
- 17 Q Did they treat you there at the hospital?
- 18 A Yes, ma'am.
- 19 Q Did you have to stay?
- 20 A No, not that long.
- 21 Q Okay. Just a couple of hours?
- 22 A Couple of hours, yes.
- 23 Q Treated and released. Did you see anybody in the club
- 24 with a gun that night?
- 25 A No, ma'am.

TIMOTHY MCCAIN - CROSS

1 Q And you didn't see who shot you.

2 A No, ma'am.

3 MS. MCGINNIS: If you'll just answer anything that the
4 defense has for you, please.

5 THE COURT: All right. Mr. Belton?

6 MR. BELTON: No questions, Your Honor.

7 THE COURT: Mr. Sheldon?

8 MR. SHELDON: Very briefly Your, Honor. Thank you.

9 May it please the Court?

10 CROSS EXAMINATION

11 BY MR. SHELDON:

12 Q Yes, sir. So if I'm staring at the platform of the
13 stage, you're standing to this side?

14 A Yes, sir.

15 Q About approximately how far from that? Like if the --

16 MR. SHELDON: Judge, I'm sorry, I'm going to move about
17 just a little bit.

18 Q So if this is sort of the edge of the platform here,
19 about how far out would you say you were?

20 A If you're looking to straight in front, right there to
21 the left of it.

22 Q If I'm looking -- so when you're saying looking
23 straight in front of that platform--

24 A Right there to the left.

25 Q -- you were right to the left? But close to the stage?

TIMOTHY MCCAIN - CROSS

1 Or no.

2 A No. I was like all the way in the corner.

3 Q Okay. So all of the way over.

4 A Uh-huh.

5 MR. SHELDON: Thank you, Judge. No more questions for
6 this witness.

7 THE COURT: Any redirect?

8 MS. MCGINNIS: No, sir, Your Honor.

9 THE COURT: All right. Thank you. Ladies and
10 gentlemen of the jury, I have a brief matter of law I need
11 to take up with the lawyers, it won't take more than two
12 minutes, rather than y'all go all of the way back down to
13 your jury room, just congregate in the hall back here and
14 I'll get you right back in here. Thank you. Sorry to make
15 you keep getting up and down.

16 (The jury left the courtroom.)

17 THE COURT: All right. Anything?

18 MR. SHELDON: I thought I did something wrong. Thank
19 you, sir.

20 THE COURT: Thank you, sir.

21 (Break in proceedings.)

22 (The jury returned to the courtroom.)

23 THE COURT: All right. Thank you, ladies and
24 gentlemen, I told you it would be quick. Call your next
25 witness.

KEIRA FAYALL - DIRECT

1 MS. CAMPBELL: State calls Investigator Fayall.

2 The witness, KEIRA FAYALL, was first duly sworn and

3 Testified as follows:

4 THE COURT: Thank you. You can take mask off.

5 DIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q Investigator, where are you employed?

8 A I'm currently employed with the City of York in York
9 County.

10 Q And what do you do there, ma'am?

11 A I'm a detective.

12 Q And how long have you been working with the City of
13 York?

14 A I have been with them for almost two years.

15 Q Prior to that where were you employed?

16 A With the Lancaster County Sheriff's Office.

17 Q And specifically I want to turn your attention back to
18 September of 2019. What capacity were you employed at the
19 Lancaster Sheriff's Department?

20 A I was investigator with the Lancaster County.

21 Q And did you become involved in the investigation of
22 this shooting that happened at Old Skool that night?

23 A Correct.

24 Q Specifically I want to turn your attention to
25 September 21st, that day. Were you tasked with trying to go

KEIRA FAYALL - DIRECT

1 and interview at least one of the victims in the case?

2 A Yes, ma'am, I was.

3 Q And who did you make contact with that day?

4 A I made contact with Ms. LaShonda Barnes.

5 Q And where was she located when you made contact with
6 her?

7 A She was located at CMC Main in Charlotte.

8 Q What was the purpose of you making contact with Ms.
9 Barnes that day?

10 A I was advised by one of my supervisors to make contact
11 with her being she was a victim involved in a shooting that
12 had just occurred.

13 Q So she had actually been shot.

14 A Correct.

15 Q Was this something you took into consideration before
16 questioning her that day?

17 A Yes.

18 Q And specifically, were you trying to make sure that she
19 was able to give you a valid account of what had happened to
20 her?

21 A Correct. I wanted to ensure that she was cognizant at
22 the moment that I met with her due to the injury she
23 suffered and overmedicated.

24 Q And what, if anything, did you do to check to make sure
25 she wasn't overmedicated or was able to be coherent and tell

KEIRA FAYALL - DIRECT

1 you what she remembered happening?

2 A Generally when I investigate or conduct an
3 investigation with someone in questions (sic) I'll ask
4 general questions that aren't necessarily attached to the
5 incident or event to ensure that they're cognizant.

6 Q And you did that in this case?

7 A Correct.

8 Q And what kind of questions would those be?

9 A Those would be very general questions as far as
10 something outside -- one of the questions that I asked her
11 while speaking with her was, you know, how she was feeling,
12 you know, ensuring that -- she was able to show me
13 photographs of her injuries. Just things that weren't
14 necessarily attached to questions I was asking in reference
15 to suspects or in reference to the incident directly.

16 Q And during the time you were with her, did she appear
17 coherent and able to understand your questions?

18 A Very. She was able to share different things with me
19 as far as how her day started. I asked her the question of
20 how did her day be begin and allowed her choose from what
21 point she wanted to begin. She was also cognizant enough to
22 maneuver her cell phone, because at some point she did meet
23 with her sister while we were present.

24 Q And was all of this recorded on what's known as a body
25 cam?

KEIRA FAYALL - DIRECT

1 A Correct.

2 Q And what is body cam?

3 A A body camera is something that we currently as law
4 enforcement -- some agencies require us to wear to be
5 present to observe or record our current moment in time that
6 we're there to be able to reflect that later on.

7 Q And were you able to record your conversations with
8 Ms. Barnes that day.

9 A Yes, ma'am, I was.

10 Q And approximately how long was it that you spent with
11 her? Do you remember?

12 A I spent about maybe a little over an hour with Ms.
13 Barnes.

14 Q And that was recorded on your body cam in her hospital
15 room.

16 A Correct.

17 Q And was anyone else -- I know you mentioned she made a
18 phone call, was anyone else present?

19 A There was no one else present in the room when I
20 arrived. At some point the nurse did enter toward our
21 conversation ending, because she needed additional -- she
22 was having some pain throughout the interview and she needed
23 additional medication. So at that time I decided that due
24 to her possibly being more -- giving more antibiotics or any
25 type of narcotic to decrease (sic) and desist the interview.

KEIRA FAYALL - DIRECT

1 Q And during the time you were with her, did you have an
2 opportunity to show her two sets of photographs?

3 A Correct.

4 Q In the first set of photographs, was she able to
5 identify someone?

6 A Yes, ma'am.

7 Q And who did she identify?

8 A She identified who she knew to be Breezo, or Mr.
9 Breante Stevens.

10 Q And that's reflected in the body cam?

11 A Correct.

12 Q And the second set of pictures who was in there? Did
13 she identify anybody?

14 A Yes. She identified a -- and if you give me a moment I
15 want to refer back to my notes. She identified a Corey
16 Mario Carruthers, and she stated she knew him as Demario,
17 but was adamant that Mr. Carruthers was not there when the
18 incident occurred.

19 MR. SHELDON: Objection, Your Honor.

20 THE COURT: I'm sorry?

21 MR. SHELDON: Objection. At this point it's hearsay.
22 Like if this was impeachment testimony -- she wasn't asking
23 any statement from -- the witness, meaning Ms. Barnes, was
24 not specifically asked that statement --

25 MS. CAMPBELL: She was by you.

KEIRA FAYALL - DIRECT

1 THE COURT: All right. I understand the purpose of
2 your objection, objection overruled.

3 MS. CAMPBELL: Thank you.

4 THE COURT: Y'all don't want need to argue your
5 objections unless y'all want to come up here and argue it.
6 Go ahead.

7 MS. CAMPBELL: Thank you.

8 Q Pretty much all of your interaction with her is
9 reflected. I'm going to show you what's been marked as
10 State's Exhibit Number 12. I showed you this earlier. Have
11 you had a chance to review that?

12 A Yes.

13 Q And does that fairly and accurately represent your
14 conversations with Ms. Barnes that day?

15 A Yes, ma'am, it's very accurate.

16 MS. CAMPBELL: Your Honor at this time we offer State's
17 Exhibit 12 in.

18 THE COURT: All right. Without objection introduced
19 into evidence.

20 MR. SHELDON: Judge, again, my objection is hearsay.
21 Just for impeachment purposes -- can we just approach,
22 Judge?

23 THE COURT: Yes, come on up.

24 (A bench conference was held.)

25 THE COURT: All right. The objection is made by

KEIRA FAYALL - DIRECT

1 defense counsel to the introductions of the video pursuant
2 to Rule 613B of the South Carolina Rules of Evidence. For
3 the purpose of this record the Court has reviewed that rule
4 and heard arguments of counsel and I overrule your
5 objection. You are protected in the record.

6 MR. BELTON: Mr. Stevens joins that objection.

7 THE COURT: All right. Thank you. Both defendants are
8 protected in the record, but my analysis under Rule 613B
9 allows this video into evidence. In addition this is a
10 video that has been properly -- has had a proper foundation
11 laid by this particular witness who is -- it's her body cam
12 video.

13 MS. CAMPBELL: Permission to publish?

14 THE COURT: Yeah. Permission to publish granted.
15 Ladies and gentlemen, watch the video monitors. If you
16 don't have one we have got them in several different places.

17 (The video was played.)

18 MR. BELTON: Your Honor, can we approach?

19 (A bench conference was held.)

20 THE COURT: We are fast forwarding to another portion
21 of the video, ladies and gentlemen of the jury.

22 (The video was played.)

23 (Bench conference was held.)

24 MR. BELTON: Your Honor, objection. This objection --
25 Your Honor, do you want me to argue on the record?

KEIRA FAYALL - CROSS

1 THE COURT: No. Objection is sustained. Mr. Sheldon,
2 do you join in the objection?

3 MR. SHELTON: We do.

4 THE COURT: Objection is sustained. All right. Any
5 further questions for this witness?

6 MS. CAMPBELL: None from the State, Your Honor.

7 THE COURT: All right. Thank you. Mr. Belton, your
8 witness.

9 CROSS EXAMINATION

10 BY MR. BELTON:

11 Q Officer Fayall, when you first get here in the room
12 it's obvious that she's in pain from your perspective?

13 A It's Detective Fayall. And when I arrived in the room
14 I had general conversations with her and you could tell that
15 she was still in some pain.

16 Q And my apologies, Detective. All right. And
17 Detective, at the time when you were here, approximately how
18 long were you in this room with her when you were visiting
19 her?

20 A I think I was there for probably about close to an
21 hour, maybe a little bit over.

22 Q And we saw there in that video that she had admitted
23 that she had rolled two blunts in the club, correct?

24 A She stated in the video that she smoked prior to the
25 club and upon her arrival there.

KEIRA FAYALL - CROSS

1 Q And she said that they were on the stage vibing,
2 correct?

3 A Well, they were around the stage. She stated that they
4 were just dancing and vibing with everybody.

5 Q And Little Boji also had a gun?

6 A She stated that when the shooting happened she observed
7 Little Boji to have a small handgun but did not believe that
8 he fired the weapon during the incident.

9 Q Okay.

10 MR. BELTON: I don't have any further questions.

11 THE COURT: All right. Mr. Sheldon?

12 MR. SHELDON: Beg the Court's indulgence.

13 (Break in proceedings.)

14 CROSS EXAMINATION

15 BY MR. SHELDON:

16 Q Briefly, Detective. I believe that she had testified
17 that right prior to the shooting occurring that the song Big
18 Gangsta had come on; is that right?

19 A Yeah. She stated that the suspect sort of -- Mr.
20 Breezo's song Big Gangsta came on, a song that he created.

21 Q And so that's actually a song that Breante made, right?
22 Big Gangsta.

23 A Yes. From my understanding from what she told me, yes.

24 Q And that's the one that she's referencing to the best
25 of your understanding in the video itself; is that right?

KEIRA FAYALL - CROSS

1 A Yeah, to the best of my understanding.

2 Q There was a lineup that you showed her there at the end
3 of what we watched just now; is that right?

4 A Which lineup?

5 Q Not the one with Mr. Stevens but the first lineup, I
6 think, in the video. What I will call the first lineup that
7 you showed her.

8 A Yes.

9 Q And in that lineup she identifies an individual that
10 has essentially really nothing to do with this case; is that
11 right?

12 A I'm assuming. She -- my thing is to be fair and
13 impartial, so I provided her with a photo lineup, gave her
14 an explanation prior to that if she recognized anybody to
15 tell me how she knew them and initial and then circle it,
16 where she knew them from. My understanding of the first
17 lineup, she did just that. Whether they have any
18 attachments to the case at that time I was not familiar.

19 Q So wait. Come again. Your understanding was that you
20 presented -- did you make -- did you generate that lineup or
21 was it generated for you?

22 A No. That lineup is generated from SLED.

23 Q So you walked into the hospital room with two different
24 lineups; is that right? There's two there on the table to
25 start.

KEIRA FAYALL - CROSS

1 A Correct. I walked in with two lineups.

2 Q And the first lineup that you showed that was generated
3 by SLED was of random individuals, or you knew there was an
4 individual on there that she knew?

5 A I'm not familiar with the SLED's process of producing
6 those photographs.

7 Q Well, what did you hand it to her for?

8 A Because I was providing her a lineup that was provided
9 to me to present to her.

10 Q So the lineup that -- the first lineup that you showed
11 that was presented, you don't even know why you presented it
12 to her; is that right?

13 A No. I know why I presented it to her, I just don't
14 know exactly who was in the photographs.

15 Q Do you know why SLED put in any photograph -- what was
16 their basis for putting those photographs there, if you
17 know?

18 A I believe that's a question you'll have to ask SLED.

19 MR. SHELDON: Judge, beg the Court's indulgence for one
20 second.

21 THE COURT: Okay.

22 (Break in proceedings.)

23 MR. SHELDON: Can I approach the witness?

24 THE COURT: Yeah.

25 Q Let me show you that. Do you recognize that?

KEIRA FAYALL - CROSS

1 A Yes, sir, I do.

2 Q Has that been change or altered in any way? Is that
3 the lineup that we were just discussing?

4 A Yes.

5 Q Has that been changed or altered in any way?

6 A No, sir, it is not.

7 Q Accurately reflect the lineup that you handed Ms.
8 Barnes at the hospital?

9 A Yes. It looks like it's a copy.

10 MR. SHELDON: Judge, move that in for Defense 1.

11 THE COURT: All right. Any objection?

12 MS. CAMPBELL: None, Your Honor.

13 THE COURT: All right. Without objection introduced as
14 Defendant Champion's 1.

15 (Defendant Champion 1 was received.)

16 Q And so your statement here today is that this lineup
17 was generated by the South Carolina Law Enforcement
18 Division, handed to you to go into the hospital room and
19 show Ms. Barnes; is that right?

20 A Right.

21 Q And you don't know why they handed up this lineup.

22 A Well, they handed me the lineup because it's an
23 investigation. Now, are you asking -- are you attempting to
24 ask about whether or the not -- whether there's specifics to
25 why they collected those particular pictures?

KEIRA FAYALL - REDIRECT

1 Q Yes.

2 A Often times when they give -- and I'm assuming whoever
3 requested the lineup gave pertinent information believing
4 that that person was a person of interest.

5 Q Which person?

6 A I'm assuming would be Mr. Demario. I'm not sure.

7 MR. SHELDON: Judge, permission to publish this to the
8 jury.

9 THE COURT: Okay. Permission granted. If you could
10 send that back and -- just pass it around, ladies and
11 gentlemen.

12 MR. SHELDON: No more questions.

13 THE COURT:

14 MS. CAMPBELL: Just a couple questions, Your Honor.

15 REDIRECT EXAMINATION

16 BY MS. CAMPBELL:

17 Q When doing lineups and developing, people's names in
18 the beginning part of the investigation maybe thrown out
19 there.

20 A Yes, ma'am, sometimes what happens. They -- there's no
21 significance in necessarily who you have submit the request
22 to SLED. I had no prior knowledge about that particular
23 request or that particular lineup of why the individual was
24 a person of interest.

25 Q And as an investigator it's just as important to you to

1 exonerate people -- to eliminate them as possible suspects
2 as it is to implicate them.

3 A Correct.

4 Q So in this case you were given these lineups by another
5 investigator who wanted to either include or eliminate
6 either one of them.

7 A Correct.

8 Q And you didn't know any information as to either one?

9 A No, ma'am, I had no prior knowledge.

10 Q So that you could be fair and impartial.

11 A Correct.

12 MS. CAMPBELL: Thank you.

13 THE COURT: All right. Anything else? All right.

14 Thank you, ma'am, you can step down. Call your next
15 witness.

16 MS. CAMPBELL: Your Honor, may we approach?

17 THE COURT: Yeah.

18 (A bench conference was held.)

19 THE COURT: All right. Ladies and gentlemen, it's good
20 when I get lawyers to agree on something. We all agree that
21 it's been a long day and we're going to go ahead and call it
22 a day. Okay? So having said that, I will repeat the
23 instructions I've given you each day that you've been here,
24 and that is do not talk to anybody about this case even
25 yourselves. Don't allow somebody to persist to talk to you

1 about it. Don't do any independent research on this case or
2 read or hear anything about this case. All right? You have
3 a good evening. 9:30 tomorrow morning. See you tomorrow
4 morning at 9:30.

5 MR. BELTON: They still have the exhibit.

6 (Break in proceedings.)

7 THE COURT: Everybody got to see it?

8 (The jury left the courtroom.)

9 THE COURT: Mr. Belton, you wanted to put something on
10 the record?

11 MR. BELTON: Yes, Your Honor. During pretrial I did
12 make a motion not to be able to use the lyrics of Mr.
13 Stevens' songs and/or the title of his song. Obviously you
14 overruled against me on that. I just wanted to put on the
15 record that I know it was used, make the objection and
16 just -- just a contemporaneous objection for the record.

17 THE COURT: All right.

18 MR. BELTON: And that's all. They've used it just the
19 song title, and I think we've all agreed that we won't go
20 any further than the title.

21 THE COURT: All right. What's the State's position on
22 that?

23 MS. CAMPBELL: Your Honor, we agreed pretrial that we
24 wouldn't go any further than the title and do not intend to
25 go into any of the lyrics.

1 MR. SHELDON: Judge, I wasn't here in pretrial but I
2 don't think I went any further than the title. If I
3 violated what we were supposed to do I apologize.

4 THE COURT: Okay. Hang on. The motion I have, Mr.
5 Belton, is a motion to exclude rap lyrics as evidence, it
6 didn't say anything about titles. I understand the gist of
7 it and I remember hearing the motion. You may have
8 mentioned in your argument that titles shouldn't come in,
9 but your written motion only refers to the lyrics. I mean,
10 what's the title of the song?

11 MR. BELTON: The title of the song is Big Gangsta, and
12 in the lyrics of the song is Big Gangsta, Your Honor.

13 THE COURT: Okay. Well, you know, I don't think a
14 curative instruction is warranted, that would just call more
15 attention to it. Okay? So I mean, what do you want me to
16 do?

17 MR. BELTON: You had already ruled on it. I am just
18 making a contemporaneous -- you ruled on it --

19 THE COURT: Yeah.

20 MR. BELTON: -- and you specifically ruled on lyrics
21 but the title can come in. We actually argued that. So I'm
22 fine with where we are, I'm just -- the court reporter --

23 THE COURT: Right. Okay.

24 MR. NEWMAN: That's all that came in was the title.

25 THE COURT: Yeah, I understand that.

ANTQUAVIOUS DOUGLAS - DIRECT

1 MR. NEWMAN: And Judge on another note just in all
2 fairness to everybody, I'm not sure that these last two jury
3 members got to see the exhibit.

4 THE COURT: Oh, I thought they did.

5 (People in the courtroom said that they did.)

6 MR. NEWMAN: Oh, they did? Okay.

7 THE COURT: All right. Anything else? All right.
8 Great. Y'all have a great evening, tomorrow morning at
9 9:30.

10 (Court recessed for the evening and resumed on Friday,
11 October 22, 2021, at 9:30 a.m.)

12 THE COURT: Anything before we bring the jury down?
13 All right. Good. Let's bring the jury down.

14 (The jury returned to the courtroom.)

15 THE COURT: All right. All members of the jury are
16 present. Good morning, ladies and gentlemen. I trust you
17 had a nice evening. We'll jump right into it this morning.
18 For planning purposes I'll let you know -- we're starting a
19 little late, I was back there talking with the lawyers and
20 with the clerk's office to try to get as -- our biggest bang
21 for the buck today. I'm going to feed you lunch today.
22 Okay? So prepare yourselves accordingly. And then
23 hopefully not run too late this afternoon. Okay? That's
24 why I'm doing that so we can keep on moving and not have to
25 take a longer lunch than normal. Okay? Thank you very much

ANTQUAVIOUS DOUGLAS - DIRECT

1 for your attentiveness so far, keep remaining attentive.

2 The State can call its next witness.

3 The witness, ANTQUAVIOUS DOUGLAS, was first duly sworn

4 And testified as follows:

5 THE COURT: All right, sir. Have a seat right there.

6 You can lower your mask. Make sure you speak loud into the

7 microphone. Okay? Thank you, your witness.

8 DIRECT EXAMINATION

9 BY MS. CAMPBELL:

10 Q Mr. Douglas, can you tell the jury your name?

11 A Antquavious.

12 Q And what's your last name?

13 A Douglas.

14 Q And how old are you, Mr. Douglas?

15 A Twenty-one.

16 THE COURT: How old are you? Twenty-one.

17 Q Are you here today with your mother?

18 A Yes, ma'am.

19 Q Do you live with your mother?

20 A Yes, ma'am.

21 Q Do you work outside the home?

22 A Yeah.

23 Q What kind of work do you do?

24 A Detailing.

25 Q Detailing? I want to turn your attention back two

ANTQUAVIOUS DOUGLAS - DIRECT

1 years ago, the night you got shot. Do you remember that?

2 A Yes, ma'am.

3 Q And who were you with that night when y'all went to the
4 club?

5 A I forgot.

6 Q You've forgotten? Do you know a man named Kevion?

7 A Yes.

8 Q Who is Kevion?

9 A He's a friend of mine.

10 Q And do you remember if you were with him that night?

11 A Yes.

12 Q You were?

13 A (Nods head yes.)

14 Q And do you remember what club y'all went to that night?
15 Was it one here in Lancaster?

16 A (Nods head yes.)

17 Q And were you driving?

18 A No, ma'am.

19 Q When y'all got to the club, what did y'all do?

20 A I was standing on the stage.

21 Q Were you drinking that night?

22 A No, ma'am.

23 Q You don't drink?

24 THE COURT: Shakes his head no. Go ahead.

25 Q And when you were standing on the stage, who were you

ANTQUAVIOUS DOUGLAS - DIRECT

- 1 standing near, do you remember?
- 2 A I think Kevion.
- 3 Q And were there some other guys from Rock Hill there?
- 4 A (Shakes head no.)
- 5 Q You don't remember?
- 6 MR. SHELDON: And Judge -- hold it. I think -- she
- 7 said I don't remember but I think he was shaking his head
- 8 no, so if we could clarify.
- 9 THE COURT: Were there some other guys on the stage
- 10 with you?
- 11 THE WITNESS: Yes.
- 12 THE COURT: Yes.
- 13 MS. CAMPBELL: Thank you.
- 14 THE COURT: Do you know their names?
- 15 THE WITNESS: No, sir.
- 16 THE COURT: Okay. He doesn't know the names.
- 17 Q Just a couple more questions. Okay? Do you remember
- 18 where on the stage you were standing?
- 19 A I think right here.
- 20 Q Okay. So you were near the edge of the stage?
- 21 A Yeah.
- 22 Q What happened when you got hurt? What did you hear?
- 23 A Shots.
- 24 Q Shots? You don't know who shot you, do you?
- 25 A No, ma'am.

ANTQUAVIOUS DOUGLAS - DIRECT

- 1 Q Where did you get shot?
- 2 A Like right here (indicating.)
- 3 Q Right there? And when you got shot did you fall down?
- 4 A Yeah.
- 5 Q And what happened next, do you remember?
- 6 A No, ma'am.
- 7 Q Okay. Did you get out of the club?
- 8 A Yeah.
- 9 Q After the shots were fired?
- 10 A Yes. I just walked out (inaudible.)
- 11 Q I'm sorry?
- 12 A My eyes.
- 13 Q Your eyes?
- 14 A Yeah.
- 15 THE COURT: You said you walked somewhere and then your
- 16 eye -- what did you say?
- 17 THE WITNESS: I said when I came out my eyes was blank.
- 18 THE COURT: His eyes were blank when he came out.
- 19 Q Okay. Did you go to the hospital?
- 20 A Yes, ma'am.
- 21 Q Do you know how you got to the hospital?
- 22 A Ambulance.
- 23 Q In an ambulance?
- 24 A Yes, ma'am.
- 25 Q Once you got out of the club, did you end up collapsing

ANTQUAVIOUS DOUGLAS - DIRECT

1 in a field?

2 A Yeah.

3 Q Okay. And then the ambulance came and got you?

4 A Yeah.

5 Q And once you got to the hospital, did you stay at that
6 hospital, the local hospital?

7 A Yes, ma'am.

8 Q Did you have to go to any other hospitals?

9 A No.

10 Q Did you have to have any surgery for your injury, an
11 operation?

12 A A pad.

13 Q A pad? And Mr. Douglas, that's pretty much all you
14 remember.

15 A Yes, ma'am.

16 MS. CAMPBELL: Thank you very much.

17 THE COURT: All right. Mr. Belton, any questions?

18 MR. BELTON: No questions for this witness, Your Honor.

19 THE COURT: Mr. Sheldon.

20 MR. SHELDON: No questions, Judge, but to clarify,
21 because I may have heard it better, I believe he said that
22 when she asked how he got to the ambulance he said fly, so I
23 think that's part of the confusion.

24 MR. BELTON: Yeah, flying.

25 THE COURT: Oh, you flew.

ANTQUAVIOUS DOUGLAS - DIRECT

1 THE WITNESS: Yeah.

2 THE COURT: Okay. He flew.

3 MR. SHELDON: So he stayed at the hospital that he was
4 flown to.

5 THE COURT: Okay. I got it now. Okay. Anything
6 further for this witness?

7 MS. CAMPBELL: No, Your Honor. May he be --

8 MR. SHELDON: No, Judge.

9 THE COURT: You're free to leave. You can step down
10 and go back to your mama. State can call its next witness.

11 MS. MCGINNIS: State calls Tony Dixon.

12 (Break in proceedings.)

13 The witness, TONY DIXON, was first duly sworn and

14 Testified as follows:

15 DIRECT EXAMINATION

16 BY MS. MCGINNIS:

17 Q Good morning, Mr. Dixon. You can take your mask off
18 since you're behind that plexiglass if you would like. Can
19 your state your name for the record?

20 A Tony Dixon.

21 Q And where are you from, Mr. Dixon?

22 A Lancaster.

23 Q From Lancaster? Please make sure you speak into that
24 mic for me, we've got jurors all of the way back here. Do
25 you still live in Lancaster?

TONY DIXON - DIRECT

- 1 A Yes.
- 2 Q Do you remember the night of September 20th into the
3 21st of 2019 going to a party at Old Skool?
- 4 A Yes.
- 5 Q Who did you go to Old Skool with?
- 6 A I went by myself.
- 7 Q Just by yourself? Do you remember about what time you
8 got there?
- 9 A Don't know.
- 10 Q Was it early in the evening, like 9:00 or 10:00 or
11 later?
- 12 A No, it was later.
- 13 Q Later some time midnight-ish? Okay. What did you do
14 when you got in the club?
- 15 A I had brought me a couple of drinks and went over and
16 stood with my family.
- 17 Q Okay. Were you -- music playing, y'all were dancing
18 and hanging out?
- 19 A Yes.
- 20 Q Did you observe any altercations that night?
- 21 A No, ma'am.
- 22 Q Did you hear anything unusual in the club?
- 23 A No, ma'am.
- 24 Q At some point did you hear gunshots?
- 25 A Yes.

TONY DIXON - DIRECT

- 1 Q Where were you standing when you heard the gunshots?
- 2 So if we come into the club from the lobby, how would we get
- 3 to where you were standing when the shots were fired?
- 4 A Make a left.
- 5 Q Go up that ramp?
- 6 A Yeah.
- 7 Q Then were you to the right near the bar or to the left
- 8 closer to the front of the building?
- 9 A To the left closer to the front.
- 10 Q Okay. Somewhat near the stage of the DJ booth?
- 11 A Yes.
- 12 Q Okay. So you were standing up there and you heard
- 13 gunshots. What happened next?
- 14 A We started running.
- 15 Q Okay. You were able to get out of the club?
- 16 A Yes, ma'am.
- 17 Q Where did you run to?
- 18 A To my car.
- 19 Q What happened when you got to your car?
- 20 A I thought I had sprung my ankle, but when my cousin
- 21 shined a light with her phone down on my leg I saw I was
- 22 shot.
- 23 Q So you thought you had sprained your ankle in the kind
- 24 of rush to get out?
- 25 A Yes.

TONY DIXON - CROSS

1 Q And then you looked at it with a flashlight on the
2 phone and noticed a wound to your ankle. What did you do
3 next?

4 A My cousin and them took me to the hospital in their
5 car.

6 Q Is that here in Lancaster?

7 A Yes.

8 Q Just Springs, or MUSC-L? What did they do for you at
9 Springs?

10 A Just wrapped it up and sent me home.

11 Q Okay. Did they do any x-rays or anything like that?

12 A Yes.

13 Q Okay. But there was no fractures or anything like
14 that?

15 A No, ma'am.

16 Q Did you see anyone in the club that night with a gun?

17 A No, ma'am.

18 Q Did you see anybody shoot at all?

19 A No, ma'am. I just heard shots and ran.

20 Q So you were just there having a good time, heard shots
21 and left.

22 MS. MCGINNIS: If you'll answer anything that the
23 defense attorneys have for you.

24 THE COURT: All right. Mr. Belton.

25 MR. BELTON: Just two questions, Your Honor. May it

TONY DIXON - CROSS

1 please the Court?

2 CROSS EXAMINATION

3 BY MR. BELTON:

4 Q Mr. Dixon, do you know a Ferris Clyburn?

5 A Yes.

6 Q Did you tell Ferris Clyburn that you saw Mr. Colvin
7 shoot first?

8 A No, sir.

9 Q All right.

10 MR. BELTON: No further questions.

11 THE COURT: All right. Mr. Sheldon?

12 MR. SHELDON: Very briefly, Judge, thank you. May it
13 please the Court?

14 THE COURT: Yes.

15 CROSS EXAMINATION

16 BY MR. SHELDON:

17 Q Mr. Dixon, just one question for clarification. So you
18 were standing -- you had walked up the ramp, is that right,
19 to the dance floor?

20 A Yes, sir.

21 Q So if I'm staring at the platform or the stage that's
22 on the -- do you remember that, near the DJ booth?

23 A Yes.

24 Q Where in relation to that? If this gentleman right
25 here is sort of the end of that platform, were you standing

TONY DIXON - CROSS

1 out this way? This way? Where were you standing in
2 relation to that?

3 A Like towards the back closer to the -- well, like in
4 the middle like by the -- right what you can call it and
5 right there by the stage.

6 Q So in between the ramp and the stage. Kind of like if
7 you were to draw a diagonal line, somewhere in that area; is
8 that right?

9 A Yes.

10 MR. SHELDON: Thank you. No more questions. Thank you
11 for being here today.

12 THE COURT: Anything else from the State?

13 MS. CAMPBELL: Not from the State.

14 THE COURT: Thank you, sir. You may step down, you're
15 free to leave.

16 MS. MCGINNIS: May he be excused from his subpoena?

17 THE COURT: Yes. Next witness.

18 MS. MCGINNIS: State would call Kjana Locke.

19 The witness, KJANA LOCKE, was first duly sworn and
20 Testified as follows:

21 THE COURT: Ma'am, you can take your mask off since
22 you're behind the barricade. Thank you. Try to talk as
23 loud as you can and into that microphone.

24 DIRECT EXAMINATION

25 BY MS. MCGINNIS:

KJANA LOCKE - DIRECT

- 1 Q Good morning, Ms. Locke.
- 2 A Good morning.
- 3 Q Can you state your full name for the record?
- 4 A Kjana Locke.
- 5 Q And how do you spell your first name?
- 6 A K-j-a-n-a.
- 7 Q Thank you, Ms. Locke. And where are you from?
- 8 A Rock Hill.
- 9 Q Do you live in Rock Hill still?
- 10 A Yes, ma'am.
- 11 Q Have you on occasion come to Lancaster for events or
- 12 parties, things like that?
- 13 A Yes, ma'am.
- 14 Q Specifically the night of September 21st, 2019, did you
- 15 come to Lancaster?
- 16 A Yes, ma'am.
- 17 Q And what did you come to Lancaster for?
- 18 A For a party.
- 19 Q Where was that being held at?
- 20 A At Old Skool.
- 21 Q Old Skool Bar?
- 22 A Yes, ma'am.
- 23 Q Who did you come to the party with?
- 24 A Me and my two best friends.
- 25 Q Okay. And y'all came here about what time, do you

KJANA LOCKE - DIRECT

- 1 remember?
- 2 A About 10 or 11.
- 3 Q 10 or 11?
- 4 A Uh-huh.
- 5 Q Do you know a gentleman that goes by the nickname of
- 6 Breezo?
- 7 A Yes, ma'am.
- 8 Q How do you know Breezo?
- 9 A From around.
- 10 Q Just from around?
- 11 A Uh-huh.
- 12 Q Were y'all friends or you just kind of know him from
- 13 seeing him out places?
- 14 A Seeing him out places.
- 15 Q You recognize his face when you see him?
- 16 A Yeah.
- 17 Q How about someone named Lee?
- 18 A Uh-huh.
- 19 Q How do you know Lee?
- 20 A From my hometown.
- 21 Q From Rock Hill? Would it be the kind of thing, you
- 22 knew him from being out and see him places, or were y'all
- 23 friends?
- 24 A Friends.
- 25 Q Okay. When you came to Old Skool that night, did you

KJANA LOCKE - DIRECT

- 1 see either Breezo or Lee?
- 2 A Yes, ma'am.
- 3 Q Which one?
- 4 A Both.
- 5 Q Both of them? Did you see them interacting at all?
- 6 A Yes, ma'am.
- 7 Q Can you describe what their interaction was like, what
- 8 you witnessed?
- 9 A I just witnessed them on the stage going back and
- 10 forth.
- 11 Q Okay. When you say going back and forth, were they
- 12 like talking back and forth, arguing back and forth?
- 13 A They was talking back and forth.
- 14 Q Okay. Did you see either one of them push or confront
- 15 the other?
- 16 A Yes, ma'am.
- 17 Q What did you see?
- 18 A I seen Breezo confront Lee --
- 19 Q Confront Lee?
- 20 A -- and kind of shoved him a little bit.
- 21 Q And where were they when this was happening?
- 22 A On the stage.
- 23 Q On the stage at Old Skool?
- 24 A Yes, ma'am.
- 25 Q Okay. What happened after this little exchange of

KJANA LOCKE - DIRECT

- 1 words and the push?
- 2 A Breezo kind of walked out -- well, walked out of the
3 building and Lee got like in his corner like beside the
4 stage and they was standing over there.
- 5 Q Okay. So when you come up the ramp to go to the dance
6 floor you go to the left?
- 7 A To the left, uh-huh.
- 8 Q So was Lee in that kind of that front corner of the
9 building?
- 10 A He was kind of like in the back of the left building on
11 the left side.
- 12 Q Okay. Near where all of the seat -- the long line of
13 seats are?
- 14 A Yes, ma'am.
- 15 Q And what happened after that?
- 16 A After that I seen Breezo come back in and get on the
17 stage, and they -- he said something to Lee. And he pulled
18 -- after they had words he pulled up his shirt and grabbed a
19 gun and started shooting.
- 20 Q And when you say he, who do you mean?
- 21 A Breezo.
- 22 Q Could you see Lee when Breezo said something to him?
- 23 A Yes, ma'am.
- 24 Q Did Lee have a gun?
- 25 A I didn't see it.

KJANA LOCKE - DIRECT

1 Q Okay. But then you saw Breezo pull up his shirt and
2 grab a gun?

3 A Yes, ma'am.

4 Q And you said you saw him start shooting?

5 A Yes, ma'am.

6 Q What direction did he start shooting at?

7 A Us in that corner.

8 Q Where were you in relation to Lee?

9 A Like right beside him.

10 Q Like within one or two people beside him?

11 A Nuh-uh. Like one people, one person.

12 Q What happened next?

13 A After he started shooting he ran off the stage.

14 Q And what happened to you after he started shooting?

15 A I was on the ground.

16 Q Fell down? When you stood up, did you have any
17 injuries or anything like that?

18 A Yes, ma'am.

19 Q What had happened to you?

20 A In my right knee. I got shot in my right knee.

21 Q Shot in your right knee? Were you able to get yourself
22 up and out of the club?

23 A No. With help -- some ladies and guys helped me to the
24 bathroom and noticed that I was shot in my left shin, so I
25 laid there for awhile until they were able to get me out of

KJANA LOCKE - DIRECT

1 club, because they locked us in the club. They closed the
2 doors and locked it.

3 Q Okay. But you were ultimately able to get out with
4 some assistance?

5 A Yes, ma'am.

6 Q And where did you go when you got out?

7 A One of my friends drove me to the hospital.

8 Q Here in Lancaster?

9 A Yes, ma'am.

10 Q Okay. So at Springs or MUSC-Lancaster?

11 A Uh-huh.

12 Q And what did they do for you at the hospital here?

13 A They treated me for my wounds and let me go.

14 Q Okay. Was it an in and out or through and through
15 wound to your knee?

16 A To my knee, yes. And then to my left ankle, they had
17 to pull the bullet out.

18 Q Okay. Did you have to have any surgeries or anything
19 like that, or they were able to release you that night?

20 A They were able to release me.

21 Q Okay. So when you saw Breezo come back in the club and
22 pull out the gun, did you see anybody else with a gun at
23 that time?

24 A No, ma'am.

25 Q Did you see anybody else shooting that night besides